

ROAD PRESERVATION LOCAL LAW¹

LOCAL LAW NO. ____ - _____

Section 1. Title

This local law may be cited as the “_____ of _____ Road Preservation Law”.

Section 2. Authority for this Local Law

The [Town/Village] Board of the [Town/Village] enacts this Local Law under the authority granted by Municipal Home Rule Law § 10, New York State Constitution Article IX § 2(c)6, Town Law § 1(ii)(a)(6), Environmental Conservation Law § 23-0303, Highway Law §§ 140, 320 and 326, Town Law § 130, and Vehicle and Traffic Law §§ 1640, 1650 and 1660.

Section 3. Purpose

A. The purpose of this Local Law is to maintain the safety and general welfare of [Town/Village] residents by protecting Roads. Well-maintained Roads are important to the economic well-being of the [Town/Village]. Construction, maintenance, and operation of high impact commercial endeavors (e.g. timber harvesting, mining, natural gas drilling, wind energy facilities and telecommunication facilities) can be economically beneficial. This Local Law is not intended to regulate such endeavors, but the intent is to protect the Roads from damage from such endeavors which typically require high frequency use of heavy equipment with heavy loads. It is the intent of this law to insure that the Roads are not damaged or harmed to the overall detriment of the [Town/Village] by a few individual users who utilize the Roads in a manner that causes extraordinary deterioration.

B. By adoption of this Local Law, it is the express intent of the [Town/Village] to participate in the Broome County Road Use and Preservation Program (“Program”).

C. Nothing contained in this Local Law shall be deemed to limit the right to farm as set forth in Article 25-AA of the New York State Agricultural and Markets Law. Nothing contained in this Local Law shall be deemed to unlawfully interfere with interstate commerce, as defined by applicable law.

Section 4. Definitions

Activity: Any activity, within or without the [Town/Village], which requires travel upon Roads to or from the activity.

¹ Prepared by Coughlin & Gerhart, LLP, Binghamton, NY.