


Drainage in INDOT Rights-of-way

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Overview

- Law
- Applying for a Permit
 - Step by step instructions
- Drainage
 - Reports
 - Calculations
- Existing Drains
 - Failure due to INDOT
 - Failure not due to INDOT
- Contact Information
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Drainage Issues



Law



The Law Depends Upon the Type of Drain

- Private Drain
- Mutual Drain
- Open Drain
- Tiled Drain

Indiana Code 36-9-27-2 – Private Drain

- A "private drain" means a drain that:
 - (1) is located on land owned by one (1) person or by two (2) or more persons jointly; and
 - (2) was not established under or made subject to any drainage statute.

Indiana Code 36-9-27-2 – Mutual Drain

- A "mutual drain" is similar to a private drain and means a drain that:
 - (1) is located on two (2) or more tracts of land that are under different ownership;
 - (2) was established by the mutual consent of all the owners; and
 - (3) was not established under or made subject to any drainage statute.

Indiana Code 36-9-27-2 – Regulated Drain

- A regulated drain is an open drain, a tiled drain, or a combination of the two.
- An "open drain" means a natural or artificial open channel that:
 - (1) carries surplus water; and
 - (2) was established under or made subject to any drainage statute.
- A "tiled drain" means a tiled channel that:
 - (1) carries surplus water; and
 - (2) was established under or made subject to any drainage statute.

County Surveyor Oversees Regulated Drains

- If a regulated drain, then the county surveyor must approve all work as the technical authority on construction, reconstruction, and maintenance of all existing or proposed regulated drains in that county (Indiana Code 36-9-27-29)
- INDOT is involved only if it affects INDOT's roadway or right-of way.

Drainage within a Municipality

Drainage within the incorporated limits of a city or town [Indiana Code 8-23-6-3(d)]:

- INDOT is responsible for maintaining curbs, gutters, catch basins and inlets within the limits of the street or highway that form integral parts of the street or highway.
- The city or town shall maintain the sidewalks, grass plats, and the connecting drainage facilities.

Common Enemy Doctrine

- The rule known as the "common enemy" doctrine provides that surface water which does not flow in defined channels is a common enemy and that each landowner may deal with it in such manner as best suits his own convenience. *Argyelan v. Haviland*, 435 N.E.2d 973, 975 (Ind. 1982).
- An exception to the common enemy doctrine exists where an owner of land has, by artificial means, thrown or cast water onto his neighbor in unusual quantities so as to amplify the force at a given point or points. *Argyelan*, 435 N.E.2d at 976.



Indiana Code 8-23-6-2 - Drainage Facilities

- If the drainage facilities outside the street or highway are to be used for a purpose or purposes in addition to that of draining the street or highway, a proportionate share of the cost of construction shall be paid by the beneficiaries of the drainage other than INDOT in a ratio of the amount of waste water attributable to the other users as compared with the total capacity of the drainage facilities. INDOT shall determine the ratio.



Indiana Code 8-23-9-48(a) – Disturbing Roadway

- A state highway may not be torn up or otherwise disturbed for any purpose without the written permit of INDOT. All work shall be done by INDOT or under INDOT's supervision, and all of the cost of replacing the highway in as good condition as before the highway was disturbed shall be paid by the person to whom or in whose behalf the permit was given.

Common Drainage Situations Involving INDOT

- The three most common situations involving drainage by a private person and INDOT's right-of-way are:
 - (1) The owner of the land wants to channel drainage from one side of the roadway to the other side in order to connect to a private body of water or other collection point.
 - (2) The owner of the land wants to outlet farm tile into INDOT's right-of-way.
 - (3) INDOT builds a road over existing field tile.

Transfer of Drainage Under the Roadway

- The landowner must complete the proper information for a permit application submitted to INDOT.
- INDOT will review the application to determine if this proposed drainage will adversely impact the roadway or right-of-way.
- The landowner is responsible for all construction and maintenance of the proper channeling of this drainage, except that INDOT will complete all construction that is under the roadway.

Outlet of Drainage Into Right-of-Way

- The landowner must complete the proper information for a permit application submitted to INDOT.
- INDOT will review the application to determine if this proposed drainage will adversely impact the roadway or right-of-way. This will include a hydraulics review to determine possible water flow under certain conditions.



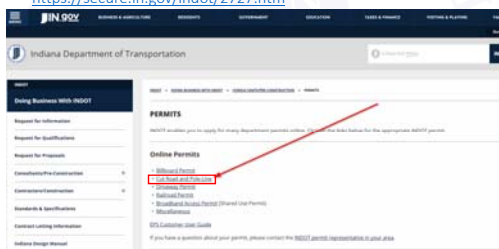
Reimbursement from Landowner or Municipality

- If drainage from a private landowner encroaches onto the state right-of-way, causing a backup which might cause a safety hazard for motorists on that roadway, INDOT may make all emergency repairs and may seek payment for the cost of those repairs from the landowner.
- If private tile fails and is not affecting the roadway, then the landowner is responsible to fix the problem. INDOT may fix it and may bill the landowner.
- If a municipality is responsible for these repairs, but failed to make them in a timely manner that would protect the safety of motorists and others traversing that area, INDOT may make all such repairs and then may bill the municipality that is responsible for the proper drainage. Indiana Code 8-23-6-3(d).



Applying for a Permit

- Electronic Permitting System (EPS)
 - <https://secure.in.gov/indot/2727.htm>



Applying for a Permit

Indiana Department of Transportation

Home > BUSINESS & SERVICES > PERMITS > SUBMITTING > APPLICATION > TRACK & MANAGE > HISTORY & PRINTING

INDOT > BUSINESS & SERVICES > PERMITS > SUBMITTING > APPLICATION > TRACK & MANAGE > HISTORY & PRINTING

Home

Doing Business With INDOT

Request for Information

Request for Qualifications

Request for Proposals

Construction Price Construction

Construction Construction

Standards & Specifications

Contract Letting Information

Indiana Design Manual

CUT ROAD AND POLE-LINE

Cut Road and Pole Line Fee (\$55 non-refundable application/permit fee)

Apply

Please use our EPS system to apply for a permit. If you do not already have an EPS account please click on register for a new account. \$55 will be billed for the gross application fee for the business. When you received the EPS email, click on the link and it will take you to the EPS log.

Status

Check the status of a permit application in progress to provide additional information that may have been requested.

The username and password provided when initially applying for a permit will be required.

Check the status of your permit here: [EPS Log](#)

NextLevel INDIANA

Applying for a Permit

Indiana Department of Transportation

Electronic Permit System

Log In

INDOT Users Customers

Username

Password

Register for a new account
Forgot username/password

Log In

Electronic Permit System

Welcome to the Electronic Permit System (EPS). If you are a returning user, please log in using your EPS username and password. If you do not have an EPS account, click on "Register for a new account". If you are a first time user, after registering, please review the help screen by clicking the help link in the upper right corner of each page.

If you have any questions or problems using EPS, please contact the DOT Helpdesk.

NextLevel INDIANA

Applying for a Permit

Indiana Department of Transportation

Electronic Permit System

Home Reports Performance Login

Record Warning Overdue Watches To Do Statewide

Home (0)

Permits/Applications

New Permit

Search by Tracking Number

Search by Permit Number

Drag a status header and drop it here to group by that column.

Tracking #	Permit #	Type	County	County	Road	Estimate	Submitted Date	Start Date	Exp Date	Status	Applicant
20000121038		Driveway	Laporte	St. Joseph	SR 23	Michael A. Hurt	08/02/2018			Submitted	Application Submitted Sander, Ben Gunderson Date: 08/02/2018
20000121039		Cut Road	Laporte	St. Joseph	SR 23	Michael A. Hurt	08/02/2018			Submitted	John Rowland Sander, Michael A. Hurt Date: 08/02/2018
20000121040		Cut Road	Fort Wayne	Kosciusko	SR 15	James Thomas	08/02/2018			Submitted	Application Submitted Sander, Brad Auld Date: 08/02/2018
20000121041		Miscellaneous	Seymour	Berthoudem	SR 46	Thorton Jewell	08/02/2018			Submitted	Application Submitted Sander, Elizabeth Rosemer Date: 08/02/2018
20000121042		Miscellaneous	Laporte	St. Joseph	SR 331	Michael A. Hurt	08/02/2018			Submitted	police letter Sander, Michael A. Hurt Date: 08/02/2018

NextLevel INDIANA

Applying for a Permit

Indiana Department of Transportation
Electronic Permit System

Applicant's Acceptance Agreement

The applicant agrees to indemnify, defend, exonerate, and hold harmless the State of Indiana, its officials and employees from any liability due to him, damage, injuries, or other casualties of whatsoever kind, or to the contractor, or to any third party, arising out of or resulting from the issuance of this permit or the work connected therewith, or from the installation, maintenance, use, or removal of any equipment or material, whenever due in whole or in part to the negligence or commission (1) of the State, its officials, agents, or employees, or (2) of the applicant, his agents, or employees, or other persons engaged in the performance of the work, or (3) the joint negligence of any of them, including any claims arising out of the equipment's transportation into or any other fee, ordinance, or statute. The applicant also agrees to pay all reasonable expenses and attorney's fees incurred by or imposed on the State in connection herewith in the event that the applicant shall default under the provisions of this paragraph.

The applicant agrees to the General Provisions associated with all Indiana Department of Transportation permits.

The applicant agrees to any and all additional Special Provisions attached to the issuance of this particular permit.

If at any time during an active phase of a permit the Indiana Department of Transportation is engaged in road work activity the Applicant/Permittee must get written permission from the project manager and contractor for the IDOT project before any permit work will be allowed in the same area.

Under the penalty of perjury, I certify the following statements to be correct to the best of my knowledge and belief of the undersigned who is authorized to sign this application. I certify that I have obtained authorization from any property owners associated with this application.

[I Agree] [Cancel]

NextLevel INDIANA

Applying for a Permit

Indiana Department of Transportation
Electronic Permit System

Permit Type
New Permit Application

Select Permit Type / Subtype

Permit Type: [Dropdown]
Permit Subtype: [Dropdown] (Red box highlights 'Cut Road')

Permit Description: [Text Area]

[Cancel] [Next]

NextLevel INDIANA

Applying for a Permit

Indiana Department of Transportation
Electronic Permit System

Select Permit Type / Subtype

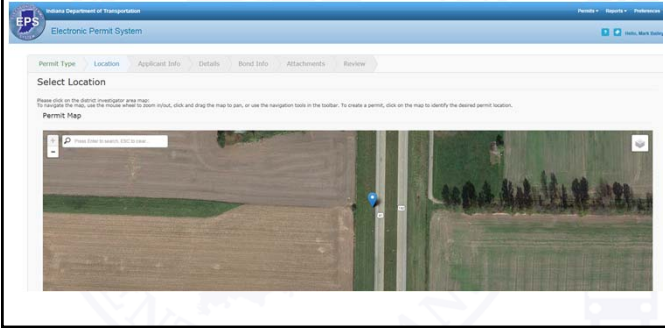
Permit Type: [Dropdown]
Permit Subtype: [Dropdown] (Red box highlights 'Cut Road')

Permit Description: [Text Area] (Red box highlights 'Cut Road Permit: Any excavation in the right of way...')

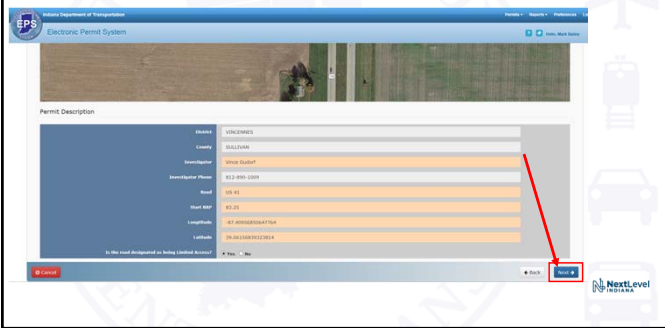
[Cancel] [Next] (Red box highlights 'Next' button, with a red arrow pointing to it)

NextLevel INDIANA

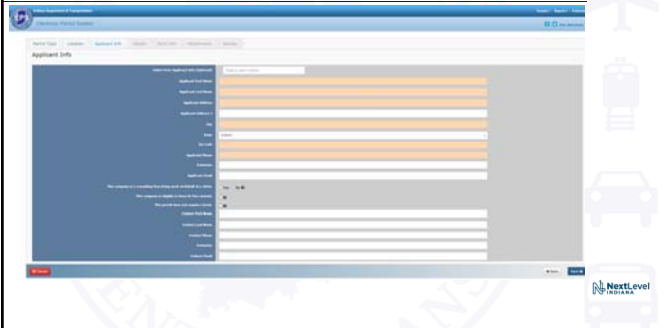
Applying for a Permit



Applying for a Permit



Applying for a Permit



Applying for a Permit

Applying for a Permit

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Applying for a Permit

Review and Pay

You have completed the application for a permit. Review your application below. When you are satisfied, choose a payment method and press the Make a Payment button. After your payment is submitted, your application will be routed to the INDOT staff responsible.

Submission of an application to INDOT does not automatically guarantee approval; each application is reviewed on its merits to determine whether a permit should be issued.

Tracking #	1000120271
Permit Type	Cat Road
Permit Subtype	Drainage
Status	Entered
District	Crownfield
County	Harrison
Route	US 24
Location	Leadsom, Sandy
Submitted Date	7/17/2018

Application Fee: \$ 55

Please select a payment method: Which payment method should I choose ?

- Payment received by check
- I want to make a credit card payment
- I want to make a cash/coin payment

Drainage

- INDOT Office of Hydraulics
- <https://www.in.gov/indot/3595.htm>

The screenshot shows the INDOT website's navigation menu on the left with 'Hydraulics' highlighted. The main content area features a 'HYDRAULICS' heading with a description and a list of links. A red arrow points to the 'Hydraulics' link in the navigation menu, and another red arrow points to the 'Hydraulics' link in the main content area.

Drainage

The screenshot shows the 'Sample Documents' section of the website. It includes a list of document types: 'Sample Bridge Report', 'Sample Canal Report', 'Sample Small Structures Report', 'Sample Storm Drainage Report', 'Sample Storm Drainage Report', 'Sample Storm Drainage Report', and 'Sample Storm Drainage Report'. A red arrow points to the 'Sample Storm Drainage Report' link.

Drainage

Prequalification to Submit Driveway Permits

INDOT Hydraulics has launched a Driveway Permit Training Course. It is a course that we have developed for consultants that are submitting driveway permits that include drainage design that drains to the INDOT right-of-way. We will be requiring that the course be completed for a consultant to become prequalified for this type of work. In August of 2018, we will no longer review drainage design submittals for driveway permits from consultants that are not prequalified.

If you would like to be signed up for the course please send your first and last name as well as your email address to stpdraulic@indot.in.gov

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Existing Drains

• Standard Specifications

- <https://www.in.gov/dot/div/contracts/standards/book/sep17/sep.htm>
- 203.14

If existing surface drains, tile drains, sewers, or other underground drains, or parts thereof, are not to be replaced or are not required by the terms of the contract or directed to be changed, whether such drainage facilities are shown on the plans or not, all such drainage facilities or parts thereof shall be protected, preserved, and satisfactorily contained in use without change. If in the prosecution of the work such existing drainage is changed or interrupted, or through negligence such drainage is interrupted or damaged, satisfactory permanent repairs shall be immediately provided or adequate temporary drainage facilities shall be maintained until permanent repairs are made. If temporary facilities are provided before the work is accepted, such damage or interrupted drainage facilities shall be restored to the original condition or to an altered state which is at least equal to their original condition.



Existing Drains

• 719.04 Laying Tile

When an existing tile drain is encountered on permanent right-of-way, it shall be replaced in the following manner: If the tile is intercepted by a side ditch prior to crossing proposed pavement, it shall be replaced between the right-of-way line and the ditch with non-perforated drain tile and a 10-foot long terminal pipe section of drain tile with a rodent screen. If the tile is to outlet into a storm sewer, it shall be replaced between the right-of-way line and the storm sewer with pipe in accordance with *15.02(b). If the tile is to outlet at a side ditch after crossing proposed

668

719.08

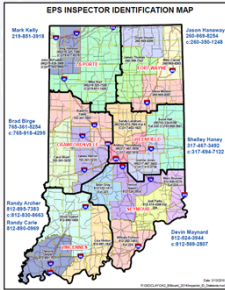
pavement, it shall be replaced between the right-of-way line and the ditch with pipe in accordance with *15.02(a) with a rodent screen. If the tile is to be maintained across the right-of-way, it shall be replaced from right-of-way line to right-of-way line with pipe in accordance with *15.02(a).



Existing Drains

- Non-INDOT construction related failure
 - The property owner that is benefitting from the tile is responsible for repair/replacement costs and obtaining the proper permits.

Contact Information



Contact Information

INDOT District Contact Information			
District	Title	Office Phone	E-Mail
Crawfordsville District 1	Permit Manager	765-361-5254	bbirge@indot.in.gov
Brad Birge	Cell number	765-361-5254	bbirge@indot.in.gov
Michelle Borden	Administrative Assistant	765-361-5254	mborden@indot.in.gov
James Menon	Investigator	765-361-5254	jmenon1@indot.in.gov
Kameron Yates	Investigator	765-361-5667	kyates@indot.in.gov
Carol Blue	Investigator	765-361-5254	cbblue@indot.in.gov
Fort Wayne District 2	Permit Manager	260-969-8254	jhanaway@indot.in.gov
Jason Hanaway	Cell number	260-969-8254	jhanaway@indot.in.gov
Tisha Langston	Administrative Assistant	260-969-8254	tlangston@indot.in.gov
Kevin Lacey	Investigator	260-969-8254	klacey@indot.in.gov
Ashia Kauch	Investigator	260-969-8254	akauch@indot.in.gov
James Thomas	Investigator	260-969-8254	jthomas@indot.in.gov
Steve Mutton	Investigator	260-969-8254	smutton@indot.in.gov
Greenfield District 3	Permit Manager	317-467-2492	shaney@indot.in.gov
Shelley R. Haney	Cell number	317-467-2492	shaney@indot.in.gov
Debbie Starkey	Administrative Assistant	317-467-2492	dstarkey@indot.in.gov
Jasmine Jones	Investigator	317-467-2492	jjones@indot.in.gov
Sandy Landrum	Investigator	(765) 475-3400 Ext. 6	slandrum@indot.in.gov
Andrea Thomaburg	Investigator	317-467-2492	athomaburg@indot.in.gov
Sue Hall	Investigator	765-334-9398 ext 132	shall@indot.in.gov

Q & A