



House of Representatives *State of Utah*

UTAH STATE CAPITOL COMPLEX • 350 STATE CAPITOL
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February 15, 2011

Madam Speaker:

The Transportation Committee reports a favorable recommendation on **H.B. 173**, DEDICATION AND ABANDONMENT OF PUBLIC HIGHWAYS, by Representative K. McIff, with the following amendments:

1. *Page 1, Line 23:*

23 interruption;

► provides that the dedication and interruption provisions apply to any claim for which a court of competent jurisdiction has not issued a final unappealable judgment or order;

2. *Page 2, Lines 52 through 58:*

52 (3) Continuous use as a public thoroughfare under Subsection (1) is interrupted only
53 when:

54 (a) the regularly established pattern and frequency of public use for the given road
has

55 actually been interrupted to a degree that reasonably puts the traveling public on
notice ; ~~{and}~~ or

56 (b) for interruptions by use of a manned barricade on or after May 10,
2011 ~~{and}~~ ;

(i) the person or entity interrupting the
57 continuous use gives not less than 72 hours advance written notice of the interruption to
the

58 highway authority having jurisdiction of the highway, street, or road ; and
(ii) the manned barricade is maintained for at least 24 consecutive hours .

3. *Page 3, Lines 61 through 62:*

61 (5) If the highway authority having jurisdiction of the highway, street, or road
demands

62 that an interruption ~~{ceases}~~ cease or that a barrier or barricade blocking public

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access be removed and

4. *Page 3, Line 72:*

72 ensure safe travel according to the facts and circumstances.

(9)(a) The provisions of this section apply to any claim under this section for which a court of competent jurisdiction has not issued a final unappealable judgment or order.

(b) The legislature finds that the application of this section:
(i) does not enlarge, eliminate, or destroy vested rights; and
(ii) clarifies legislative intent in light of Utah Supreme Court rulings in *Wasatch County v. Okelberry*, 179 P.3d 768, *Town of Leeds v. Prisbey*, 179 P.3d 757, and *Utah County v. Butler*, 179 P.3d 775.

Respectfully,

Bradley M. Daw
Committee Chair

Voting: 10-0-4

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