TOWN OF TURIN LOCAL LAW NO. ___ FOR 20__

A LOCAL LAW FOR THE CLASSIFICATION OF LOW VOLUME RURAL TOWN ROADS AND DESIGNATING MINIMUM MAINTENANCE ROADS.

Section 1. Legislative Purpose. The Town of Turin, New York hereby enacts this local law to reduce the cost of maintaining and rehabilitating low-volume rural town roads while providing that the condition of such roads, when used in a manner consistent with the road classification, will be safe for the users thereof. If the cost to maintain low traffic volume roads were reduced by modifying the design, maintenance, and rehabilitation standards for low traffic volume roads, the cost savings could be applied toward the cost of maintaining those town roads experiencing higher traffic volumes. Applying the town's limited resources for highway maintenance to more heavily travelled town roads would allow the town to more effectively utilize its limited resources and maximize the benefit to and safety of the town and the travelling public.

Section 2. Statement of Authority. The Town of Turin, New York enacts this Local Law pursuant to NYS Constitution Article IX, Municipal Home Rule Law section 10 (1)(i) and Municipal Home Rule Law section 10 (1)(ii)(a)(6), and Town Law sections 64 (3) and 64 (23).

Section 3. Legislative History. In 1986, the New York State Legislature created the Local Road Classification Task Force (Chapter 708 of the Laws of 1986). The task force was charged with developing alternative guidelines for classifying town and county roads in rural areas according to their principal uses and traffic volume. The task force issued "A *Manual: Guidelines for Rural Town and County Roads*" in December 1989 to assist local officials in developing local road classifications, cost cutting procedures, and more efficient maintenance practices for rural roads in their municipalities. In 1990, the New York State Local Roads Research and Coordination Council was established. The Council was empowered to work with

the Department of Transportation to, among other things, develop minimum maintenance road classifications to address the design and maintenance standards for low-volume rural roads and procedures for local governments to establish minimum maintenance roads within their communities. The Council revised the 1989 Local Roads Classification Task Force Report and published it for use by rural towns and county governments on December 30, 1992.

Section 4. Classification. If the town superintendent of highways finds it to be in the best interests of the town, the highway superintendent may classify one or more roads or portions thereof as one of the following types of roads: agricultural land access; farm access; low-volume; recreational land access; residential access; or minimum maintenance road as defined in Section 13 of this local law. However, no road or portion thereof classified by the town highway superintendent as a minimum maintenance road shall become a minimum maintenance road until so designated by a local law enacted by the town board.

Upon the town highway superintendent's classification of any road or portion thereof, such classification shall be filed in the office of the town clerk who shall within 10 days of such filing provide a copy to each member of the town board. The highway superintendent's classification filed with the town clerk shall be accompanied by the highway superintendent's findings setting forth the information relied upon by the highway superintendent when classifying each road or portion thereof. At a town board meeting following the filing of such classifications, the town board may adopt a resolution accepting or rejecting, in whole or in part, such classifications. Upon the adoption of such resolution, the roads or portions thereof accepted by the town board shall be classified as determined by the town highway superintendent. However, the classification of any road or portion thereof as a minimum maintenance road shall not be final

until such road or portion thereof shall be designated a minimum maintenance road by a local law enacted by the town board as provided in Section 5 of this local law.

Section 5. Minimum Maintenance Road Classification. Notwithstanding the provisions of Section 4 of this local law, no road or portion thereof shall be designated as a minimum maintenance road except after following the procedure set forth in Sections 5-8 of this local law, inclusive.

a) The town superintendent of highways shall submit to the town board a recommendation that a road or portion thereof classified as a minimum maintenance road should be designated as a minimum maintenance road. No road or portion thereof shall be recommended to be designated a minimum maintenance road by the town superintendent of highways unless at the time of such designation:

    1) the traffic volume is less than 50 motor vehicles per day as determined by the town superintendent of highways on such road or portion thereof

    2) is an agricultural land access road or a recreational land access road;

    3) does not restrict farm operations in an agricultural district as defined in Article 25-AA of the Agriculture and Markets Law;

    4) does not prevent the state from maintaining such road if the road passes over or provides access to state land; and,

    5) such road or portion thereof does not provide farm centers of operation and/or year-round residences with principal motor vehicle access to goods and services necessary for the effective support of such farms and/or year-round residences.

b) The town board, upon the approval of such recommendations and after following the procedures set forth in this local law, shall designate such roads or portions thereof as minimum maintenance roads by local law. Upon being designated a minimum maintenance road by local law, such roads shall continue to be part of the town highway system.

c) No local law designating a road or portion thereof a minimum maintenance road shall be effective until the signs required by Section 9 of this local law are posted advising the public that such road is a minimum maintenance road.

d) No road or portion thereof, once designated a minimum maintenance road, shall be deemed or determined to have been abandoned pursuant to the provisions of subdivision one of section two hundred five of the highway law solely because it has been designated a minimum maintenance road.

e) At least forty-five days prior to any public hearing relating to the adoption of a local law designating a low-volume road or portion thereof as a minimum maintenance road, the town board having jurisdiction over such road shall issue findings setting forth the grounds that such road or portion thereof should be designated a minimum maintenance road. Such findings shall include but not be limited to:

1) the volume and type of motor vehicle traffic on such road;

2) a determination that the property owners of land abutting the road shall continue to have access to their land;

3) a determination that the road, when used in a manner consistent with its designation as a minimum maintenance road and the condition of the road, will be safe for the users of the road traveling at a reasonable and prudent speed;

4) a determination that such road is not a farm access as defined in Section 13 of this local law;

5) a determination that the road does not provide access to an individual year-round residence at the time it is proposed to be designated a minimum maintenance road, and;

6) the effect of such designation on any farm operations dependent upon the road, and that such designation does not restrict farm operations in agricultural districts.

Such findings shall be filed in the Town Clerk's office, made available for public inspection, and posted to the town website, if available.

Section 6. School Board and Planning Board Review. A copy of the findings required by Section 5 shall be sent to the school board of the school district(s) and the town planning board in which each road or portion thereof proposed to be designated as a minimum maintenance road is located. Within forty-five days of their receipt of the findings, such school board(s) and planning board may file with the town clerk their findings and recommendations regarding the designation of such roads as a minimum maintenance road. By resolution, the town board may accept or reject, in whole or in part, the recommendations of the school board(s) and the planning board prior to any vote upon the proposed local law. If the school board(s) or town planning board file no findings or recommendations or take other action within forty-five days of their receipt of the town's findings, the town board may proceed with the process of designating the roads as a minimum maintenance roads. The forty-five day time period within which school boards and the town planning board have to provide their findings, recommendations, or take other action may be waived, shortened, or extended upon mutual written consent of the school boards, the planning board, and the town board.

Section 7. Department of Environmental Conservation Review. A copy of the town board's findings shall be sent to the department of environmental conservation or any other state agency or department having jurisdiction of any state land over which the road proposed to be designated as a minimum maintenance road traverses or provides access.

Section 8. Additional Notifications.

a) At least thirty days prior to the public hearing relating to the proposed enactment of a local law designating a road or portion thereof as a minimum maintenance road, written notice of such hearing, including a summary of the town board's findings, shall be served by certified mail, return receipt requested, upon every owner of real property abutting such road or portion thereof, as determined by the town's latest completed assessment roll and depicted on County tax maps.

b) The town clerk shall give public notice of such hearing by publication of the notice once in at least one newspaper of general circulation in the town and in the Town's official newspaper, at least five days prior to the day specified for such hearing, and by posting such notice on the town website, if available, at least five days prior to the day specified for such hearing. The Public Notice shall specify the date, the time when, and the place where such hearing will be held, and in general terms describe the purpose of the proposed local law.

Section 9. Posting of Signs. No local law designating a road as a minimum maintenance road shall be effective until signs are posted advising the public that such road is a minimum maintenance road. Such signs shall notify and advise motorists of the need to exercise caution

when traveling on such roads and shall conform to the manual of uniform traffic control devices. Properly posted signs shall be prima facie evidence that adequate notice of the road's designation as a minimum maintenance road has been given to the public.

Section 10. Minimum Maintenance Practices. The town highway superintendent shall maintain the condition of a road or portion thereof located within the town which has been designated a minimum maintenance road in the same way as other town roads such that, when used in a manner consistent with the road's designation as a minimum maintenance road, will be safe for the users thereof, except that the highway superintendent shall not be required to remove obstructions caused by snow and ice. The condition of a minimum maintenance road as maintained by the highway superintendent shall not restrict access to farmland by a farm operation eligible for an agricultural assessment pursuant to Article 25-AA of the Agriculture and Markets Law.

Section 11. Revocation of Minimum Maintenance Road Designation. Any person or entity owning or occupying real property abutting a road or portion thereof which has been designated a minimum maintenance road may petition the town board to revoke the designation of such road, or portion thereof, as a minimum maintenance road. Such petition shall be filed with the clerk of the town having jurisdiction over such road. Such petition shall specify the designated minimum maintenance road affected by the petition and identify the extent of such designated road or portion thereof which the petitioner requests be revoked and set forth the reasons for requesting that the designation of such road or portion thereof as minimum maintenance road be revoked. The town board having jurisdiction over such road shall hold a public hearing upon such petition within thirty days after its receipt. The town clerk shall give Public Notice of such hearing by publication of the notice once in at least one newspaper of general circulation in the

town and in the Town's official newspaper, at least five days prior to the day specified for such hearing, and by posting such notice on the town website, if available, at least five days prior to the day specified for such hearing. The Public Notice shall specify the date, the time when, and the place where such hearing will be held, and in general terms describe the purpose of the proposed hearing. At least twenty days prior to the public hearing relating to a petition to revoke the designation of road or a portion thereof as a minimum maintenance road, written notice of such hearing, including a description of the road or portion thereof affected by the petition, shall be served by certified mail, return receipt requested, upon every owner of real property abutting such road or portion thereof, as determined by the town's latest completed assessment roll and depicted on County tax maps.

After the public hearing, the town board may decide, in whole or in part, whether to revoke or not to revoke, the minimum maintenance designation for such road, or portion thereof. If the town board decides not to revoke the roads designation as a minimum maintenance road, no other petition may be filed by the same person or entity bringing the petition and affecting the same minimum maintenance road or portion thereof within twenty-four (24) months of the town board's decision not to revoke the road's designation as a minimum maintenance road.

Section 12. The town board having jurisdiction over a minimum maintenance road may adopt a local law revoking all or part of any road's designation as a minimum maintenance road if it determines such revocation to be in the public's best interest.

Section 13. Definitions. When used in this section, unless otherwise expressly stated or unless the context or subject matter requires otherwise, the following terms shall have the following meanings:

a. "Agricultural land access road" shall mean a low-volume road that provides access to farmland. Traffic volumes are low and vary seasonally.

b. "Farm access road" shall mean a low-volume road that provides principal motor vehicle access for the transport of goods and services necessary for the effective support of a farm's daily operations to and from the primary location or center of such operations. Traffic volume is generally low, and may include occasional heavy vehicles and farm equipment as well as other motor vehicles.

c. "Low-volume road" shall mean a town highway or portion thereof when such highway has an average daily traffic count of less than four hundred motor vehicles per day. Such term shall not apply to any highway or road or portion thereof which has previously been abandoned pursuant to subdivision one of section two hundred five of the Highway Law because it shall not have been used or traveled as a highway for six years.

d. "Minimum maintenance road" shall mean a low-volume agricultural land access or recreational land access road or portion thereof with an average daily traffic count of less than fifty motor vehicles per day designated by the town as a minimum maintenance pursuant to this law, except for a farm access road or road which provides access to an individual year-round residence at the time it is to proposed to be designated minimum maintenance.

e. "Motor vehicle" shall mean a motor vehicle as defined by section one hundred twenty-five of the vehicle and traffic law.

f. "Recreational land access road" shall mean a low-volume road that provides access to recreational land including seasonal dwellings, parks, and recreational lands. Volumes can vary with the type of recreation facility, activity and season of the year.

g. "Residential access" shall mean a low-volume road that provides access to residences. The traffic volume generated depends on the number of residences. Access to year-round residences by fire and life safety vehicles and school buses shall be provided.

Section 13. This local law shall take effect immediately upon filing with the Secretary of State.