1	PUBLIC UTILITY EASEMENTS			
2	2004 GENERAL SESSION			
3	STATE OF UTAH			
4	Sponsor: R. Curt Webb			
5 6	LONG TITLE			
7	General Description:			
8	This bill modifies the Public Utilities Code to enact provisions related to public utility			
9	easements.			
10	Highlighted Provisions:			
11	This bill:			
12	enacts provisions governing:			
13	 the use of a public utility easement; 			
14	the use of property on which a public utility easement is located; and			
15	 the recording of a subdivision plat that includes a public utility easement. 			
16	Monies Appropriated in this Bill:			
17	None			
18	Other Special Clauses:			
19	None			
20	Utah Code Sections Affected:			
0a	Ş AMENDS:			
:0b	10-8-14.5, AS ENACTED BY CHAPTER 106, LAWS OF UTAH 1995 Ş			
21	ENACTS:			
22	54-3-27 , Utah Code Annotated 1953			
23				
24	Be it enacted by the Legislature of the state of Utah:			
24a	Ş Section 1. Section 10-8-14.5 is amended to read:			
24b	10-8-14.5. Utility easements Use for water or sewerage service.			
24c	(1) If a municipality grants a general utility easement for the provision of electric, gas, or ş			



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24d	\$ telephone service, the grant may also provide that the easement can be used by the corporation o
24e	other entity that provides water or sewerage service to the municipality's residents.
24f	(2) A GENERAL UTILITY EASEMENT DESCRIBED IN SUBSECTION (1) IS SUBJECT TO THE
24 <u>g</u>	PROVISIONS IMPOSED ON A PUBLIC UTILITY EASEMENT UNDER SECTION 54-3-27. Ş
25	Section 1. Section 54-3-27 is enacted to read:
26	54-3-27. Public utility easement.
27	(1) As used in this section, "public utility easement" means the area on a recorded plat

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28	map or other recorded document that is dedicated to the use and installation of public utility	
29	<u>facilities.</u>	
30	(2) (a) A public utility easement provides a public utility with:	
31	(i) the right to install, maintain, operate, repair, remove, replace, or relocate public	
32	utility facilities; and	
33	(ii) the rights of ingress and egress within the public utility easement for public utility	
34	employees, contractors, and agents.	
35	(b) Notwithstanding Subsection (3), a public utility shall restore or repair, at the	
36	expense of the public utility, any Ĥ Ĥ [BOUNDARY LINE] ĥ FENCE, ĥ grass, soil,	
36a1	$\hat{\mathbf{H}}$ SHRUBBERY, BUSHES, FLOWERS, OTHER LOW LEVEL VEGETATION, SPRINKLER SYSTEM,	
36a2	IRRIGATION SYSTEM, h gravel, flat concrete, or	
36a	asphalt damaged or	
37	displaced from the exercise of the easement rights described in Subsection (2)(a).	
38	(3) Except as provided in Subsection (2)(b), if a property owner places improvements	
39	to land that interfere with the easement rights described in Subsection (2)(a), the property	
40	owner shall bear the risk of loss or damage to those improvements resulting from the exercise	
41	of the easement rights described in Subsection (2)(a).	
42	Ĥ [4) Unless one of the exceptions provided in Subsection 54-13-7(2) applies, a property	
43	owner may not, within a public easement, build or allow to be built any structure requiring slab	
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51	(b) Notwithstanding Subsection $\hat{\mathbf{H}}$ [(6)] (4) $\hat{\mathbf{h}}$ (a), a public utility may not:	
52 52	(i) interfere with any facility of another public utility within the public utility easement;	
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57a1	HAS PROVIDED THE	
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58a days prior to recording.

Legislative Review Note as of 1-12-04 11:31 AM

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

Office of Legislative Research and General Counsel

Fiscal Note Bill Number HB0229	Public Utility Easements	23-Jan-04 4:07 PM
State Impact No fiscal impact.		
Individual and Business Impa	act	

Office of the Legislative Fiscal Analyst