

CLASS 4 ROAD AND TRAIL POLICY

1. **Definition.** Class 4 highways are all other highways not falling under definitions of class 1, 2 and 3 highways. Class 1, 2, and 3 are defined for the purpose of receiving state aid and are passable with a pleasure vehicle on a year-round basis. The Town shall not be responsible for damage that may occur to vehicles or the operators on class 4 town highways.

Trail means a public right-of-way which is not a highway and which:

- a. previously was a designated highway having the same width as the designated town highway, or a lesser width if so designated, or
 - b. a new public right-of-way laid out as a trail by the Selectboard for the purpose of providing access to abutting properties or for recreational use.
2. **Existing Use.** Existing rights-of-way of class 4 highways and trails as of the date of adoption of this policy shall be retained by the Town for purposes of recreational multi-use activities, access to private property and agricultural and forest management.
 3. **Maintenance.** The Town shall not provide any maintenance or upkeep on trails.
 - A.
 1. Permission for repair, maintenance, improvement, or restoration shall not be unreasonably withheld by the Selectboard.
 2. A written maintenance request shall be made to the Select Board prior to commencing any work.
 3. The written request shall contain drawings and descriptions of the work to be done.
 4. The landowner shall be responsible for all costs associated with Class IV town highway improvements.
 5. No work shall commence without written permission issued by the Select Board.
 6. The road shall be left in as good or better condition as when permission is granted.
 7. Upon completion of the work, the landowner shall notify the town road foreman who shall inspect the project and issue a report to the Select Board on the acceptability of the work.
 - B. The Town shall not provide any summer maintenance of class 4 highways except for the maintenance of bridges, culverts and ditches and to control erosion of highways or runoff to adjacent property, and removal of obstructions as required by necessity, and the public good and convenience of the inhabitants of the town.
 - C. The Town shall not provide any winter maintenance on class 4 highways and trails. Plowing by private parties shall be only with the permission of the Selectboard.
 - D. Any winter plowing of a class 4 road allowed by Selectboard to parties other than a municipality shall not nullify the privileges under 23 V.S.A. § 3206 (d)(2) prohibiting the operation of a snowmobile on a public highway, unless it is not being maintained and plowed for use by motor vehicles during the snow season.
 - E. The Town may perform periodic, minimal maintenance on or make repairs to a trail when a lack of maintenance may injure other town highways or reduce recreational access to resources. Such work shall in no way obligate the Town to perform any future maintenance or repairs.
 - F. Stone walls within the right-of-way shall not be damaged, altered or removed except as permitted by the Selectboard and upon issuance of a Town Access Permit by the Road Commissioner.
 - G. Trees within Town rights-of-way shall not be damaged or removed without written permission of the Tree Warden.
 - H. The applicant, by successful submission of a request to perform maintenance on such rights-of-way, agrees that:
 - 1) All the requirements for signage, work safety and public safety required by law or reasonable prudence will be adhered to in connection with the work;

- 2) The work shall be done in strict accordance with specifications established by the Road Commissioner and in conformance with this Ordinance;
 - 3) That the applicant and the applicant's agents shall not hold the Town responsible for any claims or injuries which may arise out of the work agreed to within the right-of-way, and agrees to indemnify and save the Town and its agents harmless against legal responsibility for any and all damage, loss or claim associated with this work;
 - 4) The applicant shall bear all costs associated with the agreed upon scope of work;
 - 5) A surety bond may be required for alterations and repairs, as well as for potential damage resulting from the use of rights-of-way by equipment of other means, including logging, horses, bike tours or other potentially damaging uses. The amount of surety shall reflect the anticipated costs for road repairs which may be necessary in the event of damage resulting from the use of rights-of-way and/or from noncompliance with the provisions of this policy and maintenance agreement. The surety will be returned within thirty days after the applicant notified the Town of activity completion, the Town is satisfied that all conditions of the agreement have been met, and that the right-of-way is left in proper condition.
- 4. Control.** The Selectboard shall exercise control of class 4 highways and trails to ensure their integrity as a public right-of-way by means which may include, but are not limited to, the following:
- a. Establishment of vehicle weight limits;
 - b. Prohibition or restriction of wheeled vehicle use during mud and snow season; signs and barriers may be utilized to accomplish this purpose;
 - c. Requirements for temporary permit for heavy equipment access may be imposed and the stipulation included that any highway damaged will be repaired by or at the expense of the user; posting of bond or other security to guarantee that repairs are made may be required as a condition of any permits;
 - d. Speed limits may be established.
 - e. The use of motorized vehicles on legal town trails may be prohibited, limited, or permitted.
- 5. Change in classification.** Class 4 highways may be reclassified to trail status, discontinued, or upgraded to class 3 or higher status. Trails may be discontinued or upgraded to class 4 or higher status. Reclassification will be done in accordance with 19 V.S.A. §§ 708-716 and upon findings by the Selectboard that the public interests will be substantially advanced by such change in status and that reasonable measures are taken to replace, substitute, or avoid the loss of public and commercial travel, intrinsic aesthetic and recreational value, or other public interests afforded by the existing class 4 highway or trail.

At a minimum, no class 4 highway or trail may be upgraded in status or discontinued without the permission of the selectboard. Selectboard may provide for an alternative travel easement or right-of-way replacing the travel route upgraded or discontinued to insure that users and landowners have uninterrupted access.

The Selectboard shall require that the cost of upgrading a trail to a class 4 highway or a class 4 highway to a class 3 highway be assigned to the petitioner(s).

The Selectboard will seek the advice of the Planning Commission and Conservation Commission on determining which class 4 town highways shall be reclassified as trails or which class 4 town highways and trails should be discontinued.

- 6. New Structures.** New structures on lots fronting on a class 4 highway are subject to the requirements of applicable town ordinances.
- 7. Right-Of-Way Access.** Access into the road right-of-way for the installation or repair of utilities and for access of driveways, entrances, and approaches shall be controlled by application for and approval of Road Access Permits reviewed by the Road Department Foreman and approved by the Town Manager as Road Commissioner.

- 8. Overweight Vehicles.** Pursuant to 23 V.S.A., Chapter 13, Subchapter 15, vehicular use of highways and bridges is subject to limitation and regulation regarding gross vehicle weights, tire and axle weights, and overall length and width.

Written approval of the Selectboard, or their authorized agent, may be granted for Use or travel over highways and by and between the Selectboard and applicant for compensation for wear and tear on highways anticipated or caused by use of highways in excess of the legal weight and size limitations. Vehicles used for agricultural or forest management shall not be held to a higher standard than other vehicles.

- 9. Posting.** No highway of any class may be intentionally closed by a gate or other obstruction except upon approval of the Selectboard. 19 V.S.A. § 1105. The Selectboard may post a road in accordance with 19 V.S.A., § 1110. The Selectboard may post a highway for the purposes of preserving the integrity of the road. 19 V.S.A. § 304.

- 10. Compliance with Other Regulations.** This policy is written to establish and clarify standards of construction and the authority of the Selectboard and their agents.

All other ordinances and regulations adopted by the Town of Westminster shall remain in full force and effect, except to the extent that it conflicts with this Ordinance.

Adopted this 30th day of September, 2008