



Right-of-Way

Does the County need a policy?

- Federal Highway Inspection
- Many landowners farming right-of-way
- Drainage permit issues
 - Possibility of assessing fines

How to Start

- Don't recreate the wheel
- Commissioners & State's Attorney

What should be included?

- Purpose
- General Provisions
- Administration
- Permits

Purpose

- The purpose of this policy is to prohibit encroachments, obstructions, signs, and hay within the right of way. These encroachments and obstructions have negative impacts on the safety and function of roads, ditches, and right of way. In addition, a majority of the Walsh County roads are on the Federal Aid System. Walsh County is responsible for preventing right of way encroachments regarding county road projects funded through the Federal Aid program, pursuant to 23 CFR Part 1.23, Rights of Way, and Part 710 Subpart D, Right of Way, Real Property Management.

General Provisions

- **Title 23 CFR1.27** – requirement to maintain all federally funded highway projects.
- **NDDOT Agreements**
- **N.D.C.C. 24-01-12** Regulation of advertising signs on highways.
- **N.D.C.C. 24-01-12.2** Hay disposal
- **N.D.C.C. 24-05-23** Encroachment upon county roads, ditches, approaches - Liability for damages.
- **N.D.C.C. 24-05-24** County and township road rights of way - Removal of obstructions.
- **N.D.C.C. 24-06-29** Removal of permanent obstructions - Removal of obstructions and traffic safety hazards - Cost.

General Provisions Continued

- **N.D.C.C. 39-10-07.2** Display of unauthorized signs, signals, or markings
- **N.D.C.C. 63-05-01** Landowners or operators along county and township highways to cut weeds and grasses.

Administration

- Marking the Right-of-way
- Inspections
- Notification of Encroachments
- Remediation of Encroachments
- Safety
- Obstructions
- Harvesting Hay
- Unauthorized Signs
- Landowners Responsibilities

Marking the Right of Way

- 4 signs per mile per side of roadway
- Facing traffic
- Place across from each other – easier to see if one is missing
- Send out notices
- Install early in spring or after harvest

Inspecting the Right of Way

- Walsh County currently is not inspecting the right of way but I believe there will come a time that we will start.

Notification & Remediation

- Will be made in writing
- 20-days to remove or correct
- Landowner billed for damages or repairs
- Levied against taxes if not paid

Safety & Obstructions

- When imminent safety threat, County will remove without notification if necessary and will levy cost to taxes.
- Notification to landowner when no safety issue is present.
- Obstructions: signs, landscaping timbers, rocks, pushing snow and other hazards.
- Snow piles: only notified once then County takes care of it and bills landowner.

Harvesting Hay

- Can store for later removal if place at the outer edge of right of way.
- Will remove hay that is in an unsafe location.
- Must be removed by November 1st.

Unauthorized Signs

- NDCC 24-01-12
- Private signs are not authorized in the right of way.
- Signs or billboards cannot be located within 1000 feet of highway grade crossing to obstruct or interfere with free and clear view.
- Signs may be taken down, removed or destroyed if they create a safety hazard.

Landowners to maintain RoW

- NDCC 63-05-01
- Duty of landowners to cut weeds and grasses along county roads.
- County can cause work to be done and bill to landowners taxes.

Permits Needed

- Drainage Permits
- Flowage Easements
- Utility Permits

Contact Information

- Sharon Lipsh, Highway Superintendent
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