

**PUBLIC UTILITY EASEMENTS**

2004 GENERAL SESSION

STATE OF UTAH

**Sponsor: R. Curt Webb**

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**LONG TITLE**

**General Description:**

This bill modifies the Public Utilities Code to enact provisions related to public utility easements.

**Highlighted Provisions:**

This bill:

- ▶ enacts provisions governing:
  - the use of a public utility easement;
  - the use of property on which a public utility easement is located; and
  - the recording of a subdivision plat that includes a public utility easement.

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**10-8-14.5**, as enacted by Chapter 106, Laws of Utah 1995

ENACTS:

**54-3-27**, Utah Code Annotated 1953

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

Section 1. Section **10-8-14.5** is amended to read:

**10-8-14.5. Utility easements -- Use for water or sewerage service.**

(1) If a municipality grants a general utility easement for the provision of electric, gas,

or telephone service, the grant may also provide that the easement can be used by the corporation or other entity that provides water or sewerage service to the municipality's residents.

(2) A general utility easement described in Subsection (1) is subject to the provisions imposed on a public utility easement under Section 54-3-27.

Section 2. Section **54-3-27** is enacted to read:

**54-3-27. Public utility easement.**

(1) As used in this section, "public utility easement" means the area on a recorded plat map or other recorded document that is dedicated to the use and installation of public utility facilities.

(2) (a) A public utility easement provides a public utility with:

(i) the right to install, maintain, operate, repair, remove, replace, or relocate public utility facilities; and

(ii) the rights of ingress and egress within the public utility easement for public utility employees, contractors, and agents.

(b) Notwithstanding Subsection (3), a public utility shall restore or repair, at the expense of the public utility, any fence, grass, soil, shrubbery, bushes, flowers, other low level vegetation, sprinkler system, irrigation system, gravel, flat concrete, or asphalt damaged or displaced from the exercise of the easement rights described in Subsection (2)(a).

(3) Except as provided in Subsection (2)(b), if a property owner places improvements to land that interfere with the easement rights described in Subsection (2)(a), the property owner shall bear the risk of loss or damage to those improvements resulting from the exercise of the easement rights described in Subsection (2)(a).

(4) (a) Except as provided in Subsection (4)(b), a public utility easement is nonexclusive and may be used by more than one public utility.

(b) Notwithstanding Subsection (4)(a), a public utility may not:

(i) interfere with any facility of another public utility within the public utility easement; or

(ii) infringe on the legally required distances of separation between public utility facilities required by federal, state, or local law.

(5) A subdivision plat that includes a public utility easement may not be recorded unless the subdivider has provided the municipality or county with proof that each public utility as identified by the municipality or county as holding an interest in the public utility easement has, as a courtesy, been notified at least 14 calendar days prior to recording.