

Town of Rockingham, Vermont
Policy Regarding Class 4 Highways & Trails

There are many Class 4 highways within the Town of Rockingham. This policy is adopted to provide guidance to those seeking to use class 4 highways for access, recreation, development, or improvements.

1. Definitions:

Class 4 Highway: 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 in Vermont Statutes for the purpose of receiving state aid and are passable by a pleasure vehicle on a year-round basis.

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

(A) previously was a designated highway and 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. Classification:

It is the policy of the Selectboard to discourage the reclassification and/or upgrading of class 4 highways and trails. However, it is the right of a landowner to request changes in highway status. The Selectboard, if so petitioned, will follow the procedures set out in Title 19, V.S.A., § 708-716.

Under Vermont Statutes, 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 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 cost of upgrading a trail to a class 4 highway, or a class 4 highway to a class 3 highway, shall be the responsibility of the petitioners.

3. Town Plan: The Rockingham Town Plan of 2001 provides that the Selectboard shall retain suitable Class 4 highways for future recreational use. Further, that consideration

shall be given to potential recreational use of Class 4 highways and those appropriate class 4 highways not in use should be designated as trails and not discontinued. Potential recreational use includes hiking, bicycling, skiing and snowmobiling.

Further, the Selectboard and Planning Commission will jointly review class 4 highways in view of determining which should be reclassified to trail status for potential recreational use, and suitable class 4 highways shall be retained for future recreational use.

4. Maintenance:

- A. Trails. The Town shall not provide any summer or winter maintenance, or upkeep on trails. Trails will not be upgraded to highway status except for demonstrated public good and after public notice and hearings.

The Town of Rockingham may perform minimal periodic maintenance or repair of a trail when lack of maintenance may injure other town highways. Such work shall in no way obligate the town to perform any future maintenance or repairs.

- B. Class 4 Highways - Summer & Winter Maintenance. The Town shall not provide any summer or winter maintenance on class 4 highways.

The Town of Rockingham may perform minimal periodic summer maintenance or repair of a class 4 highway as time permits when determined by the Town Manager that lack of maintenance may injure other town highways, or when necessary to avoid permanent or irreversible damage to public property. Such work shall in no way obligate the town to perform any future maintenance or repairs.

Exceptions: The Town may perform summer and winter maintenance and repair of the public stairs running between Westminster Street and Church and School Streets, and between Hapgood Place and Front Street.

- C. Maintenance Work by Others:

1. Written Agreement

- A. No work or maintenance on a trail or class 4 highways is to commence without a signed permit from the Town Manager.

Any person wishing to perform or arrange for the performance of maintenance work, including winter plowing, on a Class 4 Town Highway, or Trail, must make a written request on the Town's application form to the Town Manager prior to commencing with any work. The

request is to contain drawings and descriptions of the work sufficient to review the request and make a determination on it.

- B. All such work shall retain the pre-existing dimensions, physical character and use of the trail or class 4 highway unless otherwise permitted by the Town Manager.

Stone walls within the right-of-way shall not be damaged, altered or removed except as permitted by the Town Manager or upon issuance of a Town Access Permit by the Selectboard.

- C. By submission of an application for a “Trail/Class 4 Highway Permit,” and issuance of a Town permit for same, the applicant agrees 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 Town Manager, that the applicant and applicant’s agents shall not hold the Town responsible for any claims or injuries, which may arise out of the work 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. The landowner shall bear all costs associated with said class 4 highway or trail project.

A surety bond may be required for alterations and repairs, as well as use of rights of way in existing condition by equipment or other means, which may cause damage such as logging, horse or bike tours or other commercial enterprises. The amount of surety shall reflect possible repairs which may be necessary in the event of noncompliance with the provisions of this policy or a Permit to Work in Highway Right of way. The surety will be returned within thirty days after the applicant notifies the town of activity completion, the town is satisfied that all conditions of the permit have been met, and the class 4 highway or trail is left in proper condition.

3. Inspection: Upon completion of the work, the Town Manager shall be notified in writing to arrange for inspection and approval of the work.

4. Permission: Permission for plowing, repair, maintenance, improvement, or restoration will not be unreasonably withheld by the Town Manager, which does not adversely affect the highway or trail. The highway shall be left in as good or better condition as existed prior to starting work.

5. Any winter plowing of class 4 highways allowed by the Town Manager to

parties other than a municipality shall not nullify the privileges under 23 V.S.A. § 3206(b)(2).

(Note: 23 V.S.A. 3206(b)(2) states:

(b) A snowmobile shall not be operated:

(2) On a public highway, unless it is not being maintained and plowed for use by motor vehicles during the snow season.)

5. Control:

The Town Manager and/or Selectboard shall ensure the integrity of class 4 highways and trails 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 wheeled vehicle use during mud and snow season; signs and barricades may be utilized to accomplish this purpose;
- c) requirements for temporary permits 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) establishment of speed limits;
- e) limitations on plowing.

6. Right-of-Way Access: The Selectboard shall control access into the highway 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 permit requirements for working in or adjacent to highway rights-of-way.

7. 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.

9. 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. § 304 and 1105. The Selectboard may post a highway 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.

- 10. Compliance with other Regulations. This policy is written to establish and clarify standards of construction and the authority of the Selectboard and their authorized representatives.

All other ordinances and regulations adopted by the Town of Rockingham shall remain in full force and effect.

- 11. Appeal: A person who disagrees with the decision of the Town Manager may seek approvals from the Selectboard which has the final decision on disputes over maintenance, etc. of class 4 highways and trails. Appeal to the Selectboard shall be in writing.

Adopted by the Rockingham Selectboard this 1st day of June, 2004.

Amended by the Rockingham Selectboard this 19th day of February, 2008.

SELECTBOARD
TOWN OF ROCKINGHAM

S/ Thomas MacPhee
Thomas MacPhee, Chair

S/ Ann DiBernardo
Ann DiBernardo

S/ Dennis Harty
Dennis Harty

S/ Robert Thompson
Robert Thompson

(vacant seat)