

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 the current standards and requirements of the following shall apply: 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).

The final decision on the method of underground installation will be made by the Town of Erwin or their designee.

1. Work within Road Surface and Shoulder Areas

A. Installations that cross the road surface and shoulder areas.

Wherever practical, all underground installations shall be placed beneath the road surface and shoulder areas without disturbance to these surfaces.

1) Boring, Jacking and Tunneling: Methods

DESIGN

- a. The location of all excavations (Jacking, pits, etc.) shall be shown in plan and profile.
- b. The location of all other existing utilities shall be shown.
- c. The construction equipment and procedures to be used shall be described in the permit application.
- d. The design of all excavations, including ground and surface water control where necessary, shall be made available for review by the Town of Erwin upon request.
- e. The underground installation shall be described in detail, i.e. size, length, depth, material, provisions for grouting, etc.
- f. Pipes shall generally be enclosed in sleeves or larger pipes. Small diameter services (2 inch I.D. or smaller) may be placed without sleeving at the discretion of the Town of Erwin.
- g. The limits of an open excavation shall not be closer than 10 feet to the edge of the road surface unless approved by the Town of Erwin. Open excavations shall be protected with the required controls for safety and for the maintenance and protection of traffic in accordance with the MUTCD.

CONSTRUCTION

- a. Grouting operations may be required if surface settlement, loss of soil, or voids around the pipe develop. When grout is required, it shall consist of 1 part cement to 2 parts sand by volume and sufficient water to produce a consistency suitable for placing grout.
- b. Backfill of open excavations shall meet all of the requirements of I.B.1.A.2 Construction.

2) Open Excavation Method

Open Excavations will only be allowed in Emergency Conditions or under an extreme exception basis.

DESIGN

- a. The location of all road surface crossings by the open excavation method shall be shown in plan and profile.
- b. The location of all other existing utilities shall be shown.
- c. The design of all excavations, including ground and surface water control where necessary, shall be made available for review by the Town of Erwin upon request.
- d. When requested, the construction equipment and procedures to be used shall be described in the permit application.
- e. Pipe installations shall be done according to the requirements of the appropriate NYSDOT Standard Sheets. The required granular material shall meet the material requirements for Select Granular Fill in the current NYSDOT Standard Specifications including addenda. Exceptions will only be allowed if prior approval is granted by the Town of Erwin or their designee.
- f. Pavement shall be saw cut at termination points of pavement replacement.

CONSTRUCTION

- a. Road surface and shoulder removal shall be done in a manner that provides for proper restoration of the replacement section. Straight, vertical cuts of the road surface will be required. Road surfaces that become undermined shall be cut back and removed. Alternative repair methods may be used if prior approval is granted.
- b. The backfill material shall be placed and compacted according to the requirements for backfilling structures, culverts, pipes, conduits and direct burial cable described in Section 200, Earthwork, NYSDOT Standard Specifications, including addenda.
- c. Generally, cuts shall be filled at the end of each working day. With prior approval, steel cover plates may be used. Recessing of these plates may be required.
- d. Temporary road surfaces and shoulders shall be placed as soon as a crossover installation is complete.

B. Installations that are longitudinal to the road surface

1) Open Excavation Method

DESIGN

- a. The location of all open excavations shall be shown in plan and profile.
- b. The design of all excavations, including ground and surface water control where necessary, shall be made available for review by the Town of Erwin upon request.
- c. The location of all other existing utilities shall be shown.
- d. Pipe Installations shall be done according to the requirements of the appropriate NYSDOT Standards specifications The required granular material shall meet the material requirements for Select Granular Fill in the current NYSDOT Standard Specifications including addenda. Exceptions will only be allowed if prior approval is granted by the Town of Erwin or their designee.

CONSTRUCTION

- a. Road surface and shoulder removal shall be done in a manner that provides for proper restoration of the replacement section. Straight, vertical cuts of the pavement will be required. A road surface that becomes undermined shall be cut back and removed. Alternative repair methods may be used if prior approval is granted.
- b. The backfill material shall be placed and compacted according to the requirements for backfilling structures, culverts, pipes, conduits and direct burial cable described in Section 200, Earthwork, NYSDOT Standard Specifications, including addenda.
- c. Generally, cuts shall be filled at the end of each working day. With prior approval, steel cover plates may be used. Recessing of these plates may be required.
- d. A permanent or temporary road surface shall be placed immediately as sections of the total installation are completed to subbase elevation. Gravel surfaces may be used in shoulder areas if prior approval is granted.

2) Boring, Jacking and Tunneling Methods

DESIGN

All the requirements of I.B.1. A.1) DESIGN a. through f. shall apply.

CONSTRUCTION

- a. All the requirements of I.B.1. A.1) CONSTRUCTION a. and b. shall apply.
- b. Open excavations shall be protected with the required controls for safety and for the maintenance and protection of traffic in accordance with the MUTCD.
- c. The requirements of I.B.1. B.1) CONSTRUCTION d. shall apply.

2. Work Outside the Road Surface and Shoulder Areas

A. Open Excavation Method

DESIGN

1. All the requirements of I.B.1. B.1. DESIGN shall apply.
2. Open excavations shall be protected with the required controls for safety and for the maintenance and protection of traffic in accordance with the MUTCD.

CONSTRUCTION

The backfill material shall be placed and compacted according to the requirements for backfilling structures, culverts, pipes, conduits and direct burial cable described in Section 200 Earthwork, NYSDOT Standard Specifications, including addenda.

B. Boring, Jacking and Tunneling Methods

DESIGN

1. All the requirements of I.B.1. A.1. Design a. through g. shall apply.
2. Open excavations shall be protected with the required controls for safety and for the maintenance and protection of traffic in accordance with the MUTCD,

CONSTRUCTION

All the requirements of I.B.1. A.1. CONSTRUCTION shall apply.

C. SUBBASE, ROAD SURFACE AND SHOULDER REQUIREMENTS

1. Subbase

- a. The subbase course shall be a minimum of 6 inches thick unless otherwise approved. The material shall meet the requirements of the current NYSDOT Standard Specifications subbase course item.
- b. Under the permit, construction which adversely affects the subsurface drainage of the road structure shall be corrected by the addition of surface or subsurface drains as required.

2. Road Surface and Shoulders

a. Permanent

The replaced pavement/ gravel surface shall be similar to the existing surface in composition and texture. The selection of the material type and composition shall be subject to the approval of the Town of Erwin or their designee. The limit of pavement/ gravel surface replacement is supported by thoroughly compacted subbase material and the pavement is restored to the proper grade, cross slope and smoothness.

When bituminous concrete mixtures are required for the pavement replacement, the layers shall consist of one or a combination of mixture types contained in table 403-1, Composition of Hot Mix Asphalt Mixtures in Section 403 of the NYSDOT Standard Specifications including addenda. The mixture shall be placed at the proper temperature, without segregation and compacted thoroughly. Pavement, shoulders, curbs, gutters and other incidental features shall be replaced in kind unless otherwise approved by the Town of Erwin or their designee.

b. Temporary

Pavement that is replaced temporarily may be paved with either a hot bituminous concrete mixture mentioned above or a cold bituminous patching mixture. Gravel that is replaced temporarily must consist of approved NYSDOT material. Regardless of which patching mixture is used it shall be placed on a prepared foundation and thoroughly compacted. Either patch must be maintained to provide a smooth surface until it is permanently replaced.

3. Manholes

Manhole Installations shall be placed outside the road surface unless approved by The Town of Erwin or their designee. Manhole frames and covers set within the road surface shall have sufficient structural adequacy to support the roadway traffic. The type of manhole frame and cover shall be approved by the Town of Erwin or their designee. The manhole frame shall be recessed from the surface of the roadway at a depth set by the Town of Erwin. Future changes to the riser are the responsibility of the Utility Owner.

D. 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 or dropped by carrying vehicles or equipment used by the Responsible Party/Joint Applicant shall be removed immediately from the traveled way, both within and outside the project work limits.

E. COMPLETION OF WORK

1. All works to be performed in a manner approved by the Town of Erwin or their designee.
2. All disturbed areas shall be returned to their original condition in a manner satisfactory to the Town of Erwin or their designee.
3. The Responsible Party/Joint Applicant shall be required to restore shoulders and ditches and clean up the highway as his work progresses. All driveways shall be restored with material in kind and to their original conditions.
4. All surplus earth and rubbish shall be cleaned up and removed from the highway right-of-way upon completion of the work, and the highway left in a neat and orderly condition.
5. Record plans showing final grade of new installation and existing underground facilities encountered shall be provided to the Town of Erwin, if a variation from design plans occurred during construction.

F. NECESSITATED FUTURE WORK

1. The Responsible Party/Joint Applicant agrees that any present or future injury to or disturbance of The highway its slopes or ditches, caused by the method of work performed or the facility installed shall be repaired by the Responsible Party/ Joint Applicant at his own expense and in accordance with the requirements of the Town of Erwin.
2. If necessity arises in the future because of the work on the Town of Erwin Highway system and/or its structures, requiring the removal, relocation or replacement of the installation authorized by this permit, said work shall be done as directed by the Town of Erwin or their designee, and all cost and expense so incurred shall be the obligation of the said Responsible Party/Joint Applicant or his successor in interest.

II. UTILITY POLE INSTALLATIONS

A. Setting of Poles

1. All poles shall be set outside the ditch line so that the proper drainage of the highway will not be impeded. Any alternative placements must be approved by the Town of Erwin or their designee.
2. There shall be no obstruction to private driveways, connecting highways or roads, paths or sidewalks.
3. In case it is found necessary to trim trees within the boundaries of the highway, the least possible amount shall be done, and in all cases the consent of the abutting property owner must be secured before the poles are set and trees trimmed.

REQUIRED CONTENTS for UTILITY PERMITS

Validated permits require the following items:

Responsible Party

- Complete Company Information
- Complete Work Description
- Approved Plans/Specifications
- MUTCD Traffic Control Plan
- Specific Work Time Frame
- Valid General Liability Insurance Certificate
- Valid Workers' Compensation Certificate
- Valid Disability Benefits Certificate
- Signature of the Responsible Party

Joint Applicant(s)

- Complete Company Information
- Valid General Liability Insurance Certificate
- Valid Workers' Compensation Certificate
- Valid Disability Benefits Certificate
- Signature of the Joint Applicant(s)

OVERVIEW OF PENALTIES FOR VIOLATIONS

The violations described in this section are punishable by a monetary fine assessed on a per occurrence basis and determined in relation to the severity of the offense, all as set forth in detail following the description of each offense. Such fines shall only be imposed following written notice to the offending party. The imposition and severity of a fine (up to the maximum set forth in these regulations) shall be in the sole discretion of the Municipality. In the event the monetary fines are not appealed and remain unpaid for ninety (90) days from the date of assessment, the offending party shall be subject to a jail sentence of up to thirty (30) days.

VIOLATIONS

•Failure of Utility/Facility Owners to Complete The Annual Maintenance Permit

Description:

Utility Companies that have facilities within Municipal right-of-way and/or use Municipal right-of-way to access facilities outside Municipal right-of-way must complete an Annual Maintenance Permit. The Annual Maintenance Permit must be completed and returned with all applicable documentation within (10) business days of expiration.

Fine/Action:

Failure to comply will result in a mandatory fine of One Hundred Dollars (\$100.00) per day and loss of access to the Utility Owner (except documentable emergency work) until the Annual Maintenance Permit has been renewed.

•Failure to Acquire an Approved Utility Construction Permit

Description:

A Utility Construction Permit is required for all activities not covered by the Annual Maintenance Permit. Work performed outside the parameters of the Annual Maintenance Permit without receiving an approved Utility Construction Permit constitutes a violation of local law.

Fine/Action:

Failure to comply will result in an immediate stoppage of work and a mandatory fine of One Thousand Dollars (\$1000.00). The fine shall be applied equally to both the Responsible Party and Joint Applicant(s). All costs associated with removing/remediating the unapproved work and all associated future work, shall be borne by the Responsible Party and Joint Applicant(s) involved. Further, the municipality will have sole discretion regarding repair to its infrastructure.

• Providing Invalid or Incorrect Company Information

Description:

The Responsible Party or Joint Applicant provides material information on the Permit Application that is false, or fails to respond in a timely fashion to a request by the Municipality to provide material information missing from the Permit Application.

Action:

Failure to comply may result in a maximum fine of One Hundred Dollars (\$100.00) per item.

•Expired/Incorrect Insurance and/or Benefit Information Responsible Party and/or Joint Applicant

Description:

Certificates proving General Liability, Workers' Compensation and Disability Benefits coverage are a requirement for all permits and must be active throughout the duration of all permits.

Action:

Failure to supply current certificates within ten (10) business days of the expiration listed on the respective certificate will result in a mandatory fine of One Hundred Dollars (\$100.00) per certificate, per day and a subsequent stoppage of work until the correct documentation has been supplied.

•Failure to Notify/Coordinate Work with the Superintendent

Description:

The Responsible Party and/or their Joint Applicant must provide the Highway Superintendent with a minimum of one (1) week notification, prior to the commencement of New Construction Project work.

Action:

Failure to comply will result in a maximum fine of One Hundred Dollars (\$100.00) per day for each day under the one (1) week time constraint. All penalties shall be applied equally to both the Responsible Party and Joint Applicant(s).

•Failure to Follow Approved Permit Plans and Work Descriptions

Description:

Unapproved work and/or work that varies in detail from the approved Permit, Plans and Specifications.

Action:

Failure to comply shall result in a mandatory One Thousand Dollar (\$1000.00) fine and the immediate stoppage of work. The fine shall be applied equally to both the Responsible Party and Joint Applicant(s). All costs associated with removing/remediating the unapproved work and all associated future work, shall be borne by the Responsible Party and Joint Applicant(s). Further, the municipality will have sole discretion regarding repair to its infrastructure.

• **Working Outside the Approved Project Time Frame**

Description:

Beginning work before the approved project start date or working beyond the approved project completion date without approval.

Action:

Failure to comply will result in a maximum fine of Five Hundred Dollars (\$500.00) per day of unapproved access. All penalties shall be applied equally to both the Responsible Party and Joint Applicant(s).

• **Failure to Maintain Traffic Safety Measures**

Description:

The Failure to follow safety procedures, including but not limited to:

- Failure to follow the approved MUTCD Plan
- Obstructions left in the right-of-way during non-working hours.
- Hazardous traffic conditions created by the project

and/or any situation deemed unsafe in the reasonable discretion of the Highway superintendent or his Designee.

Action:

The failure to meet the aforementioned requirements will result in a maximum fine of Five Hundred Dollars (\$500.00) per offense. All penalties shall be applied equally to both the Responsible Party and Joint Applicant(s). There will also be a subsequent stoppage of work until approved safety measures have been attained.

• **Failure to Notify Dig Safely New York**

Description:

The call before you dig requirement is backed by New York State Law. It is the responsibility of all parties performing the construction process to contact Dig Safe New York and document the information derived from their request. This violation applies strictly to unregulated utilities as regulated utilities are subject to enforcement by the Public Utility Commission.

Action:

The failure to perform this procedure shall result in a fine of One Thousand Dollars (\$1000.00). All penalties shall be applied equally to both the Responsible Party and Joint Applicant(s). A mandatory stoppage of work shall be issued until the proper procedure has been performed. Further, any and all damage created by the failure to perform this procedure shall be corrected at the expense of the offender.

- **Failure to Restore the Approved Project Area**

Description:

Topographic and infrastructure conditions must return to a level that meets or exceeds conditions prior to project commencement. Final approval must be given by the Highway superintendent or his Designee.

Action:

Following notice of the violation and a twenty (20) day opportunity to cure, failure to comply will result in a maximum Five Hundred Dollar (\$500.00) fine. All penalties shall be applied equally to both the Responsible Party and Joint Applicant(s). Further, all expenses created by the disallowed work, including future remediation, shall be borne by the Responsible Party and Joint Applicant(s) involved.

- **Failure to Meet Industry Standards/Specifications**

Description:

The failure to meet or exceed industry standards that guide the safe installation, use and protection of the permit holder's facility.

Action:

The failure to meet the aforementioned requirements will result in a maximum fine of One Thousand Dollars (\$1000.00) per offense. All penalties shall be applied equally to both the Responsible Party and Joint Applicant(s). Further, a mandatory stoppage of work shall be issued until approved Standards and Specifications have been attained.

- **Failure to Keep Approved Permit/Plans on the Project Site**

Description:

All Permit Holders are required to have the approved Permit Plans and Specifications on site at all times throughout the project.

Action:

Failure to comply shall result in a mandatory fine of Five Hundred Dollars (\$500.00) per offense. All penalties shall be applied equally to both the Responsible Party and Joint Applicant(s). Further, a mandatory stoppage of work shall be issued until the approved Permit/Plans are on site.

•Failure of the Responsible Party to Provide 100% Inspection of Work Performed for New Construction Permits

Description:

The Responsible Party must provide an inspector that shall at all times effectively insure that the terms and conditions of the Permit, Plans and Specifications are being followed. Unapproved work performed by the Joint Applicant constitutes a failure by the Responsible Party to provide effective inspection practices.

Action:

Failure to comply shall result in a mandatory fine of Five Hundred Dollars (\$500.00). All penalties shall be applied equally to both the Responsible Party and Joint Applicant(s).

• Failure to Document and Report Emergency Repairs

Description:

Emergency Repairs are to be reported verbally to the Highway Superintendent within twenty-four (24) hours of the incident. A written report detailing the emergency repair made and documentation supporting the need for the repair must be submitted to the Highway Superintendent within seven (7) days of the incident.

Action:

Failure to comply with the aforementioned notifications shall be finable at One Thousand Dollars (\$1000.00) per offense.

• Abuse of the Emergency Repairs Designation

Description:

Multiple (i.e. three or more) repairs completed within a specific dimension (Transverse Dimension = Single Lane Width, by Longitudinal Dimension = 50' in length) under the guise of Emergency Repair that creates repeated damage to the infrastructure. Multiple repairs within an area of this size are deemed to be the failure of the Utility Owner to provide long term repair. The determination of the Utility Owner as to the emergency nature of the repair shall be presumptively valid if proper supporting documentation is supplied.

Action:

Abuse of the emergency repair designation shall be finable at One Thousand Dollars (\$1000.00) per offense to the Utility Owner.

**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 _____

Proposed Work Description:

Attached:

Duration of Work:

Plans _____ Specifications _____

Begin _____ End _____

Road Name or commonly referred to as _____ Town of Erwin, Steuben County, New York

Nearest Intersecting Road _____ Nearest House Number _____

Acceptance of the requested permit subjects the Responsible Party and all Joint Applicants to the conditions, regulations and responsibilities stated on this application, the permit and all attachments.

Responsible Party _____

Signature of Responsible Party Representative -----Date _____

Joint Applicant _____

Signature of Joint Applicant's Representative _____ .Date. _____

Joint Applicant _____

Signature of Joint Applicant's Representative _____ .Date. _____

Design Approval By _____ .Date _____

For: the Town of Erwin, 310 Town Center Road, Painted Post, New York 14870

Project Approval By _____ .Date _____

For: the Town of Erwin, 310 Town Center Road, Painted Post, New York 14870

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 **(\$1,000,000 in coverage, Minimum)**. 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. **A copy of the policy endorsement must be attached.**

(2) WORKERS' COMPENSATION INSURANCE AND DISABILITY COVERAGE

The Responsible Party /Joint Applicant(s) are 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. Applicant(s) certify that 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. **Proof of Workers' Compensation Coverage can only be accepted by supplying one of the following certificates: C105.2, U26.3, SI-12 or GSI-105.2 . Proof of Disability Benefits coverage can only be accepted by supplying one of the following certificates: DB120.1 or DB-155.**

(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.
- cl. 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 their 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 PROTECT 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.