

2025 -- S 0349

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2025

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A N A C T

RELATING TO HIGHWAYS -- ABANDONMENT BY TOWNS

Introduced By: Senators Gu, Bissailon, Euer, Sosnowski, DiMario, Tikoian, and
McKenney

Date Introduced: February 21, 2025

Referred To: Senate Housing & Municipal Government

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 24-6 of the General Laws entitled "Abandonment by Towns" is
2 hereby amended by adding thereto the following section:

3 **24-6-6. Public easement - Qualified abandonment of highways and driftways.**

4 (a) As an alternative to abandonment under the other provisions of this chapter, the town
5 council may, at its sole option, upon vote and decree, and in accordance with the provisions as set
6 forth in subsection (b) of this section, make a qualified abandonment under which a public easement
7 is retained in an otherwise abandoned town highway or driftway. The public easement, may
8 include, as specified by the town council: use as a walking trail, hiking trail, or biking trail, or any
9 combination thereof, and further, if suitable, public parking places in conjunction with any of the
10 aforementioned uses. The adjacent abutters will have no liability or maintenance obligations by
11 virtue of such status as an abutter or by virtue of such adjacency. With respect to such public
12 easement, the town shall retain the liability and maintenance obligations that it has with respect to
13 unabandoned town roads and driftways to the extent such liability and obligations are applicable to
14 the specified use or uses.

15 (b) All procedures, requirements and conditions for a qualified abandonment under this
16 section shall be in accordance with the procedures, requirements and conditions for abandonment
17 pursuant to this chapter; provided that, notice of qualified abandonment shall, in addition to the
18 other notice requirements set forth in this chapter, include the nature, scope, form and extent of the
19 use by the public. The procedures referred to in this section shall include, without limitation, the

1 requirement of a town council to issue an order or decree.

2 (c) All provisions of this chapter regarding abandonment, not specifically inconsistent with
3 the provisions of this section, shall apply to qualified abandonment under this section.

4 (d) This section does not alter the status of a previously abandoned town highway or
5 driftway.

6 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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RELATING TO HIGHWAYS -- ABANDONMENT BY TOWNS

1 This act would allow for a qualified abandonment of public town roads which grants a
2 public easement over said road allowing it to be converted to walking, biking, and hiking trails and
3 access to parks, nature preserves and other recreational facilities. The municipality would no longer
4 be responsible for the maintenance of said road. Any existing public utility easement would not be
5 affected and this act would not alter the status of a previously abandoned town way.

6 This act would take effect upon passage.

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