



**TOMPKINS COUNTY HIGHWAY DEPARTMENT**

170 Bostwick Road, Ithaca, NY 14850  
PH: 607-274-0300  
FX: 607-272-8489

**Section 136 of Highway Law – Permit No:** \_\_\_\_\_

**WHEREAS, Section 136 of the Highway Law** provides “No street surface or other railroad shall be constructed upon any portion of a road constructed or improved on a county road system, nor shall any person, corporation or municipality enter upon or construct any work in or upon any such road, or construct any overhead or underground crossing thereof, or lay or maintain therein drainage, sewer or water pipes underground, except under such conditions and regulations as may be prescribed by the county superintendent of highways, notwithstanding any consent or franchise granted by any town or by the municipal authorities of any village or town. Any municipal corporation may enter upon any road constructed or improved on a county road system for the purpose of widening the pavement or for any other purpose authorized by this section, but only after securing a permit as provided herein. Notwithstanding the limitations in any general or special law, every municipal corporation shall have and is hereby given authority to deposit with the county superintendent of highways such a sum of money as may be required by the county superintendent of highways as a condition precedent to the granting of the permit provided in this section. Any person, firm or corporation violating this section shall be liable to a fine of not less than one hundred dollars nor more than one thousand dollars for each day of such violation, to be recovered by the county superintendent and paid to the county treasury to the credit of the county road fund created under section three hundred and twenty-b of this chapter for the construction, reconstruction and maintenance of county roads on the county road system in accordance with provisions of said section three hundred and twenty-b and may also be removed therefrom as a trespasser by the county upon petition to the county court or the supreme court of the state and whereas,

Company Name: \_\_\_\_\_ Contact: \_\_\_\_\_  
Phone #: \_\_\_\_\_ Email: \_\_\_\_\_ Duration: \_\_\_\_\_  
Contractor’s Insurance Certificate #: \_\_\_\_\_  
Project location: \_\_\_\_\_  
Requests permission to: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Now therefore, in consideration of information provided, permission is granted for the requested work within the highway boundary, all in accordance with the **attached construction plans and details, sketch or map**, all conditions, restrictions and the following:

**TCHD - SPECIAL CONDITIONS:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*This permit does not allow entry onto private property. Permission must be obtained from adjacent property owners to work beyond highway by use limits.*

PERMIT FEE: **\$100.00** DEPOSIT / SECURITY: \$ \_\_\_\_\_ (payable to Tompkins County) is held until work is complete, inspected, and highway restored in accordance with required details where disturbed. Restoration is the sole responsibility and expense of applicant and shall be completed as soon as practical. TCHD is hereby authorized to expense all or as much of such deposit as necessary, should the Applicant neglect or fail to perform the required work authorized by this permit to the satisfaction of the County Superintendent of Highways.

In consideration of granting this permit the undersigned accepts and is subject to all conditions described herein and attached

\_\_\_\_\_  
Company Agent Signature Date County Superintendent of Highways  
Has read and understands responsibilities of working within the County Highway Right-of-Way  
Has required Liability Insurance

## Section 136 of Highway Law - Conditions and Restrictions

1. County Superintendent of Highways reserves the right to revoke or annul this permit at any time. Non-transferable Permit
2. Work under this permit shall be completed within sixty (60) days from date of permit and shall continue to completion in an expeditious manner. Applicant may request one, thirty (30) day extension by reapplying at the end of term.
3. County Highway right-of-way may generally be referred to as a three-rod road (49.5 ft width), however it often extends beyond the general dimension in order to accommodate embankment slopes, drainage facilities, snow storage, etc. This use corridor may be more accurately described as the top of back slope in a cut section and toe of slope in a fill section. Controlling the use of the highway right-of-way is authorized by State Highway Law.
4. Utilities must be located outside of the ditch line and as near to the use corridor limits as possible or as approved in writing by County Highway. Construction operations and proposed improvements shall not interfere with drainage ditches or structures. All drainage structures and culverts shall be flushed and cleaned prior to final acceptance. Disturbed areas shall be restored to match existing line, grade and cross slope of adjacent areas, or AOB.
5. Applicant shall submit detailed plans of all facilities and structures to be installed within the right-of-way, with a description of proposed method of construction with all necessary details to locate proposed facility (in plan, section and profile) to clearly define detail and material of construction, inclusive of all required restoration and erosion control facilities (in accordance with Tompkins County Soil & Water Conservation District guidelines)
6. Underground facilities crossing highway pavements, shall be driven beneath the roadway without disturbance to the pavement. The point of driving/receiving shall not be less than ten (10) feet from the edge of paved surface and be enclosed in sleeves or larger pipes to allow repair or replacement without any further disturbance of the roadway pavement. Minimum depth of cover of all crossover pipes shall be 36 inches. Written County Highway approval is required for open cuts.
7. Overhead facilities shall provide a minimum of fourteen (14) feet vertical clearance crossing highway pavements or shoulders, at the lowest point of the facility.
8. General construction specifications for work within the highway use corridor:
  - a. Backfill: select granular material compacted in 6 inches lifts.
  - b. Pavement section: 12" of select granular subbase, two 3" lifts of Type III Binder and 1-1/2" Type 6 Top.
  - c. Shoulder: 3-inches minimum compacted crushed gravel, graded to match existing cross section.
  - d. Restore disturbed areas to meet or exceed conditions of adjacent area, materials, grade and cross slope.
9. Applicant agrees future changes in highway construction or use may require changes in work proposed herein, the applicant shall on notice from County Highway, make such changes at applicant's expense within the time so specified in the notice.
10. If any work authorized by this permit not performed to the satisfaction of County Highway, is not fully completed or is otherwise defective, applicant agrees County Highway may complete or correct any defect with the cost thereof paid by applicant upon receipt of a statement of such costs.
11. Applicant shall conduct all operations in a manner to prevent damage to property within and adjacent to the right-of-way. All survey monuments and property markers shall be carefully protected. Removal shall not be permitted. Cost of removal and or replacement by a licensed land surveyor shall be the responsibility of the Applicant.
12. Owner (utility company, town, village, sewer district, water district, developer, homeowner) of the facility to be installed within the right-of-way must sign the permit as Applicant. Contractors are not allowed to sign the permit as Applicant.
13. Safety is of the highest priority. Maintenance and protection of traffic shall conform to the NYS Manual of Uniform Traffic Control Devices (MUTCD), project traffic plans and details. Applicant hereby agrees to hold the State, County and Town harmless on account of injuries or damages of any kind which may arise during progress of the work authorized by this permit or by reason thereof. All personnel shall wear PPE and be covered by Workmen's Compensation Insurance.
14. Applicant agrees to hold the State, County and 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 of same 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 State, County or Town to recover for such damages.
15. Applicant must notify the Underground Facilities Protective Organization (U.F.P.O.) at 1-800-962-7962 and any affected agencies not covered by U.F.P.O. at least 48 hours before the start of any work.