

# Haul Road Agreements to Protect Roads



Northwest Pavement Management Association

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# Heavy Trucks and Rural Roads

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- ❑ Logging truck routes
- ❑ Mining truck routes
- ❑ I-5 bypass route to avoid weigh station

# What Doesn't Work in Clark County

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- ❑ Road maintenance fees not applicable to Counties
- ❑ County Road Fund monies not available
- ❑ Local option taxes not acceptable
- ❑ Impact fees not applicable

# What Has Worked in Clark County

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Pavement Wear Agreements with developers seeking  
Land Use permits

# Key Needs

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- ❑ Local legislative and code support
- ❑ Developer's ability to pay
- ❑ Staff administration and monitoring time
- ❑ Political will

# Successfully Accomplished

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- ❑ Yacolt Mountain Quarry
- ❑ Livingston Mountain Quarry (private)
- ❑ Livingston Mountain Quarry (public)





## Six Step Process to Accomplish

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Step 1 – Early developer notification prior to Land Use permitting

Step 2 – As part of the Land Use permitting effort, model and cost the incremental pavement wear caused by the proposed development or activity

Step 3 – Negotiate with developer on the terms of the Pavement Wear Agreement

Step 4 – Draft and finalize the Pavement Wear Agreement

Step 5 – Include in the Land Use Approval a “Finding” with respect to the need for the Agreement and a “Condition of Approval” requiring the Agreement

Step 6 – Develop/implement a monitoring and accounting framework

## Step 1 – Developer Notifications

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- ☑ Alert the Developer or user as to the anticipated pavement wear requirements in a cooperative fashion
- ☑ Cite specific authority(s) to be used by the permitting jurisdiction
- ☑ Educate with specific examples of previous developer requirements and agreements
- ☑ Confirm the political will

## Statutory Authorities – State

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RCW 82.02.020 – This section does not prohibit voluntary agreements with counties, cities, towns, or other municipal corporations that ..... mitigate a direct impact that has been identified as a consequence of a proposed development, subdivision, or plat.

SEPA – Environmental Checklist, Question 14.d – Will the proposal require any new roads or streets, or improvements to existing roads or streets, not including driveways?

## Statutory Authorities – Local

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CCC 40.250.020 Surface Mining Overlay District – Access Road Maintenance. Access roads to the mining and quarrying site shall be maintained and located to the satisfaction of the Director of Public Works, to minimize problems of dust, mud, and traffic.

CCC 40.520.020 Land Use Review and Approval – Approval Criteria. The site for the proposed use relates to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use.

CCC 40.520.030 Conditional Use Permits. In order to grant any conditional use, the hearing examiner must find that the establishment, maintenance or operation of the use applied for will not, under the circumstances of the particular case .....be detrimental or injurious to the property and improvements in the neighborhood.

## Step 2 – Pavement Wear Modeling and Costing

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- ☑ Obtain key operating parameters for proposed development or activity, such as duration of activities, seasonality of hauling, types of trucks, weights of trucks, numbers of trucks, etc..
- ☑ Utilize the jurisdiction's pavement management system to establish baseline pavement conditions
- ☑ Modeling assumption is the amount of one-time or periodic preservation work required to return the pavement to pre-existing conditions

## Step 3 – Negotiations

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- ☑ Share modeling and costing results with developer/user
- ☑ Stress benefits of being a “good neighbor” and value of a sound and consistent driving surface
- ☑ Share statutory authority and political will to institute the requirements
- ☑ Be flexible in the payment approach, either a fixed dollar amount (regardless of actual tonnage hauled) or a fixed dollar rate per ton hauled





## Step 4 – Prepare Written Agreement

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- ☑ Jurisdiction prepares written Pavement Wear Agreement defining the allowable haul routes, truck types allowed, maximum numbers of trucks and tonnages by season, monitoring and reporting requirements, payment provisions, appeal opportunities, etc.

## Step 5 – Requirements Placed into Permit Approvals

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Example Condition: The applicant shall enter into a Pavement Wear Agreement with Clark County Department of Public Works prior to any occupancy and use of the site. The Agreement shall reflect the costs to the County to properly maintain the pavement structure and condition of Gabriel and Kelly Roads (between the quarry site and SR-503) due to the additional truck traffic on those roadways.

## Step 6 – Monitoring/Accounting Framework

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- ☑ Followup the initial permitting with a monitoring/accounting process including a “tickler system”
- ☑ Continually monitor compliance and obligations of developer/user
- ☑ Make sure the jurisdictions obligations are fulfilled and proper pavement conditions are maintained
- ☑ Convey to developer/user the benefits of the pavement improvements for which they are paying and the actual preservation efforts being accomplished by the jurisdiction

# Agreement for Pavement Improvement Fees for the Livingston Mountain Quarry

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**The agreement outlined below establishes a mechanism whereby the County Operated Livingston Mountain Quarry would provide compensation for the incremental pavement wear in the vicinity of the quarry resulting from the quarry traffic. The arrangement would result in the quarry providing an incremental share of the cost of the pavement preservation work.**

1. The first lump sum payment of \$19,318 will be paid to Clark County prior to starting rock crushing operations.
2. The computed annual fee is calculated based on a thirty-year life expectancy of the quarry. Subsequent annual payments shall be adjusted from the \$19,318 baseline amount based on the Seattle Engineering News Record (ENR) - Construction Cost Index (CCI) for the remainder of the anticipated 30-year life of the quarry. The recalculated amount shall then be paid to the Clark County by December 31 of each year.
3. The quarry operation shall not exceed an average of 70-loaded truck trips/day during normal operations.
4. The quarry operation shall not exceed a maximum of 140-loaded truck trips/day during short-term production periods no longer than 10 consecutive days. Clark County shall be notified of short-term production periods and their anticipated duration via email.
5. A request to re-evaluate average and maximum daily loaded truck trips, in order to adjust the annual maintenance fee, may occur two-years subsequent to the initial startup of the rock crushing operation. This request may be submitted should there be evidence that a substantial discrepancy in the trip generation is identified. Terms of a modified agreement shall be implemented at the time the trip re-evaluation request has been verified and approved by the County Engineer.
6. Loaded truck trips shall be recorded and counts submitted to Clark County on a quarterly basis.
7. The County reserves the right to close roads for freeze-thaw conditions.
8. Fees collected are intended to be used to improve the pavement structure of NE 262nd Avenue, NE 53rd Street and NE Bradford Road.

# Critical Success Factors

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1. Political will
2. Ability to monitor operations and compliance following site startup
3. Profitability of the site to generate the required funds
4. Adaptability of the written agreement to the specific needs of the developer/user
5. Continuing dialogue between the local jurisdiction and the developer/user
6. Pick your battles – in Clark County, mining but not logging