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

Section 1. Section **10-8-8** is amended to read:

10-8-8. Streets, parks, airports, parking facilities, public grounds, and pedestrian malls.

A municipal legislative body may lay out, establish, open, alter, widen, narrow, extend, grade, pave, or otherwise improve streets, alleys, avenues, boulevards, sidewalks, parks, airports, parking lots, or other facilities for the parking of vehicles off streets, public grounds, and pedestrian malls and may close, in accordance with Section 72-5-105, or vacate the same or parts thereof, as provided in this title.

Section 2. Section **10-8-11** is amended to read:

10-8-11. Streets -- Encroachments, lighting, sprinkling, cleaning.

They may regulate the use of streets, alleys, avenues, sidewalks, crosswalks, parks and public grounds, install, prevent [and], or remove obstructions and encroachments thereon, and provide for the lighting, sprinkling, and cleaning of the same.

Section 3. Section **72-5-105** is amended to read:

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

(1) [AH] Except as provided in Subsections (3) and (7), all public highways, streets, or roads once established shall continue to be highways, streets, or roads until formally abandoned or vacated by written order, resolution, or ordinance resolution of a highway authority having jurisdiction or by court decree, and the written order, resolution, ordinance, or court decree has been duly recorded in the office of the recorder of the county or counties where the highway, street, or road is located.

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

(b) Provided, however, that should a description of an owner of record extend into the vacated or abandoned highway, street, or road that portion of the vacated or abandoned highway, street, or road shall vest in the record owner, with the remainder of the highway,

59 street, or road vested as otherwise provided in this Subsection (2).

60 (c) Title to a highway, street, or road that a local highway authority closes to vehicular
61 traffic under Subsections (3) or (7) remains vested in the city.

62 (3) (a) In accordance with this section, a state or local highway authority may
63 temporarily close a class B, C, or D road, an R.S. 2477 right-of-way, or a portion of a class B,
64 C, or D road or R.S. 2477 right-of-way.

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

66 (ii) The erection of a barrier or sign on a highway, street, or road once established is
67 not an abandonment.

68 (iii) An interruption of the public's continuous use of a highway, street, or road once
69 established is not an abandonment even if the interruption is allowed to continue unabated.

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

72 (i) when a federal authority, or other person, provides an alternate route to an R.S.
73 2477 right-of-way or portion of an R.S. 2477 right-of-way ~~[that]~~ if the alternate route is:

74 (A) accepted by the highway authority; and

75 (B) formalized by ~~[-(H)]~~ a federal permit~~[-]~~ or ~~[(H)]~~ a written agreement between the
76 federal authority or other person and the highway authority; ~~[or]~~

77 (ii) when a state or local highway authority determines that correction or mitigation of
78 injury to private or public land resources is necessary on or near a class B or D road or portion
79 of a class B or D road~~[-]~~; or

80 (iii) when a local highway authority makes a finding that temporary closure of all or
81 part of a class C road is necessary to mitigate unsafe conditions or nuisances.

82 (d) (i) If a local highway authority temporarily closes all or part of a class C road under
83 Subsection (3)(c)(iii), the local highway authority may convert the closed portion of the road to
84 another public use or purpose related to the mitigation of the unsafe condition or nuisance.

85 (ii) If a local highway authority temporarily closes all or part of a class C road under
86 Subsection (3)(c)(iii), and the closed portion of road is the subject of a lease agreement
87 between the local highway authority and another entity, the local highway authority may not
88 reopen the closed portion of the road until the lease agreement terminates.

89 ~~[(d)]~~ (e) A highway authority shall reopen an R.S. 2477 right-of-way or portion of an

90 R.S. 2477 right-of-way temporarily closed under this section if the alternate route is closed for
91 any reason.

92 ~~[(e)]~~ (f) A temporary closure authorized under Subsection (3)(c)(ii) shall:

93 (i) be authorized annually; and

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

96 (4) To authorize a temporary closure of a road under Subsection (3), a local highway
97 authority shall pass an ordinance to temporarily close the road.

98 ~~[(4)]~~ (5) Before authorizing a temporary closure ~~[under]~~ as described Subsection ~~[(3)]~~
99 (4), a highway authority shall:

100 (a) hold a hearing on the proposed temporary closure; and

101 (b) except for a closure under Subsection (3)(c)(iii), provide notice of the hearing by:
102 ~~[(i)]~~ mailing a notice to the Department of Transportation and all owners of property abutting
103 the highway; and

104 ~~[(ii)-(A)]~~ (i) publishing the notice:

105 ~~[(i)]~~ (A) in a newspaper of general circulation in the county at least once a week for
106 four consecutive weeks before the hearing; and

107 ~~[(ii)]~~ (B) on the Utah Public Notice Website created in Section 63F-1-701, for four
108 weeks before the hearing; or

109 ~~[(ii)]~~ (ii) posting the notice in three public places for at least four consecutive weeks
110 ~~[prior to]~~ before the hearing~~;~~ and.

111 ~~[(e) pass an ordinance authorizing the temporary closure.]~~

112 ~~[(5)]~~ (6) The right-of-way and easements, if any, of a property owner and the franchise
113 rights of any public utility may not be impaired by a temporary closure authorized under this
114 section.

115 (7) (a) A local highway authority may close to vehicular travel and convert to another
116 public use or purpose a highway, road, or street over which the local highway authority has
117 jurisdiction, for an indefinite period of time, if the local highway authority makes a finding
118 that:

119 (i) the closed highway, road, or street is not necessary for vehicular travel;

120 (ii) the closure of the highway, road, or street is necessary to correct or mitigate injury

121 to private or public land resources on or near the highway, road, or street; or

122 (iii) the closure of the highway, road, or street is necessary to mitigate unsafe

123 conditions or nuisances.

124 (b) An indefinite closure authorized under this Subsection (6) is not an abandonment.

125 Section 4. **Effective date.**

126 If approved by two-thirds of all the members elected to each house, this bill takes effect

127 upon approval by the governor, or the day following the constitutional time limit of Utah

128 Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto,

129 the date of veto override.

Legislative Review Note

Office of Legislative Research and General Counsel