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COMCOR - Code of Montgomery County Regulations

ARTICLE VII. RUSTIC ROADS PROGRAM, SEC. 49-79 MAINTENANCE AND IMPROVEMENTS — REGULATIONS

COMCOR 49.79.01 Rustic Roads

49.79.01.01 Authority

Chapter 49, Article VII, of the Montgomery County Code, 1994, as amended entitled “Rustic Roads,” at Section 49-79 authorizes the following guidelines for maintenance and improvements within the rights-of-way of roads designated as rustic roads or exceptional rustic roads in the Approved and Adopted Rustic Roads Functional Master Plan, or any other Approved and Adopted Master Plan.

49.79.01.02 Definitions

Agricultural Equipment means all farm equipment including equipment owned or utilized by non-farmers to service farms and farm related operations. This includes transport and supply trucks

Master Plan means any Approved and Adopted Master Plan.

Permittee means any organization, individual or entity which as been granted a permit by the Department of Permitting Services to perform work within the public right-of-way.

Significant features means those features identified as significant by the County Council when classifying the road as a rustic road or exceptional rustic road.

49.79.01.03 Application Process and Eligibility Analysis

A. Application

A request for maintenance of, or improvements to a rustic or exceptional rustic road may be made by a farmer or other business operator, Public Agency, local citizen association, or resident in any area which is served by a rustic road. Requests must be made in writing, on an application form supplied by the Department, to the Department of Public Works and Transportation, Division of Engineering Services. Additionally, the Department may implement safety improvements to rustic roads, consistent with these guidelines. Finally, the County may require safety improvements, consistent with these guidelines, in conjunction with the development approval process.

B. Eligibility and Project Development

This regulation applies to any road that is designated in a master plan or shown on the Rustic Roads Interim List, Exhibit A of the Rustic Roads legislation as amended.

1. Citizen or Department of Public Works and Transportation Initiated Improvements

Upon receipt of a request for improvements to a rustic or exceptional rustic road, or whenever improvements are initiated by the Department of Public Works and Transportation, the Department must assess the area proposed for improvements by conducting an engineering study. The study will identify possible improvements consistent with these regulations, that are appropriate for the road.

The Rustic Roads Advisory Committee will review the Department of Public Works and Transportation proposal at their next scheduled meeting and forward comments to the Director, Department of Public Works and Transportation. Upon approval of the project by the Director of Department of Public Works and Transportation, the project will follow the current Capital Improvements Project process, including Mandatory Referral requirements.

2. Improvements in Conjunction with the Development Approval Process

When the County requires improvements to rustic or exceptional rustic roads in conjunction with the Development Approval Process, they must be done in accordance with these regulations. Roads on the Interim List must be submitted to the Rustic Roads Advisory Committee for their identification of significant features. As part of the Preliminary Plan submittal, an applicant must use these regulations to identify proposed modifications to rustic roads that have been identified in the Master Plan. In reviewing the Preliminary Plan, the Department of Public Works and Transportation will evaluate the proposed improvements and set requirements consistent with these regulations. Planning Board approval of the Preliminary Plan constitutes approval of the Department of Public Works and Transportation's required rustic road improvements.

Following approval of the Preliminary Plan, the applicant must apply to the Department of Permitting Services for a permit to perform work within the right-of-way of a rustic road. The Department of Permitting Services must utilize these regulations in reviewing the proposed work.

Compatibility with master plans - The Department of Public Works and Transportation must evaluate whether the proposed plan complies with approved and adopted master plans. Any "Planning Board Draft" master plan for the area must also be considered.

Reclassification of Roads

Roads designated by Master Plan as rustic or exceptional rustic must be improved in accordance with these regulations. Removal of a road from or addition of a road to the rustic roads program, or reclassification of an exceptional rustic road to a rustic road, or vice versa, must be done by an amendment to the Master Plan of Highways.

49.79.01.04 Maintenance and improvement guidelines

I. Maintenance of Rustic and Exceptional Rustic Roads

A. Roadway and Bridge Maintenance

1. Level of Maintenance

A rustic or exceptional rustic road will receive the level of maintenance as necessary to assure its continued viability as a transportation facility and to allow for safe travel by motorized vehicles, and agricultural equipment. Maintenance will be provided at a level no lower than existed at the time of designation, while still preserving the rustic qualities of the road.

2. Regular Maintenance

The rustic or exceptional rustic road classification will not exclude roads from regular maintenance.

3. Winter Maintenance

Normal winter maintenance practices will be performed by the Department of Public Works and Transportation on rustic and exceptional rustic roads.

4. Drainage

The Department will maintain storm drainage where necessary to prevent damage to the road or to adjacent private property, possible washouts and other problems which may be detrimental to proper safety. Maintaining storm drainage may include the removal of trees if vegetation has been allowed to grow in old drainage ditches.

5. Bridge Repairs

The Department of Public Works and Transportation must make bridge repairs in a manner that preserves the rural characteristics of the roadway and the bridge structure.

6. Guardrail Replacement

If a guardrail is to be replaced, the Department must use a material that maintains the existing rustic appearance of the roadway. Guardrails must meet all applicable safety standards.

B. Right-of-Way Maintenance

1. Undesirable Vegetation

The Department will control undesirable vegetation in the right-of-way, as needed to assure proper maintenance and safety, through mowing, or selective cutting. When necessary, herbicides will be used in a judicious and prudent manner. Any vegetation classified as noxious vegetation under County or State law is considered undesirable and may be removed without regard to its impact on rustic roads.

2. Mowing

The Department will perform right-of-way mowing as necessary for health, safety and ecological reasons such as controlling noxious weeds. Where appropriate and feasible, maintenance activity will protect desirable vegetation adjacent to a rustic or exceptional rustic road.

3. Tree Maintenance

The Department will perform or permit tree maintenance or removal along rustic roads as necessary to allow safe travel by motorized vehicles and agricultural equipment. Maintenance will be provided at a level no lower than existed at the time of designation, while still preserving the rustic qualities of the road. Right-of-way tree removal and/or pruning will be selective and will follow good forestry and landscaping practices. To the degree possible, consistent with safety and agricultural utility, the tree canopy along a rustic road should be allowed to remain undisturbed. If pruning is not sufficient, tree removal to provide adequate sight distances and for adequate farm vehicle clearance is permitted. All tree maintenance and tree removal will be in accordance with applicable State and County tree laws.

4. Litter Control

The Department will perform litter control along rustic roads, including coordination of volunteer efforts, where feasible.

C. Signs

1. Identification of Rustic Roads and Exceptional Rustic Roads

Free standing signs identifying roads as rustic or exceptional rustic roads will not be permitted in the right-of-way. The Department of Permitting Services will submit any proposal for special signs within the right-of-way, such as those identifying a historic site or scenic opportunity, to the Rustic Roads Advisory Committee for review and comment and to the Agricultural Advisory Committee for review and comment on impacts to agricultural operations.

2. Roadway Signs

Regulatory, warning, informational and other necessary road signs will be posted as needed on rustic roads.

D. Major Maintenance to Rustic Roads

Whenever major maintenance, such as roadway resurfacing, bridge deck replacement, major drainage reconstruction, or removal of a significant tree is proposed for a rustic road, the Department of Public Works and Transportation must post public notice of such maintenance at the project site at least 30 days prior to the proposed start of work. A significant tree is defined as being greater than 30 inches in diameter at breast height.

II. Improvements to Rustic Roads

A. General Guidelines

1. Uses

When designing improvements for rustic roads, the Department of Public Works and Transportation must consider the varying transportation needs of farmers operating agricultural equipment and transporting produce to market, as well as the needs of other motorists.

When applying for a permit to perform work within the right-of-way of rustic roads, the permit applicant must consider the varying transportation needs of farmers operating agricultural equipment and transporting produce to market, as well as the needs of other motorists.

2. Safety

No changes may be made that would diminish the safety of a rustic road below the level that existed at the time of its designation

B. Modification of Road Pavement and Related Structures

1. Width Alignment and Road Surface

The width, alignment and road surface of rustic roads may only be altered to provide adequate safety, to reduce maintenance problems, to provide reasonable improvements to allow for adequate vertical or horizontal clearance or roadway pull off areas for farm equipment. Should the width, alignment or road surface of a rustic road be altered, all work shall be done in a manner as to protect the significant features which made the road eligible for its rustic designation, and design techniques and materials used shall be compatible with adjacent unaltered portions of the road. In case of relocation, the new section shall be designed to maintain compatibility with the connecting road segments.

2. Shoulders

When improving rustic roads, shoulders will be provided only if required for safety or environmental considerations, such as paving shoulders to avoid erosion.

3. Minimum Sight Distance for New Driveways, Intersections and Spot Safety Improvements

Sight distances for new driveways, intersecting roadways and safety improvements must meet the minimum standards recommended by the American Association of State Highway and Transportation Officials (AASHTO). Minimum sight distances will be 150 feet but a greater sight distance may be required based on actual roadway operating speeds. The applicant must site new driveways or intersections at a location which minimizes disturbance to significant features. In all cases, adequate sight distances will be required. In order to preserve the rustic character of the road, the Department of Permitting Services may require the permit applicant to replant trees outside the line of sight and restore other features altered to provide safe sight distances

4. Minimum Sight Distances - Alignment Adjustments

Vertical or horizontal roadway alignment adjustments to achieve adequate sight distances on rustic roads may be performed as needed to maintain existing safety levels. If such adjustments are required they must be designed compatible with adjacent unmodified roadway sections. The Department may waive or modify geometric criteria not directly relating to safety. In general, relocated rustic roads must have the same configuration, width and roadway surface as adjacent unaltered sections.

5. Bridge Replacement

Bridge replacement or rehabilitation must be of a design and material which preserves or enhances the rustic appearance of the road. Bridges must be replaced at a scale and with materials similar to those of the previously existing structure. If a different design is required for environmental, economic, or safety reasons, new bridges must be of a design and material that complements or enhances the rustic appearance

of the roadway. Correction of substandard approach road geometries must be made in character with existing unmodified portions of the roadway. All new or rehabilitated structures must be designed with adequate weight bearing capacity and horizontal clearances to accommodate emergency vehicles and agricultural equipment. Actual roadway surfaces on bridge decks must be compatible in width to the width of the unaltered roadway.

6. New Guardrails

New guardrails must be of a material that maintains or enhances the rustic appearance of the roadway. Placement of new guardrails must not restrict access and movement of agricultural equipment.

C. Right-of-way Improvements

1. Utilities

Utility work within a rustic road right-of-way must conform with guidelines in this Executive Regulation. Whenever practical, roadside areas will be restored to their original condition. Pavement cutting must be minimized. If cutting is unavoidable, pavement patching must utilize materials similar to the original pavement.

2. Street Lights and Traffic Signals

Street lights and traffic signals if required, must be designed to complement the rustic nature of the road.

III. Additional Guidelines for Improvements to Exceptional Rustic Roads

A. Purpose

In order to be classified as an exceptional rustic road, a road or road segment must meet additional criteria as identified in Article VIII Section 49-78 (c) of the County Code. Since exceptional rustic roads would be more negatively affected than rustic roads by improvements or modifications to their physical characteristics, the following additional guidelines apply to improvements to exceptional rustic roads.

B. General Guidelines

All improvements to exceptional rustic roads must protect the significant features while not limiting or restricting its primary function as a transportation facility designed to meet the needs of the approved land use of the area.

C. Modification of Road Pavement and Related Structures

1. Width Alignment and Road Surface

The width, alignment and road surface of exceptional rustic roads must not be altered, except to provide adequate safety, to reduce maintenance problems, or to provide roadway pull off area for farm equipment or for a scenic opportunity.

2. Minimum Sight Distances - Alignment Adjustments

Vertical or horizontal roadway alignment adjustments to achieve adequate sight distances on exceptional rustic roads shall not be done unless the Department determines that no other alternative to achieving adequate sight distance is feasible. If such adjustments are required they shall be done in such a manner as to replicate the characteristics of the adjacent unmodified roadway sections. The Department may waive or modify geometric criteria not directly relating to safety. Realigned exceptional rustic roads must have the same configuration, width and roadway surface as adjacent unaltered sections.

3. Bridge Replacement

Bridge replacement or rehabilitation must be of a design and material which preserves or enhances the rustic appearance of the road. Bridges must be replaced at a scale and with materials similar to those of the previously existing structure. If a different design is required for environmental or safety reasons, new bridges must be of a design and material that complements or enhances the rustic appearance of the road. On exceptional rustic roads, a new or rehabilitated deck should be no wider than the existing deck unless improvements are specifically needed for the transportation of agriculture related equipment, in which case the new or rehabilitated deck should be no wider than the existing approaches.

IV. Waiver

The Director of the Department of Public Works and Transportation may waive the maintenance and improvement guidelines above in the event of an emergency representing urgent and imminent threat to public safety.

V. Implementation of Guidelines

A. Responsible Agencies

The Montgomery County Department of Public Works and Transportation and Department of Permitting Services are responsible for implementation of these guidelines. All public agencies must use these guidelines when developing plans for public facilities on rustic or exceptional rustic roads.

B. Rustic Roads Advisory Committee

The Rustic Road Advisory Committee will provide comments to the Department of Public Works and Transportation on rustic road and exceptional rustic roads maintenance and improvement procedures.

VI. Effective Date

This regulation becomes effective November 26, 1996.

(Administrative History: Reg. No. 21-96AM (Method 2); Dept.: Public Works and Transportation)