

## **PLAINFIELD POLICY REGARDING 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 Selectboard 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 the public good in the form of access for recreation, access to private property, and agricultural and forest management.

- 3. Private Maintenance:**

Any landowner with property adjacent to a Class 4 Town Highway wishing to perform or arrange for the performance of maintenance work on a Class 4 Town Highway, Trail, or unClassified Trail must make a written request to the Selectboard prior to commencing with any work. The request should contain drawings and descriptions of the work to be done. Make sure that the Selectboard is given enough advance warning (30 days or more) to meet with the Road Commissioner and develop a plan. No work can commence without a signed agreement from the Selectboard. The landowner shall bear all costs associated with said Class 4 road/trail project.

Before commencing work, the landowner shall agree to sign and deliver to the town clerk a letter in which they promise to assure 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, that the road work will be done in accordance with specifications established by the Selectboard in conjunction with the Road Commissioner, and agree to indemnify the town and its agents for any and all damage, loss or claim associated with this work.

When the job is finished, the Selectboard has to be notified in writing so that it can arrange for inspection and approval of the work. Permission for repair, maintenance, improvement, or restoration shall not be unreasonably withheld by the Selectboard. The road shall be left in as good or better condition as when permission is granted.

- 4. Town Maintenance.** The Town shall not provide any maintenance or upkeep on trails.

**Summer Maintenance:**

The Road Commissioner will annually inspect Class 4 Town Highways that have-as of the date of this policy adoption-at least one year round resident. He will evaluate them and as time permits will perform minimal maintenance. Resident input shall be considered. This maintenance shall not constitute improvements or upgrades.

**Winter Maintenance:**

The town shall not provide any winter maintenance on Class 4 Town Highways. A property owner who buys or wishes to build and live year-round on a Class 4 Town Highway will have to keep this road open for his/her own use and his/her own expense during the winter season by plowing and sanding the same, subject to the directions of the Selectboard. The property owner(s) accept liability for such work. The roads shall be maintained at all times to permit access by fire trucks. Any winter plowing of a Class 4 road allowed by Selectboard to parties other than a municipality shall not nullify the privileges under 23 V.S.A. § 3206 (b)(2).

5. **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 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 may be imposed and the stipulation included that any highway damaged will be repaired by or at the expense of the user; posting of bond or other security to guarantee that repairs are made may be required as a condition of any permits;
  - d. speed limits may be established.
  
6. **Change in Classification.** It is the policy of the Selectboard to discourage the reClassification and/or upgrading of Class 4 roads and trails. However, it is the right of a landowner to request changes in road status. The Selectboard, if so asked, will follow the procedures set out in Title 19, V.S.A. §§ 708-716 and upon findings by the Selectboard 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 Selectboard.

The Selectboard requires 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). Roads must be upgraded to meet codes and standards for Class 3 highways as defined by current standards at the time of the petition.

7. **New Structures.** New structures on lots fronting on a Class 4 highway are subject to the requirements of applicable town ordinances.
  
8. **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 Chapter of the Town Code, Articles relating to permit requirements for working in or adjacent to highway rights-of-way.

9. **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.

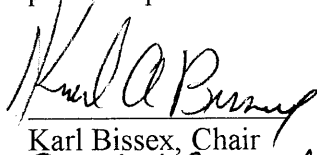
Written approval of the Selectboard, or their authorized agent, may be granted for use or travel over highways and by and between the Selectboard and applicant for compensation for wear and tear on highways anticipated or caused by use of highways in excess of the legal weight and size limitations. Vehicles used for agricultural or forest management shall not be held to a higher standard than other vehicles.

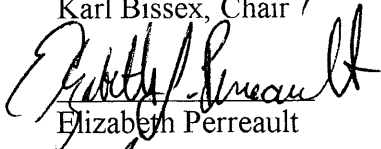
10. **Posting.** No highway of any Class may be intentionally closed by a gate or other obstruction except upon approval of the Selectboard. 19 V.S.A. § 1105. The Selectboard may post a road in accordance with 19 V.S.A., § 1110. The Selectboard may post a highway for the purposes of preserving the integrity of the road. 19 V.S.A. § 304.

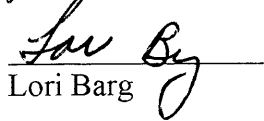
11. **Compliance With Other Regulations.** This policy is written to establish and clarify standards of construction and the authority of the Selectboard and their agents.

All other ordinances and regulations adopted by the Town of Plainfield shall remain in full force and effect, including without limitation.

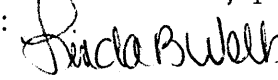
Adopted this 27 day of 2003 by the Plainfield Selectboard. This policy replaces all previous policies on Class 4 roads.

  
Karl Bissex, Chair

  
Elizabeth Perreault

  
Lori Barg

Received and recorded in the Plainfield Town Records October 27, 2003 A.D.  
Town Record Book 9, pages 264-266.

Attest:  Town Clerk