

JACKSON COUNTY HIGHWAY USE POLICY

No person shall operate or move a vehicle on any county highway if, in the judgment of the Jackson County Highway Commissioner or his designee, such vehicle is causing or likely to cause injury to such county highway or is visibly injuring the permanence thereof or the public investment therein without first entering into a contract with Jackson County which provides that Jackson County will be reimbursed for any damage done to the county highway.

In administering this policy, the Jackson County Highway Department shall consider the following guidelines:

(1) Impacts on County Roads and Public Safety.

(a) The Operator shall be responsible to conform its operations to the requirements for all operations that are causing or likely to cause injury to a county highway. Said responsibility shall extend both to vehicles owned by the Operator, as well as to third party trucking services.

(b) In the event that truck hauling to or from the Operator's site requires travel on County highways, the Operator shall be required to enter into a §349.16, Wis. Stats., highway use agreement.

(c) The Operator shall ensure that all trucking operations on County highways comply with the County's highway regulations.

(d) Within the County, trucks used in conjunction with an operation subject to this policy shall not, except in case of emergency, employ the use of compression release (Jake) brakes.

(e) The Operator shall take reasonable measures to ensure that trucks traveling to and from the Operator's site do not interfere with the safety of children being taken to or returned from school, the safety of vehicles displaying slow-moving vehicle signage, pedestrians, non-motorized vehicles, or the safety of residents and commuters at times when traffic volume from commuters going to and from work is the highest. The County reserves the right to impose time-of-day use restrictions so as to avoid conflict of use for hauling by or for operators with other uses of the highway including, but not limited to, school buses.

(f) Trucks transporting loose material shall be covered to prevent the escape of any dust, sand or any other material that is being transported.

(2) §349.16, Highway Use Agreement.

(a) Each Operator of an operation subject to this policy shall be required to enter into a Highway Use Agreement with the County which shall be negotiated upon the basis of a review of such of the following factors and others as are determined by the Jackson County Highway Commissioner to be of relevance to the proposed use of County highways:

(i) When required by the Jackson County Highway Department, the Operator shall provide the Jackson County Highway Department a Traffic Impact Analysis prior to commencing any operation that is subject to this policy.

(ii) Town, County and State highways in the County which are proposed to be utilized for hauling purposes.

(iii) The anticipated level of hauling truck traffic, per day/week/month/year.

(iv) The tonnage or other measurement of material proposed to be hauled by each truck.

(v) Whether the trucks will be owned and operated by the Operator or by third persons, and if the latter, upon what arrangements with the truck operator (agent or independent contractor).

(vi) If some or all of the trucks are operated by persons other than the Operator, the nature and extent of contractor controls proposed to be exercised by the Operator over their use on highways in the County.

(vii) Insurance, by type and amounts, proposed to be carried by the Operator or third party haulers for all haul trucks to be operated in the County.

(b) Prior to entering into an agreement for use of County highways, a survey shall be made of the condition and age of the highways proposed for use through an engineer or other designee selected by the Jackson County Highway Commissioner, with all costs to be paid for by the Operator. Said study shall include the following:

(i) Highway(s) to be used and length of County highways to be used.

(ii) Estimated remaining life of highways at the time.

(iii) Upgrades of pavement or roadbeds to a D.O.T. facilities development manual design standard to withstand the weight and volume of proposed haul traffic.

(iv) Determination of upgrades of geometric designs of highways to D.O.T.-approved standards to accommodate anticipated traffic volume; including, but not limited to, haul truck traffic.

(v) Preparation of inventory of affected County highways and any necessary acquisition of rights-of-way required to accommodate recommended upgrades.

(vi) Description by type, haul weight, and axle of trucks proposed to be used for hauling on County highways.

(c) In addition to requiring an Operator to finance upgrades to County highways as recommended by the Jackson County Highway Commissioner or its designee to be advisable for haul routes, an agreement under this policy shall require the Operator to agree to the following:

(i) Pay for all Exceptional Maintenance costs during and immediately after the term of agreement.

“Exceptional Maintenance” means maintenance above and beyond Normal and Historic Maintenance which is occasioned by the use of County highways by motor vehicles and heavy equipment by the Operator in conjunction with the construction, operation, maintenance, and reclamation of the nonmetallic mine. What constitutes Exceptional Maintenance shall be determined upon the basis of a study of the County highways to be used for hauling at or immediately after the effective date of this Agreement whose purpose it shall be to determine the condition of the right-of-way and pavement, its remaining useful life and any immediate repairs or improvements required in order to facilitate the anticipated weight and volume of traffic to and from the mine. Upon the basis of regular annual inspections or inspections on a periodic basis performed as a result of perceived damage to any given portion of the County highways to be used for hauling, it is determined by the County that maintenance or repairs beyond those included under the heading of Normal Maintenance are required as a result of the use by the Operator, such maintenance or repairs shall be characterized as Exceptional Maintenance and the costs thereof shall be borne by the Operator.

“Normal and Historic Maintenance” means such recurring or non-recurring maintenance of the right-of-way, roadbed, or pavement of any or all portions of the designated County highways as are occasioned by normal or historical wear and tear, weather conditions, both anticipated and unanticipated, and other factors taken into account in establishing both the remaining useful life of a highway in accord with accepted highway maintenance practices utilized by the County in accord with D.O.T. standards and to meet or exceed the remaining useful life of a highway.

- (ii) Limit access to County highways to access points designated by Jackson County Highway Commissioner or its designee.
 - (iii) Reroute haul trucks in the event of emergencies, or repairs, or natural disasters to temporary detour routes established by the Jackson County Highway Department.
- (d) Each highway agreement shall be subject to approval by the Jackson County Highway Committee.