1	PROTECTION OF RIGHTS-OF-WAY - GATES
2	ON COUNTY ROADS
-3	2003 GENERAL SESSION
4	STATE OF UTAH
5	Sponsor: Michael E. Noel
6	This act modifies the Transportation Code by redefining county road and allowing
7	counties to erect gates on class D roads. This act makes technical changes.
8	This act affects sections of Utah Code Annotated 1953 as follows:
8 9	AMENDS:
10	72-7-106 , as last amended by Chapter 21, Laws of Utah 1999
11	Be it enacted by the Legislature of the state of Utah:
12	Section 1. Section 72-7-106 is amended to read:
13	72-7-106. Gates on class B and D roads.
14	(1) As used in this section, "county road" means:
15	(a) a class B road as defined in Section 72-3-103; and
16	(b) a class D road as defined in Section 72-3-105.
17	[(1)] (2) The county executive of [any] a county may [provide for] authorize the
18	erection [and] or maintenance of [gates] a gate on [the B system] a county [highways] road in
19	order to avoid the necessity of building highway fences.
20	[(2)] (3) The person for whose immediate benefit [the gates are] a gate is erected or
21	maintained shall in all cases bear the expense.
22	[(3)] (4) Nothing contained in Section 72-7-105 shall be construed to prohibit $[any]$ a
23	person from placing [any] an unlocked, nonrestrictive gate across [any B system] a county
24	[highway] road, or maintaining the same, with the [approval] authorization of the county
25	executive of that county.
26	[(4)] <u>(5) (a)</u> A gate [may not be] <u>is not</u> allowed on [any B system] <u>a</u> county [highways
27	except those gates allowed] road unless authorized by the county executive in accordance with

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28	the provisions of this section.
29	(b) If the expense of the erection and maintenance of the [allowed gates] gate is not
30	paid or if [any] a lock or other device is placed upon the [gates] gate so as to make [them] it
31	restrictive, the county executive of that county shall notify the responsible party that [their]
32	county approval is terminated and the gate [shall be] is considered to be an obstruction
33	[pursuant to] under Section 72-7-105.
34	[(5)] (6) The placement or maintenance of [gates] a gate with the [consent]
35	<u>authorization</u> of the county executive across [B system] a county [highways] road \hat{h} [for the] \hat{h}
36	[statutory] $\mathbf{\hat{h}}$ [period of time specified in Section 72-5-104] $\mathbf{\hat{h}}$ does not constitute or establish an
37	abandonment under $\mathbf{\hat{h}}$ [Section] SECTIONS 72-5-105 OR $\mathbf{\hat{h}}$ 72-5-305 by the county and does not
37a	establish an easement on
38	behalf of the person establishing the gate.
39	[(6)] (7) A person who commits any of the following acts is guilty of a class B
40	misdemeanor and is liable for [any and] all damages suffered by [any] a party as a result of the
41	acts:
42	(a) [leave] leaves open [any] a gate, erected or maintained under this section;
43	(b) unnecessarily [drive] drives over the ground adjoining the highway on which a gate
44	is erected;
45	(c) [place any] places a lock or other restrictive device on a gate; or
46	(d) [violate any rules or regulations of any] violates a rule or regulation of a county
47	legislative body relating to the gates within the county.
48	[(7) The provisions of this section relating to maintenance and removal of gates over B
49	system county highways applies retrospectively to all gates in existence on April 1, 1976.]

Legislative Review Note as of 1-29-03 10:23 AM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel

State Impact

No fiscal impact.

Individual and Business Impact

No fiscal impact.

Office of the Legislative Fiscal Analyst