

WARSAW TOWNSHIP RIGHT-OF-WAY AND ROAD HAZARD POLICY

Warsaw Townships roads are 66' wide with 24' of Road surface and 21' of brome grass covered ditch right-of-way on each side. Most ditches are designed with 12' inside slope, a 4' bottom and a 5' outside slope. (1:3 to 1:4 slope.) Center of the road is crowned to the shoulders so that rain and melt water runs to the ditches draining the road surface. This is the best erosion control practice (The crown of a road should be 2%)



Why Regulate Road Rights-of -way?

Warsaw Township covers the liability for all township road in the township. meaning there is a duty of care the township owes to the people using the roads. failing to perform proper care will subject the township to breaching the duty of care. A subjective breach is a knowing breach; where a person is aware of the danger or unreasonable risk to another. An objective breach is one in which a person does not know of the danger or risk but a reasonable person in the same situation would have recognized it. Courts have held that even though a road authority did not own the land where the danger was located, by virtue of its prescriptive easement to use the land, the placement of the danger entirely within that easement, and the road authority's general duty to maintain roads in a safe condition, the road authority was a "landowner" for purposes of the applicability of Minn. Stat. § 541.051 and therefore liable for the dangerous condition.

Clear Zone

Clear zone refers to the desirable unobstructed area along a roadway, outside the edge of the road surface, available for the safe recovery of vehicles that have left the traveled way. Within this area, most motorists will be able to safely regain control of their vehicle. Ideally, there should be no obstructions in the clear zone, however if an obstruction cannot be removed, then engineering judgment must be used to determine how to treat it. (See Minn. Stat. § 160. Roadway Design) All Township roads have a minimum clear zone width of 6 feet with a preferred width of 9 feet. Road hazards within the defined clear zones will not be permitted. As road improvements continue, these minimum or preferred clear zones will be developed. Stating the desired clear zone in no way implies liability on the part of the township. Only continual work will change the current road system to meet this established standard. Note that wider clear zones may be mandated for use by "grant" projects or by the Goodhue County Engineer.

Road Hazards

A road hazard is any obstacle 6" or greater above grade, either manmade or natural that does not conform to breakaway standards or creates a sight obstruction within a road right-of-way. A road hazard may also be anything within the right-of-way that presents a danger to the motoring public. Objects securely suspended 20 feet or higher above the clear zone are not considered hazards. However, utilities must still follow any other relevant codes and regulations within a road right-o-way. A drop-off within the

clear zone may be considered a hazard. Additional engineering measures may need to be taken at these locations. Nothing will be permitted that interferes with snow removal operations.

Right-of-way Permit

No permit is expressly required to work within the right-of-way on township roads but some guidelines must be followed. Check with the Township Road Superintendent about the right-of-way width at your location. Obstructions are not permitted in the preferred clear zone. Such things as large rocks, fences, custom-built mailboxes and any other such obstacles that might become liabilities in accidents resulting in injury or death are not permitted. Restrictions also include any plantings that would grow to cause physical obstacles i.e. trees, or visual barriers i.e. flowers, shrubs, etc. All new construction of ornamental or functional fences in the road right-of-way needs to be approved by the Road Superintendent

No plantings

No plantings other than grass should be placed within the designated road right of way (typically 33 feet from the centerline of the road). Low growing groundcover or flowers may be permitted but might be damaged in the normal maintenance of the road. Use of border materials such as railroad ties, cement blocks, rocks, landscape timbers, etc. is not permitted.

New fences/walls

New fences/walls are not permitted in the preferred clear zone. Minor repairs of existing fences/walls may be permitted. More extensive repairs shall be considered replacements and the fence/wall shall be relocated outside the preferred clear zone. Any fence/wall within the minimum clear zone or construction limits of a project shall be removed at such time that other hazards on the road are being addressed in a comprehensive manner. The Township crew will assist in removing existing fences/walls from the preferred clear zone.

Driveway culverts at the Road Ditch

A permit is required for all driveway cuts and culvert placements. There is no processing fee. Permits may be obtained from the Township Office or the Road Superintendent. All culverts, new and replacement, shall be 30 feet long, a minimum of 12" diameter, except where a 15" diameter is deemed necessary. Appropriate culvert is 16 - gauge galvanized spiral steel or 3/8" thick steel. Culverts must not have end flanges. Concrete headwalls must be approved before installation. The Road Superintendent crew will evaluate the need for a culvert, size requirement and location before the cut is made. The Township crew will install the culvert only at no cost if the property owner makes the purchase. When the property owner completes the installation, the Road Superintendent will inspect the culvert for proper placement for final approval. No party shall install any non - approved culvert. Such non - approved culverts will be subject to removal.

Driveway Design

Driveways forcing vehicles to back onto the public road shall not be permitted. Concrete Driveways Concrete driveways shall end at the minimum clear zone, and the driveway area in the minimum clear zone should be asphalt or gravel.

Drainage

Drainage into the right-of-way ditch should only be from runoff that occurs naturally.

Parked Vehicles

A vehicle parked (or abandoned) within the minimum clear zone will not be permitted except in an emergency or short - term situation. Township personnel will contact Goodhue County Sheriff's Office and request a safety check for the vehicle.

Mailboxes and Supports

Mail box support posts located within the clear zone shall be installed using "breakaway" type supports and shall not be encased in concrete.

1. Satisfactory supports are as follows:
 - a. Maximum 4 "x 4 " square or 4 1/2" diameter round timber.
 - b. Maximum 2" diameter (2 3/8" O. D.) standard strength steel pipe.
 - c. Any material with breakaway cross - section characteristics equivalent to a or b above.
2. Grouped mailbox supports should be placed on three - foot centers and the turnout lengthened to accommodate the grouping. No more than two mailboxes shall be placed on each post.
3. Where a guardrail exists, mailboxes and their supports shall be located behind the guardrail and not attached to the guardrail or guardrail post. Supports must still meet the breakaway requirements listed above.
4. A standard mailbox shall conform to United States Postal Service standards including size, shape, and strength. It should be of suitable construction to enable it to glance off a windshield. It shall be stamped "U.S. MAIL" and "APPROVED BY THE POSTMASTER GENERAL." All custom - built mailboxes shall meet the same standards as approved manufactured boxes and be approved by the local postmaster.

Trees, Shrubs, and Vegetation

As trees, shrubs, and vegetation can be considered hazards in terms of both being roadside obstacles and causing a sight obstruction, their location within the right - of - way is subject to the provisions of Minn. Stat.§ 160., and may be removed by the Township crew. Tree limbs, shrubs or vegetation within the right - of - way may be trimmed without notice to adjacent property owners. The Township crew will dispose of all wood from such removals. Wood suitable for firewood will first be offered to the property owner. Some obstacles, especially if large or part of a maintained area, will be handled under Minn. Stat.§ 160. RIGHT-OF-WAY USE and shall be addressed using the Preferred Order of Action given below.

Large Rocks

Landscaping Rocks, Concrete Blocks and Other Obstacles Road hazards of this nature shall not be placed in the right - of - way. The Township crew will assist in removing any rocks in the right - of - way.

Non - traffic Signs

Signs of this type may be considered road hazards and should not be placed in the right - of - way.

Headwalls

Headwalls within the clear zone will not be permitted. Half - height headwalls within the right - of - way, but outside of the clear zone may be permitted. Check with the Road Superintendent.

Roadside Memorials

Memorials will be removed if deemed a road hazard.

Private Driveway Snow Removal

The plowing of snow from private drives into the roadway shall not be permitted.
Minn. Stat. § 160. RIGHT-OF-WAY USE

Moving the Hazard to a Safer Location

Certain objects constituting hazards are permitted to be in the right - of - way (e.g. utility poles). These hazards should be moved as close to the right - of - way line as possible or into a private easement outside the right - of - way. They should not simply be moved to the edge of the clear zone.

Removal of Road Hazards — Preferred Order of Action

1. The Board of Supervisors will determine if the object is located wholly or partly on the road right - of - way.
2. Board of Supervisors will determine if the object interferes with snow and ice removal, or proper maintenance of the road, or in any other way obstructs or endangers the public travel on the road.
3. Board of Supervisors will declare the object to be a public nuisance if so found.
4. Board of Supervisors will notify the owner, agent or occupant of the land to remove the object within thirty calendar days. This shall be done by resolution and notice will be written and sent to the owner, agent or occupant by certified mail, return receipt requested.
5. If the owner, agent or occupant fails to remove object within the thirty days, the Board of Supervisors, by resolution, shall order the object removed.
6. All incurred expenses with the removal process shall be certified to the Goodhue County Auditor and entered onto the tax duplicate against the land to be collected in the same manner as other taxes.