

FREQUENTLY ASKED QUESTIONS

Publication 221 (Pub. 221)

Why should municipalities follow the posting and bonding procedures outlined in Pub. 221?

Pub. 221 allows municipalities to protect their investment in their roadway system by offering consistent and enforceable Posting and Bonding Procedures that align with PennDOT's state highway system procedures.

Why shouldn't municipalities rely on handshake agreements with haulers?

Handshake agreements are not legally binding and are indefensible in court if a dispute arises.

Road Posting

In a municipality, who is involved in a road posting?

- Municipal Supervisors/Commissioners
- Road Masters
- Solicitors
- Municipal Secretaries
- Municipal Engineer

When should a road be posted?

Municipalities should post a roadway if they notice any of the following conditions exist:

- Poor pavement structure that will not sustain increased hauling
- The road's pavement or shoulders are already weakened due to deterioration, high traffic volumes, or climatic conditions, and is at risk of being even more seriously damaged unless vehicles over a certain weight are prohibited.
- A study was previously performed on a roadway with similar weather patterns and that study recommended that a certain weight vehicle should be prohibited from the roadway

What is Seasonal Posting?

Seasonal Postings are utilized in cases where the structural analysis of the road indicates permanent postings may not be necessary. In most cases, seasonal postings are related to the winter months when the freeze/thaw cycles make roads more susceptible to damage.

Who is qualified to conduct and complete an Engineering and Traffic Study?

Engineering and Traffic Studies must be completed by a Professional Engineer (PE) registered in the Commonwealth of Pennsylvania.

Road Bonding

How will the municipality know if they hold enough security (bond) from a Hauler?

The municipality should conduct interim inspections to determine the state of the posted roadway and monitor excess damages. During the damage assessment, the municipality should determine if the damages exceed 75% of the original security provided by the Hauler. If it does, the Hauler has an option to stop hauling and complete repair work to reduce the damage cost below 75% or increase their bond amount and continue hauling as long as the road is deemed safe and passable by the municipality.

Excess Maintenance

Why is it necessary for the hauler to execute an Excess Maintenance Agreement (EMA)?

The additional maintenance costs for roadways subjected to hauling are the responsibility of those who cause the damage, not the general taxpayer. An EMA is a contract between the hauler and the municipality explaining the responsibilities of both parties and outlines how the hauler will accept financial responsibility for excess maintenance.

What is the responsibility of the Hauler under the EMA?

The Hauler must pay for all excess maintenance repair costs. The Hauler may choose from one of two options to repair the roadway.

- **Option A** - The municipality or its contractor can repair the roadway and invoice the Hauler for the work.
- **Option B** - The Hauler or its contractor can make the repairs.

Haulers

How much notice will the Hauler receive regarding the posting of roads?

The general public, local and state law enforcement, and known Haulers of a future posted roadway will be given two (2) weeks' notice prior to a roadway posting. The municipality will publish the notice at least twice in one or more newspapers in the municipality where the roadway is being posted.

Multiple Haulers

What happens if more than one Hauler hauls on the same posted road?

If two or more Haulers are permitted on the same posted roadway, they should determine among themselves how the excess maintenance responsibility should be divided. If the Haulers cannot come to a mutual agreement, the municipality will determine the relative responsibility for each hauler.

What recourse does a permitted Hauler with an agreement have if they discover that another Hauler is traveling over a road without an agreement and permit?

The municipality, in conjunction with Pennsylvania State Police or local police, is responsible for administering

and enforcing the program, and they will contact any Hauler committing possible violations. If a permitted Hauler suspects that an unpermitted hauler is violating weight restrictions, it is their responsibility to report it to the Pennsylvania State Police and the municipality.

Enforcement

Who is responsible for the enforcement on municipal roads?

The municipality is responsible for administering the posted and bonded roadways program. They are encouraged to form a working relationship with Pennsylvania State Police or local police and provide the appropriate documentation regarding a roadway posting or it's bonded Haulers.

Fees

How can a Hauler be certain that it will be responsible for only excess maintenance repairs?

Before the EMA is executed, an on-site inspection, documenting the condition of the roadway including photos and video, is conducted.

The municipality is responsible for normal maintenance work during hauling activity. The Hauler is responsible for any maintenance outside of what is normal for the roadway.

Other Postings

Are safety and bridge postings covered under Pub. 221 for weight-restricted roads?

No. The guidance listed in Pub. 221 deals exclusively with weight posting, which prohibits certain weight vehicles based on the roadway conditions. Bridge postings are used to restrict certain weight vehicles because of structural concerns of the bridge. (Refer to Publication 238: Bridge Safety Inspection Manual.)