

**Legislative Report**

**UNIDENTIFIED CORRIDORS**

**Pursuant to**

**Act 178 of 2006, Section 12(a)**

**By the  
Vermont Agency  
Of  
Transportation  
(VTrans)**



**By: Policy and Planning Division**

**February 12, 2008**

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**SUBJECT: Act 178 of 2006 – An Act Relating to Unidentified Corridors – Status Update**

On July 1, 2006, Act 178 went into effect, which added additional requirements to towns for the accounting of mileage and mapping of Class 4 Town Highways and Legal Trails, along with other substantial modifications to Chapters 3 and 7 of Title 19 – Highways of the Vermont Statutes Annotated.

The Agency of Transportation (VTrans) Mapping Unit has been following the progress of Act 178 since it was enacted and is providing this report, as required in Act 178 of 2006, Section 12(a). Please find below the required sections and information regarding the status and observations regarding Act 178 of 2006.

**(1) Evaluates the effectiveness of this act:**

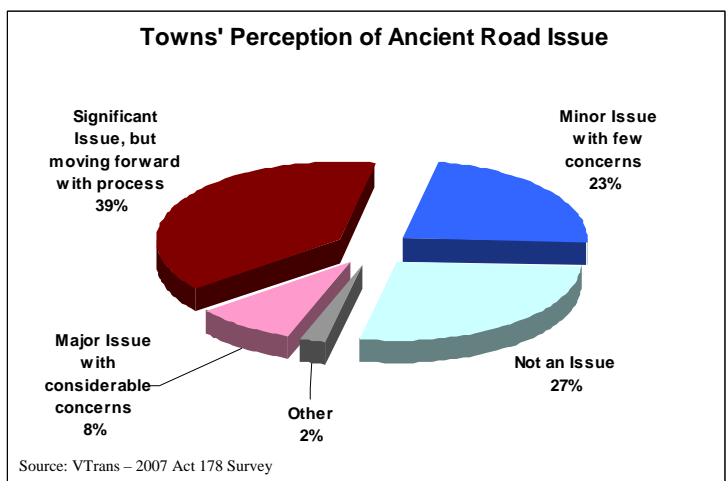
Over the course of the last year, there has been much activity related to “ancient roads” and Act 178. Many towns have created committees and are working on researching town highways that were laid out, the locations, and what has been discontinued. Act 178 funded a series of grants that provided seed money for municipalities to begin the research and mapping project. To date, \$373,537.00 in grants have been provided to 78 municipalities and it is expected another group of towns will receive grants based on funding in a supplemental appropriation bill.

VTrans has not seen an influx of additions of Class 4 Town Highways or Trails from municipalities on the Certificates of Highway Mileage. It is expected that municipalities will submit many changes on the 2009 Certificate, filed in the town clerks office on or before February 10, 2009. The VTrans Mapping Unit received and added in 2006, 11.12 miles of Class 4 Town Highway in one town and 6.75 miles of legal trail in another. These towns were acting in anticipation of the enactment of Act 178. In 2007, VTrans received and added 22.01 miles of Class 4 Town Highways in 4 towns and 136.5 miles of Legal Trail added in 39 towns.

The addition of mileage of Class 4 Town Highways and Legal Trails for 2008 is yet to be fully realized. Currently 7.31 miles of Class 4 Town Highways from 2 towns and 1.24 miles of Legal Trails for 2 towns have been reported. Some municipalities have not yet submitted their changes for 2008, thus we are unable to include information about them in this report.

In December of 2007, VTrans surveyed all the municipalities that process Certificates of Highway Mileage. A survey was sent to the Chair of the Selectboard or the President of the Trustees or Alderman for each municipality, totaling 271 surveys. To date, 137 surveys have been returned, providing a view of the local effort.

The number of towns responding to the survey and the amount of grant monies distributed show that there is interest by roughly half the towns in the State. It is still early in the



process and as July 1, 2009 draws closer, we expect to see the results of these research and mapping efforts.

**(2) recommends additional measures necessary to meet the goals of this act;**

The two measures that continue to be main themes for municipalities are the addition of time to the process and the addition of funding to meet the necessary requirements.

H.111 was introduced in 2007 to address each of these concerns, increasing the timeline by two years, and adding \$400,000 to fund of the research & mapping grant program.

There has been a total of \$373,537 provided in 3 series of grants, starting in December of 2006. This funding has provided assistance for municipalities to begin the process to research and map the highway network. There is still an unmet need for funds and based on the information supplied in the surveys, 86 municipalities responded that funding was needed.

In the surveys, the municipalities provided the following comments and recommendations:

*“More time and money to do a proper study”*

*“Technical assistance - as in suggested course of action, methodology, legal resource person to answer questions. Right now each town is on its own to figure out how to do this.”*

*“Amend the act to establish that if roads or trails do not appear on the General Highway Map of the town and certificate of mileage by 2015, They are discontinued.”*

*“If Legislature feels it's so important then have them fund DOT to do it. A bunch of volunteers that don't feel it's worth the time are probably not do it!”*

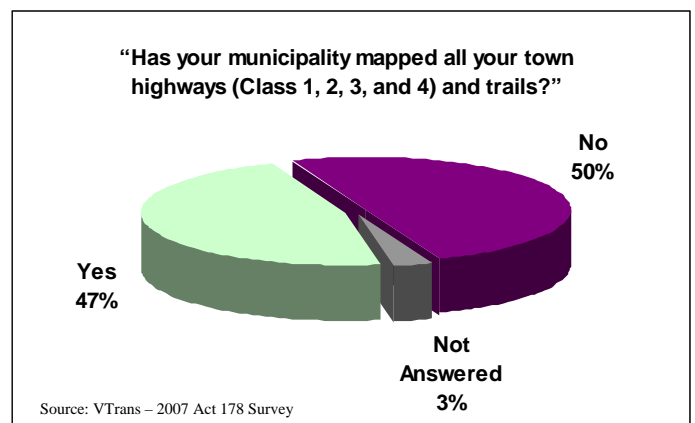
*“Provide more time for towns to put ancient roads on the General Highway Map. The relatively short time frame is creating a significant amount of tension and stress between town and property owners.”*

*“Our Ancient Road committee is diligently researching town records and plotting the location of ancient road surveys. The process of correctly identifying ancient road locations and ancient road discontinuances is slow and arduous.”*

It continues to be expressed by municipalities that the term "not clearly observable" in the criterion for "unidentified corridor", as defined in 19 V.S.A. § 302(a)(6)(A)(iii), is too vague to be practical and open to much interpretation. Clarification of this term and expansion of the definition may need to be considered as a solution.

**(3) identifies which municipalities have mapped all of their town highways and trails;**

VTrans has not fully received a complete listing of all the municipalities that have mapped all the town highways and trails, as towns are still in the process of assessing the best course of action. Many towns have applied for research and mapping grants from the Agency of Commerce and Community Development, with 78 towns receiving grants. The remainder of towns are either continuing with the status quo, or mobilizing volunteer committees or finding funds to acquire



professional assistance. Based on the December 2007 survey, 65 municipalities stated they have mapped all the highways and trails, and 68 municipalities stated they haven't. The above graph provides a percent view of the survey responses.

Attached is a map showing those municipalities that responded to the survey about the status of their highway and trail mapping.

**(4) identifies which municipalities availed themselves of the provisions of 19 V.S.A. § 305(h), relating to mass discontinuances of unidentified corridors.**

With the exception of the Town of Benson, the VTrans Mapping Unit has not received formal information from any municipalities utilizing the mass discontinuance provisions of 19 V.S.A. § 305(h).

Over the course of the year, information has been received that several towns have expressed interest in mass discontinuance, including the Towns of Glover, and Wallingford. The mass discontinuance proceedings have yet to take place.

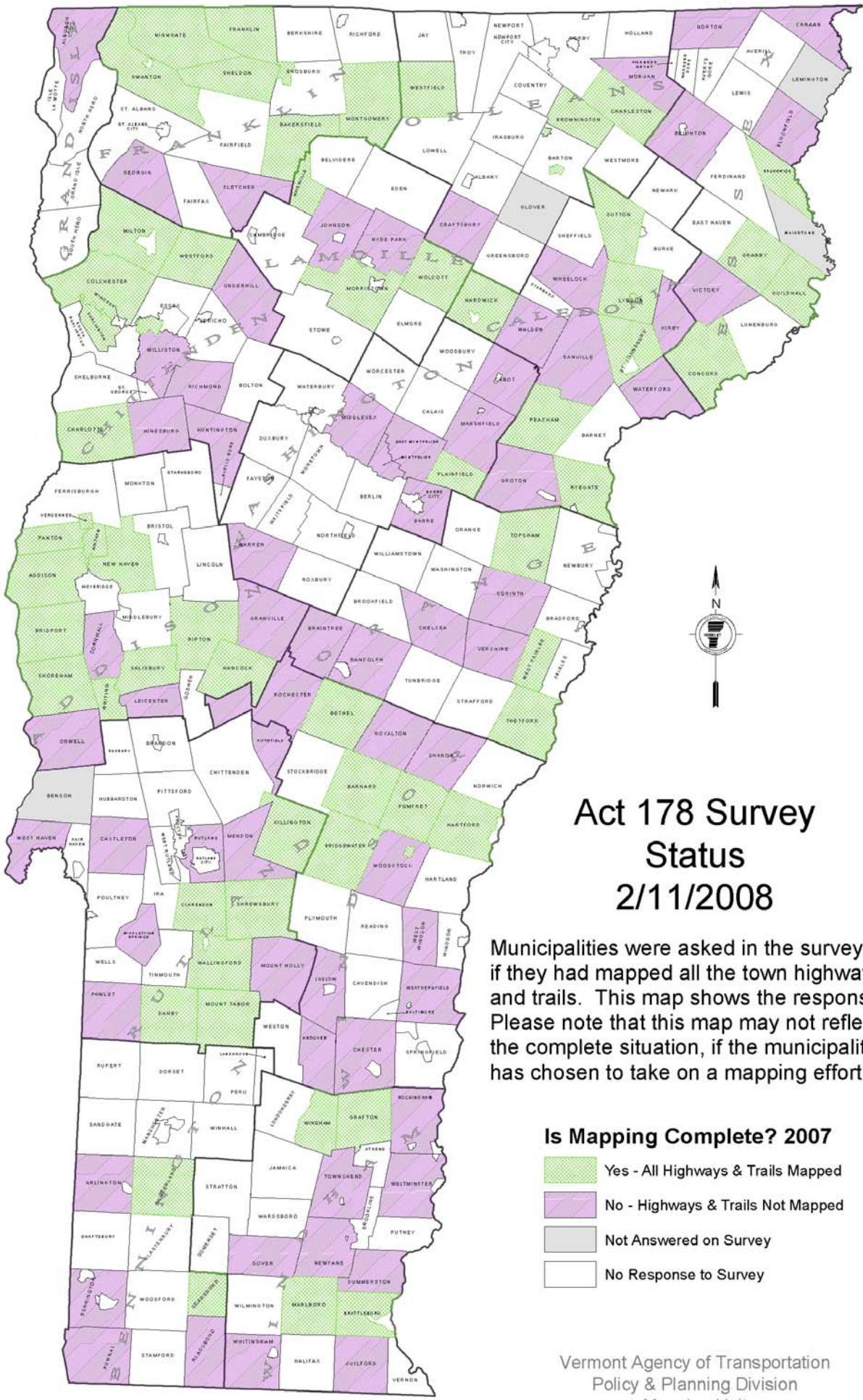
The Village of Enosburg Falls was moving forward with mass discontinuance, but has since altered course and is re-evaluating their highway network.

An approach that has been discussed and may be in process in several towns is to spend several years researching and mapping the highway network, adding the Class 4 highways and trails to the Certificate of Highway Mileage, reviewing the updated General Highway Map, then mass discontinuing the remainder of unmapped roads. This process potentially follows a timeline that ends on July 1, 2009.

VTrans expects that several towns will utilize the mass discontinuance provision in 19 V.S.A. § 305(h) before July 1, 2009.

**Summary**

In summary, over the course of last year, many municipalities have decided on a course of action related to Act 178 of 2006. Some towns have decided to not act and are content with existing highway network, others have mobilized volunteer committees and are researching highway laying outs and discontinuances, whereas, others have hired professional assistance and are forging ahead. Roughly half of the municipalities in Vermont are at some stage in researching and mapping Class 4 Town Highways and Legal Trails as a result of Act 178. It is still early to fully know what amount of mileage will be added to the maps, or what level of effort will be set forth, but at this point much work has been done by municipalities and much more is expected.



## Act 178 Survey Status 2/11/2008

Municipalities were asked in the survey if they had mapped all the town highways and trails. This map shows the responses. Please note that this map may not reflect the complete situation, if the municipality has chosen to take on a mapping effort.

### Is Mapping Complete? 2007

- Yes - All Highways & Trails Mapped
- No - Highways & Trails Not Mapped
- Not Answered on Survey
- No Response to Survey

Vermont Agency of Transportation  
Policy & Planning Division  
Mapping Unit  
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