

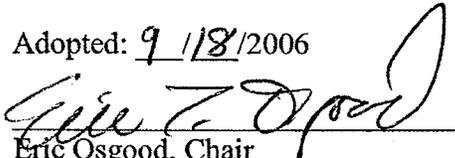
**TOWN OF JOHNSON**  
**Right of Way Access Permits**  
**Policy**

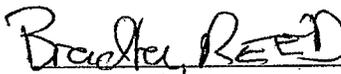
1. The Town of Johnson requires permits for any person or corporation wishing to use any part of the town highway right of way as described and defined in 19VSA, Chapter 11, Section 1111. "Permitted Use of Right of Way". A copy of the statute is attached and is made part of this policy and shall govern the Town's permit process.
2. The Town of Johnson has adopted the following policies which set forth standards and specifications for development roads and construction and improvements within the highway right of way. These Policies, or their most current amended versions, shall be incorporated in this policy as attachments A and B: "Town of Johnson Highway Policy Development Roads" (last amended on 1/16/95) and "Town of Johnson Policy for Transportation Construction and Improvements" (adopted 4/17/00).
3. Permits will be issued by the Road Commissioner and or Road Foreman as the Select board's duly authorized representatives in accordance with the statutory requirements.'
4. When pipes, wires, conduits, cables or other utilities or structures are proposed to be placed under the travel portion of the road, a damage deposit will be required and held by the town for at least one year after completion of the job. The minimum deposit will be \$500.00 but may increased, when in the judgment of the permit issuing official, the nature of the job and potential for damage to highways warrants it.
5. Where ever possible, any utilities or structures placed under the travel portion of a paved road shall be installed without open cutting or trenching of the road. Open trenching of a paved road will not be allowed unless, in the sole judgment of the permit issuing official, there is no other reasonable alternative or the condition of the existing pavement would not be adversely impacted by the open trenching. . Cost will not be a determining factor.
6. Wherever open trenching is allowed, the Road Foreman shall be notified and the backfilling of the trench properly compacted by means of mechanical compaction in no more than 6 inch lifts, with suitable material approved by the Foreman.
7. Upon a request to release the damage deposit by the applicant, the Road Foreman and or Road Commissioner shall inspect the job to see if any damage to the highway exists. If no damage has been done the deposit may be released by the Treasurer (with no interest). If the inspection reveals damage to the highway, the applicant shall either repair the damage to the satisfaction of the town no later than 30 days of notification, or sacrifice the deposit. The town reserves the right

to use any or all of the deposit to cure any damages resulting from the work performed under the permit.

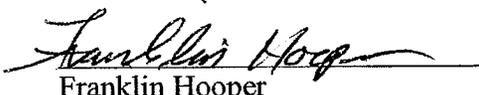
8. The applicant shall be responsible for insuring that all work performed within the road right of way is done in accordance with any permit conditions, signage, traffic control and safety according to the current versions of: 1) the Manual on Uniform Traffic Control Devices (MUTCD), 2) VOSHA, 3) any other applicable federal, state or local rule(s) or regulation(s). Contractors shall provide a certificate of insurance naming the town as an additional insured during the period of the project.
9. All Permits, whether approved or denied, shall be recorded in the Land Records of the Town of Johnson at the expense of the applicant.
10. The Selectboard may set and revise a fee schedule for permit applications from time to time, the most current of which will be part of this policy.
11. The Town began issuing Right of Way Access, or "Driveway Permits" in November of 1980. Prior to that time no permits were required. It shall be the Policy of the Town of Johnson to recognize any driveways or accesses constructed prior to November 1st of 1980 within the town highway right of way, as being duly permitted. Any such access or driveways are nonetheless fully subject to all the provisions of 19VSA Section 1111.

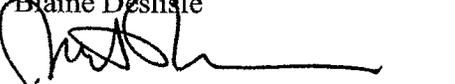
Adopted: 9/18/2006

  
Eric Osgood, Chair

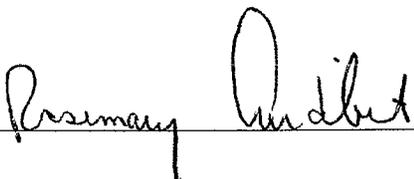
  
Brad Reed

  
Blaine Deslisle

  
Franklin Hooper

  
Howard Romero

Attest: Rosemary Audibert, Clerk

 10/16/2006

*ATTACHMENT A*  
AMENDED

**TOWN OF JOHNSON HIGHWAY POLICY**

**DEVELOPMENT ROADS**

The Town will consider taking over development roads only after the following specifications have been met:

1. The developer shall deed to the Town a 50' right of way.
2. In the case of dead end roads, the developer shall deed a right of way for a turn around of a minimum 50' radius or other design as agreed upon with the Town.
3. The minimum traveled portion of the road shall be 20'.
4. The existing material shall be excavated to a suitable base.
5. The roadbed shall be composed of a minimum of 18" of bank run gravel as a base with a minimum of 6" of crushed gravel for a surface.
6. The road shall be aligned and graded as reasonable as possible. But in no case shall a grade greater than 10% be acceptable.
7. The roadbed shall be raised above the surrounding terrain to provide adequate drainage. A two foot wide ditch shall be constructed in cut sections.
8. Underdrain shall be 6" metal perforated pipe installed as required.
9. Roadway culverts shall not be less than 18" CMP and installed as required. (Spiral pipe shall not be used.)
10. Driveway culverts shall not be less than 15" CMP and installed as required. Driveway culverts and installation costs shall be borne by the property owner. Once installed they become the property and responsibility of the Town. (Spiral pipe shall not be used.)
11. Slopes shall be a maximum of 1-4 where possible. On fills over 10' high with slopes of 1-2 or steeper, an additional 2' shoulder and guard rails shall be provided. All slopes shall be seeded and mulched.
12. When a new road intersects an existing Town or State Highway, it shall be paved with 2" of base material and 1-1/2" of top material.
13. All intersections from higher elevation shall contain a 9" depressed ramp before entering the highway.
14. No road shall be considered for acceptance until it has been plowed and maintained through one freeze and thaw cycle.
15. All legal and advertising costs are to be borne by the developer.
16. Road shall serve five (5) or more dwellings.
17. All new roads will leave the existing highway at right angles (90 degrees) with width to allow snow removal with a plow truck with wing.

Notes:

1. Reference shall be made to standard A-76 of the Vermont Agency of

Transportation.

2. Reference also made to fact sheet T-105 of the Transportation Information Exchange.

Adopted: 4-15-85

Amended: 3-18-86

Amended: 10-19-92

Amended: 1-16-95

# **TOWN ROAD AND BRIDGE STANDARDS**

## **TOWN OF JOHNSON VERMONT**

The Town of Johnson hereby adopts the following Town Road and Bridge Standards which shall apply to the construction, maintenance and repair of all town roads and bridges.

The standards listed here are considered minimum and are presented for purposes of guiding construction and maintenance personnel. The standards listed here include three types of management practices and are designed to: ensure the safety of the traveling public, minimize damage to road infrastructure during flood events, and enhance water quality protections by minimizing sediment delivery to surface waters and/or wetlands. 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. Any modifications to the standards must be done in a manner that protects the underlying intent of the management practice, be it public safety, flood hazard avoidance, or water quality protection. Fiscal reasons are not a sole basis for modification of the standards. Questions about modifications to the standards may be directed to the VTrans District Office.

Any new road, 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 new or substantially reconstructed roads will have at least a 15-inch thick processed gravel subbase, with gravel roads having the top 3 inches (minimum) as crushed gravel.
- All roadways will be graded so water does not remain on the road surface. For roadways that are not superelevated, this generally means a 2-4% ( $\frac{1}{4}$ " -  $\frac{1}{2}$ " per ft) crown for gravel roads and a 1-2% ( $\frac{1}{8}$ " -  $\frac{1}{4}$ " per ft) crown for paved roads to promote sheeting of water.
- Proper grading techniques for gravel roadways will be used to avoid creating a ridge or berm between the crown and the ditch.
- Any berm along the roadway shoulder that prevents the proper sheeting of water will be removed.

### **Ditches and Slopes**

Soil exposed during ditch and slope construction or maintenance will be treated immediately following the operation. Priority should be given to areas vulnerable to erosion immediately adjacent to or discharging to surface waters and/or roadway drainage facilities. The following are minimum erosion control measures:

- Seed and mulch ditches with grades less than 2%. Use biodegradable, non-welded matting and seed on ditches with grades between 2% and 5%. Stone line all ditches with grades greater than 5%; alternatively, install stone check dams. Dams should be comprised of a well graded stone matrix 2 to 9 inches in size. Dams should not exceed 2 feet in height and check dam crest should be at least 6" below the top of the ditch.
- Create parabolic (wide "U" shaped) ditches when constructing new or substantially reconstructing ditches, rather than narrow "V" shaped ditches. Ditches with gradual side slopes (maximum 2H: 1V ratio) and a wide bottom (at least 2 feet) are preferred.

- Use appropriate erosion control matting to stabilize side-slopes where slopes are greater than 1:1; apply seed and mulch to any raw or exposed side-slope if slopes are less than or equal to 1:1.
- Ditches should be turned out to avoid direct outlet into surface waters. There must be adequate outlet protection at the end of the turnout, either a structural (rock) or vegetative filtering area.

**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 with a drainage area greater than 0.25 sq mi will require a hydraulic engineering study. Culverts will be designed to convey the Q25 design storm with minimal surcharge.
- All bridges (structures with spans greater than 6 feet) and open bottom structures will require a hydraulic engineering study. Structures will be designed to convey the Q25 design storm and allow for passage of ice and debris.
- When installing or replacing culverts, use appropriate techniques such as headwalls and wingwalls, where there is erosion or undermining or where it may occur.
- Install a splash pad or plunge pool at the outlet of drainage culverts where there is erosion or where erosion may occur. Splash pads and plunge pools are not appropriate for use in streams supporting aquatic life.

**Guardrail**

When roadway, culvert, bridge, or retaining wall construction or reconstruction projects result in potential hazards such as foreslopes, drop offs, reasonable and appropriate measures such as installation of guardrail shall be implemented, where in the sole judgment of the town, the use and nature of the road warrant such improvements.

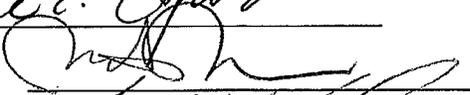
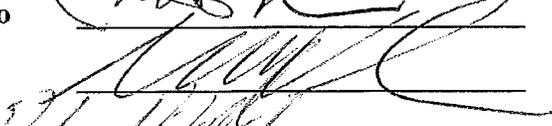
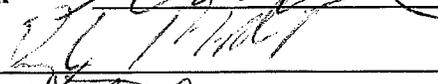
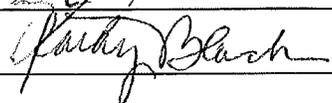
**Access Management**

The town will have a process in place, formal or informal, to review all new drive accesses and development roads where they intersect Town roads, as authorized under 19 V.S.A. Section 1111. Towns may reference VTrans A-76 Standards for Town & Development Roads and B-71 Standards for Residential and Commercial Drives.

**Training**

Town highway maintenance crews will be offered a minimum total of 6 hours of training per year on best road management practices. The town will keep documentation of their attendance.

**Passed and adopted by the Selectboard of the Town of Johnson, State of Vermont on July 5th, 2011 .**

Select Board: Eric Osgood   
 Howard Romero   
 Margo Warden   
 Doug Molde   
 Kathy Black 

# The Vermont Statutes Online

## Title 19: Highways

### *Chapter 11: PROTECTION OF HIGHWAYS*

#### **19 V.S.A. § 1111. Permitted use of the right-of-way**

##### **§ 1111. Permitted use of the right-of-way**

(a) Permits. Permits must be obtained by anyone or any corporation wishing to use as described in this section any part of the highway right-of-way on either the state or town system. Notwithstanding any other statutory requirement, a permit shall be required for any use of any highway right-of-way, consistent with the provisions of this section. The authority given to the board, the secretary, and the attorney general under this section shall also apply to the legislative bodies of towns, or their designees.

(b) Driveway entrances, highway grades; drainage. It shall be unlawful to develop, construct, regrade, or resurface any driveway, entrance, or approach, or build a fence or building, or deposit material of any kind within, or to in any way affect the grade of a highway right-of-way, or obstruct a ditch, culvert, or drainage course that drains a highway, or fill or grade the land adjacent to a highway so as to divert the flow of water onto the highway right-of-way, without a written permit from the agency, in the case of state highways, or the legislative body, or designee of a municipality, in the case of town highways. As a condition of any such permit, compliance with all local ordinances and regulations relating to highways and land use shall be required. The agency or legislative body, within their respective jurisdictions, may make such rules to carry out the provisions of this section as will adequately protect and promote the safety of the traveling public, maintain reasonable

levels of service on the existing highway system, and protect the public investment in the existing highway infrastructure, but shall in no case deny reasonable entrance and exit to or from property abutting the highways, except on limited access highways, using safety, maintenance of reasonable levels of service on the existing highways, and protection of the public investment in the existing highway infrastructure as the test for reasonableness, and except as necessary to be consistent with the planning goals of 24 V.S.A. § 4302 and to be compatible with any regional plan, state agency plan, or approved municipal plan. However, in any case involving an access permit for a development contributing 75 or more peak hour trips to state highways or class 1 town highways, the permit may include reasonable conditions and requirements to protect service levels on such highways.

(c)(1) Installing pipes and wires in highway. It shall be unlawful to dig up or excavate a trench in a public highway for the purpose of installing pipes or wires without a written permit from the agency in the case of state highways and the selectmen for town highways. The permit shall include any conditions imposed by the issuing party. All inspection of excavation and backfilling shall be done under the supervision of an agent of either the town or state as the case may be. Failure of any person, corporation, or municipality to

perform the work or to restore the highways in a satisfactory and timely manner to the agency or the town may result in either the agency or the town completing the work at the expense of the permit holder; provided however, the agency or town shall give timely notice to the permit holder of any defects, and the permit holder upon receipt of notice, shall have a reasonable time in which to repair the defects. The agency or the selectmen may recover reasona

ble expenses incurred in this manner in a civil action in the name of the state or town with costs.

(2) These provisions shall not apply to cities and shall not prevent a person, corporation, or municipality from excavating to make emergency repairs to a break in a pipe or a short in a wire, but in all cases all work shall be completed to the satisfaction of the agency or the town. Notice shall be given to the appropriate persons as expeditiously as possible after discovery of the problem.

(d) Use by private sewer or water lines. The agency may issue permits allowing the use of highway rights-of-way for private sewer or water lines if, following notice and hearing, the board certifies to the agency that the requested use will serve the needs of the public. In its certificate, the board may attach conditions as are required, including but not limited to the following:

(1) the installation of sewer or water lines shall conform with plans and specifications approved by the agency and shall be relocated at no cost to the state whenever the right-of-way is needed for highway purposes;

(2) reimbursement of the agency by the permit applicant for the actual costs of the review, inspection, and engineering services provided by the agency for these installations;

(3) reimbursement of the agency by the permit applicant for the cost of assigning an inspector to the project during construction.

(e) Project inspectors; highway access plan. The agency may assign an inspector to the project during construction at the applicant's expense. Any application to the agency for a drive or access permit by reason of any development subject to the provisions of this section shall include a proposed highway access plan for the entire tract of land. The agency shall impose reasonable conditions to reduce the number of accesses that will be required for the tract of land. These conditions may include a required setback of any construction or improvements from the highway to permit the construction of frontage road or roads, acceleration and deceleration lanes, and/or other areas for off-highway control and management of vehicles, and may require reimbursement for any costs to the state for the installation of traffic control devices or road improvements reasonably required because of the development and may permit or require integration of the access and on-site traffic control facilities

s and connection of frontage roads between contiguous tracts of land as development is occurring or may occur along the highway.

(f) Revoking access; frontage road. The agency, in the case of state highways, or the selectboard, in the case of town highways, may, as development occurs on land abutting the highway, provide as a condition of any permit for the elimination of access previously

permitted and require the construction of a common frontage road or other access improvements which may serve more than one property or lot.

(g) Permit suspension. In addition to any other enforcement powers that may be provided for by law, the secretary or his or her designated representative, on behalf of the agency or the legislative body, or designee on behalf of a municipality, may suspend any permit under this section until compliance is obtained. If there is continued use or activity after suspension, the secretary, on behalf of the agency, or the legislative body, on behalf of a municipality, may physically close the driveway or access point if, in the opinion of the secretary or the legislative body, the safety of highway users is or may be affected.

(h) Restraining prohibited acts. Whenever the secretary believes that any person is in violation of the provisions of this chapter he or she may also bring an action in the name of the agency in a court of competent jurisdiction against the person to collect civil penalties as provided for in subsection (j) of this section and to restrain by temporary or permanent injunction the continuation or repetition of the violation. The selectmen have the same authority for town highways. The court may issue temporary or permanent injunctions without bond, and any other relief as may be necessary and appropriate for abatement of any violation. An action, injunction, or other enforcement proceeding by a municipality relating to the failure to obtain or comply with the terms and conditions of any permit issued by a municipality pursuant to this section shall be instituted within 15 years from the date the alleged violation first occurred and not thereafter. The burden of proving the date on which the alleged violation first occurred shall be on the person against whom the enforcement action is instituted.

(i) Assurance of discontinuance. The secretary or the selectmen may accept an assurance of discontinuance of any violation of the terms of this chapter including when applicable schedules of abatement for a violation. Any assurance of discontinuance shall be in writing, and shall be filed with the attorney general, the court having jurisdiction over the subject matter, and the town clerk of the town in which the violation occurred for recording in the land records. The attorney general, within ten days of receipt of the assurance, if he or she objects to the terms, may petition the board for a hearing of the violation in the manner prescribed by law. The board shall hold a hearing on the petition within 30 days of its receipt and shall issue an appropriate order within 15 days thereafter. Evidence of violation of an assurance shall be prima facie proof of the violation as cited in the assurance. Prior to institution of any action or proceeding under this subsection, the secretary wh

enever he or she believes any person to be or to have been in violation may issue a notice of violation setting forth the nature of the violation, the corrective action necessary to abate the violation, and notice of intention to institute an action or proceeding against the person responsible for the violation. In this event, the secretary shall within 30 days provide the person with notice, an opportunity to be heard, and an opportunity to settle the matter before instituting an action or proceeding as provided for in this subsection.

(j) Civil penalty. Any person who violates the provisions of this chapter or the terms of an order issued by a court under this chapter shall forfeit and pay to the state a civil penalty of not less than \$100.00 and not more than \$10,000.00 for each violation; provided however, where violation of an order is of a continuing nature, each day during which the violation continues after the date fixed by the court for the correction or termination of the violation shall constitute an additional separate and distinct offense except during the time

an appeal from the order may be taken or is pending. For the purposes of this subsection the court issuing the injunction on petition of the secretary shall retain jurisdiction for purposes of awarding the civil penalty.

(k) No deed purporting to subdivide land abutting a state highway or a class 1 town highway can be recorded unless all the abutting lots so created are in accord with the standards of this section, including but not limited to the requirement to provide a frontage road or roads.

(l) Recording of permits; recording fees. Initial and subsequent permits shall be recorded at the expense of the applicant in the land records of any municipality in which the affected property is located, unless the agency (in the case of state highways) or the legislative body (in the case of town highways) determines that such action is not warranted in specific instances or for certain categories of permits. The agency or the legislative body may include, as a condition of the permit, that the issued permit shall not be valid until the permit holder records in the office of the appropriate municipal clerk the "notice of permit action" provided with the issued permit by the agency or the legislative body. (Added 1985, No. 269 (Adj. Sess.), § 1; amended 1989, No. 79; 1989, No. 246 (Adj. Sess.), §§ 13-15; 1997, No. 62, § 56, eff. June 26, 1997; 1997, No. 120 (Adj. Sess.), § 8a; No. 150 (Adj. Sess.), § 13; 1999, No. 156 (Adj. Sess.), § 13, eff. May 29, 2000; 2003, No. 56, § 55, eff.

June 4, 2003; 2009, No. 132 (Adj. Sess.), § 10, eff. May 29, 2010.)

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