



Blaine County
Road Right-of-Way
Management Plan

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Blaine County Administrator's Office
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1. Overview

1.1. Purpose

The purpose of the Blaine County Road Right-of-Way Management Plan (ROW Management Plan) is to establish policies, procedures and guidelines governing the use and management of roadways under the jurisdiction of the Board of Blaine County Commissioners (BCC), based on its responsibility to maintain a roadway system that is reasonably safe and convenient for public travel.

1.2. Authority and Responsibility

Blaine County has jurisdiction over public roadways within Blaine County, except for state and federal roads and streets within the boundaries of the incorporated cities. The BCC has a duty to promote the health, safety, and welfare of the public using County roads. The Blaine County Road and Bridge (R&B) department has been delegated the responsibility to implement the BCC's policies relating to public roadways and enforce the County's ROWs with the assistance of the Blaine County Land Use and Building Services (LUBS) department. This Plan does not supersede or supplant federal, state or local laws and Blaine County retains all its rights and authority under federal, state and local laws. The County, at its discretion, may enforce all or part of the provisions of this ROW Management Plan subject to fiscal constraints, which include R&B revenues and budgets.

1.3. Plan Development, Adoption and Implementation

The BCC has asked the County Administrator to develop a county-wide ROW Management Plan. The County Administrator has established primary and secondary project teams (ref. Appendix - Project Team) to assist with development of the ROW Management Plan. Once the BCC has completed its review, a plan will be adopted by resolution. Once the resolution goes into effect the R&B and LUBS departments will implement the plan.

1.4. Road Right-of-Way Defined

All public roads are located within land which is referred to as road right-of-way. Within a typical ROW, the following public facilities can be commonly found: driving surface, roadside shoulders and barrow areas, public utilities, sidewalks, and traffic signs. Lands within the ROW are reserved for public travel and roadway maintenance and other public facilities and their maintenance. ROW width is established by deed, statute or through the platting process. Generally, private use of the right of way is by permit.

1.5. Establishment of ROWs

County rights of way are established through a variety of different processes, including but not limited to dedication through the subdivision platting process, prescriptive use, express easements and federal grants known as R.S. 2477 roads. Each ROW's width and scope of enforcement will vary depending upon the manner in which the ROW was established. In the absence of evidence establishing a ROW width, County ROWs are 50 feet wide. Once established, the ROW cannot be abandoned or vacated without express action by the BCC.

1.6. References

The following source list is provided for information purposes only and is not an exhaustive list of information available to describe the nature of a public or private ROW. (green denotes hyperlink to these documents)

- [Idaho Code – Title 40 Highways and Bridges](#)
- [Official documents maintained by Land Use and Building Services or the County Recorder’s Office \(plats, surveys, deeds, easements, BCC actions\).](#)
- [ITD Map Book \(as updated annually\)](#)
- [Blaine County Roadway Functional Classification \(February, 2015\)](#)
- [Blaine County Code:](#)
 - [Title 6, Ch. 1: Road & Public Ways and uncodified Appendixes](#)
 - [Appendix A – Road Standards](#)
 - [Appendix B – Public Pathway Construction Standards](#)
 - [Appendix C – Approach Standards](#)
 - [Appendix D – Road Maintenance Standards](#)
 - [Title 7, Ch. 1: County Comprehensive Plan, Transportation Section](#)
 - [Title 9, Ch. 5: Subdivision Design & Improvement Standards related to roads](#)
- [Blaine County Transportation Plan, \(Keller & Associates and Galena Eng. 2012\)](#)
- [Blaine County Community Bicycle and Pedestrian Master Plan \(June, 2014\)](#)
- [Blaine County Geographic Information Systems, Road Information & Land Use Information Layers](#)
- [Blaine County Recreation District Public Pathway Standards](#)
- [Blaine County Road Ordinance 95-6](#)
- [2009 Manual of Uniform Traffic Control Devices](#)
- [Blaine County Road and Bridge Work Plans](#)
- [Blaine County IWorQ Software System](#)
- [2477 Road Inventory & Status Study, \(Blaine County, 1995\)](#)
- [Idaho Hwy. 75, Timmerman to Ketchum Environmental Impact Statement, \(ITD, August, 2008\)](#)
- [Blaine County Public Access Notebook, \(D Thompson, August 1991\)](#)

2. ROW Management Plan

2.1. Scope

This ROW Management Plan applies to all roadside areas under the jurisdiction of the BCC.

2.2. Strategic and Operational Alignment

The ROW Management Plan is consistent with and supports the County's strategic objectives and has been designed to augment and clarify other state and local laws, or other operational documents. Hyperlinks have been created to these other documents for reference.

2.3. Guiding Principles

The BCC has established the following Guiding Principles to help ensure best management of the County's ROW system and resources.

Blaine County shall make all reasonable efforts to:

- Act in the public interest under Blaine County ordinances, Idaho and U.S. statutory and regulatory provisions when determining policy and managing public road and bridge assets.
- Ensure public safety and access on all County roads and bridges in all seasons.
- Make the most effective and efficient use of all available resources to construct, rebuild, repair, maintain and preserve County roads, bridges and culverts.
- Conduct ROW management and enforcement activities in an equitable, timely and consistent manner throughout the County.
- Promote Road & Bridge crew health and safety.
- Promote outreach, education and citizen engagement using various media and methods to keep the public aware of policies and regulations affecting ROW management and enforcement practices.
- Promote mutual respect and cooperation between the travelling public, owners of property adjacent to rights of way and County employees.
- Balance the interests of the County in managing its ROWs with the interests of the travelling public and adjacent property owners.

2.4. Coordination and Cooperation with Other Agencies

In carrying out this Plan, Blaine County will make every effort to inform, involve and coordinate with other political subdivisions and government agencies.

2.5. Budget/Finance

TBD

2.6. Outreach and Education

Community cooperation is key to effective implementation of the ROW Management Plan. In an effort to gain public support for, and understanding and acceptance of the County's ROW management, the County will establish a process for providing public outreach and education regarding the ROW Management Plan on an ongoing basis.

3. Access Management

3.1. Permits

Before proceeding with any activity within a Blaine County ROW, the public or any user must contact the Blaine County Road & Bridge department to verify ROW establishment and width and whether a permit is needed. Before digging—to prevent damage, injury or death—an underground facilities location service must be contacted to locate and mark any buried facilities such as water, gas, electric, and communication lines that may be in the ROW.

Other than for travel purposes, any installation, use or activity within the County ROW is subject to a [review and permit process](#). This review and permit process has been established to help ensure safe travel and access to and from roads in Blaine County and to discourage hazardous activities or installations. The process also regulates activities that may interfere with road maintenance, snow removal, drainage, or future road improvement projects.

Permits will usually not be issued when a reasonable alternative exists outside of the ROW.

3.2. Fees

Fees are set by [resolution](#).

4. Encroachment Management

Encroachments such as fences, rocks/boulders, trees/shrubs, mailboxes, earthworks, underground sprinkler systems, underground utilities/devices or other objects within the ROW can create visual obstructions or hazards to motorists, or interfere with emergency service response, snow removal, road maintenance, drainage and/or public utilities. Objects that are left within an established ROW remain there at the risk of the adjacent property owner. Although the County takes care not to unnecessarily cause damage, the County is not responsible for damage to property within a ROW, including but not limited to damage to fences, mailboxes, trees, grass, sprinklers, bushes, house signs, lights, gardens and poles.

4.1. Prohibited Activities and Installations

Any structural or ornamental object, whether permanent or temporary, placed within the ROW without a permit or other express authorization from Blaine County is subject to immediate removal if it obstructs the free flow of vehicular traffic or presents a safety hazard. Other encroachments within the

ROW will be removed if they are a visual obstruction or a hazard to motorists, or interfere with emergency service response, snow removal, road maintenance, drainage, and/or public utilities. Unless immediate removal is necessary, the County will first seek to have these encroachments removed voluntarily by the adjacent property owner before resorting to legal action. If legal action is required, Idaho law authorizes the County to seek recovery from the adjacent property owners(s) of the costs of removal, engineering and attorney fees.

4.2. Permissible Installations

4.2.1. Mailboxes

Mailboxes are allowed within the ROW with a permit, but must be installed in a manner to minimize any traffic hazard and in accordance with [Blaine County Code: Title 6, Ch. 1: Road & Public Ways and uncodified Appendixes](#). Property owners should consult the local post office for postal standards regarding height and distance from the road. It is suggested, however, that the structure be a single mailbox installed on a single, "break away" post. To minimize the possibility of injury should an errant vehicle strike the structure, mailbox owners must not reinforce or strengthen the post.

4.2.2. Cattle Guards

Cattle guards are allowed within the ROW with a permit in accordance with [Blaine County Code: Title 6, Ch. 1: Road & Public Ways and uncodified Appendixes](#), which permit may require continuing maintenance of the cattle guard by the permittee.

4.2.3. Other

Permissible installations and activities include, but are not limited to: New driveway installations, modifications to existing driveways and drainage structures, driveway resurfacing, private road connections, utility installations, tree/brush removal, and signs.

4.3. Enforcement Procedure

Notification of a ROW encroachment should be forwarded to the R&B Manager for evaluation and investigation. Field measurements, photographs, and other evidence may be collected to establish the nature of the ROW as well as the extent of the encroachment.

If an encroachment effectively obstructs or prevents the use of the ROW or is unsafe for motorist or pedestrian use, the R&B Manager may immediately cause the encroachment to be removed at the adjacent property owner's expense without providing notice.

If immediate removal is not deemed necessary and the encroachment is a visual obstruction, minor hazard to motorists, or interferes with emergency response, snow removal, road maintenance, drainage, and/or public utilities, the adjacent property owner(s) shall be notified (by phone, email, and/or certified mail) of the encroachment and given an opportunity to work with County officials to develop a plan to voluntarily remove the encroachment within a reasonable time.

If the adjacent property owner denies the encroachment, refuses to develop a plan for voluntary removal, or fails to respond to reasonable notice, the County may remove the encroachment or seek legal means to have the encroachment removed at the adjacent property owner's expense as well as additional costs and expenses permitted by law.

4.4. Enforcement Priority

Enforcement of ROW encroachments are generally given the following level of priority:

- Encroachments that effectively obstruct and prevent the use of a ROW (IC § 40-2319)
- Encroachments that cause unsafe road conditions or block emergency responders
- Driver and worker safety
- Drainage issues that cause or are likely to cause road damage or flooding
- Blockage to snow storage in ditch area off edge of pavement/travel way
- Encroachments that prevent or inhibit County road maintenance
- Other factors, such as project funding, construction projects or natural events may result in an enforcement action being taken despite having a low priority. The County reserves the right to enforce ROWs as it sees fit.

4.5. Appeal Process (needs to follow established policy)

Pursuant to [Blaine County Code Section 6-1-18](#), an adjacent property owner may appeal an encroachment notice to the Board of County Commissioners within fifteen (15) days of receiving the encroachment notice from the County.

Appendix (temporary information)

Project Team

Primary Team

- Project Manager – Derek Voss
 - Plan development
 - General framework
 - Strategic alignment
 - Plan implementation
 - Budget and finance
- Road and Bridge – Tom Duffy
 - Encroachment permits
 - ROW management and maintenance
- Legal – Tim Graves
 - Legal review and analysis
- LUBS – Tom Bergin
 - Enforcement
 - Building permits
- GIS – Joel Hall
 - ROW asset list
 - Mapping
- County Engineer – Jeff Loomis
 - Standards
 - Roadway functional classification

Secondary Team

- Weeds (as needed) – John Cenarrusa
- Communications/Outreach/Education (as needed) – Bronwyn Nickel
- Surveying (as needed) – Sam Young