

POLICY #	PREPARING DEPT	EFFECTIVE DATE	SUPERSEDES	PAGE
801	Right-of-Way	05/27/2021		1 OF 3 Attachment A & B

**PRIVATE INSTALLATIONS/LANDSCAPING WITHIN
ROAD COMMISSION RIGHT-OF-WAY**

1. The Mason County Road Commission, (MCRC) has adopted the following policy pertaining to private installations and landscaping within MCRC right-of-way property.
2. The public's right to use public roads and rights-of-ways for their intended purpose and the MCRC'S statutory responsibility to keep public roads and rights-of-way reasonably safe for public travel is absolute. Individuals do not retain the right to use public roads or rights-of-way for private installations, unless previously approved by the MCRC a permit or revocable license.
3. Private installations referred to include, but are not limited to, mailboxes, mailbox enclosures, sprinkler equipment, rocks/boulders/bricks/fencing, trees/shrubs/flower beds and other landscaping. Refer to attached letter (Attachment A) used by the MCRC to respond to property owners' inquiries regarding landscaping within the County right-of-way. Private installations within MCRC rights-of-way, whether installed with or without the permission or knowledge of the MCRC, must be maintained by property owner and are installed at the risk of the property owner. Maintenance of trees and shrubs within the right-of-way includes required pruning and/or removal of overgrown, diseased, or dead shrubs, limbs and/or trees.
4. All private installations within the right-of-way are subject to damage during road construction projects, maintenance activities and utility work. The MCRC its agents are not liable for such damage or replacement/repair costs.
5. Mailboxes installed within MCRC right-of-way should be in accordance with the attached U.S. Postal Service specifications (Attachment B).
6. Landscaping of the right-of-way on county roads by MCRC contractors or maintenance forces shall generally conform to a uniform treatment for the entire length of the project or road. The treatment shall be sod, seed, mulch, or other treatment as determined at the time the project is designed. Existing landscaping features that do not conform to the designed landscape shall be removed or partially removed by the property owner at their own expense in order to facilitate the maintenance or construction operations. Restoration of these areas shall conform to the treatment specified for the particular project.
7. During maintenance activities, MCRC crews or contractors may occasionally damage mailboxes, landscaping, or other private installations within the MCRC right-of-way. Any damage caused is not intentional and in most instances is unavoidable. The exercise of control and maintenance of public roads and rights-of-way within the MCRC'S jurisdiction is a statutory responsibility, and the MCRC cannot be held liable or responsible for damage caused to private installations located within a public road or right-of-way.

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8. In the event that the MCRC is found negligent in the cause of damage to a mailbox within the right-of-way and replacement is deemed necessary, only a standard U.S. Postal Service recommended mailbox will be used to replace the damaged mailbox. The MCRC will not condone the use of taxpayer monies for replacement of mail receptacles or enclosures above and beyond the standard requirements of the U.S. Postal Service.

9. The MCRC reserves the right to deviate from this policy or add additional conditions or requirements, under the following conditions:
 - 9.1 That the property owners adjacent to rights-of-way under MCRC jurisdiction may request permission from the MCRC to conduct, install, operate, use and/or maintain landscaping or other encroachments within rights-of-way adjoining their property after first obtaining written approval for the alternate landscaping treatment or encroachment desired from the local government body.
 - 9.2 It is determined by the MCRC that the proposed landscape and/or encroachment does not create a hazardous condition for the motoring public.
 - 9.3 At the discretion of the MCRC Board, a revocable license may be issued through the MCRC and shall be subject to conditions as specified by the MCRC. This revocable license shall be subject to the following provisions as well as any additional conditions specified by the MCRC.
 - 9.4 The MCRC shall reserve the right of access to construct drainage facilities or other appurtenances on and through the right-of-way without being responsible for damages to the landscaping and/or encroachments under license.
 - 9.5 The license is and shall be incapable of being assigned or transferred by licensee to his/her heirs or assigns.
 - 9.6 The license shall be revocable at any time for any reason at the discretion of the MCRC Board.
 - 9.7 In the event the MCRC Board revokes the license, the landscaping and/or encroachments permitted shall be removed from the right-of-way by licensee at their own expense on or before the date specified by the MCRC Board, its agents, successors or assigns.
 - 9.8 In the event the licensee fails to remove the landscaping and/or encroachments by the date specified by the MCRC Board, the MCRC or its contractor may remove said landscaping and/or encroachments and licensee shall be responsible for the costs and expenses incurred by the MCRC for said removal.
 - 9.9 The licensee shall obtain liability and bodily injury and property damage insurance in the amount of \$1,000,000 comprehensive single limit coverage naming the MCRC as additional insured and shall agree to other insurance provisions as specified by the MCRC.
 - 9.10 The issuance of license shall be subject to Permit Department inspection fees to be paid by licensee.
 - 9.11 If approved, nothing in the license shall be construed to grant any right whatsoever to the licensee except to the consent specifically granted.

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10. At the discretion of the MCRC Board, private parties who desire to have a revocable license issued for landscaping and/or encroachments within the MCRC right-of-way may be responsible for all of the costs involved in processing said license. The fees for issuance of a revocable license are included in the Fee Schedule located in the front of this section of this manual.