

# Moretown Class 4 Highway and Legal Trail Policy

Adopted	9/17/2012
Revised	10/21/2013
Revised	04/21/2025

It is the goal of the Town of Moretown to provide clarity about maintenance on all Class 4 Highways that are in sufficiently good condition as to allow them to be maintained by the Town. The purpose of this goal is the continued protection of town assets and natural resources.

## Map of Moretown Highways and Legal Trails

<https://vtrans.vermont.gov/content/planning/maps/town-maps/highway-maps>

## 1. Definitions of Classification

### Class 4 Highways

Class 4 Highways are all other roads not falling under definitions of Class 1, 2, and 3 roads. Class 1, 2, and 3 Highways are defined in Vermont Statutes for the purpose of receiving state aid and are passable by a motor vehicle on a year-round basis.

### Legal Trail

Legal 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.

### C4LT Advisory

The C4LT Advisory Team will likely consist of three members, consisting of the Road Foreman, a Select Board Member and a Moretown Resident designated by the Select Board. However, the final composition of the team is at the discretion of the Select Board.

## **2. Class 4 Highways Classification, Groups and Classification Changes**

### **Classification**

This policy discourages classification changes, discontinuation and/or upgrading of Class 4 Highways and Legal Trails.

However, it is the right of a landowner to request changes in classification status. The Select Board, if so petitioned, will follow the procedures set out in Title 19, V.S.A., § 708-717.

### **Groups**

All Class 4 Highways will be assigned a 'group designation'. The designations are recommended by the C4LT Advisors

Criteria used to group Class 4 Highways will be:

- a. Condition
- b. Topography
- c. Slope
- d. Use
- e. Cost

During a regular Select Board meeting, and as needed, the Select Board and Road Foreman, may review groups and schedule maintenance.

Class 4 Highways will be designated into either Group A and/or Group B:

Group A: These Highways are determined to be of sufficiently good condition that town equipment will not be damaged if used on these roads.

Group B: These Highways are determined to be not grade-able by town equipment.

Class 4 Highways in which the actual location is not discernible by either the Select Board or the current Road Foreman will be placed into Group B.

The list of Group A and B Class 4 Highways can be found at the following link.

<https://www.moretownvt.org/wp-content/uploads/2024/06/Class-IV-Highway-CLASSIFICATION-2013-REVISED.pdf>

Residents of Class 4 Highways may request a change in group status at any time throughout the year.

All changes will be made via joint decision of the C4LT Advisors, and approved by the Select Board.

### **Classification Changes**

- a. Classification changes will be done in accordance with Title 19, VSA, §§708-717, consideration of the Town Plan 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 Highways or Legal Trail.
- b. 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.
- c. Residents wishing to have a road reclassified may apply by petition to the Select Board, Title 19, VSA, §708T. The Select Board may require that the cost of the upgrade be assigned to the petitioner(s).

## **3. Maintenance**

This policy states that public expenditures on Class 4 A Highways, Class 4 B Highways and Legal Trails should be held to a minimum amount necessary that the public investment is preserved through basic maintenance; and limited to the amount budgeted and approved by the Select Board on an annual basis.

### **Winter Maintenance for Class 4 A Highways, Class 4 B Highways and Legal Trails**

The town shall not provide any **winter maintenance** on Class 4 A, Class 4 B Highways nor Legal Trails, including, but not limited to, snow plowing and the pushing back of snow banks.

### **Class 4 A Highways**

For Class 4 A Highways, basic maintenance includes shaping and grading yearly or every other year, to the extent practical. No additional maintenance of Class 4 A Highways is provided, except if:

- The Town determines that additional maintenance is necessary to preserve the public investment. In making their determination, the Town will consider impacts to the public good and neighboring residents and properties, or
- The Town determines it has the capacity and sufficient resources to provide limited maintenance assistance to private persons wanting to perform maintenance as described in the Section below (*Limited Town Assistance of Property Owners or Residents Performing Maintenance or Upkeep on a Class 4 A, Class 4 B, or Legal Trail*)

### **Class 4 B Highways**

The Town will not provide **any maintenance or upkeep** on Class 4 B Highways unless the Town determines that one or both of the exemptions described for Class 4 A Highways in the above paragraph apply.

### **Limited Town Assistance of Property Owners or Residents Performing Maintenance or Upkeep on Class 4 A Highways, Class 4 B Highways and Legal Trails**

No staymat or other purchased material will be provided by the town; however, if residents of Class 4 Highways and Legal Trails provide the materials, the town will, if possible, provide the manpower and equipment to shape and grade the highway. Please note that all materials provided by residents must be approved by the Road Foreman before applying to the highway surface. If no materials are provided, the road crew may shape and grade to the best of their ability.

Property owners or residents providing materials and requesting assistance from the Town in the form of manpower and equipment should make all requests in writing to the Road Foreman and Select Board no later than May 15. The Road Foreman will then schedule the work at the convenience of the road crew.

### **Performing Maintenance on a Town Highway or Legal Trail**

A Town Road Maintenance Permit is required for property owners or residents wishing authorization to perform maintenance work on a town highway or legal trail.

**<https://www.moretownvt.org/wp-content/uploads/2018/09/ROAD-MAINTENANCE-PERMIT.pdf>**

Permission for repair, maintenance improvement or restoration shall not be unreasonably withheld by the Select Board.

The written request shall contain drawings and descriptions of work to be done.

### **Town Highway Inspections**

Bridges and culverts associated with Class 4 Highways will be periodically reviewed by the Road Foreman to determine their functionality. This inspection does not obligate the town in any way to maintain stated bridges and culverts.

## **4. Control**

The Select Board shall exercise control of Class 4 Highways and Legal Trails to ensure their integrity as a public right-of-way by means which may include, but are not limited to, the following:

- a. Enforcement of vehicle weight limits.
- b. Prohibition or restriction of wheeled vehicle use; 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 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. Right-of -Way Access**

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. Title 19, VSA, §§303, 304(a)(21) and (22) and §§1105, 1108, and 1111.

## **6. Posting**

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

## **7. Policy Review**

It is recommended that this policy be reviewed each year to ensure that directives put forth in this policy are working to the benefit of the Town of Moretown.

## **8. Disaster or Emergency Maintenance**

In case of a disaster or an unforeseen emergency event, the town may restore a Class 4 Highway to its pre-disaster use.

## **9. Use of Free or Donated Material**

Free or donated road materials may be delivered/distributed at the Road Foreman's discretion after the approval of the Select Board.