

TOWN OF ELLICOTT

Highway Department

Robert F. Pickett Jr.

Highway Superintendent

Phone (716) 665-2101
Email toehighway@netsync.net

Highway Garage
235 East Mosher Street
Falconer, New York 14733

Policy for Mailbox Replacement

The Ellicott Highway Superintendent may approve a temporary replacement mailbox and/or post, installed by department employees to facilitate mail delivery, if it can be shown beyond any doubt that the Town snow plow or wing directly contacted the mailbox or post and that the mail box or post in question was in good physical condition and installed according to the US Postal Service guidelines listed below. Because the equipment operator has no control of the condition or actions of the material moved out of the right of way, and snow and ice conditions vary greatly from day to day, the Department will not be held liable for, nor replace a mailbox or a post which is damaged by contact from snow or ice.

Replacement mail boxes and posts will consist of a generic Town manufactured iron post, an arm on a swivel, and a plain black mailbox, installed to comply with US Postal Service guidelines. Replacement mailboxes are considered temporary and the Highway department will not maintain responsibility for their continued use. Property owners are encouraged to replace these temporary units with long term receptacles that meet Postal Service guidelines.

Property owners occasionally contact the Town requesting that they be reimbursed for damaged or broken mail boxes or posts. There is no statutory or legal responsibility which grants a property owner any right to place a mailbox within the Right-of-Way. While property owners' may have an informal license, this does not endow the owner of the mailbox any legal rights in the highway when needed for highway purposes.

Highway Law Section 319 supports this policy as does an opinion from the Attorney General stating that, "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 on snow removal if such box is so placed that it may be injured by proper highway maintenance."

USPS Guidelines (taken from <https://www.usps.com/manage/mailboxes.htm>)

- Position your mailbox 41" to 45" from the road surface to the bottom of the mailbox or point of mail entry.
- Place your mailbox 6" to 8" back from the curb. If you do not have a raised curb, contact your local postmaster for guidance.
- Avoid unyielding and potentially dangerous supports, like heavy metal pipes, concrete posts, and farm equipment (e.g., milk cans filled with concrete).
- Bury your post no more than 24" deep.

11/16/2016