

Act 250 Jurisdiction

Act 250, Vermont's Land Use and Development Act, is a law passed in 1970 to mitigate the effects of development through an application process that addresses the environmental and community impacts of projects that exceed a certain threshold.

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."

Being included in the VTS identifies your trails as a public good. This is very good news for you as a landowner. Your inclusion in the VTS better protects you from triggering Act 250.

- Act 250 has no jurisdiction unless 10 acres of land is physically disturbed during the construction of trails
- Inclusion in the VTS requires a map to be on file with Forests, Parks & Recreation. Access to VTS maps will be made available by request

Physically disturbing 10 acres on your land would require over 10 miles of singletrack. In the event Act 250 is triggered, VMBA and the local chapter will pursue the permit on your behalf.

It is possible that a landowner could choose to not engage the VTS and build any number of trails on their land. If a partnership is developed with a VMBA chapter and trails are constructed without being a part of the VTS, then Act 250 could be triggered.

Alternatively, if a landowner worked with a VMBA chapter to become a part of the VTS, then a project must physically disturb 10 or more acres of land before triggering Act 250. In essence, being a part of the VTS provides added protection from triggering Act 250. It does not require that chapters publish maps, but does require that a map be on file with Forests, Parks & Recreation. If future policy dictates that maps must be published, landowners hosting trails will have the opportunity to opt out of the VTS.

Partnering with a VMBA chapter comes with a number of benefits including:

- An accountable, experienced and dedicated group of people building and maintaining trails on your land
- An opportunity to strengthen your community through volunteerism, healthy family recreation and growing a vibrant local business community
- An opportunity to communicate with the public about trails on your land

Contact info

Thank you for considering a partnership with VMBA and chapters. Your participation is a meaningful part of ensuring that Vermonters have access to natural places. Please feel free to contact the VMBA Office:

PO Box 2055
South Burlington, VT 05407
802.540.2447
www.vmba.org



VERMONT MOUNTAIN BIKE ASSOC.
SINCE  1997

This document was published in 2020. The contents are subject to future changes in landowner regulations. Please be sure to have the most recent information from VMBA and/or your local chapter prior to making land use decisions.



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Building vibrant communities through trails



Private Landowners & VMBA Chapters

Thank You

Thank you for your meaningful role in creating vibrant communities in Vermont. Access to outdoor recreation facilitates a long list of meaningful outcomes:

- Invigorated individuals that strengthen communities
- Healthy and happy families
- Kids off screens building grit, focus and character
- Emboldens Vermont's core outdoor ethos
- Strengthens Vermont's outdoor-minded business community

These outcomes facilitate a future that benefits everyone – on and off our trails. Your generosity is greatly appreciated.

The Association is excited that you're interested in hosting trails. You likely have questions. What follows is a brief breakdown of the most commonly asked questions from private landowners. Please feel free to reach out to the VMBA office and/or your local chapter representative to have your follow questions addressed. Thank You!

Association Introduction

The Vermont Mountain Bike Association (VMBA) is a 501(c)3 nonprofit organization that works with 30 chapters dedicated to building relationships with landowners, building/maintaining trails and hosting events. The Association's 7600+ members represent the volunteer force that regularly participates in the ongoing effort required to steward Vermont's trail resources. To learn more about VMBA please visit: vmba.org

Landowner liability

A common concern for landowners is the likelihood of being held liable/responsible for a trail user's injuries while recreating on their property. In 1998 the state of Vermont augmented landowner protection laws. The law can be found in Vermont Statutes - "V.S.A. 5791, et. seq." <https://legislature.vermont.gov/statutes/fullchapter/10/020> (see section 448). Since its inception, landowners have been successfully protected from liability. If in the event a VMBA chapter's landowner is named in an action, VMBA's insurance will cover the private landowner's legal representation.

The law limits liability requirement to that of a trespasser on your land, which requires willful and wanton misconduct on your part before liability can be legally linked to you. It also assigns an assumption of risk to trail users including any damage to their property.

This protection is available to all landowners that **DO NOT** charge for access to trails on their land. Landowners interested in monetizing trails on their land should contact VMBA or their local VMBA chapter representative to discuss available opportunities.

10-Year Access Agreement

Chapters often use public granting opportunities to help pay for to build trails. Traditionally, this meant that a landowner needed to grant an easement. VMBA has developed an arrangement with Recreational Trails Program (RTP) that allows VMBA chapters to build on private land without an easement of an RTP grant is the funding source.

The agreement seeks a 10-year assurance that the trail resource remains in place – if the chapter utilized RTP to pay for the trail. In the event the trail resource closes to the public due to land sale or poor relationship management between parties, the VMBA chapter must repay the pro-rated balance of the grant. The landowner is not responsible for any repayment. Given this reality, it is paramount that

landowners and chapters fully understand each party's responsibilities relative to:

- Trail location, new builds, maintenance schedules
- User parking, signage & trailhead management
- Educating the public about landowner's wishes
- Events (if allowed), trail closures & landowner updates

Please ask the chapter representative for a copy of the landowner agreement.

