



# CITY OF CONCORD

*New Hampshire's Main Street™*

## REPORT TO MAYOR AND THE CITY COUNCIL

**FROM:** Earle M. Chesley, P.E., General Services Director

**DATE:** April 8, 2019

**SUBJECT:** Designate a Portion of Island Road as an Emergency lane in accordance with RSA 231:59-a

### **Recommendation**

Accept this report and schedule a public hearing determine whether to designate a portion of Island Road as an emergency lane at the City Council meeting on May 13, 2019.

### **Discussion**

In October 2018, the City notified the residents of Island Road, that a portion of the unpaved road, a class VI roadway, is privately owned, and not eligible for City roadway maintenance, including, but not limited to snow removal, unless the road is deemed an emergency lane in accordance with RSA 231:59-a. The notice further provided that, absent the designation of an emergency lane, as authorized by the City Council, the City would discontinue roadway maintenance in November 2019.

Emergency lanes may be designated to keep a road passable for firefighting equipment and rescue or emergency vehicles. To make such designation, the City Council must hold a public hearing and determine whether there is “an identifiable public welfare or safety interest that surpasses or differs from any private benefits to landowners abutting such lane.” Ten (10) days prior to the public hearing, the City must provide notice to all persons known to have a legal interest in the roadway. The City is not authorized to declare an emergency lane if permission is denied by any person with a legal right to deny such permission. Should the City Council find that there is a basis to designate the roadway as an emergency lane, it may at any time and for any reason, rescind or disregard, without notice, such designation. RSA 231:59-a.

The City has received the attached Petition from the residents of Island Road who support the designation of an emergency lane. Further, the General Services Director, the Concord Police Chief and the Concord Fire Chief support the emergency lane designation. Accordingly, I hereby request that the City Council set this matter for a public hearing at the City Council meeting on May 13, 2019.

cc City Solicitor James Kennedy, Esq.  
Chief Bradley Osgood, Police Department  
Chief Dan Andrus, Fire Department  
City Engineer David Cedarholm, P.E.  
Highways and Utilities Superintendent James Major