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H.370

Introduced by Representatives O'Brien of Tunbridge, Demrow of Corinth, and  
Graham of Williamstown

Referred to Committee on

Date:

Subject: Transportation; highways; legal trails; municipalities

Statement of purpose of bill as introduced: This bill proposes to specify that  
municipalities may, but are not required to, maintain legal trails and to provide  
selectboards with the authority to regulate the use of legal trails.

An act relating to maintenance and use of legal trails

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 19 V.S.A. chapter 3 is amended to read:

CHAPTER 3. TOWN HIGHWAYS

§ 301. DEFINITIONS

As used in this chapter:

\* \* \*

(2) "~~Legislative body~~" ~~includes boards of selectmen, aldermen, and~~  
~~village trustees~~ has the same meaning as in 24 V.S.A. § 2001.

(3) "~~Selectmen~~" ~~includes village trustees and aldermen~~ "Selectboard"  
has the same meaning as in 24 V.S.A. § 2001.

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\* \* \*

(7) “Town highways” are class 1, 2, 3, and 4 highways:

(A) that the towns have authority to exclusively or cooperatively maintain; or

(B) that are maintained by the towns except for scheduled surface maintenance performed by the Agency pursuant to section 306a of this title.

(8) “Trail” means a public right-of-way that is not a highway, that the towns have authority to exclusively or cooperatively maintain, and that:

(A) previously was a designated town highway having the same width as the designated town highway, or a lesser width if so designated; or

(B) a new public right-of-way laid out as a trail by the ~~selectmen~~ selectboard for the purpose of providing access to abutting properties or for recreational use. Nothing in this section shall be deemed to independently authorize the condemnation of land for recreational purposes or to affect the authority of ~~selectmen~~ selectboards to reasonably regulate the uses of recreational trails.

§ 302. CLASSIFICATION OF TOWN HIGHWAYS

(a) For the purposes of this section and receiving State aid, all town highways shall be categorized into one or another of the following classes:

\* \* \*



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  
21 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.