

Superseded 5/10/2016

72-1-201 Creation of Department of Transportation -- Functions, powers, duties, rights, and responsibilities.

- (1) There is created the Department of Transportation which shall:
 - (a) have the general responsibility for planning, research, design, construction, maintenance, security, and safety of state transportation systems;
 - (b) provide administration for state transportation systems and programs;
 - (c) implement the transportation policies of the state;
 - (d) plan, develop, construct, and maintain state transportation systems that are safe, reliable, environmentally sensitive, and serve the needs of the traveling public, commerce, and industry;
 - (e) establish standards and procedures regarding the technical details of administration of the state transportation systems as established by statute and administrative rule;
 - (f) advise the governor and the Legislature about state transportation systems needs;
 - (g) coordinate with utility companies for the reasonable, efficient, and cost-effective installation, maintenance, operation, relocation, and upgrade of utilities within state highway rights-of-way;
 - (h) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, make policy and rules for the administration of the department, state transportation systems, and programs; and
 - (i) annually report to:
 - (i) the Transportation Interim Committee, by November 30 of each year, as to the operation and maintenance needs for highways; and
 - (ii) an appropriate legislative committee as designated by the Legislative Management Committee the transfers that need to be made between all transportation-related funds to maintain the state highway construction program as prioritized by the commission.
- (2)
 - (a) The department shall exercise reasonable care in designing, constructing, and maintaining a state highway in a reasonably safe condition for travel.
 - (b) Nothing in this section shall be construed as:
 - (i) creating a private right of action; or
 - (ii) expanding or changing the department's common law duty as described in Subsection (2)(a) for liability purposes.