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|---|---|----|--|
| 3 | Selecting pavement marking materials: Balancing initial cost and durability | 8  | Road workers and skin cancer                             |
| 4 | Traffic calming: an option in Iowa?   | 9  | E.Z. rack simplifies hauling, unloading pipe             |
| 5 | MUTCD compliance dates: January 2003  | 10 | New library acquisitions                                 |
| 5 | These websites work for <i>you</i>  | 11 | CTRE-Iowa DOT library partnership expands knowledge base |
| 6 | It's hot out there!   | 12 | Conference calendar                                      |

### Acronyms in this issue

AASHTO	American Association of State Highway and Transportation Officials	Iowa DOT	Iowa Department of Transportation
CTRE	Center for Transportation Research and Education	ISU	Iowa State University
FHWA	Federal Highway Administration	LTAP	Local Technical Assistance Program
		MUTCD	Manual on Uniform Traffic Control Devices

## Keeping county roadsides safe

HAZARDS in county road right-of-ways (ROWs) can pose major, even fatal, danger to drivers. They also represent potential liability problems for landowners/tenants and the county. Bob Sperry, Story County engineer, is working with residents to keep county roadsides safe.

### The problem

In Story County, more than a third of accidents on county roads involve vehicles that leave the roadway.<sup>1</sup> Obstructions in the ROW—driveway retaining walls, fences, and even mailbox supports—increase the likelihood that errant vehicles will be damaged and passengers injured. Crops in the ROW can limit visibility and drainage, especially in inclement weather, which is an additional hazard for drivers.

Landowners and tenants may not be aware that the Code of Iowa requires county boards of supervisors to maintain safe recovery areas in ROWs<sup>2</sup> or that the county-controlled ROW includes not only the traveled portion of the roadway but also shoulders, embankments, and ditches—including ditches in front of private property.

Sometimes landowners or tenants build structures in the ROW to improve aesthetics, convenience, or access without fully considering the safety and liability implications. If a crash occurs involving one of those structures, the county, the property owner/tenant, and whoever constructed the object might be held liable.

### The solution

Working closely with the public, Sperry has begun an active campaign to improve ROW safety in Story County. Efforts include

- communicating with the public about ROW hazards,
- taking a countywide inventory of private structures in the ROW,
- on a safety-priority basis, contacting landowners/tenants who have existing hazards and, when possible, providing assistance for removing the hazards, and,
- developing a county ordinance prohibiting unauthorized use of ROW without a permit. The ordinance provides the county with a specific mechanism for enforcing the Code of Iowa's general requirements regarding ROW hazards.

Communication efforts Sperry suggests include preparing informational news releases for local media, posting information on the county website, and presenting information to local groups, including the board of supervisors, developers, and landscapers. Story County developed a one-page flier about ROW safety to distribute to interested individuals and groups.

*ROW . . . continued on page 2*



Some mailbox supports in the right-of-way can be dangerous for errant vehicles.

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**The mission of Iowa's LTAP:**

To foster a safe, efficient, environmentally sound transportation system by improving skills and knowledge of local transportation providers through training, technical assistance, and technology transfer, thus improving the quality of life for Iowans.

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**ROW . . . continued from page 1**

Most important, he says, is talking one-on-one with local citizens about potentially hazardous encroachments. Ongoing, personal communication is essential.

Public hearings regarding development of an ordinance provide an opportunity to speak directly with the public. They allow people to voice their concerns or propose changes to the draft ordinance. Sperry says that, in Story County's case, comments at the public hearings resulted in important clarifications in the final ordinance.

Sperry suggests developing a professional, nonconfrontational presentation for the board of supervisors and for public hearings that lets the data tell the story about ROW safety and that emphasizes everyone's responsibility—"We're all in this together."

**Story County's ROW ordinance**

In May 2002, Story County passed an ordinance prohibiting

- excavating, filling, or making any physical changes to any part of the ROW,
- cultivating and growing crops on the ROW, and
- placing trash, junk, rocks, corncobs, brush, vehicles, machinery, billboards, signs, hazardous mailbox supports, and advertising devices in the ROW and constructing fences, ditches, water breaks, and drainage tiles in the ROW.

The ordinance establishes a system of fines for violators. It also establishes a permitting process<sup>3</sup> whereby citizens can apply for exceptions regarding proposed landscaping or other projects in the ROW. Sperry emphasizes that, if a proposed project doesn't qualify for a permit, county staff will work with applicants to adjust their plan or develop alternatives.

Story County's ordinance is nonretroactive, so existing ROW hazards are being reviewed on a case-by-case basis. Sperry is working with individuals to find mutually beneficial solutions. If a mailbox post in the ROW is too large, for example, the county may allow the owner to drill holes to make the post more forgiving if struck by a vehicle.

"It's not the mailboxes that are the problem. It's what holds them up," says Sperry.

**For more information**

To review Story County's right-of-way ordinance (Ordinance No. 107), permit request form, and general information about ROW hazards, go to the engineer's website, [www.storycounty.com/engineer/default1.html](http://www.storycounty.com/engineer/default1.html).

You can review Chapter 319 of the Code of Iowa at [www.legis.state.ia.us/cgi-bin/IACODE/Code2001.pl](http://www.legis.state.ia.us/cgi-bin/IACODE/Code2001.pl).

For specific information about Story County's roadside safety campaign, contact Bob Sperry, 515-382-7355, [engineer@storycounty.com](mailto:engineer@storycounty.com). •



Other right-of-way obstructions (top to bottom): driveway retaining walls, crops, and footbridges

<sup>1</sup>Iowa Traffic Safety Data Service, Iowa State University

<sup>2</sup>Section 319.1 of the Code of Iowa requires county boards of supervisors to "cause all obstructions in highways, in their respective jurisdictions, to be removed." (Note, the definition of "highway" includes the ROW.)

<sup>3</sup>Section 319.14 of the Code of Iowa states that a permit must be obtained from the county before any work begins in a county ROW.