

**REGULATIONS FOR THE ACCOMMODATION OF MAILBOXES AND NEWSPAPER
DELIVERY BOXES ON COUNTY HIGHWAY RIGHTS OF WAY**

Board Action Adopted On September 24, 1991:

CONSENT AGENDA (Excerpt)

21. Adopt Model Regulation for the Accommodation of Mailboxes and Newspaper Delivery Boxes on Public Highway Rights-of-Way as recommended by the County Highway Engineer.

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DEPARTMENT : ATTORNEY GENERAL

DATE : October 21, 1988

TO : MICHAEL J. GILLEN
Claims Engineer
313 Transportation Building

FROM : P. KENNETH KOHNSTAMM
Assistant Attorney General

PHONE : 6-6139

SUBJECT : MnDOT Authority Pertaining to Rural Mailboxes
as Roadside Obstacles Within the Right-of-Way

We are forwarding to you the memorandum of our paralegal intern on this subject. From these materials, we conclude the following:

1. The federal government is making funds available on federal aid projects for the removal of roadside hazards, including mailboxes. In 1987, the federal statute was amended to include in the term "construction" the term "elimination of roadside obstacles." 23 U.S.C. § 101(a). The federal interest in providing financial support for the removal of hazardous mailboxes is further reflected in notices from the Federal Highway Administration (Attachments 1 and 2).

2. The most helpful portion of the paralegal's research is the material and information gathered from Oklahoma, Nebraska, Texas, and Wisconsin. The experience of these states illustrates that MnDOT has three basic options (from less drastic to most drastic):

a. Persuade mailbox owners to modify their structures. Texas has a videotape of crash tests (which they are willing to share with you) and Wisconsin distributes a pamphlet (Attachment 3) in an effort to educate and persuade mailbox owners to modify dangerous structures.

b. Obtain rulemaking authority. The development of an appropriate standard may be difficult to hash out in the legislature. (The Department might lose control of the process if certain legislators or organized groups of citizens develop a strong interest in the subject.) An option is to have the legislature, by statute, grant to MnDOT the authority to develop a rule regulating mailbox location and construction. Such a rule would have the force of law. Nebraska's statutes, rules, and crash test results are Attachments 4, 5 and 6.

c. Enact a statute. As noted, this may be difficult to achieve, and the Department may not be able to control the outcome. Some states, including Oklahoma, have found that the public outcry over government regulation pertaining to mailboxes has caused state government to back off from regulation.

Also attached is the AASHTO Guide for Erecting Mailboxes on Highways (Attachment 7).

We hope this is helpful. Once the Department has made a decision, if further legal help is needed, please let me know.

PKK:dmf

Attachments

APPENDIX A

MODEL REGULATION FOR THE ACCOMMODATION OF MAILBOXES AND NEWSPAPER DELIVERY BOXES ON PUBLIC HIGHWAY RIGHTS-OF-WAY

No mailbox or newspaper delivery box (hereinafter referred to as mailbox) shall be allowed to exist on the Agency's right-of-way if it interferes with the safety of the traveling public or the location, maintenance, or operation of the highway system. A mailbox installation that does not conform to the provisions of this regulation is an unauthorized encroachment under State Code Section _____.

The location and construction of mailboxes shall conform to the rules and regulations of the U.S. Postal Service as well as to standards established by the Agency. Agency standards for the location and construction of mailboxes are available from:

Highway Agency Headquarters Address

A mailbox installation that conforms to the following criteria will be considered acceptable unless in the judgment of the chief engineer of the Agency, the installation interferes with the safety of the traveling public or the location, maintenance, or operation of the highway system.

LOCATION

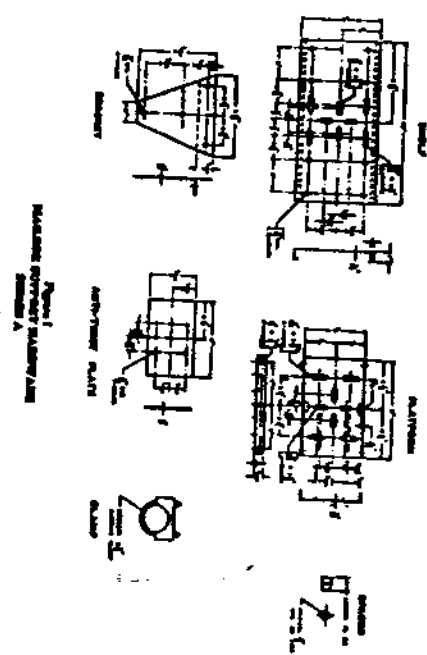
- No mailbox will be permitted where access is obtained from the front of a driveway or where access is otherwise prohibited by law or regulation.
- Mailboxes shall be located on the right-hand side of the roadway in the direction of the delivery route except on one-way streets where they may be placed on the left-hand side. The bottom of the box shall be set at an elevation established by the U.S. Postal Service, usually between 24" and 42" above the roadway surface. The readable face of the box shall be offset from the edge of the traveled way a minimum distance of the greater of the following: 1 foot where no paved shoulder exists, the width of the all-weather shoulder process plus 1 or 12 inches, or the width of an all-weather surface specified by the Agency plus 1 or 12 inches.
- Exception to the lateral placement criteria shall exist on residential streets and certain designated rural roads where the

Agency deems it to be in the public interest to permit lesser clearances or to require greater clearances. On marked streets, the readable face of the mailbox shall be set back from the face of curb a distance between 6 and 12 inches. On residential streets without curbs or all-weather shoulders and that carry low-traffic volumes operating at low speeds, the readable face of a mailbox shall be offset between 6 and 12 inches behind the edge of pavement. On very low-volume rural roads with low operating speeds, the Agency may find it acceptable to offset mailboxes a minimum of 4" from the traveled way and under some low-volume, low-speed conditions may find clearances as low as 2" acceptable.

- Where a mailbox is located at a driveway entrance, it shall be placed on the far side of the driveway in the direction of the delivery route.
- Where a mailbox is located at an intersecting road, it shall be located a minimum of 100 feet beyond the center of the intersecting road in the direction of the delivery route. This distance shall be increased to 200 feet when the average daily traffic on the intersecting road exceeds 400 vehicles per day.

STRUCTURE

- Mailboxes shall be of light sheet metal or plastic construction conforming to the requirements of the U.S. Postal Service. Newspaper delivery boxes shall be of light sheet metal or plastic construction of minimum dimensions suitable for holding a newspaper.
- No more than two mailboxes may be mounted on a support structure unless the support structure and mailbox arrangement have been shown to be safe by crash testing. However, lightweight newspaper boxes may be mounted below the mailbox on the side of the mailbox support.
- Mailbox supports shall not be set in concrete unless the support design has been shown to be safe by crash tests when so installed.
- A single 4-inch x 4-inch or 4 1/2-inch diameter wooden post or a metal post with a strength no greater than a 2-inch diameter standard strength steel pipe and embedded in more than 24 inches into the ground will be acceptable as a mailbox support. A metal post shall not be fixed with an anchor plate, but it may have an anti-rivet device that extends no more than 10 inches below the ground surface.



- The post-to-box attachment details should be of sufficient strength to prevent the box from separating from the post top if the installation is struck by a vehicle. Figures I, II, and V show acceptable attachment details. Figures III, IV, and VI show acceptable mailbox support installations.
- The minimum spacing between the centers of support posts shall be three-fourths the height of the posts above the groundline.
- Mailbox support designs not described in this regulation will be acceptable if approved by the chief engineer of the Agency.

SHOULDER AND PARKING AREA CONSTRUCTION

- It will be the responsibility of the parcel owner to inform the Agency of any new or existing mailbox installation where shoulder construction is inadequate to provide all-weather vehicular access to the mailbox.

REMOVAL OF NONCONFORMING OR ILLEGAL MAILBOXES

- Any mailbox that is found to violate the intent of this regulation shall be removed by the parcel owner upon notification by the Agency. At the discretion of the Agency, based on an assessment of hazard to the public, the parcel owner will be granted not less than 30 hours nor more than 30 days to remove any nonconforming mailbox. After the specified removal period has expired, the nonconforming mailbox will be removed by the Agency at the parcel owner's expense.

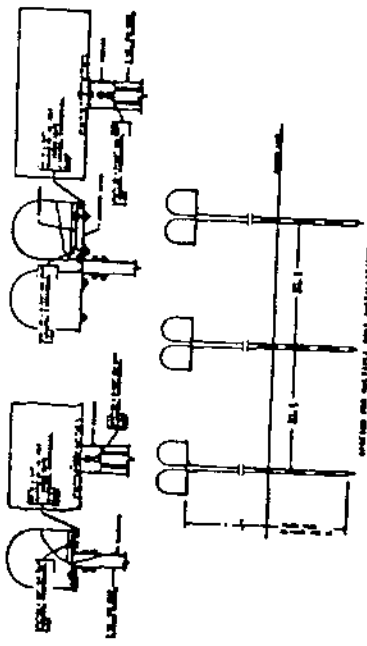


Figure 14
DOUBLE AND DOUBLE BALL RACE ASSEMBLIES
SERIES 8

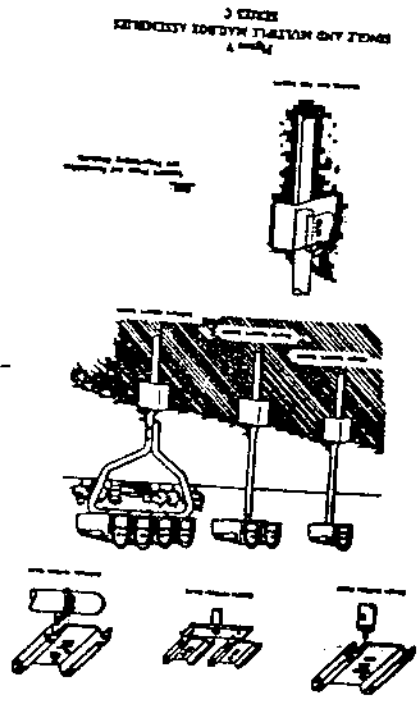


Figure 15
DOUBLE AND DOUBLE BALL RACE ASSEMBLIES
SERIES 9

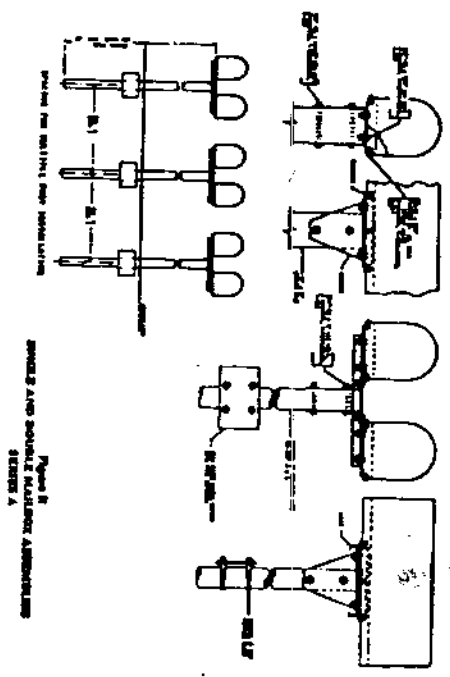
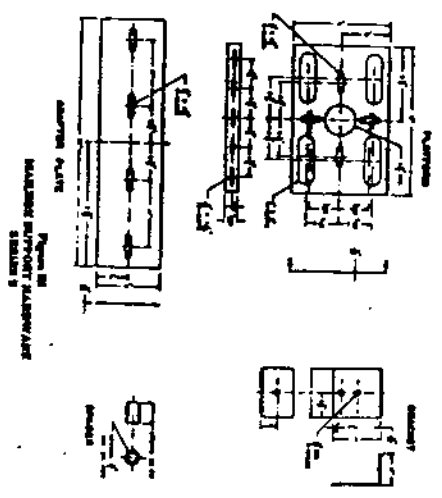


Figure 17
DOUBLE AND DOUBLE BALL RACE ASSEMBLIES
SERIES 11