

HB0103S01 compared with HB0103

~~{Omitted text}~~ shows text that was in HB0103 but was omitted in HB0103S01

inserted text shows text that was not in HB0103 but was inserted into HB0103S01

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Public Land Access Road Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Troy Shelley

Senate Sponsor:

LONG TITLE

General Description:

This bill requires certain state entities to identify and record notice of roads that access certain lands owned by the state.

Highlighted Provisions:

This bill:

- requires the Public Lands Policy Coordinating Office (PLPCO) and the School and Institutional Trust Lands Administration (SITLA) to identify certain roads ~~{that provide access to the}~~ located on state lands within certain counties;

- requires PLPCO and SITLA to record with the relevant county recorder's office notice of the ~~{access}~~ roads relevant to state lands;

- exempts class A, class B, and class C roads from the notice requirements; and

- codifies a provision to ensure that title to a class D road abandoned by a county reverts to the state.

Money Appropriated in this Bill:

None

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19 None

22 AMENDS:

23 **63L-11-202** , as last amended by Laws of Utah 2024, Chapter 36 , as last amended by Laws of Utah
2024, Chapter 36

24 **72-3-105** , as last amended by Laws of Utah 2000, Chapter 324 , as last amended by Laws of Utah
2000, Chapter 324

25 ENACTS:

26 **53C-2-106** , Utah Code Annotated 1953 , Utah Code Annotated 1953

27 **63L-11-205** , Utah Code Annotated 1953 , Utah Code Annotated 1953

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

30 Section 1. Section 1 is enacted to read:

31 **53C-2-106. Identification and recording of public roads** {~~accessing~~} **located on trust lands.**

32 (1) In coordination with the Public Lands Policy Coordinating Office created in Section 63L-11-201,
the director shall:

34 (a) subject to Subsection (2), using the State Geographic Information Database created in Section
63A-16-506, and other available information, identify roads {~~that provide access to~~} located on
trust landswithin each county; and

36 (b) {~~on or before March 31, 2026,~~} record with the county recorder of the county in which the trust
land {~~and access~~} road is located a right-of-way document as described in Subsection {~~(3)~~} (4) that
gives notice of the existence of the public roador right-of-way.

40 (2)

. (a) Subject to Subsection (2)(b), the director may complete the requirements of Subsection (1) over time
and as resources allow.

42 (b) For Carbon County, Kane County, and Uintah County, the director shall complete the requirements
described in Subsection (1) on or before March 31, 2026.

39 {~~(2)~~} (3) The director is not required to identify or record notice of any class A, class B, or class C
roads, as those terms are defined in Title 72, Chapter 3, Part 1, Highways in General.

41 {~~(3)~~} (4) The notice required in Subsection (1)(b) shall include:

42 (a) a title identifying the roads {~~and access points~~} as "Public Access{"~~or~~"Public Right-of-way"}";
and

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- 44 (b) ~~{coordinates}~~ a legal description, as described in Subsection 57-3-105(4), of the relevant ~~{access~~
46 ~~points}~~ roads or rights-of-way sufficient for reasonable identification of the road.
- 46 ~~{(4)}~~ (5)
- . (a) If a parcel of trust lands is subject to a sale, an exchange, or a lease as provided in this title,
the director shall ensure that the requirements of Subsection (1) are completed before the sale,
exchange, or lease is finalized.
- 49 (b) The sale, exchange, or lease of trust lands is subject to the public access rights existing at the time of
the sale, exchange, or lease.
- 55 Section 2. Section **63L-11-202** is amended to read:
- 56 **63L-11-202. Powers and duties of the office and executive director.**
- 53 (1) The office shall:
- 54 (a) make a report to the Constitutional Defense Council created under Section 63C-4a-202 concerning
R.S. 2477 rights and other public lands issues under Title 63C, Chapter 4a, Constitutional and
Federalism Defense Act;
- 57 (b) provide staff assistance to the Constitutional Defense Council created under Section 63C-4a-202 for
meetings of the council;
- 59 (c)
- . (i) prepare and submit a constitutional defense plan under Section 63C-4a-403; and
- 61 (ii) execute any action assigned in a constitutional defense plan;
- 62 (d) develop public lands policies by:
- 63 (i) developing cooperative contracts and agreements between the state, political subdivisions, and
agencies of the federal government for involvement in the development of public lands policies;
- 66 (ii) producing research, documents, maps, studies, analysis, or other information that supports the state's
participation in the development of public lands policy;
- 68 (iii) preparing comments to ensure that the positions of the state and political subdivisions are
considered in the development of public lands policy; and
- 70 (iv) partnering with state agencies and political subdivisions in an effort to:
- 71 (A) prepare coordinated public lands policies;
- 72 (B) develop consistency reviews and responses to public lands policies;
- 73 (C) develop management plans that relate to public lands policies; and
- 74

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- (D) develop and maintain a statewide land use plan that is based on cooperation and in conjunction with political subdivisions;
- 76 (e) facilitate and coordinate the exchange of information, comments, and recommendations on public lands policies between and among:
- 78 (i) state agencies;
- 79 (ii) political subdivisions;
- 80 (iii) the Office of Rural Development created under Section 63N-4-102;
- 81 (iv) the coordinating committee;
- 82 (v) School and Institutional Trust Lands Administration created under Section 53C-1-201;
- 84 (vi) the committee created under Section 63A-16-507 to award grants to counties to inventory and map R.S. 2477 rights-of-way, associated structures, and other features; and
- 87 (vii) the Constitutional Defense Council created under Section 63C-4a-202;
- 88 (f) perform the duties established in Title 9, Chapter 8a, Part 3, Antiquities, and Title 9, Chapter 8a, Part 4, Historic Sites;
- 90 (g) consistent with other statutory duties, encourage agencies to responsibly preserve archaeological resources;
- 92 (h) maintain information concerning grants made under Subsection (1)(j), if available;
- 93 (i) report annually, or more often if necessary or requested, concerning the office's activities and expenditures to:
- 95 (i) the Constitutional Defense Council; and
- 96 (ii) the Legislature's Natural Resources, Agriculture, and Environment Interim Committee jointly with the Constitutional Defense Council;
- 98 (j) make grants of up to 16% of the office's total annual appropriations from the Constitutional Defense Restricted Account to a county or statewide association of counties to be used by the county or association of counties for public lands matters if the executive director, with the advice of the Constitutional Defense Council, determines that the action provides a state benefit;
- 103 (k) conduct the public lands transfer study and economic analysis required by Section 63L-11-304; [and]
- 105 (l) fulfill the duties described in Section 63L-10-103[-] ; and
- 106 (m) perform the duties described in Section 63L-11-205.
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(2) The executive director shall comply with Subsection 63C-4a-203(8) before submitting a comment to a federal agency, if the governor would be subject to Subsection 63C-4a-203(8) in submitting the comment.

110 (3) The office may enter into an agreement with another state agency to provide information and services related to:

112 (a) the duties authorized by Title 72, Chapter 3, Highway Jurisdiction and Classification Act;

114 (b) legal actions concerning Title 72, Chapter 3, Highway Jurisdiction and Classification Act, or R.S. 2477 matters; or

116 (c) any other matter within the office's responsibility.

117 (4) In fulfilling the duties under this part, the office shall consult, as necessary, with:

118 (a) the Department of Natural Resources;

119 (b) the Department of Agriculture and Food;

120 (c) the Department of Environmental Quality;

121 (d) other applicable state agencies;

122 (e) political subdivisions of the state;

123 (f) federal land management agencies; and

124 (g) elected officials.

128 Section 3. Section 3 is enacted to read:

129 **63L-11-205. Identification and recording of public roads {accessing} located on state-owned public lands.**

128 (1) As used in this section, "state land" means land owned by:

129 (a) the Department of Natural Resources;

130 (b) the Division of Wildlife Resources;

131 (c) the Division of Forestry, Fire, and State Lands;

132 (d) the Division of State Parks; and

133 (e) any other state land management agency.

134 (2) In coordination with the relevant owner, the executive director shall:

135 (a) **subject to Subsection (3)**, using the State Geographic Information Database created in Section 63A-16-506, and other available information, identify roads {that provide access to} located on state land;

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- (b) ~~{ on or before March 31, 2026, }~~ record with the county recorder of the county in which the state land ~~{ and access road }~~ is located a document as described in Subsection ~~{ (3) }~~ (5) that gives notice of the existence of the public road or right-of-way; and
- 140 (c) as described in Section 53C-2-106, coordinate as necessary with the executive director of the School and Institutional Trust Lands Administration.
- 146 (3)
- . (a) Subject to Subsection (3)(b), the executive director may complete the requirements of Subsection (1) over time and as resources allow.
- 148 (b) For Carbon County, Kane County, and Uintah County, the executive director shall complete the requirements described in Subsection (1) on or before March 31, 2026.
- 142 ~~{ (3) }~~ (4) The executive director is not required to identify or record notice of any class A, class B, or class C roads, as those terms are defined in Title 72, Chapter 3, Part 1, Highways in General.
- 145 ~~{ (4) }~~ (5) The notice required in Subsection (2)(b) shall include:
- 146 (a) a title identifying the roads ~~{ and access points }~~ as "Public Access~~{ " or "Public Right-of-way }~~"; and
- 148 (b) ~~{ coordinates }~~ a legal description, as described in Subsection 57-3-105(4), of the relevant ~~{ access points }~~ roads or rights-of-way sufficient for reasonable identification of the road.
- 150 ~~{ (5) }~~ (6)
- . (a) If a parcel of state land is subject to a sale, an exchange, or a lease, the executive director shall ensure that the requirements of Subsection (2) are completed before the sale, exchange, or lease is finalized.
- 153 (b) The sale, exchange, or lease of state land is subject to the public access rights existing at the time of the sale, exchange, or lease.
- 162 Section 4. Section **72-3-105** is amended to read:
- 163 **72-3-105. Class D roads -- Maps to be prepared by county -- Indication of roads.**
- 157 (1) As used in this section, "class D road" means any road, way, or other land surface route that has been or is established by use or constructed and has been maintained to provide for usage by the public for vehicles with four or more wheels that is not a class A, class B, or class C road under this title.

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(2) Each class D road is part of the highway and road system within the state with the same force and effect as if the class D road had been included within this system upon its being first established or constructed.

164 (3) The state and county have joint undivided interest in the title to all rights-of-way for class D roads.

166 (4)

. (a) [The] Subject to Subsection (4)(b), the county governing body exercises sole jurisdiction and control of class D roads within the county.

175 (b) If a county has vacated or abandoned a class D road, the department exercises sole jurisdiction and control of the class D road.

168 (5)

. (a) Each county shall prepare maps showing to the best of its ability the class D roads within its boundaries which were in existence as of October 21, 1976.

170 (b) Preparation of these maps may be done by the county itself or through any multi-county planning district in which the county participates.

172 (6) Any class D road which is established or constructed after October 21, 1976, shall be reflected on maps prepared as provided in Subsection (5).

174 (7) The county shall provide a copy of any map under Subsection (5) or (6) upon completion to the department.

176 (8)

. (a) The department shall scribe each road shown on its own county map series.

177 (b) The department is not responsible for the validity of any class D road and is not responsible for its being inventoried.

179 (c) The department shall also keep on file an historical map record of the roads as provided by the counties.

181 (9) If a county unilaterally vacates or abandons a class D road within the county, the right-of-way reverts to the state and remains open for public use.

192 Section 5. **Effective date.**

This bill takes effect on May 7, 2025.

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