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Transportation Modifications

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Kay J. Christofferson

Senate Sponsor: Wayne A. Harper

2

LONG TITLE

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General Description:

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This bill repeals the clean vehicle program, amends distribution frequency for class B and class C road funding, and amends provisions related to local corridor preservation fund administration.

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Highlighted Provisions:

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This bill:

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- ▶ repeals the clean vehicle program;
- ▶ provides flexibility in distribution frequency of class B and class C road funding;
- ▶ directs local corridor preservation funds to go directly to the relevant local government instead of passing through the Transportation Fund;
- ▶ modifies certain uses for local corridor preservation funds; and
- ▶ makes technical changes.

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Money Appropriated in this Bill:

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None

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Other Special Clauses:

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None

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Utah Code Sections Affected:

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AMENDS:

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41-6a-702, as last amended by Laws of Utah 2020, Chapter 74

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72-2-107, as last amended by Laws of Utah 2023, Chapter 22

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72-2-117.5, as last amended by Laws of Utah 2025, Chapter 373

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REPEALS:

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72-6-121, as last amended by Laws of Utah 2024, Chapter 517

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

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Section 1. Section **41-6a-702** is amended to read:

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41-6a-702 . Left lane restrictions -- Exceptions -- Other lane restrictions --

31 **Penalties.**

32 (1) As used in this section and Section 41-6a-704, "general purpose lane" means a highway
33 lane open to vehicular traffic but does not include a designated:

34 (a) high occupancy vehicle (HOV) lane; or

35 (b) auxiliary lane that begins as a freeway on-ramp and ends as part of the next freeway
36 off-ramp.

37 (2) On a freeway or section of a freeway which has three or more general purpose lanes in
38 the same direction, a person may not operate a vehicle in the left most general purpose
39 lane if the person's vehicle or combination of vehicles has a gross vehicle weight rating
40 of 18,001 or more pounds.

41 (3) Subsection (2) does not apply to a person operating a vehicle who is:

42 (a) preparing to turn left or taking a different highway split or an exit on the left;

43 (b) responding to emergency conditions;

44 (c) avoiding actual or potential traffic moving onto the highway from an acceleration or
45 merging lane; or

46 (d) following direction signs that direct use of a designated lane.

47 (4)(a) A highway authority may designate a specific lane or lanes of travel for any type
48 of vehicle on a highway or portion of a highway under its jurisdiction for the:

49 (i) safety of the public;

50 (ii) efficient maintenance of a highway; or

51 (iii) use of high occupancy vehicles.

52 (b) The lane designation under Subsection (4)(a) is effective when appropriate signs or
53 roadway markings giving notice are erected on the highway or portion of the
54 highway.

55 [(5)(a) Subject to Subsection (5)(b), the lane designation under Subsection (4)(a)(iii)
56 shall allow a vehicle with a clean fuel vehicle decal issued in accordance with
57 Section 72-6-121 to travel in lanes designated for the use of high occupancy vehicles
58 regardless of the number of occupants as permitted by federal law or federal
59 regulation.]

60 [(b)(i) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
61 Act, the Department of Transportation may make rules to allow a vehicle with a
62 clean fuel vehicle decal to travel in lanes designated for the use of high occupancy
63 vehicles regardless of the number of occupants as permitted by federal law or
64 federal regulation.]

65 [(iii) Except as provided in Subsection (5)(b)(iii), the Department of Transportation
66 may not issue more than 6,000 clean fuel vehicle decals under Section 72-6-121.]

67 [(iii) The Department of Transportation may, through rules made under Subsection
68 (5)(b)(i), increase the number of clean fuel vehicle decals issued in accordance
69 with Section 72-6-121 beyond the minimum described in Subsection (5)(b)(ii) if
70 the increased issuance will allow the Department of Transportation to continue to
71 meet its goals for operational management of the lane designated under
72 Subsection (4)(a)(iii).]

73 [(6)] (5) A public transportation vehicle may operate in a lane designated under Subsection
74 (4)(a)(iii) regardless of the number of occupants as permitted by federal law and
75 regulation.

76 [(7)] (6) A person who operates a vehicle in violation of Subsection (2) or in violation of the
77 restrictions made under Subsection (4) is guilty of an infraction.

78 Section 2. Section **72-2-107** is amended to read:

79 **72-2-107 . Appropriation from Transportation Fund -- Apportionment for class
80 B and class C roads.**

81 (1) There is appropriated to the department from the Transportation Fund annually an
82 amount equal to 30% of an amount which the director of finance shall compute in the
83 following manner: The total revenue deposited into the Transportation Fund during the
84 fiscal year from state highway-user taxes and fees, minus those amounts appropriated or
85 transferred from the Transportation Fund during the same fiscal year to:

- 86 (a) the Department of Public Safety;
- 87 (b) the State Tax Commission;
- 88 (c) the Division of Finance;
- 89 (d) the Utah Travel Council;
- 90 (e) except as provided in Section 72-1-213.2, the road usage charge program created in
91 Section 72-1-213.1; and
- 92 (f) any other amounts appropriated or transferred for any other state agencies not a part
93 of the department.

94 (2)(a) Except as provided in Subsections (2)(b) and (c), all of the money appropriated in
95 Subsection (1) shall be apportioned among counties and municipalities for class B
96 and class C roads as provided in this title.

- 97 (b) The department shall annually transfer \$500,000 of the amount calculated under
98 Subsection (1) to the State Park Access Highways Improvement Program created in

99 Section 72-3-207.

100 (c) Administrative costs of the department to administer class B and class C roads shall
101 be paid from funds calculated under Subsection (1).

102 (3) ~~[Each quarter of every year]~~ At least quarterly the department shall make the necessary
103 accounting entries to transfer the money appropriated under this section for class B and
104 class C roads.

105 (4) The funds appropriated for class B and class C roads shall be expended under the
106 direction of the department as the Legislature shall provide.

107 Section 3. Section **72-2-117.5** is amended to read:

108 **72-2-117.5 . Definitions -- Local Highway and Transportation Corridor**

109 **Preservation Fund -- Disposition of fund money.**

110 (1) As used in this section:

111 (a) "Council of governments" means a decision-making body in each county composed
112 of membership including the county governing body and the mayors of each
113 municipality in the county.

114 (b) "Metropolitan planning organization" has the same meaning as defined in Section
115 72-1-208.5.

116 (2) There is created the Local Highway and Transportation Corridor Preservation Fund[
117 within the Transportation Fund].

118 (3) The fund shall be funded from the following sources:

119 (a) a local option highway construction and transportation corridor preservation fee
120 imposed under Section 41-1a-1222;

121 (b) appropriations made to the fund by the Legislature;

122 (c) contributions from other public and private sources for deposit into the fund;

123 (d) all money collected from rents and sales of real property acquired with fund money;

124 (e) proceeds from general obligation bonds, revenue bonds, or other obligations issued
125 as authorized by Title 63B, Bonds; and

126 (f) sales and use tax revenues deposited into the fund in accordance with Title 59,
127 Chapter 12, Part 22, Local Option Sales and Use Taxes for Transportation Act.

128 (4)[(a) The fund shall earn interest.]

129 [(b) All interest earned on fund money shall be deposited into the fund.]

130 [(e)] (a) The State Tax Commission shall allocate and distribute the revenues:

131 (i) provided under Subsection (3)(a) to each county imposing a local option highway
132 construction and transportation corridor preservation fee under Section 41-1a-1222;

133 (ii) provided under Subsection 59-12-2217(2) to each county imposing a county
134 option sales and use tax for transportation; and

135 (iii) provided under Subsection (3)(f) to each county of the second class or city or
136 town within a county of the second class that imposes the sales and use tax
137 authorized by Section 59-12-2218.

138 ~~[(d) The department shall distribute the funds allocated to each county, city, or town
139 under Subsection (4)(e) to each county, city, or town.]~~

140 ~~[(e)]~~ (b) The money allocated and distributed under this Subsection (4):

141 (i) shall be used for the purposes provided in this section for each county, city, or
142 town;

143 (ii) is allocated to each county, city, or town as provided in this section with the
144 condition that the state will not be charged for any asset purchased with the money
145 allocated and distributed under this Subsection (4), unless there is a written
146 agreement in place with the department prior to the purchase of the asset
147 stipulating a reimbursement by the state to the county, city, or town of no more
148 than the original purchase price paid by the county, city, or town; and

149 (iii) is considered a local matching contribution for the purposes described under
150 Section 72-2-123 if used on a state highway.

151 ~~[(f) Administrative costs of the department to implement this section shall be paid from
152 the fund.]~~

153 (5)(a) A highway authority may acquire real property or any interests in real property for
154 state, county, and municipal transportation corridors subject to:

155 (i) money available in the fund to each county under Subsection (4); and
156 (ii) the provisions of this section.

157 (b) Fund money may be used to pay interest on debts incurred in accordance with this
158 section.

159 (c)(i)(A) Fund money may be used to pay maintenance costs of properties
160 acquired under this section but limited to a total of 5% of the purchase price of
161 the property.

162 (B) Any additional maintenance cost shall be paid from funds other than under
163 this section.

164 (C) Revenue generated by any property acquired under this section is excluded
165 from the limitations under this Subsection (5)(c)(i).

166 (ii) Fund money may be used to pay direct costs of acquisition of properties acquired

167 under this section.

168 (d) Fund money allocated and distributed under Subsection (4) may be used by a county
169 highway authority for countywide transportation or public transit planning if:
170 (i) the county's planning focus area is outside the boundaries of a metropolitan
171 planning organization;
172 (ii) the transportation planning is part of the county's continuing, cooperative, and
173 comprehensive process for transportation or public transit planning, transportation
174 corridor preservation, right-of-way acquisition, and project programming;
175 (iii) no more than four years allocation every 20 years to each county is used for
176 transportation planning under this Subsection (5)(d); and
177 (iv) the county otherwise qualifies to use the fund money as provided under this
178 section.

179 (e)(i) Subject to Subsection (11), fund money allocated and distributed under
180 Subsection (4) may be used by a county highway authority for transportation
181 corridor planning that is part of the transportation corridor elements of an ongoing
182 work program of transportation or public transit projects.
183 (ii) The transportation corridor planning under Subsection (5)(e)(i) shall be under the
184 direction of:
185 (A) the metropolitan planning organization if the county is within the boundaries
186 of a metropolitan planning organization; or
187 (B) the department if the county is not within the boundaries of a metropolitan
188 planning organization.

189 (f)(i) A county, city, or town that imposes a local option highway construction and
190 transportation corridor preservation fee under Section 41-1a-1222 may elect to
191 administer the funds allocated and distributed to that county, city, or town under
192 Subsection (4) as a revolving loan fund.
193 (ii) If a county, city, or town elects to administer the funds allocated and distributed
194 to that county, city, or town under Subsection (4) as a revolving loan fund, a local
195 highway authority shall repay the fund money authorized for the project to the
196 fund.
197 (iii) A county, city, or town that elects to administer the funds allocated and
198 distributed to that county, city, or town under Subsection (4) as a revolving loan
199 fund shall establish repayment conditions of the money to the fund from the
200 specified project funds.

201 (g)(i) Subject to the restrictions in Subsections (5)(g)(ii) and (iii), fund money may be
202 used by a county of the third, fourth, fifth, or sixth class or by a city or town
203 within a county of the third, fourth, fifth, or sixth class for:
204 (A) the construction, operation, or maintenance of a class B road or class C road;
205 or
206 (B) the restoration or repair of survey monuments associated with transportation
207 infrastructure.

208 (ii) A county, city, or town may not use more than 50% of the current balance of fund
209 money allocated to the county, city, or town for the purposes described in
210 Subsection (5)(g)(i).

211 (iii) A county, city, or town may not use more than 50% of the fund revenue
212 collections allocated to a county, city, or town in the current fiscal year for the
213 purposes described in Subsection (5)(g)(i).

214 (6)(a)(i) The Local Highway and Transportation Corridor Preservation Fund shall be
215 used to preserve transportation corridors, promote long-term statewide
216 transportation planning, save on acquisition costs, and promote the best interests
217 of the state in a manner which minimizes impact on prime agricultural land.

218 ~~(ii) The Local Highway and Transportation Corridor Preservation Fund shall only be
219 used to preserve a transportation corridor that is right-of-way:]~~
220 ~~[(A) in a county of the first or second class for:]~~
221 ~~[(I) a state highway;]~~
222 ~~[(II) a principal arterial highway as defined in Section 72-4-102.5;]~~
223 ~~[(III) a minor arterial highway as defined in Section 72-4-102.5;]~~
224 ~~[(IV) a collector highway in an urban area as defined in Section 72-4-102.5; or]~~
225 ~~[(V) a transit facility as defined in Section 17B-2a-802; or]~~
226 ~~[(B) in a county of the third, fourth, fifth, or sixth class for:]~~
227 ~~[(I) a state highway;]~~
228 ~~[(II) a principal arterial highway as defined in Section 72-4-102.5;]~~
229 ~~[(III) a minor arterial highway as defined in Section 72-4-102.5;]~~
230 ~~[(IV) a major collector highway as defined in Section 72-4-102.5;]~~
231 ~~[(V) a minor collector road as defined in Section 72-4-102.5; or]~~
232 ~~[(VI) a transit facility as defined in Section 17B-2a-802.]~~

233 (ii) In a county of the first or second class, the Local Highway and Transportation
234 Corridor Preservation Fund shall only be used to preserve a transportation corridor

235 that is right-of-way for:

236 (A) a state highway;
237 (B) a principal arterial highway as defined in Section 72-4-102.5;
238 (C) a minor arterial highway as defined in Section 72-4-102.5;
239 (D) a collector highway in an urban area as defined in Section 72-4-102.5; or
240 (E) a transit facility as defined in Section 17B-2a-802.

241 (iii) In a county of the third, fourth, fifth, or sixth class, the Local Highway and
242 Transportation Corridor Preservation Fund shall only be used to preserve a
243 transportation corridor that is right-of-way for:

244 (A) a state highway;
245 (B) a principal arterial highway as defined in Section 72-4-102.5;
246 (C) a minor arterial highway as defined in Section 72-4-102.5;
247 (D) a major collector highway as defined in Section 72-4-102.5;
248 (E) a minor collector road as defined in Section 72-4-102.5; or
249 (F) a transit facility as defined in Section 17B-2a-802.

250 [~~(iii)~~] (iv) The Local Highway and Transportation Corridor Preservation Fund may
251 not be used for a transportation corridor that is primarily a recreational trail as
252 defined under Section 79-5-102.

253 (b) A highway authority shall authorize the expenditure of fund money after determining
254 that the expenditure is being made in accordance with this section from applications
255 that are:
256 (i) endorsed by the council of governments; and
257 (ii) for a right-of-way purchase for a transportation corridor authorized under
258 Subsection (6)(a)(ii) or (iii).

259 (7)(a)(i) A council of governments shall establish a council of governments
260 endorsement process which includes prioritization and application procedures for
261 use of the money allocated to each county under this section.

262 (ii) The endorsement process under Subsection (7)(a)(i) may include review or
263 endorsement of the preservation project by:
264 (A) the metropolitan planning organization if the county is within the boundaries
265 of a metropolitan planning organization; or
266 (B) the department if the county is not within the boundaries of a metropolitan
267 planning organization.

268 (b) All fund money shall be prioritized by each highway authority and council of

269 governments based on considerations, including:

270 (i) areas with rapidly expanding population;

271 (ii) the willingness of local governments to complete studies and impact statements

272 that meet department standards;

273 (iii) the preservation of transportation corridors by the use of local planning and

274 zoning processes;

275 (iv) the availability of other public and private matching funds for a project;

276 (v) the cost-effectiveness of the preservation projects;

277 (vi) long and short-term maintenance costs for property acquired; and

278 (vii) whether the transportation corridor is included as part of:

279 (A) the county and municipal master plan; and

280 (B)(I) the statewide long range plan; or

281 (II) the regional transportation plan of the area metropolitan planning

282 organization if one exists for the area.

283 (c) The council of governments shall:

284 (i) establish a priority list of transportation corridor preservation projects within the

285 county;

286 (ii) submit the list described in Subsection (7)(c)(i) to the county's legislative body

287 for approval; and

288 (iii) obtain approval of the list described in Subsection (7)(c)(i) from a majority of the

289 members of the county legislative body.

290 (d) A county's council of governments may only submit one priority list described in

291 Subsection (7)(c)(i) per calendar year.

292 (e) A county legislative body may only consider and approve one priority list described

293 in Subsection (7)(c)(i) per calendar year.

294 (8)(a) Unless otherwise provided by written agreement with another highway authority

295 or public transit district, the highway authority that holds the deed to the property is

296 responsible for maintenance of the property.

297 (b) The transfer of ownership for property acquired under this section from one highway

298 authority to another shall include a recorded deed for the property and a written

299 agreement between the highway authorities or public transit district.

300 (9)(a) The proceeds from any bonds or other obligations secured by revenues of the

301 Local Highway and Transportation Corridor Preservation Fund shall be used for the

302 purposes authorized for funds under this section.

303 (b) The highway authority shall pledge the necessary part of the revenues of the Local
304 Highway and Transportation Corridor Preservation Fund to the payment of principal
305 and interest on the bonds or other obligations.

306 (10)(a) A highway authority may not expend money under this section to purchase a
307 right-of-way for a state highway unless the highway authority has:

308 (i) a transportation corridor property acquisition policy or ordinance in effect that
309 meets department requirements for the acquisition of real property or any interests
310 in real property under this section; and
311 (ii) an access management policy or ordinance in effect that meets the requirements
312 under Subsection 72-2-117(8).

313 (b) The provisions of Subsection (10)(a)(i) do not apply if the highway authority has a
314 written agreement with the department for the department to acquire real property or
315 any interests in real property on behalf of the local highway authority under this
316 section.

317 (11) The county shall ensure, to the extent possible, that the fund money allocated and
318 distributed to a city or town in accordance with Subsection (4) is expended:

319 (a) to fund a project or service as allowed by this section within the city or town to
320 which the fund money is allocated;
321 (b) to pay debt service, principal, or interest on a bond or other obligation as allowed by
322 this section if that bond or other obligation is:
323 (i) secured by money allocated to the city or town; and
324 (ii) issued to finance a project or service as allowed by this section within the city or
325 town to which the fund money is allocated;
326 (c) to fund transportation planning as allowed by this section within the city or town to
327 which the fund money is allocated; or
328 (d) for another purpose allowed by this section within the city or town to which the fund
329 money is allocated.

330 (12) Notwithstanding any other provision in this section, any amounts within the fund
331 allocated to a public transit district or for a public transit corridor may only be derived
332 from the portion of the fund that does not include constitutionally restricted sources
333 related to the operation of a motor vehicle on a public highway or proceeds from an
334 excise tax on liquid motor fuel to propel a motor vehicle.

335 **Section 4. Repeater.**

336 This bill repeals:

337 Section **72-6-121**, Clean fuel vehicle decal.
338 Section 5. **Effective Date.**
339 This bill takes effect on May 6, 2026.