

Example

ROAD PRESERVATION LAW

TOWN OF _____

ROAD PRESERVATION LOCAL LAW

JANUARY 1, 2010

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SECTION I: PURPOSE

The purpose of this law is to maintain the safety and general welfare of Town residents by regulating commercial activities that have the potential to adversely affect road right-of-ways. Well maintained roads are important to the economic well being of the Town. Commercial endeavors, such as timber harvesting, mining, and natural gas drilling, are also economically beneficial. This law is not intended to regulate such business: the intent is to protect the public right-of-ways from damage. The Town Board of the Town of _____ hereby enacts the following Road Preservation Local Law pursuant to the provisions of the Municipal Home Rule Law.

SECTION II: APPLICABILITY

The _____ Town Board delegates to the _____ Highway Superintendent the oversight of assuring commercial activities do not have an adverse impact on public right-of-ways.

SECTION III: DEFINITIONS

1. *High Frequency, High Impact Truck Traffic: Traffic to and from a single project site that generates more than ten truck trips per day for more than four consecutive days, involving trucks that exceed 20 tons (truck and load combined) that could impact Town road right-of- ways. Any seismic testing by vibrasise trucks (aka "thumper trucks") is considered high frequency, high impact truck traffic.*

2. *Bond: A commercial bond to ensure that the condition of the town roads impacted by*

high frequency, high impact truck traffic is left in as good or better condition at the completion of the project as they were at the start of the project.

3. *Road Preservation Local Law Worksheet (Appendix A): Worksheet is to be completed*

by hauling contractor or project sponsor, summarizing the project, project location, start and completion dates, expected max gross vehicle weight used for the project, proposed truck routes, and any other items that the Town Highway Superintendent deems necessary.

4. *Preliminary Bond Release: A bond release given by the Town Highway*

Superintendent based on satisfactory road conditions at project completion.

5. *Final Bond Release: Final release of the Bond by the _____ Town Board.*

SECTION IV: GENERAL PROVISIONS

1. *Prior to the start of any project that involves high frequency, high impact truck traffic that could have an impact on Town right-of-ways, a permit must be obtained. A bond amount shall be determined by the Town Board and will be listed on the fee schedule on file with the _____ Town Clerk. The amount of the bond may be changed by the Town Board by Resolution. A completed Road Preservation Local Law (RPLL) Worksheet (Attachment A), available from the Town Clerk or Town Highway Superintendent, must be submitted to the Highway Superintendent.*

2. *The Highway Superintendent will decide if the scope of work is such that a Bond is required. If no Bond is needed, the RPLL worksheet is approved by the Superintendent and becomes the Work Permit.*

3. *If the Highway Superintendent determines that a Bond is required, the bond must be paid to the Town of _____ and remitted to the Town Supervisor. The Worksheet will then be approved by the Highway Superintendent and becomes the Work Permit.*

4. *Upon issuance of the Work Permit and prior to commencement of the work, the hauling contractor or project sponsor will arrange for video documentation of condition of the roads, shoulders, and all structures (culverts, bridges, etc.) that will be traversed by the permitted traffic. The video documentation will be conducted by an independent third party and will be submitted to the Town Supervisor prior to commencement of the work. Video documentation will also occur monthly and within two weeks of the conclusion of the permitted work. All video documentation will be submitted to the Town Supervisor within one week of recording. Failure to submit the required video documentation will result in immediate revocation of the Work Permit.*

4. *Upon completion of the project, the hauling contractor or project sponsor will apply to the Highway Superintendent for a Preliminary Bond Release. Upon inspection of the work site, as necessary, the*

Highway Superintendent may approve the release of the Bond. If the release is not approved, the Superintendent will specifically document the tasks that must be accomplished in order for the Bond to be released. In this case, the the

hauling contractor or project sponsor will remedy the specified problem(s) items and then reapply for a Bond Release. Final Bond Release must be approved by the Town Board for repayment of the Bond funds.

5. If the hauling contractor or project sponsor does not comply and operates outside the parameters as specified on the worksheet, any law enforcement officer or Code Enforcement Officer has the authority to shut down the project.

6. The hauling contractor or project sponsor will be responsible for the repair of any damages that occur to the Town of _____ road right-of- ways, when a project proceeds without a proper permit.

SECTION V: SEISMIC TESTING SPECIAL CONDITIONS

The hauling contractor or project sponsor shall supply proof of insurance co-naming the Town of _____ with a minimum of \$3 million liability insurance coverage. The Town shall be notified 30 days prior by the insurance company of termination of such coverage.

SECTION VI: OTHER SPECIAL CONDITIONS

1. In no event shall vehicles or equipment be parked or located outside the roadway boundaries nor block access by neighboring landowners.

2. Traffic will be maintained in accordance with the Uniform Traffic Control Manual.

3. No ATVs or Four-wheelers will be allowed to operate in or on the Town road or right-of-way.

4. The hauling contractor or project sponsor shall be responsible for any and all repairs of damages caused by their operation to any Town property.

5. This law applies to the entire duration of any project that induces high frequency high impact traffic, as defined above, for any single five day interval of the project duration.

6. If any of these conditions are not met, the permit is automatically voided and all work shall cease.

SECTION VII: FEE

A non-refundable processing fee as depicted in the Town of _____ Fee Schedule, payable to the Town of _____, must accompany each Worksheet submitted to the Highway Superintendent.

SECTION VIII: APPEALS

Contractor has the right to appeal to _____ Town Board.

SECTION IX: REQUEST FOR VARIANCE

Request for a variance from the standards set forth in this Local Law shall be made to the _____ Town Board in writing and shall contain the grounds on which the appellant relies for requesting the variance, including allegations on any facts on which the appellant will rely. Where the _____ Town Board finds that due to special circumstances of the particular case a waiver of certain requirements as stated in Section IV is justified, then a variance may be granted. No variance shall be granted, however, unless the Town Board finds and records in its minutes that: (a) granting the variance would be keeping the intent and spirit of this Local Law and is in the best interests of the community, (b) there are special circumstances involved in the particular case; (c) denying the variance would result in undue hardship to the applicant, provided that such hardship has not been self-imposed; (d) the variance is the minimum necessary to accomplish the purpose.

SECTION X: INVALID SEGMENT

Should any section or provision of this Local Law contained herein or as amended hereafter be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Local Law as a Whole or any part thereof-other than the part declared to be invalid.

SECTION XI: EFFECTIVE DATE

This Local Law shall take effect upon filing with the State of New York.

ATTACHMENT A

ROAD PRESERVATION LAW WORKSHEET

1- Hauler/Project Sponsor:

Address: _____

Phone:

2-Work Description (logging, gravel mining, natural gas drilling etc.):

Work Location:

Proposed Truck Routes (include miles to be traveled on each road):

3- Landowner: _____

Address: _____

Phone: _____

4-Start Date: _____

Completion Date: _____

Expect maximum gross vehicle weight :

Maximum truck trips per day:

5-Bond Amount: Date Paid:

Approval Date:

Hwy Superintendent

6-Preliminary Bond Release Application Date: _____

7-Defincies to be repaired:

8-Final Bond Release Application Date: _____

9-Final Bond Release: _____ Date: _____

Town Supervisor

ATTACHMENT A

FEE SCHEDULE

Road Type	Dirt and/or Gravel	Chip Seal (gravel with tar)	Asphalt with base >7"	Asph base
Bond per mile traveled	\$3500	\$15,000	\$54,570	\$94,
Multiply by Number of miles				
Multiply by Number of vehicles on the peak travel day of the project				

ROAD TOTALS:

Structures (bridges and/or culverts by diameter)

60" up to 19'-11"

20' and gre

Bond per structure

\$ 500,000

\$1,500,000

Multiply by number of structures

STRUCTURE TOTALS:

BOND TOTAL: