

1 **Public Land Access Road Amendments**

2025 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Troy Shelley**

Senate Sponsor: Keven J. Stratton

3 **LONG TITLE**

4 **General Description:**

5 This bill requires certain state entities to identify and record notice of roads that access  
6 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  
10 Institutional Trust Lands Administration (SITLA) to identify certain roads that provide  
11 access to the state lands;
- 12 ▶ requires PLPCO and SITLA to record with the relevant county recorder's office notice of  
13 the access roads relevant to state lands;
- 14 ▶ exempts class A, class B, and class C roads from the notice requirements; and
- 15 ▶ codifies a provision to ensure that title to a class D road abandoned by a county reverts to  
16 the state.

17 **Money Appropriated in this Bill:**

18 None

19 **Other Special Clauses:**

20 None

21 **Utah Code Sections Affected:**

22 AMENDS:

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

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

25 ENACTS:

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

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

28  
29 *Be it enacted by the Legislature of the state of Utah:*

30 Section 1. Section **53C-2-106** is enacted to read:

- 31           **53C-2-106 . Identification and recording of public roads accessing trust lands.**
- 32    (1) In coordination with the Public Lands Policy Coordinating Office created in Section
- 33           63L-11-201, the director shall:
- 34           (a) using the State Geographic Information Database created in Section 63A-16-506, and
- 35           other available information, identify roads that provide access to trust lands; and
- 36           (b) on or before March 31, 2026, record with the county recorder of the county in which
- 37           the trust land and access road is located a document as described in Subsection (3)
- 38           that gives notice of the existence of the public road.
- 39    (2) The director is not required to identify or record notice of any class A, class B, or class
- 40           C roads, as those terms are defined in Title 72, Chapter 3, Part 1, Highways in General.
- 41    (3) The notice required in Subsection (1)(b) shall include:
- 42           (a) a title identifying the roads and access points as "Public Access" or "Public
- 43           Right-of-way"; and
- 44           (b) coordinates of the relevant access points sufficient for reasonable identification of
- 45           the road.
- 46    (4)(a) If a parcel of trust lands is subject to a sale, an exchange, or a lease as provided in
- 47           this title, the director shall ensure that the requirements of Subsection (1) are
- 48           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
- 50           existing at the time of the sale, exchange, or lease.

51           Section 2. Section **63L-11-202** is amended to read:

52           **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
- 55           63C-4a-202 concerning R.S. 2477 rights and other public lands issues under Title
- 56           63C, Chapter 4a, Constitutional and Federalism Defense Act;
- 57           (b) provide staff assistance to the Constitutional Defense Council created under Section
- 58           63C-4a-202 for meetings of the council;
- 59           (c)(i) prepare and submit a constitutional defense plan under Section 63C-4a-403;
- 60           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
- 64           subdivisions, and agencies of the federal government for involvement in the

- 65 development of public lands policies;
- 66 (ii) producing research, documents, maps, studies, analysis, or other information that  
67 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  
69 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 (D) develop and maintain a statewide land use plan that is based on cooperation  
75 and in conjunction with political subdivisions;
- 76 (e) facilitate and coordinate the exchange of information, comments, and  
77 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  
83 53C-1-201;
- 84 (vi) the committee created under Section 63A-16-507 to award grants to counties to  
85 inventory and map R.S. 2477 rights-of-way, associated structures, and other  
86 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,  
89 Chapter 8a, Part 4, Historic Sites;
- 90 (g) consistent with other statutory duties, encourage agencies to responsibly preserve  
91 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  
94 activities and expenditures to:
- 95 (i) the Constitutional Defense Council; and
- 96 (ii) the Legislature's Natural Resources, Agriculture, and Environment Interim  
97 Committee jointly with the Constitutional Defense Council;
- 98 (j) make grants of up to 16% of the office's total annual appropriations from the

99 Constitutional Defense Restricted Account to a county or statewide association of  
 100 counties to be used by the county or association of counties for public lands matters if  
 101 the executive director, with the advice of the Constitutional Defense Council,  
 102 determines that the action provides a state benefit;

103 (k) conduct the public lands transfer study and economic analysis required by Section  
 104 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.

107 (2) The executive director shall comply with Subsection 63C-4a-203(8) before submitting a  
 108 comment to a federal agency, if the governor would be subject to Subsection 63C-4a-203  
 109 (8) in submitting the comment.

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

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

114 (b) legal actions concerning Title 72, Chapter 3, Highway Jurisdiction and Classification  
 115 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.

125 Section 3. Section **63L-11-205** is enacted to read:

126 **63L-11-205 . Identification and recording of public roads accessing state-owned**  
 127 **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) using the State Geographic Information Database created in Section 63A-16-506, and
- 136 other available information, identify roads that provide access to state land;
- 137 (b) on or before March 31, 2026, record with the county recorder of the county in which
- 138 the state land and access road is located a document as described in Subsection (3)
- 139 that gives notice of the existence of the public road; and
- 140 (c) as described in Section 53C-2-106, coordinate as necessary with the executive
- 141 director of the School and Institutional Trust Lands Administration.
- 142 (3) The executive director is not required to identify or record notice of any class A, class
- 143 B, or class C roads, as those terms are defined in Title 72, Chapter 3, Part 1, Highways
- 144 in General.
- 145 (4) The notice required in Subsection (2)(b) shall include:
- 146 (a) a title identifying the roads and access points as "Public Access" or "Public
- 147 Right-of-way"; and
- 148 (b) coordinates of the relevant access points sufficient for reasonable identification of
- 149 the road.
- 150 (5)(a) If a parcel of state land is subject to a sale, an exchange, or a lease, the executive
- 151 director shall ensure that the requirements of Subsection (2) are completed before the
- 152 sale, exchange, or lease is finalized.
- 153 (b) The sale, exchange, or lease of state land is subject to the public access rights
- 154 existing at the time of the sale, exchange, or lease.
- 155 Section 4. Section **72-3-105** is amended to read:
- 156 **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
- 158 that has been or is established by use or constructed and has been maintained to provide
- 159 for usage by the public for vehicles with four or more wheels that is not a class A, class
- 160 B, or class C road under this title.
- 161 (2) Each class D road is part of the highway and road system within the state with the same
- 162 force and effect as if the class D road had been included within this system upon its
- 163 being first established or constructed.
- 164 (3) The state and county have joint undivided interest in the title to all rights-of-way for
- 165 class D roads.
- 166 (4) The county governing body exercises sole jurisdiction and control of class D roads

167 within the county.

168 (5)(a) Each county shall prepare maps showing to the best of its ability the class D  
169 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  
171 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  
173 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  
175 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  
178 responsible for its being inventoried.

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

181 (9) If a county unilaterally vacates or abandons a class D road within the county, the  
182 right-of-way reverts to the state.

183 Section 5. **Effective Date.**

184 This bill takes effect on May 7, 2025.