

## Policy on Maintenance of Class 4 Roads

Whereas, the Town of Essex (“Town”) has adopted as of August 5, 2019, the new Vermont Agency of Transportation Road and Bridge Standards dated June 5, 2019, which includes provisions pertaining to municipal responsibility for gully erosion on Class 4 Roads as a result of passage of Act 64 by the Vermont State Legislature; and

Whereas, under 19 V.S.A Section 310 (b), Class 4 highways are maintained “only to the extent required by the necessity of the town, the public good and the convenience of the inhabitants of the town...”; and

Whereas, Section 9.02.030 of the Essex Municipal Code, states that .... “It is the policy of the Town that no improvements or maintenance will be made by the Town to any Class 4 road not currently being maintained as of the date of adoption of the ordinance codified in this chapter (as of 1992). This chapter is to ensure that the expense of upgrading these roads to accommodate additional development is not borne by the residents.”; and

Whereas, there is a need to clarify and better define the maintenance responsibilities identified in Town Municipal Code Section 9.02.030, Maintenance of Class 4 Town Highways, to reflect changes required under State of Vermont Act 64 that impact drainage immediately adjacent to or under Class 4 Town roads.

Now therefore, the following policy is adopted:

**The Town of Essex shall be responsible for the following level of maintenance on Class 4 roads:**

- 1) In the case of Mcgee Road, the Town has plowed this road and provided minimum maintenance on the Class 4 portion prior to 1992. This section of Class 4 Highway provides an emergency year-round secondary road and trail access to Indian Brook Reservoir and adjacent public lands. This land is heavily used by the public and year-round emergency access is warranted. The Highway Ordinance provides for continuation of practices that predate the 1992 Ordinance adoption.
- 2) In the case of the Landfill Access Road, the Town has plowed this road and provided minimum maintenance on the Class 4 portion prior to 1992. The costs for maintaining this road are shared between the Town and the Chittenden Solid Waste District. The Highway Ordinance provides for continuation of practices that predate the 1992 Ordinance adoption.
- 3) In the case of West Sleepy Hollow Road, from Browns River Road to the current plow and bus turnaround (a distance of 0.93 miles) the following applies:

The portion of Class 4 road has been improved sufficiently (i.e. construction under the Ordinance beyond that of a shared driveway) that the Town will continue to maintain winter plowing services, provided the Class 4 portion of the road is maintained to the extent that it is traversable by plow trucks, school buses and emergency vehicles without damage to those vehicles caused by lack of road maintenance.

Note: This excludes the portion of West Sleepy Hollow from the current plow and bus turnaround east to Old Pump Road, a portion of which is not traversable at this time and a portion of which is a shared driveway within the Class 4 right of way. No winter plowing is done by the Town on this section.

- 4) All Class 4 roads in the Town, including McGee Road and West Sleepy Hollow Road.
  - a) The Town will accept responsibility for replacing culverts and correcting erosion damage as required by the adopted Road and Bridge Standards, provided there has been supporting documentation that the road and ditches have been maintained in accordance with those Standards. This includes both cross road culverts and driveway culverts.
  - b) The Town will utilize available funds to bring the “hydrologically connected” segments of all roads – Class 2, 3 or 4 -- that do not meet the gravel road standards up to the “fully-meets-standards” level. The intent is to not only meet the environmental requirements, but also add better protection for the roads and drainage features from significant damaging storm events.
  - c) The Town will require all new development on a Class 4 road to meet the Adopted Road Standards as well as the Town Public Works Specifications, in addition to any other requirements made as a condition of development approval.

**Private property owners, as individuals or as members of an Association with the responsibility for providing maintenance of the Class 4 road, shall be responsible for the following level of maintenance:**

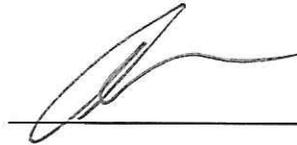
- a) The standard for maintenance shall be that required to meet the Town adopted State Road and Bridge Standards and the Town Public Works Construction Specifications for gravel roads, with the exception being width of road (i.e., the road is narrower than the standards).
- b) Performing road grading, gravel addition and maintenance of ditch lines as needed on an annual basis so the road and drainage systems meet the criteria outlined in the two referenced standards.
- c) Reporting to the Town culvert deficiencies or evidence of gully erosion.

- d) Providing documentation to the Town by October 1<sup>st</sup> every year on the maintenance that has been performed on the road. In the event that such work is not done or the road is not considered traversable by plow trucks, school buses and emergency vehicles without damage to those vehicles caused by lack of road maintenance, the Town may elect to discontinue winter plowing where it is provided.

The forgoing Policy is hereby adopted by the Selectboard of the Town of Essex, Vermont, this 9<sup>th</sup> day of September 2019 and is effective as of this date until amended or repealed.



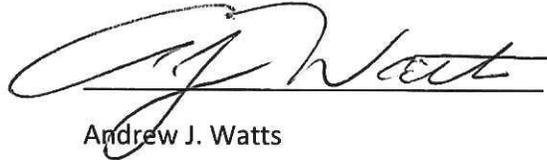
Elaine Haney, Chair



Annie Cooper



Max Levy, Vice Chair



Andrew J. Watts



Patrick Murray, Clerk