

1 H.926 Recreational Trail language

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

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

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

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

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

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

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

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 shall be the exclusive mechanism for  
2                   determining jurisdiction over a new or proposed recreational trail that is or will  
3                   be a part of the Vermont trails system.

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

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

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

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

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

21                         (vi) Recreational trails. Jurisdiction over a recreational trail shall  
22                         extend only to the recreational trail and infrastructure that is necessary for the

1 operation of the trail. Jurisdiction shall not extend to the rest of a parcel or  
2 parcels where a recreational trail is located.

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

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

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

10 Sec. 14a. RECREATIONAL TRAILS RECOMMENDATIONS AND

11 REPORT

12 On or before December 15, 2020, the Agency of Natural Resources shall  
13 report to the House Committee on Natural Resources, Fish, and Wildlife and to  
14 the Senate Committee on Natural Resource and Energy with legislative  
15 recommendations for a best management practices driven program for  
16 Vermont trails system trails that includes technical assistance, education, and  
17 oversight from the Agency of Natural Resources. The report shall include  
18 recommendations for a strategic plan and comprehensive mapping, legislative  
19 authority to administer the program, and potential funding sources. The  
20 Agency of Natural Resources shall consult with stakeholders on the proposed  
21 program, including the Vermont Trail Alliance, the Forest Partnership, and the  
22 Vermont Agency of Transportation.

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

3        Sec. 21. EFFECTIVE DATES AND SUNSET

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

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