

TOWN OF ELMORE CLASS 4 HIGHWAY AND TRAIL POLICY

1. **Definitions:** Vermont municipal highways are classified as Classes 1 through 4. Class 1, 2 and 3 highways are defined for the purposes of receiving state aid and are passable on a year-round basis. Class 4 highways and trails encompass all other highways not falling under the definitions of Classes 1, 2, and 3. The Town shall not be responsible for damage that may occur to vehicles, operators or property incurred on Class 4 and trail right of ways. The terms highway, and right of way, meaning public routes of passage legally owned and controlled by the Town are interchangeable for the purposes of this policy.
2. **Existing Use:** Existing right of ways for Class 4 highways and trails as of the date of adoption of this policy shall be retained by the Town for the purposes of recreational multi-use activities, access to private property and agricultural and forest management.
3. **Maintenance performed by Town:** As a general policy, the Town shall not provide maintenance, upkeep or plowing on Class 4 right of ways or Trails, subject to the following clarifications:
 - a. The Town shall not provide any summer or winter maintenance or plowing except to the extent required to meet: ANR and EPA storm water standards, the removal of naturally caused obstructions or required by the necessity and public good of Town inhabitants.
 - b. All activities within a right of way shall comply with AOT, ANR and Town standards, regulations, bylaws and ordinances applicable at date of activity.
 - c. All activities within the right of way shall result in conditions of equal or superior quality to the previous state.
 - d. The Town, at its discretion, may perform periodic, minimal maintenance or repairs to the right of way when a lack thereof may threaten or damage other right of ways or result in reduced recreational, agricultural or forestry access. Such actions shall not obligate the Town to perform future maintenance.
4. **Maintenance – NOT performed by Town:** All maintenance, repair, improvement, restoration, plowing or other activities by parties other than the Town shall occur only after written approval of the Select Board.
 - a. A written request shall be submitted to the Select Board consisting of a) scope of work, b) support drawings and c) clearly defined outcome and d) schedule, prior to commencement. Changes in scope, outcome or schedule must be similarly documented and approved by the Select Board. Any recurring or periodic work must be approved in advance.
 - b. All activities within the right of way shall comply with AOT, ANR and Town standards and regulations applicable at date of activity.
 - c. All activities within the right of way shall result in conditions of equal or superior quality to the previous state.
 - d. Approval for repair, maintenance, improvement, restoration, plowing or other actions shall not be unreasonably withheld by the Select Board.
 - e. Any winter plowing permitted by the Select Board to parties other than the Town shall not nullify the snowmobiling privileges under 23 V.S.A. 3206 (b)(2).
 - f. Stone walls, trees, unique geologic/natural features and habitats occurring within the right of way shall not be altered without written permission of the Select Board. Alteration of trees requires written approval of Tree Warden.
 - g. The applicant, by successful submission of a request to perform work within the

right of way, agrees that:

- i. The applicant and applicant's agents shall not hold the Town responsible for any claims, injuries or damages that arise out of the work. The applicant and agents agree to indemnify and hold harmless the Town and its agents for any losses, claims or damages associated with the work.
 - ii. The applicant shall bear all costs associated with the agreed scope of work.
 - iii. A surety bond may be required for alterations and repairs as well as for potential damage resulting from the use of right of ways by equipment or 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 right of ways and/or from non-compliance with provision of this policy and maintenance agreement. The surety will be returned within sixty days after the applicant has notified the Town of activity completion and the Town is satisfied that all conditions of the agreement have been met and the right of way returned to an equal or better than previous state (see 3.c, above).
5. **Control:** The Select Board shall exercise control of Class 4 highways and trails to insure their integrity as a public right of way by means which 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 used 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 a surety 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.
6. **Change in Classification:**
- a. The Classifications of Class 4 highway and trails may be altered, reclassified or discontinued in accordance with 19 V.S.A. 708-716 by the Select Board based on findings of: public good, convenience, of necessity of the inhabitants of the Town.
 - b. No Class 4 highway or trail may be upgraded in status or discontinued without Select Board and Town approval proscribed by statute.
 - c. All costs of upgrading a Class 4 highway or trail will be borne by those seeking the change in Classification subject to Select Board and Town approval proscribed by statute.
 - 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 highway with similar characteristics to the Class 4 highway.
7. **New Structures:** All new structures or modifications fronting on Class 4 highways or trails are subject to the requirements and intent of all Elmore ordinances, zoning, bylaws, and plans as well as state and local permits.

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8. **Right of Way Access:** Pursuant to 19 V.S.A. 1111, the Select Board, acting through the Road Commissioner and Zoning Administrator, shall control access to the highway or trail right of way for installation or repair of utilities, access of driveways, entrances and approaches. No development, construction, excavation or installation shall take place within or adjacent to the right of way without prior permission from the Select Board or its designees.
 - a. Dig Safe shall be consulted prior to any excavation.
9. **Overweight Vehicles:** Pursuant to 23 V.S.A., Ch13, SubCh15, vehicular use of highway and bridges is subject to limitation and regulation regarding gross vehicle weights, tire and axle weights and overall length and width. Written approval by the Select Board or Road Commissioner may be granted:
 - a. For use or travel over highway or trails.
 - b. For compensation for wear and tear caused or anticipated by use.
 - c. Vehicles used for agriculture or forest management shall not be held to more restrictive standards than other vehicles.
10. **Highway and Trail Closure:** No highway of any Class or any trail may be intentionally closed by a gate or other obstruction except by approval of the Select Board (19 V.S.A 304, 1105). The Select Board may restrict the use of a highway or trail in accordance with 19 V.S.A 1110. The Select Board may post a highway or trail for the purposes of preserving the integrity of the right of way – 19 V.S.A 304.
11. **Compliance with other Regulations:** This policy is intended only to supplement state law, local ordinances and bylaws. All other ordinances and policies adopted by the Town shall remain in full force and effect.
12. **Succession:** This policy supercedes "Town of Elmore Class IV Road Policy" dated 11 September 2002.

Adopted by the Elmore Select Board: 11 May 2016



R. M. Burley, Chairman



Caroline DeVore, Select Person



Robb Wills, Select Person



Reviewed: Michel LaCasse, Road Commissioner