

No. 14-2010

**RESOLUTION
OF THE
MONTROSE COUNTY BOARD OF COUNTY COMMISSIONERS
TO ADOPT REVISION TO
THE SNOW PLOWING POLICY FOR ROADS
UNDER THE JURISDICTION OF MONTROSE COUNTY**

RECITALS

WHEREAS, Montrose County Board of County Commissioners has adopted the "Snow Plowing Policy" pursuant to Resolution 57-2001

WHEREAS, pursuant to §30-11-107(l)(h), C.R.S., the Montrose County Board of County Commissioners has the authority to perform such duties with respect to roads in the County as may be required by law; and

WHEREAS, pursuant to §43-4-201, C.R.S., et. Seq., Montrose County receives highway users tax funds which may be used for various purposes, including the maintenance of roads under the County's jurisdiction; and

WHEREAS, the level of maintenance, including snow removal that the County provides to each road, is a discretionary decision of the Board of County Commissioners.

NOW THEREFORE, Be It Resolved that the Montrose County Board of County Commissioners hereby adopts the following REVISION to the "Montrose County Snow Plowing Policy" and that same is hereby amended by:

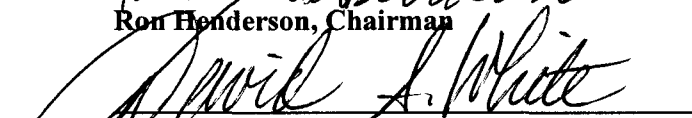
1. The addition of Section 2.05 Surety, for the purpose of issuing Private Permits for plowing snow on various County Roads.
2. All other provisions contained in said policy shall remain unchanged.

Adopted and Effective this 15th day of March, 2010.

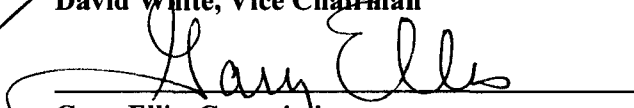
**MONTROSE COUNTY BOARD OF
COUNTY COMMISSIONERS**



Ron Henderson, Chairman




David White, Vice Chairman

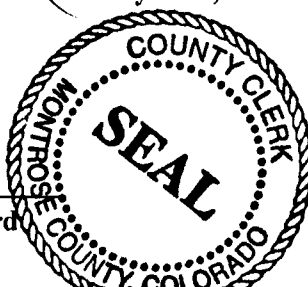


Gary Ellis, Commissioner

Attest:



Clerk/Deputy Clerk to the Board



**REGULATIONS
CONCERNING THE
SNOW PLOWING OF THE ROADS
OF MONTROSE COUNTY**

Adopted November 19, 2001 by Resolution No. 57-01
Revised August 21, 2006
Revised _____ 2010

Board of County Commissioners
Montrose County, Colorado

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REGULATIONS CONCERNING THE SNOW PLOWING OF THE ROADS OF MONTROSE COUNTY

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REGULATIONS CONCERNING THE SNOW PLOWING OF THE ROADS OF MONTROSE COUNTY

Article I. Primary Conditions

Montrose County shall not plow snow on any road unless and until such road has been determined to be a public road and accepted for County maintenance by the Board. It shall be in the sole discretion of the Board to determine from time to time which such public roads will be plowed by the County.

Those public roads that are claimed for maintenance but do not receive snow plowing services shall be listed and published each year.

Article II. Snow Removal Services on Public Roads

Section 2.01 Policy

It is the policy of the County not to provide snow removal services on private roads and not to extend existing snow removal routes on public roads except under extreme weather conditions.

Section 2.02 Requests for County to Provide Snow Removal

A request for the County to provide snow removal services on a public road to an area not currently being served shall be submitted in written form to the Montrose County Engineer.

A. Written Request

The written request shall include at a minimum:

- The name and number of the road requested to be plowed.
- If necessary, a map designating the portion of the road to be plowed.
- The distance to be plowed.
- If required, evidence that the road is a public road.
- A list of property owners benefiting from the proposed service.
- The reason the plowing is being requested.
- Other information that may be required by the County Engineer.

All requests shall be submitted to the Montrose County Engineer before September 1. Requests received after September 1 will be considered as requests for the following winter season.

B. Fees

The County's permit fees are established under appropriate enabling resolutions and/or ordinances and are subject to change periodically. A complete fee schedule for the Montrose County Engineering Department can be found in Appendix H of the Montrose County Standards and Specifications for Roads and Bridges.

C. Site Survey

Upon receipt of the request, the County Engineer or designee shall conduct a site visit and prepare an evaluation report for the Board of County Commissioners.

The report shall address the following:

- An assessment of the condition of the road including width, base drainage, fencing, etc.
- An evaluation and estimate of cost to bring the road up to a standard suitable for winter maintenance and plowing.

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- A recommendation of the type of equipment that would be required to remove snow; the frequency, duration and extent of snowplowing, the amount of manpower and time involved and an estimate of cost.
- An assessment of safety considerations involved with the request.
- A statement as to whether the road is a natural extension of an existing snow plow route.
- A statement of any general public benefit served by providing snow removal service.
- An assessment of any negative impact that might result from providing snow removal service.

D. Approval Process

The written request to provide snow removal service together with the evaluation prepared by the County Engineer shall be submitted to the Board of County Commissioners. Requests may be considered in a regular public meeting of the Board.

At its discretion, the Board of County Commissioners may approve or deny the request for the County to plow the road. The Board may conditionally approve the request based on, but not limited to, the following conditions:

- The frequency, duration and extent of snow plowing services to be provided.
- Property owners' financial participation in preparing the road for snow removal.
- A time limit with periodic review for continuation of the service.

The County shall exercise its appropriate, lawful authority to ensure compliance with this Snow Removal Policy.

Section 2.03 Requests by Private Individuals to Plow a Public Road

The purpose of policy is to outline the procedures and criteria by which the Montrose County Board of County Commissioners will consider requests presented to perform private snow removal on a public road under the County's jurisdiction.

The requirements and procedures set forth herein and in the permit should be considered the minimum and additional information or criteria may be applied.

In order to facilitate the plowing of a road that might not otherwise be plowed, the Montrose County Engineer may allow a private individual or company to remove snow from all or part of a public road.

No person shall remove snow from a public road that is under the County's jurisdiction without first receiving permission from the Montrose County Board of County Commissioners and a Snow Removal Permit issued by the Montrose County Engineer.

A. Written Request

A request to plow a public road shall be made in writing to the Montrose Engineer. The written request will include at a minimum:

- The name and/or number of the road to be plowed.
- If necessary, a map designating the portion of the road to be plowed.
- The distance in miles to be plowed privately.
- The type of equipment to be used to remove the snow.
- The name of the person(s) responsible for snow removal.
- The names and mailing addressed of property owners located along the proposed snow removal route.
- The reason the plowing is being requested.
- The time period for which the permit is being requested.

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- Other information that may be required by the County Engineer.

Requests to provide snow removal should be submitted to the County Engineer on an annual basis no later than September 1 of each year.

B. Fees

The County's permit fees are established under appropriate enabling resolutions and/or ordinances and are subject to change periodically. A complete fee schedule for the Montrose County Engineering Department can be found in Appendix H of the Montrose County Standards and Specifications for Roads and Bridges.

C. Site Survey

Upon receipt of the request, the County Engineer or designee shall conduct a site visit and prepare an evaluation report for the Board of County Commissioners. The report shall address the following:

- An assessment of the condition of the road, including width, base drainage, fencing, etc.
- An evaluation and estimate of cost to bring the road up to a standard suitable for winter maintenance and plowing.
- A recommendation of the type of equipment that would be required to remove snow; the frequency of plowing; and the duration of plowing.
- An assessment of safety considerations involved with the request.
- A statement of any general public benefit served by providing snow removal service.
- An assessment of any negative impact that might result from providing snow removal service.

D. Approval Process

If the plowing is authorized by the Board of County Commissioners the County Engineer or designee and the person requesting permission to remove snow shall meet on-site to evaluate the condition of the road before plowing begins.

The County may require that improvements and repairs be made to the road that are necessary for public safety and to protect and preserve the road. Such improvements or repairs shall be made at the expense of the private individual unless otherwise agreed to by the County.

For the purposes of this policy, snow removal work shall include:

- Removal of snow from all the traveled way (full width, extending past bar ditches), including sufficient turnouts for safe and efficient use of all users; and
- Leaving culvert inlets in a natural condition without snow or other material plowed into them so that the drainage system will function normally.

Upon review of the plow request, Montrose County may request a bond or a cash deposit to secure performance according to this policy. The amount of security required will be relative to the distance being plowed, and the surface of the road.

Montrose County shall require the permittee to provide insurance sufficient to protect the County as determined by the County on a case by case basis naming Montrose County as Additional Insured.

The person requesting permission to remove snow from a County road indicates that he/she has read, understands and agrees to comply with the conditions set forth in this policy and with the conditions of a permit if one is issued.

The County shall exercise its' appropriate, lawful authority to ensure compliance with this Snow Removal Policy.

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Nothing in this policy is, or shall be construed to be, an obligation of the Board of County Commissioners to permit the private snowplowing of any particular road.

A plowed public road shall be considered open for public travel and shall not be gated for private use.

Section 2.04 Private Plowing of Public Roads for winter access to subdivisions (not including interior subdivision roads)

Winter maintenance on public roads that provide access to subdivisions that are beyond the noticed "end of winter maintenance" as published each year, shall not be allowed without the establishment of an assured permanent funding mechanism for such winter maintenance (taxing entity).

Such taxing entity's may either obtain a permit from the County for private winter maintenance each year or petition the Montrose County Board of County Commissioners to take such roads onto the County winter maintenance schedule while providing adequate funds from the taxing entity to the County Road & Bridge Fund for such maintenance.

In the event that maintenance is to be provided by the taxing entity all conditions of Section 2.03 above shall apply.

Section 2.05 Surety

The computation of surety value shall be based upon an assessment of damages that could reasonably be expected to occur if the work was performed in a careless and/or haphazard manner. The assessment may consider gravel loss, pavement damage, drainage damage, damage to public structures, excess equipment and manpower needed for spring clean up, or any other like costs that the County could reasonably be expected to incur as a result of private plowing of the public road. The assessment of potential damage shall be made by the County staff as may be delegated such responsibility by the Director of Public Works.

Surety may be reduced based on good past performance and responsiveness to damage claims. Based in part upon recommendation of the Road & Bridge Superintendent the Director of Public Works may reduce bond requirement in accordance with the following schedule:

- 1st year 100%
- 2nd year 75%
- 3rd year 50%
- 4th year 25%
- 5th year or more 10%

Upon failure at any time to perform in accordance with the permit terms and conditions and/or repair all damage claims to the satisfaction of the Director of Public Works, the surety value shall be restored to 100% and/or the Director of Public Works may deny further permits to plow. The applicant shall have the right to appeal any denial of permit or change in Surety value to the Board of County Commissioners at the next regularly scheduled meeting of the Board for which the agenda has not already been set. In the event that surety value is reset to 100% by the Director, the sequence of reduction by years of good performance shall also restart.

Adjacent fence and private property damage that is brought to the attention of the Director shall be resolved to the satisfaction of the Director of Public Works or Board of County Commissioners before any subsequent permits will be granted. By acceptance of a County permit to perform winter maintenance the permittee acknowledges their responsibility to protect fences and private property from damage and to restore/repair such damage caused by performing winter maintenance.

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The permittee is responsible for a self survey of the initial pre-winter maintenance conditions of the road and adjacent fences and private property and self survey of the final conditions post winter maintenance of road. Annual on screen dated videotaping is highly recommended. Without such self assessment evidence the permittee is subject to the County's assessment of the damage without further recourse. The pre-winter maintenance tape shall accompany the permit and be kept on file with the permit.

For the purpose of bond computation the following assumptions shall be standard.

- **All Roads** regardless of surface condition shall be assessed damage assuming that 8-hrs of maintainer and operator time shall be required per mile for restoring bar-ditch drainage and opening culverts due to uncontrolled sediment transport. All signs shall be counted and assumed to be damaged and with only the anchor point being salvageable. All guardrails shall be assumed to be damaged at 10% of total lineal footage installed and repaired in 20 ft segments. All cattle guards shall be assessed damage to, and replacement of both wing walls and 3 rails. Unique structures shall be assessed individually.
- **Gravel Roads** shall be assessed damage by assuming a loss of 1 inch of aggregate over the plowed distance and be non-recoverable. The cost shall be based on an estimate of the County to repair the damage.
- **Paved Roads** shall be assessed damage to shoulders and pavement edge at 500sqft/mile. Damage shall be assumed to be repaired as a full depth uniform patch.
- **Bonding Calculations** will be updated each year to account for Labor/Equipment, Material cost increase.