

Lemhi County

Snow Removal Policy

Lemhi County maintains 420 plus miles of roads. WHEREAS, it is the intent of Lemhi County Road and Bridge department to maintain the road system in as safe a condition as possible throughout the winter months as well. ***The following Policy has been established to provide information for the public and to establish guidelines for the Road and Bridge Department staff to follow in order to ensure consistent practices for snow removal during the winter seasons.***

Some variations in this plan may be necessary as special snow conditions may arise.

Snowplows operate on a schedule designed to keep the roads open for the majority of its users.

Road Priorities are as follows:

1st Priority- School bus routes will take first priority

2nd Priority- Medium to heavier traveled sections of primary, secondary roads systems.

3rd Priority- Lighter traveled sections of highway including primary, secondary and areas for winter recreational vehicles.

4th Priority – Salmon River Road-

Depending on the severity or timing of snow storms, we cannot guarantee when snow removal may occur in your area.

Loose snow will be removed from the road surface to edge of road right of ways. When the County roads are plowed, snow can/will be plowed in driveways etc. County Crews are not responsible for clearing driveways or other private roads. Residents should keep vehicles, garbage cans and other items out of the road right of way to facilitate snow plowing. The County ***will not*** be liable for vehicle damage, mailboxes, broken fences, trees and other items located in the road right of way. In between storms, cleanup operations can/will be ongoing for several days and completion will be by widening the roadways, winging the banks back and cutting the snow floor.

PERSONAL PROPERTY

Vehicles and other personal property left in the County right-of-way obstructing snow plowing equipment will be towed at the owner's expense by request of the Lemhi County Road and Bridge Department. (Idaho State Code 18-3906, 49-106; 12D)

Pushing snow from your driveway into the right-of-way or across the roadway is illegal and causes traffic hazards. Piles of snow left on or near the road can freeze in to a solid mass creating a hazardous situation for vehicles and snowplows. Piles of snow increase the chance of drifting onto the roadway.

Accidents and damages caused by snow piles placed in the roadway or road right-of-way **will result** in liability to the property owner. Pushing snow across the road, leaving or blowing snow on the road and similar activities is a violation of Idaho State Code Section 18-3907 which reads in part "Obstruction of Highways-Any person who obstructs, injures or damages any public road, street or highway, either by placing obstruction therein or by digging in, or in any other manner injures or obstructs any public road, street or highway, is guilty of a misdemeanor" which is punishable by Court Order.

STRANDED MOTORISTS

Plow operators may assist stranded motorists by contacting local law enforcement and/or emergency personnel. Plow operators will not attempt to remove a stuck vehicle unless initiated by law enforcement and approved by the County Road and Bridge Supervisor or Relief Foreman.

CONTACT INFORMATION

Questions or concerns regarding County road snow removal should be directed to the Lemhi County Road and Bridge Department at (208)756-2861, during normal business hours Mon-Thurs (7:00am-5:30pm), **After hour's** questions or emergencies please contact Lemhi County Sheriff's Office.

Idaho State Statutes that deals with Counties road maintenance/snow removal

40-201 and 40-502

40-2312 and 49-106-12d

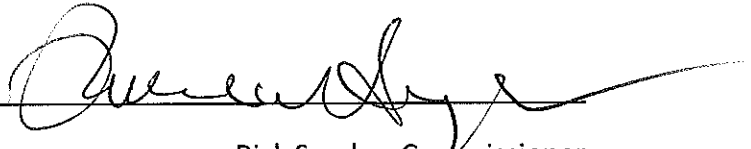
18-3906 and 18-3907

67-2350-1 and 40-114

Adopted and approved this 11 day of May, 2020

BOARD OF LEMHI COUNTY COMMISSIONERS

Ken Miners, Chair


Rick Snyder, Commissioner


Brett Barsalou, Commissioner

Some State statutes on Road ROW and snow removal

40-201 State law says to maintain our highways-roads in our jurisdictions.....

40-502 State law says we are to maintain only width of travel way.....

40-2312 basically says we have a 50 ft Row, goes along with the 2012 Supreme Court ruling of the 50ft wide prescriptive road ruling. So we have jurisdiction of what happens and is allowed to be in that Row....

18-3906 nothing shall be placed in 50 ft Row by public.....

18-3907 No Obstruction of highway or Row allowed.....

67-2350 (1) Snow removal only allowed on roads in our jurisdiction...

40-114 definition of Maintenance-& snow removal.....

49-106(12d) Definitions-....any situations in which a vehicle is impeding any snow removal or other road Maintenance operation.



Idaho Statutes

TITLE 40
HIGHWAYS AND BRIDGES
CHAPTER 2
GENERAL PROVISIONS

40-201. STATE HIGHWAY, COUNTY HIGHWAY, HIGHWAY DISTRICTS AND CITY HIGHWAY SYSTEMS ESTABLISHED. There shall be a system of state highways in the state, a system of county highways in each county, a system of highways in each highway district, and a system of highways in each city, except as otherwise provided. The improvement of highways and highway systems is hereby declared to be the established and permanent policy of the state of Idaho, and the duty is hereby imposed upon the state, and all counties, cities, and highway districts in the state, to improve and maintain the highways within their respective jurisdiction as hereinafter defined, within the limits of the funds available.

History:

[40-201, added 1985, ch. 253, sec. 2, p. 593; am. 1986, ch. 206, sec. 1, p. 512; am. 1986, ch. 328, sec. 3, p. 804; am. 1987, ch. 130, sec. 1, p. 261.]

How current is this law?

Search the Idaho Statutes and Constitution

*state Supreme Court
50 ft Row and all of it
is bars
Presumptive on Row*



Idaho Statutes

TITLE 40
HIGHWAYS AND BRIDGES
CHAPTER 5

IDAHO TRANSPORTATION DEPARTMENT

40-502. MAINTENANCE OF STATE HIGHWAYS. All state highways shall be maintained by the department at state expense, including sections of state highways located within local highway jurisdictions, except that in local highway jurisdictions where state highway sections are built to local highway jurisdictions standards, such as with curbs, sidewalks and areas available for parking and bus stops, the department shall maintain at state expense only the width of traveled way required for the movement of through highway traffic. The width of traveled way to be maintained at state expense shall not exceed the width of the traveled way of the state highways approaching the incorporated areas.

History:

[40-502, added 1985, ch. 253, sec. 2, p. 613; am. 1998, ch. 258, sec. 2, p. 861.]

How current is this law?

Search the Idaho Statutes and Constitution



Idaho Statutes

TITLE 40
HIGHWAYS AND BRIDGES
CHAPTER 23

MISCELLANEOUS PROVISIONS

40-2312. WIDTH OF HIGHWAYS. (1) Where the width of a highway is stated in the plat, dedication, deed, easement, agreement, official road book, determination or other document or by an oral agreement supported by clear and convincing evidence that effectively conveys, creates, recognizes or modifies the highway or establishes the width, that width shall control.

(2) Where no width is established as provided for in subsection (1) of this section and where subsection (3) of this section is not applicable, such highways, except bridges and those located within cities, shall be not less than fifty (50) feet wide.

(3) Highways that at the time of a validation or judicial proceeding are not located on land owned by the United States or the state of Idaho or on land entirely surrounded by land owned by the United States or the state of Idaho, and that have not received maintenance at the expense of the public in at least three (3) years during the previous fifteen (15) years, shall be declared to be of such width, and none greater, as is sufficient to accommodate:

- (a) The existing physical road surface;
- (b) Existing uses of the highway;
- (c) Existing features included within the definition of highways in section 40-109(5), Idaho Code;
- (d) Such space for existing utilities as has historically been required for ongoing maintenance, replacement and upgrade of such utilities; and
- (e) Space reasonably required for maintenance, motorist and pedestrian safety, necessary to maintain existing uses of the highway.

(4) Nothing in this section shall diminish or otherwise limit the authority and rights of irrigation districts, canal companies or other such entities as provided in chapters 11 and 12, title 42, Idaho Code.

(5) Nothing in this section shall diminish or otherwise limit any right of eminent domain as set forth in chapter 7, title 7, Idaho Code.

History:

[40-2312, added 1985, ch. 253, sec. 2, p. 695; am. 2013, ch. 239, sec. 6, p. 565.]

How current is this law?

Search the Idaho Statutes and Constitution



Idaho Statutes

TITLE 18
CRIMES AND PUNISHMENTS
CHAPTER 39
HIGHWAYS AND BRIDGES

18-3906. PLACING DEBRIS ON HIGHWAYS. (1) It shall constitute an infraction for any person to throw from any vehicle, place, deposit or permit to be deposited upon or alongside of any highway, street, alley or easement used by the public for public travel, any debris, paper, litter, glass bottles, glass, nails, tacks, hooks, hoops, cans, barbed wire, boards, trash or garbage, lighted material, or other waste substance, and is punishable by a fine of one hundred fifty dollars (\$150). A second conviction under this section within two (2) years of the commission of the prior offense for which the person was convicted shall constitute an infraction and be punishable by a fine not exceeding three hundred dollars (\$300). A third conviction under this section within three (3) years of the first offense for which the person was convicted shall constitute a misdemeanor and be punishable by a fine not exceeding one thousand dollars (\$1,000) and by imprisonment in the county jail not exceeding thirty (30) days. For the purposes of this section, the terms "highway," "street," "alley" or "easement" shall be construed to include the entire right-of-way of such highway, street, alley or easement. The Idaho transportation department is directed to post along state highways, at convenient and appropriate places, notices of the context of said law.

(2) Notwithstanding the provisions of section 19-4705, Idaho Code, the court may order that fifty dollars (\$50.00) of the fine imposed under the provisions of this section be paid by the defendant to the person or persons, other than the officer making the arrest, who, in the judgment of the court, provided information that led directly to the arrest and conviction of the defendant.

(3) It shall constitute a misdemeanor for any person to willfully throw, deposit, or place, or to lose and willfully leave upon or alongside of any highway or street used by the public for public travel, any debris, substance, object or material that impedes traffic or creates a hazardous driving condition, and is punishable by a fine not exceeding two thousand five hundred dollars (\$2,500) or by imprisonment in the county jail not exceeding six (6) months, or by both.

History:

[18-3906, added 1972, ch. 336, sec. 1, p. 925; am. 1974, ch. 12, sec. 86, p. 61; am. 1986, ch. 298, sec. 1, p. 747; am. 2015, ch. 177, sec. 1, p. 578; am. 2015, ch. 183, sec. 1, p. 587.]

How current is this law?

Search the Idaho Statutes and Constitution



Idaho Statutes

TITLE 18
CRIMES AND PUNISHMENTS
CHAPTER 39
HIGHWAYS AND BRIDGES

18-3907. OBSTRUCTION OF HIGHWAYS. Any person who obstructs, injures or damages any public road, street or highway, either by placing obstruction therein or by digging in, deepening or deviating the water of any stream, or by placing any obstruction in any ditch or stream within or along any public road, street or highway, or by placing or constructing any obstruction, ditch or embankments upon his own or other lands, so as to make or cause any water to flow upon or impair any public road, street or highway, or rides or drives upon and along the sidewalk of any road, street or highway, whenever such sidewalk has been graded or graveled, located or designated by any order of the board of commissioners or city council, or prepared in any other manner dedicating and designating the same for and to that particular use and purpose, either by the property owner or by the public, or in any other manner injures or obstructs any public road, street or highway, is guilty of a misdemeanor.

History:

[I.C., sec. 18-3907, as added by 1972, ch. 336, sec. 1, p. 925.]

How current is this law?

Search the Idaho Statutes and Constitution



Idaho Statutes

TITLE 67

STATE GOVERNMENT AND STATE AFFAIRS

CHAPTER 23

MISCELLANEOUS PROVISIONS

67-2350. SNOW REMOVAL RESPONSIBILITIES. (1) No county, city or highway district shall be responsible for the removal of snow on roads in the county, city or highway district over which they have no jurisdiction.

(2) The county, city or highway district may keep a list of any persons or entities that are interested in providing snow removal on private roads as a source of information for the public and shall provide to interested citizens the names of those individuals on a rotating basis.

(3) Notwithstanding the limitations imposed by this section, if no private persons are available or if they refuse to provide snowplowing to interested citizens, a county, city or highway district may provide the service for which the county, city or highway district may require reimbursement.

History:

[67-2350, added 1997, ch. 179, sec. 1, p. 497.]

How current is this law?

Search the Idaho Statutes and Constitution



Idaho Statutes

TITLE 40
HIGHWAYS AND BRIDGES
CHAPTER 1
DEFINITIONS

40-114. DEFINITIONS - M. (1) "Main traveled way" means the portion of a roadway for the movement of vehicles, exclusive of shoulders.

(2) "Maintain" or "place" means to allow to exist, subject to the provisions of chapter 19, title 40, Idaho Code.

(3) "Maintenance" means to preserve from failure or decline, or repair, refurbish, repaint or otherwise keep an existing highway or public right-of-way in a suitable state for use including, without limitation, snow removal, sweeping, litter control, weed abatement and placement or repair of public safety signage.

(4) "Mortgage" means a class of liens, including deeds of trust, as are commonly given to secure advances on, or the unpaid purchase price of, real property under the laws of the state of Idaho, together with the credit instruments, if any, secured by it.

History:

[40-114, added 1985, ch. 253, sec. 2, p. 591; am. 2013, ch. 239, sec. 2, p. 560.]

How current is this law?

Search the Idaho Statutes and Constitution



Idaho Statutes

Idaho Statutes are updated to the web July 1 following the legislative session.

TITLE 49
MOTOR VEHICLES
CHAPTER 1
DEFINITIONS

49-106. DEFINITIONS - E. (1) "Electric-assisted bicycle" means a bicycle equipped with fully operable pedals and an electric motor of less than seven hundred fifty (750) watts and that meets one (1) of the following requirements:

(a) "Class 1 electric-assisted bicycle" means an electric-assisted bicycle equipped with a motor that provides assistance only when the rider is pedaling and ceases when the rider stops pedaling or when the bicycle reaches the speed of twenty (20) miles per hour.

(b) "Class 2 electric-assisted bicycle" means an electric-assisted bicycle equipped with a motor that may be used exclusively to propel the bicycle and that is not capable of providing assistance when the bicycle reaches the speed of twenty (20) miles per hour.

(c) "Class 3 electric-assisted bicycle" means an electric-assisted bicycle equipped with a motor that provides assistance only when the rider is pedaling and ceases when the rider stops pedaling or when the bicycle reaches the speed of twenty-eight (28) miles per hour.

(2) "Electric personal assistive mobility device" means a self-balancing two (2) nontandem wheeled device designed to transport only one (1) person, with an electric propulsion system that limits the maximum speed of the device to fifteen (15) miles per hour or less.

(3) "Emergency vehicle." (See "Vehicle," section 49-123, Idaho Code)

(4) "Encumbrance." (See "Lien," section 49-113, Idaho Code)

(5) "EPA" means the environmental protection agency of the United States.

(6) "Essential parts" means all integral and body parts of a vehicle of a type required to be registered, the removal, alteration or substitution of which would tend to conceal the identity of the vehicle or substantially alter its appearance, model, type or mode of operation.

(7) "Established place of business" means a place occupied either continuously or at regular periods by a dealer or manufacturer where his books and records are kept and a large share of his business is transacted.

(8) "Excessive" or "unusual noise" means any sound made by a passenger motor vehicle or a motorcycle at any time under any condition of grade, speed, acceleration or deceleration, which exceeds ninety-two (92) decibels, or any lower decibel level that is fixed by law or rules adopted by the board of health and welfare, on the "A" scale of a general radio company no. 1551-B sound level meter, or equivalent, stationed at a distance of not less than twenty (20) feet to the side of a vehicle or motorcycle as the vehicle or motorcycle passes the soundmeter or is stationed not less than twenty (20) feet from a stationary motor or

engine.

(9) "Excessive speed" means any speed of fifteen (15) miles per hour or more above the posted speed limit, and is only for purposes of determining disqualification of commercial driving privileges.

(10) "Executive head," as used in chapter 20, title 49, Idaho Code, means the governor of the state of Idaho.

(11) "Explosives" means any chemical compound or mechanical mixture that is commonly used or intended for the purpose of producing an explosion and which contains any oxidizing and combustible units or other ingredients in proportions, quantities or packing that an ignition by fire, by friction, by concussion, by percussion or by detonator of any part of the compound or mixture may cause a sudden generation of highly heated gases with which the resultant gaseous pressures are capable of producing destructive effects on contiguous objects or of destroying life or limb.

(12) "Extraordinary circumstances" means any situation where an emergency exists or public safety is endangered, or any situation in which a vehicle:

- (a) Is blocking or impeding traffic; or
- (b) Is causing a hazard; or
- (c) Has the potential of impeding any emergency vehicle; or
- (d) Is impeding any snow removal or other road maintenance operation; or
- (e) Has been stolen but not yet reported as recovered; or
- (f) Is not registered, or displays a license plate registration tag which has been expired; or
- (g) Has been involved in an accident and remains on the highway; or
- (h) The driver of which has been arrested.

History:

[49-106, added 1988, ch. 265, sec. 2, p. 555; am. 1989, ch. 88, sec. 4, p. 159; am. 1989, ch. 113, sec. 1, p. 256; am. 1990, ch. 45, sec. 4, p. 77; am. 1998, ch. 392, sec. 1, p. 1198; am. 2002, ch. 160, sec. 1, p. 466; am. 2010, ch. 171, sec. 1, p. 348; am. 2019, ch. 84, sec. 2, p. 201.]

How current is this law?

Search the Idaho Statutes and Constitution