



UNIMPROVED RIGHT-OF-WAYS : WHAT TO DO?

There has been some confusion among property owners and neighbors about the responsibility for unimproved right-of-ways and who can do what to them.

Hopefully, this simple FAQ can answer your questions!



I own property next to an unimproved ROW.

What responsibility do I have?

You are required to maintain the ROW to its “current and necessary use” and not allowed to intentionally block pedestrian access to the ROW. If you have questions about what the “current and necessary use” of the ROW is, please contact the Bureau of Development Services (BDS) at 503.823.CODE. BDS will then assess the right-of-way’s “current and necessary use” (per Chapter 29.20.010 of City Code) and let you know your responsibility.

How can I maintain the ROW adjacent to my property?

Individuals that own property adjacent to unimproved ROWs may maintain the ROW and/or allow others to maintain the ROW for them. Others must get permission (preferably in writing) from the property owner before beginning maintenance

Can I build anything on the unimproved ROW next to my property (e.g., fences, stairs, retaining wall, etc.)?

If adjacent property owners would like to construct something in the ROW, they may apply for an “encroachment permit.” Depending on the request, it may be approved or denied based on the type of construction, environmental conditions, ROW use (current or future), or other factors as determined by City staff. See Chapter 17.24 of City Code for more details.



I don't live along an unimproved ROW, but would like to see it improved for pedestrian access.

Can I help maintain the ROW?

Members of the public that are not adjacent property owners **may not** conduct maintenance on a ROW without the permission of the City or adjacent property owners. We recommend that any permission from the adjacent property owner is in writing. You can use the Community-Initiated Neighborhood Trails Process (portlandoregon.gov/transportation/trails) to apply for maintenance permission from the City.

Can I build anything in the ROW?

Members of the public **may not** construct anything in the ROW without the proper permits and permissions from the City. You can use the Community-Initiated Neighborhood Trails Process (portlandoregon.gov/transportation/trails) to apply for permission and the proper building permits from the City.

I don't think the adjacent property owners are maintaining the ROW next to their home properly or blocking access. What can I do?

If you believe an adjacent property owner is not properly maintaining the ROW adjacent to their property, please contact the Bureau of Development Services (BDS) at 503.823.CODE. BDS will then assess the right-of-way's "current and necessary use" (per Chapter 29.20.010 of City Code) and notify the adjacent property owner of their responsibility.

Still have more questions?

Contact PBOT's Right-of-Way Group at (503) 823-7002, Option 4 and we'll try to help!