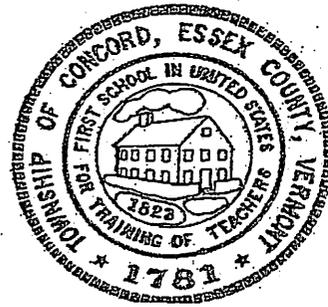


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## TOWN OF CONCORD, VERMONT CLASS 4 HIGHWAY AND TRAIL POLICY

### 1. Definitions.

Highway shall mean a public road or highway that is classified as class 1, 2, 3, or 4 for purposes of receiving state aid.

Class 4 highways are all other highways not falling under definitions of class 1, 2, or 3 highways. Class 1, 2, and 3 highways 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 purposes of recreational multi-use activities, access to private property, and agricultural and forest management.

### 3. Maintenance.

- a. Trails. The Town shall not provide any maintenance or upkeep on trails.

- b. Class 4 highways

- i. The Town shall not provide any summer maintenance of class 4 highways except to the extent required by necessity and the public good and convenience of the inhabitants of the town.
- ii. Permission for repair, maintenance, improvement, or restoration of a class 4 highway shall not be unreasonably withheld by the Selectboard. The road shall be left in as good as or better condition than when permission was granted.
- iii. The Town shall not provide any winter maintenance on class 4 highways. Plowing by private parties shall be only with advance permission from the Selectboard. Any winter plowing of a class 4 road allowed by the Selectboard to parties other than a municipality shall not nullify the snowmobiling privileges under 23 V.S.A. § 3206 (b)(2).

4. Control. The Selectboard shall exercise control of class 4 highways and trails to ensure their integrity as public rights-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 use by motorized vehicles;

- c. imposition of requirements for temporary permit for heavy equipment access which may include a stipulation that any highway damaged will be repaired by or at the expense of the user, or posting of bond or other security to guarantee that repairs are made may be required as a condition of any permits;
  - d. establishment of speed limits; and
  - e. granting permission to pent a town highway or trail.
5. **Change in classification.**
- a. Class 4 highways may be altered, reclassified to trail status, discontinued, or upgraded to class 3 or higher status.
  - b. Trails may be reclassified, discontinued, or upgraded to class 4 or higher status.
  - c. Reclassification or discontinuance will be done in accordance with 19 V.S.A. §§ 708-716 and upon findings by the Selectboard that the public good, necessity, and convenience of the inhabitants of the town require such action.

At a minimum, no class 4 highway or trail may be upgraded in status or discontinued without the permission of the Selectboard. The Selectboard may require that the cost of upgrading a class 4 highway to a class 3 highway will be borne by those seeking the change in classification.

Pursuant to 19 V.S.A. § 708(b), a class 4 highway need not be reclassified to class 3 merely because there exists within a town one or more class 3 highways with characteristics similar to the class 4 highway.

- 6. **New Structures.** New structures on lots fronting on a class 4 highway are subject to the requirements of applicable town ordinances and zoning bylaws.
- 7. **Right-Of-Way Access.** Pursuant to 19 V.S.A. § 1111, the Selectboard shall control access to the highway right-of-way for the installation or repair of utilities and for access of driveways, entrances, and approaches. No development, construction, excavation or installation shall take place within or adjacent to the highway right-of-way without prior permission from the Selectboard. The Selectboard shall control access into the road right-of-way for the installation or repair of utilities and for driveways, entrances, and approaches.

*[Insert language here regarding the town's curb cut policy or local zoning provision, if applicable.]*

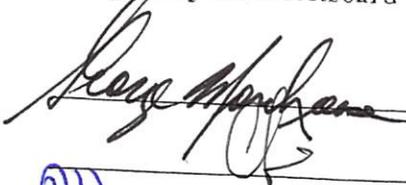
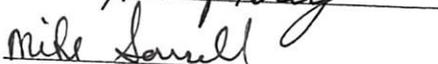
- 8. **Overweight Vehicles.** Pursuant to 23 V.S.A., Chapter 13, Subchapter 15, vehicular use of highways and bridges is subject to limitation and regulation regarding gross vehicle weights, tire and axle weights, and overall length and width. In addition, vehicular use of a particular highway or bridge is subject to restrictions including temporary closure as per 19 V.S.A. § 1110.

Upon application to the town, the electboard or their authorized agent may grant written permission for use or travel over town highways by vehicles in excess of the legal weight and/or size limitations. Written agreement may be made by and between the electboard and such an applicant for compensation for wear and tear on highways anticipated or caused by use. Vehicles used for agricultural or forest management shall not be held to a higher standard than other vehicles.

9. Highway and Trail Closure. No highway of any class or any trail may be intentionally closed by a gate or other obstruction except upon approval of the Selectboard. 19 V.S.A. §§ 304, 1105. The Selectboard may restrict the use of a highway or trail in accordance with 19 V.S.A. § 1110.

10. Compliance with Other Regulations. This policy is intended to supplement state law and local ordinance. All other ordinances and policies adopted by the town shall remain in full force and effect.

Adopted by the Selectboard this 5<sup>th</sup> day of July, 2016.

	George Morehouse—Chairman
	Chris Fournier—Vice-Chairman
	Harold Lunnie
	Bill Humphrey
	Mike Sorrell