

## Section 10A-9 Heavy Commercial Vehicle Exclusion

A truck exclusion from a municipal way may be authorized provided a suitable alternate route is available. The alternate route shall have an effective width and pavement structure which can safely accommodate the additional truck traffic. In addition the alternate route must meet one of the following conditions:

1. Lie wholly within the community making application,
2. Lie partially in an adjacent community but only on State Highway,
3. Lie partially in an adjacent community but have the adjacent community's written approval.

An engineering study, as outlined in the Data requested below, must be made. In addition, one or more of the following may be sufficient justification for truck exclusion:

### 1. Warrants *(Numbered Routes ineligible per Board of Comm'rs 11/22/95)*

- A. A volume of heavy commercial vehicles, which usually is in the range of five (5) to eight (8) percent, reduces the utilization of the facility and is cause for a substantial reduction in capacity or safety.
- B. The condition of the pavement structure of the route to be excluded indicates that further repeated heavy wheel loads will result in severe deterioration of the roadway.
- C. Notwithstanding the foregoing, in certain instances where land use is primarily residential in nature and a municipality has requested exclusion only during hours of darkness, specific night exclusion may be granted.

### 2. DATA

Before the Department can consider an exclusion proposal, the following data must be submitted, by the municipality:

- A. A twenty-four hour consecutive count of all vehicles using the subject street. (If the exclusion is requested for only twelve hours, a twelve hour count will suffice.). The count shall be broken into one-half hour intervals showing:
  1. Commercial vehicles with a carrying capacity over 2 ½ tons
  2. Other Vehicles
- B. Map of the area, with the excluded street marked in red, the alternate route in green.
- C. Physical characteristics of: excluded and alternate streets in question, i.e., length, width, type and Condition of surface and sidewalks.
- D. Types of buildings or property abutting street: (Residential, Business, School, Playground, etc.).

E. Zoning of Street (Residential, Industrial, etc.).

F. Proximity of probable alternate route to the proposed excluded route and the additional distance to be traveled using the alternate route.

G. Types of control existing on street.

H. Hours during which exclusions is to be in effect.

I. A written statement from the municipality as to the need for the exclusion.

## PART XI

### RULES AND REGULATIONS

#### FOR ENCLOSURE TO STATE HIGHWAY

##### Section 11A-I Authority

The General laws affecting State Highways "Chapter 81" prescribes certain powers and duties of the Commissioner of Public Works. He is authorized to issue permits for work to be performed upon any State Highway or section thereof.

In this connection, attention is directed to "Chapter 81, Section 21" of the General laws, effecting State Highways which provides as follows:

"Digging up State Highways; Planting Trees; Bond; Permit. No state highway, shall be dug up, nor opening made therein for any purpose, nor shall any material be dumped or placed thereon or removed therefrom, and no tree shall be planted or removed or obstruction or structure placed thereon or removed therefrom or changed without the written permit of the Department, and then only in accordance with its regulation, and the work shall be done under its supervision and to its satisfaction, and the entire expense of replacing and resurfacing the highway at the same level and in as good condition as before, with materials of equal in specifications - to those removed, shall be paid by the persons to whom the permit was given or by, within the work was done; but a town may dig up a state highway without the approval of the Department in case of immediate necessity; but in such cases it shall forthwith be replaced in as good condition as before at the expense of the town. The Department may require a bond to guarantee the faithful and satisfactory performance of the work and payment for any damage to state highways and facilities caused by or resulting from the operations authorized by such permit; the amount of said bond shall be determined by the Department not to exceed the estimated cost of the work and possible damage; but shall be not less than two thousand dollars nor more than fifty thousand, dollars. " Except in, case of an emergency no permit for digging up or opening any state highway shall be approved or issued by the Department until copies of the notices to public utility companies required by Section 40 of Chapter 82 have been filed with the Department by the applicant for such permit. Except as provided herein any person who digs up or removes an opening in a state highway without a permit or violates any other provisions of the section shall be punished by a fine of not more than fifty dollars for the first offense and not less than fifty dollars nor more than one hundred dollars for any subsequent offense.