1	H.370
2	Introduced by Representatives O'Brien of Tunbridge, Demrow of Corinth, and
3	Graham of Williamstown
4	Referred to Committee on
5	Date:
6	Subject: Transportation; highways; legal trails; municipalities
7	Statement of purpose of bill as introduced: This bill proposes to specify that
8	municipalities may, but are not required to, maintain legal trails and to provide
9	selectboards with the authority to regulate the use of legal trails.
10	
10	An act relating to maintenance and use of legal trails
11	It is hereby enacted by the General Assembly of the State of Vermont:
12	Sec. 1. 19 V.S.A. chapter 3 is amended to read:
13	CHAPTER 3. TOWN HIGHWAYS
14	§ 301. DEFINITIONS
15	As used in this chapter:
16	* * *
17	(2) "Legislative body" includes boards of selectmen, aldermen, and
18	village trustees has the same meaning as in 24 V.S.A. § 2001.
19	(3) "Selectmen" includes village trustees and aldermen "Selectboard"
20	has the same meaning as in 24 V.S.A. § 2001.

20

1	* * *
2	(7) "Town highways" are class 1, 2, 3, and 4 highways:
3	(A) that the towns have authority to exclusively or cooperatively
4	maintain; or
5	(B) that are maintained by the towns except for scheduled surface
6	maintenance performed by the Agency pursuant to section 306a of this title.
7	(8) "Trail" means a public right-of-way that is not a highway, that the
8	towns have authority to exclusively or cooperatively maintain, and that:
9	(A) previously was a designated town highway having the same
10	width as the designated town highway, or a lesser width if so designated; or
11	(B) a new public right-of-way laid out as a trail by the selectmen
12	selectboard for the purpose of providing access to abutting properties or for
13	recreational use. Nothing in this section shall be deemed to independently
14	authorize the condemnation of land for recreational purposes or to affect the
15	authority of selectmen selectboards to reasonably regulate the uses of
16	recreational trails.
17	§ 302. CLASSIFICATION OF TOWN HIGHWAYS
18	(a) For the purposes of this section and receiving State aid, all town
19	highways shall be categorized into one or another of the following classes:

19

1	(2) Class 2 town highways are those town highways selected as the most
2	important highways in each town. As far as practicable, they shall be selected
3	with the purposes of securing trunk lines of improved highways from town to
4	town and to places that by their nature have more than normal amount of
5	traffic. The selectmen selectboard, with the approval of the Agency, shall
6	determine which highways are to be class 2 highways.
7	(3) Class 3 town highways:
8	(A) Class 3 town highways are all traveled town highways other than
9	class 1 or 2 highways. The selectmen selectboard, after conference with a
10	representative of the Agency, shall determine which highways are class 3 town
11	highways.
12	* * *
13	(4) Class 4 town highways are all town highways that are not class 1, 2,
14	or 3 town highways or unidentified corridors. The selectboard shall determine
15	which highways are class 4 town highways.
16	(5) Trails shall not be considered highways and the town <u>may choose to</u>
17	be, but shall not be required to be, responsible for any maintenance, including
18	culverts and bridges.

* * *

21

1	§ 303. TOWN HIGHWAY CONTROL
2	Town highways shall be under the general supervision and control of the
3	selectmen selectboard of the town where the roads are located. Selectmen The
4	selectboard of a town shall supervise all expenditures.
5	§ 304. DUTIES OF SELECTBOARD
6	(a) It shall be the duty and responsibility of the selectboard of the town to,
7	or acting as a board, it shall have the authority to:
8	(1) See that town highways and bridges are properly laid out,
9	constructed, maintained, altered, widened, vacated, discontinued, and operated,
10	when the safety of the public requires, in accordance with the provisions of this
11	title.
12	* * *
13	(5) Grant permission to enclose pent roads and trails by the owner of the
14	land during any part of the year, by erecting stiles, unlocked gates, and bars in
15	the places designated and to make regulations governing the use of pent roads
16	and trails and to establish penalties not to exceed \$50.00, for noncompliance.
17	Permission shall be in writing and recorded in the town clerk's office.
18	* * *
19	(16) Unless the town electorate votes otherwise, under the provisions of
20	17 V.S.A. § 2646, appoint a road commissioner, or remove him or her the road

commissioner from office, pursuant to 17 V.S.A. § 2651. Road

1	commissioners, elected or appointed, shall have only the powers and authority
2	regarding highways granted to them by the selectboard.
3	* * *
4	(24) Regulate the use of trails, including what types of vehicles are
5	permitted.
6	(25) Maintain trails but shall not be required to maintain trails nor owe a
7	duty of care to persons using a trail that the selectboard chooses to maintain.
8	* * *
9	Sec. 2. EFFECTIVE DATE
10	This act shall take effect on July 1, 2023.