

28 **72-6-118. Definitions -- Establishment and operation of tollways -- Imposition**
29 **and collection of tolls -- Amount of tolls -- Rulemaking.**

30 (1) As used in this section and Section 72-6-118.5:

31 (a) "High occupancy toll lane" means a high occupancy vehicle lane designated under
32 Section 41-6a-702 that may be used by an operator of a vehicle carrying less than the number
33 of persons specified for the high occupancy vehicle lane if the operator of the vehicle pays a
34 toll or fee.

35 (b) "Toll" means any tax, fee, or charge assessed for the specific use of a tollway.

36 (c) "Toll lane" means a designated new highway or additional lane capacity that is
37 constructed, operated, or maintained for which a toll is charged for its use.

38 (d) (i) "Tollway" means a highway, highway lane, bridge, path, tunnel, or right-of-way
39 designed and used as a transportation route that is constructed, operated, or maintained through
40 the use of toll revenues.

41 (ii) "Tollway" includes a high occupancy toll lane and a toll lane.

42 (e) "Tollway development agreement" has the same meaning as defined in Section
43 72-6-202.

44 (2) Subject to the provisions of Subsection (3), the department may:

45 (a) establish, expand, and operate tollways and related facilities for the purpose of
46 funding in whole or in part the acquisition of right-of-way and the design, construction,
47 reconstruction, operation, enforcement, and maintenance of or impacts from a transportation
48 route for use by the public;

49 (b) enter into contracts, agreements, licenses, franchises, tollway development
50 agreements, or other arrangements to implement this section;

51 (c) impose and collect tolls on any tollway established under this section; and

52 (d) grant exclusive or nonexclusive rights to a private entity to impose and collect tolls
53 pursuant to the terms and conditions of a tollway development agreement.

54 (3) (a) Except as provided under Subsection (3)(d), the department or other entity may
55 not establish or operate a tollway on an existing state highway, except as approved by the
56 commission and the Legislature.

57 (b) Between sessions of the Legislature, a state tollway may be designated or deleted if:

58 (i) approved by the commission in accordance with the standards made under this

59 section; and

60 (ii) the tollways are submitted to the Legislature in the next year for legislative
61 approval or disapproval.

62 (c) In conjunction with a proposal submitted under Subsection (3)(b)(ii), the
63 department shall provide a description of the tollway project, projected traffic, the anticipated
64 amount of tolls to be charged, and projected toll revenue.

65 (d) If approved by the commission, the department may:

66 (i) establish high occupancy toll lanes on existing state highways; and

67 (ii) establish tollways on new state highways or additional capacity lanes.

68 (4) (a) Except as provided in Subsection (4)(b), in accordance with Title 63G, Chapter
69 3, Utah Administrative Rulemaking Act, the commission shall:

70 (i) set the amount of any toll imposed or collected on a tollway on a state highway; and

71 (ii) for tolls established under Subsection (4)(b), set:

72 (A) an increase in a toll rate or user fee above an increase specified in a tollway
73 development agreement; or

74 (B) an increase in a toll rate or user fee above a maximum toll rate specified in a
75 tollway development agreement.

76 (b) A toll or user fee and an increase to a toll or user fee imposed or collected on a
77 tollway on a state highway that is the subject of a tollway development agreement shall be set
78 in the tollway development agreement.

79 (5) (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
80 the department shall make rules:

81 (i) necessary to establish and operate tollways on state highways; and

82 (ii) that establish standards and specifications for automatic tolling systems.

83 (b) The rules shall:

84 (i) include minimum criteria for having a tollway; and

85 (ii) conform to regional and national standards for automatic tolling.

86 (6) (a) The commission may provide funds for public or private tollway pilot projects
87 or high occupancy toll lanes from General Fund monies appropriated by the Legislature to the
88 commission for that purpose.

89 (b) The commission may determine priorities and funding levels for tollways

90 designated under this section.

91 (7) (a) Except as provided in Subsection (7)(b), all revenue generated from a tollway
92 on a state highway shall be deposited into the Tollway Restricted Special Revenue Fund
93 created in Section 72-2-120 and used for acquisition of right-of-way and the design,
94 construction, reconstruction, operation, maintenance, enforcement of transportation facilities,
95 and other facilities used exclusively for the operation of a tollway facility within the corridor
96 served by the tollway.

97 (b) Revenue generated from a tollway that is the subject of a tollway development
98 agreement shall be deposited into the Tollway Restricted Special Revenue Fund and used in
99 accordance with Subsection (7)(a) unless:

- 100 (i) the revenue is to a private entity through the tollway development agreement; or
- 101 (ii) the revenue is identified for a different purpose under the tollway development
102 agreement.

103 Section 2. Section **72-6-118.5** is enacted to read:

104 **72-6-118.5. Establishment and operation of tollways on class B or class C roads.**

105 A highway authority may not establish or operate a tollway or impose or collect a toll
106 on a class B or class C road that provides access to sovereign lands as defined in Section
107 65A-1-1.

Legislative Review Note
as of 2-10-10 11:03 AM

Office of Legislative Research and General Counsel

H.B. 445 - Highway Access to Sovereign Lands

Fiscal Note

2010 General Session

State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals or businesses. Local governments would forgo revenue from tolls on roads that access sovereign lands.
