

Town of Mount Holly Class 4 Highway and Legal Trails Policy

Section 1. Purpose

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

Section 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 defined by State law as all highways other than those defined by law as class 1, 2, or 3 highways. Class 1, 2, and 3 highways are passable with a standard manufactured pleasure vehicle on a year-round basis ([19 V.S.A. § 302](#)).

“Legal Trail” or “Trail” shall mean a public right-of-way that is not a highway. They may be previously designated town highways or may be newly laid out ([19 V.S.A. § 301\(8\)](#)).

“Select Board” shall mean the Select Board of the Town of Mount Holly.

“Town” shall mean the Town of Mount Holly.

“Right of Way Permit” or “Permit” shall mean a permit authorized by the Select Board for access to a Town highway pursuant to [19 V.S.A. § 1111](#).

Section 3. Maintenance by the Town

- a. The Town shall not provide any summer or winter maintenance of class 4 highways but may do so to the extent required by the necessity of the town, the public good, and convenience of the inhabitants of the Town ([19 V.S.A. § 310](#)), subject to available staff and financial resources. Such work, if undertaken, shall in no way obligate the Town to perform any additional maintenance or repairs of any nature.
- b. The town shall not maintain and repair bridges and culverts on class 4 highways but may do so where such bridges and/or culverts are necessary for access to private property, subject to available staff and financial resources.
- c. Plowing of class 4 highways by private parties shall only be allowed with a single-season advance permit agreed to by the Select Board at their regular meeting pursuant to Section 4 of this Policy. The grant of such a permit shall

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not be construed as creating any duty, responsibility, or liability on the part of the town for the winter maintenance of such road. Any winter plowing of a class 4 highway granted by the Select Board to parties other than a municipality shall consider the impact on snowmobiling privileges under [23 V.S.A. § 3206\(b\)\(2\)](#).

- d. The Town shall not be required to maintain trails but may choose to do so for recreational or emergency management purposes.

Section 4. Maintenance and Right-of-Way Access and Use

- a. Any person who wishes to perform or arrange for the repair, maintenance, improvement, restoration, or installation on a class 4 highway may do so only after receiving a signed right-of-way permit. Permission for repair, maintenance, improvement, restoration, or installation shall be given in accordance with [19 V.S.A. § 1111](#), the town plan, and the highway access policy.
- b. No person shall perform or arrange for the repair, maintenance, improvement, restoration, or installation on a legal trail without first receiving a signed right-of-way permit. Permission shall only be given where the Select Board determines that the public good, necessity, and convenience of the inhabitants of the Town require such action and is in accordance with the town plan and the goals of Act 171.
- c. 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 for purposes of recreational activities, access to private property, and agricultural and forest management.
- d. Permission for the use of class 4 highways and legal trails to access properties for logging activities shall not be unreasonably withheld by the Select Board. The road or trail shall be left in as good or better condition as when permission is granted. The Select Board may require that the logger or property owner provide temporary structures and facilities required for the proposed logging operations and/or, place an adequate amount of funds into an escrow account to be available if the logger or property owner fails to restore the road or trail to an acceptable condition.
- e. Legal trails are to be used for non-motorized recreation only, except that snowmobiles may be allowed by permission of the Select Board.

Section 5. Control

The Select Board shall exercise control of class 4 highways and trails by means which may include, but are not limited to, the following:

- a. establishment of vehicle weight limits;
- b. allowance, prohibition, or restriction of use by motorized and/or mechanized vehicles, and/or certain types of such vehicles;
- c. imposition of requirements for temporary permit for heavy equipment access which may include a stipulation that any 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;
- d. establishment of speed limits; and
- e. granting permission to pent a Town highway.

Such control shall be exercised to ensure the integrity of such public rights-of-way, to limit the risk of harm to the public, and to prevent environmental damage.

Section 6. Change in Classification

- a. Except as provided below, it is the policy of the Select Board to discourage the discontinuance or upgrading of class 4 highways. However, upon receipt of a petition filed pursuant to [19 V.S.A. § 708](#), the Select Board will consider a request to alter, reclassify, or discontinue a class 4 highway.
- b. Reclassification or discontinuance of any highway will be done in accordance with 19 V.S.A. §§ 708-717. A decision to alter, reclassify, or discontinue a class 4 highway or trail shall only be made in situations where the Select Board determines that the public good, necessity, and convenience of the inhabitants of the Town require such action and where any increased traffic and development that could result from the change is desirable and in accordance with the town plan and the goals of Act 171 ([19 V.S.A. § 708\(b\)](#)).
- c. The Select Board may require that the cost of upgrading a class 4 highway to a class 3 highway be borne in whole or in part by those seeking the change in classification. Upgrade costs include but are not limited to meeting the road construction standards, installing or upgrading bridges and culverts, upgrades to existing driveway access, improving roadside ditches and other stormwater management, surveying the right-of-way, and all public notices.
- 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.

A class 4 highway may be reclassified to a class 3 highway for reasons including, but not limited to, the following:

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- The Town currently maintains the road to class 3 standards.
- Increased usage of the road warrants maintaining it to class 3 standards.
- To support a development proposal that the Select Board deems beneficial to the Town.

It is the Town's policy that the Town will retain ownership of its class 4 highways and trails as important recreational resources.

It is the Town's policy that, rather than discontinue a class 4 highway, the town should instead reclassify it as a legal trail to maintain it as a public right of way. A class 4 highway may be reclassified as a legal trail for reasons including, but not limited to, the following:

- The road is impassable or unmaintained.
- The road does not provide needed vehicular access to any properties.
- The only current use of the road is recreational.
- To reduce road maintenance costs and obligations.

Section 7. Highway and Trail Closure

No class 4 or other highway of any class may be intentionally closed by a gate, nor may traffic be otherwise impeded by other obstruction (19 V.S.A. §§ [1102](#), [1111\(b\)](#)). The Select Board may grant permission to an adjoining landowner to enclose pent roads by erecting stiles, unlocked gates, and bars in the places designated (19 V.S.A. §§ [304\(a\)\(5\)](#), [1105](#)). The Select Board may restrict the use of a highway in accordance with [19 V.S.A. § 1110](#) and [24 V.S.A. § 2291\(4\)](#).

The Select Board may order trails to be gated or otherwise blocked off from public travel by a motorized or mechanized vehicle during some or all seasons of the year.

Section 8. Compliance with Other Regulations

This policy is intended to supplement state law and local ordinances. All other ordinances and policies adopted by the Town shall remain in full force and effect.

ADOPTED by the Select Board this 9 day of April, 2024.






