

**Position of the Vermont Trails and Greenways Council
re Ancient and Historic Highways**

Class IV roads, legal trails and other legal rights of way play a critical role in providing recreation and transportation links throughout Vermont. Ancient highways are a part of our historic and cultural heritage, and should be retained in public ownership to meet present and future public access needs. These rights-of-way may provide a vital and often the only connection the public has to trails, public lands and other resources. The right of the public to keep and use public highways must not be surrendered hastily or given away to private landowners without a process of informed public review.

The Vermont Trails and Greenways Council opposes any change which weakens current state law regarding the discontinuance or extinguishment of public highways and rights of way, and urges all Towns to convert unused roads to legal trail status rather than to discontinue or extinguish them. To further identify ancient and historic highways and to meet the needs of landowners and title insurers, the Vermont Trails and Greenways Council supports legislation that includes the following provisions:

1. Towns should be strongly encouraged within a period of seven years to inventory and survey all public rights of way not currently appearing on state highway maps.
2. The state should provide financial incentives to towns to conduct such inventories and surveys to ensure the financial burden is not borne solely by individual towns. Possible sources of support could be a fee or surcharge on title insurance policies issued or an increase in the property transfer tax during the seven year inventory period.
3. The appropriate regional planning commission should assist in the inventory and survey process to ensure that they are thorough and complete, and to insure consistency in the process from town to town.
4. A practical mechanism should be provided for towns and landowners to agree on alternative rights of way or other mitigation to resolve conflicts in use, including relocation on the owners' property to meet the needs of the owner while maintaining the continuity and future usability of the highway system.
5. Title insurers should be protected from liability from unknown ancient and historic highways and from uncertainties in the location of ancient and historic highways during the seven year inventory and survey period.
6. Towns that do not inventory and survey all public rights of way within the seven year period should risk the refusal, limitation or increased cost of title insurers to insure properties within their town.