

2024 -- H 7645 SUBSTITUTE A

LC004638/SUB A/2

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2024

A N A C T

RELATING TO HIGHWAYS -- QUALIFIED ABANDONMENT OF TOWN ROADS

Introduced By: Representatives Cortvriend, Spears, Cotter, and Nardone

Date Introduced: February 15, 2024

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 24 of the General Laws entitled "HIGHWAYS" is hereby amended by  
2 adding thereto the following chapter:

3 CHAPTER 6.1

4 QUALIFIED ABANDONMENT OF TOWN HIGHWAYS AND DRIFTWAYS

5 **24-6.1-1. Public easement -- Qualified abandonment.**

6 (a) If the city or town council of any municipality has determined that a highway or  
7 driftway in the municipality, or any part thereof, has ceased to be useful to the public, the council  
8 is authorized to declare it as such by an order or decree that shall be final and conclusive. A  
9 municipality or its officials are not liable for nonperformance of a legal duty with respect to a  
10 highway or driftway declared discontinued by abandonment in accordance with this section.

11 (b)(1) As an alternative to abandonment under the provisions of this chapter, a city or town  
12 council may vote on whether a public easement is retained in the abandoned town highway or  
13 driftway. If a public easement is retained, all other interests of the municipality in the highway or  
14 driftway, if any, pass to the abutting property owners to the center of the highway or driftway and  
15 the public easement shall include, but not be limited to, a right of access to be utilized as a walking  
16 trail, hiking trail, or biking trail, for access to parks, nature preserves and other recreational facilities  
17 and further, if suitable, public parking in conjunction with any of the foregoing.

18 (2) If a public easement is not retained, all interests of the municipality in the highway or  
19 driftway, if any, shall pass to the abutting property owners to the center of the highway or driftway.

1           (c) Other than the provisions governed by subsection (e) of this section, all procedures,  
2 requirements and conditions for a qualified abandonment under this chapter shall be in accordance  
3 with the provisions of chapter 6 of title 24 (Abandonment by towns), and provided further, that any  
4 notice shall also include the following:

5           (1) Information regarding the potential retention of a public easement;

6           (2) The affected property owner's maintenance obligations for, and right of access to, the  
7 highway or driftway, if any;

8           (3) The right of access to the highway or driftway by the public if a public easement is  
9 retained; and

10           (4) Information regarding the rights of affected property owners to enter into agreements  
11 regarding maintenances of and access to the highway or driftway, including the right of affected  
12 property owners to allow prior private easements.

13           (d) Public utility easements remain in a highway or driftway declared to be abandoned  
14 regardless of whether a public easement is retained by the municipality.

15           (e) Notwithstanding the provisions of § 24-6-1, if the municipality has declared a highway  
16 or driftway abandoned and has retained a public easement in the highway or driftway, the  
17 municipality shall remove any gates, bars or other obstructions in the highway or driftway.

18           (f) This section does not alter the status of a previously abandoned highway or driftway.

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

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
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1           This act would allow for a qualified abandonment of town highways and driftways and  
2 grants a public easement over said road allowing it to be converted to walking, biking, and hiking  
3 trails and access to parks, nature preserves and other recreational facilities. The municipality would  
4 no longer be responsible for the maintenance of said highway or driftway. Any existing public  
5 utility easement would not be affected and this section would not alter the status of a previously  
6 abandoned municipal highway or driftway.

7           This act would take effect upon passage.

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