



Road Use Agreements

Policy No.: 4183
Department: Administration
Authority: Council
Current Approved Date: August 9, 2016

Policy Statement:

Road infrastructure in Lamont County is intended for public use. Lamont County recognizes that business and industry rely upon road infrastructure. However, it is acknowledged that at times demands placed upon roads by truck traffic often exceed capacity of the roads, resulting in damage to the roadways that render the roads unsafe or damaged. This Policy is directed at preserving road infrastructure by reducing road damage or to ensure the repair of damages by the responsible party or parties while minimizing publicly funded maintenance costs and protecting the safety of all road users.

Purpose:

To define criteria regarding the issuance, use and enforcement of Road Use Agreements by Lamont County with persons or businesses who may cause extraordinary damages to roads within the jurisdictional boundaries of Lamont County.

Application of This Policy:

Lamont County may require any person or business to enter into a Road Use Agreement where the proposed business, operation, activity or development of the entity may cause extraordinary damage to the roads in Lamont County. Lamont County may also require a person or business to enter into a Road Use Agreement as a valid condition of a Development Permit where the proposed development may result in damage to roads in Lamont County.

Any person or business found to be operating a truck or trucks on roads within Lamont County without applying for a Road Use Agreement or exemption is subject to this policy and the penalties hereunder.

The Director of Public Works or designate may, at his or her discretion, determine whether a person or business will be required to enter into a Road Use Agreement prior to the use of County roads for any business related purposes. The Director of Public Works or designate will consider the following criteria in determining the need for a Road Use Agreement:

- Number of loads
 - Time frame
 - Type of vehicle(s)
 - Weight and size of loads
 - Distance and route of the haul
 - Classification and condition of road(s)
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All roads within the control, direction and management of Lamont County are maintained for public use, and no single road user shall damage roads to the detriment of other road users. All road users shall utilize the roads in a manner which minimizes and prevents damage to roads within the jurisdictional boundaries of Lamont County.

The Director of Public Works, or designate, is the delegated authority to approve the form and content of the Road Use Agreement, and has the authority to implement, negotiate and enforce this Policy and any Road Use Agreement.

A person or business must contact the Director of Public Works or designate prior to commencing any operation, activity or development that will increase truck traffic on Lamont County roads. Additionally, the Director of Public Works or designate may contact any person or business who has not fulfilled their obligations before commencing operations and require that person or business to enter into a Road Use Agreement with Lamont County.

A person or business who has entered into a Road Use Agreement with Lamont County shall comply with all terms and conditions of the Road Use Agreement, in addition to any road bans issued by Lamont County and all requirements of the Province of Alberta Commercial Vehicle Dimensions and Weight Regulations at all times while utilizing any roads within the jurisdictional boundaries of Lamont County. This includes, but is not limited to, initiating pre and post-haul inspections, providing appropriate security and insurance during the term of the Road Use Agreement, and undertaking any and all required maintenance and restoration of roads in accordance with Lamont County's General Municipal Servicing Standards.

Enforcement:

Where a person or business that has entered into, or is required to apply for a Road Use Agreement or exemption is in default of the terms and conditions, Lamont County may either suspend, restrict or terminate the Road Use Agreement or pursue any other corrective action. To assist with the penalties and remedies available for an alleged default of the Road Use Agreement, the following shall provide a guideline to the Director of Public Works, or designate. The Director of Public Works, or designate, is not bound by the recommended penalties and remedies, and has the absolute and sole discretion to pursue any penalty or remedy available pursuant to the Road Use Agreement. In addition to the penalties and remedies listed below, note that a person or business's previous record with Road Use Agreements may affect person or business's ability to obtain a subsequent Road Use Agreement.

<u>Infraction</u>	<u>Penalty</u>
Hauling outside designated route without prior County approval.	<ul style="list-style-type: none"> • 1st incident: Immediate one day suspension of Agreement • 2nd infraction: One week suspension of Agreement. • 3rd infraction: One month suspension of Agreement. • 4th infraction: Permanent suspension of this Agreement and all future Agreements.
Other Traffic Safety Act; related Provincial statutes and regulations; and Traffic Bylaw infractions.	<ul style="list-style-type: none"> • 1st incident: Removal of offending truck and driver for one day for each infraction. • 2nd incident of any infraction within 1 month by same driver: One day suspension of Agreement. • 3rd incident of any infraction within 2 months by same driver: One week suspension of Agreement and permanent removal of offending truck and driver from this and future Agreements.
Failure to repair and maintain roadways and/or failure to provide adequate dust abatement within 48 hours notice, or in the case of an emergency, within 24 hours.	<ul style="list-style-type: none"> • 1st infraction: One day suspension of Agreement. • 2nd infraction: One week suspension of Agreement. • 3rd infraction: Permanent suspension of this Agreement and all future Agreements.
Failure to clean-up tracking material daily or to undertake weekly grading.	<ul style="list-style-type: none"> • 1st infraction: One day suspension of Agreement. • 2nd infraction: One week suspension of Agreement. • 3rd infraction: Permanent suspension of this Agreement and all future Agreements.
Truck movements before or after approved haul periods.	<ul style="list-style-type: none"> • 1st infraction: Suspension of Agreement for one day. • 2nd infraction: Permanent removal of offending truck and driver from Agreement and suspension of Agreement for one week. • 3rd infraction: Termination of Agreement.

<u>Infraction</u>	<u>Penalty</u>
Failure to provide current list of trucks, including any additions/deletions, to County.	<ul style="list-style-type: none"> • 1st infraction: One day suspension of Agreement. • 2nd infraction: One week suspension of Agreement. • 3rd infraction: Termination of Agreement.
Failure to provide suitable signage along route prior to commencement of haul.	<ul style="list-style-type: none"> • 1st infraction: One day suspension of Agreement. • 2nd infraction: One week suspension of Agreement. • 3rd infraction: Termination of Agreement.
Use of tire chains or metal tracked apparatus on any equipment on paved or oiled roads along the route.	<ul style="list-style-type: none"> • 1st infraction: Suspension of Agreement for one day. • 2nd infraction: Permanent removal of offending truck and driver from Agreement and suspension of Agreement for one week. • 3rd infraction: Termination of Agreement.
Failure to produce a copy of this Agreement by the driver when demanded by a Peace Officer.	<ul style="list-style-type: none"> • 1st infraction: One day suspension of Agreement. • 2nd infraction: One week suspension of Agreement. • 3rd infraction: Termination of Agreement.
Failure to confirm that there are no restrictions on the route by the County prior to commencing hauling, or failure to cease operations due to adverse weather conditions.	<ul style="list-style-type: none"> • 1st infraction: Immediate suspension of Agreement for one week and possible Termination of Agreement.
Failure to apply for Road Use Agreement or exemption.	<ul style="list-style-type: none"> • Remedy at the discretion of the Director of Public Works or designate.
Any other infraction/default of the Agreement	<ul style="list-style-type: none"> • Remedy at the discretion of the Director of Public Works or designate.

Monitoring & Updating

Policy shall be reviewed every two years.

Related Documents & Legislation:

Section 16, 17 and 18 of the Municipal Government Act; Section 13(1)(o) of the Traffic Safety Act; *Highways Development and Protection Act*; Lamont County Bylaw No. 738.13

Definitions:

“Road” means any street, road or highway under the direction, control and management of Lamont County shown as a road on a plan of survey filed and registered with Land Titles or land used as a public road, and includes a bridge forming a part of the public road and any structure incidental to the road.

“Road Use Agreement” means the approved Road Use Agreement, as amended from time to time by the Director, Public Works, or his or her designate, attached to this Policy as Appendix A.

Procedures Associated With This Policy:**Forms Associated With This Policy:**

Lamont County Master Road Use License/Permit

Amendment History:

August 2016

Scheduled Review Date:

August 2018
