

## **Town of Royalton Highway Policy**

Adopted by the Selectboard on August 28, 2001  
Amended December 9, 2004

### **I. Goal and Statement of Guiding Principles**

1. The goal of this Highway Policy is help create and maintain the best highway system possible for the town of Royalton. "Best" means the safest, most economical, efficient, and liveable, for all members of the community. Each town road should, in its own way, meet these four broad criteria, by being:

"Safe" for all whom uses it and all that live on it.

"Economical" for the town to maintain and the public to support.

"Efficient" in helping move traffic through the town.

"Liveable" in keeping with the character of the neighborhood it serves and the landscape through which it passes.

2. An adequate transportation infrastructure is necessary for the country's economic health. This requires maintaining traffic flow at speed and in safety for the vehicular driver and passenger. However, this is only part of the picture. Without careful planning and monitoring of where and what type of traffic is to flow, and how and when, public safety and well being are put at risk by our ever-more-powerful speeding vehicles. The result is not only that town roads become unsafe for general public use, but also that the emphasis on speed outweighs other, more important factors. In fact, contrary to common perception, highway efficiency and carrying capacity are not improved by designing roads primarily for increased speed, without sufficient reference to the roads' innate place in the physical and social landscape, and their multiple functions. Town roads exist to serve people, not merely vehicles; they are an essential part of the cultural life and identity of the Vermont countryside. In order for them to be effective, their character, size and traffic-bearing capacity must dovetail with the surrounding area and immediate neighborhood. In our town the roads are rural with many special problems, as well as special qualities. While the legal requirement is that they must be "reasonably safe for a prudent driver," they also must be reasonably safe for those who live and work on or near them.

These are the factors listed by The Vermont State Standards as important in current highway planning and design (I.1, p.2):

The physical attributes of roadways which are important for user safety.

The transportation planning policies guiding the region and community.

The need for access to, and mobility along, a roadway.

The presence of historic sites and districts.

The presence of natural resources and environmental factors.

The social context of the communities within which the facility exists.

The economic development needs of the community, region, and state.

It is the task of this Policy to balance these considerations with other legitimate public concerns as they arise. This Policy's overall philosophy toward our town roads is: a practical, informed flexibility, in order to adjust to varying situations; and a reasonable, cost-effective, low-impact approach to road improvement and maintenance.

The documents, on which this Policy is based, are: The Royalton Town Plan; The Vermont State Statutes, Annotated, or V.S.A.; The Vermont State Standards for Highway Design (VAOT, 1997); Town Road and Bridge Standards (VAOT, 2001);

The Vermont Better Backroads Manual (1995); and any other references named within specific headings.

## **II. Road Characteristics and Classification**

### 1. Town roads by Class and Category: Introduction:

In character, Royalton's highways are either small rural roads, or village streets. (Note: Village streets should be treated as a subject separate from rural roads.) There are no Class 1 roads in town. Under 19 V.S.A. 302, the town roads identified as Class 2 and Class 3 are those maintained for public travel year round; Class 4 highways, and Trails (if any), make up the rest. The locations of all these, so far as they are known, may be found on the 1996 General Highway Map of Royalton; this map, with its amendments, serves as reference for this Highway Policy. There are 15.37 miles of Class 2 roads; 55.45 miles of Class 3 roads; and an undetermined number of miles of Class 4 roads. Of the existing Class 4 roads, 6.4 miles are determined and shown on the Highway Map.

Royalton has developed a Town Road Inventory, organized by Category (where determined) within each Class of highway. These Categories are based on the amount of traffic each highway carries. The purpose of keeping such an inventory is to identify local roads by type and specific characteristics, as well as to locate their place in the changing and growing traffic patterns throughout the town. This will help the town direct its road commitments so that limited town resources can be used economically and to best advantage. The more the town knows about the use, character and history of each of its highways, the better the town can deal with road issues, routine or otherwise.

These Categories are not static; they and their contents will change, and need reviewing and updating by the Selectboard and town road foreman every five years. The Town Road Inventory showing Class (and Category, where determined) of each town highway should be available, in its updated form, to the public at the Selectboard's office.

### 2. Town roads by Class and Category:

Class 2 town highways are the most important traffic conduits. They are the main local trunk lines between towns; Broad Brook Road, Royalton Hill Road, and North Road are examples.

Class 3 highways are designed for slower speeds and less traffic capacity than Class 2 highways; they primarily share, and link, neighborhoods. These highways must, by law, be negotiable under normal circumstances at all seasons of the year by a pleasure car of standard size; they must have sufficient surface and base, adequate drainage, and width sufficient for winter maintenance by the town.

There are 3 Categories of Class 3 highways: Category C, "Connector," is the largest, serving many neighborhoods, and linking up other connectors, trunk lines, or state highways --for example Mill Road, Gilman Road; Category B, "Branch," is the next in size, serving adjoining neighborhoods --for example Ducker Road, Davis Road; and Category A, "Anchor," is the smallest, serving one neighborhood only --for example Waldo Road, Frary Road. Within these Categories, there are "Major" and "Minor" subcategories, and more of these should be developed as information is gathered for the Town Road Inventory, under this Policy.

Class 4 highways are all other town highways including pent roads. They are marginal, less traveled highways used on a seasonal basis. Along with Trails, they are important public resources, for access and for recreation. A pent road is a Class 4 highway, which has been closed, in order to contain

animals, with an unlocked gate or bar by the landowner, following the written approval of the selectboard. This permission may be short- or long-term. The town will not maintain a pent road. Subject to town funds and the selectmen's discretion, the town may maintain a Class 4 highway year round (See Part VI.1).

Trails are public rights of way only. The town does not maintain them. They are closed to public vehicular travel in the season when other roads are posted. However, with the Selectboard's written permission, they may be open for use during that period if they provide the only reasonable means of access to a landowner's parcel.

3. Village Streets: Town roads within the confines of the villages serving the requirements of the residents.

4. Highway rights-of-way: The right-of-way for all town roads and trails is presumed to be 3 rods, or 49.5 feet, unless records to the contrary have been preserved, or the terminations and boundaries of a right-of-way of different width can be determined. Measurement is taken from the centerline of the traveled way. A town highway right-of-way can exist only where a written record, or a sufficient record of long established and customary public use, is evident. It is understood that, in practice, existing differences from, or variables in, the presumed right-of-way will be respected.

### **III. Reclassification of Roads**

1. The selectboard should review the town highway classifications every five years, taking into consideration the Town Plan, highway needs, changing traffic patterns and population trends, including identification of key roads that link towns and major arteries. From time to time and as the need arises, the selectboard will consult with and/or entertain suggestions from the planning commission and other public bodies regarding reclassification of highways.

2. If a petition signed by at least 5 percent of the registered town voters is submitted to the Selectboard, requesting the reclassification of any town road, the Selectboard should follow the procedures of 19 V.S.A. Sections 708-716. In their review of the petition, the Selectboard will consider whether the reclassification conforms to the policies set forth in the Royalton Town Plan and elsewhere in this document, whether the projected cost to the town in maintenance is acceptable, and whether public interests will be substantially advanced by such a change in status. If in their opinion the reclassification meets these standards, the proposed change in road status, accompanied by a description and estimate of cost, should be presented for approval by the voters at a regular or special town meeting.

3. In general, Class 4 highways will not be upgraded to Class 3 or higher status. Where a petition concerns reclassifying a Class 4 road to Class 3 status or higher, the Selectboard reviewing the request should be convinced, in addition to the concerns listed in III.2, that reasonable measures can be taken to mitigate losses to the public. These losses might be: any type of public and/or commercial travel suited to that road; the intrinsic, aesthetic, historical and recreational value of the road; and any other public interests served by the existing Class 4 highway.

4. If permission is granted to reclassify a Class 4 road to Class 3 or higher, the highway should be upgraded according to the standards for new road construction (see Part IV.2), and in a manner consistent with the existing

character and/or function of the road (see Part VI.6). The cost of the upgrade will be borne by the applicant(s).

5. A five-year period is allowed to bring a Class 4 road up to Class 3 standards.

6. If a Class 4 highway is downgraded, and thus discontinued as a town highway, the Selectboard should consider reclassifying it as a Trail, in order to retain a public right of access without a duty to maintain, unless there is good reason for not doing so.

#### **IV. New Construction of Roads**

1. A road, which is to be newly constructed, should conform to the classifications of adjoining roads. In order not to impede traffic flow by a bottleneck, or cause safety problems for the public, the size and structure of the new road should suit its function closely. Its character should be consistent with the neighborhood and fit the traffic pattern of the existing road(s) it joins. If, for example, the new road will be a minor traffic carrier that feeds into a Class 3(B) highway, or "Branch" road, it should be built to the level of a Class 3(A), or "Anchor" road.

2. The new highway should be designed, laid out and constructed in conformance with guidelines in the Town Road and Bridge Standards (VAOT 2001), the Vermont State Standards (VAOT 1997), and The Vermont Better Backroads Manual. Current VAOT standards should be followed combined with the applicable "Design Exception Guidelines" in the Vermont State Standards.

The minimum standards suggested by VAOT in 2001 for all new roads are as follows:

Roadways: All gravel roads should have at least a 15 inch thick processed gravel sub-base, the top 3 inches being crushed gravel. They should be graded so that water does not remain on the road surface, and have adequate space for proper ditching.

Ditches: Soil exposed during ditch and slope construction or maintenance should be treated immediately following the operation as follows: 1. seed and mulch slopes less than 2.5%; 2. place biodegradable matting and seed on slopes between 2.5% and 5%; 3. stone line ditches with angular material on slopes greater than 5%.

Culverts and Bridges: All new driveway culverts should have a minimum diameter of 15". All new roadway culverts should have a minimum diameter of 18". Any culvert greater than or equal to 36" in diameter should be designed according to the latest Vtrans Hydraulics Manual. End treatment (inlet or outlet) should also be evaluated in accordance with this manual. All bridges should have waterway openings designed according to the latest Vtrans Hydraulics Manual.

Guard-rail: When new road or culvert construction creates side slopes steeper than 3 on 1, and existing roadside stabilization (such as trees and ledge) cannot be preserved or maintained, guard-rail should be installed according to the AASHTO Roadside Design Guide.

3. Before new road construction is begun, an application including technical data, designs, and drawings should be submitted to the Selectboard, who will determine whether the proposal meets classification and construction standards. The selectboard may modify the construction standards for a particular project where, because of unique physical circumstances or conditions, there is no possibility that the project can be completed in strict conformance with these

standards. Fiscal reasons should not be a reason for modifying the standards. Any new road, whether or not that road is proposed to be conveyed to the town, should be constructed according to the minimum standards. The Selectboard has final say over all questions arising during construction of new roads and should approve all field changes. If any federal and/or state funding is involved in the project, the VTrans district office should be notified.

## **V. Highway acceptance**

1. Before the Selectboard considers accepting any new highway into the town highway system, it should be designed, laid out and constructed by the owner(s) or developer in conformance with the standards prescribed in Part IV of this Policy.

2. Before the Selectboard considers the acceptance of any new road, or the maintenance of any reclassified road, they should weigh the cost to the town against the private interest served by the acceptance and/or maintenance.

3. Before a new road is accepted by the Selectboard, the owner(s) of the property where it is built should deed to the town a 3-rod right of way, measured from the centerline, including slope rights if necessary. The deed should be a Vermont warranty deed free and clear of all encumbrances and properly supported by a survey showing roadway and right of way center lines, driveways, utility lines (surface or subsurface) and major road features, alignment and curves. If the road ends in a cul-de-sac, an adequate turnaround area, deeded to the town, should be provided.

4. New highways should be completed before November 15 so that inspection, and acceptance (if any), can be carried out before winter. Any highway completed after November 15 cannot be accepted until after June 1 the following spring.

5. After its acceptance, but prior to the transferal of a deed to the town, a new highway will be conditionally added to the town's highway system for a period of 12 months. During these 12 months the town will maintain and monitor the road. Any deficiencies discovered during this time will be corrected at the grantor's expense.

6. The dedication of any new or improved private road as a town highway should be presented, with the necessary information as outlined in Section IV.

## **VI. Class 4 Roads**

1. Any Class 4 highway maintained by the Town will be so on a schedule which does not interfere adversely with the maintenance of Class 2 or 3 highways.

2. Summer maintenance may include, but is not limited to, culvert replacement/repair, gravel application, grading, and ditching, at the Selectboard's discretion.

3. The town does not maintain Class 4 roads in winter, except for those, which provide access from a Class 3 highway to another Class 3 highway within the town boundaries. Any variances from this are at the Selectboard's discretion.

4. Private parties may plow these roads in winter only by permission of the selectboard. Any winter plowing of a Class 4 road allowed by the selectboard to parties other than the town will not nullify the privileges under 23 V.S.A. Sec. 3206 (b) (2), pertaining to snowmobile use on public highways. This means the roads, if plowed, cannot be used by snowmobiles, so there may be a loss in public recreational value to the town.

5. A Class 4 highway or Trail should be repaired or improved only when deemed necessary by the Town, and in a manner consistent with the existing character and/or function of the road.

Private parties owning land served by a Class 4 highway or Trail may request permission from the Selectboard to repair or improve the highway at their own expense. If alternations are proposed, and the Selectboard see a reasonable need, they may consider an applicant's mitigation plans. Before issuing a permit, the Selectboard should determine that the repair or improvement will not substantially alter the present character of the road or substantially change its present uses. Throughout the permitting process, the Selectboard may solicit input from the planning board.

The applicant for Class 4 road repair or improvement should present a written application including: a description of the applicant's intended use of the road; all existing and future development plans; the proposed road design including widths, typical road profiles, grading, drainage and construction plans; power requirements; and any other information deemed necessary by the selectboard. The Selectboard should follow the procedure as outlined in 19 V.S.A. Sections 708-718.

The Selectboard should consider: the potential loss of the highway for recreational use (see VI.4); potential loss of permanent access to any parcels of land served by the highway; potential loss of link-ups to other highways, trails, and private trails; the testimony of all abutting landowners as to the desirability of making road repairs or improvements. The selectboard should also consider the proximity of the Class 4 road to municipal services (including school bus routes), type and conditions of adjoining roads, the neighborhood in which the road is located, and existing land use and development policies. They should consider the natural and manmade features which contribute to the character and function of the Class 4 road, before determining the appropriate degree of road repair or improvement.

The selectboard may require from the applicant for the benefit of the town a performance bond in an amount sufficient to cover 125% of the full cost of the proposed improvement of the Class 4 road. The Selectboard or their delegate(s) may inspect and approve or disapprove the highway site at appropriate intervals. Before beginning work, the landowner should sign and deliver to the town clerk, firstly, a written assurance that all legal and prudent requirements for signage, work safety, and public safety on the job will be met, and the road work done in accordance with specifications by the selectboard and road foreman; and secondly, a written indemnification of the town and its agents for all damage, loss or claim associated with the work. When the job is finished, the selectboard will be notified in writing so they can inspect and approve the work.

## **VII. Access Roads**

1. Anyone intending to install or reconstruct a driveway or access road exiting on a town highway must first apply to the selectboard for a permit to be issued and handled in accordance with the provisions of 19 V.S.A. Sec. 1111.

2. All costs of developing, installing and maintenance of access facilities are the responsibility of the applicant for the access permit, or the landowner(s) using the access. Costs may include paving/ repaving surfaces, installing/replacing culverts, maintaining ditches, and necessary traffic control devices, such as signs. Repair of damage to any of these facilities is the obligation of the party or parties responsible for the damage.

3. Standards of construction should conform to the Town of Royalton Ordinance Regulating Access to, and Use of, Rights of Way.

### **VIII. Maintenance and Alteration (Safety Improvement) of Roads**

1. Highways are either maintained in their present form, or they are altered for good cause. The purpose of town road maintenance is to extend the service life of the existing road. This is done on a routine year round basis as determined necessary by the Selectboard. The town's best effort should go into keeping these roads in the best condition possible.

2. The Selectboard should use the highest standards of erosion control, as found in the Vermont Better Backroads Manual; this includes the best construction and maintenance practices for road surfaces, ditches, culverts, outlet structures, and bank stabilization.

3. The Selectboard should not allow excess road surface material to be disposed of by being pushed in and around roadside trees, nor off the steep sides of the road, nor flushed onto abutting landowners' property, especially where it will flow into wetlands and streams. The excess material should be collected and deposited in a stable location on town property, so it can be used for fill, for example in turnarounds.

4. Large, healthy roadside shade trees benefit rural roads and towns in many ways. Encouraging them to grow and flourish is an important part of town highway maintenance. They should not be scraped by town equipment nor their trunks buried deep in road debris. The Town Tree Warden is responsible for overseeing tree health, tree planting and tree removal along town rights-of-way, and should make recommendations when appropriate to the Selectboard. Proper tree trimming, and where warranted cutting and removal of trees, is essential for safe movement of people and vehicles. The objective of trimming trees is to maintain the right-of-way by removing dead trees and limbs that could be hazardous to traffic. Trimming should not destroy the existing canopy over the road and should be done in accordance with good practices as defined by the tree warden.

6. Alteration: for the purposes of this Policy, highway alteration is defined as the act of altering the established condition of a highway or section of highway within the right-of-way, as distinct from highway maintenance, and as distinct from Class 4 highway repair and improvement (see Part VI). Alteration work includes changes of road course, surface type, or width, or the cutting and removal of trees larger than 6 inches DBH, or of trees planted by property owners abutting the road, or the disturbance or removal of existing stone walls, or historical artifacts. Any one of these constitutes an alteration.

Any alterations to town highways for improved safety should conform to the Vermont State Standards (1997) and follow the Vermont Better Backroads Manual.

Priority for alteration: Highways should be altered for improved public safety according to their priority by classification. Since such highway improvement may attract more and faster traffic, it should take place systematically, and only where the town wants to direct and monitor increased

traffic. Wider roads, broader sight lines, more sweeping curves, longer, gentler grades, and smoother, paved surfaces may encourage drivers to go faster. Class 2 highways should receive priority in any such alterations, which should be undertaken only to the extent that the Town is willing to enforce traffic ordinances on a routine basis.

**Paving:** Before paving a Class 2 highway, the Selectboard should determine that: 1. traffic, in both type and amount, demands pavement; 2. written standards for the alteration have been adopted; 3. safety and design have been considered; 4. base and drainage have been improved; 5. the cost of road preparation has been determined; 6. the low cost of maintaining a gravel road vs. paving has been compared; 7. cost to the user has been compared; and 8. public opinion, and the effect on the neighborhoods served by the road, has been weighed.

**Planning:** The road superintendent, in consultation with the Selectboard, should prepare a highway alteration plan and schedule, and submit it to the Selectboard as part of the annual budget process. The plan and schedule will be made available to the public in the Town Report or other appropriate public forum. In addition, at least 15 days prior to beginning work, the road foreman will, as appropriate, mark all trees to be cut, stake road widths or course to be changed, or identify any other features to be altered.

**Notification:** At least 15 days prior to beginning work, the Selectboard should notify all right-of-way abutters and residents along the highway of the proposed work. Any town resident or landowner should have at least 15 days to request a meeting or public hearing in order to discuss the proposed highway alterations.

No highway alteration work should commence until the Selectboard so authorizes, which they may do under the following conditions: if no person requests a meeting or public hearing within the notification period; or, after holding a meeting or public hearing on the matter and making a public decision that the alteration conforms to the purposes, priorities and considerations set out above.

## **IX. Maintenance and Improvement: Highway Planning**

1. The selectboard should establish, and review at regular intervals, a five-year plan of road upkeep, construction, improvement and preventive maintenance for each town road and bridge. The basis for the plan should be the updated town road inventory (see Part II.2). For example, as a part of this plan, regular road regraveling should be done every five to six years on a rotating basis.

2. The five-year plan should be consistent with applicable road classifications with preference given according to such classifications. Roads which are identified as carriers of heavier traffic in town should be those on which the town spends money, to preserve them through repairs and quality maintenance. Those parts of the Class 3 system which now, and for the foreseeable future will, carry light traffic, should be preserved at a lesser level of expenditure, in the most cost-effective way for long-term use.

3. All the culverts in town were inspected, measured and mapped in 2000. Based on this map, a schedule for replacement of culverts should be set, and activated. Culverts on roads to be regravelled should be repaired or replaced first. Every culvert in town should be cleaned yearly.

4. Roadside ditches should be cleaned and inspected each fall.

5. Class 4 roads are maintained at varying levels of time and attention by the town. Most are fragile; but while some are like Trails, some are like Class 3 roads. The Selectboard evaluates the requirements of each road and performs maintenance as conditions permit. The current level of maintenance for each Class 4 road should be defined in a schedule, the Class 4 road maintenance program, and examined annually by the Selectboard. Citizens wishing to know the maintenance status of any Class 4 road should consult this schedule.

6. During the winter plowing season, priority will be given to the clearing of highways with higher classifications, and those used by school buses.

7. Bridges under 20 feet in length should be inspected bi-annually by town road officials and/or state engineers.

## **X. Recreational Vehicles:**

1. The only motorized recreational wheeled vehicles allowed to operate on any class of town roads and rights-of-way during any season should be those that are properly registered and operated by a licensed driver of at least 16 years of age. Operators must carry driver's license, proof of liability insurance and registration, as required by state law Title 23, sec.3501.

2. ATV's are banned from use on Class 2 and Class 3 roads.

3. No wheeled vehicles of any kind motorized or not, should be operated for recreational purposes on any Class 4 roads or Trails during the annual spring posting season.

4. Permission to operate snowmobiles in town rights-of-way during winter months is subject to annual review and approval. Except in cases of emergency, year round roads are not open to snowmobiles after a snowfall until the roads have been plowed. Permission to operate snowmobiles may be restricted or revoked in whole or in part after a hearing due to failure to comply with the conditions of the approval.

## **XI. Overloads**

1. Unless otherwise posted by the Selectboard in accordance with 23 V.S.A. Sec. 1396, pursuant to 23 V.S.A. Sec. 1392, the legal load limit of all Class 2 and 3 town highways in Royalton is 12 tons (24,000 lbs.), and on Class 4 roads, 8 tons (16,000 lbs.). State law allows the Selectboard to grant exceptions to these weight limits. The Selectboard may also impose restrictions, like axle weight limits, to the extent permitted by law. Town and state construction and maintenance vehicles, and any municipal firefighting vehicles should be exempt from the permitting process.

2. Written temporary permits for overloads may be granted by the Selectboard, in accordance with 23 V.S.A. Sec. 1400. The Selectboard should take into account all possible damage to the roadways, bridges and culverts, and the financial responsibility of the applicant; and require proof of insurance. Attention should be paid to what type of material is being carried (for example: toxic, explosive, and/or flammable), and where, and when, with the public safety in mind. It is recommended that permitted vehicles should not travel highways

while public schools are in session and school buses, or other transport for children, are on the road.

3. These temporary permits may be general, for a term of up to a year (for loaded vehicles weighing up to 30 tons, or 60,000 lbs.); or special, on a single trip basis only (for loaded vehicles weighing up to 45 tons, or 90,000 lbs.). Special permits may carry extra restrictions, for example as to time and route, weight per axle, and the pre-payment of a sum of money, or the posting of an indemnity bond, equal to the estimated extra wear and maintenance. The town may require supervision by the Town Constable, with the cost of any local Constable borne by the permittee. The nature and type of culverts, bridges, road surfaces, widths and bases along with the length of the trip will be considered in the estimate. If actual damages caused by a permitted vehicle exceed the sum paid by the permittee, approval of a permit will not constitute a waiver of the town's right to collect the additional amount.

## **XII. Obstructions**

1. Vehicles should not be left unattended in the right of way. If a vehicle in the right of way hinders road maintenance or access, it should be promptly moved by its owner or operator upon request by the road foreman or selectboard. If the request is not responded to or the owner cannot be located, the vehicle may be treated as abandoned. Any abandoned vehicle in a town right of way may be removed by the road foreman, after he has notified the county sheriff's office or other regional law enforcement entity. The owner of the vehicle should be responsible for towing, storage and/or disposal costs.

## **XIII. Posting and Closing Roads**

1. Class 4 roads, except in specific permitted cases, are closed to all but emergency and town maintenance vehicles during the posting seasons.

2. When the selectboard set weight limits other than those specified in state law, the road should be posted with signs at least 24 inches square at each end of the highway, or if a bridge is posted, 100 feet from each end of the bridge.

3. In addition to signs, when load limits on a highway are changed, a certified statement should be filed with the town clerk stating the location of the highway, the legal load limit, and the date of the posting.

4. No town road or public right of way of whatever classification may be intentionally blocked or closed by a gate or obstruction by any authority other than the Selectboard.