



Private Stream Crossings

Powerful storm events can wreak havoc on bridges and culverts. When stream crossings are on private drives, the risks and expenses associated with these structures belong to the property owner. If you own or plan to build a stream crossing, you should know the following:

- **Danger:** Passage on private stream crossings may be hazardous or impossible during periods of high water. Extreme caution must be exercised whenever a roadway is flooded. A vehicle can become buoyant in less than a foot of water. In addition, water over a driveway may hide dangerous washouts of the road surface.
- **Emergency Access:** If access to a home necessitates a stream crossing, the structure should be designed to allow the passage of fire engines and other emergency vehicles. Present and future residents must accept all risks resulting from the inability of emergency vehicles to access the house during periods of flooding or when the driveway or bridge has sustained damage.
- **Expense:** The property owner assumes all responsibility for maintenance of private roadways, bridges, and culverts. Washouts of private and public stream crossings are relatively common in this area due to the unpredictable nature of flashy, high-energy streams. The presence of trees and other debris in the stream increases the likelihood of bridge or culvert damage. All expenses for maintenance, repair, and replacement of private stream crossing structures are the responsibility of the landowner.
- **Liability:** The property owner assumes any liability for damages that might result from their stream crossing. Bridges and culverts can alter a stream's flow patterns, particularly during periods of high flow. The potential for damage to other properties includes bank erosion, sedimentation, and flooding that may result from altered flow patterns or from the washout of a structure.
- **Local Floodplain Development Permit:** A Floodplain Development Permit is needed for the construction, replacement, or alteration of any bridge, culvert, or road crossing of a stream with a Special Flood Hazard Area (100-year floodplain) identified on a Flood Insurance Rate Map. This permit can only be issued if the proposed development will not result in physical damage to any other property during the 100-year storm. Contact the municipality about the requirements and procedures for Floodplain Development Permits.
- **State Stream Disturbance Permit:** Any disturbance within 50 feet of a stream having a state classification of C(t) or higher may require an Article 15 Stream Disturbance Permit from the New York State Department of Environmental Conservation. Contact the County Soil and Water Conservation District for assistance.
- **Technical Assistance:** Contact the municipal Highway Department and/or County Soil and Water Conservation District for local driveway requirements and assistance with designing an adequate structure.