

**WESTCHESTER COUNTY
DEPARTMENT OF PUBLIC WORKS**

ADOPT-A-ROAD PERMIT AGREEMENT

THE COUNTY OF WESTCHESTER, a municipal corporation of the State of New York, having an office and place of business in the Michaelian Office Building, 148 Martine Avenue, White Plains, New York 10601, (hereinafter, the “County”) acting by and through the County of Westchester Department of Public Works,

(hereinafter, the “Department”),

and

(hereinafter, the “Group”)

WHEREAS, the parties recognize the need for and desirability of more attractive and litter free County roadways; and

WHEREAS, the parties are entering into this Adopt-A-Road Permit Agreement to enable the Group to contribute toward the effort of maintaining the appearance of a segment of the County roadway system (hereinafter, “Segment”).

NOW, THEREFORE, in consideration of the terms and conditions contained herein, the parties agree as follows:

1. Subject to the conditions set forth below and in the attached exhibits, the Group adopts a Segment to be designated by the Department in writing as follows:

2. The Group acknowledges and accepts hereby the hazardous nature of the activity contemplated hereunder.

3. No work of any nature will be performed on the pavement, shoulders or median of the traveled way.

4. Group participants' vehicles may not be parked on the travel lanes or in any way obstruct the free flow of traffic.

5. The organization and supervision of all activities shall be the Group's responsibility. Activities permitted are of a roadside maintenance nature including, but not limited to, litter pick-up, mowing, brush control and cutting, tree trimming and maintaining approved vegetation, except as modified by the Commissioner of Public Works ("Commissioner"). Power tools may not be used by the Group unless the Group is a licensed landscape contractor and Commissioner or his designated representative has specifically approved the use of power tools by the Group.

6. All participants must attend safety briefings before participating in field activity. The Department will provide a representative to present the safety briefing for the first meeting and after that a designated person from the Group will conduct such briefings. The first briefing to be conducted by the County will be held at a mutually convenient time and location to ensure that all participants are in attendance. The briefings conducted by the Group shall be held on-site prior to commencing field activities to ensure that all participants are in attendance. Each day that work is done in the adopted area, a designated safety person must review with the Group the safety checklist which is attached hereto and made a part hereof as Schedule "A" and have participants sign the safety signature sheet which is attached hereto and made a part hereof as Schedule "B". It will be the designated safety person's responsibility to insure the safety of the workers and the traveling public.

7. All participants must wear Department approved orange safety vests. The Department will provide such vests upon request. In addition, the Department shall provide the Group with a warning sign to be placed in the shoulder area of the Segment facing oncoming traffic, wherever the Group is engaged in field activities. The Group may provide to itself, other safety gear, subject to Department approval. The Group will pick up trash bags and other supplies from the County at the Road Maintenance Division Office, 198 Lake Street, White Plains, New York 10601, during normal working hours which for purposes hereof, shall commence at 8:00 a.m. and shall terminate at 4:00 p.m., Monday through Friday. The Group shall request additional vests and trash bags from the Department, if necessary.

8. Unused safety related equipment and trash bags supplied by the Department, if any, shall be returned to the County (same location as designated hereinabove) during normal working hours within one week following each field activity.

9. All other supplies, materials and equipment shall be supplied by the Group.

10. The Department will provide for the disposal of collected waste from the locations specified by the Department.

11. The Group will conduct activities at a frequency which will enhance the attainment of the goal which is to provide an attractive appearance along the adopted Segment. Clean-ups shall be scheduled a minimum of four (4) times per year, and the first clean-up shall be conducted in the months of April or May. All Segment related activities shall be subject to at least one (1) week's prior notice to the Department and to Department approval. All activities must be conducted during daylight hours and during non-peak traffic conditions, which is defined herein as after 9:00 a.m. and before 4:00 p.m.

12. Group participants must be twelve (12) years of age or older.

13. Each Group participant (or parent or other legal guardian if participant is 12 to 18 years old) will sign and date the "Adopt-A-Road General Release" which is attached hereto and made a part hereof as Schedule "C". The original release form for each participant must be given to the County before the Group commences activities hereunder. Said release shall be kept on file in the County permanently.

14. The Department will furnish and erect Adopt-A-Road signs at the beginning of each adopted highway Segment. Said signs shall be in substantially the format delineated in Schedule "D", attached hereto and made a part hereof. The Group will not use or display any business logo or commercial advertising at the Segment site.

15. This Agreement shall be for a two (2) year period commencing on _____, 20____, and terminating at 12:01 a.m. on _____, 20____.

16. Notwithstanding any other provision of this Agreement, if in the sole judgment of the Department, it is determined that the Group is not meeting the terms and conditions of this Agreement, upon five (5) days' notice, or summarily if based upon unsafe activity, the Department may terminate this Agreement as otherwise provided herein, and take such other action as it deems appropriate.

17. The Department recognizes the Group as the adopting organization for the Segment, and the Group accepts the responsibility of picking up litter on the adopted facility and of promoting a litter-free environment in the community for the term of this Agreement.

18. The relationship of the Group to the Department arising out of this Agreement shall be that of an independent contractor. Any and all members or employees of the Group under this Agreement shall be considered agents of the Group, and all claims arising under the Workers' Compensation Law of the State of New York on behalf of said employees while so engaged, and any act or omission on the part of the Group employees while so engaged in any of the work or services provided to be rendered herein, shall be the sole obligation and responsibility of the Group. The Group shall secure workers' compensation insurance, for the benefit of, and keep insured during the life of this Agreement, such employees engaged therein as are required to be insured by the provisions of the Workers' Compensation Law.

19. The Group hereby agrees to indemnify, save and hold harmless the County of Westchester and all its agents and employees from any and all claims, demands, actions, or causes of action whatsoever in nature or character arising out of or by reason of the execution or performance of work and services provided for herein and further agrees to defend at its own cost and expense any action or proceeding commenced for the purpose of asserting any claim of whatsoever character arising hereunder. Further, the Group shall name the County of Westchester as an additional insured on any liability policies providing coverage for its activities at the site performed pursuant to this Agreement and shall provide the County with a certificate of insurance evidencing such coverage.

Name of Group/Organization

Signature of Organization Leader

*Signature of
Superintendent, County Road Maintenance*

*Name of Organization Leader
(Please Print)*

*Authorized Signature
Commissioner of Public Works*

*Title of Organization Leader
(Please Print)*

*Adopt-A-Road Organization Coordinator
(Please Print)*

Address of Organization Coordinator

*Daytime Telephone Number of
Organization Coordinator*

*Nighttime Telephone Number of
Organization Coordinator*

Authorized by the Board of Acquisition and Contract of the County of Westchester at a meeting duly held on the _____ day of _____, 20__.

Approved as to form and
manner of execution:

Assistant County Attorney
The County of Westchester

PERMITTEE'S ACKNOWLEDGMENT

(If Corporation)

STATE OF NEW YORK)

ss.:

COUNTY OF WESTCHESTER)

On this _____ day of _____, 20____, before me personally came _____ to me known, and known to me to be the _____ of _____, the corporation described in and which executed the within instrument, who being by me duly sworn did depose and say that he/she, the said _____ resides at _____ and that he/she is _____ of the said corporation; that the seal affixed to the within instrument is such corporate seal and that it was so affixed by order of the Board of Directors of said corporation, and that he/she signed his/her name thereto by like order.

Notary Public

PERMITTEE'S ACKNOWLEDGMENT

(If Individual)

STATE OF NEW YORK)

ss.:

COUNTY OF WESTCHESTER)

On this _____ day of _____, 20____, before me personally came _____ to me known, and known to me to be the same person described in and who executed the within instrument and he/she duly acknowledged to me that he/she executed the same for the purpose herein mentioned and, if operating under any trade name, that the certificate required by the New York State General Business Law Section 130 has been filed with the County Clerk of Westchester County.

Notary Public

PERMITTEE'S ACKNOWLEDGMENT

(If Co-Partnership)

STATE OF NEW YORK)

ss.:

COUNTY OF WESTCHESTER)

On this _____ day of _____, 20____, before me personally came _____ to me known, and known to me to be a member of the firm of _____ and the person described in, and who executed the within instrument on behalf of said firm, and he/she acknowledged to me that he/she executed the same on behalf of, and as the act of said firm for the purposes herein mentioned and that the certificate required by the New York State General Business Law Section 130 has been filed with the County Clerk of Westchester County.

Notary Public

CERTIFICATE OF AUTHORITY
(Permittee)

I, _____
(Officer other than officer signing contract)

certify that I am the _____ of the _____
(Title)

_____ (the "Permittee")
(Name of Permittee)

a corporation duly organized and in good standing under the _____
(Law under which organized, e.g., the New York Business Corporation Law)

named in the foregoing agreement; that _____
(Person executing agreement)

who signed said agreement on behalf of the Permittee was, at the time of execution

(Title of such person)

of the Permittee and I further certify that said agreement was duly signed for and in behalf of said Permittee by authority of its Board of Directors, thereunto duly authorized, and that such authority is in full force and effect at the date hereof.

(CORPORATE SEAL)

(Signature)

STATE OF NEW YORK)

ss.:

COUNTY OF WESTCHESTER)

On this _____ day of _____, 20____, before me personally came
 _____, to me known, and known to me to be the
 _____ of _____
(Title)

the corporation described in and which executed the above certificate, who being by me duly sworn did
 depose and say that he/she, the said _____, resides at
 _____ and that he/she is _____

of said corporation and knows the corporate seal of the said corporation; that the seal affixed to the above certificate is such corporate seal and that it was affixed to the above certificate by order of the Board of Directors of said corporation, and that he/she signed his/her name thereto by like order.

 Notary Public County

SCHEDULE "A"
SAFETY CHECK LIST

- **NO HORSEPLAY**
- No children under 12 years of age may participate in field activities.
- Wear orange safety shirts or vests at all times.
- Stay well away from pavement areas and traffic.
- No vehicles should stop or park on roadways or in any way obstruct the free flow of traffic.
- Do not pick up anything that could be hazardous to your health. That includes needles, jagged glass, and animal carcasses or heavy objects. If in doubt, contact DPW.
- Always face oncoming traffic when working. Always have one person watching traffic.
- Wear appropriate gloves, long pants and appropriate clothing on the job. We recommend leather shoes or boots also.
- Make sure 12 to 18 year old children are supervised. One adult supervisor must be present for every six (6) children.
- No activity, including the operation of mowing equipment, shall be done on the roadway surface, shoulders or median.
- No horseplay or other activity that will compromise either your safety or distract motorists.
- Groups should have a first aid kit available and transportation should be available at all times for emergencies. Someone in the Group should be familiar with CPR techniques in case of emergency.
- Avoid over exertion and make arrangements to provide drinking water in hot weather.
- Wear eye protection when operating or in close proximity to power equipment such as mowers or grass trimmers. Other workers should stay well clear of mowing and trimming operations.
- Be sure that areas to be mowed are clear of debris such as rocks, glass and other objects. This applies to mechanical brush cutting operation as well.
- Do not walk on guardrail.
- Stay off the underside of overhead bridge structures.
- Do not lean over bridge railings.
- All work must stop in inclement weather.

SCHEDULE "B"
ADOPT-A-ROAD
DAILY WORK PARTY SIGN-OFF FORM

WORK DATE: _____

GROUP NAME: _____

GROUP SAFETY REPRESENTATIVE: _____

- **NO HORSEPLAY**
- No children under 12 years of age may participate in field activities.
- Wear orange safety shirts or vests at all times.
- Stay well away from pavement areas and traffic.
- No vehicles should stop or park on roadways or in any way obstruct the free flow of traffic.
- Do not pick up anything that could be hazardous to your health. That includes needles, jagged glass, and animal carcasses or heavy objects. If in doubt, contact DPW.
- Always face oncoming traffic when working. Always have one person watching traffic.
- Wear appropriate gloves, long pants and appropriate clothing on the job. We recommend leather shoes or boots also.
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- Be sure that areas to be mowed are clear of debris such as rocks, glass and other objects. This applies to mechanical brush cutting operation as well.
- Do not walk on guardrail.
- Stay off the underside of overhead bridge structures.
- Do not lean over bridge railings.
- All work must stop in inclement weather.

REMEMBER – You are working in a dangerous environment, **A PUBLIC ROADWAY!!**
I have read and will follow the above Safety Rules:

_____	_____
_____	_____
_____	_____
_____	_____

SCHEDULE "C"
ADOPT-A-ROAD
GENERAL RELEASE

That I _____, of
(Participant's Name)

(Participant's Address)

New York, in consideration of \$1.00 payment of which is hereby waived, and other good and valuable consideration given by the County of Westchester, for myself and my representatives in any capacity release and discharge the County of Westchester, the Department of Public Works and its officers and employees, their representatives, successors and assigns from all causes of action, controversies, claims, judgments or liabilities I now have or may hereafter have against said County, Department and its officers and employees arising out of my participation in the Adopt-A-Road Program.

IN WITNESS WHEREOF, I have executed this release on

_____.

(Signature)

(Print Name)

Westchester County
ADOPT-A-ROAD

PROGRAM

Road name

Westchester
gov.com



**Organization
Name**