



RIGHT-OF-WAY FENCING

Purpose

The purpose of this policy is to implement Board policy 4046 concerning establishing of guidelines for right-of-way fencing on the state highway system.

Legal Authority

Idaho Code 35-101 - General specification for “lawful fence” (more than 4 and one-half feet tall).

Idaho Code 35-102 - Lawful fence described (materials used and construction requirements).

Idaho Code 35-110 - Establishing fence line by survey in case of dispute.

Idaho Code 40-120(5) - Defines “state highway system” upon which a right-of-way fence may be erected – usually to control access to the highway system.

Idaho Code 40-310(6) – Cause to be made surveys, studies, maps and plans for state highways.

Idaho Code 40-310(9) - Designate state highways or parts of highways as controlled access highways to serve the traffic for which the facility was intended.

Idaho Code 40-310(10) - Close or restrict use of state highways for the protection of the public and to preserve highways.

Idaho Code 40-313 Beautification and information.

Idaho Code 40-313(1) - Furnish or erect for public safety any marker or device to control and warn pedestrians or vehicles entering or traveling upon a state highway.

Idaho Code 40-313(4) - Erect a screen for junkyards visible from the main highway.

The following guidelines shall be used for construction and/or maintenance of right-of-way fencing on the State Highway System. The location of all fences and access control shall be established in accordance with the Standard Drawings Manual.

Fencing Guidelines

		Participation in Cost Dept %/Other %	Fencing Guidelines	
Construction	Highways Requiring New or Additional Right-of-Way	100%/0%	Fences can be located on the owner's land, but should be as near as possible to the right-of-way line. The owner pays any additional cost over the price of the specified fence in the Standard Drawings, unless the fence is required for mitigation or safety.	Standard Approach or Partial Control of Access
	New Fence on Existing Right-of-Way	50%/50% Materials 0%/100% Installation	Agreements and Memorandums of Understanding with other agencies should be consulted.	
		100%/0%	Fences are usually located one (1) foot inside the right-of-way line.	Full Control of Access
	Maintenance and/or Replacement	0%/100%	For fences that are damaged as a result of highway use, the Department shall make repairs (if other arrangements have not been made through existing agreements) and seek redress.	Standard Approach or Partial Control of Access
		100%/0%	All fences within the right-of-way.	Full Control of Access

General Guidelines

Access Control fencing is used extensively to delineate the acquired control of access to a highway. While providing fencing is not a requirement, fencing may reduce the likelihood of encroachment onto the highway right-of-way.

Access Control fences are not intended to prevent smaller animals such as dogs, cats, and coyotes, from entering the right-of-way, but do help deter large domestic livestock. Large wild animals such as deer elk, moose, and antelope may be deterred by standard fencing, but may still attempt to cross into the right-of-way.

To reduce the likelihood of entanglement in areas with large migratory or resident herds of wild animals, consideration should be given to modifying the fence type to be more "wildlife friendly". To prevent large wild animals from straying into the highway, exclusionary fencing eight to ten feet high would be needed. The cost of a continuous fence of this height is excessive, and the biologic effects on animal life could be undesirable. However, intermittent sections of this type of fence for the purpose of channeling these animals to designated crossing locations, such as a designated underpass, may be practical. Constructed "jump outs" or escape points shall be included with exclusionary fencing to prevent animals from straying onto the highway and becoming trapped between the fences. The appropriate wildlife management agency should be consulted when considering any type of fence modification for wildlife.

Any portion of a highway with full control of access may be fenced, except in areas of precipitous slopes, natural barriers, or where it can be established that fencing is not needed to preserve access control.

The lowest cost fencing, best suited to the adjacent land use and wildlife should be provided. If fencing is not needed for access control, the fence should be the property of the adjacent landowner.

Normally, strand and woven-wire type fences, as used in rural and some suburban areas, should be placed on, or just inside, the highway right-of-way line or access control line. For continuity, these fences should be erected substantially on a continuous line even though there may be some irregular right-of-way corners that are outside the fence line.

At facilities with full control of access, the access control fence shall be State owned so that the State has complete control of the type of fence and is responsible for proper maintenance.

Signed _____

Brian W. Ness
Director

Date: January 09, 2014