

RESOLUTION NO. 12-09

A Resolution by the Bonneville County Board of Commissioners Concerning the Removal of Encroachments in County Road Rights-of-Way

WHEREAS, the Board of Commissioners of Bonneville County has jurisdiction of all county highways within the boundaries of Bonneville County.

WHEREAS, the Bonneville County Public Works Department has identified specific types of encroachments in public rights-of-way which are permanent or semi-permanent structures commonly used as mailboxes, light posts, decorative pillars, fence posts and fences; and

WHEREAS, the encroachments are located on most classifications of county roads with speed limits ranging from 25 mile per hour to 50 miles per hour; and

WHEREAS, Idaho Code § 18-3907 and § 49-221 prohibit the placement of encroachments within the public right-of-way; and

WHEREAS, the Board of Commissioners adopted Ordinance 221-10 June 28, 2010, which regulates all construction in county rights-of-way; and

WHEREAS, the Board of Commissioners desires to provide safe roads for the traveling public while at the same time allowing an option for property owners with exceptional circumstances;

NOW, THEREFORE, be it resolved by the Board of Commissioners of Bonneville County as follows:

1. On county roads with a speed limit greater than 35 miles per hour, any type of encroachment shall be removed by the property owner in accordance with state law and county ordinance.
2. On county roads with a speed limit of 35 miles per hour or less:
 - a. The property owner shall remove the encroachment in accordance with state law and county ordinance if the encroachment was placed after the adoption of Ordinance 221-10.
 - b. The property owner shall remove the encroachment in accordance with state law and county ordinance or sign and record a waiver of liability/indemnification agreement and agreement to defend and hold harmless if the encroachment was placed before the adoption of Ordinance 221-10. The type of encroachment shall be limited to permanent or semi-

permanent structures commonly used as mailboxes, light posts, decorative pillars, fence posts and fences.

ADOPTED this 15th day of August, 2012.

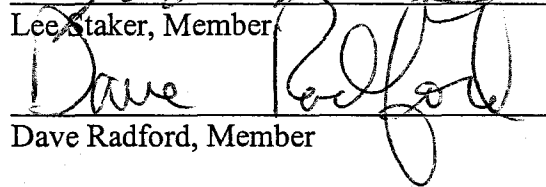
BONNEVILLE COUNTY BOARD OF COMMISSIONERS



Roger S. Christensen, Chairman

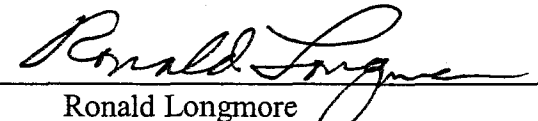


Lee Staker, Member

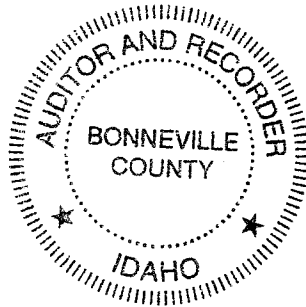


Dave Radford, Member

ATTEST:



Ronald Longmore
Bonnevill County Clerk



Revisions to the Standard Specifications and Drawings

New language

~~Language to be removed~~

II ABBREVIATIONS AND DEFINITIONS OF TERMS

- ~~Clear Roadside Area~~—An area outside the traveled way, auxiliary lanes, and shoulders constructed and maintained as wide, flat, and rounded as practical and as free as practical from physical obstructions above the ground. The extent of the clear roadside area shall be determined using sound engineering principles and economic factors.
- Clear Zone: the total roadside border area, starting at the edge of the traveled way, available for safe use by errant vehicles. This area may consist of a shoulder, a recoverable slope, a non-recoverable slope, and/or a clear run-out area. The desired minimum width is dependent upon traffic volumes and speeds and on the roadside geometry. Simply stated, it is an unobstructed, relatively flat area beyond the edge of the traveled way that allows a driver to stop safely or regain control of a vehicle that leaves the traveled way.

III DESIGN CRITERIA

A GENERAL DESIGN CRITERIA

1. These guidelines are based upon current additions of the American Association of State County road and Transportation Officials (AASHTO) Policy on Geometric Design of Highways ~~County roads~~ and Streets, Roadside Design Guide and the Manual of Uniform Traffic Control Devices (MUTCD). Where possible, all design should be based on these guidelines and the applicable design criteria set forth by AASHTO. Any variation from these design guidelines should be done on a detailed basis in conformance with sound engineering judgment and with the safety of the traveling public in mind.

D ALIGNMENT/~~CLEAR ZONES~~ VIEW AREA

2. ~~Clear Zones~~-View Area/Sight Distance - all intersections shall be designed to provide adequate sight distance clear of obstructions within the functional area of the intersection to ensure a driver's view of other vehicles and pedestrians is not blocked.
3. ~~Intersection Clear Zone~~ View Area – In all zones which require a front yard, no obstruction to view in excess of three (3) feet in height shall be placed on any corner lot within a triangular area formed by the street property lines and the line

connecting them at points forty (40) feet from the intersection of the street lines, except for a reasonable number of trees pruned a minimum of seven (7) feet above curb or grade or twelve (12) feet above any public street/easement to permit unobstructed view, whichever is greater. Property owners shall remove or trim, at their expense, all limbs or foliage which overhang or project into any public street, sidewalk, or easement or which do not satisfy the clear view requirements of the County. See Zoning regulation 1-407.

N DRAWING SUBMITTAL/APPROVALS

1. All improvement drawings submitted for Public Works checking/approval **shall include** a copy of the proposed Final Plat and Development Agreement. Prior to Public Works signature approval, all other approvals needed, shall be signed by the appropriate Utility.
2. Plats shall not be permitted to be signed/recorded until the subdivision improvement drawings have been approved and signed by all parties involved.
3. Prior to Bonneville County Public Works issuing a letter of ~~conditional~~ acceptance for subdivisions, ~~the Developers Representative/Engineering Firm shall inspect in detail and amend the improvement drawings to "Drawings of Record". The Firm shall then submit said Drawings of Record with a letter stating the subdivision was constructed to Bonneville County Standards with the request Bonneville County take over maintenance of said subdivision. Inspection reports may be required including compaction testing.~~ the developer or his engineer shall make a formal request in writing to the department for final acceptance of all said improvements. The request shall include certification from a professional engineer, licensed in the State of Idaho, certifying that said construction has been completed in compliance with the published standards. Along with the request the developer shall also submit one paper and one digital copy of the certified as-built drawings of the completed project (or phase), road compaction reports and asphalt analysis report. The County will have thirty (30) days from the date the request was received to respond to the developer. If no written action is received by the developer from the Public Works Department within the thirty (30) days, the portion of the development submitted for approval shall be deemed accepted.

X. PUBLIC RIGHT-OF-WAY CONSTRUCTION

D OVERHEAD POWER AND COMMUNICATION LINES

1. LOCATION

- a. Above-ground facilities shall be located outside the clear zone as per Table 3.1 of the AASHTO Roadside Design Guide (represented below). ~~outside the clear roadside area unless circumstances warrant a lesser distance. Such facilities shall not be closer than other roadside appurtenances and fixtures. Particular care shall be exercised when such facilities are to be located on the outside of a horizontal~~

curve. Where sufficient public right of way is not available, such facilities shall be located as near as possible to the public right of way line.

Clear Zone (ft) - AASHTO Roadside Design Guide Table 3.1

DESIGN SPEED	DESIGN ADT	FORESLOPES			BACKSLOPES		
		1V:6H Or flatter	1V:5H TO 1V:4H	1V:3H	1V:3H	1V:5H TO 1V:4H	1V:6H Or flatter
		CLEAR ZONE (FT)					
40 mph or Less	UNDER 750	7 - 10	7 - 10	*	7 - 10	7 - 10	7 - 10
	750 - 1500	10 - 12	12 - 14	*	12 - 14	12 - 14	12 - 14
	1500 - 6000	12 - 14	14 - 16	*	14 - 16	14 - 16	14 - 16
	OVER 6000	14 - 16	16 - 18	*	16 - 18	16 - 18	16 - 18
45 - 50 MPH	UNDER 750	10 - 12	12 - 14	*	8 - 10	8 - 10	10 - 12
	750 - 1500	14 - 16	16 - 20	*	10 - 12	12 - 14	14 - 16
	1500 - 6000	16 - 18	20 - 26	*	12 - 14	14 - 16	16 - 18
	OVER 6000	20 - 22	24 - 28	*	14 - 16	18 - 20	20 - 22
55 MPH	UNDER 750	12 - 14	14 - 18	*	8 - 10	10 - 12	10 - 12
	750 - 1500	16 - 18	20 - 24	*	10 - 12	14 - 16	16 - 18
	1500 - 6000	20 - 22	24 - 30	*	14 - 16	16 - 18	20 - 22
	OVER 6000	22 - 24	26 - 32	*	16 - 18	20 - 22	22 - 24
60 MPH	UNDER 750	16 - 18	20 - 24	*	10 - 12	12 - 14	14 - 16
	750 - 1500	20 - 24	26 - 32	*	12 - 14	16 - 18	20 - 22
	1500 - 6000	26 - 30	32 - 40	*	14 - 18	18 - 22	24 - 26
	OVER 6000	30 - 32	36 - 44	*	20 - 22	24 - 26	26 - 28
65 - 70 MPH	UNDER 750	18 - 20	20 - 26	*	10 - 12	14 - 16	14 - 16
	750 - 1500	24 - 26	28 - 36	*	12 - 16	18 - 20	20 - 22
	1500 - 6000	28 - 32	34 - 42	*	16 - 20	22 - 24	26 - 28
	OVER 6000	30 - 34	38 - 46	*	22 - 24	26 - 30	28 - 30

XI. MAILBOXES, NEWSPAPER DELIVERY BOXES, PILLARS

A MAILBOXES AND DELIVERY BOXES

1. No mailbox or newspaper delivery box (hereafter referred to as "mailbox") will be allowed to exist on any highway under the jurisdiction of Bonneville County if it interferes with the safety of the traveling public or the function, maintenance, or operation of the highway system. A mailbox installation that does not conform to the provisions of this regulation is an unauthorized encroachment under *Idaho Code §18-3907* and *§49-221*. The location and construction of mailboxes shall conform to the rules and regulations of the U.S. postal service as well as the standards established by the Bonneville County Public Works Department.

2. A mailbox installation that conforms to the following criteria will be considered acceptable unless in the judgment of the department the installation interferes with the safety of the traveling public or the function, maintenance, or operation of the highway system.

a. No mailbox will be permitted where access is from the lanes or shoulders of limited access or controlled access facilities or where access is otherwise prohibited by law or regulation.

b. Mailboxes shall be located on the right-hand side of the roadway in the direction of the delivery route except on one-way streets where they may be placed on the left-hand side. The bottom of the box shall be set at an elevation established by the U.S. postal service, usually between 3'6" and 4'0" above the roadway surface. The roadside face of the box shall be offset from the edge of the traveled way as shown on Drawing 100-7.

c. Exceptions to the lateral placement criteria above will exist on residential streets and certain designated rural roads where the department deems it in the public interest to permit lesser clearances or to require greater clearances. On curbed streets, the roadside face of the mailbox shall be set back from the face of curb a distance between 6 and 12 inches. On residential streets without curbs or all-weather shoulders that carry low-traffic volumes operating at low speeds, the roadside face of a mailbox shall be offset between 12 and 24 inches behind the edge of pavement.

d. Where a mailbox is located at a driveway entrance, it shall be placed on the far side of the driveway in the direction of the delivery route.

e. Where a mailbox is located at an intersecting road, it shall be located a minimum of 100 feet beyond the center of the intersecting road in the direction of the delivery route. This distance shall be increased to 200 feet when the average daily traffic on the intersecting road exceeds 400 vehicles per day.

3. a. Mailboxes shall be of light sheet metal or plastic construction conforming to the requirements of the U.S. postal service. Newspaper delivery boxes shall be of light sheet metal or plastic construction of minimum dimensions suitable for holding a newspaper.

b. No more than two mailboxes may be mounted on a support structure unless the support structure and mailbox arrangement have been shown to be safe by crash testing. However, light-weight newspaper boxes may be mounted below the mailbox on the side of the mailbox support.

c. Mailbox supports shall not be set in concrete unless the support design has been shown to be safe by crash tests when so installed.

d. A single 4-inch x 4-inch or 4 1/2-inch diameter wooden post or a metal post with a strength no greater than a 2-inch diameter standard strength steel pipe and embedded no more than 24 inches into the ground will be acceptable as a mailbox support. A metal post shall not be fitted with an anchor plate, but it may have an anti-twist device that extends no more than 10 inches below the ground surface.

e. The post-to-box attachment details should be of sufficient strength to prevent the box from separating from the post top if the installation is struck by a vehicle. The current edition of the AASHTO (American Association of State Highway and Transportation officials) publication "A Guide for Erecting Mailboxes on Highways" has been used as a guide for this rule and is incorporated by reference. Please refer to Figures I, III, and V of said document for acceptable attachment details, and Figures II, IV, and V, which show acceptable mailbox support assemblies. (Copies of all AASHTO publications referenced in these rules are available for inspection and copying at the department's offices 2700 Manwill Road, Idaho Falls. Copies of current

AASHTO publications are available for purchase from the American Association of State Highway and Transportation Officials, Suite 225, 444 North Capital Street, NW, Washington, DC 20001.)

f. The minimum spacing between the centers of support posts shall be three-fourths the height of the posts above grade.

g. Mailbox support designs not described in this regulation may be acceptable if specifically approved by the department.

4. It will be the responsibility of the postal patron to inform the department of any new or existing mailbox installation where shoulder construction is inadequate to permit all weather vehicular access to the mailbox.

B PILLARS

Pillars and other permanent or semi-permanent structures are not allowed in the right-of-way with the exception of subdivision entryways. Any subdivision entryway structure shall require a right-of-way construction permit.