

CLASS 4 TOWN ROAD POLICY

I. Introduction.

The purpose of this Class 4 Town Road Policy is to establish standards and practices for the maintenance, improvement, classification, and use of the Town of Waitsfield's Class 4 town highways.

II. Definitions.

Class 4 Town Highway – refers to all highways not falling under statutory or other definitions for Class 1, 2, or 3 Town Highways. Class 1, 2, and 3 Town Highways are passable on a year-round basis by a standard pleasure vehicle and eligible for inclusion in State highway aid calculations; Class 4 Town Highways are not. A list of Class 4 Town Highways is included as Appendix A. The Town has no statutory maintenance obligations, including bridge and culverts.

Highway – refers to a public road or highway classified as a Class 1, 2, 3, or 4 Town Highway. For the purposes of this policy, the term “highway” shall be interchangeable with the term “road.”

Legal trail – refers to public rights-of-way which are not highways and are generally used for recreational purposes. The Town has no statutory maintenance obligations, including bridges and culverts.

Road – see the definition for highway.

Selectboard – refers to the legislative body of the Town of Waitsfield.

Town – refers to the Town of Waitsfield, Vermont.

III. Maintenance of Class 4 Town Highways.

This section of the policy is split into two categories: summer maintenance and winter maintenance.

1) **Summer maintenance** –

- a. **Town** – The Town shall not provide regular maintenance of Class 4 Town Highways, except to the extent required by necessity and the public good and to the extent allowed by personnel, material, and financial resources. Summer maintenance activities required by necessity and/or the public good may include the repair, restoration, or replacement of culverts, bridges, and erosion or stormwater control measures (ditching, turnouts, and so on). Any summer maintenance work performed shall in no way obligate the Town to perform additional maintenance or repair work. General maintenance work (anticipated cost of less than \$1,000 per road per fiscal year) may be undertaken at the discretion of the Road Foreman and Town Administrator; all other maintenance work is subject to Selectboard authorization. Year-round access for any vehicles, including public safety vehicles, cannot be guaranteed as a result. Roads subject to separate or individual contractual or legal agreements may receive a different level of maintenance from the Town.

- b. *Other* – Any person, association, or other entity that wishes to perform or arrange for the repair, maintenance, improvement, or restoration of a Class 4 Highway shall do so only after receiving formal written permission from the Selectboard. The person, association, or other entity requesting and receiving permission shall be responsible for all costs and requirements (signage, public safety, compliance with local and State regulations, compliance with applicable road standards, and so on). Any person, association, or other entity and all agents of shall agree to hold the Town harmless for any claims or injuries arising from the work, and shall indemnify and hold the Town harmless against legal liability for any and all damage, loss, or claim associated with the work.

2) Winter maintenance –

- a. *Town* – The Town shall not provide any winter maintenance of Class 4 Town Highways, except to the extent required by necessity and the public good and to the extent allowed by personnel, material, and financial resources. Any winter maintenance work performed shall in no way obligate the Town to perform additional maintenance. Year-round access for any vehicles, including public safety vehicles, cannot be guaranteed as a result. Roads subject to separate or individual contractual or legal agreements may receive a different level of maintenance from the Town.
- b. *Other* – Any person, association, or other entity that wishes to perform winter maintenance, such as plowing and/or sanding, shall do so only after receiving formal written permission from the Selectboard. The person, association, or other entity requesting and receiving permission shall be responsible for all costs and requirements (signage, public safety, compliance with local and State regulations, compliance with applicable road standards, and on). Any person, association, or other entity and all agents of shall agree to hold the Town harmless for any claims or injuries arising from the work, and shall indemnify and hold the Town harmless against legal liability for any and all damage, loss, or claim associated with the work.

Nothing in this section is intended to limit, in any way, the Selectboard’s ability to authorize repair, restoration, or maintenance activities or to otherwise affect its authority under 19 V.S.A. § 1111.

The Selectboard may restrict the use of a Class 4 Town Highway in accordance with 19 V.S.A. § 1110 (“Posting of Highways”) and 24 V.S.A. § 2291 (4) (to regulate the operation and use of vehicles).

IV. Classification Change.

The Selectboard shall annually review its Class 4 Town Highways and determine which of such Class 4 Town Highways, if any, are candidates for reclassification as legal trails or discontinuance. Reclassification or discontinuance shall follow the process established in 19 V.S.A. §§ 708-717.

Decisions regarding reclassification of Class 4 Town Highways shall be made following a decision by the Selectboard that the change in classification is required to serve the public good, necessity, and convenience of the residents of Waitsfield.

The Selectboard may require the cost of upgrading a Class 4 Town Highway or portion thereof to be paid solely by those seeking the classification change. All work shall be performed in accordance with applicable State and local road standards, the person, association, or other entity shall be responsible for ensuring compliance with all requirements. Failure to do so may result in the Selectboard's decision not to reclassify. Any person, association, or other entity and all agents of shall agree to hold the Town harmless for any claims or injuries arising from the work, and shall indemnify and hold the Town harmless against legal liability for any and all damage, loss, or claim associated with the work.

Pursuant to 19 V.S.A. § 708 (b), a Class 4 Town Highway need not be reclassified to Class 3 because one or more Class 3 Town Highways exist in Town with similar characteristics.

V. Control of Class 4 Town Highways.

The Selectboard shall exercise control of Class 4 Town Highways to ensure the integrity of public rights-of-way. Examples of control include, but are not necessarily limited to:

1. Establishment of vehicle weight limits for Class 4 Town Highways and any bridges on them.
2. Prohibition or restriction of motorized vehicle uses.
3. Imposition of temporary permit requirements for heavy equipment access. These requirements may include a stipulation that any damage will be repaired at the sole expense of the permittee (user), the posting of a performance bond or other security to guarantee repairs can be made, or both.
4. Establishment of speed limits.

VI. Compliance With All Other Regulations.

This policy supersedes all prior Class 4 Town Highway policies and is supplemental to local ordinances and State law. Any and all other regulations, ordinances, and policies duly adopted by the Town remain in full force and effect and compliance therewith shall be required.

VII. Adoption.

This policy was adopted by the Selectboard on the 12th day of August 2019.

VIII. Signatures.