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H.279

Introduced by Representatives Bancroft of Westford, LaClair of Barre Town,  
and Nolan of Morrystown

Referred to Committee on

Date:

Subject: Highways; class 4 town highways; public trails; maintenance

Statement of purpose of bill as introduced: This bill proposes to codify the obligations of persons who enjoy a common benefit from a class 4 town highway or public trail to contribute to maintenance costs of the highway or trail not borne by a municipality, in the absence of an agreement or requirement governing such maintenance obligations.

An act relating to maintenance of class 4 town highways and public trails

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 19 V.S.A. chapter 9, subchapter 9 is added to read:

Subchapter 9. Maintenance of Class 4 Town Highways  
and Public Trails

§ 1001. DEFINITIONS

As used in this subchapter:

(1) "Class 4 town highway" has the same meaning as set forth in section

302 of this title.

1           (2) “Maintenance” means activities related to the upkeep of a class 4  
2           town highway or public trail in its usual condition or that are necessary to  
3           allow safe passage, and may include capital improvements.

4           (3) “Public trail” means a trail as defined in section 301 of this title.

5           § 1002. MAINTENANCE OF CLASS 4 TOWN HIGHWAYS AND PUBLIC  
6           TRAILS

7           (a) In the absence of an express agreement or requirement governing  
8           maintenance of a class 4 town highway or a public trail, when more than one  
9           person enjoys a common benefit from such highway or trail, each person shall  
10           contribute proportionately to the cost of maintenance not borne by a  
11           municipality, and shall have the right to bring a civil action to enforce the  
12           requirement of this subsection. The following nonexhaustive list of factors  
13           shall be considered in determining the proportionate share owed by each  
14           person benefited:

15           (1) the frequency and seasonality of use;

16           (2) the type and intensity of use;

17           (3) the total distance of typical usage of the highway or trail, as  
18           compared to the total distance of typical usage of other persons benefited by  
19           the highway or trail;

20           (4) any in-kind contributions made by the person to the maintenance of  
21           the highway or trail; and

1           (5) the terms of any agreement or obligation governing the allocation of  
2           maintenance costs among a subset of the persons benefited.

3           (b) When the responsibility for maintenance of a class 4 town highway or  
4           public trail is governed by an agreement or requirement that does not extend to  
5           all persons benefited by the highway or trail, each person to whom the  
6           agreement or requirement does not extend shall be responsible for maintenance  
7           costs in accordance with this subchapter, and the terms of the agreement or  
8           requirement shall govern the maintenance obligations of the persons to whom  
9           it extends.

10          (c) In the absence of an express agreement or requirement to the contrary,  
11          each person who enjoys a common benefit from a class 4 town highway or  
12          public trail shall be solely responsible for maintenance costs arising from  
13          damage to the highway or trail attributable to the person's negligence or  
14          intentional acts or omissions.

15          Sec. 2. EFFECTIVE DATE

16          This act shall take effect on passage.