

1 H.417

2 Introduced by Representative Townsend of Randolph

3 Referred to Committee on

4 Date:

5 Subject: Highways; unidentified corridors; definition; physical evidence;  
6 public access

7 Statement of purpose: This bill proposes to:

8 (1) Amend the definition of unidentified corridor to require that the  
9 corridor not be observable by physical evidence or clearly referenced in certain  
10 publicly recorded documents, and enumerate types of relevant physical  
11 evidence;

12 (2) Clarify that a class 4 highway that does not meet the criteria of an  
13 unidentified corridor or a trail shall not be discontinued by virtue of its  
14 exclusion from a town highway map;

15 (3) Specify the process for a group of voters or landowners in a  
16 municipality, or an abutting landowner, to clarify the status of a parcel of land  
17 as an unidentified corridor, class 4 highway, or trail;

18 (4) Specify that the law against unlawful impeding of public access to  
19 public highways and trails includes a prohibition on impeding access to parcels  
20 of land that do not appear on a town highway map but are the subject of a good

1 faith petition for clarification of the status of the parcel as a public highway or  
2 trail.

3 An act relating to the definition of unidentified corridors and access to Class  
4 4 town highways

5 It is hereby enacted by the General Assembly of the State of Vermont:

6 Sec. 1. 19 V.S.A. § 302 is amended to read:

7 § 302. CLASSIFICATION OF TOWN HIGHWAYS

8 (a) For the purposes of this section and receiving state aid, all town  
9 highways shall be categorized into one or another of the following classes:

10 \* \* \*

11 (4) Class 4 town highways are all town highways that are not class 1, 2,  
12 or 3 town highways or unidentified corridors. The selectboard shall determine  
13 which highways are class 4 town highways. A class 4 highway that does not  
14 meet the criteria of an unidentified corridor set forth in subdivision (6) of this  
15 subsection shall not be discontinued by virtue of a legislative body's failure to  
16 include the class 4 highway on the town highway map as required by section  
17 305 of this title. Voters or landowners in a municipality may petition the  
18 legislative body of the municipality to include a class 4 highway on the town  
19 highway map, and the petition shall be decided, in accordance with the

1 procedures set forth in chapter 7 of this title for laying out, altering,  
2 reclassifying, or discontinuing highways.

3 (5) Trails are public rights-of-way as defined in subdivision 301(8) of  
4 this title and shall not be considered highways and the town. A municipality  
5 shall not be responsible for any trail maintenance including culverts and  
6 bridges. A trail shall not be discontinued by virtue of a legislative body's  
7 failure to include the trail on the town highway map as required by section 305  
8 of this title. Voters or landowners of a municipality may petition the  
9 legislative body of the municipality to include a trail on the town highway  
10 map, and the petition shall be decided in accordance with the procedures set  
11 forth in chapter 7 of this title for laying out, altering, reclassifying, or  
12 discontinuing highways.

13 (6) Unidentified corridors.

14 (A) Unidentified corridors are town highways that meet all of the  
15 following criteria:

16 (i) They have been laid out as highways by proper authority  
17 through the process provided by law at the time they were created or by  
18 dedication and acceptance; ~~and,~~

19 (ii) They do not, as of July 1, 2010, appear on the town highway  
20 map prepared pursuant to section 305 of this title; ~~and,~~



1 selectboard for that purpose. A person who is a landowner in a town, desiring  
2 to have an unidentified corridor which passes through or abuts his or her land  
3 discontinued or altered, or desiring to clarify the status of a parcel of land  
4 which passes through or abuts his or her land as either an unidentified corridor  
5 or as a town highway or trail omitted from the town highway map, may apply  
6 in writing to the selectboard for that purpose. The selectboard may also initiate  
7 these proceedings on its own motion.

8 Sec. 3. 19 V.S.A. § 1105 is amended to read:

9 § 1105. OBSTRUCTING TRAVEL

10 A person, other than a municipality acting with respect to highways under  
11 its jurisdiction who places or causes to be placed an obstruction or  
12 encroachment in a public highway or trail, or places or removes signs or  
13 obliterates trail blazes, so as to hinder or prevent public travel, or to injure or  
14 impede a person traveling on the highway or trail, shall be fined or assessed  
15 damages for loss of use and enjoyment of the public way of not more than  
16 \$1,000.00 plus the, shall be liable for any personal injury or actual costs of  
17 repairing the damage and a reasonable attorney's fee, and shall be subject to  
18 injunctive relief, to be recovered in a civil action in the name of the ~~town~~  
19 municipality or state or of the person denied use and enjoyment.  
20 Notwithstanding a municipality's failure to include a parcel of land on the  
21 town highway map as required by section 305 of this title, if the status of the

1 parcel as a public highway or trail is the subject of a good faith petition as  
2 provided in subdivision 302(a)(4) or (5) or subsection 708(a) of this title, the  
3 parcel shall be presumed to be a public highway or trail and the prohibitions  
4 and remedies of this section shall apply until the petition is resolved. One or  
5 more items of logging or other equipment temporarily within the right-of-way  
6 of a trail shall not be actionable under this section if located in such a way as  
7 not to unreasonably impede passage. If the court finds that an action under this  
8 section was brought without substantial basis, the court may award a  
9 reasonable attorney's fee against the person bringing the action. Nothing in  
10 this section shall preclude the selectmen from exercising regulatory authority  
11 granted under sections 304 and 1110 of this title.

12 Sec. 4. EFFECTIVE DATE

13 This act shall take effect on July 1, 2011.