

1 H.926

2 Representatives Dolan of Waitsfield and McCullough of Williston move
3 that the bill be amended as follows:

4 First: A Sec. 3a be added to read:

5 Sec. 3a. 10 V.S.A. § 442(3) is amended to read:

6 (3) “Trails” means land used for hiking, walking, bicycling, cross-country
7 skiing, snowmobiling, all-terrain vehicle riding, horseback riding, and other
8 similar activities. Trails may be used for recreation, transportation, and other
9 compatible purposes. “Trails” does not include land primarily used for the
10 operation of a motor vehicle. For purposes of this definition, “motor vehicle”
11 shall not include all-terrain vehicles or snowmobiles.

12 Second: In Sec. 3, 10 V.S.A. § 6001 be amended to add subdivisions (50)
13 and (51) to read:

14 (50) “Recreational trail” shall have the same meaning as “trails” in
15 subdivision 442(3) of this title.

16 (51) “Vermont trails system trail” means a recreational trail recognized by
17 the Agency of Natural Resources pursuant to section 443 of this title. The
18 construction, operation, and maintenance of a Vermont trails system trail shall
19 be for a municipal or State purpose under this chapter.

20 Third: In Sec. 3, 10 V.S.A. § 6001 is amended to add subdivision
21 (3)(A)(xiii) to read:

1 (xiii) The construction of improvements for a Vermont trails
2 system trail on a tract or tracts of land involving more than 10 acres.

3 (I) This subdivision shall be the exclusive mechanism for
4 determining jurisdiction over a new or proposed recreational trail that is or will
5 be a part of the Vermont trails system.

6 (II) This subdivision shall apply to the construction of
7 improvements made on or after July 1, 2020.

8 (III) For purposes of this subdivision, involved land includes
9 infrastructure that is necessary for the operation of the trail, including
10 restrooms, parking areas, shelters, picnic areas, kiosks, and interpretive and
11 directional signage. Involved land does not include any recreational trail
12 constructed before July 1, 2020.

13 (IV) The total acreage of involved land shall include any
14 ground disturbance and clearing that will occur. Area where no ground will be
15 disturbed or cleared shall not be considered involved land.

16 (V) Development and subdivisions requiring a permit under
17 another provision of this chapter shall include recreational trails for
18 determining the amount of involved land that relates to that development but
19 shall not consider the construction of improvements related to the trail as a part
20 of the review of that permit application.

1 Fourth: In Sec. 3, 10 V.S.A. § 6001 is amended to add subdivision
2 (3)(C)(vi) to read:

3 (vi) Recreational trails. Jurisdiction over a recreational trail shall
4 extend only to the recreational trail and infrastructure that is necessary for the
5 operation of the trail. Jurisdiction shall not extend to the rest of a parcel or
6 parcels where a recreational trail is located.

7 Fifth: In Sec. 3, 10 V.S.A. § 6081, subdivision (y) is added to read:

8 (y) No permit or permit amendment shall be required for the construction
9 of improvements on a tract of land that would provide access across a trail
10 provided that the access is not related to the use of the permitted recreational
11 trail and would not establish jurisdiction under 10 V.S.A, chapter 151 on its
12 own.

13 Sixth: A Sec. 14a is added to read:

14 Sec. 14a. RECREATIONAL TRAILS RECOMMENDATIONS AND
15 REPORT

16 On or before December 15, 2020, the Agency of Natural Resources shall
17 report to the House Committee on Natural Resources, Fish, and Wildlife and to
18 the Senate Committee on Natural Resource and Energy with legislative
19 recommendations for a best management practices driven program for
20 Vermont trails system trails that includes technical assistance, education, and
21 oversight from the Agency of Natural Resources. The report shall include

1 recommendations for a strategic plan and comprehensive mapping, legislative
2 authority to administer the program, and potential funding sources. The
3 Agency of Natural Resources shall consult with stakeholders on the proposed
4 program, including the Vermont Trail Alliance, the Forest Partnership, and the
5 Vermont Agency of Transportation.

6 Seventh: In Sec. 21, by striking in its entirety and adding in lieu thereof the
7 following:

8 Sec. 21. EFFECTIVE DATES AND SUNSET

9 (a) This act shall take effect on passage, except that 10 V.S.A. § 6086(a)(8)
10 (Ecosystem protection; scenic beauty; historic sites) shall take effect on
11 September 1, 2021.

12 (b) 10 V.S.A. § 6001(3)(A)(xiii) shall be repealed on January 1, 2022.