

Town of Shrewsbury, Vermont - Class 4 Highway & Trail Policy

ADOPTED – 01/01/2025

This Policy was developed by the Shrewsbury Planning Commission on request of the Shrewsbury Selectboard

TOWN OF SHREWSBURY CLASS 4 HIGHWAY & TRAIL POLICY

I. Purpose.

The purpose of this Policy is to define the standards by which the Town will manage, maintain and control its Class 4 highways and trails and to set reasonable expectations for the use of those highways and trails.

II. Definitions.

1. Class 4 Highways
 - a. Class 4 highways are all other highways not falling under definitions of Class 1, 2, and 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. *(Cite: 19 V.S.A. § 301), (Cite: 19 V.S.A. § 302)*
2. 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 Selectboard for the purpose of providing access to abutting properties or for recreational use. *(Cite: 19 V.S.A. § 301), (Cite: 19 V.S.A. § 302)*

III. Existing Use and Rights-of-Way.

1. Existing use or 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.
2. The Town shall not be responsible for damage that may occur to vehicles or the operators on Class 4 town highways.
3. ATV travel:
 - a. ATVs are allowed to be operated on or along Class 4 Town Highways if the Selectboard has opened the highway to ATV travel and has so posted the Class 4 highway. *(Cite: 23 VSA 3506)*
 - b. ATVs are allowed to be operated on or along Town Trails or Town land, if the Selectboard has opened the Trail or land to ATV travel and has so posted the Trails or land. *(Cite: 23 VSA 3506)*
 - c. The Shrewsbury Selectboard has not opened Class 4 Town Highways or Trails to ATV travel as of the date of this Policy.
4. Snowmobile Operation:
 - a. Snowmobiles may be operated on Class 4 Town Highways that are not plowed by the Town of Shrewsbury for use by motor vehicles. *(Cite: 23 VSA 3206 (b) (2))*
 - b. Snowmobiles may be operated on any Class 4 Town Highway, and Trail if the highway has been opened to snowmobile travel by the Selectboard and is so posted by the municipality. *(Cite: 23 VSA 3206 (b) (4)).*
 - c. The Shrewsbury Selectboard has not opened any Town maintained (plowed) Class 4 Town Highways or Trails to snowmobile travel as of the date of this Policy.

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IV. Maintenance.

1. The Town shall not provide any maintenance or upkeep on Class 4 highways other than for maintenance of culverts and bridges and for hydrologically connected segments as required by the State of Vermont. (*Cite: 19 V.S.A. § 996*) (*The State of Vermont identifies, monitors and requires Towns to maintain hydrologically connected road segments through the Municipal Roads General Permit program which is intended to achieve significant reductions in stormwater-related erosion from municipal roads, both paved and unpaved*).
2. The Town shall not provide any winter maintenance (plowing) on Class 4 highways and trails.
3. The Town shall not provide any other 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.
4. The Town shall not provide any maintenance or upkeep on Trails other than that the Town may perform periodic, minimal maintenance on or make repairs to a trail when a lack of maintenance may injure other town highways or reduce recreational access to resources. Such work shall in no way obligate the Town to perform any future maintenance or repairs. (*Cite: 19 V.S.A. § 310*)
5. Landowners abutting Class 4 roads shall have the right to request permission to plow, maintain, perform minimal repairs, and restoration on Class 4 roads provided the following criteria are met:
 - a. A written maintenance request shall be made to the Select Board prior to commencing any work.
 - b. The written request shall contain drawings and descriptions of the work to be done.
 - c. No work shall commence without written permission issued by the Select Board.
 - d. The road shall be left in as good or better condition as when permission is granted.
 - e. The landowner shall be responsible for all costs associated with Class 4 town highway repair, maintenance, and/or restoration.
 - f. Upon completion of repair and restoration work, the landowner shall notify the town road foreman/commissioner who shall inspect the project and issue a report to the Select Board on the acceptability of the work.
 - g. Permit. The Town shall require a permit for plowing, maintenance, minimal repairs, and restoration on Class 4 roads.
 - h. Insurance. The town shall require insurance for plowing, maintenance, minimal repairs, and restoration on Class 4 roads.

V. Work in the Right-of Way of Class 4 Highways.

1. Permits must be obtained for any work in the right-of-way of Class 4 town highway (*Cite: 19 VSA 1111*).
2. Right-Of-Way Access. Access into the road right-of-way for the installation or repair of utilities and for access of driveways, entrances, and approaches shall be controlled by application for and approval of Road Access Permits reviewed by the Town Highway Commissioner and approved by the Selectboard.
3. Tree and Brush Removal. Vermont State statute describes the Selectboard's authority to remove trees and bushes within the limits of Class 4 highways, as follows: "The legislative body of a municipality, if necessary, shall cause to be cut and burned, or removed from within the limits of the highways under its care, trees and bushes that obstruct the view of the highway ahead or that cause damage to the highway or that are objectionable from a material or scenic standpoint." (*Cite: 19 V.S.A. § 904*)
4. Protection of Trees. Vermont State statute describes the intent to preserve trees within the right-of-way of Class 4 highways, as follows: "Young trees standing at a proper distance from the roadbed and from each other, and banks and hedges of bushes that serve as a protection to the highway or add beauty to the roadside, shall be preserved." (*Cite: 19 V.S.A. § 904*)

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VI. Control.

1. The Selectboard 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; (*Cite: 19 V.S.A. § 304*)
 - c. Requirements for temporary permit for heavy equipment access shall 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. Establishment of speed limits.
 - e. The use of motorized vehicles on legal town trails may be prohibited, limited, or permitted.
2. Written approval of the Selectboard is required for use or travel over Class 4 highways for compensation for wear and tear on highways anticipated or caused by use of the 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.
3. Obstructing a Town Highway or Trail. Per Vermont Statute, No person, other than a municipality acting with respect to highways under its jurisdiction, may place or cause to be placed an obstruction or encroachment in a public highway or trail. (*Cite: 19 V.S.A. § 1105*).
4. Posting. Per Vermont Statute, If the use of a town highway is to be restricted, the Selectboard shall post copies of the rules in at least two public places in the town. Posting signs shall be conspicuously placed at each end of the highway or portion of the highway. (*Cite: 19 V.S.A. § 1110*).
5. Pent Roads. Per Vermont Statute, The Selectboard may grant permission to enclose pent roads and trails to the owner of the land during any part of the year, by erecting stiles, unlocked gates, and bars in the places designated. The Selectboard may make regulations governing the use of such pent roads and trails. (*Cite: 19 V.S.A. § 304(a) (5)*).

VII. New Structures/Development/Residences, Subdivisions on Parcels Fronting on/Abutting Class 4 highways.

1. New structures, development, or subdivisions on lots fronting on a Class 4 Highway are subject to the requirements of applicable town bylaws.
2. It is the policy of the Town of Shrewsbury that all parcels with year-round occupied housing units and commercial buildings shall have road/highway access suitable in all seasons for motor vehicles and emergency vehicles including fire, ambulance, and police vehicles.
 - a. The access shall be maintained at all times (see Section IV. Maintenance).
 - b. A cul-de-sac or other means shall be provided for turn-around of emergency and maintenance vehicles.
3. Subdivisions which wish to use a Class 4 Highway for access shall be required to upgrade the road to Class 3 standards per Vermont State Agency of Transportation construction standards (The Orange Book) and any Shrewsbury highway construction requirements.
4. Nothing in this section shall be construed to require a town to maintain a Class 4 highway or to upgrade a town highway from class 4 to class 3.

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VIII. **Change in Classification and Discontinuation of Class 4 Town Highways and Trails.**

1. It is the policy of the Town to discourage the upgrading of Class 4 highways and Trails. (*Cite: Town of Shrewsbury, VT Town Plan, Policy 42*) 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 or Trail.
2. Procedure. 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 and where the reclassification or discontinuance meets the goals and purposes described in the Town Plan. (*Cite: 19 V.S.A. §§ 708-717*)
3. The Selectboard shall 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).
4. Per VT Statute 19 VSA § 708, the process for a change in classification or discontinuing a town highway or trail is required to be initiated through a petition to the Selectboard per 19 VSA 708 or the Selectboard may initiate the proceeding on its own motion. In considering whether to reclassify a Class 4 highway to Class 3, the Selectboard may consider whether the increased traffic and development potential likely to result from the reclassification is desirable or is in accordance with the Town Plan. (*Cite: 19 VSA § 708 (b)*).

Per VT Statute 19 VSA § 709 the process for a change in classification or discontinuing a town highway or trail requires the following notice and hearing:

- a. Selectboard appoints a site visit and hearing, with 30-days notice to petitioners and interested persons, and to persons owning or interested in lands through which the highway may pass or abut, and
- b. Selectboard shall notify the Shrewsbury Planning Commission, and
- c. Site visit and hearing notice shall be posted at Town Clerk office, and a local newspaper 10 days minimum prior to the hearing. Notice shall be sent by certified mail to the official residence of the persons required to be notified.

IX. Compliance with Other Regulations. This policy is written to establish and clarify standards of construction and the authority of the Selectboard and their agents. This policy is intended to supplement state law and local ordinances. All other bylaws and regulations adopted by the Town of Shrewsbury shall remain in full force and effect.

Adopted this 1st day of January 2025

Selectboard Chair signature - SS// Aaron Korzun

Selectboard signature - SS// Marc Cimonetti

Selectboard signature - _____

END OF POLICY DOCUMENT

Adopted this 1st day of January 2025

Selectboard Chair signature -

Thomas D. Kozym

Selectboard signature -

[Signature]

Selectboard signature -

[Signature]