

§ 17-1. Permit to haul heavy and oversize loads on parish
maintained roads and bridges

(a) No vehicle nor combination of vehicles shall be operated on any road, bridge, or culvert which is maintained exclusively by the parish police jury with a greater weight than 18,000 pounds per single axle, or with a gross weight of 58,000 pounds, or a width or length that exceeds the dimensions established in the state department of transportation and development permit system without a written permit granted by the parish police jury to a party responsible for the project and the freight and equipment going to said project over parish roads.

(b) The parish police jury will issue permits limited to periods one year or less for the transportation over highways and roads of the parish (other than state highways and public roads within the boundaries of an incorporated municipality) of overweight or oversize or over length commodities which cannot be reasonably dismantled.

(c) Any party required to have a permit shall contact the road superintendent or his designee and arrange for a meeting to:

- (1) Complete a permit request "form."
- (2) Identify the individual who shall represent the party in all

matters and

- (3) be available 24 hours a day, seven days a week
- (4) Inspect that portion of the parish road system proposed as the route to/from the parties' project and record the existing conditions of said route.

Upon issuance of said permit the recipient shall be known as the responsible party.

(d) One permit shall be required for each project undertaken at an individual site. The party responsible for developing the project shall be the responsible party (permit holder). All individuals and businesses providing vehicles subject to permitting shall be listed on said permit. The permit shall expire upon completing the project or one year from date of issuance, whichever is first.

(e) The permit or permit number shall at all times be in the immediate possession of the vehicle operator.

(f) No permit will be issued to any party until all fines and jury road repair costs associated with prior permits issued to the responsible party have been paid in full. Additionally, responsible parties found in violation of [section 17-2](#) shall post a security prior to receiving any permit dated within 90 days of the final determination of said violation. The security shall be valid when the permit is issued and shall remain valid through the warranty period and acceptance of the work by the road superintendent or his designee.

(g) Should any provision of the section be declared invalid, such shall not invalidate or affect the remaining provisions hereof.

(h) The act of hauling loads over parish roads without first obtaining or having in immediate possession a permit or the authorized permit number, shall be a misdemeanor and punishable by a fine of \$250.00 on the occasion of the first offense and \$500.00 on the occasion of the second offense. On the occasion of the third offense of operating without a permit or authorized permit number, the fine shall be \$500.00 and the right to obtain a permit shall be forfeited for 90 days from the date of the final determination that an offense did occur unless a security is posted in accordance with this section and [section 17-2](#). Fines and penalties are the responsibility of the responsible party (permit holder).

(i) Any violation of the permit requirements shall be a misdemeanor and punishable by a fine of up to \$500.00 and 30 days in the parish jail. Fines, penalties, and punishments are the responsibility of the responsible party (permit holder).

Article I. In General

§ 17-2. Excessive damage to roads by motor vehicles

(a) At any time excessive damage is caused to any parish road by the use of motor vehicles or equipment belonging to or under the direction of any responsible party which is beyond the ordinary and normal usage of such roads, such parties shall at their own expense, repair or restore the portion of any road so damaged to a passable condition. It is the express intent of the parish police jury that the parish road department be a last provider of said repair and restoration work.

(b) The stated policy in subsection (a) of this section shall be implemented and placed into effect as to all responsible parties who make extensive use of the

parish roads for the purpose of any type construction, development, or industrial projects, including but not limited to the drilling of oil or gas wells, large construction projects, removal of timber or any other type natural resources in the following manner:

(1) *Impassable roads; emergency, temporary and priority repairs.* In the event that a portion of a parish road being used by a responsible party becomes impassable by virtue of such usage then:

a. The responsible party shall immediately give express notice to the road superintendent or his designee and said notice shall include as a minimum the following information:

1. Road name.
2. Permit number.
3. Nature and location of damages or defects.
4. Method and type of repairs.
5. Estimated date of completion.

The proposed repair techniques and completion date will be acceptable unless modified by the road superintendent or designee via express mail within two working days of receiving the responsible party's notice.

b. If the road superintendent or his designee determines that a portion of the parish road being used by a responsible party becomes impassable and an express notice has not been received from the responsible party using the road then the superintendent or his designee will send an express notice containing the information indicated in subsection (b)(1)a of this section. If the responsible party consistently relies upon the road department to identify impassable roads and notify all parties instead of proactively doing such work itself then the police jury may impose fees to cover the cost of such work.

c. The responsible party shall commence repairs within five calendar days of issuing or receiving express notice described in subsections (b)(1)a and b of this section. Said repairs shall be performed in a good, diligent, workmanlike manner until completed.

d. In the event the parish police jury president declares the road repairs to be an emergency the responsible party shall commence repairs within 24 hours of said declaration

and subsequent notice to the responsible party. Said repair work shall then be completed in a good, workmanlike, diligent manner consistent with the declared emergency.

e. Upon completing the repairs the responsible party shall immediately give express notice that the work has been completed in accordance with the previous express notices and that an inspection of the work is requested. The parish road superintendent or his designee shall then have two working days to accept or reject the work. If an express notice rejecting the work is not sent from the superintendent or his designee within the allowable time then the repair work will be considered accepted.

f. In the event the responsible party fails to commence repairs in accordance with subsections (b)(1)c and d of this section the following shall apply:

1. The road superintendent or his designee shall give express notice to the responsible party advising the following:

(i) The repairs identified in the first letter of notice have not been commenced.

(ii) If the repairs are not commenced within five days of this second notice, (24 hours if an emergency) then the responsible party is in violation of this section.

(iii) That if the responsible party does not commence the road repairs as required within five days of this second notice (24 hours if an emergency), the responsible party will be denied future road use permits unless a bond or other acceptable security is provided in accordance with this section for those who are determined violators of this section.

(iv) That if the responsible party does not commence the road repairs within five calendar days of this second notice (24 hours in an emergency) the parish police jury may make the needed repairs and shall seek reimbursement for all costs of the repairs including overhead. The invoice for said costs shall be paid within 30 days of receipt by the responsible party.

(v) That if the responsible party does not commence making the road repairs as required within five calendar days of this second notice (24 hours if an emergency), the responsible party will be fined the sum of \$500.00 for each violation.

(vi) The responsible party has a right to a hearing before the road committee of the parish police jury by requesting same through its secretary within five calendar days of this second notice to dispute being held in violation of this section.

2. If after the second notice, the responsible party again fails to commence the required repairs to the impassable road, then a violation of this section is deemed to have occurred and the road department may commence with, the repairs. The responsible party has a right to an appeal before the police jury to dispute a violation of this section by requesting same through its secretary within 14 calendar days of the second notice.

(vii) The responsible party has a right to a hearing before the road committee of the parish police jury by requesting same through its secretary within five calendar days of this second notice to dispute being held in violation of this section.

If after the second notice, the responsible party again fails to commence the required repairs to the impassable road, then a violation of this section is deemed to have occurred and the road department may commence with, the repairs. The responsible party has a right to an appeal before the police jury to dispute a violation of this section by requesting same through its secretary within 14 calendar days of the second notice.

(2) Permanent restoration of road.

a. Upon completing the project the responsible party shall give express notice to the parish road superintendent or his designee that the project is complete and an inspection of the road used by the responsible party is requested.

b. Within ten working days of receiving the express notice the responsible party and the parish road superintendent or his designee shall meet to determine what damage, if any, was caused by the responsible party's use of said road and what restoration work is necessitated by such use to restore the road as much as practicable to its condition at the time the permit was issued.

c. Subsequent to the meeting described in subsection (b)(2)b of this section, the responsible party and road superintendent or his designee shall follow the procedures established in subsection (b)(1)a of this section for the road restoration work.

d. If the responsible party fails to immediately initiate the express notice required in subsection (b)(1)a of this section then the road superintendent or his designee will issue express notice to the responsible party containing the information described in subsection (b)(1)a of this section.

e. The responsible party shall commence the restoration work within 14 calendar days, or 24 hours if an emergency as described in subsection (b)(1) a of this section, from issuing or receiving express notice as described in (b) (2) c and d of this section. Said work shall be performed in a good, diligent workmanlike manner until completed.

f. Acceptance of the completed work shall follow the procedure described in subsection (b)(2)e of this section.

g. A 180-day warranty on the restoration work will commence upon acceptance of said work by the road superintendent or his designee as described in subsection (b)(2)f of this section. If no restoration work is performed then the warranty shall be for the repair work performed in subsection (b)(1) of this section.

h. Thirty days prior to the expiration of the 180-day warranty the responsible party shall give express notice to the road superintendent or his designee that the restoration work is in good condition and a final inspection is requested. The parish representative will then have ten working days to send express notice of rejection to the responsible party or said work will be deemed acceptable.

i. Any work rejected by the road superintendent or his designee shall be repaired or restored in accordance with subsection (b)(1) of this section.

j. Upon acceptance of said work by the road superintendent or his designee the responsible party will be released from additional road repair/restoration work associated with the use of roads while constructing the project.

k. In the event the responsible party fail to commence repairs/restoration within the time allowed in subsection (b)(2)e of this section then the procedures described in subsection (b)(1)f.1 and 2 of this section shall be followed.

(3) Contractors; violation; security; shared responsibility.

a. The repair or restoration work described in subsection (b)(1) or (2) of this section may be provided by the responsible party's own employees, contractors or other entity/individuals acceptable to the police jury.

b. Any responsible party receiving a final finding that they are in violation of any provision of this section shall be guilty of a misdemeanor.

c. The security shall be in an amount equal to 50 percent of the permitted mile road

value to guarantee the payment of any damages to any road or bridge sustained as a consequence of the transportation authorized by the permit. The per mile road values as of January 1, 2010, are \$300,000.00 for asphalt roads with 12-inch base, \$200,000.00 for other asphalt roads, and \$100,000.00 for all other roads. The per mile road values will be evaluated on an annual basis by the parish road department and adjustments thereto recommended to the jury.

d. Whenever two or more responsible parties share all or part of a road described in their respective permits, all parties shall contribute/share in the cost of any repair and restoration work on a pro rata basis. The determination of respective liability between parties shall be determined by the road superintendent or his designee.

e. Should any provision of this section be declared invalid, such shall not invalidate or affect the remaining provision hereof.

f. Safety devices shall be properly positioned in the road right-of-way by the responsible party immediately upon issuing or receiving a first notice of impassable road conditions and while performing work in said right-of-way. Said safety devices shall be properly maintained in accordance with LA- DOTD standards until all work is completed and accepted by the road superintendent or his designee.

§ 17B-3. Use of parish roads when wet and soft

(a) The use of wet and soft parish roads by heavy and oversize vehicles is strictly prohibited when declared impassable by the parish road superintendent or his designee. Express notice of such conditions shall be given to responsible parties by said superintendent. Said notice shall identify the following:

- (1) Road name and permit number.
- (2) Approximate location of the closure.
- (3) Estimated date of re-opening.
- (4) Alternate route to travel.

(b) This section also prohibits the misuse of parish roads by the owner or operator of other vehicles, such as four-wheel drive vehicles, all terrain vehicles or any other

recreational-type vehicles, when, in the opinion of the parish road superintendent or his designee said misuse is of a malicious or deliberate nature.

(c) Any responsible party or owner/contractor violating the provisions of subsections (a) and (b) of this section shall be guilty of a misdemeanor and shall

be fined in the amount of \$250.00 on the occasion of the first offense and \$500.00 on the occasion of the second offense and all future offenses. In addition, on the occasion of third offense, the violator shall forfeit his permit privileges to use any and all roads in the parish for a period of 90 days from the date of said third offense or be required to post security in accordance with sections 17-1 and 17-2.

(d) Should any provision of this section be declared invalid, such shall not invalidate or affect the remaining provisions hereof.