



House of Representatives

General Assembly

File No. 173

February Session, 2006

Substitute House Bill No. 5446

House of Representatives, March 28, 2006

The Committee on Environment reported through REP. ROY of the 119th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT PREVENTING PAVING OF ABANDONED ROADS IN PRESERVED LANDS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 13a-55 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2006*):

3 Property owners bounding a discontinued or abandoned highway,
4 or a highway any portion of which has been discontinued or
5 abandoned, shall have a right-of-way [for all purposes for which a
6 public highway may be now or hereafter used] over such discontinued
7 or abandoned highway to the nearest or most accessible highway,
8 provided such right-of-way has not been acquired in conjunction with
9 a limited access highway. The owner of land over which the right-of-
10 way exists shall not be liable for any damage suffered by any person
11 who uses such right-of-way pursuant to this section. If any part of the
12 discontinued or abandoned highway lies within the boundaries of
13 open space lands owned by the state, a municipality or nonprofit land
14 conservation organization, a property owner desiring to use the

15 discontinued or abandoned highway may make improvements to such
16 highway only to the extent necessary to allow passage on such
17 highway, and only if no other reasonable access route exists. Such
18 property owner shall be liable for any damage suffered on such right-
19 of-way and shall reasonably maintain and repair such improvements.
20 The provisions of this section shall not be construed to allow the
21 installation of utilities, signs or structures without the permission of
22 the landowner or owner of a conservation easement or other interest in
23 the property.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2006	13a-55

ENV *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact: None

Municipal Impact: None

The Out Years

None

OLR Bill Analysis
sHB 5446

AN ACT PREVENTING PAVING OF ABANDONED ROADS IN PRESERVED LANDS.

SUMMARY:

This bill limits the extent to which a person whose property adjoins a discontinued or abandoned highway may use and improve it.

Under current law, people whose property adjoins certain discontinued or abandoned highways (1) enjoy a right-of-way on them to drive to the nearest or most accessible highway and (2) may use the discontinued highway for any purpose for which they may use a public highway, such as installing public utility lines. The bill eliminates the right of such property owners to use the discontinued portion as they would a public highway, and exempts owners of property on which the right-of-way exists from damages suffered by anyone using the right-of way.

Under the bill, if the discontinued highway lies within open space land owned by the state, a municipality, or a nonprofit land conservation organization, the person using it may improve it only (1) if no other reasonable access route exists, and (2) to the extent needed to allow passage. He must reasonably maintain and repair any improvements he makes on the right-of-way and is liable for any damage suffered on it. He cannot install utilities, signs or other structures without the permission of the state, town, or nonprofit land conservation organization that owns the property or conservation interest in it.

EFFECTIVE DATE: October 1, 2006

COMMITTEE ACTION

Environment Committee

Joint Favorable Substitute

Yea 25 Nay 1 (03/10/2006)