

MUD ON ROADS

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**DEPARTMENTAL
INFORMATION
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BULLETIN**

Problem Statement

Across the state, there are instances where during the wet season, mud and debris are tracked onto the highway surface. This situation presents a hazardous condition to the traveling public. This condition occurs near timbering operations, agricultural areas, oil fields, and other similar off-to-on-sites.

Background (Texas)

The problem of mud and debris on the road is often ignored or never realized, and there is not much which can be done to prevent it. The problem is many times caused by people cutting roads through properties without obtaining legal permission, such as driveway permits. For example, many oil and water well operations will cut a road on a property, do their job, and leave without informing proper state agencies and without concern over the impact of the mess they may make. If in fact claims do arise concerning accidents caused by the slick, mud-stricken roads, the state and the other party share liability. Unfortunately, the liability is not often equally shared or in favor of the state. The only thing the state can do to try to alleviate a problem of this sort is issue a written statement with the subject of "mud on the road" and tell the other party to cooperate in its prevention.

Under Highway Safety Program Standard Number 12, Section I, Parts H and I:

- H. Roadways and the roadsides are maintained consistent with the design standards which are followed in construction, to provide safe and efficient movement of traffic.
- I. Hazards within the Highway right-of-way are identified and corrected.

These standards can be interpreted to the state's advantage. Driveways on state-owned rights-of-way which may constitute a hazard are inconsistent with the standards. The hazard may come in the form of addition of mud and debris on the road. Therefore, it is within the rights to correct the problem, without fault, for the safety of the traveling public.

Survey

Several states, including North Carolina, South Carolina, Virginia and Colorado, were surveyed, and it is a general consensus that the problem described is hard to impossible to prevent. Even though individual states have their own set of statutes against the tracking of mud onto roadways, the problem still exists.

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Some statutes state it is illegal for dual-wheeled vehicles to track mud onto roadway surfaces while others simply state it is illegal for any vehicle to carry mud onto the road. Whenever a statute is broken or threatened, state police or highway patrol units are called to enforce the laws. The culprits (loggers, farmers, etc.), if located, are told to control and to clean the mess. If the guilty party cannot be found, highway crews must clean the mud and debris with motorgraders, shovels and brooms.

One helpful recommendation was the use of signs. In an area of continuous operation and/or where mud and road debris are a problem, warning signs can be used to caution traffic. A simply stated sign "watch for mud on road" could reduce the possibility of accidents caused by slick surfaces.

Conclusion

Prevention of "mud on road" is difficult. Law enforcement is our only ally and most times this is not enough. Highway checks followed by cleaning in needed areas is the only way to protect the public. Alternatives include distributions of warnings to possible offenders and proper placement of warning signs in areas which cannot be totally controlled. Ultimately, it is the responsibility of the logger, farmer, etc. to control and to clean the distribution of mud and debris on the roadways but, as stated, enforcement is a challenge yet to be met.