

**Town of Lyme**  
**Highway Department: Maintenance of Driveway Culverts Policy**

**Purpose:**

The goal of this policy is to provide a guideline for the responsibility of the maintenance, repair and/or replacement of driveway culverts on the roadways of the Town for the safety and benefit of Town residents and the motoring public. Failed, clogged and frozen culverts can cause damage to the adjacent roadway resulting in unsafe conditions and sometimes costly repairs to the roadway.

**Considerations:**

**Class V:** consists of all traveled highways other than Class IV that the town has a duty to maintain regularly. The Town has 12 miles of paved Class V roadways and 39.7 miles of gravel Class V roadways.

**Class VI:** consists of all other existing public ways, including local highways that are discontinued and subject to gates and bars. These roadways are NOT maintained by the Town.

**Private Roads:** consist of privately owned ways and are NOT maintained by the Town.

Driveway cuts and driveway construction are governed by Town of Lyme Zoning Regulations and by NH State RSA 236:13. A permit from the Zoning Administrator is required to install a driveway entering any Town roadway. The Town Road Agent and a Planning Board representative will approve the design.

RSA 236:13 VI states “The commissioner of transportation or planning board shall retain continuing jurisdiction over the adequacy and safety of every existing driveway, entrance, exit, and approach to a highway, whether or not such access was constructed or installed pursuant to a permit under this section, and, unless the access is a public highway, the owners of property to which the access is appurtenant shall have continuing responsibility for the adequacy of the access and any grades, culverts, or other structures pertaining to such access, whether or not located within the public right of way. If any such access is or becomes a potential threat to the integrity of the highway or its surface, ditches, embankments, bridges, or other structures, or a hazard to the safety of the traveling public, by reason of siltation, flooding, erosion, frost action, vegetative growth, improper grade, or the failure of any culvert, traffic control device, drainage structure, or any other feature, the commissioner of transportation or planning board or their designee may issue an order to the landowner or other party responsible for such access to repair or remove such hazardous condition and to obtain any and all permits required therefor. The order shall describe the hazard, prescribe what corrective action or alteration in the location or configuration of such access shall be required, and set a reasonable time within which the action shall be completed. Such an order shall be sent by certified mail,

and shall be enforceable to the same extent as a permit issued under this section. If the order is not complied with within the time prescribed, the commissioner or planning board or their designee may cause to be taken whatever action is necessary to protect the highway and the traveling public, and the owner or other responsible party shall be civilly liable to the state or municipality for its costs in taking such action.

**General Operations:**

1. NO maintenance may be performed by the Highway Department on Class VI Roads or on Private Roads. An exception may be made by the Selectboard if in consultation with the Road Agent it is determined that a problem on a Class VI road threatens the integrity of a Class V highway and is determined not to be a landowner responsibility. In this case the minimum maintenance required to protect the Class V highway may be performed.
2. Initial installation of driveway culverts will be of a size and type and installed as recommended by the Road Agent and the Planning Board Representative. Cost of this installation shall be the responsibility of the landowner.
3. In the course of normal road maintenance the Highway Department may flush debris and dirt clogging culverts or may defrost frozen culverts when it is determined that failure to do so would cause damage to the road.
4. In accordance with RSA 236:13, failed driveway culverts which pose a hazard to the roadway or the traveling public must be replaced by the landowner at his expense. The Road Agent, upon discovering a failed culvert, will notify the Selectboard who in turn will notify the landowner of the problem and the necessary corrective action to be taken.
5. In the course of rebuilding roads to upgrade their integrity, lengthen their life expectancy and improve safety the Selectboard may approve the installation of driveway culverts at Town expense as part of the overall construction project when it is determined necessary for the purpose of improving drainage to protect the roadway.

**Authority:**

The responsibility for the maintenance of Class V roads for the Town of Lyme is vested with the Road Agent or his/her designee and the Selectboard.

This policy is to be used as a guideline to assist the Selectboard and the Road Agent in making informed decisions in the maintenance of Town Roads.

**Effective:**

The Town of Lyme, through its Selectboard has adopted this Driveway Culvert Maintenance Policy to be effective August 14, 2014.