

Town of Loudon Winter and Inclement Weather Policy and Priorities

Pursuant to RSA 231:92-a, the Loudon Board of Selectmen hereby establishes the following policy and procedure for winter and inclement weather road maintenance.

Part A: Policy Objectives.

1. Objective.

The Town of Loudon seeks to provide timely, efficient and cost-effective winter maintenance, snow removal, and ice control on the Town's public highways, bridges and sidewalks, for the safety and benefit of the Town's residents and the general motoring and pedestrian public.

2. Procedure.

The objective stated in Section 1 may best be achieved by implementation and execution of the procedures and tasks outlined in Part B of this policy, the Town's Winter Operations Standard Snow Removal and Ice Control Procedures. Due to the many variables that are inherent in New England weather, each storm or weather event may require slightly different effort or emphasis on any number of maintenance tasks which, together, determine the overall winter maintenance, snow removal or ice control strategy.

3. Level of Service.

It is not reasonably possible to maintain a snow- and ice-free road or sidewalk during a storm. The Town intends to utilize its best efforts, within the means available, to provide practical, safe access to homes, businesses and municipal and other public facilities during and after winter storms.

- (A) As a general policy, the Town will start to conduct snow removal operations upon accumulations of 3 inches of snowfall. The Road Agent may, at his or her discretion, based upon weather information reports or prevailing conditions elect to not remove snow until greater or lesser amounts have accumulated.
- (B) Notwithstanding any other provision of this policy, snow removal or road or sidewalk treatment operations may be suspended at any time when continuing operations would pose a hazard to persons or property.
- (C) Pre-treatment and ice control may be implemented prior to,

during or after a storm, as determined to be most effective. Salt has a much slower effect on melting snow and ice at temperatures below 25 degrees Fahrenheit, and thus may not be applied until it is warmer.

- (D) Sidewalk snow clearance will be conducted as soon as possible during winter storms, subject to availability of personnel. The need to maintain safe roadways will generally take priority. Property owners may assist the Town in sidewalk safety by clearing snow from sidewalks in front of their properties, provided that the snow so removed is not placed in the streets.

4. Direction.

The Loudon Road Agent, or the Road Agent's designee, shall direct all winter maintenance activities for the Town.

5. Implementation.

This policy, including the standard operating procedures set forth in Part B, is intended to serve as the normal procedure for winter maintenance, snow removal and ice control for the Town of Loudon. One or more of the following events or circumstances, which may delay or prevent the implementation of this policy, may affect all or any part of normal operating procedures:

- Equipment Breakdown
- Snow Accumulation in Excess of One Inch per Hour
- Freezing Rain or Other Icing Conditions
- Traffic Congestion
- Emergencies
- Personnel Illness
- Other Events Beyond the Reasonable Control of the Town

6. Notice.

This policy may be posted in appropriate public places in the Town as determined by the Selectmen. All residents are encouraged to familiarize themselves with the contents hereof as it describes conditions that one might expect to encounter before, during and after a winter storm event.

7. Adoption.

This policy and the accompanying Part B, encompassing standard operating procedures, have been adopted by the Loudon Board of Selectmen on January 10, 2006.

**Part B: Winter Operations Standard Snow Removal and Ice Control Procedures.
(Includes Public Highways, Bridges, Sidewalks and Parking Areas).**

1. Equipment and Personnel.

The assets available for winter snow removal and ice control are established within the parameters of the annual budget approved by the Town. In formulating the budget, the Town seeks to allocate sufficient funds for this purpose, but variable weather conditions may make budget projections inaccurate. When weather conditions require additional funds beyond those available in the budget, the Town will undertake such actions as are reasonably necessary to address such conditions, but the Town is bound by law to follow certain legal requirements and procedures that may delay the immediate availability of funds for responses. The Highway Department utilizes available assets of the Department as needed to address snow emergencies. A list of the current rolling stock assets is included in Appendix B. The Town of Loudon has 6 full-time personnel available for winter maintenance operations.

2. Routes.

Currently, the Town is divided into 5 major plow and/or treatment routes as specified in Appendix A. The Town's available equipment is assigned to a plow route as stated in Appendix A. The Town also has available a 1-Ton and Loader which is responsible for maintaining municipal parking areas and to provide support in other areas as needed.

The Town uses a backhoe to load trucks during winter operations. This backhoe is also used to load snow or push back snow at intersections to create better lines of sight.

Plow routes may be altered from time to time for more efficient snow removal or cost efficiencies. The Road Agent shall notify the Selectmen and relevant personnel of such changes. Limited, temporary changes made in accordance with this section do not require approval of the Board of Selectmen, unless specifically advised to the contrary.

3. Materials.

The Town bases its annual budget for snow removal materials in part on past usage and estimated weather forecasts. In recent years, the Department has used approximately 375 tons of rock salt (or other de-icing agent) and 1000 cubic yards of sand each season. The

sand is used as an abrasive and is applied to the road to improve traction for motor vehicles. Salt and Sand are employed as de-icing and anti-icing agents. The estimated annual supply of sand is purchased each year, mixed with salt and stockpiled inside the Highway Department's storage building. A surplus supply of untreated sand is stored outside the building. Rock salt is purchased as needed, with a limited quantity of approximately 25 tons stockpiled by the Highway Department. Unless weather conditions require a different approach, winter maintenance routes are treated with a mixture of sand and salt, generally with a minimum amount of salt to prevent freezing of the mixture. The mixture may be adjusted according to the nature of the storm with additional salt added if needed. The mixture is applied to the traveled way. At the beginning and at the conclusion of a storm, salt may also be applied to the center of paved roads where traffic traveling in either direction can work the material. The salt, in conjunction with traffic action, creates a solution intended to assist in melting snow and ice, and resisting snow and ice packing on the roadway. The road crown further assists with the spreading of the mixture. The sand/salt mixture, as well as salt itself, is effective only to approximately 25 degrees Fahrenheit. Other de-icing agents may be effective to lower temperatures, but cost and need for specialized equipment have forestalled their use at this time.

4. Communications.

The majority of the Public Works rolling stock is equipped with VHF band radios. Each plow and equipment operator is assigned a unique call number. Radios are also maintained at the Highway Department garage, and each operator may communicate with the Town Police and Fire Departments.

5. Schools.

- (A) **Maintenance.** A private contractor is responsible for clearing of snow and winter treatment of the access road to the Loudon Elementary School. The Town is not responsible for clearing of snow and winter treatment of the School parking lot. On days when school is in session, winter road maintenance efforts are timed to coincide with bus routing and delivery of students to the extent reasonably practicable.
- (B) **School Cancellation.** The School Superintendent, or designated official representative, may contact the Road Agent or Highway Department's designee to determine the condition of the municipality's roads in order to determine the advisability of students using school buses. The school representative(s) shall make the decision to cancel or postpone school for that day.

6. Parking.

The Town has adopted winter parking regulations. One purpose of this winter parking ban is to allow winter maintenance crews unobstructed snow removal and ice control routes, as much as possible, to maintain the maximum effectiveness of their efforts.

7. Plow Route Priorities.

With a total of approximately 80 miles of roads from which to remove snow and control ice, and having available only the equipment specified in Appendix B to handle this activity, the Highway Department has to assign priorities for winter maintenance route activity in order to maximize the effectiveness of its efforts the priorities will be paved roads first, followed by bus routes, and the remainder of Town maintained roads. in accordance with the following:

- (A) School Bus Routes. School bus routes are given first priority on school days. Plow routes are designed with the intent to provide snow clearing within one hour of the regular school bus schedule for that route.
- (B) Public Parking Areas. The public parking area at the Town Office will be plowed and skid resistant material will be applied as needed.
- (C) Fire Department. The Fire Station property will be plowed by the Highway Department as needed and as available.
- (D) Transfer Station/Recycling Center. Transfer station personnel may be required to assist with the Town's general winter maintenance operations. If the facility is open during a storm/winter event, the Highway Department will plow the facility as part of a plow route. If the facility is not open, it will be plowed as conditions and available resources warrant. Transfer station attendants will attempt to keep public areas reasonably clear of snow and ice, and maintain them with sand and other slip resistant materials, recognizing that it will often not be possible to maintain grounds free and clear of ice and snow.
- (E) Specific plow routes for the Town are listed in Appendix A; however, the routes, their priority and the timing of activities are all subject to variation or not being followed or implemented as conditions warrant.

8. Roads and Sidewalks Not Receiving Winter Maintenance.

The Town of Loudon does not maintain a number of roadways, sidewalks and other areas as part of its winter maintenance activities. The areas not maintained by the Town include:

- (A) Class VI roads.
- (B) Private roads, driveways and sidewalks.

- (C) Roads, sidewalks and other areas maintained or within the jurisdiction of state, federal or other units of government.

9. Damage to Private Property.

The descriptions of immunity and potential liability in this section are not intended to waive any immunity or to extend any liability that may exist under law but are intended solely for convenience.

- (A) The Town of Loudon assumes no responsibility for damage to private property that is located within the public right-of-way as such property is deemed an encumbrance that is not permitted to be located in the right-of-way. The right-of-way is often 50' wide, and land within the right-of-way may be mistaken by property owners as their own property. In many cases, the right-of-way may extend 10' to 20' either side of the paved or graveled surface of a road. Homeowners sometimes may extend lawns, plant trees or shrubbery, place mailboxes or erect fences or stonewalls in these areas, which might be intended to improve appearance, but which may obstruct or interfere with maintenance being conducted on the roadway, including winter maintenance.
- (B) In the event of property damage occurring as a result of winter maintenance activities conducted by the Town of Loudon, the Town may be held responsible only for damages as allowed by law arising from negligence or other fault properly attributable to the Town. In any event, the Town will not be responsible for the repair or replacement of damaged property that is within the public right-of-way, whether located on private or public property or which is the result of negligence or fault attributable to others.
- (C) The Town will also not be responsible for damage to any vehicle which may be damaged during winter maintenance if the vehicle is parked in violation of any state law or local regulation, including any winter or snow removal parking limitation periods or is otherwise improperly or imprudently located or operated.

10. Placement of Snow in Right of Way.

No snow is to be shoveled, blown, plowed or placed, by any means, onto Town streets or sidewalks or across roadways to the opposite side snow banks, unless it is immediately cleaned up and removed so as to eliminate any hazard or danger to the public or to Town vehicles.

11. Roadway Obstructions.

If any pedestrian or vehicle or other item interferes with snow removal operations, the Town's personnel will seek the cooperation of the person or the owner of such item to remove it immediately. If the owner cannot be readily located or if the owner refuses to

cooperate, the Town vehicle operator shall contact the Town Police Department for assistance. Operators should not attempt to confront owners with regard to such matters.

12. Post-storm Operations.

As determined by the Road Agent, snow banks resulting from previous accumulations may be pushed back or shelved, using the plow and wing of suitable equipment to make space for future snow storms.

13. Snow Removal from Town Roads.

During the initial stages of a storm, Town highways will be plowed and receive surface treatment as appropriate in accordance herewith. As parked vehicles are removed from streets, snow removal equipment may swing wider through the street to push back accumulated snow.

- (A) Any vehicles which violate winter parking regulations are subject to ticketing and towing. Any vehicle which otherwise interferes with the reasonable efforts of the Town's winter maintenance is subject to removal, after a reasonable attempt to notify the operator, if possible.
- (B) Snow removal operations may be delayed or ended in areas where vehicles are improperly parked or where they might interfere with snow removal operations.
- (C) The Town is not responsible for damages to such vehicles arising out of winter maintenance operations or as a result of towing.

14. Sidewalk Snow Removal.

- (A) Sidewalk snow clearance generally will not begin until all other street snow removal operations are in progress.
- (B) If sufficient personnel are not available to conduct sidewalk snow removal operations, as well as street clearance, the streets shall take priority.

Municipal Road and Sidewalk Liability: Avoiding or Lessening Liability Through Preventive Policies

As part of the obligations of the Municipality to carry out its responsibilities and duties of maintaining class V roads and public sidewalks in accordance with RSA 231:90 - 231:93, the Town of Loudon Board of Selectmen adopts these policies:

1. Purpose and Intent.

In 1991, the New Hampshire Legislature enacted laws to more clearly specify the conditions under which a municipality may be held liable for insufficiencies in highways and sidewalks which the municipality is required to maintain. The purpose of this policy is to adopt and implement procedures to comply with those statutory changes and to carry out the Town's obligations in a reasonable and meaningful way within the limits of available resources.

2. General Standards.

The Town will make reasonable attempts to keep all its class V roads and public sidewalks free from insufficiencies as defined by RSA 231:90, II. Because of the nature of the municipality and the 80 miles of maintained roads and sidewalks which it contains, the Town cannot practically assure that all roads and sidewalks will be safe and free from defects of all kinds. Many roads are "rural" roads that are often unpaved and "rough." While the Town will make reasonable efforts to assure that roads are safely passable by normal passenger vehicles traveling at safe speeds under existing conditions, and that its sidewalks may safely be used by prudent pedestrians, the Town expects that operators of motor vehicles and pedestrians will exercise due caution and common sense to prevent injury to persons (including themselves) and damage to property, including vehicles.

3. Road Classification.

To assist operators in safely using roads, the Road Agent, in cooperation with the Board of Selectmen, shall inspect and review the existing Municipality road system.

- (A) Roads shall be classified according to the following standards:
 - Paved Class V roads
 - Unpaved Class V roads
 - Non-maintained Class VI roads
 - Non-maintained private roads
- (B) The classification of a road under paragraph (A) shall not be deemed to guarantee that the road is sufficient at any given time for use as indicated nor that the road will be maintained to any given standard. Instead, the classification is merely an indication of the general quality of the road and the type of maintenance it usually receives.
- (C) The classification of existing roads shall be completed by January 10, 2006. Upon completion of the classification, the Selectmen shall determine the feasibility and wisdom of posting all or a portion of the road system to indicate road classifications as so designated.
- (D) When this review is undertaken by the municipality, as part thereof, the Road Agent may post any roads or sidewalks or segments thereof, which are observed to contain potential safety hazards that are not reasonably discoverable or avoidable by a prudent user. The Road Agent shall determine if it is necessary to take further action beyond posting, which

determination shall be within the discretion of the municipality's governing board.

4. Notices of Insufficiency.

This section identifies the municipality's standard procedures for handling notice of insufficiency in accordance with RSA 231:90 - :92. These procedures are in addition to the municipality's inclement weather policy adopted pursuant to RSA 231:92-a and are not intended to replace or impose a higher standard of care than that stated in said policy. Only a notice which conforms in all respects to RSA 231:90 and this policy shall be deemed to comply with said statute.

- (A) In accordance with RSA 231:90, a written notice of insufficiency must be delivered to one of the Selectmen or the municipal Road Agent with a written copy of the notice provided to the Town Clerk. In addition, the municipality hereby delegates the authority to receive notices on behalf of said officials to Loudon Selectmen's Office. The notice must be signed by the individual(s) providing the notice, and shall contain each signer's name printed legibly, along with the signer's address and telephone number or other means of contact.
- In addition, the notice shall:
- (1) Contain the date and time of the notice;
 - (2) Contain the date and time at which the insufficiency was observed;
 - (3) Describe, at least in general terms, the location of the insufficiency with such detail as may permit it to be found without undue difficulty; and
 - (4) Describe in reasonable detail the nature of the insufficiency.
- (B) The municipality will provide forms upon which notices of insufficiency may be filed, but an individual need not use that form if the notice conforms to the requirements of law and this policy.
- (C) The municipality encourages other municipal officials and employees who may receive notice of an insufficiency to advise individuals to report the insufficiency as required by law and to advise appropriate officials of conditions called to their attention. However, the municipality cannot assure that any notice which is provided in a manner other than that specified for a formal notice under this section will actually be received by the appropriate official/employee and therefore must require that notices be provided as required by law and this policy.
- (D) Upon receipt of a notice of insufficiency, the individual receiving the notice shall first indicate on the notice or an appropriate form the exact time and date on which the notice is received and the identity of the person with whom it is filed. Upon receipt, the Road Agent shall determine if the notice conforms to the requirements of this policy and the law. It is the municipality's intent to implement action to investigate any claimed notice

of insufficiency which is reasonably identified in a notice even if the notice does not formally conform to the requirements of law and this policy, but the municipality does not thereby waive any immunity or limit of liability which otherwise would apply.

- (1) As soon as practicable, a determination may be made as to whether an insufficiency exists. If it is determined that no insufficiency exists, the Road Agent shall promptly advise the person filing the notice, and shall include a statement of the reasons why no insufficiency exists.
- (2) If an insufficiency is found to exist, the municipality shall take one or more of the following actions as appropriate to the circumstances and shall, at an appropriate time, notify the person filing the notice of the actions taken or planned.
 - (a) If the insufficiency was temporary and no longer poses a hazard, the Road Agent shall determine the likelihood of another occurrence and what action, if any, is required to prevent or post danger signals warning of such conditions. In most such cases, the posting of danger signals is not required unless there is a reasonable likelihood of a recurrence of the insufficiency.
 - (b) If the insufficiency is not temporary, the Road Agent shall as soon as practicable post danger signals warning of the insufficiency. Within 72 hours after receipt of the notice of insufficiency, the Road Agent shall develop a plan to remedy the insufficiency. The plan shall be implemented in good faith within a reasonable time. If the insufficiency is not immediately remedied, appropriate danger signals shall be continued. The municipality may take reasonable interim action and shall determine if danger signals continue to be required. The reasonableness of any proposed remedy must consider the requirements that the expenditure of municipal funds may be made only in accordance with proper procedures.

5. Municipal Observations and Inspections.

- (A) Scheduled and Regular Inspections. As part of its routine road and sidewalk maintenance, the municipality conducts periodic inspections of their condition.
- (B) Actual Notice Observations.
 - (1) In accordance with RSA 231:92, I (b), any official or employee designated in subparagraph (5) (B) (2) of this policy who has actual notice or knowledge of an insufficiency by means other than a written notice filed in accordance with section 4 of this

policy, shall promptly report such insufficiency to the Road Agent who shall take the same action as would be taken if the insufficiency was reported by formal written notice.

- (2) The employees/officials required to act under subparagraph (5) (B) (1) are the following: Road Agent, Highway personnel, Board of Selectmen, and any on-duty Fire or Police Personnel.
- (C) Casual Observations. Only knowledge by or notice to those officials or employees designated in paragraph (5) (b) shall impose an obligation to act as provided by RSA 231:92. While the municipality is not designating or authorizing any other municipal officials and employees to receive notice or otherwise commit the municipality to act, in the interest of safety and efficiency, all municipal officials and employees are encouraged to be observant of highway and sidewalk conditions and to advise Road Agent if they observe any conditions which they believe might pose a problem. Any such advice provided to the municipality shall not constitute formal or actual notice or knowledge on the part of the municipality unless made in accordance with section 4 or an official designated in paragraph (5) (B) (2) has actual knowledge of an insufficiency through personal investigation or observation.

6. Inclement Weather Practices.

In accordance with RSA 231:92-a, insufficiencies or hazards caused by snow, ice or other inclement weather shall be handled pursuant to the municipality's inclement weather policies and procedures.

Adopted this 10th day of January 2006.

LOUDON BOARD OF SELECTMEN

Roger A. Maxfield, Chairman

Dustin J. Bowles, Selectman

David M. Little, Selectman

APPENDIX A

DETAILED INVENTORY OF TOWN ROADS

PAVED CLASS V ROADS

NAME	SURFACE TYPE
ASBY ROAD	PAVED
BATCHELDER ROAD	PAVED
BEE HOLE ROAD	PAVED
BUMFAGON ROAD	PAVED
CHICHESTER ROAD	PAVED
CHURCH STREET	PAVED
CLARK AVENUE	PAVED
CLEARVIEW DRIVE	PAVED
CLOUGH HILL ROAD	PAVED
CLOUGH POND ROAD	PAVED
COUNTRY HILL ROAD	PAVED
CROSS BROOK ROAD	PAVED
CURRIER ROAD	PAVED
DUMP ROAD	PAVED
EAST RICKER	PAVED
FOSTER ROAD	PAVED
FOX POND ROAD	PAVED
GOSHEN DRIVE	PAVED
HACKETT HILL ROAD	PAVED
HARVEST ROAD	PAVED
HEMLOCK HILL DRIVE	PAVED
HOLLOW RTE ROAD	PAVED
HOT HOLE POND ROAD	PAVED
ILONA LANE	PAVED
JOSIAH BARTLETT ROAD	PAVED
KING ROAD	PAVED
LESMERISES ROAD	PAVED
LESMERISES ROAD EXT	PAVED
LOUDON RIDGE ROAD	PAVED
LOVEJOY ROAD	PAVED
LOVERING AVENUE	PAVED
LOWER RIDGE ROAD	PAVED
MUDGETT HILL ROAD	PAVED

OAK HILL DRIVE	PAVED
OAK HILL ROAD	PAVED
PIPER HILL	PAVED
PLATEAU RIDGE ROAD	PAVED
PLEASANT STREET	PAVED
PLEASANT STREET EXT.	PAVED
RECREATION DRIVE	PAVED
RICKER ROAD	PAVED
RIVERVIEW LANE	PAVED
SCHOOL STREET	PAVED
SHEEP ROCK ROAD	PAVED
SOUCOOK LANE	PAVED
STANIELS ROAD	PAVED
STONEGATE TERRACE	PAVED
STORRS DRIVE	PAVED
TERRY DRIVE	PAVED
UPPER CITY ROAD	PAVED
VOTED ROAD	PAVED
VILLAGE ROAD	PAVED
WALES BRIDGE ROAD	PAVED
WHITEHOUSE ROAD	PAVED

UNPAVED CLASS V ROADS

BATCHELDER ROAD	GRAVEL
BEAR HILL ROAD	GRAVEL
BECK ROAD	GRAVEL
BEE HOLE ROAD	GRAVEL
BERRY ROAD	GRAVEL
BLAKE ROAD	GRAVEL
BUMFAGON ROAD	GRAVEL
COASTER ROAD	GRAVEL
COOPER STREET	GRAVEL
CURRIER ROAD	GRAVEL
EAST COOPER STREET	GRAVEL
FLAGG ROAD	GRAVEL
FOX POND ROAD	GRAVEL
GILMANTON ROAD	GRAVEL
KENNEY ROAD	GRAVEL
LOVEJOY ROAD	GRAVEL
MCKENZIE ROAD	GRAVEL
MINERY ROAD	GRAVEL
OLD SHAKER ROAD	GRAVEL

PAGE ROAD	GRAVEL
PRESBY LANE	GRAVEL
RING ROAD	GRAVEL
SANBORN ROAD	GRAVEL
TOWER ROAD	GRAVEL
WYMAN ROAD	GRAVEL
WHITEHOUSE ROAD	GRAVEL
YOUNG'S HILL ROAD	GRAVEL

CLASS VI ROADS (NON-MAINTAINED)

BATCHELDER ROAD	UNIMPROVED
BEAR HILL ROAD	UNIMPROVED
BEE HOLE ROAD	UNIMPROVED
BLAKE ROAD	UNIMPROVED
CAPTAIN FRENCH ROAD	UNIMPROVED
COOPER STREET	UNIMPROVED
FOX POND ROAD	UNIMPROVED
GUESS MEADOW ROAD	UNIMPROVED
KENNEY ROAD	UNIMPROVED
LESMERISES ROAD	UNIMPROVED
LOVEJOY ROAD	UNIMPROVED
OLD CONCORD ROAD	UNIMPROVED
PIPER HILL ROAD	UNIMPROVED
PITMAN ROAD	UNIMPROVED
PLEASANT STREET EXT.	UNIMPROVED
RANGE ROAD	UNIMPROVED
SHAW ROAD	UNIMPROVED
STANIELS ROAD	UNIMPROVED
WIGGINS ROAD	UNIMPROVED
WILLIAM MAXFIELD DRIVE	UNIMPROVED

CLASS VI ROADS (NON-MAINTAINED)/PRIVATE ROADS

DRAKE CIRCLE
GREENVIEW DRIVE
HARMONY LANE
HILL TOP DRIVE
INDIAN POINT ROAD
INTERNATIONAL DRIVE
RAINBOW DRIVE
RIVER ROAD
SARGENT LANE

SUNSET DRIVE
TOTE ROAD
WELLINGTON LANE

CLASS VI ROAD - A VILLAGE DISTRICT - NON MAINTAINED - PRIVATE

HARDY ROAD

STATE MAINTAINED HIGHWAYS IN LOUDON

CANTERBURY ROAD	PAVED
PITTSFIELD ROAD	PAVED
ROCKY POND ROAD	PAVED
ROUTE 106	PAVED
ROUTE 129	PAVED
SHAKER ROAD	PAVED

APPENDIX B

ROLLING STOCK INVENTORY LIST

Currently the Town of Loudon has the following:

- 5 6-Wheel Dump Trucks with plow, wing, and sander**
- 1 1-Ton with plow and sander**
- 1 Loader**