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October 3, 2023

RE: HIGHWAY DISTRICT REQUIREMENTS TO ACCEPT ROADS FOR PUBLIC USE AND MAINTENANCE

Dear Residents:

This letter is to provide guidance to residents desiring public maintenance and/or road improvements to private roads. You will find our response to be typical to all such requests.

By law, a Highway District may only maintain public roads. The Highway District can accept private roads into the public road system for use and maintenance by the public, but only if certain requirements are met. If the road is owned by a homeowner's association, the association must agree to the request to convert the private road to a public road. If the road crosses several parcels of property, all underlying landowners must agree to the request.

In addition, the Highway District will not accept a private road into the public system that is not already constructed to its standards. Prior to January 1, 2005, developers were not required by Kootenai County ordinance to construct private roads to Highway District Standards and private roads were not typically constructed to Highway District Standards. After January 1, 2005, developers are required by Kootenai County ordinance to construct private roads to Highway District Standards.

***Regarding our obligation**, Idaho Code 50-1313 specifically states: No street, alley or highway hereafter dedicated by the owner to the public shall be deemed a public street, highway or alley, or be under the use or control of said highway district **unless** the dedication shall be accepted and confirmed by the commissioners of the highway district. An acceptance imposes no obligation or liability upon the highway district until the street, highway or alley is declared to be open for public travel.*

***Additionally**, Idaho Supreme Court Case Law (Strafford v. Klosterman, 134 Idaho 205, 998 P.2d 1118 (2000)) specifically held that unless a highway district accepts the dedication of a roadway, it has no control over that road and also has no obligation to maintain the road.*

With respect to taxes paid to the District, taxes paid by residents within the boundaries of the Highway District are used to maintain the accepted rural road network. Boundaries of the Highway District not only include properties located on private roads, but also our urban city residents who significantly augment the Districts tax revenue to pay for our rural road network maintenance.

For these reasons there is an expectation and requirement of the District that all roads brought into our maintenance system, shall first be built to our standards thus minimizing a financial burden on our entire tax base that would otherwise be faced with subsidizing improvements that have been required by the District since its formation.

The following is a brief overview of items that typically need addressed when a private road is converted to a public road. Complete details and standards are found in the HIGHWAY STANDARDS FOR THE ASSOCIATED HIGHWAY DISTRICTS OF KOOTENAI COUNTY, IDAHO 2023 Edition. You can find these standards on our website at www.lakeshighwaydistrict.com.

1. A minimum of a 60' foot right-of-way for the road is required and typically additional right of way needs to be deeded to the Highway District for the entire length of the road, together with a 10-foot roadway, drainage and utility easement on both sides of the right-of-way. If a cul-de-sac turnaround is necessary at the end of the road, a 120-foot diameter right-of-way, plus the utility easements, is required. The deed for right-of-way is required to be in a form acceptable to the Highway District.

2. If the roadway needs to be redesigned and reconstructed to meet the above-mentioned Highway District Standards, the design must be prepared by a registered professional engineer licensed in the State of Idaho.

3. Reconstruction typically includes the following items:

   a. All applicable Kootenai County regulations must be followed, and all applicable permits must be obtained, including site disturbance permits.

   b. Clearing and grubbing of the road. Clearing and grubbing consists of the removal and disposal of all organic and other deleterious material from the roadway right-of-way. All material removed under clearing and grubbing must be disposed of off of the right-of-way and in compliance with the State and Local permits. All denuded areas must be hydroseeded at the end of the project.

   c. Placement of a minimum of one (1) foot of compacted ballast material meeting Highway District Standards specifications. (The actual depth of the ballast required may be greater than one (1) foot, depending on the depth between the finish grade and the elevation of the stripping.)

   d. Placement of a minimum of four (4) inches of compacted ¾ inch crushed rock, meeting Highway District Standards, on top of the ballast.

   e. Depending on the classification of road, placement of either two (2) or four (4) inches of asphalt pavement on the crushed rock.

f. Placement of any necessary drainage structures such as culverts and/or drywells must be installed.

4. The standard cross section required for a public road is as follows. However, depending on the class of roadway, pavement width, dimensions from ditch bottom to ditch bottom and distance from shoulder to shoulder will vary. See exhibit SD1 in the Revised 2023 Associated Highway District Standards.

   38 foot to 44-foot ditch bottom to ditch bottom
   26 foot to 32-foot shoulder to shoulder
   22 foot to 28 foot of pavement

A common question is whether the existing gravel on a private road must be replaced. Normally the answer is yes because it does not meet the standards for size and for the material gradation requirements. Additionally, back when the road was originally constructed, all organic and deleterious materials were usually not removed.

Another common question is the cost to reconstruct a private road to Highway District Standards. The Highway District contract cost to build one mile of road up to Standards is approximately $650,000.00. However, this figure may vary due to fluctuations in oil/asphalt prices and the proximity of an available material source. In addition to this cost, there may also be costs associated with the relocation of any utilities outside of the construction area, such as power, phone and natural gas.

We trust that our response will provide you with the guidance you seek to convert your road from private to publicly maintained.

Respectfully,

Rod Twete
Commissioner
Sub-District 1

Respectfully,

Monty Montgomery
Commissioner
Sub-District 2

Respectfully,

Steve Adams
Commissioner
Sub-District 3