

# ATTENTION

## NOTICE TO RESIDENTS WITH MAILBOXES ON HIGHWAY RIGHT-OF-WAY

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THERE HAVE BEEN SOME ISOLATED TIMES WHEN TOWN SNOWPLOW WINGS MAY HAVE HIT MAILBOXES. THE TOWN OF LERAY HIGHWAY DEPARTMENT IS CHARGED TO KEEP THE TOWN ROADS CLEAR OF ICE AND SNOW FOR ALL TRAVEL AND EMERGENCIES. THE DRIVERS USE PRUDENT JUDGMENT AND CARE, BUT DURING HEAVY SNOWSTORMS, WHITE OUTS, ETC, THEY MAY HAVE ACCIDENTALLY HIT MAILBOXES.

SOMETIMES HEAVY SLUSH ON THE END OF THE WING WILL DO DAMAGE. OTHER TIMES, THE DRIVERS MUST PUSH THE SNOW BACK FAR ENOUGH TO BE READY FOR THE NEXT SNOWSTORM.

WE ALLOW MAILBOXES ALONG THE ROAD. YOU DO NOT HAVE A LEGAL RIGHT TO HAVE ONE THERE. IF YOU HAVE ONE THERE, PLEASE MAKE SURE IT IS WELL BACK AND NOT A HAZARD.

### **THE FOLLOWING LAW PROTECTS THE TOWN:**

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There is no statutory or legal authority which grants a property owner or resident along a public highway any right to place a mailbox in a highway right of way. The owner may have an informal license, but this does not endow the owner of the mailbox with any legal rights in the highway when needed for highway purposes. The Highway Department and the State have a duty to keep the highway available for public use. Snow removal and snow storage are an incident of that use.

“The highways of the state are made for and devoted to public travel and the whole public have the right to their use in their entirety and when obstructions to public travel are found within their bounds, the commissioners of highways are clothed with power to remove them **WITHOUT WAITING FOR THE SLOW PROCESS OF LAW**, even though travel be not absolutely and entirely prevented.” (Emphasis supplied). VANWYCK v. LEND, SS Hun 301.

When the necessity of keeping the highway open conflicts with the individual’s receipt of the mail, the latter must stand aside. The owner might even be compelled to remove the box under Highway Law 319.

The owner has no right to interfere with the speedy and efficient removal of snow by placing the mailbox in such a position as to cause this result, and no liability results on the part of the public official charged with the duty of snow removal if such a box is so placed that it may be injured by proper highway maintenance. Attorney General 2128166.