

A guide for property owners on state and state-aid highways

Right-of-Way / Driveway Culverts / Access Management
Underground Electric Lines / Mailbox Installation



MaineDOT



For more information, visit MaineDOT's website:

driveway permits:

mainedot.gov/traffic/drivewaypermits/

mailbox policy:

mainedot.gov/winterdriving/mailboxpolicy/



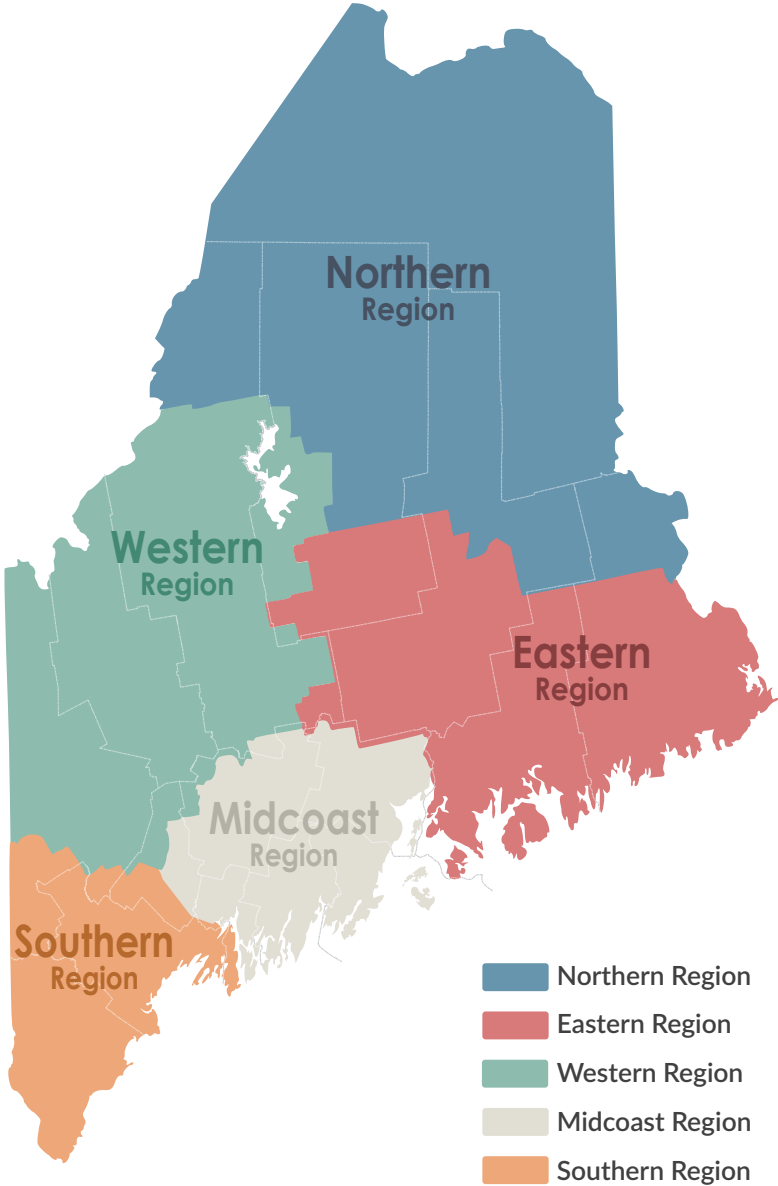
MaineDOT

Rules and Policies

Owning property on a state or state-aid highway offers many conveniences. However, it also means there are specific rules and policies you should know about. Most often, property owners are asking about installing a driveway, a culvert or a mailbox. This booklet gives you an overview of policies for property owners on state or state-aid highways. However, you can reach out to one of MaineDOT's Region Offices with specific questions or concerns.



MaineDOT Regions



 **Northern Region (5)**

207-764-2200

41 Rice Street | Presque Isle, ME 04769

 **Eastern Region (4)**

207-941-4500

219 Hogan Road | Bangor, ME 04401-5603

 **Western Region (3)**

207-562-4228

932 U.S. Route 2 East | Wilton, ME 04294

 **Midcoast Region (2)**

207-624-8200

66 Industrial Drive | 98 SHS | Augusta, ME 04333-0098

 **Southern Region (1)**

207-885-7000

51 Pleasant Hill Road | Scarborough, ME 04070-0358

There is no standard right-of-way distance for every road. You will need to contact your MaineDOT Region Office for information on right-of-way widths in specific locations.

What is the Highway “Right-of-Way” and What Does it Mean to Property Owners?

State-maintained right-of-way is property along a roadway on either side. This area is reserved for or dedicated to highway purposes. It must be kept clear for motorist safety and so road crews have room to work.

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It is important to know the right-of-way adjacent to your property, especially if you plan to install or build anything along the road frontage. State law (MRS Title 23, Section 1401-A) prohibits obstacles within 33 feet of the centerline of a two-lane state or state-aid highway. This 33-foot law is regardless of the specific right-of-way width. However, there is a waiver process if the posted speed limit is 35 mph or less and MaineDOT determines that the obstacle will not pose a safety risk to the traveling public.

If you have any questions, or simply want to find out if a proposed installation can be licensed or waived, please contact the nearest MaineDOT Region Office (***See page 3***).

Fee Interest and Easements

Any state road is likely to have been in place for decades. However, at one time MaineDOT acquired the property rights in order to build the road. When it did, it acquired the rights:

- **by fee interest**, where all rights to the property have been purchased, or
- **by easement**, where only rights for highway purposes have been acquired.

Additional easements for slope maintenance and drainage are also sometimes obtained.

A public road right-of-way that has not formally been established is called a “wrought portion” or “prescriptive easement.” This right-of-way includes the area encompassing the roadway, slopes and ditches etc. that MaineDOT has maintained for a period of 20 years or more.

Facts about the highway right-of-way:

- Right-of-way widths vary, depending upon the roadway, the location along a road corridor, and how the right-of-way was established.
- Only a licensed professional land surveyor can determine the exact location of the highway right-of-way boundary.
- MaineDOT is responsible for controlling activities and installations within the right-of-way.
- Most installations within the right-of-way are prohibited including signs, boulders, rock walls, buildings etc. Exceptions may include mailboxes, utilities and other items licensed by MaineDOT.

Driveway Culverts

Who is responsible for repair or replacement?

Responsibilities for a driveway or an entrance within the right-of-way of a state or state-aid highway were outlined by the Maine legislature in 2014. There are specific cases when MaineDOT is responsible for repair or replacement of a culvert or entrance.

- When MaineDOT undertakes a capital or ditching project that requires the replacement or relocation of a driveway entrance or culvert, MaineDOT is responsible for the culvert replacement and/or relocation, and the driveway entrance restoration.
- When a natural event results in regional flooding and washouts, causing a culvert to fail and/or a driveway entrance to wash out, MaineDOT will reinstall or replace the culvert (at MaineDOT's discretion) to reestablish access to the abutting property.

Culvert replacements not covered above are generally the responsibility of the property owner. In addition, the property owner is responsible for driveway repairs involving bumps or depressions that may develop over a culvert.

Access Management: When and Why Are Driveway Permits Needed?

Access Management balances safe access to property with mobility, or traffic flow. To achieve this balance, anyone installing a driveway or entrance along a state or state-aid highway must get a permit from MaineDOT. State law mandates that, even if you intend to change the use of your entrance (for example from strictly residential to residential and small business), a permit must be obtained. Further, local building permits (including permits for subdivisions) on a state highway may not be issued without first having the MaineDOT permit approved.

While safety is always a top priority, MaineDOT also considers economic development and efficient traffic flow when reviewing access applications.

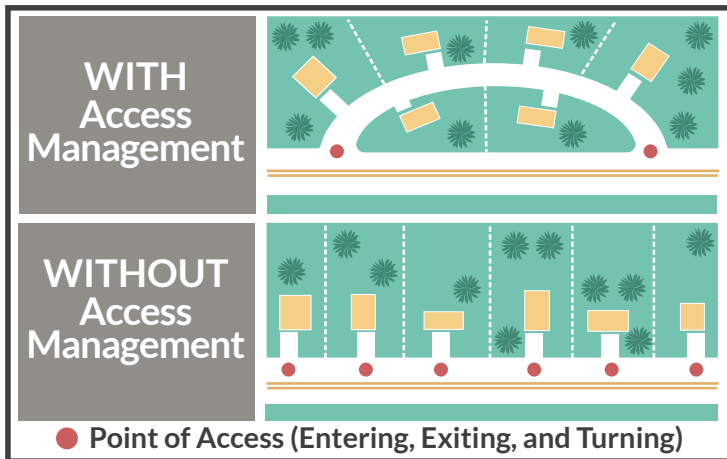
MaineDOT's Access Management Program sets up a permitting process for property owners who will impact a state roadway by:

- building a driveway or entrance, or
- changing a current driveway in a way that will increase traffic volume, or create a safety or drainage concern.

Municipalities may also have their own access management rules on local roads or within designated urban compact areas. Always check with your local officials and MaineDOT to be sure you are aware of all the requirements. Also, when local rules differ from state rules, the stricter of the two applies.

Applications for driveway permits are on MaineDOT's website:

mainedot.gov/traffic/drivewaypermits/



Frequently Asked Questions

How much does a MaineDOT permit cost?

MaineDOT permits that do not impact the highway are free. However, depending on the highway and the intensity of the proposed development, applicants may be required to alleviate the traffic impacts of their proposed entrance onto the highway.

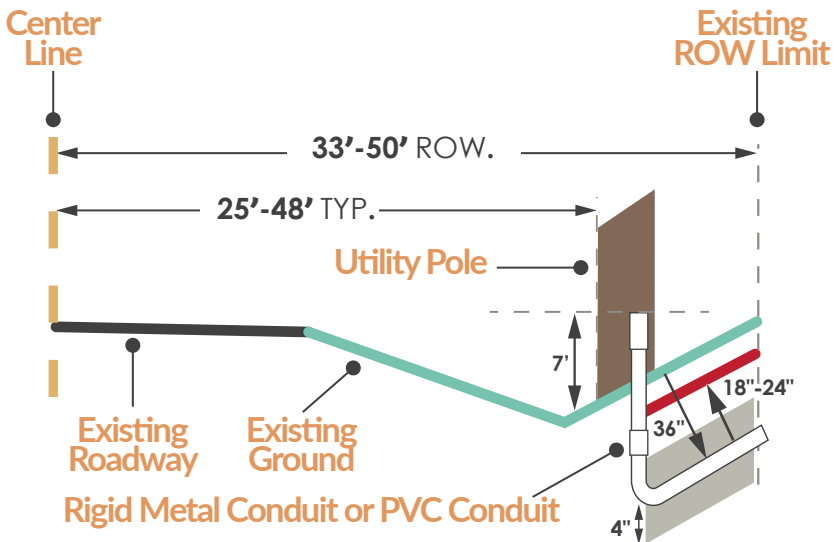
Are all state roads subject to the access rules?

Roads within Urban Compact limits don't fall under these rules. There are 51 Urban Compact municipalities. If you are seeking a permit along a state highway within one of the following municipalities, please ask your local officials whether your land is inside or outside the Urban Compact limits. If it's outside the boundaries, you will need a MaineDOT permit.

Urban Compact Municipalities

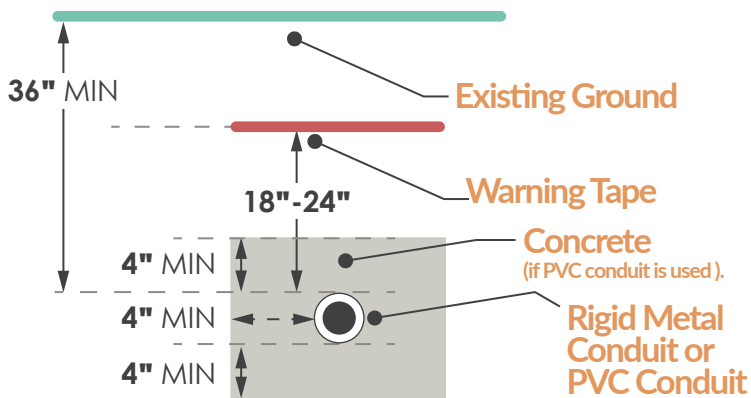
Auburn | Augusta | Bangor | Bath | Belfast | Berwick | Biddeford | Brewer
 | Brunswick | Buxton | Caribou | Cape Elizabeth | Cumberland | Ellsworth
 | Falmouth | Fairfield | Farmington | Freeport | Gardiner | Gorham | Gray |
 Hampden | Houlton | Kennebunk | Kittery | Lewiston | Lisbon | Millinocket |
 Old Orchard Beach | Old Town | Orono | Portland | Presque Isle | Rockland
 | Rumford | Saco | Sanford | Scarborough | Skowhegan | South Berwick |
 South Portland | Standish | Topsham | Waterboro | Waterville | Westbrook |
 Wells | Winslow | Windham | Yarmouth | York

Underground Electric Lines Within the State Right-of-Way



1. Rigid metal conduit riser **7' min** from ground.
2. Top of conduit **36" min** below grade.
3. Warning tape **18"-24"** above conduit.
4. Concrete **4"** thick if PVC conduit is used.

Cross Section of Trench



(fig. d)

Installation of Underground Utilities

MaineDOT will consider allowing an underground electric service through a Highway Opening Permit, under certain conditions.

The service within the Right-of-Way must:

- be on the same side of the road as the poles.
- not cross under a ditch.
- be installed in metal conduit, or PVC conduit that is encased in concrete.
- be at least 36" deep and buried with a warning tape 18" to 24" above conduit.
- have a metal conduit riser at least 7 feet up the pole *(fig. d)*.

CMP and Versant Power will not connect the service without evidence of MaineDOT approval.

NOTE:

- Underground electrical services shall not be constructed under the highway.
- Unless vertical clearances and the local terrain dictate otherwise, all service poles (not shown) used to exclusively provide service to a customer shall be installed at or beyond the highway right-of-way limits.
- Rigid metal conduit shall be galvanized or stainless steel.

Mailbox Installation on Maine's State and State-Aid Highways

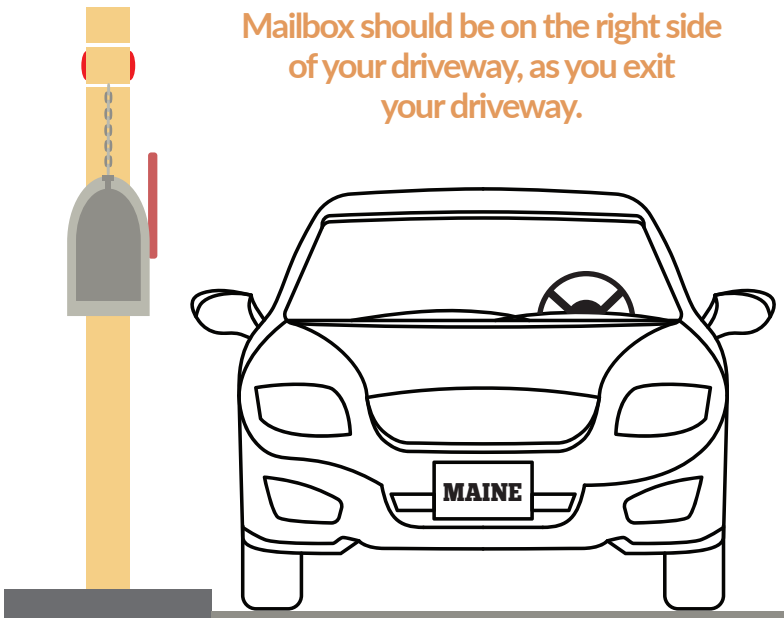
Mailbox installations are allowed within the right-of-way of Maine's state and state-aid highways. However, there are two very important conditions.

1. The mailbox must be installed in a way that:
 - ensures the mail can be delivered; and
 - doesn't create an obstacle or a safety hazard for those using or maintaining the highway.
2. The mailbox is installed entirely at the owner's risk. If the mailbox is damaged during any MaineDOT operation, including snowplowing, the property owner is not entitled to replacement or compensation. In fact, if the mailbox was not installed according to the standards outlined in the policy, the owner may be held liable for injuries or damages that may be incurred.

Here are some details regarding mailbox height, location, offset, and post type to reduce the chances for damage.

Mailbox Installation Standards

Mailbox Placement

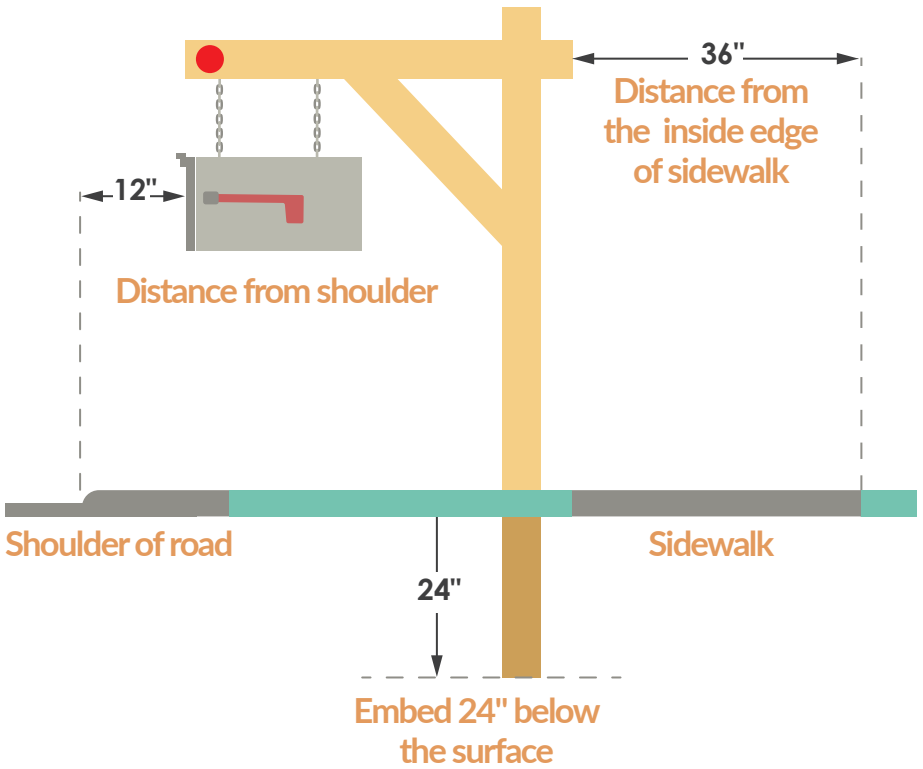


(fig. a)

General Location:

Whenever possible, place your mailbox after your driveway opening. This location improves its visibility, minimizes the amount of snow that comes off the plow, and improves the approach for your mail carrier (fig. a). (See page 19)

Mailbox Support Design and Road Offsets



(fig. b)

Mailbox Support Design:

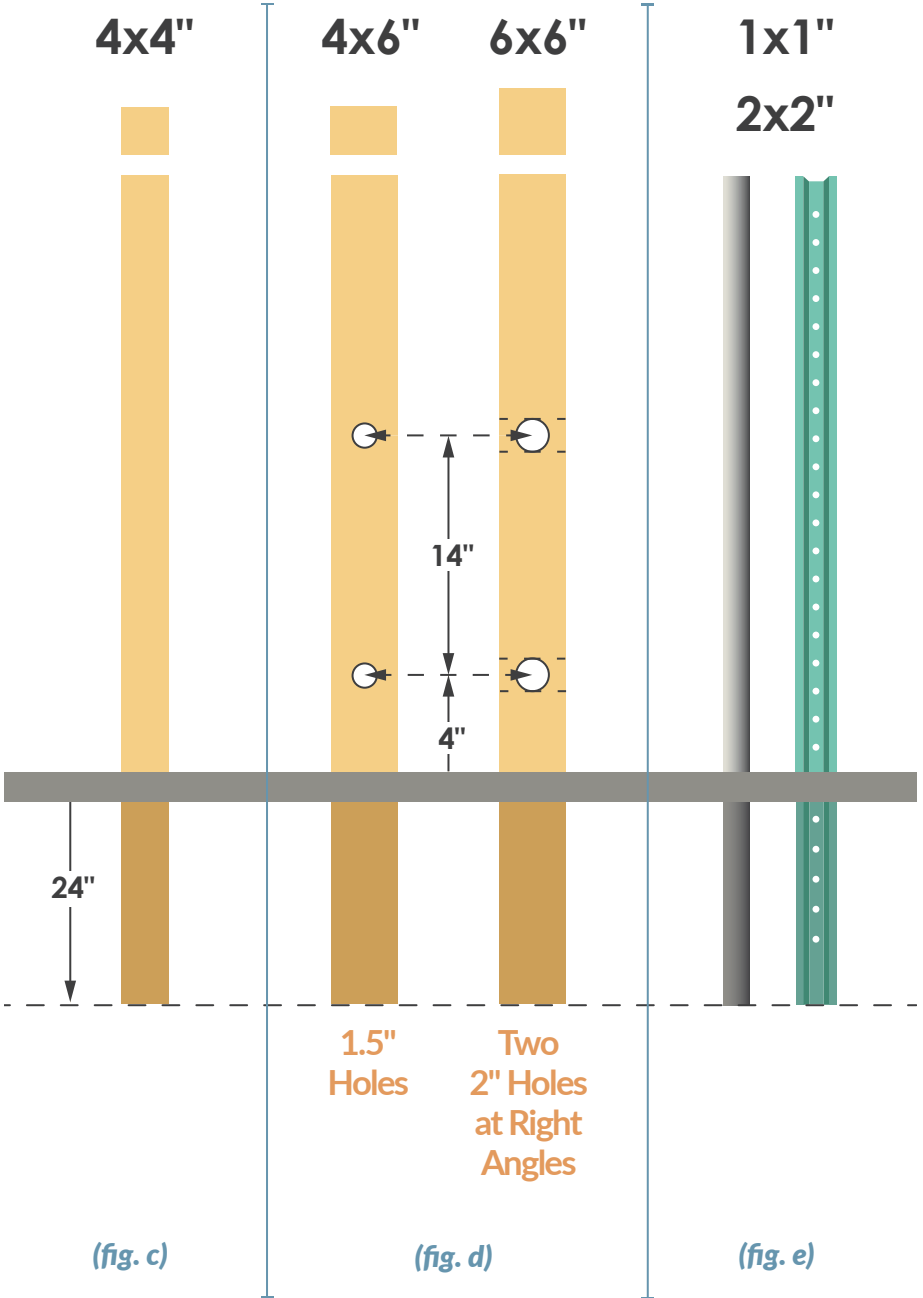
In many cases, it is best to use an extended arm post with a free-swinging suspended mailbox (*fig. b*). This allows snowplows to sweep near or under the box without damage, and provides easy access for your mail carrier. Place a red reflector on the arm at the point closest to the road. This will help your local snowfighter see and avoid your mailbox during winter storms.

Offsets from Roads:

Mailboxes should be set back from the edge of the shoulder, regardless of whether the shoulder is gravel or paved. In other words, the face of the mailbox should be at least one foot back from the edge of the normally plowed surface of the highway or the face of curb (*fig. b*). Greater offset distances are encouraged so the mail carrier can move out of traffic and to minimize potential damage to your mailbox.

A mailbox in a sidewalk should leave at least 36 inches behind the back of the box or the post, whichever is located the furthest from the road (*fig. b*).

Acceptable Mailbox Supports



Post Size, Type, and Embedment:

Mailbox posts must be sturdy enough to hold up the mailbox in all types of weather. However, they can't be so rugged that they present a hazard to vehicles that leave the road. **If a mailbox support is struck by a vehicle, it must easily break away.** Therefore, the following types of posts are recommended:

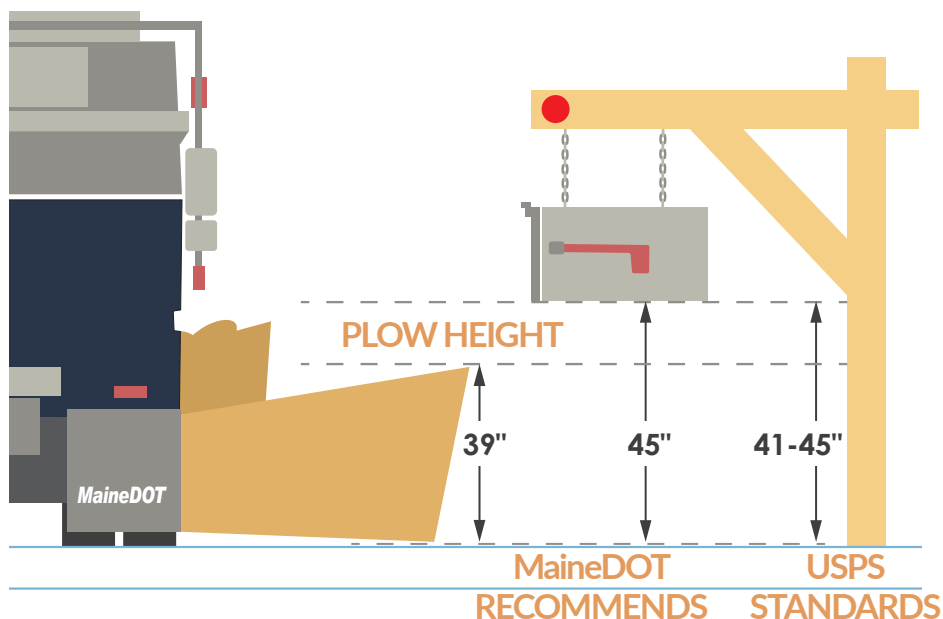
- 4" x 4" wooden posts embedded two feet into the ground (*fig. c*). Larger wooden posts (4" x 6" or 6" x 6") may be used only if the post is drilled through with an appropriate spade bit to create a shear plane (*fig. d*).
- One-inch to two-inch round diameter steel or aluminum pipe, or standard U-channel post embedded two feet into the ground (*fig. e*).

Unacceptable Mailbox Supports Include:

- anything filled with concrete,
- masonry and stone structures,
- heavy steel structures, and
- most objects that were intended for other uses (e.g., antique plows, I-beams, etc.).

Mailboxes, attachments or support systems not consistent with this policy are considered **deadly fixed objects** and are in violation of Maine law (23 MRSA §1401-A). When MaineDOT sees this type of installation, the owner will be informed and immediate removal will be requested. If the property owner doesn't comply with this request, MaineDOT may remove the installation and seek reimbursement from the property owner for all costs.

MaineDOT recommends a height of 45 inches above the highway shoulder.

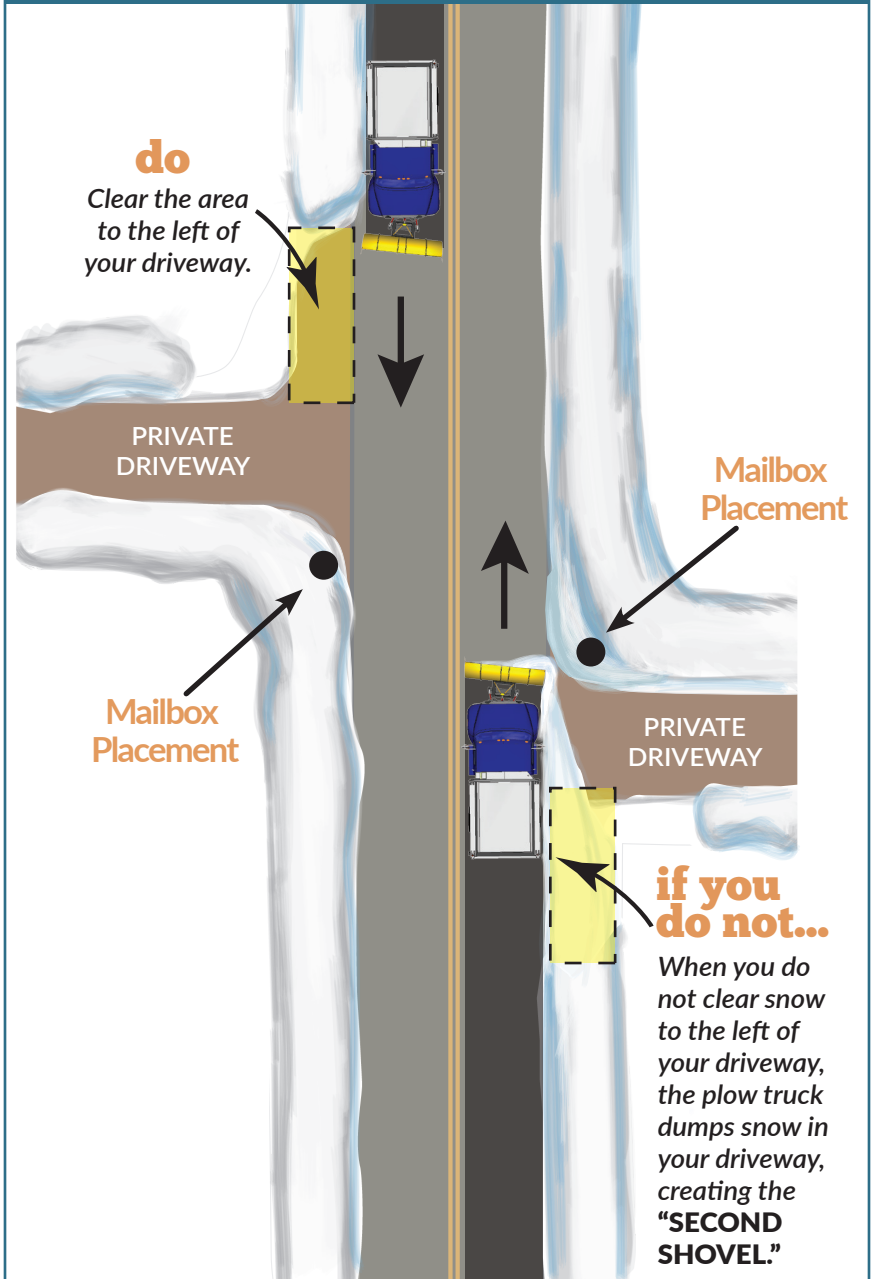


(fig. f)

Mailbox Height:

According to USPS standards, a mailbox must be installed so the bottom of the mailbox is between 41 inches and 45 inches above the highway shoulder. MaineDOT recommends the height be closer to the 45-inch measurement to minimize the chances of being struck by the plow truck wing (fig. f).

If you live on a state highway or a city street, here's how you can prevent a "second shovel"!



NOTES

NOTES

Mailbox design and installation standards are available from several sources. However, the following national standards are widely accepted.

The United States Postal Service (USPS) Mailbox Guidelines.
usps.com/manage/mailboxes.htm

The American Association of State Highway and Transportation Officials (AASHTO) Roadside Design Guide. Chapter 11 (Erecting Mailboxes on Streets and Highways) deals with construction of privately owned mailboxes and is less focused on postal operations.
store.transportation.org/Item/PublicationDetail?ID=1807

In addition, if the mailbox is installed in an area with sidewalks, the sidewalks must remain compliant with ADA requirements:

American Disabilities Act (ADA) has minimum requirements to ensure sidewalks and other facilities are accessible and usable by individuals with disabilities. ada.gov/regs2010/2010ADASTandards/2010ADASTandards.htm#c4

MaineDOT Mailbox Guidelines mainedot.gov/winterdriving/mailboxpolicy/



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mainedot.gov