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Highway Access Policy Model and Guidance

MAC has developed new model and best practice documents to help selectboards, road commissioners and highway supervisors (road foreman) manage their town highway systems.

Model Town Highway Access Policy, Guidance Memo and Forms

The MAC Model Town Highway Access Policy and accompanying forms will help municipalities formalize the access permit process that is required by 19 V.S.A. § 1111. That statute requires that any individual or corporation seeking to occupy or alter any part of a municipal right of way must obtain a permit. Such permits are commonly referred to as “access,” “curb cut,” or “driveway” permits and are issued by the selectboard or its designee. It is essential that every municipality establish a permitting process, including rules and regulations that set forth any required construction standards and conditions that must be complied with before an access permit may be issued.

It is unlawful to “develop, construct, regrade or resurface any driveway, entrance or approach, or build a fence or building, or deposit material of any kind within, or to in any way affect the grade of a highway right of way, or obstruct a ditch, culvert or drainage course that drains a highway right of way, or fill or grade the land adjacent to a highway so as to divert the flow of water onto the highway right-of-way,” without a permit. 19 V.S.A. § 1111. Municipalities are specifically authorized to “make such rules to carry out the provisions of [19 V.S.A. § 1111] as will adequately protect and promote the safety of the traveling public, maintain reasonable levels of service on the existing highway system, and protect the public investment in the existing infrastructure...”

The Model Highway Access Policy includes legal requirements specified in Vermont law, but does not address specific technical issues such as safety, traffic volume, deceleration lanes, traffic impact studies, parking, loading, drainage and other issues associated with various types of development. Towns may customize the policy to address these technical aspects of managing the highway system.

This policy template has been developed for illustrative purposes only. VLCT makes no express or implied endorsement or recommendation of any policy or any express or implied guarantee of legal enforceability or legal compliance. VLCT also does not represent that any policy is appropriate for any particular municipality. Please seek legal counsel to review any proposed policy before adoption.

If you have questions about this or other MAC Resources please contact info@vlct.org [1] or call 1-800-749-6915.

Documents:

 [VLCT Model Highway Access Policy.docx](#) [2]

 [VLCT Cover Memo Model Highway Access Policy.pdf](#) [3]

Links:

[Highway Access Drainage Management Standards Guidance](#) [4]

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Resource Category:

- Guidance
- Model

Links

[1] <mailto:info@vlct.org?subject=MAC%20Inquiry%3A%20Access%20Policy%20and%20Guidance>

[2] <https://www.vlct.org/sites/default/files/documents/Resource/VLCT%20Model%20Highway%20Access%20Policy.docx>

[3] <https://www.vlct.org/sites/default/files/documents/Resource/VLCT%20Cover%20Memo%20Model%20Highway%20Access%20Policy.pdf>

[4] <https://www.vlct.org/resource/highway-access-drainage-management-standards>