

Dear Chair Westman and Senate Transportation Committee,

My name is Daniel Jordan. I serve as the director of a volunteer-operated nonprofit called Vermont Bikepackers. We're a chapter of the Vermont Mountain Bike Association. I live in Burlington, and the board members of Vermont Bikepackers live in Jericho, Waterbury, Montpelier, and Cornwall. The ~50 recurring annual members of our organization live all over the state and share a love for adventuring by bicycle, especially on unpaved, low-traffic roads and trails, including Legal Trails. We curate bikepacking routes and host events ranging from beginner-friendly campout weekends to our flagship event, the Vermont Super 8, in which participants take on a 650-mile figure 8 bikepacking loop throughout Vermont with its central node in Montpelier. This is our 8th year hosting this ride, and we expect ~60 participants at the start. There is no entry fee, and all riders agree to abide by our self-supported standard, which includes leave-no-trace principles. Anyone with basic outdoor gear, a bicycle, a smartphone, and enough determination can participate. Access and accessibility are core to our mission. Our entire community is built on mutual trust, volunteer time, good faith, and shared public resources.

Many of our bikepacking routes make use of Legal Trails. Vermont statute defines Legal Trails under [19 VSA § 301\(8\)](#):

"Trail" means a public right-of-way which is not a highway and which:

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 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 to reasonably regulate the uses of recreational trails.

I realize the current discussion pertains specifically to maintenance. However, in my opinion as someone who has explored thousands of miles of unpaved rights-of-way in Vermont and who fosters a community of others who do the same, I can tell you simply that maintenance determines access and usage. The legal authority to determine uses of rights-of-way is only as consequential as access to those rights of way, which is itself determined by maintenance. So to my mind, access to Legal Trails is very much at stake in current litigation and in discussion surrounding S.4.

In the Vermont Institute for Government 2020 brief, [“The Public Right of Way and You,”](#) it states:

“Within the public right-of-way, landowners have few rights. If the town ever discontinues the right-of-way, as a landowner you will recover full title to the land you own. While the right-of-way is in force your rights are not much different from that of the travelling public. You can't forbid someone from travelling over the road; you can't place obstructions on the highway; you can't exercise any dominion over the land.”

Roads and trails are unique geographical assets in that they connect multiple parcels. Maintenance of Legal Trails is a very different issue than the maintenance of property in general because the impacts of trail maintenance extend far beyond a single landowner's property boundary. Legal Trails serve as a means of connection among private parcels, state-managed recreational parcels, and even between towns themselves, especially to travelers seeking to avoid pavement and car traffic. As a recreational traveler, I wouldn't even start climbing a hill "if it doesn't go" (in the common parlance). If the authority to maintain Legal Trails moves from municipal bodies to landowners, then the framework is set for an individual landowner to make determinations about recreational access to multiple parcels and multiple towns.

I want to express strong support for the passage of a bill that clarifies municipal authority to maintain Legal Trails and to determine uses and access of those trails. Individual landowners should be able to make determinations about town-maintained rights-of-way through their local selectboards because these determinations affect their neighbors as well. Please help build a future where public access continues to be determined collectively, where the opportunity to explore the outdoors continues to extend beyond private resorts, and where roads and trails continue to achieve the reason they were ever invented, which is to foster connectedness.

Thank you,

Daniel Jordan

vermontbikepackers.org