

I'VE RECEIVED CONFLICTING OPINIONS ABOUT WHAT KIND OF INFORMATION THE AGENCY OF TRANSPORTATION NEEDS TO ADD A CLASS 4 ROAD TO OUR TOWN HIGHWAY MAP SO THAT IT DOES NOT BECOME AN UNIDENTIFIED CORRIDOR IN 2010. CAN YOU CLARIFY WHAT IS NECESSARY?

Act 178, more commonly known as the ancient roads law, envisioned a process that would allow municipalities to easily add Class 4 town highways to their sworn certificate of highway mileage (and corresponding town highway map) before the July 1, 2010 creation of “unidentified corridors” as a highway category.

To keep a Class 4 town highway from becoming an unidentified corridor on July 1, 2010, a municipality should add it to its sworn certificate of highway mileage (filed annually with the Agency of Transportation on or before February 10) and town highway map before the July 1, 2010 deadline. When it adds the highway, Act 178 requires the town to submit four items to the Agency:

1. A basic description of the highway that explains where it is located.
2. A copy of any surveys that may exist. (New surveys are *not* required if the road was established before February 10, 2006.)
3. A copy of the minutes from the selectboard or city council meeting at which action was taken to add or discontinue the highway.
4. A current town highway map with any additions and/or deletions sketched on it, along with the sworn certificate filed with the Agency of Transportation.

From that point on, the road remains a Class 4 town highway unless the town chooses to discontinue it, make it a legally established trail, or reclassify it as a Class 1, 2, or 3 town highway.

In a recent e-mail on the ancient roads listserv, Johnathan Croft, chief of the Agency of Transportation’s Mapping Unit, provided prudent advice for municipalities that are researching their ancient roads and deciding whether or not to add them to their certificate and map.

“We do want to receive enough information to locate and show evidence [that] the road is a legally laid out highway, for example a record of a survey or dedication and acceptance,” Croft wrote. “VTrans requests as much documentation to be filed with the certificate of highway mileage as possible to evidence the road is a public highway.”

This is good guidance for local officials, since the results of a town’s research can be used to justify the town’s actions if an individual or group challenges a road’s existence or location in court.

In crafting Act 178, the Legislature was mindful of the short timeline and minimal economic resources towns have to devote to ancient roads research. That drove the decision to make the process for retaining town highways as Class 4 highways or trails as straightforward as possible. VLCT’s advice to the local officials and volunteers taking on this task is to be mindful of the need prove a road’s location and existence. However, do not over-complicate the work!

For more information on the ancient roads law, consult VLCT’s online Resource Library or call 800/649-7915.

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Sidebar

Unidentified Corridor Refresher

An unidentified corridor is what was previously known as an ancient road. Unidentified corridors do not exist until July 1, 2010 – until then, the road remains in its current classification (most likely a Class 4 town highway). In order for a road to become an unidentified corridor, it must meet *all* four of the following criteria:

- 1) It was legally established.
- 2) It does not appear on a town highway map/sworn certificate on July 1, 2010.
- 3) It is not a legal trail.
- 4) It is “not otherwise clearly observable by physical evidence of [its] use as a highway or trail.” (19 V.S.A. § 302 (6)).

On July 1, 2015, all unidentified corridors – and only unidentified corridors – will be automatically discontinued to satisfy the legislative intent of bringing certainty to Vermont’s landowners as to whether or not a road exists on their property. From July 1, 2010 until July 1, 2015, they can be reclassified into a Class 4 town highway and added to the highway map/sworn certificate. However, after July 1, 2010, the process is much more complicated than the one outlined in this Ask the League question.

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