



Permit to Construct Access Driveway Facilities on Highway Right of Way

PERMIT NUMBER: 22-42939			
REQUESTOR		GPS*	ROADWAY
		LATITUDE, LONGITUDE	HWY NAME FM1209
		30.154207,-97.40554	FOR TxDOT'S USE
NAME Brian Gettinger		CONTROL	2176
MAILING ADDRESS 15709 Impact Way, Bldg 2, Suite B		SECTION	01
CITY, STATE, ZIP Pflugerville, TX, 78660			
PHONE NUMBER 3109365063			
*GLOBAL POSITIONING SYSTEM COORDINATES AT INTERSECTION OF DRIVEWAY CENTERLINE WITH ABUTTING ROADWAY			

Is this parcel in current litigation with the State of Texas? YES NO

The Texas Department of Transportation, hereinafter called the State, hereby authorizes TBC - The Boring Company, hereinafter called the Permittee, to construct / reconstruct a Temporary Minor Commercial (residential, convenience store, retail mall, farm, etc.) access driveway on the highway right of way abutting highway number FM1209 in BASTROP County, located TRM 0446 +0.757

USE ADDITIONAL SHEETS AS NEEDED

This permit is subject to the Access Driveway Policy described on page 2 and the following:

- The undersigned hereby agrees to comply with the terms and conditions set forth in this permit for construction and maintenance of an access driveway on the state highway right of way.
- The Permittee represents that the design of the facilities, as shown in the attached sketch, is in accordance with the Roadway Design Manual, Hydraulic Design Manual and the access management standards set forth in the Access Management Manual (except as otherwise permitted by an approved variance).
- Construction of the driveway shall be in accordance with the attached design sketch, and is subject to inspection and approval by the State.
- Maintenance of facilities constructed hereunder shall be the responsibility of the Permittee, and the State reserves the right to require any changes, maintenance or repairs as may be necessary to provide protection of life or property on or adjacent to the highway. Changes in design will be made only with prior written approval of the State.
- The Permittee shall hold harmless the State and its duly appointed agents and employees against any action for personal injury or property damage related to the driveway permitted hereunder.
- Except for regulatory and guide signs at county roads and city streets, the Permittee shall not erect any sign on or extending over any portion of the highway right of way. The Permittee shall ensure that any vehicle service fixtures such as fuel pumps, vendor stands, or tanks shall be located at least 12 feet from the right of way line to ensure that any vehicle services from these fixtures will be off the highway right of way.
- The State reserves the right to require a new access driveway permit in the event of: (i) a material change in land use, driveway traffic volume or vehicle types using the driveway, or (ii) reconstruction or other modification of the highway facility by the State.
- The State may revoke this permit upon violation of any provision of this permit by the Permittee.
- This permit will become null and void if the above-referenced driveway facilities are not constructed within six (6) months from the issuance date of this permit.
- The Permittee will contact the State's representative Margaret Lake telephone, (512) 3084478, at least twenty-four (24) hours prior to beginning the work authorized by this permit.
- The requesting Permittee will be provided instructions on the appeal process if this permit request is denied by the State.

The undersigned hereby agrees to comply with the terms and conditions set forth in this permit for construction and maintenance of an access driveway on the highway right of way.

Date: _____ (Property owner or owner's representative)

Date of Issuance	District Engineer, or designee Approval
June 2, 2022	<i>Diane K. Schulz, P.E.</i>
Date of Issuance as per Variance to AMM	District Engineer, or designee Approval
Date of Denial	District Engineer Denial (No Delegation)

Access Driveway Policy

Title 43 Texas Administrative Code (Transportation), Chapter 11 (Design), Subchapter C (Access Connections To State Highways) and the "Access Management Manual" establish policy for the granting of access and the design, materials, and construction of driveways connecting to state highways. All driveway facilities must follow this policy. To the extent there is any conflict between this permit and the policy, the policy shall control. If a proposed driveway does not comply with the access management standards, the owner may seek a variance to a requirement contained in the access management standards by contacting the local TxDOT office.

TxDOT Driveway Permit Request Contact

For a local contact for your TxDOT Driveway Permit Request or variance request, visit: <http://www.txdot.gov/inside-tdot/district.html>. You can click on the section of the map closest to your location to find the local TxDOT office. You can also click on the drop down box below the map to find the district for your county.

Other Conditions

In addition to Items 1 thru 11 on page 1 of this permit, the facility shall also be in accordance with the attached sketch and subject to the following additional conditions stated below:

This is a temporary driveway permit to serve a research and development facility to allow on-site construction while the permanent driveways are processed. This is for the driveway that has been constructed approximately 275' from Walker Watson Rd. This asphalt driveway shall be 30' wide with 25' radii and 18" RCP culvert with 6:1 SETs. The culvert size for the permanent driveway is subject to change pending required hydraulic analysis and approval by TxDOT. TxDOT reserves the right to re-evaluate all access points and driveways if the property it serves is further developed beyond that discussed or approved at the time of this permit or when any changes in land use occur on the property.

Variance Documentation Justification

For a Variance request, please indicate which of the below are applicable, as required by TAC §11.52(e):

- a significant negative impact to the owner's real property or its use will likely result from the denial of its request for the variance, including the loss of reasonable access to the property or undue hardship on a business located on the property.
- an unusual condition affecting the property exists that was not caused by the property owner and justifies the request for the variance.

For the conditions selected above, provide written justification below. (Attach additional sheets, if needed)

The property has an existing driveway on the south edge (Walker Watson Road) and on the north edge for a residential access. The space along FM 1209 between the edge of pavement of these driveways is approximately 870 ft. The specified minimum spacing of 425 ft would only allow a 20 ft wide driveway which is below the minimum. Both of the existing driveways on the property edges are gravel and very low throughput (residential access only). The driveway for our site is also expected to be low throughput

For TXDOT use below:

For Variance denials, please indicate which of the below conditions, as provided in TAC §11.52(e), were determined:

- adversely affect the safety, design, construction, mobility, efficient operation, or maintenance of the highway; or
- likely impair the ability of the state or the department to receive funds for highway construction or maintenance from the federal government.

Attachments:

Sketch of Installation

All Variance Documentation