

Chemung County Department of Public Works Non-Standard and Supplemental/Discretionary SIGN POLICY

Chemung County Legislature Resolution 18-386

Approved July 9, 2018

PURPOSE of POLICY

To establish guidelines and procedures which address the installation and maintenance of Non-Standard, Supplemental/Discretionary signs within the right-of-way on Chemung County owned highways, as well as define who will pay for the signs, posts, installation and maintenance of each sign.

It is the intent of Chemung County to provide reasonably safe roads for reasonably safe drivers and to keep the road right-of-way as clear as possible and free of obstructions, including unnecessary signs which provide no useful information to road users and will not assist them in safely navigating the roadway and reaching their destinations.

GENERAL PURPOSE of TRAFFIC CONTROL SIGNS

Traffic control signs are installed along roadway right-of-ways to provide competent drivers and roadway users with positive guidance and appropriate information about existing laws and regulations, physical characteristics of the roadway and potential hazards in order to avoid errors and safely reach their destinations.

TYPES OF SIGNS and SPECIFIC PURPOSE of EACH TYPE

Chemung County follows the Federal Manual of Uniform Traffic Control Devices (MUTCD) and the New York State Supplement to the MUTCD. For more information please see

<https://mutcd.fhwa.dot.gov/> and

<https://www.dot.ny.gov/divisions/operating/oom/transportation-systems/repository/B-2011Supplement-adopted.pdf>

There are several types of signs including Regulatory, Warning, Guide & Information, and Non-Standard, Supplemental/Discretionary. Each type of sign has a specific purpose.

- 1) **Regulatory** signs inform road users of traffic laws and regulations. They are used to control vehicle, bicycle and pedestrian movements and include stop signs, speed limit signs, parking signs, etc. Regulations cannot be enforced unless the proper signs are in place.

- 2) **Warning** signs are used to inform road users of a need to exercise caution because of a condition on or near the roadway and of situations that may not be readily apparent.
- 3) **Guide and Information** signs essentially help drivers reach their destination in the simplest, most direct manner. They include intersecting route markers, road names, or tourist-oriented destination signage (TOD), etc. Note that TODs have a very limited scope. (See MUTCD.)
- 4) **Non-Standard, Supplemental/Discretionary** signs are either not contained in the national Manual of Uniform Traffic Control Devices (MUTCD), the New York State Supplement to the MUTCD, or are not required by the MUTCD or NYS Supplement. This sign group contains signs such as Town zoning law signs, watershed districts, local associations, etc. They are not considered to be regulatory, warning, or guide/informational signs.

CRITERIA and PRINCIPLES FOR SIGN INSTALLATION

For a traffic control device to be effective it needs to meet certain criteria and basic principles as explained in the Federal MUTCD. The sign should:

- Fulfill a need
- Command attention (proper location, size, height)
- Convey a clear, simple meaning
- Command respect from road users (good condition and appearance)
- Give adequate time to respond

Regulatory, Warning, and Guide & Informational signs meet these basic principles and criteria. Non-Standard, Supplemental/Discretionary signs do not generally meet the basic principles and criteria listed above and shall not be permitted in the County right-of-way unless approved by the Chemung County Public Works Commissioner, or his designee, and all conditions and requirements of the permitting procedure are followed. Existing Non-Standard, Supplemental/Discretionary signs shall be allowed to remain within the right-of-way only if they meet all of the above criteria and principles. They shall be maintained by the appropriate municipality/agency at their expense.

County road right-of-ways are not intended to be an advertising medium. The placement of Non-Standard, Supplemental/Discretionary signs is discouraged because they are generally ineffective at providing road users with information necessary to safely reach their destinations. They are also generally ineffective in reducing vehicle speeds and can cause drivers to pay less attention to other critical regulatory or warning signs if there are too many irrelevant signs along a given roadway.

The use of Non-Standard, Supplemental/Discretionary signs that alert drivers to intermittent, sporadic events and/or general possibilities, encounters or situations (“Deer Crossing”, “Children at Play”) do not have a consistent impact on driver behavior. The overuse or misuse (such as installation at incorrect locations) of these signs also reduces their effectiveness.

PERMITS AND PROCEDURES

- 1) All requests for the placement of Non-Standard, Supplemental/Discretionary signs within the County road right-of-way shall include a Highway Work Permit application and be submitted to the Chemung County Department of Public Works at 803 Chemung Street, Horseheads NY 14845, or e-mailed to DPW-permits@co.chemung.ny.us, in accordance with the procedures and guidelines listed below. The County will review each request to ensure the criteria and principles for sign installations listed above are met and that allowing the sign will be beneficial to road users in safely reaching their destinations.
- 2) All applicants requesting a Non-Standard, Supplemental/Discretionary sign installation must submit a non-refundable \$50 per sign fee with the Highway Work Permit to the Chemung County Public Works Commissioner for approval. Fees may be waived by the Public Works Commissioner if the applicant is a local municipality within Chemung County or an adjoining County. The Highway Work Permit application is available on the Chemung County website or at the Department of Public Works office.
- 3) The Highway Work Permit application shall include a separate sheet with a drawing and brief description of the proposed sign including information in regards to proposed sign size, symbol and/or lettering layout, colors, and the message appearing on the sign. A map or sketch with reference points and measured distances shall also be provided showing the exact proposed sign location(s).
- 4) The County Public Works Commissioner or designee shall review the Highway Work Permit application and sign installation proposal. Each proposed sign location will be inspected by the Chemung County Public Works Commissioner or designee prior to approval of the application to ensure proposed sign(s) will not obstruct or diminish the effectiveness of other MUTCD required area signage and that adequate space is available to accommodate the proposed sign.
- 5) If the sign installation and permit are approved in principle, the Public Works Commissioner or designee will contact the applicant and provide them with an indemnification agreement wherein the County of Chemung, its agents, servants or employees will be defended, saved and held harmless from any and all claims, suits, damage to underground utilities and financial costs incurred arising as a result of the installation and/or maintenance of said sign.
- 6) If approved for installation, all proposed Non-Standard, Supplemental/Discretionary signs shall be installed by the applicant's

contractor which must carry liability insurance and New York State Worker's Compensation and Disability insurance. As part of its Highway Permit Application, certificates of insurance of the contractor shall be provided as follows: 1) the contractor shall provide a certificate of insurance showing that the contractor is carrying General Liability Insurance with limits not less than \$1,000,000 per occurrence, \$1,000,000 general aggregate and \$1,000,000 products/completed operations aggregate. Chemung County must be named as an additional insured on a primary basis on said liability policy, 2) the contractor shall provide a certificate of insurance addressed to Chemung County showing that the contractor has current NYS Workers' Compensation Insurance for its employees on the form proscribed by New York State (Certificate of Workers' Compensation Insurance - Form C-105.2), and 3) the contractor shall provide a certificate of insurance addressed to Chemung County showing that the contractor has current NYS Disability Insurance for its employees on the form proscribed by New York State (Certificate of Disability Benefits Insurance – Form DB-120.1). The Highway Work Permit application shall include the name, address and phone number of the contractor along with copies of the above mentioned insurance certificates. In addition, all applicants and their installation contractors must sign an indemnification agreement on terms set forth by and satisfactory to Chemung County prior to receiving written approval from the County Public Works Commissioner or designee. Approved Highway Work Permits also serve as authorization for the applicant's contractor to install the sign(s).

- 7) Upon written approval, all applicants and/or their contractors are responsible for marking proposed sign locations and contacting Dig Safely New York (www.digsafelyny.com) to identify and locate all buried utilities prior to sign post installation. All Dig Safely New York procedures shall be followed prior to installation. Any and all damage to underground utilities located within the County right-of-way during sign post installation and any associated repair or replacement costs will be the sole responsibility of the applicant.
- 8) If approved for installation, all permitted Non-Standard, Supplemental/Discretionary signs to be located within a County road right-of-way shall meet the size, height, location and retro-reflectivity standards set forth in the MUTCD. All sign posts and break-away systems shall be the same type and produced by the same manufacturer (or approved equal) used by the Chemung County Department of Public Works.
- 9) Upon completion of the sign installation, the Applicant must notify the Chemung County Department of Public Works in writing (or via e-mail) within 3 business days that the work is complete and is ready for final inspection. Failure to notify the Chemung County Department of Public Works that work has been completed may result in revocation of the permit and removal of the sign at the Applicant's expense.
- 10) Permits covering the erection and maintenance of signs shall be used for that specific location and installation and for no other purpose. No additions or

corrections to said sign(s) will be permitted unless first reviewed and approved by the Public Works Commissioner or designee.

- 11) All Highway Work Permits for permanent sign installations shall be deemed automatically renewed for successive terms of one year each, provided the signs remain in good condition and meet retro-reflectivity standards set forth in the MUTCD. The permit holder may cancel the permit with thirty days written notice to the County.
- 12) The right of the permit holder to use and occupy the Chemung County highway right-of-way is non-exclusive and the County reserves the right to require the removal of the sign in the event the location must be utilized for additional future highway construction, reconstruction or maintenance. The granting of the sign permit conveys no other right, title or interest to the permit holder, within the right-of-way, other than permission to use and occupy a specified location for the approved purpose.
- 13) If the sign is not adequately maintained or is damaged and out of plumb by vandalism, theft, accident or other cause, the applicant/permit holder is responsible for the repair, or replacement of the sign. If the sign does not present a hazard to the public or County property, notice will be given to repair or replace within thirty (30) days. Failure to comply will result in termination of the original Highway Work Permit and removal of the sign. However, if the damaged sign presents a hazard to either the public or the County's property, it will be removed immediately without notice.
- 14) An additional Highway Work Permit must be obtained in advance for each entry on County right-of-way for the purpose of erection, removal, modification, repair, replacement or maintenance of any approved sign.

The Applicant has read the above policy and agrees to abide by the rules and procedures contained within the Chemung County Department of Public Works Sign Policy.

By signing below, I certify that I have read this Non-Standard, Supplemental/Discretionary Sign Policy, I fully understand the agreement and all requirements, and agree to abide by the procedures and guidelines contained within the Policy. By my signature I also agree that any and all damage to buried/underground utilities and the repair and/or replacement of those damaged utilities are my financial responsibility.

Applicant Name (print)

Applicant Signature

Applicant Phone Number

Applicant Address

Contractor Name (print)

Contractor Signature

Contractor Phone Number

Contractor Address