



## BENTON COUNTY BOARD OF COMMISSIONERS

### Policy for Use of Highway Right of Way for Special Events

Adopted 5/19/2015

#### PURPOSE

The main purpose of this Policy is to provide safe roadways for the traveling public. As designated in Minnesota Statute §160.02, subd. 25 and §169.04, the Benton County Board of Commissioners (“County Board”) has traffic regulation authority over all streets and highways under their jurisdiction (county state-aid highways, county highways, and municipal state-aid streets). As outlined in the statutes, the local authority may enact any ordinance or regulation authorized by the statutes affecting traffic operation on these facilities.

Minnesota Statute §169.06, Subd. 2 and 3 provide requirements that local authorities conform to the Minnesota Manual of Uniform Traffic Control Devices (MMUTCD) for sign and traffic control requirements.

#### BACKGROUND

The use of county highway right-of-way for special events may be in the public interest. Special events may include parades, marathons and races. Notices, in the form of signs or banners erected within the right-of way, for certain events or information pertaining to those events or for other purposes may also be in the public interest. Therefore, the following guidelines have been developed to help assure that all requests for such use of the right of-way are responded to in a uniform manner throughout the County.

#### GUIDELINES

Use of the county highway right-of-way for activities will not be allowed unless a legitimate public interest is to be served. Use of highway right-of-way not related to construction or maintenance requires that the requester contact the Benton County Public Works Department and obtain a permit for the special event that calls for a complete or partial closure of the public right of way. County authorization may be granted, through the approval of the Benton County Board of Commissioners, if all pertinent criteria covered in these guidelines are satisfied. (Applicants should note that circumstances may exist that preclude a partial or complete closure of the a roadway regardless of whether or not applicants meet the below described criteria.) Applications for a special event partial or complete closure of a public right of way must be submitted 60 days prior to the special event.

The applicant/organization shall complete a permit application form and submit all pertinent data deemed necessary to properly evaluate the request. All applications for use of County highways for special events presented to the County Public Works Director must meet the following minimum



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requirements:

1. A definite area of the public right of way will be designated for the exclusive or partial use for the special event. The applicant/organization is not authorized to use any area of the roadway outside the area defined in the permit.
2. Proof of Commercial General Liability/Automobile Insurance in the amount of \$500,000 per person and \$1.5 million per occurrence. Benton County shall be listed as an additional insured. The certificate must be in place 10 days prior to the special event. The applicant/organization shall not cancel the insurance until the event is complete and the highway has been reopened. The insurer shall provide notice to the County Public Works Department immediately upon modification or termination of the insurance policy.
3. Applicant/organization agrees to assume the entire responsibility and liability for all damages or injury to all persons, whether employees or otherwise, and to all property, arising out of, resulting from or in any manner connected with the operation of the special event.
4. Applicant/organization shall agree to defend and indemnify Benton County, its agents and employees, from all such claims including, without limiting the generality of the foregoing, claims for which Benton County may be claimed to be liable and legal fees and disbursements paid or incurred to enforce the provisions of this paragraph.
5. Applicant/organization shall allow periodic inspection during the event and shall remove all traffic control devices as soon as safely possible after a special event.
6. Applicant/organization shall restore the area and roads used to its original condition.

The permit shall also identify that the applicant/organization shall be responsible for damage done to the highway property as a result of the special event, damages payable upon receipt of invoice.

If Benton County provides assistance in the form of traffic control devices, signs and/or labor, the applicant/organization should be billed for the actual costs incurred by Benton County.

In the event that County Personnel are requested or required to provide traffic control or professional law enforcement services for a special event, the Benton County Sheriff and Public Works Director are given authority to charge applicant/organization for overtime labor and equipment costs. The use of County forces for traffic control or professional law enforcement shall be at the discretion of the Sheriff and Public Works Director.

### **Approval Guideline**

For purposes of these guidelines, the use of highway right-of-way is split into two categories:

1. Use of Right-of-Way Involving Road Closure.
2. Use of Right-of-Way Involving Traffic Restrictions.



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Within each of these categories, the categories are subdivided as follows:

1. *High Speed Roads* - Speed limit 45 miles per hour or greater.
2. *Low Speed Roads* - Speed limit 40 miles per hour or less.
3. *Low Speed County Roads within a Municipality* – Speed limit 30 miles per hour or less.

#### **Use of Right-of-Way Involving Road Closure**

Examples of road closures include parades, races, filming, etc.

1. High Speed Roads – Partial or complete Closures should not be allowed. However, use may be allowed in those cases where there is a limited impact on traffic, subject to the criteria covered Under "Low Speed Roads." If a partial or complete closure is allowed for a special event, the number of permits issued for any given High Speed Road shall be limited to two per calendar year.
2. Low Speed County Roads including Low Speed County Roads within a Municipality - Closures may be allowed at the discretion of the County subject to the following criteria:
  - a. Closures shall not be allowed during peak traffic periods unless authorized by the County Engineer. The period of time for which a road is closed should be during daylight hours not to exceed 12 hours.
  - b. Written traffic control plans and adequate personnel to insure the safety of the participants, spectators and traveling public have been prepared and submitted as required above. (Traffic control plans must be approved by the County Public Works Director.)
  - c. A written plan to assure fire and emergency vehicle access to the area affected has been prepared and submitted as required above. (The emergency vehicle access plan must be approved by the Chief Law Enforcement Officer and Fire Chief of the affected jurisdiction(s))
  - d. A written plan to assure ingress and egress for property owners along the impacted public right of way has been prepared and submitted as required above as part of the traffic control plan required in letter (b) .
  - e. An adequate written detour route shall be included in the traffic control plan required in letter (b). Motorists shall be guided through the detour by signs, traffic control personnel, law enforcement personnel or a combination of the three.
  - f. Signs shall be in accordance with the Minnesota Manual on Uniform Traffic Control Devices (MNMUTCD) latest edition; or the Temporary Traffic Control Zone Layout Field Manual, latest edition; whichever is applicable. Detour signing, advance notices and publications are the responsibility of the sponsor.
  - g. The use of spray paint on roadways, telephone poles and sidewalks/trails is prohibited, with the exception of temporary chalk-based material. All temporary signage for the event will be allowed during the event period only. Permanent road signs shall not be removed or covered with event signage.
  - h. No stands, buildings, tents or other encroachments will be permitted within the public right of way unless specifically noted in the permit.
  - i. All road closures shall be coordinated with the State Patrol and the local law enforcement agency.



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- j. The sponsor shall arrange adequate traffic control and law enforcement personnel. The head of the law enforcement agency having primary jurisdiction of the proposed road closure shall determine the adequate level of staffing needed to ensure public safety in and around the road closure.
- k. The sponsor shall be responsible for removal of all signage and litter after the event.
- l. The Main Point of Contact listed on the permit shall monitor the event to ensure the safety of the public from such hazards as traffic conflicts because of blocking of the roadways, inspection of barriers, etc. This person shall be available during the event should police, county, city or township officials or staff have concerns with the safety aspects of this event.

**Denial of Permit Application**

Failure to meet all the requirements of an approved permit application, as determined by the County, may be grounds for denial of any subsequent applications for that event.



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