

RESOLUTION ESTABLISHING A SNOW AND ICE CONTROL POLICY

WHEREAS, the Town Board (“Board”) of Hobart Township (“Town”) is the road authority and provides maintenance for approximately thirty-seven (37) miles of road in the Town;

WHEREAS, the Board, as the road authority, provides for snow and ice control services through contract with an independent contractor (“Contractor”),

WHEREAS, the Board determines it is in the best interest of the Town to develop a policy to set out how snow and ice control activities will be conducted on town roads considering the Town’s limited resources;

NOW, THEREFORE, BE IT RESOLVED, the Board hereby adopts the following as the snow and ice control policy for the Town;

BE IT FURTHER RESOLVED, that any Contractor performing snow and ice control services for the Town shall follow this policy.

I. POLICY CONSIDERATIONS

In developing this policy for how to best undertake snow and ice control activities in the Town, the Board has had to balance a number of factors including, but not limited to, the following: public safety, the amount of funds available for these activities; the wish to maintain an efficient transportation system, enable the delivery of emergency services; avoid damage to Town property and personal property; and the cost effective allocation of resources. A further explanation of some of these policy considerations follows:

1. **Budgetary.** The funds the Town has available for snow and ice control are derived from two sources. The first is the town road and bridge tax levy that is set by the town electors at the annual meeting held in March. The second source of funds comes from the gas tax imposed and collected by the State, a small portion of which is distributed to towns to help maintain their roads. The Board has no direct control over either source of funding. A proposed levy is submitted to the town electors at the annual meeting, but the actual amount of the Town’s road and bridge levy is determined solely by a vote of the electors.

2. **Contract for Services.** The Board also contracts with an independent contractor for snow and ice control. Because the Town obtains snow and ice control services through a non-exclusive contract, it does not have direct control over the availability of personnel, equipment, or the timing of the service delivery. The Town indicates through this policy and the service contract the work to be performed and the performance expectations, but the contractor must remain free to exercise initiative, judgment, and discretion in how best to perform or provide the services.

3. **Safety, Equipment Damage, and Effectiveness.** Snow and ice control operations

will be conducted only when weather conditions do not endanger the safety of operators or pose an unreasonably risk of damaging equipment. Once initiated, operations will be suspended if conditions deteriorate to the point that operations become unsafe for operators because of factors including, but not limited to, severe cold, significant winds, limited visibility, accumulation of ice, or rapid accumulation of snow. Operations will also be delayed or suspended if existing or anticipated conditions indicate the operations will not be effective.

4. Environmental Protection. Because the Town is concerned about the potential negative environmental effects of the use of salt it will minimize its use.

II. EMERGENCY RESPONSE VEHICLE ASSISTANCE

If law enforcement requests snow removal to assist emergency vehicles to respond to an emergency situation, reasonable efforts will be made to accommodate the request.

III. WHEN SNOW PLOWING BEGINS

The following criteria shall be considered when determining when to begin snow and ice control operations:

- An evaluation of the immediate and anticipated weather conditions,
- The likely effectiveness of operations,
- Safety of employees
- If an unreasonable risk of damaging equipment exists,
- Snow accumulation of three (3) inches or more,
- Sever icy conditions that seriously affect travel,
- Time of snowfall in relationship to heavy use of the roads.

Snow and ice control operations are expensive and involve the use of limited resources. Consequently, operations will normally not begin until the snow has stopped falling or until at least three (3) inches of snow has accumulated.

IV. WHEN SNOWPLOWING WILL BE DELAYED OR SUSPENDED

As stated in the policy considerations above, snow and ice control operations will be delayed or suspended if the safety of operators is at risk, conditions pose an unreasonable risk of damaging equipment, or if operations will not be effective because of existing or anticipated conditions.

V. HOW SNOW WILL BE PLOWED

When snow and ice control operations begin, the Contractor will analyze the weather conditions to determine the order in which the roads will be plowed. When practicable, the northerly roads of the Township will be plowed first the first plowing cycle with the southerly roads of the Township being plowed first the second plowing

cycle.

Snow will be plowed in a manner as to minimize traffic obstructions. Because of limited resources and restrictions on the use of salt, blacktopped roads will not usually be cleared down to bare blacktop.

In the event of equipment failure, extreme snowfall, or other unanticipated events including the availability or need to rest snowplow crews, deviation from these standards may be appropriate.

Snow will be plowed as close as practicable to mailboxes located in the road right-of-way. It shall be the responsibility of property owners to clear snow from around their mailboxes to enable mail delivery.

Snowplowing unavoidably results in snow being deposited on driveways and approaches. Because the Town does not have the resources available to it to clear the ends of driveways and approaches, it is the responsibility of land owners to remove snow from their driveways and approaches.

VI. SANDING AND SALTING

The Town must consider the cost, environmental impact, public safety, and availability of staff and equipment when deciding if, when, and to what extent to apply sand and salt. Furthermore, the state legislature has imposed the following limitations on the use of salt by road authorities:

In order to:

- (1) minimize the harmful or corrosive effects of salt or other chemicals upon vehicles, roadways and vegetation;
- (2) reduce the pollution of waters; and
- (3) reduce the driving hazards resulting from chemicals on windshields;

Road authorities responsible for the maintenance of highways or streets during periods when snow and ice are prevalent, shall utilize such salt or other chemicals only at such places upon hills, at intersections, or upon high speed or arterial roadways where vehicle traction is particularly critical, and only if, in the option of the road authorities, removal of snow and ice or reduction of hazardous conditions by blading, plowing, sanding, including chemicals needed for free flow of sand, or natural elements cannot be accomplished within a reasonable time.” Minnesota State Statute. 160.215.

To the extent sand and salt is applied, priority will be given to the following areas:

- Hills, controlled intersections, bridges and curves;
- Major arterial and collector streets;
- Bus routes;
- Residential areas;
- Rural areas.

VII. SNOWPLOWING OF PRIVATE PROPERTY

The Town will not provide for the snowplowing or sanding of private property except when requested to do so by law enforcement to provide access for emergency vehicles responding to an emergency. If private property is used with permission of the owner to turn around equipment, the Town may snowplow the private property as needed to accommodate the Town's use of the land.

If an individual contracts with the Contractor to maintain private driveways or private roads, the private driveways or private roads will not be maintained until after the Town roads have been maintained.

VIII DEPOSITING SNOW IN PUBLIC RIGHTS-OF-WAY

It is unlawful for anyone to deposit any snow or ice in a public road right-of-way or to otherwise obstruct a public road. Minnesota State Statute 160.27, subd. 5(a)(1); 169.42, subd. 1. Depositing snow or ice in a road also increases snowplowing costs, creates a potential public safety hazard, and could damage equipment.

IX OBJECTS WITHIN TOWN ROAD RIGHT-OF-WAYS

Public road right-of-ways are used for a variety of purposes that are outside of the direct control of the Town. Because snow and ice control operations are performed by independent contractors, the Town shall not be responsible for damages caused by the contractor to mailboxes, lawn sprinklers, utility structures, sod, landscaping materials, vegetation, or other personal or real property.

It is the responsibility of owners to keep the road rights-of-way clear of vehicles, trailers, trash cans, and other items of personal property in order to facilitate the proper snow and ice control operations. If an owner fails to keep the road clear of personal property, the owner becomes responsible for promptly clearing the snow left in the right-of-way around them. If the Board determines personal property left in the road right-of-way poses an unreasonable risk to public safety, or significantly interferes with snowplowing operations, it will have the item removed from the right-of-way at the owner's expense. While reasonable efforts will be made to avoid damaging private property, snow and ice control operations may result in damage to the property of others. Where private property damage does occur, it is the policy of the Town to handle damages in the following manner.

X COMPLAINTS AND REQUESTS FOR FURTHER SERVICES

Complaints and requests for further services regarding snow and ice control or damage should be directed to the Town.

XI REVIEW OF POLICY

The Board will periodically review this policy, taking into consideration any changing conditions in the Town's circumstances, any complaints or comments received, and the experienced learned for undertaking snow and ice control procedures.

Adopted this 9th day of June, 20 09

BY THE TOWN BOARD

s/s Terry Hockett
Town Board Chair

Attest: s/s Debi Moltzan
Town Clerk