

Troy Shelley proposes the following substitute bill:

Public Land Access Road Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Troy Shelley

Senate Sponsor: Keven J. Stratton

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 located on state lands within certain counties;
- requires PLPCO and SITLA to record with the relevant county recorder's office notice of the 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

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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

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

ENACTS:

53C-2-106, Utah Code Annotated 1953

63L-11-205, Utah Code Annotated 1953

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 located on 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) subject to Subsection (2), using the State Geographic Information Database created
35 in Section 63A-16-506, and other available information, identify roads located on
36 trust lands within each county; and

37 (b) record with the county recorder of the county in which the trust land road is located a
38 right-of-way document as described in Subsection (4) that gives notice of the
39 existence of the public road or right-of-way.

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

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

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

46 (4) The notice required in Subsection (1)(b) shall include:

47 (a) a title identifying the roads as "Public Access"; and

48 (b) a legal description, as described in Subsection 57-3-105(4), of the relevant roads or
49 rights-of-way sufficient for reasonable identification of the road.

50 (5)(a) If a parcel of trust lands is subject to a sale, an exchange, or a lease as provided in
51 this title, the director shall ensure that the requirements of Subsection (1) are
52 completed before the sale, exchange, or lease is finalized.

53 (b) The sale, exchange, or lease of trust lands is subject to the public access rights
54 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.**

57 (1) The office shall:

58 (a) make a report to the Constitutional Defense Council created under Section
59 63C-4a-202 concerning R.S. 2477 rights and other public lands issues under Title
60 63C, Chapter 4a, Constitutional and Federalism Defense Act;

61 (b) provide staff assistance to the Constitutional Defense Council created under Section
62 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
67 subdivisions, and agencies of the federal government for involvement in the
68 development of public lands policies;
- 69 (ii) producing research, documents, maps, studies, analysis, or other information that
70 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
72 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;
- 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
78 and in conjunction with political subdivisions;
- 79 (e) facilitate and coordinate the exchange of information, comments, and
80 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
86 53C-1-201;
- 87 (vi) the committee created under Section 63A-16-507 to award grants to counties to
88 inventory and map R.S. 2477 rights-of-way, associated structures, and other
89 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,
92 Chapter 8a, Part 4, Historic Sites;
- 93 (g) consistent with other statutory duties, encourage agencies to responsibly preserve
94 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

- 97 activities and expenditures to:
- 98 (i) the Constitutional Defense Council; and
- 99 (ii) the Legislature's Natural Resources, Agriculture, and Environment Interim
100 Committee jointly with the Constitutional Defense Council;
- 101 (j) make grants of up to 16% of the office's total annual appropriations from the
102 Constitutional Defense Restricted Account to a county or statewide association of
103 counties to be used by the county or association of counties for public lands matters if
104 the executive director, with the advice of the Constitutional Defense Council,
105 determines that the action provides a state benefit;
- 106 (k) conduct the public lands transfer study and economic analysis required by Section
107 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.
- 110 (2) The executive director shall comply with Subsection 63C-4a-203(8) before submitting a
111 comment to a federal agency, if the governor would be subject to Subsection 63C-4a-203
112 (8) in submitting the comment.
- 113 (3) The office may enter into an agreement with another state agency to provide
114 information and services related to:
- 115 (a) the duties authorized by Title 72, Chapter 3, Highway Jurisdiction and Classification
116 Act;
- 117 (b) legal actions concerning Title 72, Chapter 3, Highway Jurisdiction and Classification
118 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.

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

129 **63L-11-205 . Identification and recording of public roads located on state-owned**
130 **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 (c) the Division of Forestry, Fire, and State Lands;
 135 (d) the Division of State Parks; and
 136 (e) any other state land management agency.
- 137 (2) In coordination with the relevant owner, the executive director shall:
 138 (a) subject to Subsection (3), using the State Geographic Information Database created
 139 in Section 63A-16-506, and other available information, identify roads located on
 140 state land;
 141 (b) record with the county recorder of the county in which the state land is located a
 142 document as described in Subsection (5) that gives notice of the existence of the
 143 public road or right-of-way; and
 144 (c) as described in Section 53C-2-106, coordinate as necessary with the executive
 145 director of the School and Institutional Trust Lands Administration.
- 146 (3)(a) Subject to Subsection (3)(b), the executive director may complete the
 147 requirements of Subsection (1) over time and as resources allow.
 148 (b) For Carbon County, Kane County, and Uintah County, the executive director shall
 149 complete the requirements described in Subsection (1) on or before March 31, 2026.
- 150 (4) The executive director is not required to identify or record notice of any class A, class
 151 B, or class C roads, as those terms are defined in Title 72, Chapter 3, Part 1, Highways
 152 in General.
- 153 (5) The notice required in Subsection (2)(b) 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
 156 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
 158 director shall ensure that the requirements of Subsection (2) are completed before the
 159 sale, exchange, or lease is finalized.
 160 (b) The sale, exchange, or lease of state land is subject to the public access rights
 161 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.**

- 164 (1) As used in this section, "class D road" means any road, way, or other land surface route

165 that has been or is established by use or constructed and has been maintained to provide
166 for usage by the public for vehicles with four or more wheels that is not a class A, class
167 B, or class C road under this title.

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

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

173 (4)(a) [The] Subject to Subsection (4)(b), the county governing body exercises sole
174 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
176 jurisdiction and control of the class D road.

177 (5)(a) Each county shall prepare maps showing to the best of its ability the class D roads
178 within its 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
180 multi-county planning district in which the county participates.

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

183 (7) The county shall provide a copy of any map under Subsection (5) or (6) upon
184 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
187 responsible for its being inventoried.

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

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

192 **Section 5. Effective Date.**

193 This bill takes effect on May 7, 2025.