

## TOWN OF UNDERHILL 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:

"**Highway**" shall mean a public road or highway that is classified as Class 1, 2, or 3 for purposes of receiving state aid and are passable with a pleasure vehicle on a year-round basis.

"**Class 4 highways**" are all highways that are not Class 1, 2, or 3 town highways or unidentified corridors.

"**Development Review Board**" or "**DRB**" shall mean the Development Review Board of the Town of Underhill.

"**Road Ordinance**" shall mean the 2018 Underhill Road, Driveway & Trail Ordinance.

"**Selectboard**" shall mean the Selectboard of the Town of Underhill.

"**Town**" shall mean the Town of Underhill.

"**ULUDR**" shall mean the Town of Underhill Unified Land Use and Development Regulations.

### 3. Maintenance by the Town.

- A. The Town shall have no obligation to maintain or repair Class 4 highways. In the Selectboard's discretion, "Class 4 highways may be maintained to the extent deemed required by the necessity of the Town, the public good and the convenience of the inhabitants of the Town..." 19 V.S.A. Section 310 (b)
- B. To the extent the Town elects to perform any maintenance or repair work on Class 4 highways, it shall not do so in an arbitrary or discriminatory manner. Such work will in no way obligate the Town to perform any additional maintenance or repairs of any nature.
- C. Any maintenance or repair on Class 4 highways will conform to Act 64 Vermont Agency of Transportation Municipal Roads General Permit (MRGP) requirements and timeline.

### 4. Other Work on Class 4 Highways.

- A. The Town shall have no obligation for winter plowing of Class 4 highways. Plowing by private parties shall only be allowed with advance permission and signed agreement with the Selectboard.
- B. Permission for private repair, maintenance, improvement, or restoration of Class 4 roads may be granted by the Selectboard/DRB under such conditions as it deems appropriate, including the posting of bonds and provision of signed releases relieving the Town of

liability. The road shall be left in comparable or better condition as when permission is granted.

- C. If a Class 4 highway is to be used for access to or from subdivisions or development requiring year-round access, the applicant shall upgrade and maintain the Class 4 highway as required by the ULUDR and the Road Ordinance.

**5. Change in classification.**

- A. Reclassification of, and/or the upgrading of, Class IV highways are discouraged. However upon receipt of a petition filed pursuant to 19 V.S.A. § 708, the Selectboard may consider a request to alter, reclassify or discontinue a Class 4 highway.
- B. Reclassification or discontinuance shall 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 when the Selectboard determines that the public good, necessity, and convenience of the inhabitants of the Town require such action.
- C. Those seeking the change in classification will be responsible to pay the cost of upgrading a Class 4 highway to a Class 3 highway.
- D. A Class 4 highway need not be reclassified to Class 3 merely because one or more class 3 highways in Town has characteristics similar to the Class 4 highway. 19 V.S.A. § 708(b).

**6. Highway Closure.**

No 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 designated places. 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).

**7. Compliance with Other Regulations.**

This policy is intended to supplement state law and local ordinances and regulations. All other ordinances, regulations and policies adopted by the Town shall remain in full force and effect.

**Adopted by the Selectboard this \_\_\_ day of \_\_\_\_\_, 20\_\_.**

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