Legal Opinion 7.12.24 -2

Legal Opinion 7.12.24 -1

Under RSA 41:11 the select board has broad authority to manage all town roads including class IV, V, and VI. This is an area of regulation the legislature has vested almost exclusively with the select board, meaning they have the power to enact regulations without the need for town meeting approval in most cases. This authority would include things like implementing seasonal weight limits, setting traffic rules, adjusting speed limits, regulating parking, etc. There are some limitations, like for example with weight limits certain vehicles must still be allowed to use the road but can be subject to things like bonding requirements. However, for the most part, the select board can implement reasonable restrictions and regulations. We cover this topic in-depth in our publication A Hard Road to Travel if you have a copy or one is available on our website.

Legal Opinion 7.12.24 -2

Voter approval is almost never needed for road regulation. However, there are several things on your list below that simply cannot be regulated due to constitutional issues. It is a bit complicated and I would advise that you consult with your town attorney for more individualized advice based on what you specifically what to achieve, but the basic premise is that the select board can regulate traffic on public roads but they can't unreasonably restrict traffic. The public has a legal right to use public roads and the select board can't implement regulations that entirely prohibit certain members of the public from using the road without taking into account reasonable exceptions and justification.

Here is a brief overview of some general advice on each topic:

No commercial traffic- could be problematic. In most instances this would be unconstitutional without significant room for exceptions and justification for barring certain vehicles

Weight limits- seasonal weight limits or temporary weight limits are allowed. Permanent weight limits on a road would need to be justified by legitimate safety concerns, such as a bridge's structural capacity.

One way traffic- generally acceptable

Dead end- generally acceptable as long as you aren't cutting off access to homes

Traffic calming structures- generally acceptable