

**IMPORTANT NOTICE:** Carefully read and fully comply with the conditions stated in this permit. No work affecting the roots or tops of trees is authorized by this permit. To obtain such permission obtain the proper permit furnished. Guying to trees requires written permission. To avoid serious damage to underground communication cables, gas mains, water mains, the Permittee should contact the owners thereof and obtain their permission before starting work which may interfere with such lines. Conduct your operations safely. Prevent accidents. Before discharging explosives in grounds and excavations, it is mandatory to notify at least 72 hours in advance, the person or municipality distributing gas in that area. The Permittee and/or his/her successor in interest shall be responsible for all future maintenance of all work done under this permit.

COUNTY OF ONONDAGA

## Department of Transportation

Proposed Starting Date \_\_\_\_\_

6230 EAST MOLLOY ROAD  
EAST SYRACUSE, NY 13057

Reference: \_\_\_\_\_

Date Work Completed \_\_\_\_\_

PHONE: 435-3176

Permit No. \_\_\_\_\_

### APPLICATION FOR PERMIT

**For Water Mains, Gas Mains, Sewer Lines, Telephone-Telegraph Installations, Electric Light Line, Electric Power Line, Miscellaneous Structures, Drainage Enclosures, Temporary Signs.**

**Pursuant to Sections 103, 103-a, 104 and 136 of the Highway Law**

TO: COMMISSIONER OF TRANSPORTATION of the County of Onondaga, Application is hereby made by the undersigned, \_\_\_\_\_

whose principal place of business is at \_\_\_\_\_

to \_\_\_\_\_

on or across a County highway situated in the Town of \_\_\_\_\_

known as \_\_\_\_\_ No. \_\_\_\_\_

in accordance with the map and plan hereto attached, and pursuant to the conditions and regulations, whether general or special, which are hereinafter set forth; all forming apart hereof. This applicant will obtain any and all other consents and permits that may be necessary to accomplish the purposes set forth herein, as it is understood that in granting such permit, this Department merely expresses its assent insofar as it is authorized.

Protective Liability Insurance required on this permit covered by Undertaking dated \_\_\_\_\_ 20\_\_\_\_,

or by Protective Liability Insurance Policy No. \_\_\_\_\_ which expires on \_\_\_\_\_.

### PERMIT

**For Water Mains, Gas Mains, Sewer Lines, Telephone-Telegraph Installations, Electric Light Line, Electric Power Line, Miscellaneous Structures, Drainage Enclosures, Temporary Signs.**

### PERMISSION IS HEREBY GRANTED

TO above applicant (hereinafter referred to as "Permittee"), to proceed as set forth and represented in the attached and pursuant to the conditions and regulations, whether general or special, which are hereinafter set forth; all forming a part hereof, to-wit:

#### CONDITIONS AND REGULATIONS

1. The privilege granted by this permit does not authorize any infringement of Federal, State or local laws or regulations, and is limited to the extent of the authority of this department in the premises. Such permit shall not be assigned or transferred without the written consent of the Commissioner of Transportation of the County of Onondaga, or his/her representative.
2. Permittee agrees to assure compliance with New York Labor Law, industrial regulations, and OSHA regulations, and to assure the safety of all workers who will be engaged to do the permitted work.
3. The work authorized by this permit shall be performed under the supervision and to the satisfaction of the Commissioner of Transportation of the County of Onondaga, or his/her representative.

4. The Commissioner of Transportation of the County of Onondaga, or his/her representative, shall be given one week's notice by said Permittee of the day when it intends to begin the work authorized by this permit and prompt notice of its completion.
5. The Property Owner and/or Permittee covenants and agrees to indemnify, defend, and hold harmless to the fullest extent permitted by law, the County of Onondaga, its officers, agents and employees and representatives in connection with this permit, from and against any and all loss or expense that may arise by reason of liability for damage, injury or death, or for invasion of personal or property rights, of every name and nature including but not limited to: (i) claims of property damage; (ii) claims of personal injury to Property Owner, Permittee and/or Permittee's/Property Owner's Contractor if self-employed, Property Owner's, Permittee's and/or Permittee's/Property Owner's Contractor's employees, agents, or subcontractors; (iii) claims of personal injury to third parties; and (iv) reasonable attorney's fees, whether incurred as the result of a third party claim or to enforce this Permit: arising out of or resulting directly or indirectly from the performance of the work or the enforcement of this Permit, irrespective of whether there is a breach of a statutory obligation or rule of apportioned liability; and whether casual or continuing trespass or nuisance, and any other claim for damages arising at law and/or equity alleged to have been caused or sustained in whole or in part by or because of misfeasance, omission of duty, negligence or wrongful act on the part of the Property Owner and/or Permittee and/or any Contractor employed thereby. The said Property Owner/Permittee does hereby further expressly agree to pay any damages because of injury to or destruction of part or all of any bridges, roads, or structures owned and/or maintained by the County of Onondaga, or which may be caused, directly or indirectly by any occurrence and arising out of the existence, maintenance or use of any facility or the matter and contents thereof as such facility, matter and contents are authorized for the installation, connection, maintenance, transportation or transmission on and across any bridge, road, or structure, pursuant to the terms of this permit.
6. The Permittee shall obtain a protective *Liability Insurance Policy* issued to and naming the County as an additional insured and covering the liability of the County of Onondaga, Department of Transportation of the County of Onondaga and/or the Commissioner of Transportation of the County of Onondaga, with respect to all operations under this permit by the Permittee or by anyone acting by, through or for the Permittee, including omission and supervisory acts of the County of Onondaga. The limit of Liability in such policy shall be not less than \$1,000,000 for all damages arising out of bodily injury (including death), and property damage. Such policy shall state that it will not be changed or cancelled until 10 days written notice has been given to the Commissioner of Transportation of the County of Onondaga, or his/her representative. Unless expressly waived, in writing, by the Commissioner of Transportation of the County of Onondaga, or his/her representative, the Permittee shall furnish with the application filed, in order to obtain this Permit, a certificate of insurance verifying the amounts of protective liability insurance.
7. The Enumeration in this permit of the kind and amount of insurance shall not abridge, diminish or affect the Permittee's legal responsibility for the consequences of accidents arising out of or resulting from the operations of the Permittee under this permit.
8. Any cash undertaking or a certified check deposited with the Commissioner of Transportation of the County of Onondaga before or at the time of the issuance of this permit, shall be deemed to include and be used as security so that the highway, or any part thereof, will be restored to its original condition where disturbed at the expense of the Permittee, and as soon as the work has been completed and the said Commissioner of Transportation or his/her representative is hereby authorized to expend all or as much of such deposit as may be necessary for that purpose should the said Permittee neglect or refuse to perform the work.
9. It shall be deemed the responsibility of the Permittee for the payment of any and all claims and damages arising out of operations by this permit which may result because of any dangerous conditions created by the existence of any debris or obstruction left on the pavement or roadside during the progress of the work which may be either within the highway, right of way or on adjacent property. Should the Commissioner of Transportation or his/her representative discover any hazardous condition so created, he may issue verbal instructions or written notice to the Permittee to eliminate the cause. In the event the Permittee fails to take immediate action to remove such hazardous condition, the Commissioner of Transportation of the County of Onondaga reserves the right to take such action as it may deem necessary to safeguard the public. All cost resulting therefrom shall be paid by the Permittee and shall be deducted from any deposit on file or any surety given by the Permittee. In the event the expenses exceed the amount of any surety bond or deposit, the Permittee shall promptly pay the balance due.
10. The Commissioner of Transportation of the County of Onondaga, or his/her duly authorized representative, reserves the right to revoke or annul this permit at any time without the necessity of a hearing or showing cause.
11. The Permittee agrees to pay all necessary expenses incident to any supervision and inspection by reason of the granting of such permit as may be certified by the Commissioner of Transportation of the County of Onondaga, and such payment will be made within ten days from the rendering of the account.
12. Work authorized by this permit shall be commenced within thirty days from the date of permit and shall be performed in a workmanlike and expeditious manner without unreasonable delay or interference with public travel. The Permittee shall provide all necessary and suitable safeguards so as to reduce to an absolute minimum any dangerous condition hazardous to life, limb or property.
13. The Permittee shall submit with the application filed in order to obtain a permit to said Commissioner of Transportation of the County of Onondaga, or his/her representative, a detailed plan of any structure to be built, if any, with a description of the proposed method of construction before any work hereunder is started.
14. Traffic shall be maintained and flagmen provided by the Permittee during the period of time the work is in progress and until its final completion. The Permittee assume full responsibility for all traffic control and are required to place adequate warning signs at least 300 feet on each side of the work site.
15. The Permittee expressly agrees that the rights of abutting property owners in fee to the center line of the highway shall not be encroached upon, and that any drainage, sewer or water pipes or appurtenances which are laid under this permit shall be placed at least four (4) feet below, and in such a manner as in no way to interfere with the pavement, shoulders or drainage ditches of the highway, and that portion of the pipe which passes under the pavement shall be pipe-driven, and in no case shall the pavement be disturbed. Upon the completion of the work the highway shall be left in as good condition as before the work was performed and to the complete satisfaction of the Commissioner of Transportation of the County of Onondaga.

16. The Property Owner/Permittee agrees to keep in good repair all pipes, hydrants or appurtenances which may be placed within the bounds of the highway under the terms of this permit, and agrees to save the County harmless, to the fullest extent permitted by law, from any and all damages which may accrue by reason of and location in the highway whether due to the negligence of the said Property Owner/Permittee or any Contractor employed thereby or the negligence of the County of Onondaga, its agents, servants and employees, and upon notice from the Commissioner of Transportation of the County of Onondaga, the said Permittee agrees to make any and all repairs required for the protection and preservation of the highway, and said Property Owner/Permittee further agrees that upon the failure of said Property Owner/Permittee to make such repairs, they may be made by the Commissioner of Transportation of the County of Onondaga at the sole expense of the Property Owner/Permittee and such expense shall be a prior lien upon the land benefited by and from the use of the highway for such pipes, hydrants and appurtenances. It is further agreed by the Property Owner/Permittee that any injury or disturbance of the paved portion of the highway, its shoulders or drainage ditches, which may occur hereafter by reason of the laying of any drainage, sewer or water pipes and their appurtenances, shall be repaired and at the expense of the Property Owner/Permittee and to the complete satisfaction of the Commissioner of Transportation of the County of Onondaga.
17. If the road upon which this permit is issued is at any time repaired, improved or reconstructed by the State, County or any other municipality, the Property Owner/Permittee or any successor in interest to said Permittee shall, upon the written request of the Commissioner of Transportation of the County of Onondaga, before its improvement, at the Property Owner's/Permittee's own expense, remove any drainage, sewer or water pipe or appurtenances which may have been placed under this permit and will relay the same in conformity with the directions of the engineer in charge of such improvement and in accordance with any rules and regulations as may be laid down at the time of said improvement.
18. It is understood and provided that this permit shall not be effective as regards any highway, street, avenue or bridge over which the County of Onondaga has no jurisdiction.
19. Pursuant to 17 NYCRR 131.21, it is mandatory that before discharging explosives in the ground or excavations where gas lines may be located, that the Permittee must notify at least 72 hours in advance, the person or municipality distributing gas in that area.
20. Permittee shall notify utility companies with facilities in work areas before starting work (in accordance with Industrial Code 53).
21. The rules and regulations covering the method of performing work and which are attached hereto and made a part hereof and are hereby regarded and made a part of this permit insofar as they are specifically modified herein.
22. Application/Permit fees are non-refundable.
23. This Permit is valid for one (1) year from the date of the Commissioner of Transportation's approval.

#### **METHOD OF PERFORMING WORK**

(1) All locations shall be approved by the Commissioner of Transportation of the County of Onondaga. Special permission will be required to use trees for guy wires.

(2) All pipes or mains 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 5 feet from edge of pavement. Such cross-over pipes shall, whenever possible, be enclosed in sleeves, or larger pipes so that repairs or replacements may be made in the future without further disturbance of the roadway pavement.

If the boring method in the driving of cross-over pipes is found to be impracticable, the Commissioner of Transportation of the County of Onondaga shall be consulted to determine the manner of placing the pipe by the open-cut method. Tunneling will be permitted only under exceptional circumstances, and then only if shoring and 1:15 concrete backfill is provided or if hand-placed rock backfill is provided to avoid future settlement. Voids in the lower layers of such rock backfill may be sand filled but the top layer adjacent to the pavement shall be filled with 1 to 2 parts of Portland Cement grout, either placed from the sides with a cement gun or forced in from the top through holes drilled in the pavement.

(3) Backfill of excavated areas shall be performed in the following manner:

**a. PAVEMENT CUTS** – Wherever the pavement is cut and including paved driveways, backfill for the entire depth of the trench shall consist of a dry concrete mixture of one part cement to fifteen parts run-of-bank gravel thoroughly compacted. This requirement may be modified at the discretion of the Commissioner of Transportation of the County of Onondaga.

Temporary pavement restoration shall consist of bituminous concrete 3 inches in depth and run-of-bank gravel of a depth to provide for the permanent pavement. It shall be maintained flush with the existing pavement until permanent restoration of the pavement is made.

After consolidation of the trench has been attained the temporary pavement shall be replaced with permanent pavement in the following manner:

- i. On concrete pavements, as specified by the Commissioner of Transportation of Onondaga County or his/her representative, slabs partly undermined, or broken shall be completely replaced with high early strength 1-1-2-1/2 concrete, except, if slabs are more than forty (40) feet long, not less than twenty (20) feet shall be required to be replaced for transverse disturbance. In all such cases the pavement shall be replaced for a distance of at least 4 feet from the edge of the cut.
- ii. On block pavements, a reinforced high early strength 1-1-2-1/2 concrete foundation and new block shall be placed over the trench and 18 inches beyond each side of it where the trench is less than two (2) feet deep, and 24 inches on each side where the trench is of greater depth.
- iii. Any concrete installations shall be reinforced by steel rods 3/8 inches in diameter and reinforced 6 inches from center to center.
- iv. On macadam pavements, acceptable bituminous top course with adequate foundation equal to that removed shall be furnished.

**b. EXCAVATION WITHIN SHOULDER AREA** – Wherever the edge of the trench excavation is within 5 feet of the edge of the pavement or paved gutter and/or within areas normally used by traffic, the backfill shall be placed in 12-inch layers and each layer thoroughly compacted; the top 12 inches of backfill shall consist of run-of-bank gravel.

Where the depth of the trench excavation is greater than the distance from edge of pavement to edge of the trench, sheeting may be required and left in place if so ordered by the Commissioner of Transportation of the County of Onondaga. The backfilling of the sheeted area shall proceed as stated above.

**c. EXCAVATION WITHIN AREAS OUTSIDE OF PAVEMENT AND SHOULDER** – The backfill in trenches beyond the shoulder and pavement areas but within the roadway area shall be compacted by rolling with heavy equipment. All trench backfill within the roadway area shall be maintained level with the original surface at all times. All surplus material between the ditch line shall be removed.

(4) The Permittee shall be required to restore shoulders and ditches and clean up the highway as Permittee's work progresses. All driveways shall be restored with material in kind and to their original condition.

Outside of the pavement area the work shall be carried on in such manner that not more than 50 feet of trench remains open at the end of day's work.

During winter conditions highway shoulders shall be maintained free of obstructions which would interfere with snow removal and ice control.

(5) Maintenance and Protection of Traffic – Traffic is to be maintained at all times during the progress of this work. Adequate signs, barricades and lights, in accordance with the standards of the Commissioner of Transportation of the County of Onondaga necessary to protect the public shall be provided. Flagmen to direct traffic shall be employed continuously during periods when only one-way traffic can be maintained or when equipment is operated back and forth across the pavement area.

No construction materials or equipment shall be left on the shoulders or pavement 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.

No pavement cuts are to be left unfilled overnight, except in emergencies, and in such cases, adequate precautions must be exercised to protect traffic.

Soft Shoulder Signs of adequate size, not less than 24 inches 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 1,000 feet apart.

(6) Shoring shall progress with the excavation to prevent cave-ins.

(7) Service Connections – Where service connections are made, the trench shall be backfilled within two days from time of opening, and suitable barricades shall be maintained during this time, with amber lights displayed at night.

(8) Manhole frames and covers shall be of a weight approved by the Commissioner of Transportation of the County of Onondaga and set in a workmanlike manner flush with the surface of the highway.

(9) 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.

(10) Any and all underground and overhead facilities encountered shall not be disturbed in any manner without proper authority from the owner.

(11) The Property Owner/Permittee agrees, in consideration of this permit, that any present or future injury to or disturbance of the highway, its slopes or gutters, caused by placing mains and/or service pipe shall be repaired by the Property Owner/Permittee at Property Owner's/Permittee's own expense and in accordance with the requirements of the Commissioner of Transportation of the County of Onondaga.

### **SPECIAL CONDITIONS**

If necessity arises in the future because of the work on the 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 Commissioner of Transportation of the County of Onondaga or his/her representative, and all cost and expense so incurred shall be the obligation of the said Permittee or Permittee's successor in interest.

In addition to the aforementioned conditions, if it is found necessary by the Commissioner of Transportation of the County of Onondaga to add to or otherwise modify the same, it is to be understood such changes shall form a part of this permit and be complied with immediately upon notice.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
**Commissioner**

In consideration of the granting of the within permit, the Undersigned hereby accepts the same subject to the restrictions and regulations therein described.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
**Signature of Applicant**

BY

\_\_\_\_\_  
**Title, if signed by representative**

*If the following section of NYS Labor Law applies to the work to be performed under this permit, the application for and acceptance of this permit constitute the applicant's/permittee's agreement confirming the payment of wages as required by such section has been contractually mandated.*

## New York Labor Law § 224-f.

### Workers on excavations.

[Effective September 15, 2023]

**1.** For the purposes of this section:

- a.** “Covered excavation project” shall mean construction work for which a permit may be issued to a contractor or subcontractor of a utility company by the state, a county or a municipality to use, excavate, or open a street. A “covered excavation project” shall exclude construction work for which a permit may be issued to a service provided as defined by subdivision twenty-three of section one thousand twenty-b of the public authorities’ law.
- b.** “Department of jurisdiction” shall mean the department of the state, board or officer in the state, or municipal corporation or commission or board appointed pursuant to law, whose duty it is to issue a permit to a utility company, or its contractors or subcontractors, for a covered excavation project.
- c.** “Fiscal officer” shall mean the commissioner; except for covered excavation projects performed pursuant to a permit issued by a city with a population in excess of one million in which case the “fiscal officer” shall be the comptroller or other analogous officer of such city.
- d.** “Utility company” shall have the same meaning as subdivision twenty-three of section two of the public service law.

**2.** Each contractor or subcontractor to a utility company shall be required to pay not less than the prevailing rate of wage in the same trade or occupation in the locality within the state where such covered excavation project is situated to each laborer, worker, or mechanic in the employ of the contractor or subcontractor to a utility company, performing work on the project in accordance with sections two hundred twenty and two hundred twenty-b of this article. No permit shall be issued for a covered excavation project until an agreement confirming the payment of wages as required by this section has been contractually mandated and filed with the department of jurisdiction, and all permits issued after the effective date of this section shall include therein a copy of this section.

**3.** The enforcement of any covered excavation project pursuant to this section shall be subject to the requirements of sections two hundred twenty, two hundred twenty-a, two hundred twenty-b, two hundred twenty-three and two hundred twenty-four-b of this article and section two hundred twenty-seven of this chapter and within the jurisdiction of the fiscal officer; provided, however, nothing contained in this section shall be deemed to construe any covered excavation project as otherwise being considered public work pursuant to this article.

**4.** The fiscal officer may issue rules and regulations governing the provisions of this section. Any violation of this section shall be grounds for determinations and orders pursuant to section two hundred twenty-b of this article.