

## **A RESOLUTION ADOPTING A ROAD USE AND PRESERVATION POLICY**

WHEREAS, pursuant to 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, a local municipality has the authority to regulate the acquisition, care, management, protection, repair and use of its highways, roads, streets, avenues and property owned by the municipality, including the authority to establish weight restrictions and truck routes and to seek treble damages for damage to town roads [the "Roads"];

WHEREAS, Broome County has created a the Broome County Road Use and Preservation Program ("Program") whereby it has agreed to provide certain incentives and benefits to municipalities in Broome County which adopt a road use protection and preservation policy or local law that meets the criteria established by the Program;

WHEREAS, the Town Board of the Town of Kirkwood [the "Town"] has determined that the most efficient and economical way for both the Town and Persons who may cause Concentrated Traffic as defined in the Program to establish the rights and responsibilities of the parties with regards to use, protection and repair of the Roads is to enter into a road use agreement;

WHEREAS, the Town Board of the Town desires to participate in the Program as well as protect the highways, roads, bridges, culverts, sidewalks and the related fee owned lands, rights-of-way and easements owned or maintained by the Town (collectively, "Roads") from the damage resulting from Concentrated Traffic;

NOW THEREFORE, at a meeting of the Town Board of the Town of Kirkwood, Broome County, New York, held at the Town Hall on the \_\_\_\_ day of \_\_\_\_, 20\_\_ at \_\_\_\_ pm, the Town Board, duly convened in regular session, does hereby resolve as follows:

### Section 1. Purpose.

The purpose of this Policy is to maintain the safety and general welfare of Town residents by protecting Roads. By adoption of this Policy, it is the intent of the Town to participate in the Program.

### Section 2. Definitions.

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

Concentrated Traffic: A vehicle or Related Vehicles which have 3 or more axels and which at any time make or will make collectively 5 or more trips over Roads during any 5 consecutive days.

Local delivery: Essential delivery or pickup of merchandise or other property along the Roads, the failure of which would create a hardship.

Person: Any person, persons, corporation, partnership, limited liability company, or other entity.

Related Vehicles: More than one vehicle, including those that are owned, used, rented, leased, hired (including independent contractors) or in any way utilized for Activity. When calculating if Related Vehicles meet the definition of Concentrated Traffic, the number of trips shall be the combination of all trips made by all Related Vehicles.