

## **TOWN OF NORTHFIELD**

### **CLASS 4 ROADS AND TRAILS POLICY**

#### **Introduction.**

State law divides town highways into several classes, depending on their traffic and required maintenance levels. State law requires Towns to maintain their Class 1, 2 and 3 highways during all seasons adequately to allow passage by ordinary pleasure automobiles. Towns have more flexibility under State law to define what maintenance levels they will bring to Class 4 highways and trails. Towns also have flexibility to establish standards for the discontinuance and upgrading of Class 4 highways and trails.

Northfield has a total of 23 Class 4 roads totaling a distance of 8.36 miles. Only two have full, year round maintenance (T.H. #9 and T.H. #50). Of the balance, 14 receive no maintenance, 5 receive minimum maintenance and 2 receive only seasonal maintenance.

The purpose of this policy is to state the Town of Northfield's policies regarding Class 4 highways and trails. This policy is intended to provide rules which will make more uniform the Town's response to issues involving these roads. It is understood that there will be exceptions to the policies stated below; but exceptions should be granted on an individual basis and after careful consideration by the Selectboard. The following should be considered the basic policy for administering to Class 4 roads.

Because of the problems that can arise from the management of Class 4 roads, it is necessary that the Town establish policies that will allow the Selectboard to make decisions about these roads in a manner consistent with good management. For example, reclassification from Class 4 to Class 3 (upgrading) is a common issue faced by the governing body as landowners often locate homes in remote locations serviced by Class 4 roads. While there is no statutory requirement that requests for this upgrading be granted by the Town, sound policy suggests that the Town should respond in a consistent manner to similar requests.

The study committee of the Selectboard recommends that the Town should not upgrade Class 4 roads in the future. It is of the opinion that, wherever possible, Class 4 roads should be down-graded to the status of trails. Trails are not maintained but allow access to areas that can be used by all townspeople for recreational purposes. Such availability will help counter a trend through which public access to recreational areas is shrinking generally throughout the state.

#### **1. Definitions:**

"Class 4 highways" are all Town highways not falling under the definitions of Class 1, 2 and 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.

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

- a. A public right-of-way which became a trail upon the Selectboard's discontinuance of a highway along the same course (such a trail has the same width as the previously designated highway unless the Selectboard specifies a lesser width), 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. Notwithstanding the foregoing, the Town shall continue its prior obligation to discontinue a portion of Slaughterhouse Road, so- called, on the terms and conditions previously agreed.

3. **Maintenance:**

a. **By Private Parties:**

No private party shall maintain any part of any Class 4 highway or trail without the prior permission of the Selectboard or an authorized agent. Plowing snow is an example of maintenance requiring Selectboard permission.

The Selectboard shall not withhold unreasonable permission for private parties at their expense and risk to repair, maintain, improve or restore Class 4 highways and trails. Before granting permission for maintenance, the Selectboard or authorized agent may require private parties to furnish the Selectboard or authorized agent with detail as to times, methods and materials to be employed in the work. The Selectboard or authorized agent may impose such conditions as they deem appropriate in the circumstances. Private parties doing such maintenance shall leave the road or trail in at least as good or better condition as when permission is granted; shall comply with the specifications furnished to the Selectboard or authorized agent; and shall comply with any conditions imposed by the Selectboard or the authorized agent.

b. **By the Town:**

The Town shall not provide any maintenance or upkeep on trails.

The Town shall not provide any maintenance of Class 4 highways except as follows:

- i. Such maintenance as is required by necessity and the public good and convenience of the inhabitants (i.e., such maintenance, if any, as is required by State law).

- ii. Existing maintenance levels will be continued on T.H. #9 and T.H. #50 for so long as those roads remain in good condition so that such maintenance does not become burdensome for the Town. It shall be the responsibility of the property owners served by these roads to maintain them in such condition that the Town's maintenance does not become unduly burdensome. (Permission of the Selectboard or authorized agent shall be required as for all maintenance by private parties.) The Town may discontinue or alter maintenance of T.H. #9 and T.H. #50 at any time by amending this policy.
- iii. The Selectboard or authorized agent may elect from time to time to perform maintenance on any one or more Class 4 roads. For example, the Town may elect to maintain bridges, culverts and ditches to control erosion or runoff onto adjacent property or may remove obstructions. Once begun, the Selectboard or authorized agent may terminate any such maintenance.

Any winter plowing of a Class 4 road allowed by the Selectboard or authorized agent to parties other than a municipality shall not nullify the privileges under 23 V. S.A. 3206(b)(2).

4. **Change in Classification:**

Under State law, Class 4 highways may be reclassified to trail status, discontinued, or upgraded to Class 3 or higher status; and 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 or authorized agent 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. Except in unusual circumstances, the Town will not discontinue any Class 4 highway without reserving a trail along its entire length to assure the maximum continued public access.

At a minimum, no Class 4 highway or trail may be upgraded in status or discontinued without the permission of the Selectboard or authorized agent. The Selectboard or authorized agent 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 or authorized agent may 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).

5. **Control:**

The Selectboard or authorized agent 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. Imposition of requirements for temporary permits for heavy equipment with 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. Establishment of speed limits.

6. **Right-of-Way Access:**

The Selectboard or authorized agent shall control curb cuts and other access into the road right-of-way for the installation or repair of utilities and for access of driveways, entrances and approaches.

Notwithstanding the above, nothing herein shall be deemed to negate or repeal the effect of any ordinance relating to permit requirements for working in or adjacent to highway rights-of-way.

7. **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 may be conditioned upon a prior written agreement 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 vehicles shall not be held to a higher standard than other vehicles.

8. **New Structures:**

New structures on lots fronting on a Class 4 highway are subject to the requirements of applicable Town ordinances.

9. **Posting and Blocking of Highways and Trails:**

No private party may intentionally close a highway by a gate or other obstruction or encroachment except upon the approval of the Selectboard (19 V.S.A. §1105).

Where appropriate, the Selectboard may designate Class 4 highways and trails to be "pent roads" and thereby may allow private parties to maintain gates across the roadway. See 19 V.S.A. § 304(a)(5). Such gates may latch but may not be locked at any time to assure that the public will be free at all times to pass along the public way. Where appropriate, the Selectboard may post a highway or trail in accordance with 19 V.S.A. §1110 for the purpose of protecting the integrity of the road (19 V.S.A. §304).

10. **Compliance with Other Regulations.**

This Policy is intended solely to establish and clarify standards of construction and the authority of the Selectboard and its agents. This Policy shall not be deemed to affect any regulation or ordinance of the Town, all of which shall remain in full force and effect.

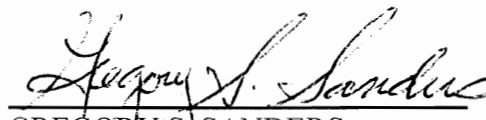
**DATED AT NORTHFIELD, VERMONT**

**THIS 8<sup>th</sup> DAY OF SEPTEMBER, 2008**

  
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ROGER LECLAIR, Chair

  
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CHARLES L. MORSE

  
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KENNETH JOHNSON, Vice-Chair

  
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GREGORY S. SANDERS

  
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MELVIN E. ADAMS

**Town of Northfield, Board of Selectmen**