

24th Annual Land Use Fundamentals Conference
April 22, 2020

Right-of-Way planning considerations
“There’s more to that right-of-way than that right-of-way”

***Understanding the basics of right-of-way to help local governments in their planning,
constructing, maintaining and use of their right-of-way.***

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1

Intro

City development requires review of certain elements that are essential to the city development process. The hope of this presentation is to offer some practical information, advice and guidance on the subject.

This presentation is by no means the end all or be all on the subject, but hopefully it is informative to you.

2

When I first started in Land Use, I was a true newbie. I didn't know what a right-of-way was or even the proper way to say it. One of my first questions (in my head and not out loud so others could hear) was, "what is it called?" There were so many ways that I had seen the phrase written.

"rights-of-way", "right-of-ways",
"right-of-way" with dashes, or "right of way" without dashes, or
"ROW" (all in caps of course) or "R-O-W"

All very confusing!

For purposes of this paper, I will go with "right-of-way" version typically found in the Texas Local Government Code (LGC).

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Generally speaking, most people think of the right-of-way as the street. However, the right-of-way includes not just the street, but the sidewalks, and the area on either side of the street.

What is a Right-of-Way

Local government Code Chapter 283, defines a *public* right-of-way as:

the “area on, below, or above a public roadway, highway, street, public sidewalk, alley, waterway, or utility easement in which the municipality has an interest.

The term does not include: (A) a private easement; or (B) the airways above a right-of-way with regard to wireless telecommunications.

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