



Department of
Transportation

RECEIVED AUG 10 2015

ANDREW M. CUOMO
Governor

MATTHEW J. DRISCOLL
Commissioner

WILLIAM J. GORTON, P.E.
Regional Director

August 3, 2015

Todd Tancredi, Supervisor
Town of Poughkeepsie
1 Overocker Road
Poughkeepsie, NY 12603



Re: SEQRA 08-0186
Hudson Heritage Project
Route 9, Town of Poughkeepsie
Dutchess County

Dear Mr. Tancredi:

The New York State Department of Transportation (NYSDOT) consents to the Town of Poughkeepsie serving as lead agency for the SEQRA review for this project. NYSDOT has a specific fee schedule and procedures for the review of Major Developments and Highway Work Permits.

1. To initiate the review process, an account (PIN) must be established. The Applicant shall submit a check for \$2,000 made out to the New York State Department of Transportation to set that up. The applicant should be aware that the \$2,000 fee is the minimum cost for the Department's review time and is non-refundable. Hereafter, all Department employees assigned the responsibility of reviewing any documents, plans, maps, etc., which are directly related to the subject proposal, shall charge their review time to this project. The applicant will then be billed periodically by the Department for the actual cost of our review and processing of the respective project. Such billings which exceed the minimum \$2,000 initial fee must be paid immediately upon receipt or the Highway Work Permit shall not be issued, or shall be revoked.
2. The applicant shall submit a PERMIT AGREEMENT FOR HIGHWAY WORK PERMITS DESIGN REVIEW (PERM 51). The PERM 51 form must be completed by the applicant. The Application No. and PIN will be filled in by the Regional Traffic Engineering & Safety Group.
3. The applicant shall submit a HIGHWAY WORK PERMIT APPLICATION FOR NON-UTILITY WORK (PERM 33). It must be signed by the applicant and the name/address provided in the upper left hand corner. The remaining information will be completed at a later date.
4. The items noted above shall be forwarded to the Regional Highway Work Permit Coordinator (address below).

Todd Tancredi, Supervisor
August 3, 2015

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5. Submit one complete set of the planning documents described below to each of the following:

Highway Work Permit Coordinator
NYS Dept. of Transportation
4 Burnett Blvd.
Poughkeepsie, NY 12603

Chuck Walter, Permit Engineer
NYS Dept. of Transportation
334 Violet Ave.
Poughkeepsie, NY 12601

Planning Documents:

1 set of plans in paper and PDF format, 1 copy of drainage study/SWPPP in PDF format, 1 copy of Synchro analysis of affected intersections on disc, 1 copy of the Traffic Impact Study (TIS) in PDF format. The Traffic Impact Study shall include traffic signal analyses for the nearby signalized intersections.

The aforementioned documents should be returned to the undersigned so that a project review may be authorized.

Very truly yours,



Michael Sassi, P.E.
Regional Highway Work Permit Coordinator

cc: Chuck Walter, NYSDOT Permit Engineer, Residency 8-2
Dutchess County Planning Board
Richard Cantor, Teahan & Constantino, LLP
EFG/DRA Heritage, LLC,

NEW YORK STATE
DEPARTMENT OF TRANSPORTATION
**PAYMENT AGREEMENT
FOR HIGHWAY WORK PERMITS
DESIGN REVIEW**

APPLICATION NO. _____

P.I.N. _____

As a condition of the permit application and in consideration of the issuance of the permit, _____ as permittee, hereby agrees as follows:
The permittee will reimburse the New York State Department of Transportation for engineering review and consultation regarding the permit work by Department employees.

The permittee agrees to reimburse the Department of Transportation for necessary costs above the minimum fee of \$2,000 which the Department incurs during the evaluation of designs and related project information. The Department of Transportation shall be the sole judge of whether such costs are necessary.

The permittee will be billed on a periodic basis and the permittee agrees to pay the charges as billed within thirty days of the date of billing. Failure to pay as billed within the specified time limit may result in the revocation of this permit. No permit will be accepted by the Department until all billing fees are paid by the permittee.

PERMITTEE SIGNATURE

If corporation or business, state name and position

Date

New York State Department of Transportation

Form PERM 33 (July 2014)

Highway Work Permit Application for Non-Utility Work

Instructions and Form

INSTRUCTIONS FOR COMPLETING THE APPLICATION

FRONT OF APPLICATION

Three (3) copies of the application must be submitted. The applicant may not have all pertinent information at the time of completing the application form since certain information relative to fees, insurance and guarantee deposits may be contingent upon determinations to be made by the Department. In such cases, the information may be left blank and remittance withheld until the information is determined by the Department. Please complete the following:

- Permittee name, address, phone and email address. Provide joint applicant contact information if appropriate.
- Name and phone number(s) of emergency contact person.
- If permit is to be returned to someone other than the applicant, complete this section.
- If deposit /bond is to be returned to someone other than applicant, complete this section.
- Estimate the cost of work being performed in the state highway right-of-way and place this figure on the blank line.
- Indicate anticipated duration of work to be performed with starting date and ending date on this line.
- Indicate the form of Insurance Coverage to be provided.
- Give a brief description of the proposed work that is to be done under this permit.
- Indicate whether any overhead and/or underground work (5 foot or greater depth) is included in the proposed work.
- Plans and specifications should accompany this application for any work that involves construction within the state highway right-of-way. Place a check mark on the lines for plans and specifications if they are attached to this application.
- Location of the project should be identified by State Route, highway reference marker(s), and the municipality and county in which work area is located.
- In regard to State Environmental Quality Review (SEQR), indicate the type of action, the name of the Lead Agency, and what date the final determination was received.
- Signature of applicant (permittee) and date.
- Signature of second applicant (permittee), if any, and date.

BACK OF APPLICATION

- Check type of work that will be performed.
- In the appropriate column, indicate total amount of permit fees and type of insurance coverage provided
- Indicate type of performance security provided (bond, deposit, letter of credit), if required.
- Indicate check number of deposit or bond number.

Remove the application form from the back of this packet and submit 3 copies to the Department for approval.

**RESPONSIBILITIES OF PERMITTEE
PURSUANT TO NON-UTILITY HIGHWAY WORK PERMITS**

NOTE: FAILURE TO OBTAIN A PERMIT OR FAILURE TO COMPLY WITH THE TERMS OF A PERMIT MAY RESULT IN THE DEPARTMENT HALTING THE ACTIVITY FOR WHICH A PERMIT IS REQUIRED UNTIL ADEQUATE CORRECTIONS HAVE BEEN MADE.

1. LIMITATIONS ON USE: The specific site identified in this Highway Work Permit, and only that site identified, will be available for use by Permittee only for the purpose stated in this Permit and only on the date(s) and for the duration designated in this permit. This Permit does not authorize any infringement of federal, state or local laws or regulations, is limited to the extent of the authority of NYSDOT and is transferable and assignable only with the written consent of the Commissioner of Transportation. The Commissioner reserves the right to modify fees and to revoke or annul the Permit at any time, at his/her discretion without a hearing or the necessity of showing cause.

2. CONDITIONS OF USE: NYSDOT makes no affirmation that the state-owned site used for the work has been designed, constructed, or maintained for the purpose of the conduct of the work. The Permittee assumes full responsibility for planning and conducting a safe and orderly project that does not expose workers or the public to any unreasonable hazards and that involves a minimal disruption of the normal uses of the state and local highway systems. **It shall be the sole obligation of the Permittee to determine whether the site is suitable for the purpose of safely conducting the work.** The Permittee assumes all responsibility for assuring that the use of the highway/property conforms to applicable requirements of law, including, but not limited to those set forth herein.

3. INSURANCE COVERAGE: Permittee must have the insurance that is required for the type and extent of the work being performed. To comply with this requirement, an applicant must furnish the Department with one of the following:

- A completed **Certificate of Insurance** evidencing the required types and limits of insurance coverage, with the New York State Department of Transportation named as an additional insured on the commercial general liability policy. An industry standard ACORD 25 form (with ACORD 855 Addendum) is acceptable evidence of the required coverage. Certificate Holder should be indicated as New York State Department of Transportation, with the address of the issuing regional office.
- Municipalities, Public Utilities, Transportation Corporations, Public Service Corporations and Railroads may provide a fully executed **Undertaking Agreement** as an alternative to providing the insurance certificate.
- Homeowners applying for a residential driveway permit have the option to pay a **\$25 Insurance Fee** to waive the requirement for insurance coverage.

See PERM 33 Submission Package Requirements (page 6) for more detailed guidance

4. COMPENSATION AND DISABILITY INSURANCE COVERAGE: Permittee is required to have compensation insurance and disability coverage as noted in the provisions of the Worker's Compensation Law and Acts amendatory thereof for the entire period of the permit, or the permit will be invalid. Applicant must provide proof of coverage (Form C-105.2, U-26.3 or SI-12 for Worker's Compensation, and DB-120.1 or DB-155 for Disability Benefits), or provide proof of exemption from this requirement (Form CE-200),

5. INDEMNIFICATION: Permittee agrees that, in addition to any protection afforded to NYSDOT under any available insurance, NYSDOT shall not be liable for any damage or injury to the Permittee, its agents, employees, or to any other person, or to any property, occurring on the site or in any way associated with Permittee's activities or operations; whether undertaken by Permittee's own forces or by contractor or other agents working on Permittee's behalf. To the fullest extent permitted by law, the Permittee agrees to defend, indemnify and hold harmless the State of New York, NYSDOT and their agents from and against all claims, damages, losses and expenses, including but not limited to attorneys' fees, arising out of any claim, including but not limited to claims for personal injuries, property damage or wrongful death and/or environmental claims, in any way associated with the Permittee's activities or operations, no matter how caused.

6. NOTIFICATION: The following should be notified at the appropriate time as shown below:

- Commissioner of Transportation, through the NYSDOT regional office, one week prior to commencing work.
- Area gas distributors, 72 hours prior to any blasting.
- Utility companies with facilities in work areas, before starting work (in accordance with Industrial Code 53).
- Permission from utility company must be obtained before commencing work affecting the utilities' facilities.
- NYSDOT regional signal maintenance shop, 3 days prior to starting work (traffic signal work).
- NYSDOT regional office, at conclusion of work, and return original copy of permit to Resident Engineer.

NOTIFICATION FOR ANNUAL PERMITS: Notify by phone, the Regional or Resident Engineer's Office, one week in advance, each time regular maintenance work is to be performed. In emergencies, notification by phone should be made as soon as is practical, no later than the next business day.

7. SITE CARE AND RESTORATION: A bond, deposit (bank cashier's check), or a Letter of Credit, in an amount designated by the Department of Transportation, may be required before a permit is issued, in order to guarantee restoration of the site to its original condition. A fully executed Undertaking Agreement may be accepted as an alternative security, where applicable.

If the Department is obliged to restore the site to its original condition, the costs to the Department will be deducted from the amount of the permittee's deposit at the conclusion of the work. Costs in excess of the bond/deposit on file will be billed directly to the permittee. If permittee posts a Letter of Credit, the Department may elect to have a contractor restore the site, and issue a draft drawn against the Letter of Credit as payment.

Anyone working within state highway right-of-way will wear high visibility apparel and hard hat meeting ANSI Class 2 requirements.

No unnecessary obstruction is to be left on the pavement or the state highway right-of-way, or in such a position as to block warning signs during non-working hours.

No work shall be done to obstruct drainage or divert creeks, water courses or sluices onto the state highway right-of-way.

All false work must be removed and all excavations must be filled in and restored to the satisfaction of the Regional Maintenance Engineer.

8. COSTS INCURRED BY ISSUANCE OF THIS PERMIT: All costs beyond the limits of any liability insurance, surety deposits, etc. are the responsibility of the permittee. The State shall be held free of any costs incurred by the issuance of this permit, direct or indirect.

9. SUBMITTING WORK PLANS: The applicant will submit work plans and/or a map as required by the Department. This shall include such details as measurements of driveways with relation to nearest property corner, positions of guys supporting poles and a schedule of the number of poles and feet of excavation necessary for completion of the work on the State right-of-way. A description of the proposed method of construction will be included.

Plan work with future adjustments in mind, as any relocation, replacement or removal of the installation authorized by this permit and made necessary by future highway maintenance, reconstruction or new construction, will be the responsibility of the permittee.

Driveway plans should be prepared in accordance with NYSDOT POLICY AND STANDARDS FOR ENTRANCES TO STATE HIGHWAYS.

The permittee must coordinate the work with any State construction being conducted.

10. TRAFFIC MAINTENANCE: A plan detailing how the permittee intends to maintain and protect traffic shall be submitted with work plans. Traffic shall be maintained on the highway in a safe manner during working and non-working hours until construction is completed. The permittee is responsible for traffic protection and maintenance, including adequate use of signs, barriers, and flag persons during working and non-working hours until construction is completed. All sketches will be stamped with "MAINTENANCE OF TRAFFIC SHALL BE IN CONFORMANCE WITH THE NATIONAL MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES."

11. COST OF INSPECTION AND SUPERVISION: Prior to issuance of the Highway Work Permit, the permittee may be required to sign an INSPECTION PAYMENT AGREEMENT FOR HIGHWAY WORK PERMITS (FORM PERM 50) agreeing to the payment of construction inspection charges, based on the number of work days involved. In certain cases, the permittee may also be required to sign a PAYMENT AGREEMENT FOR HIGHWAY WORK PERMITS DESIGN REVIEW (FORM PERM 51) agreeing to design review charges, based on the number of work hours in which Department employees were engaged in design review activity.

12. SCOPE:

Areas Covered: Permits issued are for highways, bridges and culverts over which the New York State Department of Transportation has jurisdiction. (Local governments issue permits for highways under their jurisdiction.) Work locations must be approved by the Department.

Maintenance: Property owners having access to a state highway shall be fully responsible for the maintenance of their driveway in accordance with POLICY AND STANDARDS FOR ENTRANCES TO STATE HIGHWAYS.

Work Commencement: The Permittee shall have a copy of the permit available at the site during the construction period. Work should start within 30 days from validation date of permit or said permit may be revoked.

13. REPORTING ACCIDENTS: Permittee is required to report any accidents that occur during the course of the permit work to their insurance company, and to provide the Department with a copy of any such report.

14. COMPLETION OF PROJECT: Upon completion of the work within the State highway right-of-way authorized by the work permit, the person and his or its successors in interest shall be responsible for the maintenance and repair of such work or portion of such work as set forth within the Terms and Conditions of the Highway Work Permit.

STATE OF NEW YORK DEPARTMENT OF TRANSPORTATION
HIGHWAY WORK PERMIT APPLICATION FOR NON-UTILITY WORK

Application is hereby made for a highway work permit:

For Joint application, name and address of Applicant 2 below:

Name _____

Name _____

Address _____

Address _____

City _____ State _____ Zip _____

City _____ State _____ Zip _____

Applicant Phone (____) _____

(To be completed by NYSDOT issuing office)

Applicant Email Address _____

Project Identification No. _____

Emergency Contact _____

Highway Work Permit No. _____

Emergency Contact Phone (____) _____

RETURN PERMIT TO (if different than above):

RETURN OF DEPOSIT/BOND TO (if different from Permittee):

Name _____

Name _____

Address _____

Address _____

City _____ State _____ Zip _____

City _____ State _____ Zip _____

- 1) Estimated cost of work being performed in highway right-of-way: \$ _____
2) Anticipated duration of work: From _____ to _____ (applies to the operations indicated on the reverse side)
3) Insurance (check one): _____ General Liability Ins. _____ Undertaking _____ Insurance Fee (residential driveways only)

DESCRIPTION OF PROPOSED WORK: _____

WILL OVERHEAD OR UNDERGROUND (5'+) OPERATIONS BE INVOLVED IN THE PROPOSED WORK? YES _____ NO _____

ATTACHED: Plans _____ Specifications _____

LOCATION: State Route: _____ Between Reference Markers _____ and _____

City/Town/Village of _____ County of _____

SEQR REVIEW (select one)

[] Type II [] Type I [] Unlisted LEAD AGENCY: _____ DATE OF DETERMINATION: _____

NOTE: PERMIT IS ISSUED CONTINGENT UPON ALL LOCAL REQUIREMENTS BEING SATISFIED

ACKNOWLEDGMENT: ON BEHALF OF THE APPLICANT, I HEREBY REQUEST A HIGHWAY WORK PERMIT, AND DO ACKNOWLEDGE AND AGREE TO THE RESPONSIBILITIES OF PERMITTEE AND THE OTHER OBLIGATIONS SET FORTH IN THIS PERMIT AND WARRANT COMPLIANCE THEREWITH.

Applicant Signature _____ Date _____

Applicant 2 Signature _____ Date _____

Approval recommended by Resident Engineer _____ Res No _____ Date _____
Approved by Regional Traffic Engineer _____ Reg No _____ Date _____

Operational Type and Description		Permit Fee	Insurance Fee	CGL or Undertaking	Total Fees
DRIVEWAYS					
5a1	Residential Driveway	15	25		
5a2	Commercial – Minor	550			
5a2a	Commercial – Minor (Home Business)	100			
5a3	Commercial – Major (Less than 100K sq ft Gross Building Area)	1,400			
5a4	Commercial – Major (100K+ sq ft) [Actual cost - \$2,000 min]	2,000			
5a5	Subdivision street	900			
5a6	Temporary access road or street	200			
IMPROVEMENTS					
5b1	Residential	15			
5b2a	Commercial- Sidewalk, curb paving, drainage, etc.	200			
5b2b	Commercial – Grade, seed, improve land contour, clear brush	100			
5b2c	Commercial – Resurface existing road or driveway	50			
5b2d1	Annual resurfacing of roadways and driveways – PER COUNTY	150			
	Number of counties:				
5b2d2	Annual resurfacing of roadways and driveways – PER REGION	400			
TREE WORK					
5c1	Residential	15			
5c2a	Commercial removal or planting	25			
5c2b	Commercial pruning, applying chemicals to stumps	25			
5c3	Vegetation control for advertising signs – PER SIGN	150			
	Number of Signs:				
MISCELLANEOUS CONSTRUCTION AND WORK OPERATIONS					
5d1	Beautify ROW (civic groups only)	N/C			
5d2a	Temporary signs, banners, décor (not-for-profit organizations)	N/C			
5d2b	Temporary signs, banners, décor (Other organizations)	25			
5d3	Traffic control signals	500			
5d4	Warning and entrance signs	25			
5d5	Miscellaneous – Requiring substantial review (describe below)	400			
5d6	Miscellaneous (describe below)	25			
OTHER TYPES OF HIGHWAY WORK PERMITS					
6	Encroachment caused by DOT acquisition of property	25			
7a1	Compulsory permit required for demolition requested by DOT	N/C			
7a2	Compulsory permit required for moving requested by DOT	N/C			
7b	Improvement to meet Department standards	N/C			
8	Miscellaneous (describe below)	25			
9	Adopt-a-Highway	N/C			
	Description of Miscellaneous Operation:				

PERFORMANCE SECURITY (Select one): Guarantee Deposit - Cash [] Performance Bond [] Letter of Credit []

Guarantee Deposit Amount: _____

Guarantee Deposit Check Number or Bond Number _____

PERM 33 Submission Package Requirements

In addition to Form **PERM 33**, the final submission package should include the following (check all that apply):

	Stamped Final Plans – Submit in PDF file format on CD, and _____ paper copies (1" = 50') as requested
	Permit Fee (Including Insurance Fee for Residential Driveways)
	ACORD 25 - Certificate of Insurance, NYSDOT named as additional insured (See Insurance Requirements below)
	ACORD 855 - New York Construction Certificate of Liability Insurance Addendum
	PERM 36 - Attachment to Highway Work Permit – Consultant Inspection, if applicable
	PERM 44 - Surety Bond – Performance bond in Applicant's name, or deposit (Bank cashier's check required)
	PERM 50 – Inspection/Supervision Payment Agreement, if applicable
	Proof of Worker's Compensation Insurance (Form C-105.2, U-26.3 or SI-12), or proof of exemption (Form CE-200)
	Proof of Disability Benefits Coverage (Form DB-120.1 or DB-155), or proof of exemption (Form CE-200)
	Undertaking Agreement, if applicable

Insurance Requirements

- 1) In most cases, Permittee must provide proof of **Commercial General Liability** insurance coverage with limits of liability not less than \$1,000,000 per claim/occurrence, unless any of the following circumstances exist, in which case the limits of liability shall not be less than \$5,000,000 per claim/occurrence:
 - (a) The estimated value of permitted work in state right-of-way is \$250,000 or more;
 - (b) The permitted work requires or includes the construction, alteration or maintenance of underground features at any depth five feet or more below grade;
 - (c) The permitted work requires or includes the construction, alteration or maintenance of overhead features that include, but are not limited to, traffic signals, overhead sign structures, retaining walls or other grade separation structures.
- 2) Exceptions to the above liability limits include: (a) Annual maintenance permits require limits of liability not less than \$5,000,000 per claim/occurrence; (b) Permits for vegetation control activities require limits of liability not less than \$1,000,000 per claim/occurrence; (c) Residential driveway permits require limits of liability not less than \$500,000 per claim/occurrence; and (d) Adopt-a-Highway permits are exempt.
- 3) ACORD 25 with ACORD 855 (New York Construction Addendum) shall be submitted as acceptable proof of liability coverage. New York State Department of Transportation should be named as Additional Insured and as the Certificate Holder at the mailing address of the Regional Office who will be issuing the permit.
- 4) Municipalities, public utilities, public authorities and railroads may elect to provide an executed Undertaking agreement as a substitute for providing the insurance coverage and other financial security otherwise required.
- 5) Homeowners may pay a \$25 Insurance Fee in lieu of providing proof of insurance. Any contractor performing on behalf of a homeowner and who is named on the permit must provide proof of insurance as outlined above.
- 6) When the estimated cost of work being performed in the right-of-way equals or exceeds \$250,000, Permittee must additionally provide proof of a **Protective Liability (OCP)** insurance policy with a minimum liability limit of \$1,000,000 per occurrence, with New York State Department of Transportation as Named Insured.