

Town of Monkton

Highway Right-of-Way Policy

1. Purpose.

The purpose of this Policy is to define the standards by which the Town will maintain its highway Rights of Way and to set reasonable expectations for the use of access to the Town Right of Way.

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 Right of Way pursuant to 19 V.S.A. § 1111.

3. Right of Way Access

Any person who wishes to perform or arrange for maintenance, repair, restoration, installation, and/or improvement on a town highway or legal trail may do so only after receiving a signed Right-of-Way Permit from the Selectboard or their designee. 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 Class 4 Highway Policy. The Town of Monkton Class 4 Highway Policy makes an exception for regular and routine maintenance on Class 4 highways.

A completed Right-of-Way Permit application shall be submitted to and approved by the Selectboard or their designee before work begins. The application shall be in writing and shall be signed by the applicant. The application shall include project plans detailing all work to be performed, all materials required, and estimated quantities of such materials, as well as a timeline indicating the date of expected completion.

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 or trail, 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. By acceptance of the Right-of-Way Permit, the Permittee agrees to defend, indemnify, and hold the Town, its officers, officials, employees, and volunteers harmless from all claims, injuries, damages, losses, or suits including attorney fees, arising out of or in connection with the performance of the activities authorized under the Permit.

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. The town reserves the right to any reasonable conditions as deemed necessary, including proof of Dig Safe, providing a certificate of insurance, and posting of a surety bond. The Selectboard or their designee may approve, approve with conditions, or deny a Right-of-Way Permit.

The Permittee shall notify the Selectboard or their designee before the work authorized under the Permit is commenced and within two (2) days after work is completed.

Permits and Easements allowing for the location of private infrastructure shall be recorded with the town. Excavation for repair shall not be required to be recorded unless it's determined to be in the public's best interest.

In the Case of Emergencies

Nothing in this policy shall be construed as to prevent any work/excavation that may be necessary for the preservation of life or property, provided that the party undertaking such work/excavation, shall apply for a permit on the first working day after such work/excavation is commenced. All provisions of this policy shall apply to such an emergency.

Adopted by the Selectboard this 27th day of February, 2024

/s Stephen Pilcher

/s Walter Crandall

/s John McNerney

/s Marikate Kelley

/s Paul Low