

What is a Legal Trail?

Vermont statutes distinguish Legal Trails from Class 1,2,3, and 4 highways 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.

Legal Trails in Tunbridge were town highways previously and are considered a public right-of-way until the Town relinquishes it as a thoroughfare. The right-of-way is presumed 3 rods wide ~49.5 ft (19 V.S.A. § 32). Legal Trails are owned by landowners; like other public rights of way, trails are accessible to the general public and access can only be limited or modified by the Selectboard. Further information is available in items found in the Legal Trails Resources on the town website: (<http://tunbridgevt.org/legal-trails/>)

The Town Mileage Certificate submitted by the Selectboard to the Vermont Agency of Transportation certifies the roads and legal trails, which then displays them on the [Official Town Highway Map](#). Tunbridge has four legal trails including: Cross Road (LT-1, 0.73 miles), Baptist Hill (LT-2, 0.7 miles), Orchard (LT-3, 0.72 miles), and Falls Hill (LT-4, 0.3 miles).

The Selectboard is responsible for regulation of town rights-of-way, including trails (19 V.S.A. § 304(5) 19 V.S.A. § 304). Note that towns aren't required to perform any specific maintenance or upkeep on trails.

Town Plans have had differing language regarding which recreational uses are allowed on Legal Trails. [2013 Town Plan](#) (Page 55); [2017 Town Plan](#) (Pages 54 & 55); [draft 2021 Town Plan](#) (Pages 53-55).

The Selectboard can control use of a trail to protect the trail - for example, restrict traffic during mud season or restrict the weight allowed and the types of recreational use. The town could allow use with a written agreement that any damage would be repaired by the user. It could also require agreements to make certain improvements (grading, ditching, etc.) up to town standards to prevent damage. Trail usage can be managed most effectively by ordinance or policies.

Why was a Trails Committee Formed? It is important to note that outdoor activity trends and the communication power of social platforms increase the chances of trail use and potentially overuse. A Trails Committee has been formed for the following purposes:

- To make a policy or ordinance recommendation to the Selectboard
- Understand seasonal issues and environmental impacts on the four trails
- Explore types and amount of current use of the four trails
- Develop communication strategies that support landowners and trail users (e.g., trail markers to keep users on trails and increasing community dialogue)
- Consider trail re-routes that might ameliorate landowner and/or environmental impacts
- Identify sources of funding that can support recreational opportunities, including volunteers
- Work with trails experts who can assist in whatever way is appropriate for committee needs