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August 9, 2004

MEMORANDUM TO MUNICIPAL CLIENTS

TO: BOARD OF SELECTMEN/MAYOR/TOWN AND CITY COUNCIL
TOWN MANAGER/TOWN ADMINISTRATOR/EXECUTIVE SECRETARY
DEPARTMENT OF PUBLIC WORKS

RE: Repairs to Private Roads, Snow Removal on Private Roads and Snow and Ice Budgets

The large volume of snow that we have seen in our area over the past year has wreaked havoc on local roads, both public and private, and raised concerns as to access of emergency vehicles to snow bound homes on private ways as well as funds necessary for plowing.

Many towns have asked about the consequences of a town performing repairs upon roads which have not been accepted as public ways. It is valuable to recognize that such action raises issues under the subdivision law as well as questions concerning personal injury and property liability which can be addressed by proper planning.

Similarly, towns often wish to perform snow removal services on private ways to assure such ways are kept open for emergency vehicles but are concerned about exposing themselves to liability for such services. Snow removal is treated differently from repairs to public ways and is governed by separate statutory provisions which are addressed below.

It is also important to be aware of the statutory provisions affecting your snow and ice budget for proper planning purposes.