

Senator Curtis S. Bramble proposes the following substitute bill:

TRANSPORTATION RIGHTS-OF-WAY SAFETY

AMENDMENTS

2014 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Curtis S. Bramble

House Sponsor:

LONG TITLE

General Description:

This bill enacts a provision relating to state transportation purposes.

Highlighted Provisions:

This bill:

▶ expands the definition of "state transportation purposes," within transportation rights-of-way provisions, to include the construction and maintenance of pathways for pedestrians and other nonmotorized transportation to enhance traffic safety and efficiency on the highway;

▶ modifies a provision relating to the acquisition of real property or interests in real property for state transportation purposes; and

▶ provides for a repeal of these provisions.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:



26 [63I-1-272](#), as renumbered and amended by Laws of Utah 2008, Chapter 382

27 [72-5-102](#), as last amended by Laws of Utah 2001, Chapter 79

28 [72-5-103](#), as last amended by Laws of Utah 2001, Chapter 79

29

30 *Be it enacted by the Legislature of the state of Utah:*

31 Section 1. Section **63I-1-272** is amended to read:

32 **63I-1-272. Repeal dates, Title 72.**

33 Subsections [72-5-102](#)(13) and [72-5-103](#)(1)(b) are repealed July 1, 2017.

34 Section 2. Section **72-5-102** is amended to read:

35 **72-5-102. Definitions.**

36 As used in this part, "state transportation purposes" includes:

37 (1) highway and public transportation rights-of-way, including those necessary within
38 cities and towns;

39 (2) the construction, reconstruction, relocation, improvement, maintenance, and
40 mitigation from the effects of these activities on state highways and other transportation
41 facilities under the control of the department;

42 (3) limited access facilities, including rights of access, air, light, and view and frontage
43 and service roads to highways;

44 (4) adequate drainage in connection with any highway, cut, fill, or channel change and
45 the maintenance of any highway, cut, fill, or channel change;

46 (5) weighing stations, shops, offices, storage buildings and yards, and road
47 maintenance or construction sites;

48 (6) road material sites, sites for the manufacture of road materials, and access roads to
49 the sites;

50 (7) the maintenance of an unobstructed view of any portion of a highway to promote
51 the safety of the traveling public;

52 (8) the placement of traffic signals, directional signs, and other signs, fences, curbs,
53 barriers, and obstructions for the convenience of the traveling public;

54 (9) the construction and maintenance of storm sewers, sidewalks, and highway
55 illumination;

56 (10) the construction and maintenance of livestock highways;

57 (11) the construction and maintenance of roadside rest areas adjacent to or near any
58 highway; ~~and]~~

59 (12) the mitigation of impacts from public transportation projects~~[-]; and~~

60 (13) the construction and maintenance of a pathway:

61 (a) for pedestrians, bicyclists, and other nonmotorized transportation; and

62 (b) designed to enhance the safety and efficiency of a nearby highway.

63 Section 3. Section **72-5-103** is amended to read:

64 **72-5-103. Acquisition of rights-of-way and other real property -- Title to property**
65 **acquired.**

66 (1) (a) The department may acquire any real property or interests in real property
67 necessary for temporary, present, or reasonable future state transportation purposes by gift,
68 agreement, exchange, purchase, condemnation, or otherwise.

69 (b) An acquisition by condemnation under Subsection (1)(a) for state transportation
70 purposes includes the acquisition of a pathway described in Subsection [72-5-102](#)(13),
71 notwithstanding the exclusion under Subsection [78B-6-501](#)(3)(e), if:

72 (i) the pathway is in close proximity to a highway ~~and~~ **and located within the highway's**
72a **right-of-way if practical** ~~and~~ **;**

73 (ii) there is a need to remove pedestrians, bicyclists, and others using a nonmotorized
74 method of transportation from the highway in order to enhance the safety and efficiency of the
75 highway;

76 (iii) because of geological or other constraints, a pathway is the only reasonable
77 alternative to provide a practical and viable means for pedestrians, bicyclists, and others using a
78 nonmotorized method of transportation to use for the purpose of commuting or traveling to
79 destinations they would otherwise reach by using the highway; and

80 (iv) the department makes a determination that the pathway is needed in order to
81 enhance ~~the~~ **the** highway ~~safety and efficiency of the highway]~~ **;**

82 (2) (a) (i) Title to real property acquired by the department or the counties, cities, and
83 towns by gift, agreement, exchange, purchase, condemnation, or otherwise for highway
84 rights-of-way or other transportation purposes may be in fee simple or any lesser estate or
85 interest.

86 (ii) Title to real property acquired by the department for a public transit project shall be
87 transferred to the public transit district responsible for the project.

88 (iii) A public transit district shall cover all costs associated with any condemnation on
89 its behalf.

90 (b) If the highway is a county road, city street under joint title as provided in
91 Subsection [72-3-104](#)(3), or right-of-way described in Title 72, Chapter 5, Part 3, Rights-of-way
92 Across Federal Lands Act, title to all interests in real property less than fee simple held under
93 this section is held jointly by the state and the county, city, or town holding the interest.

94 (3) A transfer of land bounded by a highway on a right-of-way for which the public has
95 only an easement passes the title of the person whose estate is transferred to the middle of the
96 highway.