

Community Corner

WHAT IS THE RIGHT OF WAY ON MY ROAD OR STREET?

The right-of-way (ROW) is the space including the road or street and land on either side of a road that is typically used for storm drainage & a safe recovery area for vehicles that leave the road surface.



HOW BIG IS THE ROW?

- If there is a deed or other paperwork filed with the County or Town Clerk, that is the right-of-way (ROW), otherwise...
- The ROW is the area that the highway department maintains on roads & streets used by the public (and has been maintained for at least ten years)

WHY IS THE ROW ON MY PROPERTY?

The NYS Legislature established roads by use & streets by prescription to account for existing public highways in towns and villages in 1797. While you may own to the centerline, the law was written to ensure all of the public has rights to travel on public roads.



WHO OWNS THE ROW?

The landowner still owns the land on these user roads. The highway or street department just has a right (and duty) to maintain the road or street in a safe and efficient manner. The landowner still maintains some rights (such as getting the wood from any trees removed for safety reasons).

References:

Highway Law §189

Village Law § 6-626

Powers & Duties Manual (from NYSLTAP)



Department of Transportation
Local Technical Assistance Program



New York State LTAP Center

Property Owner & Highway
Department Maintains

