

Motorists warned to leave roadside rocks alone

State officials say collecting rocks along highways is dangerous and illegal

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It's a scene that's been witnessed by most people who drive on southern Indiana highways such as Ind. 37 or Ind. 446.

You see a car or truck parked on the shoulder of the road and people who have hiked up the cut-out through the high limestone cliffs, looking for collectable rocks.

Maybe you've asked yourself: Is that legal? Is it safe?

The answer to both questions is a resounding no. But whether these scofflaws who collect rocks for fun or profit will ever be called to justice is another matter.

The legal issue is clear. "We do not allow people to pick up that material along the right-of-way. That is state property and we own that right-of-way. It's the personal property of the State of Indiana," Indiana Department of Transportation spokeswoman Cher Goodwin said last week.

"When you're talking about those areas, there is not a lot of shoulder there, so there's a safety issue involved as well," she added. "It's just not safe for the motorists who are parked there or the motorists driving along those roads."

Indiana State Police spokesman, Sgt. Curt Durnil, is more blunt. "It is illegal and it is very dangerous," he wrote in a recent e-mail exchange.

Durnil said taking the rock is theft of state property, a Class D felony and a jailable offense. Parking on the shoulder of the road in a non-emergency situation is illegal parking and hauling an unsecured or poorly secured load of rock is a traffic violation as well. While fee structures vary from county to county, each of the latter two violations, if cited, would cost a person \$121.50 in Monroe County (a \$7 fine and \$114.50 in court costs).

Geologists and quarry operators say that rock harvesting in such a situation is far more dangerous than a typical person might realize and that they never go into hilly areas with loose rock without hard hats and steel-toed shoes. Even small rocks tumbling down a hillside can break a foot or other limb, and a rolling boulder no larger than a bowling ball could kill a person.

Similarly, rocks or boulders falling from a truck or trailer, or a shifting load, could easily cause a serious or even fatal highway accident.

The problem, from a public safety point of view, is one of enforcement. Goodwin said INDOT does not have a policing division, and so arrests for theft or illegal parking would have to be done by law enforcement agencies.

"We have so many other pressing responsibilities that it's hard to have the manpower to cover this kind of thing," said Capt. Terry Hyndman, a Department of Natural Resources conservation officer. "It is illegal. It's theft, whether it's state property or private property.

"And I hear different points of view on this," he continued. "Some people say, hey, we're doing the state a favor by picking up these loose rocks before they tumble down on the highway.

"In the end, it is illegal and it is, no doubt, dangerous. But, say, someone calls us up on Memorial Day weekend and we have to patrol a busy Lake Monroe and filled campgrounds, and they're reporting three or four vehicles parked illegally along Ind. 37 — I can't justify pulling someone off the lake to go check out something like that," he said.

That doesn't mean that enforcement doesn't ever happen, or won't happen in the future. State police public information officer David Bursten said that about three years ago, he "rolled up" on a vehicle that he thought was disabled and discovered that the motorist was loading up her vehicle with INDOT rocks she was going to use for landscaping. Bursten was carrying news media with him at the time, so he called for an on-duty patrol car, the woman was arrested for theft and her car was impounded.

Durnil indicated that, manpower issues aside, the state police are committed to law enforcement. "If motorists observe any of these illegal activities, contact the Indiana State Police Post at 812-332-4411," he wrote. "Be ready to give a description and direction of the vehicle and its occupants, or be able to give the location of where the activity is taking place."

Rocks lie on the shoulder of the road on South Ind. 37 in Bloomington. Harvesting such rocks is illegal and dangerous, state officials say.
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A car whizzes past a limestone cutout on South Ind. 37 Saturday. Harvesting rocks along such roads is illegal and dangerous, state officials say.
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