

Villages have a duty to keep their streets free from obstructions and available for public use. Village Law § 6-602; cf., Highway Law § 319; Tinker v New York, Ontario and Western Railroad, 157 NY 312 (1898); McLane v State, 53 NYS2d 194 (Ct Cl 1945). The removal of snow is necessary to keep the streets unobstructed and available for public use.

As we stated in our 1966 opinion, a property owner may not "interfere with the speedy and efficient removal of snow" which is part of "proper highway maintenance." 1966 Op Atty Gen (Inf) 54. Accordingly, if a property owner places his or her mailbox in the Village's highway right of way, the Village is not liable for damage to the mailbox if such damage was caused by non-negligent Village snow removal activities. Thus, whether the Village is responsible for damage to a reasonably placed mailbox is a question of fact relating to the conduct of the snow removal activities.

The Attorney General renders formal opinions only to officers and departments of State government. This perforce is an informal and unofficial expression of the views of this office.

Very truly yours,

YVONNE M. HOVE  
Assistant Attorney General