

Town of Bristol

May 8, 2013

Inter-municipal Workshop of Natural Resource Extraction Management:

The group met with Donald Young, of law firm Boylan and Code. Don presented the group information regarding Road Use and Repair Agreements, a draft version of Request for Qualification Inventory of Local Roads, a copy of the local law being presented in the Town of Dryden (this evening) regarding Road Use and Preservation of same, a copy of Dryden's Road Use Agreement, and model town ordinances for Road Preservation and Protection compiled by Cornell Local Roads Program as presented by David Orr in August of 2010 as well as the outline for this evening's meeting. He had researched several towns and counties for examples of their laws regarding road use and preservation and felt the town of Dryden's was the closest to what he had determined from our previous input to him to be a good basis for establishing one of our own.

He mentioned that there some areas that local municipalities can deal with under Home Rule (which has been upheld so far by the State Court system) and more specifically under NY Vehicle and Traffic Law Section 1660. Under NYVL 1660 it suggests that permitting as a means of control should be limited at the local level as this is an area dealt with at the state level and under section 320 of this law it states that if a highway or bridge maintained at public expense is damaged or destroyed the user shall be fined for each offense with treble damages. This can become a bargaining chip when establishing Road Use Agreements with a Developer of a project.

Road Use Agreements are a voluntary commitment by the Developer and the Town and as such are defensible. Some of the components are:

- Establish a truck route system for trucks heavier than 10,000 lbs.
 - a. Classification of Roads based upon initial quality/age/condition
 - b. Posting of Roads
- Exclude trucks from certain roads based upon:
 - a. weight, length, height or width
 - b. hours of operation
 - c. for any other reasonable basis
- Temporary exclusion from roads based on weight-must be based on concern for material injury for the road
- Establish other provisions that address local traffic concerns (subject to state limitations) this could be customized with regard to time/location/proposed route, provide flexibility to upgrade roads for custom routes
 - a. High Impact/Concentrated Traffic Controls:
 - i. DEFINE high impact concentrated traffic
 - a. Triggered by construction/operation
 - 1. Discretion of Hwy Super by use of pre-construction worksheet
 - b. X# of trips per week
 - c. X # of miles per week

- li Requirements triggered by high impact/concentrated traffic
 - a. Haul route proposal by developer vs. haul route established by town in advance
 - b. Pre-use analysis documentation (advance vs. upon application at developer's expense)
 - c. Video documentation
 - d. Determination regarding upgrades
 - e. Upgrades
 - f. Bonds/Escrow/L of C
 - g. Insurance-town name as additional insured
 - h. Emergency repairs
 - i. Post use analysis-distinguish from normal wear and tear
 - j. Repairs
- Encourage RUA-can't require but push for this
- Enforcement
 - a. Penalties/fines
 - b. Stop work orders
- Other:
 - a. DEFINITIONS:
LOCAL DELIVERY
DEVELOPER
 - b. Fees: connected to administrative costs of implementing the local law, not a use fee/permit fee but engineering and legal costs, etc.

The main points of this evening's session

- Must have reasonable basis necessary to form a record-engineering background is integral to this step
- Must generally allow for local delivery and pickup
- Must allow trucks to be able to connect to state roads

Don asked that the towns represented looking at all of the information provided this evening, specifically the Dryden documents and share them with their Planning Boards and Town Boards and Attorneys for input as to what they would change and or keep. This information is to be forwarded to Tim Jensen and or Don Young so Don can put together a sample document for the inter muni group to use regarding Road Preservation and Protection at the next meeting that will be one month out. He asked that we button up this part of studies so we can move onto the Zoning issues.