

**Town of Bridgewater**  
**General Highway Ordinance**

I. TITLE, AUTHORITY AND ADOPTION

This ordinance is entitled the Town of Bridgewater General Highway Ordinance and is based on the authority of Title 24 V.S.A. Sections 1971-1975.

II. PURPOSE

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

III. DEFINITIONS OF TOWN HIGHWAYS

CLASS II- Highways selected as the most important in Bridgewater, and whose purpose is to secure trunk lines on improved highways from town to town and to places that by their nature have more than a normal amount of traffic.

CLASS III- Highways built to a lower standard than class 2 but negotiable, under normal conditions, all seasons of the year by a standard pleasure car. Class 3 highways must have sufficient surface and base, adequate drainage and sufficient width capable to provide winter maintenance.

CLASS IV- All other town highways not falling under definitions of class 1, 2, and 3 highways. (See Class 4 Roads and Trails Policy.)

TRAIL- Trail means a public right of way that is not a highway.  
(See Class 4 Roads and Trails Policy.)

PENT ROADS- A Class 4 Town highway which may be enclosed by gates, bars or stiles by the owner of the land during any part of the year if approval is granted in writing by the Selectboard.

IV. GENERAL HIGHWAY MAP

The 2001 General Highway Map of Bridgewater and all subsequent amendments thereto is hereby adopted by reference to be the official inventory of public highway classification and mileage. The Selectboard shall update the General Highway Map annually.

V. STANDARDS FOR NEW ROADS, BRIDGES AND UPGRADING OF EXISTING TOWN HIGHWAYS AND BRIDGES.

5.1 PURPOSE AND WAIVER

A. The standards listed here are considered minimum and are presented for the purpose of guiding construction and maintenance personnel.

B. The Selectboard reserves the right to modify the standards for a particular project, where, because of unique physical circumstances or conditions, there is no possibility that the project can be completed in strict conformance with these provisions. Fiscal reasons are not a basis for modification of the standards.

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**5.2 APPLICATION**

A. These standards shall apply to all future road and bridge construction within the Town. (Unless State or Federal regulations govern over this document).

B. Any new road, whether or not that road is proposed to be conveyed to the Town shall be constructed according to the minimums of these standards. (If any federal and/or state funding is involved in a project the District 4 VTRANS office will be notified prior to any field changes taking place that would alter the original scope of work.)

**5.3 STANDARDS**

A. DESIGN - Highway design shall be based on projected maximum average daily travel including future extensions and through travel and usage.

**B. INSPECTION**

All highway designs, including cut and fill plans, gravel pit plans, surveys, layouts, right-of-way, road construction site, preparation and construction shall be inspected by the Selectboard or its agent. Professional engineering, surveying, and legal competence may be employed by the Town to provide inspection and counseling services to the Selectboard as considered necessary in authorizing, inspecting, and accepting the construction or altering of highway.

C. RIGHT-OF-WAY - The right-of-way shall be 50 feet in width, with slope rights and drainage rights where necessary. The highway surface for travel shall be built in the center of the right-of-way and the right-of-way shall be cleared to permit and facilitate snow removal and proper maintenance of drainage ditches, culverts, slopes and banks, accesses, turnouts and turnarounds, and other features of the highway. Dead and diseased trees, brush and stumps shall be removed. Cutting of all trees and other vegetation from the right-of-way shall be accomplished in consideration of erosion and the development of reasonable and good aesthetic qualities of the highway. Road design and drawings shall reflect the general clearing plan.

D. SHOULDERS - Shoulders shall extend at least 2 feet on each side of the traveled surface of highways built or improved in Bridgewater. Shoulders shall be slightly pitched to prevent excessive erosion and unsafe conditions.

E. HIGHWAY SUB-GRADE AND SURFACE PREPARATION - All graveled roads will have at least a 15-inch-thick processed gravel sub-base, with the top 3 inches being crushed gravel. The traveled portion of all public roads shall be a minimum of 22 feet wide and shall conform to State of Vermont Sheet A65 and/or as specified in particular locations by the Selectboard in consideration of subsurface conditions, banks and slopes, grades, turnouts, access ways, and other highway features. Gravel shall be good bank run, meeting Vermont Agency of Transportation specifications for gradation. No stone larger than 6 inches shall be placed in the 15-inch depth of gravel and no stone larger than 1 inch shall be placed in the top 3 inches. Gravel surface shall be fine graded and compacted to the required grade with grader, roller and hand labor. The Selectboard may order the traveled way paved with 2 Y2 inches of bituminous concrete meeting State of Vermont specifications.

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F. DITCHES - Soil exposed during ditch and slope construction and maintenance will be treated immediately following the operation as follows:

1. Seed and mulch slopes less than 2.5%.
2. Placing biodegradable matting and seed on slopes between 2.5% and 5%
3. Stone lining ditches with angular material on slopes greater than 5%

G. CULVERTS

1. All new roadway culverts will have a minimum diameter of 18 inches.
2. Any culvert greater than or equal to 36 inches in diameter will be designed according to the latest VTRANS Hydraulics Manual. End treatment (inlet or outlet) will also be evaluated in accordance with this manual.

H. GRADES - Highway grades shall not exceed 10%. Finished grades (transverse or longitudinal) shall be smoothed to eliminate sharp dips in traveled surface and, as may be necessary, to permit efficient snow removal and proper drainage.

I. ALIGNMENT AND CURVES - Highways shall be aligned and constructed as to afford safe travel, visibility and access in all weather conditions. Proper drainage shall be maintained on curves and bridge approaches.

J. BRIDGES - All bridges (structures with spans greater than 6 feet) will have waterway openings designed in accordance to the latest VTRANS Hydraulics Manual.

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

L. DRIVEWAYS AND APPROACHES - See Driveway and Access Policy.

M. SLOPES AND FILLS - Vertical or sharp cut faces, excluding ledge, shall not be permitted. Cut slopes or fill slopes shall not be steeper than 2 on 1. Soil stability of slopes shall be a design consideration, and slopes or fills shall be designed and constructed to prevent instability, slides, washes, or other disturbances to the slope or fill surface or sub-surface. Cut slopes shall not interfere with snow removal. After construction and final grading of slopes, slopes will be seeded to minimize surface erosion. Cribbing or riprap shall be provided where necessary. Additional measures may be required for stability.

N. GUARDRAIL when new road or culvert construction creates side slopes steeper than 1 on 3, guardrail will be installed according to MSHTO Roadside Design Guide.

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**VI. HIGHWAY ACCEPTANCE: CONDITIONS AND PROCEDURES**

6.1 GENERAL PROCEDURES - Before the Bridgewater Selectboard votes to accept any new highway into the town highway system, it shall be designed, laid out and constructed by the owner (5) or developer(s) in conformance with the standards prescribed in Part 5 of this ordinance.

6.2 TAX BASE - when the Bridgewater Selectboard considers the acceptance of and/or maintenance of a new or reclassified road, the added maintenance cost to the Town of Bridgewater will be weighed against the private interest served by town acceptance and/or maintenance. As a guideline, there should be at a minimum an average of \$500 (five hundred dollars) of highway tax revenue generated from property with frontage on each 0.1 mile of proposed highway.

6.3 APPLICATION PROCESS - An application including technical data, designs and drawings shall be submitted to the Selectboard before any new road construction is started and before any road may be upgraded. The Selectboard shall set a time for final inspection and shall hold one or more public hearings before finally accepting any new road or approving reclassification of an existing road constructed in accordance with Part 5.

6.4 DEED TO TOWN - Before a road is accepted by the Town, the owner (5) of the property where the road is located shall deed to the Town a 50 foot right-of-way 25 feet each side of the centerline, including slope rights and drainage rights if necessary; such deed to be a Vermont warranty deed free and clear of all encumbrances and properly supported by a survey showing roadway and right-of-way center lines, driveways, utility lines (surface or sub surfaces), and major road features such as alignment and curves.

6.5 TRIAL PERIOD - After a highway is accepted but prior to a deed being transferred to the Town, it will be conditionally added to the Town's highway system for a period of 24 months. During these 24 months the Town will maintain and monitor the road. Any deficiencies discovered during this time must be corrected at the grantor's expense.

**VII. POLICIES AND PERMITS**

7.1 GENERAL POLICY - Highways shown on the general highway map will be maintained as required by state statute and to the degree commensurate with public safety and convenience as judged by the Selectboard. Routine improvements will be made as required.

7.2 WINTER PLOWING - Class 2 Town highways and school bus routes will be given highest priority when storm conditions justify. All Class 3 highways will be plowed to the extent necessary to allow travel. The Selectboard may decide not to plow a class 3 road in winter based upon "safety considerations for the traveling public and the municipal employees." 19 V.S.A. 302(a)(3)(B). If the road was not routinely plowed before July 1, 2000, the Selectboard may make such a decision without notice or hearing. 19 V.S.A. 310(d). If the road was routinely plowed prior to July 1, 2000, the decision can be made only after notice and hearing. 19 V.S.A. 302(a)(3)(B). In both instances, an aggrieved property owner may appeal to the Transportation Board.

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The Town of Bridgewater will not plow class 4 highways. A home owner wishing to live year-round on a Class 4 highway will have to plow this road at his own expense and under the supervision of the Selectboard.

7.3 DEPOSITING SNOW ON THE HIGHWAY - No person, other than an employee in the performance of his or her official duties or other person(s) authorized by the Selectboard, shall plow or deposit snow onto the traveled way, shoulder or sidewalk of a Town highway.

7.4 SIDEWALKS - Snow shall be removed from sidewalks by the owner, occupant, or person having charge of abutting property.

**7.5 PERMITTED USE OF THE RIGHT OF WAY**

- A. A permit is required for "any use of any highway right of way." 19 V. S.A. section 1111.
- B. It shall be unlawful to develop, construct or re-grade any driveway, entrance or approach, or build a fence or building, or deposit material of any kind within, or in any way affect the grade of, a highway right-of-way, or obstruct a ditch, culvert or drainage course that drains a highway, or fill or grade the land adjacent to a highway so as to divert the flow of water onto the highway right-of-way, without a written permit from the Selectboard. (19 V.S.A. 1111 b.) The Selectboard may make such rules and regulations to carry out the provisions of this section as will adequately protect and promote the safety of the traveling public, but shall in no case deny reasonable ingress and egress to property abutting the highways, using said safety as the test for reasonableness. (See Driveway and Access Policy.)
- C. An application to the Selectboard for a permit by reason of development subject to the provisions of this section shall include a proposed highway access plan for the entire tract of land. The Selectboard may impose reasonable conditions in order to reduce the number of accesses that will be required for the tract of land. Such conditions may include set-back of any construction or improvements from the highway to allow for provision of frontage road or roads, acceleration and deceleration lanes and other areas for off-highway control and management of vehicles and may require reimbursement for costs to the Town for installation of traffic control devices or road improvements reasonably required by reason of development; and to permit integration of such access and on-site traffic control facilities and connection of frontage roads between contiguous tracts of land as development is occurring or may occur along the highway.
- D. In addition, the Selectboard may, as development occurs on land abutting such highway, provide as a condition of any permit for the elimination of access permitted thereunder to the degree a common frontage road may make elimination feasible and practicable.
- E. A Civil penalty of between \$100 and \$10,000 may be imposed for violating Title 19 V.S.A. section 1111(b). The Selectboard may suspend any permit until compliance is obtained. If use or activity continues after the suspension, the Selectboard may physically close the driveway or access point if safety of highway users may be affected.

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**VIII. PROTECTION OF HIGHWAYS**

8.1 OBSTRUCTING TRAVEL - A person, other than the Town acting with respect to highways under its jurisdiction 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 \$1,000.00 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 of Bridgewater. 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.

8.2 ABANDONED AND JUNK VEHICLES OBSTRUCTING A TOWN HIGHWAY - It shall be a violation of this ordinance to place, discard or abandon a motor vehicle or junk motor vehicle within the Town right of way. Such a motor vehicle is a public nuisance.

**A. Definitions:**

Abandoned motor vehicle - A motor vehicle without claimed ownership for thirty days. 24 V.S.A. 2241(1)

Junk motor vehicle - A discarded, dismantled, wrecked, scrapped or ruined motor vehicle or parts thereof, other than an on-premise utility vehicle that is allowed to remain unregistered for a period of ninety days from the date of discovery.

Town right of way - Means any Town highway, road, or public right of way, regardless of classification.

**B. RESPONSIBILITY:** The responsibility for removing such a vehicle lies with:

1. The landowner, if the Landowner holds title to the vehicle, upon receiving written notice from the Selectboard.
2. The true owner of the motor vehicle, if the landowner is riot the owner, upon receiving written notice from the Selectboard.
3. The Selectboard, after ten days of receiving written notification from the landowner that he does not own the vehicle and the owner cannot be located.

**C. ENFORCEMENT AND PENALTIES**

1. Upon receiving written notification from the Selectboard to do so, the owner of the vehicle shall remove the vehicle from the Town right of way.
2. If the owner does not remove the vehicle within thirty days of receiving written notice, the Selectboard or its agent shall issue a municipal ticket.
3. A civil penalty of not more than \$100.00 per violation may be imposed. Each day that the violation continues shall constitute a separate violation.

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**8.3 INJURING A HIGHWAY**

- A. A person who wantonly or willfully injures a highway, or a bridge, or any of their components by destroying or removing planks, posts, timber, stones, or asphalt surface, or by digging pits for gravel, clay or for other purpose, shall forfeit to the Town of Bridgewater, to be expended in repairing highways, not more than \$100.00 plus actual costs of repairing damage to be recovered in a civil action in the name of the Town, with costs.
- B. A person, who injures a public highway by obstructing or diverting a stream, watercourse or sluice, or by dragging logs or timber or any other objects on the road surface, shall be fined not more than \$100.00 for each offense. The person shall be further liable to the Town for the damage to the highway, to be recovered in a civil action, in the name of the Town.
- C. A person guilty of an offense prohibited in this section, besides the penalty, shall be liable to the Town, in a civil action, for damages sustained by either in consequence of the acts prohibited, with costs.

**8.4 WEIGHT LIMITS** - Unless otherwise posted by the Selectboard in accordance with 23 V.S.A. Section 1396, the legal weight limit on all Class 2 and Class 3 Town highways in Bridgewater is TWELVE (12) tons. Vehicles, including load, traveling on Class 4 roads shall not exceed EIGHT (8) tons.

**A. OVERWEIGHT PERMITS** - Requests for overweight permits can be made to the Selectboard. In considering whether to grant such permits the Board shall take into account possible damage to the roadway and the financial responsibility of the permittee. If a permit is issued and damage to roadways, bridges or culverts occurs the permittee will be held financially responsible. Proof of insurance shall be provided by the permittee.

**SEVERABILITY** - If any section of this ordinance is held by a court of competent jurisdiction to be invalid, such a finding shall not invalidate any other part of this ordinance.

**AMENDMENTS** - This ordinance or regulations pertaining to it may be amended at any time by the Board of Selectmen of the Town of Bridgewater as provided by law.

**NOTICE** This ordinance shall be entered into the minutes of the Town of Bridgewater records and shall be posted in at least five conspicuous places in the Town of Bridgewater. A concise summary of it shall be published in the Vermont Standard within 14 days of its adoption accompanied by information as to where the full text of it may be examined, the right of voters to petition for a vote, and the name, address and telephone number of a person who is available to answer questions about it.

Passed and adopted by the Selectboard of the Town of Bridgewater, County of Windsor, State of Vermont on April 23, 2002.

Nelson B. Lee, Jr.  
Tom Zuba  
Stephen G. Tarleton, Sr.