



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: August 30, 2021
SUBJECT: Designating Birch Street, a Class VI Highway, an Emergency Lane

Recommendation

Accept this report and schedule a public hearing to determine whether to designate Birch Street as an emergency lane under RSA 231:59-a, at the City Council meeting on October 12, 2021.

Background

Birch Street, a Class VI public highway, is a gravel road that connects Clinton Street to Iron Works Road. There is a 30-inch drain line under Birch Street, approximately 2585 feet long, serving Concord Meadows that is publicly maintained by the City. There is also a 15-inch cross culvert that passes under Birch Street at its southerly end near Iron Works Road.

General Services does not regularly maintain or repair Birch Street on more than a seasonal basis, and the road has not been maintained in a suitable condition for year-round travel over the last several years. Birch Street was last graded in May 2019. General Services does not provide any winter maintenance on Birch Street.

From a practical standpoint, the street serves as a vehicular access for leased community garden plots on abutting land owned by the State of New Hampshire. General Services occasionally receives requests for grading on Birch Street. In order for General Services to perform such summer maintenance on Birch Street, the road needs to be declared an emergency lane under RSA 231:59-a. General Services does not intend to maintain or plow Birch Street in the winter.

Discussion

Regarding emergency lanes, RSA 231:59-a states in part:

1. A City may raise, appropriate, and expend funds for repair of any Class VI highway which has been declared an emergency lane and such repair may include removal of brush, repair of washouts or culverts, or any other work deemed necessary to render such way passable by firefighting equipment and rescue or other emergency vehicles,
2. No expenditure shall be made unless the City Council, following a public hearing, declares the Class VI highway, or portion thereof, an emergency lane, and makes written findings, recorded by the minutes of the meeting, that the public need for keeping such lane passable by emergency vehicles is supported by an identified public welfare or safety interest which surpasses or differs from any private benefits to landowners abutting such lane.
3. A declaration may be rescinded or disregarded at any time without notice. A declaration of a Class VI highway does not create any duty or liability on the part of a municipality, and no landowner or other persons are entitled to damages by virtue of the creation of emergency lanes, or the maintenance of them, or the failure to maintain them.