

Glenwood Springs

# Post Independent

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## Proposed legislation would resolve right-of-way issues

### My Side

By U.S. Rep Mark Udall

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I read the June 28 story “Old law drives push to open roads,” and it did a good job of explaining the issues and controversies surrounding RS 2477 rights of way. However, I was concerned with some comments, attributed to Garfield County Commissioner John Martin, about my efforts to address this issue in Congress.

As the story noted, I have been working with Colorado counties on legislation that would create a fair and expedited process to resolve RS 2477 claims across federal public land and private lands. The proposed legislation would not “take away the county’s right to claim historic roadways.” On the contrary, it would establish a process whereby counties would be free to assert any and all claims, and to present evidence in support of those claims.

Additionally, the proposed bill would not “set a minimum standard width for roads.” The RS 2477 law itself deals with “highways,” but neither it nor my bill specifies how wide a road has to be to qualify as a highway. Furthermore, while my proposal would require that rights of way be surveyed. That is included so that everyone — including the county — can know where these roads are and help avoid further disputes once they have been determined to be valid.

My proposed legislation also would require that the official reviewing RS 2477 claims look to state law to resolve issues regarding these roads to the degree that such law is not inconsistent with federal law. I believe this is appropriate, because these are claims for federal grants of rights of way across federal lands under a federal statute. Since that statute is only one sentence, the confusion it has created cries out for consistent, fair and uniform rules on how to resolve the status of these claims.

I hope to reintroduce this legislation in the very near future and also hope that Colorado counties will support our efforts to resolve this longstanding issue of concern to counties, private property owners, and public land users across Colorado and the West.

U.S. Rep. Mark E. Udall, D-Colo., represents the 2nd Congressional District.

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