

 <p>Town of Allenstown New Hampshire</p>	POLICIES & PROCEDURES Town of Allenstown, NH		
	<i>Title</i> ROADWAY & SIDEWALK MAINTENANCE POLICY		
	<i>Policy No</i> #2016-002	<i>Original Adoption Date</i> 00/00/2016	<i>Revision – No. & Date</i>

Section 1.0: Purpose

Purpose and Intent. In 1991, the New Hampshire Legislature enacted laws to more clearly specify the conditions under which a municipality may be held liable for insufficiencies in highways and sidewalks which the municipality is required to maintain. The purpose of this policy is to adopt and implement procedures to comply with those statutory changes and to carry out the Town of Allenstown's obligations in a reasonable and meaningful way within the limits of available resources.

Section 2.0: Organization Affected

Highway, Police, Fire and Administration Departments and the Board of Selectmen.

Section 3.0: Definitions

None

Section 4.0: Policy

4.1 General Standards

The Town of Allenstown will make reasonable attempts to keep all its class V (and IV) roads and public sidewalks free from insufficiencies as defined by RSA 231:90, II. Because of the nature of the municipality and the 33 miles of maintained roads and sidewalks which it contains, the Town cannot practically assure that all roads and sidewalks will be safe and free from defects of all kinds. Some roads are "rural" roads that are often unpaved or are in generally poor condition. There are numerous sidewalks in the compact area of the Town which date back to the days when the mill was fully operational. Many of these sidewalks are in poor condition and do not meet modern construction standards. While the Town will make reasonable efforts to assure that roads are safely passable by normal passenger vehicles traveling at safe speeds under existing conditions, and that its sidewalks may safely be used by prudent pedestrians, the Town expects that operators of motor vehicles and pedestrians will exercise due caution and common sense to prevent injury to persons (including themselves) and damage to property, including vehicles.

4.2 Road Classification

To assist operators in safely using roads, the Road Agent, in cooperation with the Board of

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Selectmen, shall inspect and review the existing Municipality road system.

(A) Roads shall be classified according to the following standards:

- Primary Roadways
- Secondary Roadways
- Class VI roads which are not maintained
- Emergency Lanes which receive minimal or no routine maintenance

(B) The classification of a road under paragraph (A) shall not be deemed to guarantee that the road is sufficient at any given time for use as indicated nor that the road will be maintained to any given standard. Instead, the classification is merely an indication of the general quality of the road and the type of maintenance it usually receives.

(C) The classification of existing roads shall be completed by December, 2016. Upon completion of the classification, the Board of Selectmen shall determine the feasibility and wisdom of posting all or a portion of the road system to indicate road classifications as so designated.

(D) When this review is undertaken by the municipality, as part thereof, the Road Agent shall post any roads or sidewalks or segments thereof which are observed to contain potential safety hazards that are not reasonably discoverable or avoidable by a prudent user. The Road Agent shall determine if it is necessary to take further action beyond posting which determination shall be within the discretion of the municipality’s governing board.

4.3 Notices of Insufficiency

This section identifies the municipality’s standard procedures for handling notice of insufficiency in accordance with RSA 231:90 - :92. These procedures are in addition to the municipality’s inclement weather policy adopted pursuant to RSA 231:92-a and are not intended to replace or impose a higher standard of care than that stated in said policy. Only a notice which conforms in all respects to RSA 231:90 and this policy shall be deemed to comply with said statute.

(A) In accordance with RSA 231:90, a written notice of insufficiency must be delivered to one of the Selectmen or the municipal road agent with a written copy of the notice provided to the municipal clerk. In addition, the municipality hereby delegates the authority to receive notices on behalf of said officials to the Town Administrator. The notice must be signed by the individual(s) providing the notice, and shall contain each signer’s name printed legibly,

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along with the signer’s address and telephone number of other means of contact. In addition: the notice shall:

- (1) Contain the date and time of the notice
- (2) Contain the date and time at which the insufficiency was observed;
- (3) Describe, at least in general terms, the location of the insufficiency with such detail as may permit it to be found without undue difficulty;
- (4) Describe in reasonable detail the nature of the insufficiency.

(B) The municipality will provide forms upon which notices of insufficiency may be filed, but an individual need not use that form if the notice conforms to the requirements of law and this policy.

(C) The municipality encourages other municipal officials and employees who may receive notice of an insufficiency to advise individuals to report the insufficiency as required by law and to advise appropriate officials of conditions called to their attention. However, the municipality cannot assure that any notice which is provided in a manner other than that specified for a formal notice under this section will actually be received by the appropriate official/employee and therefore must require that notices be provided as required by law and this policy.

(D) Upon receipt of a notice of insufficiency, the individual receiving the notice shall first indicate on the notice or an appropriate form the exact time and date on which the notice is received and the identity of the person with whom it is filed. Upon receipt, the Board of Selectmen shall determine if the notice conforms to the requirements of this policy and the law. It is the municipality’s intent to implement action to investigate any claimed notice of insufficiency which is reasonably identified in a notice even if the notice does not formally conform to the requirements of law and this policy, but the municipality does not thereby waive any immunity or limit of liability which otherwise would apply.

(1) As soon as practicable, a determination shall be made as to whether an insufficiency exists. If it is determined that no insufficiency exists, the Board of Selectmen shall promptly advise the person filing the notice, and shall include a statement of the reasons why no insufficiency exists.

(2) If an insufficiency is found to exist, the municipality shall take one or more of the following actions as appropriate to the circumstances and shall, at an appropriate time, notify the person filing the notice of the actions taken or planned.

(a) If the insufficiency was temporary and no longer poses a hazard, the Road Agent shall determine the likelihood of another occurrence and what action, if any, is required to prevent or post danger signals warning of such conditions. In most such cases, the

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	<i>Title</i> ROADWAY & SIDEWALK MAINTENANCE POLICY		
	<i>Policy No</i> #2016-002	<i>Original Adoption Date</i> 00/00/2016	<i>Revision – No. & Date</i>

posting of danger signals is not required unless there is a reasonable likelihood of a recurrence of the insufficiency.

(b) If the insufficiency is not temporary, the Road Agent shall as soon as practicable post danger signals warning of the insufficiency. Within 72 hours after receipt of the notice of insufficiency, the Road Agent shall develop a plan to remedy the insufficiency. The plan shall be implemented in good faith within a reasonable time. If the insufficiency is not immediately remedied, appropriate danger signals shall be continued. The municipality may take reasonable interim action and shall determine if danger signals continue to be required. The reasonableness of any proposed remedy must consider the requirements that the expenditure of municipal funds may be made only in accordance with proper procedures.

4.4 Municipal Observations and Inspections

(A) Scheduled and Regular Inspections. As part of its routine road and sidewalk maintenance, the municipality conducts periodic inspections of their condition.

(B) Actual Notice Observations.

(1) In accordance with RSA 231:92, I (b), any official or employee designated in subparagraph (4.4) (B) (2) of this policy who has actual notice or knowledge of an insufficiency by means other than a written notice filed in accordance with section 4.3 of this policy, shall promptly report such insufficiency to the Road Agent who shall take the same action as would be taken if the insufficiency was reported by formal written notice.

(2) The employees/officials required to act under subparagraph (4.4) (B) (1) are the following: Selectman, Town Administrator, Town Clerk, any on-duty fire or police personnel, the Road Agent and any Highway Department personnel.

(C) Casual Observations. Only knowledge by or notice to those officials or employees designated in paragraph (4.4) (B) shall impose an obligation to act as provided by RSA 231:92. While the municipality is not designating or authorizing any other municipal officials and employees to receive notice or otherwise commit the municipality to act, in the interest of safety and efficiency, all municipal officials and employees are encouraged to be observant of highway and sidewalk conditions and to advise the Road Agent if they observe any conditions which they believe might pose a problem. Any such advice provided to the municipality shall not constitute formal or actual notice or knowledge on the part of the municipality unless made in accordance with section 4.3 or an official designated in paragraph (4.4) (B) (2) has actual knowledge of an insufficiency through personal investigation or observation.

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	<i>Title</i> ROADWAY & SIDEWALK MAINTENANCE POLICY		
<i>Policy No</i> #2016-002	<i>Original Adoption Date</i> 00/00/2016	<i>Revision – No. & Date</i>	<i>Page No</i> Page 5 of 7

4.5 Inclement Weather Practices

In accordance with RSA 231:92-a, insufficiencies or hazards caused by snow, ice, or other inclement weather shall be handled pursuant to the municipality’s inclement weather policies and procedures.

Section 5.0: Procedures

As detailed under the Section 4 Policy above.

Section 6.0: Implementation

To facilitate conduct in accordance with this policy, a copy of this policy shall be made available to department heads, employees, volunteers, board and committee members, appointed or elected to office and at such other times as may be necessary.

Section 7.0: Signature

	Position	Signature	Date
<u>Original Policy Prepared By:</u> Shaun Mulholland	Town Administrator		00/00/2016
<u>Original Policy Reviewed & Approved By:</u> Jason Tardiff	Board of Selectman Chairperson		00/00/2016
Kate Walker	Board of Selectman		00/00/2016



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Policy No
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Original Adoption Date
00/00/2016

Revision – No. & Date

Page No

Page 6 of 7

David Eaton

Board of Selectman

00/00/2016



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Town of Allenstown, NH**

Title

**ROADWAY & SIDEWALK MAINTENANCE
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Policy No
#2016-002

Original Adoption Date
00/00/2016

Revision – No. & Date

Page No
Page 7 of 7

Section 8.0: Policy & Procedure Revision History

	Section	Changes Made	Approvals	
			By	Date
Original Adoption				
Amendment				
Amendment				
Amendment				