

TOWN OF WEST SENECA



ENGINEERING DEPARTMENT

TOWN SUPERVISOR
SHEILA M. MEEGAN
TOWN COUNCIL
EUGENE P. HART
WILLIAM P. HANLEY JR.

March 11, 2016

Honorable Town Board
Town of West Seneca

**Re: Signature of NYSDOT agreement – Manhole adjustment
Harlem Road Bridge Reconstruction**

Honorable Board Members,

The New York State Department of Transportation will be replacing the Harlem Road Bridge over the Buffalo River near Mineral Springs Road. As such, they will need to adjust a manhole and require sign off by the Town of West Seneca. All costs for adjusting the manhole will be paid by the NYSDOT. Please approve the Supervisor to sign the necessary paperwork that will allow NYSDOT to adjust the Town owned manhole. Attached is backup paperwork from the NYSDOT relative to this work.

Very truly yours,

A handwritten signature in black ink, appearing to read "S. R. Tanner".

Steven R. Tanner, P.E.
Town Engineer

cc: Files: TB.
Project



Department of
Transportation

ANDREW M. CUOMO
Governor

MATTHEW J. DRISCOLL
Commissioner

DARRELL F. KAMINSKI, P.E.
Regional Director

January 26, 2016

Steve Tanner, Town Engineer
Town of West Seneca
1250 Union Road
West Seneca, NY 14224

**RE: NY ROUTE 240, HARLEM ROAD, SH 9381
MINERAL SPRINGS ROAD TO NY ROUTE 354, CLINTON STREET
INCLUDING BIN 1042620 OVER THE BUFFALO RIVER
TOWNS OF WEST SENECA AND CHEEKTOWAGA
ERIE COUNTY, PIN 5268.48.101**

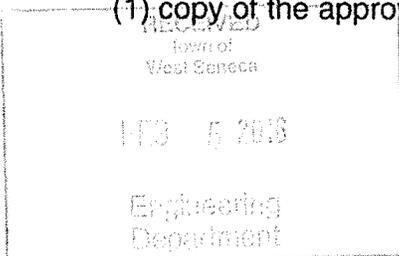
Dear Mr. Tanner:

Enclosed is a copy of the proposed contract plans for the subject project. The Town of West Seneca Sanitary Sewer has existing facilities located within the highway boundaries of Harlem Road. The project entails the adjustment of manhole cover elevations per contract documents. The details of their adjustment are shown on the project plans included with this letter. The work is to be done by the State's contractor at no cost to the Town of West Seneca.

Also, enclosed are four (4) sets of documents which include, the Utility Work Agreement form HC-140 and Special Note. Each of the four (4) agreements must have an original signature.

Work being done under Contract Items requires a Certified Resolution by your governing body as stated in section VI of form HC-140. The resolution must state your municipality is: "*Granting the State of New York authority to perform the adjustment for the owner*" and "*Agreeing to maintain facilities adjusted via State-let contract*". The Certified Resolution must be signed and have a seal affixed to it. Enclosed are examples of Certified Resolutions to aid in the wording of the resolution.

Please return four (4) original sets of the signed HC-140 form, Special Note, and four (4) original signed sets of the Certified Resolution to this office by **March 4, 2016**. One (1) copy of the approved agreement will be returned to you for your records.

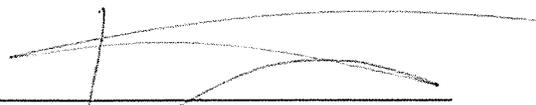


Steve Tanner, Town Engineer
PIN 5268.48
January 25, 2016
Page 2 of 2

Any questions regarding these plans may be directed to Brian Kirby, Design Job Manager, at (716) 847-3208 or via e-mail at Brian.Kirby@dot.ny.gov. Questions regarding these forms can be directed to Dwight Mateer, Regional Utilities Engineer, at (716) 847-3954 or via e-mail at Dwight.Mateer@dot.ny.gov.

Sincerely,

William P. Zimmerman, P.E.
Engineering Support Unit Manager

By: 
Dwight D. Mateer, P.E.
Regional Utilities Engineer

WPZ/DDM/EJC/MMB/Ilg
Enclosures: HC-140, Special Note, Plans, and examples of Certified Resolutions

**NEW YORK STATE DEPARTMENT OF TRANSPORTATION
UTILITY WORK AGREEMENT**

Since the construction, reconstruction, or maintenance of the transportation project described below, identified as:

Project Identification No.: 5268.48	F.A. Project No.:
ROW Declaration No.:	Map Nos.:
Parcel Nos.:	County of: Erie
Contract No.:	

Project Description: NY 240 from NY 354 to Mineral Springs
Reconstruction of Harlem Road from Clinton to Mineral Springs
Bridge Replacement (BIN 102620) over Buffalo River
Towns of Cheektowaga and West Seneca
Erie County

necessitates the adjustment of utility facilities as hereinafter described, the owner, **Town of West Seneca – Sanitary Sewer**, of said facilities herewith agrees with the State of New York acting through the Commissioner of Transportation that this agreement shall apply to the accommodation of these utility facilities. Any adjustment of said facilities will be accomplished under the terms of this agreement, in accordance with the Rules and Regulations Governing the Accommodation of Utilities within the State Highway Right-of-Way, in compliance with the attached Special Note "Coordination with the Utility Schedule, and in accordance with the contract plans, specifications, proposal, amendment(s) or change order(s).

I. **Existing Facilities** (describe type, size, capacity, location, etc.)

Town of West Seneca has existing sanitary sewer within the highway boundaries of Harlem Road.

presently located on the New York State Right-of-Way as shown on the plans for the proposed transportation project are to be adjusted as follows: (describe type, size, capacity, location, etc.)

Adjust manhole cover elevations per contract documents.

for an estimated \$

**NEW YORK STATE DEPARTMENT OF TRANSPORTATION
UTILITY WORK AGREEMENT**

II. Financial Responsibility (check appropriate boxes):

- () The facilities to be adjusted under the terms of this agreement are subject to Section 52 of the State Highway Law, and the cost of this adjustment is the sole responsibility of the owner.
- X Subdivision 24 of Section 10 of the State Highway Law enables the Commissioner of Transportation to provide at the expense of the State, for adjustment to a municipally owned utility when such work is necessary as a result of State highway work. (Municipal Agreement required.)
- () Subdivision 24-b of Section 10 of the State Highway Law enables the Commissioner of Transportation to participate in the necessary expenses incurred for adjustment of privately, publicly or cooperatively owned facilities, municipal utility facilities, or facilities of a corporation organized pursuant to the State Transportation Corporations Law. (Privately Owned Property Agreement or Reimbursement Agreement required.)
- () Subdivision 27 of Section 10 of the State Highway Law enables the Commissioner of Transportation, upon the request of a municipality, to perform for and at the expense of such municipality specified work to be included within a State-let contract. (Betterment Resolution required.)
- () Subdivision 33 of Section 10 of the State Highway Law enables the Commissioner of Transportation, upon the request of a public utility corporation, to perform for and at the expense of such public utility corporation specified work to be included within a State-let contract.
- () Subdivision 13 of Section 30 of the State Highway Law enables the Commissioner of Transportation to enter into an agreement to reimburse with public funds the owner for necessary expenses incurred as a result of this adjustment, or to replace the facilities in kind.
- X The owner will develop and keep a record of costs in accordance with the New York State Department of Transportation (NYSDOT) Reimbursement Procedures, and when federal funds participate in the cost, the Federal Highway Administration (FHWA) Federal-Aid Policy Guide Part 645, or as indicated below:

**NEW YORK STATE DEPARTMENT OF TRANSPORTATION
UTILITY WORK AGREEMENT**

III. Physical Adjustment Method (check appropriate boxes):

The actual adjustment or design engineering will be performed by the following method (s):

- Contract let by the Commissioner.
- Contract let by the Owner, (check applicable statement, i.e., a or b)
 - a. Best Interests of State.
 - b. Utility not sufficiently staffed or equipped.
- By the Owner's forces.

IV. Betterment, Salvage, and Depreciation Credits Due the Project (check appropriate boxes):

- There will be no extension of service life, improved capacity nor any other betterment of the facility (as defined by the NYSDOT Utility Reimbursement Procedures and by FHWA Federal-Aid Policy Guide Part 645) as a result of the adjustments made pursuant to this agreement.
- There is betterment described as follows:
 - The owner will not claim reimbursement for that betterment portion of the work, but will duly account for it as required by applicable NYSDOT and FHWA procedures.
 - The owner hereby agrees to deposit with the Comptroller of the State of New York the amount of \$_____ to cover the cost of the betterment as described above.
 - The owner agrees to comply with the requirements of the NYSDOT Utility Reimbursement Procedure and FHWA Federal-Aid Policy Guide Part 645 with the respect to salvage and depreciation credits when applicable.

V. General Covenants

The owner hereby agrees to accept full title and responsibility for the adjusted facility in writing upon satisfactory completion of the work. Such acceptance will acknowledge the owner's responsibility to maintain the facility in accordance with all applicable codes, standards and regulations, including his obligation, where applicable, to remove any or all of the facility from the highway at the order of the Commissioner of Transportation, all in accordance with the Rules and Regulations Governing the Accommodation of Utilities within the State Highway Right-of-Way. All compensable claims covered by this agreement will be included in one of the following:

- A. Privately Owned Property Agreement executed prior to the performance of the work.
- B. Municipal Agreement executed prior to performance of the work.
- C. Reimbursement Agreement executed prior to performance of the work.
- D. Such other agreement as approved by NYSDOT Office of Legal Affairs.

Certified Resolution (Example One)

Upon a motion duly made by Councilman Foe and seconded by Councilman Hurtgam, it was resolved to grant the State of New York authority to perform the adjustment (protection and support for Water and Sewer infrastructure) for the Town of Cambria during construction and agreement to maintain facilities adjusted via State-let contract and further to authorize the Supervisor to sign the Agreement.



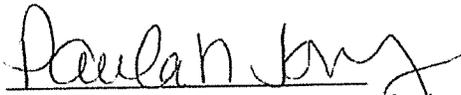
Needed resolution statements. See highlighted area on the HC-140, page 4 of 4.

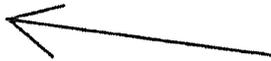
County of Niagara
State of New York

TOWN CLERK'S CERTIFICATION

I, Paula N. Jones, Deputy Town Clerk of the Town of Cambria, Niagara County, State of New York, do hereby certify that the foregoing resolution was duly adopted by the Town of Cambria Town Board at their regular meeting conducted on the 11th day of December 2014 and that the same is a true and correct copy of the original on file in my office as Deputy Town Clerk.

IN WITNESS WHEREOF I have hereunto set my hand and affixed the seal of the Town of Cambria this 12th day of December, 2014.


Paula N. Jones, Deputy Town Clerk



Original embossed or stamped seal.
We need four (4) original Certified Resolutions.

SPECIAL NOTE**COORDINATION WITH THE UTILITY SCHEDULE**

The contractor must coordinate his schedule of operations with the various utility owners involved with the project and shall verify utility information found in the contract documents. Utility revisions required by the various utility owners in connection with this project include:

Town of West Seneca Sanitary Sewer**Utility Owner's Field Contact:**

Steve Tanner, Town Engineer
Town of West Seneca
1250 Union Road
West Seneca, NY 14224
O: (716) 558-3220
E: stanner@clarkpatterson.com

REIMBURSABLE WORK TO BE DONE BY THE STATES CONTRACTOR:

The Town of West Seneca Sanitary Sewer has existing sanitary sewers located within the highway boundaries of Harlem Road.

The project requires the adjustment of manhole cover elevations per contract documents.

The work is to be done by the State's contractor and paid by contract items.

The State's contractor must give two (2) full working days notice to utility owner before commencing work on their facilities.

The utility relocation time frame(s), as stated above, have been mutually established by New York State Department of Transportation and the utility companies based upon the recommended sequence of construction. Alterations to the recommended sequence of construction may affect the time schedules for relocating utility facilities. The contractor should expect that additional time may be required for planning and material procurement.

In addition to the above itemized revisions, other relocations may become necessary during the construction phase as a result of more precise location data or other changes that might develop. These relocations are to be performed by the utility owners and/or the State contractor with coordination by the State Engineer-In-Charge and the contractor.

Suitable time frames for these additions shall be coordinated between the contractor and the utility companies. Such time frames are not to be included within previously established time frames.

The contractor is reminded that he is governed by and must adhere to the provisions of 16 NYCRR Part 753 (Protection of Underground Facilities).

File

**NEW YORK STATE DEPARTMENT OF TRANSPORTATION REF. #4A
UTILITY WORK AGREEMENT**

Since the construction, reconstruction, or maintenance of the transportation project described below, identified as:

Project Identification No.: 5811.49	F.A. Project No.:
ROW Declaration No.:	Map Nos.:
Parcel Nos.:	County of: Niagara
Contract No.:	

Project Description: Large Culvert Replacements on Rtes. 5, 277 and 31 in the Towns of Hamburg, Amherst and Cambria

necessitates the adjustment of utility facilities as hereinafter described, the owner, **Town of Cambria Water and Sewer Department**, of said facilities herewith agrees with the State of New York acting through the Commissioner of Transportation that this agreement shall apply to the accommodation of these utility facilities. Any adjustment of said facilities will be accomplished under the terms of this agreement, in accordance with the Rules and Regulations Governing the Accommodation of Utilities within the State Highway Right-of-Way, in compliance with the attached Special Note "Coordination with the Utility Schedule, and in accordance with the contract plans, specifications, proposal, amendment(s) or change order(s).

I. Existing Facilities (describe type, size, capacity, location, etc.)

C550023 Rte. 31 - 8" water main on north side of the road

Water valve and hydrant on left side of Rte 31

8" Gravity Sanitary Sewer on left side of Rte 31

C550024 Rte. 31 over Bergholtz Creek - 8" water main on parallel to Rte 31, on the north side of the road.

presently located on State Right-of-Way

as shown on the plans for the proposed transportation project are to be adjusted as follows: (describe type, size, capacity, location, etc.)

C550023 Rte. 31, Cambria: Protect/support watermain and appurtenances during excavation per contract documents. Protect/support Sanitary Sewer during excavation and construction per contract documents.

C550024 Rte. 31 over Bergholtz Creek - existing 8" watermain is below the excavation for the wingwall footers. Waterline is to be protected.

for an estimated \$

II. **Financial Responsibility** (check appropriate boxes):

- () The facilities to be adjusted under the terms of this agreement are subject to Section 52 of the State Highway Law, and the cost of this adjustment is the sole responsibility of the owner.
- X Subdivision 24 of Section 10 of the State Highway Law enables the Commissioner of Transportation to provide at the expense of the State, for adjustment to a municipally owned utility when such work is necessary as a result of State highway work. (Municipal Agreement required.)
- () Subdivision 24-b of Section 10 of the State Highway Law enables the Commissioner of Transportation to participate in the necessary expenses incurred for adjustment of privately, publicly or cooperatively owned facilities, municipal utility facilities, or facilities of a corporation organized pursuant to the State Transportation Corporations Law. (Privately Owned Property Agreement or Reimbursement Agreement required.)
- () Subdivision 27 of Section 10 of the State Highway Law enables the Commissioner of Transportation, upon the request of a municipality, to perform for and at the expense of such municipality specified work to be included within a State-let contract. (Betterment Resolution required.)
- () Subdivision 33 of Section 10 of the State Highway Law enables the Commissioner of Transportation, upon the request of a public utility corporation, to perform for and at the expense of such public utility corporation specified work to be included within a State-let contract.
- () Subdivision 13 of Section 30 of the State Highway Law enables the Commissioner of Transportation to enter into an agreement to reimburse with public funds the owner for necessary expenses incurred as a result of this adjustment, or to replace the facilities in kind.
- X The owner will develop and keep a record of costs in accordance with the New York State Department of Transportation (NYSDOT) Reimbursement Procedures, and when federal funds participate in the cost, the Federal Highway Administration (FHWA) Federal-Aid Policy Guide Part 645, or as indicated below:

III. **Physical Adjustment Method** (check appropriate boxes):

The actual adjustment or design engineering will be performed by the following method (s):

- Contract let by the Commissioner.
- Contract let by the Owner, (check applicable statement, i.e., a or b)
 - a. Best Interests of State.
 - b. Utility not sufficiently staffed or equipped.
- By the Owner's forces.

IV. **Betterment, Salvage, and Depreciation Credits Due the Project** (check appropriate boxes):

- There will be no extension of service life, improved capacity nor any other betterment of the facility (as defined by the NYSDOT Utility Reimbursement Procedures and by FHWA Federal-Aid Policy Guide Part 645) as a result of the adjustments made pursuant to this agreement.
- There is betterment described as follows:
 - The owner will not claim reimbursement for that betterment portion of the work, but will duly account for it as required by applicable NYSDOT and FHWA procedures.
 - The owner hereby agrees to deposit with the Comptroller of the State of New York the amount of \$_____ to cover the cost of the betterment as described above.
 - The owner agrees to comply with the requirements of the NYSDOT Utility Reimbursement Procedure and FHWA Federal-Aid Policy Guide Part 645 with the respect to salvage and depreciation credits when applicable.

V. **General Covenants**

The owner hereby agrees to accept full title and responsibility for the adjusted facility in writing upon satisfactory completion of the work. Such acceptance will acknowledge the owner's responsibility to maintain the facility in accordance with all applicable codes, standards and regulations, including his obligation, where applicable, to remove any or all of the facility from the highway at the order of the Commissioner of Transportation, all in accordance with the Rules and Regulations Governing the Accommodation of Utilities within the State Highway Right-of-Way. All compensable claims covered by this agreement will be included in one of the following:

- A. Privately Owned Property Agreement executed prior to the performance of the work.
- B. Municipal Agreement executed prior to performance of the work.
- C. Reimbursement Agreement executed prior to performance of the work.
- D. Such other agreement as approved by NYSDOT Office of Legal Affairs.

VI. References

The following documents are herewith incorporated in this agreement by reference (check appropriate boxes)

Federal Highway Administration's Federal-Aid Policy Guide Part 645.

Contract documents : Contract number _____
PIN 5811.49
Plan sheets No. _____

Owner's plan sheets _____

Please fill out these lines.

Owner's estimate sheets form No. _____

Resolution dated 12/11/14, by Town of Cambria

These statements need to be in the resolution.

- Granting the State of New York authority to perform the adjustment for the owner.
- Agreeing to maintain facilities adjusted via State-let contract.
- Authorizing deposit of funds by the owner.

Certification by the owner or his agent that he has the legal authority to enter into this agreement.

Wright H. Ellis *Wright H. Ellis* Supervisor 12 Dec 2014
(Print/Type Name) Owner or Agent (Signature) Title Date

In the resolution, use the utility owners name.

[Signature] Main Office Utilities Engineer 4/13/15
For NYSDOT Commissioner of Transportation Title Date

P.I.N. 5811.49

SPECIAL NOTE

COORDINATION WITH THE UTILITY SCHEDULE

The contractor must coordinate his schedule of operations with the various utility owners involved with the project and shall verify utility information found in the contract documents. Utility revisions required by the various utility owners in connection with this project include:

TOWN OF CAMBRIA WATER AND SEWER DEPARTMENT

C550023 Rte. 31, Cambria:

Protect/support watermain service and hydrant during excavation per contract documents.

Protect/support Sanitary Sewer during excavation per contract documents.

C550024 Rte. 31 over Bergholtz Creek:

Protect watermain during excavation per contract documents

All the above work shall be done by the State's Contractor with contract items

The Town of Cambria must be contacted two days in advance of any work near their facilities so they can have their inspector on site during work operations.

The utility relocation time frame(s), as stated above, have been mutually established by the Department and the Utility Companies based upon the recommended sequence of construction. Alterations to the recommended sequence of construction may affect the time schedules for relocating utility facilities. The contractor should expect that additional time may be required for planning and material procurement.

In addition to the above-itemized revisions, other relocations may become necessary during the construction phase as a result of more precise location data or other changes that might develop. These relocations are to be performed by the Utility owners and/or the state contractor with coordination by the State Engineer-In-Charge and the contractor.

Suitable time frames for these additions shall be coordinated between the Contractor and the Utility Companies. Such time frames are not to be included within previously established time frames.

The contractor is reminded that he is governed by and must adhere to the provisions of 16 NYCRR Part 753 (Protection of Underground Facilities).

Certified Resolution (Example Two)

CERTIFICATION

I, **MATTHEW J. BAUDO**, the duly elected and qualified **SECRETARY TO THE AUTHORITY** to the **ERIE COUNTY WATER AUTHORITY**, a corporation existing under the Laws of the State of New York, do hereby certify that I have compared the annexed resolution which is an extract from the Minutes of the Meeting of the Authority held in the office, 295 Main Street, Room 350, Buffalo, New York, on the 18th day of December, 2014 a quorum being present and that said resolution is a true and correct copy of the resolution so adopted and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of said corporation this 18th day of December, 2014.

Matthew J. Baudo

Matthew J. Baudo
Secretary to the Authority/
Personnel Director

(SEAL)



Original embossed or stamped seal.
We need 4 original Certified Resolutions.

**EXTRACT FROM THE MINUTES OF THE MEETING OF THE
ERIE COUNTY WATER AUTHORITY
DECEMBER 18, 2014**

At a regular meeting of the Erie County Water Authority held in the office, 295 Main Street, Room 350, Buffalo, New York, on the 18th day of December, 2014, a quorum being present, the following resolution was adopted:

WHEREAS, Wesley C. Dust, P.E., Executive Engineer, has advised that the New York State Department of Transportation ("NYSDOT") has submitted forms for Preliminary Utility Work Agreement for work to be performed on Authority facilities due to the project described as Large Culvert Replacements, Routes 5, 277 and 31, Towns of Hamburg, Amherst and Cambria, Counties of Erie and Cambria, identified as PIN No. 5811.49; and

WHEREAS, The work involved is as follows:

Main Street, Amherst – Relocate the waterline to avoid construction conflicts per contract documents.

North Forest, Amherst – Support the waterline on the northeast side of North Forest during construction.

Rte. 5 Athol Springs – Relocate 10" watermain and services to avoid construction conflicts per contract documents; and

WHEREAS, Wesley C. Dust, P.E., Executive Engineer recommends the execution of said Preliminary Utility Work Agreement;

NOW, THEREFORE, BE IT RESOLVED:

That the Chairman, or in his absence the Vice Chairman, is hereby authorized and directed to enter into a Preliminary Utility Work Agreement with the NYSDOT for the abovementioned project identified as Large Culvert Replacements, Routes 5, 277 and 31, Towns of Hamburg, Amherst and Cambria, Counties of Erie and Cambria, identified as PIN No. 5811.49, granting the State of New York authority to perform the adjustment for the Authority and agreeing to maintain facilities adjusted via State-let contract; and be it further

RESOLVED: That the Secretary is hereby authorized to forward four copies of the executed Agreement, along with four certified copies of this resolution to the New York State Department of Transportation.

A motion was made by Mr. Jann seconded by Mr. Schad and carried to adopt the foregoing resolution.

File

**NEW YORK STATE DEPARTMENT OF TRANSPORTATION
UTILITY WORK AGREEMENT**

Since the construction, reconstruction, or maintenance of the transportation project described below, identified as:

Project Identification No.: 5811.49	F.A. Project No.:
ROW Declaration No.:	Map Nos.:
Parcel Nos.:	County of: Erie
Contract No.:	

Project Description: Large Culvert Replacements on Rtes. 5, 277 and 31 in the Towns of Hamburg, Amherst and Cambria

necessitates the adjustment of utility facilities as hereinafter described, the owner, **Erie County Water Authority**, of said facilities herewith agrees with the State of New York acting through the Commissioner of Transportation that this agreement shall apply to the accommodation of these utility facilities. Any adjustment of said facilities will be accomplished under the terms of this agreement, in accordance with the Rules and Regulations Governing the Accommodation of Utilities within the State Highway Right-of-Way, in compliance with the attached Special Note "Coordination with the Utility Schedule, and in accordance with the contract plans, specifications, proposal, amendment(s) or change order(s).

I. **Existing Facilities** (describe type, size, capacity, location, etc.)

C530002, Main Street, Town of Amherst - 8" watermain running parallel to Main St., under the eastbound lane of Main Street

C530083, North Forest Road, Town of Amherst - watermain on the east side of North Forest Road.

C540007, Rte. 5, Athol Springs – 10" watermain on the west side of the road to Sta. 328+15 +/-, then crosses the road to continue on the east side.

presently located on State Right-of-Way

as shown on the plans for the proposed transportation project are to be adjusted as follows: (describe type, size, capacity, location, etc.)

C530002, Main Street, Amherst - Relocate the waterline to avoid construction conflicts per contract documents. Work will be done by the State's contractor.

C530083, North Forest, Amherst - Support the watermain on the northeast side of North Forest during construction. Work will be done by the State's contractor.

C540007, Rte. 5 Athol Springs, – Relocate 10" watermain and services to avoid construction conflicts per contract documents. Work will be done by the State's contractor.

for an estimated \$ N/A

**NEW YORK STATE DEPARTMENT OF TRANSPORTATION
UTILITY WORK AGREEMENT**

II. Financial Responsibility (check appropriate boxes):

- () The facilities to be adjusted under the terms of this agreement are subject to Section 52 of the State Highway Law, and the cost of this adjustment is the sole responsibility of the owner.
- X Subdivision 24 of Section 10 of the State Highway Law enables the Commissioner of Transportation to provide at the expense of the State, for adjustment to a municipally owned utility when such work is necessary as a result of State highway work. (Municipal Agreement required.)
- () Subdivision 24-b of Section 10 of the State Highway Law enables the Commissioner of Transportation to participate in the necessary expenses incurred for adjustment of privately, publicly or cooperatively owned facilities, municipal utility facilities, or facilities of a corporation organized pursuant to the State Transportation Corporations Law. (Privately Owned Property Agreement or Reimbursement Agreement required.)
- () Subdivision 27 of Section 10 of the State Highway Law enables the Commissioner of Transportation, upon the request of a municipality, to perform for and at the expense of such municipality specified work to be included within a State-let contract. (Betterment Resolution required.)
- () Subdivision 33 of Section 10 of the State Highway Law enables the Commissioner of Transportation, upon the request of a public utility corporation, to perform for and at the expense of such public utility corporation specified work to be included within a State-let contract.
- () Subdivision 13 of Section 30 of the State Highway Law enables the Commissioner of Transportation to enter into an agreement to reimburse with public funds the owner for necessary expenses incurred as a result of this adjustment, or to replace the facilities in kind.
- X The owner will develop and keep a record of costs in accordance with the New York State Department of Transportation (NYSDOT) Reimbursement Procedures, and when federal funds participate in the cost, the Federal Highway Administration (FHWA) Federal-Aid Policy Guide Part 645, or as indicated below:

**NEW YORK STATE DEPARTMENT OF TRANSPORTATION
UTILITY WORK AGREEMENT**

III. **Physical Adjustment Method** (check appropriate boxes):

The actual adjustment or design engineering will be performed by the following method (s):

- Contract let by the Commissioner.
- Contract let by the Owner, (check applicable statement, i.e., a or b)
 - a. Best Interests of State.
 - b. Utility not sufficiently staffed or equipped.
- By the Owner's forces.

IV. **Betterment, Salvage, and Depreciation Credits Due the Project** (check appropriate boxes):

- There will be no extension of service life, improved capacity nor any other betterment of the facility (as defined by the NYSDOT Utility Reimbursement Procedures and by FHWA Federal-Aid Policy Guide Part 645) as a result of the adjustments made pursuant to this agreement.
- There is betterment described as follows:
 - The owner will not claim reimbursement for that betterment portion of the work, but will duly account for it as required by applicable NYSDOT and FHWA procedures.
 - The owner hereby agrees to deposit with the Comptroller of the State of New York the amount of \$ _____ to cover the cost of the betterment as described above.
 - The owner agrees to comply with the requirements of the NYSDOT Utility Reimbursement Procedure and FHWA Federal-Aid Policy Guide Part 645 with the respect to salvage and depreciation credits when applicable.

V. **General Covenants**

The owner hereby agrees to accept full title and responsibility for the adjusted facility in writing upon satisfactory completion of the work. Such acceptance will acknowledge the owner's responsibility to maintain the facility in accordance with all applicable codes, standards and regulations, including his obligation, where applicable, to remove any or all of the facility from the highway at the order of the Commissioner of Transportation, all in accordance with the Rules and Regulations Governing the Accommodation of Utilities within the State Highway Right-of-Way. All compensable claims covered by this agreement will be included in one of the following:

- A. Privately Owned Property Agreement executed prior to the performance of the work.
- B. Municipal Agreement executed prior to performance of the work.
- C. Reimbursement Agreement executed prior to performance of the work.
- D. Such other agreement as approved by NYSDOT Office of Legal Affairs.

NEW YORK STATE DEPARTMENT OF TRANSPORTATION
UTILITY WORK AGREEMENT

VI. References

The following documents are herewith incorporated in this agreement by reference (check appropriate boxes)

Federal Highway Administration's Federal-Aid Policy Guide Part 645.

Contract documents : Contract number _____
PIN 5811.49
Plan sheets No. _____

Owner's plan sheets _____

Owner's estimate sheets form No. _____

Resolution dated _____ Please fill in date. by _____ Please fill in the governing bodies name.

These statements
need to be in the
resolution.

- Granting the State of New York authority to perform the adjustment for the owner.
- Agreeing to maintain facilities adjusted via State-let contract.
- Authorizing deposit of funds by the owner.

Certification by the owner or his agent that he has the legal authority to enter into this agreement.

Francis G. Warthling Francis G. Dally Chairman 12/18/14
(Print/Type Name)Owner or Agent (Signature) Title Date

In the resolution,
use the utility
owners name.

[Signature] Main Office Utilities Engineer 4/13/15
For NYSDOT Commissioner of Transportation Title Date

P.I.N. 5811.49

SPECIAL NOTE

COORDINATION WITH THE UTILITY SCHEDULE

The contractor must coordinate his schedule of operations with the various utility owners involved with the project and shall verify utility information found in the contract documents. Utility revisions required by the various utility owners in connection with this project include:

ERIE COUNTY WATER AUTHORITY

C530002 Main Street, Town of Amherst - Relocate the waterline to avoid construction conflicts per contract documents.

C530083 North Forest, Town of Amherst – State's Contractor to support the waterline during construction.

C540007 Rte., 5 Athol Springs - Relocate waterline to avoid construction conflicts per contract documents.

All the above work shall be done by the State's Contractor with contract items.

The utility relocation time frame(s), as stated above, have been mutually established by the Department and the Utility Companies based upon the recommended sequence of construction. Alterations to the recommended sequence of construction may affect the time schedules for relocating utility facilities. The contractor should expect that additional time may be required for planning and material procurement.

In addition to the above-itemized revisions, other relocations may become necessary during the construction phase as a result of more precise location data or other changes that might develop. These relocations are to be performed by the Utility owners and/or the state contractor with coordination by the State Engineer-In-Charge and the contractor.

Suitable time frames for these additions shall be coordinated between the Contractor and the Utility Companies. Such time frames are not to be included within previously established time frames.

The contractor is reminded that he is governed by and must adhere to the provisions of 16 NYCRR Part 753 (Protection of Underground Facilities).