

***Superseded 5/12/2015***

**72-6-120 Department authorized to participate in federal program assuming responsibility for environmental review of categorically excluded projects -- Rulemaking authority.**

- (1) The department may:
  - (a) assume responsibilities under 23 U.S.C. Sec. 326 for:
    - (i) determining whether state highway design and construction projects are categorically excluded from requirements for environmental assessments or environmental impact statements; and
    - (ii) environmental review, consultation, or other actions required under federal law for categorically excluded projects;
  - (b) enter one or more memoranda of understanding with the United States Department of Transportation related to federal highway programs as provided in 23 U.S.C. Sec. 326 subject to the requirements of Subsection 72-1-207(5);
  - (c) accept, receive, and administer grants, other money, or gifts from public and private agencies, including the federal government, for the purpose of carrying out the programs authorized under this section; and
  - (d) cooperate with the federal government in implementing this section and any memorandum of understanding entered into under Subsection 72-1-207(5).
- (2) Notwithstanding any other provision of law, in implementing a program under this section that is approved by the United States Department of Transportation, the department is authorized to:
  - (a) perform or conduct any of the activities described in a memorandum of understanding entered into under Subsection 72-1-207(5);
  - (b) take actions necessary to implement the program; and
  - (c) adopt relevant federal environmental standards as the standards for this state for categorically excluded projects.
- (3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department may make rules to implement the provisions of this section.