

## **Road Weight Limit Ordinance** Hancock, New Hampshire

Date: March 2, 2007

Governing Laws: RSA 231:191

Approval Date:

**Purpose:** The Town of Hancock expends considerable public funds on maintenance of its road network. Studies have shown that excessive vehicle weights contribute to the early failure of traveled surfaces, particularly during the spring thaw. The Town of Hancock also recognizes the economic benefit derived from commercial hauling operations. This ordinance is enacted to assure that the delicate balance between preserving our road network and commercial hauling can be maintained.

**Effective Date:** This ordinance will take effect 7 calendar days after Selectboard signature.

Road Postings will take effect 24 hours after the signs have been duly erected unless otherwise mentioned.

**Ordinance:** It shall be unlawful for any person, partnership or corporation to operate any vehicle on any class IV, V, or VI highway within the Town of Hancock that violates any provision of this ordinance. Any Class IV, V, or VI highway that has a reduced load limit, other than that allowed by RSA 266:17-26, shall be posted in accordance with currently acceptable practices and technology.

**Exemptions:** Emergency vehicles, Home Fuel Delivery trucks, Government owned vehicles, and School buses shall be exempt from this ordinance. Also exempt from this ordinance are residents whose only access to their residence or place of business is across a posted road. The ordinance will be considered waived provided the vehicle they are operating is used to get to and from their primary residence or business and is operated without a significant load.

- 1. Mud Season Posting:** Mud season is a fact of life in New England. Mud season can occur at any time after the initial ground freezes in the fall, but most typically occurs between February 1<sup>st</sup> and April 30<sup>th</sup>. The

Hancock Selectboard may authorize posting of class IV, V, or VI roads during mud season after testimony from the Hancock Road Agent at a legal meeting of the Selectboard, regular or special.

- a. The Hancock Road Agent will use the Guidelines for Spring Road Use Restrictions published by the UNH Technology Transfer Center in determining the need to post for mud season. The degree day temperature method will be utilized to determine the need to post any road. The Highway Department will keep the degree day log based on the weather station at the Highway Department.
- b. When to close a particular road will be based on the type of travel surface of any particular road. As a guide the following information is provided:
  1. Unpaved roads or any paved road that has been overlaid or reconstructed within the last 5 years, or any paved road with a pavement thickness of 2 inches or less may be posted after 5 consecutive positive Cumulative melting degree days (CMDD).
  2. All other paved roads may be posted after 10 consecutive positive CMDD.
- c. Road postings will be lifted as soon as the Road Agent determines that the threat to the public road has been eliminated. As a guide, the Guidelines for Spring Road Use Restrictions published by the UNH Technology Transfer Center will be utilized as well as local knowledge of the particular road.

1. **Excessive Hauling:** Large construction sites and large timber removals can generate a substantial number of heavy truck trips per day. This constant loading of the traveled surface can cause premature failure of the traveled portion of the road. Constant loading of the traveled surface will show as rutting or shoving on a paved or gravel surface. In an attempt to preserve the travel portion of the road, The Hancock Road Agent may need to take immediate action to avoid expensive repairs to the roadway. In the event that the Hancock Road Agent discovers a situation that may, or has already, jeopardized the Road surface, The Hancock Road Agent may post any Class IV, V, or

VI highway to prevent any further damage.

- a. Load limit posting will take effect immediately, once signs are legally posted. The Hancock Road Agent will attempt to locate the hauler/responsible party to discuss alternate routes. If no alternate routes are available, a restoration bond will be required before any waivers are granted.
- b. As soon as practical, the Hancock Road Agent will inform the Hancock Administrative Assistant. The Administrative Assistant will contact the Chair of the Selectboard and apprise them of the situation.
- c. At the next regularly scheduled Selectboard meeting, the Road agent will brief the entire board of the situation and resolution. The Selectboard can increase or reduce any conditions that have been imposed by the Hancock Road Agent.

**1. Through Trucking Load limitations:** The below named roads, streets and bridges have a permanent reduced load limit for through trucking. This is not meant to prevent any delivery to any dwelling or property that has its only access from one of the below named roads, streets or bridges.

- a. Kimball Road from Route 202 to Forest Road-10 ton load limit.
- b. Antrim Road Bridge (twin Culverts)-6 ton load limit

**Waivers:** Waivers from load limit restrictions may be obtained from the Hancock Road Agent.

1. 3 copies of the waivers will be made, 1 for the operator of the vehicle, 1 for the Highway Department, and 1 for the Police Department.
1. The waiver will only be valid if the driver of the vehicle has a signed copy on his/her person and all conditions of the waiver have been complied with. If any conditions of the waiver are violated, then the instance will be considered a violation and any waiver that was approved will be null and void.

1. The Hancock Road Agent reserves the right to require a restoration bond to grant any waiver. See **Restoration Bonds** for details.
1. Any individual, business, or corporation that has a violation of this ordinance in the last 3 years will automatically be required to file a restoration bond.
1. The granting of a waiver does not absolve the applicant from financial responsibility for any damage done to the public way, RSA 236:11.

**Restoration Bond:** If a Restoration bond is required, the following guidelines will be used as a means to determine the bond amount.

1. The waiver permit will specify the roads that will be covered under this bond. The Hancock Road agent will measure the distance of the affected road/roads. The Hancock Road agent will calculate the full cost of total reconstruction of the affected roadway. Paved roads will be calculated using current pricing for full depth reclamation with 3 inches of bituminous asphalt layer. Gravel Road will be calculated using a cost to remove any unsuitable material, and then reconstruct using 6 inch minus bank run base gravel, and  $\frac{3}{4}$  inch crush gravel. This figure will represent the maximum bond amount.
2. The Hancock Road Agent will determine the most likely extent of damage possible for the particular situation. They will consider the number of vehicles, maximum weight of vehicles, age of the affected road, and any other pertinent information about the particular situation. All these variables will be used to calculate a percentage of risk. (1%-100%). This percentage risk will be multiplied by the full cost of restoration to determine the preliminary bond amount.
3. The Hancock Road Agent will provide the Hancock Selectboard with a proposed bond amount, conditions to attach to the waiver and any other information the Board may require.

4. The Selectboard will determine the official bond amount at their next regularly scheduled meeting. This will become the official bond amount that will be required.
5. The waiver will be granted, with any conditions, once the town has received the full bond amount. At the time the Board has received the full bond amount, the Hancock Road Agent and the waiver applicant will survey all roads covered under the bond. Written or video documentation will be held as to the prior condition of the road.
6. The release of the bond will happen after the project is 100% complete and the Hancock Road Agent has re-surveyed the road for any damage. Any damage must be repaired to the Town of Hancock Specifications prior to the releasing of the bond.

**Penalty:** Whoever shall fail to comply with any provision of this ordinance shall be guilty of a violation and subject to fine of \$250.00 for a first occurrence, and \$500.00 for any subsequent occurrence. For the purposes of this ordinance, each load hauled, transported, or moved over a posted road shall be a separate occurrence.

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BOARD OF SELECTMEN  
HANCOCK, NEW HAMPSHIRE