

**GENESEE COUNTY DEPARTMENT OF PUBLIC WORKS**

153 Cedar Street  
Batavia, New York 14020  
585-344-8508

**PERMIT UNDER SECTION 136 HIGHWAY LAW**

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, firm, corporation or municipality enter upon or construct any works 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, 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 constructing sidewalks 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 such a sum of money as may be required by the county superintendent 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 in to the county treasury to the credit of the county road fund created under article six of this chapter for the construction, reconstruction and maintenance of county roads on the county road system in accordance with the provisions of said article six, and may also be removed therefrom as a trespasser by the county superintendent upon petition to the county court of the county or to the supreme court of the state.

WHEREAS, a certain highway known as \_\_\_\_\_ in the town of \_\_\_\_\_

(print road name)

\_\_\_\_\_ has been improved and is on the Genesee County Road System and

(print town name)

WHEREAS, \_\_\_\_\_

(print property owner name or utility company name)

whose address is \_\_\_\_\_

(print current mailing address, city, state and zip code)

requests permission to \_\_\_\_\_

(print description of proposed work activity)

at HOUSE #: \_\_\_\_\_ LOT #: \_\_\_\_\_ PROJECT NAME: \_\_\_\_\_

\_\_\_\_\_ as per sketch or map attached.

Residential  Commercial  Other

**NOW, THEREFORE, a permit is hereby granted in accordance with the SPECIAL CONDITIONS (Attached) – In consideration of granting this permit the undersigned applicant accepts it subject to all methods, conditions and restrictions listed on the back of this form and all special conditions attached to this form.**

\_\_\_\_\_  
Property Owner/Representative Signature

\_\_\_\_\_  
County Commissioner of Public Works

\_\_\_\_\_  
By: Property Owner/Representative Name (please print)

\_\_\_\_\_  
Date Issued

\_\_\_\_\_  
Date

\_\_\_\_\_  
Phone #

\_\_\_\_\_  
Check No.

\_\_\_\_\_  
\$  
Amount

## CONDITIONS AND RESTRICTIONS

1. Work at all locations shall be approved by an authorized representative of the Genesee County Department of Public Works. This permit shall not be transferred.
2. All pipes or mains crossing highway pavements shall, wherever possible, be driven beneath the roadway without disturbance to the pavement. The point of driving shall not be less than ten (10) 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 pipes shall be 36 inches.
3. Approvals of open cuts will be determined by the Genesee County Department of Public Works. Backfill of open cuts shall be compacted crushed stone in lifts not to exceed 6 inches. Total depth of crushed stone subbase shall be no less than 18 inches. Asphalt road section shall consist of 4" of Type I Base, 3" of Type III Binder and 1-1/2" Type 6 Top compacted to a minimum of 95%.
4. During the performance of all work under this permit, great care shall be exercised to prevent any damage to property within and adjacent to the County Highway right-of-way. The highway, shoulders or ditches, when disturbed, shall be restored to its original condition. Materials and or equipment shall not be stored on the pavement or shoulders during non-working hours.
5. All land monuments and property marks shall be carefully protected from disturbances of any nature. Their removal shall not be permitted until the County Commissioner of Public Works (Genesee County Engineering Office) has referenced their location. The cost of removal and or replacement shall be borne by the permittee.
6. Maintenance and protection of traffic shall conform to the New York State Manual of Uniform Traffic Control Devices as to sign location, text, color, as well as necessary lights, cones, warning devices and barricades.
7. If any work authorized by this permit is not performed to the satisfaction of the County Commissioner of Public Works, is not fully completed or is otherwise defective, the said applicant hereby agrees that the County Commissioner of Public Works may satisfactorily complete said work or correct any defect therein after the discovery of such unsatisfactory or defective work. The cost or expense thereof shall be paid by said applicant immediately upon receipt of a statement of such cost or expense from the County Commissioner of Public Works.
8. Applicant certifies all persons concerned with the actual work under this permit are duly covered by Workmen's Compensation Insurance and the State, County and Town shall be held harmless on account thereof.
9. The said County Commissioner of Public Works reserves the right to at any time revoke or annul this permit should the said applicant fail to comply with the terms and conditions upon which it is granted.
10. The said applicant hereby 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.
11. It is understood that should future changes in the highway construction or use should make necessary changes in the proposed work covered by this application and permit, the applicant shall on reasonable notice from the County Commissioner of Public Works make such necessary changes at his own expense within the time so specified in notice.
12. Care must be taken not to interfere with drainage ditches or structures. All drop inlets, catch basins and culverts shall be flushed and cleaned prior to final acceptance.
13. The installation of utilities, when permitted, must be made outside of the ditch line and as near to the highway right-of-way line as possible or as designated in writing by the County Commissioner of Public Works.
14. Equipment with chains, steel tracks, armored tires, lugs, etc. will not be permitted on the pavement area.
15. Permits issued for work within the limits of a Genesee County contract will be performed in collaboration and conformity with the work schedule and all related specifications for work which the County of Genesee's contractor has submitted to and which has been approved by the County Commissioner of Public Works.
16. The person in charge of the work covered by this permit shall have the permit and the approved plans and sketches in his possession on the job at all times.
17. The permittee 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.
18. It is required that the owner (utility company, town, village, sewer district, water district, developer, home owner) of the facility to be installed within the right-of-way of the county highway must sign the permit as the applicant. Contractors will not be allowed to sign the permit as applicant except as permitted by the County Commissioner of Public Works.
19. This permit is valid for a 90 day period from the date of issuance. The applicant may request additional time by reapplying at the end of 90 day period. A fee will be assessed as outlined in the Genesee County Department of Public Works Fee Schedule.
20. **ANY VIOLATIONS ARE SUBJECT TO A \$1,000 PER DAY FINE.**