

TOWN OF PANTON CLASS 4 HIGHWAY POLICY

1. Purpose and Authority.

The purpose of this Class 4 Highway Policy (“Policy”) is to set define the standards by which the Town will control and maintain its Class 4 Highways and to provide reasonable guidelines, conditions and/or restrictions for the use of those highways. It is adopted pursuant to the authority granted in 19 V.S.A. §§ 303, 304, 19 V.S.A. Chapter 11, and 24 V.S.A. § 2291(a).

2. Definitions

“**Class 4 Highway(s)**” are all Town Highways that are not class 1, 2, or 3 Highways as defined in 19 V.S.A. § 302(a)(1)-(3), as amended, or unidentified corridors or trails as those terms are defined in 19 V.S.A. § 302(a)(5) and (6), as amended.

“**Highway**” or “**Town Highway**” shall mean a public road established for public travel as defined in 19 V.S.A. § 1(12), as amended, that is also classified as Class 1, 2, 3, or 4 pursuant to 19 V.S.A. § 1(23) and 19 V.S.A. §§ 302 and 306, as amended.

“**Right-of-Way**” shall include the traveled or improved surface of a Highway as well as all appurtenances of a Highway, including bridges, drainage structures, signs, guardrails, areas to accommodate utilities authorized by law to locate within Highway limits, areas used to mitigate the environmental impacts of Highway construction and maintenance, vegetation, scenic enhancements and structures. Class 4 Highways shall be presumed to have a width of one and one half rods on each side of the center line of the existing traveled way whenever the original survey was not properly recorded or the records preserved, or if the terminations and boundaries cannot be determined.

“**Right of Way Permit**” or “**Permit**” shall mean a permit authorized by the Selectboard or duly authorized agent for access to, or use of, a Town Highway and Right-of-Way pursuant to 19 V.S.A. § 1111 and any applicable Town Policy or Ordinance, as amended.

“**Selectboard**” shall mean the Selectboard of the Town of Pantton.

“**Town**” shall mean the Town of Pantton.

3. Identification of Class 4 Town Highways.

Pursuant to the 2017 Vtrans Vermont General Highway Map, Town of Pantton dated 2017, those Town Highways which are designated as Class 4 Highways are: a portion of T.H. #14 (1.15 miles), a portion of T.H. 15 (0.67 miles), T.H. #16 (0.34 miles) and a portion of T.H. #18 (0.39 miles). None of Pantton’s designated Class 4 Highways currently provide primary access to

residences or structures used or occupied by a landowner. There are no bridges on any Class 4 Highway in Pantton.

4. Maintenance by the Town.

a. The Town will not, in the normal course of its Highway activities, provide any regular summer maintenance of Class 4 Highways or otherwise maintain them to Class 3 road standards as defined in 19 V.S.A. § 302(a)(3)(B) 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 as determined in writing by the Selectboard after a public hearing with notice provided to landowners who own lands which abut or are accessed by the Class 4 Highway. Any approved work or maintenance on a Class 4 Highway by the Town will not obligate the Town to perform any additional or future maintenance or repairs.

b. The Town will not, in the normal course of its Highway activities, provide any regular winter maintenance of Class 4 Highways or otherwise maintain them to Class 3 road standards as defined in 19 V.S.A. § 302(a)(3)(B) 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 as determined in writing by the Selectboard after a public hearing with notice provided to landowners who own lands which abut or are accessed by the Class 4 Highway. Any approved work or maintenance on the Class 4 Highway will not obligate the Town to perform any additional or future maintenance or repairs. Plowing or other winter maintenance by persons other than the Town, or its agents, shall only be allowed with an advance permit issued by the Selectboard pursuant to Section 5 of this Policy. Any approved winter plowing of a Class 4 Highway allowed by the Selectboard to parties other than the Town shall not conflict with the right to operate a snowmobile on a Public Right-of-Way as provided in 23 V.S.A. § 3206(b)(2).

5. Maintenance and Right-of-Way Access of Class 4 Highways.

a. Any person who wishes to perform any work within a Class 4 Highway or Right-of-Way or arrange for the repair, maintenance, improvement, restoration, or installation of any object on or in a Class 4 Highway or Right-of-Way may do so only after receiving a signed Right-of-Way Permit from the Selectboard pursuant to 19 V.S.A. § 1111 and any applicable Town Policy or Ordinance, as amended.

b. All work within a Class 4 Highway Right-of-Way shall be in conformance with current Town Highway specifications, including those set forth in The Vtrans Orange Book, The Vermont Better Roads Manual, the Town Road and Bridge Standards, Vtrans B-71 Standards and Vtrans A-76 Standards, as amended, and the highway shall be left in as good as or better condition than when the Right-of-Way Permit was granted. In addition, the Selectboard may attach any or all of the following conditions to the Permit:

i. Posting of a surety bond or damage deposit with the Town in an amount that reflects reasonable estimates of repairs that may be necessary in the event of

noncompliance with the provisions of this Policy or Permit conditions issued for the project;

ii. Supervision by the Panton Road Commissioner or Panton Highway Foreperson; and

iii. Any other reasonable conditions as deemed necessary to protect the public good and convenience in the Town Highway and Right-of-Way.

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. All the requirements for signage, work safety, and public safety required by law, reasonable prudence or the standards referenced in paragraph 5b will be followed in connection with the work done under the Permit, and all work will be done in conformance with the Permit. Any Permit to work within a Class 4 Town Highway shall be conditioned on an express acknowledgment that the applicant and the applicant's agents, contractors and subcontractors shall not hold the Town responsible for any claims or injuries which may arise out of the work, and the applicant shall indemnify and hold the Town harmless against legal liability, damages for any and all loss, attorney's fees and costs or other legal liabilities or claims for relief arising from or associated with applicant's work within the Right-of-Way.

6. Control. The Selectboard may exercise control of Class 4 Highways by means authorized by law which may include, but are not limited to, the following:

a. the establishment of vehicle weight limits pursuant to 23 V.S.A. § 1400b;

b. the prohibition, posting or restriction of use by motorized vehicles;

c. the imposition of requirements or conditions for a limited or temporary permit for heavy equipment to access a Right-of-Way which may include a stipulation that any damage will be repaired by or at the expense of the applicant or any other party or person using the Right-of-Way, or the posting of a 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. the establishment of speed limits and parking restrictions; and

e. the granting of permission to pent a Town highway pursuant to 19 V.S.A. § 304(a)(5).

7. Change in Classification.

a. Changing the status, location, classification or the upgrading of Class 4 Highways in Panton is generally disfavored subject to a compelling reason as demonstrated by an applicant or petitioner or as determined by the Panton Selectboard that the public good, necessity and convenience of the inhabitants of Panton requires the requested change in status, relocation or reclassification. 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 considered 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 Class 4 Highway to a Class 3 Highway standards or otherwise will be borne by those seeking the change in classification or the upgrading or improvement to the Highway.

d. Pursuant to 19 V.S.A. § 708(b), a Class 4 Highway need not be reclassified to Class 3 or upgraded to Class 3 Standards merely because there exists within the Town one more Class 3 Highways with characteristics similar to the Class 4 Highway.

8. Highway Closure. No person or entity other than the Town, or its authorized agents, may close, block, obstruct, or impede the use of a Class 4 Highway by any means, either partially, wholly, permanently or temporarily Highway without first obtaining written approval by the Selectboard after public hearing. 19 V.S.A. §§ 1102, 1111(b). The Selectboard may grant permission to an adjoining landowner to pent a Class 4 Highway by erecting stiles, unlocked gates, and bars in the places designated. 19 V.S.A. §§ 304(a)(5), 1105. The Selectboard may also restrict the use of a Class 4 Highway to the extent required by the necessity of the Town and the public good pursuant to 19 V.S.A. § 1110 in which event any use restrictions as to type of motorized vehicle, time, weight or other limitations shall be posted at the end of the Highway or portion of the Highway so restricted.

9. Compliance with Other Regulations. This Policy is intended to replace the existing Town of Panton Class 4 Highway Policy adopted on March 12, 2019 and will otherwise supplement state law and related Town Ordinances, as amended.

Adopted by the Selectboard this _____ day of _____, 2019.

Howard Hall

Zachary Weaver

Teresa Smith

Note: This policy was adopted July 10, 2019. The official, signed copy resides at the Panton Town Office.