



Infrastructure Delivery and Operations Division

Douglas A. Ducey, Governor  
John S. Halikowski, Director  
Dallas Hammit, State Engineer  
Steve Boschen, Division Director

June 30, 2016

Allen Quick  
US Border Patrol - Tucson Sector  
2430 S. Swan Rd  
Tucson, AZ 85711

Re: Permit No. 1216778

Dear Allen Quick:

Your Permit to use State Highway Right of Way has been approved and a copy of the permit is attached for your records. Please read the specifications and standards which are part of your approved permit.

To schedule a pre-construction meeting, please contact Mr. Walter Urbina, Permit Inspector, at (520) 909-6784 five days prior to performing any work. If Mr. Urbina is unavailable, please contact Mr. Charles Barclay, Highway Operations Supervisor, at (520) 289-0033.

If at any time during the performance of your work, you determine it will not be possible to complete the permitted work by the expiration date on your permit, please submit a written request for a time extension. Your request should contain the reason for the delay and the additional time needed. Please submit your request to Mr. Urbina for approval and processing.

The safety of your workers and the users of the State Highway is of great concern to us. Prior to beginning work please ensure you are in compliance with the Traffic Control requirements of your permit.

Best wishes in the execution of your work.

Sincerely,

Richard La Pierre  
South Central District Permits Supervisor  
1221 S. 2<sup>nd</sup> Avenue  
Tucson, AZ 85713  
520.388.4234

RL:jm

Enclosures

c: ADOT Maintenance Permits  
Mr. Barclay and Mr. Urbina, ADOT Maintenance

1106792

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FEB 04 2016



ARIZONA DEPARTMENT OF TRANSPORTATION  
INTERMODAL TRANSPORTATION DIVISION  
Highway Encroachment Permit Application  
(Application for Permission to Use State Highway Right-of-Way)

TUCSON DISTRICT PERMITS

**FOR ADOT USE** ADOT Agreement Number: \_\_\_\_\_ ☐ ECS ☐ JPA ☐ Other \_\_\_\_\_

PERMIT NUMBER: 1216778 ROUTE: 86 MILEPOST: 146.5

ADOT PROJECT NUMBER: N/A ADOT ENGINEERING STATION: N/A

Name of Encroachment Owner: U.S. Border Patrol Tucson Sector  
Mailing Address of Owner: 2430 S. Swan Road  
City: Tucson  
State: AZ Zip: 85711  
Phone: 520-748-3092  
E-mail address: scott.a.quick@cbp.dhs.gov

Name of Authorized Agent / Applicant (If other than the Encroachment Owner): \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
City: \_\_\_\_\_  
State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Phone: \_\_\_\_\_

Name of Local Point of Contact: Allen Quick  
Phone Number for Local Point of Contact: 520-748-3092

Legal Relationship to Owner:  
☐ Contractor ☐ Sub Contractor ☐ Authorized Employee  
☐ Engineer ☐ Attorney ☐ Other: \_\_\_\_\_  
E-mail Address: \_\_\_\_\_

City (in or near) Robles Junction Side of Highway: ☐ N ☐ S ☒ E ☐ W (check one)  
Highway Route # HWY 86 Approximately 1100 Feet ☒ N ☐ S ☐ E ☐ W (check one) of Milepost # 146.5

Encroachment Owner's Project # or Property Parcel #: \_\_\_\_\_ Project Duration: Indefinite

Description of the proposed work or activity in the right-of-way: Setup of a United States Border Patrol (USBP) Tactical Checkpoint on Hwy 85.  
USBP, as part of the defense in depth strategy, utilizes tactical checkpoints as a means to conduct immigration inspections on persons traveling North from the US/Mexico Border.  
The use of these serve as a functional equivalent of the border allowing for the stop and inspections of all persons using the roadway. The USBP enforces Immigration Laws at the checkpoints via INA 287 and Title 19 of the United States Code. The Tactical checkpoints are one of the many tools used to disrupt, degrade, and dismantle the Trans National Criminal Organizations who seek to further their criminal enterprise/products into the United States.

The Encroachment Owner will be the Permittee. By signing this application, the Encroachment Owner and the Owner's Agent acknowledge that the information given and statements made in this application are true and correct to the best of his/her knowledge. The Encroachment Owner agrees as the Permittee to accept the following General Obligations and Responsibilities as described on page 2 of the application. By accepting an approved encroachment permit, the Permittee agrees to the requirements described in the permit, to be responsible for all permit requirements, and to comply with ADOT's requirements as set out in the permit. An approved permit consists of but is not limited to this application and final supporting documentation approved by ADOT, and any requirements set by ADOT. NO WORK SHALL TAKE PLACE INSIDE THE RIGHT OF WAY WITHOUT AN APPROVED PERMIT ON SITE.

Allen Quick, Director of Logistics, TCA USBP  
Encroachment Owner (Print Name and Sign)

2-3-2016

Date

Authorized Agent or Applicant: If other than the Encroachment Owner (Print Name and Sign)

2-3-16  
Date

**FOR ADOT USE**  
**PERMIT TO USE STATE HIGHWAY RIGHT-OF-WAY**

This application is approved as a permit and a permit is issued to the Permittee. Construction is authorized only for the period indicated below.

Authorized ADOT Name and Signature

Richard La Pierre/Permits Supervisor  
Issue Date 6/30/16

Authorized ADOT Name and Signature

Jerry James/Assistant District Engineer Operations  
Permit work to be completed by: 6/30/17



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GENERAL OBLIGATIONS AND RESPONSIBILITIES  
APPLICABLE TO UNITED STATES GOVERNMENT AGENCIES

Permittee (hereinafter, the Government) agrees to the following:

1. The Government shall require any non-Government contractor performing work on the encroachment on the Government's behalf to obtain a permit from ADOT and comply with the permit terms.
2. The Government may be liable for damages caused by the negligent or wrongful acts or omissions of its employees acting within the scope of their employment under circumstances where the Government, if a private person, would be liable in accordance with the law of the place where the act or omission occurred. This liability is coextensive with the liability of the Government under the Federal Tort Claims Act, 28 U.S.C. 2671, et seq. In the absence of statutory authority to purchase insurance, the Government is self-insured.
3. Compliance with Environmental Laws:
  - A. "Environmental Laws" refers collectively to any and all applicable federal, state, or local statutes, laws, ordinances, codes, rules, regulations, permits, orders or decrees regulating, relating to, or imposing liability or standards of conduct on a person discharging, releasing or threatening to discharge or release or causing the discharge or release of any hazardous or solid waste or any hazardous substance, pollutant, contaminant, water, wastewater or storm water, and specifically includes, but is not limited to: The Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act; the Comprehensive Environmental Response, Compensation and Liability Act, as amended; the Toxic Substances Control Act; the Clean Water Act (CWA); the Clean Air Act; the Occupational Safety and Health Act; the Arizona Water Quality Act Revolving Fund Act, the Arizona Hazardous Waste Management Act, any applicable National Pollutant Discharge Elimination System (NPDES) or Arizona Pollution Discharge Elimination System (AZPDES) permit, and applicable CWA Section 404 permit, or any local pretreatment permit.
  - B. The Government shall comply with all applicable Environmental Laws, including those that affect ADOT's compliance within the boundary and scope of said encroachment permit area as outlined in plans approved by ADOT. Where Government installations or activity result in an environmental hazard on the encroachment, the Government shall remove and remediate such hazard. ADOT reserves the right to revoke the encroachment permit if the Government fails to remediate or remove such environmental hazard or violates an Environmental Law, however, ADOT agrees that it will not revoke the permit under this subsection if the Government corrects the environmental hazard or violation within a reasonable amount of time, as determined by ADOT. Nothing herein shall constitute a waiver of the Government's sovereign immunity unless expressly so waived by Congress.
  - C. The Government shall be responsible for any required remediation or any penalties arising from enforcement actions based on the disposal, escape, seepage, leakage, spillage, discharge, emission, or release of any hazardous waste, solid waste, hazardous substance, pollutant or contaminant, water, wastewater or storm water or any violation of Environmental Laws that is the result of Government activity on or pertaining to the encroachment.
4. Be responsible for any repair or maintenance work to the Government's installations on the ADOT right of way until 1) the installations are transferred to another party who is required to repair and maintain said installations under authority of an approved ADOT encroachment permit or 2) the encroachment permit is terminated and the installations are removed or ADOT and the Government agree to leave the installations in place.;
5. Comply with ADOT's traffic standards;
6. Obtain written approval from the abutting property owner (and/or underlying fee owner where ADOT owns its right of way by easement) if the encroachment encroaches on abutting property owned by someone other than the permittee (and/or on underlying fee land owned by someone other than the permittee where ADOT owns its right of way by easement).
7. ADOT may, upon termination of the permit due to the Government's breach of the conditions herein, require the Government to remove its installations and appurtenances from the encroachment and restore, said premises to the conditions existing at the time of entering upon the same under this permit ADOT agrees, however, to provide 60 days notice to the Government before terminating the permit in order to allow the Government an opportunity to cure any breach of the conditions herein.
8. Upon notice from ADOT, repair any aspect or condition of the Government installations in or on the encroachment area that causes danger or hazard to the traveling public.
9. In the event of transfer or disposal, the Government shall notify the new owner to apply for an encroachment permit, as required by Arizona Administrative Rule R17-3-502(D);
10. Apply for a new encroachment permit if the use of the permitted encroachment changes;
11. Keep a copy of the encroachment permit at the work site or site of encroachment activity;
12. Construct the encroachment according to plans that ADOT approves as part of the final permit;
13. Obtain required permits from other government agencies or political subdivisions, as applicable;
14. Remove any defective materials, or materials that fail to pass ADOT's final inspection, and replace with materials ADOT approved during its review of the encroachment plans.
15. If the permit application is denied, applicant has a right to a hearing or other applicable remedies under federal law.
16. All expenditures to be made by the Government under the provisions of this permit shall be subject to appropriations being available for the purpose, and nothing herein shall guarantee that Congress shall later appropriate such funds.

By accepting an approved encroachment permit, the Permittee agrees to the requirements described in the permit, to be responsible for all permit requirements, and to comply with ADOT's requirements as set out in the permit. NO WORK SHALL TAKE PLACE INSIDE THE RIGHT OF WAY WITHOUT AN APPROVED PERMIT ON SITE. I have read and understand the above requirements: Initial AK Date 2-3-16



## Specifications for Permit No. 1216778

June 30, 2016 to June 30, 2017

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### GENERAL REQUIREMENTS:

GR-1 All work shall be done in accordance with current Arizona Department of Transportation Standards, Specifications, approved plans, and inspected by Mr. Charles Barclay, Highway Operations Supervisor in Three Points.

GR-1A THE PERMITTEE SHALL NOT DEVIATE FROM THIS PERMIT OR THE APPROVED PLANS WITHOUT PRIOR WRITTEN APPROVAL FROM THE PERMITS OFFICE.

GR-2 NO WORK SHALL BEGIN PRIOR TO NOTIFICATION OF PROPER AUTHORITIES. NOTIFY MR. WALTER URBINA, PERMIT INSPECTOR, AT 520-909-6784. IF MR. URBINA IS UNAVAILABLE PLEASE CONTACT MR. CHARLES BARCLAY, HIGHWAY OPERATIONS SUPERVISOR, 3 DAYS PRIOR TO START OF WORK AND WITHIN 3 DAYS AFTER COMPLETION FOR FINAL INSPECTION. MR. BARCLAY CAN BE REACHED AT 520-882-1031 IN THREE POINTS. *Failure to comply with this requirement will result in work stoppage.*

GR-3 It is the permittee's responsibility to obtain all licenses, pay all charges, fees, taxes and give notices necessary and incidental to the due and lawful prosecution of the work. ( If the permit work includes excavation see attachment A. )

GR-3A THE PERMITTEE IS RESPONSIBLE FOR COMPLIANCE WITH THE SECTION 404 OF THE FEDERAL CLEAN WATER ACT. OBTAINING ALL 404 PERMITS AND ANY REQUIRED STATE 401 SECTION CERTIFICATIONS. These programs are administered by the Corps of Engineers and the Arizona Department of Environmental Quality respectively. FURTHER, THE PERMITTEE IS RESPONSIBLE FOR OBTAINING AND COMPLIANCE WITH THE NECESSARY ARIZONA POLLUTION DISCHARGE ELIMINATION SYSTEM (AZPDES) PERMIT AND REQUIRED STORM WATER POLLUTION PREVENTION PLAN (SWPPP) AND APPROVALS. This program is administered by the Arizona Department of Environmental Quality.

GR-4 Traffic shall be protected in accordance with the Manual on Uniform Traffic Control Devices (MUTCD), 2009 Edition, the Arizona Supplement to the MUTCD 2009 Edition, and the ADOT Traffic Control Design Guidelines. All signs, placement of signs and the necessity of flag persons are the responsibility of the Permittee. The Arizona Supplement to the MUTCD 2009 Edition and the ADOT Traffic Control Design Guidelines are available on the Internet or from:

Arizona Department of Transportation  
Engineering Records  
1655 W. Jackson, Room 112F  
Phoenix, Arizona 85007  
Phone (602) 712-7498

GR-4a APPROVED TRAFFIC CONTROL PLAN ATTACHED HERETO AND PART OF THIS PERMIT.

## Specifications for Permit No. 1216778

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GR-5 Prior to final inspection by the Highway Operations Supervisor, all surplus material shall be removed from the Right-of-Way, and the Right-of-Way left in a neat and natural state. Any existing Arizona Department of Transportation or permitted features (i.e. fence, pipes, posts, signs, landscaping, etc.) damaged during permit work shall be repaired by the permittee.

GR-6 The Permittee agrees to comply with state law for Underground and Overhead facilities. The Permittee shall assume full responsibility in attaining clearances from utility companies and will be responsible for damage to any utility line. Permittee shall call BLUE STAKE AT 1-800-STAKE-IT two (2) working days prior to any excavation. If Blue Stake is not available, the permittee shall be responsible for contacting all utilities directly, two working days prior to any excavation. Please provide your ADOT permit number to the blue stake operator.

GR-8 The application of water to control dust shall be as deemed necessary by the inspector.

GR-10 In case of discrepancy or conflict with documents issued with this permit, the order in which they govern shall be as follows:

1. Permit Specifications
2. Special Provisions (when incorporated as part of the permit)
3. Project Plans
4. Standard Drawings
5. Standard Specifications

### TEMPORARY CHECKPOINTS

NOTE: This permit is issued to allow establishment of a temporary immigration checkpoint on irregular dates and for irregular periods of time and is valid for a period of one year as dated on the application. A minimum of one month prior to the expiration of this permit, a new traffic control plan meeting current MUTCD shall be submitted, and approved, before a new permit is issued.

**NO CHECKPOINT SHALL BE ESTABLISHED IN A NONPERMITTED LOCATION.**

TC-1 An approved traffic control plan and copy of the permit shall be on site at all times during checkpoint operation.

TC-2 If traffic control devices approved in the traffic control plan are not functioning as intended, they shall be immediately replaced or all the traffic control devices shall be removed and the roadway opened to normal traffic flow.



**Specifications for Permit No. 1216778**

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TC-3 Traffic control devices shall be routinely maintained, including the reflective sheeting used in these devices.

TC-4 Before changes to the approved traffic control plan are allowed, a new traffic control plan shall be submitted and approved.

\*TC-5 In the event traffic control is not deployed in precise accordance with the approved traffic control plan and MUTCD requirements, all traffic control devices shall be immediately removed from the right of way.

TC-6 Any damage to ADOT infrastructure, pavement, or native vegetation during check point operations shall be repaired by the Permittee according to written direction from the permit office.

\*TC-6A To avoid unnecessary damage to the pavement edge, vehicle traffic shall be restricted to the pavement, except for movement off the pavement for in-depth inspections.

\* TC-6B Out of service vehicles and all trailers shall be parked a minimum of 30 ft. from the roadway edge.

\*TC-7 When check points are relocated to another permitted location, the Highway Operations Supervisor shall be notified a minimum of one (1) working day before relocation begins.

**NOTE: Measures to prevent soil contamination from fueling of equipment shall be provided.**  
**CONTAINMENT UNITS SHALL BE APPROVED FOR PETROCHEMICAL STORAGE.**

Note: Lighting shall be turned away from on-coming traffic to avoid blinding motorist.

**NOTE: THIS PERMIT IS BEING ISSUED FOR CURRENT CONDITIONS ANY CHANGES WILL BE DONE AS AN AMENDMENT AFTER NEW PLANS ARE APPROVED.**



TUCSON

HWY 86 CHECKPOINT  
NEAR MP 146

BORDER PATROL  
CHECKPOINT  
1 MILE

REDUCED  
SPEED  
AHEAD

3000 ft

SPEED  
LIMIT  
55

2500 ft

SPEED  
LIMIT  
45

2000 ft

SPEED  
LIMIT  
35

1500 ft

SPEED  
LIMIT  
25

1000 ft

ADOT  
CLOSE, SAFFORD, TUCSON  
REGIONAL TRAFFIC ENGINEERING

APPROVED  
BY: *[Signature]*  
DATE: 01.22.16

STOP

200 ft

500 ft

Use Low Beams

1000 ft

UNITED STATES OFFICIALS

1400 ft

1500 ft

SPEED  
LIMIT  
25

2000 ft

SPEED  
LIMIT  
35

2500 ft

SPEED  
LIMIT  
45

3500 ft

REDUCED  
SPEED  
AHEAD

1 mile

BORDER PATROL  
CHECKPOINT  
1 MILE

SELLS



ADT  
SOCIETY TROOP  
MEDICAL TROOP INFORMATION

BY: *[Signature]*

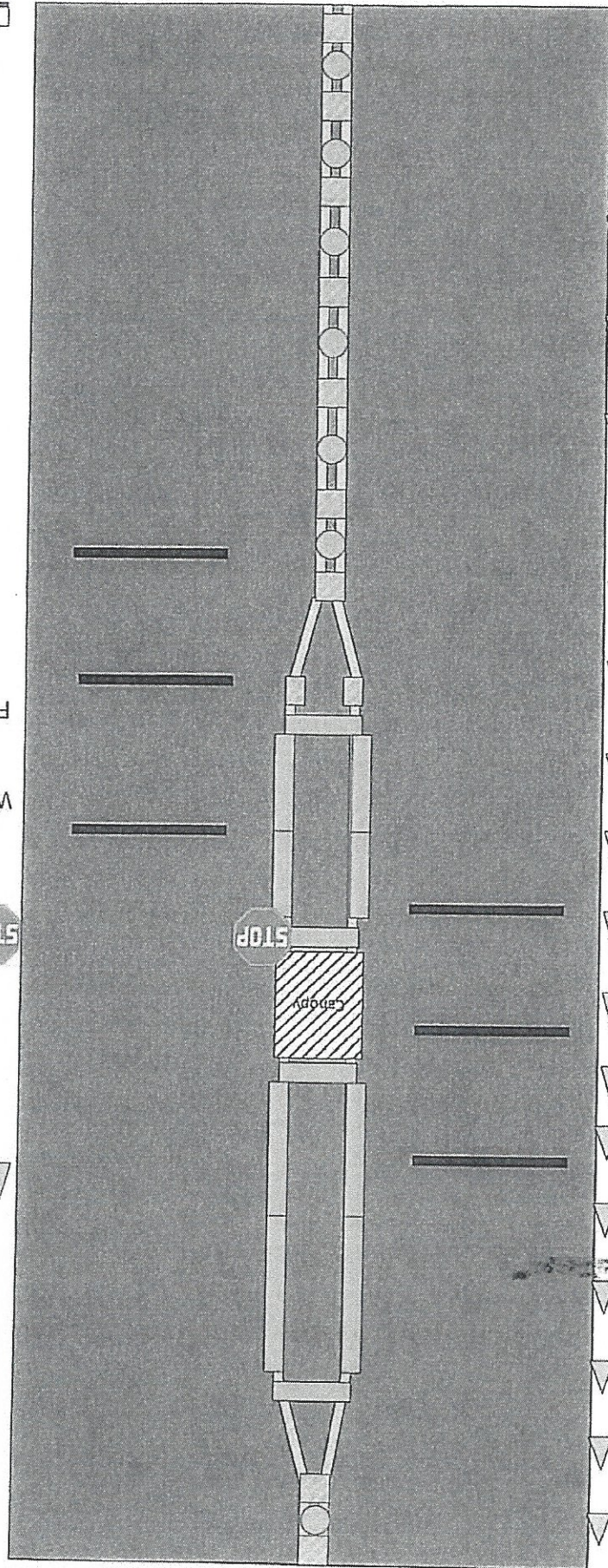
DATE: *06-24-94*

APPROVED  
BY: [Signature]  
DATE: 06-24-00

Backup Generator

Light Generator

Radar Trailer



Light Cart

## Canopy

## Generators

Flammable storage

Water Trailer

**Equipment Trailer**

Canopy

Dog  
Kennel

## Secondary Inspection

Portable toilets

Highway 85 Checkpoint near MP 146