

**Town of Nottingham
Policy on Declaration of
Class VI Highways and Private Ways
as Emergency Lanes
Under RSA 231:59-a**

INTRODUCTION

Individual Class VI highways and private ways may be declared as emergency lanes to allow the town to expend public funds on repair and maintenance of these ways under RSA 231:59-a.

Recently the Board of Selectmen discovered that certain ways being designated as emergency lanes may not have been properly declared as required under RSA 231:59-a. This policy has been developed to aid the Board as it considers these ways and other ways that may be declared in the future.

To facilitate the emergency lane declaration process, the following criteria must be met and the following procedures must be employed for a way to be so declared.

PROCEDURES FOR DECLARING AN EMERGENCY LANE (EL)

Step 1: Preliminary Review

Upon written request from a party or parties with a legal interest in the stated way, the Board of Selectmen, at a future regularly scheduled Selectmen's meeting, will conduct a preliminary review for acceptance based on the following information:

- ▲ materials presented by the party or parties initiating the request
- ▲ a discussion with the party or parties initiating the request
- ▲ recommendations of the Road Agent, Town Administrator, Fire Chief, and Police Chief
- ▲ an evaluation of the merits using the criteria below

Step 2: Public Hearing

At the same meeting or a later Board of Selectmen's meeting, the Selectmen will vote on whether to hold a public hearing. If the vote is affirmative, the Selectmen will indicate in the hearing notice the name of the way or ways that shall be considered for EL declaration. In addition, all persons known to have a legal interest in the way or ways shall be notified of the hearing by mail in the time frame allotted by law. At the hearing, the Selectmen will collect input from the public for the purpose of preparing written findings.

Step 3: Final Determination

After the written findings have been completed, the Selectmen will deliberate at a regularly scheduled Board of Selectmen's meeting and vote on declaring the way or ways listed in the hearing notice (or a portion thereof) as an emergency lane.

CRITERIA FOR INITIAL DECLARATION

For a way to be declared as an emergency lane, it must meet the following criteria.

General Requirements

1. The way must meet one or more of the public welfare or safety interest outlined below which "surpasses or differs from any private benefits to landowners abutting such lane", and
2. The way must meet the road condition requirements outlined below, and
3. A private way must have two or more owners, abutters, or residences under separate ownership.

Public Welfare or Safety Requirements

The way in question must benefit the "public need for keeping such lanes passable" by meeting one or more "public welfare or safety interests", such as, but not limited to:

1. Providing safe access for emergency personnel to public waters for water rescues
2. Providing access to possible forest fire areas as determined by the Chief of the Nottingham Fire Department
3. Providing access for emergency teams - ambulance, fire/rescue and police
4. Providing access to significant public infrastructure

Road Condition Requirements

1. Minimum widths of 16 feet should exist.
2. Must have signage installed that is approved by the town and provided by owners/abutters indicating name of way and status as "private way"
3. Must have sufficient unobstructed areas to turn around. Unacceptable obstructions include the following:
 - a. Vehicles in the way or turn around areas.
 - b. Boundary markers such as rocks or posts inhibiting equipment operation.
 - c. Branches or trees obstructing views or operations of equipment.
4. Must not require initial upgrades or changes to allow for safe operation of road or emergency equipment. e.g.: added road base, new culverts/drainage, grading, etc.
5. Must not have excessive grades/slopes creating dangerous travel for equipment.

RESCINDING OF EMERGENCY LANE DECLARATION

The Board of Selectmen has the authority to rescind an EL declaration at any time. However, this will generally result either from the abutters' failure to maintain the condition of the road according to the criteria enumerated in road conditions 2 and 3 above, or when the Selectmen determine that the public benefit considerations no longer apply.

Failure to Maintain Road Conditions

If the Road Agent determines that the road conditions of an EL have not been maintained by the abutters as required, he will provide a written notice to the Selectmen. At that point:

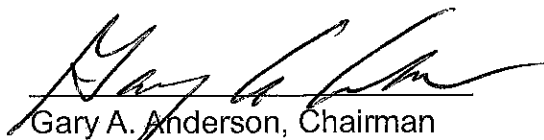
- ▲ Town maintenance of the EL will cease immediately if there is a safety risk to town personnel or a risk of damage to town equipment.
- ▲ Notice will be provided to party or parties with a legal interest in the EL of the specific nature of the deficiencies in the EL, the corrective action needed, and the time period allowed to correct the deficiencies.
- ▲ If the deficiencies are not corrected by the end of the notice period, the Board shall rescind the declaration of the way as an EL and the town will cease to maintain it.

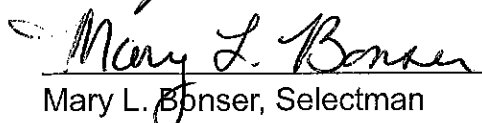
Public Benefits No Longer Apply

If the Selectmen determine that the public welfare or safety benefit(s) of an emergency lane no longer apply, all persons known to have a legal interest in the way will be given a six-month notice that town maintenance of the way will end.

See RSA 231:59-a

Adopted August 1, 2011 by a majority vote of the Nottingham Board of Selectmen,


Gary A. Anderson, Chairman


Mary L. Bonser, Selectman


Hal W. Rafter, Selectman

Date: 8/1/11