



# Handbook for Local Officials Highways and Bridges

2001

## 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 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 Wordperfect and Word formats at the Agency of Transportation's web site:

[HTTP:\WWW.AOT.STATE.VT.US\htm](http://www.aot.state.vt.us/htm).

Look for the Maintenance & Aviation Division link, Highways and Bridges Handbook button.

Additional copies of this Handbook (in hardcopy or on disk) are available through the District Transportation Administrator.

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## INTRODUCTION

There are a number of funding and technical assistance programs available to the 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 and gain a general understanding of the programs available and then, when specific instances arise, consult the contents to find a description of the particular topic. In the event of uncertainty after reading the handbook, an official will find a willing and informed source in the person of the District Transportation Administrator (DTA) and his or her staff.

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.) or 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 the 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 then to describe in detail the individual assistance programs. Two sections describe assistance available other than the funding assistance programs. Also included are sections which provide information on topics related to highways and bridges.

# Section 1

## Agency of Transportation Organization

The Agency of Transportation (VTrans) is organized into seven divisions specializing in particular areas of transportation. A Secretary of Transportation heads up VTrans, and (s)he 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
- Project Development
- Technical Services
- Maintenance & Aviation
- Rail
- Department of Motor Vehicles

A functional chart with phone numbers is included in this section on page 1-3. A more complete directory may be obtained by calling the Secretary's office (828-2657), by contacting the District Transportation Administrator (DTA), or by visiting VTrans' web page at [www.aot.state.vt.us](http://www.aot.state.vt.us).

Most contact between local officials and VTrans will occur through the DTA or the District staff. See the map on page 1-5 for the transportation district boundaries, and office locations and phone numbers on page 1-4. Specialists in other VTrans offices will research questions or issues that are beyond the District staff capability. Sometimes, the District staff refers the question to another office who will get in touch with municipalities directly. Usually, however, the District office will provide immediate direct answers.

VTrans Transportation Planning Coordinators in the Policy and Planning Division are identified on the Planning Division map in this section, page 1-6. They 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 be VTrans' liaison to one or more of these local planning organizations. They seek local input on transportation needs and projects and develop regional transportation plans and improvement programs. The coordinators moderate certain public meetings such as public "502" hearings.

The State Transportation Board has power to hear complaints on VTrans decisions in certain matters involving municipalities, including the reclassification of highways (19 V.S.A. Section 5). All policy, program and operational decisions are made by VTrans, rather than the Board.

Whether funding or technical information, State assistance is provided upon request to local officials who are responsible for maintenance and improvement of the highways and bridges. In general, the Selectboard is the responsible group for all matters involving 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 a selectboard, trustees, council or board of aldermen. Town/city managers and road commissioners may have general and specific authority granted to them, which should be clear to all parties.

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 the 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 starting on page 1-8.

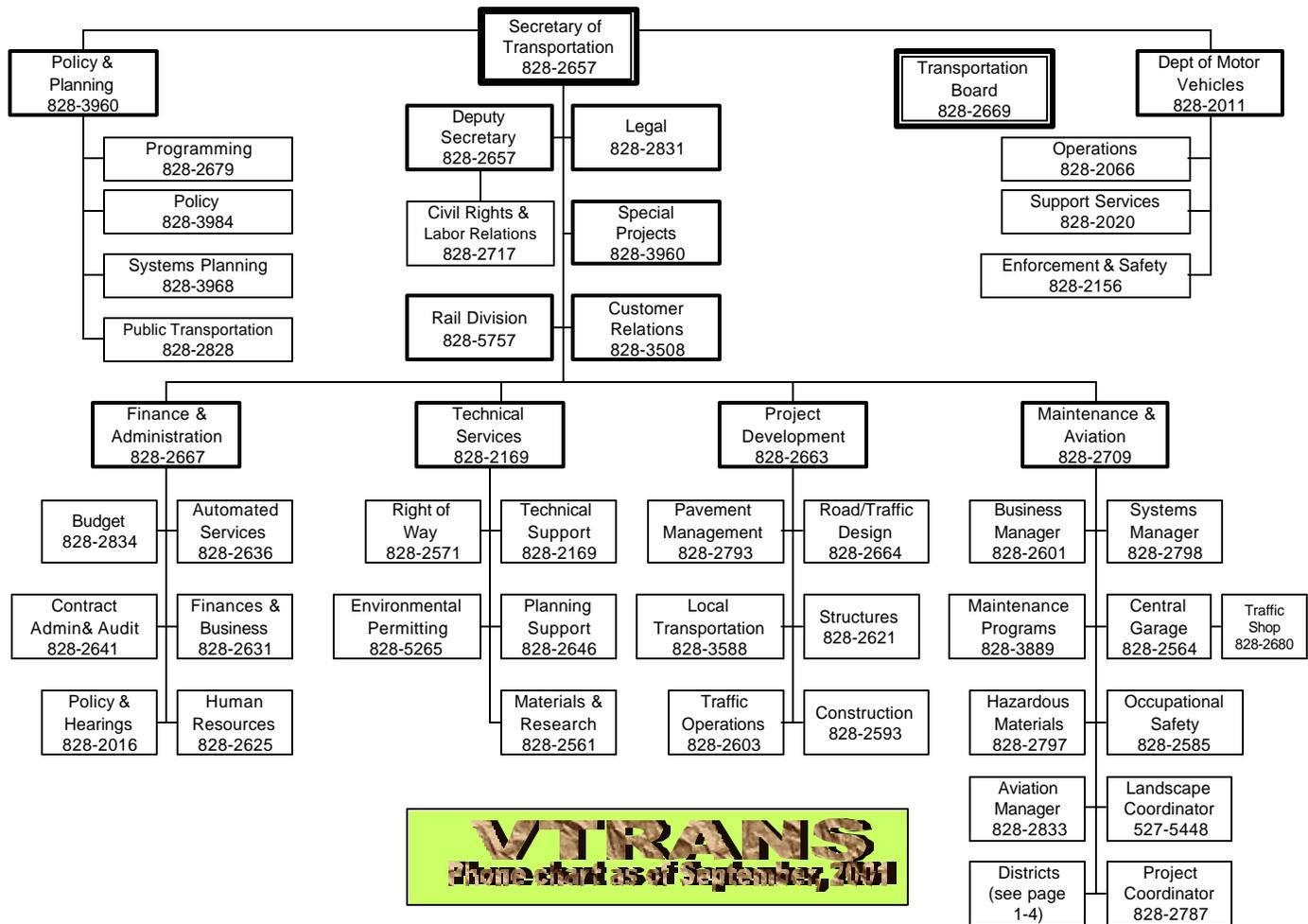
All public highways and bridges are the responsibility of either the State or the Municipality. In this handbook municipality or town are meant to indicate town/city/village, whichever is the applicable

situation. A town map, available from VTrans, shows the highways of town responsibility. An example town map is shown on page 1-7. Do not rely on route numbering for indication of State highways, since some local roads are marked with State route numbers.

Whether a highway/bridge is on the designated Federal-aid system of highways is important, because 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, major and minor, and are no longer being shown on town highway maps. Current color-coded functional class maps showing Vermont Federal-aid roads are available from your DTA.

The classification of town highways is also important in determining aid. Classification is discussed in depth in Section 15. In brief, the governing body decides the classification and measured length of the highways under its jurisdiction, except for Class 1 and Class 2 which require VTrans approval. The amount of the State grants to a municipality described 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)). For Federal program purposes a bridge must have a span of 20 feet or greater.



**VERMONT AGENCY OF TRANSPORTATION  
TRANSPORTATION DISTRICTS  
DISTRICT ADMINISTRATOR ADDRESSES**

District 1 — Bennington **(802) 447-2790**  
359 Bowen Road  
Bennington, VT 05201  
FAX (802) 447-2793  
DISTRICT ADMINISTRATOR — WAYNE GAMMELL

District 2 — Dummerston **(802) 254-5011**  
P.O. Box 8236  
North Brattleboro, VT 05304  
FAX (802) 257-2836  
DISTRICT ADMINISTRATOR — FLOYD N. ROBERTS

District 3 — Rutland **(802) 786-5826**  
122 State Place  
Rutland, VT 05701  
FAX (802) 773-5894  
DISTRICT ADMINISTRATOR — DAVID E. LATHROP

District 4 — White River Junction **(802) 295-8888**  
221 Beswick Drive  
White River Junction, VT 05001  
FAX (802) 295-8882  
DISTRICT ADMINISTRATOR — ANN KREIS

District 5 — Colchester **(802) 655-1580**  
P.O. Box 168  
Essex Junction, VT 05453  
FAX (802) 655-6642  
DISTRICT ADMINISTRATOR — RICHARD D. HOSKING

District 6 — Berlin **(802) 828-2691**  
186 Industrial Lane Rd. Berlin  
Barre, VT 05641  
FAX (802) 828-3530  
DISTRICT ADMINISTRATOR — ERNEST C. ENGLEHARDT

District 7 — St. Johnsbury **(802) 748-6670**  
1068 US Rt 5, Suite 2  
St. Johnsbury, VT 05819  
FAX (802) 748-6671  
DISTRICT ADMINISTRATOR — SIDNEY N. ACHILLES

District 8 — St. Albans **(802) 524-5926**  
680 Lower Newton Rd  
St. Albans, VT 05478  
FAX (802) 524-7940  
DISTRICT ADMINISTRATOR — GILBERT NEWBURY

District 9 — Derby **(802) 334-7934**  
4611 US Route 5  
Newport, VT 05855  
FAX (802) 334-3337  
DISTRICT ADMINISTRATOR — DALE L. PERRON

# AGENCY OF TRANSPORTATION PROCEDURE FOR DOING WORK FOR UN-ORGANIZED TOWNS AND GORES

## INTRODUCTION:

Under Vermont law (19 V.S.A. Section 5 (d)(3) - as amended by the 1994 revisions) VTrans (thus the District Transportation Administrator (DTA) of the area directly involved) is to assume the powers and duties of a selectboard in highway matters in unorganized towns and gores (UTG). Authority to spend tax money for construction and maintenance of highways and bridges is spelled out in 24 V.S.A. Section 1406. (Appointed supervisors for UTGs do not have the authority to authorize such work - see 24 V.S.A. Section 1403 and 24 V.S.A. Section 1408.) The duties of VTrans, as the designated Selectperson, are described in Title 19 V.S.A. Section 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 TREASURER).

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. Section 1408 and 19 V.S.A. Section 1103. The monies received in these accounts can be expended for highways and bridges (as noted above) but only after specified deductions are made.

In order to determine the availability of funds for highway work, some type of budget process is necessary which identifies the spending anticipated, since the dollars needed for school tuition, etc. (which are directly under the supervisor control), and the dollars needed for road maintenance (winter and summer) come from the same account that the town supervisor draws from. Uncommitted (not used for school tuition, etc) account balance can then be determined and designated for use for needed highway repairs, which are under the responsibility of VTrans, as the Selectboard for the UTG. A unified approach is necessary before committing any funds while acting as the Selectboard 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 (thus making it clear the district spending authority). A copy of the budget document shall be submitted to the Program Administrator/ Manager who will serve as the Secretary'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, the estimated cost, and the reason why 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.
- 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 (see page 4-7) shall be used to summarize and document the project expenditures.



## Section 2

### Town Highway Grants

State aid grants for highways are made annually to the governing body based on the number of Class 1, 2, or 3 miles in the Municipality. The General Assembly appropriates a lump sum annually for this purpose (19 V.S.A. Section 306(a)). Distribution is made 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. Section 307).

Six percent of the amount appropriated goes to the Class 1 highways and is distributed based upon mileage, except that an extra amount is provided for multi-lane highways (19 V.S.A. Section 306(g)). Forty-four percent goes to Class 2 highways. Fifty percent goes to Class 3 highways. No allowance is made for Class 4 highway mileage.

Use of grant funds are solely for town highway construction, improvement, and maintenance purposes; or as the non-Federal share of public transit assistance (19 V.S.A. Section 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 routes are another eligible use (19 V.S.A. Section 2307(a)).

The planned use of the grant funds (and town funds) must be detailed to the State in an annual town plan for the maintenance and construction of all highways under the Selectboard's control for the following year. An example of the annual plan (Form TA-60) is on the following page. This plan is to be submitted to the DTA within 60 days of adoption of the municipal budget (19 V.S.A. Section 306(e)). The DTA will provide assistance with the plan if requested by the Municipality. Failure of a municipality to submit the TA-60 may jeopardize the distribution of grant monies.

The annual plan establishes a budget for the activities and projects in the Municipality for the year. Costs and sources of funds should be clearly set out. A separate budget should be made for construction and maintenance.

The 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 summer portion should have a similar breakdown. Resurfacing, bridge maintenance, dustlaying, 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 is to receive attention. The scope of the work should be clearly stated.

The annual plan should be useful to the Municipality preparing it. It can be as broad or as detailed as the governing body desires. The standard form (TA-60) shown on the next page may be modified as necessary, providing that the required information is clearly set forth.

**ANNUAL FINANCIAL PLAN - TOWN HIGHWAYS**  
**19 V.S.A. Section 306(e)**

Town, Village, City of \_\_\_\_\_  
 Fiscal Year \_\_\_\_ Begin \_\_\_\_\_ End \_\_\_\_\_

**INCOME**

DESCRIPTION	ESTIMATED	ACTUAL
State Funds - 19 V.S.A. Section 306(a):		
Class 1		
Class 2		
Class 3		
Town Tax Funds - 19 V.S.A. Section 307		
Special Funds:		
a.		
b.		
<b>Total</b>		
<b>GRAND TOTAL</b>		

**EXPENSES**

DESCRIPTION	ESTIMATED	ACTUAL
Winter Maintenance		
General Maintenance		
Bridges		
Retreatment		
Construction		
<b>TOTAL</b>		

**LOCATION & DESCRIPTION OF MAJOR PROJECTS**

TH NO.	LENGTH	DESCRIPTION	ESTIMATED COST	ACTUAL COST

**TOWN PLAN**

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(e).

\_\_\_\_\_ Date: \_\_\_\_\_

District Transportation Administrator

## Section 3

### Town Highway Bridge Program

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. Section 306(b)). State assistance amounts are not limited for any one project.

The State assistance requires 10 percent 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. Section 309(a)).

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.

A list of tentative new projects is drafted by VTrans, based on statewide bridge data, with recommendations from the DTA. The selection criteria include the structural condition, load restrictions, width restrictions, approach alignment, average daily traffic, waterway adequacy and detour length. These factors are combined into a rating for each bridge and establishes its priority in relation to all of the other bridges on town highways. VTrans' Structures Engineer notifies municipalities having eligible bridges of the availability of funds, for each year's program. Municipalities have the option of participating, or may decline to do so. Municipalities wishing to proceed with a project must respond in writing, noting the general scope or intent wanted.

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 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 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). 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. An example FMA begins on page 3-3.

Annual bridge programs include projects authorized for design and right-of-way efforts, and projects which will be funded for construction. Advancement to the construction phase is dependent on all clearances having been obtained and the funds being 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 3. Exceptions are based on special Federal funding being provided.

On many 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 step. The Municipality is required to hold any necessary informational meetings or hearings. If Federal funding is involved VTrans accomplishes all property acquisition work, but if there are no Federal funds then 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.

On some minor projects VTrans and the Municipality may agree that the Municipality may proceed on its own with the project, with advice from the Bridge Management unit of the Project Development Division if requested. In those cases, the Municipality is responsible for funding of the work, generally until the work is completed to the satisfaction of the State. VTrans will accept a partial claim if the Municipality has a hardship. Once the work is completed, a claim for reimbursement (TA-65) is submitted to VTrans' Structures Engineer. This claim must be "backed-up" with copies of payrolls, paid vendor invoices, and other evidence that the cost was incurred and properly satisfied. An example of claim form TA-65 is found on page 4-7.

There are also some projects where the Municipality and the State may agree to have the project administered by the Municipality under the oversight of the Local Transportation Facilities section. Special agreements will be written for these projects.

FINANCE AND MAINTENANCE AGREEMENT - EXAMPLE  
FOR  
SHREWSBURY TH2 9358  
EA/SUBJOB 139358/100

THIS AGREEMENT, made this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, by an  
between the State of Vermont, represented by its Agency of Transportation, hereinafter called the  
STATE, and the Town of Shrewsbury, by its Legislative Body, hereinafter called the MUNICIPALIT

WITNESSETH:

WHEREAS, the MUNICIPALITY under the provisions of Section 306, Title 19, V.S.A., has  
requested funds for a project known as Shrewsbury TH2 9358, which will provide a certain bridge  
improvement in the MUNICIPALITY described as follows:

Located in the County of Rutland, Town of Shrewsbury on TH #4, Bridge #37, approximately 0.15  
mile easterly of the intersection of TH #4 and VT Route #103.

The project shall consist of the replacement of the existing structure with a new structure with  
minimal approach roadway and channel work.

WHEREAS, the MUNICIPALITY desires the improvement of this bridge as described above  
and further desires that the STATE shall act, insofar as necessary for the MUNICIPALITY, in the  
preparation of plans and the construction of this project;

NOW THEREFORE, in consideration of these mutual covenants and premises herein set  
forth, it is agreed by the parties hereto as follows:

THE MUNICIPALITY AGREES:

1. That such work shall be done by contract under the supervision of the STATE or its duly  
authorized representative.
2. To cooperate with the STATE in carrying out this work.
3. To grant the STATE or the STATE'S authorized representative the following during the  
period of construction of this project:
  - a. Temporary right of entry onto the right-of-way of said municipal highway;
  - b. Use of the municipal highways for trucking and hauling as may be required;
  - c. Authority to sign project construction site as necessary to provide information and  
warning to the public.
4. 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. Purchase of right-of-way sha  
not proceed until the MUNICIPALITY receives and approves Preliminary Plans.

Upon completion of right-of-way acquisition, the MUNICIPALITY shall file a Right-of-Way  
Procurement Certification with the STATE. The certification form shall be furnished to the  
MUNICIPALITY by the STATE upon approval of Preliminary Plans.

5. To 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. That any and all signs (including parking regulatory signs), street lights, traffic signals and pavement markings shall be installed by the Contractor as shown on the plans and maintained in place thereafter by the MUNICIPALITY at no cost to the STATE, in conformance with the latest edition of the Manual on Uniform Traffic Control Devices (MUTCD). Once constructed, no changes shall be made to the parking and/or traffic control features without prior approval of the STATE.
7.
  - a. To cooperate with the STATE and utility companies not owned by the MUNICIPALITY in the timely relocation of their facilities which are in conflict with the proposed project.
  - b. To cooperate with the STATE and take such steps as may be necessary to accomplish the relocation of all MUNICIPALLY owned utility facilities which are in conflict with the proposed project. Any approved cost sharing shall be as stipulated in the Utility Agreement 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 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 said bill.

8. To render such assistance during construction as the STATE may request in the maintenance of traffic. If the project route is closed to through traffic, the MUNICIPALITY shall be responsible for selecting, signing, and maintaining a detour route at no cost to the STATE, which shall be accomplished in conformance with the latest edition of the Manual on Uniform Traffic Control Devices (MUTCD).
9. That if the construction of this project is suspended for the winter season, the MUNICIPALITY shall maintain the roadways in conformance with the provisions of the latest edition of the "STANDARD SPECIFICATIONS FOR CONSTRUCTION" at no cost to the STATE, until construction operations are resumed in the spring.
10. That the improvement shall be constructed as the STATE shall determine as detailed in the project plans, and shall be in conformance with the latest edition of the State of Vermont, Agency of Transportation "STANDARD SPECIFICATIONS FOR CONSTRUCTION", and the special provisions included in the Proposal Form and Contract Agreement for this project except as herein provided.
11. To be the applicant in regards to any permits required for this project and to adhere to all the conditions in said permits.
12. 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 improvement, widening or relocation of right-of-way. Any payments for settlements approved by the STATE or judgements entered by courts of competent jurisdiction, will

project costs, inclusive of preliminary engineering costs, right-of-way costs, utility costs where applicable, and final construction costs. Underruns or overruns in item quantities during construction and possible construction change orders may increase or decrease quantities affecting the accepted bid. The MUNICIPALITY will make payments of their proportionate share to the STATE on the basis of monthly progress billings submitted by the STATE.

14. That if at any time prior to construction, the MUNICIPALITY no longer desires the improvements as specified for this project, or, if the MUNICIPALITY fails to meet its obligations to construct the project, the MUNICIPALITY shall notify the STATE and reimburse the STATE for the total STATE expenditures incurred to the date of notification.

At the time of notification, should the project estimate exceed the most recent approved cost estimate for design of Conceptual Plans, Preliminary Plans or Final Plans by fifty percent (50%) or more, the MUNICIPALITY shall not be liable for the total costs incurred, but shall pay for its proportionate share of the total costs incurred as specified in item #13.

15. That the handling, treatment and disposal of petroleum contaminated soils or other hazardous material contamination in existence prior to construction shall be non-participating. Any costs associated therewith shall be the sole responsibility of the MUNICIPALITY.

such project is approved, constructed and accepted by the STATE, represented by the Agency of Transportation, 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. This shall be accomplished in accordance with Sections 304 and 310, Title 19, V.S.A.

#### THE STATE AGREES:

1. That on the basis of the MUNICIPALITY'S request for Town Highway Bridge Funds for this project, and subject to the availability of STATE funds, under the provisions of Section 309a, Title 19, V.S.A., it shall allocate to this project a sum not to exceed ninety percent (90%) of the preliminary engineering, right-of-way, utility costs where applicable and final construction costs.
2. To provide to the MUNICIPALITY the necessary engineering assistance to design and construct the project and to keep all accounting records and make all payments to contractors hired by the STATE for this project.
3. To perform necessary liaison and negotiation with utility companies to effect the relocation or adjustment of all interfering utilities.
4. To submit design plans and cost estimates to the MUNICIPALITY at the design of Conceptual Plans, Preliminary Plans and Final Plans. The project will not progress to the next step until the MUNICIPALITY has given written approval of the current step plans.
5. That if, due to the failure of the Agency of Transportation, the project is not constructed, all costs incurred shall be borne in full by the STATE.

THE STATE AND MUNICIPALITY MUTUALLY AGREE:

- 1. That if due to circumstances beyond the control of the Agency of Transportation and the MUNICIPALITY, the project is not constructed, all costs incurred shall be shared as specified in this AGREEMENT.

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 \_\_\_\_\_

\_\_\_\_\_  
AS TO ALL

\_\_\_\_\_

\_\_\_\_\_  
AS TO ALL

\_\_\_\_\_

\_\_\_\_\_  
Signatures of Legislative Body

STATE OF VERMONT  
Agency of Transportation

\_\_\_\_\_

By: \_\_\_\_\_  
Secretary of Transportation

APPROVED AS TO FORM:

date: \_\_\_\_\_

\_\_\_\_\_  
Assistant Attorney General

AGREEMENT REVIEWED NO AUDIT REQUIRED

date: \_\_\_\_\_ By: \_\_\_\_\_

RIGHT-OF-WAY, FINANCE AND MAINTENANCE AGREEMENT - EXAMPLE  
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 appropriation 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).

The 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 the 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 appraised 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 CERTIFICATION", 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 the STATE's latest edition of the STANDARD SPECIFICATIONS FOR CONSTRUCTION and with the approval of the District #8 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 304 and 310, Title 19, V.S.A., listing the Duties and Responsibilities of the Legislative Body.
5. No work will begin prior to receiving a notice to proceed from the District 8 Transportation Administrator.

THE STATE AGREES:

1. To reimburse the MUNICIPALITY one 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 #8 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

STATE OF VERMONT Agency of Transportation

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: Fairfield 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.

WITNESS: ATTEST:

\_\_\_\_\_  
AS TO ALL

\_\_\_\_\_  
AS TO ALL

\_\_\_\_\_  
Signatures 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 4

### Town Highway Structures Program

State grants for bridges, culverts, 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. State funds are required to be matched, as follows:

1. by at least 20 percent of total project cost with municipal funds, or
2. by at least 10 percent of total project cost with municipal funds providing:
  - that the town has adopted Town Highway codes and standards, and
  - the town has conducted a highway infrastructure study (not less than three years old) which identifies all town culverts, bridges, and identified road problems. The inventory would include location, size, deficiency/condition, and estimated cost of repair – where the condition is less than acceptable.

State grant amounts are limited to \$150,000 for any one project. Projects are selected by the DTA from applications submitted by municipalities on a once-per year basis. The DTAs attempt to provide equitable distribution of funds allotted to the district, so that if an application can not be satisfied in one instance it may well be accepted at a later date if it is re-submitted. The number and extent of the projects is dependent upon the Annual Appropriation allocated by the General Assembly.

Projects may address the repair, reconstruction or replacement of a bridge (6' in span or greater), culvert (3' in diameter or greater), causeway, or retaining wall (structure), making this program a complement to the Town Bridge Program (Section 4). In general, the improvement must materially extend the useful life of the structure and be of a permanent nature. No funds may be used on Class 4 town highways.

The Municipality must submit an application/agreement to the DTA defining the work proposed, etc.. This application is an integral part of the agreement, which may eventually be entered into, which defines the responsibilities of the Municipality and VTrans in seeing the project carried through to completion. On larger projects the District Transportation Administrator (DTA) may require a preliminary set of plans. A (NOT FOR USE) sample application/agreement begins on page 3 of this section.

The Municipality is responsible for all aspects of preparing plans, securing permits and carrying out and inspection of the work, all of which are eligible project costs. In particular, the Municipality must (where applicable) contact the Agency of Natural Resources, Stream Protection office and obtain a stream alteration permit to undertake the work or with Historical Preservation. The Municipality may do the work with its forces, request VTrans to do the work, or utilize private contractors.

The Municipality is responsible for funding of the work, generally 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, and advice can be solicited from VTrans's Bridge Management unit, Structures section, Project Development Division. However, only limited engineering will be provided unless requested in the agreement. In such case the engineering will be provided at cost.

Once the work is completed (Not to exceed 24 months from the approval date of the agreement), a claim for reimbursement (TA-65 form) 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. A sample claim form is on page 7 of this section.

**GRANT APPLICATION/AGREEMENT  
BETWEEN  
STATE OF VERMONT  
AGENCY OF TRANSPORTATION  
AND  
TOWN/VILLAGE/CITY OF \_\_\_\_\_  
TOWN HIGHWAY STRUCTURES PROGRAM**

**THIS AGREEMENT**, made this \_\_\_\_ day of \_\_\_\_\_, 200\_\_, between the **STATE OF VERMONT**, acting through its Agency of Transportation, with its principal office at the National Life Building – Drawer 33, Montpelier, Vermont 05633 (the "STATE") and the **Town/Village/City of \_\_\_\_\_**, with its principal office at \_\_\_\_\_, Vermont (the "MUNICIPALITY").

**WITNESSETH:**

**WHEREAS**, the MUNICIPALITY is hereby making application for aid under the Town Highway Structures Program for a project to improve a Structure on a Class 1, 2 or 3 highway of the MUNICIPALITY (the "Project"), described more particularly in Section 1, below; and

**WHEREAS**, the MUNICIPALITY represents that it:

1. **Has** local funds available to finance the local share of the Project during calendar year 200\_\_, in the amount of \$\_\_\_\_\_.00;
2. **Has / Has Not** adopted Codes & Standards meeting the minimum recommended by the Agency of Transportation. – Copy on file with the Agency.
3. **Has / Has Not** a network inventory system (three years or less old) which identifies, location, size, deficiencies/condition, and estimated cost of repair.

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

**1. DESCRIPTION OF PROJECT.** The Project is described as follows:

Bridge/Culvert/Other #: \_\_\_\_\_ Town Highway #: \_\_\_\_\_  
 Name of Stream \_\_\_\_\_  
 Existing Structure Description: \_\_\_\_\_  
 \_\_\_\_\_  
 Approximate Span or Size: \_\_\_\_\_  
 Proposed Improvement: \_\_\_\_\_  
 \_\_\_\_\_  
 Estimated project cost:\_\_\_\_\_00

2. **CONSTRUCTION;** The MUNICIPALITY will construct the Project using sound engineering practices and in accordance with plans defining the work.
3. **PERMITS; COMPLIANCE WITH PERMIT CONDITIONS.** The MUNICIPALITY will obtain all necessary permits and other approvals required to construct the Project and will be responsible for assuring that all permit or approval requirements are complied with during construction.
4. **DAMAGES TO ABUTTERS.** The MUNICIPALITY will pay the total cost of any incidental damages that may be sustained by abutting or adjacent property owners or occupants as the result of construction of the Project.

5. **ACQUISITION OF ADDITIONAL RIGHT-OF-WAY.** The MUNICIPALITY will be responsible for obtaining additional right-of-way, if any, needed for the Project. The cost of any right-of-way shall be the responsibility of the MUNICIPALITY.
6. **UTILITY RELOCATIONS.** The MUNICIPALITY will be responsible for making any necessary arrangements for utility relocations needed to accommodate the Project. The cost of any improvements to existing utilities shall be the responsibility of the MUNICIPALITY.
7. **TRAFFIC CONTROL.** The MUNICIPALITY will provide all traffic control necessary to assure the safe movement of traffic during construction.
8. **MAINTENANCE OF PROJECT IMPROVEMENTS.** The MUNICIPALITY will maintain the completed project in a manner satisfactory to the STATE or its authorized representatives and shall make ample provisions each year for town highways and structures. In this regard, MUNICIPALITY acknowledges that its attention has been directed to the Vermont Statutes Annotated, Title 19, Sections 304 (Duties of board) and 310 (Highways, bridges and trails).
9. **DOCUMENTATION OF PROJECT EXPENSES.** Within 45 days of completion of the Project, the MUNICIPALITY will submit claims for reimbursement under this Agreement to the State's District Transportation Administrator, using a form provided. Upon request of the STATE, the MUNICIPALITY will provide the STATE with photocopies of payrolls, time sheets, material bills, equipment hours, price quotations, rental agreements and other documents, as necessary, to support the Municipality's claims for reimbursement.
10. **INDEMNIFICATION.** It is agreed and understood that the MUNICIPALITY is fully responsible for the prosecution of all work performed in conjunction with the Project and, consequently, that the MUNICIPALITY will hold harmless the STATE and all its officers, agents and employees against any claim or liability resulting from the Project.
11. **TIME FOR COMPLETION OF PROJECT.** The MUNICIPALITY will advance the Project expeditiously and agrees that if the Project is not completed within 24 months of the date of this Agreement, the MUNICIPALITY will have no claim for reimbursement under this Agreement.
12. **RETENTION OF RECORDS.** The MUNICIPALITY will retain in its files all books, documents, papers, accounting records and other evidence pertaining to Project costs for a period of at least three years after final payment by the STATE, unless otherwise notified in writing by the STATE. The MUNICIPALITY further agrees that the STATE may have access to these records for purposes of review and audit at any time during the retention period. Copies of these documents will be furnished by the MUNICIPALITY if requested by the STATE.
13. **REIMBURSEMENT OF APPROVED COSTS.** Subject to availability of appropriated funds, the STATE agrees to reimburse the MUNICIPALITY for \_\_\_\_% of approved eligible costs of the Project. In no event, however, will the State's share exceed \$\_\_\_\_\_.00. **All cost overruns are the responsibility of the Municipality.**
14. **TECHNICAL ASSISTANCE.** Upon request and subject to staff availability, the STATE will provide the MUNICIPALITY with technical assistance needed to obtain permits and approvals required for the Project.
15. **REVIEW OF PROJECT PLANS; FINAL INSPECTION.** The STATE will provide prompt review of Project plans and final inspection of the completed Project, if requested by the Municipality.
16. **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 a writing which states that it modifies or amends this Agreement and which is signed by both parties.
17. **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.
18. **MISCELLANEOUS.** This Agreement shall be binding upon and inure to the benefit of the parties and their respective successors and assigns.

**IN WITNESS WHEREOF**, the Town/Village/City of \_\_\_\_\_ has caused its name to be subscribed this \_\_\_\_ day of \_\_\_\_\_, 200\_\_,

\_\_\_\_\_  
[the members of its legislative body and its duly authorized agents]

IN PRESENCE OF:

TOWN/VILLAGE/CITY OF \_\_\_\_\_

\_\_\_\_\_

By: \_\_\_\_\_

(As to All)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Its Duly Authorized Agent(s)

Recommended for Approval:

Date \_\_\_\_\_

\_\_\_\_\_  
District Transportation Administrator

**IN WITNESS WHEREOF**, the State of Vermont has caused its name to be subscribed this \_\_\_\_ day of \_\_\_\_\_, 200\_\_, by \_\_\_\_\_, its Secretary and duly authorized agent.

STATE OF VERMONT  
AGENCY OF TRANSPORTATION  
(STATE)

By: \_\_\_\_\_

Its Secretary and Duly Authorized Agent

APPROVED AS TO FORM:

DATED: \_\_\_\_\_

\_\_\_\_\_

ASSISTANT ATTORNEY GENERAL

**STATE OF VERMONT**

**AGENCY OF TRANSPORTATION**

**TOWN HIGHWAY SPECIAL FUNDS**

**19 V.S.A. SECTION 306 ( \_ )**

<b>NAME OF TOWN/VILLAGE/CITY</b>	<b>DISTRICT NO.</b>	<b>EA &amp; Contract NO.</b>	<b>TOWN NO.</b>
<b>CHECK WHICH:</b> Final Claim      Partial Claim	<b>% Work Completed:</b>	<b>Amt. Previously Paid Town:</b>	
<b>Name</b> <b>And</b> <b>Address</b> <b>Of</b> <b>Claimant</b>	<b>Emergency Fund Grant</b> <b>Structures Grant</b> <b>Class 2 Roadway Grant</b> <b>Other</b>		
I (WE) SWEAR TO THE CORRECTNESS OF THE STATEMENTS MADE IN THIS CLAIM (AND THAT THE WORK HAS BEEN PERFORMED IN ACCORDANCE WITH THE PLANS AND SPECIFICATIONS FURNISHED BY THE VERMONT AGENCY OF TRANSPORTATION) AND THAT THE TOWN HAS PAID FOR THE EXPENSES SHOWN HEREON, BOTH LABOR AND MATERIALS.  _____  _____  _____  _____	<b>COST OF WORK AS PER EXPENSE (ATTACHED HERETO)</b>  Labor & Equipment      \$ _____  Materials                              \$ _____  Total Cost                              \$ _____  Minus Previous Payments \$ _____ Or Deductibles  Amount of Payment              \$ _____  Approved Dated _____  _____ District Transportation Administrator		





# Section 5

## Town Highway Class 2 Roadway Program

State grants to provide for the preservation of any Class 2 highways by providing grants for resurfacing or reconstruction are made by the Secretary of Transportation or his/her designee from annual appropriations for that purpose. State funds are required to be matched:

1. by at least 30 percent of total project cost with municipal funds, or
2. by at least 20 percent of total project cost with municipal funds providing:
  - that the Town has adopted codes and standards, and
  - the Town has conducted a highway infrastructure study which identifies all town culverts, bridges, and identified road problems. The inventory would include location, size, deficiency/condition, and estimated cost of repair where the condition is less than acceptable

State grant amounts are limited to \$150,000 for any one project. Projects are selected by the DTA from applications submitted by municipalities on a once-per year basis. The DTA's attempt to provide equitable distribution of funds allotted to the district, so that if an application can not be satisfied in one instance it may well be accepted at a later date if it is updated and re-submitted.

Projects shall include work which provides for the preservation of any Class 2 town highway by providing grants for resurfacing (to include both paving and gravel surfacing or re-surfacing) and reconstruction 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" shall be part of the Structures program. Culverts less than 36" are considered part of drainage work in this program.
- 2) Guardrail work is only considered eligible if it is an essential part of the roadway project.

It is intended that these 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. Detailed VTrans guidelines may be found on the following pages.

The Municipality must submit an application/agreement (supplied by the DTA) defining the work proposed to the DTA. The application is an integral part of the agreement, which may eventually be entered into, and defines the responsibilities of the Municipality and VTrans in seeing the project carried through to completion. A sample (NOT FOR USE) application/agreement is shown on page 5-3.

The Municipality is responsible for all aspects of preparing plans, securing permits, contracting and inspection of the work, all of which are eligible project costs. The Municipality is responsible for funding of the work, generally until the work is completed. In certain circumstances a partial claim may be accepted. The DTA will provide advice, upon request, in advance of or during the project life, but only limited engineering will be provided unless provided for in the agreement. In such case the engineering will be provided at cost.

Once the work is completed (normally within 45 days), a claim for reimbursement (TA-65) must be submitted to the DTA. This claim, upon request of the DTA, must be "backed-up" with copies of payrolls, paid vendor invoices, and other evidence that the cost was incurred and properly satisfied. A TA-65 claim form is on page 4-7.

**GRANT APPLICATION/AGREEMENT  
BETWEEN  
STATE OF VERMONT  
AGENCY OF TRANSPORTATION  
AND  
TOWN/VILLAGE/CITY OF \_\_\_\_\_  
TOWN HIGHWAY CLASS 2 ROADWAY PROGRAM**

**THIS AGREEMENT**, made this \_\_\_\_ day of \_\_\_\_\_, 200\_\_, between the **STATE OF VERMONT**, acting through its Agency of Transportation, with its principal office at the National Life Building – Drawer 33, Montpelier, Vermont 05633 (the "STATE") and the **Town/Village/City of \_\_\_\_\_**, with its principal office at \_\_\_\_\_, Vermont (the "MUNICIPALITY").

**WITNESSETH :**

**WHEREAS**, the MUNICIPALITY is hereby making application for aid under the Town Highway Class 2 Roadway Program for a project to improve a Class 2 highway of the MUNICIPALITY (the "Project"), described more particularly in Section 1, below; and

**WHEREAS**, the MUNICIPALITY represents that it:

1. Has **local funds available to finance the local share of the Project during calendar year 200\_\_**, in the amount of \$\_\_\_\_\_.00;
2. Has / Has Not **adopted Codes & Standards meeting the minimum recommended by the Agency of Transportation. – Copy on file with the Agency.**
3. Has / Has Not **a network inventory system (three years or less old) which identifies location, size, deficiencies/condition, and estimated cost of repair.**

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

1. **DESCRIPTION OF PROJECT.** The Project is described as follows:

Town Highway #. \_\_\_\_\_ Length of Project (miles) \_\_\_\_\_  
 Proposed Improvement: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Estimated project cost: \_\_\_\_\_ .00

2. **CONSTRUCTION; REVIEW OF PLANS.** The MUNICIPALITY will construct the Project using sound engineering practices and in accordance with plans defining the work.
3. **PERMITS; COMPLIANCE WITH PERMIT CONDITIONS.** The MUNICIPALITY will obtain all necessary permits and other approvals required to construct the Project and will be responsible for assuring that all permit or approval requirements are complied with during construction.
4. **DAMAGES TO ABUTTERS.** The MUNICIPALITY will pay the total cost of any incidental damages that may be sustained by abutting or adjacent property owners or occupants as the result of construction of the Project.

5. **ACQUISITION OF ADDITIONAL RIGHT-OF-WAY.** The MUNICIPALITY will be responsible for obtaining additional right-of-way, if any, needed for the Project. The cost of any right-of-way shall be the responsibility of the MUNICIPALITY.
6. **UTILITY RELOCATIONS.** The MUNICIPALITY will be responsible for making any necessary arrangements for utility relocations needed to accommodate the Project. The cost of any improvements to existing utilities shall be the responsibility of the MUNICIPALITY.
7. **TRAFFIC CONTROL.** The MUNICIPALITY will provide all traffic control necessary to assure the safe movement of traffic during construction.
8. **MAINTENANCE OF PROJECT IMPROVEMENTS.** The MUNICIPALITY will maintain the completed project in a manner satisfactory to the STATE or its authorized representatives and shall make ample provisions each year for town highways and structures. In this regard, MUNICIPALITY acknowledges that its attention has been directed to the Vermont Statutes Annotated, Title 19, Sections 304 (Duties of board) and 310 (Highways, bridges and trails).
9. **DOCUMENTATION OF PROJECT EXPENSES.** Within 45 days of completion of the Project, the MUNICIPALITY will submit claims for reimbursement under this Agreement to the STATE's District Transportation Administrator. Upon request of the STATE, the MUNICIPALITY will provide the STATE with photocopies of payrolls, time sheets, material bills, equipment hours, price quotations, rental agreements and other documents, as necessary, to support the MUNICIPALITY's claims for reimbursement.
10. **INDEMNIFICATION.** It is agreed and understood that the MUNICIPALITY is fully responsible for the prosecution of all work performed in conjunction with the Project and, consequently, that the MUNICIPALITY will hold harmless the STATE and all its officers, agents and employees against any claim or liability resulting from the Project.
11. **TIME FOR COMPLETION OF PROJECT.** The MUNICIPALITY will advance the Project expeditiously and agrees that if the Project is not completed within 24 months of the date of this Agreement, the MUNICIPALITY will have no claim for reimbursement under this Agreement.
12. **RETENTION OF RECORDS.** The MUNICIPALITY will retain in its files all books, documents, papers, accounting records and other evidence pertaining to Project costs for a period of at least three years after final payment by the STATE, unless otherwise notified in writing by the STATE. The MUNICIPALITY further agrees that the STATE may have access to these records for purposes of review and audit at any time during the retention period. Copies of these documents will be furnished by the MUNICIPALITY if requested by the STATE.
13. **REIMBURSEMENT OF APPROVED COSTS.** Subject to availability of appropriated funds, the STATE agrees to reimburse the MUNICIPALITY for \_\_\_\_% of approved eligible costs of the Project. In no event, however, will the STATE's share exceed \$\_\_\_\_\_.00. **All cost overruns are the responsibility of the Municipality.**
14. **TECHNICAL ASSISTANCE.** When necessary and if requested, the STATE will provide the MUNICIPALITY with technical assistance needed to obtain permits and approvals required for the Project.
15. **REVIEW OF PLANS; FINAL INSPECTION.** The STATE will provide prompt review: a) of Project plans - if requested, and b) final inspection of the completed Project - when considered necessary.
16. **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 a writing which states that it modifies or amends this Agreement and which is signed by both parties.
17. **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.
18. **MISCELLANEOUS.** This Agreement shall be binding upon and inure to the benefit of the parties and their respective successors and assigns.

**IN WITNESS WHEREOF**, the Town/Village/City of \_\_\_\_\_ has caused its name to be subscribed this \_\_\_\_ day of \_\_\_\_\_, 200\_\_, \_\_\_\_\_  
\_\_\_\_\_ [the members of its legislative body and its duly authorized agents]

IN PRESENCE OF: TOWN/VILLAGE/CITY OF \_\_\_\_\_

By: \_\_\_\_\_

(As to All)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Its Duly Authorized Agent(s)

Recommended for Approval:

Date \_\_\_\_\_

\_\_\_\_\_

District Transportation Administrator

**IN WITNESS WHEREOF**, the State of Vermont has caused its name to be subscribed this \_\_\_\_ day of \_\_\_\_\_, 200\_\_, by \_\_\_\_\_, its Secretary and duly authorized agent.

STATE OF VERMONT

AGENCY OF TRANSPORTATION (STATE)

By: \_\_\_\_\_

Its Secretary and Duly Authorized Agent

APPROVED AS TO FORM:

DATED: \_\_\_\_\_

\_\_\_\_\_

ASSISTANT ATTORNEY GENERAL

## Section 6

### Town Highway Interstate Culvert Program

State grants for culverts that were installed as a direct result of building the Interstate system, that are part of a municipalities highway (Class 1, 2, or 3) infrastructure are made by the Secretary of Transportation from annual appropriations for that purpose. State funds are required to be matched as follows:

1. by at least 20 percent of total project cost with municipal funds, or
2. by at least 10 percent of total project cost with municipal funds providing:
  - that the Town has adopted town highway codes and standards, and
  - the Town has conducted a highway infrastructure study (not less than three years old) which identifies all town culverts, bridges, and identified road problems. The inventory would include location, size, deficiency/condition, and estimated cost of repair – where the condition is less than acceptable.

State grant amounts are limited to \$150,000 for any one project. Projects are selected by the DTA from applications submitted by municipalities on a once-per year basis. The DTA's 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 if it is re-submitted. The number and extent of the projects is dependent upon the annual appropriation allocated by the General Assembly.

Projects may address the repair, reconstruction or replacement of a culvert providing it is identified in the Legislative Report – Town Culverts – Pursuant to Act 18 Sec. 41w of the 1999 Session of the General Assembly, by the Vermont Agency of Transportation dated January 15, 2000. In general, the improvement must materially extend the useful life of the structure and be of a permanent nature. No funds may be used on Class 4 town highways.

The Municipality must submit an application/agreement to the DTA defining the work proposed, etc. This application is an integral part of the agreement which may eventually be entered into. The agreement will define the responsibilities of the Municipality and VTrans in seeing the project carried through to completion. On larger projects the District Transportation Administrator (DTA) may require a preliminary set of plans. A (NOT FOR USE) sample application/agreement begins on page 3 of this section.

The Municipality is responsible for all aspects of preparing plans, securing permits and carrying out and inspecting the work, all of which are eligible project costs. In particular, the Municipality must (where applicable) contact the Agency of Natural Resources, Stream Protection office and obtain a stream alteration permit to undertake the work. The Municipality may do the work with its forces, request VTrans to do the work, or utilize private contractors.

The Municipality is responsible for funding of the work, generally 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, and advice can be solicited from VTrans' Bridge Management unit, Structures section, Project Development division. However, only limited engineering will be provided unless requested in the agreement. In such case the engineering will be provided at cost.

Once the work is completed (not to exceed 24 months from the approval date of the agreement), a claim for reimbursement (TA-65 form) 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. A sample claim form is on page 4-7.

**GRANT APPLICATION/AGREEMENT  
BETWEEN  
STATE OF VERMONT  
AGENCY OF TRANSPORTATION  
AND  
TOWN/VILLAGE/CITY OF \_\_\_\_\_  
TOWN HIGHWAY INTERSTATE CULVERT PROGRAM**

**THIS AGREEMENT**, made this \_\_\_\_ day of \_\_\_\_\_, 200\_\_, between the **STATE OF VERMONT**, acting through its Agency of Transportation, with its principal office at the National Life Building – Drawer 33, Montpelier, Vermont 05633 (the "STATE") and the **Town/Village/City of \_\_\_\_\_**, with its principal office at \_\_\_\_\_, Vermont (the "MUNICIPALITY").

**WITNESSETH:**

**WHEREAS**, the MUNICIPALITY is hereby making application for aid under the Town Highway Interstate Culvert Program for a project to improve a Culvert on a Class 1, 2 or 3 highway of the MUNICIPALITY (the "Project), described more particularly in Section 1, below; and

**WHEREAS**, the MUNICIPALITY represents that it:

1. **Has** local funds available to finance the local share of the Project during calendar year 200\_\_, in the amount of \$\_\_\_\_\_.00;
2. **Has / Has Not** adopted Codes & Standards meeting the minimum recommended by the Agency of Transportation. – Copy on file with the Agency.
3. **Has / Has Not** a network inventory system (three years or less old) which identifies, location, size, deficiencies/condition, and estimated cost of repair.

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

**1. DESCRIPTION OF PROJECT.** The Project is described as follows:

Bridge/Culvert/Other #. \_\_\_\_\_ Town Highway #. \_\_\_\_\_  
 Name of Stream \_\_\_\_\_  
 Existing Structure Description: \_\_\_\_\_  
 \_\_\_\_\_  
 Approximate Span or Size: \_\_\_\_\_  
 Proposed Improvement: \_\_\_\_\_  
 \_\_\_\_\_

Estimated project cost:\_\_\_\_\_00

2. **CONSTRUCTION;** The MUNICIPALITY will construct the Project using sound engineering practices and in accordance with plans defining the work.
3. **PERMITS; COMPLIANCE WITH PERMIT CONDITIONS.** The MUNICIPALITY will obtain all necessary permits and other approvals required to construct the Project and will be responsible for assuring that all permit or approval requirements are complied with during construction.

4. **DAMAGES TO ABUTTERS.** The MUNICIPALITY will pay the total cost of any incidental damages that may be sustained by abutting or adjacent property owners or occupants as the result of construction of the Project.
5. **ACQUISITION OF ADDITIONAL RIGHT-OF-WAY.** The MUNICIPALITY will be responsible for obtaining additional right-of-way, if any, needed for the Project. The cost of any right-of-way shall be the responsibility of the MUNICIPALITY.
6. **UTILITY RELOCATIONS.** The MUNICIPALITY will be responsible for making any necessary arrangements for utility relocations needed to accommodate the Project. The cost of any improvements to existing utilities shall be the responsibility of the MUNICIPALITY.
7. **TRAFFIC CONTROL.** The MUNICIPALITY will provide all traffic control necessary to assure the safe movement of traffic during construction.
8. **MAINTENANCE OF PROJECT IMPROVEMENTS.** The MUNICIPALITY will maintain the completed project in a manner satisfactory to the STATE or its authorized representatives and shall make ample provisions each year for town highways and structures. In this regard, MUNICIPALITY acknowledges that its attention has been directed to the Vermont Statutes Annotated, Title 19, Sections 304 (Duties of board) and 310 (Highways, bridges and trails).
9. **DOCUMENTATION OF PROJECT EXPENSES.** Within 45 days of completion of the Project, the MUNICIPALITY will submit claims for reimbursement under this Agreement to the State's District Transportation Administrator, using a form provided. Upon request of the STATE, the MUNICIPALITY will provide the STATE with photocopies of payrolls, time sheets, material bills, equipment hours, price quotations, rental agreements and other documents, as necessary, to support the Municipality's claims for reimbursement.
10. **INDEMNIFICATION.** It is agreed and understood that the MUNICIPALITY is fully responsible for the prosecution of all work performed in conjunction with the Project and, consequently, that the MUNICIPALITY will hold harmless the STATE and all its officers, agents and employees against any claim or liability resulting from the Project.
11. **TIME FOR COMPLETION OF PROJECT.** The MUNICIPALITY will advance the Project expeditiously and agrees that if the Project is not completed within 24 months of the date of this Agreement, the MUNICIPALITY will have no claim for reimbursement under this Agreement.
12. **RETENTION OF RECORDS.** The MUNICIPALITY will retain in its files all books, documents, papers, accounting records and other evidence pertaining to Project costs for a period of at least three years after final payment by the STATE, unless otherwise notified in writing by the STATE. The MUNICIPALITY further agrees that the STATE may have access to these records for purposes of review and audit at any time during the retention period. Copies of these documents will be furnished by the MUNICIPALITY if requested by the STATE.
13. **REIMBURSEMENT OF APPROVED COSTS.** Subject to availability of appropriated funds, the STATE agrees to reimburse the MUNICIPALITY for \_\_\_\_% of approved eligible costs of the Project. In no event, however, will the State's share exceed \$\_\_\_\_\_.00. **All cost overruns are the responsibility of the Municipality.**
14. **TECHNICAL ASSISTANCE.** Upon request and subject to staff availability, the STATE will provide the MUNICIPALITY with technical assistance needed to obtain permits and approvals required for the Project.
15. **REVIEW OF PROJECT PLANS; FINAL INSPECTION.** The STATE will provide prompt review of Project plans and final inspection of the completed Project, if requested by the Municipality.
16. **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 a writing which states that it modifies or amends this Agreement and which is signed by both parties.
17. **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.
18. **MISCELLANEOUS.** This Agreement shall be binding upon and inure to the benefit of the parties and their respective successors and assigns.

**IN WITNESS WHEREOF**, the Town/Village/City of \_\_\_\_\_ has caused its name to be subscribed this \_\_\_\_ day of \_\_\_\_\_, 200\_\_, \_\_\_\_\_ [the members of its legislative body and its duly authorized agents]

IN PRESENCE OF: TOWN/VILLAGE/CITY OF \_\_\_\_\_

\_\_\_\_\_

(As to All)

By: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Its Duly Authorized Agent(s)

Recommended for Approval:

Date \_\_\_\_\_

\_\_\_\_\_  
District Transportation Administrator

**IN WITNESS WHEREOF**, the State of Vermont has caused its name to be subscribed this \_\_\_\_ day of \_\_\_\_\_, 200\_\_, by \_\_\_\_\_, its Secretary and duly authorized agent.

STATE OF VERMONT  
AGENCY OF TRANSPORTATION (STATE)

By: \_\_\_\_\_

Its Secretary and Duly Authorized Agent

APPROVED AS TO FORM:

DATED: \_\_\_\_\_

\_\_\_\_\_

ASSISTANT ATTORNEY GENERAL

# Section 7

## Town Highway Disaster Assistance

### DURING an EVENT:

The Agency of Transportation's district forces are available (subject to like state priorities) to provide assistance to municipalities in dealing with any condition that threatens life or property, with or without a declaration of disaster by the Governor. Help can include but is not limited to opening roads, assisting utility crews to clear power lines, and diverting water from threatened roads or structures. In the event of a disaster, municipal officers should notify:

1. The Local Agency of Transportation District Administrator.

District 1	Bennington	802-447-2790
District 2	N. Brattleboro	802-254-5011
District 3	Rutland	802-786-5826
District 4	White River Jct.	802-295-8888
District 5	Essex Jct.	802-655-1580
District 6	Berlin	802-828-2691
District 7	St. Johnsbury	802-748-6670
District 8	St. Albans	802-524-5926
District 9	Newport	802-334-7934

2. The State Emergency Management Office at 1-800-347-0488.

Such assistance ends when the threat subsides and the transition to "clean up" activity begins.

### RECOVERY from an EVENT

DAMAGE ASSESMENT – district forces will assist a municipality (upon request) in conducting preliminary transportation Infrastructure related damage assessment to determine what needs to be done and its related repair/replacement estimated cost. Calling the District Administrator should be done at the earliest opportunity so that the extent of damage may be determined before any repair or other work is done. Remember to take photos before any repair work is done to document the damage. District forces (normally the District Technician) will also assist FEMA and/or FHWA in conducting preliminary damage assessments and project work sheets; a town representative will also be involved during this process.

FUNDING:

Different funding sources are available depending on the type of event. There are two types of events:

1) LOCAL EVENT – State funding assistance is available through the Town Highway Emergency Fund for repair, reconstruction or replacement of highways and bridges on Class 1, 2, or 3 town highways, which are damaged by natural or man made events.

a) Eligibility shall be subject to the following criteria:

1. That the disaster is of such magnitude that state aid is both reasonable and necessary to preserve the public good;
2. That the disaster does not qualify for major disaster assistance from Federal Emergency Management or the Federal Highway Administration;
3. For reimbursement for repair or replacement cost of either 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. In general terms, and as a guide, eligibility is subject to the 10 percent of the overall total highway budget minus the Town's winter maintenance budget amount being the minimum disaster amount to qualify for assistance;
4. For towns that have adopted 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.

b) A municipality desiring State funding assistance must complete an application which can be obtained from the local District Administrator or from VTrans' web page at [www//aot.state.vt.us](http://www//aot.state.vt.us). A sample (NOT FOR USE) is on page 7-3.

c) Such grants are also subject to the availability of funds.

d) To receive payment upon completion of the project or as a progress payment the Municipality must request such payment and document all cost associated with the project. Any payment of funds is subject to a time period not to exceed 180 days from the approval of the grant unless extended in writing by the grantor.

2) FEDERALLY DECLARED EVENT – has two separate funding sources: Federal and State. The Federal funds would come as a result of the declared event (countywide or statewide) process through FEMA and/or FHWA application and procedures. These events would also involve each municipality at the beginning of a event in the communication of the magnitude of the disaster and its preliminary estimated cost as there is a time limit to apply for federal assistance which starts with the event. Any State funds available would come through the Department of Housing and Community Affairs and is only available under the FEMA-funded projects.

District \_\_\_\_\_ FY \_\_\_\_\_  
Application Date \_\_\_\_\_

EA# \_\_\_\_\_  
County \_\_\_\_\_

VERMONT AGENCY OF TRANSPORTATION  
APPLICATION FOR TOWN HIGHWAY EMERGENCY FUNDING

We, the undersigned Legislative Body of the (City) (Town) (Village) of \_\_\_\_\_  
Hereby make application for aid under the Town Highway Emergency Program, 19 VSA S.306(c).

Town Highway Number and Name \_\_\_\_\_

Location to nearest intersection \_\_\_\_\_

Length of damage area \_\_\_\_\_

Existing damage description (attach photos) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Cause of damage (include date(s)) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Proposed improvement: \_\_\_\_\_  
\_\_\_\_\_

Reason this disaster is of such magnitude that financial aid is both reasonable and  
necessary to preserve the public good: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

---

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PROJECT Estimated Cost \$ \_\_\_\_\_

Town Highway Budget \$ \_\_\_\_\_

Town Highway Winter Budget \$ \_\_\_\_\_

Deductible \$ \_\_\_\_\_

Attach copy of Town ANNUAL FINANCIAL PLAN

State Funds Requested \$ \_\_\_\_\_

NOTE: It is understood that should a Federal Disaster be declared, as a result of this event, this request becomes void and the town will request aid through the FEMA or FHWA procedures as applicable.

We have read and understand the Agency's Policy and Procedures governing the Town Highway Emergency Program.

Signatures of the Legislative Body:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



# Section 8

## Town Road & Bridge Standards, Infrastructure Study

As a result of legislative action relating to the Town Aid programs an incentive program was created providing additional funding to towns meeting two requirements:

1. adopted codes and standards, (see below) and;
2. conducted a network infrastructure study (see page 8-5).

### **Town Road and Bridge Standards**

History: The local adoption of “codes and standards” has been a statewide promotion driven by the Agency of Transportation and Vermont Emergency Management. This began soon after a change in FEMA policy in the spring of 1999, which required the adoption of codes and standards BEFORE a disaster declaration date in order to be eligible for certain FEMA benefits regarding facility upgrades.

Beside the benefits realized under the FEMA public assistance program in a federally declared disaster, the main reasons to adopt codes and standards are to improve safety, reduce life cycle costs, and address environmental concerns. We all recognize that the federal aid system routes designed to minimum standards hold up better in disasters than most local roads. Although the model shown on page 8-3 provides the recommended minimum standards necessary to meet the incentive requirements under the grant program, if all towns adopted these simple methods of highway construction the damages associated with heavy rains would be reduced drastically.

Many towns signed the original codes and standards model distributed by the Agency in 1999 that included the words “undue hardship”. Although this wording does not impact State grant programs, FEMA feels it can be interpreted to mean that in the event of “financial hardship” towns could ignore their adopted codes and standards when FEMA isn’t paying the bill. Therefore, it is recommended that those towns having the language “undue hardship” in their standards amend them (see attached example on page 8-4).

As a whole, towns should take the time to develop a policy that meets their goals.

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

No, the upgrade is initiated upon any reconstruction or replacement project.

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

If it is determined that a town is not following their codes and standards it would make them ineligible for codes and standards upgrades under FEMA PA. Also, it may be grounds to default to the lower percentage State share under the State-administered grant programs.

#### **3. Can the Town 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 Town following a non-declared event because the Town used the 50% rule to justify the lower cost repair, will FEMA be okay with this?**

Yes, as long as the Town used the 50% rule similar to FEMA, there is no problem. It is not accused of not following the adopted codes and standards.

#### **4. What is the latest VTrans Hydraulics Manual and should we have a copy of it?**

The document is a guide the Hydraulics Unit uses for hydraulic design and analysis and there is no need for towns to have a copy. As most towns are aware, the districts can forward design requests from towns to the Hydraulics Unit and the design is done at little cost, if any, to a town. Most regional consultant engineers also are aware of the manual and have access to it for their design purposes.

**5. Why have we adopted the standards drawings for roadway typicals in the 1999 model, and now they are not on the latest model?**

FEMA has ruled that a roadway facility is measured from town highway intersection to town highway intersection. As a result, it is highly unlikely the FEMA Public Assistance 50% Rule will ever be met, and the facility would only be funded for repair to pre-existing conditions, not reconstructed up to standard. The more important issue is to construct a roadway that drains properly and has an adequate thickness of gravel.

**TOWN ROAD AND BRIDGE STANDARDS  
of the  
TOWN OF \_\_\_\_\_, VERMONT**

The town of \_\_\_\_\_ hereby adopts the following Town Road and Bridge Standards which shall apply to all future road and bridge construction within the Town. (Unless State or Federal funding regulations govern over this document).

The standards listed here are considered minimum and are presented for purposes of guiding construction and maintenance personnel. The Select Board 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.

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 Vtrans district office will be notified prior to any field changes taking place that would alter the original scope of work.

Roadways

All gravel roads will have at least a 15 inch thick processed gravel subbase, with the top 3 inches being crushed gravel. Material will be graded so that water does not remain on the road surface, and have adequate space for proper ditching.

Ditches

**Soil exposed during ditch and slope construction or maintenance will be treated immediately following the operation as follows:**

- **Seed and mulch slopes less than 2.5%**
- **Placing biodegradable matting and seed on slopes between 2.5% and 5 %**
- **Stone lining ditches with angular material on slopes greater than 5%**

Culverts and Bridges

- **All new driveway culverts will have a minimum diameter of 15 inches.**
- **All new roadway culverts will have a minimum diameter of 18 inches.**
- **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.**
- **All bridges (structures with spans greater than 6 feet) will have waterway openings designed in accordance to the latest Vtrans Hydraulics Manual.**

Guardrail

**When new road or culvert construction creates side slopes steeper than 1 on 3, guardrail will be installed according to AASHTO Roadside Design Guide.**

**Passed and adopted by the Selectboard of the Town of \_\_\_\_\_, State of Vermont on \_\_\_\_\_, 2001.**

**Select Board** \_\_\_\_\_  
\_\_\_\_\_

**AMENDMENT TO  
TOWN ROAD & BRIDGE STANDARDS  
of the  
TOWN OF \_\_\_\_\_, VERMONT**

The town of \_\_\_\_\_ hereby amends the Town Road and Bridge Standards passed on \_\_\_\_\_.

**Change Item 7 from:**

Item 7. These standard specifications are subject to modifications by the Selectboard only if it can be shown that enforcement would cause undue hardship due to unusual conditions, provided the general objectives are satisfied after a study of local conditions requiring changes.

**TO:**

Item 7. 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.

Passed and adopted by the Selectboard of the Town of \_\_\_\_\_, State of Vermont on \_\_\_\_\_, 200\_.

Selectboard \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_

# Town Highway Infrastructure Study - Guidelines:

## Definition:

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

Needed is a listing (updated every three years) of each of the above, giving:

1. location (sufficiently specific to locate),
2. size (length/width/depth, etc.),
3. condition (e.g.: very bad, bad, fair, good)
  - where condition is less than good, an estimated cost of repair.

VTrans will maintain a list of towns having this inventory. 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 (Maintenance & Aviation division headquarters).

## How to record the information:

The Town may choose either a manual or electronic inventory system. Some software and assistance/direction is available through the Vt. Local Roads Program (800) 462 - 6555.

## Note:

- 1) For bridges over 20ft. in span length, location, #, and condition are already completed by the Structures unit of VTrans, towns have the reports.
- 2) For town roads the town maps identify where they are, their #, surface type, and most towns also have road names ID.
- 3) Driveway culverts are not eligible for program funding but a town 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 drain system is not considered to be a bridge or culvert under the TH programs and as such are not eligible for funding.
  - b) Class 4 town highways and their bridges and culverts on are also not eligible for TH program funding.

The Vermont Local Roads Program has published and distributed "Options for Infrastructure and Assessment". This packet contains suggestions for the inventory of municipal highway infrastructure, assessing the condition of roads, bridges and culverts, and assigning estimated repair or replacement cost.

Data stored in the town highway infrastructure study will help greatly in developing a portion of a municipal capital plan as shown on page 13-4.

## Section 9

### Federal-aid Town Highways

State grants *for reconstruction* of Class 1, 2, or 3 town highways which are on the Federal-aid system, may be made by the Secretary of Transportation from annual appropriations for that purpose with the approval of the General Assembly on each project. State grant amounts are not limited for any one project.

The State/Federal funds require a 10 percent match of total project cost with town 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. Section 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. Section 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 necessarily be those which are recommended by the Regional Planning Commission transportation planning effort under VTrans Planning Initiative (see Section 13) 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. An example of a FMA is on page 3-3.

## Section 10

### **Local Transportation Facilities and Enhancements**

Local Transportation Facilities (LTF) is responsible for the development of enhancement projects, bicycle and pedestrian facilities, park-n-rides, scenic byways, the re-use of historic bridges and “local” projects. The majority of LTF projects are developed and constructed under municipal management, which carries a high degree of local focus.

Enhancements involve financial awards to communities, public agencies and non-profit organizations to develop projects that meet one or more of the federal enhancement criteria. Enhancements include such things as acquisition of scenic easements, historic preservation, archeological planning and scenic beautification. Bicycle and pedestrian projects consist of multi-use facilities such as bike paths, sidewalks and traffic calming treatments. Bicycle and pedestrian projects provide safe and convenient facilities for those who desire alternative transportation opportunities. Park-n-rides are strategically placed parking facilities that promote the consolidation of travelers and the reduction of single occupancy vehicles. Scenic byways funds may be used for improvements on or adjacent to designated scenic highways. The Historic Bridge Program works to rehabilitate historic bridges and re-use them in conjunction with new or existing transportation facilities. The “local” projects are made up of traditional transportation projects, such as bridges, roads and signals, on locally owned property.

Federal money for transportation projects is available through LTF on a competitive basis. The Enhancement and Bicycle/Pedestrian Programs accept applications on an annual basis. Federal funds must be matched by local funds amounting to ten or twenty percent of the project cost.

**The goal of the LTF Program is to speed the delivery of projects and to encourage local participation and acceptance of transportation projects. LTF, through the assignment of technical staff, works with and supports the community in the development of the project. Projects are selected 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, which have an interest in managing the development and construction of their own transportation project, should contact the LTF section at 802-828-3588 or visit the LTF web site at [www.aot.state.vt.us/projdev/Sections/LTF/LTF.htm](http://www.aot.state.vt.us/projdev/Sections/LTF/LTF.htm)**

# Section 11

## Technical Assistance

VTrans has the duty by statute to provide assistance and advice to municipalities (19 V.S.A. Section 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, the Municipality must reimburse VTrans for its costs (19 V.S.A. Section 10(5)). Sometimes VTrans may not be able to do the work with its employees. In these cases the Municipality 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.

The Vermont Local Roads Program, operated under contract with VTrans by St. Michael's College, Colchester, VT, is an excellent source of down-to-earth information for road commissioners and other town officials. The program sponsors workshops and has a library of written materials and videotapes, and publishes a newsletter and fact sheets. Call Vermont Local Roads at 1-800-462-6555 for information or to get on the mailing list.

The various types of assistance available from VTrans are listed and described below. A more complete subject index is located at the end of this handbook.

### Policy and Planning

- Enhancement funds - criteria, procedures
- VTrans contact with Regional Planning Commissions and Chittenden County Metropolitan Planning Organization
- Vermont Scenic Roads - guidelines
- National Scenic Byways Program - guidelines
- Planning - transportation needs, long term investment strategy
- Public Transit - subsidy funds, vehicle funding assistance (buses, vans)

### Legal

- Liability - bridge condition, roadway surface
- Hazardous waste - responsible parties
- Contracting - procedures, contract provisions

### Technical Services

- Highway classification criteria - traffic, width, ROW
- Access control (see discussion in Section 13)
- Remeasurement - trafficability
- Traffic volumes - highway segments, car/truck ratios
- Truck weights -current, forecasted
- Environmental issues - wetlands, wild life, plant species, clearances (see more information at the end of this section)
- Historic issues - assessment, allowable changes, clearances
- Historic bridges - restrictions on modifying, funding of improvements
- Survey standards - global positioning, reference points
- Hydraulics - streamflow estimates, bridge/channel adequacy

- Right-of-way - procedures, valuation, title, relocation assistance
- Utilities - private pipelines and sewers, poles, buried lines, driveways
- Materials - sources, costs, specifications
- Advertising signs - regulation, removal of illegal

### Project Development

- Design standards - roadways and bridges - width, surface material, grade, etc
- Design practices - automation, cost estimates, review process, specifications, permitting agencies requirements
- Bridge - materials, type, aesthetics, load capacity of existing bridge, repair suggestions, painting materials
- Walls - condition review, materials, design, repair suggestion
- Design firms - professional ability, service, cost
- Traffic - signals, signs, pavement markings
- Enhancement funds - project overseers
- Bike paths - establishing, construction and maintenance, funding
- Construction
- Contractors - capability, quality of work, costs
- Inspection of work - cost, source of inspectors, appropriate tests and records
- Materials - quality of gravel, paving materials, analysis of problems after project completion, soil and rock condition assessment
- Water wells - capacity testing, water quality, equipment
- Pavement Management
- Pavement condition - rating system, analysis of problems
- Paving program - long term, planning, cost estimate
- Paving project - design procedure, plans and specifications

### Maintenance & Aviation

- Program - planning, cost accounting, developing long term programs (including Town Highway programs)
- Equipment - specifications, usefulness, cost of operation, maintenance requirements
- Procedures - salting, crackfilling, pot hole patching, haz mat cleanup
- Regulations - hazardous materials, CDL, underground tanks, advertising signs, vegetation control
- Work zone safety - signs, flaggers, excavation rules, Dig Safe requirements
- Airport location considerations - licensing
- Airport improvements - funding assistance
- Aircraft operation - low flying, landing areas
- Airport lease information - state-owned only

### Motor Vehicle Department

- Abandoned vehicles
- Junk yards
- Enforcement - speeds, weights, dimensions
- Commercial Drivers License (CDL) - requirements, licensing
- Highway safety - driver safety programs

### Rail Division

- Fences
- Grade crossings
- Railroad overpasses
- Right-of-way limits - state-owned only

- Abandoned railroad corridors - ownership, trail use, maintenance
- Lease information - state-owned only
- Service problems - rail freight only

*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 possibly 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.

Good practice would have the roadway raised to be above the surrounding terrain so that the roadbed will be adequately drained and also to aid the 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, storm water 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:

- John Lepore - Transportation Biologist 828-3963 john.lepore@state.vt.us Wetlands, critical habitat, threatened and endangered species, erosion control, culvert and ditching techniques
- Duncan Wilkie - Archaeology Officer 828-3965 duncan.wilkie@state.vt.us Archaeological sites including industrial, historic, underwater and prehistoric archaeology
- Jen Russell - Senior Transportation Archaeologist 828-3981 jeannine.russell@state.vt.us Archaeological sites including industrial, historic, underwater and prehistoric archaeology
- Scott Gurley - Senior Historic Preservationist 828-3982 scott.gurley@state.vt.us Historic sites, structures, districts and landscapes

If any work is anticipated in a river or stream, such as replacing a culvert or repairing a bridge, the Municipality should first coordinate with one of the stream alteration engineers who work for the Agency of Natural Resources:

Barry Cahoon - 751-0129 Fred Nicholson - 786-5906 Chris Brunelle - 241-3757

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# Section 12

## On-Site Assistance

VTrans can provide direct services at cost to a municipality (when the capability is not being used for State purposes) when requested by the governing body or authorized official (19 V.S.A. Section 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 the Municipality. For other than incidental services a written agreement with the Municipality will be required.

Materials may be purchased from VTrans stockpiles (if the Agency can spare the materials) upon written request from a municipality. The Municipality is expected to pick up the materials at the designated stockpile. When convenient the State will provide loading assistance. Invoices will be presented by VTrans on a periodic basis. Examples of materials available include:

Road salt  
Guard rail - posts and parts                      Chloride              Temporary bridging  
Signs and posts

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              Survey                      Design              Road grading                      Pavement  
resurfacing  
Pavement structure evaluation              Construction inspection              Short structure evaluation  
Installation of temporary bridging              Materials testing              Bridge repair  
Snow plowing (emergency situations only)

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

# Section 13

## 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 prerequisite 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 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 the 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 snow plow efforts. Also, bridges which serve only vacation sites need not be of the quality that serve 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 occurs in every community. In many communities there may be a scheduled or informal people 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, projection into the future is necessary in this exercise. Since to project the future is chancy at best, it is necessary that the capital plan be updated regularly. An example of the road and bridge portion of a municipal capital plan is at the end of this section. 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 as noted above regarding the DTA. The RPC boundaries are indicated on the State map on page 1-6.

Those communities located within the Chittenden County Metropolitan Planning Organization (MPO) boundaries need also 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 having a representative from each municipality. This committee develops a prioritized listing of needs within the RPC area for consideration by VTrans. This listing is required to be financially constrained, i.e. not an open-ended wish list. 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, develop a program of projects to maintain the condition in a good status, and insure that project scope is sensible. Contact VTrans Pavement Management Engineer for details on this requirement. Under certain conditions Federal funds may be available for paving projects on town highways, if included on the RPC/MPO priority listing.

Surface Management (both gravel and paved) is practiced by many municipalities. A computer based road surface management system (RSMS) is available to aid in this activity. The principal use at this time is for paved surfaces. Contact the Vermont Local Roads Program, a technology sharing effort, at St. Michael's College for more details by calling 1-800-462-6555 or contact your RPC.

Scenic Highways selection and designation falls under transportation planning. Under this program several municipalities have formally designated certain highways as scenic under the provisions of 19 V.S.A. Section 2502. The designation as *scenic* insures that the scenic qualities of the road are continued or enhanced. Designation as scenic also limits what changes may be made in the highway geometry, surface, and traffic control features and also limits 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 Scenery Preservation Council. A handbook entitled "Designating Scenic Roads" is available. For detailed guidance on the process for designating scenic highways, improving and maintaining them, contact the DTA, the RPC, or VTrans Policy and Planning Division/Scenic Byway Coordinator.

Bicycle Routes selection and designation is a transportation planning activity which may involve several municipal committees (including planning, zoning, and recreation), VTrans and the RPC. The routes may be on existing highways, or on separate dedicated paths. For detailed guidance on the process for designating, designing, improving and maintaining them, contact the DTA or VTrans Bicycle Path Coordinator in the Local Transportation section, Project Development division.

Access Control falls under VTrans Utilities & Permits section of Technical Services 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. Section 111, as amended by Section 8a of Act No. 120 of 1998). It is strongly urged that a municipality contact VTrans Utilities & Permits Section (see Section 1) before granting a land use permit for a development involving entrance onto a State highway, so that the local permit is coordinated with VTrans' 19 V.S.A. Section 111 access permit.

Remeasurement of highways falls under the Mapping and GIS section of Technical Services. Annually the Municipality is to provide VTrans with a certificate stating the mileage of the various classifications of highways (19 V.S.A. Section 305(b)). See discussion in Section 16. A representative of VTrans' Technical Services division may visit the Municipality to verify the measurements (19 V.S.A. Section 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 available. All local officials should be involved in selecting routes, stops, and even directions of movement. The engineers within VTrans are available for consultation and advice. Contact the DTA for assistance.

Town highway planning is a wide ranging effort, one that requires coordination with many interests, and is one that never stops. Contact the DTA for technical assistance and advice, or the RPC for assistance on broader issues, in your planning.

### **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:

<u>Priority</u>	<u>Type Highway</u>	<u>Mileage</u>
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**

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



# Section 14

## Equipment Loans

State assistance for purchase of construction, fire, emergency, heavy equipment or vehicles is available to municipalities by way of a loan under favorable terms (29 V.S.A. Sections 1601 through 1603). Municipalities may join with the State in purchase of equipment, thereby receiving benefit of discount on volume purchases, with or without having an equipment loan.

Under the loan program the equipment must have a useful life of at least three years. It may be either new or used equipment. Acquisition may be completed ahead of the loan process. The purchasing procedures are those chosen by the Municipality.

The cost of an individual item of equipment must exceed \$20,000; the Municipality must pay the first 25% of the cost; no loan granted to a municipality of more than \$60,000 in any one year, and the loan is to be repaid in no more than three years. Exceptions may be made to these conditions. The exceptions are granted when the Municipality has a special hardship such as loss of several items, or other circumstance which would place an undue financial hardship on the Municipality.

The interest charge is two percent on the unpaid balance, except that if the purchase is for joint use by more than one community then the interest rate is zero.

Applications must reach the Financial Services unit of VTrans before April 15 for consideration at the spring meeting and October 15 for consideration at the fall meeting of the loan committee. Not all eligible applications may be satisfied due to limitations on the amount of funds that are available each year.

A promissory note and security agreement is required, which gives the State the position of first lien-holder. Default on the payments, failure to keep the equipment in good condition, and failure to maintain insurance against loss entitles the State to seize the equipment. The outstanding amount, less the proceeds of sale, is still owed by the Municipality.

Procedures and a loan application sample form are on the following pages.

## **RULES REGARDING MUNICIPAL EQUIPMENT LOAN FUND**

### **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. Section 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. Section 4 (fire, emergency).

### **TERMS**

- A. No more than \$1,500,000 in new loans shall be made in any fiscal year.
- B. The maximum amount that shall be loaned to any municipality shall be \$90,000.
- C. Any equipment purchased under this program shall:
  - 1. Have a useful life of at least three years and may be either new or used;
  - 2. Have a purchase price of at least \$20,000.00; and,
  - 3. If applicable, be registered for highway use with the DMV (with the Treasurer, State of Vermont as at least the second lienholder 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 three years.
- E. The annual interest rate on loans from the fund shall be:
  - 1. For loans to a single municipality, two percent.

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.

### **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 geographical distribution

2. Financial need

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 rules:

1. The \$90,000.00 annual limitation on each municipality established in TERMS section B.

2. The 75% of the purchase price established in TERMS section D.

**VERMONT MUNICIPAL EQUIPMENT LOAN FUND  
FINANCIAL SERVICES  
1 NATIONAL LIFE DRIVE  
MONTPELIER, VERMONT 05633-5001  
Telephone: 828-2631  
MUNICIPAL LOAN APPLICATION  
29 V.S.A. §§1601-1603**

PLEASE TYPE OR PRINT

1. Municipality: \_\_\_\_\_ County: \_\_\_\_\_

2. Voter Approval per VSA Title 24, Chapter 53, Section 1786a:  
Date of Vote \_\_\_\_\_; Result \_\_\_ Yes \_\_\_ No (Attach copy of Warning)

3. Type of Equipment: \_\_\_\_\_ Price: \_\_\_\_\_ New or Used: \_\_\_\_\_

Name from Whom Equipment Purchased: \_\_\_\_\_

Address of Seller: \_\_\_\_\_ Purchase Date: \_\_\_\_\_

4. Amount of Loan Requested: \_\_\_\_\_ Amount of Loan Approved: \_\_\_\_\_  
(Maximum Amount Available is the lesser of \$90,000 or 75% of Purchase Price)

Financial Statistics - Long-Term Debt Only:

5. Town or Village Debt: \_\_\_\_\_ School Debt: \_\_\_\_\_  
(List Details on back) (List Details on back)

6. Share of Union School Debt: \_\_\_\_\_ Name of Union School District: \_\_\_\_\_

7. Other Debt (explain): \_\_\_\_\_

8. Debt for Sewer: \_\_\_\_\_ Water: \_\_\_\_\_ Electric: \_\_\_\_\_

Solid Waste District Debt: \_\_\_\_\_ Amount of Debt Paid by Fees: \_\_\_\_\_

9. Population: \_\_\_\_\_

10. 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.

11. \_\_\_\_\_  
PRINT NAME of APPLICANT SIGNATURE POSITION DATE

12. \_\_\_\_\_  
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.

5. Town or Village Long Term Debt:

School Debt:

Owed to:

Amount:

Owed to:

Amount:

_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

TOTALS

\_\_\_\_\_

\_\_\_\_\_

7. Other Debt

Owed To:

Amount:

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Totals

\_\_\_\_\_

# Section 15

## Highway Classification

——Town highways are classified as either Class 1, 2, 3, or 4. The governing body must submit an annual certificate (Form TA-305) of the number of miles by class, indicating any changes, to VTrans before February 10. A certificate and supporting documentation is found beginning on page 15-4. 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 in these matters.

**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. Section 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. Section 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). VTrans has exclusive authority to designate Class 1 highways.

**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. Section 311). The Municipality designates highways as Class 2, but approval of VTrans is required (19 V.S.A. Section 302(a)(2)). File requests for reclassification to Class 2 with the DTA.

VTrans guidelines and criteria on the designation as Class 2 are listed on page 15-2. 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 15-6 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 and therefore maintained for travel by pleasure car during all seasons of the year.

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, have been designated as legal trails and are not Class 4.

The procedure for changing the designation (reclassification) is contained in 19 V.S.A. Section 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 inhabitants 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. Section 726) or the superior court (19 V.S.A. Section 740).

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

1. Reclassification
2. Discontinuance of highway

### 3. Acceptance of a new highway

**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. Section 516), only the General Assembly may transfer a highway from/to state responsibility (19 V.S.A. Section 15). The 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 Town 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 Technical Services Division for review. All requests for transfer have to be received into 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 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 Technical Services in-house database) then the review cannot be completed.

Also provided on page 15-8 is a check sheet entitled "Class 2 TH Transfer Data: Town Input" that is helpful in the review of the transfer request. This should accompany the official letter of request by the Town for the transfer review as well as a map indicating the highway location.

#### AGENCY OF TRANSPORTATION 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 Selectboard
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 Board; 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. Section 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 (10 V.S.A. Section 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. Sections 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. Call the Vermont Local Roads Program (1-800-462-6555) for a handbook on trails.

**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 Sections 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. Sections 712 through 714). To complete the process, after the highway is opened for use of the public, the governing body must file a certificate of completion with the Town Clerk (19 V.S.A. Section 715).

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 should advise the Municipality throughout the course of proceedings to lay out, discontinue, or reclassify highways.

**CERTIFICATE OF HIGHWAY MILEAGE year ending FEB 10, \_\_\_\_**

Fill out form, make and file COPY with the Town Clerk, and mail ORIGINAL before Feb. 20, \_\_\_\_ to: Vt. Agency of Transportation, Planning Dept., 133 State Street, Montpelier, VT 05633

We, the Selectmen or Trustees or Aldermen of \_\_\_\_\_, \_\_\_\_\_ County on an oath state that the mileage of highways, according to Title 19, V.S.A., Section 305, added 1985, is as follows:

PART I - CHANGES & TOTALS - Please fill in and calculate totals.

DISTRICT \_\_\_\_

TOWN HIGHWAYS	PREV. MILEAGE	ADDED MILEAGE	SUBTRACTED MILEAGE	TOTAL	SCENIC HWYS
CLASS 1					
CLASS 1 LANE					
CLASS 2					
CLASS 3					
STATE HWY					
<b>TOTAL</b>					
CLASS 4					

\* Class 1 Lane Mileage is NOT added into total.

PART II - INFORMATION AND DESCRIPTION OF CHANGES SHOWN ABOVE.

(1) NEW HIGHWAYS: Please attach Selectmen's "Certificate of Completion and Opening".

---

(2) DISCONTINUED: Please attach SIGNED copy of proceedings (minutes of meeting).

---

(3) RECLASSIFIED/REMEASURED: Please attach SIGNED copy of proceedings (minutes of meetings).

---

(4) SCENIC HIGHWAYS: Please attach copy of order designating/discontinuing Scenic Highways.

---

PART II - CHECK BOX IF NO CHANGES IN MILEAGES AND SIGN BELOW [  ]

PART III - SIGNATURES - PLEASE SIGN.

SELECTMEN/ALDERMEN/TRUSTEES

SIGNATURES: \_\_\_\_\_

CLERK SIGNATURE: \_\_\_\_\_ DATE FILED: \_\_\_\_\_

Please sign ORIGINAL and return for Transportation signature.

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

**SELECTION OF CLASS 2 TOWN HIGHWAYS**

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

Town of.....

County of.....

District No.....

Total Class 2 Milleage.....

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.

.....  
 .....  
 .....  
 Selectboard  
 of the  
 Town of  
 .....  
 Effective

February 10, .....  
 Concur....., .....

Approved....., .....

.....  
 District Transportation Administrator

.....  
 Secretary of Transportation

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

District \_\_\_\_\_ Municipality \_\_\_\_\_

Municipality \_\_\_\_\_

Town Highway No. \_\_\_\_\_

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. \_\_\_\_\_ (over)

1. Traffic AADT	(Max. 40)		3. Economic Features	(Max. 20)
400 - over	40	!	a. County Seat-minor coll. (Any 1)	5 !
a. 270 - 399	30	!	Community Need (Part)	3 !
b. 160 - 269	20	!	b. VO-REC-IND-TG (Any 1)	5 !
c. 100 - 159	10	!	(Part)	3 !
d. 10 - 99	0	!	c. SB-MR-RFD-FM (Each one)	3 !
			(Part)	1 !
2. Geographic Features	(Max. 20)		4. Traffic Classification	(Max. 10)
a. Town to Town	10	!	and State of Improvement	
PI. To PI.	5	!	a. Gravel (20' typical, shld. to shld.)	5 !
b. Land Access (LA)	5	!	Paved (22' typical, shld. to shld.)	10 !
c. Integration (Int.)	5	!	b. Foreign or Through	5 !
d. Terminals:				
SH to SH	5	!	5. National Defense	(Max. 15)
SH to Cl. 2 TH or PI.	3	!	and Public Service	
Cl. 2 TH to Cl. 2 TH or PI.	2	!	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 !

## 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: Town 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 a 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 received a letter from both towns, then the request is denied.)

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

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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.)

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

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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.

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

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

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



## Section 16

### Weight and Dimension of 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. Section 1400(c)) and municipal officials (19 V.S.A. Section 304(6) and 23 V.S.A. Section 1400a). “Blanket permits” to operate certain overdimension vehicles are issued by the DMV; when a proposed load exceeds the blanket permit standards special permits must be obtained from either the DMV and 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.

#### Weight:

Maximum allowable gross weight of vehicles (road limits) are prescribed by statute for the four classes of town highways (23 V.S.A. Section 1392 and 1393) depending on the basic materials in the bridges. Note that State highway limits apply in incorporated villages and cities, unless established otherwise by municipal officials. Municipalities may designate State highway limits on specific highways, where approved by VTrans (23 V.S.A. Section 1393). Contact the DTA for forms and guidance on the 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 the Municipality (23 V.S.A. Section 1396). VTrans engineers are available to provide advice on allowable limits, upon request of municipal officials. Contact the DTA for this assistance. Consult with the municipal attorney regarding the procedures, hearings and recordings requirements, signs, etc. which are necessary in your situation.

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 the Municipality may decide to be appropriate (23 V.S.A. Section 1400a). The DMV will give advice on the conditions. The standard Excess Weight Permit form, as shown at the end of this section (either Fleet or Single Vehicle), must be used.

When a municipality decides that weight limits other than the statutory legal limits are appropriate (higher or lower), it is necessary that the limitations be *filed* with the DMV no later than February 10 of each year (23 V.S.A. Section 1400b). Failure to file with the DMV makes the limitations unenforceable. An example filing is given at the end of this section.

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. Posting *notices* may also be obtained from the DTA, on which the Municipality is to indicate the roads to which the notice applies and proper validation. Make sure notices and signs have 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. Section 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. Section 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.

#### Dimensions:

Limiting dimensions in size are set by statute for both State and town highways (23 V.S.A. Sections 1431 through 1433). The DMV issues overdimension 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. Section 1400(a)). The Municipality,

however, provides permits on Class 2, 3, and 4 roads when loads are in excess of the blanket permit criteria (23 V.S.A. Section 1400(c)).

Compensation due to the Municipality for use by an overweight or overdimension vehicle is to be related to at least these factors (23 V.S.A. Section 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 that municipalities should have 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. Section 1492 and 19 V.S.A. Section 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. The Municipality may keep a portion of the fines received from illegal operations (see 23 V.S.A. Section 1391a(d) and 12 V.S.A. Section 7251), but the filing must be made with the DMV in accordance with 23 V.S.A. Section 1400b and as described above.

# 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 authorized 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 RESTRICTIONS FILING FORM

? ANNUAL REPORT

? UPDATE

TOWN OF: \_\_\_\_\_ FOR YEAR ENDING MARCH 31, 20\_\_\_\_

CONTACT PERSON: \_\_\_\_\_ DATE: \_\_\_\_\_

**PRINCIPLE PERSON RESPONSIBLE FOR ISSUING LOCAL PERMITS:**

NAME: \_\_\_\_\_ PHONE NUMBER: \_\_\_\_\_

MAILING ADDRESS: \_\_\_\_\_

INSTRUCTIONS

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, the 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 Selectboard of such town.
  - b. Twenty-four thousand pounds 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 17

## 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 commentary is intended to be a brief overview of the more frequently encountered issues and provides guidance on where additional information may be found. The periodically published Opinions of the Secretary of State provide similar guidance on contemporary issues. The Vermont Local Roads Program has published the roads-related issues from Opinions. Call 1-800-462-6555 for a copy.

**Abandoned Vehicles and Junkyards.** 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. Section 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. sections 2271-2272). Junk yards may not be visible from a highway and the operators must obtain a Certificate of Approved Location (24 V.S.A. Sections 2251-2255) from the Municipality before applying to the Department of Motor Vehicles for a State license. The Abandoned Vehicle unit in the Department of Motor Vehicles can provide advice.

**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. Section 488). The exception is on-premise advertising signs, which can be visible from a public highway but can not 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. Section 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. Section 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.

**Beaver Dams.** The Agency of Natural Resources has published a booklet on best management practices for resolving human-beaver conflicts in Vermont. Call Kim Royar (885-8831) or Carl Pagel (241-3770) for more information.

**Bike Routes.** Municipalities may establish and mark routes, either on existing highways or on separate recreation paths (19 V.S.A. Section 2307; 24 V.S.A. Section 2291(1)).

**Coin Drops.** The authority to approve coin drops on State highways has been delegated to the DTA (23 V.S.A. Section 1056 and 19 V.S.A. Section 10(14)). 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 will be allowed to participate in a coin drop.

**Drainage Rights.** The rights of the Municipality 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 is no recorded right the Municipality 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, excavation of a ditch or regrading) requires a permit from the Municipality (19 V.S.A. Section 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 reasonable levels of service on existing highways, and (3) protection of the public investment in the existing highway infrastructure (19 V.S.A. Section 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. Section 1111, including but not limited to the requirement to provide a frontage road or roads (19 V.S.A. Section 1111(k), effective July 1, 1998). To ensure that future owners are aware of permit conditions affecting their property, the Municipality may require a permit applicant to reimburse the Municipality for the expense of having a highway access permit recorded and indexed in the municipal land records.

**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.** The Municipality is 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. Section 311). On these roads VTrans has the responsibility for the centerline markings, while the Municipality is responsible for all other markings. The Municipality has the duty to advise the DTA if the markings have been paved over or otherwise obliterated.

**Right-of-Way.** Learning the limits of the ROW for a highway and deciding what rights the Municipality has within those limits is often difficult. Reproducing the surveyed limits (if any were recorded) is costly and sometimes indefinite due to the references used to lay out the limits having been obliterated. The DTA can provide some guidance on by whom or how the limits can be established. Generally speaking, a municipality is entitled to control the land within the limits of a highway ROW as necessary for highway purposes, and for other authorized public uses, such as utility installations. Sometimes the Municipality owns the land in fee simple. Research of the municipal records and the deeds of abutting owners may provide some clues as to the extent of the Municipality’s rights. When there is no recorded evidence the statutes provide a presumptive 3-rod (49.5 feet) width of ROW, centered on the existing highway (19 V.S.A. Section 702). For State highway ROW, a permit is required (19 V.S.A. Section 1111) for any sign installation or other work done by private parties.

**Snowmobile Operation.** Regulation of time, manner and location for snowmobile operation may be established by ordinance (23 V.S.A. Section 3210). 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. Section 3206).

**Speed Limits.** Regulation of speed by enforcement is possible when based on a duly adopted ordinance (23 V.S.A. Section 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. Section 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. Section 1007(g), effective July 1, 1998). Speed limit signs must be placed to indicate the speed zone limits. Call the Vermont Local Roads Program (1-800-462-6555) for a handbook on speed limits.

**Temporary Bridges.** VTrans has a supply of bridging materials that is available for rental by a municipality. The bridge is made available on a temporary basis until a permanent bridge can be put into service. Contact the DTA for information on availability, rental rates, load capacity for the span involved, siting and building the temporary bridge.

**Town Highway numbering:** town highway (TH) numbers are defined by the Mapping & GIS unit, Technical Services 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 Manual on Uniform Traffic Control Devices (MUTCD). Municipalities may name streets and highways (24 V.S.A. Sections 2291(16) and 4421); and installation of street name signs is a municipal responsibility (see Section 2D-39 of the MUTCD and 23 V.S.A. Section 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. Section 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. Section 27). Contact the DTA for advice on this highly technical issue.

**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. The Municipality has no statutory maintenance requirement. See Section 15 for procedures.

**Work Zone Speed Limits.** Effective July 1, 1998, the statute authorizing selectboards to close town highways and to establish temporary work zone speed limits (23 V.S.A. Section 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 ROW where utilities are being installed, relocated or maintained. Call the Vermont Local Roads Program (1-800-462-6555) for advice on how to properly post work zones in accordance with the MUTCD in order for the doubling penalty to be enforced.