

72-5-307 Agreement affecting R.S. 2477 right-of-way.

- (1) Before a political subdivision of the state enters into an agreement with the federal government affecting the rights, status, or scope of an R.S. 2477 right-of-way, the political subdivision shall give written notice of its intent to enter the agreement, together with a copy of the proposed final agreement, to the governing body of every county of the state through which the right-of-way extends.
- (2) After receiving notice of the proposed agreement, the governing body of a county shall, within 60 days, give written notice to the political subdivision that:
 - (a) the county does not object to the proposed agreement; or
 - (b) the county objects to the proposed agreement.
- (3) If the governing body of a county through which an R.S. 2477 right-of-way extends objects to a proposed agreement in accordance with Subsection (2), the political subdivision proposing to enter into the agreement may only enter into the agreement if it obtains declaratory relief from the district court. The relief shall be granted if the political subdivision shows by a preponderance of evidence that the proposed agreement does not materially affect the objecting county's interests.
- (4) If the governing body of a county through which an R.S. 2477 right-of-way extends fails to object within 60 days after receiving notice, in accordance with Subsection (2), the county is considered not to have an objection.
- (5) If a political subdivision fails to provide notice of a proposed agreement to a county as required by Subsection (1), the political subdivision is considered without authority to enter into the agreement, and the agreement is void.
- (6) In accordance with the joint title provisions in Subsection 72-5-302(2), an agreement between a political subdivision of the state and the federal government may not affect the interests of the state regarding an R.S. 2477 right-of-way, unless the state is also a party to the agreement.
- (7) This section does not affect an agreement made solely for the purpose of:
 - (a) maintenance, as defined under Section 72-5-301; or
 - (b) preserving safe travel of an R.S. 2477 right-of-way.

Enacted by Chapter 123, 2001 General Session