

**Minnesota Department of Transportation
News Release
FOR IMMEDIATE USE - April 13, 2007**

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Planting crops on highway right-of-ways is illegal, create safety problems

Willmar, Minn. - The Minnesota Department of Transportation (MN/DOT) urges farmers and other landowners not to encroach on highway right-of-way when planting crops this season.

Plowing, tilling, planting, and any other detrimental activity within highway right-of-ways is considered a misdemeanor. In addition, signs and other items may not be placed on private property outside of the right-of-way limits without landowner consent.

Highway right-of-way is defined as the driving lanes, inside and outside shoulders, in slope/ditch bottom/back slope, clear zone, and sight corners at intersections (see diagram). Property taxes are not assessed on a highway right-of-way, even when it meets private property.

The intersection sight corners of highway right-of-ways are especially susceptible to encroachment and visual obstruction by unlawfully planted crops, especially corn. A serious safety site hazard can occur for motorists as crops grow taller.

Many traffic crashes in rural areas can be attributed, in part, to reduced visibility and consequent lack of opportunity for drivers to react defensively.

Erosion can also become a problem, especially in ditches, which can affect proper drainage, plug up culverts and jeopardize the stability of the shoulders and the roadbed itself.

Utility companies are allowed to use highway right-of-ways in the placement of gas lines, power lines, telephone lines, and fiber optic cable. Plowing and tilling can damage these lines under the ground and create a potentially dangerous situation for workers and area residents, in addition to possible interruption of service to customers.

In the case of a pedestrian or motor vehicle accident that creates property damage or personal injuries that can be attributed to encroachment of highway right-of-way, civil liability may also be extended to the party who planted unlawfully placed vegetation. In short, the injured parties can sue for damages.

MN/DOT inspectors monitor highway right-of-ways and can issue a written "Notice of Violation" to persons responsible for crop encroachment and other violations.

The notice may request the responsible party to remove the planted crop and re-establish the affected area with permanent non-crop vegetation at their own expense. The Minnesota State Patrol may issue a misdemeanor ticket if the responsibly party does not comply with the request. State employees will then make any corrections necessary, with the costs billed directly to the responsible party.

To determine the boundaries of highway right-of-ways, persons should look for metal posts about three to four feet high with either green/white or black/white diamond shaped plates at the top. However, these markers are not always present. Older roadways may have concrete monument markers about two feet high. It is also a misdemeanor to remove, damage, displace, or destroy these right-of-way markers and monuments.

For further information regarding roadway regulations, or assistance in identifying right-of-way boundaries on a Minnesota or U.S. highway in southwestern Minnesota, please contact Geri Vick in the Willmar MN/DOT office at 320-214-3776 or 1-800-657-3792.

For updated statewide traffic, construction, weather, and travel information, visit www.511mn.org.

Work Zones. Pay Attention or Pay the Price.

