THE ORANGE BOOK

Revised 03/29/2022

A HANDBOOK FOR LOCAL OFFICIALS

Phil Scott,Governor

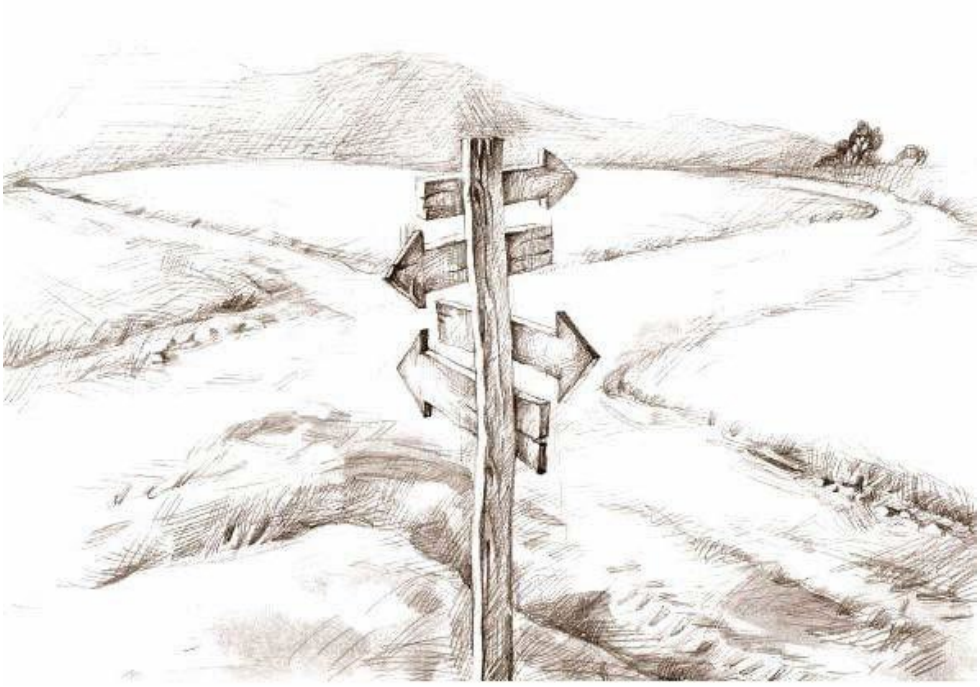
Joe Flynn, Secretary of Transportation

VERMONT

AGENCY OF TRANSPORTATION

HANDBOOK FOR LOCAL OFFICIALS

Preface



This handbook is provided to assist and guide the elected and appointed officials within local government in the State of Vermont. It is intended to provide a general understanding of the processes regarding the various state-aid programs available via the Agency of Transportation and selected responsibilities of the officials.

It is not intended to be a wholly definitive document on the technical and legal issues, and appropriate consultation should be done with professionals where uncertainty is encountered.

An electronic version of this handbook is available to download in .PDF format at VTrans website: https://vtrans.vermont.gov/sites/aot/files/documents/TheOrangeBook_0.pdf

Additional copies are available through your local VTrans District office.

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INTRODUCTION

There are several funding and technical assistance programs available to local governments in Vermont. Due to the variety of these programs and the complexities of each, this may be a confusing area for elected or appointed officials in towns, cities and villages. This handbook is intended to provide a reference to aid in general understanding and to guide officials in their cooperative relationships with the Agency of Transportation.

The reader is urged to browse through the handbook to gain a general understanding of the programs available and when specific instances arise, consult the contents to find a description of the particular topic. In the event of uncertainty after consulting the handbook, an official should contact the District Transportation Administrator (DTA) and/or their designee for their particular region.

All aid programs are based upon authority granted by the Vermont General Assembly, either by being specifically called out in the Vermont Statutes Annotated (V.S.A.), by their inclusion in annual appropriations of funds, or by reference in the annual Session Laws. Statutory references are included in this handbook for convenience, but the user is cautioned to check the legislative actions following the publication date of the handbook, as changes may have occurred. In particular, the amount of funds available for projects in each of the various aid categories is dependent on funding which is appropriated each fiscal year by the General Assembly for that category.

This handbook is organized to present general knowledge and background information and to describe in detail the individual assistance programs. Some sections describe assistance available other than the funding assistance programs. Also included are sections which provide information on VTrans related topics that may be of interest to town officials.

Town, city and village officials shall abide by the current edition of the Manual on Uniform Traffic Control Devices (MUTCD) (Manual on Uniform Traffic Control Devices (MUTCD) - FHWA (dot.gov) as a condition for accepting Town-Aid grants administered through the Agency of Transportation.

Section 1

Agency of Transportation Organization

Agency Divisions

The Agency of Transportation (VTrans) is divisionally organized into four divisions and one department specializing in particular areas of transportation. The Secretary of Transportation administers VTrans and is appointed by the Governor with the approval of the Senate. The Secretary selects the Division Directors and the Commissioner of Motor Vehicles. The Divisions are:

- Finance & Administration
- Policy, Planning & Intermodal Development
- Highway
- Maintenance and Fleet
- Department of Motor Vehicles

District Transportation Administrators

Most contact between local officials and VTrans occurs through the DTA or district staff. Please refer to the Agency's website at https://vtrans.vermont.gov for personnel and contact information. Specialists in other VTrans sections will research questions or issues that are beyond district staff capability. Although district staff may have to defer questions to other specialists, initial inquiries should be made through your local district office.

Transportation Planning Coordinators

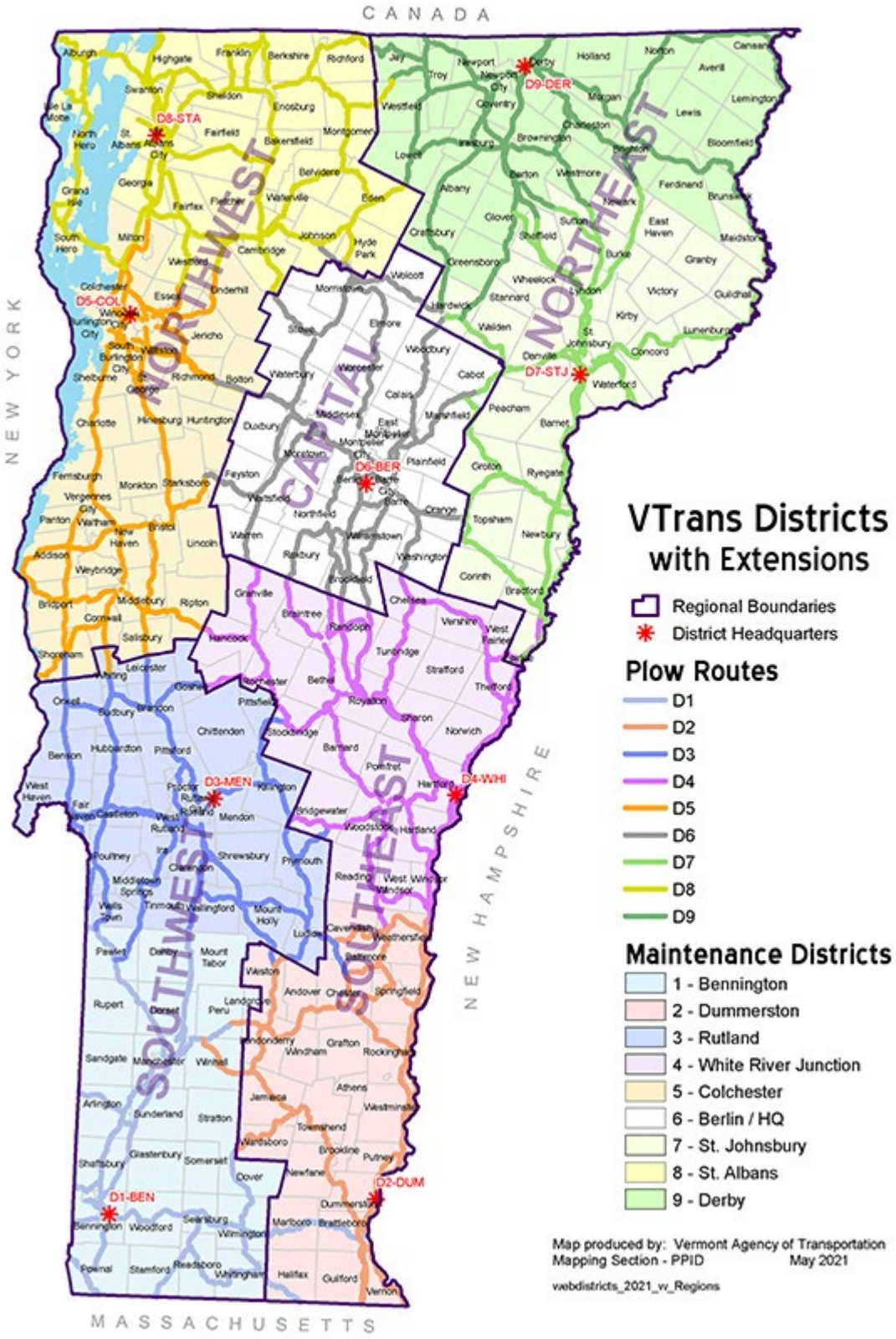
VTrans Transportation Planning Coordinators, in the Policy, Planning & Intermodal Development Division are identified on the VTrans Transportation Planning Coordinators and Assigned Regions map (http://vtrans.vermont.gov/planning/policy-planning/regional). Planning Coordinators carry out the Vermont Transportation Planning Initiative, which is VTrans' process of involving Vermont's Regional Planning Commissions and the Chittenden County Metropolitan Planning Organization in the transportation planning and problem-solving process. Each coordinator is assigned to a number of local planning organizations. Coordinators seek local input on transportation needs and projects and develop regional transportation plans and improvement programs. In some instances, coordinators mediate certain public meetings such as public "502" hearings.

State Transportation Board

The State Transportation Board is the authoritative body to hear complaints on VTrans' decisions on certain matters involving municipalities, including reclassification of highways (19VSA Section 5). All policy, program and operational decisions are made by VTrans, rather than the Transportation Board.

Agency Assistance to Local Government - Definitions

- For funding or technical information, state assistance is provided upon request from local officials who are responsible for maintenance and improvement of the transportation infrastructure. In general, the selectboard is the responsible group for all matters involving town highways and bridges (19 V.S.A. Section 303), but the charter of a town/city/village may grant exceptions to this rule. In this handbook, the responsible group is called the governing body and may be the selectboard, trustees, council or the Board of Aldermen. Municipal managers and road commissioners may have general and specific authority granted to them, which should be clear to all parties involved.
- Unorganized towns and gores (UTG) are an exception to the general rule, in that the Secretary of Transportation is the governing body for highway-related issues (19 V.S.A. Section 16). In all respects the UTG are eligible for all the forms of aid and assistance as are chartered towns, villages, and cities. In practice, the DTA is delegated the powers granted the Secretary under 19 V.S.A. Section 16. Detailed guidelines for the UTG program are included on page 1-7.
- All public transportation infrastructures are the responsibility of either the state or the municipality. In this handbook "municipality" or "town" are meant to indicate town/city/village, whichever is applicable. Town maps can be accessed through VTrans' website at http://vtrans.vermont.gov/planning/maps/town-maps showing town responsibility of highways. Do not rely on the route numbering for identification of state highways because some local roads are marked with state route numbers.
- It is important to determine whether a highway or bridge is on the designated federal-aid highway system as some categories of aid may be used only on the federal-aid system. The federal-aid system includes both town and state highways. Each segment must connect to another federal-aid route, except that stub ends are allowed to reach major traffic generators. Federal-aid names have changed to federal-aid principal arterial, major and/or minor arterial and/or collector, and are no longer being shown on town highway maps. Current color-coded functional class maps, showing Vermont highways on the federal-aid system, are available from your local DTA or on VTrans' website at: http://vtrans.vermont.gov/planning/maps/maps.
- The classification of town highways is also important in determining aid. Classification is discussed in depth in Section 13. In brief, the governing body decides the classification and measured length of the highways under its jurisdiction, except for Class 1 and Class 2 Highways which require VTrans' approval. The amount of state aid a municipality receives for its town highway mileage (described in further detail in Section 2) is determined by these mileage figures.
- Bridges, for state-aid purposes, are defined as structures having a span of six feet or greater (19 V.S.A. Section 306(b)). A bridge must have a span of 20 feet or greater to be eligible for federal aid.


CANADA
NEW YORK
NEW HAMPSHIRE
MASSACHUSETTS
NORTHWEST
CAPITAL
NORTHEAST
SOUTHWEST
SOUTHEAST
D8-STA
D9-DER
D5-COL
D7-STJ
D6-BER
D3-MEN
D4-WHI
D1-BEN
D2-DUM
VTrans Districts
with Extensions
Regional Boundaries
District Headquarters
Plow Routes
D1
D2
D3
D4
D5
D6
D7
D8
D9
Maintenance Districts
1 - Bennington
2 - Dummerston
3 - Rutland
4 - White River Junction
5 - Colchester
6 - Berlin / HQ
7 - St. Johnsbury
8 - St. Albans
9 - Derby
Map produced by: Vermont Agency of Transportation
Mapping Section - PPID May 2021
webdistricts_2021_vv_Regions

PROCEDURE FOR DOING WORK FOR UNORGANIZED TOWNS AND GORES
(OUTSIDE ESSEX COUNTY)

Guidelines

Under Vermont law (19 V.S.A. § 7[i] and 16) the Secretary of Transportation (thus the District Transportation Administrator (DTA) of the area directly involved) is to assume the powers and duties of a select board in highway matters in unorganized towns and gores (UTG). Authority to spend tax money for construction and maintenance of highways and bridges is explained in 24 V.S.A. § 1406. (Appointed supervisors for UTGs do not have the authority to authorize such work – refer to 24 V.S.A. § 1403 and 24 V.S.A. § 1408.) The duties of VTrans, when acting as a select board, with respect to highway matters, are described in Title 19 V.S.A. § 16.

Funds from the collection of taxes, town highway aid money, etc., are deposited in an account administered by the Agency of Administration, Finance Division (STATE TREAS- URER).

Each town/gore has a supervisor appointed who is responsible for collecting taxes, handling complaints of encroachment, etc., as identified in 24 V.S.A. § 1408 and 19 V.S.A. § 1103. The monies received in these accounts can be expended for highways and bridges (as noted above), but only after specified deductions are made.

To determine the availability of funds for highway work, a budget proposal is necessary identifying anticipated spending because the dollars needed for school tuition, etc. (which are directly under the supervisor control), and the dollars needed for highway maintenance (winter and summer) come from the same account from which the town supervisor draws. Uncommitted (not used for school tuition, etc.) account balances can then be determined and designated for use for needed highway repairs, which are under the responsibility of VTrans as the select board for the UTG. A unified approach is necessary before committing any funds while acting as the select board for these UTGs.

PROCEDURE:

1) Annually the DTA will request to meet with UTG supervisors to develop an annual UTG highway budget. Money identified for annual highway maintenance shall be set aside within each appropriation under a separate aid number (allotting clear district spending authority). A copy of the budget proposal shall be submitted to the Program Manager who will serve as the Secretary of Transportation's representative and chair of the individuals designated as the highway committee (other "committee" individuals are the DTA and UTG supervisors who wish to cooperate).

2) Normal maintenance, as budgeted, will be performed or contracted for by the district.

3) Work request beyond normal maintenance:

a) If the UTG supervisor requests highway or bridge work to be done, it shall be in writing indicating the work needed and the reason why the work is considered necessary. The request should be directed to the DTA.

b) Emergency work determined necessary by VTrans district staff shall be documented indicating the work needed, estimated cost and the reason the work is necessary.

4) DTA review of (written) request:

a) Determine if the work requested is necessary.

b) Determine the project cost and develop any plans necessary.

c) Determine if work is to be done with district staff or contract source.

5) VTrans review (select committee):

a) Determine if the work requested is necessary.

b) Determine availability of funds.

c) Authorize, postpone, or deny work requested. *Decision to be in writing with a copy to the UTG supervisor, DTA, Agency of Administration - Finance Division, and file. The DTA shall arrange for the completion of all approved work, including, but not limited to securing all necessary environmental permits and natural / cultural resource clearances.*

6) Processing payments - The district shall process all payments (not to exceed the approved spending amount) covered by this procedure, billing the appropriate account. A TA-65 form (page 5-7) shall be used to summarize and document the project expenditures.

Note: The former unorganized towns and gores of Essex County, known since 2006 as the "unified towns and gores of Essex County," are governed by the special provisions of 24 V.S.A. Chapter 41.

Section 2

State Aid for Town Highways

Program Description

The state makes an annual appropriation for state aid to town highways in accordance with 19 V.S.A. § 306(a). These funds are distributed quarterly, with no application required. There is no requirement that state funds be matched with local funds, other than a requirement that municipalities expend no less than $300 per mile of local tax revenues on their highways (19 V.S.A. § 307). The annual appropriation is distributed to towns based on their mileage of Class 1, 2, and 3 town highways, and is apportioned as follows:

1. Class 1: Six percent.
2. Class 2: Forty-four percent.
3. Class 3: Fifty percent.

A supplemental appropriation is made for multi-lane Class 1 town highways and is also distributed based upon additional lane miles (19 V.S.A. § 306(g)).

Towns shall use the monies apportioned to it solely for town highway construction, improvement, and maintenance purposes, including sidewalks along those town highways; or as the non- federal share of public transit assistance (19 V.S.A. § 306(a)(5)). Costs directly related to highways and bridges, such as maintenance employee fringe benefits, interest costs on loans or bonds, street lighting, etc., are considered to be eligible uses. Bicycle facilities (shared-use paths, on-road bicycle lanes or signed routes) are another eligible use (19 V.S.A. § 2307(a)).

The planned use of these funds (and municipal funds) must be detailed to the state in an annual town plan for the maintenance and construction of all highways under the governing body's control for the following year. An example of the Annual Financial Plan (Form TA-60) follows on pages 2-2 and 2-3. This plan shall be submitted to the DTA within 60 days of adoption of the municipal budget (19 V.S.A. § 306(j)). The DTA will provide assistance with the plan if requested by the governing body. Failure of a municipality to submit the TA-60 will jeopardize the distribution of grant monies.

The Annual Financial Plan (TA-60) establishes a budget for a municipality's yearly activities and projects. Costs and sources of funds should be clearly defined. A separate budget should be made for construction and maintenance.

The winter maintenance portion of the annual plan should specify estimated costs for winter activities such as plowing, sanding and salting, purchase of materials and purchase or rental of equipment. The non-winter maintenance portion should have a similar breakdown. Resurfacing, bridge maintenance, dust suppression, and participation in state programs should be broken out. The construction portion of the annual plan should have details on which road segment or bridge has been identified. The scope of the work should clearly state the work to be performed.

Municipalities shall be responsible for signing and traffic control, which shall be accomplished in conformance with 23 V.S.A. § 1025 and the latest edition of the Federal Highway Administration's Manual on Uniform Traffic Control Devices (MUTCD) whenever state grant funds are used. Municipalities will also be responsible for securing all necessary environmental permits and natural and cultural resource clearance.

The Annual Financial Plan should be useful to the municipality preparing it. It can be as broad or as detailed as the governing body desires. The plan may be modified as necessary, provided that the required information is clearly defined.

ANNUAL FINANCIAL PLAN - TOWN HIGHWAYS **TA-60**
19 V.S.A. § 306(j)

Town of_____Fiscal Year _____ Begin _____ End_____

INCOME

DESCRIPTION	ESTIMATED
State Funds - 19 V.S.A. Section 306(a):	
Class 1 $11,635.124023	$
Class 2 $4,273.354004	$
Class 3 $1,587.646851	$
Town Tax Funds – 19 V.S.A. Section 307	$
Special Funds (e.g., bonds or earmarks):	
a.	$
b.	$
c.	$
TOTAL	$ **0.00**

EXPENSES

DESCRIPTION	ESTIMATED
Winter Maintenance	$
Non-Winter Maintenance	$
Major Construction Projects	
a.	$
b.	$
c.	$
TOTAL	$ **0.00**

Comments:

This form shall be signed by the appropriate town officials and forwarded to the District Transportation Administrator.

TA-60 Rev 09-13

ANNUAL FINANCIAL PLAN - TOWN HIGHWAYS **TA-60**
19 V.S.A. § 306(j)
(page 2)

We, the Legislative Body of the Municipality of _____ certify that funds raised by municipal taxes are equivalent to or greater than a sum of at least $**300.00** per mile for each mile of Class 1, 2, and 3 Town Highway in the municipality. (19 V.S.A. 307)

_____ Date:_____

_____

_____

_____

_____
(Duly Authorized Representatives)

The submitted Town Plan meets the requirements of Title 19, Section 306(j).

_____ Date:_____
District Transportation Administrator

Section 3

Project Prioritization and Development

Program Description:

In addition to the block grants to towns described in Section 2, VTrans offers many funding programs for specific types of projects. These special programs were designed by legislative action at the state or federal level. Each program has separate prioritization methods, funding match requirements, funding procedures, and roles/responsibilities for municipalities. VTrans urges municipalities to work with their District Transportation Administrator (DTA) to determine which funding programs work best for their projects.

All projects are alike, however, in that once identified, costs must be estimated. Below is a description for estimating project costs.

Estimating Project Costs:

Whether it is a preliminary damage assessment during a disaster event, developing an estimate for a Town Highway Grant project or planning for the annual road budget, it is often necessary to come up with project estimates. Most municipalities have minimum construction standards or specifications that they follow. VTrans maintains a list of average bid prices derived from Agency contracts, which are updated periodically, based on the historical contract pricing and averaged over a specified timeframe. The list can be viewed at: https://vtrans.vermont.gov/cost-estimating

KEEP IN MIND THAT YOUR UNIT PRICES MAY VARY FOR ONE REASON OR ANOTHER.

Item Number and Item Description – Each item is assigned a number, a material specification and a description of good construction practices when using that item. Detailed item descriptions and specifications for all these items and others are found in the VTrans 2018 Standard Specifications for Construction. The publication can be found at: https://outside.vermont.gov/agency/VTRANS/external/docs/construction/02ConstrServ/PreContract/2018SpecBook/2018%20Standard%20Specifications%20for%20Construction.pdf. Each municipality should have a copy to refer to, however, if you don't have one and would like to obtain a copy of this book, municipalities may contact Contract Administration at (802) 793-9828.

Unit - Each item is calculated based on the unit of measurement. Most items are in-place unit prices – the exceptions are pipes and drop inlets where excavation costs need to be figured as well. The following are examples of how items and units are calculated:

- **Excavations and Gravels**

  CY measurement = (L x W x D)/27

  CF = cubic feet
  CY = cubic yard
  L = length of area(ft) to be excavated or graveled
  W = width of area(ft) to be excavated or graveled
  D = depth of excavation(ft)n or area to be graveled
  Divided by 27 because there are 27 CF per CY

- **Fine Grading – Cold Planing – Reclaiming – Cold Mix**

  SY measurement = (L x W)/9

  SF = square feet
  SY = square yard
  L = length of area(ft) to be redone
  W = width of area(ft) to be redone
  Divided by 9 because there are 9 SF per SY

- **Pavement and Emulsified Asphalt**

  Ton measurement = ((L x W x D)/27) x 2

  CWT measurement = ((L x W)/9) x 0.0252

  SF = square feet
  SY = square yard
  CF = cubic feet
  CY = cubic yard
  CWT = hundredweight *(Emulsified asphalt weighs about 8.4 pounds per gallon and an application rate of 0.3 gallon per SY is used equaling 0.0252 CWT per SY)*
  L = length of area to be paved
  W = width of area to be paved
  D = depth of proposed pavement (in tenths)

  To convert inches into tenths, divide by 12 *(1 ½" = 0.125')*
  To convert from SF to SY divide by 9 *(9SF = 1SY)*
  To convert from CF to CY divide by 27 *(27CF = 1CY)*
  To convert from Tons to CY multiply by 2 *(2 tons = 1CY)*

Average Price – Once the number of units has been calculated for each item needed in a project, the cost per item can then be figured by multiplying the number of units by the average price.

Section 4

Town Highway Bridge Program

Program Description:

State assistance *for major rehabilitation or reconstruction of bridges* with a span of six feet or more on Class 1, 2, or 3 town highways is made available by the Secretary of Transportation from annual appropriations for that purpose (19 V.S.A. § 306). State assistance amounts are not limited for any one project.

State assistance requires 10 % participation or match of total project cost with town funds for replacement projects and 5% for rehabilitation projects. The local match is capped at the amount raised by a municipal tax rate of $0.50 on the Grand List (19 V.S.A. § 309).

VTrans is required to inspect all bridges of 20-foot span or longer, both on the federal-aid system and those town highways not on the federal-aid system, at least once every two years. Reports of the inspections are sent to each municipality after completion of the inspections in the municipality. In addition, if critical defects are detected a special letter is sent to the municipality advising of the deficiency. Failure by the municipality to act to correct the deficiency may result in further structural deterioration, potential reduction in load capacity, width restriction or recommended closure. Structures less than 20 feet but equal to or greater than 6 feet are considered “short structures” and are neither inspected nor prioritized by the state. Towns are responsible for the inspection of their own short structures.

A list of tentative new projects is drafted by VTrans, based on statewide bridge data, priority, and/or Regional Planning Commission recommendations. “Long structure” selections are based on VTrans’ priority system that includes the structural condition, load restrictions, width restrictions, approach alignment, average daily traffic, waterway adequacy, detour length and RPC priority. These factors are combined into a ranking for each bridge and establish its priority in relation to all of the other “long structures” on town highways. “Short structure” selections are based on similar criteria but are not currently ranked by VTrans. VTrans’ Structures Program Manager notifies municipalities that their bridge is eligible as a candidate for design funding. Municipalities have the option of participating or may decline to do so. Municipalities wishing to proceed with a project must respond, in writing, to VTrans.

Projects may extend the life of an existing structure or major component or provide for the reconstruction or replacement of a structure or the elimination of a bridge by construction of alternate access. The scope or standards to be employed, i.e., width, carrying capacity, basic materials, structure type, guard rail type, curvature, sidewalks, etc., are recommended by the Agency for approval by the municipality. Minor variations may be accepted, if they are consistent with good engineering practice and will be a sound investment of state funds.

Projects are submitted by VTrans to local Regional Planning Commissions or the Metropolitan Planning Organization for comment and then to VTrans’ Secretary for approval,

based on the comments. After the Secretary's approval, VTrans will send the municipality a Finance and Maintenance Agreement (FMA). A sample of the FMA begins on page 4-3. The agreement defines the responsibilities of the municipality and VTrans in seeing the project carried through to completion. No action will be taken to move the project until the agreement is signed by all parties.

Annual bridge programs include projects authorized for design permits and right-of-way efforts, and projects which will be funded for construction. Advancement to the construction phase is dependent on priority and whether all clearances have been obtained and the funds are available.

Projects may be state-municipality funded or may be federal-state-municipality funded. Availability of federal funds, urgency, amount of cost involved, and standards desired all enter into the decision on sources of funds for a particular project. Usually the local share remains at 10% or 5% as noted in paragraph 2 (page 4-1). Exceptions are based on historic structure easements or special federal funding being provided.

On most projects VTrans is responsible for all aspects of preliminary design, including all permits and clearances. Plans are presented to, and discussed with, the municipality at each design phase. The municipality is required to hold any necessary informational meetings or hearings. If federal funding is involved VTrans completes all property acquisition work. If there are no federal funds, the municipality secures the property with VTrans' assistance. Once design is completed and all clearances obtained, VTrans will contract the work to be done. The construction contract will be administered by VTrans. The municipality will be billed periodically for its share of the costs incurred to date for design, right-of-way, and construction.

There are also some projects which the municipality and the state may agree to have administered by the municipality, under the oversight of the VTrans' Local Transportation Facilities Section. Special agreements will be written for these projects.

FINANCE AND MAINTENANCE AGREEMENT
BETWEEN
STATE OF VERMONT
AGENCY OF TRANSPORTATION
AND
TOWN OF _____
(Town Name)
FOR
_____BHF 610-2(14)
(Town Name)
EA/SUBJOB 6102014/100, 200, 300

THIS AGREEMENT, made this ____ day of _____, 20____, between the State of Vermont, acting through its Agency of Transportation, with its principal office at 1 National Life Drive, Montpelier, Vermont 05633-5001 (the "STATE") and the Town of (town name), with its principal office at P. O. Box 999, (town name), Vermont 05XXX (the "MUNICIPALITY").

W I T N E S S E T H:

WHEREAS, the STATE proposes to submit to the Federal Highway Administration, United States Department of Transportation, a federal-aid project known as (town name) Project # ( ), which will provide certain improvements to a highway of the MUNICIPALITY (the "Project"), described as follows:

_____ _____

Located in the County of (county name), Town of (town name), on Vermont Route XXX (Town Highway #1, Bridge #64) approximately 3.25 miles northwesterly of the intersection of Vermont Route XXX and U.S. Route XXX;

The project shall consist of the rehabilitation of the existing bridge superstructure along with related substructure repair and approach roadway work; and

WHEREAS, the MUNICIPALITY desires the improvement of this highway as described above; and

WHEREAS, the MUNICIPALITY further desires that the STATE act, insofar as necessary, for the MUNICIPALITY in the preparation of plans and the construction of the project; and

NOW, THEREFORE, in consideration of the premises and the mutual agreements herein after set forth, the parties hereto agree as follows:

1. Allocation of Federal/State Funds to Project. On the basis of the MUNICIPALITY'S request for assistance for this project, and subject to the availability of STATE and/or federal funds and the provisions of 19 V.S.A. Section 309a, the STATE will allocate to the project a sum of STATE and/or federal funds not to exceed ninety-five percent (95%) of the preliminary engineering, right-of-way, utility costs where applicable, and final construction costs.

2. Technical Assistance from State. The STATE will provide MUNICIPALITY with the necessary engineering assistance to design and construct the project, keep all accounting records, and make all payments to contractors hired by the STATE for the project.

3. State/Municipal Cooperation. The project will be constructed by contract under the supervision of the STATE or its duly authorized representative. The STATE and MUNICIPALITY will cooperate to advance the project. The STATE will submit design plans and cost estimates to the MUNICIPALITY as the project reaches the stages of Preliminary Plans and Final Plans. The project will not advance to the next step until the MUNICIPALITY has given its written approval to the current step plans.

4. Use of Municipal Facilities. During the period of construction of the project, the MUNICIPALITY will grant the STATE or the STATE's authorized representative the following:

(a) Temporary entry onto the right-of-way of municipal highways in the project area; and

(b) Use of municipal highways for trucking and hauling, as may be required; and

(c) Authority to sign the project construction site as necessary to provide information and warning to the public.

5. Participation in Payments of Damages to Abutters. The MUNICIPALITY will pay for its proportionate share of any incidental damages that may occur to abutting or adjacent property owners or occupants due to the improvement, widening or relocation of right-of-way.

6. Maintenance of Traffic Control Devices and Street Lights. All signs (including parking regulatory signs), street lights, traffic signals and pavement markings shown on the project plans will be installed by the contractor and thereafter maintained in place by the MUNICIPALITY at no cost to the STATE, including cost to provide electrical power, all in conformance with 23 V.S.A. Section 1025 and the latest edition of the Federal Highway Administration's *Manual on Uniform Traffic Control Devices* (*MUTCD*). Once constructed, no changes shall be made to the parking and/or traffic control features without the prior written approval of the STATE and the Federal Highway Administration.

7. Control of Right-of-Way. The MUNICIPALITY will not permit, now or hereafter, any installation of utilities or other work within the rights-of-way now controlled or acquired in connection with the project until the MUNICIPALITY'S legislative body has approved detailed plans showing the proposed work and issued a permit, all in accordance with 19 V.S.A. Section 1111. Before issuing a permit, the MUNICIPALITY will review any proposed utility installation for conformance with the current Utility Accommodation Policy of the Vermont Agency of Transportation.

8. Acquisition of Additional Right-of-Way. The MUNICIPALITY will assist the STATE in the acquisition of any additional right-of-way required for the satisfactory completion of the project.

9. Relocation of Privately-Owned Utilities. The STATE will perform liaison and negotiation with utility companies, as necessary to relocate all privately-owned utilities that are in conflict with the project. The MUNICIPALITY will cooperate with the STATE and utility companies in the timely relocation of privately-owned utility facilities that are in conflict with the project.

10. Relocation of Municipal Utilities. The MUNICIPALITY will cooperate with the STATE and take such steps as may be necessary to accomplish the timely relocation of all utility facilities owned by the MUNICIPALITY that are in conflict with the project. Any approved cost sharing shall

occur as provided in a separate Utility Agreement to be entered into between the MUNICIPALITY and STATE.

The cost of utility relocation work accomplished by the contractor for the MUNICIPALITY and designated as "non-participating" shall be the sole responsibility of the MUNICIPALITY. The STATE may bill the MUNICIPALITY on a monthly basis, as work is completed, and the MUNICIPALITY shall reimburse the STATE in full within thirty (30) days of receipt of each such bill.

11. Traffic Control; Detours. During construction of the project, the MUNICIPALITY will render such assistance as the STATE may request in the maintenance of traffic. If the project route is closed to through traffic, the STATE will be responsible for selecting, signing, and maintaining a detour route, which shall be accomplished in conformance with 23 V.S.A. Section 1025 and the latest edition of the Federal Highway Administration's *Manual on Uniform Traffic Control Devices* (*MUTCD*).

12. Maintenance of Roadways During Winter Suspension of Project Work. If construction of the project is temporarily suspended for the winter season, the MUNICIPALITY will maintain roadways in the project area, all in conformance with the provisions of the applicable edition of the Vermont Agency of Transportation's *Standard Specifications for Construction*, until construction operations resume in the spring.

13. Project Plans; Conformance to Applicable State and Federal Laws, Regulations and Construction Standards. The project will be constructed as the STATE, in cooperation with the Federal Highway Administration (FHWA), may determine, all as detailed in the project plans. Construction of the project will conform to applicable state, federal and FHWA rules and regulations and to the applicable edition of the Vermont Agency of Transportation's *Standard Specifications for Construction*, as well as special provisions that may be included in the project's proposal form and contract agreement.

14. Permits; Compliance with Permit Conditions. The MUNICIPALITY will be the applicant for any permits required for the project and will adhere to all permit conditions. The permits shall be procured by the STATE in the name of the MUNICIPALITY.

15. Defense of Project-Related Litigation. The MUNICIPALITY, in consultation with the STATE, will diligently defend all suits, actions or claims for damages sustained by abutting or adjacent property owners or occupants due to the project. Any payments for settlements approved by the STATE or judgments entered by courts of competent jurisdiction will be considered by the STATE for participation as part of the overall costs of the project.

16. Municipal Share; Invoices; Payment. The MUNICIPALITY will reimburse the STATE for one hundred percent (100%) of all non-participating project costs and for five percent (5%) of total participating project costs, inclusive of preliminary engineering, right-of-way, utility costs where applicable, and the participating final construction costs. The MUNICIPALITY acknowledges that underruns or overruns in item quantities during construction, as well as change orders during construction, may increase or decrease quantities, thereby causing the total cost of construction to differ from the amount of the accepted bid.

The MUNICIPALITY will pay its proportionate share to the STATE, on the basis of monthly progress billings received from the STATE.

If, due to the failure of the STATE, the project is not constructed, then all costs incurred shall be borne in full by the STATE.**18. Cancellation or Default by Municipality.** If at any time prior to award of a construction contract, the MUNICIPALITY no longer desires the project, then the project may be canceled subject to the following conditions:

(a) If the MUNICIPALITY does not approve the Preliminary Plans, the project will be canceled, and the STATE shall reimburse the MUNICIPALITY for one hundred percent (100%) of all costs incurred by the MUNICIPALITY; and

(b) If Preliminary Plans have been approved by the MUNICIPALITY and subsequent cost estimates (Final Plans or Low Bid) exceed the Preliminary Plans estimate by fifty percent (50%) or more, the MUNICIPALITY may request cancellation of the project and shall be liable for its proportionate share of the total costs incurred to date, as specified in Section 16, above; and

(c) If Preliminary Plans have been approved by the MUNICIPALITY and cost estimates have not increased more than that specified in Section 18(b), above, the MUNICIPALITY may request cancellation of the project, subject to payment by the MUNICIPALITY to the STATE for one hundred percent (100%) of all costs incurred to the date of the request.

19. Cancellation of Project Because of Circumstances Beyond Either Party's Control. If, due to circumstances beyond the control of the STATE or the MUNICIPALITY, the project is not constructed, then all costs incurred shall be shared as specified in Section 16, above.

20. Hazardous Material Contamination. The cost of handling, treatment and disposal of petroleum-contaminated soils or other hazardous material contamination in existence prior to construction of the project shall be non-participating. Accordingly, any costs associated therewith shall be the sole responsibility of the MUNICIPALITY.

21. Maintenance of Project Improvements. The MUNICIPALITY agrees that if the project is approved, constructed, and accepted by the STATE, then the MUNICIPALITY will maintain the project in a manner satisfactory to the Agency of Transportation or its authorized representatives and make ample provisions each year for such maintenance. In this regard, the MUNICIPALITY acknowledges that its attention has been directed to the provisions of 19 V.S.A. Sections 304 (duties of select board) and 310 (highways, bridges and trails).

22. Indemnification. Upon its acceptance of a constructed project, the MUNICIPALITY shall thereafter defend, indemnify and hold harmless the STATE, its officers, agents, and employees from all manner of suits, actions, or claims brought for or on account of any injuries or damages received or sustained by any person, persons, or property that arise out of, relate to, or are in any way related to the work performed in the design and/or construction of the project.

23. Suspension and Debarment: Non-federal entities are prohibited by Federal Executive Orders 12549 and 12689 from contracting with or making sub-awards under covered transactions to parties that are suspended or debarred or whose principals are suspended or debarred. Covered transactions include procurement contracts for goods or services equal to or in excess of $100,000 and non-procurement transaction (grants to sub-recipients). By signing this Grant Agreement, current sub-recipient certifies as applicable, that the contracting organization and its principals are not sus- pended or debarred by GSA from federal procurement and non-procurement programs.

24. Entire Agreement. This Agreement constitutes the entire agreement between the parties relating to the subject matter hereof, supersedes all prior oral or written negotiations, agreements, understandings and courses of dealing between the parties relating to the subject matter hereof and is subject to no understandings, conditions, or representations other than those expressly stated herein. This Agreement may only be modified or amended by writing which states that it modifies or amends this Agreement and which is signed by both parties.

25. Section Headings. The section headings contained in this Agreement are for reference and convenience only and in no way define or limit the scope and contents of this Agreement or in any way affect its provisions.

26. Miscellaneous. This Agreement shall be binding upon and inure to the benefit of the parties and their respective successors and assigns.

27. Definitions. For the purposes of this Agreement:

a) "Participating Project Cost" means items deemed eligible for participation of federal-aid funds under applicable laws and the regulations of the Federal Highway Administration ("FHWA")

b) "Non-participating Project Cost" means items deemed not eligible for participation of federal-aid funds applicable laws and FHWA regulations.

IN WITNESS WHEREOF, The State of Vermont has caused its name to be subscribed this _____day of_____, 20____, by its Secretary of Transportation and duly authorized agent.

IN PRESENCE OF:

STATE OF VERMONT
AGENCY OF TRANSPORTATION

By:_____
[Deputy] Secretary of Transportation and
Duly Authorized Agent

STATE OF VERMONT

WASHINGTON COUNTY, ss.

At Montpelier, this_____day of_____, 20____, personally appeared the [Deputy] Secretary of Transportation and duly authorized agent of the State of Vermont, and acknowledged the foregoing instrument by him/her signed to be his/her free act and deed and the free act and deed of the State of Vermont.

Before me,

_____

Notary Public

APPROVED AS TO FORM:

DATED: _____

_____
ASSISTANT ATTORNEY GENERAL

IN WITNESS WHEREOF, the Town of_____has caused its name to be subscribed this____day of_____, 20_____, by

TOWN OF _____
(Municipality)

_____

_____

_____

_____

_____

Its Duly Authorized Agents

STATE OF VERMONT

_____COUNTY, ss.

At_____, this_____day of_____, 20_____, personally
(Municipality) (day) (month) (year)
Appeared _____

_____

and they acknowledged the foregoing instrument, by them as members of the selectboard and duly authorized agent of the_____OF_____subscribed, to be their free act
(Municipality) (name)
and deed of the_____OF_____.
(Municipality) (Name)

Before me,

_____
Notary Public
(My commission expires_____, 20___)

RIGHT-OF-WAY, FINANCE AND MAINTENANCE AGREEMENT
FOR
FAIRFIELD 481393 300
EA/SUBJOB 481393/300

THIS AGREEMENT, made this_____day of_____,_____, by and between the State of Vermont, represented by its Agency of Transportation, hereinafter referred to as the **STATE**, and the Town of Fairfield by its Legislative Body, hereinafter referred to as the **MUNICIPALITY**.

WITNESSETH:

WHEREAS, the **STATE** has an annual appropriate of funds under the Section 23 of Act No. 211 of 1994 for the purpose of reconstructing Town Highways; and

WHEREAS, the work to be performed on TH #5 is hereby assigned the Project Number 481393 300 and is further described as follows:

Located in the County of Franklin, Town of Fairfield, on TH #5 (Sweet Hollow Road).

This project shall consist of improvements to a 0.42 mile section of TH #5; including widening, minor curve re-alignments, new drainage ditches, ledge removal, culvert replacement, tree removal, slope grading, and a peastone wearing coarse.

NOW THEREFORE, in consideration of the above and mutual covenants and premises hereinafter stated,

THE MUNICIPALITY AGREES:

1. That such work shall be done by the **MUNICIPALITY** or its duly authorized representative in cooperation with the **STATE** and it will keep the District #8 Transportation Administrator fully apprised of all work associated with this project.

2. To furnish and provide as a part of its assistance on this project, such legal and sufficient right-of-way as the **STATE** shall determine to be necessary, all rights-of-way being properly documented in accordance with the "**RIGHT-OF-WAY PROCUREMENT CERTIFICATE**" which is Attachment #1 to this **AGREEMENT**.

3. To pay for any incidental damages that may occur to abutting or adjacent property owners or occupants due to the improvement, widening or relocation of right-of-way.

4. To ensure that adequate provisions are made for the maintenance of traffic, detours or both.

5. That the improvement shall be constructed in accordance with all applicable state and federal rules and regulations, and the STATE's latest edition of the STANDARD SPECIFICATIONS FOR CONSTRUCTION and
with the approval of the District # Transportation Administrator.

6. To diligently defend, in consultation with the STATE, all suits, actions or claims for damages sustained by abutting or adjacent property owners or occupants due to the improvement, widening or relocation of the right-of-way.

7. To submit to the STATE for reimbursement, in a timely manner, detailed invoices for the project costs as may be required. These invoices will show itemized labor, material and equipment costs expended during the time work was done on this project.

8. That the Legislative Body of the Town of Fairfield for themselves and their successors in office agree, if such project is approved and accepted by the **STATE** and constructed by the **MUNICIPALITY**, to maintain the project in a manner satisfactory to the Agency of Transportation or its authorized representatives, and to make ample provisions each year for such maintenance. In this connection, attention is invited to Sections 302 and 310, Title 19, V.S.A., listing the Duties and Responsibilities of the Legislative Body.

9. No work will begin prior to receiving a notice to proceed from the District # __ Transportation Administrator.

THE STATE AGREES:

1. To reimburse the **MUNICIPALITY** on hundred percent (100%) for eligible project costs up to a maximum limiting amount of $15,146.15 upon receipt of properly detailed invoices from the **MUNICIPALITY**.

2. To monitor the progress of the work via the District #__ Transportation

   Administrator who will offer guidance as necessary and will approve all invoices prior to payment by the **STATE**.

THIS AGREEMENT shall be binding upon the successors and assigns of the **STATE** and **MUNICIPALITY**.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be duly executed on the day and year first written above.

WITNESSES: TOWN OF FAIRFIELD

_____ _____

AS TO ALL _____ _____

AS TO ALL

_____

Signatures of Legislative Body

_____ By:_____

(Deputy) Secretary of Transportation

APPROVED AS TO FORM:
Date: _____ _____

Assistant Attorney General

AGREEMENT REVIEWED NO AUDIT REQUIRED
Date:_____By: _____

RIGHT-OF-WAY PROCUREMENT CERTIFICATION

TO: Agency of Transportation RE: 481393 300

We, the undersigned, duly authorized Legislative Body of the Town of Fairfield, Vermont, do hereby certify that the necessary rights-of-way have been acquired in accordance with existing Vermont Statutes for the above named project.

ATTEST

_____ _____
AS TO ALL

_____ _____
AS TO ALL

_____
Signature of Legislative Body

STATEMENT OF RECORDING OF DEEDS

I have, on this_____day of_____,_____, completed the recording in the Land Records of the Town of Fairfield, Vermont, all of the deeds furnished to me for the rights-of-way on the Fairfield 481393 300 project, an index of which is attached and hereby made a part of this statement.

ATTEST:_____ Town Clerk, Town of Fairfield, Vermont

Book No._____Page No. _____

Section 5

Town Highway Structures Program

Program Description:

State grants for bridges, culverts (36-inch diameter or larger), and retaining walls that are part of the municipalities' highway (Class 1, 2, or 3) infrastructure are made by the Secretary of Transportation from annual appropriations for that purpose (19 V.S.A. § 306). State funds are required to be matched by at least:

1. 20 percent of total project cost with municipal funds, **or**
2. 10 percent of total project cost with municipal funds providing that municipalities have:
   - adopted town road and bridge standards that meet or exceed the minimum requirements of the June 5, 2019 State-approved template, **and**
   - completed and kept up to date a highway infrastructure study which identifies all town culverts, bridges, and identified road problems. The inventory should include location, size, deficiency/condition, and estimated cost of repair – where the condition is less than acceptable.

State grant amounts are limited to $200,000 for any one project. Projects are selected by the District Transportation Administrator (DTA) from applications submitted by municipalities on a once-per-year basis. The DTA will attempt to provide equitable distribution of funds allotted to the district, so that if an application cannot be satisfied in one instance, it may be accepted at a later date. Applications may need to be updated before being resubmitted. The number and extent of the projects is dependent upon the annual appropriation allocated by the General Assembly.

Projects may address the maintenance (including actions to extend the life expectancy) and construction of bridges, culverts, and other structures including causeways and retaining walls. In general, the improvement must materially preserve the integrity of the *eligible structure* of Class 1, 2, or 3 town highways. Administration work associated with these projects, are not eligible costs, however, engineering or design costs incurred by a municipality are eligible.

No funds may be used on Class 4 town highways.

Municipalities must submit a Town Highway Grant Application to the DTA defining the work proposed, a detailed cost estimate, and information necessary for environmental resource impact review. On larger projects the DTA may require a set of preliminary plans. Town Highway Grant Application forms may be obtained from the municipality's respective VTrans District office. Town Highway (TH) grant information and applications will be sent to towns no later than February 1 each year. Grant applications shall be submitted **no later** than April 15 each year.

Municipalities are responsible for all aspects of preparing plans, securing permits and inspection of the work and all eligible project costs. In particular, municipalities must contact the Department of Environmental Conservation, River Management Section, to obtain a stream alteration permit when the proposed work has the potential to impact a channel from top-of-bank

to top-of-bank for additional assistance related to environmental permitting, refer to Section 10 of this document. Forms may be obtained from the Department of Environmental Conservation, River Management Section online at:
http://www.vtwaterquality.org/rivers/docs/rv_contact.pdf.

Municipalities will be responsible for signing and traffic control, which shall be in conformance with 23 V.S.A. § 1025 and the latest edition of the Federal Highway Administration's Manual on Uniform Traffic Control Devices (MUTCD) whenever using state grant funds.

Municipalities are responsible for funding of the work until the work is completed. In certain circumstances a partial claim may be accepted. The DTA will provide advice in advance of, or during, the project life. Advice can also be solicited from VTrans' Bridge Management Unit and/or Structures Section, within the Program Development Division. However, only limited engineering services will be provided unless requested in the agreement. In such cases, engineering services will be provided at cost. In addition, Municipalities should seek bids from at least 3 vendors when projects are funded by State Grants unless performing work themselves.

Once the work is completed (not to exceed the 30-month term detailed in the grant agreement), a Report of Expenditure (TA-66) and a Request for Reimbursement (TA-65) shall be submitted to the DTA within 45 days of the completion date. Upon request of the State, the municipality will provide copies of payrolls, paid vendor invoices, and other evidence that the cost was incurred and properly satisfied.

See sample TA-65 form on page 5-7, TA-66 form on page 5-8 and sample Town Highway Grant Application on pages 5-9 thru 5-11.

Town Highway Class 2 Roadway Program

Program Description:

State grants for the preservation of any Class 2 highways for resurfacing or reconstruction are made by the Secretary of Transportation or his/her designee from annual appropriations for that purpose (19 V.S.A. § 306). State funds are required to be matched by at least:

1. 30% of total project cost with municipal funds, **or**
2. 20% of total project cost with municipal funds providing that:
   - adopted town road and bridge standards that meet or exceed the minimum requirements of the June 5, 2019 State-approved template, **and**
   - completed and kept up to date a highway infrastructure study which identifies all town culverts, bridges, and identified road problems. The inventory should include location, size, deficiency/condition, and estimated cost of repair – where the condition is less than acceptable.

State grant amounts are limited to $200,000 for any one project. The DTA will attempt to provide equitable distribution of funds allotted to the district, so that if an application cannot be satisfied in one instance, it may be accepted at a later date. Applications may need to be updated before being resubmitted.

Projects shall include detailed work for the preservation of any Class 2 town highway for resurfacing (to include both paving and gravel surfacing or re-surfacing) and re-construction based on identified needs. Eligible activities include preliminary engineering, construction, and construction inspection/management.

Notes:

1) Culvert replacement for culverts equal to or greater than 36 inches in diameter shall be part of the Town Highway Structures Program. Culverts less than 36 inches in diameter are considered part of drainage work in the Town Highway Class 2 Roadway Program.
2) Guardrail work is only considered eligible if it is an essential part of the roadway project.
3) Curbing is an eligible item if it is an essential part of the roadway cross section (e.g., curbing in conjunction with a closed drainage system or associated with a raised median or other traffic control barrier).
4) Sidewalks are not eligible under the Class 2 Roadway grants.
5) Bicycle and pedestrian use should be considered when choosing shoulder widths and materials. In general, any existing shoulder should not be reduced in width. (This means that pavement overlays should include the full width of the road, including existing shoulders.) Towns should refer to the Vermont State Design Standards, Local Roads and Streets, Section 6:13, Bicycle and Pedestrian Considerations for further guidance on this subject: https://vtrans.vermont.gov/highway/local-projects/bike-ped.
6) Administration associated with these projects is not an eligible cost.

It is intended that projects be completed during the state fiscal year (July 1 - June 30) that the grant is provided, but not later than the state fiscal year following the grant.

Municipalities must submit a Town Highway Grant Application to the DTA defining the work proposed, a detailed cost estimate, and information necessary for environmental resource impact review. Town Highway Grant Application forms may be obtained from the municipality's respective District office. Town Highway (TH) grant information and applications will be sent to towns no later than February 1 each year. Grant applications shall be submitted **no later** than April 15 each year.

Municipalities are responsible for all aspects of preparing plans, securing all applicable state and federal permits, natural / cultural resource clearances, contracting and inspection of the work, and all eligible project costs. Municipalities are responsible for funding of the work until the work is completed. In certain circumstances a partial claim or request for progress payment may be accepted. The DTA or District Project Manager will provide advice, upon request, in advance of or during the project life, but only limited engineering services will be

provided unless provided for in the agreement. In such cases, engineering services will be provided at cost. For additional assistance related to environmental permitting, refer to Section 10 of this document.

Municipalities will be responsible for all signing and traffic control, which shall be in conformance with 23 V.S.A. § 1025 and the latest edition of the Federal Highway Administration's Manual on Uniform Traffic Control Devices (MUTCD) whenever using state grant funds. Municipalities are encouraged to bring any permanent traffic control devices within the Class 2 project limits into compliance with the MUTCD. The costs associated with that work is eligible for inclusion as part of the Class 2 roadway grant. For additional information, refer to the MUTCD Compliance Guidance for Signs on page 5-5. Signs can be purchased from the Vermont Department of Corrections, Vermont Correctional Industries (VCI), 2559 Glen Road, Newport, Vt. 05855, Phone 1-866-729-8715 or (802) 334-8994: https://vci.vermont.gov/

Once the work is completed (not to exceed the 30-month term detailed in the grant agreement), a Report of Expenditure (TA-66) and a Request for Reimbursement (TA-65) shall be submitted to the DTA within 45 days of the completion date. Upon request of the State, the municipality will provide copies of payrolls, paid vendor invoices, and other evidence that the cost was incurred and properly satisfied.

See sample TA-65 form on page 5-7 and TA-66 form on page 5-8.

MUTCD Compliance Guidance for Signs

RECOMMENDATIONS FOR SIGN IMPROVEMENTS:

1. In accordance with state statute, only MUTCD compliant signs may be installed within the town highway right-of-way. Signs to be avoided are non-traffic related “neighborhood watch” type signs, and “children at play” type signs that encourage unsafe use of the roadway.

2. All signs must be ASTM Type III or higher retro reflective sheeting. ASTM Type IX or better fluorescent yellow may be considered for warning signs requiring high visibility, such as shaded areas or areas with many visual distractions. All engineer grade or super engineer grade (ASTM Type I or II) signs should be replaced.

3. School and pedestrian warning signs should be ASTM Type IX or better fluorescent yellow-green retro-reflective sheeting. At crosswalks, obsolete pedestrian crossing signs (VR-004a, black on white “yield to pedestrians”) shall be replaced with W11-2 pedestrian symbol signs with W16-7p downward arrow plaques.

4. Obsolete R2-5 “reduced speed ahead” signs shall be replaced with W3-5 reduced speed limit ahead warning signs.

5. Undersized signs should be replaced – for example, 24” stop signs should be upsized to 30”, and 24” diamond shaped warning signs should be upsized to 30”.

6. Stop signs on intersecting town highways should also be replaced as needed, as well as associated “Stop Ahead” warning signs (W3-1).

7. Street name signs (D3-1) should be composed of initial upper-case letters at least 6” in height and lower-case letters as least 4.5” in height, except on local two-lane streets with speed limits of 25 mph, 4” initial upper-case with 3” lower-case letters may be used. Supplemental lettering indicating the type of street (Street, Avenue, Road, etc.) may be smaller lettering composed of an initial upper-case letter at least 3” in height and lower-case letters at least 2.25” in height. Refer to the current MUTCD Section 2D.43 Street Name Signs and Table 2D-2 Recommended Minimum Letter Heights on Street name Signs for more information.

8. Warning signs should be placed in accordance to the advance distance chart in MUTCD Table 2C-4. In many cases, existing signs are too far in advance of the condition they are warning. For example, on a 50-mph road for a curve that requires deceleration to 30 mph, the warning sign should be placed only 100’ before the beginning of the curve.

9. Sharp curves requiring deceleration should have an advanced warning sign (such as W1-2) and be delineated with either chevrons (W1-8) or large arrows (W1-6). Special

attention should be paid to curves that cannot be seen well in advance because of the crest of a hill or other sight restrictions.

10. “Stop Ahead” (W3-1) signs should be used where there is limited sight distance on the approach to a stop-controlled intersection.

11. Regulatory signs and warning signs shall not be installed on the same post assembly.

12. Care should be taken to install signs at the proper height (5 feet minimum, as measured from bottom of sign to edge of pavement – not the ground. If parking or pedestrian movements occur, the appropriate height is 7 feet.).

13. Roadside delineators are encouraged, especially for curves. Delineator reflectors shall be white, be mounted 4 feet above the roadway edge, and at a constant distance 2-8 feet from the edge of the roadway. (See MUTCD Chapter 3F.Delineators)

GETTING ADDITIONAL HELP:

If requested, VTrans Traffic Operations will provide technical assistance. When video log of the roadway is available, technical assistance may be limited to a desk review.

VERMONT
AGENCY OF TRANSPORTATION

TA 65

Request for Reimbursement

MUNICIPALITY	DISTRICT NO.	EA & Contract NO.	TOWN NO.

CHOOSE ONE BELOW:		% of Work Completed:	Amount Previously Paid Town:
☐ Final Claim	☐ Partial Claim	_____ %	

Name and address of claimant:

Emergency Fund Grant ☐

Structures Grant ☐

Class 2 Roadway Grant ☐

Other (specify) ☐

I (WE) SWEAR TO THE CORRECTNESS OF THE STATEMENTS MADE IN THIS CLAIM AND THAT:

1. THE WORK IS COMPLETE AND HAS BEEN ACCEPTED BY THE MUNICIPALITY.
2. THE WORK HAS BEEN PERFORMED IN ACCORDANCE WITH THE GRANT AGREEMENT WITH THE VERMONT AGENCY OF TRANSPORTATION FOR THIS PROJECT.
3. THE TOWN HAS PAID FOR THE EXPENSES SHOWN HEREON (LABOR, EQUIPMENT, AND MATERIALS).

_____
(sign)

_____
(sign)

_____
(sign)

_____
(sign)

_____
(sign)

TA 65 Rev. 11-2015

Original Award Amount: $

Amended Award Amount: $

Total state funds awarded: $

PROJECT COSTS:

Total project costs to date: $

Minus previous payments: $

Minus municipality portion: $

Amount of payment: $

_____
Authorized District Representative (sign)

Approved Date _____

VERMONT

AGENCY OF TRANSPORTATION

TA 66

REPORT OF EXPENDITURE FOR MONEY USED ON HIGHWAY WORK

Instructions: This form is to be used for the Town Highway, Bridge and culvert Grant work.
Return this account to your District Transportation Administrator. Attach invoices, receipts and proof of payments.

Municipality :	Highway Class:
Highway Number:	Bridge/Culvert Number:
Grant Number:	Est. Project Costs:

DISTRICT CONTACT (name**):**

Phone:	E-Mail:

Force Account Work:

Total Force Account Labor: $ _____
Total Force Account Equipment: $ _____
Total Force Account Work: $ **$ 0.00**

Contracted Work:

Contractor Name:

1._____ Total: $ _____
2._____ Total: $ _____
3._____ Total: $ _____
4._____ Total: $ _____
5._____ Total: $ _____

Total Contracted Work: $ **0.00**

Materials:

Vendor Name:

1._____ Total: $_____
2._____ Total: $_____
3._____ Total: $_____
4._____ Total: $_____
5._____ Total: $_____

Total Material Cost: $**0.00**

Totals:

Total Force Account: $ 0.00
Total Contracted: $ 0.00
Total Material: $ 0.00
Project Total: $ **0.00**

I CERTIFY THAT THIS IS A CORRECT ACCOUNT OF THE EXPENSE OF THE WORK DESCRIBED.

Date……Name……

Title……

REVIEWED:

District Office: …….....

Date: ……

TA 66 gf 11/2015

Section 6

Town Highway Disaster Assistance

GENERAL INFORMATION

VTrans offers various assistance to municipalities prior to, during, and following a disaster event that causes damage to town highways. This assistance can be in the form of technical advice, site damage assessments, reimbursement of eligible costs incurred, grants management, etc. From a funding standpoint, there are three separate sources of federal and State funding which, depending on eligibility, may be available following a disaster that impacts municipal facilities. These funding sources are the Town Highway Emergency fund, the Federal Emergency Management Agency's (FEMA's) Public Assistance program, and the Federal Highway Administration's (FHWA's) Emergency Relief program. These will be covered in greater detail later in this section.

PRIOR TO AN EVENT:

The primary way in which VTrans assists municipalities prior to the occurrence of a disaster event is through providing advice or technical assistance related to the adoption of town road and bridge standards, which are commonly referred to as "*Codes and Standards*." This topic is discussed in greater detail in Section 7 of this handbook.

The other way in which VTrans assists municipalities prior to a disaster event is through the Town Highway Structures grant program. This particular grant program may be used to make improvements, repairs, or replacements to culverts, bridges, retaining walls, or cause- ways. Although the maximum amount of money available per project is relatively small, it is adequate to address many problems associated with small bridges or large culverts which show up during or are exacerbated by flooding events. More information on the Town Highway Structures Program may be found in Section 5 of this handbook.

DURING AN EVENT:

The policy of the Maintenance & Operations Bureau of the Vermont Agency of Transportation is to provide assistance during disasters, floods or severe storms. The scope of this assistance is defined by the need to deal with conditions that directly threaten life, safety or public property, with or without a declaration of disaster by the Governor. District Transportation Administrators (DTAs), or designees, are to manage Agency forces, as needed, to preserve life, safety and public property. Such activities may include, but are not limited to, opening public highways to establish emergency access, reach stranded people, or to allow utility crews to reach and clear downed power lines, and diverting water to safeguard threatened highways and structures.

Disaster assistance is not limited to State infrastructure, but includes town highways and publicly owned property, so long as any work done is to preserve life, safety or public property, and is done in coordination with and at the request of appropriate town officials.

In managing forces to preserve life, safety and public property, the DTA, or designee, is authorized to use whatever level of effort is required, including 24/7 staffing.

Once any direct threat to life, safety or public property has been eliminated, the DTA, or designee, will manage state resources to re-establish two-way traffic flow on State infrastructure as soon as possible. The DTA, or designee, will exercise discretion when authorizing crews to work outside of normal working hours, but will not authorize 24/7 work efforts.

The "*response*" phase ends when the direct threat has subsided, temporary basic infrastructure functions have been restored, and the transition to "recovery" activities has begun.

In the event of a disaster, municipal officers should notify:

1. The Vermont Division of Emergency Management and Homeland Security at **1-800-347-0488**.
2. The Local Agency of Transportation District Administrator.

District 1	Bennington	802-447-2790
District 2	Dummerston	802-254-5011
District 3	Rutland	802-786-5826
District 4	White River Jct.	802-295-8888
District 5	Colchester	802-655-1580
District 7	St. Johnsbury	802-748-6670
District 8	St. Albans	802-524-5926
District 9	Newport	802-334-7934

VTrans is also responsible for collecting and validating a list of damages to publicly- owned property (such as highways, bridges, buildings, parks, or power generation facilities). During a disaster event, the Vermont Division of Emergency Management (VEM) will send out notices to all municipalities to submit various damage reports to their office. The form used by VEM includes space for public infrastructure damages. VEM will forward a copy of any report which has public infrastructure damage to VTrans for our validation. In some cases, VTrans may already be aware of these damages, but in any case, it is the responsibility of VTrans to validate the municipality's cost estimate. As VTrans validates and compiles a list of eligible infrastructure damage sites, we provide this information to VEM in order to assist VEM in making a determination of whether or not to request that FEMA perform a Preliminary Damage Assessment (PDA).

For the federal-aid highway system (qualifying town and state routes), VTrans will also use this information to make a determination if the municipality qualifies for disaster assistance under the FHWA Emergency Relief Program. Therefore, it is imperative that municipalities report all damages to VEM as quickly as possible in order for VEM and VTrans to determine if there is a possibility of qualifying for federal assistance. In the event that damages do not qualify for federal disaster assistance, this data is used as a planning tool for determining funds needed for highway-related assistance available through the Town Highway Emergency Fund.

RECOVERY AFTER AN EVENT:

Recovery activities must comply with all applicable VTrans policies, procedures and standards, as well as other Federal and State Regulatory Requirements.

Prior to any work being performed under the *recovery* phase, the DTA, or designee, must make contact with the VTrans Program Development Regional Environmental Specialist and applicable regulatory agencies (ANR, COE, other), to advise them of the emergency status of the activities planned and/or underway and to discuss the need for permits or clearances for this work.

Recovery activities may include, but are not limited to, roadway and culvert reconstruction, paving, stream bank reconstruction and stabilization, and bridge repair or rehabilitation.

Responsibility to towns, when committing State resources, ends when the "*recovery*" phase begins. Technical advice may still be provided, if requested by the town and available from the district, to conduct preliminary transportation infrastructure-related damage assessments to determine what needs to be done and to help come up with an estimated cost to repair or replace the damaged infrastructure. Remember to take photos before any repair work is done to document the damage. This is especially helpful when receiving a FEMA Public Assistance or an FHWA Emergency Relief declaration.

District forces (normally a District Project Manager or Technician) will also assist FEMA and/or FHWA in conducting preliminary damage assessments and in developing project work sheets. VTrans will ensure that a town representative is actively involved in this process.

Districts shall have the option of assisting any town with clean-up (or any other work) on a reimbursable basis.

During the recovery phase, towns are responsible for obtaining permits, from regulatory agencies and comply with all applicable town highway codes and standards. Some exceptions to "clean-up" activities may apply, where the Governor has formally declared an emergency for a specific town or geographic area. Those exceptions will be authorized by either the Governor or Secretary of Transportation and may require districts to assist towns without reimbursement.

FUNDING SOURCES:

As previously mentioned, there are three sources of funding available depending on the nature and scope of the disaster event. The Town Highway Emergency Fund is a separate appropriation within the annual VTrans Transportation Program and utilizes only state funds. The FEMA Public Assistance program is available when the State receives a FEMA Public Assistance (PA) declaration. Qualifying municipal damages on non-federal aid highways under the FEMA PA program are generally eligible for a combination of federal and state funding. The FHWA Emergency Relief (ER) Program provides federal funding only to town federal-aid high- ways.

1. Town Highway Emergency Fund:

   State funding assistance is available through the Town Highway Emergency Fund for repairing or replacing drainage structures including bridges on Class 1, 2, 3, and 4 town highways damaged by natural or man-made disasters. Administration associated with these projects is not an eligible cost.

   a. Eligibility for funding under the program is based on the following criteria:

      - That the disaster is of such magnitude that state aid is both reasonable and necessary to preserve the public good.

      - That the disaster does not qualify for major disaster assistance from the Federal Emergency Management Agency or the Federal Highway Administration.

      - VTrans uses a figure of 10 percent of the non-winter highway budget as the "threshold" to determine if the disaster is of a magnitude to warrant assistance from the Town Highway Emergency Fund. If the damage estimate exceeds this 10 percent figure, the project is considered to be eligible for funding.

   b. State Share: The State share of reimbursement for eligible expenses shall be based on the following:

      - Up to 90 percent of the eligible repair or replacement cost **OR** the eligible repair or replacement cost, minus an amount equal to 10 percent of the overall total highway budget minus the Town's winter maintenance budget, whichever is greater.

   c. For towns that have adopted town road and bridge standards, eligibility for reimbursement for repair or replacement of infrastructure shall be to those standards. For towns that have not adopted these standards, eligibility for reimbursement for repair or replacement of infrastructure shall be limited to the specifications of the infrastructure that pre-existed the emergency event.

   d. A municipality desiring state funding assistance must complete a Town Highway Grant application form which can be obtained from the local District office.

   e. Such grants are subject to a time period of two years and reimbursement of costs incurred are subject to the availability of funds.

f. The municipality must document all costs associated with the project and request payment within 45 days of completion of the project. Any payment of funds must also be made within the period of the grant (two years), unless the municipality requests and is granted an extension to the original grant period.

Due to the way in which 19 V.S.A. § 306(d)(3) is written, there can often be confusion over whether a project is eligible or how to calculate the award amount. The two examples that follow, will hopefully provide a better understanding of this somewhat complicated language. However, if there are still questions regarding this issue, it is best to direct those questions to your local VTrans District Project Manager or Technician.

Threshold Calculation Examples:

TH Emergency Award Calculations	
Total Annual Highway Budget	$ 357,188
Winter Maintenance Budget	$ 146,000
Non-Winter Highway Budget	$ 211,188
Threshold (10% of non-winter highway budget)	$ 21,119
Total Damage Estimate	$ 102,588
Does total damage exceed threshold?	YES
If "YES," proceed with grant.	
If "NO," project not eligible.	
Award amount (10% rule from 19 V.S.A. §306(d)(3))	81,469
Award amount (90% of total)	92,329
Award Amount (the greater of above two options)	92,329

TH Emergency Award Calculations	
Total Annual Highway Budget	$1,150,000
Winter Maintenance Budget	$ 146,000
Non-Winter Highway Budget	$1,004,000
Threshold (10% of non-winter highway budget)	$ 100,400
Total Damage Estimate	$ 78,000
Does total damage exceed threshold?	NO
If "YES," proceed with grant.	
If "NO," project not eligible.	
Award amount (10% rule from 19 V.S.A. §306(d)(3))	
Award amount (90% of total)	
Award Amount (the greater of above two options)	-

2. FEMA PUBLIC ASSISTANCE PROGRAM:

The FEMA Public Assistance program provides assistance to eligible applicants for damages to publicly owned facilities. In Vermont, this is primarily for municipally- owned roads and bridges (not federal-aid town highways). Municipal buildings are also covered under this program and certain private non-profit entities that provide critical or essential services may also be eligible for assistance. Federal and state funding under this program only becomes available to eligible applicants in qualifying counties if the state receives a federal disaster declaration under this program. This program is managed by Vermont Emergency Management (http://vem.vermont.gov/funding/pa).

3. FHWA EMERGENCY RELIEF PROGRAM:

The FHWA Emergency Relief (ER) program provides assistance to eligible applicants for damages to federal-aid highways and bridges. This includes town-owned federal aid highways, as well as State-owned highways. When reporting damages on town highways to the Vermont Division of Emergency Management (VEM), it will be of great assistance to identify which roads are federal-aid highways.

The primary things to keep in mind if the State receives a federal declaration under this program include:

a. Keep good records of damages and costs incurred. Pictures are a big help to VTrans and FHWA.

b. Permanent repair and reconstruction work, not accomplished as emergency repairs, must be done by a competitive bid contract method unless the state demonstrates some other method is cost effective as described in 23 CFR 635.204. Emergency repair work may be accomplished by the solicited contract, negotiated contract, or transportation agency force account method as determined by the transportation agency as best suited to protect the public health and safety.

c. Towns shall be responsible for up to 10 percent of the total eligible project costs.

d. FHWA reimbursements are typically based on pre-disaster conditions. If items such as culverts are washed out, but not destroyed, FHWA will not pay for their replacement, regardless of whether or not a town has adopted codes and standards. If items are destroyed and a town has adopted and adheres to codes and standards, FHWA will typically use the full replacement cost as the basis for approved costs.

e. Town work on private drives/roads is not eligible for reimbursement under the FHWA ER program.

f. In the event of an FHWA ER federal declaration, VTrans and FHWA will provide much greater detail and assistance than that which is described in this document. The information in this document is meant to serve as a brief overview, or to highlight specific areas that have been known to result in misunderstanding during past disasters.

g. FHWA uses a threshold of $5,000 minimum for a site to be eligible for reimbursement under the FHWA ER Program.

TEMPORARY BRIDGES

1. General Information: The Agency of Transportation maintains a limited inventory of temporary bridge material that may be used in case of catastrophic emergency. This limited inventory is primarily intended for emergency use on state highways, but emergency requests from Towns and Municipalities will also be considered if sufficient inventory is available.

As defined by the Agency of Transportation Temporary Bridge Policy:
"*An emergency shall exist when a bridge is destroyed or rendered unusable, as result of a natural disaster or unusual event, and no other reasonable route is available to provide essential services to the affected area.*"

The State will evaluate emergency requests from towns and municipalities based on factors such as, but not limited to: access to emergency services, detour length, average daily traffic, proximity to schools and other essential services, span length of bridge requested, and length of time the bridge will be needed. Temporary bridge requests for Towns or Municipalities shall only be considered for bridges on Class 1, 2, or 3 Town Highways. For current rental rates contact the District Maintenance Office.
The state will not accept any requests for a temporary bridge intended to be used on a private road.

2. Requesting a Temporary Bridge

a. Fill out the TEMPORARY BRIDGE REQUEST FORM (pg 6-10), sign and date it, and return the completed form to your local Agency of Transportation District Maintenance Office. The District Maintenance Office will be the primary contact for all temporary bridge requests.

b. The District Maintenance Office will check the request for completeness, indicate whether they concur with the request, sign and date it, and forward the form to Agency of Transportation Operations HQ for final consideration.

c. Agency of Transportation Operations HQ will expedite review of the request and will inform the District Maintenance Office whether the request for a temporary bridge has been approved or denied. The District Maintenance Office will then inform the town or municipality whether the request is approved or denied.

d. If the request is approved, and prior to the temporary bridge being erected, a TEMPORARY BRIDGE RENTAL AGREEMENT will need to be executed between the town and/or municipality and the state. Details of the temporary bridge installation, maintenance, removal, and associated cost will be contained in the agreement. In general, the town or municipality requesting the temporary bridge can expect to pay for the actual cost of installation, maintenance and removal of the bridge. Additionally, the town or municipality will be required to pay monthly rent based on bridge length and width, and will also be responsible to obtain any permits, right-of-way or utility relocations necessary for the installation, use and removal of the temporary bridge.

TEMPORARY BRIDGE REQUEST FORM

Existing Bridge Location:

Town_____
Town Highway No.
Town Bridge No. _____

1. Is the existing bridge currently closed to all traffic? YES ( ) NO ( )
2. Is the existing bridge currently load restricted? YES ( ) NO ( ) If load restricted, what is the maximum weight the existing bridge can carry?_____tons
3. What is the reason for the existing bridge being closed or load restricted?
   Deterioration? YES ( ) NO ( )
   Damage from flood or other natural event? YES ( ) NO ( )
4. Is the existing bridge associated with a:
   State TH Bridge and Culvert Project? YES ( ) NO ( )
   FEMA Project? YES ( ) NO ( )
   FHWA ER Project? YES ( ) NO ( )
5. Would closure of the existing bridge prevent emergency services from reaching any homes or businesses? YES ( ) NO ( ) If YES:
   How many homes? _____
   How many businesses?_____
6. Would closure of the existing bridge require a detour? YES ( ) NO ( ) If YES:
   Maximum length of detour?_____

Type/Length of Temporary Bridge Requested:

Type: One lane_____ Two lane_____
Span Length:_____feet
Load Capacity: HS20____HS25_____

Length of Time Temporary Bridge Requested For:
(Maximum deployment time is 48 months)

Length of request:_____months

Town's Authorized Representative:_____ _____
Signature Date

District concurrence with request: YES ( ) NO ( )

District Authorized Representative:_____ _____
Signature Date

SECTION 7

Town Road & Bridge Standards

As a result of various legislative actions relating to the Town Highway grant programs, an incentive program was created providing additional funding to municipalities meeting two requirements:

1. adopt minimum codes and standards, (page 7-6) and;
2. conduct a network infrastructure study (page 7-10): *Town Highway Infrastructure Study - Guidelines).*

History: In the spring of 1999, the Federal Emergency Management Agency adopted a new policy which required the adoption of codes and standards before a Public Assistance disaster declaration, in order to be eligible for certain FEMA benefits related to facility upgrades. As a result of that policy change, the Vermont Agency of Transportation and Vermont Emergency Management began working with FEMA, regional planning commissions, the Vermont Local Roads program, the Vermont League of Cities and Towns, and the Vermont Agency of Natural Resources on the development of a standard template of minimum codes and standards. By the summer of 1999, towns began adopting road and bridge codes and standards based on the template developed by this group.

Act 64 of the 2001-2002 Legislative session modified 19 V.S.A. § 309b to include an incentive program which allowed for providing increased State share of funding to municipalities receiving grants under the Town Highway Class 2 Roadway and Town Highway Structures grants programs. In order to receive an additional 10% of State funding under each of these grant programs, municipalities needed to meet two requirements. The first requirement was to have adopted town road and bridge standards. The second requirement was to have conducted (and keep up to date) a network infrastructure study.

Up until 2011, the only changes related to codes and standards since the development of the original template included a language modification that essentially prohibited a municipality from using a fiscal reason as a basis for modifying the standards for a particular project and the recent requirement to submit an annual certification of compliance. The certification of compliance was implemented following the series of FEMA declarations in 2008, when several municipalities that had adopted codes and standards could not produce a copy of their adoption documents when asked by FEMA.

Act 110 of the 2009-2010 Legislative session required that the Vermont Agency of Transportation work with municipal representatives to “revise the Agency’s current recommended town road and bridge standards to include a suite of practical and cost-effective Best Management Practices (BMPs) for the construction, maintenance, and repair of all existing and future town highways in order to address pollution caused by transportation-related stormwater runoff.” Additionally, Act 110 amended 19 V.S.A. § 309b(a) & (b) requiring

that municipalities must also submit the annual certification of compliance for town road and bridge standards in order to be eligible for receiving the additional 10% of State funding under the Town Highway Structures and Class 2 Roadway grants programs.

Benefits: Besides the benefit of receiving an additional 10% of State funding under these two town highway grants programs and the benefits realized under the FEMA Public Assistance program in a federally declared disaster, the main reasons to adopt the latest approved *codes and standards* template (page 7-6) are to improve safety, reduce life cycle costs, and address environmental concerns.

Adoption and Certification: In order for municipalities to receive the additional 10% State funding (80% for Class 2 Roadway grants and 90% for Structures grants) municipalities **must adopt new codes and standards which meet or exceed the minimum requirements of the latest State-approved template (pages 7-5 to 7-11)**. Once new codes and standards have been adopted, it is necessary to submit a **Certificate of Completion (page 7-12) on an annual basis** to the respective VTrans District Office.

FEMA Public Assistance Program: The requirements of Act 110 related to town road and bridge standards have no bearing on how FEMA treats these standards in the event of a federal Public Assistance declaration. This means that FEMA is only interested in whether a municipality has adopted codes and standards and that the municipality follows those codes and standards. However, municipalities who have adopted codes and standards which **do not** meet the new minimum standards of the latest State-approved template will only be eligible for receiving a 7.5% State-share (Emergency Relief and Assistance Fund) as part of a FEMA Public Assistance declaration. For more information on the State's Emergency Relief and Assistance fund, see the following website:

http://floodready.vermont.gov/find_funding/emergency_relief_assistance.

Town Highway Emergency Fund Grants: The adoption of codes and standards has no effect on the State/municipal funding split for this grant program. However, for towns that have adopted road and bridge standards (regardless of which version), eligibility for reimbursement for repair or replacement of infrastructure shall be to those standards. For towns that have not adopted any form of codes and standards, eligibility for reimbursement for repair or replacement of infrastructure shall be limited to the specifications of the infrastructure that pre-existed the emergency event.

See page 7-3 for a list of Frequently Asked Questions as well as answers regarding Town Road and Bridge Standards.

Town Road and Bridge Standards

Frequently Asked Questions

1. **Does adoption of town road and bridge standards mean that the municipality has to bring all of its existing facilities up to the *codes and standards* within a certain time frame?**

   No. The *codes and standards* must be adhered to when the municipality takes some form of action on their highway infrastructure related to the particular standard. For example, if a municipality has adopted the June 5, 2019 template and is only grading a town highway, they must adhere to the crowning and grading requirements, but need not perform the requirements related to ditching, guardrail, culverts, or bridges.

2. **What if the municipality does not follow its adopted codes and standards?**

   If it is determined that a town is not following its *codes and standards,* the town is ineligible for *codes and standards* upgrades under FEMA Public Assistance. Also, it may be grounds to default to the lower percentage state share under the state-administered grant programs, if the town had not adopted *codes and standards* which meet or exceed those of the June 5, 2019 template.

3. **Can the municipality use the 50% rule similar to FEMA for projects it funds on its own? In other words, if a damaged culvert is dragged back into place by the municipality following a non-declared event because the municipality used the 50% rule to justify the lower cost repair, will FEMA be okay with this?**

   Yes, as long as the municipality used a 50% rule similar to that of FEMA, the municipality would remain in compliance with its adopted *codes and standards*.

4. **What is the connection between a municipality's adopted *codes and standards* and FEMA reimbursement?**

   FEMA will consider a municipality's adopted *codes and standards* when preparing the project worksheets for facilities that are damaged as a result of a federally declared (FEMA Public Assistance program) disaster. Assuming the municipality is following their duly adopted *codes and standards*, FEMA may include the cost to rebuild a damaged facility to those *codes and standards* as they develop the project worksheet.

5. **In regard to the FEMA Public Assistance program, what happens if a municipality chooses not to adopt any *codes and standards*?**

   If the municipality chooses not to adopt any form of *codes and standards,* FEMA will only provide funding to rebuild to the pre-disaster conditions. However, FEMA may include hazard mitigation measures as eligible costs for actions taken to prevent or reduce the

threat of future damage to a facility in a specific project worksheet under the Public Assistance program. These measures are unrelated to *codes and standards* and are not dependent upon a municipality adopting any version of *codes and standards*. The bottom line is that there are no minimum standards that a town must adopt in order to receive FEMA Public Assistance funding. There are towns and other eligible applicants who have no adopted codes and standards, yet still receive FEMA funding.

6. Do municipalities need to adopt any sort of *codes and standards* in order to be eligible for FEMA reimbursement under the FEMA Public Assistance program?

No.

7. Are fiscal reasons a basis for modification (or not adhering) to the standards?"

FEMA expects applicants who have adopted *codes and standards* to follow them, regardless of whether FEMA is footing the bill. FEMA specifically states that the adopted codes and standards "cannot be applied selectively based on the availability of funds."

8. Does the guardrail section of the town road and bridge standards mean that we will have to line all of our town highways from one end to the other with guardrail?

No. It means that when a municipality is constructing or reconstructing a roadway or structure which results in any hazards within a designated clear-zone, they will use the AASHTO Roadside Design Guide to help determine what type of barrier or other treatment, if any, should be employed. We understand that not all municipalities will have access to the AASHTO Roadside Design Guide. For municipalities who need help in determining what type of treatment, if any, should be employed, they should contact their respective VTrans District technical staff for assistance. The AASHTO Roadside Design Guide is not a rigid standard, it is a GUIDE.

9. If a municipality wishes to adopt some form of *codes and standards,* but has issues with some parts of the Town Road and Bridge Standards June 5, 2019 template, what should they do?

The municipality should contact their respective VTrans District technical staff for assistance/guidance on how to proceed.

10. What is the definition of an "up-to-date highway network inventory"?

Once a municipality has performed a complete highway network inventory, that inventory should be maintained by updating it as conditions change or as the municipality performs work on elements of that inventory. There is no requirement that a municipality perform a complete re-inventory of the network every so many years. If at some point a municipality has performed a complete inventory, that inventory would be considered "up-to-date" if the municipality makes any necessary updates as conditions change.

TOWN ROAD AND BRIDGE STANDARDS

(June 5, 2019)

MUNICIPALITY OF_____, VERMONT

The Legislative Body of the Municipality of_____hereby adopts the following Town Road and Bridge Standards which shall apply to the construction, repair, and maintenance of town roads and bridges.

The standards below are considered minimums. Municipalities that have construction standards / specifications in place that meet or exceed the minimum standards: indicate adoption date and include as Appendix C. **Date ofAdoption:** _____

Municipalities must comply with all applicable state and federal approvals, permits and duly adopted standards when undertaking road and bridge activities and projects.

Any new road regulated by and/or to be conveyed to the municipality shall be constructed according to the minimum of these standards.

Circle **YES** or **NO** below to indicate town adoption of that section of the Standards

Road and Bridge Standards Sections	**Hydrologically-connected road segments***	**Non-hydrologically-connected road segments****
Section 1 – Municipal Road Standards	**YES** (Required by Act 64)	**YES** **NO**
Section 2 – Class 4 Road Standards	**YES** (Required by Act 64)	**YES** **NO**
	Town wide	
Section 3 - Perennial stream- bridge and culvert standards	**YES** (Required by DEC Stream Alteration Standard)	
Section 4 – Intermittent stream crossings	**YES** **NO**	
Section 5 - Roadway construction standards	**YES** **NO**	
Section 6 - Guardrail standard	**YES** **NO**	
Section 7 - Driveway access standard	**YES** **NO**	

Road segments – ANR Resources Atlas includes a map layer of all of Vermont's municipal roads divided into 100-meter (328 foot) segments, each with a unique identification number.

***Hydrologically-connected road segments** - are those municipal road segments and catch basin outlets, Class 1-4, as shown on the ANR Natural Resources Hydrologically-connected municipal road segment layer (http://anrmaps.vermont.gov/websites/anra5/) or the Road Erosion Inventory Scoring (MRGP Implementation Table portal) layer (https://anrweb.vt.gov/DEC/IWIS/MRGPReportViewer.aspx?ViewParms=True&Report=Portal).

****Adoption of standards on non-hydrologically-connected road segments** does not indicate that these road segments are then subject to the Municipal Roads General Permit (MRGP).

Municipalities may also find additional resources in the latest version of the *Vermont Better Roads Manual*. https://vtrans.vermont.gov/sites/aot/files/highway/documents/ltf/Better%20Roads%20Manual%20Final%202019.pdf

Road and Bridge Standards Sections

Section 1 – Municipal Road Standards - See Appendix A

These standards are required by Act 64 and the DEC Municipal Roads General Permit (MRGP) for hydrologically-connected roads only.

Municipalities may adopt Section 1 Road standards by road type for non-hydrologically-connected roads/segments/catch basins.

Section 2 – Class 4 Road Standards - See Appendix A

Section 3 - Perennial stream - bridge and culvert standards

Bridge and culvert work on perennial stream crossings must conform with the statewide DEC Stream Alteration Standard.

"Perennial stream" means a watercourse or portion, segment, or reach of a watercourse, generally exceeding 0.25 square miles in watershed size, in which surface flows are not frequently or consistently interrupted during normal seasonal low flow periods. Perennial streams that begin flowing subsurface during low flow periods, due to natural geologic conditions, remain defined as perennial. All other streams, or stream segments of significant length, shall be termed intermittent. A perennial stream shall not include the standing waters in wetlands, lakes, and ponds.

Streambank stabilization and other in-stream work must conform with the statewide DEC Stream Alteration Standard. For

River Management Engineer Districts: https://dec.vermont.gov/sites/dec/files/wsm/rivers/docs/RME_districts.pdf

Section 4 – Intermittent stream crossings – See Appendix B for sizing table and graphic. These standards are above and beyond the culvert standards in Section 1.

"Intermittent streams" are defined as streams with beds of bare earthen material that run during seasonal high flows but are disconnected from the annual mean groundwater level.

Section 5 - **Roadway construction standards** – Sub-base and gravel standards

All new or substantially reconstructed gravel roads shall have____inches* thick gravel sub-base, with an additional___inches* top course of crushed gravel.

All new or substantially reconstructed paved roads shall have____inches* thick gravel sub-base.

*Municipalities shall indicate their own construction criteria.

Section 6 - Guardrail standard

When a roadway, culvert, bridge, or retaining wall construction or reconstruction project results in hazards such as foreslopes, drop offs, or fixed obstacles within the designated clear-zone, the AASHTO Roadside Design Guide will govern the analysis of the hazard and the subsequent treatment of that hazard. For roadway situations, an approved barrier system may be steel beam guardrail with 6-foot posts and approved guardrail end treatment. If there is less than 3 feet from the rail to the hazard, then steel beam guardrail with 8-foot posts shall be used. The G-1D is an example of an approved guardrail end treatment. For bridge rails systems, VTrans bridge rail standards shall be referenced

Section 7 - Driveway access standard

The municipality has a process in place, formal or informal, to review all new drive accesses and development roads where they intersect town roads, as authorized under 19 V.S.A. Section 1111. Municipality may reference Vtrans Standard *A-76 Standards for Town & Development Roads* and *B-71 Standards for Residential and Commercial Drives*; the Vtrans *Access Management Program Guidelines*; and the latest version of the *Vermont Better Roads Manual* for other design standards and specifications.

Passed and adopted by the Legislative Body of the Municipality of_____, State of Vermont on _____, 20____

Select board / City Council / Village Board of Trustees:

_____ _____

_____ _____

_____

Appendix A

Section 1: MUNICIPAL ROAD STANDARDS

The following standards constitute the minimum required Best Management Practices (BMPs) for municipal roads. These standards shall apply to the construction, repair, and maintenance of all town roads and bridges.

It is the municipality's responsibility to maintain all practices after installation. Roads not meeting these standards must implement the BMPs listed below in order to meet the required town's standards.

Feasibility

Municipalities shall implement these standards to the extent feasible. In determining feasibility, municipalities may consider the following criteria: The implementation of a standard listed in of this documentation does not require the acquisition of additional state of federal permits or noncompliance with such permits, or noncompliance with any other state or federal law. The implementation of a standard does not require the condemnation of private property; impacts to significant environmental and historic resources, including historic stone walls, historic structures, historic landscapes, or vegetation within 250 feet of a lakeshore; impacts to buried utilities; and excessive hydraulic hammering of ledge.

Standards for All Construction and Soil Disturbing Activities

Following construction and soil disturbance on a road, all bare or unvegetated areas shall be revegetated with see and mulch, hydroseeded, or stone lined within 5 days of disturbance of soils, or, if precipitations is forecast, sooner.

Standards for Gravel and Paved Roads with Ditches

Baseline Standards for Gravel and Paved Roads with Ditches

The following are the standards for all gravel and paved municipal roads with drainage ditches, whether or not erosion is present. These standards also apply to all new construction and significant upgrades of stormwater treatment practices.

A. Roadway/Travel Lane Standards
   1. Roadway Crown
      a. Gravel roads shall be crowned, in or out-sloped:
         Minimum: ¼ inch per foot
         Recommended: ¼ inch to ½ inch per foot or 2% - 4%
      b. Paved/ditched roads shall be crowned during new construction, redevelopment, or repaving where repaving involves removal of the existing paving.
         Minimum: 1/8 inch per foot or 1%
         Recommended: 1% - 2%
   2. Shoulder berms (also called Grader/Plow Berm/Windrows)
      Shoulder berms shall be removed to allow precipitation to shed from the travel lane into the road drainage system. Roadway runoff shall flow in a distributed manner to the drainage ditch or filter area and there shall be no shoulder berms or evidence of a "secondary ditch". Shoulder berms may remain in place if the road crown is in-sloped or out-sloped to the opposite side of the road from berm side of road. The shoulder berm standard only applies to gravel roads with drainage ditches.

B. Road Drainage Standards

Roadway runoff shall flow in a distributed manner to grass or a forested area by lowering road shoulders or conversely by elevating the travel lane level above the shoulder. Road shoulders shall be lower than travel lane elevation. If distributed flow is not possible, roadway runoff may enter a drainage ditch, stabilized as follows:

1. For roads with slopes between 0% and 5%: At a minimum, grass-lined ditch, no bare soil. Geotextile and erosion matting may be used instead of seed and mulch. Alternatively, ditches may be stabilized using any of the practices identified for roads with slopes 5% or greater included in subpart B.2 below.

   Recommended shape: trapezoidal or parabolic cross section with mild side slopes; 2 foot horizontal per 1 foot vertical or flatter and 2-foot ditch depth.

2. For roads with slopes 5% or greater but less than 8%:
   a. Stone-lined ditch: minimum 6 to 8-inch minus stone or the equivalent for new practice construction. Recommended 2-foot ditch depth from top of stone-lined bottom,
   b. Grass-lined ditch with stone check dams[1], or
   c. Grass-lined ditch if installed with disconnection practices such as cross culverts and/orturnouts to reduce road stormwater runoff volume. There shall be at least two cross culverts or turnouts per segment disconnecting road stormwater out of the road drainage network into vegetated areas or spaced every 160 feet.

3. For roads with slopes of 8% or greater: Stone-lined ditch.
   a. For slopes greater than or equal to 8% but less than 10%: minimum 6 to 8-inch minus stone or the equivalent for new construction. Recommended 2-foot ditch depth from top of stone- lined bottom.
   b. For slopes greater than 10%: minimum 6 to 8-inch minus stone. Recommended 12-inch minus stone or the equivalent. Recommended 2-foot ditch depth from top of stone-lined bottom.

4. If appropriate, bioretention areas, level spreaders, armored shoulders, and sub-surfacedrainage practices may be substituted for the above road drainage standards.

C. Drainage Outlets to Waters & Turnouts

Roadway drainage shall be disconnected from waterbodies and defined channels, since the latter can act as a stormwater conveyance, and roadway drainage shall flow in a distributed manner to a grass or forested filter area. Drainage outlets and conveyance areas shall be stabilized as follows:

1. Turn-outs – all drainage ditches shall be turned out to avoid direct outlet to surface waters.

2. There must be adequate outlet protection at the end of the turnout, based upon slope ranges below. Turnout slopes shall be measured on the bank where the practice is located and not based on the road slope.
   a. For turnouts with slopes of 0% or greater but less than 5%: stabilize with grass at minimum. Alternatively, stabilize using the practices identified in subpart b – c below, when possible.
   b. For turnouts with slopes 5% or greater: stabilize with stone.
   c. For slopes greater than 5% but less than 10%: minimum 6-inch to 8-inch minus stone or the equivalent for new construction.
   d. For slopes greater than 10%: minimum 6 to 8-inch minus stone or equivalent fornew construction. Recommend 12-inch minus stone or the equivalent.

[1] See check dam installation specifications.

Drainage and Intermittent Stream Culvert Standards

The following are the required culvert standards for all gravel and paved roads with ditches where rill or gully erosion is present. These standards also apply to new construction and significant upgrades of stormwater treatment practices.

1. Municipal Culverts (Drainage and Intermittent Streams)
    1. Culvert end treatment or headwall required for areas with road slopes 5% or greater if erosion is due to absence of these structures. End treatment or headwall is required for new construction on slopes 5% or greater.

    2. Stabilize outlet such that there will be no scour erosion, if erosion is due to absence or inadequacy of outlet stabilization. Stone aprons or plunge pools required for new construction on road slopes 5% or greater.

    3. Upgrade to 18-inch culvert (minimum), if erosion is due to inadequate size or absence of structure.

    4. A French Drain (also called an Underdrain) or French Mattress (also called a Rock Sandwich) sub-surface drainage practice may be substituted for a cross culvert.

2. Driveway Culverts within the municipal ROW
    1. Culvert end treatment or headwall required for areas with road slopes of 5% or greater, if erosion is due to absence of these structures. End treatment or headwall is required for new construction.

    2. Stabilize outlet such that there will be no scour erosion, if erosion is due to absence or inadequacy of outlet stabilization. Stone aprons or plunge pools required for new construction.

    3. Upgrade to minimum 15-inch culvert, 18-inch recommended, if erosion is due to inadequate size or absence of structure.

Standards for Paved Roads with Catch Basins

Catch Basin Outlet Stabilization: All catch basin outlets shall be stabilized to eliminate all rill and gully erosion. Catch basin outfall stabilization practices include: stone-lined ditch, stone apron, check dams and culvert header/headwall.

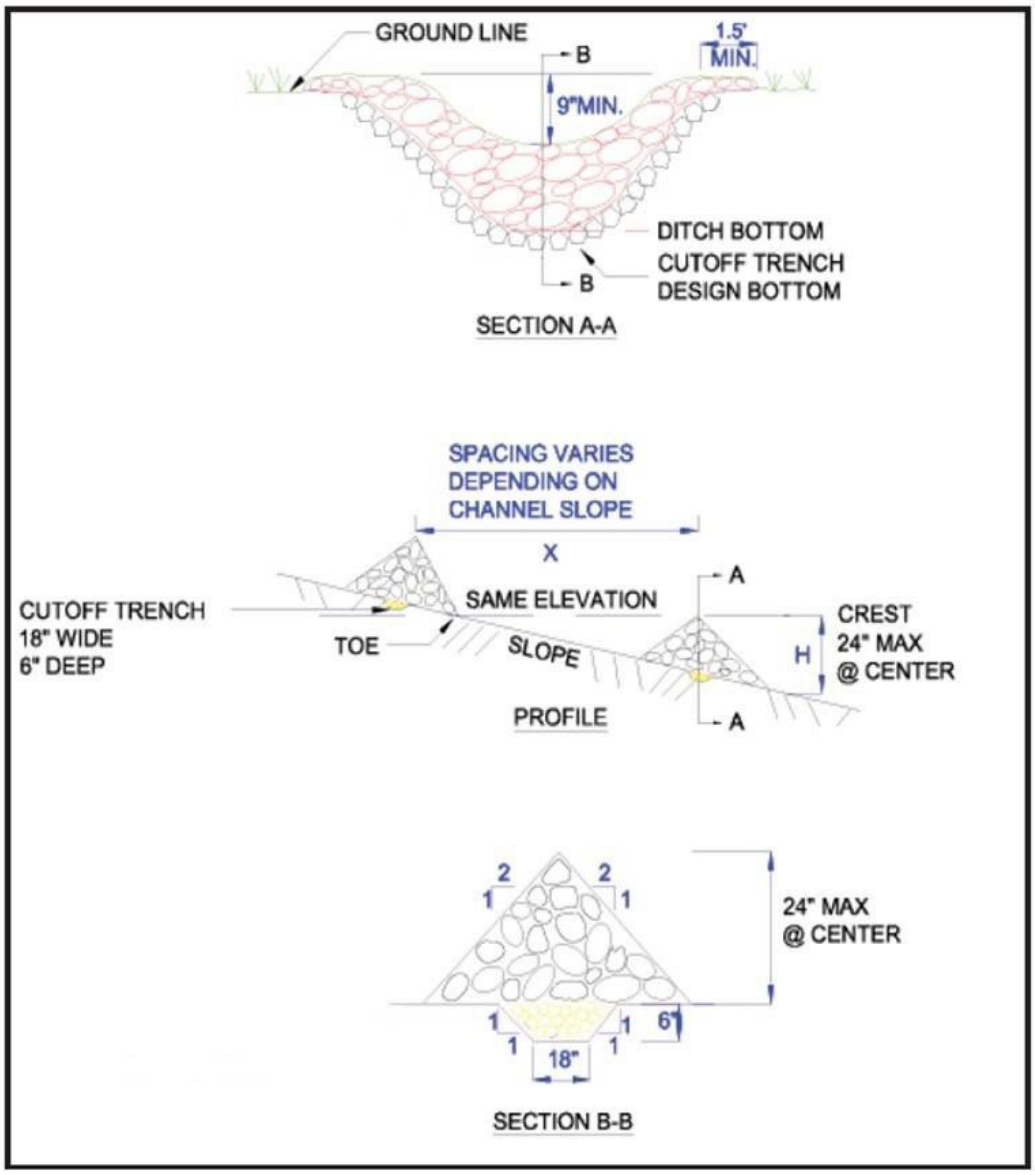
Stone Check Dam Specification

- Height: No greater than 2 feet. Center of dam should be 9 inches lower than the side elevation
- Side slopes: 2:1 or flatter
- Stone size: Use a mixture of 2 to 9-inch stone
- Width: Dams should span the width of the channel and extend up the sides of the banks
- Spacing: Space the dams so that the bottom (toe) of the upstream dam is at the elevation of the top (crest) of the downstream dam. This spacing is equal to the height of the check dam divided by the channel slope.

  $$\text{Spacing (in feet)} = \frac{\text{Height of check dam (in feet)}}{\text{Slope in channel (ft/ft)}}$$

- Maintenance: Remove sediment accumulated behind the dam as needed to allow channel to drain through the stone check dam and prevent large flows from carrying sediment over the dam. If significant erosion occurs between check dams, a liner of stone should be installed.

Check Dam Specification:



Section 2: STANDARDS FOR CLASS 4 ROADS

Stabilize any areas of gully erosion with the practices described above or equivalent practices. Disconnection practices such as broad-based dips and water bars may replace cross culverts and turnouts.

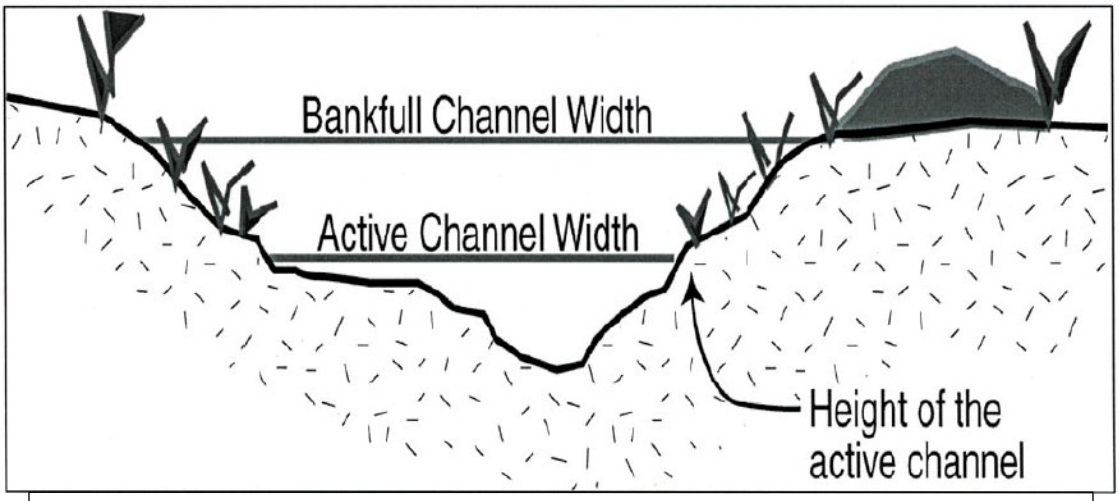
Appendix B

Active Channel Culvert Sizing for Intermittent Stream Crossings

Choose the drainage area closest to your crossing site drainage area

Drainage Area *(Acres)*	Minimum Diameter for Culverts on Intermittent Streams *(inches)*
4	15
8	18
16	24
20	30
40	36
50	42
80	48
120	60
160	66
200	*Streams with drainage areas of 160 acres or greater are likely to be perennial. Adhere to the VTDEC Technical Guidance for Identification of Perennial Streams*
320	
350	
450	
640	

Active Channel Width



Active Channel Width means the limits of the streambed scour formed by prevailing stream discharges, measured perpendicular to streamflow. The active channel is narrower than the bankfull width (approximately 75%) and is defined by the break in bank slope and typically extends to the edge of permanent vegetation.

Culvert sizing for crossings on intermittent streams: Determine the Active Channel Width by field measurements, ***the culvert size should meet or exceed the Active Channel Width***. To obtain the measurements go to the crossing location and obtain several upstream Active Channel Width measurements in riffle (fast moving water) narrower channel locations. The selected channel width should be a representative average of the field measurements. In the absence of field measurements, the drainage areas in

Certification of Compliance
for
Town Road and Bridge Standards
and
Network Inventory

We, the Legislative Body of the Municipality of _____ certify that we have reviewed, understand and comply with the Town Road and Bridge Standards / Public Works Specifications and Standards passed and adopted by the Selectboard / City Council / Village Board of Trustees on _____, 20 __ _.

We further certify that our adopted standards ☐do ☐do not meet or exceed the minimum requirements included in the June 5, 2019 State-approved template.

We further certify that we ☐do ☐do not have an up-to-date highway network inventory which identifies location, size, deficiencies/condition of roads, bridges, causeways, culverts and highway-related retaining walls on class 1, 2, and 3 town highways, and estimated cost of repair.

_____ Date:_____

_____

_____

_____

_____
(Duly Authorized Administrator)

For a summary of your community's road and bridge information please visit: tinyurl.com/rdsinfo

Town Highway Infrastructure Study - Guidelines:

Definition:

A town highway infrastructure system study is simply an inventory of the roads, bridges, causeways, culverts, sidewalks, bicycle facilities and any highway-related retaining walls on a Class 1, 2, or 3 Town Highway, which describes each, assesses condition, and projects repair cost. The inventory should provide the following information:

1. Location (sufficiently detailed in order to locate)
2. Size (length/width/depth, etc.)
3. Condition (e.g., very bad, bad, fair, good)
4. Estimated repair cost (when condition is less than good)

Although no copy of the inventory needs to be submitted with an application for funding, verification may be requested (by copy or site visit) by the District Transportation Administrator (DTA) or Town Highway Program Manager (Operations Division Headquarters).

How to record the information:

The municipality may choose either a manual or electronic inventory system. Some software and assistance/direction is available through the Vermont Local Roads Program (802) 828-3537.

Notes:

1. For bridges over 20 feet in span length, the location, number, and condition are already completed by the VTrans Structures Section. VTrans provides copies of those reports to municipalities.
2. VTrans maintains town highway maps which may be accessed via the Agency's website.
3. Driveway culverts are not eligible for program funding, but a municipality may want to consider including them on their inventory. Not required for the inventory system.
4. Items that should be included in the infrastructure study, but would not be required for the purpose of the added incentive for the Town Highway (TH) programs are:
    a. A closed drainage system, which is not considered to be a bridge or culvert under the TH programs and as such is not eligible for funding.
    b. Class 4 town highways and their bridges and culverts, which are also not eligible for TH program funding.

Data stored in the town highway infrastructure study will help greatly in developing a portion of a municipal capital plan as shown on page 11-4 *Town Capital Plan - Example.*

Section 8

Federal Aid for Town Highways

Federal-aid system highways include most state and some town highways. Federal/state aid for reconstruction of Class 1, 2, or 3 town highways which are on the federal-aid system may be available through the Agency of Transportation from annual appropriations for that purpose with the approval of the General Assembly for each project (19 V.S.A. §10g and 1504). The amount of federal/state is not limited for any one project.

The federal/state funds require a 10 percent match of total project cost with municipal funds, unless a different match ratio is approved by the General Assembly. In any event the local match is capped at the amount raised by a municipal tax rate of $0.50 on the Grand List (19 V.S.A. §309a(c)). Some Class 2 highway projects that were in the planning or design phases in 1989, at the time of enactment of 19 V.S.A. §309a(a) (uniform local share of 10%) do not require any local matching funds; however, the municipality, at its own expense, is required to purchase any additional right-of-way required for these projects. (These “grandfathered” projects are listed in Sec.12 of Act No. 121 of 1989).

Any future projects which are to be funded under this category of state aid will be those recommended by the regional planning commission transportation planning effort under VTrans Planning Initiative (see Section 12) and would be included in VTrans’ overall State Development Program.

In the event a project is selected the municipality will be required to execute a Finance and Maintenance Agreement (FMA). This agreement states the scope of the work, the responsibilities of the municipality and the state in bringing the project to completion, and the responsibility of the municipality to adequately maintain the project in the future. A sample of an FMA can be found in Section 4, page 4-3.

Highway Safety Improvement Program (HSIP) enhances safety on all Vermont roads. The HSIP is a requirement of the Moving Ahead for Progress in the 21st Century Act (MAP- 21). Federal funds are made available to cities and towns to implement both low cost and major projects that remediate the identified safety problems following the process described below.

As part of the HSIP, VTrans generates a list of candidate problem areas annually, using its High Crash Locations list (which covers all federal-aid roads in Vermont), and inputs from the State Police, VTrans Maintenance Districts, the regional planning commissions, and the Chittenden County Metropolitan Planning Organization. From this list of 500 plus areas, VTrans develops a prioritized list of 10 to 15 locations.

For each of the locations, the crash reports for the most recent three years of available data are reviewed and a site visit is performed to identify causes and remedial action. When a road is under the jurisdiction of a town or a city, a local representative is contacted and a meeting is scheduled to discuss the location and perform a site visit. If the town or city does not express any concerns for the location, the site is removed from the candidate list.

When the safety issues can be corrected with signs and pavement markings, VTrans performs a site visit with the municipality and develops a proposed signage and markings plan. Upon approval of the plans by the select board or city council, VTrans implements the signage and markings plan via a statewide project at no costs to the municipality.

When a major construction project is involved, the benefits of implementing the project must be compared to the costs of doing the project as well as to other major HSIP projects. This is done by computing the benefits to the costs ratio (B/C ratio). The first general selection criterion is a B/C greater than 1. Projects for individual sites are ranked in decreasing order of benefits/costs ratios. Sites with the highest B/C ratios are given priority in project funding.

If a major project is selected for funding, VTrans will initiate the design process and present its preferred alternative to the select board or city council. Once the alternative is endorsed, VTrans will continue the design process through construction.

The Systemic Local Roads Safety (SLRS) Program was created by VTrans to complement the High Risk Rural Road Program (see next section). The purpose of the SLRS program is to enhance highway safety by implementing low cost safety improvements to achieve a significant reduction in traffic fatalities and serious injury crashes. The SLRS program addresses all rural and urban roads that are locally maintained by a municipality and that have less than 5,000 vehicles per day.

The SLRS program uses the systemic method, which focuses on risk factors rather than on crash history, to identify sites for improvement. Risk factors are identified by VTrans based on an analysis of target crashes and the associated contributing factors.

The current program development process is as follows:

During the first quarter of a calendar year and using the latest five-year crash data, VTrans conducts the systemic network screening of roads maintained by municipalities (non-State maintained roadways with less than 5,000 vehicles per day).

VTrans provides the analysis results to the RPCs. The RPCs supplement the analysis results with local input from stakeholder members, police, sheriff, emergency response providers, field review of the sites and anecdotal data.

The RPCs will analyze the network screening data and local input to identify and prioritize locations. From the list of prioritized sites, each RPC will select one or two sites for further review. Regions with roadways classified as HRRR shall submit at least one HRRR location under the SLRS Program (A HRRR is a road classified as a rural major collector, a minor collector or a rural local road that has an average of three or more fatal and injury crashes per mile over a five year period).

The municipalities in which a SLRS site is located are contacted by the RPC/MPO to determine if they would like to participate in the program.

VTrans then perform a safety review of the sites with the municipality and proposed low cost improvements.

The projects are then constructed by VTrans using a statewide contract. There are no costs to the municipalities.

Eligible improvements include:

- Traffic signs, delineators, object markers
- Pavement markings
- Signals/ beacons

The High-Risk Rural Roads (HRRR) Program is a component of the SLRS Program. Section 1112 of MAP -21 changed the definition of a "high risk rural road (HRRR)" in 23 USC 148(a)(1) to "any roadway functionally classified as a rural major or minor collector or a rural local road with significant safety risks (VTrans defines risk as roads with three or more fatal and injury crashes per mile over a five-year period). MAP -21 also established a Special Rule for HRRR safety in 23 USC 148(g)(1), and only when the fatality rate on Vermont rural roads increases over the most recent 2-year period would the HRRR Program becomes effective for the required period of time. If the HRRR Program is in effect, then the SLRS Program is only implemented on roads that meet the HRRR definition.

Participation in the above safety programs (HSIP, SLRS and HRRR Programs) by a municipality involves the following requirements:

1. Attendance to a site visit by the Road Foreman and another high-ranking municipal official;
2. Confirming your agreement with the project design by signing and returning the Project Agreement Form submitted by VTrans by the requested date;
3. For low cost projects, confirming that the work associated with the project falls within the Town's existing right-of-way by signing and returning the Right-of way Clearance form submitted by VTrans by the requested date;
4. Signing a Maintenance Agreement for the agreed upon projects and returning it to VTrans by the requested date;
5. Depending on the type of project and/or the funding source used, a match may be required of the municipality

The Municipal Assistance Bureau (MAB) provides municipalities with technical assistance and grant opportunities for both federal and state funded projects including transportation alternatives projects, bicycle and pedestrian projects, municipal park-n-rides, Better Roads projects and other "local" projects within other funding programs at VTrans. These projects are developed and constructed under municipal management, which carries a high degree of local focus. Most grants require a local match and annual grant solicitations occur with Transportation Alternatives, Bicycle and Pedestrian, Municipal Park & Ride and the Better Roads Programs; here is a link to MAB's website with more details: http://vtrans.vermont.gov/highway/local-projects

The Transportation Alternatives (TA) Program provides funding for a variety of eligible activities which must demonstrate a strong transportation link. A full description of the TA program, including application requirements, can be found at: http://vtrans.vermont.gov/highway/local-projects/transport-alt.

Bicycle and pedestrian projects consist of multi-use facilities such as bike paths, sidewalks and pedestrian crossing treatments. Bicycle and pedestrian projects provide safe and convenient facilities for pedestrians and bicyclists. Park-n-rides are strategically placed parking facilities thatpromote the consolidation of travelers and the reduction of single occupancy vehicles. The Better Roads Program provide funding for road inventories and construction projects such as ditching and bank stabilization on municipal roads that improve water quality and result in maintenance cost savings. More information can be found at: http://vtrans.vermont.gov/highway/better-roads. The "local" projects are made up of traditional transportation projects, such as bridges, roads and signals, on locally owned property.

MAB, through the assignment of technical staff, works with and supports the community in the development of projects. Projects are selected through competitive grant solicitations or based on priority, as defined by the Transportation Planning Initiative and availability of funding. Guidance in areas of Federal and State regulations, standards and processes is provided. Communities who have an interest in managing the development and construction of their own transportation project, should visit the MAB web site at http://vtrans.ver- mont.gov/highway/local-projects.

The Local Highway Finance Report (FHWA-536) is a biennial report summarizing highway funding by townships and municipalities that includes revenues used for roads and streets, identified by source and type of funds (federal, state, local), road and street expenditures identified by purpose or activity (ex. maintenance, capital improvement), and local highway debt status (bonds, notes). The data for this report is for the actual receipts and expenditures for the reporting period and is different from the budgetary data requested for the annual town highway financial plan (TA- 60).

As part of receiving federal-aid highway funds VTrans is required to collect and provide this data every two years to the Federal Highway Administration (FHWA-536). The information reported on form FHWA-536 permits the FHWA to develop a series of national tables depicting the financing of highway activities at the local level. These and several other more comprehensive FHWA re- quired financing reports permit FHWA to infer relationships and changes in revenue, expenditure and investment patterns and determine financial trends which are essential in policy and program development.

VTrans will request the local highway finance data from the townships and municipalities in March of the year following the time period being reported (for example, for the FY2022 reporting period, contact will be in March 2023). The reporting period is for one year and may be either the fiscal year July 2022 – June 2023 or the calendar year, whichever is more applicable to the town or city. Information will be due to VTrans by June 30th of each year. Every township or municipality will be selected for their contribution to this report at least once every ten years, larger towns and cities will be selected more frequently, in order to capture data that best represents Vermont's local highway financing.

Staff in our Financial Operations section are available to assist you in completing this report for your township or municipality. Our contact information is:

Nichole Adams, Financial Specialist, 802-760-7901 nichole.adams@vermont.gov

John Becker, Financial Director, 802-371-7540 john.becker@vermont.gov

Section 9

Technical Assistance to Towns

VTrans has the duty by statute to provide assistance and advice to municipalities (19 V.S.A. §10). The advice may be for small and routine issues, or it may extend to substantial issues involving public policy at the municipal level. VTrans will analyze the facts, statutes that apply, and general policy thinking before providing the requested advice.

For other than very modest work, municipalities must reimburse VTrans for its costs (19 V.S.A. §10(5)). Sometimes VTrans may not be able to do the work with its employees. In these cases, municipalities may be referred to the private sector or VTrans may engage a private firm.

Municipalities desiring assistance should contact the DTA, who will either provide the service or refer to the appropriate VTrans specialist. Except for non-routine or complex issues, the DTA and staff can address nearly all highway and bridge problems, if time permits. The DTA can provide an estimate of cost to meet the request, before undertaking the assistance work, if desired. VTrans employees do not provide other than incidental advice to private parties. Please see the end of this section for a list of materials and services available to municipalities and the method of payment.

The Vermont Local Roads Program (VLR) transitioned from St. Michael's College on September 1, 2014 to the VTrans Training Center (VTTC). The program continues to be an excellent source of information for road commissioners and other town officials. The program sponsors workshops and can provide information and technical assistance covering any transportation related issue. It facilitates an expanding e-mail listserv network to connect, share and discuss transportation amongst interested stakeholders. For further information access the program's website at https://localroads.vermont.gov.

Vermont's Better Roads Program promotes the use of erosion control and maintenance techniques that save money while protecting and enhancing Vermont's lakes and streams. The Vermont Better Roads Program accomplishes this by:

- offering grants to towns to fix road erosion problems
- offering grants to towns to inventory and develop capital budgets to fix road erosion problems
- providing on-site technical assistance to towns
- providing the Vermont Better Backroads Manual which details cost-effective procedures towns can use to reduce the impact of their roads on streams, lakes and wetlands.

For further information, access the program's website at https://vtrans.vermont.gov/highway/better-roads

Standards to be used for construction or reconstruction is a topic which will generate strong views due to the impacts on adjacent properties caused by a change in width, grade, alignment, or surface materials. Not using standards dictated by good engineering practice may result in an insufficient facility, a short-lived facility or exposure to legal liability for negligence.

The DTA will provide recommendations on appropriate standards in any particular situation. (See Section 7 of this handbook for Town Road and Bridge Standards.)

Good practice would have the roadway raised to be above the surrounding terrain so that the roadbed will be adequately drained, which also aids in snow removal operations. The alignment and grades should be the best obtainable at reasonable cost for the traffic speeds expected to be allowed. Culverts should be sized to pass a Q25 year storm and 48" and larger culverts checked for Q50 storms so that only infrequent storms will cause them to be washed out. Ditches should be provided and protected to prevent undue erosion.

VTrans currently has a staff of environmental resource specialists who have expertise in the areas of wetlands, threatened and endangered species, critical wildlife habitat, stormwater runoff, archaeology, historic structures, and permit requirements that may be applicable to town highway projects. Names, expertise, and phone numbers of contact people are listed below:

- Glenn Gingras - Transportation Biologist 802-279-0583 glenn.gingras@vermont.gov (Wetlands, critical habitat, threatened and endangered species, erosion control, culvert and ditching techniques)
- Jen Russell – 802-477-3460 Jeannine.russell@vermont.gov (Archaeological sites including industrial, historic, underwater and prehistoric archaeology)
- Judith Ehrlich - VTrans Historic Preservation Officer 802-595-3744 judith.ehrlich@vermont.gov (Historic sites, structures, districts and landscapes)
- Jonathan Armstrong – Stormwater Specialist 802-595-9143 jon.armstrong@vermont.gov
- Nick Wark - Hydraulics Engineer 802-917-8391 nick.wark@vermont.gov

If any work is anticipated in or near a river, stream or wetland, such as replacing a culvert or repairing a bridge, municipalities should first coordinate with one of the River Management Engineers (RME) who work for the Agency of Natural Resources. Please visit https://dec.vermont.gov/watershed/rivers/river-management for contact information on RMEs and general information on river management.

You may also need to contact the Agency of Natural Resources Wetlands Division (Wetlands | Department of Environmental Conservation (vermont.gov) or the US Army Corps of Engineers (New England District, U.S. Army Corps of Engineers.

Additionally, if work will impact the State stormwater collection, conveyance and treatment system by proposing to physically connect to or alter flow to it, then the Municipality must contact the DTA who will involve the VTrans Utilities and Permit Section, Hydraulics Engineer, Stormwater Engineer and:

- Craig DiGiammarino, Pollution Prevention & Compliance Section, Program Manager 802-922-4681, craig.digiammarino@vermont.gov who manages: Federal and State National Pollutant Discharge Elimination Systems (NPDES) including Municipal Separate Storm Sewer System (MS4), Multi-Sector General Permit (MSGP), Total Maximum Daily Load (TMDL) Stormwater Impaired Watershed Restoration, Watershed Planning, State Storm-water Discharge and Construction Discharge Permit Programs and other Water Quality Programs.

On-Site Assistance

VTrans can provide direct services at cost to municipalities (when the capability is not being used for state purposes) when requested by the governing body or authorized official (19 V.S.A. §309). Normally, the services will not be provided in direct competition with commercial vendors or contractors, unless a condition of emergency is encountered, or the commercial services are not available timely to the need. The services will be contracted by VTrans, if necessary, when agreeable to a municipality. For other than incidental services, written agreements with municipalities will be required.

Materials may be purchased from VTrans stockpiles (if the Agency can spare the materials) upon written request from a municipality. A material testing request form is located on page 9-7. Municipalities are expected to pick up the materials at the designated stockpile. When convenient, VTrans will provide loading assistance. Invoices will be presented by VTrans on a periodic basis. Examples of materials available include (Standard Material List):

Standard Material List

		Tests Associated with Material			
Spec #	Spec Name	AASHTO T-27	VT AOT MD-22	VT AOT MD-23	AASHTO T- 96
703.02	Earth Borrow	**X**			
703.03	Sand Borrow and Cushion	**X**			
703.03M	Drainage Aggregate	**X**			
703.04	Granular Borrow	**X**			
704.04	Gravel for Subbase	**X**			**X**
704.05A	Crushed Gravel for Subbase (coarse)	**X**		**X**	**X**
704.05B	Crushed Gravel for Subbase (fine)	**X**		**X**	**X**
704.06A	Dense Graded Crushed Stone for Subbase	**X**	**X**		**X**
704.07	Gravel Backfill for Slope Stabilization	**X**	**X**	**X**	
704.08	Granular Backfill for Structures	**X**			
704.12A	Aggregate Surface Course	**X**			**X**
704.12B	Aggregate Shoulders	**X**			**X**
747.01A	Sodium Chloride - Grade 1	**X**			

Test #	Test Description
AASHTO T-27	Gradation
VT AOT MD-22	Thin and/or Elongated
VT AOT MD-23	Fractured Faces
AASHTO T-96	L. A. Abrasion

Tests associated with material are based on acceptance testing in accordance with the current edition of the State of Vermont Agency of Transportation Standard Specifications for Construction. The aggregate materials listed above are the most commonly used by municipalities. For material not listed above please contact your local District Transportation Technician or VTrans Material & Research Division.

Services may be arranged by VTrans upon written request from a municipality if the services are available. The cost will be based on fully loaded cost incurred, for personnel and equipment. Fuel is included in the hourly rental rate. Personnel expenses will be billed. Invoices for the cost will be presented to the municipality regularly. Examples of services available include:

-Subsoil borings -Design -Road grading

-Pavement resurfacing -Pavement structure evaluation -Survey

-Construction inspection -Short structure evaluation -Bridge repair

-Installation of temporary bridging -Material testing

-Snow plowing (emergency situations only)

The method in which a municipality is billed for materials is contingent on whether the district forces are involved in a municipal project or if it is a straight sale of material. Both methods charge municipalities via our state financial system and charges will appear in the monthly billing municipalities receive from the State.

STATE OF VERMONT
AGENCY OF TRANSPORTATION
MATERIALS & RESEARCH SECTION

Materials Testing Request Form

TO: Materials & Certifications Manager Agency of Transportation
2178 Airport Road
Berlin, VT 05641
Phone: (802) 828-2561
Fax: (802) 828-2792

I, the undersigned, am duly authorized by the Legislative Body of the Town of_____Vermont to **accept all billing charges to our revolving town fund account accrued in the testing** of the material submitted to Materials & Research Laboratory located in Berlin, Vermont.

STATEMENT OF REQUEST

I am, on this_____day of_____,_____, requesting the testing of the material listed below. I understand that the material will be tested in accordance with the current State of Vermont Standard Specifications for Construction. Please see Standard Material List on the following page.

Description of material to be tested:

Each sample should be submitted with the following information:

Material Name and Spec. Number_____
(Please reference Standard Material List on following page)

Where Sampled _____ Date Sampled_____/_____/_____
(In-place, Stockpile, Truck etc.)

Material Source _____

Sampled by (Print Name) _____

_____
Print Name / Position or Title of Legislative Body

_____
Signature

I am requesting test results sent to:

Name:_____

Address: _____

_____

Phone number: (802)_____ Email: _____

Section 10

Use of State-owned Highway and Rail Property

Frequently Asked Questions about the State Highway Right-of-Way

Where is the highway right-of-way and how wide is it? The width of the right of way varies from location to location, but it is almost always wider than the pavement itself. If you own or are thinking of purchasing property on a state highway and intend to do anything along the road frontage, you should contact your DTA to find out details about the right-of-way at your location.

Is there a minimum width of the highway right-of-way? Yes, of sorts. The Legislature enacted a statute which sets an assumed minimum. Vermont Statutes, Title 19, § 702 reads "the right-of-way for each highway and trail shall be three rods wide unless otherwise properly recorded." A rod is a unit of measure equaling 16.5 feet, so the assumed minimum width of the right-of-way is 49.5 feet. This total minimum width extends evenly (24.75 feet) on both sides of the highway centerline. The three-rod figure, however, is merely a place-holder in case other information is missing. In most situations, information is available and the right- of-way is often wider than 49.5 feet. To be sure, you should check with your local DTA to find out the specific dimensions of the right-of-way near your property.

Who owns the highway right-of-way? This, too, can vary by location. In some places, the right-of-way is a defined area of land that is 100% owned by the state. This usually is the situation with segments of highway constructed or reconstructed in recent decades with federal assistance. In other situations, the state has a highway easement over private property. Such an easement allows the state to do anything necessary to create and maintain a highway within the defined easement area, as well as install pipe, wires, conduits, sidewalks, and other facilities authorized by law within highway rights-of-way. Easements also allow the state to exclude any other activities that would conflict with highway purposes.

What activities are allowed in the highway right-of-way? Only activities that are consistent with highway function are allowed in any part of the right-of-way that is owned by the state. Examples of consistent activities include non-exclusive maneuvering or parking by the traveling public. If the area is highway easement, then the state can prohibit private activities that either present hazards or are otherwise inconsistent with highway functions. *For portions of the highway right-of-way that are owned by the state (as compared to easement) no one may validly make exclusive or site-specific use of the right-of-way for their own purposes without first entering into a purchase or lease with the state (see below).* There are restrictions, as noted below, on other activities in the right of way.

Is a permit needed for activities in the right-of-way? Yes. Under Title 19, §1111, a permit is needed for nearly any activity in or directly affecting the right-of-way, including (but not limited to) creation or modification of a drive, repaving portion of a drive within the right-of- way, placement of structures, placement or grading of earthen material, discharge of water, or nearly anything else that would affect the right-of-way. The full scope of this permit process is beyond the scope of this handbook. For more information, contact your DTA or the Agency's Utilities and Permits Unit in Montpelier at 802-636-0037.

What are the consequences of a failure to obtain or obey such a Section 1111 permit? The Legislature has authorized the Agency to seek substantial fines and court orders in response to violations of the permit requirement.

What does a municipality need to do to place a Radar Speed Feedback Sign in the state right-of way? The municipality is responsible for acquiring an access permit, installation costs, and required maintenance. RSFS are allowed under Part 2 of the Manual on Uniform Traffic Control Devices (MUTCD) where guidance is provided for their use. See also 23 V.S.A. § 1025 (MUTCD as state standard for traffic control signs, signals, etc.) and 1027 (unauthorized signs within highway rights-of-way). For more information and a permit application form, contact your local DTA.

Don't I "own" a right to access onto the highway as part of my ownership of my property along the highway? Courts have held that a landowner's vested right of access consists only of access to the public highway system, not a particular means of access. Therefore, there is no specific right to a particular form of access, or to access the highways from every part of a property. If you have questions about access issues, please contact your local district office for more information.

What about signs in the highway right-of-way? The Legislature prohibits any private, stationary "outdoor advertising structure, device or display within the limits of the highway right-of-way." Please see Vermont Statutes, Title 10, §495(d) for details.

What if a sign or some other private improvement or activity has been going on in the highway right-of-way for a long time? Prior or ongoing use of pre-existing highway right-of-way creates no right to continue that use no matter how long it has been going on. Please see Vermont Statutes, Title 12, §462 and Title 19, §1102 for more information. In the absence of prior written authorization (such as a Section 1111 permit or a lease) for an activity, there is no clause "grandfathering" a drive or other use of a portion of the right-of-way.

What about the "official" signs that some businesses or destinations have? There is a program for "Official Business Directional Signs" (OBDS). The OBDS Program has its own requirements, which are also governed by state statute. Please contact the Sign Control Unit at the Agency's Berlin offices at (802) 279-9599 or visit Sign Information - Travel Information Council | Agency of Transportation (vermont.gov) for more information.

Is it possible for a private owner to lease or purchase part of the highway right-of-way which the State is not actively using? This varies. A property owner must make a formal request to lease or buy a particular area. The Agency then determines whether it foresees a future need for the area. If the Agency does not foresee a need, it is then required to check with other branches of state government to see if other public needs for the area exist. If no anticipated public needs are identified, then a sale or a long-term lease may be possible. In many cases, the Agency also must seek the concurrence of the Federal Highway Administration for a proposed land sale or lease. Once property is cleared for sale or lease, the law requires that the Agency obtain fair market value for such transactions. The process of determining availability for sale— and an appropriate price— can take a substantial period of time. Those who wish to purchase a portion of the right-of-way should plan in advance, and in no event should a private owner make any assumptions about likelihood, price, or timing of any sale or lease of any part of the right-of-way.

Use of State-Owned Railroad and Rail Trail Lands and Crossings

Lease of Right-of-Way**:** Those who wish to lease a portion of state-owned railroad property may do so if the Vermont Agency of Transportation (VTrans), joined by the operating railroad, if applicable, determines that the property is not needed for current or future railroad operations and/or other transportation needs, and if the property is not part of an active or abandoned railroad corridor, i.e., it is an ancillary or isolated parcel. As a general practice we will not grant a request to build a structure of any kind that is within 25 feet of the centerline of the tracks or to use land that is within 15 feet of the centerline of the track.

Crossing of Right-of-Way: It is the policy of the Vermont Agency of Transportation to limit the conflicts along the state-owned railroads, including those converted for trail use, caused by vehicular, utility, pedestrian or other crossings.

Those who wish to construct a new crossing (vehicular, pedestrian or utility) over or under state-owned railroad property may obtain a crossing license if the (VTrans), joined by the operating railroad, if applicable, determines that the crossing will not affect current or future railroad operations or other transportation needs and there are no other viable options for property access.

A request for a new at-grade crossing or to broaden use of an existing at-grade or farm crossing *will not* be considered unless the applicant demonstrates that construction of a grade-separated crossing (i.e., an overpass or underpass) is either unreasonable or imprudent, and that the applicant has reasonably exhausted all efforts to obtain alternative access (e.g., by constructing a frontage road parallel to the railroad to connect to an existing road or crossing).

Procedure for Crossing: Address a written request for a crossing license on state-owned railroad line to: Vermont Agency of Transportation, Property Management Unit, One National Life Drive, Montpelier, VT 05633-5001 and provide the following:

- A picture, a location map and a plan or sketch of the area showing the property lines and identifying the abutters with the addresses of each adjacent property.
- The distance to the closest fixed landmark along the railroad right-of-way (such as a railroad milepost, culvert, or railroad bridge abutment).
- A copy of your deed to document ownership of your property adjacent to the state-owned railroad property.
- A description of your intended use of the land or crossing and an explanation of the need for the crossing at the location identified.
- If you are requesting a crossing, plans for the installation must be provided
- Documentation of the ability to obtain the required general liability insurance. This can be difficult to obtain and may be expensive for crossing over an active line. Please contact our Property Management Unit at 802-461-5971 for more information on insurance contacts.

Fees: A non-refundable document preparation fee of $300 ($200 for amendments or assignments) is due at the time of your submittal. Additional fees (rent, recording) will be due at the time of the signing of the agreement. Additional non-refundable document review fees will apply for agreements on an active line that will be due to the operating railroad.

Application Time Frame: Once we receive your request and fees, VTrans and the operating railroad, if applicable, will need to review and approve your request. This process may take 9 to 12 months.

Additional Information: Contact Rail and Aviation Bureau at 802-279-2647.

Working in the Rail Right-of-Way

Prior to working within the state-owned railroad right-of-way you must obtain clearance from the Agency and the railroad by submitting a *Railroad Worker Clearance Form* (see page 10-7).

On the day work is to be performed within a railroad foul space, the work crew needs to contact the railroad dispatcher prior to entering the railroad foul space (the railroad foul space is 25' parallel to the centerline of the track, both left and right to the centerline of the track and includes the air space above the track).

1. The phone number for the railroad dispatcher will be provided in Section 1 on the *Railroad Worker Clearance Form* by VTrans Rail Operations, when the completed form is sent back to the work crew contact. If a flag person is present, the flag person needs to be asked if they have checked in with the railroad dispatcher. If not, the flag person needs to check in with the railroad dispatcher prior to anyone entering the railroad foul space.

2. Identify work crew and refer to *Railroad Worker Clearance Form* number. This number will be in top right corner of completed form and provided by the Rail Operations' Section contact person.

3. Follow the railroad dispatcher's instructions.

4. At the end of the day, call the railroad dispatcher to identify that the work has ended and the work crew is clear of the railroad foul space. If a flag person is present, at the end of the day the flag person needs to contact the railroad dispatcher to confirm that the work has ended, and the work crew is clear of the railroad foul space.

If no flag person is needed the work crew shall still contact the railroad dispatcher within 48 hours of entering the railroad foul space to confirm their intended site visit.

If you have any questions concerning these procedures, see page 10-6 for the contact information for the Rail & Aviation Bureau.

Instructions for completing *Railroad Worker Clearance Form*: Sample is on pages 10-7 and 10-8. Form is to be submitted online and is available at https://vtrans.vermont.gov/rail/property-management-forms

Section 1 - to be completed by **work crew contact**:

- Name of the work crew - either an individual, or group, e.g., "Bridge Inspection."
- Name of the work crew contact.
- Phone number, cell number or pager number of the work crew contact. **The phone number for the railroad dispatcher will be provided by Rail Operations contact when the completed form is sent back to the work crew contact.
- The date and time of day the railroad foul space is to be entered.
- Description of work, i.e., "bridge inspection."
- Equipment entering railroad foul space, i.e., "servi-lift truck."
- Expected duration of time to be working in the railroad foul space.
- Work proximity to railway, i.e., "directly above railway."

Section 2 - to also be completed by **work crew contact**:

- Identify location using the map – latitude/longitude, town, highway number, name of road, bridge number, railroad mile post of foul space.

Section 3 – online submittal button for railroad clearance form.

The *Railroad Worker Clearance Form* is to be completed whenever an active railroad foul space needs to be accessed. The instructions must be followed to provide protection to the work crew.

Once the *Railroad Worker Clearance Form* (pages 10-7 and 10-8) is completed, click the online submit. Once submitted by the applicant, the form goes to the Rail & Aviation Property Management section ensuring that the proper person receives the information for processing.

This form must be submitted no less than ten (10) days prior to the date work is expected to begin

Railroad Worker Clearance Form

1. Enter Information

Company (required)

VTrans Project? (required)

Select...

Billing Address (required)

City (required)

State (required)

Zip (required)

Applicant Name (required)

Applicant Phone Number (required)

Applicant E-mail (required)

Duration in Foul Zone (required)

Work Start Date (required)

Brief Work Description (required)

255 characters remaining

Equipment in foul zone (required)

Expected Completion Date (required)

2. Select Location

Specify the location for this entry by clicking/tapping the map or by using one of the following options.

Search | Lat/Lon

Find address or place | Locate Me

Latitude: 44.52572, Longitude: -70.69125

Verify Location Milepoint:

3. Complete Form

Add this information to the map.

Submit Application

Section 11

Town Highway Planning

Municipal Planning: Transportation planning requirements at the local government level are not specified in detail by state or federal statutes or regulations. Transportation planning is to be included in the municipal plan, a pre-requisite for municipal zoning and land use regulation. One of the duties of a governing body is to prepare a transportation plan and budget (19 V.S.A. Section 304(a)(19)).

Every community does town highway planning. Some communities are also planning in broader transportation issues, such as bicycle and pedestrian facilities, public transit, airports and rail service. The effort may be a very informal awareness of problems and the possibilities for addressing the short and long-term needs. In some cases, the planning is very comprehensive and detailed to the point of forming the basis for operating budgets and capital programs.

Most municipalities embrace a concept known as *Level of Maintenance*, under which segments of town roads are given different levels of attention based upon their perceived priority for condition and service. For example, early school bus runs are preceded by early snowplow efforts. Also, bridges which serve only vacation sites need not be of the quality that serves an industrial complex. It is important that all officials be involved in deciding the level of maintenance for each highway segment and that the levels be in some form for reference. Commitment to maintenance as a top priority for municipal funds is essential on a continuing basis, for failure to maintain adequately will lead to high capital cost for reconstruction in the future.

Transportation planning is mostly focused on infrastructure, the roads and bridges that are the responsibility of the municipality. Consideration of transportation service is always in the background, for school pupil transportation service which occurs in every community. In many communities there may be a scheduled or informal public transportation service which uses the municipal infrastructure, although the service itself is only indirectly supported by the residents.

Infrastructure planning is based on an assessment of the current condition of the roads and bridges as compared to the condition needed of the uses expected. The difference between current/future condition and current/future use is need. For example, if a bridge is unsafe to carry vehicles serving property beyond it, the repair/reconstruction of the bridge is a need - one whose cost and priority may be expressed.

Detailing of the community-wide needs, assigning priorities to meeting the needs, scheduling the improvements, and determining funding alternatives are classic planning steps. Often these steps are brought together into a municipal capital plan that serves as a guide for decisions in the short and midterm future. Obviously, projecting into the future is necessary in this exercise and thus critical that the capital plan be updated regularly. An example of the

road and bridge portion of a town capital plan is on page 11-4. The DTA should have full knowledge of municipal needs so that if an opportunity arises (s)he can provide suggestions on addressing the needs.

Regional Planning: Participation by each municipality in its Regional Planning Commission (RPC) transportation planning effort is encouraged by VTrans, since the Agency feels transportation improvement plans should have a grass-roots base. Participation is a component of VTrans Transportation Planning Initiative. The RPC should have full knowledge of municipal needs for the same reason. The RPC boundaries are indicated on the State Regional Planning District Map on page 1-6. Those communities located within the Chittenden County Metropolitan Planning Organization (MPO) boundaries need to work closely with that organization since only those projects on the MPO list may utilize federal funds.

State Program Development: In VTrans' planning process known as the Transportation Planning Initiative; each RPC has organized a Transportation Advisory Committee (TAC) having a representative from each municipality. Per statute, each year VTrans submits a list of active and planned projects to the RPCs that the RPCs prioritize in conjunction with their associated TAC. The RPC scores are about 20% of the total project score developed by VTrans. Those total project scores drive the project selection process. VTrans also provides guidelines to the RPCs on how to submit new requests for critical and emergency projects. From these suggestions, and other sources, VTrans develops an annual statewide transportation capital program for consideration by the Governor and the General Assembly.

Pavement Management: Is a planning requirement for town highways that are on the federal-aid system. In general, the requirement is to assess pavement condition along with traffic demands, develop a program of projects to maintain the surface in good condition, and ensure that the project scope is reasonable. Under certain conditions federal funds may be available for paving projects on town highways, if included on the RPC/MPO priority list.

Vermont Scenic Roads: Is covered in Vermont Statutes Title 19, Chapter 25, Section 2501 et seq. Under Scenic Roads several municipalities have formally designated certain roads as "scenic roads" under the provisions of 19 V.S.A. Section 2502. Designation as a scenic road ensures that the scenic qualities of the road are continued or enhanced. Designation as a scenic road also limits what changes may be made in the highway geometry, surface, and traffic control features and what may be done to the roadway as maintenance. There are formal standards and rules on scenic roads adopted by VTrans in coordination with the Vermont Byway Council. A handbook entitled "Designating Scenic Roads" is available. For detailed guidance on the process for designating scenic roads and/or improving and maintaining them, contact your local DTA, the RPC, or VTrans Policy, Planning & Intermodal Development Division.

Bicycle and Pedestrian Facilities: An important component of transportation planning is integration of walking and bicycling into the overall local transportation system. Sidewalks are a fundamental facility for pedestrian use. Bicycling can be accommodated through striping of shoulders or on-street bicycle lanes, the provision of adequate bicycle parking (i.e. bike racks/lockers) or the construction of a separated shared-use path. For detailed guidance on the process for planning and designing, bicycle and pedestrian facilities, contact the VTrans Bicycle & Pedestrian Program Manager in the Municipal Assistance Bureau of the Highway Division or visit Bicycle and Pedestrian Program | Agency of Transportation (vermont.gov) for more information.

Access Control (state highways): Falls under the VTrans Development Review & Permitting Services Section of the Policy, Planning & Intermodal Development Division. Access is controlled by the issuance of driveway and road access permits, which prescribe location and geometric features of entrances to the highway, limited by the standard of reasonable entrance to and exit from abutting property, using safety, maintenance of reasonable levels of service on existing highways, and protection of the public investment in the existing highway infrastructure as the test for reasonableness (19 V.S.A. §1111, as amended by Section 8(a) of Act No. 120 of 1998). It is strongly urged that a municipality contact VTrans Development Review & Permit- ting Services Section (see Section 1) before granting a land use permit for a development involving entrance onto a state highway. The local permit is coordinated with VTrans' 19 V.S.A. §1111 access permit. For Railroad property access control, see Section 10 of this handbook.

Re-measurement: of highways is monitored and tracked by the Mapping Section of Policy, Planning & Intermodal Development Division. Annually municipalities are to provide VTrans with a certificate stating the mileage of the various classifications of highways (19 V.S.A. §305(b)). A representative of VTrans may visit a municipality to verify the measurements (19 V.S.A. §305(a)).

School Bus Routes and Stops: Must be selected with consideration for the geometry (width, curvature, grade, etc.) of the highway so that school transportation may occur in the safest manner possible. All School, Transportation Committee, and Town officials should be involved in selecting routes, stops, and even directions of movement. Engineers within VTrans are available for consultation and advice. Contact your local DTA for assistance.

Town highway planning is a wide-ranging effort, one that requires on-going coordination with many interests. Contact your local DTA for technical assistance and advice, or the RPC for assistance on broader issues, in your planning (see page 11-4, example Town Capital Plan).

TOWN CAPITAL PLAN - Example

Goal: To bring deteriorated paved highways and bridges back to good condition within six years, and to regularly improve gravel highways.

Strategies:

1. Budgeted highway construction money will be spent according to the following priority:

Priority	Type Highway	Mileage
1	Class 2 paved	4.5
2	Class 2 gravel	9.7
3	Class 3 gravel	28.9

2. Class 4 highways are not a priority - emergency work only.
3. Increase highway construction budget from $30,000 to $100,000 annual over a five-year period.
4. Annually apply for state grants from the town highway bridge and culvert program and the other town highway programs, to help fund improvements. Modify plan as appropriate when (as) these opportunities arise.

Capital Budget:

Year	Budget	Activity	Estimated Cost
1988	$30,000	Repave 1 mile TH 2 (Section 2)	$30,000
1989	$50,000	Reconstruct .3 mile TH 2 (Section 3)	$20,000
		Reestablish ditches TH 1, 2, and 3	$30,000
1990	$70,000	Re pave .7 mile TH 2 (Section 5)	$20,000
		Repave last mile of TH 2 (Section 4)	$30,000
		Begin reconstruction TH 22	$20,000
1991	$90,000	Complete reconstruction TH 22	$40,000
		Begin base and gravel surface TH 3	$30,000
		Reestablish ditches, culverts TH 3	$20,000
1992	$100,000	Pave TH 1 (0.94 mile)	$50,000
		Complete gravel resurfacing TH 3	$30,000
		Re-establish ditches TH 5 and 9	$10,000
		Replace deck, Bridge 19 TH 7	$10,000

Section 12

Equipment Loans

Municipal Equipment Loan Fund: The Municipal Equipment Loan Fund is governed by Vermont Statute Title 29, Chapter 61 (full statute on page 12-3). The Municipal Equipment Loan Fund was created for the purpose of providing loans on favorable terms to municipalities for the purchase of construction, fire, emergency or heavy equipment or vehicles. The amount loaned shall be no more than 75% of the purchase price of the equipment and shall be repaid in no more than five years. For loans to a single municipality the interest rate is two percent. For loans to two or more municipalities jointly purchasing equipment, there shall be no interest assessed. A committee, consisting of the State Treasurer, Secretary of Transportation, Commissioner of Public Safety and Commissioner of Motor Vehicles, reviews and approves applications. Any questions regarding this program may be directed to the Vermont State Treasurer's Office, at 802-828-2301.

How to Apply

The application form included on pages 12-4 and 12-5 may be used or it can be found online at:

https://www.vermonttreasurer.gov/content/accounting-services/municipal-loan

Rules Regarding Municipal Equipment Loan Fund

I. DEFINITIONS

For the purposes of these rules:

A. "Committee" shall mean the State Treasurer and the Traffic Committee as established by 23 V.S.A. §1003;

B. "Heavy Equipment" shall have the same meaning as motorized highway building equipment, road making appliances and motor trucks as set forth in 23 V.S.A. § 4 Fire, Emergency.

II. TERMS

A. No more than $1,500,000 in new loans shall be made in any fiscal year.

B. The maximum annual amount that shall be loaned to any municipality shall be $110,000.

C. Any equipment purchased under this program shall:

1. have a useful life of at least five years and may be either new or used;
2. have a purchase price of at least $20,000; and
3. if applicable, be registered for highway use with the Department of Motor Vehicles with the Treasurer, State of Vermont as at least the second lien holder on the Certificate of Title.

D. The amount loaned shall be no more than 75% of the purchase price of the equipment and shall be repaid in no more than five years.

E. The annual interest rate on loans from the fund shall be:

1. for loans to a single municipality, two percent, and
2. for loans to two or more municipalities jointly purchasing equipment, there shall be no interest assessed.

F. Application deadlines are April 15 for the spring meeting and October 15 for the fall meeting.

III. APPLICATIONS/AWARDS

A. Preference shall be given to joint applications.

B. Applications shall be held on file for a period of one year. At the end of such period, an application which has not resulted in a loan being made will be deemed to have been denied.

C. Awards shall be made by the Committee twice each fiscal year.

D. Application forms shall be furnished by the Committee on request.

E. The criteria for making loans shall be:

1. equitable geographic distribution;
2. financial need, and
3. ability to repay.

F. When a municipality suffers the destruction of more than one piece of equipment at or near the same time or suffers some unanticipated hardship relating to equipment and the Committee finds that replacement of such equipment would place an undue financial hardship on the municipality, the Committee may waive any or all of the following:

1. The $110,000 annual limitation on each municipality established in II. B., above; or
2. The 75% of the purchase price established in II. D., above.

The Vermont Statutes
TITLE 29 Public Property and Supplies - PART II Supplies and Printing
CHAPTER 61 Municipal Equipment Loan Fund

§ 1601. Municipal equipment loan fund

(a) There is hereby created a municipal equipment loan fund for the purpose of providing loans on favorable terms to municipalities for the purchase of construction, fire, emergency or heavy equipment or vehicles.

(b) The municipal equipment loan fund shall be administered by the state treasurer and the state traffic committee, pursuant to policies and procedures approved by the traffic committee established by 23 V.S.A. § 1003. The committee shall establish criteria for distribution of available loan funds among municipalities considering at least financial need, geographic distribution and ability to repay. The fund shall be a revolving fund and all principal and interest earned on loans and the fund balance remaining in the fund at the end of any fiscal year shall not revert but be carried over in the fund for use in the succeeding fiscal year. (Added 1985, No. 187 (Adj. Sess.), § 3; amended 1987, No. 89, § 314c.)

§ 1602. Application; loans; conditions

(a) Upon application of a municipality or two or more municipalities applying jointly, the state treasurer may loan money from the fund to that municipality or municipalities for the purchase of equipment. Purchases of equipment eligible for loans from the fund shall have a useful life of at least five years and a purchase price of at least $20,000.00 but shall not be eligible for loans in excess of $110,000.00 from this fund.

(b) The treasurer is authorized to establish terms and conditions, including repayment schedules of up to five years for loans from the fund to assure repayment of loans to the fund. Before a municipality may receive a loan from the fund, it shall give to the treasurer security for the repayment of the funds. The security shall be in such form and amount as the treasurer may determine and may include a lien on the equipment financed by the loan.

(c) The rates of interest shall be as established by this section to assist municipalities in purchasing equipment upon terms more favorable than in the commercial market. Such rates shall be no more than two percent per annum for a loan to a single municipality, and loans shall bear no interest charge if made to two or more municipalities purchasing equipment jointly.

(d) In any fiscal year, new loans from the municipal equipment fund shall not exceed an aggregate of $1,500,000.00. (Added 1985, No. 187 (Adj. Sess.), § 3; amended 1987, No. 89, § 314c; 1991, No. 172 (Adj. Sess.), §§ 1, 2; 1999, No. 156 (Adj. Sess.), § 46, eff. May 29, 2000; 2005, No. 175 (Adj. Sess.), § 24.)

§ 1603. Joint purchasing

The secretary of the agency of transportation and the commissioner of buildings and general services, or their designees, shall develop and promote a program of joint purchasing with the municipalities by which purchases of equipment by the state are combined, where possible, with purchases of equipment by any municipality electing to participate in order to obtain volume purchasing discounts and other purchasing benefits. (Added 1985, No. 187 (Adj. Sess.), § 3; amended 1987, No. 89, § 314c; 1995, No. 148 (Adj. Sess.), § 4(a), eff. May 6, 1996.

VERMONT MUNICIPAL EQUIPMENT LOAN FUND
Office of the State Treasurer 109 State Street,
4th Floor
MONTPELIER, VERMONT 05609-6200
Telephone: 828-2301
MUNICIPAL LOAN APPLICATION
29 V.S.A. §§1601-1603

PLEASE TYPE OR PRINT

1. Municipality:_____ County:_____

2. Type of Equipment:_____ Price:_____ New or Used:_____ Name from Whom Equipment Purchased:_____ Address of Seller: _____ Purchase Date:_____

3. Amount of Loan Requested:_____ Amount of Loan Approved:_____ (Maximum amount available is the lesser of $110,000 or 75% of Purchase Price) _____

Financial Statistics -- Long-Term Debt Only:

4. Town or Village Debt:_____ School Debt:_____ (List Details on next page) (List Details on back next page)

5. Share of Union School Debt:_____ Name of Union School District:_____

6. Other Debt (explain):_____

7. Debt for Sewer:_____ Water:_____ Electric:_____ Solid Waste District Debt:_____ Amount of Debt Paid by Fees:_____ Reference may be made to any Municipal Bond Bank Applications presently on file with the Bank.

8. Population:_____

9. Total Taxes Billed for Latest Year:_____ Taxes Delinquent for Latest Year:_____

ANNUAL REPORT **must** be submitted with application. If a separate annual report is prepared for the town or village schools, please provide it also. Additional information may be requested at the committee's discretion.

10._____ PRINT NAME of APPLICANT SIGNATURE POSITION DATE

11. _____

. Town Clerk/Treasurer Phone Number Hours

*The individual signing this application must have the authority to do so and will be subject to answer questions relating to information contained in this document.

12. Town or Village Long Term Debt: School Debt

Owed to:	Amount:	Owed to:	Amount:

TOTALS _____

13. Other Debt

Owed to:	Amount:

Totals _____

Section 13

Highway Classification

Classes of Highways:

Town highways are classified as either Class 1, 2, 3, or 4. The process for reporting mileage for Town Highways is defined in 19 V.S.A. § 305 - Measurement and inspection, where *"Annually, on or before February 10, the select board shall file with the town clerk a sworn statement of the description and measurements of all class 1, 2, 3, and 4 town highways and trails then in existence, including any special designation such as a throughway or scenic highway."* The "sworn statement" is also referred to as the Certificate of Highway Mileage, which shows the number of miles in each class of town highway, and mileage for legal trails and state highway. The certificate is the document that is used to note any changes in mileage, through new roads or trails, reclassifications, or discontinuances that have occurred during the year. The municipality is required to file the certificate on or before February 10th in the municipal clerk's office and then submits the Certificate of Highway Mileage to VTrans for incorporation of the changes into a mileage summary, and also to make updates to the General Highway Map. A sample of the certificate and supporting documentation is found beginning on page 13-7. Many issues are dependent on the classification assigned, including the amount and type of state assistance, which is provided, and the routine responsibilities of the municipality. Sometimes, it is the exclusive duty of the governing body to make the decisions.

Information regarding town mileage and reimbursement rates can be found at: http://apps.vtrans.vermont.gov/THGProgram/currentrates.aspx

The current General Highway Maps can also be found on-line at: https://vtrans.vermont.gov/planning/maps

Each class of town highway is defined in 19 V.S.A. § 302.

Class 1 town highways are subject to concurrent responsibility and jurisdiction between the municipality and VTrans on several matters. The state is responsible for scheduled surface maintenance or resurfacing (19 V.S.A. § 306(a)) while the municipality is responsible for pot hole patching, crack filling, etc.; the state is responsible for center line pavement markings (19 V.S.A. § 311), while the municipality is responsible for crosswalks and parking; and there is joint (concurrent) authority on highway protection matters such as obstructing travel, marking of hazards, injuring the highway, installing utilities, etc. (19 V.S.A. Chapter 11). The Agency shall determine which highways are to be class 1 highways (19 V.S.A. § 302(a)(1)).

Class 2 town highways are primarily the responsibility of the municipality. The State is responsible for center line pavement markings if the municipality notifies VTrans of the need to replace

them (19 V.S.A. § 311). The municipality designates highways as Class 2, but approval of VTrans is required (19 V.S.A. § 302(a)(2)). File requests for reclassification to Class 2 with your local DTA.

VTrans *Guidelines for Transfers to Class 2 Town Highways* are on page 13-4. Class 2 mileage normally may not exceed 25 percent of the total Class 2 and Class 3 mileage in the municipality. The highway should have a rating of not less than 70 points (see rating form on page 13-9 which shows the facts considered). The DTA can provide detailed guidance.

Class 3 town highways are the responsibility of the municipality. The governing body designates which highways are to be Class 3 town highways. Based on 19 V.S.A. § 302(3)(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, …" Class 3 town highways to be up to standard need to be maintained sufficiently for travel by pleasure car during all seasons of the year. If a Class 3 is not maintained to this standard, the highway may be deemed "Not Up To Standard" and subject to being functionally classed as Class 4 with removal of state aid for the affected mileage.

All other highways are **Class 4** and are the responsibility of the municipality, including pent roads (public roads that may be gated by permission of the governing body). Some former highways, through legal proceedings, may have been designated as legal trails and are not Class 4 town highways.

"Ancient Road" Legislation

On July 1, 2010, a new class of highway was created or "carved out" of the Class 4 category. This new classification is called "unidentified corridors" and was created under Act 178 of 2006. This category of highway has the following definition as defined in 19 V.S.A. § 302(6) –

(A) Unidentified corridors are town highways that:

- 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
- do not, as of July 1, 2010, appear on the town highway map prepared pursuant to § 305 of this title; and
- are not otherwise clearly observable by physical evidence of their use as a highway or trail; and
- 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.

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.

Additional information and guidelines related to “ancient roads” can be found on-line at https://vtrans.vermont.gov/planning/maps/ancient-roads

Reclassification (Class 3 or Class 4 Town Highways):

The process for laying out, reclassifying, altering, or discontinuing a town highway is defined in 19 V.S.A. Chapter 7. This chapter provides detail on all the steps necessary to lay out, alter, reclassify, or discontinue a highway. The procedure for changing the designation (reclassification) is contained in 19 V.S.A. § 708 and following sections, and is briefly outlined as follows:

1. Petition to the governing body, signed by at least 5 percent of the voters or landowners, is received. The governing body may act on its own motion without a petition.
2. Hold hearing, giving 30 days’ notice to petitioners and the town planning commission. View the highway in question. Receive testimony from interested parties. Generally, board members should refrain from carrying on a discussion with the parties, except to clarify facts and issues.
3. Render a written decision, giving the public good, necessity and convenience of the inhabitant’s proper consideration. The decision should set out the reason or logic behind the action taken. The action should occur at a duly called meeting of the governing body, and within 60 days after the hearing.
4. A person not satisfied with the decision may appeal to the district court (19 V.S.A. § 726) or the superior court (19 V.S.A. § 740).

The above procedure is generally the one used in any action, including:

1. Acceptance of a new highway
2. Reclassification
3. Discontinuance of highway

Any mileage changes made during the year are supplied to the Agency on the Certificate of Highway Mileage with any supporting documentation that was generated by the statutory process. Guidelines for filing the Certificate of Highway Mileage and processing the changes are available from the VTrans Mapping Unit.

Reclassification (Class 1 or State Highways):

Except in the case of relinquishments authorized by the Superior Court when a state highway is relocated (see 19 V.S.A. § 516), only the General Assembly may transfer a highway from/to state responsibility (19 V.S.A. § 15). A municipality may request that the Agency review a proposal for the state to take over a town highway by addressing the DTA in writing, stating the basis for the request. If, after analyzing the situation, VTrans feels the suggestion has merit, then it may make a recommendation to the General Assembly supporting the take-over. If VTrans does not agree, the municipality may request that its elected representatives to the General Assembly take direct action by sponsoring legislation authorizing the takeover.

Reclassification (Class 3 to Class 2):

The municipality needs to present the DTA with a letter indicating a formal request. The DTA will forward the request to the Highway Research Unit of the Policy, Planning & Intermodal Development Division for review. All requests for transfer need to be received by Highway Research by December 1 of each year. Failure to meet that deadline may result in that request not being reviewed for that year. NOTE: If a request is filed in the late fall or early winter, and no Average Annual Daily Traffic (AADT) count is available, the request may not be reviewed for that year. AADT is a significant part of the analysis, and if data is not provided in the original request (or cannot be determined from VTrans' in-house database) then the review cannot be completed.

Also provided on page 13-9 is a check sheet entitled "Class 2 TH Transfer Data: Municipal Input" that is helpful in the review of the transfer request. This should accompany the official letter of request by the municipality for the transfer review as well as a map indicating the highway location.

VTrans GUIDELINES for Transfers to Class 2 Town Highway System

1. Serves Region - from town to town
2. Minimum of three rods (49.5 feet) right-of-way - Certified by Select board
3. 70 points needed (Classification Rating)
4. Total Mileage of Class 2 Town Highways to Total Mileage of Class 2 and Class 3 Town Highways should not exceed 25%.
5. Gravel typical: 20' shoulder to shoulder
   Paved typical: 22' shoulder to shoulder
6. Any transfers from Class 3 to Class 2 Town Highways approved by VTrans would usually be effective on the first day of the subsequent state fiscal year.

Reclassification from Class 4 to Class 3: Upgrading is a common issue, faced by the governing body as landowners often now locate homes in remote locations. There is no statutory requirement that such requests must be granted by the governing body; however, there may be an issue of constitutional equal protection if the municipality can be shown to be disparate in its treatment of similar highways. The governing body may grant the request, but order that the petitioner bear the cost of the upgrade (19 V.S.A. § 711(b)).

Discontinuance proceedings must include a notice to the Commissioner of Forests, Parks and Recreation before the right-of-way (ROW) is abandoned so that there is opportunity for the former highway to be designated as a trail. If the discontinued highway is not designated as a trail, the ROW shall belong to the owners of the adjoining lands (19 V.S.A. § 775)

Trails are public rights-of-way which are not highways and are generally used for recreational purposes. They may be previously designated town highways or may be newly laid out (19 V.S.A. § 301(8) and 775). There is no minimum width required, and the ROW may be
the full width of a section of highway or the width needed for a foot path. The municipality has no statutory maintenance obligations for trails, even as to bridges and culverts.

New Highways and property or easements on existing highways should have a complete and precise survey, with permanent monuments, and description for permanent filing in the municipal records (19 V.S.A § 33 and 704). Acquisition of land and rights may be voluntary if the owners are willing to transfer their interests to the municipality. If owners are not so willing, then the governing body must determine an appropriate amount of damages, and the date for removal of timber, buildings and other improvements (19 V.S.A. § 712 through 714). To complete the process, after the highway is opened for use of the public, the governing body may file a certificate of completion with the town clerk. This document is no longer required by statute, as 19 V.S.A. § 715 was repealed in 1999.

Due to the complexity of the issues and the opportunity to make a procedural error, it is recommended that an attorney versed in this area of the law advise the municipality throughout the course of proceedings to layout, discontinue, or reclassify highways.

CERTIFICATE of COMPLETION and OPENING

of a HIGHWAY for PUBLIC TRAVEL

_____,_____ Clerk of the_____of
(Clerk's Name) (City/Town/Village) (City/Town/Village)
_____, Vermont.
(Municipality)

Pursuant to Title 19, V.S.A., Chapter 7, this is to certify that the following described section of Class_____
(1,2,3 or 4)
Highway in the_____ of_____was COMPLETED AND OPENEDFOR
(City, Town, Village) (Municipality)
PUBLIC TRAVEL_____,_____.
(Month & Day) (Year)
DESCRIPTION OF RIGHT OF WAY:

and asshown on a Highway Map of the_____ of_____,
(City, Town, Village) (Municipality Name)
dated_____,_____, and filed in Book_____ on page_____ of the Records ofthe
(Month & Day (Year) (book #) (Page #)
_____of_____by the_____Clerk of said_____ incorporated
(City, Town, Village) (Municipality Name) (City, Town, Village) (City, Town, Village)
herein by reference and attested to on said map by said_____ Clerk.
(Municipality)

Dated at_____, County of_____and State of Vermont,this
(Municipality Name) (CountyName)
_____, day of_____, A.D.,_____.
(Date – Day) (Date – Month) (Year)

BOARD OF SELECTMEN, ALDERMAN, or TRUSTEES

_____ _____
(Selectmen/ Alderman/ Trustee Signature) (Selectmen/Alderman/TrusteeSignature)
_____ _____
(Selectmen/ Alderman/ Trustee Signature) (Selectmen/Alderman/TrusteeSignature)
_____ _____
(Selectmen/ Alderman/ Trustee Signature) (Selectmen/Alderman/TrusteeSignature)
_____
(Manager/ Mayor Signature)

and the Manager/Mayor of the City/Town/Village of_____.
(Municipality Name)

****

_____, Vermont _____,_____
(Municipality Name) (Month – Day) (Year)
THE ABOVE IS A TRUE COPY OF THE DESCRIBITION OF CLASS_____HIGHWAY COMPLETED ANDOPENED
(1,2,3 or 4)
FOR PUBLIC TRAVEL, RECORDED IN BOOK_____ON PAGE_____OF THE_____RECORDS
(Book #) (Page #) (City/Town/Village)
OF_____ON THE_____DAY OF_____,_____ AT
(Municipality) (Date – Day) (Date – Month) (Date – Year)
_____O"CLOCK,____.M.
(Time) (A or P)

ATTEST:_____
(Clerk's Name)
_____ CLERK OF_____, VERMONT
(City/Town/Village) Municipality Name)

Revision 01/2017

CERTIFICATE OF HIGHWAY MILEAGE

District ____ *YEAR ENDING FEBRUARY 10,* _____

Fill out form, make and file copy with the Town Clerk, and mail ORIGINAL, before February 20,_____to:

Vermont Agency of transportation, Division of Policy, Planning and Intermodal Development, One National Drive, Montpelier, VT 05633.

We, the members of the legislative body of_____in_____County on an oath state that the mileage of highways, according to Vermont Statutes Annotated, Title 19, Section 305, added 1985, is as follows:

PART 1 – CHANGES TOTALS – Please fill in and calculate totals.

Town Highways	Previous Mileage	Added Mileage	Subtracted Mileage	Total	Scenic Highways
Class 1					
Class 2					
Class 3					
State Highway					
Total					
*Class 1 Lane					
*Class 4					
Legal Trail					
Unidentified Corridor					

*Mileage for Class 1 Lane, Class 4, Legal Trail and Unidentified Corridor classification is *NOT* included in total.

PART II – INFORMATION AND DESCRIPTION OF CHANGES SHOWN ABOVE.

1. NEW HIGHWAYS: Please attach Selectmen's "Certificate of Completion and Opening".
2. DISCOUNTINUED: Please attach SIGNED copy of proceedings (minutesof meeting).
3. RECLASSIFIED/REMEASURED: Please attach SIGNED copy of proceedings (minutes of meeting).
4. SCENIC HIGHWAYS: Please attach a copy of order designating/discontinuing Scenic Highways.

IF THERE ARE NO CHANGES IN MILEAGE: Check box and sign below. [ ]

PART III – SIGNATURES – PLEASE SIGN:

Selectmen/Aldermen/TrusteesSignatures: _____

_____

_____

T/C/V Clerk Signature:_____ Date Filed:_____

Please sign ORIGINAL and return it for Transportation signature.

AGENCY OF TRANSPORTATION APPROVAL: Signed copy will be returned to T/C/V Clerk.

APPROVED: _____ DATE: _____

Representative, Agency of Transportation

SELECTION OF CLASS 2 TOWN HIGHWAYS

	DATE
DIST.	_____
SEC.	_____
C.F.	_____

Town of.....

County of.....

District No.....

Total Class 2 Mileage.....

Important town highways pursuant to Title 19 V.S.A. Section 17:

No ..... miles

Beginning at.....

Extending (give direction).....

Ending at.....

No ..... miles

Beginning at.....

Extending (give direction).....

Ending at.....

No ..... miles

Beginning at.....

Extending (give direction).....

Ending at.....

We have this ..... day of ....., 20 ....., made the above selection which is to supersede and replace any and all selections made prior to this time.

..... Select board of the

..... Town of

....

Date ..... Effective

Concur.....

Approved.....

....

District Transportation Administrator

Secretary of Transportation

STATE OF VERMONT
CLASS 3 TO CLASS 2 TOWN HIGHWAY TRANSFERS
RATING FORM

District:_____

Municipality: _____

Town Highway Number:_____

Miles: _____

ADT: _____

Average ADT:_____ Increasing:_____ Decreasing:_____

One Terminal:_____

Other Terminal:_____

Special Considerations: Less than 2nd Class Gravel (2G):_____

Dead End-No Place (DE)(NP):_____Parallel (PR)_____Local(LH)_____ Residential(RS) _____

Land Access (LA):_____ Imp. Place (IP)(RRS)_____Paved (PH) _____

Rating By: _____ Dist. Engr. Rec._____

1. **Traffic AADT**		(Max. 40)
400 – over	40	
a. 270 – 399	30	
b. 160 – 269	20	
c. 100-159	10	
d. 10 – 99	0	

2. Geographic Features		(Max. 20)
a. Town to Town	10	
PI to PI	5	
b. Land Access (LA)	5	
c. Integration (Int)	5	
d. Terminals:		
SH to SH	5	
SH to CI 2 TH or PI	3	
CI 2 TH to CI 2 TH or PL	2	

3. **Economic Features**			(Max. 20)
a. County Seat-minor coll.	(Any 1)	5	
Community Need	(Part)	3	
b. VO-REC-IND-TG	(Any 1)	5	
	(Part)	3	
c. SB-MR-RFD-FM	(Each one)	3	
	(Part)	1	

4. Traffic Classification and State of Improvement		(Max. 10)
a. Gravel (20’ typical shld to shld)	5	
Paved (22’ typical shld to shld)	10	
b. Foreign or Through	5	

5. National Defense and Public Service		(Max. 15)
a. Conn. Interstate	(Dir)	5
	(5 mi)	2
b. Alternate Route (3 -10 mi) floods, etc.		5
c. DEF. IND. Or Strat. Mat. Or National Forest		5

TOTAL H.P.V._____

Recommendation _____

_____

SELECTION OF CLASS 2 TOWN HIGHWAYS RATING FORM ABBREVIATIONS

SH	—State Highway	VO	—Village Outlet
TH	—Town Highway	Rec.	—Recreational
2G	—2nd Class Gravel	Ind.	—Industry
DE	—Dead End	TG	—Traffic Generator
NP	—No Place	SB	—School Bus
PR	—Parallel	MR	—Milk Route
RS	—Residential	RFD	—Rural Free Delivery
LH	—Local Highway	FM	—Farm to Market
LA	—Land Access	Shld.	—Shoulder
IP	—Important Place	Def.Ind.	—Defense Industry
RRS	—Railroad Station	Strat. Mat.	—Strategic Material
PH	—Paved Highway	H.P.V.	—Highway Point Value
PL	—Place	Cl.	—Class
Int.	—Integration		

Class 2 TH Transfer Data: Municipal Input

A short narrative of the roadway by the Town official is helpful in the review process. Some of the most common points that are lacking in original requesting letters are in the form of the following questions:

Does this road begin in one town and terminate in another town? The request for transfer of a town highway cannot terminate at a town line. **(If the road goes through two towns, we need a requesting memo from both towns involved.** If we do not receive a letter from both towns, then the request is denied.)

_____

Is road paved or gravel, or both? If both, indicate how many miles of each exist.

_____

What is the roadway width (shoulder to shoulder)? NOTE: If the width varies, indicate length of each roadway width _____

What is the land use activity on the road under review? (Notate commercial or industrial activity, schools, or farming activities, etc. Anything that would be a generator/attractor for vehicle traffic.)

_____

Is there a traffic generator at either terminal point (or are the terminal points at a village outlet, etc.)?

_____

Are there any roadway projects underway (or are there plans for in the immediate future; indicate how far into the future…within a year)? This could include widening, improved pavement type, etc.

_____

Is the traffic on this road typical of through vehicles or local traffic? Is the road used as a “bypass”?

_____

If available, provide a map indicating the highway under consideration.

Please use back side of this sheet for any further information.

CLASS 4 HIGHWAYS AND TRAILS In Vermont:

FREQUENTLY ASKED QUESTIONS

Towns are encouraged to obtain legal counsel when making decisions about Class 4 highways and trails.

What is a Class 4 highway? Class 4 town highways are the responsibility of the municipality, including pent roads (public roads that may be gated by permission of the governing body). Some former highways, through legal proceedings, may have been designated as legal trails and are not Class 4 town highways. A Class 4 town highway is a legally established town highway that is not classified as Class 1, 2, or 3.
Additional information:

- A highway not meeting Class 3 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.
- The select board shall determine which highways are Class 4 town highways.
- Trails shall not be considered highways and the town shall not be responsible for any maintenance including culverts and bridges.
- Additionally, a Class 4 highway:
    1. is 3 rods or 49.5' (unless otherwise recorded) – 19 V.S.A. § 702;
    2. is not eligible for state aid funds – 19 V.S.A. § 306;
    3. is usually not maintained for winter use – 19 V.S.A. § 302 (a) (3) (b);
    4. may be reclassified or discontinued – 19 V.S.A., Chapter. 7.

What is a trail? Trails are public rights-of-way which are not highways and are generally used for recreational purposes. They may be previously designated town highways or may be newly laid out (19 V.S.A. § 301(8) and 775). There is no minimum width required, and the ROW may be the full width of a section of highway or the width needed for a foot path. The municipality has no statutory maintenance obligations for trails, even as to bridges and culverts.
Additional information:

- is a public right-of-way and not a highway – 19 V.S.A. § 302 (a)(5);
- is not a responsibility of the town for construction, maintenance, repair or safety – 19 V.S. A. § 310.

Why is it important to keep Class 4 highways and trails?

In 1992, a committee consisting of the VT Agency of Transportation; VT Trails and Greenways Council; VT Timber Truckers and Producers Association; Associated Industries of Vermont; VT Department of Forests, Parks and Recreation; VT Local Roads Program; and VT Association of Snow Travelers determined:

There are approximately 1,700 miles of Class 4 highways and trails in Vermont. Almost every town has at least a couple miles of them, usually in the more remote section of town.

With the population growing and the interest in outdoor recreation also increasing, it is important to keep Class 4 highways and trails as public resources. As private land is further developed, there will be less access for snowmobiling, cross-country skiing, walking,

bicycling, horseback riding, fishing, hunting, and other outdoor recreation. Town-controlled corridors will help to ensure that there will continue to be a place to enjoy these activities. They also often serve as important links to more extensive trail systems that are on private lands. Class 4 highways and trails provide important transportation access for forest and agriculture management.

Finally, as communities grow, these rights-of-way may be needed to provide for development, and may be upgraded accordingly. It would be costly to the town to pay landowners for a right-of-way. If the town retains the right of way, reclassification to Class 3 for instance, would involve virtually no cost beyond the cost of the survey and notice.

Do Class 4 highways and trails have to be maintained?

According to 19 V.S.A. § 310:

"(b) Class 4 highways may be maintained to the extent required by the necessity of the town, the public good and the convenience of the inhabitants of the town, or may be reclassified using the same procedures as for laying out highways and meeting the standards set forth in § 302 of this title.

(c) A town shall not be liable for construction, maintenance, repair or safety of trails." According to 19 V.S.A. § 302 (c) (5):

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

Do Class 4 highways and trails have to be upgraded on request?

According to 19 V.S.A. § 708 (b):

“A class 4 highway need not be reclassified to class 3 merely because there exists within a town one or more class 3 highways with characteristics similar to the class 4 highway. In considering whether to reclassify a class 4 highway to class 3, consideration may be given as to whether the increased traffic and development potential likely to result from the reclassification is desirable or is in accordance with the town plan.”

Additionally, 19 V.S.A. § 711 (b) states:

"As part of the report of findings provided for in subsection (a) of this section, the select board may order that the petitioner bear the cost of upgrading a class 4 town highway to the class 3 town highway standards established in 19 VSA § 302 (a) (3) (B.) Nothing in this section shall be construed to require a town to maintain a class 4 highway or to upgrade a highway from class 4 to class 3."

Finally, 19 V.S.A. § 710 states:

“After examining the premises and hearing any interested parties, and if the selectmen judge that the public good, necessity and convenience of the inhabitants of the municipality require the highway to be laid out, altered or reclassified as claimed in the petition, they shall cause the highway to be surveyed in accordance with the provisions of § 33 of this title if the highway right-of-way cannot be determined and shall place suitable monuments to properly mark the bounds of the survey. If they decide to discontinue a highway, the discontinuance shall be in writing setting forth a completed description of the highway.”

What is the process for altering, reclassifying or discontinuing?
This process is spelled out in detail in 19 V.S.A. § 708-712 and 771-775. These statutes should be reviewed for a full understanding. A brief summary of the process is described earlier in this section. To temporarily close a Town Highway (for example – Seasonally) see 19 V.S.A.

Can the town regulate the types, season, or condition of use?
Select boards clearly have the authority under 19 V.S.A. § 304 (a) (2) to:
"take any action consistent with the provisions of law, which are necessary for or incidental to the proper management and administration of town highways."

Also, under 19 V.S.A. § 304 (5) select boards may:
"grant permission to enclose pent roads and trails by the owner of the land during any part of the year, by erecting stiles, unlocked gates and bars in places designated and to make regulations governing the use of pent roads and trails and to establish penalties not to exceed $50.00 for noncompliance. Permission shall be in writing and recorded in the town clerk's office."

The select board can limit types of use such as snowmobiles, ATVs and 4x4s; season of use such as restricting motorized vehicles during muddy periods; or condition of use such as speed and weight limits.

How can towns best manage Class 4 highways and trails?
One way to manage these resources is to address Class 4 roads and trails in a town highway policy and in the town plan.

Does the town have any legal rights if someone blocks a highway or trail?
According to 19 V.S.A. §1105:
"A person who places or causes to be placed an obstruction or encroachment in a public highway or trail, so as to hinder or prevent public travel, or to injure or impede a person traveling on the highway or trail, shall be fined not more than $1,000 plus the actual costs of repairing the damage and a reasonable attorney's fee, to be recovered in a civil action in the name of the town or state. One or more items of logging or other equipment temporarily within the right-of- way of a trail shall not be actionable under this section if located in such a way as not to unreasonably impede passage. If the court finds that an action under this section was brought without substantial basis, the court may award a reasonable attorney's fee against the person bringing the action." (Added by 1991 legislature.)

What is a pent road?
According to 19 V.S.A. § 301 (4):
'Pent road' is any town highway which, by written allowance of the select board, is enclosed and occupied by the adjoining landowner with unlocked stiles, gates and bars in such places as the select board designates."

Section 14

Weight and Dimension of Vehicles

Vehicles: Controlling the size and weight of vehicles using the town highway system (excluding the Class 1 highways) is a responsibility of the Department of Motor Vehicles (DMV) (see 23 V.S.A. §1400(c)) and municipal officials (19 V.S.A. §304(6) and 23 V.S.A. §1400a). "Blanket permits" to operate certain over-dimension vehicles are issued by the DMV; when a proposed load exceeds the blanket permit standards, special permits must be obtained from either the DMV or the municipality. The DMV issues overweight permits for the state system and the Class 1 town highways, while municipalities regulate weight on Class 2, 3, and 4 roads. Contact DMV – Commercial Vehicle Operations at 120 State Street, Montpelier, VT 05603-001 or call 802-828-2064

Weight: Maximum allowable gross weight of vehicles (road limits) are prescribed by statute for the four classes of town highways or bridges (23 V.S.A. §1392 and 1393) in any town, incorporated village, or city, unless established otherwise by municipal officials. Municipalities may designate state highway limits on specific highways, where approved by VTrans (23 V.S.A. §1393). Contact the DTA for forms and guidance on these procedures.

Municipal officials may prescribe different allowable weight limits on different segments of highways and certain bridges based upon their judgment of the best interests of their municipality (23 V.S.A. §1396). VTrans engineers are available to provide advice on allowable limits, upon request of municipal officials. Contact the DTA for assistance. Consult with the municipal attorney regarding the procedures, hearings and recordings requirements, signs, etc.

Overweight permits may be granted by municipal officials for exceeding the prescribed limits of Class 2, 3, and 4 town highways, under whatever conditions of maximum weight, weather conditions, season, and compensation that a municipality may decide to be appropriate (23 V.S.A. §1400a). The standard Excess Weight Permit form (page 14-3 and 14-4) must be used. Contact DMV at 802-828-2064 with questions regarding overweight permit conditions.

When a municipality decides that special weight limits other than the statutory legal limits are appropriate, special weight limits must be filed with the DMV no later than **February 10 of each year** (23 V.S.A. §1400b). Failure to file with the DMV makes the limitations unenforceable. See Town Highway and Bridge Weight Restriction Filing form (page 14-5).

Spring Posting: Seasonal restrictions (posting) may be placed on highways to prevent damage during periods when spring-time breakup makes the highway structure susceptible to damage. Posting of highways is accomplished by placing signs at each end of a highway or segment of it. Posting *signs* are available from the DTA. Also available from the DTA are posting *notices* on which the municipality is to indicate the roads to which the notice applies, along with proper validation. *Ensure notices have the current date and the current Secretary of Transportation's name on them.*

Notices and rules are to be posted in at least two public places in the municipality (19 V.S.A. §1110(a)). *To be enforceable, posting information must be filed with the DMV within three working days of the date of posting (23 V.S.A. §1400b(b))*.

Filing posting conditions in advance is considered good practice. Access to a current listing of posted town highways is available through the DMV web site

https://dmv.vermont.gov/CVO/municipal-weight-limits or upon request with the required fee.

Dimensions:
Limiting dimensions in size are set by statute for both state and town highways (23 V.S.A. §1431 through 1433). The DMV issues over-dimension permits for exceeding statutory length, width and height limits, under whatever conditions of time of day, police protection, weather conditions, season, and compensation required (23 V.S.A. §1400(a)). Municipalities, however, provide permits on Class 2, 3, and 4 roads when loads are in excess of the blanket permit criteria (23 V.S.A. §1400(c)).

Compensation due to a municipality for use by an overweight or over-dimension vehicle is to be related to at least these factors (23 V.S.A. §1400a(c)):

(1) the amount of permitted weight over the prescribed limit
(2) the axles on the vehicle
(3) the number and length of the trips
(4) the condition of the highway before and after the use, and costs to repair

VTrans recommends municipalities have in place *written compensation guidelines* that it intends to apply, so that all permit requests are handled uniformly.

Damage caused by vehicles operated in excess of legal or permitted weight may be recovered by civil action (23 V.S.A. §1492 and 19 V.S.A. §1110(b)), provided that proper filings, posting notices and signs are in place. Municipalities may enforce road limits on its highways, or contract to have enforcement done. Municipalities may keep a portion of the fines received from illegal operations (see 23 V.S.A. §1391a(d) and 12 V.S.A. §7251), but the filing must be made with the DMV in accordance with 23 V.S.A. §1400b and as described above.

Weight Postings for Emergency Vehicles

The Vermont Agency of Transportation will be posting new signs with weight limits for emergency vehicles on 39 bridges throughout the State in 2022. Under federal law, the Fixing America's Surface Transportation Act (FAST Act), and in response to a trend that trucks continue to get larger, with some exceeding the weight of trucks that were in use when many bridges were designed, the Federal Highway Administration (FHWA) is requiring States to expand their load ratings to include emergency vehicles and post if required. Load ratings determine the effect that these heavier and larger trucks have on a bridge, the bridge's capacity to safely handle the load, and whether a posting is needed.

Vermont is among many states working to meet this posting requirement. The goal is to ensure that emergency responders are aware of the potential safety concern as it relates to emergency vehicles. By January 30, 2022, all applicable bridges in the State highway system must have weight limits posted. By the end of 2022, load rating for all remaining bridges in Vermont must be completed and posted, if necessary, by January 30, 2023.

With the exception of one State bridge sign that will show only a gross weight to match existing posting, all signs on State bridges will show a maximum single axle, maximum tandem, and maximum gross weight in tons that should, based on calculation and being the only vehicle straddling centerline, cross the bridge:

Vermont statue allows exemptions for construction, maintenance, and emergency response vehicles (https://legislature.vermont.gov/statutes/section/23/013/01399). While fire apparatus and emergency response vehicles may choose to cross a bridge, the posting will identify the risk.

Click here to view a list of all bridges and their weight limits.

VTrans DMV UNIFORM MUNICIPAL EXCESS WEIGHT PERMIT

_____
(Municipality)

FLEET SINGLE VEHICLE

Approval is hereby given for the granting of a fleet permit under the provisions of V.S.A. Title 23, Section 1400(a), and any amendments thereto, covering the operations of motor vehicles over local highways and bridges with gross loads as follows:

Owner:_____

Address:_____

Contact:_____Phone:_____

Type(s) of Vehicle(s)	No. of Axles	Product Carried	Maximum Weight Requested	Maximum Weight Approved

Approved for the following highways (list may be attached): _____
_____
_____

The following restrictions apply (list may be attached) :_____
_____
_____

This approval shall be effective for no more than a one year period ending March 31, 20 . This approval covers all vehicles bearing the company name. If permit is to cover unmarked company trucks, please attach a list to this form giving year and make of truck, VIN #, maximum weight and registration #.

The holder of a permit shall be liable for any damage to highways or bridges per V.S.A. Title 23, Section 1400(a)(c) and is **required to furnish the Municipality a valid Certificate of Insurance** in the following amounts: a minimum of $100,000/$300,000 Personal Injury Liability Coverage and $100,000 Property Damage Coverage.

Approved: Title:_____Date:_____
(Duly authorize agent)

INSTRUCTIONS FOR APPLICANT

1. Permit is valid for up to one year, expiring on March 31.

2. Please include an administrative fee of $5.00 for each single vehicle application, or $10.00 for a fleet permit:
   a. A municipal permit fee of_____.

3. Single vehicle permits must be carried in the permitted truck. Fleet permits are not required to be carried in the trucks.

INSTRUCTIONS FOR MUNICIPALITY

1. You may attach a copy of approved highways and/or restrictions to this form.

2. Effective July 1, 1994, a Vermont blanket permit is not required for issuance of Municipal Excess Weight permits.

3. Special weight limits which are higher or lower than legal limits for highways or bridges within your jurisdiction must be on file with the Vermont Department of Motor Vehicles.

STATE OF VERMONT
AGENCY OF TRANSPORTATION
DEPARTMENT OF MOTOR VEHICLES

120 State Street, Montpelier, Vermont 05633-0001

TOWN HIGHWAY AND BRIDGE
WEIGHT RESTRICTION FILING FORM

ANNUAL REPORT UPDATE

TOWN OF:_____FOR YEAR ENDING MARCH 31, 20_____

CONTACT PERSON:_____ DATE: _____

PRINCIPLE PERSON RESPONIBLE FOR ISSUING LOCAL PERMITS:

1. Any municipality which has enacted **special weight limits** which are other than state legal limits for highways or bridges within its jurisdiction shall file a complete copy of the limitations with the Department of Motor Vehicles **not later than February 10 of each year**. The information filed shall contain a concise listing of each highway or bridge posted, then time of year the restrictions apply, weight limitations in effect on that highway or bridge, and the name, address and telephone number of the principal person or persons responsible for issuing the local permit. Additions or deletions to the listing may be made from time to time, as required, by filing with the department. State limits are:

a. Sixteen thousand pounds upon any bridge with a wood floor, wood sub-floor or wood stringers on a Class 3 or 4 town highway or twenty thousand pounds on a bridge with a wood floor, wood sub-floor or wood stringers on a Class 1 or 2 town highway unless otherwise posted by the select board of such town.

b. Twenty-four thousand ponds upon a Class 2, 3, or 4 town highway or bridge with other than wood floor, in any town, incorporated village, or city.

c. No vehicle may exceed a gross weight in excess of eighty thousand pounds unless the operator or owner of the vehicle has complied with the provisions of 23. V.S.A Section 1400.

2. If you have **questions** regarding the form or permit process, please contact **DMV at (802) 828-2064**.

TH No.	BRIDGE NO.	(Located on) ROAD NAME	WEIGHT LIMIT	TIME OF YEAR RESTRICTION(S)

Additional listings should be made on the back of this form as needed.

Section 15

Miscellaneous Topics

Local officials commonly find themselves involved with a variety of issues while carrying out their responsibilities for the care and custody of the highways and bridges. The following is a brief overview of the more frequently encountered issues and provides guidance on where additional information may be found.

Abandoned Vehicles and Salvage Yards. Vehicles left on the traveled way or as to interfere with snow removal or other maintenance operations may be removed by the direction of a law enforcement officer (23 V.S.A. §1102 (a)). Debris and junk deposited within the right-of-way (ROW) and posing a threat to safe travel or highway maintenance may be removed by the town. Vehicles left within the ROW may be removed by the abandoned vehicle process (24 V.S.A. §2271-2272). Salvage yards may not be visible from a highway and the operators must obtain a Certificate of Approved Location (24 V.S.A. §2251-2255) from the municipality before applying to the Agency of Natural Resources, Department of Environmental Conservation for a state certificate of registration. The Salvage Yard Program in the Department of Environmental Conservation can provide information and can be found at:

https://dec.vermont.gov/waste-management/salvage-yards

Advertising Signs. No advertising signs may be placed on a highway ROW or be visible from any public highway unless permitted under statute or by regulation of the Travel Information Council (10 V.S.A. §488). The exception is on premise advertising signs, which can be visible from a public highway but cannot be placed such that they are solely visible from the Interstate. A 1999 amendment allows temporary signs for civic events, etc., within the right-of- way limits of town (not state) highways (10 V.S.A. §495(e)). Within a “downtown district” designated under the provisions of 24 V.S.A. Chapter 76A, “municipal information and guidance signs” approved by the Municipal Planning Commission, the Municipal Legislative Body and the Travel Information Council may be installed within any public right-of-way other than an Interstate highway (10 V.S.A. §494(17), effective July 1, 1998). Illegal signs may be removed following 30 days’ notice to the owner. Illegal signs that are temporary or movable and are within
24.75 feet of actual centerline of the road and within the ROW may be removed without prior notice. Contact the DTA for advice on this highly technical issue.

For state highway right-of-way information, see Section 10.

All-Terrain Vehicle (ATV) Operation. Regulation of time, manner and location for ATV operation may be established by ordinance (23 V.S.A. Section 3510). Operation is automatically allowed on public highways which are not maintained for vehicle use in winter, and permitted on maintained highways and sidewalks which are designated and marked by the municipality (23
V.S.A. §3506[b][1]).

For state-owned rail property, see Section 10.

Americans with Disabilities Act. The Americans with Disabilities Act (ADA) ensures that public facilities are designed to be accessible to all people, including those with disabilities. This includes providing access in highway corridors, especially with regard to sidewalks, traffic signals and other pedestrian facilities. Sidewalks that are 5 feet wide meet ADA requirements and curb ramps must be provided at street intersections and crosswalks. Both the Manual on Uniform Traffic Control Devices (MUTCD) and the ADA require that pedestrian access be maintained during construction that impacts an existing sidewalk. The MUTCD has some guidance on this topic. The U.S. Access Board is responsible for developing design guidance to implement the ADA. This guidance is called the ADA Accessibility Guidelines (ADAAG) and can be found at www.access-board.gov. The VTrans Bicycle and Pedestrian program is another source for information on this topic.

Ancient Roads: See Section 13, page 13-2

Beaver Dams. The Agency of Natural Resources has published a booklet on best management practices (BMP) for resolving human-beaver conflicts in Vermont. It can be found at https://dec.vermont.gov/sites/dec/files/BMP-BEAVER-CONFLICTS-BROCHURE.pdf

Call Kim Royar 802-777-8412; Chris Bernier 802-777-0823; or Tyler Brown 802-522-9714; or Mary Beth Adler 802-777-5771 for more information.

Bike Routes. Municipalities may establish and mark routes, either on existing highways or on separate shared-use paths (19 V.S.A. §2307; 24 V.S.A. §2291(1)). Bike Route signs should be used to guide bicyclists to a specific destination (such as a school or major employer) or to indicate continuity between various bicycle facilities. The design of bike route signs must conform to guidance found in the MUTCD and the Vermont Pedestrian and Bicycle Facility Planning and Design Manual available from the VTrans Bicycle and Pedestrian Program or through the DTA.

Coin Drops. The authority to approve coin drops on State highways has been delegated to the DTA (23 V.S.A. §1056 and 19 V.S.A. §1111). The application can be obtained from the district. The district will inspect and approve sites prior to issuing a permit to municipalities and/or non-profit organizations for coin drops on state highways to ensure no unsafe conditions are created by the event. A completed permit application containing any required local municipal and law enforcement endorsements must be on file with the district at least *two weeks* before the date of the event. Also, the sponsor must agree in writing to comply with any and all participant safety and traffic safety requirements and provide proof of insurance. No one under the age of 16 may participate within the highway. No solicitation will be conducted during nighttime hours, or during rain and snowstorms, or within a posted speed limit above 35 mph, nor within 1500 feet of a speed zone in excess of 35 mph. The Drop will not take place within 750 feet of a signalized intersection, nor within 1500 feet of a jurisdictional change (Stateline or State Highway Limit). All participants involved shall wear retro-reflective safety vests (ANSI 107-2004 standard performance for Class 2 risk exposure) and all signs and traffic control device shall be in accordance with the current Manual on Uniform Traffic Control Device. Sign stands shall be crashworthy meeting the National Cooperative Highway Research Program 350 Report requirements. If vehicles become unreasonably backed up, then all cars shall be waived through and solicitation shall cease until congestion is cleared.

Drainage Rights. The rights of municipalities to maintain ditches, or to discharge water from culverts, on private property outside the ROW or not in natural drainage patterns are sometimes questioned. In those instances where there are no recorded rights municipalities may need to rely on having acquired a permanent right by having used it for a period of over 15 years ("prescriptive rights").

Highway Access Permits. Any work within the limits of a town highway ROW (for example, construction of a driveway, installation of a culvert, and excavation of a ditch or re-grading) requires a permit from the municipality (19 V.S.A. §1111). Except on limited access highways, reasonable entrance and exit to or from property abutting the highway cannot be denied. The test for "reasonableness" takes into account (1) safety, (2) maintenance of reason- able levels of service on existing highways, and (3) protection of the public investment in the existing highway infrastructure (19 V.S.A. §1111(b), effective July 1, 1998). No deed purporting to subdivide land abutting a state highway or a Class 1 town highway can be recorded in the municipal land records unless all the abutting lots created by the subdivision meet the access control standards of 19 V.S.A. §1111, including but not limited to the requirement to provide a frontage road or roads (19 V.S.A. §1111(k), effective July 1, 1998). To ensure that future owners are aware of permit conditions affecting their property, municipalities may require permit applicants to reimburse them for the expense of having highway access permits recorded and indexed in the municipal land records. For state highway right-of-way questions, please see Section 10 of this handbook or visit Permits | Agency of Transportation (vermont.gov) for more information.

Intelligent Transportation Systems (ITS). The VTrans Transportation Systems Management & Operations (TSMO) Section is responsible for various ITS devices which provide information to travelers. This information is disseminated through the New England 511 website http://newengland511.org/ Dynamic message signs, closed caption television (including full video & still images presentation), and road weather information systems ("RWIS" used for the collection and dissemination of atmospheric and pavement level data). The TSMO Section has partnered with Northern Vermont University Meteorology Department to provide RWIS data in return for detailed weather modeling predictions and forecasts. The Section also manages traffic data collection, dissemination, and archiving.

Amber Alerts: The activities related to the alert identified major gaps in communication and information dissemination between responsible agencies and departments including VTrans. The result increased awareness of improving the State's preparedness and readiness to respond. VTrans is working closely with Vermont State Police and other agencies and departments to coordinate activities to ensure VTrans will be ready to post information in a timely manner on NewEngland511 and the dynamic message signs.

Intersections with State Highways. A formal agreement is prepared by VTrans where any new construction occurs at an intersection of a town highway and a state highway. The agreement lays out the limits of ownership and maintenance for the municipality and VTrans. When state resurfacing is done, there will usually be no work on intersection layout, grading or drainage.

Pavement Markings. Municipalities are responsible for placing centerlines, stop bars, parking spaces, and crosswalks, including the intersections with state highways, except for Class 1 and

Class 2 highways (19 V.S.A. §311). On these roads VTrans has the responsibility for the centerline markings, while municipalities are responsible for all other markings. Municipalities have the duty to advise the DTA if markings have been paved over or otherwise obliterated. All pavement markings in the state must conform to the Manual on Uniform Traffic Control Devices (MUTCD) and 23 VSA §1025.

Right-of-Way. See Section 10 for state highway and rail property.

Snowmobile Operation. Regulation of time, manner and location for snowmobile operation may be established by ordinance (23 V.S.A. §3210). Operation is automatically allowed on public highways which are not maintained for vehicle use in winter and permitted on maintained high- ways and sidewalks which are designated and marked by municipalities (23 V.S.A. §3206). For state-owned rail property, please see Section 10.

Snow plowing onto roadways. Depositing snow by blowing or plowing onto the traveled way, shoulder, or sidewalk of a class 1, 2 or 3 town highway violates the 19 V.S.A. §1105 and 23 V.S.A. §1126a. Depositing snow onto any highway results in increased maintenance costs and may result in a highway accident. When snow is blown or plowed across the highway, it may cause slippery conditions or snow berms that in turn could cause an accident. Private parties who violate this statute should be given a warning by letter from municipalities (for town-maintained roads). Further violations may result in the issuance of a traffic ticket which carries a $50 waiver penalty, or a civil action may be brought under Section 1105, which carries a fine not to exceed $1,000 plus costs.

Speed Limits. Regulation of speed by enforcement is possible when based on a duly adopted ordinance (23 V.S.A. §1007). The ordinance must be based on an engineering and traffic investigation. The limit may not be less than twenty-five miles per hour (23 V.S.A. §1007(b)(2)), except that “downtown development districts” designated under 24 V.S.A. Chapter 76A may have posted speed limits of less than 25 miles per hour (23 V.S.A. §1007(g), effective July 1, 1998). Speed limit signs must be placed to indicate the speed zone limits. Call the Vermont Local Roads Program (802-828-3537) for a handbook on speed limits. It can also be found at: https://vtrans.vermont.gov/docs

Town Highway numbering. Town highway (TH) numbers are defined by the Mapping Section, Policy, Planning & Intermodal Development Division. In order to maintain a total “official” mileage of highways for payment of state aid for maintenance funds the section needs to keep track of mileage. It assigns TH numbers, updates TH maps to show where the numbered routes are and provides the corresponding mileage. TH numbers are usually not changed once they are defined; a new road will get the next number in sequence. When a Class 3 TH is upgraded to a Class 2, VTrans renumbers the reclassified sections to be the next TH number in sequence of the Class 2’s. Some towns are having issues between E-911 defined numbers, names, and lack of correlation with TH numbers. VTrans maintains a file for each municipality of town highways, and in each file is a listing of all the number routes and corresponding mileage. VTrans also tracks when numbers change and the history of these transactions.

Traffic Signs. All traffic signs must meet the requirements listed in the current Manual on Uniform Traffic Control Devices (MUTCD). Municipalities may name streets and highways

(24 V.S.A. §2291(16) and 4421); and installation of street name signs is a municipal responsibility (see Section 2D.43 of the MUTCD and 23 V.S.A. §1025). Any changes to a municipality's system for street names and addresses should conform to the standards of Vermont's 911 Emergency Response System (30 V.S.A. §7056(b)). Stop/yield signs and weight limit signs for the town highway will be placed by VTrans on a town highway intersecting with a state highway. Municipalities may designate highways as "throughways" and place stop/yield signs on the roads intersecting with them (19 V.S.A. §27). Contact the DTA for advice on this highly technical issue or visit Manual on Uniform Traffic Control Devices (MUTCD) - FHWA (dot.gov) for more information.

Trails. Trails are a part of the municipal transportation system providing public access. The width of the right-of-way may be that of a highway or a footpath. Municipalities have no statutory maintenance requirement. See Section 13, for procedures. For state rail trails, see Section 10.

Transportation Management Center (TMC). The TMC is responsible for communication and information dissemination to assist the maintenance districts during inclement weather operations. The center also monitors statewide police communications and coordinates communications between the state police and VTrans.

Work Zones. Municipalities are responsible for all temporary traffic control (TTC) that occurs on any public way within their jurisdiction, which shall be in conformance with 23 V.S.A. § 1025 and the latest edition of the Federal Administration's Manual on Uniform Traffic Control Devices (MUTCD) for all projects. The TTC plans play a vital role in providing continuity of effective road user (motorists, bicyclists, and pedestrians - including those with disabilities) when a work zone, incident, or other event temporary disrupts normal roadway user flow. Part 6 of the MUTCD addresses TTC plans and can be found here Chapter 6C - MUTCD 2009 Edition - FHWA (dot.gov)

Road users, worker safety, and accessibility in the TTC zone should be a priority for every project from the planning phase through design and construction. Similarly, maintenance and utility work should be planned and conducted with safety and accessibility for all road users in mind. If the TTC zone includes a grade crossing, early coordination with the Railroad Company should take place.

Engineering judgement should be used when developing a TTC plan. If there is any doubt regarding the adequacy of the TTC, local agencies should seek assistance from the State, District or a consult- ant knowledgeable (trained and/or certified) in proper temporary traffic control practices. The design, selection, and placement of traffic control devices are crucial for road users to maneuver the work area without incident or undue delay.

Considerations that should be made for effective temporary traffic control should include, but are not limited to:

- All road users should be assessed such that appropriate advance notice is given and clearly defined alternate routes are provided.
- The cooperation of various news media should be sought in publicizing the existence of and reasoning for the TTC zone. Keep road users informed.
- Communication with abutting property owners, residents, and businesses should be assessed and appropriate accommodations made for deliveries, and access.
- Emergency services should be assessed, and appropriate accommodations provided.
- Continuity of pedestrian facilities need to be assessed and appropriate accommodations made.

- Public transportation, railroad, and school bus stops will need to be accessed and appropriate accommodations made.
- The needs of operator of commercial vehicles, such as busses and large trucks (i.e. turning radii) should be assessed and appropriate accommodations made.
- Before any new detours or temporary routes are open to traffic, all traffic control devices shall be in place.
- Routine inspections and maintenance of traffic control elements for the TTC plan should be per- formed both day and night. Things that look fine during the day could be confusing after dark.
- Reduced speed limits should be used only in specific portions of the TTC zone where conditions or restrictive features present. However, frequent changes in the speed limit should be avoided. A TTC plan should be designed so that vehicles can travel through the TTC zone with a speed limit reduction of no more than 10 mph.

Effective July 1, 1998, the statute authorizing select boards to close town highways and to establish temporary work zone speed limits (23 V.S.A. §1010) was amended to add new language providing that the penalty for violation of a temporary speed limit within a highway construction zone shall be twice the penalty that would have been imposed had the violation occurred at a location outside a work zone. Also, Section 1010 has been amended to recognize that “work zone,” in addition to areas where actual highway work is being carried on, also includes areas of the highway right-of-way where utilities are being installed, relocated or maintained. Call the Vermont Local Roads Program (802-828-3537) for advice on how to properly post work zones in accordance with the MUTCD in order for the doubling penalty to be enforced.