

**Biggs, Sherry**Agenda Item N. 2.**From:** Terri Cowart [tcowart@ptialaska.net]Committee Lands**Sent:** Tuesday, March 11, 2008 6:55 AM**To:** Biggs, SherryPage Number 42**Subject:** 3-4 written comments on 2006-05

Sherry, These are my written comments from the last session. I sent a copy to Milli Martin, but not sure if they ever got to all members. Please give to assembly, if not sure. Thankyou Terry Cowart

3-4-08

To: Millie Martin, Lands Committee, and Kenai Borough Assembly

From: Terry Cowart

Re: 2008-05- Road Standards

Subject: Comments on proposed changes to existing ordinance

The latest version of changes to the roads ordinance is a considerable improvement over 2007-10 and I thank the authors for implementing the changes. One of the areas, which still could use some improvement, is more emphasis on **“road standards as it applies to all permitted activities as opposed to just applications for maintenance.** My comments and rationale are as follows:

**REGARDING: 14.06.070 ROAD CONSTRUCTION STANDARDS-INTRODUCTION**

1. The “introduction” correctly states; this chapter represents standards for all road construction activities in a ROW and that a ROW permit is required per the oversight provisions laid out in KPB 14.40.040. **However, the “.040” should be dropped as the entire chapter is the relevant authority.** Just as important is emphasizing, that the road’s ordinance deals with two main processes; construction in ROW’s and the maintenance certification process. Road construction permits, driveway permits, culvert installations, steam crossings, bridges, seasonal permits and citizen maintenance permits are not always tied to the maintenance application, but may be tied to 14.06 road standards at the discretion of the RSA. **Eliminating the words “applications for maintenance” from several paragraphs noted below will emphasize , that these standards are not just tied to applications for maintenance, but for any construction in a ROW as required in the ROW permit conditions.**

**REGARDING: 14.06.040 SUBDIVISION STANDARDS**

The second sentence partially states: **“All roads within a subdivision.....in effect at the time of application for maintenance in order to be certified for road maintenance”.** These words should be replaced with **“application for a ROW permit”** as it is the ROW permit which starts the construction process and oversees construction to borough standards. It is not mandatory or even necessary to apply for certification until after the ROW permit is closed out or even necessarily in the same year.

**REGARDING: 14.06.050 Application for maintenance, Para B**

This paragraph unnecessarily restricts all applications to a specific time period. There is only one situation, which would force consideration of an application during non winter months. This would be for existing roads, which per 14.06.060, calls for inspections by the RSA to verify that the road meets borough standards. An applicant, who has successfully closed out a ROW permit by constructing the road to standards and received the required inspections, by (for example) October 1, should be allowed to immediately apply for certification and maintenance. A simple correction to “B” would be to state; **“Applications for maintenance of existing roads will only be considered between April 1 and September 1 of each year to allow the RSA to inspect the roads compliance to borough standards.** This also ties directly into Paragraph “D”, which refers only to existing roads and not for new

construction.

**REGARDING: 14.06.060 Certification and Inspections Para “A”**

The process of certification is for **both newly constructed roads and existing roads**. However, inspections during the certification process are only intended or mandated for existing roads requiring verification to borough standards. Inspections for new roads occurs under the ROW permit, so no further inspection is required when applying for road maintenance. **Consequently, it would be helpful to add the words; “new and existing” after the second word, “roads” in paragraph “A” to emphasize the difference before a reading of Paragraph “B”.**

**REGARDING: 14.06.060 Certification and Inspections Para “B”**

The words; “of existing roads” should be added to the first sentence, so that the sentence reads; **“Prior to certification of existing roads, inspections shall be.....”**. Per the reasoning above, inspections only apply to existing roads under this section of the ordinance.

**REGARDING: 14.06.080 Road construction standards—Construction categories Para “C”**

There are several references in the opening paragraph, which include the words; “subject to a maintenance application and in order to be certified for maintenance”, which should be deleted from this paragraph. The category of road and standards of construction applies to any road constructed under the ROW permit guidelines. It seems reasonable, to require any road in a subdivision, regardless of whether it may be maintained presently or sometime in the future by the borough, to be constructed according to the number of lots served, which is per borough standards, In addition, Para “A” in 14.06.60 already states, the necessary requirements to be considered for inclusion into the maintenance program.

**REGARDING: 14.06.110 CATEGORY 1 AND 2 ROADS-Alternate design method-Para”B”**

Paragraph B states; that if an application is denied for maintenance due to failure to apply for a construction permit prior to actual construction, a person may apply the following year. However, there are no conditions set forth under which maintenance would be considered in the following year. **Reapplying at a later date does not change the conditions under which the road was constructed or lessen the risk to the borough for accepting a road not constructed with borough oversight. It would seem logical, that any road constructed without either a ROW permit or RSA approval would force consideration of an application for maintenance under the “existing roads” guidelines established in 14.06.060, Para “B”. A reference could be made in 14.06.110 Para “B” to the .060 guidelines.**