

PERMIT TO OPERATE AN OVER-POSTED-WEIGHT VEHICLE
ON POSTED ROADWAYS WITHIN NEW STANTON BOROUGH

DATE: _____

COMPANY _____ ADDRESS _____ CITY _____ STATE _____ ZIP _____

COMPANY OFFICIAL _____ TITLE _____

Hereby applies for a permit to operate over-posted-weight vehicles on posted roadways within New Stanton Borough:

Please indicate by signature which permit applies to your usage:

- Permit Type 1 _____
- Permit Type 2 _____
- Permit Type 3 _____

PERMIT TYPE 1: Single over-posted-weight vehicle on single posted roadway. This permit **MUST BE CARRIED** and is only valid when in the over-posted-weight vehicle.

vehicle - make - model - year _____ load(s) to be hauled _____

Posted roadway to be traveled: _____

Will this be a single trip or continuous operation? _____

PERMIT TYPE 2: Several over-posted-weight vehicles being driven, operated, parked, maintained or located on a particular posted highway or portion thereof. If said vehicles all operate between a common destination, a copy of this permit must be carried and is only valid when in the vehicle.

VEHICLE	MAKE	MODEL	YEAR	LOAD
1. _____	_____	_____	_____	_____
2. _____	_____	_____	_____	_____
3. _____	_____	_____	_____	_____
4. _____	_____	_____	_____	_____
5. _____	_____	_____	_____	_____

Posted roadway to be traveled: _____

Will this be a single trip or continuous operation?
 1. _____ 2. _____ 3. _____ 4. _____ 5. _____

PERMIT TYPE 3: Single over-posted-weight vehicle to operate on more than one posted roadway or portion thereof within New Stanton Borough. This permit **MUST BE CARRIED** and shall only be valid if located within the over-posted-weight vehicle.

vehicle - make - model - year _____ load(s) to be hauled _____

Posted roadways to be traveled:

- 1. _____ 2. _____
- 3. _____ 4. _____

The BOROUGH of NEW STANTON hereby grants _____ Company Name
 by it's agents _____ and _____
 a Permit Type _____ to operate the described vehicles on the described roadways
 for the described loads and operations for a period of time beginning on _____
 and ending on _____. Let it be known that this permit must be accompanied
 by a fully executed Excess Maintenance Agreement and Security Provisions as perscribed
 in New Stanton Borough Ordinance #86-125 section IV paragraph (c).

PERMIT TO OPERATE AN OVER-POSTED-WEIGHT VEHICLE ON POSTED ROADWAYS
WITHIN NEW STANTON BOROUGH (cont.)

Executed this _____ day of _____ in the year of _____ by:

Company Official

Title

(SEAL)

Company Official

Title

Borough of New Stanton, Secretary

(SEAL)

Borough of New Stanton, Engineer

EXCESS MAINTENANCE AGREEMENT

This agreement made and entered into this _____ day of _____
by and between the **BOROUGH OF NEW STANTON**, a municipal
corporation, situate in Westmoreland Count, Pennsylvania,

A

N

D

WHEREAS, _____ (hereinafter referred to as
Permitee) has applied to the above municipal corporation for a permit to
drive, operate, park, locate and/or situate over-posted-weight vehicle(s) on
highways of the Municipality; and

WHEREAS, the Municipality's Ordinance concerning the granting of
such a permit requires the Permitee to execute an agreement concerning
excess maintenance of such highways;

NOW THEREFORE THIS AGREEMENT WITNESSETH:

1. The Permitee covenants and agrees with the Municipality to
comply fully and continuously with the Municipality's Ordinance(s)
concerning posted highways and bridges and the use of the same by over-
posted-weight vehicles of the Permitee, it s agents, servants, workmen,
employees and contractors.

2. The Municipality and the Permittee covenant and agree that for purposes of this agreement, "Normal Maintenance" means the usual and typical activities necessary to maintain the roadway, shoulders and drainage facilities in the state of repair existing at the date of the inspection as provided in Chapter 15 Part 3, (e) (1) of the Municipality's Ordinance and prior to any activities on such highways by the Permittee.

3. The Municipality and the Permittee, covenant and agree that for purposes of this agreement, "Excess Maintenance" shall be all maintenance and activities required on such highways to return or keep the highways in the state of repair that existed at the time of the above inspection.

4. The Permittee acknowledges to have made application to the Municipality for a permit to operate over-posted-weight vehicles on highways of the Municipality, a copy of which is attached hereto and expressly made a part hereof.

5. The Municipality and the Permittee acknowledge and agree that the inspection called for above has occurred and that the results of such inspection are attached hereto on the document entitled "Inspection Report", which is expressly made a part hereof.

6. The Permittee hereby covenants and agrees to accept, and hereby does accept, responsibility, financial and otherwise, for "Excess Maintenance" of the subject highways.

7. That in furtherance of its obligations, but not in lieu of the same, the Permittee hereby agrees to deliver and maintain security as required by the Municipality's Ordinance, to assure compliance with this **EXCESS MAINTENANCE AGREEMENT**, and to assure compliance with the Municipality's Ordinance.

8. The Permittee covenants and agrees to abide by all conditions and restrictions placed upon its permit by the Municipality.

9. It is further understood by and between the Permittee and the Municipality that neither this agreement nor the permit issued in conjunction with it shall be assigned, conveyed or otherwise transferred, and that any such attempted assignment, conveyance or transfer shall constitute a breach of this agreement and shall terminate the rights of the Permittee under this agreement and the accompanying permit.

IN WITNESS WHEREOF, and intending to be legally bound thereby, the parties hereto have hereunto set their hands and seals the date first written above.

(WITNESS OR ATTEST)

_____ **(Seal)**

Secretary Treasurer
(Municipal Seal)

Municipal Official

PART 3

RESTRICTIONS ON SIZE, WEIGHT AND
TYPE OF VEHICLE AND LOAD§301. VEHICLE WEIGHT LIMITS ESTABLISHED ON CERTAIN STREETS AND
BRIDGES.

1. On the following bridges and streets, or parts of streets, by authority granted by Section 4902(a) of the Vehicle Code, it shall be unlawful for any person or persons to drive any vehicle or combination having a gross weight in excess of the maximum prescribed below for that bridge or street or part of street, as the case may be:

<u>Street or Bridge</u>	<u>Between</u>	<u>Maximum Gross Weight</u>
Broadview Road	From Center Avenue to SR 3010	10 tons
Center Avenue	From Pennsylvania Turnpike to SR 3071	4 tons
Highland Avenue	From Center Avenue to Main Street	4 tons
Hill Road	From SR 3093 to Borough line	4 tons
Main Street	From Byers Avenue to Highland Avenue	4 tons
Northeast Drive	From SR 3071 to Borough line	10 tons
Pine Drive	From SR 3093 to Borough line	10 tons
Sandworks Road	From intersection of SR 3093 (Center Avenue) to Borough line	10 tons
Shrader Hollow Road	From Northeast Drive to Borough line	10 tons
Stan Avenue	From Main Street to Wentsler Street	4 tons
Swartz Road	From SR 3093 to Borough line	4 tons
Thermo Village Road		10 tons
Westmore Avenue	From Main Street to Center Avenue	4 tons
Thermo-Village Road		10 tons

MOTOR VEHICLES AND TRAFFIC

2. Definitions. The following words and terms, when used in this Section, shall have the following meanings unless the context clearly indicates otherwise:

EXCESS MAINTENANCE - maintenance or restoration or both of a posted highway in excess of normal maintenance, caused by use of over posted weight vehicles.

HIGHWAY - the cartway, berm, drainage facilities and right-of-way of any public street, avenue, road or alley, together with bridges or other drainage structures of the same within the Borough of New Stanton.

LOCAL TRAFFIC - the following shall be regarded as local traffic for the purpose of subsection (3), of this Section:

- A. Emergency vehicles.
- B. School buses.
- C. Vehicles and combinations of governmental agencies and utilities or their contractors engaged in construction or maintenance on a posted highway or in a location which can be reached only via a posted highway.
- D. Vehicles and combinations going to or coming from a residence, commercial establishment or farm located on a posted highway or which can be reached only via a posted highway.

NORMAL MAINTENANCE - the usual and typical activities necessary to maintain the roadway, shoulders and drainage facilities in the state of repair existing at the date of the inspection prescribed in subsection (4), of this Section.

OVER POSTED WEIGHT VEHICLE - a vehicle or combination having a gross weight in excess of a posted weight limit.

PERSON - any natural person, partnership, association, firm, corporation or other legal entity.

POSTED BRIDGE - a bridge having a posted weight limit. However, if a bridge is part of a street, road or portion thereof which is designated as having a posted weight limit, then such weight limit shall likewise apply to said bridge.

POSTED HIGHWAY - a highway having a posted weight limit.

POSTED WEIGHT LIMIT - a restricted weight limit posted on a highway under authority of §4902 of the Vehicle Code (75 Pa.C.S. §4902).

POSTING AUTHORITY - the Borough of New Stanton.

3. Local Traffic.

- A. Over posted weight local traffic may exceed posted weight limits if the posting authority determines that an over posted weight vehicle or vehicles being driven to or from a particular destination or destinations will not likely cause damage to the highways.
 - B. If the posting authority determines that one or more over posted weight vehicles which are also considered as local traffic vehicles are likely to damage the posted highway and/or posted bridge, the posting authority will so notify the registrants of the over posted weight vehicle or other owners of the destination or destinations or both of such over posted weight vehicles and shall also notify the State police. After 2 business days following delivery of the notice or after 5 days following mailing of the notice by regular mail, such over posted weight vehicles shall not exceed the posted weight limits, except in accordance with provisions of subsection (4), of this Section.
 - C. With the exception of emergency vehicles and school buses, which shall require not further documentation, the following types of documents shall constitute evidence that a vehicle is engaged in local traffic:
 - (1) A bill of lading, shipping order or similar document which shows a destination on the posted highway.
 - (2) Certification, in writing, by the operator, owner or property official of any entity engaged in such trafficking, which describes and affirms the local traffic nature of the activity in which the vehicle is engaged and which is dated on or prior to the date of the over posted weight activity.
4. Permit. No over posted weight vehicle, except local traffic authorized under subsection (3), of this Section, shall be driven, operated, parked, located or situated on a posted highway unless the posting authority has issued a permit for the vehicle or vehicles in accordance with this Section. The application for any permit shall be made in writing to the Borough Secretary on a form prescribed by the Borough, and the person submitting such application shall specifically describe the vehicle or vehicles and the load to be driven, operated or transported, together with the particular highway for which a permit to operate is requested and whether such permit is requested for a single trip or for more than a single trip. Each permit issued under this Section shall be issued for a period of 60 days unless otherwise provided at the time of issuance of the permit, and said permit shall be valid only so long as the permittee complies with all of the terms and conditions of this Section and of the permit. In the event of a violation of the permit or terms and conditions of this Section, said permit shall be, by said action, revoked and said person shall not be permitted to continue any activities on a posted highway without first having obtained a new permit.
- A. Type of Permits. Permits to be issued under this Section shall include the following:
 - (1) A Type 1 permit may be issued for a single over posted weight vehicle on a single posted highway or portion thereof. Said permit must be carried

MOTOR VEHICLES AND TRAFFIC

and shall be valid only when located in the over posted weight vehicle.

- (2) A Type 2 permit may be issued for a number of over posted weight vehicles being driven, operated, parked, maintained or located on a particular posted highway or portion thereof if said vehicles all operate between a common destination. A Type 2 permit shall be issued only upon request of an applicant and after the posting authority determines that it is no feasible to issue a Type 1 permit for each vehicle involved in the prohibited activity.
- (3) A Type 3 permit shall be issued to permit an over posted weight vehicle to operate on more than one posted highway or portion thereof within the Borough. Said Type 3 permit shall be carried and shall only be valid if located within the over posted weight vehicle. A Type 3 permit shall be issued only if the posting authority determines the damage to the posted highway covered by the permit will be minimum because of the limited number of moves by the over posted weight vehicle and short term use of the highways anticipated by the permittee.

B. Excess Maintenance Agreement. The issuance of a permit to exceed a posted weight limit or limits shall be conditioned upon the prior execution of a written agreement between the Borough and the permittee, whereby the permittee shall accept responsibility, both financial and otherwise, for excess maintenance of the posted highway or portion thereof to be used by the permittee.

C. Security. Except as provided in subsection (4) of this subsection (C), the permittee shall be required to provide security in favor of the posting authority at assure compliance with the excess maintenance agreement.

(1) Amount of Security. Amount of security shall be as follows:

(a) Type 1 and Type 2 Permits. Type 1 and Type 2 shall include:

- (i) Six thousand dollars per linear mile for unpaved highways to be maintained at a level consistent with the type of highway.
- (ii) Twelve thousand five hundred dollars per linear mile for paved highways to be maintained at a level consistent with the type of highway.
- (iii) Fifty thousand dollars per linear mile for any highway which the posting authority allows to be maintained below a level consistent with the type of highway.

(b) Type 3 Permits. Ten thousand dollars.

(c) The above bonding requirements shall be in the amount as determined from time to time by the Pennsylvania Department of Transportation and as the same is published in a revised schedule

of bonding amounts issued by said Department. The Borough hereby incorporates herein, by reference thereto, said schedules of amounts as from time to time determined by the Pennsylvania Department of Transportation.

- (2) **Form of Security.** The security may be in the form of a performance bond with surety by a company authorized to do business in the Commonwealth; or, at the option of the permittee, in the form of a certified or cashier's check, bank account, or irrevocable letter of credit in favor of the posting authority; or in some other form of security acceptable to the posting authority.
- (3) **Additional Security.** When the amount of damage in excess of normal maintenance to a posted highway is estimated by the posting authority to constitute 75% or more of the amount of the security, the posting authority may require the highway to be maintained or reconstructed within 30 days, unless the permittee agrees to provide such additional security as the posting authority shall determine.
- (4) **Self-Bonding.** The posting authority may authorize self-bonding if it determines, on the basis of the financial ability of the permittee, that it is unlikely that the posting authority will be unable to collect a judgement rendered against the permittee for failure to comply with the maintenance agreement.
 - (a) The posting authority shall require corporate officers, stockholders and their spouses to execute a self-bond if the posting authority, in its sole judgment, determines the financial ability of the permittee corporation is insufficient in itself to justify self-bonding.
 - (b) The posting authority shall require the permittee to execute liens on real or personal property or both as a condition for authorizing self-bonding.
 - (c) The posting authority reserves the right to change, alter, increase or decrease the above self-bonding requirements as it deems in the best interests of the Borough.

D. Multiple Permittees. Multiple permittees shall conform with the following:

- (1) **Agreement to Share Excess Maintenance Responsibility.** If two or more persons wish to obtain Type 1 or Type 2 permits to operate over posted weight vehicles on the same posted highway or portion thereof, they may agree among themselves as to their relative responsibility for the cost of excess maintenance; and the posting authority will enter into agreements and accept security on the basis of the agreed shares.
- (2) **Determination by Posting Authority.** If multiple applicants for Type 1 or Type 2 permits cannot agree on their relative responsibility, the posting

MOTOR VEHICLES AND TRAFFIC

authority will determine their relative shares, and will enter into agreement with and accept security from any person agreeing to such determination.

- (3) Subsequent Permit Applicants. Subsections (1) and (2) of this subsection shall apply ever if one or more persons have already entered into a Type 1 or Type 2 permit agreement and posted security when another person expresses the desire to obtain a Type 1 or Type 2 permit to operate over posted weight vehicles on the same posted highway.

E. Determination of Highway Condition. Determination of highway condition shall consist of the following:

- (1) Inspection. Representatives of the posting authority and of the permittee or permittees will make an onsite inspection of the posted highway immediately before issuance of each permit in order to determine its condition.
- (2) Reinspection. The posted highway will be reinspected:
 - (a) Upon issuance of any new permit.
 - (b) From time to time as the posting authority determines repairs may be required.
 - (c) Upon termination of any permit, in order to determine the amount of damage for which the permittee or permittees are responsible.
- (3) Type 3 Permits. Before and after using a Type 3 permit on any posted highway specified in the permit, the representatives of the permittee and the posting authority will make an onsite inspection to determine the relative condition of the highway before and after the use and to assess any excess maintenance caused by the permittee.
- (4) Notification of Inspections and Reinspections. All Type 1 and Type 2 permittees on a posted highway or portion thereof will be notified of all inspections and reinspections on the highway or portion and may participate in the inspections and reinspections.
- (5) Inspection Costs. The inspection costs of the posting authority shall be paid by the permittee or permittees. The estimated costs of such inspections shall be paid in advance at the time of issuance of a permit.

F. Administrative Fee. The posting authority will charge an administrative fee, in an amount to be established by resolution of Borough Council, for issuance of each permit, in addition to the inspection and security set forth above.

5. Penalties. Any person operating a vehicle or combination upon a highway or bridge with a gross weight in excess of the posted weight shall, upon conviction thereof, be

sentenced to pay a fine of \$150 plus \$150 for each 500 pounds, or part thereof, in excess of 3,000 pounds over the maximum allowable weight plus costs and, in default of payment of said fine and costs, to imprisonment for a term not to exceed 30 days.

- 6. Liability. Any person operating any vehicle, object or contrivance upon any highway of the Borough of New Stanton shall be liable for all the damage which said vehicle, object or contrivance causes to said highway as a result of the driving, operation, location, parking or maintenance of such vehicle, object or contrivance upon said highway in excess of the maximum weight provided by this Section or by law, even though the same may be authorized by a permit issued under this Section.

(Ord. 97-173, 2/6/1997)

§302. RESTRICTIONS ON SIZE OF VEHICLES ON CERTAIN STREETS AND BRIDGES.

- 1. On the following bridges and streets or parts of streets, by authority granted by Section 4902(a) of the Vehicle Code, it shall be unlawful for any person to drive any vehicle or combination in violation of the size restrictions prescribed below for that bridge or street or part of street:

<u>Street or Bridge</u>	<u>Between</u>	<u>Restrictions</u>
Center Avenue	At Turnpike Underpass	12 feet, No Trucks

- 2. Any person who violates any provision of this Section shall be prosecuted under Section 4902(a) and Section 4902(g-1) of the Vehicle Code, and, upon conviction, shall be sentenced to pay a fine of \$75 and costs.

(Ord. 97-173, 2/6/1997)

§303. RESTRICTIONS AS TO WEIGHT AND SIZE OF VEHICLES ON CERTAIN STREETS AND BRIDGES.

- 1. By reason of hazardous traffic conditions and other safety factors, by authority granted by Section 4902(b) of the Vehicle Code, it shall be unlawful for any person to drive any vehicle or combination in violation of the restriction prescribed below for that bridge or street or part of street:

<u>Street or Bridge</u>	<u>Between</u>	<u>Restrictions</u>
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(Reserved)

- 2. Any person who violates any provision of this Section shall be prosecuted under Section 4902(a) and Section 4902(g-1) of the Vehicle Code and, upon conviction, shall be sentenced to pay a fine of not less than \$25 and costs.

(Ord. 97-173, 2/6/1997)

MOTOR VEHICLES AND TRAFFIC

§304. TRUCK TRAFFIC RESTRICTED ON CERTAIN STREETS.

1. It shall be unlawful for any person to drive a vehicle other than a passenger car on any of the following streets or parts of streets:

Street

Between

North Center Avenue

Robertshaw Road + SR 3071

Provided: Nothing in this Section shall prohibit any person from driving an emergency vehicle on any of those streets or parts of streets, or from driving on any of those streets or parts of streets a truck or other commercial vehicle making local deliveries to or pickups from premises located along that street or part of a street.

2. Any person who violates any provision of this Section shall, upon conviction, be sentenced to pay a fine of \$25 and costs.

(Ord. 97-173, 2/6/1997)