

CLASS 4 ROADS AND TRAILS POLICY TOWN OF BENSON, VERMONT

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 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 trails.
 - a. 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.
 - b. The Town shall not provide any summer maintenance of class 4 highways except for the maintenance of bridges, culverts and ditches and to control erosion of highways or runoff to adjacent property, and removal of obstructions as required by necessity, and the public good and convenience of the inhabitants of the town.
 - c. The Town shall not provide any winter maintenance on class 4 highways and trails. Plowing by private parties shall be only with the permission of the Selectboard.
 - d. 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).
 4. **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.

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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
6. 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. Selectboard 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 Selectboard may 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.** 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.

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 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. § 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.

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10. 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 Benson shall remain in full force and effect, including without limitation.

Signatures

Date

1. Agenda item at regular Selectboard meeting held on.
2. Read and approved at regular Selectboard meeting on and entered in the minutes of that meeting which were approved on