

1 **JOINT RESOLUTION URGING SETTLEMENT OF R.S.**

2 **2477 RIGHTS-OF-WAY**

3 2015 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Justin J. Miller**

6 Senate Sponsor: _____

8 **LONG TITLE**

9 **General Description:**

10 This joint resolution of the Legislature urges the Department of the Interior and the
11 Bureau of Land Management to negotiate with the state of Utah to settle the present
12 R.S. 2477 rights-of-way quiet title litigation in a manner that is beneficial to the state of
13 Utah, its counties, and the United States.

14 **Highlighted Provisions:**

15 This resolution:

- 16 ▶ urges the United States, by and through the Department of the Interior and the
17 Bureau of Land Management, to commence negotiations with the state of Utah to
18 settle the present R.S. 2477 rights-of-way quiet title litigation;
- 19 ▶ supports a negotiated resolution to R.S. 2477 rights-of-way that secures state and
20 county co-ownership of necessary, qualifying transportation infrastructure while
21 allowing the Department of the Interior and the Bureau of Land Management to
22 manage public lands in accordance with federal law;
- 23 ▶ recognizes that a negotiated settlement requires compromise by the state of Utah, its
24 counties, and the United States; and
- 25 ▶ recognizes that, in any negotiations, the state of Utah should prioritize the
26 recognition of class B roads over non-maintained and infrequently used class D
27 roads.



28 **Special Clauses:**

29 None



31 *Be it resolved by the Legislature of the state of Utah:*

32 WHEREAS, in 1866, the United States Congress passed a grant of "right-of-way for the
33 construction of highways over public lands, not reserved for public uses";

34 WHEREAS, the statute, commonly referred to as R.S. 2477, remained in effect for 110
35 years until the passage of the Federal Land Policy and Management Act of 1976;

36 WHEREAS, the Federal Land Policy and Management Act protected all rights-of-way
37 established pursuant to R.S. 2477 prior to October 21, 1976;

38 WHEREAS, because R.S. 2477 rights-of-way did not require formal recordation, R.S.
39 2477 became a contentious land issue in Utah and across the West and resulted in
40 on-the-ground conflict and expensive, protracted litigation;

41 WHEREAS, the state of Utah and several of its counties filed coordinated lawsuits
42 against the United States in 2011 and 2012 seeking quiet title to R.S. 2477 rights-of-way, and
43 presently seek quiet title to over 12,000 rights-of-way;

44 WHEREAS, neither the parties to the lawsuits nor the courts are equipped to
45 individually litigate each right-of-way; and

46 WHEREAS, resolution entirely by means of litigation would be costly and
47 impracticable:

48 NOW, THEREFORE, BE IT RESOLVED that the Legislature of the state of Utah
49 urges the United States, by and through the Department of the Interior and the Bureau of Land
50 Management, to commence negotiations with the state of Utah to settle the present R.S. 2477
51 rights-of-way quiet title litigation.

52 BE IT FURTHER RESOLVED that the Legislature of the state of Utah seeks a
53 negotiated resolution to R.S. 2477 rights-of-way that secures state and county co-ownership of
54 necessary, qualifying transportation infrastructure while allowing the Department of the
55 Interior and the Bureau of Land Management to manage public lands in accordance with
56 federal law.

57 BE IT FURTHER RESOLVED that the Legislature of the state of Utah recognizes that
58 a negotiated settlement requires compromise by the state of Utah, its counties, and the United

59 States.

60 BE IT FURTHER RESOLVED that the Legislature of the state of Utah recognizes that,
61 in any negotiations, the state of Utah should prioritize the recognition of class B roads over
62 non-maintained and infrequently used class D roads.

63 BE IT FURTHER RESOLVED that copies of this resolution be sent to the United
64 States Secretary of the Interior, the Bureau of Land Management, the Utah Association of
65 Counties, the Utah League of Cities and Towns, and the members of Utah's congressional
66 delegation.

Legislative Review Note
as of **2-10-15 9:50 AM**

Office of Legislative Research and General Counsel