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

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.