

Does a town that has been researching and mapping ancient roads have to hold a special hearing in order to add any previously unknown highways to its town highway map and sworn certificate of highway mileage?

No. However, when adding what has been commonly known as an “ancient road” to a town highway map and sworn certificate, the rules are now a little different than they are for adding other highways.

When adding town highways that may otherwise become “unidentified corridors” (a.k.a. ancient roads) in 2010 to the map and certificate in the period before the July 1, 2010 deadline, a town must provide property owners whose land the highway passes through or abuts with 45 days written notice before deciding whether or not to add the highway to its map and sworn certificate, and an opportunity to be heard at a duly warned meeting.

The creation of a new category of town highways called unidentified corridors is perhaps the most well known change represented by the passage of Act 178 (often referred to as the “Ancient Roads Bill”) last spring. Unidentified corridors are essentially the same kinds of highways that have always been thought of as ancient roads – legally established town highways that once existed on the ground and on paper, but are no longer easily seen or found in either place.

Unidentified corridors do not come into existence until July 1, 2010, and are eventually discontinued on July 1, 2015. In order for a town highway to become an unidentified corridor, it must have been legally established, it must not appear on a town highway map as of July 1, 2010, it is not clearly observable by any physical evidence of its use, and is not a legally established trail. If it does not meet all four of those criteria on July 1, 2010, a town highway does not become an unidentified corridor.

The sworn certificate of highway mileage, and the corresponding town highway map, is filed with the Agency of Transportation on or before February 10 of each year.

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