

BYLAWS

VERMONT TRAILS & GREENWAYS COUNCIL Revised January 11, 2001

Article I

▪ **Name**

The name of this organization shall be "Vermont Trails and Greenways Council, Inc." (VT&GC) and shall be incorporated under the laws of the State of Vermont.

Article II

▪ **Objectives**

- A. The purpose of the Vermont Trails and Greenways Council (hereinafter referred to as the Council) is to ensure that people will always have access to adequate land and water-based trails and greenways.
- B. Under Vermont statute, Title 10, Sections 441 through 449, "The Vermont Trails & Greenways Council is called upon to provide advice to the Agency of Natural Resources in maintaining and improving a network of trails to be known as the 'Vermont trails system'." Under 10 VSA, Section 443, "The Council shall provide advice regarding criteria for recognition of single-use and shared-use trails." Under Title 10, Section 445, "The Council shall advise on all matters related to the Vermont trails system, including the allocation of state and federal funds appropriated related to trails."
- C. Under Title 10, Section 442, "'Trails' mean 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."
- D. The Council will:
 1. promote the development, improvement, maintenance, and protection of trails by all groups and agencies;
 2. promote coordination of efforts among user groups and government agencies;
 3. encourage educational programs by all related groups and agencies.The Council may:
 1. serve as a clearinghouse;
 2. carry out studies and promote research and publications;
 3. coordinate matters related to appropriate legislation.

Article III

▪ Membership

- A. Membership shall consist of "State-wide" members, "Regional" members, "Local/Community" members, "Individual" members, and "Commercial" members.
 - 1. State-wide members shall include trail-using or trail-providing organizations and agencies that represent or provide services related to trails on a statewide basis.
 - 2. Regional members shall include trail-using or trail-providing organizations and agencies that represent or provide services related to trails on a regional (multi-town) basis.
 - 3. Local/Community members shall include trail-using or trail-providing organizations that serve, represent, or provide services related to trails within a municipality.
 - 4. Individual members include any individual interested in the work of the Council.
 - 5. Commercial members shall include individuals and businesses that provide trail-related goods and services.
- B. The Vermont Department of Forests, Parks and Recreation, the Fish and Wildlife Department, the Agency of Transportation, the Vermont League of Cities and Towns, and the National Park Service shall be State-wide members of the Council, are not required to pay a membership fee, and one representative of each shall have full voting rights.
- C. Membership qualification questions shall be determined by the Board. The staff person from Forests, Parks and Recreation shall determine placement of members within membership categories.
- D. Membership fees shall be established by the Board.

Article IV

▪ Board of Directors

- A. The Board of Directors of the Council shall consist of the elected officers of the Council, two representatives from the State-wide members, two representatives from Regional members, one from Local/Community members, and one representative at large representing Individual and Commercial members.
- B. The nominating committee shall nominate the officers and directors who shall be elected at the annual meeting.
- C. The Board shall have the authority to conduct all the business of the Council except as provided for in these Bylaws.
- D. Vacancies on the Board or an officer vacancy shall be filled by the Board with such person(s) to serve until the next annual meeting.
- E. The Board of Directors shall not be eligible for any salaried positions and contracts with the Council.

Article V

▪ Committees

- A. The Board shall appoint such committees as it deems appropriate.
- B. The Board Chair shall appoint the nominating committee. It shall consist of four members and shall be representative of the Council, including representatives from the Board as well as Council members.

Article VI

▪ Meetings

- A. The Board shall meet at least four times per year.
- B. Special meetings of the Board of Council may be called any time by the Chair, by a petition of at least five members of the Board, or 10% of the Council membership.
- C. The Secretary shall notify members of regular meetings at least 10 days in advance. The notice shall include the time, place, and general nature of the business to be transacted.
- D. The annual meeting of the Council shall be held during the months of April or May.

Article VII

▪ Officers

- A. The officers of the Council shall be the Chair, Vice Chair, Secretary, and Treasurer, all of whom shall be elected from the membership of the Council.
- B. The duties of the officers are as follows:
 1. The Chair shall preside over all meetings of the Council. The Chair shall be, ex-officio, a member of all committees except a nominating committee. The Chair shall have the usual powers of supervision and management as may pertain to the office of the Chair and perform other such duties as may be designated by the Council.
 2. The Vice Chair shall, in the event of absence, disability, or death of the Chair, possess all the powers to perform all of the duties of that office until such time as the Council shall elect one of its members to fill the vacancy. The Vice Chair shall perform such duties as the Chair may designate.
 3. The Secretary shall keep minutes of all meetings of the organization. The Secretary shall perform such other functions as may be incident to the office.
 4. The Treasurer shall be the custodian of all monies, shall deposit them in a bank approved by the Council, and shall disburse the same only upon order of the Council. The Treasurer shall present statements to the Council at their regular meetings and an annual report at the annual meeting.
- C. The officers shall be elected for one-year terms from the membership of the Council at its annual meeting and shall continue in office until relieved by their successors. Officers may serve an unlimited number of terms.

Article VIII

▪ Fiscal

- A. The fiscal year shall be from June 1 to May 31.

Article IX

▪ Quorum

A quorum for meetings shall consist of at least 50% of the members of the Board.

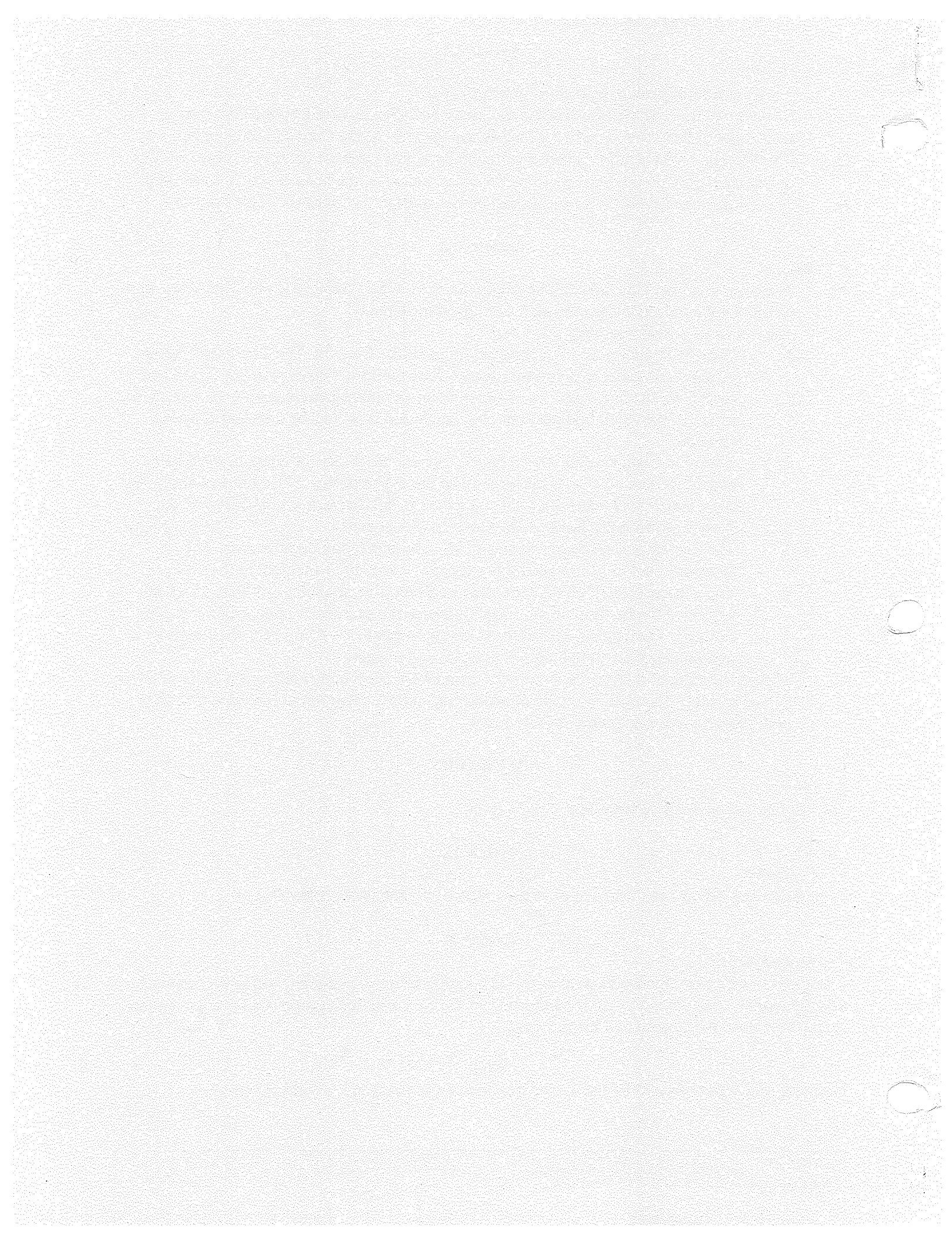
Article X

▪ Amendments

These Bylaws may be amended by a two-thirds majority of those members voting on proposals of amendments made at a duly notified meeting of the Council. Such proposals for amendments shall be set forth in the notice of the meeting.

Article XI

Business shall be conducted by the most recent edition of the Roberts Rules of Order.



§ 423. Improvement of land

CROSS REFERENCES

Restrictions on smoking in public places, see § 1741 et seq. of Title 18.

§ 425. Scenery preservation council

(a) There is created within the state planning office a scenery preservation council to advise and assist the state planning director in the performance of his duties with respect to this chapter. The scenery preservation council shall consist of ten members including the secretary of the agency of natural resources, the secretary of the agency of transportation and the director of the state planning office or their designees. The governor shall appoint five members. The speaker of the house shall appoint one member of the house as member and the committee on committees of the senate shall appoint one senator as member. The terms of the members appointed by the governor shall be for three years, except that he shall appoint the first members so that the terms of the members end in one year, two years and three years. The terms of the members appointed by the speaker of the house and the committee on committees of the senate shall end on January 15 in every odd-numbered year and their successors shall be appointed at that time. The governor shall designate an appointed member to serve as chairman at the governor's pleasure. Except as provided in this section, no state employee or member of any state commission nor any federal employee or member of any federal commission shall be eligible for membership on the scenery preservation council. Members of the council who are not full-time state employees, including members of the general assembly when the general assembly is not in session, shall be entitled to a per diem of \$30.00 and their actual necessary expenses.

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—Amended 1987, No. 76, § 18.

HISTORY

1987 amendment. Subsection (a): Substituted "agency of natural resources" for "agency of environmental conservation" following "secretary of the" in the second sentence.

SECTION

441. Statement of purpose.
442. Definitions.

Chapter 20. Vermont Trails System

and personnel and administrative expenses resulting from guarantees made under this section. No monies in any other reserve account established pursuant to this chapter shall be used to discharge the board's guaranty liabilities or personnel and administrative expenses related to guarantees made under this section.

(d) The guarantees issued by the board under this section shall not exceed \$1,000,000.00. This limit is in addition to the overall guaranty limitation contained in section 390 of this title.

(e) Except for its obligation to pay any valid claim of a lender in accordance with the express terms of its guaranty, the board shall not have any liability to any person for any reason as the result of having guaranteed a loan under this section.—Added 1993, No. 229 (Adj. Sess.), § 3.

CROSS REFERENCES

Lead poisoning, see § 1751 et seq. of Title 18.

Chapter 19. Scenery Preservation Council

§ 422. Acquisition of rights and interests in land for scenery protection

(a) Power to acquire. To further carry out the purposes set forth in section 421 of this title, the agency of transportation, the departments of forests, parks and recreation, fish and wildlife, environmental conservation and the division for historic preservation, hereafter called department, may acquire land and any rights and interests therein by purchase with any authorized funds, donation, device, exchange, transfer from any other governmental agency (federal, state or local). All proposed acquisitions, exchanges, and transfers of lands or rights therein shall be submitted to the natural resources inter-agency committee for review of conformance to the plan prepared under section 424 of this title. The recommendations of the inter-agency committee on natural resources need not be binding on the departments.

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—Amended 1987, No. 76, § 18.

HISTORY

1987 amendment. Subsection (a): Substituted "environmental conservation" for "water resources and environmental engineering" following "fish and wildlife" in the first sentence.

- 443. Vermont trails system.
- 444. Responsibilities of the agency of natural resources.
- 445. Advisory council designated.
- 446. Vermont recreational trails fund.
- 447. Coordination with the agency of transportation.
- 448. Landowner liability.
- 449. Relation to other laws.

§ 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" mean state taxes on fuel used in vehicles on recreational trails or back country terrain.
- (3) "Trails" mean 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.

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.

§ 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.

Chapter 21. Tourist Information Services

NEW SECTION

506. Newspaper or other vending machines; delivery tubes.

CROSS REFERENCES

Agency of transportation, see § 1 et seq. of Title 19.

Law Review Commentaries

For note relating to constitutional aspects of billboard regulation, see 9 Vt. L. Rev. 341 (1984).

§ 481. **Definitions**

As used in this chapter, the following terms are defined as follows:

(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.

CROSS REFERENCES

Coordination with agency of transportation, see § 447 of this title.

§ 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) The agency of natural resources shall submit by September 1 of each year to the house and senate committees on transportation, appropriations, and natural resources and energy, a complete accounting of expenditures and income, relating to this chapter, for the prior year and an estimated budget for the next year.—Added 1993, No. 211 (Adj. Sess.), § 28.

§ 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 82. There shall be an annual appropriation 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,

