



Questions?

For questions, please contact the
Secondary Roads Department
2716 South Federal
Mason City, IA 50401
641-424-9037



Cerro Gordo County would like to
thank you for your cooperation in
preserving the right-of-way.



Cerro Gordo County Secondary Roads Guide for Activity within Highway Right-of-Way



A Residents Guide to Iowa Code and
Cerro Gordo County Policy

❖ **What is the highway right-of-way?**

Highway right-of-way is the area of land secured by the county through an easement or deed for roadway purposes. This area includes the roadbed, ditches and backslopes. Iowa Code 331.362 authorizes the Board of Supervisors to “exercise their jurisdiction over the secondary roads” which includes maintaining the right-of-way.

❖ **What defines obstructions in the right-of-way?**

Removal of obstructions has been in Iowa Law since 1851. Iowa Code Chapter 318, Obstructions in Highway right-of-way, was created in 2006 by lawmakers and the current code clearly defines the right-of-way and allows the county to put liability onto the responsible party and assess them for the cost of removal of the obstruction. Chapter 318 defines an obstruction as any of the following occurring within the right-of-way:

- Excavating or filling
- Growing crops
- Destruction of plants placed by the highway department
- Placing fences
- Altering ditches or drainage

- Placement of debris, trash, rocks, brush
- Placement of signs
- Placement of red reflectors

❖ **What if an obstruction is placed in the right-of-way?**

Upon the County becoming aware of the obstruction, the property owner will be given notice to remove the obstruction. If corrective action is not taken, the County will complete the removal and assess the property owner damages.



❖ **Why is it important to maintain a clear right-of-way and remove obstructions?**

Obstructions are not allowed in the public right-of-way for public safety and liability. Obstructions can

reduce a driver’s view, distract the motorist’s attention and increase injuries in the event of a crash. Soil erosion, utility damage, sign damage; drainage and snow storage can become a problem without the proper maintenance of the road ditches. Important survey markers lying within the right-of-way must be preserved and protected from damage.

❖ **What if a property owner would like to complete work in the right-of-way?**

If a property owner would like to work in the right of way to construct a driveway, outlet a tile, repair a tile, erect a sign or mow a ditch, they should contact the Engineer’s Office to obtain a permit. Permit applications are also available online at www.co.cerro-gordo.ia.us/Engineer/Engineer.cfm.

❖ **Does a property owner need a permit for installing a mailbox?**

A property owner does not need to contact the Secondary Roads Department to install a mailbox. However, a mailbox should be installed on a break-away post and be mounted in accordance with the US Postal Service requirements.