

Effective 5/8/2018

72-7-103 Limitation on access authority.

- (1) As used in this section:
 - (a) "Highway facility" means:
 - (i) SR-7 as described in Section 72-4-106;
 - (ii) SR-67 as described in Section 72-4-112;
 - (iii) SR-85 as described in Section 72-4-114;
 - (iv) SR-154 as described in Section 72-4-121; or
 - (v) SR-201 as described in Section 72-4-126.
 - (b) "Legal point of access" means an access established in accordance with applicable law:
 - (i) before July 1, 2003;
 - (ii) by permit issued by the highway authority; or
 - (iii) by a deed or court order.
- (2) A highway authority may not deny reasonable ingress and egress to property adjoining a public highway except where:
 - (a) the highway authority acquires right of ingress and egress by gift, agreement, purchase, eminent domain, or otherwise; or
 - (b) no right of ingress or egress exists between the right-of-way and the adjoining property.
- (3) For a property adjoining a public highway that is not an interstate system or a highway facility, a highway authority may not close a legal point of access to the public highway, unless:
 - (a) the property has reasonably equivalent access to the public highway after the legal access is closed; or
 - (b) the highway authority acquires the legal point of access by gift, agreement, purchase, or eminent domain.

Amended by Chapter 72, 2018 General Session