

YELLOWSTONE COUNTY ROAD POLICIES

*ADOPTED BY THE
BOARD OF COUNTY COMMISSIONERS*

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MONTANA YELLOWSTONE COUNTY PUBLIC WORKS DEPARTMENT

The Yellowstone County Public Works Department is comprised of four divisions: the Administration Division, the Road & Bridge Division, the Junk Vehicle Division, and the Noxious Weed Division.

Mission Statement:

Our mission is to manage the County's transportation infrastructure, junk vehicle disposal, and noxious weed control in the most cost-effective manner possible. The Public Works Department is managed by a Director who is appointed by and reports to the Yellowstone County Board of Commissioners. The Director is responsible for all operations, programs, and services provided by the department, while the Board of County Commissioners retains ultimate authority over the management of all county roads.

What We Do:

The Public Works Department evaluates the efficiency and quality with which various departmental services are provided. This includes setting administrative policies and procedures, long-term planning, development reviews, permitting, inspection of driveway construction by private citizens, administering budget and Capitol Improvement requests, managing divisional and personal functions, and coordinating activities with other departments and governmental agencies.

You may find out more about Yellowstone County Public Works Department by going to <https://www.yellowstonecountymt.gov/publicworks/>.

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Addenda:

- Addendum #1 – Resolution No. 09-53
- Addendum #2 – Driveway Approaches (Updated April 2024)
- Addendum #3 – Ordinance No. 07-107 (Replace with Resolution 23-59)
- Addendum #4 – Resolution No. 15-45
- Addendum #5 – Encroachment Permit Application
- Addendum #6 – Resolution No. 12-38
- Addendum #7 – Maintenance RSID Guidelines

YELLOWSTONE COUNTY ROAD POLICIES

I. DEFINITIONS

AASHTO: American Association of State Highway and Transportation Officials.

ADT: Average Daily Traffic.

ALLEY: Minor rights-of-way which are used primarily for vehicular service access to the back or the side of properties otherwise abutting on a street.

BRIDGE: A structure spanning and providing passage over a waterway, railroad or other obstacle.

CATTLE GUARD: A device placed in a road bed which effectively prevents travel of cattle across it, usually consisting of horizontal bars with spaces between.

COUNTY COMMISSIONERS: The governing body of Yellowstone County.

COUNTY PUBLIC WORKS DIRECTOR: Performs the duties of the County Road & Bridge Superintendent as defined in Section 7-4-2812, Montana Code Annotated.

CULVERT: A structure designed for passage of water, pedestrians, animals and/or vehicles under a roadway or driveway.

DEDICATION: The deliberate appropriation of land by an owner for any general and public use reserving to himself no rights which are incompatible with the full exercise and enjoyment of the public uses to which the property has been devoted.

EASEMENT: A grant by a property owner to specific persons or to the public to use land for a specific purpose or purposes, in which said property owner agrees not to build, create or construct or permit to be built, created or constructed, any obstruction, building, engineering works or other structures over, under or that would interfere with said use.

ESAL: Equivalent of Single Axle Load.

H15, HS 15, HS 20, H20: These are design loads of various magnitudes and configurations which are used in structural design calculations for roads and bridges. Specific information is available in various design references.

MCA: Montana Code Annotated

MDT: Montana Department of Transportation.

PLAT: A graphical representation of a subdivision showing the division of land into lots, parcels, blocks, streets, and alleys and other divisions and dedications.

PROFESSIONAL ENGINEER: As defined under Section 37-67-101(9), Montana Code Annotated.

ROADWAY: That portion of a road, including back slope, roadside ditch, fore slope, and shoulders, for vehicular use.

RURAL SPECIAL IMPROVEMENT DISTRICT (RSID): A legal taxing authority that can raise funds in specific areas for specific improvements and on-going maintenance

COUNTY ROADS: Any and all roads, streets, highways, alleys, ways or paths established as follows:

- A. Those approved by resolution of the County Commissioners as a result of the petition process,
- B. Those created through plat dedication and approval of said plat by Board of County Commissioners,
- C. Those taken by the County through condemnation,
- D. Those taken by the County through prescription as declared by a final court order,
- E. Those existing through recorded deeds accepted by the County Commissioners through resolution,
- F. Those transferred by the Montana Department of Transportation to the County, and accepted by the County Commissioners,
- G. Those accepted by the County as a public easement.

TRAFFIC CONTROL DEVICES: For the purpose of this document, the term Traffic Control Device shall include all of, but shall not be limited to, the following:

- A. Street Name Signs
- B. Regulatory Signs
- C. Warning Signs
- D. Pavements Markings
- E. Channelization
- F. Traffic Signals
- G. Guard Rails

UTILITY: Means the following: telephone, natural gas, electricity, water, sewer, cable, and telecommunications.

YELLOWSTONE COUNTY: For the purpose of this document, Yellowstone County refers to Yellowstone County Public Works Department, unless otherwise specified.

II. DEFINITIONS AND CREATION OF COUNTY ROADS

PUBLIC ROAD

Definition: Includes all kinds of public ways including interstate highways, state highways, county roads and city streets. Different public roads are under the jurisdiction of different public entities.

PRIVATE ROAD

Definition: Private roads are created between and among private individuals. These roads may be created by a document conveying a use right, by private prescriptive use or private fee ownership. If the interest is created by a grant of a use right in a document, the document should state clearly whether the use right can be further expanded without the consent of the parties to the original document of conveyance. Private roads are also further defined in MCA 61-8-102(s).

METHODS OF CREATING PUBLIC ROADS

- Dedication: The voluntary appropriation of land for any general or public use.
Two types of dedication:
 - Statutory- Montana Subdivision and Platting Act
 - Common Law dedication- Recognized in Montana if a person evidences his intention to donate to the public, and the public accepts that donation in reliance upon his actions, conduct or silence is estopped from taking back his land.
- Deed Reservations and exceptions can be considered a form of common law dedication.

TERMS USED SYNONYMOUSLY BUT DIFFERENT MEANING IN COMMON LAW

- Creation of road by petition: Statutory procedure found at MCA 7-14-2601 through 2621 and includes the establishing, altering and abandoning of county roads.
Roads created by condemnation: Arises from the right of eminent domain. Eminent domain is defined in MCA 70-30-10 as the right of the State to take private property for public use. The right to take the property is subject to the constitutional requirement that private property cannot be taken for public use without compensation.
- Creation of public roads by prescription: All elements of prescriptive use must be proven to in order for the public to acquire a road by prescription. The use of the road must be CONTINUOUS AND UNINTERRUPTED BY THE PUBLIC, in a manner which is ADVERSE to ASSERTION OF CONTROL by the local authorities, and over a fixed and definite course, for a period of at least five consecutive years.
- Private Prescriptive easements may also exist: These property rights accrue to a private party and extend no public use rights. Both public and private prescriptive easements may only be established by the order of a court of competent jurisdiction.

SOME ROADS ARE CREATED PURSUANT TO FEDERAL LAW

Roads created by a federal agency for the purpose of managing federally controlled land, such as forest development lands. Subject to the complete control of the federal agency, the Public's right to use the roads is subject to the complete management authority of the federal agency which opened the road. Limited State authority may be exerted over federal lands by the State in the name of the police power found at MCA 61-8-112. Forest development roads are subject to the State traffic laws and highway patrol and county sheriff may investigate accidents and issue citations enforcing Montana traffic laws. 37 A.G. Op. No. 9 held that traffic laws include parking, moving and safety regulations.

ABANDONMENT OF ROADS

Montana statutes provide that once established, county roads must continue to be county roads until abandonment by:

- A. Operation of law;
- B. Judgment of a court of competent jurisdiction; or
- C. Order of the board of county commissioners. For an order to be valid it must be preceded by notice and public hearing.

Montana statutes establish elements of the Petition and establish a public hearing process. The county commissioners may limit or forbid, temporarily, any traffic or class of traffic on county roads of any part thereof when it is necessary to preserve or repair the roads MCA 7-14-2127.

CONSTRUCTION OF PUBLIC ROADS OTHER THAN THROUGH SUBDIVISION PROCESS

The construction of petitioned or dedicated public roads other than through the subdivision process is governed by Resolution No. 12-38 attached as Addendum #6.

III. FUNCTIONAL CLASSIFICATION

Functional classification is a means by which roads can be segregated into types according to the function they provide in the transportation network. The two purposes which roads serve are access and mobility. The properly designed road network provides a continuum of efficient travel through the functional classification types from the origin of the trip to the destination. The general three categories of roads in the functional classification system are arterials, collectors, and locals. The functional classification will be classified by Yellowstone County in applicable instances. The classification of roads used by Yellowstone County, Montana are defined by the MDT and Yellowstone County regulations and classification map.

- A. Arterials: Freeways serve the function of movement and are therefore properly classified as major arterials. However, due to their unique geometric and access design they are commonly classified as a separate design category, distinct from other arterials. At-grade arterials are further divided into principal and minor designations. Principal arterials are intended to provide a high degree of mobility. They should provide for high operating speeds, high levels of service and serve long trips. Movement, not access, is their principal function, therefore, access management is essential in order to preserve capacity. Continuity is

another very important feature of arterials since they connect with external highways and interconnect major developments such as the central business district, large commercial and industrial developments, and major residential areas. In order to meet present and future traffic demands, principal arterials should be planned at a spacing of one mile.

- B. Collectors: Collectors provide an essential transportation function as a link between the arterial system and local access roads. They provide both access and movement functions within residential, commercial, and industrial areas. Operating speeds are somewhat lower on collectors, and intersections or access points can be spaced closer than on arterials.
- C. Locals: Locals have a primary function of access. The movement function is incidental and involves travelling to or from a collector facility. Trip lengths are short and consequently volumes should be low and speeds slower than typical collectors. Service to through traffic is deliberately discouraged.

IV. GUIDELINES FOR INTERPRETATION OF COUNTY ROADWAY AND BRIDGE DESIGN, CONSTRUCTION, AND REGULATION STANDARDS

The Commissioners recognize that there exists a need for extensive roadway systems and bridges throughout Yellowstone County. The extensive roadway systems and bridges are to serve the needs of the public including but not limited to rural, low-density subdivisions and undeveloped farmland. Neither the low-density subdivisions nor the undeveloped farmland create a tax base which will support high quality roadway and bridge construction or intensive and costly maintenance. Furthermore, upon development of rural subdivisions, lot values and sales rates do not generate revenues which easily support the construction of high-quality roadways and bridges. Despite these inconsistencies, values of farmland for development purposes and a slow, steady demand by consumers create a constant demand for real estate subdivisions and the need for more roadways and bridges.

In order to balance these competing and inconsistent needs and burdens, the County adopts the following policy for roadway and bridge design, construction, and regulation standards:

- A. Design, construction, and regulation standards for roadways and bridges shall take into account the economic realities discussed above consistent with traffic flow and public safety.
- B. While the right-of-way widths necessary to accommodate anticipated needs for arterials and collectors will be dedicated to the County at the time property is subdivided, the County will only require the subdivider to construct roadways and bridges commensurate with usage foreseeable for a twenty-year period with a sufficient base and geometric design to accommodate reasonably anticipated use beyond the twenty-year period. Nothing in this section shall be construed to supersede Yellowstone County subdivision regulations. Should there be a conflict between this manual and the Yellowstone County subdivision regulations, the subdivision regulations shall apply.

V. PRIORITY ANALYSIS

The County shall establish a priority list for reconstruction of roads. The County shall establish a consistent long range improvement program similar to that used in the current Transportation Plan for the Billings Urban Area, developed by the Yellowstone County Board of Planning and adopted by the Policy Coordinating Committee.

PRIORITY ESTABLISHMENT

The Board of County Commissioners shall consult with the Public Works Department annually to develop priority lists for maintenance of County roads. Actual maintenance resource allocation shall take into account traffic count, type of driving surface, road condition and public safety considerations.

RSID ROAD MAINTENANCE

The decision as to level and timing of maintenance of RSID roads shall be that of the Board of County Commissioners in consultation with the Public Works Department. The County will conduct annual assessment of maintenance needs, and the Public Works Department shall annually present to the Board of County Commissioners a resolution fixing the maintenance level and annual property tax assessment for the maintenance of the RSID roads. The resolution, once passed, shall be followed with exceptions only for emergencies and expenditures otherwise allowed by law at the discretion of the Board of County Commissioners. Property assessments shall be fixed based on the needs and amounts identified in the Resolution. The spending authority for RSID maintenance, subject to budgetary limitations, shall be provided for in Addendum #7, attached hereto.

VI. GENERAL ROAD CONSTRUCTION CONSIDERATIONS

1. Yellowstone County shall require road construction standards to be set by the current subdivision regulations standards.
2. Materials and construction methods shall follow the Montana Highway Commission "*Standard Specifications for Road & Bridge Construction*" latest edition.
3. All design and construction shall be based on a 20-year design life.
4. Right-of-way standards shall be as established by the Yellowstone County Subdivision Regulations.
5. Guidelines for geometric design of all arterial and collector roads shall be completed per current AASHTO standards.
6. All roads are required to be designed by a Montana professional engineer. Plans and specifications must be submitted to Yellowstone County and as-builts shall be required upon completion of the road.
7. Mailbox location and construction shall be determined by the United States Postal Service.
8. Yellowstone County requires County permits prior to construction for all roads and utilities that are or connect to a County public road.

VII. TRAFFIC & SAFETY

- A. All traffic control devices shall conform to the latest edition of the “*Manual on Uniform Traffic Control Devices.*”
- B. Road Naming:
 - 1. All road names shall be governed by Resolution No. 09-53 which is attached as Addendum #1 to this manual.
- C. Roadside Safety
 - 1. Where applicable, AASHTO standards, set in the newest editions of “*Roadside Design Guide*” and “*Roadside Improvements for Local Roads*,” will be followed in establishing roadside safety.
 - 2. It shall be a policy of the County to consistently apply a realistic clear zone set to AASHTO standards, taking into account the speed limit, traffic volume, topography, and overall sight distance.
- D. Access Control
 - 1. Access will be limited where feasible on all public roads under County jurisdiction.
 - 2. Generally, no-access easements will be utilized on all arterial and collector roads, with drive approaches severely limited and shared access required where reasonable. A request for more than one access will be entertained only if it is proven that it is a safer design to have two accesses. The following factors will be weighed in determining the number of accesses: traffic volume, topography, speed limit, and overall sight distance. In other limited circumstances, alternatives may be considered. The overall standards for accesses will be consistent with the Yellowstone County Subdivision Regulations.
 - 3. Construction shall not begin on an access until the approach permit required is granted. If construction is begun before permit is granted, the County may be entitled to charge an enhanced permit fee five times the existing permit amount representing the increased administrative and staff time needed to process the permit and check the access. In addition, Public Works will withhold issuance of the address until the approach has received final approval and inspection.
 - 4. Inspections of newly constructed approaches are required. The applicant is required to inform Public Works within 24 hours of the completing the construction of the approach. Within 5 days, the County will inspect the approach to determine whether it complies with the standards of this Road Policy. If the approach is non-compliant, the applicant is required to remedy the situation within 15 days. Once the work is completed, the applicant will request an additional inspection from the Public Works. If the applicant fails to remedy the situation, the County will pursue enforcement as enabled by MCA and outlined in Addendum #2.
 - 5. If a property owner with an existing access requests a new access, the County may require the existing access to be removed once the new access is completed.

6. If the County determines that public safety is in jeopardy due to the construction or placement of an access, the County may revoke the permit.
7. Application and additional standards for access permits are found in Addendum #2 of the manual.

VIII. PAVEMENT DESIGN

Pavement design standards will be set by the most recent subdivision regulation and AASHTO. Should the subdivision regulations conflict with current AASHTO standards, the provisions of the subdivision regulations shall take precedence. The following factors will be weighed in road surface design: Traffic (ADT's, ESAL's), Supporting Soils, Environment, and Drainage.

- A. Arterials and collectors shall be based on the results of a geotechnical study.
- B. The standard road section for local roads shall be 12" of 3" minus base course and 3" of 1 ½" minus top course and 3" asphalt. Should the engineer designing the road desire a variation from the standard road section, the engineer may request a variance from the standard subject to a geotechnical report submitted and approved by the Public Works Department.

IX. GRAVEL DESIGN

Gravel design standards will be set by the most recent subdivision regulation and AASHTO. Should the subdivision regulations conflict with current AASHTO standards, the provisions of the subdivision regulations shall take precedence. The following factors will be weighed in road surface design: Traffic (ADT's, ESAL's), Supporting Soils, Environment, and Drainage.

- A. Arterials and collectors shall be based on the results of a geotechnical study.
- B. The standard road section for local roads shall be 12" of 3" minus base course and 3" of 1 ½" minus top course as a minimum gravel section. Should the engineer designing the road desire a variation from the standard road section, the engineer may request a variance from the standard subject to a geotechnical report submitted and approved by the Public Works Department.

X. GEOMETRIC DESIGN

AASHTO regulations, set forth in the most current edition of *"A Policy on Geometric Design of Highways and Streets,"* will serve as the standard reference for the following:

- A. Sight Distance
- B. Horizontal Alignment
- C. Vertical Alignment
- D. Coordination of Geometric and other Roadway features.

AASHTO's most current edition of *"Geometric Design of very Low-Volume Local Roads (ADT < 400)"* should be used where applicable.

XI. BRIDGE AND CULVERTS

Bridges are structures which carry traffic across a stream, roadway, cattle pass or special access to the other side of the crossing. A road bridge must be designed to meet present acceptable standards set forth in the current AASHTO “*Standard Specifications for Highway Bridges*,” current addition of the “*Timber Construction Manual*” by the American Institute of Timber Construction, where applicable.

Materials of construction may be steel, cast-in-place concrete, pre-stressed concrete or timber. Special construction that may be considered include culverts, either steel or concrete, and any other materials that meets generally accepted design and construction standards for bridges.

In certain limited instances, single lane structures and/or design loads of less than HS20 may be considered. Depending on the ADT and nature of the probable traffic, H20, HS15, or H15 design loads may be acceptable. Occasional overloads are acceptable for infrequent heavy loads by the most current AASHTO’s “*Evaluation of Existing Bridges*.” These instances will require special consideration and approval by the County based on the bridge designer’s recommendations.

XII. DUST CONTROL

The Yellowstone County Dust Control Policy is designed to serve the citizens most impacted by unstable road surfaces and road dust and to protect the public from dust control chemicals applied by private parties that might present a risk to persons or the environment.

POLICY REQUIREMENT: Residents and/or property owners must obtain approval from Yellowstone County prior to any dust control agents being applied to any county or dedicated public road.

CURRENT ROAD DUST MAINTENANCE: Yellowstone County allots funding for dust control in Yellowstone County. The amount budgeted will vary with the overall budget demands on the County and the availability of County Road funds. The Yellowstone County Public Works – Road & Bridge Department’s dust control budget allows for dust control agent application for County or public roads that are maintained by the Yellowstone County Public Works – Road & Bridge Department. Some roads receive dust control to improve operational efficiency, mainly by reducing maintenance frequency, but other criteria including traffic volume, and geometrics (hills, slopes, curves, corners, etc.) have been considered for these roads.

Yellowstone County will place higher priority on those roads that improve operational efficiency, by allocating funding first on these roads. The remaining funds will be used to address dust complaints as they are received subject prior to criteria otherwise stated in this policy. Dust control applications will not be implemented prior to June 15th or after October 15th.

Request for dust control must meet one or more of the following criteria:

- Minimum of 70 trips per day
- The material on the road must be suitable for dust suppressant
- Safety such as visibility issues for oncoming traffic
- Health issues (for example childcare facilities or schools)
- Other special circumstances may be brought to the BOCC for consideration.

Any other county or public roads that are maintained by the Yellowstone County Public Works – Road & Bridge Department which do not meet the criteria to have dust control furnished by the County may also be dust controlled if the residents and/or property owners participate in the cost of dust control by paying for the dust control chemical – including application. The money for the dust control chemical must be paid to Yellowstone County before any action is taken. The Yellowstone County Public Works – Road & Bridge Department will provide the equipment and the labor for preparation of the road and the coordination with the applicator of the dust control chemical, at no cost to the residents and/or property owners. The application will then be made when reasonable to do so. Considerations will be made for weather, location of equipment and other competing maintenance priorities and responsibilities.

In the case of a commercial industry causing the dust problem, Yellowstone County may require the business to pay for controlling the dust problem if dust control is requested by the commercial or industrial operation.

XIII. CATTLE GUARDS

Cattle guards on County historically maintained roads will only be allowed in open range districts. Property owners requesting a cattle guard to be installed on a County road will pay the Yellowstone County Public Works Department for the cost of the materials. The materials will be purchased from the Yellowstone County Road & Bridge Department. The materials of a cattle guard consist of two 12'x 7.6' steel cattle guards, two 12" x 12" x 26' treated timbers, and two steel angle iron wings. The cattle guard will be installed and maintained by the Yellowstone County Road & Bridge Department after the property owner has paid Yellowstone County for the materials. The number and location of the cattle guards allowed per landowner will be determined by Yellowstone County. Yellowstone County will base its decision upon public safety, traffic volume, topography, and speed limit. This list is not factor exhaustive.

XIV. OVERSIZE MOVING PERMITS

A permit must be obtained from the Public Works Department prior to moving an oversize load. Permits are subject to fees and bonding requirements set by resolution. Permit applications must include an address for both the origin and destination, and a complete description of the route. In addition to the requirements contained in this section, an applicant for a permit to move a house/structure must have a permanent foundation on which to place the house/structure. The foundation must be conducive to the placement of the structure.

XV. RESTRICTED ROUTES

The Yellowstone County Board of Commissioners limits truck traffic for local deliveries on various County roads. A list of load restricted roads is covered by Ordinance No. 07-107 as amended which is attached as Addendum #3 (Resolution No. 23-59).

XVI. WORK/ACTIVITY IN RIGHT-OF-WAY

A permit is required for all work in public right-of-way. Permits are subject to fees set by resolution and are issued by Yellowstone County. Permits must be obtained prior to commencing the work. To preserve public safety, the County may place conditions, regulations, or requirements on the permit. The condition of the right-of-way must be restored to the same or better condition as it was before the work/activity was performed. Should work commence before the permit is issued, the permit fee shall be doubled to reflect increased staff time and resources necessary to process the permit.

XVII. VARIANCE PROCEDURE

Any variance from established policy or standards must be reviewed and approved by Yellowstone County Public Works, taking into account the following information:

1. Alternate design or standard approved by a Montana professional engineer.
2. Demonstrated utility feasibility, safety, equivalency, etc., of an alternate method or design.
3. A showing of uniqueness of land or topography and unique circumstance that justifies the gravity of a variance. Mere economic necessity is not, by itself, sufficient grounds for a variance.
4. An applicant may submit a written request for a variance to the Yellowstone County Public Works Department specifying the need for and nature of the variance.
5. Decisions of Public Works are final. Any applicant who is aggrieved by the decision of public works can appeal to the Board of County Commissioners.

XVIII. RIGHT-OF-WAY POLICY

- A. Encroachments. No structures, appurtenances or fixtures of a permanent nature can be placed as an encroachment on a county road right-of-way without first obtaining an encroachment and/or work in the right-of-way permit from the County.

An encroachment will be considered upon submission of an encroachment permit application. This includes existing encroachments which will be reviewed by Yellowstone County. Encroachment permits may be issued for uses including: devices or objects placed within the right-of-way limits; or physical occupancy of the right-of-way by persons or groups of persons. Yellowstone County shall inspect all requested encroachments and may approve the permit unless the public safety is at risk or the County needs the right-of-way for any other purpose. Should the

applicant disagree with the determinations of Yellowstone County, the applicant may appeal to the Board of County Commissioners within 30 days of the determination in writing. Applicant shall list the type of requested encroachment, the exact location of the encroachment and the perceived need for the encroachment. Any application for work to be done in County Public Right-of-Way including culverts, drainage improvements and approaches shall be submitted to the Yellowstone County Public Works Department. Applicants must be the owner of the property requesting the permit at the encroachment's proposed location, a government agency, or the contractor proposing the conduct of work on behalf of the owner. An encroachment permit application is included as Addendum #5. Encroachments within the County right-of-way constitute a license subject to revocation upon a conflict with the license and the public's need for the right-of-way. The license may also be revoked should the holder of the license transfer his/her property interests abutting the area subject to the license or the property being served by the license.

1. Utility Placement and Work in the Right-of-way: Utilities require permit approval from Public Works to place a utility in the right-of-way and are also required to obtain a permit to work in the right-of-way.
 - a. The utility owner is required to be the permittee. The applicant is required to submit a utility installation plan set which at a minimum shall include proposed location of the utility and where it will be located within the right-of-way with offsets from the edge of road or edge of right-of-way clearly shown.
 - i. Permits are limited to no more than 5 roads and up to 5 miles of linear work. Work is required to occur in a linear manner. No more than 2 active permits per utility may be open at any given time. To obtain additional permits, an active permit must be closed out, complete with final inspections and all restoration work complete.
 - ii. The plan set shall include locations of all drops, vaults, pedestals, etc. and information on the installation types, including boring, trenching, plowing, etc. to be located within the right-of-way or easement.
 - iii. The plan set shall also include a restoration plan outlining proposed restoration methods and timeframes for which restoration will occur.
 - iv. A Traffic Control Plan may be required, depending on the scope of work of the permit. If required the TCP is subject to approval.
 - v. The approved plans shall be kept on site along with the approved permit. The plan set shall be updated daily by the contractor with as-installed information, including bore, trench, and plow depths and offsets.
 - vi. Plan deviations will require a variance in advance, as approved by County Public Works.

- vii. A clean set of as built plans shall be provided to the County upon permit closeout.
- viii. Permit closeout requires an inspection at the expense of the Permittee. A permit shall only be closed if all restoration work has been completed to a satisfactory level as approved by County Public Works. The closeout requires the issuance of an encroachment permit for the utility owner. Encroachment permits allow the utility to remain in place, under certain conditions, once the active construction is over.
- b. Permittee, or their general contractor performing the work, shall be bonded and insured with the County listed as co-insured. Permittee shall be held responsible for all damages and costs to any other installation already in place because of work covered by this permit.
 - i. A Bond shall be provided to the County in advance of permit issuance. The amount of the bond shall be determined by Public Works based on the scope of the permit.
- c. Responsible costs of Permittee. The Permittee is responsible to reimburse the County for costs related to permit oversight. These costs may include, but are not limited to:
 - i. As needed inspections by County Public Works or its designee,
 - ii. Review for any restoration plans as part of a stop work order,
 - iii. Review of any restoration or compliance plans as part of a permit revocation,
 - iv. Testing or separate contractor fees to verify work logs.
- d. Permittee shall take the necessary actions to ensure that the encroachment does not create a nuisance or hazard to the County or the public, as determined by County Public Works.
- e. The permittee shall be responsible for the repair and maintenance of any facility/infrastructure it constructs or places in the rights-of-way or easements and shall be responsible for any failure of the encroachment.
 - i. Should failures occur the Permittee is required to repair or replace the failure within 45 calendar days.
 - ii. Should the Permittee not repair, replace, or negotiate a date for such work with Public Works, the facility/infrastructure will no longer be permitted and will be required to be removed and the right-of-way reclaimed in its entirety at the expense of the permittee.
- f. Bore Construction Requirements. Permittee is required to submit full bore logs of all bore locations within the right-of-way. Handwritten logs are not acceptable. Bore Logs are required to be submitted to Public Works for approval within 4 days of the completion of the bore. KMZ files labeled consistently with bore logs of all locations required at permit closeout. Bore logs shall, at a minimum, include the following:
 - i. Date & time,
 - ii. Crew leader name,

- iii. Location and corresponding crossing label,
 - iv. KMZ file with location coordinates,
 - v. Facility bore is crossing (if applicable),
 - vi. Direction of bore,
 - vii. Depth at each bank and depth at invert of canal/lateral/pipe/drain/etc.
 - g. Construction Coordination Requirements. Permittee is required to provide a full construction schedule to Public Works for review and approval.
 - i. Permittee shall provide Public Works 48-hours' notice of any construction work within the rights-of-way or easements.
 - ii. A preconstruction meeting is mandatory before starting any construction.
 - iii. Permittee shall hold monthly construction update meetings with Public Works or its designee. Meetings shall include review of compliance issues, construction progress, schedule changes, plan deviations, etc.
 - h. Right to Inspect. The County reserves the right to require inspection, at any time, of construction activities by Public Works staff or its designee for any or all work to ensure compliance with the permit requirements. The expense of these inspections is the sole responsibility of the permittee. The County will invoice the permittee for inspection work. Failure to pay within 30 days will result in a stop work order.
 - i. Compliance. Should the County find areas of non-compliance with the permit, Public Works will notify the Permittee of the compliance issue in writing or email. The permittee shall remedy the identified compliance issues within 14 days of said notification or the permittee shall provide a compliance remediation plan within the 14 days. The plan will be reviewed and is subject to approval by County Public Works. Should compliance issues not be remedied within the specified timeframe as agreed upon by Public Works, the County has the authority to issue a stop work order and shut down all construction under the permit until the Permittee is fully compliant. No compliance issue is considered resolved until an inspection with Public Works or its designee has been completed and notification to the Permittee is made that the issue is resolved, and/or the stop work order is removed. Any expenses incurred by the County for remediation plan review, coordination, inspections, or construction oversight as a result of a non-compliance issue are the sole expense of the permittee.
 - j. Right to Revoke. The County reserves the right to revoke such permits at its sole discretion when conditions warrant, in accordance with this policy.
- B. Gates. Gates may be permitted as an encroachment when the public right-of-way is not maintained. Gates cannot be locked, cannot be signed to prevent access. Public

access shall be always allowed. Further, unconstructed rights-of-way may be gated, but must be accessible for people to access on foot.

- C. Obstructions. Obstructions are not permitted in the right-of-way. A right-of-way obstruction refers to any physical or legal impediment that hinders or interferes with the free passage or access along a designated right-of-way. These obstacles can disrupt the intended flow of traffic, pedestrian movement, or access to certain areas, leading to potential conflicts or safety hazards. Obstructions in the right-of-way shall not be permitted. Obstructions shall be removed by the individual who created the obstruction. Upon failure to comply will result in enforcement actions that may include the removal of obstructions by county personnel or contractors, with associated costs potentially billed to the property owner in accordance with MCA 7-14-2135.
- D. Stormwater. Stormwater storage in the right-of-way is prohibited, however, stormwater can be conveyed in the right-of-way. This policy is not intended to be retroactive for any DEQ approved stormwater management plans prior to the amendment of this policy,

XIX. MAINTENANCE

- A. Maintenance on County Roads without an RSID: Roads that the county has historically maintained prior to 1996 will continue to receive maintenance. Roads that have not been maintained in the past that are public, will not be maintained in the future unless an RSID is created to fund the requested maintenance.
- B. An RSID is required for all new internal subdivision roads that are public. RSID's cannot be used for maintenance of private roads.

XX. TRAFFIC CALMING

The purpose of traffic calming is to implement traffic calming techniques, where warranted and appropriate, in response to neighborhood requests for assistance with traffic concerns. When considering reasonable solutions, it is important to the greatest extent possible, the street use is within the classifications identified in the functional classification map adopted as part of the Long Range Transportation Plan. Traffic calming improvements will only be considered within Metropolitan Planning Organization (MPO) boundary. Not all county roads are classified on the functional classification map. In these cases, Public Works staff will make a determination of the road type based on the right-of-way width, speeds, traffic volumes, and other related criteria that may apply.

TRAFFIC CALMING MEASURES

Non-permanent

- Pavement markings (crosswalks or other)
- Warning signage
- Flashing beacon

Permanent

- Speed hump
- Speed table
- Neckdowns or bulb outs

APPLICATION

A neighborhood that desires to address perceived traffic problems must submit an application to Public Works for review. Applications require at least 51% of the neighborhood to sign the petition in favor of the proposed traffic calming improvement(s).

The completed application should:

- Identify the concerns about traffic in the area,
- Clearly identify the general location of desired improvements,
- Include an indication of the level of local support for the project.

EVALUATION

Prior to proceeding with a traffic calming improvement, a study must be conducted to gather existing conditions data for analysis. A speed study will most often be the tool used to evaluate and determine if the problem exists. Other tools might be employed where warranted such as truck counts or cut through studies. If professional services are utilized to complete the study, if applicable, the RSID will fund the study.

CRITERIA

To be eligible for a physical traffic calming measure one of the following must be present:

- ADT of at least 500 vehicles per day and does not exceed 2,000 trips per day, or
- Documented accidents of at least 3 in a 12-month period, or
- An 85th percentile speed of at least 5 miles an hour over the posted speed limit, or
- At least 10 percent of all traffic is truck traffic.

If none of these are existing conditions verified by a field study, the county will take no further action.

If one of the above is present, the County will work with the neighborhood to develop a proper and warranted traffic calming measure. Warranted measures may differ from the desired traffic calming measure.

IMPROVEMENT INSTALLATION

Prior to any permanent improvement being installed such as speed humps or tables, other non-permanent measures (signage, crosswalks, etc.) must be tried first. If these measures do not improve the 85th percentile speed, then the warranted permanent measures will be considered.

FUNDING & COMMUNITY SUPPORT

Traffic calming measures must be funded by an RSID. Any permanent measures require at least 60 percent support from the district. Temporary measures can be installed with only 51 percent support. The County will provide a written survey to determine district support.

POST INSTALLATION MONITORING

Approximately 6-12 months after temporary or permanent measures have been installed, a post installation monitoring study will occur. The purpose of this study is to confirm the measure is achieving the intended outcome.

RIGHT TO REMOVE

Yellowstone County may, at its discretion, remove any traffic calming measures.

XXI. FUNDING

- A. Cost Sharing Resolution. Yellowstone County has adopted a cost sharing program to improve existing public roads. Resolution No. 15-45 is attached as Addendum #4.
- B. Establishment of Rural Special Improvement Districts (RSID). Many county roads are maintained by benefited property owners through the establishment of an RSID if initiated by members of the public. The creation of a RSID is subject to the following procedures:
- C. Creating a Rural Special Improvement District (RSID)
 - 1. Obtain a petition packet from the Public Works Department.
 - 2. Complete cover sheet.
 - 3. Provide 2 maps detailing the RSID
 - 4. Provide legal descriptions including an ownership report for the property within the proposed district.
 - 5. Yellowstone County Public Works recommends that any subdivision residents who want to create an RSID hire a professional engineering firm to be the liaison between the county and the petitioner. The engineer will be responsible for creation of the RSID and will act as the representative of the petitioners. The engineer will direct and advise the petition on assessment methods, AD HOC Committees and make recommendations concerning the type and amount of work needed to bring the subdivision roads up to an acceptable standard.
 - 6. Indicate the annual maintenance cost. The Public Works Department recommends all potential districts hire a qualified engineer to help prepare the paperwork and make the proper cost assessments and evaluation.
 - 7. Choose the method of assessment.
 - 8. Create an Ad Hoc Committee.
 - 9. Obtain signatures of at least 60% of the property owners who consent to the District.

10. Submit the original petition with all necessary attachments along with \$25.00 to Yellowstone County Public Works Department.
11. The Board or County will review the petition.

D. Guidelines for RSID Maintenance:

GENERAL PRINCIPALS FOR REQUESTING MAINTENANCE

In RSID's where an Ad Hoc Committee is functional and on-going maintenance is requested (such as blading, dust control, mowing, snow removal, park maintenance and weed control) the following guidelines shall be adhered to:

The Ad Hoc Committee may not spend amounts in excess of the RSID reserve fund as determined by the Yellowstone County Finance Department should the Finance Department determine that sufficient funds for a given project are not available to pay for the project, the project cannot commence without prior approval by the Board of County Commissioners.

Once Public Works, or the Board of County Commissioners where applicable, has signed off on the project, the work may then be completed.

If the work is to be done in the right-of-way, Public Works must be contacted with the RSID's request for maintenance. The request will be evaluated and a direction to proceed will be given at Public Work's discretion. In the event that there is no functional Ad Hoc Committee in the RSID, Public Works will review the RSID and put it into a scheduled maintenance program.

ROADS

ROAD GRADING OF GRAVEL ROADS: The manner and extent of road grading will vary with each RSID. It is Public Works' recommendation that most gravel roads receive maintenance at least twice a year in the spring and fall. RSID maintenance requirements may vary depending on terrain and traffic volumes. When possible, blading will take place when moisture is present in the road allowing the road material to compact and remain smooth for a longer period of time. When maintaining the road, a roller and water truck can be utilized for the operation to ensure moisture and compaction of the road material. This will likely result in a longer lasting smooth road but may also raise initial costs of the maintenance.

DUST CONTROL OF GRAVEL ROADS: It is recommended that dust control applications be done during the drier seasons of the year (between June and October). An evaluation of the aggregate surface may be necessary to determine if there are sufficient smaller aggregate materials for the dust suppressant to be effective. Before any application is applied, the road should be properly prepared by watering, blading, and compaction to assure an effective application.

SNOW REMOVAL AND ICE CONTROL – GENERAL PRINCIPALS: Snow removal and ice control will vary greatly from year to year depending on weather. Further guidance for the procedures to be utilized is found in the section of these guidelines, "General Principals for Requesting Maintenance".

SNOW REMOVAL AND ICE CONTROL – GRAVEL ROADS: It is recommended that gravel roads not be plowed unless snow depth is six inches or more. Plowing lesser snow depths may remove gravel from the road and once the gravel is plowed off, it is difficult to recover. Gravel roads can become slick, and sanding may be advisable regardless of snow depth especially on hills, intersections or curves. Since snow removal does not necessarily include sanding, plowing and/or sanding should be clearly specified in any request for snow removal and ice control.

SNOW REMOVAL AND ICE CONTROL – PAVED ROADS: It is recommended the plowing of paved roads (usually asphalt surface) should be limited to snow depths of three inches or more. Should slippery conditions on hills, intersections or curves exist, sanding may be advisable regardless of snow depth. Since snow removal does not necessarily include sanding, plowing and/or sanding should be clearly specified in any request for snow removal and ice control.

WEED CONTROL

There are two primary maintenance methods available for RSID weed control: 1) Mowing and 2) Herbicide Control.

Mowing and herbicide control both improve aesthetics. Mowing gives you the instant aesthetic appeal you are looking for but may not be the most effective measure. Mowing can require multiple passes during the growing season and does work when the conditions are too dry for herbicide control to be effective. Mowing can be expensive due to the multiple passes required during the growing season (June-September). Mowing can also spread weed seeds (especially noxious weeds) when implemented at the incorrect time. However, if a plant community is healthy and consists largely of native and non-native grasses it would be of benefit to mow instead of implementing an herbicide treatment. One point to remember about mowing weeds is that certain weed species will adapt and can still produce viable seeds even after mowing.

Herbicide control is less expensive than mowing and usually requires one or two passes instead of multiple passes. Again, it depends on the makeup of the plant community; if noxious species (mandatory management required under Montana state law) are present, then specialized herbicides can be used to control those species of concern. When implemented at the correct time, herbicide control can be of great benefit to the desirable plant community. With the specialized herbicides available in today's markets, weed control usually lasts longer than mowing and it can control specific weed species. Optimum control of unwanted weed species is achieved primarily through use of both mowing and herbicide applications. One factor to consider prior to applying any type of herbicides is what kind of ornamental landscape plants exist on or near the right-of-way as herbicides can affect these plants. Proper herbicide choices and application are critical to effectively reducing unwanted vegetation. Application should be done by a trained and licensed professional. Herbicide use recommendations can be obtained from any of the product supply outlets or by contacting the Yellowstone County Weed Department. Commercial herbicide control, and/or mowing contractor information can also be provided by contacting the Yellowstone County Weed Department.

XXII. SEVERABILITY

If parts of this document are held to be illegal or otherwise unenforceable, the remainder of the document shall still apply.

YELLOWSTONE COUNTY BOARD OF COUNTY COMMISSIONERS

Resolution No. 09- 53

Resolution to Adopt Yellowstone County Road Naming Policy

WHEREAS, pursuant to Sections 7-14-2101, 7-14-2102 and 7-14-2103 of the Montana Code Annotated, a board of county Commissioners has the authority to manage county roads within the county.

WHEREAS, Yellowstone County has numerous unnamed roads. Periodically, emergency services have found it difficult to locate the scene of an emergency due to the lack of a road name. To allow emergency services to better respond to emergencies, the Yellowstone County Board of County Commissioners believes that it would be in the best interest of the public to enact Yellowstone County Road Naming Policy that articulates a procedure and standards for road naming within the County.


NOW THEREFORE, BE IT RESOLVED,

The Yellowstone County Board of County Commissioners adopts the Yellowstone County Road Naming Policy as defined within the Road Naming Standards and the Petition Procedure for a Road Name Change and Naming Unnamed Roads. Copies of these documents are attached. The policy outlined in these documents supercedes all previous policies pertaining to naming roads and shall remain in effect until superceded by other Regulations.

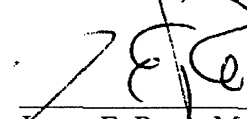
Commissioners voting for the resolution have signed below.

Passed and Adopted on the 31ST day of July 2009.

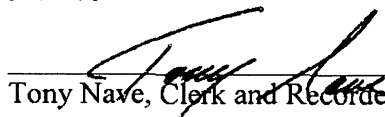
BOARD OF COUNTY COMMISSIONERS
YELLOWSTONE COUNTY, MONTANA


Bill Kennedy, Chairman


John Ostlund, Member


James E. Reno, Member

ATTEST:


Tony Nave, Clerk and Recorder

Road naming standards are essential in order to protect the health, safety and welfare of the public. The Board of County Commissioners is authorized to assign and change road names. Such naming is at the discretion of the Board.

A "road" refers to any highway, street, avenue, lane, way, or similar paved, gravel or dirt thoroughfare.

CRITERIA FOR NAMING ROADS VIA THE PETITION PROCESS:

- A. Roads that serve two or more permanent residences and/or businesses may be named. If recorded documentation indicates access to multiple parcels, unnamed roads may be named by petition process when the first residence/business is under construction.
- B. Recorded documentation delineating the road must be on file with the County Clerk & Recorder. Typical documents include subdivision plats, Certificates of Survey, site plans, and access easements.
- C. Signatures from at least 60% of the affected landowners must accompany the petition to represent their consent.
- D. The naming of roads or changing road names does not constitute responsibility for road maintenance by local government nor guarantee delivery of emergency services.

ROAD NAMING STANDARDS:

These standards apply when naming new roads or re-naming existing roads via the petition process.

- A. To reduce confusion, no two roads shall be given the same primary name, and road names should apply throughout the entire length. When roads extend from one subdivision to the next, existing road names should be extended.
- B. Road names that are similar sounding (Beach St/Beech St/Peach St) are discouraged.
- C. To benefit public safety, road names should be simple to pronounce and of appropriate length for road signage.
- D. When to use *Street* or *Avenue*? *Street* should apply to north/south alignments and *Avenue* should be used for east/west-aligned roads. *Lane*, *Court* or *Place* is a preferable suffix for short or dead-end streets.
- E. The primary part of the road name should not contain words commonly utilized as a road name suffix (*Circle Street*, *Avenue Way*, *Main Trail Boulevard*, *Kings Court Road*). Address locators used by emergency services software also have difficulty with some abbreviations; special characters like hyphens and apostrophes; and when articles (*a*, *an* or *the*) are used to begin road names. Please allow GIS staff to review proposed road names early in the process.
- F. All named roads should be clearly signed and conform to uniform sign standards.

PETITION PROCEDURE FOR A ROAD NAME CHANGE AND NAMING UN-NAMED ROADS

Road naming standards are essential in order to protect the health, safety and welfare of the public. The Board of County Commissioners is authorized to assign and change road names. Such naming is at the discretion of the Board.

In Yellowstone County, the GIS Department is responsible for maintaining a digital inventory of physical addresses and road names, and has adopted addressing standards developed at the national and state level to improve the ability of emergency responders to locate citizens who call 9-1-1. Road naming standards may be reviewed at www.co.yellowstone.mt.gov/mapping/downloads/roadnames/standards.pdf or obtained from the GIS Dept. in Room 305 of the Yellowstone County Court House.

- A road is defined as “any highway, street, avenue, lane, way or similar paved, gravel or dirt thoroughfare.” This petition process applies to roads that have been *legally defined as a right-of-way per a recorded easement document, site plan or plat map.*
- Residents may consider petitioning to name an unnamed road when it provides access to two or more permanent dwellings/businesses. If documentation indicates access to multiple parcels, roads may be named when the first residence/business is under construction.
- Private driveways are not under the purview of the Board of County Commissioners
- Consideration may be given to changing a road name via the petition process if the name duplicates or is too similar-sounding to another road in the County. However, changing a road name is normally difficult as most residents prefer to keep an address once established with the Post Office.
- Naming un-named roads or changing road names to meet recommended addressing standards does not constitute responsibility for road maintenance by local government nor guarantee delivery of emergency services.

County residents may initiate a Petition for Road Naming or Name Changing, as allowed under Section 7-14-2601 M.C.A., by utilizing the following process:

- 1.) Read the attached Petition documents carefully. A Petition spokesperson should contact the Address Coordinator in the County GIS Department, 869-3553 and provide a copy of an access easement document or plat map depicting the right-of-way. The GIS Dept. will produce a list of landowners whose property is adjacent to or exclusively accessed by the portion of the road in question as well as a map depicting property boundaries.
- 2.) Signatures from at least 60% of affected landowners must accompany the petition to represent their consent. Landowners should sign their name in the same form as on file in County records (as listed on the landowners list provided by the County GIS Dept.)
- 3.) Assemble all documentation and submit the Petition to the Yellowstone County GIS Dept. (Room 305 of the County Court House at 217 N. 27th St.); or mail to Yellowstone County GIS Dept., P.O. Box 35043, Billings, MT 59107. The Petition will be internally reviewed by several departments prior to presenting to the Board of County Commissioners.
- 4.) The Commissioners will review the petition and set a date for a Public Hearing on the matter. Notice of the Public Hearing will be published in the local newspaper once a week for the two weeks prior to the date of the public meeting. Additionally, notices will be mailed to affected owners on the date of first publication of Notice of Hearing. Dissent opinions may be mailed to the GIS Dept., and/or presented in person at the public meeting. Affected owners will be notified of the results within seven working days of the final decision.
- 5.) Please feel free to contact GIS at any time to check on the status of your application. To assist you in selecting a road name, a current list of Yellowstone County road names is available on the county's website at www.co.yellowstone.mt.gov/mapping/roadnames.asp.

PETITION FOR A ROAD NAME CHANGE/ NAMING AN UN-NAMED ROAD

To: **Yellowstone County Board of Commissioners**

The Landowners whose signatures accompany this Petition request that the road currently

known as _____

be henceforth named _____

(Alternate road names are listed on page 2, Sec B.) This petition is respectfully submitted this

_____ day of _____, 20_____.

Petition-Initiator (and/or) Contact Person:

Name: _____

Mailing Address: _____

City, State, Zip _____

Phone Number: _____ Alternate Phone _____

Email address _____

I swear that all the above information is true and correct, and all the landowners' signatures are original.

Contact Person Signature Date _____

Submit the following list of items to the GIS Department:

- ☐ Section A and B of the Petition
- ☐ A copy of a recorded plat map, Certificate of Survey, or site plan showing the road right-of-way and adjacent/accessed property boundaries. If the right-of-way for the petitioned road is not depicted on such a map, a copy of a recorded access easement will be required. (Copies of plat maps can be obtained from YC GIS Dept. or the Clerk and Recorder's Office.)
- ☐ Signatures representing consent of at least 60% of affected landowners.

PETITION FOR A ROAD NAME CHANGE/ NAMING AN UN-NAMED ROAD

Section A

The reason for the Petition:

☐ The existing road is unnamed and provides serves two or more permanent residences and/or businesses. If documentation indicates an unnamed road provides access to multiple parcels, the road may be eligible for naming when the first residence/business is under construction.

☐ The existing road name duplicates or is similar sounding to an existing road name and therefore deemed confusing for emergency responders.

Name conflicts with _____

located at _____

☐ Other

Section B

Proposed Road Name: _____

Alternate Road Name: _____

Second Alternate: _____

LANDOWNER AND CO-OWNER SIGNATURES IN SUPPORT OF NEW ROAD NAME

(It is important to sign the same as names are recorded on the owners list provided by the GIS Dept. Petitioners, don't forget to add your signatures on this list!)

Signature	Printed Name	Physical Address
Signature	Printed Name	Physical Address
Signature	Printed Name	Physical Address
Signature	Printed Name	Physical Address
Signature	Printed Name	Physical Address
Signature	Printed Name	Physical Address
Signature	Printed Name	Physical Address
Signature	Printed Name	Physical Address
Signature	Printed Name	Physical Address
Signature	Printed Name	Physical Address
Signature	Printed Name	Physical Address
Signature	Printed Name	Physical Address
Signature	Printed Name	Physical Address
Signature	Printed Name	Physical Address
Signature	Printed Name	Physical Address

**YELLOWSTONE COUNTY
DOCUMENT ROUTING SLIP & AGENDA REQUEST**

For Internal Use Only

PURPOSE OF DOCUMENT: Yellowstone County residents are petitioning to name an un-named road or to change the name of an existing road, as stated in the Petition documents attached.

DATE NEEDED / AGENDA DATE: _____ / _____

DEPARTMENTS THAT NEED TO REVIEW DOCUMENT:

GIS DEPARTMENT:

Receipt date: _____ Date out: _____ Next routed to: _____ Executed Copy Requested: ☐

Comments: _____

Reviewed by: _____

COUNTY ATTORNEY:

Receipt date: _____ Date out: _____ Next routed to: _____ Executed Copy Requested: ☐

Comments: _____

Reviewed by: _____

CITY/COUNTY PLANNING DEPARTMENT:

Receipt date: _____ Date out: _____ Next routed to: _____ Executed Copy Requested: ☐

Comments: _____

Reviewed by: _____

PUBLIC WORKS DEPARTMENT:

Receipt date: _____ Date out: _____ Next routed to: _____ Executed Copy Requested: ☐

Comments: _____

Reviewed by: _____

LAUREL PLANNING DEPT. OR OTHER TOWN COUNCIL: (optional)

Receipt date: _____ Date out: _____ Next routed to: _____ Executed Copy Requested: ☐

Comments: _____

Reviewed by: _____

CLERK AND RECORDER:

Receipt date: _____ Date out: _____ Next routed to: _____ Executed Copy Requested: ☐

Comments: _____

Reviewed by: _____

Addendum #2 DRIVEWAY APPROACHES (APPROACHES)

A property owner shall obtain a permit from the Yellowstone County Public Works Department (YCPW) for the construction of a new approach or the modification of an existing approach that provides access onto a right-of-way managed by the County. The purpose of the permit is to ensure the new or modified approach meets minimum standards articulated in this Section. The purpose of the minimum standards is to ensure durable and safe roads.

A general site plan is required showing the following as a minimum:

1. Approach location
2. Culvert diameter, if applicable
3. Distance to nearest existing approaches both on and off the property, on both sides of the road.
4. Distance to nearest property line
5. Approximate building location or locations if there are multiple buildings planned

14.1 Definitions

ADT - Average Daily Traffic

AASHTO - American Association of State Highway and Transportation Officials.

Near Edge - Throat portion of the approach closest to the proposed work, or throat portion of approach nearest the edge of pavement of the road intersection parallel to the proposed work.

Throat - Portion of the approach after the end of the radius.

14.2 Permits and Fees

A property owner shall obtain a permit from the Yellowstone County Public Works Department for the construction of a new approach or the modification of an existing approach that provides access onto a right-of-way managed by the County. A property owner shall not perform any construction on a new or existing approach in the right-of-way of a road managed by the County until the Department has issued an approach permit.

A property owner shall have one year from the date the permit is issued to complete the construction of the new or modification of the existing approach. If the property owner does not complete the construction of the new or modified approach within one year from the date the permit is issued, the property owner will have to apply for a new permit for the new or modified approach and pay another application fee.

A property owner shall pay a fee for a permit for a new or for modifying an existing approach. The Department has the current fee schedule. A property owner who begins construction of a new or modified approach before the Department issues a permit shall pay an increased fee. See Section 14.9 Penalty/Enforcement for further information.

14.3 Construction Costs

The property owner shall be responsible for all costs associated with the construction of a new or modified approach on to a right-of-way managed by the County.

14.4 Number and Arrangement of Approaches

Yellowstone County shall have final approval as to the location, number and configuration of approaches on to right-of-ways managed by the County. The number of approaches shall be controlled by Section 14.7 Design and Layout of Approaches.

14.5 Maintenance

Yellowstone County shall have the right to make any changes within the right-of-way of the road managed by it. The property owner shall maintain its approach. The property owner shall be responsible to make any repairs to the approach the County deems necessary for the approach.

14.6 Indemnification

The property owner shall defend and indemnify Yellowstone County for any claim made against the County for the approach.

14.7 Design and Layout of Approaches

The County has the sole discretion of determining the most suitable design and layout of all approaches to public road rights-of-way. The design and geometric layout should be in accordance with the following requirements:

1. Property frontages of two hundred twenty-five (225) feet or less shall have only one (1) approach. In cases where parcels have more than one (1) road frontage, each frontage will not be treated separately when determining the number of approaches.
2. Property frontages greater than two hundred twenty-five (225) feet and less than six hundred (600) feet will be allowed up to two approaches. Each parcel or business shall have no more than two (2) approaches. Exceptions will be made for lot frontages of greater than six hundred (600) feet. In these instances, there can be one (1) additional approach for every three hundred (300) feet of frontage over six hundred (600) feet.

3. Sight distance must be provided as required by AASHTO.
4. The approach grade shall conform to the slope of the roadway shoulder where practical and if possible be equal to or less than three (3) percent slope for a distance of twenty (20) feet back from the public road surface unless otherwise approved by the County.
5. The approach shall intersect the public road at an angle of ninety (90) degrees (plus or minus ten (10) degrees) to the roadway.
6. The residential approach width shall be between twelve (12) feet and thirty (30) feet, not inclusive of any radius between the approach and the public road. Lots with frontages of more than 150' may have up to a 50' approach.
7. Approaches for driveways and roadways shall be constructed from the edge of the traveled way the approach accesses to the boundary of the road right of way.
8. When an approach accesses a hard-surfaced arterial, collector, or minor collector, the approach must be built with hard surfacing. Hard surfacing can be accomplished with either concrete or asphalt. For gravel public roads and hard surfaced low traffic volume (less than 400 ADT), low speed (30 mph or lower) roads within subdivisions, hard surfacing of the approach is not required.
9. The radius for an approach serving a single-family residence or two-family residence shall be ten (10) feet. The radius for an approach serving a multi-family residential project, a commercial or institutional development, and a road shall be twenty (20) feet.
10. Commercial approaches connecting to hard surfaced public roads are required to provide hard surfacing for the length and width of the approach within the right-of-way. Hard surfacing shall be an engineered design to meet necessary loading and site-specific requirements, but at a minimum shall be constructed within the right-of-way as follows:
 - a. Concrete of sufficient thickness to provide adequate support for the largest AASHTO design vehicle anticipated to regularly access the facility over an approved base material; or
 - b. Asphalt of sufficient thickness to provide adequate support for the largest AASHTO design vehicle anticipated to regularly access the facility and over an approved base material.
11. Commercial approaches to a graveled public road shall be an engineered design.
12. All approaches shall meet sight distances as required by AASHTO.

13. The minimum spacing between the near edge of an approach and a road intersection centerline must be at least one hundred (100) feet plus the appropriate approach radius. On local streets with speed limits of 25 mph or less a distance less than 100' may be approved by Public Works.
14. The minimum spacing from the near edges of an approach on either an adjacent property or the same property shall be fifty (50) feet.
15. Existing drainage in the public road right-of-way shall not be altered or impeded without specific written approval from the Montana Department of Environmental Quality. In cases outside of subdivisions or in subdivisions with no storm water management plan, specific written approval from YCPW will be required.
16. Drainage from an adjacent approach, private road, or structure is not allowed to discharge onto the public road. When an approved grading and drainage plan/DEQ approval exists, approaches shall be installed in conformance with the approved plan.
17. All culverts used in the construction of an approach in a public road right-of-way must have a minimum diameter of fifteen (15) inches as specified in Standard Drawing 140 - APPROACH STANDARDS (<http://www.co.yellowstone.mt.gov/publicworks/geninfo.asp>) unless a smaller diameter culvert is specified on an engineered drainage plan and/or is approved by the Public Works Department and must be either double-wall smooth interior high-density polyethylene (HDPE), corrugated metal pipe (CMP) or reinforced concrete pipe (RCP) or other approved similar material. The minimum amount of cover material over the culvert shall be that recommended by the culvert manufacturer.

14.8 Design and Geometric Requirements

Approaches shall meet the dimensional standards contained in Standard Drawing 140 – APPROACH STANDARDS.

14.9 Penalty/Enforcement

If Yellowstone County determines an approach is not in substantial compliance with these standards, the County will notify the property owner with the approach of the deficiency and request the property owner correct the deficiency. If property owner does not address the deficiency within 30 days of notice from the County, either by corrective action or by notifying the County of a proposal for corrective action and then get approval for said corrective action with an agreed upon timeline, the County will treat the approach as encroachment and take appropriate action to remedy the situation in accordance with Sections 7-14-2134 through 7-14-2138, MCA.

If a property owner applies for a permit after construction of the approach has begun in the right-of-way managed by the County or the approach in the right-of-way is complete, the fee for the approach shall be five (5) times the standard fee. This shall also apply to construction approaches but not unmodified existing approaches.

Ordinance to Limit Truck Traffic on Certain County Roads

WHEREAS, pursuant to Sections 7-14-2101, 7-14-2102 and 7-14-2103 of the Montana Code Annotated, the Yellowstone County Board of County Commissioners has the authority to manage the county roads in Yellowstone County.

WHEREAS, the Yellowstone County Public Works Department has noticed a substantial deterioration of various county roads. The roads have deteriorated because of a high volume of truck traffic. Despite the Department's best efforts to maintain the roads, they continue to deteriorate. To stop the further deterioration of the roads, the Department would like the Yellowstone County Board of County Commissioners to enact a "no truck traffic except for local deliveries" ordinance that directs truck traffic onto 72nd Street West and 56th Street West. A truck for the purposes of the ordinance is a vehicle with a combined gross vehicle weight of 16,000 pounds or more. Entities on the restricted roads that use trucks would be required to take the shortest route to the unrestricted roads. For example, West End Sand and Gravel uses a gravel mine located on Neibauer Road between 72nd Street West and 64th Street West. West End Sand and Gravel uses trucks to transport gravel from the mine. If the Board enacts the ordinance, West End Sand and Gravel would have to send its trucks west on Neibauer Road to 72nd Street West and could not send its trucks east on Neibauer Road to eventually intersect with 56th Street West. The Department believes truck traffic restriction would allow it to better maintain the roads in the area. The no truck traffic except for local deliveries would apply to:

- | | |
|--|--|
| 1. Yard Office Road – | Old Highway 10 to Laurel Airport Road |
| 2. Seitz Ronan Road – | Old Highway 10 to Laurel Airport Road |
| 3. Allendale Road – | Laurel South Frontage Road to South Laurel Road |
| 4. South Laurel Road – | Allendale Road to Berhardt Road |
| 5. Berhardt Road – | South Laurel Road to Highway 212 |
| 6. 21 Mile Road – | Highway 87 to Highway 3 |
| 7. Buffalo Trail Road – | Highway 3 to Molt Road |
| 8. 62 nd Street West – | Rimrock Road to Grand Avenue |
| 9. Central Avenue – | Shiloh Road to 64 th Street West |
| 10. Hesper Road – | Shiloh Road to South 80 th Street West |
| 11. Neibauer Road – | Shiloh overpass to South 80 th Street West |
| 12. River Road – | Duck Creek Road to Thiel Road |
| 13. Thiel Road – | River Road to Highway 212 |
| 14. Shorey Road – | Highway 3 to Molt Road |
| 15. Duck Creek Road – | Rudio Road to River Road |
| 16. 64 th Street West – | Grand Avenue to Laurel Airport Road |
| 17. Danford Road – | 48 th Street West to South 80 th Street West |
| 18. Laurel Airport Road – | South 64 th Street West to Buffalo Trail Road |
| 19. Drury Lane – | Hoskins Road to Highway 312 |
| 20. South 80 th Street West – | Laurel Airport Road to King Avenue West |
| 21. 48 th Street West – | Grand Avenue to Danford Road |

Attached is a map of the roads.

WHEREAS, on October 23, 2007, the Yellowstone County Board of County Commissioners passed a resolution of intent to enact an ordinance to limit truck traffic on certain county roads and set public hearings and votes on the ordinance for November 6, 2007 and November 20, 2007. On October 26, 2007 and November 2, 2007, the Yellowstone Clerk and Recorder published notice of the public hearing in the *Billings Gazette*. On November 6, 2007, the Board held a public hearing on the ordinance. The Board heard comments on the ordinance. The Board determined that it would be in the best interest of the public to enact the ordinance. The Board voted to enact the ordinance. After the public hearing and vote, the Clerk and Recorder posted the ordinance and made copies of the ordinance available to the public. On November 20, 2007, the Board held a public hearing on the ordinance. The Board heard comments on the ordinance. The Board determined that it would be in the best interest of the public to enact the ordinance. The Board voted to enact the ordinance.

NOW THEREFORE, BE IT ORDAINED,

The Yellowstone County Board of County Commissioners limits truck traffic to no truck traffic except for local deliveries on those county roads specified above to reduce the further deterioration of the roads. A truck for the purposes of the ordinance is a vehicle with a combined gross vehicle weight of 16,000 pounds or more. A person found in violation of the ordinance for the first time shall be fined \$250.00. A person found in violation of the ordinance for the second time shall be fined \$500.00. A person found in violation of the ordinance for a third or subsequent time shall be fined \$500.00 and at the discretion of the court sentenced from one day of incarceration to six months incarceration in the Yellowstone County Detention Facility. The ordinance shall be effective 30 days from the second vote to enact the ordinance, December 20, 2007, and shall continue until otherwise amended or repealed.

The Board orders the Yellowstone County Public Works Department to install the necessary signs to advise the public of the restriction and to advise the Yellowstone County Sheriff's Department of the restriction so it may enforce it. The Board orders the Yellowstone County Clerk and Recorder to place the ordinance in the book of ordinances for the County.

The ordinance supercedes all prior resolutions related to truck traffic on the roads, in particular, the Resolution dated June 5, 1984, Resolution No. 96-18, Resolution No. 05-82 and Ordinance No. 07-65. The Montana Department of Transportation has assumed control of portions of the roads covered by the old resolutions. The Board no longer has jurisdiction over those roads now controlled by the Montana Department of Transportation.

Passed and Adopted on the 20th day of November 2007.

BOARD OF COUNTY COMMISSIONERS
YELLOWSTONE COUNTY, MONTANA

James E. Reno, Chairman

Bill Kennedy, Member

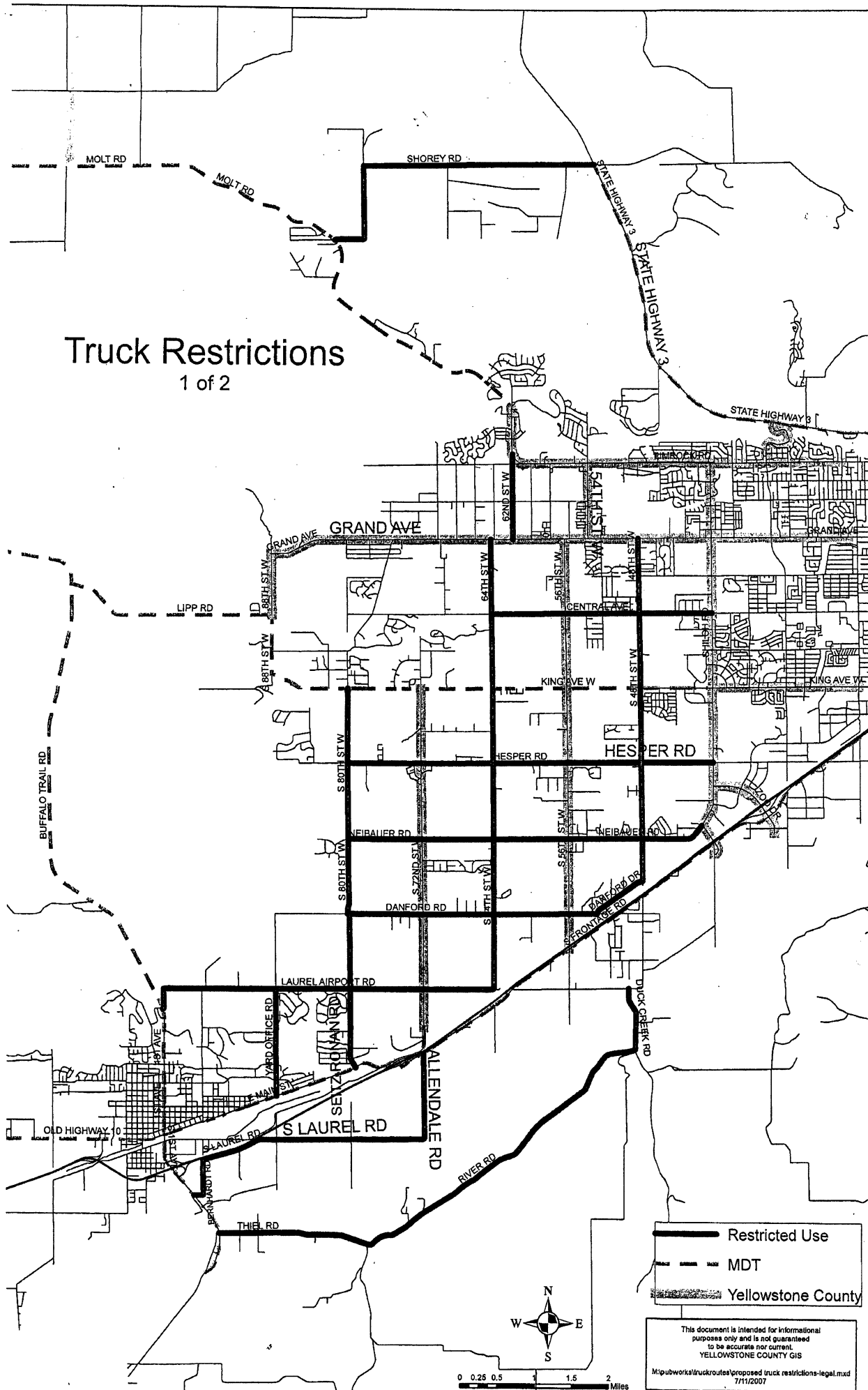
John Ostlund, Member

ATTEST:

Tony Nave, Clerk and Recorder
Yellowstone County, Montana

Truck Restrictions

1 of 2

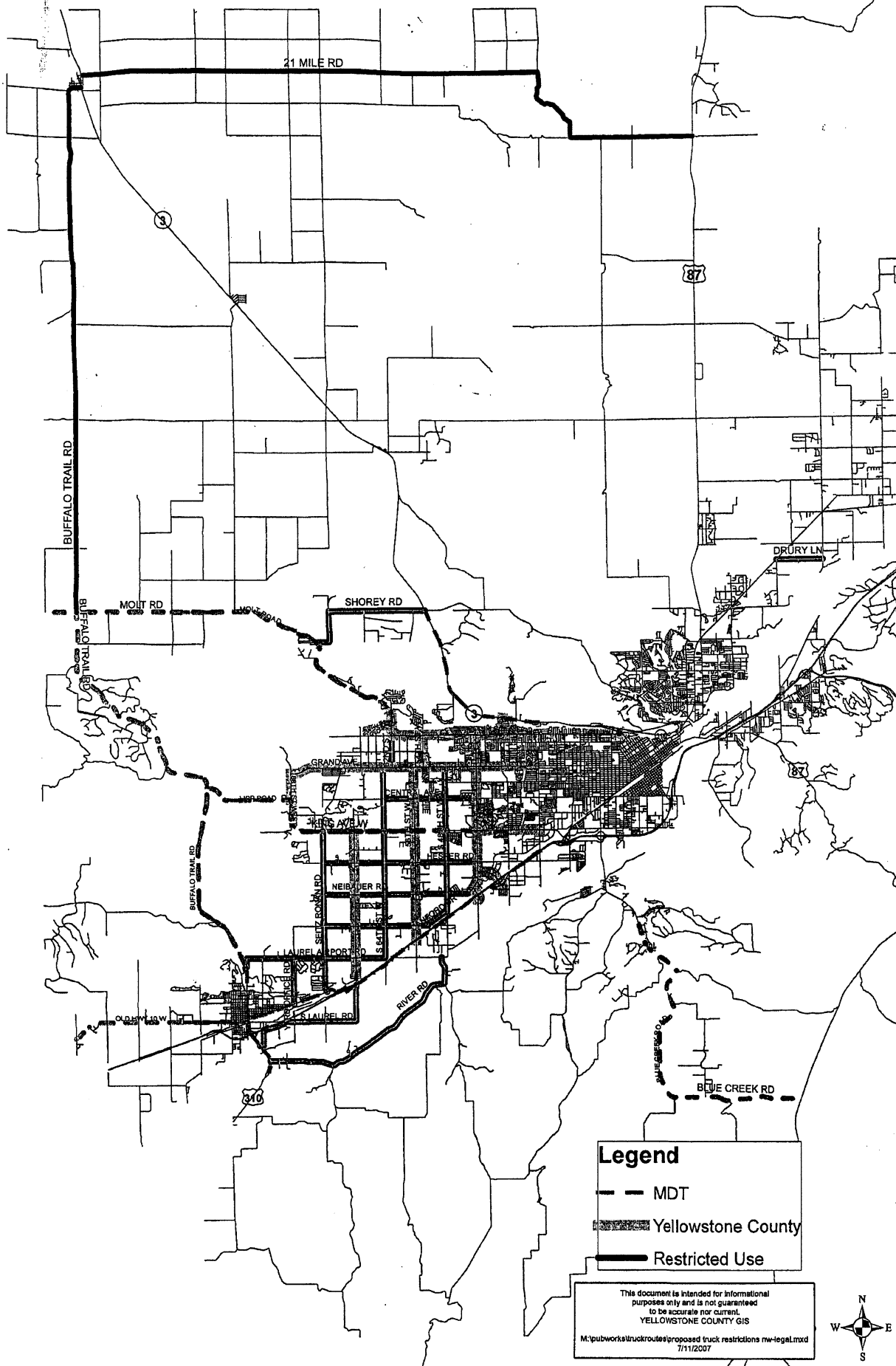


- Restricted Use
- MDT
- Yellowstone County

This document is intended for informational purposes only and is not guaranteed to be accurate nor current.
 YELLOWSTONE COUNTY GIS
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Truck Restrictions

2 of 2



YELLOWSTONE COUNTY BOARD OF COUNTY COMMISSIONERS

Resolution No. 17-63

A Resolution Amending the Load Restricted County Roads in Yellowstone County; the Resolution Amending County Ordinance 07-107

WHEREAS, Yellowstone County has previously restricted vehicular loads placed on certain of its county roads pursuant to Ordinance No. 07-107 to maintain the integrity of these roads and to promote public safety;

WHEREAS, conditions of the roads and traffic patterns continue to change requiring reexamination of the load restrictions on certain load restricted county roads;

WHEREAS, one of the load restricted roads is Laurel Airport Road which has recently been rebuilt with a fortified base that can better withstand heavier loads;

WHEREAS, one of the load restricted roads is 64th Street West on which the County anticipates making improvements to make it even more durable and safe;

WHEREAS, since the load restrictions went into effect in 2007 much of the traffic from the restricted 64th Street West has been diverted onto 56th Street West. In 2017, the new Ben Steele Middle School will open and unless changes are made to the restrictions on 64th Street West, heavy truck traffic will mingle with school traffic near the intersection of 56th Street West and Grand Avenue creating a conflict with the two types of road uses,

NOW THEREFORE BE IT RESOLVED that the load restrictions imposed by Ordinance No. 07-107 is hereby modified as follows:

- 1) The load restriction for Laurel Airport Road from 72nd Street West to Buffalo Trail is hereby lifted.
- 2) The load restriction for 64th Street West from King Avenue West to Grand Avenue is hereby lifted.
- 3) The remainder of the load restrictions imposed by Ordinance No. 07-107 remain in effect.
- 4) The revised map showing the load restricted roads and a copy of Ordinance No. 07-107 is hereby attached to this Resolution.

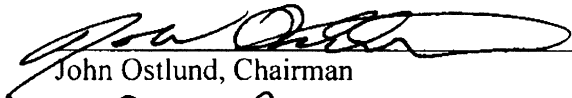
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Passed and Adopted on the 11th day of July 2017.

BOARD OF COUNTY COMMISSIONERS
YELLOWSTONE COUNTY, MONTANA


John Ostlund, Chairman


Denis Pitman, Member


Robyn Driscoll, Member

Attest:


Jeff Martin
Yellowstone County Clerk and Recorder

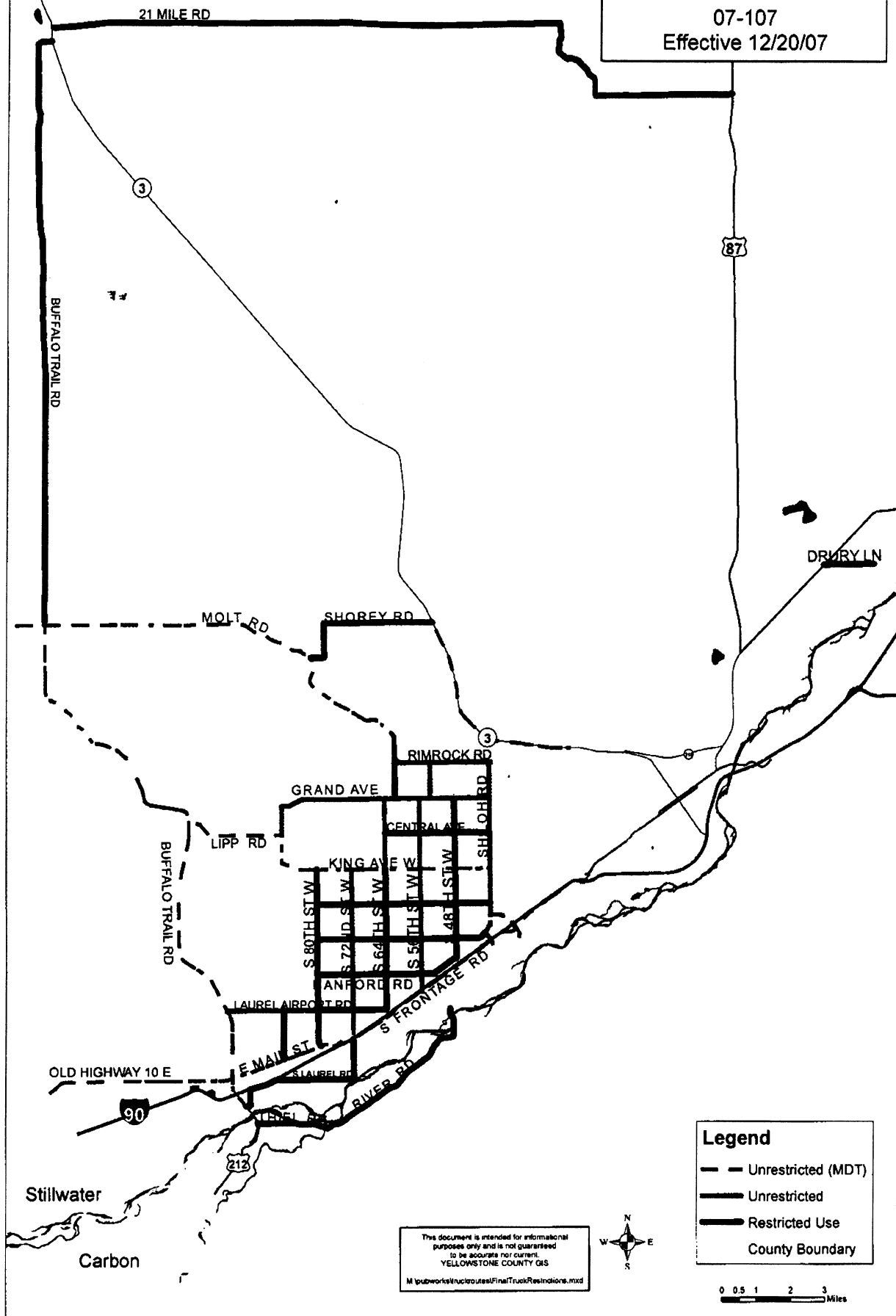
Golden Valley

Musselshell

Yellowstone County Truck Restrictions

07-107

Effective 12/20/07



YELLOWSTONE COUNTY BOARD OF COUNTY COMMISSIONERS

Resolution No. 18-106

**A Resolution Amending the Load Restricted County Roads Ordinance in Yellowstone County;
Resolution Amending County Ordinance 07-107 as Amended by Resolution 17-107**

WHEREAS, Yellowstone County has previously restricted vehicular loads placed on certain of its county roads pursuant to Ordinance No. 07-107 as amended by Resolution 17-63 to maintain the integrity of these roads and to promote public safety;

WHEREAS, Yellowstone County recognizes that occasionally some non-restricted roads may undergo closure for repairs or maintenance or may be subject to a protracted period of interruption;

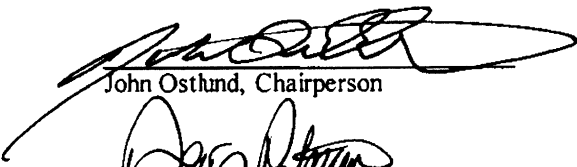
WHEREAS, the temporary closure of these non-restricted roads may create a temporary hardship for businesses using the county roads for delivery of goods and services;

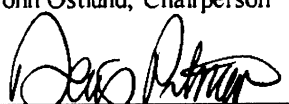
WHEREAS, given the temporary nature of such road closures or interruptions it is in the best interest of the public to allow the Yellowstone County Public Works Department to grant temporary use permits to applicants to use load restricted roads;

NOW THEREFORE BE IT RESOLVED, that the Yellowstone County Board of Commissioners grants authority to the Yellowstone County Public Works Department to issue temporary use permits for restricted roads upon a showing by the applicant of necessity caused by a temporary road closure or interruption. The permit shall cost the applicant \$150 or an amount determined by the Yellowstone County Board of Commissioners by separate resolution. A copy of the permit must be retained in the vehicle using the road at all times of operation of the vehicle.

DATED this 30 day of October, 2018.

YELLOWSTONE COUNTY COMMISSIONERS


John Ostlund, Chairperson


Denis Pitman, Commissioner


Robyn Driscoll, Commissioner

ATTEST:


Jeff Martin, Clerk & Recorder

Resolution No. 15-45

A Resolution Providing Guidelines for Construction and Maintenance of Roads not Subject to Current Subdivision Development, the Establishment of Construction and Maintenance Rural Special Improvement Districts and County Participation and Limitations for Cost-Sharing for the Construction of the Roads

WHEREAS, Boards of County Commissioners have general supervisory and regulatory authority over county roads pursuant to Section 7-14-2101, MCA,

WHEREAS, many public roads are not traditionally maintained by the County and are in a serious state of disrepair and are in need of infrastructure improvements,

WHEREAS, some historically maintained public roads are in need of substantial improvement and it may make economic sense and may be in the best interest of the County to assist in the funding of improvements to these roads,

WHEREAS, some residents wish to participate in improving these public roads by paving them or improving the gravel surface to a public standard but lack the ability to totally fund such improvements,

WHEREAS, it is the County's desire to provide durable and safe roads to the public whenever possible within fiscal restraints,

WHEREAS, the Yellowstone County Board of Commissioners wishes to establish guidelines to participate in the funding to bring these roads to a county standard and establish construction and maintenance districts to cost share in the construction and maintenance of the roads between the property owners and the County,

NOW, THEREFORE BE IT RESOLVED, that the Yellowstone County Commissioners establish cost-sharing guidelines for roads that are in need of improvement and that the following guidelines shall apply to the cost-sharing:

1) All roads subject to any proposed cost-sharing shall be dedicated or petitioned public roads. A public road is defined as a road over which the County has jurisdiction pursuant to Section 7-14-2101, MCA.

2) This policy specifically excludes funding matches for new subdivision roads. The funding for construction and maintenance of new subdivision roads is provided for in the Yellowstone County Subdivision Regulations and this resolution shall not supersede the subdivision regulations.

3) The County may consider partial funding for the construction of paved roads or improvement of gravel roads to a county standard if the following criteria are met:

a) The maximum amount of County participation for the construction of a paved road or improvements to bring gravel roads to a county standard shall not exceed 25% or \$200,000 per year for all projects of the total cost of construction. This resolution establishes non-binding guidelines for cost-sharing. Each request will be examined based on available road fund budgets and will be considered on a first-come-first-serve basis each fiscal year following a recommendation from the Yellowstone County Public Works Department whether the improvements are in the best interest of the public. In making the recommendation to the Yellowstone County Commission, the Public Works Department will consider available budget, traffic counts, public safety and the overall feasibility of the proposed project.

b) The County will consider cost-sharing for those public roads that can reasonably be brought up to the applicable County road standard.

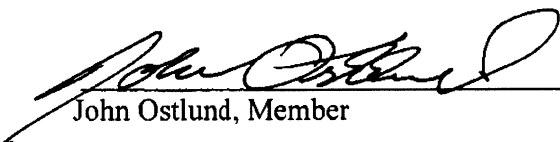
c) The County will consider a cost-sharing only if property owners within the affected subdivision petition to form both a Construction Rural Special Improvement and a Maintenance Rural Special Improvement District related to the improvement of the public road. The sole and

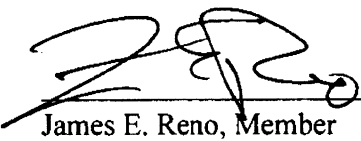
total cost of maintenance after reconstruction will be funded through the Maintenance Rural Special Improvement District. Funding through the Maintenance Rural Special Improvement District will then follow existing County policy and regulations governing maintenance of Rural Special Improvement District Roads.

DATED this 5 day of May, 2015.

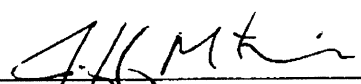
BOARD OF COUNTY COMMISSIONERS
YELLOWSTONE COUNTY, MONTANA


Bill Kennedy, Chairman


John Ostlund, Member


James E. Reno, Member

ATTEST:


Jeff Martin, Clerk and Recorder

YELLOWSTONE COUNTY PUBLIC WORKS DEPARTMENT

Application for Contract and Encroachment Permit

(Make checks payable to Yellowstone County)

Name: _____

Mailing Address: _____

Telephone Number: _____

Email address: _____

1. County has jurisdiction over, certain property in Yellowstone County, Montana,
described as: _____

2. Owner's property in Yellowstone County is described as:

3. In order for Owner to more fully enjoy his property as described above, Owner has
requested an Encroachment Permit from the County to allow Owner to install or maintain the
following-described property and/or appurtenance(s): _____

GENERAL INFORMATION TO APPLICANT:

4. By Issuance of an Encroachment Permit, the County will agree to allow Owner to
install or maintain the property and/or appurtenances described in paragraph 3, above, on the
property described in paragraph 1, above.

5. The parties agree that when Owner's property, the installation and/or maintenance is
hereby authorized, is destroyed or worn out, the property or appurtenances shall not be repaired

or replaced without expressed written consent of the County. Further, the property or appurtenances shall be operated and maintained pursuant to the direction of the County.

6. Owner will agree that he is gaining no additional rights over the property by execution of this agreement other than those allowed expressly by Yellowstone County.

7. Owner will further agree and promise that the installation and/or maintenance of the property or appurtenances, shall not interfere with the use by the County of the property above described. If owner's property does interfere with the County's use of the property, or if the County needs the encroachment removed for a public purpose, the County may cancel this permit by giving Owner sixty (60) days written notice of County's intent to revoke the permit. At the expiration of sixty (60) days, Owner shall remove at his own expense all of his property and/or appurtenances, the installation and/or maintenance of which is authorized by this permit.

8. Owner will further agree and promise to notarize and file this document with the appropriate division.

For Owner:

By: _____

This application shall include a description and diagram of the proposed encroachment and its location in relation to the County right-of-way.

Resolution No. 12-38

Resolution on the Construction of Unconstructed Petitioned County Roads and Dedicated Public Roads

WHEREAS, pursuant to Sections 7-14-2101, 7-14-2102 and 7-14-2103 of the Montana Code Annotated, a board of county commissioners has the authority to manage the county roads in a county.

WHEREAS, Yellowstone County has numerous petitioned county roads and dedicated public roads that have not been constructed for various reasons. The Yellowstone County Board of County Commissioners is concerned about the construction of these roads. The Board believes that some ambiguity has developed as to the construction of these roads, in particular as what construction standard should apply to these roads and who should pay for the construction of these roads. To clarify these ambiguities it believes the adoption of a resolution on this issue would be appropriate. The Board wants safe and durable roads. To achieve this goal, an engineer should design the roads and verify that the roads have been constructed in conformity with the design. The County wants the roads designed and constructed to the latest road standards. The Board has limited financial resources. It is difficult for the Board to maintain the roads it currently maintains. It would place a tremendous burden on the Board to pay for the construction of roads. Unless a road will be a benefit to the general public, the Board will not pay for the construction of the road. In general, the person who wants the road will have to pay for the construction of the road.

NOW THEREFORE, BE IT RESOLVED,

The Yellowstone County Board of County Commissioners enacts the following road regulations as to the construction of unconstructed petitioned county roads and dedicated public roads. Before a person begins the construction of a road, the person shall submit to the Yellowstone Public Works Director a design for the road created by an engineer licensed in Montana. The design will include an estimated total cost of the project and shall be included in a right-of-way work permit application made to Yellowstone County. The cost of the permit application will be assessed by County Commission resolution; the initial cost of the permit application and the permit will be \$150. The work contemplated in the right-of way work permit shall be completed within 180 days of the issuance of the permit. Upon application of the person requesting the right-of-way work permit, and, for good cause being shown, the Public Works Director may extend the period of time to complete the work contemplated in the right-of-way work permit for an additional 180 days. The Public Works Director shall review the proposed design. If the proposed design is acceptable, the Public Works Director shall grant the person permission to construct the road. The person shall construct the road in conformity with the design. After the person has constructed the road in conformity with the design, the person shall submit to the Public Works Director a certificate from the engineer that the road was constructed in conformity to the design. After the person has submitted a certificate from the engineer that the road was constructed in conformity with the design, the Public Works Director shall accept the road and open it to public travel. After the Public Works Director has accepted the road and opened it to public travel, the County will maintain the road at its expense unless financing of maintenance

shall be provided for through a rural special improvement district. The County will not pay for the construction of a road unless it will benefit the general public. In general, the person who wants the road will have to pay for the construction of the road.

The County shall, at the discretion of the Public Works Director, require a bond, letter of credit or like instrument to guarantee the completion of the work contemplated in the right-of-way work permit. The amount of the bond, letter of credit or like instrument shall be 125% of the estimated cost of completion of the project as stated in the application and issued permit. The County shall draw on the bond, letter of credit or like instrument should the permit holder default on any of the terms of the permit. The County will then use the proceeds to assure completion of the contemplated project. The applicant may appeal the decision of the Public Works Director as to the necessity of the bond to the Board of County Commissioners. The appeal shall be submitted in writing stating the reason for the appeal and the relief sought by the applicant. The matter shall be heard by the Board of County Commissioners within 30 days of the receipt of the appeal. The decision of the Board of County Commissioners is final, subject only to further appeal to District Court.

By adoption of this Resolution, Resolutions #07-42 and #07-43 are hereby rescinded.

Passed and Adopted on the 22nd day of May, 2012.

BOARD OF COUNTY COMMISSIONERS
YELLOWSTONE COUNTY, MONTANA

absent

John Ostlund, Chairman

[Signature]

James E. Reno, Member *Chairman Pro-Tem*

[Signature]

Bill Kennedy, Member

ATTEST:

[Signature]

Jeff Martin, Clerk and Recorder

Maintenance RSID Guidelines

General Principals for Requesting Maintenance.

In RSID's where the Ad Hoc Committee is functional and on-going maintenance is requested (such as blading, dust control, mowing, snow removal, park maintenance and weed control the following guidelines shall be adhered to:

- 1) The Ad Hoc Committee may solicit price quotes for covered services costing \$1000 or less.
- 2) The Ad Hoc Committee shall notify the Yellowstone County Public Works Department (Public Works) of (a) the price quotes it receives and (b) proof that the contractor is bonded and insured.
- 3) The Ad Hoc Committee may not spend amounts in excess of the RSID reserve fund as determined by the Yellowstone County Finance Department.

Once Public Works has signed off on the project, the work may then be completed.

If the work to be done is greater than \$1000 in cost, Public Works must be contacted with the RSID's request for maintenance. The request will be evaluated and a direction to proceed will be given at Public Work's discretion. In the event that there is no functional Ad Hoc Committee in the RSID, Public Works will review the RSID and put it into a scheduled maintenance program.

Roads.

Road Grading of Gravel Roads. The manner and extent of road grading will vary with each RSID. It is Public Works' recommendation that most gravel roads receive maintenance at least twice a year in the spring and fall. RSID maintenance requirements may vary depending on terrain and traffic volumes. When possible, bladings will take place when moisture is present in the road allowing the road material to compact and remain smooth for a longer period of time. When maintaining the road, a roller and water truck can be utilized to the operation to ensure moisture and compaction of the road material. This will likely result in a longer lasting smooth road but may also raise initial costs of the maintenance.

Dust Control of Gravel Roads. It is recommended that dust control applications be done during the drier seasons of the year (between June and October). An evaluation of the aggregate surface may be necessary to determine if there are sufficient smaller aggregate materials for the dust suppressant to be effective. Before any application is applied, the road should be properly prepared by watering, blading, and compaction to assure an effective application.

Snow Removal and Ice Control—General Principals. Snow removal and ice control will vary greatly from year to year depending on weather. Further guidance for the procedures to be utilized is found in the section of these guidelines, "General Principals for Requesting Maintenance".

Snow Removal and Ice Control—Gravel Roads. It is recommended that gravel roads not be plowed unless snow depth is six inches or more. Plowing lesser snow depths may remove gravel from the road and once the gravel is plowed off, it is almost always impossible to recover. Gravel roads can become slick in certain conditions and sanding may be advisable regardless of snow depth especially on hills, intersections or curves. Since snow removal does not necessarily include sanding, plowing and/or sanding should be clearly specified in any request for snow removal and ice control.

Snow Removal and Ice Control—Paved Roads. It is recommended the plowing of paved roads (usually asphalt surface) should be limited to snow depths of three inches or more. Should slippery conditions

on hills, intersections or curves exist, sanding may be advisable regardless of snow depth. Since snow removal does not necessarily include sanding, plowing and/or sanding should be clearly specified in any request for snow removal and ice control.

Parks. If an Ad Hoc Committee is functional it should decide on a desired level of park maintenance so a determination of funding can be made. The Yellowstone County Parks Department will not manage a subdivision's park maintenance without the Ad Hoc Committee's input. The level of maintenance will largely be a function of funding, so the Ad Hoc Committee should balance the scope of services provided with the costs and the funding available from the RSID.

Weed Control. There are two primary maintenance methods available for RSID weed control: 1) Mowing and 2) Herbicide Control.

Mowing and herbicide control both improve aesthetics. Mowing gives you the instant aesthetic appeal you are looking for but may not be the most effective measure. Mowing can require multiple passes during the growing season and does work when the conditions are too dry for herbicide control to be effective. Mowing can be expensive due to the multiple passes required during the growing season (June – September). Mowing can also spread weed seeds, (especially noxious weeds) when implemented at the incorrect time. However, if a plant community is healthy and consists largely of native and non-native grasses it would be of benefit to mow instead of implementing a herbicide treatment. One point to remember about mowing weeds is that certain weed species will adapt and can still produce viable seeds even after mowing.

Herbicide control is less expensive than mowing and usually requires one or two passes instead of multiple passes. Again, it depends on the makeup of the plant community; if noxious species (mandatory management required under Montana state law) are present, then specialized herbicides can be used to control those species of concern. When implemented at the correct time, herbicide control can be of great benefit to the desirable plant community. With the specialized herbicides available in today's market, weed control usually lasts longer than mowing and it can control specific weed species. Optimum control of unwanted weed species is achieved primarily through use of both mowing and herbicide applications. One factor to consider prior to applying any type of herbicides is what kind of ornamental landscape plants exist on or near the right away as herbicides can affect these plants. Proper herbicide choices and application are critical to effectively reducing unwanted vegetation. Application should be done by a trained and licensed professional. Herbicide use recommendations can be obtained from any of the product supply outlets or by contacting the Yellowstone County Weed Department. Commercial herbicide control, and/or mowing contractor information can also be provided by contacting the Yellowstone County Weed Department.

RSID Maintenance Expenditure Guidelines

For projects involving existing surface related expenditures:

Cost	Action	Decision Maker
< \$500	Ad-Hoc obtain 3 phone quotes	Ad-Hoc
\$500 to \$4,999	Ad-Hoc work with Public Works to provide written scope of work Ad-Hoc obtain 3 written quotes	Public Works
\$5,000 to \$24,999	Ad-Hoc work with Public Works to provide written scope of work County Purchasing obtain 3 written quotes	Public Works
\$25,000 to \$49,999	Public Works provide written scope of work County Purchasing obtain 3 written quotes Prevailing Wage Requirements will apply	Board of County Commissioners
\$50,000 and up	Public Works provide written scope of work County Purchasing - Invitation to Bid process Prevailing Wage Requirements will apply	Board of County Commissioners

For projects involving recurring contract services such as:

- dust control
- mowing
- snow removal
- weed spraying

The Ad-Hoc Committee would make decisions. It is the responsibility of the Ad-Hoc committee to ensure that contractors hired have the proper licensing and insurance to perform the services.

If a contractor is hired without the proper credentials and an event occurs, liability for the event would pass through to the property owners within the RSID.