

Highway Right-of-Way Permit Policy Town of Hartland, Vermont

Any person who wishes to perform or arrange for maintenance, repair, restoration, installation, and/or improvement on a town highway or legal trail may do so only after receiving a signed Right-of-Way Permit from the Town Manager or their designee. Permission for maintenance shall be given in accordance with 19 V.S.A. § 1111 and the Town's Highway Ordinance and Culvert Policy.

A completed permit application shall be submitted to and approved by the Town Manager or their designee before work begins. The application shall be in writing and shall be signed by the applicant. The application shall include project plans detailing all work to be performed, all materials required, and estimated quantities of such materials, as well as a timeline indicating the date of expected completion. Where work or excavation is limited to construction of a driveway access, town regulations for access permits shall apply.

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 or trail, that all the 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 the Permit, and that all work will be done in conformance with the Permit. By acceptance of the Right-of-Way Permit, the Permittee agrees to defend, indemnify, and hold the Town, its officers, officials, employees, and volunteers harmless from all claims, injuries, damages, losses, or suits including attorney fees, arising out of or in connection with the performance of the activities authorized under the Permit.

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. The town reserves the right to any reasonable conditions as deemed necessary, including proof of Dig Safe, providing a certificate of insurance, and posting of a surety bond. The Town Manager or their designee may approve, approve with conditions, or deny a Right-of-Way Permit.

The Permittee shall notify the Town Manager or their designee before the work authorized under the Permit is commenced and within two (2) days after work is completed.

Permits and Easements allowing for the location of private infrastructure shall be recorded with the town. Excavation for repair shall not be required to be recorded unless it's determined to be in the public's best interest.

Winter Maintenance on Class 4 Roads

No person shall undertake winter maintenance (e.g., snow plowing, sanding) of a Class 4 Highway without receiving a signed Right-of-way Permit from the Town Manager or their designee.

Any winter plowing of a Class 4 Highway authorized by the Town Manager or their designee under a Right-of-Way Permit shall not nullify the snowmobiling privileges under 23 V.S.A. § 3206(b)(2).

In the Case of Emergencies

Nothing in this policy shall be construed as to prevent any work/excavation that may be necessary for the preservation of life or property, provided that the party undertaking such work/excavation, shall apply for a permit on the first working day after such work/excavation is commenced. All provisions of this policy shall apply to such an emergency.

This policy, formally known as the 10/3/2022 Draft Highway Right of Way Permit Policy, was adopted by the Selectboard the 17th day of January, 2023.