

## **TOWN OF MONKTON CLASS 4 HIGHWAY POLICY**

### **1. Purpose.**

The purpose of this Policy is to define the standards by which the Town will maintain its class 4 highways and to set reasonable expectations for the use of those highways.

### **2. Definitions:**

- a. **"Highway"** shall mean a public road or highway that is classified as class 1, 2, 3, or 4 for purposes of receiving state aid.
- b. **"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.
- c. **"Selectboard"** shall mean the Selectboard of the Town of Monkton.
- d. **"Town"** shall mean the Town of Monkton.
- e. **"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. Maintenance by the Town.**

- 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.
- b. The Town shall not provide any winter maintenance on 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.
- c. In cases where the Town has access to Town owned land via a Class 4 road, as evidenced by a curb cut, the Town may enter into a Road Maintenance Agreement with other parties with access on the same road. If no Road Maintenance Agreement exists, the Town may pay a rateable share of the road maintenance costs.

### **4. Maintenance and Right-of-Way Access of Class 4 Highways.**

- a. Regular and routine maintenance on Class 4 highways does not require a Right of Way permit. Examples of regular and routine maintenance include snowplowing, grading and the addition of new material where needed, mowing, cleaning of

existing drainages, fallen tree removal, and brush/tree trimming to maintain adequate passage within the Class 4 easement.

- b. Any person who wishes to perform or arrange for the repair, maintenance, improvement, restoration, or installation on a class 4 highway above and beyond regular and routine maintenance may do so only after receiving a signed Right of Way permit from the Selectboard. This includes, but is not limited to, installation of new curb cuts, replacement of culverts and bridges, changes to water flow and drainage, or significant adjustments to roadway height/depth. Permission for repair, maintenance, improvement, restoration, or installation work shall be given in accordance with 19 V.S.A. § 1111, the Town of Monkton Highway Access Policy, and the Town of Monkton Highway Right of Way Policy.
- c. Emergency repairs, such as after a washout, must be inspected by the Town Highway Department as soon as possible.

## **5. Control.**

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:

- 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; either or both of which may be required as a condition of any permits;
- d. Establishment of speed limits; and
- e. 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 similar to 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. 19 V.S.A. §§ 1102, 1111(b). The Selectboard may grant permission to an adjoining landowner to enclose pent roads by erecting stiles, unlocked gates, and bars in the places designated. 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. 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 27th day of February, 2024.**

/s Paul Low

/s John McNerney

/s Walter Crandall

/s Marikate Kelley

/s Stephen Pilcher