

 KeyCite Yellow Flag - Negative Treatment  
Proposed Legislation

McKinney's Consolidated Laws of New York Annotated  
Highway Law (Refs & Annos)  
Chapter 25. Of the Consolidated Laws  
Article VII. Town Superintendents

McKinney's Highway Law § 140

§ 140. General powers and duties of town superintendent

**Currentness**

The town superintendent shall, subject to the rules and regulations of the department of transportation, made and adopted as provided in this chapter:

1. Have the care and superintendence of the town highways and bridges and board walks or renewals thereof on highways less than two rods in width, in the town, except as otherwise specially provided in relation to incorporated villages, cities and other localities.
2. Cause such highways and bridges and the board walks or renewals thereof on highways less than two rods in width to be kept in repair, and free from obstructions caused by snow and give the necessary directions therefor, and inspect the highways and bridges within the town, during the months of April and October of each year, or at such other time as the county superintendent may prescribe; and may cause to be constructed and repaired any public roads, walks, places and avenues on any sand beach separated by more than two miles of water from the main body of his town, or on any island or part of an island in his town, although such roads, walks, places and avenues are narrower than the width of highways required by statute. Within the meaning of this section, or of any provision of this chapter referring to a renewal of a board walk on a highway less than two rods in width, the term "renewal" shall include a walk built of other material to replace such board walk.
3. Divide the town into as many sections as may be necessary for the proper maintenance and repair of the town highways therein, and the opening of town highways obstructed by snow.
4. Within the limits of appropriations employ such persons as may be necessary for the maintenance and repair of town highways and bridges, and the removal of obstructions caused by snow, subject to the approval of the town board, and provide for the supervision of such persons.
5. Construct and keep in repair sluices and culverts and cause the waterways, bridges and culverts to be kept open.
6. Cause loose stones lying in the beaten track of every town highway within his town to be removed at least three times each year between the first day of April and the first day of December. Stones so removed shall

be conveyed to some place from which they shall not work back, or be brought back into the track by road machines or other implements used in repairing such highways.

7. Cause briars, brush and noxious weeds growing within the bounds of town highways to be cut and removed between July fifteenth and August fifteenth, and as many other times as he may deem necessary, in each year.

8. Cause such town highways as shall have been laid out, but not sufficiently described, and such as shall have been used for twenty years, but not recorded, to be ascertained, described and entered on record in the town clerk's office.

9. *Repealed.*

10. Attend public meetings called by the department of transportation, held within the county, after receiving notice thereof from the county superintendent, and his expenses necessarily incurred thereby shall be a town charge.

11. Cause the monuments erected, or to be erected, as the boundaries of town highways, to be kept up and renewed so that the extent of such highway boundaries may be publicly known, and erect and establish such new monuments as may be required by the county superintendent.

12. As often as the department of transportation shall direct, the town superintendent shall measure all town highways of his town. Such measurements shall be made either by use of a cyclometer or otherwise as the department of transportation shall direct. He shall ascertain, and indicate in his report, the town highways which have been surfaced with gravel, those which have been surfaced with crushed stone and those which have been shaped and crowned. He shall report in triplicate on forms to be prescribed and furnished by the department of transportation, the total mileage of all town highways within his town, specifying as above provided, and such report shall be filed with the town clerk, the county superintendent, and the department of transportation, respectively.

13. Bring an action in the name of the town, against any person or corporation, to sustain the rights of the public, in and to any town highway in the town, and to enforce the performance of any duty enjoined upon any person or corporation in relation thereto, and to recover any damages sustained or suffered, or expenses incurred by such town, in consequence of any act or omission of any such person or corporation, in violation of any law or contract in relation to such highway.

14. During the construction or improvement of a town highway, if such highway be closed to the traveling public and another existing highway is caused to be used in lieu of the closed highway as provided in [section one hundred and four](#) of this chapter, provide, erect and maintain a sufficient number of detour signs so that the temporary route or detour shall be clearly indicated throughout its entire length, and upon the discontinuance of said temporary route or detour, shall remove said signs, and the cost of all thereof shall be a town charge to be included in the money levied and collected in the town for the repair and improvement of highways.

15. Collect all penalties prescribed by this chapter.

16. Report annually on such date as may be prescribed by the department of transportation, prior to January first, to the county superintendent, in relation to the town highways and bridges in his town, containing the matter and in the form to be prescribed by the department of transportation.

17. Perform such other duties and have such other powers as may be imposed or conferred by law, or the rules and regulations of the department of transportation, including the powers and duties heretofore exercised or performed by highway commissioners.

18. Maintain all sidewalks in the town constructed by the state adjacent to state highways and all sidewalks in the town constructed by the county adjacent to county roads and, when authorized by the town board, cause the removal of snow therefrom, and the cost thereof shall be paid from the miscellaneous or other town funds.

19. Have the power to employ an engineer subject to approval of the town board.

**Credits**

(L.1936, c. 63. Amended L.1937, c. 833, § 3; L.1939, c. 266, § 1; L.1941, c. 736; L.1944, c. 222; L.1948, c. 472; L.1953, c. 551; L.1961, c. 857, § 1; L.1963, c. 447; L.1971, c. 1110, §§ 91, 92.)

[Notes of Decisions \(225\)](#)

McKinney's Highway Law § 140, NY HWY § 140  
Current through L.2019, chapters 1 to 19.