

HIGHWAY ORDINANCE TOWN OF CORINTH, VERMONT

ARTICLE I. TITLE, AUTHORITY, AND ADOPTION

This Ordinance is entitled the Highway Ordinance, Town of Corinth, Vermont, and is based on the Authority of Title 24 V.S.A. Sections 1971-1976. This Ordinance shall be adopted by resolution of the Board of Selectmen in accordance with the procedure outlined in 24 V.S.A. Section 1972.

ARTICLE II. PURPOSE

The purpose of this ordinance is to establish municipal policy and practice on the maintenance and upgrading of existing town roads and to describe construction standards and procedures for accepting new roads into the town highway system.

ARTICLE III Definitions of town highways

Class II Town Highway: Those highways selected as the most important in Corinth, and whose purpose is to secure trunk lines of improved highways from town to town and to places which by their nature have more than a normal amount of traffic.

Class III Town Highway: Those highways built to a lower standard than Class II but negotiable, under normal conditions, all seasons of the year by a standard pleasure car. Class III highways must have sufficient surface and base, adequate drainage, and sufficient width capable to provide winter maintenance.

Class IV Town Highway: All other town highways.

Trail: A town right-of-way not maintained by the town and upon which the town has no legal liability. The right-of-way may range from the width of a footpath to a full three rods. Trails are frequently used for hiking, snowmobiling, and horseback riding, and other recreational activities.

Pent road: A town highway which may be enclosed by gates, bars, or stiles by the owner of the land during any part of the year if approval is granted in writing by the Board of Selectmen.

Discontinued Road: A former town highway which has been legally dissolved, with the land title and right-of-way reverting to adjacent land owners.

ARTICLE IV: STANDARDS FOR NEW CONSTRUCTION AND UPGRADING OF TOWN HIGHWAYS.

4.1 Waivers: If the Selectmen find that any of the following considerations require waiver of one or more of the standards, they may do so: consideration of public interests, topography, adequacy of highway design, ease of snow removal, drainage, or maintenance of safe conditions.

4.2 Standards:

- a. Design:** Highway design shall be based on projected maximum average daily travel including future extensions and usage.
- b. Inspection:** All highway designs, including cut and fill plans, gravel pit plans, surveys, layouts, right-of-way, road construction site, preparation and construction shall be inspected by the town Road Commissioner and Selectmen. Professional engineering, surveying and legal competence may be employed by the town to provide inspection and counseling services to town Selectmen as considered necessary in authorizing, inspecting and accepting the construction or altering of highways which shall be at applicant's expense if for construction of new roads or upgrading of existing Class IV roads.
- c. Right-of-Way:** The right-of-way shall be fifty feet in width, with additional slope rights where necessary. The highway surface for travel shall be built in the center of the right-of-way and the right-of-way shall be cleared to permit and facilitate snow removal and proper maintenance of drainage ditches, culverts, slopes and banks, accesses, turnouts and turnarounds, and other features of the highways. Dead and diseased trees, brush, and stumps shall be removed. Cutting of all trees and other vegetation from the right-of-way shall be accomplished in consideration of erosion potential and the development of reasonable and good aesthetic qualities of the highways. Road design and drawings shall reflect the general clearing plan.
- d. Shoulders:** Shoulders shall extend at least two feet on each side of the traveled surface of a highway built or improved in Corinth. Shoulders shall be slightly pitched to prevent excessive erosion and unsafe conditions.
- e. Highway Sub-Grade and Surface Preparation:** The highway shall have a minimum of twelve inches of packed gravel. Where extreme subsoil conditions exist the Selectmen may require the use of additional amounts of gravel. The traveled portion of all public roads shall be a minimum of sixteen feet in width and shall conform to State of Vermont standard sheet A65 and/or as specified in particular locations by the Selectmen in consideration of subsurface conditions, banks and slopes, grades, turnouts, access ways, and other highway features. Gravel shall be good bank run, meet Vermont Department of Highway Specifications for Gradation. No stone larger than six inches shall be placed in the twelve inch depth of gravel and no stone larger than two inches shall be placed in the top three inches. Gravel surface shall be fine and graded and compacted to the required grade with grader, roller, and hand labor.

f. Drainage Ditches: Drainage Ditches shall be provided where necessary: and shall be constructed to prevent infiltration of water into the gravel subbase and to conduct storm drainage to waterways and absorption areas. Accordingly, drainage ditches adjacent to roads are normally to be at least twelve inches below finished grade to minimize spring breakup conditions. Ditches shall be shaped to prevent excessive erosion on both shoulder and right-of-way or bank sides of the ditch cross sections.

g. Culverts: Culverts shall be installed during construction of the highway subbase and surface preparation. Backfill in excavations for culverts shall be compacted to prevent or minimize settling in surface, shoulders, or slopes. Culverts shall be determined by the Selectmen after review of the drainage characteristics. Culverts shall be at least fifteen inches in diameter. Culvert sections shall be properly joined and shall extend at least two feet beyond highway surface and shoulder width. Culverts shall be corrugated steel. Inlet and outlet ditches, boxes and other protection necessary shall be provided to minimize erosion damage at culvert inlet and outlet areas, and to banks, slope or ditches. Culverts shall be of adequate length to permit easy turning on or off the highway and shall be kept as low as possible. Culverts over three feet in diameter shall conform to State of Vermont Highway Department standards, specifications, designs, and guidance on a case-by-case basis.

h. Grades: Highway grades shall not exceed ten percent unless paved or double tacked and in no case shall grade exceed fourteen percent. Finished grades (transverse and longitudinal) shall be smoothed to eliminate sharp dips in traveled surface and, as may be necessary, to permit efficient snow removal and proper drainage.

i. Alignment and Curves: Highways shall be aligned and constructed as to afford safe travel, visibility, and access in all weather conditions, proper drainage shall be maintained on curves and bridge approaches.

j. Bridges: Bridge design and construction shall conform to current State of Vermont Highway Department standards, specifications, designs, and guidance on a case-by-case basis.

k. Turnarounds: Turnarounds on dead end highways shall have a radius large enough to accommodate all equipment and vehicles using or servicing the road and area including fire equipment. Drainage shall be provided to prevent impounding of water. Roadside features shall permit proper snow storage.

l. Turnoffs: Turnoffs with adequate elevation, surface, drainage, ditches, and culverts will be provided to permit safe passing under summer

conditions and winter conditions, and shall be dimensioned and constructed to enable effective and efficient snow removal.

m. Driveways and approaches:

1. Driveways and approach roads entering upon a public highway shall be constructed at a ninety degree angle to such highway, or shall be provided with a surfaced area of ninety degree angle. They shall be constructed with a dip or depression where the grade of the highway meets the grade of the shoulder of the driveway or approach road. Guidance provided by State of Vermont standard sheet A76 (or current update) should be followed. Culverts shall be installed and shall conform to standards for culverts stated above. Vegetation and trees shall be removed as necessary to provide for visibility and safety. (See next section).
2. Minimum sight distance shall be:
 - a. 325 feet in areas where vehicle speed is controlled by state speed limit;
 - b. 175 feet in areas controlled by local speed limit, (except as in c.) below;
 - c. 100 feet for Class IV highways.
3. (Major changes in existing access ways. (e.g. field entrances) shall comply with 1. and 2. above. Major change includes, but is not limited to; field entrance to residence driveway, single family residence driveway to multifamily residence driveway, single residence driveway to multi-residence roadway, or residence use to industrial or commercial use.
4. When any of the above requirements cannot be achieved, the owner may apply to the Board of Selectmen for a waiver. Necessary traffic control costs will be borne by the owner.

n. Slopes and banks: Vertical or sharp cut faces, excepting ledge, shall not be permitted. Soil stability of bank shall be a design consideration, and slope or bank shall be designed and constructed to prevent instability, slides, washes, or other disturbance to the slope or bank surface or sub-surface. Banks shall not interfere with snow removal. After construction and final grading of banks, banks will be seeded to minimize surface erosion. Cribbing or rip rap shall be provided where necessary.

o. Guard Rails and Posts; Guard rails and posts will be provided to meet essential traffic control and safety needs and shall not interfere with snow removal. Normally, any highway with a slope or bank falling away on a steep slope of 4:1 or steeper from the road surface, and which is ten feet or higher in elevation, shall be protected with a guard rail and guard posts. Guard posts and rails shall also be provided to warn and

protect traffic from ledge or other obstruction where necessary in consideration of traffic volume, road width, and safety.

- p. The Board of Selectmen shall determine when implementation of these standards is necessary.

ARTICLE V. HIGHWAY ACCEPTANCE: CONDITIONS AND PROCEDURES

5.1 General Procedures: Before the Board of selectmen votes to accept any new highway into the town highway system, it shall be designed, laid out, and constructed by the owner (s) in conformance with the standards prescribed in Article IV of this ordinance. If an application is made by freeholders to the Board of Selectmen to reclassify a class IV highway, the Board may require as a condition of approval that the applicant (s) comply at their sole expense with any or all standards prescribed in Article IV which the Selectmen judge to be requisite under the circumstances.

5.2 Tax Base: Before the Board of Selectmen considers accepting or upgrading a road, they shall balance the cost of constructing and maintaining that road with the following factors:

- a. the number of year-round dwellings or structures being served by the highway:
- b. The number of people intending to use the highway;
- c. The number of vehicles intending to use the highway
- d. The need of year-round emergency vehicle access to any or all properties accessed by the highway:
- e. The need of school bus access:
- f. The listed value and tax income from all properties being served by the highway.

5.3 Application Process: An application including technical data, designs, and drawings shall be submitted to the selectmen before new road construction is started and before any road may be upgraded. The Selectmen shall set a time for final inspection and shall hold one or more public hearings before finally accepting any new road or approving reclassification of an existing road constructed in accordance with Article IV standards.

5.4 Deed to Town: Before a road is accepted by the town: The owner (s) of the property where it is built shall deed to the town a fifty foot right-of-way, twenty five feet each side of the centerline, including slope rights if necessary: such deed to 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 an/or sub-surface), and major road features, alignment and curves.

5.5 Completion date: Highways are to be completed by November One so that inspections and acceptance can be completed before winter. Any highway completed after November one will not be accepted until after June one the following year.

ARTICLE VI. POLICES AND PERMITS

6.1 Winter Plowing: Class II town highways will be given highest priority when storm conditions justify. All class III highways will be plowed to the extent necessary to allow access to home of winter residents. No class IV will be plowed by the Town of Corinth, except as noted in section 6.3.

6.2 Class III Town Highways: Any Class III town highway not meeting the standards of this ordinance shall be upgraded to comply with Article IV upon determination by the Selectmen that the public good makes them a necessary part of the town highway system under Article V, Section 5.2.

6.3 Class IV Town Highways: It is the policy of the Selectmen to maintain class IV highways as seasonal highways. As such, they will not be plowed nor otherwise maintained in winter except as ordered by the Board of Selectmen because of emergency or highly unusual circumstances. Also, they are not expected to be fully serviceable during mud season". Grading, installation and/or replacement of culverts, ditch work, and addition of gravel will be accomplished to improve the stability of the roadway as funds, manpower, and other necessary work allow.

Any prospective landowner wishing to purchase or improve a property served by a Class IV highway, should contact the Selectmen prior to purchase to ascertain the current level of maintenance. Should any landowner with property adjacent to a Class IV highway desire to improve the condition of the highway, he may do so at his own expense provided an application is made, in writing, and approval is granted by the Board of Selectmen.

In evaluating whether to grant permission to allow improvements to any class IV highways, the Selectmen shall consider the following:

- a- Assurance that the Town of Corinth will have no responsibility for maintenance or any legal liability for damages to persons or property occurring within the right-of-way limits.
- b- The potential loss of the highways for winter recreational uses if the landowner (s) choose to plow the highway at their own expense, if this happens to be an issue, the landowner should attempt to maintain existing recreational linkages through negotiations with private landowners abutting the roadway.

- c- Maintenance of a permanent access way to all parcels of land served by the highway.
- d- The testimony of all abutting landowners with respect to the desirability of making road improvements.
- e- The improvements are consistent with the standards described in Section 4-2, so that unnecessary re-working can be avoided should highway be reclassified as class III at some future date.

6.4 Obstructions to Highway/Access Permits:

- a. Permits, issued by the Board of Selectmen, shall be required to develop, construct, or regrade any driveway, entrance or approach to a town highway.
- b. It shall be unlawful:
 - 1. within a highway right-of-way:
 - a. to build a fence or building
 - b. or to deposit material of any kind:
 - c. or to affect in any way the grade:
 - 2. or to obstruct a ditch, culvert, or drainage course that drains a highway.
 - 3. or to fill or grade the land adjacent to a highway so as to divert the flow onto the highway right-of-way:

without written permission from the Board of Selectmen
- c. The Selectmen may make such rules and regulations to carry out the provisions of this section as will adequately protect and promote the safety of the traveling public and shall in no case deny reasonable ingress and egress to property abutting the highways, using said safety as the test for reasonableness.
- d. An application to the Board of Selectmen for a permit by reason of development subject to the provisions of this section shall include proposed highway access plan for the entire tract of land. The board of selectmen may impose reasonable conditions in order to reduce the number of accesses that will be required for the tract of land. Such conditions may include set-back of any construction or improvements from the highway to allow for provision of frontage road or roads, acceleration and deceleration lanes and other areas

for off-highway control and management of vehicles and may require reimbursement for costs to the Town of installation of traffic control devices or road improvements reasonable required by reason of development: and to permit integration of such access and on-site traffic control facilities and connection of frontage roads between contiguous tracts of land as development is occurring or may occur along the highway.

- e. In addition, the Board of Selectmen: may, as development occurs on land abutting such highway, provide as a condition of any permit for the elimination of access permitted there under to the degree a common frontage road may make elimination feasible and practicable.
- f. In addition to any other enforcement powers that may be provided for by law, the Board of Selectmen may institute proceedings under 24 V.S.A. Section 43 to enforce this section (1) injunctive order, (2) assurance of discontinuance and, (3) civil penalty.

6.5 Construction and Maintenance of Access to Town Highways: All cost of developing, installing or maintenance of access facilities shall be the responsibility of the individual requesting an access permit under 6.4 of this Ordinance and/or landowners utilizing such access for their convenience. Such costs shall include paving or repaving of surfaces, the installation or replacement of culverts, maintenance of ditches and necessary traffic control devices, including signs incidental to such access. Repair of damage to these facilities caused by utilities, contractors, town maintenance crews or other parties not affiliated with the applicant and/or landowner, will be an obligation of all parties responsible for the damage.

6.6 Load Limits: Unless otherwise posted by the Board of Selectmen in accordance with 23 V.S.A. Section 1396, the legal load limit on all Class II and Class III town highways in Corinth is twelve tons. Vehicles, including load, traveling on Class IV roads shall not exceed eight ton.

6.7 Overload Permits: Requests for temporary permits can be made to the Board of Selectmen. In considering whether to grant such permit, the Board shall take into account possible damage to the roadway and the financial responsibility of the permittee. If a permit is issued and damage to roadways, bridges or culverts occurs, the permittee will be held financially responsible. Failure to repair such damage will result in the town completing the work and billing the permittee.

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