

Q. 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. In general, San Mateo County is responsible to maintain public infrastructure constructed by the County within the public right-of-way, with the exception of sidewalk. 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. Water that accumulates within the road area flows on my property. What can I do to remedy the situation?

A. San Mateo County may or may not have constructed roadside drainage improvements in conjunction with the 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 large rain events. In general, it is the responsibility of private property owners to address water that flows onto private property.

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 Road Services staff at 650-363-4103 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. I live on a street that was never constructed or improved. What is the process for getting the County to accept and maintain this type of street or roadway?

A. The San Mateo County Board of Supervisors may accept additional roads into the County Maintained Road System once the roads are brought to current County standards.

To do so, property owners adjacent to the road must fund and construct the road to current County standards and dedicate the public right-of-way to the County. Once the road is brought to current County standards and the public right-of-way is dedicated to the County, the Board will consider accepting the road into the County Maintained Road System for future maintenance. For further information, please contact County staff at 650-363-4103.

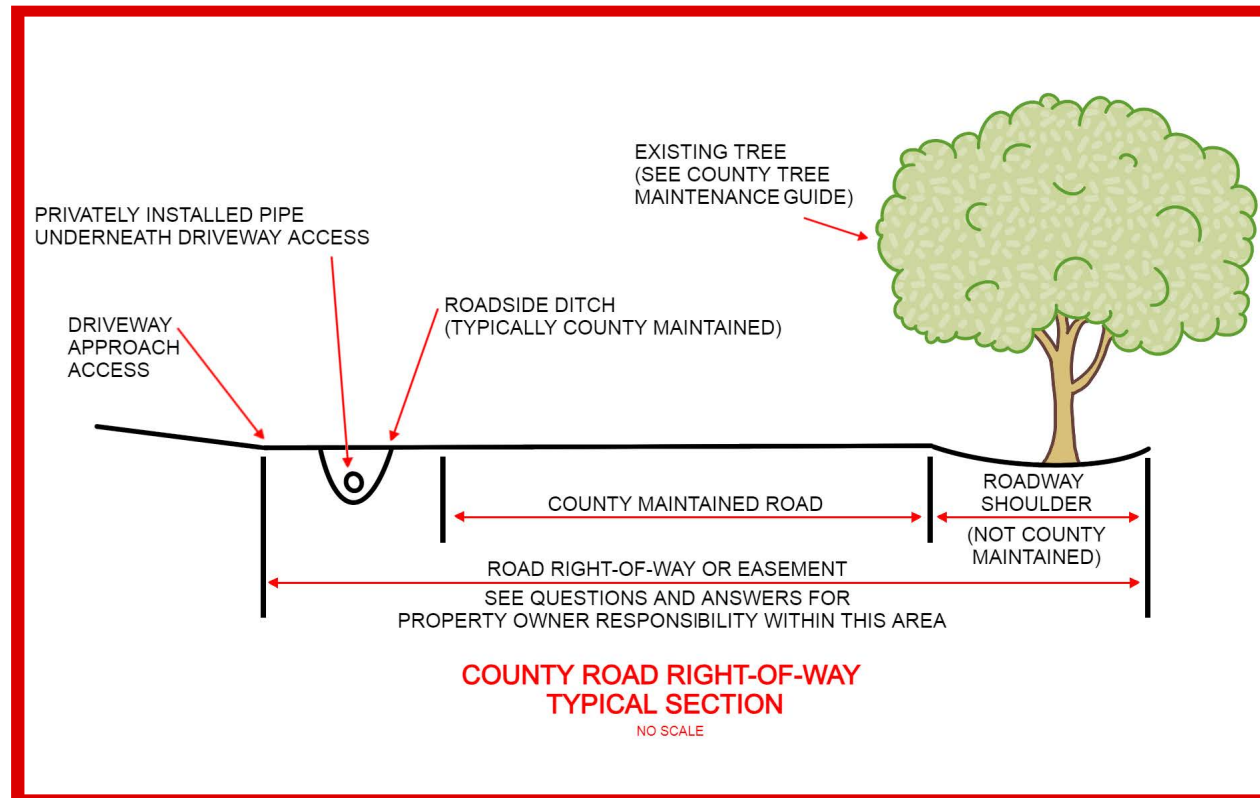
County of San Mateo
Department of Public Works
555 County Center, 5th Floor
Redwood City, CA 94063-1665
650-363-4100

<https://www.smcgov.org/publicworks>

Road Services Division
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Redwood City, CA 94063
650-363-4103



San Mateo County Public Right-of-Way (ROW) Maintenance Guide



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

REV. 2023

County Road Right-of-Way Maintenance Responsibilities

Introduction

The County's Responsibility for Roads in the Unincorporated Areas of the County of San Mateo

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 were built within the "public right-of-way". If the road was not accepted by the County Board of Supervisors into the "County Maintained System", the road maintenance responsibility remains a private party/adjacent property owner's responsibility.

In most instances, the "public right-of-way" was "dedicated" to the County of San Mateo when the property was originally subdivided. Following the dedication of the right-of-way, the developer constructed road improvements within the right-of-way and the County Board of Supervisors accepted the road improvements into its maintenance system.

In a few instances, the "right-of-way" was not dedicated but became a public 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 maintenance responsibility of state highways, roads within incorporated limits of cities/towns, private roads, or roads that have not been accepted by the County.

The County's Management of the Right-of-Way

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

Encroachment Permit applications 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 might impact the County's maintenance practices.

All construction activities within the public right-of-way require a licensed contractor with an appropriate license for the proposed work, issued by the California Department of Consumer Affairs Contractors State License Board.



Image 1 - Construction Activities in the ROW

Frequently Asked Questions

Q. What is an "easement" or a "road right-of-way"?

A. 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 to maintain roads within the road right-of-way but is not the owner of the land on which the road was built or of any land adjacent to the road.

Q. Who owns the property under the road?

A. 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. 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. San Mateo County does not construct driveway pipes. These pipes have historically been installed by developers or private property owners to facilitate drainage across their driveways. The responsibility for maintenance or repair of privately owned facilities or improvements, such as driveway pipes, rests with the private party involved – typically the property owner.



Image 2 - Driveway Culvert

Q. 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. 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, owned, and are the responsibility of the adjacent property owner.

Property owners conducting repairs or working in the right-of-way are required to obtain an encroachment permit from the County.

Encroachment permit application can be obtained by contacting the County at 650-363-4103 or by visiting the permits page on the San Mateo County Public Works website.