



## Town of Boscawen, NH

Policy on Declaration of Class VI Highways and Private Ways  
As Emergency Lanes under RSA 231:59-1  
Adopted 10/06/2022

### **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.

This policy has been developed to aid the Select Board as it considers whether Class VI highways or private ways should be considered for Emergency Lane status.

To facilitate the Emergency Lane Declaration process, the following criteria shall be met and the following procedures must be employed for a way to be so declared.

### **PROCEDURES FOR DECLARING AN EMERGENCY LANE**

#### **Step 1: Preliminary Review**

Upon written request from a party or parties with a legal interest in the stated way, the Select Board, at a regularly scheduled Select Board 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 Public Works Director, Town Administrator, Fire Chief, and Police Chief
- an evaluation of the merits using the criteria below

#### **Step 2: Public Hearing**

At a regularly scheduled Select Board meeting, the Select Board members will vote on whether to hold a public hearing. If the vote is affirmative, the Select Board will indicate in the hearing notice the name of the way or ways that shall be considered for Emergency Lane Declaration. In addition, all persons believed to have a legal interest in the way or ways shall be notified of the hearing by certified and regular mail in the time frame allotted by law. At the hearing, the Select Board will collect input from the public for the purpose of preparing written findings.



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### **Step 3: Final Determination**

After the written findings have been completed, the Select Board will deliberate at a regularly scheduled Select Board 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 Boscawen 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 and provided by the town indicating name of way and status as a "Class VI road" or "private way"
3. Must have sufficient unobstructed areas to turn around. Unacceptable obstructions include the following:
  - a. Vehicles in the way of turn around areas.
  - b. Boundary markers such as rocks or posts inhibiting equipment operation.
  - c. Branches or trees obstructing views or operations of equipment.



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4. Must not require significant 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.

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### **RESCINDING OF EMERGENCY LANE DECLARATION**

The Select Board has the authority to rescind an Emergency Lane 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 Select Board determine that the public benefit considerations no longer apply.

#### **Failure to Maintain Road Conditions**

If the Public Works Director determines that the road conditions of an Emergency Lane have not been maintained by the abutters as required, he/she will provide a written notice to the Select Board. At that point town maintenance of the Emergency Lane 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 the party or parties with a legal interest in the Emergency Lane of the specific nature of the deficiencies in the Emergency Lane, 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 Select Board may rescind the declaration of the way as an Emergency Lane and the town will cease to maintain it.

#### **Public Benefits No Longer Apply**

If the Select Board 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.





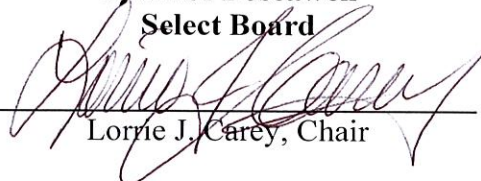
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### HISTORY OF APPROVAL & AMENDMENTS

This policy was adopted by a majority vote of the Boscawen Select Board at a regularly scheduled meeting on October 6, 2022.

**Town of Boscawen  
Select Board**

  
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Lorne J. Carey, Chair

  
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Paul R. Dickey, Member

  
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Matthew T. Burdick, Member