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R.S. 2477 AMENDMENTS

2001 GENERAL SESSION

STATE OF UTAH

Sponsor: John W. Hickman

This act modifies the Transportation Code by providing restrictions on certain agreements that may be entered into regarding R.S. 2477 rights-of-way.

This act affects sections of Utah Code Annotated 1953 as follows:

ENACTS:

72-5-307, Utah Code Annotated 1953

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **72-5-307** is enacted to read:

72-5-307. Agreement restrictions -- Approvals and certifications -- Exceptions.

(1) In accordance with the joint title provisions of Subsection 72-5-302(2), a political subdivision of the state may not enter into an agreement affecting the rights, status, or scope of an R.S. 2477 right-of-way without written:

(a) approval of any other political subdivision of the state through which the R.S. 2477 right-of-way extends;

(b) certification from the county attorney of each county affected under Subsection (1)(a) that:

(i) the agreement does not prejudice any legal position of the county in any currently pending litigation; and

(ii) private property rights are preserved under the agreement in accordance with state law;

(c) certification from the governing body of each political subdivision affected under Subsection (1)(a) that the agreement is in compliance with the adopted comprehensive, long-range general plan of the political subdivision under Section 10-9-301 or 17-27-301; and

(d) certification from the executive director of the regional transportation planning organization for the affected area that the agreement is compatible with regional long-term

28 transportation planning.

29 (2) This section does not affect agreements made solely for the purpose of:

30 (a) maintenance as defined under Section 72-5-301; and

31 (b) preserving safe travel of R.S. 2477 rights-of-way.

Legislative Review Note

as of 1-9-01 9:39 AM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel