

## HOUSE BILL NO. HB0125

Establishment of highways.

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

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:

9

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 travelled 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, 2009.

4

5 (END)