

RESOLUTION ESTABLISHING A ROAD GRADER POLICY

WHEREAS, the Town Board ("Board") of Moe Township ("Town") is the road authority and provides maintenance for approximately 39 miles of road in the Town;

WHEREAS, the Board, as the road authority, provides for grading on the town roads it has designated to receive maintenance;

WHEREAS, the Board determines it is in the best interest of the Town to develop a policy to set out how Grading activities will be conducted on town roads considering the limited maintenance budget, personnel, and equipment available in the town;

NOW, THEREFORE, BE IT RESOLVED, the Board hereby adopts the following as the grading policy for the Town:

I. POLICY CONSIDERATIONS

In developing this policy for how to best undertake grading activities in the Town, the Board has had to balance a number of factors including, but not limited to, the following: public safety; the amount of funds available for these activities; the number and availability of town personnel to engage in these activities; the safety of town personnel; the wish to maintain an efficient transportation system; enable the delivery of emergency services; avoid damage to Town property and personal property; and the cost effective allocation of resources. A further explanation of some of these policy considerations follows:

1. **Budgetary:** The funds the Town has available for grading are derived from two sources. The first is the town road and bridge tax levy that is set by the town electors at the annual town meeting held in March. The second source of funds comes from the gas tax imposed and collected by the state, a small portion of which is distributed to towns to help maintain their roads. The Board has no direct control over either source of funding. A proposed levy is submitted to the town electors at the annual town meeting, but the actual amount of the Town's road & bridge levy is determined solely by a vote of the electors.
2. **Personnel and Equipment:** The Town typically has one full-time employee available to carry out grading activities.
 - The Town owns and has available the following items of equipment for grading:
Caterpillar 12M2 Grader
 - The number and availability of Town personnel and equipment may change over time. These changes may be temporary such as when personnel leave and replacements are hired or while equipment is down for repair, or permanently for budgetary or other reasons.
3. **Work Schedule for Grader Operator:** Grader operator will be expected to work no more than 40 hour week unless deemed necessary by supervisor.

II. TOWN ROADS THAT ARE GRADED

Unless closed because of an emergency, the following town roads or portions of town roads are normally graded by the Town:

- All gravel roads as determined needed by maintenance operator or supervisor.

III. TOWN ROADS THAT ARE NOT GRADED

The amount and nature of the uses to which the Town's roads are put can vary significantly by location and season. While some town roads are needed throughout the year to access to homes, businesses, or as primary transportation routes, other roads are only needed for limited purposes such as for hunting, farming, or as convenient short cuts between major roads and only during the summer months.

1. **Town Roads Closed in Emergencies:** In emergencies the Board will close and barricade roads as it deems necessary to respond to the emergency. The Board will determine when to reopen each road that was closed based on need and condition of the road as well as on the availability of funds, personnel and equipment.

IV. TOWN ROAD GRADING PRIORITIES

In order to provide for the most efficient and effective grading as possible given the Town's limited resources, the Board must determine which town roads will be graded first. To this end, the Board has placed all the town roads the Town grades into three priority categories based on factors such as traffic volume, road function, and the importance of a road to the welfare of the community.

V. WHEN GRADING WILL BE DELAYED OR SUSPENDED

As stated in the policy considerations above, grading operations will be delayed or suspended if the Supervisor determines that the safety of employee is at risk, conditions pose an unreasonable risk of damaging equipment, or if operations will not be effective because of existing or anticipated conditions.

VI. HOW ROAD WILL BE GRADED

Roads will be graded in a manner as to keep in best driving conditions as conditions warrant. Grader will grade on left side of road, right side of road, down middle of road, will stop on road. Back up on road and turn around in middle of road.

VII. GRADING OF PRIVATE PROPERTY

The Town will not grade private property

VIII. OBJECTS WITHIN TOWN ROAD RIGHTS-OF-WAY

Public road rights-of-way are used for a variety of purposes that are outside of the direct control of the Town. While reasonable efforts will be made to avoid damaging private property, grading operations may result in damage to property of others. Where private property damage does occur, it is policy of the Town to handle damages in the following manner.

1. **Mailboxes:** Owners are responsible for erecting their own mailboxes in order to receive roadside mail delivery. Mailboxes must conform to the standards established by the Minnesota Department of Transportation. Mailboxes that do not conform to the established standards are considered a public nuisance and are prohibited by law. Minn. Stat. § 169.072. The mailbox owner assumes all risk of damage.
2. **Sod and Landscaping:** The Town assumes no responsibility for damages from grading to sod, trees, or other landscaping materials or vegetation located in road right-of-way.
3. **Lawn Sprinklers, Lighting, and Personal Property:** The Town assumes no responsibility for damage to aboveground or underground lawn sprinkling systems, exterior lighting systems, or other items of personal property located in a road right-of-way.
4. **Grading Around Items Left in Road:** It is the responsibility of owners to keep the road rights-of-way clear of vehicles, trailers, trash cans, and other items of personal property in order to facilitate the proper grading operations. If the Board determines personal property left in the road right-of-way possess an unreasonable risk to public safety or interferes with operations. Town will have the item removed from the right-of-way at the owner's expense.
5. **Damage by Contractors:** The Town shall not be responsible for any damage or injuries caused by independent contractors performing operations for the Town. Any claims of damage must be made directly to the contractor.

IX. COMPLAINTS AND REQUESTS FOR FURTHER SERVICES

Complaints and requests for further services regarding grading or damage will be handled in accordance with Town procedures. Complaints and requests for further services should be directed to the Town Board at monthly meeting for Board to be able to address.

X. REVIEW OF POLICY

The Board will periodically review this policy,

Adopted this 9th day of September, 2013.

BY THE TOWN BOARD

Lynn W. Burkhead

Town Board Chair

Attest: Todd Egenes

Town Clerk