Recap from Regional Local Roads Conference Aaron Birst, NDACo Legal Counsel Presentation

Legal Details for Roads

Submitted by Curt Glasoe, PE/PLS - Oil Counties Technical Support Representative

Prescriptive rights for a road is the access right established over time by use of a road by the public where there is no formal right of way recorded or in evidence. Prescriptive rights road width in ND varies with the road use width at the time that the right is litigated by the court. So in the case of a two track road, the width is the area occupied by the two tracks. In the case of a
fully graded, drained, and surfaced road, the width would be the area from
the top of cut to the toe of fill including any drainage structures.

**Legal definitions of various words contained in any document**

<table>
<thead>
<tr>
<th>Standard</th>
<th>Described as</th>
<th>One has no choice but to follow this direction</th>
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</thead>
<tbody>
<tr>
<td>Guideline</td>
<td>Described as</td>
<td>With extenuating conditions one can vary from this direction</td>
</tr>
<tr>
<td>Option</td>
<td>Described as</td>
<td>One has many choices to vary from direction, one still has to have good facts or input from other sources as to why one is not following this direction</td>
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<tr>
<td>Support</td>
<td>Described as</td>
<td>No formal direction is given just support for the direction to be followed by the document</td>
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<td></td>
<td><strong>Shall</strong></td>
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December 7-8, 2016
Grand Hotel, Minot ND

NDTOA Website

AGCND Website
2016 Northland "How To" Training & Education Workshop
March 15-16, 2016
Ramada Plaza Suites, Fargo, ND

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If you have any comments or suggestions for this publication please contact NDLTAP.
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