

Town of Danville
Class 4 Highway and Trail Policy

1) Purpose:

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

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. The classification of highways and the acceptance thereof as town roads is governed by 19 VSA Chapter 3, §302.

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

“Trails” means a public right-of-way which is not a highway and which:

- a) Previously was a designated highway having the same width as the designated town highway, or a lesser width if so designated, 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

“Selectboard” shall mean the Selectboard of the Town of Danville.

“Town” shall mean the Town of Danville

“Right-of-Way Permit” shall mean **Curb Cut Permit or Road Cut Permit**.

“Curb Cut Permit” **requests access to a Town Highway (ex: driveway, permanent access)**.

“Road Cut Permit” **requests excavation in the roadway or alongside of the roadway in the right of way or requests temporary access to a road**.

“Maintenance” shall refer to **excavation such as ditching, drainage work and adding material. It also includes snow removal**.

1) 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. Generally, this is limited to maintenance that is intended to address erosion of highways,~~ **comply with the MRGP (Municipal Roads General Permit). This is limited to maintenance that is intended to address erosion** or runoff to adjacent properties. Such work will in no way obligate the Town to perform any additional maintenance of repairs of any nature except as required by statute.

- b) The Town shall not provide any winter maintenance of Class 4 highways. ~~Plowing by private parties shall only be allowed with advance permission and signed agreement with the Selectboard or their designee. Any winter plowing of a Class 4 highway granted by the Selectboard or their designee to parties other than a municipality shall not nullify the snowmobiling privileges under 23 VSA §3206(b)(2).~~

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

3) Right-of-Way Permit:

Pursuant to 19 VSA §1111, the Selectboard shall control access to the highway right-of-way for the installation of utilities and for access of driveways, entrances and approaches ~~(Curb Cut Permit)~~. No development, construction, excavation or installation shall take place within or adjacent to the highway right-of-way without obtaining a Right-of-Way Permit ~~from the Selectboard~~.

- 4) Maintenance of Highways (by adjacent landowners).
- a) The Town's Right-of-Way Permit (~~Road Cut Permit~~) shall also be necessary for any repair, maintenance, improvement or restoration of any Class 4 highway. Permission for repair, maintenance, improvement or restoration which does not adversely affect the highway shall not be unreasonably withheld ~~by the Selectboard.~~
 - 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 reasonable conditions to the permit as deemed necessary to protect the interests of the Town, such as posting of a surety bond or damage deposit that reflects the reasonable estimate of repairs if the work is not completed or the repairs are not in compliance with the provisions of this Policy or permits conditions.
 - 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 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 this Permit and that all work done will be 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 and all damage, loss or claim associated with the work.
- 5) Change in classification:
- a) ~~It is the policy of the Selectboard to discourage the reclassification and/or upgrading of class 4 highways.~~ It is the intent of this policy that existing rights of way of Class 4 highway and trails as of the date 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.
 - b) Upon receipt of a petition filed pursuant to 19 VSA §708 or on their own behalf, the Selectboard will consider a request to alter, reclassify or discontinue a Class 4 highway.
 - c) Reclassification or discontinuance will be done in accordance with 19 VSA §§708-717. A decision to alter, reclassify or discontinue a Class 4 highway will only be made in situations where the public good, necessity and convenience of the inhabitants of the Town require such action.
 - d) ~~The Selectboard shall require that the cost of upgrading a Class 4 highway to a Class 3 highway will be borne by those seeking the reclassification. Additionally, the upgraded road must see a year of acceptable service prior to acceptance by the Town as a Class 3 highway.~~
 - e) Pursuant to 19 VSA §708(b), a Class 4 highway need not be reclassified to Class 3 merely because there exists in the Town one or more Class 3 highways with characteristics similar to the Class 4 highway.
- 6) Highway Closure:
- No highway of any class may be intentionally closed by a gate or traffic otherwise impeded by any obstruction. 19 VSA §§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 VSA §§304(a)(5), 1105. ~~This is known as a Pent Road.~~ The Selectboard may restrict the use of the highway in accordance with 19 VSA §1110 and 24 VSA §2291(4). ~~The Town Highway department can close a road temporarily if deemed unsafe for travel or for a maintenance project.~~
- 7) The Vermont General Highway Map for the Town of Danville as produced annually by the Vermont Agency of Transportation is recognized as the official definition of the road classifications for all Danville roads and trails.

This policy is in force and effect by the Danville Selectboard on _____.

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

Attest:

Wendy Somers, Town Clerk

Danville Selectboard Members:

