

Sec. X1. 10 V.S.A. § 442(3) is amended to read:

(3) "Trails" means land used for hiking, walking, bicycling, cross-country skiing, snowmobiling, all-terrain vehicle riding, horseback riding, and other similar activities. Trails may be used for recreation, transportation, and other compatible purposes. "Trails" do not include land primarily used for the operation of a motor vehicle registered pursuant to 23 V.S.A. chapter 7.

Sec. X2. 10 V.S.A. § 6001(XX) and (YY) are added to read:

(XX) "Recreational trail" shall have the same meaning as "trail" in subdivision 442(3) of this title.

(YY) "Vermont trail system trail" means a recreational trail recognized pursuant to section 443 of this title. The construction, operation and maintenance of a Vermont trail system trail is declared to be a municipal or state purpose under this chapter.

Sec. X3. 10 V.S.A. § 6001(3)(A)(XX) is added to read:

(XX) The construction of improvements on a tract or tracts of land involving more than 10 acres that is to be used for the construction of Vermont trail system trails.

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

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

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

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

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

Sec. X4. 10 V.S.A. § 6001(3)(C)(XX) is added to read:

(XX) Jurisdiction over a recreational trail shall extend only to the area directly or indirectly impacted by the construction of improvements for the recreational trail and not to the rest of a parcel or parcels where a recreational trail is located.

Sec. X5. 10 V.S.A. § 6081(XX) is added to read:

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

Sec. X6. REPEAL

Sec. X3 is repealed January 1, 2022.

Sec. X7. Legislative Charge

The Agency of Natural Resources shall report to the House Committee on Natural Resources, Fish, and Wildlife and Senate Committee on Natural Resource and Energy no later than January 15, 2021 with legislative recommendations on how to develop, as an alternative to Act 250, a best management practices driven program for public trails that includes technical assistance,

education and oversight from the Agency of Natural Resources, and include in the report recommendations for legislative authority to administer the program and potential funding sources. The Agency of Natural Resources shall consult with stakeholders on the proposed program, including the Vermont Trail Alliance, the Forest Partnership, and the Vermont Agency of Transportation.