

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

Highway Garage  
235 East Mosher Street  
Falconer, New York 14733  
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Cell (716) 489-6011  
Email [tohighway@netsync.net](mailto:tohighway@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/contractor 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 RETURNED AT LEAST 5 DAYS BEFORE WORK COMMENCES A COPY WILL BE KEPT ON THE JOB AT ALL TIMES.**

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

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

Owner: \_\_\_\_\_ Town Highway Superintendent: \_\_\_\_\_  
Signature Signature