

**Q 5) San Mateo County Public Works' recently constructed road improvements make access to my property more difficult. Who is responsible for the changes that I believe are required to restore my ease of access?**

A 5) As a rule, San Mateo County is responsible for the maintenance of, or improvements to, only those portions of the right-of-way in which it caused improvements (i.e., the roadway) to be constructed. While the County makes every effort to minimize the impact of its roadway improvements on private property access routes or driveways, there may be grade changes that impact adjoining private properties. Any private property access revisions or improvements that are desired in order to account for the County's maintenance efforts are generally the responsibility of the private property owner.

**Q 6) Water that accumulates within the road area flows onto my property. What can I do to remedy this situation?**

A 6) San Mateo County may or may not have constructed roadside drainage improvements in conjunction with its original road improvements.

While San Mateo County will maintain roadside drainage improvements that it has constructed, in some cases, these systems may not have the ability to collect surface waters from moderately large rain events. In general, it is the responsibility of private property owners to deal with water that flows onto private property, whether or not the County has any sort of roadside drainage system in place.

However, should a County constructed drainage system be damaged and not functioning properly, County staff will review the circumstances relating to system deficiencies and will schedule appropriate repairs, upon being notified of said deficiencies.

Property owners can contact County staff at 650-363-4100 in order to report any damage to County facilities or to apply for an encroachment permit for work intended to improve drainage characteristics for an individual or multiple properties.

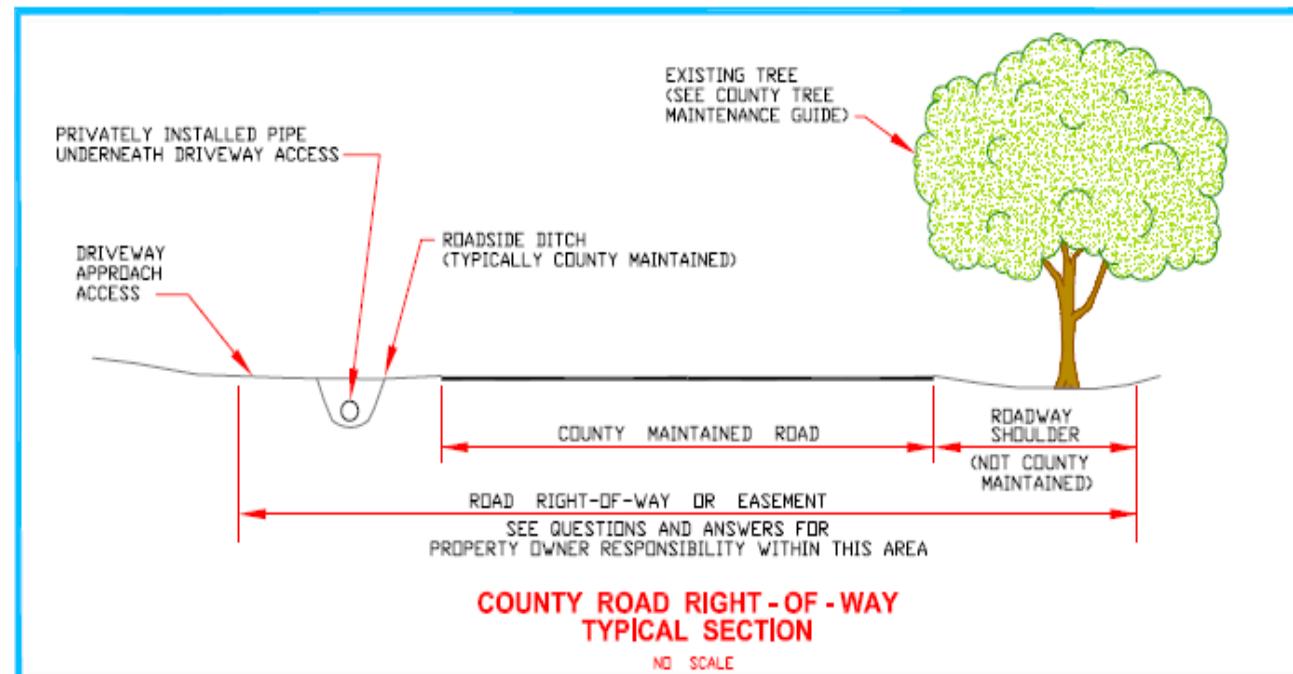
**Q 7) I live on a street that the County never constructed or improved. However, I am aware that the County has the right-of-way for the street area. What is the process for getting the County to construct, improve or maintain the roadway?**

A 7) The San Mateo County Board of Supervisors can accept additional roads into the County maintenance system.

To do so, the County must have a dedicated right-of-way. After that, the road must be privately constructed to minimum County standards applicable for the area and a majority of property owners must demonstrate support for such a request through a petition to the Board of Supervisors addressed to the Director of Public Works. The Board can then consider acceptance of a road into its maintenance system. The Board of Supervisors retains the right to accept or reject any request to include a road in the County's maintenance system. For further information of this process, please contact County staff at 650-363-4100.

County of San Mateo  
Department of Public Works  
555 County Center, 5<sup>th</sup> Floor  
Redwood City, CA 94063-1665

650-363-4100 Main Office  
650-363-4103—Road Services Office



**County Right  
of Way  
Boucher**

Para informacion en Espanol  
llamar al telefono  
650-363-4103 or 650 363-4100

# County Road Right of Way Maintenance Responsibilities

## Introduction

### The County's Responsibility for Roads in the Unincorporated Area.

San Mateo County's Department of Public Works maintains over 315 miles of roads within unincorporated San Mateo County. These roads are commonly referred to as the "County Maintained Road System." In most cases, while the County *does have* rights to use and maintain roads in the County Maintained System, the County *does not own* title to the property on which the road was built. Rather, the County's maintenance responsibility results from the fact that the roads are built on a public "right of way." If the Board of Supervisors has not accepted a road into the "County Maintained System," the road maintenance remains a private party responsibility. People are often surprised to hear that the vast majority of these improvements are not actually constructed on County owned land, but on private land belonging to the adjacent property owners.

**In most instances**, the "right-of-way" was "dedicated" to the County of San Mateo when the property was originally subdivided. Following the subdivision and the dedication of the right of way, either the developer or San Mateo County constructed road improvements within the right of way. After the road improvements were completed, the County accepted the road improvements into its maintenance system.

**In a few instances**, the "right-of-way" was not dedicated but became a publicly maintained road through prescriptive rights, by virtue of unimpeded use of the road over the course of several years.

**In rare instances**, the County owns the "right-of-way" through fee title to the property on which the road is located.

**In no instances** does the County have responsibility for maintenance of state highways, or roads and streets located within the corporate limits of any city.

Some of the County maintained roads were not built to any adopted road standards but were accepted by the County for maintenance purpose. The County has a priority list in some of these areas to improve them to adopted standards but it will take many years to complete the work due to budget constraints.

### The County's Management of the Right of Way.

Through the various above mentioned road acceptance processes, San Mateo County accepts maintenance responsibilities of those improvements and "manages" the remainder of the right-of-way.

Road right-of-way management is achieved through the issuance of permits to encroach in the right of way. In general, the "permit process" requires that any non-County initiated improvements or installations within the right-of-way be approved by the County. The process involves an application and the issuance of a permit. Once approved, encroachments may last for a specified time period or they may be for an indefinite period of time. Conversely, improvements and installations that are not permitted by the County must be removed from the public right of way.

Permit requests are evaluated for consistency with the intended use of the right-of-way; for engineering appropriateness; for consistency with any future work plans; for consistency with County standards and any neighborhood or regional development plans; and for any potential problems that may be created to the County's routine maintenance practices. Permit requests may be denied for not complying or aligning with the above criteria or, at the County's discretion, for any other reason that it deems to conflict with the intended use of the right-of-way as a public use facility.



The information contained in this brochure is intended to make you aware of the responsibility you may have for improvements within the road right-of-way and the processes involved in having improvements constructed outside of the actual roadway, but within the County right-of-way.

## Frequently Asked Questions:

### Q 1) What is an "easement" or a "road right-of-way"?

A. 1) An easement is the right to use real property that belongs to someone else. A road right-of-way is a specific type of easement – it permits the County to improve and maintain the roadway for the public's benefit. The County has the responsibility for maintaining roads within an accepted roadway easement right-of-way by keeping it safe. However, the County does not become the owner of the land on which the road is built, or of any land adjacent to the road, unless it has actually acquired the underlying fee title in the property.

### Q 2) Who owns the property under the road?

A 2) With only a few exceptions, the property underlying the road right-of-way is owned by the property owner whose parcel is adjacent to the roadway. Each adjacent property owner owns the land adjacent to their parcel to the centerline of the right-of-way. Typically, this is the centerline of the street. The property owner retains the right to use this area in a manner that is consistent with its dedicated use as a public road, though the County retains the right to evaluate whether a planned use is or is not consistent with the dedicated use of the land.

### Q 3) A pipe was installed under the approach to my driveway, and the pipe is currently blocked or damaged. Who is responsible for clearing or repairing the pipe?

A 3) San Mateo County does not construct driveway pipes. These pipes have historically been installed by developers or private property owners. The responsibility for maintenance or replacement of privately owned facilities or improvements, such as driveway pipes, rests with the private party involved—typically the property owner.



As a courtesy service, San Mateo County will, upon request, attempt to clear a blocked driveway pipe which is affecting a County road or separate property, if the pipe is located immediately adjacent to the County road and within the road right-of-way. The property owner remains responsible for dealing with any pipe deficiencies and for unplugging pipe obstructions that County crews are unable to clear.

### Q. 4) The area off to the side of the road and within the road right-of-way is in very poor condition. Water tends to accumulate in this area; my access is impacted by the fact that the area is no longer consistently graded; or the pavement or concrete are in need of replacement. Who is responsible and what is required in order for the area to be repaired?

A 4) The County's maintenance obligation is limited to the road itself. Other improvements within the right-of-way, such as paved parking areas, are typically privately constructed and owned and are the responsibility of the property owner.

However, because the improvements are located within the road right-of-way, work in the right of way requires that property owners obtain an encroachment permit from the County. Encroachment permit forms can be obtained by contacting the County at 650-363-4100.