

CLINTON COUNTY SECONDARY ROAD DEPARTMENT DITCH CLEANING AND FIELD TILE POLICY

GENERAL: The County Engineer and the County Board of Supervisors deem roadway drainage as essential work necessary to maintain the County's Secondary Road System. Ditch cleaning work is a priority for the Clinton County Secondary Road Department and will be completed within the limits of the county budget.

SCOPE: The purpose of this policy is to establish the protocol and procedures in which the county will perform ditch cleaning and tile installation work. This policy will set forth the manner in which the county will prioritize ditch-cleaning projects, the procedures in which ditch cleaning can be requested, use of the excavated material, complaint handling, and public relations. The policy will also address roadside improvements such as ditch fills for landscaping to allow mowing of ditches, prevention of farming within the right-of-way, and processing of requests for field tile crossings and outlets and the manner in which field tile outlet structures in road right-of-way will be addressed.

PROCEDURES: Each year priority sites will be selected by the Road Maintenance Foreman, County Engineer and staff for participation in the ditch cleaning program. Projects that directly reduce road base saturation, surface erosion and reduce roadway frost heave are given the highest priority. Requests where landowners are attempting to stem soil erosion are given additional consideration and a higher priority for ditch cleaning than other property owner requests where soil erosion is not being addressed and the road ditch is being filled in due to soil erosion from adjacent land owners.

Additional ditch cleaning work will still be completed based on the needs of the County Secondary Road Department outside of this program. Ditch cleaning work may also be completed as the site aligns with the needs of the county for road/bridge and driveway construction.

- A) **Requests for work:** Requests for participation in the county ditch cleaning program may come from secondary road staff, land owners, tenants, and soil conservation staff. The sites will be reviewed by the Road Maintenance Foreman (or other County staff as directed by the County Engineer) and prioritized by the Road Maintenance Foreman.
- B) **Project site selection:** Sites will be prioritized, selected and placed on the priority list for ditch cleaning based on the following criteria.
- Drainage problems on site are causing road problems adjacent to the ditch. The road cross section is contributing to poor drainage due to secondary ditches. The plugged or filled ditch may be failing to drain resulting in water ponding adjacent to the road or causing erosion of the road surface. This moisture may contribute to frost boils and soft spots developing in the road during the spring thaw or other rainy periods. (1st priority)
 - Drainage problems on site are damaging roadway culverts and tile crossings (2nd priority)
 - Private property field tile drainage and or waterway drainage is being obstructed (3rd priority)
 - Requests by adjacent property owners for ditch cleaning for the purpose of acquiring fill material or lowering the ditch flowline for a proposed tile outlet (lowest priority)

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- C) Property owners may hire a private contractor to perform ditch cleaning work on ditches adjacent to their property. The property owner must first obtain a Work in ROW permit from the Clinton County Secondary Road Department prior to completing any work. The limits of excavation shall be set in the permit and the work will be inspected during ditch cleaning operations. Any nonconforming work shall be repaired at the property owner's expense. The property owner and the contractor shall be responsible for all costs associated with completing the work, Iowa One Call notification, traffic control, utility damage, disposal of the material and costs associated with repair of the road surface and appurtenances.

Ditch cleaning location selection for participation in the county program will be reviewed for upstream landowner compliance of good soil conservation practice. Downstream landowner drainage must be adequate to allow road ditch drainage. If downstream drainage is being obstructed by the property owner at a site the request for ditch cleaning will not be scheduled until the downstream drainage obstruction is removed. Projects with uncooperative property owners will not move up in priority until compliance with Soil and Water Conservation District (SWCD) guidelines.

PRIORITY USES OF EXCAVATED MATERIAL

Excavated material from ditches in the course of ditch cleaning will be used to best meet the needs of the Clinton County Secondary Road Department. One of the goals of this program is to retain soil on the original property and work with the property owners to avoid and prevent erosion. The excavated material is not the property of the adjacent landowner and will be used for the best interest of the county as determined by the County Engineer and the Secondary Road Department staff. Consideration for use of the excavated material will be as follows:

1. First Priority: Clinton County Secondary Road needs for use of excavated material for driveway construction and widening, road grade building, bridge construction and maintenance, and other construction and County related needs. Requests for excavated material by all others will only be considered after County needs are met.
2. Second Priority: Adjacent Landowners will be offered material excavated from ditches. The material will be deposited at a location easily accessible to the secondary road department equipment – priority will be given to casting into fields adjacent to ditches. Responsibility for placing the material in its final location and any finish grading necessary will be to the property owner. County crews will rough grade the material cast if necessary. Property owners are encouraged to use the material in areas that promote the conservation of soil. The property owner, tenant, or contractor of the property owner will be responsible to shape and compact the material in a timely manner so that the deposited soil does not become a hazard to traffic or a future erosion problem. County crews will deposit the material only; they will not shape and/or construct earth structures without the direction of the County Engineer. The County is not responsible for the presence of objectionable

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content (i.e. rocks, debris, metal, glass or other foreign matter) in the excavated material.

3. Third Priority: Landowners within five miles of ditch. Priority will be given to persons requesting material with the minimum haul distance from the ditch-cleaning site. Material to be hauled over five miles must have the approval of the Road Maintenance Foreman or County Engineer. Unless the sub-foreman determines it to be the most efficient, no consideration will be given to giving equal shares of soil to parties requesting material. The prime consideration will be assuring the efficiency and speed of the ditch cleaning operation. The county crew will deposit the material only; they will not shape final material. Material cannot be used to redirect water flow on to adjacent property or obstruct the roadway drainage onto downstream property.
4. Final Priority: Sub-foremen may direct the final load of any county truck returning to its respective sheds to dispose of the load between ditch cleaning work site and the respective employee's shed as requested by landowners. Material will not be hauled within city limits unless the material is being deposited on land owned by a school, church, non-profit organization or land zoned as agricultural. Residents may contract the hauling of excavated material with a private hauler if the property owner adjacent to the ditch cleaning site gives permission for the material to be hauled off-site and the county does not need the material.

COMPLAINTS BY LANDOWNERS REGARDING UPSTREAM SOIL EROSION

Complaints from landowners regarding soil loss and deposition on downstream property will be directed to the Clinton County SWCD. The County may file an official written complaint with the SWCD on its own behalf if the erosion is substantial and causing hazards for the traveling public (more than the 5 tons per acre per year threshold at 85 pounds per cubic foot soil unit weight). The site will be reviewed with the Board of Supervisors prior to filing and official complaint.

DITCH FILLING FOR LANDSCAPING PURPOSES

Clinton County does not require property owners to mow roadside ditches. Landowners desiring to mow the ditches adjacent to their properties may do so but must comply with Iowa Law and cannot mow designated prairie planting areas. Property owners who would like to fill in their ditches for mowing shall submit a permit application in accordance with the County's Roadside Ditch Alteration Policy. Clinton County does not allow ditches to be filled in where drainage is obstructed, snow traps are created or when roadway safety is not improved.

TILE OUTLETS

Placement of tile outlets into the County ROW is allowable. Persons desiring to outlet a tile into a county ditch must first obtain a tile permit from the Secondary Road Department. Prior

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to permit approval, the County staff will review the desired outlet location. There is no fee for the permit review process. The location of the desired outlet may be changed by the County if a more suitable outlet location is determined upon review. Following the approval of the permit, the landowner may have the work completed. The Road Maintenance Foreman shall be contacted at the completion of the work to ensure the work was completed in accordance with the permit and the ditch, backslope and road embankment were not damaged by the contractor. The contractor shall restore the ditch surface and seed all disturbed areas. All seeding activities shall be completed in accordance with Iowa Department of Transportation Specification 2601 (Using permanent seed rates and no fertilizer). Repair work requested by the County not completed by the landowner/contractor within 30 days of written request will be completed by the County and billed to the landowner.

TILE CROSSINGS

All requests to have field tile crossings installed through the county right-of-way must be directed to the Secondary Road Department for a permit and standards for installation. The contractor shall coordinate field installation with the county maintenance crews and local utility companies. The county will furnish and install material necessary to complete tile crossing as their schedule allows. The county will not be responsible for material or contractor work completed adjacent to county right-of-way, that which is part of drainage districts, or work performed at the direction of the landowners without Secondary Road Department approval. Cost for new tile crossing installations shall be borne by the County. After initial installation tile repair work costs shall be the responsibility of the County (including necessary repairs).

The landowner may employ a private contractor to construct a tile crossing at the property owner's expense and submit claims for review and payment by the County. The landowner shall submit a permit application and estimated cost to the County for review and approval prior to beginning any work. The permitting and approval process shall be the same. The landowner is responsible for ensuring that all work complies with wetland legislation as determined by the Natural Resources Conservation Service (NRCS) and/or the Corps of Engineers. Clinton County will not review or coordinate these activities on the landowner's behalf. Construction that results in the ponding of water in county right-of-way is not allowed. Secondary Road Department staff will inspect the work and any work not meeting County requirements will be removed and replaced at the property owner's expense. The property owner is responsible for obtaining a work in ROW permit, utility notification and traffic control.

Dual wall High Density Polyethylene (HDPE) non perforated pipe or equivalent shall be used for all crossings. Drop inlets or risers may be required five feet inside ROW lines. Any material or labor to be billed to the county must be pre-approved in writing and separate from any billing for other work completed. Private individuals installing the tile must have approval in writing and notify the county 48 hours in advance of tile crossing installation. The county will provide any rock necessary to restore the condition of the road surface. The contractor or landowner is to notify the county per the permit terms to allow county maintenance staff to inspect the finished crossing for conformance with county standards before pipe backfilling and after work is complete.

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SEPTIC SYSTEMS-NUISANCE COMPLAINTS & HOUSE DRAIN OUTLETS

If a septic system is noted in an area requiring ditch cleaning, and the septic system outlet is determined to be causing a health and safety hazard for personnel attempting to complete ditch cleaning, the area will be bypassed for ditch cleaning and the septic tank outlet location will be reported to the county environmentalist's office for review. House drain outlets into the road right-of-way are allowed as long as the drain only carries gutter rainwater, foundation drains, or non-septic floor drains. House drains determined to be a nuisance, due to the discharge of "grey water", soapy or suspect water will be reported to the county environmentalist's office for investigation.

FARMING IN THE COUNTY RIGHT-OF-WAY

Cultivating farm crops within the right-of-way leads to possible degradation of the ditch bottom and increased erosion. Row crop farming within the right-of-way is not conducive to soil conservation or proper roadside drainage. Farming of the right-of-way is not permitted under the county's permanent easement for road purposes and need not be allowed. This is not intended to prevent haying of the roadside, which is allowed by the Code of Iowa, but only prevent the cultivation of the right-of-way leading to the encroachment of and eventual loss of the county road ditch.

If it is observed that a property owner or their tenants plow and plant crops within the county right-of-way, the landowner will be sent notice by certified mail upon the observation of tilling into the ditch to cease planting in the right-of-way. The property owner will be asked to restore and re-seed the area affected. The county will, at the request of the landowner, delineate the approximate right-of-way line by placing ROW stakes on the right-of-way line for the reference of the property owner. If the right-of-way is not restored, the county may, without further notice, mow the crop; restore the ditch and backslope to the outside of the right-of-way and bill the landowner for the cost of the restorative work. If the bill is not paid, the cost of restorative work will be placed as a tax lien upon the landowner's property.

TILE OUTLET STRUCTURES IN COUNTY ROW

The County does not allow the construction of tile outlet structures (i.e. concrete boxes, metal weirs or other permanent structures which have tile outlets) in the County ROW. Existing tile outlet structures in the County ROW that are in need of repair shall be repaired at the property owner's expense (Work in ROW permit required), unless a written agreement is in place that assigns maintenance of the structure to the County.

The County encourages property owners with outlet structures in need of repair to contact the NRCS office to have the site reviewed as a potential Iowa Financial Incentive Program (IFIP) application candidate. NRCS design and assistance is free to property owners. The program is a 50/50 cost share and applications are taken on a year round basis. Current NRCS guidelines do not allow the construction of tile outlet structures in the County ROW.

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Tile outlet structures that are not being maintained by the property owner and not being reviewed for replacement under the IFIP program will be scheduled for removal by the County. The County will notify the property owner in writing that the structure is in need of repair and a response by the property detailing a schedule for repair or replacement is required within 30 days of receipt of the notification letter. The County may remove existing tile outlet structures without notice, which are causing safety or drainage issues to the roadway. Property owners may request the County to remove exiting structures. The cost to remove the structures will be borne by the County.

Existing structures that need replacement and are under review for the IFIP program may be removed by the County and the cost of the removal may be used as part of the private property owner's cost share amount under the IFIP program.

APPROVED BY THE CLINTON COUNTY BOARD OF SUPERVISORS

Supervisors:

ATTEST

DATE

Eric Van Lancker
Clinton County Auditor
State of Iowa
