

HB0103S02 compared with HB0103S01

~~{Omitted text}~~ shows text that was in HB0103S01 but was omitted in HB0103S02
inserted text shows text that was not in HB0103S01 but was inserted into HB0103S02

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1 **{Public} State Land Access Road Amendments**
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Senate Sponsor: Keven J. Stratton

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3 **LONG TITLE**

4 **General Description:**

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

7 **Highlighted Provisions:**

- 8 This bill:
- 9 ▶ requires the Public Lands Policy Coordinating Office (PLPCO) and the School and Institutional
Trust Lands Administration (SITLA) to identify certain roads located on school and institutional trust
lands and state lands within certain counties;
 - 12 ▶ requires PLPCO and SITLA to record with the relevant county recorder's office notice of the
roads relevant to state lands and school and institutional trust lands;
 - 14 ▶ exempts class A, class B, and class C roads from the notice requirements; {and}
 - 15 ▶ provides requirements for the Division of Wildlife Resources to identify roads within
wildlife management areas;
 - 17 ▶ provides that the Division of Wildlife Resources may not permanently close a road without
consent of the legislative body of the county in which the road is located; and

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15 ▸ codifies a provision to ensure that title to a class D road abandoned by a county {~~reverts to~~}
remains with the state, and provides a process for abandonment of a class D road or R.S. 2477 right-of-
way.

22 Money Appropriated in this Bill:

23 None

24 None

27 AMENDS:

28 **23A-6-303 , as renumbered and amended by Laws of Utah 2023, Chapter 103 , as**
renumbered and amended by Laws of Utah 2023, Chapter 103

29 **63L-11-202** , as last amended by Laws of Utah 2024, Chapter 36 , as last amended by Laws of Utah
2024, Chapter 36

30 **72-3-105** , as last amended by Laws of Utah 2000, Chapter 324 , as last amended by Laws of Utah
2000, Chapter 324

31 **72-5-305 , as renumbered and amended by Laws of Utah 1998, Chapter 270 , as renumbered**
and amended by Laws of Utah 1998, Chapter 270

32 ENACTS:

33 **53C-2-106** , Utah Code Annotated 1953 , Utah Code Annotated 1953

34 **63L-11-205** , Utah Code Annotated 1953 , Utah Code Annotated 1953

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

37 Section 1. Section 23A-6-303 is amended to read:

38 **23A-6-303. Review and adoption of management plans.**

39 (1) The division shall submit a draft management plan to the Resource Development Coordinating
Committee created in Section 63L-11-401 and the Habitat Council created by the division for their
review and recommendations.

42 (2) The division shall submit a draft management plan and any recommendations received from the
Resource Development Coordinating Committee and the Habitat Council to:

44 (a) the regional advisory council for the wildlife region in which the lands covered by the management
plan are located; and

46 (b) the regional advisory council for a wildlife region that may be affected by the management plan.

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- (3) A regional advisory council reviewing a draft management plan may make recommendations to the director.
- 50 (4) The director may adopt the management plan, adopt the management plan with amendments, or reject the management plan.
- 52 (5)
- . (a) At the request of the director or a member of the Wildlife Board, the Wildlife Board may review a management plan to determine whether the plan is consistent with Wildlife Board policies.
- 55 (b) The director may amend a management plan in accordance with recommendations made by the Wildlife Board.
- 57 (6) Neither the division nor the director may close a road within a wildlife management area as part of a management plan without consent of the county legislative body within which the wildlife management area is located.
- 60 Section 2. Section 2 is enacted to read:
- 61 **53C-2-106. Identification and recording of public roads located on trust lands.**
- 32 (1) ~~{ In coordination with the Public Lands Policy Coordinating Office created in Section 63L-11-201, the }~~ 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 temporary public easements or rights of entry granted pursuant to Section 72-5-203 for roads located on trust lands within each county; and
- 37 (b) subject to Section 72-5-203, record with the county recorder of the county in which the ~~{ trust land road }~~ temporary public easement or right of entry is located a ~~{ right-of-way document }~~ grant or permanent easement as described in Subsection (4) that gives notice of the existence of the public road ~~{ or 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, }~~ January 5, 2026.
- 44 (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.
- 46 (4) The ~~{ notice }~~ grant of easement required in Subsection (1)(b) shall include:

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- 47 (a) a ~~{title identifying}~~ requirement that the roads ~~{as "Public Access";}~~ remain open for public use;
and
- 48 (b) a legal description, as described in Subsection 57-3-105(4), of the relevant roads {or rights-of-way}
sufficient for reasonable identification of the road.
- 50 (5)
- . (a) If a parcel of trust lands is subject to a sale{-} or 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{-} or
exchange{-,or lease-} is finalized.
- 53 (b) The sale{-} or exchange{-,or lease-} of trust lands is subject to the {public access rights} grant of
permanent easement existing at the time of the sale{-,exchange-} or {lease} exchange.
- 86 Section 3. Section **63L-11-202** is amended to read:
- 87 **63L-11-202. Powers and duties of the office and executive director.**
- 57 (1) The office shall:
- 58 (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;
- 61 (b) provide staff assistance to the Constitutional Defense Council created under Section 63C-4a-202 for
meetings of the council;
- 63 (c)
- . (i) prepare and submit a constitutional defense plan under Section 63C-4a-403; and
- 64 (ii) execute any action assigned in a constitutional defense plan;
- 65 (d) develop public lands policies by:
- 66 (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;
- 69 (ii) producing research, documents, maps, studies, analysis, or other information that supports the state's
participation in the development of public lands policy;
- 71 (iii) preparing comments to ensure that the positions of the state and political subdivisions are
considered in the development of public lands policy; and
- 73 (iv) partnering with state agencies and political subdivisions in an effort to:
- 74 (A) prepare coordinated public lands policies;
- 75 (B) develop consistency reviews and responses to public lands policies;

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- 76 (C) develop management plans that relate to public lands policies; and
- 77 (D) develop and maintain a statewide land use plan that is based on cooperation and in conjunction with
political subdivisions;
- 79 (e) facilitate and coordinate the exchange of information, comments, and recommendations on public
lands policies between and among:
- 81 (i) state agencies;
- 82 (ii) political subdivisions;
- 83 (iii) the Office of Rural Development created under Section 63N-4-102;
- 84 (iv) the coordinating committee;
- 85 (v) School and Institutional Trust Lands Administration created under Section 53C-1-201;
- 87 (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
- 90 (vii) the Constitutional Defense Council created under Section 63C-4a-202;
- 91 (f) perform the duties established in Title 9, Chapter 8a, Part 3, Antiquities, and Title 9, Chapter 8a, Part
4, Historic Sites;
- 93 (g) consistent with other statutory duties, encourage agencies to responsibly preserve archaeological
resources;
- 95 (h) maintain information concerning grants made under Subsection (1)(j), if available;
- 96 (i) report annually, or more often if necessary or requested, concerning the office's activities and
expenditures to:
- 98 (i) the Constitutional Defense Council; and
- 99 (ii) the Legislature's Natural Resources, Agriculture, and Environment Interim Committee jointly with
the Constitutional Defense Council;
- 101 (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;
- 106 (k) conduct the public lands transfer study and economic analysis required by Section 63L-11-304;
[and]
- 108 (l) fulfill the duties described in Section 63L-10-103[-] ; and
- 109 (m) perform the duties described in Section 63L-11-205.

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- 110 (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.
- 113 (3) The office may enter into an agreement with another state agency to provide information and
services related to:
- 115 (a) the duties authorized by Title 72, Chapter 3, Highway Jurisdiction and Classification Act;
- 117 (b) legal actions concerning Title 72, Chapter 3, Highway Jurisdiction and Classification Act, or R.S.
2477 matters; or
- 119 (c) any other matter within the office's responsibility.
- 120 (4) In fulfilling the duties under this part, the office shall consult, as necessary, with:
- 121 (a) the Department of Natural Resources;
- 122 (b) the Department of Agriculture and Food;
- 123 (c) the Department of Environmental Quality;
- 124 (d) other applicable state agencies;
- 125 (e) political subdivisions of the state;
- 126 (f) federal land management agencies; and
- 127 (g) elected officials.

159 Section 4. Section 4 is enacted to read:

160 **63L-11-205. Identification and recording of public roads located on state-owned public**
lands.

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

132 (a) the Department of Natural Resources;

133 ~~{(b) {the Division of Wildlife Resources;}}~~

134 ~~{(e)}~~ (b) the Division of Forestry, Fire, and State Lands;

135 ~~{(d)}~~ (c) the Division of State Parks; and

136 ~~{(e)}~~ (d) any other state land management agency.

167 (2)

137 ~~{(2)}~~ (a) In coordination with the relevant owner, the executive director shall:

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

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- {(b)} (ii) subject to Subsection (2)(b), record with the county recorder of the county in which the state land is located a document as described in Subsection (5) that gives notice of the existence of the public road or right-of-way ~~{;and}~~.
- 144 {~~(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)}~~ }
- 174 (b) The executive director is not required to record a notice described in Subsection (2)(a)(ii) for a road on state land that is owned by the Division of Wildlife Resources until the land is sold, exchanged, or leased as described in Subsection (6).
- 177 (3)
- . (a) Subject to Subsection (3)(b), the executive director may complete the requirements of Subsection ~~{(1)}~~ (2) 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)}~~ (2) on or before ~~{March 31,}~~ January 5, 2026.
- 150 (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.
- 153 (5) The notice required in Subsection ~~{(2)(b)}~~ (2)(a)(ii) shall include:
- 154 (a) a title identifying the roads as "Public Access"; and
- 155 (b) a legal description, as described in Subsection 57-3-105(4), of the relevant roads or rights-of-way sufficient for reasonable identification of the road.
- 157 (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.
- 160 (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.
- 193 (7)
- . (a) The Division of Wildlife Resources shall identify roads within a wildlife management area in the respective property's habitat management plan, as required in Section 23A-6-302.
- 196 (b) For any road identified under Subsection (7)(a), the Division of Wildlife Resources may:
- 198 (i) temporarily close a road for the benefit of wildlife; and

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- 199 (ii) permanently close roads for the benefit of wildlife only:
200 (A) through the habitat management plan review and approval process in Section 23A-6-303; and
202 (B) with consent of the county legislative body within which the road is located.
203 (c)
204 (i) The Division of Wildlife Resources shall record with the county in which the wildlife management
205 area property is located, any road on or across the wildlife management area prior to sale or
206 exchange of any wildlife management area property.
207 (ii) The sale or exchange of Division of Wildlife Resources land is subject to the public access rights
208 existing at the time of the sale or exchange.
209 Section 5. Section **72-3-105** is amended to read:
210 **72-3-105. Class D roads -- Maps to be prepared by county -- Indication of roads.**
164 (1) As used in this section, "class D road" means any road, way, or other land surface route that has
165 been or is established by use or constructed and has been maintained to provide for usage by the
166 public for vehicles with four or more wheels that is not a class A, class B, or class C road under this
167 title, or an R.S. 2477 right-of-way, as that term is defined in Section 72-5-301.
168 (2) Each class D road is part of the highway and road system within the state with the same force and
169 effect as if the class D road had been included within this system upon its being first established or
170 constructed.
171 (3) The state and county have joint undivided interest in the title to all rights-of-way for class D roads.
172 (4)
173 (a) [The] Subject to Subsection (4)(b), the county governing body exercises sole jurisdiction and control
174 of class D roads within the county.
175 (b) If a county {~~has vacated~~} ~~vacates~~ or {~~abandoned~~} ~~abandons~~ a class D road, the department
176 exercises sole jurisdiction and control of the class D road.
177 (5)
178 (a) Each county shall prepare maps showing to the best of its ability the class D roads within its
179 boundaries which were in existence as of October 21, 1976.
179 (b) Preparation of these maps may be done by the county itself or through any multi-county planning
180 district in which the county participates.
181 (6) Any class D road which is established or constructed after October 21, 1976, shall be reflected on
182 maps prepared as provided in Subsection (5).

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- 183 (7) The county shall provide a copy of any map under Subsection (5) or (6) upon completion to the
department.
- 185 (8)
- . (a) The department shall scribe each road shown on its own county map series.
- 186 (b) The department is not responsible for the validity of any class D road and is not responsible for its
being inventoried.
- 188 (c) The department shall also keep on file an historical map record of the roads as provided by the
counties.
- 238 (9)
- 190 ~~{(9)}~~ (a) If a county unilaterally vacates or abandons {a} the county's class D road interest in a road
within the county, the right-of-way {reverts to the state and} remains open for public use.
- 240 (b) Before a county may vacate or abandon the county's right-of-way interest for a class D road, the
county shall provide to the department 180 days in advance of taking the action a written notice that
includes the following:
- 243 (i) a legal description and map of the portion of the class D road for which the county intends to
abandon the county's interest;
- 245 (ii) a statement affirming that all gates and locks, whether or not installed or authorized by the county,
and all county agreements, have been removed from the portion to be vacated; and
- 248 (iii) documentation that the portion to be vacated is shown as a class D road in the county recorders
office.
- 250 (c) A person may not place a lock or a gate on a class D road right-of-way over which the department
exercises sole jurisdiction.
- 252 (10)
- . (a) A county and the department are not required to maintain a class D road.
- 253 (b) An individual who travels on a class D road does so at the individual's own risk.
- 254 Section 6. Section 72-5-305 is amended to read:
- 255 **72-5-305. Term of grant -- Abandonment.**
- 256 (1) In accordance with the terms of the R.S. 2477 right-of-way grant, once accepted, an R.S. 2477 right-
of-way is established for a perpetual term.
- 258 (2)
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- (a) Abandonment of any R.S. 2477 right-of-way shall only take place in accordance with the procedures in Part 1, Public Highways, of this chapter.
- 260 (b) If any R.S. 2477 right-of-way is abandoned by a political subdivision of the state, the right-of-way shall revert to the state.
- 262 (c) To abandon an R.S. 2477 right-of-way as described in Subsection (2)(b), a political subdivision shall comply with Subsection 72-3-105(9).
- 264 (3) The passage of time or the frequency of use of an R.S. 2477 right-of-way is not evidence of waiver or abandonment of the R.S. 2477 right-of-way.
- 266 (4) An R.S. 2477 right-of-way continues even if the servient estate is transferred out of the public domain.

268 Section 7. **Effective date.**

This bill takes effect on May 7, 2025.

2-5-25 5:47 PM