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THE OFFICIALLY PUBLISHED COPY OF
**THE LAKE COUNTY HIGHWAY ACCESS
AND USE ORDINANCE**



*As Adopted by the
LAKE COUNTY BOARD
April 12, 1988*

**Lake County Division
of Transportation**

Lake County, IL
600 W Winchester Road
Libertyville, IL 60048
Phone: 847-377-7400
www.lakecountyil.gov

AMENDED:

November 20, 1990
November 12, 1996
December 11, 2001
November 12, 2002
February 9, 2010
July 9, 2019

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**Lake County
Highway Access and Use Ordinance**

CHAPTER 1 Title, Introduction, Purpose, and Commentary

1.1 Title and Introduction

This Ordinance shall be known as and may be referred to as the "Lake County Highway Access and Use Ordinance," hereinafter referred to as the Ordinance. This Ordinance provides the policy by which the County Engineer can grant permits.

A Technical Reference Manual serves as a companion to this Ordinance, providing additional detail on technical and procedural requirements required by the Ordinance. It is the intent of this manual to provide the necessary guidance, reference materials and forms for developers, municipalities, townships, and engineering consultants to understand the permitting process and requirements, and to develop complete permit and engineering plan submittals.

The Technical Reference Manual will be reviewed annually and updated as necessary by the Lake County Division of Transportation (LCDOT).

1.2 Purpose

The proper management and operation of the County Highway's infrastructure is critical to the safety of the motoring public and directly related to the overall economic health and quality of life in Lake County. The economic vitality of the County is related to the availability of access to the arterial highway system. This requires the implementation of access management regulations that provide for a balance between the need to move traffic safely and efficiently while still providing access to adjacent properties. The County strives to provide transportation systems that provide for safe, efficient and flexible movement through an integrated network of road, rail, public transit, and non-motorized (bicycle and pedestrian) modes of travel.

The construction, maintenance and improvement of the County Highway System represents a substantial investment of public funds. Impacts from development on the County Highway System shall be mitigated by development and should not result in the need for the investment of additional public funds. The use of the County Highway System's rights-of-way by non-highway uses must be properly managed to ensure that these non-highway uses do not constrain the ability of the County to improve the County Highway System in the future.

Conflicts between vehicles using a County Highway and vehicles entering and exiting via access locations should be minimized through the application of appropriate design standards. Therefore, the application of the regulations and standards contained in this Ordinance will promote consistent driver expectations, resulting in maximum operational efficiencies and safety, and protect the public investment in County Highways.

The County also strives to allow for installation of utilities in a safe and efficient manner. Prudent placement, removal, relocation, modification, or abandonment of utilities and facilities will promote the most effective and efficient use of the limited space available within the rights-of-way of County Highways.

Therefore, this Ordinance is adopted for the following purposes:

1. To protect and provide for the public health, safety, and general welfare of the County and the public using the rights-of-way.
2. To promote the effective and efficient use of the rights-of-way of County Highways.
3. To preserve an acceptable level of service on County Highways.
4. To preserve the rights-of-way of County Highways for highways and associated appurtenances.
5. To minimize conflicts between vehicles using County Highways and vehicles entering and leaving via access locations on County Highways
6. To establish reasonable rules, regulations, and specifications to ensure the proper construction, installation, maintenance, removal, relocation, and placement of utilities and facilities within the rights-of-way of County Highways in accordance with accepted engineering and design standards and specifications, as well as the restoration of the disturbed portions of any and all sections of the rights-of-way of County Highways that are the result of the placement, removal, relocation, modification, or abandonment of utilities and facilities within the rights-of-way.
7. To establish reasonable regulations and procedures to ensure that any public or private utilities and facilities are either placed in easements outside of the right-of-way or are placed within existing rights-of-way such that future expansion of the County Highway can be accomplished at no additional cost to the County to relocate or remove such utilities or facilities.
8. To provide for the proper location and limit the number of access locations to regulate safe and reasonable access from County Highways to abutting property and to provide sufficient spacing between access points to minimize interference with traffic using adjacent access locations.
9. To prohibit inappropriate use of a County Highway as a portion of the internal circulation system of abutting property or as parking for abutting property.

10. To provide for the establishment of sufficient pavement, right-of-way, and easement widths.
11. To establish reasonable requirements for performance and maintenance guarantees, to ensure the proper construction of required improvements, and to ensure that required improvements are completed in an expeditious manner in accordance with accepted engineering and geometric standards and specifications.

1.3 Commentary

Whenever a section of this Ordinance requires additional explanation to clarify the intent, subsections prefaced "COMMENTARY" are included. They are intended solely as a guide for both officials and the general public to aid in the administration and interpretation of this Ordinance.

CHAPTER 2 Definitions

2.1 Purpose

It is the purpose of this Chapter to define words, terms, and phrases contained in this Ordinance.

2.2 General Word Usage

In the interpretation of this Ordinance, the following provisions shall be observed and applied except when the context clearly requires otherwise:

1. Words used or defined in one tense or form shall include other tenses and derivative forms.
2. Words in the singular shall include the plural, and words in the plural shall include the singular.
3. The masculine gender shall include the feminine, and the feminine gender shall include the masculine.
4. The word "shall" is mandatory.
5. The word "must" is mandatory.
6. The word "should" is advisory.
7. The word "may" is permissive.
8. In the event of any difference of meaning or implication between the text of this Ordinance and any caption, illustration, or table, the text shall control.

2.3 Abbreviations

Abbreviations are used in this Ordinance and shall have the meanings as set forth in Section 2.4.

2.4 Definitions

The following words, terms, and phrases are hereby defined and shall be interpreted as such throughout this Ordinance. Words, terms and phrases in the definitions which are underlined are themselves defined in this section.

ABANDONED UTILITY OR FACILITY: Any utility or facility not in use or operation and with no immediate plans for repair or replacement to serve the same function.

ABUTTING: Having a common border with, or being separated from such common border by an alley, easement, or right-of-way.

ACCESS: A private or public way for providing means of vehicular entry to or exit from property abutting a street or highway.

ACCESS CONTROL OFFICER: A member of the Lake County Division of Transportation staff designated by the County Engineer to oversee and administer the process and technical requirements of access-related permits.

ACCESS PERMIT: A permit issued by the LCDOT granting access to a County Highway from abutting property and allowing construction or reconstruction of an access point in accordance with the provisions of this Ordinance.

ACCESS POINT: The location of access, typically defined by a driveway or street.

ADJACENT ACCESS POINT: An adjoining access point which may be on either side of the highway and either upstream or downstream of a proposed access point.

APPLICANT: A Local Agency, person, or utility company that makes application for a permit. For access permit projects, the applicant is the property owner and becomes the Permittee.

APPURTENANCES, HIGHWAY: In highway terms, all of the constituent components subordinate to but nonetheless necessary for the operation, function and/or maintenance of a roadway such as storm sewers, lighting, signage, and traffic control devices, etc. Also called highway assets.

APPURTENANCES, NON-HIGHWAY: All of the constituent components subordinate to but nonetheless necessary for the operation, function and/or maintenance of a utility or facility such as utility poles, pedestals, transformers, valves, vaults, and manholes, etc.

ARTERIAL: A highway generally characterized by its ability to quickly move relatively large volumes of traffic but often with restricted capacity to serve abutting properties. The arterial system typically provides for high travel speeds and long trip movements. The rural and urban arterial systems are connected to provide continuous through movements at approximately the same level of service.

BERM: A manmade, small hill or embankment-like facility made by the placement of earth, sand, gravel, rock, organic material, or other similar material usually linear in nature and used for screening or landscaping purposes and/or in conjunction with drainage facilities.

BERM, TOE OF: The point at which the bottom edge or slope of a berm meets the existing grade of the ground.

CASH BOND: A certified check or bank cashier's check payable to the Lake County Treasurer held by or deposited by the Lake County Division of Transportation to insure that all permitted work will be completed in compliance with this Ordinance and the conditions of the permit.

CERTIFICATE OF INSURANCE: An executed, completed, original document providing evidence that the owners and contractors have insurance in the amounts required inclusive of any additional required criteria.

CERTIFY OR CERTIFICATION: The act or process of attesting that the specific inspections, calculations, or tests, where required, have been performed and that they comply with the applicable requirements of this Ordinance.

CLEAR ZONE: An unobstructed, relatively flat area provided beyond the edge of the traveled way for the recovery of errant vehicles. The clear zone includes any shoulders or auxiliary lanes.

CONTRACTOR: Any person or firm engaged in construction, landscaping, or maintenance on a contract basis.

CORNER OR RETURN RADIUS: The pavement radius of the arc between the edge of pavement of the access location and the edge of pavement of the abutting road used to facilitate vehicular turning movements.

COORDINATION COUNCIL: The ad hoc group established by the County pursuant to 605 ILCS 5/9-113 of the Illinois Compiled Statutes, as amended, for the purpose of facilitating the placement, removal, relocation, modification, or abandonment of utilities or facilities as deemed necessary by the County for highway or highway safety purposes. The Coordination Council membership shall consist of the County Engineer, the County Board Chair, or his or her designee, and a representative designated, in writing to the County Engineer, by each entity, either public or private, that owns, operates and/or maintains a utility or facility, or any appurtenance thereto, as defined in this Chapter, that is located within a County Highway right-of-way.

COUNTY: County of Lake, Illinois, also Lake County, Illinois

COUNTY BOARD: The County Board of Lake County, Illinois

COUNTY CLERK: The County Clerk of Lake County, Illinois

COUNTY ENGINEER: The Lake County County Engineer, also the Lake County Director of Transportation

COUNTY HIGHWAY: A public road as defined by the Illinois Highway Code as part of the County Highway System, including municipal extensions of County Highways

and any proposed roads as yet un-built but designated as a part of the County Highway System.

COUNTY RECORDER: The Recorder of Deeds of Lake County, Illinois

COUNTY TREASURER: The Treasurer of Lake County, Illinois

CROSS EASEMENT: Shared access between adjacent parcels to allow the interaction of traffic without impacting public roadways.

DEDICATION: The transfer of property interests from private to public ownership for a public purpose. The transfer may be of fee-simple interest or of a less than fee interest, including an easement.

DETENTION FACILITY: A manmade facility for the temporary storage of stormwater runoff with controlled release during or immediately following a storm.

DESIGNATED FREEWAY ACCESS: An access which serves a property abutting a County Highway designated as a freeway.

DEVELOPER: The legal or beneficial owner of a lot or parcel of any land proposed for inclusion in a development, including the holder of an option or contract to purchase.

DEVELOPMENT: The division of a parcel of land into two (2) or more parcels; the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any buildings; any use or change in use of any buildings or land; any extension of any use of land or any clearing, grading, excavation, or other movement of land.

DRAINAGE: The removal of surface water or groundwater from land by drains, grading, or other means. Drainage includes the control of runoff to minimize erosion and sedimentation during or after development and includes the means necessary for prevention or alleviation of flooding.

DRIVEWAY: A private or public way for the use of vehicles providing service between a highway and abutting property.

EASEMENT: A right to use or control the property of another for designated purposes, such as for drainage or placement of utilities. This may be temporary or permanent.

EMERGENCY ACCESS: An access which is designated and utilized solely by emergency vehicles.

EMERGENCY REPAIR: An immediate repair or reconstruction to the utility or facility required to protect health, safety and welfare of the general public. The emergency work can be required as a result of a natural disaster or other state emergency. The duration of the work period for an emergency repair is generally considered 72 hours or less.

ENCROACHMENT: Any unauthorized object located partially or wholly within the County Highway right-of-way.

ENCUMBRANCE: Prior easement, rights, or other legal constraint that would limit or prohibit use of dedicated right-of-way by the Lake County Division of Transportation or others.

ENGINEER: See Professional Engineer.

ENGINEERING PLANS: A set of design plans, specifications, and estimates of cost containing all engineering elements necessary to construct an access point, construct or perform work for a utility or facility, or construct a highway improvement.

ENTITY: See Person.

EXCAVATION: An act by which organic matter, earth, sand, gravel, rock, or any other similar material is cut into, dug, quarried, uncovered, removed, displaced, relocated, or bulldozed and shall include the conditions resulting therefrom.

FACILITY: A municipally owned non-roadway object, structure or device, manmade or natural, which is designed and constructed, located, or placed to serve a specific function or purpose or perform a particular service. Facilities include, but are not limited to sidewalks, bike paths, sewer lines, water lines, street lighting, signage, trees, public transportation shelters, or any other non-highway appurtenance.

FENCE: An artificial barrier constructed of any material or combination of materials erected to enclose or screen areas of land.

FREEWAY: A highway designated by the County Board as a freeway in accordance with Article 8 of the Illinois Highway Code. A freeway can be either a full or partial access controlled facility.

FRONTAGE: The distance, as measured along the highway right-of-way line, between the property lines of the abutting property.

FRONTAGE ROAD: A road which is adjacent to or included in the right-of-way of a highway or railroad, and which provides access to abutting properties and separation from through traffic.

GEOMETRIC PLAN: A preliminary plan identifying proposed roadway improvements as warranted by the traffic study.

HIGHWAY: See County Highway.

HIGHWAY CLOSURE: A segment of the County Highway that is partially or fully closed to vehicular traffic for a period of time.

IDOT: The Illinois Department of Transportation

ILCS: Illinois Compiled Statutes

ILLINOIS HIGHWAY CODE: The laws of the State of Illinois relating to roads.

IMUTCD: The current Illinois Manual on Uniform Traffic Control Devices for Streets and Highways as adopted by IDOT in accordance with 625 ILCS 5/11-301.

IMPROVEMENTS: Any manmade changes to any land, structure, utility, facility or highway.

INTERSECTION: The general area where an access point and a road or two or more roads or two access points join or cross.

INTERSECTION SIGHT DISTANCE: The distance, either right or left, at which a driver stopped at an intersection can see an approaching vehicle and can enter the road and reach the posted speed limit without an approaching vehicle changing or altering from the posted speed limit.

ITS: Intelligent Transportation System. The use of computer and communication technology to monitor traffic flow, control the operation of traffic control devices and provide information to travelers about roadway conditions. (See PASSAGE.)

LAKE COUNTY STORMWATER MANAGEMENT COMMISSION (SMC): The Lake County Stormwater Management Commission established and pursuant to 55 ILCS 5/5-1062 et. seq. for the purposes of developing, revising, and implementing a countywide stormwater management plan.

LAKE COUNTY WATERSHED DEVELOPMENT ORDINANCE: A part of the adopted Lake County Comprehensive Stormwater Management Plan. Its purpose is to allow management and mitigation of the effects of urbanization on stormwater drainage.

LAND-USE: See Use.

LAND-USE DENSITY: An intensity measurement usually expressed in terms of the number of units or square feet of a particular land-use permitted to be built, constructed, or placed on a defined parcel of land.

LCDOT: The Lake County Division of Transportation

LEVEL OF SERVICE: Qualitative measure describing operation conditions within a traffic stream as defined in the Highway Capacity Manual.

LOCAL AGENCY: A local unit of government organized and existing under the laws of the State of Illinois. Local Agencies include, but are not limited to, fire protection districts, forest preserve districts, municipalities, park districts, school districts, townships and township road districts.

LOT: A single, legally divided parcel of land. A lot of record which is part of a subdivision, the plat of which has been duly authorized and recorded in the office of the Recorder of Deeds of Lake County, Illinois.

LOT, CORNER: A lot abutting on two roads at their juncture.

MAINTENANCE EASEMENT: A permitted, platted easement outside of the right-of-way for the maintenance of roadway related improvements.

MAINTENANCE GUARANTEE: A financial guarantee in the form of an Irrevocable Letter of Credit or cash bond, used to replace the Performance Guarantee upon acceptance of the permitted and constructed work by the Lake County Division of Transportation (LCDOT).

MAJOR ACCESS: An access which serves property abutting a County Highway and has an anticipated daily two-way traffic volume (total number of entrance and exit trips by vehicles using the access) of more than 50 trips or has regular use by vehicles or vehicle combinations of three axles or more (personal recreational vehicles excluded).

MAJOR MAINTENANCE: A repair or inspection of an existing utility or facility that requires substantial disturbance of the County Highway and/or right-of-way as determined by the County Engineer.

MEDIAN: A portion of a divided highway or divided driveway separating the traveled ways for traffic flowing in opposite directions. A median can either be raised or flush.

MEDIAN OPENING: A gap in a median provided for crossing and turning vehicles.

MINIMUM ACCESS: An access which serves a single family residence or agricultural field abutting a County Highway, has an anticipated daily two-way traffic volume (total number of entrance and exit trips by vehicles using the access) of no

more than 20 trips and has no regular use by vehicles or vehicle combinations of three axles or more (personal recreational vehicles excluded).

MINOR ACCESS: An access which serves property abutting a County Highway, has an anticipated daily two-way traffic volume (total number of entrance and exit trips by vehicles using the access) of no more than 50 trips and has no regular use by vehicles or vehicle combinations of three axles or more (personal recreational vehicles excluded).

MINOR MAINTENANCE: A repair or inspection of an existing utility or facility that requires minimal disturbance of the County Highway right-of-way as determined by the County Engineer.

MODIFICATION: Any alteration to an existing access location.

MONTH: A total of thirty (30) consecutive days.

OTHER STREET: A road under the jurisdiction of another public agency and not under the jurisdiction of the County.

OWNER: The person or Local Agency having the right of legal title or beneficial or controlling interest in or a contractual right to purchase a lot or parcel of land, utility or facility.

PARCEL: Any legally described piece of land.

PASSAGE: Lake County PASSAGE. Name for Lake County's ITS project – a Program for **A**rterial **S**ignal **S**ynchronization and **T**rAvel **G**uidance**E**.

PAVEMENT: The bituminous or concrete hard surface of a highway used for vehicular traffic. The pavement includes the through traffic lanes, turning lanes, by-pass lanes and paved shoulders.

PERFORMANCE GUARANTEE: A financial guarantee to ensure that all permitted work required by this Ordinance will be completed in compliance with this Ordinance.

PERMIT: A formal, written document authorizing certain work to be performed within the right-of-way of a County Highway which sets forth the terms and conditions applicable to said work in conformance of this Ordinance.

PERMITTEE: Any applicant to whom a permit is issued.

PERSON: Any person, firm, partnership, association, public or private corporation, organization or business or charitable trust.

PERSON IN CHARGE: A person as designated by the owner to be the responsible party to insure the construction of the improvement per the approved engineering plans.

PLAT: A survey which defines the boundaries of a parcel of land.

PRELIMINARY PLAN: A plan, preliminary in nature, showing engineering and physical planning elements.

PRIVATE ROAD: A road in which there is no public interest and for which no public agency has jurisdictional or maintenance responsibilities.

PROFESSIONAL ENGINEER: An Engineer registered in the State of Illinois under the Illinois Professional Engineering Act.

PROFESSIONAL LAND SURVEYOR: A Surveyor registered in the State of Illinois under the Illinois Land Surveyor Act.

PROOF OF INSURANCE: a certificate of insurance including any required endorsement to the policy.

PUBLIC IMPROVEMENTS: Any improvement necessary to provide for public needs.

PUBLIC UTILITY COMPANY: Utility company subject to the regulation of the Illinois Commerce Commission.

PUBLIC WORKS, PLANNING AND TRANSPORTATION COMMITTEE: The Public Works, Planning and Transportation Committee of the Lake County Board or its successor committee.

RESIDENT ENGINEER: An Engineer as designated by the owner to be the responsible party to insure the construction of the developer's improvement per the approved engineering plans.

RESTRICTED ACCESS: An access that has geometric restrictions that limit specific traffic movements to and from the roadway.

RETENTION FACILITY: A manmade facility designed to completely retain a specified amount of stormwater runoff without release except by means of evaporation, infiltration, or pumping.

RIGHT-OF-WAY: A strip of land occupied or intended to be occupied for public road purposes.

RIGHT-OF-WAY LINE: The boundary between the land acquired for or dedicated to highway use and abutting property.

ROAD: An approved place or way, private or public, however designated, for vehicular travel which affords a principal means of access to abutting property or other street, including rights-of-way, bridges, drainage structures, signs, guardrails, protective structures and all other structures and appurtenances necessary or convenient for vehicular traffic.

ROADWAY: That part of the highway that includes the pavement and shoulders.

SERVICE CONNECTION: That portion of a utility or facility that runs from the main line of the utility or facility along the County highway and connects to a customer's property providing the service of the utility or facility.

SHARED ACCESS: An access location used jointly by two or more properties.

SHARED ACCESS EASEMENT: An easement appurtenance permitting common access from and through adjacent properties pursuant to specified terms and conditions.

SHOULDER: The portion of the highway contiguous with the traveled way for the accommodation of stopped vehicles and for emergency use.

SITE PLAN: A plan of the proposed development as required by the governmental agency having land use regulatory authority. If the property is scheduled for phased development, the site plan would include the proposed layout of the total projected development.

SMALL CELL WIRELESS FACILITY: Equipment that will be permitted within the County Highway right-of-way under the "Wireless Telecommunications Facilities Ordinance."

SPECIAL EVENT: An event of public interest such as a parade, festival, race or other public gathering which will impact normal operation of a County Highway.

SPECIAL PROVISION: A specification or document which supplements information contained in the engineering plans and provides details and requirements of items that are unique to a project.

STATE'S ATTORNEY: The State's Attorney of Lake County, Illinois

STORM SEWER: A closed conduit for conveying stormwater.

STREET: See Other Street.

STRUCTURAL ENGINEER: An Engineer whose principal professional practice is in the field of structural engineering.

STRUCTURE: Anything constructed, erected, or placed which has location in or on the ground or is attached to something having a location on the ground such as buildings, cellular towers, and parking lots, etc.

SUBDIVIDER: Any person subdividing land.

SUBDIVISION: Any division or redivision of a parcel of land into two or more parts by means of mapping, platting, conveyance, change, or rearrangement of boundaries.

SURVEYOR: See Professional Land Surveyor.

"T" INTERSECTION: An intersection consisting of three approaches.

TEMPORARY ACCESS: An access location permitted for a specific time period and with restrictions on usage.

TRAFFIC CONTROL DEVICES: All signs, signals, markings, and devices, which conform to the Illinois Manual on Uniform Traffic Control Devices, placed or erected by authority of a public body or official having jurisdiction for the purpose of regulating, warning, or guiding traffic.

TRAFFIC IMPACT STUDY: A comprehensive collection and analysis of all information necessary to accurately evaluate the effect and impact of traffic generated by a development on the current and future road network surrounding the development.

TRAFFIC SIGNAL WARRANT STUDY: A study conducted to determine if a proposed traffic signal meets the warrants based on the most recent edition of the IMUTCD and if the installation of such a signal will improve the overall safety and/or operation of the intersection.

TRANSPORTATION RESEARCH BOARD: A unit of the National Research Council, which serves the National Academy of Sciences and the National Academy of Engineering.

TRAVELED WAY: The portion of the roadway, for the movement of vehicles, exclusive of shoulders.

TURNAROUND: An area utilized by vehicular traffic to change direction outside of the right-of-way.

TURNING LANE: An auxiliary lane, including tapered areas, primarily for the deceleration and queuing of vehicles leaving the through lanes.

TURNING MOVEMENT: Vehicles making a designated turn.

USE: The purpose or activity for which land, or any structure thereon, is designed, arranged, or intended, or for which it is occupied or maintained.

UTILITY: A unit, either publicly or privately owned, composed of one or more pieces of aerial or underground related equipment or constructed materials connected or a part of a structure or system designed to provide a service including, but not limited to, fiber optic cable, coaxial cable, electric cable, telecommunication cable, or gas lines.

UTILITY EASEMENT: A platted easement, inside or outside of the County Highway right-of-way that is for the use or benefit of a public or private utility to accommodate their utilities as defined by this Ordinance.

WORKING DAYS: Any calendar day except Saturdays, Sundays, or legal holidays as observed by the County.

CHAPTER 3 Administrative Provisions

This Chapter sets forth the administrative provisions for this Ordinance.

3.1 Authority

The Illinois Compiled Statutes, as amended, provide for the County Board and the County Engineer to have authority over supervision of County Highways. This Ordinance is hereby adopted to preserve and protect the public safety, health, and general welfare as they relate to the operation and use of County Highways, and their associated right-of-way.

605 ILCS 5/5-413 et. seq. of the Illinois Compiled Statutes, as amended provides for access roads and driveways for public and private use to be allowed onto a County Highway only upon the issuance of a permit by the County Engineer in accordance with regulations adopted by the County Board. This Ordinance implements that law but does not limit nor restrict the County insofar as other sections of the Illinois Highway Code pertaining to access to and use of County Highways.

765 ILCS 205/2 et. seq. of the Illinois Compiled Statutes, as amended, requires that written approval be obtained from the appropriate local highway authority regarding highway access prior to final approval and recording of a plat by a municipality or county. For County Highways, the authority shall be the County Engineer.

605 ILCS 5/8-101 et. seq. of the Illinois Compiled Statutes, as amended, grants County Boards the authority to designate highways under their jurisdiction as freeways. 605 ILCS 5/8-102 et. seq. gives the County Board the sole authority to grant or deny any new points of access, or allow the modification, change, or enlargement of any existing points of access.

605 ILCS 5/9-115.1 of the Illinois Compiled Statutes, as amended, requires that drainage facilities for the purposes of detention or retention of water may not be constructed within a distance of ten (10) feet plus one and one-half (1-½) times the depth of the drainage facility adjacent to the right-of-way of any public highway without the written permission of the highway authority having jurisdiction over the public highway. The toe of any earthen berm may not be constructed nearer than ten (10) feet to the right-of-way of any public highway without the written permission of the highway authority having jurisdiction over the public highway.

The Illinois Highway Code (605 ILCS 5/5-414) of the Illinois Compiled Statutes, as amended, grants County Boards the authority to adopt regulations providing for the issuance of permits by the County Engineer for the temporary closure to traffic of any portion of a highway under their jurisdiction for any public purpose.

The Illinois Highway Code (605 ILCS 5/9-113) of the Illinois Compiled Statutes, as amended, sets forth the powers and authority of the appropriate highway authority as they relate to the placement, removal, relocation, modification, or abandonment

of utilities and facilities within public highways including their placement within the rights-of-way of County Highways. For County Highways, the appropriate highway authority shall be the County Engineer.

3.2 Coordination Council Established

Pursuant to the authority contained in Illinois Highway Code (605 ILCS 5/9-113) of the Illinois Compiled Statutes, as amended, the County, acting by and through the County Engineer, as the appropriate highway authority, hereby establishes a Coordination Council for the purposes of implementing the provisions of said Statute and facilitating the communication and coordination relating to the placement, removal, relocation, modification, or abandonment of public utilities owned and maintained by a public utility company within County Highway rights-of-way.

3.3 Jurisdiction

This Ordinance shall apply to all access to and use of County Highway right-of-way, whether permanent or temporary, for purposes of providing service from and/or to a County Highway to any property after the enactment of this Ordinance by the County Board. This includes any land in any township or municipality located partially or entirely within the County.

This Ordinance shall not be construed in any manner or form to limit or restrict the power or authority of the County or the County Engineer to maintain, operate, improve, construct, reconstruct, manage, widen, expand or perform any other work on any County Highway as may be best determined, as provided by law, including the modification, restriction, or elimination of any access location permitted under this Ordinance or any access location permitted prior to the adoption of this Ordinance.

3.4 Plat Approval

Pursuant to the authority contained in 765 ILCS 205/2, as referenced in Section 3.1 of this Ordinance, the County Engineer shall have the authority to approve or disapprove, in writing, plats with respect to highway access to County Highways.

COMMENTARY: The LCDOT's responsibility is access to and use of a County Highway with respect to the future planning, maintenance and management of the County Highway right-of-way. The responsibility for determining land-use requirements rests solely with the governmental authority having the land-use regulatory authority.

The signature certificate which shall be included on the final plat of subdivision to obtain written approval for access to a County Highway is provided in the Technical Reference Manual.

3.5 Enactment

This Ordinance shall be in full force and effect from and after its passage and effective date according to law except for all permit or use requests submitted prior to the adoption of this Ordinance and which have received written approval. All requests submitted prior to adoption of this Ordinance which have not been given written preliminary approval and all requests submitted subsequent to the adoption of this Ordinance shall be governed by the provisions of this Ordinance as finally enacted or amended.

3.6 Repealer and Savings Clause

The prior policies establishing rules, regulations, and specifications governing access to or use of County Highway right-of-ways are hereby repealed, provided such repeal shall not affect the right of the County to institute any action at law or in equity to require compliance or prosecute violations there under, it being the County's intention to preserve all such causes of action and not to excuse any violation under the prior rules, regulations, and specifications.

3.7 Interpretation and Separability

3.7.1 Interpretation

The County Engineer shall render any interpretations of this Ordinance, which are necessary to promote efficient administration and review of permit requests. This Ordinance shall be interpreted strictly and in accordance with the standards set forth herein. Whenever any provision of this Ordinance overlaps, contradicts, or covers the same subject matter as any other provision of this Ordinance or any other County Ordinance regulation, or rule, the more restrictive or higher standard shall control.

3.7.2 Separability

Each chapter, section, subsection, paragraph, subparagraph, sentence, clause, phrase, word, provision, rule and regulation, or restriction established by this Ordinance or any amendments thereto is hereby declared to be separable and independent, in accordance with the following.

- a. If any court of competent jurisdiction shall adjudge any provision of this Ordinance to be invalid, such judgment shall not affect any provision of this Ordinance not specifically included in the judgment.
- b. If any court of competent jurisdiction shall adjudge invalid the application of any provision of this Ordinance, such judgment shall not affect the application of the provisions not specifically included in the judgment.

3.7.3 Law Governing

In any controversy or dispute under this Ordinance or in any claims arising hereunder or related hereto, whether in contract or tort, they shall be governed by the laws of Illinois. Any suit regarding requirements, rules, regulations and specifications of this Ordinance must be brought in a court of competent jurisdiction in Lake County, Illinois.

3.7.4 Enforcement

Enforcement of the provisions of this Ordinance, shall be in accordance with the Illinois Compiled Statutes as referenced in Section 3.1.

3.7.4.a Compliance

No access or use related work shall be performed in the Highway right-of-way which does not comply with the provisions set forth in this Ordinance. Should an access, utility or facility be illegally placed within the County right-of-way it shall be removed by the owner. If the owner refuses or fails to remove an illegal access, utility or facility upon written notice, LCDOT shall have the right, but not the duty, to remove the illegal access, utility or facility and invoice the owner for the cost of the removal. Notice from LCDOT will be given in writing, via certified mail, and shall allow the owner a minimum of ten (10) working days from receipt of the notice to remove the illegal access, utility or facility. Removal shall include restoration of the County right-of-way to an equal or better condition than existed before construction.

Whenever any provision of this Ordinance sets forth any time for any act to be performed by Permittee, such time shall be deemed to be of the essence. The Permittee's failure to perform within the time allowed shall, in all cases, be sufficient grounds for the County to invoke an appropriate remedy or penalty.

The Permittee shall not be excused from complying with any of the requirements, rules, regulations, and specifications of the Ordinance as a result of any failure of the County, on any one or more occasions, to insist on the Permittee's performance or to seek the Permittee's compliance with said requirements, rules, regulations, and specifications.

3.7.4.b Division of Transportation: Powers and Responsibilities

By authority of the County Board and adoption of this Ordinance, through powers vested through the Illinois Compiled Statutes, as amended, and all other applicable laws, statutes, orders, and regulations of the State of Illinois and the County of Lake, the County Board of Lake County hereby grants and assigns to the County Engineer and the Lake County Division of Transportation

the following powers, responsibilities, strategies and practices regarding enforcement of this Ordinance:

1. To review plans, specifications, studies, and estimates and issue or deny permits for work within the County Highway rights-of-way.
2. To develop and set in place application procedures, issue permits and maintain records thereof.
3. To develop and publish a Technical Reference Manual to assist and guide the public in procedures and requirements for such permits. This manual shall include application procedures, forms, technical engineering standards and requirements for type, extent and nature of the studies, drawings, engineering plans, or any other types of documents that are needed for the administration and implementation of this Ordinance, and to change, modify, and/or update these materials, applications, and permits as needed.
4. To update, modify and/or revise the Technical Reference Manual including application procedures, forms, studies, drawings, engineering plans and standards, or any other types of documents as needed.
5. To review, approve, disapprove, or cause changes and modifications to be made to all studies, drawings, engineering plans, and other documents that are required by this Ordinance or the Technical Reference Manual as they relate to access locations, highway improvements, or placement of utilities or facilities.
6. To conduct inspections and field investigations as necessary to ensure compliance with the rules, regulations, and specifications of this Ordinance.
7. To institute any appropriate action as set forth in the Illinois Compiled Statutes, as amended, or this Ordinance and to request that the State's Attorney institute any proceedings to prevent unlawful construction, reconstruction, alteration, modification, enlargement, conversion, and/or unlawful use of an access location providing service to a County Highway or unlawful placement of a utility or facility after the adoption of this Ordinance.

8. To advise the County Board on all proposed amendments to this Ordinance.
9. To maintain and update the Access Management Highway Classification Map
10. To designate an "Access Control Officer" within the LCDOT to oversee and administer the day-to-day implementation of this Ordinance.
11. To grant and approve variations from the provisions of this Ordinance in accordance with the standards as set forth in Section 3.9.
12. To render interpretations of this Ordinance in accordance with the provisions set forth in Section 3.7.1.
13. To approve and disapprove plats in accordance with Section 3.4.
14. To hear and decide appeals from any decisions of the Access Control Officer or any other administrative officials made in the performance of their duties under the provisions of this Ordinance.
15. To perform other such duties as are required by this Ordinance.
16. To designate and supervise agents to operate in the County Engineer's capacity to perform such duties as are assigned by this Ordinance.
17. To coordinate the requirements and provisions of this Ordinance with the governmental authority having land-use regulatory authority over a development taking access to a County Highway.
18. To have established a Coordination Council, to be chaired by the County Engineer, or his or her designee, to facilitate the timely placement, removal, relocation, or modification of utilities and facilities deemed necessary for highway and highway safety purposes pursuant to 605 ILCS 5/9-113, as amended.

19. To establish rules of order and procedures, set meeting dates, prepare and distribute agenda for, prepare minutes of, and conduct meetings of the Coordination Council.
20. To deliver on an annual basis as determined by the County Engineer to each member of the Coordination Council a copy of the County Five-Year Highway Improvement Program (605 ILCS 5/5-301, as amended), and the annual program as developed by the County Engineer.
21. To notify, in accordance with 605 ILCS 5/9-113, as amended, the owner or owners of the utilities and/or facilities that require placement, removal, relocation and/or modification as a result of an impending county highway improvement.
22. To establish strategies and practices as may be necessary to provide effective communication and coordination relating to proposed county highway improvements and the placement, removal, relocation, modification, or abandonment of utilities or facilities within county highway rights-of-way.
21. To cooperate with any contractor responsible for the implementation of a county highway improvement in seeking the compliance of the owner, or owners, of any utilities or facilities located or abandoned within the county highway right-of-way with the provisions of this chapter and 605 ILCS 5/9-113, as amended.
22. To collect, deposit in the County Highway Tax Fund, and expend such funds as may be derived from any fees collected pursuant to the administration of this Ordinance.
23. To administer and carry out the provisions of this Ordinance in a reasonable time given staffing levels, workload, and budgeting constraints.
24. To act at the direction of the Public Works, Planning and Transportation Committee in those matters relating to access improvements and programmed or ongoing highway improvements, including the preparation of joint agreements; recommending donation amounts; establishing escrow accounts for future highway improvements; and collecting, depositing, and expending

donations and other such funds for County Highway purposes

3.8 Amendments

3.8.1 County Board Action

In order to promote the public health, safety, comfort, and general welfare, the County Board may from time to time amend the regulations imposed by this Ordinance. These amendments shall not be adopted without the advice of the County Engineer.

3.8.2 Standards for Amendments

Amendments to this Ordinance shall demonstrate compliance with the following standards:

- a. The proposed amendment to this Ordinance shall state in particular the chapter, section, subsection, paragraph, sentence, and word sought to be amended.
- b. The proposed amendment shall contain the specific language of the proposed amendment and shall recite the specific reasons for such a change.
- c. The proposed amendment shall be consistent with the intent and purpose of this Ordinance and with its various rules, regulations, and specifications.
- d. The proposed amendment shall not be detrimental to the safety, operation, or capacity of a County Highway.
- e. The proposed amendment shall in no manner limit, restrict, alter, diminish, or unduly impede the County in its, or the County Engineer in his or her, statutory authority as it relates to County Highways.

3.9 Variations

Minimizing congestion and delay, ensuring the safety of the traveling public, and protecting the County's ability to maintain and improve the County Highway System are among the objectives of this Ordinance. Under conditions of practical difficulty and extraordinary hardships, it may be difficult to strictly comply with the requirements of this Ordinance. The purpose of a variation is to provide relief from strict compliance with the regulations and requirements of this Ordinance so long as the objectives of this Ordinance are not compromised.

3.9.1 General

Where the County Engineer finds that extraordinary hardships or practical difficulties may result from strict compliance with this Ordinance, the County Engineer may approve variations to the requirements of this Ordinance so that substantial justice may be done and the public interest subserved thereby, provided that such variations shall not have the effect of nullifying the intent and purpose of this Ordinance.

The County Engineer may require that a Traffic Impact Study or other information, studies, or data be submitted when reviewing a request for a variation from the provisions of this Ordinance.

3.9.2 Variation Requests

A petition for any variation shall be submitted in writing to the County Engineer by the Permittee. The Permittee must prove that the variation will not be contrary to the public interest and that a practical difficulty or unnecessary hardship will result if it is not granted. In particular, the Permittee shall establish and substantiate that the variation conforms to the requirements and standards as set forth in Section 3.9.3.

3.9.3 Standards for Variations

No variation in the strict application of the provisions of this Ordinance shall be granted unless it is found that the following relevant requirements and conditions are satisfied. The County Engineer may grant variations whenever it is determined that all of the following have been met.

- a. The granting of the variation shall be in harmony with the general purpose and intent of the regulations imposed by this Ordinance and shall not be detrimental to the safety of the traveling public using the County Highway.
- b. There must be proof of unique or existing special circumstances or conditions where the strict application of the provisions of this Ordinance would deprive the Permittee of reasonable access. Circumstances that would allow reasonable access by a road or street other than a County Highway, circumstances where indirect or restricted access can be obtained, or circumstances where engineering or construction solutions can be applied to mitigate the condition shall not be considered unique or special.
- c. There must be proof of practical difficulty or unnecessary hardship. It is not sufficient to show that greater profit or economic gain would result if the variation would be granted. Furthermore, the hardship or difficulty cannot be self-created or self-imposed; nor can it be established on this basis by the owner who purchases with or without

knowledge of the provisions of this Ordinance. The difficulty or hardship must result from the strict application of this Ordinance and it must be suffered directly and solely by the owner of the property in question.

- d. The variation is the least deviation from the provisions of this Ordinance which will mitigate the hardship or practical difficulty.

3.9.4 Action by the County Engineer

Upon receipt of the required variance application form, all supporting documentation, data, studies and other requested information and all related variance fees, the County Engineer shall review and render a decision in writing to the owner. The County Engineer may, in the decision for a variation, stipulate conditions or impose requirements in granting of a variation from the provisions of this Ordinance. The written decision of the County Engineer is valid for a period of 1 (one) year.

3.10 Appeals Procedure

3.10.1 Access Control Officer

All objections to any action or decision concerning access shall be filed in writing with the Access Control Officer. The Access Control Officer shall consider the objections, and after a decision has been made shall inform the Permittee in writing of the action taken on said objection.

3.10.2 County Engineer

If the Permittee is dissatisfied with the action or decision of the Access Control Officer, a written objection may be filed with the County Engineer. The County Engineer will consider the objection and formulate a response, which will be communicated in writing. The County Engineer may modify or overturn any previous action or decisions.

3.11 Fees

All fees required for this Ordinance shall be established by the County Engineer. Information regarding the required fees for each type of permit application shall be provided in the Technical Reference Manual.

Existing agreements that have alternate permit fee schedules shall remain in effect until and unless those agreements are expired, are terminated, or are renegotiated, and are approved by the County Board.

The County Engineer shall have the authority to waive any fees or charges imposed by this Ordinance if said fees and charges are for a permit to perform work within a

County Highway right-of-way that is needed due to a County improvement or maintenance operation.

3.12 Violations and Penalties

Whomever shall construct, or cause to be constructed, any access-related improvements or any utility or facility within the right-of-way of any county highway, or whoever shall repair, relocate, revise, modify, enlarge, remove, reconstruct, or abandon any existing utility or facility within the right-of-way in violation of the requirements of this Ordinance shall be subject to a fine of not less than \$100 and not more than \$500 for each access location so constructed. Each day that the access location is in place in violation of this Ordinance shall constitute a separate offense, subject to the above penalties. A violation shall also include any access-related improvements or any utilities or facilities within the County Highways built without approval, and a permit as required by this Ordinance as well as approved improvements built with substandard designs and specifications.

The Lake County Division of Transportation shall have the authority to stop any and all work that it determines is proceeding in an unsafe or substandard manner, or poses any danger to the public or the County Highway. In the event any aspect of the perimeter's construction, placement, maintenance, repair, use or operation of the County Highway at any time violates or is forbidden by any law, statute, rule, regulation, order, or requirement of any governmental authority, the Permittee shall immediately discontinue such operations and, at its own expense, take all necessary corrective action.

Whenever a violation shall come to the knowledge of the County Engineer, the County Engineer may take any action as deemed appropriate and as set forth in the Illinois Compiled Statutes, as amended. The provisions of this Ordinance shall not be deemed exclusive and shall not be deemed to prevent the maintenance of any other action or proceeding in law or equity to enforce the provisions of this Ordinance or to vacate and remove any improvements constructed in violation of this Ordinance.

Whenever it shall come to the knowledge of the County Recorder that any of the provisions of this Ordinance have been violated, as they relate to plats, it shall be the County Recorder's duty to notify the County Engineer and the State's Attorney.

The County Engineer shall have the authority to delay the issuance of permits to an applicant due to the failure of the applicant to comply with the provisions of other permits issued to the applicant. The County Engineer shall also have the authority to delay the issuance of permits if the property served by the permitted work or facility is in violation of or has not complied with the provisions of this Ordinance or any other ordinance, statute, regulation or administrative order that may apply to such property. The County Engineer shall also have the authority to revoke any active permit issued to the applicant due to the failure of the applicant to comply with

the provisions of other permits or the failure of the applicant to comply with the provisions of this Ordinance.

3.13 Inactivity

An application for any permit under this Ordinance will be considered inactive if no response is provided by the applicant, their agent, or their engineer within six (6) months from the date of the last written review comments received from LCDOT.

If that time period has lapsed, the application will be considered invalid and the applicant must reapply and comply with any and all new conditions, policies, standards or Ordinances that may be in effect at the time of the re-submittal. If more than one year has passed from the date of the last written review comments, application fees must be paid as if it was a new submittal. It shall be the Permittee's responsibility to contact the Lake County Division of Transportation to determine the status of any permit submittals.

3.14 Responsibility for Damage Claims

The Permittee and contractors shall indemnify and save harmless and defend the LCDOT and the County, its officers, agents, and employees against all loss, damage, or expense that it or they may sustain as a result of any suits, actions, or claims of any character brought on account of property damage, injury to or death of any person or persons, including all persons performing any work under the permit, which may arise in connection with the work to be performed under the permit.

The permit is not intended by any of the Provisions of any part of the permit to make the public or any member thereof a third party beneficiary of the Permit, or to authorize anyone not a party to the permit to initiate or maintain a suit for personal injuries or property damage pursuant to the terms or provisions of the permit. The duties, obligations, and responsibilities of the parties to the permit with respect to third parties shall remain as imposed by law.

CHAPTER 4 Permit Types and Highway Classification

4.1 Highway Access Classification

The LCDOT uses a Highway Access Classification system to apply appropriate access management techniques, requirements and standards to permitting of access facilities. The specific requirements for each classification are outlined in the Technical Reference Manual, which is maintained by LCDOT and updated annually in accordance with provisions of this Ordinance.

County Highways serve two primary functions: access and mobility. The County Highway System was developed with the primary function of providing regional mobility. Illinois Compiled Statutes 605 ILCS 5/5-102 describes county highways to be “as nearly as possible highways connecting the principal municipalities and trading points in each county with each other, and also with the principal municipalities and trading points in other counties.” Through land use changes since the establishment of the County Highway System, some County Highways now provide increased access to support local economic development. As access to a roadway increases, mobility along that roadway decreases. Due to this relationship, roadways are assigned a functional classification that defines the design, administrative and regulatory policies which govern that roadway. Functional classification ranges from freeways (high mobility, low accessibility) to local streets (low mobility, high accessibility.) The appropriate degree of access control varies according to the function the roadway provides.

COMMENTARY: Access management is the coordinated planning, regulation, and design of access between roadways and land development. Studies have shown that an effective access management program can reduce crashes by as much as 50%, increase roadway capacity by 23% to 45%, and reduce travel time and delay as much as 40% to 60% (source: Access Management Manual, Transportation Research Board, 2014.)

4.1.1 Access Classification Definitions

The County Highway System is comprised of roadways with varying functional classifications. For purposes of determining the requirements and procedures for permitting of access facilities, the following Access Classifications are established:

Designated Freeway: Those roadways that, in accordance with 605 5/8-101 of the Illinois Compiled Statutes, as amended, have been designated by the County Board as freeways and as such are intended to provide the highest level of mobility within the County Highway System. They are intended to provide very low accessibility. Currently two County Highways are designated freeways in Lake County:

- Washington Street (County Highway 45) from US 41 to IL 21
- Peterson Road (County Highway 20) from US 45 to IL 60.

High Mobility Highway: Those County Highways of regional importance that, by their length and connectivity with other county and/or state highways or large centers of activity, provide for a high degree of mobility and supplement the mobility of State Highways and freeways.

Medium Mobility Highway: Those County Highways of regional or local importance that provide connectivity between the municipal street system and other County or State Highways or serve as a connection between County Highways or centers of activity.

Low Mobility Highway: Those County Highways of local importance that provide connectivity between arterials and local roads, or by their current physical characteristics provides a low level of mobility.

4.1.2 Access Classification Map

4.1.2.a Adoption of Map

To implement the intent of this Chapter, the County Highway System is hereby divided into Highway Access Classifications as depicted on the Access Classification Map which is contained within the Technical Reference Manual and is hereby adopted by reference.

4.1.2.b Map Amendments

As County Highways are constructed, improved, reconstructed, or otherwise altered, there may be a need to change the classification of a County Highway for access management purposes. The Access Classification Map may be amended from time to time by update to the Technical Reference Manual.

The LCDOT shall be responsible for maintaining and updating the Access Classification Map.

4.2 Access Permit Types

Access to a County Highway, whether temporary or permanent, shall be granted via one of five (5) types of access permit classifications. Access Permit classifications are a function of the traffic volumes that the access will generate and the usage of the access. The five (5) classifications of permits followed by their definitions are:

1. Minimum Access
2. Minor Access
3. Major Access
4. Designated Freeway Access
5. Temporary Access

4.2.1 Minimum Access

A Minimum Use Access is one which serves a single family residence or agricultural field abutting a County Highway, has an anticipated daily two-way traffic volume (total number of entrance and exit trips by vehicles using the access) of no more than 20 trips and has no regular use by vehicles or vehicle combinations of three axles or more (personal recreational vehicles excluded).

A gated access for the sole use of emergency response providers may be considered a Minimum Access if the access will be in place longer than 12 months.

4.2.2 Minor Access

A Minor Access is one which serves property abutting a County Highway, has an anticipated normal daily two-way traffic volume (total number of entrance and exit trips by vehicles using the access) of no more than 50 trips, as estimated utilizing the latest edition of the Institute of Transportation Engineers Trip Generation Manual, and has no regular use by vehicles or vehicle combinations of three axles or more (personal recreational vehicles excluded).

Examples of land-uses served by a Minor Access can include, but is not limited to, a small residential community (e.g., two to four houses), an apartment complex with eight or fewer units, or an office building with less than 3,000 gross square feet.

4.2.3 Major Access

A Major Access is one which serves property abutting a County Highway and has an anticipated daily two-way traffic volume (total number of entrance and exit trips by vehicles using the access) of more than 50 trips, or has regular use by vehicles or vehicle combinations of three axles or more (personal recreational vehicles excluded).

Examples of land-uses served by a Major Access can include, but is not limited to, regional shopping centers, multiple-unit, single-family, multi-family residential developments, office, industrial complexes, public, religious, education, or recreation uses.

4.2.4 Designated Freeway Access

605 ILCS 5/8-101 et. seq. Illinois Compiled Statutes, as amended, grants the authority to a County Board to designate particular highways on the County Highway System as freeways for the purpose of promoting the safety and convenience of highway traffic by regulating access to the freeway. This designation may also apply to approach roads which intersect or approach the freeway. A permit for an access to such freeways shall be termed a

"Designated Freeway Access Permit." The County Board has the sole authority to grant or deny new points of access or changes, modifications, and/or revisions to existing points of access in accordance with 605 ILCS 5/8-102 et. seq. as amended.

As of January 2018, there are two such designated freeways on the County Highway System. They are: (1) Washington Street (County Highway 45) from U.S. 41 to IL 21, and (2) Peterson Road (County Highway 20) from U.S. 45 to IL 60.

4.2.5 Temporary Access

A Temporary Access is one which serves property abutting a County Highway and is used for a specified purpose for less than 12 months and then is removed in its entirety or is replaced with a permanent access. A Temporary Access may be either a Minor Access or a Major Access depending on the daily traffic volumes.

Examples of Temporary Access can include, but are not limited to, access for special events, construction access to backyards, access for a construction entrance to begin initial site preparation work or construction of on-site utilities prior to approval of a permanent access permit.

The Access Control Officer may extend a Temporary Access Permit in special cases where temporary access is required for more than 12 months.

4.3 Use of Right-of-Way Permit Types

Use of the County Highway right-of-way for a non-highway function such as special events, utilities or facilities, whether temporary or permanent, shall be granted via one of four (4) types of use permits. A permit is required for any work performed in the County Highway right of way, even if a temporary or full closure of the roadway is not required. The four (4) types of use permits are:

1. Special Event
2. Utility
3. Facility
4. Single Service Connection

4.3.1 Special Event

Pursuant to 605 ILCS 5/5-414 et. seq. as amended, the County Engineer may, upon application by the proper authorities of any governmental agency or person, issue a permit to temporarily close any portion of a County Highway for any public purpose. Temporary closure of a highway for purpose of special events of public interest and filming shall be authorized by issuance of a Special Event permit.

COMMENTARY: Examples of events can include, but are not limited to,

parades, marathons, and festivals, as well as special events of public interest and filming for a movie, television, commercial, or documentary.

4.3.2 Utility

A Utility permit shall be required for the reconstruction, relocation, repair, maintenance, modification, removal, upgrade, or any and all forms of work relating to an existing utility, or any and all forms of work relating to the construction or placement of a new utility within the right-of-way of any County Highway.

COMMENTARY: Examples of utilities can include, but are not limited to, electric lines, telephone lines, telecommunication lines, small cell wireless installations, cable television lines, and natural gas transmission lines.

4.3.3 Facility

A Facility permit shall be required for the reconstruction, relocation, repair, maintenance, modification, removal, upgrade, or any and all form of work relating to an existing facility, or any and all form of work relating to the construction or placement of a new facility within the right-of-way of any County Highway.

Examples of facilities can include, but are not limited to, municipal or government owned sidewalks, street lights, bike paths, storm sewers, watermains, sanitary sewer lines and trees.

4.3.4 Single Service Connection

A single service connection permit is limited to installation of a single service connection to a utility or facility for a single family residence.

CHAPTER 5 Access Requirements and Policies

Any owner of property abutting a County Highway has the right of reasonable access. Access which meets the requirements in this Ordinance shall be approved through granting an access permit. To assist a property owner, developer, their engineer, contractor, public agencies or any other applicant in the administrative, procedural and engineering requirements of this Ordinance, refer to the Technical Reference Manual.

5.1 Access Permits

An access permit shall be required for the construction of any new access or the modification of any existing access within the right-of-way of a County Highway, when the work is to be done by any person or public agency other than Lake County. An access permit shall not be required for a public agency when a joint agreement covers the work involved therein or at such times as the County Engineer is exercising statutory supervisory authority.

Requirements for access to a County Highway are based on two factors:

1. The type of access (Minimum, Minor, Major, Designated Freeway, Temporary)
2. The Access Classification of the County Highway from which the access is being permitted.

The owner must specify the type of access being requested. If the access type is unknown or ambiguous, the owner shall consult the Access Control Officer. The County Engineer has the responsibility and final authority for determining the access type.

The access permit is valid for as long as the use is consistent with the approved access type, unless otherwise specified on the permit. The Access Control Officer may, upon written request, extend the term of an access permit for such a period as the Access Control Officer may determine.

5.2 Change in Land-Use or Land-Use Density

A Change in Use Notification shall be required when a change in the use of the access location or a change in the land-use or land-use density occurs and the continued use of an existing access location is proposed. Changes in land-use or land-use density may result in a significant change in the number of or type of vehicles using an access location. Therefore, a new access permit as well as modifications, improvements, additional right-of-way dedications or revisions may be required to the existing access location and/or the County Highway to accommodate the change in traffic.

Changes in land-use or land-use density are situations that may result in a change in the number or type of vehicles using an existing access. Modifications, improvements, or revisions may be required to the access point and/or the County Highway to accommodate the change.

COMMENTARY: Examples of changes in land-use may be the conversion of an office space to a medical office space, or an office space to a commercial retail space. Examples of changes in land-use density may be the redevelopment of an existing gas station to include a convenience store and car wash, installation of additional parking spaces, or the expansion of a building on a property with an existing access.

If a change in land-use or land-use density occurs and an existing access point is proposed to be used, the owner shall submit a Change in Land-Use Notification form to the LCDOT prior to construction of proposed changes. The notification and supporting information shall be reviewed to identify if the existing access facility is suitable for the proposed land-use or land-use density, under the provisions of this Ordinance. If determined suitable, the owner will be notified to continue use of the existing access point. If the existing access facility is not suitable for the proposed land-use or land-use density, as determined by the Access Control Officer and in accordance with the provisions of this Ordinance and the design standards in the Technical Reference Manual, the owner shall submit a new application for a new access permit and make all modifications, improvements or revisions to the existing access point and/or the County Highway to comply with the requirements of this Ordinance.

If a property is being re-subdivided or redeveloped, the existing access point(s) may require relocation, reconstruction, or the number of access points reduced to comply with the requirements of this Ordinance.

5.3 General Requirements

The following requirements shall apply to all types of access permits:

5.3.1 Joint Highway Improvements

In certain circumstances, it may be advantageous to the motoring public to construct access improvements as part of a larger overall improvement or in conjunction with programmed County Highway improvements. In order to minimize disruptions to the public, the County Engineer may require access related improvements to proceed in a coordinated and comprehensive manner.

5.3.1.a Programmed Improvements

In certain circumstances, the LCDOT may have a highway improvement programmed for the section of County Highway for which an owner is applying for access and the owner, in accordance with the provisions set forth in this Ordinance, is required to construct highway improvements to accommodate the proposed access. The County Engineer may recommend that both improvements proceed simultaneously and as a coordinated joint improvement.

For joint improvement projects, the County Engineer shall have the option to require a formal joint agreement to be approved by the County Board. The joint agreement shall be prepared by the LCDOT and shall specifically provide for the responsibilities and obligations of the County and the owner as related to the joint improvement. Nothing in this section shall be construed to relieve the owner of any financial responsibilities related to an access improvement.

If the owner or the County Engineer determines a joint agreement for a joint improvement is not appropriate, the County Engineer shall specify the conditions to be made a part of the access permit so that construction of the access-related improvement shall not interfere with the proposed County Highway improvement project.

5.3.1.b Ongoing Improvements

In certain circumstances, the LCDOT may have a highway improvement under construction for the section of County Highway for which an owner, in accordance with the provisions set forth in this Ordinance, is required to construct highway improvements to accommodate a proposed access. The County Engineer may recommend that the highway improvements for the access location be incorporated into the ongoing County Highway improvement project by means of a formal joint agreement or by a donation of money to be made a part of the access permit. If a formal joint agreement is recommended, the parties shall proceed as in Section 5.3.1.a.

If a donation of money is recommended by the County Engineer, the owner shall have the option to agree in writing to an amount determined by the LCDOT. This amount shall be sufficient to cover the cost of the required access improvement, including engineering costs and construction supervision, as part of the ongoing County Highway improvement project. The donation shall be subject to acceptance by the Public Works, Planning and Transportation Committee, in accordance with 605 ILCS 5/5-101.7 et. seq., as amended.

If the Public Works, Planning and Transportation Committee, elects not to proceed with a donation, the County Engineer shall specify the conditions to be made a part of the access permit so that construction of the access improvement by the owner required for the access shall not interfere with the ongoing County Highway improvement project.

Nothing in this section shall be construed to relieve the owner of any financial responsibilities as related to an access or access improvements.

5.3.1.c Donations

The Public Works, Planning and Transportation Committee, in accordance with, 605 ILCS 5/5-101.7 et. seq., as amended, shall have the authority to accept money or right-of-way or additional detention or compensatory floodplain storage donated from any source and to use the same for County Highway purposes to mitigate the impacts to the County Highway system from the proposed development.

5.3.2 Coordination of Development

- a. If property abutting a County Highway is being developed and access is requested to the County Highway, it shall be the responsibility of the owner to effect any coordination necessary to comply with the requirements and provisions of this Ordinance and the requirements of the governmental authority having land-use regulatory authority.
- b. If two or more owners of property abutting a County Highway are being developed during the same time period, the Access Control Officer may require each owner to effect any coordination necessary to comply with the requirements and provisions of this Ordinance. This may include constructing their respective highway access improvements as a joint and coordinated effort as one construction project.
- c. The issuance of an access permit by the LCDOT shall not be construed to relieve an owner of any responsibility to secure any other permits or comply with any requirements of any other governmental authority having any jurisdictional responsibilities as it relates to a development. The owner shall also be responsible for securing any permits or complying with any other requirements of any governmental authority as they may relate to the construction of an access or highway improvement.

5.3.3 Costs of Access Improvements to County Highways

The Permittee shall be solely responsible for paying all costs associated with the design and construction of an access and all costs associated with the design and construction of any improvements to a County Highway as required by this Ordinance to accommodate the access and the traffic using the access. Costs to the owner shall include but are not limited to the following:

- a. Preparation of any plans, studies, information, or data required by the LCDOT to review an access request and any revisions thereto.
- b. Collection of traffic counts and classification counts.
- c. Preparation of a Traffic Impact Study and any revisions thereto.
- d. Preparation of preliminary plans and any revisions thereto.
- e. Preparation of a geometric plan and/or intersection design study.
- f. Preparation of a traffic signal warrant study and any revisions thereto.
- g. Preparation of engineering plans and specifications, including estimates of costs and any revisions thereto.
- h. Traffic control signage
- i. Traffic signalization
- j. Pavement markings and markers and all other traffic control devices.
- k. Relocation of utilities and facilities out from underneath the existing or proposed pavement.
- l. Relocation of above ground utilities and facilities including utility poles to the proposed right-of-way line and outside of the clear zone.
- m. Removal of objects in the right-of-way (See Section 5.13.1.f).
- n. All easements and right-of-way necessary to construct improvements required by this Ordinance and the preparation of any plats and other legal documents.
- o. Obtaining and posting Performance Guarantees, Certificates of Insurance, and Maintenance Guarantees.
- p. Fees and other charges as required by this Ordinance.
- q. All other costs associated with access and improvements to a County Highway as required in this Ordinance.

5.3.4 Coordination with Other LCDOT Permits

After the engineering plans, specifications, estimate of cost, payment of fees, performance guarantee, and certificate of insurance are received and approved by the LCDOT, the plat of subdivision will be signed by the County Engineer. Also at this time any utility/facility permits that have been applied for can be issued with the issuance of the access permit. Construction may then commence in accordance with the rules, regulations, and specifications of this Ordinance.

5.4 Access Policy

It is Lake County policy that any owner of property abutting a County Highway has the right of reasonable access. Indirect access via other existing or proposed streets or easements or restricted access is considered reasonable access to a County Highway.

5.5 Access Criteria

This section describes criteria applicable to all types of access. The criteria presented include the maximum number of access points and their permissible location with respect to adjacent access points and intersecting streets.

COMMENTARY: The number of access points along a County Highway should be limited and spaced far enough apart so that conflicting movements are minimized and safe operation is promoted.

5.5.1 Maximum Number of Access Points

Each development or property regardless of the number of parcels shall be limited to one access point, except as provided for otherwise in this Ordinance.

One additional access point may be granted if it can be demonstrated that the level of service at the approved access point would be substantially improved by the addition of one access point. In this instance, the level of service at the approved access point must be improved by a minimum of one level of service. This level of service improvement must provide a noticeable improvement, i.e. a level of service improvement from B to A would not warrant an additional access.

The Access Control Officer may permit one additional restricted access, permitting right-turns in and right-turns out only, provided that the owner clearly demonstrates a substantial need and complies with all the applicable provisions of this Ordinance. This option will only be considered where the enforcement of this restricted movement will be possible.

Upon review and approval by the Access Control Officer, a one-way pair of access points may be permitted in place of a single major access point. The location, driveway separation, engineering design, and geometrics of the access-related improvements shall be determined by the LCDOT on a site-specific basis.

COMMENTARY: Where additional access points are requested, first consideration shall be given to supplemental access points, which restrict turning movements. Shared access points or indirect access from adjacent public streets is encouraged. Access Classification of the roadway will be considered by the Access Control Officer in evaluation of requests for additional access points.

5.5.2 Alignment With Existing Access Locations or Roads

Where an existing access location or road is on the opposite side of the County Highway from an abutting property for which access is being requested, the proposed access shall be aligned with the existing access location or road whenever possible. Given site specific characteristics or operational considerations on the County Highway, the Access Control Officer may waive this requirement under the following conditions:

- a. The abutting property for which access is being requested has insufficient frontage to allow for the proper alignment with the existing access location or road.
- b. The proposed point of access would not comply with other provisions and requirements set forth in this Ordinance.
- c. The alignment of the proposed access point with an existing access location or road would be detrimental to traffic flow, result in undue delay, impede traffic operations, or impair traffic safety on the County Highway.

In the event that a proposed access point is not aligned as provided for in this section, the spacing of access points with existing adjacent access points and roads shall comply with the provisions in sections 5.5.3 and 5.5.4.

5.5.3 Spacing of Adjacent Access Points

To function effectively, adjacent access points shall be spaced to ensure safe and efficient traffic movements and operations.

The minimum distance between adjacent access points shall be determined by the distance required to provide full left-turn tapers and storage bays along the County Highway for inbound turning movements to each access location regardless of the present need for said tapers and storage bays. The geometric standard can be found in the LCDOT Standard Details.

If a property has inadequate frontage to meet this spacing requirement, the Access Control Officer shall determine the location of the access point using the standards and provisions established by the Ordinance. The Access Control Officer may require that the access be shared, that indirect access be used, or that the access restrict turning movements.

5.5.4 Distance from Intersecting Streets

To enhance traffic safety and operation on County Highways, access points shall be located a sufficient distance from intersecting streets.

The minimum distance between an access point and an intersecting street shall be determined by the distance required to provide full left-turn tapers and storage bays along the highway for both the access point and the intersecting street, regardless of the present need for said tapers and storage bays. The geometric standard can be found in the LCDOT Standard Details.

If a property has inadequate frontage to meet this minimum distance requirement, the Access Control Officer shall determine the location of the access point using the standards and provisions established by this Ordinance. The Access Control Officer may require that the access be shared, that indirect access be used, or that the access restrict turning movements.

5.5.5 Proximity to Adjacent Intersections and Access Points

If construction of an access requires the widening of and improvements to the abutting County Highway, and an existing intersection or access falls within the limits of construction, then such widening or improvements shall extend through and beyond the intersection or access before tapering down to the existing pavement width. Exclusive left-turn lanes shall be provided at the existing intersection or access.

The Access Control Officer shall determine the limits of the construction of widening and improvement to a County Highway.

5.6 Restricted Turning Movements

Turning movements may be restricted under conditions where capacity, delay, operational, or safety conditions make specific turns in or turns out detrimental to the public interest. These conditions will be identified on a site-specific basis. Refer to the Technical Reference Manual for additional guidance on site-specific conditions.

Turning movement restrictions shall be enforced with barrier median channelization or driveway channelization. The Access Control Officer shall determine the type of channelization based on site conditions and the Access Classification. Design standards and details are provided in the Technical Reference Manual.

5.7 Indirect Access

5.7.1 Access to Other Streets

Access to a County Highway may be prohibited when a property abutting a County Highway has frontage on one or more other streets and reasonable access can be provided from said streets. The Access Control Officer shall determine, on a site-specific basis whether access will be permitted to the County Highway.

5.7.2 Access to Property for Residential or Non-Residential Subdivisions

When property abutting a County Highway is to be subdivided or developed, direct access to a County Highway shall not be used in lieu of an adequate internal traffic circulation system. Indirect access to individual lots shall be required from an internal traffic circulation system which itself provides access to the County Highway or other street. The Access Control Officer shall determine, on a site-specific basis, which lots abutting the County Highway may have direct access and which lots shall have indirect access.

COMMENTARY: As an area develops and subdivisions are platted contiguous to one another, the internal street system should interconnect. Such interconnection permits local movement between subdivisions without forcing trips between subdivisions to use major roads such as County Highways as part of an internal circulation system.

For non-residential developments, outlots and service to individual businesses should be provided via cross easements, frontage roads or other internal circulation system. The purpose of major roads such as County Highways is to carry traffic to and from such sites, not to augment or be a part of an internal circulation system.

5.7.3 Wording on the Plat of Subdivision

When indirect access is required and there is a plat of subdivision, the following note shall be placed on the plat of subdivision:

Direct Access to [County Highway name] Road, County Highway [County Highway number], from Lots [Lot numbers] is prohibited.

This note shall be placed on all plats that have additional lots or outlots along the County Highway frontage that will not take direct access to the County Highway.

5.8 Turnarounds

No access shall be permitted if such access would require backing or turning maneuvers onto a County Highway. Provisions for turnarounds shall be made

outside the County Highway right-of-way unless otherwise approved by the Access Control Officer.

5.9 Parking

No access shall be permitted if such access would result in parking on a County Highway or within the right-of-way of a County Highway, unless otherwise approved by the Access Control Officer. Provisions for parking shall be made outside of the right-of-way of a County Highway.

The Access Control Officer may approve provisions for parking within the right-of-way of a County Highway if an agreement for such parking and associated maintenance responsibilities is in place with the local municipality.

5.10 Access to Corner Lots

The following standards shall govern access to corner lots:

1. For access to an abutting property located at the intersection of two County Highways, one access point shall be permitted on the County Highway having the lower volume of traffic. The Access Control Officer shall determine which highway has the lower volume of traffic. The requirements for the access point shall comply with the provisions set forth in this Ordinance.

The Access Control Officer, on a case-by-case basis, may allow an access point on the County Highway with the higher volume of traffic provided the left turns into the site are not counter to and are in the same direction as the left turn movements at the intersection with the cross street.

2. For corner lots at an intersection where only one of the abutting roads is a County Highway, access shall be provided from the road having the lower volume of traffic. The Access Control Officer shall determine which road has the lower volume of traffic. If the Access Control Officer determines that the County Highway has the lower volume of traffic, one access shall be permitted, and the requirements for the access point shall comply with the provisions of this Ordinance.

If access has previously been granted by another highway authority having jurisdiction over the road having a higher volume of traffic than the County Highway, then access to the County Highway shall not be permitted.

3. If access is being requested to both roads and one or both roads is a County Highway, the owner may apply for a variation from this section. In addition to the provisions set forth in Section 3.9 of this Ordinance, a Traffic Impact Study shall be required.

5.11 Access to Subdivided or Previously Platted Parcels

Access to land subdivided prior to the adopted date of this Ordinance, April 12, 1988, shall comply with the requirements of this Ordinance to the extent possible. Owners of such property for which access is being requested and for which compliance with this Ordinance cannot be attained may request the Access Control Officer to grant access. Such access granted by the Access Control Officer shall be the least deviation from the rules, regulations, and specifications of this Ordinance.

COMMENTARY: Many older existing subdivisions were platted with small lots fronting on County Highways. In these instances shared access or indirect access can be used to reduce the number of access points on a County Highway.

5.12 Shared Access

Certain geometric, land-use, and site conditions may require shared access among two or more developments or properties. This would occur when frontages are limited and each development or property is unable to meet the requirements of this Ordinance. In these instances, shared access shall be provided to adjacent developments or properties. The Access Control Officer shall determine on a site-specific basis when shared access shall be required.

5.13 Required Highway Improvements

In order to maintain safe and efficient traffic operations at the access intersection and to ensure that the impact of a development accessing a County Highway does not result in a degradation of traffic operations, improvements to the County Highway System may be required with a Major Access permit. These improvements may include dedication of additional right-of-way to accommodate the widening required to maintain the existing level of service.

COMMENTARY: Increases in traffic from development result in two (2) types of impacts to the County Highway System:

- Impacts that occur at the access point(s) and adjacent intersections that result in an increase in delays at those specific locations and are directly attributable to a specific development.
- Cumulative impacts to the overall roadway network that result from the incremental increases in traffic from developments.

Limits of required improvements for any Major Access permit shall be determined by the Access Control Officer, in accordance with the provisions of this Ordinance and design guidance provided in the Technical Reference Manual Chapter 4.

5.13.1 Right-of-Way Requirements

5.13.1.a Right-of-Way Widths

The right-of-way widths for County Highways shall be a total of 100 to 140 feet, 50 to 70 feet half right-of-way width, as designated by the County Engineer. Required right-of-way shall be determined for each permit request based on the Access Classification of the County Highway to which access is being requested, existing right-of-way width, surrounding land use, local development plans and long range transportation plans. In general, required right-of-way width increases as the level of mobility of the County Highway increases. Required minimum right-of-way width by Access Classification is included in the Technical Reference Manual.

If the property abutting a County Highway is to be subdivided or a major access is being requested, the owner shall dedicate, at no cost to the County, sufficient land to satisfy this right-of-way requirement.

If additional right-of-way is needed in order to construct the required highway improvements or is needed to accommodate a future improvement to a County Highway due to the particular circumstances of the nature of the major access, the additional right-of-way shall be dedicated by the owner at no cost to the County. This may include additional right-of-way required to obtain the required sight distance at the proposed access location. If the additional right-of-way needed is from property not controlled by the owner, the owner shall obtain the additional right-of-way in the name of the County at no cost to the County.

5.13.1.b Right-of-Way Widths to Accommodate Future County Bike Paths

At certain major intersections and along County Highways where future County Bike Paths will be constructed as identified by the County Engineer, an additional 10-20 feet of right-of-way width may be required. If the abutting property is being subdivided or a major access is being requested, the owner shall dedicate, at no cost to the County, sufficient land to satisfy the right-of-way requirement as designated by the County Engineer to accommodate the future County Bike Path.

5.13.1.c Wording on Plat

The following wording shall be used to dedicate right-of-way, on a plat of subdivision or plat of dedication: **HEREBY DEDICATED FOR PUBLIC ROAD PURPOSES.**

5.13.1.d Restoration of Right-of-Way

Upon completion of any construction work within the right-of-way, the right-of-way shall be restored in accordance with the permitted plans acceptable to the LCDOT.

5.13.1.e Objects in the Right-of-Way

In general, no new objects, trees, plantings, bushes, landscaping, fences, signs, rocks, debris, berms, detention or retention facilities, or any such materials shall be permitted within the right-of-way. Trees may be allowed to be planted within the right-of-way, if a Municipality will accept maintenance of these trees via the Municipal Acceptance form or via an agreement. In those instances where additional right-of-way is being dedicated as required by this Ordinance, brush, fences, signs, rocks, landscaping, objects, berms, detention facilities, wetlands, floodplains, and other such obstacles shall be removed or relocated beyond the new right-of-way line and clear zone. All affected existing utility poles shall be relocated to the new right-of-way line along the entire frontage of the development.

5.13.1.f Right-of-Way Encumbrances

All right-of-way to be dedicated shall be free and clear of any existing encumbrances, which would render the right-of-way in any manner or form unusable for road purposes or would in any manner or form, result in any extraordinary costs to the County at such time as said right-of-way is to be used for road purposes. This would include the mitigation and/or fee for future mitigation of any wetlands within the proposed right-of-way.

5.13.1.g Right-of-Way Monumentation

All new right-of-way boundary corners, points of curvature and points of tangency shall be monumented with iron pipes or rods that are a minimum of 1/2" diameter by 24" long or with other acceptable types of monuments that are in compliance with the Illinois Professional Land Surveyor Act of 1989 Section 1270.56, Minimum Standards of Practice, paragraph 5. The type of monuments found or set shall be noted on the plat.

COMMENTARY: The additional right-of-way required in this section is needed to accommodate future highway improvements that are needed because of the cumulative traffic generation of developments and to accommodate access related improvements. The right-of-way widths are also needed to accommodate roadway drainage, snow storage, utilities and facilities, and to provide for traffic and pedestrian safety.

5.14 Access Permit Process

Review and issuance of each type of access permit shall be governed by the individual processes outlined in the Technical Reference Manual.

The general administrative process applicable to all permits includes:

1. Permit review is initiated with an Initial Submittal package which shall include at a minimum a cover letter, application form and site plan location. A pre-application meeting shall be required for a Major Access Permit or Designated Freeway Permit. See the Technical Reference Manual for additional guidance on Initial Submittal requirements.
2. The owner shall sign and submit the permit application and application fee. For all access permits, the owner shall be considered the permittee for all provisions of this Ordinance.
3. Submittals received by the LCDOT will be reviewed within 15 working days or as deemed a reasonable time period given manpower, workload, and budgeting constraints. All submittals that require review by LCDOT Departments outside of the Permitting Department may require more than 15 working days for the review to be completed by all parties.
4. The Access Control Officer may require engineering studies, plans, and other information in order to review and evaluate the owner's application. All engineering documents shall be signed and sealed by a Licensed Professional Engineer in the State of Illinois. Multiple reviews may be necessary prior to approval of the engineering plans. The LCDOT shall include guidance on engineering plan and study requirements in the Technical Reference Manual.
5. Upon approval of the initial submittal and engineering documents, receipt of required fees, guarantees, and proof of insurance as required, a permit will be issued.
6. Construction must begin within the timeframe specified in the Technical Reference Manual, unless otherwise specified on the permit.
7. When construction work is complete, per the approved plans, the LCDOT shall be notified in writing to perform a final inspection.
8. When construction work, inspections and punch list items are completed, the Access Permit work will be accepted by the LCDOT.
9. Upon acceptance of the Access Permit work, the permittee shall provide as-built plans, Maintenance Guarantee (if required), and pay outstanding

invoices. The performance guarantee will then be released.

5.15 Resident Engineer Letter

The Permittee shall provide a Licensed Professional Engineer to act as Resident Engineer, as required by permit type. He or she shall be responsible for inspections on behalf of the Permittee and will be responsible for ensuring that the permitted work is constructed in compliance with the approved engineering plans and specifications. While the LCDOT may conduct periodic inspections, it is not their responsibility to provide project management or day-to-day oversight of the construction. The Resident Engineer information shall be submitted to the LCDOT on the Resident Engineer's Company letterhead and include the Engineer's name, address, telephone number, and Professional Engineer's license number for the Licensed Professional Engineer who will act as Resident Engineer. A sample letter for use by Resident Engineers can be found in the Technical Reference Manual.

CHAPTER 6 Utility and Facility Permit Policies

In order to provide for the safe placement of utilities and facilities within the rights-of-ways of County Highways, to safeguard the motoring public, to promote the orderly and efficient use of public rights-of-way, and to ensure that said placement of utilities and facilities does not inhibit the County's ability to maintain, operate, and improve the County Highway System, it is hereby declared to be the policy of the County to regulate the placement, removal, relocation, modification, or abandonment of utilities and facilities within the rights-of-way of County Highways through the rules, requirements, and regulations established by this Ordinance and the specifications, requirements and conditions contained in the Technical Reference Manual.

6.1 Utility or Facility Permit

A permit shall be required for the replacement, relocation, repair, modification or removal of any existing utility or facility and any manner or form of work relating to the construction or placement of a new utility or facility within the right-of-way of any County Highway. For all provisions of this Ordinance, a Single Service Connection permit shall be considered a utility or facility permit. All work associated with a utility or facility to be placed or already existing within the right-of-way of a County Highway shall be performed at no cost to the County.

Any public utility company, municipal corporation, or other public or non-public corporation, association or person may request permission to locate, place or construct upon, under, or along any highway, utilities or facilities provided that the entity receive written consent from the LCDOT in accordance with this Ordinance. The LCDOT has the right to deny, on a non-discrimination basis, any application for the placement of utilities or facilities for any reasonable cause or for safety concerns when such placement would, in the opinion of the LCDOT, be detrimental to current or future needs of the County Highway System.

A permit for work relating to a utility or facility shall be valid for a period not to exceed eighteen (18) months from the date of issuance and all rights arising from or created by such issued permit shall expire and terminate if the work contemplated under the permit has not been initiated. The County Engineer, upon written request, may extend the term of a permit for such a period of time as the County Engineer may determine. If the utility or facility work is to be completed as part of an access permit, the proposed utility or facility shall be included on the engineering plans submitted for that review process, but shall be permitted separately with a utility or facility permit.

COMMENTARY: Examples of types of utilities can include, but are not limited to, electric lines, telephone lines, telecommunication lines, cable television lines, and natural gas transmission lines. Examples of types of facilities can include, but are not limited to, sidewalks, street lights, bike paths, storm sewers, watermains, sanitary sewer lines, trees, and other municipal or government owned facilities and

general work performed within the right-of-way. Wireless antenna installations are covered under the “Wireless Telecommunication Facilities Ordinance”.

6.2 General Requirements

6.2.1 Highway Purposes of County Highways

The rights-of-way of County Highways are established for the location of highways and the highway associated appurtenances. Utilities and facilities shall be located within such rights-of-way in a manner that will not impede or conflict with any existing highway or associated appurtenance or any future improvement or widening of a highway and the construction or reconstruction of associated appurtenances. A utility or facility is not considered a highway appurtenance.

6.2.2 Relocation of Existing Utilities and Facilities

Whenever a County Highway pavement is widened, reconstructed, resurfaced, or additional lanes are added and an existing utility or facility will be under the widened pavement or traffic signal equipment, the owner of the existing utility or facility or the Permittee shall relocate, remove, or modify the utility or facility from under the widened pavement at no cost to the County. The County Engineer shall determine the need for said relocation, removal, or modification on a case by case basis.

Any and all additional or extraordinary costs that may be incurred by the County due to the presence, abandonment, or proposed placement of any utility or facility within the right-of-way of a County Highway shall be borne solely by the owner of said utility or facility. Payment to the County for said additional or extraordinary costs shall be made as determined by the County Engineer.

6.2.3 Conflicts with Existing Utilities and Facilities/Insufficient Space

In the event of the placement, construction, relocation, removal, modification, abandonment, enlargement, or any manner of work to be performed on any utility or facility, existing or proposed, within the right-of-way of a County Highway there does not exist sufficient space for said proposed work, the County is not responsible for providing additional space in any manner or form. In the event the County Engineer determines that there exists insufficient space within the right-of-way of a County Highway, the proposed work may not be permitted.

In the event a conflict exists between any existing or proposed utilities or facilities located or proposed to be located within the right-of-way of a County Highway, said conflict shall be resolved by the owners of said utilities or facilities. The resolution of any conflict shall not result in the County incurring any costs, either now or in the future, and shall not impede traffic or hinder

the operation of the County Highway. The resolution of any conflict must be approved by the County Engineer if the proposed resolution involves work to be performed within the right-of-way of a County Highway.

6.2.4 Other Agency Requirements and Permission

The issuance of a permit under the provisions of this Ordinance does not relieve, excuse, diminish, or negate, in any manner or form, the authority, rules, requirements or permission that may be required by any governmental authority or person that regulates any manner of work to be performed on any utility or facility, existing or proposed, within the right-of-way of a County Highway. Prior to or subsequent to the issuance of a permit under the provisions of this Ordinance, the owner of a utility or facility may be required to submit evidence of compliance with the rules, regulations, and specifications of any other applicable regulatory agency or person for the work to be performed within the right-of-way of a County Highway.

6.2.5 Property Owner's Permission

The issuance of a permit under the provisions of this Ordinance does not relieve the Permittee from obtaining permission from the legal property owner to locate the utility or facility on any County Highway where the right-of-way is in the form of an easement for public road purposes and the County does not own the right-of-way. The rules, regulations, and specifications of such permission shall not be in conflict with the provisions of this Ordinance nor supersede, diminish, alter, or in any manner or form, interfere with use of said easement for roadway purposes, nor shall said permission result in any costs to the County either now or in the future. Failure to obtain permission can be just cause not to issue a permit or to suspend or revoke an issued permit.

6.2.6 Locating Utilities and Facilities

The owner of any utility or facility located within the right-of-way of a County Highway shall upon written request determine the location of its utility or facility as required by the County Engineer to facilitate design engineering, construction, or maintenance work to be performed on a County Highway. Such locating may include, but are not limited to, exposing the utility or facility and/or providing distance and depth measures.

The locating of a utility or facility shall be performed within ten (10) working days of the receipt of the request of the County Engineer when seasonally possible to do so within such timeframe and shall not result in costs to the County due to delays in the design engineering, construction or maintenance work contemplated by the County. This requirement to locate utilities or facilities shall not be construed to be in conflict with damage prevention efforts of the Joint Utility Locating Information for Excavation (J.U.L.I.E) program, but a condition of any permit to construct and/or maintain a utility or facility within a County Highway right of way. Failure to respond to such

locating requests shall constitute a violation of the Ordinance, as detailed in Section 3.12.

6.2.7 Participation in the J.U.L.I.E

The owner of any utility or facility to be located within the right-of-way of a County Highway shall be a member of J.U.L.I.E. The only allowed exceptions to J.U.L.I.E. membership are the owners of a single service connection for water or sanitary sewer within the County Highway right-of-way.

6.2.8 Maintenance of Utilities and Facilities

The owner of a utility or facility located within the right-of-way of a County Highway shall be solely responsible for the use, operation, and maintenance of the utility or facility. All work performed on a utility or facility located within the right-of-way of a County Highway shall be performed at no cost to the County and shall be in accordance with the provisions of this Ordinance.

In the event a utility or facility located within a right-of-way of a County Highway becomes a hazard or potential hazard, the owner of the utility or facility shall immediately take the necessary steps to remedy and alleviate the hazard or potential hazard, at no cost to the County. Said remedy shall not alter, diminish, lessen, change, or in any manner or form, limit the use of a right-of-way for roadway purposes.

The owner of the existing utility or facility shall obtain a permit to perform maintenance on the utility or facility located within the right-of-way of a County Highway. Permit and inspection fees may be waived for minor maintenance work that does not substantially impact the County Highway right-of-way. The waiver of permit and inspection fees shall be at the discretion of the County Engineer. All applicable fees under this ordinance shall be paid by the Owner for any maintenance work that involves the open cutting of the County Highway pavement.

Major Maintenance

Major maintenance is the repair or inspection of an existing utility or facility that requires substantial disturbance of the County Highway and/or right-of-way. Major maintenance or inspection work may require excavation and roadway lane and shoulder closures. The County Engineer shall determine whether the work constitutes major maintenance work.

COMMENTARY: Examples of major maintenance can include, but are not limited to, replacing a valve on an existing water main, replacing an existing utility pole, the installation or cut off of a single residential service which involves earthwork, and maintenance work that requires substantial earthwork or excavation. Any planned maintenance work that requires the open cutting of the County highway pavement shall be considered major maintenance.

Minor Maintenance

Minor maintenance is the repair or inspection of an existing utility or facility that requires minimal disturbance of the County Highway right-of-way. The County Engineer shall determine whether the work constitutes minor maintenance work.

COMMENTARY: Examples of minor maintenance may include, but are not limited to aerial work on existing utility lines, replacing sections of existing sidewalk in place, resurfacing a municipal street within the County Highway right-of-way, televising or lining of an existing sewer without disturbing pavement, and adjusting manholes without affecting County Highway pavement.

6.2.9 Emergency Repair Work

Emergency repair work may be performed on a utility or facility located within a right-of-way of a County Highway prior to obtaining a permit to perform the work necessary to remedy the emergency situation. For all emergencies, the LCDOT shall be notified immediately during business hours and the Lake County Sheriff's Office shall be notified outside of normal business hours. The Emergency Repair Notification Form, available in the Technical Reference Manual, shall be submitted to the LCDOT within 24-hours of the discovery of the emergency. The County Engineer shall determine whether a permit is required for the work performed. A permit is required for all pavement open cuts.

Emergency Repair Work Traffic Control

When emergency work is needed on the traveled portion of the roadway, immediate steps shall be taken by the utility or facility company to provide all necessary protection for traffic on the highway. Applicable traffic control standards in accordance with the Technical Reference Manual shall be used at all times. The person in charge shall notify the LCDOT Transportation Management Center (commonly named PASSAGE) of any lane closure and when the lane re-opens. Any time a portion of the County Highway requires closure outside of normal business hours, the Lake County Sheriff's Office shall be notified.

Emergency Work Duration

The duration of the work under an emergency situation by definition is considered 72 hours or less. This time frame is meant to resolve the immediate emergency and temporary pavement may be required as part of this job. The County Highway shall be open to traffic as soon as possible. All permanent restoration to pavement, shoulders and right-of-way that was disturbed as the result of emergency work shall be completed within one week of the completion of the emergency repair. Should the emergency occur during the winter months, temporary restoration measures shall be

required until permanent restoration can be completed in the spring.

Emergency Work Permit Requirements

Performance of the emergency repair work does not relieve the owner of the utility or facility of all other applicable rules, regulations, and specifications, as set forth in this Ordinance. A permit application for the emergency work shall be received by the LCDOT no later than one week after the emergency had been identified.

6.2.10 Pavement Open Cut Requirements

Open cutting of pavements degrades the pavement condition and creates the potential for increased future maintenance costs. Due to this impact, open cutting of the pavement for any utility or facility work is discouraged, and all efforts necessary shall be made by the owner of a utility or facility to avoid open cutting of the pavement. If there is no reasonable alternative to open-cutting, a request for Open Cut shall be made in accordance with the processes and forms contained in the Technical Reference Manual. No pavement open cuts shall be permitted between November 15 and April 15, except in the case of an emergency repair process.

6.2.11 Service Connections

The owner of a utility or facility located within the right-of-way of a County Highway shall be responsible for and repair, or cause to be repaired, damage to any property of the County and shall restore any disturbed County Highway rights-of-way due to any service connections whether installed by the owner, his authorized representative, or by others.

Service connections for water service and sanitary sewer service are allowed to be located within the right-of-way of the County Highway provided that the appropriate permit for said services has been issued and the appropriate Acceptance Form has been signed. The LCDOT is not responsible for re-establishing any service connections damaged by anyone performing work within the County Highway right-of-way.

6.2.12 Abandoned Utilities and Facilities

The owner of any utility or facility shall be responsible for any utilities and facilities remaining in the right-of-way that have been abandoned or are no longer in use. This responsibility shall include the location and removal or the cost of the removal of said utilities and/or facilities that are in conflict with any highway improvement, construction, and/or maintenance projects of the County and/or its agents. Should the highway pavement be widened, the abandoned utility and/or facility shall be removed out from under the proposed widened pavement or reconstructed at no cost to the County.

The County Engineer may determine on a case by case basis that an

abandoned utility or facility may remain in place provided good and sufficient reasons are presented to the County Engineer in writing by the owner of the abandoned utility or facility. However, cost of said removal shall not be the sole reason for a request to leave the abandoned utility or facility in place.

Upon a determination by the County Engineer that an abandoned utility or facility may remain in place, the County Engineer may set forth conditions and requirements which shall include, but not be limited to, prompt reimbursement of the County or its agents for costs incurred due to allowing the abandoned utility or facility to remain in place or filling the abandoned utility with suitable material to avoid future collapse or failures.

6.2.13 Change in Permittee Status

The Permittee shall promptly notify the County of any actual or proposed change in status (including but not limited to bankruptcy) or transfer of, or acquisition by any other party of, control of the Permittee. The word "control" as used herein is not limited to major stockholders but also includes actual working control in whatever manner exercised. A rebuttable presumption that a transfer of control has occurred shall arise upon the acquisition or accumulation by any person, group of persons, or group of persons jointly acquiring five percent (5%) or more of the voting shares of the Permittee. Said notification shall be in writing and sent to the County Engineer within thirty (30) days of the change in status.

In addition to the rules, requirements, and regulations established by this Ordinance and the specifications, requirements and conditions contained in the Technical Reference Manual, utility requests that fall under the Small Wireless Facilities Deployment Act shall follow the rules, requirements, and regulations established by the Lake County Small Wireless Telecommunication Facilities in Public Rights-Of-Ways Ordinance.

6.3 **Bicycle and Pedestrian Facilities**

It is the policy of Lake County to encourage travel by pedestrian and bicycle facilities. Pedestrian and bicycle facilities should be integral to the transportation facilities of adjacent neighborhoods and development with access across the County Highway rights-of-way at acceptable locations as determined by the LCDOT.

Bicycle and pedestrian facilities to be constructed along a County Highway may be located in easements outside of the right-of-way of the County Highway or may be located within the right-of-way if the local agency accepts maintenance responsibility for the facility and sufficient area exists to meet appropriate design standards. The County reserves the right to reject requests for permitting of bicycle and pedestrian facilities where insufficient area exists or where installation of such facilities would create a potential for unsafe conditions.

Bicycle and pedestrian facilities permitted under this Ordinance shall not be

maintained by the County. The Permittee for such facilities must be a municipal or local agency with sufficient financial and operational resources to properly maintain and operate said facilities in a manner satisfactory to the County.

CHAPTER 7 Special Event Policies

The County Engineer, in accordance with 605 ILCS 5/5-414 et. seq. as amended, may issue a permit to temporarily close any portion of a County Highway for any public purpose. Temporary closure of a highway for purpose of special events of public interest and filming shall be authorized by issuance of a Special Event permit.

Temporary closures for emergency repairs, natural disasters, or other emergency conditions are exempt from these requirements.

COMMENTARY: Examples of Special Events can include, but are not limited to, parades, marathons, festivals, other special events of public interest and filming for a movie, television, commercial, or documentary.

7.1 General Requirements

A Special Event Permit is required for any activity on County Highway right-of-way which impacts or has the potential to impact the traveling public. Municipal corporations, governmental agencies, or a person or business may apply for a Special Event permit. Contact with the LCDOT shall be made by the applicant in the early stage of the event's planning process, a minimum of 30 days prior to the planned event.

Temporary closure of a County Highway classified as a Designated Freeway, Principal Arterial, or Arterial, may require additional conditions of approval including, but not limited to, significant coordination with local and regional emergency service agencies, preparation of a detour plan, notification of media outlets, placement of changeable message signs on the route prior to the closure, etc.

Route alternatives may have to be considered by the applicant should a portion of the County Highway intended for an event be under construction at the time of the event.

Procedure and requirements for Special Event Permit application are outlined in the Technical Reference Manual.

7.2 Traffic Control Requirements

Temporary closure of a County Highway for a Special Event will only be permitted if a suitable detour or alternate route exists which will not overly delay the motoring public, as determined by the LCDOT. Traffic control requirements are outlined in the Lake County Highway Permits Technical Reference Manual.

The Permittee, not the LCDOT, shall be responsible for advance notification of temporary closures, the detour route, traffic control, including signage and police/Sheriff presence or assistance if required. The LCDOT has the authority to require that the Permittee have police or Sheriff's presence during the highway

closure.

7.3 Access for Emergency Service Providers

Provisions must be made to allow for safe passage of emergency vehicles through the closed portion of highway. Written approvals may be required from emergency service providers if deemed necessary by the LCDOT.

7.4 Other Requirements

Prior to issuance of a Special Event Permit, the Permittee shall provide the LCDOT with acceptable proof of insurance. Indemnification requirements are outlined in the Technical Reference Manual.

The Permittee shall be responsible for cleaning and maintaining the right-of-way of the County Highway during and following the event. In the event that the Permittee fails to remove any debris, litter, signs, or other appurtenances that were temporarily in place during the closure, upon cessation of the temporary closure, the LCDOT reserves the right, but does not have the duty to, perform those activities necessary to remove any debris, litter, signs, or other appurtenances that were temporarily in place during the closure without advance notification and bill the Permittee for said costs.

7.5 Revocation of Permit

The LCDOT reserves the right to require the cessation of all activity and removal of the temporary closure if any of the requirements of this Ordinance or additional regulations, requirements and conditions imposed by the permit have not taken place or if the traffic control requirements are not in accordance with the requirements of the permit.

CHAPTER 8 Construction Requirements

8.1 Notification of Utility Companies

The County, all utility companies, and J.U.L.I.E. must be notified before construction work commences within the required J.U.L.I.E. notification timeframe. It shall be the sole responsibility of the Permittee to have all underground facilities located prior to the commencement of any construction.

8.2 Commencement of Work

No work requested under the provisions of this Ordinance shall commence until such time as a permit is issued by LCDOT.

8.3 Normal and Routine Maintenance of County Highways

All normal and routine maintenance performed by the LCDOT on County Highways shall take precedence over and supersede all construction, maintenance, placement, removal, relocation, modification, and use of County Highway rights-of-way as governed by this Ordinance.

8.4 Modifications to Plans

Any modifications to engineering plans after LCDOT has approved them but prior to permit issuance must be submitted and approved by the LCDOT prior to construction.

8.5 Access to Highways with Curb and Gutter

Before an access-related improvement is constructed on a curbed highway, the existing curb and gutter shall be completely removed within the access location area. The curb-cut shall be of sufficient width to accommodate the required access width and curb returns, as well as the full length of any turning lane and approach treatments that are being installed.

Depressed curb and gutter shall be reinstalled at minor access driveways and may be required at other access types.

COMMENTARY: Removing only the back of a curb and paving over the broken curb section is not acceptable, since this practice results in an exposed face that is highly susceptible to spalling or raveling. On highways with mountable curbs, it is not acceptable to simply pave to the back of the curbing and require motorists to drive over the curbing.

8.6 Work Zone Protection

Appropriate measures shall be taken by the Permittee to prevent and protect the Public from any hazards or potential hazards caused by or the result of any work permitted under this Ordinance.

Traffic control and protection for the safety of the traveling public in accordance with the Technical Reference Manual and approved engineering plans shall be in place through the duration of the work. County Highway pavements shall not be broken, cracked, or damaged in any manner or form as a result of the permitted work. Any dirt, mud, dust, or any form of debris shall be removed from the highway pavement in a reasonable timeframe, or upon notification by LCDOT.

Equipment with grouser pads, cleats, or studs shall not be operated or allowed on any highway pavement.

In the event the Permittee violates the rules, regulations, or specifications of this Ordinance, the Technical Reference Manual, or the approved permit documents and refuses to remedy the violation, the County Engineer may, but has no duty to, order the work to be done to correct the violation. The Permittee shall reimburse the County at a rate not to exceed one hundred thirty percent (130%) of the costs incurred by the County and shall cease all work being performed until such time as reimbursement has been made and alternate construction methods acceptable to the County Engineer are approved.

8.7 Traffic Control

Traffic control and protection measures are required during construction. A traffic control plan shall be included within the engineering plans and specifications submitted to the LCDOT. Should adequate traffic control measures not be in place, a representative of the LCDOT has the authority, but not the duty, to halt the construction until such time as the traffic control measures are corrected.

The first infraction will result in the halting of construction until such time as traffic control measures are corrected. The second infraction will result in the halting of construction for the remainder of that day. Traffic control measures must be established prior to the start of the next workday. Should there be a third infraction, the permit shall be revoked and there shall be a meeting with the permittee, Resident Engineer/Person in Charge, and LCDOT to discuss what measures will be taken to reinstate the permit.

The LCDOT shall have the ability to assess a fine in accordance with Section 3.12 of this Ordinance for any infraction of Traffic Control requirements.

The Resident Engineer/Person in Charge shall notify the LCDOT Transportation Management Center (commonly named PASSAGE), of any upcoming lane closures (24 hours prior) and immediately when the lane is re-opened to traffic. Closures of a travel lane for permitted work will only be allowed between 9:00 a.m. and 3:00 p.m on weekdays. Exceptions to this policy may be granted by the LCDOT Engineer of Traffic on a case by case basis through the permit review process. Temporary closures for emergency repairs, natural disasters, or other emergency conditions are exempt from these requirements.

Parking or storage of vehicles, materials, or equipment within the County right-of-way will not be allowed unless otherwise specified in the permit documents.

8.8 Responsibility for Improvements

8.8.1 Permittee

Regardless of contracts, agreements, or inspections performed, the responsibility for the installed improvements required by this Ordinance shall rest solely with the Permittee.

8.8.2 Permittee's Person in Charge/Resident Engineer

The permittee shall provide a Person in Charge of construction and inspection of the permit work. For some access permits, the Person in Charge shall be a full-time Resident Engineer, licensed in the State of Illinois.

Said Person in Charge shall have the appropriate training and experience to ensure the quality of construction of all aspects of the project. The Person in Charge shall be present at all times during critical phases of the construction and shall transmit weekly progress reports to the LCDOT Permit Department. He or she shall prepare all construction reports on said construction in accordance with the Motor Fuel Tax (MFT) guidelines for such reports as required by the Illinois Department of Transportation.

The Person in Charge or their designated surveyor shall be responsible for establishing the proper lines and grades for all earthwork, paving, drainage facilities, and locations of all pavement markings. The Person in Charge shall be responsible for all other engineering work and inspection. At the completion of the improvements, as required by this Ordinance, the Person in Charge shall certify in writing to the LCDOT that all work and improvements have been completed in accordance with the requirements of this Ordinance, the Technical Reference Manual and the approved engineering plans and specifications. The person in charge shall provide a twenty-four (24) hour contact number.

The LCDOT may at any time require a written report on inspections made by the Person in Charge. Construction work shall be subject to inspection and testing at all times by the LCDOT.

8.9 Construction of Improvements

8.9.1 General Requirements

Construction of permitted work required by this Ordinance shall be in accordance with the rules, regulations, and specifications as set forth in this Ordinance and the Technical Reference Manual.

The construction of any improvements, utility or facility work within the right-of-way shall not commence until a permit is issued.

The construction of improvements or utility/facility work must begin and end within timeframes identified in the Technical Reference Manual, or as identified on the issued permit. These time periods may be extended by the County Engineer upon receipt of a written request detailing sufficient cause.

8.9.2 Field Modifications

During the construction phase, the Person In Charge shall note any conditions or unforeseen circumstances that may involve departures from the approved engineering plans and specifications. The Person in Charge must request in writing to the LCDOT the approval to depart from the approved engineering plans and specifications. Revised plan sheets shall accompany the written request.

8.9.3 Maintenance During Construction

8.9.3.a Emergency Action by LCDOT

If any emergency repairs or actions are required of the LCDOT on a County Highway due to construction of permitted work as approved by this Ordinance, the LCDOT may perform but does not have the duty to perform such emergency repairs or actions and charge the Permittee for all the costs associated with such work. The Person in Charge shall be present for such emergency repairs and shall be responsible for any changes or modifications necessary in the traffic control.

8.9.3.b Debris Removal

The Permittee shall be responsible for cleaning and maintaining the right-of-way of the County Highway. Storm Sewers and drains shall be kept free of debris, trash, and other extraneous material at all times. The pavement surface shall be kept clean and free of mud, gravel, debris, trash, and other extraneous material at all times. Should the Permittee fail to keep the pavement clean or the drainage functioning properly, the County shall have the right, but not the duty, to clean the pavement and restore drainage to maintain a safe and passable highway. The Permittee shall be responsible for all costs incurred by the County for said cleaning.

Persistent failure by the Permittee to comply with this section will result in LCDOT revoking the permit and taking any action necessary to keep the pavement clean and drainage functioning properly. Should the permit be revoked, there shall be a meeting with the Permittee, Person in Charge, and LCDOT to discuss what measures will be taken to reinstate the permit.

8.9.3.c Damage to Utilities and Facilities

Any damage caused to any utilities or facilities during construction shall be repaired at the Permittee's expense to the satisfaction of the authority owning such utility or facility. The LCDOT shall be notified immediately after notification of the owner of the utility or facility, that damage has occurred. The Permittee shall present to the LCDOT an outline of the steps to be taken to repair the utility or facility.

8.9.3.d Winter Maintenance

No construction authorized by permit issued by the County involving the widening of a County Highway will be allowed to commence after October 1st. Construction may resume when the asphalt plants open the following spring. No construction activities will be allowed within the County Highway right-of-way during active snow or ice removal.

Prior to the suspension of construction for the winter months, the Permittee shall contact the LCDOT. The LCDOT shall perform a field inspection to identify any potential winter maintenance problems. The Permittee shall correct any problems identified by the LCDOT to the satisfaction of the LCDOT. The Permittee shall be solely responsible for all costs to correct any problems identified by the LCDOT.

8.10 Restoration of Right-of-Way

Upon completion of the work permitted under this Ordinance, all disturbed areas of the right-of-way shall be restored to the original condition or better. Said restoration shall include any special landscaping or enhanced areas that existed in the right-of-way prior to the commencement of the permitted work. For larger projects, restoration work shall be completed as areas are backfilled and rough graded.

8.11 As-Built Engineering Plans

As-built drawings depicting actual construction shall be required for some permit types, as identified in the Technical Reference Manual. These drawings shall show any deviations from the approved engineering plans referenced in the permit. The as-built drawings shall be submitted in digital format. As-built drawings shall be the sole and exclusive property of the LCDOT. In the absence of as-built engineering plans of acceptable survey level detail, the County may request locating, in accordance with Section 6.2.6 of this Ordinance.

8.12 Final Inspection and Acceptance

Upon written notification by the Permittee, the Resident Engineer or the Person in Charge that the construction has been completed, including the submission of all required reports, the LCDOT shall perform a final inspection. Prior to final approval and acceptance by the LCDOT, the Permittee shall correct any deficiencies noted

by the LCDOT and provide one set of electronic as-builts for the LCDOT records, if required by permit type.

At such time as all work has been done to the complete satisfaction of the LCDOT and the maintenance guarantee provided, the performance guarantee shall be released.

Unless otherwise approved by the LCDOT, final inspections for release of the Performance or Maintenance Guarantee shall not be performed prior to May 1st nor later than November 1st in any year.

CHAPTER 9 Performance and Maintenance Guarantees, and Insurance Requirements

Prior to the issuance of any permit for work to occur within a County Highway right-of-way, the Permittee shall provide sufficient financial guarantees and evidence of insurance to safeguard claims against the County for such work. Depending on the type and magnitude of the work, the financial guarantees shall consist of both Performance and Maintenance guarantees.

9.1 Performance Guarantees

An acceptable Performance Guarantee to protect the County Highway System and ensure compliance with this Ordinance shall be provided prior to the issuance of a permit as provided for in this Ordinance.

The Performance Guarantee shall be an irrevocable letter of credit for the following permit types:

- Major Access (or major Temporary Access)
- Designated Freeway Access
- Utility or Facility permit which includes crossing underneath pavement of any County Highway
- Utility or Facility permit which requires any open cut of County Highway pavement

The Performance Guarantee shall be in the form of a cash bond, irrevocable letter of credit, or surety bond for all other types of permits.

The County Engineer shall be and is hereby authorized to act for the County in all matters relating to Performance Guarantees. The County Engineer may, upon receipt of written application from a property owner substantiating good and reasonable cause, waive this requirement for certain Minor, Minimum Access, Special Event or Facility Permits. The Performance Guarantee must contain the permit application number or the project name and County Highway name on the Guarantee.

The amount and length of term of the Performance Guarantee shall be as identified in the Technical Reference Manual, based on the permit type.

9.1.1 Irrevocable Letter of Credit

Every irrevocable letter of credit provided pursuant to this Section shall be from a bank acceptable to the County Engineer, having capital resources of at least \$50,000,000 and being insured by the Federal Deposit Insurance Corporation. Each irrevocable letter of credit, at a minimum, shall provide the following: (i) it shall expire no earlier than eighteen (18) months after the date of issuance (ii) it shall in no event expire until 60 days after written notification of such expiration has been given by the issuing bank to the County Engineer

by way of certified mail (iii) it shall not require the consent of the Permittee prior to any draw on it by the LCDOT. The format and language of the irrevocable letter of credit shall be determined by the County Engineer as advised by the State's Attorney.

9.1.2 Cash Bond

All cash bonds posted shall be made payable to the Lake County Treasurer and shall be submitted to the County Engineer. The type of cash bond provided may be a Cashier's Check, Bank Draft, Certified Check, or Bank Money Order. A Certificate of Deposit is not acceptable. The County Engineer may deposit a cash bond with the Lake County Treasurer. No interest shall be paid on any such cash bond so deposited.

9.1.3 Surety Bond

All surety bonds shall be issued by a surety or insurance company authorized by the Illinois Department of Insurance to sell and issue sureties in the State of Illinois. The discharge of the surety under all surety bonds shall be conditioned upon the completion of the permitted work and restoration of the County right-of-way to its original condition or better within the specified time period of the permit, in strict conformance with the provisions of this Ordinance and any permit issued hereunder. Said surety bonds shall be payable to the Lake County Treasurer and shall be submitted to the County Engineer and shall be of a term of a minimum of eighteen (18) months. The format and language of the surety bond shall be determined by the County Engineer as advised by the State's Attorney.

9.1.4 Performance Guarantee Amounts and Length of Term

The County Engineer shall establish Performance Guarantee Policies showing the items and costs used to determine Performance Guarantee amounts and the length of the term of the Performance Guarantee. Such items shall reflect the costs needed to restore the right-of-way of the County Highway to its original conditions or better. Additional costs may be added to insure completion of the work permitted under this Ordinance.

The length of the term for Performance Guarantees shall be the amount of time required to complete the permitted work and restoration work plus any additional time to ascertain any problems with the permitted work and restoration work. In no case shall the length of the term for the Performance Guarantee be less than eighteen (18) months.

9.1.5 Default

If the Permittee fails to perform the work with sufficient work force and equipment or with sufficient materials to insure the completion of said work

within the specified time, or performs the work unsuitably as determined by the County Engineer, or neglects or refuses materials or performs any such work as shall be rejected as defective and unsuitable, or discontinues the execution of the work, or for any other cause whatsoever does not carry on the work in an approved manner, the County Engineer shall give notice to the Permittee and the Permittee's bank or surety, if any, of such delinquency. Said notice shall specify the corrective measures required. After said notice, the County Engineer shall draw on the Performance Guarantee to have the work completed in accordance with the terms of the Ordinance, the permit, and the Performance Guarantee. The County Engineer shall deliver any funds drawn upon to the Lake County Treasurer and request deposit in the appropriate fund. The LCDOT may then take over the work, including use of any or all materials or equipment on the ground as may be suitable and acceptable and may complete the work with any such other methods as, shall be required for the completion of the work in an acceptable manner.

9.2 Maintenance Guarantee

9.2.1 Improvements

A Maintenance Guarantee, if required by the LCDOT, shall be submitted by the Permittee to the County Engineer upon satisfactory completion of all improvements and release of the Performance Guarantee. The term of the Maintenance Guarantee shall be for two years following completion, approval, and acceptance of the improvements. All failures that occur during the two-year period shall be corrected by the Permittee and restored to a satisfactory condition, subject to the approval of the County Engineer. The amount of the Maintenance Guarantee shall, at a minimum, equal fifteen percent (15%) of the original amount of the Performance Guarantee. This requirement may be waived upon review by the County Engineer if deemed unnecessary. The County Engineer shall be, and is hereby authorized to act for the County in all matters relating to Maintenance Guarantees.

A Maintenance Guarantee shall be in the form of an irrevocable letter of credit for all Major Access, including any major Temporary Access, or Designated Freeway Access. All Maintenance Guarantees shall be payable to the Lake County Treasurer, delivered to LCDOT and originate from a bank or surety/insurance company that satisfies the requirements of Section 9.1.1.

9.2.2 Default

If the Permittee fails to restore to satisfactory condition the pavement or other improvements, within the specified time, or shall perform the work unsuitably as determined by the County Engineer, or for any other cause whatsoever shall not carry on the restoration in a suitable manner, the County Engineer shall give notice to the Permittee and the Permittee's bank or surety, if any. Said notice shall specify the corrective measures involved. If the Permittee, within a period of 10 days after said notice, does not proceed in accordance

therewith, the County Engineer shall draw on the Maintenance Guarantee to have the work completed in accordance with the Ordinance, the permit, and the terms of the Maintenance Guarantee. The County Engineer shall deliver any funds drawn upon to the Lake County Treasurer and request deposit in the appropriate fund.

9.3 Escrow Accounts

In case future improvements to the County Highway may be necessary as the result of construction of an access-related improvement, the County Engineer may require that funds for said future improvements be deposited with the Lake County Treasurer in escrow to pay such costs. The Permittee shall be responsible for all costs of a future improvement to a County Highway as a result of an issued access permit. The parties shall proceed as described in Section 5.3.1.c of this Ordinance.

The amount to be in the escrow shall be equal to the current estimated cost of the improvement plus thirty percent (30%) of the cost for the County to administer the improvement. A Cashier's Check, Bank Draft, Certified Check, or Bank Money Order in the amount equal to one hundred thirty (130%) of the current estimate of costs of the improvement shall be made payable to the Lake County Treasurer and shall be submitted to the County Engineer for deposit in an escrow account to be used only for the improvement specified. A Certificate of Deposit shall not be acceptable.

If, within a period of six (6) years from the date of the issuance of an access permit, the funds deposited in the escrow account, as well as any interest income earned during that time, have not been used to pay for the specified improvement, the funds in the escrow account, plus any interest income earned, shall be returned to the Permittee and any further obligation of the Permittee for the specified improvement shall be terminated.

The period of time, as specified herein, may be extended upon the written approval of the County Engineer and the owner.

COMMENTARY: An example of a future improvement requiring escrow funding could be a staged or phased development over a period of several years. The Traffic Impact Study may show that a traffic signal is not currently warranted but would be warranted as subsequent development stages or phases are completed.

9.4 Insurance Requirements

Proof of Insurance for all forms of insurance required by this Ordinance shall be provided to the LCDOT prior to the issuance of a permit. This insurance is to provide protection against all claims for damage to public or private property, and injuries to persons, arising out of and during the progress of the permitted work to its completion. The Certificate of Insurance must include the Permit Number or the Project Name and County Highway location on the Certificate. All parties working within the ROW shall be required to provide Proof of Insurance.

The County Engineer shall determine the minimum acceptable amounts for the following types of insurance--(1) Bodily Injury Liability and (2) Property Damage Liability. There shall be no restrictions on occurrence limits. The County Engineer may, at his or her sole and exclusive discretion, upon receipt of written application from the Permittee substantiating good and reasonable cause, allow the indemnification to be provided by someone other than the Permittee for a single family homeowner, not for profit organization, or local agency. The Technical Reference Manual provides detailed information on these limits and all other insurance requirements not specified in this ordinance.

The Certificate(s) shall contain a provision that coverages afforded under the policies will not be canceled or non-renewed, and that restrictive modification cannot be added until at least 30 days after written notice has been given to the LCDOT. A mere intent to notify the LCDOT of cancellation IS NOT ACCEPTABLE. The Permittee shall cease, or cause to be ceased, operations, work, and construction of an improvement if the insurance is canceled or reduced below the required minimum amount of coverage as determined by the County Engineer.

Insurance coverages which are to remain in force and effect after completion of the construction will require an additional Certificate(s) evidencing continuation of such coverages.

Such additional Certificate(s) shall be submitted upon completion and acceptance of the construction improvements and upon one year thereafter. If any information concerning reduction of coverage is not furnished by the insurer, it shall be furnished by the Permittee with reasonable promptness in accordance with the Permittee's information and belief. Any acceptance of Proof of Insurance by the LCDOT shall in no way limit or relieve the Permittee of the duties and responsibilities assumed by the owner. Acceptance of insurance certificates not in compliance with the provisions of these requirements by LCDOT shall not affect or constitute a waiver of these requirements.