

EX 309 - 313

BEFORE THE
STATE OF NEW YORK
PUBLIC SERVICE COMMISSION

In the Matter of

Application of New York Regional Interconnect Inc. for a Certificate of Environmental
Compatibility and Public Need Pursuant to Article VII for a High Voltage Direct Current
Electric Transmission Line Running Between National Grid's Edic Substation in the Town of
Marcy, and Central Hudson Gas & Electric's Rock Tavern Substation Located in the Town of
New Windsor

Case No.: 06-T-0650

January 9, 2009

Prepared Testimony of:

Christopher A. Waite
Chief Engineer
The New York State Thruway Authority
200 Southern Boulevard
Post Office Box 189
Albany, New York 12201-0189

STATE OF NEW YORK
DEPT. OF PUBLIC SERVICE
DATE <u>4/8/59</u>
CASE NO. <u>06-T-2630</u>
EX. <u>309</u>



Proposed NYRI Transmission Routes

Proposed-OH

Milepost 235

Alt. O

Interchange 31

Alt. A

Milepost 230.4

Alt. MS-A

Alt. O

Alt. A/O

1/2" = 5 miles

General Location

Legend

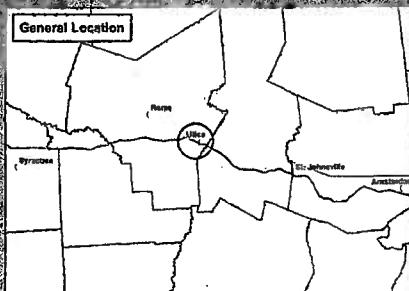
Proposed NYRI Routes and Affected Thruway Lands

- Alt. A
- Proposed-OH
- Alt. MS-A
- Alt. O
- Alt. A/O

Approximate Thruway ROW



Thruway





GENERAL POLICY

SECTION TITLE

NUMBER

25-6-02

POLICIES – MANAGEMENT OF PROPERTY

APPROVED

BOARD MEETING NUMBER: 671

RESOLUTION NUMBER: 5725

DATE: January 21, 2009

SUBJECT

THRUWAY REAL PROPERTY
MANAGEMENT POLICY

Exh 310
\$
4/2/09

I. INTRODUCTION

Pursuant to Title 9 of Article 2 of the Public Authorities Law, the New York State Thruway Authority (Authority) is responsible for the financing, construction, reconstruction, improvement, development, maintenance and operation of the highway system known as the Thruway. In furtherance of such responsibilities, the Authority has the power to acquire and hold in the name of the State, by purchase or appropriation, real property, or rights or easements in such real property, and to sell, exchange or otherwise dispose of real property not necessary for its corporate purposes, or whenever the Board shall determine that it is in the interest of the Authority. The Authority also has the power to lease, or to grant Permits to occupy, real property not presently required for Thruway purposes but held for future use in carrying out its corporate purposes, upon such terms and conditions and uses as the Board shall determine.

The purpose of this Policy is to: detail the Authority's operative policy and instructions regarding the use, awarding, monitoring and reporting of contracts for the Disposal of real property, the Acquisition of real property and the issuance of Permits associated with the Thruway; and authorize the development of Standard Operating Procedures (SOPs) for the purpose of implementing this Policy.

II. DEFINITIONS

A. Transactions

For purposes of this Policy, Transactions shall include, but not be limited to, Acquisitions, Disposals, the issuance of Permits, and Transfers of Jurisdiction.

SECTION:

**POLICIES – MANAGEMENT
OF PROPERTY**

SUBJECT:

**THRUWAY REAL
PROPERTY MANAGEMENT
POLICY**



NUMBER: 25-6-02

January 21, 2009
DATE

2
PAGE

B. Disposals

Disposals shall include, but not be limited to, the sale of real property, the transfer of any beneficial interest in real property such as leases or easements, and the exchange of real property. Disposals shall not include the transfer of real property secured by a loan or other financial obligation of another party. Disposals shall not include Permits or Transfers of Jurisdiction.

C. Acquisitions

Acquisitions are Transactions whereby the Authority acquires and holds in the name of the State by purchase or appropriation, real property or rights or easements therein. Acquisitions shall also include permits to use real property not under the jurisdiction of the Authority.

D. Permits Issued by the Authority

Permits issued by the Authority grant revocable privileges to use or access real property under the jurisdiction of the Authority. Permits may be issued where the real property is not presently required for Thruway purposes, but held for future use in carrying out its corporate purposes. Permits do not transfer a beneficial interest in real property. Permits are revocable in part to assure availability upon demand of the real property for Authority purposes. Permits include Occupancy and Work Permits.

1. Occupancy Permit

An Occupancy Permit is a revocable instrument that authorizes the use of real property under the jurisdiction of the Authority.

2. Work Permit

A Work Permit is a revocable instrument that authorizes construction, maintenance, inspection, survey, or other type of work or short term activity on real property under the jurisdiction of the Authority.

SECTION:

**POLICIES – MANAGEMENT
OF PROPERTY**

SUBJECT:

**THRUWAY REAL
PROPERTY MANAGEMENT
POLICY**



NUMBER: 25-6-02

January 21, 2009
DATE

3
PAGE

E. Transfers of Jurisdiction

Transfers of Jurisdiction are Transactions between the Authority and other State governmental entities where jurisdiction over real property is transferred and reassigned on such terms and conditions as the Authority deems proper, but the title to the real property remains in the name of the people of the State of New York.

III. GENERAL LEGAL REQUIREMENTS

All Transactions shall comply fully with applicable State, federal, and local laws, rules and regulations, including but not limited to: Title 9 of Article 2 of the Public Authorities Law, the Public Authorities Accountability Act of 2005, the Lobbying Procurement Act, the requirements of the Authority's General Revenue Bond Resolution, and other applicable laws, rules, regulations, policies, procedures and executive orders.

IV. GENERAL PRINCIPLES

- A. The Authority shall maintain adequate inventory controls and accountability systems for all real property under its control.
- B. The Board shall approve all Transactions under the Authority's jurisdiction, except as otherwise delegated (see Section VI. Responsibilities and Authorizations).
- C. Transactions involving real property shall be done as promptly as possible. Unless otherwise authorized by the Board, all Transactions shall be completed within one year of Board authorization.
- D. The Authority may dispose of any real property not necessary for its corporate purposes or whenever the Board shall determine that such Disposal is in the interest of the Authority.
- E. A Transaction may need to be resubmitted to the Board in the following circumstances:
 - 1. If the circumstances change following Board action and the approved terms and conditions cannot be followed, the proposed Transaction must be resubmitted to the Board for reconsideration.
 - 2. If the background information about the Transaction presented to the Board changes in any material way, the Executive Director will determine whether the item should be resubmitted to the Board.

SECTION:

**POLICIES – MANAGEMENT
OF PROPERTY**

SUBJECT:

**THRUWAY REAL
PROPERTY MANAGEMENT
POLICY**



NUMBER: 25-6-02

January 21, 2009
DATE

4
PAGE

3. If a Board approved Transaction cannot be progressed, a report must be provided to the Board detailing the reasons that the item is not being progressed. In limited circumstances as determined by the Executive Director an item may be submitted to the Board withdrawing the prior authorization.
- F. Real property shall not be disposed of for less than fair market value, except in limited circumstances as set forth in Section IV.G. below.
- G. The Authority shall use a competitive process open to the public for all Disposals, except in limited circumstances. The Authority shall document the basis for progressing a Disposal without use of a public competitive process.

All Disposals or contracts for Disposal of real property of the Authority shall be made after publicly advertising for bids except in limited circumstances where Disposals and contracts for Disposal may be negotiated or made by public auction without public advertising for bids.

One of the following conditions must be met to dispose or contract for the Disposal of real property through negotiation or public auction without public advertising for bids: (1) the fair market value of the real property does not exceed fifteen thousand dollars (\$15,000); (2) bid prices after advertising are not reasonable, either as to all or some part of the real property, or have not been independently arrived at in open competition; (3) the Disposal will be to the State or any political subdivision, and the estimated fair market value of the real property and other satisfactory terms of Disposal are obtained by negotiation; (4) the Disposal is for less than the estimated fair market value of the real property, the terms of the Disposal are obtained by public auction or negotiation, the Disposal of the real property is intended to further the public health, safety, or welfare, or an economic development interest of the State or a political subdivision (to include but not limited to, the prevention or remediation of a substantial threat to public health or safety, the creation or retention of a substantial number of job opportunities, or the creation or retention of a substantial source of revenues, or where the Authority's enabling legislation permits), the purpose and the terms of such Disposal must be documented in writing and approved by resolution of the Authority Board; or (5) the action is otherwise authorized by law.

- H. The Authority shall create a clear and comprehensive record for each Transaction that documents its compliance with this Policy. Such record shall be maintained in a manner and for a period consistent with the applicable document retention policy.

SECTION:

**POLICIES – MANAGEMENT
OF PROPERTY**

SUBJECT:

**THRUWAY REAL
PROPERTY MANAGEMENT
POLICY**



NUMBER: 25-6-02

January 21, 2009
DATE

5
PAGE

V. GENERAL PRACTICES

A. Transactional Analyses

Every proposed Transaction shall have a documented analysis conducted that will address all salient real property-related issues, and that will consider all applicable alternatives listed in Section V.B. below.

B. Types of Transactions and the Appropriate Use Thereof

1. Disposals

The Authority may receive direct inquiries for purchasing Thruway real property (e.g., easement, fee) or may determine on its own that Thruway real property is no longer needed for its corporate purposes or that disposition is in the best interest of the Authority.

The Authority may lease real property not presently required for Authority purposes but held for future use in carrying out its corporate purposes.

Disposals may be performed by the Commissioner of General Services on behalf of the Authority when the Authority has entered into an agreement with the Commissioner of General Services pursuant to the Public Authorities Accountability Act of 2005 and Public Authorities Law.

2. Acquisitions

The Authority may acquire real property (e.g., fee, lease, easement) for a variety of purposes including, but not limited to, construction, improvement, and operation of the Thruway. The Authority may also enter into permits to use real property not under the jurisdiction of the Authority.

Real property may be acquired by purchase or by exercise of the power of eminent domain. When the need arises for the Authority to acquire real property via exercise of the power of eminent domain, the Authority shall take all steps to carry out the Acquisition in compliance with the Eminent Domain Procedure Law.

SECTION:

**POLICIES – MANAGEMENT
OF PROPERTY**

SUBJECT:

**THRUWAY REAL
PROPERTY MANAGEMENT
POLICY**



NUMBER: 25-6-02

January 21, 2009
DATE

6
PAGE

3. Permits

Permits may be issued where the real property is not presently required for Thruway purposes, but held for future use in carrying out its corporate purposes. Permits are revocable and used for Transactions where the real property needs to be available upon demand for Authority purposes. Unless otherwise authorized by the Executive Director, where a Disposal is contemplated, an Occupancy or Work Permit will not be issued in advance of completion of the Disposal.

Occupancy Permits shall be issued and administered in accordance with the Authority's Occupancy and Work Permit Accommodation Policy, and in such a way as to ensure that the Authority is receiving the appropriate level of revenue in accordance with the established Fee Policy for Thruway Occupancy Permits. Unless otherwise authorized by the Executive Director, where the issuance of an Occupancy Permit is contemplated, a Work Permit shall not be issued in advance of the issuance of the Occupancy Permit.

4. Transfers of Jurisdiction

Transfers of Jurisdiction shall be progressed on such terms and conditions as approved by the Board.

5. Transactions with Entities Providing Tourist Information

In accordance with Section 361-c of the Public Authorities Law, the Authority is required to provide tourist information services at all service areas where food is served. The Authority may authorize Transactions to provide such services. When the use of real property associated with the provision of these services generates revenue, consideration shall be required.

6. Amendments, Extensions, and/or Renewals of Existing Permits and Leases

Occupancy Permits shall be reviewed before the next annual payment date or as soon as practicable thereafter, and, if necessary, revoked or redrafted to reflect this Policy and the requisite operational and/or administrative procedures.

Leases will be reviewed at the time of the next renewal and amended to reflect this Policy and the requisite operational and/or administrative procedures, consistent with the terms of the lease.

SECTION: **POLICIES – MANAGEMENT
OF PROPERTY**

SUBJECT: **THRUWAY REAL
PROPERTY MANAGEMENT
POLICY**



NUMBER: **25-6-02**

January 21, 2009
DATE

7
PAGE

C. Use of Appraisals

When appraisals are used to determine value of real property, they shall be conducted as provided below:

1. Internal Appraisals

Authorized Authority staff may conduct internal appraisals for the following Transactions, unless the Disposal is not subject to fair market pricing due to its unique nature when an external appraisal is required:

- (a) Acquisitions of real property where its appraised value is likely to be \$10,000 or less;
- (b) Disposals of real property where its appraised value is likely to be \$10,000 or less;
- (c) Permits for which an appraisal is necessary.

2. External Appraisals

External appraisals shall be conducted by independent parties retained by the Authority for the following Transactions:

- (a) Acquisitions of real property where its appraised value is likely to be greater than \$10,000;
- (b) Disposals of real property where its appraised value is likely to be greater than \$10,000;
- (c) Two external appraisals shall be conducted if: (i) the appraised value of the real property is likely to be over \$300,000; or (ii) it is deemed to be in the best interest of the Authority as determined by the Contracting Officer;
- (d) Disposals of real property which because of its unique nature is not subject to fair market pricing.

SECTION:

**POLICIES – MANAGEMENT
OF PROPERTY**

SUBJECT:

**THRUWAY REAL
PROPERTY MANAGEMENT
POLICY**



NUMBER: 25-6-02

January 21, 2009
DATE

8
PAGE

3. Eminent Domain

When the need arises for the Authority to acquire real property via exercise of the power of eminent domain, the Authority shall comply with all appraisal requirements in the Eminent Domain Procedure Law.

D. Advertising and Bidding for Disposals

When advertising for bids is required: (1) the advertisement shall be made at such time, through such methods, and on such terms and conditions as shall permit full and free competition consistent with the value and nature of the real property; (2) all bids shall be publicly disclosed at the time and place stated in the advertisement; and (3) the award shall be made with reasonable promptness by notice to the responsible bidder whose bid, conforming to the invitation for bids, will be most advantageous to the State and the Authority, price and other factors considered, provided, that any and all bids may be rejected when it is in the public interest to do so.

E. Documenting Disposals by Negotiation

At least 90 days before the Disposal, an explanatory statement for each Disposal by negotiation shall be prepared and distributed by the Contracting Officer in accordance with the Public Authorities Accountability Act of 2005 detailing the circumstances of the Disposal, including but not limited to, the proposed price. The statement shall be prepared and distributed prior to bringing the Transaction to the Board for approval.

The following Disposals by negotiation require an explanatory statement:

1. Any real property that has an estimated fair market value in excess of one hundred thousand dollars (\$100,000), except that any real property disposed of by lease or exchange shall only be subject to clauses 2, 3 and 4 below;
2. Any real property disposed of by lease for a term of five years or less, if the estimated fair annual rent is in excess of one hundred thousand dollars (\$100,000) for any of such years;
3. Any real property disposed of by lease for a term of more than five years, if the total estimated rent over the term of the lease is in excess of one hundred thousand dollars (\$100,000);

SECTION:

**POLICIES – MANAGEMENT
OF PROPERTY**

SUBJECT:

**THRUWAY REAL
PROPERTY MANAGEMENT
POLICY**



NUMBER: 25-6-02

January 21, 2009
DATE

9
PAGE

4. Any real property or real and related personal property disposed of by exchange, regardless of value, or any property any part of the consideration for which is real property.

F. Review by the Office of the State Comptroller (OSC)

The following Transactions shall be submitted to OSC for review and approval:

1. Disposals of real property or interests therein where the value exceeds \$10,000.
2. Acquisitions of real property or interests therein where the total payment exceeds \$50,000.

G. Review of Environmental Impacts

In accordance with the State Environmental Quality Review Act (SEQRA) and the National Environmental Policy Act (NEPA), the Authority shall consider potential environmental impacts and permit requirements associated with any Transaction.

H. Review by Other Agencies

Transactions shall be coordinated with local, State and federal agencies as may be required by statute or regulation. Such agencies include, but are not limited to: Federal Highway Administration, U.S. Army Corps of Engineers, NYS Department of Transportation, NYS Department of Environmental Conservation and NYS Office of Parks, Recreation and Historic Preservation.

I. Reports

The Authority will develop and distribute reports regarding real property management activities as required by law, including but not limited, to annual inventory reports, annual real property disposition reports, and Disposal by negotiation statements.

VI. RESPONSIBILITIES AND AUTHORIZATIONS

- A. The Board shall designate a Contracting Officer who is responsible for compliance with and enforcement of the Policy as it applies to Disposals and Acquisitions of real property.

SECTION:

**POLICIES – MANAGEMENT
OF PROPERTY**

SUBJECT:

**THRUWAY REAL
PROPERTY MANAGEMENT
POLICY**



NUMBER: 25-6-02

January 21, 2009
DATE

10
PAGE

- B. The Executive Director is authorized to interpret, implement, and administer this Policy and shall develop SOPs necessary to carry out its intent. These SOPs should identify the roles and responsibilities of Authority personnel who implement and administer this Policy and define the manner in which those responsibilities are to be fulfilled.


The Executive Director is also authorized to oversee the actions of Authority staff to ensure compliance with applicable laws, rules and regulations, and with this Policy.

- C. The Chief Engineer is authorized to acquire and dispose of real property necessary to progress capital projects in accordance with the provisions of the annual Contracts Program approved by the Board. All such Acquisitions and Disposals shall be progressed in accordance with the provisions of this Policy. In general, Board approval shall not be required for such Acquisitions and Disposals, provided however, Board approval shall be required for all Disposals for less than fair market value.
- D. The Contracting Officer or designee is authorized to approve real property Occupancy Permits.
- E. The Director of Maintenance and Operations or designee is authorized to approve real property Work Permits.

VII. PENDING DISPOSALS AND ACQUISITIONS

All Disposals and Acquisitions approved by the Board prior to January 1, 2006 that are still pending final execution shall be reevaluated by the Contracting Officer to ensure compliance with this Policy. If, upon reevaluation, the terms and conditions as authorized by the Board resolution do not comply with this revised Policy, the Contracting Officer must promptly prepare a report to the Executive Director and the Board detailing the reasons that the item(s) can or cannot be progressed. When an item cannot be progressed, the Contracting Officer in consultation with the Executive Director must seek further direction from the Board which may result in the item being amended, withdrawn or otherwise resolved.

STATE OF NEW YORK
DEPT. OF PUBLIC SERVICE
DATE <u>4/2/09</u>
CASE NO. <u>06-T-0650</u>
EX <u>310</u>

 <p style="text-align: center;">GENERAL POLICY</p>	<table border="1" style="width: 100%;"> <tr> <td style="width: 60%;">SECTION TITLE</td> <td style="width: 40%;">NUMBER</td> </tr> <tr> <td style="text-align: center;">POLICIES – MANAGEMENT OF PROPERTY</td> <td style="text-align: center;">25-6-02</td> </tr> </table>	SECTION TITLE	NUMBER	POLICIES – MANAGEMENT OF PROPERTY	25-6-02
SECTION TITLE	NUMBER				
POLICIES – MANAGEMENT OF PROPERTY	25-6-02				
<p>APPROVED</p> <p>BOARD MEETING NUMBER: 649</p> <p>RESOLUTION NUMBER: 5493</p> <p>DATE: March 23, 2006</p>	<p>SUBJECT</p> <p style="text-align: center;">THRUWAY REAL PROPERTY MANAGEMENT POLICY</p>				

I. INTRODUCTION

Pursuant to Title 9 of Article 2 of the Public Authorities Law, the New York State Thruway Authority (Authority) is responsible for the financing, construction, reconstruction, improvement, development, maintenance and operation of the highway system known as the Thruway. In furtherance of such responsibilities, the Authority has the power to acquire and hold in the name of the State, by purchase or appropriation, real property, or rights or easements therein such real property, and to sell, exchange or otherwise dispose of real property not necessary for its corporate purposes, or whenever the Board shall determine that it is in the interest of the Authority. The Authority also has the power to lease, or to grant Permits to occupy, real property not presently required for Thruway purposes but held for future use in carrying out its corporate purposes, upon such terms and conditions and uses as the Board shall determine.

The purpose of this Policy is to: detail the Authority's operative policy and instructions regarding the use, awarding, monitoring and reporting of contracts for the Disposal of real property, the Acquisition of real property and the issuance of Permits associated with the Thruway; and authorize the development of Standard Operating Procedures (SOPs) for the purpose of implementing this Policy.

II. DEFINITIONS

A. Transactions

For purposes of this Policy, Transactions shall include, but not be limited to, Acquisitions, Disposals, the issuance of Permits, and Transfers of Jurisdiction.

B. Disposals

Disposals include the sale of real property, the transfer of any beneficial interest in real property such as leases or easements, and the exchange of real property. Disposals do not include the transfer of real property secured by a loan or other financial obligation of another party. Disposals do not include Permits or Transfers of Jurisdiction.

*Not Entered
(See Substitute)*

SECTION:

**POLICIES – MANAGEMENT
OF PROPERTY**

SUBJECT:

**THRUWAY REAL
PROPERTY MANAGEMENT
POLICY**



NUMBER: 25-6-02

March 23, 2006
DATE

2
PAGE

C. Acquisitions

Acquisitions are Transactions whereby the Authority acquires and holds in the name of the State by purchase or appropriation, real property or rights or easements therein. Acquisitions also include permits to use real property not under the jurisdiction of the Authority.

D. Permits Issued by the Authority

Permits issued by the Authority are Transactions that authorize the use of or access to real property under the jurisdiction of the Authority. Permits are used for Transactions where the real property is still required for Authority purposes and has not been declared surplus to the Authority's needs. Permits do not transfer a beneficial interest in real property. Permits are revocable in part to assure availability upon demand of the real property for Authority purposes. Permits include Occupancy and Work Permits.

1. Occupancy Permit

An Occupancy Permit is a revocable permit that authorizes the use of real property under the jurisdiction of the Authority.

2. Work Permit

A Work Permit is a revocable permit that authorizes construction, maintenance, inspection, survey, or other type of work on real property under the jurisdiction of the Authority.

E. Transfers of Jurisdiction

Transfers of Jurisdiction are Transactions between the Authority and other State governmental entities where jurisdiction over real property is transferred and reassigned, but the title to the real property remains in the name of the people of the State.

SECTION:

**POLICIES – MANAGEMENT
OF PROPERTY**

SUBJECT:

**THRUWAY REAL
PROPERTY MANAGEMENT
POLICY**



NUMBER: 25-6-02

March 23, 2006
DATE

3
PAGE

III. GENERAL LEGAL REQUIREMENTS

All Transactions shall comply fully with applicable State, federal, and local laws, rules and regulations, including but not limited to: Title 9 of Article 2 of the Public Authorities Law, the Public Authorities Accountability Act of 2005, the Lobbying Procurement Act, the requirements of the Authority's General Revenue Bond Resolution, and other applicable laws, rules, regulations, policies, procedures and executive orders.

IV. GENERAL PRINCIPLES

- A. The Authority shall maintain adequate inventory controls and accountability systems for all real property under its control.
- B. The Board shall approve all Transactions under the Authority's jurisdiction, except as otherwise delegated.
- C. Transactions involving real property shall be done as promptly as possible. Unless otherwise authorized by the Board, all Transactions shall be completed within one year of Board authorization.
- D. The Authority may dispose of any real property not necessary for its corporate purposes or whenever the Board shall determine that such Disposal is in the interest of the Authority.
- E. Transactions may need to be resubmitted to the Board in the following circumstances:
 - If the circumstances change following Board action and the approved terms and conditions cannot be followed, the proposed Transaction must be resubmitted to the Board for reconsideration.
 - If the background information about the Transaction presented to the Board changes in any material way, the Executive Director will determine whether the item should be resubmitted to the Board.
 - If a Board approved Transaction cannot be progressed, a report must be provided to the Board detailing the reasons that the item is not being progressed. In limited circumstances as determined by the Executive Director an item may be submitted to the Board withdrawing the prior authorization.
- F. Real property shall not be disposed of for less than fair market value, except in

SECTION: **POLICIES – MANAGEMENT
OF PROPERTY**

SUBJECT: **THRUWAY REAL
PROPERTY MANAGEMENT
POLICY**



NUMBER: **25-6-02**

March 23, 2006
DATE

5
PAGE

- I. The Authority shall create a clear and comprehensive record for each Transaction that documents its compliance with this Policy. Such record shall be maintained in a manner and for a period consistent with the applicable document retention policy.

V. GENERAL PRACTICES

A. Transactional Analyses

Every proposed Transaction shall have an analysis conducted that will address all salient real property-related issues, and that will consider other Transaction types as possible alternatives.

B. Types of Transactions and the Appropriate Use Thereof

1. Disposals

The Authority may receive direct inquiries for purchasing an interest in Thruway real property (e.g., easement, fee) or may determine on its own that Thruway real property is no longer needed for its corporate purposes or that disposition is in the best interest of the Authority.

The Authority can lease real property not presently required for Authority purposes but held for future use in carrying out its corporate purposes.

Disposals may be performed by the Commissioner of General Services on behalf of the Authority when the Authority has entered into an agreement with the Commissioner of General Services pursuant to the Public Authorities Accountability Act of 2005 and Public Authorities Law.

2. Acquisitions

The Authority can acquire real property in fee for a variety of purposes including, but not limited to, construction, improvement, and operation of the Thruway. The Authority may also enter into leases for non-Thruway real property for Thruway purposes.

SECTION:

**POLICIES – MANAGEMENT
OF PROPERTY**

SUBJECT:

**THRUWAY REAL
PROPERTY MANAGEMENT
POLICY**



NUMBER: 25-6-02

March 23, 2006
DATE

6
PAGE

Real property may be acquired in fee either by deed or by exercise of the power of eminent domain. When the need arises for the Authority to acquire real property via exercise of the power of eminent domain, the Authority shall take all steps to carry out the Acquisition in compliance with the Eminent Domain Procedure Law.

3. Permits

Permits are used for Transactions where the real property is still required for Authority purposes and has not been declared surplus to the Authority's needs. Permits are revocable and used for Transactions where the real property needs to be available upon demand for Authority purposes. Unless otherwise authorized by the Executive Director, where a Disposal is contemplated, an Occupancy or Work Permit will not be issued in advance of completion of the Disposal.

Occupancy Permits shall be issued and administered in accordance with the Authority's Occupancy and Work Permit Accommodation Policy, and in such a way as to ensure that the Authority is receiving the appropriate level of revenue in accordance with the established Fee Policy for Thruway Occupancy Permits. Unless otherwise authorized by the Executive Director, where the issuance of an Occupancy Permit is contemplated, a Work Permit shall not be issued in advance of the issuance of the Occupancy Permit.

4. Transfers of Jurisdiction

Transfers of Jurisdiction will be progressed on such terms and conditions as may be approved by the Board.

5. Transactions with Entities Providing Tourist Information

In accordance with Section 361-c of the Public Authorities Law, the Authority is required to provide tourist information services at all service areas where food is served. The Authority may authorize Transactions to provide such services. When the use of real property associated with the provision of these services generates revenue, consideration shall be required.

6. Amendments, Extensions, and/or Renewals of Existing Permits and Leases

Occupancy Permits shall be reviewed before the next annual payment date or as soon as practicable thereafter, and, if necessary, revoked or redrafted to reflect

SECTION:

**POLICIES – MANAGEMENT
OF PROPERTY**

SUBJECT:

**THRUWAY REAL
PROPERTY MANAGEMENT
POLICY**



NUMBER: 25-6-02

March 23, 2006
DATE

7
PAGE

this Policy and the requisite operational and/or administrative procedures.

Leases will be reviewed at the time of the next renewal and amended to reflect this Policy and the requisite operational and/or administrative procedures, consistent with the terms of the lease.

C. Use of Appraisals

Consideration for Disposals and Acquisitions of real property shall be based on the estimated fair market value of the real property as determined by an appraisal. In limited circumstances, fair market value may be determined by other means (e.g., a request for proposals process). When appraisals are used to determine fair market value, such appraisals shall be conducted as provided below:

1. Internal Appraisals

Authorized Authority staff may conduct internal appraisals for the following Transactions, unless the Disposal is not subject to fair market pricing due to its unique nature when an external appraisal is required:

- Acquisitions of real property where the value of the underlying real property is estimated to be \$10,000 or less;
- Disposals of real property where the value of the underlying real property is estimated to be \$10,000 or less;
- Permits for which an appraisal is necessary.

2. External Appraisals

External appraisals shall be conducted by independent parties retained by the Authority for the following Transactions:

- Acquisitions of real property where the value of the underlying real property is estimated to be greater than \$10,000;
- Disposals of real property where the value of the underlying real property is estimated to be greater than \$10,000;

SECTION:

**POLICIES – MANAGEMENT
OF PROPERTY**

SUBJECT:

**THRUWAY REAL
PROPERTY MANAGEMENT
POLICY**



NUMBER: 25-6-02

March 23, 2006
DATE

8
PAGE

- When the value of the real property is estimated to be over \$300,000 two external appraisals are required;
- Disposals of real property where because of its unique nature is not subject to fair market pricing.

3. Eminent Domain

When the need arises for the Authority to acquire real property via exercise of the power of eminent domain, the Authority shall comply with all appraisal requirements in the Eminent Domain Procedure Law.

D. Advertising and Bidding for Disposals

When advertising for bids is required (i) the advertisement shall be made at such time, through such methods, and on such terms and conditions as shall permit full and free competition consistent with the value and nature of the real property, (ii) all bids shall be publicly disclosed at the time and place stated in the advertisement, and (iii) the award shall be made with reasonable promptness by notice to the responsible bidder whose bid, conforming to the invitation for bids, will be most advantageous to the State and the Authority, price and other factors considered, provided, that any and all bids may be rejected when it is in the public interest to do so.

E. Documenting Disposals by Negotiation

At least 90 days before the Disposal, an explanatory statement for each of the following Disposals by negotiation shall be prepared and distributed by the Contracting Officer in accordance with the Public Authorities Accountability Act of 2005 detailing the circumstances of the Disposal, including but not limited to, the proposed price. The statement shall be prepared and distributed prior to bringing the Transaction to the Board for approval.

SECTION:

**POLICIES – MANAGEMENT
OF PROPERTY**

SUBJECT:

**THRUWAY REAL
PROPERTY MANAGEMENT
POLICY**



NUMBER: 25-6-02

March 23, 2006
DATE

9
PAGE

The following Disposals by negotiation require an explanatory statement: (1) any real property that has an estimated fair market value in excess of one hundred thousand dollars (\$100,000), except for any real property disposed of by lease or exchange, which are covered by (2) and (3) hereof; (2) any real property disposed of by lease where (a) the lease term is five years or less and the estimated fair annual rent is over one hundred thousand dollars (\$100,000) for any year or (b) the lease term is more than five years and the total estimated rent over the term of the lease is over one hundred thousand dollars (\$100,000), and (3) any real property disposed of by exchange, regardless of value, or any real property any part of the consideration for which is real property.

F. Review by the Office of the State Comptroller (OSC)

The following Transactions shall be submitted to OSC for review and approval:

- Disposals of real property or interests therein where the property value exceeds \$10,000.
- Acquisitions of real property or interests therein where the total payment exceeds \$15,000.

G. Review by the Attorney General

All Transactions submitted to OSC shall first be submitted to the Attorney General for approval as to form.

H. Review of Environmental Impacts

In accordance with the State Environmental Quality Review Act (SEQRA) and the National Environmental Policy Act (NEPA), the Authority shall consider potential environmental impacts and permit requirements associated with any Transaction.

I. Review by Other Agencies

Transactions shall be coordinated with local, State and federal agencies as may be required by statute or regulation. Such agencies include, but are not limited to: Federal Highway Administration, Army Corps of Engineers, and NYS Department of Transportation.

SECTION:

**POLICIES – MANAGEMENT
OF PROPERTY**

SUBJECT:

**THRUWAY REAL
PROPERTY MANAGEMENT
POLICY**



NUMBER: 25-6-02

March 23, 2006
DATE

10
PAGE

J. Reports

The Authority will develop and distribute reports regarding real property management activities as required by law including but not limited to annual inventory reports, annual real property disposition reports, and Disposal by negotiation statements.

VI. RESPONSIBILITIES AND AUTHORIZATIONS

A. The Board shall designate a Contracting Officer who is responsible for compliance with and enforcement of the Policy as it applies to Disposals and Acquisitions of real property.

B. The Executive Director is authorized to interpret, implement, and administer this Policy and shall develop SOPs necessary to carry out its intent. These SOPs should identify the roles and responsibilities of Authority personnel who implement and administer this Policy and define the manner in which those responsibilities are to be fulfilled.

The Executive Director is also authorized to oversee the actions of Authority staff to ensure compliance with applicable laws, rules and regulations, and with this Policy.

C. The Chief Engineer is authorized to acquire and dispose of real property necessary to progress capital projects in accordance with the provisions of the annual Contracts Program approved by the Board. All such Acquisitions and Disposals shall be progressed in accordance with the provisions of this Policy. In general, Board approval shall not be required for such Acquisitions and Disposals, provided however, Board approval shall be required for all Disposals for less than fair market value.

D. The Director of Maintenance & Operations or designee is authorized to approve real property Permits.

E. The Thruway Real Property Management Committee is responsible for the review and evaluation of all Transactions to be presented to the Board; and other matters as may be required by other Authority Policies and SOPs.

SECTION:

**POLICIES – MANAGEMENT
OF PROPERTY**

SUBJECT:

**THRUWAY REAL
PROPERTY MANAGEMENT
POLICY**



NUMBER: 25-6-02

March 23, 2006
DATE

11
PAGE

VII. PENDING DISPOSALS AND ACQUISITIONS

All Disposals and Acquisitions previously approved by the Board pending final execution (e.g., approval of OSC) shall be reevaluated by the Contracting Officer to ensure compliance with this Policy. If, upon reevaluation, the terms and conditions as authorized by the Board resolution do not comply with this revised Policy, the Contracting Officer must promptly prepare a report to the Executive Director and the Board detailing the reasons that the item(s) cannot be progressed. The Contracting Officer in consultation with the Executive Director must seek further direction from the Board which may result in the item being amended, withdrawn or otherwise resolved.

STATE OF NEW YORK
DEPT. OF PUBLIC SERVICE
DATE 4/2/59
CASE NO. 06-1-0630
311

Aldine™ Enviro-Tab™



Mixed Sources Certified SW-COC-1942 © 1996 FSC





New York State Thruway Authority

WORK PERMIT APPLICATION

For Official Use Only

Work Permit Number _____

Occupancy Permit Number _____

Construction Permit Number _____

APPLICANTS: Please print or type.

Read and complete Sections 1 - 4 and sign Section 5.

DIVISION PERMIT COORDINATOR: Forward completed application to HQ Permit Coordinator.

Section 1

APPLICANT IDENTIFICATION INFORMATION

(Check one)

☐ Individual

☐ Business/Corporation

☐ Municipality

☐ Public Agency

☐ Utility

☐ Not for Profit

Name _____

Federal ID No. _____

E-mail Address _____

Street Address _____

P.O. Box _____

Town/Village/City _____

State _____

Zip Code _____

Contact Person Name (Please print) _____

Telephone Number _____

()

Ext. _____

Fax Number _____

()

E-mail Address _____

Duration of Work _____

From _____

Through _____

PURPOSE OF PERMIT (Please provide brief description and location)

Check one:

☐ Annual Permit

☐ Single Project/Use

Section 2

WORK IDENTIFICATION INFORMATION

TYPE OF WORK (Check one)

☐ Water Mains

☐ Cable Television

☐ Storage

☐ Concessions

☐ Road Improvement

☐ Gas Mains

☐ Electric _____ Voltage

☐ Building Structure

☐ Survey/Design

☐ Construction Management

☐ Sewers

☐ Fiber Optic

☐ Communications Tower

☐ Media/Films

☐ Landscaping

☐ Telephone

☐ Parking

☐ Communications Tower/
Co-Locate

☐ Cleanup

☐ Drainage

☐ Pre-Award/
Uncompleted

☐ Other (Please describe) _____

MILEPOST BOUNDARY (If known)

GPS Coordinates
(If known)

LOCATION OF WORK (Check all that apply)

Beginning Milepost Number _____

☐ Underground

☐ Aerial

If longitudinal, include
ending Milepost Number _____

Direction
of travel (N/S/E/W) _____

☐ Surface

☐ Bridge Attachment

Section 3

SEQRA

Has a SEQRA determination been made?

☐ Yes ☐ No ☐ Don't know

If yes, please provide supporting
information (by whom, when, etc.)

Section 4

INSURANCE - Complete if known.

Type of Insurance Furnished:

☐ ACORD 25 Certificate of Liability Insurance & Supplemental Insurance Certificate (TA-W51343-9)

☐ Undertaking Effective Date _____

☐ Duplicate Policy # _____

Effective Date _____

☐ Performance Bond

☐ Thruway Blanket Policy _____ (# of days)

☐ Other _____

WORK PERMIT APPLICATION

Section 5 READ THOROUGHLY BEFORE SIGNING - APPLICANT AFFIRMATION

Authority lands are devoted to public use. Permits, therefore, are by sufferance and the duration thereof is at the Authority's discretion, regardless of the length of term granted. All permits are, therefore, revocable unilaterally by the Authority.

Application is hereby made by the undersigned in accordance with the map and/or plan hereto attached, and subject to the RULES AND REGULATIONS OF THE NEW YORK STATE THRUWAY AUTHORITY and to the NEW YORK STATE THRUWAY AUTHORITY OCCUPANCY AND WORK PERMIT ACCOMMODATION POLICY (TAP-401) and any CONDITION RIDER or amendments thereto forming a part hereof. This applicant will obtain any other consents or permits that may be necessary to accomplish the purposes set forth above, as it is understood that in granting a permit, the New York State Thruway Authority merely expresses its assent in so far as it is authorized.

This Application will become part of the permit. Applicant hereby agrees that if such permit is approved, that as a condition of the issuance of the permit and/or exercise of any rights granted thereunder, it will comply with any and all RULES AND REGULATIONS OF THE NEW YORK STATE THRUWAY AUTHORITY and the NEW YORK STATE THRUWAY AUTHORITY OCCUPANCY AND WORK PERMIT ACCOMMODATION POLICY and any CONDITION RIDER or amendments thereto.

Dated this ____ day of _____ 20__

Print Name of Applicant

Signature

Title (if applicable)

Please be sure to include any administrative fees, plans and insurance documents as per the Supporting Documentation List on page 3.
These items must accompany this Application for processing.

Section 6 SUBMIT PERMIT APPLICATIONS TO THE APPROPRIATE THRUWAY AUTHORITY PERMIT OFFICE

<u>DIVISION</u>	<u>HIGHWAY SECTIONS</u>	<u>DIVISION MILEPOST LIMITS</u>
New York	New York (Mainline) <ul style="list-style-type: none">• Garden State Parkway Connection• New England Section• I-287 Cross Westchester	0.00 - 76.50 G.S. 0.00 - G.S. 2.40 N.E. 0.17 - N.E. 15.01 C.W.E 0.00 - C.W.E. 10.90
Albany	Albany (Mainline) <ul style="list-style-type: none">• Berkshire Section	76.50 - 197.90 B. 0.00 - B. 24.28
Syracuse	Syracuse (Mainline)	197.90 - 350.60
Buffalo	Buffalo (Mainline) <ul style="list-style-type: none">• Niagara Section	350.60 - 496.00 N. 0.00 - N. 21.50

ADDRESSES AND TELEPHONE NUMBERS

NYS Thruway Authority New York Division Division Permit Coordinator 4 Executive Blvd. Suffern, NY 10901 Phone: (845) 918-2510 Fax: (845) 918-2596	NYS Thruway Authority Albany Division Division Permit Coordinator Route 9W, Interchange No. 23 P.O. Box 861 Albany, NY 12201-0861 Phone: (518) 436-2710 Fax: (518) 436-0233	NYS Thruway Authority Syracuse Division Division Permit Coordinator Suite 250, 2nd Fl. 290 Elwood Davis Road Liverpool, NY 13088-2103 Phone: (315) 437-2741 Fax: (315) 461-0765	NYS Thruway Authority Buffalo Division Division Permit Coordinator 455 Cayuga Road, Suite 800 Cheektowaga, NY 14225 Phone: (716) 631-9017 Fax: (716) 626-5362
---	--	--	---

NOTE: For the Cross Westchester Expressway (I-287), Occupancy Permits are issued by the New York State Department of Transportation and Work Permits are issued by the New York State Thruway Authority. For I-84, both Occupancy and Work Permits are issued by the New York State Department of Transportation.

WORK PERMIT SUPPORTING DOCUMENTATION LIST

Please review the NYS THRUWAY AUTHORITY OCCUPANCY AND WORK PERMIT ACCOMMODATION POLICY (TAP-401) which is available on the Authority's web page or by request prior to submitting your application.

Note: In order for the Thruway Authority to formally consider your application, the forms, other documents and fees listed below may need to be completed and submitted in one package. Please contact the Permit Coordinator for the Division in which you are applying for a permit (see Section 6) to determine the forms and supplemental information that will be required.

FORMS TO BE COMPLETED: (available from Permit Coordinator or on the Authority's web site at www.nysthruway.gov)

- ☐ TA-W41338 Work Permit Application - Pages 1 and 2
(Original Form **ONLY** will be accepted; Read and complete the applicant sections listed on the permit)
- ☐ TA-W51343-9 Supplemental Insurance Certificate (Original Form **ONLY** will be accepted)
- ☐ ACORD 25 Certificate of Liability Insurance
(Available from your insurance agent; Original Form **ONLY** will be accepted)
- ☐ TA-4476 NYSTA Performance Bond

SUPPORTING DOCUMENTS REQUIRED:

- ☐ Site/Operation Plan (3 copies)
 - ☐ Must be stamped by a NY Licensed Professional Engineer or Registered Architect
- ☐ Permittee Traffic Control Plan (3 copies)
 - ☐ Must be stamped by a NY Licensed Professional Engineer
- ☐ Other _____

**MAKE CHECKS PAYABLE TO:
"NEW YORK STATE THRUWAY AUTHORITY"**

Administrative Fee (Single Use \$250) _____	\$ _____
OR	
Administrative Fee (Annual \$1,000) _____	\$ _____
Rental Fee _____	\$ _____
Interim WP/Revenue Fee _____	\$ _____
For NYSTA Insurance Policy (Minor Work Permits) _____	\$ _____
Security Deposit _____	\$ _____
Other _____	\$ _____
Total Fees	\$ _____

Submit forms, fees and information to Division Permit Coordinator listed in Section 6.

STATE OF NEW YORK
DEPT. OF PUBLIC SERVICE
DATE <u>4/5/89</u>
CASE NO. <u>06-T-2650</u>
TX <u>318</u>



New York State Thruway Authority

OCCUPANCY PERMIT APPLICATION

For Official Use Only

Occupancy Permit Number _____

Work Permit Number _____

Construction Permit Number _____

APPLICANTS: Please print or type.
Read and complete Sections 1-4 and sign Section 5.

DIVISION PERMIT COORDINATOR: Forward
completed application to HQ Permit Coordinator.

Section 1 APPLICANT IDENTIFICATION INFORMATION

(Check one) ☐ Individual ☐ Municipality ☐ Utility ☐ New ☐ Amended
☐ Business/Corporation ☐ Public Agency ☐ Not for Profit

Name _____ Federal ID No. _____

E-mail Address _____

Street Address _____ P.O. Box _____

Town/Village/City _____ State _____ Zip Code _____

Contact Person Name (please print) _____ Telephone Number () _____ Ext. _____ Fax Number () _____

E-mail Address _____

Section 2 FACILITY IDENTIFICATION INFORMATION

LOCATION OF FACILITY (check all that apply)
☐ Underground ☐ Aerial
Depth in inches _____
☐ Surface ☐ Bridge Attachment
Orientation (Check one or both)
☐ Longitudinal
☐ Transverse - Offset from bridge or cross street _____ feet

MILEPOST BOUNDARY (if known)
Beginning Milepost Number _____
If longitudinal, include ending Milepost Number _____
Direction of travel (N/S/E/W) _____
GPS Coordinates (if known) _____

IF APPLICABLE, CHECK ONE
☐ Master agreement/permit
☐ Co-locate agreement
☐ Utility agreement

TYPE AND SIZE OF FACILITY (check one and enter size if known)

<input type="checkbox"/> Water Mains _____	<input type="checkbox"/> Telephone _____	<input type="checkbox"/> Fiber _____	<input type="checkbox"/> Building Structure _____
<input type="checkbox"/> Gas Mains _____	<input type="checkbox"/> Cable Television _____	<input type="checkbox"/> Parking _____	<input type="checkbox"/> Communications Tower _____
<input type="checkbox"/> Sewers _____	<input type="checkbox"/> Electric _____ Voltage _____	<input type="checkbox"/> Storage _____	<input type="checkbox"/> Communications Tower/Co-Locate _____
<input type="checkbox"/> Other (please describe) _____			

PURPOSE OF PERMIT (Please provide brief description and location)

Section 3 SEQRA	Section 4 INSURANCE - Complete if known
Has a SEQRA determination been made? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Don't know If yes, please provide supporting information (by whom, when, etc.) _____ _____ _____	Type of insurance furnished: <input type="checkbox"/> ACORD 25 Certificate of Liability Insurance & Supplemental Insurance Certificate (TA-W51343-9) <input type="checkbox"/> Undertaking Effective Date _____ <input type="checkbox"/> Duplicate Policy # _____ Effective Date _____ <input type="checkbox"/> Performance Bond <input type="checkbox"/> Other _____

OCCUPANCY PERMIT APPLICATION

Section 5 READ THOROUGHLY BEFORE SIGNING - APPLICANT AFFIRMATION/CERTIFICATION

Authority lands are devoted to public use. Permits, therefore, are by sufferance and the duration thereof is at the Authority's discretion, regardless of the length of term granted. All permits are, therefore, revocable unilaterally by the Authority. The permittee will maintain all installations permitted hereunder subject to the risk of relocating or removing them at the permittee's own expense, in accordance with the directions of the Authority.

Application is hereby made by the undersigned in accordance with the map and/or plan hereto attached, and subject to the RULES AND REGULATIONS OF THE NEW YORK STATE THRUWAY AUTHORITY and to the NEW YORK STATE THRUWAY AUTHORITY OCCUPANCY AND WORK PERMIT ACCOMMODATION POLICY (TAP-401) and any CONDITION RIDER or amendments thereto forming a part hereof. This applicant will obtain any other consents or permits that may be necessary to accomplish the purposes set forth above, as it is understood that in granting a permit, the New York State Thruway Authority merely expresses its assent in so far as it is authorized.

This Application will become part of the permit. Applicant hereby agrees that if such permit is approved, that as a condition of the issuance of the permit and/or exercise of any rights granted thereunder, it will comply with any and all RULES AND REGULATIONS OF THE NEW YORK STATE THRUWAY AUTHORITY and the NEW YORK STATE THRUWAY AUTHORITY OCCUPANCY AND WORK PERMIT ACCOMMODATION POLICY and any CONDITION RIDER or amendments thereto.

The Applicant affirms and certifies that all information provided to the Authority is complete, true and accurate.

Dated this _____ day of _____, 20____.

Print Name of Applicant

Signature

Title (if applicable)

Section 6

SUBMIT PERMIT APPLICATIONS TO THE APPROPRIATE THRUWAY AUTHORITY PERMIT OFFICE

DIVISION

New York

HIGHWAY SECTIONS

New York (Mainline)
• Garden State Parkway Connection
• New England Section
• I-287 Cross Westchester

DIVISION MILEPOST LIMITS

0.00 - 76.50
GS 0.00 - GS 2.40
NE 0.17 - NE 15.01
CWE 0.00 - CWE 10.90

Albany

Albany (Mainline)
• Berkshire Section

76.50 - 197.90
B 0.00 - B 24.28

Syracuse

Syracuse (Mainline)

197.90 - 350.60

Buffalo

Buffalo (Mainline)
• Niagara Section

350.60 - 496.00
N 0.00 - N 21.50

ADDRESSES AND TELEPHONE NUMBERS

NYS Thruway Authority
New York Division
Division Permit Coordinator
4 Executive Blvd.
Suffern, NY 10901
Phone: (845) 918-2510
Fax: (845) 918-2596

NYS Thruway Authority
Albany Division
Division Permit Coordinator
Route 9W, Interchange No. 23
P.O. Box 861
Albany, NY 12201-0861
Phone: (518) 436-2710
Fax: (518) 436-0233

NYS Thruway Authority
Syracuse Division
Division Permit Coordinator
Suite 250, 2nd Fl.
290 Elwood Davis Road
Liverpool, NY 13088-2103
Phone: (315) 437-2741
Fax: (315) 461-0765

NYS Thruway Authority
Buffalo Division
Division Permit Coordinator
455 Cayuga Road, Suite 800
Cheektowaga, NY 14225
Phone: (716) 631-9017
Fax: (716) 626-5362

NOTE: For the Cross Westchester Expressway (I-287), Occupancy Permits are issued by the New York State Department of Transportation and Work Permits are issued by the New York State Thruway Authority. For I-84, both Occupancy and Work Permits are issued by the New York State Department of Transportation.

OCCUPANCY PERMIT SUPPORTING DOCUMENTATION LIST

Please review the NYS THRUWAY AUTHORITY OCCUPANCY AND WORK PERMIT ACCOMMODATION POLICY (TAP-401) which is available on the Authority's web page or by request prior to submitting your application

In order for the Thruway Authority to formally consider your application, the forms listed below must be completed and submitted as part of the application.

FORMS THAT MUST BE COMPLETED AND SUBMITTED: (available from Permit Coordinator or from the NYS Thruway Authority's website at www.nysthruway.gov)

- | | |
|-------------|---|
| TA-W41337 | Occupancy Permit Application - Pages 1 - 3
(Original Form ONLY will be accepted; Read and complete the applicant sections listed on the permit) |
| TA-W51343-9 | Supplemental Insurance Certificate
(Original Form ONLY will be accepted) |
| ACORD 25 | Certificate of Liability Insurance
(Available from your insurance agent; Original Form ONLY will be accepted) |

SUPPORTING DOCUMENTS:

Additional documents, as listed below, may be required. The Permit Coordinator for the Division in which you are applying for occupancy should be contacted to determine what additional supporting documents will be required.

- ☐ Site/Operation Plan (3 copies)
 - ☐ Must be stamped by a NY Licensed Professional Engineer or Registered Architect
 - Plan and profile drawn to scale
 - Highway ROW, C/L and stationing
 - Edge of pavement and shoulders
- ☐ Property Survey Stamped by a NY Licensed Land Surveyor (3 copies)
- ☐ Utility Pole/Conduit Authorization/Letter of Agreement (for non-owner)
- ☐ Drainage Analysis/Storm Water Management Report
- ☐ Other _____

MAKE CHECKS PAYABLE TO: "NEW YORK STATE THRUWAY AUTHORITY"

Please be sure to include any administrative fees, plans and insurance documents as per the Supporting Documents listed on Page 3.

These items must accompany this Application for processing.

Administrative Fee _____	\$ _____
Annual/Revenue Fee _____	\$ _____
Rental Fee _____	\$ _____
Other _____	\$ _____
Total Fees \$ _____	

Submit forms, fees and information to appropriate Division Permit Coordinator address listed in Section 6.

STATE OF NEW YORK
DEPT. OF PUBLIC SERVICE
DATE <u>4/2/89</u>
CASE NO. <u>06-1-0630</u>
<u>313</u>



**NEW YORK STATE THRUWAY AUTHORITY
OCCUPANCY AND WORK PERMIT
ACCOMMODATION POLICY**



**DEPARTMENT OF MAINTENANCE
AND ENGINEERING**

REVISED OCTOBER, 1995

**BUREAU OF MANAGEMENT ANALYSIS AND PLANNING
TAP-401 (10/95)**

**SUBMIT PERMIT APPLICATIONS TO THE
APPROPRIATE THRUWAY AUTHORITY DIVISION DIRECTOR**

<u>DIVISION</u>	<u>HIGHWAY SECTIONS</u>	<u>DIVISION MILEPOST LIMITS</u>
New York	New York (Main Line) - Garden State Parkway Connection - New England Section - I-287 Cross Westchester - I-84	0.00 - 76.50 G.S. 0.00 - G.S. 2.40 N.E. 0.17 - N.E. 15.01 C.W.E. 0.00 - C.W.E. 10.90 0.00 - 71.46
Albany	Albany (Main Line) - Berkshire Section	76.50 - 197.90 B 0.00 - B 24.28
Syracuse	Syracuse (Main Line)	197.90 - 350.60
Buffalo	Buffalo (Main Line) - Niagara Section	350.60 - 496.00 N 0.00 - N 21.50

HEADQUARTERS TELEPHONE NUMBERS AND ADDRESSES

<u>TELEPHONE</u>	<u>ADDRESS</u>
Chief Engineer - Maintenance and Engineering Administrative Headquarters (518) 436-2797, Fax (518) 436-3096	200 Southern Boulevard P.O. Box 189 Albany, NY 12201-0189
Thruway Division Director New York Division (914) 524-0290, Fax (914) 332-8509	333 South Broadway Tarrytown, NY 10591-5697
Thruway Division Director Albany Division (518) 436-2999, Fax (518) 436-0233	9W, Interchange No. 23 P.O. Box 189 Albany, NY 12201
Thruway Division Director Syracuse Division (315) 437-2741, Fax (315) 463-5835	6712 Brooklawn Parkway Syracuse, NY 13214
Thruway Division Director Buffalo Division (716) 631-9017, Fax (716) 626-1328	3901 Genesee Street Cheektowaga, NY 14225

If you need quick and accurate identification of New York State permits necessary for a complex business venture, use the State's Master Application Procedure by dialing 1-800-342-3464 and describing your plans to the Office of Regulatory and Management Assistance.

• See Page Two

**NEW YORK STATE THRUWAY AUTHORITY
OCCUPANCY AND WORK PERMIT ACCOMMODATION POLICY**

TABLE OF CONTENTS

SECTION	PAGE
I. INTRODUCTION	1
II. DEFINITIONS	2
A. PERMIT	2
1. TYPE OF PERMITS	2
a. OCCUPANCY PERMIT	2
b. WORK PERMIT	2
2. CLASSIFICATION OF PERMITS (REVENUE AND NON-REVENUE)	3
B. THRUWAY	3
III. PERMIT REQUIREMENTS AND CONDITIONS	4
A. RELOCATION AND REMOVAL	4
B. CHANGES IN POLICY	4
C. PERMIT APPROVAL AND ANNUAL FEES	4
1. NON-REVENUE PERMIT FEES	4
2. REVENUE PERMIT FEES	4
3. TRANSVERSE PERMIT FEES	4
4. FEE WAIVERS	5
D. SECURITY DEPOSIT	5
1. GENERAL INFORMATION	5
2. REASONS REQUIRED	5
3. REFUND POLICY	5
E. PERFORMANCE BOND	6
1. GENERAL INFORMATION	6
2. REASONS REQUIRED	6
3. CANCELLATION	6
4. REFUND POLICY	6

TABLE OF CONTENTS (CONT'D.)

SECTION	PAGE
VIII: CONSTRUCTION REQUIREMENTS FOR UNDERGROUND CROSSINGS OF MAINLINE PAVEMENT AND SHOULDERS (CONT'D.)	
F. VENTS AND MANHOLES	32
G. VALVES	32
H. DEPTH OF BURY	32
I. MARKERS	32
J. CATHODIC PROTECTION DEVICES	32
AUTHORITY SPECIFICATION DIAGRAM FOR UNENCASED GAS PIPELINES UNDER PAVEMENT AND RIGHT-OF-WAY	33
IX. CONSTRUCTION REQUIREMENTS FOR AERIAL POWER AND COMMUNICATION LINE INSTALLATIONS	34
A. PLANS	34
B. POLES	34
1. DISTANCE FROM PAVEMENT	34
2. POSITIONING	34
3. STABILITY	35
4. TEMPORARY POLES AND CRADLES	35
5. FLAMMABLE MATERIALS	35
6. TREE TRIMMING	35
C. CROSSING SPANS	35
1. LENGTH	35
2. SUPPORT STRUCTURES	35
3. INTERSECTING WIRES	35
D. WIRES/CABLES	36
1. CLEARANCES	36
2. GROUNDING	36
AUTHORITY SPECIFICATION DIAGRAM OF INTERSECTING POWER TRANSMISSION LINES	37

TABLE OF CONTENTS (CONT'D.)

SECTION	PAGE
IX. CONSTRUCTION REQUIREMENTS FOR AERIAL POWER AND COMMUNICATION LINE INSTALLATIONS (CONT'D.)	
D. WIRES/CABLES (CONT'D.)	
3. CONDUCTORS	38
a. MATERIALS	38
b. SIZE	38
4. INSULATORS	38
a. MATERIALS	38
b. STRAIN INSULATORS	38
c. INSULATOR PINS	38
E. GUY WIRES	39
1. SIZE	39
2. MATERIALS	39
3. ANCHORAGE	39
4. WOODEN POLES	39
5. BRACES	39
6. STRAIN INSULATORS	39
F. WARNING SIGNS	39
X. CONSTRUCTION REQUIREMENTS FOR INSTALLATIONS/CROSSINGS ON OR ATTACHED TO BRIDGE STRUCTURES, BRIDGE CULVERTS OR STRUCTURAL RETAINING WALLS	40
A. GENERAL REQUIREMENTS	40
B. REVIEW AND APPROVAL	40
XI. LAND SURVEYS	41
A. SURVEY CONTROL POINTS	41
B. TRAFFIC CONTROL	41

**NEW YORK STATE THRUWAY AUTHORITY
OCCUPANCY AND WORK PERMIT
ACCOMMODATION POLICY**

I. INTRODUCTION

The Occupancy and Work Permit Accommodation Policy is published pursuant to Chapter 143, Laws of 1950, as amended. It was originally published in March, 1955 under the title Rules Governing the Use and Occupancy of the New York State Thruway System Relative to Permits for Performing Work Within the Thruway Right-of-Way. From time to time, changes in title and content have been made.

In accordance with standing policy, a copy of this Policy will be available at all times in the offices of the Authority's Administrative and Division Headquarters. Information pertaining to, or interpretation of this Policy may be obtained by visiting, writing or telephoning the nearest location (see inside front cover for addresses and telephone numbers).

Permittees are bound under penalty of permit revocation to comply with this Policy, as well as the Rules And Regulations of The New York State Thruway Authority.

New York State Thruway Authority Occupancy
and Work Permit Accommodation Policy

II. DEFINITIONS

A. PERMIT

Any "Permit" herein mentioned refers to consent by the New York State Thruway Authority (also called the "Authority") to use or occupy lands within the Thruway Right-of-Way.

1. Type of Permits

- a. Occupancy Permit - This type of Permit authorizes the use of property within the Thruway Right-of-Way. It includes, but is not limited to, parking, modification(s), vegetable gardens, pipe lines, electric and telephone wires, cable television wires, fiber optic cables, etc. The permittee is responsible for the installation, maintenance, repair and restoration of Authority property during original construction and the term of the occupancy.

The Authority will require separate Work Permits each time a permittee enters Authority property for the purpose of maintaining the facilities authorized by its Occupancy Permit (note: separate Work Permits will not be required in instances where the permittee must constantly maintain/occupy the property (e.g. parking lots or similar property)). On termination of the Permit, the permittee must contact the Authority for termination requirements prior to abandoning the facilities within the Thruway Right-of-Way.

- b. Work Permit - This type of Permit authorizes the applicant to do construction, maintenance, inspection, survey or other type of work within the Thruway Right-of-Way.

NOTE: FOR THE CROSS WESTCHESTER EXPRESSWAY (I-287), THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION SHALL ISSUE OCCUPANCY PERMITS AND THE THRUWAY AUTHORITY SHALL ISSUE WORK PERMITS.

**New York State Thruway Authority Occupancy
and Work Permit Accommodation Policy**

III. PERMIT REQUIREMENTS AND CONDITIONS

A. RELOCATION AND REMOVAL

AUTHORITY LANDS ARE DEVOTED TO PUBLIC USE. PERMITS, THEREFORE, ARE BY SUFFERANCE AND THE DURATION THEREOF IS AT THE AUTHORITY'S DISCRETION, REGARDLESS OF THE LENGTH OF TERM GRANTED. ALL PERMITS ARE, THEREFORE, REVOCABLE UNILATERALLY BY THE AUTHORITY. THE PERMITTEE WILL MAINTAIN ALL INSTALLATIONS PERMITTED HEREUNDER SUBJECT TO THE RISK OF RELOCATING OR REMOVING THEM AT THE PERMITTEE'S OWN EXPENSE, IN ACCORDANCE WITH THE DIRECTIONS OF THE AUTHORITY.

B. CHANGES IN POLICY

The Authority reserves the right to make changes in, or additions to this Policy. Such changes and additions shall form a part of any permit heretofore issued and shall be complied with immediately.

C. PERMIT APPROVAL AND ANNUAL FEES

The Authority reserves the right to review and approve or reject all requests for the use and occupancy of the Thruway Right-of-Way, and to charge appropriate annual or lump sum fees for such use and occupancy.

1. Non-Revenue Permit Fees

Fees for non-revenue permits are determined by the Authority. The application is approved by the appropriate Thruway Authority Division Director and the Department of Maintenance and Engineering at Administrative Headquarters, prior to issuance of the permit to the applicant.

2. Revenue Permit Fees

Fees for revenue permits (e.g. parking lots, trees and shrubs, fences, flower gardens, suspended conduit systems, longitudinal use, etc.) are determined by the Authority's Real Property Management Committee (RPMC). The RPMC evaluates the nature of the permit, and establishes the annual fee and a schedule for subsequent fee revisions.

3. Transverse Permit Fees

Fees for transverse permits are determined by the Authority's Real Property Management Committee. Permittees can obtain a fee schedule upon written or telephone request to the appropriate Thruway Authority Division Director listed in the inside front cover of this Policy.

**New York State Thruway Authority Occupancy
and Work Permit Accommodation Policy**

4. Fee Waivers

The waiver of any administrative fees or fees for revenue occupancy permits shall only be permitted when the waiver is recommended by the appropriate Thruway Authority Division Director, confirmed by the Chief Engineer - Maintenance and Engineering, and approved by the Authority's Real Property Management Committee.

D. SECURITY DEPOSIT

1. General Information

- a. The Authority reserves the right to require the receipt of a security deposit in the form of a certified check before or at the time of the issuance of a permit.
- b. The security deposit shall be in such amount as the Authority shall require and shall be used as security that the work permitted will be performed in compliance with this Policy. The permittee will be deemed to have agreed, by giving such deposit, that the Authority is authorized to expend all or as much of such deposit as may be necessary, should a permittee neglect or refuse to comply with this Policy. The amount of the security deposit required, if any, shall in no way limit a permittee's obligations imposed by this Policy.

2. Reasons Required

The Authority may require security deposits for the following or other reasons:

- a. Inspection of Work - Also refer to Section III.H., Page 7, and Section IV.B.2.b., Page 11.
- b. Restoration of Property - Also refer to Section III.K., Page 8.
- c. Stopping of Traffic - Also refer to Section VI.A.2., Page 16.
- d. Traffic Control - Also refer to Sections VI.A.3., Pages 16 - 17, and Section XI.B., Page 41.
- e. Underground Crossings - Also refer to Section VIII.B.6., Page 26.
- f. Suspended Conduit Systems - Also refer to Section X., Page 40.

3. Refund Policy

The Authority's security deposit refund policy is described in Section III.L., Page 8.

New York State Thruway Authority Occupancy
and Work Permit Accommodation Policy

F. CONDITION OF OCCUPIED PROPERTY

The Authority reserves the right to require that Authority property be properly maintained by the permittee during the term of the occupancy.

The permittee shall at all times keep the Authority's property in a condition at least equal to that at the beginning of the occupancy, ordinary wear and tear damage by the elements excepted. The Authority shall be the sole judge of the condition of the property.

G. REVOCATION

The Authority reserves the right to revoke or annul a permit should the permittee fail at any time to comply with any of this Policy, the Rules And Regulations Of The New York State Thruway Authority and any conditions included at the time of issuance of a permit or added thereafter.

H. AUTHORITY INSPECTION

The Authority reserves the right to inspect any work being performed on the Thruway Right-of-Way; and to charge against the paid security deposit and/or posted performance bond the total of any and all expenses incurred by the Authority for the inspection. Information on security deposits and/or performance bonds is specified in Sections III.D., III.E. and III.L., Pages 5, 6 and 8, respectively.

The permittee, its contractors and/or subcontractors, shall immediately cease work upon orders from the appropriate Thruway Authority Division Director or appropriate Authority personnel. The order to cease work may be issued for any reason, including the opinion of Authority personnel that settlement is excessive, that the operation constitutes a traffic hazard, that the operation endangers pavements or structures, or that the operation is in violation of the Authority's Safety Standards. The permittee shall immediately commence any corrective work ordered by the appropriate Thruway Authority Division Director or appropriate Authority personnel.

I. RIGHT OF AUTHORITY TO ENTER

The Authority reserves the right to enter upon the property, which is the subject of a permit, with employees or equipment for any purpose deemed necessary by the Authority.

J. LIQUIDATED DAMAGES

The Authority reserves the right to include in any Occupancy and/or Work Permit a liquidated damages clause. If included, this provision shall contain a sum, formula or schedule for calculating these damages. The liquidated damages clause represents an attempt to make a reasonable forecast of probable actual loss due to the difficulty of estimating with precision the damages that will result. The provision is to be mutually agreed upon. It is not a penalty.

**New York State Thruway Authority Occupancy
and Work Permit Accommodation Policy**

K. RESTORATION

The Authority reserves the right to hold security deposits and/or performance bonds that may be required, until such time that the Authority determines that all work has been completed, and that all disturbed areas within the Thruway Right-of-Way have been returned to their original condition. The permittee will, if requested, upon vacating the occupied property, remove therefrom all facilities authorized by the permit, as well as all personal property.

The permittee shall return all disturbed areas to their original condition in a manner satisfactory to the Authority. Information on security deposits and/or performance bonds is specified in Sections III.D., III.E. and III.L., Pages 5, 6 and 8, respectively.

L. REFUND OF SECURITY DEPOSITS AND/OR PERFORMANCE BONDS

1. The Authority reserves the right to make the final decision regarding the refund of security deposit and/or performance bond balances.
2. At the time of permit application, the permittee will be notified that any remaining balance of security deposits and/or performance bonds, shall only be paid upon the completion of work and upon approval by the appropriate Thruway Authority Division Director.
 - a. If the security deposit/performance bond proves to be insufficient to cover the stated expenses, the permittee will be billed and payment shall be submitted to the Authority within ten (10) business days.
 - b. If the security deposit/performance bond proves to be excessive, any unused monies will be returned by the Authority to the permittee, upon written request by the permittee and approval by the appropriate Thruway Authority Division Director.

M. COMPLIANCE WITH GOVERNMENTAL REGULATIONS

The permittee must comply with all governmental regulations at the local, state and federal levels. The Authority's issuance of a permit does not preclude these requirements.

N. ACCIDENT NOTIFICATION

In the event of any accident that results in personal injury to contractor/subcontractor personnel or damage to Authority property, the permittee shall notify the Bureau of Communications at Authority Headquarters, by calling (518) 436-2888.

New York State Thruway Authority Occupancy
and Work Permit Accommodation Policy

IV. GENERAL REQUIREMENTS OF THE PERMITTEE

A. PERMITS

1. Statement of Requirement

Any individual or company desiring to construct, maintain or operate any facility over, under, along and within the bounds of the Thruway Right-of-Way, or to do any work within such bounds must secure a permit from the Authority. All work by or for a permittee shall be done at no expense to the Authority.

Permit applications must be prepared on forms provided by the Authority and shall be accompanied by detailed plans and maps indicating where and in what manner the work will be done. If any structure is to be built, final engineering design plans of the structure shall also accompany the application. In some instances, as-built plans may also be required. It is intended that this requirement apply to all plans, sketches, diagrams, survey maps, reports, studies and calculation sheets submitted to the Authority in connection with major projects that involve occupation or use of Thruway lands and/or facilities. Survey maps must be signed and stamped by a licensed Land Surveyor (note: this is not intended to preclude the Authority from reviewing conceptual plans submitted by a developer without a professional seal).

All applications must be submitted to the appropriate Thruway Authority Division Director (see inside front cover for Division limit mileposts). The applicants are to furnish three (3) copies of the Occupancy Permit and Work Permit applications with three (3) copies of the required attachments for either type of permit application.

NOTE: When a permit application is submitted for the construction of a liquid or gas pipeline, an emergency response plan is also required. The plan must, at a minimum, identify appropriate protective devices, and shall be subject to approval by the appropriate Thruway Authority Division Director.

2. Prior Inspection

Prior to any construction, the permittee must inspect the property referred to in a permit application and have knowledge of its condition.

New York State Thruway Authority Occupancy
and Work Permit Accommodation Policy

B. RESPONSIBILITIES OF THE PERMITTEE

1. Liability and Indemnification

- a. The permittee shall be responsible for bodily injury, including death, and/or property damage arising, directly or indirectly, out of the installation, maintenance, use or existence of any facility authorized by or relating to the permit or any work performed thereunder, or relating in any way to the permittee's use or occupancy of the premises covered by the permit; the permittee expressly agrees to indemnify and save harmless the Authority, its officers, agents and employees from and against all claims, suits, actions, damages, losses, harms and costs, including attorney's fees, arising out of or relating to any such injury or damage, or arising out of or relating to any act or omission under the permit, or relating in any way to the permittee's use or occupancy of the premises covered by the permit.
- b. The permittee does hereby further expressly agree, regardless of negligence, to pay any damages because of injury to or destruction of part or all of the Thruway, caused directly or indirectly by, or arising out of the existence, maintenance or use of any facilities, or of the work described in a permit, or relating in any way to the permittee's use or occupancy of the premises covered by the permit.
- c. The permittee, by acceptance of a permit, expressly agrees, regardless of negligence, to pay any and all damages for injury to or destruction of any property of the Authority, real or personal, and to reimburse the Authority for any and all loss of revenues, arising, directly or indirectly, out of the performance of construction or maintenance work, or otherwise, under a permit, or by reason of the construction or existence of any facilities permitted thereby.
- d. The permittee covenants that it will make no claim against the Authority for damages to the permittee's work or facilities, the cause of which may be attributable in any fashion to the operation and use of the Thruway, excluding willful acts of the Authority or its officers, agents and employees. This covenant rests upon the presumption that but for the occupancy granted, no such damage could have occurred.
- e. Upon vacating the occupied property, the permittee will execute a general release to the Authority for any damages claimed to have been sustained by the permittee arising out of the occupancy of the property.
- f. The enumeration of the types and amounts of insurance required by the Authority, as specified in Section V.B., Pages 13-14, or the acceptance by it of any such insurance shall not abridge, diminish or affect the liability and obligations of the permittee.

New York State Thruway Authority Occupancy
and Work Permit Accommodation Policy

2. Expenses

a. Governmental Charges

The permittee, in addition to the Authority's permit fee, if any, shall pay and discharge or cause to be paid or discharged any and all assessments and governmental charges that shall or may be levied, assessed or imposed during the term of the permit by any governmental or other lawful authority upon or against such facilities; provided, however, that the permittee may elect not to pay any such assessment or governmental charge so long as the permittee, in good faith and by appropriate proceedings, contests the validity thereof.

b. Work Inspection

The permittee agrees to pay all expenses incurred by the Authority in the inspection of the work described in the permit, as certified by the Authority. A security deposit and/or performance bond, specific for the Authority's inspection of the permittee's work and as specified in Sections III.D., III.E. and Section III.L., Pages 5, 6 and 8, respectively, will be required prior to the permittee entering the Thruway Right-of-Way, prior to breaking ground and in advance of any construction activity, in an amount to be determined by the Authority.

3. Employment

a. Non-Discrimination

The permittee for itself, its personal representatives, successors in interest and assigns, as a part of the consideration hereof, does hereby covenant and agree that:

~~no person, on the grounds of race, color, national origin, sex, age, disability or marital status, shall be excluded from participation in, be denied the benefits of or be otherwise subjected to discrimination in the use of said facilities.~~

in connection with the construction of any improvements on said lands and the furnishing of services thereon, no discrimination shall be practiced in the selection of employees and contractors; by contractors in the selection and retention of first-tier sub-contractors; and by first-tier subcontractors in the selection and retention of second-tier subcontractors.

the permittee shall use the premises in compliance with all other requirements imposed pursuant to Title 15, Code of Federal Regulations, Commerce and Foreign Trade, Subtitle A, Office of the Secretary of Commerce, Part 8 (15 C.F.R., Part 8), and as said Regulations may be amended.

**New York State Thruway Authority Occupancy
and Work Permit Accommodation Policy**

in the event of breach of any of the preceding non-discrimination covenants; the Authority shall have the right to terminate the permit and to reenter and repossess said land and the facilities thereon, and hold the same as if said permit had never been made or issued.

b. Authority, State and Municipal Employees

The permittee shall not engage, on a full or part-time or other basis, during the term of the permit, and solely in connection with the permit, any professional or technical personnel who are, or have been at any time during the term of the permit in the employ of the Authority, State of New York or the highway organization of any county, city, town or village therein (except regularly retired employees), without the written consent of the public employer of such person.

4. Work Permits

The Authority will require separate Work Permits each time a permittee enters Authority property for the purpose of maintaining the facilities authorized by its Occupancy Permit. A blanket Division or Authority-wide Work Permit covering all the permits the permittee has within the Division or the Authority, may be issued by the Authority in lieu of separate Work Permits (i.e. an annual Work Permit for inspection and maintenance).

C. RESTRICTIONS ON PERMITTEE

1. Advertising Devices

The permittee may not construct, maintain or permit any advertising devices on Authority property, without the written consent of the Authority.

2. Public Utility Facilities

Any and all underground and overhead public utility facilities encountered shall not be disturbed in any manner including the attachment of other facilities by another permittee, without submitting written documentation to and obtaining approval from, the proper authority or the owner thereof.

3. Construction

No construction or modification except that which is specifically authorized by the permit may be made to Authority property. When the work specified by the permit is completed, additional work and/or reentry to the Thruway Right-of-Way is prohibited, without the prior written approval of the Authority.

New York State Thruway Authority Occupancy
and Work Permit Accommodation Policy

V. SPECIAL REQUIREMENTS FOR PERMITS

A. TRANSFER OF PERMITS

A permit may not be assigned or transferred without the prior written consent of the Authority. In order to transfer a Permit, the permittee must request a cancellation. In addition, the new owner must file an application with the Authority, as described under SECTION III - PERMIT REQUIREMENTS AND CONDITIONS, beginning on Page 4.

In the event the permittee's property is assigned or transferred and the permit is to be discontinued, restoration of Authority property is the responsibility of the original permit holder, and restoration shall be completed to original condition in a time frame established at the discretion of the appropriate Thruway Authority Division Director.

B. INSURANCE COVERAGE

1. General Requirements

Unless expressly waived or amended by the Authority, the permittee, before the issuance of a permit, shall furnish either a duplicate insurance policy or a CERTIFICATE OF INSURANCE FOR OCCUPANCY AND WORK PERMITS (TA-51333), documenting comprehensive general liability insurance that is satisfactory to the Authority. The limits of liability under such a policy shall not be less than a combined single limit of \$500,000 per occurrence. This limit may be changed if deemed appropriate by the Authority.

The policy described above must contain the following endorsements:

- a. An endorsement naming the New York State Thruway Authority and the State of New York and its agents, officers and employees as additional insureds, and covering the liability of the permittee, the Authority and its officers, employees, and agents, with respect to all acts or omissions under the permit whether or not authorized thereby, including any entry upon or use of Thruway lands, as well as the maintenance of any facility by the permittee or anyone acting in its behalf, and including omissions and supervisory acts of the Authority, its officers, employees or agents.
- b. An endorsement with the following description of policy coverage: "The naming of the New York State Thruway Authority and the State of New York as additional insureds does not exclude the liability of the permittee, and does not exclude the liability of anyone acting by, through or for the permittee, for damages to the property or facilities of the New York State Thruway Authority or the State of New York."

**New York State Thruway Authority Occupancy
and Work Permit Accommodation Policy**

- c. An endorsement providing for thirty (30) days advance notice before cancellation or material change in insurance coverage provided by the policy. This notice shall be mailed to: Office of Investments and Asset Management, Insurance Compliance Section, New York State Thruway Authority, P.O. Box 189, Albany, NY 12201-0189.

2. Authority's Blanket Insurance Policy

A blanket policy of protective liability insurance has been arranged by the Thruway Authority covering the liability of the Authority, its officers, agents and employees.

This liability coverage is available solely for selected Work Permits. It may be obtained only by an applicant needing a short-term permit and/or for work that involves a minimal disturbance to the Thruway Right-of-Way (e.g. a small contractor working well off the mainline pavement with no equipment larger than a backhoe). It is not available for installations of a permanent nature or for work entailing more than a minimal physical disturbance of any part of the Thruway Right-of-Way. The duration of the work to be performed may not exceed three (3) days unless a waiver thereof is approved by the appropriate Thruway Authority Division Director.

Approved permittees may secure the required liability coverage by enclosing with each application a check or money order made payable to the New York State Thruway Authority in the amount of the current annual premium rate for each permit.

3. Undertaking

If approved by the Authority, an undertaking (i.e. legally binding agreement) may be substituted for protective liability insurance coverage (note: undertakings are only available to approved governmental agencies, and utility companies).

4. Permittee's Contractors

The permittee shall require any contractor and/or sub-contractor performing any work authorized by an Occupancy Permit to obtain a Work Permit and furnish insurance which is similar in all respects, including coverage and amounts, to that required to be furnished by the permittee pursuant to Section V.B.1., Pages 13-14.

New York State Thruway Authority Occupancy
and Work Permit Accommodation Policy

C. WORK AUTHORIZED BY PERMIT

The work authorized by a permit shall be performed under the supervision and to the satisfaction of the appropriate Thruway Authority Division Director. The work shall be progressed diligently, in a workmanlike and expeditious manner, without unreasonable delay or interference with travel.

The permittee shall provide suitable safeguards so as to reduce to an absolute minimum any dangerous conditions hazardous to life, limb or property.

New York State Thruway Authority Occupancy
and Work Permit Accommodation Policy

VI. GENERAL CONSTRUCTION REQUIREMENTS

A. MAINTENANCE AND PROTECTION OF TRAFFIC

NOTE: MAINTENANCE AND PROTECTION OF TRAFFIC, AS WELL AS EMERGENCY STOPPAGE OF TRAFFIC, IF NECESSARY, SHALL BE IN ACCORDANCE WITH THE PROVISIONS AND REQUIREMENTS OF THE AUTHORITY'S TRAFFIC SAFETY MANUAL. COPIES OF THE APPROPRIATE PAGES OF THE TRAFFIC SAFETY MANUAL CAN BE OBTAINED FROM THE APPROPRIATE THRUWAY AUTHORITY DIVISION TRAFFIC SUPERVISOR. IN ADDITION, CERTAIN MAINTENANCE AND PROTECTION OF TRAFFIC (MPT) ACTIVITIES WILL REQUIRE THE SUBMISSION OF A FORMAL MPT PLAN BY THE PERMITTEE, WHEN REQUIRED BY THE AUTHORITY. THE MPT PLAN SHALL BE SUBJECT TO APPROVAL BY THE APPROPRIATE DIVISION TRAFFIC SUPERVISOR.

1. Interference To Traffic

There shall be no interference to Thruway traffic, pavement or shoulders except under conditions specified by the appropriate Thruway Authority Division Traffic Supervisor.

2. Stopping Of Traffic

Thruway traffic shall never be stopped by the permittee. The permittee shall make the necessary arrangements with the appropriate Thruway Authority Division Traffic Supervisor at least forty eight (48) hours in advance, if traffic must be stopped.

All costs incurred by the Authority in stopping traffic shall be reimbursed by the permittee. In some cases, security deposits and/or performance bonds, as specified in Sections III.D., III.E. and III.L., Pages 5, 6 and 8, respectively, may be required by the Authority prior to start-up of the proposed project.

3. Traffic Control

If the Thruway pavement or shoulder must be occupied, the appropriate Thruway Authority Division Traffic Supervisor shall specify whether a mobile traffic pattern or stationary lane closure is to be used. Security deposits and/or performance bonds, as specified in Sections III.D., III.E. and III.L., Pages 5, 6 and 8, respectively, will be required prior to start-up of the project, if Authority personnel are required at any time for traffic control purposes.

All necessary signs, sign supports, cones, impact attenuator equipped trucks and other traffic protection devices for either a mobile traffic pattern or a stationary lane closure will be furnished by the permittee unless the Authority has sufficient traffic protection devices available for the permittee's use, in which case the devices will be made available to the permittee for a rental fee. If available, the traffic devices shall be requested from the appropriate Thruway Authority Division Traffic Supervisor.

**New York State Thruway Authority Occupancy
and Work Permit Accommodation Policy**

All signs and other traffic control devices must be sized, marked and colored in accordance with the New York State Department of Transportation's Manual of Uniform Traffic Control Devices.

The permittee shall furnish all necessary vehicles and flaggers for the traffic control pattern employed, as directed by the appropriate Thruway Authority Division Traffic Supervisor.

4. Lane Closure

A lane closure will only be permitted during the hours specified by the appropriate Thruway Authority Division Traffic Supervisor. In the event of a lane closure and upon termination of a lane closure, the Division Traffic Supervisor shall notify the Bureau of Communications at Authority Headquarters, by calling (518) 436-2888.

5. Parking/Obstructions

There shall be no vehicles parked on Thruway Right-of-Way at anytime, except as authorized and specified by the appropriate Thruway Authority Division Traffic Supervisor.

During work hours, construction materials and/or equipment may occupy a shoulder, but this occupancy is only permitted when the adjacent lane is closed. Between work hours, no construction materials and/or equipment shall be left on the shoulders or pavement nor shall any construction equipment and/or materials be placed in any manner that will obstruct Authority signs. When equipment and/or materials are not being used, the equipment and/or materials shall be stored at least thirty (30) feet from the edge of pavement or in a protected area. When stored behind a guide rail, there shall not be any encroachment within the design deflection distance of the type(s) of guiderailing, as specified in the Authority's Traffic Safety Manual.

6. U-Turns

There shall be no U-turns on the Thruway system without written authorization from the appropriate Thruway Authority Division Traffic Supervisor. The written authorization should be obtained by the permittee at least forty eight (48) hours in advance of any U-turns. The authorization will indicate when, where and how U-turns may be made.

B. OCCUPANCY OF SITE

1. Access

Access to the work site will not be by way of the Thruway, unless specifically authorized by the appropriate Thruway Authority Division Director.

New York State Thruway Authority Occupancy
and Work Permit Accommodation Policy

2. Excavation/Obstruction

There shall be no excavation or obstruction closer than thirty feet (30') to any left or right edge of pavement, unless the excavation or obstruction is protected by an existing guide rail installation or by an installation of temporary concrete barrier which has been constructed to Authority standards as shown on the drawing entitled, "Temporary Concrete Barrier Protection at Roadside Hazards," found on page 20 of these Regulations. Where existing guide rail installations are used, the excavation or obstruction shall not be placed closer than eight feet (8') behind the guide rail.

A drop-off between eighteen and twenty four inches (18" - 24") may be protected by the closure of an adjacent lane until such time as the drop-off is eliminated.

In addition to excavation/obstruction regulations established by the Authority, all other excavation/obstruction rules and regulations established by the Occupational Safety and Health Administration (OSHA) or similar governing agencies shall also be complied with.

3. Blasting

Blasting is not permitted unless it is approved in writing in advance by the Chief Engineer - Maintenance and Engineering of the New York State Thruway Authority.

- a. All blasting operations within the Thruway Right-of-Way shall be performed in accordance with the New York State Department of Transportation (NYSDOT) Standard Specifications.
- b. In accordance with Section 107.05 of the NYSDOT Standard Specifications ~~and at least two (2) weeks prior to the start of any rock excavation~~ activities, the contractor shall notify the Chief Engineer - Maintenance and Engineering of the intent to start and the Chief Engineer - Maintenance and Engineering shall schedule a pre-blasting meeting. This meeting shall include the contractor, the contractor's blaster, appropriate Authority personnel and the Authority State Police. Any other agencies, emergency personnel or utilities with facilities or operations that may be affected by the blasting operation should attend this meeting.
- c. At least two (2) weeks prior to the pre-blasting meeting required under Section 107.05 of the NYSDOT Standard Specifications, the Contractor shall submit to the Authority a written plan of the proposed blasting operations within the Thruway Right-of-Way. This plan shall include: sequence of operations, lift heights, burden and spacing of blast holes, size of blasts, explosive loadings, ignition sequence and a plan of precautionary measures to protect Thruway traffic from falling rock during these operations.

New York State Thruway Authority Occupancy
and Work Permit Accommodation Policy

When approved, the procedures set forth in the plan must be adhered to. Changes to the plan must be approved by the Authority prior to implementation.

4. Trenches

During non-working hours and when an excavation/trench is more than thirty feet (30') beyond the left or right edge of pavement, the permittee shall delineate the excavation/trench by placing orange-colored plastic barrels, ten feet (10') on center, on the side of the excavation/trench that faces oncoming traffic.

Trenches shall be backfilled within two (2) days of the time of opening and in accordance with standards set forth by the Occupational Safety and Health Administration (OSHA), unless written approval to the contrary is received from the appropriate Thruway Authority Division Director. Appropriate temporary fencing, approved by the appropriate Thruway Authority Division Director, shall be required to deny access to any site that is considered hazardous.

5. Restoration

a. Requirement

A permittee shall leave the site in a clean condition properly graded to conform to the surrounding terrain, and seeded and mulched, in accordance with direction from the appropriate Thruway Authority Division Director.

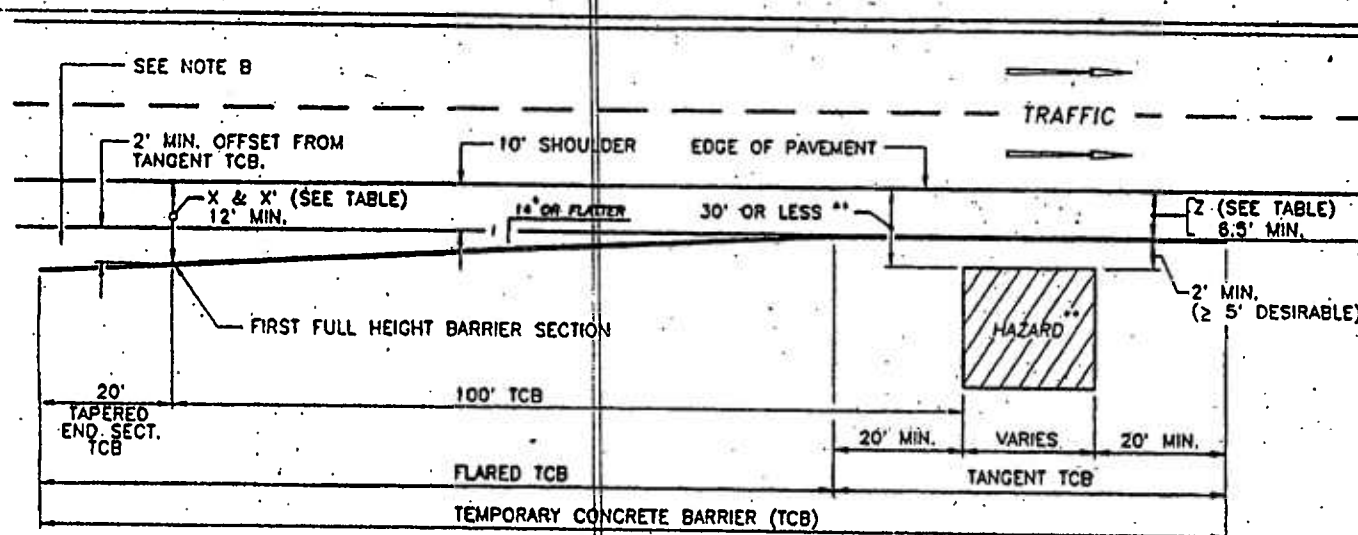
b. Non-Compliance

In the event the restoration requirement stated directly above is not complied with, ~~all costs incurred by the Authority to restore the work site to its original condition, acceptable to the appropriate Thruway Authority Division Director, will be charged to the permittee and may be cause for immediate revocation of the permit.~~

C. NOTICE OF JOB SCHEDULE AND FINAL INSPECTION

The appropriate Thruway Authority Division Director shall be notified at least twenty four (24) hours prior to the start of work and/or resumption of work after a temporary delay or shut down of work and shall be given prompt written notice of the completion of work, in order that the site may be inspected to determine if its condition is satisfactory to the Authority.

**AUTHORITY SPECIFICATION DIAGRAM ENTITLED
TEMPORARY CONCRETE BARRIER PROTECTION
AT ROADSIDE HAZARDS
(ALSO REFER TO PAGES 18, 21, 22, 27, AND 34)**



TYPICAL PLAN

N.Y.S.

T.C.B. OFFSET TABLE			
TANGENT	FLARED FFHBS		NOTES
Z	X (MIN.)	X' (MAX.)	
6.5	12'	12.0'	A, B, D
7.0	12'	12.7'	A, B, D
8.0	12'	13.7'	A, B, D
9.0	12'	14.7'	A, B, D
10.0	12'	15.7'	B, D
11.0	13'	16.7'	B, C
12.0	14'	17.7'	B, C
13'-28'	Z+2'	Z+5.7'	B, C

TABLE NOTES:

X: FLATTER THAN 1:14 TAPER RATE OFFSET.
X': 1:14 TAPER RATE OFFSET.
FFHBS: FIRST FULL BARRIER SECTION.

A: "NO SHOULDER" TRAFFIC CONTROL PATTERN REQUIRED.
B: 1:10 GRADE REQUIRED TO TCB AT ALL TIMES.
C: CONSIDERATION SHOULD BE GIVEN TO PLACING TCB AS FAR OFF TRAVELED WAY AS POSSIBLE, HOWEVER A 10' WIDE CLEAR AREA WITH 1:10 OR FLATTER GRADE MUST EXIST PRIOR TO TCB.
D: TYPICAL THRUWAY GEOMETRICS WILL GENERALLY DICTATE USE OF "Z" VALUES 6.5' THRU 10'.

**SEE GENERAL NOTES,
NEXT PAGE.**



NEW YORK STATE THRUWAY AUTHORITY
DEPARTMENT OF ENGINEERING SERVICES

**TEMPORARY CONCRETE BARRIER
PROTECTION @ ROADSIDE HAZARDS**

REVISION:

DRAWN BY: I.C. DATE: 1/13/95

DRAWING NUMBER:

CHECKED BY: [Signature] SCALE: NONE

1-1-231 AT

New York State Thruway Authority Occupancy
and Work Permit Accommodation Policy

D. General Notes - Temporary Concrete Barrier Protection
at Roadside Hazards Diagram

The following provides detailed information and general notes regarding the drawing entitled, "Temporary Concrete Barrier Protection at Roadside Hazards," found on Page 20:

1. * The offset from the edge of traveled way (pavement) to the First Full Height Barrier Section (FFHBS) is a function of the flare rate. A 1:14 flare rate is generally required. However, steep grades beyond the shoulder may require that a flatter flare rate (i.e. less than 1:14) be constructed to facilitate the placement of the Temporary Concrete Barrier (TCB) on an acceptable grade. Flare rates of less than 1:14 (e.g. 1:13 or less) shall be considered on a case by case basis, with final approval required by the appropriate Thruway Authority Division Director, prior to the construction and placement of the TCB.

A minimum twelve foot (12') offset from the edge of traveled way to the FFHBS, and a minimum two foot (2') offset from the tangent TCB to the flare FFHBS is required.

A twenty foot (20') tapered end section must be placed upstream of the FFHBS unless the FFHBS can be buried into an adjacent backslope without violating the 1:10 or flatter grade criteria. Should neither embedment nor the twelve foot (12') offset of the FFHBS be attainable, a properly designed and approved impact attenuator system must be provided at a location immediately upstream of the FFHBS.

Impact attenuation systems at a location immediately upstream of the FFHBS may also be warranted at the discretion of the appropriate ~~Thruway Authority Division Director~~, and placed in any area where a sharp curve, short sight distance, high volume weave, merge or other traffic conflict situations increases the possibility of vehicles departing the traveled way.

2. ** Hazard(s) shall be considered as any temporary or permanent feature (i.e. sheet piling, boring pit, construction equipment or materials, headwall, trench, substandard ditch section, etc.), or any portion thereof, that encroaches upon the thirty foot (30') clear zone, measured from the edge of pavement. TCB protection similar to that described above may also be required for hazardous features that exist outside the thirty foot (30') clear zone. Such protection shall be required at the discretion of the appropriate Thruway Authority Division Director.

New York State Thruway Authority Occupancy
and Work Permit Accommodation Policy

3. See New York State Department of Transportation Standard Sheet 619-3R3 for TCB installation/construction details. No hazardous feature shall exist within two feet (2') of the back face of the TCB unless the criteria of the "Joints and Anchorage Treatments Table" on Standard Sheet 619-3R3 are adhered to.
 4. The foregoing detail/criteria in this Section 'D.' shall be utilized only when the TCB will be located more than six and one-half feet (6.5') beyond the currently delineated edge of traveled way (i.e. pavement). The Authority's Office of Facilities Design shall be contacted for additional criteria, when the TCB encroaches upon or is within six and one-half feet (6.5') of the traveled way.
-

New York State Thruway Authority Occupancy
and Work Permit Accommodation Policy.

VII. DESIGN REQUIREMENTS FOR INSTALLATIONS

A. MINIMUM REQUIREMENTS

Installations over, under, along and within the Thruway Right-of-Way shall conform to the requirements of the American Association of State Highway and Transportation Officials (AASHTO) and the American Railway Engineering Association (AREA). In addition, installations over, under, along and within the Thruway Right-of-Way shall meet the following requirements, except where amended by the Authority to meet more stringent requirements:

1. Electric Power and Communication Facilities shall conform with the currently applicable National Electrical Safety Code (NESC).
 2. Water Lines shall conform with the currently applicable specifications of the American Water Works Association.
 3. Pressure Pipelines shall conform with the currently applicable sections of the American National Standards Institute (ANSI) Standard Code for Pressure Piping and applicable industry codes, including:
 - a. Power Piping, ANSI B31.1.0.
 - b. Petroleum Refinery Piping, ANSI B31.3.
 - c. Liquid Petroleum Transportation Piping Systems, ANSI B31.4.
 - d. Gas Transmission and Distribution Piping Systems, ANSI B31.8.
 4. Liquid Petroleum Pipelines shall conform with the currently applicable recommended practice of the American Petroleum Institute (API) for pipeline crossings under railroads and highways.
 5. Gas Pipelines shall conform with the rules set forth in Public Service Commission (PSC) codes, Part 255.
-
6. Fiber Optics Installations shall conform with the rules set forth in the Authority's Accommodation Plan (for longitudinal installations, see Section VIII.D.1.b., Page 29, and Sections VIII.E.5. and VIII.E.6., Page 32).
 7. Other Installations shall conform with rules set forth by applicable governing agencies, as determined by the Authority.
 8. All Installations shall conform with all applicable regulatory codes, including, but not limited to, those set forth by the Public Service Commission (PSC), the New York State Department of Environmental Conservation (DEC), the Occupational Safety and Health Administration (OSHA) or similar governing agencies.
 9. Installations/Crossings on Bridges and Miscellaneous Structures shall conform to the applicable requirements listed in #1 thru #8 of this Section VII.A., and the requirements listed in Section X., Page 40, of this Policy.

**New York State Thruway Authority Occupancy
and Work Permit Accommodation Policy**

B. MATERIALS

All installations on, over or under the Thruway Right-of-Way shall be of durable materials designed for long service life expectancy, so as to require as little routine servicing and maintenance as possible.

C. EXPANSION OF FACILITIES

On new installations or adjustments to existing facilities, provision shall be made for the known or planned expansion of them. The expansion plans shall be developed so as to minimize hazards and interference with traffic when additional overhead or underground lines are installed at some future date. Any expansion or modification of existing facilities shall require the filing of an amendment OCCUPANCY PERMIT APPLICATION (TA-41337).

New York State Thruway Authority Occupancy
and Work Permit Accommodation Policy

**VIII. CONSTRUCTION REQUIREMENTS FOR UNDERGROUND
CROSSINGS OF MAINLINE PAVEMENT AND SHOULDERS**

A. INSTALLATION METHODS

Underground crossings of mainline pavements and shoulders shall be accomplished by tunneling, jacking, driving or boring. Jetting and "open cut" methods will be permitted only on non-mainline pavements and shoulders, and only upon prior written approval of the appropriate Thruway Authority Division Director. All work shall be performed in accordance with the applicable safety codes.

Proposals to auger will be considered for approval on a case by case basis. Approval of auguring or drilling will not be granted whenever the operation is in cohesionless-type soils.

B. GENERAL REQUIREMENTS

1. Permittee Responsibility

The permittee shall assume all responsibility for the sufficiency and safety of the work, and shall closely supervise all tunneling, jacking, driving and/or boring operations so that the possibility of settlement or construction damage to existing facilities is minimized.

2. Soil Borings

The permittee shall perform soil borings and submit reports for review prior to construction activities. Soil exploration data are required for plan approval. The applicant should contact the appropriate Thruway Authority Division Director for bore location and depth requirements, and to obtain Work Permits prior to this activity, as described on the ~~previous pages of this Policy.~~

3. Damages

If any settlement or construction damage to Authority traffic lanes, pavements, structures, facilities, appurtenances and/or lands occurs, restoration to original condition or better shall be undertaken and completed at the permittee's own expense as directed by, and to the satisfaction of, the appropriate Thruway Authority Division Director.

4. Supervision By Permittee

The superintendent/supervisor in charge of the work shall be experienced in tunneling, jacking, driving and/or boring. Before the start of any work within the Thruway Right-of-Way, the permittee shall submit to the appropriate Thruway Authority Division Director and receive approval of, a description of the applicable previous experience of the selected superintendent/supervisor.

**New York State Thruway Authority Occupancy
and Work Permit Accommodation Policy**

5. Inspection by the Authority

The Authority reserves the right to inspect all tunneling, jacking, driving and/or boring operations. If, in the Authority's judgement, the inspection results are unsatisfactory, the permittee, its contractors and/or subcontractors shall immediately cease work upon orders from the appropriate Thruway Authority Division Director or appropriate Authority personnel.

6. Operational Approval

Before the start of any work within the Thruway Right-of-Way, the permittee shall submit to the appropriate Thruway Authority Division Director, and receive approval of, a description of the proposed operation, formal plans which are accurate-to-scale, and drawings showing construction details, including pits and soil exploration data. Actual field conditions encountered may require changes in the approved work schedule or construction details. Such changes shall be subject to approval of the appropriate Thruway Authority Division Director.

In addition, the permittee shall, before the start of work within the Thruway Right-of-Way, remit a security deposit and/or post a performance bond in an amount that is satisfactory to the Authority. The security deposit and/or performance bond, at a minimum, shall be of sufficient amount to fully replace Thruway pavement and/or structures that might be damaged or destroyed, in the event of a mishap caused directly or indirectly by the permittee or the permittees' contractors/sub-contractors.

Information on security deposits/performance bonds is specified in Sections III.D., III.E. and III.L., Pages 5, 6 and 8, respectively.

7. ~~Performance Responsibility~~

Approval of personnel experience, work schedules, construction drawings and dewatering plans shall not relieve the permittee of the responsibility to perform the work without damage to existing facilities.

8. Settlement Monitoring

Before beginning the tunneling, jacking, driving and/or boring operations, the permittee shall establish a settlement monitoring system. The settlement monitoring system shall determine elevations on a ten foot (10') grid along the centerline of the operation and extend a distance of twenty feet (20') on both sides of the operation. Elevations shall also be determined along both edges of each lane of Thruway pavement at ten foot (10') intervals starting above the centerline of the operation and extending a distance of twenty feet (20') on both sides of the operation. All elevations shall be determined on marked relocatable points, which will allow Authority personnel to pinpoint exact locations and determine if any pavement has settled.

New York State Thruway Authority Occupancy
and Work Permit Accommodation Policy

A bench mark or reference point used for the elevation determination shall be established outside the area of construction influence, a minimum of two hundred feet (200') from construction activity. The elevations of the marked grid and pavement lane points shall be redetermined daily during the operation, and the results shall be delivered daily to the appropriate Thruway Authority Division Director.

9. Construction Hazards

During non-working hours, there shall be no excavation or obstruction closer than thirty feet (30') to any left or right edge of pavement, unless the excavation or obstruction is protected by an existing guide rail installation or by an installation of temporary concrete barrier which has been constructed to Authority standards as shown on the drawing entitled, "Temporary Concrete Barrier Protection at Roadside Hazards," found on page 20. Where existing guide rail installations are used, the excavation or obstruction shall not be placed closer than eight feet (8') behind the guide rail.

A drop-off between eighteen and twenty four inches (18" - 24") shall be protected by the closure of an adjacent lane until such time as the drop-off is eliminated.

10. Continuous Operation

Once started, the tunneling, jacking, driving and/or boring operation shall be progressed continuously without interruption until its completion, unless approval for interruption is granted in writing by the appropriate Thruway Authority Division Director. This requires around-the-clock work during the operation.

11. Traffic Control

The tunneling, jacking, driving and/or boring operation shall not interfere with Thruway traffic, traffic lanes or shoulders, except under conditions specified by the appropriate Thruway Authority Division Traffic Supervisor.

12. Hydraulic Design

All new facilities or developments intending to use existing Thruway drainage structures for the discharge of surface water shall ensure that the hydraulic design of such facilities or developments allows no increase in peak flow to occur at the Thruway structures. The criteria for no increase in peak flow shall be calculated on 10, 25, and 50 Year Design Storms. In addition, effect of this discharge on 100-year and 500-year storms should also be evaluated. All hydraulic computations shall utilize the Corps of Engineers (COE) Soil Conservation Service (SCS) TR-55, TR-20, and HEC-2 methods to model and to calculate the hydraulic adequacy of the design.

**New York State Thruway Authority Occupancy
and Work Permit Accommodation Policy**

Documents submitted with the permit application shall include, but not be limited to, two (2) copies of a comprehensive Engineer's Report that contains a detailed narrative explaining the stormwater management plan, appropriate grading and drainage plans, hydraulic computations, hydrographs showing pre- and post-development conditions, and a statement by the Engineer that "no increase" in peak flow design has been achieved. The documents shall be submitted to and approved by the appropriate Thruway Authority Division Director.

13. Dewatering System

Where the flow or seepage of water into the operation may contribute to instability of the surrounding ground, the permittee shall provide a dewatering system adequate to maintain the operation. Dewatering shall be continuous during the period of construction. To insure that no loss of ground attributable to a loss of soils through pumping results, and that no subsidence of adjacent pavement or structures is induced by a lowering of the ground water level, the dewatering system shall be designed and stamped by a Professional Engineer, licensed to practice in New York State, and competent in soil mechanics. Per New York State Education Law, the plans should be signed and stamped. The dewatering system plans shall be submitted to the appropriate Thruway Authority Division Director for approval, prior to beginning work within the Thruway Right-of-Way.

C. TUNNELING

Tunneling will only be permitted under exceptional circumstances and then only when the borehole annulus excess voids can be filled under pressure with a cement grout (also refer to Section VIII.D.4., Page 29).

D. ENCASEMENT PIPES

NOTE: The specifications referred to in this section are detailed in the Authority Specification Diagram for Encased Gas Pipelines under Pavement and Right-of-Way, found on page 30.

1. Statement of Requirement

- a. All underground crossings, including water, sewer, gas (SEE ALTERNATIVE FOR NATURAL GAS UNDERGROUND CROSSINGS OF MAINLINE PAVEMENT AND SHOULDERS, Section VIII.E., Pages 31 and 32) and petroleum pipe lines, electric lines, telephone lines, etc., shall be encased in a larger pipe (sleeve) so that repairs or replacements may be made with minimal disturbance to the traffic lanes.

New York State Thruway Authority Occupancy
and Work Permit Accommodation Policy

- b. Requests for longitudinal Occupancy Permits involve special circumstances requiring several interagency reviews, and the satisfaction of additional conditions. While specific requirements must be met for such Occupancy Permits, requests for longitudinal Occupancy Permits are considered on a case-by-case basis, as a result of the interagency review process. The depth of burial for all underground longitudinal installations is minimally three feet (3') below the design finish grade.

2. Materials

The encasement pipe shall be made of steel, concrete or other durable material properly protected from chemical and electrical deterioration in accordance with the applicable safety codes, so as to virtually preclude any necessity for disturbing the traffic lanes in the future.

3. Length

The encasement pipe shall extend thirty feet (30') beyond each edge of the traffic lanes.

4. Pressure Grouting

All thirty six inch (36") or larger diameter encasement pipe sleeves (steel, concrete or tunnel liner plates) shall be provided with grouting plugs to meet industry standards, spaced along the entire circumference of the sleeve. Upon completion of the boring and jacking operation or as the tunnel liner plates are installed, the borehole annulus voids shall be filled under pressure with a cement grout of one (1) part portland cement for every six (6) parts of approved aggregate.

Pressure grouting from the ground surface shall be performed for ~~encasement sleeves less than thirty six inches (36") in diameter whenever~~ required by the appropriate Thruway Authority Division Director. Expenses for Authority provided traffic control necessary due to grouting from the ground surface, shall be borne by the permittee.

If approved by the Authority, alternative industry approved methods other than pressure grouting may be utilized.

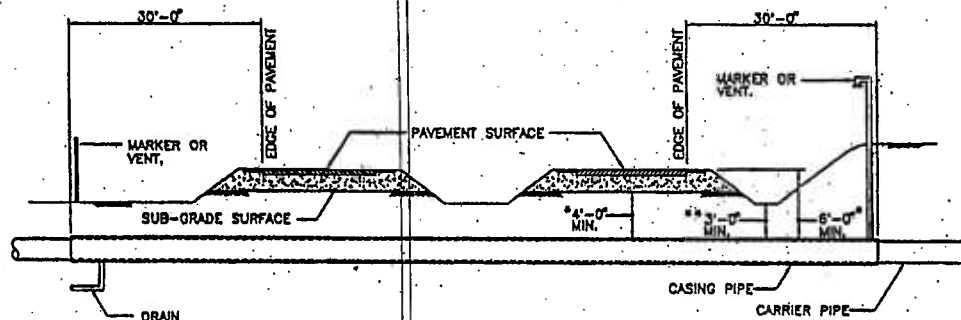
5. Sealing

Encasement pipes shall be sealed at the ends to prevent flowing water and debris from entering the annular space between the casing pipe and carrier.

6. Drainage

Encasement pipes shall be properly vented and drained.

**AUTHORITY SPECIFICATION DIAGRAM FOR ENCASED
GAS PIPELINES UNDER PAVEMENT AND RIGHT-OF-WAY
(ALSO REFER TO PAGE 28)**



* 4'-0" OR 6'-0", WHICHEVER PROVIDES THE GREATEST DEPTH OF BURIAL.

** 3'-0" MINIMUM BELOW DESIGN DEPTH OF CULVERT.

**NEW YORK STATE THRUWAY AUTHORITY
DEPARTMENT OF ENGINEERING SERVICES
ENCASED GAS PIPELINES UNDER
PAVEMENT & RIGHT-OF-WAY**

5/17/95

New York State Thruway Authority Occupancy
and Work Permit Accommodation Policy

E. ALTERNATIVE FOR NATURAL GAS UNDERGROUND CROSSINGS
OF MAINLINE PAVEMENT AND SHOULDERS

NOTE: The specifications referred to in this section are detailed in the Authority Specification Diagram for Unencased Gas Pipelines under Pavement and Right-of-Way, found on page 33.

As an alternative to natural gas encased pipe installations, the Authority will approve unencased crossings, provided the proposed crossing meets the following requirements:

1. Plans for proposed installation shall be submitted to and meet the approval of the Authority before construction begins. Plans shall be formally drawn to scale showing the relation of the proposed pipeline to Thruway pavement, angle of crossings, location of valves, Right-of-Way lines and the general layout of pavement and facilities. Plans should also show a cross section (or sections) from a field survey, showing pipe in relation to actual profile or ground and pavement(s). In some instances, as-built plans may also be required. It is intended that this requirement apply to all plans, sketches, diagrams, survey maps, reports, studies and calculation sheets submitted to the Authority in connection with major projects that involve occupation or use of Thruway lands and/or facilities. Survey maps must be signed and stamped by a licensed Land Surveyor (note: this is not intended to preclude the Authority from reviewing conceptual plans submitted by a developer without a professional seal).
2. When the Authority determines that there is a possibility of having foreign materials in the subgrade, that unusual potential for third party damage exists or that there are other appropriate reasons, special protection of the carrier pipe will be required. Special protection may require, but not be limited to: concrete jacketed steel pipes; the placement of protection slabs above the pipe; an increase in the depth of bury; or other means. In all installations, soil borings are required to determine soil characteristics and to identify if foreign material is present in the bore.
3. Unencased natural gas line pipes under Thruway pavement (mainline, shoulders and ramps) shall not be less than ten feet (10') from the pavement/surface to the top of the pipe at the closest point. At all other locations on the Right-of-Way, the minimum ground cover must be six feet (6'). Where it is not possible to secure the above depths, casing as specified in Section VIII.D.1., Pages 28 and 29, will be required.
4. Installations shall be bored or jacked, and shall have a bored hole diameter essentially the same as the outside diameter of the pipe plus the thickness of the protective coating. If voids should develop or if the bored hole diameter is greater than the outside diameter of the pipe (including coating) by more than approximately one inch (1"), remedial measures, as approved by the Authority, shall be taken.

**New York State Thruway Authority Occupancy
and Work Permit Accommodation Policy**

5. Regarding longitudinal installations, the "Statement of Policy" from the American Association of State Highway and Transportation Officials (AASHTO) publication, "A Policy on the Accommodation of Utilities Within Freeway Right-of-Way," current edition, shall apply, except where specified otherwise in the Authority's Accommodation Plan.

6. The preferred location of longitudinal installations shall be along the outer edge of the Thruway Right-of-Way.

F. VENTS AND MANHOLES

Vents and access manholes shall be at least thirty feet (30') from the edge of the traffic lanes, preferably at the Thruway Right-of-Way line, and manholes shall be flush with the surrounding terrain.

G. VALVES

Shut off valves, preferably automatic, shall be installed in pressurized pipe lines so that the crossing may be isolated within a reasonable distance. The location and description of shut off valves should be clearly marked on the design plans with the distances from the Thruway Right-of-Way noted. Valves should be located in an accessible area outside the Thruway Right-of-Way, for emergency use by Authority personnel.

H. DEPTH OF BURY

The depth of bury for all gas underground crossings, excepting crossings as described in ENCASEMENT PIPES, Section VIII.D., Page 28, described in ALTERNATIVE FOR NATURAL GAS UNDERGROUND CROSSINGS OF MAINLINE PAVEMENT AND SHOULDERS, Section VIII.E., Page 31, and/or specified in applicable diagrams, shall be sufficient to provide at least four feet (4') of cover between the top of the encasement pipe and bottom of the pavement sub-base or six feet (6') ~~from the pavement surface, whichever is greater, and three feet (3')~~ below the design finish grade in any portion of the Thruway Right-of-Way, including draining ditches.

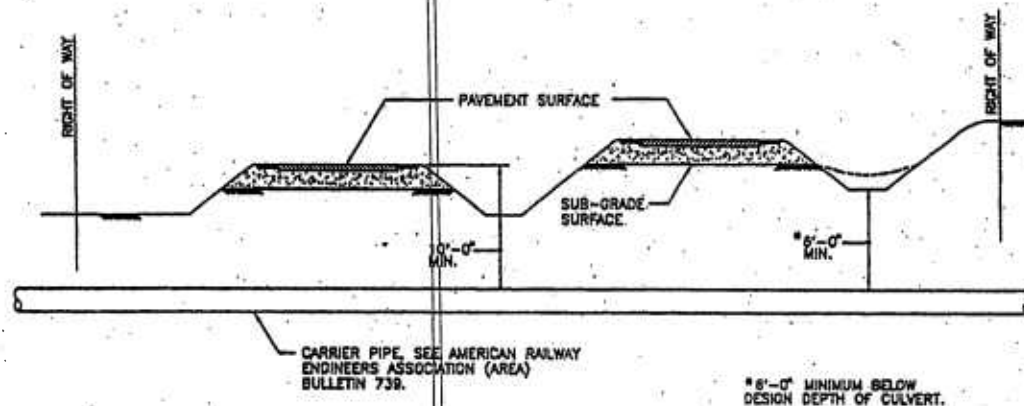
For longitudinal installations, additional information is specified in Section VIII.D.1.b., Page 29, and Sections VIII.E.5. and VIII.E.6. at the top of this Page.

I. MARKERS

All underground crossings shall be properly identified with markers at both Thruway Right-of-Way lines. Vent stand-pipes may serve as markers where appropriate.

J. CATHODIC PROTECTION DEVICES

For all underground crossings, design plans shall include requirements and provisions for cathodic protection devices, and the requirements and provisions for the cathodic protection devices shall be reviewed by the appropriate Thruway Authority Division Director.



**AUTHORITY SPECIFICATION DIAGRAM FOR UNENCASED
GAS PIPELINES UNDER PAVEMENT AND RIGHT-OF-WAY
(ALSO REFER TO PAGE 31)**

**New York State Thruway Authority Occupancy
and Work Permit Accommodation Policy**

**NEW YORK STATE THRUWAY AUTHORITY
DEPARTMENT OF ENGINEERING SERVICES
UNENCASED GAS PIPELINES UNDER
PAVEMENT & RIGHT-OF-WAY**

5/17/95

New York State Thruway Authority Occupancy
and Work Permit Accommodation Policy

**IX. CONSTRUCTION REQUIREMENTS FOR AERIAL POWER
AND COMMUNICATION LINE INSTALLATIONS**

The Thruway Authority has an Aerial Accommodation Policy which is intended to maintain a clear zone for safe highway operation, with as little interference and impairment as possible to the overall integrity and appearance of the highway. To this end, the Aerial Accommodation Policy discourages aerial crossings and encourages underground crossings (for design requirements, see Section VIII., CONSTRUCTION REQUIREMENTS FOR UNDERGROUND CROSSING OF MAINLINE PAVEMENT AND SHOULDERS, beginning on Page 25).

The following aerial requirements shall be adhered to, in the event that an overhead crossing is the only construction alternative that is available at a given location.

A. PLANS

Plans for aerial construction shall indicate the proposed location of all poles, towers and conductors with the horizontal and vertical clearances from the Thruway pavements and other affected Authority facilities. The size and type of conductors; maximum voltage, type of insulator, number of lightning arresters per mile and location of transformers shall also be indicated.

B. POLES

1. Distance From Pavement

Permanent poles and temporary poles shall, where possible, be placed outside the Thruway Right-of-Way. In no case, will they be permitted closer than thirty feet (30') from the edge of pavement, or in the median if the median is less than eighty feet (80') in width.

~~Temporary poles may be permitted closer than the above mentioned~~ requirements if guide railing is in existence and the Authority determines that the guide railing adequately protects the proposed pole installation. Poles shall be located no closer than eight feet (8') behind the guide rail. Where guide rail is not in existence, a temporary concrete barrier may be installed in accordance with the provisions contained on the drawing entitled "Temporary Concrete Barrier Protection at Roadside Hazards," found on page 20 of this Policy.

2. Positioning

Poles shall, insofar as possible, be set in line, plumbed and well guyed in an approved manner, at points where the overhead line changes direction or dead ends.

New York State Thruway Authority Occupancy
and Work Permit Accommodation Policy

3. Stability

Foundations for steel poles and towers shall be designed to prevent overturning. Where the crossing is located in wet ground or a swampy area, special precautions shall be taken to insure stability of the poles and towers.

4. Temporary Poles and Cradles

Temporary poles and cradles, near or on overhead bridges, shall be used during construction and rehabilitation projects. The poles and cradles, near or on overhead bridges, shall be removed within five (5) working days from the date of completion of conductor installation, unless written authorization for an extension is obtained from the appropriate Thruway Authority Division Director.

5. Flammable Materials

The space around poles or towers (permanent and temporary) shall be kept free from flammable material, underbrush and grass for a minimum distance of ten feet (10') and six feet (6') for primary and secondary power lines, respectively, so as not to endanger such poles or towers.

6. Tree Trimming

In the event it is found necessary to trim trees within the boundaries of the Thruway, the least possible amount of trimming shall be done. In all cases, the consent of the appropriate Thruway Authority Division Director must be secured in writing before any trees are trimmed. A Work Permit will be necessary and may be obtained from the appropriate Division Director (see Section II.A.1.b., Page 2, and Section IV.B.4., Page 12).

C. CROSSING SPANS

1. Length

Unusually long crossing spans shall be avoided wherever practicable. Underground facilities shall be used whenever possible.

2. Support Structures

Where practicable, the poles or towers supporting the crossing span shall be double-armed.

3. Intersecting Wires

Electric lighting wires, or high voltage cables, shall cross above telegraph, telephone and similar low voltage wires where such crossings are necessary.

New York State Thruway Authority Occupancy
and Work Permit Accommodation Policy

D. WIRES/CABLES

1. Clearances

The following minimum clearances shall be maintained under the most unfavorable conditions of temperature and loading:

a. Between wire/cable and crown of highway:

<u>VOLTAGE</u>	<u>CLEARANCE</u>
under 750 volts	not less than eighteen feet (18').
750-7,500 volts	not less than twenty feet (20').
7,500-50,000 volts	not less than thirty feet (30').
above 50,000 volts	thirty feet (30') plus one-half inch (0.5") for each 1,000 volts.

b. Between alternating current circuits and any existing wires/cables:

<u>VOLTAGE</u>	<u>CLEARANCE</u>
under 750 volts	not less than two feet (2').
750-7,500 volts	not less than four feet (4').
7,500-50,000 volts	not less than six feet (6').
above 50,000 volts	six feet (6') plus one-half inch (0.5") for each 1,000 volts.

OR

Between wires/cables where the distance from the nearest support (i.e. pole) for the first wire/cable to the point of intersection of the wires/cables plus the distance from the nearest support for the second wire/cable to the point of intersection, is less than one hundred feet (100'). See the diagram on Page 37 for further information.

- c. Where telegraph, telephone or other low voltage wires cross transmission or power distribution wires/cables, special precautions shall be taken to maintain proper clearance under the worst possible conditions of temperature and loading.

2. Grounding

The towers and poles supporting the crossing span where wires/cables carry more than 7,500 volts shall be permanently grounded, unless two (2) cross arms are used on each pole of the crossing span. In addition, a satisfactory device shall be used to ground each part of the tower or pole in the event of breakage.

New York State Thruway Authority Occupancy
and Work Permit Accommodation Policy

**AUTHORITY SPECIFICATION DIAGRAM OF INTERSECTING
POWER TRANSMISSION LINES**
(ALSO REFER TO SECTION VIII.D.1.b. ON PAGE 36)

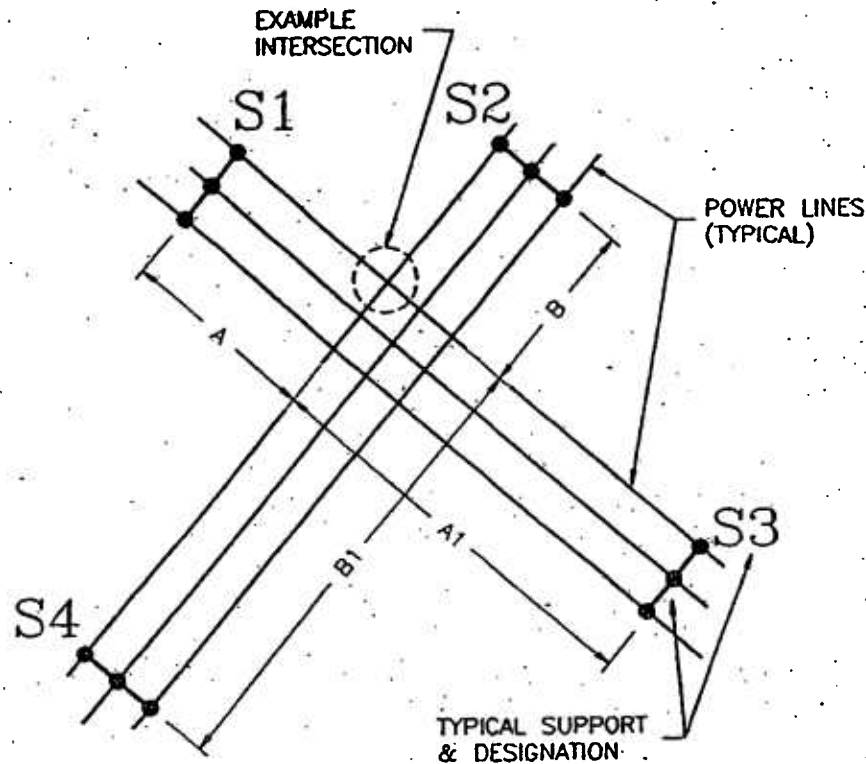


DIAGRAM OF INTERSECTING POWER TRANSMISSION LINES

Examples of clearance requirements at indicated intersection:

GIVEN: $A < A'$ and $B < B'$

voltage	CONDITION #1 $A+B$ less than 100ft.	CONDITION #2 $A+B$ greater than 100ft. (*) (say 130ft or 30ft. over)
under 750V	2'-0"	$2'-0" + [2'(30'/10')] = 2'-6"$
750V - 7500V	4'-0"	$4'-0" + [2'(30'/10')] = 4'-6"$
7500V - 50,000V	6'-0"	$6'-0" + [2'(30'/10')] = 6'-6"$
above 50,000V (say 65,000V) (15kV over)	$6'-0" + [1/2'(15kV)] =$ 6'-7 1/2"	$6'-0" + [1/2'(15kV)] +$ $[2'(30'/10')] = 7'-1 1/2"$

(*) NOTE: All clearances must be increased by two inches (2") for each ten feet (10') of the excess above one hundred feet (100') of the sum of the distances from the intersection of the wires to the nearer supports/poles.

New York State Thruway Authority Occupancy
and Work Permit Accommodation Policy

3. Conductors

a. Materials

Conductors shall be of copper, steel reinforced aluminum, fiber optics cable or other noncorrodible material, except where mechanical strength is insufficient because of an extra long span. The conductors in crossing spans shall contain no joints.

b. Size

The minimum size of conductors shall be:

For spans of less than 150 feet:

- No. 4 B & S gauge for soft-drawn copper wires.
- No. 6 B & S gauge for medium or hard-drawn copper wires or for aluminum wires with steel reinforcement.

For spans of 150 feet or more:

- According to the National Electrical Safety Code (NESC).

For fiber optics cable:

- According to guidelines found in the Thruway Authority's Accommodation Plan.

4. Insulators

a. Materials

~~Insulators shall be of porcelain for voltages exceeding 5,000 volts.~~

b. Strain Insulators

Strain insulators for guy wires shall have a mechanical strength at least equal to that of the guy in which they are placed and shall not flash over at four (4) times the maximum line voltage under the precipitation of water of one to five inches (1" - 5") per minute. Strain insulators shall be so constructed that the guy wires holding insulators in place interlock in case of insulator failure.

c. Insulator Pins

Insulator pins for lines of 11,000 volts or more shall be of an approved metal, protected from corrosion. Insulator pins for lines of less than 11,000 volts shall be of wood, not less than one inch (1") in diameter at the shank.

New York State Thruway Authority Occupancy
and Work Permit Accommodation Policy

E. GUY WIRES

1. Size

The diameter of guy wires shall be not less than 5/16th inch.

2. Materials

The composition of guy wires shall be National Electric Safety Code (NESC) approved material protected from corrosion.

3. Anchorage

Details of anchorage of guy wires are to be definitively shown in the design plan.

4. Wooden Poles

Wooden poles used to support the crossing span shall be side-guyed in both directions, if practicable, and be head-guyed away from the crossing span. The next adjoining poles shall be head-guyed in both directions.

5. Braces

Braces may be used instead of guys.

6. Strain Insulators

a. Strain insulators shall be used in guys from wooden poles carrying any power wire of more than 300 volts and less than 6,600 volts, providing the guys are not thoroughly grounded to permanently damp earth.

~~b. Strain insulators shall not be used in guying steel structures.~~

c. Strain insulators will not be required on wooden poles carrying wires, which are 6,600 volts or more, provided the guys are thoroughly grounded to permanently damp earth.

F. WARNING SIGNS

Warning signs of an approved design shall be placed on all towers, on all poles stepped less than six and one-half feet (6.5') from the ground and carrying wires or cables, and on all transformers.

**New York State Thruway Authority Occupancy
and Work Permit Accommodation Policy**

**X. CONSTRUCTION REQUIREMENTS FOR INSTALLATIONS/CROSSINGS
ON OR ATTACHED TO BRIDGE STRUCTURES, BRIDGE CULVERTS
OR STRUCTURAL RETAINING WALLS**

A. GENERAL REQUIREMENTS

1. Proposals for installations/crossings that will be on or attached to bridge structures, bridge culverts or structural retaining walls shall be reviewed for the ability of the subject bridge or structure to carry the proposed installation and for the method of attachment. The review will determine the proposal's conformance with the current applicable structural standards of the Authority, the New York State Department of Transportation, the American Institute of Steel Construction, and the American Concrete Institute.
2. All installations over, under or attached to bridge structures, bridge culverts or structural retaining walls shall be clearly marked with the type of installation (e.g. water line, gas pipeline, etc.) and the name of the utility company or agency responsible for repair of the installation. This marking must be durable and secure, and be approved by the appropriate Thruway Authority Division Director or a designee.
3. The applicable provisions of this Policy, and particularly those included in Section VII.A., Page 23, shall also be complied with.

B. REVIEW AND APPROVAL

Proposals/plans for installations/crossings on or attached to bridge structures, bridge culverts or structural retaining walls shall be reviewed and approved by the Authority. The permittee may be required to pay a security deposit to, or post a performance bond for, the Authority for any suspended conduit systems. Additional information about security deposits and/or performance bonds is specified in Sections III.D., III.E. and III.L., Pages 5, 6 and 8, respectively.

New York State Thruway Authority Occupancy
and Work Permit Accommodation Policy

XI. LAND SURVEYS

A. SURVEY CONTROL POINTS

1. Only wooden stakes and markers shall be used for survey control points and driven flush with the ground so as not to interfere with mowing operations.
2. No survey control points will be permitted within thirty feet (30') of the edge of a traffic lane.
3. If ties to the edge of a traffic lane or other survey work is required within thirty feet (30') of the edge of a traffic lane, written authorization shall be obtained and the appropriate Thruway Authority Division Traffic Supervisor shall be notified at least twenty four (24) hours in advance of the survey.

B. TRAFFIC CONTROL

If land surveys require that traffic supervision and/or traffic control be performed by the State Police and/or other Authority employees, the permittee may be required to submit a security deposit to or post a performance bond for the Authority for all anticipated costs to provide the necessary traffic supervision and/or traffic control. The permittee shall reimburse the Authority for all costs incurred, less the amount of the deposit/performance bond. Additional information about security deposits and/or performance bonds is specified in Sections III.D., III.E. and III.L., Pages 5, 6 and 8, respectively. Additional information about traffic control is specified in Section VI.A.3., Pages 16 - 17.
