

Town of Bethel

Class 4 Highway Policy

This policy is adopted by the Selectboard of the Town of Bethel under the authority of 19 V.S.A. §§ 303 and 1111. The purpose of this policy is to protect the public investment in the Town Highway System and to define the standards by which Class 4 Highways will be protected, maintained, improved, and reclassified, in accordance with the Vermont Municipal Roads General Permit, and to set reasonable expectations for the use of those Highways.

Section 1: DEFINITIONS

The following words and terms, when used throughout this policy, shall be for the purpose of this policy, and have the following meanings ascribed to them:

1. **Highway** shall mean a public road or highway that is classified as Class 1, 2, 3, or 4 for purposes of receiving aid.
2. **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.
3. **Selectboard** shall mean the Selectboard of the Town of Bethel.
4. **Town** shall mean the Town of Bethel
5. **Right of Way Permit**, or **Permit**, shall mean a permit authorized by the Selectboard or their designee, for access to a Town Highway pursuant to 19 V.S.A. §§ 1111.

Section 2: MAINTENANCE BY 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, when staff and financial resources allow, or as may be required by Vermont Pollution Discharge Elimination System General Permit 3-9040. The issuance of an improvement permit does not obligate the Town to maintain improvements beyond what the Vermont Municipal Roads General Permit requires. 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. Plowing by private parties shall be allowed with advance notice to by the Town Manager, or their designee, pursuant to Section 4 of this Policy. Any winter plowing of a Class 4 Highway granted by the Town Manager to parties other than a municipality shall not nullify the snowmobiling privileges under 23 V.S.A. §§ 3206 (b)(2).

Section 3: MAINTENANCE and RIGHT-OF-WAY ACCESS of CLASS 4 HIGHWAYS

- (a) Any person who wishes to perform or arrange for the improvement, restoration, or installation of a Class 4 Highway may do so only after receiving a signed Right-of-Way Permit from the Town Manager, or their designee. Permission for repair, maintenance,

Permit from the Town Manager, or their designee. Permission for repair, maintenance, improvement, restoration, or installation shall be given in accordance with 19 V.S.A. §§ 1111, and the Town of Bethel Curb Cut and Excavation Ordinance.

- (b) All alterations, repairs, or improvements of a Class 4 Highway authorized under a Right-Of-Way Permit shall be constructed in accordance with the applicable provisions of the Town Road and Bridges Standards, Agency Standard A-76 for Town and Development Roads, and Vermont Pollutant Discharge Elimination System General Permit 3-9040 for Stormwater Discharges from Municipal Roads, Sections 6.2, 6.3.1, and 6.3.2.
- (c) At any set time the Town Manager, or their designee, may revoke any permission given if said repairs, maintenance, improvements, restorations, or installations do not meet Selectboard approval, or Vermont Statutes for Class 4 Highways.
- (d) The Town shall require any landowner that wishes to grant access to their property via a Class 4 road for any activity requiring heavy machinery or trucks (ie. Logging, well drilling, etc.) to file for a Right of Way Permit from the Town Manager, or designee.

Section 4: CONTROL

The Selectboard, acting under authority granted to it under 19 V.S.A. §§ 303 and 304, shall exercise control of Class 4 Highways to protect their integrity by means which may include, but are not limited to, the following:

- (a) designating a special gross weight limit for a Class 4 Highway. (See 23 V.S.A. §§ 1396)
- (b) temporarily restricting travel on a Class 4 Highway, imposing barriers, and posting signs indicating that the Class 4 Highway is closed to public travel. (See 19 V.S.A. §§ 1110 and 23 V.S.A. §§ 1112)
- (c) imposing 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. (See 23 V.S.A. §§ 1400(a))
- (d) establishment of speed limits.
- (e) granting permission to pent a Town highway.

Section 5: 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 the petitioners 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.

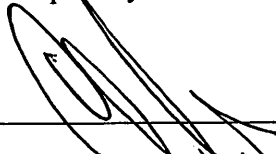
Section 6: HIGHWAY CLOSURE

(a) No Class 4, or other highway of any class, may be intentionally closed by a gate, or traffic impeded by any 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).

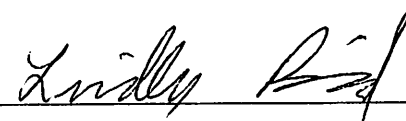
Section 7: COMPLIANCE WITH OTHER REGULATIONS

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 27 day of January, 2020.



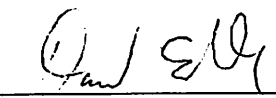
Christopher Jarvis, Chair



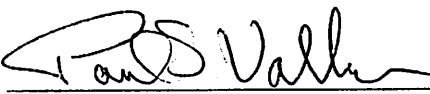
Lindley Brainard



Maurice Brigham



David Eddy



Paul Vallee