

CLASS 4 ROADS AND TRAILS

1. **Definition.** Class 4 highways are all other highways not falling under definitions of class 1, 2 and 3 highways. Class 1, 2, and 3 are defined for the purpose of receiving state aid and are passable with a pleasure vehicle on a year-round basis.

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 Select Board for the purpose of providing access to abutting properties or for recreational use.

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.

3. **Maintenance.** The Town shall not provide any maintenance or upkeep on class 4 roads or trails.

A. REQUESTS TO PERFORM REPAIRS, MAINTENANCE, IMPROVEMENT OR RESTORATION

1. The Town has an obligation to ensure work is done properly and as such implements the following controls in the interest of public safety:
 - (A) Permission for repair, maintenance, improvement, or restoration shall not be unreasonably withheld by the Select Board.
 - (B) A written maintenance request/application shall be made to the Select Board prior to commencing any work.
 - (C) The written request shall contain drawings and descriptions of the work to be done.
 - (D) The landowner shall be responsible for all costs associated with Class IV town highway improvements.
 - (E) No work shall commence without written permission issued by the Select Board.
 - (F) The road shall be left in as good or better condition as when permission is granted.
 - (G) Upon completion of the work, the landowner shall notify the town *wad* foreman who shall inspect the project and issue a report to the Select Board on the acceptability of the work.
2. The requestor/applicant, by successful submission of a request to perform maintenance on such rights-of-way, agrees that:
 - a. Stone walls within the right-of-way shall not be damaged, altered or removed except as permitted by the Select Board and upon issuance of a Town Access Permit by the Road Commissioner.
 - b. Trees within Town rights-of-way shall not be damaged or removed without written permission of the Tree Warden.

- c. 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;
 - d. The work shall be done in strict accordance with specifications established by the Road Commissioner and in conformance with this policy;
 - e. 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 agreed to within the right-of-way, and agrees to indemnify and save the Town and its agents harmless against legal responsibility for any and all damage, loss or claim associated with this work;
 - f. The applicant shall bear all costs associated with the agreed upon scope of work;
 - g. A surety bond may be required for alterations and repairs, as well as for potential damage resulting from the use of rights-of-way by equipment of other means, including logging, horses, bike tours or other potentially damaging uses. The amount of surety shall reflect the anticipated costs for road repairs which may be necessary in the event of damage resulting from the use of rights-of-way and/or from noncompliance with the provisions of this policy and maintenance agreement. The surety will be returned within thirty days after the applicant notified the Town of activity completion, the Town is satisfied that all conditions of the agreement have been met, and that the right-of-way is left in proper condition.
 - B. The Town may not provide any summer maintenance of class 4 highways except for the maintenance of bridges and culverts and to control erosion of highways or runoff to adjacent property, and removal of obstructions as required by necessity, and for the public good and convenience of the inhabitants of the town.
 - a. The Town may annually allocate a sum of money to pay for exceptions to summer maintenance.
 - b. Any old or used culverts or leftover materials from other projects may be used for class 4 roads at the discretion of the Select Board.
 - c. The Select Board may see that the class 4 roads are reviewed annually.
 - d. Decisions for application of funds and materials may be prioritized.
 - C. The Town may provide winter maintenance on class 4 highways and trails for a fee.
 - D. Any winter plowing of a class 4 road by parties other than a municipality shall not nullify the privileges under 23 V.S.A. § 3206 (d)(2) prohibiting the operation of a snowmobile on a public highway, unless it is not being maintained and plowed for use by motor vehicles during the snow season.
 - E. The Town may perform periodic, minimal maintenance on or make repairs to a trail when a lack of maintenance may injure other town highways or reduce recreational access to resources. Such work shall in no way obligate the Town to perform any future maintenance or repairs.
- 4. Control.** The Select Board 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 are not limited to, the following:
- a. Establishment of vehicle weight limits;

- b. Prohibition or restriction of wheeled vehicle use during mud and snow season; signs and barriers may be utilized to accomplish this purpose;
- c. Requirements for temporary permit for heavy equipment access shall be imposed and the stipulation included that any highway damaged will be returned to the original condition by or at the expense of the user; posting of bond or other security to guarantee that repairs are made shall be required as a condition of any permits;
- d. Speed limits may be established.
- e. The use of motorized vehicles on legal town trails may be prohibited, limited, or permitted.

5. **Change in classification.** 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. §§ 708-716 and upon findings by the Select Board that the public interests will be substantially advanced by such change 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.
- At a minimum, no class 4 highway or trail may be upgraded in status or discontinued without the permission of the Select Board. Select Board may provide for an alternative travel easement or right-of-way replacing the travel route upgraded or discontinued to insure that users and landowners have uninterrupted access.
- The Select Board shall require that the cost of upgrading a trail to a class 4 highway or a class 4 highway to a class 3 highway be assigned to the petitioner(s).

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.** Select Board 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 town policy, Articles relating to permit requirements for working in or adjacent to highway rights-of-way.

8. **Overweight Vehicles.** 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.
- Written approval of the Select Board, or their authorized agent, may be granted for use or travel over highways and by and between the Select Board and applicant for compensation for wear and tear on highways anticipated or caused by use of highways in excess of the legal weight and size limitations. Vehicles used for agricultural or forest management shall not be held to a higher standard than other vehicles.
9. **Posting.** The Select Board may post a road in accordance with 19 V.S.A., § 1110. The Select Board may post a highway for the purposes of preserving the integrity of the road. 19 V.S.A. § 304.

10. Pent Roads. The Select Board may grant permission to enclose pent roads and trails by the owner of the land during any part of the year, by erecting stiles, unlocked gates, and bars in the places designated; and make regulations governing the use of pent roads and trails and to establish penalties not to exceed \$50.00, for noncompliance. Permission shall be in writing and recorded in the town Clerk's office. 19 VS.A. § 304(5).

No highway of any class may be intentionally closed by a gate or other obstruction except upon approval of the Select Board. 19 V.S.A. § 1105

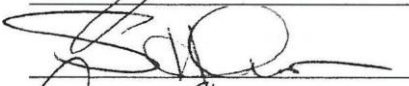
11. Compliance With Other Regulations. This policy is written to establish and clarify standards of construction and the authority of the Select Board and their agents.

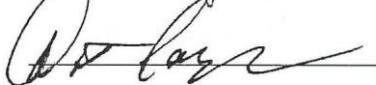
All other ordinances and regulations adopted by the Town of Wheelock shall remain in full force and effect, except to the extent that it conflicts with this policy.

Adopted this 13th day of October, 2015.

Selectboard:


Jay Ramsey, Chair


Steve Amos


Dennis Sawyer