

**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 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 can only be issued to the owner (utility company, developer, home owner, etc.) 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 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 one (1) year 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.

**Town of Ellicott Highway Department**  
**Robert F. Pickett Jr.**  
**Superintendent of Highways**

Highway Garage  
235 East Mosher Street  
Falconer, New York 14733  
(716) 665-2101 Fax (716) 665-2112  
Cell (716) 489-6011  
Email [toehighway@netsync.net](mailto:toehighway@netsync.net)

Administration Building  
215 South Work Street  
Falconer, New York 14733  
(716)665-5317 Fax (716)488-1160

### Right-of-Way (R.O.W.) Work Permit

Company or Individual Name: \_\_\_\_\_  
Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_  
24 Hour Telephone Number: \_\_\_\_\_  
Property Owners Name \_\_\_\_\_  
Address: \_\_\_\_\_ Phone: \_\_\_\_\_  
Description of work to be performed: \_\_\_\_\_  
\_\_\_\_\_

#### TERMS AND CONDITIONS TO OBTAIN A PERMIT FOR WORK WITHIN THE TOWN RIGHT-OF-WAY UNDER SECTION 136 OF THE HIGHWAY LAW

Permittee shall not seek to hold the Town liable for any claims for damages arising from the permittee's negligence or the permittee's contractor's negligence in the operations covered by the permit. Permittee shall indemnify and hold harmless the Town from any and all liability for claims for damages arising from the permittee's negligence or the negligence of the permittee's contractor in the work covered by the permit.

Permittee or permittee's contractor shall have protective liability insurance in effect during the period work is being performed within the highway right-of-way. Such insurance shall not be less than a combined single limit for bodily injury and property damage of \$1 million per occurrence. Such insurance must include coverage for potential liability incurred by permittee in performing the work covered by the permit, and prior to issuance of the permit, permittee shall furnish to the Town a certificate of insurance evidencing such insurance.

**Plans for the proposed work must be submitted with the permit application. The Town is to be notified of the starting and completion date for the work covered under this permit.**

### CONDITIONS AND RESTRICTIONS

The work authorized by this permit shall be performed under the supervision and to the satisfaction of the Town Highway Superintendent, or his representative.

The Town Highway superintendent reserves the right to, at any time, revoke or annul this permit should the applicant fail to comply with the terms and conditions upon which it is granted.

If it becomes necessary to remove, relocate or replace said installations due to repair or construction of said Highway or for other reasons the work shall be done as directed by the Superintendent or his representative and such work or the cost so incurred shall be the obligation of the owner. All permanent installations constructed within the highway right of way shall be maintained by the owner.

Traffic shall be maintained and properly protected by the applicant on the section of highway in a safe manner during working and non-working hours until final completion. Suitable safeguards to reduce conditions dangerous to life, limb, and property, must be provided by the permittee, and if necessary, flagmen shall be provided and warning signs and safety devices which conform to the National MUTCD and the New York Supplement shall be used. Unwarranted interruption of traffic is not permitted.

Only half of the pavement shall be disturbed at one time, so traffic can be maintained.

Longitudinal work in the shoulder of the highway is discouraged. Longitudinal work should be at the back of the ditch when possible.

Deficiencies in work completed by the permittee or his contractor shall be repaired, at the direction of the Town Highway Superintendent by use of a contractor or Town Highway forces, at the permittee's expense for a period of one year following the completion of construction.

Trenches in the shoulder of the pavement are to be back filled with type #4, -2 inch gravel in 6 inch lifts mechanically tamping each lift.

All pavement cuts shall be saw cut. Any cut within the pavement must be back filled with type #4, -2 inch gravel in 6 inch lifts mechanically tamping each lift. A minimum base of three inches of type 3 binder and two inches of type 7F top coat plant mixed bituminous macadam shall be used to return the pavement to proper elevation to match the existing highway. In the event plant mixed bituminous macadam is not available cut must be filled with 3 inches ready mix concrete to return the pavement to proper elevation to match the existing highway until such time as plant mixed bituminous macadam is available.

Roadway is to be returned to its original condition including shoulders, ditches, drains, and driveways.

Permittee shall remove any mud and debris from the pavement, shoulders, and ditches immediately.

No town signs, guide posts, or guide railing for traffic control device shall be disturbed.

Any ditch work shall be done to the specification of the Highway Superintendent.

Permittee is responsible for calling UFPO and checking with telephone, power, and gas companies' facilities before using this permit.

Driveway and shoulder construction within the highway right of way shall slope to drain away from the edge of the pavement at least 3/4 inch per foot to the ditch line. Headwalls on driveway pipes are not allowed and pipes 18 inch or larger must have end sections.

Work under this permit to be completed within (1) year unless approved by the Town Highway Superintendent.

The permittee/contractor shall restore the right-of-way in a timely fashion. Should the Town Highway Superintendent receive complaints about construction, he/she shall contact the permittee/contractor immediately. The permittee/contractor shall respond immediately to all emergency situations. Should this not happen the Highway Superintendent will respond and cause repair at the permittees expense.

**SPECIAL CONDITIONS**

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In consideration of granting this permit the undersigned accepts and agrees to all conditions above including special conditions prescribed by the Town Superintendent of Highways pursuant to Section 136 of the Highway Law.

**THIS PERMIT WILL BE KEPT ON THE JOB AT ALL TIMES.**

Name/ Company Title: \_\_\_\_\_ Signature: \_\_\_\_\_

UFPO #: \_\_\_\_\_ Date: \_\_\_\_\_

Town Highway Superintendent: \_\_\_\_\_