

TOWN OF CANAAN

CLASS 4 HIGHWAY POLICY

1. Purpose and Authority

This Policy is adopted by the Selectboard of the Town of Canaan under the authority of 19 V.S.A. §§ 303 and 1111. The purpose of this Policy is to protect the public investment in the Town highway system and to define the standards by which Class 4 Highways will be protected, maintained, improved, and reclassified.

2. Definitions

For purposes of this Policy, the following words and phrases shall apply:

Agency shall mean the Vermont Agency of Transportation.

Class 1 Town Highway shall mean those town highways which form the extension of a state highway route and which carry a State highway route number. The Agency shall determine which highways are to be Class 1 highways.

Class 2 Town Highway shall mean those town highways selected as the most important highways in Canaan. As far as practicable, Class 2 highways are selected with the purpose of securing trunk lines of improved highways from town to town and to places which by their nature have more than normal amount of traffic. The Selectboard, with the approval of the Agency, determines which highways are to be Class 2 highways.

Class 3 Town Highway shall mean all traveled town highways other than Class 1 or 2 highways. The Selectboard, after a conference with a representative of the Agency, determines which highways are Class 3 town highways.

Class 4 Town Highway shall mean all town highways that are not Class 1, 2, or 3 town highways. The Selectboard determines which highways are Class 4 town highways.

3. Control

The Selectboard, acting under authority granted to it under 19 V.S.A. §§303 and 304, shall exercise control of Class 4 Highways to protect their integrity by means which may include, but are not limited to, the following:

- a. Designating a special gross weight limit for a Class 4 Highway. See 23 V.S.A. §1396.
- b. Temporarily restricting travel on a Class 4 Highway, imposing barriers, and posting signs indicating that the Class 4 Highway is closed to public travel. See 19 V.S.A. §1110 and 23 V.S.A. §1112.
- c. Imposing requirements for temporary permit for heavy equipment travel on a Class 4 Highway which may include a stipulation that any Class 4 Highway damaged will be repaired by or at the

expense of the user, or posting of bond or other security to guarantee that repairs are made; either or both of which may be required as a condition of any permits. See 23 V.S.A. §1400a.

4. Maintenance by the Town

The Selectboard will maintain Class 4 Highways only as the personnel and financial resources of the Town allow and only to the extent such maintenance is required by the necessity of the Town, public good and the convenience of the inhabitants of the Town, or as may be required by Vermont Pollution Discharge Elimination System General Permit 3-9040.

5. Reclassification

(A) It is the general policy of the Selectboard to discourage the reclassification of Class 4 Highways. However, upon receipt of a petition filed under 19 V.S.A. § 708, the Selectboard will consider a request to reclassify a Class 4 Highway.

(B) The reclassification hearing and site inspection will be done in accordance with 19 V.S.A. §§ 708-717. A decision to reclassify a Class 4 Highway will only be made if the Selectboard determines that the public good, necessity, and convenience of the inhabitants of the Town require such action.

(C) The Selectboard may require that the cost of upgrading a Class 4 Highway to be borne by petitioners seeking the change in classification.

(D) Pursuant to 19 V.S.A. § 708(b), a Class 4 Highway need not be reclassified to Class 3 merely because there exists within the Town one or more Class 3 Highways with characteristics similar to the Class 4 Highway.

6. Private Improvement of Class 4 Highways

(A) No person shall alter, repair, or improve a Class 4 Highway without a written Improvement Permit issued by the Selectboard.

(B) A person may apply for an Improvement Permit using the Permit Application form provided by the Selectboard. The application shall be in writing and shall be signed by the applicant. The application shall include project plans detailing all work to be performed, all materials required for construction, and estimated quantities of such materials. A completed application must be submitted to the Selectboard at least 30 days before work is scheduled to begin.

(C) The Selectboard may approve, approve with conditions, or deny an Improvement Permit. If an Improvement Permit is approved, any alteration, repair, maintenance, or improvement authorized the Permit shall be performed in conformance with the terms of the Permit. All work authorized under a Permit shall be performed in a good and workmanlike manner at the Permittee's sole cost and expense.

(D) All alterations, repairs, or improvements of a Class 4 Highway authorized under an Improvement Permit shall be constructed in accordance with Agency Standard A-76 for Town and Development Roads and Vermont Pollutant Discharge Elimination System General Permit 3-9040 for Stormwater Discharges from Municipal Roads, Sections 6.2, 6.3.1, and 6.3.2.

(E) The Selectboard may attach conditions to the Improvement Permit and require the applicant to post a surety bond or damage deposit with the Town in an amount that reflects reasonable estimates of work that may be necessary in the event of noncompliance with these standards or the Permit or in the event that the work is not completed by the Permittee.

(F) The Permittee shall be responsible for obtaining all other State, Federal, and local permits, permissions, licenses and/or approvals required to perform any work under the Improvement Permit.

(G) While performing any work under the Improvement Permit, the Permittee, and/or Permittee's construction contractors, shall maintain Commercial General Liability insurance coverage with a policy limit of at least \$1,000,000 per occurrence and \$2,000,000 in aggregate, naming the Town as an additional insured. Before commencing work, the Permittee shall provide the Selectboard certificates of insurance to show that these coverages are in effect.

(H) By acceptance of the Improvement Permit, the Permittee agrees to defend, indemnify and hold the Town, its officers, officials, employees and volunteers harmless from any and all claims, injuries, damages, losses or suits including attorney fees, arising out of or in connection with the performance of the activities authorized under the Permit.

(I) The Permittee shall notify the Selectboard within two (2) of days after work authorized under the Permit is completed. Thereafter, before the release of any surety bond or damage deposit, the Selectboard or its designee shall conduct a final inspection to determine if the work has been completed in accordance with the requirements of the Permit.

7. Private Winter Maintenance of Class 4 Highways

(A) No person shall undertake winter maintenance (e.g., snow plowing, sanding) of a Class 4 Highway without a written Winter Maintenance Permit issued by the Selectboard.

(B) A person may apply for a Winter Maintenance Permit using the Permit Application form provided by the Selectboard. The application shall be in writing and shall be signed by the applicant. A fee of \$_____ shall be paid at the time the application is submitted. A completed application must be submitted to the Selectboard at least 15 days before work is scheduled to begin.

(C) The Selectboard may approve, approve with conditions, or deny a Winter Maintenance Permit. If a Winter Maintenance Permit is approved, any alteration, repair, maintenance, or improvement authorized the Permit shall be performed in conformance with the terms of the Permit. All work authorized under a Winter Maintenance Permit shall be performed in a good and workmanlike manner at the Permittee's sole cost and expense.

(D) The Selectboard may attach reasonable conditions to the Winter Maintenance Permit and require the applicant to post a surety bond or damage deposit with the Town in an amount that reflects reasonable estimates of repairs that may be necessary in the event of noncompliance with the provisions of the Permit.

(E) While performing any work under the Winter Maintenance Permit, the Permittee, and/or Permittee's contractors, shall maintain Commercial General Liability insurance coverage with a policy

limit of at least \$1,000,000 per occurrence and \$2,000,000 in aggregate, naming the Town as an additional insured. Before commencing work, the Permittee shall provide the Selectboard certificates of insurance to show that these coverages are in effect.

(F) By acceptance of the Winter Maintenance Permit, the Permittee agrees to defend, indemnify and hold the Town, its officers, officials, employees and volunteers harmless from any and all claims, injuries, damages, losses or suits including attorney fees, arising out of or in connection with the performance of the activities authorized under the Permit.

(G) Any winter plowing of a Class 4 Highway authorized by the Selectboard under a Winter Maintenance Permit shall not nullify the snowmobiling privileges under 23 V.S.A. § 3206(b)(2).

8. Repeal

Adopted by the Canaan Selectboard this 3 day of June, 2019.

/s/ Haven Haynes, Jr.

/s/ Gregory D. Noyes

/s/ Frank Sawicki, Jr.

Canaan Selectboard

