

12/8/88

APPROVED BY COUNCIL

12/12/88

MEMO

To: Councilors

From: Town Manager

RE: Driveway Culvert Policy

Our current culvert policy requires property owners to purchase, maintain and replace culverts. The only time the Town becomes involved is in a situation where deterioration or blockage of the culvert could damage the road. This has created some problems because abutting property owners may appear to have similar situations but may be treated differently in the maintenance, repair or replacement of the culverts.

Fred and I have reviewed this situation and discussed what effect there would be if the Town assumed responsibility for maintenance of culverts. There are approximately 40 existing driveway culverts with which we would be concerned. Only 1 or 2 are presently in need of replacement. Most are in good shape and their eventual replacement could be easily included in the Public Works yearly budget.

We have also talked with Clayton Brown at the State DOT Garage. DOT uses a policy that works well and I recommend the Council adopt a driveway culvert policy, based on the DOT's.

- 1) Anyone wishing to install a driveway culvert must fill out an application indicating the applicant's name, property owners name and the proposed location of the culvert.
- 2) A Town representative will inspect the property, indicate if the location is acceptable and provide specifications on the size, length and type of culvert required.
- 3) The applicant will be responsible for obtaining and transporting the culvert to the site.
- 4) The Town will place the culvert in the ditch and provide enough cover to hold it in place temporarily.
- 5) The applicant will be responsible for all remaining work.
- 6) After the installation has been completed by the applicant and accepted by the Town, all future maintenance, repair and replacement will be provided by the Town.



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June 5, 1974

David Mercier
Town Manager
Town of Baileyville
Woodland, Maine 04694

Dear Dave:

In answer to your letter of May 15, 1974, the Town has no obligation to maintain any portion of a private driveway, even if it falls within a street right-of-way. I also believe that the Town has no obligation to maintain any part of a driveway that falls within the bounds of a sidewalk, since there are no specific sidewalk repair requirements in the statutes.

As for culvert maintenance, 23 M.R.S.A. §3252 provides that no person shall obstruct the drainage along a public way. People may put in culverts, however, in order to provide a driveway over a drainage ditch. I am not aware of any requirement that the Town put in or maintain culverts.

Of course, if the Town alters a public way after a driveway has been established and this alteration creates a need for a culvert, I believe the Town should put in the culvert at its own expense and maintain it.

If the road is a state aid highway, an abutter can petition the Department of Transportation to install a culvert (furnished by the abutter) and the Department will then maintain it. (23 M.R.S.A. §705).

Sincerely,

Lee K. Bragg, Esq.
Assistant Director
Legal Services

LKB:mjm