November 25, 2013

TO: ACHD Board of Commissioners & Bruce S. Wong, Director

FROM: Scott Spears, Assistant General Counsel

SUBJECT: Ordinance No. 224 – Amendments to ACHD Policy Section 5104.3 to 5104.6 Encroachments and Obstructions

COMMISSION WORK SESSION – December 4, 2013

BACKGROUND:

ACHD Code Title II, Section 5104.3, enacted with the adoption of Ordinance No. 201 on April 12, 2006, and amended with the adoption of Ordinance No. 219 on August 22, 2012, governs the removal and mitigation of encroachments and sight obstructions.

During the 2013 Legislative Session, the Idaho Legislature passed House Bill 171, amending Idaho Code Section 40-2319 to provide for immediate removal of an encroachment by the highway district of which the highway district has actual notice and which effectively obstructs and prevents the use of an open highway for vehicles or is unsafe for pedestrian or motorist use. Proposed Ordinance No. 224 (Attachment No. 1) amends Section 5104.3 to ensure that it is consistent with the 2013 amendments to Idaho Code Section 40-2319.

Providing a comprehensive policy for removal and mitigation of encroachments that complies with House Bill 171, proposed Ordinance No. 224 amends Section 5104.3 to clearly indicate the various manners in which ACHD may receive actual notice of an encroachment or sight obstruction and upon receipt of actual notice, whom at ACHD may conduct an investigation of an encroachment or sight obstruction. The proposed amendments to 5104.3 provide for immediate removal of encroachments which effectively obstruct and prevent the use of an open highway for vehicles or are unsafe for pedestrian or motorist use.

The proposed amendments provide clear and distinct definitions of the terms “encroachment” and “sight obstruction”. Ordinance No. 224 relocates “Guidelines for Removal of Encroachments and Sight Obstructions” from their current location at Section 5104.6 to their proper location as part of Section 5104.3 and amends the guidelines as appropriate to reflect the 2013 amendments to Idaho Code Section 40-2319. The proposed amendments to Section 5104.3 also incorporate into the guidelines, procedures set forth in Idaho Code Section 40-2319 for non-immediate removal of encroachments that do not effectively obstruct and prevent
the use of an open highway for vehicles or are unsafe for pedestrian or motorist use, including a civil penalty of up to $150 dollars per day for failure to comply with a notice of encroachment.

Proposed Ordinance No. 224 also features amendments to the explanatory text associated with diagrams of the 40’ Intersection Sight Distance Visibility Triangle for uncontrolled intersections (Diagram A) and Intersection Sight Distance for stop controlled intersections (Diagram B). The amendments to the explanatory text clarify the language and intent and make the diagrams more user friendly. It will also support and enhance efforts of ACHD staff in removing and mitigating traffic hazards. It will also provide the public with a better understanding of applicable traffic hazard specifications.

Section 5104.3.2 relating to campaign signs is renumbered to Section 5104.3.5 and technical amendments are made. Section 5104.3.3 relating to mail boxes is renumbered to Section 5104.3.6. Section 5104.3.4 relating to non-regulatory signs and nuisance signs or lighting is renumbered to Section 5104.3.7 and technical amendments are made. Section 5104.3.5 relating to parking investigations is renumbered to Section 5104.4. Section 5104.4 relating to Social Problems (cruising, graffiti, etc.) is renumbered to Section 5104.5. Section 5104.5 relating to school safety is renumbered to Section 5104.6.

In addition to Ordinance No. 224, ACHD Staff has also prepared a new Encroachment/Obstruction Removal & Mitigation Procedures document and an Encroachment/Obstruction flow chart which are also attached. The Encroachment/Obstruction Removal & Mitigation Procedures document and the Encroachment/Obstruction flow chart are intended to assist ACHD Staff in its efforts to remove and mitigate encroachments and obstructions. If proposed Ordinance No. 224 is adopted, the new Encroachment/Obstruction Removal & Mitigation Procedures document and Encroachment/Obstruction flow chart will be presented for adoption by the Commission coinciding with the effective date of Ordinance No. 224.

A public hearing on proposed Ordinance No. 224 is scheduled for the Commission's December 11, 2013, meeting.

In advance of the December 11, 2013 public hearing, the Notice of Public Hearing for proposed Ordinance No. 224 will publish in the Idaho Statesman as follows: (1) December 3, 2013 and (2) December 4, 2012.

If adopted on December 11, 2013, proposed Ordinance No. 224 will be effective January 13, 2014, following its publication as provided by Idaho Code Section 40-1406.

Attachments:
1. Proposed Ordinance No. 224
2. Proposed Encroachment/Obstruction Removal & Mitigation Procedures
3. Proposed Encroachment/Obstruction Flow Chart
ORDINANCE NUMBER 224

BY THE ADA COUNTY HIGHWAY DISTRICT BOARD OF COMMISSIONERS:
SARA M. BAKER, JOHN S. FRANDEN, REBECCA W. ARNOLD, MITCHELL A.
JAURENA, JIM D. HANSEN.

AN ORDINANCE REPEALING AS APPLICABLE ACHD RESOLUTION NO. 469,
AMENDING ORDINANCE NO. 201, ADOPTED APRIL 12, 2006, AMENDING
ORDINANCE NO. 219, ADOPTED AUGUST 22, 2012, AND AMENDING TITLE II OF THE
ADA COUNTY HIGHWAY DISTRICT CODE, WITH AMENDMENTS TO SECTIONS
5104.3.1 THROUGH 5104.3.4 RELATING TO ENCROACHMENTS AND SIGHT
OBSTRUCTIONS, RENUMBERING SECTION 5104.3.5 RELATING TO POLITICAL
CAMPAIGN SIGNS, RENUMBERING SECTION 5104.3.6 RELATING TO MAILBOXES,
RENUMBERING SECTION 5104.3.7 RELATING TO NON-REGULATORY, TEMPORARY
AND NUISANCE SIGNS OR LIGHTING, RENUMBERING SECTION 5104.4 RELATING
TO PARKING INVESTIGATIONS, RENUMBERING SECTION 5104.5 RELATING TO
SOCIAL PROBLEMS (CRUISING, GRAFFITI, ETC.), AND RENUMBERING SECTION
5104.6 RELATING TO SCHOOL SAFETY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Idaho Code Section 40-1406 provides that the Commissioners of the Ada
County Highway District (the "District") may pass ordinances for carrying into effect or
discharging all powers and duties conferred upon the District; and

WHEREAS, Idaho Code Section 40-1406 further provides that the District may print or
publish ordinances in book or pamphlet form pursuant to the authority of the Commissioners; and

WHEREAS, pursuant to Idaho Code Sections 40-1406, 40-1310, 40-1415, 50-1312, and
50-1313, the District is vested with the exclusive authority and control of public rights-of-way
within its jurisdiction including traffic and safety engineering for both motorist and pedestrian
traffic, procurement, installation, operation and maintenance of traffic control devices, and
drainage where it is necessary for motorist safety or necessary for right-of-way maintenance; and

WHEREAS, pursuant to Idaho Code Section 40-2319 and 49-221, the District is vested
with the exclusive authority and control to regulate, remove or demand the removal of
encroachments and traffic hazards within the public rights-of-way within its jurisdiction and to
otherwise establish standards and procedures for the protection of vision triangles at the
intersections of roads and streets within its jurisdiction; and

WHEREAS, the Commissioners of the Ada County Highway District desire to repeal as
applicable ACHD Resolution No. 469 and to amend procedures previously adopted by the
Commissioners of the Ada County Highway District in Ordinance No. 201 and Ordinance No.
219 relating to the removal and mitigation of traffic hazards, encroachments and sight
obstructions, the placement of campaign signs, the placement mail boxes, and the placement of
non-regulatory signs and nuisance signs.
NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE ADA COUNTY HIGHWAY DISTRICT, ADA COUNTY, IDAHO, that Ada County Highway District Resolution Number 469, is hereby repealed as applicable and all other Resolutions or parts of Resolutions in conflict with this Ordinance, to the extent of such conflict, are hereby repealed.

BE IT FURTHER ORDAINED, that amendments to Ada County Highway District Ordinance Number 201, adopted April 12, 2006, and Ada County Highway District Ordinance Number 219, adopted August 22, 2012, and Title II of the Ada County Highway District Code, amending Sections 5104.3.1 through 5104.3.4 relating to encroachments and sight obstructions, renumbering Section 5104.3.5 relating to political campaign signs, renumbering 5104.3.6 relating to mailboxes, renumbering 5104.3.7 relating to non-regulatory, temporary and nuisance signs or lighting, renumbering Section 5104.4 relating to parking investigations, renumbering Section 5104.5 relating to social problems (cruising, graffiti, etc.), and renumbering Section 5104.6 relating to school safety, are hereby adopted as set forth in Exhibit “A” which is attached hereto and incorporated herein by this reference.

BE IT FURTHER ORDAINED, that this Ordinance shall be in full force and effect from and after January 13, 2014, following its passage, approval and publication as provided by Idaho Code Section 40-1406.

ADOPTED BY THE ADA COUNTY HIGHWAY DISTRICT BOARD OF COMMISSIONERS THIS 11th day of December, 2013.

ADA COUNTY HIGHWAY DISTRICT
BOARD OF COMMISSIONERS

By: ____________________________  By: ____________________________
    Sara M. Baker, President                 John S. Franden, Vice President

By: ____________________________  By: ____________________________
    Rebecca W. Arnold, Commissioner         Mitchell A. Jaurena, Commissioner

By: ____________________________
    Jim D. Hansen, Commissioner

ATTEST:

_______________________________
Bruce S. Wong, Director
5104.3 Guideline for Removal and Mitigation of Traffic Hazard Encroachments and Sight Obstructions

5104.3.1 Encroachments and Sight Obstructions - Definitions
A. Encroachments and sight obstructions include, but are not limited to, any gate, building, private sign, mailbox, facility, structure, object, hedge, tree, shrubbery, fence, or wall that is placed on, over, beneath, or within or otherwise encroaches into the any portion of any highway or any public right-of-way.
B. Sight Obstructions include, but are not limited to any gate, building, private sign, mailbox, facility, structure, object, hedge, tree, shrubbery, fence, or wall that otherwise interferes with driver vision.

5104.3.2 Encroachment and Sight Obstructions - Notice and Investigation
Upon actual notice of an encroachment or sight obstruction, either by direct and documented observation by District staff, or by receiving a clear and concise written or verbal complaint communication from the public or other written or verbal notification from another governmental entity, the District Engineer or his designee, in accordance with duly adopted policies and procedures, shall conduct an engineering and traffic safety investigation to determine whether an encroachment or sight obstruction exists, and whether it effectively obstructs and prevents the use of an open highway for vehicles or is unsafe for pedestrian, bicyclist or motorist use of an open highway. In accordance with duly adopted policies and procedures, appropriately trained Maintenance personnel may also conduct an investigation of an encroachment or sight obstruction and make a determination relative to its severity.

5104.3.3 Encroachments and Sight Obstructions - Removal Specifications
Encroachments and sight obstructions will be considered for removal or mitigation based upon applicable Idaho law, District specifications, and duly adopted policies and procedures. Pursuant to Idaho Code 40-2319(2), if an encroachment effectively obstructs and prevents the use of an open highway for vehicles or is unsafe for pedestrian or motorist use of an open highway, it is subject to immediate removal by the District without notice to the occupant or owner of the land, or person causing or owning the encroachment or sight obstruction. District specifications for sight obstructions include, but are not limited to, the 40-foot vision triangle, the 3-foot and 10-foot height requirements, and intersection sight distance; see Figure 1 and Figure 2. These specifications are in accordance with Idaho Code 49-221 and 40-2319 and applicable AASHTO guidelines, and the location related to the highway or public right-of-way. Section 5104.63.4 provides additional guidelines for removal and
mitigation of sight obstructions, encroachments and other hazards.

Figure 1 - Uncontrolled Intersection

At an intersection, the 40-foot x 40-foot Intersection Sight Distance Visibility Triangle should be to Idaho Code 49-221 standards is measured from the edge of pavement or face of curb (where existing) at each corner of an intersection of public roads. Low-growing items within the 40-foot x 40-foot Intersection Sight Distance Visibility Triangle, including but not limited to, fences, private signs, shrubs, rocks and similar features, such as bushes and other vegetation should be maintained at a maximum height 5'-6" or less shall not be higher than 9 feet above the adjacent roadway surface pavement and trees or other overhanging elements within the triangle shall be maintained so that a minimum branch height clearance within the vision triangle is 10 feet above the adjacent roadway surface above the pavement. The specified heights for bushes, vegetation and trees are in place to ensure that intersections remain safe by limiting visual obstructions and to ensure traffic engineering design specifications.
The Intersection Sight Distance Visibility Triangle is measured with one leg of the triangle originating 14.5 feet from the edge of travel way along the stop controlled street and the second leg of the triangle extending either right or left along the uncontrolled street for the distance corresponding to the posted speed limit of the uncontrolled street. Items within the Intersection Sight Distance Visibility Triangle, including but not limited to, fences, private signs, shrubs, rocks and similar features, shall not be higher than 3 feet above the adjacent roadway surface. Trees or other overhanging elements within the vision triangle shall be maintained so that a minimum clearance within the vision triangle is 10 feet above the adjacent roadway surface, must be to Ada County Highway District's policy requirements at a stop controlled intersection. Low hanging objects, short objects, low branching trees and low growing bushes as well as other vegetation must be maintained at a height ensuring that the intersection sight distance be to the requirements provided above. The specified sight distance is in place according to traffic engineering design specifications and to ensure that intersections remain safe.

6104.3.4 Guidelines for Removal and Mitigation of Traffic Hazards Caused by Encroachments and Sight Obstructions
A. Degree of Severity of Hazard
Hazards are prioritized as follows.

1. Hazard effectively obstructs and prevents the use of an open highway for vehicles or is unsafe for pedestrian or motorist use of an open highway.

2. Deficiency based upon operational safety, such as accident record, or emergency stopping sight distance, or threatens structural integrity of the road surface or raises other concerns relative to maintenance or operation of the highway or public right-of-way.

3. Safety deficiency based upon current design standards, such as intersection sight distance, or stopping sight distance.

4. Beneficial to remove or mitigate, but minimum standards are met, such as vegetation cut to back of curb on minor residential streets; 2-feet behind curb for collectors; 4-feet behind curb for arterials; mitigating traffic control at intersections with visibility obstruction; and partial obstructions to visibility in sight triangles.

5. No significant benefit to removing sight triangle obstruction or encroachment

B. Location of Hazard

1. Right-of-way

2. Private property in sight triangle

3. Private property not in sight triangle

C. Potential Removal and Mitigation Actions

1. Notice of Encroachment (Requiring Removal Within 10 Days)

2. Follow-up Certified Letter, Door Hanger, Telephone Call, or Personal Visit

3. Attorney Letter

4. District Zone Inspection Services Remove

5. District Maintenance Remove

6. District Traffic Operations Place Temporary Mitigation

7. City/County Forestry Trim or Remove

8. City/County Code Enforcement

9. Court Injunction
10. Criminal Citation  
11. Placement of Traffic Control Device  
12. Minor District Project (Current Budget Year)  
13. Major District Project (Consider for Future Year)  
14. License Agreement  

D. Degree of Removal and Mitigation Effort  
The following chart identifies, but does not limit, the suggested removal and mitigation actions based on the degree and location of the hazard.

<table>
<thead>
<tr>
<th>DEGREE OF HAZARD</th>
<th>LOCATION OF HAZARD</th>
<th>POTENTIAL REMOVAL AND MITIGATION ACTION</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Right-of-Way</td>
<td>4, 5, 6 (Immediately)</td>
</tr>
<tr>
<td>1</td>
<td>Private Property (In Sight Triangle (ST))</td>
<td>4, 5, 6 (Immediately)</td>
</tr>
<tr>
<td>1</td>
<td>Private Property (Not in ST)</td>
<td>4, 5, 6 (Immediately)</td>
</tr>
<tr>
<td>2</td>
<td>Right-of-Way</td>
<td>All except 8, (depending on circumstances: 14)</td>
</tr>
<tr>
<td>2</td>
<td>Private Property (In ST)</td>
<td>All except 7, 14</td>
</tr>
<tr>
<td>2</td>
<td>Private Property (Not in ST)</td>
<td>1, 2, 11, 12, 13</td>
</tr>
<tr>
<td>3</td>
<td>Right-of-Way</td>
<td>1, 2, 4 (depending on circumstances: 5, 9, 12, 13, 14)</td>
</tr>
<tr>
<td>3</td>
<td>Private Property (In ST)</td>
<td>1, 2, 4</td>
</tr>
<tr>
<td>3</td>
<td>Private Property (Not in ST)</td>
<td>1</td>
</tr>
<tr>
<td>4</td>
<td>Right-of-Way</td>
<td>1, (depending on circumstances: 2, 4, 9, 14)</td>
</tr>
<tr>
<td>4</td>
<td>Private Property (In ST)</td>
<td>1</td>
</tr>
<tr>
<td>4</td>
<td>Private Property (Not in ST)</td>
<td>1 (not certified mail)</td>
</tr>
<tr>
<td>5</td>
<td>Right-of-Way</td>
<td>1, (depending on circumstances: 2, 4, 9, 14)</td>
</tr>
<tr>
<td>5</td>
<td>Private Property (In ST)</td>
<td>None</td>
</tr>
<tr>
<td>5</td>
<td>Private Property (Not in ST)</td>
<td>None</td>
</tr>
</tbody>
</table>

E. Non-Immediate Encroachment Removal – Civil Penalty

1. If the encroachment is not removed, or commenced to be removed, prior to the expiration of ten (10) days from the service or posting the Notice of Encroachment, the person who caused, owns or controls the encroachment shall forfeit up to one hundred fifty dollars ($150) for each day the encroachment continues unremoved.
2. If the owner, occupant, or person controlling the encroachment, refuses either to remove it or to permit its removal, the District shall commence in the proper court an action to abate the encroachment. If the District recovers judgment, it may, in addition to having the encroachment abated, recover up to one hundred fifty dollars ($150) for every day the nuisance encroachment remained after notice, as well as costs of the legal action and removal.

3. If the owner, occupant or person controlling the encroachment fails to respond to the Notice of Encroachment within five (5) days after the service or posting of the Notice of Encroachment is complete, the District may remove the encroachment at the expense of the owner, occupant, or person controlling the encroachment, and the District may recover costs and expenses, as well as the sum of up to one hundred fifty dollars ($150) for each day the encroachment remained after notice was complete.

5104.3.5 Political Campaign Signs

All signs relating to, or promoting, or informing, or publicizing the nomination or election of any individual for a public political office to be voted on in any primary, general or special election or advocating any political position or advocating any ballot measure to be voted on in any primary, general or special election, hereinafter referred to as “political campaign signs”, are granted permission for placement within the public right-of-way under District jurisdiction. The placement of political campaign signs is subject to the following restrictions:

1. Political campaign signs shall not be placed or located in a manner that interferes with the movement of motor vehicles or bicyclists or pedestrians or creates a sight obstruction for drivers or pedestrians or otherwise impedes driver or cyclist or pedestrian vision.

2. Political campaign signs, regardless of height or width, shall not be placed or located within the 40’ x 40’ Intersection Sight Distance Visibility Triangle located on the corner of every roadway intersection as defined by the intersection of the curb lines of both streets or where curbs do not exist, the edge of the pavement lines of both streets; see Figure 1, in Section 5104.3.4 and Figure 3.

3. Political campaign signs shall not be placed or located in a manner that interferes with the required intersection sight distance visibility; see Figure 2 in Section 5104.3.4 and Figure 3.

4. Political campaign signs shall not be located within twelve (12) feet of the edge of pavement where there are no curbs and/or
sidewalks; see Figure 3.

5. Where curb exists without sidewalks, political campaign signs shall not be located closer than six (6) feet from the curb to allow for a pedestrian walkway; see Figure 3.

6. Where sidewalk exists, political campaign signs may be located on the property (non-roadway) side of the sidewalk if sufficient public right-of-way exists for such placement, see Figure 3; provided that the political campaign sign shall not hang over the sidewalk. This will ensure the pedestrian access route on the sidewalk to be no narrower than the minimum width required under the Americans with Disabilities Act.

7. Political campaign signs shall not be located on any sidewalk, traffic median, island, boulevard strip, or landscape area between the curb and the separated sidewalk; see Figure 3.

8. Political campaign signs shall not be displayed using digital, flashing, battery operated, wireless, electronic or solar technology.

9. Political campaign signs shall not be placed on or attached to any post, pole, traffic sign, traffic marker, or traffic control facility located within the public right-of-way.

10. All political campaign signs are to be removed from the public right-of-way within 48 hours after the election.
Figure 3

No Curb Or Sidewalk

With Curb & Without Sidewalk

With Curb & Attached Sidewalk

With Curb & Detached Sidewalk

Ada County Highway District
Campaign Sign Location Restrictions
Political campaign signs placed in violation of these restrictions will be removed by the District and may be subject to civil penalties in an amount equal to the cost to remove the sign. For the purpose of imposing and collecting any civil penalty, there is a rebuttable presumption that the candidate seeking office or the sponsor of a ballot measure is the campaign official who is responsible for the placement of the political campaign sign and who may be obligated to pay the civil penalty. The Commission may cause the District to institute a civil action in the District Court of Ada County to enforce compliance with this policy and to collect the civil penalty. Political campaign signs that have been removed by the District may be retrieved at the District offices.

Nothing in this Section 5104.3.25 is intended to, nor shall it be considered, a granting of permission to place political campaign signs on private property or on state or federal highways or public rights-of-way.

Ada County and the cities within Ada County may have sign ordinances that are more restrictive than this Section 5104.3.25. If so, the more restrictive standard shall apply. It is the responsibility of those placing political campaign signs in the public right-of-way to be aware of those regulations.

5104.3.6 Mailboxes
Mailboxes causing a hazardous obstruction in the right-of-way or which hang over the sidewalk in such a manner that it causes the pedestrian access route on the sidewalk to be narrower than the minimum width required under the Americans with Disabilities Act must be removed, at the discretion of the District Director. If the mailbox is allowed by the District to remain, the homeowners will be asked to apply for a License Agreement allowing the mailbox in the right-of-way. This removes the District's liability for damages resulting from the mailbox.

5104.3.7 Non-regulatory Signs, Temporary Signs, and Nuisance Signs or Lighting
Non-regulatory signs, such as "Neighborhood Watch" signs, Temporary signs, such as "Real Estate", "Open House", and "Garage Sale" signs, shall be placed according to current District standards. Any such signs that are an encroachment or sight obstruction as provided in Section 5104.3.13 or are otherwise a hazard to vehicles, bicyclists, or pedestrians, or which hang over the sidewalk in such a manner that it causes the pedestrian access route on the sidewalk to be narrower than the minimum width required under the Americans with Disabilities Act must be removed. Any illumination that creates a traffic hazard must be shielded, removed, or otherwise properly mitigated.
5104.4 Parking Investigations

The District will investigate concerns related to parking and place and maintain parking controls for traffic safety and operations. Where the motivation for traffic controls is related to business, aesthetic, nuisance, or social concerns; the District will encourage the general purpose government to place and maintain parking controls according to an inter-agency agreement.

When the general purpose government will not take this responsibility, the District will place signs. This will be at no cost in residential areas or small lot retail areas for segments in full-blocks, when 75% of the adjacent property owners agree. For changes in this full-block posting or small lot condition, the District will place signs according to the wishes of the property owner. The property owner must pay the cost of installation and maintenance. Parking controls may be time of day, limited time, or full time but will not give preference to certain individuals, such as residents. Tow away signs will be reserved for issues related to traffic safety.

1. Diagonal Parking on Public Streets

Requirements for consideration 1) diagonal or perpendicular on-street parking is common in area; 2) existing activities have no feasible possibility of accommodating demand by obtaining adequate parking by off-street parking and parallel curb parking; 3) a hold harmless agreement is prepared and executed by the proponent of the parking, and indicate that the diagonal parking may be required to be removed at the discretion of the Ada County Highway District.

Design Guidelines (45° Parking)

<table>
<thead>
<tr>
<th>Street Type</th>
<th>Typical Lane Width</th>
<th>Buffer</th>
<th>Stall Dimension</th>
<th>Minimum Dimension Centerline or Lane Line to Curb Face</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arterial</td>
<td>12'</td>
<td>15-20'</td>
<td>15'</td>
<td>42-47'</td>
</tr>
<tr>
<td>Collector</td>
<td>11'</td>
<td>10-15'</td>
<td>15'</td>
<td>36-41'</td>
</tr>
<tr>
<td>Local</td>
<td>10'</td>
<td>5-10'</td>
<td>15'</td>
<td>30-35'</td>
</tr>
</tbody>
</table>

* Distance based on speed, volume, and other general characteristics of street. Add additional 3-feet to dimensions shown if bike lane is needed.
5104.5 Social Problems (cruising, graffiti, etc.)

The District will work cooperatively with other agencies to reduce or resolve social problems when these relate to the road right-of-way of transportation function. This is a lower priority than traffic safety concerns and requires Commission approval where a large commitment of resources is required.

5104.6 School Safety

The District will investigate school safety concerns based upon requests from the school district or principal. The Federal MUTCD, the Idaho TM and the District’s School Pedestrian Safety Study will serve as guidelines for placement of traffic control devices.

Guidelines for Removal and Mitigation of Traffic Hazards Caused by Obstructions

Degree of Hazard
Hazard are prioritized as follows.
1. Hazard—requiring immediate mitigation (life threatening, potential major financial loss)
2. Deficiency based upon operational safety, such as accident record, or emergency-stopping sight distance.
3. Safety deficiency based upon current design standards, such as intersection sight distance, or stopping sight distance.
4. Beneficial to improve, but minimum standards are met, such as vegetation out to back of curb on minor residential streets; 2 feet back for collectors; 4 feet back for arterials; mitigating traffic control at intersections with visibility obstruction; and partial obstructions to visibility in sight triangles.
5. No significant benefit to removing sight triangle obstruction or encroachment

Location of Hazard

1. Right-of-way
2. Private property in sight triangle
3. Private property not in sight triangle

Potential Improvement Actions
4. Notification-Letter  
2. Follow-up—Certified-Letter, Door-Hanger, Telephone-Call, or Personal-Visit  
3. Attorney-Letter  
4. ACHD-Construction-Services-Remove  
5. District-Maintenance-Remove  
6. District-Traffic-Operations-Place Temporary-Mitigation  
7. Boise-City-Forestry-Trim-or-Remove  
8. Boise-City-Code-Enforcement  
9. Court-Injunction  
10. Criminal-Citation  
11. Placement-of-Traffic-Control-Device  
12. Minor-District-Project-(Current-Budget-Year)  
13. Major-District-Project-(Consider-for-Future-Year)

5104.3.1 Degree of Improvement-Effort  
The following chart identifies the suggested improvement action based on the degree and location of the hazard:

<table>
<thead>
<tr>
<th>DEGREE OF HAZARD</th>
<th>LOCATION OF HAZARD</th>
<th>POTENTIAL IMPROVEMENT ACTION</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Right-of-Way</td>
<td>All except 8, 9, 10</td>
</tr>
<tr>
<td>1</td>
<td>Sight-Triangle (ST)</td>
<td>All except 5, 7</td>
</tr>
<tr>
<td>4</td>
<td>Private Property (Not in ST)</td>
<td>1, 2, 6, 11, 12, 13</td>
</tr>
<tr>
<td>2</td>
<td>Right-of-Way</td>
<td>All except 6, 8, 9, 10</td>
</tr>
<tr>
<td>2</td>
<td>Sight-Triangle</td>
<td>All except 5, 7</td>
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<tr>
<td>2</td>
<td>Private Property (Not in ST)</td>
<td>1, 2, 11, 12, 13</td>
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<tr>
<td>3</td>
<td>Right-of-Way</td>
<td>1, 2, 4 (depending on circumstances: 5, 12, 13)</td>
</tr>
<tr>
<td>3</td>
<td>Sight-Triangle</td>
<td>1, 2, 4</td>
</tr>
<tr>
<td>3</td>
<td>Private Property (Not in ST)</td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>Right-of-Way</td>
<td>1, 2, 4 (depending on circumstances: 3, 4)</td>
</tr>
<tr>
<td>4</td>
<td>Sight-Triangle</td>
<td>1, 4</td>
</tr>
<tr>
<td>4</td>
<td>Private Property (Not in ST)</td>
<td>1 (not certified mail)</td>
</tr>
<tr>
<td>DEGREE OF HAZARD</td>
<td>LOCATION OF HAZARD</td>
<td>POTENTIAL IMPROVEMENT ACTION</td>
</tr>
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<tr>
<td>ST</td>
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<tr>
<td>5</td>
<td>Right-of-Way</td>
<td>4</td>
</tr>
<tr>
<td>5</td>
<td>Sight Triangle</td>
<td>None</td>
</tr>
<tr>
<td>6</td>
<td>Private Property (Not in ST)</td>
<td>None</td>
</tr>
</tbody>
</table>
Encroachments/Obstructions

Removal & Mitigation Procedures

Encroachment/Obstruction – Defined

- Encroachments include, but are not limited to, any gate, building, facility, structure, object, hedge, tree, shrubbery, fence, or wall that is placed on, over, beneath, or within or otherwise encroaches into any portion of any highway or any public right-of-way

- Sight Obstructions include, but are not limited to any gate, building, private sign, mailbox, facility, structure, object, hedge, tree, shrubbery, fence, or wall that interferes with driver vision.

Actual Notice

- Clear and concise telephone call/voice mail
- Clear and concise e-mail via Tellus or ACHD smart phone application, or directly to a staff member’s work e-mail
- Clear and concise letter to the District, a Commissioner or an employee
- Clear and concise written public meeting comment
- Direct and documented observation by an employee

Transmit for Review

- Forward Notice to Traffic Engineering for field review
  OR

- Roadside Vegetation Crew for immediate action

Determine Required Action

- **Remove without Notice - Meets criteria in 40-2319(2)** – obstructs and prevents use of an open highway by vehicles or is unsafe for pedestrian, bicyclist or motorist use of an open highway
  - Action by Maintenance for:
    - Vegetation
    - Trash/Debris
    - Water on Roadway
- Action by Zone Inspection (activities requiring permits – could also apply to Capital Projects and Subdivisions) for:
  - Dumpsters
  - Material Storage Containers
  - Construction Materials (e. g., gravel, lumber, steel)
  - Temporary Traffic Control Devices (improperly positioned or not in active use)
- Emergency Action (Storm/Natural Disaster) – potentially all the above, plus:
  - Coordination with utilities
  - Coordination with city public works staff
  - On-call Maintenance Supervisors at Cloverdale or Adams (depending on location of event)

  - **Require Owner to Remove Encroachment per 40-2319(1),(3)** – encroachment does not constitute an effectual obstruction or unsafe condition
    - Provide 10-day notice to owner
      - If owner complies, document and close investigation
      - If owner fails to respond within 5 days of the 10-day notice period, District may remove at owner's expense
      - If owner responds but fails to remove after 15 days

      - Refer to City/County Code Enforcement - Vegetation
        - If owner complies, document and close investigation
        - If owner refuses removal:
          - Citation by Code Enforcement
          - Referral to Legal Department for Civil Action

  FOR NON-VEGETATION ENCROACHMENTS . . .

  - Refer to Legal Department for Civil Action

  - **If suitable for License Agreement**
    - Provide property owner License Agreement Application (Right-of-Way)
      - If owner does not apply for and sign License Agreement
        - Provide 10-day notice to owner
      - If owner signs License Agreement
        - Document and close investigation

**Temporary Mitigation**

Where an encroachment exists and immediate removal of the encroachment is impractical due to the nature of the encroachment, unsafe site conditions, inclement weather or other reasons, temporary measures may be used to mitigate potential hazards to pedestrians and vehicles, including but not limited to:
- Road Closure
- Lane Closure or flagging operations
- Channelization or re-alignment of vehicle lanes and/or pedestrian facilities
- Placement of barricades or barriers or other temporary devices to mark or separate the hazardous condition from the roadway users