



State of Utah

GARY R. HERBERT
Governor

SPENCER J. COX
Lieutenant Governor

DEPARTMENT OF TRANSPORTATION

CARLOS M. BRACERAS, P.E.
Executive Director

JASON E. DAVIS, P.E.
Deputy Director of Engineering and Operations

TERIANNE S. NEWELL, P.E.
Deputy Director of Planning and Investment

September 17th, 2020

Clark Hawkins,
District 1 - Road Supervisor
San Juan County Road Dept.
PO Box 188
Monticello, UT 84535

RE: Proposal to Vacate or Privatize Existing Class D Roads in San Juan County

Dear Mr. Hawkins:

Thank you for your letter dated August 25, 2020 regarding a request for San Juan County to vacate or privatize existing Class D roads within the county located on the following properties:

1. A segment of D2475 – Section 32, Township 27 South, Range 23 East, Salt Lake Base and Meridian; approximately 0.099 miles in length.
2. A segment of D2374 – Section 32, Township 27 South, Range 23 East, Salt Lake Base and Meridian; approximately 0.179 miles in length.
3. A segment of D0674 – Section 32, Township 27 South, Range 23 East, Salt Lake Base and Meridian; approximately 0.223 miles in length.
4. A segment of D2765 – Section 32, Township 27 South, Range 23 East, Salt Lake Base and Meridian; approximately 0.682 miles in length.
5. A segment of D2764 – Section 32, Township 27 South, Range 23 East, Salt Lake Base and Meridian; approximately 0.913 miles in length.
6. A segment of D2762 – Section 32, Township 27 South, Range 23 East, Salt Lake Base and Meridian; approximately 1.36 miles in length.
7. A segment of D2473 – Section 32, Township 27 South, Range 23 East, Salt Lake Base and Meridian; approximately 0.09 miles in length.

The Utah Department of Transportation (UDOT) has reviewed the proposal and Charles Stormont, Director of Right-of-Way, has provided the following response:

"I write in response to your letter dated August 25, 2020 regarding the petition that San Juan County has received to vacate several Class D roads. As co-owner of Class D roads, see Utah Code Section 72-1-105, we appreciate the opportunity to provide a response to your inquiry.

After review of the petition it appears that access to public lands would be eliminated if these roads were to be vacated. From the information provided, we have not been able to determine how or if alternative access to these areas exists. Pursuant to Utah Code 72-7-103 "a highway authority may not close a legal point of access to a public highway, unless: (a) the property has a reasonably equivalent access to the public highway after the legal access is closed; or (b) the highway authority acquires the legal point of access by gift, agreement, purchase, or eminent domain."



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Without evidence that alternative access has been provided to these areas, UDOT is concerned that vacating these Class D roads would violate this statute and constitute an inverse condemnation. We have also been informed that there was litigation concerning these roads in the past. We would appreciate more information about that litigation and any Court orders that might apply to this area.

The letter mentioned alternate routes. If alternate routes could be obtained to provide the same historic access to public lands, across BLM lands or other potential routes, then maybe the impacts could be mitigated, and some of the roads could potentially be vacated. Until alternate routes are established, these roads should remain public to provide access to public lands."

If you have any questions or concerns you can contact Charles Stormont at 385 226-8948 or email at castormont@utah.gov.

Sincerely,

Chris Potter, P.E.
Local Government Programs Engineer

CP/

Cc: Ben Huot, UDOT
Ivan Hartle, UDOT
Jeff Ericson, UDOT
Rick Torgerson, UDOT

Linda Hull, UDOT
Charles Stormont, UDOT
Jim Palmer, Assistant Attorney General
Kathleen Clarke, State Public Lands