

TITLE XX

TRANSPORTATION

CHAPTER 229

HIGHWAY SYSTEM IN THE STATE

Section 229:5

229:5 Classification. – Highways of the state shall be divided into 7 classes as follows:

I. **Class I highways** shall consist of all existing or proposed highways on the primary state highway system, excepting all portions of such highways within the compact sections of the cities and towns listed in RSA 229:5, V, provided that the portions of the turnpikes and the national system of interstate and defense highways within the compact sections of these cities and towns shall be class I highways.

II. **Class II highways** shall consist of all existing or proposed highways on the secondary state highway system, excepting all portions of such highways within the compact sections of the cities and towns listed in RSA 229:5, V.

III. **Class III highways** shall consist of all recreational roads leading to, and within, state reservations designated by the legislature.

III-a. **Class III-a highways** shall consist of new boating access highways from any existing highway to any public water in this state. All class III-a highways shall be limited access facilities as defined in RSA 230:44. Class III-a highways shall be subject to the layout, design, construction, and maintenance provisions of RSA 230:45-47 and all other provisions relative to limited access facilities, except that the executive director of the fish and game department shall have the same authority for class III-a highways that is delegated to the commissioner of the department of transportation for limited access facilities. A class III-a highway may be laid out subject to the condition that it shall not be maintained during the winter months. A class III-a highway may be laid out subject to gates and bars or restricted to the accommodation of persons on foot, or certain vehicles, or both, if federal funds are not used. The executive director of fish and game may petition the governor and council to discontinue any class III-a highway.

IV. **Class IV highways** shall consist of all highways within the compact sections of cities and towns listed in RSA 229:5, V. The compact section of any such city or town shall be the territory within such city or town where the frontage on any highway, in the opinion of the commissioner of transportation, is mainly occupied by dwellings or buildings in which people live or business is conducted, throughout the year and not for a season only. Whenever the commissioner reclassifies a section of a class I or class II highway as a class IV highway, the commissioner shall prepare a statement of rehabilitation work which shall be performed by the state in connection with the turnback. No highway reclassification from class I or II to class IV shall take effect until all rehabilitation needed to return the highway surface to reputable condition has been completed by the state. Rehabilitation shall be completed during the calendar year preceding the effective date of the reclassification. A copy of the commissioner's statement of work to

be performed by the state shall be attached to the notification of reclassification to class IV, and receipt of said statement shall be acknowledged, in writing, by the selectmen of the town, or the mayor of the city, affected by the reclassification.

V. The commissioner of transportation may establish compact sections in the following cities and towns:

Amherst, Bedford, Berlin, Claremont, Concord, Derry, Dover, Durham, Exeter, Franklin, Goffstown, Hampton, Hanover, Hudson, Keene, Laconia, Lebanon, Londonderry, Manchester, Merrimack, Milford, Nashua, Pelham, Rochester, Salem, Somersworth.

VI. Class V highways shall consist of all other traveled highways which the town has the duty to maintain regularly and shall be known as town roads. Any public highway which at one time lapsed to Class VI status due to 5-years' nonmaintenance, as set forth in RSA 229:5, VII, but which subsequently has been regularly maintained and repaired by the town on more than a seasonal basis and in suitable condition for year-round travel thereon for at least 5 successive years without being declared an emergency lane pursuant to RSA 231:59-a, shall be deemed a Class V highway.

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.

Source. 1925, 110:1. PL 83:22. RL 99:24. 1943, 123:1. 1945, 188:1, part 1:4. 1951, 30:1. RSA 230:4. 1955, 333:2. 1957, 181:1, 2, 3. 1961, 4:2. 1973, 418:1-3. 1975, 249:1-3. 1979, 216:1. 1981, 87:1; 443:1. 1983, 131:1. 1985, 235:1-4; 402:6, I(b)(1). 1992, 265:8-10. 1995, 77:1. 1999, 109:1. 2000, 24:1, eff. May 28, 2000.