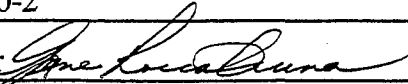


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| WYOMING DEPARTMENT OF TRANSPORTATION | | OPERATING POLICY |
| ISSUED: April 20, 1998 | POLICY NUMBER: 40-2 | |
| AUTHORITY: Director  | | |

SUBJECT: Construction Agreements and Maintenance Responsibilities with Cities and Towns for Streets on the State Highway System

Purpose: This policy pertains to: (1) the preparation of construction plans and agreements between the Department and incorporated cities and towns with 1,500 or more people (according to the latest federal census) and (2) the maintenance responsibilities for streets on the state highway system. This policy does not apply to unincorporated towns.

I. Construction Agreements

- A. Plans for any proposed improvements within the incorporated limits of any city or town with a population of at least 1,500 must be submitted to the city or town 60 days prior to the project's advertising date.
- B. For the improvement or continued maintenance of any streets on the state highway system, the Department prepares and sends an agreement to the benefitting city or town for its consideration and acceptance. The agreement will contain the following stipulations:
 - 1. The city or town will have enacted or will enact model ordinances as approved by the Department, including but not limited to the following:
 - a. Control and placement of commercial advertising signs and devices.
 - b. Adoption of parallel parking or elimination of parking on any streets on the state highway system.
 - c. Control of access and curb cuts.
 - d. Street excavation and backfill control for all utility cuts.

Failure of the city or town to comply with model ordinances in the future or failure to stop violations will result in a Department recommendation that no further funds be expended in that city or town.

- 2. Reimbursement to the Department for the city or town's share of construction costs is paid monthly in accordance with the engineer's progress estimate.
- 3. The Department has sole authority for signing and controlling traffic, and the town or city may not place any signs or traffic control devices on any streets on the state highway system without first receiving clearance from the Department. (See Operating Policy 25-1 for specific requirements pertaining to traffic control devices and lighting.)

4. The Department determines the participation required from the city or town for the various items of work proposed.
 5. For projects on the state highway system, the Department pays the entire cost of acquiring all necessary rights-of-way, relocation assistance, utility adjustments, and the construction of streets and highways within the incorporated city limits. If the city or town decides to connect a storm sewer with an existing Department storm sewer, the Department pays only that part of the cost for additional storm sewer needed to provide drainage for the street on the state highway system. If the Department's storm sewer system becomes overloaded by city additions to the system after initial connection, the city or town is liable for the entire upgrading or replacement cost.
- C. The contracts and estimates engineer prepares the construction agreement for all projects proposed within the incorporated limits of any city or town.

II. Maintenance Responsibility of the Department

- A. The Department is responsible for maintenance, as outlined in the following paragraphs, for all highways on the state highway system within incorporated cities and towns, provided they constitute direct connections between sections of established state highways, except as provided under Section III, "Maintenance Not the Responsibility of the Department."
1. Surface maintenance includes maintaining structures and any other maintenance effort necessary to protect the original investment and structural integrity of the pavement and structures. This paragraph is not intended to relieve the responsibilities outlined in Paragraph 6 of this section.
 2. The Department maintains all traffic control and traffic control devices, except parking control and roadway lighting. This maintenance includes electrical and traffic signal interconnection power as well as physical maintenance. (See Operating Policy 25-1 for maintenance responsibilities of roadway lighting at traffic signal installations.) Maintenance of traffic control devices is limited to those devices installed by the Department for which proper warrants for installation have been established.
 3. No change or addition in traffic control or traffic control devices, including parking control or roadway lighting, is made without the Department's prior approval.
 4. All traffic control and traffic control devices erected must conform to the Wyoming Traffic Code and the latest edition of the Transportation Commission of Wyoming manual *Uniform Traffic Control Devices for Streets and Highways*.

5. Cities and towns must enact and enforce ordinances acceptable to the Department as listed in Section I, "Construction Agreements." The city or town is responsible for enforcing these ordinances. If the city or town wishes to allow any deviation from these ordinances, it must obtain the Department's prior approval.
6. Cities and towns must clear away all obstructions to the satisfaction of the Department before any maintenance will be assumed.

III. Maintenance Not the Responsibility of the Department

- A. For cities and towns over 1,500 in population, the Department will **not** be responsible for:
 1. Snow removal, including control of snow pushed into the travel-way, and sanding ice.
 2. Cleaning, sweeping, and washing streets.
 3. Cleaning litter between the curb line and the property line.
 4. Maintaining sidewalks, bike paths, storm sewers, open drain ditches, natural drainage channels, and the curb and gutter.
- B. For cities and towns under 1,500 in population, the Department will **not** be responsible for:
 1. Cleaning litter between the curb line and the property line.
 2. Maintaining sidewalks and the curb and gutter.

References: Operating Policy 25-1, Traffic Control and Roadway Lighting Devices.
Uniform Traffic Control Devices for Streets and Highways.
W.S. 24-2-109, Designation of state highways
W.S. 24-2-111, Cooperation with cities in construction of streets connecting state highways
W.S. 24-6-101 through 110, Access Facilities.
W.S. 31-5-112 and 113, Adoption of uniform system of traffic-control devices.
W.S. 31-5-302, Establishment of specific maximum speed limits by superintendent.
W.S. 31-5-303, Alteration of maximum speed limits by local authorities.
W.S. 31-5-512, Parking alongside curbs or on edge of roadways