



### **What is an encroachment on a state highway right-of-way?**

An encroachment is something that is not permitted within ODOT's property (the highway right-of-way). Examples include: private fences, buildings, displaying merchandise, private or business advertising, non-break away mail boxes, and non-permitted private driveways exceeding 12' and commercial driveways exceeding 35'.



### **What is the Law?**

ODOT's authority to issue driveway permits comes from Section 5515.01 of Ohio Revised Code. ODOT grants permits to individuals, firms, or corporations for access (by a driveway) to a road or highway on the state highway system.

These permits must meet the following conditions:

- The driveway should be in the location as prescribed by ODOT.
- The driveway can be changed by ODOT when it is determined that the change is necessary for the convenience and safety of the traveling public, or in connection with the construction, reconstruction, improvement, relocation, maintenance, or repair of the roadway.
- Permits may be revoked or repealed by ODOT at any time for noncompliance

with these conditions.

### **What happens if these conditions are not met?**



ODOT has the power to determine the location of a driveway and to change the location in conjunction with any work on the state highway.

Permit violations within the state's right-of-way could be treated as obstructions to be removed, in accordance with Section 5515.02 of the Ohio Revised Code.



### **When would a driveway be changed or moved?**

Once ODOT initiates a resurfacing project:

- All driveways that do not comply with their driveway permits or exceed the maximum widths defined previously will be identified.
- The property owners will be notified.
- ODOT staff and property owners will meet to discuss a new location and driveway design.
- New access permits will be issued for the driveways and retained as permanent records.



### **What will replace my driveway?**

ODOT will replace the non-standard access point or driveway. A paved 35' (maximum)

commercial drive, or a 12' residential drive, will be provided, unless otherwise specified by permit. These improvements will conform to ODOT's design, safety, and access standards.



### **Do I have to pay for this?**

No. ODOT will pay for the driveway replacement and any improvements that may be needed in the right-of-way.



### **Why does this have to be done?**

Poorly designed or improperly located driveways are a contributing factor to highway accidents.



### **How will my property look after the improvements are completed?**

ODOT will ensure that the best construction practices are used and your property is left in good condition.

It is ODOT's goal to provide the best highway network possible and to ensure the safe and efficient movement of traffic for all highway users in Ohio.



### **Who Do I Contact?**

For more information, see the ODOT District listing on the back of this brochure.

For further information contact:

**District One** - Counties of Allen, Defiance, Hancock, Hardin, Paulding, Putnam, Van Wert, Wyandot  
Phone: (419) 222-9055

**District Two** - Counties of Fulton, Henry, Lucas, Ottawa, Sandusky, Seneca, Williams, Wood  
Phone: (419) 353-8131

**District Three** - Counties of Ashland, Crawford, Erie, Huron, Lorain, Medina, Richland, Wayne  
Phone: (419) 281-0513

**District Four** - Counties of Ashtabula, Mahoning, Portage, Stark, Summit, Trumbull  
Phone: (330) 297-0801

**District Five** - Counties of Coshocton, Fairfield, Guernsey, Knox, Licking, Muskingum, Perry  
Phone: (740) 323-4400

**District Six** - Counties of Delaware, Fayette, Franklin, Madison, Marion, Morrow, Pickaway, Union  
Phone: (740) 363-1251

**District Seven** - Counties of Auglaize, Champaign, Clark, Darke, Logan, Mercer, Miami, Montgomery, Shelby  
Phone: (937) 492-1141

**District Eight** - Counties of Butler, Clermont, Clinton, Greene, Hamilton, Preble, Warren  
Phone: (513) 932-3030

**District Nine** - Counties of Adams, Brown, Highland, Jackson, Lawrence, Pike, Ross, Scioto  
Phone: (740) 773-2691

**District Ten** - Counties of Athens, Gallia, Hocking, Meigs, Monroe, Morgan, Noble, Vinton, Washington  
Phone: (740) 373-0212

**District Eleven** - Counties of Belmont, Carroll, Columbiana, Harrison, Holmes, Jefferson, Tuscarawas  
Phone: (330) 339-6633

**District Twelve** - Counties of Cuyahoga, Geauga, Lake  
Phone: (216) 581-2100

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Phone: (614) 466-2307

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## Right-of-Way Encroachments and Roadway Access to State Highways



A Citizens Guide to Ohio Law and  
ODOT Policy

