

# Vermont Local Roads' Model Highway Ordinance

The text of this model is a compilation of excerpts from various Vermont town ordinances. The text merely suggests issues that a town might consider. The model is not meant to be the last word in highway ordinances. Since every town is different, each will consider some issues herein not important. In fact, to adopt the model as is or with a few modifications is not recommended. The best ordinance is the one that works for you. To achieve it usually requires much discussion and a lot of work.

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## Ordinance

The Selectmen of the town of \_\_\_\_\_, County of \_\_\_\_\_, State of Vermont, in accordance with the authority invested in them by virtue of Title 24, Section 1972 through 1976 of the Vermont Statutes Annotated, hereby adopt the following (Town Name) Highway Ordinance.

This ordinance is in furtherance and support of the proper accomplishment of responsibilities and the discharge of authority prescribed by 19 V.S.A. Chapter 7, Laying Out and Discontinuing Highways by Local Authorities.

### 2.01 GENERAL

The Selectmen may, at their discretion, modify the requirements contained herein if their strict enforcement would cause undue hardship due to unusual conditions, provided the general objectives of these requirements are satisfied.

Compensation for damages to town highways caused by acts of noncompliance with this highway ordinance may be assessed against violators by the selectmen.

### 2.02 ROAD CLASSIFICATION

Town roads are classified as Class 1, Class 2, Class 3 or Class 4 highways in accordance with 19 V.S.A. § 302. An official town highway map supplied by the State Agency of Transportation shall be available for inspection in the \_\_\_\_\_ office.

### 2.03 ROAD RECLASSIFICATION

The selectmen shall periodically review the town highway classifications, taking into consideration increasing highway need, changing traffic patterns and growing populations, including identifications of key roads that link towns and major arteries. Selectmen may also

discontinue certain highways, either classifying them as trails while retaining a right-of-way or abandoning any claim to a right-of-way.

#### 2.04 HIGHWAY CONSTRUCTION AND MAINTENANCE

Road and related improvements shall be constructed or installed in accordance with sound engineering practice and this highway ordinance.

The selectmen shall institute and periodically review and update a town road management system in making decisions about preventative maintenance and road improvements. The plan shall include but not be limited to considerations of scenic areas and places of local historical significance, signs, bridges, etc.

#### 2.05 CLASS 4 ROADS

Class 4 roads, not including trails and pent roads, shall be maintained by the town in summer months only. Such maintenance will be limited to preventing deterioration and may include replacing culverts, removing debris from the roadway, repairing washouts, placing gravel, grading, cutting brush, repairing bridges, and removing downed trees.

#### 2.06 RIGHT-OF-WAY ACCESS

Selectmen shall control access into the road right-of-way for the installation or repair of utilities and for access of driveways, entrances and approaches.

#### 2.07 OVERWEIGHT VEHICLES

Selectmen, in accordance with 23 V.S.A. Chapter 13, shall issue permits for vehicles exceeding posted load limits.

In some cases, the selectmen will negotiate with the applicant for compensation of estimated road damages. Only after both parties agree to the terms will a permit be issued. The selectmen, or their agent, will inspect the proposed route both before and after the trucking operations. Probable damages to culverts, bridges, road surfaces and bases will be considered in the estimate.

Before issuing an overload permit, the selectmen shall also consider weather conditions and seasons of the year.

All damages to the highway, bridges, culverts and related structures caused by overload by applicant or by his negligence are the responsibility of the applicant and shall be repaired under the supervision of the selectmen or their agent and at the expense of the applicant. Failure to repair said damage will result in the town completing the work and billing the applicant.

#### 2.08 POSTING

No town road or any class may be intentionally closed by a gate or other obstruction by anyone other than the Board of Selectmen.

Selectmen may post a road in accordance with 19 V.S.A. § 1110.

## 2.09 COMPLIANCE WITH OTHER REGULATIONS

### **3.00 ROAD ACCEPTANCE POLICY**

#### 3.01 GENERAL

It is the policy of the Board of Selectmen of the Town of \_\_\_\_\_ to entertain application for the acceptance of public highways and roadways and to adopt and adhere to an orderly procedure for the receipt of an acting upon such applications. The decision of an application for acceptance of a highway is reserved to the sole and absolute discretion of the Board of Selectmen who will consider the grant or denial of an application on the basis of the best interest of the inhabitants of the Town.

An applicant shall secure all other necessary governmental permits for a land subdivision or for road construction as a condition precedent to the acceptance of a highway.

All questions arising during road construction relative to construction methods, materials or specifications shall be answered by reference to this ordinance and to the Vermont Standard Specifications for Construction.

The Board of Selectmen shall make final decisions over all questions arising during construction of new roads and shall approve all field changes.

Any new road, whether or not that road is proposed to be conveyed to the town shall be constructed according to the minimum standards and other terms of this ordinance.

#### 3.02 APPLICATION, PLANS AND PLATS

A plan of proposed streets shall be submitted to the town for review. The plan shall be in harmony with existing or proposed streets. As far as practicable, streets shall follow natural contours. All streets shall have free access to or shall be a continuation of one or more accepted Town streets or highways.

A written application for the acceptance of a highway shall be submitted to the town \_\_\_\_ weeks before road construction is started. The application shall be accompanied by a survey in a form acceptable by the selectmen for accuracy, thoroughness and legibility and a proposed warranty deed of the land to be conveyed for highway purposes. The grade line and minimum radii of all curves must be shown.

All monuments shall be of a reasonable permanent nature and where feasible shall be “tied” by survey to other objects of a permanent nature and the “ties” shall be shown on said map. The map shall show approximate location of any property line within 200 feet of the proposed right-of-way.

Applicant may, in initial application, propose a name for the road, but the selectmen will determine the road name. The State Agency of Transportation will assign a number to the road.

### 3.03 FEES

A fee of \_\_\_\_\_ shall accompany each application to cover the cost of bookkeeping and recording.

A fee of \_\_\_\_\_ per sign will be charged to cover the cost of installation of each sign. Signs as approved by the Selectmen will be billed to the owner at cost and payment must be received before final acceptance.

### 3.04 COMPENSATION FOR DAMAGES

### 3.05 PERFORMANCE BOND

A 100% performance bond for the estimated cost of the proposed road shall be provided to the town prior to the stumping of the right-of-way. The Board of Selectmen shall determine the amount of the bond. Permits may be withheld pending tender of proper performance bonds or highway acceptance.

### 3.06 INSPECTION (Refer to Section 4.00: Minimum Standards)

All highway designs, including cut and fill plans, gravel pit plans, surveys, layouts, right-of-way, utility locations, road construction site, preparation and construction shall be inspected by the Selectmen. The Selectmen or their representative shall inspect the road site as follows:

1. Before clearing
2. Before stumping
3. After rough grading
4. Upon completion of subgrading
5. During graveling
6. Before paved surface treatment
7. Final inspection

The developer shall have stakes set on centerline with finish grades marked on them at least every 100 feet for the entire length of the street or the street side staked with distance and grades marked before each inspection.

Before final inspection, the developer shall remove all trash from the right-of-way and the center of the turn around and shall repair any damage done to the roadway, shoulders, drainage structures and related road items. All slopes will be seeded and mulched.

Inspections, samples and core test may be taken by the town before final acceptance and all costs incurred shall be reimbursed by developer.

### 3.07 COMPLETION DEADLINE

No roads will be inspected or accepted after October 15th.

Road specifications in effect at the time of the initial inspection will be applicable for a period of two years from that date after which time any new road specifications will apply. The only exception will be if the road in question at the end of the two year period in Section 3.08 is under the 12-month maintenance period.

### 3.08 ACCEPTANCE

When the road has been completed, inspected, and one house has been completed, the Town will, upon request, begin normal maintenance for 12 months.

After 12 months of maintenance, if no serious defects have been observed, the deed will be recorded and the road will become a Town highway. During the 12 months initial acceptance period, any flaws or defects which are pointed out to the road builder will be his responsibility to correct. During this period, the Town will order and erect the necessary signs.

### 3.09 CONVEYANCE

All rights-of-way and slope rights shall be conveyed to the Town of \_\_\_\_\_ by warranty deed in fee simple and free of all encumbrances.

## 4.00 MINIMUM STANDARDS

Roads and streets vary in their functional use. The standards by which a highway is constructed are important to its proper functioning. As the quantity of traffic in a road increases, so must the standards change. Consequently, the standards which follow are considered minimum standards and are subject to modification by the Selectmen after a study of local conditions requiring changes.

Requests for waiver or any portion of these standards shall be made in writing to the Board of Selectmen.

Vermont Agency of Transportation Standards A76 and B71 are hereby adopted and enforced as supplemental criteria under this ordinance.

#### 4.01 RIGHT-OF-WAY WIDTH

The right-of-way shall be a minimum of 50 feet in width with wider slope and drainage rights if deemed by the Selectmen. The center line of the road is to be located in the center of the right-of-way. The right-of-way conveyed shall intersect at least one existing class 1, 2, 3 or State Highway.

#### 4.02 TRAVELED WAY WIDTH

The minimum traveled way width of a road shall be 22 feet not including shoulders.

#### 4.03 CLEARING

Right-of-way is to be cleared a minimum of 40 feet of all trees, brush and stumps. Burning shall be done in accordance with State and Town fire regulations. No fallen trees shall remain in the right-of-way. All stumps shall be removed, so that base of road is on hardpan, gravel, ledge or properly compacted fill.

#### 4.04 SUBGRADE

Ledge and boulders shall be removed to at least 18 inches below subgrade and replaced with sand or bank run gravel.

All loam, muck, stumps and other improper foundation material shall be removed from within the limits of the fully extended road shoulders. In embankment areas, suitable foundation material shall be placed in one foot layers and compacted to form a stable subgrade.

The subgrade surface shall conform exactly in cross section and grade to the finished road surface. Crowning and banking of curves shall be as required by the Selectmen. Compaction is required on any portion of the subgrade which has been disturbed by excavation or which has been filled during the construction of the subgrade. All ditches and drains will be constructed so that they effectively drain the subgrade prior to the placement of any base material. An additional 6 inches of sand cushion shall be placed over any clay subgrade.

#### 4.05 WET AREA

If the proposed road is in a wet area, Selectmen may require additional gravel plus sand cushion and underdrain to insure a stable road.

#### 4.06 SUBBASE

The subbase shall be composed of 12 inches of compacted gravel installed in two 6 inch lifts with maximum stone size of 4 inches. The cross section and grade of the subbase shall conform to those of the finished surface.

#### 4.07 UPPER BASE

All streets will receive a 6 inch upper base course of compacted crushed gravel as defined by the book "Vermont Standard Specifications for Construction"

#### 4.08 SHOULDERS

Shoulders shall be a minimum of two feet in width on a side and shall be constructed to the same specifications as the subgrade, subbase and base. Shoulders shall be a minimum of four feet at guardrail sites.

#### 4.09 PAVING

The roadway is to be paved within a year after construction and after one winter season has passed with hot bituminous concrete mix meeting all of Vermont State Highway specifications for hot asphalt bituminous concrete mix. The bituminous concrete is to be laid and rolled by experienced crews in two layers. The first, the binder course, to a depth compacted to 2 inches and the second application compacted to a depth of 1 inch of hot bituminous concrete, surface mix. All work shall be done in a professional manner.

It is not always beneficial to the town to require hot bituminous concrete mix pavement on all roads which are proposed for acceptance by the town. That categorical requirement creates undesirable expense for the town and establishes a policy which does not best serve the orderly growth and development of roads and properties in the town. The following criteria shall be considered by the Selectmen in determining what method of road finishing and surfacing will be required as a condition of road acceptance:

A. Type of project use of the proposed road. Arterial and collector roads are defined as roads which will be normally and customarily used as a course of travel to destinations other than the properties fronting upon said roads. An arterial or collector type of proposed use will normally require pavement. A non-arterial or non-collector type of proposed road is used only for ingress, and egress to the properties fronting on or connected to said road will not normally require pavement.

B. Density of properties served by proposed road. Where there is less than 1 unit per 2 acres fronting on or connected to the proposed road the Selectmen may waive the required pavement.

C. Rural or non-rural characteristics of neighborhood in which the proposed road is located. The Board of Selectmen will be guided by prevailing characteristics of the surrounding area as well as the proposed development in deciding whether to require pavement of a proposed road.

D. Terrain, course, hazards and suitability of proposed road. Safety to the traveling public and inhabitants along the road shall be considered in deciding whether to require pavement and the extent and form of pavement to be required.

E. Future foreseeable connection or intensifications of a proposed road shall be considered in determining whether and when to require pavement and what form or locations of pavement or finishing to require.

#### 4.10 CROWN

The street shall have a cross slope from centerline to edge of shoulder of 1/4 inch per foot and from the edge of street to edge of shoulder of 5/8 inch per foot.

#### 4.11 DITCHES, CULVERTS AND HEADERS

**Drainage Ditches.** Drainage ditches shall be provided where necessary and shall be constructed to prevent infiltration of water into the gravel sub-base and to conduct storm drainage to waterways and absorption areas. Accordingly, drainage ditches adjacent to roads are normally to be at least 6 inches below the gravel sub-base or 18 inches below finished grade to minimize spring break-up conditions. Ditches shall be shaped to prevent excessive erosion on both shoulder and right-of-way or bank sides of the ditch cross section.

Open drainage ditches in excess of 5% grade shall be paved with stone or asphalt.

Underdrain will be required where soil and water conditions make it desirable.

**Culverts.** Culverts shall be installed during the construction of the highway and prior to highway subbase and surface preparation and placement. Backfill in excavations for culverts shall be compacted to prevent or minimize settling in surface, shoulders or slopes. Culverts should be covered with a minimum of 36 inches of material.

Headers shall be installed at the inlet of all culverts and may be either reinforced concrete eight inches thick, large flat rock tightly placed, or large cemented rock. The inside edge of headers shall be at least eight feet from the outside edge of the shoulder. Marker posts four to six inches in diameter shall be installed at both ends of the culvert.

Culverts shall be installed in all low spots and be of sufficient size to handle the anticipated runoff but shall not be less than 18 inches in diameter and shall extend at least one foot beyond all fill, measured at the bottom of the culvert and shall have not less than two feet of packed cover.

Culverts shall be spaced no greater than 300 feet apart in one continuous ditch line.

#### 4.12 SLOPES AND BANKS

Vertical or sharp cut faces, excepting ledge, shall not be permitted.

Slopes and banks shall not be steeper than 1 vertical to 1½ horizontal. Soil stability of banks shall be a design consideration. Slopes or banks shall be designed and constructed to prevent



instability, slides, washes, or other disturbance to the slope or bank surface or subsurface. Banks shall not interfere with snow removal. After construction and final grading of banks, banks will be seeded and mulched to minimize surface erosion. Cribbing or riprap shall be provided where necessary.

#### 4.13 GUARDRAILS

Approved types of guardrails 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 (4:1 or steeper) from the road surface, and which is 10 feet or higher in elevation, shall be protected with guardrail unless such requirement is waived by the Town in approving road plan and application. Guard posts and rails shall also be provided to warn and protect traffic from ledge or other obstructions where necessary in consideration of traffic volume, road width, and safety. Installation shall conform with Vermont Agency of Transportation requirements.

#### 4.14 GRADES

Highway grades shall be at least 1 percent but not more than 10 percent unless paved or double tacked. In no case shall grade exceed 12 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.

The maximum grade with 50 feet of an intersection shall be 4 percent.

#### 4.15 CURVES

Radius of curves shall be long enough to permit easy flow of traffic, including trucks, graders, and fire engines, with at least a 100-foot radius in all cases, measured on the center line. Trees and boulders shall be removed to permit adequate sight on all curves.

#### 4.16 DRIVEWAYS, ENTRANCES AND APPROACHES

Driveways cannot interrupt the natural or ditch line flow of drainage water. In some cases where shallow ditch lines or natural drainage courses exist, driveways may be swelled at a point beyond the road shoulder to accommodate the flow of storm water. In all other cases, driveways must have sufficiently sized culverts installed and forever maintained by the homeowner or developer.

In no case shall the culvert pipe under a driveway be less than a 15-inch diameter pipe.

An all season safe sight distance of 200 feet in each direction must be present for a building permit to be issued.

Driveways shall intersect the roadway at a preferred angle of 90 degrees but in no case shall the intersecting angle be less than 50 degrees.

No driveway will be permitted to be constructed within 100 feet of an intersection street and 150 feet is desirable.

Under no circumstances shall a driveway permit allow construction which will result in drainage or washing directly out to a town highway.

In the event a driveway causes damage to a town highway through improper construction, maintenance, or grading, it shall be the responsibility of the property owner to make necessary repairs upon notification in writing by the town. In the event such repairs as are required are not made within 30 days, the Town shall take whatever steps are necessary to insure the interests of the Town and shall bill the property owner for any expenses involved.

#### 4.17 INTERSECTIONS

Intersections shall be as nearly as possible at right angles (90 degree) with a minimum allowable intersection angle of 60 degrees.

The centerline of no more than two accepted right-of-way shall intersect at any one point.

Any intersections of two highways with a third highway shall be separated by a distance of not less than 150 feet between center lines.

#### 4.18 CUL-DE-SACS AND DEAD END STREETS

Deadend streets are discouraged. Cul-de-sacs will be permitted but not of greater length than 1200 feet and must have a turn-around with a minimum radius of 60 feet built to subgrade, subbase and upper-base specifications. Provisions shall be made at the perimeter for snow removal.

Streets shall be arranged to provide for extension or connection of eventual street systems necessary to develop abutting land in future subdivisions.

#### 4.19 TURNOFFS

Turnoffs with adequate elevations, surface, drainage ditches, and culverts will be provided to permit safe passing under summer and winter conditions, and shall be dimensioned and constructed to enable effective and efficient snow removal.

#### 4.20 ROADSIDES

At completion of the project, excess debris not covered, shall be removed from the right-of-way. Burial of wood, such as stumps will be permitted within the right-of-way outside the traveled portion.

All disturbed portions of the roadsides shall be loamed, seeded and mulched.

#### 4.21 UTILITIES

All electric, telephone and cable TV distribution systems within subdivisions shall be placed underground where feasible as determined by the Board of Selectmen.

The developer shall coordinate designs with the appropriate utility companies to insure adequate and suitable area for underground installations. The developer shall be responsible for providing for water mains, manholes, sanitary sewers and catch basins if required.

Easements across lots or centered on rear of side lot lines shall be provided for utilities where necessary and shall be at least 20 feet wide.

#### 4.22 CURBS AND SIDEWALKS

These regulations do not require construction of sidewalks or curbs or the setting of edgestones. When required, however, such as near schools and designated activity areas, they shall be constructed or set in accordance with the policy and specifications agreed upon with the Board of Selectmen.

#### 4.23 SIGNING

Street signs shall be in conformance with the Manual on Uniform Traffic Control Devices (MUTCD) and paid for by the developer.

#### 4.24 BRIDGES

Plans for bridges must be submitted for review prior to construction. Construction will be authorized only after a review by the State Agency of Transportation indicates that the bridge will meet all applicable Vermont Agency of Transportation Specifications.

4.25 Water Distribution Specifications and Details

4.26 Sanitary Sewer Specifications and Details

4.27 Storm Sewer Specifications and Details

4.28 Bicycle Paths

4.29 Design Speed and Speed Limits

4.30 On-Street Parking

4.31 Off-Street Parking

4.32 Street Lighting

4.33 Recreational Vehicles

4.34 Street Excavation

4.35 Physically Handicapped Parking

4.36 Street Signing

5.00 APPENDIX

- 5.01 Right of Way Access Form
- 5.02 Driveway and Road Access Form
- 5.03 Overweight Vehicles Form
- 5.04 Road Acceptance Form

*Vermont Local Roads Model Ordinance, July 2000*