

Town Highway Curb Cut/Driveway Policy

Town of Danville * P. O. Box 183 * Danville, Vermont

Authority and Purpose:

The Danville Selectboard hereby creates the following Town Highway Curb Cut/Driveway Policy. Under Title 19 V.S.A. Section 1111, Selectboards have the right to regulate access onto town highways. The statute further requires that a permit must be obtained from the Selectboard by anyone or any corporation prior to development or start of construction. Violators are subject to the penalties set forth in the above mentioned title of fines not less than \$100.00 or more than \$10,000.00 for each violation. The statute and this policy, first and foremost, seeks to insure that a reasonable and safe access onto public roads and to prevent unsafe conditions from developing as a result of poor construction and maintenance practices.

Definitions:

- **Driveway:** *an access to a dwelling from a Town road.*
- **Access road:** *an access to several dwellings or business where traffic exceeds normal single dwelling accesses from a Town road. Example: Housing development, business entrance.*
- **Temporary access:** *an access used for a short period of time that will be removed when it is no longer needed. Example: Logging landings, building site accesses other than driveways.*
- **Permanent access:** *an access that will remain indefinitely. Example: Driveways, access roads.*

In addition to the minimum standards in this policy, the Town of Danville will be guided by the two most recent Vermont Agency of Transportation standard sheets: B-72 Standards for Residential and Commercial Drives, and A-71, Standards for Town and Development Roads.

The Selectboard may impose various conditions on the permit form to promote safety or address maintenance issues.

Highway Curb Cut/Driveway work permits must be submitted by the applicant on the attached form (Application for Highway Curb Cut/Driveway Permit) and forwarded to the Selectboard or their authorized representative, with the appropriate fee. The application must include a dimensioned plan and/or design or sketch of the access and the work to be performed. Permits must be applied for even if an access exists but a use change is being requested. (Example: field access, to driveway). The Selectboard will review the application at the next regularly scheduled meeting. Permits must be obtained for temporary and permanent accesses.

The following conditions must be met to the satisfaction of the Selectboard for the approval of any Highway Curb Cut/Driveway Application.

- a. The location will not pose a hazard for the traveling public.
- b. The Road Foreman has verified that the access will not present any problem for general road maintenance.

- c. The Road Foreman shall involve any other public works personnel who have a vested interest in any ROW (Right-Of-Way) modifications and has verified that the access will not present any problem to them.
- d. If any part of the traveled portion of the highway is involved, a Highway Cut Permit will also be required.
- e. The Selectboard may require a deposit paid to the Town.

The following conditions apply for any application that is approved:

- a. Driveways within the limits of the right-of-way need to have at least 15 inches of sub base material and a minimum 15-inch diameter culvert with adequate cover if necessary. The culvert material, plastic or galvanized steel, and size will be determined by the Road Foreman and noted on the permission to proceed document.
- b. A 2% graded away approach of at least 20 feet unless otherwise approved by the Selectboard upon the recommendation of the Road Foreman.
- c. Access roads require a professionally engineered design.
- d. The applicant shall advise the Road Foreman of the work schedule.
- e. A compliance inspection upon completion of project is required. Contact the Road Foreman to schedule.
- f. Any traffic control requirements will be the responsibility of the property owner, including proper signage and flagging. One-way traffic should be maintained at all times with adequate roadbed for emergency vehicles.
- g. Any sidewalks, storm drains, catch-basins, manholes, water lines, shutoff boxes, curbing, utilities or other items damaged during the construction shall be repaired and/or replaced forthwith.
- h. Prior to the issuance of the final permit or return of any deposit, all work shall be done to the satisfaction of the Selectboard, who may require that any portion of the work be done over to their specification, at the property owners' expense.
- i. The Town will not be liable for any damage incurred to any impediment placed in the Town's Right-Of-Way.
- j. The property owner shall save and hold harmless the Town of Danville from any damages as may occur to others as a consequence of work performed. Any damages to utilities, property or appurtenances as a consequence of work performed and not repaired to the satisfaction of the Selectboard shall be repaired by the Town at the expense of the property owner.
- k. Notice to Proceed will expire one year from date of issuance.

In addition:

- Violators may have their driveway access point physically closed if it is deemed to be a safety hazard or affect the safety of the highway users.
- Any infrastructure installed by the permittee in the Right-Of-Way becomes the property of the Town after the compliance document has been filed.
- Maintenance and/or replacement of said structure will be the responsibility of the Town from that point forward.

Each provision of this policy is severable; and if any section is held invalid for any reason, the remaining provisions shall not be affected but shall remain in full force and effect.

This policy is in force and effect by the Danville Selectboard on 8-2-2018.

This policy may be amended at any time with the proper notice by the Danville Selectboard.

Attest:

Wendy M. Somers
Wendy Somers, Town Clerk

Danville Selectboard Members:

[Signature]
[Signature]
Kelli C. Menell
Neil Chase
Douglas R. Butts

Superseded by Policy dated August 17, 2017