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PUBLIC THOROUGHFARE AMENDMENTS
2024 GENERAL SESSION
STATE OF UTAH
Chief Sponsor: Scott D. Sandall
House Sponsor: Bridger Bolinder

LONG TITLE

General Description:

This bill amends provisions related to the establishment and invalidation of a public thoroughfare on private land.

Highlighted Provisions:

This bill:

▸ provides that a road on which public use has been discontinued for more than 50 years, ownership is vested in the private property owner.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

72-5-105, as last amended by Laws of Utah 2023, Chapter 435

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

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

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

-- Temporary closure -- Notice.

(1) (a) Except as provided in Subsections (1)(b), (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.

- 29 (b) If public use of a highway, street, or road across private land has been discontinued
30 for more than 50 years:
- 31 (i) the highway, street, or road is not required to be formally abandoned as described
32 in Subsection (1)(a); and
- 33 (ii) ownership of the highway, street, or road is vested in the adjoining record owner
34 or owners, with one-half of the width of the highway, street, or road vesting to the
35 adjoining owners.
- 36 (c) Subsection (1)(b) does not apply to a public highway, street, or road claimed by the
37 state or county under R.S. 2477 or across federal lands.
- 38 (2) (a) For purposes of assessment, upon the recordation of an order executed by the
39 proper authority with the county recorder's office, title to the vacated or abandoned
40 highway, street, or road shall vest to the adjoining record owners, with one-half of the
41 width of the highway, street, or road assessed to each of the adjoining owners.
- 42 (b) Provided, however, that should a description of an owner of record extend into the
43 vacated or abandoned highway, street, or road that portion of the vacated or
44 abandoned highway, street, or road shall vest in the record owner, with the remainder
45 of the highway, street, or road vested as otherwise provided in this Subsection (2).
- 46 (c) Title to a highway, street, or road that a local highway authority closes to vehicular
47 traffic under Subsection (3) or (7) remains vested in the city.
- 48 (3) (a) In accordance with this section, a state or local highway authority may
49 temporarily close a class B, C, or D road, an R.S. 2477 right-of-way, or a portion of a
50 class B, C, or D road or R.S. 2477 right-of-way.
- 51 (b) (i) A temporary closure authorized under this section is not an abandonment.
52 (ii) The erection of a barrier or sign on a highway, street, or road once established is
53 not an abandonment.
54 (iii) An interruption of the public's continuous use of a highway, street, or road once
55 established is not an abandonment even if the interruption is allowed to continue
56 unabated.
- 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 if the alternate route is:
61 (A) accepted by the highway authority; and
62 (B) formalized by a federal permit or a written agreement between the federal

- 63 authority or other person and the highway authority;
- 64 (ii) when a state or local highway authority determines that correction or mitigation
65 of injury to private or public land resources is necessary on or near a class B or D
66 road or portion of a class B or D road; or
- 67 (iii) when a local highway authority makes a finding that temporary closure of all or
68 part of a class C road is necessary to mitigate unsafe conditions.
- 69 (d) (i) If a local highway authority temporarily closes all or part of a class C road
70 under Subsection (3)(c)(iii), the local highway authority may convert the closed
71 portion of the road to another public use or purpose related to the mitigation of the
72 unsafe condition.
- 73 (ii) If a local highway authority temporarily closes all or part of a class C road under
74 Subsection (3)(c)(iii), and the closed portion of road is the subject of a lease
75 agreement between the local highway authority and another entity, the local
76 highway authority may not reopen the closed portion of the road until the lease
77 agreement terminates.
- 78 (e) A highway authority shall reopen an R.S. 2477 right-of-way or portion of an R.S.
79 2477 right-of-way temporarily closed under this section if the alternate route is
80 closed for any reason.
- 81 (f) A temporary closure authorized under Subsection (3)(c)(ii) shall:
- 82 (i) be authorized annually; and
- 83 (ii) not exceed two years or the time it takes to complete the correction or mitigation,
84 whichever is less.
- 85 (4) To authorize a closure of a road under Subsection (3) or (7), a local highway authority
86 shall pass an ordinance to temporarily or indefinitely close the road.
- 87 (5) Before authorizing a temporary or indefinite closure as described in Subsection (4), a
88 highway authority shall:
- 89 (a) hold a hearing on the proposed temporary or indefinite closure;
- 90 (b) provide notice of the hearing by mailing a notice to the Department of
91 Transportation; and
- 92 (c) except for a closure under Subsection (3)(c)(iii), provide notice to the owners of the
93 properties abutting the highway, as a class B notice under Section 63G-30-102, for at
94 least four weeks before the day of the hearing.
- 95 (6) The right-of-way and easements, if any, of a property owner and the franchise rights of
96 any public utility may not be impaired by a temporary or indefinite closure authorized

97 under this section.

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

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

103 (ii) the closure of the highway, road, or street is necessary to correct or mitigate
104 injury to private or public land resources on or near the highway, road, or street; or

105 (iii) the closure of the highway, road, or street is necessary to mitigate unsafe
106 conditions.

107 (b) If a local highway authority indefinitely closes all or part of a highway, road, or
108 street under Subsection (7)(a)(iii), and the closed portion of road is the subject of a
109 lease agreement between the local highway authority and another entity, the local
110 highway authority may not reopen the closed portion of the road until the lease
111 agreement terminates.

112 (c) An indefinite closure authorized under this Subsection (7) is not an abandonment.

113 Section 2. **Effective date.**

114 This bill takes effect on May 1, 2024.