

WHAT IS THE RIGHT OF WAY ON MY ROAD OR STREET?

The right-of-way (ROW) is the space including the road or street and land on either side of a road that is typically used for storm drainage & a safe recovery area for vehicles that leave the road surface.



HOW BIG IS THE ROW?

- If there is a deed or other paperwork filed with the County or Town Clerk, that is the right-of-way (ROW), otherwise...
- The ROW is the area that the highway department maintains on roads & streets used by the public (and has been maintained for at least ten years)

WHY IS THE ROW ON MY PROPERTY?

The NYS Legislature established roads by use & streets by prescription to account for existing public highways in towns and villages in 1797. While you may own to the centerline, the law was written to ensure all of the public has rights to travel on public roads.



WHO OWNS THE ROW?

The landowner still owns the land on these user roads. The highway or street department just has a right (and duty) to maintain the road or street in a safe and efficient manner. The landowner still maintains some rights (such as getting the wood from any trees removed for safety reasons).

References:

- Highway Law §189
- Village Law § 6-626
- Powers & Duties Manual (from NYSLTAP)



Property Owner & Highway Department Maintains



The ROW
Property Owner Maintains

Children at Play Sign

What is the "Children at Play" Sign?



The "Children at Play" sign is a sign municipalities may put up to indicate children are in the area and drivers should be alert.

Why wont my municipality put one up?

Children at Play signs were originally intended for use in rural areas. Excessive use of this sign causes drivers to develop an insensitivity to the sign's intended goal.



Why can't every road have a "Children at Play" sign?

Use of the **CHILDREN AT PLAY** sign should be limited to locations where, because of unusual conditions, motorists might not expect children to be playing in the vicinity of the roadway. The **CHILDREN AT PLAY** sign should not be used on roads or streets where obvious residential development alerts drivers to the possibility of children at play.

What should I do?



Instead of a sign, try placing a lightweight piece of play equipment by the road while children are outside playing. Do not place something that could cause damage if it is hit by a passing car! Be sure to remove it once the kids are done playing. If left out 24/7 the warning "sign" becomes less effective.

Children at Play signs should only be used when there is a need to do so. They should **NOT** be used for political reasons, or to appease vocal residents.