

Senator Weiler Proposes Extended The Legacy Parkway Truck Ban

Legacy Parkway has an interesting history. In 1996, Governor Mike Leavitt first announced plans for 120 mile long "Legacy Highway" to extend from Brigham City to Nephi. The next year, environmental studies began for the design and construction of the "West Davis Highway." In 1998 the West Davis Highway was changed to Legacy Highway. It was anticipated to be a 14-mile segment from North Salt Lake to Farmington. The final environmental study for Legacy Highway was released in 2000. The following January, UDOT received approval from the federal government to begin construction.

Immediately thereafter, a lawsuit was initiated by the Utahns for Better Transportation, Mayor Rocky Anderson, and the Sierra Club. In August 2001, construction began after the lawsuit was dismissed. But in November 2001, The Tenth Circuit Court of Appeals issued an injunction that halted construction. Construction remained stymied for over four years until a settlement was announced in July 2005.

The terms of the settlement included a 55 mph speed limit, a truck prohibition (5 or more axles; or 80,000 pounds or greater registered gross vehicle weight), noise reducing pavement, a ban on billboards, and other requirements like studying the effect of the noise within the Nature Preserve. Expansion of the Legacy Parkway beyond 4 lanes was deferred until 2020. Also, 121 acres of additional property was added to the Legacy Nature Preserve. The terms of the agreement will all terminate on January 1, 2020.

The legislature met in special session in September 2005 to approve the terms. Only the truck ban was codified in statute, Utah Code Ann. 72-3-113. The billboard prohibition was protected by a Scenic Byway designation. The speed limit is set by UDOT and could be changed after January 1, 2020.

In 2006, construction commenced on the "Legacy Parkway". The settlement was designed to limit the ecological impact on the nature preserve. These measures included adjusting the curvature of travel lanes and entrance ramps to protect wetlands and other sensitive habitats.

Sen. Todd Weiler has introduced legislation for the Utah 2019 General Session proposing an extension of the truck ban on Legacy Parkway to June 30, 2022.

Legacy Parkway Timeline

- 1996 Governor Mike Leavitt announces plans for 120 mile long “Legacy Highway” to extend from Brigham City to Nephi
- 1997 Environmental studies begin for West Davis Highway
- 1998 Name of West Davis Highway changed to Legacy Highway, a 14 mile segment from North Salt Lake to Farmington
- 1998 In October Draft environmental study for Legacy Highway is released
- 2000 Final environmental study for Legacy Highway is released
- 2001 (January) UDOT receives approval from FHWA to begin construction on the Legacy Highway
- 2001 (January) Lawsuits filed by Utahns for Better Transportation, Rocky Anderson, and the Sierra Club
- 2001 (August) Construction begins on Legacy Highway – Lawsuits are dismissed
- 2001 (Nov) 10th Circuit Court of Appeals issues injunction after plaintiffs appeal
- 2002 (May) Legacy Highway designated a scenic byway by the Utah State Scenic Byway Committee (designation would become active when the highway was completed and accepted for vehicular traffic)
- 2002 (Sep) Court of Appeals asks for more study of environmental impacts
- 2002 (Nov) Work begins on supplemental environmental study for the Legacy Highway
- 2004 (Dec) Draft environmental study released for public comment
- 2005 (Jan) UDOT and plaintiffs begin negotiations to come to compromise that will allow construction to continue
- 2005 (March) Work begins on final environmental study
- 2005 (July) Possible settlement reached; legislative committee created to renegotiate
- 2005 (Sept) Legislature approves agreement on principle and Gov Huntsman signs agreement
- 2006 Construction recommences on the newly name “Legacy Parkway”
- 2008 (Sep) Legacy Parkway opens to traffic

2005 Settlement Agreement

- 55 MPH Speed Limit
- Truck prohibition (5 or more axles; or 80,000 pounds or greater registered gross vehicle weight)
- Noise reducing pavement
- No Billboards
- Features that result from application of the Principles of Parkway Design (see attachment)

Other Points of the agreement:

- > UDOT will establish a Science Advisory Committee for purposes of assisting with the management of the Legacy Nature Preserve
- > UDOT will conduct a five(5) year study of noise within the Nature Preserve
- > Expansion of the Legacy Parkway beyond 4 lanes will be deferred until 2020
- > 121 acres of additional property will be added to the Legacy Nature Preserve located in the vicinity of 500 South, west of the Legacy Parkway alignment

Other Points of the Agreement not related to Legacy Parkway:

- + Restrictions on some aspects of reconstruction on I-15
- + UDOT will provide \$2.5 million dollars for transit studies in South Davis County

The terms of the agreement would terminate on January 1, 2020 unless stated otherwise in the agreement.

Settlement Agreement important Points

- Only the truck ban was codified 72-3-113 (see attached)
- Truck ban statute is in the state code sunset provisions for January 1, 2020 (see attached)
- Billboard prohibition is protected by the Scenic Byway status
- Speed limit is set by UDOT and will most likely be changed by UDOT after January 1, 2020

Exhibit F

Principles of Parkway Design

UDOT will design the Legacy Parkway in South Davis County such that:

- A. Landscaping and species selection for landscaping within the Legacy Parkway in South Davis County right of way will consider ecological effects and the impact that species and landscaping could have on the Legacy Nature Preserve. Xeric and native species will be used wherever feasible.
- B. Meander and curvature of the travel lanes within the right of way and the entrance ramps will be used to protect wetlands and other sensitive habitats, to reflect the design, and to enhance landscaping consistent with the location of the Legacy Parkway in South Davis County adjacent to the Legacy Nature Preserve, consistent with safety and engineering considerations.
- C. Wherever feasible, designs will consider alternative ways to achieve the function of the berms, such as combining shorter berms with vegetation for visual screening. Portions of the D&RG trail to be paved from 2600 North to Parrish Lane will be connected with the Legacy Parkway trails, as may be feasible and in coordination with the community.
- D. Shoulder treatments will assist in maintaining a sense of place consistent with a parkway adjacent to the Legacy Nature Preserve. The Legacy Parkway in South Davis County cross section will include two 12 foot lanes in each direction and, absent engineering or design constraints justifying an alternative configuration, outside shoulders will be designed to minimize the optical width of the road by, for example, design techniques such as a narrower paved portion of the shoulder or use of an alternate paving color or surface.
- E. The Legacy Parkway in South Davis County will be different from a standard freeway and should include features with the objective of maintaining the distinction.

UDOT will provide the public with periodic opportunities to review and comment on the manner in which these design goals are being implemented, including an opportunity to review and comment on the proposed design before it is finalized and before UDOT issues a contract for construction.

72-3-113 Truck limitations on Legacy Parkway.

(1) As used in this section:

(a) "Legacy Parkway" means the proposed or existing four-lane limited access highway that runs approximately 14 miles from I-215 in Salt Lake County to US 89 in Davis County.

(b)

(i) "Reconstruction of I-15 between US 89 in Farmington and I-215 in North Salt Lake City" means the physical construction work necessary to add capacity to the portion of I-15 from I-215 in Davis County to the interchanges with US 89 and I-15 in Farmington.

(ii) "Reconstruction of I-15 between US 89 in Farmington and I-215 in North Salt Lake City" does not include:

(A) preparation of environmental impact statements;

(B) preliminary design work or repairs; and

(C) maintenance and operations of the highway that do not add capacity to the highway.

(c)

(i) "Truck" means any vehicle:

(A) with five or more axles; or

(B) of 80,000 pounds or greater registered gross vehicle weight.

(ii) "Truck" does not include:

(A) equipment owned and operated by the United States Department of Defense when driven by any active duty military personnel and members of the reserves and National Guard on active duty including:

(I) personnel on full-time National Guard duty;

(II) personnel on part-time training;

(III) National Guard military technicians; and

(IV) civilians who are required to wear military uniforms and are subject to the Code of Military Justice;

(B) authorized emergency vehicles as defined in Section 41-6a-102 operated by emergency personnel but not including commercial tow trucks; or

(C) recreational vehicles that are driven solely as family or personal conveyances for noncommercial purposes.

(2) The Legislature finds and declares that the limitation of trucks being operated on the Legacy Parkway under Subsection (3) is due to the unique location of the Legacy Parkway, which is adjacent to the Legacy Nature Preserve.

(3) The department shall restrict trucks from being operated on the Legacy Parkway provided that:

(a) trucks shall be allowed to be operated on the Legacy Parkway during reconstruction of I-15 between US 89 in Farmington and I-215 in North Salt Lake City; and

(b) trucks shall be allowed to be operated on the Legacy Parkway if diversion of traffic from I-15 or another route is determined to be necessary by the highway patrol and the department in the event of an incident, following standard procedures for protecting public safety.

Enacted by Chapter 1, 2005 Special Session 2

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Effective 5/9/2017

631-2-272 Repeal dates -- Title 72.

(1) On July 1, 2018:

(a) in Subsection 72-2-108(2), the language that states "and except as provided in Subsection (10)" is repealed;

(b) in Subsection 72-2-108(4)(c)(ii)(A), the language that states ", excluding any amounts appropriated as additional support for class B and class C roads under Subsection (10)," is repealed; and

(c) Subsection 72-2-108(10) is repealed.

(2) Section 72-3-113 is repealed January 1, 2020.

(3) Section 72-15-101 is repealed on March 31, 2018.

Amended by Chapter 427, 2017 General Session