

HOW TO POST AND BOND A MUNICIPAL ROAD

An Overview of Publication 221:

Posting and Bonding Procedures for Municipal Highways

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Posting a road is not intended to finance upgrades to the road but rather to help maintain the current condition of the road for all users. When a weight limit is posted on a road, financial responsibility for repairs beyond routine maintenance belongs to the over-posted-weight hauler. If a road is not posted and becomes unsafe due to excessive heavy hauling, it is too late to ask haulers to repair the road.

By following the steps to post a road before it is damaged, a municipality can ensure that the road is protected and safe for all drivers.

When to Post a Road

Municipal officials should consider posting a weight restriction on a road if any of the following are true:

- Poor pavement structure will not sustain increased hauling.
- The road's pavement or shoulders are already weakened due to deterioration, high traffic volumes, climatic conditions, and pavement analysis OR engineering judgment shows that the pavement is at risk of more serious damage unless vehicles over a certain weight are prohibited.
- An analysis previously performed on a road with similar climate conditions (temperature, precipitation, etc.) indicates that a certain weight vehicle should be prohibited from using the road.

Pennsylvania law (Title 75, Section 4902a) and regulations (Title 67, Chapters 189 and 190) are already in place to allow municipalities to post and enforce weight limits on their roads. PennDOT recommends following the guidance outlined in Publication 221 as it is consistent with the **enforceable** posting and bonding processes already in place for PennDOT's state highway system [Publication 23, Chapter 15, *PennDOT's Maintenance Manual: Weight Restrictions on Highways (Posted Highways)*].

Both the state and local posting and bonding programs offer consistent rules and guidance for posting a road, which helps to simplify the process for haulers and municipal officials in a consistent, enforceable way.



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How to POST a Road, Step-by-Step

Step 1: Conduct an Engineering and Traffic Study

The study should be performed according to PennDOT's Publication 46, *Traffic Engineering Manual*, and PennDOT's Publication 212, *Official Traffic Control Devices*, and should use PennDOT's TE-109 form.

Step 2: Consider a Seasonal Posting or Alternative Routes

Seasonal postings restrict over-posted-weight vehicles based on a specified time of the year. Seasonal postings should be used if the engineering and traffic study finds that a permanent weight restriction is not necessary.

Step 3: Adopt a Local Ordinance

If the engineering study indicates that the road should be posted, the municipality **must** pass an ordinance. The road name and number should be shown in the ordinance. It should also be clearly noted in the ordinance if the posting only applies to a portion of the road.

Step 4: Advertise a Notice of Posting

Advanced notice of the posting should be published at least twice in one or more newspapers in the municipality where the road is located. The first notice should be published a minimum of five business days prior to the posting. The notice should also comply with municipal codes about adopting an ordinance.

Step 5: Contact Known Haulers

Contact all known haulers using the road and discuss their operations to determine if they will need a permit to haul on the road, should be considered local traffic, or should find an alternate route. If a permit is necessary, the hauler will need to apply for an excess maintenance agreement (EMA).

Step 6: Notify Law Enforcement

The appropriate law enforcement agencies should be provided with a written notification of each new posting established by ordinance and the reason for posting. In addition, a municipality should alert the police anytime a hauler has had its local traffic status revoked or a posting is removed.

Step 7: Erect Weight Limit Signs

Once the study is completed, the ordinance is passed, and known haulers are notified, appropriate signage must be installed. The Weight Limit # ton sign, R12-1, should be used to restrict weight permitted on a road. The sign must be placed according to PA Code 75, Section 4902, and PA Code 67, Chapter 212.117. Signs must also be placed within 25 feet of any portion of the road that is restricted.

How to BOND a Road, Step-by-Step

Step 1: Potential Hauler Contacts Municipality

Prior to hauling on a posted municipal road for the first time, the hauler will need to notify the municipality.

Step 2: Municipality Initiates Agreement

The hauler must submit an excess maintenance agreement (EMA) to the municipality. The hauler is also expected to provide security funds (bond) at this time. The EMA can cover all permitted hauling within the municipality.

Step 3: Municipality Completes a Maintenance Plan (Optional)

A maintenance plan is necessary if the hauler designates in its EMA that it plans to repair damages to the road caused by over-posted-weight hauling. The complexity of the maintenance plan's requirements is at the discretion of the municipality.

Step 4: Municipality Determines Permit Type

After the EMA is submitted, the municipality will determine the type of permit that is needed.

- A Type 1 permit allows one truck to travel on one route to a single destination.
- A Type 2 permit allows multiple trucks to travel on one route to a single destination.
- A Type 3 permit allows one truck to travel multiple routes to multiple destinations.

Step 5: Municipality Conducts the Initial Inspection

Once the route and permit type have been identified, the municipality should conduct an initial inspection to determine the baseline condition of the road(s) and associated road features. The hauler should be notified when the inspection is scheduled so that a representative can attend.

Step 6: Municipality Conducts Interim Inspections

Windshield surveys and interim inspections should be conducted regularly to check for over-posted-weight related damages. If damages are found, the hauler should be contacted and repairs should be scheduled based on the EMA and the maintenance plan.

Step 7: Hauler Notifies Municipality

When all hauling is complete, the hauler should notify the municipality in writing. All outstanding repairs that are the responsibility of the hauler must be completed.

Step 8: Municipality Conducts Final Inspection

The municipality will notify the hauler when the final inspection is scheduled. If repairs are needed, they will be completed according to the arrangement in the EMA. Then, a new final inspection will be completed.

Step 9: Hauler is Billed

The hauler will perform the excess maintenance and/or will be billed for any outstanding cost recovery items, including damage repair, inspections, road condition surveys, or other related tasks.

Step 10: Agreement and Funds are Released

Once all bills are paid in full and the maintenance is performed to the satisfaction of the municipality, the EMA and permit are terminated, and any remaining security funds are released.

Local Traffic Exemptions

Haulers might be exempted from the permitting requirements if they are considered local traffic or are a part of exempt industries. Municipalities have the ability to exempt haulers and also revoke exemption if warranted.

Local Traffic Criteria	Example
Emergency vehicles	Fire truck, ambulance or EMS vehicle, police car
School buses	School bus
Vehicles making local deliveries or pickups	Mail truck, parcel delivery services truck (UPS, FedEx, etc.), and any other vehicle making a local delivery or pickup
Vehicles and combinations of governmental agencies and utilities or their contractors engaged in construction or maintenance on a posted road or in a location that can be reached only via a posted road	Municipal vehicle, contracted municipal vehicle, and utility company vehicle performing maintenance or construction on a posted road or on another road that is only accessible by a posted road
Vehicles and combinations going to or coming from a residence, commercial establishment or farm located on a posted road, or that can be reached only via a posted road (qualified haulers may self-certify)	Freight vehicle with an origin or destination that includes a residential address, commercial address, or farm located on a posted road or along another road that is only accessible by a posted road

Excess Maintenance Agreements

An excess maintenance agreement (EMA) serves as a contract between the hauler and the municipality. It explains the responsibilities of both parties and outlines how the hauler will accept financial responsibility for excess maintenance on a posted road. The review and approval of the agreement typically take about three to five weeks.

When completing an EMA, the user must decide how excess maintenance will be completed. There are two options:

1. The municipality performs the excess maintenance and invoices the user, or
2. The user performs the excess maintenance with a qualified contractor (preferred option).

Hauling during the Freeze/Thaw Period

The freeze/thaw period is defined as the calendar period approximately between February 15 and April 15. During this time, a drop and rise in temperature can result in a change to the structural strength of the road surface.

Municipalities should ensure that haulers permitted to travel on a posted road during the freeze/thaw period pay close attention to the condition of the road and complete any necessary maintenance.