



## **RIGHT-OF-WAY FENCING**

### **Purpose**

This policy instructs the Director to establish 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 Director shall establish Department guidelines for the construction and/or maintenance of right-of-way fencing on the State Highway System. Situations requiring arbitration or clarification of right-of-way fencing policies shall be referred to the Board for final determination.

Approved by the Board on:

Signed \_\_\_\_\_  
Jerry Whitehead  
Board Chairman

Date November 20, 2013

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