

TOWN OF ELLICOTT
HIGHWAY DEPARTMENT
ROBERT F. PICKETT JR
SUPERINTENDENT OF HIGHWAYS

HIGHWAY GARAGE
235 EAST MOSHER STREET
FALCONER NY 14733
PH 716-665-2101

ADMINISTRATION BUILDING
215 SOUTH WORK STREET
FALCONER NY 14733
PH 716-665-5317

RIGHT OF WAY ACCESS GUIDELINES

These access guidelines have been prepared to assist with the permit review, issuance, and inspection phases of the Right of Way Permit process.

All requirements and policies outlined herein supersede all previous requirements and policies. These requirements and policies are of standard nature and must be complied with at all times in connection with the construction of residential and commercial development within the Town of Ellicott. They are established to assist contractors, developers, engineers, and utility companies in the preparation of plans and specifications for work on and within Town right of ways.

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 Ellicott Minimum Specifications for Dedication. Specific requirements for individual jobs not covered in this guideline will be dealt with on a case by case basis as stated in the permit issued by the Town of Ellicott Highway Department.

Interpretation and implementation of these requirements and guidelines shall be the responsibility of the Town of Ellicott Highway Superintendent or his/her designee. They may be changed from time to time to reflect updates in Town policies.

Town of Ellicott Permit Requirements

1. Work within the right of way

Permits will be issued to the owner (utility company, developer, home owner, etc.) or contractor of the facility to be installed within the right of way. Except as permitted by the Highway Superintendent contractors will not be allowed to sign permits.

2. Permit Required

No person or company shall open, disturb or work within; erect fences, or structures, plant or remove trees within; or cause to be opened or disturbed by cutting, boring, digging, resurfacing, or excavating the surface, soil, pavement or sidewalk or right of way, for any purpose whatever, without first having secured a permit to perform such work.

3. Qualifications for permits

The Highway Superintendent may issue a permit to any applicant meeting the following qualifications:

- a. The applicant or applicant's agent (contractor) shall have filed in the office of the Highway Superintendent an insurance certificate showing coverage of the types and amounts as

established by resolution of the Town Board. Such insurance certificate shall name the Town of Ellicott as an additional insured, and shall include coverage of completed operations.

- b. The applicant shall have paid the appropriate fee to the Town.
- c. The applicant shall have completed and signed an application form (as provided by the Highway Superintendent), which shall include a statement that the applicant has received and will comply with the standards and specifications of the Town for work within its right of way.
- d. The applicant shall not have had a permit revoked within the past three years.

4. Types of Permits

Permits shall be of two types:

- a. Annual Permits. Annual permits shall permit the holder to maintain existing facilities, to install new services from mains to existing structures.
- b. New Permits. New permits shall permit the holder to install individual new facilities, new mains, or new driveways. They shall be valid for a period not to exceed three (3) months, or as directed by the Highway Superintendent.

5. Permit Fees

Fees for Annual Permits and New Permits shall be established from time to time by resolution of the Town Board. Please call the Town of Ellicott (716) 665-5317 for current fees.

6. Notice to Town Required

Notice to the Town of the location of work requiring a permit shall be upon forms or facsimiles developed by the Highway Superintendent. Notice to the Town for emergency repairs shall be made no later than one (1) business day after the start of the work. Notice to the Town for all other work shall be furnished *at least five (5) business days prior to the start of the work*. For these purposes, "emergency repairs" shall be defined as those unforeseeable repairs to existing facilities necessary to protect the public from imminent danger, or necessary to assure uninterrupted utility service, and shall also be defined to include new, temporary facilities as necessary to provide continuous utility service while repairs are made to existing facilities. Work shall be delayed, at the direction of the Highway Superintendent, as necessary to coordinate it with the work of the Town or with the approvals of related developments.

7. Revocation of Permit

The Highway Superintendent may revoke any permit issued hereunder for any or all of the following reasons:

- a. Failure to maintain an insurance certificate showing the required coverage for the entire duration of any work.
- b. Failure to notify the Town of the location of work requiring a permit in accordance with Section 6 of these Guidelines.
- c. Failure to pay fees.

- d. Failure to adhere to the Town's standards and specifications for work within the right of way.
- e. Failure to comply with the Highway Superintendent's direction to suspend or reschedule work.
- f. Other good and sufficient reason.

8. Town Specifications

All work shall be performed in accordance with Town specifications, latest revision. The following are adopted as part of the Town's standards and specifications:

- a. All maintenance and protection of traffic shall be in complete accord with New York State Manual of Uniform Traffic Control Devices, as it may be amended from time to time by the State.
- b. All disturbed areas within the right of way are to be restored to their original condition on a schedule approved by the Highway Superintendent.
- c. All utilities and facilities in the area of the work are to be located, protected and (if disturbed or damaged) repaired by the permit holder.
- d. The roadway must be kept clean of mud, dirt and other debris at all times.
- e. Temporary pavement or hard cap must be immediately placed in all road cuts until weather conditions permit permanent pavement restoration.
- f. The permittee must maintain the road cut (temporary and permanent) for three (3) years after final completion of permanent restoration.

9. Activities Not Requiring a Permit

The application of a liquid seal coating, or of a patch, to a driveway within the right of way shall not require a permit. Mowing, the collection of yard debris, gardening (excluding the planting of trees and shrubs) and the maintenance of plantings within the right of way shall not require a permit. The Highway Superintendent or his/her designee shall determine any other activity not requiring a permit.

10. Liabilities for Costs

In the event any permit holder fails to do anything required of him hereunder, the Highway Superintendent may cause the same to be done, and the cost of the same shall be charged to the permit holder and shall be liable therefor.

11. Penalties for Offenses

Failure to comply with any of the requirements herein shall constitute a violation. Each unlicensed or unnoticed location, and each day that passes without the proper restoration of a location, shall constitute a separate offense.