

Policy on Class 4 Roads Town of Hartland, Vermont

1. Purpose

Class 4 highways are recognized to be a valuable public resource, and every reasonable effort should be made to retain the public access to these town highways. The purpose of this Policy is to define the standards by which the Town will protect, maintain, and reclassify its Class 4 highways, and to set reasonable expectations for the use of those highways.

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.

"Class 4 highways" are all other highways not falling under definitions of Class 1, 2, or 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. The Selectboard determines which highways are Class 4 town highways.

"Pent road" is any town highway which, by written allowance of the Selectboard, is enclosed and occupied by the adjoining landowner with unlocked stiles, gates, and bars in such places as the Selectboard designates.

"Selectboard" shall mean the Selectboard of the Town of Hartland, Vermont.

"Town" shall mean the Town of Hartland, Vermont.

"Right-of-Way Permit", "Winter Maintenance Permit", or "Permit" shall mean a permit authorized by the Town Manager or their designee for access to a town highway or legal trail for the purposes of maintenance, repair, restoration, installation, and/or improvement on a town highway or legal trail pursuant to 19 V.S.A. § 1111 and the Town of Hartland, Right-of-Way Permit Policy.

3. 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, or as may be required by Vermont Pollution Discharge Elimination System General Permit 3-9040. The Town is under no obligation for construction, maintenance, repair, or safety, including maintaining culverts and bridges. 19 V.S.A. §310, 19 V.S.A. §302(5)

b. The Town shall not provide any winter maintenance on 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. Plowing by private parties shall only be allowed with

an advance Winter Maintenance Permit approved by the Town Manager or their designee pursuant to the Town of Hartland, Right-of-Way Permit Policy.

4. Control.

The Selectboard shall exercise control of Class 4 highways to ensure their integrity as public rights-of-way by means which may include, but are not limited to, the following:

- a. establishment of vehicle weight limits,
- b. temporarily restricting motor vehicle travel on a Class 4 Highway, imposing barriers, and posting signs indicating that the Class 4 Highway is closed to motor vehicle travel,
- c. imposition of requirements for temporary permit for heavy equipment access, which may include a stipulation that any highway damaged will be repaired by or at the expense of the user, or posting of bond or other security to guarantee that repairs are made; either or both of which may be required as a condition of any permits.
- d. establishment of speed limits, and
- e. granting permission to pent a Town highway.

5. Change in Classification.

a. It is the policy of the Selectboard to discourage the reclassification and/or upgrading of Class 4 highways. However, upon receipt of a petition filed pursuant to 19 V.S.A. § 708, the Selectboard will consider a request to alter, reclassify or discontinue a Class 4 highway.

b. Reclassification or discontinuance will be done 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 Selectboard determines that the public good, necessity, and convenience of the inhabitants of the Town require such action.

c. The Selectboard may require that the cost of upgrading a Class 4 highway to a Class 3 highway will be borne by those seeking the change in classification.

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 highways with characteristics similar to the Class 4 highway.

6. Highway Closure.

No person may place an obstruction in a town highway or trail so as to prevent public travel or to injure or impede a person traveling on the highway or trail. 19 V.S.A. §1105. 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 V.S.A. §§ 304(a)(5), 1105. The Selectboard may restrict the use of a highway in accordance with 19 V.S.A. § 1110 and 24 V.S.A. § 2291(4).

7. Compliance with Other Regulations.

This policy is intended to supplement state law and local ordinances. All other ordinances and policies adopted by the Town shall remain in full force and effect.

This policy, formally known as the 9/19/2022 Draft Policy on Class 4 Roads, was Adopted by the Selectboard the 17th day of January, 2023.