

The Vermont Statutes Online

Title 19 : Highways

Chapter 003 : Town Highways

§ 302. Classification of town highways

(a) For the purposes of this section and receiving State aid, all town highways shall be categorized into one or another of the following classes:

(1) Class 1 town highways are those town highways which form the extension of a state highway route and which carry a State highway route number. The Agency shall determine which highways are to be class 1 highways.

(2) Class 2 town highways are those town highways selected as the most important highways in each town. As far as practicable they shall be selected with the purposes of securing trunk lines of improved highways from town to town and to places which by their nature have more than normal amount of traffic. The selectmen, with the approval of the Agency, shall determine which highways are to be class 2 highways.

(3) Class 3 town highways:

(A) Class 3 town highways are all traveled town highways other than class 1 or 2 highways. The selectmen, after conference with a representative of the Agency shall determine which highways are class 3 town highways.

(B) The minimum standards for class 3 highways are a highway negotiable under normal conditions all seasons of the year by a standard manufactured pleasure car. This would include but not be limited to sufficient surface and base, adequate drainage, and sufficient width capable to provide winter maintenance, except that based on safety considerations for the traveling public and municipal employees, the selectboard shall, by rule adopted under 24 V.S.A. chapter 59, and after following the process for providing notice and hearing in section 709 of this title, have authority to determine whether a class 3 highway, or section of highway, should be plowed and made negotiable during the winter. However, a property owner aggrieved by a decision of the selectboard may appeal to the transportation board pursuant to subdivision 5(d)(9) of this title.

(C) A highway not meeting these standards may be reclassified as a provisional class 3 highway if within five years of the determination, it will meet all class 3 highway standards.

(4) Class 4 town highways are all town highways that are not class 1, 2, or 3 town highways or unidentified corridors. The selectboard shall determine which highways are class 4 town highways.

(5) Trails shall not be considered highways and the town shall not be responsible for any maintenance including culverts and bridges.

(6) Unidentified corridors.

(A) Unidentified corridors are town highways that:

- (i) have been laid out as highways by proper authority through the process provided by law at the time they were created or by dedication and acceptance; and
- (ii) do not, as of July 1, 2010, appear on the town highway map prepared pursuant to section 305 of this title; and
- (iii) are not otherwise clearly observable by physical evidence of their use as a highway or trail; and
- (iv) are not legal trails.

(B) If the conditions in subdivisions (A)(i) and (A)(ii) of this subdivision (6) are met, the legislative body of a municipality or its appointee may, after providing 14 days' advance written notice to the owners of the land upon which the unidentified corridor is located, enter private property to determine whether clearly observable physical evidence exists.

(C) Unidentified corridors shall be open to use by the public, but only in the same manner as they were used during the 10 years prior to January 1, 2006.

(D) A municipality shall not be responsible for maintenance of an unidentified corridor.

(E) Neither the municipality nor any person owning a legal interest in land through which an unidentified corridor may pass or abut shall have a duty of care to persons using the corridor.

(F) An unidentified corridor shall not be deemed to be a subdivision with respect to zoning, tax, and septic issues.

(G) After July 1, 2015, an unidentified corridor shall be discontinued, and the right-of-way shall belong to the owner of the adjoining land. If the right-of-way is located between the lands of two different owners, it shall be returned to the lots to which it originally belonged, if they can be determined; if not, it shall be equally divided between the owners of the lands on each side.

(H) An unidentified corridor shall not create a subdivision with respect to zoning, tax, and septic issues. If the unidentified corridor is reclassified as a class 1, 2, 3, or 4 highway or as a trail, the then- highway or trail shall be recognized as any other highway or trail for the purpose of creating a subdivision with respect to zoning, tax, and septic issues.

(7) Reclassification of unidentified corridors. On or by July 1, 2015 and pursuant to subchapter 2 of chapter 7 of this title, an unidentified corridor may be reclassified as a class 1, 2, 3, or 4 highway or as a trail.

(b) The Agency may require any municipality which fails to comply with the class 3 provisional commitments to return all state aid generated by the section or sections of highways involved. (Added 1985, No. 269 (Adj. Sess.), § 1; amended 1989, No. 246 (Adj. Sess.), § 10; 1993, No. 172 (Adj. Sess.), § 19; 1999, No. 156 (Adj. Sess.), § 27, eff. May 29, 2000; 2005, No. 178 (Adj. Sess.), § 1; 2007, No. 158 (Adj. Sess.), § 2.)