



Submit documents and fee to:  
 Tompkins County Highway Department  
 170 Bostwick Road,  
 Ithaca, NY 14850  
 Email: HighwayPermits@tompkins-co.org

**Section 136 of Highway Law – Permit No:** \_\_\_\_\_

**WHEREAS, Section 136 of the Highway Law** provides “No street surface or other railroad shall be constructed upon any portion of a road constructed or improved on a county road system, nor shall any person, corporation or municipality enter upon or construct any work in or upon any such road, or construct any overhead or underground crossing thereof, or lay or maintain therein drainage, sewer or water pipes underground, except under such conditions and regulations as may be prescribed by the county superintendent of highways, notwithstanding any consent or franchise granted by any town or by the municipal authorities of any village or town. Any municipal corporation may enter upon any road constructed or improved on a county road system for the purpose of widening the pavement or for any other purpose authorized by this section, but only after securing a permit as provided herein. Notwithstanding the limitations in any general or special law, every municipal corporation shall have and is hereby given authority to deposit with the county superintendent of highways such a sum of money as may be required by the county superintendent of highways as a condition precedent to the granting of the permit provided in this section. Any person, firm or corporation violating this section shall be liable to a fine of not less than one hundred dollars nor more than one thousand dollars for each day of such violation, to be recovered by the county superintendent and paid to the county treasury to the credit of the county road fund created under section three hundred and twenty-b of this chapter for the construction, reconstruction and maintenance of county roads on the county road system in accordance with provisions of said section three hundred and twenty-b and may also be removed therefrom as a trespasser by the county upon petition to the county court or the supreme court of the state and

Applicant Name: \_\_\_\_\_ Contact: \_\_\_\_\_  
 Phone #: \_\_\_\_\_ Email: \_\_\_\_\_ Duration: \_\_\_\_\_  
 Contractor’s Insurance Certificate #: \_\_\_\_\_  
 Project location: \_\_\_\_\_  
 Requests permission to: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

In consideration of information provided, permission is granted for the requested work within the highway boundary, all in accordance with all conditions, restrictions and the **attached construction plans and details, sketch or map**:

- 1) *County Superintendent of Highways reserves the right to at any time revoke or annul this permit.*
- 2) *Permit is not transferrable.*
- 3) *Work under this permit shall be completed within sixty (60) days from date of permit and shall continue to completion in an expeditious manner.*
- 4) *The applicant shall submit detailed plans of all facilities and structures to be installed within the right-of-way, with a description of proposed method of construction with all necessary details to locate proposed facility (in plan, section and profile) to clearly define detail and material of construction, inclusive of all required restoration, erosion control (in accordance with Tompkins County Soil & Water Conservation District) and maintenance of traffic plans and details (in accordance with MUTCD).*
- 5) *Applicant certifies all persons working under this permit are covered by Workmen’s Compensation Insurance.*
- 6) *Safety is of highest priority. All personnel are required to wear hard hats and safety vest while working within the right-of-way*
- 7) *Applicant hereby agrees to hold the State, County and Town harmless on account of injuries or damages of any kind which may arise during progress of the work authorized by this permit or by reason thereof*
- 8) *All areas within the ROW shall be restored to match or exceed existing adjacent conditions (materials, grades, drainage, or AOB)*
- 9) **SPECIAL CONDITIONS:** \_\_\_\_\_

PERMIT FEE: **\$100.00** DEPOSIT / SECURITY: \$ \_\_\_\_\_ (payable to Tompkins County) is held until work is complete, inspected, and highway restored in accordance with required details where disturbed. Restoration is the sole responsibility and expense of applicant and shall be completed as soon as practical. TCHD is hereby authorized to expense all or as much of such deposit as necessary, should the Applicant neglect or fail to perform the required work authorized by this permit to the satisfaction of the County Superintendent of Highways.

In consideration of granting this permit the undersigned accepts and is subject to all conditions described herein.

Applicant \_\_\_\_\_ Date \_\_\_\_\_ TCHWY Representative \_\_\_\_\_

## Section 136 of Highway Law - Conditions and Restrictions

1. County Superintendent of Highways reserves the right to at any time revoke or annul this permit. Permit is not transferrable.
2. Work under this permit shall be completed within sixty (60) days from date of permit and shall continue to completion in an expeditious manner. Applicant may request additional time by reapplying at the end of term.
3. The applicant shall submit detailed plans of all facilities and structures to be installed within the right-of-way, with a description of proposed method of construction with all necessary details to locate proposed facility (in plan, section and profile) to clearly define detail and material of construction, inclusive of all required restoration and erosion control facilities (in accordance with Tompkins County Soil & Water Conservation District)
4. All areas within the ROW shall be restored to match or exceed existing adjacent conditions (materials, grades, drainage, or AOB E)
5. All pipes crossing highway pavements shall, wherever possible, be driven beneath the roadway without disturbance to the pavement. The point of driving shall not be less than ten (10) feet from the edge of paved surface. Crossover pipes shall be enclosed in sleeves or larger pipes to allow repair or replacement in the future without any further disturbance of the roadway pavement. Minimum depth of cover of all pipes shall be 36 inches. Written approval is required for open cuts.
6. Backfill within the right-of-way shall be compacted crushed stone in 6 inches lifts. In pavement areas, total depth of compacted crushed stone subbase shall be no less than 18 inches. Unless otherwise provided in writing, the pavement section shall consist of 4" of Type I Base, 3" of Type III Binder and 1-1/2" Type 6 Top. Disturbed areas shall be restored to match original conditions.
7. During the performance of work under this permit, conduct operations to prevent damage to property within and adjacent to the right-of-way. All land monuments and property marks shall be carefully protected from disturbances. Their removal shall not be permitted. Cost of removal and or replacement by a licensed land surveyor shall be the responsibility of the Applicant.
8. Safety is of the highest priority. Maintenance and protection of traffic shall conform to the NYS Manual of Uniform Traffic Control Devices (MUTCD), project traffic plans and details.
9. All personnel working within the right-of-way shall wear hard hats and safety vest, and duly covered by Workmen's Compensation Insurance. Applicant hereby agrees to hold the State, County and Town harmless on account of injuries or damages of any kind which may arise during progress of the work authorized by this permit or by reason thereof.
10. Applicant agrees to hold the State, County and Town harmless on account of damages of any kind which may arise or occur as a result of the work authorized by this permit, either during the progress of same or within a period of five years from the date of such completion, and to defend at said applicant's own expense any and all actions instituted against the State, County or Town to recover for such damages.
11. Applicant agrees future changes in highway construction or use may require changes in work proposed herein, the applicant shall on notice from County Highway, make such changes at applicant's expense within the time so specified in the notice.
12. If any work authorized by this permit not performed to the satisfaction of County Highways, is not fully completed or is otherwise defective, applicant agrees County Highways may complete or correct any defect with the cost thereof paid by applicant upon receipt of a statement of such costs.
13. Owner (utility company, town, village, sewer district, water district, developer, home owner) of the facility to be installed within the right-of-way of the county highway must sign the permit as the applicant. Contractors will not be allowed to sign the permit as applicant except as permitted by County Highway.
14. Installation of utilities, when permitted, must be located outside of the ditch line and as near to the highway right-of-way line as possible or as designated in writing by County Highway. Construction operations and proposed improvements shall not interfere with drainage ditches or structures. All drop inlets, catch basins and culverts shall be flushed and cleaned prior to final acceptance. Disturbed areas shall be restored to match existing materials, line and grade.
15. The person in charge of the work covered by this permit shall have the permit and the approved plans and sketches in his possession on the job at all times.
16. The permittee must notify the Underground Facilities Protective Organization (U.F.P.O.) at 1-800-962-7962 and any affected agencies not covered by U.F.P.O. at least 48 hours before the start of any work.
17. **Pursuant to Chapter 278 of the Laws of 2023, If the permittee is a Utility Company, the Utility and its contractors must follow all provisions in the Roadway Excavation Quality Assurance Act which amends section 224-F of the Labor Law. The provisions include having a contract in place to pay prevailing wages and maintaining certified payrolls during the period of work.**