FAQ’s (click on question to jump to answer)

General
1. Do I need permission to hold a race on a public highway?
2. What kinds of municipalities are allowed to regulate special events?
3. What is the appropriate governmental entity to grant permission to race on a public highway?
4. Do I need permission to hold an event (non-race) on a State highway?
5. When is a permit needed from NYSDOT?
6. Do I have to get a permit from NYSDOT for a multi-county race if the route does not include any State highways?
7. Can a municipality issue a permit for my event instead of NYSDOT?
8. My municipality (town, city, or village) will be regulating a parade on a State highway within their jurisdiction. Do they need a permit from NYSDOT?
9. When should PERM 33a/b/c/f applications be submitted?
10. Do I have to get any other permits besides the 33a/b/c/f from NYSDOT?
11. What happens if I don’t get a permit from NYSDOT?
12. How does obtaining a permit from NYSDOT help my event?
13. What is the definition of “speed contest”?
14. Is a permit needed if the event course only crosses a State highway?
15. Does NYSDOT process applications for events that are not races, but take place in more than one county?

Insurance and Approvals
1. Is a bond deposit required to obtain a PERM 33a/b/c/f?
2. What are the liability insurance requirements?
3. What insurance is required if the applicant is a municipality?
4. Are workers’ compensation and disability insurance required?
5. Am I required to submit proof of municipal approvals for races and events?
6. What are the acceptable types of proof of municipal approval?

Operation and Safety Plan
1. Posting a signed detour for a 2-hour parade sounds difficult and expensive. Is there an alternate way to direct traffic around closed highways?
2. Is it necessary to have a Professional Engineer prepare the Operation and Safety Plan for my event?
3. Can you help us prepare our Operation and Safety Plan?
4. Who can stop/direct traffic to allow the race participants to go through a stop sign/yield sign/traffic signal or turn left across lanes of traffic?
5. Can volunteers direct traffic?
6. What scale map is required?
7. How do I show every intersection on a map for an event that is 200 miles long?
8. Is there a required format for the list of intersections?
9. Do I have to provide proof of police and emergency services coverage?
10. Are there requirements for a Changeable Message Sign [CMS] (sometimes called a Variable Message Sign [VMS])?
11. What kinds of temporary pavement markings can I use for my event?

Signing
1. If I want to install a temporary sign, do I have to get a utility stakeout?
2. Does a NYSDOT representative have to be present when we cover any signs or when we install our event signs?
3. Are there any requirements for temporary signs?
General

1. Do I need permission to hold a race on a public highway?
   Yes, racing on a public highway always requires a permit.

   Section 1182 of the New York State Vehicle & Traffic Law States that it is illegal to hold, participate in, aid, or
   abet any speed contest or exhibition of speed on a highway. The only way to hold a race of any sort on a public
   highway in New York State is to obtain a permit from an appropriate governmental entity.

2. What kinds of municipalities are allowed to regulate special events?
   The term “municipality” or “municipal corporation” is defined in New York State law as a county, town, city, or
   village (NYS General Municipal Law Article 1 Section 2). All municipalities except for counties are authorized to
   regulate special events; when the event involves a State highway, a PERM 33c may be necessary. The pertinent
   sections of the New York State Vehicle & Traffic Law are Section 1640 (cities and villages) and Section 1660
   (towns).

3. What is the appropriate governmental entity to grant permission to race on a public highway?
   The New York State Vehicle & Traffic Law, Section 1182-a specifically authorizes NYSDOT to regulate all multi-
   county speed contests, regardless of whose highways are being used. No other municipal entity is legally
   empowered to regulate multi-county speed contests.

   Single-county races may be regulated by NYSDOT or the affected municipalities. A municipality can give
   permission to race on all highways within its jurisdiction, but it may be cumbersome if many municipalities are
   involved. Permission to race on State Highways within towns and villages cannot be granted from the
   municipality. NYSDOT can issue permits only for the portion of the event that is on a State highway, so it may
   still be necessary to obtain permits from the other governmental entities whose highways are being used or
   through which the event will pass.

4. Do I need permission to hold an event (non-race) on a State highway?
   A permit will be needed from NYSDOT if any objects (e.g., cones, signs, pavement markings) will be placed within
   the right-of-way or if traffic will be blocked for more than 10 minutes. If participants will be breaking any normal
   traffic laws, permission must be obtained from the local municipality or NYSDOT.

5. When is a permit needed from NYSDOT?
   A permit from NYSDOT will be needed if any of the following Statements are true:
   1) A race will be conducted on highways in more than one county, and/or
   2) A race will be conducted in a single county, on one or more State highways, and the local municipalities are
      not regulating the event, and/or
   3) Participants in an event will be breaking normal traffic laws on a State highway, and the local
      municipalities are not regulating the event, and/or
   4) Objects of any kind will be placed within the right-of-way of a State highway and/or
   5) An event will block traffic on a State highway for more than 10 minutes.

6. Do I have to get a permit from NYSDOT for a multi-county race if the route does not include any State
   highways?
   Yes, the New York State Vehicle & Traffic Law, Section 1182-a specifically authorizes NYSDOT to regulate all
   multi-county speed contests, regardless of whose highways are being used. No other municipal entity is legally
   empowered to regulate multi-county speed contests.
7. Can a municipality issue a permit for my event instead of NYSDOT?
   A race event occurring in more than one county can only be regulated by NYSDOT.

   Race events located completely within one county, as well as other type of events (e.g., parades, festivals) located in one or multiple counties, can be regulated by the affected municipalities. A permit from NYSDOT will still be needed if any objects will be placed within a State highway right-of-way, or traffic on a State highway will be blocked for more than 10 minutes.

8. My municipality (town, city, or village) will be regulating a parade on a State highway within their jurisdiction. Do they need a permit from NYSDOT?
   If any objects will be placed within a State right-of-way, or traffic on a State highway will be blocked for more than 10 minutes, the municipality must coordinate with NYSDOT. This coordination is done using a PERM 33c.

9. When should PERM 33a/b/c/f applications be submitted?
   PERM 33a – no less than 3 months prior to the start of the event
   PERM 33b – no less than 2 months prior to the start of the event
   PERM 33c – no less than 2 months prior to the start of the event
   PERM 33f – no less than 1 month before the start of filming

   Applicants are encouraged to contact the appropriate NYSDOT office as early as possible during the planning of the event. This will allow for the clarification of any questions about the process or what is required to be submitted with the application.

10. Do I have to get any other permits besides the 33a/b/c/f from NYSDOT?
    Depending on local laws in the municipalities through which the event passes, it may be necessary to obtain other State or local permits. (e.g., if the event involves use of a waterway, a Regatta Permit may also be necessary.) If the event includes placing banners over a State highway, the municipality in which these banners will be located may have to apply to NYSDOT for a PERM 33. Only a municipality or a not-for-profit organization may apply for a permit to place banners over a State highway; an event organizer cannot do this. Refer to TSMI-17-03 for further information. To be sure that all necessary permits for the event are obtained, it is advisable that the organizer contact every municipality in which the event will take place early in the planning process.

11. What happens if I don’t get a permit from NYSDOT?
    The event would be in violation of a number of laws, which would then subject the organizer to possible criminal prosecution. In addition, the event could be ordered to shut down. Although an organizer may incur liability if an accident occurs, the defense of a claim would be made more difficult if appropriate permits were not obtained.

12. How does obtaining a permit from NYSDOT help my event?
    An organizer requests a permit in order to seek a waiver from one or many Vehicle & Traffic laws. Having a permit authorizes the organizer to violate the specific laws in the manner, at the location, and for the duration specified in the application package. For instance, the event course might pass through several stop signs and traffic signals, as well as require left turning movements across oncoming traffic at various locations. These are all places where the participants will violate the normal laws governing use of the highways (the participants will not necessarily wait for conflicting traffic to clear). Possession of a permit by the event organizer gives the event participants the right to violate these laws at these locations on the date(s) of the event. However, NYSDOT will require the organizer to arrange for the presence of police officers and/or peace officers at these locations to stop conflicting traffic and to allow the event participants to pass safely.

Page 3 of 12
July 2019
Obtaining a permit from NYSDOT is also an assurance to municipalities and others that the Operation and Safety Plan has been reviewed by a NYSDOT engineering professional and found to be reasonable.

13. What is the definition of “speed contest”?
While there is no definition in New York law for “speed contest”, a speed contest is generally acknowledged to be an event where having the fastest completion time is the goal. Prizes may or may not be awarded and the participant is competing against either a timing device (e.g., clock), other racers, or both.

14. Is a permit needed if the event course only crosses a State highway?
You should only need a permit from NYSDOT if the event is going to block the State highway for more than 10 minutes, the event participants plan on disregarding any traffic control at the intersection, or objects will be placed within the State right-of-way.

15. Does NYSDOT process applications for events that are not races, but take place in more than one county?
The Regions handle all PERM 33b (event), PERM 33c, and PERM 33f (filming) applications; NYSDOT’s Main Office only processes multi-county PERM 33a (race) applications and coordinates with the Regional offices for review of the application. If an event crosses Regional boundaries, the application can be sent to any affected Regional office.
Insurance and Approvals

1. **Is a bond deposit required to obtain a PERM 33a/b/c/f?**
   Normally, the answer is NO. The *Responsibilities of Applicant* portion of the application package does stipulate that NYSDOT *may* require a bond deposit to offset any damage to State property from the event. However, a bond is required only if the character of the event is such that significant damage to some part of the NYSDOT property being used for the event is likely. Typically, a bond for a race (other than a car race), parade, or walk-a-thon is not necessary. A bond deposit for a PERM 33f would likely be required only if the filming includes something like crashing or burning cars on a State highway.

2. **What are the liability insurance requirements?**
   Applicants for a PERM 33a, PERM 33b, and PERM 33f are required to provide proof of general liability insurance. If vehicles are involved in the conduct of the event, proof of automobile insurance must also be provided. The required limits are:
   - General Liability: $5 million total, each occurrence (can be achieved through an umbrella/excess policy)
   - Automobile: $1 million per occurrence

3. **What insurance is required if the applicant is a municipality?**
   No proof of insurance is required when the applicant is a municipality and a proper application for a PERM 33c has been submitted.

4. **Are workers’ compensation and disability insurance required?**
   Proof of workers compensation and disability insurances for a PERM 33a, PERM 33b, or PERM 33f are required. Information about these insurances can be obtained from the NYS Workers Compensation Board or found at their website.

   If the applicant does not have any employees or is otherwise exempt from New York State laws regarding workers compensation and disability insurances, an exemption can be applied for and submitted with the PERM 33a, PERM 33b, or PERM 33f application. Information can be obtained from the NYS Workers Compensation Board or found at their website.

<table>
<thead>
<tr>
<th>Businesses with Employees</th>
<th>Entities without Employees</th>
</tr>
</thead>
<tbody>
<tr>
<td>Submit <em>Workers Compensation and Disability</em> Insurance</td>
<td>Submit WC/DB Exemption (<em>Form CE-200</em>)</td>
</tr>
</tbody>
</table>

5. **Am I required to submit proof of municipal approvals for races and events?**
   For a single-county race, or an event, the permit applicant must supply proof that each affected municipality approves of the event.

   For a multi-county race, if the permit application is received less than six weeks prior to the event date, the applicant is required to supply proof that each affected municipality approves of the event.

   The applicant does not need to submit proof of municipal approvals provided that the application has been submitted no less than six weeks prior to the event date; NYSDOT will contact the affected municipalities to confirm that no objections exist. (Note: Any NYSDOT contact in this regard does not relieve the applicant of the responsibility to determine if any municipal approvals/permits are required for the event.)

6. **What are the acceptable types of proof of municipal approval?**
   NYSDOT will accept both formal (e.g., town resolution) and informal (e.g., copy of e-mail from Town Supervisor) means of documentation.
Operation and Safety Plan

1. Posting a signed detour for a 2-hour parade sounds difficult and expensive. Is there an alternate way to direct traffic around closed highways?
   Yes. While the New York State Vehicle & Traffic Law specifies that the detour must be “signed,” Operation and Safety Plans that have police officers or peace officers posted at key locations along the detour to provide guidance are acceptable. Volunteers are not allowed to control traffic. A traveler who is not familiar with the area should not be unduly delayed by the event; this is why motorists need a formal detour.

2. Is it necessary to have a Professional Engineer prepare the Operation and Safety Plan for my event?
   No. The Operation and Safety Plan needs to be completed by someone who understands how the event will impact traffic, the laws regarding the legal use of the highway, and what provisions are necessary to minimize disruption to normal traffic and to allow event participants to use the highways safely. If the event is very complex and will disrupt traffic on a major highway or on highways over a large area (e.g., filming a movie on a local interstate highway or in a city’s downtown), it may be beneficial for the organizer to hire an engineering firm to assist with the development of a traffic control plan.

3. Can you help us prepare our Operation and Safety Plan?
   Sorry, but no. It is the responsibility of the organizer to develop a workable plan. NYSDOT’s role is to review the plan and determine if it is reasonable.

4. Who can stop/direct traffic to allow the race participants to go through a stop sign/yield sign/traffic signal or turn left across lanes of traffic?
   Only police officers or peace officers are allowed to stop or otherwise control regular traffic on public highways in the State of New York. There are many people who are classified as peace officers under New York Criminal Procedure Law (CPL), Section 2.10. The officers who most commonly direct traffic for special events (other than police officers) are “fire police”. Under CPL Section 2.10.41, there are certain measures that must be taken for the fire police to be legally authorized to direct traffic. If the event will use fire police to direct traffic, the organizer is obligated to ensure that the fire police are duly authorized for the event.

   A certified flagperson cannot direct traffic for a race or other special event; they can only direct traffic on a construction project on which their employer is under contract.

5. Can volunteers direct traffic?
   No, volunteers with the event cannot control traffic (e.g., stop or allow to proceed). Volunteers may provide direction to event participants and may answer questions from regular highway users about the event.

   Volunteers are required to:
   • remain on the sidewalk or shoulder of the highway.
   • not stand in the travel lanes.
   • wear an ANSI Class 2 vest anytime they are within the highway right-of-way.

6. What scale map is required?
   No specific scale is required; as long as the required information is provided, the map doesn’t have to be to scale. Most applicants provide maps that fit on a standard size paper, such as 8.5” x 11” or 11” x 17”.

   Applicants with very long event routes generally submit a series of maps on 8.5” x 11” paper that when taped together create a map of the full event.

7. How do I show every intersection on a map for an event that is 200 miles long?
   An event map should show every intersecting street when possible, but it is understood that some event routes...
are of such a size that this is an impractical request. At a minimum, the event map must show all of the intersections where participants will turn from one highway onto another highway, and every stop-controlled, yield-controlled, and signalized intersection through which the participants will pass.

8. **Is there a required format for the list of intersections?**
   There is no required format for the list of intersections, but many applicants find it easiest to present this information in a table or spreadsheet. Other applicants simply list the intersections and the associated information in paragraph form. Whatever format is chosen, the information should be complete and easy to understand.

9. **Do I have to provide proof of police and emergency services coverage?**
   No proof is required, but the organizer is expected to have arranged for the coverage that is indicated in the application form.

10. **Are there requirements for a Changeable Message Sign [CMS] (sometimes called a Variable Message Sign [VMS])?**
    A CMS used to display messages for motorists must meet certain standards:
    - The CMS may not bear any advertising;
    - The CMS may not display any message that is not related to traffic control;
    - Text must be in all capital letters;
    - Characters must be a minimum of 18” high;
    - The display must have a minimum of 8 characters per line;
    - The message must use the day of the week rather than dates;
    - The message must not contain more than 3 lines per panel;
    - The message must not utilize more than 2 panels;
    - The CMS must be placed so that the sign is visible for a minimum distance of ½ mile day and night; and
    - The minimum message legibility requirements are 800 feet during the day and 600 feet at night.

11. **What kinds of temporary pavement markings can I use for my event?**
    While many applicants want to use tape for temporary pavement marking, NYSDOT recommends using either standard or spray chalk instead. Use of chalk ensures that no adhesive residue is left behind as the chalk can easily wash away. Chalk should be removed at the end of the event, typically within 48 hours.
Signing

1. If I want to install a temporary sign, do I have to get a utility stakeout?
If your event includes any type of digging, including driving sign posts into the ground, New York State law requires you to notify the one-call utility notification system serving the vicinity in which the digging is to take place. (Note that small signs on wire wickets do not require a call.)

All NYS counties except NYC, Nassau, and Suffolk – contact Dig Safely New York (www.digsafelynewyork.com) at 1-800-962-7962 or 811

Nassau and Suffolk Counties – contact New York 811 (https://newyork-811.com/) at 1-800-272-4480 or 811

2. Does a NYSDOT representative have to be present when we cover any signs or when we install our event signs?
It is very uncommon for an event to need to cover a permanent highway sign, and this work would have to be coordinated with the local NYSDOT Maintenance office to make sure it is done correctly. A NYSDOT staff person is not required to be present when temporary event signs and CMS are installed, although it may be required in unusual circumstances.

3. Are there any requirements for temporary signs?
Any signs intended to regulate, warn, or guide highway users must be compliant with the Manual on Uniform Traffic Control Devices (MUTCD) and the New York State Supplement to the MUTCD. Signing intended only for event participants is not required to comply with the MUTCD; highway users should be able to discern that these signs are intended only for event participants. Advertising is not permitted on any temporary signs placed within the State right-of-way. All temporary signing must be crashworthy if placed within the clear zone of any highway.

Additional information on signing for highway motorists can be found on the following pages.
Special Event Signing for Highway Motorists

Refer to Appendix A for Manual Intersection Control for races or other special events. Temporary signs for highway users must be MUTCD-compliant.

DOT understands that installing all of the approach signing, as illustrated in Appendix A, may not be feasible and/or practical. At a minimum, the W20-1, or other authorized sign, must be used to properly and adequately provide advance notice. The specifications for sign fabrication are provided in Figure 1 below. Signs should not include the text “CAUTION” as the color and shape of the signs (orange and diamond-shaped) are intended to inform the driver to be cautious.

Temporary signs are required to be crashworthy if placed within the clear zone of any highway. Examples of suggested crashworthy mounting methods can be seen in Figure 2.
NOTES:

1. Replace “XXXX” with appropriate word (e.g. “BIKE”) as authorized by NYSDOT.
2. For special events unrelated to races, replace “YYYY” with appropriate word (e.g. “PARADE”) as authorized by NYSDOT.

All dimensions in the table below are in inches.

<table>
<thead>
<tr>
<th></th>
<th>A</th>
<th>B</th>
<th>C</th>
<th>D</th>
<th>E</th>
</tr>
</thead>
<tbody>
<tr>
<td>on conventional roads:</td>
<td>30</td>
<td>0.5</td>
<td>0.75</td>
<td>4*</td>
<td>3</td>
</tr>
<tr>
<td>on expressways:</td>
<td>36</td>
<td>0.625</td>
<td>0.875</td>
<td>5*</td>
<td>3.75</td>
</tr>
</tbody>
</table>

* Text should be FHWA Series D 2000 (Refer to MUTCD).
Figure 2: Crashworthy Mounting Methods

NOTE:
1. These sign stands should be weighed down with sandbags.
Appendix A: Manual Intersection Control for Special Events

RACE, PARADE OR SPECIAL EVENT
MANUAL INTERSECTION CONTROL

NOTE:
1. Replace “XX” with appropriate word as authorized by NYSDOT.

<table>
<thead>
<tr>
<th>ROAD TYPE</th>
<th>DISTANCE BETWEEN SIGNS</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>A</td>
</tr>
<tr>
<td>Urban (30 MPH or Less)</td>
<td>100 Ft.</td>
</tr>
<tr>
<td>Urban (35-40 MPH)</td>
<td>200 Ft.</td>
</tr>
<tr>
<td>Urban (45 MPH or Greater)</td>
<td>350 Ft.</td>
</tr>
<tr>
<td>Rural</td>
<td>500 Ft.</td>
</tr>
</tbody>
</table>