

1 S.4

2 Introduced by Senators Clarkson, Gulick, Hardy, Perchlik, Watson, Weeks

3 and White

4 Referred to Committee on

5 Date:

6 Subject: Transportation; highways; legal trails; municipal authority

7 Statement of purpose of bill as introduced: This bill proposes to specify that  
8 municipalities have discretionary authority to maintain legal trails. This bill  
9 also proposes to grant municipal legislative bodies the authority to adopt  
10 ordinances that regulate the use of legal trails.

11 An act relating to maintenance and use of legal trails

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

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

14 CHAPTER 3. TOWN HIGHWAYS

15 § 301. DEFINITIONS

16 As used in this chapter:

17 \* \* \*

18 (2) “Legislative body” ~~includes boards of selectmen, aldermen, and~~

19 ~~village trustees~~ means a “legislative body” as defined in 24 V.S.A. § 2001.

1           (3) ~~“Selectmen” includes village trustees and aldermen~~ “Selectboard”  
2 means a “selectboard” as defined in 24 V.S.A. § 2001.

3                                   \* \* \*

4           (8) “Trail” means a public right-of-way that is not a highway and that:

5                   (A) municipalities have the authority to exclusively or cooperatively  
6 maintain;

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

9                   ~~(B)~~(C) a new public right-of-way laid out as a trail by the ~~selectmen~~  
10 legislative body for the purpose of providing access to abutting properties or  
11 for recreational use. Nothing in this section shall be deemed to independently  
12 authorize the condemnation of land for recreational purposes or to affect the  
13 authority of ~~selectmen~~ legislative bodies to reasonably regulate the uses of  
14 recreational trails.

15 § 302. CLASSIFICATION OF TOWN HIGHWAYS

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

18                                   \* \* \*

19           (2) Class 2 town highways are those town highways selected as the most  
20 important highways in each town. As far as practicable, they shall be selected  
21 with the purposes of securing trunk lines of improved highways from town to

1 town and to places that by their nature have more than normal amount of  
2 traffic. The ~~selectmen~~ legislative body, with the approval of the Agency, shall  
3 determine which highways are to be class 2 highways.

4 (3) Class 3 town highways:

5 (A) Class 3 town highways are all traveled town highways other than  
6 class 1 or 2 highways. The ~~selectmen~~ legislative body, after conference with a  
7 representative of the Agency, shall determine which highways are class 3 town  
8 highways.

9 \* \* \*

10 (5) Trails shall not be considered highways ~~and the town.~~ A  
11 municipality shall have the authority to maintain trails but shall not be  
12 responsible for any maintenance, including culverts and bridges.

13 \* \* \*

14 § 303. TOWN HIGHWAY CONTROL

15 Town highways shall be under the general supervision and control of the  
16 ~~selectmen~~ legislative body of the town where the roads are located. ~~Selectmen~~  
17 The legislative body of a town shall supervise all expenditures.

18 § 304. DUTIES OF SELECTBOARD

19 (a) It shall be the duty and responsibility of the selectboard of the town to,  
20 or acting as a board, it shall have the authority to:

21 \* \* \*

1           (16) Unless the town electorate votes otherwise, under the provisions of  
2           17 V.S.A. § 2646, appoint a road commissioner, or remove ~~him or her~~ the road  
3           commissioner from office, pursuant to 17 V.S.A. § 2651. Road  
4           commissioners, elected or appointed, shall have only the powers and authority  
5           regarding highways granted to them by the selectboard.

6   \* \* \*

7           (24) Maintain trails, but shall not be required to maintain trails and shall  
8           not owe a duty of care to persons using a trail that is maintained by the town.

9   \* \* \*

10          Sec. 2. 24 V.S.A. § 2291 is amended to read:

11          § 2291. ENUMERATION OF POWERS

12                 For the purpose of promoting the public health, safety, welfare, and  
13                 convenience, a town, city, or incorporated village shall have the following  
14                 powers:

15   \* \* \*

16                 (31) Regulate by means of an ordinance the use of legal trails under  
17                 19 V.S.A. chapter 3, including the regulation of the types of vehicles that may  
18                 be used on legal trails.

19          Sec. 3. EFFECTIVE DATE

20                 This act shall take effect on July 1, 2025.