

Groton Rail Bed Trail Definition

The purpose of this document is to clarify the definition of the Groton Rail Bed Trail. A Town Ordinance governing the Trail, will be put in place by the Selectboard at the time of the Trail's adoption.

1. Q. Why is the Rail Bed being formally made into a Town Trail?
 - A. As stated in the Groton Town Plan, the Rail Bed is a major town asset and recreational resource. For many years the Selectboard has discussed taking the required steps to formally make the Rail Bed a Town Trail, and it is now taking that action which will formally identify it to the state so that it is added to the Town Highway map. A Vermont "Trail" is a public right-of-way which is not a highway.

2. Q. Who owns the Rail Bed?
 - A. The Town of Groton owns the Rail Bed property. Ownership was received from the State of Vermont.

3. Q. Does the Rail Bed have to be surveyed?
 - A. It was surveyed by the state when ownership was passed to the town. The rail bed is a minimum three rods wide (49.5 feet) and approximately six miles long.

4. Q. What will be the name of the Trail?
 - A. The Groton Rail Bed Trail

5. Q. What is the intended use of the Trail?
 - A. The primary purpose of the trail is recreation and the trail is intended to be as it is currently for bicycling, walking, hiking, skiing, snowmobiles, snow shoeing, horse back riding and limited vehicle traffic. ATVs will continue to be prohibited. The town highway department will continue to use a portion of the trail to access its gravel pit. There is no intent to plow any portion of the Trail in the winter which is consistent with its use as a VAST trail. To achieve its objective of recreation in the winter, wheeled vehicles will be prohibited from the trail from December 15 to April 15 other than official trail grooming vehicles. Emergency Service vehicles will use the trail as appropriate. Parking areas are available.

6. Q. Will the Rail Bed Trail be maintained?
 - A. The local VAST Club, the Cross Vermont Trail Association and the Groton Highway Department will continue to maintain the Rail Bed Trail on a best-effort basis as they have in the past. All maintenance will continue to be under the control of the Selectboard and the Highway Department. Abutters and the public are not permitted to enhance or maintain or modify in any way the Rail Bed Trail property unless specific prior written permission is

obtained from the Selectboard. This includes the cutting of trees or vegetation, or filling or creating drainage or grading or plowing. The current "Application for Access/Right of Way Permit" form may be used to gain permission for modifications. The Rail Bed Trail is intended to be a recreational trail and will be maintained as such.

7. Q. Is there any intent to limit vehicle use?
 - A. To achieve its objective of recreation in the winter, wheeled vehicles will be prohibited from the trail from December 15th to April 15th other than official trail grooming vehicles and by specific written permission of the selectboard. Also if trail conditions and usage or safety warrants it, especially during mud season, vehicle use may be restricted or a portion of the trail may be temporarily closed to vehicle use.

8. Q. Will abutters have access to their property via the Rail Bed Trail?
 - A. As a public right-of-way, anyone can use the trail. However that use is limited by the selectboard as stated above. As also stated above, abutters may not modify the Trail property in any way without specific written permission from the Selectboard. If an abutter would like official access to the Rail Bed, they should complete and submit an Application for Access Highway Access/Right of Way Permit to the Highway Department. The Permit process is the way to communicate a request to modify the Rail Bed property and to ensure safe access to the Trail. Official access also enables an abutter to obtain a 911 address and it notifies the snowmobile club if the access is a Rail Bed crossing which requires winter signage.

9. Q. What about the property owners with current access to the Rail Bed?
 - A. Pre-existing crossing access is acknowledged for: Nathan Bartlett driveway crossing, Cindy & Lee Waterhouse driveway crossing, Jacob Frey driveway crossing, Dawn Pinette driveway crossing, Sarah Costello driveway access, and Robert Reid driveway crossing.

10. Q. What about Little Italy Road?
 - A. Little Italy Road overlaps a portion of the Rail Bed Trail. Its status will not change.

11. Q. Will there be signage on the Rail Bed Trail?
 - A. Street signs will be added where the trail crossed public roads: at Ricker Mill Road, Wilson Drive, Coal Kiln Road, Powder Spring Road, Little Italy Road and at Brown Drive in Ryegate.

12. Q. Will abutters have 911 addresses on the Rail Bed Trail?
 - A. A 911 address may be obtained from the Highway Department by an abutter. Any abutter must understand the limitations of the Rail

Bed in an emergency situation and limitations on the use of vehicles as stated above.

13.Q. What about parking for people using the Trail?

A. There are existing parking areas at the east end of the Trail at the Pine Mountain Wildlife Management Area, and at the west of the Trail where the trail enters the State Forest. In addition, parking is permitted in the village on the town property which is on the north side of Little Italy Road adjacent to Powder Spring Road. This area is maintained by the town but not often used. A sign will be posted to identify it as Rail Bed Trail Parking. The regulations stated in the Groton Traffic Ordinance and Highway Ordinance apply to parking in this area. As stated in that ordinance, "It shall be unlawful to park within any municipal parking lot between the hours of 12:00 P.M. and 7:00 A.M. from November 1st to April 30th."

14.Q. What provisions will there be for enforcing the limitations on the Trail?

A. An ordinance will be enacted by the selectboard when the Rail Bed is designated a trail. This ordinance will state "Any person who operates a motor vehicle on the Rail Bed Trail from December 15th to April 15th or who allows another person to operate their motor vehicle on the Trail shall be fined \$50.00. If the owner and the operator of a vehicle being operated are not the same person, the owner and operator shall each be liable for the fine of \$50.00."

B. The ordinance will also state "Any person who enhances, maintains or modifies the Rail Bed Trail property in any way unless specific prior written permission is obtained from the Selectboard shall be fined \$50.00."

C. The ordinance will state "Enforcement shall be performed by the Groton Town Constable or by any officer of the Caledonian County Sheriff's Department or by any other Vermont law enforcement officer."

Process to Designate the Rail Bed a Town Trail Summary

Either partition or selectboard decision initiates this process.

Board appoints a date & time for a hearing to inspect the premise and hear interested parties.

- a.) Gives 30 days notice of appointed time to interested parties and abutters.
(suggest also VAST, CVT and ANR). Suggest saying that an initial definition of the trail is available at town hall.
- b.) Post a notice in town clerk's office and on website.
- c.) Publish notice in local newspaper at least 10 days prior to the hearing.

709: The notice shall be given by certified mail sent to the official residence of the person(s) required to be notified.

If the board decides to proceed and the ROW is undefined, a survey needs to be done. (Since Rail Bed Survey exists and is recorded, this is done.)

Within 60 days after the hearing, the board must document it's process (manner of notifying parties) any survey and its order to lay out the road/trail. This shall be recorded by the town clerk.

Process to Pass a Rail Bed Trail Ordinance (see § 1972.)

Suggest legal advice to determine Ordinance wording and procedure.

I think it is as follows:

Selectboard votes to adopt Ordinance. Wording goes into meeting minutes.

Ordinance must be posted in the newspaper within 14 days of adoption. Specific items and wording required. The ordinance must be posted at 5 locations within town.

Unless a petition is filed, the ordinance will be effective 60 days after adoption.