VILLAGE OF BROCKPORT

"To provide a high quality of life for all residents, exercising fiscal responsibility and preserving Brockport's unique heritage and historic character."

VILLAGE BOARD – WORK SESSION AGENDA

Monday, September 28, 2015 7:00pm

Location: Village Hall conference room

This is a work session, not a regular meeting. No public comment.

Intended for Board discussion, not action. Therefore, meeting minutes are not required.
If any action is taken, Mayor takes notes & provides to Clerk.

- **GUESTS:**
  - Erica Linden, Deputy Clerk-Treasurer (with Trustees Ciciotti & Kristansen)
    - Climate Smart Communities - Power Point presentation
    - 1st step towards eligibility for funding for Comprehensive Plan & Village Code Chapter 58 Zoning re-writes is taking Climate Smart Pledge
      - Action item: adopt NYS Climate Smart Communities Pledge
  - Solar Liberty representatives & Larsen Engineers representatives
    - Solar energy – proposed PPA

- **ITEMS FOR DISCUSSION / REVIEW:**
  - Use of Main Street (NYS Route 19) for parades/processions, events

- **EXECUTIVE SESSION: (if needed)**

- **ADJOURNMENT**

Upcoming:

Village Board meeting: 7pm Monday, 10/5
Village Hall closed: Monday, 10/12 for holiday
Village Board meeting: 7pm Monday, 10/19 (with Attorney & Treasurer & Department Heads)
Village Board work session: 7pm Monday, 10/26

CLIMATE SMART COMMUNITIES

VILLAGE BOARD WORK SESSION

VILLAGE OF BROCKPORT

SEPTEMBER 28, 2015

CURRENT VILLAGE POSITION

- Ultimate goal: secure funding for comprehensive plan & zoning re-writes
- Funding available through Cleaner, Greener Communities Program, Category 2
  - Eligible projects include "Develop and adopt a comprehensive plan & zoning re-writes with sustainability elements."
  - Rolling deadline until September 2019
  - 3 years from signed grant contract to complete project
- Eligibility requirement: 4 (possibly 3) pre-steps must be met before we can apply

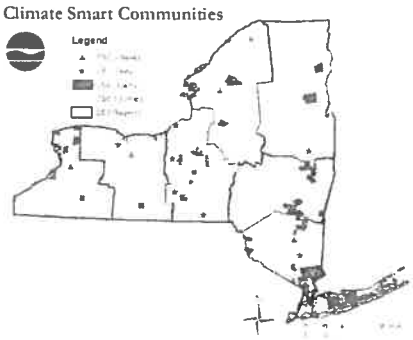
PRE-STEPS FOR ELIGIBILITY

1. Adopt the NYS Unified Solar Permit
2. Support Alternative Fuel Transportation Supply Infrastructure
3. Adopt a Vehicle Fleet Efficiency Policy
4. Conduct a Green House Gas Inventory

LEVERAGING ASSISTANCE

- How do we get help in our quest for funds?
  - The answer is Adopt the Climate Smart Communities Pledge and participate in the CLIMATE SMART COMMUNITIES PROGRAM
- Participation leads to:
  - Technical assistance and guidance to complete pre-qualifying steps
  - Information about other possible funding
  - Priority status in grant applications.

What Is The Climate Smart Communities Program?



- State-local partnership to meet the economic, social, and environmental challenges of climate change
- Joint effort by 6 state agencies
- No fee to join, no cost to receive support from the Climate Smart Communities Coordinators
- Voluntary and flexible
- Climate Smart Community Goals:
  - Reduce Greenhouse Gas Emissions
  - Adapt to a Changing Climate
  - Save Tax Payer Dollars
  - Advance Community Goals
- 168 Climate Smart Communities Across New York State

NEW YORK STATE OF OPPORTUNITY | Climate Smart Communities

10 Climate Smart Communities Pledge Elements

1. Pledge to Combat Climate Change by Becoming a Climate Smart Community
2. Set Goals, Inventory Emissions, & Move to Action
3. Decrease Energy Demand for Local Government Operations
4. Encourage Renewable Energy for Local Government Operations
5. Realize Benefits of Recycling & Other Climate Smart Solid Waste Management Practices
6. Promote Climate Protection Through Community Land Use Tools
7. Plan for Adaptation to Unavoidable Climate Change
8. Support a Green Innovation Economy
9. Inform & Inspire the Public
10. Commit to an Evolving Process

NEW YORK STATE OF OPPORTUNITY | Climate Smart Communities

Climate Smart Communities Benefits

- Statewide **recognition** for climate leadership
- **Save taxpayer dollars** through lower operating costs, improved efficiency and resource-conserving land use policies
- **Notification** when state or federal assistance becomes available, plus advantaged access to some state **funding,** including grants from NYSERDA
- Increase **energy independence and security** against price volatility and supply shortages
- Participate in a **network of communities** working to achieve climate smart practices and policies
- Access to **educational webinars, resources, tools, and technical assistance** with clean energy projects and other municipal policies that enhance community resilience

NEW YORK STATE OF OPPORTUNITY | Climate Smart Communities

Additional Resources Through Climate Smart Communities

- Pledge: commitment to address energy and climate issues
- Information: online guidance, webinars, listserv, decision-support tools, best management practices guides
- Technical assistance: CSC Coordinators
- Certification: leadership recognition framework
- Funding: may receive preference for funding, generally better positioned to compete for funds
- http://www.dec.ny.gov/energy/50845.html

NEW YORK STATE OF OPPORTUNITY | Climate Smart Communities

Recognition: CSC Certification

- Optional certification available based on verified implementation
  - Covers 139 measures and actions
  - 882 available points, awarded for implementation
  - Use logos on community outreach materials and press releases.
- Recertification required every five years.

NEW YORK STATE OF OPPORTUNITY | Climate Smart Communities

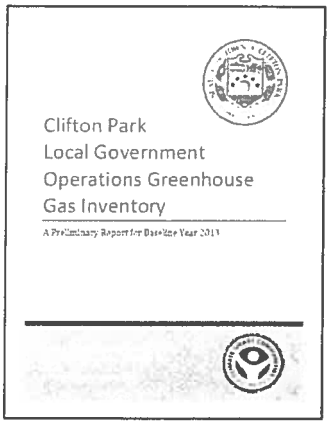
NEW YORK STATE OF OPPORTUNITY | Climate Smart Communities Certified Silver

NEW YORK STATE OF OPPORTUNITY | Climate Smart Communities Certified Bronze

NEW YORK STATE OF OPPORTUNITY | Climate Smart Communities Certified

Guides For Local Climate-smart Action

- Guide to Energy Performance Contracts for Local Governments
- Local Government Operations GHG Inventory Tool
- Green Fleets Guide
- Building Performance Evaluation Guide
- Green Business Certification Program Guide
- Climate Smart Communities Certification Manual



NEW YORK STATE OF OPPORTUNITY | Climate Smart Communities

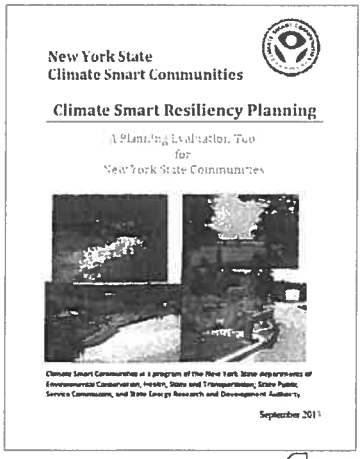
Case Studies: Find Project Ideas Through The Climate Smart Communities Network

- Links to climate and sustainability plans
- Project case studies
  - Energy audits and upgrades
  - Renewables, PV, biomass, alternative heating
  - Electric vehicles
  - Landfill / wastewater methane capture and use
  - Waste reduction, digestion of organic waste.

NEW YORK STATE OF OPPORTUNITY | Climate Smart Communities

Climate Resiliency Planning Tool

- Risk and vulnerability assessments
- Public outreach and engagement
- Planning integration
- Disaster preparedness and recovery
- Hazard mitigation implementation


New York State
Climate Smart Communities

Climate Smart Resiliency Planning

A Planning Evaluation Tool
for
New York State Communities

September 2013

NEW YORK STATE OF OPPORTUNITY | Climate Smart Communities

Climate Smart Communities Toolkit

http://www.dec.ny.gov/energy/95222.html

CLIMATE SMART COMMUNITIES TOOLKIT

OVERVIEW

INSTRUCTIONS

START HERE

NEW YORK STATE OF OPPORTUNITY | Climate Smart Communities

WHAT ARE CLIMATE SMART COMMUNITIES DOING?

Examples Of Climate Smart Communities Activities

- Task forces, coordinators
- Recycling, waste reduction
- Energy audits; emission inventories; goals and plans
- Energy management; efficiency improvements
- Outreach & services: reuse, farmers' markets, awareness
- On-site renewable energy

NEW YORK STATE OF OPPORTUNITY | Climate Smart Communities

How Do You Join?

- Pass the CSC resolution through local council
  - Model Pledge available here: http://www.dec.ny.gov/energy/65494.html #Model
- Send a copy to NYSDEC (climatechange@gw.dec.state.ny.us)
- Receive welcome package and CSC logo for use on community websites, and materials.

Model Pledge for Community Adoption

Council member_____ moved and Council member _____ seconded that

WHEREAS, the Town/Village/City of _____ (hereinafter "local government") bel
burning of fossil fuels, and

WHEREAS the effects of climate change will endanger our infrastructure, economy and liv
and exotic diseases, reduce drinking water supplies and recreational opportunities and pos

WHEREAS, we believe that our response to climate change provides us with an unprecede
healthy and safe schools and resilient infrastructures, and

WHEREAS we believe the scale of greenhouse gas (GHG) emissions reductions required

WHEREAS, we believe that even if emissions were dramatically reduced today communiti

IT IS HEREBY RESOLVED that Town/Village/City of _____ in order to reduce

1. Pledge to Combat Climate Change by Becoming a Climate Smart Community
2. Set Goals, Inventory Emissions, Move to Action
3. Decrease Energy Demand for Local Government Operations
4. Encourage Renewable Energy for Local Government Operations
5. Realize Benefits of Recycling and Other Climate Smart Solid Waste Management Practi
6. Promote Climate Protection through Community Land Use Planning
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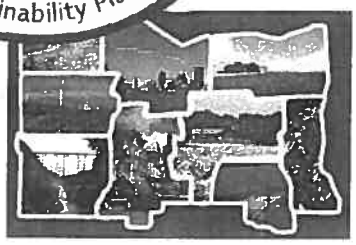
NEW YORK STATE OF OPPORTUNITY | Climate Smart Communities

Cleaner, Greener Communities Program Round 3

Finger Lakes Regional Sustainability Plan

- Categories and Eligibility
  - Category 1: PV and EVSE Permitting
  - Category 2: Flexible Funding Pilots
- Category 2 Eligibility and Climate Smart Communities
  - "Required Steps" and available Resources



THE PATH TO A COMPREHENSIVE PLAN & ZONING RE-WRITES

Action	Pledge	Pre-step 1	Pre-step 2	Pre-step 3	Pre-step 4	J O'Connell	Hire Consultant
Needed	Adopt the Climate Smart Communities Pledge	Adopt Unified Solar Permit	Support Alternative Fuel Supply Infrastructure	Implement a Green Building Strategy	Adopt a vehicle fleet efficiency policy	begins to work on application for for Cleaner Greener Communities	to inform & lead planning process
Result	Access resources	Receive $2,500	Receive $2,500		Completion of	Submit grant	GOAL:
Expected	TA to complete	unrestricted gift	unrestricted gift		prequalification	application	Village Compre-
	4 pre-steps to qualify for Cleaner Greener Communities Funding					RECEIVE CGC Funding	hensive Plan & Zoning Re-writes

QUESTIONS?

THE VILLAGE OF BROCKPORT
The Path to a Comprehensive Plan and Zoning Re-writes

Action Needed:	**Pledge** Adopt the Climate Smart Communities Pledge	**Pre-step 1** Adopt Unified Solar Permit	**Pre-step 2** Support Alternative Fuel Supply Infrastructure	**Pre-step 3** Implement a Green Building Strategy	**Pre-step 4** Adopt a vehicle fleet policy	**J O'Connell** begins to work on application for Cleaner Greener Communities	**Hire Consultant** to inform and lead planning process
Result Expected:	Access resources & technical assistance to complete 4 pre-steps to qualify for Cleaner, Greener Communities funding	Receive $2,500 unrestricted gift	Receive $2,500 unrestricted gift		Completion of pre-qualification	Submit grant application RECEIVE Cleaner Greener Communities funding	**GOAL** Village Comprehensive Plan & Zoning Re-writes

Model Resolution for Community Adoption

Council member_____ moved and Council member _____ seconded that:

WHEREAS, the Village of Brockport (hereinafter "local government") believes that climate change poses a real and increasing threat to our local and global environments and is primarily due to the burning of fossil fuels; and

WHEREAS, the effects of climate change will endanger our infrastructure, economy and livelihoods; harm our farms, orchards, and ecological communities, including native fish and wildlife populations; spread invasive species and exotic diseases; reduce drinking water supplies and recreational opportunities; and pose health threats to our citizens; and

WHEREAS, we believe that our response to climate change provides us with an unprecedented opportunity to save money, and to build livable, energy-independent and secure communities, vibrant innovation economies, healthy and safe schools, and resilient infrastructures; and

WHEREAS, we believe the scale of greenhouse gas (GHG) emissions reductions required for climate stabilization will require sustained and substantial efforts; and

WHEREAS, we believe that even if emissions were dramatically reduced today, communities would still be required to adapt to the effects of climate change for decades to come,

IT IS HEREBY RESOLVED that the Village of Brockport , in order to reduce greenhouse gas emissions and adapt to a changing climate, adopts the New York State Climate Smart Communities Pledge, which comprises the following ten elements:

1. Pledge to be a Climate Smart Community.
2. Set goals, inventory emissions, plan for climate action.
3. Decrease community energy use.
4. Increase community use of renewable energy.
5. Realize benefits of recycling and other climate-smart solid waste management practices.
6. Reduce greenhouse gas emissions through use of climate-smart land-use tools.
7. Enhance community resilience and prepare for the effects of climate change.
8. Support development of a green innovation economy.
9. Inform and inspire the public.
10. Commit to an evolving process of climate action.

DRAFT

RESOLUTION - VILLAGE OF BROCKPORT

At a meeting of the Board of Trustees of the Village of Brockport, Monroe County, New York state held at Village Hall at 49 State Street Brockport, NY 14420 on September 28, 2015 the following resolution was regularly made, seconded and carried:

PRESENT: Mayor Margaret B. Blackman, Trustee/Deputy Mayor William G. Andrews, Trustee Valerie A. Ciciotti, Trustee John D. LaPierre, Trustee Katherine J. Kristansen

MOVED BY: Trustee _____

SECONDED BY: Trustee _____

CARRIED __/__

WHEREAS, the Village of Brockport (hereinafter "local government") believes that climate change poses a real and increasing threat to our local and global environments and is primarily due to the burning of fossil fuels; and

WHEREAS, the effects of climate change will endanger our infrastructure, economy and livelihoods; harm our farms, orchards, and ecological communities, including native fish and wildlife populations; spread invasive species and exotic diseases; reduce drinking water supplies and recreational opportunities; and pose health threats to our citizens; and

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BY ORDER OF THE Village Board of the Village of Brockport

STATE OF NEW YORK)
County of Monroe) SS:

I Leslie Ann Morelli, Village Clerk of the Village of Brockport, do hereby certify that the foregoing is a full and true transcript of a resolution duly adopted at a meeting of the Board of Trustees of the Village of Brockport, Monroe County, New York on September 28, 2015 as it appears in the minutes of said meeting was regularly called and duly constituted, and that a quorum was present.

Witness my hand and the seal of the Village of Brockport this 29th day of September 2015.

_____
Leslie Ann Morelli, Village Clerk

Seal

Village of Brockport Memo

To: Village Board
From: Leslie Ann Morelli, Village Clerk
Date: 9/24/15
Re: Application for the use of State Highway/NYSDOT Property for Special Events

Please let this serve as follow up on the Mayor's request for information on the closure of Main Street (NYS Route 19) for parades and special events.

In March 2013 the DPW Spt., DPW Foreman, Planning Board Chair (also a BISCO representative), and I attended a NYSDOT seminar on this topic. The NYSDOT PERM 33 applications are attached.

In August 2013 I communicated with Rich Lovelace NYSDOT Region 4 Permits Engineer who indicated: "The current program does not include any exemption from permitting for an event that is one mile or less in length. The only exemption from Special use Permits of a State Highway is for a special use (anything that uses a highway in violation of the Vehicle and Traffic Law) with a duration of less than ten minutes where no signs, barricades or cones, etc. will be placed within the right-of way. Insurance fees can be avoided entirely if the municipality becomes the event sponsor and applies for the permit on the PERM 33c." Otherwise, the organization would use a PERM 33b application.

At that time, and again recently, I consulted with our Insurance Brokers, Christopher Coleman and Pamela Whitely of the Willis Group who checked with our carrier and indicated: "To confirm our previous discussion on this subject and the carrier's view as well – it is the Village's option if it wishes to sponsor any activity taking place. However, by doing so, the Village is taking on more exposure and will be sharing your limits for that event. It continues to be our recommendation to hold the activities on a Village street instead of a State Street (or to have the organization sponsoring the event to apply for the NYSDOT special use permit and provide the necessary proof of insurance) to minimize exposure to the Village. However, this is a business decision the Village has the option to make."

They were fine with the Village co-sponsoring the Stetson Club's annual holiday parade as it is an actual Village-run event. We have done so successfully since the NYSDOT began cracking down on needing a special permit. However, completing NYSDOT permit applications and providing insurance for other entities (BISCO for the Arts Festival, BCSD for their Homecoming Parade, SUNY for their Homecoming Parade…) is unwise. BISCO has worked the application process and insurance cost into its plans. BCSD and SUNY are large entities that certainly should be able to do the same.

I spoke with the BCSD student representative (Jackson Mahoney) who indicated that the parade was not the focus of their plans this year as they are holding a festival on the BCSD campus. Therefore, they did not need to utilize Main Street. I spoke with a SUNY representative (Kim Haines, Director of Student Activities) and she indicated the parade route used the last few years has worked out well for them due to the float line up in their parking lots on Holley Street. She expressed a willingness to have the committee consider a return to Main Street in 2016. Both entities are amenable to more community involvement and appreciate what seems to be an interest on some of the merchants and community leaders to encourage particular events in the Historic Downtown Commercial District. This has not always been the case.

The Police Chief and DPW Spt. would be able to speak to the issues involving detouring traffic.

State of New York
Department of Transportation

PERM 33b

Application
for the use of
State Highway/NYSDOT Property
for Special Events

Parades, processions, assemblages, walk-a-thons, festivals, civic or cultural events, etc.

A PERM 33b is required when an event such as a parade, procession, assemblage, walk-a-thon, festival, civic or cultural event, etc. is planned to take place on state highway right-of-way, and the local Municipality chooses not to regulate the event.

INSTRUCTIONS FOR COMPLETING THE SPECIAL USE PERMIT (PERM 33b)

- Identify the name, date, time, and type of event.
- Identify all Cities, Villages, Towns, and Counties where the event will be held.
- Specify the location of the event by State Route numbers/highway names, street names, etc. by municipality, If the event includes facilities other than highways/streets, describe the location and names of the facilities (parks, trails, private property, etc.) that will be used.
- State the Permit Applicant's name and address. ***The event organizer is always the "Applicant"; the applicant may be an individual, municipality, organization, or group.*** The Applicant assumes full responsibility for the event even if other organizations will be involved. The Permit will be issued to the Applicant, who will be responsible for complying with all of the terms of the Permit.
- Identify an Authorized Representative who will be the contact person.
- Provide information listed on Page 2 of the Application.
- Acknowledge permit terms and conditions; provide Applicant/Authorized Representative's signature and date.
- Submit non-refundable Application Fee of $25.00. (This fee is waived if the Applicant is a not-for-profit group.) Please make check payable to NYSDOT.
- Please submit the original completed permit application to the address listed below a minimum of one month prior to the event date. Keep a copy for your records. Upon approval, a copy of the application and an Approval Form will be returned to you that will serve as the Special Use Permit.

New York State Department of Transportation
Regional Traffic Engineer
NYSDOT Region ___

NEW YORK STATE DEPARTMENT OF TRANSPORTATION
APPLICATION FOR SPECIAL USE PERMIT

Special Use Event:

_____
Name of Event

_____
Date(s) Time(s) # of Participants

Type of Special Use Event: (Check all that apply):

☐ Parade or Procession ☐ Assemblage ☐ Walk-a-thon ☐ Festival ☐ Other_____

Location (specify highways by route number and/or street name)	**Municipalities** (Cities, Towns, Villages, Counties)

Applicant Information:

_____
Applicant (individual, organization, group)

_____
Mailing Address

_____
City, State, Zip Code

_____
Email Address

_____
Authorized Representative (if different from Applicant)

_____
Telephone Number (including area code)

_____
Cell Phone Number (including area code)

_____
Email Address (if different from Applicant)

_____
Website Address (if appropriate)

NEW YORK STATE DEPARTMENT OF TRANSPORTATION
APPLICATION FOR SPECIAL USE PERMIT

The following information must be submitted at the time of application:

☐ **Official Map, Event Brochure, and Event Application**
The applicant shall provide an official map, event brochure and event application form (if applicable).

☐ **Operation and Safety Plan**
The applicant shall provide an Operation and Safety Plan which includes the applicable items from the Checklist on pages 5 and 6; attach the completed checklist.

☐ **$25 Application Fee (this fee is waived if the Applicant is a not-for-profit group)**
Please make check payable to NYSDOT.

The following information must be submitted no less than two weeks prior to the event date:

☐ **Insurance Certificates (must be in Applicant's name)**
The Applicant shall provide documentation of required insurance, including Workers' Compensation and Disability Insurance; see Item 7 of *Responsibilities of Applicant* for required insurance types and limits.

☐ **Municipal Approvals**
The Applicant shall provide written proof from each municipality (County, City, Town, and Village) through which the event passes indicating that the Municipality has no objection to the event taking place. This written proof may take the form of a letter, resolution, email, or other. The applicant shall also provide the name of a contact person for each municipality.

Acknowledgment. On behalf of the Applicant, I hereby request a Special Use Permit, and do acknowledge and agree to the Responsibilities of Applicant and obligations set forth in this permit and warrant compliance therewith. The attached documents are also made a part hereof and attached hereto:

Application received by:

Applicant's Representative's Signature	**NYSDOT Representative's Signature**
Date	**Date Received by NYSDOT**

OPERATION AND SAFETY PLAN CHECKLIST

Please supply the following information or note as "Not Applicable."

(The Event Map should show the entire course, but all other checklist elements only apply to the portions of the event occurring on State highways.)

☐ **Event Map**
- show start and finish lines
- show direction of event travel
- show all intersections, railroad crossings and jurisdictional boundaries
- show all facilities being used by the event (roads, parks, schools, parking lots, etc.)

☐ **Description of Event**
- identify event starting and ending times and locations
- describe sequence of event activities, including setup and cleanup
- describe any road/lane/shoulder/sidewalk closings and times and method of closure (e.g., signs, cones, barricades)
- describe all event activities where participants will violate the normal "rules of the road" and all locations where traffic will be required to stop where no stop is normally required

☐ **Locations requiring traffic control for event**
- list intersections where the existing type of traffic control (e.g., signal, stop, yield, no control) will be changed during the event and describe how normal traffic will be directed (e.g., police officer)
- list locations where participants will turn left across lanes of traffic
- provide sketches of all locations requiring additional traffic control during event
- show types and locations of all traffic control devices (e.g., traffic signals, signs, cones, striping, barricades), both existing and proposed
- show types and locations of all event personnel (e.g., police officers, volunteers)
- show path of event participants

☐ **Detours**
- provide map of detour, show detour sign/police locations and any existing signs to be covered
- provide drawing of detour sign(s) showing text
- provide sign dimensions, color, size of text, type of sign material, and posting method

☐ **List of Railroad Grade Crossings**
- indicate whether grade crossing is active or inactive
- list existing traffic control at all active grade crossings (e.g., crossbucks, lights, gates, YIELD sign, STOP sign)
- list traffic control for event at all active grade crossings (e.g., police, RR flagger)
- indicate whether railroad has been contacted

☐ **Pre-Event Public Notification**
- list locations for signs or show on a map
- provide drawing of signs showing text
- provide sign dimensions, color, size of text, type of sign material, and posting method
- list locations or show on a map all Changeable Message Signs (CMS), provide pre-event text
- specify what day signs and CMS will be placed and when they will be removed
- describe any other type of notification (e.g., mailings, brochure, press release) being provided to the public

OPERATION AND SAFETY PLAN CHECKLIST

☐ **Banners**
- indicate if there will be any banners (roadside or overhead), type and locations

☐ **Coordination**
- describe coordination with state/local police
- describe coordination with state/local highway agencies
- describe coordination with municipalities
- describe coordination with other entities (e.g. railroads, park agencies, private property owners whose property will be used for the event)

☐ **Event Day Communications**
- describe communications system used by event personnel, marshals, volunteers, police, and emergency personnel

☐ **Emergency Services**
- describe how emergency services will be provided during the event for event participants and spectators
- describe how emergency vehicles will be able to use/cross the event course if necessary for non- event related circumstances

☐ **Spectator Control**
- indicate whether any special measures are being taken to control spectators (e.g., fencing, highway crossings)

☐ **Pavement Markings**
- provide a sketch of each location where temporary pavement markings will be placed
- describe material being used, and how and when it will be placed and removed

☐ **Event Day Signing – for highway users**
- list locations for signs or show on a map, note any existing signs to be covered
- provide drawing of sign(s) showing text
- provide sign dimensions, color, size of text, type of sign material, and posting method
- list locations or show on a map all CMS, provide text

☐ **Event Day Signing – for event participants**
- list locations for signs or show on a map
- note types of signs being used (e.g., advance turn, mile markers, feed zones/water stations)
- provide drawing of signs showing text
- provide sign dimensions, color, size of text, type of sign material, and posting method

☐ **Event Support Vehicles**
- describe the movements of any vehicles used in the event (e.g., parade floats, lead & trail, sweep, sag)
- describe how each vehicle will convey its message (e.g., flashers, headlights, beacons, signs), as appropriate

Responsibilities of Applicant

1. Limitations on Use. The specific site identified in this permit, and only that portion identified, will be available for use by Applicant only for the purpose stated in this permit and only on the date(s) and for the duration designated in this permit. The authorization herein shall be only for the actual duration of the event.

2. Conditions of Use. NYSDOT makes no affirmation that the state-owned site to be used for the event has been designed, constructed, or maintained for the purpose of the conduct of the event. The Applicant assumes full responsibility for planning and conducting a safe and orderly event that does not expose participants or the public to any unreasonable hazards and that involves a minimal disruption of the normal uses of the state highway system. **It shall be the sole obligation of the Applicant to determine whether the site is suitable for the purpose of safely conducting the event.** The Applicant assumes all responsibility for assuring that the use of the highway/property conforms to applicable requirements of law, including, but not limited to those set forth herein.

3. Operation and Safety Plan. The Applicant assumes all responsibility for the set-up, conduct and break-down of the event. The Applicant assumes all responsibility for the control of the event site, and warrants that the site has been inspected, and that any perceived defects in the state highway(s) have been or shall be reported to NYSDOT and that adequate provision has been or shall be taken to mitigate and/or separate event participants from these perceived hazards.

The Operation and Safety Plan must detail how the Applicant intends to (1) promote safety and (2) minimize the disruption of traffic. To the extent of any closure on the state highway or the disruption of the movement of traffic proceeding along (e.g. lane and shoulder closures), entering, or crossing a state highway for a period more than ten minutes, the Applicant shall provide and maintain a **signed** detour or police officers to direct traffic.

The Applicant shall consult with and coordinate the event with ***state and/or local police to determine such action as may be necessary to protect the public safety, security, or convenience, and incorporate all recommendations into the Operation and Safety Plan. Notwithstanding any other provision of law to the contrary, no person or entity shall have the right to bring an action against the state or municipality or any person employed by the state or municipality who was acting within the scope of their authority for damages resulting from or in connection with the event(s).*** The Applicant shall ensure that all participants shall obey any lawful order or direction (1) of any police officer that deviates from the Operation and Safety Plan before, during or after the event(s), (2) of any police officer, flag person or other person duly empowered to regulate traffic during an emergency, or (3) given by a federal, state, county or city official or any person acting as part of the civil defense forces.

4. Rail Grade Crossings. The Applicant is responsible for ensuring the safety of event participants at all railroad grade crossings. The Operation and Safety Plan shall address rail crossing operations. For grade crossings where a train may cross during the event, the applicant must propose a safety plan.

5. Assumption of Risk. Use of the permitted site shall be in accord with the general authority of the State (where applicable) and applicable New York State Vehicle & Traffic Law sections so that although the participants are exempted from compliance with the usual traffic laws as detailed in the Operation and Safety Plan, they must exercise reasonable care.

Responsibilities of Applicant

6. Insurance Requirements. The Applicant shall provide NYSDOT with proof of insurance prior to the installation of any temporary traffic control devices or the commencement of the event, i.e. a certificate of insurance is required to maintain and provide proof that it has, in full force and effect, the following insurance coverages:

(a) **Workers' Compensation and Disability Insurance.** As required by State Finance Law §142, the Applicant shall maintain in force workers' compensation insurance for all employees. The Applicant shall also maintain disability insurance as required by the Disability Benefits Law of the State of New York.

(b) **Commercial General Liability Insurance.** The Applicant shall maintain an occurrence form commercial general liability policy or policies insuring against liability arising from premises (including loss of use thereof), personal injury or death, advertising injury, liability insured under an insured contract (including the tort liability of another assumed in a business contract) occurring on or in any way related to the premises or occasioned by reason of the operations of the Applicant. Such coverage shall be written on an ISO occurrence form CG 00 01 12 07 (or a form that provides equivalent coverage) in an amount of not less than ONE MILLION DOLLARS ($1,000,000.00) per occurrence and not less than TWO MILLION DOLLARS ($2,000,000.00) aggregate. This insurance must be endorsed to provide coverage to "**The State of New York/New York State Department of Transportation, any municipality in which the event is conducted, and any governmental entity whose facilities are affected by the event, or any of their employees or agents working for or on the event,**" using ISO form CG 20 10 07 04 or a form that provides equivalent coverage.

(c) **Automobile Insurance (*applicable where automobiles or other vehicles will be used in relation to the event*).** The Applicant shall maintain a commercial or other automobile policy or policies insuring against liability for bodily injury, death, or damage to property and other mandatory coverages, relating to the use, operation, loading or unloading of any of Applicant's automobiles (including owned, hired and non-owned vehicles) on and around the site/event. Coverage shall be in an amount of not less than ONE MILLION DOLLARS ($1,000,000.00) each accident.

(d) **Umbrella or Excess Liability Insurance**. The Applicant shall maintain an occurrence form umbrella liability policy or policies insuring against liability arising from premises (including loss of use thereof), operations, personal injury and advertising injury, and liability insured under an insured contract (including the tort liability of another assumed in a business contract) occurring on or in any way related to the premises or occasioned by reason of the operations of the Applicant as described above. Such coverage shall be written on an ISO occurrence form CU 00 01 12 07 or a form that provides equivalent coverage. In the event that umbrella coverage is unavailable, equivalent excess coverage may be substituted. The minimum required limits for the umbrella/excess coverage shall be sufficient to provide a total of not less than FIVE MILLION DOLLARS ($5,000,000.00) per occurrence/ aggregate.

7. Indemnification: In addition to the protection afforded the State by the insurance provision herein, NYSDOT shall not be liable for any damage or injury to the Applicant, employees, event organizers and volunteers, or participants, or any other person, or to any property, occurring on the site covered by this permit or any part thereof associated in any way with Applicant's use of the site. To the fullest extent permitted by law, the Applicant agrees to defend, indemnify and hold harmless the State of New York, NYSDOT, and their agents from and against all claims, damages, losses and expenses, including but

not limited to attorneys' fees, arising out of any claim for personal injuries, property damage or wrongful death associated in any way with the Applicant's or participants' use of the permitted site(s,) or in any way related to the event, no matter how caused.

8. Termination of the Permit. NYSDOT shall have the right, in its sole discretion, at any time to terminate this permit, or any portion thereof, should it be necessary due to operations or other reasonable need of NYSDOT, by giving written notice of termination of the permit. Any termination by NYSDOT shall in no way constitute or be deemed a breach of this Permit and no liability shall be incurred by or arise against NYSDOT, its agents and employees for loss of profits or any other damages.

9. Applicant's Use of the Highway/Property. The Applicant shall exercise due care in its use of the site and shall upon the expiration, termination, or cancellation of the issued permit, surrender the site in as good a condition as on the effective date of this permit, ordinary wear and tear excepted. **The Applicant shall designate a representative to conduct both a pre-event and post-event field review of the event course with the NYSDOT Resident Engineer(s) to determine what damage may or may not have resulted from the event.** The Resident Engineer is given the authority to determine if any of the post-event damage is required to be repaired.

10. Agency's Representative. The Commissioner of the NYS Department of Transportation, or his/her designee, shall be, and hereby is authorized to act for and on behalf of NYSDOT.

11. Promotional Materials. Any promotional materials shall be consistent with the provisions of this permit. NYSDOT shall in no way be represented to be a sponsor or organizer of the event. The Applicant represents that it has permission to reproduce any such materials, and will defend and indemnify NYSDOT for any damages NYSDOT may incur for the infringement of any third-party proprietary rights because of the use of such materials.

12. Reporting Requirements. The Permittee agrees to notify the Agency's representative about any hazardous or unsafe conditions and about any accidents that occur during the event immediately upon the discovery of such condition or accident.

13. Site Care and Restoration (if necessary and conducted by NYSDOT). An Undertaking, a bond or a certified check in an amount designated by the Department of Transportation may be required before a permit is issued, to guarantee restoration of the site to its original condition. If the Department is obliged to restore the site to its original condition, the costs to the Department will be deducted from the amount of the Permittee's guarantee deposit at the conclusion of the work. The Permittee agrees to be responsible for any costs in excess of the Bond/guarantee deposit on file and will be billed directly therefore. If there is no Undertaking, bond or certified check, a statement of such costs and expenses will be submitted to the Permittee within 30 days after completion of the event. The Permittee shall make payment of this amount, if any, within 60 days after completion of the event.

14. Costs Incurred by Issuance of this Permit. All costs beyond the limits of liability insurance, surety deposits, etc. are the responsibility of the Applicant. The State shall be held free of any costs incurred by the issuance of this permit, direct or indirect.

15. Legal. The privilege granted by the permit does not authorize any infringement of federal, state or local laws or regulations, is limited to the extent of the authority of NYSDOT and is transferable and assignable only with the written consent of the Commissioner of Transportation. The Commissioner reserves the right to modify fees and to revoke or annul the permit at any time, at his/her discretion without a hearing or the necessity of showing cause.

State of New York
Department of Transportation

PERM 33c

Application for the Use of State Highway/NYSDOT Property When an event is regulated by the City/Village/Town(s)

For events such as parades, processions, assemblages, walk-a-thons, festivals, civic or cultural events, single-county races, etc.

A PERM 33c is required when an event such as a parade, procession, assemblage, walk-a-thon, festival, civic or cultural event, single-county race, etc., is planned to take place on state highway right-of-way, the local Municipality is regulating the event, and the event will either require placing items (signs, barricades, etc) within the state highway right-of-way, or it will block traffic on a state highway.

NEW YORK STATE DEPARTMENT OF TRANSPORTATION
APPLICATION FOR SPECIAL USE

(Application Form)

Complete this application form and Operation and Safety Plan Checklist in this packet and submit the original a minimum of 1 month prior to the event date to NYSDOT for approval. Also keep a copy for your records. Upon approval, one copy will be returned to you that will serve as permission for the Special Use.

Return the application to:
New York State Department of Transportation - Regional Traffic Engineer, NYSDOT Region ___

1. Special Use Event: _____
Name of Event

_____
Date(s) Time(s) # of Participants

2. Type of Special Use Event:

☐ Parade or Procession ☐ Assemblage ☐ Walk-a-thon ☐ Festival ☐ Single-county race ☐ Other_____

3. Location (specify highways by route number and/or street name, by municipality):

_____

_____

4. Applicant Information:

Applicant (city/town/village)	Authorized Representative
Mailing Address	Telephone (including area code)
City, State, Zip Code	Cell Phone (including area code)
Email Address	Email Address (if different from Applicant)
	Web Site Address (if appropriate)

Acknowledgment. On behalf of the applicant, I hereby request permission for a Special Use, and do acknowledge and agree to the terms and conditions and obligations set forth in this application and warrant compliance therewith. The attached documents are also made a part hereof and attached hereto:

Application Received by:

Applicant or Authorized Representative's Signature	**NYSDOT Representative's Signature**
Date	**Date Received by NYSDOT**

OPERATION AND SAFETY PLAN CHECKLIST

Please supply the following information or note as "Not Applicable."

☐ **Event Map and Description** – Some events are confined to a specific site along a highway (e.g. festival), while others may extend for a significant distance (e.g. parades, races). Where appropriate, please show on a map the event location, start and finish lines, direction of travel, railroad crossings, and detour (if present). For the description, include start and ending times and the type of event.

☐ **Operation and Safety Plan –** Please indicate locations where event participants will violate the normal "rules of the road" and all locations where traffic will be required to stop where they would not ordinarily have to stop. For example:

> *At the intersection of NY 5 and Main Street a police officer will be stopping eastbound traffic on NY 5 to allow bicyclists to proceed through the stop sign on Main Street.*
>
> *On NY 9A between Smith Rd. and Jones Rd., runners will be on the left shoulder running against traffic instead of on the sidewalk.*

Also indicate any locations where temporary traffic control devices (e.g., cones, pavement markings, signs, barricades) will be placed within the State right-of-way. If temporary signs will be used, please indicate the size, color, and wording for each sign. For example:

> *NY 25A will be closed at Main St. using barricades and cones. Detour signs will direct motorists to use Elm and Pine Streets to get back onto NY 25A.*

Responsibilities of Applicant

1. Limitations on Use. The specific site identified in this permission, and only that portion identified, will be available for use by Applicant only for the purpose stated in this permission and only on the date(s) and for the duration designated in this permission. The authorization herein shall be only for the actual duration of the event.

2. Conditions of Use. NYSDOT makes no affirmation that the state-owned site to be used for the event has been designed, constructed, or maintained for the purpose of the conduct of the event. The Applicant assumes full responsibility for planning and conducting a safe and orderly event that does not expose participants or the public to any unreasonable hazards and that involves a minimal disruption of the normal uses of the state and local highway systems. **It shall be the sole obligation of the Applicant to determine whether the site is suitable for the purpose of safely conducting the event.** The Applicant assumes all responsibility for assuring that the use of the highway/property conforms to applicable requirements of law, including, but not limited to those set forth herein.

3. Indemnification: NYSDOT shall not be liable for any damage or injury to the Applicant, employees, event organizers and volunteers, or participants, or any other person, or to any property, occurring on the site covered by this permission or any part thereof associated in any way with Applicant's use of the site. To the fullest extent permitted by law, the Applicant agrees to defend, indemnify and hold harmless the State of New York, NYSDOT, and their agents from and against all claims, damages, losses and expenses, including but not limited to attorneys' fees, arising out of any claim for personal injuries, property damage or wrongful death associated in any way with the Applicant's or participants' use of the involved site(s,) or in any way related to the event, no matter how caused. There is no requirement that municipalities have, or provide proof that they have insurance. However, the municipality agrees to take responsibility for its operations under this permit. Municipalities are encouraged to have a **"PERM 1 Undertaking"** on file with NYSDOT.

4. Termination of the Permission. NYSDOT shall have the right, in its sole discretion, at any time to terminate this permission, or any portion thereof, should it be necessary due to operations or other reasonable need of NYSDOT, by giving written notice of termination of the permission. Any termination by NYSDOT shall in no way constitute or be deemed a breach of this Permission and no liability shall be incurred by or arise against NYSDOT, its agents and employees for loss of profits or any other damages.

5. Applicant's Use of the Highway/Property. The Applicant shall exercise due care in its use of the site and shall upon the expiration, termination, or cancellation of the issued permission, surrender the site in as good a condition as on the effective date of this permission, ordinary wear and tear excepted. **The Applicant shall designate a representative to conduct both a pre-event and post-event field review of the event course with the NYSDOT Resident Engineer(s) to determine what damage may or may not have resulted from the event.** The Resident Engineer is given the authority to determine if any of the post-event damage is required to be repaired.

6. Agency's Representative. The Commissioner of the NYS Department of Transportation, or his/her designee, shall be, and hereby is authorized to act for and on behalf of NYSDOT.

7. Reporting Requirements. The Permittee agrees to notify the Agency's representative about any hazardous or unsafe conditions and about any accidents that occur during the event immediately upon the discovery of such condition or accident.

8. Legal. The privilege granted by this permission does not authorize any infringement of federal, state or local laws or regulations, is limited to the extent of the authority of NYSDOT and is transferable and assignable only with the written consent of the Commissioner of Transportation. The Commissioner reserves the right to modify fees and to revoke or annul the permission at any time, at his/her discretion without a hearing or the necessity of showing cause.