

NYS LTAP Center - Cornell Local Roads Program



HOME

What are the snow disposal responsibilities for property owners?

Now that “snow season” is upon us, the Traffic Safety Board, in conjunction with the NYS DOT and all municipalities, want to remind everyone that during winter months, snow and ice should not be deposited or stockpiled on or along the highway as this activity poses a hazard to pedestrians and motorists alike. Furthermore, it’s illegal.

When people put snow on or along the highway, it creates unsafe driving conditions and safety concerns, including limited sight distance, impact hazards, and drainage concerns. Because NYS Vehicle and Traffic Law (VTL) is applicable, property owners could be held liable should a tragedy occur.

VTL, section 1219, prohibits putting glass or injurious substances, including snow and ice, on roads and highways. It reads, in part:

1. No person shall throw or deposit upon any highway any ...snow or ...other substance likely to injure any person, animal, or vehicle upon such highway.
2. Any person who drops, or permits to be dropped...any destructive or injurious material or any material which interferes with the safe use of the highway shall immediately remove the same or cause it to be removed.

Winter snow storage along pedestrian routes poses particular safety issues. Storage of snow along sidewalks, bump-outs or other street-side appurtenances results in poor visibility for pedestrians and motorists. Streets, roads and highways must be plowed, but highway crews also must spend a lot of time cleaning up sidewalks, intersections, and wing-back snowplow banks to improve visibility. They don’t need extra snow piled in or along roads by homeowners or tenants.

While we are discussing snow along streets, roads and highways, every year the question of “responsibility” for a damaged or destroyed rural mailbox comes up. While a property owner may have an informal license to place his or her mailbox in the highway right of way, this does not endow the owner of the mailbox with any legal rights in the highway when needed for highway purposes.

Municipalities have a duty to keep their roads free from obstructions. The removal of snow is necessary to keep the roads unobstructed and available for public use. Accordingly, if a property owner places his or her mailbox in the

highway right-of-way, the municipality is not liable for damage to the mailbox if such damage was caused by non-negligent municipal snow removal activities.

For more articles on Vehicle and Traffic Law and traffic safety, visit the Traffic Safety Board's website at www.franklincony.org and click on the Traffic Safety Board from the pull-down menu under departments.

Modified from November 11, 2014 *Did You Know???*

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Other resources:

▲ [Cortland County's Highway - Winter Season FAQs](#)