

**TOWN OF MIDDLESEX, VERMONT
CLASS 4 ROADS AND TRAILS POLICY**

Adopted by the Middlesex Select Board: 03/25/2003
Revised 6/14/2016 & 11/14/2017

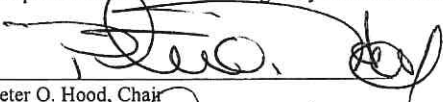
- 1) **Definition.** Class 4 highways are all other highways not falling under definitions of Class 1, 2, and 3. Class 1, 2, and 3 are defined for the purpose of receiving State aid and are passable with a pleasure vehicle on a year-round basis. **Trail** means a public right-of-way which is not a highway 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 of Middlesex for purposes of recreational multi-use activities, access to private property, and agricultural and forest management.
- 3) **Maintenance.** The Town of Middlesex shall not provide any maintenance or upkeep on trails.
 - a) Any landowner wishing to perform or arrange for the performance of maintenance work - other than plowing - on a Class 4 Town highway, trail or unclassified trail, must make a request to the Town Road Commissioner prior to beginning any work. The landowner shall bear all costs associated with said Class 4 highway/trail project, and the road shall be left in as good or better condition as when permission was granted. The landowner must notify the Road Commissioner in writing when the job is finished so that the work may be inspected and approved. The landowner is not to assume that the Commissioner's permission allows for ongoing maintenance.
 - b) On a timely basis (at the next Select Board meeting), the Road Commissioner will notify the Select Board that he has granted such permissions which will then be recorded in the Select Board minutes for public perusal. In addition, the Town Clerk shall notify abutting landowners that the Road Commissioner has granted permission for private improvements on the portion of the road abutting their properties.
 - c) The above stipulations do not apply to instances where abutting landowners wish to maintain their property along the **non-traveled portion of the road**.
 - d) The Town shall not provide summer maintenance of Class 4 highways except for the maintenance of bridges, culverts and ditches, and to control erosion of highways or runoff to adjacent property, and removal of obstructions as required by necessity, and the public good and convenience of the inhabitants of the Town.
 - e) The Town shall not provide any winter maintenance on Class 4 highways and trails. Plowing by private parties shall be only with permission of the Select Board and Road Commissioner.
- 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 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 a temporary permit 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) **Change in Classification.** Class 4 highways may be classified 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 V.S.A. § 708-716 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 interest 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 permission of the Select Board. Select Boards may provide for an alternate travel easement or right-of-way replacing the travel route upgraded or discontinued to ensure that users and landowners have uninterrupted access.

- 6) **New Structures.** New structures on lots fronting on a Class 4 highway are subject to the requirements of applicable Town 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. Notwithstanding the above, nothing herein shall be deemed to negate or repeal the effect of Part C of the Middlesex Highway Ordinance and Articles relating to permit requirements for working in or adjacent to highway rights of way.
- 8) **Overweight Vehicles.** Pursuant to 23 V.S.A. §1400 (a), 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 or trail may be intentionally closed by a gate or other obstruction except upon approval of the Select Board in accordance with 19 V.S.A §1105. The Select Board may post a road in accordance with 19 VS.A §1110. The Select Board may post a highway for the purposes of preserving the integrity of the road. 19 V.S.A. §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 its agents.

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

Adopted as a warned item at a regularly scheduled Middlesex Select Board meeting on November 14, 2017.



 Peter O. Hood, Chair




 Mary Just Skinner, Vice Chair



 Philip Hyjek



 Steven Martin



 Elizabeth Scharf

THE MIDDLESEX SELECT BOARD

I attest that the above policy was legally warned and approved at the November 14, 2017, Middlesex Select Board meeting and was recorded in the Town Records on November 15, 2017.



 Sarah Merriman, Town Clerk/Select Board Assistant.