

HOUSE BILL NO. HB0240

Establishment of public roads.

Sponsored by: Representative(s) Olsen and Luthi and  
Senator(s) Cooper

A BILL

for

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

4

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

6

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

8

9 **24-1-101. Public highways defined and established;**  
10 **creation by adverse possession.**

11

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

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

1 public places along the line of the proposed road, which  
 2 notice shall be exclusive of all other notices and may be  
 3 in the following form:

4

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

15

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

20

21

.....

22

County Clerk

23

Dated .... A.D.

24

1       **Section 2.** This act is effective July 1, 2005.

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3

(END)