



28 temporary closure; and  
29       ▶ makes technical changes.

30 **Monies Appropriated in this Bill:**

31       None

32 **Other Special Clauses:**

33       None

34 **Utah Code Sections Affected:**

35 AMENDS:

36       **72-5-105**, as last amended by Chapter 291, Laws of Utah 2002



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

39       Section 1. Section **72-5-105** is amended to read:

40       **72-5-105. Highways, streets, or roads once established continue until abandoned**  
41 **-- Temporary closure.**

42       (1) All public highways, streets, or roads once established shall continue to be  
43 highways, streets, or roads until abandoned or vacated by order of ~~the~~ a highway ~~authorities~~  
44 authority having jurisdiction or by other competent authority.

45       (2) (a) For purposes of assessment, upon the recordation of an order executed by the  
46 proper authority with the county recorder's office, title to the vacated or abandoned highway,  
47 street, or road shall vest to the adjoining record owners, with 1/2 of the width of the highway,  
48 street, or road assessed to each of the adjoining owners.

49       (b) Provided, however, that should a description of an owner of record extend into the  
50 vacated or abandoned highway, street, or road that portion of the vacated or abandoned  
51 highway, street, or road shall vest in the record owner, with the remainder of the highway,  
52 street, or road vested as otherwise provided in this Subsection (2).

53       (3) (a) In accordance with this section, a highway authority may temporarily close a  
54 class B or D road, an R.S. 2477 right-of-way, or a portion of a class B or D road or R.S. 2477  
55 right-of-way.

56       (b) A temporary closure authorized under this section is not an abandonment.

57       (c) A temporary closure under Subsection (3)(a) may be authorized only under the  
58 following circumstances:

59 (i) when a federal authority, or other person, provides an alternate route to an R.S.  
60 2477 right-of-way, or portion of an R.S. 2477 right-of-way, that is:

61 (A) accepted by the highway authority; and

62 (B) formalized by:

63 (I) a federal permit; or

64 (II) a written agreement between the federal authority or other person and the highway  
65 authority; or

66 (ii) when a highway authority determines that correction or mitigation of injury to  
67 private or public land resources is necessary on or near a class B or D road or portion of the  
68 class B or D road.

69 (d) A highway authority shall reopen an R.S. 2477 right-of-way or a portion of an R.S.  
70 2477 right-of-way temporarily closed under this section if the alternate route is closed for any  
71 reason.

72 (e) A temporary closure authorized under Subsection (3)(c)(ii) shall:

73 (i) be authorized annually; and

74 (ii) not exceed two years or the time it takes to complete the correction or mitigation,  
75 whichever is less.

76 (4) Prior to authorizing a temporary closure under Subsection (3), a highway authority  
77 shall:

78 (a) hold a hearing on the proposed temporary closure;

79 (b) provide notice of the hearing by:

80 (i) mailing a notice to the Department of Transportation and all owners of property  
81 abutting the highway; and

82 (ii) (A) publishing the notice in a newspaper of general circulation in the county at least  
83 once a week for four consecutive weeks prior to the hearing; or

84 (B) posting the notice in three public places at least four consecutive weeks prior to the  
85 hearing; and

86 (c) pass an ordinance authorizing the temporary closure.

87 (5) The right-of-way and easements, if any, of a property owner and the franchise rights  
88 of any public utility may not be impaired by a temporary closure authorized under this section.

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**Legislative Review Note**

**as of 1-28-05 3:38 PM**

Based on a limited legal review, this legislation has not been determined to have a high probability of being held unconstitutional.

**Office of Legislative Research and General Counsel**

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**Fiscal Note**  
**Bill Number HB0270**

**Temporary Road Closures**

*03-Feb-05*

*8:14 AM*

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**State Impact**

Provisions of this bill can be handled within existing budgets.

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**Individual and Business Impact**

No fiscal impact.

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**Office of the Legislative Fiscal Analyst**