

The Town Public Right of Way

What is the Right of Way?

The Public Right of Way is property dedicated to the Town, through easement, for public infrastructure such as public roadways, streets, alleys, bridges, bicycle lanes, and public sidewalks. Land areas of the public Right of Way are acquired by or deeded to the Town for public uses such as:

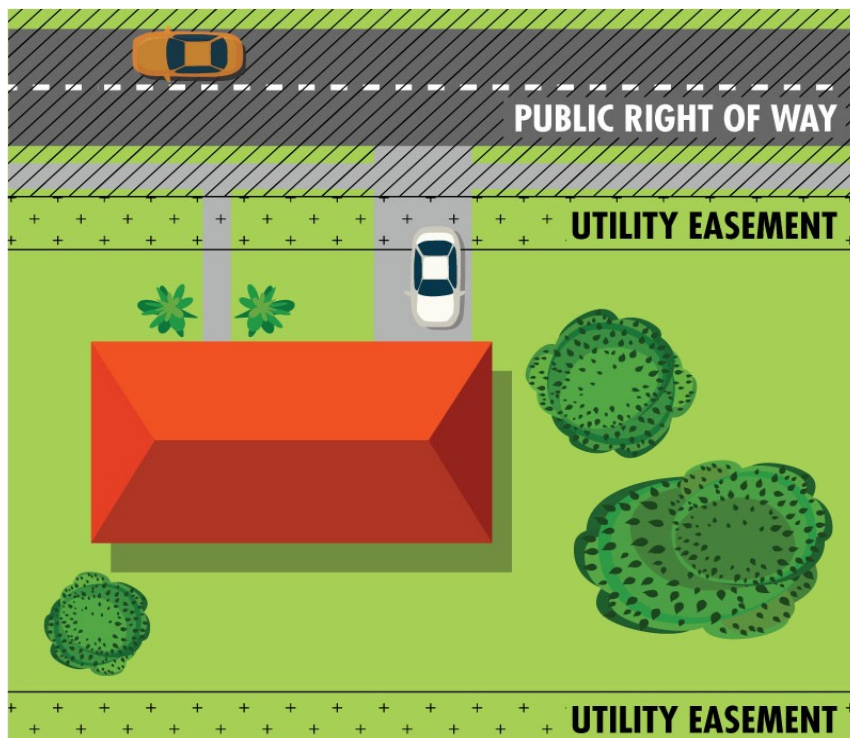
Transportation and Travel

Ingress and Egress- Entering and exiting a property (E.g., driveway aprons)

Utility Easements- Areas of property dedicated for utility companies to deliver and maintain services such as water, gas, sanitary sewer, cable, and electricity. Commonly, at the front of the residential property

Where is the Right of Way?

The Right of Way, in general, is where the streets, sidewalk, utilities, and other public facilities are located. The width of Right of Way can vary depending on the type of road and when it was built, but a good rule of thumb is that the Right of Way spans about 40 feet wide, 20 feet on both sides of the roadway- Measuring from the center of the roadway outward toward residential properties. About 10 feet beyond the street curb, toward the residential property.



Indicators of the Right of Way are existing utilities such as powerlines, telephone poles, and cable boxes or poles. The Right of Way would include at least the area between these utility structures and the street. There can be utility easements along rear lot lines and side yards as well.

The most accurate way to determine where the Right of Way is in relation to your property is to have your property surveyed. While surveying can be costly, it is important to know the boundaries of the Right of Way and your property lines when making important decisions about your home; Particularly when deciding on improvements that cost money or require significant work.

Plats of subdivisions and other instruments recorded with the Land Records Department of Prince George's County can also be used to identify the Right of Way. A register of deeds has recorded easements and plats that refer to easements. Easements should be revealed as well during the closing of a home purchase when a title search is conducted, and on the home's plot plan. For information on County Land Records, contact the PGC Land Records Division at 301-780-2253 or email the Land Records Clerk at landrecordsclerk@mdcourts.gov.

Who is responsible for the Right of Way?

The Town's streets, roads, and utilities are maintained by the Town, Prince George's County, and utilities companies designated by those entities and the State of Maryland.

For the strip of land abutting residences that is the Right of Way and Utility Easement, it is the homeowner's responsibility to maintain the area by cutting the grass, doing minor landscaping, and removal of snow and ice to prevent safety hazards during the winter months.

As the Town and designated utility companies have the right to enter the Right of Way for maintenance and emergencies, it is important that homeowners and residents understand that the Right of Way should be left unobstructed and free of any permanent structures such as sheds, swings sets, and permanent landscaping fixtures. Any shrubs, grass, or flowers that may need replacement after the Town has entered the Right of Way for maintenance should be replaced at the owner's expense. Homeowners cannot prevent a utility from accessing the Right of Way to perform work. However, we encourage utility providers to notify residents of scheduled work and the Town requires that a Right of Way permit is obtained (emergencies may be excluded) prior to the start of a project.

Right of Way Permit Needed

Per Town Ordinance 118 Roads and Public Right of Ways, a permit is required to undertake any work in or occupy the Town Right of Way. This applies for both residential and commercial occupancy.

A. Road and Street Work and Utility Permit – No person shall undertake to do any work in any road or street, or do any work on any public property within the corporate limits of the Town, or upon, in, or within the Town public right-of-way or any part thereof, whether acquired by dedication or public use, without first obtaining a permit from the Town.

Residential Right of Way Permits are needed for construction or replacement of a driveway apron and for the installation, repair, or replacement of utilities at the owner's request. You may apply for a Permit through the Code Compliance Department. Permit application and fees can be found on the Town Website under Code Compliance, or you may contact our office at 301-513-9331 or code@berwynheightsmd.gov for more information.

An application for Right of Way Permit should be submitted at least 30 days prior to your desired construction start date. The application must clearly define the work to be done in the Town Right of Way, include construction plans, and the estimated construction value of the proposed project. Permit must be issued to the homeowner prior to the start of construction to avoid violations, fines, and late permit fees.

If you have further questions regarding the Town's Right of Way or questions about Permitting. Please contact the Code Compliance Department.

Thank you