

SENATE FILE NO. SF0040

Establishment of highways.

Sponsored by: Senator(s) Cooper and Dockstader and
Representative(s) Davison

A BILL

for

1 AN ACT relating to establishment of highways; exempting
2 certain agricultural roads on public lands from procedure
3 required to establish highways; and providing for an
4 effective date.

5

6 *Be It Enacted by the Legislature of the State of Wyoming:*

7

8 **Section 1.** W.S. 24-1-101(a) is amended to read:

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10 **24-1-101. Public highways defined and established;**
11 **creation by adverse possession.**

12

13 (a) On and after January 1, 1924, all roads within
14 this state shall be highways, which have been or may be
15 declared by law to be state or county highways. It shall be
16 the duty of the several boards of county commissioners,

1 within their respective counties, prior to said date, to
2 determine what, if any, such roads now or heretofore
3 traveled but not heretofore officially established and
4 recorded, are necessary or important for the public use as
5 permanent roads, and to cause such roads to be recorded, or
6 if need be laid out, established and recorded, and all
7 roads recorded as aforesaid, shall be highways. No other
8 roads, except roads located on federal public lands prior
9 to October, 1976 which provide access for a private
10 residence or agricultural operation shall be highways
11 unless and until lawfully established as such by official
12 authority. Except, nothing contained herein shall be
13 construed as preventing the creation or establishment of a
14 public highway right-of-way with reference to state and
15 county highways under the common-law doctrines of adverse
16 possession or prescription either prior to or subsequent to
17 the enactment hereof. If any such board shall resolve the
18 creation or establishment of a public highway right-of-way
19 based upon the common-law doctrines of adverse possession
20 or prescription, it shall, following the filing of a plat
21 and accurate survey required in accordance with the terms
22 and provisions of W.S. 24-3-109, proceed with the
23 publication of the proposed road for three (3) successive
24 weeks in three (3) successive issues of some official

1 newspaper published in the county, if any such there be,
2 and if no newspaper be published therein, such notice shall
3 be posted in at least three (3) public places along the
4 line of the proposed road, which notice shall be exclusive
5 of all other notices and may be in the following form:

6
7 To all whom it may concern: The board of county
8 commissioners of county has resolved the creation and
9 establishment of a public highway right-of-way under the
10 common-law doctrine of prescription in that the road was
11 constructed or substantially maintained by the (either the
12 state or county) for general public use for a period of
13 (ten years or longer) said road commencing at in
14 county, Wyoming, running thence (here describe in general
15 terms the points and courses thereof), and terminating at
16

17
18 All objections thereto must be filed in writing with
19 the county clerk of said county before noon on the day
20 of A.D.,, or such road will be established
21 without reference to such objections.

22
23
24

County Clerk

1 Dated A.D.

2

3 **Section 2.** This act is effective July 1, 2010.

4

5 (END)