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Sent: Friday, July 28, 2023 2:57 PM
To: cody76grundy@yahoo.com; 'Christine Olsen'; bartb@socen.com;
ryanr@harwardandrees.com; 'Fishbone'; 'loatownpandz@gmail.com'; 'Matt Morgan'
Subject: school road closure

Everyone,

I spoke with Elise today about the school road closure. She does not recommend we do it, unless the school has no other alternatives, but even then it is only allowed as a temporary fix as stated in code not long term. She feels like it really isn't the town's responsibility to take care of an issue that the school needs to fix. She recommends the following things, but thinks that if we allow a temporary closure it would need to be just that temporary and have a time limit on it. They would have to come up with an alternative option though to fix it long term. I am just sending you the code that she found and sent me. Do we need to let Wendy know now or discuss it at our next meeting?

Thanks,

Michelle

Here is what I've found:

Under Utah Code Ann. § 72-5-105, the Town can "make[] a finding that temporary closure of all or part of a class C road is necessary to mitigate unsafe conditions," but this doesn't sound temporary. This sounds like this is the school district's permanent solution. I think the school district should think of alternatives, e.g., If it's for drop off, would extended school zone hours / reduced speed limits help? Or, a speed trailer, or a sidewalk?

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Class B- County roads
Class C- city roads
Class D- classified by county not class B or C

Effective 5/3/2023

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

- (1) 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, street, or road vested as otherwise provided in this Subsection (2).
 - (c) Title to a highway, street, or road that a local highway authority closes to vehicular traffic under Subsection (3) or (7) remains vested in the city.
- (3)
 - (a) In accordance with this section, a state or local highway authority may temporarily close a class B, C, or D road, an R.S. 2477 right-of-way, or a portion of a class B, C, or D road or R.S. 2477 right-of-way.
 - (b)
 - (i) A temporary closure authorized under this section is not an abandonment.
 - (ii) The erection of a barrier or sign on a highway, street, or road once established is not an abandonment.
 - (iii) An interruption of the public's continuous use of a highway, street, or road once established is not an abandonment even if the interruption is allowed to continue unabated.
 - (c) A temporary closure under Subsection (3)(a) may be authorized only under the following circumstances:
 - (i) when a federal authority, or other person, provides an alternate route to an R.S. 2477 right-of-way or portion of an R.S. 2477 right-of-way if the alternate route is:
 - (A) accepted by the highway authority; and
 - (B) formalized by a federal permit or a written agreement between the federal authority or other person and the highway authority;
 - (ii) when a state or local highway authority determines that correction or mitigation of injury to private or public land resources is necessary on or near a class B or D road or portion of a class B or D road; or

- (iii) when a local highway authority makes a finding that temporary closure of all or part of a class C road is necessary to mitigate unsafe conditions.
- (d)
 - (i) If a local highway authority temporarily closes all or part of a class C road under Subsection [\(3\)\(c\)\(iii\)](#), the local highway authority may convert the closed portion of the road to another public use or purpose related to the mitigation of the unsafe condition.
 - (ii) If a local highway authority temporarily closes all or part of a class C road under Subsection [\(3\)\(c\)\(iii\)](#), and the closed portion of road is the subject of a lease agreement between the local highway authority and another entity, the local highway authority may not reopen the closed portion of the road until the lease agreement terminates.
- (e) A highway authority shall reopen an R.S. 2477 right-of-way or portion of an R.S. 2477 right-of-way temporarily closed under this section if the alternate route is closed for any reason.
- (f) A temporary closure authorized under Subsection [\(3\)\(c\)\(ii\)](#) shall:
 - (i) be authorized annually; and
 - (ii) not exceed two years or the time it takes to complete the correction or mitigation, whichever is less.
- (4) To authorize a closure of a road under Subsection [\(3\)](#) or [\(7\)](#), a local highway authority shall pass an ordinance to temporarily or indefinitely close the road.
- (5) Before authorizing a temporary or indefinite closure as described in Subsection [\(4\)](#), a highway authority shall:
 - (a) hold a hearing on the proposed temporary or indefinite closure;
 - (b) provide notice of the hearing by mailing a notice to the Department of Transportation; and
 - (c) except for a closure under Subsection [\(3\)\(c\)\(iii\)](#), provide notice to the owners of the properties abutting the highway, as a class B notice under Section [63G-30-102](#), for at least four weeks before the day of the hearing.
- (6) The right-of-way and easements, if any, of a property owner and the franchise rights of any public utility may not be impaired by a temporary or indefinite closure authorized under this section.
- (7)
 - (a) A local highway authority may close to vehicular travel and convert to another public use or purpose a highway, road, or street over which the local highway authority has jurisdiction, for an indefinite period of time, if the local highway authority makes a finding that:
 - (i) the closed highway, road, or street is not necessary for vehicular travel;
 - (ii) the closure of the highway, road, or street is necessary to correct or mitigate injury to private or public land resources on or near the highway, road, or street; or

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

- (b) If a local highway authority indefinitely closes all or part of a highway, road, or street under Subsection [\(7\)\(a\)\(iii\)](#), and the closed portion of road is the subject of a lease agreement between the local highway authority and another entity, the local highway authority may not reopen the closed portion of the road until the lease agreement terminates.
- (c) An indefinite closure authorized under this Subsection [\(7\)](#) is not an abandonment.