

2024 -- S 2641

LC003963

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: Senators Gu, McKenney, Euer, Valverde, and Burke

Date Introduced: March 01, 2024

Referred To: Senate 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 ROADS

5 **24-6.1-1. Public easement -- Abandoned roads.**

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

11 (b)(1) The town council shall vote on whether a public easement is retained in the
12 abandoned town way. If a public easement is retained, all other interests of the municipality in the
13 town road, if any, pass to the abutting property owners to the center of the town road and the public
14 easement shall include, but not be limited to: right of access to be utilized as a walking trail; hiking
15 trail; biking trail as well as for access to parks, nature preserves, and other recreational facilities.

16 (2) If a public easement is not retained, all interests of the municipality in the town way, if
17 any, shall pass to the abutting property owners to the center of the town way.

18 (c) Notice of the qualified abandonment shall be in accordance with § 24-6-1 and shall
19 include:

- 1 (1) Information regarding the potential retention of a public easement;
2 (2) The affected property owner's maintenance obligations for and right of access to the
3 town way, if any;
4 (3) The right of access to the town way by the public if a public easement is retained; and
5 (4) Information regarding the rights of affected property owners to enter into agreements
6 regarding maintenances of and access to that town way, including the right of affected property
7 owners to allow prior private easements.
8 (d) An easement for public utility facilities to provide or maintain service remains in a town
9 way declared to be discontinued by abandonment regardless of whether a public easement is
10 retained by the municipality.
11 (e) If the municipality has declared a town way discontinued by abandonment and have
12 retained a public easement in the town way, the municipality shall remove any gates, bars or other
13 obstructions in the town way.
14 (f) This section does not alter the status of a previously abandoned town way.
15 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 -- QUALIFIED ABANDONMENT OF TOWN ROADS

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 section would not alter the status of a previously abandoned town way.

6 This act would take effect upon passage.

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