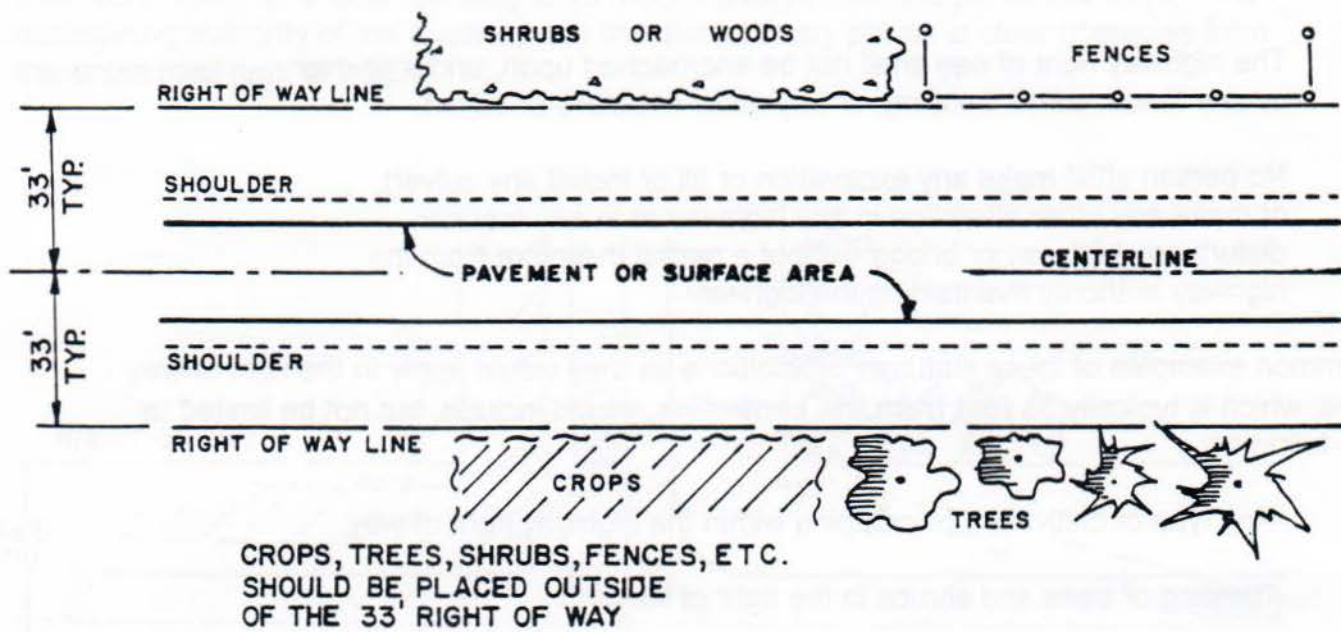


HIGHWAY RIGHT-OF-WAY

Right of Way, as it pertains to transportation, is a general term denoting acquired interests or rights in land that are necessary to build, maintain, and operate a facility. Since 1849, the local units of government have had authority for the location, construction, and maintenance of all public highways. Responsibility for the administration and maintenance of those roads is vested in the respective counties, towns, and incorporated municipalities in which the roads or streets are located in accordance with provisions of the Wisconsin Statutes.

As outlined in Chapter 80 of the Statutes, road right of ways are generally 4 rods in width, which is 66 feet (or 33 feet from centerline). There are exceptions. There are roadways which were laid out as 3 rods, or 49.5 feet, or there may be wider right of way widths as a result of reconstruction.



Governing bodies are charged by Statutes with the responsibility of road maintenance and repair. Liability exists for injury caused by insufficiency or want of repairs of roads. In addition, as outlined in Section 81.17 of the Statutes, if damages happen to any person or property by reason of any defect in any highway caused by or arise from the wrong default or negligence of any person or private corporation, such person or private corporation shall be primarily liable therefore.

Local officials are required by law to keep roadway safe and free from defects. They need your help. There are a number of specific roadside prohibitions and hazards which officials need your help to address. Examples of some of these statutory requirements include:

No person shall plow, cultivate, or work any highway right of way which would interfere with or obstruct drainage.

No person shall operate any machinery on, over, along, or across any public highway which would materially damage the highway.

No person shall willfully or maliciously make any ditch, depression or embankment, or place any obstruction in any public highway right of way which would impede or incommode the use of the highway.

No person shall place any obstruction in any ditch constructed to drain the highway.

The highway right of way shall not be encroached upon, under or over, by any fence, stand, building, or any other structure or object.

No person shall make any excavation or fill or install any culvert, or make any other alteration in any highway or in any manner disturb any highway or bridge without a permit therefore from the highway authority maintaining the highway

Common examples of these statutory prohibitions as they would apply to the right of way area, which is typically **33 feet from the centerline**, would include, but not be limited to the following:

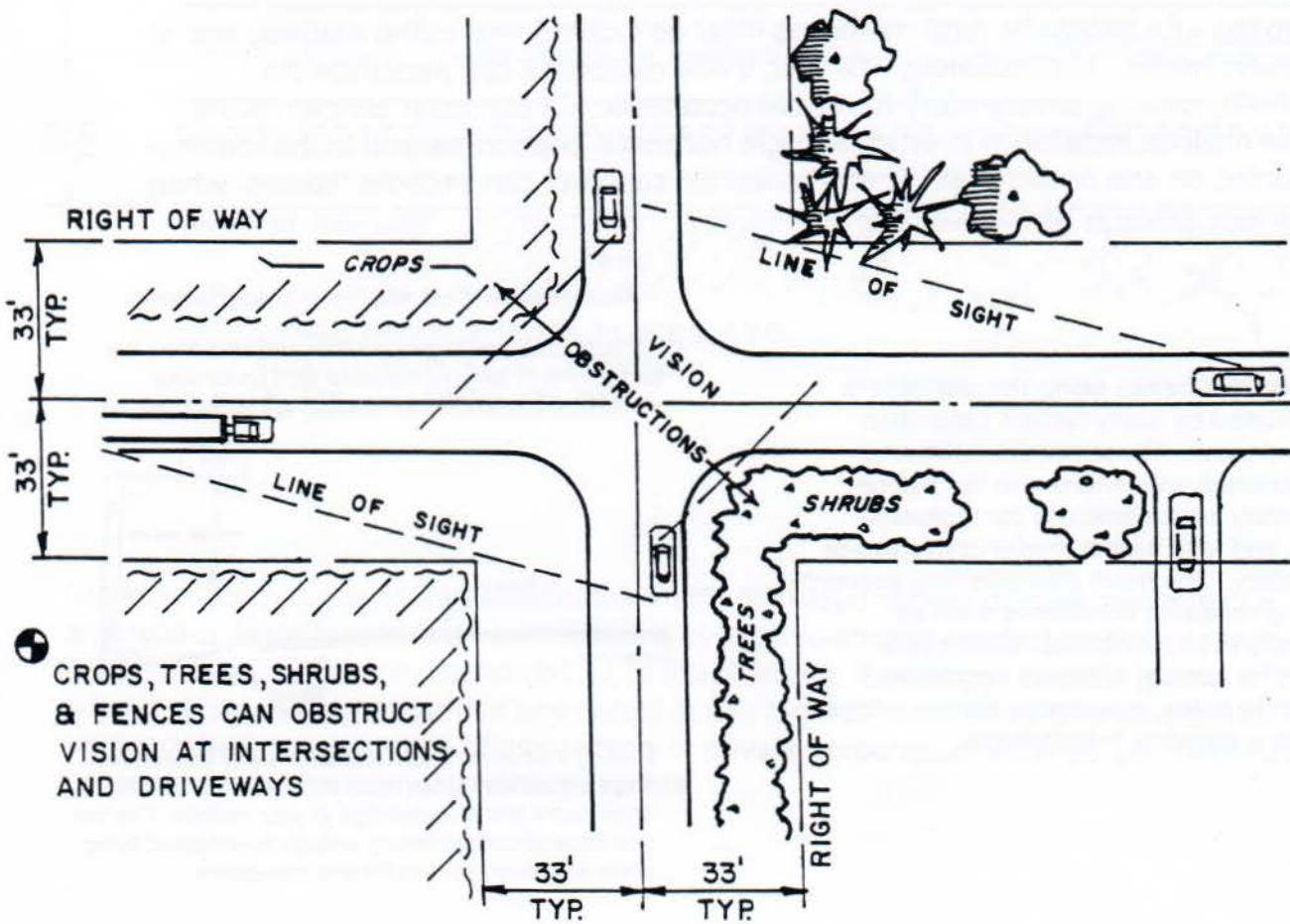
- Any type of cultivating or cropping within the highway right of way.
- Planting of trees and shrubs in the right of way.
- Any fencing or decorative landscaping.
- Placing or throwing of stones, debris, garbage, or burning in the right of way.
- Filling in, or obstructing, any road ditch.
- Depositing of snow onto the roadway and shoulders.

The only permitted use of highway right of way by a private individual is for installation of a mailbox or driveway culvert.

ROADWAY HAZARDS

Recent studies show that of the fatal accidents which involved hitting fixed objects, 35% occurred within 10 feet of the pavement edge and 70% within 20 feet. Roadside characteristics such as sharp curves combined with hazardous ditches, trees, and other objects are involved in 83% of fatal crashes into fixed objects on local roads. This is a high price to pay for what may have been a momentary lapse of attention or even the result of conditions over which the driver had no control.

Clear Zone - It is desirable to provide a roadside clear of hazardous objects or conditions for a distance consistent with the speed, traffic volume, and geometric conditions of the roadway. Roadside maintenance clear zones should provide a barrier and obstacle free area to enhance vehicle safety, the vision of drivers, maintain roadside aesthetics and open the roadway to sunlight in the winter. Local authorities have the authority to establish policy as to how to establish and maintain a clear zone. A typical clear zone width on a local roadway is 15 feet measured from the pavement edge. The maintaining authority of the roadway has the discretionary power to clear obstacles from the entire road right of way.



SPECIFIC ROADSIDE HAZARDS

Trees - Although there is always some public pressure to keep the trees along our highways, serious accidents do occur when vehicles strike them. Trees are the most hazardous type of fixed object, in terms of overall accident numbers and severity. Unfortunately, this is an area where safety interests are often in conflict with beautification goals. To increase safety, while giving attention to environmental concerns:

Trees should be planted at locations where it is unlikely that vehicles will stray, such as beyond the clear zone, behind barriers, beyond structures, and on cut slopes.

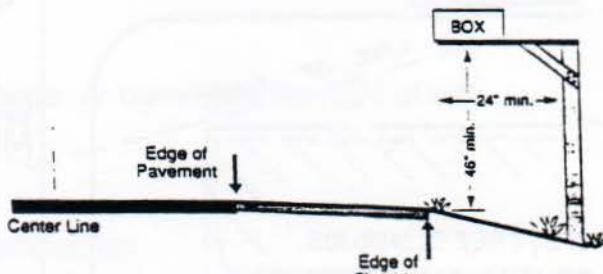
Keep the clear zone free of all trees. Small trees will eventually grow into large one. A tree 4 inches or more in diameter is considered a "fixed object".

Culvert Ends - The ends of drainage pipes can be a hazard when located within the clear zone. The pipe end and/or its head wall should be fitted to the shape of the side slope. The ends of pipes laid parallel to the roadway, such as at driveways and cross roads, are particularly hazardous. In some cases, the driveway can be reshaped to fit in with the ditch profile.

Mailboxes - By necessity, rural mailboxes must be located next to the roadway and at windshield height. Unfortunately, when hit, these mailboxes can penetrate the windshield, causing severe injury to vehicle occupants. Of particular concern is the multiple mailbox installation in which a single horizontal support parallel to the roadway is mounted on one or two post. These horizontal supports can become "spears" when the mailbox group is hit by a vehicle.

Recommended Mailbox Installations

To avoid damage to your mailbox and also allow the snowplows to remove the snow from under your mailbox, the following dimensions are recommended.



Locating mailboxes along the roadside is complicated by many factors other than snow removal. These require balancing the maximum convenience to the patron with safety considerations for highway traffic, and with postal carrier convenience and safety. You must also take into account existing roadside conditions such as proximity to intersections; blind spots caused by curves, hills and vegetation; and utility poles, guardrails, nearby bridges, and other physical installations.

Placing mailboxes a short distance away from driveways and intersections helps to avoid vision restricting snowbanks and also damage to your mailbox. The box and base should be strong enough to withstand flying snow and slush from traffic and snowplows.