

TOWN OF WEST FAIRLEE POLICY ON  
**CLASS 4 HIGHWAYS & TRAILS**

WHEREAS, the town of West Fairlee has, by authority granted in 19 V.S.A. § 310 (b); the Selectboard of the Town of West Fairlee hereby adopts the following policy regulating the time, manor, and location of Class 4 highway maintenance.

**Purpose.** NOW, THEREFORE, it is the purpose of this ordinance to promote the responsible use of resources and regulate the maintenance of class 4 highways within the Town of West Fairlee.

**1. Definitions.**

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.**

- a. The Town of West Fairlee shall not provide summer or winter maintenance on class 4 highways except for bridges, culverts and ditches and to control runoff to adjacent property, and removal of obstructions as required by necessity, and the public good and convenience of the inhabitants of the town on class 4 highways at the Town's expense at the discretion of the selectboard.
- b. Permission must be sought for repair, maintenance, improvement, or restoration and shall not be unreasonably withheld by the Selectboard. All grading, maintenance, improvement, or restoration shall be the responsibility of the landowner. The road shall be left in as good or better condition as when permission is granted.
- c. Any winter plowing of a class 4 highway 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.

#### **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 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 landowner have uninterrupted access.

The Selectboard may require that the cost of upgrading a trail to class 4 highway or 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.

## **8. 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.

## **9. 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 West Fairlee shall remain in full force and effect, including without limitation.

This ordinance was adopted on December 7, 2009. It will take effect on February 5, 2010, unless a petition signed by at least five percent of the voters of West Fairlee is filed with the municipal clerk by January 20, 2010 asking for a vote to disapprove the ordinance. If a petition is received, the West Fairlee Selectboard will warn a special meeting and the voters may vote on that question per 24 V.S. A. Section 1973.