

## RIGHT-OF-WAY POLICY

Planting crops on road right-of-ways is illegal and creates safety problems. Plowing, tilling, planting and other detrimental activity within right-of-ways is considered a misdemeanor. In addition, signs and other items may not be placed on private property outside of the R.O.W. limits without the landowner's consent.

Right-of-way is defined as the driving lanes, inside and outside shoulders, inslope, ditch bottom, backslope, clear zone, and sight corners at intersections.

The intersection sight corners of right-of-ways are especially susceptible to encroachment and visual obstruction by unlawfully planted crops, especially corn. A serious safety hazard can occur for motorists as crops grow taller. Many traffic crashes in rural areas can be attributed, in part, to reduced visibility and consequent lack of opportunity for drivers to react defensively.

Erosion can also become a problem, especially in ditches, which can affect proper drainage, plug up culverts and jeopardize the stability of the shoulders and the roadbed itself. Utility companies are allowed to use R.O.W.'s in the placement of gas lines, power lines, telephone lines and fibre optic cable. Plowing and tilling can damage these lines under the ground and create a potentially dangerous situation for workers and area residents, and possible interruption of service.

In the case of a pedestrian or motor vehicle accident that creates property damage or personal injuries that can be attributed to encroachment of R.O.W., civil liability may also be extended to the party who planted unlawfully placed vegetation. In short, the injured parties can sue for damages. Residents should avoid planting evergreens and other shrubs within sight corners.

Bellevue Township monitors road R.O.W.'s and can issue a "Notice of Violation" to persons responsible for crop encroachment and other violations. The notice may request the responsible party to remove the encroachment and re-establish the affected area with permanent non-crop vegetation at their own expense. Residents are urged to refrain from allowing any obstruction within the sight corners of the 66 foot right-of-way of township roads.

Approved on motion by June Varner, seconded by Arnie Hiemenz, and adopted unanimously at the Annual Meeting on March 11, 2008. (revised 04.03.2019)

*Moved by Jerome Brezinka, Seconded by George Suska  
unanimously approved 5/1/19 Patricia Kasella, Clerk*