

Kane County Commission

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On August 30, 2010, in a Kane County quiet title suit in the United States District Court, the United States acknowledged Kane County's ownership and jurisdiction of approximately 26 miles of the 33 mile long Skutumpah road. The County will start signing, maintaining and repairing the road today.

The Skutumpah road is believed to be the first Utah R.S. 2477 highway with title confirmed in court, and may be the first R.S. 2477 road adjudicated on lands managed by the Department of the Interior (Interior).

The State of Utah joined Kane County in the suit to quiet title to twelve roads, including the Skutumpah road. Several environmental groups were denied intervention in the case by the Tenth Circuit Court of Appeals. Kane County will continue to press its case and expects to quiet title to the remaining roads, and the rest of the Skutumpah road, within the next few months.

R.S. 2477 public highway rights-of-way were granted to states and counties from 1866 to 1976 to facilitate the settlement of the West. The majority of roads crossing public lands were established under R.S. 2477 and our communities depend on the secure and continued existence of these roads. Although repealed by the Federal Land Policy and Management Act of 1976, all established R.S. 2477 highways were grandfathered as valid existing rights.

In 1997, Secretary Bruce Babbitt directed Interior to ignore R.S. 2477 rights and created unnecessary controversy and conflict. Interior agencies, such as the Bureau of Land Management (BLM), have closed and restricted numerous county roads across the West claiming that R.S. 2477 rights must be "determined" before the agency will "respect them as valid existing rights," and yet Interior has vigorously worked to avoid having any R.S. 2477 right-of-way recognized as valid.

For the last two years in court Interior denied that Kane County had any right to the Skutumpah Road, but it separately informed the public that Kane County should maintain it. U.S. District Court Judge Clark Waddoups recently advised U.S. attorneys that the federal government had



Kane County Commissioners and Rep Noel on Skutumpah road Tuesday afternoon with a road grader to perform much needed road maintenance.

placed Kane County in a "catch 22" and suggested that the attorneys coordinate with the county to resolve some of the roads in the county.

The failure of the BLM to maintain the Skutumpah road resulted in many public safety dangers along the road that warranted an expedited court hearing.



New Kane County road signs and road grader on the Skutumpah road

When pressed, the United States finally acknowledged Kane County's ownership of the Skutumpah road. Although the full extent Kane County's rights are yet to be defined in the litigation, the County now has the necessary jurisdiction to properly maintain, repair and manage the Skutumpah road as it historically has done.

Kane County is in the process of securing quiet title or formal recognition of all of its roads documented as R.S. 2477 roads.