





**GILA COUNTY
DIVISION OF PUBLIC WORKS**

DIVISION POLICY or PROCEDURE

<p>Title:</p> <p align="center">Guidelines to Primitive Roads</p>	<p>Effective Date: 10/7/2003 Revised: 12/14/2004 5/23/2017</p>	<p>Department:</p> <p align="center">Engineering</p>
<p>Purpose:</p> <p>To establish a uniform countywide policy pertaining to the designation and maintenance of "Primitive Roads" per ARS § 28-6706.</p>	<p>Authorized Signature:</p> <p align="center">  _____ Steve Sanders, Director of Public Works </p> <p align="center">  _____ Jefferson R. Dalton Deputy County Attorney, Civil Bureau Chief </p>	

Policy Statement:

To help clarify which County Maintained Roads are designated as Primitive Roads, what guidelines are to be used in selection of these roads, and the signing requirements mandated for such roads.

1. Background:

In the summer of 1993, County Engineers and County Attorneys from around Arizona, along with staff from the County Supervisors Association, met in Payson to discuss a growing concern about maintaining rural roads that were not built to County standards. Those concerns stem from the public safety and liability issues associated with these roadways, which were built prior to Counties in Arizona having subdivision approval authority. In an effort to reduce this exposure, a draft piece of legislation was drawn up and taken to the Arizona Legislature. This bill was submitted in the House of Representatives (H.B. 2257) and passed into law as ARS §18-207.01 in the spring of 1994. It became state law beginning July 17, 1994. Subsequent to this law the statutes regarding transportation were renumbered and the current statute known as ARS § 28-6706 gives the Board of Supervisors for each County the authority to classify public roads within its jurisdiction as "Primitive Roads". Only public roads opened before June 13, 1975, and not built in accordance with County standards can be classified as Primitive Roads. The Statute also requires the County to sign these Primitive Roads in a way that lets the public know that the roads are not maintained on a regularly scheduled basis.

2. Responsibilities:

3. Procedures:

ROAD ELIGIBILITY

Primitive Road classification shall apply to public roads meeting all of the following criteria.

1. Were opened before June 13, 1975.
2. Were not constructed in accordance with County Standards.
3. Are not County or State Highways.
4. Shall have adequate easements dedicated to the public.
5. Shall be in a condition that County forces can blade with minimum cost and risk. The County will not be responsible for damage to private utilities in the roadway.

PREDOMINANT TRAFFIC TYPES:

Dispersed recreation, local access, government, farm or ranch, administrative.

SURFACE TYPES:

Native material or gravel; paved roads are not eligible for Primitive Road designation.

CROSS SECTION CHARACTERISTICS:

1. Does not conform to County standards.
2. May have inconsistent width; however roads must have minimum widths to safely operate equipment for purpose of blading.
3. Surface can vary from native material to rock and gravel. Surface must be in a maintainable state when designated by the County as a Primitive Road.
4. Drainage features typically poor to non-existent. County forces will basically maintain existing roadway conditions.
5. Drainage ditches may be cut as part of the blading maintenance activity.

ARS § 28-6706 - SIGNING REQUIREMENTS:

The County shall place signs that state "Primitive Road, Caution Use at Your Own Risk, This Surface Is Not Regularly Maintained" on roads that are selected by the County for designation as Primitive Road in locations adequate to warn the public.

Any roads chosen that are in residential subdivisions shall have signs posted at the entry to the subdivision. No roads shall be designated primitive without the proper signs being posted.

The minimum allowable warning sign shall be a horizontal rectangle with a size of 30 x 48 inches. It shall have a yellow background with black legend and border. This sign is intended for use on roadways that may have a posted speed in excess of 25 M.P.H.

Warning signs shall be installed within 300 feet or sooner of the beginnings of a designated "Primitive Road".

Warning signs shall be installed at the entrances to subdivisions that have collectors designated as "Primitive Roads". The minimum allowable warning sign shall be a horizontal rectangle with a size of 18 x 24 inches. This sign is intended for use only in subdivisions that may have a posted speed of 25 M.P.H. more or less.

All other signing along Primitive Roads will be in general accordance with the Manual on Uniform Traffic Control Devices.

PRIMITIVE ROADS BLADING MAINTENANCE PROCEDURES:

1. The Regional Roads Manager will be primarily responsible for determining the schedule of blading maintenance for Primitive Roads, according to these Gila County Policy/Procedure Guidelines.

2. Roads that are designated as Primitive Roads will receive blading maintenance, at a schedule not to exceed three times per fiscal year. These three bladings will occur throughout the year to take advantage of roadway moisture conditions.

3. All Primitive Roads will be maintained in the general condition they are received at the time of designation. Limited drainage projects may occur on these roads.

4. All driveway culvert cleaning and installation will remain the responsibility of the homeowner.

5. County forces may expend minimal funds, as budget allows, on material to maintain Primitive Roads.

6. Drainage problems that occur will only be addressed as outlined herein.

7. No Primitive Road will be brought up to County Standards using public funds or County forces.

28-7214. EXTINGUISHMENT OF EASEMENTS

If this state or a city, town or county does not own title to a roadway but holds right-of-way easements, the easements may be extinguished by the governing body's resolution.

If Gila County extinguishes an easement within two years after creation and a request for extinguishment comes from owner(s) of easement the owner or owners requesting extinguishment shall reimburse Gila County any and all costs associated with maintenance of said easement from time of acceptance until extinguishment. All requests for extinguishment shall be in writing and directed to the Director of Public Works.

Attachments:

ARS § 28-6706
Primitive Road Designation Application Guidelines
Petition to Establish a Primitive Road

28-6706. Primitive roads

A. The board of supervisors or the governing body of a city or town may designate a public road within its jurisdiction as a primitive road as prescribed in this section.

B. Neither a county, city or town nor its employees are liable for damages or injuries resulting from the use of a primitive road designated under this section except for intentional injuries or gross negligence caused by an employee acting within the scope of the employee's employment.

C. Except as provided in subsection D, the board of supervisors or the governing body of a city or town shall not designate a road as a primitive road unless it was opened before June 13, 1975 and was not constructed in accordance with county standards.

D. The board of supervisors or the governing body of a city or town may designate a road as a primitive road if all of the following apply:

1. The road was opened after June 13, 1975.
2. The road was accepted for maintenance by the board of supervisors or the governing body of a city or town before June 13, 1985.
3. The road was not constructed in accordance with county standards.

E. The county, city or town shall place signs on every road designated as a primitive road in locations adequate to warn the public. These signs shall state "Primitive road, caution, use at your own risk. This surface is not regularly maintained."

F. A board of supervisors or the governing body of a city or town shall not designate a state or county highway as a primitive road.

Exhibit "B"**Primitive Road Designation Application Guidelines**

The following items shall accompany any request by the public to designate a road as a Primitive Road prior to consideration by the Board of Supervisors. These items will be submitted to the Public Works Division for review.

- 1) An application letter and Petition outlining the request for the road to be designated as a County maintained Primitive Road.
- 2) Documentation that the road was opened prior to June 13, 1975.
- 3) A map showing existing location of the road and all properties that it traverses will be provided by Gila County Public Works Division.
- 4) An easement dedicating the roadway to the public shall be signed by all affected property owners on a form provided by Gila County Public Works Division.
- 5) After review of items 1 through 4 above the Public Works Division will prepare a recommendation for action to the Board of Supervisors.

**PETITION
TO ESTABLISH A PRIMITIVE ROAD**

We the undersigned, respectfully petition the Gila County Board of Supervisors to establish a Primitive Road in the county. The beginning of the proposed road is _____ . The end of the proposed road is _____ . The general course and direction of the proposed road is _____ . The Undersigned respectfully request that the Gila County Board of Supervisors accept this petition and act thereon.

DATE	NAME	ADDRESS & TAX PARCEL NO.	RESIDENT OF COUNTY (YES OR NO)	PROPERTY TAXPAYER (YES OR NO)