



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

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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

Standard	Described as Shall	One has no choice but to follow this direction
Guideline	Described as Should	With extenuating conditions one can vary from this direction
Option	Described as May	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
Support	Described as Information	No formal direction is given just support for the direction to be followed by the document

Northland Chapter C

ATSSA



UPCOMING *Mark Your Calendars* **EVENTS**



December 7-8, 2016

Grand Hotel, Minot ND

[NDTOA Website](#)



[AGCND Website](#)



66th Annual North Dakota Association of County Engineers Institute
January 20-22, 2016
Best Western Ramkota Hotel

[NDACE Website](#)



2016 Northland "How To" Training & Education Workshop

March 15-16, 2016

Ramada Plaza Suites, Fargo, ND

[Northland Chapter of ATSSA Website](#)



April 5-6, 2016

Ramada Bismarck Hotel

[NDLTAP Website](#)



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

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