

BRUCE A BLAKEMAN
NASSAU EXECUTIVE



MICHAEL KWASCHYN, P.E.
COMMISSIONER

County of Nassau
DEPARTMENT OF PUBLIC WORKS
1194 Prospect Avenue, Westbury, NY 11590-2723

RULES & REGULATIONS

Pertaining to Permits for Work on County Roads and Within County Right-of-Way

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RULES & REGULATIONS

Pertaining to Permits for Work on County Roads and Within County Right of Way

The Nassau County Commissioner of Public Works, pursuant to and with the approval of the Nassau County Legislator and the County Executive, hereby prescribes the following regulations and conditions pertaining to permits for work within the Right-of-Way of County Roads:

SECTION 1. General

Any person, firm, public utility, municipality and/or municipal subdivision desiring to perform any work, on the County right-of-way, including overhead, surface or underground facility shall apply for a permit upon forms prescribed by the Nassau County Commissioner of Public Works. Within Incorporated Villages and Cities, permits or approvals must be obtained from such municipalities prior to making application for a County permit.

Each Applicant shall, with the filing of a **RESIDENTIAL ROAD OPENING/RIGHT OF WAY OR CURB PERMIT APPLICATION**, submit a check or money order (Made payable to "Nassau County Treasurer") for the \$275.00 non-refundable application fee and the \$460.00 inspection fee for a total fee of \$735.00. A single check or money order in that amount is acceptable.

Each Applicant shall, with the filing of a **COMMERCIAL ROAD OPENING/RIGHT OF WAY OR CURB CUT PERMIT APPLICATION**, submit a check or money order (Made payable to "Nassau County Treasurer") for the \$550.00 non-refundable application fee and the \$920.00 inspection fee for a total fee of \$1470.00. A single check or money order in that amount is acceptable.

Each Applicant shall, with the filing of a permit application, submit drawings as prescribed in Section 2.

Upon notification that the application has been approved, the applicant has **thirty (30)** calendar days to pick up their permit. If the permit has not been issued within the **thirty (30)** calendar days, the application will be void and the applicant must resubmit.

Upon receipt of the permit, the permittee shall submit check or money order (made payable to Nassau County Treasurer) for the **RESTORATION DEPOSIT** in the amount prescribed in Section 3. **Receipt of the Road Opening Permit does not relieve the applicant from obtaining any and all permits required by various regulatory Departments/Agencies of the County, State, Towns, Cities and or Incorporated Villages.**

SECTION 2. Permit Application Plan

Each applicant shall file **Three (3)** copies of plans, of a scale not less than 1" = 40' with a minimum size of 8 1/2" x 11", and a maximum size of 22" x 32", showing the proposed work and existing features, such as right-of-way lines, pavement curbs, walks, trees, signs, poles, utilities, traffic signals, subsurface lines, etc. in detail.

Cross sections of the trench area, showing details of construction and restoration are to be shown.

Typical section to include:

- a. Existing pavement type, joints, pavement thickness.
- b. Restoration material type, identified by Standard County Specifications with Item Numbers and limits of restoration.

Permittee shall make any subsurface investigations (boring, Cores) required to determine pavement types and thickness, Location of utilities, clearances etc.

Where tree removal is proposed it must be clearly shown on the plans. Restoration of landscaping to be specified.

Proposed maintenance of existing County facilities are to be indicated by permittee. Included but not limited to, are: Support of pipes, cleaning drainage systems, maintenance of flow in existing drainage and sanitary systems protection and maintenance of any and all Traffic Signal Equipment.

SECTION 3. Deposits & Charges

RESTORATION DEPOSIT

The restoration deposit will be calculated by the County after submission of the permit application and a review of plans as submitted by applicant. The issuance of permit will be contingent upon the applicant furnishing the County a check or money order for the restoration deposit. When the amount of deposit required is calculated to be over \$25,000.00 a performance/road opening bond will be accepted by the County in lieu of a check or money order. The bond must indemnify and hold harmless the County of Nassau and be effective for a minimum of **TWO (2) YEARS**. Bonds will be accepted from Utility Companies whose aggregate amount of work in total exceeds the \$25,000.00 limit. The bonded applicant will be responsible to pay charges billed by the County for its supervision and repairs deemed necessary by the County.

The amount of said restoration deposit will be calculated based on the Unit Prices bid for such work under the current County Requirements Contract plus **fifteen percent (15%)** to cover estimated supervision costs.

The permittee must complete the work and satisfactorily restore the area by the use of an approved contractor. The restoration deposit will then be refunded.

If the County is forced to complete the work, by failure of the permittee to do so within the time stipulated in the permit, the costs incurred by the County, including supervision costs will be computed and charged to permittee. If restoration deposit is insufficient to cover costs, the permittee shall pay the difference, upon receipt of a bill from the County.

SECTION 4. Insurance

Applicants shall provide, at no cost to the County, satisfactory evidence of public liability insurance protecting the County, and any other municipal corporation within whose boundaries the permit applies, against any loss, injury or damage arising out of the granting of the permit or from any negligence or fault of said applicant, his agents, or employees in connection with work performed under the permit. Said insurance shall be in the amount of not less than **one million dollars (\$1,000,000.00)** for each occurrence.

"This policy shall defend, indemnify, protect, and save harmless the County of Nassau, its officers, agents and employees, From and against any losses, damages, detriments suits, claims, costs and expenses arising out of or in connection with The performance of work hereunder and caused by his or any sub-contractor, or any one directly or indirectly employed by them or either of them in connection with this permit (Permit No.).

The Insurance shall continue in full force for the term of permit. Such evidence of insurance shall provide ten (10) days prior notice, in writing to the County, of cancellation or modification of such insurance, by registered or certified mail.

Municipal constituted districts will be exempt from the insurance requirements; however, by acceptance of the permit, they agree to hold the County harmless in all actions resulting from the permit.

Permittees authorized to conduct operation on or within the County right-of-way shall use all required and necessary precautions for the safety and protection of the public, County personnel, construction employees, private and public properties on or adjacent to such work.

SECTION 5. Safety Codes

The permittee, his agents and employees shall strictly comply with the following:

- a. Industrial Code Rule 23; State of New York, Department of Labor, Bureau of Standards and Appeals entitled "Protection of persons employed in construction and demolition work."
- b. United States Department of Labor, Bureau of Labor Standards "Safety and Health Regulations for Construction" as promulgated in accordance with the Occupational Safety and Health Act of 1970, Public Law 91-596; 84 Stat. 1590, Laws of the 91st Congress - 2nd Session.
- c. Industrial Code Rule 53, State of New York, Department of Labor, Bureau of Standards and Appeals as relates to "Construction and Demolition Operations at or near Underground Facilities."

SECTION 6. Emergency Openings

If it becomes necessary to enter upon a County road for the purpose of making emergency repairs, any person, firm, Public Utility Municipality and/or Municipal Subdivision may do so forthwith provided that within **twenty-four (24)** hours of time of making such openings (Saturdays, Sundays or Holidays not included) an application for a permit is made therefore pursuant to these Rules & Regulations.

SECTION 7. Notifications

- a. Notify the Department of Public Works at least **forty-eight (48)** hours prior to commencing work except emergency work. Scheduled work and or Emergency work Inspections beyond the normal permit office hours are subject to overtime charges at the average hourly rate of pay, including applicable fringe benefits.”
- b. Work must start within **thirty (30)** days from the date of permit and be satisfactorily restored within **ninety (90)** days thereafter, unless otherwise extended, in writing, by the Department of Public Works.
- c. Notify utility companies with facilities in work area before starting work. Permission from such facilities must be obtained before doing work affecting their utilities.
- d. Notify the Department of Public Works at least **forty-eight (48)** hours prior to final restoration work.

SECTION 8. Maintenance of Traffic and Protection of the Public

The following work procedures and construction practices shall be adhered to in order to assure proper maintenance of traffic.

No work will be permitted between the hours of 7:30 am to 9:00 am and 4:00 pm to 6:00 pm. This does not apply to Emergency Openings. The Department of Public Works must be notified to intent to operate outside of this rule and grant its permission, in writing, to allow the same.

In those areas where work performed by permittee interferes with vehicular or pedestrian traffic, the permittee shall place and maintain traffic control devices pursuant to provisions of Section 1680 and 1682 of New York State Vehicular and Traffic Law which requires all traffic control associated with maintenance, repair, and construction, within the highway limits, shall be carried out in accordance with the standards set forth in the “New York State Manual of Uniform Traffic Controls Devices”, latest edition. The Commissioner reserves the right to order correction of any unsafe condition, the installation of additional signs, lights, temporary pavement, plating, or other traffic control devices, or order the removal of any and/or all obstructions to traffic.

Where possible, permittee will be afforded a reasonable amount of time to make correction (s) to unsafe conditions within the time limit set by the County. In emergency situations, it shall be at the discretion of the Commissioner’s representative at the site to either notify the permittee to effect an immediate correction of an unsafe highway condition or, if time is of the essence, to order the County’s forces to correct the unsafe condition. The cost of the County’s corrective work plus **fifteen percent (15%)** for administration shall be charged to permittee.

The permittee may be required to submit with the permit application, a Traffic Control Plan showing all provisions for maintaining, protecting, and/or detouring traffic. Such plan shall show, but not be limited to, all sign locations, sizes, colors, barricades, flashing lights, flagmen, traffic cones, pavement markings, traffic signals, etc., and all in accordance with the above mentioned New York State Requirements.

Whenever a traffic lane is closed, or traffic is required to use other than its normal lanes, Nassau County DPW, the local Police Precinct or Department and Fire District must be notified in advance by permittee.

SECTION 9. Details of Construction

All County work within Nassau County right-of-way shall conform to County of Nassau Department of Public Works "Standard Specification and Detail Sheets for Civil Engineering and Site Development Construction".

If any of the following is in conflict with current State or Federal Standards, the most stringent shall apply.

- a. If required by the County, a schedule of operations shall be submitted by the permittee.
- b. No County Road shall be closed without prior written approval of the Commissioner of Public Works.
- c. No trench areas shall be left open after working hours.
- d. A space at least **four (4)** feet wide shall be maintained at all times on the side of the right-of-way for the safe use by pedestrians. The use of barricades along the pavement area will be required for this purpose where work is being progressed in the sidewalk area.
- e. Open trench areas shall be kept as short as possible consistent with the installations involved.
- f. In no case shall sidewalks or pavements be removed or broken unless subsequent activities needed to complete the permit work proceed without delay, thereafter. Where concrete pavement is broken and left in-place prior to removal, these pavement areas shall be surfaced with a temporary asphalt pavement before opening to traffic.
- g. Every precaution shall be taken to prevent the marring and damage to structures such as pavements, curbs, sidewalks, etc. adjoining the work as follows:
 - 1) Timber planks shall be used to support steel treaded mobile equipment and timber blocks or planks shall be placed under all outriggers used to stabilize excavating and other mechanical equipment.
 - 2) Loose stones, broken concrete, sand, dirt, debris, etc., shall be swept up daily from the areas, adjoining the work.
 - 3) Under no circumstances shall the mixing of mortar or concrete or storage of asphalt be permitted directly on unprotected surfaces adjacent to the work.
- h. Immediately following saw cutting, all residue shall be contained flushed, broomed and removed from adjoining surfaces as per Federal Clean Water Act.
- i. All possible care shall be taken to prevent undermining of the adjoining pavements and the use of driven sheeting may be required to prevent such undermining. Any such undermining shall be deemed sufficient reason for the issuance of orders to remove additional pavements.
- j. The permittee shall have a competent representative at the site while the work is being progressed to insure adherence to conditions of the permit.
- k. Construction materials shall be obtained from sources approved by the Nassau County Department of Public Works prior to the start of work. The permittee shall advise the County of the sources of supply. At least **three (3)** days' notice shall be provided.
- l. The permittee shall provide and maintain temporary pavements with hot asphalt mixes flush with grades of the adjoining surfaces until final restoration.
- m. No traverse cut shall exceed **ten (10)** feet in length at any one time, unless otherwise authorized by the County.
- n. No more than **ten (10)** feet of roadway width may be blocked by construction, truck loading or unloading or by construction material and barricades at any one time.