



4241 State Office Building • Salt Lake City, UT 84114 • 801-533-5771

October 6, 1983

Mr. Chris Shingleton
Utah Power & Light Company
P. O. Box 899
Salt Lake City, Utah 84110

RE: County Roads
Des-Bee-Dove Mines
ACT/015/017, Folder No. 6
Emery County, Utah

Dear Mr. Shingleton:

It has recently come to the attention of the Division of Oil, Gas and Mining (DOGM) that use of county roads for the purposes of coal mining may cause those roads to be subject to haul road performance standards promulgated pursuant to Section 40-10-1 et seq., Utah Code Annotated 1953, as amended. The result of such a determination would be that the operator using that road would have to include the portion of the road used in the operation in the mine plan, i.e., obtain a permit and maintain the road as a coal haul road.

A decision has been made to schedule each operator for a formal hearing before the Board of Oil, Gas and Mining to present testimony and evidence as to the nature of the access road. A determination by the Board that the road is a haul road, or a voluntary agreement between DOGM and the operator that such road may be presumed to fail to meet the test of a public road, will result in a specific, but reasonable, period of time during which such road can be permitted and brought to standards.

Briefly, the test for a public road is twofold. First, there must be significant public use of the road and the road must be maintained with public funds. Of course, it will not be necessary to permit the road if you prove that the test has been met.

If you agree that your access road will not meet the test, please contact DOGM before October 14, 1983 for information as to what will be needed to comply with the statute and regulations. If you do not contact DOGM before

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October 28, 1983, DOGM shall assume that the matter is to be contested. A hearing date will be set up and an order to show cause as to why you should not be required to permit your access road shall be issued.

If you have any questions, please contact Ron Daniels at 533-5771 or Barbara Roberts at 533-6684.

Sincerely,

J. H. Larson
for

RONALD W. DANIELS
DEPUTY DIRECTOR

RWD/ms