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Abridgment

South Dakota's Harvesting of Crops in Highway Rights-of-Way

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South Dakota has 40 470 hm^2 (100 000 acres) of roadside rights-of-way in vegetation, approximately 5.1 hm^2 per km (20 acres per mile) of Interstate highway road ditch, and 2.5 hm^2 per km (10 acres per mile) of primary and secondary highway road ditch. Since the 1940s we have allowed ditch mowing by the abutting owner or other interested party for no charge, and crop removal was satisfactory during the early years.

In the early 1960s, after Interstate roadside vegetation developed, we tried letting out mowing contracts in 8.1-km (5-mile) sections. This was not successful because feed was abundant elsewhere and contract administration was somewhat of a nightmare. We continued this policy through the 1960s and early 1970s and allowed abutting owners or others to mow on a first come, first served basis. No permit was required, and the unit foreman usually gave oral permission. The system worked satisfactorily with a minimum of complaints from the public and problems for the highway division.

Then came 1973 and dry weather. Pastures began drying up, which considerably heightened competition for mowing highway rights-of-way. The highway division attempted to administer an equitable system by requiring written permits to mow Interstate rights-of-way, but used oral permission for primary and secondary systems. Still, complaints came in from agricultural people about their not being able to obtain a mowing permit. Then the game people began encouraging nonmowing of road ditches or at least restricting permit dates until after the pheasant hatch.

Complaints to state legislators from rural land owners about alleged discrimination in issuance of permits brought others into the problem in 1973 and 1974. The result was a 1975 statute authorizing the Department of Transportation to establish roadside mowing regulations, after which the department held 1975 spring hearings to obtain public testimony concerning private mowing regulations.

Considerable testimony was taken, mostly concerning proposed mowing dates between June 15 and September 1. The agriculture people sought earlier and later dates, while the game people wanted only a short period in late July and early August.

The game people in South Dakota are convinced that highway rights-of-way should be a wildlife nursery and sanctuary.

In April 1976 the Department of Transportation board adopted the following rules and regulations in which an owner is the person or persons entitled to the possession of real property abutting a state trunk or Interstate highway; abutting means any land that adjoins the state trunk or Interstate highway system; rights-of-way include state trunk and Interstate highway systems being maintained by the Division of Highways; and division refers to the South Dakota Department of Transportation, Division of Highways.

1. Mowing permits—by whom issued. No person shall mow and remove any grass from the rights-of-way unless such persons shall first have been issued a permit by the district engineer or his authorized representative.
2. Form of permit, application, fee. The Office of Maintenance of the division shall prepare the application for the permit as to form and content, and there shall be no fee for the permit.
3. Reservation of right to issue permits. The division reserves the right not to issue permits for mowing on any or all portions of the rights-of-way.
4. Application for permit by nonlandowner. If a nonlandowner makes application for a permit, such application must be accompanied by a waiver signed by the landowner.
5. Commencement of mowing. No mowing of rights-of-way may commence west of the Missouri River prior to June 15, and no mowing may commence east of the Missouri River prior to July 10, and all mowing must be completed by September 1 of each year.
6. Mowing of newly constructed right-of-way. Mowing of newly constructed sections of highway will not be allowed for a period of 3 years or until the grass has become permanently established.
7. Liability insurance. Any person mowing within the rights-of-way must carry liability insurance in the minimum amount of \$50 000 property damage and \$100 000 in personal liability.
8. Area of rights-of-way that may be mowed. The area of the highway rights-of-way that may be mowed will be limited to the following: (a) mowing up to the edge of roadway shoulder will be allowed; (b) mowing the median of divided highways is prohibited; and (c) mowing of the areas inside interchanges will be allowed provided

access to the area is made by other than the main highway.

9. Manner of mowing. All mowing must be done in a workmanlike manner and the area left in a neat condition upon completion of work.

10. When hay must be removed. All hay must be removed from the rights-of-way within 30 d after being processed; any hay not removed within the time limits or in the manner prescribed by this section may be removed by the division.

11. Access to work area. Methods of obtaining access to work area of highway right-of-way are (a) access to work area on Interstate and controlled access highways is limited to using gates provided in the right-of-way fence, and if no gate exists one may be installed by the permittee and becomes the property of the state; (b) under no condition will it be permissible to enter or leave the work area through use of the main highway; and (c) the division will not be responsible for providing access roads outside the right-of-way line.

12. Parking of haying equipment. When haying equipment is not in use it must be parked near the right-of-way line.

13. Liability of permittee. The following shall constitute the instances of liability of the permittee: (a) the permittee shall be held responsible for any damage to fences, signs, landscape planting, or other highway features resulting from his or her mowing and haying operations; (b) the permittee shall hold the division, its officers, or employees harmless from any claims or actions brought by any person against the division, its officers, or employees as a result of the negligence of the committee or his or her agents or employees.

Mowing in violation of these regulations is a misdemeanor, which, upon conviction, carries a maximum penalty of a \$500 fine or one year in jail or both.

Because of an extremely dry spring in 1976 the Department of Transportation did temporarily amend the starting date for mowing east of the Missouri River to June 15. In recent years private mowing complaints were minimal, in part because of the decision to issue

permits only to the abutting landowner.

The maintenance foreman and superintendents were kept busy issuing permits, keeping track of permitted sections, and observing mowing operations for violations. Some violations were observed, and enforcement is a definite problem. There is a decided reluctance to file violation warrants with law enforcement people.

Removal of the harvested crops has always been a problem, and, while these regulations and the permit appear to have helped this problem, it has by no means been eliminated.

Some of the benefits from our private mowing policy follow. Less mowing is necessary by our own maintenance forces. Much litter is removed from the rights-of-way, and this helps to keep drainage areas cleaned out. Public relations with those who live along the highway are also better, because they are not charged for the hay they get in our ditches.

In many cases noxious weeds are cut down before they go to seed, and sight distances are improved, which reduces safety hazards for the traveling public. Many people feel that the ditches look much better when they are mowed out.

Some of the disadvantages and problems include erosion started by spinning equipment wheels on the inslopes and backslopes. There is also a constant problem with getting the private harvesters to remove their hay from the rights-of-way within the specified time limit. Furthermore, some operators do a very poor job of mowing and leave an unsightly mess.

Maintenance personnel are harassed when spraying noxious weeds in the rights-of-way by people who want to mow the ditches. The ecology and conservation people do not want any mowing done in the rights-of-way and the bee keepers in some areas criticize mowing the flowered vegetation their bees feed on.

These are a few of the problems and advantages South Dakota has encountered in its rights-of-way mowing policies.

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Abridgment

Approaches to Roadside Management

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The states in the Northwest maintain an acceptable roadside with an increasing inventory of work with fewer dollars and a smaller work force. The Washington State Highway Department, after identifying the problem many times, is developing a process that includes establishment of roadside management plans.

Roadside management is not a "buzz" word, but an accurate term identifying a team effort in roadside design, construction, and continuing maintenance. It is the process by which roadside development and maintenance are planned and accomplished in harmony with each other. Long-range goals are identified, and all activities are given priorities according to their importance in relation to the long-range goals or immediate needs or both, and their interactions.

The difference between this concept and normal procedure is interaction. In the past, each roadside activity was evaluated on its own merits and not always in relation to its impact on other activities.

Many times design and construction of the roadside create built-in maintenance problems. Construction people follow plans and specifications, and the maintenance crews wait in the wings until the contractor has finished. As soon as the contractor leaves the project, the maintenance crews take over, usually with the attitude that construction people did not mitigate the problem created by the design.

The concept of roadside management involves a team effort by engineers, landscape architects, and members of other disciplines who identify long-range goals and in-