

**Essex County Department of Public Works - Right of Way Permit Form**

<input type="checkbox"/> Applicant <input type="checkbox"/> Prop. Owner		<b>County Permit to Install or Repair:</b>				
Name:	<input type="checkbox"/> Driveway	<input type="checkbox"/> Water Line	<input type="checkbox"/> Sewer	<input type="checkbox"/> Tel/Elec Cable	<input type="checkbox"/> Other	
Company:	Location:	CR #	Road Name:		Town:	
Address:	Description:					
Town:						
Phone #:						
<b>Contractor</b>						
Name:						
Company:						
Address:						
Town:						
Phone #:	Project Begin Date:			Project End Date:		

**Conditions**

Under Section 136 of the New York State Highway Law, any entity, whether public or private, desiring to work in the County Road right of way, must secure a permit. This permit shall be issued based upon the approval of the Superintendent of Highways prior to commencing the project. Conditions for this approval will be the following:

**1. General Conditions:**

- a. All work done in the County Road right of way shall be performed in a manner that is satisfactory to the Essex County Superintendent of Public Works.
- b. The location of the new or replaced installation is to be approved by the Superintendent prior to construction. Its placement shall be located to minimize its impact on the traveling public and not be a hazard to them.
- c. The applicant is to contact DigSafely New York at 1-800-962-7962, before commencing work, as mandated by New York State Law, Code Rule 753. Advanced notice of two full working days is required for this service.

**2. Hold Harmless Clause:** The applicant is to keep in good repair all pipes, hydrants and all other appurtenances which may be placed within the bounds of the highway under terms of this permit. He shall also indemnify and hold harmless the County of Essex from all damages which may accrue due to their installation and location in the Highway. Upon notice of the County Superintendent, he agrees to make any repairs required for the protection and preservation of the Highway and further consents that upon the failure of the applicant to make such repairs, they may be made by the County Superintendent at the expense of the applicant. Such expense shall be a prior lien upon land benefitted by the use of the Highway for such pipes, hydrants or appurtenances.

**3. Traffic:** While working in the County Road right of way, at least one lane of traffic is to remain open at all times, unless an exception is made by the Superintendent of Public Works ahead of time. Proper use of flagmen, cones, barricades and construction zone signs, etc. must be maintained at all times while working in the right of way.

**4. Driveway Entrances:** The installation of new driveway entrances will be evaluated by the Essex County Department of Public Works Engineering staff prior to commencing work, for adequate sizing, proper grade and location, and if a culvert is necessary. Although providing access to a property may be obligatory, there might be restrictions placed on the entrance due to unusual circumstances.

If it is determined that a culvert is not warranted, the applicant is to backfill the driveway with a minimum of 6" of suitable compacted Item #4 gravel. Paving of the driveway apron may be necessary as conditions dictate. The Engineering staff will determine if this is necessary.

When a new culvert is required, the property owner shall be responsible for its installation. The Engineering staff will

specify the diameter, length, and type of pipe to be used. The standard residential driveway entrance will consist of one, 20-foot long pipe. In exceptional cases, longer pipes may be allowed. Suitable compacted backfill will be required over the culvert. If conditions are favorable, a larger diameter pipe than what was recommended may be used, provided that there will be enough cover material over the culvert. After installation by the applicant, maintenance of the pipe shall be the Essex County Department of Public Works' responsibility.

- 5. **Installation by Boring:** When feasible, the applicant shall install the new facility by the use of a boring machine and pushing the structure under the roadway.
- 6. **Installation by Trenching:** When boring is not possible and with the approval of the Superintendent of Public Works, trenching in the County Road will be allowed. Proper patching of this trench will be the applicant's responsibility.
- 7. **Depth of Installation:** Proper depth of installation of new wires, pipes, etc. is critical for future highway work. Unless specified elsewhere in this permit, the following minimum depths are to be achieved:  
Telephone and Electric Cables - 24"; Sewer Pipes and Services - 36"; Water Pipes and Services - 60"
- 8. **Site Restoration:** Upon completion of the installation, the work area is to be left in at least the same condition as prior to the work being done. If Essex County has to repair the site, the property owner shall be charged for all costs associated with the restoration work.
- 9. **Insurance:** The applicant is to carry a general liability insurance policy in the event that an injury or damage to property results from the installation covered by this permit. Contractors hired to do the work shall have a minimum of \$1,000,000 coverage per occurrence, \$2,000,000 aggregate. In the event that an individual is doing the work himself, he is to secure a construction rider to his existing homeowner's policy containing a minimum of \$250,000 for general liability insurance. If such a policy does not currently exist, coverage for the construction must be secured. In either case, one should check with his insurance agent on this matter.
- 10. **Violations; Penalties:** Any violations of the terms of this permit and/or Highway Law 136, the applicant shall be liable for a fine of not less than \$25.00, nor more than \$1,000 for each day of the violation. Such penalties shall be recovered by the County Highway Superintendent and paid to the County Treasurer to the credit of the County Road Fund for the construction, reconstruction and maintenance of County roads in accordance with the provisions of the Highway Law.
- 11. **Additional Comments/Conditions:**

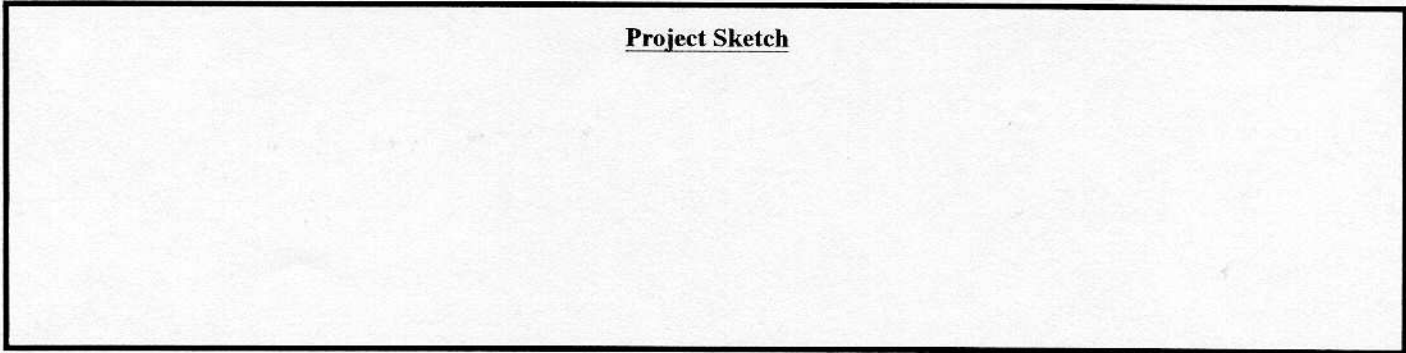
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Applicant's Signature                      Date                      Superintendent's Signature                      Date