

## ASK THE LEAGUE

*What specifically must be filed with and recorded by the town clerk when a selectboard reclassifies a town highway?*

The process for reclassifying a town highway is found in Title 19, Chapter 7. If the selectboard, after the site inspection and hearing, finds that the “public good, necessity, and convenience of the inhabitants of the municipality require the highway to be ... reclassified,” it must file specific documentation with the municipal clerk within the specified timeframe. Section § 711(a) provides that “ [w]ithin 60 days after the examination and hearing, the selectmen shall return the original petition with a report of their findings and of the manner of notifying the parties together with the survey or discontinuance, to the town clerk’s office. Their order laying out, altering, reclassifying, or discontinuing the highway, with the survey, shall be recorded by the clerk.”

We interpret this to mean that the following items must be filed with and recorded by the municipal clerk:

1. the original petition (if the reclassification was initiated by 5 percent of voters or landowners in town);
2. a report of the selectboard’s findings;
3. the manner of notifying the parties (enumerated in 19 V.S.A. § 709);
4. a survey (if the highway right of way cannot be determined); and
5. the selectboard’s order reclassifying the highway.

The minutes of the meeting reflecting the selectboard’s decision to reclassify the town highway may be used as the selectboard’s order. This information, filed with the clerk, will be used as a basis for updating the sworn certificate and town highway map that the municipality sends to the Agency of Transportation annually on or before February 10. 19 V.S.A. § 305(b).

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