

Policy on Legal Trails

Town of Hartland, Vermont

1. Purpose

Legal trails are recognized to be a valuable public resource and every reasonable effort should be made to retain the public access to these byways for recreational purposes.

While the Town encourages the use of these public spaces, it also has a responsibility to protect and preserve the trails and to minimize the negative impact of their use on the environment and on adjacent landowners. This policy outlines how the Town of Hartland, Vermont, will maintain and protect its existing legal trails and designate new trails, and sets out what activities are allowed and not allowed on Hartland's legal trails.

2. Definitions

“Legal trail” shall mean a public right-of-way that 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 Selectboard for the purpose of providing access to abutting properties or for recreational use. 19 V.S.A. §301(8).

"Selectboard" shall mean the Selectboard of the Town of Hartland, Vermont.

"Town" shall mean the Town of Hartland, Vermont.

"Right-of-Way Permit" shall mean a permit authorized by the Town Manager or their designee for access to a town highway or legal trail for the purposes of maintenance, repair, restoration, installation, and/or improvement of a town highway or legal trail pursuant to 19 V.S.A. §1111 and the Town of Hartland, Right-of-Way Permit Policy.

“Vehicle Permit” shall mean a permit authorized by the Town Manager or their designee for the purposes of operating a motorized vehicle (other than a snowmobile) on a legal trail.

“Motorized vehicle” shall include all vehicles propelled or drawn by power other than muscular power. (Exceptions are made for e-bikes and electrical assistive mobility devices, see below)

“Operate”, “operating”, or “operated” as applied to motor vehicles shall include drive, driving and driven and shall also include an attempt to operate, and shall be construed to cover all matters and things connected with the presence and use of motor vehicles, whether they be in motion or at rest.

3. Approved and Prohibited Uses

The Town of Hartland has seven "legal trails", listed at the end of this document, as of the date of this approval. Most of these derived from Class 4 roads that were discontinued in which case, the trail right-of-way is the same width as the right-of-way of the discontinued highway

Approved Uses

Non-motorized recreational activities, including hiking, biking, skiing, snowshoeing, horseback riding, picnicking, etc. are allowed and encouraged. Snowmobile use in the winter is permitted. Trail users assume liability for their own safety. Dogs must be leashed or under the owner's control. Dog owners, please clean up after your pets. Trail users should carry any trash they generate out with them. The legal trails are usually bordered by private land. Trail users should respect the property rights of abutting landowners.

Electric bicycles (e-bikes) that can be either propelled partially (pedal assist) or completely (throttle controlled) with an electric motor, are allowed, as are electrical assistive mobility devices.

Prohibited Activities

The use of motorized vehicles (except snowmobiles in winter, e-bikes, and electrical assistive mobility devices as described above) is prohibited on Hartland's legal trails, except as noted in Section 5 below. Hunting or trapping in the trail right-of-way, or the discharge of firearms, bows and arrows, or crossbows is prohibited. Open fires or overnight camping in the trail right-of-way are prohibited.

Obstruction of Trails

State statutes prohibit the placing of any gate or obstruction on any highway or trail (except by the Selectboard) or the injury or impeding of any person traveling on the trail. 19 V.S.A §1105. Vehicles should not be parked so as to block access to trails.

4. Maintenance by the Town

The Town shall only provide maintenance of legal trails to the extent required by necessity and the public good and convenience of the inhabitants of the Town and when staff and financial resources allow.

5. Vehicle Permits

Any person who wishes to operate a motorized vehicle (other than a snowmobile, e-bikes, or electrical assisted mobility devices) on a legal trail shall obtain a Vehicle Permit from the Town Manager or their designee. A completed permit application should be submitted to the Town Manager or their designee in writing and shall be signed by the applicant. The application shall include the reason vehicle access is necessary and the length of time access is requested.

The Town Manager or their designee may, at their discretion, issue a "standing" Vehicle Permit to owners or renters of land abutting a legal trail, allowing them to operate a farm or logging vehicle on the trail without applying for a permit for every use. People who are issued a Right-of-way Permit to do repair, maintenance, improvement, or restoration work on a trail may use motorized vehicles that are necessary to complete the work without obtaining a separate Vehicle Permit.

6. Compliance with Other Regulations.

This policy is intended to supplement state law and local ordinances. All other ordinances and policies adopted by the Town shall remain in full force and effect.

This policy, formally known as the 1/4/2023 Draft Policy on Legal Trails, was adopted by the Selectboard the 17th day of January, 2023.

Appendix: Hartland Legal Trails*

1. Jenne Road Trail (0.33 mi) from Jenne Rd. to Morley Rd.
2. Cady Brook Trail (2.0 mi) from Jenneville Rd. to Morley Rd.
4. Hall Hill Trail (0.95 mi) from Weed Rd. to Densmore Hill Rd.
5. County Rd. Trail (0.25 mi) from Hampton Rd. to Brownsville Rd.
6. Center of Town Trail (0.55 mi) from Center of Town Rd. to Quechee-Hartland Rd.
7. Trask Cemetery Trail (0.3 mi) from Mill St. to Trask Cemetery.
8. Verdun Hill Trail (0.49 mi) from Best Rd. to West Windsor town line.

* Trail numbering is as described on the Vermont General Highway map dated July 13, 2020.