

Permit # _____

MONROE COUNTY RIGHT OF WAY PERMIT SUPPLEMENT PURSUANT TO NEW YORK LABOR LAW SECTION 224-f

Applicants for a work permit within a Monroe County Right of Way must complete the below questionnaire and certification.

1. Is the entity applying for and performing all work under this permit a utility subject to the jurisdiction of the Public Service Commission? () YES () NO
If YES – section 224-f does not apply. Proceed to Part 6, below.
If NO – proceed to Question 2.
2. Is the entity applying for or performing any work under this permit doing so under contract or subcontract with a utility subject to the jurisdiction of the Public Service Commission? () YES () NO
If YES – proceed to Question 3.
If NO – section 224-f does not apply. Proceed to Part 6, below.
3. Is the entity applying for or performing any work under this permit doing so under contract or subcontract with a television or broadband provider? () YES () NO
If YES – section 224-f does not apply. Proceed to Part 6, below.
If NO – proceed to Question 4.
4. Is the permit for a location and a project already underway an existing utility contract signed or solicited before 9/15/23? () YES () NO
If YES – section 224-f does not apply. Proceed to Part 6, below.
If NO – proceed to Question 5.
5. Is the work to be performed under this permit under a general contract awarded before 9/15/23 with a subcontract awarded thereafter? () YES () NO
If YES – section 224-f does not apply. Proceed to Part 6, below.
If NO – Labor Law § 224-f applies. Please read Labor Law § 224-f, a copy of which is attached, regarding your legal obligations to ensure the payment of at least the applicable prevailing wage, and complete Part 6.
6. By signing below, I certify that the information I have given on this form is true and complete, and that if Labor Law § 224-f applies, that an agreement for the payment of prevailing wages has been contractually mandated for the permit work. Further, if Labor Law § 224-f applies, then by signing below, you agree to obtain a PRC number for work to be performed under this project permit and will furnish to Monroe County, upon request, prevailing wage reports, certified payrolls, and any PRC documentation.

NOTICE: Submitting this form to the Monroe County Department of Transportation satisfies the filing requirement of Labor Law § 224-f(2).

Print name here: _____ Entity Name: _____

(If applying on behalf of a corporation or other business entity, print your full name and business title)

Sign Here: _____ Date: _____

Labor Law § 224-f. Workers on excavations.

1. For the purposes of this section:

a. "Covered excavation project" shall mean construction work for which a permit may be issued to a contractor or subcontractor of a utility company by the state, a county or a municipality to use, excavate, or open a street. A "covered excavation project" shall exclude construction work for which a permit may be issued to a service provided as defined by subdivision twenty-three of section one thousand twenty-b of the public authorities law.

b. "Department of jurisdiction" shall mean the department of the state, board or officer in the state, or municipal corporation or commission or board appointed pursuant to law, whose duty it is to issue a permit to a utility company, or its contractors or subcontractors, for a covered excavation project.

c. "Fiscal officer" shall mean the commissioner; except for covered excavation projects performed pursuant to a permit issued by a city with a population in excess of one million in which case the "fiscal officer" shall be the comptroller or other analogous officer of such city.

d. "Utility company" shall have the same meaning as subdivision twenty-three of section two of the public service law.

2. Each contractor or subcontractor to a utility company shall be required to pay not less than the prevailing rate of wage in the same trade or occupation in the locality within the state where such covered excavation project is situated to each laborer, worker, or mechanic in the employ of the contractor or subcontractor to a utility company, performing work on the project in accordance with sections two hundred twenty and two hundred twenty-b of this article. No permit shall be issued for a covered excavation project until an agreement confirming the payment of wages as required by this section has been contractually mandated and filed with the department of jurisdiction, and all permits issued after the effective date of this section shall include therein a copy of this section.

3. The enforcement of any covered excavation project pursuant to this section shall be subject to the requirements of sections two hundred twenty, two hundred twenty- a, two hundred twenty-b, two hundred twenty-three and two hundred twenty-four-b of this article and section two hundred twenty-seven of this chapter and within the jurisdiction of the fiscal officer; provided, however, nothing contained in this section shall be deemed to construe any covered excavation project as otherwise being considered public work pursuant to this article.

4. The fiscal officer may issue rules and regulations governing the provisions of this section. Any violation of this section shall be grounds for determinations and orders pursuant to section two hundred twenty-b of this article.