

ENGINEERING DIRECTIVES AND STANDARDS

Volume	Chapter	Section	Directive Number	Effective Date
IV	1	1	9	6/9/1999

SUBJECT: REMOVAL OF ENCROACHMENTS ON STATE HIGHWAY RIGHTS- OF-WAY

1. **PURPOSE:** The purpose of this directive is to establish a uniform policy and procedure for the removal of encroachments from highway rights-of-way.
2. **BACKGROUND:** Louisiana R.S. 48.347 authorized the Department to remove and dispose of any object found within the State highway rights-of-way and charge all expenses to the owner or person responsible for placing it there.
The statutes governing abandoned motor vehicles are contained in Louisiana R.S. 32.471-476.
3. **SCOPE:** This directive is applicable to all State highway rights-of-way.
4. **POLICY:** It will be the policy of the Department of Transportation and Development to prevent the installation of any structure, sign, headwall, obstacle, object, deposit, or thing within the limits of a highway in violation of any lawful regulation and to remove such encroachments found within the right-of-way.
5. **PROCEDURE:**
 - I. REMOVAL OF STRUCTURES, SIGNS, OBSTACLES, OBJECTS, DEPOSITS OR THINGS WITHIN THE RIGHT-OF-WAY.
 - A. **APPARENT VALUE:** When structures, signs, obstacles, etc. are of a permanent nature with significant value, the owner will be notified by certified mail to remove it within 5 days or such other period as may be agreed upon. When items do not have significant value but do retain some apparent value, the owner shall be notified, orally or in writing, to remove it within five days or such other period as may be agreed upon. All signs of significant or apparent value will be marked with an approved sticker as "ILLEGAL" at the time of owner notification. If the owner is unknown or cannot be found, a written notice (Object Encroachment Sticker stock number 03-5-7500) shall be affixed to the object setting forth that it must be removed within five (5) days from the date specified. Failure to remove within the specified period serves as forfeiture of all rights thereto and the Department may remove the object for its own use, dispose of it at a private or public sale, destroy it, or dispose of it in any manner. The owner and any other person responsible therefor remains liable for any damage to public property or expenditure of highway funds resulting from the installation or removal of such items.
 - B. **NO APPARENT VALUE:** Structures, signs, obstacles, etc. that have no apparent value will be summarily removed and destroyed or disposed of in the most cost effective manner available. Items in this category are wooden staked signs, small cardboard signs, light paper signs, and signs nailed to utility poles, etc.
 - C. **POLITICAL SIGNS:** A letter from the Secretary describing this policy will be included in each candidate's qualification package and a statewide media campaign will be initiated prior to major elections. Each District Administrator should, through the local news media and by personal contact wherever possible, notify candidates or their representatives that it is illegal to place POLITICAL SIGNS in State highway rights-of-way. They should further be advised that the department would remove small cardboard signs as soon as scheduling permits. Large signs (E.G. plywood or 2X4 supports) will be tagged "Illegal" and removed after five days. The ultimate disposition of political signs will be as indicated in Paragraph B above.

- D. **POTENTIAL TRAFFIC HAZARD OR OBSTACLE TO MAINTENANCE:** Any structure, sign, headwall, obstacle, object, deposit, or thing which is potentially hazardous or interferes with maintenance of the facility because of its location or type of construction will be removed as soon as practical and disposed of as outlined above.

II. REMOVAL OF ABANDONED VEHICLES

- A. When the Department's District Administrator determines that an abandoned vehicle is present on the highway right-of-way, notification shall be issued to: Supervisor, Auto Theft Bureau, Division of State Police, Post Office Box 66614, Baton Rouge, LA 70896. This notification shall be in the Form of a memorandum as follows: Revised 6/99 Page 3 of 3

MEMO TO: SUPERVISOR, AUTO THEFT BUREAU
DIVISION OF STATE POLICE
POST OFFICE BOX 66614
BATON ROUGE, LOUISIANA 70896

RE: ABANDONED MOTOR VEHICLES
STATE ROUTE _____
PARISH OF _____
STATE POLICE TROOP LOCATION _____

Please take into your custody and remove from the right-of-way the following described motor vehicle which has apparently been abandoned in our right-of-way:

Location Make _____, Model _____, Body Type _____

License No. _____

This vehicle has been at this location for _____

Please note that no copy of the memorandum is forwarded to the local Troop Headquarters. The Supervisor, Auto Theft Bureau, will contact the local Troop and issue instructions for removal of the abandoned vehicle. In Orleans Parish, the New Orleans Police Department would be notified.

- B. The Auto Theft Bureau will attempt to establish ownership of the vehicle, determine whether or not it is a stolen vehicle, and take necessary action to have the vehicle removed by commercial wrecker service.
- C. If, after a reasonable length of time, the vehicle has not been removed, the State Police will contact the District Administrator and authorize him to remove the vehicle with Department equipment or by other means in the best interest of the Department.
6. **OTHER ISSUANCES AFFECTED:** All directives, memorandums or instructions issued heretofore in conflict with this directive are hereby rescinded.
7. **IMPLEMENTATION:** This directive will become effective immediately upon receipt.

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