

Permit No. _____

Fee: \$ _____

TOWN OF IRONDEQUOIT DEPARTMENT OF PUBLIC WORKS
 2629 East Ridge Road, Rochester, New York 14622 · (585) 336-6033
PERMIT UNDER HIGHWAY LAW SECTION 199

WHEREAS, Section 199 of the Highway Law provides: The Town Superintendent may, with the consent of the Town Board, upon the written application of any resident or taxpayer of his town or a corporation, grant permission for an overhead or underground crossing, or to lay and maintain drainage, sewer and water pipes underground within the portion therein described of a Town highway. Permission shall not be granted for the laying and maintain of such pipes under the traveled part of a highway, except across the same, for the purposes of sewerage and draining swamps or other lands, and supplying premises with water. Such permission shall be granted upon the condition that such pipes and hydrants or crossings shall be so laid, set or constructed as not to interrupt or interfere with public travel upon the highway, and upon the further condition that the applicant will replace the earth removed and leave the highway in all respects in as good condition as before the laying of said pipe, or construction of such crossings, and that such applicant will keep such town owned utilities or crossing in repair and save the town harmless from all damages which may accrue by reason of their location in the Highway, and that upon notice by the Town Superintendent the applicant will make the repairs required for the protection or preservation of the Highway. The permit of the Town Superintendent, with the consent of the Town Board or County Superintendent, and the acceptance of the applicant, shall be executed in duplicate, on of which shall be filled in the Office of the Town Clerk and the other in the Office of the County Superintendent. In case the applicant shall fail to make any of the repairs required to be made under the permit, they may be made by the Town Superintendent at the expense of the applicant, and such expenses shall be a lien, upon the land benefited by the use of the highway for such pipes, hydrants or structures. The Town Superintendent may revoke such permit upon the applicant's failure to comply with any of the conditions contained therein.

WHEREAS, _____ will be improved and is part of the Town or Irondequoit Infrastructure System and, _____ (work location)

WHEREAS, _____, whose address is _____, (print property owner's name) (print property owner's current mailing address, city, state, and zip code)

Requests permission to _____ (print description of proposed work activity)

at HOUSE # _____ Tax ID # _____ PROJECT NAME: _____ as per sketch or map attached.
 _____ Residential _____ Commercial _____ Utility

NOW, THEREFORE, a permit is hereby granted in accordance with the General and Special Conditions (attached). In consideration of granting this permit the undersigned applicant(s) accepts(s) it subject to all methods, conditions, and restrictions listed on this form and all special conditions attached to this form.

 Property Owner's Name (please print)

 Date

 Phone

 Property Owner's Signature

 Property Owner E-mail Address

 Contractor's Name (please print)

 Date

 Phone

 Contractor's Signature

 Contractor's Address

 Contractor's E-mail address

 Commissioner of Public Works

 Approval Date

This permit shall expire on December 31st of the current year, unless otherwise noted in this space: _____

Town of Irondequoit 199 Permit Worksheet

Driveway or Roadway Installation			
	Permit Fee	Additional Fees	Subtotal
Residential Driveway- New, Resurface, Widen	\$50		
Road Cuts	\$50	\$.50 per sq foot	
Commercial Entrance (On Town Roads)	\$200		
Subdivision Street	\$200		
Temporary Access Road or Street	\$60		
Underground Installation			
Natural Gas, Fiber, Telcom, Water, Sewer, Storm, among others	\$50	\$.50 per lineal foot	
Excavation, Tunneling, Boring for Mains, Cable, Commercial Services, Sub-services, Private Service Sub-services	\$50	\$.50 per lineal foot	
Overhead Service Utilities			
Erecting Poles, Tower, etc for Communication / Wireless	\$500	Per unit	
Erecting Poles for lighting, New Lines	\$25	\$2 Per unit	
Small Cell Communication Towers	\$750	Initial application	
Small Cell Communication Towers	\$270	Per unit per year	
Tree Work			
Tree Planting (in Town ROW special review is required per tree)	\$0	Permit Required	
Annual Maintenance Contract			
Annual Contract for Routine Maintenance on Applicants Infrastructure	\$3,000	Annually	
Miscellaneous			
Test Pits or Soil Boring/Road	\$50		
Total Fees:			

ALL INSURANCE BONDS WILL BE 2 YEARS -\$5,000

Supplement to: **Town of Irondequoit work with-in Right -of-Way Application for Permit**

Instructions: This certification must be completed by all applicants for a Town of Irondequoit work with-in Right-of-Way permit. For additional background, see Labor Law § 224-f (attached).

Part 1: Is the entity applying for and performing all work under this permit a utility subject to the jurisdiction of the Public Service Commission? [☐] YES [☐] NO.

If YES – section 224-f does not apply, proceed to Part 6 of this form.

If NO – proceed to Part 2.

Part 2: Is the entity applying for or performing any work under this permit doing so under contract or subcontract with a utility subject to the jurisdiction of the Public Service Commission? [☐] YES [☐] NO.

If YES – proceed to Part 3.

If NO – section 224-f does not apply, proceed to Part 6 of this form.

Part 3: Is the entity applying for or performing any work under this permit doing so under contract or subcontract with the Long Island Power Authority, a television or broadband provider? [☐] YES [☐] NO.

If YES – section 224-f does not apply. Proceed to Part 6 of this form and you are done.

If NO – proceed to Part 4.

Part 4: Is the permit for a location and a project already underway under an existing utility contract signed or solicited before 9/15/23? [☐] YES [☐] NO.

If YES – section 224-f does not apply. Proceed to Part 6 of this form and you are done.

If NO – proceed to Part 5.

Part 5: Is the work to be performed under this permit under a general contract awarded before 9/15/23 with a subcontract awarded thereafter? [☐] YES [☐] NO.

If YES – section 224-f does not apply. Proceed to Part 6 of this form and you are done.

If NO –

- Labor Law § 224-f applies;
- read the Labor Law § 224-f, attached, regarding your legal obligations to ensure the payment of at least the applicable prevailing wage; and
- complete Part 6.

Part 6: Certification. I certify that the information I have given on this form is true and complete, and that if Labor Law § 224-f applies, that an agreement for the payment of prevailing wages has been contractually mandated for the permit work.

WARNING: Intentionally making a false statement or providing false or misleading information in connection with this form is a criminal offense that may subject you to prosecution under law.

NOTICE: Submitting this form to the Town of Irondequoit satisfies the filing requirement of Labor Law § 224-f(2).

Print name here: _____

(if applying for a corporation or other business entity, print your full name and business title)

Sign Here X: _____

Approved by Town of Irondequoit

GENERAL CONDITIONS AND RESTRICTIONS FOR A 199 PERMIT

1. It is required that the owner (utility company, water district, developer, contractor, homeowner) of the facility to be installed within the right-of-way of the Town highway must sign the permit as the owner. Contractors will be allowed to sign the permit as co-applicant as authorized by the Commissioner of Public Works/Superintendent of Highways.
2. Work within the Town right-of-way requires current proof of insurance to be filed with the Commissioner of Public Works/Superintendent of Highways. This must be done in advance of the commencement of work. Proof of insurance includes the following:
 - a. General liability insurance for bodily injury and property damage in the amounts of not less than \$1,000,000 per occurrence and \$3,000,000 annual aggregate.
 - b. The Town is to be listed as "Additional Insured", and shall include the coverage of completed operations, and the additional insured endorsement is to be provided along with the Certificate of Insurance. A Certificate of Insurance alone is not acceptable.
 - c. Workmen's compensation coverage in the amount of not less than \$100,000 per accident or disease.
3. Maximum width allowed per driveway is 35% of the linear footage of the side of the parcel where the driveway is located.
4. Only one (1) driveway entry/approach permitted per residential parcel.
5. The work authorized by this permit shall be performed in a manner satisfactory to the Commissioner of Public Works/Superintendent of Highways.
6. The said applicant hereby agrees to hold the 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 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 Town to recover for such damages.
7. The applicant is to keep in good repair all pipes, hydrants or appurtenances which may be placed within the bounds of the right-of-way. It is agreed by the applicant that any injury or disturbance of the macadam portion of the right-of-way, its shoulders, sewer or storm system pipes and their appurtenances shall be repaired by and at the expense of the applicant to the satisfaction of the Town Commissioner of Public Works/Superintendent of Highways.
8. If any work authorized by this permit is not performed to the satisfaction of the Commissioner of Public Works/Superintendent of Highways, is not fully completed or is otherwise defective, the said applicant hereby agrees that the Commissioner of Public Works/Superintendent of Highways may satisfactorily complete said work or correct any defect therein after the discovery of such unsatisfactory or defective work. The cost of expense thereof shall be paid by said applicant pursuant to Town Code sections §§199-17 to 199-20.
9. The Commissioner of Public works/Superintendent of Highways may, upon failure of the applicant to comply with any of the conditions contained herein, revoke this permit and remove any improvements or appurtenances which may have been placed in the right-of-way under this permit, at the expense of the applicant, pursuant to Town Code sections §§ 199-17 to 199-20.
10. Care must be taken not to interfere with drainage ditches or structures.
11. It is understood that if future changes in the highway construction or use make changes necessary in the proposed work covered by this application and permit, the applicant shall on reasonable notice from the Commissioner of Public Works/Superintendent of Highways make such necessary changes at his/her own expense within the time specified in notice.
12. The applicant must notify "DIG Safely New York" by calling 811, or 1-800-962-7962, and any affected agencies not covered by "DIG Safely New York" at least two (2), but no more than ten (10) working days, not including the day of the call.

13. The person in charge of the work covered by this permit shall have the permit and the approved plans and sketches in his/her possession on the job at all times.
14. All pipes or mains crossing highway pavements shall, whenever possible, be driven beneath the roadway without disturbance to the pavement. The point of boring and/or driving shall not be less than four (4) feet from the edge of paved surface. Such crossover pipes shall, whenever possible, be enclosed in sleeves or larger pipes so that repairs or replacements may be made in the future without any further disturbance of the roadway pavement. Minimum depth of cover of all pipe shall be forty-two (42) inches.
15. Equipment with chains, steel tracks, armored tires, lugs, etc. will not be permitted on the paved surfaces.
16. During the performance of all work under this permit, great care shall be exercised to prevent any damage to property and trees within and adjacent to the Town right-of-way.
17. Signs, if disturbed, must be restored to original condition and location at the end of each workday.
18. All survey monuments and property markers shall be carefully protected from disturbances of any nature.
19. This permit shall not be transferred.
20. All maintenance and protection of traffic shall be in Manual of Uniform Traffic Control Devices.
21. All disturbed areas within the right-of-way are to be restored to their original condition on a schedule to be approved by the Commissioner of Public Works/Superintendent of Highways. Absent satisfactory evidence from the applicant to the contrary, it shall be presumed that the facilities, in their undisturbed condition, were fully operable, safe for public travel and in good condition.
22. All utilities and facilities in the area of the work are to be located, protected and (if disturbed or damaged) repaired by the applicant.
23. The highway must be kept clean of mud, dirt and other debris at all times.
24. No asphalt may be placed over sidewalks.
25. Temporary pavement must be immediately placed in all road cuts until weather conditions permit permanent pavement restoration.
26. The applicant must maintain the road cut (temporary and permanent) until the road is established in conformance with the Town specifications.
27. All materials used within the right-of-way shall comply with the latest New York State Department of Transportation (NYSDOT) Standard Specifications, including any amendments, and the latest Town of Irondequoit Minimum Specifications for Dedication.
28. Proper notice to the Commissioner of Public Works/Superintendent of Highways shall be given prior to the commencement of construction. Notification should be given in writing to publicworks@irondequoit.gov.