

I. 136 HIGHWAY PERMITS AND 239-F PERMITS

- A. **Section 136** of the State Highway Law empowers the County Superintendent of Highways with the authority to issue permits for access to or work within a county highway right-of-way.

136 Permits will only be issued to the **property owner** (utility company, town, village, sewer district, water district, of the facility to be installed within the County highway right-of-way. The **owner** must sign the 136 highway permit as the applicant.

- B. **Section 239-F** of the General Municipal Law encourages cooperation between the county, towns and villages. Specifically, the law provides that municipalities shall not issue or approve building permits when proposed buildings have frontage on, access to or be otherwise directly related to any existing or proposed right-of-way or site shown on the county official map, unless an approval is given by the County Superintendent of Highways. The County Superintendent of Highways has 10 working days to respond with approval or disapproval.

Before a municipality approves a subdivision, they must notify the County Planning Board and the County Superintendent of Highways. In this case the County Superintendent of Highways has 30 working days to respond with approval or disapproval.

A 239-F permit must be submitted by the owner when a building permit will be issued by a town or village for a project that has frontage on a county highway or access to undeveloped property for the purposes of hunting, camping, recreational use, etc. A town or village official must fill out and sign this permit. If the town or village does not sign off on the 239-F permit, no 136 highway permit will be issued for the project. Therefore, the 239-F must accompany all 136 highway permits involving new buildings. No fees are charged for a 239-F permit.