

ROAD PRESERVATION LOCAL LAW #

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SECTION I: PURPOSE

The purpose of this law is to maintain the safety and general welfare of Town residents by preventing damage to and the destruction of the surface, roadbed and ditching of Town roads, while respecting the Right to Farm Laws.

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 Columbus hereby enacts the following Road Preservation Local Law pursuant to the provisions of the Municipal Home Rule Law and the Vehicle and Traffic Law 1660.

SECTION II: APPLICABILITY

The Columbus Town Board delegates to the Town of Columbus 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 2 days within a 30 day period, involving trucks that exceed 20 tons (gross combined weight) 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. *Specific Contracted Project:* Commercially contracted activities between Town landowners or their agents and commercial contractors that could impact Town road right-of-ways.

3. *Town Road Right-of Way:* The right of way (ROW) on roads owned by the Town of Columbus is 24.9 feet from the center of the road.

4. *Bond:* A surety 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.

5. *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 gross combined weight used for the project, proposed truck routes, and any other items that the Town Highway Superintendent deems necessary.

6. *Preliminary Bond Release:* A bond release given by the Town Highway Superintendent based on satisfactory road conditions at project completion.

7. *Final Bond Release:* Final release of the Bond by the Columbus Town Board.

8. *Town Road, Town Highway:* All roads and highways including seasonal limited use roads designated as such pursuant to Highway Law 205-a, both paved and unpaved, open to travel by the public pursuant to easement or fee title vested in the Town of Columbus, which said roads and highways are repaired and maintained by the Town of Columbus and listed upon the town's official inventory of public highways for state aid purposes.

9. *Driveway:* Any private way, private road, or other avenue of private travel that runs through any part of a private parcel of land that connects or will connect with any public highway, and will provide service to a residence, business, recreational site, or other similarly appropriate use.

10. *Driveway Permit Application:* Application is to be completed by hauling contractor, project sponsor or owner when a driveway is to be installed on Town of Columbus roads.

SECTION IV: GENERAL PROVISIONS

1. No person shall establish or construct a driveway or reconstruct, reroute, or alter any highway access onto a town road without first obtaining a Driveway Permit, issued by the Town Highway Superintendent. Application is available from the Town Clerk or Highway Superintendent.

2. Seasonal restrictions may be imposed at the discretion of the Highway Superintendent during the spring and in the fall, or when conditions warrant to prevent damage to Town roadways.

3. Vehicles or equipment will not be parked or located as to obstruct normal road usage including but not limited to school buses, snowplows and emergency vehicles.

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

SECTION V: HIGH FREQUENCY/HIGH IMPACT TRUCK TRAFFIC

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 current Schedule of Fees and Penalties on file with the Columbus 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 Highway 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 Columbus and remitted to the Town Clerk. The worksheet will then be approved by the Highway Superintendent and becomes the Work Permit.

4. The bond shall be in the form of a Surety bond issued by an insurance company authorized to do business in the State of New York.

5. The hauling contractor or project sponsor shall supply a Certificate of Insurance with the following provisions:

- Automobile Liability with minimum limits of \$5,000,000 for Bodily Injury and Property Damage.
- Commercial Liability with minimum Limits of \$5,000,000 for Bodily Injury and Property Damage.
- All insurance to name the Town of Columbus as Additional Insured
- Provide a 45 day notice of cancellation.

6. Upon issuance of the Work Permit and prior to commencement of the work, the hauling contractor or project sponsor will arrange for documentation of condition of the roads, shoulders, and all structures (culverts, bridges, etc.) that will be traversed by the permitted traffic. The documentation acceptable to the Highway Superintendent will be conducted by an independent third party and will be submitted to and meet approval of the Highway Superintendent prior to commencement of the work. Documentation will occur monthly and within two weeks of the conclusion of the permitted work. Additional documentation may be required due to weather conditions, as determined by the Highway Superintendent

All documentation will be submitted to the Town Highway Superintendent within one week of recording. Failure to submit the required documentation will result in immediate revocation of the Work Permit. All costs of third party documentation for the projects are to be borne by the applicant or sponsor.

7. Upon completion of the project, the hauling contractor or project sponsor will apply to the Highway Superintendent for a preliminary bond release inspection. The bond proceeds shall be returned to the applicant without interest upon completion of the permitted activities subject to the passing of an inspection of the affected town road(s) or highway(s) by the Highway Superintendent. Following inspection of the work site, the Highway Superintendent may approve the release of the Bond.

In the event such inspection discloses that the roadbed, surface, signage, ditching or culverts of the affected town road(s) or highway(s) have been damaged during the course of the permitted activities to the extent that such damage is in excess of the ordinary repairs and maintenance the Town annually performs on the affected road(s) or highway(s), the Town, utilizing the bond funds, shall cause same to be repaired to as good a condition as existed immediately prior to the commencement of the permitted activities.

Bond funds in excess of the amount required to pay the cost of repairs shall be returned to the applicant. In the event the cost of repairs exceeds the amount of the bond funds, the applicant shall be liable to pay the excess cost to the Town. Failing to do so, the Town may resort to any legal remedy including any legal fees and associated court costs available to it for its collection. Until such time as said monies are paid the applicant shall be ineligible for a future permit.

8. 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 the Highway Committee has the authority to shut down the project.

9. The hauling contractor or project sponsor will be responsible for the cost of the repair of any damages that occur to the Town of Columbus road right-of-ways.

SECTION VI: EXCEPTIONS FOR HIGH FREQUENCY/HIGH IMPACT TRUCK TRAFFIC REQUIREMENTS

The following vehicles shall be exempt from operation of this ordinance;

1. Emergency response vehicles owned by a fire company and/or ambulance service, local or state government.
2. School Buses and snowplows.

SECTION VII: HIGHWAY SPECIFICATIONS

1. Forty-nine and eight tenths (49.8) foot cleared swath in which roadway will be centered.
2. Steel culverts or smooth bore plastic with a minimum of forty (40) feet in length with head wall at inlet end. Size of culvert determined by Town; no smaller than fifteen (15) inches (larger if necessary) and placed where necessary. Pipe must be back filled with item 4 and compacted in 4 inch lifts. Markers (delineators) must be installed at each end of pipe.
3. Minimum of twenty (20) feet of gravel road surface with five (5) foot shoulders on both sides . The gravel sub base will consist of twelve (12) inches of material no larger than six (6) inches. Crushed or screened gravel (item 4) will be used as a layer between sub base and asphalt surface.
 - 3A. Any unsuitable material will be removed and replaced with new gravel. Shale will not be acceptable.
4. Ditches to be installed to the outside of shoulder will be two (2) feet deeper than the center of the roadway.
5. Perennial seed and mulch of all side slopes that may have been disturbed is required.
6. All Intersections will meet any existing road at a 90 degree angle.
7. Subdivision projects will be bonded by developer.
8. Road will be allowed to settle for one (1) year from completion date before turning over to Town.
9. Town Highway Superintendent reserves the right to do periodic inspections and grant final approval upon completion.
10. Any existing road must be rebuilt by developer at his/her own expense.
11. When job is completed, it will be reviewed by Town Highway Superintendent to determine the placing of guard rails and/or signs where necessary.

12. Town will also consult with County Engineer on the total project from time to time.
13. The road will be stoned and oiled or asphalt paved with a minimum of two (2) layers and sealed.
14. Town does not assume any responsibilities for the road until there is official acceptance of the streets. See Subdivision Law.
15. If the road is a dead end, a snow plow turn-around or cul-da-sec suitable for a ten wheeled dump truck must be made.
16. Driveway permit is required for all roads owned by the Town of Columbus. Application available from Town Clerk or Highway Superintendent.

SECTION VIII: FEE

A non-refundable processing fee as depicted in the Town of Columbus Schedule of Fees and Penalties, payable to the Town of Columbus, must accompany each Road Preservation Local Law Worksheet submitted to the Highway Superintendent. Driveway permit fees are depicted in the Town of Columbus Schedule of Fees and Penalties, payable to the Town of Columbus, and must accompany each Driveway Permit Application if required.

SECTION IX: PERMIT SUBJECT TO SUSPENSION OR REVOCATION

During the course of the permitted activities the Highway Superintendent shall have the right to periodically inspect the affected town roads, including but not limited to the roadbed, road surface, ditching, culvert(s) and sluice(s). In the event such inspection reveals excessive damage to, destruction of the roadbed, road surface, culverts, ditching, signage, sluicing, or the failure of the applicant to abide by any special terms or conditions of the permit, the Highway Superintendent may suspend the applicant's permit until such time as all noted defects have been cured to the reasonable satisfaction of the Highway Superintendent, failing which the Highway Superintendent shall have the authority to revoke the applicant(s) permit.

SECTION X: PENALTIES

Any person violating this local law shall be guilty of a violation punishable by a fine according to the Town of Columbus Schedule of Fees and Penalties. Each twenty-four hour period or portion thereof during which a violation occurs shall be deemed a separate offense. In lieu of or in addition to said penalties, the Town may initiate legal proceedings in a court of competent jurisdiction for injunctive relief, money damages or such other and further relief as appropriate.

SECTION XI: APPEALS

Contractor has the right to appeal to the Columbus Town Board.

SECTION XII: REQUEST FOR VARIANCE

Request for a variance from the standards set forth in this Local Law shall be made to the Columbus 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 Columbus 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 XIII: 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 XIV: EFFECTIVE DATE

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

ATTACHMENT A
ROAD PRESERVATION LAW WORKSHEET FOR
HIGH FREQUENCY/HIGH IMPACT TRUCK TRAFFIC

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: _____

Expected maximum gross combined weight: _____

Maximum truck trips per day: _____

5. Bond Amount: Date Paid: _____

Approval Date: _____

Hwy Superintendent _____

Town Clerk & Date Received _____

6. Preliminary Bond Release Application Date: _____

7. Deficiencies to be repaired: _____

8. Final Bond Release Application Date: _____

9. Final Bond Release: _____ Date: _____

Town Supervisor signature _____

For Official Use Only:

___ Permit is denied. Reason for denial: _____.

___ Permit is approved. This permit is revocable and non-transferable.

___ Permit fee has been paid.

___ Permit deposit/bond has been paid on _____. Received by _____.

___ Documentation provided. Date provided _____.

___ Documentation accepted. Date accepted _____.

___ Insurance provided. Date received _____.

___ Roadway restoration approval on _____. Approved by _____.

___ Permit deposit returned on _____. Returned by _____.

Special conditions apply. See attachment for explanation.

Dated this _____ day of _____ 20 ____

By: _____

(Highway Superintendent Town of Columbus)

(To be included with Schedule of Fees/Penalties, NOT to be included with the law)

BOND SCHEDULE

Road Type	Dirt and/or Gravel	Chip Seal (gravel with tar)	Asphalt with base less than 7"
Bond per mile traveled	\$150,000	\$250,000	\$750,000

Structures (bridges and/or culverts by diameter)	60" up to 19'-11"	20' and greater*
Bond per structure	\$1,000,000	\$2,500,000

*Multiple spans will require a bond for each span of \$1,500,000

Non-Refundable Processing Fee: \$1000.00
Must be submitted with the
Road Preservation Local Law Worksheet for
High frequency/High Impact Truck traffic.

Driveway Fee Schedule:

Class I Residential \$25.00
Class II (Commercial land and/or building(s)
for diversified business types
including non-retail commercial) \$100.00

Class III (Industrial Business Use) \$100.00
Class IV (Temporary Industrial Use) \$100.00

Penalties:

Non-compliance fines for:

- high frequency/high impact truck traffic provisions \$25,000 per day per violation
- Seismic testing special conditions \$25,000 per day per violation

Violation of road preservation law general provisions:

- Driveway violation by class
 - Class I \$ 400.00
 - Class II \$1000.00
 - Class III \$1000.00
 - Class IV \$1000.00
- Seasonal restriction violation As determined by Highway committee per estimate of repair
- Parking/obstruction of normal road usage As determined by NYS Vehicle & Traffic Law

Attachment B: Driveway Permit Application**A. Statement of Ownership and Interest**

The applicant(s) _____

Is/are the owner(s) of property located at _____.

Tax Map No: _____ Lot Size: _____

Fire District: _____

Applicant mailing address _____

Phone: (day) (____) _____ Evening: (____) _____ Cell: (____) _____

E-mail: _____

B. Request

Type of Driveway Activity (check one)

 Class I Driveway (Residential) Class II Driveway (Commercial land and/or building(s) utilized for diversified business types including non-retail commercial) Class III Driveway (Industrial Business Use) Class IV Driveway (Temporary Industrial Use): Duration of activity:

From: _____ to _____

Name of Road to which driveway will connect: _____

Planned completion date: _____

C. Site Plan Submittal (if requested by Highway Superintendent)

The following is a site plan requirements checklist. It will be reviewed by staff to determine that right-of-way (ROW)/Driveway access to the site is in accordance with local laws. The right of way (ROW) on roads owned by the Town of Columbus is 24.9 feet from the center of the road. This information will also be used to assign 911 Addresses.

Applications will not be processed without the following information:

1. The Site Plan must be accurately drawn to scale (no smaller than 1 inch~50 Feet). Indicate direction with North arrow. The Site Plan must indicate the location of the proposed driveway access and other items and measurements to include:

A. Shape of the lot or parcel of land. Note: this may require a separate drawing showing overall plot plan with location of driveway/ROW access.

B. Driveway Information

1. Distance from centerline of road of right-of-way (D)

2. Width of driveway pavement (W)

3. Length of driveway from edge of road to residence, commercial, Agricultural/or industrial building, or industrial or utility installation (cell phone tower or natural gas well pad, e.g.)

4. Radius of driveway turnout (R)

5. Utilities in Right-of-Way within 50 feet of driveway (water, sewer, gas, electricity, cable, etc.)

2. Cross Section and Details must be included; they are not required to be drawn to scale, But must clearly indicate the information requested as follows:

A. Culvert Information

1. Length, opening size, and type of material of drain pipe (min. Length=20 ft, diameter=12 in.)
 2. Material and dimensions of endwalls (stone or precast concrete required)
 3. Arrow showing direction of water flow in drainage ditch
 4. Pipe size and materials of nearest upstream and downstream culverts
 5. Indicate "No Culvert Necessary" with reason
- B. Surface and Base Materials:
1. Materials and thickness (in inches) of surface layer
 2. Materials and thickness (in inches) of base layer(s):
 - a. Compacted or stabilized existing soils
 - b. Other type of base material with depth
3. Clearance(s) and Site Line Distances:
- A. Minimum distance from property line = 25 feet
 - B. Consider referencing Highland/DOT standards on site distances (Ex. Site Distance determined by speed limit, currently 550 feet site distance in 55 mile per hour zone per Uniform Traffic Control Books)
4. Name/Address/Phone of contractor Installing or Modifying the Driveway:
-
-
-

CONDITIONS OF THIS PERMIT:

1. The owner must fill out this permit and return it to the address shown below. They will place stakes where they would like to put the driveway. Be sure to indicate the Town Road name and the exact location of the property.
2. The Town Highway Superintendent will then inspect same and advise as to the diameter, length, and gauge of the pipe and end sections. All driveway pipe will be PLASTIC PVC OR CORRUGATED STEEL; (CORRUGATED OUTSIDE, SMOOTH INTERIOR) PIPE WITH END SECTIONS (OR OTHER APPROVED MATERIAL AT THE DISCRETION OF THE TOWN HIGHWAY SUPERINTENDENT).
3. The owner will purchase the pipe and end sections and have them delivered to the site. After the pipe is delivered the owner will again contact the Town stating that the pipe is at the site.
4. The Town will install the pipe and cover with gravel at no charge to the owner for Class I Driveway. Town of Columbus Fees and Penalties schedule applies Class II, Class III and Class IV driveways, available from Town Clerk.
5. It is the owner's responsibility to do any other work needed to complete the construction of the driveway. The Town will advise ways to construct so that no water will flow on the highway or highway shoulder. It is UNDERSTOOD THAT THE OWNER WILL FOLLOW THAT ADVICE.
6. If it is decided that there is no need for pipe, it will be the owner's responsibility to construct the driveway entrance-keeping in mind that in no way will any work be permitted that will cause water to flow onto the highway or the highway shoulder.
7. NO REMOVAL OR BREAKING OF EXISTING GUIDE RAIL WILL BE ALLOWED.

I hereby certify that the information contained in this application is true and correct. I hereby accept the terms of this permit including the following:

It is understood that the maintenance of the driveway shall be the owner's responsibility. It is further understood and agreed that approval is subject to my full compliance with the pertinent statutes, as well as any codes, rules, regulations, ordinances and permit requirements of other jurisdictions. I agree to comply with all permit provisions, superimposed notes and detailed drawings which may be required by the Town of Columbus. Any alteration of this form is prohibited. I understand that I have the right to appeal any decision to deny a driveway permit to the Town Board.

(Date)

(Signature of owner)

(Owner's name) Please Print

Address

City/State/Zip

Phone number (include area code)

For Official Use Only:

____ Permit is denied. Reason for denial: _____.

____ Permit is approved. This permit is revocable and non-transferable.

____ Permit fee has been paid.

____ Permit deposit has been paid on _____. Received by _____.

____ Roadway restoration approval on _____. Approved by _____.

____ Permit deposit returned on _____. Returned by _____.

Special conditions apply. See attachment for explanation.

Dated this _____ day of _____ 20 ____

By: _____

(Highway Superintendent Town of Columbus)