

County of Tioga

Local Law No. 2 of the Year 1977.

A Local Law providing for the issuance of permits for the construction or reconstruction of driveways entering onto county highways.

Be It Enacted by the Legislature of the County of Tioga as follows:

SECTION 1: PURPOSE

It is the purpose of this law to establish definite standards and procedures governing the construction of entrances to County highways so as to regulate traffic entering or leaving commercial establishments, residences, industrial plants and farms. The purpose of these standards and procedures is to provide maximum protection to the public through the orderly control of traffic movements onto and from the County highway, to safeguard traffic carrying capacity of the highways, and to assure uniform practices throughout the County in the design and construction of entrances and exits.

SECTION II: DEFINITION OF TERMS

(a) Driveway - Every private entrance or exit used by vehicular traffic for ingress and egress to a County highway.

(b) Commercial Driveway - A driveway serving a commercial establishment, industry, governmental or educational institution, private utility, hospital, church, apartment building or other comparable traffic generator. Type of designs for commercial driveways include:

Divided - A driveway so designed that traffic entering it is separate from traffic leaving it be a raised median or physical barrier.

Dual System - A pair of driveways separated at least 30 feet apart by an island area. These driveways may be one-way or two-way.

(c) Residential Driveway - A driveway serving a private home or an apartment building containing no more than four family units.

(d) **Right of Way Line** - The boundary between private property and County highway lands.

(e) **Frontage** - The distance along the highway pavement in front of the owner's property, determined by projecting a perpendicular or radial line from the center of the roadway to the corner points of property.

(f) **Department** - Tioga County Highway Department.

(g) **Person** - The term person shall include individuals, partnerships, joint ventures, corporations and municipalities.

SECTION III: APPLICATION FOR PERMIT

(a) Any person desiring access for vehicular traffic to a County highway shall obtain a permit for an entrance and/or exit for such from the Tioga County Highway Department

(b) Written application for such permit shall be made to the Tioga County Superintendent of Highways. Applications for driveway permits will be accepted only from property owners or their authorized agents. Certification of legal ownership or owners' authorization shall be required. Upon approval of the application by the Department, a permit will be issued stipulating the design conditions under which the installation is to be performed. The County will respond to all requests within seven days.

(c) The property owner or his agent may submit their own driveway for approval or may request the highway department to furnish the driveway design within our highway right of way. There will be no charge for this service.

(d) If a property owner, lessee or agent fails to comply with the terms of a permit or fails to obtain a permit, the Department may halt the activity for which a permit is required until adequate corrections have been made. Costs incurred by the Department in correcting failure to comply with the terms and conditions of a permit, failure to obtain a permit, or defective workmanship or materials shall be borne by the permittee undertaking the activity. The provisions of this part shall not apply to entrances already in existence prior to May 1, 1977, but shall apply to any improvements of existing driveway connections with the County made after May 1, 1977. Improvement is defined as resurfacing or a change in width, grade, or location of an existing driveway.

(e) Whenever a County highway is reconstructed or resurfaced, existing entrances to the highway will be altered by the Department at its expense to conform to the spirit and intent and standards set forth in this part.

SECTION IV: CONDITIONS AND LIMITATIONS OF DRIVEWAY PERMITS

A driveway permit shall be issued subject to the following conditions and limitations:

(a) Notification shall be given to the County Superintendent of Highways when work is started and when it is completed.

(b) All work done and all materials used shall meet the requirements of the Department and the terms and stipulations of the permit. Any alterations or additions must be expressly approved by the Department.

(c) A permittee shall not hold the Department liable for any claim for damages arising from his negligence, or his contractor's negligence in operations covered by the permit.

(d) The entire cost of the work specified shall be borne by the permittee, his grantees, successors and assignees.

(e) The permittee shall have a copy of the permit available at the site during construction.

(f) The Department shall have the right of inspection of any driveway construction or reconstruction within the highway right-of-way, by its authorized representative.

(g) The permittee shall take necessary precautions to prevent injury to persons or damage to property from operations covered by the permit.

(h) Pipe or channelized natural drainage shall not be permitted to flow onto a highway right-of-way unless special provisions are approved by the Department.

(i) The permittee shall remove all surplus materials to an area outside the right-of-way unless the permit provides for disposal at locations within the right-of-way. Excavated material from within the right-of-way shall be disposed of as directed by the County Superintendent of Highways.

SECTION V: MAINTENANCE RESPONSIBILITY

The property owners having access to a County highway shall be fully responsible for the maintenance of their driveway including the portion from the highway right-of-way line to the outside edge of the highway shoulder or curbline. This maintenance responsibility includes the removal of snow and ice and keeping the portion within the highway right-of-way in a safe condition for the general public.

SECTION VI: GENERAL DESIGN REQUIREMENTS

The design requirements set forth in this section are intended to provide maximum safety and convenience for the traveling motorist and the permittee; and are based on the premise that the rights of the highway users and those of abutting property owners can mutually be satisfied. The Department reserves the right to impose additional requirements should they be necessary for public safety.

(a) Driveway Location and Layout

A driveway or a driveway system shall be so located as to provide:

- 1. The most favorable vision, grade and alignment conditions for motorist using the proposed driveway and the highway.**
- 2. No undue interference with the free and safe movement of highway traffic.**
- 3. Maximum safety and convenience for pedestrians and other users of highway right-of-way.**

(b) In the interest of public safety and convenience, the Department may restrict the placement of a driveway to a particular location along the owner's frontage or require shifting of an existing driveway.

(c) The following design features shall be shown in laying out all driveway plans submitted for approval to the Department, as illustrated in Appendix A:

- 1. The point where the extension of the driveway edge intersects the pavement edge.**
- 2. The point where the driveway corner radius intersects the pavement edge.**
- 3. The point where the driveway corner radius becomes tangent to the driveway edge.**

4. The center of the driveway corner radius.
5. Driveway corner radius.
6. Corner angle, the angle the driveway edge makes with the pavement edge.
7. The width of a driveway pavement.
8. The distance between Points A and B.
9. The distance between Points A and C.

(d) The location and geometric alignment of driveways adjacent to intersections will be governed by the angle of intersecting highways, width of private and public right-of-way, sight distance factors, highway and driveway radii, traffic controls and other conditions. Normally, the distance between Point A of a driveway and the side road pavement edge, as measured along the highway pavement edge, shall be at least twice the width of the driveway plus 15 feet (see Appendix B). However, the Department may modify this distance if an engineering determination indicated another dimension is more suitable for a particular site. In no case should a driveway radius encroach on the radius of the intersecting highway pavement. A driveway should be located entirely within the applicant's frontage. The minimum distance between Point B of any driveway system and the point where perpendicular projection of the property line meets the highway pavement edge is to be 5 feet, measured along the highway pavement edge (see Appendix B). In restricted urban areas and for jointly-owned driveways variances will be permitted.

(e) Normally only one driveway shall be permitted for each residential property. An additional driveway may be permitted if sufficient frontage exists. The minimum distance between adjacent Points B of two driveways to the same residential property as measured along the highway pavement edge, shall be 30 feet.

(f) Normally no more than two driveway will be allowed to a property in the commercial category. Where the need for more than two can be substantiated operationally, and adequate frontage exists, the Department may grant permission for an additional driveway. The minimum distance between adjacent Points A of adjacent driveway or driveway systems to a commercial property, as measured along the highway pavement edge shall be 100 feet (see Appendix B).

(g) The requirements for a divided commercial driveway shall be those illustrated in Appendix C.

(h) In a dual commercial driveway system the minimum distance between driveway pavements, as measured along the highway pavement edge, shall be 30 feet (see Appendixes B and D).

(i) Driveway Profile

1. In rural areas the recommended maximum grade within the highway right-of-way is 10 percent for commercial driveways and 12 percent for residential driveways. In urban areas the recommended maximum grades are 6 and 8 percent, respectively. Where special circumstances require driveway grades in excess of these recommended maximums and engineering determination is necessary by the Department to establish the safe profile design.

2. All driveways are to be constructed to slope away from the edge of pavement at the same slope at the highway shoulder which normally varies in slope from one-quarter to one inch per foot. This slope is to be continued the full width of the shoulder or longer so as not to cause a bump or a depression in the shoulder area.

3. Whenever a change in a driveway grade occurs, the profile shall be rounded by connecting the two different grades by a smooth vertical curve. If possible, the low point of the driveway should be at or close to the ditch line of the highway ditch.

4. Where a sidewalk is located close to the curblines and the driveway opening is to be provided by a depressed or cut curb, the sidewalk should be warped to conform to the driveway profile. One or both edges of the sidewalk may be depressed across the driveway provided the resulting sidewalk cross slope does not exceed one-half inch per foot. In some cases, it may be necessary to discontinue the sidewalk across a driveway and to construct a curb along each driveway edge.

5. Where a curb cut is made for the construction of driveways, the entire curb section shall be removed. The removal of only the raised portion of the curb and paving over the broken section will not be allowed. Cut curb ends shall be tapered from full height to ground level in a distance of approximately two feet. Where drainage is carried along the curb, the driveway shall be constructed with a short upgrade to prevent runoff from spilling into private property.

(j) Drainage

1. A driveway must be constructed so that it does not adversely affect the highway drainage or drainage of the adjacent property. The drainage and the

stability of the highway subgrade should not be impaired by driveway construction of roadside development. In no case may the construction of a driveway cause water to flow across the highway pavement or to pond on the shoulders or in the ditch.

2. Where the construction of a driveway necessitates crossing a highway ditch, a culvert pipe shall be furnished by the permittee and of a diameter determined by the Superintendent of Highways and be installed in the ditch by the Highway Department and the low point of the driveway profile shall be at or close to the ditch line. Under no circumstances will existing ditches or gutters be filled without adequate provisions for alternate drainage by the permittee.

3. Culvert pipe shall be of a size adequate to carry the anticipated flow in the ditch as determined by the Department and shall not be smaller than 12 inches inside diameter.

4. The structural material and gauge of the driveway pipe shall be adequate to withstand the loads from the anticipated vehicular traffic across the driveway. The length of the culvert shall be determined as the sum of the width of the driveway at the ditch line and the length needed to accommodate a sideslope of one vertical to three horizontal from the driveway to the ditch.

(k) Effective Date

This local law shall become effective May 1, 1977 and upon filing of the Law pursuant to Section 27 of the Municipal Home Rule Law of the State of New York.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 2 of 1977 of the (County) of Tioga was duly passed by the Tioga County Legislature on April 11, 1977, in accordance with the applicable provisions of law.

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. of 19 of the (County) (City) (Town) (Village) of was duly passed by the on , 19 , and was (approved)(not disapproved)(repassed after disapproval) by the on and was deemed duly adopted on , 19 , in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. of 19 of the (County)(City)(Town)(Village) of was duly passed by the on , 19 , and was (approved)(not disapproved)(repassed after disapproval) by the on , 19 . Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on , 19 , in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. of 19 of the (County)(City)(Town)(Village) of was duly passed by the on , 19 , and was (approved)(not disapproved)(repassed after disapproval) by the on , 19 . Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of , 19 , in accordance with the applicable provisions of law.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. of 19 of the City of having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on , 19 , become operative.

*Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairman of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19 _____ of the County of _____, State of New York, having been submitted to the electors at the General Election of November _____, 19 _____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and of a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1, above.

Clerk of the County legislative body, City, Town or Village Clerk or officer designated by local legislative body

(Seal)

Date:

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized Attorney of locality.)

State of New York

County of Tioga

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Signature

Title

County of Tioga

City

Town

Village

Date: