

METHOD OF PERFORMING UTILITY WORK WITHIN THE TOWN OF ERWIN RIGHT-OF-WAY

I. GENERAL CONDITIONS

These conditions and regulations apply to Highway Work Permits authorizing utility work within the Town of Erwin right-of-way. Town of Erwin offices are located at 310 Town Center Road, Painted Post, NY 14870. The Town of Erwin shall be represented by the Town Manager and/or their appointed designee(s).

A. TIME

Work under the permit shall commence and be completed within the dates listed under anticipated duration of work on the permit application. Work shall begin within (30) days from the date of permit issuance unless a later starting date is approved by the Town of Erwin or their designee.

B. REQUIREMENTS

All work shall be completed in accordance with the current Town of Erwin Standard Specifications entitled "Highway and Utility Construction" and in accordance with the following standards and requirements: Occupational Safety and Health Administration, Federal Department of Labor, Safety and Health Standards (29 CFR 1926/1910); Part 131, Title 17, New York Code of Rules and Regulations, Accommodation of Utilities Within State Right-of-Way; New York State Department of Labor, Industrial Code Rule 23, Protection of Persons Employed in Construction and Demolition Work; Industrial Code Rule 53, Excavation and Demolition Operations At or Near Underground Facilities; New York State Department of Transportation (NYSDOT) Standard Specifications and The Manual on Uniform Traffic Control Devices (MUTCD).

C. MAINTENANCE AND PROTECTION OF TRAFFIC

1. Traffic is to be maintained at all times during the progress of this work. The proper signs, barricades and lights shall be provided in accordance with the provisions of the MUTCD.
A maintenance and protection of traffic plan may be required. No lanes shall be closed without prior approval.
2. The Responsible Party/Joint Applicant shall erect and maintain suitable barricades around all trenches while work is in progress for the protection of the public, and they shall be suitably lighted by yellow flashing lights at night. The work shall be carried out in such manner that not more than 100ft of trench remains open at the end of the day's work.
3. No road surface cuts are to be left unfilled over night, except in emergencies, and in such cases, adequate precautions must be exercised to protect traffic. Prior approval must be obtained to use steel plating.
4. No construction materials or equipment shall be left on the shoulders or road surface after working hours, nor shall any construction equipment or material be placed in any manner or location that will obstruct highway or railroad warning signs.
5. All open trench in the highway right-of-way shall be barricaded. There shall be conspicuously displayed bright orange flags no less than 24" x 24" attached to such barricades and illuminated with flashing yellow lights. If, in the judgment of the Town of Erwin or their designee, flagmen are necessary, they shall be employed by the Responsible Party/Joint Applicant and on duty at all times during the progress of work .
6. 'Soft Shoulder' signs of adequate size, not less than 24" square, shall be erected and maintained on all backfill trenches within the shoulder area until the backfill is thoroughly settled. These signs shall be located at the beginning of each section of work, at intersections, and at a distance not greater than 1000' apart.
7. During winter conditions, highway shoulders shall be maintained free of obstructions which would interfere with snow removal and ice control.
8. The Responsible Party/Joint Applicant shall keep the traveled way free of foreign objects such as rocks, timber and other items that may fall from transporting vehicles. Spillage of material carried by

**TOWN OF ERWIN
HIGHWAY/UTILITY WORK PERMIT
PERMIT # _____**

Application as Responsible Party is hereby made for a highway/utility work permit by:

Name _____

Address _____

City _____ State _____ Zip _____

Federal I.D. No. _____

Applicant Telephone No. _____

Applicant Fax No. _____

Applicant E-Mail _____

For Joint Application, Name and Address of Additional Applicants below:

Name _____

Address _____

City _____ State _____ Zip _____

Federal I.D. No. _____

Applicant Telephone No. _____

Applicant Fax No. _____

Applicant E-Mail _____

Name _____

Address _____

City _____ State _____ Zip _____

Federal I.D. No. _____

Applicant Telephone No. _____

Applicant Fax No. _____

Applicant E-Mail _____

REQUIREMENTS OF THE RESPONSIBLE PARTY/JOINT APPLICANT

(1) PROTECTIVE LIABILITY INSURANCE COVERAGE

The Responsible Party/Joint Applicant must have protective liability insurance coverage in accordance with the Town of Erwin Standard Insurance Requirements. Expiration of, or lack of liability insurance automatically terminates the permit. Insurance coverage may be provided by furnishing the Town of Erwin with a Certificate of Insurance and a policy endorsement.

(2) COMPENSATION INSURANCE AND DISABILITY COVERAGE

The applicant is required to have compensation insurance and disability coverage as noted in the provisions of The New York State Worker's Compensation Law and acts amendatory thereof for the entire period of the permit, or the permit is invalid. The Responsible Party/Joint Applicant certifies all persons concerned with actual work under this permit are duly covered by Workmen's Compensation Insurance and the Town of Erwin shall be held harmless on account thereof.

(3) ASSIGNABILITY

This permit is personal with the Responsible Party/Joint Applicant. It is not assignable nor can the applicant allow another person or corporation to exercise any right under it without the endorsement of approval by the undersigned. Further, The Responsible Party is liable for the actions of its employees, sub-contractors and Joint Applicants with regard to the terms and specifications of the permit.

(4) HOLD HARMLESS CLAUSE

The Responsible Party/Joint Applicant agrees that he is not an agent or employee of the Town of Erwin and will hold the Town of Erwin and the undersigned harmless from any and all damage to person or property occasioned by the performance of their work or in connection with the condition of the highway by reason of such work.

(5) FEDERAL IDENTIFICATION NUMBER

This number is required by Chapter 55 Laws of 1992. Failure to provide this number will result in rejection of the application.

(6) NOTIFICATION

- a. Notify the Town of Erwin or their designee one week prior to commencing work. Emergency work performed by public service utilities should be reported the next work day.
- b. Notify area gas distributors 72 hours prior to blasting.
- c. Notify utility companies with facilities in the work areas before starting work. in accordance with industrial code rule 53. The Responsible Party/Joint Applicant is responsible for contacting the Dig Safely One Call Center and following the procedures established for under ground utilities in accordance with New York State Code Rule 753.
- d. Notification to, and Right-of-Way release from all adjacent property owners associated with the proposed project is a requirement of the Responsible Party/Joint Applicant.

(7) SITE CARE AND RESTORATION

No unnecessary obstruction is to be left in the R.O.W 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 R.O.W. All false work must be removed and all excavations must be filled in and restored to the satisfaction of the Town of Erwin or their designee.

(8) COSTS INCURRED BY ISSUANCE OF THIS PERMIT

All costs beyond the limits of the protective liability insurance are the responsibility of the Responsible Party/Joint Applicant. The Town of Erwin shall be held free of any costs incurred by this permit, direct or indirect.

(9) SUBMITTING WORK PLANS

The applicant will submit plans and/or maps as required by the Town of Erwin. This shall include all topographic details within the project area, a description of the proposed method of construction, and drawings accurately depicting the proposed project.

Plan work with future adjustments in mind, as any relocation, replacement or removal of the installation authorized by this permit made necessary by future highway maintenance, reconstruction or new construction, will be the responsibility of the Responsible Party/Joint Applicant. Access roads and driveway plans should be prepared in accordance with the NYSDOT Policy and Standards For Entrances to State Highways. The Responsible Party/Joint Applicant must coordinate his work with all the Town of Erwin construction or maintenance projects.

(10) TRAFFIC MAINTENANCE

A plan detailing how the Responsible Party/Joint Applicant intends to maintain and protect traffic shall be submitted with the work plans. The Responsible Party/Joint Applicant is responsible for traffic protection and maintenance in accordance with The Manual on Uniform Traffic Control Devices. Anyone working within the Town of Erwin R.O.W. must wear OSHA approved high visibility apparel and hard hat.

(11) SCOPE

a. Areas Covered

Permits issued are for highways, bridges and culverts over which the Town of Erwin has jurisdiction.

b. Legal

The privilege granted by the permit does not authorize any infringement of federal, state or local laws or regulations, is limited to the extent of the authority of the Town of Erwin in the premises and is transferable and assignable only with the written consent of The Town of Erwin.

c. The Town of Erwin Reservation

The Town of Erwin reserves the right to modify fees and to annul or revoke the permit at any time at his discretion without a hearing or the necessity of showing cause.

d. Locations

Work locations must be approved by the Town of Erwin or their designee.

e. Maintenance

Property owners having access to a town highway shall be fully responsible for the maintenance of their driveway in accordance with the NYSDOT Policy and Standards For Entrances To State Highways.

f. Work Commencement and Completion

Work shall start and finish within the dates listed on the permit application under Duration of Work or said permit may be revoked.

(12) COMPLETION OF PROJECT AND FUTURE RESPONSIBILITY

Upon completion of the work authorized by the permit, the Responsible Party/Joint Applicant or his 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, Conditions and Requirements of the permit. Further, the Utility Owner is responsible for their utility throughout the life of said utility. This includes but is not limited to: safety, maintenance and future infrastructure improvements.