

SPECIAL CONDITIONS FOR STRUCTURES OVER STATE HIGHWAYS

1. The permit applicant shall defend, indemnify, and hold harmless the Michigan Department of Transportation (MDOT) for any claims whatsoever resulting from the construction, maintenance, or removal of the structure authorized by this permit, from any claims for injuries to or death of any and all persons, for the loss or damage of property, and from environmental damage degradation, response, and cleanup costs resulting from the construction or presence of the structure authorized by this permit.
2. MDOT shall not assume any liability claims or compensate the permit applicant for any maintenance cost resulting from the construction of the structure.
3. MDOT reserves the right to require removal of the structure, or any portion thereof, if needed for highway maintenance or construction purposes.
4. MDOT shall not reimburse the permit applicant for any costs incurred by the permit applicant, or any other party, because of a requirement to remove the structure.
5. A right-of-way air space lease agreement shall be required by MDOT prior to the placement of the structure over the state trunkline right-of-way.
6. All structures serving the public within state trunkline right-of-way shall comply with the Americans with Disability Act of 1992.
7. The structure shall be free from all advertising.
8. The clear height of the structure's under-clearance above the traveled roadway and road shoulders shall meet a minimum under-clearance distance of 18 feet.
9. A long term agreement for inspection and maintenance shall be entered into by the party owning the structure and MDOT.
10. An approved permit shall be required prior to the erection of any part of the structure.