

HIGHWAY ABANDONMENT AMENDMENTS

2008 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Darin G. Peterson

House Sponsor: Bradley A. Winn

LONG TITLE

General Description:

This bill modifies the Transportation Code by amending provisions relating to the dedication of highways to the public.

Highlighted Provisions:

This bill:

- requires that an action to establish a highway as public must be brought within ten years of the last use by the public;
- provides that an interruption in the use of a highway as a public thoroughfare restarts the ten year continuous use period for determining whether a highway is dedicated and abandoned to the public; and
- makes technical changes.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

72-5-104, as last amended by Laws of Utah 2000, Chapter 324

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



28 Section 1. Section **72-5-104** is amended to read:

29 **72-5-104. Public use constituting dedication -- Scope.**

30 (1) A highway is dedicated and abandoned to the use of the public when it has been
31 continuously used as a public thoroughfare for a period of ten years.

32 (2) The dedication and abandonment creates a right-of-way held by the state in
33 accordance with Sections 72-3-102, 72-3-104, 72-3-105, and 72-5-103.

34 (3) The scope of the right-of-way is that which is reasonable and necessary to ensure
35 safe travel according to the facts and circumstances.

36 (4) An action to establish a highway as public under this section must be brought
37 within ten years of the last use by the public.

38 (5) (a) If there is an interruption in the continuous use of a highway as a public
39 thoroughfare, the ten year continuous use period under Subsection (1) shall restart following
40 the interruption in the use of the highway as a public thoroughfare.

41 (b) An interruption under Subsection (5)(a) may include:

42 (i) the property owner controlling access to the highway through closed gates; or

43 (ii) the property owner expelling a person who lacked permission to use the highway.

Legislative Review Note
as of 2-11-08 3:55 PM

Office of Legislative Research and General Counsel

S.B. 203 - Highway Abandonment Amendments

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.
