

*New York State Department of Transportation*

*Essex County Residency*

7735 NYS Route 9N

Elizabethtown, New York 12932

518-873-2170

Fax: 518-873-6681

January 16, 2015

Town of North Elba  
2693 Main Street, Suite 101  
Lake Placid, NY 12946

Attn: James Morganson, Code Officer  
**Town Planning Board Chair**  
Town, Zoning Board Chair

I am writing in regards to "Highway Work Permits" and to remind you that **a highway work permit is required for any type of work performed on the State Right-of-Way.** Section 52 of the New York State Highway Law and Section 1220-c of the New York State Vehicle and Traffic Law (See Attachments) prohibit entrance on and work being performed on any State Right-of-Way except pursuant to the authority of a permit and under the rules and regulations prescribed by the Commissioner of Transportation.

As stated in Section 52 of the NYS Highway Law, "*No person, firm, corporation, municipality, or state department or agency shall construct or improve, within the state highway right of way an entrance or connection to such highway, or obstruction, or any overhead (including Banners) or underground crossing thereof, or lay or maintain therein underground wires or conduits or drainage, sewer or water pipes, except in accordance with the terms and conditions or a work permit issued by the commissioner of transportation or his duly designated agent.*"

With this, a sub-division, building permit for new construction and/or improvements, or the installation of new utilities should not be approved until **all required permits** are in place. This includes, but is not limited to, NYS Dept. of Environmental Conservation Permits, Adirondack Park Agency Permits and Highway Work Permits from the owner of the adjoining highway, being NYS Dept of Transportation, Essex County Dept. of Public Works or the Township's Highway Department.

To receive a Highway Work Permit from NYS Dept. of Transportation, the applicant may go to our web site at [www.dot.ny.gov](http://www.dot.ny.gov) or contact this office by calling (518) 873-2170 or by writing to NYS Dept. of Transportation, 7735 NYS Route 9N, Elizabethtown, NY 12932

If you have any questions, please do not hesitate to give me a call.

Sincerely,



Mark C. Bonfey  
Assistant Resident Engineer

Self:  
Enclosures,

Cc: Robert Politi, Supervisor, Town of North Elba  
Larry Straight, Superintendent of Highways, Town of North Elba  
Town Council, Town of North Elba



DIVISIONS > OPERATING > OFFICE OF OPERATIONS MANAGEMENT > OFFICE OF TRAFFIC SAFETY AND MOBILITY > TRAFFIC OPERATIONS BUREAU > HIGHWAY WORK PERMITS > HIGHWAY LAW

## Operations Division Transportation Systems

### New York Highway Law Article 52

§ 52. Permits for work within the state highway right of way. Except in connection with the construction, reconstruction, maintenance or improvement of a state highway, no person, firm, corporation, municipality, or state department or agency shall construct or improve, within the state highway right of way an entrance or connection to such highway, or construct within the state highway right of way any works, structure or obstruction, or any overhead or underground crossing thereof, or lay or maintain therein underground wires or conduits or drainage, sewer or water pipes, except in accordance with the terms and conditions of a work permit issued by the commissioner of transportation or his duly designated agent, notwithstanding any consent or franchise granted by any town or county superintendent, or by any other municipal authority. Any municipal corporation may enter upon any state highway for the purpose of widening the pavement or for any other purpose authorized by this section, but only after securing a permit as provided herein. Notwithstanding the limitations in any general or special law, every municipal corporation shall have and is hereby given authority to deposit with the department of transportation, such sum of money or a security bond as may be required by the commissioner of transportation as a condition precedent to the granting of the permit provided in this section.

The commissioner of transportation shall establish regulations governing the issuance of highway work permits, including the fees to be charged therefor, a system of deposits of money or bonds guaranteeing the performance of the work and the requirements of insurance to protect the interests of the state during performance of the work pursuant to a highway work permit. With respect to driveway entrance permits, the regulations shall take into consideration the prospective character of the development, the traffic which will be generated by the facility within the reasonably foreseeable future, the design and frequency of access to the facility, the effect of the facility upon drainage as related to existing drainage systems, the extent to which such facility may impair the safety and traffic carrying capacity of the existing state highway and any proposed improvement thereon within the reasonably foreseeable future, and any standards governing access, non-access or limited access which have been established by the department of transportation.

Upon completion of the work within the state highway right of way, authorized by the work permit, the person, firm, corporation, municipality, or state department or agency, and his or its successors in interest, shall be responsible for the maintenance and repair of such work or portion of such work as set forth within the terms and conditions of the work permit.

An advertising sign, display or device, or any part thereof, erected or maintained in violation of this section shall be removed from the state highway right of way by the owner or the party responsible for its erection and maintenance. The commissioner of transportation shall make a demand by mail, to the last known address of the owner, apparent owner or party responsible for the erection and maintenance of such advertising sign, display or device, for its removal and, if it is not removed within thirty days from the date of the mailing of such demand, the commissioner of transportation may remove any such advertising sign, display or device, or any part thereof, from the state highway right of way. Any such legally permitted, erected and maintained sign, display or device may be maintained by its owner in accordance with the provisions of this section upon the approval of the permit issuing office on the same terms and conditions as may exist for the granting of such approvals generally. Where such approvals are for permits to control vegetation, the permit issuing office shall approve no more than two hundred fifty permits

## Vehicle and Traffic

§ 1220-c. Work permits for work on state highways. Except in connection with the construction, reconstruction, maintenance, or improvement of a state highway, no person shall work on a state highway without a work permit issued by the state commissioner of transportation.