

Chapter 106

STREETS AND SIDEWALKS

[HISTORY: Adopted by the Town Board of the Town of Canadice as indicated in article histories. Amendments noted where applicable.]

ARTICLE I

Notification of Defects

[Adopted 7-11-1989 by L.L. No. 2-1989]

§ 106-1. Notification required.

- A. No civil action shall be maintained against the Town of Canadice or the Town Superintendent of Highways or against any improvement district in the town for damages or injuries to person or property (including those arising from the operation of snowmobiles) sustained by reason of any highway, bridge, culvert, highway marking, sign or device or any other property owned, operated or maintained by any improvement district therein being defective, out of repair, unsafe, dangerous or obstructed unless written notice of such defective, unsafe, dangerous or obstructed condition of such highway, bridge, culvert, highway marking, sign or device or any other property owned, operated or maintained by any improvement district was actually given to the Town Clerk or the Town Superintendent of Highways and there was thereafter a failure or neglect within a reasonable time to repair or remove the defect, danger or obstruction complained of; and no such action shall be maintained for damages or injuries to persons or property sustained solely in consequence of the existence of snow or ice upon any highway, bridge, culvert or any other property owned by the town or any property owned by any improvement district in the town unless written notice thereof, specifying the particular place, was actually given to the Town Clerk or the Town Superintendent of Highways and there was a failure or neglect to cause such snow or ice to be removed or to make the place otherwise reasonably safe within a reasonable time after the receipt of such notice.
- B. No civil action will be maintained against the town and/or the Town Superintendent of Highways for damages or injuries to person or property sustained by reason of any defect in the sidewalks of the town or in consequence of the existence of snow or ice upon any of its sidewalks, unless such sidewalks have been constructed or are maintained by the town or the Town Superintendent of Highways pursuant to statute; nor shall any action be maintained for damages or injuries to person or property sustained by reason of such defect or in consequence of such existence of snow or ice unless written notice thereof, specifying the particular place, was actually given to the Town Clerk or to the Town Superintendent of Highways and there was a failure or neglect to cause such defect to be remedied, such snow or ice to be removed or to make the place otherwise reasonably safe within a reasonable time after the receipt of such notice.

§ 106-2. Notification of Clerk. [Amended 9-9-1996 by L.L. No. 3-1996]

The Town Superintendent of Highways shall transmit, in writing, to the Town Clerk, within 10 days after receipt thereof, all written notices received by him pursuant to this article, and he shall take any and all corrective action with respect thereto as soon as possible.

§ 106-3. Recordkeeping. [Amended 9-9-1996 by L.L. No. 3-1996]

The Town Clerk shall keep an accurate record of all written notices which the Town Clerk shall receive of the existence of a defective, unsafe, dangerous or obstructed condition in or upon or an accumulation of ice and snow upon any town highway, bridge, culvert or sidewalk or any other property owned by the town or by any improvement district in the town. The Town Clerk, upon receipt of such written notice, shall immediately and in writing notify the Town Superintendent of Highways of the receipt of such notice. All such written notices shall be indexed according to the location of the alleged defective, unsafe, dangerous or obstructed condition or the location of the accumulated snow or ice.

§ 106-4. Construal of provisions.

- A. Nothing contained in this article shall be held to repeal or modify or waive any existing requirement or statute of limitations but, on the contrary, shall be held to be additional requirements to the rights to maintain such action.
- B. Nothing contained herein shall be held to modify any existing rule of law relative to the question of contributory negligence nor to impose upon the town, its officers and employees and/or any of its improvement districts any greater duty or obligation than that it shall keep its streets, sidewalks and public places in a reasonably safe condition for public use and travel.

ARTICLE II

Injuries to Highways

[Adopted 10-13-1997 by L.L. No. 7-1997]

§ 106-5. Title.

This article shall be known as an article "Establishing Criteria For Injuries To Town of Canadice Highways."

§ 106-6. Legislative intent.

The purpose of this article is to establish what constitutes an injury to a Town of Canadice highway and to establish the consequences for causing such injuries.

§ 106-7. Applicability.

This article, as set forth in Highway Law Article 11, § 320, shall be applicable to all Town of Canadice highways and shall be in effect indefinitely or until modified or repealed by the Town Board of the Town of Canadice.

§ 106-8. Criteria for injuries to highways; erosion control.

- A. Whoever shall injure any Town of Canadice highway or bridge, maintained at the public expense, by obstructing or diverting any creek, watercourse or sluice, or by dragging logs or timber on its surface or by drawing or propelling over the same a load of such weight as to injure or destroy the culverts or bridges along the same, or of such weight that will destroy, break or injure the surface of any improved Town of Canadice highway, or by any other act, or shall injure, deface or destroy any milestone or guidepost erected on any Town of Canadice highway, shall for every such offense forfeit treble damages.
- B. It is the landowner's responsibility to control erosion that causes injuries to highways resulting from land development activities or from a private driveway. The landowner shall implement appropriate erosion control measures during installation of a driveway and shall maintain said measures for the duration of the driveway's existence. The landowner shall be liable for damages that occur to town streets or street rights-of-way. Construction debris that enters the street or street right-of-way shall be removed on a daily basis during construction. Driveway material that washes out into the street or street right-of-way after the driveway is constructed shall immediately be removed by the landowner upon notification and approval of the Highway Superintendent. Repeated washouts to the street or street right-of-way shall require that the landowner reconstruct the driveway to mitigate the problem. [Added 7-9-2001 by L.L. No. 2-2001]

ARTICLE III

Standards for Low-Volume Rural Roads [Adopted 9-29-1998 by L.L. No. 2-1998]

§ 106-9. Purpose.

Purpose. The Town of Canadice hereby enacts this article for the purpose of reducing the cost of maintaining and rehabilitating low-volume rural town roads while providing that such roads when used in a manner consistent with the road classification will be safe for the users thereof. While there are generally accepted standards for the design, maintenance and rehabilitation of high-volume roads, there are no such comparable standards for roads over which a relatively low volume of traffic passes. In the event that there can be a savings in the cost of maintaining or rehabilitating a road that has relatively few vehicles traveling over it, the money saved could be spent on more intense maintenance of roads over which travel is greater. The result could be greater overall safety for the general public. Since the town resources to be expended for highways is limited, it is incumbent upon the town to utilize such limited resources in a manner which targets expenditures on the most heavily traveled roads. It is for such purposes that this article is enacted.

§ 106-10. Findings.

In 1986 the New York State Legislature created the Local Road Classification Task Force (Chapter 702 of the Laws of 1986¹). Such Task Force was charged with developing alternative guidelines for classifying town and county roads in rural areas according to principal uses and traffic volume. The Task Force consisted of the Commissioner of Transportation or his designee, the Dean of the College of Agriculture and Life Sciences of

1. Editor's Note: See Highway Law § 10.

Cornell University or his designee, four rural town highway superintendents, three rural county highway superintendents and three rural business people. Such Task Force, after considerable discussions and upon hearing many experts, prepared local road classification guidelines and issued a report in December of 1988. In December of 1989, the Task Force issued A Manual: Guidelines For Rural Town and County Roads to facilitate the use of the local classification by local officials. In July of 1990, the Legislative Commission on Rural Resources worked with the Senate, Assembly, State Department of Transportation and the Governor's office to establish a New York State Local Roads Research and Coordination Council (see Article 16-B of the Executive Law and Chapters 565 And 652 of the Laws of 1990). The Council was empowered to work with the Department of Transportation to:

- A. Promote the training of municipal officials and employees to encourage the utilization of innovative and cost-cutting procedures as well as more efficient highway maintenance and consolidation methods.
- B. Encourage the coordination of local road maintenance and storage facilities.
- C. Encourage towns and counties to contract with each other for the maintenance of local roads and bridges.
- D. Develop a minimum-maintenance road classification addressing repair and service standards for low-volume rural roads, as well as procedures to be followed by local governments for designing minimum-maintenance roads within their communities. Accordingly, the Council revised the 1989 Local Roads Classification Task Force Report and published it for use by rural towns and county governments December 30, 1992.

§ 106-11. Classification of roads.

The Town Superintendent of Highways, in the event that he (or she) finds it to be in the best interests of the town, may classify one or more roads or portions thereof as one of the following types of roads: low-volume collector; residential access; farm access; resource/industrial access, agricultural land access; recreational land access; or minimum maintenance road. However, no road shall be finally determined to be a minimum-maintenance road until so designated by the Town Board by local law. The classification of any road or designated portion thereof shall be consistent with the definitions of such type of road as set forth in § 106-18 of this article. Upon the classification of any road or portion thereof by the Town Superintendent, such designation shall be filed in the office of the Town Clerk and a copy shall be presented to each member of the Town Board by the Town Clerk within 10 days of such filing. Such designation shall be accompanied by a finding by the Town Superintendent which shall contain the information upon which the Highway Superintendent relied when designating such road or portion thereof. The Town Board may at a Town Board meeting following the filing of such designation adopt a resolution accepting such designation, except that the designation of a minimum-maintenance road shall be by local law, as provided in § 106-12 of this article. Upon the adoption of such resolution, the road or portion thereof shall be classified as determined by the town highway superintendent and such town highway superintendent shall take into consideration the guidelines for maintaining such road or portion thereof as set forth in § 106-18 of this article.

§ 106-12. Designation as minimum-maintenance road.

Notwithstanding the provisions of § 106-11 of this article, no road or portion thereof shall be designated as a minimum-maintenance road except after following the procedure set forth in §§ 106-12 through 106-14, inclusive.

- A. The Town Superintendent of Highways shall submit to the Town Board a recommendation that a road or portion thereof should be designated as a minimum-maintenance road. No road or portion thereof shall be recommended as a minimum-maintenance road by the Town Superintendent of Highways unless the traffic volume is less than 50 vehicles per day, as determined by the Town Superintendent of Highways, and such road or portion thereof is an agricultural land access road or a recreational land access road, and that such road or portion thereof does not provide farm centers of operation and/or year-round residences with principal motor vehicle access to goods and services necessary for the effective support of such farms and/or year-round residences.
- B. The town, upon the approval of such recommendation, shall, by local law, designate such road or portion thereof as a minimum-maintenance road.
- C. At least 10 days before the public hearing on such local law, written notice of such hearing shall be served by certified mail upon every owner of real property, as determined by the latest completed assessment roll, abutting such road or portion thereof to be designated a minimum-maintenance road.
- D. No local law designating a minimum-maintenance road shall be effective until signs pursuant to §§ 106-14 and 106-19 of this article are first posted advising the public that such road is a minimum-maintenance road.
- E. No road or portion thereof, once designated a minimum-maintenance road shall be determined to have been abandoned pursuant to the provisions of Subdivision 1 of § 205 of the Highway Law until at least six years have elapsed since the termination of the designation of said road or portion thereof as a minimum-maintenance road.
- F. Issuance of findings.
 - (1) Prior to any public hearing relating to the adoption of a local law designating a low-volume road or portion thereof as a minimum-maintenance road, the Town Board shall issue findings that such road or portion thereof should be designated a minimum-maintenance road. Such findings shall include but not be limited to:
 - (a) The volume and type of motor vehicle traffic on such road.
 - (b) A determination that the property owners of land abutting the road shall continue to have reasonable access to their property.
 - (c) A determination that the users of the road or portion thereof traveling at a reasonable and prudent speed, under the circumstances, shall not be placed in a hazardous situation.
 - (d) A determination that such road or portion thereof does not constitute a farm access as defined pursuant to § 106-18 of this article.

- (e) A determination that such road or portion thereof does not constitute access to a year-round residence.
- (2) Such findings shall be on file in the office of the Town Clerk and be available for public inspection for at least 60 days before the public hearing on the local law.

§ 106-13. School Board and Planning Board review.

A copy of the findings in § 106-12 shall also be sent to the Board of Education of the central school and Town and County Planning Boards in which each road or road segment is located. Such School Board and Planning Boards shall review the findings and, within 45 days, file with the Town Clerk a resolution recommending such road designation or, in the event that such designation is not recommended, the School Board or Planning Board shall set forth in a resolution the reasons for not recommending such designation. The Town Board may, by resolution, accept, accept in part or reject the recommendations of either the School Board or Town Planning Board or County Planning Board prior to any vote upon the proposed local law. In the event that the School Board, County Planning Board or Town Planning Board takes no action upon the findings issued by the Town Board, the Town Board shall consider such inaction as a recommendation for the proposed minimum maintenance designation.

§ 106-14. Posting of signs.

Appropriate signs shall be placed on a minimum-maintenance road. Such signs shall notify and advise motorists of the need to exercise caution when traveling such road and shall conform to the Manual of Uniform Traffic Control Devices. Properly posted signs shall be prima facie evidence that adequate notice of a minimum-maintenance road designation has been given to the public.

§ 106-15. Minimum-maintenance practices.

Minimum-maintenance roads shall be maintained in a manner determined by the Town Highway Superintendent to be consistent with the volume and type of traffic traveling on such road. Normal road maintenance practices, such as but not limited to paving, patching, blading, dragging or mowing, may be done less frequently, depending upon the existing condition and use of the road as shall be determined by the Town Superintendent of Highways. The guidelines for the method and manner of maintaining a minimum-maintenance road are set forth in § 106-18 of this article.

§ 106-16. Petition for discontinuance of minimum-maintenance road.

Any person or persons owning or occupying real property abutting a road or portion thereof which has been designated a minimum-maintenance road may petition the Town Board to discontinue the designation of such road or portion thereof as a minimum-maintenance road. Such petition shall be filed with the Clerk of the town. Such petition shall identify the road or portion thereof to be discontinued as a minimum-maintenance road and set forth the reasons for such discontinuance. The Town Board shall hold a public hearing upon such petition within 30 days after its receipt; at least 10 days' public notice shall be given prior to

the conduct of such public hearing. At least 10 days before the public hearing on such petition, written notice of such public hearing shall be served by certified mail upon every owner of real property, as determined by the latest assessment roll abutting such road or portion thereof. In the event that the Town Board, after such public hearing, determines that such road or portion thereof shall continue as a minimum-maintenance road, no petition may be submitted pursuant to this section until the lapse of at least two years from the date of the filing of the petition. In the event that it is determined that such road shall be discontinued as a minimum-maintenance road, the Town Board, by local law, shall discontinue such road or portion thereof as a minimum-maintenance road and such discontinuance shall take place six months after the commencement of the next succeeding fiscal year.

§ 106-17. Discontinuance of minimum-maintenance road by Town Board determination.

Notwithstanding the provisions of § 106-16 of this article, the Town Board may adopt a local law discontinuing such minimum-maintenance road designation in the event it determines such discontinuance to be in the public interest.

§ 106-18. Guidelines for classification, design, maintenance and operation.

The following tables² and accompanying data shall be used as guides by the Town Superintendent of Highways to classify low volume roads in the Town of Canadice and shall be used to enable the Town Superintendent to determine the guidelines he may follow to enable him to determine the manner in which low-volume rural roads may be designed, maintained and operated.

A. Classification descriptions; general guidelines.

- (1) The following classifications have been developed to establish a close relationship between the uses of low-volume roads and their design, maintenance and operation and are hereby adopted by the Town of Canadice. The classifications identify the significant use characteristics, including traffic volumes, vehicle types and seasonal use characteristics, that are present on New York State's low volume roads. Guidelines for design, maintenance and traffic control have been developed that are closely matched to those use characteristics. Such guidelines shall be used by the Town Superintendents of Highways.
- (2) Land use adjacent to the road shall be the basis for classification because it is a convenient and accurate way of identifying the kind of use that a low-volume road serves.
- (3) A low-volume road is a road with zero to 400 vehicles per day.
- (4) Low-volume road classifications in the Town of Canadice. Classifications are as follows:
 - (a) Low-volume collector: collects traffic from any of the other classifications and channels it to higher-level roads, such as arterials and interstates.
 - (b) Residential access: provides access to residences. The traffic volume

2. Editor's Note: Said tables are located at the end of this chapter.

generated depends on the number of residences. All-year access for fire trucks, ambulances and school buses should be provided.

- (c) Farm access: provides access to a farm's center of operations, including the residence. Traffic volume is generally low, but may include occasional heavy trucks and farm equipment.
 - (d) Resource/industrial access: provides access to industrial or mining operations. Traffic volume can vary and can include heavy trucks and significant numbers of employees' cars.
 - (e) Agricultural land access: provides access to farm land. Traffic volumes are low and vary seasonally. These roads should accommodate farm equipment that can be up to 20 feet wide.
 - (f) Recreation land access: provides access to recreational land including seasonal dwellings and parks. Volumes of traffic can vary with the type of recreation facility and season of the year, and may include recreational vehicles.
 - (g) Minimum-maintenance road: a low-volume road or road segment which may be of a seasonal nature, having an average traffic volume of less than 50 vehicles per day, which principally or exclusively provides agricultural or recreational land access. A road or road segment which has been so designated may be maintained at a level which allows such road to remain passable and functional in accordance with standards contained in this section of the guidelines. In no way shall the term "minimum-maintenance" be construed to mean "no maintenance" or "abandonment." Further, such term shall not apply to those roads or road segments which provide farm access as previously defined, or access to an individual year-round residence.
- (5) The guidelines for rehabilitation design shall include three rehabilitation design types. Rehabilitation Design Type A is an all-purpose road on which vehicles can pass without reduction in speed. Rehabilitation Design Type B is an area service two-lane road on which vehicles may have to reduce their speeds to pass. Rehabilitation Design Type C is an area service one-lane road on which either of two passing vehicles must slow, stop or briefly leave the roadway to allow the other to pass.
- (6) Vehicle interaction characteristics shall be considered by the Town Superintendent of Highways as the basis for assigning the design types to the respective classifications. Vehicle size (as determined by the absence or presence of significant truck traffic) and traffic volumes (of either greater or equal to 50 vehicles per day, or less than 50 vehicles per day) are the criteria used. The fifty-vehicle-per-day threshold is used because, at fewer than 50 vehicles per day, vehicle interactions become so infrequent that the effect on vehicle operation is negligible.
- (7) The guidelines to be followed by the Town Superintendent of Highways for

maintenance shall include provisions for a minimum-maintenance that allows a reduced level of maintenance on roads which are used for agricultural or recreational land access.

- (8) The guidelines for traffic control parallel the maintenance guidelines. They may include recommendations for signs on normally maintained roads, and a minimum-maintenance road sign shall be posted at the entrance points to minimum-maintenance roads. The only other signs recommended for minimum-maintenance roads are those mandated by law (for all roads).

B. Surface maintenance. Maintenance shall be as follows:

- (1) Crack sealing: manually pouring hot asphalt, with or without a fiber reinforcement material, into road surface cracks that have first been cleaned of all loose debris, vegetation, etc. The cracks may occur at construction joints, utility cuts or just be random due to the effects of time, weather, loads, etc. Crack sealing has been found to be a very cost-effective measure, because it prevents the entry of water into the base course and subgrade. By blocking the entry of water, crack sealing indirectly strengthens the load-supporting capability of the road.
- (2) Patching and potholes: placement and compaction of asphalt concrete into surface defects, such as potholes, which have first been cut back to sound material and cleaned of loose debris, water, etc. While a certain amount of this work will have to be done on an emergency basis during inclement weather to provide a safe road, expedient patches should be replaced with permanent patches, using proper methods and materials, when conditions are favorable. Extensive patching and potholes is an indication that a pavement has reached the end of its functional life, and the road should be scheduled for rehabilitation, in accordance with the guidelines set forth in this article.
- (3) Surface seals: also known as "chip seals;" this method involves spraying a rapid-setting emulsified asphalt onto the road surface, followed immediately by the placement of a single layer of clean, crushed stone particles. A pneumatic, rubber-tired compactor is used to press the stones into the asphalt before the emulsion sets up. Chip sealing is used where the surface cracking is more extensive, while manual crack sealing is used where the cracking is less extensive. Chip sealing may also be used to enhance skid resistance on a slippery road. Where water entry is prevented by the surface seal, some strengthening of the road will result.
- (4) Thin overlays: while "thin" is a relative term, it is used here to refer to hot-mix or cold-mix overlay having a thickness of 1 1/2 inches or less. This method adds more to the structural capability of the pavement than does a chip seal. However, it performs much the same function as a chip seal, although it can be expected to have a more lasting effect. When a thin overlay is placed on a paved road, it is customary to use a tack coat to promote a bond between the old surface and the overlay. According to the Asphalt Institute, the tack coat should be sprayed from a distributor, allowing adequate time for it to become "tacky" before paving.

Traffic should be kept off the tacked area before paving. They recommend using an SS-1 or a CSS-1 asphalt emulsion diluted 50-50 with water, and applied at a rate of 0.05 to 0.15 gallons per square yard. Application of tack coat at higher rates should be avoided, as this can lead to slippage of the overlay or bleeding and loss of skid resistance on the surface of the overlay.

- (5) Snow removal: snow and ice control are performed to foster safety and to expedite travel during the winter months. Blading of snow is done to remove it from the roadway to prevent the buildup of ice. Abrasives (sand, usually mixed with salt) are used to enhance traffic ability during a storm or immediately afterward, when a thin layer of ice or snow remains on the road. Salt is used to lower the melting temperature of the ice and to diminish the bond of the ice on the road surface.
- (6) Shoulder maintenance: activities may differ depending on whether the shoulder is paved or unpaved. The objective is to keep the surface smooth so that moving vehicles can leave the main roadway safely, and also to ensure that water from the road will move across the shoulder and into the ditch or gutter. It is particularly important to remove the accumulated winter maintenance abrasives from the shoulders to prevent the retention of water near the edge of the pavement.
- (7) Blading: for aggregate roads and unpaved shoulders, blading removes potholes, corrugations and other surface defects, rendering the surface smoother and safer to travel on. Blading is usually preceded by scarification to a depth slightly deeper than the deepest surface defects. Blading should be used to establish a cross-slope of 4% to 6% (1/2 to 3/4 inch per foot) for good drainage and to reduce the development of potholes in the aggregate surface.
- (8) Regraveling: the addition of aggregate materials to reestablish the crown and grade of the road. This activity is commonly done at the same time as blading, but less frequently. The new aggregate is needed periodically to make up for materials that have been lost due to traffic, water erosion, dusting and blading losses.
- (9) Dust palliation: application of water, calcium chloride, sodium chloride (salt), lignin sulfonate or other nontoxic chemicals to bind the surface and prevent loss of dust. Dust loss leads to the gradual erosion of the road surface, reducing its thickness and load-supporting capability. Dust can make summertime travel hazardous when traffic volumes are sufficient to require passing maneuvers. Sometimes the use of dust palliatives will reduce the need for blading and regraveling to a sufficient degree to be highly cost-effective.

C. Roadside maintenance. Maintenance shall be as follows:

- (1) Cleaning: picking up litter and other roadside debris, principally for aesthetic reasons, but also to protect the flow capacity of culverts and ditches.
- (2) Mowing: cutting grass and weeds. This is particularly important near driveways and intersections, to provide a clear line of sight for traffic.

- (3) Brush control: cutting woody shrubs to prevent encroachment onto the right-of-way. This is important to provide adequate sight distance, particularly around the inside of curves, and at driveways and intersections.
- (4) Guiderail maintenance: replacement of damaged, ineffective guiderail. This may also involve use of herbicides to retard the growth of weeds and shrubs in front of and immediately behind the guiderail.
- (5) Drainage: cleaning debris from the inlets and outlets around culverts, and cleaning ditches to maintain flow capacity. When possible, ditches should be cleaned in the late spring of the year, so that vegetation will be quickly reestablished to protect against erosion. At other times, reseeding may be necessary for erosion protection.
- (6) Slope maintenance: remove landslide debris, cut and remove trees from fill slopes, protect against erosion due to runoff from the road surface or ditches and seed slopes to retard erosion.

D. Bridges. Maintenance shall be as follows:

- (1) Bridge maintenance: cleaning of drainage scuppers, lubrication of pins and bearings, painting of beams and railings, cleaning and patching of deck surface defects, removal of winter maintenance abrasive and salt residues, protection of bridge abutments against scour and erosion, inspection of abutments and clearance of the waterway to maintain flow capacity.

E. Signs. Maintenance shall be as follows:

- (1) Sign maintenance: clearance of shrubs and trees obstructing visibility, replacement of damaged signs and verification that signs are used and placed in accordance with the Manual of Uniform Traffic Control Devices (MUTCD).

§ 106-19. Traffic control on rural low-volume and minimum-maintenance roads.

This section lists guidelines for traffic control on rural low-volume and minimum-maintenance roads. It describes methods of traffic control that are cost effective and promote safety.

A. Signs on low-volume roads.

- (1) The Town Superintendent of Highways is authorized in § 1682 of the Vehicle and Traffic Law to decide conditions to which drivers are to be alerted with traffic control devices. It is mandatory to provide signs indicating weight restrictions, low clearances, dead-end roadways, railroad crossings and road closures. These are specified elsewhere in law. On low-volume roads subject to normal maintenance activities, the decision regarding the need for other signs should be based on the principle of positive guidance. In essence, this principle suggests that hazard warnings be provided whenever a driver cannot anticipate a hazard in time to react safely.
- (2) When the Town Superintendent of Highways decides that a condition on a town

road is potentially hazardous, appropriate signage, in conformance with the New York State Manual of Uniform Traffic Control Devices, is to be provided. The New York State Department of Transportation's Traffic Sign Handbook for Low-volume Roads may be helpful in determining the type and location of signs to be used, once the need for a sign has been established.

- (3) Features that are inconsistent with the general driving environment should be identified and analyzed for the possible installation of signs. Identification can be made by driving over the road and noting if a reduction in speed is necessary or if a surprising or unanticipated feature is encountered. Such things as isolated curves or narrow bridges, especially those with limited sight distance, should be evaluated for a surprise factor. Signs at every curve are generally not necessary on low-volume roads, as drivers are cognizant of conditions. Signs should be restricted to those features that the Town Superintendent of Highways determines are inconsistent with the general highway environment and cannot be anticipated early enough for drivers to take appropriate defensive action. Records of all determinations should be made and properly filed for future reference.

B. Signs on designated minimum-maintenance roads.

- (1) Design of road signs. The New York State Department of Transportation has designed signs for minimum-maintenance roads. Such signs notify and advise motorists that reduced levels of maintenance are in effect. These signs are contained in the New York State Manual of Uniform Traffic Control Devices.
- (2) Installation of signs. Minimum-maintenance road signs shall be installed at each end of the minimum-maintenance section and immediately beyond intersections with other public roads. The maximum distance between signs should not exceed two miles. Additional installation conditions are set forth in the manual. Posting of minimum-maintenance road signs will not relieve the town of its responsibility to post other legally required signs such as railroad crossings, dead ends, bridge capacity, low clearance and road closures.