

Construction and Maintenance of Right-of-Way Fence

UDOT 08A-10

Effective: March 28, 1969

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Purpose

To establish a policy for the Utah Department of Transportation (Department) for the proper construction and maintenance of right-of-way fence.

Policy

1. Fully Controlled Access Highways:

Continuously fence all fully controlled access highways (Freeways) unless it can be definitely established that a fence is not necessary, such as in areas of precipitous slopes, other natural barriers or sound walls placed adjacent to the right-of-way line. The Department owns and maintains all fencing installed on this type of roadway.

Use six foot chain link fencing within Department recognized urban areas of the State, both large and small for all fencing.

Use the lowest cost of the types shown on Department Fence and Gates (FG) Series Standard Drawings or in the Plan Set in other areas of development within the State that fulfill the following purposes:

- a) Prevent animals from entering upon the highway right-of-way.
- b) Keep children and pedestrians off the highway.
- c) Prevent vehicles from entering or leaving the right-of-way at unauthorized locations. Compute the lowest cost considering the cost of installation, future maintenance, and the likelihood of future changes in the use of the adjacent property.

Generally, use Type A or Type B, metal post fencing in rural areas of the State. Type B is preferable when necessary to control domestic animals. Use a special fence type as requested by or with the concurrence of the Utah Division of Wildlife Resources (UDWR) in wildlife areas. Refer to Note 1. Provide such type of fencing unless the adjacent landowner objects in writing and can prove that the fencing type proposed will not provide a satisfactory barrier for the property in question.

Provide cattle guards within the rural area of the State at all freeway access points; either on the cross roads or entrance ramps, as necessary to meet the requirements of the particular locations. Do not use painted cattle guards in lieu of actual cattle guards without written authorization from the Department Deputy Director.

All fencing installed on fully controlled access highways will be placed within the highway right-of-way, one foot from the right-of-way line and maintained by the Department, with the following exceptions:

- a) Frontage Roads: Since it is the general policy of the Department to transfer ownership and maintenance of frontage roads to the local governmental agency after completion of the freeway, place and maintain the fencing on the private property side of the frontage road in accordance with the policy of the local agency.
- b) Stock Drives: The fences on both sides of the drive will be maintained by the Department where stock drives are constructed adjacent to highways for protection of the traveling public. The fence not adjacent to the freeway will be maintained by the owner and placed on the right-of-way line where constructed for the convenience of the property owner.

2. Partially Controlled Access Highways

A four foot chain link fence, ornamental fencing, or curbing without a fence can be used to control vehicular access on highways with this type of access control in the recognized urban areas or other developed areas of the State, where vehicular access points are close and pedestrian access to adjacent walkways is not a factor. Use a six foot chain link fence where pedestrian control is desired or necessary, such as adjacent to or near schools, parks, or other areas with of high pedestrian traffic.

Fence partially controlled access highways in rural areas except where natural barriers or type of terrain prohibit animal or vehicular access. Generally, use Type B right-of way fence, as shown on Department FG Series Standard Drawings or in the Plan Set unless one of the other types shown on these drawings is requested by the adjacent property owner. Special purpose wildlife fencing is to be placed when requested or concurred with by the UDWR and no objection is raised by the adjacent property owner.

Provide as a minimum a 20 foot wide gate at all authorized property access points. Proper gate operation is the responsibility of the property owner. A cattle guard may be substituted for the gate when requested in writing by the adjacent property owner and that owner is willing to pay any additional costs for installation over that of a gate.

All fencing installed on partially controlled access highway is owned and maintained by the Department, with the fence placed one foot inside the right-of-way line. An exception to this rule can be made when the adjacent property owner specifically requests ownership of the fence and agrees to full responsibility for maintenance of the fencing. Place the fence directly on the highway right-of-way line in this case.

Designate this type of access control highway, fence ownership and maintenance responsibilities in the individual right-of-way agreement and shown on the as-constructed plans.

The Department, when fencing that is the maintenance responsibility of the property owner is damaged by an errant vehicle that has left the pavement of a State Highway and livestock is present is authorized to give notice to the property owner; notify the Utah Highway Patrol (UHP); complete a temporary repair while the owner is responding; and repair the fence if the situation seems too dangerous. The property owner or damaging party will be billed for the repairs. Repairs made to non-Department fence will meet the minimum Department standards. The Department will notify the property owner of damage and repairs.

3. Uncontrolled Access Highways

Fencing will not be provided on new construction through or adjacent to unfenced public or private property, except under at least one of the following terms:

- a) The adjacent property owner will participate in 50 percent of the construction costs of the fence and appropriate Department funds are available and the owner agrees to maintain the fence. Refer to Note 2.
- b) The Department determines that fencing is essential to the safety of the traveling public.

Provide a fence in conformance with the Standard Drawing or Plan Set type designated on the right-of-way contract where additional right of way is required for construction or improvement of uncontrolled access highways, stock trails, frontage or side roads, through an area previously fenced, or developed property with the following exceptions:

- a) Provide the same type of fence, as closely as possible, on the new construction, if there is an existing ornamental or similar type fence on a property that is to be disturbed and if requested by the owner.
- b) Provide a six foot chain link fence for protection of children in the area if the additional right-of-way is adjacent or in close proximity to a school, park, or playground.
- c) One of the special wildlife fence types may be provided at the request or concurrence of the UDWR subject to the approval of the adjacent property owner. All special fencing provided in this case will be maintained by the UDWR, the Department or UDWR programs, such as Dedicated Hunter under Department supervision.

All fencing provided on uncontrolled access highways, except special fencing, becomes the property of the adjacent landowner and is maintained by that owner. Provide as a minimum, 20 foot wide gates at existing or agreed upon opening locations when fencing is provided. Proper gate operation is the responsibility of the adjacent property owner.

Place fences that are to be maintained by someone other than the Department directly on the right-of-way line. Place this fencing one foot inside the right-of-way line if for some reason the Department agrees to the maintenance of fencing in uncontrolled access areas. Place the fencing in accordance with the policy of the local authority on local governmental agency projects.

The Department, when fencing, regardless of specific ownership, is damaged by an errant vehicle that has left the pavement of a State Highway and livestock is present, is authorized to give notice to the property owner; notify UHP; complete a temporary repair while the owner is responding; and repair the fence if the situation seems too dangerous. The property owner or damaging party will be billed for the repairs. Repairs made to non-Department fence will meet the minimum Department standards.

4. Fencing Replacement:

The condition of the right-of-way fencing on each section of State highway should be specifically noted in the report of the annual Region Director's inspection of the roadways in their administrative area. These reports should then be examined at the time of any scoping or conceptual meeting for all Federal-aid, State, or State Maintenance rehabilitation or maintenance projects. Complete replacement of the fencing should be considered as part of the project when the reports indicate that the fencing has reached a state of deterioration where it can no longer be adequately maintained. Consider changes in this fencing policy, urban boundaries, or use of the adjacent properties when deciding what type of fence to be provided in the project when the approval of including fence replacement is in the project.

5. Variance of Policy:

Obtain Deputy Director approval for any deviation from this policy.

Notes

- 1: UDWR, before fence installation, reviews and approves the requests or recommendations of other federal, state, local, or private agencies for special fencing.
- 2: Fifty percent participation consists of either the landowner paying half the cost of the contract bid item for the type of fence to be installed, or by Department furnishing all materials necessary for construction of the agreed on fence type and delivering these materials to the nearest Department maintenance shed. The landowner is responsible to pick up and install the fencing on the appropriate right-of-way line. The owner may be allowed to use materials other than that shown in the Standard Drawings or in the Plan Set should the landowner desire, but only at owner expense and responsibility.