

T O W N O F G R A N T H A M

HIGHWAY, SIDEWALK, INCLEMENT WEATHER POLICY

RSA 231:90 - 93

In accordance with the provisions of the New Hampshire Revised Statutes Annotated Chapter 231:90 - 93, the Grantham Board of Selectmen adopts the following policy regarding notice of insufficiency on highways, sidewalks, and bridges.

DEFINITIONS

Insufficiency shall mean it is not passable in any safe manner by those persons or vehicles permitted on such sidewalk or highway by state law or by any more stringent local ordinance or regulation; or there exists a safety hazard which is not reasonably discoverable or reasonable avoidable by a person who is traveling upon such highway at posted speeds or upon such sidewalk, in obedience to all posted regulations, and in a manner which is reasonable and prudent as determined by the condition and state of repair of the highway or sidewalk, including any warning signs and prevailing visibility and weather conditions.

IMPLEMENTATION

1. The Board of Selectmen hereby designates the Road Agent to be coordinator and supervisor for the implementation of its highway verification program.
2. The Road Agent shall notify the foregoing and obtain contact numbers both at home and at work:
  - a. all Selectmen
  - b. highway agents/general highway foreman
  - c. the Town Clerk
  - d. the Admin. Asst/Administrator
  - e. Police Officers
  - f. Fire Personnel
3. It shall be the duty of the Road Agent to advise the above individuals that if they receive actual notice of insufficiency on a highway, bridge, or sidewalk (by personal observation, or by an oral or written communication) they MUST convey that information to the Road Agent immediately. It should also be recognized by the above listed individuals that, as part of their jobs, it is THEIR duty to follow up on the report of a potentially insufficient condition.
4. It shall be the duty of the Road Agent to appoint a "back up" or deputy person to receive notice in the event that the Road Agent is unavailable.
5. Upon receipt of a purported insufficiency, the individuals in charge shall duly note the following:

- i. the date and time of receipt of information
- ii. the nature of the information
- iii. the provider of the information

If the notice received is in writing, it should be marked with the date and time of receipt and by whom it was received. Files for this policy should be maintained separately.

6. Upon receipt of notice it shall be the duty of the Road Agent to immediately investigate the purported insufficiency. Note should be made that the investigation is accomplished. Upon investigation, the Road Agent must determine, forthwith and in good faith, whether an "insufficiency" in fact exists within the meaning of RSA 231:90 - 95.

7. If the Road Agent determines in good faith that if no insufficiency exists, the facts which support said decision should be documented and filed with the notice. If the Road Agent is circumspect in his/her deliberations regarding the insufficiency he shall consult with the Board of Selectmen.

8. If, upon investigation, the Road Agent determines that an insufficiency does exist, he must IMMEDIATELY erect danger signals at the site, visible to persons both by day and night. Within 72 hours of the receipt of notice the Town of Grantham MUST develop a repair plan thereof. If the plan is written it should be maintained in the "Insufficiency" files. The individuals responsible for highway maintenance must implement the repair plan in good faith and with "reasonable dispatch".

9. The Road Agent shall assure that a plan is developed within 72 hours of notice and that the plan is implemented with reasonable dispatch. When repairs are accomplished, the Road Agent should so note within the "Insufficiency" files.

10. The Road Agent shall on a regular periodic basis inquire of the persons listed in paragraph 2 of any notices of insufficiency. Note shall be made of these periodic inquiries.

#### I N C L E M E N T   W E A T H E R   P R O V I S I O N S

In addition to the actual "notice" provisions as listed above, an "inclement weather" policy shall be followed and understood.

#### DEFINITION

Under the provisions of RSA 231:92 II a, even if the Town of Grantham has actual notice of an insufficiency on a public highway, bridge, or sidewalk, the town shall not be held liable if:

- i. the hazards "are caused by snow, ice or inclement weather".
- ii. the Town's failure or delay in removing or mitigating such hazards is the result of its implementation, absent gross negligence or reckless disregard of the hazard, of a winter or inclement weather maintenance policy or set of priorities adopted in good faith by the officials responsible for such policy;

and all town employees and officials shall be presumed to be acting pursuant to such a policy in the absence of proof to the contrary.

IMPLEMENTATION

1. In case of inclement weather, areas of greatest need and usage are to be plowed or otherwise maintained prior to areas of lesser need or usage to fully provide for the greatest public benefit.
2. Side walk clearing and sanding shall begin in conjunction with the above road plowing and maintenance policy in an attempt to provide passable and safe passage to pedestrians.
3. Areas of any perceived insufficiency as noted by the Road Agent shall be so corrected upon the passage of an inclement weather cycle. Perceived insufficiencies will be marked with danger signals during the inclement weather cycle.

ADOPTED:

*William C. Cunningham*

*W. J. ...*

*Alden H. Pillsbury*

DATE:

6 - 22 - 94

RECORDED TOWN CLERK:

*Frances Hastings*  
*June 23, 1994*

TOWN OF GRANTHAM

HIGHWAY, SIDEWALK, & BRIDGE INSUFFICIENCY REPORT

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

\_\_\_\_\_

DATE & TIME: \_\_\_\_\_

NATURE OF COMPLAINT: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

PRECISE LOCATION: \_\_\_\_\_

IS THE REPORT AN ORAL COMPLAINT OR WRITTEN? \_\_\_\_\_

If complaint received in writing please mark with the date and time of receipt and by whom it was received. Attach to complaint form.

Complaint form MUST be submitted for review by the Road Agent immediately.

ROAD AGENTS REPORT: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

SIGNED: \_\_\_\_\_