

**New York State Thruway Authority**

**Occupancy and Work Permit  
Accommodation Guidelines**

# **Utility Occupancy Supplement**



Office of Real Property Management

TAP-401U (1/2010)

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

<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	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 (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

**TELEPHONE NUMBERS AND ADDRESSES**

<u>TELEPHONE</u>	<u>ADDRESS</u>
Occupancy and Work Permit Program Mgr. Office of Real Property Management Administrative Headquarters (518) 436-2797, Fax (518) 471-4442	200 Southern Boulevard P.O. Box 189 Albany, NY 12201-0189
NY Division Permit Coordinator (845) 918-2510, Fax (845) 918-2596	4 Executive Boulevard Suffern, NY 10901
Albany Division Permit Coordinator (518) 436-2710, Fax (518) 436-0233	9W, Interchange No. 23 P.O. Box 861 Albany, NY 12201-0861
Syracuse Division Permit Coordinator (315) 437-2741, Fax (315) 461-0765	Suite 250, 2 <sup>nd</sup> floor 290 Elwood Davis Road Syracuse, NY 13088-2103
Buffalo Division Permit Coordinator (716) 631-9017, Fax (716) 626-5362	455 Cayuga Road, Suite 800 Cheektowaga, NY 14225

**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.

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## I. INTRODUCTION

This Utility Occupancy Supplement (TAP-401U) (Utility Supplement), sets forth the requirements, policies and practices for the installation, modification, relocation, maintenance, operation and repair of utility facilities (Utilities) (as used here, “Utilities” refers to the utility itself and/or the owner of the utility) on real property under the jurisdiction of the New York State Thruway Authority (Authority Property). Such Utilities include, but are not limited to, lines that carry power, gas, water, sewer, telephone, fiber optic, and cable television. Utilities located on Authority Property fall into two general categories: (1) Those that sought entrance to Authority Property after the Thruway was constructed and, therefore occupy Authority Property pursuant the Authority’s issuance of an Occupancy Permit, and (2) Those that existed in the path of the Thruway prior to the construction of the Thruway and occupy Authority Property pursuant to an agreement.

Utilities must comply with this Utility Supplement, the New York State Thruway Authority Occupancy and Work Permit Accommodation Guidelines (TAP-401), Authority Rules and Regulations and all conditions included in an issued Permit. The Authority reserves the right to make changes in or additions to this Utility Supplement and such changes and additions shall be binding on all existing and new Utilities.

Copies of the most current Utility Supplement and appropriate Permit Applications may be obtained from the Division Permit Coordinators or from the Real Property section of the Authority’s website ([www.nysthruway.gov/realproperty](http://www.nysthruway.gov/realproperty)). Information pertaining to or interpretation of the contents of this Utility Supplement may be obtained by visiting, writing, or telephoning the Authority locations listed on the inside front cover of this Utility Supplement.

The design and construction requirements for the installation, modification, relocation, maintenance, operation and repair of all permitted facilities, including Utilities located over, under, along and on Authority Property, are set forth in the Authority’s TAP-421 publication series:

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

## II. UTILITY ACCOMMODATION GUIDELINES

### A. GENERAL PROVISIONS

1. To construct, remove, relocate, replace, reconstruct, maintain or adjust any of its facilities that are on Authority Property, whether in conjunction with or independent of an Authority construction or maintenance project, the Utility shall obtain either (a) a separate Work Permit each time the Utility enters Authority Property for such work or (b) an annual Work Permit covering such work for a set period of time.
2. The Authority's general standards for the use and occupancy of Authority Property by Utilities include, but are not limited to:
  - a. The horizontal and vertical location placements of Utilities must be adequate to ensure compliance with the Authority's clear roadside and vertical clearance requirements.
  - b. Utilities shall comply with all applicable provisions of government or industry codes, including highway design standards, bridge design standards, building code requirements, health code requirements, and any other measures that the Authority deems necessary to provide adequate protection to and ensure safe operation of Utility facilities.
  - c. Utilities shall comply with the Authority's requirements regarding specifications for and methods of installation; preservation and restoration of Authority facilities, appurtenances, natural features and vegetation; and limitations on Utility activities on Authority Property.
  - d. Utilities, when feasible, should install line crossings widely spaced to serve consumers in general areas along either or both sides of the Thruway to minimize the number of crossings needed.
3. Occupancy Permit Applications for pipeline installation shall specify the transmittant and its class, the maximum working test or design pressures, the design standards for the pipeline, as well as other project specific information.

Any change in class of transmittants or the pressure of transmittants requires prior notice to and approval by the Authority.

4. Utilities must conduct operations on Authority Property in a manner so as to minimize damage to the natural condition of the landscape. Clearing operations shall be minimized in scope and conducted with care. All plant material shall be pruned consistent with current arboricultural/horticultural practices. A Utility must submit a restoration plan, commensurate with the scale of work, with each Work Permit application.

## **B. LOCATION OF UTILITY FACILITIES**

1. Utilities crossing the Thruway need to be placed underground, except in limited circumstances where the Authority, in its discretion, determines that placement of Utilities underground is not feasible.
2. The Authority discourages longitudinal use of Authority Property. In special cases, the Authority will permit longitudinal installations under strictly controlled conditions. In no event, however, will Utilities be allowed longitudinal placement within the median area and service connections to adjacent properties are not permitted from longitudinal Utilities. During review of an Application for a longitudinal occupancy, the Authority will solely determine whether or not the proposed Occupancy will interfere with or impair the present use or future expansion of the Thruway.

Longitudinal occupancy requests are subject to Federal Highway Administration (FHWA) review and approval. The New York State Department of Transportation's Design Services Bureau is the Authority's liaison with the FHWA for longitudinal occupancies. The Authority coordinates the review process.

Occupancy Permit applications for a longitudinal occupancy must include, but not be limited to, a full set of detailed plans, design materials and specifications, including an analysis of all environmental issues, prepared, signed and stamped by a licensed professional engineer and/or licensed land surveyor (where applicable). In addition, the following must either be included in the design plans or submitted in separate documents:

- Timetable for the beginning and end of construction;
- Traffic control plans, if traffic will be impacted;
- Restoration measures for trees, vegetation and shrubs;
- The frequency of access needed for inspection and maintenance;
- A letter requesting longitudinal use of Authority Property which includes documentation that the Utility has investigated alternate location, cites the reasons why constructing off Authority Property would be a hardship and has the actual cost estimates for all the alternatives;
- Documentation that demonstrates that the longitudinal occupancy will not adversely affect highway and traffic safety; and,
- Documentation that demonstrates that the longitudinal occupancy will not adversely affect the design, construction, operation, maintenance, or stability of the Thruway.

3. If a Utility is to install its facilities onto or within equipment not owned by the Utility, a letter from the equipment owner approving the attachment is required.

### **C. ALTERATIONS OF UTILITY FACILITIES**

As the Property owner, the Authority has the sole right to construct, reconstruct, improve, develop, maintain and operate its facilities as it deems fit. At the direction of the Authority, Utilities shall permanently or temporarily remove, relocate, repair or modify their facilities so as to avoid interference with Authority activities or the free and safe flow of traffic. At the request of the Authority, Utilities shall provide information and certifications of licensed professional engineers regarding existing facilities or the potential impact of Authority construction or maintenance projects on such facilities.

If an Authority construction or maintenance project necessitates the relocation, removal, repair or modification of a Utility occupying Authority Property pursuant to an Occupancy Permit, the cost of such relocation shall be the sole responsibility of the Utility and the Utility must accomplish such relocation within the schedule established by the Authority. For relocations of Utilities that existed in the path of the Thruway prior to the construction of the Thruway and occupy Authority Property pursuant to an agreement, see Section III.

Additionally, if Utility work is to be performed as part of an Authority contract, or is to be undertaken by the Utility or the Utility's contractor in conjunction with an Authority project, the Utility must enter into an Agreement for Utility Work with the Authority. The Utility and the Authority shall agree in writing on their separate responsibilities for financing and accomplishing the work subject to the requirements of this Utility Supplement. The Agreement for Utility Work will designate the method to be used for performing the work (by contract or by force account) and for developing costs. Where the Authority will be bearing all or a portion of the cost of a relocation pursuant to Section III, the Authority's preferred method for the development of costs is on the basis of actual direct and related indirect costs accumulated in accordance with the work order accounting procedure prescribed by standard cost accounting procedures.

### **D. NOTIFICATION REQUIREMENTS**

In addition to the notification requirements provided in TAP-401, the following requirements apply:

1. Utilities must notify all gas distributors with facilities located in the work area at least 72 hours prior to conducting any blasting.
2. Utilities must notify other Utility owners with facilities in the work area prior to starting any work. Permission must be obtained before doing work affecting another Utility's facilities.
3. Utilities must notify the Authority Headquarters Fiber Optic Coordinator at (518) 436-3143 at least 24 hours prior to commencing work.

### **III. ADDITIONAL GUIDELINES AS THEY RELATE TO UTILITIES THAT OCCUPY AUTHORITY PROPERTY PURSUANT TO AN AGREEMENT**

This Section III applies only to those Utilities that existed in the path of the Thruway prior to the construction of the Thruway and occupy Authority Property in the first instance pursuant to an agreement.

If an Authority construction or maintenance project necessitates the relocation of a Utility that existed in the path of the Thruway prior to the construction of the Thruway and occupies Authority Property in the first instance pursuant to an agreement, the Authority will pay the expense of the relocation of the facilities as they existed at the time of the original agreement. With such a relocation, the Authority will provide the Utility with facilities that are comparable (including, but not limited to, size and number of crossings) to the facilities that existed at the time of the original agreement. If the Utility wishes to improve its facilities as part of any relocation, the Utility must bear the cost of the Betterment (a Betterment is an addition to or modification of a Utility facility that enhances its value). Any facilities installed as a Betterment shall be relocated in the future at the expense of the Utility.

#### **A. PRELIMINARY ENGINEERING**

When the Authority will be paying the expense of a Utility relocation, the preliminary engineering activities associated with such relocation work may be performed by:

1. The Authority's or the Utility's own engineering forces;
2. An engineering consultant selected by the Authority pursuant to a competitive process, after consultation with the Utility, where the contract is to be administered by the Authority; or
3. An engineering consultant selected by the Utility pursuant to a competitive process, with the approval of the Authority, where the contract is to be administered by the Utility.

If the Authority agrees that the Utility may perform its own preliminary engineering work, either with its own forces or the services of a consultant under contract with the Utility, the Authority and the Utility must agree in writing as to the services to be provided and the fees for such services, in the form of an Agreement for Utility Work, prior to commencement of work. If an Agreement for Utility Work is not executed prior to the commencement of such work, the Authority may not pay the Utility for the costs of such work.

Costs associated with such an Agreement for Utility Work will be subject to the New York State Comptroller's cost guidelines and shall reflect reasonable costs for the work to be performed.

## **B. CONSTRUCTION**

When the Authority will be paying the expense of a Utility relocation, the construction activities associated with such relocation work may be performed by:

1. The Authority's or the Utility's own forces;
2. A construction company selected by the Authority pursuant to a competitive process, after consultation with the Utility, where the contract is to be administered by the Authority; or
3. A construction company selected by the Utility pursuant to a competitive process, after consultation with the Authority, where the contract is to be administered by the Utility.

If the Authority agrees that the Utility may perform its own construction work, either with its own forces or with the use of a construction company under contract with the Utility, the Authority and the Utility must execute an Agreement for Utility Work containing the work to be performed and the cost for such work prior to the commencement of work. If an Agreement for Utility Work is not executed prior to the commencement of such work, the Authority may not pay the Utility for the costs of such work.

Costs associated with such an Agreement for Utility Work will be subject to the New York State Comptroller's cost guidelines and shall reflect reasonable costs for the work to be performed.

## **C. CONSTRUCTION INSPECTION**

When the Authority will be paying the expense of a Utility relocation, the construction inspection of such Utility relocation shall be performed by Authority forces or the Authority's consultant, regardless of who is performing the construction work. However, if the Utility relocation requires specific expertise which neither Authority forces nor its construction inspector possess, the Authority may participate in partial reimbursement to the Utility for its construction inspection costs, as long as they are necessary and reasonable and approved by the Authority prior to the commencement of work.

The Utility may elect to perform its own construction inspection, either from its own forces or through employment of an engineering consultant, but the Authority will not pay for such duplicative inspection. The Utility's construction inspection engineer must meet the Authority's insurance requirements by providing a certificate of insurance with proper coverages and limits before being allowed on the construction site. When the Authority is performing the construction work, either with its own forces or by contract with a construction company, the Authority's construction workers will respond only to the Authority's construction inspector for any work performed. The Utility's construction inspector may communicate findings to the Authority's construction inspector, but in no case will the Utility's construction inspector have any authority to direct or control the Authority's construction work.

## **D. COST DEVELOPMENT AND REIMBURSEMENT**

When the Authority will be paying the expense of a Utility relocation and the work will be performed by the Utility's own forces or a contract administered by the Utility, such costs must be in accordance with the following:

### 1. Developing and Recording Costs

- b. Utilities shall develop and record their relocation costs by means of work orders in accordance with an Authority approved work order system. The Authority may develop, or work in concert with Utilities to develop, other acceptable costing methods, such as unit costs, to estimate and reimburse relocation expenditures. Such other methods shall be founded in generally accepted industry practices and be reasonably supported by recent actual expenditures. Unit costs should be developed periodically and supported annually by a maintained database of relocation expenses.
- c. Utilities shall keep their work order systems or other Authority approved accounting procedures in such a manner as to show the nature of each addition to or removal/abandonment from Authority Property, the total costs thereof, and the source or sources of cost. Separate work orders may be issued for additions and removals/abandonments. Removals/abandonments, however, may be included with the construction work order, provided that all items relating to removals/abandonments shall be kept separately from those relating to construction.

### 2. Direct Labor Costs

- a. Salaries and wages, at actual or average rates, and related expenses paid by the Utility to individuals for time worked on the project are reimbursable when supported by records acceptable to the Authority. This includes labor associated with preliminary engineering, construction engineering, right-of-way, and force account construction.
- b. Salaries and expenses paid to individuals who are normally part of the overhead organization of the Utility may be reimbursed for the time worked directly on the project when supported by records acceptable to the Authority and when the work performed by such individuals is essential to the project and could not have been accomplished as economically by employees outside the overhead organization.
- c. Amounts paid to engineers, architects, and others for services directly related to projects may be reimbursed as long as such costs are within New York State Comptroller and Authority cost guidelines.

### 3. Overhead and Indirect Construction Costs

- a. Overhead and indirect construction costs not charged directly to work order or construction accounts may be allocated to the relocation provided the allocation is made on an equitable basis as approved by the Authority. All costs included in the allocation must be eligible for reimbursement, reasonable, actually incurred by the Utility, and consistent with generally accepted accounting principles.
- b. Costs not eligible for reimbursement include, but are not limited to, the costs associated with advertising, sales promotions, interest on borrowings, the issuance of stock, bad debts, uncollectible accounts receivables, contributions, donations, entertainment, fines, penalties, lobbying, and research programs.
- c. The records supporting the entries for overhead and indirect construction costs shall show the total amount, rate, and allocation basis for each additive, and are subject to audit by the New York State Comptroller.

### 4. Material and Supply Costs

- a. Materials and supplies are to be furnished from the Utility's inventory except that they may be obtained from other sources near the project site when available at a lower cost. When not available from the Utility's inventory, materials and supplies may be purchased either under competitive bids or existing continuing contracts under which the lowest available prices are developed. Minor quantities of materials and supplies and proprietary products routinely used in the Utility's operation and essential for the maintenance of system compatibility may be excluded from these requirements. Costs shall be determined as follows:
  1. Materials and supplies furnished from the Utility's inventory shall be billed at the current inventory prices for such new or used materials at the time they are furnished.
  2. Materials and supplies not furnished from the Utility's inventory shall be billed at actual costs to the Utility delivered to the project site.
  3. A reasonable cost for plant inspection and testing may be included in the costs of materials and supplies when the Utility has incurred such expense. The computation of actual costs of materials and supplies shall include the deduction of all offered discounts, rebates, and allowances.
  4. The cost of rehabilitating rather than replacing existing facilities to meet the requirements of a project is reimbursable, provided this cost does not exceed replacement cost.

- b. Materials recovered from temporary use and accepted for reuse by the Utility shall be credited to the project at prices charged to the job, less a consideration for loss in service life at 10 percent.
- c. Materials recovered from the permanent facility of the Utility that are accepted by the Utility for return to stock shall be credited to the project at the current stock prices of such used materials.
- d. Materials recovered and not accepted for reuse by the Utility, if determined to have a net sale value, shall be sold to the highest bidder by the Utility following an opportunity for inspection and appropriate solicitation of bids. If the Utility practices a system of periodic disposal by sale, credit to the project shall be at the going prices supported by records of the Utility.
- e. When the Authority and the Utility agree that the Utility facilities can be abandoned in place but the Utility or its contractor elects to remove and recover the materials, the Authority will not pay for such removal costs.
- f. The actual and direct costs of handling and loading materials and supplies at company stores or material yards, and of unloading and handling recovered materials accepted by the Utility at its stores or material yards are reimbursable. In lieu of actual costs, average rates which are representative of actual costs may be used if approved by the Authority. These average rates should be adjusted at least once annually to take into account known anticipated changes and correction for any over or under applied costs for the preceding period. At the option of the Utility, 5% of the amounts billed for the materials and supplies issued from the Utility's inventory and material yards or the value of recovered materials will be reimbursed in lieu of actual or average costs for handling.

5. Equipment Costs

- a. The average and direct costs of operation, minor maintenance, and depreciation of Utility-owned equipment may be reimbursed at either average or actual costs.
- b. When Utility-owned equipment is not available, reimbursement will be limited to the amount of rental (1) paid to the lowest qualified bidder, or (2) under existing continuing contracts at reasonable costs, or (3) negotiated on an exception basis when options (1) or (2) are impractical due to location or schedule.

6. Transportation Costs

- a. The Utility's cost, consistent with its overall policy, of necessary employee transportation and subsistence directly attributable to the project is reimbursable.

- b. Reasonable cost for the movement of materials, supplies and equipment to the project and necessary return to storage, including the associated cost of loading and unloading equipment, is reimbursable.

7. Reimbursements to the Authority

- a. The Utility must reimburse the Authority for the cost of any Betterments to the Utility being replaced or adjusted, and for the salvage value of the materials removed.
- b. No Betterment reimbursement is required for additions or improvements which are:
  - 1. Requested by the Authority for the Authority's purposes;
  - 2. Replacement devices or materials that are of equivalent standards, although not identical;
  - 3. Replacement of devices or materials no longer regularly manufactured with next highest grade or size;
  - 4. Required by law; or,
  - 5. Required by current design practices regularly followed by the Utility in its own work, and there is a direct benefit to the Authority project.
- c. When the Utilities, including equipment and operating facilities, are not being replaced, but are being rehabilitated and/or moved, there will be no credit to the Authority for accrued depreciation.

8. Billings

- a. After the executed Agreement for Utility Work has been approved by the New York State Comptroller, the Authority may use progress billings to reimburse the Utility for costs incurred. Cost for materials stockpiled at the project site or specifically purchased and delivered to the Utility for use on the project may also be reimbursed on progress billings to the extent that such materials are actually used for the project.
- b. Billings shall contain a detailed breakdown of labor costs by hours, as well as breakdowns of direct non-salaried costs such as equipment rental, travel, etc. Billings should be supported by copies of timesheets, materials invoices, mileage, etc.

- c. The Utility shall provide one final billing of all costs incurred within one year following the completion of the work. If the Utility fails to provide such a final billing, previous payments to the Utility will be considered final, except as agreed to by the Authority in extenuating circumstances and for good cause shown.
- d. All Utility cost records and accounts relating to the project are subject to audit by representatives of the Authority (and Federal Government on federal aid projects) for a period of six (6) years from the close of the Agreement for Utility Work.