

2026 -- S 2704 SUBSTITUTE A

LC005503/SUB A

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2026

A N A C T

RELATING TO PUBLIC PROPERTY AND WORKS -- ACQUISITION OF LAND

Introduced By: Senators Gu, Bissaillon, McKenney, Murray, Burke, Mack, DiMario, and Kallman

Date Introduced: February 27, 2026

Referred To: Senate Housing & Municipal Government

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 37-6 of the General Laws entitled "Acquisition of Land" is hereby  
2 amended by adding thereto the following section:

3 **37-6-31. Designation as a special way.**

4 (a) For purposes of this section, the following terms shall be defined as follows:

5 (1) "Special way" means an unimproved road or path, historically used for pedestrian or  
6 horse-drawn vehicle travel, characterized by a narrow width, natural or dirt surface, limited  
7 vehicular access, and recognized for its scenic, historic, or cultural significance.

8 (b) A municipality may, by ordinance or regulation adopted after public hearing and by  
9 majority vote of the city or town council, designate one or more special ways for the protection of  
10 historic, scenic, recreational, or conservation corridors including, but not limited to, old roads, cart  
11 paths, trails, or ways; provided that, a municipality may not designate special ways on state  
12 property.

13 (c) An ordinance or regulation adopted pursuant to this section may regulate, consistent  
14 with chapter 24 of title 45 ("zoning ordinances") and chapter 22.2 of title 45 ("Rhode Island  
15 comprehensive planning and land use act"), the use of the special way including, but not limited to,  
16 reasonable limitations on the following activities related to the special way:

17 (1) Widening and grading, except for the purpose of improving recreational access;

18 (2) Paving;

19 (3) Obstruction;

1           (4) Vegetation removal except for ordinary maintenance or for the purpose of improving  
2 recreational access;

3           (5) Conversion to full vehicular roadway use; and

4           (6) Interference with public access where public access rights lawfully exist, including, but  
5 not limited to misleading signage.

6           (d) A participating entity may define the boundaries of a special way to include the traveled  
7 way and adjacent land, including an area extending up to twenty feet (20') on either side of the  
8 centerline, as reasonably necessary to effectuate the purposes of the ordinance or regulation.

9           (e) An ordinance or regulation may provide that residential, recreational, agricultural, or  
10 open-space uses otherwise permitted in the underlying zoning district shall be allowed within a  
11 special way and remains subject to applicable state law, including recreational use liability  
12 protections.

13           (f) An ordinance or regulation issued pursuant to this section shall allow continuation of  
14 preexisting vehicular use of a special way.

15           (g) Designation of a special way shall not be construed to:

16           (1) Determine or adjudicate ownership of land or public or private rights-of-way;

17           (2) Grant, extinguish, diminish, or expand any easement or property interest;

18           (3) Constitute acceptance, layout, or discontinuance of a highway or town way; or

19           (4) Authorize a municipality or state agency to compel public access where none otherwise  
20 exists.

21           (h) An ordinance or regulation shall provide that development or use within a special way  
22 shall not block or prevent non-motorized travel, including walking, bicycling, or horseback riding  
23 where public access rights lawfully exist, and such usage remains subject to applicable state law,  
24 including recreational use liability protections.

25           (i) An ordinance or regulation may prohibit or limit alteration of the width or surface  
26 materials of a special way and may prohibit paving with impervious materials including, but not  
27 limited to, bituminous concrete or asphalt, except where necessary for crossings, safety  
28 improvements, or routine maintenance consistent with the purposes of designation.

29           (j) An ordinance or regulation may regulate or prohibit vegetation removal, relocation or  
30 alteration of stone walls, and the placement or construction of fences, walls structures, excavation,  
31 fill or other obstructions within a special way and may require special permits for such activities,  
32 except for routine maintenance or for the purpose of improving recreational access or lawful  
33 preexisting nonconforming features, which may be maintained but not expanded.

34           (k) A municipality may revert a special way designation in the same form and procedure

1 [provided for in subsection \(c\) of this section.](#)

2 SECTION 2. Section 24-6-1 of the General Laws in Chapter 24-6 entitled "Abandonment  
3 by Towns" is hereby amended to read as follows:

4 **24-6-1. Order of abandonment — Reversion of title — Notice.**

5 (a) Whenever, by the judgment of the town council of any town, a highway or driftway in  
6 the town, or any part of either, has ceased to be useful to the public, the town council of the town  
7 is authorized so to declare it by an order or decree that shall be final and conclusive; and, thereupon,  
8 the title of the land upon which the highway or driftway or part thereof existed shall revert to its  
9 owner and the town shall be no longer liable to repair the highway or driftway; provided, however,  
10 that the town council shall cause a sign to be placed at each end of the highway or driftway, having  
11 thereon the words "Not a public highway," and after the entry of the order or decree, shall also  
12 cause a notice thereof to be published in a newspaper of general circulation, printed in English, at  
13 least once each week for three (3) successive weeks in a newspaper circulated within the city or  
14 town and a further and personal notice shall be served upon every owner of land abutting upon that  
15 part of the highway or driftway that has been abandoned who is known to reside within this state.  
16 Nothing contained in this chapter shall, in any manner, affect any private right-of-way over the land  
17 so adjudged to be useless as a highway or driftway if the right had been acquired before the taking  
18 of the land for a highway or driftway. Provided, however, that the town of Coventry and any  
19 community with a population of not less than one hundred thousand (100,000), receiving a request  
20 for the abandonment of a highway or driftway from an abutting property owner, may sell the  
21 highway or driftway to the abutting owner at fair market value; and provided, further, that the town  
22 of North Providence, upon receiving a request for the abandonment of a highway or driftway from  
23 an abutting property owner may sell the highway or driftway to the abutting owner, at fair market  
24 value; and provided further, that the town of New Shoreham, upon receiving a request for the  
25 abandonment of a highway or driftway from an abutting property owner, may sell the highway or  
26 driftway to the abutting owner at fair market value; and provided, further, that the town of  
27 Barrington, upon receiving a request for the abandonment of a highway or driftway from an  
28 abutting property owner, may sell the highway or driftway to the abutting owner at fair market  
29 value; and provided, further, that the city of Cranston, upon receipt of a request for abandonment  
30 of a highway or driftway within the city of Cranston, where the sale of the highway or driftway to  
31 an abutting owner would result in the creation of a new lot that would be in compliance with the  
32 minimum-area requirement for construction of a building that is a permitted use, may sell the  
33 highway or driftway to the abutting owner at fair market value; and provided, further, that the city  
34 of Warwick, upon receiving a request for the abandonment of a highway or driftway from an

1 abutting property owner, may sell the highway or driftway to the abutting owner at fair market  
2 value; and provided, further, that the town of Middletown, upon receiving a request for the  
3 abandonment of a highway or driftway from an abutting property owner, may sell the highway or  
4 driftway to the abutting owner at fair market value; and provided, further, that the town of  
5 Cumberland, upon receiving a request for abandonment of a highway or driftway from an abutting  
6 property owner, may sell the highway or driftway to the abutting owner at fair market value; and  
7 provided, further, that the town of Narragansett, upon receiving a request for the abandonment of  
8 a highway or driftway from an abutting property owner, may sell the highway or driftway to the  
9 abutting owner at fair market value.

10 (1) Provided that, no highway or driftway that provides public access to tidal, coastal, or  
11 inland waters of the state, including the Narragansett Bay and its tributaries, shall be abandoned by  
12 a municipality unless the municipality holds a public hearing and makes written findings of fact  
13 establishing that the abandonment is necessitated by documented coastal hazard conditions,  
14 including sea level rise, storm surge, erosion, or chronic flooding, rendering the highway or  
15 driftway in whole or in part useless.

16 (b) Provided, further, that nothing in this section shall apply to private ways regardless of  
17 their use or maintenance thereof by any municipal corporation.

18 (c) All abandonments must be recorded in land evidence records by the petitioner(s) in the  
19 applicable municipality through the filing of an administrative subdivision in accordance with  
20 chapter 23 of title 45. The newly created boundary lines shall be certified to a Class 1 measurement  
21 specification pursuant to the rules and regulations promulgated by the Rhode Island board of  
22 registration for professional land surveyors in accordance with chapter 8.1 of title 5.

23 SECTION 3. 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 provide a system for cities, towns and state agencies to designate certain  
2 roads, paths and trails as special ways subject to restrictions on paving, widening and clearing.  
3 Further, this act would provide that prior to a highway being determined abandoned by a city or  
4 town council, a vote must be taken on whether to preserve a public easement.

5           This act would take effect upon passage.

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