

Road Preservation Use and Repair Agreement

This Agreement (**Agreement**) effective the ____ day of _____, 20__ is made and entered into by and between _____, acting through its duly constituted _____ Department (**Municipality**), located at _____; and _____ (**Developer**), a corporation, organized and existing under the laws of, or duly authorized to conduct business in the State of New York, having its principal place of business at _____.

Whereas, the parties hereto desire to provide for the use and repair of _____ Roads when subjected to damage or degradation by frequent or repetitive traversing of heavy vehicles employed in respect to transporting heavy construction equipment and hauling construction materials.

Now Therefore, in consideration of the premises and of other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

Terms and Conditions: Shall be set forth in Sections One to Eleven and Appendices A, B, and C.

Term of Agreement: This Agreement shall be for a term commencing on the effective date hereof and ending when the project in respect of which it is entered into is complete.

In Witness Whereof, the parties hereto have executed this agreement as of the latest date written below.

Developer

Municipality

By: _____
Name:
Title:

By: _____
Name:
Title:

Date: _____

Date: _____

Approved as to From:

Date: _____

Road Preservation Use and Repair Agreement

An Agreement Relating to the Use and Repair of Roads in the _____ of

(Date) _____

Section 1: PURPOSE

The purpose of this agreement is to maintain the safety and general welfare of _____ residents by regulating commercial activities that have the potential to adversely affect road conditions and public right-of-ways. Well maintained roads are important to the economic well being of the County/Town/Village of _____ hereinafter, "the Municipality." Commercial endeavors such as mining and natural gas drilling are also economically beneficial. This agreement is not intended to regulate such business; the intent is to protect the public right-of-ways from damage. The County/Town/Village Board of the County/Town/Village of (_____) hereby enacts the following Road Preservation Use and Repair Agreement pursuant to the provisions of the Municipal Home Rule Law.

Section 2: ENFORCEMENT

The Municipality delegates to _____ hereinafter, "the Designee," the oversight of assuring commercial activities do not have an adverse impact on roads. This individual will work directly with the company representative named on Appendix A.

Section 3: DEFINITIONS

a. Structural Class:

1. **Structural Class 1** - The road structure has been upgraded to an adequate and high quality base of uniform thickness and material type. The driving surface is either an asphalt concrete pavement or bituminous surface treatment in good to excellent condition. The Granular Base and/or the Asphalt Pavement/Bituminous Surface Treatment are less than 10 years old and have 20 to 30 years remaining life. The complete road structure is capable of supporting heavy construction equipment (total estimated 18-KIP Equivalent Single Axles Loads) throughout the duration of the anticipated drilling project, without needing major structural improvements prior to the project. However, heavy construction traffic loading will expend some of the useful life of the road pavement structure and shorten the life expectancy of the road, even though visible damage at the end of the project may not be severe. Visible damage could include but is not limited to increased extent of one or more of the following distresses; alligator cracking, edge cracking, longitudinal and transverse cracking, potholes and patches, rutting (especially in the wheel paths), and overall ride roughness.

2. **Structural Class 2** - The road structure has been upgraded to an adequate and high quality base of uniform thickness and material type. The driving surface is either an asphalt concrete pavement or bituminous surface treatment in fair to good condition. The Granular Base

