

SUPREME COURT OF VERMONT

John Echeverria and Carin Pratt v. Town of Tunbridge

Echeverria, 2026 VT 5 (Vt. 2026) · No. 25-AP-244 · Decided February 20, 2026

SUMMARY

The Vermont Supreme Court held that the Town of Tunbridge has authority to maintain and repair public trails crossing private property. The Court concluded that trails defined by statute as public rights-of-way carry the implied authority to perform maintenance and repairs reasonably necessary to preserve public access for authorized uses. The Court affirmed the superior court’s grant of summary judgment for the Town.

CASE DETAILS

COURT	Supreme Court of Vermont
WRITING FOR THE COURT	Cohen, J.; Reiber, C.J.; Eaton, J.; Waples, J.; Shafritz, Supr. J., specially assigned
JURISDICTION	Vermont Supreme Court
DECIDED	February 20, 2026
DOCKET	25-AP-244
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from the Superior Court, Orange Unit, Civil Division, following cross-motions for summary judgment in a declaratory action concerning the Town's authority to maintain and repair public trails crossing private property.
STANDARD OF REVIEW	The Supreme Court applies the same standard as the trial court when reviewing summary judgment and reviews statutory interpretation de novo. Summary judgment is proper when there is no genuine dispute of material fact and the moving party is entitled to judgment as a matter of law.
PRECEDENTIAL VALUE	Published precedential opinion
PARTIES	John Echeverria, Carin Pratt v. Town of Tunbridge

TOPICS

- municipal law
- statutory interpretation
- easements
- real estate
- standard of review

PRACTICE AREAS

municipal law

real estate

easements

statutory interpretation

appellate procedure

QUESTIONS PRESENTED

1. Whether Vermont statutes authorize a town to maintain and repair public trails that cross private property.
2. Whether the 1986 recodification of Title 19, which removed trails from the statutory definition of highways and stated that towns are not responsible for trail maintenance, implicitly eliminated towns' preexisting authority to maintain and repair public trails.
3. Whether Dillon's Rule precludes the Town from maintaining and repairing the trails absent an express statutory authorization.

HOLDINGS

1. Because public trails are defined as public rights-of-way, towns have authority to maintain and repair them to the extent reasonably necessary to ensure public access for the statutory purposes of access to abutting properties or recreational use.
2. The 1986 recodification did not implicitly eliminate towns' authority to maintain and repair public trails.
3. Dillon's Rule does not bar the Town from maintaining and repairing public trails because such maintenance is incident to and implied by the Town's statutory authority to define and regulate uses of public rights-of-way.

KEY QUOTATIONS

“Considering these provisions together, we conclude that the Legislature has conferred on towns the authority to maintain and repair public trails across private land.” (¶ 13)

“As the trial court noted, it would defeat the purpose of a public easement if towns lacked authority to maintain or repair trails because a landowner could control the public’s use of the easement by refusing to conduct any repair or maintenance.” (¶ 14)

FACTUAL BACKGROUND

John Echeverria and Carin Pratt own Dodge Farm, which includes land in Tunbridge and Strafford. Two public trails created in 1987 cross the Tunbridge portion of the property, and the landowners maintained them for hiking after purchasing the property. After bicycle enthusiasts sought permission to use the trails, the landowners opposed bicycle use and stopped maintaining the trails, while the Town adopted procedures allowing private individuals to apply for permission to maintain and repair the trails on the Town's behalf.

PROCEDURAL HISTORY

The landowners sought a declaration that the Town lacked authority to maintain or repair public trails crossing their property. The superior court initially dismissed the action as unripe, but the Vermont Supreme Court

reversed that ruling in *Echeverria v. Town of Tunbridge*, 2024 VT 47. On remand, the parties filed cross-motions for summary judgment, and the civil division entered judgment for the Town. The Supreme Court affirmed.

DISPOSITION

affirmed

CASES CITED

- *Echeverria v. Town of Tunbridge*, 2024 VT 47, ¶ 19, 219 Vt. 585, 325 A.3d 98
- *Bartlett v. Roberts*, 2020 VT 24, ¶ 9, 212 Vt. 50, 231 A.3d 171
- *Brennan v. Town of Colchester*, 169 Vt. 175, 177, 730 A.2d 601, 603 (1999)
- *City of Montpelier v. Barnett*, 2012 VT 32, ¶ 20, 191 Vt. 441, 49 A.3d 120
- *Town of Calais v. Cnty. Rd. Comm'rs*, 173 Vt. 620, 621-622, 795 A.2d 1267, 1268-1270 (2002) (mem.)
- *Perrin v. Town of Berlin*, 138 Vt. 306, 307, 415 A.2d 221, 222 (1980)
- *Barrett v. Kunz*, 158 Vt. 15, 18, 604 A.2d 1278, 1280 (1992)
- *Khan v. Alpine Haven Prop. Owners' Ass'n*, 2020 VT 90, ¶ 40, 213 Vt. 453, 245 A.3d 1234
- *Ran-Mar, Inc. v. Town of Berlin*, 2006 VT 117, ¶ 5, 181 Vt. 26, 912 A.2d 984
- *State v. Richards*, 2021 VT 40, ¶ 14, 215 Vt. 1, 256 A.3d 94
- *Hinesburg Sand & Gravel Co. v. Town of Hinesburg*, 135 Vt. 484, 486, 380 A.2d 64, 66 (1977)
- *In re Ball Mountain Dam Hydroelectric Project*, 154 Vt. 189, 192-193, 576 A.2d 124, 126 (1990)
- *Vt. N. Props. v. Vill. of Derby Ctr.*, 2014 VT 73, ¶ 54, 197 Vt. 130, 102 A.3d 1084