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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

1	(B)(II) a new public right-of-way laid out as a trail by the
2	selectmen legislative body for the purpose of providing access to abutting
3	properties or for recreational use.
4	(B) Nothing in this section subdivision (8) shall be deemed to
5	independently authorize the condemnation of land for recreational purposes or
6	to affect the authority of selectmen legislative bodies to reasonably regulate the
7	uses of recreational trails.
8	§ 302. CLASSIFICATION OF TOWN HIGHWAYS
9	(a) For the purposes of this section and receiving State aid, all town
10	highways shall be categorized into one or another of the following classes:
11	* * *
11 12	* * *(2) Class 2 town highways are those town highways selected as the most
12	(2) Class 2 town highways are those town highways selected as the most
12 13	(2) Class 2 town highways are those town highways selected as the most important highways in each town. As far as practicable, they shall be selected
12 13 14	(2) Class 2 town highways are those town highways selected as the most important highways in each town. As far as practicable, they shall be selected with the purposes of securing trunk lines of improved highways from town to
12 13 14 15	(2) Class 2 town highways are those town highways selected as the most important highways in each town. As far as practicable, they shall be selected with the purposes of securing trunk lines of improved highways from town to town and to places that by their nature have more than normal amount of
12 13 14 15 16	(2) Class 2 town highways are those town highways selected as the most important highways in each town. As far as practicable, they shall be selected with the purposes of securing trunk lines of improved highways from town to town and to places that by their nature have more than normal amount of traffic. The selectmen legislative body, with the approval of the Agency, shall
12 13 14 15 16 17	(2) Class 2 town highways are those town highways selected as the most important highways in each town. As far as practicable, they shall be selected with the purposes of securing trunk lines of improved highways from town to town and to places that by their nature have more than normal amount of traffic. The selectmen legislative body, with the approval of the Agency, shall determine which highways are to be class 2 highways.

1	representative of the Agency, shall determine which highways are class 3 town
2	highways.
3	* * *
4	(5) Trails shall not be considered highways and the town. A
5	municipality shall have the authority to maintain trails but shall not be
6	responsible for any maintenance, including culverts and bridges.
7	* * *
8	§ 303. TOWN HIGHWAY CONTROL
9	Town highways shall be under the general supervision and control of the
10	selectmen legislative body of the town where the roads are located. Selectmen
11	The legislative body of a town shall supervise all expenditures.
12	§ 304. DUTIES OF SELECTBOARD
13	(a) It shall be the duty and responsibility of the selectboard of the town to,
14	or acting as a board, it shall have the authority to:
15	* * *
16	(16) Unless the town electorate votes otherwise, under the provisions of
17	17 V.S.A. § 2646, appoint a road commissioner, or remove him or her the road
18	commissioner from office, pursuant to 17 V.S.A. § 2651. Road
19	commissioners, elected or appointed, shall have only the powers and authority
20	regarding highways granted to them by the selectboard.
21	* * *

1	(24) Maintain trails, but shall not be required to maintain trails.
2	
3	
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 <u>along public rights-of-way that were once town highways and are governed by</u>
- 2 <u>the provisions of 19 V.S.A. chapter 3.</u>
- 3 (b) Intent. It is the intent of the General Assembly to clarify
- 4 <u>municipalities' authority to exclusively or cooperatively maintain legal trails</u>
- 5 <u>under the provisions of 19 V.S.A. chapter 3.</u>