

Wayne A. Harper proposes the following substitute bill:

Transportation Commission Amendments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Wayne A. Harper

House Sponsor: Kay J. Christofferson

LONG TITLE

General Description:

This bill adds study items for the Department of Transportation.

Highlighted Provisions:

This bill:

- requires the Department of Transportation to study the composition of the transportation commission;
- requires the Department of Transportation to study the necessary qualifications of the executive director;
- adds a repeal date for the studies; and
- makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

63I-1-272 (Effective 05/06/26), as last amended by Laws of Utah 2025, Chapter 391

72-1-102 (Effective 05/06/26), as last amended by Laws of Utah 2025, Chapter 373

72-1-217 (Effective 05/06/26) (Partially Repealed 07/01/29), as last amended by Laws of Utah 2025, Chapter 452

72-1-301 (Effective 05/06/26), as last amended by Laws of Utah 2023, Chapter 219

72-1-303 (Effective 05/06/26), as last amended by Laws of Utah 2025, Chapter 512

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

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

63I-1-272 (Effective 05/06/26). Repeal dates: Title 72.

(1) Subsection 72-1-217(4), regarding highway reduction strategies within Salt Lake City, is repealed July 1, 2029.

(2) Subsections 72-1-217(5), (6), and (7), regarding study items relating to the Transportation Commission and the executive director of the Department of Transportation, are repealed January 1, 2027.

~~[(2)]~~ (3) Section 72-2-134, Transportation Infrastructure General Fund Support Subfund, is repealed July 1, 2028.

~~[(3)]~~ (4) Title 72, Chapter 4, Part 3, Utah State Scenic Byway Program, is repealed January 2, 2030.

~~[(4)]~~ (5) Title 72, Chapter 10, Part 13, Spaceport Exploration Committee, is repealed July 1, 2027.

Section 2. Section **72-1-102** is amended to read:

72-1-102 (Effective 05/06/26). Definitions.

As used in this title:

(1) "Circulator alley" means a publicly owned passageway:

(a) with a right-of-way width of 20 feet or greater;

(b) located within a master planned community;

(c) established by the city having jurisdictional authority as part of the street network for traffic circulation that may also be used for:

(i) garbage collection;

(ii) access to residential garages; or

(iii) access rear entrances to a commercial establishment; and

(d) constructed with a bituminous or concrete pavement surface.

(2) "Commission" means the Transportation Commission created under Section 72-1-301.

(3) "Construction" means the construction, reconstruction, replacement, and improvement of the highways, including the acquisition of rights-of-way and material sites.

(4) "Department" means the Department of Transportation created in Section 72-1-201.

(5) "Executive director" means the executive director of the department appointed under Section 72-1-202.

(6) "Farm tractor" ~~[has the meaning set forth in]~~ means the same as that term is defined in Section 41-1a-102.

(7) "Federal aid primary highway" means that portion of connected main highways located within this state officially designated by the department and approved by the United

63 States Secretary of Transportation under Title 23, Highways, U.S.C.

64 (8) "Fixed guideway" means the same as that term is defined in Section 59-12-102.

65 (9)(a) "Fixed guideway capital development" means a project to construct or reconstruct
66 a public transit fixed guideway facility that will add capacity to a fixed guideway
67 public transit facility.

68 (b) "Fixed guideway capital development" includes:

69 (i) a project to strategically double track commuter rail lines; and

70 (ii) a project to develop and construct public transit facilities and related
71 infrastructure pertaining to the Point of the Mountain State Land Authority created
72 in Section 11-59-201.

73 (10) "Greenfield" means the same as that term is defined in Section 17C-1-102.

74 (11) "Highway" means any public road, street, alley, lane, court, place, viaduct, tunnel,
75 culvert, bridge, or structure laid out or erected for public use, or dedicated or abandoned
76 to the public, or made public in an action for the partition of real property, including the
77 entire area within the right-of-way.

78 (12) "Highway authority" means the department or the legislative, executive, or governing
79 body of a county or municipality.

80 (13) "Housing and transit reinvestment zone" means the same as that term is defined in
81 Section 63N-3-602.

82 (14) "Implement of husbandry" ~~[has the meaning set forth in]~~ means the same as that term is
83 defined in Section 41-1a-102.

84 (15) "Interstate system" means any highway officially designated by the department and
85 included as part of the national interstate and defense highways, as provided in the
86 Federal Aid Highway Act of 1956 and any supplemental acts or amendments.

87 (16) "Large public transit district" means the same as that term is defined in Section
88 17B-2a-802.

89 (17) "Limited-access facility" means a highway especially designated for through traffic,
90 and over, from, or to which neither owners nor occupants of abutting lands nor other
91 persons have any right or easement, or have only a limited right or easement of access,
92 light, air, or view.

93 (18) "Master planned community" means a land use development:

94 (a) designated by the city as a master planned community; and

95 (b) comprised of a single development agreement for a development larger than 500
96 acres.

(19) "Motor vehicle" [~~has the same meaning set forth in~~] means the same as that term is defined in Section 41-1a-102.

(20) "Municipality" [~~has the same meaning set forth in~~] means the same as that term is defined in Section 10-1-104.

(21) "National highway systems highways" means that portion of connected main highways located within this state officially designated by the department and approved by the United States Secretary of Transportation under Title 23, Highways, U.S.C.

(22)(a) "Port-of-entry" means a fixed or temporary facility constructed, operated, and maintained by the department where drivers, vehicles, and vehicle loads are checked or inspected for compliance with state and federal laws as specified in Section 72-9-501.

(b) "Port-of-entry" includes inspection and checking stations and weigh stations.

(23) "Port-of-entry agent" means a person employed at a port-of-entry to perform the duties specified in Section 72-9-501.

(24) "Public transit" means the same as that term is defined in Section 17B-2a-802.

~~(25)~~ (26) "Public transit district" means the same as that term is defined in Section 17B-2a-802.

~~[(25)]~~ (26) "Public transit facility" means a fixed guideway, transit vehicle, transit station, depot, passenger loading or unloading zone, parking lot, or other facility:

(a) leased by or operated by or on behalf of a public transit district; and

(b) related to the public transit services provided by the district, including:

(i) railway or other right-of-way;

(ii) railway line; and

(iii) a reasonable area immediately adjacent to a designated stop on a route traveled by a transit vehicle.

~~[(26)]~~ (27) "Right-of-way" means real property or an interest in real property, usually in a strip, acquired for or devoted to state transportation purposes.

~~[(27)]~~ (28) "Sealed" does not preclude acceptance of electronically sealed and submitted bids or proposals in addition to bids or proposals manually sealed and submitted.

~~[(28)]~~ (29) "Semitrailer" has the meaning set forth in Section 41-1a-102.

~~[(29)]~~ (30) "SR" means state route and has the same meaning as state highway as defined in this section.

~~[(30)]~~ (31) "State highway" means those highways designated as state highways in Title 72, Chapter 4, Designation of State Highways Act.

~~[(31)]~~ (32) "State transportation purposes" has the meaning set forth in Section 72-5-102.

131 [(32)] (33) "State transportation systems" means all streets, alleys, roads, highways,
132 pathways, and thoroughfares of any kind, including connected structures, airports, aerial
133 corridor infrastructure, spaceports, public transit facilities, and all other modes and
134 forms of conveyance used by the public.

135 [(33)] (34) "Trailer" [~~has the meaning set forth in~~] means the same as that term is defined in
136 Section 41-1a-102.

137 [(34)] (35)(a) "Transportation corridor" means the path or proposed path of a
138 transportation facility that exists or that may exist in the future.

139 (b) "Transportation corridor" may include:

- 140 (i) the land occupied or that may be occupied by a transportation facility; and
- 141 (ii) any other land that may be needed for expanding, operating, or controlling access
142 to the transportation facility.

143 [(35)] (36) "Transportation facility" means:

- 144 (a) a highway; or
- 145 (b) a fixed guideway.

146 [(36)] (37) "Transportation reinvestment zone" means a transportation reinvestment zone
147 created pursuant to Section 11-13-227.

148 [(37)] (38) "Truck tractor" [~~has the meaning set forth in~~] means the same as that term is
149 defined in Section 41-1a-102.

150 [(38)] (39) "UDOT" means the Utah Department of Transportation.

151 [(39)] (40) "Vehicle" [~~has the same meaning set forth in~~] means the same as that term is
152 defined in Section 41-1a-102.

153 Section 3. Section **72-1-217** is amended to read:

154 **72-1-217 (Effective 05/06/26) (Partially Repealed 07/01/29). Department of**
155 **Transportation study items.**

156 (1) The department shall carry out transportation studies described in this section as
157 resources allow.

158 (2)(a) The department shall study items related to advanced air mobility as described in
159 this Subsection (2).

160 (b) The department shall study vertiport locations and infrastructure, including:

- 161 (i) identification of suitable locations for vertiport infrastructure and parking
162 infrastructure for vertiports in metropolitan areas;
- 163 (ii) identification of commuter rail stations that may be suitable for vertiport
164 placement; and

- 165 (iii) identification of underutilized parking lots and parking structures for vertiport
166 infrastructure placement.
- 167 (c) The department shall study best practices and implementation of advanced air
168 mobility technologies, including:
- 169 (i) seeking input through community engagement;
- 170 (ii) state and local regulations;
- 171 (iii) unmanned aircraft system traffic management; and
- 172 (iv) weather reporting and monitoring for advanced air mobility safety.
- 173 (d) The department shall study unmanned aircraft traffic management infrastructure,
174 including:
- 175 (i) unmanned aircraft system traffic management development, implementation,
176 procedures, policies, and infrastructure; and
- 177 (ii) obtaining a full understanding of unmanned aircraft system traffic management,
178 including:
- 179 (A) designation of airspace for advanced air mobility;
- 180 (B) creation of geographic categorical areas;
- 181 (C) identifying the appropriate number and location of advanced air mobility
182 sensors; and
- 183 (D) other state specific details regarding unmanned aircraft system traffic
184 management.
- 185 (e) The department shall study the creation of an advanced air mobility sandbox,
186 including:
- 187 (i) potential locations for the sandbox testing area and desirable attributes of a
188 suitable sandbox location;
- 189 (ii) requirements to create a geographical advanced air mobility testing area and the
190 parameters for the types of technology that may be utilized in the testing area; and
- 191 (iii) testing and studying different types of advanced air mobility transportation of
192 manned and unmanned aerial vehicles, including:
- 193 (A) aerial vehicle size;
- 194 (B) aerial vehicles that carry cargo, including medical cargo;
- 195 (C) commercial aerial vehicles; and
- 196 (D) public transportation aerial vehicles.
- 197 (f) On or before September 30, 2023, the department shall provide a report to the
198 Transportation Interim Committee of the department's findings from the study items

described in Subsections (2)(b) through (2)(e).

(g) The department may only use existing funds to cover the expenses incurred from the study of items described in Subsections (2)(b) through (2)(e).

(3)(a) The department and a large public transit district shall jointly study programs offered by government entities related to human services transportation, including:

(i) coordinated mobility services;

(ii) paratransit services;

(iii) nonemergency medical transportation;

(iv) youth transportation programs, excluding school bus transportation; and

(v) other similar fare-based or fee-based programs provided or coordinated within the boundary of the large public transit district, including those involving the department, a large public transit district, local governments, or other government agencies and nonprofit entities that provide similar services.

(b) The study shall evaluate strategies to consolidate the transportation services described in Subsection (3)(a) to improve efficiency and service.

(c) The department and large public transit district shall:

(i) provide a preliminary report on the study to the Transportation Interim Committee on or before November 1, 2025; and

(ii) prepare and present recommendations to the Transportation Interim Committee on or before November 1, 2026, for the consolidation of the services described in Subsection (3)(a).

(4)(a) As used in this Subsection (4):

(i) "City" means Salt Lake City.

(ii) "Highway reduction strategy" means any strategy that has the potential to permanently decrease the number of vehicles that can travel on an arterial or a collector highway per hour, including:

(A) reducing the number of motorized vehicle travel lanes on an arterial or collector highway;

(B) narrowing existing motorized vehicle travel lanes on an arterial or collector highway; or

(C) any other strategy that when implemented may increase congestion or impede traffic flow for motor vehicles driving on an arterial or collector highway.

(iii) "Mobility and environmental impact analysis" means a study that assesses the impacts within the study area of implementing a highway reduction strategy on

arterial or collector highways, including the impacts to other state and local highways, mobility, traffic flow, pedestrian and nonmotorized vehicle flow, the economy, public health, quality of life, air quality, maintenance, and operations.

(iv) "Study area" means the area within Salt Lake City that is west of Foothill Drive, north of 2100 South, east of I-15, and south of 600 North.

(b)(i) Except as described in Subsection (4)(c), a city may not implement or begin a project as part of a highway reduction strategy on an arterial or a collector highway within the study area unless the project is part of a mobility plan approved by the department as described in this Subsection (4)(b).

(ii) For a mobility plan described under Subsection (4)(b)(i), the city shall:

- (A) assess the alternate routes for traffic and impacts on surrounding highways due to any lane reduction;
- (B) evaluate impacts to vehicle trip time;
- (C) evaluate impacts to air quality;
- (D) evaluate the cumulative multimodal and safety impact of the proposed highway reduction strategies, including the cumulative impact from previous highway reduction strategies implemented over the previous five years;
- (E) provide options to mitigate negative impacts to vehicle traffic, vehicle trip time, air quality, or adjacent travel routes;
- (F) in collaboration with the department, assess impacts to state highways;
- (G) proactively seek out and consult with relevant stakeholders, including business owners, commuters, and residents impacted by the mobility plan and each proposed project within the mobility plan;
- (H) present the plan in an open and public meeting, including public comment;
- (I) provide an open house or other event to allow public interaction and feedback regarding the impacts of the mobility plan;
- (J) present the plan to the membership of the city's chamber of commerce and other business groups; and
- (K) provide the plan to the department for the department's review.

(iii)(A) After the department receives a complete mobility plan as described in Subsection (4)(b)(ii), the department shall determine if the mobility plan and each project included in the mobility plan meet the requirements of this section and shall approve or reject the plan within two months of receiving the mobility plan.

- (B) As part of the mobility plan, the city shall demonstrate to the department the manners in which the city involved and received input from the business community, the public, and other stakeholders as required in Subsection (4)(b)(ii).
- (c)(i) The city may begin or continue construction on an arterial or collector highway project related to any reduction strategy within the study area if the project has been advertised on or before February 25, 2025.
- (ii)(A) For a project related to any highway reduction strategy that was programmed by the department on or before July 1, 2024, but has not been advertised on or before February 25, 2025, the department may conduct an expedited review of the project.
- (B) If the department approves a project after an expedited review as described in Subsection (4)(c)(ii)(A), the city may begin or continue construction on the project.
- (d) The department shall, in partnership with the city, conduct a mobility and environmental impact analysis to determine the impacts of highway reduction strategies within the study area that the city has implemented on or after July 1, 2015, or has plans to implement on or before July 1, 2035.
- (e) As part of the mobility and environmental impact analysis, the department shall:
- (i) assess the cumulative impact of each highway reduction strategy within the study area that the city has implemented or has plans to implement between July 1, 2015, and July 1, 2035; and
- (ii) consult with relevant stakeholders, including business owners, commuters, and residents impacted by the highway reduction strategy.
- (f) A city subject to a mobility and environmental impact analysis under this Subsection (4) shall provide to the department any information the department determines necessary for conducting the mobility and environmental impact analysis, including any plans that city has adopted or discussed with regards to a highway reduction strategy.
- (g)(i) The department shall provide the mobility and environmental impact analysis to the Transportation Interim Committee on or before October 15, 2025.
- (ii) The city shall provide a response to the mobility and environmental impact analysis to the Transportation Interim Committee on or before November 1, 2025.
- (h)(i) As provided in Section 63I-1-272, this Subsection (4) is subject to a sunset

review by the Transportation Interim Committee during the 2028 interim.

(ii) The Transportation Interim Committee may also evaluate the mobility plan process described in this Subsection (4) during the 2027 interim.

(5)(a) In conjunction with applicable stakeholders, the department shall study items related to the commission's ability to meet the future needs of the state including representation of high growth areas as described in this Subsection (5).

(b) In conjunction with applicable stakeholders, the department shall study the composition of members of the commission, including:

(i) the distribution of members;

(ii) representation of areas experiencing high population growth relative to other areas within the state;

(iii) the number of members; and

(iv) the efficiency of the commission in light of the factors described in Subsections (5)(b)(i) through (iii).

(c) The department shall report the findings of the studies described in Subsections (5)(a) and (b) to the Transportation Interim Committee on or before November 1, 2026.

(6)(a) In conjunction with applicable stakeholders, the department shall study the geographic regions created by the department, including:

(i) the geographic composition of each region;

(ii) the number of regions;

(iii) the efficiency of the regions; and

(iv) the use of resources of each region.

(b) The department shall report the findings of the study described in Subsection (6)(a) to the Transportation Interim Committee on or before November 1, 2026.

(7)(a) In conjunction with applicable stakeholders, the department shall study the office of executive director of the department and the required qualifications of the executive director position.

(b) The department shall report the findings of the study described in Subsection (7)(a) to the Transportation Interim Committee on or before November 1, 2026.

Section 4. Section **72-1-301** is amended to read:

72-1-301 (Effective 05/06/26). Transportation Commission created -- Members, appointment, terms -- Qualifications -- Pay and expenses -- Chair -- Quorum.

(1)(a) There is created the Transportation Commission which shall consist of seven members.

(b) The members of the commission shall be residents of Utah.

(c) The members of the commission shall be selected on a nonpartisan basis.

(d) ~~[The]~~ Except as provided in Subsection (1)(e), the commissioners shall, in accordance with Title 63G, Chapter 24, Part 2, Vacancies, be appointed by the governor, with the advice and consent of the Senate, for a term of six years, beginning on April 1 of odd-numbered years.

(e) A commissioner appointed after May 6, 2026, shall serve for a term of four years.

~~[(e)]~~ (f) The commissioners serve on a part-time basis.

~~[(f)]~~ (g) Each commissioner shall remain in office until a successor is appointed and qualified.

(2)(a) Subject to the restriction in Subsection (2)(c), the selection of commissioners shall be as follows:

(i) four commissioners with one commissioner selected from each of the four regions established by the department; and

(ii) subject to the restriction in Subsection (2)(b), three commissioners selected from the state at large.

(b)(i) At least one of the three commissioners appointed under Subsection (2)(a)(ii) shall be selected from a rural county.

(ii) For purposes of this Subsection (2)(b), a rural county is a county of the third, fourth, fifth, or sixth class.

(c) No more than two commissioners appointed under Subsection (2)(a) may be selected from any one of the four regions established by the department.

(3) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:

(a) Section 63A-3-106;

(b) Section 63A-3-107; and

(c) rules made by the Division of Finance ~~[pursuant to]~~ in accordance with Sections 63A-3-106 and 63A-3-107.

(4)(a) One member of the commission shall be designated by the governor as chair.

(b) The commission may select one member as vice chair to act in the chair's absence.

(5) Any four commissioners constitute a quorum.

(6) Each member of the commission shall qualify by taking the constitutional oath of office.

(7) Each member of the commission is subject to the conflict of interest provisions described in Title 63G, Chapter 24, Part 3, Conflicts of Interest.

(8) For the purposes of Section 63J-1-504, the commission is not considered an agency.

Section 5. Section **72-1-303** is amended to read:

72-1-303 (Effective 05/06/26). Duties of commission.

(1) The commission has the following duties:

- (a) determining priorities and funding levels of projects and programs in the state transportation systems and the capital development of new public transit facilities for each fiscal year based on project lists compiled by the department and taking into consideration the strategic initiatives described in Section 72-1-211;
 - (b) determining additions and deletions to state highways under Chapter 4, Designation of State Highways Act;
 - (c) holding public meetings and otherwise providing for public input in transportation matters;
 - (d) making policies and rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, necessary to perform the commission's duties described under this section;
 - (e) in accordance with Section 63G-4-301, reviewing orders issued by the executive director in adjudicative proceedings held in accordance with Title 63G, Chapter 4, Administrative Procedures Act;
 - (f) advising the department on state transportation systems policy;
 - (g) approving settlement agreements of condemnation cases subject to Section 63G-10-401;
 - (h) in accordance with Section 17B-2a-807, appointing a commissioner to serve as a nonvoting member or a voting member on the board of trustees of a small public transit district;
 - (i) in accordance with ~~[Section]~~ Sections 17B-2a-808 and 17B-2a-808.1, reviewing, at least annually, the ~~[short-term and long-range public transit plans]~~ plans submitted by public transit districts;
 - (j) determining the priorities and funding levels of public transit innovation grants, as defined in Section 72-2-401;
 - (k) approving grant awards administered by the Utah Broadband Center in accordance with Section ~~[17-19-301]~~ 72-19-301; and
 - (l) reviewing administrative rules made, substantively amended, or repealed by the department.
- (2)(a) ~~[For projects prioritized with funding provided under Sections 72-2-124 and~~

72-2-125, the] The commission shall annually report to the Transportation and Infrastructure Appropriations Subcommittee:

- (i) a [~~prioritized~~]list of the new transportation capacity projects in the state transportation system and the funding levels [~~available~~] or shortages for those projects; and
 - (ii) the unfunded highway construction and maintenance needs within the state.
- (b) The Transportation and Infrastructure Appropriations Subcommittee shall:
- (i) review the [~~list~~] information reported by the Transportation Commission; and
 - (ii) make a recommendation to the Legislature on:
 - (A) the amount of additional funding to allocate to transportation; and
 - (B) the source of revenue for the additional funding allocation under Subsection (2)(b)(ii)(A).
- (3) The commission shall review and may approve plans for the construction of a highway facility over sovereign lakebed lands in accordance with Chapter 6, Part 3, Approval of Highway Facilities on Sovereign Lands Act.
- (4) One or more associations representing airport operators or pilots in the state shall annually report to the commission recommended airport improvement projects and any other information related to the associations' expertise and relevant to the commission's duties.

Section 6. Effective Date.

This bill takes effect on May 6, 2026.