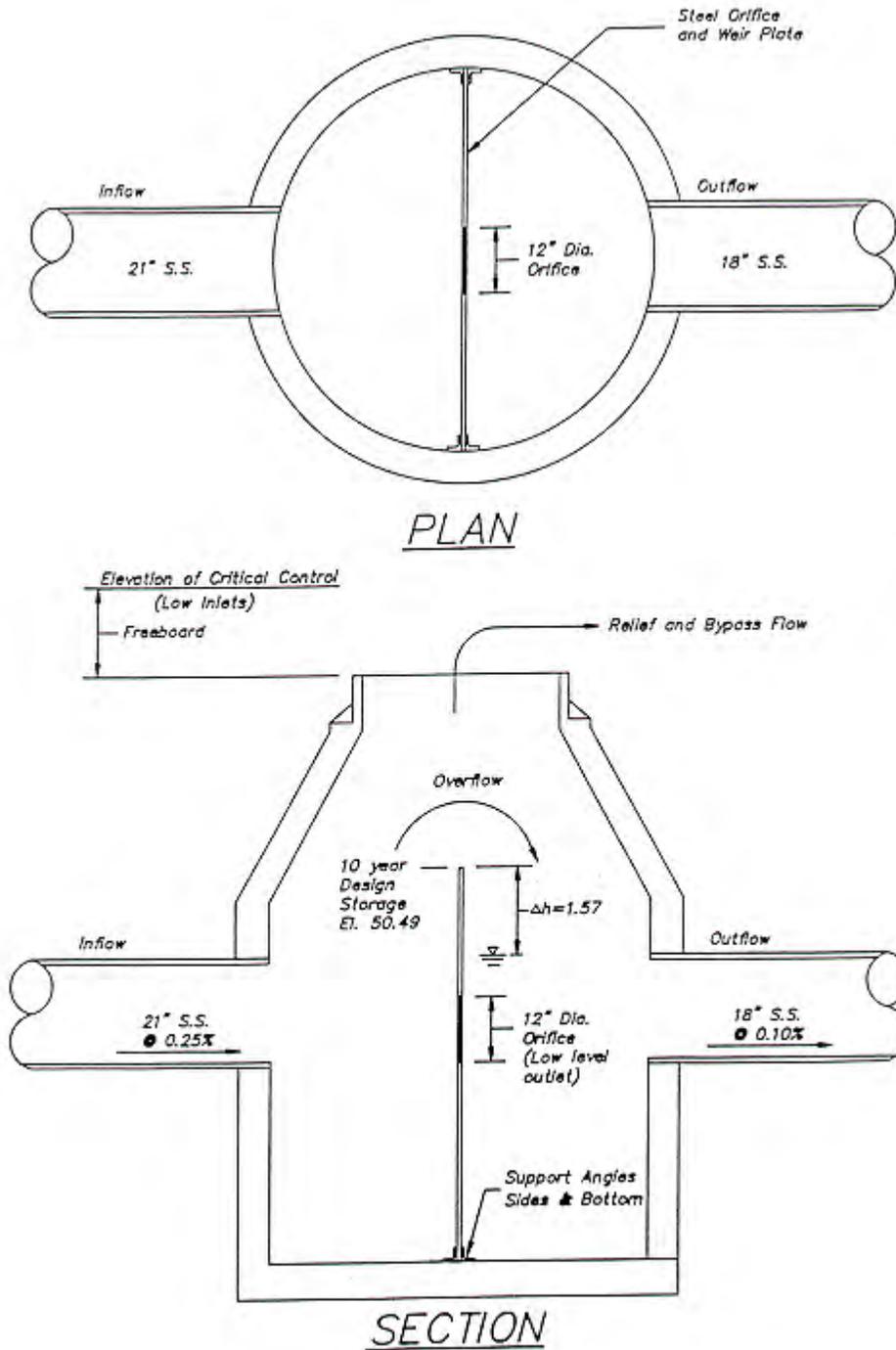


Typical IDOT Restrictor Concept. Case below is shown for an in-line detention situation.



## PROPOSED OUTLET STRUCTURE



# Illinois Department of Transportation

## Memorandum

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To: ALL DISTRICT ENGINEERS  
From: Ralph E. Anderson *Ralph E. Anderson*  
Subject: Transportation Legislation – Public Act 86-616  
Date: February 26, 2003

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Public Act 86-616, Section 9-115.1 gives highway agencies additional approval authority over the construction of drainage facilities that detain water and construction of earthen berms, which are adjacent to highway right-of-way.

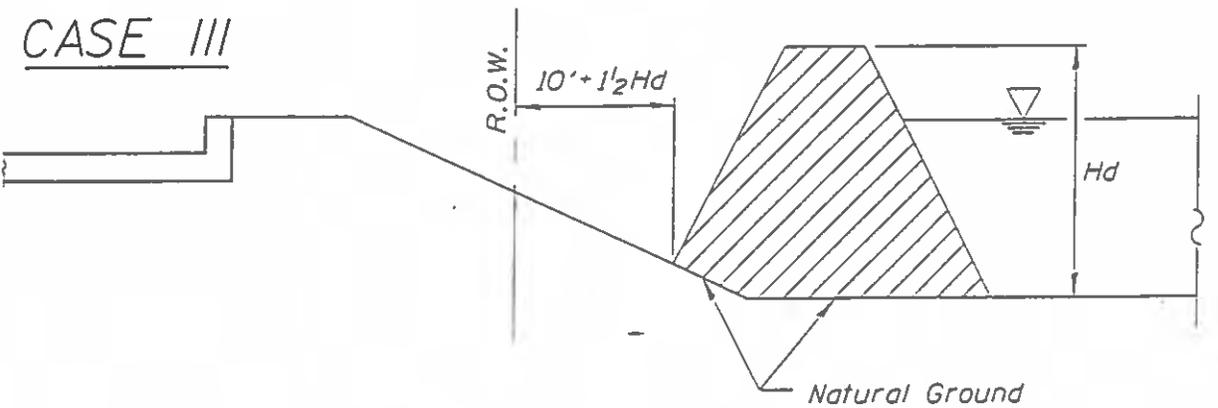
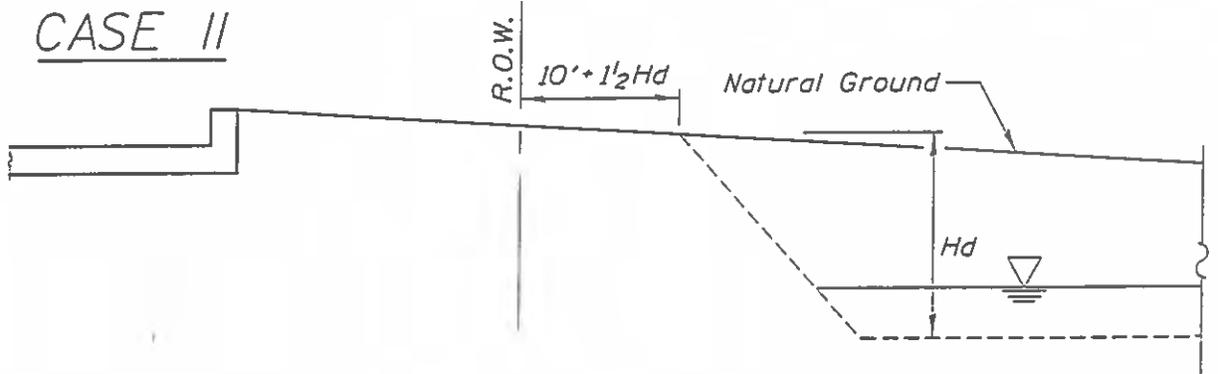
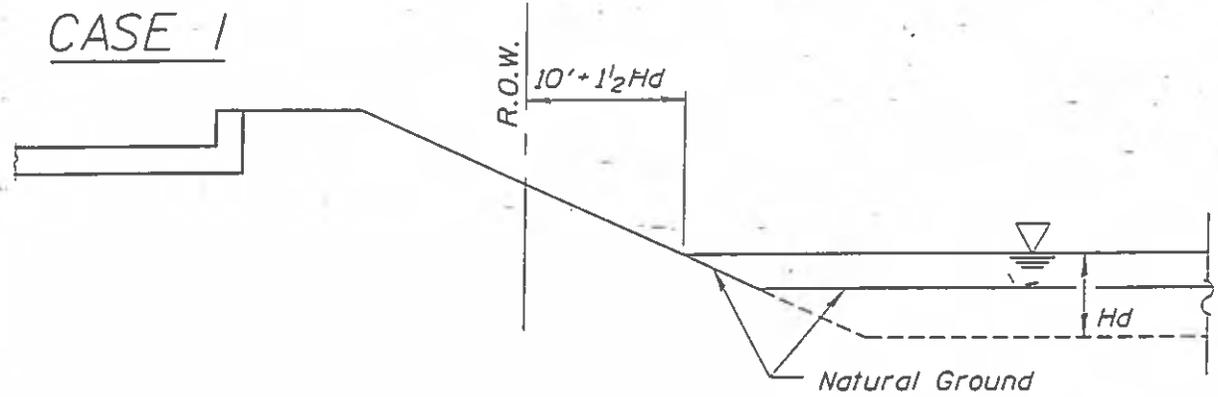
The attached sketches are offered to assist in interpretation of whether a drainage facility or a berm falls within the provisions of the law. The first six cases have been in use since they were first issued in 1990. Case VII is new and is presented to assist in interpretation and to establish a guideline for underground drainage detention facilities. These guidelines are necessary to ensure consistency and adequacy of implementation.

For reference, the memorandum introducing the act dated January 30, 1990, and the memorandum presenting the sketches dated May 30, 1990, are attached.

Section 9-115.1, including all seven case sketches, will be included in the Drainage Manual which is currently undergoing revisions and updating.

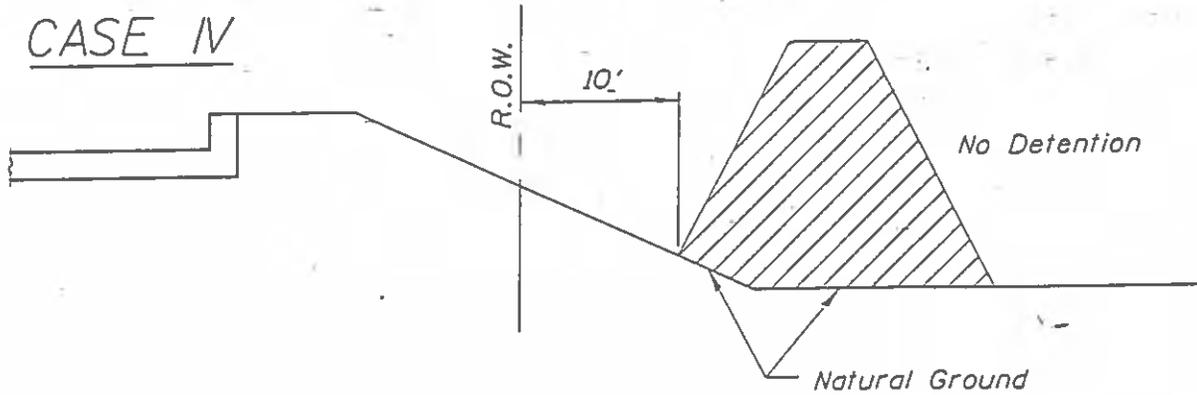
Attach.  
RLD2003.3/bb24619  
cc- All Central Bureau Chiefs

DRAINAGE FACILITY & EARTHEN BERM  
CONSTRUCTED ADJACENT TO THE  
HIGHWAY R.O.W.



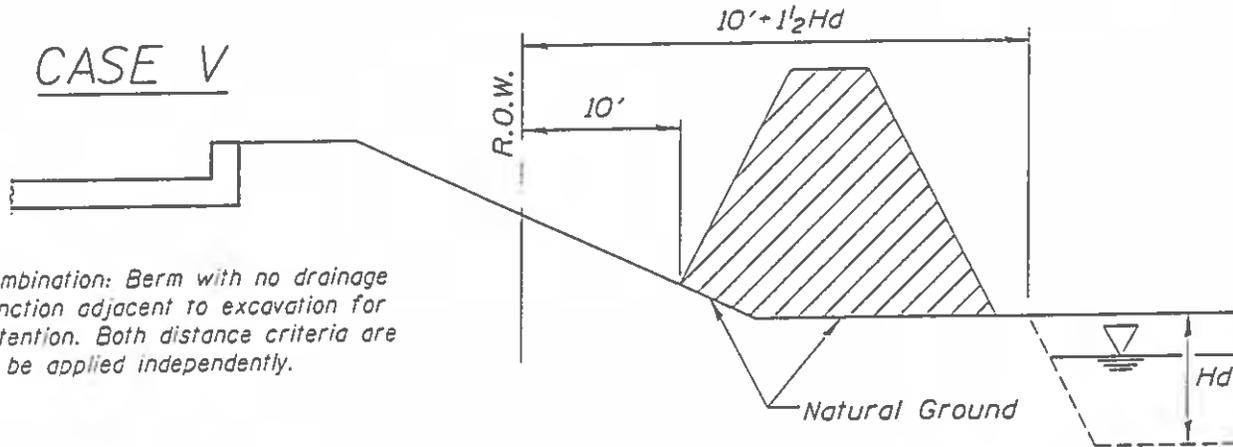
DRAINAGE FACILITY & EARTHEN BERM  
CONSTRUCTED ADJACENT TO THE  
HIGHWAY R.O.W.

CASE IV

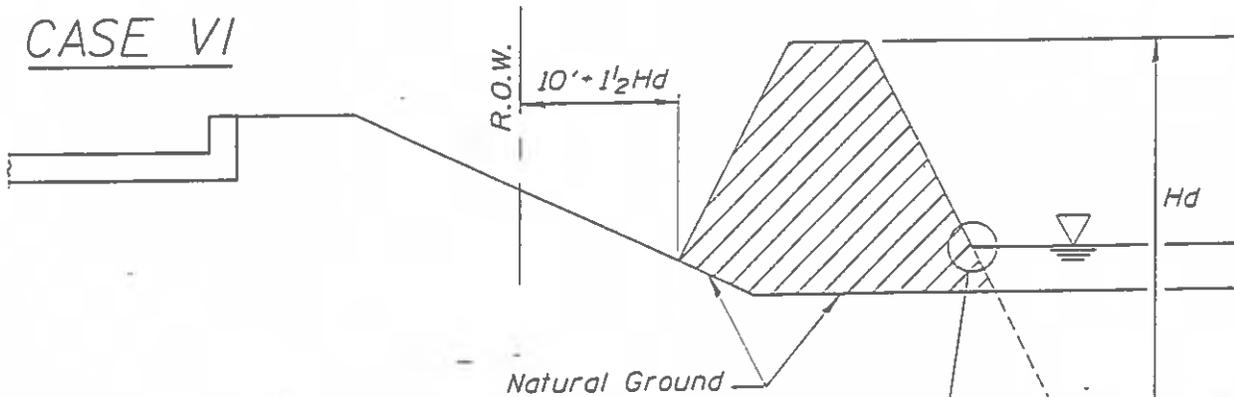


CASE V

Combination: Berm with no drainage function adjacent to excavation for detention. Both distance criteria are to be applied independently.



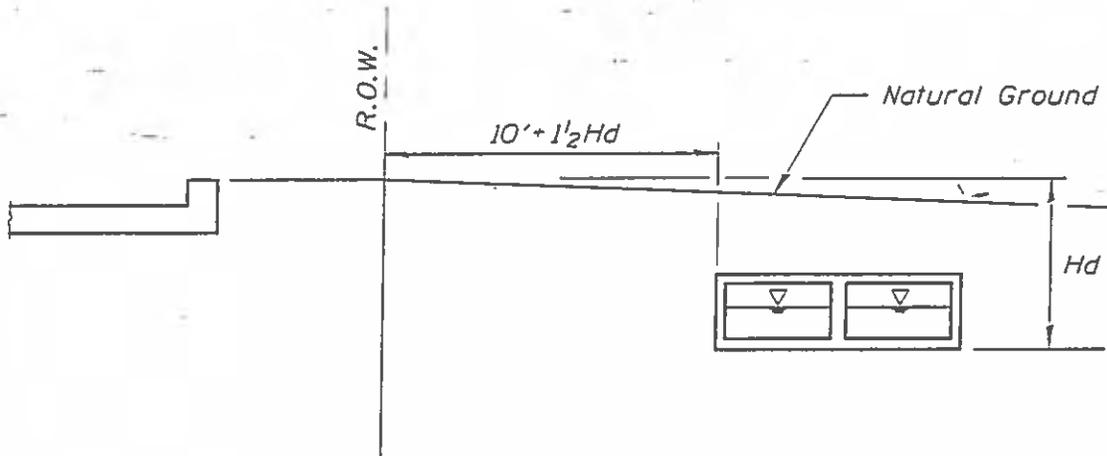
CASE VI



If any portion of berm is being used to detain water then  $Hd$  would be taken from bottom of basin to top of berm &  $10' + \frac{1}{2}Hd$  applied to the toe of the berm, adjacent to R.O.W.

DRAINAGE FACILITY & EARTHEN BERM  
CONSTRUCTED ADJACENT TO THE  
HIGHWAY R.O.W.

CASE VII





# Illinois Department of Transportation

## Memorandum

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To: ALL BUREAU CHIEFS AND DISTRICT ENGINEERS  
From: Ralph E. Anderson  
Subject: Transportation Legislation - Public Act 86-616  
Date: January 30, 1990

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Public Act 86-616, passed by the 1989 Session of the 86th General Assembly, added a new section (9-115.1) to the Illinois Highway Code which became effective January 1, 1990. The new section, as shown below, gives highway agencies additional approval authority over the construction of drainage facilities which detain or retain water and the construction of earthen berms which are adjacent to highway right-of-way.

Section 9-115.1 - "It is unlawful for any person to construct or cause to be constructed any drainage facility for the purpose of the detention or retention of water within a distance of 10 feet plus one and one-half times the depth of any 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.

It is unlawful for any person to construct or cause to be constructed any earthen berm such that the toe of such berm will be nearer than 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."

Since the legislation provides no standard for review of these facilities it is necessary that the Department establish guidelines to insure consistency and adequacy of implementation. The draft rules on permits for drainage outlets, as contained in the Appendix to the Drainage Manual should be used for enforcement of this new legislation. These rules were written to see to it "... that rights-of-way are maintained and the integrity, operational safety, and primary function of such highways are preserved".

ALL BUREAU CHIEFS AND DISTRICT ENGINEERS  
January 30, 1990  
Page 2

Drainage facilities which should be included under this new section are all types of retention or detention facilities including those formed by excavation, channelization, levee, or impoundment. To determine whether a drainage facility falls within the provisions of the new law, the depth of the drainage facility shall be taken as the difference in elevation between the bottom of the basin and the 100 year highwater elevation, the natural groundline, or the top of berm or dam whichever is greater.

The procedures identified in the Drainage Manual should be used to evaluate the hydrologic characteristics of the proposed construction. General concerns to be addressed by the reviewing authorities include the following:

1. That the proposed construction does not inundate or over tax the highway drainage system.
2. That traffic safety is not jeopardized by sight distance constraints caused by berms.
3. Right-of-way needs for highway projects.
4. Stability of roadway embankments.
5. That maintenance responsibilities are not increased.

Specifically, impoundments should not be allowed which will pond water to a depth greater than the roadway.

DGG/bb  
cc- Ralph C. Wehner  
5417B

*Ralph E. Anderson*



# Illinois Department of Transportation

## Memorandum

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To: ALL BUREAU CHIEFS AND DISTRICT ENGINEERS

From: Ralph E. Anderson

Subject: Transportation Legislation - Public Act 86-616

Date: May 30, 1990

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Reference is made to my memorandum of January 30, 1990, which advised of the passage of Public Act 86-616 which gives highway agencies additional approval authority over the construction of drainage facilities which detain water and the construction of earthen berms which are adjacent to highway right-of-way.

The attached sketches have been prepared to assist in the interpretation of whether a drainage facility or a berm falls within the provisions of the new law. Six situations are presented showing how to measure the depth of the drainage facility and the point of measurement for determining the distance from the right-of-way.

These sketches should be used with the guidelines given in the January 30, 1990 memorandum for consistency in implementing Public Act 86-616.

DGG/bb  
cc- R. C. Wehner  
6243B

*Ralph E. Anderson*