Ordinance C-108-03 is adopted this 1st day of December, 2003 following public hearing.

BOARD OF COUNTY COMMISSIONERS
Island County, Washington
Wm. L. McDowell, Chairman
William J. Byrd, Member
Mike Shelton, Member

Attest:
Elaine Marlow, Clerk of the Board

RESOLUTION #C-121-03/R-40-03 - EMERGENCY LOAD LIMITATIONS ON COUNTY ROADS, THE ISSUANCE OF SPECIAL MOTOR VEHICLE PERMITS TO USE ON WEIGHT RESTRICTED COUNTY ROADS, AND FIXING PENALTIES FOR VIOLATIONS THEREOF

As presented and recommended for approval by Bill Oakes, Public Works Director, the Board by unanimous motion approved Resolution #C-121-03/R-40-03, a Resolution Governing Emergency Load Limitations on County Roads, the Issuance of Special Motor Vehicle Permits to use on Weight Restricted County Roads, and Fixing Penalties for Violations Thereof.

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF ISLAND COUNTY, WASHINGTON

A RESOLUTION GOVERNING EMERGENCY	)	
LOAD LIMITATIONS ON COUNTY ROADS,	)	
THE ISSUANCE OF SPECIAL MOTOR	)	C- 121 -03
VEHICLE PERMITS TO USE ON WEIGHT	)	R- 40 -03
RESTRICTED COUNTY ROADS, AND FIXING	)	
PENALTIES FOR VIOLATIONS THEREOF	)	

WHEREAS, pursuant to RCW 46.44.080, Island County may prohibit or restrict vehicle operations or vehicle weight whenever any county road, by reason of rain, snow, climatic, or other conditions, will be seriously damaged or destroyed unless the operation of vehicles thereon is prohibited or restricted or their permissible weights reduced (such periods hereafter referred to as "load sensitive periods");

WHEREAS, Island County roads are constructed over relatively thin sub-bases, and sometimes directly over natural soil and roads constructed under aforesaid conditions are very vulnerable to rapid breakup during freezing and thawing periods; and

WHEREAS, reduced weights and speed help prevent the early breakup of roads from conditions as cited above; and

WHEREAS, the Board of County Commissioners of Island County, Washington, upon recommendation of the County Engineer, has deemed it advisable to place certain restrictions on various county roads during load sensitive periods to protect such roadways from extensive damage;

NOW, THEREFORE, pursuant to RCW 46.44.080, **BE IT HEREBY ORDERED** by the Board of County Commissioners of Island County, Washington, THAT the following notice be published once in a newspaper of general circulation in the County; THAT the wording and intent of same is a part of this Resolution; and THAT the Island County Engineer is hereby duly instructed and ordered to execute the action implied therein.

NOTICE IS HEREBY DULY GIVEN, that, under the authority of Chapter 36.75.270 and 46.44.080, Revised Code of Washington, all Island County roads subject to damage during periods when inclement natural forces are at work, will be closed to all vehicles exceeding the gross weight indicated for each tire size shown in the following tables (when said roads are posted in accordance with Item 5 below), WITH THE EXCLUSION of passenger vehicles including sedans, station wagons and pickup vehicles not licensed for tonnage, school buses, emergency vehicles, garbage trucks, and trucks transporting perishable commodities, home heating oil, propane, other fuel and buses other than school buses necessary to the health and welfare of local residents. (However, under the provision of this notice, in no case shall the gross load exceed the gross loads as set forth in R.C.W.46.44

WINTER LOAD RESTRICTIONS
(Same as Washington State Department of Transportation Emergency
Load Restrictions, WAC 468-38-080)

Conventional Tires		Tubeless or Special Tires with .5 Marking	
Tire Size	Gross Load Each Tire	Tire Size	Gross Load Each Tire
7.00	1800 lbs.	8-22.5	2250 lbs.
7.50	2250 lbs.	9-22.5	2800 lbs.
8.25	2800 lbs.	10-22.5	3400 lbs.
9.00	3400 lbs.	11-22.5	4000 lbs.
10.00	4000 lbs.	11-24.5	4000 lbs.
11.00	4500 lbs.	12-22.5	4500 lbs.
12.00 or over	4500 lbs.	12-24.5 or over	4500 lbs.

EMERGENCY LOAD RESTRICTIONS
(Same as Washington State Department of Transportation Emergency
Load Restrictions, WAC 468-38-080)

When a rapid surface thawing over a fully frozen road base occurs (i.e., warm rain over frozen ground, or rapidly melting snow), the Emergency Load Restrictions as cited below shall be immediately imposed as directed by the Island County Engineer.

Conventional Tires		Tubeless or Special Tires with .5 Marking	
Tire Size	Gross Load Each Tire	Tire Size	Gross Load Each Tire
7.00	1800 lbs.	8-22.5	1800 lbs.
7.50	1800 lbs.	9-22.5	1900 lbs.
8.25	1900 lbs.	10-22.5	2250 lbs.
9.00	2250 lbs.	11-22.5	2750 lbs.
10.00	2750 lbs.	11-24.5	2750 lbs.
11.00 or over	3000 lbs.	12-22.5 or over	3000 lbs.

1) High pressure pneumatic tires shall have the same rating as set forth in the above tables.

2) No allowance shall be made for any second rear axle that is suspended from the frame of a vehicle independent of the regular driving axle, and commonly known as a "Rigid Trail Axle".

3) The load distribution on any vehicle shall be such that it will not load the tires on said axle in excess of the prescribed load set forth in this order; provided that a truck, truck tractor, passenger bus or school bus having conventional 10.00 x 20 tires, or larger, may carry a maximum load of 10,000 lbs. on the front axle over any county highway placed under Regular Winter Load Restrictions.

4) Should there be evidence that any truck supplying motive power for any type of trailer is inadequate to handle with safety the specific maximum load for such trailer, the load on the trailer shall be reduced sufficiently to allow said truck and trailer to operate with safety. Any loading in excess of the specified maximum load will be considered a violation of this order.

5) Island County roads shall be subject to closure during the effective dates stated below; said closure to be identified by continuous or intermittent posting at such locations upon each road as may be necessary by the Island County Engineer, as conditions require, to protect and maintain the same during each period.

6) Speed limit is 30 miles per hour for all trucks or buses except emergency vehicles, school buses, and passenger carrying vehicles as described above.

SPECIAL PERMITS

Special permits may be issued by the County Engineer, or his representative, for loads in excess of allowable loads stated above, by the following method:

1) Any application shall apply in person to the County Engineer's office or Road Shop Supervisor's office for the applicable district during normal business hours. The applicant must be the vehicle operator, owner, or other responsible party.

2) A permit will be issued only when the applicant has provided all necessary Information.

3) The following will be considered in evaluating the permit application:
   a. number and frequency of trips requested,
   b. other permits granted for the same route,
   c. availability of alternate routes,
   d. climatic conditions,
   e. degree of overload over restricted load limits, and
   f. current road surface condition.

4) If a permit is issued, it must be carried in the vehicle while traveling a County road on which weight restrictions have been imposed.

PENALTY

Any person violating any emergency load limitation on a County road during a load sensitive period shall be in violation of this Resolution. A violation of this Resolution shall constitute a traffic infraction under the provisions of RCW 46.44.105, and RCW 46.44.080, subjecting the violator to the monetary penalties provided in RCW 46.44 and RCW 46.61.

ACTION FOR DAMAGES

Any person operating a motor vehicle upon, across, over any County road in violation of any provision of this Resolution shall be liable under RCW 46.44.110 and RCW 46.44.120 for any damage caused to such County road as the result of such violation.

SEVERABILITY