

ZONING

169 Attachment 3

Village of Menands

Appendix 3

Highway Work Permit Application for Utility Work Schedules¹



Department of
Transportation

Form PERM 32 (December 2015)

Highway Work Permit Application for Utility

Work Instructions and Form

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
- Indicate Utility Charge Account Number if applicable
- Indicate type of performance security provided (bond, deposit, letter of credit), if required.
- Indicate check number of deposit or bond number.

¹ Editor's Note: This application is a New York State Department of Transportation document and is available in a fillable form on the New York State Department of Transportation website.

MENANDS CODE

RESPONSIBILITIES OF PERMITTEE PURSUANT TO 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.

See PERM 32 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 MAINTENANCE PERMITS: (1) Except in emergencies, the applicant will notify the regional director and resident engineer in writing, at least 72 hours before work is started. This notice will contain a complete description of the work to be done, including sketches where essential. (2) In emergencies, telephone notice will be immediately given the resident engineer, and the full requirements outlined above will be met as soon as possible, and not later than the first working day following the emergency notice.

ZONING

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 be 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.
- 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.

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.

15. USE AND OCCUPANCY: A Use & Occupancy agreement may be a requirement of this permit. If required, Applicant agrees to enter into a Use & Occupancy agreement with the department, and to pay all fees associated with ongoing occupancy of state right-of-way, and all other conditions required under the Use & Occupancy agreement.

MENANDS CODE

PERM 32 Submission Package Requirements

Submit three (3) copies of the final submission package: Submission package must include the entire PERM 32 with all work plans and supporting documents, including the following (check all that apply):

☐	Stamped Final Plans – Submit in PDF file format on CD, with three (3) paper copies (1" = 50'), or as requested
☐	ACORD 25 - Certificate of Insurance, with NYSDOT named as Additional Insured (See line 3 below).
☐	ACORD 855 - New York Construction Certificate of Liability Insurance Addendum (See line 3 below).
☐	PERM 1, 2, 6 or 16 - Undertaking Agreement, if applicable (See line 4 below).
☐	PERM 36 - Attachment to Highway Work Permit – Consultant Inspection, if applicable
☐	PERM 44 - Surety Bond – Performance bond in Applicant's name, or deposit (Bank cashier's check required)
☐	PERM 50 – Inspection/Supervision Payment Agreement, if applicable
☐	Proof of Worker's Compensation Insurance (Form C-105.2, U-26.3 or SI-12), or proof of exemption (Form CE-200)
☐	Proof of Disability Benefits Coverage (Form DB-120.1 or DB-155), or proof of exemption (Form CE-200)
☐	Permit Fees
☐	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 5 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) 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

ZONING

PERM 32 UTILITY (12/15)

SUBMIT THREE (3) COPIES

STATE OF NEW YORK DEPARTMENT OF TRANSPORTATION HIGHWAY WORK PERMIT APPLICATION FOR 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 (____) _____

RETURN PERMIT TO: (if different from Permittee)

Name _____

Address _____

City _____ State _____ Zip _____

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

Name _____

Address _____

City _____ State _____ Zip _____

Applicant 2 Phone (____) _____

Applicant 2 Email Address _____

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

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 _____

MENANDS CODE

Operational Type and Description			PERMIT FEES				
			Base Fee	QTY	Unit Rate	Sub Total	Total Fees
ORIGINAL INSTALLATION			Number of feet/poles				
☐	1a1	Underground - excavation, tunneling, boring, installing, etc.	32		.32/foot	0	
☐	1a2	Underground - Commercial subsurface connection	32		.32/foot	0	
☐	1a3	Underground - Residential subsurface connection	32		.32/foot	0	
☐	1b1	Overhead - Erecting poles, towers	63		2.50/unit	0	
☐	1b2	Overhead - Running new lines	63				
☐	1b3	Overhead - Commercial service connection	19				
☐	1b4	Overhead - Residential service connection	19				
☐	1c1	Installation on bridge or culvert	63				
☐	1c2	Installation on bridge or culvert requiring structural changes	625				
MAINTENANCE			Number of regions/counties				
☐	2a	Maintenance, single job	32				
☐	2b1	Annual maintenance per region			2500		0
☐	2b2	Annual maintenance per county			625		0
☐	2c	Repair of water or sewer lines	32				
☐	2d	DOT requested maintenance	N/C				
AFTER ORIGINAL CONSTRUCTION			Number of regions/counties				
☐	3a1	Annual – includes overhead connections – per region			2500		0
☐	3a2	Annual – includes overhead connections – per county			625		0
☐	3b	DOT requested relocation	N/C				
☐	3c	Commercial subsurface service connection	32				
☐	3d	Commercial overhead service connection	19				
☐	3e	Residential subsurface service connection	32				
☐	3f	Residential overhead service connection	19				
MISCELLANEOUS UTILITY WORK							
☐	4	Miscellaneous (describe below)	32				

UTILITY CHARGE ACCOUNT NUMBER: _____ WORK ORDER/REF NO: _____

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 _____

PERM 32 (12/15) REVERSE