



Blaine County Road Right-of-Way Management Plan

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1. General Information

1.1. Purpose

The purpose of the Road Right-of-Way (Right-of-Way) 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, 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, excluding state and federal roads and streets within the boundaries of the incorporated cities. The Board of Blaine County Commissioners has a duty to promote the health, safety, and welfare of the public using County roads. Responsibility for implementing the Board of Blaine County Commissioners policies related to public roadways and enforcing the County's rights-of-way is delegated to the Blaine County Road & Bridge department, with the assistance of the Land Use and Building Services 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 Right-of-Way Management Plan subject to policy and fiscal constraints, including but not limited to Road & Bridge revenues and budgets.

1.3. Scope

This Right-of-Way Management Plan applies to all rights-of-way under the jurisdiction of the Board of Blaine County Commissioners.

1.4. Plan Adoption and Implementation

Upon completion of its review and approval, the Board of Blaine County Commissioners will adopt the Right-of-Way Management Plan by resolution. Upon adoption, the Road & Bridge and Land Use & Building Services departments will be responsible to implement the Right-of-Way Management Plan.

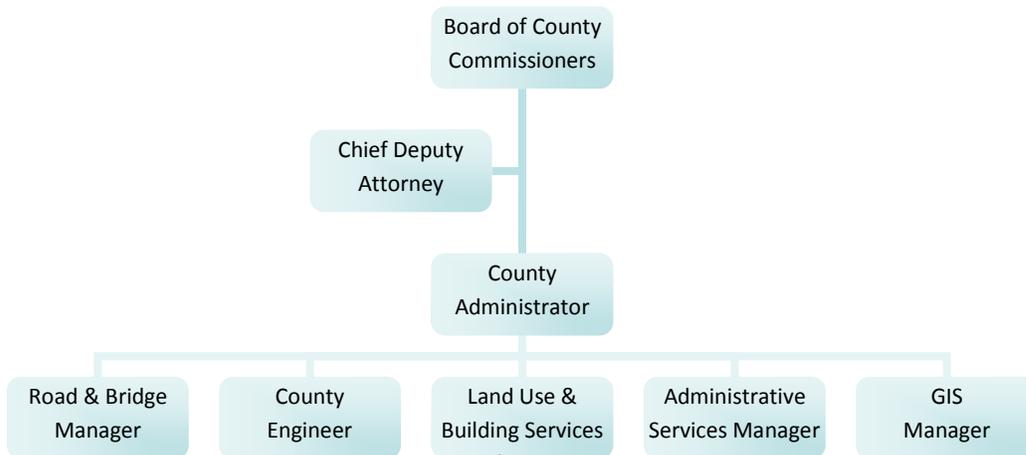
1.5. Document Management

The Right-of-Way Management Plan is a framework to align the technical, administrative and policy elements related to right-of-way management. Key elements of the plan will be memorialized as ordinances and codified. The Right-of-Way Management Plan also catalogs the myriad reference documents that address public road rights-of-way, available in section 5 Reference Links. Publication titles [highlighted with blue underline](#) can be accessed electronically by clicking on the hyperlink.

1.6. Document Hierarchy

- Right-of-Way Management Plan (approved by resolution)
 - Public Road Rights-of-Way Ordinance (replaces Ordinance 95-6)
 - Blaine County Code – Title 6 (codified based on ordinance)
 - Public Road Rights-of-Way – Chapter 1
 - Roadway Functional Classification (key elements approved by ordinance and codified)
 - Standard Drawings - Roadway Typical Sections (referenced in code)
 - Road Inventory Classifications (referenced in code – updated/Board of Blaine County Commissioners approved annually)
 - Road Construction Standards (referenced in code)
 - Blaine County Public Pathway Construction Permit Standards – 1994 (referenced in code)
 - Approach & Encroachment Permits
 - Permit Requirements (key elements approved by ordinance and codified)
 - Permit Application (referenced in code)
 - Fees (set by resolution)
 - Code Compliance Procedures (administrative)
 - Outreach and Education Plan (administrative)
 - Reference Links (administrative)

1.7. Operational Structure



2. Overview

2.1. Public Road Rights-of-Way Defined

All public roads are located within land which is referred to as public road rights-of-way (right-of-way). Within a typical right-of-way, the following public facilities can be commonly found: driving surface, roadside shoulders and borrow areas, public utilities, bike lanes, sidewalks, and traffic signs. Lands within the right-of-way are reserved for public travel, other public facilities, and their maintenance. Right-of-way width is established by deed, statute, or through the platting process. Generally, private use of the right-of-way is only allowed by obtaining an approved approach or encroachment permit.

2.2. Right-of-Way Establishment

County rights-of-way are established through a variety of 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 right-of-way's width and scope of enforcement will vary dependent upon the manner in which the right-of-way was established. County rights-of-way are 50 feet wide, in the absence of evidence of establishment of a different right-of-way width. Once established, the right-of-way cannot be abandoned or vacated without express action by the Board of Blaine County Commissioners.

2.3. Strategic and Operational Alignment

The Right-of-Way 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, and other operational documents. [Hyperlinks](#) are available to these other documents for reference.

2.4. Guiding Principles

The Board of Blaine County Commissioners has established the following Guiding Principles to help ensure best management of the County's right-of-way system and resources.

Blaine County shall make all reasonable efforts to:

- Act in the public's interest under Blaine County ordinances as well as Idaho and U.S. statutory and regulatory provisions when determining policy and managing public road and bridge assets.
- Ensure public safety on and access to 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 right-of-way 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 raise public awareness of policies and regulations affecting right-of-way 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 rights-of-way with the interests of the travelling public and adjacent property owners, within the framework of this Plan.

2.5. Budget/Finance

An annual budget for the management of the County's rights-of-way will be developed by the Road & Bridge Manager and approved by the Board of Blaine County Commissioners. Fees are set by [resolution 95-19](#).

2.6. Communication and Coordination

In carrying out this Right-of-Way Management Plan, Blaine County will make every effort to communicate and coordinate with other political subdivisions, government agencies and the traveling public.

2.7. Outreach and Education

Community cooperation is key to effective implementation of the Right-of-Way Management Plan. In an effort to build public understanding, acceptance and support of the County's right-of-way management efforts, the County will establish an active public outreach and education program pertaining to the Right-of-Way Management Plan.

3. Right-of-Way Management

This section provides an overview of the key technical elements of right-of-way management, including roadway functional classifications, standards and other technical information. The supporting documents are referenced for the reader's convenience.

3.1. Roadway Functional Classification

Public roadways are classified by how they function within the transportation system. Functional classifications divide roadways into four primary categories: State Arterial, State Collector, Local Access, and Private. Criteria used to design and maintain County roadways are based on this functional classification derived from the Federal Highway Administration.

Each year, the Blaine County Road & Bridge Manager, or appropriate designee, shall present updated road functional classifications, if any, to the Blaine County Commissioners for their approval.

Roadway Functional Classifications and sub-classifications include:

- State Arterial
 - Other Principal Arterial
 - Minor Arterial
- State Collector
 - Rural Major Collector
 - Rural Minor Collector
- Local Access
 - [Rural Major Access](#)
 - [Rural Minor Access/Residential](#)
 - [Agricultural Access](#)
 - [Improved Access](#)
 - [Recreational Access](#)
- Private
 - [Private Road with Public Access](#)
 - Private Road
 - Private Driveway

Refer to the [Blaine County Roadway Functional Classification](#) document for details regarding functional classifications.

3.1.1. Functional Classification Definitions

State Arterial – State Arterials include interstates and expressways, as well as roads that carry most of the traffic entering and leaving urban areas. Access is controlled or limited, which allows for high traffic volumes and speeds. Blaine County does not have State Arterial roads within its boundaries.

State Collector – State Collectors provide traffic circulation within residential, commercial, and industrial areas and carry trips to and from arterials. This includes larger “through” streets within residential neighborhoods.

Local Access – Local Access roads include most residential and other “small” streets. They are typically not identified on functional classification maps. Example: Most residential streets. Functional classification is the process to group roadways into classes according to the character of service they are intended to provide. Most travel involves movement through a network of roads or even modes. It is necessary to determine how travel can be channeled within the network in a logical and efficient manner. Functional classification defines the nature of this process by defining the part that any particular roadway should play in serving the flow of trips through the network.

3.1.2. Standard Drawings for Roadway Typical Sections

Standard Drawings have been developed for the following Roadway Functional Classifications that fall within the jurisdiction of Blaine County.

- [Rural Major Access](#)
- [Rural Minor Access/Residential](#)
- [Agricultural Access](#)
- [Improved Access](#)
- [Recreational Access](#)
- [Private Road with Public Access](#)

These drawings note key elements such as compaction, base material, surface widths and slopes. Access the Standard Drawings by clicking on the Roadway Functional Classifications above.

3.2. Road Construction Standards

Blaine County roads are constructed in accordance with the Blaine County Road Construction Standards. The Road Construction Standards, with all approved construction plans prepared by a Licensed Engineer, are in compliance with all applicable federal, state, and other local regulations and specifications.

Click hyperlink to access the [Road Construction Standards](#) document.

3.3. Access Control

Access control for the public roadway system shall be based on the underlying zoning of land and the functional classification of the roadway. Access control on all segments of the public roadway system shall be upgraded to match the most current access standards and functional classifications.

3.3.1. Approach Standards

The Blaine County roadway system shall be regulated to preserve the system as constructed, and to provide, where allowed, reasonable access or use of public right-of-way for any purpose other than normal travel. This regulation shall be in conjunction with the Federal Highway Administration and the

Idaho Transportation Department when federal or state funds are involved, and include coordination, when appropriate, with other local agencies. The Blaine County Road & Bridge Department Manager shall regulate roadway access in accordance with pertinent Idaho statutes. Approval by Idaho Transportation Department is required for new access points, or the relocation or modification of existing accesses on any portion of the State Highway System.

3.3.1.1. New Access

Any new access, or change in location, size, or use of an existing access on public roadways, must be approved and documented with Blaine County. The authority to issue permits for access and encroachments on the Blaine County roadway system is delegated to the Blaine County Road & Bridge Manager. The Blaine County Road & Bridge Manager reserves the right to make any additions, modifications, relocations, or removals to any approach, or its appurtenances within the public County right-of-way when necessary for maintenance, rehabilitation, reconstruction, or relocation of the public roadway and/or to provide proper protection of life and property on, or adjacent to, the public roadway.

3.3.1.2. Location, Design, Construction and Operation

The location, design, construction, and operation of all accesses within public rights-of-way shall comply with the design principles set forth in the Access Control and Approach Standards.

3.3.1.3. Bona Fide Purpose

All approaches must be for the bona fide purpose of securing access to a public roadway.

3.4. Encroachment into the Right-of-Way

Encroachments into the right-of-way can create visual obstructions or safety hazards to motorists, or interfere with emergency service response, snow removal, road maintenance, drainage and/or public utilities. Objects or structures placed within an established right-of-way – such as fences, rocks/boulders, trees/shrubs, mailboxes, signs, lights, earthworks, underground sprinkler systems, or other objects – remain there at the risk of the adjacent property owner. The County takes care to avoid unnecessary damage, but the County is not responsible for damage to encroachments within a right-of-way.

3.4.1. Permitted Activities and Installations

3.4.1.1. General

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.

3.4.1.2. Cattle Guards

Cattle guards are allowed within the right-of-way 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.

3.4.1.3. Mailboxes

Mailboxes are allowed within the right-of-way 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.

3.4.2. Prohibited Activities and Installations

Any permanent or temporary structural or ornamental object, which obstructs the free flow of vehicular traffic or creates a safety hazard, is subject to immediate removal if it placed within the right-of-way without a permit or other express authorization from Blaine County. Other encroachments within the right-of-way which create a visual obstruction or a hazard to motorists, or interfere with emergency service response, snow removal, road maintenance, drainage, and/or public utilities will be removed. 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.

3.5. Approach & Encroachment Permits

Before proceeding with any activity within a Blaine County right-of-way, the public or any user must contact the Blaine County Road & Bridge Department to verify right-of-way establishment and width and whether a permit is needed. Before digging in the right-of-way—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.

Other than for travel purposes, any installation, use or activity within the right-of-way 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. It also regulates activities that may interfere with road maintenance, snow removal, drainage, or future road improvement projects. Permits will typically not be issued when a reasonable alternative exists outside of the right-of-way.

3.6. Right-of-Way Enforcement Procedures

Notification of a right-of-way encroachment should be forwarded to the Road & Bridge Manager for evaluation and investigation. Field measurements, photographs, and other evidence may be collected to establish the nature of the right-of-way and the extent of the encroachment.

If an encroachment effectively obstructs or prevents the use of the right-of-way or is unsafe for motorist or pedestrian use, the Road & Bridge 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 remove or mitigate the encroachment voluntarily 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. Idaho law authorizes the County to seek recovery from the adjacent property owner(s) of the cost of removal, engineering and attorney fees.

3.6.1. Enforcement Priority

Enforcement of right-of-way encroachments is generally given the following level of priority:

1. Encroachments that effectively obstruct and prevent the use of a right-of-way ([IC § 40-2319](#))
2. Encroachments that cause unsafe road conditions or block emergency responders
3. Encroachments that negatively impact driver and worker safety
4. Drainage issues that cause or are likely to cause road damage or flooding
5. Blockage of snow storage in ditch areas off edge of pavement/travel way
6. 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 its Rights-of-Way as it sees fit.

3.6.2. Appeal Process

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.

3.7. Road Closure

3.7.1. Temporary Closure

The Board of Blaine County Commissioners, any public official authorized by law, or any employee designated by the Board of Blaine County Commissioners, may post a notice and temporarily close or reasonably limit travel on any public road, street or way within the jurisdiction of the County upon and for the duration of any of the following conditions or circumstances:

- During periods of danger to persons or property from avalanches, flooding, mud and debris slides, ice and similar natural occurrences or disasters
- During periods when vehicles will cause damage to the surface of the road
- For parades and other public events
- For road construction, maintenance and repairs

- During periods when use of the road would adversely affect critical wildlife habitat

For additional information regarding road closure please refer to [Blaine County Code: Title 6, Ch. 1: Road & Public Ways and uncodified Appendixes - Temporary Closure of Public Roads.](#)

4. Forms and Drawings

4.1. [Approach & Encroachment Permit Application](#)

4.2. [Approaches – Standard Drawing](#)

4.3. [Rural Major Access – Standard Drawing](#)

4.4. [Rural Minor Access/Residential – Standard Drawing](#)

4.5. [Agricultural Access – Standard Drawing](#)

4.6. [Improved Access – Standard Drawing](#)

4.7. [Recreational Access – Standard Drawing](#)

4.8. [Private Road with Public Access – Standard Drawing](#)

4.9. [Rural Drywell – Standard Drawing](#)

5. Reference Links

The following list of reference materials is provided for informational purposes only and should not be considered an exhaustive list. A hyperlink has been provided to each of the documents for ease of access. (Blue underline denotes hyperlink to these documents)

- [Blaine County Road Ordinance 2019-01](#)
- [Blaine County Code:](#)
 - [Title 6, Ch. 1: Road & Public Ways](#)
 - [Title 8, Ch. 1: County Comprehensive Plan, Transportation](#)
 - [Title 10, Ch. 5: Subdivision Design & Improvement Standards related to roads](#)
- [Blaine County Road Construction Standards \(March, 2018\)](#)
- [Blaine County Roadway Functional Classification \(March, 2018\)](#)
- [Blaine County Road Inventory Classifications \(March 2018\)](#)
- [Blaine County Recreation District Public Pathway Construction Permit Standards \(1994\)](#)
- [US Department of Transportation, Federal Highway Administration \(FHWA\) – Highway Functional Classification: Concepts, Criteria and Procedures](#)
- [Manual on Uniform Traffic Control Devices \(MUTCD, FHWA 2009\)](#)
- [Idaho Code – Title 40 Highways and Bridges](#)
- [Idaho Code – Title 55, Chapter 22 Underground Facilities Damage Prevention](#)
- [Idaho Transportation Department Map Book \(updated annually\)](#)
- [Community Planning Association of Southwest Idaho \(COMPASS\) – Functional Classification in a Nutshell](#)
- [Blaine County Transportation Plan, \(Keller & Associates and Galena Engineering, 2012\)](#)
- [Blaine County Community Bicycle and Pedestrian Master Plan \(June, 2014\)](#)
- [Blaine County Geographic Information Systems, Road Information & Land Use Information Layers](#)
- [Idaho Hwy. 75, Timmerman to Ketchum Environmental Impact Statement, \(Idaho Transportation Department, August, 2008\)](#)