

# RIGHT-OF-WAY POLICY

## *Guidelines for property owners in Mount Pocono Borough*

The right-of-way includes land purchased or deeded to Mount Pocono Borough upon which a road was built. The right-of-way also includes the shoulder or berm of the road that is often used for other high-way purposes such as signage, reflectors or drainage.

The distance from the center of the road to the edge of the right-of-way varies greatly in Mount Pocono. From eight feet on Pocono Road, to forty feet on sections of Route 611. Roads owned and maintained by the State of Pennsylvania also have right-of-way clearances that must be observed.

When the borough grants access to its streets by way of a driveway permit, the property owner is allowed to cross land owned by the borough (the right-of-way) for the purpose of accessing the road.

It is important to note that the right-of-way exists for traffic AND other uses. Most pointedly, the proper, unimpeded flow of water away from the road and surrounding area must be maintained when constructing a driveway. So important, in fact, that it is a condition of the permit itself.

**Permission to encroach on the right-of-way for driveways is granted based on the conditions that the property owner not disrupt traffic, drainage or other specified uses.**

## *What can I put in the right-of-way?*

As mentioned above, the borough uses the land adjacent to the roadways for legitimate transportation purposes. Drainage, plowing snow, directional signs, and reflectors are some of the uses.

Any object or structure that impedes the above uses is called an encroachment, and is not permitted. Mount Pocono Borough will remove encroachments from its right-of-way without notice or obligation.

Subsequent encroachments

will be removed at the property owner's expense.

Likewise, any structure or modification to the right-of-way that impedes the required drainage of the road surface (and areas uphill) will also be removed.

It is the property owner's responsibility to maintain the driveway entrance in a manner that does not restrict traffic flow, or the flow of storm drainage. How the driveway is maintained is up to the property owner. Many residents

prefer a gravel driveway, while others wish to have a paved surface. Either way, the borough road cannot be damaged, and the drainage patterns may not be disturbed.

**Objects or structures placed in the right-of-way that interfere with the intended use of the right-of-way are not permitted and will be removed at the expense of the property owner.**

### **RIGHT-OF-WAY:**

- ◆ The land owned by Mount Pocono upon which a street is built
- ◆ Also includes land on either side of the street to varied distances.
- ◆ Used for borough purposes including traffic, drainage and signs.
- ◆ Utilities also maintain separate right-of-ways.
- ◆ Mount Pocono Borough does not make repairs to private driveways, even the portion of the driveway in the right-of-way.

## *Maintain Drainage*

The road shoulder provides drainage, from both the road and from areas uphill. Permit holders are required to maintain this drainage path, and not create any obstruction that would impede the free flow of water.

**This drainage can flow over top of the permit holder's driveway, or through a conveyance under the pavement. Either way, it falls upon the homeowner to properly construct and maintain this drainage path.**



ALLOWING WATER  
TO DRAIN  
UNIMPEDED  
MAINTAINS THE  
INTEGRITY OF THE  
ROAD SURFACE AS  
WELL AS YOUR  
DRIVEWAY.

## *Keep Other Items Away From the Road*

The right-of-way must remain clear of obstructions that could damage snow plowing equipment, or equipment used to clean or repair the streets. Objects placed in the right-of-way can be hazardous to traffic as well, and can result in legal liability for the homeowner in the event of an accident.



## *Questions?*

A competent paving contractor will most often be able to help you with new construction or changes you may wish to make.

You or your paving contractor are welcome to call the borough office with any questions. Often a quick visit by our Maintenance Supervisor will clear up any uncertainty.

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