

Mailboxes on Highway Rights of Way Can be Displaced by Highway Plows in the Course of Snow Removal

This is a friendly reminder that the Town of Bethel Highway Department has no liability in replacing or repairing mailboxes or other fixtures in the town right of ways. During the course of roadway maintenance such items may be unintentionally damaged. We regret that this may happen from time to time but our road safety and maintenance is priority and of the utmost importance. At times visibility just may not be possible due to weather conditions or other extenuating circumstances.

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 a highway when needed for highway purposes.

The Highway Superintendent and the State have a duty to keep the highways available for public use. Snow removal and snow storage are an incident of that use.

When the necessity of keeping the highway open conflicts with the individual's receipt of the mail, the receipt of the mail is inconsequential to keeping the highway open. The owner might even be compelled to remove the box under NYS 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 interference. No liability results on the part of the official charged with the duty of snow removal if such a box is so placed that it may be damaged by proper highway maintenance. (Informal opinion, Attorney General 2/28/1986).

Thank you for your understanding and if we can be of assistance please contact the Highway Department.

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