

2026 -- S 2704

LC005503

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) "Participating entity" means a city, town, state agency, quasi-public agency, or
6 department.

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

10 (b) Special ways shall be preserved in their natural condition, and shall be subject to
11 restrictions on paving, widening, and other development as provided in subsection (d) of this
12 section to maintain their unique character.

13 (c) Any participating entity may, by ordinance or regulation adopted after public hearing
14 and by majority vote of the city or town council and/or board or commission where applicable,
15 designate one or more special ways for the protection of historic, scenic, recreational, or
16 conservation corridors including, but not limited to, old roads, cart paths, trails, or ways, on state
17 or municipal property.

18 (d) An ordinance or regulation adopted pursuant to this section may regulate, consistent
19 with chapter 24 of title 45 ("zoning ordinances") and chapter 22.2 of title 45 ("Rhode Island

1 comprehensive planning and land use act"), the use and access to the special way including, but not
2 limited to, reasonable limitations on the following activities related to the special way:

3 (1) Widening;

4 (2) Paving;

5 (3) Grading;

6 (4) Obstruction;

7 (5) Vegetation removal beyond ordinary maintenance;

8 (6) Conversion to full vehicular roadway use; and

9 (7) Interference with public access where public access rights lawfully exist.

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

13 (f) An ordinance or regulation may provide that residential, recreational, agricultural, or
14 open-space uses otherwise permitted in the underlying zoning district shall be allowed within a
15 special way; provided that, such use or development shall not result in new direct vehicular access
16 to the special way, and remains subject to applicable state law, including recreational use liability
17 protections.

18 (g)(1) A participating entity may restrict or prohibit new or expanded vehicular use of a
19 special way where reasonable alternative access exists and may condition or deny applications for
20 development or subdivision that would result in increased vehicular use of a special way, consistent
21 with applicable zoning and land development regulations.

22 (2) An ordinance or regulation issued pursuant to this section may allow continuation of
23 preexisting vehicular use of a special way and require special permits for any expansion or
24 intensification of such use.

25 (h) Designation of a special way shall not be construed to:

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

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

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

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

31 (i) An ordinance or regulation may provide that development or use within a special way
32 shall not block or prevent non-motorized travel, including walking, bicycling, or horseback riding,
33 and may prohibit or limit alteration of the width or surface materials of a special way and may
34 prohibit paving with impervious materials including, but not limited to, bituminous concrete or

1 asphalt, except where necessary for crossings, safety improvements, or routine maintenance
2 consistent with the purposes of designation.

3 (j) An ordinance or regulation may regulate or prohibit vegetation removal, relocation or
4 alteration of stone walls, and the placement or construction of fences, walls structures, excavation,
5 fill or other obstructions within a special way and may require special permits for such activities,
6 except for routine maintenance or lawful preexisting nonconforming features, which may be
7 maintained but not expanded.

8 (k) Any participating entity may revert a special way designation in the same form and
9 procedure provided for in subsection (c) of this section.

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

12 **24-6-1. Order of abandonment — Reversion of title — Notice.**

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

1 Barrington, upon receiving a request for the abandonment of a highway or driftway from an
2 abutting property owner, may sell the highway or driftway to the abutting owner at fair market
3 value; and provided, further, that the city of Cranston, upon receipt of a request for abandonment
4 of a highway or driftway within the city of Cranston, where the sale of the highway or driftway to
5 an abutting owner would result in the creation of a new lot that would be in compliance with the
6 minimum-area requirement for construction of a building that is a permitted use, may sell the
7 highway or driftway to the abutting owner at fair market value; and provided, further, that the city
8 of Warwick, upon receiving a request for the abandonment of a highway or driftway from an
9 abutting property owner, may sell the highway or driftway to the abutting owner at fair market
10 value; and provided, further, that the town of Middletown, upon receiving a request for the
11 abandonment of a highway or driftway from an abutting property owner, may sell the highway or
12 driftway to the abutting owner at fair market value; and provided, further, that the town of
13 Cumberland, upon receiving a request for abandonment of a highway or driftway from an abutting
14 property owner, may sell the highway or driftway to the abutting owner at fair market value; and
15 provided, further, that the town of Narragansett, upon receiving a request for the abandonment of
16 a highway or driftway from an abutting property owner, may sell the highway or driftway to the
17 abutting owner at fair market value.

18 (1) Provided however, no highway or public road shall be abandoned by a city or town
19 unless, prior to the order of abandonment, the city or town council votes, by separate determination,
20 whether a public easement for pedestrian, recreational, conservation, or access purposes shall be
21 retained over all or any portion of the abandoned roadway.

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

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

29 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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