

C.R.S. 43-1-202

COLORADO REVISED STATUTES

*** This document reflects changes current through all laws passed at the First Regular Session of the Sixty-Ninth General Assembly of the State of Colorado (2013) ***

TITLE 43. TRANSPORTATION
GENERAL AND ADMINISTRATIVE
ARTICLE 1. GENERAL AND ADMINISTRATIVE
PART 2. THE HIGHWAY LAW

C.R.S. 43-1-202 (2013)

43-1-202. Public highways or roads

All roads and highways which are, on May 4, 1921, by law open to public traffic shall be public highways within the meaning of this part 2.

HISTORY: Source: L. 21: p. 362, § 2.C.L. § 1386.CSA: C. 143, § 93.L. 45: Ex. Sess., p. 41, § 1.CRS 53: § 120-3-2. C.R.S. 1963: § 120-3-2.

ANNOTATION

Finding that roadway is public not erroneous. Where evidence discloses that a roadway across lands has been used by a plaintiff as a public roadway for more than 40 years, a finding and judgment under this section and § 43-2-201 that a public road has been established is not erroneous. *Brown v. Jolley*, 153 Colo. 530, 387 P.2d 278 (1963).

Use is requisite element in making highway public. The United States statute granting land to this state is an express dedication of a right-of-way for roads over unappropriated government lands, acceptance of which by the public results from use by those for whom it was necessary or convenient. User is the requisite element, and it may be by any who have occasion to travel over public lands, and if the use be by only one, still it suffices. *Martino v. Bd. of County Comm'rs*, 146 Colo. 143, 360 P.2d 804 (1961).

Highways constructed by the United States Forest Service are public highways within the meaning of this section. *People ex rel. Metzger v. Watrous*, 121 Colo. 282, 215 P.2d 344 (1950).