

TOWN OF CHESTER CLASS 4 HIGHWAY POLICY

1. Purpose:

The purpose of this Policy is to define the standards by which the Town will maintain its Class 4 highways and to set reasonable expectations for the use of those highways.

Class 4 town highways often provide some of the best opportunities in Vermont for public right-of-way uses, including recreation opportunities, access for forest management activities and firefighting, and access to agricultural lands. They may also provide important access to public lands. Finally, they could lay the foundation for multiple-purpose “greenways” for towns and regions. As the state becomes more developed, these rights-of-way will become ever more valuable as multi-use public corridors.

2. Definitions:

"Highway" shall mean a public road or highway that is classified as class 1, 2, 3, or 4 for purposes of receiving state aid.

"Class 4 highways" are all other highways not falling under the definitions of class 1, 2, or 3 highways. Class 1, 2, and 3 highways are defined for the purpose of receiving state aid and are passable with a pleasure vehicle on a year-round basis.

"Selectboard" shall mean the Selectboard of the Town of Chester.

"Town" shall mean the Town of Chester, VT.

"Right of Way Permit" or "Permit" shall mean a permit authorized by the Selectboard for access to a Town highway pursuant to 19 V.S.A. § 1111.

"Legal Trails" shall mean public rights of way which are not highways and are generally used for recreational purposes. The town has no statutory obligation for maintenance, repair, or safety upon legal trails. 19V.S.A - 310

"Pent Road" is any town highway that, by written permission of the Selectboard, has unlocked stiles, gates, and bars. 19V.S.A - 301

"Motor Vehicle" shall mean all vehicles propelled or drawn by power other than muscular power, except: farm tractors, vehicles running only upon stationary rails or tracks, motorized highway building equipment, road making appliances, snowmobiles, tracked vehicles, motor-assisted bicycles, electric bicycles, or electric personal assistive mobility devices.

[\[https://codes.findlaw.com/vt/title-23-motor-vehicles/vt-st-tit-23-sect-4/\]](https://codes.findlaw.com/vt/title-23-motor-vehicles/vt-st-tit-23-sect-4/)

3. Maintenance by the Town.

a. The Town shall not provide any summer maintenance of class 4 highways except to the extent required by necessity and the public good and convenience of the inhabitants of the Town and when staff and financial resources allow. Such work will in no way obligate the Town to perform any additional maintenance or repairs of any nature.

b. The Town shall not provide any winter maintenance on class 4 highways except to the extent required by necessity and the public good and convenience of the inhabitants of the Town and when staff and financial resources allow. Plowing by private parties shall only be allowed with an advance permit agreed to by the Director of Public Works in conjunction with the Town Manager with appeal to the selectboard pursuant to Section 4 of this Policy. Any winter plowing of a class 4 highway granted by the Selectboard to parties other than a municipality shall not nullify the snowmobiling privileges under 23 V.S.A. § 3206(b)(2).

4. Maintenance and Right-of-Way Access of Class 4 Highways.

a. Any person who wishes to perform or arrange for the repair, maintenance, improvement, restoration, or installation on a Class 4 highway may do so only after receiving a signed right-of-way permit from the Director of Public Works in conjunction with the Town Manager permission for repair, maintenance, improvement, restoration, or installation shall be given in accordance with 19 V.S.A. § 1111

b. All work within the highway right-of-way shall be in conformance with current Town highway specifications, and the highway shall be left in as good as or better condition than when permission was granted. In addition, the Selectboard may attach any or all of the following conditions to the Permit:

i. Posting of a surety bond or damage deposit with the Town in an amount that reflects reasonable estimates of repairs that may be necessary in the event of noncompliance with the provisions of this Policy or permits conditions issued for the project;

ii. Supervision by the Director of Public Works or Highway Foreperson; and

iii. Any other reasonable conditions as deemed necessary.

lii. All work must follow Agency of Natural Resources best road practices.

c. By submission of an application for a Right of Way Permit the applicant agrees to bear all costs associated with the work on the highway, that 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 done under the Permit, and that all work will be done in conformance with the Permit. The applicant also agrees 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, and agrees to indemnify and hold the Town harmless against legal liability for any damage, loss or claim associated with the work.

5. Control. The Selectboard shall exercise control of class 4 highways to ensure their integrity as public rights-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 use by motorized vehicles;
- c. imposition of requirements for temporary permit for heavy equipment access which may include a stipulation that any highway damages caused by the user will be repaired by or at the expense of the user, or posting of bond or other security to guarantee that repairs are made; either or both of which may be required as a condition of any permits;
- d. establishment of speed limits; and
- e. granting permission to pent a Town highway.

6. Change in Classification.

a. Upon receipt of a petition filed pursuant to 19 V.S.A. § 708, the Selectboard will consider a request to alter, reclassify or discontinue a class 4 highway.

b. Reclassification or discontinuance will be done in accordance with 19 V.S.A. §§ 708-717. A decision to alter, reclassify or discontinue a class 4 highway will only be made in situations where the Selectboard determines that the public good, necessity, and convenience of the inhabitants of the Town require such action.

c. The Selectboard may require that the cost of upgrading a class 4 highway to a class 3 highway will be borne by those seeking the change in classification.

d. Pursuant to 19 V.S.A. § 708(b), a class 4 highway need not be reclassified to class 3 merely because there exists within the Town one or more class 3 highways with characteristics similar to the class 4 highway.

7. Highway Closure.

No class 4 or other highway of any class may be intentionally closed by a gate or traffic otherwise impeded by other obstruction. 19 V.S.A. §§ 1102, 1111(b).

The Selectboard may grant permission to an adjoining landowner to enclose pent roads by erecting stiles, unlocked gates, and bars in the places designated. 19 V.S.A. §§ 304(a)(5), 1105.

The Selectboard may restrict the use of a highway in accordance with 19 V.S.A. § 1110 and 24 V.S.A. § 2291(4).

8. Compliance with Other Regulations.

This policy is intended to supplement state law and local ordinances. All other ordinances and policies adopted by the Town shall remain in full force and effect.

Adopted by the Selectboard this ___ day of _____, 20____.

[Based on the VLCT Class 4 Model Policy & Guidance November 2018]