



State of Vermont
Division of Policy, Planning and Intermodal Development - Mapping Section
219 North Main Street
Barre, VT 05641
<http://vtrans.vermont.gov>

Agency of Transportation

Telephone: 802-622-1289
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Chair, Selectboard
East Montpelier, c/o Town Clerk
PO Box 157
East Montpelier, VT 05651

January 2020

TO: TOWN / CITY / VILLAGE CLERK AND SELECTBOARD / ALDERMEN / TRUSTEES

Enclosed is your 2020 **Certificate of Highway Mileage**. This Certificate must be completed in order to determine your town's share of state aid for town highways for Fiscal Year 2021, and to ensure that your Town Highway Map remains current. Please note there will be no additional opportunities to submit town highway changes before the 2020 statutory deadline for mapping all Class 1, 2, 3 and 4 Town Highways and Legal Trails, as specified in 19 V.S.A. § 305(c).

Changes in mileage or highway classification, including any additions, alterations, or discontinuances made by your selectboard this past year, should be entered on this certificate. If there are changes that occurred before this past year that we have not shown on the Town Highway Map, please let us know so we can update our maps.

In filling out the Mileage Certificate, it is important to:

- >> Enter mileage and classification changes on PART I and PART II of the Certificate.
- >> Provide supporting documentation sufficient for the Mapping Section to:
 - Map the change
 - Verify the mileage
 - Demonstrate the change was made according to State statute
- >> If you have no changes, you may simply check the box in PART II of the Certificate.
- >> Always sign Part III - Town Clerk, Selectmen, etc.

Please refer to the enclosed instructions, checklist, and guidelines as needed. We have also included a reduced size copy of your current Town Highway Map and a Certificate of Completion and Opening should you need it to document new town roads. Additional information and copies of these enclosures can be found at: <https://vtrans.vermont.gov/planning/maps/mileage-certificates>.

To effectively process all the mileage certificates in a timely manner and to assure the completion of the mileage summaries, it is important that towns submit the certificates on time. **Certificates must be postmarked on or before February 20, 2020. Certificates that are postmarked after February 20, 2020 may not be processed.**

After the Agency has approved and signed the certificate, we will send you a copy. Please contact me if you have any questions.

Sincerely,

Kerry Alley

Kerry Alley
Mileage Certificate Specialist

Enclosures



District 7
Certcode 1207-0

**CERTIFICATE OF HIGHWAY MILEAGE
YEAR ENDING FEBRUARY 10, 2020**

Fill out form, make and file copy with the Town Clerk, and mail **ORIGINAL**, before February 20, 2020 to:
Vermont Agency of Transportation, Division of Policy, Planning and Intermodal Development, Mapping Section
219 N. Main Street, Barre, VT 05641.

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

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

| <i>Town Highways</i> | <i>Previous Mileage</i> | <i>Added Mileage</i> | <i>Subtracted Mileage</i> | <i>Total</i> | <i>Scenic Highways</i> |
|--------------------------|-----------------------------|--------------------------|-------------------------------|--------------|----------------------------|
| <i>Class 1</i> | 0.000 | | | 0 | 0.000 |
| <i>Class 2</i> | 19.140 | | | 19.140 | 0.000 |
| <i>Class 3</i> | 43.10 | | | 43.10 | 0.000 |
| <i>State Highway</i> | 12.090 | | | 12.090 | 0.000 |
| <i>Total</i> | 74.330 | | | 74.330 | 0.000 |
| <i>* Class 1 Lane</i> | 0.000 | | | 0 | |
| <i>* Class 4</i> | 1.57 | | | 1.57 | 0.000 |
| <i>* Legal Trail</i> | 3.20 | | | 3.20 | |

* Mileage for Class 1 Lane, Class 4, and Legal Trail classifications are NOT included in total.

PART II - INFORMATION AND DESCRIPTION OF CHANGES SHOWN ABOVE.

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

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

PART III - SIGNATURES - PLEASE SIGN.

Selectmen/ Aldermen/ Trustees Signatures:

T/C/V Clerk Signature:

Date Filed:

Please sign **ORIGINAL** and return it for Transportation signature.

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

APPROVED:

Representative, Agency of Transportation

DATE:

Vermont Statutes Annotated

19 V.S.A. § 305. Measurement and inspection

§ 305. Measurement and inspection

(a) After reasonable notice to the selectboard, a representative of the agency may measure and inspect the class 1, 2, and 3 town highways in each town to verify the accuracy of the records on file with the agency. Upon request, the selectboard or their designee shall be permitted to accompany the representative of the agency during the measurement and inspection. The agency shall notify the town when any highway, or portion of a highway, does not meet the standards for its assigned class. If the town fails, within one year, to restore the highway or portion of the highway to the accepted standard, or to reclassify, or to discontinue, or develop an acceptable schedule for restoring to the accepted standards, the agency for purposes of apportionment under section 306 of this title shall deduct the affected mileage from that assigned to the town for the particular class of the road in question.

(b) Annually, on or before February 10, the selectboard shall file with the town clerk a sworn statement of the description and measurements of all class 1, 2, 3, and 4 town highways and trails then in existence, including any special designation such as a throughway or scenic highway. When class 1, 2, 3, or 4 town highways, trails, or unidentified corridors are accepted, discontinued, or reclassified, a copy of the proceedings shall be filed in the town clerk's office and a copy shall be forwarded to the agency.

(c) All class 1, 2, 3, and 4 town highways and trails shall appear on the town highway maps by July 1, 2015.

(d) At least 45 days prior to first including a town highway or trail that is not clearly observable by physical evidence of its use as a highway or trail and that is legally established prior to February 10, 2006 in the sworn statement required under subsection (b) of this section, the legislative body of the municipality shall provide written notice and an opportunity to be heard at a duly warned meeting of the legislative body to persons owning lands through which a highway or trail passes or abuts.

(e) The agency shall not accept any change in mileage until the records required to be filed in the town clerk's office by this section are received by the agency. A request by a municipality to the agency for a change in mileage shall include a description of the affected highway or trail, a copy of any surveys of the affected highway or trail, minutes of meetings at which the legislative body took action with respect to the changes, and a current town highway map with the requested deletions and additions sketched on it. A survey shall not be required for class 4 town highways that are legally established prior to February 10, 2006. All records filed with the agency are subject to verification in accordance with subsection (a) of this section.

(f) The selectboard of any town who are aggrieved by a finding of the agency concerning the measurement, description, or classification of a town highway may appeal to the transportation board by filing a notice of appeal with the executive secretary of the transportation board.

(g) The agency shall provide each town with a map of all of the highways in that town together with the mileage of each class 1, 2, 3, and 4 highway, as well as each trail, and such other information as the agency deems appropriate.

Excerpt of 19 V.S.A. § 305 - *Measurement and inspection* from Vermont Statutes Online located at – <https://legislature.vermont.gov/statutes/section/19/003/00305>

December 2019

Certificate of Highway Mileage Instructions

Towns use this certificate to update mileage of town highways and trails, incorporating any changes made before February 10, 2020. Changes in highway classification, additions of new highways or trails, alterations, or discontinuances must include documentation of Selectboard action, such as minutes of meetings when action was taken.

PART I

Previous Mileage – This shows mileage as of completion of last year's certificate.

Added Mileage – Enter the total mileage of any new legally accepted Class 3 or 4 highways or trails, and any highways reclassified from Class 3 to 4 or vice versa, or highways reclassified to or from trails.

Subtracted Mileage – Enter the total mileage of discontinued highways or trails, and the total mileage of any highways reclassified from Class 3 to 4 or vice versa, or highways reclassified to or from trails.

Total – Enter total, same as last year if no changes. Enter a new total if there were changes reported.

Scenic Highways – Use this only if town has designated highways as official 'Scenic Highways' in accordance with 19 VSA 2502.

PART II

Enter details needed for identification of New, Discontinued, Reclassified, or Scenic Highways.

If there are no changes in Town Highway or Trail mileage, simply mark the check box on the last line in PART II.

PART III

Board members and Town Clerk sign here.

A sample certificate with an example on how to fill it out is available online at:
https://vtransmaps.vermont.gov/Maps/Publications/MileageCertificates/Cert_Sample.pdf

Additional guidance is provided in the enclosed document "Vermont Agency of Transportation Guidelines - Certificate of Highway Mileage".

Return completed certificate, using enclosed envelope. If needed, use a larger envelope with same address as on the enclosed envelope.

Certificates must be postmarked on or before February 20, 2020. Certificates that are postmarked after February 20, 2020 may not be processed.

Vermont Agency of Transportation Guidelines - Certificate of Highway Mileage

These guidelines are intended to assist municipalities and insure the changes submitted on the mileage certificates are processed completely and without delay. The statutory definitions and processes related to Town Highways can be found in the Vermont Statutes Annotated (V.S.A.), Title 19 (Highways), Chapters 3 (Town Highways) and 7 – (Laying Out, Discontinuing, and Reclassifying Highways).

Certificate of Highway Mileage and the General Highway Maps

Each year, the Vermont Agency of Transportation (VTrans) Mapping Section processes the Certificate of Highway Mileage for each municipality and compiles the totals of State Highways, Class 1, 2, 3, and 4 Town Highways, and Legal Trails into a summary. The highway mileage information is used in the formula for the appropriation of State Aid for Town Highways. The Certificate of Highway Mileage and supporting documentation of changes also provides the VTrans Mapping Section with information to make the necessary changes to the General Highway Maps, also referred to as the Town Highway Maps.

This process is defined in 19 V.S.A. § 305 (Measurement and Inspection):

(b) Annually, on or before February 10, the selectboard shall file with the town clerk a sworn statement of the description and measurements of all class 1, 2, 3, and 4 town highways and trails then in existence, including any special designation such as a throughway or scenic highway. When class 1, 2, 3, or 4 town highways, trails, or unidentified corridors are accepted, discontinued, or reclassified, a copy of the proceedings shall be filed in the town clerk's office and a copy shall be forwarded to the agency.

Documentation of Legal Establishment

VTrans requires proper documentation that shows the legal establishment of town highways and trails before they may be added to the Town Highway Map. There has been a significant amount of case law following the passage of Act 178 of 2006 and Act 158 of 2008 that clarified the need for proper documentation showing legal establishment of highways through the statutory process or “dedication and acceptance”.

A defining case raising the bar on documentation is *Austin v. the Town of Middlesex*, 2009 VT 102, which dealt with a road that VTrans had been mapping as class 4 town highway for over 40 years. The Vermont Supreme Court determined the road was not a town highway, which resulted in VTrans’ removing this road from the map. This case, as well as others, has prompted a higher requirement for documentation for highways and trails before they may be added to the town highway maps. Additional cases include the following Vermont Supreme Court Decisions – *Merritt v. Daiello* (2010) (entry order; three-justice panel) and *Kirkland v. Kolodziej*, 2015 VT 90. Also, there is the Washington Superior Court decision in *Virginia Houston and Jean Damon v. Town of Waitsfield* (2010). In summary, a town highway needs the appropriate level of documentation as evidence to legal establishment, either through the statutory process or through “dedication and acceptance” for inclusion on the VTrans produced general highway maps.

Required Supporting Documentation

To accept the changes submitted by a municipality in the mileage certificate, we need the following supporting documentation:

- A description of the affected highway or trail.
- A current town highway map with the requested deletions and additions sketched on it.
- A copy of the minutes of meetings at which the legislative body took action with respect to the changes.
- A copy of the notices and hearings described further below associated with reclassifications and discontinuances.
- A copy of the Certificate of Completion and Opening for new or altered highways.
- A copy of any surveys of the affected highway or trail.

19 V.S.A. § 305 (Measurement and Inspection) includes, in part, the following language:

((b) ... When class 1, 2, 3, or 4 town highways, trails, or unidentified corridors are accepted, discontinued, or reclassified, a copy of the proceedings shall be filed in the town clerk's office and a copy shall be forwarded to the agency..

((e) The agency shall not accept any change in mileage until the records required to be filed in the town clerk's office by this section are received by the agency. A request by a municipality to the agency for a change in mileage shall include a description of the affected highway or trail, a copy of any surveys of the affected highway or trail, minutes of meetings at which the legislative body took action with respect to the changes, and a current town highway map with the requested deletions and additions sketched on it. A survey shall not be required for class 4 town highways that are legally established prior to February 10, 2006. All records filed with the agency are subject to verification in accordance with subsection (a) of this section.

Clear description of location

Please include a clear description of the section of highway or trail to be added, reclassified, or discontinued.

For example: the reclassification of TH-50 (Example Dr) from Class 4 to Class 3 starts at a point 500 feet south of TH-28 (Sample Hill Rd) and extends for 0.3 miles southerly from there.

The location shall be marked on a copy of the General Highway Map. The map can be an 8 ½" X 11" copy of the map, or a photocopied section of the full size General Highway Map. A copy of the most current General Highway Map (in an 8 ½" X 11" format) will be provided with the mileage certificate supplied by the Vermont Agency of Transportation.

If CADD, GPS, or GIS data layers exist that document the change, this information can be forwarded to VTrans to assist in the mapping process.

Notice and hearing of reclassification or discontinuance

The legislative body shall promptly appoint a time and date for examining the premises and hearing the persons interested, and give thirty days notice to the petitioners, and to persons owning or interested in lands through which the highway may pass or abut, of the time when they will inspect the site and receive testimony.

The legislative body shall also:

- Give notice to any municipal planning commission in the town.
- Post a copy of the notice in the office of the town clerk.
- Cause a notice to be published in a local newspaper of general circulation in the area not less than ten days before the time set for the hearing.

The notice shall be given by certified mail sent to the official residence of the person(s) required to be notified. (19 V.S.A. § 709)

Additional notice of discontinuance

The legislative body shall notify the commissioner of forests, parks and recreation when it has filed a petition to discontinue a highway under this subchapter. (19 V.S.A. § 775)

When submitting a reclassification or discontinuance with your municipality's mileage certificate, please include evidence of these notices and hearings.

Survey of new or altered highway

When the legislative body accepts, lays out, or alters a highway, it shall cause a survey to be made. The survey shall describe the highway and the right-of-way by courses, distances and width, and shall describe the monuments and boundaries. (19 V.S.A. § 704)

The minimum standard for a Class 3 highway

A Class 3 highway is negotiable under normal conditions all seasons of the year by a standard manufactured pleasure car. (19 V.S.A. § 302(a)(3(B))

Legal Trail Mileage

The municipality will need to provide information related to trails and their mileage on the certificate, similar to the reporting of highway additions, reclassifications, or discontinuances.

RESOURCES

Mileage Certificates

More information about Mileage Certificates is available at the VTrans Mapping Section website - <https://vtrans.vermont.gov/planning/maps/mileage-certificates>

The webpage includes links to a Certificate Sample, Documentation Checklist, Certificate of Completion and Opening, and Archived Mileage Certificates.

Additional information regarding Town Highways

There are many online resources that can assist a municipality in the process of adding, reclassifying, or discontinuing town highways. Several Internet links are listed below.

Current Town Highway Maps online at the VTrans Mapping Section website - <https://vtrans.vermont.gov/planning/maps/town-maps>

Archived Town Highway Maps online at the VTrans Map Archive website - <https://vtrans.vermont.gov/planning/maps/archive>

VTrans Orange Handbook for Town Officials –
<https://vtrans.vermont.gov/sites/aot/files/operations/TheOrangeBook.pdf>

Town Highway Aid Rates and Mileage -
<http://apps.vtrans.vermont.gov/THGProgram/currentrates.aspx>

For other Town Highway Questions, assistance may be available from the Secretary of State - <https://www.sec.state.vt.us/municipal/general-resources.aspx>

The Vermont Local Roads Program has information regarding town highways at - <https://localroads.vermont.gov/>

The Vermont Statutes Online, Title 19: Highways -
<https://legislature.vermont.gov/statutes/title/19>

Contact Information

Vermont Agency of Transportation
Policy, Planning and Intermodal Development Division (PPID) - Mapping Section
219 North Main Street
Barre, VT 05641

Telephone: (802) 828-2600

