

Article Last Updated: 5/03/2005 12:50 AM

## **KANE COUNTY ROAD CLAIMS: County risks public safety to make a thin point**

### **Salt Lake Tribune**

Kane County officials might have a better chance of getting their way about what's a road and what isn't if the roads in question didn't have names such as Lower Podunk or Hole-in-the-Rock.

They might have an even better chance of staking claims to roads that run through land that belongs to all of the American people if they made any pretense that those trails were highways that went from anywhere to anywhere.

But what those county officials are doing is nothing more than an example of petulantly pounding the table when neither the facts nor the law is on your side.

When Kane County officials nearly two years ago removed 31 signs that designated pathways inside the Grand Staircase-Escalante National Monument as off-limits to off-highway vehicles, the Bureau of Land Management admirably kept its temper.

But now that the same county has put as many as 80 signs inviting OHV traffic onto trails and patches of land that the BLM has designated as off-limits, the BLM is engaging in some highly necessary lawyer-rattling.

State BLM Director Sally Wisely correctly notes that the dispute has gone beyond rival interpretations of long-forgotten lore and become a serious safety issue. The county's haphazard signage is far too likely to lead some novice OHV jockey down a literal path of no return, a trip that could result in injury, death or at least an expensive search and rescue operation.

The feds can no longer turn a blind eye, and Wisely's demand that the signs be removed within two weeks or legal action will be taken is, under the circumstances, reasoned and restrained.

The county's claim that the ancient federal law known as Revised Statute 2477 grants local officials carte blanche to claim any goat path or gully as a public highway is simplistic and stretched.

RS2477 is supposed to provide a mechanism by which counties can establish reasonable claims to established and useful roads by proper processes. Putting up signs that invite recreational use of restricted public land by people with very noisy toys is neither reasonable nor proper.

Before this confrontation turns physical, someone - perhaps Gov. Jon Huntsman himself - needs to seek a face-saving way for Kane County officials to back down and submit their claims to proper review.