Roads on School and Institutional Trust Lands

School and Institutional
Trust Lands Administration

Road Claim Evaluation

- SITLA has worked with each county in the state that contains trust lands to evaluate Class B road claims, in addition to select Class D road claims.
- Easement documents have been prepared and executed for these roads within their respective counties.
- A portion of SITLA's OHV fund has been used each year to pay easement application and rental fees.
- Approximately 1,600 miles of county roads have been evaluated to date.

Temporary Easements

- Per Utah State Code Section 72-5-203, "a temporary public easement or right of entry is granted for each highway existing prior to January 1, 1992, that terminates at or within or traverses any state lands and that has been constructed and maintained or used by a responsible authority."
- This code also states that, "(t)he School and Institutional Trust Lands Administration… shall make rules… establishing an application process for a responsible authority to obtain a permanent easement or right of entry over any temporary public easement…"
- A "responsible authority" is defined as a private party, the State of Utah, or a political subdivision of the State.

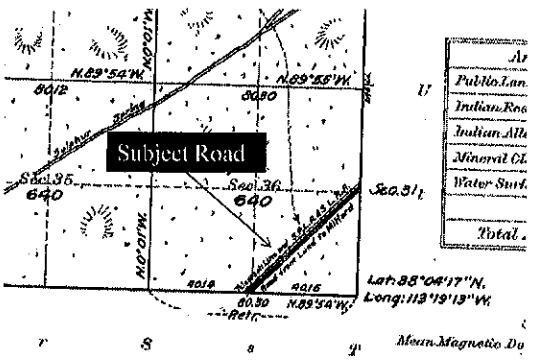
SITLA Board Policy 2006-01

- The SITLA Board of Trustees has adopted Board Policy 2006-01 establishing the application process for a responsible authority to obtain a permanent easement over any statutory temporary easement.
- SITLA reviews any permanent easement applications in accordance with its fiduciary responsibilities.
- Roads are identified as either pre-title or post-title roads, then processed accordingly.

Pre-title Roads

- The majority of trust lands were once federal lands.
- Revised Statute 2477 (RS 2477) reads, "… and be it further enacted, that the right-of-way for the construction of highways over public lands; not reserved for public use, is hereby granted."
  - Applies to federal lands.
  - Repealed by FLPMA on October 21, 1976, but existing RS 2477 rights-of-way were not extinguished.
- Roads established on federal lands prior to becoming trust lands are considered pre-title roads.
  - These roads are also identified as "valid, existing rights".
  - A Conditional Disclaimer of Interest is prepared and executed for these roads. No rental or application fees are required.

Valid, Existing Rights

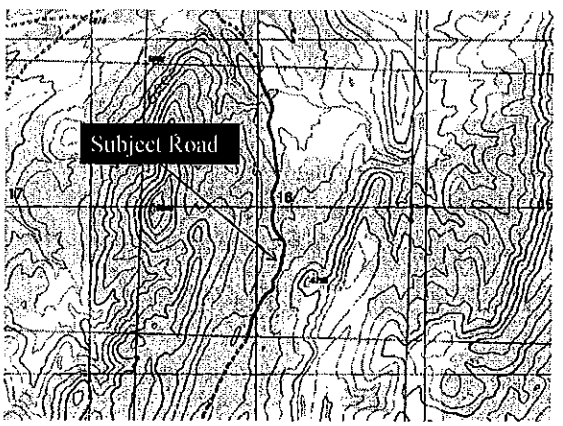


- Road was established on federal land prior to becoming trust land.
- Evidence is found on GLO survey plat.
- Disclaimer of Interest is issued, no fees are required.

Post-title Roads

- Roads established on trust lands after the SITLA title date require a permanent easement. Easements for Class B and D roads granted to a county are typically for a perpetual term.
- Easement application and rental fees are required per the current Easement Price Schedule.
- All fees can be paid through SITLA's OHV fund contingent on fund availability and the stipulation that the subject road remain open to OHV use.

Permanent Easement Required



- Road was established on trust land after title date but before January 1, 1992.
- Evidence is found on 1989 topography map.
- Road is under temporary easement, requires permanent easement and associated fees.

Easement Price Schedule

EASEMENT PRICE SCHEDULE
Effective June 1, 2006

Electric Transmission and Distribution lines, Telephone, Fiber Optic and other Communication lines:

Width of Easement	$ per Rod
0' - 30'	$12.00
31' - 60'	$18.00
61' - 100'	$24.00
101' - 200'	$30.00
201' - 300'	$40.00
> 300'	$50.00

Oil & Gas Pipelines:

O.D. of Pipeline	$ per Rod
< 8"	$9.40
8.0" - 13"	$18.00
13.1" - 25"	$28.00
25.1" - 37"	$38.00
> 37"	$55.00

Irrigation, Sewer, Culinary Water & Other Pipelines:

O.D. of Pipeline	$ per Rod
< 8"	$4.00
8.0" - 13"	$12.00
13.1" - 25"	$18.00
25.1" - 37"	$24.00
> 37"	$48.00

Roads:

Existing		New Construction	
Width	$ per Rod	Width	$ per Rod
1' - 33'	$5.00	1' - 33'	$7.50
33.1' - 66'	$10.00	33.1' - 66'	$15.00
66.1' - 100'	$15.00	66.1' - 100'	$22.50
> 100'	$20.00	> 100'	$30.00

No charge shall be established for easements which is less than 60 percent of the appraised value of the property involved, except in the case of roads where no charge shall be established which is less than 100 percent of the appraised value of the property involved.

Non-refundable Application Fee:	$190.00
Minimum Easement Fee:	$300.00

OHV Funds

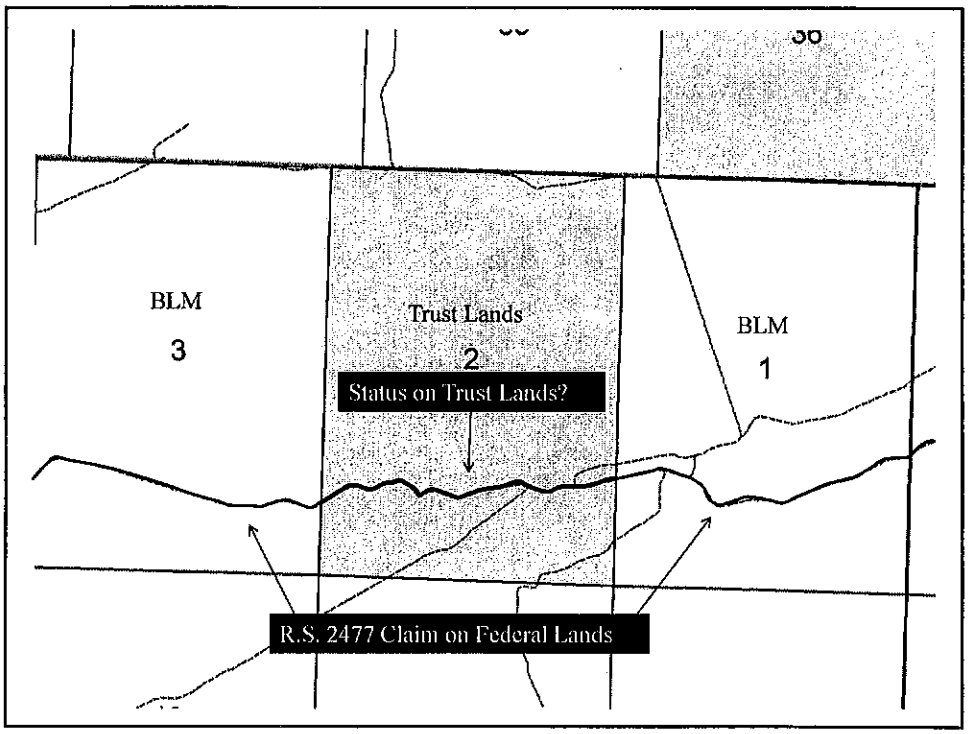
- SITLA's OHV fund is established through a $1.50 surcharge on every off-highway vehicle registration in the State, totaling approximately $300,000-350,000 annually.
- The OHV fund is used to either mitigate OHV related damage on trust lands or to enhance OHV access on trust lands.
- To date, permanent easements have been purchased in the approximate amount of $1,546,518. Approximately $1,238,421 of that amount has come from the OHV fund.

OHV Fund Availability

- An increase in demand has created a funding shortfall.
- Currently, approximately $748,771 in easement fees is awaiting payment from the OHV fund. This represents as much as 2.5 years' worth of OHV funds in backlog, not accounting for ongoing permanent easement applications.
- The OHV fund was not intended to solely fund permanent easements.
- Class D roads will likely increase the demand on the OHV fund, as preliminary analysis reveals that there are many more Class D roads than Class B. Class D roads are also much more likely to require permanent easements as few will qualify as pre-title, valid, existing rights.

Partnership with PLPCO

- PLPCO has been working with counties to identify and record their RS 2477 claims on federal lands.
- Metes & bounds descriptions are generated by the Utah AGRC using data provided by the counties.
- Started with Class B road claims, are now working through Class D road claims.
- PLPCO is working with the Agency to identify areas where adjacent federal RS 2477 roads pass through trust lands.
- Agency researches road claims to determine status of road, then issues the appropriate document.



Partnership with and Benefit to Counties

- Road analysis is presented to the County for approval.
- Permanent express easements and Disclaimers of Interest replace temporary easements.
- County road network is further defined.
- Through the OHV fund, process is completed at no charge to the Counties.
- Establishment of easements helps Counties claim roads across adjacent federal land.

Mileage and Fee Summary

- Permanent easement mileage completed: 481 miles
- Permanent easement mileage pending: 262 miles
- Fees paid through OHV fund: $1,238,421
- Fees awaiting fund availability: $748,771
- Disclaimer of Interest mileage completed: 590 miles
- Disclaimer of Interest mileage pending: 267 miles
- Total mileage completed and pending: 1,600 miles