



**Department of the Interior
Bureau of Indian Affairs
Navajo Region Branch of Transportation (NRBOT)**

***Application for Permission to work within BIA Road Right-of-Way
For other than driveways or utility installations***
(Authorization: 23 USC Part 111, 23 CFR
Sub-Chapter A, Part 1.23, 25 CFR Part 169.52 & 52)
Rev: 03/23/2022

Background (to be filled out by the Agency Branch of Road Maintenance Office):

Agency: _____ Date received: _____
Route No.: _____ Permit No.: _____
Project No.: _____ (Assigned by Agency BORM Office)
(Filled in from applicant info or Agency BORM Office)

Section (A) (to be filled out by applicant):

APPLICATION is hereby made by (owner): _____,
address: _____, email: _____,
phone: _____ at the following location(s): _____
Latitude: _____ Longitude: _____ Latitude: _____ Longitude: _____
(attach location map) adjacent to or on BIA Route No.: _____ Street: _____
for the purpose of (access to) residence business (name): _____
School: _____ Work area (acres/ft): _____
The work shall be carried out by the applicant or its contractor on or by (date) _____ and
shall take _____ calendar days to complete. The work involves (include a detailed map with coordinates
of locations): _____

The Applicant further agrees to comply with all the conditions, restrictions, and applicable regulations of both the BIA Navajo Branch of Transportation (NRBOT) and the Navajo Nation including the requirements of Section (B) thru (E) below.

Section (B) (to be filled out by Agency BOT Engineer):

The above work shall require the following appurtenances which the Applicant and its Contractors agrees to install in accordance with the BIA NRBOT applicable design and construction standards including the Standard Specifications for Construction of Roads and Bridges on Federal Highway Projects (FP), latest edition or approved equivalent. By signing this permit, the applicant assumes all costs and liability for the work carried out and the proper installation and maintenance of the temporary features and appurtenances installed within the BIA roadway right-of-way. The Applicant and its Contractor further agrees to maintain (at their entire expense) these temporary or permanent appurtenances in good repair for the safety of the traveling public unless otherwise specified in Section E.

The above location(s) shall require the following:

Cattle guard unit: _____

Gate type: _____

Fencing type: _____

Signs and/or other traffic control in accordance with the MUTCD manual, latest edition, and NRBOT traffic control installation standards as maybe attached. See Section C.

Drainage structures in accordance with BIA NRBOT standards attached with minimum size of 24 inch diameter CSPC with aluminum galvanizing. Drainage analysis will be required.

The work area(s) shall require construction of PCC curbing PCC gutter
PCC sidewalk Gravel plating of shoulders

Pavement (specify): _____
in accordance with BIA NRBOT standards.

The Applicant and its Contractors shall further comply with the following: _____

Section (C) (to be filled out by NRBOT Office – check all that applies):

The above described work shall require the following entirely at the applicant’s expense:

Drainage Analysis and report.

Design Plans, specifications, CAD drawings, and all calculations.

Geotechnical Analysis and Surfacing recommendations as may be required

Archaeological Compliance as may be required by BIA

CWA 401/404 Permits may be required by BIA, ACOE, USEPA, and NNEPA

Biological Compliance may be required by BIA
Containment System for Hazardous Waste
Construction yard/staging area plans
Temporary and/or permanent Traffic Control Plan and/or Traffic Impact Analysis
Permanent Traffic Control Design Details
Weekly maintenance of project site and haul roads
SWPPP may be required by USEPA, Section 402
Safety Plan with a copy to the Agency BOT Engineer before any work begins
Permission from underlying Landowner (i.e. Navajo Nation, allotted, fee, state, and BLM landowner) in writing
Coordination of work with Agency BOT Engineer and/or NRBOT Engineers

Unless Section (D8) applies, the design plans, drainage analysis, geotechnical work, traffic analysis, and traffic control plans, etc. shall be performed by a registered professional engineer licensed in the field for which the analysis is required. The analysis required above shall conform to the NRBOT design standards which may be furnished upon request. Do not implement any work until all the above engineering requirements are approved in writing by the BIA NRBOT. The recommendations furnished in the analysis report(s) shall be implemented by the applicant at the time the work is started. **In no case shall any work involving paving be structurally less than the adjoining roadway surfacing unless specifically waived or otherwise addressed in Section (B & E).**

Section (D) (general construction requirements):

The Applicant and its Contractors Performance of Work shall not, in a safe manner, impede (*at their entire expense*) traffic while performing any construction and/or work activities as approved by the BIA NRBOT in the construction or maintenance plans. The work shall conform to the Standard Specifications for Construction of Roads and Bridges on Federal Highway Projects (FP), latest edition, or equivalent industry standards as approved, and the following:

1. Once the work is completed, the subgrade shoulder and ditch lines shall be reshaped to the existing design slopes and grades with proper compaction and re-seeded and mulched as directed by the Agency BOT Engineer or NRBOT Engineer (see 3 and 8 below).
2. Any damage to existing roadway pavement, sidewalk, curb and gutter shall be repaired to its original condition at the permittee's expense.
3. Re-seeding and mulching of the area may be required at the direction of the Agency BOT Engineer if the area disturbed is ½ acre or greater. The Agency BOT Engineer will provide the specifications on the type of seeding and rate of application. If such work is done under a BIA contract, then comply with the contract requirements.

4. No work shall be carried out without a safety plan in place with a copy provided to the Agency BOT Engineer and/or NRBOT Engineer.
5. The Applicant and its Contractors shall notify the Agency BOT Engineer at least three (3) days prior to start of work (not associated with a BIA road/bridge construction contracts) and upon completion of work within the BIA right-of-way. For road/bridge construction project, comply with the construction contract requirements.
6. The Applicant and its Contractors shall be responsible for developing and implementing a Traffic Control Plan that meets the requirements of the Manual on Uniform Traffic Control Devices, MUTCD, latest edition. Properly maintain this plan for all work within the BIA right-of-way regardless of the type of work being performed.
7. For non BIA contract work that is within the BIA right-of-way, the Applicant and its Contractors shall coordinate the final inspection with the Agency and NRBOT Engineers at least three (3) working days before final completion. Provide all supporting test results and materials certifications to the Agency BOT Engineer at least one (1) week before the inspection. The Agency BOT Engineer will provide a written inspection report to the applicant for compliance and non-compliance work. If there are non-compliant work found, the permittee must diligently complete the repairs before another field inspection is conducted. The Applicant and its Contractors shall make all necessary corrective work at their own expense based on the inspection made by the NRBOT Engineers. This includes the Applicant's removal of all temporary features, staging areas, and/or appurtenances. Upon acceptance of the work, the Agency BOT Engineer will provide a written acceptance letter relieving the permittee of any further responsibilities.
8. If the construction or maintenance work was under a maintenance work order or construction contract prepared and issued by the BIA or entity representing the BIA NRBOT, then acceptance will be based on the work order/contract requirements. DO NOT deviate from the BIA approved construction plans unless approved otherwise by the NRBOT Manager or Engineer of Record. If deviation were done by the Applicant/Contractor without BIA NRBOT approval, the Applicant will be responsible for correcting these deviations at their entire expense before acceptance. Provide all supporting test results and material certifications to the NRBOT Engineer of Record immediately upon request and at least one (1) week before any field inspections.
9. The Applicant/Permittee agrees to assume all liability and maintenance responsibility of the work, features, or appurtenances installed within BIA right-of-way. This includes all accidents/incidents from installation of work, or malfunction of these features or appurtenances placed within the BIA right-of-way until such time as the features and appurtenances are repaired and accepted in writing before the transfer of accepted work over to the BIA (as required) in writing (under Item 7 and/or 8 above).

The applicant shall further comply with the following: _____

Section (E) (to be filled in by NRBOT Office):

The Regional Branch of Transportation hereby grants the following exception(s) to this work permit request: _____

BOT (initials): _____

Section (F) (approvals):

Signed:

Name of Owner (print)

Applicant (owner) signature Date

Applicant Title

Concurred by:

NRBOT Manager Date

Recommend for Approval:

Agency BOT Engineer Date

Approved by:

Regional Director Date



Permit Instructions

Rev: -03-23-2022

Background Section:

At the time the applicant requests for a utility or other infrastructure permit application, the Agency BOT Engineer shall fill in this section with the appropriate agency office name, project number (if applicable), and BIA route number.

The date and permit number will be filled in by the Agency BOT Engineer when the permit has been reviewed and found to be complete. The Agency BOT Engineer will sign the permit and email to the Regional Office for further processing.

If the BIA NRBOT office finds additional information or data is required, the office will be in contact with the applicant to furnish such additional information which may become part of the final permit issued.

Section (A):

When the applicant receives the permit application, the applicant shall fill out this section for the fillable form without attempting to modify it and attach all documents that are required by the box in Section (C) with any other location maps and data that may help in the processing of the permit such as:

*For Utility Permits, **Exact Location** shown on a U.S.G.S. or other approved map with Latitude & Longitude coordinates at the exact location of the centerline of road and/or shoulder ditch where the utility will cross For lines paralleling the road, the applicant will provide Latitude & Longitude coordinates for the beginning and end of the line with depth and cannot be placed no closer to the edge of roadway of 15 feet or 10 feet from the ROW line toward the roadway. These dimensions may be changed at the discretion of the BIA Regional BOT for safety reasons. Do not put unrealistic construction dates in this section as it will be rejected. Applicant must properly plan the work so that the permit with all the required documents can be submitted no more than 2 weeks before the work is to begin.*

*For proposed Driveway or Turnout Permits, provide the exact location at the center of the driveway or turnout on a map with **Exact** Latitude & Longitude coordinates and show which part of the road it is on with a short length of the BIA route clearly shown. Google earth maps are best for this purpose, or you can use a GIS map from the various internet sites that have such maps to show the location in question. If this information is not provided, the permit will be*

returned to the applicant for corrections. Do not enter unrealistic dates of when the driveway/turnout is to be constructed. Applicant must plan out the work so that the permit with all the required documents is submitted no sooner than 2 weeks before construction begins.

For access to economic development type projects, or schools, hospitals, stores, gas stations, and fast food markets the applicant must conduct a Traffic Impact Analysis (TIA) but before doing so consult with the NRBOT Engineer and provide a plan layout of the development so the NRBOT Engineer can determine if a TIA is warranted.

For proposed "Work within ROW" permits, the applicant must provide detailed maps with the area to be working in clearly identified with boundaries and area shown in square feet and/or acres. Provide a written explanation as to the purpose of working in a BIA right-of-way. Provide the exact locations or area points with Latitude & Longitude coordinates on a detailed drawing of the area. Do not enter unrealistic dates of when work is to begin. Applicant must plan out the work so that the permit with all the required documents is submitted no sooner than 2 weeks before construction begins.

The detailed drawing shall include the roadways in question from ROW line to ROW line with pertinent dimensions of the proposed work area within the BIA ROW which includes utility lines depths, locations, and overhead clearance as measured from the centerline of the road or centerline of the shoulder ditches and other important features that may interfere with the work shown.

Other required documents or site visits by the Agency BOT Engineer for a given permit not included in the permit due to the nature of the work may require:

- Details of the proposed construction.*
- Other Type of Compliance documents.*
- Engineering analysis such as drainage structural, traffic impacts, pedestrian movement as required.*
- Environmental documents.*
- False work plans.*
- Use of large equipment that can cause a safety hazard; and*

The applicant permit request cover letter may raise further concerns before a permit can be issued. It is important the applicant provide as many details as possible about their need for a permit in their letter so that the permit process can move along quickly. So DO NOT leave out important data or information in your request.

BE ADVISED the applicant/owner of the utility, turnout, or work in the BIA ROW must include the following statement in their cover letter, if the applicant cannot digitally sign the permit in Section (F):

“I HEREBY ACCEPT ALL THE TERMS AND CONDITIONS OF THIS PERMIT AND WILL COMPLY WITH SUCH REQUIREMENTS FOR AS LONG AS THE PERMIT IS IN EFFECT AND WILL DILLIGENTLY COMPLETE SUCH WORK WITHIN THE TIMELINES PROVIDED AND PERFORM ANY REQUIRED MAINTENANCE TO AVOID ANY PENALTIES.”

The Agency BOT Engineer shall email the applicant for any additional data or information which the applicant must promptly furnish so that the permit can continue with its processing.

If the applicant needs assistance in filling out this section, please contact the appropriate Agency BOT Engineer.

Be advised:

- The applicant must have all the required documents attached to the permits before submitting to the Agency BOT Engineer for review. If there are missing documents, the Agency BOT Engineer will notify the applicant. If the applicant does not response within 3 business days, the entire permit package will be returned to start the process over again.*
- Applicants must make a formal request for a permit application to the Agency BOT Engineer. Once the request is received and logged in, a pdf fill-in permit will be emailed back to the applicant to fill out the appropriate information.*
- DO NOT use previous permits submitted for other utility, driveway, or work within the ROW as this will be rejected and the entire permit package will be returned to start the process over again. Only current permits granted by the Reginal BOT will be accepted. This is tracked by updating the internal permit log to ensure each applicant has been given the correct and up-to-date permit.*
- DO NOT submit any applications to the BIA Reginal BOT office as this will only result in delays of processing your request. Applicants must directly contact the Agency BOT Engineer for processing.*
- Any other required documents included in the submission shall be on a separate pdf file.*

Section (B):

Once the applicant submits the permit application (along with supporting documentation) to the Agency BOT Engineer, the Agency BOT office will review the application, fill out this section of the permit and (if approved) sign and forward to the NRBOT office, by memo, with any special recommendations to be considered by the NRBOT office in finalizing the permits. A copy of the final approved permit will be forwarded to the applicant for their records by the NRBOT Engineer with a copy to the Agency BOT Engineer. If the Agency BOT Engineer is not satisfied

with the application package, then the package shall be returned to the applicant for corrections, additions, or other pertinent information with a written explanation as to why the application cannot be further processed for approval. This includes a response to any analysis or other pertinent documentation as outlined in Section (C) below and as indicated by the applicant in Section (A) of the application.

The applicant can then review the package and resubmit with the appropriate information needed to complete the review and approval process.

Section (C):

Once the application package is sent into the NRBOT office, the package will be logged in and submitted to the Engineering Section for further review and recommendations. It is at this level of review the applicant may be required to submit additional information (i.e. engineering analysis, compliance documents, and engineering drawings or TIAs) in which case the NRBOT office will send out a notice to the applicant requesting such information in order to complete the review process.

Section (D):

Once the additional information is provided under Section (C), and accepted, the NRBOT office will complete this section with any additional requirements such as standard details to be used, typical sections, special provisions, and/or other pertinent stipulations necessary to insure the proper construction of the facility and the safety of the traveling public.

*The NRBOT Engineer shall make a recommendation to the NRBOT Manager to **Approve/Disapprove** the permit application submitted with written justification (as necessary) pointing out any extenuating circumstances to be considered by the NRBOT Manager during his final review.*

Section (E):

In reviewing the final permit package, the NRBOT Manager will determine if portions of the permit requirements are to be waived. If so, the NRBOT Manager shall indicate in this section. If this section is left blank, then all requirements as shown in the permit shall apply and be enforceable (i.e. no waivers are to be allowed).

Section (F):

Once Section (E) is completed, the NRBOT Manager signs the permit application and forwards the package to the BIA Regional Director for signature.

Once the permit is signed by the Regional Director, the NRBOT office dates the permit and enters the permit into the Region BOT database. The BOT clerk will forward the completed permit to the NRBOT Engineer who will electronically approve the permit and send a copy out to the applicant and Agency BOT Engineer.

AGENCY	SUPV. HIGHWAY ENGINEER	
2N373-SHIPROCK AGENCY Branch of Transportation 304 N. Auburn Ave Suite E Farmington, NM 87401	Alfred Reed, Jr. BIA Cell No.: (505) 258-7172 Program Support Assistant – Esther L. BIA Cell No.: (505) 258-7174	Stanford Litson BIA Cell No.: (505) 409-0391
3N373-WESTERN NAVAJO Branch of Transportation East Highway 160 & Warrior Dr. P.O. Box 127 Tuba City, AZ 86045	Henry Begay, Jr. BIA Cell No.: (505) 488-3812 Office No.: (928) 283-2298 Program Support Assistant – Alberta M. Office No.: (928) 283-2297 FAX No.: (928) 283-2227	Randolph Laughter BIA Cell No.: (505) 726-3489 Office No.: (928) 283-2301
4N373-EASTERN NAVAJO Branch of Transportation P.O. Box 328 Crownpoint, NM 87313	Daniel Largo – Superintendent’s Office Office No.: (505) 786-6036/6032 Program Support Assistant – Jackie F. Office No.: (505) 786-6192 FAX No.: (505) 786-6111	Aaron Jim BIA Cell No.: (505) 593-3359 Office No.: (505) 786-6181
5N373-CHINLE AGENCY Branch of Transportation Navajo Route 7, Bldg. 136-C P.O. Box 7H Chinle, AZ 86503	Norton Emerson BIA Cell No.: (505) 979-0017 Office No.: (928) 674-5176 Program Support Assistant – Office No.: (928) 674-5175 FAX No.: (928) 674-5184	Roger Hadley BIA Cell No.: (505) 387-2602 Johnson Greyeyes BIA Cell No.: (505) 409-0712
6N373-FT. DEFIANCE AGENCY Branch of Transportation Bldg No. 40, Blue Canyon Road P.O. Box 1983 Ft. Defiance, AZ 86504	Clarence Tsosie BIA Cell No.: (505) 399-1813 Office No.: (928) 729-7222 Program Support Assistant Office No.: (928) 729-7334 FAX No.: (928) 729-7225	Vincent Morgan BIA Cell No. (505) 387-2480 Office No.: (928) 729-7332
N373-FARMINGTON SECTION Branch of Transportation 9996 Hwy 371, Bldg. 17 P.O. Box 1983 Farmington, NM 87499	Lorenzo Dugi BIA Cell No.: (505) 387-6272 Office No.: (505) 863-8277	Derrick Billie BIA Cell No.: (505) 320-1307 David Slim BIA Cell No.: (505) 387-6275 Office No.: (505) 960-7372/0871
N373-NEWLANDS Branch of Transportation 1-40 Eastbound ½ Mile SE of Exit 325 P.O. Box 369 Chambers, AZ 86502	Lorenzo Dugi BIA Cell No.: (505) 387-6272 Office No.: (505) 863-8277	Victor Castillo BIA Cell No.: (505) 399-8116 Office No.: (928) 688-2928 Deswood Tsosie BIA Cell No.: (505) 726-3808 FAX No.: (928) 688-2412

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