

**72-5-303 Maintenance -- Impact on adjacent land owners.**

- (1)
- (a) The state and its political subdivisions are not required to maintain highways within R.S. 2477 rights-of-way for vehicular travel unless the R.S. 2477 right-of-way encompasses a highway included on a highway system for vehicular travel.
  - (b) A decision to improve or not improve an R.S. 2477 right-of-way is a purely discretionary function.
- (2) The holder of an R.S. 2477 right-of-way and the owner of the servient estate shall exercise their rights without unreasonably interfering with one another.
- (3) The holder of the R.S. 2477 right-of-way shall design and conduct construction and maintenance activities so as to minimize impacts on adjacent federal public lands, consistent with applicable safety standards.

Renumbered and Amended by Chapter 270, 1998 General Session