

MAILBOXES ON HIGHWAY RIGHTS OF WAY WHICH ARE DISPLACED BY HIGHWAY PLOWS IN THE COURSE OF SNOW REMOVAL

There is no statutory or legal authority, which grants a property owner or resident along a public highway any right to place a mailbox in a highway right of way. The owner may have an informal license, but this does not endow the owner of the mailbox with any legal rights in the highway when needed for highway purposes.

The Highway Superintendent and the State have a duty to keep the highway available for public use. Snow removal and snow storage are an incident of the use.

“The highways of the state are made for and devoted to public travel, and the whole public have the right to their use in their entirety and when obstructions to public travel are found within their bounds, the commissioners of highways are clothed with power to remove them without waiting for the slow process of law, even though travel be not absolutely and entirely prevented” (Emphasis supplied) Van Wyck v Lent, 33 Hun 301.

When the necessity of keeping the highway open conflicts with the individual's receipt of the mail, the latter must stand aside. The owner might even be compelled to remove the box under Highway Law S319.

The owner has no right to interfere with the speedy and efficient removal of snow by placing the mailbox in such a position as to cause this result, and no liability results on the part of the public official charged with the duty of snow removal if such a box is so placed that it may be injured by proper highway maintenance. (Informal opinion Attorney General 2/2/33).