

## Department of Public Works

### RIGHT-OF-WAY ISSUES AND FREQUENTLY ASKED QUESTIONS

#### KEY MESSAGE

El Paso County Department of Public Works is a resource for answers to questions by property owners regarding responsibilities relating to right-of-way.

#### Introduction

All uses of the County's rights-of-way other than transportation are subject to state law and the standards in the Engineering Criteria Manual (ECM), which regulates many of these activities through the Work in the Right-of-Way Permit processes. The purpose of the ECM is to provide requirements for those proposing to perform work or place a privately owned structure within the County's right-of-way. The main focus of the criteria within the ECM is on utilities; however, it also discusses the importance of coordination and the expectation of those performing any and all work within the County's right-of-way.

#### Frequently Asked Questions

*How do I obtain permission to work within the County's right-of-way?*

[Fill out an application](#) to work within the right-of-way. The primary purpose of this application and permit is to ensure that the applicant/permittee has financial resources sufficient to provide for the restoration and repair of the affected public right-of-way. In processing the application and in granting the permit, El Paso County does not warrant or represent that the property in question is a public right-of-way. It shall be the applicant's/permittee's sole and exclusive responsibility to acquire any and all property or contractual interests to perform work in any property that is not a public right-of-way. El Paso County is not responsible or liable for any entry into or use of property that is not a public right-of-way.

*My neighbors have a large, decorative mailbox. What steps are necessary for me to build a mailbox like theirs?*

Mailbox type and location require approval of the USPS. In addition to the USPS approval, a Work in the Right-of-Way Permit shall be obtained from the ECM Administrator to locate any mailbox that is not a post-mounted individual mailbox. It should be noted that El Paso County will not assume responsibility for damage to any mailbox that occurs during road maintenance or snow removal operations.

*My sump pump is creating a problem on my property. Can I discharge the water from my sump pump directly into the roadway?*

No, water discharged directly onto an El Paso County road is a maintenance issue. The El Paso County Engineering Criteria Manual specifically states, "Discharge from a sump pump shall not be directly onto a County road."

*What is El Paso County's permit fee structure for work in the right-of-way areas?*

[View or download the fee structure](#). For more information, please refer to the [El Paso County Engineering Criteria Manual](#) (ECM). Chapter 5 of the ECM has specific information regarding work in the right-of-way permits.

*How do I obtain permission to use or close a County road?*

[Fill out an application](#) for a special event permit. A special event is defined as any event which cannot be held on a county road, street or other right-of-way and, at the same time, comply with applicable traffic statutes or ordinances. Special events include, but are not limited to, parades, fairs, exhibitions, motion picture filming, bicycle events, foot races or walks, and block parties. Special events do not include events taking place away from a road which, due to the number of persons in attendance, create traffic congestion on a road before or after the event.

*I would like to pave my driveway (concrete or asphalt) over the driveway culvert and connect my driveway to the gravel road. Is this allowed?*

No, paving into the right-of-way when the surface treatment of the road is gravel is not allowed. The surface treatment of the driveway should match the surface treatment of the road. If the driveway is paved and the road is gravel, the paved driveway should be terminated before reaching the driveway culvert. If the pavement is not terminated before reaching the driveway culvert, it can be hazardous for the traveling public and maintenance workers, especially during inclement weather. This also allows easier access for the homeowner if the culvert needs to be replaced.

*The ditch in front of my driveway is blocked. Why won't El Paso County clean the ditch and the driveway culvert?*

El Paso County is responsible for maintaining roadside ditches. However, the property owner is responsible for maintenance of their driveway culvert. The property owner is also responsible for making sure the ditch is maintained 10 feet on each side of the driveway culvert.

*The County damaged my property while working on the road. Will the County repair my property?*

The Board of County Commissioners approved Resolution 23-393 which states that the County will not assume responsibility for damage to any landscaping, utilities, mailboxes, driveway entry monuments, newspaper boxes, or trash cans located within the County's right-of-way as a result of snow and ice control operations.

*My fence is within the right-of-way, and I bought the property that way. Do I have to move it?*

First check with the Department of Public Works to see if there was a permit issued for the address. There may be an approval on file. If there is no approval for the fence in the rights-of-way, El Paso County may allow the fence if it does not impede maintenance operations or present a safety issue for drivers. Please remember, however, that El Paso County will not be responsible for damage resulting from maintenance processes, such as plowing snow. If you replace the fence it will need to be placed back on or within the property boundary.

*I am doing some work on my driveway and my driveway has been there for many years. Do I need a permit for that work?*

Yes, an Access Permit is required. The Engineering Criteria Manual states that an Access Permit is required to construct, reconstruct, pave, alter, enlarge or change the use of any driveway intersecting a County road; install, re-install, replace, or move a culvert associated with a driveway intersecting a County road. No person shall commence work on any driveway or culvert within a County right-of-way before the Access Permit has been issued. The Access Permit (standalone) is available here and is submitted through EDARP:

[https://epcdevplanreview.com/Applications/Create\\_Email](https://epcdevplanreview.com/Applications/Create_Email).

*Can I place a sign in El Paso County right-of-way?*

El Paso County Department of Public Works' primary focus is to maintain and keep County Highways safe. If a sign or group of signs are identified as posing a safety hazard, interfering with traffic or pedestrian flow, damaging County right of way, interfering with maintenance activities, having been permanently installed/affixed, or causing or contributing to a violation of state or local law or regulation, authorized County staff will determine if the sign is located within the right-of-way and may remove the sign immediately or contact any individual believed to be associated with the sign to have it removed within a provided timeframe. For additional information on signs in the right-of-way, please see the letter from the County Engineer regarding private signs in the right-of-way

*Can I landscape and maintain the ditches up to the road edge?*

The Engineering Criteria Manual allows a property owner to maintain and mow areas of vegetation within the County right-of-way and maintain roadside ditches without obtaining a Work in the Right-of-Way Permit. Caution should be used when working in the County right-of-way. Although a permit is not required, all activities shall conform to the standards in the Engineering Criteria Manual. We appreciate property owners who mow up to the road edge and recommend that they stay safe. When it comes to installing rock, planters, or any other landscaping in the rights-of-way, property owners should reach out to El Paso County Department of Public Works to obtain approval of the work and a permit if needed. This process is to ensure that landscaping does not interfere with the ability to maintain the roadway and the work does not create a hazard for users. It is always recommended that landscaping is installed on your own property. Ensure that you know where the property boundary is as El Paso County is not responsible for any damage to personal property placed in the right-of-way.

*I am considering storing materials or equipment within the public right-of-way, such as a stockpile of landscaping materials, a trash dumpster, a CONEX box, or a POD (Portable On-Demand Storage container). Is the placement of a shipping container or similar item within the right-of-way allowed? If so, what requirements, restrictions, or permitting processes apply?*

No, shipping containers or similar items are not allowed within the El Paso County right-of-way. The County is responsible for maintaining the safety and functionality of public roads, and the placement of such containers within the right-of-way creates safety risks and obstructs necessary maintenance activities.

*What happens if I don't remove a hazard like a paved driveway or hazardous landscaping in the County right-of-way?*

El Paso County is responsible for keeping County roads safe for the traveling public. If El Paso County determines there is a hazard in the County right-of-way like a paved driveway or hazardous landscaping, the County will reach out to the property owner to have the hazard removed. If the property owner does not remove the hazard within the given timeframe, El Paso County may decide to take enforcement action, which may include removal of the hazard. El Paso County reserves the right, at its sole discretion, to assess and collect any and all costs incurred for the removal of the hazard from the responsible property owner, pursuant to applicable laws and County regulations.

*How can I create a service request for a concern in the right-of-way?*

The easiest way to create a service request is to go to <https://citizenconnect.elpasoco.com/>.