

**Representative Michael E. Noel** proposes the following substitute bill:

**ROAD AND RIGHTS-OF-WAY AMENDMENTS**

2008 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Michael E. Noel**

Senate Sponsor: Dennis E. Stowell

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**LONG TITLE**

**General Description:**

This bill modifies the Transportation Code by amending provisions relating to roads and rights-of-way.

**Highlighted Provisions:**

This bill:

- provides that if a political subdivision of the state transfers an R.S. 2477 right-of-way or a portion of an R.S. 2477 right-of-way to the federal government or an agency of the federal government, the R.S. 2477 right-of-way or portion of the R.S. 2477 right-of-way shall automatically revert to the state; and

- makes technical changes.

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**72-5-305**, as renumbered and amended by Laws of Utah 1998, Chapter 270

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

27 Section 1. Section **72-5-305** is amended to read:

28 **72-5-305. Term of grant -- Abandonment.**

29 (1) In accordance with the terms of the R.S. 2477 right-of-way grant, once accepted, an  
30 R.S. 2477 right-of-way is established for a perpetual term.

31 (2) (a) Abandonment of any R.S. 2477 right-of-way shall only take place in accordance  
32 with the procedures in Part 1, Public Highways, of this chapter.

33 (b) If any R.S. 2477 right-of-way is abandoned by a political subdivision of the state,  
34 the right-of-way shall revert to the state.

35 (3) If a political subdivision of the state transfers an R.S. 2477 right-of-way or a  
36 portion of an R.S. 2477 right-of-way to the federal government or an agency of the federal  
37 government, the R.S. 2477 right-of-way or portion of the R.S. 2477 right-of-way shall  
38 automatically revert to the state.

39 [~~3~~] (4) The passage of time or the frequency of use of an R.S. 2477 right-of-way is  
40 not evidence of waiver or abandonment of the R.S. 2477 right-of-way.

41 [~~4~~] (5) An R.S. 2477 right-of-way continues even if the servient estate is transferred  
42 out of the public domain.

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**H.B. 385 1st Sub. (Buff) - Road and Rights-of-way Amendments**

**Fiscal Note**

2008 General Session

State of Utah

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**State Impact**

Enactment of this bill will not require additional appropriations.

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**Individual, Business and/or Local Impact**

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.

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