

TOWN OF BAKERSFIELD

CLASS 4 ROAD AND TRAIL POLICY

1. Purpose.

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

2. Definitions:

"Highway" shall mean a public road or highway that is classified as Class 1, 2, 3, or 4 for purposes of receiving state aid.

"Class 4 highways" are all other highways not falling under definitions of Class 1, 2, or 3 highways. Class 1, 2, and 3 highways are defined for the purpose of receiving state aid and are passable with a pleasure vehicle on a year-round basis.

"Selectboard" shall mean the Selectboard of the Town of BAKERSFIELD

"Town" shall mean the Town of BAKERSFIELD.

"Trail" shall mean a public right-of-way which is not a highway and which:

- a. Previously was a designated highway having the same right-of-way 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.

2. Existing use. Existing rights-of-way or 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.

3. Maintenance of Class 4 Roads

- a. Any landowner (herein referred to as the "Applicant") in the Town of Bakersfield wishing to perform, or arrange for the performance of maintenance work on a Class 4 Town Road, Trail, or unclassified Trail shall make a written request to the Road Commissioner prior to commencing any such work. The request shall contain drawings and descriptions of the work to be done, as applicable, and the request should be submitted far enough in advance to perform a site visit. The road commissioner may, at their discretion, schedule a discussion at a regularly scheduled Selectmen's meeting. No work on a Class 4 Town Road, Trail, or unclassified Trail shall commence without a signed agreement with the Road Commissioner. The Applicant shall bear all costs associated with the work. If an applicant is denied approval by the Road Commissioner, they may appeal to the Selectboard within 14 days.
- b. As condition of the agreement, the Applicant ensures that all the requirements for signs, work safety, and public safety required by law or reasonable prudence will be adhered to, and that the road work will be done in accordance with specifications established by the Road Commissioner. All work within the highway right-of-way shall be in conformance with the specifications articulated in the approved Permit Application, and the highway shall be left in as good as or better condition than when permission was granted. The Applicant also agrees that the Applicant and Applicants agents shall not hold the Town responsible for any claims, cost or injuries which may arise out of the work and agrees to indemnify and hold the Town harmless against legal liability for any and all damage, loss, or claim associated with the work.

- c. The Road Commissioner may, at their discretion, approve an application for regular annual maintenance on a Class IV Road (ie. spreading gravel, etc.). This shall not extend to any work impacting structures (ie. culverts, ditches, etc.). This approval is non-transferable.
- d. When the work is finished, the Road Commissioner shall be notified in writing so that they can arrange for inspection and approval of the work.
- e. An individual conducting work on a Class IV Road without prior approval by the Road Commissioner may be held financially responsible by the town for any required corrective action.

SUMMER MAINTENANCE

- a. The Road Commissioner shall annually inspect all Class 4 Town Roads that have, as of the date of the adoption of this Policy, as time permits for their awareness of the trail conditions. The town shall not provide any maintenance.

WINTER MAINTENANCE

- a. The Town shall not provide any winter maintenance on Class 4 Town Roads, Trails, or unclassified Trails. Plowing by private parties may be conducted without prior approval, at the expense of requestor's / homeowner's expense; however, the Town may request corrective action if damage to the road or other property occurs.

UPGRADES

- a. It is the policy of the Selectboard to not upgrade Class 4 Town Roads, Trails, or unclassified Trails, however it is a landowner's right to request a reclassification. When considering any such reclassification, the Selectboard shall follow the procedures as set forth in 19 V.S.A §§708-716.

4. Control. 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.
- C. Requirements for 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.
- E. The use of motorized vehicles on legal town trails may be prohibited, limited, or permitted by the Selectboard.

7. Change in Classification. Class 4 highways may be reclassified 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 Selectboard 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 highway or trail. At a minimum, no class 4 highway or trail may be upgraded in status or discontinued without the permission of the Selectboard. Selectboard

may provide for an alternative travel easement or right-of-way replacing the travel route upgraded or discontinued to ensure that users and landowners have uninterrupted access. 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). The Selectboard will seek the advice of the Planning Commission and Conservation Commission on determining which class 4 town highways shall be reclassified as trails or which class 4 town highways and trails should be discontinued.

5. New Structures. New structures on lots fronting on a class 4 highway are subject to the requirements of applicable town ordinances.

6. 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 or for any other work within the right-of-way shall be controlled by applicant for and approval of Access Permits reviewed by the Road Department Foreman and approved by the Town Selectboard.

7. Overweight Vehicles. Pursuant to 23 V.S.A., Chapter 13, Subchapter 15, vehicular use of highways and bridges is subject to limitation and regulation regarding gross vehicles weights, tire and axle weights, and overall length and width.

Written approval of the Selectboard, or their authorized agent, may be granted for use or travel over highways and by and between the Selectboard 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.

8. Posting. No highway of any class may be intentionally closed by a gate or other obstruction, except upon approval of the Selectboard. 19 V.S.A s1105. The Selectboard may post a road in accordance with 19 V.S.A., 1110. The selectboard may post a highway for the purpose of preserving the integrity of the road. 19 V.S.A., s 304.

9. Compliance with Other Regulations. This policy is written to establish and clarify standards of construction and the authority of the Selectboard and its agents. All other ordinances and regulations adopted by the Town of BAKERSFIELD shall remain in full force and effect, except to the extent that it conflicts with this Ordinance.

Adopted this 23 day of October, 2023.

Selectboard:



The image shows four handwritten signatures in blue ink, each written over a horizontal line. The signatures are cursive and appear to be of different individuals. The first signature is the largest and most prominent, followed by three smaller ones below it.