

## ENGINEERING DIRECTIVES AND STANDARDS

Volume	Chapter	Section	Directive Number	Effective Date
III	1	1	13	10/12/1976

**SUBJECT: ENCROACHMENTS**

**1. DEFINITION:** "Encroachment" herein shall mean any personal or real property not owned by the Department and so placed or erected as to intrude upon or into the right-of-way Utilities of any highway, street or road under the jurisdiction and control of the Department of Highways of the State of Louisiana.

**2. AUTHORITY OF DEPARTMENT:** Whenever an encroachment is found to exist within the limits of a highway, the Department's employees may summarily remove and dispose of it at the expense of the person responsible therefor. If it retains 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.

If the owner be unknown, or cannot be found, a dated written notice shall be affixed to the object setting forth that it must be removed within five days of the date of notice. Failure to remove within the specified period operates as a forfeiture of all rights thereto and the department may remove the object for its own use, or dispose of it at a private or public sale, or destroy it, or dispose of it in any manner. The owner and any other person responsible therefor retains liable for any damage to public property or expenditure of highway funds resulting from the installation or removal of such things.

**3. RESPONSIBILITY FOR IMPLEMENTATION:** It shall be the duty of each District Engineer to assure that, in all construction projects undertaken in his district, the respective project engineer has undertaken every reasonable effort to secure the removal of any and all encroachments from the surveyed right-of-way limits of such project.

It shall likewise be the duty of each District Engineer, not later than the completion of construction of any such project and before such project is certified for final inspection, to report to the Chief Construction and Maintenance Engineer the existence or non-existence of encroachments within the surveyed right-of-way limits of such project. In the event that any encroachments are reported to exist within such surveyed right-of-way limits, the report of the District Engineer shall include, but not necessarily be limited to, the following information:

- An exact and accurate description of such encroachment;
- The exact location of such encroachment with respect to, or in relation to, the surveyed right-of-way limits of such project;
- The identity of the owner of such encroachment and, if different from the owner of the adjacent property, the identity of the owner of such adjacent property, including the full name of such owner or owners, and the present or last-known domiciliary address of such owner or owners;
- An accurate and exact description of the efforts undertaken to accomplish the removal of such encroachments, including a brief narrative of any personal contacts or interviews and copies of any documents or correspondence pertinent to such efforts.

The certification of any construction project for final inspection shall hereafter include a certification of compliance with the above requirements.

4. **OTHER ISSUANCES AFFECTED:** Director's PPM No. 63 and all other memoranda or instructions issued heretofore in conflict with this directive are hereby rescinded.
5. **EFFECTIVE DATE:** This directive will become effective immediately upon receipt.

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