



Marion County
OREGON

Public Works Land Development Engineering & Permits
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Work in the
Right-of-Way
FAQ

Work in the Right-of-Way Frequently Asked Questions

Questions and Answers About Working in the County Public Right-of-Way

Q: What is the public right-of-way?

A: It is the public's right to pass over designated land dedicated for public roadway purposes.

Q: What does "road purposes" include?

A: This includes not only roads for transportation, but also public & private utility crossings and service connections.

Q: Who has jurisdiction (control) over what happens in the right-of-way?

A: Marion County Public Works has jurisdiction. However, the County does try to work with adjacent property owners on road related issues. For example, when large trees in the right-of-way need to be removed for Public Works purposes, the adjacent property owner is offered the tree wood when it is cut down (the County will not saw the wood up for fire wood or other purposes).

Q: How wide is the right-of-way at my location?

A: Widths of right-of-way vary from road to road, and also varies along roads. See the Public Works Survey section to get the specific width of the right-of-way at your location.

Q: When do I need a permit to work in the public right-of-way?

A: No permit is needed if you are working off the road pavement doing routine maintenance, such as:

- Vegetation control (e.g. mowing, weeding, spraying, trimming, and removing trees under 6" in diameter)

- Light driveway maintenance (spread gravel, repairing asphalt deterioration and sealing the pavement).

All other work in the right-of-way, including removing trees over 6" in diameter, paving/repaving driveways, or installing above ground or underground structures, requires a permit.

Q: What kinds of permits are issued for working in the right-of-way?

A: There are specialty permits, such as driveway permits, utility permits, and major construction permits (typically for work over \$10,000 in construction costs). All other work is covered under the standard work in the right-of-way permit. See the Land Development and Event Permitting and Fee Guide for details.

Q: What is the standard work in the right-of-way permit for?

A: These cover work by property owners or contractors who construct or re-construct any structures in the right-of-way typically for work costing less than \$10,000 to construct. These permits may include storm drainage work, underground utilities, major curb & sidewalk work, removal of trees over 6" in diameter, etc. It may also include the verification of storm water detention on private property.

Q: What do I need to do to get a work in the right-of-way permit?

A: Applications are available online on our website at <http://www.co.marion.or.us/PW/Engineering/permit/Pages/default.aspx> and at the Public Works office. In addition to a site plan showing the proposed project, you will also need to meet liability insurance verification requirements and you may be required to show a traffic control plan & work schedules.

Q: How long does it take to get a work in the right-of-way permit and how much does it cost?

A: *Typically* it takes less than two weeks to get a permit approved once all the requirements are met. The permit cost is \$100. For additional details see the Land Development and Event Permitting and Fee Guide available on our website.