



Kane County Commission

Daniel W. Hulet, Duke Cox, Mark W. Habbeshaw
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July 14, 2008

To: County Employees and Elected Officials

Re: **Roads across federally managed lands in Kane County**

This memorandum is a clarification and addendum to the previous memorandum, "Roads across federally managed lands in Kane County" dated June 23, 2008.

As stated in the memorandum of June 23, because of recent U.S. District Court rulings the County has temporarily ceased all management, regulation, improvement, and repair on roads across federally managed lands unless the County has formal authority and jurisdiction over the road(s). To act differently would subject the County to legal and financial liability.

The public's safety is paramount during the pendency of appeal of the U.S. District Court's rulings, or until the question of road authority and jurisdiction is resolved by other means.

The following guidance addresses the urgency of public safety consequences resulting from the federal court's rulings while protecting the County from legal and financial liability.

1. In the event county road repair is necessary on county roads abutted to a road crossing federally managed lands, work on the road across federally managed lands may be approved by a Commissioner if the federal land management agency agrees to:
 - A. Permit access for the stated purpose, and;
 - B. Have a federal agency employee on site during the repair, and;
 - C. The agency agrees to pay the County for the estimated cost of the repair to the road across federally managed lands.
2. The County Road Department, and any other county employee, shall assist people travelling on any roads in Kane County as reasonable and necessary to preserve the public's safety, health and welfare.

The County retains permission to travel open roads across federally managed lands. County assistance to the public travelling open roads across federally managed lands does not create the level of legal liability and financial risk that would occur if the County performed repair work on the same road(s).

A. Employees shall exercise judgment in getting needed assistance from the appropriate federal agency, the Kane County Sheriff's Office, or by using county vehicles and equipment reasonably to assist the public where issues of safety, health and welfare are involved.

B. Assistance provided to the travelling public in assuring the public's safety, health, and welfare shall not extend to road repair beyond that necessary to assist the travelling public except as provided in 1(A)(B) above.

County employees should make every effort to advise the appropriate federal agency of public assistance incidents and road repair needs as soon as possible.

(e-version, signed)

Daniel W. Hulet, Commission Chair

(signed)

Duke Cox, Commissioner

(signed)

Mark W. Habbeshaw, Commissioner

cc: Selma Sierra
Todd Christensen
Rene Berkhoudt
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