

# MARQUETTE COUNTY HIGHWAY DEPARTMENT

## RIGHT OF WAY POLICY

---

### **Purpose of Policy:**

It is the policy of the Marquette County Highway Committee (the “committee”) and the Marquette County Highway Department (the “department”) to safely and economically maintain the traveled portions of the county highways.

The Committee and Department will endeavor to safely and economically maintain the non-traveled portions of the county highways, with due respect to aesthetics, beautification, safety, and structural integrity of the traveled portions of county highways. The Standards set forth below are intended solely as guidelines for the maintenance of the traveled and non-traveled portions of a given county road, not as a legal requirement for maintenance. The Standards have been adopted after significant input from, and interaction with the citizens who have expressed concern over the manner and extent of prior trimming and brushing operations. They are intended to balance the concerns of aesthetics and beautification, along with safety and structural integrity in maintaining county highways, but not to create an affirmative duty beyond those duties otherwise existing in statutory or common law. Nor are the Standards intended to keep within the boundaries the statutory or common law rights of the Highway Department or Highway Committee with respect to highways in general.

This policy does not address seasonal and customary clipping, trimming or brushing along county highway roadsides of the type usually accomplished by heavy-duty flail, or rotary winged mowers, nor does it address the unique situation of highway reconstruction.

This policy includes the use of the Loftness Carbide Cutter Mulching Head which is used to cut brush and trees that are no larger than 3 inches in diameter when measured two feet above the base of the tree.

## STANDARDS

### 1. Definitions.

- a. "mature tree" shall mean a tree, which the trunk of which is over 8 inches in diameter when measured two feet above its base.
- b. "Department" shall mean the Marquette County Highway Department
- c. "Committee" shall mean the Marquette County Highway Committee
- d. "Highway Commissioner" shall mean the Marquette County Highway Commissioner.

2. **Emergency Trimming; Direct Threats.** The Department may conduct brushing or trimming operations on an emergency basis or to maintain the traveled portion of a highway when trees, brush or other matter directly threatens or impedes the flow of traffic along the traveled portion of a county road. The flow of traffic is deemed impeded whenever trees, brush or other vegetation comes in contact or may come in contact with a vehicle traveling on the lane of traffic or highway shoulders. Trees or brush, which pose a risk of falling onto the traveled portion of a highway, may be removed under this paragraph.

3. **Non-Emergency Trimming; Indirect Threats.** Brushing or trimming operations of a non-emergency nature or which are not required to prevent trees or brush from directly threatening or impeding the safe flow of traffic along the traveled portion of a county road shall be conducted as follow:

- a. In the fall of each given year, the commissioner shall submit a plan to the committee of those highways that the commissioner proposes to trim or brush during the next year. Such reasons may include the need to establish a clear zone or vision triangle, improve vision or maintain the integrity of culverts or other highway infrastructures, including drainage areas, ditches, and slopes. Before submitting the plan, the commissioner shall give due consideration to aesthetics and beautification as well as safety and structural integrity of the county roads. Trees and ornamental bushes shall be left in front of residences, unless there is evidence such trees or ornamental bushes impair the highway's

structural integrity or impedes safety on the traveled portion of the county highways.

- b. The Committee shall review the plan at a regularly scheduled Highway Committee meeting; and if necessary, go on site to view the highways subject to the proposed plan.
- c. The Commissioner and the Committee shall make every effort to respect natural or man-made boundaries that have historically existed and which do not impair the aesthetics, beauty, and safety or structural integrity of such highways.
- d. Once the plan has the Committees approval it would be published on the county web site and available at the highway office. Written notices to the last known address would be sent to the affected landowners prior to a major brushing operation.

Adopted by the Marquette County Highway Committee this 25<sup>th</sup> day of October, 2016

