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## RIGHT OF WAY REGULATIONS

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### *What gives a public agency the right to dig up my front yard?*

In general, many homeowners believe that their property line ends at the curb or sidewalk.

In fact, a homeowner's property line ends somewhere behind the curb or sidewalk. If there is no sidewalk, then it ends a number of feet behind the edge of the traveled way or shoulder. The line that denotes the private/public property split is known as the right-of-way line.

The county or municipality has the right to excavate or widen the roadway as required for maintenance or rehabilitation work.

A public agency does have the right to "dig up" someone's front yard, provided the agency remains within its right-of-way. Right-of-way lines are often behind the actual roadway or curb line and facilitate maintenance and rehabilitation efforts, such as future widening of the road, if required. At no time can a public agency excavate or work on private property without first obtaining consent from the owner. Although sidewalks are within the public right-of-way, the owner of the property is usually responsible for maintaining them.

The **public right of way** is any public thoroughfare such as a street, road or alley.

It usually includes the median, utility poles, sidewalks and the area immediately adjacent to the street. A good rule of thumb is that the area between the first expansion joint in a driveway and the street is part of the right of way.

**The right of way is public property.**

**Private property begins behind the right of way.**

