

**APPLICATION FOR PERMIT
(Under Section 136 of the Highway Law)**

Date: _____

County Commissioner of Public Works
Tioga County
New York

Application is hereby made by _____

Whose place of business is _____

to _____

on or across a County Highway situated in the Town of _____, County of Tioga

known as _____ No. _____

in accordance with the map and plan hereto attached and pursuant to the conditions and regulations which are hereinafter set forth.

** This permit shall not affect the rights of adjacent landowners who may have an interest in the property being worked. **

Conditions and Regulations

1. This permit shall not be assigned or transferred without the written consent of the County Commissioner of Public Works.
2. The work authorized by this permit shall be performed under the supervision and inspection of the permittee or its agents to the satisfaction of the County Commissioner of Public Works or his representative. During the period of construction the attached inspection sheet must be signed and dated by the permittee. The report shall be submitted daily to the Commissioner of Public Works.
3. The County Commissioner of Public Works shall be given one week's notice by said Permittee of the date when it intends to begin the work authorized by this permit and prompt notice of its completion.
4. Permittee agrees to protect, defend, indemnify and hold harmless the County of Tioga, its agencies and employees from and against any demands and causes of action of every kind and character, including, but not limited to the amount of judgments, penalties, interest, court costs and legal fees incurred by the County arising in favor of any party, including claims, liens, debts, personal injuries including employees of the County, death or damages to property (including property of the County) and without limitation by enumeration, all other claims or demands of every character occurring or in anywise incident to, in connection with or arising directly out of this agreement. The Permittee agrees to investigate, handle, respond to, provide defense for and defend any such claims, demands or suits at its sole expense and agrees to bear all other costs and expenses related thereto, even if such claims, demands or suits are

groundless, false or fraudulent. The Permittee further agrees that it will cause the County to be included as an additional insured on any policies of insurance now carried by the Permittee.

5. The Permittee shall secure and maintain for the entire length of the Agreement, including the guarantee period, such insurance policies naming the Permittee, and the County of Tioga and shall protect those named and his subcontractors, including their officers, officials, employees and agents, from claims for bodily injuries, death or property damage which may arise from operations under this agreement whether such operations be by himself or by any subcontractor or anyone employed by them directly or indirectly. The following insurance policies with insurance companies authorized to do business in New York State are required:
 - a) Statutory Worker's Compensation;
 - b) General Liability Insurance: single limits of liability \$1,000,000; aggregate limits of liability in a minimum amount of \$3,000,000. This coverage may be in the form of a single policy or a basic policy plus umbrella coverage.
 - c) Permittee's Protective Liability covering operations of Subcontractors with same limits.
 - d) Contractual Liability covering Hold Harmless Clause.
 - e) Automobile Public Liability and Property Damage covering both owned and hired vehicles. (Bodily Injury \$500,000 each person; \$1,000,000 each accident; Property Damage \$500,000 each accident)
 - f) Prior to the storage or use of explosives the Permittee shall provide evidence of blasting coverage in Public Liability, Property Damage and Permittee's Protective liability Insurance.
 - g) If any of the rating classifications embody property damage exclusions x, c, or u, coverage for eliminating such exclusions must be provided with same limits.

Certifications of such insurance shall be filed with the Owner and Engineer prior to Agreement signing and shall be subject to approval for adequacy or protection. Said certificates of insurance shall contain a thirty (30) days notice of cancellation in favor of the Owner.

The above outline insurance requirements are the minimum during construction.

During the grace period, Permittee shall furnish completed operations liability insurance in a minimum amount of \$1,000,000. Prior to the release of the semi-final payment, the Permittee shall provide a certificate of insurance for this coverage, which may not be canceled prior to the end of the guarantee period.

6. The said permittee hereby certifies that all persons concerned with actual work under this permit are duly covered by Workmen's Compensation Insurance as required by the Provisions of Chapter 41 of the Laws of 1914 and acts amendatory thereof.
7. The said Commissioner of Public Works reserves the right to revoke or annul this permit at any time, should the said Permittee fail to comply with the terms and conditions upon which it is granted.
8. It is understood that should future reconstruction or use of the highway make changes necessary in the proposed facilities covered by this application and permit, the Permittee shall,

upon reasonable notice from the County Commissioner of Public Works, make such changes at its own expense within such time as may be agreed upon.

9. Traffic shall be maintained by the applicant on the said section of highway while the work is in progress and until its final completion. The road will not be completely closed at any time.
10. Upon completion of the work authorized by this permit, the highway shall be left in a neat and orderly and as good condition as before commencement of the work.
11. A copy of all maps and plans will be submitted to the Tioga County Real Property Office for GIS purposes unless permittee notifies County in writing.
12. No open cutting of roadway without separate approval. Permission maybe granted on a case to case basis. Maintenance & Protection of traffic will be the contractors responsibility as per the NYS Manual of Uniform Traffic Control Devices. All grades must be restored to original condition.
13. Special Conditions: A \$5,000 Street Opening Bond shall be supplied, if applicable.
 - A) Backfill material must be NYSDOT Item #4. Maximum of 6" lifts must be compacted to 95% of the modified proctor maximum dry density.
 - B) The top 17" of roadway must consist of one foot of NYSDOT Item #4 or equivalent at 95% compaction, 3" of binder, 2" of top. All lifts compacted separately.

In consideration of the granting of the within permit, the undersigned hereby accepts the same, subject to the restrictions and conditions therein described.

Dated this _____ day of _____

Applicant

By: _____

By an official order to the Tioga County Department of Public Works, this permit is issued authorizing the work to be performed under the terms set forth.

Dated this _____ day of _____

Tioga County Department of Public Works

By: _____