

**PERMIT ISSUED UNDER SECTION 136 OF THE HIGHWAY LAW
COUNTY ROADS**

The undersigned, County Director of Public Works of the County of Cayuga upon written application of _____ (hereafter "Applicant")

Address _____,
filed with him, as provided by Section 136 of the Highway Law, hereby grants permission to the said applicant for the following work: (include exact location of the work and attach a map or sketch with measurements tied to a monument or something permanent)

This permit is granted subject to the following conditions:

1. The work authorized by this permit shall be performed in a manner satisfactory to the County Director of Public Works or his representative. The rights of the abutting property owners shall not be encroached upon.
2. The drainage pipes, sewer pipes, water pipes, gas lines, telephone lines or other devices or appurtenances which are laid underground pursuant to this permit shall be placed at least four (4) feet below any road, culvert and the bottom of any road drainage ditch or pavement and shall be placed in such a manner that there will be no possibility of interference with the pavement, shoulders or drainage structures of the highway.
3. Any work that involves installing items under, on or above the road right of way will require a copy of plans submitted with this application. The Director may require that the plans be certified by a licensed engineer at the cost of the applicant.
4. Any work to be performed under this permit that will require something to be installed under the paved road surface will have to be driven under ground or installed so that the pavement will not be cut. Only in rare instances and where strong justification is given that precludes other means will an open cut of the pavement be allowed. If an open cut is allowed above, the applicant, prior to receiving this permit and doing any work, shall file with the Director either a certified check payable to the County of Cayuga or a performance bond issued by an insurance company authorized to do business in New York State in the amount of \$ (see schedule 1) which shall act as a guarantee that the work site will be maintained in the event it deteriorates within a 3 year period from completion of the work. The applicant will be responsible for the pavement in the area of the cut for the full three years from completion of the work. If the applicant does not meet its/his responsibility, the certified check shall be forfeited and become the property of the County highway fund or the county may make claim on the bond for the cost of the work or to have the bonding company arrange for the work within 20 days of notice in writing.
5. Any appurtenances, which are placed within the bounds of the highway right of way under the terms of this permit, must be placed either on the back side of the drainage ditch or no closer that 6 feet from the edge of the shoulder. Only in instances where it can be demonstrated that this is not practical may an exception be granted.

6. The applicant is to keep in good repair all pipes, hydrants or appurtenances which may be placed within the bounds of the highway under terms of this permit and hereby agrees to hold the county harmless from all claims and damages which may accrue against the county or any of its personnel by reason of the granting of this permit or the location in the highway right of way of the items installed under this permit and upon notice from the county director agrees to make any repairs required for the protection and preservation of the highway. The applicant further agrees that upon its/his failure to make such repairs they may be done by the county director and the applicant shall be responsible for reimbursement to the county highway fund the cost of such repairs.

7. It is agreed by the applicant that any injury or disturbance of the pavement portion of the highway, its shoulders or drainage ditches which may occur hereafter by reason of work done pursuant to this permit shall be repaired at the expense of the applicant to the satisfaction of the county director. This includes situations that appear during the course of the work or later.

8. Upon completion of the work authorized by this permit where something was buried or laid under ground in the right of way an as-built drawing certified by a licensed engineer will be provided showing where the items are and stating that the buried items meet the requirements of this permit.

9. The said county director may, upon the failure of the applicant to comply with any of the conditions contained herein, revoke this permit and remove or require the applicant to remove anything installed pursuant to this permit. The maintenance security money or bond described above shall also cover any such event.

10. If the road upon which this permit is issued is at any time, repaired, improved or reconstructed by the state, county or any municipality, the applicant or future owner, at the option of and upon the written request of the County Director of Public Works shall, before its improvement, at the applicant's own expense remove anything which may be placed under this permit and will reapply to the Public Works Director to replace the same in conformity with the directions of the engineer in charge of such improvement and in accordance with the then in effect rules and regulations of the entity doing the work..

11. The undersigned applicant further agrees: To accept full responsibility and liability for any consequences arising out of the work and shall indemnify the county and its personnel with regard thereto, including, but not limited to, future maintenance requirements caused by this work; That this shall be binding upon his heirs, successors and assigns and shall run with the land and title of the facility as a covenant binding on future owners; That the applicant or the county may cause this permit to be recorded at the County Clerk's office; and that references above that are male or entity in nature shall mean feminine or singular or plural as the sense of the document indicates based on the applicant named herein.

12. The applicant may be required to furnish insurance coverage naming the county as additional insured before this permit is issued which shall be determined at the discretion of the County Public Works Director after his review of the application. The nature of the insurance required shall be determined by the Director after consultation with the county's insurance consultant or the County Attorney.

I hereby agree to conform to the conditions contained in the foregoing permit.

Applicant

Date

Approved

Date of Approval

Deposit Schedule

A. Activities with no pavement disturbance

Activity	Deposit Amount
-Installing new utility line or pipe in Right of Way (less than 50' of installation)	\$ 500
-Installing new utility line or pipe in Right of Way (more than 50' of installation)	\$2000
-Replacing or upgrading an existing line in original location	\$1000
- Installing gas or water service to a private residence	\$ 0
- Replacing or installing utility pole in right of way	\$ 0
- Other activities that do not result in disturbance of shoulder or pavement	\$ 0
- Other activities that result in disturbance of shoulder but not pavement. (Note 1)	\$ 500

B. Activities with pavement disturbances

Activity	Deposit Amount
- Activities that use pavement cuts for new utilities	\$ 3000
- Repair of or maintenance of water, sewer or other buried utility breaks (Note 1)	\$ 1000

C. Return of Deposits. Deposit checks or bond for permit items with out pavement disturbances will be returned upon notification of completion of project and inspection by a Highway Department representative. Return of deposit checks or bonds for projects with pavement cuts will be 3 years after completion inspection by Highway Department representative. In instances where record drawings are required to show location and depth of buried utilities the deposit will not be released till the required signed drawing/plans are received.

D. A municipality needs a permit to work within a county road ROW only if the work to be done is to repair, upgrade, install or maintain the requesting municipality's infrastructure.

Note: Section 136 of the NYS Highway Law allows \$25 to \$1000 per day fine for violations of working within the right of way without a valid permit.

Note 1. An annual permit can be issued that will cover any emergency breaks within any county right of way for both a pavement or shoulder cut. However, the county must be notified of any excavation due to a utility break during working hours that day or the next working day. Failure to notify the County will

void the permit. The deposit amount needed for the permit application will be the amount needed for a repair requiring a pavement cut.