

## **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 and maintenance of those highways and trails.

#### **2. Definitions:**

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.

CURB CUT PERMIT requests access to a Town highway (ex: driveway, permanent access).

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 V.S.A. § 302.

MAINTENANCE shall refer to excavation such as ditching, drainage work, and adding material (summer); and sanding/salting and snow removal (winter).

RIGHT-OF-WAY PERMIT shall mean Curb Cut Permit or Road Cut Permit.

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.

TRAIL 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.

**3. Right-of-Way Permit:** Pursuant to 19 V.S.A. § 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. 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.

#### **4. Maintenance by the Town:**

4.1. The Town shall not provide any summer maintenance of class 4 highways except to prevent or address erosion or runoff into waterways in compliance with the Municipal Roads General Permit (MRGP), or as otherwise directed by the Selectboard. Such work will in no way obligate the Town to perform any additional maintenance or repairs of any nature except as required by statute.

4.2. The Town shall not provide any winter maintenance of class 4 highways.

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

4.4. The Town shall not be liable if emergency equipment cannot reach a property in a timely manner.

## **5. Maintenance by Others:**

5.1. Landowners with property on class 4 highways are responsible for performing any required maintenance to access the property, including repairing damage from disasters.

5.2. A Town Right-of-Way Permit shall be necessary for any repair, maintenance, improvement, or restoration of any class 4 highway or trail except plowing and sanding. Permission for repair, maintenance, improvement or restoration which does not adversely affect the highway or trail shall not be unreasonably withheld by the Selectboard.

5.3. 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 Town 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 permit conditions.

5.4. 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.

## **6. Change in Classification:**

6.1. It is the intent of this policy that the Town shall retain existing rights of way of class 4 highways and trails as of the date of this policy for purposes of recreational multi-use activities, access to private property, and agricultural and forest management.

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

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6.3. The Selectboard will reclassify or discontinue highways 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 public good, necessity, and convenience of the inhabitants of the Town require such action.

6.4. The Selectboard shall require that the cost of upgrading a class 4 highway to a class 3 highway be borne by those seeking the reclassification.

6.5. Pursuant to 19 V.S.A. §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.

**7. Highway Closure:** No highway of any class may be intentionally closed by a gate or traffic otherwise impeded by any obstruction - see 19 V.S.A. §§ 1102, 1111(b). The Selectboard may grant permission to an adjoining landowner to enclose roads by erecting stiles, unlocked gates, and bars in the places designated 19 V.S.A. §§ 304(a)(5), 1105. This is known as a pent road (see 19 V.S.A. § 301(4)). The Selectboard may restrict the use of the highway in accordance with 19 V.S.A. § 1110 and 24 VSA §2291(4). The Town Highway Department may close a road temporarily if deemed unsafe for travel or for a maintenance project.

**8. Map:** The Vermont General Highway Map for the Town of Danville, as maintained by the Vermont Agency of Transportation, is recognized as the official definition of the road classifications for all Danville highways and trails.

<https://vtrans.vermont.gov/content/planning/maps/town-maps/highway-maps>

This policy is in force and effect by the Danville Selectboard on October 19, 2023. It may be amended at any time with the proper notice by the Danville Selectboard.

Attest:

Danville Selectboard Members:

*Wendy Somers*  
Wendy Somers, Town Clerk

*Eric Bach*

*Janice Oullette*

**ORIGINAL SIGNED PAPER COPY**

**AVAILABLE AT TOWN OFFICE**

*Alison Low*

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