

**TOWN OF HARDWICK
CLASS 4 ROAD & TRAIL POLICY**

1. Definition:

Class 4 highways are all other highways not falling under definitions of class 1, 2 or 3 highways. Class 1, 2 and 3 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 Select Board for the purpose of providing access to abutting properties or for recreational use.

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 multi-use activities, access to private property and agricultural and forest management.

3. Maintenance:

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

Permission for repair, maintenance, improvement, or restoration shall not be unreasonably withheld by the Select Board, but Select Board approval is required prior to commencement of any such activities. The road shall be left in as good or better condition as when permission is granted.

The Town shall not provide any summer maintenance of class 4 highways except as required by necessity, and the public good and convenience of the inhabitants, such as bridges, culverts and ditches to control erosion of highways or runoff to adjacent property, and removal of obstructions.

The Town shall not provide any winter maintenance on class 4 highways and trails. Plowing by private parties shall be only with the permission of the Select Board. Any winter plowing of a class 4 road allowed by the Select Board to parties other than a municipality shall not nullify the privileges under 23 VSA 3206 (b) (2).

4. Control:

The Select Board 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 this purpose.
- c) requirements for temporary permits for heavy equipment access may be imposed and the stipulation included that any highway damaged will be repaired by or at the expense of the user; posting of 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.

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 Title 19, VSA, Sections 708-715 and upon findings by the Select Board 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 Select Board. The Select Board 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 Select Board may require that the cost of upgrading a trail to a class 4 highway or a class 4 highway to a class 3 highway be assigned to the petitioner(s).

6. New Structures:

New structures on lots fronting on a class 4 highway are subject to the requirements of applicable town's ordinances.

7. Right-Of-Way Access:

The Select Board shall control access into the road right-of-way for the installation or repair of utilities and for access of driveways, entrances and approaches.

8. Overweight Vehicles:

Pursuant to 23 VSA, Chapter 13, Subchapter 15, vehicular use of highways and bridges is subject to limitation and regulation regarding gross vehicle weights, tire and axle weights, and overall length and width.

Written approval of the Select Board, or their authorized agent, may be granted for use or travel over highways and by and between the Select Board and applicant for compensation for wear and tear on 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.

9. Posting:

No highway of any class may be intentionally closed by a gate or other obstruction except upon approval of the Select Board (19 VSA, section 1105). The Select Board may post a road in accordance with 19, VSA, Section 1110. The Select Board may post a highway for the purposes of preserving the integrity of the road (19, VSA, # 304).

10. Compliance With Other Regulations:

This policy is written to establish and clarify standards of construction and the authority of the Select Board and their agents.

All other ordinances and regulations adopted by the Town of Hardwick shall remain in full force and effect, including without limitation.

Adopted by the Select Board July 25, 2002

Adopted by the Select Board May 17, 2012