

## **OBSTRUCTIONS IN COUNTY ROADWAY RIGHT-OF-WAY**

Wayne County is joining the Iowa Department of Transportation and local municipalities in working to reduce roadside hazards. Most traffic fatalities occur on rural roads (U.S. Department of Transportation, Federal Highway Administration). Although city streets and state highways carry higher volumes of traffic, more people die, annually, on secondary roads than on any other system. A major factor in this discrepancy is the generally higher traffic speeds and roadside obstructions.

Arguably, the most widespread and dangerous roadside obstruction on Wayne County's roadways is agricultural row cropping, namely corn. Row crops, planted too close to roadways, present a number of dangers to motorists, including obscuring motorists' vision both along the road segment they are travelling, and at intersections with other roadways. Row crops planted too close to a roadway can also limit the motorists' reaction time to wildlife and livestock emerging from a field into the county road right-of-way to avoid a collision.

Iowa Code Chapter 318 (Obstructions in Highway Rights-of-Way) Section 1 (Definitions) states the following:

As used in this chapter, unless the context otherwise requires:

1. "Department" means the state department of transportation.
2. "Highway authority" means the county board of supervisors, in the case of secondary roads, and the department, in the case of primary roads.
3. "Highway right-of-way" means the total area of land, whether reserved by public ownership or easement, that is reserved for the operation and maintenance of a legally established public roadway. This area shall be deemed to consist of two portions, a central traveled way including the shoulders and that remainder on both sides of the road, between the outside shoulder edges and the outer boundaries of the right-of-way.
4. "Obstruction" means an obstacle in the highway right-of-way or an impediment or hindrance which impedes, opposes, or interferes with free passage along the highway right-of-way, not including utility structures installed in accordance with an approved permit.
5. "Officer" means any department employee, county employee, or elected county official.
6. "Traveled portion of the right-of-way" means that area of the highway right-of-way, not including the shoulders, on which vehicles normally travel.
7. "Utility" means all private, public, municipal, or cooperative owned systems for water, sewer, natural gas, electric, telegraph, telephone, transit, pipeline, heating plants, railroads, bridges, street lights, or traffic control signals.
8. "Utility structures" means the aboveground devices, required by a utility, including poles, lines, and wires, used for telephone, electric, natural gas, and other distribution or transmission purposes, and natural gas and electrical substations.

Iowa Code Chapter 318 Section 3 (Obstructions in Highway Right-of-Way) states the following:

A person shall not place, or cause to be placed, an obstruction within any highway right-of-way. This prohibition includes, but is not limited to, the following actions:

1. The excavation, filling, or making of any physical changes to any part of the highway right-of-way, except as provided under section 318.8.
2. The cultivation or growing of crops within the highway right-of-way.
3. The destruction of plants placed within the highway right-of-way.
4. The placing of fences or ditches within the highway right-of-way.
5. The alteration of ditches, water breaks, or drainage tiles within the highway right-of-way.
6. The placement of trash, litter, debris, waste material, manure, rocks, crops or crop residue, brush, vehicles, machinery, or other items within the highway right-of-way.
7. The placement of billboards, signs, or advertising devices within the highway right-of-way.
8. The placement of any red reflector, or any object or other device which shall cause the effect of a red reflector on the highway right-of-way which is visible to passing motorists.

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Furthermore, Iowa Code Chapter 318 Section 5 (Removal and cost) states the following:

1. An obstruction in a highway right-of-way which constitutes an immediate and dangerous hazard shall, without notice or liability in damages, be removed by the highway authority.
2. An obstruction not constituting an immediate and dangerous hazard shall be removed by the highway authority without liability after forty-eight-hour notice served in the same manner in which an original notice is served, or in writing by certified mail, or in any other manner reasonably calculated to apprise the person responsible for the obstruction that the obstruction will be removed at the person's expense. The highway authority shall assess the removal cost.
3. Upon removal of the obstruction, the highway authority may immediately send a statement of the cost to the person responsible for the obstruction. If within ten days after sending the statement the cost is not paid, the highway authority may institute legal proceedings to collect the cost of removal. The removal costs shall be assessed against the following persons, as applicable:
  - a. The vehicle owner in the case of an abandoned vehicle.
  - b. The abutting property owner in the case of a fence, other than a right-of-way line fence, or other temporary obstruction placed within the highway right-of-way by the owner or tenant of the abutting property.
  - c. The owner or person responsible for placement of any other obstruction.
4. All removals shall be without liability on the part of any officer ordering or effecting such removal.

If a landowner, renter, leaser, and/or tenant plants any type of crops, erects any fencing, installs any signs, etc. within county road right-of-way that has been determined by the Wayne County Engineer's Office to cause a safety hazard to the traveling public, Wayne County personnel will remove said obstruction from said right-of-way at the **landowner's expense**. The **landowner's expense will include** the County's cost for personnel wages, necessary equipment, and travel time to remove the obstruction.

As harvest season nears this year and planting season begins next year, please keep in mind the safety of the traveling public. Please refrain from planting any crops within the county road right-of-way so that we can improve the safety of Wayne County residents as well as those visiting Wayne County as they travel our roadways.

Wayne County Board of Supervisors  
Wayne County Office of the County Engineer  
Wayne County Secondary Roads Department  
Wayne County Office of the Sheriff  
Wayne County Office of the County Attorney