

1 Updated Proposed Recreational Trail language

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

3 (3) “Trails” means land used for hiking, walking, bicycling, cross-country  
4 skiing, snowmobiling, all-terrain vehicle riding, horseback riding, and other  
5 similar activities. Trails may be used for recreation, transportation, and other  
6 compatible purposes, but the primary purpose shall not be the operation of a  
7 motor vehicle. As used in this subsection, “motor vehicle” shall not include  
8 all-terrain vehicles or snowmobiles.

9 Sec. XX. 10 V.S.A. § 6001 is amended to read:

10 § 6001. DEFINITIONS

11 \* \* \*

12 (50) “Recreational trail” has the same meaning as “trails” in subdivision  
13 442(3) of this title.

14 (51) “Vermont trails system trail” means a recreational trail recognized  
15 by the Agency of Natural Resources pursuant to chapter 20 of this title. For  
16 purposes of this chapter, the construction, operation, and maintenance of a  
17 Vermont trails system trail shall be for a municipal, county, or State purpose.

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

19 \* \* \*

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

1                    (I) This subdivision (xiii) shall be the exclusive mechanism for  
2                    determining jurisdiction over a recreational trail that is, or is proposed to be, a  
3                    Vermont trails system trail and shall only apply to the construction of  
4                    improvements made on or after July 1, 2020.

5                    (II) For purposes of this subdivision (xiii), involved land  
6                    includes:

7                    (aa) land that is physically altered, including any ground  
8                    disturbance and clearing that will occur;

9                    (bb) infrastructure that is incidental to the operation of the  
10                   trail, including restrooms, parking areas, shelters, picnic areas, kiosks, and  
11                   interpretive and directional signage.

12                   (III) For purposes of this subdivision (xiii), involved land does  
13                   not include land where no ground will be disturbed or cleared or any Vermont  
14                   trails system trail constructed before July 1, 2020.

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

16                   (C) For the purposes of determining jurisdiction under subdivision  
17                   (A) of this subdivision (3), the following shall apply:

18                   \* \* \*

19                   (vi) Recreational trails.

20                   (I) When jurisdiction over a trail has been established pursuant  
21                   to subdivision (A) of this subdivision (3), jurisdiction shall extend only to the

1 recreational trail and infrastructure that is incidental to the operation of the  
2 trail. Jurisdiction shall not extend to the remainder of a parcel or parcels where  
3 a recreational trail is located, unless otherwise determined to be jurisdictional  
4 pursuant to another provision of this chapter.

5 (II) Development that includes a Vermont trails system trail  
6 shall include that trail for determining the amount of involved land but shall  
7 not consider the construction of improvements for the trail as a part of the  
8 review of the permit application for the development.

9 Sec. XX. 10 V.S.A. § 6081 is amended to read:

10 § 6081. PERMITS REQUIRED; EXEMPTIONS

11 \* \* \*

12 (y) No permit or permit amendment shall be required for the construction  
13 of improvements on a tract of land that would provide access across a trail  
14 provided that the access is not related to the use of the permitted recreational  
15 trail and would not establish jurisdiction under this chapter on its own.

16 (z) Until January 1, 2022, no permit is required for a Vermont trails system  
17 trail recognized pursuant to chapter 20 of this title if the trail was in existence  
18 prior to July 1, 2020.

19 Sec. XX. RECREATIONAL TRAILS RECOMMENDATIONS AND

20 REPORT

1        On or before December 15, 2020, the Agency of Natural Resources shall  
2        report to the House Committee on Natural Resources, Fish, and Wildlife and to  
3        the Senate Committee on Natural Resource and Energy with legislative  
4        recommendations for a best management practices driven program for  
5        Vermont trails system trails that is administered by the Agency of Natural  
6        Resources. The report shall include recommendations for revisions to  
7        10 V.S.A. chapter 20, including revisions to mapping, legislative authority to  
8        administer the program, and potential funding sources and staffing needs. The  
9        Agency of Natural Resources shall consult with stakeholders on the proposed  
10       program, including the Vermont Trail Alliance, the Forest Partnership, and the  
11       Vermont Agency of Transportation.

12       Sec. XX. PROSPECTIVE REPEAL

13       10 V.S.A. § 6001(3)(A)(xiii) and (3)(C)(vi)(II) shall be repealed on  
14       January 1, 2022.