



NEW ENGLAND CHAPTER BACKCOUNTRY HUNTERS & ANGLERS

March 12, 2024

To Chairman Craven and the members of the House Judiciary Committee

Re: BHA Support for RI - 2024 – H7645 – Qualified Abandonment of Town Roads

Backcountry Hunters & Anglers (BHA) seeks to ensure North America's outdoor heritage of hunting and fishing in a natural setting. Our members consider protecting access to public lands and waters a top priority, recognizing that access is one of the most important factors to our participation in, and the perpetuation of, our outdoor traditions.

With these things in mind, **BHA urges the Committee to support H7645**, which seeks to create a legal pathway for municipalities to retain a public access easement when town roads are abandoned.

Under current RI General Laws municipalities essentially have two choices when roads cease to be useful to the public for vehicular travel– they must abandon them entirely (§ 24-6) or continue to maintain them, incurring unnecessary costs (§ 24-5). These requirements have caused at least one prominent legal dispute in RI (O'Reilly v. Town of Glocester, 1993), although the dispute wasn't actually settled through the Court's decision. Rather, it was resolved when the State eventually acquired the property in question as conservation land several years later. H7645 proposes a third choice - allowing towns to cease maintenance and transfer ownership of the property to abutting landowners, but to retain a public access easement.

While the changes proposed in H7645 would undoubtedly be useful to municipalities state-wide, BHA is especially concerned with the future of town roads near RI's shoreline, which is changing because of erosion and sea level rise. To put it simply, there is a reasonable likelihood in coming years that some roads near the shore will both cease to be useful for vehicular passage and will also become impractical for municipalities to maintain. Without the changes proposed in H7645, municipalities owning such roads will be forced to choose between maintaining them, if possible, while incurring unnecessary costs to protect public access, or to abandon them and hope that it may one day be re-discovered, for example through CRMC's ROW designation process.

H7645 is a proactive approach that ensures municipalities have legal tools to efficiently protect public access, when appropriate, and address situations that are likely to occur in coming years near RI's shoreline before they become complicated and costly legal disputes. Respectfully, **BHA urges the Committee, and ultimately the RI General Assembly, to support H7645.**

Thank you for your consideration,

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