

RIGHT-OF-WAY (R.O.W.) WORK PERMIT

PERMITTEE INFORMATION

Company or Individual Name: _____
 Address: _____ City: _____ State _____
 Telephone: () _____ Zip _____

 (Date) (Signature of Applicant)
 Highway Name: _____ Co. Rd/Rt No. _____
 Description of the work to be performed: _____

TERMS AND CONDITIONS TO OBTAIN A PERMIT FOR WORK WITHIN THE COUNTY ROAD RIGHT-OF-WAY UNDER SECTION 136 OF THE HIGHWAY LAW

Permittee shall not seek to hold the County liable for any claims for damages arising from the permittee's negligence or the permittee's contractor's negligence in the operations covered by the permit. Permittee shall indemnify and hold harmless the County from any and all liability for claims for damages arising from the permittee's negligence or the negligence of the permittee's contractor in the work covered by the permit.

DRIVEWAY WORK FOR STRICTLY RESIDENTIAL APPLICATIONS PERFORMED BY THE PROPERTY OWNER

The property owner must provide evidence of **general liability insurance** (e.g. copy of homeowners or farm owners insurance certificate) prior to issuance of a permit. Commercial general liability, worker's compensation and disability coverage is not required. A **\$250 deposit** is required, which will be returned upon the County's inspection and approval of the completed work.

MUNICIPALLY SPONSORED WORK

Work for a municipality, whether performed by the municipality or the municipality's contractor, will not be charged a permit fee. If not covered under the municipality's general liability insurance policy, the municipality's contractor shall have protective liability insurance in accordance with the requirements listed below in "All Other Work". The County **may** require a surety device depending on the scope and magnitude of the work involved.

ALL OTHER WORK

Permittee or permittee's contractor shall have protective liability insurance in effect during the period work is being performed within the highway right-of-way. Such insurance shall be not less than a combined single limit for bodily injury and property damage of **\$1 million** per occurrence.

Such insurance must include coverage for potential liability incurred by permittee in performing the work covered by the permit, and prior to issuance of the permit, permittee shall furnish to the County a certificate of insurance evidencing such insurance....with the "County of Chautauqua" named as additional insured. Permittee shall also be required to submit proof of Worker's Compensation and Disability coverages as required by Section 57 and 220 Subd. 8 of the Worker's Compensation Law. See also "Chautauqua County Minimum Insurance Requirements" sheet.

A surety device, such as a performance bond, cash, check or certificate of deposit in favor of the Chautauqua County Finance office shall be required to protect the County against the costs of completing construction or correcting deficiencies in the permitted work. The County shall require such surety prior to the issuance of the permit. The surety shall be retained for a period of one year after completion of construction as a construction maintenance guarantee. The amount of the surety shall be **\$5,000** for each permit requested with the amount of **\$10,000** being retained for two or more permits from any one permittee. The County may request additional surety where the permittee's potential damages due to the scope and magnitude of the permittee's operations warrant it.

THE FOLLOWING FEE SCHEDULE HAS BEEN ADOPTED TO HELP DEFRAY THE COST OF ADMINISTERING THE PERMIT PROGRAM. NO FEES WILL BE CHARGED FOR PERMITS ISSUED FOR REPAIR OR REPLACEMENT OF FACILITIES PRESENTLY EXISTING IN THE COUNTY RIGHT-OF-WAY. **MAKE CHECK PAYABLE TO "DIRECTOR OF FINANCE"**.

DRIVEWAYS

Residential Gravel	No Charge/\$250.00 deposit
Asphalt or Concrete.	\$25.00/\$250.00 deposit
Commercial Parking Entrance.	\$100/40ft increments
Subdivision.	\$100/40ft.increments

UNDERGROUND OCCUPANCY

Outside of Paved Area.	\$50.00, plus \$1.50 per Lin. Ft. of Occupancy
Within Paved Area	
Bore or Push (with sleeve)	\$100.00, plus \$1.50 per Lin. Ft. of Crossing Installation
Open Cut	\$250.00, plus \$1.50 per Lin. Ft. of Crossing Installation

AERIAL

TRANSVERSE & LONGITUDINAL OCCUPANCY

Poles	\$50.00, plus \$5.00 per pole
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SIGNS

First calendar year or any portion thereof.	\$50.00/sign
Succeeding calendar years.	\$50.00/sign/year, due on Jan 1st

PLANS FOR THE PROPOSED WORK MUST BE SUBMITTED WITH THE PERMIT APPLICATION. THE COUNTY IS TO BE NOTIFIED OF STARTING AND COMPLETION DATE FOR THE WORK COVERED UNDER THIS PERMIT.

The work authorized by this permit shall be performed to the satisfaction of the County or its representative.

The said County 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.

If it becomes necessary to maintain, remove, relocate or replace approved installations due to repair or construction of said highway or for other reasons, the work shall be completed as directed by the County or its representative. The owner of the installation, including municipal corporations, shall be responsible for performing the work, or the costs associated with completion of said work.

No work shall be done to obstruct drainage or divert creeks, water courses or culverts onto the right-of-way.

Traffic shall be maintained by permittee on the highway in a safe manner during working and non-working hours until construction is completed. Suitable safeguards to reduce conditions dangerous to life, limbs and property to a minimum, must be provided by the permittee, and if necessary, flagmen shall be provided and warning signs and safety devices which conform to the National MUTCD and the New York State Supplement shall be used.

No unnecessary obstruction is to be left on the pavement or the right-of-way or in such a position as to block warning signs .

Only half of pavement is to be opened at one time so traffic can be maintained at all times.

Longitudinal work in the shoulder of the highway is discouraged. Longitudinal work should be at the back of the ditch when possible.

Deficiencies in work completed by the permittee or his contractor shall be repaired at the permittees expense for a period of one year following the completion of construction.

Trenches in shoulder of pavement are to be backfilled with gravel and mechanically tamped.

All pavement cuts shall be saw cut, pavement shall be replaced in kind or as specified below in SPECIAL CONDITIONS.

Roadway is to be returned to its original condition including shoulders, ditches, drains and driveways.

Permittee shall remove any mud and debris from the pavement, shoulders, and ditches immediately.

No County sign, guidepost, guard railing or traffic control device shall be disturbed.

Permittee is responsible for checking with telephone, power and gas companies' facilities before using this permit.

Permittee is responsible for calling Underground Locators 1-800-962-7962 or 811 before digging.

If there is any chance of a conflict in locations, the permittee should ask for an inspector to be on the job.

This Permit is to be kept on the job site at all times.

Work under this permit to be completed within one (1) year unless approved by The County.

Driveways must slope away from the edge of pavement 3/4 inch per foot to the ditch line. Headwalls on driveway pipes are not allowed and pipes 18 inch diameter or larger must have end sections.

SPECIAL CONDITIONS

COUNTY VALIDATION

IN CONSIDERATION OF GRANTING THIS PERMIT THE UNDERSIGNED ACCEPTS IT SUBJECT TO CONDITIONS PRESCRIBED BY THE COUNTY SUPERINTENDENT OF HIGHWAYS PURSUANT TO SECTION 136 OF THE HIGHWAY LAW. *Please Note Special Conditions .

Company: _____

Date Approved: _____

By: _____

Division of Engineering
Chautauqua County Department of Public Facilities