

The Vermont Statutes Online

Title 10: Conservation and Development

Chapter 20: VERMONT TRAILS SYSTEM

§ 441. Statement of purpose

(a) In order to provide access to the use and enjoyment of the outdoor areas of Vermont, to conserve and use the natural resources of this state for healthful and recreational purposes, and to provide transportation from one place to another, it is declared to be the policy of this state to provide the means for maintaining and improving a network of trails to be known as the "Vermont trails system."

(b) It is the intent of the legislature that trails be established within and without boundaries of state parks and forests and, when feasible, to interconnect units of the state park and forest system, as well as such federal and municipal lands as may be appropriate.

(c) The development, operation, and maintenance of the Vermont trails system is declared to be a public purpose and in this context, the agency of natural resources together with other governmental agencies is authorized to spend public funds for such purposes and to accept gifts and grants of funds, property, or property rights from public or private sources to be used for such purposes where permission is granted.

(d) It is the intent of the legislature to maintain Vermont's eligibility for receiving and spending federal funds for trails.

(e) It is the intent of the legislature that whenever a railroad line not already owned by the state of Vermont is proposed for abandonment, and continuation of railroad service is not economically feasible under present conditions, the right-of-way may be acquired by the state of Vermont for railbanking and interim trail use under chapter 58 of Title 5. (Added 1993, No. 211 (Adj. Sess.), § 28.)

§ 442. Definitions

As used in this chapter:

(1) "Agency" means the agency of natural resources.

(2) "Nonhighway recreational fuel taxes" means state taxes on fuel used in vehicles on recreational trails or back country terrain.

(3) "Trails" means land used for hiking, walking, bicycling, cross-country skiing, snowmobiling, all-terrain vehicle riding, horseback riding and other similar activities. Trails may be used for recreation, transportation and other compatible purposes.

(4) "Trails and Greenways Council" means the Vermont Trails and Greenways Council, Inc. as incorporated with the secretary of state's office. (Added 1993, No. 211 (Adj. Sess.), § 28.)

§ 443. Vermont trails system

The Vermont trails system shall consist of those individual trails recognized by the agency of natural resources with the advice of the greenways council. The agency, with the advice of the council, shall establish criteria for recognition of single use and shared use trails. (Added 1993, No. 211 (Adj. Sess.), § 28.)

§ 444. Responsibilities of the agency of natural resources

The agency of natural resources may:

(1) Acquire by permission, the use of any section of land for the purpose of developing and maintaining the Vermont trails system. Permission shall be acquired from a willing land owner and shall be in writing and signed by both parties. The agency or a person authorized by the agency shall obtain landowner permission before establishing or allowing a trails group to establish a trail across private land. The written permission shall contain a clearly written statement expressing both parties' rights and obligations, including the obligation to maintain the trail, and the liability for property damage or personal injury, or both, to persons using trails created pursuant to this chapter. A dedication or any adverse right shall not arise from the granting of permission, under any circumstances.

(2) Acquire by gift, or purchase, the fee simple absolute title or any lesser interest in land, including easements, for the purposes of developing and maintaining the Vermont trails system. The agency shall hold harmless from any liability for personal injury or property damage sustained on a trail, subject to the provisions of section 448 of this chapter, any private landowner from whom an interest has been granted or conveyed under this subdivision.

(3) Assign responsibilities for any trail, path, easement or right-of-way to another governmental entity or not-for-profit agency upon agreement by such entity or agency to maintain and manage it for purposes consistent with this chapter.

(4) Coordinate the activities of all governmental units and bodies that desire to participate in the development of the Vermont trails system.

(5) Publish, sell, and distribute information and maps related to the development and maintenance of recreational trails.

(6) Develop and oversee the implementation of a Vermont trails plan. The plan may include guidance on expenditure of funds, standards, provision for uniform signing, user and landowner educational programs.

(7) Provide for public involvement in the development and management of the Vermont trails system. (Added 1993, No. 211 (Adj. Sess.), § 28.)

§ 445. Advisory council designated

(a) The Vermont Trails and Greenways Council, Inc., an organization of trail using and trail providing groups, is designated as an advisory council to the Agency of Natural Resources and shall advise on all matters related to this chapter, including the allocation of State and federal funds appropriated for the purposes of this chapter.

(b) [Repealed.] (Added 1993, No. 211 (Adj. Sess.), § 28; amended 2011, No. 153 (Adj. Sess.), § 29.)

§ 446. Vermont recreational trails fund

A recreational trails fund is established which shall be subject to the provisions of subchapter 5 of chapter 7 of Title 32. There shall be an annual transfer from the transportation fund to the recreational trails fund of an amount equivalent to a reasonable estimation of the revenues from taxes on nonhighway recreational fuel. This amount shall be three-fourths of one percent of the total state gas tax, not to exceed \$370,000.00. In each fiscal year this amount shall be included in the budget estimates and statements submitted under 32 V.S.A. § 301 for purposes of determining appropriations by the general assembly. Appropriations may be made from the fund to design, construct, and maintain recreational trails, to conduct studies and prepare plans, publish maps and information, make grants to state and municipal agencies and nonprofit organizations. The agency of natural resources shall administer the fund and adopt rules for its use and all monies appropriated shall be used on state, federal and municipal lands and on maintenance of trails on public as well as private lands where permission is granted, as follows:

(1) forty percent to the department of forests, parks and recreation;

- (2) twenty percent for providing grants to municipalities and not-for-profit agencies;
- (3) forty percent to the Vermont association of snow travelers. (Added 1993, No. 211 (Adj. Sess.), § 28; amended 1995, No. 63, § 212a, eff. May 4, 1995.)

§ 447. Coordination with the agency of transportation

(a) The agency of natural resources shall coordinate the development of trails and the agency of transportation shall coordinate the development of bicycle and pedestrian paths.

(b) The agency of transportation shall endeavor to purchase railroads over which rail service has been discontinued which then may be retained for transportation use or leased to the agency of natural resources for management as trails. (Added 1993, No. 211 (Adj. Sess.), § 28.)

§ 448. Landowner liability

No public or private owner of land which is a part of the Vermont trails system shall be liable for any property damage or personal injury sustained by any person using these trails unless the public or private owner intentionally inflicts the damage or injury. (Added 1993, No. 211 (Adj. Sess.), § 28.)

§ 449. Relation to other laws

The provisions of this chapter shall not be construed to limit the powers of any governmental body under any other law or municipal charter. (Added 1993, No. 211 (Adj. Sess.), § 28.)
