

## STATEMENT OF PURPOSE

### RS26235

The current Idaho Statute 402-04(A) recognizes that the federal land rights-of-way were granted to the state for public use in perpetuity. The 1976 act allowed for the continuance of rights-of-ways in existence prior to its passage. Abandonment of any rights-of-way shall not occur due to passage of time or frequency of use, but only through eminent domain proceedings. Recently, through the use of federal travel management, resource and land management plans, the federal agencies, primarily the U.S. Forest Service and the Bureau of Land Management, have closed roads and trails across federal lands, sometimes without regard to rights-of-way existing prior to the act. These closures have denied the public's access to enjoy the lands' multiple uses and has reduced state and county revenues derived from all industries related to access and extraction. These closures have also created wildfire suppression hazards by delaying response times to either re-open the closures or construct new means of access. This bill clarifies that federal agency plans desiring to close any existing rights-of-ways cannot circumvent eminent domain proceedings and explains what maintenance actions may be taken by the state or any of its political subdivisions.

### FISCAL NOTE

This proposed amendment will have no fiscal impact upon the General Fund, any other state fund or local governments. There is no fiscal impact because the amendment will not require the expenditure of any funds.

#### Contact:

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**DISCLAIMER: This statement of purpose and fiscal note are a mere attachment to this bill and prepared by a proponent of the bill. It is neither intended as an expression of legislative intent nor intended for any use outside of the legislative process, including judicial review (Joint Rule 18).**