

POL PW2003

Private Driveway Culvert Maintenance

This policy applies to responsibility for maintenance, repair, and replacement of privately-owned culverts in County rights-of-way of Whatcom County.

POLICY STATEMENT:

Public Works directs maintenance of privately-owned culverts along county roadways to the responsible land-owner.

1. Citizen Requests For Maintenance of Private Culverts:

- a. The Maintenance & Operations (M&O) Division of Public Works will respond in writing to citizen requests of Whatcom County for maintenance of private culverts; and
- b. Written denials of requests for County maintenance of private culverts shall cite Whatcom County Development Standards Chapter 2-Section 205(C)(1) and Chapter 5-Section 508(D)(3) as the basis for the denial, as owners are financially responsible for the post-construction operation, inspection, maintenance, and repair of their respective Storm Water Drainage System (SWDS); and
- c. M&O shall maintain a record of the request and written denial in the appropriate Road File.

2. M&O Determines Culvert Maintenance Required:

- a. If M&O learns of a driveway culvert operating deficiency (“deficiency”), then M&O will make reasonable efforts to contact the property owner to request that the owner correct the deficiency; and.
- b. If following reasonable notice to the owner, the deficiency remains uncorrected and the deficient culvert is causing or will likely cause damage to public property, then the County may perform emergency corrective measures at the culvert owner’s expense pursuant to Whatcom County Development Standards Chapter 2-Section 205(C)(3); and.
- c. M&O is authorized to perform emergency repairs and maintenance to the culvert without prior notice to, or approval from, the Stormwater Drainage System (SWDS) owner, if M&O determines that such repairs are necessary to alleviate an immediate danger to public health, safety, or welfare. Furthermore, if the County performs emergency repairs, the owner(s) at the time that the County identified the existence of the public hazard necessitating emergency repairs, shall be responsible for

reimbursing the County its repair costs that resulted from faulty materials, workmanship, and/or maintenance; and.

- d. In the event that the County determines that the benefit to public property, safety of the traveling public, and/or habitat improvement is substantial, then the County may, at its sole discretion, commit to sharing the costs of the replacement with a private culvert owner to achieve timely public benefit. The level of project participation by the County will be determined by the County Engineer and Public Works Director. Private culvert owners seeking County participation must submit a written request with a completed letter of agreement outlining cost share and maintenance responsibility. See Appendix A.

Whatcom County Public Works Policy – PW2003
Private Driveway Culvert Maintenance

Topic: **Operations**

Effective Date: **10/20/20**

Approved by: **Jon Hutchings, Public Works Director**

Cancels: N/A

See Procedures: N/A

This policy has been reviewed and approved by:



Jon Hutchings
Public Works Director

10/20/20
Date

APPENDIX A

WHATCOM COUNTY PUBLIC WORKS

DRIVEWAY CULVERT MAINTENANCE AGREEMENT

This Driveway Culvert Maintenance Agreement ("Agreement") is made and entered into this ___ day of _____, 20___, between Whatcom County, a municipal corporation, hereinafter referred to as the "COUNTY", and _____, herein after referred to as the "PROPERTY OWNER(S)".

WHEREAS, the PROPERTY OWNER(S) hereto warrant that they own the parcels of property listed and described on Exhibit "A" attached hereto and incorporated by this reference;

WHEREAS, the PROPERTY OWNER(S) hereto request that the COUNTY install or replace a private driveway culvert to connect their common private property to the Whatcom County maintained county road; and

WHEREAS, the PROPERTY OWNER(S) are financially responsible for the post-construction operation, inspection, maintenance, and repair of their respective Storm Water Drainage System (SWDS) as per the Whatcom County Development Standards; Chapter 2-Section 205(C)(1) and Chapter 5-Section 508(D)(3).

WHEREAS, in the case of any conflict between the language contained in this agreement and the Whatcom County Public Works Policy – Driveway Culvert Maintenance ("the Policy"), the Policy shall control;

IN CONSIDERATION OF THE MUTUAL COVENANTS AND PROMISES CONTAINED HEREIN, THE PARTIES HERETO AGREE AS FOLLOWS:

1. That the cost of installation, maintenance, and repair of the driveway culvert is normally the sole responsibility of the PROPERTY OWNER(S).
2. That the COUNTY has determined that for purposes of this Agreement the benefit to the road, traveling public, and/or habitat is significant.
3. That the COUNTY, at its discretion, has committed to sharing the cost of the replacement. The level of participation by the COUNTY, as more fully and definitively described in Exhibit "B". Furthermore, upon completion, all on-going maintenance responsibilities will revert back to PROPERTY OWNER(S).
4. That all parties hereto expressly agree and understand that Whatcom County has no responsibility for the future repair and/or maintenance of said private driveway culvert.

WHATCOM COUNTY PUBLIC WORKS

IN WITNESS WHEREOF, the parties hereto have executed this Agreement the date first above written.

PROPERTY OWNER(S)

STATE OF WASHINGTON)
) ss.
COUNTY OF _____)

On this ____ day of _____, 20__, before me personally appeared _____, to me known to be the PROPERTY OWNER(S) and who executed the above instrument and who acknowledged to me the act of signing and sealing thereof.

NOTARY PUBLIC in and for the State of
Washington, residing at _____.
My commission expires _____.

WHATCOM COUNTY:

Jon Hutchings, Public Works Director Date

James P. Karcher, Whatcom County Engineer Date

Approved as to form:

Christopher Quinn Date
Senior Civil Deputy Prosecuting Attorney

WHATCOM COUNTY PUBLIC WORKS

EXHIBIT "A"

PARTIES AND THEIR RESPECTIVE PROPERTY DESCRIPTIONS

Property Owner(s):

Property Address:

Property Legal Description:

WHATCOM COUNTY PUBLIC WORKS

EXHIBIT "B"

| <u>MATERIAL</u> | <u>QUANTITY</u> | <u>COST</u> | <u>RESPONSIBLE PARTY</u> |
|-----------------|-----------------|-------------|--------------------------|
| _____ | _____ | \$ _____ | _____ |
| _____ | _____ | \$ _____ | _____ |
| _____ | _____ | \$ _____ | _____ |
| _____ | _____ | \$ _____ | _____ |
| _____ | _____ | \$ _____ | _____ |
| _____ | _____ | \$ _____ | _____ |
| <u>PERMITS</u> | | | |
| _____ | | \$ _____ | _____ |
| _____ | | \$ _____ | _____ |
| _____ | | \$ _____ | _____ |

PROJECT TIMELINE

_____ estimated days for completion