TRANSPORTATION TOOL

Building on Class VI Roads (RSA 674:41, I(c))

STRATEGY

Class VI roads are public highways that towns and cities generally do not maintain. Some were discontinued subject to gates and bars. Others have not been maintained in suitable travel condition for at least five years. Conditions range from passable gravel roads to narrow, wet, steep, or overgrown ways.

RSA 674:41, I(c), as amended effective July 1, 2026, **replaces the former case-by-case local governing body approval with three applicant requirements for a building permit on Class VI frontage**. Communities should use a consistent permit process. Separate zoning, subdivision, and life-safety reviews must continue.

WHAT IT DOES

The law creates a direct permit path when the applicant signs and records a municipal-liability waiver and proves that the lot and any buildings are insurable. It does not make the road Class V or require municipal maintenance or services. It also does not guarantee approval of a building or subdivision.

All other requirements still apply. These may include local frontage rules, subdivision regulations, legal access, building and fire codes, septic approval, driveway permits, and zoning relief.

For a subdivision, the planning board must make its own decision under adopted zoning and subdivision standards. The Class VI building-permit process cannot replace that review.

NH LAW

RSA 674:41 sets street-access rules for buildings and subdivisions. It applies after a municipality gives its planning board authority to approve subdivision plats under RSA 674:35.

Effective July 1, 2026, RSA 674:41, I(c) removed the former governing-body vote for a building permit on a Class VI road. The applicant must sign and record the liability waiver and prove that the lot and any buildings are insurable. A separate governing-body vote is still required for a private road under RSA 674:41, I(d).

- ☐ The statute applies in municipalities that have granted subdivision authority to their planning boards. It applies even if the municipality has no zoning ordinance or local building-permit system.
- ☐ RSA 674:41 supersedes less stringent local rules. Existing or grandfathered lots are not automatically exempt, and the street giving access must abut the lot and provide frontage.
- ☐ In Harvey v. Town of Barrington, 2024 NH 10, the Supreme Court held that a planning board could not approve a new lot without legal street access, nor can it expand a private easement beyond its recorded terms.

HOW IT FUNCTIONS

Before a building permit may be issued for a lot with Class VI frontage, applicants must file the following three items with the community's building department:

1 __ Sign a Liability Waiver

The Class VI road liability waiver must state the municipality will not maintain the highway or provide services to lots reached by it. It must state the municipality accepts no responsibility for losses caused by a lack of services and that the applicant takes responsibility for those services.

2 __ Record the Waiver

Before permit issuance, provide evidence that the waiver was recorded in the county registry of deeds.

3 __ Prove the Property Is Insurable

Building on Class VI Roads (RSA 674:41, I(c))

Before permit issuance, prove that the lot and any buildings on it are insurable. The statute does not name a specific document; use the municipality's consistent, counsel-reviewed standard as preferred or available.

LIMITATIONS

Completing the Class VI process does not grant zoning relief, subdivision approval, private access rights, utility service, or road reclassification. If local zoning requires frontage on a Class V or better road, a variance may still be needed. The statute does not name a required form of proof of insurability, so the municipality should use a consistent standard reviewed by counsel.

The new law does not require the Class VI road to be upgraded. Other zoning, subdivision, building, fire, septic, driveway, and access requirements still apply. Confirm the road's legal status and the current law before acting.

HOW TO IMPLEMENT

Set up the process before an application arrives. Keep building permit administration separate from zoning, subdivision, and road status decisions.

Permit Checklist:

- [ ] Use a counsel-reviewed waiver and checklist. Require evidence of recording and the selected proof of insurability before permit issuance. Assign each review and keep the records.

Road Records and Distinction of Services Notice:

- [ ] Maintain current road classification maps and records. Inform applicants that the permit and waiver do not promise road maintenance, municipal services, subdivision approval, utility service, or road reclassification.

Planning Board Review:

- [ ] For a subdivision, confirm legal street access, frontage, required zoning relief, and compliance with adopted subdivision rules. Under Harvey 2024, the board cannot approve a lot without legal access or expand a private easement through its approval.

PLANNING NOTE:

CENTRAL NH

Some Class VI roads are more suitable than others for development beyond one new single family building on an existing lot.

Class VI roads across Central New Hampshire vary widely. Some are historical rod-roads discontinued subject to gates and bars. Others have received no town maintenance for years. They may be narrow, overgrown, steep, wet, or eroded. Some are maintained by abutters and resemble gravel Class V roads, while others are suitable for trail use. The permit path does not show that a road can safely support a subdivision. Within its lawful authority, the planning board should review each proposal under adopted zoning and subdivision rules. The review may cover legal access, frontage, drainage, emergency access, utilities, and impacts on public services.

RESOURCES

- **NH General Court: RSA 674:41, Erection of Buildings on Streets:** https://gc.nh.gov/rsa/html/LXIV/674/674-41.htm
- **NH General Court: 2025 Chapter 256 (SB 281), effective July 1, 2026:** https://gc.nh.gov/bill_status/legacy/bs2016/billText.aspx?id=1100&sy=2025&txtFormat=html
- **NH Municipal Association: Class VI and Private Roads (2025):** https://www.nhmunicipal.org/sites/default/files/uploads/webinars/do-s_dont-s_class6_roads.pdf
- **NH Municipal Association: Harvey v. Town of Barrington (2024):** https://www.nhmunicipal.org/court-update/subdivision-approvals-are-subject-rsa-67441-and-lots-shall-have-street-access

TRANSPORTATION TOOL

Road Surface Management System (RSMS)

STRATEGY

Municipal road maintenance and the paving program is an ongoing challenge for New Hampshire municipalities and public works departments. Limited funding is available roadway maintenance and paving. **Road Surface Management System (RSMS) software is a tool** that can help create a paving schedule based on data, rather than politics. It can also help communicate needs and options to the public.

WHAT IT DOES

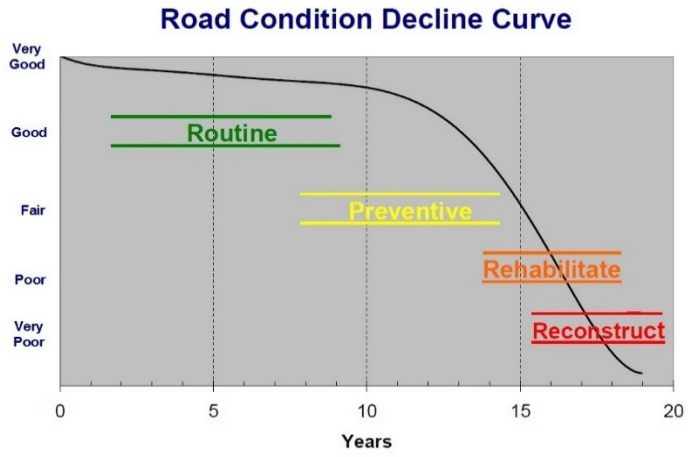
The Road Surface Management System (RSMS) is a methodology intended to provide **an overview and estimate of a road system's condition and the approximate costs for future improvements**. RSMS provides a systematic approach for local officials to answer basic questions about their road system, to gauge current network conditions and to guide future improvement and investment in line with municipal Capital Improvement Programs.

In 2015, the state's regional planning commissions partnered with the Statewide Asset Data Exchange System (SADES) to provide a computerized system for field data collection and analysis to include RSMS.

The SADES makes all RSMS data more accessible. Objective data on the road network, including maps, summary reports, and Excel tables representing conditions of the road network are available to access.

HOW IT FUNCTIONS

The RSMS system is based on the Road Condition Decline Curve which illustrates that **roads in good condition cost less to maintain than those in poor condition.** Routine maintenance on roadways in generally good condition is often the most important strategy to consider. According to the American Association of State Highway and Transportation Officials (AASHTO), every $1 spent to keep a road in good condition avoids $6-14 needed later to rebuild the same road once it has deteriorated. Investing too little on road repair increases these future liabilities.



LIMITATIONS

RSMS data relies on windshield surveys and surface evaluations and does not consider engineering. Subbase features cannot be identified through RSMS unless visually noticeable. The data collected is a snapshot in time, and the inventory must be updated on a regular basis to ensure its continued relevancy. As a macro-level planning tool, RSMS is more suitable for small and medium-sized communities.

HOW TO IMPLEMENT

Developing or updating an RSMS inventory contains the same steps. Once established, the RSMS can guide the public works departments and communities in making prioritized decisions on which roads and drainage should be funded and upgraded first.

1 ___ Windshield Survey

An initial survey of all roadways in the community is conducted, noting the condition and various other characteristics, including types of cracking and various defects. Data is uploaded into the Statewide Asset Data Exchange System (SADES).

2 ___ PCI Rating

The software calculates a standardized Pavement Condition Index (PCI) score from 0 to 100 for each road segment to objectively represent its current health.

3 ___ Priority and Analysis

Public works officials with assistance from RPC planners look at specific repair options ranging from low-cost preventative maintenance like crack sealing to full rehabilitation and construction.

4 ___ Scenario Modeling and Repair Selection

Using the SADES/RSMS tools, the RSMS will simulate how pavement conditions will degrade or improve over time under different funding levels and repair strategies.

5 ___ Budget Preparation and CIP Planning

The program produces short- and long-term paving and maintenance plans. These can be used to inform the public on decision making and to produce short and long term paving and maintenance plans.

SUCCESS STORY:

CENTRAL NH

Nearly each community in the Central NH region has participated in RSMS over time. Most recently, Pembroke, Hopkinton, Bradford, Canterbury, and Epsom are included with those communities which have been assisted by CNHRPC with RSMS inventories and updates since 2022. More communities are anticipated to update their inventories to add to the SADES/RSMS statewide system.

RESOURCES

Plans are in the works for updates to the system. Stay tuned for more information.

- **CNHRPC Website Information:** https://cnhrpc.org/transportation-planning/road-surface-management-system-rsms/
- **StoryMap from the NH Association of Regional Planning Commissions:** https://storymaps.arcgis.com/stories/909b3953ca6040558c17c311aa3be2c1
- **SADES RSMS Dashboard:** https://www.arcgis.com/apps/dashboards/a187b498796b4758beb67913a56f7c35#
- **University of New Hampshire Technology Transfer (T2) Center** https://t2.unh.edu/

TRANSPORTATION TOOL

NH Stream Crossing Initiative

STRATEGY

As defined by the NH Stream Crossing Initiative (NHSCI), "A stream crossing is a structure such as a culvert or a bridge that is located where a road, railroad, or trail crosses over a stream, river, lake or wetland." The Central NH region has approximately 1,500 road-stream crossings, many of which are currently underperforming due to being too old, too damaged, or too small. When stream crossings break down or fail, roads are washed out and ultimately damaged or eroded. **Developing a current inventory of these stream crossings will enable understanding of overall conditions and a prioritized response to deficiencies.**

WHAT IT DOES

NH Stream Crossing Initiative (NHSCI) maintains existing data on known stream crossings and is working on a pilot project to train staff on identification and data collection for updates to the system.

Stream crossings are a critical asset of the road transportation network and need to be routinely maintained, repaired, and rebuilt to keep up with increasing frequency and intensity of storms. Particularly in small towns like those in the Central NH region, repair and maintenance of stream crossings are completed on an emergency basis when culverts are actively failing. This can lead to 'quick-fix' solutions which may not be revisited until a large flooding event leads to another failure.

Stream crossings should be upgraded for transportation connectivity and public safety before the problem grows more expensive, while as a bonus upgrades can ensure flood resilience and water quality protection, providing habitat connection and wildlife passage.

Many communities do not have the funding or the staff capacity to proactively find funding sources and plan for these types of projects. Where resources are limited, it becomes more important to plan for which stream crossings should be addressed first, what criteria that should be based on, and how they should be fixed to address current and future flooding events. The NHSCI data can help with these issues.

HOW IT FUNCTIONS

The NHSCI maintains the **New Hampshire Stream Crossing Initiative Data Viewer** which allows the public to view stream crossing assessment data on all surveyed stream crossings throughout the state. This viewer includes many in-depth datasets ranging from flood vulnerability and structural condition to environmental factors such as aquatic organism passage.



All of these characteristics can be relevant when applying to funding programs but also overwhelming to sift through and navigate.

This is why the NHSCI is also working to develop a **Stream Crossing Capacity Pilot Project**, led by NH Department of Environmental Services (NH DES) and funded by the National Fish and Wildlife Service, National Oceanic and Atmospheric Administration and Great Bay 2030. This pilot will **create a Crossing Prioritization Tool and will train staff** at Regional Planning Commissions (including CNHRPC), to help New Hampshire communities and their Public Works Departments make informed and proactive decisions on their local stream crossings.

NH Stream Crossing Initiative

LIMITATIONS

Emergency repairs to older stream crossings cost between 5-7 times more than proactive fixes, so having an advantage like the NHSCI is important. Choosing the right stream crossings to upgrade first and navigating through the NHSCI funding tables can be tricky, yet the information is available. Currently, training is underway with regional planning commissions to help municipalities within the Merrimack River Watershed (HUC 8) area under the pilot program make these decisions.

HOW TO IMPLEMENT

The NH Stream Crossing Capacity Pilot underway is helping to develop a program and workflow to help communities address challenges associated with stream crossings. The pilot is testing out a stream crossing model and ways to assist communities.

1 ___ Review the Stream Crossing Inventory

The NHSCI maintains the New Hampshire Stream Crossing Initiative Data Viewer, which allows the public to view stream crossing assessment data on all surveyed stream crossings throughout the state.

2 ___ Develop a Prioritized List

Lists of all stream crossings in your community are available through the Regional Planning Commission. These are all ranked by importance using data metrics including flooding, road criticality, condition, and various environmental factors. These weights can be adjusted to create a prioritized list of culverts by community.

3 ___ Program and Plan

These priority culverts can be programmed as part of other roadwork or paving projects. And importantly, the deficiencies of the stream crossings can be matched against available funding programs that can help defray the cost to municipalities. Various grants to address flooding, wildlife habitat, and other goals can be matched to a culvert and exported. This information can help plan and program capital investments.

SUCCESS STORY:

PILOT PROJECT- MERRIMACK RIVER WATERSHED

For the Central NH region, the Stream Crossing Capacity Pilot Project area is currently limited to the Merrimack River Watershed (HUC 8) which covers the eastern half of the region's communities and extends south and toward the seacoast. A similar project is underway in the Piscataqua-Salmon Falls River Watershed. When the pilots conclude, they may be extended to other watersheds in the Central NH region.

RESOURCES

- **NH Stream Crossing Initiative Data Viewer:** https://nhdes.maps.arcgis.com/apps/webappviewer/index.html?id=21173c9556be4c52bc20ea706e1c9f5a
- **NHDES Stream Crossing Initiative:** https://www4.des.state.nh.us/NH-Stream-Crossings/l
- **NH Stream Crossing Funding Table** https://www4.des.state.nh.us/NH-Stream-Crossings/wp-content/uploads/2025/08/FundingTable_Final.pdf