



Fencing Implementation Guideline (For 08A-10)

08A-10 Construction and Maintenance of Right-of-Way Fence

I. Guideline Purpose

The following implementation procedures describe the responsibilities of UDOT and property owners regarding the construction and maintenance of fencing along UDOT's right-of-way.

II. Definitions

As used in this guideline, the boldfaced terms below have the following meanings:

- A. **FHWA** - the Federal Highway Administration.
- B. **Frontage road** - an access road that is generally aligned parallel to a no-access highway or a limited-access highway and is located between the highway and the front-building setback line.
- C. **Limited-access highway** - a state highway with limited or no access to adjacent property, also known as a partially controlled access highway.
- D. **Limited-access line** - the same as that term is defined in Rule R930-6.
- E. **Livestock drive** - enclosed fencing intended to contain livestock in a certain area and built adjacent to a highway.
- F. **Mainline** - the primary travel lanes of a no-access highway or a limited access highway.
- G. **No-access highway** - a state highway with fully regulated traffic flow and where access to the state highway is only available at interchanges with entrance or exit ramps. Also known as a fully controlled access highway, the highway contains no traffic signals, at-grade intersections, or property access.
- H. **No-access line** - the same as that term is defined in Rule R930-6.
- I. **Right-of-way** - property owned or controlled by UDOT that is on, below, or adjacent to a public highway under UDOT's jurisdiction.
- J. **Right-of-way line** - the boundary between UDOT's right-of-way and private property.



K. Rural - an area of the state outside any of the large urbanized and urban cluster boundaries as designated by the FHWA.

L. State highway - a road that:

1. Meets the requirements of a state highway under Utah Code 72-4-102.5; and
2. Is designated as a state highway in Utah Code Title 72, Chapter 4 Part 1, State Highways.

M. UDWR - the Utah Division of Wildlife Resources.

N. Uncontrolled access - right-of-way where UDOT has not purchased or otherwise acquired the right to prevent an owner of abutting land to access the right-of-way.

O. Urban - an area of the state within any of the large urbanized and urban cluster boundaries as designated by the FHWA and shown on the urban boundaries UPlan map.

III. No-Access Highways

A. UDOT Responsibility

1. UDOT is responsible for providing and maintaining continuous fencing along all no-access highways, except in locations where UDOT determines fencing is not necessary because other features of a state highway provide a similar safety benefit, including areas with precipitous slopes, natural barriers, or sound walls that are on or adjacent to the right-of-way line of the state highway.
2. UDOT will ensure that fencing installed on no-access highways is placed within the state highway right-of-way, is placed one foot from the right-of-way line, and is maintained by UDOT with the following exceptions:
 - a) Frontage Roads. Because UDOT generally transfers responsibility and maintenance of frontage roads to the appropriate local governmental agency after completion of a no-access highway, UDOT will cooperate with the appropriate local government agency to"



- (1) Placing fencing on the private property side of the frontage road in accordance with the policy of the local government agency; and
- (2) Install fencing between frontage roads and mainline on the no-access line.

- b) Livestock Drives. UDOT will maintain fencing on both sides of a livestock drive for the protection of the traveling public when the livestock drive is constructed adjacent to a highway.

B. Property Owner Responsibility

1. Livestock Drives - The property owner is responsible for maintenance of fencing that is not adjacent to a highway and is constructed for the convenience of the property owner.

C. Materials

1. UDOT will use six-foot chain link fencing for no-access highways in designated urban areas. UDOT will use the types of fence shown on UDOT's Fence and Gates Series Standard Drawings, or in the plan set in other areas of development within the state, to discourage:
 - a) Animals from entering upon the state highway right-of-way;
 - b) Children and pedestrians from entering the state highway right-of-way; or
 - c) Vehicles from entering or leaving the state highway right-of-way at unauthorized locations.
2. UDOT will generally use Type A or B metal post fencing for state highways in rural areas of the state, except that:
 - a) UDOT will generally use Type B metal post fencing when necessary to control domestic animals;
 - b) UDOT may use specialized wildlife fencing as requested by or with the concurrence of UDWR in wildlife areas if, before installing the fence, UDWR reviews and approves the request or recommendation of federal, state, local, or private entities for specialized wildlife fencing; or



- c) UDOT may provide other types of fencing if an adjacent landowner request in writing and provides adequate justification that UDOT's proposed fencing type will not provide a satisfactory barrier for the property in question.

IV. Limited-Access Highways

A. UDOT Responsibility

1. **Urban Areas.** UDOT will install and maintain fencing one foot inside the right-of-way when necessary to control vehicular or pedestrian access to a limited-access highway, except that UDOT may instead install fencing on the right-of-way line when the adjacent property owner request fencing and participates in the cost and agrees to be responsible for maintenance of the fencing.
2. **Rural Areas.** UDOT will install and maintain fencing one foot inside the right-of-way when necessary to control vehicular or animal access to a limited-access highway, except that UDOT may install fencing on the right-of-way line when the adjacent property owner requests fencing and participates in the cost and agrees to be responsible for maintenance of the fencing.
3. **Wildlife fencing.** UDOT may install specialized wildlife fencing at the request or concurrence of UDWR and subject to the approval of the adjacent property owner. All specialized wildlife fencing provided under this provision will be maintained by UDWR, UDOT, or a volunteer program under UDOT supervision.
4. **Gates.** At initial construction, UDOT will provide a minimum 20-foot-wide gate at all authorized property access points if the property owner agrees to be responsible for proper gate operation, maintenance, and replacement. UDOT may substitute a cattle guard for a gate at the written request of the adjacent property owner and that owner is willing to pay any additional costs for installation over that of a gate and for ongoing maintenance of the cattle guard.
5. **Vehicle damage to fencing.** When fencing under the maintenance responsibility of a property owner is damaged by an errant vehicle that has left the pavement of a state highway in a location where livestock is present, UDOT is authorized to give notice to the property owner, notify the Utah Highway Patrol, and complete a temporary repair while the property owner is responding. UDOT will bill the damaging party for the



repairs. UDOT will ensure that repairs made to fencing, including non-UDOT fencing, meet minimum UDOT standards.

B. Property Owner Responsibility

1. **Urban Areas.** The adjacent property owner is responsible for maintenance when fencing is placed on the right-of-way line and has agreed to be responsible for maintenance. If the property owner requests fencing, they participate in the cost.
2. **Rural Areas.** The adjacent property owner is responsible for maintenance when fencing is placed on the right-of-way line and has agreed to be responsible for maintenance. If the property owner requests fencing, they participate in the cost.
3. **Gates.** After initial UDOT construction, the property owner is responsible for proper gate operation, maintenance, and replacement.
4. **Vehicle damage to fencing.** Fencing, where livestock is present, damaged by an errant vehicle that has left the pavement of a state highway is the maintenance responsibility of a property owner. UDOT is authorized to give notice to the property owner, notify the Utah Highway Patrol, and complete a temporary repair while the property owner is responding. UDOT will bill the damaging party for the repairs. UDOT will ensure that repairs made to fencing, including non-UDOT fencing, meet minimum UDOT standards.

V. Uncontrolled Access Highways

A. UDOT Responsibility

1. UDOT may only provide fencing on new construction through or adjacent to unfenced public or private property along an uncontrolled access highway if UDOT determines it has adequate funds and:
 - a) The adjacent property owner agrees to pay 50 percent of the construction costs of the fence and agrees to maintain the fence; or
 - b) UDOT determines that fencing is essential to the safety of the traveling public
2. **Fencing Placement.** UDOT will place fencing that is to be maintained by someone other than UDOT directly on the right-of-way line. UDOT will



place fencing one foot inside the right-of-way line if UDOT agrees to maintain the fencing in an uncontrolled access area. UDOT will cooperate with the relevant local government agency when providing fencing as part of a local government agency project.

3. When UDOT determines that additional right-of-way is required for construction or improvement of an uncontrolled access highway, livestock trail, frontage road, or side road, through an area previously fenced or through developed property, UDOT will provide fencing that is in conformance with the standard drawing or plan set, except that:
 - a) UDOT will not install fencing if an adjacent property owner has been compensated through a written “Cost to Cure” agreement with UDOT,
 - b) If ROW document require UDOT to replace existing non-standard fencing, UDOT will provide the same type of fencing as determined by UDOT, and
 - c) UDOT may provide special wildlife fencing at the request of UDWR, subject to approval by the property owner and written agreement by UDWR to maintain the fencing.
4. UDOT will provide as a minimum, 20 foot wide gates at existing or agreed upon opening locations when fencing is provided on an uncontrolled access highway. Proper gate operation, maintenance, and replacement is the responsibility of the property owner.

B. Property Owner Responsibility

1. All UDOT-provided fencing on an uncontrolled access highway, except special wildlife fencing, becomes the property of the adjacent landowner and the landowner is responsible for maintenance of the fencing. UDOT will provide as a minimum, 20 foot wide gates at existing or agreed upon opening locations when fencing is provided. Proper gate operation, maintenance, and replacement is the responsibility of the property owner.
2. Fencing is the maintenance responsibility of the property owner. If it is damaged by an errant vehicle that has left the pavement of a state highway and livestock is present, UDOT may notify the property owner, notify the Utah Highway Patrol, and complete a temporary repair while the owner is responding. UDOT will bill the damaging party for the repairs.



UDOT will ensure that repairs made to fencing, including non-UDOT fencing, meet minimum UDOT standards.

3. Proper gate operation, maintenance, and replacement is the responsibility of the property owner.

VI. Cattle Guard Placement. Cattle guards will be placed in accordance with Policy 08A-04, Placement of Cattle Guards.

VII. Livestock Damage to Fencing.

A. UDOT Responsibility

1. If the fence is owned by UDOT, UDOT will permanently repair the fence. If the fence is owned by the adjacent land owner, and if the livestock owner does not respond in a timely manner, UDOT may elect to temporarily repair the fence until the livestock owner can repair the fence to its original condition. Any repair would meet the minimum UDOT Standards.

B. Property Owner Responsibility

1. When livestock damages a fence adjacent to a state highway, regardless of access type, the owner of the livestock is responsible for the cost to repair the fence. Any repair would meet the minimum UDOT Standards.

VIII. Landowner Participation.

When UDOT requires 50% participation by a landowner when building fencing, the requirement can be met either by the landowner paying half the cost of the contract bid item for the type of fence to be installed, or by UDOT furnishing all materials necessary for construction of the agreed on fence type and delivering these materials to the nearest UDOT maintenance shed. The landowner is then responsible to pick up and install the fencing on the appropriate right-of-way line. UDOT may allow a landowner to use materials other than shown in the standard drawings or in the planset, but only at the landowner's expense and responsibility.