

1 S.123

2 Legal Trails Language for Consideration:

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4 \* \* \* Legal Trails \* \* \*

5 Sec. \_\_. 19 V.S.A. chapter 3 is amended to read:

6 CHAPTER 3. TOWN HIGHWAYS

7 § 301. DEFINITIONS

8 As used in this chapter:

9 \* \* \*

10 (2) “Legislative body” ~~includes boards of selectmen, aldermen, and~~  
11 ~~village trustees~~ means a “legislative body” as defined in 24 V.S.A. § 2001.

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

14 \* \* \*

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

17 (i) municipalities have the authority to exclusively or  
18 cooperatively maintain; and

19 ~~(A)(ii)(I)~~ previously was a designated town highway having the  
20 same width as the designated town highway, or a lesser width if so designated;  
21 or



representative of the Agency, shall determine which highways are class 3 town highways.

\* \* \*

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

\* \* \*

#### § 303. TOWN HIGHWAY CONTROL

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

#### § 304. DUTIES OF SELECTBOARD

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

\* \* \*

(16) Unless the town electorate votes otherwise, under the provisions of 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 commissioners, elected or appointed, shall have only the powers and authority regarding highways granted to them by the selectboard.

\* \* \*

1           (24) Maintain trails, but shall not be required to maintain trails.

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4       Sec. \_\_. FINDINGS; INTENT; LEGAL TRAILS

5           (a) Findings. The General Assembly finds the following:

6           (1) Outdoor recreation is a significant part of Vermont’s identity and  
7       economy.

8           (2) Trails provide Vermonters and visitors with access to incredible  
9       natural beauty throughout the State and are used for a wide variety of outdoor  
10       recreational activities throughout the year.

11          (3) Some trails are also used by Vermonters for travel or to access their  
12       homes and properties.

13          (4) The State and municipalities use some trails to provide maintenance  
14       to State and municipal lands and facilities, as well as to provide public safety  
15       and rescue services.

16          (5) Trails require regular maintenance to ensure that they remain  
17       passable and can continue to support recreation, travel, access, and various  
18       public services.

19          (6) While many trails in Vermont have been established through private  
20       easements or other agreements, a subset of trails, known as legal trails, lie

1     along public rights-of-way that were once town highways and are governed by  
2     the provisions of 19 V.S.A. chapter 3.

3         (b) Intent. It is the intent of the General Assembly to clarify  
4     municipalities' authority to exclusively or cooperatively maintain legal trails  
5     under the provisions of 19 V.S.A. chapter 3.