

Representative Michael E. Noel proposes the following substitute bill:

ROAD AND RIGHTS-OF-WAY AMENDMENTS

2008 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Michael E. Noel

Senate Sponsor: Dennis E. Stowell

LONG TITLE

General Description:

This bill modifies the Transportation Code by amending provisions relating to roads and rights-of-way.

Highlighted Provisions:

This bill:

► provides that if a political subdivision of the state transfers an R.S. 2477 right-of-way ~~to~~ **to** ~~the federal government or an agency of the federal government~~ ~~to~~ **to** , the R.S. 2477 right-of-way ~~to~~ **to** ~~the R.S. 2477 right-of-way~~ ~~to~~ **to** shall

~~to~~ **to** ~~automatically~~ ~~to~~ **to** revert to the state; ~~to~~ **to** ~~and~~ ~~to~~ **to**

► provides that if an R.S. 2477 right-of-way reverts to the state, the state has no maintenance responsibilities and has certain liability protections; and ~~to~~ **to**

► makes technical changes.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

72-5-305, as renumbered and amended by Laws of Utah 1998, Chapter 270



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

27 Section 1. Section **72-5-305** is amended to read:

28 **72-5-305. Term of grant -- Abandonment.**

29 (1) In accordance with the terms of the R.S. 2477 right-of-way grant, once accepted, an
30 R.S. 2477 right-of-way is established for a perpetual term.

31 (2) (a) Abandonment of any R.S. 2477 right-of-way shall only take place in accordance
32 with the procedures in Part 1, Public Highways, of this chapter.

33 (b) If any R.S. 2477 right-of-way is abandoned ~~H→~~ **or transferred** ~~←H~~ by a political
33a subdivision of the state,
34 the right-of-way shall revert to the state.

35 ~~H→~~ **[(3) If a political subdivision of the state transfers an R.S. 2477 right-of-way or a**
36 **portion of an R.S. 2477 right-of-way to the federal government or an agency of the federal**
37 **government, the R.S. 2477 right-of-way or portion of the R.S. 2477 right-of-way shall**
38 **automatically revert to the state.]**

38a **(c) If an R.S. 2477 right-of-way reverts to the state in accordance with Subsection (2)(b),**
38b **the state has no maintenance responsibilities and has the liability protections provided under**
38c **Section 72-5-306.** ~~←H~~

39 [~~(3)~~] (4) The passage of time or the frequency of use of an R.S. 2477 right-of-way is
40 not evidence of waiver or abandonment of the R.S. 2477 right-of-way.

41 [~~(4)~~] (5) An R.S. 2477 right-of-way continues even if the servient estate is transferred
42 out of the public domain.

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Fiscal Note

2008 General Session

State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.
