

May 13th
2025

Legal Trails

House Committee on Transportation

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About the VTGC

The consolidated, expert voice and support hub for recreational trails in Vermont.

Our organizational members:

- Represent 50,000+ individual members
- Log 100,000+ hours of volunteer time annually
- Manage and maintain 7,750+ miles of trails
- Support 50,000+ jobs statewide through the broader impact of our work
- Steward trails on private land, which hosts over 70% of public access trails in Vermont
- Partner closely with state and federal agencies to manage trails on public land

<https://vermonttgc.org/>

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Private Landowners

Vital to Vermont's Outdoor Recreation Economy

- ~75% of public-access recreational trails are hosted by private landowners
- Withdrawal of access can and has had serious impacts on connectivity and local economies
- Recreation managers act to address landowner concerns, though the scope of their ability to provide benefits is limited
- Critically, Legal Trails are some of the few public rights-of-way on private land that afford secure, long-term public access



Legal Trails

- Public rights-of-way under the responsibility of municipalities, similar to town roads.
- The land they cross is typically owned by private landowners
- Not highways with no statutory maintenance requirements.
- May have previously been a designated town highway having the same width as the designated town highway, or a lesser width if so designated
- May be a new public right-of-way for the purpose of providing access to abutting properties or for recreational use.

<https://vermonttgc.org/resource-hub/legal-trails/>

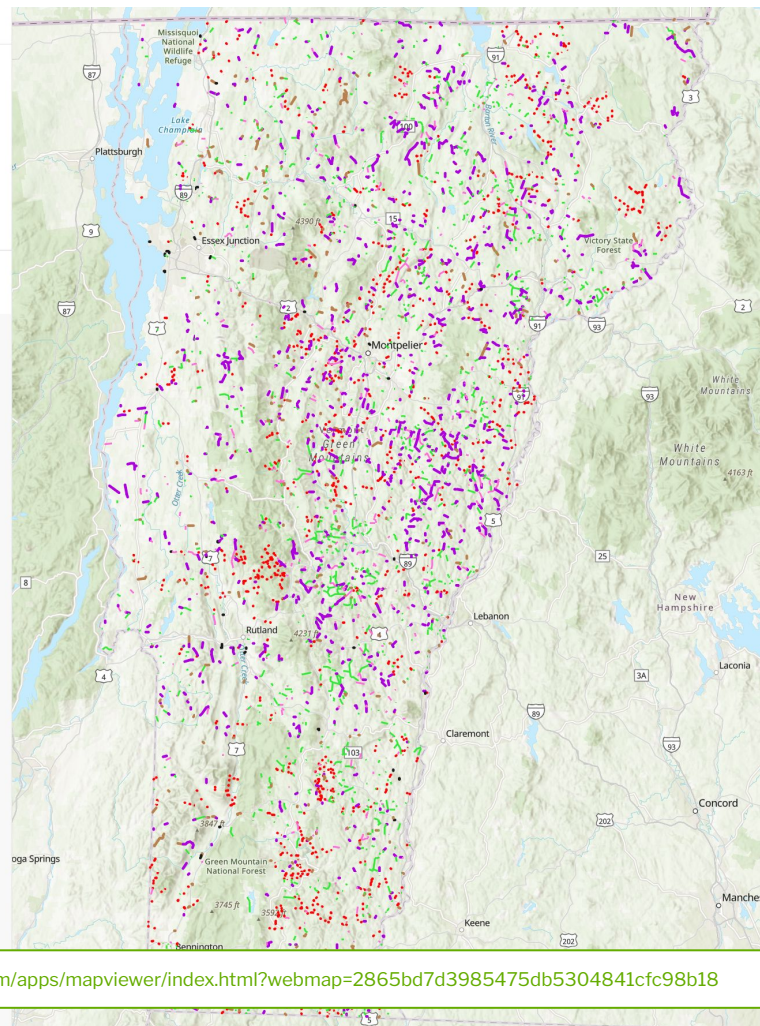
Legend

Class 4 Town Highway

- Paved
- Gravel
- Soil or graded and drained earth
- Unimproved/Primitive
- Impassable or untravelled
- Unknown

Legal Trail

-



<https://www.arcgis.com/apps/mapviewer/index.html?webmap=2865bd7d3985475db5304841cfc98b18>

H.488

Legal Trails Amendment

- Municipalities have the explicit authority to exclusively or cooperatively maintain Legal Trails
- A municipality shall have the authority to maintain trails but shall not be responsible for any maintenance

approximate location of underground facilities shall be marked with stakes, paint, or other physical means as designated by the Commission.

Sec. 34. 30 V.S.A. § 7006a is amended to read:

§ 7006a. MAINTENANCE OF UNDERGROUND UTILITY FACILITY MARKINGS

After a company has marked its underground facilities in accordance with section 7006 of this title, the excavator shall be responsible for maintenance of the designated markings. In the event said markings are obliterated, destroyed, or removed, the person engaged in excavation activities shall notify the System referred to in section 7002 of this title that remarking is needed. The System shall then notify all member companies whose facilities may be affected. The Each applicable company shall within 48 72 hours, exclusive of Saturdays, Sundays, and legal holidays, following receipt of the notice, remark the location of its underground utility facilities.

*** Legal Trails ***

Sec. 35. 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~~ means a "legislative body" as defined in 24 V.S.A. § 2001.

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

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

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

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

(B)(C) a new public right-of-way laid out as a trail by the selectmen legislative body 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 legislative bodies 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:

(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.

(3) Class 3 town highways:

(A) Class 3 town highways are all traveled town highways other than class 1 or 2 highways. The selectmen legislative body, after conference with a 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.

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

Maintenance

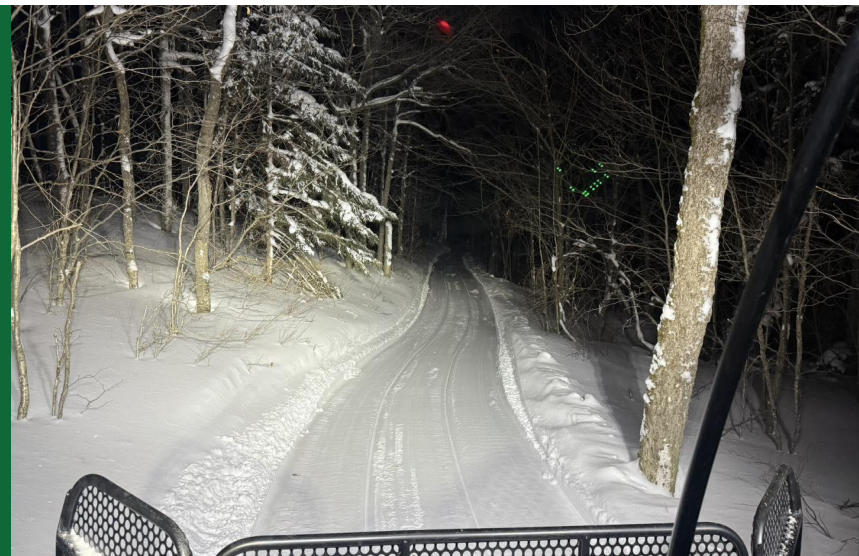
- Exclusively or cooperatively
 - Common operating model for municipalities and trail stewardship organizations
 - By sharing responsibilities, municipalities can keep more trails open and accessible to the public
- Authority but not responsibility
 - Most municipalities create budget lines for recreational maintenance
 - Avoids liability concerns while preserving public access and management in the public's interests



Town Authority

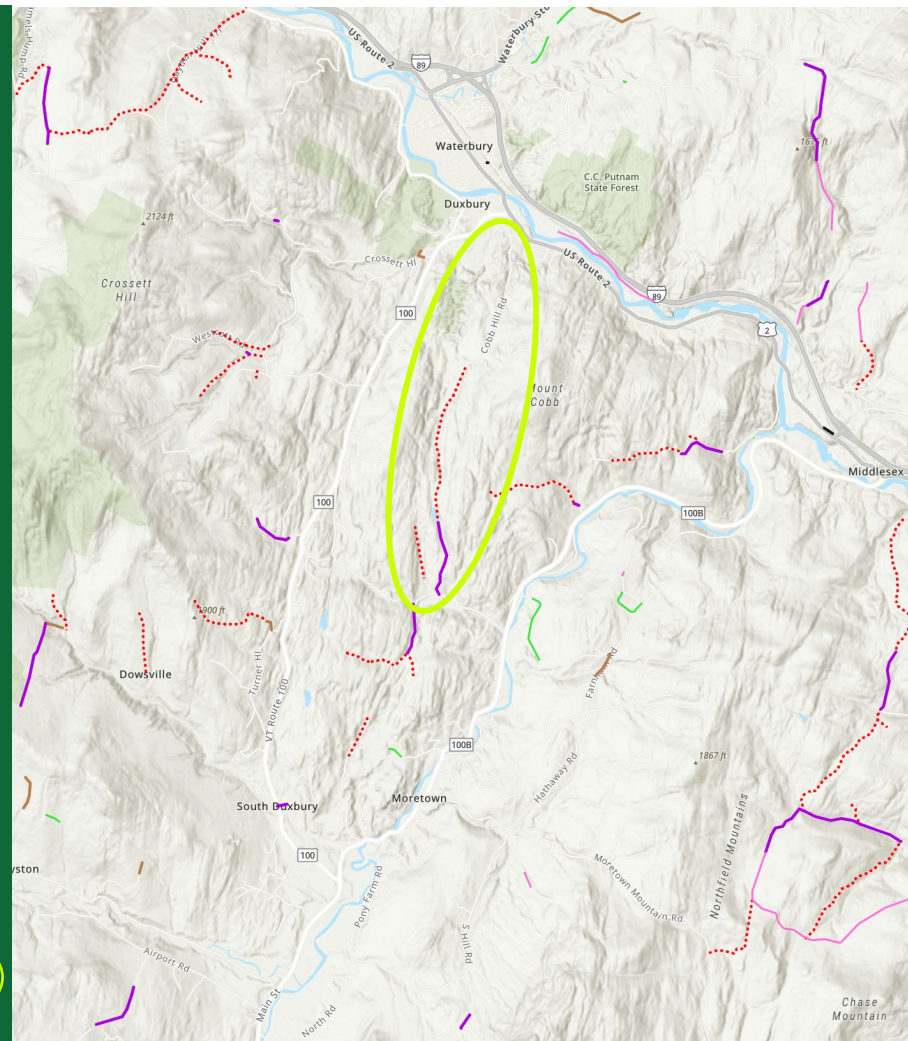
It shall be the duty and responsibility of the town...

- Town oversight of the maintenance of Legal Trails has always been necessary to their function as public rights-of-way
- Amendment clarifies authority of the local legislative body
- Allows municipality to work with its citizens and in cooperation with stewardship organizations to manage Legal Trails in the public interest



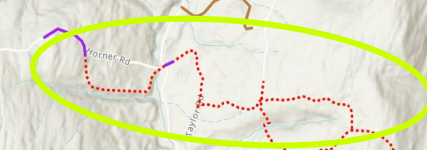
Cobb Hill Rd

- Connects Duxbury / Waterbury with Moretown via Stevens Brook Rd.
- Links Crossett Brook Middle School and Moretown Elementary
- Vital recreational alternative to Route 100
- Part of Waterbury Area Trail Alliance Gravel Grinder annual fundraiser

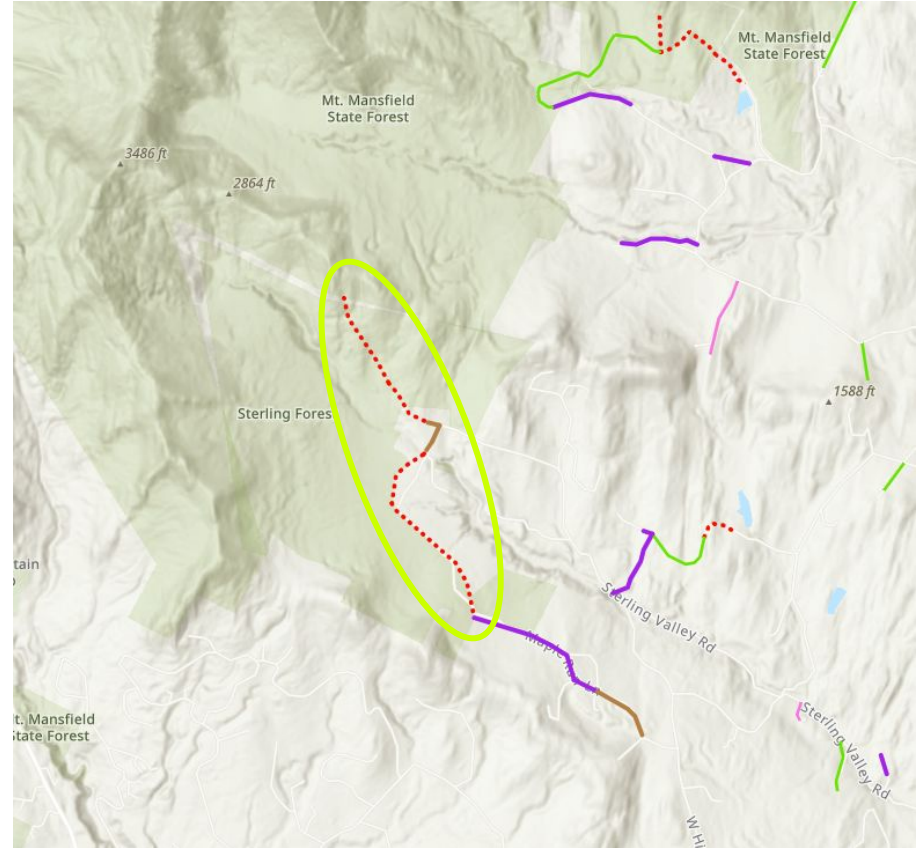


Roxbury

- Legal Trail on Winch Hill in Roxbury
- Serves as primary connector to gas station/deli
- Trailhead parking is just north of Legal Trail with direct access.

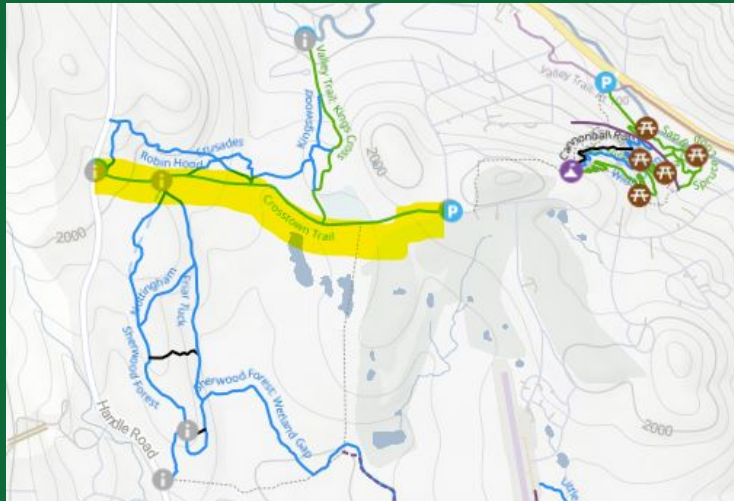


- Connector of the Sterling Forest Multipurpose trails
- Vital alternative to 8 Bridges Trail



Crosstown Trail

- Connects two parts of Dover
- 50-100 daily user average
- Access multipurpose trails on Mount Snow land; provides connectivity to Town Forest Trails
- Will link town to future USFS trails



PEDESTRIAN COUNT SUMMARY

Windham Regional
Commission

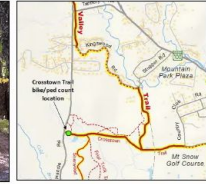
Crosstown Trail

Location: 100 feet from Handle Rd parking area
Town of Dover, Vermont

Windham Regional Commission estimated pedestrian and bicycle trips by setting out pedestrian counters at this location for at least one full weekend and for at least three weekdays. Faster bicycles are not always picked up by the counter, which can result in slightly lower overall counts.

A **trip** is one person travelling past the scanner in one direction. The number of persons passing this location can be assumed to be at least half the number of trips.

Additional data are available by day of week, hour of day, and direction of travel. Contact WRC for details.



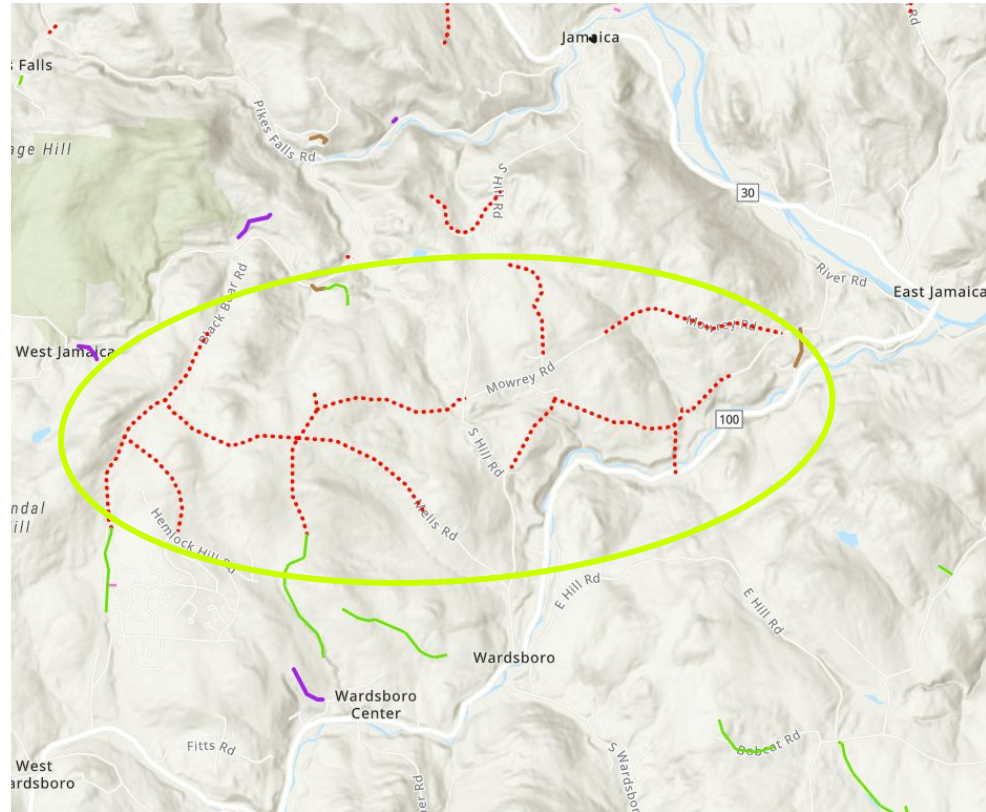
Year	Dates	Average trips per day	weekday only	weekend day only	Notes
2014	July 25—31	79	71	100	Rain Sunday 7/27 and Monday 7/28
2015	June 4—9	34	22	63	Heavy rain on 6/8 and 6/9
2015	October 21—26	16	15	18	Heavy rain on 10/28 and 10/29
2016	May 13—19	31	23	52	Unusually cold and rain on 5/13
2016	July 20—25	77	53	138	
2016	October 8—14	108	68	210	Includes Columbus Day weekend, and the following weekend
2017	June 28—July 4	108	104	119	Includes Fourth of July weekend. Rain Friday 6/30
2017	October 6—11	86	45	188	Includes Columbus Day weekend. Rain on Sunday 10/8 and Monday 10/9
2019	February 7—18	47	18	120	Winter count; includes President's Day weekend
2019	July 26—August 6	52	41	78	All traffic: pedestrians and bicycles
2019	July 26—August 6	11	10	14	Bicycles only

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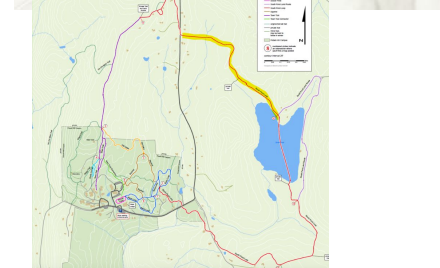
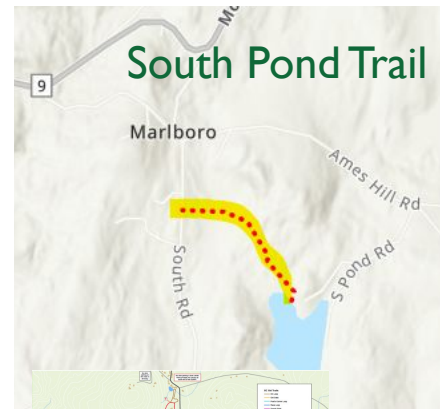
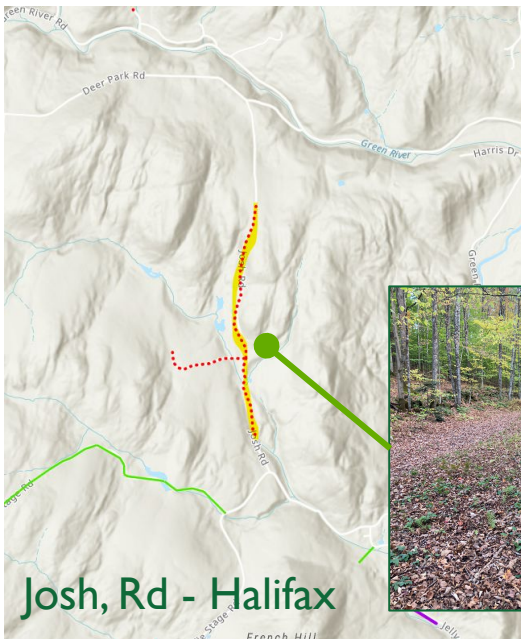
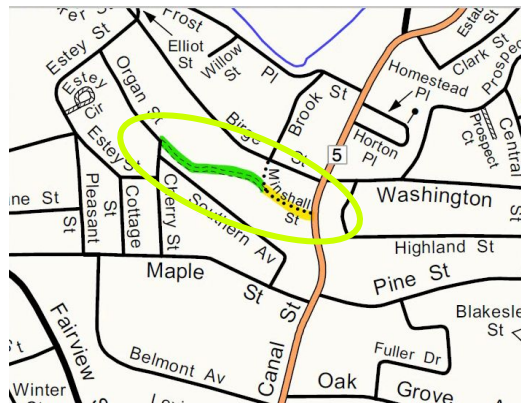
Jamaica

- Walking, nordic skiing, and biking on Lamphear LT 15, Mowrey LT 16, Schoolhouse LT 20, Melis LT 22, Black Bear LT 23, Craven/Brooks LT 17
- Connect West and East Jamaica
- Used during Irene to help reach people in remote locations
- Essential to way-of-life in Jamaica



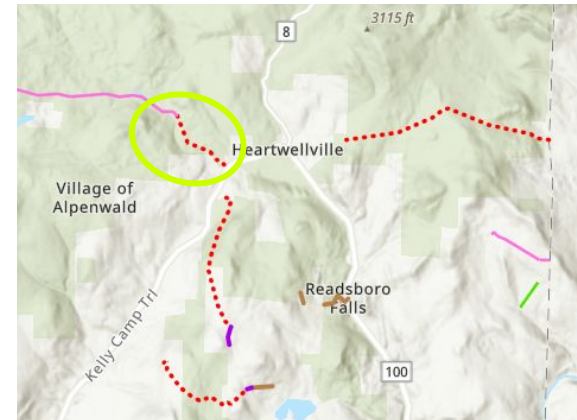
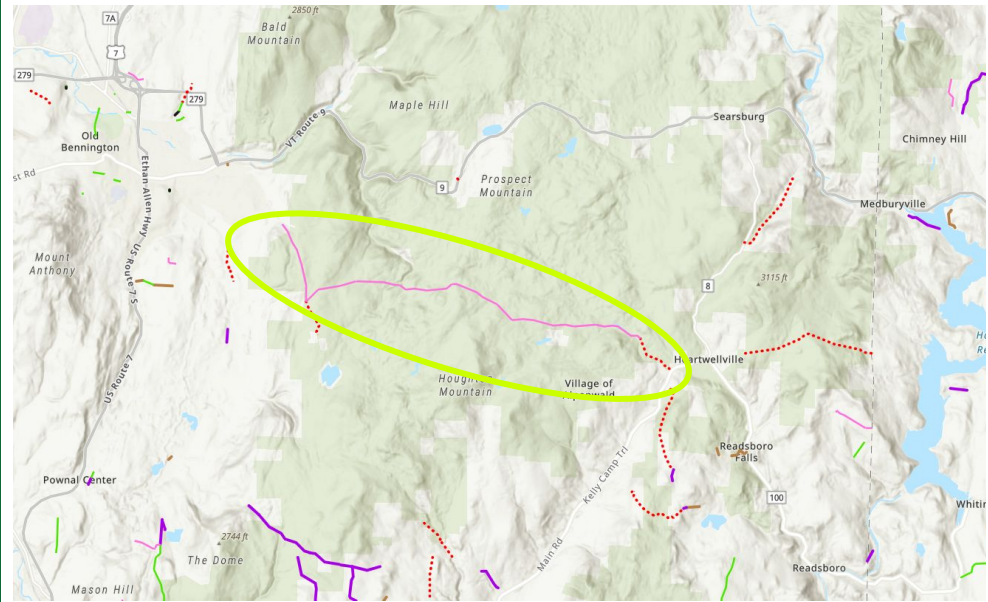
Windham Co.

- Brattleboro - Minshall Street allows the public to travel from Canal Street to Organ Street
- Legal Trails and Class IV Roads are the only public access trails in several towns
 - Josh Road (Halifax) provides access to an old town cemetery
- South Pond Trail in Marlboro. Part of Marlboro Nordic Ski Club's South Pond Loop
- Fall Brook Legal Trail in Dummerston provides a link between Putney Mountain and Dummerston Center



Class IV & LTs

- Stagecoach Road (Class IV) connecting Readsboro and Bennington
- Camp Casino Road (Legal Trail) completes connection on the eastern side
- Part of VAST and VASA networks



Summary

Why this Legal Trails Amendment

- Permanent publicly accessible trails make up the minority of trails in Vermont
- Authority to maintain Legal Trails has always been implicit and assumed as necessary to preserve their function as public rights-of-way, managed in the public interest
- This amendment not only clarifies municipal authority, but also the lack of municipal obligation to maintain Legal Trails
- This amendment also explicitly acknowledges the role stewardship partners play in maintaining Legal Trails



A photograph of two off-road vehicles parked on a dirt path at sunset. On the left is a dark-colored utility vehicle with a person standing behind it, looking out over a mountain range. On the right is a black Polaris utility vehicle. The sky is a mix of orange, yellow, and blue, with the sun low on the horizon. The vehicles have their red taillights on.

THANK YOU!

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Jeff Nugent: jnugent@windhamregional.org

Background

Outdoor recreation is woven into the fabric of Vermont

- 8,000+ miles of public access trails, 70%+ hosted by private landowners
- Public-access recreation is a designated purpose for conservation
- Strong collaboration between public land mgrs & nonprofit stewardship orgs (VTGC)
- A vibrant and highly diversified outdoor recreation business sector
- Dozens of outdoor recreation-oriented communities
- Accounts for 4.8% of State GDP (↑ 0.2%)



VTGC Board

- Nick Bennette, Vermont Mountain Bike Association (VMBA), Chair
- Tommy O'Connor, Vermont ATV Sportsman's Association (VASA) Vice-Chair
- Caitrin Maloney, Slate Valley Trails, Treasurer
- Carolyn Lawrence, Stowe Trails Partnership, Secretary
- Mariah Keagy, Sinuosity Flowing Trails
- Abby Long, Kingdom Trails Association
- Monica Raymond, Vermont Horse Council
- Jeff Nugent, Windham Regional Planning Commission
- Cindy Locke, Vermont Association of Snow Travelers (VAST)
- Rachel Batz, Town of Dorset

