

§68 CLASS 4 ROAD POLICY

DEFINITIONS

CLASS 4 HIGHWAYS are all other highways not falling under definition or class 1, 2 and 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.

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.

§68-2

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 multiuse activities, access to private property and agricultural and forest management.

§68-3

MAINTENANCE

The town shall not provide any maintenance or upkeep on trails.

The town is not obligated to but may, at its sole discretion, provide summer maintenance (gravel/grading), bridge and culvert maintenance and to control erosion on adjacent properties and to remove obstructions as necessary for the public good.

The town shall not provide any winter maintenance on class 4 Highways.

Gun Club Road-TH. #24 and for the class 4 section of Rowell Hill Road TH. #39. Will be closed from November 15th each year and will re-open in the spring at the discretion of the Selectboard. Both of these class 4 roads may receive summer time maintenance.

- 1) Permission for repair, maintenance improvement or restoration shall not be unreasonably withheld by the Selectboard.
- 2) A written maintenance request shall be made to the Selectboard prior to commencing any work.
- 3) The written request shall contain drawings and descriptions of work to be done.

- 4) The landowner shall be responsible for all costs associated with Class 4 Highway improvement.
- 5) No work shall commence without written permission issued by the Selectboard.
- 6) The road shall be left in as good or better condition as when permission is granted.
- 7) Upon completion of the work, the landowner shall notify the town highway Superintendent who shall inspect the project and issue a report to the Selectboard on the acceptability of the work.
- 8) Any winter plowing on a class 4 or trails by private parties shall be only with permission from the Selectboard.

§68-4 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 their purpose;
- C. Requirements for temporary permit for heavy equipment access may be imposed and the stipulation included that any highway damage will be repaired by or at the expense of the users; posting a 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.
- E. The use of motorized vehicles on legal town trails may be prohibited, limited or permitted.

§68-5 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 VSA §788-716 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 landowners have uninterrupted access.

The Selectboard will seek the advice of the Planning Commission and Conservation commission on determine which class 4 Town Highways shall be reclassified as Trails or which class 4 town highways and trails should be discontinued.

§68-6

NEW STRUCTURES

New structures on lots front on a Class 4 highway are subject to the requirements of applicable town ordinances.

§68-7

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 necessity to obtain a permit from the Selectboard work in the town's right of way.

§68-8

OVERWEIGHT VEHICLES

Pursuant to 23 VSA §1391, vehicular use of Highways and Bridges is subject to limitation and regulation regarding gross vehicle weights, tire and axle weights, and overall length and widths.

Written approval of the Selectboard or their authorized agent may be granted to use or travel over Highways and by and between the Selectboard and applicant for compensation for wear and tear on the 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.

§68-9

POSTING

No highway of any class may be intentionally closed by a gate or other obstruction except upon approval of the Selectboard 19 VSA § 1105. The Selectboard may post a road in accordance with 19 VSA § 1110. The Selectboard may post a Highway for the purpose of preserving the integrity of the road 19 VSA § 304.

§68-10

COMPLIANCE WITH OTHER REGULATIONS

This policy is written to establish and clarify standards of constructions and the authority of the Selectboard and their agents.

All other ordinances and regulations adopted by the Town of Berlin shall remain in full force and effect except to the extent that it conflicts with this policy.

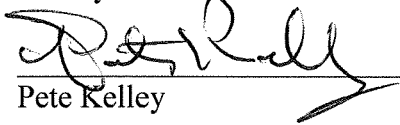
Adopted July 6, 2016

Class IV Road Policy
Adopted this 6th day of July 2016

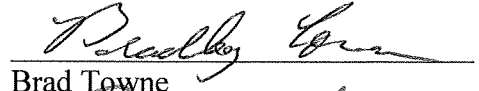


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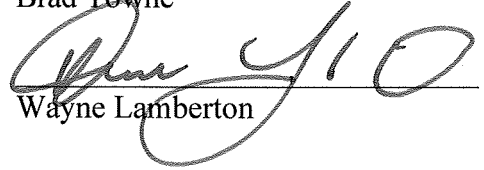
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