



# Posted & Bonded Roads INDUSTRY TRAINING

Today's presentation is available for download:

[www.PAPostedRoadsTraining.com](http://www.PAPostedRoadsTraining.com)



# PRESENTERS



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# GOALS



- Create two-way communication among the various hauling industries
- Build understanding of the Posted & Bonded Roads program
- Shared learning through past experience
- Provide opportunities for feedback



# ICE BREAKER



What are your goals for today's workshop?



# COMMON MISTAKES



## Administrative Issues/Mistakes

- Failure to begin Excess Maintenance Agreement process as early as possible
- Failure to field view all routes in and out of project sites prior to bonding to find the best roadway to bond (even if it means a few extra miles)
- No onboard paperwork to establish local traffic exception (travelling without a bill of lading)
- Drivers keeping a binder full of copied permits from every company for which they haul





## Operational Issues/Mistakes

- Not understanding the difference between bridge postings and roadway postings
- Following a GPS and not mapping out a route to avoid posted roads





## Operational Issues/Mistakes Continued

- Minimal communication on permitted routes to drivers/contractors
- Short cutting vs. "Reasonable Alternate Route"
- Time sensitive loads may be local traffic to get to the delivery site, but not on the return trip.



## Safety Issues/Mistakes

- Staging vehicles in right of way or unloading equipment on the roadway
- Failure to notify the District when scheduling repairs
- Tracking mud in rainy season and dust control in dry season
- Improper or unsafe flagging operations







# OVERVIEW



# CHALLENGE

## The Challenge of Change

Like all things, this program and all its parts are constantly evolving. External forces continue to influence program changes in the best interest of the taxpayer and our motoring public.

# AN OVERVIEW



## Applicable Law

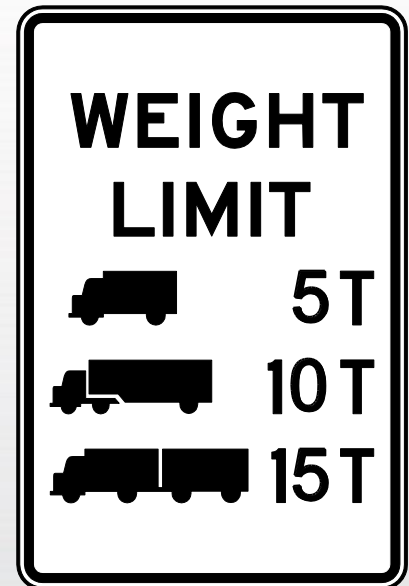
- PA Vehicle Code 75 Pa CS § 4902(a)

## Applicable Regulation

- 67 Pa Code, Chapter 189 (Hauling in Excess of Posted Weight Limits)

## Applicable Policy

- 67 Pa Code, Chapter 190 Letter of Local Determination (Revisions Published December, 2015)
- PennDOT Publication 23, Chapter 15 (Weight Restrictions on Posted Highways)





# AN OVERVIEW



## PennDOT Publication 23, Chapter 15 highlights:

- Posting Procedures
- Local Traffic and Letters of Local Determination
- Agreements and Permits
- Maintenance and Restoration Responsibility
- Roadway Inspections

Chapter 15: Weight Restrictions on Highways

PUB 23 - MAINTENANCE MANUAL

### CHAPTER 15 WEIGHT RESTRICTIONS ON HIGHWAYS (POSTED HIGHWAYS)

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Update #6

Ch. Updated 1/15

*\*Chapter 15 does not apply to Safety Postings nor Bridge Postings*

<http://www.papostedroads.pa.gov>



# AN OVERVIEW



## Key Terms

- Posting Authority
- Regular User v. Heavy User
- At-Risk Industry
- Excess Maintenance
- Inspections
  - Initial
  - Interim
  - Final
- Roadway Condition Surveys
- Reasonable Alternate Routes
- Supplementals
- Engineering & Traffic Study
- Letters of Local Determination
- Local Traffic







# AN OVERVIEW



## Significant Changes to Law:

### PA Vehicle Code 75 Pa CS § 4902(a)

- Provisions for Cost Recovery
- Act 13— "At-Risk" and De minimus Letters of Local Determination
- Act 89—added Permanent Sawmills and Coal reprocessing plants as exemptions. Natural resource extractors cannot self certify as local traffic.
  - Extended "At-Risk" sunset date to December 2018



# AN OVERVIEW



## Significant Changes (*continued*)

- Standardized processes
  - Chapter 15 is built around a Districtwide Excess Maintenance Agreement (EMA)
    - Multiple permits can be generated from a single Districtwide EMA
    - Amount of Surety should reflect the permit type
  - Districtwide EMA provides better protection for the Posting Authority
    - Maintenance Plans should reflect the haulers' activity
    - Remedies identified
    - Invoice effort
  - Simplified drop/add routes (**M-4902APP**)
  - Incorporates the industry-standard ACORD insurance form



# WHY & HOW PENNDOT POSTS ROADWAYS WITH WEIGHT RESTRICTIONS

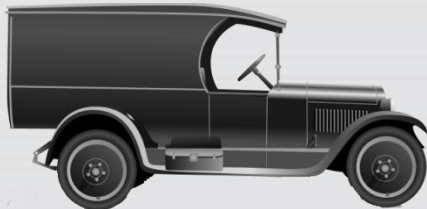


# WHY POST & BOND?



## Why post and/or bond roads?

- Older secondary routes and rural roads weren't designed for modern traffic
- Vehicle types, sizes & weights have increased over time
- Protect & preserve roadway structural integrity
  - Posted weight limits



VS.





# WHY POST & BOND?



## When can traffic be prohibited/restricted?

- Highway pavement or shoulders weakened by:
  - deterioration,
  - traffic volumes, or
  - climatic conditions**AND**
  - Pavement analysis or engineering judgment determines that serious damages will result unless heavy vehicles are prohibited.



# WHY POST & BOND?

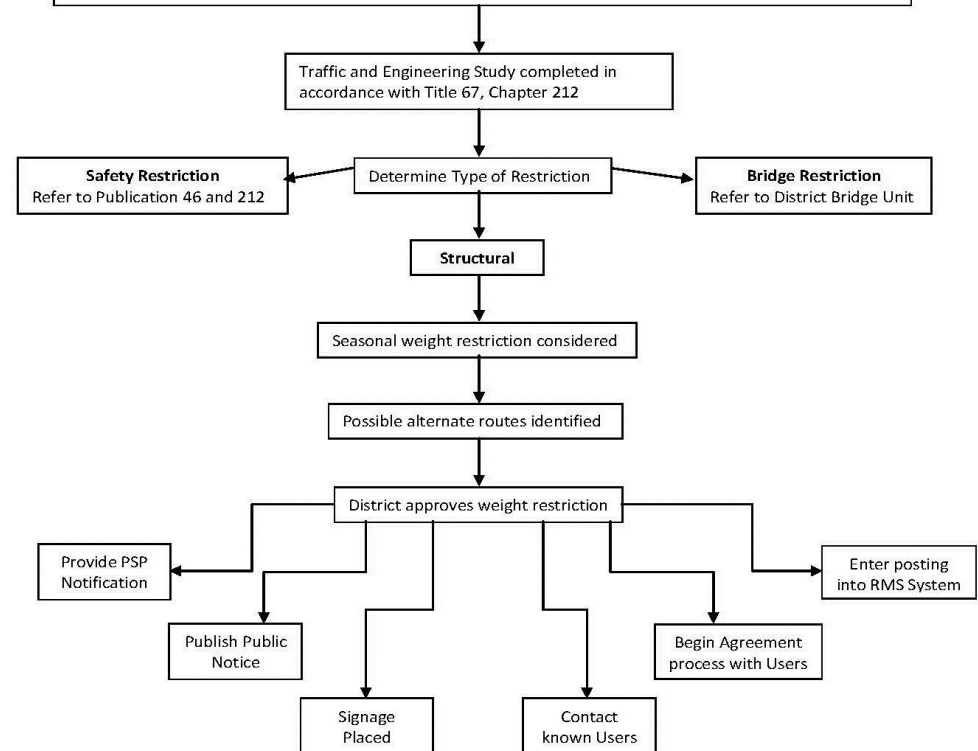


## Posting Process

District/County anticipates influx of heavy hauling or roadway condition indicates consideration of weight restrictions is necessary

Traffic may be prohibited or restricted when any of the following exist;

- 1) The highway pavement or shoulders have been weakened due to deterioration, high traffic volumes or climatic conditions, and a pavement analysis or engineering judgment indicates that it may be seriously damaged unless certain weight vehicles are prohibited.
- 2) The highway has inadequate turning radii, horizontal width or under clearance at one or more locations.
- 3) An analysis of previous climatic conditions indicated that certain weight vehicles should be prohibited from the highway.





# WHY POST & BOND?



## Review:

Q Can traffic be restricted if the pavement is weakened by deterioration, traffic volumes, and climatic conditions?

A – No. Pavement analysis or engineering judgment must also determine that serious damages will result unless heavy vehicles are prohibited.



# BREAK





# DISTRICTWIDE EXCESS MAINTENANCE AGREEMENTS

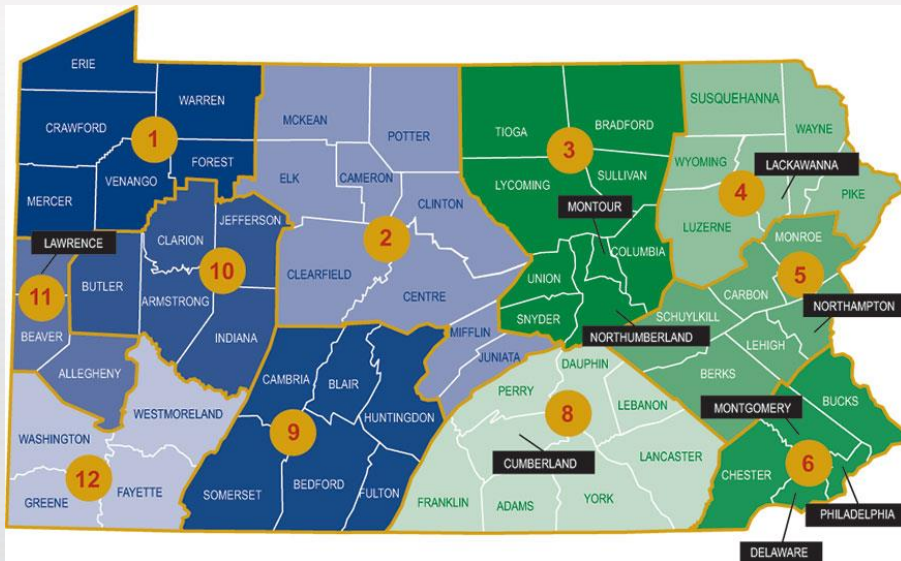


# EXCESS MAINTENANCE AGREEMENTS



## Districtwide Excess Maintenance Agreements

- One master agreement for an entire District
- No longer issued by route or county





# EXCESS MAINTENANCE AGREEMENTS



## When is an Excess Maintenance Agreement (EMA) needed?

- Road is posted
- A non-local traffic hauler anticipates exceeding the posted weight limit
- Posting Authority decides the permit type ([Type 1, 2, or 3](#))





# EXCESS MAINTENANCE AGREEMENTS



## Form M-4902EMA

- Combines all three permit types into one agreement
- Identifies remedies, if needed

COMMONWEALTH OF PENNSYLVANIA  
POSTING AUTHORITY  
EXCESS MAINTENANCE AGREEMENT

Agreement Number \_\_\_\_\_ Executed Date \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

This Excess Maintenance Agreement ("Agreement") is made and entered into, by, and between the POSTING AUTHORITY and the USER,  
Plus Road Hardware, Inc., PIDSS Number \_\_\_\_\_, with  
office located at \_\_\_\_\_

**DEFINITIONS**  
Appearance means the property lying within the right-of-way of a highway, together with any improvement placed within this right of way.  
Bridge means any structure including supports, erected over a depression or an obstruction, such as, but not limited to, water, highway, or railway and having a track or passageway for carrying traffic or other moving loads and having an opening measured along the center of the roadway of more than eight feet between supports Publication 100A (Bridge Management System 2 Coding Manual).  
Excess Maintenance means maintenance or restoration or both that is in excess of normal maintenance (but not improvements beyond the state of repair existing at the date of the initial inspection) that is necessary to maintain the roadway, shoulders, drainage facilities, and other appurtenances of because the use of over-posted-weight-vehicles, and in accordance with the attached Exhibit "A".  
Execution Date is the date this Agreement has been fully executed by both the USER and the POSTING AUTHORITY.  
Excluding State of Repair shall be the condition of the highway(s), on the date upon which the initial inspection document is signed by the USER and the POSTING AUTHORITY.  
Highway means any highway or bridge on the POSTING AUTHORITY'S system of highways and bridges, including the entire width between right-of-way lines, over which the POSTING AUTHORITY has assumed, or has been legislatively given, jurisdiction.  
Maintenance Plan means a comprehensive schedule of USER'S duties relating to excess maintenance, preventative maintenance and restoration of the highway or appurtenances.  
Normal Maintenance means the usual and typical activities necessary to maintain the roadway, shoulders, drainage facilities, and other appurtenances in the state of repair existing at the date of the inspection, and in accordance with the attached Exhibit "A".  
Over-Posted-Weight-Vehicle means a vehicle or combination having a gross weight in excess of a posted weight restriction.  
POSTING AUTHORITY means the Commonwealth of Pennsylvania, acting through the Department of Transportation as to State highways, and appropriate state or local authorities as to all other state and highways.  
Preventative Maintenance means maintenance and restoration or both (including betterment) of a posted highway beyond and above excess maintenance, and in accordance with the attached Exhibit "A".

**Type of Permit**  
Type 1 Permit - A Type 1 permit authorizes use of a particular posted highway or portion thereof by an over-posted-weight vehicle. It is valid only when carried in the USER'S over-posted-weight-vehicle.  
Type 2 Permit - A Type 2 permit authorizes use of a particular posted highway or portion thereof by any number of over-posted-weight vehicles being driven to or from a common destination and is valid only when conspicuously displayed at the USER'S place of business.  
Type 3 Permit - A Type 3 permit authorizes use of a number of specified posted highways or portion thereof by over-posted-weight vehicles and is valid only when carried in the USER'S over-posted-weight-vehicle.

**BACKGROUND**  
The USER wishes to operate vehicles or combinations, together with loads, in excess of posted weight restrictions. The POSTING AUTHORITY, pursuant to 75 Pa. CS § 4902 and 67 Pa. Code, Chapter 109, *Handling in Excess of Posted Weight Limit*, is willing to permit the movement of the USER'S vehicles or combinations, together with loads, in excess of the posted weight restrictions, conditioned upon the execution of an approved form of security by the USER in favor of the POSTING AUTHORITY, to cover the costs of excess and preventative maintenance and restoration and all related costs, in accordance with the terms, conditions, and provisions of this Agreement.

**AGREEMENT**  
For and in consideration of the mutual promises hereinafter set forth, the parties, intending to be legally bound, agree for themselves and their successors and assigns as follows:

**Permissions to Move Vehicles**  
1. The POSTING AUTHORITY will permit the USER to move vehicles or combinations, together with loads, in excess of the posted weight restrictions on the portion(s) of highway(s) in \_\_\_\_\_ (Geographic Location), subject to all provisions of the Vehicle Code, 75 Pa. CS § 4902 and 67 Pa. Code, Chapter 109, in accordance with Permit Type \_\_\_\_\_. The specific highways authorized for use by over-posted-weight vehicles and the security amount(s), for the purposes of this Agreement, shall be listed on the document titled "Authorization to Exceed Posted Weight Restrictions" and made a part of this Agreement by reference as though physically attached.

(M-4902EMA, revised May 11, 2010) 1 EXCESS MAINTENANCE AGREEMENT





# EXCESS MAINTENANCE AGREEMENTS



## Transition Letter

- Phases out county-wide agreements
- User must contact Posting & Bonding Coordinator to update agreements to District-wide form
- 30 days to respond



Date \_\_\_\_\_  
Engineering District \_\_\_\_\_  
Excess Maintenance Agreement No. \_\_\_\_\_

### District-wide Excess Maintenance Agreement - Transition Letter

CERTIFIED MAIL – RETURN RECEIPT REQUESTED (Addressee only)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Dear \_\_\_\_\_:

The Department has updated its Excess Maintenance Agreement (EMA) forms in the past few years to include a number of features to make them easier for haulers to use and modify. One of the most important changes is that EMA's now cover all hauling within a district, so haulers no longer need to get EMAs for each county. The district-wide agreement streamlines the process for adding and dropping routes and allows for one bond to cover all hauling operations within the engineering district. The Department is therefore phasing out all county-wide agreements, including your county-specific EMA(s): \_\_\_\_\_.

Please contact the Posting and Bonding Coordinator as soon as possible at the number or email address below to update your agreement(s) to the new district-wide form. The Department will waive the termination provisions outlined in the "Termination" section of your current EMA. There will be no fees associated with opening the new agreement, current permits will be reissued under the new agreement at no cost and there will be no change to the baseline condition associated with any open permits. Please be aware that your bonds will need to reflect the new EMA.

IF NO RESPONSE IS RECEIVED WITHIN 30 DAYS AFTER THE DATE OF THIS LETTER THE COUNTY-SPECIFIC EMA(S) LISTED ABOVE WILL BE TERMINATED AND ANY ACTIVE PERMITS ISSUED UNDER THOSE AGREEMENTS WILL BE REVOKED.

You may appeal a decision by the Department to revoke a permit under 2 Pa. C.S. Sections 501-508 (relating to practice and procedure of Commonwealth agencies), 1 Pa. Code Part II (relating to general rules of administrative practice and procedure) and 67 Pa. Code Chapter 491 (relating to procedures before the Department) by submitting a written request. The request shall include a filing fee as prescribed under the provisions of 67 Pa. Code Chapter 491 and the requisites of 34 Pa. B. 4081, Pa. Bulletin Volume 34, Number 31, July 31, 2004, made payable to the "Commonwealth of Pennsylvania", and a copy of this letter shall accompany the written request. The written request for hearing shall contain a clear, concise statement of the facts, including the essential elements of the case and the relief requested. Filing fee questions may be addressed to the Administrative Docket at (717) 772-8397.

To update your records and avoid any break in your ability to haul, please contact  
<name> \_\_\_\_\_, <title> \_\_\_\_\_ at (xxx) xxx-xxxx or xxxxx@pa.gov.

Sincerely,

<Name> \_\_\_\_\_  
<Title> \_\_\_\_\_





# EXCESS MAINTENANCE AGREEMENTS



## Inactive EMA Letter

- Invalid surety
- EMA is automatically voided

M-4902L16 (5-15)

### INACTIVE EXCESS MAINTENANCE AGREEMENTS



Date: \_\_\_\_\_

Type: \_\_\_\_\_

Certified Number: \_\_\_\_\_

County: \_\_\_\_\_

Agreement Number: \_\_\_\_\_

Permit Number: \_\_\_\_\_

Company: \_\_\_\_\_

Address: \_\_\_\_\_

Ladies and Gentlemen:

I refer to Excess Maintenance Agreement No. \_\_\_\_\_ made and entered into by and between the Commonwealth of Pennsylvania and \_\_\_\_\_ covering excessive maintenance responsibilities in \_\_\_\_\_ County (or District \_\_\_\_\_).

Our records indicate that the surety for the above mentioned agreement is no longer valid. The Bank or Bonding Agent responsible for the issuance of this surety has been contacted and concurs with our findings for \_\_\_\_\_ (Surety). Lack of active surety automatically voids the agreement between \_\_\_\_\_ and The Department of Transportation. Please find enclosed the original cancelled \_\_\_\_\_ (Surety) # \_\_\_\_\_ (SuretyNo.) in the amount of \$ \_\_\_\_\_ .00.

You may appeal this decision by the Department under 2 Pa. C.S. Sections 501 --506 (relating to practice and procedure of Commonwealth agencies), 1 Pa. Code Part II (relating to general rules of administrative practice and procedure) and 67 Pa. Code Chapter 491 (relating to procedures before the Department) by submitting a written request. The written request shall include a filing fee as prescribed under the provisions of 67 Pa Code Chapter 491 and the requisites of 34 Pa. B. 4081, Pa Bulletin Volume 34, Number 31, July 31, 2004, made payable to the "Commonwealth of Pennsylvania", and a copy of this letter shall accompany the written request. A copy of the Administrative Docket Filing Fee Schedule is attached for your reference. The written request for hearing shall contain a clear, concise statement of the facts, including the essential elements of the case and the relief requested. Filing fee questions may be addressed to the Administrative Docket at 717.772.8397.

If you have any questions or would like to execute a new agreement covering District \_\_\_\_\_, please contact \_\_\_\_\_, at \_\_\_\_\_.

Sincerely,

\_\_\_\_\_  
Engineering District \_\_\_\_\_-0

Enclosure

bcc: \_\_\_\_\_

cc: \_\_\_\_\_



# EXCESS MAINTENANCE AGREEMENTS



## Supplementing the EMA – Why?

- Adjust Bond Amounts
- Add or Subtract Routes
- Submit Maintenance Plan





# EXCESS MAINTENANCE AGREEMENTS



## Supplementing the EMA – Process

1. Complete the Application to Add or Remove a Section of Highway (**M-4902APP**)
2. Posting Authority Review
3. Potential Legal Counsel Involvement, if unique
4. Conduct Initial or Final Inspection (**M-4902ISP**)
5. RMS Inputs
6. Approval Letter to User (**M-4902APR**)
7. Permit Issuance (**M-4902A**)



# EXCESS MAINTENANCE AGREEMENTS



## Review:

**Q** If you are hauling on posted roads in three counties within one District, how many EMAs will you need?

A – One

**Q** What is **one** reason to supplement an EMA?

A – Adjust bond amounts, add/subtract routes, or submit a Maintenance Plan

**Q** What should you do if you receive a Transition Letter?

A – Contact the District Posted & Bonded Coordinator within 30 days





# MAINTENANCE PLANS



# MAINTENANCE PLANS



Maintenance Plans supplement EMAs and identify the established procedures to ensure that posted roads are maintained at pre-existing condition during hauling.



# MAINTENANCE PLANS



## Option A\*:

- The Posting Authority (and/or its contractor) is responsible for maintenance and restoration and will invoice the User(s) in accordance with the EMA.

## Option B\*:

- The User(s) is responsible for maintenance and restoration when notified of damage by the Posting Authority.
- Maintenance Plan option is determined by the **District** upon evaluation of the User's activities

*\*Determined by PennDOT*



# MAINTENANCE PLANS



## Submission Guidelines

- Regular haulers submit once per year, at the discretion of the District
- For heavy haulers, plans should be provided at least once every 6 months, by April 1<sup>st</sup> and October 1<sup>st</sup>
- Full Plans should be no older than 12 months
  - A letter may be submitted once in a 12 month period stating that the plan has not changed.



## Plans should describe Users' efforts to:

- Maintain pavement at pre-existing condition
- Ensure no deterioration of paved surfaces to gravel or mud
- Prevent negative environmental impacts







# MAINTENANCE PLANS



## Key Elements

- Contact information for emergency and administrative contacts
- Detailed description of User's Hauling Operation
- Roadway Repair Strategies



*\*Some additional information is required of Heavy Users*



# MAINTENANCE PLANS



## Standard Enforcement Letters

- Maintenance Plan Acceptance Letter (Letter #10):
  - notifies User that Plan has been received and approved
- Five-Day Warning Letter (Letter #11):
  - notifies User that no Plan has been received five days prior to spring or fall deadline
- Maintenance Plan Suspension Letter (Letter #12):
  - notifies User that District has suspended all permits under User's EMA, if no action prior to spring or fall deadline



## Review:

Q What is the difference between Option A and Option B?

A- Option A: The Posting Authority invoices the User(s) for maintenance and restoration.

Option B: The User(s) is responsible for maintenance and restoration when notified by the Posting Authority.

Q Name **one** key element of a Maintenance Plan?

A- Administrative and emergency contacts, Details of Hauling Operation, Roadway Repair Strategies



# MAINTENANCE PLANS



## Review:

**Q** What **three** things should be described in your Maintenance Plan?

A- Efforts to maintain pavement at pre-existing condition, ensure no deterioration to gravel or mud, and prevent negative environmental impacts

**Q** How often should a Maintenance Plan be updated?

A- At least every 12 months



# ADDING/SUBTRACTING ROUTES





# ADDING/SUBTRACTING



## Adding Routes To the EMA

- A USER must have an active EMA for the **District** in which the hauling is to take place and must execute one if an active EMA is not present.
- Adding a route(s) may be done via fax, US mail, or e-mail on the User's application (Form **M-4902APP**)
  - Electronic signatures are acceptable
- Within 15 days of formal request of route addition, PennDOT will conduct an "initial inspection."
- Once the user has obtained proper security/insurance and the initial inspection has been completed the Department will issue the permit



# ADDING/SUBTRACTING



## Dropping routes from the EMA

- Dropping a route(s) may be done in the same manner as adding a road through the use of form **M-4902APP**
- Within 15 days of formal request of route drop, PennDOT will conduct a “final inspection”
- Route will not be dropped and security released until the USER has satisfied all requirements of the EMA (i.e. excess maintenance completed, all invoices paid)
- Upon approval of drop, the Department will notify the USER through the use of form (**M-4902APR**), approval to add or remove a section of highway.



# ADDING/SUBTRACTING



## Dropping routes from the EMA

- If a final inspection reveals excess maintenance that has not been repaired, the “final” inspection will revert to an “interim” inspection and repairs **must** be completed.
- The final inspection is **not** intended to be used as a gauge of damages for Users and should **only** be requested when the user fully intends on closing a permit out

## Evaluating necessity of route drop

- It is important for Users to fully evaluate the necessity of a route drop
- Example: If a User is temporarily done hauling on a route but knows that they will resume operations within the next year.
  - If a User decides to leave the permit open they are saved the administrative “headaches”, however, despite not hauling during the down time frame, they are still liable for any damages that occur on the route due to having an open permit.



# ADDING/SUBTRACTING



## For routes with multiple Users:

- Individual Users execute separate EMAs, but are responsible for sharing in costs when using same roadway
- Two possible ways to determine percentages of responsibility:
  - Consensus among Multiple Users without Posting Authority involvement
  - If consensus cannot be reached between Users, Posting Authority determines

*\* Keep Department's involvement in determining responsibility among multiple users to a minimum (preferably none at all)*



# ADDING/SUBTRACTING



## Subtraction or addition of a Multiple User

- A roadway inspection must occur to assess total excess maintenance damage since the last inspection
- All appropriate repairs are shared among the existing Users. Work will be done to restore original condition.
- Only the departing User will be required to pay for a Final Inspection costs. New User may be added at this time.

*\* Posting Authority may require immediate repair prior to releasing a User or permitting additional User access to the roadway*





# ADDING/SUBTRACTING



## Assignment Agreement (Form **M-4902AA**)

- Utilized for changing the User name on an agreement(s)
- Process:
  - *Assignment Agreement Signature Request* is sent to User with the Assignment Agreement for signature
  - *Completed Assignment Agreement Letter* notifies User
  - Review and approval routing sheet is completed
  - Complete the *Assignment Agreement Checklist* and maintain as part of the agreement file
  - Changes may be made in ink and initialed
- Can be used so long as User's Federal ID is not changed.

*\*Department recommends a new agreement.*



# EXCESS MAINTENANCE AGREEMENT



## COMMUNICATION IS KEY!

Be in contact with your District Coordinator.  
They are routinely improving processes.

- EMA "How-To Guide"
- LoLD Checklist
- Routine Partnering Meetings
- "Sticky tabs" on mailed EMA applications
- Signatures only needed on EMAs



# PERMIT TYPES & REQUIREMENTS



# AGREEMENT & PERMIT TYPES



## Type 1 Agreement/Permit

- Authorizes use of a particular posted highway, or a portion thereof, by an overweight vehicle belonging to the User
- Must be carried in the overweight vehicle





# AGREEMENT & PERMIT TYPES



## Type 2 Agreement/Permit

- Authorizes use of a particular posted highway, or a portion thereof, by an over-posted-weight vehicle
- For Users requiring pickups and/or deliveries by over-posted-weight vehicles that are not under the User's control
- Valid only when conspicuously displayed at the User's place of business
  - Suggest listing subcontractors next to the displayed permit
- Vehicles must show proof that User is a destination or departure point (Bill of Lading)





# AGREEMENT & PERMIT TYPES



## Type 3 Agreement/Permit

- Typically for INFREQUENT Users only
- Authorizes use of several specified posted highways, or portions thereof, by an over-posted-weight vehicle
- Must be carried in User's over-posted-weight vehicle
- Issued only if there is minimum potential for damage by limited or short-term use of highway(s)
- Type 3 Permits are county-specific.



# AGREEMENT & PERMIT TYPES



## Review:

**Q** Where should you keep a Type 1 Permit?

A- In the overweight vehicle

**Q** Where should you keep a Type 2 Permit?

A- At User's place of business

**Q** What kind of Users receive a Type 3 Permit?

A- Infrequent Users

[Back to EMAs](#)



# PARTNERSHIP OPPORTUNITIES



# PARTNERSHIP OPPORTUNITIES



## What are Partnership Opportunities?

- Opportunities for the Posting Authority and Users to pool resources in order to affect improvements to state roadway conditions.



# PARTNERSHIP OPPORTUNITIES



## Cooperative Agreement

- Allows the Posting Authority to provide materials/monies to a project being designed, bid and awarded by a private entity with private funds
- Things to know:
  - If Commonwealth resources will be contributed, the entire project is considered a “public works” project under the Prevailing Wage Act.
  - A sole source approval must be requested by the District and approved by Central Office before the private entity can be selected to perform the work.
  - The Posting Authority will have participation requirements for Disadvantaged Business Enterprises (DBEs) and will ensure compliance.





# PARTNERSHIP OPPORTUNITIES



## Contribution Agreements

- USER provides materials or funds for roadway upgrades
- Department does the work
- Must have an executed Contribution Agreement in place
- Contribution Agreements for these services are in DRAFT form that must be modified for each situation.
- All Agreements must be reviewed by the Office of Chief Council prior to execution.

\* Intended Outcome: Roadway condition is upgraded; posting limit is unnecessary or may be adjusted



# PARTNERSHIP OPPORTUNITIES



## Contribution Scenario #1: User Provides Material

- Material provided by USER at USER's sole cost
  - Agreement between USER and material supplier
- Material must comply with Department specifications
- Deliver/pick up materials to/by Department
  - Dates and times specified by the Department
- Department Force or Department contractor applies materials
- In accordance with plans, specs and drawings
  - Prepared BY or FOR and approved by the Department
  - Attached to the Contribution Agreement



# PARTNERSHIP OPPORTUNITIES



## Contribution Scenario #2: User Provides Funds

- Department and USER mutually agree to utilize the "work and bill" option
- Department does work and USER pays for costs
- Typically used on non-posted routes



# PARTNERSHIP OPPORTUNITIES



## Work Share:

- The Department and the User mutually agree to partner and complete different phases/sections of a cumulative project
  - Example: A User agrees to complete pipe replacement and the Department agrees to place an overlay
- As long as a User has an active permit on the route, no official standard form agreements are necessary, however, the District still must review and approve all plans



# PARTNERSHIP OPPORTUNITIES



## Right of Entry Agreement (Form **M-4902ROE**)

- Required when Posting Authority and User agree to make improvements for either situation:
  - Work being done on a **non-posted** highway that rehabilitates the structural capacity of the highway to the extent to negate the need for a weight restriction
- Improvements made under Right of Entry agreement do not guarantee the roadway will not be posted.





# PARTNERSHIP OPPORTUNITIES



## Review:

**Q** True or False: Under a Cooperative Agreement, PennDOT provides materials and a private entity will perform the work.

**A - True**

**Q** True or False: A Right of Entry Agreement can be utilized only after a roadway is posted with a weight restriction.

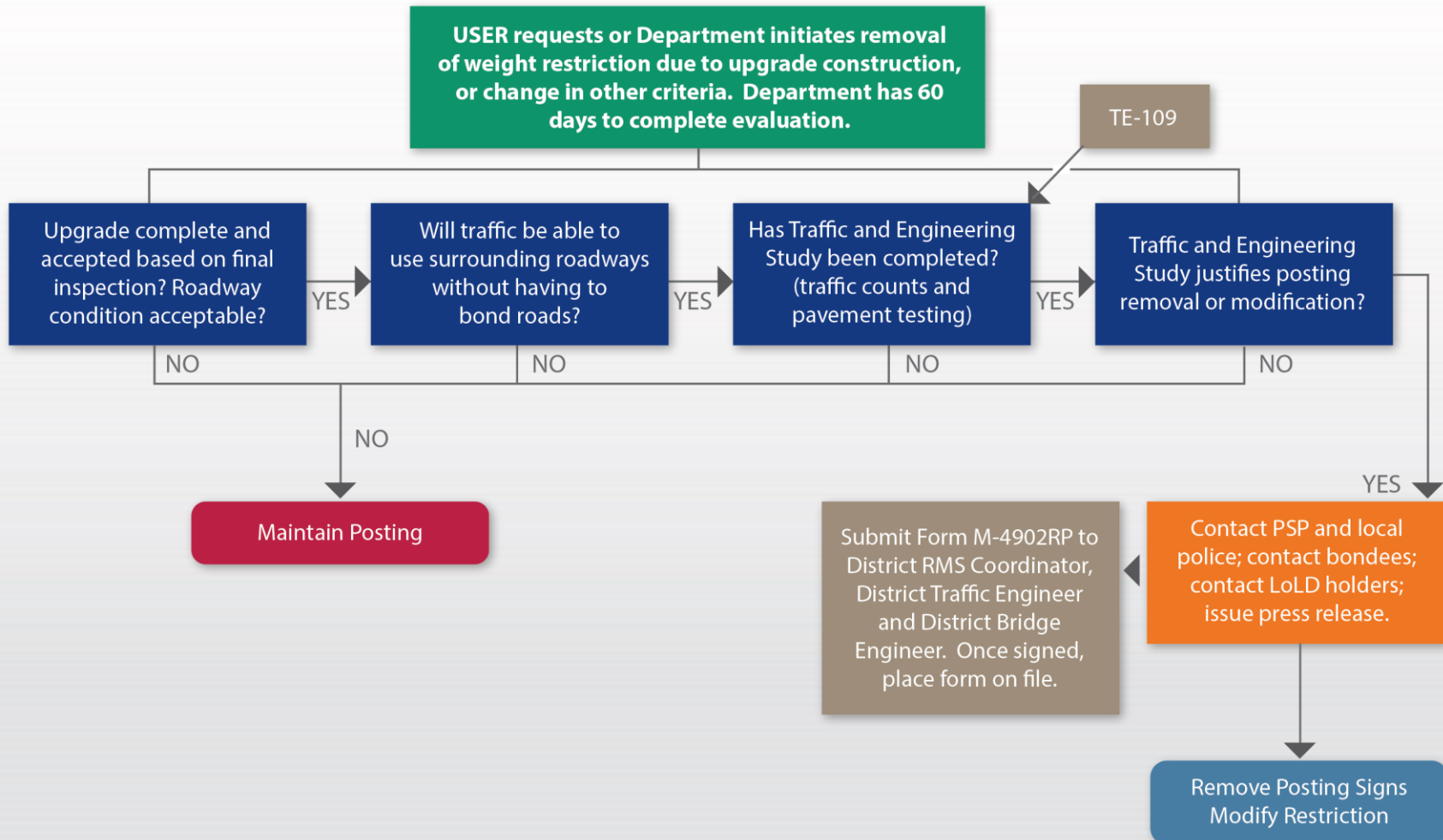
**A - False**



# ROADWAY UPGRADES



## Posting Removal Process





# ROADWAY UPGRADES



## Posted Miles Removed

District	2012	2013	2014	2015	2016	Grand Total
2		0.2		19		18.9
3	63.2	75.2	58.7	89		286.1
4	6.7	51.5	9.9		12.8	80.9
9				43.7		43.7
<b>Grand Total</b>	<b>69.8</b>	<b>126.9</b>	<b>68.6</b>	<b>151.4</b>	<b>12.8</b>	<b>429.6</b>



--SR 1029 Bradford County  
(Before and after upgrade)



# ROADWAY UPGRADES



## Review:

Q Who can initiate the Posting Removal Process?

A – Either the User or the Posting Authority

Q How long does the Posting Authority have to respond to User Requests?

A – 60 calendar days





# BREAK



# LOCAL TRAFFIC



# LOCAL TRAFFIC



A local traffic designation allows local haulers who typically do not damage the roadway to continue hauling operations without needing to file for an EMA or obtain surety and bond.



# LOCAL TRAFFIC



Letter of Local Determination (LoLD)  
updates can be found at the following link:

[www.papostedroads.pa.gov](http://www.papostedroads.pa.gov)



## Local traffic - § 189.3 (relating to local traffic):

- Emergency vehicles
- School buses
- Permanent Sawmills
- Permanent Coal Reprocessing Plants







## Local traffic - § 189.3 (continued):

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





# LOCAL TRAFFIC



## Proof of local traffic status

- A bill of lading, shipping order or similar document (includes destination)
- **Self-certification** describing the local traffic nature of the activity in which the vehicle is engaged.



# LOCAL TRAFFIC



## What is a Letter of Local Determination "LoLD"?

Determines hauling activity is "Local" for two categories

1. Required for **At-Risk Industry Sectors** when hauling on roads where unconventional oil and gas development has existing permit
  - Industries identified by Labor and Industry as required by Act 13 of 2012
2. Not Required by Act 13, but PennDOT implemented **De Minimus haulers**
  - Low risk haulers who are unlikely to cause damage



# LOCAL TRAFFIC



## LoLD Does Not Require:

- Excess Maintenance Agreement
  - Security
  - Proof of Insurance
  - Administrative (Permit) Fee



# LOCAL TRAFFIC



## Adding & Subtracting LoLD Routes:

- Use Form **M-4902APPL**
- Routes may only be added to an LoLD by review and authorization of a new application
- A new LoLD will be issued with the existing LoLD number
- The previous expiration date will be retained
- The District has the discretion of whether to issue the LoLD based on roadway condition or anticipated hauling





# LOCAL TRAFFIC



## A LoLD is **not**:

- Free Pass across the state (only on authorized posted state routes)
- Does not make recipients “Local Traffic” by the definition of 67 Pa. Code §189
- “At-risk” companies are exempt from 67 Pa. Code §189 when hauling on roads where unconventional oil and gas (UOG) development has an existing permit.



# LOCAL TRAFFIC



## At-Risk Industry Sectors

- Misc. Store Retailers
- Construction of Buildings
- Paper Manufacturing
- Utilities
- Plastics & Rubber Products Manufacturing
- Primary Metal Manufacturing
- Misc. Manufacturing
- Forestry & Logging
- Machinery Manufacturing
- Rental & Leasing Services
- Postal Service
- Monetary Authorities
- Chemical Manufacturing
- Printing & Related Activities
- Broadcasting
- Telecommunications
- Wood Product Manufacturing
- Non-metallic Mineral Product Manufacturing
- Computer & Electronic Product Manufacturing
- Beverage & Tobacco Product Manufacturing
- Furniture & Related Product Manufacturing
- Air Transportation
- Data Processing, Hosting & Related Services
- Textile Product Mills
- Private Households
- Textile Mills
- Apparel Manufacturing
- Fishing, Hunting & Trapping
- Leather & Allied Product Manufacturing



# LOCAL TRAFFIC



## Bonding & LoLD During Freeze/Thaw

- Applies only to De minimus haulers
- Approximately February 15<sup>th</sup> – April 15<sup>th</sup>
  - Subject to change due to weather, highway condition, or emergencies
- Hauling is prohibited during the Freeze/Thaw Period unless a modification is specifically requested by the User and approved by the Posting Authority
  - "Authorization to Exceed Posted Highway Weight Restrictions" (**M-4902A**) permit required



# LOCAL TRAFFIC



## Local Status may be Revoked

- If the Department determines that any overweight vehicle(s) or hauling activity for which a LoLD has been issued is likely to or has caused damage to a posted highway
- An At-Risk LoLD will be revoked if all bonding by unconventional oil and gas development company(s) terminates on any route(s) authorized by the Letter.



# LOCAL TRAFFIC



## § 190.3 – Local Traffic & Letters of Local Determination

(b)(2) De minimus Operations: Hauling activity may qualify as local if all of the following apply:

- It cannot be self-certified
- It is not related to an at-risk industry
- The Department determines the scale of hauling activity and nature of the business is not likely to cause damage to the highway requested in the application based on all of the following:
  - The type and amount of hauling activity.
  - The structure of requested highway, and
  - Unavailability of suitable alternate routes in the region.





## § 190.3 – Local Traffic & LoLD

### (a) Self Certification as Local Traffic

- A hauling activity, not related to natural resource development, harvesting or extraction, going to or coming from a site, may be self-certified as local traffic if it meets the definition of “local traffic”
- No need to apply for a LoLD
- PennDOT may issue a LoLD at its discretion if the User submits an application.



# LOCAL TRAFFIC



## § 190.3 – Local Traffic & LoLD

### (a) Self Certification as Local Traffic (continued)

- Timber and coal local traffic routes are limited to only delivery or pickup of:
  - Logs and other forest products on posted highways required to travel to or from a permanent forest product processing mill to or from the nearest non-posted highway by the most direct route possible
  - Coal on those posted roads required to travel to or from a permanent coal reprocessing and preparation plant to or from the nearest non-posted highway by the most direct route possible.



## § 190.3 – Local Traffic & LoLD

### (b)(3) Unconventional Oil & Gas (UOG) Industry Criteria

- Does not qualify if related to UOG DEVELOPMENT
- However, UOG may qualify as a De Minimus hauler if
  - Hauling is not related to UOG DEVELOPMENT (during production phase of well)
  - The scale of requested hauling is not likely to cause damage to the specified routes based on structural capacity and availability of suitable alternate routes



# LOCAL TRAFFIC



## LoLD Application

- Form **M-4902APPL**
- Official receipt of application is based on ***completeness***
- Critical Elements
  - Type of business and industry code
  - Type and weight of vehicle
  - List of the roads to be used
  - Number and frequency of trips per day/week/month
  - Dates and duration of expected hauling
  - Other evidence showing that the hauler is engaged in hauling for an at-risk industry for the duration of the hauling activity
  - Other required information
- The Department will reject or issue the LoLD within 20 days of receipt of application



# LOCAL TRAFFIC



The Department may consider the following:

- Protection of the integrity of the Commonwealth's highways
- Existing pavement strength, condition, thickness, and age
- Existing average daily traffic (ADT)
- Number and type of expected additional over-posted-weight vehicles
- Impact of the freeze-thaw cycle
- Total expected loading and historical roadway performance





# LOCAL TRAFFIC



## Review:

**Q** What is **one** reason that Local Status can be revoked?

A –If the Posting Authority determines hauling has caused damage or you have an At-Risk LoLD on a route that is no longer bonded by a UOG developer

**Q** Who cannot self-certify as local traffic?

A –UOG developers



# LOCAL TRAFFIC



## Review:

**Q** Name three critical elements of the LoLD Application.

**A -**

- Type of business and industry code
- Type and weight of vehicle
- List of the roads to be used
- Number and frequency of trips per day/week/month
- Dates and duration of expected hauling
- Other evidence showing that the hauler is engaged in hauling for an at-risk industry for the duration of the hauling activity
- Other required information



# INSPECTING POSTED & BONDED ROADS

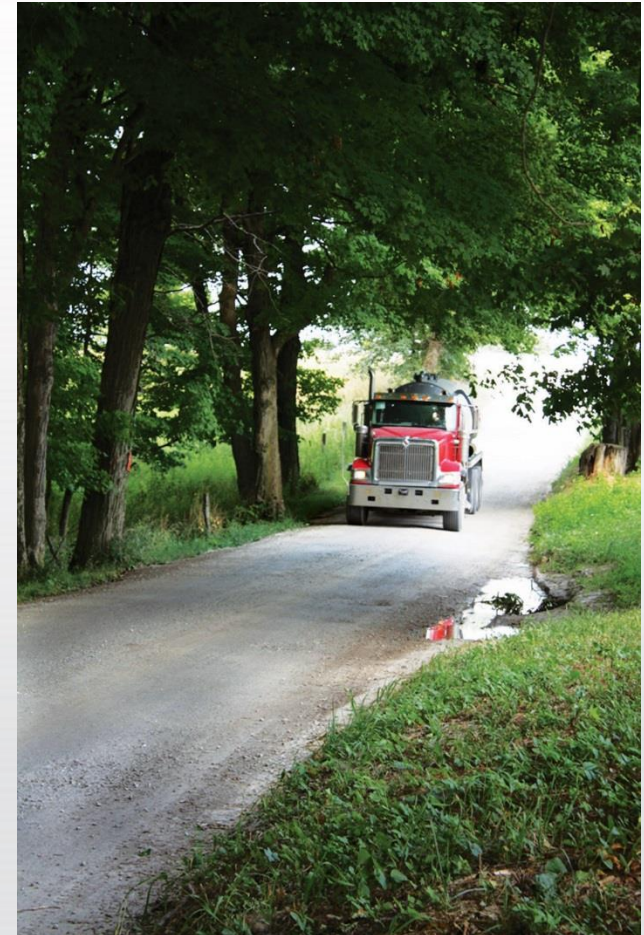


# INSPECTING



## Determining Existing Roadway Conditions

- Roadway Condition Survey
- Initial Inspection
- Final Inspection
- Interim Inspection





# INSPECTING



## Roadway Condition Surveys (RCS)

- Frequent, less detailed roadway review
- Conducted by Posting Authority
- Performed when the type or volume of hauling operation poses an increased risk of roadway damage or threat to public safety
- May supplement windshield reviews or interim inspections
- Users billed for cost of survey
  - Based on cost per mile
- Users can access surveys with Bonded Roads Condition Survey Guest Access online.
  - <http://www.dot14.state.pa.us/ECMSMAR/>





# INSPECTING



## Initial, Interim, and Final Inspections

- Conducted jointly between Posting Authority and User
- User participation will be invited via phone, e-mail, standard mail
- Can still occur if User is not present







# INSPECTING



## Initial Inspection

- Timing
  - Occurs within 15 days after execution of agreement and prior to any hauling
- Purpose
  - Determines the existing state of repair
  - Notes any repairs needed to correct existing damage for which the User will not be liable
  - Provides the initial baseline condition for the EMA
- Photos and video are taken by the Department and stored for future reference.



# INSPECTING



## Interim Inspection

- Timing
  - Conducted by Posting Authority at their discretion
- Purpose
  - Determine extent of any repairs for which the User may be liable that require immediate attention
    - Often routes have multiple Users, each of which are liable for repairs
  - Ensure damages do not exceed the amount of surety provided
    - Should not be permitted to exceed 75% of bond
- May include multiple users
- Photos and documentation similar to other inspections



# INSPECTING



## Final Inspection

- Timing
  - Conducted within 15 days upon written notification from the User
- Purpose
  - Determine extent of any repairs needed to correct damages for which the User is liable
- Video documentation is mandatory; photos are optional
- Important to note that a final inspection for one User may be an interim inspection for the remaining User(s)



# INSPECTING



## Inspection Form **M-4902ISP**

- Optional for municipal officials
- Posting Authority prepares inspection document
- Document describes condition and the nature/extent of any needed repairs for which the User may be liable
- If multiple Users, inspection costs are divided equally among the Users



## Initial, Interim, and Final Inspection Documentation

- Inspection Form (**M-4902ISP**)
- Video (not the Video Log)
  - both PennDOT and the User will take videos
- Photos
  - Show scale and date
- File Storage
  - Inspection file
  - Copy of inspection form may be stored electronically or hardcopy format





# INSPECTING



## 5 Day Letters

- If significant damages are discovered during a RCS, the Department will notify the User of its contractual obligations of the EMA with a standard form *Five Day Notification of Repair (Letter #1)*
  - The 5 day letter notifies the User that repairs or a repair strategy must be completed within 5 days of written notification
- If repairs or communications with the District to make repairs are not completed within the necessary time frame the Department may invoke the remedies as stated in the EMA
- Remedies may include:
  - Permit Suspension
  - Permit Revocation
  - Termination of EMA
  - Department “works and bills”





# INSPECTING



## Review:

Q When is the Initial Inspection conducted?

A – Within 15 days of EMA approval

Q Who is responsible for the costs related to Roadway Condition Surveys?

A – The User

Q What is the purpose of an Interim Inspection?

A – Determine the extent of any required repairs and ensure damages do not exceed the amount of surety



# A WORD ABOUT INVOICING



- 100% Cost Recovery
- Accurate documentation
- Average cost for Roadway Condition Surveys
- Fiscal Year invoice number change
- Revenue neutral



# PENNDOT QUALITY ASSURANCE PROCESS



# QUALITY ASSURANCE



# OPERATIONAL CONSISTENCY IS OUR GOAL



# QUALITY ASSURANCE



To keep pace with program changes, PennDOT has implemented an internal QA program with the following objectives:

1. Ensure **accuracy** and **completeness** of forms, applications, and legal documents.
2. Comply with statewide posting and bonding policies and procedures set forth in law, regulation, and written policy.
3. Incorporate statewide, internal best management practices (BMP) to improve **consistency** and **customer satisfaction**.
4. Identify areas where the program can improve **efficiency** of operations.



# CHAPTER 15 TRAINING ASSESSMENT

*(Facilitated Discussion)*





# RESOURCES



**[www.papostedroads.pa.gov](http://www.papostedroads.pa.gov)**

- Chapter 15
- Updated Forms
- Quarterly/Weekly updated reports
- Interactive mapping
- Law and Regulation links
- Other truck hauling information



# RESOURCES



Posted & Bonded WebViewer:

<https://www.dot.state.pa.us/PBV/index.htm>

District Coordinator Contact list:


<http://www.penndot.gov/ProjectAndPrograms/PostedBondedRoadway/Pages/Posted-and-Bonded-Roads-Program---Contact-Information.aspx>




# RESOURCES






## [www.PAPostedRoadsTraining.com](http://www.PAPostedRoadsTraining.com)



### INDUSTRY TRAINING



Regulations and policy as part of the Posted & Bonded Roads chapter in PennDOT's Maintenance Manual (Publication 23, Chapter 15)



#### INFORMATIONAL RESOURCES

Welcome to the Posted and Bonded Roads "Informational Resources" web page where materials from the June 2016 training workshops are available for viewing and download.

The training sessions covered regulations and related policy in the Posted and Bonded Roads chapter in PennDOT's Maintenance Manual (Publication 23, Chapter 15). The training topics included the responsibilities of heavy haulers and Posting Authorities in the inspection, posting, bonding, permitting and improvement of roads to protect and preserve structural integrity, safety, and mobility for the motoring public.

#### TRAINING INVITE

[View](#)

#### TRAINING AGENDA

[View](#)

#### PPT PRESENTATION

[View](#)

#### SIGN-IN SHEETS

[View \(Available after 6/16\)](#)

#### FOLLOW-UP Q&A

[View \(Available after 6/16\)](#)

#### CHAPTER 15

[View](#)

#### DISTRICT COORDINATOR CONTACT LIST

[View](#)

For more information about PennDOT's Posting and Bonding program, visit [www.papostedroads.pa.gov](http://www.papostedroads.pa.gov), or contact:

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[dmallin@pa.gov](mailto:dmallin@pa.gov) | 717-737-3090

Carl Wesneski | PennDOT Bureau of Maintenance & Operations  
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# QUESTIONS?