

Troy Shelley proposes the following substitute bill:

**State Land Access Road Amendments**

2025 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Troy Shelley**

Senate Sponsor: Keven J. Stratton

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**LONG TITLE**

**General Description:**

This bill requires certain state entities to identify and record notice of roads that traverse 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 school and institutional trust lands and 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 and school and institutional trust lands;
- exempts class A, class B, and class C roads from the notice requirements;
- provides requirements for the Division of Wildlife Resources to identify roads within wildlife management areas;
- 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
- codifies a provision to ensure that title to a class D road abandoned by a county remains with the state, and provides a process for abandonment of a class D road or R.S. 2477 right-of-way.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**23A-6-303**, 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  
 30       **72-3-105**, 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

32 ENACTS:

33       **53C-2-106**, Utah Code Annotated 1953  
 34       **63L-11-205**, 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  
 40 Coordinating Committee created in Section 63L-11-401 and the Habitat Council created  
 41 by the division for their review and recommendations.
- 42 (2) The division shall submit a draft management plan and any recommendations received  
 43 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  
 45 the management plan are located; and
- 46 (b) the regional advisory council for a wildlife region that may be affected by the  
 47 management plan.
- 48 (3) A regional advisory council reviewing a draft management plan may make  
 49 recommendations to the director.
- 50 (4) The director may adopt the management plan, adopt the management plan with  
 51 amendments, or reject the management plan.
- 52 (5)(a) At the request of the director or a member of the Wildlife Board, the Wildlife  
 53 Board may review a management plan to determine whether the plan is consistent  
 54 with Wildlife Board policies.
- 55 (b) The director may amend a management plan in accordance with recommendations  
 56 made by the Wildlife Board.
- 57 (6) Neither the division nor the director may close a road within a wildlife management  
 58 area as part of a management plan without consent of the county legislative body within  
 59 which the wildlife management area is located.

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

61       **53C-2-106 . Identification and recording of public roads located on trust lands.**

62 (1) The director shall:

- 63        (a) subject to Subsection (2), using the State Geographic Information Database created  
 64        in Section 63A-16-506, and other available information, identify temporary public  
 65        easements or rights of entry granted pursuant to Section 72-5-203 for roads located  
 66        on trust lands within each county; and
- 67        (b) subject to Section 72-5-203, record with the county recorder of the county in which  
 68        the temporary public easement or right of entry is located a grant or permanent  
 69        easement as described in Subsection (4) that gives notice of the existence of the  
 70        public road.
- 71        (2)(a) Subject to Subsection (2)(b), the director may complete the requirements of  
 72        Subsection (1) over time and as resources allow.
- 73        (b) For Carbon County, Kane County, and Uintah County, the director shall complete  
 74        the requirements described in Subsection (1) on or before January 5, 2026.
- 75        (3) The director is not required to identify or record notice of any class A, class B, or class  
 76        C roads, as those terms are defined in Title 72, Chapter 3, Part 1, Highways in General.
- 77        (4) The grant of easement required in Subsection (1)(b) shall include:
- 78        (a) a requirement that the roads remain open for public use; and  
 79        (b) a legal description, as described in Subsection 57-3-105(4), of the relevant roads  
 80        sufficient for reasonable identification of the road.
- 81        (5)(a) If a parcel of trust lands is subject to a sale or an exchange as provided in this title,  
 82        the director shall ensure that the requirements of Subsection (1) are completed before  
 83        the sale or exchange is finalized.
- 84        (b) The sale or exchange of trust lands is subject to the grant of permanent easement  
 85        existing at the time of the sale or 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.**

- 88        (1) The office shall:
- 89        (a) make a report to the Constitutional Defense Council created under Section  
 90        63C-4a-202 concerning R.S. 2477 rights and other public lands issues under Title  
 91        63C, Chapter 4a, Constitutional and Federalism Defense Act;
- 92        (b) provide staff assistance to the Constitutional Defense Council created under Section  
 93        63C-4a-202 for meetings of the council;
- 94        (c)(i) prepare and submit a constitutional defense plan under Section 63C-4a-403; and  
 95        (ii) execute any action assigned in a constitutional defense plan;
- 96        (d) develop public lands policies by:

- 97 (i) developing cooperative contracts and agreements between the state, political  
98 subdivisions, and agencies of the federal government for involvement in the  
99 development of public lands policies;
- 100 (ii) producing research, documents, maps, studies, analysis, or other information that  
101 supports the state's participation in the development of public lands policy;
- 102 (iii) preparing comments to ensure that the positions of the state and political  
103 subdivisions are considered in the development of public lands policy; and
- 104 (iv) partnering with state agencies and political subdivisions in an effort to:  
105 (A) prepare coordinated public lands policies;  
106 (B) develop consistency reviews and responses to public lands policies;  
107 (C) develop management plans that relate to public lands policies; and  
108 (D) develop and maintain a statewide land use plan that is based on cooperation  
109 and in conjunction with political subdivisions;
- 110 (e) facilitate and coordinate the exchange of information, comments, and  
111 recommendations on public lands policies between and among:
- 112 (i) state agencies;  
113 (ii) political subdivisions;  
114 (iii) the Office of Rural Development created under Section 63N-4-102;  
115 (iv) the coordinating committee;  
116 (v) School and Institutional Trust Lands Administration created under Section  
117 53C-1-201;  
118 (vi) the committee created under Section 63A-16-507 to award grants to counties to  
119 inventory and map R.S. 2477 rights-of-way, associated structures, and other  
120 features; and  
121 (vii) the Constitutional Defense Council created under Section 63C-4a-202;
- 122 (f) perform the duties established in Title 9, Chapter 8a, Part 3, Antiquities, and Title 9,  
123 Chapter 8a, Part 4, Historic Sites;
- 124 (g) consistent with other statutory duties, encourage agencies to responsibly preserve  
125 archaeological resources;
- 126 (h) maintain information concerning grants made under Subsection (1)(j), if available;
- 127 (i) report annually, or more often if necessary or requested, concerning the office's  
128 activities and expenditures to:
- 129 (i) the Constitutional Defense Council; and  
130 (ii) the Legislature's Natural Resources, Agriculture, and Environment Interim

- 131 Committee jointly with the Constitutional Defense Council;
- 132 (j) make grants of up to 16% of the office's total annual appropriations from the
- 133 Constitutional Defense Restricted Account to a county or statewide association of
- 134 counties to be used by the county or association of counties for public lands matters if
- 135 the executive director, with the advice of the Constitutional Defense Council,
- 136 determines that the action provides a state benefit;
- 137 (k) conduct the public lands transfer study and economic analysis required by Section
- 138 63L-11-304; [~~and~~]
- 139 (l) fulfill the duties described in Section 63L-10-103[-] ; and
- 140 (m) perform the duties described in Section 63L-11-205.
- 141 (2) The executive director shall comply with Subsection 63C-4a-203(8) before submitting a
- 142 comment to a federal agency, if the governor would be subject to Subsection 63C-4a-203
- 143 (8) in submitting the comment.
- 144 (3) The office may enter into an agreement with another state agency to provide
- 145 information and services related to:
- 146 (a) the duties authorized by Title 72, Chapter 3, Highway Jurisdiction and Classification
- 147 Act;
- 148 (b) legal actions concerning Title 72, Chapter 3, Highway Jurisdiction and Classification
- 149 Act, or R.S. 2477 matters; or
- 150 (c) any other matter within the office's responsibility.
- 151 (4) In fulfilling the duties under this part, the office shall consult, as necessary, with:
- 152 (a) the Department of Natural Resources;
- 153 (b) the Department of Agriculture and Food;
- 154 (c) the Department of Environmental Quality;
- 155 (d) other applicable state agencies;
- 156 (e) political subdivisions of the state;
- 157 (f) federal land management agencies; and
- 158 (g) elected officials.

159 Section 4. Section **63L-11-205** is enacted to read:

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

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

- 163 (a) the Department of Natural Resources;
- 164 (b) the Division of Forestry, Fire, and State Lands;

- 165 (c) the Division of State Parks; and  
166 (d) any other state land management agency.
- 167 (2)(a) In coordination with the relevant owner, the executive director shall:  
168 (i) subject to Subsection (3), using the State Geographic Information Database  
169 created in Section 63A-16-506, and other available information, identify roads  
170 located on state land; and  
171 (ii) subject to Subsection (2)(b), record with the county recorder of the county in  
172 which the state land is located a document as described in Subsection (5) that  
173 gives notice of the existence of the public road or right-of-way.
- 174 (b) The executive director is not required to record a notice described in Subsection  
175 (2)(a)(ii) for a road on state land that is owned by the Division of Wildlife Resources  
176 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  
178 requirements of Subsection (2) over time and as resources allow.
- 179 (b) For Carbon County, Kane County, and Uintah County, the executive director shall  
180 complete the requirements described in Subsection (2) on or before January 5, 2026.
- 181 (4) The executive director is not required to identify or record notice of any class A, class  
182 B, or class C roads, as those terms are defined in Title 72, Chapter 3, Part 1, Highways  
183 in General.
- 184 (5) The notice required in Subsection (2)(a)(ii) shall include:  
185 (a) a title identifying the roads as "Public Access"; and  
186 (b) a legal description, as described in Subsection 57-3-105(4), of the relevant roads or  
187 rights-of-way sufficient for reasonable identification of the road.
- 188 (6)(a) If a parcel of state land is subject to a sale, an exchange, or a lease, the executive  
189 director shall ensure that the requirements of Subsection (2) are completed before the  
190 sale, exchange, or lease is finalized.
- 191 (b) The sale, exchange, or lease of state land is subject to the public access rights  
192 existing at the time of the sale, exchange, or lease.
- 193 (7)(a) The Division of Wildlife Resources shall identify roads within a wildlife  
194 management area in the respective property's habitat management plan, as required in  
195 Section 23A-6-302.
- 196 (b) For any road identified under Subsection (7)(a), the Division of Wildlife Resources  
197 may:  
198 (i) temporarily close a road for the benefit of wildlife; and

- 199 (ii) permanently close roads for the benefit of wildlife only:
- 200 (A) through the habitat management plan review and approval process in Section
- 201 23A-6-303; and
- 202 (B) with consent of the county legislative body within which the road is located.
- 203 (c)(i) The Division of Wildlife Resources shall record with the county in which the
- 204 wildlife management area property is located, any road on or across the wildlife
- 205 management area prior to sale or exchange of any wildlife management area
- 206 property.
- 207 (ii) The sale or exchange of Division of Wildlife Resources land is subject to the
- 208 public access rights 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.**

- 211 (1) As used in this section, "class D road" means any road, way, or other land surface route
- 212 that has been or is established by use or constructed and has been maintained to provide
- 213 for usage by the public for vehicles with four or more wheels that is not a class A, class
- 214 B, or class C road under this title, or an R.S. 2477 right-of-way, as that term is defined in
- 215 Section 72-5-301.
- 216 (2) Each class D road is part of the highway and road system within the state with the same
- 217 force and effect as if the class D road had been included within this system upon its
- 218 being first established or constructed.
- 219 (3) The state and county have joint undivided interest in the title to all rights-of-way for
- 220 class D roads.
- 221 (4)(a) [The] Subject to Subsection (4)(b), the county governing body exercises sole
- 222 jurisdiction and control of class D roads within the county.
- 223 (b) If a county vacates or abandons a class D road, the department exercises sole
- 224 jurisdiction and control of the class D road.
- 225 (5)(a) Each county shall prepare maps showing to the best of its ability the class D roads
- 226 within its boundaries which were in existence as of October 21, 1976.
- 227 (b) Preparation of these maps may be done by the county itself or through any
- 228 multi-county planning district in which the county participates.
- 229 (6) Any class D road which is established or constructed after October 21, 1976, shall be
- 230 reflected on maps prepared as provided in Subsection (5).
- 231 (7) The county shall provide a copy of any map under Subsection (5) or (6) upon
- 232 completion to the department.

- 233 (8)(a) The department shall scribe each road shown on its own county map series.
- 234 (b) The department is not responsible for the validity of any class D road and is not  
235 responsible for its being inventoried.
- 236 (c) The department shall also keep on file an historical map record of the roads as  
237 provided by the counties.
- 238 (9)(a) If a county unilaterally vacates or abandons the county's class D road interest in a  
239 road within the county, the right-of-way remains open for public use.
- 240 (b) Before a county may vacate or abandon the county's right-of-way interest for a class  
241 D road, the county shall provide to the department 180 days in advance of taking the  
242 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  
244 intends to abandon the county's interest;
- 245 (ii) a statement affirming that all gates and locks, whether or not installed or  
246 authorized by the county, and all county agreements, have been removed from the  
247 portion to be vacated; and
- 248 (iii) documentation that the portion to be vacated is shown as a class D road in the  
249 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  
251 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  
257 R.S. 2477 right-of-way is established for a perpetual term.
- 258 (2)(a) Abandonment of any R.S. 2477 right-of-way shall only take place in accordance  
259 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  
261 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  
263 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  
265 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



267 public domain.

268 Section 7. **Effective Date.**

269 This bill takes effect on May 7, 2025.