

EXHIBIT "A" TO ORDINANCE 08-11

ADMINISTRATIVE RULES AND REGULATIONS CONCERNING PERMITTING AND BONDING HEAVY HAUL OPERATIONS UTILIZING COUNTY ROADS, HIGHWAYS, OR STRUCTURES

1. Permits and Bonding Requirements – Any individual, business, manufacturer, refiner, retailer, wholesaler, or transporter in the private sector desiring to utilize any county road or structure in any manner that might result in unnecessary damages to the roadway, structure, or its drainage facilities or that might result in undue safety hazards to the public, must procure a special use permit from the Faulkner County Judge's Office. Activities subject to special use permits include, but are not limited to, any transporting of materials, equipment, or commodities, or in any equipment whose gross tonnage would be in excess of the load carrying capacity of the roads over which they travel whether associated with construction, oil and gas, chemical transportation, or any other commercial endeavor requiring the utilization of county roads or structures.
2. Liability for Damage to County Roads or Structures –
 - a. Any person driving any vehicle, object, or contrivance upon any highway or highway structure shall be liable for all damage which the highway or structure may sustain as a result of any careless, negligent, or illegal operation, driving, or moving of that vehicle, object, or contrivance, or as a result of operation, driving, or moving of any vehicle, object, or contrivance of excessive width or weighing in excess of the maximum weight in this chapter.
 - b. Any person driving any vehicle, object, or contrivance upon any highway shall be liable for all damages to structures spanning the highway, or a part of the highway, by reason of load heights in excess of that which the structure will permit, when the clearance height of the structure is posted, and in any event where the height of the vehicle and load is in excess of thirteen feet, six inches (13' 6").
 - c. Whenever the driver is not the owner of the vehicle, object, or contrivance, but is operating, driving, or moving it with the express or implied permission of the owner, then the owner and driver shall be jointly and severally liable for any damage.
 - d. Damage may be recovered in a civil action brought by the authorities in control of the highway or highway structure.
3. Permit Application –
 - a. The application for any such permit shall specifically describe the vehicle and load to be operated or moved, the origination and destination of such vehicle and load, the approximate dates in which the operation or movement is to be completed and the particular roads for which permit to operate is requested.
 - b. The County Judge's Office shall issue permits to authorized individuals or any other entities similar to the abovementioned, or shall withhold such permit at its sole discretion, but its action in withholding permit must be based on the condition and state of repair of the road involved, and ability of said road to carry

the vehicle, or upon said danger, to the traveling public from the standpoint of safety;

- c. The County Judge's Office shall establish limitations to be imposed upon the permitted vehicles prescribing conditions of operations of such vehicles when necessary to assure against damage to the road foundation, surfaces, or structures, and to require such bond or other security as may be deemed necessary by said agency to compensate for any injury to any roadway or road structure arising out of the operation under such permit.
 - d. Each such permit shall be carried in the vehicle to which it refers and shall be open to inspection by any police officer or authorized agent of any authority granting such permit and no person shall violate any of the terms or conditions of such permit.
4. Basis for Establishing Bond Amount –
- a. A representative of the company seeking a permit and the Faulkner County Road Department shall inspect the roads to be utilized and survey the roads and/or road structures for current condition and status. The survey shall note any existing failures and problem areas, taking photographs of such.
 - b. An estimate shall be computed concerning the cost of repairing the entire length; fixing the maximum ceiling.
 - c. A bond will be set based on the cost of repair up to the maximum.
 - d. A permit fee shall be collected to cover the administrative cost of the above-stated steps 1-3.
 - e. The County shall hold the bond until completion of the permitted time period.
 - f. Upon completion of permitted heavy haul activities the County and a representative of the company shall conduct a final on-site visit to determine damages.
 - g. Payment for any damages shall be determined as follows:
 - i. The entity afforded the permit shall pay for repairs and labor.
 - ii. The payment option shall be at the discretion of the Faulkner County Judge considering the scope of existing road activity and accordingly the availability of county road equipment and labor to administer repair.
5. Road Survey Criteria – In road survey procedures, the County shall follow guidelines in conformance with the Arkansas Highway and Transportation Department Pavement Management Program, Manual for Coding Pavement Conditions, as updated from time to time, as shall be prescribed by the Faulkner County Judge. Accordingly, the County shall utilize field inspection criteria consistent with the Arkansas Highway Department field inspection criteria.
6. Cost Criteria to Establish Road Damage – The estimate of road damage cost shall be based on the Arkansas Highway Department cost criteria. This criteria primarily sets forth two sets of cost data:
- a. Unit cost for specific work to be performed to be used in small repair work, such potholes, culverts, and shoulder repair. Cost criteria to estimate road damage shall be based upon weighted average unit price as established by the Arkansas Highway and Transportation Department, as updated from time to time.
 - b. Per mile cost used by the State Aid Engineer for reconstruction in major damage repair, as updated from time to time.

7. The technical information referenced herein concerning road survey criteria and cost criteria shall be filed in the County Road Department and the County Judge's Office.