

**72-5-105 Highways, streets, or roads once established continue until abandoned --  
Temporary closure.**

- (1) All public highways, streets, or roads once established shall continue to be highways, streets, or roads until formally abandoned or vacated by written order, resolution, or ordinance resolution of a highway authority having jurisdiction or by court decree, and the written order, resolution, ordinance, or court decree has been duly recorded in the office of the recorder of the county or counties where the highway, street, or road is located.
- (2)
  - (a) For purposes of assessment, upon the recordation of an order executed by the proper authority with the county recorder's office, title to the vacated or abandoned highway, street, or road shall vest to the adjoining record owners, with one-half of the width of the highway, street, or road assessed to each of the adjoining owners.
  - (b) Provided, however, that should a description of an owner of record extend into the vacated or abandoned highway, street, or road that portion of the vacated or abandoned highway, street, or road shall vest in the record owner, with the remainder of the highway, street, or road vested as otherwise provided in this Subsection (2).
- (3)
  - (a) In accordance with this section, a state or local highway authority may temporarily close a class B or D road, an R.S. 2477 right-of-way, or a portion of a class B or D road or R.S. 2477 right-of-way.
  - (b)
    - (i) A temporary closure authorized under this section is not an abandonment.
    - (ii) The erection of a barrier or sign on a highway, street, or road once established is not an abandonment.
    - (iii) An interruption of the public's continuous use of a highway, street, or road once established is not an abandonment even if the interruption is allowed to continue unabated.
  - (c) A temporary closure under Subsection (3)(a) may be authorized only under the following circumstances:
    - (i) when a federal authority, or other person, provides an alternate route to an R.S. 2477 right-of-way or portion of an R.S. 2477 right-of-way that is:
      - (A) accepted by the highway authority; and
      - (B) formalized by:
        - (I) a federal permit; or
        - (II) a written agreement between the federal authority or other person and the highway authority; or
    - (ii) when a state or local highway authority determines that correction or mitigation of injury to private or public land resources is necessary on or near a class B or D road or portion of a class B or D road.
  - (d) A highway authority shall reopen an R.S. 2477 right-of-way or portion of an R.S. 2477 right-of-way temporarily closed under this section if the alternate route is closed for any reason.
  - (e) A temporary closure authorized under Subsection (3)(c)(ii) shall:
    - (i) be authorized annually; and
    - (ii) not exceed two years or the time it takes to complete the correction or mitigation, whichever is less.
- (4) Before authorizing a temporary closure under Subsection (3), a highway authority shall:
  - (a) hold a hearing on the proposed temporary closure;
  - (b) provide notice of the hearing by:

- (i) mailing a notice to the Department of Transportation and all owners of property abutting the highway; and
  - (ii)
    - (A) publishing the notice:
      - (I) in a newspaper of general circulation in the county at least once a week for four consecutive weeks before the hearing; and
      - (II) on the Utah Public Notice Website created in Section 63F-1-701, for four weeks before the hearing; or
    - (B) posting the notice in three public places for at least four consecutive weeks prior to the hearing; and
  - (c) pass an ordinance authorizing the temporary closure.
- (5) The right-of-way and easements, if any, of a property owner and the franchise rights of any public utility may not be impaired by a temporary closure authorized under this section.

Amended by Chapter 341, 2011 General Session