

TOWN OF MARSHFIELD CLASS 4 HIGHWAY AND LEGAL TRAIL POLICY

1. Purpose

The purpose of this Policy is to:

- Define the standards by which the Town will maintain its class 4 highways.
- Set reasonable expectations for the use of Class 4 highways.
- Establish procedures for the use of legal trails.

2. 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.

"Moderate Use Class 4 highways shall mean Class 4 highways segments serving one or more seasonal or full-time dwellings as of August 1, 2023.

"No Dwelling Class 4 highways" shall mean Class 4 highways segments that serve no dwellings as of August 1, 2023.

Legal Trails shall mean public rights-of-way which are not a highway and which either previously were a town highway having the same right of way width as the highway, or other width if so designated, or 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.

"Recreational Use Class 4 highways" shall mean Class 4 highways segments that served as part of the Cross Vermont Trail and VAST Trail.

"Maintenance" shall mean regularly scheduled road tasks to preserve and keep roads serviceable. Maintenance includes tasks such as grading and raking.

"Repairs" shall mean tasks to restore a road back to a condition where regular maintenance can be performed. Repairs include tasks such as fixing washouts and adding road materials. "Selectboard" shall mean the Selectboard of the Town of Marshfield.

"Town" shall mean the Town of Marshfield.

"Right of Way Permit" or "Permit" shall mean a permit authorized by the Selectboard for access to a Town highway pursuant to 19 V.S.A. § 1111.

3. Town Maintenance of Class 4 Roads

- a. 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 and when staff and financial resources allow. Such work will in no way obligate the

- Town to perform any additional maintenance or repairs of any nature. Any Class 4 highway maintenance shall be the lowest priority for the road crew. Any summer maintenance shall be in accordance with the category of Class 4 highway use. Any maintenance costs beyond the prescribed maintenance below shall be funded through monies not raised through town taxes including, but not limited to grants, federal sources, and private sources.
- b. Town maintenance shall be provided in accordance with the Class 4 highway category which shall be as follows:
 - i. Moderate Use Class 4 highway segments shall generally receive one grading or raking per year.
 - ii. No Dwelling Class 4 highway segments shall receive no town maintenance.
 - iii. Recreational Use Class 4 highway segments shall receive one grading or raking per year and ditching and culvert replacements as needed.
 - c. There is no guarantee that emergency services will be available on Class 4 highways.
 - d. Development of new dwellings on Class 4 highways is discouraged.
 - e. Exceptions to the above maintenance shall include:
 - i. Stormwater management on Class 4 highways will be performed by the Town only when there is a direct benefit to the road management on Class 1, 2, or 3 highways that are connected to a Class 4 highway unless other specified in this policy.
 - ii. Other maintenance on Class 4 highways when there is a direct benefit to the road management on Class 1, 2, or 3 highways that are connected to a Class 4 highway unless other specified in this policy.
 - iii. Maintenance on hydrologically connected Class 4 highway segments required under the Town Municipal Roads General Permit.
 - iv. Maintenance on East Hill Road which receives maintenance similar to a Class 3 highways.
 - f. The following Class 4 highway segments are categorized as follows:
 - i. Moderate Use Class 4 Highways:
 1. Bean Road
 2. Jerusalem Road
 3. Hardwood Mountain Road
 4. Guyette Road
 5. Cassidy Road
 6. George Jewett Road
 7. Pike Road
 - ii. No Dwelling Class 4 Highways:
 1. Thompson Road
 - iii. Recreational Use Class 4 Highways:
 1. Railroad Bed East
 - g. The Town shall not provide any winter maintenance on class 4 highways. Plowing by private parties shall only be allowed with an advance permit agreed to by the Selectboard pursuant to Section 4 of this Policy. Any winter plowing of a class 4 highway granted by the Selectboard to parties other than a municipality shall not nullify the snowmobiling privileges under 23 V.S.A. § 3206(b)(2).

4. Maintenance and Right-of-Way Access of Class 4 Highways.
 - a. Any person who wishes to perform or arrange for the repair, maintenance, improvement, restoration, or installation on a class 4 highway may do so only after receiving a signed right of way permit from the Selectboard. Permission for repair, maintenance, improvement, restoration, or installation shall be given in accordance with 19 V.S.A. § 1111.
 - b. All work within the highway right-of-way shall be in conformance with current Town highway specifications and the highway shall be left in as good as or better condition than when permission was granted. In addition, the Selectboard may attach any or all the following conditions to the Permit:
 - i. Posting of a surety bond or damage deposit with the Town in an amount that reflects reasonable estimates of repairs that may be necessary in the event of noncompliance with the provisions of this Policy or permits conditions issued for the project;
 - ii. Supervision by the Highway Foreperson; and
 - iii. Any other reasonable conditions as deemed necessary.
 - c. By submission of an application for a Right of Way Permit the applicant agrees to bear all costs associated with the work on the highway, 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 done under the Permit, and that all work will be done in conformance with the Permit. The applicant also agrees that the applicant and the applicant's agents shall not hold the Town responsible for any claims or injuries which may arise out of the work, and agrees to indemnify and hold the Town harmless against legal liability for any and all damage, loss or claim associated with the work.
5. Control of Class 4 Road
 - a. The Selectboard shall exercise control of class 4 highways to ensure their integrity as public rights-of-way by means which may include, but are not limited to, the following:
 - i. establishment of vehicle weight limits;
 - ii. temporary prohibition or restriction of use by motorized vehicles;
 - iii. 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;
 - iv. posting of bond or other security to guarantee that repairs are made; either or both of which may be required as a condition of any permits;
 - v. establishment of speed limits; and
 - vi. granting permission to pent a Town highway.
6. Change in Classification.
 - a. It is the policy of the Selectboard to discourage the reclassification and/or upgrading of class 4 highways. However, upon receipt of a petition filed pursuant to 19 V.S.A. § 708, the Selectboard will consider a request to alter, reclassify or discontinue a class 4 highway.
 - b. Reclassification or discontinuance will be done in accordance with 19 V.S.A. §§ 708-717. A decision to alter, reclassify or discontinue a class 4 highway will only be made in situations

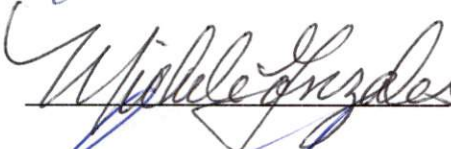
where the Selectboard determines that the public good, necessity, and convenience of the inhabitants of the Town require such action.

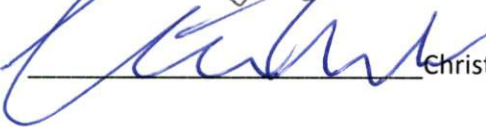
- c. The Selectboard may require that the cost of upgrading a class 4 highway to a class 3 highway will be borne by those seeking the change in classification.
 - d. Pursuant to 19 V.S.A. § 708(b), a class 4 highway need not be reclassified to class 3 merely because there exists within the Town one or more class 3 highways with characteristics like the class 4 highway.
7. Highway Closure. No class 4 or other highway of any class may be intentionally closed by a gate or traffic otherwise impeded by other obstruction as per 19 V.S.A. §§ 1102, 1111. The Selectboard may grant permission to an adjoining landowner to enclose pent roads by erecting stiles, unlocked gates, and bars in the places designated as per 19 V.S.A. §§ 304(a)(5), 1105. The Selectboard may restrict the use of a highway in accordance with 19 V.S.A. § 1110 and 24 V.S.A. § 2291(4).
8. Legal Trails
- a. The Town has no responsibility to maintain trails but may choose to do so for recreational or emergency management purposes. The Selectboard may order trails to be gated or otherwise blocked off from public travel by a motor vehicle during all seasons of the year.
 - b. In accordance with state statutes, a person whose sole means of access to a parcel of land or portion thereof owned by that person is by way of a town highway that is subsequently reclassified as a legal trail shall retain a private right-of-way over the former town highway for any necessary access to the parcel of land or portion thereof and maintenance of his or her right-of-way.
 - c. The primary purpose of a legal trail is to provide recreational access.
 - d. Legal trails are to be generally used for non-motorized recreation only, unless approved otherwise by the Selectboard. Any vehicular access via a legal trail requires a curb cut permit issued by the Selectboard. Exceptions to non-motorized uses include the following when approved by the Selectboard:
 - i. Use by snowmobiles.
 - ii. Vehicular access to properties with a private right-of-way that follows the legal trail.
 - iii. Vehicular access to properties abutting the legal trail when other access via a town highway would result in environmental damage or be undesirable due to extenuating circumstances. Cost shall not be considered an extenuating circumstance.
 - e. The Selectboard may restrict the use of legal trails by bicycles when it is found that such use would result in trail damage.
 - f. The Selectboard shall consider discontinuing a legal trail when the trail is found to have limited or no recreational benefit to the community.
9. Compliance with Other Regulations. This policy is intended to supplement state law and local ordinances. All other ordinances and policies adopted by the Town shall remain in full force and effect.

Adopted by the Selectboard this ___ day of _____.

Select Board Members


Justin Campbell


Michelle Gonzales


Christopher Whalen

Attest:


Bobbi Brimblecombe, Town Clerk