

**PUBLIC UTILITY EASEMENTS**

2004 GENERAL SESSION

STATE OF UTAH

**Sponsor: R. Curt Webb**

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**LONG TITLE**

**General Description:**

This bill modifies the Public Utilities Code to enact provisions related to public utility easements.

**Highlighted Provisions:**

This bill:

- ▶ enacts provisions governing:
  - the use of a public utility easement;
  - the use of property on which a public utility easement is located; and
  - the recording of a subdivision plat that includes a public utility easement.

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

ENACTS:

**54-3-27**, Utah Code Annotated 1953

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*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section **54-3-27** is enacted to read:

**54-3-27. Public utility easement.**

(1) As used in this section, "public utility easement" means the area on a recorded plat



28 map or other recorded document that is dedicated to the use and installation of public utility  
29 facilities.

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 grass, soil, gravel, flat concrete, or 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 (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  
44 support or footings.

45 (5) A property owner may not change the contour of the ground within a public utility  
46 easement if the change results in a natural gas pipeline having less than the greater of:

47 (a) 24 inches of ground cover; or

48 (b) the amount of ground cover otherwise required by federal, state, or local law.

49 (6) (a) Except as provided in Subsection (6)(b), a public utility easement is  
50 nonexclusive and may be used by more than one public utility.

51 (b) Notwithstanding Subsection (6)(a), a public utility may not:

52 (i) interfere with any facility of another public utility within the public utility easement;  
53 or

54 (ii) infringe on the legally required distances of separation between public utility  
55 facilities required by federal, state, or local law.

56 (7) A subdivision plat that includes a public utility easement may not receive final  
57 approval for recording by a municipality or county unless each public utility holding an interest  
58 in the public utility easement has been notified 14 calendar days prior to recording.

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**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**

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**Fiscal Note**  
**Bill Number HB0229**

**Public Utility Easements**

*23-Jan-04*

*4:07 PM*

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**State Impact**

No fiscal impact.

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**Individual and Business Impact**

Costs will be minimal.

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**Office of the Legislative Fiscal Analyst**