

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

2

3 **LONG TITLE**

4 **General Description:**

5 This bill requires certain state entities to identify and record notice of roads that traverse
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 located on
11 school and institutional trust lands and state lands, with initial focus within certain
12 counties;
- 13 ▶ requires PLPCO and SITLA to record with the relevant county recorder's office notice of
14 the roads relevant to state lands and school and institutional trust lands;
- 15 ▶ exempts class A, class B, and class C roads from the notice requirements;
- 16 ▶ provides requirements for the Division of Wildlife Resources to identify roads within
17 wildlife management areas;
- 18 ▶ provides that the Division of Wildlife Resources may not permanently close a road
19 without consent of the legislative body of the county in which the road is located; and
- 20 ▶ codifies a provision to ensure that title to a class D road abandoned by a county remains
21 with the state, and provides a process for abandonment of a class D road or R.S. 2477
22 right-of-way.

23 **Money Appropriated in this Bill:**

24 None

25 **Other Special Clauses:**

26 None

27 **Utah Code Sections Affected:**

28 AMENDS:

29 **23A-6-303**, as renumbered and amended by Laws of Utah 2023, Chapter 103

30 **63L-11-202**, as last amended by Laws of Utah 2024, Chapter 36

31 **72-3-105**, as last amended by Laws of Utah 2000, Chapter 324

32 **72-5-305**, as renumbered and amended by Laws of Utah 1998, Chapter 270

33 ENACTS:

34 **53C-2-106**, Utah Code Annotated 1953

35 **63L-11-205**, Utah Code Annotated 1953

36

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

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

39 **23A-6-303 . Review and adoption of management plans.**

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

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

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

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

49 (3) A regional advisory council reviewing a draft management plan may make
50 recommendations to the director.

51 (4) The director may adopt the management plan, adopt the management plan with
52 amendments, or reject the management plan.

53 (5)(a) At the request of the director or a member of the Wildlife Board, the Wildlife
54 Board may review a management plan to determine whether the plan is consistent
55 with Wildlife Board policies.

56 (b) The director may amend a management plan in accordance with recommendations
57 made by the Wildlife Board.

58 (6) Neither the division nor the director may permanently close a road within a wildlife
59 management area as part of a management plan without consent of the county legislative
60 body within which the wildlife management area is located.

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

62 **53C-2-106 . Identification and recording of public roads located on trust lands.**

- 63 (1) The director shall:
- 64 (a) subject to Subsection (2), using the State Geographic Information Database created
- 65 in Section 63A-16-506, and other available information, identify temporary public
- 66 easements or rights of entry granted pursuant to Section 72-5-203 for roads located
- 67 on trust lands within each county; and
- 68 (b) subject to Section 72-5-203, record with the county recorder of the county in which
- 69 the temporary public easement or right of entry is located a grant or permanent
- 70 easement as described in Subsection (4) that gives notice of the existence of the
- 71 public road.
- 72 (2)(a) Subject to Subsection (2)(b), the director may complete the requirements of
- 73 Subsection (1) over time and as resources allow.
- 74 (b) For Carbon County, Garfield County, Grand County, Kane County, San Juan
- 75 County, Uintah County, and Wayne County, the director shall complete the
- 76 requirements described in Subsection (1) on or before January 5, 2026.
- 77 (3) The director is not required to identify or record notice of any class A, class B, or class
- 78 C roads, as those terms are defined in Title 72, Chapter 3, Part 1, Highways in General.
- 79 (4) The grant of easement required in Subsection (1)(b) shall include:
- 80 (a) a requirement that the roads remain open for public use; and
- 81 (b) a legal description, as described in Subsection 57-3-105(4), of the relevant roads
- 82 sufficient for reasonable identification of the road.
- 83 (5)(a) If a parcel of trust lands is subject to a sale or an exchange as provided in this title,
- 84 the director shall ensure that the requirements of Subsection (1) are completed before
- 85 the sale or exchange is finalized.
- 86 (b) The sale or exchange of trust lands is subject to the grant of permanent easement
- 87 existing at the time of the sale or exchange.
- 88 Section 3. Section **63L-11-202** is amended to read:
- 89 **63L-11-202 . Powers and duties of the office and executive director.**
- 90 (1) The office shall:
- 91 (a) make a report to the Constitutional Defense Council created under Section
- 92 63C-4a-202 concerning R.S. 2477 rights and other public lands issues under Title
- 93 63C, Chapter 4a, Constitutional and Federalism Defense Act;
- 94 (b) provide staff assistance to the Constitutional Defense Council created under Section
- 95 63C-4a-202 for meetings of the council;
- 96 (c)(i) prepare and submit a constitutional defense plan under Section 63C-4a-403; and

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

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

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

162 **63L-11-205 . Identification and recording of public roads located on state-owned**
 163 **public lands.**

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

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

- 199 (b) For any road identified under Subsection (7)(a), the Division of Wildlife Resources
 200 may:
 201 (i) temporarily close a road for the benefit of wildlife; and
 202 (ii) permanently close roads for the benefit of wildlife only:
 203 (A) through the habitat management plan review and approval process in Section
 204 23A-6-303; and
 205 (B) beginning on May 7, 2025, with consent of the county legislative body within
 206 which the road is located.
- 207 (c) Notwithstanding Subsection (7)(b), the Division of Wildlife Resources may close a
 208 road for the benefit of wildlife if:
 209 (i) there is an alternative road that will remain open that provides reasonable access
 210 to the same area;
 211 (ii) the road to be closed forks from the alternative road that will remain open;
 212 (iii) the road to be closed is less traveled than the alternative road that will remain
 213 open;
 214 (iv) the road to be closed travels in approximately the same direction as the
 215 alternative road that will remain open; and
 216 (v) the road to be closed intersects with the alternative road that will remain open
 217 within 2,000 feet of the location where the road to be closed forks from the road
 218 that will remain open.
- 219 (d)(i) The Division of Wildlife Resources shall record with the county in which the
 220 wildlife management area property is located, any road on or across the wildlife
 221 management area prior to any sale or exchange of any wildlife management area
 222 property.
 223 (ii) The sale or exchange of Division of Wildlife Resources land is subject to the
 224 public access rights existing at the time of the sale or exchange.

225 Section 5. Section **72-3-105** is amended to read:

226 **72-3-105 . Class D roads -- Maps to be prepared by county -- Indication of roads.**

- 227 (1) As used in this section, "class D road" means any road, way, or other land surface route
 228 that has been or is established by use or constructed and has been maintained to provide
 229 for usage by the public for vehicles with four or more wheels that is not a class A, class
 230 B, or class C road under this title, or an R.S. 2477 right-of-way, as that term is defined in
 231 Section 72-5-301.
- 232 (2) Each class D road is part of the highway and road system within the state with the same

- 233 force and effect as if the class D road had been included within this system upon its
234 being first established or constructed.
- 235 (3) The state and county have joint undivided interest in the title to all rights-of-way for
236 class D roads.
- 237 (4)(a) [The] Subject to Subsection (4)(b), the county governing body exercises sole
238 jurisdiction and control of class D roads within the county.
- 239 (b) If a county vacates or abandons a class D road, the department exercises sole
240 jurisdiction and control of the class D road.
- 241 (5)(a) Each county shall prepare maps showing to the best of its ability the class D roads
242 within its boundaries which were in existence as of October 21, 1976.
- 243 (b) Preparation of these maps may be done by the county itself or through any
244 multi-county planning district in which the county participates.
- 245 (6) Any class D road which is established or constructed after October 21, 1976, shall be
246 reflected on maps prepared as provided in Subsection (5).
- 247 (7) The county shall provide a copy of any map under Subsection (5) or (6) upon
248 completion to the department.
- 249 (8)(a) The department shall scribe each road shown on its own county map series.
- 250 (b) The department is not responsible for the validity of any class D road and is not
251 responsible for its being inventoried.
- 252 (c) The department shall also keep on file an historical map record of the roads as
253 provided by the counties.
- 254 (9)(a) If a county vacates or abandons the county's class D road interest in a road within
255 the county, the right-of-way remains open for public use unless the department, in
256 consultation with the Public Lands Policy Coordinating Office created in Section
257 63L-11-201, determines that the road or right-of-way:
- 258 (i) does not provide a benefit to the state in a manner consistent with the principles of
259 multiple use and sustained yield as described in Section 63L-8-103; or
- 260 (ii) is not used to access public or private land.
- 261 (b) Before a county may vacate or abandon the county's right-of-way interest in a class
262 D road, the county shall provide to the department 180 days in advance of taking the
263 action a written notice that includes the following:
- 264 (i) a legal description and map of the portion of the class D road for which the county
265 intends to abandon the county's interest;
- 266 (ii) a statement affirming that all gates and locks, whether or not installed or

267 authorized by the county, and all county agreements, have been removed from the
268 portion to be vacated; and

269 (iii) documentation that the portion to be vacated is shown as a class D road in the
270 county recorders office.

271 (c) A county may not vacate or abandon the county's right-of-way interest in a class D
272 road without the approval of the department.

273 (d) A person may not place a lock or a gate on a class D road right-of-way over which
274 the department exercises sole jurisdiction.

275 (10)(a) A county and the department are not required to maintain a class D road.

276 (b) An individual who travels on a class D road does so at the individual's own risk.

277 Section 6. Section **72-5-305** is amended to read:

278 **72-5-305 . Term of grant -- Abandonment.**

279 (1) In accordance with the terms of the R.S. 2477 right-of-way grant, once accepted, an
280 R.S. 2477 right-of-way is established for a perpetual term.

281 (2)(a) Abandonment of any R.S. 2477 right-of-way shall only take place in accordance
282 with the procedures in Part 1, Public Highways, of this chapter.

283 (b) If any R.S. 2477 right-of-way is abandoned by a political subdivision of the state, the
284 right-of-way shall revert to the state.

285 (c) To abandon an R.S. 2477 right-of-way as described in Subsection (2)(b), a political
286 subdivision shall:

287 (i) comply with Subsection 72-3-105(9); and

288 (ii) provide notice of abandonment to the director of the Public Lands Policy
289 Coordinating Office created in Section 63L-11-201.

290 (3) The passage of time or the frequency of use of an R.S. 2477 right-of-way is not
291 evidence of waiver or abandonment of the R.S. 2477 right-of-way.

292 (4) An R.S. 2477 right-of-way continues even if the servient estate is transferred out of the
293 public domain.

294 Section 7. **Effective Date.**

295 This bill takes effect on May 7, 2025.