

## ROAD USE AGREEMENTS

- “Agreements” are voluntary: a corporation refusing to sign one suffers no consequences and is not restrained by any other (state or county) law in its use of specific routes, seasons/hours of operation or obligations to repair damage
  - “agreements” are *contracts*, so violations are civil matters that can only be enforced through lawsuits brought by the Town
  - “agreements” don’t have to be enforced, so a town board more committed to gas corporation interests than to the welfare of its residents will say it’s too expensive to bring a lawsuit to enforce an agreement
  - Gas corporations can create, change or shed corporate forms at will to avoid contract obligations

## ROAD IMPACTS DUE TO MARCELLUS SHALE DRILLING\* (initial fracking only)\*\*

Your town here High-volume Hydrofracked wells (HVHF) <i>Marcellus only</i> )	Build-out on currently- leased land (estimate your town’s leasing)	Total possible Build- out In <u>your town</u> (sq. miles from Wikipedia)
Marcellus drilling units <sup>1</sup>		
HVHF wells <sup>1</sup>		
TruckTrips: <sup>2</sup> set- up and drilling equipment	roundtrips	roundtrips
TruckTrips: <sup>2</sup> Hydrofracking water, sand, chemicals	roundtrips	roundtrips
TruckTrips: <sup>2</sup> toxic waste flowback “disposal”	roundtrips	roundtrips

AVERAGE FIGURES FOR RANGES FOUND IN  
draft Supplemental Generic Environmental Impact  
Statement (dSGEIS)

<http://www.dec.ny.gov/energy/58440.html>

<sup>1</sup> 1 unit/sq mi ; 7 wells per unit ( dSGEIS p 5 -20)

<sup>2</sup> 350 equipment trips per well  
500 hydrofracking trips per well  
250 wastewater haul trips per well  
(dSGEIS p 6-138)

\*similar, *additional* impacts apply to other gas shales,  
and exploitation of gas-bearing sandstones is likely.

\*\* NYSDOT assumes HVHF shale wells will be  
refracked every five years (on average), requiring  
another 750 truck trips per well.

## ROAD USE LAWS

- “Laws” are not voluntary, apply to all gas companies equally
  - “Laws” are enforced by the police, so violations of a law requires no expensive action on the part of the Town or its residents
  - “Laws” carry criminal as well as civil penalties: not so easy to for corporate managers to evade
  - Violations of “laws” are prosecuted by the county District Attorney’s Office, which has the staff and funding to prosecute lawbreakers of all kinds.
  - (your organization) believes our Town has the *obligation* to pass laws to protect the interests of all its residents, and not to reduce itself to “negotiating” with profit maximizing multi-national corporations

## **What concerns does the Dept. of Transport (NYSDOT) have about road damage and access?\***

- Drillers have common requirements (gravel for pads, water/sand/ chemicals used in fracking, equipment, toxic waste disposal) that concentrate traffic on certain state routes
- Overlapping/sequencing activities on a “string” of wells on a particular town road will concentrate impacts “downstream” on state roads, arterial links to interstates including major bridges
  - Rule-of-thumb: “pavement structural damage by the passage of a single large truck is equivalent to that done by about 9000 automobiles.”
  - Increased “storage” for turning large trucks at intersections
  - Truck traffic will pass through bottlenecks in the road system on a 24-hour basis
  - “NY ranks near the bottom of the 50 states on bridge and pavement conditions.”

## **And how is the Department of Transport (NYSDOT) prepared for the impacts of gas drilling?\***

- “NYSDOT and local governments currently lack the authority and resources necessary to mitigate such problems.”
- “The DSGEIS...does not address operational impacts on safety or levels of service...resulting from induced development”
- “NYSDOT...lacks the capacity to require mitigation for damage to State roads and for the operational and safety impacts that stem from Marcellus development.”

\*from a leaked document available at <http://www.un-naturalgas.org/NYSDOT%20Transportation%20Impacts%20Paper.pdf>

## **HOW HAVE ROADS ALL OVER “SHALE COUNTRY”: FARED WHEN SUBJECTED TO THE WEIGHT AND FREQUENCY IMPACTS OF SHALE GAS DRILLING AND HIGH VOLUME HYDROFRACKING (HVHF)?**

<http://www.arktimes.com/ArkansasBlog/archives/2011/03/11/gas-industry-we-damage-the-roads-you-pay>

<http://marcellusdrilling.com/2011/05/road-damage-from-gas-drilling-in-wv-overwhelms-highway-department/>

<http://www.edgarsnyder.com/news/auto-accident/marcellus-shale-trucks-damage.html>

<http://arkansasnews.com/2010/08/02/road-damages-caused-by-gas-drillers-irk-county-judges/>

<http://thedailyreview.com/news/officials-expect-more-road-damage-in-bradford-county-1.1096179>

Delta Engineering, the premier NYS developer of Road Use Agreements, says those “agreements” need to be incorporated into local law, and not just become voluntary contracts:

**“Local law is required:**

**-To bring developers that exceed normal wear and tear into a legally binding, accountable process.**

**-To provide an equitable permit process for damage assessment that is fair to industry, the tax-paying public, and municipalities.”**

-NYS Association of Towns  
Binghamton NY  
June 24, 2011

Find your local gas drilling action group at

[www.gasmain.org](http://www.gasmain.org)

# **GAS DRILLING TRUCK TRAFFIC ROAD DAMAGE**



Credit: West Virginia Surface Owners' Rights Organization

## **PROTECT YOUR**

**LOCAL ROAD INFRASTRUCTURE  
ACCESS TO YOUR HOME AND  
BUSINESS**

**SCHOOL BUS SAFETY**

**PROPERTY TAX RATES**

**EMERGENCY SERVICE ACCESS**

**BY PASSING LOCAL  
ROAD USE LAWS**