

TOWN OF LEE RIGHT OF WAY POLICY

General: The purpose of this policy is to clarify Town and private property owner responsibilities for areas located within road Rights-of Way/shoulders.

1. The Town is not responsible for repairing or replacing private property including, but not limited to, signs, vehicles, landscaping, fences, mailboxes and other structures, etc. placed within the Right-of-Way (ROW)/shoulder. The Town retains the right to maintain the land areas adjacent to the road pavement for clear visibility, snow storage and public safety or public need purposes. Maintenance includes snow plowing, grading, and ditching.
2. Property owners should not put bark mulch, crushed rock, stone walls, fences (visible and invisible), irrigation systems, trees or lawns in the ROW. The Town is not liable for damage that may occur to property in the ROW. Many items interfere with heavy equipment and become a hazard for vehicles and pedestrians, causing drainage failures, and thereby road deterioration.
3. For newer roads as a general rule, the rights-of-way are typically sixty feet (60') wide and are measured thirty feet (30') from the centerline of the highway. For older roads, or where there is uncertainty as to the location of the ROW due to a lack of a surveyed plan or boundary markers, property owners are strongly encouraged to contact the Highway Department prior to placing any objects, or making any landscaping improvements within twenty-five feet (25') of the centerline of any highway.
4. The Town, without waiving any defenses or immunities, which it has pursuant to New Hampshire law, may on a discretionary basis, grant or deny requests to repair personal property damaged by plowing or winter maintenance activities under extenuating circumstances. However, in most instances the Town will not approve requests to repair damages to private property that is located within a public right-of-way, including, but not limited to lawns, walls, fences, mailboxes, utilities, driveways, pavement, pavers, bricks, landscape features, posts, markers, etc. Upon reasonable request, the Highway Supervisor is authorized to: (a) work with private property owners to locate such features in the safest possible location; (b) offer advice on their design/installation to minimize potential damages; and (c) repair or replace mailboxes or other landscape features at the Town's discretion and expense (in the most economical manner possible), upon verification of the circumstances that led to the damage(s). A decision to deny repairs or replacement at Town expense may be appealed in writing to the Select Board.

Mailboxes:

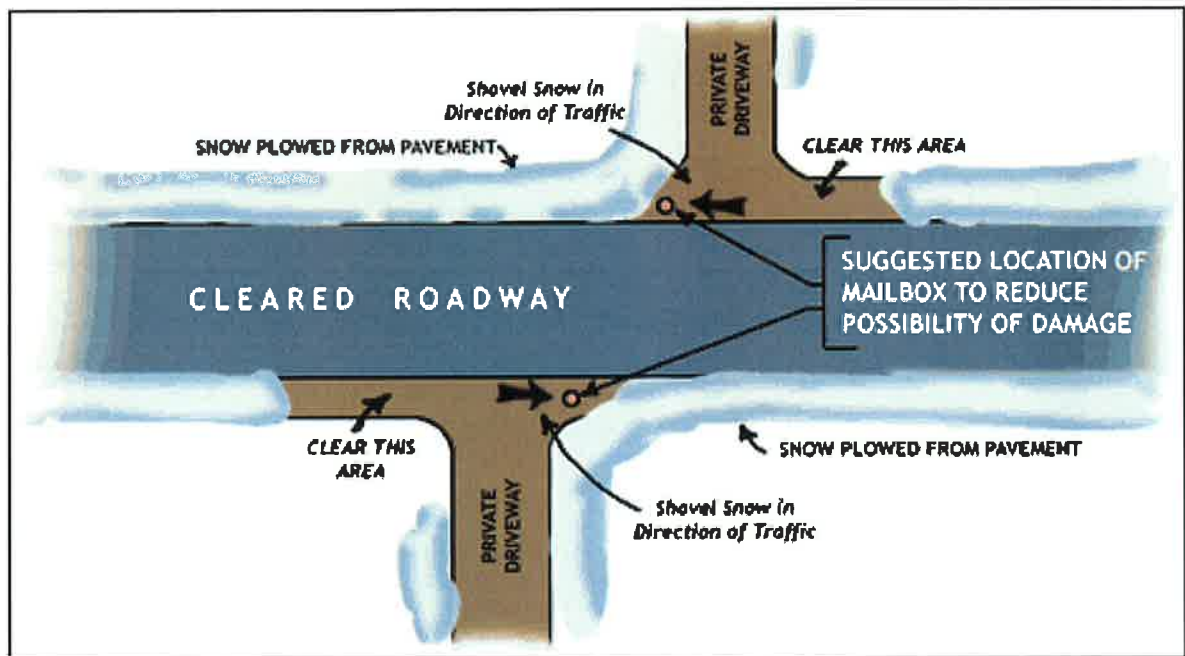
1. The construction/installation of concrete, granite post, brick, block or other unyielding or other unsafe mailboxes or other structures that pose a hazard to traffic as determined by the Highway Supervisor within a ROW is strongly discouraged.
2. The Highway Supervisor has established standard requirements for the type of construction and placement of mailboxes within the ROW which may reference commonly accepted safe practices; and/or FHWA, AASHTO, NHDOT, USPS or other applicable requirements. For further reference on USPS and American Association of State Highway and Transportation Officials (AASHTO) guidelines on mailbox placement, see:

- <https://www.usps.com/manage/known-mailbox-guidelines.htm>.
- https://bookstore.transportation.org/Item_details.aspx?id=1807

Mailbox Installation Standards

General Location:

Whenever possible, your mailbox should be located after your driveway opening. This location placement improves visibility, minimizes the amount of snow that comes off of the snow plow, and improves the approach for your mail carrier. The diagram below further clarifies this preferred placement:



Mailbox Support Design:

In many cases, it is best to use an extended arm type of post with a free-swinging suspended mailbox. This allows snowplows to sweep near or under boxes without damage to supports and provides easy access to the boxes by carrier and customers. The following picture shows a free-swinging suspended mailbox:



In addition, note the strategic placement of the red reflector on the point closest to the road. This will help your local truck operator to see and avoid your mailbox during winter storms.

Offset:

Mailboxes should be set back from the edge of the shoulder – regardless of whether the shoulder is gravel or paved. In other words, the face of the mailbox should be at least **three feet (3')** back from the edge of the normally plowed surface of the highway or the face of curb. Greater offset distances are encouraged whenever possible to allow the mail carrier to get further out of traffic and to further minimize potential damage to your mailbox. The following picture shows a mailbox with a reasonable offset:



Height:

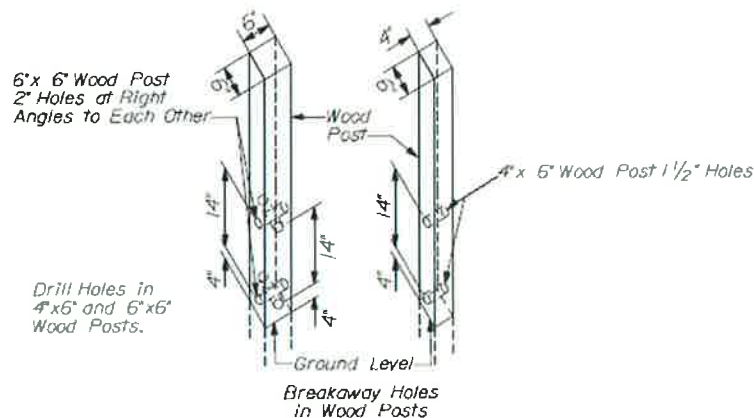
According to USPS standards, a mailbox must be installed with the bottom of the mailbox located between 41" and 45" high above the surface of the highway shoulder. The Town of Lee recommends that this height be closer to the 45" measurement to minimize conflict with the height of the plow truck wing when snow is being pushed back during, or between, winter storms. The following picture further clarifies the height considerations:



Post Size, Type and Embedment:

Mailbox posts must be sturdy enough to hold up the mailbox in all types of weather conditions; however they cannot be so rugged that they present a hazard to vehicles that inadvertently leave the road. If a mailbox support is struck by a vehicle, it must easily break away. Therefore, the following types of posts are deemed acceptable:

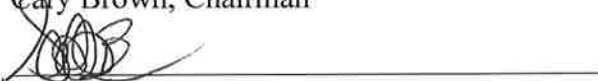
- **4" x 4" wooden posts** embedded **2 feet** into the ground. Larger wooden posts (4" x 6" or 6" x 6") may be used only if the post is drilled through with an appropriate spade bit to create a shear plane. The following diagram indicates the necessary holes and spacing.

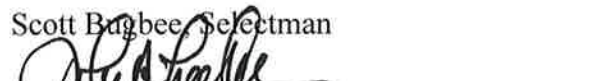


- 1" to 2" round diameter steel or aluminum pipe or standard U-channel post embedded 2 feet into the ground.
- Unacceptable mailbox supports include: anything that is filled with concrete, masonry and stone structures, heavy steel structures, and most objects that were intended for other uses (e.g. antique plows, I-beams, and various other household tools and objects).

Approved by the Lee Select Board on December 17, 2018:


Cary Brown, Chairman


Scott Bugbee, Selectman


John LaCourse, Selectman