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MANUAL 500-2

SECTION 02.6

WORK PERMITS

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BUREAU OF MANAGEMENT ANALYSIS AND PROJECTS

1. Purpose

The purpose of this procedure is to ensure consistency with respect to the review and issuance of work permits on property under the jurisdiction of the New York State Thruway Authority (Authority).

2. Applicable Law and/or Guidance

New York State Public Authorities Law, Article 2, Title 9 and Article 9, Title 5-A

Thruway Real Property Management Policy (25-6-02)

Work Permit Application (TA-W41338)

Occupancy and Work Permit Accommodation Guidelines (TAP-401)

Utility Occupancy Supplement (TAP-401U)

Design and Construction Requirements for Occupancies:

- General Design and Construction Requirements (TAP-421A)
- Underground Crossing of Mainline Pavement and Shoulders (TAP-421B)
- Aerial Communication and Power Line Installations (TAP-421C)
- Installations/Crossings on or Attached to Bridge Structures, Bridge Culverts, or Structural Retaining Walls (TAP-421D)
- Unencased Gas Pipelines (TAP-421E)

Executive Instruction entitled Issuing A Work Permit For Preliminary Planning Purposes In Advance Of A Contemplated Occupancy Permit Or Disposal Of Real Property

Executive Instruction entitled Authorization To Access Authority/Corporation Property

3. Introduction

The Authority is responsible for the financing, construction, reconstruction, improvement, development, maintenance and operation of the highway system known as the Thruway. In accordance with the provisions of the Authority Law, the Authority has the power to acquire and hold real property necessary for corporate purposes and dispose of real property not necessary for its corporate purposes or whenever the Authority Board shall determine that it is in the interest of the Authority and thus, the interest of the State.

Real property transactions include, but are not limited to, acquisitions, sales, leases, grants of easement and the issuance of permits.

Examples of activities requiring a work permit include:

- Work performed by contractors, State agencies, municipalities or individuals for construction, maintenance, inspection, survey, or any other type of work or short term activity on real property under the jurisdiction of the Authority and an occupancy permit or disposal is not contemplated. Such does not apply when the work to be done is regulated by an existing contract or agreement.
- Work by a permittee/lessee on real property under an existing occupancy permit/lease/easement.
- Pre-bid inspection. In such situations, to identify and expedite processing of a WORK PERMIT APPLICATION (TA-W41338) (APPLICATION), the prospective bidder should indicate “pre-bid inspection” and reference the specific contract in the “Purpose” section of the APPLICATION.
- Work done on behalf of the Authority by a contractor or consultant who does not currently have a contract or agreement with the Authority to perform such work.
- Short term occupation by governmental entities of Authority property for transportation related projects, including for storage, access and construction staging areas.

Work permits shall not be issued in advance of an occupancy permit unless approved by the Executive Director, except in those situations when preliminary planning work such as site inspections, surveys, environmental testings or soil borings, is necessary for preparation of materials to be submitted as part of the application package. Except for such preliminary planning work, when a work permit is requested in advance of an occupancy permit, the Division Permit Coordinator (DPC) should consult with the Office of Real Property Management (ORPM) prior to taking any action.

A Work Permit is not required when the work to be done is regulated by an existing contract or agreement (e.g., survey or appraisal services, engineering design agreements, bridge inspection agreements, etc.). However, the contractor/consultant must submit a REQUEST TO ACCESS AUTHORITY/CORPORATION PROPERTY (TA-W4106-9) for any access to Authority property that will not be monitored and/or supervised by Authority employees.

4. Procedure

4.1. Procedure for Processing and Issuing a Work Permit

4.1.1. Upon receipt of an inquiry for a work permit for use of real property under the jurisdiction of the Authority, the DPC provides the inquirer the APPLICATION and advises that the OCCUPANCY AND WORK PERMIT ACCOMMODATION GUIDELINES (TAP-401) set forth the fundamental requirements for occupancy and work permits and advises that the UTILITY OCCUPANCY SUPPLEMENT (TAP-401U) and the DESIGN AND CONSTRUCTION REQUIREMENTS FOR OCCUPANCIES (TAP-421A-E)* set forth additional requirements depending on the type of proposed activity. The DPC evaluates the inquiry and helps familiarize the inquirer with the aforementioned documents. The DPC should direct the inquirer to the Real Property page of the Authority's website (www.thruway.ny.gov) to view and download these documents or can provide hardcopy upon request.

* The Specification Diagrams for TAP-421A-E can be found on the Finance & Accounts Intranet page. These diagrams are in an 11" x 17" format and require a large format printer. The DPC should either print and provide the appropriate diagram(s) to the inquirer or e-mail the pdf file(s).

4.1.2. Where there will be a chargeback situation for Authority expenses, the DPC uses the Thruway Chargeback Schedule to determine a cash surety deposit to cover the proposed use of Authority and/or Troop T personnel, vehicles/equipment and materials.

4.1.3. Upon receipt of an application package (e.g., insurance certificate, surety deposit/bond and application fee*), the DPC verifies that the application package is complete.

* The application fee is waived for pre-bid inspection and for work done on behalf of the Authority. The Executive Director or designee may also waive the application fee under other limited circumstances in which case, the DPC will consult with ORPM prior to taking any action.

- 4.1.3.1. If complete (including a current insurance certificate written by a company certified to do business in New York State and providing adequate coverage as provided in the Standard Insurance Limits - Work & Occupancy Permits (TAP-526) chart), DPC enters the information and amounts into PERMITS Plus, which generates the work permit number, and places the certificate in Division file.
- 4.1.3.2. If incomplete, the DPC either calls the applicant or sends a MISSING DOCUMENT LETTER¹ to the applicant requesting any missing documents.
- 4.1.4. The DPC sends the application fee and surety deposit/bond to the Accounts Receivable Unit (ARU) and sends a receipt to the applicant. ARU deposits the funds, files the bond and notes receipt of funds in PERMITS Plus.
- 4.1.5. The DPC reviews and approves/disapproves the work permit application.
 - 4.1.5.1. If rejected, the Division Director (DD) or designee sends a REJECTION LETTER² to the applicant and the DPC coordinates with ARU the refund of any deposit (application fees are not refundable) and updates PERMITS Plus file status. The DD sends a copy of the letter to the DPC for the Division file and a copy to ORPM.
 - 4.1.5.2. If approved, the DPC issues the permit. The DPC sends a WORK PERMIT COVER LETTER³ and a valid permit to the applicant. The DPC either scans the signed permit application and all related documents and links them to the PERMITS Plus file or forwards a copy of the approved work permit application and all related documents to ORPM.

¹ Exhibit 1

² Exhibit 2

³ Exhibit 3

4.2 Procedure for Administering a Work Permit

After a work permit is issued, it is administered as follows:

- 4.2.1. The DPC informs the appropriate Division Program Managers of the work.
- 4.2.2. The DPC serves as the point-of-contact for interactions with Division and Headquarters staff.
- 4.2.3. The DPC is responsible for the monitoring of the work to ensure the permittee's compliance with the terms of the permit.
- 4.2.4. Whenever a permittee's work or maintenance activity will affect the movement of Thruway traffic or Thruway traffic safety, the DPC coordinates with the permittee and the Division Traffic Supervisor the filing, approval and implementation of the permittee's traffic control plan.
- 4.2.5. Where applicable, the DPC coordinates with the Division Code Compliance Specialist, prior to the issuance of the work permit, to ensure that code issues are addressed.
- 4.2.6. During the course of the work, the DPC conducts or coordinates with appropriate program area(s) periodic on-site inspection(s) of the work based upon the type of work being conducted.
 - 4.2.6.1. Any violations of the work permit should be addressed in accordance with SOP-PERMIT AND LEASE ENFORCEMENT (500-2-02.7) which includes guidance in emergency situations.
- 4.2.7. The DPC conducts or coordinates a final site inspection to determine if work was done pursuant to the terms of the permit.
 - 4.2.7.1. If the work is complete and in compliance with the permit requirements, the DPC proceeds with step 4.2.8. below.
 - 4.2.7.2. If the work is incomplete and the permit has expired, the permittee may request an extension. Upon submission of the required fees, the DPC may extend the permit and send a PERMIT EXTENSION LETTER¹ to the permittee.

¹ Exhibit 4

- 4.2.7.3. If work is not completed or not in compliance with permit requirements, then the DPC attempts to resolve the issue in accordance with SOP-PERMIT AND LEASE ENFORCEMENT (500-2-02.7).
- 4.2.8. The DPC notifies ORPM and, where applicable, the Division Real Estate Specialist if any related lease or occupancy permit needs modification based on the work completed. Upon concurrence from ORPM, the DPC amends the occupancy permit as appropriate. If a lease needs modification based on the work completed, ORPM takes appropriate action.
- 4.2.9. The DPC records on the Thruway Chargeback Schedule any and all expenses (e.g., labor, materials, equipment, etc.) incurred by the Authority as a result of the permittee's actions and notifies ARU to debit the permittee's surety deposit reimbursing those expenses. ARU debits the surety deposit, deposits the funds and indicates on PERMITS Plus that the permit reimbursement has been paid and notifies the DPC that reimbursement has been made.
- 4.2.9.1. If the amount of surety deposit is inadequate to reimburse the Authority's expenses, the DPC sends a WORK PERMIT FEE LETTER¹ to the permittee with a copy to ARU. Upon receipt of the reimbursement, ARU deposits the funds and indicates on PERMITS Plus that the work permit reimbursement has been paid and notifies the DPC of the receipt of payment.
- 4.2.10. Upon completion of the work, the DPC obtains from the permittee as-built plans in both hardcopy and electronic format and any required certificates and/or inspections. (If permittee is unable to provide as-built plans in electronic format, the DPC where possible creates electronic files.) Files hardcopy in Division file and updates PERMITS Plus (including linking electronic files into PERMITS Plus).

¹ Exhibit 5

- 4.2.11. If there are unused surety deposit funds remaining after completion of the work, site inspection, and resolution of any issues, the DPC sends a WORK PERMIT REFUND LETTER¹ to the permittee noting the amount of the refund with a copy to ARU. ARU refunds the amount to the permittee and notifies the DPC when the refund has been made.
- 4.2.12. For actions related to bonds, the DPC contacts ORPM for guidance.
- 4.2.13. Upon completion of the work and if the work was done pursuant to the terms of the permit, then the DPC will note this and change the status of the permit to “closed” in PERMITS Plus.
- 4.2.14. Should the DPC receive notification of any change to the permit information, the DPC consults with ORPM. Depending upon the type of change, the permittee may be required to submit a new permit application and charged the appropriate fee. The DPC updates the identification information on PERMITS Plus accordingly.

5. Responsibilities

ARU posts fee payments and surety deposits/bond(s); notes on PERMITS Plus when fees are received; when notified, debits Authority expenses from the permittee’s surety deposit; and coordinates the refund of any unused surety deposit.

The DD or designee sends a rejection letter if the work permit application is rejected.

The DPC coordinates the review and processing of a work permit application and permit issuance and is responsible for determining any surety deposit, indicating in PERMITS Plus when proof of insurance is received and forwarding all deposits and fees to ARU.

The DPC administers the work permit including: informing the appropriate Division Program Managers of the permit; serving as point-of-contact; monitoring the work to ensure that the permittee meets the work permit terms and conditions; coordinating with the Division Traffic Supervisor and Code Compliance Specialist; conducting or coordinating site inspections of the work; resolving any issues; notifying ORPM and, where applicable, the Division Real Estate Specialist if any related lease or occupancy permit needs modification; and recording expenses incurred by the Authority and notifying ARU to debit those expenses from the permittee’s surety deposit.

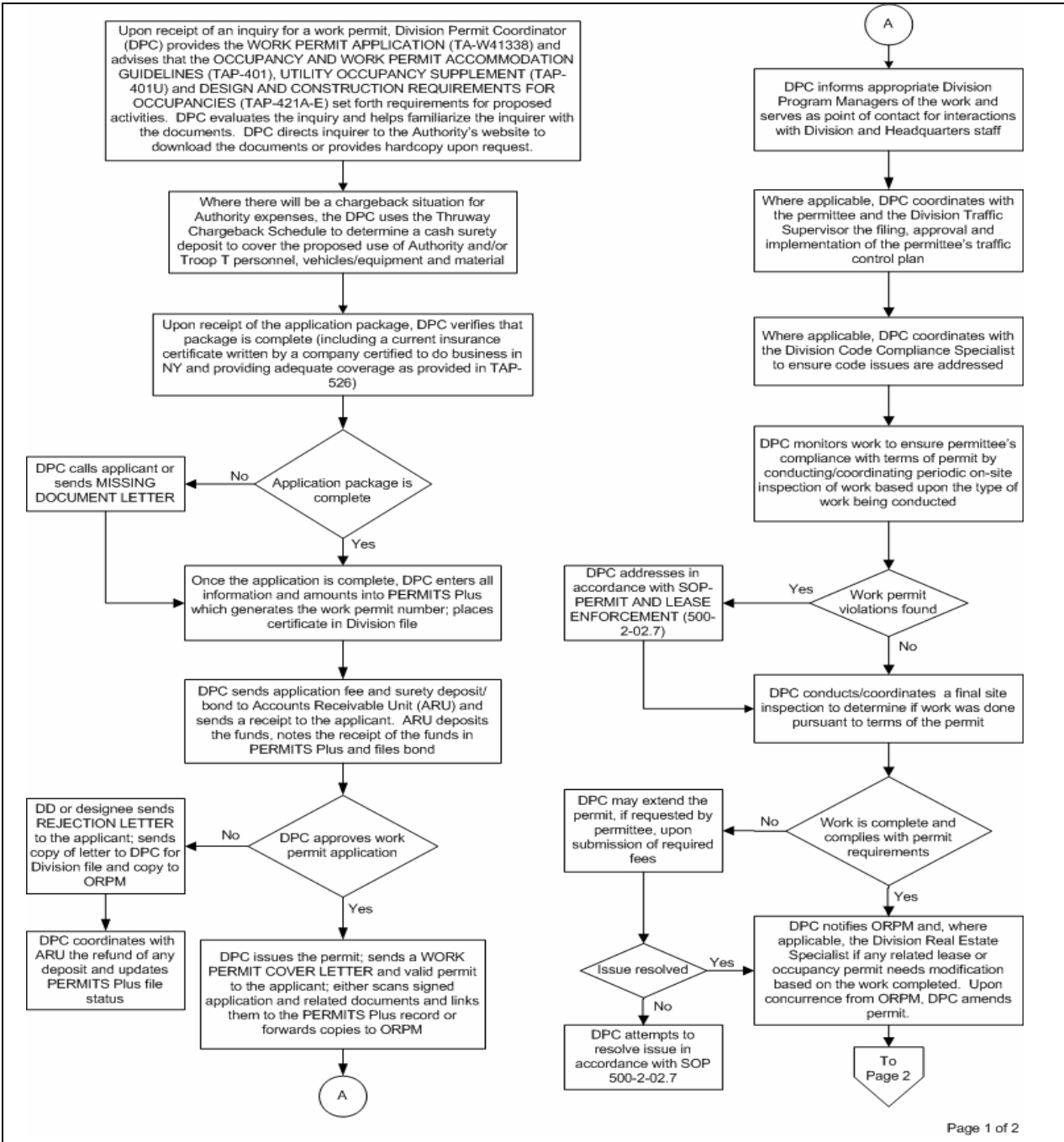
¹ Exhibit 6

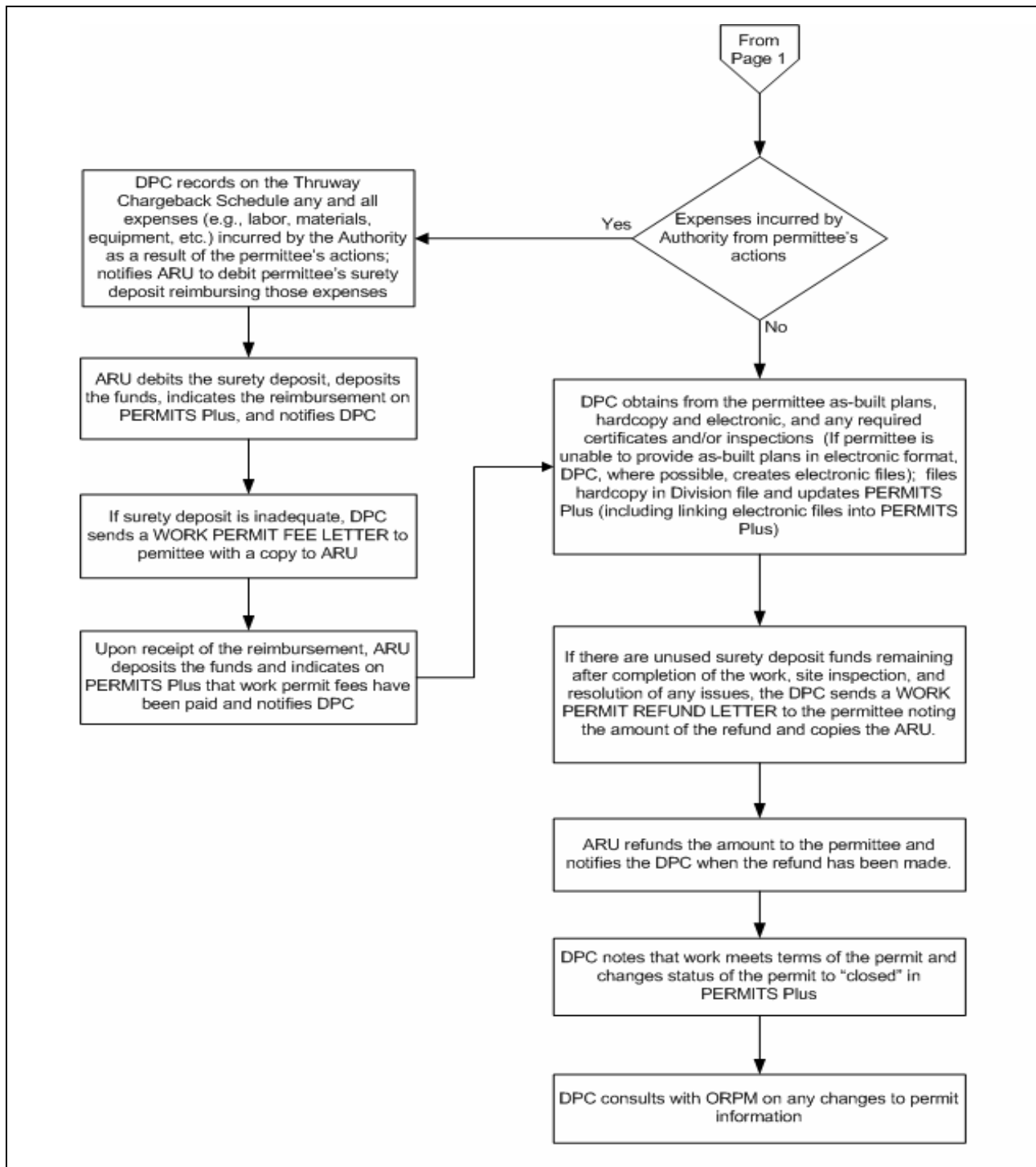
Upon completion of the work, the DPC obtains from the permittee and files the as-built plans and any required certificates and/or inspections; initiates the refund of any unused surety deposit; and updates the permit's status in PERMITS Plus.

The DPC maintains the Division work permit file and provides ORPM with appropriate materials.

ORPM assists in permit enforcement issues as needed.

6. Flowchart





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EXHIBIT 1

MISSING DOCUMENT LETTER

This letter will be sent to an applicant when information is missing from the application.

Date

Name
Address
City, State, Zip

Re: <Location and description of property>
Work Permit Number:

Dear <insert name >:

Thank you for your interest in the property at the above referenced location. Your application cannot be progressed until we receive the following missing documents:

<Insert appropriate text based on the documents that are missing>

Please send documents to:

Name
Title
Address

Failure to send these required documents will result in your application being rejected.

Should you have any questions, I can be reached at <insert phone number>.

Sincerely,

Name
Title

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EXHIBIT 2

REJECTION LETTER

This letter will be sent to the applicant if the application is rejected.

Date

Name
Address
City, State, Zip

Re: <Location and description of property>
Work Permit Number:

Dear <insert name>:

Thank you for your interest in the property at the above referenced location. I regret to inform you that your request has been denied at this time, because < insert specific details to explain the reason for the rejection>.

Should you have any questions, I can be reached at <insert phone number>.

Sincerely,

Name
Title
Department

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EXHIBIT 3

WORK PERMIT COVER LETTER

This letter will be sent to the applicant with a permit.

< insert date >

Name
Address
City, State, Zip

Re: Work Permit No.
Location:
Description:

Dear < insert name >:

Enclosed is an approved work permit for the subject work described above. Please have a copy of this permit available any time you are on site.

If you have any questions or comments regarding this matter, please do not hesitate contacting me at < insert phone number >.

Very truly yours,

Name
Title
Department

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EXHIBIT 4

PERMIT EXTENSION LETTER

This letter would be sent by the DPC to the permittee when a permit is extended.

< insert date >

Name
Address
City, State, Zip

Re: Work Permit No.
Location:
Description:

Dear < insert name >:

Enclosed is an extension of your approved work permit for the subject work described above. Please have a copy of this permit available any time you are on site.

If you have any questions or comments regarding this matter, please do not hesitate contacting me at < insert phone number >.

Very truly yours,

Name
Title
Department

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EXHIBIT 5

WORK PERMIT FEE LETTER

This letter will be sent to the permittee when additional fees are required.

<insert date>

<insert name of permittee>
<insert address of permittee>

Re: <insert Work Permit Number>
<insert location of property>
<insert description of work>

Dear <insert name of permittee>:

The remainder of the fees associated with this permit are as follows:

<insert description of fee>	<insert amount>
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Total fees are <insert amount>. Taking into account the surety deposit of <insert amount> submitted with your application, there is a balance due of <insert amount>. Please send a check payable to the NYS Thruway Authority to the following address:

New York State Thruway Authority
Accounts Receivable Unit
P.O. Box 189
Albany, NY 12201-0189

The Work Permit Number noted above, **must** be placed on the front of your check.

If you have any questions or comments regarding this matter, please do not hesitate to contact me at <insert phone number>.

Sincerely,

<insert Title>
<insert Department name>
<insert Division name>
New York State Thruway Authority

cc: Accounts Receivable Unit

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EXHIBIT 6

WORK PERMIT REFUND LETTER

This letter will be sent to the permittee when there is a refund of all or part of the surety deposit.

<insert date>

<insert name of permittee>
<insert address of permittee>

Re: <insert Work Permit Number>
<insert location of property>
<insert description of work>

Dear <insert name of permittee>:

The work done under the Work Permit Number referenced above has been satisfactorily completed.

<insert appropriate text based on one of the options below>

If you have any questions or comments regarding this matter, please do not hesitate to contact me at <insert phone number>.

Sincerely,

<insert Title>
<insert Department name>
<insert Division name>
New York State Thruway Authority

cc: Accounts Receivable Unit

Option 1: If remaining fees:

The remainder of the fees associated with this permit are as follows:

<insert description of fee>	<insert amount>
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Total fees are <insert amount>. Taking into account the surety deposit of <insert amount> submitted with your application, there is a balance of <insert amount> owed to you and we will be sending you a check for that balance.

Option 2: No remaining fees:

We will be sending you a check for the surety deposit of <insert amount> submitted with your application.