



LIVINGSTON COUNTY HIGHWAY DEPARTMENT

Jason Wolfanger Superintendent, Shannon Rice Deputy Superintendent, Elaine D. Szoczei Admin. Manager, 4389 Gypsy Lane Mt. Morris, NY 14510, Phone (585) 243-6700, Fax (585) 243-6715, Zac Cracknell Deputy Superintendent, Shaun Metcalfe Deputy Superintendent

Permit No. \_\_\_\_\_

PERMIT UNDER SECTION 136 OF HIGHWAY LAW

WHEREAS, Section 136 of the Highway Law provides: "Except in connection with the construction, reconstruction, maintenance or improvement of a county road or operations of a corporation pursuant to the provisions of section twenty-seven of the transportation corporations law or sections twenty-one, eighty-nine, ninety-one, ninety-three, ninety-three-a and ninety-three-b of the railroad law, no person, firm, corporation or municipality shall construct or improve, within the county road right of way an entrance or connection to such road, or construct within the county road right of way any works, structure or obstruction, or any overhead or underground crossing thereof, or lay or maintain therein underground wires or conduits or drainage, sewer or water pipes, except in accordance with the terms and conditions of a work permit issued by the county superintendent or his duly designated agent, notwithstanding any consent or franchise granted by any town superintendent, or by any other municipal authority. Any municipal corporation may enter upon any county road for the purpose of widening the pavement or for any other purpose authorized by this section, but only after securing a permit as provided herein. Notwithstanding the limitations in any general or special law, every municipal corporation shall have and is hereby given authority to deposit with the county superintendent such a sum of money or a security bond as may be required as a condition precedent to the granting of the permit provided in this section."

"Upon completion of the work within the county road right of way, authorized by the work permit, the person, firm, corporation, municipality, 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 work permit."

"The term 'county road right of way' shall, for the purposes of this section, mean the entire width between the boundary line of all property which has been purchased or appropriated by the county for county road purposes, all property over which the county superintendent or his predecessors has assumed jurisdiction for county road purposes, all property over which the county superintendent has assumed jurisdiction during the period of construction, reconstruction or improvement and all property which has become part of the county road system through dedication or use."

"Any person, firm or corporation violating this section shall be liable to a fine of not less than twenty-five dollars nor more than one thousand dollars for each day of violation, to be recovered by the county superintendent and paid in to the county treasury to the credit of the county road fund created under this article for the construction, reconstruction and maintenance of county roads on the county road system in accordance with the provisions of this article, and may also be removed therefrom as a trespasser by the county superintendent upon petition to the county court of the county or to the supreme court of the state." And

WHEREAS, a certain highway known as \_\_\_\_\_ CR # \_\_\_\_\_ in the town of \_\_\_\_\_ has been improved and is on the Livingston County Road System and WHEREAS, \_\_\_\_\_ (hereafter, "applicant") whose address is \_\_\_\_\_ Field Contact: \_\_\_\_\_ Phone (\_\_\_\_) \_\_\_\_ - \_\_\_\_\_ requests permission to \_\_\_\_\_

as per sketch or map attached.

- Residential Commercial Institutional Municipal

NOW, THEREFORE, permission is hereby granted to said applicant to do said work upon the following conditions:

CONDITIONS AND RESTRICTIONS

- 1. This permit shall not be assigned or transferred without the written consent of the County Highway Superintendent.
2. The work authorized by this permit shall be performed under the supervision and to the satisfaction of the County Highway Superintendent or his representative.
3. Particular attention is called to the necessity of thorough compaction of backfill, which will be required by the County Highway Superintendent.
4. The County Highway Superintendent shall be given one week's notice by said applicant of the date when it intends to begin the work authorized by this permit, and prompt notice of its completion.
5. If any work authorized by this permit is not performed to the satisfaction of the County Highway Superintendent or his representative, or is not fully completed or is otherwise defective, the said applicant hereby agrees that the County Highway Superintendent may satisfactorily complete said work or correct any defect therein after the discovery of such unsatisfactory or defective work. The cost or expense thereof shall be paid by said applicant immediately upon receipt of a statement of such cost or expense from the County Highway Superintendent or may be deducted by the Treasurer of Livingston County out of any funds deposited with him as security for the satisfactory completion of said work.
6. Applicant certifies all persons concerned with the actual work under this permit are duly covered by Workmen's Compensation Insurance and the State, County and Town shall be held harmless on account thereof.
7. The said County Highway Superintendent reserves the right to at any time revoke or annul this permit should the said applicant fail to comply with the terms and conditions upon which it is granted.
8. The applicant agrees to pay all necessary expenses incident to supervision and inspection by reason of the granting of such permit as certified by the County Highway Superintendent, such payment to be made within ten days from the rendering of the certified account.
9. Work under this permit to be commenced within thirty days from date of permit and continued in an expeditious manner.
10. The said applicant hereby agrees to hold the State, County and Town harmless on account of damages of any kind which may arise or occur as a result of the work authorized by this permit, either during the progress of same or within a period of five years from the date of such completion, and to defend at said applicant's own expense any and all actions instituted against the State, County or Town to recover for such damages.
11. It is understood that should future changes in the highway construction or use make necessary changes in the proposed work covered by this application and permit, the applicant shall on reasonable notice from the County Highway Superintendent make such necessary changes at his own expense within the time so specified in notice.
12. Traffic shall be maintained by the applicant on this section of the highway while the work is in progress and its final completion. Work Zones shall be in accordance the current Federal Manual of Uniform Traffic Control Devices (MUTCD) and the New York State Supplement.
13. Remove accumulated mud on pavement surface when necessary or when directed.

**Bond**

**on file**

- 14. A **Certified Check** in the sum of \$ \_\_\_\_\_ payable to the Treasurer of Livingston County is **to be deposited** as security that the highway will be restored to its original condition where distributed at the expense of the applicant, as soon as the work has been completed, and the said County Highway Superintendent is hereby authorized to expend all or as much of such deposit as may be necessary for that purpose, should the said applicant neglect or refuse to perform the work.
- 15. Care must be taken not to interfere with drainage ditches or structures.
- 16. The installation of utilities, when permitted, must be made outside of the ditch line and as near to the highway right or way line as possible or as designated in writing by an authorized representative of the County Highway Department.
- 17. Equipment with chains, armored tires, lugs, etc., will not be permitted on the pavement area.
- 18. Permits issued for work within the limits of Livingston County Highway Departments contracts will be performed in collaboration and conformity with the work schedule and all related specifications for work which the County of Livingston's contractor has submitted to and which has been approved by the County Highway Superintendent.
- 19. The foreman in charge of the work covered by this permit shall have the permit and the approved plans and sketches in his possession on the job at all times.
- 20. Applicant must notify all utility companies involved before the start of any work. Any work involving surface disturbance shall conform to the requirements of NYS Code Rule Part 753 - Protection of Underground Facilities.
- 21. It is required that the owner (utility company, sewer district, water district, developer, home owner) of the facility to be installed within the right of way of the County Highway must sign the permit as the applicant. Except as permitted by the Superintendent, contractors will not be allowed to sign the permit as applicant.
- 22. Pursuant to Chapter 278 of the Laws of 2023, if the permittee is a Utility Company, the Utility and its contractors must follow all provisions in the Roadway Excavation Quality Assurance Act which amends section 224-F of the Labor Law. The provisions include having a contract in place to pay prevailing wages and maintaining certified payrolls during the period of work.

**METHODS OF PERFORMING THE WORK**

- 1. Work at all locations shall be approved by an authorized representative of the County Highway Department.
- 2. All pipes or mains crossing highway pavements shall, wherever possible, be driven beneath the roadway without disturbance to the pavement. The minimum separation from the underground line shall be 36 inches from the bottom of any adjacent drainage features, or 60 inches below the road surface, whichever is greater. The point of driving shall not be less than five feet from the edge of paved surface. Such crossover pipes shall be installed with tracer wire and, whenever possible, be enclosed in sleeves or larger pipes so that repairs or replacements may be made in the future without any further disturbance of the roadway pavement.
- 3. If the boring method in the driving of crossover pipes is found to be impractical, a review of the installation by the County Highway Superintendent will be made to determine if placing the pipe by the open cut method will be permitted. Tunneling, if permitted, will be done only under exceptional circumstances, and then only of proper shoring and 1:15 concrete backfill is provided or, if hand placed rock backfill is installed to avoid future settlement. Voids in the lower layers of such rock backfill shall be sand filled, but the top layer adjacent to the pavement shall be filled to 1 to 2 parts of Portland Cement grout, either placed from the side with a cement gun or forced in from the top through holes drilled in the pavement.
- 4. Backfill of excavated areas shall be performed in the following manner: Wherever pavement is cut and this will include paved driveways, backfill for the entire depth of the trench shall consist of a dry concrete mixture of one part cement to fifteen parts of gravel (stones over three inches in diameter and areas of fine aggregate excluded) in six inch layers (loose measure) thoroughly compacted. Where a temporary pavement restoration is required, it shall consist of bituminous concrete three inches in depth, and it shall be maintained flush with the existing pavement until restoration of pavement is completed. This requirement may be modified at the discretion of the County Highway Superintendent or his authorized representative.
- 5. After the consolidation of the trench backfill has been attained, the temporary pavement shall be replaced with permanent pavement. The temporary backfill shall be removed to a depth required for the installation of the permanent pavement. The complete restoration of all components of pavement disturbed by trenching operation shall be made by cutting back to the undisturbed face of the subbase, and then each succeeding layer shall be cut back a minimum of six inches or to an undisturbed face, which ever is greater, thereby providing for the bridging of the cut section by the restored pavement.
- 6. In restoration of cement concrete pavement surface or base, cutting shall be made to provide for a pavement opening one foot wider on each side than the width of the trench. The cutting shall be made in the proper manner so as to allow the existing reinforcing steel, if any, to protrude a sufficient distance for lapping or tying with similar reinforcement in the adjacent replacement. High early strength 1:1.2:1/2 concrete will be used in the replacement. The trench backfill supporting the above replacement shall be of selected bank-run gravel in six inch layers (loose measure) thoroughly compacted.
- 7. During the process of all work under this permit great care shall be exercised and the use of every precaution necessary to prevent any damage to property within and adjacent to the County Highway right of way.
- 8. All land monuments and property marks shall be carefully protected from disturbance of any nature. Their removal shall not be permitted until an authorized agent of the County Highway Superintendent has referenced their location.

**Utility Cut Specifications**

- 1. **Traffic Control.** Work zones shall be protected by advance warning signs, lights, flagmen, barricades etc. in accordance with the current MUTC D and the NYS Supplement. During working hours one-way traffic shall be maintained at all times, controlled by flagmen & signs. Two-way traffic shall be restored overnight with pavement and shoulders in a safe condition for traffic.
- 2. **Pavement Cutting.** Before excavation, the perimeters of the opening shall be cut with an asphalt wheel cutter, air hammer, saw or other means in order to avoid disruption of the adjacent pavement areas to remain.
- 3. **Excavations.** The permit holder shall be responsible for notifying all owners of underground facilities for location stake-out. Excavation shall proceed without damaging underground facilities or undermining adjacent pavement sections or structures. Special attention shall be given to the requirements for the immediate, careful shoring of any open trench in excess of 4 feet depth for the safety or workmen in the trench. Excavated material shall be removed from the site, not stored within the road right-of-way.
- 4. **Pipe Bedding and Construction Quality.** Pipes shall be properly bedded, joined and backfilled to prevent crushing, leaking or other problems that could affect the safety and physical condition of the overlying road.
- 5. **Backfill and Compaction.** Backfill and compaction shall be performed in an acceptable manner that will avoid excessive settlement and the need for more pavement patching after project is completed. Backfill material starting one foot above pipe shall be crusher-run limestone or equivalent & approved by the department. Compaction shall be accomplished by thorough compaction of one foot maximum lifts with a vibratory compactor.
- 6. **Pavement Restoration.** Pavement and base material shall be restored using the same kinds and thicknesses of materials as in original pavement, or alternate of equivalent or greater strength approved by the department. Care shall be taken to bonding the edges of the repair to the existing pavement.
- 7. **Responsibility of Applicant and Insurance.** In the event the department must repair the pavement after construction due to settlement or other problems, the applicant shall pay for all expenses. Before issuance of the permit, the applicant or his contractor shall file a certificate of liability insurance and Workmen's Compensation Insurance to cover any accidents involving road users or others as a result of the construction operation permitted. The insurance shall have the following limits:

<b>Bodily Injury:</b>	<b>\$ 500,000 each person</b>
	<b>\$1,000,000 each occurrence</b>
	<b>\$1,000,000 aggregate</b>
<b>Property Damage:</b>	<b>\$ 500,000 each occurrence</b>
	<b>\$1,000,000 aggregate</b>

The **County of Livingston, Livingston County Government Center, 6 Court Street, Geneseo, NY 14454**, its officers and employees, shall be named as additional insured. The County of Livingston shall be listed on the certificate to receive from the issuing company 30 day written notice before cancellation of the insurance.

**SPECIAL CONDITIONS**

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**APPLICANT SIGNATURE**

\_\_\_\_\_  
**COUNTY HIGHWAY SUPERINTENDENT**

\_\_\_\_\_  
APPLICANT PRINTED

\_\_\_\_\_  
DATE