

NHDOT Class VI Road Fact Sheet 11/12/2020

The Department of Transportation was asked to provide information about Class VI roads in the November 1, 2020 Interim report of the Commission to study the On Road Usage of Non-Traditional Motor Vehicles.

NH RSA 229:5 Classification divides the highways of the state into 7 classes briefly described below:

Class I – primary state highway system (DOT maintained)

Class II – secondary state highway system (DOT maintained)

Class III – recreational roads within state reservations designated by the legislature (State of NH; DOT, or other State Agency maintained)

Class III-a boating access highways (State of NH; DOT, or other State Agency maintained)

Class IV – highways within the compact sections of cities and towns (Town or City maintained)

Class V – town roads in which the town has a duty to maintain (Town or City maintained)

Class VI – all other existing public ways (public roads maintained by property owners)

The specific RSA 229:5:VII language is as follows:

VII. Class VI highways shall consist of all other existing public ways, and shall include all highways discontinued as open highways and made subject to gates and bars, except as provided in paragraph III-a, and all highways which have not been maintained and repaired by the town in suitable condition for travel thereon for 5 successive years or more except as restricted by RSA 231:3, II.

NH RSA 231 provides very specific information relative to Class VI roads including but not limited to:

Section 231:21-a

231:21-a Uniform Provisions Governing Class VI Highways. –

All class VI highways, whether such class VI status resulted from a layout pursuant to RSA 231:21, a discontinuance subject to gates and bars pursuant to RSA 231:45, or by the failure of the town to maintain and repair such highway in suitable condition for travel thereon for 5 successive years or more as set forth in RSA 229:5, VII, shall be subject to the following provisions:

I. All such highways shall be deemed subject to gates and bars; provided, however, that any gates or bars maintained by private land owners shall be erected so as not to prevent or interfere with public use of the highway, and shall be capable of being opened and reclosed by highway users. The selectmen may regulate such structures to assure such public use, and may cause to be removed any gates or bars which fall into disrepair or otherwise interfere with public use of the highway.

II. Even though, as set forth in RSA 231:93, class VI highways are not subject to any municipal duty of care or maintenance, the municipality shall have the same regulatory authority over such highways as is the case with class V highways, including but not limited to the authority to regulate their use pursuant to RSA 41:11 and RSA 47:17, VII, VIII and XVIII, to regulate the excavation or disturbance of such highways pursuant to RSA 236:9 through 236:11, to regulate driveways and other access pursuant to RSA 236:13, and to establish weight limits pursuant to RSA 231:191.

NH RSA 215-A:6 IX spells out the process for a city or town to open a Class VI road to OHRV use as stated below:

IX. Pursuant to RSA 215-A:15, and following a duly noticed public hearing advertised at least 14 days in advance in a public location in the city or town and notification to abutters by verified mail pursuant to

RSA 21:53, city or town councils and boards of selectmen may authorize the use of sidewalks and class IV, class V or class VI highways and bridges, or portions thereof, for use by OHRVs. The operation of OHRVs may also be allowed on sidewalks adjacent to class I, II, III, or III-a highways pursuant to RSA 236:56, II(e). Operators of OHRVs using said roads, or portions thereof, shall keep to the extreme right and shall yield to all conventional motor vehicle traffic. The bureau, or its designee, shall so post such highways where authorized. Following a duly noticed public hearing, except in the case of an emergency closure, such city or town authorities may change the allowable usage of a class IV, class V, or class VI highway by OHRVs by giving notification to the supervisor of the bureau and removing any signs that no longer apply. The petitioner shall bear the expense of verified mail notification to abutters of property for which OHRV use is sought under this paragraph.

Attached is a 2014 Fact Sheet: Class VI Roads prepared by Central NH Regional Planning Commission.

The Department recommends more detailed questions about Class VI roads be directed to the New Hampshire Municipal Association, and the Department would be happy to facilitate any such request.