

IMPORTANT NOTICE: This is not a permit in lieu of any applicable municipal building permits. Carefully read and comply with the conditions stated in this permit. No work of any kind by the permittee is authorized within any Town Road or drainage right-of-way by this permit, as such work shall be covered by a separate Department of Transportation permit if required.

TOWN OF MARCELLUS

Department of Transportation

Marcellus, New York

Reference:

Permit No. _____

APPLICATION FOR PERMIT

For the Construction or Modification of Buildings, Driveways, and Miscellaneous means of access, related to any proposed or existing Town Road or Drainage System.

Pursuant to Section 239-K of the General Municipal Law and Section 136 of the Highway Law.

TO: SUPERINTENDENT OF HIGHWAYS
of the Town of Marcellus

Application is hereby made by the undersigned, _____

whose principal place of residence or business is at _____

residence phone _____ business phone _____

to: (choose one) ☐ Construct ☐ Modify
(choose one) ☐ Farm Access ☐ Residential Driveway ☐ Commercial Driveway

Location of proposed work: _____

Description of proposed work: _____

having frontage on, access to, or be otherwise directly related to any existing or proposed town road or drainage system known as _____ (common name or official name) situated in the Town of Marcellus, in accordance with the map and plan hereto attached, and pursuant to the conditions and regulations, whether general or special, which are hereinafter set forth; all forming a part hereof. This applicant will obtain any and all other consents and permits that may be necessary to accomplish the purposes set forth herein, as it is understood that in granting such permit, this Department, merely expresses its assent insofar as it is authorized.

PERMIT

For the Construction or Modification of Buildings, Driveways and Miscellaneous means of access, related to any proposed or existing Town Road or Drainage System.

PERMISSION IS HEREBY GRANTED

To the above applicant (hereinafter referred to as "Permitee"), to proceed as set forth and represented in the attached and pursuant to the conditions, whether general or special which are hereinafter set forth; all forming a part hereof, to-wit:

REGULATIONS

DEFINITIONS – SECTION 1

1. Superintendent – The Superintendent of Highways of the Town of Marcellus or his duly authorized representative.
2. Town Road – Any highway so designated to the latest "Road Map of the Town of Marcellus" issued by the Superintendent as well as all other Town Highways not so indicated, both existing and proposed.
3. Drainage System – Any natural or unnatural waterway, including creeks, highway ditches, culverts, and storm drains.
4. Applicant – The person, persons, or firm requesting a permit, or his/their duly authorized representative.
5. Owner – The person, persons, or firm holding legal title to the property for which a permit is requested.
6. Zoning Enforcement Officer – The building inspector or other authorized official of the particular Town or Village within which the permit property is located.
7. Permitee – The applicant, if and when the application is approved or approved subject to specific conditions by the Superintendent.
8. Application – A completely filled out and signed application form specified by the Superintendent, as well as other necessary and required supplemental information, such as maps and plans, attached thereto.
9. Building – The structure or structures such as single or multi-family dwellings or commercial and industrial structures on the property specified on the application.
10. Driveway – A means of access for motor vehicles onto the property specified on the application.
11. Modification – An addition or alteration to an existing building or driveway.
12. Return Radius – the radius of the curve between the driveway edge and the pavement edge.

PROCEDURE – SECTION II

1. Application for Town approval for the construction or modification of buildings, driveways, and miscellaneous means of access related to any proposed or existing Town Road or Drainage System, shall be available from Zoning Enforcement Officer or Superintendent of Highways.
2. Three applications shall be submitted to the Zoning Enforcement Officer who shall then forward the applications to the Superintendent of Highways.
3. Within ten (10) days after receipt of the applications, the Superintendent of Highways shall cause the applications to be reviewed for recommendations by the appropriate Zoning Enforcement Officer, the Planning Board and the Superintendent of Highways.
4. After such review and within the same ten (10) day period the Superintendent of Highways shall then approve, approve subject to specifications, or disapprove the application, and shall note such on the three applications.
5. Two copies of the application shall then be returned to the Zoning Enforcement Officer. The Superintendent of Highways shall retain the third copy of the application.
6. The Zoning Enforcement Officer shall retain one copy of the applications so returned and shall release the other to the applicant or permittee at such time that the town acts on the municipal building permit, if any.
7. If no municipal building permit is required for the proposed construction indicated on the application, the applicant shall make application directly to the Superintendent.

GENERAL REGULATIONS – SECTION III

1. No work of any kind by the permittee shall be authorized within any Town Road or Drainage Right-of-Way by the issuance of this permit, as such work shall be covered by a separate Department of Transportation Permit
2. The map and plans submitted as a part of the application shall indicate the following information:
 - a. the location and boundaries of the subject property for which a permit is requested.
 - b. the location size and type of all existing and proposed driveways and buildings, underground utilities, service facilities, parking layouts and drainage facilities.
3. Insufficient information shall constitute grounds for disapproval by the Superintendent.
4. A copy of this permit must be present at the permit property site at all times during construction.
5. The construction materials used and the form of construction shall be in accordance with local municipal laws and regulations, except as specified in Section VI.
6. The privilege granted by this permit does not authorize any infringement of federal, state, or local laws or regulations, and is limited to the extent of the authority of the Superintendent of Highways.
7. The issuance of this permit by the Superintendent shall not be assigned or transferred.
8. The permittee shall not deviate from approved maps and plans, etc., without the written consent of the Superintendent, the Zoning Enforcement Officer, and all other interested governmental agencies.
9. If it is found necessary by the Superintendent of Highways to add to or otherwise modify this permit, such additions or modifications shall form a part of this permit and shall be complied with immediately by the permittee, upon notice by the Superintendent.
10. The Superintendent shall reserve the right to revoke or annul this permit at any time without the necessity of a hearing or showing cause, except as provided under Section 239-K.
11. The owner and/or the permittee shall be responsible for all damages resulting in bodily injury, including death, and/or property damage liability due to the installation, maintenance, use or existence of any facility of the permittee, or which arises out of activities of the Permittee, its contractors, subcontractors of either or both, agents or employees, in connection with any act or omission hereunder; and the said permittee shall indemnify and save harmless the Town of Marcellus and/or Division of Highways of the Town of Marcellus and/or the Superintendent of highways of the Town of Marcellus, and his representatives and employees, from any claims, suits, actions, damages and costs of every name and nature and description, arising out of or resulting from any act or omission hereunder or by either the said Permittee or the Town of Marcellus, and its agents, servants and employees.

DRIVEWAY DESIGN REGULATIONS – SECTION IV

PART A- Residential Driveways (for 1 and 2 family dwellings)

1. The maximum number of driveway entrances onto a Town Road shall be one per building lot having 150 feet of frontage, or less. Where frontages greater than 150 feet encountered, the Superintendent may allow more than one driveway entrance.
2. No driveway shall be constructed within 80 feet of a road intersection measured from the nearest intersection of the Right-of-way lines.
3. The angle of all driveways with Town roads shall be as close as 90 degrees as practicable.
4. The maximum width of driveways shall be 20 feet. The minimum driveway width shall be 10 feet.
5. The minimum return radius at the intersection of driveways and the road surface shall be 10 feet and in no case shall the radius extend beyond the intersection of the pavement edge and the side property line as projected.
6. Driveways shall slope down from the road surface to the drainage line at grades of $\frac{3}{4}$ inch per foot or existing shoulder pitch - whichever is greater.
7. The sizes and slopes of driveway storm drains and culverts within the Town Road Right-of-Way shall be as specified by the Superintendent. The owner shall bear all costs for pipe, grating, paving, etc., required within such Right-of-Way.
8. Driveway storm drains and culverts may be installed by the Department of Transportation, at its convenience, unless the permittee requests under separate permit to install such drains and culverts within the Town Road or is directed to do so by the Superintendent.
9. No driveway shall be constructed where sight distance is less than ten (10 x) times the posted speed limit. The applicant shall also brush and maintain his property in such a manner as to maintain optimal sight distance.

Part B – Intense-Use Driveways (for multiple dwellings, and for commercial, industrial and other use properties).

1. The maximum number of driveway entrances onto a town Road shall be two per building lot having 250 feet of frontage, or less. Where frontages greater than 250 feet are encountered, the Superintendent may allow more than two driveway entrances.
2. In a rural area, no driveway will be constructed closer than 75 feet from a road intersection as measured from the nearest edge of proposed driveway to the intersection of the right-of-way lines. In urban areas, this minimum distance may be reduced to 60 feet.
3. Driveways in the parking areas shall be designed so that no parking, loading, or servicing of vehicles will take place within the Town Road Right-of-Way and so no vehicles will be required to back onto the Town Road to gain ingress and egress to the abutting property.
4. The minimum angle of all driveways with Town Roads shall be 45 degrees.
5. The minimum width of driveways shall be 40 feet. The minimum driveway width shall be 20 feet.
6. The minimum return radius at the intersection of driveways and the road surface shall be 50 feet, the minimum return radius shall be 20 feet, and in no case shall the radius extend beyond the intersection of the pavement edge and the side property line as projected.
7. Island areas shall be required to define the location of driveways and to create a median strip between the Town Road surface and facilities on adjacent properties. The island area shall have a minimum length of 20 feet and shall extend from the curb to the Right-of-way line. Where no curbing exists, the island areas shall extend from a line parallel to and a minimum of 10 feet from the pavement edge to the Right-of-way line or beyond.
8. All island areas shall be defined by 6 inch curbing, guard rails or other suitable materials, and shall have grass or blacktop surfaces.
9. Driveways shall slope down from the road surface to the drainage line at grades of $\frac{3}{4}$ inch per foot or existing should pitch, whichever is greater.
10. The sizes of slopes of driveway storm drains and culverts within the town road right-of-way shall be as specified by the Superintendent. The owner shall bear all costs for pipe, grating, paving, etc., required

within such right-of-way. The construction of all such improvements within the town right-of-way shall be undertaken by the owner under separate Department of Transportation permit.

11. There shall be a minimum distance of 15 feet between the Town right-of-way and any service facilities such as pump islands and building entrances.
12. No driveway shall be constructed where the sight distance is less than ten (10) times the posted speed limit. The applicant shall also trim brush & maintain his property in such a manner as to maintain optimal sight distance.

DRAINAGE REGULATIONS – SECTION V

1. All existing and proposed drainage conditions shall be indicated on the plans submitted by the applicant.
2. Facilities to carry water thru and/or off the owner's property shall be designed and constructed so that no damage will occur to existing and proposed buildings, driveways, adjacent properties, drainage facilities, and public improvements.
3. In no case shall a driveway be constructed so as to convey water onto the road surface.

DRIVEWAY CONSTRUCTION STANDARDS AND REGULATIONS – SECTION VI

PART A – Excavation for Drainage Structures

1. Roadside ditches shall be excavated to the width and depths. Specified by the Superintendent.

PART B – Accepted materials for Drainage Structures

1. Driveway pipe shall be either reinforced concrete – Class IV, corrugated steel pipe – 16 gage, or corrugated polyethylene storm drain pipe meeting NYSDOT material specification 706-14.
2. Backfill around driveway pipes shall consist of gravel or crushed stone containing no stone greater than 4 inches in diameter and shall extend 12 inches above driveway pipe. The backfill shall be thoroughly compacted, with particular attention given to the proper placing and compaction of the backfill under the pipe haunches.
3. If the slope of the backfill is steeper than a 1 on 1.5 slope at the end sections of the driveway pipe, concrete, grouted stone or dry-wall headwalls shall be required. In such cases, the top of the headwalls shall be below the grade of the adjacent road shoulder.
4. Catch basins, if required, shall conform to Department of Transportation specifications.

PART C – Sub-base and Surface Materials

1. The driveway sub-base shall consist of 12 inches of gravel.
2. The driveway surface shall be consolidated in such a manner so to prevent loose material from being scattered onto the town road surface.

SPECIFIC CONDITIONS

NOTE: Driveway permit will not be issued until applicable municipal board action is completed.

This land use is consistent with the zoning ordinance and requires no board action.

Zoning Enforcement Officer

Date

Planning Board Chairman

Date

SPECIAL CONDITIONS

If it is found necessary by the Superintendent of Highways the Town of Marcellus to add to or otherwise modify this permit, it is to be understood such changes shall form a part of this permit and be complied with immediately upon notice.

Dated Marcellus, New York, this _____ day of _____, 20____

Superintendent of Highways

In consideration of the granting of the within permit, the undersigned hereby accepts the same subject to the regulations, specified conditions and special conditions therein described.

Dated at Marcellus, New York, this _____ day of _____, 20 _____

Signature of Applicant

By _____
Title, if signed by representative.

IMPORTANT NOTICE: This is not a permit in lieu of any applicable municipal building permits. Carefully read and comply with the conditions stated in this permit. No work of any kind by the permittee is authorized within any County Road or drainage right-of-way by this permit, including Driveway paving, as such work shall be covered by a separate Department of Transportation permit.

COUNTY OF ONONDAGA

Department of Transportation

OFFICIAL USE ONLY

Paid amount _____

Check number _____

Date _____

Deposit _____

Check number _____

\$500.00 Deposit to be returned after inspection

421 MONTGOMERY ST.
11th FLOOR CIVIC CENTER
SYRACUSE, N.Y. 13202
PHONE: 435-3176

Reference:

Permit No. _____

APPLICATION FOR PERMIT

(To be completed in triplicate-Please Print)

For the Construction or Modification of Buildings, Driveways, and Miscellaneous means of access, related to any proposed or existing County Road.

Pursuant to Section 239-k of the General Municipal Law and Section 136 of the Highway Law.

TO: COMMISSIONER OF TRANSPORTATION
of the County of Onondaga

Application is hereby made by the undersigned, _____

whose principal place of residence or business is at _____

Residence phone _____

Business phone _____

To install a driveway or subdivision road in Onondaga County in accordance with the *map and plan* hereto attached, and pursuant to the conditions and regulations, whether general or special, which are hereinafter set forth; all forming a part hereof.

Road Name on which Project is Located _____

Side of Road _____ House or Lot # _____

North South East West

The Proposed Structure is _____

North South East West

of the intersection of _____ in the

Town of Village of _____ Tax Map No. _____

OFFICIAL USE ONLY

Sight Distance Left = _____ Feet Sight Distance Right = _____ Feet Speed Limit = _____ M.P.H.

Pipe = _____ Type, _____ Diameter, _____ Length, _____ Band, _____ End Section Driveway Width _____

R.O.W. From centerline of highway _____

This applicant will obtain any and all other consents and permits that may be necessary to accomplish the purposes set forth herein, as it is understood that in granting such permit, this Department merely expresses its assent insofar as it is authorized.

PERMIT

For the Construction or Modification of Buildings, Driveways, and Miscellaneous means of access, related to any proposed or existing County Road or Drainage System.

PERMISSION IS HEREBY GRANTED

To above applicant (hereinafter referred to as "Permittee"), to proceed as set forth and represented in the attached and pursuant to the conditions, whether general or special are hereinafter set forth; all forming a part hereof, to-wit:

REGULATIONS

DEFINITIONS- SECTION I

1. Commissioner- The commissioner of the Transportation of the County of Onondaga or his duly authorized representative.
2. County Road- Any highway so designated on the latest "Road Map of Onondaga County" issued by the Commissioner as well as all other County Highways not so indicated, both existing and proposed.
3. Drainage System- Any natural or unnatural waterway, including creeks, highway ditches, culverts, and storm drains.
4. Applicant- The person, persons, or firm requesting a permit, or his/their duly authorized representative.
5. Owner- The person, persons, or firm holding legal title to the property for which a permit is requested.
6. Municipal Building Inspector- The building inspector or other authorized official of the particular town or village within which the permit property is located.
7. Permittee- The applicant, if and when the application is approved or approved subject to specific conditions by the Commissioner.
8. Application- A completely filled out and signed application form specified by the Commissioner, as well as other necessary and required supplemental information, such as maps and plans, attached thereto.
9. Building- The structure or structures such as single or multi-family dwellings or commercial and industrial structures on the property specified on the application.
10. Driveway- A means of access for motor vehicles onto the property specified on the application.
11. Modification- An addition or alteration to an existing building or driveway.
12. Return Radius- The radius of the curve between the driveway edge and the pavement edge.

PROCEDURE- SECTION II

1. Applications for County approval for the construction or modification of buildings, driveways, and miscellaneous means of access related to any proposed or existing County Road or Drainage System, shall be available from municipal building inspectors and the Department of Transportation.
2. Prior to the County's inspection of the proposed driveway, the applicant shall mark the appropriate property corners, and centerline of the proposed driveway.
3. Three applications shall be submitted to the municipal building inspector who shall then sign prior to being sent to the Commissioner of Transportation.
4. Within ten days after receipt of the applications, the Commissioner of Transportation shall cause the applications to be reviewed for recommendations by the appropriate Section Crew Leader, the Department of Planning, and the Department of Transportation.
5. After such review and within the same ten day period the Commissioner of Transportation shall then approve, approve subject to specific conditions, or disapprove the application, and shall note such on the three applications.
6. One copy of the application shall be returned to the applicant, one shall be returned to the municipal building inspector and the third copy of the application shall be retained by the Commissioner of Transportation.
7. The municipal building inspector shall upon receipt of an executed application so returned, shall release to applicant or permittee the municipal building permit, if any.
8. If no municipal building permit is required for the proposed construction indicated on the application, the applicant shall make application directly to the Commissioner.

GENERAL REGULATIONS- SECTION III

1. No work of any kind by the permittee shall be authorized within any County Road or Drainage Right-of-Way by the issuance of the permit, as such work shall be covered by a separate Department of Transportation permit.
2. The map and plans submitted as a part of the application shall indicate the following information:
 - a. The location and boundaries of the subject property for which a permit is requested.
 - b. The location, size, and type of all existing and proposed driveways and buildings, underground utilities, service facilities, parking layouts and drainage facilities.
3. Insufficient information shall constitute grounds for disapproval by the Commissioner.
4. A copy of this permit must be present at the permit property site at all times during construction.
5. The construction materials used and the form of construction shall be in accordance with local municipal laws and regulations, except as specified in Section VI.
6. The privilege granted by this permit does not authorize any infringement of federal, state, or local laws or regulations, and is limited to the extent of the authority of the Department of Transportation.
7. The issuance of the permit by the Commissioner shall not be assigned or transferred.
8. The permittee shall not deviate from approved maps and plans, etc., without the written consent of the Commissioner, the municipal building inspector, and all other interested governmental agencies.

11. There shall be a minimum distance of 15 feet between the County Road Right-of-Way and any service facilities such as pump islands and building entrances.
12. No driveway shall be constructed where the sight distance is less than Current County Standards as taken from The American Association of State Highway Traffic Officials. The applicant shall also trim brush and maintain his property in such a manner as to maintain optimal sight distance.

DRAINAGE REGULATIONS- SECTION V

1. All existing and proposed drainage conditions shall be indicated on the plans submitted by the applicant.
2. Facilities to carry water thru and/or off the owners' property shall be designed and constructed so that no damage will occur to existing and proposed buildings, driveways, adjacent properties, drainage facilities, and public improvements.
3. In no case shall a driveway be constructed so as to convey water onto the road surface.

DRIVEWAY CONSTRUCTION STANDARDS AND REGULATIONS- SECTION VI

PART A— Excavation for Drainage Structures

1. Roadside ditches shall be excavated to the width and depths specified by the Commissioner.

PART B— Accepted Materials for Drainage Structures

1. Driveway pipe shall be either reinforced concrete- Class IV, corrugated steel pipe- 16 gauge, or smooth interior corrugated polyethylene pipe (SICPP).
2. Backfill around driveway pipes shall consist of gravel or crushed stone containing no stone greater than 4 inches in diameter and shall extend at least 12 inches above the drainage pipe. The backfill shall be thoroughly compacted with particular attention given to the proper placing and compaction of the backfill under the pipe haunches.
3. No headwalls may be built on ends of driveway pipes. Flared end sections may be required.
4. Catch basins, if required, shall conform with Department of Transportation specifications.

PART C— Sub-base and Surface Materials

1. The driveway sub-base shall consist of 12 inches of gravel.
2. The driveway surface shall be consolidated in such a manner so to prevent loose material from being scattered onto the county road surface.
3. Surface materials will be asphalt. Other materials such as concrete, brick pavers, etc., will require special conditions.

SPECIFIC CONDITIONS

In accordance with the map and plan hereto attached, and pursuant to the conditions and regulations, whether general or special, which are hereinafter set forth: all forming a part hereof. This applicant will obtain any and all other consents and permits that may be necessary to accomplish the purposes set forth herein, as it is understood that in granting such permit, this Department merely expresses its assent insofar as it is authorized.

Protective Liability Insurance required on this permit covered by Undertaking dated _____, 20____.

or by Protective Liability Insurance Policy No. _____ which expires on _____.

NOTE: Driveway Permit will not be issued until applicable municipal board action is completed.

This municipality has acknowledged the procedures as indicated in Section II of this permit.

INSPECTOR/ZONING OFFICER

DATE

MUNICIPALITY

If it is found necessary by the Commissioner of Transportation of the County of Onondaga to add to or otherwise modify the permit, it is to be understood such changes shall form a part of this permit and be compiled with immediately upon notice.

Dated at Syracuse, New York, this _____ day of _____, 20____.

Commissioner

In consideration of the granting of the within permit, the Undersigned hereby accepts the same subject to the regulations, specified conditions and special conditions therein described.

Dated at Syracuse, New York, this _____ day of _____, 20____.

Signature of Applicant

By _____
Title, if signed by representative



Department of
Transportation

Form PERM 33 (July 2015) Highway Work Permit Application for Non-Utility Work

Instructions and Form (For Commercial Driveways, use Form PERM 33-COM)

INSTRUCTIONS FOR COMPLETING THE APPLICATION

FRONT OF APPLICATION

Three (3) copies of the entire application, work plans and all other supporting documents must be submitted. At the time of application, certain information relative to fees and deposits may be contingent upon determinations to be made by the Department. In such cases, the information may be left blank and remittance withheld until a determination is made.

Please complete the following:

- Permittee name, address, phone and email address. Provide joint applicant contact information, if appropriate. If there are additional applicants, attach contact information on a separate sheet.
- Name and phone number(s) of emergency contact person.
- If permit is to be returned to someone other than the applicant, complete this section.
- If the guarantee deposit or bond is to be returned to someone other than applicant, complete this section.
- Estimate the cost of work being performed in the state highway right-of-way and provide this figure.
- Indicate anticipated duration of work to be performed with starting date and ending date.
- Indicate the form of insurance coverage to be provided.
- Give a brief description of the work that is proposed to be done under this permit.
- Indicate whether any overhead and/or underground work (5 foot or greater depth) is included in the proposed work.
- Plans and specifications should accompany this application for any work that involves construction within the state highway right-of-way. Place a check mark on the lines for plans and specifications if they are attached to this application.
- Location of the project should be identified by State Route, highway reference marker(s), and the municipality and county in which work area is located.
- In regard to State Environmental Quality Review (SEQR), indicate the type of action, the name of the Lead Agency, and what date the final determination was made, if available.
- Signature of applicant and date.
- Signature of second applicant, if any, and date.

BACK OF APPLICATION

- Check type of work that will be performed.
- In the appropriate column, indicate total amount of permit fees (Include insurance fee for residential work)
- Indicate type of performance security provided (bond, deposit, letter of credit), if required.
- Indicate check number of deposit or bond number.

RESPONSIBILITIES OF PERMITTEE PURSUANT TO NON-UTILITY HIGHWAY WORK PERMITS

NOTE: FAILURE TO OBTAIN A PERMIT OR FAILURE TO COMPLY WITH THE TERMS OF A PERMIT MAY RESULT IN THE DEPARTMENT HALTING THE ACTIVITY FOR WHICH A PERMIT IS REQUIRED UNTIL ADEQUATE CORRECTIONS HAVE BEEN MADE.

1. LIMITATIONS ON USE: The specific site identified in this Highway Work Permit, and only that site identified, will be available for use by Permittee only for the purpose stated in this Permit and only on the date(s) and for the duration designated in this permit. This Permit does not authorize any infringement of federal, state or local laws or regulations, is limited to the extent of the authority of NYSDOT and is transferable and assignable only with the written consent of the Commissioner of Transportation. The Commissioner reserves the right to modify fees and to revoke or annul the Permit at any time, at his/her discretion without a hearing or the necessity of showing cause.

2. CONDITIONS OF USE: NYSDOT makes no affirmation that the state-owned site used for the work has been designed, constructed, or maintained for the purpose of the conduct of the work. The Permittee assumes full responsibility for planning and conducting a safe and orderly project that does not expose workers or the public to any unreasonable hazards and that involves a minimal disruption of the normal uses of the state and local highway systems. It shall be the sole obligation of the Permittee to determine whether the site is suitable for the purpose of safely conducting the work. The Permittee assumes all responsibility for assuring that the use of the highway/property conforms to applicable requirements of law, including, but not limited to those set forth herein.

Permittee agrees to assure compliance with New York Labor Law, industrial regulations, and OSHA regulations, and to assure the safety of all workers who will be engaged to do the permitted work.

3. INSURANCE COVERAGE: Permittee must have the insurance that is required for the type and extent of the work being performed.

Permittee agrees to maintain liability insurance in full force and effect throughout the term of the highway work permit. Expiration of, or lack of, liability insurance automatically terminates the permit.

To comply with this requirement, an applicant must furnish the Department with one of the following:

- A completed **Certificate of Insurance** evidencing the required types and limits of insurance coverage, with New York State Department of Transportation named as an additional insured on the commercial general liability policy. An industry standard **ACORD 25** form with an **ACORD 855** Addendum is acceptable evidence of the required coverage. Certificate Holder should be indicated as New York State Department of Transportation, with the address of the issuing office.
- A fully executed **Undertaking Agreement** may be provided by Municipalities, Public Utilities, Transportation Corporations, Public Service Corporations or Railroads, as an alternative to providing proof of commercial general liability the insurance.
- **Homeowners** applying for a residential work permit (driveways, improvements or tree work) and performing their own work have the option to pay a **\$25 Insurance Fee**, and waive the requirement to provide insurance coverage. Any contractor doing work on the homeowner's behalf must be listed on the permit and provide satisfactory proof of insurance as set forth below.

See "PERM 33 Submission Package Requirements" on page 4 for more detailed guidance on insurance coverage.

4. COMPENSATION AND DISABILITY INSURANCE COVERAGE: Permittee is required to have compensation insurance and disability coverage as noted in the provisions of the Worker's Compensation Law and Acts amendatory thereof for the entire period of the permit, or the permit will be invalid. Applicant must provide proof of coverage (Form C-105.2, U-26.3 or SI-12 for Worker's Compensation, and DB-120.1 or DB-155 for Disability Benefits), or provide proof of exemption from this requirement (Form CE-200).

5. INDEMNIFICATION: Permittee agrees that, in addition to any protection afforded to NYSDOT under any available insurance, NYSDOT shall not be liable for any damage or injury to the Permittee, its agents, employees, or to any other person, or to any property, occurring on the site or in any way associated with Permittee's activities or operations; whether undertaken by Permittee's own forces or by contractor or other agents working on Permittee's behalf. To the fullest extent permitted by law, the Permittee agrees to defend, indemnify and hold harmless the State of New York, NYSDOT and their agents from and against all claims, damages, losses and expenses, including but not limited to attorneys' fees, arising out of any claim, including but not limited to claims for personal injuries, property damage or wrongful death and/or environmental claims, in any way associated with the Permittee's activities or operations, no matter how caused.

6. NOTIFICATION: The following should be notified at the appropriate time as shown below:

- Commissioner of Transportation, through the NYSDOT regional office, one week prior to commencing work.
- Area gas distributors, 72 hours prior to any blasting.
- Utility companies with facilities in work areas, before starting work (in accordance with Industrial Code 53).
- Permission from utility company must be obtained before commencing work affecting the utilities' facilities.
- NYSDOT regional signal maintenance shop, 3 days prior to starting work (traffic signal work).
- NYSDOT regional office, at conclusion of work, and return original copy of permit to Resident Engineer.

NOTIFICATION FOR ANNUAL PERMITS: Notify by phone, the Regional or Resident Engineer's Office, one week in advance, each time regular maintenance work is to be performed. In emergencies, notification by phone, fax or email should be made as soon as is practical, no later than the next business day.

7. SITE CARE AND RESTORATION: A bond, deposit (bank cashier's check), or a Letter of Credit, in an amount designated by the Department of Transportation, may be required before a permit is issued, in order to guarantee restoration of the site to its original condition. A fully executed Undertaking Agreement may be accepted as an alternative security, where applicable. If the Department is obliged to restore the site to its original condition, the costs to the Department will be deducted from the amount of the permittee's deposit at the conclusion of the work. Costs in excess of the bond/deposit on file will be billed directly to the permittee. If permittee posts a Letter of Credit, the Department may elect to have a contractor restore the site, and issue a draft drawn against the Letter of Credit as payment.

- Anyone working within state highway right-of-way must wear **high visibility apparel** and **hard hat** meeting ANSI Class 2 requirements.
- No unnecessary obstruction is to be left on the pavement or the state highway right-of-way, or in such a position as to block warning signs during non-working hours.
- No work shall be done to obstruct drainage or divert creeks, water courses or sluices onto the state highway right-of-way.
- All false work must be removed and all excavations must be filled in and restored to the satisfaction of the Regional Maintenance Engineer.

8. COSTS INCURRED BY ISSUANCE OF THIS PERMIT: All costs beyond the limits of any liability insurance, surety deposits, etc. are the responsibility of the permittee. The State shall be held free of any costs incurred by the issuance of this permit, direct or indirect.

9. SUBMITTING WORK PLANS: The applicant will submit three (3) copies of work plans and/or maps as required by the Department. This shall include (but not limited to) such details as: measurements of driveways with relation to nearest property corner; location of existing and proposed poles, guide rail, signal equipment, trees or drainage structures; positions of guys supporting poles; a schedule of the number of poles and feet of excavation necessary for completion of work on the State right-of-way. A description of the proposed method of construction will be included.

- Plan work with future adjustments in mind, as any relocation, replacement or removal of the installation authorized by this permit and made necessary by future highway maintenance, reconstruction or new construction, will be the responsibility of the permittee.
- Driveway plans should be prepared in accordance with NYSDOT POLICY AND STANDARDS FOR ENTRANCES TO STATE HIGHWAYS.
- The permittee must coordinate the work with any State construction being conducted.

10. TRAFFIC MAINTENANCE: A plan detailing how the permittee intends to maintain and protect traffic shall be submitted with work plans. Traffic shall be maintained on the highway in a safe manner during working and non-working hours until construction is completed. The permittee is responsible for traffic protection and maintenance, including adequate use of signs, barriers, and flag persons during working and non-working hours until construction is completed. All sketches will be stamped with "MAINTENANCE OF TRAFFIC SHALL BE IN CONFORMANCE WITH THE NATIONAL MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES."

11. COST OF INSPECTION AND SUPERVISION: Prior to issuance of the Highway Work Permit, the permittee may be required to sign an INSPECTION PAYMENT AGREEMENT FOR HIGHWAY WORK PERMITS (FORM PERM 50) agreeing to the payment of construction inspection charges, based on the number of work days involved. In certain cases, the permittee may also be required to sign a PAYMENT AGREEMENT FOR HIGHWAY WORK PERMITS DESIGN REVIEW (FORM PERM 51) agreeing to design review charges, based on the number of work hours in which Department employees were engaged in design review activity.

12. SCOPE:

- **Areas Covered:** Permits issued are for highways, bridges and culverts over which the New York State Department of Transportation has jurisdiction. (Local governments issue permits for highways under their jurisdiction.) Work locations must be approved by the Department.
- **Maintenance:** Unless noted otherwise, applicant shall be fully responsible for the maintenance of all items installed and/or altered as shown on the approved permit plans and documents. Property owners having access to a state highway shall be fully responsible for the maintenance of their driveway in accordance with POLICY AND STANDARDS FOR ENTRANCES TO STATE HIGHWAYS.
- **Work Commencement:** The Permittee shall have a copy of the permit available at the site during the construction period. Work should start within 30 days from validation date of permit or said permit may be revoked.

13. REPORTING ACCIDENTS: Permittee is required to report any accidents that occur during the course of the permit work to their insurance company, and to provide the Department with a copy of any such report.

14. COMPLETION OF PROJECT: Upon completion of the work within the State highway right-of-way authorized by the work permit, the person and his or its successors in interest shall be responsible for the maintenance and repair of such work or portion of such work as set forth within the Terms and Conditions of the Highway Work Permit.

PERM 33 Submission Package Requirements

Submit three (3) copies of the final submission package: Submission package must include the entire PERM 33 with all work plans and supporting documents, including the following (check all that apply):

<input type="checkbox"/>	Stamped Final Plans – Submit in PDF file format on CD, with three (3) paper copies (1" = 50'), or as requested
<input type="checkbox"/>	ACORD 25 - Certificate of Insurance, with NYSDOT named as Additional Insured (See line 3 below).
<input type="checkbox"/>	ACORD 855 - New York Construction Certificate of Liability Insurance Addendum (See line 3 below).
<input type="checkbox"/>	PERM 1, 2, 6 or 16 - Undertaking Agreement, if applicable (See line 4 below).
<input type="checkbox"/>	PERM 36 - Attachment to Highway Work Permit – Consultant Inspection, if applicable
<input type="checkbox"/>	PERM 44 - Surety Bond – Performance bond in Applicant's name, or deposit (Bank cashier's check required)
<input type="checkbox"/>	PERM 50 – Inspection/Supervision Payment Agreement, if applicable
<input type="checkbox"/>	Proof of Worker's Compensation Insurance (Form C-105.2, U-26.3 or SI-12), or proof of exemption (Form CE-200)
<input type="checkbox"/>	Proof of Disability Benefits Coverage (Form DB-120.1 or DB-155), or proof of exemption (Form CE-200)
<input type="checkbox"/>	Permit Fee (Include \$25 Insurance Fee for residential operations)
<input type="checkbox"/>	Other (specify):

Insurance Requirements

- 1) In most cases, Permittee must provide proof of **Commercial General Liability** insurance coverage with limits of liability not less than **\$1,000,000** per claim/occurrence, unless any of the following circumstances exist, in which case the limits of liability shall not be less than **\$5,000,000** per claim/occurrence:
 - (a) The estimated value of permitted work in state right-of-way is \$250,000 or more (see line 6 below);
 - (b) The permitted work requires or includes the construction, alteration or maintenance of underground features at any depth five feet or more below grade;
 - (c) The permitted work requires or includes the construction, alteration or maintenance of overhead features that include, but are not limited to, traffic signals, overhead sign structures, retaining walls or other grade separation structures.
- 2) Exceptions to the above liability limits include: (a) Annual maintenance permits require limits of liability not less than \$5,000,000 per claim/occurrence; (b) Permits for vegetation control activities require limits of liability not less than \$1,000,000 per claim/occurrence; (c) Residential driveway permits require limits of liability not less than \$500,000 per claim/occurrence; and (d) Adopt-a-Highway permits are exempt.
- 3) **ACORD 25** with **ACORD 855** (New York Construction Addendum) shall be submitted as an acceptable proof of liability coverage. New York State Department of Transportation should be named as Additional Insured and as the Certificate Holder at the address of the issuing office.
- 4) Municipalities, public utilities, public authorities and railroads may elect to provide a fully executed Undertaking Agreement as a substitute for providing proof of insurance coverage, or any other financial security otherwise required.
- 5) Homeowners may pay a \$25 Insurance Fee in lieu of providing proof of insurance, however any contractor performing on behalf of a homeowner and who is named on the permit must provide proof of insurance as outlined above.
- 6) When the estimated cost of work being performed in the right-of-way equals or exceeds \$250,000, Permittee must additionally provide proof of a **Protective Liability (OCP)** insurance policy with a minimum liability limit of \$1,000,000 per occurrence, with New York State Department of Transportation as Named Insured.

Permittee agrees to maintain liability insurance in full force and effect throughout the term of the highway work permit. Expiration of, or lack of, liability insurance coverage automatically terminates the permit.

For more information on insurance requirements, go to: www.dot.ny.gov/permits-insurance

**STATE OF NEW YORK DEPARTMENT OF TRANSPORTATION
HIGHWAY WORK PERMIT APPLICATION FOR NON-UTILITY WORK**

Application is hereby made for a highway work permit:

Name _____

Address _____

City _____ State _____ Zip _____

Applicant Phone (____) _____

Applicant Email Address _____

Emergency Contact _____

Emergency Phone (____) _____

For Joint application, name and address of Applicant 2 below:

Name _____

Address _____

City _____ State _____ Zip _____

Applicant 2 Phone (____) _____

Applicant 2 Email Address _____

RETURN PERMIT TO: (if different from Permittee)

Name _____

Address _____

City _____ State _____ Zip _____

RETURN DEPOSIT/BOND TO: (if different from Permittee)

Name _____

Address _____

City _____ State _____ Zip _____

DESCRIPTION OF PROPOSED WORK: _____

Estimated cost of work being performed in highway right-of-way: \$ _____

Anticipated duration of work: From _____ to _____ (applies to the operations indicated on the reverse side)

WILL OVERHEAD OR UNDERGROUND (5'+) OPERATIONS BE INVOLVED IN THE PROPOSED WORK? YES ☐ NO ☐

ATTACHED: Plans ☐ Specifications ☐

LOCATION: State Route: _____ Located Between Reference Markers _____ and _____

City/Town/Village of _____ County of _____

SEQR REVIEW (select one)

☐ Type II ☐ Type I ☐ Unlisted LEAD AGENCY: _____ DATE OF DETERMINATION: _____

Insurance (check one): ☐ General Liability Insurance ☐ Undertaking ☐ Insurance Fee (residential operations only)

NOTE: PERMIT IS ISSUED CONTINGENT UPON ALL LOCAL REQUIREMENTS BEING SATISFIED

ACKNOWLEDGMENT: ON BEHALF OF THE APPLICANT, I HEREBY REQUEST A HIGHWAY WORK PERMIT, AND DO ACKNOWLEDGE AND AGREE TO THE RESPONSIBILITIES OF PERMITTEE AND THE OTHER OBLIGATIONS SET FORTH IN THIS PERMIT AND WARRANT COMPLIANCE THEREWITH.

Applicant Signature _____ Date _____

Applicant 2 Signature _____ Date _____

Approval recommended by Resident Engineer _____ Res No _____ Date _____

Approved by Regional Traffic Engineer _____ Reg No _____ Date _____

Operational Type and Description		Permit Fee	Insurance Fee	Total Fees
DRIVEWAYS				
5a1	Residential Driveway (includes field entrances)	15	25	
5a6	Temporary access road or street	200		
For Commercial Driveways and subdivisions streets, use form PERM 33-COM				
IMPROVEMENTS				
5b1	Residential	15	25	
5b2a	Commercial- Sidewalk, curb paving, drainage, etc.	200		
5b2b	Commercial – Grade, seed, improve land contour, clear brush	100		
5b2c	Commercial – Resurface existing road or driveway	50		
5b2d1	Annual resurfacing of roadways and driveways – PER COUNTY	150		
	Number of counties:			
5b2d2	Annual resurfacing of roadways and driveways – PER REGION	400		
TREE WORK				
5c1	Residential	15	25	
5c2a	Commercial removal or planting	25		
5c2b	Commercial pruning, applying chemicals to stumps	25		
5c3	Vegetation control for advertising signs – PER SIGN	150		
	Number of Signs:			
MISCELLANEOUS CONSTRUCTION AND WORK OPERATIONS				
5d1	Beautify ROW (civic groups only)	N/C		
5d2a	Temporary signs, banners, décor (not-for-profit organizations)	N/C		
5d2b	Temporary signs, banners, décor (other organizations)	25		
5d3	Traffic control signals	500		
5d4	Warning and entrance signs	25		
5d5	Miscellaneous – Requiring substantial review (describe below)	400		
5d6	Miscellaneous (describe below)	25		
OTHER TYPES OF HIGHWAY WORK PERMITS				
6	Encroachment caused by DOT acquisition of property	25		
7a1	Compulsory permit required for demolition requested by DOT	N/C		
7a2	Compulsory permit required for moving requested by DOT	N/C		
7b	Improvement to meet Department standards	N/C		
8	Miscellaneous (describe below)	25		
9	Adopt-a-Highway (exempt from insurance requirement)	N/C		
Description of Miscellaneous Operation:				

PERFORMANCE SECURITY (Select one): Guarantee Deposit - Cash ☐ Performance Bond ☐ Letter of Credit ☐

Guarantee Deposit Amount: _____

Guarantee Deposit Check Number or Bond Number _____

(To be completed by NYSDOT issuing office)

Project Identification Number _____

Highway Work Permit No. _____

State Highway (SH) Number _____

Record ID Number _____