

RESOLUTION ESTABLISHING A SNOW AND ICE CONTROL POLICY

WHEREAS, the Joint Powers Board (“Board”) of Cascade and Rochester Townships provides maintenance for approximately 61 miles of road in their respective jurisdictions;

WHEREAS, the Board, provides for snow and ice control on the township roads it has designated to receive winter maintenance;

WHEREAS, the Board determines it is in the best interest of the Townships to develop a policy to set out how snow and ice control activities will be conducted on town roads considering the limited maintenance budget, personnel, and equipment available in the township;

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

I. POLICY CONSIDERATIONS

In developing this policy for how to best undertake snow and ice control activities in the Township, 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 number and availability of township personnel to engage in these activities; the safety of township personnel; the wish to maintain an efficient transportation system; enable the delivery of emergency services; avoid damage to Township 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 Township 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 township electors at the annual township 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 townships to help maintain their roads. The Board has no direct control over either source of funding. A proposed levy is submitted to the township electors at the annual township meeting, but the actual amount of the Township’s road and bridge levy is determined solely by a vote of the electors.
2. **Personnel and Equipment**: The Joint Powers Boards three full time staff and two on call seasonal staff operate all equipment shared by both townships. The number and availability of Joint Powers Board personnel and equipment may change over time. These changes may be temporary such as when personnel leave and replacements are hired or while equipment is down for repair, or permanently for budgetary or other reasons.

3. Safety, Equipment Damage, and Effectiveness: Snow and ice control operations will be conducted only when weather conditions do not endanger the safety of employees or pose an unreasonable risk of damaging equipment. Once initiated, operations will be suspended if conditions deteriorate to the point that operations become unsafe for employees 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. Any decision to delay or suspend operations shall be made by the Road Maintenance Supervisor based upon the actual and anticipated weather conditions.
4. Work Schedule for Snowplow Operators: Snowplow operators will be expected to work [ten] 10-hour shifts. In severe snow emergencies, operators sometime will need to work in excess of [ten] 10-hour shifts. However, because of budget and safety concerns, no operator should work more than a [twelve] hour shift in any twenty-four hour period. Operators will take a fifteen-minute break every two hours with a half-hour meal break after four hours. After a twelve-hour day, the operators will be replaced if additional qualified personnel are available.
5. Environmental Protection: Because the Town is concerned about the potential negative environmental effects of the use of salt it will minimize its use. When possible and financially practicable, salt and sand with salt will be stored in a manner to minimize run-off, and if snow containing salt is hauled, every reasonable effort will be made to deposit the snow away from public waters.

II. TOWN ROADS THAT ARE SNOWPLOWED

Unless closed because of a snow emergency, the following town roads or portions of town roads are normally snowplowed by the JPB.

Refer to the annual road certification report for each township for a list all of the town roads that are snowplowed.

III. TOWN ROADS CLOSED IN SNOW EMERGENCIES

In snow emergencies each township board will close and barricade roads at it deems necessary to respond to the emergency. The Town Board will determine when to reopen each road that was closed based on need and condition of the road as well as on the availability of funds, personnel and equipment.

IV. TOWN ROAD SNOWPLOWING PRIORITIES

In order to provide for the most efficient and effective snowplowing as possible given the Township's limited resources, the Road Maintenance Supervisor must determine which town roads will be plowed first. To this end, the Road Maintenance Supervisor has placed all the township roads the township snowplows into three priority categories based on factors such as

traffic volume, road function, and the importance of a road to the welfare of the community. The Board has determined that those township roads classified as priority one township roads should be snowplowed first, priority two township roads should be snowplowed second, and priority three township roads should be snowplowed third. A township road may only be snowplowed in the order accorded its priority category except in emergencies as set out in this policy.

V. EMERGENCY RESPONSE VEHICLE ASSISTANCE

If an emergency services agency requests snow removal to assist emergency vehicles to respond to an emergency situation, reasonable efforts will be made to dispatch necessary personnel and equipment to accommodate the request.

VI. WHEN SNOWPLOWING BEGINS

The Road Maintenance Supervisor or designee shall determine when to begin snow and ice control operations. The criteria for that decision are:

- 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.
- 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 personnel and equipment. Consequently, operations will normally not begin until the Road Maintenance Supervisor calls for it.

VII. 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 Road Maintenance Supervisor determines that the safety of employees is at risk, conditions pose an unreasonable risk of damaging equipment, or if operations will not be effective because of existing or anticipated conditions.

VIII. HOW SNOW WILL BE PLOWED

Snow will be plowed in a manner as to minimize traffic obstructions. Snow will normally be plowed from the center of the road first. Then snow will be pushed from left to right until at least the main traveled portion of the road has been cleared. On narrow roads, the Road Maintenance Supervisor may choose to plow snow from one side to the other. Snow will normally be discharged to the sides of the road unless the Road Maintenance Supervisor determines the snow should be hauled to another location for storage. Because of limitations

of budget, equipment, 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 at the discretion of the Road Maintenance Supervisor.

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.

IX. 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, including road authorities of cities, 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 as upon hills, at intersections, or upon high speed or arterial roadways where vehicle traction is particularly critical, and only if, in the opinion 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." Minn. Stat. § 160.215.

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

- Hills, controlled intersections, bridges, and curves.
- Major arterial and collector streets.
- School zones.
- Bus routes.
- Commercial areas.
- Residential areas.

- Rural areas.

X. SNOW STORAGE

Collecting, hauling, and storing snow is expensive, requires special equipment, is labor intensive, and interferes with traffic while it is being performed. As such, snow will only be hauled and stored elsewhere when the Road Maintenance Supervisor determines it is necessary to keep a road reasonably open and passable. Snow that is hauled will only be stored on public land or on private property with the expressed written permission of the owners. To the extent possible, when snow containing salt is hauled it will be stored away from public waters.

XI. SNOWPLOWING OF PRIVATE PROPERTY

The Town will not snowplow or sand 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 Town equipment or to store snow, the Town may snowplow the private property as needed to accommodate the Town's use of the land.

XII. 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. Minn. Stat. §§ 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.

XIII. OBJECTS WITHIN TOWN ROAD RIGHTS-OF-WAY

Public road rights-of-way are used for a variety of purposes that are outside of the direct control of the Town. 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.

1. Mailboxes: Owners are responsible for erecting their own mailboxes in order to receive roadside mail delivery. Mailboxes must conform to the standards established by the Minnesota Department of Transportation. Mailboxes that do not conform to the established standards are considered a public nuisance and are prohibited by law. Minn. Stat. § 169.072. The mailbox owner assumes all risk of damage from snowplowing including damage from pushed or piled snow. The only exception is where the mailbox is damaged through direct contact with snowplowing vehicles. If, in the opinion of the Road Maintenance Supervisor or designee, a mailbox was damaged through direct contact with snowplowing vehicles, the Town will repair, replace, or make other arrangements with the owner to correct the damage to the mailbox. The

town will not pay to repair or replace any mailbox that does not substantially comply with the standards established by the state, even if they are damaged by direct contact with snowplowing vehicles.

2. Sod and Landscaping: The Town assumes no responsibility for damages from snow or ice control operations to sod, trees, or other landscaping materials or vegetation.
3. Lawn Sprinklers, Lighting, and Personal Property: The Town assumes no responsibility for damage to aboveground or underground lawn sprinkling systems, exterior lighting systems, or other items of personal property located in a road right-of-way whether by direct or indirect contact with snow or ice control equipment.
4. Utility Structures: The Town will only be responsible for damage to utility pedestals, transformers, or other utility structures within the right-of-way that result from direct contact with snow and ice removal equipment provided the structure was marked with a minimum 5 foot identification marker. Town liability will be limited to the actual costs to repair the damages as documented by invoices submitted to the Town by the utility company.
5. Clearing Snow Around Items Left in Road: 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 the item. 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.
6. Damage by Contractors: The Town shall not be responsible for any damage or injuries caused by independent contractors performing snow or ice control operations for the Town. Any claims of damage must be made directly to the contractor.

XIV. COMPLAINTS AND REQUESTS FOR FURTHER SERVICES

Complaints and requests for further services regarding snow and ice control or damage will be taken during normal working hours and handled in accordance with Town procedures.

Complaints and requests for further services should be directed to the Road Maintenance Supervisor. The Road Maintenance Supervisor shall inform the board of complaints, any requests for changes to this policy, or any other request that requires a Board decision to address.

XV. REVIEW OF POLICY

The Township Boards 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 from undertaking snow and ice control procedures.

Adopted this _____ day of _____, 20_____.

BY THE TOWN BOARD

_____ Town Board Chair

Attest: _____