

**Town of Mashpee
Board of Selectmen**

Policy No: 11

**Criteria and Procedure for the Town to
Perform Emergency Repairs to Private Ways**

It shall be the policy of the Town of Mashpee that the owners of private roads shall be responsible for maintaining their private roads in a safe and passable condition. The Town shall not be responsible for maintaining private roads, and shall limit Town repairs to private roads, unless conducted in accordance with the provisions of Mashpee Bylaws Section 150-5 and funded by the abutters of such roads, to emergency temporary repairs to be conducted in accordance with this policy.

1. Town work to be performed on a private road must be emergency in nature rather than merely to correct an existing deficiency in the road.
2. To be eligible for Town action under this policy, an emergency road condition for a private way must be declared in one or more of the following ways:
 - a. The Chief of Police and the Director of Public Works mutually determine in writing that there is a threat to the personal safety of persons customarily using the roadway on a regular basis and that no other reasonable egress is available.
 - b. The Fire Chief and the Director of Public Works mutually determine in writing that the roadway is in such a condition as to prevent emergency apparatus from using it and that no other reasonable egress is available.
 - c. The Superintendent of Schools and the Director of Public Works mutually determine in writing that the roadway is a school bus route, that it is unsafe for the passage of school buses, and that no other reasonable egress is available.
 - d. The Director of Public Works and the Town Manager mutually determine in writing that the roadway represents a public safety threat and that no other reasonable egress is available.
3. Emergency roadway conditions must fall under one or more of the following categories:
 - a. Pavement potholes or defects
 - b. Road washouts or obstructions
 - c. Drainage failures
 - d. Site-line improvements due to overgrown vegetation
4. Normal road grading of unpaved roads shall not constitute an emergency condition.

5. Upon receipt of an appropriate emergency declaration in the Office of the Selectmen, approval of temporary emergency repairs to private ways may be granted using the following procedures:
 - a. Work performed on private roads may not exceed the remaining funds appropriated by Town Meeting for temporary repairs to private ways.
 - b. The Director of Public Works shall have first made the determination that the road is not Town owned, and shall have made reasonable attempts to arrange for the owner(s) of the roadway to make the necessary repairs.
 - c. Upon written documentation of an emergency as outlined in Section #2 above, the Chairman of the Board of Selectmen or the Town Manager may approve a project costing not more than \$500 in materials or hired contractors if a delay in the completion of such work until the next special or regular meeting of the Board of Selectmen would create harm to the public safety. Should such approval be granted, it must be presented to the Board of Selectmen for ratification at the next regular or special meeting.
 - d. Upon written documentation of an emergency as outlined in Section #2 above, the Board of Selectmen may vote to approve an emergency project at any special or regular meeting. Such approval shall include a description of work to be performed and a reasonable estimate of a not to exceed budget which shall be recommended by the Director of Public Works.
 - e. Before conducting emergency repairs to private ways the Director of Public Works shall make reasonable efforts to have the Town held harmless for any damages whatsoever caused by such repairs through such form as may be approved by the Board of Selectmen.
6. Following the performance of temporary emergency repairs to a private way, the abutters of such way shall receive notification and warning of their responsibilities for maintaining their private way in a format as approved by the Board of Selectmen.

***Adopted by the
Mashpee Board of Selectmen
September 14, 1998***