

Town of Hampden

Driveway/Entrance Culvert Policy

Background:

Title 23SS 705 MRSA defines culvert responsibility with respect to driveway/entrance culverts. With consideration of this law and the various situations and complaints that have occurred around the state, this document has been prepared to more clearly define the specific responsibilities of Maine's taxpayers as a whole through MaineDOT, The Town of Hampden and the individual highway abutters.

A culvert is "a covered channel that carries water under a road, railway or through an embankment". In the case of a driveway or entrance culvert, it is the culvert's ability to effectively move water from one side of a driveway or entrance to the other side that is critical to protecting the Town's infrastructure (the public corridor to which the driveway or entrance connects). To the end, it is in the Town's interest to ensure that this conveyance of water is maintained. For additional information regarding required culvert sizing and material, refer to the Town of Hampden, Town Ways Ordinance. For additional information regarding State or State Aid roads, refer to the Maine Department of Transportation Driveway/Entrance Culvert Policy.

Policy:

Activities performed by the Town's Public Works crew with regard to driveway/entrance culverts and within the right-of-way of a Town Road shall include the following:

- 1) When a culvert has become plugged by natural causes, such as the gradual accumulation of debris or ice, or has failed to the point where water can no longer be effectively conveyed, the Town of Hampden is responsible for restoring adequate flow through the culvert.
- 2) When the Town of Hampden undertakes a capital or ditching project that requires the replacement or relocation of driveway/entrance culverts, the Town of Hampden is responsible for such culvert replacement/relocation and driveway/entrance restoration.
- 3) When a natural event causes regional or localized flooding and washouts, causing a culvert to fail and/or a driveway/entrance to washout, the Town of Hampden will reinstall or replace the culvert (at the Town of Hampden's option) and reestablish access to the abutting property.

Activities that are the responsibility of the owner/abutter, in accordance with Title 23 SS 705 MRSA, shall include the following:

- 1) Culvert replacement not covered above.
- 2) Driveway repairs of any type (excepting damage caused by natural events as described above in item 3). This includes such issues as: bumps or depressions that may develop over a culvert (usually due to seasonal freeze/thaw cycles), erosion of the driveway/entrance side slopes, and potholes that may develop as the result of a deteriorating pipe prior to replacement.
- 3) Restoring flow when the culvert is obstructed, either directly or indirectly, by the actions of the abutter or their agents (such as intentionally depositing leaves, debris or plowing snow into a ditch line).

When an abutter fails to uphold their responsibilities and damage to the highway corridor has occurred or is imminent, the Town of Hampden may address the issue and pursue compensation as necessary.

Town Clerk:

Paula Scott

APPROVED by majority of the Town Council:

[Signature]
[Signature]
Steph A. White
[Signature]
[Signature] DM
Paul Marshall
Mark S. Connor

Adopted April 4, 2016