



WHITE OAK BOROUGH EXCESS MAINTENANCE AGREEMENT

Excess Maintenance agreement (single user) _____

User: _____ of _____

DEFINITIONS:

User means that user who signs and executes this agreement.

Municipality means White Oak Borough acting through their Municipal Officials.

Appurtenance means the property lying within the right-of-way of a highway, together with any improvement placed within this right-of-way.

Bridge means any structure including supports, erected over a depression or an obstruction, such as, but not limited to, water, highway, or railway and having a track or passageway for carrying traffic or other moving loads and having an opening measured along the center of the roadway of more than 8 (eight) feet between supports.

Highway means any highway or bridge on the Municipality's system of highways and bridges, including the entire width between right-of-way lines, over which the Municipality has assumed, or has been legislatively given, jurisdiction.

Excess maintenance means maintenance or restoration or both (but not betterment) of a posted highway (in excess of normal maintenance) caused by use of over-posted-weight vehicles.

Normal maintenance means the usual and typical activities necessary to maintain the roadway, shoulders, drainage facilities, and other appurtenances in the state of repair existing at the date of the inspection.

Over-posted-weight vehicle means a vehicle or combination having a gross weight in excess of a posted weight limit.

Type 1 Permit

A Type 1 Permit is valid only when carried in the over-posted-weight vehicle.

Type 2 Permit

A Type 2 Permit is valid only when conspicuously displayed at the user's place of business.

BACKGROUND:

The **user** in the conduct of its business makes use of portions of municipal **highways** which are under the jurisdiction, maintenance and control of the **municipality**.

Pursuant to the provisions of Section 4902 of the Vehicle Code; Act of June 17, 1976, P.L. 162, as amended, 75 PaCS 4902, the **municipality** has posted gross weight restrictions on portions of these municipal **highways**.

The **user** wishes to move vehicles or combinations, together with loads, in excess of the posted gross weight restrictions over and across portions of these posted municipal **highways**.

The **municipality**, pursuant to 67 Pa. Code, Chapter 189, is willing to permit the movement of **user's** vehicles or combinations, together with loads, in excess of the posted gross weight restrictions, conditioned upon the execution of an approved form of security by the **user** in favor of the **municipality** to cover the cost of **excess maintenance** and restoration necessitated by the movement in accordance with the terms, conditions and provisions herinafter contained in the agreement.

AGREEMENT:

For and in consideration of the mutual promises hereinafter set forth, the parties hereto, intending to be legally bound hereby, agree for themselves and their successors and assigns as follows:

Permission to move vehicles

The **municipality** will permit the **user** to move vehicles or combinations, together with loads, in excess of the posted gross weight restrictions on the portion(s) of municipal **highway(s)** indicated below, subject to all provisions of the Vehicle Code, Act of June 17, 1976 P.L. 162, as amended, (75PaCS) and 67 Pa Code, Chapter 189.

The **municipality** has issued the user a Type _____ Permit to exceed the posted gross weight restrictions on the portions of municipal **highways** identified below:

County	Municipality	Highway	From	To
Allegheny	White Oak Borough	_____		
Allegheny	White Oak Borough	_____		
Allegheny	White Oak Borough	_____		
Allegheny	White Oak Borough	_____		

WHITE OAK BOROUGH

Attest:

Date: _____

Seal

By: _____
President, White Oak Borough Council

USER

Attest:

Date: _____

Seal

By: _____
Name, Title

Wayne N. Washowich
White Oak Borough Planning and Zoning
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