

HIGHWAY RIGHT-OF-WAY AND DRAINAGE DITCHES

Highway right-of-way is defined as, “any strip of land, including surface and overhead or underground space, which is granted by deed or easement for the construction and maintenance of specified elements including but not limited to; roadways, power, gas, oil, communication, water, storm systems, sanitary systems and/or other pipelines”. The width of a county highway right-of-way is typically a minimum of 3 rods (*49.5 ft wide or 24’-9” from centerline of road*) total width. However, the width of a county highway right-of-way can often be wider and if necessary should be verified through contact with the county department of public works.

Roadside drainage ditches exist for the controlled conveyance of stormwater runoff away from a roadway surface. Drainage ditches typically exist within the bounds of the county right-of-way and are therefore also owned, controlled and maintained by the county. There are several issues related to county highway right-of-way and roadside drainage ditches that you should be aware of:

1. Section 103-a of the New York State Highway Law prohibits obstructions within a highway right-of-way and obligates the adjacent property owner to remove all such obstructions which have been placed there by such owner or occupant.
2. No structures are to be constructed within a highway right-of-way or a drainage ditch including but not limited to; buildings, fences, and sheds.
3. Vehicles, equipment or machinery are not to be parked or placed within a county highway right-of-way of roadside drainage ditch.
4. Drainage ditches are not to be filled or obstructed with any materials including but not limited to; plantings, earth, grass clippings, leaves, brush, branches, lumber, wood, logs, stones, waste or other debris.
5. Sump pumps are not to be discharged into a drainage ditch.
6. Culvert pipes that convey stormwater in a drainage ditch are to remain open and unobstructed.
7. Driveways or the construction of other drainage ditch crossings allowing access across a county right-of-way to a county highway, whether temporary or permanent require a permit. This is in part to insure that any such construction is performed in such a manner that maintains the integrity and functionality of the right-of-way and drainage ditch.

If you have any other questions related to stormwater, highway right-of-way or drainage ditches please contact the Washington County Department of Public Works.