

# BRAINTREE CLASS 4 ROADS AND TRAILS POLICY

## 1. Definitions

**Class 4** highways are legally established by the town and are all other highways not falling under definitions of class 1, 2 and 3 highways.

**Trail** means a public right-of-way which is not a highway and which:

1. previously was a designated highway having the same width as the designated town highway or a lesser width if so designated, -or-
2. 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.

**Agricultural management vehicles** are motor trucks that are registered with the DMV and are used for the purpose of transporting to or from a farm either: (A) agricultural inputs, including lime, fertilizer, commercial feed, or forages; or (B) agricultural outputs, including milk, vegetables, fruit, horticultural crops, forages, or livestock.

## 2. Existing Use

Existing rights-of-way of **Class 4** highways and **Trails** as of the date of adoption 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.

### 3A. Maintenance of Class 4 roads

- a. Except as provided for in Sections 3A(b) and (c) of this Policy, the Town shall not provide any maintenance on **Class 4** highways.
- b. The town shall conduct maintenance to and replace bridges and culverts on **Class 4** highways as necessary. Replacement culverts for installation in a Right-of-Way Access located within a **Class 4** highway shall only be provided if the right-of-way access has been authorized by the Selectboard.
- c. Maintenance to control erosion of **Class 4** highways and adjoining highways and removal of obstructions within the **Class 4** highway may be required by necessity and for the public good and convenience of the inhabitants of the Town.

d. Requests to conduct maintenance on a **Class 4** highway shall be presented to the Selectboard at a regular Selectboard meeting prior to the commencement of any work. A written request is not required, but further information may be required by the Selectboard and the Town Road Foreman on a case by case basis. The Selectboard, in consultation with the Town Road Foreman, shall consider and take action on such a request within 60 days of the request first being considered at a meeting of the Selectboard.

e. When a request pursuant to Section 3A(d) of this policy is granted by the Selectboard, any work conducted shall leave the **Class 4** highway in as good or better condition as when the request was granted. All work conducted must be completed to the satisfaction of the Town Road Foreman.

f. Except for work conducted pursuant to Sections 3A(b) and (c) of this policy, costs associated with work conducted pursuant to Section 3A(e) of this policy shall not be responsibility of the town.

### **3B. Maintenance of Trails**

a. **Trails** shall not be open to motor vehicles unless the operator of the motor vehicle is a landowner with property adjacent to the Trail or is intending to access property adjacent to the Trail and has written landowner permission on their person.

b. The Town shall not provide any maintenance of **Trails**.

**4. Control** The Selectboard shall exercise control of **Class 4** highways and **Trails** to ensure their integrity as a public right-of-way by means which may include, but not limited to, the following:

a. establishment of vehicle weight and speed limits;

b. prohibition or restriction of wheeled vehicle use during mud and snow season; signs and barriers maybe utilized to accomplish this purpose;

c. requirements for temporary permit for heavy equipment access may be imposed and the stipulation included that any highway damaged will be repaired by or at the expense of the permittee; posting of bond or other security to guarantee that repairs are made may be required as a condition of any permits.

### **5. Change in classification**

a. **Class 4** highways may be reclassified to **Trail** status, discontinued, or upgraded to **Class 3** or higher status. **Trails** may be discontinued or upgraded to **Class 4** or higher status.

Reclassification will be done in accordance with 19 V.S.A. §§708-717 and upon findings by the Selectboard that the public good will be substantially advanced by such changes in status and

that reasonable measures are taken to replace, substitute, or avoid the loss of public and commercial travel, intrinsic aesthetic and recreational value, or other public interests afforded by the existing **Class 4** highway or **Trail**.

b. No **Class 4** highway or **Trail** may be upgraded in status or discontinued without the permission of the Selectboard. The Selectboard may provide for an alternative travel easement or right-of-way replacing the travel route upgraded or discontinued to ensure that users and landowners have uninterrupted access.

c. A person may petition the Selectboard for a change in classification of a Trail or Class 4 highway in accordance with 19 V.S.A. §§708 - 717. The cost of upgrading a **Trail** to a **Class 4** highway or a **Class 4** highway to a **Class 3** highway will be the responsibility of the Petitioner(s). The Petitioner shall obtain all necessary permits from the State of Vermont.

**6. New Structures** New structures on lots fronting on a **Class 4** highway are subject to the requirements of applicable town ordinances.

**7. Right-Of-Way Access.** Selectboard shall control access into the road right-of-way for the installation or repair of utilities and for access of driveways, entrances, and approaches. Notwithstanding the above, nothing herein shall be deemed to negate or repeal the effect of any law or ordinance relating to permit requirements for working in or adjacent to highway rights-of-way.

#### **8. Overweight Vehicles**

a. Pursuant to 23 V.S.A., Chapter 13, Subchapter 15, vehicular use of highways and bridges is subject to limitation and regulation regarding gross vehicle weights, tire and axle weights, and overall length and width.

b. Approval of the Road Commissioner, acting as the Selectboard's authorized agent, may be granted for Use or travel over highways in excess of the legal weight and size limitations. The Road Commissioner and applicant may agree to compensation to the Town for wear and tear on highways anticipated or caused by use of highways in excess of the legal weight and size limitations.

c. **Agricultural management vehicles** that weigh less than 60,000 lbs GVWR are exempt from overweight limit restrictions.

**9. Posting** No highway of any class may be intentionally closed by a gate or other obstruction except upon approval of the Road Commissioner, acting as the Selectboard's authorized agent. 19 V.S.A. 1105. The Road Commissioner may post a road in accordance with 19 V.S.A. 1110. The Road Commissioner may post a highway for the purposes of preserving the integrity of the

road. 19 V.S.A. 304. If a **Class 4** road ends, signage will be placed accordingly to notify the public of the end of rights-of-way.

**10. Compliance With Other Regulations** This Policy is written to establish and clarify standards of construction and the authority of the Selectboard and their agents. All other ordinances and regulations adopted by the Town of Braintree shall remain in full force and effect without limitation.

Approved on July 5, 2017 by the undersigned Selectboard members:

Richard C. Bowen

D.B.

Lois E. Deet

[Signature]

Meg O'Tool