Title 72. Transportation Code

Chapter 1
Department of Transportation Administration Act

Part 1
General Provisions

72-1-101 Title.
(1) This title is known as the "Transportation Code."
(2) This chapter is known as the "Department of Transportation Administration Act."

Renumbered and Amended by Chapter 270, 1998 General Session

72-1-102 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 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 States Secretary of Transportation under Title 23, Highways, U.S.C.
(8) "Fixed guideway" means the same as that term is defined in Section 59-12-102.
(9)
(a) "Fixed guideway capital development" means a project to construct or reconstruct a public transit fixed guideway facility that will add capacity to a fixed guideway public transit facility.
(b) "Fixed guideway capital development" includes:
(i) a project to strategically double track commuter rail lines; and
(ii) a project to develop and construct public transit facilities and related infrastructure pertaining to the Point of the Mountain State Land Authority created in Section 11-59-201.
(10) "Greenfield" means the same as that term is defined in Section 17C-1-102.
(11) "Highway" means any public road, street, alley, lane, court, place, viaduct, tunnel, culvert, bridge, or structure laid out or erected for public use, or dedicated or abandoned to the public,

or made public in an action for the partition of real property, including the entire area within the right-of-way.

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

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

(14) "Implement of husbandry" has the meaning set forth in Section 41-1a-102.

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

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

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

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

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

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

(19) "Motor vehicle" has the same meaning set forth in Section 41-1a-102.

(20) "Municipality" has the same meaning set forth 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) "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) "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) "Sealed" does not preclude acceptance of electronically sealed and submitted bids or proposals in addition to bids or proposals manually sealed and submitted.

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

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

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

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

(32) "State transportation systems" means all streets, alleys, roads, highways, pathways, and thoroughfares of any kind, including connected structures, airports, aerial corridor infrastructure, spaceports, public transit facilities, and all other modes and forms of conveyance used by the public.
(33) "Trailer" has the meaning set forth in Section 41-1a-102.
(34)
(a) "Transportation corridor" means the path or proposed path of a transportation facility that exists or that may exist in the future.
(b) "Transportation corridor" may include:
(i) the land occupied or that may be occupied by a transportation facility; and
(ii) any other land that may be needed for expanding, operating, or controlling access to the transportation facility.
(35) "Transportation facility" means:
(a) a highway; or
(b) a fixed guideway.
(36) "Transportation reinvestment zone" means a transportation reinvestment zone created pursuant to Section 11-13-227.
(37) "Truck tractor" has the meaning set forth in Section 41-1a-102.
(38) "UDOT" means the Utah Department of Transportation.
(39) "Vehicle" has the same meaning set forth in Section 41-1a-102.

Amended by Chapter 373, 2025 General Session

Part 2
Department of Transportation

72-1-201 Creation of Department of Transportation -- Functions, powers, duties, rights, and responsibilities.
(1) There is created the Department of Transportation which shall:
(a) have the general responsibility for planning, research, design, construction, maintenance, security, and safety of state transportation systems;
(b) provide administration for state transportation systems and programs;
(c) implement the transportation policies of the state;
(d) plan, develop, construct, and maintain state transportation systems that are safe, reliable, environmentally sensitive, and serve the needs of the traveling public, commerce, and industry;
(e) establish standards and procedures regarding the technical details of administration of the state transportation systems as established by statute and administrative rule;
(f) advise the governor and the Legislature about state transportation systems needs;
(g) coordinate with utility companies for the reasonable, efficient, and cost-effective installation, maintenance, operation, relocation, and upgrade of utilities within state highway rights-of-way;
(h) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, make rules for the administration of the department, state transportation systems, and programs;
(i) jointly with the commission annually report to the Transportation Interim Committee, by November 30 of each year, as to the operation, maintenance, condition, mobility, safety needs, and wildlife and livestock mitigation for state transportation systems;

(j) ensure that any training or certification required of a public official or public employee, as those terms are defined in Section 63G-22-102, complies with Title 63G, Chapter 22, State Training and Certification Requirements, if the training or certification is required:
(i) under this title;
(ii) by the department; or
(iii) by an agency or division within the department;
(k) study and make recommendations to the Legislature on potential managed lane use and implementation on selected transportation systems within the state;
(l) before July 1 of each year, coordinate with the Utah Highway Patrol Division created in Section 53-8-103 regarding:
(i) future highway projects that will add additional capacity to the state transportation system;
(ii) potential changes in law enforcement responsibilities due to future highway projects; and
(iii) incident management services on state highways;
(m) provide public transit services, in consultation with any relevant public transit provider; and
(n) implement a public service campaign as described in Section 72-2-135, in coordination with relevant stakeholders including permitted landfills and transfer stations, to generate public awareness regarding the importance of proper transportation and disposal of waste and maintaining clean roads and highways.
(2) For a proposed transportation project that includes a gondola in the Cottonwood Canyons area of Salt Lake County for which the department has completed an environmental impact statement, the department may only construct the project in the phasing sequence as provided in the record of decision associated with the environmental impact statement.
(3)
(a) The department shall exercise reasonable care in designing, constructing, and maintaining a state highway in a reasonably safe condition for travel.
(b) Nothing in this section shall be construed as:
(i) creating a private right of action; or
(ii) expanding or changing the department's common law duty as described in Subsection (3)(a) for liability purposes.

Amended by Chapter 393, 2025 General Session
Amended by Chapter 452, 2025 General Session

72-1-202 Executive director of department -- Appointment -- Qualifications -- Term -- Responsibility -- Power to bring suits -- Salary.
(1)
(a) The governor, with the advice and consent of the Senate, shall appoint an executive director to be the chief executive officer of the department.
(b) The executive director shall be a registered professional engineer and qualified executive with technical and administrative experience and training appropriate for the position.
(c) The executive director shall remain in office until a successor is appointed.
(d) The executive director may be removed by the governor.
(2) In addition to the other functions, powers, duties, rights, and responsibilities prescribed in this chapter, the executive director shall:
(a) have responsibility for the administrative supervision of the state transportation systems and the various operations of the department;
(b) have the responsibility for the implementation of rules, priorities, and policies established by the department and the commission;

(c) have the responsibility for the oversight and supervision of any transportation project for which state funds are expended;
(d) have full power to bring suit in courts of competent jurisdiction in the name of the department as the executive director considers reasonable and necessary for the proper attainment of the goals of this chapter;
(e) receive a salary, to be established by the governor within the salary range fixed by the Legislature in Title 67, Chapter 22, State Officer Compensation, together with actual traveling expenses while away from the executive director's office on official business;
(f) purchase all equipment, services, and supplies necessary to achieve the department's functions, powers, duties, rights, and responsibilities delegated under Section 72-1-201;
(g) have the responsibility to determine whether a purchase from, contribution to, or other participation with a public entity or association of public entities in a pooled fund program to acquire, develop, or share information, data, reports, or other services related to the department's mission are procurement items under Title 63G, Chapter 6a, Utah Procurement Code;
(h) have responsibility for administrative supervision of the Comptroller Division, the Internal Audit Division, and the Communications Division; and
(i) appoint assistants, to serve at the discretion of the executive director, to administer the divisions of the department.
(3) The executive director may employ other assistants and advisers as the executive director finds necessary and fix salaries in accordance with the salary standards adopted by the Division of Human Resource Management.

Amended by Chapter 22, 2023 General Session
Amended by Chapter 219, 2023 General Session

72-1-203 Deputy director -- Appointment -- Qualifications -- Other assistants and advisers -- Salaries.
(1) The executive director shall appoint the following deputy directors, who shall serve at the discretion of the executive director:
(a) the deputy director of engineering and operation, who shall be a registered professional engineer in the state, and who shall be the chief engineer of the department; and
(b) the deputy director of planning and investment.
(2) As assigned by the executive director, the deputy directors described in Subsection (1) may assist the executive director with the following departmental responsibilities:
(a) project development, including statewide standards for project design and construction, right-of-way, materials, testing, structures, and construction;
(b) oversight of the management of the region offices described in Section 72-1-205;
(c) operations and traffic management;
(d) oversight of operations of motor carriers and ports;
(e) transportation systems safety;
(f) aeronautical operations;
(g) equipment for department engineering and maintenance functions;
(h) oversight and coordination of planning, including:
(i) development of statewide strategic initiatives for planning across all modes of transportation;
(ii) coordination with metropolitan planning organizations and local governments;

(iii) coordination with a large public transit district, including planning, project development, outreach, programming, environmental studies and impact statements, construction, and impacts on public transit operations; and
(iv) transportation corridor and area planning;
(i) asset management;
(j) programming and prioritization of transportation projects;
(k) fulfilling requirements for environmental studies and impact statements;
(l) resource investment, including identification, development, and oversight of public-private partnership opportunities;
(m) data analytics services to the department;
(n) transportation corridor preservation;
(o) employee development;
(p) maintenance planning;
(q) oversight and facilitation of the negotiations and integration of public transit providers described in Section 17B-2a-827;
(r) oversight and supervision of any fixed guideway capital development project within the boundaries of a large public transit district, including those responsibilities described in Subsections (2)(a), (h), (j), (k), and (l), and the implementation and enforcement of any federal grant obligations associated with fixed guideway capital development project funding; and
(s) other departmental responsibilities as determined by the executive director.
(3) The executive director shall ensure that the same deputy director does not oversee or supervise both the fixed guideway capital development responsibilities described in Subsection (2)(r) and the department's fixed guideway rail safety responsibilities, including the responsibilities described in Section 72-1-214.
(4) The executive director shall ensure that the same deputy director does not oversee or supervise both the authorization of a telecommunication provider to have longitudinal access to state right-of-way as described in Section 72-7-108, and the operations and duties of the Utah Broadband Center created in Section 72-19-201.
(5) The executive director may delegate to a large public transit district certain projects or acquisitions described in Subsection (2)(r) related to fixed guideway capital development if the executive director determines that the large public transit district is better positioned or equipped for that particular project or acquisition.

Amended by Chapter 512, 2025 General Session

72-1-204 Divisions enumerated -- Duties.

In addition to divisions created by the department necessary to administer the areas of responsibility of the deputy directors as described in Section 72-1-203, the divisions of the department are:
(1) the Comptroller Division responsible for:
(a) all financial aspects of the department, including budgeting, accounting, and contracting;
(b) providing all material data and documentation necessary for effective fiscal planning and programming; and
(c) procuring administrative supplies;
(2) the Internal Audit Division responsible for:
(a) conducting and verifying all internal audits and reviews within the department;

(b) performing financial and compliance audits to determine the allowability and reasonableness of proposals, accounting records, and final costs of consultants, contractors, utility companies, and other entities used by the department; and
(c) implementing audit procedures that meet or exceed generally accepted auditing standards relating to revenues, expenditures, and funding; and
(3) the Communications Division responsible for:
(a) developing, managing, and implementing the department's public hearing processes and programs;
(b) responding to public complaints, requests, and input;
(c) assisting the divisions and regions in the department's public involvement programs;
(d) developing and managing internal department communications; and
(e) managing and overseeing department media relations.

Amended by Chapter 479, 2019 General Session

72-1-205 Region offices -- Region directors -- Qualifications -- Responsibilities.
(1) The department shall maintain region offices throughout the state as the executive director finds reasonable and necessary for the efficient carrying out of the duties of the department.
(2)
(a) The executive director shall appoint a region director for each region.
(b) Each region director shall be a qualified executive with technical and administrative experience and training.
(3) The executive director shall establish the responsibilities of each region director.
(4) The executive director may also establish district offices within a region to implement maintenance, encroachment, safety, community involvement, and loss management functions of the region.

Amended by Chapter 479, 2019 General Session

72-1-206 Performance auditing -- Appointment or employment -- Duties -- Reports.
(1)
(a) The executive director, with the approval of a majority vote of the commission for each appointment, shall, to conduct the audits required in this section:
(i) appoint not less than two performance auditors; or
(ii) employ auditing experts from outside the department.
(b) A performance auditor appointed under Subsection (1)(a)(i) may only be removed by the executive director with the approval of a majority vote of the commission.
(c) Each auditor appointed under Subsection (1)(a)(i) shall have at least three years' experience in performance auditing prior to appointment.
(2) The executive director shall ensure that the auditors under Subsection (1) receive:
(a) any staff support from the department that is necessary to fulfill their duties; and
(b) access to all the department's records and information.
(3) The auditors under Subsection (1) shall conduct, as prioritized by the commission:
(a) performance audits to determine the efficiency and effectiveness of the department;
(b) financial audits to ensure the efficient and effective expenditure of department money;
(c) audits to ensure department compliance with state statutes, commission priorities, and legislative appropriation intent statements;

(d) audits to determine the impact of federal mandates, including air quality, wetlands, and other environmental standards on the cost and schedule of department projects;
(e) external audits on persons entering into contracts with the department, as necessary;
(f) studies to determine the time required to accomplish department and external contract work and their relative efficiencies;
(g) evaluations of the department's quality assurance and quality control programs; and
(h) any other executive director or commission requests.
(4) The auditors under Subsection (1) shall:
(a) conduct audits in accordance with applicable professional auditing standards; and
(b) provide copies of all reports of audit findings to the commission, the executive director, and the Legislative Auditor General.

Amended by Chapter 144, 2017 General Session

72-1-207 Department may sue and be sued -- Legal adviser of department -- Partial waiver of Eleventh Amendment immunity.

(1) The department may sue, and it may be sued only on written contracts made by it or under its authority.
(2) The department may sue in the name of the state.
(3) In all matters requiring legal advice in the performance of its duties and in the prosecution or defense of any action growing out of the performance of its duties, the attorney general is the legal adviser of the commission, and the department, and shall perform any and all legal services required by the commission and the department without other compensation than his salary.
(4) Upon request of the department, the attorney general shall aid in any investigation, hearing, or trial under the provisions of Chapter 9, Motor Carrier Safety Act, and institute and prosecute actions or proceedings for the enforcement of the provisions of the Constitution and statutes of this state or any rule or order of the department affecting motor carriers of persons and property.
(5)
(a) The state waives its immunity under the 11th Amendment of the United States Constitution and consents to suit in a federal court for lawsuits arising out of the department's compliance, discharge, or enforcement of responsibilities assumed pursuant to 23 U.S.C. Secs. 326 and 327.
(b) The waiver of immunity under this Subsection (5) is valid only if:
(i) the executive director or the executive director's designee executes a memorandum of understanding with the United States Department of Transportation accepting the jurisdiction of the federal courts as required by 23 U.S.C. Secs. 326(c) and 327(c);
(ii) before execution of the memorandum of understanding under Subsection (5)(b)(i), the attorney general has issued an opinion letter to the executive director and the administrator of the Federal Highway Administration that the memorandum of understanding and the waiver of immunity are valid and binding upon the state;
(iii) the act or omission that is the subject of the lawsuit arises out of or relates to compliance, discharge, or enforcement of responsibilities assumed by the department pursuant to 23 U.S.C. Secs. 326 and 327; and
(iv) the memorandum of understanding is in effect when the act or omission that is the subject of the federal lawsuit occurred.

Amended by Chapter 144, 2015 General Session

72-1-208 Cooperation with counties, cities, towns, the federal government, and all state departments -- Inspection of work done by a public transit district.

(1) The department shall cooperate with the counties, cities, towns, and community reinvestment agencies in the construction, maintenance, and use of the highways and in all related matters, and may provide services to the counties, cities, towns, and community reinvestment agencies on terms mutually agreed upon.

(2) The department, with the approval of the governor, shall cooperate with the federal government in all federal-aid projects and with all state departments in all matters in connection with the use of the highways.

(3) The department:

(a) shall inspect all work done by a public transit district under Title 17B, Chapter 2a, Part 8, Public Transit District Act, relating to safety appliances and procedures; and

(b) may make further additions or changes necessary for the purpose of safety to employees and the general public.

Amended by Chapter 69, 2022 General Session

72-1-208.5 Definition -- Cooperation with metropolitan planning organizations -- Cooperation in plans and programs required.

(1) As used in this section, "metropolitan planning organization" means an organization established under 23 U.S.C. Sec. 134.

(2) The department shall cooperate with a metropolitan planning organization in the metropolitan planning organization's responsibility to carry out a continuing, cooperative, and comprehensive process for transportation planning and project programming.

(3) If a metropolitan planning organization has a contiguous boundary with another metropolitan planning organization, the department shall cooperate with those organizations if the metropolitan planning organizations have:

(a) coordinated project priorities, transportation plans, and transportation improvement programs; and

(b) submitted joint priorities, plans, and programs to the department as comprehensive, integrated transportation plans.

(4) Subject to the provisions of 23 U.S.C. Sec. 134, if the governor and the affected local units of government jointly determine that metropolitan planning organizations have failed to meet the guidelines under Subsection (3), the governor and local units of government may redesignate or realign the metropolitan planning organizations.

(5)

(a) A metropolitan planning organization is a governmental agency that is eligible to receive employment information from the Unemployment Insurance Division in accordance with Subsection 35A-4-312(5)(e) for the purpose of preparing transportation plans as required by 23 U.S.C. Sec. 134.

(b) Information obtained under Subsection (5)(a) is limited to the employer's:

(i) name;

(ii) worksite address;

(iii) industrial classification; and

(iv) number of employees.

Amended by Chapter 58, 2008 General Session

72-1-209 Department to cooperate in programs relating to scenic centers.

The department shall cooperate in planning and promoting road-building programs into the scenic centers of the state and in providing camping grounds and facilities in scenic centers for tourists with:

(1) the Governor's Office of Economic Opportunity;
(2) other states;
(3) all national, state, and local planning and zoning agencies and boards;
(4) municipal and county officials; and
(5) other agencies.

Amended by Chapter 282, 2021 General Session

72-1-210 Department to be assisted by faculties and personnel of universities.

The engineering machinery and apparatus and the force of mechanics and instructors in the University of Utah and Utah State University are at the disposal of the department, and any faculty member of the institutions shall furnish any information or assistance desired upon request of the department.

Renumbered and Amended by Chapter 270, 1998 General Session

72-1-211 Department to develop strategic initiatives -- Report -- Rulemaking.

(1)
  (a) The executive director shall develop statewide strategic initiatives across all modes of transportation.
  (b) To develop the strategic initiatives described in Subsection (1)(a), the executive director shall consult with the commission and relevant stakeholders, including:
    (i) metropolitan planning organizations;
    (ii) county and municipal governments;
    (iii) transit districts; and
    (iv) other transportation stakeholders.
  (c) To develop the strategic initiatives described in Subsection (1)(a), the executive director shall consider:
    (i) regional transportation plans developed by metropolitan planning organizations;
    (ii) local transportation plans developed by county and municipal governments;
    (iii) public transit plans developed by public transit districts; and
    (iv) other relevant transportation plans developed by other stakeholders.
  (d) To develop the strategic initiatives described in Subsection (1)(a), the executive director shall consider projected major centers of economic activity, population growth, and job centers.
(2)
  (a) The strategic initiatives developed under Subsection (1) shall include consideration of the following factors:
    (i) corridor preservation;
    (ii) congestion reduction;
    (iii) economic development and job creation;
    (iv) asset management;
    (v) sustainability;

(vi) optimization of return on investment;
(vii) development of new transportation capacity projects;
(viii) long-term maintenance and operations of the transportation system;
(ix) safety;
(x) incident management;
(xi) homeland security;
(xii) mobility and access; and
(xiii) transportation-related air quality.
(b) The strategic initiatives shall include an assessment of capacity needs and establish goals for corridors that meet all of the following:
(i) high volume of travel and throughput;
(ii) connection of projected major centers of economic activity, population growth, and future job centers;
(iii) major freight corridors; and
(iv) corridors accommodating multiple modes of travel.
(3)
(a) The executive director or the executive director's designee shall report the strategic initiatives of the department developed under Subsection (1) to the Transportation Commission and, before December 1 of each year, the Transportation Interim Committee.
(b) The report required under Subsection (3)(a) shall include the measure that will be used to determine whether the strategic initiatives have been achieved.
(4) After compliance with Subsection (3) and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department shall make rules establishing the strategic initiatives developed under this part.
(5) The executive director shall ensure that the strategic initiatives developed under Subsection (1):
(a) are reviewed and updated as needed, but no less frequent than every four years; and
(b) cover at least a 20-year horizon.

Amended by Chapter 424, 2018 General Session

72-1-212 Special use permitting -- Rulemaking.
(1) As used in this section:
(a) "Law enforcement agency" means the same as that term is defined in Section 53-1-102.
(b) "Special use permit" means a permit issued:
(i) for a special use or a special event that takes place on a highway; or
(ii) to a law enforcement agency to install an automatic license plate reader on a state highway for the purpose of capturing license plate data of vehicles traveling on a state highway, regardless of whether the device is installed on property owned by the department or the law enforcement agency.
(2) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and in consultation with representatives of the Utah League of Cities and Towns and the Utah Association of Counties, the department shall make rules that are not inconsistent with this chapter or the constitution and laws of this state or of the United States governing the issuance of a special use permit to maintain public safety and serve the needs of the traveling public.
(3) The rules described in Subsection (2) may:
(a) establish the highways for which the highest number of special use permits are issued;
(b) develop, in consultation with municipalities, a limit on the number of special use permits that may be issued in any calendar year on a particular highway;

(c) require a person to submit an application designated by the department before the department issues a special use permit;
(d) limit the number of special use permits issued on any one day for any specified location based on a first-come, first-served basis for completed applications;
(e) establish criteria for evaluating completed applications, such as historic use, potential economic benefit, or other relevant factors;
(f) specify conditions that are required to be met before a special use permit may be issued;
(g) establish a penalty for failure to fulfill conditions required by the special use permit, including suspension of the special use permit or suspension of a future special use permit;
(h) require an applicant to obtain insurance for certain special uses or special events; or
(i) provide other requirements to maintain public safety and serve the needs of the traveling public.

(4) The limit on the number of special use permits described in Subsection (3)(b) may not include:
(a) a special use permit issued for a municipality-sponsored special use or special event on a highway within the jurisdiction of the municipality; or
(b) a special use permit issued to a law enforcement agency to install a device as part of an automatic license plate reader system authorized by Section 41-6a-2003.

(5) The rules described in Subsection (2) shall consider:
(a) traveler safety and mobility;
(b) the safety of special use or special event participants;
(c) emergency access;
(d) the mobility of residents close to the event or use;
(e) access and economic impact to businesses affected by changes to the normal operation of highway traffic;
(f) past performance of an applicant's adherence to special use permit requirements; and
(g) whether a law enforcement agency applying for a special use permit has published a policy online as required by Section 41-6a-2003.

(6) Notwithstanding any other provision of this chapter, the department may also require a law enforcement agency applying for a special use permit described in this section to obtain an encroachment permit.

(7) The department shall adopt a fee schedule in accordance with Section 63J-1-504 that reflects the cost of services provided by the department associated with special use permits and with special uses or special events that take place on a highway.

(8) For a device installed in accordance with Section 41-6a-2003, the installation, maintenance, data collection, and removal are the responsibility of the law enforcement agency that obtains the special use permit.

(9)
(a) The department shall preserve a record of special use permits issued to a law enforcement agency, including the stated purpose for each permit.
(b) The department shall preserve a record identified in Subsection (9)(a) for at least five years.

Amended by Chapter 452, 2025 General Session

72-1-213.1 Road usage charge program.

(1) As used in this section:
(a) "Account manager" means an entity under contract with the department to administer and manage the road usage charge program.
(b) "Alternative fuel vehicle" means:

(i) an electric motor vehicle as defined in Section 41-1a-102; or
(ii) a motor vehicle powered exclusively by a fuel other than:
(A) motor fuel;
(B) diesel fuel;
(C) natural gas; or
(D) propane.
(c) "Payment period" means the interval during which an owner is required to report mileage and pay the appropriate road usage charge according to the terms of the program.
(d) "Program" means the road usage charge program established and described in this section.
(e) "Road usage charge cap" means the maximum fee charged to a participant in the program for a registration period.
(f) "Road usage charge rate" means the per-mile usage fee charged to a participant in the program.
(2) There is established a road usage charge program as described in this section.
(3)
(a) The department shall implement and oversee the administration of the program, which shall begin on January 1, 2020.
(b) To implement and administer the program, the department may contract with an account manager.
(4)
(a) The owner or lessee of an alternative fuel vehicle may apply for enrollment of the alternative fuel vehicle in the program.
(b) If an application for enrollment into the program is approved by the department, the owner or lessee of an alternative fuel vehicle may participate in the program in lieu of paying the fee described in Subsection 41-1a-1206(1)(h) or (2)(b).
(5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and consistent with this section, the department:
(a) shall make rules to establish:
(i) processes and terms for enrollment into and withdrawal or removal from the program;
(ii) payment periods and other payment methods and procedures for the program;
(iii) standards for mileage reporting mechanisms for an owner or lessee of an alternative fuel vehicle to report mileage as part of participation in the program;
(iv) standards for program functions for mileage recording, payment processing, account management, and other similar aspects of the program;
(v) contractual terms between an owner or lessee of an alternative fuel vehicle owner and an account manager for participation in the program;
(vi) contractual terms between the department and an account manager, including authority for an account manager to enforce the terms of the program;
(vii) procedures to provide security and protection of personal information and data connected to the program, and penalties for account managers for violating privacy protection rules;
(viii) penalty procedures for a program participant's failure to pay a road usage charge or tampering with a device necessary for the program; and
(ix) department oversight of an account manager, including privacy protection of personal information and access and auditing capability of financial and other records related to administration of the program; and
(b) may make rules to establish:
(i) an enrollment cap for certain alternative fuel vehicle types to participate in the program;
(ii) a process for collection of an unpaid road usage charge or penalty; or

(iii) integration of the program with other similar programs, such as tolling.

(6) Revenue generated by the road usage charge program and relevant penalties shall be deposited into the Road Usage Charge Program Special Revenue Fund.

(7)

(a) The department may:

(i)

(A) impose a penalty for failure to timely pay a road usage charge according to the terms of the program or tampering with a device necessary for the program; and

(B) request that the Division of Motor Vehicles place a hold on the registration of the owner's or lessee's alternative fuel vehicle for failure to pay a road usage charge or penalty according to the terms of the program;

(ii) send correspondence to the owner of an alternative fuel vehicle to inform the owner or lessee of:

(A) the road usage charge program, implementation, and procedures;

(B) an unpaid road usage charge and the amount of the road usage charge to be paid to the department;

(C) the penalty for failure to pay a road usage charge within the time period described in Subsection (7)(a)(iii); and

(D) a hold being placed on the owner's or lessee's registration for the alternative fuel vehicle, if the road usage charge and penalty are not paid within the time period described in Subsection (7)(a)(iii), which would prevent the renewal of the alternative fuel vehicle's registration; and

(iii) require that the owner or lessee of the alternative fuel vehicle pay the road usage charge to the department within 30 days of the date when the department sends written notice of the road usage charge to the owner or lessee.

(b) The department shall send the correspondence and notice described in Subsection (7)(a) to the owner of the alternative fuel vehicle according to the terms of the program.

(8)

(a) The Division of Motor Vehicles and the department shall share and provide access to information pertaining to an alternative fuel vehicle and participation in the program including:

(i) registration and ownership information pertaining to an alternative fuel vehicle;

(ii) information regarding the failure of an alternative fuel vehicle owner or lessee to pay a road usage charge or penalty imposed under this section within the time period described in Subsection (7)(a)(iii); and

(iii) the status of a request for a hold on the registration of an alternative fuel vehicle.

(b) If the department requests a hold on the registration in accordance with this section, the Division of Motor Vehicles may not renew the registration of a motor vehicle under Title 41, Chapter 1a, Part 2, Registration, until the department withdraws the hold request.

(9) The owner of an alternative fuel vehicle may apply for enrollment in the program or withdraw from the program according to the terms established by the department pursuant to rules made under Subsection (5).

(10) If enrolled in the program, the owner or lessee of an alternative fuel vehicle shall:

(a) report mileage driven as required by the department pursuant to Subsection (5);

(b) pay the road usage fee for each payment period in accordance with Subsection (5); and

(c) comply with all other provisions of this section and other requirements of the program.

(11) The department shall submit annually, on or before October 1, to the Transportation Interim Committee, an electronic report that:

(a) states for the preceding fiscal year:

(i) the amount of revenue collected from the program;
(ii) the participation rate in the program; and
(iii) the department's costs to administer the program; and
(b) provides for the current fiscal year, an estimate of:
(i) the revenue that will be collected from the program;
(ii) the participation rate in the program; and
(iii) the department's costs to administer the program.
(12)
(a) Beginning on January 1, 2023:
(i) the road usage charge rate is 1.0 cent per mile; and
(ii) the road usage charge cap is:
(A) $130.25 for an annual registration period; and
(B) $100.75 for a six-month registration period.
(b) Beginning on January 1, 2026:
(i) the road usage charge rate is 1.25 cents per mile; and
(ii) the road usage charge cap is:
(A) $180 for an annual registration period; and
(B) $139 for a six-month registration period.
(c) Beginning on January 1, 2032:
(i) the road usage charge rate is 1.5 cents per mile, unless the commission establishes a different road usage charge rate in accordance with Subsection (13); and
(ii) the road usage charge cap is:
(A) $240 for an annual registration period; and
(B) $185 for a six-month registration period.
(d) Beginning in 2024, the department shall, on January 1, annually adjust the road usage charge rates described in this Subsection (12) by taking the road usage charge rate for the previous year and adding an amount equal to the greater of:
(i) an amount calculated by multiplying the road usage charge rate of the previous year by the actual percentage change during the previous fiscal year in the Consumer Price Index as determined by the State Tax Commission; and
(ii) 0.
(e) Beginning in 2024, the State Tax Commission shall, on January 1, annually adjust the road usage charge caps described in this Subsection (12) by taking the road usage charge cap for the previous year and adding an amount equal to the greater of:
(i) an amount calculated by multiplying the road usage charge cap of the previous year by the actual percentage change during the previous fiscal year in the Consumer Price Index; and
(ii) 0.
(f) The amounts calculated as described in Subsection (12)(d) shall be rounded up to the nearest .01 cent.
(g) The amounts calculated as described in Subsection (12)(e) shall be rounded up to the nearest 25 cents.
(h) On or before January 1 of each year, the department shall publish:
(i) the adjusted road usage charge rate described in Subsection (12)(d); and
(ii) adjusted road usage charge cap described in Subsection (12)(e).
(13)
(a) Beginning January 1, 2032, the commission may establish by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the road usage charge rate for each type of alternative fuel vehicle.

(b)
(i) Before making rules in accordance with Subsection (13)(a), the commission shall consult with the department regarding the road usage charge rate for each type of alternative fuel vehicle.
(ii) The department shall cooperate with and make recommendations to the commission regarding the road usage charge rate for each type of alternative fuel vehicle.

Amended by Chapter 452, 2025 General Session

72-1-213.2 Road Usage Charge Program Special Revenue Fund -- Revenue.

(1) There is created an expendable special revenue fund within the Transportation Fund known as the "Road Usage Charge Program Special Revenue Fund."
(2)
(a) The fund shall be funded from the following sources:
(i) revenue collected by the department under Section 72-1-213.1;
(ii) appropriations made to the fund by the Legislature;
(iii) contributions from other public and private sources for deposit into the fund;
(iv) interest earnings on cash balances; and
(v) money collected for repayments and interest on fund money.
(b) If the revenue derived from the sources described in Subsection (2)(a) is insufficient to cover the costs of administering the road usage charge program, subject to Subsection 72-2-107(1), the department may transfer into the fund revenue deposited into the Transportation Fund from the fee described in Subsections 41-1a-1206(1)(h) and (2)(b) in an amount sufficient to enable the department to administer the road usage charge program.
(3)
(a) Revenue generated by the road usage charge program and relevant penalties shall be deposited into the Road Usage Charge Program Special Revenue Fund.
(b) Revenue in the Road Usage Charge Program Special Revenue Fund is nonlapsing.
(4) The department may use revenue deposited into the Road Usage Charge Program Special Revenue Fund:
(a) to cover the costs of administering the program; and
(b) for the purposes described in Subsection (5).
(5) If revenue collected by the department under Section 72-1-213.1 in a fiscal year is sufficient to cover all costs related to administering the road usage charge program in that fiscal year, the department shall deposit any excess revenue collected by the department under Section 72-1-213.1 from the Road Usage Charge Program Special Revenue Fund into the Transportation Fund for appropriation and apportionment in accordance with Section 72-2-107.

Amended by Chapter 22, 2023 General Session
Amended by Chapter 490, 2023 General Session

72-1-214 Department designated as state safety oversight agency for rail fixed guideway public transportation safety -- Powers and duties -- Rulemaking.

(1)
(a) Except as provided in Subsection (1)(b), as used in this section, "fixed guideway" means the same as that term is defined in Section 59-12-102.
(b) For purposes of this section, "fixed guideway" does not include a rail system subject to regulation by the Federal Railroad Administration.

(2) The department is designated as the state safety oversight agency for rail fixed guideway public transportation safety in accordance with 49 U.S.C. Sec. 5329(e)(4).
(3) As the state safety oversight agency, the department may, to the extent necessary to fulfill the department's obligations under federal law:
(a) enter into and inspect the property of a fixed guideway rail system receiving federal funds without prior notice to the operator;
(b) audit an operator of a fixed guideway rail system receiving federal funds for compliance with:
(i) federal and state laws regarding the safety of the fixed guideway rail system; and
(ii) a public transportation agency safety plan adopted by a specific operator in accordance with 49 U.S.C. Sec. 5329(d);
(c) direct the operator of a fixed guideway rail system to correct a safety hazard by a specified date and time;
(d) prevent the operation of all or part of a fixed guideway rail system that the department has determined to be unsafe;
(e) audit, review, approve, and oversee an operator of a fixed guideway rail system receiving federal funds for compliance with a plan adopted by the operator in compliance with 49 U.S.C. Sec. 5329(d); and
(f) enforce statutes, rules, regulations, and executive orders relating to the operation of a fixed guideway rail public transportation system in Utah.
(4) The department shall, at least annually, provide a status report on the safety of the rail fixed guideway public transportation systems the department oversees to:
(a) the Federal Transit Administration;
(b) the governor; and
(c) members of the board of any rail fixed guideway public transportation system that the department oversees in accordance with this section.
(5)
(a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department shall make rules necessary to administer and enforce this section, including rules providing for the legal and financial independence of state safety oversight agency activities and functions.
(b) The rules made in accordance with Subsection (5)(a) shall conform to the requirements of and regulations enacted in accordance with 49 U.S.C. Sec. 5329.
(6)
(a) Notwithstanding any other agreement, a county, city, or town with fixed guideway rail transit service provided by a public transit district that is subject to safety oversight as provided in this section may request local option transit sales tax in accordance with Section 59-12-2206 and spend local option transit sales tax in the amount requested by the department to meet nonfederal match requirements for costs of safety oversight described in this section.
(b) A county, city, or town that requests local option transit sales tax as described in Subsection (6)(a) shall transmit to the department all of the funds requested under Subsection (6)(a) and transmitted to the county, city, or town under Subsection 59-12-2206(6)(b).
(c) A county, city, or town that requests local option transit sales tax as described in Subsection (6)(a) may not request more local option transit sales tax than is necessary to carry out the state safety oversight functions under this section and the amount shall only reflect a maximum of 20% nonfederal match requirement of eligible costs of state safety oversight.

Amended by Chapter 29, 2025 General Session

72-1-215 Affordable housing study.

(1) As used in this section, "moderate income housing unit" means a housing unit that has an appraised value that would allow, as estimated by the department, a household whose income is no more than 80% of the area median income to occupy the housing unit paying no more than 30% of the household's income for gross housing costs, including utilities.

(2) On or before September 15, the department shall provide a written report to the Economic Development and Workforce Services Interim Committee and to the Commission on Housing Affordability created in Section 35A-8-2201 that describes:

(a) the total number of housing units that were permanently vacated or destroyed as a result of department action in the previous fiscal year, including separate subtotals describing the total number of housing units with one bedroom, two bedrooms, three bedrooms, and four or more bedrooms, which were permanently vacated or destroyed as a result of department action in the previous fiscal year; and

(b) the total number of moderate income housing units that were permanently vacated or destroyed as a result of department action in the previous fiscal year, including separate subtotals describing the total number of moderate income housing units with one bedroom, two bedrooms, three bedrooms, and four or more bedrooms, which were permanently vacated or destroyed as a result of department action in the previous fiscal year.

Enacted by Chapter 268, 2020 General Session

72-1-216 Statewide electric vehicle charging network plan -- Report.

(1)

(a) The department, in consultation with relevant entities in the private sector, shall develop a statewide electric vehicle charging network plan.

(b) To develop the statewide electric vehicle charging network plan, the department shall consult with political subdivisions and other relevant state agencies, divisions, and entities, including:

(i) the Department of Environmental Quality created in Section 19-1-104;

(ii) the Division of Facilities Construction and Management created in Section 63A-5b-301;

(iii) the Office of Energy Development created in Section 79-6-401; and

(iv) the Department of Natural Resources created in Section 79-2-201.

(2) The statewide electric vehicle charging network plan shall provide implementation strategies to ensure that electric vehicle charging stations are available:

(a) at strategic locations as determined by the department;

(b) at incremental distances no greater than every 50 miles along the state's interstate highway system by December 31, 2025; and

(c) along other major highways within the state as the department finds appropriate.

Amended by Chapter 517, 2024 General Session

72-1-217 Department of Transportation study items.

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

(2)

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

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

(i) identification of suitable locations for vertiport infrastructure and parking infrastructure for vertiports in metropolitan areas;
(ii) identification of commuter rail stations that may be suitable for vertiport placement; and
(iii) identification of underutilized parking lots and parking structures for vertiport infrastructure placement.

(c) The department shall study best practices and implementation of advanced air mobility technologies, including:
(i) seeking input through community engagement;
(ii) state and local regulations;
(iii) unmanned aircraft system traffic management; and
(iv) weather reporting and monitoring for advanced air mobility safety.

(d) The department shall study unmanned aircraft traffic management infrastructure, including:
(i) unmanned aircraft system traffic management development, implementation, procedures, policies, and infrastructure; and
(ii) obtaining a full understanding of unmanned aircraft system traffic management, including:
(A) designation of airspace for advanced air mobility;
(B) creation of geographic categorical areas;
(C) identifying the appropriate number and location of advanced air mobility sensors; and
(D) other state specific details regarding unmanned aircraft system traffic management.

(e) The department shall study the creation of an advanced air mobility sandbox, including:
(i) potential locations for the sandbox testing area and desirable attributes of a suitable sandbox location;
(ii) requirements to create a geographical advanced air mobility testing area and the parameters for the types of technology that may be utilized in the testing area; and
(iii) testing and studying different types of advanced air mobility transportation of manned and unmanned aerial vehicles, including:
(A) aerial vehicle size;
(B) aerial vehicles that carry cargo, including medical cargo;
(C) commercial aerial vehicles; and
(D) public transportation aerial vehicles.

(f) On or before September 30, 2023, the department shall provide a report to the 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.

Amended by Chapter 452, 2025 General Session

72-1-218 Advanced air mobility community outreach.

The department shall conduct a community outreach and public education campaign that:

(1) educates the public regarding advanced air mobility, including:

(a) the information and findings of relevant studies and reports that the department conducts;

(b) potential use cases;
(c) potential benefits as a form of transportation;
(d) state-driven advanced air mobility initiatives;
(e) potential impacts on the economy, including job creation and other new opportunities; and
(f) potential phasing for establishing a robust advanced air mobility system;
(2) provides and coordinates opportunities for the public to observe real world demonstrations;
(3) coordinates with local advanced air mobility industry leaders and other groups in the state that are promoting and planning for advanced air mobility; and
(4) provides information on how advanced air mobility could benefit and otherwise impact communities.

Enacted by Chapter 423, 2025 General Session

Part 3
Transportation Commission

72-1-301 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 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) The commissioners serve on a part-time basis.
(f) 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 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.

Amended by Chapter 219, 2023 General Session

72-1-302 Commission offices and meetings.
(1) The commission shall hold regular public meetings at least quarterly.
(2) The commission may hold additional public meetings as determined by the chair of the commission in consultation with the executive director of the department.

Amended by Chapter 219, 2023 General Session

72-1-303 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 public transit district;
(i) in accordance with Section 17B-2a-808, reviewing, at least annually, the short-term and long-range public transit plans;
(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; 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 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 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 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.

Amended by Chapter 512, 2025 General Session

72-1-304 Written project prioritization process for new transportation capacity projects -- Rulemaking.
(1)
(a) The Transportation Commission, in consultation with the department and the metropolitan planning organizations as defined in Section 72-1-208.5, shall develop a written prioritization process for the prioritization of:
(i) new transportation capacity projects that are or will be part of the state highway system under Chapter 4, Part 1, State Highways;
(ii) paved pedestrian or paved nonmotorized transportation projects described in Section 72-2-124;
(iii) public transit projects that directly add capacity to the public transit systems within the state, not including facilities ancillary to the public transit system; and
(iv) pedestrian or nonmotorized transportation projects that provide connection to a public transit system.
(b)
(i) A local government or public transit district may nominate a project for prioritization in accordance with the process established by the commission in rule.
(ii) If a local government or public transit district nominates a project for prioritization by the commission, the local government or public transit district shall provide data and evidence to show that:
(A) the project will advance the purposes and goals described in Section 72-1-211;
(B) for a public transit project, the local government or public transit district has an ongoing funding source for operations and maintenance of the proposed development; and
(C) the local government or public transit district will provide the percentage of the costs for the project as required by Subsection 72-2-124(4)(a)(viii) or 72-2-124(10)(e).
(2) The following shall be included in the written prioritization process under Subsection (1):
(a) a description of how the strategic initiatives of the department adopted under Section 72-1-211 are advanced by the written prioritization process;
(b) a definition of the type of projects to which the written prioritization process applies;
(c) specification of a weighted criteria system that is used to rank proposed projects and how it will be used to determine which projects will be prioritized;

(d) specification of the data that is necessary to apply the weighted ranking criteria; and
(e) any other provisions the commission considers appropriate, which may include consideration of:
(i) regional and statewide economic development impacts, including improved local access to:
(A) employment;
(B) educational facilities;
(C) recreation;
(D) commerce; and
(E) residential areas, including moderate income housing as demonstrated in the local government's or public transit district's general plan pursuant to Section 10-9a-403 or 17-27a-403;
(ii) the extent to which local land use plans relevant to a project support and accomplish the strategic initiatives adopted under Section 72-1-211; and
(iii) any matching funds provided by a political subdivision or public transit district in addition to the percentage of costs required by Subsections 72-2-124(4)(a)(viii) and 72-2-124(10)(e).
(3)
(a) When prioritizing a public transit project that increases capacity, the commission:
(i) may give priority consideration to projects that are part of a transit-oriented development or transit-supportive development as defined in Section 17B-2a-802; and
(ii) shall give priority consideration to projects that are within the boundaries of a housing and transit reinvestment zone created pursuant to Title 63N, Chapter 3, Part 6, Housing and Transit Reinvestment Zone Act.
(b) When prioritizing a transportation project that increases capacity, the commission may give priority consideration to projects that are:
(i) part of a transportation reinvestment zone created under Section 11-13-227 if:
(A) the state is a participant in the transportation reinvestment zone; or
(B) the commission finds that the transportation reinvestment zone provides a benefit to the state transportation system; or
(ii) within the boundaries of a housing and transit reinvestment zone created pursuant to Title 63N, Chapter 3, Part 6, Housing and Transit Reinvestment Zone Act.
(c) If the department receives a notice of prioritization for a municipality as described in Subsection 10-9a-408(6), or a notice of prioritization for a county as described in Subsection 17-27a-408(6), the commission may give priority consideration to transportation projects that are within the boundaries of the municipality or the unincorporated areas of the county until the department receives notification from the Housing and Community Development Division within the Department of Workforce Services that the municipality or county no longer qualifies for prioritization under this Subsection (3)(c).
(d) When prioritizing a transportation project described in Subsection (1)(a)(ii) or (iv), the commission may give priority consideration to projects that improve connectivity pursuant to Section 10-8-87.
(4) In developing the written prioritization process, the commission:
(a) shall seek and consider public comment by holding public meetings at locations throughout the state; and
(b) may not consider local matching dollars as provided under Section 72-2-123 unless the state provides an equal opportunity to raise local matching dollars for state highway improvements within each county.

(5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the Transportation Commission, in consultation with the department, shall make rules establishing the written prioritization process under Subsection (1).
(6) The commission shall submit the proposed rules under this section to the Transportation Interim Committee for review prior to taking final action on the proposed rules or any proposed amendment to the rules described in Subsection (5).

Amended by Chapter 385, 2025 General Session
Amended by Chapter 452, 2025 General Session

72-1-305 Project selection using the written prioritization process -- Public comment -- Report.

(1) Except as provided in Subsection (4), in determining priorities and funding levels of projects in the state transportation system under Subsection 72-1-303(1)(a) that are new transportation capacity projects, the commission shall use the weighted criteria system adopted in the written prioritization process under Section 72-1-304.
(2) Prior to finalizing priorities and funding levels of projects in the state transportation system, the commission shall conduct public meetings at locations around the state and accept public comments on:
  (a) the written prioritization process;
  (b) the merits of new transportation capacity projects that will be prioritized under this section; and
  (c) the merits of new transportation capacity projects as recommended by a consensus of local elected officials participating in a metropolitan planning organization as defined in Section 72-1-208.5.
(3) The commission shall make the weighted criteria system ranking for each project publicly available prior to the public meetings held under Subsection (2).
(4)
  (a) If the commission prioritizes a project over another project with a higher rank under the weighted criteria system, the commission shall identify the change and accept public comment at a meeting held under this section on the merits of prioritizing the project above higher ranked projects.
  (b) The commission shall make the reasons for the prioritization under Subsection (4)(a) publicly available.
(5)
  (a) The executive director or the executive director's designee shall report annually to the governor and the Transportation Interim Committee no later than the last day of October:
    (i) the projects prioritized under this section during the year prior to the report; and
    (ii) the status and progress of all projects prioritized under this section.
  (b) Annually, before any funds are programmed and allocated from the Transit Transportation Investment Fund created in Section 72-2-124 for each fiscal year, the executive director or the executive director's designee, along with the executive director of a large public transit district as described in Section 17B-2a-802, shall report to the governor and the Transportation Interim Committee no later than the last day of October:
    (i) the public transit projects prioritized under this section during the year prior to the report; and
    (ii) the status and progress of all public transit projects prioritized under this section.

(6) The department shall annually report to the Transportation Commission on the status of new capacity transportation projects, including projects that were funded by the Legislature in an appropriations act.

Amended by Chapter 452, 2025 General Session

Chapter 2
Transportation Finances Act

Part 1
Transportation Fund and Highway Finances

72-2-101 Title.

This chapter is known as the "Transportation Finances Act."

Enacted by Chapter 270, 1998 General Session

72-2-102 Transportation Fund.

(1) There is created a fund entitled the "Transportation Fund."
(2) Transportation Fund money shall be used exclusively for highway purposes as provided in this title.

Enacted by Chapter 270, 1998 General Session

72-2-103 Limitations on Transportation Fund appropriations to agencies not a part of the Department of Transportation -- Exceptions.

(1) Except as provided under Subsection (2), the amount appropriated or transferred from the Transportation Fund each year may not exceed a combined total of $11,600,000 to:
  (a) the Department of Public Safety;
  (b) the State Tax Commission;
  (c) the Division of Finance; and
  (d) any other state agency that is not a part of the Department of Transportation.
(2) The following amounts are exempt from the appropriation and transfer limitations of Subsection (1):
  (a) amounts deposited in the Department of Public Safety Restricted Account created under Section 53-3-106;
  (b) revenue generated by the uninsured motorist identification fee under Section 41-1a-1218;
  (c) revenue generated by the motor carrier fee under Section 41-1a-1219; and
  (d) revenue generated by the Motorcycle Rider Education Program under Section 53-3-905.

Amended by Chapter 96, 2017 General Session

72-2-104 Budget.

(1) The department shall prepare and submit to the governor, to be included in the governor's budget to be submitted to the Legislature, a budget of the requirements for the operation of the department for the fiscal year following the convening of the Legislature.
(2) This budget shall be so separated, in relation to the various functions of the department, so as to allow the separate determination of funds for deposit into the Transportation Fund and into any other special funds which are required by law to be utilized for specific purposes and which are separately maintained by the department for those purposes.

Amended by Chapter 302, 2025 General Session

72-2-105 Budgetary accounts within Transportation Fund -- Disposition of unexpended balances.
(1) The amount designated by the Legislature, out of which the items budgeted shall be paid, shall be established in appropriation and allotment accounts within the Transportation Fund.
(2) At the close of the biennium all unexpended balances remaining in the accounts so budgeted shall be closed to the fund balance account of the Transportation Fund.

Renumbered and Amended by Chapter 270, 1998 General Session

Superseded 7/1/2026
72-2-106 Appropriation and transfers from Transportation Fund.
(1) On and after July 1, 1981, there is appropriated from the Transportation Fund to the use of the department an amount equal to two-elevenths of the taxes collected from the motor fuel tax and the special fuel tax, exclusive of the formula amount appropriated for class B and class C roads, to be used for highway rehabilitation.
(2) For a fiscal year beginning on or after July 1, 2019, the Division of Finance shall annually transfer to the Transportation Investment Fund of 2005 created by Section 72-2-124 an amount that is equal to 35% of the amount of revenue generated in the current fiscal year by the portion of the tax imposed on motor and special fuel that is sold, used, or received for sale or use in this state that exceeds 29.4 cents per gallon.
(3) For purposes of the calculation described in Subsection 59-12-103(7)(c), the Division of Finance shall notify the State Tax Commission of the amount of any transfer made under Subsection (2).

Amended by Chapter 452, 2025 General Session

Effective 7/1/2026
72-2-106 Appropriation and transfers from Transportation Fund.
(1) On and after July 1, 1981, there is appropriated from the Transportation Fund to the use of the department an amount equal to two-elevenths of the taxes collected from the motor fuel tax and the special fuel tax, exclusive of the formula amount appropriated for class B and class C roads, to be used for highway rehabilitation.
(2) For a fiscal year beginning on or after July 1, 2019, the Division of Finance shall annually transfer to the Transportation Investment Fund of 2005 created by Section 72-2-124 an amount that is equal to 35% of the amount of revenue generated in the current fiscal year by the portion of the tax imposed on motor and special fuel that is sold, used, or received for sale or use in this state that exceeds 29.4 cents per gallon.

Amended by Chapter 285, 2025 General Session

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

(1) There is appropriated to the department from the Transportation Fund annually an amount equal to 30% of an amount which the director of finance shall compute in the following manner: The total revenue deposited into the Transportation Fund during the fiscal year from state highway-user taxes and fees, minus those amounts appropriated or transferred from the Transportation Fund during the same fiscal year to:
  (a) the Department of Public Safety;
  (b) the State Tax Commission;
  (c) the Division of Finance;
  (d) the Utah Travel Council;
  (e) except as provided in Section 72-1-213.2, the road usage charge program created in Section 72-1-213.1; and
  (f) any other amounts appropriated or transferred for any other state agencies not a part of the department.

(2)
  (a) Except as provided in Subsections (2)(b) and (c), all of the money appropriated in Subsection (1) shall be apportioned among counties and municipalities for class B and class C roads as provided in this title.
  (b) The department shall annually transfer $500,000 of the amount calculated under Subsection (1) to the State Park Access Highways Improvement Program created in Section 72-3-207.
  (c) Administrative costs of the department to administer class B and class C roads shall be paid from funds calculated under Subsection (1).

(3) Each quarter of every year the department shall make the necessary accounting entries to transfer the money appropriated under this section for class B and class C roads.

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

Amended by Chapter 22, 2023 General Session

72-2-108 Apportionment of funds available for use on class B and class C roads -- Bonds.

(1) For purposes of this section:
  (a) "Eligible county" means a county of the fifth class, as described in Section 17-50-501, that received a distribution for fiscal year 2015 that was reapportioned to include money in addition to the amount calculated under Subsection (2), and the portion of the distribution derived from the calculation under Subsection (2) was less than 60% of the total distribution.
  (b) "Graveled road" means a road:
    (i) that is:
      (A) graded; and
      (B) drained by transverse drainage systems to prevent serious impairment of the road by surface water;
    (ii) that has an improved surface; and
    (iii) that has a wearing surface made of:
      (A) gravel;
      (B) broken stone;
      (C) slag;

(D) iron ore;
(E) shale; or
(F) other material that is:
(I) similar to a material described in Subsection (1)(b)(iii)(A) through (E); and
(II) coarser than sand.
(c) "Paved road" includes:
(i) a graveled road with a chip seal surface; and
(ii) a circulator alley.
(d) "Road mile" means a one-mile length of road, regardless of:
(i) the width of the road; or
(ii) the number of lanes into which the road is divided.
(e) "Weighted mileage" means the sum of the following:
(i) paved road miles multiplied by five; and
(ii) all other road type road miles multiplied by two.
(2)
(a) Subject to the provisions of Subsections (2)(b) and (3) through (7), funds appropriated for class B and class C roads shall be apportioned among counties and municipalities in the following manner:
(i) 50% in the ratio that the class B roads weighted mileage within each county and class C roads weighted mileage within each municipality bear to the total class B and class C roads weighted mileage within the state; and
(ii) 50% in the ratio that the population of a county or municipality bears to the total population of the state.
(b) To the extent not otherwise required by federal law, population shall be based on:
(i) the most recent estimate from the Utah Population Committee created in Section 63C-20-103; or
(ii) if the Utah Population Committee estimate is not available for each municipality and unincorporated area, the adjusted sub-county population estimate provided by the Utah Population Committee in accordance with Section 63C-20-104.
(3) For purposes of Subsection (2)(b), "the population of a county" means:
(a) the population of a county outside the corporate limits of municipalities in that county, if the population of the county outside the corporate limits of municipalities in that county is not less than 14% of the total population of that county, including municipalities; and
(b) if the population of a county outside the corporate limits of municipalities in the county is less than 14% of the total population:
(i) the aggregate percentage of the population apportioned to municipalities in that county shall be reduced by an amount equal to the difference between:
(A) 14%; and
(B) the actual percentage of population outside the corporate limits of municipalities in that county; and
(ii) the population apportioned to the county shall be 14% of the total population of that county, including incorporated municipalities.
(4) For an eligible county, the department shall reapportion the funds under Subsection (2) to ensure that the county or municipality receives, for a fiscal year beginning on or after July 1, 2018, an amount equal to the greater of:
(a) the amount apportioned to the county or municipality for class B and class C roads in the current fiscal year under Subsection (2); or
(b)

(i) the amount apportioned to the county or municipality for class B and class C roads through the apportionment formula under Subsection (2) or this Subsection (4) in the prior fiscal year; plus
(ii) the amount calculated as described in Subsection (6).
(5)
(a) The department shall decrease proportionately as provided in Subsection (5)(b) the apportionments to counties and municipalities for which the reapportionment under Subsection (4) does not apply.
(b) The aggregate amount of the funds that the department shall decrease proportionately from the apportionments under Subsection (5)(a) is an amount equal to the aggregate amount reapportioned to counties and municipalities under Subsection (4).
(6)
(a) In addition to the apportionment adjustments made under Subsection (4), a county or municipality that qualifies for reapportioned money under Subsection (4) shall receive an amount equal to the amount apportioned to the eligible county or municipality under Subsection (4) for class B and class C roads in the prior fiscal year multiplied by the percentage increase or decrease in the total funds available for class B and class C roads between the prior fiscal year and the fiscal year that immediately preceded the prior fiscal year.
(b) The adjustment under Subsection (6)(a) shall be made in the same way as provided in Subsections (5)(a) and (b).
(7)
(a) If a county or municipality does not qualify for a reapportionment under Subsection (4) in the current fiscal year but previously qualified for a reapportionment under Subsection (4) on or after July 1, 2017, the county or municipality shall receive an amount equal to the greater of:
(i) the amount apportioned to the county or municipality for class B and class C roads in the current fiscal year under Subsection (2); or
(ii) the amount apportioned to the county or municipality for class B and class C roads in the prior fiscal year.
(b) The adjustment under Subsection (7)(a) shall be made in the same way as provided in Subsections (5)(a) and (b).
(8) The governing body of any municipality or county may issue bonds redeemable up to a period of 10 years under Title 11, Chapter 14, Local Government Bonding Act, to pay the costs of constructing, repairing, and maintaining class B or class C roads and may pledge class B or class C road funds received pursuant to this section to pay principal, interest, premiums, and reserves for the bonds.

Amended by Chapter 400, 2025 General Session

72-2-109 Rules for uniform accounting -- Apportionment and use of class B and class C road funds -- Compliance with federal-aid provisions -- Duties of department.
(1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department shall make rules providing for uniform accounting of funds to be expended upon class B and C roads as required by the federal government under Title 23, United States Code Annotated, relating to federal aid for highway purposes together with all amendatory acts.
(2) The department shall cooperate with the county governing bodies and the governing officials of the cities and towns in the apportionment and use of class B and C road funds.

Amended by Chapter 382, 2008 General Session

72-2-110 Funds allocated to class B and class C roads -- Matching federal funds -- R.S. 2477 rights.

A county or municipality may:

(1) use funds which are allocated to class B and class C roads for matching federal funds for the construction of secondary roads now available or which may later become available in accordance with the provisions of law; and

(2) use up to 30% of the class B and class C road funds allocated to the county or municipality to:

(a) pay the costs of asserting, defending, or litigating local government rights under R.S. 2477 on class B, class C, or class D roads; or

(b) maintain class D roads.

Amended by Chapter 8, 2018 Special Session 2

72-2-111 Assent to federal acts on federal aid for highway purposes -- Department to represent state -- Pledge of funds -- Rulemaking authority -- Contracts for energy conservation.

(1)

(a) The Legislature assents to all the provisions of Title 23, Highways, U.S.C., relating to federal aid for highway purposes, and all amendatory acts.

(b) The department may:

(i) enter into a contract or agreement with the United States government relating to the survey, construction, and maintenance of highways under a federal act;

(ii) submit a scheme or program of construction and maintenance required by a federal agency; and

(iii) do any other thing necessary to fully carry out the cooperation contemplated and provided for by a federal act.

(c) The good faith of the state is pledged to make available sufficient funds to match the sums apportioned to the state by the United States government:

(i) for the construction of federal-aid highways; and

(ii) to provide adequate maintenance for federal-aid highways.

(2) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department may make rules to encourage car pools and van pools in order to save energy.

(3) The department may contract with individuals, associations, or corporations to accomplish energy conservation and encouragement of car and van pooling.

Amended by Chapter 382, 2008 General Session

72-2-112 Transportation department authorized to participate in federal program -- Prohibition against spending certain transportation funds.

(1) Notwithstanding any law to the contrary, the department is empowered to participate in the deferred payment program authorized by Congress in Public Law 94-30.

(2) Any indebtedness incurred by the department under this section shall be paid from state transportation funds as appropriated.

(3)

(a) As used in this Subsection (3):

(i) "Apportioned" means divided or assigned among the states based on a prescribed formula established in 23 U.S.C.
(ii) "Authorization act" means an act of Congress enacted after July 1, 2009 that authorizes transportation programs from the Highway Trust Fund established in 26 U.S.C. Sec. 9503.
(b) The state, including any agency, department, or division of the state, may not spend project-specific funds that are allocated through an authorization act for a transportation-related project that is eligible for funds apportioned to the state in support of the statewide transportation improvement program unless the specified project is included on the statewide transportation improvement program.

Amended by Chapter 332, 2009 General Session

72-2-113 Rulemaking for cost limitations on contracts -- Auditing for compliance -- Federal accounting and audit standards.

(1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department may make rules for determining the allowability of costs included in contracts entered into by the department for engineering and design services. The rules shall comply with the provisions of 23 U.S.C. Section 112.
(2) The department may require a provider of engineering or design services to submit annual audits or to submit to audits to determine compliance with the rules made under Subsection (1). The audits may not be duplicative of federal audits under the Federal Acquisition Regulations System, 48 C.F.R. Part 31.
(3) All engineering and design contracts and subcontracts entered into by the department shall be accounted for and audited in compliance with the Federal Acquisition Regulations System, 48 C.F.R. Part 31.

Amended by Chapter 382, 2008 General Session

72-2-114 Transfer of money -- Debt service.

(1) When there are insufficient appropriations or money available from other legal sources to pay interest on any bond anticipation notes issued under the authority of Title 63B, Chapter 6, Part 3, 1997 Highway Bond Anticipation Note Authorization, the Division of Finance shall inform the department of the amount necessary to pay that interest.
(2) After receiving notice under Subsection (1), the department shall transfer money from any available source other than the Transportation Fund to the Division of Finance for deposit into the Debt Service Fund to pay interest on bond anticipation notes issued under the authority of Title 63B, Chapter 6, Part 3, 1997 Highway Bond Anticipation Note Authorization.

Renumbered and Amended by Chapter 270, 1998 General Session

72-2-115 Transportation Fund balance -- Income -- Allocation.

All interest and earnings and other income derived from the Transportation Fund balance shall be credited to the Transportation Fund, including the collector road and B and C road accounts in proportion to the various fund account balances on an average monthly balance basis.

Renumbered and Amended by Chapter 270, 1998 General Session

72-2-116 Gifts, bequests, and donations part of Transportation Fund -- Expenditure.

(1) Gifts, bequests, and donations by individuals, corporations, or societies to the state for road building purposes shall become part of the Transportation Fund, and shall be expended for state highway purposes.
(2) Gifts, bequests, or donations made to any county shall be expended under the direction of the county legislative body.

Renumbered and Amended by Chapter 270, 1998 General Session

72-2-117 Marda Dillree Corridor Preservation Fund -- Distribution -- Repayment -- Rulemaking.

(1) There is created the Marda Dillree Corridor Preservation Fund within the Transportation Fund.
(2) The fund shall be funded from the following sources:
  (a) motor vehicle rental tax imposed under Section 59-12-1201;
  (b) appropriations made to the fund by the Legislature;
  (c) contributions from other public and private sources for deposit into the fund;
  (d) interest earnings on cash balances;
  (e) all money collected for repayments and interest on fund money;
  (f) all money collected from rents and sales of real property acquired with fund money; and
  (g) proceeds from general obligation bonds, revenue bonds, or other obligations as authorized by Title 63B, Bonds.
(3)
  (a) The commission shall authorize the expenditure of fund money to allow the department to acquire real property or any interests in real property for state, county, and municipal transportation corridors subject to:
    (i) money available in the fund;
    (ii) rules made under Subsection (6); and
    (iii) Subsection (8).
  (b) Fund money may be used to pay interest on debts incurred in accordance with this section.
(4) Administrative costs for transportation corridor preservation shall be paid from the fund.
(5)
  (a) The department:
    (i) may apply to the commission under this section for money from the Marda Dillree Corridor Preservation Fund for a specified transportation corridor project, including for county and municipal projects; and
    (ii) shall repay the fund money authorized for the project to the fund as required under Subsection (6).
  (b) The department may request and the commission may approve the expenditure of money from the fund to pay the costs of staff and overhead costs to administer the fund.
(6) The commission shall:
  (a) administer the Marda Dillree Corridor Preservation Fund to:
    (i) preserve transportation corridors;
    (ii) promote long-term statewide transportation planning;
    (iii) save on acquisition costs; and
    (iv) promote the best interests of the state in a manner which minimizes impact on prime agricultural land;
  (b) prioritize fund money based on considerations, including:
    (i) areas with rapidly expanding population;

(ii) the willingness of local governments to complete studies and impact statements that meet department standards;
(iii) the preservation of transportation corridors by the use of local planning and zoning processes;
(iv) the availability of other public and private matching funds for a project; and
(v) the cost-effectiveness of the preservation projects;
(c) designate high priority transportation corridor preservation projects in cooperation with a metropolitan planning organization;
(d) administer the program for the purposes provided in this section;
(e) prioritize fund money in accordance with this section; and
(f) make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, establishing:
(i) the procedures for the awarding of fund money;
(ii) the procedures for the department to apply for transportation corridor preservation money for projects; and
(iii) repayment conditions of the money to the fund from the specified project funds.

(7)
(a) The proceeds from any bonds or other obligations secured by revenues of the Marda Dillree Corridor Preservation Fund shall be used for:
(i) the acquisition of real property in hardship cases; and
(ii) any of the purposes authorized for funds in the Marda Dillree Corridor Preservation Fund under this section.
(b) The commission shall pledge the necessary part of the revenues of the Marda Dillree Corridor Preservation Fund to the payment of principal of and interest on the bonds or other obligations.

(8)
(a) Except for the acquisition of a transportation corridor for a fixed guideway, the department may not apply for money under this section unless the highway authority has an access management policy or ordinance in effect that meets the requirements under Subsection (8)(b).
(b) The access management policy or ordinance shall:
(i) be for the purpose of balancing the need for reasonable access to land uses with the need to preserve the smooth flow of traffic on the highway system in terms of safety, capacity, and speed; and
(ii) include provisions:
(A) limiting the number of conflict points at driveway locations;
(B) separating conflict areas;
(C) reducing the interference of through traffic;
(D) spacing at-grade signalized intersections; and
(E) providing for adequate on-site circulation and storage.
(c) The department shall develop a model access management policy or ordinance that meets the requirements of this Subsection (8) for the benefit of a county or municipality under this section.

(9)
(a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commission shall make rules establishing a transportation corridor preservation advisory council.
(b) The transportation corridor preservation advisory council shall:

(i) assist with and help coordinate the transportation corridor preservation efforts of the department and local governments;
(ii) provide recommendations and priorities concerning transportation corridor preservation and the use of fund money to the department and to the commission; and
(iii) include members designated by each metropolitan planning organization in the state to represent local governments that are involved with transportation corridor preservation through official maps and planning.

Amended by Chapter 373, 2025 General Session

72-2-117.5 Definitions -- Local Highway and Transportation Corridor Preservation Fund -- Disposition of fund money.

(1) As used in this section:
(a) "Council of governments" means a decision-making body in each county composed of membership including the county governing body and the mayors of each municipality in the county.
(b) "Metropolitan planning organization" has the same meaning as defined in Section 72-1-208.5.
(2) There is created the Local Highway and Transportation Corridor Preservation Fund within the Transportation Fund.
(3) The fund shall be funded from the following sources:
(a) a local option highway construction and transportation corridor preservation fee imposed under Section 41-1a-1222;
(b) appropriations made to the fund by the Legislature;
(c) contributions from other public and private sources for deposit into the fund;
(d) all money collected from rents and sales of real property acquired with fund money;
(e) proceeds from general obligation bonds, revenue bonds, or other obligations issued as authorized by Title 63B, Bonds; and
(f) sales and use tax revenues deposited into the fund in accordance with Title 59, Chapter 12, Part 22, Local Option Sales and Use Taxes for Transportation Act.
(4)
(a) The fund shall earn interest.
(b) All interest earned on fund money shall be deposited into the fund.
(c) The State Tax Commission shall allocate the revenues:
(i) provided under Subsection (3)(a) to each county imposing a local option highway construction and transportation corridor preservation fee under Section 41-1a-1222;
(ii) provided under Subsection 59-12-2217(2) to each county imposing a county option sales and use tax for transportation; and
(iii) provided under Subsection (3)(f) to each county of the second class or city or town within a county of the second class that imposes the sales and use tax authorized by Section 59-12-2218.
(d) The department shall distribute the funds allocated to each county, city, or town under Subsection (4)(c) to each county, city, or town.
(e) The money allocated and distributed under this Subsection (4):
(i) shall be used for the purposes provided in this section for each county, city, or town;
(ii) is allocated to each county, city, or town as provided in this section with the condition that the state will not be charged for any asset purchased with the money allocated and distributed under this Subsection (4), unless there is a written agreement in place with the department prior to the purchase of the asset stipulating a reimbursement by the state to the

county, city, or town of no more than the original purchase price paid by the county, city, or town; and

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

(f) Administrative costs of the department to implement this section shall be paid from the fund.

(5)

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

(i) money available in the fund to each county under Subsection (4); and

(ii) the provisions of this section.

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

(c)

(i)

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

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

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

(ii) Fund money may be used to pay direct costs of acquisition of properties acquired under this section.

(d) Fund money allocated and distributed under Subsection (4) may be used by a county highway authority for countywide transportation or public transit planning if:

(i) the county's planning focus area is outside the boundaries of a metropolitan planning organization;

(ii) the transportation planning is part of the county's continuing, cooperative, and comprehensive process for transportation or public transit planning, transportation corridor preservation, right-of-way acquisition, and project programming;

(iii) no more than four years allocation every 20 years to each county is used for transportation planning under this Subsection (5)(d); and

(iv) the county otherwise qualifies to use the fund money as provided under this section.

(e)

(i) Subject to Subsection (11), fund money allocated and distributed under Subsection (4) may be used by a county highway authority for transportation corridor planning that is part of the transportation corridor elements of an ongoing work program of transportation or public transit projects.

(ii) The transportation corridor planning under Subsection (5)(e)(i) shall be under the direction of:

(A) the metropolitan planning organization if the county is within the boundaries of a metropolitan planning organization; or

(B) the department if the county is not within the boundaries of a metropolitan planning organization.

(f)

(i) A county, city, or town that imposes a local option highway construction and transportation corridor preservation fee under Section 41-1a-1222 may elect to administer the funds allocated and distributed to that county, city, or town under Subsection (4) as a revolving loan fund.

(ii) If a county, city, or town elects to administer the funds allocated and distributed to that county, city, or town under Subsection (4) as a revolving loan fund, a local highway authority shall repay the fund money authorized for the project to the fund.

(iii) A county, city, or town that elects to administer the funds allocated and distributed to that county, city, or town under Subsection (4) as a revolving loan fund shall establish repayment conditions of the money to the fund from the specified project funds.

(g)

(i) Subject to the restrictions in Subsections (5)(g)(ii) and (iii), fund money may be used by a county of the third, fourth, fifth, or sixth class or by a city or town within a county of the third, fourth, fifth, or sixth class for:

(A) the construction, operation, or maintenance of a class B road or class C road; or

(B) the restoration or repair of survey monuments associated with transportation infrastructure.

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

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

(6)

(a)

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

(ii) The Local Highway and Transportation Corridor Preservation Fund shall only be used to preserve a transportation corridor that is right-of-way:

(A) in a county of the first or second class for:

(I) a state highway;

(II) a principal arterial highway as defined in Section 72-4-102.5;

(III) a minor arterial highway as defined in Section 72-4-102.5;

(IV) a collector highway in an urban area as defined in Section 72-4-102.5; or

(V) a transit facility as defined in Section 17B-2a-802; or

(B) in a county of the third, fourth, fifth, or sixth class for:

(I) a state highway;

(II) a principal arterial highway as defined in Section 72-4-102.5;

(III) a minor arterial highway as defined in Section 72-4-102.5;

(IV) a major collector highway as defined in Section 72-4-102.5;

(V) a minor collector road as defined in Section 72-4-102.5; or

(VI) a transit facility as defined in Section 17B-2a-802.

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

(b) A highway authority shall authorize the expenditure of fund money after determining that the expenditure is being made in accordance with this section from applications that are:

(i) endorsed by the council of governments; and

(ii) for a right-of-way purchase for a transportation corridor authorized under Subsection (6)(a)(ii).

(7)

(a)
(i) A council of governments shall establish a council of governments endorsement process which includes prioritization and application procedures for use of the money allocated to each county under this section.
(ii) The endorsement process under Subsection (7)(a)(i) may include review or endorsement of the preservation project by:
(A) the metropolitan planning organization if the county is within the boundaries of a metropolitan planning organization; or
(B) the department if the county is not within the boundaries of a metropolitan planning organization.
(b) All fund money shall be prioritized by each highway authority and council of governments based on considerations, including:
(i) areas with rapidly expanding population;
(ii) the willingness of local governments to complete studies and impact statements that meet department standards;
(iii) the preservation of transportation corridors by the use of local planning and zoning processes;
(iv) the availability of other public and private matching funds for a project;
(v) the cost-effectiveness of the preservation projects;
(vi) long and short-term maintenance costs for property acquired; and
(vii) whether the transportation corridor is included as part of:
(A) the county and municipal master plan; and
(B)
(I) the statewide long range plan; or
(II) the regional transportation plan of the area metropolitan planning organization if one exists for the area.
(c) The council of governments shall:
(i) establish a priority list of transportation corridor preservation projects within the county;
(ii) submit the list described in Subsection (7)(c)(i) to the county's legislative body for approval; and
(iii) obtain approval of the list described in Subsection (7)(c)(i) from a majority of the members of the county legislative body.
(d) A county's council of governments may only submit one priority list described in Subsection (7)(c)(i) per calendar year.
(e) A county legislative body may only consider and approve one priority list described in Subsection (7)(c)(i) per calendar year.
(8)
(a) Unless otherwise provided by written agreement with another highway authority or public transit district, the highway authority that holds the deed to the property is responsible for maintenance of the property.
(b) The transfer of ownership for property acquired under this section from one highway authority to another shall include a recorded deed for the property and a written agreement between the highway authorities or public transit district.
(9)
(a) The proceeds from any bonds or other obligations secured by revenues of the Local Highway and Transportation Corridor Preservation Fund shall be used for the purposes authorized for funds under this section.

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

(10)

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

(i) a transportation corridor property acquisition policy or ordinance in effect that meets department requirements for the acquisition of real property or any interests in real property under this section; and

(ii) an access management policy or ordinance in effect that meets the requirements under Subsection 72-2-117(8).

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

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

(a) to fund a project or service as allowed by this section within the city or town to which the fund money is allocated;

(b) to pay debt service, principal, or interest on a bond or other obligation as allowed by this section if that bond or other obligation is:

(i) secured by money allocated to the city or town; and

(ii) issued to finance a project or service as allowed by this section within the city or town to which the fund money is allocated;

(c) to fund transportation planning as allowed by this section within the city or town to which the fund money is allocated; or

(d) for another purpose allowed by this section within the city or town to which the fund money is allocated.

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

Amended by Chapter 373, 2025 General Session

72-2-120 Tollway Special Revenue Fund -- Revenue.

(1) There is created a special revenue fund within the Transportation Fund known as the "Tollway Special Revenue Fund."

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

(a) tolls collected by the department under Section 72-6-118;

(b) funds received by the department through a tollway development agreement under Section 72-6-203;

(c) appropriations made to the fund by the Legislature;

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

(e) interest earnings on cash balances; and

(f) money collected for repayments and interest on fund money.

(3) The Division of Finance may create a subaccount for each tollway as defined in Section 72-6-118.

(4) The commission may authorize the money deposited into the fund to be spent by the department to establish and operate tollways and related facilities and state transportation systems, including design, construction, reconstruction, operation, maintenance, enforcement, impacts from tollways, and the acquisition of right-of-way.

Amended by Chapter 269, 2018 General Session

72-2-121 County of the First Class Highway Projects Fund.

(1) There is created a special revenue fund within the Transportation Fund known as the "County of the First Class Highway Projects Fund."

(2) The fund consists of money generated from the following revenue sources:

(a) any voluntary contributions received for new construction, major renovations, and improvements to highways within a county of the first class;

(b) the portion of the sales and use tax described in Subsection 59-12-2214(3)(b) deposited into or transferred to the fund;

(c) the portion of the sales and use tax described in Section 59-12-2217 deposited into or transferred to the fund;

(d) a portion of the local option highway construction and transportation corridor preservation fee imposed in a county of the first class under Section 41-1a-1222 deposited into or transferred to the fund; and

(e) the portion of the sales and use tax transferred into the fund as described in Subsections 59-12-2220(4)(a) and 59-12-2220(11)(b).

(3)

(a) The fund shall earn interest.

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

(4) Subject to Subsection (11), the executive director shall use the fund money only:

(a) to pay debt service and bond issuance costs for bonds issued under Sections 63B-16-102, 63B-18-402, and 63B-27-102;

(b) for right-of-way acquisition, new construction, major renovations, and improvements to highways within a county of the first class and to pay any debt service and bond issuance costs related to those projects, including improvements to a highway located within a municipality in a county of the first class where the municipality is located within the boundaries of more than a single county;

(c) for the construction, acquisition, use, maintenance, or operation of:

(i) an active transportation facility for nonmotorized vehicles;

(ii) multimodal transportation that connects an origin with a destination; or

(iii) a facility that may include a:

(A) pedestrian or nonmotorized vehicle trail;

(B) nonmotorized vehicle storage facility;

(C) pedestrian or vehicle bridge; or

(D) vehicle parking lot or parking structure;

(d) to transfer to the 2010 Salt Lake County Revenue Bond Sinking Fund created by Section 72-2-121.3 the amount required in Subsection 72-2-121.3(4)(c) minus the amounts transferred in accordance with Subsection 72-2-124(4)(a)(v);

(e) for a fiscal year beginning on or after July 1, 2013, to pay debt service and bond issuance costs for $30,000,000 of the bonds issued under Section 63B-18-401 for the projects described in Subsection 63B-18-401(4)(a);

(f) for a fiscal year beginning on or after July 1, 2013, and after the department has verified that the amount required under Subsection 72-2-121.3(4)(c) is available in the fund, to transfer an amount equal to 50% of the revenue generated by the local option highway construction and transportation corridor preservation fee imposed under Section 41-1a-1222 in a county of the first class:
(i) to the legislative body of a county of the first class; and
(ii) to be used by a county of the first class for:
(A) highway construction, reconstruction, or maintenance projects; or
(B) the enforcement of state motor vehicle and traffic laws;
(g) for a fiscal year beginning on or after July 1, 2015, after the department has verified that the amount required under Subsection 72-2-121.3(4)(c) is available in the fund and the transfer under Subsection (4)(e) has been made, to annually transfer an amount of the sales and use tax revenue imposed in a county of the first class and deposited into the fund in accordance with Subsection 59-12-2214(3)(b) equal to an amount needed to cover the debt to:
(i) the appropriate debt service or sinking fund for the repayment of bonds issued under Section 63B-27-102; and
(ii) the appropriate debt service or sinking fund for the repayment of bonds issued under Sections 63B-31-102 and 63B-31-103;
(h) after the department has verified that the amount required under Subsection 72-2-121.3(4)(c) is available in the fund and after the transfer under Subsection (4)(d), the payment under Subsection (4)(e), and the transfer under Subsection (4)(g)(i) has been made, to annually transfer $2,000,000 to a public transit district in a county of the first class to fund a system for public transit;
(i) for a fiscal year beginning on or after July 1, 2018, after the department has verified that the amount required under Subsection 72-2-121.3(4)(c) is available in the fund and after the transfer under Subsection (4)(d), the payment under Subsection (4)(e), and the transfer under Subsection (4)(g)(i) has been made, through fiscal year 2027, to annually transfer 20%, and beginning with fiscal year 2028, and each year thereafter for 20 years, to annually transfer 33% of the amount deposited into the fund under Subsection (2)(b) to the legislative body of a county of the first class for the following purposes:
(i) to fund parking facilities in a county of the first class that facilitate significant economic development and recreation and tourism within the state; and
(ii) to be used for purposes allowed in Section 17-31-2;
(j) subject to Subsection (5), for a fiscal year beginning on or after July 1, 2021, and for 15 years thereafter, to annually transfer the following amounts to the following cities and the county of the first class for priority projects to mitigate congestion and improve transportation safety:
(i) $2,000,000 to Sandy;
(ii) $2,300,000 to Taylorsville;
(iii) $1,100,000 to Salt Lake City;
(iv) $1,100,000 to West Jordan;
(v) $1,100,000 to West Valley City;
(vi) $800,000 to Herriman;
(vii) $700,000 to Draper;
(viii) $700,000 to Riverton;
(ix) $700,000 to South Jordan;
(x) $500,000 to Bluffdale;
(xi) $500,000 to Midvale;
(xii) $500,000 to Millcreek;

(xiii) $500,000 to Murray;
(xiv) $400,000 to Cottonwood Heights; and
(xv) $300,000 to Holladay;
(k) for the 2024-25, 2025-26, and 2026-27 fiscal years, and subject to revenue balances after the distributions under Subsection (4)(j), to reimburse the following municipalities for the amounts and projects indicated, as each project progresses and as revenue balances allow:
(i) $3,200,000 to South Jordan for improvements to Bingham Rim Road from Grandville Avenue to Mountain View Corridor;
(ii) $1,960,000 to Midvale for improvements to Center Street between State Street and 700 West;
(iii) $3,500,000 to Salt Lake City for first and last mile public transit improvements throughout Salt Lake City;
(iv) $1,500,000 to Cottonwood Heights for improvements to Fort Union Boulevard and 2300 East;
(v) $3,450,000 to Draper for improvements to Bangerter Highway between 13800 South and I-15;
(vi) $10,500,000 to Herriman to construct a road between U-111 and 13200 South;
(vii) $3,000,000 to West Jordan for improvements to 1300 West;
(viii) $1,050,000 to Riverton for improvements to the Welby Jacob Canal trail between 11800 South and 13800 South;
(ix) $3,500,000 to Taylorsville for improvements to Bangerter Highway and 4700 South;
(x) $470,000 to the department for construction of a sound wall on Bangerter Highway at approximately 11200 South;
(xi) $1,250,000 to Murray for improvements to Murray Boulevard between 4800 South and 5300 South;
(xii) $1,840,000 to Magna for construction and improvements to 8400 West and 4100 South;
(xiii) $1,000,000 to South Jordan for construction of arterial roads connecting U-111 and Old Bingham Highway;
(xiv) $1,200,000 to Millcreek for reconstruction of and improvements to 2000 East between 3300 South and Atkin Avenue;
(xv) $1,230,000 to Holladay for improvements to Highland Drive between Van Winkle Expressway and Arbor Lane;
(xvi) $1,000,000 to Taylorsville for improvements to 4700 South at the I-215 interchange;
(xvii) $3,750,000 to West Valley City for improvements to 4000 West between 4100 South and 4700 South and improvements to 4700 South from 4000 West to Bangerter Highway;
(xviii) $1,700,000 to South Jordan for improvements to Prosperity Road between Crimson View Drive and Copper Hawk Drive;
(xix) $2,300,000 to West Valley City for a road connecting U-111 at approximately 6200 South, then east and turning north and connecting to 5400 South;
(xx) $1,400,000 to Magna for improvements to 8000 West between 3500 South to 4100 South;
(xxi) $1,300,000 to Taylorsville for improvements on 4700 South between Redwood Road and 2700 West; and
(xxii) $3,000,000 to West Jordan for improvements to 1300 West between 6600 South and 7800 South; and
(l) for a fiscal year beginning on or after July 1, 2026, and for 15 years thereafter, to pay debt service and bond issuance costs for $70,000,000 of the bonds issued under Section 63B-34-201 for the grants awarded under Part 5, Affordable Housing Infrastructure Grants.
(5)

(a) If revenue in the fund is insufficient to satisfy all of the transfers described in Subsection (4)(j), the executive director shall proportionately reduce the amounts transferred as described in Subsection (4)(j).
(b) A local government may not use revenue described in Subsection (4)(j) to supplant existing class B or class C road funds that a local government has budgeted for transportation projects.

(6) The revenues described in Subsections (2)(b), (c), and (d) that are deposited into the fund and bond proceeds from bonds issued under Sections 63B-16-102, 63B-18-402, and 63B-27-102 are considered a local matching contribution for the purposes described under Section 72-2-123.

(7) The department may expend up to $3,000,000 of revenue deposited into the account as described in Subsection 59-12-2220(11)(b) for public transit innovation grants, as provided in Part 4, Public Transit Innovation Grants.

(8) The additional administrative costs of the department to administer this fund shall be paid from money in the fund.

(9) Subject to Subsection (11), and notwithstanding any statutory or other restrictions on the use or expenditure of the revenue sources deposited into this fund, the Department of Transportation may use the money in this fund for any of the purposes detailed in Subsection (4).

(10) Subject to Subsection (11), any revenue deposited into the fund as described in Subsection (2)(e) shall be used to provide funding or loans for public transit projects, operations, and supporting infrastructure in the county of the first class.

(11) For the first three years after a county of the first class imposes a sales and use tax authorized in Section 59-12-2220, revenue deposited into the fund as described in Subsection (2)(e) shall be allocated as follows:
(a) 10% to the department to construct an express bus facility on 5600 West; and
(b) 90% into the County of the First Class Infrastructure Bank Fund created in Section 72-2-302.

Amended by Chapter 502, 2025 General Session

72-2-121.1 Highway Projects Within Counties Fund -- Accounting for revenues -- Interest -- Expenditure of revenues.

(1) There is created a special revenue fund within the Transportation Fund known as the "Highway Projects Within Counties Fund."

(2) The Highway Projects Within Counties Fund shall be funded by revenues generated by a tax imposed by a county under Section 59-12-2216, if those revenues are allocated:
(a) for a state highway within the county; and
(b) in accordance with Section 59-12-2216.

(3) The department shall make a separate accounting for:
(a) the revenues described in Subsection (2); and
(b) each county for which revenues are deposited into the Highway Projects Within Counties Fund.

(4)
(a) The Highway Projects Within Counties Fund shall earn interest.
(b) The department shall allocate the interest earned on the Highway Projects Within Counties Fund:
(i) proportionately;
(ii) to each county's balance in the Highway Projects Within Counties Fund; and
(iii) on the basis of each county's balance in the Highway Projects Within Counties Fund.

(5) The department shall expend the revenues and interest deposited into the Highway Projects Within Counties Fund to pay:
(a) for a state highway project within the county for which the requirements of Subsection 59-12-2216(6) are met;
(b) debt service on a project described in Subsection (5)(a); or
(c) bond issuance costs related to a project described in Subsection (5)(a).

Amended by Chapter 479, 2019 General Session

72-2-121.2 Definition -- County of the Second Class State Highway Projects Fund -- Use of fund money.

(1) As used in this section, "fund" means the County of the Second Class State Highway Projects Fund created by this section.
(2) There is created within the Transportation Fund a special revenue fund known as the County of the Second Class State Highway Projects Fund.
(3) The fund shall be funded by money collected from:
(a) any voluntary contributions the department receives for new construction, major renovations, and improvements to state highways within a county of the second class; and
(b) sales and use taxes deposited into the fund in accordance with Title 59, Chapter 12, Part 22, Local Option Sales and Use Taxes for Transportation Act.
(4) The department shall make a separate accounting for:
(a) the revenues described in Subsection (3); and
(b) each county of the second class or city or town within a county of the second class for which revenues are deposited into the fund.
(5)
(a) The fund shall earn interest.
(b) Interest earned on fund money shall be deposited into the fund.
(6) Subject to Subsection (9), the executive director may use fund money only:
(a) for right-of-way acquisition, new construction, major renovations, and improvements to state highways within a county of the second class or a city or town within a county of the second class in an amount that does not exceed the amounts deposited for or allocated to that county of the second class or city or town within a county of the second class in accordance with this section;
(b) to pay any debt service and bond issuance costs related to a purpose described in Subsection (6)(a) in an amount that does not exceed the amounts deposited for or allocated to that county of the second class or city or town within a county of the second class described in Subsection (6)(a) in accordance with this section; and
(c) to pay the costs of the department to administer the fund in an amount not to exceed interest earned by the fund money.
(7) If interest remains in the fund after the executive director pays the costs of the department to administer the fund, the interest shall be:
(a) allocated to each county of the second class or city or town within a county of the second class for which revenues are deposited into the fund in proportion to the deposits made into the fund for that county of the second class or city or town within a county of the second class; and
(b) expended for the purposes described in Subsection (6).
(8) Revenues described in Subsection (3)(b) that are deposited into the fund are considered to be a local matching contribution for the purposes described in Section 72-2-123.

(9)
(a) The executive director shall, in using fund money, ensure to the extent possible that the fund money deposited for or allocated to a city or town is used:
(i) for a purpose described in Subsection (6)(a) within the city or town to which the fund money is allocated;
(ii) to pay debt service and bond issuance costs described in Subsection (6)(b) if the debt service and bond issuance costs are:
(A) secured by money deposited for or allocated to the city or town; and
(B) related to a project described in Subsection (6)(a) within the city or town to which the fund money is allocated; or
(iii) for a purpose described in Subsection (6)(c).
(b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department may make rules to implement the requirements of Subsection (9)(a).

Amended by Chapter 479, 2019 General Session

72-2-121.3 Special revenue fund -- 2010 Salt Lake County Revenue Bond Sinking Fund.
(1) There is created a special revenue fund within the County of the First Class Highway Projects Fund entitled "2010 Salt Lake County Revenue Bond Sinking Fund."
(2) The fund consists of:
(a) money transferred into the fund from the County of the First Class Highway Projects Fund in accordance with Subsection 72-2-121(4)(d); and
(b) for a fiscal year beginning on or after July 1, 2013, money transferred into the fund from the Transportation Investment Fund of 2005 in accordance with Subsection 72-2-124(4)(a)(v).
(3)
(a) The fund shall earn interest.
(b) All interest earned on fund money shall be deposited into the fund.
(4)
(a) The director of the Division of Finance may use fund money only as provided in this section.
(b) The director of the Division of Finance may not distribute any money from the fund under this section until the director has received a formal opinion from the attorney general that Salt Lake County has entered into a binding agreement with the state of Utah containing all of the terms required by Section 72-2-121.4.
(c) Except as provided in Subsection (4)(b), and until the bonds issued by Salt Lake County as provided in the interlocal agreement required by Section 72-2-121.4 are paid off, on July 1 of each year beginning July 1, 2011, the director of the Division of Finance shall transfer from the County of the First Class Highway Projects Fund and the Transportation Investment Fund of 2005 to the 2010 Salt Lake County Revenue Bond Sinking Fund the amount certified by Salt Lake County that is necessary to pay:
(i) up to two times the debt service requirement necessary to pay debt service on the revenue bonds issued by Salt Lake County for that fiscal year; and
(ii) any additional amounts necessary to pay costs of issuance, pay capitalized interest, and fund any debt service reserve requirements.
(d) Except as provided in Subsection (4)(b), and until the bonds issued by Salt Lake County as provided in the interlocal agreement required by Section 72-2-121.4 are paid off, the director of the Division of Finance shall, upon request from Salt Lake County, transfer to Salt Lake County or its designee from the 2010 Salt Lake County Revenue Bond Sinking Fund the amount certified by Salt Lake County as necessary to pay:

(i) the debt service on the revenue bonds issued by Salt Lake County as provided in the interlocal agreement required by Section 72-2-121.4; and
(ii) any additional amounts necessary to pay costs of issuance, pay capitalized interest, and fund any debt service reserve requirements.
(5) Any money remaining in the 2010 Salt Lake County Revenue Bond Sinking Fund at the end of the fiscal year lapses to the County of the First Class Highway Projects Fund.

Amended by Chapter 452, 2025 General Session

72-2-121.4 2010 interlocal agreement governing state highway projects in Salt Lake County.
(1) Under the direction of the attorney general, the state of Utah and Salt Lake County may enter into an interlocal agreement that includes, at minimum, the provisions specified in this section.
(2) The attorney general shall ensure that, in the agreement, Salt Lake County covenants to:
(a) issue revenue bonds in an amount generating proceeds of at least $77,000,000, together with additional amounts necessary to pay costs of issuance, pay capitalized interest, and fund any debt service reserve requirements, and secured by revenues received from the state of Utah under Section 72-2-121.3;
(b) transfer at least $68,500,000 to the Department of Transportation to be used for state highway projects in Salt Lake County as provided in the interlocal agreement; and
(c) use or transfer to a municipality to use $8,500,000 to pay all or part of the costs of the following highway construction projects in Salt Lake County in the following amounts:
(i) $2,000,000 to Salt Lake County for 2300 East in Salt Lake County;
(ii) $3,500,000 to Salt Lake City for North Temple;
(iii) $1,500,000 to Murray City for 4800 South; and
(iv) $1,500,000 to Riverton City for 13400 South -- 4000 West to 4570 West.
(3) The attorney general shall ensure that, in the agreement, the state of Utah covenants to:
(a) use the money transferred by Salt Lake County under Subsection (2)(b) to pay all or part of the costs of the following state highway construction or reconstruction projects within Salt Lake County:
(i) 5400 South -- Bangerter Highway to 4000 West;
(ii) Bangerter Highway at SR-201;
(iii) 12300 South at State Street;
(iv) Bangerter Highway at 6200 South;
(v) Bangerter Highway at 7000 South;
(vi) Bangerter Highway at 3100 South;
(vii) 5400 South -- 4000 West to past 4800 West;
(viii) 9400 South and Wasatch Boulevard; and
(ix) I-215 West Interchange -- 3500 South to 3800 South and ramp work;
(b) widen and improve US-89 between 7200 South and 9000 South with available highway funding identified by the commission; and
(c) transfer to Salt Lake County or its designee from the 2010 Salt Lake County Revenue Bond Sinking Fund the amount certified by Salt Lake County as necessary to pay:
(i) the debt service on the revenue bonds issued by Salt Lake County; and
(ii) any additional amounts necessary to pay costs of issuance, pay capitalized interest, and fund any debt service reserve requirements.
(4) The costs under Subsections (2)(c) and (3)(a) may include the cost of acquiring land, interests in land, easements and rights-of-way, improving sites, and making all improvements necessary,

incidental, or convenient to the facilities and all related engineering, architectural, and legal fees.

(5) In preparing the agreement required by this section, the attorney general and Salt Lake County shall:

(a) review each existing interlocal agreement with Salt Lake County concerning Salt Lake County revenues received by the state for state highway projects within Salt Lake County; and

(b) as necessary, modify those agreements or draft a new interlocal agreement encompassing all of the provisions necessary to reflect the state of Utah's and Salt Lake County's obligations for those revenues and projects.

Amended by Chapter 366, 2020 General Session

72-2-123 Rules adopting guidelines -- Partnering to finance state highway capacity improvements -- Partnering proposals.

(1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commission, in consultation with representatives of local government, shall make rules adopting guidelines for partnering with counties and municipalities for their help to finance state highway improvement projects through:

(a) local matching dollars;

(b) agreements regarding new revenue a county or municipality expects will be generated as a result of the construction of a state highway improvement project; or

(c) other local participation methods.

(2) The guidelines described in Subsection (1) shall encourage partnering to help finance state highway improvement projects and provide for:

(a) the consideration of factors relevant to a decision to make a program adjustment including the potential to:

(i) extend department resources to other needed projects;

(ii) alleviate significant existing or future congestion or hazards to the traveling public; and

(iii) address a need that is widely recognized by the public, elected officials, and transportation planners;

(b) a process for submitting, evaluating, and hearing partnering proposals; and

(c) the creation of a public record of each proposal from initial submission to final disposition.

(3) The commission shall submit the proposed rules under this section to the Transportation Interim Committee for review prior to taking final action on the proposed rules or any proposed amendment to the rules.

Amended by Chapter 452, 2025 General Session

Superseded 7/1/2026

72-2-124 Transportation Investment Fund of 2005.

(1) There is created a capital projects fund entitled the Transportation Investment Fund of 2005.

(2) The fund consists of money generated from the following sources:

(a) any voluntary contributions received for the maintenance, construction, reconstruction, or renovation of state and federal highways;

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

(c) registration fees designated under Section 41-1a-1201;

(d) the sales and use tax revenues deposited into the fund in accordance with Section 59-12-103;

(e) revenues transferred to the fund in accordance with Section 72-2-106;

(f) revenues transferred into the fund in accordance with Subsection 72-2-121(4)(l); and
(g) revenue from bond proceeds described in Section 63B-34-101.
(3)
(a) The fund shall earn interest.
(b) All interest earned on fund money shall be deposited into the fund.
(4)
(a) Except as provided in Subsection (4)(b), the executive director may only use fund money to pay:
(i) the costs of maintenance, construction, reconstruction, or renovation to state and federal highways prioritized by the Transportation Commission through the prioritization process for new transportation capacity projects adopted under Section 72-1-304;
(ii) the costs of maintenance, construction, reconstruction, or renovation to the highway projects described in Subsections 63B-18-401(2), (3), and (4);
(iii) subject to Subsection (9), costs of corridor preservation, as that term is defined in Section 72-5-401;
(iv) principal, interest, and issuance costs of bonds authorized by Section 63B-18-401 minus the costs paid from the County of the First Class Highway Projects Fund in accordance with Subsection 72-2-121(4)(e);
(v) for a fiscal year beginning on or after July 1, 2013, to transfer to the 2010 Salt Lake County Revenue Bond Sinking Fund created by Section 72-2-121.3 the amount certified by Salt Lake County in accordance with Subsection 72-2-121.3(4)(c) as necessary to pay the debt service on $30,000,000 of the revenue bonds issued by Salt Lake County;
(vi) principal, interest, and issuance costs of bonds authorized by Section 63B-16-101 for projects prioritized in accordance with Section 72-2-125;
(vii) for fiscal year 2015-16 only, to transfer $25,000,000 to the County of the First Class Highway Projects Fund created in Section 72-2-121 to be used for the purposes described in Section 72-2-121;
(viii) if a political subdivision provides a contribution equal to or greater than 40% of the costs needed for construction, reconstruction, or renovation of paved pedestrian or paved nonmotorized transportation for projects that:
(A) mitigate traffic congestion on the state highway system;
(B) are part of an active transportation plan approved by the department; and
(C) are prioritized by the commission through the prioritization process for new transportation capacity projects adopted under Section 72-1-304;
(ix) $705,000,000 for the costs of right-of-way acquisition, construction, reconstruction, or renovation of or improvement to the following projects:
(A) the connector road between Main Street and 1600 North in the city of Vineyard;
(B) Geneva Road from University Parkway to 1800 South;
(C) the SR-97 interchange at 5600 South on I-15;
(D) subject to Subsection (4)(c), two lanes on U-111 from Herriman Parkway to South Jordan Parkway;
(E) widening I-15 between mileposts 10 and 13 and the interchange at milepost 11;
(F) improvements to 1600 North in Orem from 1200 West to State Street;
(G) widening I-15 between mileposts 6 and 8;
(H) widening 1600 South from Main Street in the city of Spanish Fork to SR-51;
(I) widening US 6 from Sheep Creek to Mill Fork between mileposts 195 and 197 in Spanish Fork Canyon;
(J) I-15 northbound between mileposts 43 and 56;

(K) a passing lane on SR-132 between mileposts 41.1 and 43.7 between mileposts 43 and 45.1;
(L) east Zion SR-9 improvements;
(M) Toquerville Parkway;
(N) an environmental study on Foothill Boulevard in the city of Saratoga Springs;
(O) using funds allocated in this Subsection (4)(a)(ix), and other sources of funds, for construction of an interchange on Bangerter Highway at 13400 South; and
(P) an environmental impact study for Kimball Junction in Summit County;
(x) $28,000,000 as pass-through funds, to be distributed as necessary to pay project costs based upon a statement of cash flow that the local jurisdiction where the project is located provides to the department demonstrating the need for money for the project, for the following projects in the following amounts:
(A) $5,000,000 for Payson Main Street repair and replacement;
(B) $8,000,000 for a Bluffdale 14600 South railroad bypass;
(C) $5,000,000 for improvements to 4700 South in Taylorsville; and
(D) $10,000,000 for improvements to the west side frontage roads adjacent to U.S. 40 between mile markers 7 and 10;
(xi) $13,000,000 as pass-through funds to Spanish Fork for the costs of right-of-way acquisition, construction, reconstruction, or renovation to connect Fingerhut Road over the railroad and to U.S. Highway 6;
(xii) for a fiscal year beginning on July 1, 2025, only, as pass-through funds from revenue deposited into the fund in accordance with Section 59-12-103, for the following projects:
(A) $3,000,000 for the department to perform an environmental study for the I-15 Salem and Benjamin project; and
(B) $2,000,000, as pass-through funds, to Kane County for the Coral Pink Sand Dunes Road project; and
(xiii) for a fiscal year beginning on July 1, 2025, up to $300,000,000 for the costs of right-of-way acquisition and construction for improvements on SR-89 in a county of the first class.
(b) The executive director may use fund money to exchange for an equal or greater amount of federal transportation funds to be used as provided in Subsection (4)(a).
(c)
(i) Construction related to the project described in Subsection (4)(a)(ix)(D) may not commence until a right-of-way not owned by a federal agency that is required for the realignment and extension of U-111, as described in the department's 2023 environmental study related to the project, is dedicated to the department.
(ii) Notwithstanding Subsection (4)(c)(i), if a right-of-way is not dedicated for the project as described in Subsection (4)(c)(i) on or before October 1, 2024, the department may proceed with the project, except that the project will be limited to two lanes on U-111 from Herriman Parkway to 11800 South.
(5)
(a) Except as provided in Subsection (5)(b), if the department receives a notice of ineligibility for a municipality as described in Subsection 10-9a-408(9), the executive director may not program fund money to a project prioritized by the commission under Section 72-1-304, including fund money from the Transit Transportation Investment Fund, within the boundaries of the municipality until the department receives notification from the Housing and Community Development Division within the Department of Workforce Services that ineligibility under this Subsection (5) no longer applies to the municipality.
(b) Within the boundaries of a municipality described in Subsection (5)(a), the executive director:

(i) may program fund money in accordance with Subsection (4)(a) for a limited-access facility or interchange connecting limited-access facilities;
(ii) may not program fund money for the construction, reconstruction, or renovation of an interchange on a limited-access facility;
(iii) may program Transit Transportation Investment Fund money for a multi-community fixed guideway public transportation project; and
(iv) may not program Transit Transportation Investment Fund money for the construction, reconstruction, or renovation of a station that is part of a fixed guideway public transportation project.
(c) Subsections (5)(a) and (b) do not apply to a project programmed by the executive director before July 1, 2022, for projects prioritized by the commission under Section 72-1-304.
(6)
(a) Except as provided in Subsection (6)(b), if the department receives a notice of ineligibility for a county as described in Subsection 17-27a-408(9), the executive director may not program fund money to a project prioritized by the commission under Section 72-1-304, including fund money from the Transit Transportation Investment Fund, within the boundaries of the unincorporated area of the county until the department receives notification from the Housing and Community Development Division within the Department of Workforce Services that ineligibility under this Subsection (6) no longer applies to the county.
(b) Within the boundaries of the unincorporated area of a county described in Subsection (6)(a), the executive director:
(i) may program fund money in accordance with Subsection (4)(a) for a limited-access facility to a project prioritized by the commission under Section 72-1-304;
(ii) may not program fund money for the construction, reconstruction, or renovation of an interchange on a limited-access facility;
(iii) may program Transit Transportation Investment Fund money for a multi-community fixed guideway public transportation project; and
(iv) may not program Transit Transportation Investment Fund money for the construction, reconstruction, or renovation of a station that is part of a fixed guideway public transportation project.
(c) Subsections (6)(a) and (b) do not apply to a project programmed by the executive director before July 1, 2022, for projects prioritized by the commission under Section 72-1-304.
(7)
(a) Before bonds authorized by Section 63B-18-401 or 63B-27-101 may be issued in any fiscal year, the department and the commission shall appear before the Executive Appropriations Committee of the Legislature and present the amount of bond proceeds that the department needs to provide funding for the projects identified in Subsections 63B-18-401(2), (3), and (4) or Subsection 63B-27-101(2) for the current or next fiscal year.
(b) The Executive Appropriations Committee of the Legislature shall review and comment on the amount of bond proceeds needed to fund the projects.
(8) The Division of Finance shall, from money deposited into the fund, transfer the amount of funds necessary to pay principal, interest, and issuance costs of bonds authorized by Section 63B-18-401 or 63B-27-101 in the current fiscal year to the appropriate debt service or sinking fund.
(9) The executive director may only use money in the fund for corridor preservation as described in Subsection (4)(a)(iii):
(a) if the project has been prioritized by the commission, including the use of fund money for corridor preservation; or

(b) for a project that has not been prioritized by the commission, if the commission:
(i) approves the use of fund money for the corridor preservation; and
(ii) finds that the use of fund money for corridor preservation will not result in any delay to a project that has been prioritized by the commission.

(10)
(a) There is created in the Transportation Investment Fund of 2005 the Transit Transportation Investment Fund.
(b) The fund shall be funded by:
(i) contributions deposited into the fund in accordance with Section 59-12-103;
(ii) appropriations into the account by the Legislature;
(iii) deposits of sales and use tax increment related to a housing and transit reinvestment zone as described in Section 63N-3-610;
(iv) transfers of local option sales and use tax revenue as described in Subsection 59-12-2220(11)(b) or (c);
(v) private contributions; and
(vi) donations or grants from public or private entities.
(c)
(i) The fund shall earn interest.
(ii) All interest earned on fund money shall be deposited into the fund.
(d) Subject to Subsection (10)(e), the commission may prioritize money from the fund:
(i) for public transit capital development of new capacity projects and fixed guideway capital development projects to be used as prioritized by the commission through the prioritization process adopted under Section 72-1-304;
(ii) to the department for oversight of a fixed guideway capital development project for which the department has responsibility; or
(iii) up to $500,000 per year, to be used for a public transit study.
(e)
(i) Subject to Subsections (10)(g), (h), and (i), the commission may only prioritize money from the fund for a public transit capital development project or pedestrian or nonmotorized transportation project that provides connection to the public transit system if the public transit district or political subdivision provides funds of equal to or greater than 30% of the costs needed for the project.
(ii) A public transit district or political subdivision may use money derived from a loan granted pursuant toPart 2, State Infrastructure Bank Fund, to provide all or part of the 30% requirement described in Subsection (10)(e)(i) if:
(A) the loan is approved by the commission as required inPart 2, State Infrastructure Bank Fund; and
(B) the proposed capital project has been prioritized by the commission pursuant to Section 72-1-303.
(f) Before July 1, 2022, the department and a large public transit district shall enter into an agreement for a large public transit district to pay the department $5,000,000 per year for 15 years to be used to facilitate the purchase of zero emissions or low emissions rail engines and trainsets for regional public transit rail systems.
(g) For any revenue transferred into the fund pursuant to Subsection 59-12-2220(11)(b):
(i) the commission may prioritize money from the fund for public transit projects, operations, or maintenance within the county of the first class; and
(ii) Subsection (10)(e) does not apply.
(h) For any revenue transferred into the fund pursuant to Subsection 59-12-2220(11)(c):

(i) the commission may prioritize public transit projects, operations, or maintenance in the county from which the revenue was generated; and
(ii) Subsection (10)(e) does not apply.
(i) The requirement to provide funds equal to or greater than 30% of the costs needed for the project described in Subsection (10)(e) does not apply to a public transit capital development project or pedestrian or nonmotorized transportation project that the department proposes.
(j) In accordance with Part 4, Public Transit Innovation Grants, the commission may prioritize money from the fund for public transit innovation grants, as defined in Section 72-2-401, for public transit capital development projects requested by a political subdivision within a public transit district.

(11)
(a) There is created in the Transportation Investment Fund of 2005 the Cottonwood Canyons Transportation Investment Fund.
(b) The fund shall be funded by:
(i) money deposited into the fund in accordance with Section 59-12-103;
(ii) appropriations into the account by the Legislature;
(iii) private contributions; and
(iv) donations or grants from public or private entities.
(c)
(i) The fund shall earn interest.
(ii) All interest earned on fund money shall be deposited into the fund.
(d) The Legislature may appropriate money from the fund for public transit or transportation projects in the Cottonwood Canyons of Salt Lake County.
(e) The department may use up to 2% of the revenue deposited into the account under Subsection 59-12-103(7)(b) to contract with local governments as necessary for public safety enforcement related to the Cottonwood Canyons of Salt Lake County.
(f) Beginning with fiscal year beginning on July 1, 2025, the department shall use any sales and use tax growth over sales and use tax collections during the 2025 fiscal year to fund projects to provide ingress and egress for a public transit hub, including construction of the public transit hub, in the Big Cottonwood Canyon area.

(12)
(a) There is created in the Transportation Investment Fund of 2005 the Active Transportation Investment Fund.
(b) The fund shall be funded by:
(i) money deposited into the fund in accordance with Section 59-12-103;
(ii) appropriations into the account by the Legislature; and
(iii) donations or grants from public or private entities.
(c)
(i) The fund shall earn interest.
(ii) All interest earned on fund money shall be deposited into the fund.
(d) The executive director may only use fund money to pay the costs needed for:
(i) the planning, design, construction, maintenance, reconstruction, or renovation of paved pedestrian or paved nonmotorized trail projects that:
(A) are prioritized by the commission through the prioritization process for new transportation capacity projects adopted under Section 72-1-304;
(B) serve a regional purpose; and
(C) are part of an active transportation plan approved by the department or the plan described in Subsection (12)(d)(ii);

(ii) the development of a plan for a statewide network of paved pedestrian or paved nonmotorized trails that serve a regional purpose; and
(iii) the administration of the fund, including staff and overhead costs.
(13)
(a) As used in this Subsection (13), "commuter rail" means the same as that term is defined in Section 63N-3-602.
(b) There is created in the Transit Transportation Investment Fund the Commuter Rail Subaccount.
(c) The subaccount shall be funded by:
(i) contributions deposited into the subaccount in accordance with Section 59-12-103;
(ii) appropriations into the subaccount by the Legislature;
(iii) private contributions; and
(iv) donations or grants from public or private entities.
(d)
(i) The subaccount shall earn interest.
(ii) All interest earned on money in the subaccount shall be deposited into the subaccount.
(e) As prioritized by the commission through the prioritization process adopted under Section 72-1-304 or as directed by the Legislature, the department may only use money from the subaccount for projects that improve the state's commuter rail infrastructure, including the building or improvement of grade-separated crossings between commuter rail lines and public highways.
(f) Appropriations made in accordance with this section are nonlapsing in accordance with Section 63J-1-602.1.

Amended by Chapter 385, 2025 General Session
Amended by Chapter 452, 2025 General Session
Amended by Chapter 502, 2025 General Session

Effective 7/1/2026
72-2-124 Transportation Investment Fund of 2005.
(1) There is created a capital projects fund entitled the Transportation Investment Fund of 2005.
(2) The fund consists of money generated from the following sources:
(a) any voluntary contributions received for the maintenance, construction, reconstruction, or renovation of state and federal highways;
(b) appropriations made to the fund by the Legislature;
(c) registration fees designated under Section 41-1a-1201;
(d) the sales and use tax revenues deposited into the fund in accordance with Section 59-12-103;
(e) revenues transferred to the fund in accordance with Section 72-2-106;
(f) revenues transferred into the fund in accordance with Subsection 72-2-121(4)(l); and
(g) revenue from bond proceeds described in Section 63B-34-201.
(3)
(a) The fund shall earn interest.
(b) All interest earned on fund money shall be deposited into the fund.
(4)
(a) Except as provided in Subsection (4)(b), the executive director may only use fund money to pay:

(i) the costs of maintenance, construction, reconstruction, or renovation to state and federal highways prioritized by the Transportation Commission through the prioritization process for new transportation capacity projects adopted under Section 72-1-304;
(ii) the costs of maintenance, construction, reconstruction, or renovation to the highway projects described in Subsections 63B-18-401(2), (3), and (4);
(iii) subject to Subsection (9), costs of corridor preservation, as that term is defined in Section 72-5-401;
(iv) principal, interest, and issuance costs of bonds authorized by Section 63B-18-401 minus the costs paid from the County of the First Class Highway Projects Fund in accordance with Subsection 72-2-121(4)(e);
(v) for a fiscal year beginning on or after July 1, 2013, to transfer to the 2010 Salt Lake County Revenue Bond Sinking Fund created by Section 72-2-121.3 the amount certified by Salt Lake County in accordance with Subsection 72-2-121.3(4)(c) as necessary to pay the debt service on $30,000,000 of the revenue bonds issued by Salt Lake County;
(vi) principal, interest, and issuance costs of bonds authorized by Section 63B-16-101 for projects prioritized in accordance with Section 72-2-125;
(vii) for fiscal year 2015-16 only, to transfer $25,000,000 to the County of the First Class Highway Projects Fund created in Section 72-2-121 to be used for the purposes described in Section 72-2-121;
(viii) if a political subdivision provides a contribution equal to or greater than 40% of the costs needed for construction, reconstruction, or renovation of paved pedestrian or paved nonmotorized transportation for projects that:
(A) mitigate traffic congestion on the state highway system;
(B) are part of an active transportation plan approved by the department; and
(C) are prioritized by the commission through the prioritization process for new transportation capacity projects adopted under Section 72-1-304;
(ix) $705,000,000 for the costs of right-of-way acquisition, construction, reconstruction, or renovation of or improvement to the following projects:
(A) the connector road between Main Street and 1600 North in the city of Vineyard;
(B) Geneva Road from University Parkway to 1800 South;
(C) the SR-97 interchange at 5600 South on I-15;
(D) subject to Subsection (4)(c), two lanes on U-111 from Herriman Parkway to South Jordan Parkway;
(E) widening I-15 between mileposts 10 and 13 and the interchange at milepost 11;
(F) improvements to 1600 North in Orem from 1200 West to State Street;
(G) widening I-15 between mileposts 6 and 8;
(H) widening 1600 South from Main Street in the city of Spanish Fork to SR-51;
(I) widening US 6 from Sheep Creek to Mill Fork between mileposts 195 and 197 in Spanish Fork Canyon;
(J) I-15 northbound between mileposts 43 and 56;
(K) a passing lane on SR-132 between mileposts 41.1 and 43.7 between mileposts 43 and 45.1;
(L) east Zion SR-9 improvements;
(M) Toquerville Parkway;
(N) an environmental study on Foothill Boulevard in the city of Saratoga Springs;
(O) using funds allocated in this Subsection (4)(a)(ix), and other sources of funds, for construction of an interchange on Bangerter Highway at 13400 South; and
(P) an environmental impact study for Kimball Junction in Summit County;

(x) $28,000,000 as pass-through funds, to be distributed as necessary to pay project costs based upon a statement of cash flow that the local jurisdiction where the project is located provides to the department demonstrating the need for money for the project, for the following projects in the following amounts:
(A) $5,000,000 for Payson Main Street repair and replacement;
(B) $8,000,000 for a Bluffdale 14600 South railroad bypass;
(C) $5,000,000 for improvements to 4700 South in Taylorsville; and
(D) $10,000,000 for improvements to the west side frontage roads adjacent to U.S. 40 between mile markers 7 and 10;
(xi) $13,000,000 as pass-through funds to Spanish Fork for the costs of right-of-way acquisition, construction, reconstruction, or renovation to connect Fingerhut Road over the railroad and to U.S. Highway 6;
(xii) for a fiscal year beginning on July 1, 2025, only, as pass-through funds from revenue deposited into the fund in accordance with Section 59-12-103, for the following projects:
(A) $3,000,000 for the department to perform an environmental study for the I-15 Salem and Benjamin project; and
(B) $2,000,000, as pass-through funds, to Kane County for the Coral Pink Sand Dunes Road project; and
(xiii) for a fiscal year beginning on July 1, 2025, up to $300,000,000 for the costs of right-of-way acquisition and construction for improvements on SR-89 in a county of the first class.
(b) The executive director may use fund money to exchange for an equal or greater amount of federal transportation funds to be used as provided in Subsection (4)(a).
(c)
(i) Construction related to the project described in Subsection (4)(a)(ix)(D) may not commence until a right-of-way not owned by a federal agency that is required for the realignment and extension of U-111, as described in the department's 2023 environmental study related to the project, is dedicated to the department.
(ii) Notwithstanding Subsection (4)(c)(i), if a right-of-way is not dedicated for the project as described in Subsection (4)(c)(i) on or before October 1, 2024, the department may proceed with the project, except that the project will be limited to two lanes on U-111 from Herriman Parkway to 11800 South.
(5)
(a) Except as provided in Subsection (5)(b), if the department receives a notice of ineligibility for a municipality as described in Subsection 10-9a-408(9), the executive director may not program fund money to a project prioritized by the commission under Section 72-1-304, including fund money from the Transit Transportation Investment Fund, within the boundaries of the municipality until the department receives notification from the Housing and Community Development Division within the Department of Workforce Services that ineligibility under this Subsection (5) no longer applies to the municipality.
(b) Within the boundaries of a municipality described in Subsection (5)(a), the executive director:
(i) may program fund money in accordance with Subsection (4)(a) for a limited-access facility or interchange connecting limited-access facilities;
(ii) may not program fund money for the construction, reconstruction, or renovation of an interchange on a limited-access facility;
(iii) may program Transit Transportation Investment Fund money for a multi-community fixed guideway public transportation project; and

(iv) may not program Transit Transportation Investment Fund money for the construction, reconstruction, or renovation of a station that is part of a fixed guideway public transportation project.

(c) Subsections (5)(a) and (b) do not apply to a project programmed by the executive director before July 1, 2022, for projects prioritized by the commission under Section 72-1-304.

(6)

(a) Except as provided in Subsection (6)(b), if the department receives a notice of ineligibility for a county as described in Subsection 17-27a-408(9), the executive director may not program fund money to a project prioritized by the commission under Section 72-1-304, including fund money from the Transit Transportation Investment Fund, within the boundaries of the unincorporated area of the county until the department receives notification from the Housing and Community Development Division within the Department of Workforce Services that ineligibility under this Subsection (6) no longer applies to the county.

(b) Within the boundaries of the unincorporated area of a county described in Subsection (6)(a), the executive director:

(i) may program fund money in accordance with Subsection (4)(a) for a limited-access facility to a project prioritized by the commission under Section 72-1-304;

(ii) may not program fund money for the construction, reconstruction, or renovation of an interchange on a limited-access facility;

(iii) may program Transit Transportation Investment Fund money for a multi-community fixed guideway public transportation project; and

(iv) may not program Transit Transportation Investment Fund money for the construction, reconstruction, or renovation of a station that is part of a fixed guideway public transportation project.

(c) Subsections (6)(a) and (b) do not apply to a project programmed by the executive director before July 1, 2022, for projects prioritized by the commission under Section 72-1-304.

(7)

(a) Before bonds authorized by Section 63B-18-401 or 63B-27-101 may be issued in any fiscal year, the department and the commission shall appear before the Executive Appropriations Committee of the Legislature and present the amount of bond proceeds that the department needs to provide funding for the projects identified in Subsections 63B-18-401(2), (3), and (4) or Subsection 63B-27-101(2) for the current or next fiscal year.

(b) The Executive Appropriations Committee of the Legislature shall review and comment on the amount of bond proceeds needed to fund the projects.

(8) The Division of Finance shall, from money deposited into the fund, transfer the amount of funds necessary to pay principal, interest, and issuance costs of bonds authorized by Section 63B-18-401 or 63B-27-101 in the current fiscal year to the appropriate debt service or sinking fund.

(9) The executive director may only use money in the fund for corridor preservation as described in Subsection (4)(a)(iii):

(a) if the project has been prioritized by the commission, including the use of fund money for corridor preservation; or

(b) for a project that has not been prioritized by the commission, if the commission:

(i) approves the use of fund money for the corridor preservation; and

(ii) finds that the use of fund money for corridor preservation will not result in any delay to a project that has been prioritized by the commission.

(10)

(a) There is created in the Transportation Investment Fund of 2005 the Transit Transportation Investment Fund.
(b) The fund shall be funded by:
(i) contributions deposited into the fund in accordance with Section 59-12-103;
(ii) appropriations into the account by the Legislature;
(iii) deposits of sales and use tax increment related to a housing and transit reinvestment zone as described in Section 63N-3-610;
(iv) transfers of local option sales and use tax revenue as described in Subsection 59-12-2220(11)(b) or (c);
(v) private contributions; and
(vi) donations or grants from public or private entities.
(c)
(i) The fund shall earn interest.
(ii) All interest earned on fund money shall be deposited into the fund.
(d) Subject to Subsection (10)(e), the commission may prioritize money from the fund:
(i) for public transit capital development of new capacity projects and fixed guideway capital development projects to be used as prioritized by the commission through the prioritization process adopted under Section 72-1-304;
(ii) to the department for oversight of a fixed guideway capital development project for which the department has responsibility; or
(iii) up to $500,000 per year, to be used for a public transit study.
(e)
(i) Subject to Subsections (10)(g), (h), and (i), the commission may only prioritize money from the fund for a public transit capital development project or pedestrian or nonmotorized transportation project that provides connection to the public transit system if the public transit district or political subdivision provides funds of equal to or greater than 30% of the costs needed for the project.
(ii) A public transit district or political subdivision may use money derived from a loan granted pursuant toPart 2, State Infrastructure Bank Fund, to provide all or part of the 30% requirement described in Subsection (10)(e)(i) if:
(A) the loan is approved by the commission as required inPart 2, State Infrastructure Bank Fund; and
(B) the proposed capital project has been prioritized by the commission pursuant to Section 72-1-303.
(f) Before July 1, 2022, the department and a large public transit district shall enter into an agreement for a large public transit district to pay the department $5,000,000 per year for 15 years to be used to facilitate the purchase of zero emissions or low emissions rail engines and trainsets for regional public transit rail systems.
(g) For any revenue transferred into the fund pursuant to Subsection 59-12-2220(11)(b):
(i) the commission may prioritize money from the fund for public transit projects, operations, or maintenance within the county of the first class; and
(ii) Subsection (10)(e) does not apply.
(h) For any revenue transferred into the fund pursuant to Subsection 59-12-2220(11)(c):
(i) the commission may prioritize public transit projects, operations, or maintenance in the county from which the revenue was generated; and
(ii) Subsection (10)(e) does not apply.

(i) The requirement to provide funds equal to or greater than 30% of the costs needed for the project described in Subsection (10)(e) does not apply to a public transit capital development project or pedestrian or nonmotorized transportation project that the department proposes.

(j) In accordance with Part 4, Public Transit Innovation Grants, the commission may prioritize money from the fund for public transit innovation grants, as defined in Section 72-2-401, for public transit capital development projects requested by a political subdivision within a public transit district.

(11)

(a) There is created in the Transportation Investment Fund of 2005 the Cottonwood Canyons Transportation Investment Fund.

(b) The fund shall be funded by:

(i) money deposited into the fund in accordance with Section 59-12-103;

(ii) appropriations into the account by the Legislature;

(iii) private contributions; and

(iv) donations or grants from public or private entities.

(c)

(i) The fund shall earn interest.

(ii) All interest earned on fund money shall be deposited into the fund.

(d) The Legislature may appropriate money from the fund for public transit or transportation projects in the Cottonwood Canyons of Salt Lake County.

(e) The department may use up to 2% of the revenue deposited into the account under Subsection 59-12-103(4)(f) to contract with local governments as necessary for public safety enforcement related to the Cottonwood Canyons of Salt Lake County.

(f) Beginning with fiscal year beginning on July 1, 2025, the department shall use any sales and use tax growth over sales and use tax collections during the 2025 fiscal year to fund projects to provide ingress and egress for a public transit hub, including construction of the public transit hub, in the Big Cottonwood Canyon area.

(12)

(a) There is created in the Transportation Investment Fund of 2005 the Active Transportation Investment Fund.

(b) The fund shall be funded by:

(i) money deposited into the fund in accordance with Section 59-12-103;

(ii) appropriations into the account by the Legislature; and

(iii) donations or grants from public or private entities.

(c)

(i) The fund shall earn interest.

(ii) All interest earned on fund money shall be deposited into the fund.

(d) The executive director may only use fund money to pay the costs needed for:

(i) the planning, design, construction, maintenance, reconstruction, or renovation of paved pedestrian or paved nonmotorized trail projects that:

(A) are prioritized by the commission through the prioritization process for new transportation capacity projects adopted under Section 72-1-304;

(B) serve a regional purpose; and

(C) are part of an active transportation plan approved by the department or the plan described in Subsection (12)(d)(ii);

(ii) the development of a plan for a statewide network of paved pedestrian or paved nonmotorized trails that serve a regional purpose; and

(iii) the administration of the fund, including staff and overhead costs.

(13)
(a) As used in this Subsection (13), "commuter rail" means the same as that term is defined in Section 63N-3-602.
(b) There is created in the Transit Transportation Investment Fund the Commuter Rail Subaccount.
(c) The subaccount shall be funded by:
(i) contributions deposited into the subaccount in accordance with Section 59-12-103;
(ii) appropriations into the subaccount by the Legislature;
(iii) private contributions; and
(iv) donations or grants from public or private entities.
(d)
(i) The subaccount shall earn interest.
(ii) All interest earned on money in the subaccount shall be deposited into the subaccount.
(e) As prioritized by the commission through the prioritization process adopted under Section 72-1-304 or as directed by the Legislature, the department may only use money from the subaccount for projects that improve the state's commuter rail infrastructure, including the building or improvement of grade-separated crossings between commuter rail lines and public highways.
(f) Appropriations made in accordance with this section are nonlapsing in accordance with Section 63J-1-602.1.

Amended by Chapter 285, 2025 General Session

72-2-125 Critical Highway Needs Fund.
(1) There is created a capital projects fund within the Transportation Investment Fund of 2005 known as the "Critical Highway Needs Fund."
(2) The fund consists of money generated from the following sources:
(a) any voluntary contributions received for the maintenance, construction, reconstruction, or renovation of state and federal highways; and
(b) appropriations made to the fund by the Legislature.
(3)
(a) The fund shall earn interest.
(b) Interest on fund money shall be deposited into the fund.
(4)
(a) The executive director shall use money deposited into the fund to pay the costs of right-of-way acquisition, maintenance, construction, reconstruction, or renovation to state and federal highways identified by the department and prioritized by the commission in accordance with this Subsection (4).
(b)
(i) The department shall:
(A) establish a complete list of projects to be maintained, constructed, reconstructed, or renovated using the funding described in Subsection (4)(a) based on the following criteria:
(I) the highway construction project is a high priority project due to high growth in the surrounding area;
(II) the highway construction project addresses critical access needs that have a high impact due to commercial and energy development;
(III) the highway construction project mitigates congestion;
(IV) whether local matching funds are available for the highway construction project; and

(V) the highway construction project is a critical alternative route for priority Interstate 15 reconstruction projects; and

(B) submit the list of projects to the commission for prioritization in accordance with Subsection (4)(c).

(ii) A project that is included in the list under this Subsection (4):

(A) is not required to be currently listed in the statewide long-range plan; and

(B) is not required to be prioritized through the prioritization process for new transportation capacity projects adopted under Section 72-1-304.

(c)

(i) The commission shall prioritize the project list submitted by the department in accordance with Subsection (4)(b).

(ii) For projects prioritized under this Subsection (4)(c), the commission shall give priority consideration to fully funding a project that meets the criteria under Subsection (4)(b)(i)(A)(V).

(d)

(i) Expenditures of bond proceeds issued in accordance with Section 63B-16-101 by the department for the construction of highway projects prioritized under this Subsection (4) may not exceed $1,200,000,000.

(ii) Money expended from the fund for principal, interest, and issuance costs of bonds issued under Section 63B-16-101 is not considered an expenditure for purposes of the $1,200,000,000 cap under Subsection (4)(d)(i).

(e)

(i) Before bonds authorized by Section 63B-16-101 may be issued in any fiscal year, the department and the commission shall appear before the Executive Appropriations Committee of the Legislature and present:

(A) the commission's current list of projects established and prioritized in accordance with this Subsection (4); and

(B) the amount of bond proceeds that the department needs to provide funding for projects on the project list prioritized in accordance with this Subsection (4) for the next fiscal year.

(ii) The Executive Appropriations Committee of the Legislature shall review and comment on the prioritized project list and the amount of bond proceeds needed to fund the projects on the prioritized list.

(f) The Division of Finance shall, from money deposited into the fund, transfer the amount of funds necessary to pay principal, interest, and issuance costs of bonds authorized by Section 63B-16-101 in the current fiscal year to the appropriate debt service or sinking fund.

(5) When the general obligation bonds authorized by Section 63B-16-101 have been paid off and the highway projects completed that are included in the prioritized project list under Subsection (4), the Division of Finance shall transfer any existing balance in the fund into the Transportation Investment Fund of 2005 created by Section 72-2-124.

(6)

(a) The Division of Finance shall monitor the general obligation bonds authorized by Section 63B-16-101.

(b) The department shall monitor the highway construction or reconstruction projects that are included in the prioritized project list under Subsection (4).

(c) When the Division of Finance has reported that the general obligation bonds issued by Section 63B-16-101 have been paid off and the department has reported that projects included in the prioritized project list are complete to the Executive Appropriations Committee

of the Legislature, the Division of Finance shall transfer any existing fund balance in accordance with Subsection (5).

(7)

(a) Unless prioritized and approved by the Transportation Commission, the department may not delay a project prioritized under this section to a different fiscal year than programmed by the commission due to an unavoidable shortfall in revenues if:

(i) the prioritized project was funded by the Legislature in an appropriations act; or

(ii) general obligation bond proceeds have been issued for the project in the current fiscal year.

(b) For projects identified under Subsection (7)(a), the commission shall prioritize and approve any project delays for projects prioritized under this section due to an unavoidable shortfall in revenues if:

(i) the prioritized project was funded by the Legislature in an appropriations act; or

(ii) general obligation bond proceeds have been issued for the project in the current fiscal year.

Amended by Chapter 222, 2016 General Session

72-2-126 Aeronautics Restricted Account.

(1) There is created a restricted account entitled the Aeronautics Restricted Account within the Transportation Fund.

(2) The account consists of money generated from the following revenue sources:

(a) aviation fuel tax allocated for aeronautical operations deposited into the account in accordance with Section 59-13-402;

(b) aircraft registration fees deposited into the account in accordance with Section 72-10-110;

(c) appropriations made to the account by the Legislature;

(d) contributions from other public and private sources for deposit into the account; and

(e) interest earned on account money.

(3) The department shall allocate funds in the account to the separate accounts of individual airports as required under Section 59-13-402.

(4)

(a) Except as provided in Subsection (4)(b), the department shall use funds in the account for:

(i) the construction, improvement, operation, and maintenance of publicly used airports in this state;

(ii) the payment of principal and interest on indebtedness incurred for the purposes described in Subsection (4)(a);

(iii) operation of the division of aeronautics;

(iv) the promotion of aeronautics in this state; and

(v) the payment of the costs and expenses of the Department of Transportation in administering Title 59, Chapter 13, Part 4, Aviation Fuel, or another law conferring upon it the duty of regulating and supervising aeronautics in this state.

(b)

(i) The department may use funds in the account for the support of aerial search and rescue operations, provided that no money deposited into the account under Subsection (2)(a) is used for that purpose.

(ii) The department may use funds in the account from the registration of unmanned aircraft systems only for state infrastructure and administration related to advanced air mobility and unmanned aircraft systems.

(5)

(a) Money in the account may not be used by the department for the purchase of aircraft for purposes other than those described in Subsection (4).
(b) Money in the account may not be used to provide or subsidize direct operating costs of travel for purposes other than those described in Subsection (4).
(6) The Department may not use money in the account to fund:
(a) more than 77% of the operations costs related to state owned aircraft in fiscal year 2023-24;
(b) more than 52% of the operations costs related to state owned aircraft in fiscal year 2024-25;
(c) more than 26% of the operations costs related to state owned aircraft in fiscal year 2025-26;
(d) more than 10% of the operations costs related to state owned aircraft in fiscal year 2026-27; or
(e) any operations costs related to state owned aircraft in a fiscal year beginning on or after July 1, 2027.

Amended by Chapter 483, 2024 General Session

72-2-129 Transportation Safety Program Restricted Account.
(1) There is created in the Transportation Fund the Transportation Safety Program Restricted Account.
(2) The account shall be funded by:
(a) appropriations to the account by the Legislature;
(b) private contributions; and
(c) donations or grants from public or private entities.
(3) The Legislature shall appropriate funds in the account to the department.
(4) Upon appropriation the department may expend up to 5% of the money appropriated under Subsection (3) to administer account distributions in accordance with Subsection (5).
(5)
(a) Upon appropriation the department shall expend the contributions to fund programs focused on transportation safety including community education and outreach efforts.
(b) The department shall consult with the Department of Public Safety to establish an interagency policy to prioritize programs and efforts for which the department may expend account funds.
(6) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department may make rules providing procedures and requirements for programs for which the department may expend the funds in the account.

Enacted by Chapter 184, 2018 General Session

72-2-131 Rail Transportation Subaccount -- Grants for railroad crossing safety.
(1) As used in this section, "eligible entity" means:
(a) a public entity; or
(b) a private entity that is exempt from federal income taxation under Section 501(c)(3), Internal Revenue Code.
(2) There is created in the Transit Transportation Investment Fund, created in Section 72-2-124, the Rail Transportation Subaccount.
(3) The subaccount shall be funded by:
(a) appropriations to the subaccount by the Legislature;
(b) private contributions;
(c) donations or grants from public or private entities; and
(d) interest earned on money in the account.

(4) Upon appropriation, the department shall:
(a) use an amount equal to 10% of the money deposited into the subaccount to provide grants in accordance with Subsection (5);
(b) use an amount equal to 10% of the money deposited into the subaccount to pay:
(i) the costs of performing environmental impact studies in connection with construction, reconstruction, or renovation projects related to railroad crossings on class A, class B, or class C roads; or
(ii) the appropriate debt service or sinking fund for the repayment of bonds issued under Subsection 63B-31-101(6); and
(c) use the remaining money deposited into the subaccount to pay:
(i) the costs of construction, reconstruction, or renovation projects related to railroad crossings on class A, class B, or class C roads;
(ii) debt service related to a project described in Subsection (4)(b);
(iii) the appropriate debt service or sinking fund for the repayment of bonds issued under Subsection 63B-31-101(5); or
(iv) ongoing maintenance costs of at-grade crossings between rail lines and public highways.
(5)
(a) The department may award grants to one or more eligible entities to be used for the purpose of improving safety at railroad crossings on class A, class B, or class C roads.
(b) An eligible entity may use grant money for any expense related to improving safety at railroad crossings on class A, class B, or class C roads, including:
(i) signage; and
(ii) safety enhancements to a railroad crossing.
(c) The department shall prioritize, in the following order, grants to applicants that propose projects impacting railroad crossings that:
(i) have demonstrated safety concerns, including emergency services access; and
(ii) have high levels of vehicular and pedestrian traffic.

Amended by Chapter 531, 2024 General Session

72-2-132 State Aircraft Restricted Account.
(1) There is created a restricted account known as the State Aircraft Restricted Account.
(2) The account consists of money generated from the following revenue sources:
(a) fees the department receives for use of state owned aircraft;
(b) appropriations to the account by the Legislature;
(c) contributions from other public or private sources for deposit into the account; and
(d) interest earned on money in the account.
(3) Upon appropriation by the Legislature, the department may use money in the account for the operation and maintenance of state owned aircraft.

Enacted by Chapter 99, 2022 General Session

72-2-133 Rural Transportation Infrastructure Fund -- Creation -- Uses.
(1) As used in this section:
(a) "Graveled road" means the same as that term is defined in Section 72-2-108.
(b) "Paved road" means the same as that term is defined in Section 72-2-108.
(c)
(i) "Qualifying county" means a county that:

(A) is a county of the third through sixth class, as classified in Section 17-50-501, except as provided in Subsection (1)(c)(ii);
(B) has imposed a local option sales and use tax pursuant to:
(I) Section 59-12-2217;
(II) Section 59-12-2218; or
(III) Section 59-12-2219; and
(C) has not imposed a local option sales and use tax pursuant to Section 59-12-2220 on or before January 1, 2023.
(ii) "Qualifying county" does not include a county of the third class, as classified in Section 17-50-501, with an airport facilitating commercial flights to three or more airports outside of the state.
(d) "Qualifying municipality" means a municipality located within a qualifying county.
(e) "Qualifying recipient" means qualifying county or a qualifying municipality.
(f) "Road mile" means the same as that term is defined in Section 72-2-108.
(g) "Weighted mileage" means the same as that term is defined in Section 72-2-108.
(2) There is created in the Transportation Fund an expendable special revenue fund called the Rural Transportation Infrastructure Fund.
(3) The Rural Transportation Infrastructure Fund shall be funded by:
(a) deposits into the fund as described in Subsection 41-1a-1201(9);
(b) appropriations by the Legislature; and
(c) other deposits into the fund.
(4) The department shall administer the fund.
(5)
(a) Beginning on January 1, 2024, and subject to Subsection (5)(b), the department shall annually distribute revenue in the fund among qualifying recipients in the following manner:
(i) 50% in the ratio that the class B roads weighted mileage within each county and class C roads weighted mileage within each municipality bear to the total class B and class C roads weighted mileage within the state; and
(ii) 50% in the ratio that the population of a county or municipality bears to the total population of the state.
(b) To the extent not otherwise required by federal law, population shall be based on:
(i) the most recent estimate from the Utah Population Committee created in Section 63C-20-103; or
(ii) if the Utah Population Committee estimate is not available for each municipality and unincorporated area, the adjusted sub-county population estimate provided by the Utah Population Committee in accordance with Section 63C-20-104.
(6) A qualifying recipient may only use funds distributed as described in this section in the same manner as class B and class C road funds distributed in accordance with Section 72-2-108.
(7)
(a)
(i) Before October 1 of each year, the department shall inform the State Tax Commission which counties, if any, have an airport described in Subsection (1)(c)(ii).
(ii) Before November 1 of each year, the State Tax Commission shall notify the department and indicate which counties are qualifying counties.
(b) After receiving the notification described in Subsection (7)(a)(ii), the department shall distribute funds for the following year to the municipalities and counties that were identified as qualifying recipients in the notification described in Subsection (7)(a).

Amended by Chapter 217, 2025 General Session
Amended by Chapter 400, 2025 General Session

72-2-134 Transportation Infrastructure General Fund Support Subfund.

(1) There is created within the Transportation Investment Fund of 2005 a subfund known as the "Transportation Infrastructure General Fund Support Subfund."
(2) The subfund consists of:
  (a) appropriations by the Legislature;
  (b) interest earned on the subfund; and
  (c) returns of the amounts of deposit with accrued interest made in accordance with Section 51-12-202.
(3)
  (a) The subfund shall earn interest.
  (b) Interest earned on money in the subfund shall be deposited into the subfund.
(4)
  (a) The state treasurer shall deposit up to $300,000,000 from the subfund in accordance with Title 51, Chapter 12, Utah Homes Investment Program.
  (b) Notwithstanding Subsection (4)(a), the state treasurer may otherwise invest funds described in Subsection (4)(a) if funds are available after qualified projects are approved under Section 51-12-201.
(5) On June 30, 2028, the Division of Finance shall transfer any balance in the subfund into the Transportation Investment Fund of 2005.

Amended by Chapter 391, 2025 General Session

72-2-135 Litter Abatement Expendable Special Revenue Fund.

(1) There is created an expendable special revenue fund, known as the "Litter Abatement Expendable Special Revenue Fund."
(2) The fund shall consist of:
  (a) the landfill minimum fine for an unsecured load as described in Section 72-7-410; and
  (b) interest earnings on cash balances.
(3) The department shall use money in the fund:
  (a) for litter cleanup efforts on or near highways, including highways near waste management facilities and other high-litter areas the department identifies;
  (b) for a public service campaign to generate awareness regarding the importance of proper transportation and disposal of waste, the negative impact of littering, and the need to maintain clean highways;
  (c) for increased enforcement of Sections 41-6a-1712, 41-6a-1713, and 72-7-410; and
  (d) for the department's costs in administering the account.

Enacted by Chapter 393, 2025 General Session

Part 2
State Infrastructure Bank Fund

72-2-201 Definitions.

As used in this part:
(1) "Fund" means the State Infrastructure Bank Fund created under Section 72-2-202.
(2) "Infrastructure assistance" means any use of fund money, except an infrastructure loan, to provide financial assistance for transportation projects or publicly owned infrastructure projects, including:
(a) capital reserves and other security for bond or debt instrument financing; or
(b) any letters of credit, lines of credit, bond insurance, or loan guarantees obtained by a public entity to finance transportation projects.
(3) "Infrastructure loan" means a loan of fund money to finance a transportation project or publicly owned infrastructure project.
(4) "Public entity" means a state agency, county, municipality, special district, special service district, an intergovernmental entity organized under state law, or the military installation development authority created in Section 63H-1-201.
(5) "Publicly owned infrastructure project" means a project to improve sewer or water infrastructure that is owned by a public entity.
(6) "Transportation project":
(a) means a project:
(i) to improve a state or local highway;
(ii) to improve a public transportation facility or nonmotorized transportation facility;
(iii) to construct or improve parking facilities;
(iv) that is subject to a transportation reinvestment zone agreement pursuant to Section 11-13-227 if the state is party to the agreement; or
(v) that is part of a housing and transit reinvestment zone created pursuant to Title 63N, Chapter 3, Part 6, Housing and Transit Reinvestment Zone Act;
(b) includes the costs of acquisition, construction, reconstruction, rehabilitation, equipping, and fixturing; and
(c) may only include a project if the project is part of:
(i) the statewide long range plan;
(ii) a regional transportation plan of the area metropolitan planning organization if a metropolitan planning organization exists for the area; or
(iii) a local government general plan or economic development initiative.

Amended by Chapter 16, 2023 General Session

72-2-202 State Infrastructure Bank Fund -- Creation -- Use of money.
(1) There is created a revolving loan fund entitled the State Infrastructure Bank Fund.
(2)
(a) The fund consists of money generated from the following revenue sources:
(i) appropriations made to the fund by the Legislature;
(ii) federal money and grants that are deposited into the fund;
(iii) money transferred to the fund by the commission from other money available to the department;
(iv) state grants that are deposited into the fund;
(v) contributions or grants from any other private or public sources for deposit into the fund; and
(vi) subject to Subsection (2)(b), all money collected from repayments of fund money used for infrastructure loans or infrastructure assistance.

(b) When a loan from the fund is repaid, the department may request and the Legislature may transfer from the fund to the source from which the money originated an amount equal to the repaid loan.

(3)

(a) The fund shall earn interest.

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

(4) Money in the fund shall be used by the department, as prioritized by the commission, only to:

(a) provide infrastructure loans or infrastructure assistance; and

(b) pay the department for the costs of administering the fund, providing infrastructure loans or infrastructure assistance, monitoring transportation projects and publicly owned infrastructure projects, and obtaining repayments of infrastructure loans or infrastructure assistance.

(5)

(a) The department may establish separate accounts in the fund for infrastructure loans, infrastructure assistance, administrative and operating expenses, or any other purpose to implement this part.

(b) The department shall establish a separate account in the fund for infrastructure loans for publicly owned infrastructure projects in greenfield areas that are located no less than one mile from an existing municipal or county:

(i) water supply;

(ii) water distribution facility; or

(iii) wastewater facility.

(c) Prioritization of infrastructure loans described in Subsection (5)(b) shall follow the same process as described in Section 72-2-203.

(d) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department may make rules governing how the fund and its accounts may be held by an escrow agent.

(6) Fund money shall be invested by the state treasurer as provided in Title 51, Chapter 7, State Money Management Act, and the earnings from the investments shall be credited to the fund.

(7) Before July 1, 2022, the department shall transfer the loan described in Subsection 63B-27-101(3)(a)(i) from the State Infrastructure Bank Fund to the military development infrastructure revolving loan fund created in Section 63A-3-402.

(8) Before July 1, 2023, the department shall transfer the funds described in Subsection 63B-27-101(3)(a)(ii) from the State Infrastructure Bank Fund to the inland port infrastructure revolving loan fund created in Section 63A-3-402.

Amended by Chapter 22, 2023 General Session
Amended by Chapter 259, 2023 General Session

72-2-203 Loans and assistance -- Authority -- Rulemaking.

(1) Money in the fund may be used by the department, as prioritized by the commission or as directed by the Legislature, to make infrastructure loans or to provide infrastructure assistance to any public entity for any purpose consistent with any applicable constitutional limitation.

(2) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commission shall make rules providing procedures and standards for making infrastructure loans and providing infrastructure assistance and a process for prioritization of requests for loans and assistance.

(3) The prioritization process, procedures, and standards for making an infrastructure loan or providing infrastructure assistance may include consideration of the following:

(a) availability of money in the fund;

(b) credit worthiness of the project;
(c) demonstration that the project will encourage, enhance, or create economic benefits to the state or political subdivision;
(d) likelihood that assistance would enable the project to proceed at an earlier date than would otherwise be possible;
(e) the extent to which assistance would foster innovative public-private partnerships and attract private debt or equity investment;
(f) demonstration that the project provides a benefit to the state highway system, including safety or mobility improvements;
(g) the amount of proposed assistance as a percentage of the overall project costs with emphasis on local and private participation;
(h) demonstration that the project provides intermodal connectivity with public transportation, pedestrian, or nonmotorized transportation facilities; and
(i) other provisions the commission considers appropriate.

Amended by Chapter 366, 2020 General Session

72-2-204 Loan program procedures -- Repayment.

(1) A public entity may obtain an infrastructure loan from the department, upon approval by the commission, by entering into a loan contract with the department secured by legally issued bonds, notes, or other evidence of indebtedness validly issued under state law, including pledging all or any portion of a revenue source controlled by the public entity to the repayment of the loan.
(2) A loan or assistance from the fund shall bear interest at a rate not to exceed .5% above bond market interest rates available to the state.
(3) A loan shall be repaid no later than 15 years from the date the department issues the loan to the borrower, with repayment commencing no later than:
(a) when the project is completed; or
(b) in the case of a highway project, when the facility has opened to traffic.
(4) The public entity shall repay the infrastructure loan in accordance with the loan contract from any of the following sources:
(a) transportation project or publicly owned infrastructure project revenues, including special assessment revenues;
(b) general funds of the public entity;
(c) money withheld under Subsection (7); or
(d) any other legally available revenues.
(5) An infrastructure loan contract with a public entity may provide that a portion of the proceeds of the loan may be applied to fund a reserve fund to secure the repayment of the loan.
(6) Before obtaining an infrastructure loan, a county or municipality shall:
(a) publish its intention to obtain an infrastructure loan at least once in accordance with the publication of notice requirements under Section 11-14-316; and
(b) adopt an ordinance or resolution authorizing the infrastructure loan.
(7)
(a) If a public entity fails to comply with the terms of its infrastructure loan contract, the department may seek any legal or equitable remedy to obtain compliance or payment of damages.

(b) If a public entity fails to make infrastructure loan payments when due, the state shall, at the request of the department, withhold an amount of money due to the public entity and deposit the withheld money in the fund to pay the amounts due under the contract.
(c) The department may elect when to request the withholding of money under this Subsection (7).
(8) All loan contracts, bonds, notes, or other evidence of indebtedness securing the loan contracts shall be held, collected, and accounted for in accordance with Section 63B-1b-202.

Amended by Chapter 121, 2021 General Session

72-2-205 Loan contracts of state agencies.
(1)
(a) Notwithstanding Sections 53B-21-113 and 63A-1-112, a state agency may obtain an infrastructure loan.
(b) A state agency may contract to repay an infrastructure loan from the money which is appropriated to the agency and may pledge all or any portion of the money to repay the loan.
(c) A state agency's infrastructure loan may not constitute a debt of the state or lending the credit of the state within the meaning of any constitutional or statutory limitation.
(2) The terms of an infrastructure loan contract shall bind the state and a state agency, and the state agency shall unconditionally repay the loan from the money the agency has pledged under the terms of the loan contract.

Amended by Chapter 342, 2011 General Session

72-2-206 Department authority to contract.
The department may, upon approval of the commission:
(1) make all contracts, execute all instruments, and do all things necessary or convenient to provide financial assistance for transportation projects or publicly owned infrastructure projects in accordance with this chapter; and
(2) enter into and perform the contracts and agreements with entities concerning the planning, construction, lease, or other acquisition, installation, or financing of transportation projects or publicly owned infrastructure projects.

Amended by Chapter 121, 2021 General Session

Part 3
County of the First Class Infrastructure Bank Fund

72-2-301 Definitions.
As used in this part:
(1) "Fund" means the County of the First Class Infrastructure Bank Fund created under Section 72-2-402.
(2) "Infrastructure assistance" means any use of fund money, except an infrastructure loan, to provide financial assistance for transportation projects or publicly owned infrastructure projects, including:
(a) capital reserves and other security for bond or debt instrument financing; or

(b) any letters of credit, lines of credit, bond insurance, or loan guarantees obtained by a public entity to finance transportation projects.
(3) "Infrastructure loan" means a loan of fund money to finance a transportation project or publicly owned infrastructure project.
(4) "Public entity" means a county of the first class or any of the following located within a county of the first class:
(a) a municipality;
(b) a special district;
(c) a special service district; or
(d) an intergovernmental entity organized under state law.
(5) "Publicly owned infrastructure project" means a project to improve sewer or water infrastructure that is owned by a public entity.
(6) "Transportation project" means a project:
(a) to improve a state or local highway;
(b) to improve a public transportation facility or nonmotorized transportation facility;
(c) to construct or improve parking facilities;
(d) that is subject to a transportation reinvestment zone agreement pursuant to Section 11-13-227 if the state is party to the agreement; or
(e) that is part of a housing and transit reinvestment zone created pursuant to Title 63N, Chapter 3, Part 6, Housing and Transit Reinvestment Zone Act.
(7) "Transportation project" includes the costs of acquisition, construction, reconstruction, rehabilitation, equipping, and fixturing.
(8) "Transportation project" may only include a project if the project is part of:
(a) the statewide long range plan;
(b) a regional transportation plan of the area metropolitan planning organization if a metropolitan planning organization exists for the area; or
(c) a local government general plan or economic development initiative.

Enacted by Chapter 501, 2024 General Session

72-2-302 County of the First Class Infrastructure Bank Fund -- Creation -- Use of money.
(1) There is created a revolving loan fund entitled the County of the First Class Infrastructure Bank Fund.
(2)
(a) The fund consists of money generated from the following revenue sources:
(i) deposits into the fund in accordance with Subsection 72-2-121(9);
(ii) appropriations made to the fund by the Legislature;
(iii) federal money and grants that are deposited into the fund;
(iv) money transferred to the fund by the commission from other money available to the department;
(v) state grants that are deposited into the fund;
(vi) contributions or grants from any other private or public sources for deposit into the fund; and
(vii) subject to Subsection (2)(b) and Section 72-2-306, all money collected from repayments of fund money used for infrastructure loans or infrastructure assistance.
(b) When a loan from the fund is repaid, the department may request and the Legislature may transfer from the fund to the source from which the money originated an amount equal to the repaid loan.

(3)
(a) The fund shall earn interest.
(b) All interest earned on fund money shall be deposited into the fund.
(4)
(a) Except as provided in Subsection (4)(b), money in the fund shall be used by the department, as prioritized by the commission, only to:
(i) provide infrastructure loans or infrastructure assistance; and
(ii) pay the department for the costs of administering the fund, providing infrastructure loans or infrastructure assistance, monitoring transportation projects and publicly owned infrastructure projects, and obtaining repayments of infrastructure loans or infrastructure assistance.
(b) Notwithstanding Subsection (4)(a), money in the fund shall be used by the department to provide funds in the following order of priority:
(i) a $20,000,000 loan to Draper for the renovation of existing water pipelines and the expansion of drinking water infrastructure;
(ii) a $5,000,000 loan to Herriman for the mitigation and replacement of impacted soils;
(iii) a $9,000,000 grant to the County of the First Class Highway Projects Fund created in Section 72-2-121;
(iv) a $4,000,000 grant to Metropolitan Water District of Salt Lake and Sandy for the Little Cottonwood Creek conduit connecting to the water treatment plant;
(v) a $2,000,000 grant to Draper for construction, expansion, and renovation of new and existing drinking water infrastructure;
(vi) a $2,000,000 grant to West Jordan for improvements to 6700 West between 9000 South and New Bingham Highway;
(vii) a $2,500,000 grant to Riverton for improvements to 2700 West between 13400 South and Bangerter Highway; and
(viii) a $30,000,000 grant to Bluffdale for construction of a multiple lane, grade-separated rail crossing at 1000 West and 14600 South.
(5)
(a) The department may establish separate accounts in the fund for infrastructure loans, infrastructure assistance, administrative and operating expenses, or any other purpose to implement this part.
(b) Prioritization of infrastructure loans described in Subsection (5)(a) shall follow the same process as described in Section 72-2-303.
(c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department may make rules governing how the fund and its accounts may be held by an escrow agent.
(6) Fund money shall be invested by the state treasurer as provided in Title 51, Chapter 7, State Money Management Act, and the earnings from the investments shall be credited to the fund.

Amended by Chapter 502, 2025 General Session

72-2-303 Loans and assistance -- Authority -- Rulemaking.
(1) Money in the fund may be used by the department, as prioritized by the commission or as directed by the Legislature, to make infrastructure loans or to provide infrastructure assistance to any public entity for any purpose consistent with any applicable constitutional limitation.
(2) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commission shall make rules providing procedures and standards for making infrastructure loans and

providing infrastructure assistance and a process for prioritization of requests for loans and assistance.

(3) The prioritization process, procedures, and standards for making an infrastructure loan or providing infrastructure assistance may include consideration of the following:
(a) availability of money in the fund;
(b) credit worthiness of the project;
(c) demonstration that the project will encourage, enhance, or create economic benefits to the state or political subdivision;
(d) likelihood that assistance would enable the project to proceed at an earlier date than would otherwise be possible;
(e) the extent to which assistance would foster innovative public-private partnerships and attract private debt or equity investment;
(f) demonstration that the project provides a benefit to the state highway system, including safety or mobility improvements;
(g) the amount of proposed assistance as a percentage of the overall project costs with emphasis on local and private participation;
(h) demonstration that the project provides intermodal connectivity with public transportation, pedestrian, or nonmotorized transportation facilities;
(i) improvement of transportation connectivity pursuant to Section 10-8-87; and
(j) other provisions the commission considers appropriate.

Amended by Chapter 452, 2025 General Session

72-2-304 Loan program procedures -- Repayment.

(1) A public entity within a county of the first class may obtain an infrastructure loan from the department, upon approval by the commission, by entering into a loan contract with the department secured by legally issued bonds, notes, or other evidence of indebtedness validly issued under state law, including pledging all or any portion of a revenue source controlled by the public entity to the repayment of the loan.
(2) A loan or assistance from the fund shall bear interest at a rate not to exceed .5% above bond market interest rates available to the state.
(3) A loan shall be repaid no later than 20 years from the date the department issues the loan to the borrower, with repayment commencing no later than:
(a) when the project is completed; or
(b) in the case of a highway project, when the facility has opened to traffic.
(4) The public entity shall repay the infrastructure loan in accordance with the loan contract from any of the following sources:
(a) transportation project or publicly owned infrastructure project revenues, including special assessment revenues;
(b) general funds of the public entity;
(c) money withheld under Subsection (7); or
(d) any other legally available revenues.
(5) An infrastructure loan contract with a public entity may provide that a portion of the proceeds of the loan may be applied to fund a reserve fund to secure the repayment of the loan.
(6) Before obtaining an infrastructure loan, a county or municipality shall:
(a) publish its intention to obtain an infrastructure loan at least once in accordance with the publication of notice requirements under Section 11-14-316; and
(b) adopt an ordinance or resolution authorizing the infrastructure loan.

(7)
(a) If a public entity fails to comply with the terms of a public entity's infrastructure loan contract, the department may seek any legal or equitable remedy to obtain compliance or payment of damages.
(b) If a public entity fails to make infrastructure loan payments when due, the state shall, at the request of the department, withhold an amount of money due to the public entity and deposit the withheld money into the fund to pay the amounts due under the contract.
(c) The department may elect when to request the withholding of money under this Subsection (7).
(8) All loan contracts, bonds, notes, or other evidence of indebtedness securing the loan contracts shall be held, collected, and accounted for in accordance with Section 63B-1b-202.
(9) For any money received into the fund for repayment of a loan as described in this section, the department shall distribute the repaid money as described in Section 72-2-306.

Enacted by Chapter 501, 2024 General Session

72-2-305 Department authority to contract.

The department may, upon approval of the commission:
(1) make all contracts, execute all instruments, and do all things necessary or convenient to provide financial assistance for transportation projects or publicly owned infrastructure projects in accordance with this chapter; and
(2) enter into and perform the contracts and agreements with entities concerning the planning, construction, leasing, or other acquisition, installation, or financing of transportation projects or publicly owned infrastructure projects.

Enacted by Chapter 501, 2024 General Session

72-2-306 Distribution of funds after repayment.

(1) Any money deposited into the fund from repayment of a loan or interest issued under this part shall be distributed as described in this section.
(2) As the department receives repayment of a loan and interest issued under this part, the department shall distribute:
(a) 95% of the money to Sandy, for a bridge connecting a commuter rail station on the west side of I-15 with property owned by Sandy City at approximately 10240 South Monroe Street on the east side of I-15; and
(b) 5% to the department for improvements to 12600 South in Riverton to facilitate a jurisdictional transfer of the road from Riverton to the state.

Amended by Chapter 502, 2025 General Session

Part 4
Public Transit Innovation Grants

72-2-401 Definitions.

As used in this part:
(1) "Council of governments" means the same as that term is defined in Section 17B-2a-802.

(2) "Grant" means a public transit innovation grant.
(3) "High growth area" means an area or municipality within a public transit district that:
(a) has significantly higher population increase relative to other areas within the county; and
(b) is projected to continue to have significant population growth.
(4) "Public transit district" means the same as that term is defined in Section 17B-2a-802.
(5)
(a) "Public transit innovation grant" means a grant awarded on or after July 1, 2026, to provide targeted pilot programs to:
(i) increase public transit ridership;
(ii) increase public transit service in high growth areas within the public transit district; and
(iii) work toward expanding public transit services.
(b) "Public transit innovation grant" includes a grant to provide:
(i) pilot bus routes and services in high growth areas;
(ii) pilot shuttle connections between fixed guideway stations and job centers, recreation and cultural facilities and attractions, or schools; and
(iii) other pilot programs similar to those described in Subsections (5)(b)(i) and (ii) as coordinated between the public transit district and political subdivisions within the public transit district.

Amended by Chapter 452, 2025 General Session

72-2-402 Public transit innovation grant funding sources.
(1) In accordance with Section 72-2-403, the commission, in coordination with the department, may rank, prioritize, and provide public transit innovation grants with money derived from the following sources:
(a) certain local option sales and use tax revenue as described in Subsection 59-12-2219(11)(b); and
(b) revenue deposited in accordance with Subsection 59-12-2220(11) into the County of the First Class Highway Projects Fund created in Section 72-2-121.
(2) In accordance with Section 72-2-124, the department may rank and prioritize public transit innovation grants for capital development to the commission, to be funded with money derived from the Transit Transportation Investment Fund as described in Subsection 72-2-124(10).
(3) Administrative costs of the department to administer public transit innovation grants under this part shall be paid from the funds described in Subsection (1)(a).

Amended by Chapter 452, 2025 General Session

72-2-403 Public transit innovation grants -- Administration.
(1) The commission, in consultation with the department, relevant councils of governments, metropolitan planning organizations, and public transit districts, shall develop a process for the prioritization of grant proposals that includes:
(a) instructions on making and submitting a grant proposal;
(b) methodology for selecting grants; and
(c) methodology for awarding grants.
(2) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commission shall make rules to establish the process described in Subsection (1) and as otherwise necessary to implement this part.
(3) On or after July 1, 2026, the department may:

(a) accept grant applications;
(b) rank grant proposals based on the objectives and criteria established in this part; and
(c) provide money to grant recipients as directed by the commission and in accordance with this part.

(4) A municipality or a group of municipalities may submit a grant proposal to the department.

(5)
(a) A public transit innovation grant proposal shall include data, evidence, and information about:
(i) how the project will advance the purposes and goals of a public transit innovation grant described in Subsection 72-2-401(5);
(ii) how the proposed services will provide a direct public transit service benefit to the municipality or area;
(iii) the proposed mode of public transit or purpose for the funding;
(iv) the proposed operator of the service, including qualifications for any proposed operator that is not a public transit district;
(v) any funds provided by the municipality or group of municipalities as part of the grant proposal;
(vi) how the pilot service will improve ridership in the municipality or area; and
(vii) any other information that the municipality or public transit district finds relevant.
(b) A public transit innovation grant proposal may propose a term of up to three years.
(c) A public transit innovation grant proposal shall include information regarding integration and coordination with existing public transit services.

(6) In considering a public transit innovation grant proposal, the commission shall consider criteria including:
(a) population growth within the municipality or area relative to other municipalities or areas within the same county;
(b) how the proposal furthers the following objectives:
(i) increasing public transit ridership in the area;
(ii) improving connectivity for the first and last mile relative to other public transit services; and
(iii) improving public transit connectivity in high-growth areas within the public transit district; and
(c) any funds proposed to be invested by the municipality or public transit district as part of the grant proposal.

(7) The grant proposal may allow for bids for a vendor or public transit district to provide or operate the proposed services.

(8) Subject to available funding described in Subsection 72-2-402(1), the commission may award a public transit innovation grant to a recipient that the commission determines furthers the objectives described in Subsections (5) and (6).

(9)
(a) Subject to Subsection (9)(b), if the commission approves a grant to provide money from a local option sales and use tax described in Subsection 59-12-2219(11), a public transit district shall transfer the money to the department, and the department shall transfer the money to the grant recipient.
(b) A public transit district may offset money from a local option sales and use tax described in Subsection 59-12-2219(11) with other funds available to the public transit district.

(10) If the commission approves a grant to provide money as provided in Subsection 72-2-121(7), the department shall transfer the money to the grant recipient.

(11) Any grant funds, assets, or infrastructure acquired or improved through a public transit innovation grant under this part belong to the grant recipient.

Amended by Chapter 452, 2025 General Session

72-2-404 Reporting.

(1) At least annually, a recipient of a grant under this part shall provide a report to the department and the relevant public transit district.
(2) The report described in Subsection (1) shall include:
  (a) the amount of money provided through the grant;
  (b) an accounting of how the grant money has been utilized;
  (c) the type of services provided;
  (d) coordination with existing public transit services;
  (e) ridership data relevant to the innovative public transit service, including:
    (i) the number of riders; and
    (ii) whether the ridership or targeted objectives match projections; and
  (f) other information as determined by the grant recipient.
(3) The department shall consolidate the reports the department receives under Subsection (1) and, on or before November 1 of each year, provide the consolidated reports to the Transportation Interim Committee.
(4) The department and the commission are not responsible for providing performance measures or ensuring proper use of grant funds.

Enacted by Chapter 498, 2024 General Session

Part 5
Affordable Housing Infrastructure Grants

72-2-501 Definitions.

As used in this part:
(1) "Affordable housing unit" means a dwelling that:
  (a) is offered for rent at a rental price affordable to a household with a gross income of no more than 80% of the area median income for the county in which the residential unit is offered for rent; or
  (b) is offered for sale to an owner-occupier at a purchase price affordable to a household with a gross income of no more than 120% of the area median income for the county in which the residential unit is offered for sale and is deed restricted for no fewer than five years.
(2) "Board" means the affordable housing infrastructure grant board created in Section 72-2-503.
(3) "Grant" means a grant issued to a public entity in a county of the first class as provided in this part.

Enacted by Chapter 502, 2025 General Session

72-2-502 Affordable housing infrastructure grant funding sources.

(1) In accordance with Section 72-2-503, the board may rank, prioritize, and award affordable housing infrastructure grants to public entities within a county of the first class with money derived from the following sources:

(a) bond proceeds deposited into the Transportation Investment Fund of 2005 created in Section 72-2-124 in accordance with a bond issued under Section 63B-34-201;
(b) appropriations by the Legislature; and
(c) any other transfers or contributions.
(2) Administrative costs of the department to administer affordable housing infrastructure grants under this part shall be paid from the funds described in Subsection (1).

Enacted by Chapter 502, 2025 General Session

72-2-503 Board creation -- Duties -- Grant administration.
(1) There is created the affordable housing infrastructure grant board consisting of the following members:
(a) the executive director of the department, or the executive director's designee;
(b) the executive director of the Governor's Office of Economic Opportunity appointed under Section 63N-1a-302, or the executive director's designee; and
(c) an employee of the governor's office that is an expert or advisor on housing strategy, appointed by the governor.
(2)
(a) The Governor's Office of Economic Opportunity shall provide staff support for the board and the grant program.
(b) The Governor's Office of Economic Opportunity may use and the department shall transfer grant funds for the costs of the Governor's Office of Economic Opportunity to administer the grant program under this part.
(c) The Governor's Office of Economic Opportunity and the department shall enter into a memorandum of understanding to facilitate the calculation and transfer of funds for the administrative costs described in Subsection (2)(b).
(3) The Governor's Office of Economic Opportunity, in consultation with the board, shall develop a process for the prioritization of grant proposals that includes:
(a) instructions on making and submitting a grant proposal;
(b) methodology for selecting grants; and
(c) methodology for awarding grants.
(4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the Governor's Office of Economic Opportunity shall make rules to establish the process described in Subsection (3) and as otherwise necessary to implement this part.
(5) The board shall:
(a) accept grant applications;
(b) rank grant proposals; and
(c) award grants in accordance with this part.
(6) A grant applicant shall ensure that each grant proposal includes:
(a) information about the proposed project, including the projected number of affordable housing units, which may not be less than 50 units of affordable housing;
(b) the projected time line of the proposed project;
(c) data and information regarding the proposed types of affordable housing; and
(d) information about the public infrastructure and other improvements needed.
(7)
(a) In considering a grant proposal, the board shall consider criteria including:
(i) the value and number of housing units the project will produce;

(ii) the value of any matching contribution from the grant applicant, including information about how the public entity determined the value of the matching assets; and
(iii) any other criteria the board determines relevant.
(b) For a grant proposal including highway infrastructure, the board may not award a grant unless the grant applicant provides a minimum matching contribution of the right-of-way needed for the highway improvements.
(c) If a grant proposal includes highway infrastructure, the board shall give priority to the construction of public highways that are highways of regional significance that connect to other highways or points of regional significance.
(8)
(a) Subject to available funding, and subject to Subsection (8)(b), the board may award a grant to a recipient that the board determines advisable.
(b) For every $20,000 of grant funding awarded to a recipient, the infrastructure shall support at least one unit of affordable housing.
(c) The board may not award a grant to a recipient if the board determines that the recipient will not be able to satisfy the requirement under Subsection (8)(b).
(9) If the board approves the award of a grant as provided in this part, the department shall transfer the money to the grant recipient in accordance with Subsection (10).
(10)
(a) Before the department may provide grant money to a public entity for a project related to a grant awarded by the board, the public entity shall provide a detailed cost estimate of costs to complete the planning and design of the project.
(b) If the executive director approves the cost estimate described in Subsection (10)(a), the department may provide to the public entity grant money reasonably necessary to complete the planning and design of the project.
(c) After completion of the planning and design of a project related to a grant awarded by the board, the public entity shall provide to the department a detailed estimate of the costs to construct and complete the project described in Subsection (10)(b).
(d) If the executive director approves the cost estimates described in Subsection (10)(c), the department may provide grant money to a public entity to construct and complete the project described in Subsection (10)(b).

Enacted by Chapter 502, 2025 General Session

72-2-504 Report.
(1) On or before September 1 of each year during the life of a project related to a grant awarded by the board, a recipient of grant money under this part shall provide a written report to the board.
(2) The report described in Subsection (1) shall include:
(a) the amount of money provided through the grant;
(b) an accounting of how the grant money has been utilized;
(c) the progress of the project; and
(d) the number of affordable housing units completed or under construction.

Enacted by Chapter 502, 2025 General Session

Chapter 3
Highway Jurisdiction and Classification Act

Part 1
Highways in General

72-3-101 Title.

This chapter is known as the "Highway Jurisdiction and Classification Act."

Enacted by Chapter 270, 1998 General Session

72-3-102 State highways -- Class A state roads.

(1) State highways comprise highways, roads, and streets designated under Chapter 4, Designation of State Highways Act.
(2) State highways are class A state roads.
(3) The state has title to all rights-of-way for all state highways.
(4) The department has jurisdiction and control over all state highways.
(5) The department shall construct and maintain each state highway using funds made available for that purpose.

Amended by Chapter 324, 2000 General Session

72-3-103 County roads -- Class B roads -- Construction and maintenance by counties.

(1) County roads comprise all public highways, roads, and streets within the state that:
  (a) are situated outside of incorporated municipalities and not designated as state highways;
  (b) have been designated as county roads; or
  (c) are located on property under the control of a federal agency and constructed or maintained by the county under agreement with the appropriate federal agency.
(2) County roads are class B roads.
(3) The state and county have joint undivided interest in the title to all rights-of-way for all county roads.
(4) The county governing body exercises sole jurisdiction and control of county roads within the county.
(5) The county shall construct and maintain each county road using funds made available for that purpose.
(6) The county legislative body may expend funds allocated to each county from the Transportation Fund under rules made by the department.
(7) A county legislative body may use any portion of the class B road funds provided by this chapter for the construction and maintenance of class A state roads by cooperative agreement with the department.
(8) A county may enter into agreements with the appropriate federal agency for the use of federal funds, county road funds, and donations to county road funds to construct, improve, or maintain county roads within or partly within national forests.

Amended by Chapter 324, 2000 General Session

72-3-104 City streets -- Class C roads -- Construction and maintenance.

(1) City streets comprise:
  (a) highways, roads, circulator alleys, and streets within the corporate limits of the municipalities that are not designated as class A state roads or as class B roads; and
  (b) those highways, roads, and streets located within a national forest and constructed or maintained by the municipality under agreement with the appropriate federal agency.
(2) City streets are class C roads.
(3) Except for city streets within counties of the first and second class as defined in Section 17-50-501, the state and city have joint undivided interest in the title to all rights-of-way for all city streets.
(4) The municipal governing body exercises sole jurisdiction and control of the city streets within the municipality.
(5) The department shall cooperate with the municipal legislative body in the construction and maintenance of the class C roads within each municipality.
(6) The municipal legislative body shall expend or cause to be expended upon the class C roads the funds allocated to each municipality from the Transportation Fund under rules made by the department.
(7) Any town or city in the third, fourth, or fifth class may:
  (a) contract with the county or the department for the construction and maintenance of class C roads within its corporate limits; or
  (b) transfer, with the consent of the county, its:
    (i) class C roads to the class B road system; and
    (ii) funds allocated from the Transportation Fund to the municipality to the county legislative body for use upon the transferred class C roads.
(8) A municipal legislative body of any city of the third, fourth, or fifth class may use any portion of the class C road funds allocated to the municipality for the construction of sidewalks, curbs, and gutters on class A state roads within the municipal limits by cooperative agreement with the department.

Amended by Chapter 377, 2020 General Session

72-3-105 Class D roads -- Maps to be prepared by county -- Indication of roads.
(1) As used in this section, "class D road" means any road, way, or other land surface route that has been or is established by use or constructed and has been maintained to provide for usage by the public for vehicles with four or more wheels that is not a class A, class B, or class C road under this title, or an R.S. 2477 right-of-way, as that term is defined in Section 72-5-301.
(2) Each class D road is part of the highway and road system within the state with the same force and effect as if the class D road had been included within this system upon its being first established or constructed.
(3) The state and county have joint undivided interest in the title to all rights-of-way for class D roads.
(4)
  (a) Subject to Subsection (4)(b), the county governing body exercises sole jurisdiction and control of class D roads within the county.
  (b) If a county vacates or abandons a class D road, the department exercises sole jurisdiction and control of the class D road.
(5)
  (a) Each county shall prepare maps showing to the best of its ability the class D roads within its boundaries which were in existence as of October 21, 1976.

(b) Preparation of these maps may be done by the county itself or through any multi-county planning district in which the county participates.
(6) Any class D road which is established or constructed after October 21, 1976, shall be reflected on maps prepared as provided in Subsection (5).
(7) The county shall provide a copy of any map under Subsection (5) or (6) upon completion to the department.
(8)
(a) The department shall scribe each road shown on its own county map series.
(b) The department is not responsible for the validity of any class D road and is not responsible for its being inventoried.
(c) The department shall also keep on file an historical map record of the roads as provided by the counties.
(9)
(a) If a county vacates or abandons the county's class D road interest in a road within the county, the right-of-way remains open for public use unless the department, in consultation with the Public Lands Policy Coordinating Office created in Section 63L-11-201, determines that the road or right-of-way:
(i) does not provide a benefit to the state in a manner consistent with the principles of multiple use and sustained yield as described in Section 63L-8-103; or
(ii) is not used to access public or private land.
(b) Before a county may vacate or abandon the county's right-of-way interest in a class D road, the county shall provide to the department 180 days in advance of taking the action a written notice that includes the following:
(i) a legal description and map of the portion of the class D road for which the county intends to abandon the county's interest;
(ii) a statement affirming that all gates and locks, whether or not installed or authorized by the county, and all county agreements, have been removed from the portion to be vacated; and
(iii) documentation that the portion to be vacated is shown as a class D road in the county recorder's office.
(c) A county may not vacate or abandon the county's right-of-way interest in a class D road without the approval of the department.
(d) A person may not place a lock or a gate on a class D road right-of-way over which the department exercises sole jurisdiction.
(10)
(a) A county and the department are not required to maintain a class D road.
(b) An individual who travels on a class D road does so at the individual's own risk.

Amended by Chapter 131, 2025 General Session

72-3-106 Actions to determine priority of use of public roads.
(1) The county attorney under the direction of the county legislative body shall determine a priority of public use of all county roads.
(2) This action may be instigated by the written request of 10 taxpayers of the county to the county legislative body.
(3) The county legislative body shall request the county attorney to instigate action within a reasonable length of time.

Renumbered and Amended by Chapter 270, 1998 General Session

72-3-107 County executive to keep plats of roads and highways.

(1) The county executive of each county shall determine all county roads existing in the county and prepare and keep current plats and specific descriptions of the county roads.

(2)

(a) The plats and specific descriptions shall be kept on file in the office of the county clerk or recorder.

(b) A county clerk or recorder may not remove a platted road from the records unless the legislative body has vacated the road after a public hearing in accordance with Section 72-3-108.

Amended by Chapter 381, 2010 General Session

72-3-108 County roads -- Vacation and narrowing -- Notice requirements.

(1) A county may, by ordinance, vacate, narrow, or change the name of a county road without petition or after petition by a property owner.

(2) A county may not vacate a county road unless notice of the hearing is:

(a) published for the county, as a class A notice under Section 63G-30-102, for at least four weeks before the day of the hearing; and

(b) mailed to the department and all owners of property abutting the county road.

(3) The right-of-way and easements, if any, of a property owner and the franchise rights of any public utility may not be impaired by vacating or narrowing a county road.

(4) Except as provided in Section 72-5-305, if a county vacates a county road, the state's right-of-way interest in the county road is also vacated.

Amended by Chapter 435, 2023 General Session

72-3-109 Division of responsibility with respect to state highways in cities and towns.

(1) Except as provided in Subsection (3), the jurisdiction and responsibility of the department and the municipalities for state highways within municipalities is as follows:

(a) The department has jurisdiction over and is responsible for the construction and maintenance of:

(i) the portion of the state highway located between the back of the curb on either side of the state highway; or

(ii) if there is no curb, the traveled way, its contiguous shoulders, and appurtenances.

(b) The department may widen or improve state highways within municipalities.

(c)

(i) A municipality has jurisdiction over all other portions of the right-of-way and is responsible for construction and maintenance of the right-of-way.

(ii) If a municipality grants permission for the installation of any pole, pipeline, conduit, sewer, ditch, culvert, billboard, advertising sign, or any other structure or object of any kind or character within the portion of the right-of-way under its jurisdiction:

(A) the permission shall contain the condition that any installation will be removed from the right-of-way at the request of the municipality; and

(B) the municipality shall cause any installation to be removed at the request of the department when the department finds the removal necessary:

(I) to eliminate a hazard to traffic safety;

(II) for the construction and maintenance of the state highway; or

(III) to meet the requirements of federal regulations.

(iii) Except as provided in Subsection (1)(h), a municipality may not install or grant permission for the installation of any pole, pipeline, conduit, sewer, ditch, culvert, billboard, advertising sign, or any other structure or object of any kind or character within the portion of the state highway right-of-way under its jurisdiction without the prior written approval of the department.

(iv) The department may, by written agreement with a municipality, waive the requirement of its approval under Subsection (1)(c)(iii) for certain types and categories of installations.

(d) If it is necessary that a utility, as defined in Section 72-6-116, be relocated, reimbursement shall be made for the relocation as provided for in Section 72-6-116.

(e)

(i) The department shall construct curbs, gutters, and sidewalks on the state highways if necessary for the proper control of traffic, driveway entrances, or drainage.

(ii) If a state highway is widened or altered and existing curbs, gutters, or sidewalks are removed, the department shall replace the curbs, gutters, or sidewalks.

(f)

(i) The department may furnish and install street lighting systems for state highways.

(ii) The municipality is responsible for the operation and maintenance of a street lighting system furnished and installed by the department, except that the department shall operate and maintain street lighting that the department furnishes and installs:

(A) along an interstate highway; or

(B) at a signalized intersection that includes a state highway.

(iii) Notwithstanding Subsection (1)(f)(ii)(B), the municipality is responsible for the installation costs, operation, and maintenance of decorative lighting installed at the request of a municipality.

(g) If new storm sewer facilities are necessary in the construction and maintenance of the state highways, the cost of the storm sewer facilities shall be borne by the state and the municipality in a proportion mutually agreed upon between the department and the municipality.

(h)

(i) For a portion of a state highway right-of-way for which a municipality has jurisdiction, and upon request of the municipality, the department shall grant permission for the municipality to issue permits within the state highway right-of-way, provided that:

(A) the municipality gives the department seven calendar days to review and provide comments on the permit; and

(B) upon the request of the department, the municipality incorporates changes to the permit as jointly agreed upon by the municipality and the department.

(ii) If the department fails to provide a response as described in Subsection (1)(h)(i) within seven calendar days, the municipality may issue the permit.

(2)

(a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department shall make rules governing the location and construction of approach roads and driveways entering the state highway. The rules shall:

(i) include criteria for the design, location, and spacing of approach roads and driveways based on the functional classification of the adjacent highway, including the urban or rural nature of the area;

(ii) be consistent with the "Manual on Uniform Traffic Control Devices" and the model access management policy or ordinance developed by the department under Subsection 72-2-117(8);
(iii) include procedures for:
(A) the application and review of a permit for approach roads and driveways including review of related site plans that have been recommended according to local ordinances; and
(B) approving, modifying, denying, or appealing the modification or denial of a permit for approach roads and driveways within 45 days of receipt of the application; and
(iv) require written justifications for modifying or denying a permit.
(b) The department may delegate the administration of the rules to the highway authorities of a municipality.
(c) In accordance with this section and Section 72-7-104, an approach road or driveway may not be constructed on a state highway without a permit issued under this section.
(3) The department has jurisdiction and control over the entire right-of-way of interstate highways within municipalities and is responsible for the construction, maintenance, and regulation of the interstate highways within municipalities.

Amended by Chapter 452, 2025 General Session

72-3-110 Proposal to bypass or provide alternate route through city or town -- Notice and hearing required.
(1) Whenever the department proposes to construct a highway bypassing any city or town, or to provide an alternate route through or outside any city or town, the commission shall notify the governing officials of the city or town and hold a public hearing, on a date set, for the purpose of advising the citizens of the city or town of the reason or reasons for the highway proposed to be constructed.
(2) The hearing shall be held within the city or town to be bypassed, except that if the highway proposed will bypass or provide an alternate route through or outside of several cities or towns located within close proximity to each other, the commission may combine the hearings and hold them in one city or town centrally and conveniently located to the others at which time each city and town shall be given ample opportunity to be heard.
(3) Subsequent to the hearing, the commission shall notify in writing the officials of the city or town, or of each of the cities or towns if the hearings are combined, of the decision reached as a result of the hearing within 10 days from the time the decision is reached.

Renumbered and Amended by Chapter 270, 1998 General Session

72-3-111 Roads and parking spaces in connection with state institutions and areas for recreational activities.
Subject to Section 72-1-303, the department is authorized to build and maintain roads:
(1) leading to roads and parking spaces on the grounds of state institutions to which roads have not been designated by the Legislature; and
(2) roads and parking spaces to serve areas in immediate proximity to a designated highway used for:
(a) salt flat races;
(b) ski meets; and
(c) activities which are promoted for the general welfare.

Renumbered and Amended by Chapter 270, 1998 General Session

72-3-112 Authority to designate, maintain, and build livestock highways.

(1) A highway authority may designate, survey, construct, protect, enter into agreements for, purchase rights-of-way for, and maintain livestock highways.
(2) If state highways with heavy traffic are regularly used for the movement of livestock, the department, county legislative bodies, and municipal legislative bodies shall construct and maintain livestock roads or trails for livestock travel.
(3) A livestock highway or trail is for the purpose of transferring livestock and may not be used for pasturing purposes, except during regular transfer operations. The public may use livestock highways or trails but shall give preference to livestock when livestock is present.
(4) A person may not drive livestock upon the public highways when a livestock highway is available and can be used without undue inconvenience.
(5) A person who violates the provisions of Subsection (4) is guilty of a class B misdemeanor. The court shall impose a:
  (a) fine of not more than $100;
  (b) jail sentence of not more than 30 days; or
  (c) fine and imprisonment.

Renumbered and Amended by Chapter 270, 1998 General Session

Part 2
State Park Access Highways

72-3-201 Jurisdiction over highways leading to and within state parks.

(1) As used in this part, "state park access highways" means the highways specified under this part.
(2) The department, a county, or a municipality has jurisdiction over and responsibility for:
  (a) primary access highways to state parks;
  (b) highways to the main attraction within each state park; and
  (c) highways through state parks providing access to land uses beyond state park boundaries.
(3)
  (a) The appropriate entities with jurisdiction over and responsibility for the highways referred to in Subsections (2)(a) and (b) are specified in Sections 72-3-202 through 72-3-206.
  (b) Jurisdiction over and responsibility for highways under Subsection (2)(c) shall be determined by the commission as described in Sections 72-3-102, 72-3-103, and 72-3-104.

Renumbered and Amended by Chapter 270, 1998 General Session

72-3-202 State park access highways -- Anasazi State Park Museum to Edge of the Cedars State Park Museum.

State park access highways include:
(1) ANASAZI STATE PARK MUSEUM. Access to the Anasazi State Park Museum is at the park entrance located in Garfield County at milepoint 87.3 on State Highway 12. No access road is defined.

(2) BEAR LAKE STATE PARK (Marina). Access to the Bear Lake Marina is at the pay gate located in Rich County at milepoint 498.8 on State Highway 89. No access road is defined.
(3) BEAR LAKE STATE PARK (East Shore). Access to the Bear Lake East Shore begins in Rich County at State Highway 30 and proceeds northerly on a county road (L326) a distance of 9.2 miles, to the camping area of the park and is under the jurisdiction of Rich County.
(4) BEAR LAKE STATE PARK (Rendezvous Beach). Access to the Bear Lake Rendezvous Beach is at the park entrance in Rich County at milepoint 118 on State Highway 30. No access road is defined.
(5) CAMP FLOYD/STAGECOACH INN STATE PARK MUSEUM. Access to the Camp Floyd/ Stagecoach Inn State Park Museum is at the parking area in Utah County at milepoint 20.6 on State Highway 73. No access road is defined.
(6) CORAL PINK SAND DUNES STATE PARK.
(a) Access to the Coral Pink Sand Dunes State Park begins in Kane County at State Highway 89 and proceeds southwesterly on county road43 a distance of 12.0 miles to the visitor center of the park and is under the jurisdiction of Kane County.
(b) The second access to the Coral Pink Sand Dunes State Park begins on the state border between Arizona and Utah and proceeds northerly on county road 43 and travels through the state park and is under the jurisdiction of Kane County.
(7) DANGER CAVE. Access to Danger cave is in Tooele County. No access road is defined.
(8) DEAD HORSE POINT STATE PARK. Access to Dead Horse Point State Park begins in Grand County at State Highway 191 and proceeds southwesterly on State Highway 313 a distance of 20.8 miles , crosses into San Juan County between mile marker 2 and 3, continues to mile marker 0, and is under the jurisdiction of the department.
(9) DEER CREEK STATE PARK. Access to Deer Creek State Park begins in Wasatch County at State Highway 189 and proceeds southwesterly on State Highway 314 a distance of 0.8 miles to the boat ramp at the park and is under the jurisdiction of the department.
(10) EAST CANYON STATE PARK. Access to East Canyon State Park begins in Morgan County at State Highway 66 and proceeds southeasterly on State Highway 306 a distance of 0.1 miles to the parking area at the park and is under the jurisdiction of the department.
(11) ECHO STATE PARK. Access to Echo State Park begins in Coalville, Summit County at Main Street and proceeds northeasterly on Echo Dam Road a distance of 0.12 miles to the boat ramp at the park.
(12) EDGE OF THE CEDARS STATE PARK MUSEUM. Access to Edge of the Cedars State Park Museum begins in Blanding at U.S. Highway 191 and proceeds west on Center Street to 600 West then north on 600 West to the parking area and museum at 660 West 400 North. The access road is under the jurisdiction of Blanding.

Amended by Chapter 517, 2024 General Session

72-3-203 State park access highways -- Escalante Petrified Forest State Park to Huntington State Park.

State park access highways include:
(1) ESCALANTE PETRIFIED FOREST STATE PARK. Access to Escalante Petrified Forest State Park begins in Garfield County at State Highway 12 and proceeds northwesterly on a county road a distance of 1 mile to the park's visitor center and is under the jurisdiction of Garfield County.

(2) FLIGHT PARK STATE RECREATION AREA. Access to Flight Park State Recreation Area begins in Utah County at East Frontage Road and proceeds northeasterly on Air Park Road, a distance of 0.5 miles to the park entrance and is under the jurisdiction of Utah County.
(3) FREMONT INDIAN STATE PARK MUSEUM. Access to the Fremont Indian State Park Museum begins in Sevier County at the Sevier Junction on Highway 89 and proceeds westerly on county road 2524 to interchange 17 on Interstate 70, a distance of 5.9 miles and is under the jurisdiction of Sevier County.
(4) GOBLIN VALLEY STATE PARK (North Access). The North Access to the Goblin Valley State Park begins in Emery County at the junction of county road 1013 and county road 1014 and proceeds southwesterly on county road 332, a distance of 10 miles; then southerly on county road 1033, a distance of 3.1 miles; then southeasterly on county road 1012, a distance of 7.0 miles to the park fee station. The North Access is under the jurisdiction of Emery County.
(5) GOOSENECKS STATE PARK. Access to Goosenecks State Park begins in San Juan County at State Highway 261 and proceeds southwesterly on State Highway 316 a distance of 3.6 miles to the parking area and overlook at the park and is under the jurisdiction of UDOT.
(6) ANTELOPE ISLAND STATE PARK. Access to Antelope Island State Park begins in Davis County at State Highway 127 and proceeds southwesterly on a county road a distance of 7.2 miles to the parking area and marina at the park and is under the jurisdiction of Davis County.
(7) GREAT SALT LAKE STATE PARK MARINA. Access to the Great Salt Lake State Park Marina begins in Salt Lake County at Interstate Highway 80 and proceeds southwesterly on a county road a distance of 1.5 miles to the parking area and marina at the park and is under the jurisdiction of Salt Lake County.
(8) GREEN RIVER STATE PARK. Access to Green River State Park begins in Emery County at the junction of Route 19 and Green River Boulevard and proceeds southerly on Green River Boulevard, a distance of 0.5 miles to the park entrance and is under the jurisdiction of Green River.
(9) GUNLOCK STATE PARK. Access to Gunlock State Park begins in Washington County at the junction of county road (L009) (Old Highway 91) and Gunlock Road and proceeds northwesterly on Gunlock Road a distance of 5.9 miles to the parking area at the park and is under the jurisdiction of Washington County.
(10) HUNTINGTON STATE PARK. Access to Huntington State Park begins in Emery County at State Highway 10 and proceeds northwesterly on a county road a distance of 0.3 miles to the park entrance and is under the jurisdiction of Emery County.

Amended by Chapter 517, 2024 General Session

72-3-204 State park access highways -- Hyrum State Park to Painted Rocks.

State park access highways include:
(1) HYRUM STATE PARK. Access to Hyrum State Park is at the pay gate in Cache County at 405 West 300 South in Hyrum and proceeds northerly on 400 West to State Highway 101. No access road is defined.
(2) FRONTIER HOMESTEAD STATE PARK MUSEUM. Access to Frontier Homestead State Park Museum is at the parking area and museum in Iron County at milepoint 3.1 on State Highway 130 at 585 North Main St. in Cedar City. No access road is defined.
(3) FRONTIER HOMESTEAD STATE PARK (OLD IRON TOWN HISTORIC SITE). Access to Old Iron Town begins at the junction of a county road and State Highway 56, 19.0 miles west of Cedar City, and proceeds southwesterly 2.7 miles to the parking lot for Old Iron Town and is under the jurisdiction of Iron County.

(4) JORDAN RIVER OFF-HIGHWAY VEHICLE STATE PARK. Access to Jordan River Off-highway Vehicle State Park begins in Salt Lake County at 2100 North and proceeds northerly on Rose Park Lane, a distance of 1.25 miles to the park entrance and is under the jurisdiction of Salt Lake County.
(5) JORDANELLE STATE PARK (HAILSTONE MARINA). Access to the Jordanelle State Park Hailstone Marina begins in Wasatch County at State Highway 40 and proceeds southeasterly on State Highway 319 a distance of 1.2 miles to the marina parking area at the park and is under the jurisdiction of UDOT.
(6) JORDANELLE STATE PARK (ROCK CLIFF NATURE CENTER). Access to the Jordanelle State Park Rock Cliff Nature Center begins in Wasatch County at State Highway 32 and proceeds northwesterly on a county road a distance of 0.6 miles to the parking area at the park and is under the jurisdiction of the county.
(7) JORDANELLE STATE PARK (ROSS CREEK). Access to Jordanelle State Park Ross Creek begins in Wasatch County at State Highway 189 and proceeds southerly on a county road a distance of 0.1 miles to the parking area at the park and is under the jurisdiction of the county.
(8) KODACHROME BASIN STATE PARK. Access to the Kodachrome Basin State Park begins in Kane County at State Highway 12 and proceeds southeasterly on a county road 10.1 miles to the parking area at Kodachrome Lodge and is under the jurisdiction of Kane County.
(9) LOST CREEK STATE PARK. Access to the Lost Creek State Park begins in Morgan County at the Interstate Highway 84 interchange at Exit 111 and proceeds easterly along Croydon Road to Lost Creek Road, then northerly on Lost Creek Road to Lost Creek State Park terminating at the north most point of Lost Creek Reservoir. The access road is under the jurisdiction of Morgan County.
(10) MILLSITE STATE PARK. Access to the Millsite State Park begins in Emery County at State Highway 10 and proceeds northwesterly on a county road (L122) a distance of 4.6 miles to the parking area at the park and is under the jurisdiction of Emery County.
(11) OTTER CREEK STATE PARK. Access to the Otter Creek State Park is at the pay gate/ contact station in Piute County at milepoint 6.4 on State Highway 22. No access road is defined.
(12) PAINTED ROCKS (YUBA EAST SHORE). Access to the Painted Rocks Yuba East Shore begins in Sanpete County at State Highway 28 and proceeds westerly on a county road a distance of 2.0 miles to the parking/boat launch area at the park and is under the jurisdiction of Sanpete County.

Amended by Chapter 386, 2025 General Session

72-3-205 State park access highways -- Palisade State Park to Starvation State Park.
State park access highways include:
(1) PALISADE STATE PARK. Access to the Palisade State Park begins in Sanpete County at State Highway 89 and proceeds northeasterly on a county road a distance of 2.2 miles to the golf club/contact station at the park and is under the jurisdiction of Sanpete County.
(2) PIUTE STATE PARK. Access to the Piute State Park begins in Piute County at State Highway 89 and proceeds southeasterly on a county road a distance of 1.0 miles to the parking area at the park and is under the jurisdiction of Piute County.
(3) QUAIL CREEK STATE PARK (North Access). The North Access to the Quail Creek State Park begins in Hurricane City at Old Highway 91 and proceeds southerly on 5300 West, a distance of 1.0 miles to the pay gate/contact station at the park. The North Access is under the jurisdiction of Hurricane City.

(4) QUAIL CREEK STATE PARK (South Access). The South Access to the Quail Creek State Park begins in Washington County at State Highway 9 and proceeds northerly on State Highway 318, a distance of 2.2 miles to the pay gate/contact station at the park. The South Access is under the jurisdiction of UDOT.
(5) RED FLEET STATE PARK. Access to the Red Fleet State Park begins in Uintah County at State Highway 191 and proceeds easterly on a county road a distance of 2.0 miles to the pay gate at the park and is under the jurisdiction of Uintah County.
(6) ROCKPORT STATE PARK. Access to the Rockport State Park begins in Summit County at State Highway 32 and proceeds northwesterly on State Highway 302 a distance of 0.2 miles to the pay gate at the park and is under the jurisdiction of UDOT.
(7) SAND HOLLOW STATE PARK (North Access). The North Access to the Sand Hollow State Park begins in Hurricane City at State Highway 9 and proceeds southerly on Sand Hollow Road, a distance of 3.9 miles to Sand Hollow Parkway. The North Access is under the jurisdiction of Hurricane City.
(8) SAND HOLLOW STATE PARK (South Access). The South Access to Sand Hollow State Park begins at the intersection of State Route 7 and Sand Hollow Road, then proceeds northerly on Sand Hollow Road, a distance of 0.87 miles to the park entrance road. The South Access is under the jurisdiction of Hurricane City.
(9) SCOFIELD (Mountain View). Access to Scofield Mountain View is at the boat launch in Carbon County at milepoint 9.2 on State Highway 96. No access road is defined.
(10) SCOFIELD STATE PARK (Madsen Bay). Access to the Scofield State Park Madsen Bay is at the park entrance in Carbon County at milepoint 12.3 on State Highway 96. No access road is defined.
(11) SNOW CANYON STATE PARK.
(a) South access to the Snow Canyon State Park begins in Washington County at State Highway 18 near mile post 4 in St. George and proceeds westerly on Snow Canyon Parkway and northerly on Snow Canyon Drive to the south boundary of the Snow Canyon State Park (at the northern boundary of the Vermillion Cliffs development).
(b) The northern access is located at the intersection of State Route 18 and Snow Canyon Drive.
(12) STARVATION STATE PARK. Access to the Starvation State Park begins in Duchesne County at State Highway 40 and proceeds northwesterly on State Highway 311 a distance of 3.9 miles to the boat ramp at the park and is under the jurisdiction of UDOT.

Amended by Chapter 517, 2024 General Session

72-3-206 State park access highways -- Steinaker State Park to Yuba State Park.

State park access highways include:
(1) STEINAKER STATE PARK. Access to the Steinaker State Park begins in Uintah County at State Highway 191 and proceeds northwesterly on State Highway 301 a distance of 2.0 miles to the boat ramp at the park and is under the jurisdiction of UDOT.
(2) TERRITORIAL STATEHOUSE STATE PARK. Access to the Territorial Statehouse State Park is at the parking area in Millard County at milepoint 1.0 on State Highway 100. No access road is defined.
(3) THIS IS THE PLACE HERITAGE PARK. Access to This Is The Place Heritage Park is at the park entrance in Salt Lake County at 2601 East Sunnyside Avenue in Salt Lake City. No access road is defined.

(4) UTAH FIELD HOUSE OF NATURAL HISTORY STATE PARK. Access to Utah Field House of Natural History State Park is at the parking area in Uintah County at milepoint 145.1 on State Highway 40 at 496 East Main in Vernal. No access road is defined.
(5) UTAH LAKE STATE PARK. Access to the Utah Lake State Park begins in Utah County at State Highway 114 and proceeds westerly on a county road a distance of 2.5 miles to the pay gate at the park and is under the jurisdiction of Utah County.
(6) UTAHRAPTOR STATE PARK. Access to the Utahraptor State Park is at the park entrance in Grand County at milepoint 138.6 on U.S. Highway 191. No access road is defined.
(7) WASATCH MOUNTAIN STATE PARK (East Access). The East Access to the Wasatch Mountain State Park begins at the Summit-Wasatch County line and proceeds westerly on Guardsman Pass Road, a county road, a distance of .9 miles; then southeasterly on Pine Canyon Road, a county road, a distance of 7.3 miles to the campground entrance. The East Access is under the jurisdiction of Wasatch County.
(8) WASATCH MOUNTAIN STATE PARK (South Access). The South Access to the Wasatch Mountain State Park begins in Wasatch County at State Route 40 and proceeds westerly on Federal Route 3130 via River Road, Burgi Lane, and Cari Lane, county and city roads, a distance of 4.3 miles to State Highway 222; then northerly on State Highway 222, a distance of 1.3 miles to the campground entrance. The South Access is under the jurisdiction of Wasatch County and Midway City.
(9) WASATCH MOUNTAIN STATE PARK (West Access). The West Access to the Wasatch Mountain State Park begins at the Salt Lake-Wasatch County line and proceeds easterly on Guardsman Pass Road, a county road, a distance of 1.7 miles; then southeasterly on Pine Canyon Road, a county road, a distance of 7.3 miles to the campground entrance. The West Access is under the jurisdiction of Wasatch County.
(10) WASATCH MOUNTAIN (Soldier Hollow). Access to Soldier Hollow begins in Wasatch County at State Highway 113 and proceeds westerly on Tate Lane, a county road; then southwesterly on Soldier Hollow Lane to the parking area and clubhouse.
(11) WASATCH MOUNTAIN (Cascade Springs). Access to Cascade Springs begins in Wasatch County at the junction of Tate Lane and Stringtown Road, county roads, and proceeds northerly on Stringtown Road; then southwesterly on Cascade Springs Drive to the parking area. The access is under the jurisdiction of Wasatch County.
(12) WILLARD BAY STATE PARK (South). Access to the Willard Bay State Park South begins in Box Elder County at a county road and proceeds northwesterly on State Highway 312 a distance of 0.5 miles to the marina parking at the park and is under the jurisdiction of UDOT.
(13) WILLARD BAY STATE PARK (North). Access to the Willard Bay State Park North begins in Box Elder County at Interstate Highway 15 and proceeds southwesterly on State Highway 315 a distance of 1.0 miles to the marina parking at the park and is under the jurisdiction of UDOT.
(14) YUBA STATE PARK. Access to the Yuba State Park begins in Juab County at Interstate Highway 15 and proceeds southerly on county road (L203) a distance of 4.1 miles to the pay gate at the park and is under the jurisdiction of Juab County.

Amended by Chapter 386, 2025 General Session

72-3-207 State Park Access Highways Improvement Program -- Distribution -- Rulemaking.
(1) There is created the State Park Access Highways Improvement Program within the department.
(2) The program shall be funded from the following revenue sources:
(a) any voluntary contributions received for improvements to state park access highways; and
(b) appropriations made to the program by the Legislature.

(3) The department may use the program money as matching grants to a county or municipality for the improvement of class B or class C roads specified as state park access highways under this part subject to:
  (a) money available in the program;
  (b) prioritization of the program money by the commission;
  (c) a county or municipality providing at least 50% of the cost of each improvement project in matching funds; and
  (d) rules made under Subsection (4).
(4) The department shall make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, necessary to administer the program and to establish the procedures for a county or municipality to apply for a grant of program money.
(5) The department shall commit funds for state park access highway projects for the amount of funding currently programmed in a funded year in the 2007 Statewide Transportation Improvement Program.

Amended by Chapter 391, 2010 General Session

Part 3
Statewide Public Safety Interest Highways

72-3-301 Statewide public safety interest highway defined -- Designations -- Control -- Maintenance -- Improvement restrictions -- Formula funding provisions.
(1) As used in this part, "statewide public safety interest highway" means a designated state highway that serves a compelling statewide public safety interest.
(2) Statewide public safety interest highways include:
  (a) SR-900. From near the east bound on and off ramps of the I-80 Delle Interchange on the I-80 south frontage road, traversing northwesterly, westerly, and northeasterly, including on portions of a county road and a Bureau of Land Management road for a distance of 9.24 miles. Then beginning again at the I-80 south frontage road traversing southwesterly and northwesterly on a county road for a distance of 4.33 miles. Then beginning again at the I-80 south frontage road traversing southwesterly, northerly, northwesterly, westerly, and northeasterly on a county road and a Bureau of Land Management road to near the east bound on and off ramps of I-80 Low/Lakeside Interchange for a distance of 2.61 miles. The entire length of SR-900 is a total distance of 16.18 miles.
  (b) SR-901. From SR-196 traversing westerly and northwesterly on a county road to a junction with a Bureau of Land Management road described as part of SR-901, then northwesterly to a junction with a county road for a distance of 8.70 miles. Then beginning again at a junction with SR-901 traversing northwesterly on a Bureau of Land Management road to a junction with a county road for a distance of 6.52 miles. Then beginning again at a junction with SR-901 traversing southwesterly on a Bureau of Land Management road to a junction with a county road for a distance of 5.44 miles. Then beginning again from a junction with SR-901 traversing southwesterly on a county road to a junction with a county road a distance of 11.52 miles. Then beginning again at a junction with SR-196 traversing westerly on a Bureau of Land Management road to a junction with a county road for a distance of 11.30 miles. The entire length of SR-901 is a total distance of 43.48 miles.
(3) The department has jurisdiction and control over all statewide public safety interest highways.

(4)
(a) A county shall maintain the portions of a statewide public safety interest highway that was a class B county road under the county's jurisdiction prior to the designation under this section.
(b) Notwithstanding the provisions of Section 17-50-305, a county may not abandon any portion of a statewide public safety interest highway.
(c) Except under written authorization of the executive director of the department, a statewide public safety interest highway shall remain the same class of highway that it was prior to the designation under this section with respect to grade, drainage, surface, and improvements and it may not be upgraded or improved to a higher class of highway.
(5)
(a) A class B county road that is designated a statewide public safety interest highway under this section is considered a class B county road for the purposes of the distribution formula and distributions of funds.
(b) The amount of funds received by any jurisdiction for class B and class C roads under Section 72-2-107 may not be affected by the provisions of this section.

Amended by Chapter 144, 2017 General Session

Chapter 4
Designation of State Highways Act

Part 1
State Highways

72-4-101 Title.

This chapter is known as the "Designation of State Highways Act."

Enacted by Chapter 270, 1998 General Session

72-4-102 Additions to or deletions from state highway system -- Designation of highways as state highways between sessions.

(1)
(a) The Legislature may add to or delete highways or sections of highways from the state highway system.
(b) The department shall annually submit to the Legislature a list of highways or sections of highways the commission recommends for addition to or deletion from the state highway system.
(c) All recommendations under Subsection (1)(b) shall be based on:
(i) the criteria for state highways under Section 72-4-102.5;
(ii) funding and operational considerations identified under Subsection (3);
(iii) efficiency of highway operations and maintenance; and
(iv) other factors the commission determines are appropriate, in consultation with the department and the highway authorities involved in the transfer.
(2) Between general sessions of the Legislature, highways may be designated as state highways or deleted from the state highway system if:

(a) approved by the commission in accordance with:
(i) the criteria for state highways under Section 72-4-102.5;
(ii) funding and operational considerations identified under Subsection (3);
(iii) efficiency of highway operations and maintenance; and
(iv) other factors the commission determines are appropriate, in consultation with the department and the highway authorities involved in the transfer;
(b) a deletion is agreed upon by all highway authorities involved in the transfer; and
(c) the highways are included in the list of recommendations submitted to the Legislature in the next year for legislative approval or disapproval.
(3) All highway authorities involved in a highway transfer under this section shall consider available highway financing levels and operational abilities for the maintenance and construction of a transferred highway.
(4)
(a) The department or the commission shall submit to the Transportation Interim Committee of the Legislature on or before November 1 of each year:
(i) the list of highways recommended for transfer under Subsection (1);
(ii) a list of potential additions to or deletions from the state highway system that are currently under consideration; and
(iii) a list of additions to or deletions from the state highway system that were proposed but not agreed to by the affected highway authorities.
(b) The recommendations shall include:
(i) any fiscal and funding recommendations of each highway authority involved in the transfer of a highway or section of a highway; and
(ii) a cost estimate, fiscal analysis, and funding recommendation, or recommendation for further study from the Office of the Legislative Fiscal Analyst.
(5)
(a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commission shall make rules, in consultation with the department and local highway authorities, establishing a process for a highway authority to propose an addition to or deletion from the state highway system.
(b) The rules established under Subsection (5)(a) shall include provisions for:
(i) notification to highway authorities of the department's intent to:
(A) collect proposed additions to or deletions from the state highway system; and
(B) report the proposals to the Transportation Interim Committee as required under Subsection (4)(a);
(ii) public comment regarding a proposed addition to or deletion from the state highway system under this section during a commission meeting held under Section 72-1-302;
(iii) notification to any affected highway authority of an addition to or deletion from the state highway system under consideration prior to the meeting held under Subsection (5)(b)(ii); and
(iv) opportunity for a highway authority to initiate consideration of additions to or deletions from the state highway system by the commission.

Amended by Chapter 137, 2016 General Session

72-4-102.5 Definitions -- Rulemaking -- Criteria for state highways.
(1) As used in this section:

(a) "Arterial highway" has the same meaning as provided under the Federal Highway Administration Functional Classification Guidelines.
(b) "Collector highway," "collector road," or "collector street" has the same meaning as provided under the Federal Highway Administration Functional Classification Guidelines.
(c) "Local street" or "local road" means a highway that is not an arterial highway or a collector highway and that is under the jurisdiction of a county or municipality.
(d) "Major collector highway," "major collector road," or "major collector street" has the same meaning as provided under the Federal Highway Administration Functional Classification Guidelines.
(e) "Minor collector road" or "minor collector street" has the same meaning as provided under the Federal Highway Administration Functional Classification Guidelines.
(f) "Minor arterial highway" or "minor arterial street" has the same meaning as provided under the Federal Highway Administration Functional Classification Guidelines.
(g) "Principal arterial highway" has the same meaning as provided under the Federal Highway Administration Functional Classification Guidelines.
(h) "Rural area" has the same meaning as provided under the Federal Highway Administration Functional Classification Guidelines.
(i) "Tourist area" means an area of the state frequented by tourists for the purpose of visiting national parks, national recreation areas, national monuments, or state parks.
(j) "Urban area" has the same meaning as provided under the Federal Highway Administration Functional Classification Guidelines.

(2)
(a) Subject to the provisions of Title 72, Chapter 3, Highway Jurisdiction and Classification Act, and this chapter, a state highway shall meet the criteria provided under this section.
(b) The highway authorities of this state or their representatives shall cooperate to match the criteria provided under this section with the state highways designated under this title.
(c) The primary function of state highways is to provide for the safe and efficient movement of traffic, while providing access to property is a secondary function.
(d) The primary function of county and municipal highways is to provide access to property.
(e) For purposes of this section, if a highway is within 10 miles of a location identified under this section, the location is considered to be served by that highway.

(3) A state highway shall:
(a) serve a statewide purpose by accommodating interstate movement of traffic or interregion movement of traffic within the state;
(b) primarily move higher traffic volumes over longer distances than highways under local jurisdiction;
(c) connect major population centers;
(d) be spaced so that:
(i) all developed areas in the state are within a reasonable distance of a state highway; and
(ii) duplicative state routes are avoided;
(e) provide state highway system continuity and efficiency of state highway system operation and maintenance activities;
(f) include all interstate routes, all expressways, and all highways on the National Highway System as designated by the Federal Highway Administration under 23 C.F.R. Section 470, Subpart A, as of January 1, 2005; and
(g) exclude parking lots, driving ranges, and campus roads.

(4) Consistent with the provisions of Subsection (3), in rural areas a state highway may:
(a) include all minor arterial highways;

(b) include a major collector highway that:
(i) serves a county seat;
(ii) serves a municipality with a population of 1,000 or more;
(iii) serves a major industrial, commercial, or recreation areas that generate traffic volumes equivalent to a population of 1,000 or more;
(iv) provides continuity for the state highway system by providing major connections between other state highways;
(v) provides service between two or more counties; or
(vi) serves a compelling statewide public safety interest; and
(c) exclude all minor collector streets and local roads.
(5) Consistent with the provisions of Subsection (3), in urban areas a state highway may:
(a) include all principal arterial highways;
(b) include a minor arterial highway that:
(i) provides continuity for the state highway system by providing major connections between other state highways;
(ii) is a route that is expected to be a principal arterial highway within 10 years; or
(iii) is needed to provide access to state highways; and
(c) exclude all collector highways and local roads.
(6) In addition to the provisions of Subsections (3) and (4), in tourist areas, a state highway:
(a) shall include a highway that:
(i) serves a national park or a national recreational area; or
(ii) serves a national monument with visitation greater than 100,000 per year; or
(b) may include a highway that:
(i) serves a state park with visitation greater than 100,000 per year; or
(ii) serves a recreation site with visitation greater than 100,000 per year.
(7)
(a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department shall make rules:
(i) establishing and defining a functional classification of highways for the purpose of implementing this section;
(ii) defining and designating regionally significant arterial highways; and
(iii) establishing an access management policy consistent with the functional classification of roadways.
(b) The definitions under Subsection (7)(a) shall provide a separate functional classification system for urban and rural highways recognizing the unique differences in the character of services provided by urban and rural highways.
(c) The rules under Subsection (7)(a):
(i) shall conform as nearly as practical to the Federal Highway Administration Functional Classification Guidelines; and
(ii) may incorporate by reference, in whole or in part, the federal guidelines under Subsection (7)(c)(i).

Amended by Chapter 25, 2017 General Session

72-4-103 Deletion of highway from state highway system -- Return to county or municipality or abandonment.

When a state highway or portion of a state highway is deleted from the state highway system by the Legislature or the commission, the department shall:

(1) return or relinquish the state highway or portion of the state highway to the county or municipality in which it is situated; or
(2) abandon the state highway or portion of the state highway if it no longer serves the purpose of a highway.

Renumbered and Amended by Chapter 270, 1998 General Session

72-4-104 Disposition of portion of highways realigned.
(1) The department may make changes in the alignment of state highways to provide for greater highway safety or more economical highway operation and maintenance.
(2) When a state highway is realigned, the former portion of it may be:
(a) returned or relinquished to the county or municipality in which it is situated to be maintained as a highway;
(b) abandoned by the department if it no longer serves the purpose of a highway; or
(c) disposed of in accordance with Section 72-5-111 if the former portion was purchased in fee.

Amended by Chapter 122, 2012 General Session

72-4-105 Designation of state highways in municipalities.
If the route of a state highway extends into or through a municipality and the Legislature has not specifically designated the location of the highway within the municipality, the commission, in cooperation with the municipality, shall designate the streets of the municipality over which the state highway shall be routed. The designated streets shall be part of the state highway system without compensation to the municipality.

Renumbered and Amended by Chapter 270, 1998 General Session

72-4-106 State highways -- SR-6 to SR-10.
State highways include:
(1) SR-6. From the Utah-Nevada state line easterly through Delta and Tintic Junction through the North Santaquin Interchange of Route 15 continuing northerly through the Spanish Fork Interchange of Route 15 including the bridge eastbound intersecting Route 15 from southbound exit 257 of Route 15 at the Spanish Fork Interchange, continuing easterly through the Moark Junction, through Spanish Fork Canyon and Price to Route 70 west of Green River, returning along the same route including the bridge intersecting Route 15 at the Spanish Fork Interchange returning to the Utah-Nevada state line.
(2) SR-7. From Route 15 in St. George easterly and northerly via Southern Parkway to Route 9 in Hurricane.
(3) SR-8. From Dixie Downs Road to Route 18 in St. George on Sunset Boulevard.
(4) SR-9. From Route 15 at Harrisburg Junction easterly to Zion National Park south boundary, and from Zion National Park east boundary to Route 89 at Mt. Carmel Junction.
(5) SR-10. From a junction with Route 70 east of Fremont Junction northeasterly to Route 55 in Price.

Amended by Chapter 83, 2022 General Session

72-4-107 State highways -- SR-12 to SR-20.
State highways include:

(1) SR-12. From Route 89 at Bryce Canyon Junction easterly through Tropic Junction and Escalante then northerly through Boulder and Grover to Route 24 east of Torrey.
(2) SR-13. From Route 91 in Brigham City northerly through Bear River and Haws Corner to 20800 North, northwest of Plymouth, then west to the southbound on- and off-ramps of Route 15 Plymouth Interchange.
(3) SR-14. From Route 130 in Cedar City southeasterly to Route 89 at Long Valley Junction.
(4) SR-15. From the Utah-Arizona state line near St. George to the Utah-Idaho state line south of Malad, Idaho, on interstate Route 15.
(5) SR-16. From the Utah-Wyoming state line northwesterly 10 miles through Woodruff then northerly to Route 30 at Sage Creek Junction.
(6) SR-17. From Route 9 in LaVerkin northerly to Route 15 at Anderson Junction.
(7) SR-18. From Route 15 in south St. George northerly to Route 56 at Beryl Junction.
(8) SR-19. From Route 70 west of Green River easterly through Green River to Route 70 near Elgin.
(9) SR-20. From Route 15, 14 miles north of Paragonah easterly to Route 89 at Orton.

Amended by Chapter 57, 2008 General Session

72-4-108 State highways -- SR-21 to SR-26, SR-28 to SR-30.

State highways include:
(1) SR-21. From the Utah-Nevada state line near Garrison southerly and easterly to Beaver to Route 160.
(2) SR-22. From Antimony Bridge northerly to Route 62.
(3) SR-23. From Route 91 south of Wellsville northerly through Wellsville, Mendon, Petersboro, Newton, and Cornish to the Utah-Idaho state line near Weston, Idaho.
(4) SR-24. From Route 50 near Salina southerly through Loa to Hanksville; then northeasterly to Route 70 at Buckmaster Interchange west of Green River.
(5) SR-25. From Fish Lake Junction on Route 24 northerly to near Bowery Haven Campground.
(6) SR-26. From Route 126 in Roy easterly to Route 89 in Ogden.
(7) SR-28. From Route 89 in Gunnison northerly through Levan and Nephi to Route 15 north of Nephi.
(8) SR-29. From Joes Valley Reservoir easterly through Orangeville Junction to Route 10 north of Castle Dale.
(9) SR-30. From the Utah-Nevada state line northeasterly through Curlew Junction to Route 84 west of Snowville; then beginning again at a junction with Route 15 west of Riverside easterly through Collinston to Route 91 in Logan; then beginning again at a junction with Route 89 in Garden City southeasterly through Sage Creek Junction to the Utah-Wyoming state line.

Amended by Chapter 213, 2007 General Session

72-4-109 State highways -- SR-31, SR-32, SR-34 to SR-40.

State highways include:
(1) SR-31. From Route 89 in Fairview southeasterly to Route 10 in Huntington.
(2) SR-32. From Route 40 north of Heber City, northeasterly to a junction with Route 35 at Francis; then north through Kamas to the Route 80 westbound off-ramp northeast of Wanship.
(3) SR-34. From Route 18 east on 100 North Street in St. George to the east side curb of River Road.

(4) SR-35. From Route 32 at Francis southeasterly through Tabiona to Route 87 north of Duchesne.
(5) SR-36. From Route 6 west of Eureka northerly through Tooele and Mills Junction to Route 80 at Tooele Interchange.
(6) SR-37. From Route 126 in Sunset west through Clinton to south of Hooper; then northerly through Hooper to west of West Haven; then east through West Haven to Route 108 near Roy.
(7) SR-38. From Route 13 in Brigham City northerly through Honeyville and Deweyville to Route 30 in Collinston.
(8) SR-39. From Route 134 easterly on Twelfth Street in Ogden and Ogden Canyon to Route 16 in Woodruff.
(9) SR-40. From Route 80 at Silver Creek Junction southerly through Heber City then easterly through Duchesne, Vernal, and Jensen to the Utah-Colorado state line.

Amended by Chapter 79, 2006 General Session

72-4-110 State highways -- SR-42 to SR-46, SR-48, SR-50.

State highways include:
(1) SR-42. From the Utah-Idaho state line near Strevell, Idaho, easterly to Route 30 at Curlew Junction.
(2) SR-43. From the Utah-Wyoming state line about 6-1/2 miles west of Manila easterly through Manila to the Utah-Wyoming state line about three miles east of Manila.
(3) SR-44. From Route 191 at Greendale Junction northwesterly to Route 43 in Manila.
(4) SR-45. From the Evacuation Wash Area south of Bonanza northwesterly through Bonanza to Route 40 southeast of Vernal, near Naples.
(5) SR-46. From Route 191 at LaSal Junction easterly to the Utah-Colorado state line.
(6) SR-48. From Route 154 easterly on 7800 South to Route 68 in West Jordan; then beginning again at Route 68 easterly on 7000 South and 7200 South to Route 89.
(7) SR-50. From Route 6 in Delta southeasterly to Holden, then northerly to Route 15 and beginning again at Route 15 Scipio Interchange; then easterly through Scipio and southeasterly to junction with Route 89 in Salina.

Amended by Chapter 42, 2016 General Session

72-4-111 State highways -- SR-51 to SR-60.

State highways include:
(1) SR-51. From Route 147 in Spanish Fork northeasterly to Route 89 in Springville.
(2) SR-52. From Route 114 easterly on 8th North in Orem to Route 189 at Olmstead.
(3) SR-53. From Route 15 easterly on Twenty-fourth Street in Ogden to Route 89.
(4) SR-54. From Mona easterly to the on and off ramps east of Route 15 at the Mona Interchange.
(5) SR-55. From Route 6 west of Price easterly on First North Street to 3rd East Street; then south on 3rd East Street to Main Street; then easterly and southerly to Route 6 near Price southeast corporate limits.
(6) SR-56. From the Utah-Nevada state line easterly to Route 130 in Cedar City.
(7) SR-57. From Route 10 northerly to the Wilberg Mine northwest of Orangeville.
(8) SR-58. From the Utah-Nevada state line easterly through Wendover to Route 80.
(9) SR-59. From the Utah-Arizona state line northwesterly to Route 9 in Hurricane.
(10) SR-60. From Route 26 at Riverdale Junction easterly to Route 89.

Renumbered and Amended by Chapter 270, 1998 General Session

72-4-112 State highways -- SR-61 to SR-68 and SR-70.

State highways include:

(1) SR-61. From Route 23 in Cornish easterly to Route 91 at Webster Junction.
(2) SR-62. From Route 89 south of Junction easterly through Kingston to near Otter Creek Reservoir; then northerly to Route 24 at Plateau Junction.
(3) SR-63. From Bryce National Park north boundary northerly to Tropic Junction on Route 12.
(4) SR-64. From Route 15 south of Holden northerly to Route 50.
(5) SR-65. From Route 80 near Mt. Dell Reservoir northeasterly on the Brigham Young Memorial Highway to Henefer; then northeasterly to Route 84.
(6) SR-66. From Route 65 near East Canyon Reservoir northerly through Porterville to Route 84 in Morgan.
(7) SR-67. From the junction of I-215 in Davis County northerly on Legacy Parkway to the junction with US-89 and I-15.
(8) SR-68. From Route 6 at Elberta northerly on Redwood Road and Fifth South Street in Bountiful; then southerly on 2nd West in Bountiful to Route 89 in Bountiful.
(9) SR-70. From Route 15 near Cove Fort to the Utah-Colorado state line west of Grand Junction, Colorado, on interstate Route 70.

Amended by Chapter 118, 2009 General Session

72-4-113 State highways -- SR-71 to SR-80.

State highways include:

(1) SR-71. From Route 154 in Riverton easterly to Seventh East Street in Draper; then northerly on Seventh East and Ninth East Streets to Route 186 in Salt Lake City.
(2) SR-72. From Route 24 in Loa northerly to a junction with Route 70 and Route 10 near Fremont Junction.
(3) SR-73. From Route 36 northeast of St. John Station southeasterly on Five Mile Pass to Route 145; then easterly again beginning at 850 East in Lehi to Route 89.
(4) SR-74. From Route 89 in American Fork northerly to 200 feet south of the intersection with Canyon Crest Road in Alpine.
(5) SR-75. From Route 15 northwest of Springville easterly to Route 89 near Ironton.
(6) SR-76. From Route 70 easterly to old Fremont Junction on Route 72.
(7) SR-77. From Route 147 north of Benjamin north through Barney Corner; then easterly to Route 89 in Springville.
(8) SR-78. From Route 15 at the Mills Junction Interchange northerly to west of Levan; then east to Route 28 in Levan.
(9) SR-79. From Route 108 easterly on Thirty-first Street in Ogden to the lane separation, then on eastbound lane only to Route 89; then easterly on Thirtieth Street to Route 203; beginning again at Thirtieth Street and Route 89 then westerly on the westbound lane only to merge with eastbound lanes.
(10) SR-80. From the Utah-Nevada state line in Wendover to the Utah-Wyoming state line west of Evanston, Wyoming, on Interstate 80.

Amended by Chapter 42, 2016 General Session

72-4-114 State highways -- SR-81 to SR-90.

State highways include:
(1) SR-81. From Route 30 north to Fielding.
(2) SR-82. From Route 102 north on 300 East Street in Tremonton to Garland; then east approximately 0.8 mile; then north to Route 13.
(3) SR-83. From Route 13 in Corinne westerly to Lampo Junction; then northerly to Route 84 at Howell Interchange.
(4) SR-84. From the Utah-Idaho state line near Snowville to a point on Route 15 at the Tremonton Interchange; then from another point on Route 15 near Roy to Route 80 near Echo, traversing the alignment of interstate Route 84.
(5) SR-85. From Route 73 in Saratoga Springs northerly on 800 West to Route 68 in Lehi; then beginning again at Route 68 in Herriman westerly on Porter Rockwell Boulevard; then northerly on Mountain View Corridor Highway to California Avenue in Salt Lake City.
(6) SR-86. From Route 65 at Henefer westerly to Route 84.
(7) SR-87. From Route 40 in Duchesne northerly; then easterly through Altamont; thence southeasterly through Upalco; then east to Route 40 southwest of Roosevelt.
(8) SR-88. From the south end of the Green River Bridge south of Ouray northerly to Route 40 east of Ft. Duchesne.
(9) SR-89. From the Utah-Arizona state line northwest of Page, Arizona, westerly to Kanab; then northerly to a junction with Route 70 near Sevier Junction; then beginning again at the junction with Route 70 south of Salina, northerly through Salina, Gunnison and Mt. Pleasant to a junction with Route 6 at Thistle Junction; beginning again at junction with Route 6 at Moark Junction northerly through Springville, Provo, Orem, and American Fork to Route 15 north of Lehi; then beginning again at a junction with Route 71 in Draper northerly through Sandy, Midvale, Murray, Salt Lake City, and Bountiful to a junction with Route 15 at the 500 west interchange; then beginning again at a junction with Route 15 at Lagoon northerly through Uintah Junction and Ogden to Route 91 near south city limits of Brigham City; then beginning again at a junction with Route 91 in Logan northeasterly to Route 30 in Garden City; then northerly to the Utah-Idaho state line.
(10) SR-89A. From the Utah-Arizona state line south of Kanab northerly to Route 89 in Kanab.
(11) SR-90. From Route 13 in Brigham easterly on 2nd South Street to Route 91.

Amended by Chapter 83, 2022 General Session

72-4-115 State highways -- SR-91 to SR-97, SR-99, SR-100.

State highways include:
(1) SR-91. From Route 15 south of Brigham City; then easterly through Brigham Canyon and Logan to the Utah-Idaho state line near Franklin, Idaho.
(2) SR-92. From Ashton Boulevard in Lehi, east through American Fork Canyon to Route 189 in Provo Canyon.
(3) SR-93. From the on- and off-ramps on the west side of Route 15, east along the south city limits of Woods Cross to Route 89.
(4) SR-94. From Route 70 northeasterly to Thompson.
(5) SR-95. From Route 24 east of Hanksville southerly crossing near the confluence of the Dirty Devil and Colorado Rivers to a point 4.3 miles south of Blanding on Route 191.
(6) SR-96. From Clear Creek northerly through Scofield to Route 6 near Colton.
(7) SR-97. From Route 37 east on 5500 South Street in Hooper to the Hill Air Force Base Northwest gate.
(8) SR-99. From Route 15 south of Fillmore northerly through Fillmore to Route 15.

(9) SR-100. From Route 99 in Fillmore westerly then northerly to Route 50 west of Holden.

Amended by Chapter 146, 2013 General Session

72-4-116 State highways -- SR-101 to SR-110.

State highways include:

(1) SR-101. From Wellsville on Route 23 easterly through Hyrum to the Hardware Ranch with a stub connection to the visitors' center and parking area.
(2) SR-102. From Route 83 east of Lampo Junction northeasterly through Penrose to Thatcher; then easterly through Tremonton and Deweyville to Route 38.
(3) SR-103. From Route 126 in Clearfield easterly on 650 North Street in Clearfield to the on and off access ramps on the east side of Route 15.
(4) SR-104. From Route 126 easterly on Wilson Lane, Twentieth Street, and Twenty-first Street in Ogden to Route 204.
(5) SR-105. From Route 67 east on Parrish Lane in Centerville to Route 106.
(6) SR-106. From .21 miles west of Route 15 east on 400 North Street in Bountiful; then northerly to Sheppard Lane in Farmington; then west on Sheppard Lane to Route 89.
(7) SR-108. From the I-15 north bound on- and off-ramps at the Hill Field South Gate Interchange in Layton west to Syracuse; then north into Weber County; then northeasterly to Route 126.
(8) SR-109. From Route 126 in Layton easterly via Gentile Street and Oak Hills Drive to East Side Drive east of Route 89.
(9) SR-110. From Route 127 west of Syracuse north to Route 37 west of Clinton.

Amended by Chapter 383, 2025 General Session

72-4-117 State highways -- SR-111 to SR-120.

State highways include:

(1) SR-111. From Route 48 east of Copperton northerly through Bacchus to Route 201 northeast of Magna.
(2) SR-112. From Route 138 on 800 East in Grantsville southeasterly to Tooele on 1000 North to Route 36.
(3) SR-113. From Route 189 in Charleston northerly to Midway; then easterly to Route 40 in Heber City.
(4) SR-114. From Route 89 in Provo westerly on Center Street to Geneva Road; then northerly through Lakeview, Vineyard, and Geneva to Route 89 in Pleasant Grove.
(5) SR-115. From Route 198 in Payson northerly to Benjamin; then easterly to Route 156 in Spanish Fork.
(6) SR-116. From Route 132 in Moroni easterly to Route 89 in Mt. Pleasant.
(7) SR-117. From Wales easterly through Chester to Spring City; then northeasterly to Route 89.
(8) SR-118. From Route 70 easterly through Joseph and Monroe; then northerly to Route 120 in south Richfield. Beginning again with Route 120 at 300 North in Richfield, northeasterly to Route 24 near Sigurd.
(9) SR-119. From Route 118 in Richfield easterly to Route 24 at Kings Meadow Canyon.
(10) SR-120. From Route 70 easterly to Main Street in Richfield; then northerly on Main Street to Route 70 north of Richfield.

Amended by Chapter 199, 2010 General Session

72-4-118 State highways -- SR-121 to SR-130.

State highways include:

(1) SR-121. From Route 40 in Roosevelt northerly to Neola; then easterly through LaPoint and Maeser to Route 40 in Vernal.

(2) SR-122. From the Utah Railway right-of-way line near Hiawatha easterly to Route 10 near Carbon-Emery County line.

(3) SR-123. From Route 6 at Sunnyside Junction easterly to Sunnyside.

(4) SR-124. From Horse Canyon coal mine northerly through Columbia Junction to Route 123.

(5) SR-125. From Route 50 east of Delta easterly to Oak City; then northerly to Route 132 near Leamington.

(6) SR-126. From Fort Lane at Layton Parkway Interchange northerly to Route 89 at Hot Springs Junction.

(7) SR-127. From Route 110 easterly on Syracuse Road to a junction with Route 108 in Syracuse.

(8) SR-128. From Route 191 near Moab northeasterly along south bank of Colorado River to Dewey; then northerly to Route 70 approximately six miles west of Cisco.

(9) SR-129. From Route 89 in Lindon westerly on 700 North; then northerly on North County Boulevard to Route 92 in Highland.

(10) SR-130. From Royal Hunte Drive east on Cross Hollow Road; then northerly on Main Street through Cedar City to Route 21 north of Minersville.

Amended by Chapter 423, 2015 General Session

72-4-119 State highways -- SR-131 to SR-140.

State highways include:

(1) SR-131. From Route 68 in Bluffdale northeasterly on Porter Rockwell Boulevard to Route 140.

(2) SR-132. From Route 6 in Lynndyl northeasterly through Leamington to Nephi; then southeasterly through Fountain Green and Moroni to Route 89 at Pigeon Hollow Junction.

(3) SR-133. From Kanosh south city limits north through Meadow to Route 15 north of Meadow.

(4) SR-134. From Route 37 at Kanesville northerly to Plain City; then easterly to Route 235 in North Ogden.

(5) SR-135. From 2800 West in Lindon easterly via Pleasant Grove Boulevard to Route 129 in Pleasant Grove.

(6) SR-136. From a junction with Route 50 and 125 east of Delta north to Route 6.

(7) SR-137. From Route 89 in Gunnison easterly to Mayfield; then northerly to Route 89.

(8) SR-138. From Route 80 at Stansbury Interchange southeasterly through Grantsville to Route 179 in Tooele County.

(9) SR-139. From Route 6 northerly to Route 157 near Spring Glen.

(10) SR-140. From 800 West in Bluffdale easterly on 14600 South to the on and off access ramps on the east side of Route 15.

Amended by Chapter 220, 2023 General Session

72-4-120 State highways -- SR-141 to SR-145, SR-147 to SR-151.

State highways include:

(1) SR-141. From Route 6 in Genola to Route 147 west of Payson.

(2) SR-142. From Route 23 near Newton to Clarkston; then easterly through Trenton to Route 91 in Richmond.

(3) SR-143. From Route 15 west of Parowan easterly through Parowan, then southerly to the Panguitch Lake Road, then easterly and northerly coincident with the Panguitch Lake Road to Route 89 in Panguitch.
(4) SR-144. From Route 92 in American Fork Canyon northerly to Tibble Fork Reservoir.
(5) SR-145. From Route 73 in Saratoga Springs easterly on Pioneer Crossing to Route 89 in American Fork.
(6) SR-147. From Route 141, McBeth Corner; then northerly four miles; then east approximately three miles to Benjamin; then north approximately one mile; then easterly crossing Route 89 one mile; then north to Mapleton; then west to Route 89.
(7) SR-148. From Route 14 north to Cedar Breaks National Monument south boundary.
(8) SR-149. From Route 40 at Jensen northerly to Dinosaur National Monument boundary.
(9) SR-150. From Route 32 in Kamas easterly to Mirror Lake and northerly to Utah-Wyoming state line.
(10) SR-151. From Route 154 east on 10400 South Street to 1300 West Street; then southeasterly to 10600 South Street; then east on 10600 South Street to Route 15.

Amended by Chapter 423, 2015 General Session

72-4-121 State highways -- SR-152 to SR-160.

State highways include:
(1) SR-152. From Route 71 at 4800 South Street southeasterly on Van Winkle Expressway to the Route 215 Interchange near 6400 South Street.
(2) SR-153. From Route 160 in Beaver easterly by Puffer Lake to Route 89 in Junction City.
(3) SR-154. From 150 East Street westerly on Bangerter Highway to near 3200 West; then northerly to the westbound off ramp of Route 80 near the Salt Lake International Airport.
(4) SR-155. From Route 10 in Huntington northeasterly to Cleveland; then northerly to Route 10 at Washboard Junction.
(5) SR-156. From Route 198 in Spanish Fork north on Main Street to Route 15.
(6) SR-157. From Route 6 in Helper easterly on Poplar Street to Main Street; then southerly and northeasterly to Kenilworth.
(7) SR-158. From Eden Junction on Route 39 northerly to the parking lot of Powder Mountain Ski Resort.
(8) SR-159. From Route 21 near Garrison north to Route 6 near the Utah-Nevada state line.
(9) SR-160. From Route 15 south of Beaver northerly through Beaver to Route 15 north of Beaver.

Amended by Chapter 440, 2024 General Session

72-4-122 State highways -- SR-161 to SR-165, SR-167, SR-168.

State highways include:
(1) SR-161. From Route 70 near Cove Fort northwesterly to Route 15.
(2) SR-162. From Route 191 in Bluff easterly to the Utah-Colorado state line.
(3) SR-163. From the Utah-Arizona state line southwest of Mexican Hat northeasterly to Route 191 near Bluff.
(4) SR-164. From Route 15 southwest of Spanish Fork easterly to Route 198 one-half mile south of Spanish Fork.
(5) SR-165. From Paradise northerly through Hyrum and Nibley to Route 91 in Logan.
(6) SR-167. From Route 84 near Mountain Green northerly on Trappers Loop Road to Route 39 south of Huntsville.

(7) SR-168. From the north entrance of Hill Air Force Base northerly to Route 60 in Riverdale.

Amended by Chapter 79, 2006 General Session

72-4-123 State highways -- SR-171 to SR-180.

State highways include:

(1) SR-171. From Route 111 at Eighty-fourth West Street and Thirty-fifth South Street easterly on Thirty-fifth South Street and Thirty-third South Street to Route 215 at the east-side belt route.
(2) SR-172. From 6200 South north on 5600 West to Route 80.
(3) SR-173. From Route 111 southeast of Magna easterly through Kearns and Murray to Route 89 at 5300 South Street in Murray.
(4) SR-174. From Intermountain Power Plant main gate southeasterly to Route 6 south of Lynndyl.
(5) SR-175. From Route 89 westerly on 11400 South to Route 154.
(6) SR-176. From Route 114 westerly and northerly on Vineyard Connector to mile 2.35 at Lighthouse Lane in Vineyard.
(7) SR-177. From the on-ramps of Route 15 and Route 67 in Farmington westerly and northerly to Route 193 in West Point.
(8) SR-178. From the southbound on and off ramps of Route 15 east on 800 South in Payson to Route 198.
(9) SR-179. From Route 138 near Grantsville northerly via Midvalley Highway to Route 80 in Tooele County.
(10) SR-180. From Route 15 southeast of American Fork northerly on Fifth East Street to Route 89 in American Fork.

Amended by Chapter 383, 2025 General Session

72-4-124 State highways -- SR-186, SR-189, SR-190.

State highways include:

(1) SR-186. From Route 89 at Beck Street in Salt Lake City southerly on Victory Road and Columbus Street; then easterly on Third North; then southerly on State Street to Fourth South Street; then easterly on Fourth South, Tenth East, and Fifth South Streets; then southerly on Foothill Boulevard to Route 80.
(2) SR-189. From Route 15 south of Provo northerly on University Avenue and Provo Canyon to Route 40 south of Heber.
(3) SR-190. From Route 215 at Knudsen's Corner southeasterly to Route 210 at the mouth of Big Cottonwood Canyon; then easterly through Big Cottonwood Canyon to Brighton, including Brighton Loop; then easterly through Guardsman Pass to the Salt Lake-Wasatch County line.

Amended by Chapter 57, 2008 General Session

72-4-125 State highways -- SR-191, SR-193, SR-194, SR-196, SR-198 to SR-200.

State highways include:

(1) SR-191. From the Utah-Arizona state line south of Bluff northerly through Blanding, Monticello, and Moab to Route 70 at Crescent Junction; then beginning again from Route 6 north of Helper northerly through Indian Canyon to Route 40 at Duchesne; then beginning again from Route 40 at Vernal northerly through Greendale Junction and Dutch John to the Utah-Wyoming state line.
(2) SR-193. From Route 110 in West Point easterly through Syracuse, Clearfield, and Layton, past the south entrance to Hill Air Force Base to Route 89.

(3) SR-194. From Route 68 in Lehi easterly via 2100 North; then northerly via 1200 West to 2250 North and Powell Way.
(4) SR-196. From Route 199 near the control gate at Dugway Proving Grounds northerly via the Skull Valley Road to the west bound on and off ramps of Route 80 at the Rowley Junction Interchange.
(5) SR-198. From Route 15 northbound ramps of the North Santaquin Interchange northeasterly through Spring Lake, to 100 North in Payson; then easterly and northeasterly through Salem to 300 South in Spanish Fork; then easterly and southeasterly to Route 6 at Moark Junction.
(6) SR-199. From Route 196 north of the Dugway Proving Grounds main gate northeasterly through Clover to Route 36.
(7) SR-200. From Route 61 in Lewiston, approximately three miles west of Route 91, north to the Utah-Idaho state line.

Amended by Chapter 383, 2025 General Session

72-4-126 State highways -- SR-201 to SR-204, SR-208 to SR-211.

State highways include:
(1) SR-201. From Route 80 at Lake Point Junction easterly to 900 West; then northerly to 2100 South Street; then easterly to Route 89.
(2) SR-202. From Route 201 near Garfield northwesterly through the Garfield Cutoff to Route 80.
(3) SR-203. From Route 89 near Uintah northerly on Harrison Boulevard in Ogden to Route 39.
(4) SR-204. From Route 26 north on Wall Avenue in Ogden to Route 89.
(5) SR-208. From Route 40 east of Fruitland northerly to Route 35 near Tabiona.
(6) SR-209. From Kennecott gate in Copperton northeasterly to 9000 South; then easterly on 9000 South; then easterly to 9400 South; then easterly to Route 210 near the mouth of Little Cottonwood Canyon.
(7) SR-210. From Route 190 at the mouth of Big Cottonwood Canyon southeasterly on Wasatch Boulevard and through Little Cottonwood Canyon, to Alta, including the Alta Bypass.
(8) SR-211. From Dugout Ranch southeasterly; then northeasterly to Route 191 near Church Rock.

Amended by Chapter 42, 2016 General Session

72-4-127 State highways -- SR-215, SR-218, SR-219.

State highways include:
(1) SR-215. From a junction with Route 80 near the mouth of Parley's Canyon southeast of Salt Lake City, southwesterly to near the south city limits of Murray, junctioning with Route 15, then northwesterly, northerly, and easterly to a junction with Route 15 north of Salt Lake City, on interstate Route 215.
(2) SR-218. From Route 23 east of Newton easterly to Route 91 in Smithfield.
(3) SR-219. From the 1984 west corporate limits of Enterprise east to Route 18.

Amended by Chapter 336, 2012 General Session

72-4-128 State highways -- SR-222, SR-224 to SR-228.

State highways include:
(1) SR-222. From Route 113 in Midway northerly to Pine Creek Campground.

(2) SR-224. From the Wasatch-Summit County line through Ontario Canyon and Park City to Route 80 at Kimball Junction.
(3) SR-225. From the west side of the structure over the Union Pacific Railroad easterly via Park Lane to Route 106 in Farmington.
(4) SR-226. From Snow Basin Ski Lodge lower parking lot in Weber County southeasterly to Route 167 the Trappers Loop Road.
(5) SR-227. From Route 15 near Glover Lane north on Walker Lane to State Street; then east to Route 106 in Farmington.
(6) SR-228. From the northbound off-ramp of Route 15 at the South Leeds Interchange; then northerly on Main Street in Leeds to the northbound on-ramp of Route 15; then westerly to the southbound off-ramp of Route 15; and from the southbound on-ramp of Route 15 easterly to Main Street in Leeds.

Amended by Chapter 336, 2012 General Session

72-4-129 State highways -- SR-231, SR-232, SR-235, and SR-240.

State highways include:
(1) SR-231. From Route 89 in Fairview northerly via Main Street to Route 31.
(2) SR-232. From Route 126 in Layton north to the south entrance to Hill Air Force Base.
(3) SR-235. From Route 89 in Ogden north to Route 134 in North Ogden.
(4) SR-240. From Route 15 east to Route 38 in Honeyville.

Amended by Chapter 52, 2019 General Session

72-4-130 State highways -- SR-241, SR-243, SR-248.

State highways include:
(1) SR-241. From Route 114 east on 1600 North in Orem to Route 89.
(2) SR-243. From Route 89 in Logan Canyon to Beaver Mountain Ski Resort.
(3) SR-248. From Route 224 at Park City Junction to Route 40 at the Park City Interchange; then southeasterly and easterly to Route 32 in Kamas.

Amended by Chapter 341, 2020 General Session

72-4-131 State highways -- SR-252 and SR-256 to SR-260.

State highways include:
(1) SR-252. From SR-91 and SR-89 northerly on 1000 West in Logan to 2500 North; then easterly on 2500 North Street to SR-91 in North Logan.
(2) SR-256. From Route 89 north of Salina northerly through Redmond to Route 89 south of Axtell.
(3) SR-257. From Route 21 at Milford northeasterly through Black Rock and Deseret to Route 6 near Hinckley.
(4) SR-258. From Route 70 near Elsinore easterly to Route 118 east of Elsinore.
(5) SR-259. From Route 24 near Sigurd, north to I-70 at the Sigurd Interchange.
(6) SR-260. From Route 24 south of Aurora to Route 50 west of Salina.

Amended by Chapter 57, 2008 General Session

72-4-132 State highways -- SR-261, SR-262, SR-264 to SR-266, and SR-268 to SR-270.

State highways include:
(1) SR-261. From Route 163 north of Mexican Hat to Route 95 east of Natural Bridges National Monument.
(2) SR-262. From Route 191 approximately 11 miles north of Bluff easterly and southerly to Route 162 in Montezuma Creek.
(3) SR-264. From Route 31 easterly through Flat Canyon and Eccles Canyon to Route 96 south of Scofield.
(4) SR-265. From Route 114 near Twelfth South Street in Orem southeasterly to Route 189 in Provo.
(5) SR-266. From Route 215 easterly on Forty-seventh South Street and Forty-fifth South Street to Route 215.
(6) SR-268. From Route 15 easterly on 600 North Street to Route 89 in Salt Lake City.
(7) SR-269. From Route 15 easterly on Fifth and Sixth South Streets to Route 89 in Salt Lake City, providing one-way couplets.
(8) SR-270. From 900 South northerly on West Temple Street to Route 89 in Salt Lake City.

Amended by Chapter 57, 2008 General Session

72-4-133 State highways -- SR-271, SR-273 to SR-276, SR-279, SR-280.

State highways include:
(1) SR-271. From Route 274 in Parowan northeasterly to Route 15 north of Paragonah.
(2) SR-273. From Route 89 at North Farmington Interchange northerly to Kaysville; then west on 200 North to Route 15.
(3) SR-274. From Route 143 in Parowan north on Main Street to Route 15 north of Parowan.
(4) SR-275. From Route 95 northwesterly to the east boundary of Natural Bridges National Monument.
(5) SR-276. From Route 95 southerly to Glen Canyon National Recreation Area boundary near Bullfrog Basin then beginning again at the Glen Canyon National Recreation Area boundary east of Halls Crossing easterly to Route 95.
(6) SR-279. From the Potash Plant north along the Colorado River to Route 191 north of Moab.
(7) SR-280. From Route 80 near the south limits of Coalville easterly to Main Street in Coalville.

Amended by Chapter 79, 2006 General Session

72-4-134 State highways -- SR-282, SR-284 to SR-287, SR-289, and SR-290.

State highways include:
(1) SR-282. At University of Utah.
  (a) From 500 South Street north on Campus Center Drive to South Campus Drive.
  (b) From University Street and 400 South Street easterly and northeasterly on South Campus Drive to Wasatch Drive.
  (c) From Foothill Boulevard Route 186 northerly on Wasatch Drive to South Medical Drive.
  (d) From Wasatch Drive northerly on South Medical Drive and West Medical Drive to North Campus Drive; then south and southwest to University Street and 100 South Street.
(2) SR-284. At Weber State University in Ogden.
  (a) From 4100 South Street northerly on the peripheral road to Edvalson Street; then northwesterly and westerly on 3700 South Street to Route 203, Harrison Boulevard.
  (b) From Route 203 easterly on 4100 South Street to Taylor Avenue.

(c) Campus North Road from the north-south peripheral road easterly on Edvalson Street to Foothill Drive.
(d) From Route 203, Harrison Boulevard, easterly on 3850 South Street to north-south peripheral road.
(e) From Route 203, Harrison Boulevard, easterly on 4000 South Street to the north-south peripheral road.
(3) SR-285. The Institute for the Deaf. From Twentieth Street in Ogden northwesterly to Monroe Avenue.
(4) SR-286. From Route 235 to and including a peripheral road at the State Industrial School in Ogden.
(5) SR-287. From Route 140 in Bluffdale northerly via Pony Express Road to Bitterbrush Lane in Draper.
(6) SR-289. At College of Southern Utah. From Route 130 in Cedar City westerly on Center Street to 1150 West Street; then south to Second South Street; then east to Third West Street; then north to Center Street, providing a peripheral road around the College of Southern Utah.
(7) SR-290. At Snow College. From Route 89 in Ephraim easterly on First North Street to Fourth East Street; then south to Center Street; then west to Route 89, providing a peripheral road around Snow College.

Amended by Chapter 383, 2025 General Session

72-4-135 State highways -- SR-291 to SR-294, SR-296, SR-298.

State highways include:
(1) SR-291. The Institute for the Blind. From Route 203, Harrison Boulevard, near Seventh Street in Ogden easterly and southerly to the hospital, including the loop on the southwest side of the hospital.
(2) SR-292. At Salt Lake Community College.
(a) From 2200 West Street easterly on 4520 South for 0.17 miles; beginning again at 0.47 miles easterly on 4520 South to Route 68.
(b) From Route 68 westerly on 4600 South for 0.80 miles; then northerly on 1900 West to 4520 South.
(c) From 4600 South northerly paralleling Route 68 to 4520 South.
(d) From 2200 West easterly on Bruin Boulevard to Route 68.
(3) SR-293. At State Capitol Building. All roads and parking areas within the capitol grounds.
(4) SR-294. At State Mental Hospital. From the main gate on Center Street in Provo easterly to the administration building.
(5) SR-296. At American Fork Training School. From 700 North in American Fork northerly.
(6) SR-298. Roads at the Browning Armory in South Ogden used for automotive drivers' ability tests including parking areas.

Amended by Chapter 383, 2025 General Session

72-4-136 State highways -- SR-301 to SR-304, SR-306, SR-309, SR-310.

State highways include:
(1) SR-301. From the boat ramp at Steinaker State Park northeasterly to Route 191 near the north end of Steinaker Reservoir.
(2) SR-302. From Route 32 near the south end of Rockport Reservoir northwesterly to a point near the north boundary of Rockport State Park.

(3) SR-303. From the Goblin Valley Overlook northerly to the Goblin Valley State Park north boundary.
(4) SR-304. From the parking lot at the beach area in Hyrum State Park northwesterly to a junction with Center Street and Fifth South Street in Hyrum City.
(5) SR-306. From the parking area north to Route 66 near the north end of East Canyon Lake State Park.
(6) SR-309. From a local road northerly to the parking area at Millsite Lake State Park.
(7) SR-310. From Route 21 northerly to the parking area at Minersville Lake State Park.

Amended by Chapter 79, 2006 General Session

72-4-137 State highways -- SR-311 to SR-320, SR-491.

State highways include:
(1) SR-311. From Route 40 northerly to the boat ramp at Starvation Lake State Park.
(2) SR-312. From the parking area at the south marina of Willard Bay State Park east to a local road.
(3) SR-313. From the camping area at Dead Horse Point northerly to Route 191 near Seven Mile Canyon.
(4) SR-314. From Route 189 northwesterly to the boat ramp at Deer Creek Lake State Recreation area.
(5) SR-315. From the parking area at the marina of Willard Bay North State Recreation Area northerly to 750 North in Willard, then east to Route 89.
(6) SR-316. From the Great Goosenecks of the San Juan State Park northeasterly to Route 261.
(7) SR-317. Roads and parking areas at the Calvin L. Rampton Complex.
(8) SR-318. From Route 9 northerly to Quail Creek State Park pay gate.
(9) SR-319. From the southbound on and off ramps of Route 40, Mayflower Interchange southeasterly to the Jordanelle State Park fee station.
(10) SR-320. Department of Public Safety Emergency Vehicle Operation Range at Camp Williams.
(11) SR-491. From Route 191 at Monticello east to the Utah-Colorado state line.

Amended by Chapter 27, 2004 General Session

Part 2
Special Designations

72-4-201 I-15 designated as Veterans Memorial Highway.

(1) There is established the Veterans Memorial Highway composed of the existing Interstate Highway 15 from the Utah-Idaho border to the Utah-Arizona border.
(2) The department shall designate Interstate 15 as the " Veterans Memorial Highway" on all future state highway maps.

Amended by Chapter 39, 2018 General Session

72-4-201.5 Tenth Mountain Division Memorial Highway.

(1) There is established the Tenth Mountain Division Memorial Highway composed of the existing Route 224 from Kimball Junction southeasterly to the junction with Route 248 in Park City.
(2) The department shall designate this portion of Route 224 as the "Tenth Mountain Division Memorial Highway" on all future state highway maps.

Enacted by Chapter 153, 2002 General Session

72-4-202 Legacy Loop Highway.
(1) There is established the Legacy Loop Highway comprising the existing highway from Route 15 south of St. George, northerly on Route 18 to Route 56 at Beryl Junction, then easterly on Route 56 to Route 130 in Cedar City, and then northeasterly on Route 130 and county routes 1788 and 1786 to Route 143 in Parowan.
(2) The Department of Transportation shall designate the portions of the highways identified in Subsection (1) as the Legacy Loop Highway on all future state highway maps.

Renumbered and Amended by Chapter 270, 1998 General Session

72-4-203 Utah National Parks Highway.
(1) There is established the Utah National Parks Highway comprising the existing highway from Route 89 at the Utah-Arizona border near Big Water westerly on Route 89 to Route 9 near Mount Carmel Junction then westerly on Route 9 to Route 17 near La Verkin then northerly on Route 17 to Interstate Highway 15 then northerly on Interstate Highway 15 frontage roads, the Veterans Memorial Highway, to Route 14 near Cedar City then southeasterly on Route 14 to Route 148 near Cedar Breaks National Monument then northerly on Route 148 to Route 143 near the north end of Cedar Breaks National Monument then northeasterly on Route 143 to Route 89 near Panguitch then southerly on Route 89 to Route 12 near Red Canyon then northeasterly on Route 12, the Clem Church Memorial Highway, to Route 24 near Torrey then easterly on Route 24 to Route 95 near Hanksville then southeasterly on Route 95, the Bicentennial Highway, to Route 191 near Blanding then northerly on Route 191 to the junction with Interstate Highway 70 near Crescent Junction.
(2) In addition to other official designations, the Department of Transportation shall designate and highlight the portions of the highways identified in Subsection (1) as the Utah National Parks Highway on all future state highway maps.

Amended by Chapter 39, 2018 General Session

72-4-204 Dinosaur Diamond Prehistoric Highway.
(1) There is established the Dinosaur Diamond Prehistoric Highway comprising the existing highways beginning on Route 191 in Blanding north to the frontage road of Route 70 at Crescent Junction, then west on the frontage road of Route 70 to Green River, then northerly on Route 191 and Route 6 to Route 10 near Price, then:
  (a) south on Route 10 to Castle Dale, then North on Route 10 to Route 155, then south on Route 155 to the Cleveland Lloyd Dinosaur Quarry via its access road; and
  (b) northerly on Route 191 and Route 6 to Helper and the State of Utah Indian Canyon Scenic Byway, then northeasterly on Route 191 to Route 40 in Duchesne, then east on Route 40 and Route 191 to Vernal, and then east on Route 40 to Route 149, then northeasterly on Route 149 to the Dinosaur National Monument, then southwesterly on Route 149 to Route 40, then east on Route 40 to the Utah and Colorado state boundary line.

(2) In addition to other official designations, the Department of Transportation shall designate and highlight the portions of the highways identified in Subsection (1) as the Dinosaur Diamond Prehistoric Highway on all future state highway maps.

Enacted by Chapter 214, 1998 General Session

72-4-205 Ram Boulevard.

(1) There is established Ram Boulevard comprising a section of Route 118 in Monroe from 1450 West along 100 South to Main Street.
(2) In addition to other official designations, the Department of Transportation shall designate the portions of the highway identified in Subsection (1) as Ram Boulevard.

Enacted by Chapter 77, 2001 General Session

72-4-206 The Utah Fruitway.

(1) There is established the Utah Fruitway comprising a section of Route 89 beginning at the Box Elder and Weber County line north to the south city limit of Brigham City.
(2) In addition to other official designations, the Department of Transportation shall designate the portions of the highway identified in Subsection (1) as the Utah Fruitway on future state highway maps.

Enacted by Chapter 66, 2002 General Session

72-4-207 The Purple Heart Trail.

(1) There is established the Purple Heart Trail comprising Route 80, which is also known as Interstate 80, the Dwight D. Eisenhower Highway, beginning at the Nevada-Utah state line in Wendover, east to the Wyoming-Utah state line west of Evanston, Wyoming.
(2) In addition to other official designations, the Department of Transportation shall designate the highway identified in Subsection (1) as the Purple Heart Trail on future state highway maps.

Enacted by Chapter 164, 2002 General Session

72-4-208 James V. Hansen Highway.

(1) There is established the James V. Hansen Highway comprising a section of Route 89 beginning in Farmington at the Route 89 and Interstate Highway 15 interchange north to Route 203, Harrison Boulevard in South Ogden.
(2) In addition to other official designations, the Department of Transportation shall designate the portions of the highway identified in Subsection (1) as the James V. Hansen Highway on future state highway maps.

Enacted by Chapter 130, 2003 General Session

72-4-209 Mormon Pioneer Heritage Area.

(1) There is established a state heritage area known as the Mormon Pioneer Heritage Area comprising a section of Route 89 beginning in Fairview to Kanab and including the Boulder Loop in Garfield and Wayne Counties.

(2) In addition to other official designations, the Department of Transportation shall designate the portions of the highway identified in Subsection (1) as the Mormon Pioneer Heritage Area on future state highway maps.

Enacted by Chapter 127, 2004 General Session

72-4-210 K. Gunn McKay Highway.

(1) There is established the K. Gunn McKay Highway comprising a section of Route 39 beginning in Ogden at the junction with Harrison Boulevard east to the junction with Huntsville First Street.
(2) In addition to other official designations, the Department of Transportation shall designate the portions of the highway identified in Subsection (1) as the K. Gunn McKay Highway on future state highway maps.

Enacted by Chapter 87, 2006 General Session

72-4-211 Mike Dmitrich Highway.

(1) There is established the Mike Dmitrich Highway composed of the existing Highway 6 from Interstate 15 to Interstate 70.
(2) In addition to other official designations, the Department of Transportation shall designate the portions of the highway identified in Subsection (1) as the Mike Dmitrich Highway on future state highway maps.
(3) As soon as practicable, the Department of Transportation shall install appropriate signs along portions of the highway indicating the designation as the Mike Dmitrich Highway as described in Subsection (1).

Amended by Chapter 209, 2019 General Session

72-4-212 Pete Suazo Memorial Highway.

(1) There is established the Pete Suazo Memorial Highway composed of the existing Route 68 in Salt Lake City from 2100 South to 1700 North.
(2) In addition to other official designations, the Department of Transportation shall designate the portions of the highway identified in Subsection (1) as the Pete Suazo Memorial Highway on future state highway maps.

Enacted by Chapter 92, 2010 General Session

72-4-213 Pioneer Trail Memorial Highway.

(1) There is established the Pioneer Trail Memorial Highway comprising the existing highways beginning at the junction of Route 84 and Route 65 and proceeding southwesterly on Route 65 to the junction of Route 65 and Emigration Canyon Road; then beginning again in Salt Lake City at the junction of Route 186 and Sunnyside Avenue and proceeding westerly on Route 186 to Interstate Route 15.
(2) In addition to other official designations, the Department of Transportation shall designate the portions of the highway identified in Subsection (1) as the Pioneer Trail Memorial Highway on future state highway maps.

Enacted by Chapter 301, 2010 General Session

72-4-214 Cory B. Wride Memorial Highway.

(1) There is established the Cory B. Wride Memorial Highway composed of the existing Route 73 from Route 68 westerly to the Tooele County line.

(2) In addition to other official designations, the Department of Transportation shall designate the portions of the highway identified in Subsection (1) as the Cory B. Wride Memorial Highway on future state highway maps.

Enacted by Chapter 204, 2014 General Session

72-4-215 Vietnam Veterans Memorial Highway.

(1) There is established the Vietnam Veterans Memorial Highway composed of the existing portions of Interstate 84 located within the state.

(2) In addition to other official designations, the Department of Transportation shall designate the portions of the highway identified in Subsection (1) as the Vietnam Veterans Memorial Highway on future state highway maps.

Enacted by Chapter 309, 2015 General Session

72-4-216 Chief Special Warfare Operator (SEAL) Jason R. Workman Memorial Bridge.

There is established the Chief Special Warfare Operator (SEAL) Jason R. Workman Memorial Bridge spanning the San Juan River on Route 163 in Mexican Hat.

Enacted by Chapter 79, 2016 General Session

72-4-217 Minuteman Highway.

(1) There is established the Minuteman Highway composed of the existing Highway 85 in Salt Lake County from Porter Rockwell Boulevard to 7800 South in West Jordan.

(2) In addition to other official designations, the Department of Transportation shall designate the portions of the highway identified in Subsection (1) as the Minuteman Highway on future state highway maps.

Enacted by Chapter 82, 2017 General Session

72-4-218 Navajo Code Talker Highway.

(1) There is established the Navajo Code Talker Highway composed of the existing Highway 162 in San Juan County from the Utah-Colorado border near Aneth to Bluff, then Highway 191 and Highway 163 southwest through Mexican Hat to the Utah-Arizona border near Monument Valley.

(2) In addition to other official designations, the Department of Transportation shall designate the portions of the highway identified in Subsection (1) as the Navajo Code Talker Highway on future state highway maps.

(3) As soon as practicable, the Department of Transportation shall install appropriate signs along portions of highway indicating the designation as the Navajo Code Talker Highway as described in Subsection (1).

Enacted by Chapter 82, 2019 General Session

72-4-219 Grand Army of the Republic Highway.

(1) There is established the Grand Army of the Republic Highway composed of the existing Highway 6 within the state.
(2) In addition to other official designations, the Department of Transportation shall designate the highway identified in Subsection (1) as the Grand Army of the Republic Highway on future state highway maps.

Enacted by Chapter 209, 2019 General Session

72-4-220 Golden Spike/Lincoln Memorial Highway.
(1) There is established the Golden Spike/Lincoln Memorial Highway comprising a section of Route 13 beginning in Brigham City at the Route 13 and Interstate Highway 15 interchange westerly to the Route 13, Route 83, and 4800 West intersection in Corrine, then a section of Route 83 beginning in Corrine at the Route 13, Route 83, and 4800 West intersection westerly to the Route 83 and Golden Spike Drive intersection.
(2) In addition to other official designations, the Department of Transportation shall designate the portions of the highways identified in Subsection (1) as the Golden Spike/Lincoln Memorial Highway on future state highway maps.
(3) The Department of Transportation shall, when signs along the portions of highway described in Subsection (1) need to be replaced and not sooner, install appropriate signs along the portions of the highways described in Subsection (1) indicating the designation of the portions of the highways as the Golden Spike/Lincoln Memorial Highway.

Enacted by Chapter 379, 2023 General Session

72-4-221 Jake Garn Legacy Highway.
(1) There is established the Jake Garn Legacy Highway comprising a section of Route 40 from I-80 southerly to Route 32.
(2) The Department of Transportation shall designate the portions of the highway described in Subsection (1) as Jake Garn Legacy Highway on future state highway maps.

Enacted by Chapter 435, 2024 General Session

72-4-223 Borgstrom Brothers Memorial Highway.
(1) There is established the Borgstrom Brothers Memorial Highway composed of the existing Route 102.
(2) In addition to other official designations, the Department of Transportation shall designate the highway identified in Subsection (1) as the Borgstrom Brothers Memorial Highway on future state highway maps.
(3) As soon as practicable, the Department of Transportation shall install appropriate signs along portions of the highway indicating the designation as the Borgstrom Brothers Memorial Highway as described in Subsection (1).

Enacted by Chapter 15, 2025 General Session

Part 3
Utah State Scenic Byway Program

72-4-301 Definitions.

As used in this part:

(1) "Committee" means the Utah State Scenic Byway Committee created in Section 72-4-302.

(2) "Corridor management plan" means a written document:

(a) required to be submitted for a highway to be nominated as a National Scenic Byway or All-American Road that specifies the actions, procedures, controls, operational practices, and administrative strategies to maintain the scenic, historic, recreational, cultural, archeological, and natural qualities of a scenic byway; and

(b) adopted by each municipality or county affected by the corridor management plan.

(3) "Non-scenic area" means:

(a) any property that is unzoned or zoned for commercial or industrial use adjoining a highway that does not contain at least one of the intrinsic qualities described in Subsection 72-4-303(1)(b) immediately upon the property; or

(b) any property that is unzoned or zoned for commercial or industrial use that contains an intrinsic quality described in Subsection 72-4-303(1)(b) immediately upon the property but the intrinsic quality does not represent the primary use of the property.

(4) "Segmentation" means:

(a) removing the scenic byway designation from a portion of an existing scenic byway that adjoins a non-scenic area; or

(b) excluding a portion of a highway from a scenic byway designation where the highway adjoins a non-scenic area.

Amended by Chapter 195, 2010 General Session

72-4-301.5 Designation of highways as a National Scenic Byway or All-American Road -- Legislative approval.

(1) Except as provided in Section 72-4-304, a highway or state scenic byway may not be nominated for designation as a National Scenic Byway or All-American Road unless the corridor management plan that will be submitted with the application for the highway or state scenic byway to be nominated for designation as a National Scenic Byway or All-American Road is approved by the Legislature by concurrent resolution.

(2)

(a) In accordance with Subsection (1), the Legislature may, by concurrent resolution:

(i) approve the corridor management plan;

(ii) approve the corridor management plan with conditions specified by the Legislature; or

(iii) deny the corridor management plan.

(b) Upon a decision by the Legislature under Subsection (2)(a), the nominating entity is not required to move forward with the nomination for the National Scenic Byway or All-American Road designation.

Amended by Chapter 359, 2024 General Session

72-4-302 Utah State Scenic Byway Committee -- Creation -- Membership -- Meetings -- Expenses.

(1) There is created the Utah State Scenic Byway Committee.

(2)

(a) The committee shall consist of the following 13 members:

(i) a representative from each of the following entities appointed by the governor:
(A) the Governor's Office of Economic Opportunity;
(B) the Utah Department of Transportation;
(C) the Department of Cultural and Community Engagement;
(D) the Division of State Parks;
(E) the Federal Highway Administration;
(F) the National Park Service;
(G) the National Forest Service; and
(H) the Bureau of Land Management;
(ii) one local government tourism representative appointed by the governor;
(iii) a representative from the private business sector appointed by the governor; and
(iv) three local elected officials from a county, city, or town within the state appointed by the governor.
(b) Except as provided in Subsection (2)(c), the members appointed in this Subsection (2) shall be appointed for a four-year term of office.
(c) The governor shall, at the time of appointment or reappointment for appointments made under Subsection (2)(a)(i), (ii), (iii), or (iv) adjust the length of terms to ensure that the terms of committee members are staggered so that approximately half of the committee is appointed every two years.
(3)
(a) The representative from the Governor's Office of Economic Opportunity shall chair the committee.
(b) The members appointed under Subsections (2)(a)(i)(E) through (H) serve as nonvoting, ex officio members of the committee.
(4) The Governor's Office of Economic Opportunity and the department shall provide staff support to the committee.
(5)
(a) The chair may call a meeting of the committee only with the concurrence of the department.
(b) A majority of the voting members of the committee constitute a quorum.
(c) Action by a majority vote of a quorum of the committee constitutes action by the committee.
(6) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses as allowed in:
(a) Section 63A-3-106;
(b) Section 63A-3-107; and
(c) rules made by the Division of Finance according to Sections 63A-3-106 and 63A-3-107.

Amended by Chapter 184, 2021 General Session
Amended by Chapter 280, 2021 General Session
Amended by Chapter 282, 2021 General Session

72-4-303 Powers and duties of the Utah State Scenic Byway Committee -- Requirements for designation -- Segmentation -- Rulemaking authority -- Designation on state maps -- Outdoor advertising.

(1) The committee shall have the responsibility to:
(a) administer a coordinated scenic byway program within the state that:
(i) preserves and protects the intrinsic qualities described in Subsection (1)(b) unique to scenic byways;
(ii) enhances recreation; and

(iii) promotes economic development through tourism and education;

(b) ensure that a highway nominated for a scenic byway designation possesses at least one of the following six intrinsic qualities:

(i) scenic quality;

(ii) natural quality;

(iii) historic quality;

(iv) cultural quality;

(v) archaeological quality; or

(vi) recreational quality;

(c) subject to legislative approval, designate highways as state scenic byways from nominated highways within the state if the committee determines that the highway possesses the criteria for a state scenic byway;

(d) subject to legislative approval, remove the designation of a highway as a scenic byway if the committee determines that the highway no longer meets the criteria under which it was designated; and

(e) submit proposed designations or removals to the Legislature as provided in Subsection (7).

(2)

(a) A highway located within a county, city, or town within this state may not be included as part of a designation or nomination as a state scenic byway, National Scenic Byway, or All-American Road unless the nomination or designation is sanctioned in writing by an official action of the legislative body of each county, city, or town through which the proposed state scenic byway, National Scenic Byway, or All-American Road passes.

(b) If a county, city, or town does not give approval as required under Subsection (2)(a), then the portion of the highway located within the boundaries of the county, city, or town may not be included as part of any state scenic byway designation or nomination as a National Scenic Byway or All-American Road.

(3)

(a) Except as provided in Subsection (3)(d), a non-scenic segment of a state scenic byway, National Scenic Byway, or All-American Road shall be segmented from the byway or road:

(i) by the legislative body of the county, city, or town where the segmentation is to occur if:

(A) a person or another entity, with the consent of any landowners affected by the segmentation, has requested the segmentation of a portion of a road or highway; and

(B) the legislative body of the county, city, or town reviews the segmentation proposed under this Subsection (3)(a)(i); or

(ii) by the committee at the written request of the owner of real property that is a non-scenic area adjacent to a state scenic byway, National Scenic Byway, or All-American Road.

(b) The legislative body of a county, city, or town shall render a decision on a segmentation request under Subsection (3)(a)(i) within 60 days and may grant segmentation to the person or entity if the property is a non-scenic area.

(c)

(i) If the legislative body of a county, city, or town denies the request to segment the state scenic byway, National Scenic Byway, or All-American Road under Subsection (3)(a)(i) upon the request of a person or another entity, with the consent of any landowners affected by the segmentation, that person or entity may appeal the denial of the request to the committee.

(ii) The committee shall hear and answer an appeal of the denial of a segmentation request within 60 days of a request submitted in accordance with Subsection (3)(c)(i).

(iii) If the committee does not render a decision on an appeal in accordance with Subsection (3)(c)(ii), the segmentation request shall be granted if the property is a non-scenic area.

(d) A state scenic byway, National Scenic Byway, or All-American Road is not required to be segmented under Subsection (3)(a)(ii) if, within 60 days after the day on which the request is received, the committee demonstrates to an administrative law judge selected by agreement of the owner of real property and the committee where the non-scenic area is located, that the property to be segmented is not a non-scenic area.

(4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department shall make rules in consultation with the committee:

(a) for the administration of a scenic byway program;

(b) establishing the criteria that a highway shall possess to be designated as a scenic byway, including the criteria described in Subsection (1)(b);

(c) establishing the process for nominating a highway to be designated as a state scenic byway;

(d) specifying the process for hearings to be conducted in the area of proposed designation prior to the highway being designated as a scenic byway;

(e) identifying the highways within the state designated as scenic byways; and

(f) establishing the process and criteria for removing the designation of a highway as a scenic byway.

(5) The department shall designate scenic byway routes on future state highway maps.

(6) A highway within the state designated as a scenic byway is subject to federal outdoor advertising regulations in accordance with 23 U.S.C. Sec. 131.

(7)

(a) Any nomination for designation of a highway as a state scenic byway is subject to approval by the Legislature by concurrent resolution.

(b) If the committee supports a designation or removal of a highway as a state scenic byway, the committee shall:

(i) notify the Transportation Interim Committee on or before October 1 of the year in which the committee takes action to support the designation or removal; and

(ii) provide a report regarding the committee's findings and reasoning for supporting the designation or removal.

(c) If the Transportation Interim Committee receives a notification and report as described in Subsection (7)(b), the Transportation Interim Committee shall:

(i) consider the proposal and the committee's position; and

(ii) determine whether to propose a concurrent resolution to approve or deny the designation or removal.

(d) In accordance with Subsections (7)(a) and (c), the Legislature may, by concurrent resolution:

(i) approve the scenic byway designation;

(ii) approve the scenic byway designation with conditions specified by the Legislature; or

(iii) deny the scenic byway designation.

(e) Upon a decision by the Legislature under Subsection (7)(d), the nominating entity is not required to move forward with the nomination for the state scenic byway designation.

Amended by Chapter 359, 2024 General Session

72-4-304 Exceptions to approval and segmentation requirements.

(1) Legacy Parkway, from the junction of I-215 in Davis County northerly to the junction with US 89 and I-15:

(a) is exempt from the legislative approval requirement in Section 72-4-301.5; and

(b) may not be segmented.
(2) A highway nominated for National Scenic Byway or All-American Road designation prior to January 1, 2009 is exempt from the legislative approval requirement in Section 72-4-301.5.

Enacted by Chapter 393, 2009 General Session

Chapter 5
Rights-Of-Way Act

Part 1
Public Highways

72-5-101 Title.
This chapter is known as the "Rights-of-way Act."

Enacted by Chapter 270, 1998 General Session

72-5-102 Definitions.
As used in this part, "state transportation purposes" includes:
(1) highway, public transit facility, and transportation rights-of-way, including those necessary within cities and towns;
(2) the construction, reconstruction, relocation, improvement, maintenance, and mitigation from the effects of these activities on state highways and other transportation facilities, including parking facilities, under the control of the department;
(3) limited access facilities, including rights of access, air, light, and view and frontage and service roads to highways;
(4) adequate drainage in connection with any highway, cut, fill, or channel change and the maintenance of any highway, cut, fill, or channel change;
(5) weighing stations, shops, offices, storage buildings and yards, and road maintenance or construction sites;
(6) road material sites, sites for the manufacture of road materials, and access roads to the sites;
(7) the maintenance of an unobstructed view of any portion of a highway to promote the safety of the traveling public;
(8) the placement of traffic signals, directional signs, and other signs, fences, curbs, barriers, and obstructions for the convenience of the traveling public;
(9) the construction and maintenance of storm sewers, sidewalks, and highway illumination;
(10) the construction and maintenance of livestock highways;
(11) the construction and maintenance of roadside rest areas adjacent to or near any highway; and
(12) the mitigation of impacts from transportation projects.

Amended by Chapter 22, 2023 General Session

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

(1) The department may acquire any real property or interests in real property necessary for temporary, present, or reasonable future state transportation purposes by gift, agreement, exchange, purchase, condemnation, or otherwise.
(2)
(a)
(i) Title to real property acquired by the department or the counties, cities, and towns by gift, agreement, exchange, purchase, condemnation, or otherwise for highway rights-of-way or other transportation purposes may be in fee simple or any lesser estate or interest.
(ii) As determined by the department, title to real property acquired by the department for a public transit project may be transferred to the public transit district responsible for the project.
(iii) A public transit district shall cover all costs associated with any condemnation on its behalf.
(b) If the highway is a county road, city street under joint title as provided in Subsection 72-3-104(3), or right-of-way described in Title 72, Chapter 5, Part 3, Rights-Of-Way Across Federal Lands Act, title to all interests in real property less than fee simple held under this section is held jointly by the state and the county, city, or town holding the interest.
(3) A transfer of land bounded by a highway on a right-of-way for which the public has only an easement passes the title of the person whose estate is transferred to the middle of the highway.

Amended by Chapter 373, 2025 General Session

72-5-104 Public use constituting dedication -- Scope.
(1) As used in this section,"highway," "street," or "road" does not include an area principally used as a parking lot.
(2) A highway is dedicated and abandoned to the use of the public when it has been continuously used as a public thoroughfare for a period of 10 years.
(3) The requirement of continuous use under Subsection (2) is satisfied if the use is as frequent as the public finds convenient or necessary and may be seasonal or follow some other pattern.
(4) Continuous use as a public thoroughfare under Subsection (2) is interrupted when:
(a) the person or entity interrupting the continuous use gives not less than 72 hours advance written notice of the interruption to the highway authority having jurisdiction of the highway, street, or road;
(b) the property owner undertakes an overt act which is intended to interrupt the use of the highway, street, or road as a public thoroughfare; and
(c) the overt act described in Subsection (4)(b) is reasonably calculated to interrupt the regularly established pattern and frequency of public use for the given highway, street, or road for a period of no less than 24 hours.
(5) Installation of gates and posting of no trespassing signs are relevant forms of evidence but are not solely determinative of whether an interruption under Subsection (4) has occurred.
(6) A property owner's interruption under Subsection (4) of a highway, street, or road where the requirement of continuous use under Subsection (2) is not satisfied restarts the running of the 10-year period of continuous use required for dedication under Subsection (2).
(7)
(a) The burden of proving dedication under Subsection (2) is on the party asserting the dedication.
(b) The burden of proving interruption under Subsection (4) is on the party asserting the interruption.

(8)
(a) The dedication and abandonment creates a right-of-way held by the state or a local highway authority in accordance with Sections 72-3-102, 72-3-103, 72-3-104, 72-3-105, and 72-5-103.
(b) A property owner's interruption under Subsection (4) of a right-of-way claimed by the state or local highway authority in accordance with Subsection (8)(a) or R.S. 2477 has no effect on the validity of the state's or local highway authority's claim to the right-of-way and does not return the right-of-way to the property owner.
(9) The scope of a right-of-way described in Subsection (8)(a) is that which is reasonable and necessary to ensure safe travel according to the facts and circumstances.
(10) The provisions of this section apply to any claim under this section for which a court of competent jurisdiction has not issued a final unappealable judgment or order.
(11)
(a) Before a person may file an action in district court to determine or challenge whether a highway, street, or road has been dedicated to the public as described in this section, the person shall first provide 30-day written notice to the relevant highway authority.
(b) In an action described in Subsection (11)(a), the person shall name as a defendant the highway authority that would have jurisdiction over the highway, street, or road.

Amended by Chapter 517, 2024 General Session

72-5-105 Highways, streets, or roads once established continue until abandoned -- Temporary closure -- Notice.
(1)
(a) Except as provided in Subsections (1)(b), (3), and (7), all public highways, streets, or roads once established shall continue to be highways, streets, or roads until formally abandoned or vacated by written order, resolution, or ordinance resolution of a highway authority having jurisdiction or by court decree, and the written order, resolution, ordinance, or court decree has been duly recorded in the office of the recorder of the county or counties where the highway, street, or road is located.
(b) If public use of a highway, street, or road across private land has been discontinued for more than 50 years:
(i) the highway, street, or road is not required to be formally abandoned as described in Subsection (1)(a); and
(ii) ownership of the highway, street, or road is vested in the adjoining record owner or owners, with one-half of the width of the highway, street, or road vesting to the adjoining owners.
(c) Subsection (1)(b) does not apply to a public highway, street, or road claimed by the state or county under R.S. 2477 or across federal lands.
(2)
(a) For purposes of assessment, upon the recordation of an order executed by the proper authority with the county recorder's office, title to the vacated or abandoned highway, street, or road shall vest to the adjoining record owners, with one-half of the width of the highway, street, or road assessed to each of the adjoining owners.
(b) Provided, however, that should a description of an owner of record extend into the vacated or abandoned highway, street, or road that portion of the vacated or abandoned highway, street, or road shall vest in the record owner, with the remainder of the highway, street, or road vested as otherwise provided in this Subsection (2).
(c) Title to a highway, street, or road that a local highway authority closes to vehicular traffic under Subsection (3) or (7) remains vested in the city.

(3)
(a) In accordance with this section, a state or local highway authority may temporarily close a class B, C, or D road, an R.S. 2477 right-of-way, or a portion of a class B, C, or D road or R.S. 2477 right-of-way.
(b)
(i) A temporary closure authorized under this section is not an abandonment.
(ii) The erection of a barrier or sign on a highway, street, or road once established is not an abandonment.
(iii) An interruption of the public's continuous use of a highway, street, or road once established is not an abandonment even if the interruption is allowed to continue unabated.
(c) A temporary closure under Subsection (3)(a) may be authorized only under the following circumstances:
(i) when a federal authority, or other person, provides an alternate route to an R.S. 2477 right-of-way or portion of an R.S. 2477 right-of-way if the alternate route is:
(A) accepted by the highway authority; and
(B) formalized by a federal permit or a written agreement between the federal authority or other person and the highway authority;
(ii) when a state or local highway authority determines that correction or mitigation of injury to private or public land resources is necessary on or near a class B or D road or portion of a class B or D road; or
(iii) when a local highway authority makes a finding that temporary closure of all or part of a class C road is necessary to mitigate unsafe conditions.
(d)
(i) If a local highway authority temporarily closes all or part of a class C road under Subsection (3)(c)(iii), the local highway authority may convert the closed portion of the road to another public use or purpose related to the mitigation of the unsafe condition.
(ii) If a local highway authority temporarily closes all or part of a class C road under Subsection (3)(c)(iii), and the closed portion of road is the subject of a lease agreement between the local highway authority and another entity, the local highway authority may not reopen the closed portion of the road until the lease agreement terminates.
(e) A highway authority shall reopen an R.S. 2477 right-of-way or portion of an R.S. 2477 right-of-way temporarily closed under this section if the alternate route is closed for any reason.
(f) A temporary closure authorized under Subsection (3)(c)(ii) shall:
(i) be authorized annually; and
(ii) not exceed two years or the time it takes to complete the correction or mitigation, whichever is less.
(4) To authorize a closure of a road under Subsection (3) or (7), a local highway authority shall pass an ordinance to temporarily or indefinitely close the road.
(5) Before authorizing a temporary or indefinite closure as described in Subsection (4), a highway authority shall:
(a) hold a hearing on the proposed temporary or indefinite closure;
(b) provide notice of the hearing by mailing a notice to the Department of Transportation; and
(c) except for a closure under Subsection (3)(c)(iii), provide notice to the owners of the properties abutting the highway, as a class B notice under Section 63G-30-102, for at least four weeks before the day of the hearing.
(6) The right-of-way and easements, if any, of a property owner and the franchise rights of any public utility may not be impaired by a temporary or indefinite closure authorized under this section.

(7)
(a) A local highway authority may close to vehicular travel and convert to another public use or purpose a highway, road, or street over which the local highway authority has jurisdiction, for an indefinite period of time, if the local highway authority makes a finding that:
(i) the closed highway, road, or street is not necessary for vehicular travel;
(ii) the closure of the highway, road, or street is necessary to correct or mitigate injury to private or public land resources on or near the highway, road, or street; or
(iii) the closure of the highway, road, or street is necessary to mitigate unsafe conditions.
(b) If a local highway authority indefinitely closes all or part of a highway, road, or street under Subsection (7)(a)(iii), and the closed portion of road is the subject of a lease agreement between the local highway authority and another entity, the local highway authority may not reopen the closed portion of the road until the lease agreement terminates.
(c) An indefinite closure authorized under this Subsection (7) is not an abandonment.

Amended by Chapter 472, 2024 General Session

72-5-106 Expiration of franchise of toll bridge or road.

If the franchise of any toll bridge or road expires by limitation, forfeiture, or nonuser it is a free public highway, and no claim shall be valid against the public for right-of-way or for land or material comprising the bridge or road.

Renumbered and Amended by Chapter 270, 1998 General Session

72-5-107 United States patents -- Patentee and county to assert claims to roads crossing land.

(1)
(a) If any person acquires title from the United States to any land in this state over which any public highway extends that has not been duly platted, and that has not been continuously used as a public highway for a period of 10 years, the person shall within three months after receipt of the person's patent assert the person's claim for damages in writing to the county executive of the county in which the land is situated.
(b) The county legislative body shall have an additional period of three months in which to begin proceedings to condemn the land according to law.
(2)
(a) The highway shall continue open as a public highway during the periods described under Subsection (1).
(b) If no action is begun by the county executive within the period described under Subsection (1)(b), the highway shall be considered to be abandoned by the public.
(3) In case of a failure by the person so acquiring title to public lands to assert the person's claim for damage during the three months from the time the person received a patent to the lands, the person shall thereafter be barred from asserting or recovering any damages by reason of the public highway, and the public highway shall remain open.

Amended by Chapter 302, 2025 General Session

72-5-108 Width of rights-of-way for public highways.

The width of rights-of-way for public highways shall be set as the highway authorities of the state, counties, or municipalities may determine for the highways under their respective jurisdiction.

Renumbered and Amended by Chapter 270, 1998 General Session

72-5-109 Contributions of property by counties and municipalities.

Counties and municipalities may contribute real or personal property to the department for state transportation purposes.

Amended by Chapter 79, 2001 General Session

72-5-110 Acquisition of personal property -- Disposal of certain personal property.

(1) The department may:
  (a) acquire by gift, agreement, exchange, purchase, or otherwise machinery, tools, equipment, materials, supplies, or other personal property necessary for the administration, construction, maintenance, and operation of the state highways; and
  (b) sell, exchange, or otherwise dispose of the machinery, tools, equipment, materials, supplies, and other personal property described in Subsection (1)(a) when no longer suitable or required for state transportation purposes.
(2) In accordance with Section 63A-2-409, the department is exempt from using the state surplus property program when disposing of surplus personal property that was acquired as part of a transaction or legal action by the department acquiring real property for a state transportation purpose.
(3) Proceeds from the sale, exchange, or other disposition of property described in Subsection (2) shall be deposited with the state treasurer and credited to the Transportation Fund.

Amended by Chapter 15, 2013 General Session

72-5-111 Disposal of real property.

(1)
  (a) If the department determines that any real property or interest in real property, acquired for a state transportation purpose, is no longer necessary for the purpose, the department may lease, sell, exchange, or otherwise dispose of the real property or interest in the real property.
  (b)
    (i) Real property or an interest in real property may be sold at private or public sale.
    (ii) Except as provided in Subsection (1)(c) related to exchanges and Subsection (1)(d) related to the proceeds of any sale of real property from a maintenance facility, proceeds of any sale shall be deposited with the state treasurer and credited to the Transportation Fund.
  (c)
    (i) Except as provided in Subsection (1)(c)(ii), if approved by the commission, real property or an interest in real property may be exchanged by the department for other real property or interest in real property, including improvements, for a state transportation purpose.
    (ii) The department may exchange an interest in real property for another interest in real property for a project that is part of a statewide transportation improvement program approved by the commission.
  (d) Proceeds from the sale of real property or an interest in real property from a maintenance facility may be used by the department for the purchase or improvement of another maintenance facility, including real property.
(2)

(a) In disposing of real property or an interest in real property described in Subsection (1), the department shall give the right of first refusal for the highest offer, as defined in Section 78B-6-521, to:
(i) for real property, the original grantor if, since the date of the original transfer to the department, the original grantor has owned real property adjacent to the transferred real property; or
(ii) for an interest in real property that is an easement:
(A) if the original grantor owns the servient estate subject to the easement, the original grantor; or
(B) if a subsequent bona fide purchaser owns the servient estate subject to the easement, the subsequent bona fide purchaser.
(b) Notwithstanding Subsection (2)(a) and Section 78B-6-521, if the department acquires real property or an easement and does not use any portion of the real property or easement for a state transportation purpose, the department shall give the original grantor the opportunity to purchase the real property or easement at the original purchase price if, since the date of the original transfer to the department, the original grantor has owned real property adjacent to the transferred real property or the servient estate subject to the easement.
(c) In accordance with Section 72-5-404, this Subsection (2) does not apply to property rights acquired in proposed transportation corridors using funds from the Marda Dillree Corridor Preservation Fund created in Section 72-2-117.
(d)
(i) The right of first refusal described in this Subsection (2) is subject to the same terms and may be assigned by the original grantor or subsequent bona fide purchaser in the manner described in Subsection 78B-6-521(3).
(ii) The original grantor or subsequent bona fide purchaser, or the original grantor's or subsequent bona fide purchaser's assignee, shall notify the department of an assignment by certified mail to the current office address of the executive director of the department.
(iii) An exchange of real property as provided in Subsection (1)(c) or Section 72-5-113 does not entitle the original grantor or subsequent bona fide purchaser to exercise the right of first refusal described in this Subsection (2).
(iv) The right of first refusal described in this Subsection (2) terminates upon an exchange of the acquired real property as provided in Subsection (1)(c) or Section 72-5-113.
(3)
(a) Any sale, exchange, or disposal of real property or interest in real property made by the department under this section, is exempt from the mineral reservation provisions of Title 65A, Chapter 6, Mineral Leases.
(b) Any deed made and delivered by the department under this section without specific reservations in the deed is a conveyance of all the state's right, title, and interest in the real property or interest in the real property.

Amended by Chapter 101, 2022 General Session

72-5-112 Acquisition of real property from county, city, or other political subdivision -- Exchange.

The department may purchase or otherwise acquire from any county, city, or other political subdivision of the state real property or interests in real property which may be exchanged for or used in the purchase of other real property or interests in real property to be used in connection with the construction, maintenance, or operation of state highways.

Renumbered and Amended by Chapter 270, 1998 General Session

72-5-113 Acquisition of entire lot, block, or tract -- Sale or exchange of remainder.

If a part of an entire lot, block, tract of land, or interest or improvement in real property is to be acquired by the department and the remainder is to be left in a shape or condition of little value to its owner or to give rise to claims or litigation concerning damages, the department may acquire the whole of the property and may sell the remainder or may exchange it for other property needed for highway purposes.

Renumbered and Amended by Chapter 270, 1998 General Session

72-5-114 Property acquired in advance of construction -- Lease or rental.

(1)
(a) The department may acquire real property or interests or improvements in real property in advance of the actual construction, reconstruction, or improvement of highways or public transit facilities in order to save on acquisition costs or avoid the payment of excessive damages.
(b) The real property or interests or improvements in real property may be leased or rented by the department in a manner, for a period of time, and for a sum determined by the department to be in the best interest of the state.

(2)
(a) The department may employ private agencies to manage rental properties when it is more economical and in the best interests of the state.
(b) All money received for leases and rentals, after deducting any portion to which the federal government may be entitled, shall be deposited with the state treasurer and credited to the Transportation Fund.

Amended by Chapter 22, 2023 General Session

72-5-115 Acquisition of property devoted to or held for other public use.

(1) If property devoted to or held for some other public use for which the power of eminent domain might be exercised is to be taken for state transportation purposes, the department may, with the consent of the person or agency in charge of the other public use, condemn real property to be exchanged with the person or agency for the real property to be taken for state transportation purposes.
(2) This section does not limit the department's authorization to acquire, other than by condemnation, property for exchange purposes.

Amended by Chapter 79, 2001 General Session

72-5-116 Exemption from state licensure.

In accordance with Section 61-2f-202, an employee or authorized agent working under the oversight of the department when engaging in an act on behalf of the department related to one or more of the following is exempt from licensure under Title 61, Chapter 2f, Real Estate Licensing and Practices Act:
(1) acquiring real estate pursuant to Section 72-5-103;
(2) disposing of real estate pursuant to Section 72-5-111;

(3) providing services that constitute property management, as defined in Section 61-2f-102; or
(4) leasing of real estate.

Amended by Chapter 379, 2010 General Session

72-5-117 Rulemaking for sale of real property -- Licensed or certified appraisers -- Exceptions.

(1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, if the department buys, sells, or exchanges real property, the department shall make rules to ensure that the value of the real property is congruent with the proposed price and other terms of the purchase, sale, or exchange.
(2) The rules:
  (a) shall establish procedures for determining the value of the real property;
  (b) may provide that an appraisal, as defined under Section 61-2g-102, demonstrates the real property's value;
  (c) may require that the appraisal be completed by a state-certified general appraiser, as defined under Section 61-2g-102;
  (d) may provide for the sale or exchange of real property, with or without charge, to a large public transit district if the executive director enters into an agreement with the large public transit district and determines that the real property:
    (i) is within the boundaries of a station area that has a station area plan certified by a metropolitan planning organization in accordance with Section 10-9a-403.1;
    (ii) is part of a transit-oriented development or transit-supportive development as defined in Section 17B-2a-802;
    (iii) is adjacent to a completed fixed guideway capital development that was overseen by the department; or
    (iv) will only be used by the large public transit district in a manner that the executive director determines will provide a benefit to the state transportation system; and
  (e) may provide for a sale of surplus real property to a state agency or an independent entity, as defined in Section 63E-1-102, that administers public interests in housing for a pre-entitlement appraised value the payment of which may be deferred until after the development of owner-occupied housing.
(3) Subsection (1) does not apply to the purchase, sale, or exchange of real property, or to an interest in real property:
  (a) that is under a contract or other written agreement before May 5, 2008; or
  (b) with a value of less than $100,000, as estimated by the state agency.

Amended by Chapter 391, 2025 General Session

72-5-118 Unlawful road closures.

(1) Except as provided in Sections 72-1-212, 72-5-105, 72-6-114, and 72-7-103, an individual who knowingly places or authorizes the placement of a temporary or permanent barricade on a class A, B, C, or D road, an R.S. 2477 right-of-way, or a portion of a class A, B, C, or D road or R.S. 2477 right-of-way to permanently or temporarily close the road or R.S. 2477 right-of-way to vehicular traffic is guilty of a class C misdemeanor.
(2) This section does not apply to a road closure:
  (a) by firefighters or peace officers responding to an emergency;

(b) that may result from a permanent or temporary closure of a public or private railroad crossing; or
(c) on an R.S. 2477 right-of-way across private land if a perpetual public right-of-way has not been granted through a settlement or court order.

Enacted by Chapter 295, 2019 General Session

Part 2
Rights-Of-Way Across State Lands

72-5-201 Legislative finding -- Ensuring access.

(1)
(a) The Legislature finds that highways provide tangible benefits to private and public lands of the state by providing access, allowing development, and facilitating production of income.
(b) Many of those highways traverse state lands, including lands held by the state in trust for the school children and public institutions of the state.
(c) Many of the existing highways have been previously established without an official grant of an easement or right of entry from this state, yet these highways often are the only access to private and public lands of the state.
(2) The state shall ensure continued access to the private and public lands of the state for the good of the people, while fulfilling its fiduciary responsibilities toward the schoolchildren by protecting their trust holdings against loss.

Amended by Chapter 261, 2025 General Session

72-5-202 Definitions.

As used in this part:
(1) "Responsible authority" means a private party, the state of Utah, or a political subdivision of the state claiming rights to a highway right-of-way, easement, or right of entry across state lands.
(2) "Sovereign lands" has the same meaning as provided in Section 65A-1-1.
(3) "State lands" means sovereign and trust lands, as well as all other lands held by or on behalf of the departments, divisions, or institutions of the state.
(4) "Trust lands" has the same meaning as "school and institutional trust lands" as defined in Section 53C-1-103.

Renumbered and Amended by Chapter 270, 1998 General Session

72-5-203 Public easement or right of entry -- Grant -- Application -- Conditions.

(1)
(a)
(i) Subject to Section 53C-1-302 and Subsection 53C-1-204(1), a temporary public easement or right of entry is granted for each highway existing prior to January 1, 1992, that terminates at or within or traverses any state lands and that has been constructed and maintained or used by a responsible authority.
(ii) The temporary public easement or right of entry granted under Subsection (1)(a)(i) is 100 feet wide for each class A and B highway.

(b) Each easement shall remain in effect through June 30, 2004, or until a permanent easement or right of entry has been established under Subsection (2), whichever is greater.

(2)

(a) The School and Institutional Trust Lands Administration and the Division of Forestry, Fire, and State Lands shall make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, establishing an application process for a responsible authority to obtain a permanent easement or right of entry over any temporary public easement granted under Subsection (1), subject to the provisions of Subsections (2)(b), (c), and (d).

(b) A grant of a permanent easement or right of entry across sovereign lands shall be made upon a showing to the Division of Forestry, Fire, and State Lands that continued use of the easement will provide a public benefit commensurate with the value of the permanent easement or right of entry.

(c) A grant of a permanent easement or right of entry across trust lands shall be made upon a showing to the School and Institutional Trust Lands Administration that the grant is consistent with the state's fiduciary responsibilities under Section 53C-1-302 and Subsection 53C-1-204(1).

(d) A grant of a permanent easement or right of entry across state lands other than sovereign and trust lands shall be made upon a showing to the managing unit of state government that the continued use will provide a public benefit commensurate with the value of the easement and will not unreasonably interfere with the purposes for which the land was obtained or is now held.

(3) The grant of the temporary public easement or right of entry under Subsection (1) is consistent with the trust responsibilities of the state and in the best interest of the state.

(4) A responsible authority that has been granted a permanent easement or right of entry over state lands may maintain the permanent easement or right of entry for the uses to which the permanent easement or right of entry was put prior to and including January 1, 1992, subject to the right of the managing unit of state government or private party to relocate the permanent easement or right of entry.

(5) The grant of a permanent easement or right of entry under this section is effective on the date the highway was originally constructed or established for public use.

Amended by Chapter 344, 2009 General Session

Part 3
Rights-Of-Way Across Federal Lands Act

72-5-301 Definitions.

As used in this part:

(1) "Acceptance," "acceptance of a right-of-way for the construction of a highway over public lands, not reserved for public uses," or "accepted" so as to vest the R.S. 2477 dominant estate in the right-of-way in the state and any applicable political subdivision of the state, means one or more of the following acts prior to October 21, 1976:

(a) by the state or any political subdivision of the state:

(i) construction or maintenance of a highway;

(ii) inclusion of the highway in a state, county, or municipal road system;

(iii) expenditure of any public funds on the highway;

(iv) execution of a memorandum of understanding or other agreement with any other public or private entity or an agency of the federal government that recognizes the right or obligation of the state or a political subdivision of the state to construct or maintain the highway or a portion of the highway; or

(v)

(A) the acceptance at statehood of the school or institutional trust lands accessed or traversed by the right-of-way; or

(B) the selection and receipt by the state of a clear list, indemnity list, or other document conveying title to the state of school, institutional trust lands, or other state lands accessed or traversed by the highway;

(b) use by the public for a period in excess of 10 years in accordance with Section 72-5-104; or

(c) any other act consistent with state or federal law indicating acceptance of a right-of-way.

(2)

(a) "Construction" means any physical act of readying a highway for use by the public according to the available or intended mode of transportation, including, foot, horse, vehicle, pipeline, or other mode.

(b) "Construction" includes:

(i) removing vegetation;

(ii) moving obstructions, including rocks, boulders, and outcroppings;

(iii) filling low spots;

(iv) maintenance over several years;

(v) creation of an identifiable route by use over time; and

(vi) other similar activities.

(3) "Cut-off date" means the earlier of the date the underlying land was reserved for public use or October 21, 1976.

(4)

(a) "Highway" means:

(i) any road, street, trail, or other access or way that is open to the public to come and go or transport water at will, without regard to how or by whom the way was constructed or maintained; and

(ii) appurtenant land and structures including road drainage ditches, back and front slopes, turnouts, rest areas, and other areas that facilitate use of the highway by the public.

(b) "Highway" includes:

(i) pedestrian trails, horse paths, livestock trails, wagon roads, jeep trails, logging roads, homestead roads, mine-to-market roads, alleys, tunnels, bridges, and all other ways and their attendant access for maintenance; and

(ii) irrigation canals, waterways, viaducts, ditches, pipelines, or other means of water transmission and their attendant access for maintenance.

(c) To be a "highway" a right-of-way need not have destinations or termini that are some kind of landmarks distinguishable from other points along the right-of-way, as long as the right-of-way accommodates travelers from one point along the right-of-way to another point as often as convenient or necessary.

(5) "Maintenance" means any physical act of upkeep of a highway or repair of wear or damage whether from natural or other causes, including the following:

(a) vertical and horizontal alignment alterations to meet applicable safety standards;

(b) widening an existing road or flattening of shoulders or side slopes to meet applicable safety standards;

(c) grooming and grading of the previously constructed road surface;

(d) establishing and maintaining the road crown with materials gathered along the road;
(e) filling ruts;
(f) spot filling with the same materials of the road, or improved materials;
(g) leveling or smoothing washboards;
(h) clearing the roadway of obstructing debris;
(i) cleaning culverts, including head basins and outlets;
(j) resurfacing with the same or improved materials;
(k) installing, maintaining, repairing and replacing rip rap;
(l) maintaining drainage;
(m) maintaining and repairing washes and gullies;
(n) installing, maintaining, repairing, and replacing culverts as necessary to protect the existing surface from erosion;
(o) repairing washouts;
(p) installing, maintaining, repairing and replacing marker posts;
(q) installing, maintaining, and repairing water crossings;
(r) installing, maintaining, and repairing and replacing cattle guards;
(s) installing, maintaining, and repairing and replacing road signs;
(t) installing, maintaining, and repairing and replacing road striping;
(u) repair, stabilization and improvement of cut and fill slopes;
(v) application of seal coats; or
(w) snow removal.

(6) "Public lands not reserved for public uses" means the surface of federal lands open to entry and location and includes the surface of lands that are subject to subsurface coal withdrawals or mining claims.

(7) "R.S. 2477 right-of-way" means a right-of-way for a highway constructed in this state on public lands not reserved for public uses in accordance with Revised Statute 2477, codified as 43 U.S.C. Section 932, and accepted by the state or a political subdivision of the state prior to October 21, 1976.

Amended by Chapter 293, 2003 General Session

72-5-302 Rights-of-way across federal lands -- Title -- Presumption -- Scope.

(1) This part applies to all R.S. 2477 rights-of-way.

(2) The state and its political subdivisions have title to the R.S. 2477 rights-of-ways in accordance with Sections 72-3-102, 72-3-103, 72-3-104, 72-3-105, and 72-5-103.

(3)
(a) Acceptance of a right-of-way for the construction of a highway over public lands, not reserved for public uses, is presumed if the state or a political subdivision of the state makes a finding that the highway was constructed and the right-of-way was accepted prior to October 21, 1976.
(b) The existence of a highway in a condition suitable for public use establishes a presumption that the highway has continued in use in its present location since the land over which it is built was public land not reserved for public use.

(4)
(a) Unless specifically determined prior to the cut-off date provided in Section 72-5-301 by the state or a political subdivision of the state with authority over the R.S. 2477 right-of-way, the scope of the R.S. 2477 right-of-way is that which is reasonable and necessary for all highway uses as of the cut-off date determined according to the facts and circumstances, including:

(i) highway drainage facilities;
(ii) shoulders adjacent to the right-of-way; and
(iii) maintenance activities defined in Section 72-5-301 that are reasonable and necessary.
(b) Unless specifically determined by the state or political subdivision of the state with the authority over the R.S. 2477 right-of-way, an R.S. 2477 right-of-way is presumed to be at least 66 feet wide if that is the usual width of highway rights-of-way in the area.
(c) The scope of the R.S. 2477 right-of-way includes the right to widen the highway as necessary to accommodate the increased travel associated with those uses, up to, where applicable, improving a highway to two lanes so travelers can safely pass each other.
(5) The safety standards established by the Department of Transportation in accordance with Section 72-6-102 apply to all determinations of safety on R.S. 2477 rights-of-way used for vehicular travel.

Amended by Chapter 293, 2003 General Session

72-5-303 Maintenance -- Impact on adjacent land owners.
(1)
(a) The state and its political subdivisions are not required to maintain highways within R.S. 2477 rights-of-way for vehicular travel unless the R.S. 2477 right-of-way encompasses a highway included on a highway system for vehicular travel.
(b) A decision to improve or not improve an R.S. 2477 right-of-way is a purely discretionary function.
(2) The holder of an R.S. 2477 right-of-way and the owner of the servient estate shall exercise their rights without unreasonably interfering with one another.
(3) The holder of the R.S. 2477 right-of-way shall design and conduct construction and maintenance activities so as to minimize impacts on adjacent federal public lands, consistent with applicable safety standards.

Renumbered and Amended by Chapter 270, 1998 General Session

72-5-304 Mapping and survey requirements.
(1) The Department of Transportation, counties, and cities are not required to possess centerline surveys for R.S. 2477 rights-of-ways.
(2) To be accepted, highways within R.S. 2477 rights-of-way do not need to be included in the plats, descriptions, and maps of county roads required by Sections 72-3-105 and 72-3-107 or on the State Geographic Information Database, created in Section 63A-16-506, required to be maintained by Subsection (3).
(3)
(a) The Utah Geospatial Resource Center, created in Section 63A-16-505, shall create and maintain a record of R.S. 2477 rights-of-way on the Geographic Information Database.
(b) The record of R.S. 2477 rights-of-way shall be based on information maintained by the Department of Transportation and cartographic, topographic, photographic, historical, and other data available to or maintained by the Utah Geospatial Resource Center.
(c) Agencies and political subdivisions of the state may provide additional information regarding R.S. 2477 rights-of-way when information is available.

Amended by Chapter 162, 2021 General Session
Amended by Chapter 345, 2021 General Session

72-5-305 Term of grant -- Abandonment.

(1) In accordance with the terms of the R.S. 2477 right-of-way grant, once accepted, an R.S. 2477 right-of-way is established for a perpetual term.

(2)

(a) Abandonment of any R.S. 2477 right-of-way shall only take place in accordance with the procedures in Part 1, Public Highways, of this chapter.

(b) If any R.S. 2477 right-of-way is abandoned by a political subdivision of the state, the right-of-way shall revert to the state.

(c) To abandon an R.S. 2477 right-of-way as described in Subsection (2)(b), a political subdivision shall:

(i) comply with Subsection 72-3-105(9); and

(ii) provide notice of abandonment to the advisor of the Public Lands Policy Coordinating Office created in Section 63L-11-201.

(3) The passage of time or the frequency of use of an R.S. 2477 right-of-way is not evidence of waiver or abandonment of the R.S. 2477 right-of-way.

(4) An R.S. 2477 right-of-way continues even if the servient estate is transferred out of the public domain.

Amended by Chapter 131, 2025 General Session

72-5-306 Assumption of risk -- Immunity -- Public safety.

(1) An R.S. 2477 right-of-way not designated under Section 72-3-102, 72-3-103, or 72-3-104 as a Class A, B, or C road is traveled at the risk of the user.

(2) The state and its political subdivisions do not waive immunity under Title 63G, Chapter 7, Governmental Immunity Act of Utah, for injuries or damages occurring in or associated with any R.S. 2477 right-of-way.

(3) The state and its political subdivisions assume no liability for injury or damage resulting from a failure to maintain any:

(a) R.S. 2477 right-of-way for vehicular travel; or

(b) highway sign on an R.S. 2477 right-of-way.

(4) If the state or any political subdivision of the state chooses to maintain an R.S. 2477 right-of-way, the basic governmental objective involved in providing the improvements is the consistent promotion of public safety.

(5)

(a) The state recognizes that there are limited funds available to upgrade all R.S. 2477 rights-of-way to applicable safety standards.

(b) A decision by the state or a political subdivision of the state to allocate funds for maintaining an R.S. 2477 right-of-way is the result of evaluation and assigning of priorities for the promotion of public safety.

(c) The state or a political subdivision of the state must use its judgment and expertise to evaluate which safety feature improvements should be made first. In making this policy determination the state or a political subdivision of the state may:

(i) perform on-site inspections and weigh all factors relating to safety, including the physical characteristics and configuration of the R.S. 2477 right-of-way and the volume and type of traffic on the R.S. 2477 right-of-way; and

(ii) consult with transportation experts who have expertise to make an evaluation of the relative dangerousness of R.S. 2477 rights-of-way within their jurisdiction.

Amended by Chapter 382, 2008 General Session

72-5-307 Agreement affecting R.S. 2477 right-of-way.

(1) Before a political subdivision of the state enters into an agreement with the federal government affecting the rights, status, or scope of an R.S. 2477 right-of-way, the political subdivision shall give written notice of its intent to enter the agreement, together with a copy of the proposed final agreement, to the governing body of every county of the state through which the right-of-way extends.

(2) After receiving notice of the proposed agreement, the governing body of a county shall, within 60 days, give written notice to the political subdivision that:

(a) the county does not object to the proposed agreement; or

(b) the county objects to the proposed agreement.

(3) If the governing body of a county through which an R.S. 2477 right-of-way extends objects to a proposed agreement in accordance with Subsection (2), the political subdivision proposing to enter into the agreement may only enter into the agreement if it obtains declaratory relief from the district court. The relief shall be granted if the political subdivision shows by a preponderance of evidence that the proposed agreement does not materially affect the objecting county's interests.

(4) If the governing body of a county through which an R.S. 2477 right-of-way extends fails to object within 60 days after receiving notice, in accordance with Subsection (2), the county is considered not to have an objection.

(5) If a political subdivision fails to provide notice of a proposed agreement to a county as required by Subsection (1), the political subdivision is considered without authority to enter into the agreement, and the agreement is void.

(6) In accordance with the joint title provisions in Subsection 72-5-302(2), an agreement between a political subdivision of the state and the federal government may not affect the interests of the state regarding an R.S. 2477 right-of-way, unless the state is also a party to the agreement.

(7) This section does not affect an agreement made solely for the purpose of:

(a) maintenance, as defined under Section 72-5-301; or

(b) preserving safe travel of an R.S. 2477 right-of-way.

Enacted by Chapter 123, 2001 General Session

72-5-308 Provisions govern determinations -- Determinations effective dates.

The provisions of this part pertaining to substantive standards for acceptance of the R.S. 2477 grant shall govern the R.S. 2477 assessments of the governor or the governor's designee and the decisions of the courts to the extent that the provisions are consistent with state law, including common law, applicable as of the cut-off date.

Enacted by Chapter 293, 2003 General Session

72-5-309 Acceptance of rights-of-way -- Notice of acknowledgment required.

(1) The governor or the governor's designee may assess whether the grant of the R.S. 2477 has been accepted with regard to any right-of-way so as to vest title of the right-of-way in the state and the applicable political subdivision as provided for in Section 72-5-103.

(2) If the governor or governor's designee concludes that the grant has been accepted as to any right-of-way, the governor or a designee shall issue a notice of acknowledgment of the acceptance of the R.S. 2477 grant as to that right-of-way.
(3) A notice of acknowledgment of the R.S. 2477 grant shall include:
(a) a statement of reasons for the acknowledgment;
(b) a general description of the right-of-way or rights-of-way subject to the notice of acknowledgment, including the county in which it is located, and notice of where a center-line description derived from Global Positioning System data may be viewed or obtained;
(c) a statement that the owner of the servient estate in the land over which the right-of-way or rights-of-way subject to the notice runs or any person with a competing dominant estate ownership claim may file a petition with the district court for a decision regarding the correctness or incorrectness of the acknowledgment; and
(d) a statement of the time limit provided in Section 72-5-310 for filing a petition.
(4)
(a)
(i) The governor or the governor's designee may record a notice of acknowledgment, and any supporting affidavit, map, or other document purporting to establish or affect the state's property interest in the right-of-way or rights-of-way, in the office of the county recorder in the county where the right-of-way or rights-of-way exist.
(ii)
(A) A notice of acknowledgment recorded in the county recorder's office is not required to be accompanied by a paper copy of the center-line description.
(B) A paper copy of each center-line description together with the notice of acknowledgment shall be placed in the state archives created in Section 63A-12-101 and made available to the public upon request in accordance with Title 63G, Chapter 2, Government Records Access and Management Act.
(C) An electronic copy of the center-line description identified in a notice of acknowledgment shall be available upon request at:
(I) the county recorder's office; or
(II) the Utah Geospatial Resource Center created in Section 63A-16-505.
(b) A notice of acknowledgment recorded in the county recorder's office is conclusive evidence of acceptance of the R.S. 2477 grant upon:
(i) expiration of the 60-day period for filing a petition under Section 72-5-310 without the filing of a petition; or
(ii) a final court decision that the notice of acknowledgment was not incorrect.

Amended by Chapter 259, 2022 General Session

72-5-310 Notice of acknowledgment -- Court determination -- Presumption of acceptance.
(1) The governor or the governor's designee shall provide a copy of the notice of acknowledgement by certified mail and return receipt requested to:
(a) the last known owner of the servient estate in land over which the right-of-way or rights-of-way subject to the notice runs; and
(b) any person known to have a competing dominant estate ownership claim.
(2)
(a) A person with a servient estate or competing dominant estate ownership claim to the right-of-way may petition for a decision of the district court as to the correctness of the acknowledgment of acceptance of the R.S. 2477 grant issued under Section 72-5-309.

(b) Venue for the court action shall be the district court for Salt Lake County.
(c) The petition shall be filed no later than 60 days after the date on which the petitioner received a copy of the notice of acknowledgment.
(d) The state, through the governor or the governor's designee, shall be named as a respondent and served with a copy of the petition in accordance with the Utah Rules of Civil Procedure.
(e) No one other than a person with a servient estate ownership claim in land over which the right-of-way or rights-of-way subject to the notice runs or a competing dominant estate claim may challenge the correctness of a notice of acknowledgment.
(3) The petition for a court decision of the correctness of the notice of acknowledgment shall be a complaint governed by the Utah Rules of Civil Procedure and shall contain:
(a) the petitioner's name and mailing address;
(b) a copy of the notice of acknowledgment the petitioner asserts is incorrect;
(c) a request for relief specifying the type and extent of relief requested; and
(d) a statement of the reasons why the petitioner is entitled to relief.
(4) Except as provided under this Part 3, Rights-Of-Way Across Federal Lands Act, all pleadings and proceedings to determine the correctness of a notice of acknowledgment in the district court are governed by the Utah Rules of Civil Procedure.
(5) The court shall make its decision without deference to the notice of acknowledgment.
(6)
(a) In accordance with Section 72-5-302, a rebuttable presumption that the R.S. 2477 grant has been accepted is created when:
(i) a highway existed on public lands not reserved for public uses as of the cut-off date under Section 72-5-301; and
(ii) the highway currently exists in a condition suitable for public use.
(b) The proponent of the R.S. 2477 status of the highway bears the burden of proving acceptance of the grant by a preponderance of the evidence for all decisions that are not subject to Subsection (6)(a).

Amended by Chapter 9, 2006 General Session

Part 4
Transportation Corridor Preservation

72-5-401 Definitions.

As used in this part:
(1) "Corridor preservation" means planning or acquisition processes intended to:
(a) protect or enhance the capacity of existing transportation corridors; and
(b) protect the availability of proposed transportation corridors in advance of the need for and the actual commencement of the transportation facility construction.
(2) "Development" means:
(a) the subdividing of land;
(b) the construction of improvements, expansions, or additions; or
(c) any other action that will appreciably increase the value of and the future acquisition cost of land.
(3) "Official map" means a map, drawn by government authorities and recorded in county recording offices that:

(a) shows actual and proposed rights-of-way, centerline alignments, and setbacks for highways and other transportation facilities;
(b) provides a basis for restricting development in designated rights-of-way or between designated setbacks to allow the government authorities time to purchase or otherwise reserve the land; and
(c) for counties and municipalities may be adopted as an element of the general plan, pursuant to Title 17, Chapter 27a, Part 4, General Plan, or Title 10, Chapter 9a, Part 4, General Plan.
(4) "Taking" means an act or regulation, either by exercise of eminent domain or other police power, whereby a government entity puts private property to public use or restrains use of private property for public purposes, and that requires compensation to be paid to private property owners.

Amended by Chapter 373, 2025 General Session

72-5-402 Public purpose.
(1) The Legislature finds and declares that the planning and preservation of transportation corridors is a public purpose, that the acquisition of public rights in private property for possible use as a transportation corridor years in advance is a public purpose, and that acquisition of public rights in private property for possible use as alternative transportation corridors is a public purpose, even if one or more of the transportation corridors is eventually not used for a public purpose, so long as reasonable evidence exists at the time of acquisition that the transportation facility will be developed within the time period established under this part.
(2) The Legislature finds and declares that the acquisition of private property rights for the preservation of transportation corridors should be done on a voluntary basis and not by the use of eminent domain powers.

Amended by Chapter 300, 2003 General Session

72-5-403 Transportation corridor preservation powers.
(1) The department, counties, and municipalities may:
(a) act in cooperation with one another and other government entities to promote planning for and enhance the preservation of transportation corridors and to more effectively use the money available in the Marda Dillree Corridor Preservation Fund created in Section 72-2-117;
(b) undertake transportation corridor planning, review, and preservation processes; and
(c) acquire fee simple rights and other rights of less than fee simple, including easement and development rights, or the rights to limit development, including rights in alternative transportation corridors, and to make these acquisitions up to a projected 40 years in advance of using those rights in actual transportation facility construction.
(2) In addition to the powers described under Subsection (1), counties and municipalities may:
(a) limit development for transportation corridor preservation by land use regulation and by official maps; and
(b) by ordinance prescribe procedures for approving limited development in transportation corridors until the time transportation facility construction begins.
(3)
(a) The department shall identify and the commission shall approve transportation corridors as high priority transportation corridors for transportation corridor preservation.

(b) The department shall notify a county or municipality if the county or municipality has land within its boundaries that is located within the boundaries of a high priority transportation corridor.
(c) The department may, on a voluntary basis, acquire private property rights within the boundaries of a high priority transportation corridor for which a notification has been received in accordance with Section 10-9a-206 or 17-27a-206.

Amended by Chapter 39, 2023 General Session

72-5-404 Disposition of excess property rights.

If the department has acquired property rights in land in proposed transportation corridors, and some or all of that land is eventually not used for the proposed transportation corridors, the department shall dispose of the property rights in accordance with the provisions of Section 78B-6-521.

Amended by Chapter 3, 2008 General Session

72-5-405 Private owner rights.

(1) The department, counties, and municipalities shall observe all protections conferred on private property rights, including Title 63L, Chapter 3, Private Property Protection Act, Title 63L, Chapter 4, Constitutional Takings Issues Act, and compensation for takings.
(2) Private property owners from whom less than fee simple rights are obtained for transportation corridors or transportation corridor preservation have the right to petition the department, a county, or a municipality to acquire the entire fee simple interest in the affected property.
(3)
(a) A private property owner whose property's development is limited or restricted by a power granted under this part may petition the county or municipality that adopted the official map to acquire less than or the entire fee simple interest in the affected property, at the option of the property owner.
(b) If the county or municipality petitioned under Subsection (3)(a) does not acquire the interest in the property requested by the property owner, then the county or municipality may not exercise any of the powers granted under this part to limit or restrict the affected property's development.

Amended by Chapter 382, 2008 General Session

72-5-406 Rulemaking.

In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department shall make rules providing for private property owner petition procedures described in Section 72-5-405.

Amended by Chapter 382, 2008 General Session

72-5-407 Voluntary purchase of property for corridor preservation -- Notice requirements.

(1) As used in this section:
(a) "Greenbelt property" means land assessed under Title 59, Chapter 2, Part 5, Farmland Assessment Act.
(b) "Rollback tax" means the tax imposed under Section 59-2-506.

(2) Before purchasing greenbelt property for corridor preservation on a voluntary basis, the department, county, or municipality shall:
(a) provide written notice to the property owner that notifies the property owner that:
(i) because the property owner has agreed to sell the greenbelt property to a governmental entity on a voluntary basis, the property owner:
(A) is required to pay the rollback tax in accordance with Subsection 59-2-511(2)(b); and
(B) is not eligible to receive relocation assistance under Title 57, Chapter 12, Utah Relocation Assistance Act; and
(ii) if the property owner does not sell the greenbelt property to the governmental entity on a voluntary basis and a governmental entity later acquires the greenbelt property under eminent domain or under the threat or imminence of eminent domain proceedings, the property owner:
(A) would not be required to pay the rollback tax in accordance with Subsection 59-2-511(3); and
(B) may be eligible to receive relocation assistance under Title 57, Chapter 12, Utah Relocation Assistance Act; and
(b) obtain a signed statement from the property owner acknowledging that the property owner received the written notice described in Subsection (2)(a).
(3) Before purchasing any other real property not described in Subsection (2) for corridor preservation on a voluntary basis, the department, county, or municipality shall:
(a) provide written notice to the property owner that notifies the property owner that:
(i) because the property owner has agreed to sell the real property to a governmental entity on a voluntary basis, the property owner is not eligible to receive relocation assistance under Title 57, Chapter 12, Utah Relocation Assistance Act; and
(ii) if the property owner does not sell the real property to the governmental entity on a voluntary basis and a governmental entity later acquires the real property under eminent domain or under the threat or imminence of eminent domain proceedings, the property owner may be eligible to receive relocation assistance under Title 57, Chapter 12, Utah Relocation Assistance Act; and
(b) obtain a signed statement from the property owner acknowledging that the property owner received the written notice described in Subsection (3)(a).
(4) The department shall create and publish the form of:
(a) the notices described in Subsections (2)(a) and (3)(a); and
(b) the statements described in Subsections (2)(b) and (3)(b).

Enacted by Chapter 69, 2020 General Session

Chapter 6
Construction, Maintenance, and Operations Act

Part 1
General Provisions

72-6-101 Title.
This chapter is known as the "Construction, Maintenance, and Operations Act."

Enacted by Chapter 270, 1998 General Session

72-6-102 Uniform plans and specifications for construction and maintenance.

The department shall:

(1) prepare and adopt uniform standard plans and specifications for the construction and maintenance of state highways; and

(2) issue a manual containing plans and specifications for the information and guidance of officials having supervision of the construction and maintenance of state highways.

Renumbered and Amended by Chapter 270, 1998 General Session

72-6-103 Plans, specifications, and estimates for culverts, bridges, and road construction.

The department shall furnish plans, specifications, and estimates for culverts, bridges, road construction, and other related information desired by local highway authorities for use on county roads and city streets on terms mutually agreed upon.

Renumbered and Amended by Chapter 270, 1998 General Session

72-6-104 Highways to conform to grade and direction in municipalities.

Except for the highways part of the interstate system, a highway that extends through a municipality shall conform to the direction and grade of other streets in the municipality unless permission is obtained from the highway authorities of the municipality for a variance in the direction and grade.

Renumbered and Amended by Chapter 270, 1998 General Session

72-6-105 Contracts for construction and maintenance -- Agreements with county or municipality.

The department may enter into written agreements on behalf of the state with any county or municipality for rights-of-way and the construction or maintenance of any part of a state highway:

(1) at the expense of the state;

(2) at the expense of any county or municipality; or

(3) at the joint expense of the state and any county and any municipality.

Renumbered and Amended by Chapter 270, 1998 General Session

72-6-106 Use of recycled asphalt.

(1) In making plans, specifications, and estimates, and in advertising for bids under this chapter, the department shall allow up to 25% but may allow up to 60% reclaimed asphalt pavement to be incorporated into hot asphaltic concrete used for road construction and maintenance.

(2) The department shall ensure that hot asphaltic concrete incorporating reclaimed asphalt pavement meets or exceeds the department quality standards for roads constructed or maintained with hot asphaltic concrete not containing reclaimed asphalt pavement.

(3) If the department rejects any hot asphaltic concrete containing reclaimed asphalt pavement, the department shall give a written statement to the provider indicating the specific reasons the hot asphaltic concrete was rejected.

(4) This section does not authorize the state to directly or indirectly subsidize the production of hot asphaltic concrete containing reclaimed asphalt pavement.

Renumbered and Amended by Chapter 270, 1998 General Session

72-6-106.5 Reuse of industrial byproducts.

(1) As used in this section:
(a) "Director" is as defined in Section 19-6-1102.
(b) "Industrial byproduct" has the same meaning as defined in Section 19-6-1102.
(c) "Public project" has the same meaning as defined in Section 19-6-1102.
(d) "Reuse" has the same meaning as defined in Section 19-6-1102.
(2) Consistent with the protection of public health and the environment and generally accepted engineering practices, the department shall, to the maximum extent possible considering budgetary factors:
(a) allow and encourage the reuse of an industrial byproduct in:
(i) a plan, specification, and estimate for a public project; and
(ii) advertising for a bid for a public project;
(b) allow for the reuse of an industrial byproduct in, among other uses:
(i) landscaping;
(ii) a general geotechnical fill;
(iii) a structural fill;
(iv) concrete or asphalt;
(v) a base or subbase; and
(vi) geotechnical drainage materials; and
(c) promulgate and apply public project specifications that allow reuse of an industrial byproduct based upon:
(i) cost;
(ii) performance; and
(iii) engineered equivalency in lifespan, durability, and maintenance.
(3) After the director issues an approval under Section 19-6-1104 and the department uses the industrial byproduct in compliance with the director's approval:
(a) the department is not responsible for further management of the industrial byproduct; and
(b) the generator or originator of the industrial byproduct is not responsible for the industrial byproduct under Title 19, Environmental Quality Code.

Amended by Chapter 360, 2012 General Session

72-6-107 Construction or improvement of highway -- Contracts -- Retainage -- Certain indemnification provisions forbidden.

(1) As used in this section, "design professional" means:
(a) an architect, licensed under Title 58, Chapter 3a, Architects Licensing Act;
(b) a landscape architect, licensed under Title 58, Chapter 53, Landscape Architects Licensing Act; and
(c) a professional engineer or professional land surveyor, licensed under Title 58, Chapter 22, Professional Engineers and Professional Land Surveyors Licensing Act.
(2)
(a) The department shall make plans, specifications, and estimates prior to the construction or improvement of any state highway.

(b) Except as provided in Section 63G-6a-1402 and except for construction or improvements performed with state prison labor, a construction or improvement project with an estimated cost exceeding the bid limit as defined in Section 72-6-109 for labor and materials shall be performed under contract awarded to the lowest responsible bidder.

(c)

(i) The department:

(A) shall publish an advertisement for bids in accordance with Section 45-1-101, for a period of two weeks ending no more than 10 days before bids are opened; and

(B) may publish an advertisement for bids in a newspaper of general circulation in the county in which the work is to be performed.

(ii) If the department publishes an advertisement for bids in a newspaper under Subsection (2)(c)(i)(B), the department shall publish the advertisement at least once a week for two consecutive weeks, with the last publication at least 10 days before bids are opened.

(d) The department shall receive sealed bids and open the bids at the time and place designated in the advertisement. The department may then award the contract but may reject any and all bids.

(e) If the department's estimates are substantially lower than any responsible bid received, the department may perform any work by force account.

(3) If any payment on a contract with a private contractor for construction or improvement of a state highway is retained or withheld, the payment shall be retained or withheld and released as provided in Section 13-8-5.

(4) If the department performs a construction or improvement project by force account, the department shall:

(a) provide an accounting of the costs and expenditures of the improvement including material and labor;

(b) disclose the costs and expenditures to any person upon request and allow the person to make a copy and pay for the actual cost of the copy; and

(c) perform the work using the same specifications and standards that would apply to a private contractor.

(5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department shall establish procedures for:

(a) hearing evidence that a region within the department violated this section; and

(b) administering sanctions against the region if the region is found in violation.

(6)

(a) Beginning May 12, 2009, a contract, including an amendment to an existing contract, entered into under authority of this chapter may not require that a design professional indemnify another from liability claims that arise out of the design professional's services, unless the liability claim arises from the design professional's negligent act, wrongful act, error or omission, or other liability imposed by law.

(b) Subsection (6)(a) may not be waived by contract.

(c) Notwithstanding Subsections (6)(a) and (b), a design professional may be required to indemnify a person for whom the design professional has direct or indirect control or responsibility.

Amended by Chapter 347, 2012 General Session

72-6-107.5 Construction of improvements of highway -- Contracts -- Health insurance coverage.

(1) As used in this section:
(a) "Aggregate" means the sum of all contracts, change orders, and modifications related to a single project.
(b) "Change order" means the same as that term is defined in Section 63G-6a-103.
(c) "Employee" means, as defined in Section 34A-2-104, an "employee," "worker," or "operative" who:
(i) works at least 30 hours per calendar week; and
(ii) meets employer eligibility waiting requirements for health care insurance, which may not exceed the first day of the calendar month following 60 days after the day on which the individual is hired.
(d) "Health benefit plan" means:
(i) the same as that term is defined in Section 31A-1-301; or
(ii) an employee welfare benefit plan:
(A) established under the Employee Retirement Income Security Act of 1974, 29 U.S.C. Sec. 1001 et seq.;
(B) for an employer with 100 or more employees; and
(C) in which the employer establishes a self-funded or partially self-funded group health plan to provide medical care for the employer's employees and dependents of the employees.
(e) "Qualified health coverage" means the same as that term is defined in Section 26B-3-909.
(f) "Subcontractor" means the same as that term is defined in Section 63A-5b-605.
(g) "Third party administrator" or "administrator" means the same as that term is defined in Section 31A-1-301.
(2) Except as provided in Subsection (3), the requirements of this section apply to:
(a) a contractor of a design or construction contract entered into by the department on or after July 1, 2009, if the prime contract is in an aggregate amount equal to or greater than $2,000,000; and
(b) a subcontractor of a contractor of a design or construction contract entered into by the department on or after July 1, 2009, if the subcontract is in an aggregate amount equal to or greater than $1,000,000.
(3) The requirements of this section do not apply to a contractor or subcontractor described in Subsection (2) if:
(a) the application of this section jeopardizes the receipt of federal funds;
(b) the contract is a sole source contract; or
(c) the contract is an emergency procurement.
(4) A person that intentionally uses change orders, contract modifications, or multiple contracts to circumvent the requirements of this section is guilty of an infraction.
(5)
(a) A contractor subject to the requirements of this section shall demonstrate to the department that the contractor has and will maintain an offer of qualified health coverage for the contractor's employees and the employees' dependents during the duration of the contract by submitting to the department a written statement that:
(i) the contractor offers qualified health coverage that complies with Section 26B-3-909;
(ii) is from:
(A) an actuary selected by the contractor or the contractor's insurer;
(B) an underwriter who is responsible for developing the employer group's premium rates; or
(C) if the contractor provides a health benefit plan described in Subsection (1)(d)(ii), an actuary or underwriter selected by a third party administrator; and
(iii) was created within one year before the day on which the statement is submitted.

(b)
(i) A contractor that provides a health benefit plan described in Subsection (1)(d)(ii) shall provide the actuary or underwriter selected by an administrator, as described in Subsection (5)(a)(ii)(C), sufficient information to determine whether the contractor's contribution to the health benefit plan and the actuarial value of the health benefit plan meet the requirements of qualified health coverage.
(ii) A contractor may not make a change to the contractor's contribution to the health benefit plan, unless the contractor provides notice to:
(A) the actuary or underwriter selected by an administrator, as described in Subsection (5)(a)(ii)(C), for the actuary or underwriter to update the written statement described in Subsection (5)(a) in compliance with this section; and
(B) the department.
(c) A contractor that is subject to the requirements of this section shall:
(i) place a requirement in each of the contractor's subcontracts that a subcontractor that is subject to the requirements of this section shall obtain and maintain an offer of qualified health coverage for the subcontractor's employees and the employees' dependents during the duration of the subcontract; and
(ii) obtain from a subcontractor that is subject to the requirements of this section a written statement that:
(A) the subcontractor offers qualified health coverage that complies with Section 26B-3-909;
(B) is from an actuary selected by the subcontractor or the subcontractor's insurer, an underwriter who is responsible for developing the employer group's premium rates, or if the subcontractor provides a health benefit plan described in Subsection (1)(d)(ii), an actuary or underwriter selected by an administrator; and
(C) was created within one year before the day on which the contractor obtains the statement.
(d)
(i)
(A) A contractor that fails to maintain an offer of qualified health coverage described in Subsection (5)(a) during the duration of the contract is subject to penalties in accordance with administrative rules adopted by the department under Subsection (6).
(B) A contractor is not subject to penalties for the failure of a subcontractor to obtain and maintain an offer of qualified health coverage described in Subsection (5)(c)(i).
(ii)
(A) A subcontractor that fails to obtain and maintain an offer of qualified health coverage described in Subsection (5)(c) during the duration of the subcontract is subject to penalties in accordance with administrative rules adopted by the department under Subsection (6).
(B) A subcontractor is not subject to penalties for the failure of a contractor to maintain an offer of qualified health coverage described in Subsection (5)(a).
(6) The department shall adopt administrative rules:
(a) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
(b) in coordination with:
(i) the Department of Environmental Quality in accordance with Section 19-1-206;
(ii) the Department of Natural Resources in accordance with Section 79-2-404;
(iii) the Division of Facilities Construction and Management in accordance with Section 63A-5b-607;
(iv) the State Capitol Preservation Board in accordance with Section 63O-2-403;
(v) a public transit district in accordance with Section 17B-2a-818.5; and

(vi) the Legislature's Rules Review and General Oversight Committee created in Section 36-35-102; and

(c) that establish:

(i) the requirements and procedures a contractor and a subcontractor shall follow to demonstrate compliance with this section, including:

(A) that a contractor or subcontractor's compliance with this section is subject to an audit by the department or the Office of the Legislative Auditor General;

(B) that a contractor that is subject to the requirements of this section shall obtain a written statement described in Subsection (5)(a); and

(C) that a subcontractor that is subject to the requirements of this section shall obtain a written statement described in Subsection (5)(c)(ii);

(ii) the penalties that may be imposed if a contractor or subcontractor intentionally violates the provisions of this section, which may include:

(A) a three-month suspension of the contractor or subcontractor from entering into future contracts with the state upon the first violation;

(B) a six-month suspension of the contractor or subcontractor from entering into future contracts with the state upon the second violation;

(C) an action for debarment of the contractor or subcontractor in accordance with Section 63G-6a-904 upon the third or subsequent violation; and

(D) monetary penalties which may not exceed 50% of the amount necessary to purchase qualified health coverage for an employee and a dependent of the employee of the contractor or subcontractor who was not offered qualified health coverage during the duration of the contract; and

(iii) a website on which the department shall post the commercially equivalent benchmark, for the qualified health coverage identified in Subsection (1)(e), that is provided by the Department of Health and Human Services, in accordance with Subsection 26B-3-909(2).

(7)

(a)

(i) In addition to the penalties imposed under Subsection (6)(c)(ii), a contractor or subcontractor who intentionally violates the provisions of this section is liable to the employee for health care costs that would have been covered by qualified health coverage.

(ii) An employer has an affirmative defense to a cause of action under Subsection (7)(a)(i) if:

(A) the employer relied in good faith on a written statement described in Subsection (5)(a) or (5)(c)(ii); or

(B) the department determines that compliance with this section is not required under the provisions of Subsection (3).

(b) An employee has a private right of action only against the employee's employer to enforce the provisions of this Subsection (7).

(8) Any penalties imposed and collected under this section shall be deposited into the Medicaid Growth Reduction and Budget Stabilization Account created in Section 63J-1-315.

(9) The failure of a contractor or subcontractor to provide qualified health coverage as required by this section:

(a) may not be the basis for a protest or other action from a prospective bidder, offeror, or contractor under:

(i) Section 63G-6a-1602; or

(ii) any other provision in Title 63G, Chapter 6a, Utah Procurement Code; and

(b) may not be used by the procurement entity or a prospective bidder, offeror, or contractor as a basis for any action or suit that would suspend, disrupt, or terminate the design or construction.

(10) An administrator, including an administrator's actuary or underwriter, who provides a written statement under Subsection (5)(a) or (c) regarding the qualified health coverage of a contractor or subcontractor who provides a health benefit plan described in Subsection (1)(d)(ii):

(a) subject to Subsection (10)(b), is not liable for an error in the written statement, unless the administrator commits gross negligence in preparing the written statement;

(b) is not liable for any error in the written statement if the administrator relied in good faith on information from the contractor or subcontractor; and

(c) may require as a condition of providing the written statement that a contractor or subcontractor hold the administrator harmless for an action arising under this section.

Amended by Chapter 439, 2024 General Session

72-6-108 Class B and C roads -- Improvement projects -- Notice -- Contracts -- Retainage.

(1) A county executive for class B roads and the municipal executive for class C roads shall cause plans, specifications, and estimates to be made prior to the construction of any improvement project, as defined in Section 72-6-109, on a class B or C road if the estimated cost for any one project exceeds the bid limit as defined in Section 72-6-109 for labor, equipment, and materials.

(2)

(a) All projects in excess of the bid limit shall be performed under contract to be let to the lowest responsible bidder.

(b) If the estimated cost of the improvement project exceeds the bid limit for labor, equipment, and materials, the project may not be divided to permit the construction in parts, unless each part is done by contract.

(3) The advertisement on bids shall be published for the county, as a class A notice under Section 63G-30-102, for three weeks.

(4) The county or municipal executive or their designee shall receive sealed bids and open the bids at the time and place designated in the advertisement. The county or municipal executive or their designee may then award the contract but may reject any and all bids.

(5) The person, firm, or corporation that is awarded a contract under this section is subject to the provisions of Title 63G, Chapter 6a, Utah Procurement Code.

(6) If any payment on a contract with a private contractor for construction or improvement of a class B or C road is retained or withheld, the payment shall be retained or withheld and released as provided in Section 13-8-5.

Amended by Chapter 435, 2023 General Session

72-6-108.5 Class B and C roads -- Federal-aid highway construction contract.

(1) Subject to the requirements of 23 C.F.R. 1.3 and if requested by a local highway authority that is the sponsor of the federal-aid highway construction project, the department shall allow a local highway authority to be an additional contracting party for a federal-aid highway construction contract on a class B or C road along with the department.

(2) If a local highway authority makes a request to be an additional contracting party under Subsection (1), the department may include the local highway authority as an additional bondholder or obligee on the performance bond.

(3) Notwithstanding the provisions of this section, the department shall have the final authority to make decisions relating to a federal-aid highway construction contract on a class B or C road.

Enacted by Chapter 175, 2011 General Session

72-6-109 Class B and C roads -- Construction and maintenance -- Definitions -- Estimates lower than bids -- Accountability.

(1) As used in this section and Section 72-6-108:

(a) "Bid limit" means:

(i) for the year 2024, $350,000; and

(ii) for each year after 2024, the amount of the bid limit for the previous year, plus an amount calculated by multiplying the amount of the bid limit for the previous year by the actual percent change in the National Highway Construction Cost Index during the previous calendar year.

(b)

(i) "Construction" means the work that would apply to:

(A) any new roadbed either by addition to existing systems or relocation;

(B) resurfacing of existing roadways with more than two inches of bituminous pavement; or

(C) new structures or replacement of existing structures, except the replacement of drainage culverts.

(ii) "Construction" does not include maintenance, emergency repairs, or the installation of traffic control devices as described in Section 41-6a-302.

(c) "Improvement project" means construction and maintenance as defined in this section except for that maintenance excluded under Subsection (2).

(d) "Maintenance" means the keeping of a road facility in a safe and usable condition to which it was constructed or improved, and includes:

(i) the reworking of an existing surface by the application of up to and including two inches of bituminous pavement;

(ii) the installation or replacement of guardrails, seal coats, and culverts;

(iii) the grading or widening of an existing unpaved road or flattening of shoulders or side slopes to meet current width and safety standards; and

(iv) horizontal or vertical alignment changes necessary to bring an existing road in compliance with current safety standards.

(e) "National Highway Construction Cost Index" means the National Highway Construction Cost Index published by the Federal Highway Administration.

(f) "Project" means the performance of a clearly identifiable group of associated road construction activities or the same type of maintenance process, where the construction or maintenance is performed on any one class B or C road, within a half-mile proximity and occurs within the same calendar year.

(2) The following types of maintenance work are not subject to the contract or bid limit requirements of this section:

(a) the repair of less than the entire surface by crack sealing or patching; and

(b) road repairs incidental to the installation, replacement, or repair of water mains, sewers, drainage pipes, culverts, or curbs and gutters.

(3)

(a)

(i) If the estimates of a qualified engineer referred to in Section 72-6-108 are substantially lower than any responsible bid received or in the event no bids are received, the county or municipality may perform the work by force account.
(ii) In no event shall "substantially lower" mean estimates that are less than 10% below the lowest responsible bid.
(b) If a county or municipality performs an improvement project by force account, it shall:
(i) provide an accounting of the costs and expenditures of the improvement including material, labor, and direct equipment costs to be calculated using the Cost Reference Guide for Construction Equipment by Dataquest Inc. or the Federal Emergency Management Agency schedule of equipment rates;
(ii) disclose the costs and expenditures to any person upon request and allow the person to make a copy and pay for the actual cost of the copy; and
(iii) perform the work using the same specifications and standards that would apply to a private contractor.
(4) A county or municipality may not provide construction services to another municipality until the requirements in Section 72-6-108 have been satisfied by the receiving county or municipality.
(5) For any construction self-performed by a county or municipality that exceeds the bid limit, the county or municipality shall seek private bids in accordance with Section 72-6-108.
(6)
(a) Before self-performing any construction, and at least annually, a county or municipality shall ensure that the aggregate, asphalt, and concrete materials owned by the county or municipality for construction use are tested by an independent, qualified firm to ensure the materials meet the same standards required by the department for private contractors for the same work.
(b) The legislative body of the county or municipality shall ensure that the results of the tests described in Subsection (6)(a) are public record.

Amended by Chapter 469, 2024 General Session

72-6-110 Supervision and standards of construction for class B and C roads.
(1) All construction plans, specifications, and estimates and all construction work under Section 72-6-108 shall be prepared and performed under the direct supervision of a registered professional engineer.
(2) The supervising engineer shall certify to the county legislative body or the municipal executive that all road construction projects conform to design and construction standards as currently adopted by the American Association of State Highway and Transportation officials.

Renumbered and Amended by Chapter 270, 1998 General Session

72-6-111 Construction and maintenance of appurtenances -- Noise abatement measures.
(1) The department is authorized to construct and maintain appurtenances along the state highway system necessary for public safety, welfare, and information. Appurtenances include highway illumination, sidewalks, curbs, gutters, steps, driveways, retaining walls, fire hydrants, guard rails, noise abatement measures, storm sewers, and rest areas.
(2) A noise abatement measure may only be constructed by the department along a highway when:
(a) the department is constructing a new state highway or performing major reconstruction on an existing state highway;

(b) the Legislature provides an appropriation or the federal government provides funding for construction of retrofit noise abatement along an existing state highway; or
(c) the cost for the noise abatement measure is provided by citizens, adjacent property owners, developers, or local governments.
(3) In addition to the requirements under Subsection (2), the department may only construct noise abatement measures within the unincorporated area of a county or within a municipality that has an ordinance or general plan that requires:
(a) a study to be conducted to determine the noise levels along new development adjacent to an existing state highway or a dedicated right-of-way; and
(b) the construction of noise abatement measures at the expense of the developer if required to be constructed under standards established by a rule of the department.
(4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department shall make rules establishing:
(a) when noise abatement measures are required to be constructed, including standards for decibel levels of traffic noise;
(b) the decibel level of traffic noise which identifies the projects to be programmed by the commission for the earliest construction of retrofit noise abatement measures funded under Subsection (2)(b) based on availability of funding; and
(c) a priority system for the construction of other retrofit noise abatement measures that meet or exceed the standards established under this section and are funded under Subsection (2)(b) which includes:
(i) the number of residential dwellings adversely affected by the traffic noise;
(ii) the cost effectiveness of mitigating the traffic noise; and
(iii) the length of time the decibel level of traffic noise has met or exceeded the standards established under this section.

Amended by Chapter 382, 2008 General Session

72-6-112 Traffic Noise Abatement Program -- Uses.
(1) There is created the Traffic Noise Abatement Program.
(2) The program consists of money generated from the following revenue sources:
(a) any voluntary contributions received for traffic noise abatement; and
(b) appropriations made to the program by the Legislature.
(3) The department shall use program money as prioritized by the commission and as provided by law for the study, design, construction, and maintenance of noise abatement measures.
(4) All funding for the Traffic Noise Abatement Program shall be nonlapsing.

Renumbered and Amended by Chapter 270, 1998 General Session

72-6-112.5 Definitions -- Nighttime highway construction noise -- Exemptions -- Permits.
(1) As used in this section:
(a) "Commuter rail" means the same as that term is defined in Section 63N-3-602.
(b)
(i) "Front row receptor" means a noise-sensitive residential receptor that is:
(A) immediately adjacent to a transportation facility; or
(B) within 800 feet of a transportation facility that is within a commercial or industrialized area.
(ii) "Front row receptor" includes a residence that is contiguous to a property immediately adjacent to a transportation facility in a residential area.

(c) "Nighttime construction" means highway or public transit facility construction occurring between the hours of 10:00 p.m. and 7:00 a.m.
(d) "Nuisance" means the same as that term is defined in Section 78B-6-1101.
(e)
(i) "Permitted activities" means activities occurring between the hours of 7:00 p.m. and 7:00 a.m. that are related to and necessary for nighttime construction, whether occurring at the construction site or at a gravel pit or other site for production of raw materials, and includes:
(A) loading and unloading of trucks;
(B) asphalt mixing and hauling; and
(C) concrete mixing and hauling.
(ii) "Permitted activities" does not include:
(A) blasting; or
(B) crushing.
(2) The following projects are exempt from any noise ordinance, regulation, or standard of a local jurisdictional authority:
(a) a state highway construction project conducted on a road where the normal posted speed limit is 55 miles per hour or greater; or
(b) a commuter rail construction project.
(3) Except for a project described in Subsection (2), a state highway or a public transit facility construction project is exempt from any noise ordinance, regulation, or standard of a local jurisdictional authority if the department:
(a) provides reasonable written notice at least 48 hours in advance of any required nighttime construction to each residential dwelling located within front row receptors of the activity;
(b) determines a net community, including traveler community, benefit exists to conduct nighttime highway construction after considering the following:
(i) public health;
(ii) project completion time;
(iii) air quality;
(iv) traffic;
(v) economics;
(vi) safety; and
(vii) local jurisdiction concerns; and
(c) institutes best management noise reduction practices, as determined by the department, for front row receptors, in consultation with local government or the local jurisdictional authority for all nighttime construction, which may include:
(i) equipment maintenance;
(ii) noise shielding;
(iii) scheduling the most noise intrusive activities during the day; and
(iv) other noise mitigation methods.
(4)
(a) Subject to Subsection (2) or (3), a state highway project or public transit facility construction shall secure required noise permits from the local jurisdictional authority to conduct nighttime construction.
(b) To the extent practical, the department shall coordinate with the local jurisdictional authority during the pre-construction phase of a project to address noise exemption conditions.
(5) A local jurisdictional authority shall issue a nighttime construction permit limited to permitted activities if:

(a) the applicant provides evidence that the permitted activities are directly related to and necessary for a nighttime construction project for which the department has obtained a noise permit from a local jurisdictional authority pursuant to Subsection (4); and
(b) the local jurisdictional authority determines that any nuisance that may be caused by the nighttime construction may be reasonably mitigated.
(6) A local jurisdictional authority shall issue a nighttime construction noise permit without additional requirements to the department at the request of the department or the department's designated project agent if the requirements of Subsection (2) or (3) are met.
(7)
(a) A local jurisdictional authority may request adjustments to a nighttime construction permit to mitigate unreasonable noise disturbances caused by nighttime construction or permitted activities.
(b) If adjustments are requested as described in Subsection (7)(a), the nighttime construction permit holder shall use best management noise reduction practices to mitigate unreasonable noise disturbances.
(8)
(a) For the exemption provided in Subsection (3) and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department shall make rules establishing procedures:
(i) for a local jurisdictional authority or local government to appeal the decision of the department to conduct nighttime construction; and
(ii) for the local jurisdictional authority to request that the department enforce the terms of a noise permit.
(b) After review and upon receiving a written notice from a local jurisdictional authority that the conditions for the noise exemption permit are not met, the department shall take corrective action to ensure nighttime construction activities meet requirements of the local permit.

Amended by Chapter 22, 2023 General Session

72-6-113 Acquisition and improvement of land for preservation of scenic beauty -- Authority of department.

(1) The department is authorized to acquire and improve strips of land necessary for the restoration, preservation, and enhancement of scenic beauty within and adjacent to a federal-aid highway of this state, including acquisition of publicly owned and controlled rest and recreation areas, sanitary, and other facilities within or adjacent to the highway right-of-way reasonably necessary to accommodate the traveling public.
(2) Acquisition may be by gift, purchase, or exchange but may not be by condemnation.
(3) The interest in any land authorized to be acquired and maintained under this section may be fee simple or any lesser interest, as determined by the department to be reasonably necessary to accomplish the purposes of this section.
(4)
(a) Real property, or any interest in real property, acquired under this section is part of the adjacent or nearest highway and is under the jurisdiction of the department.
(b) The department may enter into an agreement with any state agency for maintenance of land acquired in accordance with this section.

Renumbered and Amended by Chapter 270, 1998 General Session

72-6-114 Restricting use of or closing highway -- Penalty for failure to observe barricade, warning light, etc.

(1) A highway authority may close or restrict travel on a highway under their jurisdiction due to construction, maintenance work, or emergency.

(2) If a highway or portion of a highway is closed or restricted to travel, a highway authority shall cause suitable barriers and notices to be posted and maintained in accordance with Section 41-6a-301.

(3) A person who willfully fails to observe any temporary or permanent barricade, warning light, sign, cone, or other object used in accordance with this section, or to obey a flagman, is guilty of a class B misdemeanor.

Amended by Chapter 59, 2012 General Session

72-6-115 Traffic Management Systems.

(1)

(a) The Department of Transportation shall implement and administer traffic management systems to:

(i) facilitate the efficient flow of motor vehicle traffic on state highways to improve regional mobility; and

(ii) reduce motor vehicle emissions where those improvements are cost effective.

(b) A traffic management system shall be designed to allow safe, efficient, and effective:

(i) integration of existing traffic management systems;

(ii) additions of highways and intersections under county and city administrative jurisdiction;

(iii) incorporation of other traffic management systems; and

(iv) adaptation to future traffic needs.

(2)

(a) The cost of implementing and administering a traffic management system shall be shared pro rata by the department and the counties and municipalities using it.

(b) The department shall enter into an agreement or contract under Title 11, Chapter 13, Interlocal Cooperation Act, with a county or municipality to share costs incurred under this section.

(3) Additional highways and intersections under the administrative jurisdiction of a county or municipality may be added to a traffic management system upon application of the county or municipality after:

(a) approval by the department;

(b) determination of the appropriate cost share of the addition under Subsection (2)(a); and

(c) an agreement under Subsection (2)(b).

Amended by Chapter 374, 2012 General Session

72-6-116 Regulation of utilities -- Relocation of utilities.

(1) As used in this section:

(a) "Cost of relocation" includes the entire amount paid by the utility company properly attributable to the relocation of the utility after deducting any increase in the value of the new utility and any salvage value derived from the old utility.

(b) "Department project" means:

(i) a state highway project, including the construction of a proposed state highway and the improvement, widening, or modification of an existing state highway; or

(ii) a fixed guideway capital development project for which the department has oversight and supervision, including a transit station, passenger loading or unloading zone, parking lot, or other facility that is constructed or reconstructed immediately adjacent to a fixed guideway that is part of a fixed guideway capital development project.

(c) "Exempt water supplier" means an entity that directly or indirectly supplies at least a portion of the entity's water for culinary purposes to the public for municipal, domestic, or industrial use, and is:

(i) a water corporation, as defined in Section 54-2-1, that is regulated by the Public Service Commission; or

(ii) a community water system:

(A) that either supplies water to at least 100 service connections used by year-round residents, or regularly serves at least 200 year-round residents; and

(B) whose voting members own a share in the community water system, receive water from the community water system in proportion to the member's share in the community water system, and pay the rate set by the community water system based on the water the member receives.

(d) "Utility" includes telecommunication, crude oil, petroleum products, gas, electricity, cable television, water, sewer, data, and video transmission lines, drainage and irrigation facilities, and other similar utilities whether public, private, or cooperatively owned.

(e) "Utility company" means a privately, cooperatively, or publicly owned utility, including utilities owned by political subdivisions.

(2)

(a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department may make rules for the installation, construction, maintenance, repair, renewal, system upgrade, and relocation of all utilities.

(b) If the department determines under the rules established in this section that it is necessary that any utilities should be relocated, notwithstanding any other provision of this section:

(i) the utility company owning or operating the utilities shall relocate the utilities after receiving an order of the department; and

(ii) the cost allocations described in Subsection (3) shall apply.

(3)

(a) The department shall pay 100% of the cost of relocation of a utility to accommodate construction of a department project if the:

(i) utility is owned or operated by:

(A) a political subdivision of the state; or

(B) an exempt water supplier;

(ii) utility company owns the easement or fee title to the right-of-way in which the utility is located; or

(iii) utility is located in a public utility easement as defined in Section 54-3-27.

(b) Except as provided in Subsection (3)(a), (c), or (d) or Section 54-21-603, the department shall pay 50% of the cost of relocation of a utility to accommodate construction of a department project, and the utility company shall pay the remainder of the cost of relocation.

(c) Subject to Subsection (3)(e), if a utility company is responsible to pay for a portion of a utility relocation as described in Subsection (3)(b):

(i) the utility shall pay the lesser of:

(A) 50% of the cost of relocation of the utility to accommodate construction of a department project; or

(B) 50% of the cost of any structure or facility necessary to avoid impinging on the utility;

(ii) the department shall pay the remainder of the cost, which is the total cost less the portion paid by the utility under Subsection (3)(c)(i); and
(iii) the department shall make the final decision whether to proceed under:
(A) Subsection (3)(c)(i)(A); or
(B) Subsection (3)(c)(i)(B).
(d) This Subsection (3) does not affect the provisions of Subsection 72-7-108(5).
(e)
(i) If the department or a large public transit district has entered into a written agreement with a utility before May 1, 2024, pertaining to the use of right-of-way by the utility and relocation costs, the department and the utility shall abide by the terms of the agreement when constructing a fixed guideway capital development project.
(ii) If the department has entered into a written agreement with a utility pertaining to the use of right-of-way by the utility and relocation costs, the department and the utility shall abide by the terms of the agreement when constructing a department project.
(4) If a utility is relocated, the utility company owning or operating the utility, its successors or assigns, may maintain and operate the utility, with the necessary appurtenances, in the new location.
(5) In accordance with this section, the cost of relocating a utility in connection with any department project is a cost of construction for the department project.
(6)
(a) The department shall notify affected utility companies, in accordance with Section 54-3-29, whenever the relocation of utilities is likely to be necessary because of a department project.
(b) The notification shall be made during the preliminary design of the project or as soon as practical in order to minimize the number, costs, and delays of utility relocations.
(c) When the department notifies a utility company under this Subsection (6):
(i) the utility shall coordinate and cooperate with the department and the department's contractor on the utility relocations, including the scheduling of the utility relocations; and
(ii) the department and the utility shall strive to identify conflicts, minimize utility relocation costs and operational impacts, minimize department project costs and delays, and coordinate and cooperate with one another.

Amended by Chapter 441, 2024 General Session

72-6-117 Limited-access facilities and service roads -- Access -- Right-of-way acquisition -- Grade separation -- Written permission required.

(1) A highway authority, acting alone or in cooperation with the federal government, another highway authority, or another state may plan, designate, establish, regulate, vacate, alter, improve, maintain, and provide a limited-access facility including a service road to the limited-access facility.
(2) A highway authority may regulate, restrict, or prohibit the use of a limited-access facility by pedestrians, animals, or by the various classes of vehicles or traffic.
(3) A highway authority may divide and separate any limited-access facility into separate roadways by the construction of raised curbing, central dividing sections, or other physical separations, or by designating separate roadways by signs, markers, stripes, and other appropriate devices.
(4) A person may not enter, exit, or cross a limited-access facility, except at designated points at which access is permitted by the highway authority.
(5) A highway authority may acquire, by gift, devise, purchase, or condemnation, private or public property and property rights for a limited-access facility and service road, including rights of

access, air, view, and light. All property rights acquired under this section may be in fee simple or in any lesser estate or interest. A highway authority may acquire an entire lot, block, or tract of land, if needed, even though the entire lot, block, or tract is not immediately needed for the right-of-way of the limited-access facility or service road.

(6) A highway authority may designate and establish limited-access highways as new facilities or may designate and establish an existing highway as part of a limited-access facility.

(7)

(a) A highway authority may provide for the elimination of at grade intersections of a limited-access facility and an existing highway by grade separation, service road, or by closing the intersecting highway.

(b) A highway authority may not connect or intersect a limited-access facility without the written consent and previous approval of the highway authority having jurisdiction over the limited-access facility.

(8) Highway authorities may enter into agreements with each other, or with the federal government, on the financing, planning, establishment, improvement, maintenance, use, regulation, or vacation of limited-access facilities or other public ways in their respective jurisdiction, to facilitate the purposes of this section.

Enacted by Chapter 270, 1998 General Session

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

(1) As used in this section:

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

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

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

(d)

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

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

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

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

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

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

(c) impose and collect tolls on any tollway established under this section, including collection of past due payment of a toll or penalty;

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

(e) use technology to automatically monitor a tollway and collect payment of a toll, including:

(i) license plate reading technology; and
(ii) photographic or video recording technology; and
(f) in accordance with Subsection (5), request that the Division of Motor Vehicles deny a request for registration of a motor vehicle if the motor vehicle owner has failed to pay a toll or penalty imposed for usage of a tollway involving the motor vehicle for which registration renewal has been requested.

(3)
(a) The department may establish or operate a tollway on an existing highway if approved by the commission in accordance with the terms of this section.
(b) To establish a tollway on an existing highway, the department shall submit a proposal to the commission including:
(i) a description of the tollway project;
(ii) projected traffic on the tollway;
(iii) the anticipated amount of the toll to be charged; and
(iv) projected toll revenue.

(4)
(a) For a tollway established under this section, the department may:
(i) according to the terms of each tollway, impose the toll upon the owner of a motor vehicle using the tollway according to the terms of the tollway;
(ii) send notice to the owner of the motor vehicle to inform the owner of:
(A) an unpaid toll and the amount of the toll to be paid to the department;
(B) the penalty for failure to pay the toll timely;
(C) any hold being placed on the owner's registration for the motor vehicle if the toll and penalty are not paid timely, which would prevent the renewal of the motor vehicle's registration; and
(D) any other information required by the terms of the tollway;
(iii) require that the owner of the motor vehicle pay the toll to the department within 30 days of the date when the department sends written notice of the toll to the owner; and
(iv) impose a penalty for failure to pay a toll timely.
(b) The department shall provide the notice described in Subsection (4)(a) to the owner of the motor vehicle according to the terms of a tollway.

(5)
(a) The Division of Motor Vehicles and the department shall share and provide access to information pertaining to a motor vehicle and tollway enforcement including:
(i) registration and ownership information pertaining to a motor vehicle;
(ii) information regarding the failure of a motor vehicle owner to timely pay a toll or penalty imposed under this section; and
(iii) the status of a request for a hold on the registration of a motor vehicle.
(b) If the department requests a hold on the registration in accordance with this section, the Division of Motor Vehicles may not renew the registration of a motor vehicle under Title 41, Chapter 1a, Part 2, Registration, if the owner of the motor vehicle has failed to pay a toll or penalty imposed under this section for usage of a tollway involving the motor vehicle for which registration renewal has been requested until the department withdraws the hold request.

(6)
(a) Except as provided in Subsection (6)(b), in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commission shall:
(i) set the amount of any toll imposed or collected on a tollway on a state highway; and
(ii) for tolls established under Subsection (6)(b), set:

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

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

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

(7)

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

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

(ii) that establish standards and specifications for automatic tolling systems and automatic tollway monitoring technology; and

(iii) to set the amount of a penalty for failure to pay a toll under this section.

(b) The rules shall:

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

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

(8)

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

(b) The commission may determine priorities and funding levels for tollways designated under this section.

(9)

(a) Except as provided in Subsection (9)(b), all revenue generated from a tollway on a state highway shall be deposited into the Tollway Special Revenue Fund created in Section 72-2-120 and used for any state transportation purpose.

(b) Revenue generated from a tollway that is the subject of a tollway development agreement shall be deposited into the Tollway Special Revenue Fund and used in accordance with Subsection (9)(a) unless:

(i) the revenue is to a private entity through the tollway development agreement; or

(ii) the revenue is identified for a different purpose under the tollway development agreement.

(10) Data described in Subsection (2)(e) obtained for the purposes of this section:

(a) in accordance with Section 63G-2-305, is a protected record under Title 63G, Chapter 2, Government Records Access and Management Act, if the photographic or video data is maintained by a governmental entity;

(b) may not be used or shared for any purpose other than the purposes described in this section;

(c) may only be preserved:

(i) so long as necessary to collect the payment of a toll or penalty imposed in accordance with this section; or

(ii) pursuant to a warrant issued under the Utah Rules of Criminal Procedure or an equivalent federal warrant; and

(d) may only be disclosed:

(i) in accordance with the disclosure requirements for a protected record under Section 63G-2-202; or

(ii) pursuant to a warrant issued under the Utah Rules of Criminal Procedure or an equivalent federal warrant.

(11)

(a) The department may not sell for any purpose photographic or video data captured under Subsection (2)(e)(ii).
(b) The department may not share captured photographic or video data for a purpose not authorized under this section.

Amended by Chapter 452, 2025 General Session

72-6-119 "511" Traveler information services -- Lead agency -- Implementation -- Cooperation -- Rulemaking -- Costs.

(1) As used in this section, "511" or "511 service" means three-digit telecommunications dialing to access intelligent transportation system -- traveler information service provided in the state in accordance with the Federal Communications Commission and United States Department of Transportation.
(2) The department is the state's lead agency for implementing 511 service and is the state's point of contact for coordinating 511 service with telecommunications service providers.
(3) The department shall:
(a) implement and administer 511 service in the state;
(b) coordinate with the highway authorities and public transit districts to provide advanced multimodal traveler information through 511 service and other means; and
(c) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, make rules as necessary to implement this section.
(4)
(a) In accordance with Title 11, Chapter 13, Interlocal Cooperation Act, the department shall enter into agreements or contracts with highway authorities and public transit districts to share the costs of implementing and administering 511 service in the state.
(b) The department shall enter into other agreements or contracts relating to the 511 service to offset the costs of implementing and administering 511 service in the state.

Amended by Chapter 382, 2008 General Session

72-6-120 Department authorized to participate in federal program assuming responsibility for environmental review of highway projects -- Rulemaking authority.

(1) The department may:
(a) assume responsibilities under 23 U.S.C. Sec. 326 for:
(i) determining whether state highway design and construction projects are categorically excluded from requirements for environmental assessments or environmental impact statements; and
(ii) environmental review, consultation, or other actions required under federal law for categorically excluded projects;
(b) assume responsibilities under 23 U.S.C. Sec. 327 with respect to one or more railroad, public transportation, highway, or multimodal projects within the state under the National Environmental Policy Act of 1969 for environmental review, consultation, or other action required under any federal environmental law pertaining to the review or approval of a specific highway project;
(c) enter one or more memoranda of understanding with the United States Department of Transportation related to federal highway programs as provided in 23 U.S.C. Secs. 326 and 327 subject to the requirements of Subsection 72-1-207(5);

(d) accept, receive, and administer grants, other money, or gifts from public and private agencies, including the federal government, for the purpose of carrying out the programs authorized under this section; and
(e) cooperate with the federal government in implementing this section and any memorandum of understanding entered into under Subsection 72-1-207(5).
(2) Notwithstanding any other provision of law, in implementing a program under this section that is approved by the United States Department of Transportation, the department is authorized to:
(a) perform or conduct any of the activities described in a memorandum of understanding entered into under Subsection 72-1-207(5);
(b) take actions necessary to implement the program; and
(c) adopt relevant federal environmental standards as the standards for this state for categorically excluded projects.
(3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department may makes rules to implement the provisions of this section.

Amended by Chapter 424, 2018 General Session

72-6-121 Clean fuel vehicle decal.
(1) Subject to the requirements of this section, the department shall issue a clean fuel vehicle decal permit and a clean fuel vehicle decal to an applicant if:
(a) the applicant is an owner of a vehicle:
(i) powered by clean fuel that meets the standards established by the department in rules authorized under Subsection 41-6a-702(5)(b); and
(ii) that is registered in the state of Utah;
(b) the applicant remits an application and all fees required under this section; and
(c) the department has clean fuel vehicle decals available subject to the limits established by the department in accordance with Subsection 41-6a-702(5)(b).
(2) The department shall establish the clean fuel vehicle decal design in consultation with the Utah Highway Patrol.
(3)
(a) An applicant for a clean fuel vehicle decal shall pay a clean fuel vehicle decal fee established by the department in accordance with Section 63J-1-504.
(b) Funds generated by the clean fuel vehicle decal fee may be used by the department to cover the costs incurred in issuing clean fuel vehicle decals under this section.
(4)
(a) The department shall issue a clean fuel vehicle decal permit and a clean fuel vehicle decal to a person who has been issued a clean fuel special group license plate prior to July 1, 2011.
(b) A person who applies to the department to receive a clean fuel vehicle decal permit and a clean fuel vehicle decal under Subsection (4)(a) is not subject to the fee imposed under Subsection (3).
(5)
(a) An owner of a vehicle may not place a clean fuel vehicle decal on a vehicle other than the vehicle specified in the application for the clean fuel vehicle decal permit and the clean fuel vehicle decal.
(b) An owner of a vehicle issued a clean fuel vehicle permit and clean fuel vehicle decal is not required to place the clean fuel vehicle decal on the vehicle specified to drive in the high occupancy lane described in Subsection 41-6a-702(5).
(c) A person operating a motor vehicle that has been issued a clean fuel vehicle decal shall:

(i) in a manner consistent with Section 41-6a-1635, install on the windshield of the motor vehicle the clean vehicle transponder issued by the department;
(ii) have in the person's immediate possession the clean fuel vehicle decal permit issued by the department for the motor vehicle the person is operating; and
(iii) present the permit upon demand of a peace officer.
(6) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department shall make rules to administer the clean fuel vehicle decal program authorized in this section.

Amended by Chapter 517, 2024 General Session

Part 2
Public-Private Partnerships for Tollways Act

72-6-201 Title.
This part is known as the "Public-Private Partnerships for Tollways Act."

Enacted by Chapter 36, 2006 General Session

72-6-202 Definitions.
As used in this part:
(1) "High occupancy toll lane" has the same meaning as defined in Section 72-6-118.
(2) "Toll" has the same meaning as defined in Section 72-6-118.
(3) "Toll lane" has the same meaning as defined in Section 72-6-118.
(4) "Tollway" has the same meaning as defined in Section 72-6-118.
(5)
(a) "Tollway development agreement" means a contractual agreement with a public or private entity that provides for any predevelopment activities, design, construction, reconstruction, financing, acquisition, maintenance, or operation of a tollway or any or all of them.
(b) "Tollway development agreement" may include:
(i) predevelopment agreements;
(ii) franchise and concession agreements;
(iii) leases;
(iv) right-of-entry agreements;
(v) financial participation agreements;
(vi) other financing agreements;
(vii) design-build agreements;
(viii) operating agreements;
(ix) agreements for services of independent engineers;
(x) agreements for the enforcement of tolls on a tollway; or
(xi) any combination of Subsections (5)(b)(i) through (x).

Enacted by Chapter 36, 2006 General Session

72-6-203 Authority to enter into public-private partnership agreements for tollways.
(1) Subject to the provisions of this part, the department may:

(a) enter into a tollway development agreement with one or more public or private entities to permit the entity or entities to, independently or jointly with the department, study, perform predevelopment activities, design, finance, acquire, construct, reconstruct, maintain, repair, operate, extend, or expand a tollway facility;
(b) enter into an agreement with other public agencies or private entities to independently or jointly provide services, or to study the feasibility of a tollway; and
(c) negotiate the terms of private participation in a tollway, including:
(i) methods to determine the applicable cost, profit, and revenue distribution between the private participants and the department;
(ii) a reasonable method to determine toll rates or user fees, including:
(A) identification of vehicle or user classifications, or both, for toll rates;
(B) the original proposed toll rate or user fee for the tollway facility;
(C) proposed toll rate or user fee increases; and
(D) a maximum toll rate or user fee for the tollway facility;
(iii) acceptable safety and policing standards; and
(iv) other applicable professional, consulting, design, engineering, construction, operation and maintenance standards, requirements, expenses, and costs;
(d) grant to a private entity through a tollway development agreement the right to impose and collect tolls or user fees under Section 72-6-118 and the right to enforce toll violations; and
(e) provide to the private entity, on mutually agreed terms, services in support of the tollway development, operation, and maintenance including planning, environmental review, design, right-of-way acquisition, oversight, inspection and monitoring, maintenance, and policing.
(2) The department shall engage outside consultants and counsel to:
(a) provide the state with professional services, including legal and financial guidance, to develop rules and guidelines for public-private partnerships;
(b) assist the department in evaluating the risks and benefits of a proposed public-private partnership; and
(c) assist in the selection and terms of a tollway development agreement.
(3) A tollway development agreement entered into under this section shall include:
(a) a provision for the application of tolls and other operating revenues to the payment of operating and maintenance costs, indebtedness by the private entity for the tollway, reserves for reconstruction, rehabilitation, resurfacing and restoration, return on equity or investment, and sums owing the department;
(b) a provision authorizing the department to purchase, under terms agreed to by the parties, the interest of a private participant in a tollway development agreement; and
(c) a provision requiring that, at the termination of the tollway development agreement, the tollway project shall:
(i) be in a state of proper maintenance as outlined in the agreement and determined by the department; and
(ii) be returned to the department in satisfactory condition at no further cost to the department.
(4) A tollway development agreement entered into under this section may include:
(a) allocations of liability, risk, and responsibility;
(b) combinations of public and private funding and financing;
(c) compensation to the department for the grant of the tollway development agreement or the right to impose and collect tolls;
(d) participation by the department in tollway revenue, proceeds of refinancings and proceeds of sale of the tollway or interests in the private entity;

(e) extensions of time for, and exceptions to, performance by the private entity and compensation from the department to the private entity, due to stated events or circumstances;
(f) requirements for performance security, including payment and performance bonds, letters of credit, security deposits, guarantees, and similar protections;
(g) rights and obligations to expand the tollway, extend the tollway, add capacity improvements, add intelligent transportation systems, and otherwise upgrade the tollway during the term of the tollway development agreement;
(h) alternative dispute resolution procedures;
(i) limitations on liability and waivers of consequential damages;
(j) lender rights and protections; and
(k) other terms necessary or desirable to attract private investment and protect the department's interests.

(5)
(a) A tollway that is the subject of a tollway development agreement with a private entity, including the facilities acquired or constructed on the tollway, is public property and title to the tollway and facilities is vested in the state.
(b) A tollway that is the subject of a tollway development agreement is part of the state highway system for purposes of identification, maintenance, enforcement of traffic laws, and other purposes.
(c) The department may enter into one or more agreements that provide for:
(i) the lease of rights-of-way, improvements, and all or any portion of the appurtenances over and under the tollway facility to the private entity for a term ending not later than 99 years after commencement of revenue operations, provided that the agreement provides upon termination for reversion of the leased property, together with the right to impose and collect tolls, to the department;
(ii) the granting of easements;
(iii) the issuance of franchises, licenses, or permits; or
(iv) any other lawful uses to enable a private entity to construct, operate, maintain, or finance a tollway.

Enacted by Chapter 36, 2006 General Session

72-6-204 Minimum requirements for a tollway development agreement proposal.

(1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department and the commission shall make rules establishing minimum guidelines for tollway development agreement proposals.
(2) The guidelines under Subsection (1) shall require the proposal to include:
(a) a map indicating the location of the tollway facility;
(b) a description of the tollway facility;
(c) a list of the major permits and approvals required for developing or operating improvements to the tollway facility from local, state, or federal agencies and a projected schedule for obtaining the permits and approvals;
(d) a description of the types of public utility facilities, if any, that will be crossed by the tollway facility and a statement of the plans to accommodate the crossing;
(e) an estimate of the design and construction costs of the tollway facility;
(f) a statement setting forth the private entity's general plans for developing or operating the tollway facility, including identification of any revenue, public or private, or proposed debt or equity investment proposed by the private entity;

(g) a statement of the estimated level of funding, if any, required to be provided by the state;
(h) the name and addresses of the persons who may be contacted for further information concerning the tollway development agreement proposal; and
(i) any other material or information that the department requires by rules made under this section.
(3) The department is not required to review a tollway development agreement proposal if it determines that the proposal does not meet the guidelines established under this section.

Amended by Chapter 382, 2008 General Session

72-6-205 Solicited and unsolicited tollway development agreement proposals.
(1) In accordance with this section, the department may:
(a) accept unsolicited tollway development agreement proposals; or
(b) solicit tollway development agreement proposals for a proposed project.
(2) The department shall solicit tollway development agreement proposals in accordance with Section 63G-6a-1403.
(3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department and the commission shall establish rules and procedures for accepting unsolicited proposals that require the:
(a) private entity that submits the unsolicited proposal to comply with the minimum requirements for tollway development agreement proposals under Section 72-6-204;
(b) department to issue a request for competing proposals and qualifications that includes:
(i) a description of the proposed tollway development facility and the terms and conditions of a tollway development agreement;
(ii) submittal requirements;
(iii) the criteria to be used to evaluate the proposals;
(iv) the relative weight given to the criteria; and
(v) the deadline by which competing proposals must be received; and
(c) department to publish a notice advertising the request for competing proposals and providing information regarding how to obtain a copy of the request.
(4)
(a) The department may establish a fee in accordance with Section 63J-1-504 for reviewing unsolicited proposals and competing proposals submitted under this section.
(b) The department may waive the fee under Subsection (4)(a) if it determines that it is reasonable and in the best interest of the state.

Amended by Chapter 347, 2012 General Session

72-6-206 Commission approval and legislative review of tollway development agreement provisions.
(1) Prior to the department entering into a tollway development agreement under Section 72-6-203, the department shall submit to the commission for approval the tollway development agreement, including:
(a) a description of the tollway facility, including the conceptual design of the facility and all proposed interconnections with other transportation facilities;
(b) the proposed date for development, operation, or both of the tollway facility;
(c) the proposed term of the tollway development agreement;
(d) the proposed method to determine toll rates or user fees, including:

(i) identification of vehicle or user classifications, or both, for toll rates;
(ii) the original proposed toll rate or user fee for the tollway facility;
(iii) proposed toll rate or user fee increases; and
(iv) a maximum toll rate or user fee for the tollway facility; and
(e) any proposed revenue, public or private, or proposed debt or equity investment that will be used for the design, construction, financing, acquisition, maintenance, or operation of the tollway facility.
(2) Prior to amending or modifying a tollway development agreement, the department shall submit the proposed amendment or modification to the commission for approval.
(3) The department shall annually report to the Transportation Interim Committee on the status and progress of a tollway subject to a tollway development agreement under Section 72-6-203.

Amended by Chapter 452, 2025 General Session

Part 3
Approval of Highway Facilities on Sovereign Lands Act

72-6-301 Title.
This part is known as the "Approval of Highway Facilities on Sovereign Lands Act."

Enacted by Chapter 256, 2011 General Session

72-6-302 Definitions.
As used in this part:
(1) "Sovereign lands" has the same meaning as defined in Section 65A-1-1.
(2) "Tollway" has the same meaning as defined in Section 72-6-118.

Amended by Chapter 369, 2012 General Session

72-6-303 Approval to construct highway facility over sovereign lakebed lands.
(1)
(a) The commission shall review and may approve a proposed plan for the construction of a highway facility over sovereign lakebed lands.
(b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commission shall make rules establishing minimum guidelines for an application to construct a highway facility over sovereign lakebed lands.
(2) As part of an application to lease sovereign land, a private entity seeking to obtain a lease over sovereign lakebed lands shall submit an application to the commission for approval from the commission to construct a highway facility over sovereign lakebed lands.
(3) A private entity shall include in an application described in Subsection (2):
(a) a map indicating the location and legal description of the highway facility and all proposed interconnections with other highway facilities;
(b) a description of the highway facility, including the conceptual design of the highway facility and a statement whether the highway facility will be operated and maintained as a tollway facility;

(c) a list of the major permits and approvals required for developing or operating improvements to the highway facility from local, state, or federal agencies and a projected schedule for obtaining the permits and approvals;
(d) a description of the types of public utility facilities, if any, that will be crossed by the highway facility and a statement of the plans to accommodate the crossing;
(e) a description of the types of public utilities used, carried, or accommodated by the highway facility and a statement of the plans to use, carry, or accommodate the public utilities;
(f) an estimate of the design and construction costs of the highway facility;
(g) a statement setting forth the private entity's general plans for constructing, operating, and maintaining the highway facility, including:
(i) the proposed date for development, operation, or both of the highway facility;
(ii) the proposed term of the lease over sovereign lakebed lands; and
(iii) a demonstration by the private entity that the proposal is financially viable;
(h) the names and addresses of the persons who may be contacted for further information concerning the highway facility application;
(i) any other material or information that the commission requires by rules made under this section; and
(j) a statement whether or how the highway facility can safely accommodate recreational fishing or other recreational activities on the highway facility.
(4) The commission is not required to review an application submitted under this section if it determines that the proposal does not meet the guidelines established under this section.
(5) The commission shall review an application submitted under this section and approve the application if the commission determines, based upon recommendations by the department, that:
(a) construction, operation, and maintenance of the highway facility is feasible as proposed by the private entity in the application;
(b) the proposed highway facility is contained anywhere within the long-range highway plan prepared by the department or by a metropolitan planning organization, including the visionary long-range highway plan;
(c) the construction plan for the proposed highway facility meets the engineering and design standards specified by the commission in rules made under this section;
(d) the proposed plan for the construction, operation, and maintenance of the highway facility is financially viable, including a determination that sufficient bonding or other financial assurances are in place to cover construction, operation, and maintenance of the facility; and
(e) the private entity has entered an agreement with the department authorizing the department to assure the safety of the design, construction, operation, and maintenance of the facility.
(6) Approval by the commission under this section does not constitute approval of the lease application by the Division of Forestry, Fire, and State Lands under Section 65A-7-5.
(7) An agreement under Subsection (5)(e):
(a) shall provide compensation to the department to cover the costs of reviewing and inspecting the highway facility; and
(b) may include a time within which a notice to proceed can be given.
(8) The department may establish a fee in accordance with Section 63J-1-504 for reviewing applications submitted under this section.

Enacted by Chapter 256, 2011 General Session

Part 4
Highway Sponsorship Program Act

72-6-401 Title.

This part is known as the "Highway Sponsorship Program Act."

Enacted by Chapter 132, 2014 General Session

72-6-402 Definitions.

As used in this section:

(1) "Acknowledgment sign" means a sign that:

(a) is intended to inform the traveling public that a highway-related service, product, or monetary contribution has been sponsored by a person, firm, or entity; and

(b) meets all design and placement guidelines for acknowledgment signs as set forth in the most recent edition of the Manual on Uniform Traffic Control Devices for Streets and Highways adopted by the department in accordance with Section 41-6a-301.

(2) "Sponsorship agreement" means an agreement or contract between the department or its contractors and a person, firm, or entity that includes a provision authorizing an acknowledgment of the person, firm, or entity that is providing:

(a) the highway-related service or product; or

(b) a monetary contribution to pay for a portion of the highway-related service or product.

Enacted by Chapter 132, 2014 General Session

72-6-403 Highway sponsorship program -- Sponsorship advertisement restrictions -- Rulemaking.

(1) The department may establish a sponsorship program to allow for private sponsorship of the following department operational activities or other highway-related services or programs:

(a) traveler information;

(b) rest areas; and

(c) courtesy patrol services.

(2) All revenue generated from a sponsorship authorized by this section shall be deposited into the Transportation Fund created by Section 72-2-102 to be used to:

(a) offset costs associated with providing the service being sponsored; and

(b) support costs associated with operation and maintenance of the state highway system.

(3)

(a) The department shall adopt a policy on sponsorship agreements that is applicable to all department operational activities or other highway-related services within the state described in Subsection (1).

(b) The policy described in Subsection (3)(a) shall:

(i) include language requiring the department to terminate a sponsorship agreement if it determines the sponsorship agreement or acknowledgment sign:

(A) presents a safety concern;

(B) interferes with the free and safe flow of traffic; or

(C) is not in the public interest; and

(ii) describe the sponsors and sponsorship agreements that are acceptable and consistent with applicable state and federal laws.

(4) A sponsorship authorized by this section:
(a) may not contain:
(i) promotion of any substance or activity that is illegal for minors, such as alcohol, tobacco, drugs, or gambling;
(ii) promotion of any political party, candidate, or issue; or
(iii) sexual material;
(b) may not resemble a traffic-control device as defined in Section 41-6a-102; and
(c) shall comply with federal outdoor advertising regulations in accordance with 23 U.S.C. Sec. 131.
(5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department shall make and enforce rules governing:
(a) the placement and size restrictions for acknowledgment signs at rest areas; and
(b) other size, placement, and content restrictions that the department determines are necessary.
(6) A commercial advertiser that enters a sponsorship agreement with the department for the use of space for a sponsorship shall pay:
(a) the cost of placing the sponsorship advertisement on a sign; and
(b) for the removal of the sponsorship advertisement after the term of the sponsorship agreement has expired.

Amended by Chapter 479, 2019 General Session

Chapter 7
Protection of Highways Act

Part 1
Protection of Rights-Of-Way

72-7-101 Title.
This chapter is known as the "Protection of Highways Act."

Enacted by Chapter 270, 1998 General Session

72-7-102 Excavations, structures, or objects prohibited within right-of-way except in accordance with law -- Permit and fee requirements -- Rulemaking -- Penalty for violation.
(1) As used in this section, "management costs" means the reasonable, direct, and actual costs a highway authority incurs in exercising authority over the highways under the highway authority's jurisdiction.
(2) Except as provided in Subsection (3) and Section 72-17-202, a person may not:
(a) dig or excavate, within the right-of-way of any state highway, county road, or city street; or
(b) place, construct, or maintain any approach road, driveway, pole, pipeline, conduit, sewer, ditch, culvert, billboard, advertising sign, or any other structure or object of any kind or character within the right-of-way.
(3)
(a)

(i) A highway authority having jurisdiction over the right-of-way may allow excavating, installation of utilities and other facilities or access under rules made by the highway authority and in compliance with federal, state, and local law as applicable.

(ii) Notwithstanding Subsection (3)(a)(i), a highway authority may not allow excavating, installation of utilities and other facilities, or access to any portion of a state highway, including portions thereof within a municipality, without the prior written approval of the department. The department may, by written agreement with a municipality, waive the requirement of its approval for certain types and categories of excavations, installations, and access.

(b)

(i) The rules may require a permit for any excavation or installation and may require a surety bond or other security.

(ii) The application for a permit for excavation or installation on a state highway shall be accompanied by a fee established under Subsection (4)(f).

(iii) The permit may be revoked and the surety bond or other security may be forfeited for cause.

(iv) Any portion of the right-of-way disturbed by a project permitted under this section shall be repaired using construction standards established by the highway authority with jurisdiction over the disturbed portion of the right-of-way.

(c)

(i) For a portion of a state highway right-of-way for which a municipality has jurisdiction, and upon request of the municipality, the department shall grant permission for the municipality to issue permits within the state highway right-of-way, provided that:

(A) the municipality gives the department seven calendar days to review and provide comments on the permit; and

(B) upon the request of the department, the municipality incorporates changes to the permit as jointly agreed upon by the municipality and the department.

(ii) If the department fails to provide a response as described in Subsection (3)(c)(i) within seven calendar days, the municipality may issue the permit.

(4)

(a) Except as provided in Section 72-7-108 with respect to the department concerning the interstate highway system, a highway authority may require compensation from a utility service provider for access to the right-of-way of a highway only as provided in this section.

(b) A highway authority may recover from a utility service provider, only those management costs caused by the utility service provider's activities in the right-of-way of a highway under the jurisdiction of the highway authority.

(c)

(i) A highway authority shall impose a fee or other compensation under this Subsection (4) on a competitively neutral basis.

(ii)

(A) If a highway authority's management costs cannot be attributed to only one entity, the highway authority shall allocate the management costs among all privately owned and government agencies using the highway right-of-way for utility service purposes, including the highway authority itself.

(B) The allocation shall reflect proportionately the management costs incurred by the highway authority as a result of the various utility uses of the highway.

(d) A highway authority may not use the compensation authority granted under this Subsection (4) as a basis for generating revenue for the highway authority that is in addition to the highway authority's management costs.

(e)

(i) A utility service provider that is assessed management costs or a franchise fee by a highway authority is entitled to recover those management costs.

(ii) If the highway authority that assesses the management costs or franchise fees is a political subdivision of the state and the utility service provider serves customers within the boundaries of that highway authority, the management costs may be recovered from those customers.

(f) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department shall adopt a schedule of fees to be assessed for management costs incurred in connection with issuing and administering a permit on a state highway under this section.

(g) In addition to the requirements of this Subsection (4), a telecommunications tax or fee imposed by a municipality on a telecommunications provider, as defined in Section 10-1-402, is subject to Section 10-1-406.

(5) Permit fees collected by the department under this section shall be deposited with the state treasurer and credited to the Transportation Fund.

(6) Nothing in this section shall affect the authority of a municipality under:

(a) Section 10-1-203 or 10-1-203.5;

(b) Section 11-26-201;

(c) Title 10, Chapter 1, Part 3, Municipal Energy Sales and Use Tax Act; or

(d) Title 10, Chapter 1, Part 4, Municipal Telecommunications License Tax Act.

(7) A person who violates the provisions of Subsection (2) is guilty of a class B misdemeanor.

Amended by Chapter 42, 2023 General Session, (Coordination Clause)

72-7-103 Limitation on access authority.

(1) As used in this section:

(a) "Highway facility" means:

(i) SR-7 as described in Section 72-4-106;

(ii) SR-67 as described in Section 72-4-112;

(iii) SR-85 as described in Section 72-4-114;

(iv) SR-154 as described in Section 72-4-121; or

(v) SR-201 as described in Section 72-4-126.

(b) "Legal point of access" means an access established in accordance with applicable law:

(i) before July 1, 2003;

(ii) by permit issued by the highway authority; or

(iii) by a deed or court order.

(2) A highway authority may not deny reasonable ingress and egress to property adjoining a public highway except where:

(a) the highway authority acquires right of ingress and egress by gift, agreement, purchase, eminent domain, or otherwise; or

(b) no right of ingress or egress exists between the right-of-way and the adjoining property.

(3) For a property adjoining a public highway that is not an interstate system or a highway facility, a highway authority may not close a legal point of access to the public highway, unless:

(a) the property has reasonably equivalent access to the public highway after the legal access is closed; or

(b) the highway authority acquires the legal point of access by gift, agreement, purchase, or eminent domain.

Amended by Chapter 72, 2018 General Session

72-7-104 Installations constructed in violation of rules -- Rights of highway authorities to remove or require removal.

(1) If any person, firm, or corporation installs, places, constructs, alters, repairs, or maintains any approach road, driveway, pole, pipeline, conduit, sewer, ditch, culvert, outdoor advertising sign, or any other structure or object of any kind or character within the right-of-way of any highway without complying with this title, the highway authority having jurisdiction over the right-of-way may:
  (a) remove the installation from the right-of-way or require the person, firm, or corporation to remove the installation; or
  (b) give written notice to the person, firm, or corporation to remove the installation from the right-of-way.
(2) Notice under Subsection (1)(b) may be served by:
  (a) personal service; or
  (b)
    (i) mailing the notice to the person, firm, or corporation by certified mail; and
    (ii) posting a copy on the installation for 10 days.
(3) If the installation is not removed within 10 days after the notice is complete, the highway authority may remove the installation at the expense of the person, firm, or corporation.
(4) A highway authority may recover:
  (a) the costs and expenses incurred in removing the installation, serving notice, and the costs of a lawsuit if any; and
  (b) $10 for each day the installation remained within the right-of-way after notice was complete.
(5)
  (a) If the person, firm, or corporation disputes or denies the existence, placement, construction, or maintenance of the installation, or refuses to remove or permit its removal, the highway authority may bring an action to abate the installation as a public nuisance.
  (b) If the highway authority is granted a judgment, the highway authority may recover the costs of having the public nuisance abated as provided in Subsection (4).
(6) The department, its agents, or employees, if acting in good faith, incur no liability for causing removal of an installation within a right-of-way of a highway as provided in this section.
(7) The actions of the department under this section are not subject to the provisions of Title 63G, Chapter 4, Administrative Procedures Act.

Amended by Chapter 382, 2008 General Session

72-7-105 Obstructing traffic on sidewalks or highways prohibited.

(1) A person may not:
  (a) drive or place any vehicle, animal, or other object upon or along any sidewalk except in crossing the sidewalk to or from abutting property; or
  (b) permit the vehicle, animal, or other object to remain on or across any sidewalk in a way that impedes or obstructs the ordinary use of the sidewalk.
(2)

(a) Except as described in Subsection (2)(b), vehicles, building material, or other similar objects may be placed temporarily on highways in a manner that will not impede, endanger, or obstruct ordinary traffic.
(b) A highway authority may prohibit or may require the removal of vehicles, building material, or other obstructions on any highway under their jurisdiction.
(3) A highway authority may obstruct or allow obstruction of a bicycle lane, as defined in Section 41-6a-102, to facilitate highway management, including maintenance, repair, and improvement of infrastructure.
(4) A highway authority that obstructs or allows obstruction of a bicycle lane as described in Subsection (3) shall take reasonable action to:
(a) utilize alternative space adjacent to the bicycle lane prior to obstructing the bicycle lane;
(b) minimize the obstruction; or
(c) provide an alternate route for bicycle traffic.
(5) A violation of Subsection (1) is an infraction.

Amended by Chapter 527, 2025 General Session

72-7-106 Gates on class B and D roads.
(1) As used in this section, "county road" means:
(a) a class B road as defined in Section 72-3-103; and
(b) a class D road as defined in Section 72-3-105.
(2) The county executive of a county may authorize the erection or maintenance of a gate on a county road in order to avoid the necessity of building highway fences.
(3) The person for whose immediate benefit a gate is erected or maintained shall in all cases bear the expense.
(4) Nothing contained in Section 72-7-105 shall be construed to prohibit a person from placing an unlocked, nonrestrictive gate across a county road, or maintaining the same, with the authorization of the county executive of that county.
(5)
(a) A gate is not allowed on a county road unless authorized by the county executive in accordance with the provisions of this section.
(b) If the expense of the erection and maintenance of the gate is not paid or if a lock or other device is placed upon the gate so as to make it restrictive, the county executive of that county shall notify the responsible party that county approval is terminated and the gate is considered to be an obstruction under Section 72-7-105.
(6) The placement or maintenance of a gate with the authorization of the county executive across a county road does not constitute or establish an abandonment under Section 72-5-105 or 72-5-305 by the county and does not establish an easement on behalf of the person establishing the gate.
(7) A person who commits any of the following acts is guilty of a class B misdemeanor and is liable for all damages suffered by a party as a result of the acts:
(a) leaves open a gate, erected or maintained under this section;
(b) unnecessarily drives over the ground adjoining the highway on which a gate is erected;
(c) places a lock or other restrictive device on a gate; or
(d) violates a rule or regulation of a county legislative body relating to the gates within the county.

Amended by Chapter 239, 2003 General Session

72-7-107 Public safety program signs -- Permits.

(1) As used in this section, "public safety program sign" means a sign, placed on or adjacent to a highway, that is promoting a highway safety program or highway safety practice, or a crime or drug abuse prevention program that is being sponsored by the department, the Department of Public Safety, or a local law enforcement agency.

(2) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department shall make rules to allow public safety program signs on state highways by permit. The rules shall contain reasonable terms and conditions:

(a) that are no more restrictive than motorist service signing requirements of the Manual on Uniform Traffic Control Devices for Streets and Highways adopted under Section 41-6a-301; and

(b) for granting and maintaining a permit.

Amended by Chapter 382, 2008 General Session

72-7-108 Longitudinal telecommunication access in the interstate highway system -- Definitions -- Agreements -- Compensation -- Restrictions -- Rulemaking.

(1) As used in this section:

(a) "Longitudinal access" means access to or use of any part of a right-of-way of a highway on the interstate system that extends generally parallel to the right-of-way for a total of 30 or more linear meters.

(b) "Statewide telecommunications purposes" means the further development of the statewide network that meets the telecommunications needs of state agencies and enhances the learning purposes of higher and public education.

(c) "Telecommunication facility" means any telecommunication cable, line, fiber, wire, conduit, innerduct, access manhole, handhole, tower, hut, pedestal, pole, box, transmitting equipment, receiving equipment, power equipment, or other equipment, system, and device used to transmit, receive, produce, or distribute via wireless, wireline, electronic, or optical signal for communication purposes.

(2)

(a) Except as provided in Subsection (4), the department may allow a telecommunication facility provider longitudinal access to the right-of-way of a highway on the interstate system for the installation, operation, and maintenance of a telecommunication facility.

(b) The department shall enter into an agreement with a telecommunication facility provider and issue a permit before granting it any longitudinal access under this section.

(i) Except as specifically provided by the agreement, a property interest in a right-of-way may not be granted under the provisions of this section.

(ii) An agreement entered into by the department under this section shall:

(A) specify the terms and conditions for the renegotiation of the agreement;

(B) specify maintenance responsibilities for each telecommunication facility;

(C) be nonexclusive; and

(D) be limited to a maximum term of 30 years.

(3)

(a) The department shall require compensation from a telecommunication facility provider under this section for longitudinal access to the right-of-way of a highway on the interstate system.

(b) The compensation charged shall be:

(i) fair and reasonable;

(ii) competitively neutral;

(iii) nondiscriminatory;
(iv) open to public inspection;
(v) established to promote access by multiple telecommunication facility providers;
(vi) established for zones of the state, with zones determined based upon factors that include population density, distance, numbers of telecommunication subscribers, and the impact upon private right-of-way users;
(vii) established to encourage the deployment of digital infrastructure within the state;
(viii) set after the department conducts a market analysis to determine the fair and reasonable values of the right-of-way based upon adjacent property values;
(ix) a lump sum payment or annual installment, at the option of the telecommunications facility provider; and
(x) set in accordance with Subsection (3)(f).

(c)
(i) The compensation charged may be cash, in-kind compensation, or a combination of cash and in-kind compensation.
(ii) In-kind compensation requires the agreement of both the telecommunication facility provider and the department.
(iii) The department shall determine the present value of any in-kind compensation based upon the incremental cost to the telecommunication facility provider.
(iv) The value of in-kind compensation or a combination of cash and in-kind compensation shall be equal to or greater than the amount of cash compensation that would be charged if the compensation is cash only.

(d)
(i) The department shall provide for the proportionate sharing of costs among the department and telecommunications providers for joint trenching or trench sharing based on the amount of conduit innerduct space that is authorized in the agreement for the trench.
(ii) If two or more telecommunications facility providers are required to share a single trench, each telecommunications facility provider in the trench shall share the cost and benefits of the trench in accordance with Subsection (3)(d)(i) on a fair, reasonable, competitively neutral, and nondiscriminatory basis.

(e) The department shall conduct the market analysis described in Subsection (3)(b)(viii) at least every five years and shall apply any necessary adjustments only to agreements entered after the date of the new market analysis.

(f) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department shall establish a schedule of rates of compensation for any longitudinal access granted under this section.

(4) The department may not grant any longitudinal access under this section that results in a significant compromise of the safe, efficient, and convenient use of the interstate system for the traveling public.

(5) The department may not pay any cost of relocation of a telecommunication facility granted longitudinal access to the right-of-way of a highway on the interstate system under this section.

(6)
(a) Monetary compensation collected by the department in accordance with this section shall be deposited with the state treasurer and credited to the Transportation Fund.
(b) Any telecommunications capacity acquired as in-kind compensation shall be used exclusively for statewide telecommunications purposes and may not be sold or leased in competition with telecommunication or Internet service providers.

(7) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department shall make rules:
(a) governing the installation, operation, and maintenance of a telecommunication facility granted longitudinal access under this section;
(b) specifying the procedures for establishing an agreement for longitudinal access for a telecommunication facility provider;
(c) providing for the relocation or removal of a telecommunication facility for:
(i) needed changes to a highway on the interstate system;
(ii) expiration of an agreement; or
(iii) a breach of an agreement; and
(d) providing an opportunity for all interested providers to apply for access within open right-of-way segments.
(8)
(a) Except for a right-of-way of a highway on the interstate system, nothing in this section shall be construed to allow a highway authority to require compensation from a telecommunication facility provider for longitudinal access to the right-of-way of a highway under the highway authority's jurisdiction.
(b) Nothing in this section shall affect the authority of a municipality under:
(i) Section 10-1-203;
(ii) Section 11-26-201;
(iii) Title 10, Chapter 1, Part 3, Municipal Energy Sales and Use Tax Act; or
(iv) Title 10, Chapter 1, Part 4, Municipal Telecommunications License Tax Act.
(9) Compensation paid to the department under Subsection (3) may not be used by any person as evidence of the market or other value of the access for any other purpose, including condemnation proceedings, other litigation, or the application of rates of taxation or the establishment of franchise fees relating to longitudinal access rights.

Amended by Chapter 283, 2018 General Session

72-7-110 Memorial signs honoring highway patrol officers.
(1)
(a) The Utah Department of Transportation may erect memorial signs along state highways, honoring Utah Highway Patrol officers who have been killed in the line of duty.
(b) The memorial signs shall:
(i) be located in the community of the fallen trooper that the memorial is intended to honor; and
(ii) correlate with, and where possible conform to, the sign requirements in the most recent edition of the Manual on Uniform Traffic Control Devices for Streets and Highways adopted under Section 41-6a-301.
(2) Memorial signs erected in accordance with this section shall be funded by:
(a) any voluntary contributions the department receives for the memorial signs;
(b) funds appropriated by the Legislature to the department for memorial signs under this section; or
(c) a combination of the funds available under Subsections (2)(a) and (b).

Enacted by Chapter 42, 2012 General Session

72-7-111 Storage of flammable, explosive, or combustible materials prohibited.
(1) As used in this section:

(a) "Combustible" means a material capable of producing a usually rapid chemical process that creates heat and usually light.
(b) "Explosive" means any chemical compound mixture, or device, the primary or common purpose of which is to function by explosion.
(c) "Flammable" means a material capable of being easily ignited and burning quickly.
(2) A person may not keep, store, or stockpile any flammable, explosive, or combustible material above ground directly beneath a bridge, overpass, viaduct, or tunnel owned or operated by a highway authority or large public transit district.
(3) A person who violates Subsection (2) is guilty of a class B misdemeanor.

Enacted by Chapter 517, 2024 General Session

72-7-112 Use of overhead spray irrigation.
(1) As used in this section:
(a) "Great Salt Lake basin" means the area within:
(i) the surveyed meander line of the Great Salt Lake;
(ii) the drainage areas of the Bear River or the Bear River's tributaries;
(iii) the drainage areas of Bear Lake or Bear Lake's tributaries;
(iv) the drainage areas of the Weber River or the Weber River's tributaries;
(v) the drainage areas of the Jordan River or the Jordan River's tributaries;
(vi) the drainage areas of Utah Lake or Utah Lake's tributaries;
(vii) other water drainages lying between the Bear River and the Jordan River that are tributary to the Great Salt Lake and not included in the drainage areas described in Subsections (1)(a)(ii) through (vi); and
(viii) the drainage area of Tooele Valley.
(b) "Overhead spray irrigation" means above ground irrigation heads that spray water through a nozzle.
(2) Except as provided in Subsection (3), on land within the Great Salt Lake basin a highway authority may not install, maintain, or allow for the installation or maintenance by others of landscaping in a highway construction project commenced on or after May 1, 2024, that uses overhead spray irrigation within the portion of the highway:
(a) located between the back of the curb on either side of the highway, including in a median or roundabout; or
(b) if there is no curb, between the shoulders contiguous to the traveled way, including in a median or roundabout.
(3) Subsection (2) does not prohibit the temporary use of overhead spray irrigation for the period of time reasonably required to allow drought tolerant perennial plants to establish a healthy root system.

Enacted by Chapter 19, 2024 General Session

Part 2
Junkyard Control Act

72-7-201 Purpose.

The regulation of junkyards in areas adjacent to any state highway included in the national system of interstate and primary highways is a statewide public purpose and necessary to promote the public safety, health, welfare, convenience, and enjoyment of public travel, to protect the public investment in public highways, and to preserve and enhance the scenic beauty of lands bordering on the highways.

Renumbered and Amended by Chapter 270, 1998 General Session

72-7-202 Definitions.

As used in this part:

(1) "Automobile graveyard" means any establishment or place of business which is maintained, used, or operated for storing, keeping, buying, or selling wrecked, scrapped, ruined, or dismantled motor vehicles or motor vehicle parts.

(2) "Junk" means old or scrap copper, brass, rope, rags, batteries, plastic, paper, trash, rubber, waste, junked, dismantled, or wrecked automobiles or their parts, and iron, steel, and other old or scrap ferrous or nonferrous material.

(3) "Junkyard" means any place, establishment, or business maintained, used, or operated for storing, keeping, buying, or selling junk, or for the maintenance or operation of an automobile graveyard. Junkyard includes a salvage yard, war surplus yard, garbage dump, recycling facility, garbage processing facility, and sanitary land fill.

Renumbered and Amended by Chapter 270, 1998 General Session

72-7-203 License required.

(1) A person may not establish, operate, or maintain a junkyard, any portion of which is within 1,000 feet of the nearest edge of the right-of-way of any interstate or federal-aid primary highway, without obtaining a license from the department under this part.

(2) A municipality may adopt ordinances, not in conflict with this part, to regulate the creation or maintenance of junkyards of any type within 660 feet of the right-of-way of designated state and federal highways within the jurisdictional limits of the adopting municipality.

(3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department may make rules, not in conflict with this part, to regulate the creation and maintenance of junkyards within 660 feet of the right-of-way of designated federal and state highways outside the jurisdictional limits of a municipality.

Amended by Chapter 382, 2008 General Session

72-7-204 Issuance of licenses -- Fees -- Duration -- Renewal -- Disposition of proceeds.

(1) The department has the sole authority to issue licenses for the establishment, maintenance, and operation of junkyards within the limits defined in Section 72-7-203, and shall charge a $10 license fee payable annually in advance.

(2) All licenses issued under this section expire on the first day of January following the date of issue. Licenses may be renewed from year to year upon payment of the requisite fee.

(3) Proceeds from the license fee shall be deposited with the state treasurer and credited to the Transportation Fund.

Amended by Chapter 21, 1999 General Session

72-7-205 Conditions for licensing of junkyard within 1,000 feet of highway.

(1) The department may not grant a license for the establishment, maintenance, or operation of a junkyard within 1,000 feet of the nearest edge of the right-of-way of any highway on the interstate or primary systems unless the junkyard is:
  (a) screened by natural objects, plantings, fences, or other appropriate means so the junkyard is not visible from the main-traveled-way of the system; and
  (b)
    (i) located within areas that are zoned for industrial use under county or municipal ordinances; or
    (ii) located within unzoned industrial areas, determined by actual land uses as defined by rules made by the department in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
(2) A junkyard controlled by this part may not be expanded or have its use extended except by permission of the department under rules made by the department.

Amended by Chapter 382, 2008 General Session

72-7-206 Screening of existing junkyards.

(1) The department shall screen any junkyard lawfully in existence on May 9, 1967, which is located within 1,000 feet of the nearest edge of the right-of-way and visible from the main-traveled-way of any highway on the interstate or primary system.
(2) The screening shall be at locations on the right-of-way or in areas outside the right-of-way acquired for that purpose and may not be visible from the main-traveled-way of the interstate or federal-aid primary systems.
(3) The department may not install junkyard screening under this section unless:
  (a) the necessary federal funds for participation have been appropriated by the federal government and are immediately available to the state; and
  (b) the department has received approval to seek federal grants, loans, or participation in federal programs under Title 63J, Chapter 5, Federal Funds Procedures Act.

Amended by Chapter 382, 2008 General Session

72-7-207 Junkyards not adaptable to screening -- Authority of department to acquire land -- Compensation.

(1) If the department determines that the topography of the land adjoining the interstate and primary systems will not permit adequate screening of junkyards or that screening would not be economically feasible, the department may acquire by gift, purchase, exchange, or eminent domain the interests in lands necessary to secure the relocation, removal, or disposal of the junkyards.
(2) If the department determines that it is in the best interests of the state, it may acquire lands, or interests in lands, necessary to provide adequate screening of junkyards.
(3) The acquisitions provided for in this section may not be undertaken unless:
  (a) the necessary federal funds for participation have been appropriated by the federal government and are immediately available to the state; and
  (b) the department has received approval to seek federal grants, loans, or participation in federal programs under Title 63J, Chapter 5, Federal Funds Procedures Act.
(4) Damages resulting from any taking of property in eminent domain shall be ascertained in the manner provided by law.

(5) Just compensation shall be paid the owner for the relocation, removal, or disposal of a junkyard lawfully established under the laws of this state and which must be relocated, removed, or disposed of under this part.

Amended by Chapter 382, 2008 General Session

72-7-208 Junkyard operated in violation of provisions is public nuisance -- Abatement -- Adjudicative proceedings -- Judicial review -- Costs of abatement.

(1) The establishment, operation, or maintenance of any junkyard contrary to the provisions of this part is a public nuisance.

(2) The department shall:

(a) enforce the provisions of this part and administrative rules the department makes under this part; and

(b) except as provided in Subsection (3) and in its enforcement of the provisions of this part, comply with the procedures and requirements of Title 63G, Chapter 4, Administrative Procedures Act.

(3)

(a) The district court has jurisdiction to review by trial de novo all final orders of the department under this part resulting from formal and informal adjudicative proceedings.

(b) Venue for judicial review of final orders of the department is in the county in which the junkyard is located.

(4) If the department is granted a judgment, the department is entitled to take action necessary to cause the nuisance to be abated and is entitled to recover from the responsible person, firm, or corporation, jointly and severally:

(a) the costs and expenses incurred in abating the nuisance; and

(b) $10 for each day the junkyard was maintained following the expiration of 10 days after notice of agency action was filed and served under Section 63G-4-201.

Amended by Chapter 140, 2008 General Session

72-7-209 Enforcement authority -- Agreements with United States.

(1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department may make rules:

(a) governing the materials that may be used for screening and the location, construction, and maintenance of screening for junkyards; and

(b) implementing and enforcing this part.

(2) The department may:

(a) enter into agreements with the secretary pursuant to Title 23, United States Code as amended, relating to the control of junkyards in areas adjacent to the interstate and primary systems; and

(b) take action in the name of the state to comply with the terms of the agreements.

Amended by Chapter 382, 2008 General Session

72-7-210 Present ordinances or regulations may be stricter.

Nothing in this part affects the provisions of any lawful ordinance or regulation which is more restrictive than the provisions of this part.

Renumbered and Amended by Chapter 270, 1998 General Session

Part 3
Highway Damage Liability

72-7-301 Liability for damage to highway, highway equipment, or highway sign -- Liability for damage to highway from illegal operation of oversize or overweight vehicles -- Recovery.

(1) A person who by any means willfully or negligently injures or damages any highway, highway equipment, or highway sign is liable for the damage.

(2) A person who operates or moves any vehicle or object on any highway is liable for all damage that the highway sustains from:

(a) any illegal operation or movement of a vehicle or object; and

(b) any vehicle or object that exceeds the maximum size, weight, or load limitations specified by law, with or without authority of an oversize or overweight permit.

(3)

(a) Except under Subsection (3)(b), if the operator is not the owner of the vehicle or object but is operating or moving the vehicle or object with the express or implied permission of the owner, the owner and operator are jointly and severally liable under Subsection (2) for any damage caused to a highway by the operation or movement of the vehicle or object.

(b) An operator who is not the owner of the vehicle or object and who under an express or implied condition of his employment or any privilege related to his employment is required to operate or move a vehicle or object in violation of Part 4, Vehicle Size, Weight, and Load Limitations, is not liable for any damage caused to a highway by the illegal operation or movement of the vehicle or object.

(4) The value of the property damaged may be recovered in a civil action brought by the highway authority having jurisdiction over the property damaged.

(5)

(a) For purposes of this section, the value of the damaged property includes the full cost to:

(i) repair the damaged property; or

(ii) replace the damaged property with a replacement that is functionally equivalent to the property that was damaged.

(b) Except for the replacement of a damaged motor vehicle, the costs described in Subsection (5)(a) may not be reduced based on the depreciated value of the damaged property at the time the damage occurs.

Amended by Chapter 239, 2021 General Session

72-7-302 Damage to signs, warnings, or barriers -- Penalty.

(1) A person is guilty of a class B misdemeanor who willfully and unlawfully removes, defaces, or interferes with any highway sign, signal, notice, warning, or barrier.

(2) A person who commits an offense under Subsection (1) that results in an injury to a person or damage to property is guilty of a class A misdemeanor.

Amended by Chapter 140, 2008 General Session

72-7-303 Escaping water and other obstructions -- Injuring or obstructing highway -- Penalty for violations.

(1) A person may not willfully or carelessly:
  (a) obstruct or damage any public highway by causing or permitting flow or seepage of water;
  (b) permit water under the person's control to escape in any manner that results in damage to a public highway;
  (c) place or leave, or cause to be placed or left, anything upon a public highway in a way that obstructs travel or that endangers property or persons passing on the highway.
(2) A person who violates this section is guilty of a class B misdemeanor.

Renumbered and Amended by Chapter 270, 1998 General Session

72-7-304 Injury to trees on highways -- Penalty for violations.

(1) A person may not dig up, cut down, or otherwise willfully damage or destroy any shade, ornamental, or other tree, planted and standing on any public highway in conformity to law.
(2) A person who violates this section is guilty of a class B misdemeanor and is liable to the owner of the tree for treble the amount of damages sustained.

Renumbered and Amended by Chapter 270, 1998 General Session

72-7-305 Driving animals over highways -- Liability for damages.

(1) Except for a livestock highway, a person who drives a herd of domestic animals over a public highway is liable for any damage done by the animals in destroying the banks or rolling rocks into or upon the highway.
(2) The damage may be recovered in a civil action brought by a highway authority having jurisdiction over the highway.

Renumbered and Amended by Chapter 270, 1998 General Session

72-7-306 Limited highways -- Penalty for driving animals over.

(1) A highway authority may declare a public highway that is laid out through improved lands that are not protected by fences along the lines of the highway passing through it, to be limited highways. A notice to that effect shall be posted at each end of a limited highway.
(2) A person who willfully drives any band or herd of domestic animals over a limited highway except during the time that the abutting lands are thrown open to the public by the owners for grazing purposes, is guilty of a class B misdemeanor.

Renumbered and Amended by Chapter 270, 1998 General Session

Part 4
Vehicle Size, Weight, and Load Limitations

72-7-401 Application of size, weight, and load limitations for vehicles -- Exceptions.

(1)
  (a) Except as provided in Subsection (2), the maximum size, weight, and load limitations on vehicles under this part apply to all highways throughout the state.

(b) Local authorities may not alter the limitations except as expressly provided under Sections 41-6a-204 and 72-7-408.

(2) Except as specifically made applicable, the size, weight, and load limitations in this chapter do not apply to:

(a) fire-fighting apparatus;

(b) highway construction and maintenance equipment being operated at the site of maintenance or at a construction project as authorized by a highway authority;

(c) highway construction and maintenance equipment temporarily being operated between a material site and a highway maintenance site or a highway construction project if:

(i) the section of any highway being used is not located within a county of the first or second class;

(ii) authorized for a specific highway project by the highway authority having jurisdiction over each highway being used;

(iii) the distance between the material site and maintenance site or highway construction project does not exceed 10 miles; and

(iv) the operator carries in the vehicle written verification of the authorization from the highway authority having jurisdiction over each highway being used;

(d) implements of husbandry incidentally moved on a highway while engaged in an agricultural operation or incidentally moved for repair or servicing, subject to the provisions of Section 72-7-407;

(e) vehicles transporting logs or poles from forest to sawmill:

(i) when required to move upon a highway other than the national system of interstate and defense highways;

(ii) if the gross vehicle weight does not exceed 80,000 pounds; and

(iii) the vehicle or combination of vehicles are in compliance with Subsections 72-7-404(1) and (2)(a); and

(f) tow trucks or towing vehicles under emergency conditions when:

(i) it becomes necessary to move a vehicle, combination of vehicles, special mobile equipment, or objects to the nearest safe area for parking or temporary storage;

(ii) no other alternative is available; and

(iii) the movement is for the safety of the traveling public.

(3)

(a) Except when operating on the national system of interstate and defense highways, a motor vehicle carrying livestock as defined in Section 4-1-109, or a motor vehicle carrying raw grain if the grain is being transported by the farmer from his farm to market prior to bagging, weighing, or processing, may exceed by up to 2,000 pounds the tandem axle weight limitations specified under Section 72-7-404 without obtaining an overweight permit under Section 72-7-406.

(b) Subsection (3)(a) is an exception to Sections 72-7-404 and 72-7-406.

Amended by Chapter 345, 2017 General Session

72-7-402 Limitations as to vehicle width, height, length, and load extensions.

(1)

(a) Except as provided by statute, all state or federally approved safety devices and any other lawful appurtenant devices, including refrigeration units, hitches, air line connections, and load securing devices related to the safe operation of a vehicle are excluded for purposes of

measuring the width and length of a vehicle under the provisions of this part, if the devices are not designed or used for carrying cargo.

(b) Load-induced tire bulge is excluded for purposes of measuring the width of vehicles under the provisions of this part.

(c) Appurtenances attached to the sides or rear of a recreational vehicle that is not a commercial motor vehicle are excluded for purposes of measuring the width and length of the recreational vehicle if the additional width or length of the appurtenances does not exceed six inches.

(2) A vehicle unladen or with a load may not exceed a width of 8-1/2 feet.

(3) A vehicle unladen or with a load may not exceed a height of 14 feet.

(4)

(a)

(i) A single-unit vehicle, unladen or with a load, may not exceed a length of 45 feet including front and rear bumpers.

(ii) In this section, a truck tractor coupled to one or more semitrailers or trailers is not considered a single-unit vehicle.

(b)

(i) A semitrailer, unladen or with a load, may not exceed a length of 53 feet excluding refrigeration units, hitches, air line connections, and safety appurtenances.

(ii) There is no overall length limitation on a truck tractor and semitrailer combination when the semitrailer length is 53 feet or less.

(c)

(i) Two trailers coupled together, unladen or with a load, may not exceed an overall length of 61 feet, measured from the front of the first trailer to the rear of the second trailer.

(ii) There is no overall length limitation on a truck tractor and double trailer combination when the trailers coupled together measure 61 feet or less.

(d) All other combinations of vehicles, unladen or with a load, when coupled together, may not exceed a total length of 65 feet, except the length limitations do not apply to combinations of vehicles operated at night by a public utility when required for emergency repair of public service facilities or properties, or when operated under a permit under Section 72-7-406.

(5)

(a) Subject to Subsection (4), a vehicle or combination of vehicles may not carry any load extending more than three feet beyond the front of the body of the vehicle or more than six feet beyond the rear of the bed or body of the vehicle.

(b) A passenger vehicle may not carry any load extending beyond the line of the fenders on the left side of the vehicle nor extending more than six inches beyond the line of the fenders on the right side of the vehicle.

(6) Any exception to this section must be authorized by a permit as provided under Section 72-7-406.

(7) Any person who violates this section is guilty of a class C misdemeanor.

Amended by Chapter 96, 2017 General Session

72-7-403 Towing requirements and limitations on towing.

(1)

(a) The draw-bar or other connection between any two vehicles, one of which is towing or drawing the other on a highway, may not exceed 15 feet in length from one vehicle to the other except:

(i) in the case of a connection between any two vehicles transporting poles, pipe, machinery, or structural material that cannot be dismembered when transported upon a pole trailer as defined in Section 41-6a-102; or
(ii) when operated under a permit under Section 72-7-406.
(b) When the connection between the two vehicles is a chain, rope, or cable, a red flag or other signal or cloth not less than 12 inches both in length and width shall be displayed on or near the midpoint of the connection.
(2) A person may not operate a combination of vehicles when any trailer, semitrailer, or other vehicle being towed:
(a) whips or swerves from side to side dangerously or unreasonably; or
(b) fails to follow substantially in the path of the towing vehicle.
(3) A person who violates this section is guilty of an infraction.

Amended by Chapter 303, 2016 General Session

72-7-404 Maximum gross weight limitation for vehicles -- Bridge formula for weight limitations -- Minimum mandatory fines.

(1)
(a) As used in this section:
(i) "Axle load" means the total load on all wheels whose centers may be included between two parallel transverse vertical planes 40 inches apart.
(ii) "Tandem axle" means two or more axles spaced not less than 40 inches nor more than 96 inches apart and having at least one common point of weight suspension.
(b) The tire load rating shall appear on the tire sidewall. A tire, wheel, or axle may not carry a greater weight than the manufacturer's rating.
(2)
(a) Except as provided in Subsection (4), an individual may not operate or move a vehicle on any highway in the state with:
(i) a gross weight in excess of 10,500 pounds on one wheel;
(ii) a single axle load in excess of 20,000 pounds; or
(iii) a tandem axle load in excess of 34,000 pounds.
(b) Subject to the limitations of Subsection (3), the gross vehicle weight of any vehicle or combination of vehicles may not exceed 80,000 pounds.
(3)
(a) Subject to the limitations in Subsection (2), no group of two or more consecutive axles between the first and last axle of a vehicle or combination of vehicles and no vehicle or combination of vehicles may carry a gross weight in excess of the weight provided by the following bridge formula, except as provided in Subsection (3)(b):

$$W = 500 \{LN/(N-1) + 12N+36\}$$

(i) W = overall gross weight on any group of two or more consecutive axles to the nearest 500 pounds.
(ii) L = distance in feet between the extreme of any group of two or more consecutive axles. When the distance in feet includes a fraction of a foot of one inch or more the next larger number of feet shall be used.
(iii) N = number of axles in the group under consideration.
(b) Two consecutive sets of tandem axles may carry a gross weight of 34,000 pounds each if the overall distance between the first and last axles of the consecutive sets of tandem axles is 36 feet or more.

(4) An individual may operate an implement of husbandry, as defined in Section 41-1a-102, carrying a raw agricultural commodity such as corn, wheat, or hay that is over the single axle weight described in Subsection (2), if:
  (a) the single axle load is not over the limit described in Subsection (2) by more than 2,000 pounds;
  (b) the total gross vehicle weight of the vehicle or combination of vehicles is not over the limit described in Subsection (2); and
  (c) the individual is not operating the implement of husbandry on the interstate system.
(5) The department may authorize an exception to this section by an overweight permit as provided in Section 72-7-406.
(6)
  (a) Any person who violates this section is guilty of an infraction except that, notwithstanding Sections 76-3-301 and 76-3-302, the department may require the violator to pay a fine of either:
    (i) $50 plus the sum of the overweight axle fines calculated under Subsection (6)(b); or
    (ii) $50 plus the gross vehicle weight fine calculated under Subsection (6)(b).
  (b) The department shall calculate the fine for each axle and a gross vehicle weight violation according to the following schedule:

Number of Pounds Overweight	Axle Fine (Cents per Pound for Each Overweight Axle)	Gross Vehicle Weight Fine(Cents per Pound)
1 - 2,000	0	0
2,001 - 5,000	4	5
5,001 - 8,000	5	5
8,001 - 12,000	6	5
12,001 - 16,000	7	5
16,001 - 20,000	9	5
20,001 - 25,000	11	5
25,001 or more	13	5

Amended by Chapter 251, 2019 General Session

72-7-405 Measuring vehicles for size and weight compliance -- Summary powers of peace officers -- Penalty for violations.
(1) Any peace officer having reason to believe that the height, width, length, or weight of a vehicle and load is unlawful may require the operator to stop the vehicle and submit to a measurement or weighing of the vehicle and load.
(2) A peace officer may require that the vehicle be driven to the nearest scales or port-of-entry if the scales or port-of-entry is within three miles.
(3)
  (a) A peace officer, special function officer, or port-of-entry agent may measure or weigh a vehicle and vehicle load for compliance with this chapter.
  (b) If, upon measuring or weighing a vehicle and load, it is determined that the height, width, length, or weight is unlawful, the measuring or weighing peace officer, special function officer, or port-of-entry agent may require the operator to park the vehicle in a suitable place. The

vehicle shall remain parked until the vehicle or its load is adjusted or a portion of the load is removed to conform to legal limits. All materials unloaded shall be cared for by the owner or operator of the vehicle at his risk.

(4) An operator who fails or refuses to stop and submit the vehicle and load to a measurement or weighing, or who fails or refuses when directed by a peace officer, special function officer, or port-of-entry agent to comply with this section is guilty of an infraction.

Amended by Chapter 303, 2016 General Session

72-7-406 Oversize permits and oversize and overweight permits for vehicles of excessive size or weight -- Applications -- Restrictions -- Fees -- Rulemaking provisions -- Penalty.

(1)

(a) The department may, upon receipt of an application and good cause shown, issue in writing an oversize permit or an oversize and overweight permit. The oversize permit or oversize and overweight permit may authorize the applicant to operate or move upon a highway:

(i) a vehicle or combination of vehicles, unladen or with a load weighing more than the maximum weight specified in Section 72-7-404 for any wheel, axle, group of axles, or total gross weight; or

(ii) a vehicle or combination of vehicles that exceeds the vehicle width, height, or length provisions under Section 72-7-402 or draw-bar length restriction under Subsection 72-7-403(1)(a).

(b) Except as provided under Subsections (5) and (8),the department may not issue an oversize and overweight permit under this section to allow the transportation of a load that is reasonably divisible.

(c) The department may not authorize a maximum size or weight permit under this section that could impair the state's ability to qualify for federal-aid highway funds.

(d) The department may deny or issue a permit under this section to protect the safety of the traveling public and to protect highway foundation, surfaces, or structures from undue damage by one or more of the following:

(i) limiting the number of trips the vehicle may make;

(ii) establishing seasonal or other time limits within which the vehicle may operate or move on the highway indicated;

(iii) requiring insurance in addition to the permit to compensate for any potential damage by the vehicle to any highway; and

(iv) otherwise limiting the conditions of operation or movement of the vehicle.

(e) Prior to granting a permit under this section, the department shall approve the route of any vehicle or combination of vehicles.

(2) An application for a permit under this section shall state:

(a) the proposed maximum wheel loads, maximum axle loads, all axle spacings of each vehicle or combination of vehicles;

(b) the proposed maximum load size and maximum size of each vehicle or combination of vehicles;

(c) the specific roads requested to be used under authority of the permit; and

(d) if the permit is requested for a single trip or if other seasonal limits or time limits apply.

(3)

(a) The driver of each vehicle requiring an oversize permit or oversize and overweight permit shall ensure that the permit is present in the vehicle or combination of vehicles to which the

permit refers and available for inspection by any peace officer, special function officer, port of entry agent, or other personnel authorized by the department.

(b) A driver may provide proof of an oversize permit or oversize and overweight permit as required in Subsection (3)(a) by showing an electronic copy of the permit.

(4) The department may not issue a permit under this section, and a permit is not valid, unless the vehicle or combination of vehicles is:

(a) properly registered for the weight authorized by the permit; or

(b) registered for a gross laden weight of 78,001 pounds or over, if the gross laden weight authorized by the permit exceeds 80,000 pounds.

(5)

(a)

(i) The department may issue an oversize permit under this section for a vehicle or combination of vehicles that exceeds one or more of the maximum width, height, or length provisions under Section 72-7-402.

(ii) Except for an annual oversize permit for an implement of husbandry under Section 72-7-407, for a permit issued under Subsection (5)(a)(iii), or for an annual oversize permit issued under Subsection (5)(a)(iv), the department may issue only a single trip oversize permit for a vehicle or combination of vehicles that is more than 14 feet 6 inches wide, 14 feet high, or 105 feet long.

(iii) An oversize permit may be issued for a vehicle or combination of vehicles with a maximum height of 14 feet 6 inches high to allow the transportation of a load that is reasonably divisible.

(iv) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department shall make rules for the issuance of an annual oversize permit for a vehicle or combination of vehicles that is more than 14 feet 6 inches wide, 14 feet high, or 105 feet long if the department determines that the permit is needed to accommodate highway transportation needs for multiple trips on a specified route.

(b) The fee is $30 for a single trip oversize permit under this Subsection (5). This permit is valid for not more than 96 continuous hours.

(c) The fee is $75 for a semiannual oversize permit under this Subsection (5). This permit is valid for not more than 180 continuous days.

(d) The fee is $90 for an annual oversize permit under this Subsection (5). This permit is valid for not more than 365 continuous days.

(6)

(a) The department may issue an oversize and overweight permit under this section for a vehicle or combination of vehicles carrying a nondivisible load that exceeds one or more of the maximum weight provisions of Section 72-7-404 up to a gross weight of 125,000 pounds.

(b) The fee is $60 for a single trip oversize and overweight permit under this Subsection (6). This permit is valid for not more than 96 continuous hours.

(c) A semiannual oversize and overweight permit under this Subsection (6) is valid for not more than 180 continuous days. The fee for this permit is:

(i) $180 for a vehicle or combination of vehicles with gross vehicle weight of 84,000 pounds or less;

(ii) $320 for a vehicle or combination of vehicles with gross vehicle weight of more than 84,000 pounds, but not exceeding 112,000 pounds; and

(iii) $420 for a vehicle or combination of vehicles with gross vehicle weight of more than 112,000 pounds, but not exceeding 125,000 pounds.

(d) An annual oversize and overweight permit under this Subsection (6) is valid for not more than 365 continuous days. The fee for this permit is:
(i) $240 for a vehicle or combination of vehicles with gross vehicle weight of 84,000 pounds or less;
(ii) $480 for a vehicle or combination of vehicles with gross vehicle weight of more than 84,000 pounds, but not exceeding 112,000 pounds; and
(iii) $540 for a vehicle or combination of vehicles with gross vehicle weight of more than 112,000 pounds, but not exceeding 125,000 pounds.

(7)
(a) The department may issue a single trip oversize and overweight permit under this section for a vehicle or combination of vehicles carrying a nondivisible load that exceeds:
(i) one or more of the maximum weight provisions of Section 72-7-404; or
(ii) a gross weight of 125,000 pounds.
(b)
(i) The fee for a single trip oversize and overweight permit under this Subsection (7), which is valid for not more than 96 continuous hours, is $.012 per mile for each 1,000 pounds above 80,000 pounds subject to the rounding described in Subsection (7)(c).
(ii) The minimum fee that may be charged under this Subsection (7) is $80.
(iii) The maximum fee that may be charged under this Subsection (7) is $540.
(c)
(i) The miles used to calculate the fee under this Subsection (7) shall be rounded up to the nearest 50 mile increment.
(ii) The pounds used to calculate the fee under this Subsection (7) shall be rounded up to the nearest 25,000 pound increment.
(iii) The department shall round the dollar amount used to calculate the fee under this Subsection (7) to the nearest $10 increment.

(8)
(a) The department may issue an oversize and overweight permit under this section for a vehicle or combination of vehicles carrying a divisible load if:
(i) the bridge formula under Subsection 72-7-404(3) is not exceeded; and
(ii) the length of the vehicle or combination of vehicles is:
(A) more than the limitations specified under Subsections 72-7-402(4)(c) and (d) or Subsection 72-7-403(1)(a) but not exceeding 81 feet in cargo carrying length and the application is for a single trip, semiannual trip, or annual trip permit; or
(B) more than 81 feet in cargo carrying length but not exceeding 95 feet in cargo carrying length and the application is for an annual trip permit.
(b) The fee is $60 for a single trip oversize and overweight permit under this Subsection (8). The permit is valid for not more than 96 continuous hours.
(c) The fee for a semiannual oversize and overweight permit under this Subsection (8), which permit is valid for not more than 180 continuous days is:
(i) $180 for a vehicle or combination of vehicles with gross vehicle weight of more than 80,000 pounds, but not exceeding 84,000 pounds;
(ii) $320 for a vehicle or combination of vehicles with gross vehicle weight of more than 84,000 pounds, but not exceeding 112,000 pounds; and
(iii) $420 for a vehicle or combination of vehicles with gross vehicle weight of more than 112,000 pounds, but not exceeding 129,000 pounds.
(d) The fee for an annual oversize and overweight permit under this Subsection (8), which permit is valid for not more than 365 continuous days is:

(i) $240 for a vehicle or combination of vehicles with gross vehicle weight of more than 80,000 pounds, but not exceeding 84,000 pounds;
(ii) $480 for a vehicle or combination of vehicles with gross vehicle weight of more than 84,000 pounds, but not exceeding 112,000 pounds; and
(iii) $540 for a vehicle or combination of vehicles with gross vehicle weight of more than 112,000 pounds, but not exceeding 129,000 pounds.

(9) Permit fees collected under this section shall be credited monthly to the Transportation Fund.

(10) The department shall prepare maps, drawings, and instructions as guidance when issuing permits under this section.

(11) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department shall make rules governing the issuance and revocation of all permits under this section and Section 72-7-407.

(12) Any person who violates any of the terms or conditions of a permit issued under this section:
(a) may have the person's permit revoked; and
(b) is guilty of an infraction, except that a violation of any rule made under Subsection (11) is not subject to a criminal penalty.

Amended by Chapter 457, 2024 General Session

72-7-407 Implements of husbandry -- Escort vehicle requirements -- Oversize permit -- Penalty.

(1) As used in this section, "escort vehicle" means a motor vehicle, as defined under Section 41-1a-102, that has its emergency warning lights operating, and that is being used to warn approaching motorists by either preceding or following a slow or oversized vehicle, object, or implement of husbandry being moved on the highway.

(2) An implement of husbandry being moved on a highway shall be accompanied by:
(a) front and rear escort vehicles when the implement of husbandry is 16 feet in width or greater unless the implement of husbandry is moved by a farmer or rancher or the farmer or rancher's employees in connection with an agricultural operation; or
(b) one or more escort vehicles when the implement of husbandry is traveling on a highway where special hazards exist related to weather, pedestrians, other traffic, or highway conditions.

(3) In addition to the requirements of Subsection (2), a person may not move an implement of husbandry on a highway during hours of darkness without lights and reflectors as required under Section 41-6a-1608 or 41-6a-1609.

(4)
(a) Except for an implement of husbandry moved by a farmer or rancher or the farmer's or rancher's employees in connection with an agricultural operation, a person may not move an implement of husbandry on the highway without:
(i) an oversize permit obtained under Section 72-7-406 if required;
(ii) trained escort vehicle drivers and approved escort vehicles when required under Subsection (2); and
(iii) compliance with the vehicle weight requirements of Section 72-7-404.
(b)
(i) The department shall issue an annual oversize permit for the purpose of allowing the movement of implements of husbandry on the highways in accordance with this chapter.
(ii) The permit shall require the applicant to obtain verbal permission from the department for each trip involving the movement of an implement of husbandry 16 feet or greater in width.

(5) Any person who violates this section is guilty of an infraction.

Amended by Chapter 303, 2016 General Session

72-7-408 Highway authority -- Restrictions on highway use -- Erection and maintenance of signs designating restrictions -- Penalty.

(1)
(a) Subject to Subsection (1)(b), a highway authority may by rule or ordinance prescribe procedures and criteria which prohibit the operation of any vehicle or impose restrictions on the weight of a vehicle upon any highway under its jurisdiction.
(b) A highway authority may impose restrictions for a highway under Subsection (1)(a) if an engineering inspection concludes that, due to deterioration caused by climatic conditions, a highway will be seriously damaged or destroyed unless certain vehicles are prohibited or vehicle weights are restricted.

(2) The highway authority imposing restrictions under this section shall erect signs citing the provisions of the rule or ordinance at each end of that portion of any highway affected. The restriction is effective only when the signs are erected and maintained.

(3) Any person who violates any restriction imposed under the authority of this section is guilty of an infraction.

Amended by Chapter 303, 2016 General Session

72-7-409 Loads on vehicles -- Limitations -- Confining, securing, and fastening load required -- Penalty.

(1) As used in this section:
(a) "Agricultural product" means any raw product which is derived from agriculture, including silage, hay, straw, grain, manure, and other similar product.
(b)
(i) "Unsecured load" means the contents of a vehicle, operated on a highway, not sufficiently covered, confined, fastened, or otherwise secured in a way to prevent the contents from escaping the vehicle.
(ii) "Unsecured load" includes materials such as dirt, sand, gravel, rock fragments, pebbles, crushed base, aggregate, any other similar material, or scrap metal or other loose material on any portion of the vehicle not designed to carry the material.
(c) "Vehicle" means the same as that term is defined in Section 41-1a-102.

(2) Except as provided in Subsections (3) through (5), a person may not:
(a) operate a vehicle with an unsecured load on any highway; or
(b) operate a vehicle carrying trash or garbage without a covering over the entire load.

(3)
(a) A vehicle carrying dirt, sand, gravel, rock fragments, pebbles, crushed base, aggregate, any other similar material, or scrap metal shall have a covering over the entire load unless:
(i) the highest point of the load does not extend above the top of any exterior wall or sideboard of the cargo compartment of the vehicle; and
(ii) the outer edges of the load are at least six inches below the top inside edges of the exterior walls or sideboards of the cargo compartment of the vehicle.
(b) The following material is exempt from the provisions of Subsection (3)(a):
(i) hot mix asphalt;

(ii) construction debris or scrap metal if the debris or scrap metal is a size and in a form not susceptible to being blown out of the vehicle;
(iii) material being transported across a highway between two parcels of property that would be contiguous but for the highway that is being crossed; and
(iv) material listed under Subsection (3)(a) that is enclosed on all sides by containers, bags, or packaging.
(c) A chemical substance capable of coating or bonding a load so that the load is confined on a vehicle, may be considered a covering for purposes of Subsection (3)(a) so long as the chemical substance remains effective at confining the load.
(4) Subsection (2) does not apply to a vehicle or implement of husbandry carrying an agricultural product, if the agricultural product is:
(a) being transported in a manner which is not a hazard or a potential hazard to the safe operation of the vehicle or to other highway users; and
(b) loaded in a manner that only allows minimal spillage.
(5)
(a) An authorized vehicle performing snow removal services on a highway is exempt from the requirements of this section.
(b) This section does not prohibit the necessary spreading of any substance connected with highway maintenance, construction, securing traction, or snow removal.
(6)
(a) Any person suspected of operating a vehicle with an unsecured load on a highway may be issued a warning.
(b) Any person who violates this section is guilty of:
(i) an infraction, if the violation creates a hazard but does not lead to a motor vehicle accident;
(ii) a class B misdemeanor, if the violation creates a hazard that leads to a motor vehicle accident; or
(iii) a class A misdemeanor, if the violation creates a hazard that leads to a motor vehicle accident that results in the serious bodily injury or death of a person.
(c) A person who violates a provision of this section shall be fined not less than:
(i) $200 for a violation; or
(ii) $500 for a second or subsequent violation within six years of a previous violation of this section.
(d) A person who violates a provision of this section while operating a commercial vehicle as defined in Section 72-9-102 shall be fined:
(i) not less than $500 for a violation; or
(ii) $1,000 for a second or subsequent violation within six years of a previous violation of this section.
(7) As resources and opportunities allow, the department shall implement programs or activities that increase public awareness on the importance of properly securing loads.

Amended by Chapter 393, 2025 General Session

72-7-410 Public landfill litter abatement fine.
(1) As used in this section:
(a) "Landfill" means a landfill or transfer station that is permitted by the Department of Environmental Quality.
(b) "Securely covered" means that the content of a load is completely covered by a solid barrier which will prevent the load from blowing, spilling, or falling from the vehicle.

(2) A driver utilizing a landfill shall ensure that the vehicle's load is securely covered from the destination of origin until the driver deposits the load at the landfill.
(3)
(a) A landfill shall collect a $10 minimum fine for a vehicle in violation of Subsection (2), beginning no later than July 1, 2026.
(b) Five dollars of the fine described in Subsection (3)(a) shall be collected by the Department of Environmental Quality and deposited into the Litter Abatement Expendable Special Revenue Fund created in Section 72-2-135.
(c) The remainder of the fine described in Subsection (3)(a) shall be retained by the collecting landfill.
(d) The minimum fine described in Subsection (3)(a) does not preclude a landfill from imposing an additional or higher fine or fee for an unsecured load.
(e) A landfill may impose an additional penalty for a driver who repeatedly violates Subsection (2).
(4) The Department of Environmental Quality may retain its associated administrative costs from the funds described in Subsection (3)(b).
(5) A landfill shall provide an annual report to the Department of Environmental Quality on or before March 1 regarding violations of Subsection (2).

Enacted by Chapter 393, 2025 General Session

Part 5
Utah Outdoor Advertising Act

72-7-501 Purpose of part -- Utah-Federal Agreements ratified.
(1) The purpose of this part is to provide the statutory basis for the regulation of outdoor advertising consistent with zoning principles and standards and the public policy of this state in providing public safety, health, welfare, convenience and enjoyment of public travel, to protect the public investment in highways, to preserve the natural scenic beauty of lands bordering on highways, and to ensure that outdoor advertising shall be continued as a standardized medium of communication throughout the state so that it is preserved and can continue to provide general information in the specific interest of the traveling public safely and effectively.
(2) It is the purpose of this part to provide a statutory basis for the reasonable regulation of outdoor advertising consistent with the customary use, zoning principles and standards, the protection of private property rights, and the public policy relating to areas adjacent to the interstate, federal aid primary highway existing as of June 1, 1991, and the national highway systems highways.
(3) The agreement entered into between the governor of the state of Utah and the Secretary of Transportation of the United States dated January 18, 1968, regarding the size, lighting, and spacing of outdoor advertising which may be erected and maintained within areas adjacent to the interstate, federal aid primary highway existing as of June 1, 1991, and national highway systems highways which are zoned commercial or industrial or in other unzoned commercial or industrial areas as defined pursuant to the terms of the agreement is hereby ratified and approved, subject to subsequent amendments.

Renumbered and Amended by Chapter 270, 1998 General Session

72-7-502 Definitions.

As used in this part:

(1) "Clearly visible" means capable of being read without obstruction by an occupant of a vehicle traveling on the main traveled way of a street or highway within the visibility area.

(2) "Commercial or industrial activities" means those activities generally recognized as commercial or industrial by zoning authorities in this state, except that none of the following are commercial or industrial activities:

(a) agricultural, forestry, grazing, farming, and related activities, including wayside fresh produce stands;

(b) transient or temporary activities;

(c) activities not visible from the main-traveled way;

(d) activities conducted in a building principally used as a residence; and

(e) railroad tracks and minor sidings.

(3)

(a) "Commercial or industrial zone" means only:

(i) those areas within the boundaries of cities or towns that are used or reserved for business, commerce, or trade, or zoned as a highway service zone, under enabling state legislation or comprehensive local zoning ordinances or regulations;

(ii) those areas within the boundaries of urbanized counties that are used or reserved for business, commerce, or trade, or zoned as a highway service zone, under enabling state legislation or comprehensive local zoning ordinances or regulations;

(iii) those areas outside the boundaries of urbanized counties and outside the boundaries of cities and towns that:

(A) are used or reserved for business, commerce, or trade, or zoned as a highway service zone, under comprehensive local zoning ordinances or regulations or enabling state legislation; and

(B) are within 8420 feet of an interstate highway exit, off-ramp, or turnoff as measured from the nearest point of the beginning or ending of the pavement widening at the exit from or entrance to the main-traveled way; or

(iv) those areas outside the boundaries of urbanized counties and outside the boundaries of cities and towns and not within 8420 feet of an interstate highway exit, off-ramp, or turnoff as measured from the nearest point of the beginning or ending of the pavement widening at the exit from or entrance to the main-traveled way that are reserved for business, commerce, or trade under enabling state legislation or comprehensive local zoning ordinances or regulations, and are actually used for commercial or industrial purposes.

(b) "Commercial or industrial zone" does not mean areas zoned for the sole purpose of allowing outdoor advertising.

(4) "Comprehensive local zoning ordinances or regulations" means a municipality's comprehensive plan required by Section 10-9a-401, the municipal zoning plan authorized by Section 10-9a-501, and the county master plan authorized by Sections 17-27a-401 and 17-27a-501. Property that is rezoned by comprehensive local zoning ordinances or regulations is rebuttably presumed to have not been zoned for the sole purpose of allowing outdoor advertising.

(5) "Contiguous" means that a portion of one parcel of land is situated immediately adjacent to, and shares a common boundary with, a portion of another parcel of land.

(6) "Controlled route" means any route where outdoor advertising control is mandated by state or federal law, including under this part and under the Utah-Federal Agreements described in Section 72-7-501.

(7) "Directional signs" means signs containing information about public places owned or operated by federal, state, or local governments or their agencies, publicly or privately owned natural phenomena, historic, cultural, scientific, educational, or religious sites, and areas of natural scenic beauty or naturally suited for outdoor recreation, that the department considers to be in the interest of the traveling public.

(8)

(a) "Erect" means to construct, build, raise, assemble, place, affix, attach, create, paint, draw, or in any other way bring into being.

(b) "Erect" does not include any activities defined in Subsection (8)(a) if they are performed incident to the change of an advertising message or customary maintenance of a sign.

(9) "Highway service zone" means a highway service area where the primary use of the land is used or reserved for commercial and roadside services other than outdoor advertising to serve the traveling public.

(10) "Information center" means an area or site established and maintained at rest areas for the purpose of informing the public of:

(a) places of interest within the state; or

(b) any other information that the department considers desirable.

(11) "Interchange or intersection" means those areas and their approaches where traffic is channeled off or onto an interstate route, excluding the deceleration lanes, acceleration lanes, or feeder systems, from or to another federal, state, county, city, or other route.

(12) "Maintain" means to allow to exist, subject to the provisions of this chapter.

(13) "Maintenance" means to repair, refurbish, repaint, or otherwise keep an existing sign structure safe and in a state suitable for use, including signs destroyed by vandalism or an act of God.

(14) "Main-traveled way" means the through traffic lanes, including auxiliary lanes, acceleration lanes, deceleration lanes, and feeder systems, exclusive of frontage roads and ramps. For a divided highway, there is a separate main-traveled way for the traffic in each direction.

(15) "Major sponsor" means a sponsor of a public assembly facility or of a team or event held at the facility where the amount paid by the sponsor to the owner of the facility, to the team, or for the event is at least $100,000 per year.

(16) "Official signs and notices" means signs and notices erected and maintained by public agencies within their territorial or zoning jurisdictions for the purpose of carrying out official duties or responsibilities in accordance with direction or authorization contained in federal, state, or local law.

(17) "Off-premise sign" means a sign located in an area zoned industrial, commercial, or H-1 and in an area determined by the department to be unzoned industrial or commercial that advertises an activity, service, event, person, or product located on premises other than the premises on which the sign is located.

(18) "On-premise sign" means a sign used to advertise the sale or lease of, or activities conducted on, the property on which the sign is located.

(19) "Outdoor advertising" means any outdoor advertising structure or outdoor structure used in combination with an outdoor advertising sign or outdoor sign within the outdoor advertising corridor which is visible from a place on the main-traveled way of a controlled route.

(20) "Outdoor advertising corridor" means a strip of land 660 feet wide, measured perpendicular from the edge of a controlled highway right-of-way.

(21) "Outdoor advertising structure" or "outdoor structure" means any sign structure, including any necessary devices, supports, appurtenances, and lighting that is part of or supports an outdoor sign.

(22) "Point of widening" means the point of the gore or the point where the intersecting lane begins to parallel the other lanes of traffic, but the point of widening may never be greater than 2,640 feet from the center line of the intersecting highway of the interchange or intersection at grade.
(23) "Public assembly facility" means a convention facility as defined under Section 59-12-602 that:
(a) includes all contiguous interests in land, improvements, and utilities acquired, constructed, and used in connection with the operation of the public assembly facility, whether the interests are owned or held in fee title or a lease or easement for a term of at least 40 years, and regardless of whether the interests are owned or operated by separate governmental authorities or districts;
(b) is wholly or partially funded by public money;
(c) requires a person attending an event at the public assembly facility to purchase a ticket or that otherwise charges for the use of the public assembly facility as part of its regular operation; and
(d) has a minimum and permanent seating capacity of at least 10,000 people.
(24) "Public assembly facility sign" means a sign located on a public assembly facility that only advertises the public assembly facility, major sponsors, events, the sponsors of events held or teams playing at the facility, and products sold or services conducted at the facility.
(25) "Relocation" includes the removal of a sign from one situs together with the erection of a new sign upon another situs in a commercial or industrial zoned area as a substitute.
(26) "Relocation and replacement" means allowing all outdoor advertising signs or permits the right to maintain outdoor advertising along the interstate, federal aid primary highway existing as of June 1, 1991, and national highway system highways to be maintained in a commercial or industrial zoned area to accommodate the displacement, remodeling, or widening of the highway systems.
(27) "Remodel" means the upgrading, changing, alteration, refurbishment, modification, or complete substitution of a new outdoor advertising structure for one permitted pursuant to this part and that is located in a commercial or industrial area.
(28) "Rest area" means an area or site established and maintained within or adjacent to the right-of-way by or under public supervision or control for the convenience of the traveling public.
(29) "Scenic or natural area" means an area determined by the department to have aesthetic value.
(30) "Traveled way" means that portion of the roadway used for the movement of vehicles, exclusive of shoulders and auxiliary lanes.
(31)
(a) "Unzoned commercial or industrial area" means:
(i) those areas not zoned by state law or local law, regulation, or ordinance that are occupied by one or more industrial or commercial activities other than outdoor advertising signs;
(ii) the lands along the highway for a distance of 600 feet immediately adjacent to those activities; and
(iii) lands covering the same dimensions that are directly opposite those activities on the other side of the highway, if the department determines that those lands on the opposite side of the highway do not have scenic or aesthetic value.
(b) In measuring the scope of the unzoned commercial or industrial area, all measurements shall be made from the outer edge of the regularly used buildings, parking lots, storage, or processing areas of the activities and shall be along or parallel to the edge of pavement of the highway.

(c) All signs located within an unzoned commercial or industrial area become nonconforming if the commercial or industrial activity used in defining the area ceases for a continuous period of 12 months.
(32) "Urbanized county" means a county with a population of at least 125,000 persons.
(33) "Visibility area" means the area on a street or highway that is:
(a) defined at one end by a line extending from the base of the billboard across all lanes of traffic of the street or highway in a plane that is perpendicular to the street or highway; and
(b) defined on the other end by a line extending across all lanes of traffic of the street or highway in a plane that is:
(i) perpendicular to the street or highway; and
(ii) 500 feet from the base of the billboard.

Amended by Chapter 299, 2016 General Session

72-7-503 Advertising -- Permit required -- Penalty for violation.
(1) It is unlawful for any person to place any form of advertising upon any part of the public domain, or within 660 feet of a public highway, except within the corporate limits of a city or town, and except upon land in private ownership situated along the highway, without first receiving a permit from the department, if a state highway, or from the county executive, if a county road.
(2) Any person who violates this section is guilty of a class B misdemeanor.

Amended by Chapter 299, 2016 General Session

72-7-504 Advertising prohibited near interstate or primary system -- Exceptions -- Logo advertising -- Department rules.
(1) As used in this section, "specific service trailblazer sign" means a guide sign that provides users with business identification or directional information for services and eligible activities that are advertised on a logo advertising sign authorized under Subsection (3)(a)(i).
(2) Outdoor advertising that is capable of being read or comprehended from any place on the main-traveled way of an interstate or primary system may not be erected or maintained, except:
(a) directional and other official signs and notices authorized or required by law, including signs and notices pertaining to natural wonders and scenic and historic attractions, informational or directional signs regarding utility service, emergency telephone signs, buried or underground utility markers, and above ground utility closure signs;
(b) on-premise signs advertising the sale or lease of property upon which the on-premise signs are located;
(c) on-premise signs advertising major activities conducted on the property where the on-premise signs are located;
(d) public assembly facility signs;
(e) unified commercial development signs that have received a waiver as described in Section 72-7-504.6;
(f) signs located in a commercial or industrial zone;
(g) signs located in unzoned industrial or commercial areas as determined from actual land uses; and
(h) logo advertising under Subsection (3).
(3)
(a) The department may itself or by contract erect, administer, and maintain informational signs:

(i) on the main-traveled way of an interstate or primary system, as it existed on June 1, 1991, specific service signs for the display of logo advertising and information of interest, excluding specific service trailblazer signs as defined in rules adopted in accordance with Section 41-6a-301, to the traveling public if:

(A) the department complies with Title 63G, Chapter 6a, Utah Procurement Code, in the lease or other contract agreement with a private party for the sign or sign space; and

(B) the private party for the lease of the sign or sign space pays an amount set by the department to be paid to the department or the party under contract with the department under this Subsection (3); and

(ii) only on rural conventional roads as defined in rules adopted in accordance with Section 41-6a-301 in a county of the fourth, fifth, or sixth class for tourist-oriented directional signs that display logo advertising and information of interest to the traveling public if:

(A) the department complies with Title 63G, Chapter 6a, Utah Procurement Code, in the lease or other contract agreement with a private party for the tourist-oriented directional sign or sign space; and

(B) the private party for the lease of the sign or sign space pays an amount set by the department to be paid to the department or the party under contract with the department under this Subsection (3).

(b) The amount shall be sufficient to cover the costs of erecting, administering, and maintaining the signs or sign spaces.

(c)

(i) Any sign erected pursuant to this Subsection (3) which was existing as of March 1, 2015, shall be permitted as if it were in compliance with this Subsection (3).

(ii) A noncompliant sign shall only be permitted for the contract period of the advertising contract.

(iii) A new advertising contract may not be issued for a noncompliant sign.

(d) The department may consult the Governor's Office of Economic Opportunity in carrying out this Subsection (3).

(4)

(a) Revenue generated under Subsection (3) shall be:

(i) applied first to cover department costs under Subsection (3); and

(ii) deposited into the Transportation Fund.

(b) Revenue in excess of costs under Subsection (3)(a) shall be deposited into the General Fund as a dedicated credit for use by the Governor's Office of Economic Opportunity no later than the following fiscal year.

(5) Outdoor advertising under Subsections (2)(a), (f), (g), and (h) shall conform to the rules made by the department under Sections 72-7-506 and 72-7-507.

Amended by Chapter 282, 2021 General Session

72-7-504.5 Public assembly facility signs -- Restrictions.

(1) Signs on the premises of a public assembly facility that do not bring rental income to the owner of the public assembly facility may advertise:

(a) the name of the facility, including identifiable venues or stores within the facility; and

(b) principal or accessory products or services offered on the property and activities conducted on the property as permitted by 23 C.F.R. Section 750.709, including:

(i) events being conducted in the facility or upon the premises, including the sponsor of the current event; and

(ii) products or services sold at the facility and activities conducted on the property that produce significant income to the operation of the facility.

(2) An advertising structure described in Subsection (1):

(a) shall be located on a public assembly facility or on a parcel contiguous to the public assembly facility;

(b) shall be under the same ownership as the public assembly facility; and

(c) may not be separated from the public assembly facility by a public road.

(3) An advertising structure described in Subsection (1) may only promote a maximum of seven major sponsors and the sponsor of a current event at any one time.

(4) An advertising structure described in Subsection (1) may not be located on narrow land held by easement or anything other than a fee interest unless it is a part of a public assembly facility.

(5) A public assembly facility is exempt from the requirement under this part to have a state outdoor advertising permit.

Amended by Chapter 346, 2011 General Session

72-7-504.6 Unified commercial development.

(1) As used in this section:

(a) "Common areas" means sidewalks, roadways, landscaping, parking, storage, and service areas that are identified on the approved map provided to the department describing the unified commercial development as required by this section.

(b)

(i) "Contiguous" includes parcels that are otherwise contiguous, as defined in Section 72-7-502, that are considered to be contiguous notwithstanding a survey error or discrepancy in a legal boundary description or the presence of any of the following intervening features, including land reasonably related to those features:

(A) a road, other than a controlled route, that provides access to the development;

(B) a railway right-of-way; or

(C) land that is undevelopable.

(ii) "Contiguous" does not include a parcel of land that is only physically connected to another parcel of land by a long, narrow strip.

(c) "Permit waiver" means written approval by the department, issued to the owner of a unified commercial development, to maintain a unified commercial development sign within the outdoor corridor that is within the boundaries of a unified commercial development per this section.

(d)

(i) "Property," for purposes of the definition of " unified commercial development sign," includes all property within a unified commercial development upon which all owners in the development have irrevocable shared ownership and use rights and irrevocable shared obligations to the common areas, and specifically excludes any parcels of land within a unified commercial development that allow residential use.

(ii) "Property" does not include development that involves merely reciprocal easements or use agreements among individual properties.

(iii) If the owners in an approved unified commercial development subdivide the unified commercial development into individual parcels that do not meet the criteria in this Subsection (1)(d), then the approved unified commercial development sign permit waiver shall be denied or revoked.

(e) "Unified commercial development" means a development that:

(i) is used primarily for commercial or industrial activities;
(ii) is developed by a single developer, including successors, under a common development plan;
(iii) may include phased development;
(iv) consists solely of land that is contiguous;
(v) holds itself out to the public as a common development through signs and other marketing efforts; and
(vi) received planning approval from the local land use authority and is recorded in the county in which the development was approved.

(f) "Unified commercial development sign" means a sign:
(i) erected within an approved unified commercial development;
(ii) erected within the outdoor advertising corridor; and
(iii) that advertises only the brands, logos, or trade names of businesses, products, services, and events that are available to the public at facilities on parcels within the boundaries of the unified commercial development.

(2)
(a) The department shall issue a revocable permit waiver to the owner of a unified commercial development, approved by the local land use authority, for the erection and maintenance of a unified commercial development sign within the outdoor advertising corridor after receiving the development map that:
(i) is approved by the local land use authority and recorded by the county; and
(ii) shows:
(A) the unified commercial development sign location;
(B) the boundaries of the unified commercial development; and
(C) included parcels, owners, and businesses within the development that would qualify to advertise on the unified commercial development sign in compliance with this section.

(b) The entity holding a permit waiver under this section shall provide an updated list of all businesses located within the unified commercial development every 12 months from the date of issue of the unified commercial development permit waiver.

(c) In the event that a parcel within the boundaries of the approved unified commercial development allows a residential use, is removed from the development, or does not include irrevocable ownership and use rights and obligations, that parcel shall be excluded from the unified commercial development for purposes of determining a legal site for the sign, and any business, product, service, or event occurring on that parcel shall be excluded from display upon the unified commercial development sign.

(3) A unified commercial development sign within a unified commercial development shall prominently display the name of the development and may also advertise:
(a) the sale or lease of land within the unified commercial development where the sign is located;
(b) the name of identifiable facilities or stores within the unified commercial development; and
(c) products for sale or services provided to the public at licensed businesses within the unified commercial development.

(4)
(a) A unified commercial development sign may not:
(i) advertise brands, logos, or trade names of businesses, products, services, events, or activities that are not available to the public at facilities or stores within the unified commercial development or are only incidental to any business within the unified commercial development;

(ii) advertise products, services, brands, logos, or trade names of any business more than 90 days before the opening day of business to the public within the unified commercial development of the facilities or stores of the named advertiser; or
(iii) exceed the measurable limits described in Subsection (4)(b).
(b) A unified commercial development sign shall be:
(i) 750 feet, measured along the same side of an interstate right-of-way, from any other unified commercial development sign within the same unified commercial development; and
(ii) 475 feet, measured along the same side of the right-of-way of any noninterstate controlled route, from any other unified commercial development sign within the same unified commercial development.
(5) A unified commercial development sign that is not maintained in compliance with this section shall:
(a) have the sign owner's permit waiver revoked by the department;
(b) be considered as unlawful outdoor advertising; and
(c) be subject to penalties described in Section 72-7-508 and Subsection 72-7-510(3)(c).
(6) Notwithstanding any other provision in this part to the contrary, any sign or structure lawfully existing under Laws of Utah 2016, Chapter 299, on February 1, 2017, may continue to be operated, maintained, rebuilt, or replaced in a manner consistent with such chapter.

Amended by Chapter 260, 2017 General Session

72-7-505 Sign size -- Sign spacing -- Location in outdoor advertising corridor -- Limit on implementation.

(1)
(a) Except as provided in Subsection (2), a sign face within the state may not exceed the following limits:
(i) maximum area - 1,000 square feet;
(ii) maximum length - 60 feet; and
(iii) maximum height - 25 feet.
(b) No more than two facings visible and readable from the same direction on the main-traveled way may be erected on any one sign structure. Whenever two facings are so positioned, neither shall exceed the maximum allowed square footage.
(c) Two or more advertising messages on a sign face and double-faced, back-to-back, stacked, side-by-side, and V-type signs are permitted as a single sign or structure if both faces enjoy common ownership.
(d) A changeable message sign is permitted if the interval between message changes is not more frequent than at least eight seconds and the actual message rotation process is accomplished in three seconds or less.
(e) An illumination standard adopted by any jurisdiction shall be uniformly applied to all signs, public or private, on or off premise.
(2)
(a) An outdoor sign structure located inside the unincorporated area of a nonurbanized county may have the maximum height allowed by the county for outdoor advertising structures in the commercial or industrial zone in which the sign is located. If no maximum height is provided for the location, the maximum sign height may be 65 feet above the ground or 25 feet above the grade of the main traveled way, whichever is greater.
(b) An outdoor sign structure located inside an incorporated municipality or urbanized county may have the maximum height allowed by the municipality or urbanized county for outdoor

advertising structures in the commercial or industrial zone in which the sign is located. If no maximum height is provided for the location, the maximum sign height may be 65 feet above the ground or 25 feet above the grade of the main traveled way, whichever is greater.

(3) Except as provided in Section 72-7-509:

(a) Any sign allowed to be erected by reason of the exceptions set forth in Subsection 72-7-504(2) or in H-1 zones may not be closer than 500 feet to an existing off-premise sign adjacent to an interstate highway or limited access primary highway, except that signs may be erected closer than 500 feet if the signs on the same side of the interstate highway or limited access primary highway are not simultaneously visible.

(b) Signs may not be located within 500 feet of any of the following which are adjacent to the highway, unless the signs are in an incorporated area:

(i) public parks;

(ii) public forests;

(iii) public playgrounds;

(iv) areas designated as scenic areas by the department or other state agency having and exercising this authority; or

(v) cemeteries.

(c)

(i)

(A) Except under Subsection (3)(c)(ii), signs may not be located on an interstate highway or limited access highway on the primary system within 500 feet of an interchange, or intersection at grade, or rest area measured along the interstate highway or freeway from the sign to the nearest point of the beginning or ending of pavement widening at the exit from or entrance to the main-traveled way.

(B) Interchange and intersection distance limitations shall be measured separately for each direction of travel. A measurement for each direction of travel may not control or affect any other direction of travel.

(ii) A sign may be placed closer than 500 feet from the nearest point of the beginning or ending of pavement widening at the exit from or entrance to the main-traveled way, if:

(A) the sign is replacing an existing outdoor advertising use or structure which is being removed or displaced to accommodate the widening, construction, or reconstruction of an interstate, federal aid primary highway existing as of June 1, 1991, or national highway system highway; and

(B) it is located in a commercial or industrial zoned area inside an urbanized county or an incorporated municipality.

(d) The location of signs situated on nonlimited access primary highways in commercial, industrial, or H-1 zoned areas between streets, roads, or highways entering the primary highway shall not exceed the following minimum spacing criteria:

(i) Where the distance between centerlines of intersecting streets, roads, or highways is less than 1,000 feet, a minimum spacing between structures of 150 feet may be permitted between the intersecting streets or highways.

(ii) Where the distance between centerlines of intersecting streets, roads, or highways is 1,000 feet or more, minimum spacing between sign structures shall be 300 feet.

(e) All outdoor advertising shall be erected and maintained within the outdoor advertising corridor.

(4) Subsection (3)(c)(ii) may not be implemented until:

(a) the Utah-Federal Agreement for carrying out national policy relative to control of outdoor advertising in areas adjacent to the national system of interstate and defense highways and

the federal-aid primary system is modified to allow the sign placement specified in Subsection (3)(c)(ii); and

(b) the modified agreement under Subsection (4)(a) is signed on behalf of both the state and the United States Secretary of Transportation.

Amended by Chapter 402, 2015 General Session

72-7-506 Advertising -- Regulatory power of department -- Notice requirements.

(1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department may make rules no more restrictive than this chapter to:

(a) control the erection and maintenance of outdoor advertising along the interstate and primary highway systems;

(b) provide for enforcement of this chapter;

(c) establish the form, content, and submittal of applications to erect outdoor advertising; and

(d) establish administrative procedures.

(2) In addition to all other statutory notice requirements:

(a) the department shall give reasonably timely written notice to all outdoor advertising permit holders of any changes or proposed changes in administrative rules made under authority of this part; and

(b) any county, municipality, or governmental entity shall, upon written request, give reasonably timely written notice to all outdoor advertising permit holders within its jurisdiction of any change or proposed change to the outdoor or off-premise advertising provisions of its zoning provisions, codes, or ordinances.

Amended by Chapter 382, 2008 General Session

72-7-507 Advertising -- Permits -- Application requirements -- Duration -- Fees.

(1)

(a) Outdoor advertising may not be maintained without a current permit.

(b) Applications for permits shall be made to the department on forms furnished by it.

(c) A permit must be obtained prior to installing each outdoor sign.

(d) The application for a permit shall be accompanied by an initial fee established under Section 63J-1-504.

(2)

(a) Each permit issued by the department is valid for a period of up to five years and shall expire on June 30 of the fifth year of the permit, or upon the expiration or termination of the right to use the property, whichever is sooner.

(b) Upon renewal, each permit may be renewed for periods of up to five years upon the filing of a renewal application and payment of a renewal fee established under Section 63J-1-504.

(3) Sign owners residing outside the state shall provide the department with a continuous performance bond in the amount of $2,500.

(4) Fees may not be prorated for fractions of the permit period. Advertising copy may be changed at any time without payment of an additional fee.

(5)

(a) Each sign shall have its permit continuously affixed to the sign in a position visible from the nearest traveled portion of the highway.

(b) The permit shall be affixed to the sign structure within 30 days after delivery by the department to the permit holder, or within 30 days of the installation date of the sign structure.

(c) Construction of the sign structure shall begin within 180 days after delivery of the permit by the department to the permit holder and construction shall be completed within 365 days after delivery of the permit.

(6) The department may not accept any applications for a permit or issue any permit to erect or maintain outdoor advertising within 500 feet of a permitted sign location except to the permit holder or the permit holder's assigns until the permit has expired or has been terminated pursuant to the procedures under Section 72-7-508.

(7) Permits are transferrable if the ownership of the permitted sign is transferred.

(8) Conforming, permitted sign structures may be altered, changed, remodeled, and relocated subject to the provisions of Subsection (6).

Amended by Chapter 183, 2009 General Session

72-7-508 Unlawful outdoor advertising -- Adjudicative proceedings -- Judicial review -- Costs of removal -- Civil and criminal liability for damaging regulated signs -- Immunity for Department of Transportation.

(1) Outdoor advertising is unlawful when:

(a) erected after May 9, 1967, contrary to the provisions of this chapter;

(b) a permit is not obtained as required by this part;

(c) a false or misleading statement has been made in the application for a permit that was material to obtaining the permit;

(d) the sign for which a permit was issued is not in a reasonable state of repair, is unsafe, or is otherwise in violation of this part; or

(e) a sign in the outdoor advertising corridor is permitted by the local zoning authority as an on-premise sign and the sign, from time to time or continuously, advertises an activity, service, event, person, or product located on property other than the property on which the sign is located.

(2) The establishment, operation, repair, maintenance, or alteration of any sign contrary to this chapter is also a public nuisance.

(3) Except as provided in Subsections (4) and (10), in its enforcement of this section, the department shall comply with the procedures and requirements of Title 63G, Chapter 4, Administrative Procedures Act.

(4)

(a) The district courts shall have jurisdiction to review by trial de novo all final orders of the department under this part resulting from formal and informal adjudicative proceedings.

(b) Venue for judicial review of final orders of the department shall be in the county in which the sign is located.

(5) If the department is granted a judgment in an action brought under Subsection (4), the department is entitled to have any nuisance abated and recover from the responsible person, firm, or corporation, jointly and severally:

(a) the costs and expenses incurred in removing the sign; and

(b)

(i) $500 for each day the sign was maintained following the expiration of 10 days after notice of agency action was filed and served under Section 63G-4-201;

(ii) $750 for each day the sign was maintained following the expiration of 40 days after notice of agency action was filed and served under Section 63G-4-201;

(iii) $1,000 for each day the sign was maintained following the expiration of 70 days after notice of agency action was filed and served under Section 63G-4-201; and

(iv) $1,500 for each day the sign was maintained following the expiration of 100 days after notice of agency action was filed and served under Section 63G-4-201.

(6)

(a) Any person, partnership, firm, or corporation who vandalizes, damages, defaces, destroys, or uses any sign controlled under this chapter without the owner's permission is liable to the owner of the sign for treble the amount of damage sustained and all costs of court, including a reasonable attorney's fee, and is guilty of a class C misdemeanor.

(b) This Subsection (6) does not apply to the department, its agents, or employees if acting to enforce this part.

(7) The following criteria shall be used for determining whether an existing sign within an interstate outdoor advertising corridor has as its purpose unlawful off-premise outdoor advertising:

(a) whether the sign complies with this part;

(b) whether the premise includes an area:

(i) from which the general public is serviced according to normal industry practices for organizations of that type; or

(ii) that is directly connected to or is involved in carrying out the activities and normal industry practices of the advertised activities, services, events, persons, or products;

(c) whether the sign generates revenue:

(i) arising from the advertisement of activities, services, events, or products not available on the premise according to normal industry practices for organizations of that type;

(ii) arising from the advertisement of activities, services, events, persons, or products that are incidental to the principal activities, services, events, or products available on the premise; and

(iii) including the following:

(A) money;

(B) securities;

(C) real property interest;

(D) personal property interest;

(E) barter of goods or services;

(F) promise of future payment or compensation; or

(G) forbearance of debt;

(d) whether the purveyor of the activities, services, events, persons, or products being advertised:

(i) carries on hours of operation on the premise comparable to the normal industry practice for a business, service, or operation of that type, or posts the hours of operation on the premise in public view;

(ii) has available utilities comparable to the normal industry practice for an entity of that type; and

(iii) has a current valid business license or permit under applicable local ordinances, state law, and federal law to conduct business on the premise upon which the sign is located;

(e) whether the advertisement is located on the site of any auxiliary facility that is not essential to, or customarily used in, the ordinary course of business for the activities, services, events, persons, or products being advertised; or

(f) whether the sign or advertisement is located on property that is not contiguous to a property that is essential and customarily used for conducting the business of the activities, services, events, persons, or products being advertised.

(8) The following do not qualify as a business under Subsection (7):

(a) public or private utility corridors or easements;

(b) railroad tracks;
(c) outdoor advertising signs or structures;
(d) vacant lots;
(e) transient or temporary activities; or
(f) storage of accessory products.

(9) The sign owner has the burden of proving, by a preponderance of the evidence, that the advertised activity is conducted on the premise.

(10)
(a)
(i) After issuing a written warning for a first offense of Subsection (1)(b) or (e), the department may issue a citation to a person who has violated Subsection (1)(b) or (e).
(ii) If the department issues a citation as described in Subsection (10)(a)(i), the department may impose a fine not to exceed $500.
(iii) A fine imposed under Subsection (10)(a)(ii) shall be deposited in the Transportation Fund.
(b) If the department has issued two or more notices of violation of or a citation for a violation of Subsection (1)(b) or (e) for an existing sign within the last three years, the department may bring an action to enforce in any state court of competent jurisdiction against a person, firm, or corporation that satisfies one or more of the following prerequisites:
(i) has a present ownership interest in the sign;
(ii) had an ownership interest in the sign on one or more of the days the sign was in violation of Subsection (1)(b) or (e);
(iii) has a present ownership interest in the property upon which the sign is located, or in a unified commercial development as defined in Section 72-7-504.6;
(iv) had an ownership interest in the property upon which the sign is located, or in a unified commercial development as defined in Section 72-7-504.6, on one or more of the days the sign was in violation of Subsection (1)(b) or (e);
(v) received or became entitled to receive compensation in any form for the unlawful outdoor advertising; or
(vi) solicited the advertising.
(c) In an action under Subsection (10)(b):
(i) the provisions of Subsections (7) and (8) apply; and
(ii) the defendants have the burden of proving, by a preponderance of the evidence, that the advertising in question is lawful under this part.
(d) If the department is granted judgment in an action under this Subsection (10), the department is entitled to recover from the defendants, jointly and severally, $1,500 for each day on which the sign was used for unlawful off-premises outdoor advertising.
(e)
(i) Subject to Subsection (10)(e)(ii), for purposes of calculating the number of days on which the sign was used for unlawful off-premises outdoor advertising as described in Subsection (10)(d), the department shall count each day that the sign was maintained after the first notice of agency action was filed and served under Section 63G-4-201.
(ii) For purposes of calculating the number of days on which the sign was used for unlawful off-premises outdoor advertising as described in Subsection (10)(d), if a sign was modified, removed, disabled, or relocated after the receipt of notice of violation, and thereafter, prior to judgment, was reinstalled, relocated, substituted, or reactivated in an unlawful manner, the department shall count each day that the sign was maintained after the first notice of agency action was filed and served under Section 63G-4-201.

(iii) The calculations described in Subsections (10)(e)(i) and (ii) are only applicable for actions taken for violations of this Subsection (10) for which:
(A) the owner of the sign was never issued an off-premise outdoor advertising permit; and
(B) at least one condition described in Subsection (7) exists.

Amended by Chapter 137, 2019 General Session

72-7-509 Existing outdoor advertising not in conformity with part -- When removal required -- When relocation allowed.

(1) Any outdoor advertising lawfully in existence along the interstate or the primary systems on May 9, 1967, and which is not then in conformity with its provisions is not required to be removed until five years after it becomes nonconforming or pursuant to the provisions of Section 72-7-510.
(2) Any existing outdoor advertising structure that does not comply with Section 72-7-505, but that is located in an industrial and commercial area, an unzoned industrial and commercial area, or an area where outdoor advertising would otherwise be permitted, may be remodeled and relocated on the same property in a commercial or industrial zoned area, or another area where outdoor advertising would otherwise be permitted under this part.

Renumbered and Amended by Chapter 270, 1998 General Session

72-7-510 Existing outdoor advertising not in conformity with part -- Procedure -- Eminent domain -- Compensation -- Relocation.

(1) As used in this section, "nonconforming sign" means a sign that has been erected in a zone or area other than commercial or industrial or where outdoor advertising is not permitted under this part.
(2)
(a) The department may acquire by gift, purchase, agreement, exchange, or eminent domain, any existing outdoor advertising and all property rights pertaining to the outdoor advertising which were lawfully in existence on May 9, 1967, and which by reason of this part become nonconforming.
(b) If the department, or any town, city, county, governmental entity, public utility, or any agency or the United States Department of Transportation under this part, prevents the maintenance as defined in Section 72-7-502, or requires that maintenance of an existing sign be discontinued, the sign in question shall be considered acquired by the entity and just compensation will become immediately due and payable.
(c) Eminent domain shall be exercised in accordance with the provision of Title 78B, Chapter 6, Part 5, Eminent Domain.
(3)
(a) Just compensation shall be paid for outdoor advertising and all property rights pertaining to the same, including the right of the landowner upon whose land a sign is located, acquired through the processes of eminent domain.
(b) For the purposes of this part, just compensation shall include the consideration of damages to remaining properties, contiguous and noncontiguous, of an outdoor advertising sign company's interest, which remaining properties, together with the properties actually condemned, constituted an economic unit.
(c) The department is empowered to remove signs found in violation of Section 72-7-508 without payment of any compensation.

(4) Except as specifically provided in this section or Section 72-7-513, this part may not be construed to permit a person to place or maintain any outdoor advertising adjacent to any interstate or primary highway system which is prohibited by law or by any town, city, or county ordinance. Any town, city, county, governmental entity, or public utility which requires the removal, relocation, alteration, change, or termination of outdoor advertising shall pay just compensation as defined in this part and in Title 78B, Chapter 6, Part 5, Eminent Domain.

(5) Except as provided in Section 72-7-508, no sign shall be required to be removed by the department nor sign maintenance as described in this section be discontinued unless at the time of removal or discontinuance there are sufficient funds, from whatever source, appropriated and immediately available to pay the just compensation required under this section and unless at that time the federal funds required to be contributed under 23 U.S.C., Sec. 131, if any, with respect to the outdoor advertising being removed, have been appropriated and are immediately available to this state.

(6)

(a) If any outdoor advertising use, structure, or permit may not be continued because of the widening, construction, or reconstruction along an interstate, federal aid primary highway existing as of June 1, 1991, or national highway systems highway, the owner shall have the option to relocate and remodel the use, structure, or permit to another location:

(i) within the same municipality or unincorporated county:

(A) on the same property;

(B) on adjacent property;

(C) on either side of the same highway; or

(D) mutually agreed upon by the owner and the county or municipality in which the use, structure, or permit is located; or

(ii) within a different municipality or unincorporated county mutually agreed upon by the owner and the different municipality or county.

(b) The relocation under Subsection (6)(a) shall be in a commercial or industrial zoned area or where outdoor advertising is permitted under this part.

(c) The county or municipality in which the use or structure is located or is to be relocated as described in Subsection (6)(a) shall, if necessary, provide for the relocation and remodeling by ordinance for a special exception to its zoning ordinance.

(d) The relocated and remodeled use or structure may be:

(i) erected to a height and angle to make it clearly visible to traffic on the main-traveled way of the highway to which it is relocated or remodeled;

(ii) the same size and at least the same height as the previous use or structure, but the relocated use or structure may not exceed the size and height permitted under this part;

(iii) relocated to a comparable vehicular traffic count.

(7)

(a) The governmental entity, quasi-governmental entity, or public utility that causes the need for the outdoor advertising relocation or remodeling as provided in Subsection (6)(a) shall pay the costs related to the relocation, remodeling, or acquisition.

(b) If a governmental entity prohibits the relocation and remodeling as provided in Subsection (6)(a)(i), it shall pay just compensation as provided in Subsection (3).

Amended by Chapter 436, 2025 General Session

72-7-510.5 Height adjustments for outdoor advertising signs.

(1) If the view and readability of an outdoor advertising sign, including a sign that is a nonconforming sign as defined in Section 72-7-510, a noncomplying structure as defined in Sections 10-9a-103 and 17-27a-103, or a nonconforming use as defined in Sections 10-9a-103 and 17-27a-103 is obstructed due to a noise abatement or safety measure, grade change, construction, directional sign, highway widening, or aesthetic improvement made by an agency of this state, along an interstate, federal aid primary highway existing as of June 1, 1991, national highway systems highway, or state highway or by an improvement created on real property subsequent to the department's disposal of the property under Section 72-5-111, the owner of the sign may:
  (a) adjust the height of the sign;
  (b) if the sign is located along an interstate, federal aid primary highway existing as of June 1, 1991, or national highway systems highway, relocate the sign to either side of the same highway, within the same municipality or unincorporated county, if the sign complies with the spacing requirements under Section 72-7-505 and is in a commercial or industrial zone;
  (c) if the sign is located along a state highway, relocate the sign to either side of the same highway, within the same municipality or unincorporated county, to a point within one mile of the sign's prior location, if the sign complies with the spacing requirements under Section 72-7-505 and is located in a commercial or industrial zone; or
  (d) relocate the sign to a location that is mutually agreed upon by the owner and:
    (i) the same municipality or unincorporated county in which the obstructed sign is located; or
    (ii) any other municipality or unincorporated county.
(2) A height adjusted sign under this section does not constitute a substantial change to the sign.
(3) The county or municipality in which the obstructed sign is located or is to be relocated shall, if necessary, provide for the height adjustment or relocation by ordinance for a special exception to its zoning ordinance.
(4)
  (a) The height adjusted sign:
    (i) may be erected:
      (A) to a height to make the entire advertising content of the sign clearly visible; and
      (B) to an angle to make the entire advertising content of the sign clearly visible; and
    (ii) shall be the same size as the previous sign.
  (b) The provisions of Subsection (4)(a) are an exception to the height requirements under Section 72-7-505.

Amended by Chapter 436, 2025 General Session

72-7-511 Violation of part -- Misdemeanor.

A person who violates any provision of this part is guilty of a class B misdemeanor.

Renumbered and Amended by Chapter 270, 1998 General Session

72-7-512 Appeals by attorney general.

The attorney general may take such appeals as are provided for in 23 U.S.C., Sec. 131.

Renumbered and Amended by Chapter 270, 1998 General Session

72-7-513 Relocation on state highways.

(1) As used in this section, "state highway" means those highways designated as state highways in Chapter 4, Designation of State Highways Act, on July 1, 1999, and any subsequently designated state highway.
(2) If any outdoor advertising use or structure may not be continued because of the widening, construction, or reconstruction along a state highway, the owner shall have the option to relocate and remodel the use or structure to another location:
  (a) within the same municipality or unincorporated county:
    (i) on the same property;
    (ii) on adjacent property;
    (iii) on either side of the same highway if the new location is within one mile of the previous location; or
    (iv) another location mutually agreed upon by the owner and the county or municipality in which the use, structure, or permit is located; or
  (b) another location mutually agreed upon by the owner and another municipality or county.
(3) The relocation under Subsection (2) shall be in a commercial or industrial zoned area or where outdoor advertising is permitted under this part.
(4) The county or municipality in which the use or structure is located or is to be relocated under Subsection (2) shall, if necessary, provide for the relocation and remodeling by ordinance for a special exception to its zoning ordinance.
(5) The relocated and remodeled use or structure may be:
  (a) erected to a height and angle to make it clearly visible to traffic on the main-traveled way of the highway to which it is relocated or remodeled;
  (b) the same size and at least the same height as the previous use or structure, but the relocated use or structure may not exceed the size and height permitted under this part;
  (c) relocated to a comparable vehicular traffic count.
(6)
  (a) The governmental entity, quasi-governmental entity, or public utility that causes the need for the outdoor advertising relocation or remodeling as provided in Subsection (2) shall pay the costs related to the relocation, remodeling, or acquisition.
  (b) If a governmental entity prohibits the relocation and remodeling as provided in Subsection (2)(a), it shall pay just compensation as provided in Subsection 72-7-510(3).

Amended by Chapter 436, 2025 General Session

72-7-514 Landscape control program.
(1) As used in this section, "landscape control" means trimming or removal of seedlings, saplings, trees and vegetation along the interstate, federal aid primary highway existing as of June 1, 1991, and national highway system right-of-way to provide clear visibility of outdoor advertising.
(2)
  (a) The department shall establish a landscape control program as provided under this section.
  (b) Except as provided in this section, a person, including an outdoor advertising sign owner or business owner may not perform or cause landscape control to be performed.
(3)
  (a) An outdoor advertising sign owner or business owner may submit a request for landscape control to the department.
  (b) Within 60 days of the request under Subsection (3)(a), the department shall:

(i) conduct a field review of the request with a representative of the sign or business owner, the department, and the Federal Highway Administration to consider the following issues listed in their order of priority:
(A) safety;
(B) protection of highway features, including right-of-way and landscaping;
(C) aesthetics; and
(D) motorists' view of the sign or business; and
(ii) notify the sign or business owner what, if any, trimming, removal, restoration, banking, or other landscape control shall be allowed as decided by the department, after consultation with the Federal Highway Administration.
(c) If the sign or business owner elects to proceed, in accordance with the decision issued under this subsection, the department shall issue a permit that describes what landscape control may be allowed, assigns responsibility for costs, describes the safety measures to be observed, and attaches any explanatory plans or other information.
(4) The department shall establish an appeals process within the department for landscape control decisions made under Subsection (3).
(5)
(a) A person who performs landscape control in violation of this section is guilty of a class C misdemeanor, and is liable to the owner for treble the amount of damages sustained to the landscape.
(b) Each permit issued under this section shall notify the permit holder of the penalties under Subsection (5)(a).

Renumbered and Amended by Chapter 270, 1998 General Session

72-7-515 Utah-Federal Agreement -- Severability clause.
(1) As used in this section, "Utah-Federal Agreement" means the agreement relating to outdoor advertising that is described under Section 72-7-501, and it includes any modifications to the agreement that are signed on behalf of both the state and the United States Secretary of Transportation.
(2) The provisions of this part are subject to and shall be superseded by conflicting provisions of the Utah-Federal Agreement.
(3) If any provision of this part or its application to any person or circumstance is found to be unconstitutional, or in conflict with or superseded by the Utah-Federal Agreement, the remainder of this part and the application of the provision to other persons or circumstances shall not be affected by it.

Amended by Chapter 21, 1999 General Session

72-7-516 Relocating outdoor advertising structure to maintain required distance from high voltage overhead lines.
(1) If an outdoor advertising structure needs to be moved away from a high voltage power line or lines so that the sign can be reposted or maintenance performed without having to comply with the distance or notification requirements of Section 54-8c-2, or in order to comply with distance or notification requirements imposed by the National Electrical Safety Code, International Building Code, a regulation, standard, or directive of the Occupational Safety and Health Administration or any other similar applicable regulation, then the owner shall have the option

to remodel the structure at the same location or relocate and remodel the structure to another location within the same jurisdiction:
(a) on the same property;
(b) on adjacent property;
(c) within 2,640 feet of the previous location on either side of the same highway; or
(d) mutually agreed upon by the owner and the county or municipality in which the structure is located.
(2) The relocation under Subsection (1) shall be in a commercial or industrial zoned area or where outdoor advertising is permitted under this part.
(3) The county or municipality in which the structure is located shall, if necessary, provide for the relocation or remodeling by ordinance for a special exception to its zoning ordinance.
(4) The relocated and remodeled structure may be:
(a) erected to a height and angle to make it clearly visible to traffic on the main-traveled way of the highway to which it is relocated or remodeled;
(b) the same size and at least the same height as the previous structure, but the relocated structure may not exceed the size and height permitted under this part; and
(c) relocated to a location with a comparable traffic vehicular count.
(5) If a governmental entity prohibits the relocation and remodeling as provided in Subsection (1)(a), (b), or (c), it shall pay just compensation as provided in Subsection 72-7-510(3).

Amended by Chapter 330, 2006 General Session

Chapter 8
Pedestrian and Bicyclist Safety and Facilities Act

72-8-101 Title.
This chapter is known as the "Pedestrian Safety and Facilities Act."

Renumbered and Amended by Chapter 270, 1998 General Session

72-8-102 Definitions.
As used in this chapter:
(1) "Construction" means the function of constructing or reconstructing a sidewalk with or without curb and gutter and includes land acquisition and engineering or inspection as defined by the rules and regulations of the department.
(2) "Curb and gutter" means the area between the roadway and sidewalk designed for water runoff and providing a barrier for safety of pedestrian and vehicular traffic.
(3) "Participating municipality" means a city of the third, fourth, or fifth class or a town.
(4) "Pedestrian and bicyclist safety device" means a device or method appurtenant to a roadway designed to foster the safety of pedestrian or bicyclist traffic including sidewalks, curbs, gutters, pedestrian overpasses, pedestrian crossings, bicycle lanes, multi-use paths, median islands, curb extensions, barriers, and changes in street alignment.

Amended by Chapter 499, 2024 General Session

72-8-103 Designated county and municipal sidewalks -- Construction on easements granted by transportation department.

(1) All sidewalks, including curbs and gutters within the unincorporated areas of a county and within nonparticipating municipalities situated within the county, are designated county sidewalks. All sidewalks within participating municipalities are designated municipal sidewalks.
(2) Counties and participating municipalities may construct and maintain curbs, gutters, sidewalks, or pedestrian and bicyclist safety devices adjacent to the traveled portion of state highways upon easements that may be granted by the department. The department shall cooperate with counties and participating municipalities to accomplish pedestrian and bicyclist safety construction and maintenance.
(3) A county or municipality may construct and maintain pedestrian and bicyclist safety devices on state highways in compliance with rules made by the department.

Amended by Chapter 499, 2024 General Session

72-8-104 Funding priorities by county and municipality officials -- Factors.

(1) A county or municipality may use a portion of the county's or municipality's B and C road funds for pedestrian and bicyclist safety devices under this part.
(2) The county legislative body of the counties and the governing officials of participating municipalities may establish funding priorities relating to construction of curbs, gutters, sidewalks, or other pedestrian and bicyclist safety construction, with funds permitted to be expended by this part, based on :
  (a) existing useable rights-of-way;
  (b) vehicle-pedestrian and vehicle-bicyclist accident experience;
  (c) average daily vehicle traffic;
  (d) average daily pedestrian and bicyclist traffic;
  (e) average daily school age pedestrian and bicyclist traffic;
  (f) speed of vehicle traffic;
  (g) proximity to public transit; and
  (h) other relevant factors.
(3) All construction performed under this part shall be barrier free to wheelchairs at crosswalks and intersections.

Amended by Chapter 499, 2024 General Session

72-8-105 Pedestrian and bicyclist safety to be considered in highway planning.

A highway authority shall consider pedestrian and bicyclist safety in all highway engineering and planning where pedestrian or bicyclist traffic may be a significant factor on all projects within the state or any of its political subdivisions.

Amended by Chapter 499, 2024 General Session

72-8-106 Rules and regulations -- Cooperation with the county legislative body.

The department shall:
(1) make rules providing for uniform accounting of the funds permitted to be expended for curbs, gutters, sidewalks, and pedestrian safety devices, as provided in this part; and

(2) cooperate with the county executives and county legislative bodies and the governing officials of participating municipalities in order to implement this part and make rules required by this part.

Renumbered and Amended by Chapter 270, 1998 General Session

72-8-107 County or city granting exemption from construction -- Not eligible to utilize funds under part.

(1) This part may not be construed to substitute or replace the construction of curbs, gutters, sidewalks, or pedestrian safety devices by any counties or participating municipalities. Funds expended under this part are in addition to funds normally used by counties and participating municipalities for pedestrian safety devices and may not be used in substitution for local funding.
(2) If any county or participating municipalities or any of their agencies grant an exemption or deferral agreement for the construction of sidewalks, curbs, gutters, or pedestrian safety devices which are otherwise normally required, the area for which the exemption or deferral agreement applies is not be eligible to utilize funds permitted to be expended by this part.

Renumbered and Amended by Chapter 270, 1998 General Session

72-8-109 Safe Routes to School Program.

(1) As part of providing for the safety of the state transportation system, the department shall establish a program that promotes walking and bicycling to school through infrastructure improvements and noninfrastructure efforts such as safety awareness education.
(2) In addition to any federal funds made available to the department for the program, the department may fund the program from money made available to the department by the Legislature and as prioritized by the commission.
(3) The department, in consultation with the State Board of Education, may give priority consideration to a project located in an area of a school that receives funding under the Elementary and Secondary Education Act of 1965, Title I, 20 U.S.C. Sec. 6301, et seq.
(4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department may make rules to implement this section.

Enacted by Chapter 219, 2019 General Session

Chapter 9
Motor Carrier Safety Act

Part 1
General Provisions

72-9-101 Title.

This chapter is known as the "Motor Carrier Safety Act."

Renumbered and Amended by Chapter 270, 1998 General Session

72-9-102 Definitions.

As used in this chapter:

(1)

(a) "Commercial vehicle" includes:

(i) an interstate commercial vehicle;

(ii) an intrastate commercial vehicle; and

(iii) a tow truck.

(b) "Commercial vehicle" does not include the following vehicles for purposes of this chapter:

(i) 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 personnel on full-time national guard duty, personnel on part-time training, and national guard military technicians and civilians who are required to wear military uniforms and are subject to the code of military justice;

(ii) firefighting and emergency vehicles, operated by emergency personnel, not including commercial tow trucks;

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

(iv) vehicles owned by the state or a local government.

(2) "Interstate commercial vehicle" means a self-propelled or towed motor vehicle used on a highway in interstate commerce to transport passengers or property if the vehicle:

(a) has a gross vehicle weight rating or gross vehicle weight of 10,001 or more pounds, or gross combination weight rating or gross combination weight of 10,001 or more pounds, whichever is greater;

(b) is designed or used to transport more than eight passengers, including the driver, for compensation;

(c) is designed or used to transport more than 15 passengers, including the driver, and is not used to transport passengers for compensation; or

(d)

(i) is used to transport materials designated as hazardous in accordance with 49 U.S.C. Sec. 5103; and

(ii) is required to be placarded in accordance with regulations under 49 C.F.R., Subtitle B, Chapter I, Subchapter C.

(3) "Intrastate commercial vehicle" means a motor vehicle, vehicle, trailer, or semitrailer used or maintained for business, compensation, or profit to transport passengers or property on a highway only within the boundaries of this state if the commercial vehicle:

(a)

(i) has a manufacturer's gross vehicle weight rating or gross vehicle weight, or gross combination weight rating or gross combination weight of 26,001 or more pounds, whichever is greater, and is operated by an individual who is 18 years old or older; or

(ii) has a manufacturer's gross vehicle weight rating or gross combination weight rating of 16,001 or more pounds and is operated by an individual who is under 18 years old;

(b)

(i) is designed to transport more than 15 passengers, including the driver; or

(ii) is designed to transport more than 12 passengers, including the driver, and has a manufacturer's gross vehicle weight rating or gross combination weight rating of 13,000 or more pounds; or

(c) is used in the transportation of hazardous materials and is required to be placarded in accordance with 49 C.F.R. Part 172, Subpart F.

(4) "Motor carrier" means a person engaged in or transacting the business of transporting passengers, freight, merchandise, or other property by a commercial vehicle on a highway within this state and includes a tow truck business.
(5) "Owner" as pertaining to a vehicle, vessel, or outboard motor, means the same as that term is defined in Section 41-1a-102.
(6) "Property owner" means the owner or lessee of real property.
(7) "State impound yard" means the same as that term is defined in Section 41-1a-102.
(8) "Tow truck" means a motor vehicle constructed, designed, altered, or equipped primarily for the purpose of towing or removing damaged, disabled, abandoned, seized, or impounded vehicles from a highway or other place by means of a crane, hoist, tow bar, tow line, dolly, tilt bed, or other means.
(9) "Tow truck motor carrier" means a motor carrier that is engaged in or transacting business for tow truck services.
(10) "Tow truck operator" means an individual that performs operations related to a tow truck service as an employee or as an independent contractor on behalf of a tow truck motor carrier.
(11) "Tow truck service" means the functions and any ancillary operations associated with recovering, removing, and towing a vehicle and its load from a highway or other place by means of a tow truck.
(12) "Transportation" means the actual movement of property or passengers by motor vehicle, including loading, unloading, and any ancillary service provided by the motor carrier in connection with movement by motor vehicle, which is performed by or on behalf of the motor carrier, its employees or agents, or under the authority of the motor carrier, its employees or agents, or under the apparent authority and with the knowledge of the motor carrier.

Amended by Chapter 457, 2024 General Session

72-9-103 Rulemaking -- Motor vehicle liability coverage for certain motor carriers -- Adjudicative proceedings.

(1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department shall make rules:
  (a) adopting by reference in whole or in part the Federal Motor Carrier Safety Regulations including minimum security requirements for motor carriers;
  (b) specifying the equipment required to be carried in each tow truck, including limits on loads that may be moved based on equipment capacity and load weight; and
  (c) providing for the necessary administration and enforcement of this chapter.
(2)
  (a) Notwithstanding Subsection (1)(a), the department shall not require a motor carrier to comply with 49 C.F.R. Part 387 Subpart B if the motor carrier is:
    (i) engaging in or transacting the business of transporting passengers by an intrastate commercial vehicle that has a seating capacity of no more than 30 passengers; and
    (ii) a licensed child care provider under Section 26B-2-403.
  (b) Policies containing motor vehicle liability coverage for a motor carrier described under Subsection (2)(a) shall require minimum coverage of:
    (i) $1,000,000 for a vehicle with a seating capacity of up to 20 passengers; or
    (ii) $1,500,000 for a vehicle with a seating capacity of up to 30 passengers.
(3) The department shall comply with Title 63G, Chapter 4, Administrative Procedures Act, in its adjudicative proceedings.

Amended by Chapter 330, 2023 General Session

72-9-104 Motor carriers to operate under chapter.

A motor carrier may not operate any commercial vehicle for the transportation of persons or property on any public highway in this state except in accordance with this chapter, and rules and orders of the department.

Renumbered and Amended by Chapter 270, 1998 General Session

72-9-105 Information lettered on vehicle -- Exceptions.

(1) Except under Subsection (4), a motor carrier shall have lettered on both sides of any vehicle used for transportation of persons or property the name of the motor carrier company.
(2) The motor carrier shall ensure that the lettering is free from obstruction and legible from a distance of at least 50 feet.
(3)
  (a) In addition to the lettering required under Subsection (1), the department may require a motor carrier to display an identification number assigned by the department in accordance with this section.
  (b) The department may issue an identification number in conjunction with the United States Department of Transportation to develop a program to improve motor carrier safety enforcement.
(4) An intrastate commercial vehicle primarily used by a farmer for the production of agricultural products is exempt from the provisions of this section.

Amended by Chapter 96, 2017 General Session

72-9-106 Exemption for public utilities from regulations establishing hours of service.

(1) As used in this section, "emergency" means a condition which jeopardizes life or property or that endangers public health and safety.
(2) A person who is an employee of an electrical corporation, a gas corporation, or a telephone corporation, as these corporations are defined in Section 54-2-1, is exempt from any hours of service rules and regulations for drivers while operating a public utility vehicle within the state during the emergency restoration of public utility service.

Renumbered and Amended by Chapter 270, 1998 General Session

72-9-107 Medical exemptions for farm vehicle operators.

Except as provided in Section 53-3-206, an operator of a farm vehicle or combination of farm vehicles is exempt from additional requirements for physical qualifications, medical examinations, and medical certification if the farm vehicle or combination of farm vehicles being operated is:
(1) under 26,001 pounds gross vehicle weight rating;
(2) not operated as a commercial motor vehicle in accordance with Subsection 53-3-102(7)(b)(ii); and
(3) not operated as an interstate commercial motor vehicle.

Amended by Chapter 52, 2015 General Session

Part 2
Motor Carrier Advisory Board

72-9-201 Motor Carrier Advisory Board created -- Appointment -- Terms -- Meetings -- Per diem and expenses -- Duties.

(1) There is created within the department the Motor Carrier Advisory Board consisting of five members appointed by the department.

(2) Each member of the board shall:

(a) represent experience and expertise in the areas of motor carrier transportation, commerce, agriculture, economics, shipping, or highway safety;

(b) be selected at large on a nonpartisan basis; and

(c) have been a legal resident of the state for at least one year immediately preceding the date of appointment.

(3)

(a) Except as required by Subsection (3)(b), as terms of current board members expire, the department shall appoint each new member or reappointed member to a four-year term.

(b) The department shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of board members are staggered so that approximately half of the board is appointed every two years.

(c) A member shall serve from the date of appointment until a replacement is appointed.

(4) When a vacancy occurs in the membership for any reason, the department shall appoint the replacement to serve for the remainder of the unexpired term beginning the day following the day on which the vacancy occurs.

(5) The board shall elect its own chair and vice chair at the first regular meeting of each calendar year.

(6) The board shall meet at least twice per year or as needed when called by the chair.

(7) Any three voting members constitute a quorum for the transaction of business that comes before the board.

(8) 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 Sections 63A-3-106 and 63A-3-107.

(9) The board shall advise the department and the commission on interpretation, adoption, and implementation of this chapter and other motor carrier related issues.

(10) The department shall provide staff support to the board.

Amended by Chapter 249, 2023 General Session

Part 3
Department Duties

72-9-301 Duties -- Enforcement -- Federal safety regulations -- Audits -- Rights of entry for audits.

(1) The department shall administer and in cooperation with the Department of Public Safety, Utah Highway Patrol Division, as specified under Section 53-8-105, shall enforce state and federal laws related to the operation of a motor carrier within the state, including:
  (a) the operation of ports-of-entry under Section 72-9-501;
  (b) vehicle size, weight, and load restrictions;
  (c) security requirements;
  (d) safety requirements; and
  (e) the Federal Motor Carrier Safety Regulations as contained in Title 49, Code of Federal Regulations.
(2)
  (a) The department shall conduct compliance audits and inspections as needed to enforce state and federal laws related to the operation of a motor carrier.
  (b) The Department of Public Safety, Utah Highway Patrol Division, and other law enforcement agencies certified by the department shall conduct inspections as needed to enforce state and federal laws related to the operation of a motor carrier.
(3)
  (a) In accordance with Subsection (3)(b), the department's authorized employees or agents may enter, inspect, and examine any lands, buildings, and equipment of a motor carrier subject to this chapter, to inspect and copy any accounts, books, records, and documents in order to administer and enforce state and federal laws related to the operation of a motor carrier provided:
    (i) the department's authorized employees or agents schedule an appointment with the motor carrier prior to entering, inspecting, or examining any facility or records of a motor carrier; or
    (ii) if the department's authorized employees or agents believe that a criminal violation is involved and that a scheduled appointment would compromise the detection of the alleged criminal violation, no appointment is necessary.
  (b) A motor carrier shall submit its lands, buildings, and equipment for inspection and examination and shall submit its accounts, books, records, and documents for inspection and copying in accordance with this section.

Amended by Chapter 155, 2009 General Session

72-9-302 Interstate agreements.
(1) The department may enter into agreements with other states to allow the cooperative base state safety and insurance regulation of motor carriers transporting property or passengers in interstate commerce.
(2) An agreement may authorize another state to:
  (a) accept the filing of a certificate and affidavit of insurance;
  (b) issue a revocation, suspension, restriction, probation, and reinstatement order or notice; and
  (c) collect and disburse any fee to and from another state that participates in the base state program.
(3) An agreement may allow the exchange of information for audit, reporting, and enforcement purposes.

Renumbered and Amended by Chapter 270, 1998 General Session

72-9-303 Cease and desist orders -- Registration sanctions.
(1) The department may issue cease and desist orders to any person:

(a) who engages in or represents himself or herself to be engaged in a motor carrier operation that is in violation of this chapter;
(b) to prevent the violation of any of the provisions of this title; and
(c) who otherwise violates this chapter or any rules adopted under this chapter.

(2)
(a) The department shall notify the Motor Vehicle Division of the State Tax Commission upon having reasonable grounds to believe that a motor carrier is in violation of this chapter. Upon receiving notice by the department, the Motor Vehicle Division shall refuse registration or shall suspend or revoke a registration as provided in Sections 41-1a-109 and 41-1a-110.
(b) The department shall notify the Motor Vehicle Division immediately upon being satisfied that a motor carrier, reported as being in violation under Subsection (2)(a), is in compliance with this chapter. Upon receiving notice by the department, the Motor Vehicle Division shall remove any restriction made on a registration under this chapter.

Amended by Chapter 302, 2025 General Session

Part 4
Motor Carrier Liability - Duties

72-9-401 Liability of motor carriers for loss or damage to freight.

(1)
(a) A motor carrier receiving property for transportation from one point in this state to another point in this state shall issue a receipt or bill of lading for the property, and shall be liable to the lawful holder of the property for any loss, damage, or injury to the property caused by the motor carrier, or by any motor carrier to which the property may be delivered or over whose line or lines the property may pass within this state when transported on a through bill of lading.
(b) A contract, receipt, rule, regulation, or other limitation of any character whatsoever may not exempt the motor carrier from this liability.

(2) A motor carrier that receives property for transportation or any motor carrier delivering the property to the consignee shall be liable to the lawful holder of the receipt or bill of lading, or to any party entitled to recover on the property whether the receipt or bill of lading has been issued or not, for the full actual loss, damage or injury to the property caused by the motor carrier, or by any motor carrier to which the property may have been delivered or over whose line or lines the property may have passed within this state when transported on a through bill of lading.

(3)
(a) The provisions of Subsection (2) apply notwithstanding any limitation of liability or of the amount of recovery, or any representation or agreement as to the value of the property in any receipt or bill of lading or in any contract, rule, or regulation.
(b) Any limitation of liability is unlawful and void if the provisions respecting liability for full actual loss, damage, or injury notwithstanding any limitation of liability or of recovery, or any representation or agreement or release as to value to property, except livestock, received for transportation concerning which the motor carrier expressly authorizes or requires, by order of the commission, the establishment and maintenance of rates dependent upon the value declared in writing by the shipper or agreed to in writing as the released value of the property.

(c) The declaration or agreement shall have no other effect than to limit liability and recovery to an amount not exceeding the value so declared or agreed upon.

Renumbered and Amended by Chapter 270, 1998 General Session

72-9-402 Limitation of time for presenting claims and bringing suit.

(1) A motor carrier shall allow at least:
(a) 90 days for giving notice of claims for any loss, damage, or injury to property;
(b) four months for the filing of claims; and
(c) two years for the institution of suits.
(2) If the loss or injury complained of is due to delay or damage while being loaded or unloaded, or damage in transit caused by carelessness or negligence, a notice of claim or a filing of claim is not required as a condition precedent to recovery.

Renumbered and Amended by Chapter 270, 1998 General Session

72-9-403 Contribution between connecting motor carriers.

(1) The motor carrier paying for the loss or damage to property transported or received is entitled to recovery from the motor carrier responsible for the loss or damage, or on the motor carrier's line the loss, damage, or injury was sustained.
(2) The amount of the loss or damage is equal to the amount the motor carrier is required to pay to the persons entitled to the recovery.

Renumbered and Amended by Chapter 270, 1998 General Session

72-9-404 Bills of lading -- Form.

Bills of lading issued by any motor carrier for the transportation of goods within this state shall conform to this chapter, rules made under this chapter, and Title 70A, Chapter 7a, Part 3, Bills of Lading - Special Provisions, that are not in conflict with this chapter.

Amended by Chapter 42, 2006 General Session

Part 5
Ports-Of-Entry

72-9-501 Construction, operation, and maintenance of ports-of-entry by the department -- Function of ports-of-entry -- Checking and citation powers of port-of-entry agents.

(1)
(a) The department shall construct ports-of-entry for the purpose of checking motor carriers, drivers, vehicles, and vehicle loads for compliance with state and federal laws including laws relating to:
(i) driver qualifications;
(ii) Title 53, Chapter 3, Part 4, Uniform Commercial Driver License Act;
(iii) vehicle registration;
(iv) fuel tax payment;
(v) vehicle size, weight, and load;

(vi) security or insurance;
(vii) this chapter;
(viii) hazardous material as defined under 49 U.S.C. Sec. 5102; and
(ix) safety.
(b) The ports-of-entry shall be located on state highways at sites determined by the department.
(2)
(a) The ports-of-entry shall be operated and maintained by the department.
(b) A port-of-entry agent or a peace officer may check, inspect, or test drivers, vehicles, and vehicle loads for compliance with state and federal laws specified in Subsection (1).
(3)
(a) A port-of-entry agent or a peace officer, in whose presence an offense described in this section is committed, may:
(i) issue and deliver a misdemeanor or infraction citation under Section 77-7-18;
(ii) request and administer chemical tests to determine blood alcohol concentration in compliance with Section 41-6a-515;
(iii) place a driver out-of-service in accordance with Section 53-3-417; and
(iv) serve a driver with notice of the Driver License Division of the Department of Public Safety's intention to disqualify the driver's privilege to drive a commercial motor vehicle in accordance with Section 53-3-418.
(b) This section does not grant actual arrest powers as defined in Section 77-7-1 to a port-of-entry agent who is not a peace officer or special function officer designated under Title 53, Chapter 13, Peace Officer Classifications.
(4)
(a) A port-of-entry agent, a peace officer, or the Division of Wildlife Resources may inspect, detain, or quarantine a conveyance or equipment in accordance with Sections 23A-10-301 and 23A-10-302.
(b) The department is not responsible for decontaminating a conveyance or equipment detained or quarantined.
(c) The Division of Wildlife Resources may decontaminate, as defined in Section 23A-10-101, a conveyance or equipment at the port-of-entry if authorized by the department.

Amended by Chapter 34, 2023 General Session

72-9-502 Motor vehicles to stop at ports-of-entry -- Signs -- Exceptions -- Rulemaking -- By-pass permits.

(1) Except as provided in Subsections (3) and (5), a motor carrier operating a motor vehicle with a gross vehicle weight or gross combination weight of 26,001 or more pounds, whichever is greater, shall stop at a port-of-entry as required under this section.
(2) The department may erect and maintain signs directing motor vehicles to a port-of-entry as provided in this section.
(3) A motor vehicle required to stop at a port-of-entry under Subsection (1) is exempt from this section if:
(a) the total one-way trip distance for the motor vehicle would be increased by more than 5% or three miles, whichever is greater if diverted to a port-of-entry;
(b) the motor vehicle is operating under a temporary port-of-entry by-pass permit issued under Subsection (4); or
(c) the motor vehicle is an implement of husbandry as defined in Section 41-1a-102 being operated only incidentally on a highway as described in Section 41-1a-202.

(4)
(a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department shall make rules for the issuance of a temporary port-of-entry by-pass permit exempting a motor vehicle from the provisions of Subsection (1) if the department determines that the permit is needed to accommodate highway transportation needs due to multiple daily or weekly trips in the proximity of a port-of-entry.
(b) The rules under Subsection (4)(a) shall provide that one permit may be issued to a motor carrier for multiple motor vehicles.
(5) If a port-of-entry is subject to an agreement entered into pursuant to Section 72-9-503, the department may apply the lowest gross vehicle weight or gross combination weight applicable to the relevant port-of-entry.

Amended by Chapter 473, 2024 General Session

72-9-503 Authority to enter agreement with other states for joint port-of-entry operation.
(1) The executive director of the department may negotiate and enter into bilateral agreements with a representative designated by a contiguous state for the construction, operation, maintenance, and staffing of a jointly occupied port-of-entry.
(2) The agreement may provide for the collection of highway user fees, registration fees, permit fees, fuel taxes, and any other fees and taxes by either state jointly occupying a port-of-entry.
(3) The agreement may provide for the enforcement of state and federal laws as provided in this chapter.

Renumbered and Amended by Chapter 270, 1998 General Session

Part 6
Tow Truck Provisions

Superseded 1/1/2026
72-9-601 Tow truck motor carrier requirements -- Authorized towing certificates.
(1) In addition to the requirements of this chapter, a tow truck motor carrier shall:
(a) ensure that all the tow truck motor carrier's tow truck operators are properly:
(i) trained to operate tow truck equipment;
(ii) licensed, as required under Title 53, Chapter 3, Uniform Driver License Act; and
(iii) complying with the requirements under Sections 41-6a-1406 and 72-9-603;
(b) ensure that all the tow truck motor carrier's tow truck operators:
(i) have cleared the criminal background check required in Subsections 72-9-602(2) and (3); and
(ii) obtain and maintain a valid medical examiner's certificate under 49 C.F.R. Sec. 391.45; and
(c) obtain and display a current authorized towing certificate for the tow truck motor carrier, and each tow truck and tow truck operator, as required under Section 72-9-602.
(2) A tow truck motor carrier may only perform a towing service described in Section 41-6a-1406, 41-6a-1407, or 72-9-603, with a tow truck and tow truck operator that has a current authorized towing certificate under this part.

Amended by Chapter 298, 2017 General Session

Effective 1/1/2026

72-9-601 Tow truck motor carrier requirements -- Authorized towing certificates.

(1) In addition to the requirements of this chapter, a tow truck motor carrier shall:
  (a) ensure that all the tow truck motor carrier's tow truck operators are properly:
    (i) trained to operate tow truck equipment;
    (ii) licensed, as required under Title 53, Chapter 3, Uniform Driver License Act; and
    (iii) complying with the requirements under Sections 41-6a-1406 and 72-9-603;
  (b) ensure that all the tow truck motor carrier's tow truck operators:
    (i) have cleared the criminal background check required in Subsections 72-9-602(2) and (3); and
    (ii) obtain and maintain a valid medical examiner's certificate under 49 C.F.R. Sec. 391.45;
  (c) obtain and display a current authorized towing certificate for the tow truck motor carrier, and each tow truck and tow truck operator, as required under Section 72-9-602; and
  (d) provide to the department, at least once per calendar quarter, information indicating each towing entity dispatch and rotation service of which the tow truck motor carrier is part.
(2) A tow truck motor carrier may only perform a towing service described in Section 41-6a-1406, 41-6a-1407, or 72-9-603, with a tow truck and tow truck operator that has a current authorized towing certificate under this part.

Amended by Chapter 378, 2025 General Session

Superseded 1/1/2026

72-9-602 Towing inspections, investigations, and certification -- Equipment requirements -- Consumer information.

(1)
  (a) The department shall inspect, investigate, and certify tow truck motor carriers, tow trucks, and tow truck operators to ensure compliance with this chapter and compliance with Sections 41-6a-1406 and 41-6a-1407.
  (b) The inspection, investigation, and certification shall be conducted prior to any tow truck operation and at least every two years thereafter.
  (c)
    (i) The department shall issue an authorized towing certificate for each tow truck motor carrier, tow truck, and tow truck operator that complies with this part and rules made by the department in accordance with Subsection (6).
    (ii) The authorized towing certificate described in this section shall expire two years from the month of issuance.
  (d) The department may charge a biennial fee established under Section 63J-1-504 to cover the cost of the inspection, investigation, and certification required under this part.
(2)
  (a) To qualify for an authorized towing certificate described in Subsection (1), a tow truck operator shall:
    (i) submit to a fingerprint-based criminal background check, as described in Subsection (3); and
    (ii) obtain and maintain a valid medical examiner's certificate under 49 C.F.R. Sec. 391.45.
  (b) For each tow truck operator employed, a tow truck motor carrier shall:
    (i) maintain records of the updated background checks and a valid medical examiner's certificate, as required under this section; and
    (ii) biennially, make the records described in Subsection (2)(b)(i) available to the department.

(3)
(a) Before a tow truck motor carrier may hire an individual as a tow truck operator and receive an authorized towing certificate from the department as required in Subsection (2), the tow truck motor carrier shall require the individual to submit to the Department of Public Safety:
(i) a fingerprint card in a form acceptable to the Department of Public Safety; and
(ii) consent to a state and regional fingerprint background check by the Bureau of Criminal Identification.
(b) The Bureau of Criminal Identification shall:
(i) check the fingerprints submitted under this section against the applicable state and regional criminal records databases;
(ii) report the results of the background check to the requesting tow truck motor carrier;
(iii) maintain a separate file of fingerprints submitted under this part for search by future submissions to the local and regional criminal records databases, including latent prints; and
(iv) establish a privacy risk mitigation strategy to ensure that the entity only receives notifications for the individuals with whom the entity maintains an authorizing relationship.
(c)
(i) Except for an individual hired as a tow truck operator before July 1, 2017, the department shall deny an individual's authorized towing certification, and the individual may not operate a tow truck in this state, if the individual has been convicted of any felony offense within the previous two years.
(ii) The department may deny or revoke the authorized towing certification of a tow truck motor carrier that employs an individual who fails to comply with the background check required in this section.
(4) The department shall make available to the public electronically accessible consumer protection information, including a list of all tow truck motor carriers that are currently certified by the department.
(5) The department may deny a tow truck motor carrier's certification if the department has evidence that a tow truck motor carrier's tow truck operator fails to provide copies of the Utah Consumer Bill of Rights Regarding Towing to vehicle owners, as required under Section 72-9-603.
(6) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department shall make rules governing the inspection, investigation, and certification procedures described in this section.

Amended by Chapter 298, 2017 General Session

Effective 1/1/2026
72-9-602 Towing inspections, investigations, and certification -- Equipment requirements -- Consumer information.
(1)
(a) The department shall inspect, investigate, and certify tow truck motor carriers, tow trucks, and tow truck operators to ensure compliance with this chapter and compliance with Sections 41-6a-1406 and 41-6a-1407.
(b) The inspection, investigation, and certification shall be conducted prior to any tow truck operation and at least every two years thereafter.
(c)

(i) The department shall issue an authorized towing certificate for each tow truck motor carrier, tow truck, and tow truck operator that complies with this part and rules made by the department in accordance with Subsection (6).

(ii) The authorized towing certificate described in this section shall expire two years from the month of issuance.

(d) The department may charge a biennial fee established under Section 63J-1-504 to cover the cost of the inspection, investigation, and certification required under this part.

(2)

(a) To qualify for an authorized towing certificate described in Subsection (1), a tow truck operator shall:

(i) submit to a fingerprint-based criminal background check, as described in Subsection (3); and

(ii) obtain and maintain a valid medical examiner's certificate under 49 C.F.R. Sec. 391.45.

(b) For each tow truck operator employed, a tow truck motor carrier shall:

(i) maintain records of the updated background checks and a valid medical examiner's certificate, as required under this section; and

(ii) biennially, make the records described in Subsection (2)(b)(i) available to the department.

(3)

(a) Before a tow truck motor carrier may hire an individual as a tow truck operator and receive an authorized towing certificate from the department as required in Subsection (2), the tow truck motor carrier shall require the individual to submit to the Department of Public Safety:

(i) a fingerprint card in a form acceptable to the Department of Public Safety; and

(ii) consent to a state and regional fingerprint background check by the Bureau of Criminal Identification.

(b) The Bureau of Criminal Identification shall:

(i) check the fingerprints submitted under this section against the applicable state and regional criminal records databases;

(ii) report the results of the background check to the requesting tow truck motor carrier;

(iii) maintain a separate file of fingerprints submitted under this part for search by future submissions to the local and regional criminal records databases, including latent prints; and

(iv) establish a privacy risk mitigation strategy to ensure that the entity only receives notifications for the individuals with whom the entity maintains an authorizing relationship.

(c)

(i) Except for an individual hired as a tow truck operator before July 1, 2017, the department shall deny an individual's authorized towing certification, and the individual may not operate a tow truck in this state, if the individual has been convicted of any felony offense within the previous two years.

(ii) The department may deny or revoke the authorized towing certification of a tow truck motor carrier that employs an individual who fails to comply with the background check required in this section.

(4) The department shall make available to the public electronically accessible consumer protection information, including a list of all tow truck motor carriers that are currently certified by the department.

(5) The department may deny a tow truck motor carrier's certification if the department has evidence that a tow truck motor carrier's tow truck operator fails to provide copies of the Utah Consumer Bill of Rights Regarding Towing to vehicle owners, as required under Section 72-9-603.

(6)

(a) If the department determines that a tow truck motor carrier has violated a provision of this part or an administrative rule made pursuant to this part, the department may:
(i) deny or revoke a tow truck motor carrier's certification under this part;
(ii) impose a civil penalty up to $2,000 for each violation; and
(iii) require the removal of the tow truck motor carrier from a towing dispatch rotation as described in Section 72-9-604.
(b) If the department requires the removal of a tow truck motor carrier from a towing dispatch rotation, contract, or request for proposal as described in Section 72-9-604, the department shall:
(i) notify the Department of Public Safety and any relevant towing entity, as that term is defined in Section 72-9-604, of the removal; and
(ii) notify the tow truck motor carrier of the removal.
(c) A notice described in Subsection (6)(b) shall:
(i) identify the tow truck motor carrier; and
(ii) specify how long the tow truck motor carrier is required to be removed from the towing dispatch rotation.
(7) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department shall make rules governing the inspection, investigation, and certification procedures described in this section.

Amended by Chapter 378, 2025 General Session

72-9-602.5 Certificate by endorsement.
(1) As used in this section, "license" means an authorization that permits the holder to engage in the practice of a profession described in Section 72-9-602.
(2) Subject to Subsections (4) through (6), the department shall issue a certificate described in Section 72-9-602 to an applicant who has been licensed in another state, district, or territory of the United States if:
(a) the department determines that the license issued by the other state, district, or territory encompasses a similar scope of practice as the certificate;
(b) the applicant has at least one year of experience practicing under the license issued in the other state, district, or territory; and
(c) the applicant's license is in good standing in the other state, district, or territory.
(3) Subject to Subsections (4) through (6), the department may issue a certificate described in Section 72-9-602 to an applicant who:
(a) has been licensed in another state, district, or territory of the United States, or in a jurisdiction outside of the United States, if:
(i)
(A) the department determines that the applicant's education, experience, and skills demonstrate competency in the occupation for which certification is sought; and
(B) the applicant has at least one year of experience practicing under the license issued in the other state, district, territory, or jurisdiction; or
(ii) the department determines that the licensure requirements of the other state, district, territory, or jurisdiction at the time the license was issued were substantially similar to the requirements for the certificate; or
(b) has never been licensed in a state, district, or territory of the United States, or in a jurisdiction outside of the United States, if:

(i) the applicant was educated in or obtained relevant experience in a state, district, or territory of the United States, or a jurisdiction outside of the United States; and
(ii) the department determines that the education or experience was substantially similar to the education or experience requirements for the certificate.
(4) The department may refuse to issue a certificate to an applicant under this section if:
(a) the department determines that there is reasonable cause to believe that the applicant is not qualified to receive the certificate; or
(b) the applicant has a previous or pending disciplinary action related to the applicant's other license.
(5) Before the department issues a certificate to an applicant under this section, the applicant shall:
(a) pay a fee determined by the department under Section 63J-1-504; and
(b) produce satisfactory evidence of the applicant's identity, qualifications, and good standing in the occupation for which certification is sought.
(6) The department may make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, prescribing the administration and requirements of this section.

Enacted by Chapter 222, 2023 General Session

Superseded 1/1/2026

72-9-603 Towing notice requirements -- Cost responsibilities -- Abandoned vehicle title restrictions -- Rules for maximum rates and certification.

(1) Except for a tow truck service that was ordered by a peace officer, a person acting on behalf of a law enforcement agency, or a highway authority, after performing a tow truck service that is being done without the vehicle, vessel, or outboard motor owner's knowledge, the tow truck operator or the tow truck motor carrier shall:
(a) immediately upon arriving at the place of storage or impound of the vehicle, vessel, or outboard motor:
(i) provide relevant information to the impound vehicle service system database administered by the Motor Vehicle Division, including:
(A) the date and time of the removal of the vehicle, vessel, or outboard motor;
(B) a description of the vehicle, vessel, or outboard motor; and
(C) the vehicle identification number or vessel or outboard motor identification number; and
(ii) contact the law enforcement agency having jurisdiction over the area where the vehicle, vessel, or outboard motor was picked up and notify the agency of the:
(A) location of the vehicle, vessel, or outboard motor;
(B) date, time, and location from which the vehicle, vessel, or outboard motor was removed;
(C) reasons for the removal of the vehicle, vessel, or outboard motor;
(D) person who requested the removal of the vehicle, vessel, or outboard motor; and
(E) description, including the identification number, license number, or other identification number issued by a state agency, of the vehicle, vessel, or outboard motor;
(b) within two business days of performing the tow truck service under Subsection (1)(a), send a certified letter to the last-known address of each party described in Subsection 41-6a-1406(6)(a) with an interest in the vehicle, vessel, or outboard motor obtained from the Motor Vehicle Division or, if the person has actual knowledge of the party's address, to the current address, notifying the party of the:
(i) location of the vehicle, vessel, or outboard motor;
(ii) date, time, and location from which the vehicle, vessel, or outboard motor was removed;
(iii) reasons for the removal of the vehicle, vessel, or outboard motor;

(iv) person who requested the removal of the vehicle, vessel, or outboard motor;
(v) a description, including its identification number and license number or other identification number issued by a state agency; and
(vi) costs and procedures to retrieve the vehicle, vessel, or outboard motor; and
(c) upon initial contact with the owner whose vehicle, vessel, or outboard motor was removed, provide the owner with a copy of the Utah Consumer Bill of Rights Regarding Towing established by the department in Subsection (16)(e).
(2) Until the tow truck operator or tow truck motor carrier reports the information required under Subsection (1)(a), a tow truck operator, tow truck motor carrier, or impound yard may not:
(a) collect any fee associated with the removal; or
(b) begin charging storage fees.
(3)
(a) Except as provided in Subsection (3)(b) or (9), a tow truck operator or tow truck motor carrier may not perform a tow truck service at the request or direction of a private property owner or the property owner's agent unless:
(i) the owner or a lien holder of the vehicle, vessel, or outboard motor consents to the tow truck service; or
(ii) the property owner erects signage that meets the requirements of:
(A) Subsection (4)(b)(ii); and
(B) Subsection (7) or (8).
(b) Subsections (7) through (9) do not apply to the removal of a vehicle, vessel, or outboard motor:
(i) from a location where parking is prohibited by law, including:
(A) a designated fire lane;
(B) within 15 feet of a fire hydrant, unless the vehicle is parked in a marked parking stall or space; or
(C) a marked parking stall or space legally designated for disabled persons;
(ii) from a location where it is reasonably apparent that the location is not open to parking;
(iii) from a location where all public access points are controlled by:
(A) a permanent gate, door, or similar feature allowing the vehicle to access the facility; or
(B) a parking attendant;
(iv) from a location that materially interferes with access to private property;
(v) from the property of a detached single-family dwelling or duplex; or
(vi) pursuant to a legal repossession.
(4)
(a) A private property owner may, subject to the requirements of a local ordinance, enforce parking restrictions by:
(i) authorizing a tow truck motor carrier to patrol and monitor the property and enforce parking restrictions on behalf of the property owner in accordance with Subsection (7);
(ii) enforcing parking restrictions as needed by requesting a tow from a tow truck motor carrier on a case-by-case basis in accordance with Subsection (8); or
(iii) requesting a tow from a tow truck motor carrier after providing 24-hour written notice in accordance with Subsection (9).
(b)
(i) Any agreement between a private property owner and tow truck motor carrier authorizing the tow truck motor carrier to patrol and monitor the property under Subsection (4)(a)(i) shall include specific terms and conditions for the tow truck motor carrier to remove a vehicle, vessel, or outboard motor from the property.

(ii) In addition to the signage described in Subsection (7) or (8), a private property owner who allows public parking shall erect appropriate signage on the property indicating clear instructions for parking at the property.

(iii) Where a single parking area includes abutting parcels of property owned by two or more private property owners who enforce different parking restrictions under Subsection (7) or (8), each property owner shall, in addition to the requirements under Subsection (7) or (8), erect signage as required by this section:

(A) at each entrance to the property owner's parcel from another property owner's parcel; and

(B) if there is no clearly defined entrance between one property owner's parcel and another property owner's parcel, at intervals of 40 feet or less along the line dividing the property owner's parcel from the other property owner's parcel.

(iv) Where there is no clearly defined entrance to a parking area from a highway, the property owner shall erect signage as required by this section at intervals of 40 feet or less along any portion of a property line where a vehicle, vessel, or outboard motor may enter the parking area.

(5) Nothing in Subsection (3) or (4) restricts the ability of a private property owner from, subject to the provisions of this section, instituting and enforcing regulations for parking at the property.

(6) In addition to any other powers provided by law, a political subdivision or state agency may:

(a) enforce parking restrictions in accordance with Subsections (7) through (9) on property that is:

(i) owned by the political subdivision or state agency;

(ii) located outside of the public right-of-way; and

(iii) open to public parking; and

(b) request or direct a tow truck service in order to abate a public nuisance on private property over which the political subdivision or state agency has jurisdiction.

(7) For private property where parking is enforced under Subsection (4)(a)(i), the property owner shall ensure that each entrance to the property has the following signs located on the property and clearly visible to the driver of a vehicle entering the property:

(a) a top sign that is 24 inches tall by 18 inches wide and has:

(i) a blue, reflective background with a 1/2 inch white border;

(ii) two-inch, white letters at the top of the sign with the capitalized words "Lot is Patrolled";

(iii) a white towing logo that is six inches tall and 16 inches wide that depicts an entire tow truck, a tow hook, and an entire vehicle being towed; and

(iv) two-inch, white letters at the bottom of the sign with the capitalized words "Towing Enforced"; and

(b) a bottom sign that is 24 inches tall by 18 inches wide with a 1/2 inch white, reflective border, and has:

(i) a top half that is red background with white, reflective letters indicating:

(A) who is authorized to park or restricted from parking at the property; and

(B) any type of vehicle prohibited from parking at the property; and

(ii) a bottom half that has a white, reflective background with red letters indicating:

(A) the name and telephone number of the tow truck motor carrier that the property owner has authorized to patrol the property; and

(B) the Internet web address "tow.utah.gov".

(8) For private property where parking is enforced under Subsection (4)(a)(ii):

(a) a tow truck motor carrier may not:

(i) patrol and monitor the property;

(ii) perform a tow truck service without the written or verbal request of the property owner or the property owner's agent; or

(iii) act as the property owner's agent to request a tow truck service; and

(b) the property owner shall ensure that each entrance to the property has a clearly visible sign located on the property that is 24 inches tall by 18 inches wide with a 1/2 inch white, reflective border, and has:

(i) at the top of the sign, a blue background with a white, reflective towing logo that is at least four inches tall and 16 inches wide that depicts an entire tow truck, a tow hook, and an entire vehicle being towed;

(ii) immediately below the towing logo described in Subsection (8)(b)(i), a blue background with white, reflective letters at least two inches tall with the capitalized words "Towing Enforced";

(iii) in the middle of the sign, a red background with white, reflective letters at least one inch tall indicating:

(A) who is authorized to park or restricted from parking at the property; and

(B) any type of vehicle prohibited from parking at the property; and

(iv) at the bottom of the sign, a white, reflective background with red letters at least one inch tall indicating:

(A) either:

(I) the name and telephone number of the property owner or the property owner's agent who is authorized to request a tow truck service; or

(II) the name and telephone number of the tow truck motor carrier that provides tow truck services for the property; and

(B) the Internet web address "tow.utah.gov".

(9)

(a) For private property without signage meeting the requirements of Subsection (7) or (8), the property owner may request a tow truck motor carrier to remove a vehicle, vessel, or outboard motor from the private property 24 hours after the property owner or the property owner's agent affixes a written notice to the vehicle, vessel, or outboard motor in accordance with this Subsection (9).

(b) The written notice described in Subsection (9)(a) shall:

(i) indicate the exact time when the written notice is affixed to the vehicle, vessel, or outboard motor;

(ii) warn the owner of the vehicle, vessel, or outboard motor that the vehicle, vessel, or outboard motor will be towed from the property if it is not removed within 24 hours after the time indicated in Subsection (9)(b)(i);

(iii) be at least four inches tall and four inches wide; and

(iv) be affixed to the vehicle, vessel, or outboard motor at a conspicuous location on the driver's side window of the vehicle, vessel, or outboard motor.

(c) A property owner may authorize a tow truck motor carrier to act as the property owner's agent for purposes of affixing the written notice described in Subsection (9)(a) to a vehicle, vessel, or outboard motor.

(10) The department shall publish on the department Internet website the signage requirements and written notice requirements and illustrated or photographed examples of the signage and written notice requirements described in Subsections (7) through (9).

(11) It is an affirmative defense to any claim, based on the lack of notice, that arises from the towing of a vehicle, vessel, or outboard motor from private property that the property had signage meeting the requirements of:

(a) Subsection (4)(b)(ii); and

(b) Subsection (7) or (8).

(12) The party described in Subsection 41-6a-1406(6)(a) with an interest in a vehicle, vessel, or outboard motor lawfully removed is only responsible for paying:
(a) the tow truck service and storage fees set in accordance with Subsection (16); and
(b) the administrative impound fee set in Section 41-6a-1406, if applicable.
(13)
(a) The fees under Subsection (12) are a possessory lien on the vehicle, vessel, or outboard motor and any nonlife essential items contained in the vehicle, vessel, or outboard motor that are owned by the owner of the vehicle, vessel, or outboard motor until paid.
(b) The tow truck operator or tow truck motor carrier shall securely store the vehicle, vessel, or outboard motor and items described in Subsection (13)(a) in an approved state impound yard until a party described in Subsection 41-6a-1406(6)(a) with an interest in the vehicle, vessel, or outboard motor:
(i) pays the fees described in Subsection (12); and
(ii) removes the vehicle, vessel, or outboard motor from the state impound yard.
(14)
(a) A vehicle, vessel, or outboard motor shall be considered abandoned if a party described in Subsection 41-6a-1406(6)(a) with an interest in the vehicle, vessel, or outboard motor does not, within 30 days after notice has been sent under Subsection (1)(b):
(i) pay the fees described in Subsection (12); and
(ii) remove the vehicle, vessel, or outboard motor from the secure storage facility.
(b) A person may not request a transfer of title to an abandoned vehicle, vessel, or outboard motor until at least 30 days after notice has been sent under Subsection (1)(b).
(15)
(a) A tow truck motor carrier or impound yard shall clearly and conspicuously post and disclose all its current fees, rates, and acceptable forms of payment for tow truck service and storage of a vehicle in accordance with rules established under Subsection (16).
(b) A tow truck operator, a tow truck motor carrier, and an impound yard shall accept payment by cash and debit or credit card for a tow truck service under Subsection (1) or any service rendered, performed, or supplied in connection with a tow truck service under Subsection (1).
(16) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department shall:
(a) subject to the restriction in Subsection (17), set maximum rates that:
(i) a tow truck motor carrier may charge for the tow truck service of a vehicle, vessel, or outboard motor that are transported in response to:
(A) a peace officer dispatch call;
(B) a motor vehicle division call; and
(C) any other call or request where the owner of the vehicle, vessel, or outboard motor has not consented to the removal;
(ii) an impound yard may charge for the storage of a vehicle, vessel, or outboard motor stored as a result of one of the conditions listed under Subsection (16)(a)(i); and
(iii) an impound yard may charge for the after-hours release of a vehicle, vessel, or outboard motor stored as a result of one of the conditions described in Subsection (16)(a)(i);
(b) establish authorized towing certification requirements, not in conflict with federal law, related to incident safety, clean-up, and hazardous material handling;
(c) specify the form and content of the posting and disclosure of fees and rates charged and acceptable forms of payment by a tow truck motor carrier or impound yard;
(d) set a maximum rate for an administrative fee that a tow truck motor carrier may charge for reporting the information required under Subsection (1)(a)(i) and providing notice of the

removal to each party described in Subsection 41-6a-1406(6)(a) with an interest in the vehicle, vessel, or outboard motor as required in Subsection (1)(b);

(e) establish a Utah Consumer Bill of Rights Regarding Towing form that contains specific information regarding:

(i) a vehicle owner's rights and responsibilities if the owner's vehicle is towed;

(ii) identifies the maximum rates that a tow truck motor carrier may charge for the tow truck service of a vehicle, vessel, or outboard motor that is transported in response to a call or request where the owner of the vehicle, vessel, or outboard motor has not consented to the removal; and

(iii) identifies the maximum rates that an impound yard may charge for the storage of vehicle, vessel, or outboard motor that is transported in response to a call or request where the owner of the vehicle, vessel, or outboard motor has not consented to the removal; and

(f) set a maximum rate for an after-hours fee allowed under Subsection (19)(b).

(17) An impound yard may not charge a fee for the storage of an impounded vehicle, vessel, or outboard motor if:

(a) the vehicle, vessel, or outboard motor is being held as evidence; and

(b) the vehicle, vessel, or outboard motor is not being released to a party described in Subsection 41-6a-1406(6)(a), even if the party satisfies the requirements to release the vehicle, vessel, or outboard motor under Section 41-6a-1406.

(18)

(a)

(i) A tow truck motor carrier may charge a rate up to the maximum rate set by the department in rules made under Subsection (16).

(ii) In addition to the maximum rates established under Subsection (16) and when receiving payment by credit card, a tow truck operator, a tow truck motor carrier, or an impound yard may charge a credit card processing fee of 3% of the transaction total.

(b) A tow truck motor carrier may not be required to maintain insurance coverage at a higher level than required in rules made pursuant to Subsection (16).

(19) When a tow truck motor carrier or impound lot is in possession of a vehicle, vessel, or outboard motor as a result of a tow service that was performed without the consent of the owner, and that was not ordered by a peace officer or a person acting on behalf of a law enforcement agency, the tow truck motor carrier or impound yard shall make personnel available:

(a) by phone 24 hours a day, seven days a week; and

(b) to release the impounded vehicle, vessel, or outboard motor to the owner within one hour of when the owner calls the tow truck motor carrier or impound yard.

(20) A tow truck motor carrier or a tow truck operator may not:

(a) share contact or other personal information of an owner of a vehicle, vessel, or outboard motor for which the tow truck motor carrier or tow truck operator has performed a tow service; and

(b) receive payment for referring a person for whom the tow truck motor carrier or tow truck operator has performed a tow service to another service, including:

(i) a lawyer referral service;

(ii) a medical provider;

(iii) a funding agency;

(iv) a marketer for any service described in Subsections (20)(b)(i) through (iii);

(v) a marketer for any other service; or

(vi) a third party vendor.

Amended by Chapter 134, 2024 General Session

Effective 1/1/2026

72-9-603 Towing notice requirements -- Cost responsibilities -- Abandoned vehicle title restrictions -- Rules for maximum rates and certification.

(1) Except for a tow truck service that was ordered by a peace officer, a person acting on behalf of a law enforcement agency, or a highway authority, after performing a tow truck service that is being done without the vehicle, vessel, or outboard motor owner's knowledge, the tow truck operator or the tow truck motor carrier shall:

(a) immediately upon arriving at the place of storage or impound of the vehicle, vessel, or outboard motor:

(i) provide relevant information to the impound vehicle service system database administered by the Motor Vehicle Division, including:

(A) the date and time of the removal of the vehicle, vessel, or outboard motor;

(B) a description of the vehicle, vessel, or outboard motor; and

(C) the vehicle identification number or vessel or outboard motor identification number; and

(ii) contact the law enforcement agency having jurisdiction over the area where the vehicle, vessel, or outboard motor was picked up and notify the agency of the:

(A) location of the vehicle, vessel, or outboard motor;

(B) date, time, and location from which the vehicle, vessel, or outboard motor was removed;

(C) reasons for the removal of the vehicle, vessel, or outboard motor;

(D) person who requested the removal of the vehicle, vessel, or outboard motor; and

(E) description, including the identification number, license number, or other identification number issued by a state agency, of the vehicle, vessel, or outboard motor;

(b) except for a vehicle, vessel, or outboard motor that has been retrieved by the owner or operator, within two business days of performing the tow truck service under Subsection (1)(a), send a certified letter to the last-known address of each party described in Subsection 41-6a-1406(6)(a) with an interest in the vehicle, vessel, or outboard motor obtained from the Motor Vehicle Division or, if the person has actual knowledge of the party's address, to the current address, notifying the party of the:

(i) location of the vehicle, vessel, or outboard motor;

(ii) date, time, and location from which the vehicle, vessel, or outboard motor was removed;

(iii) reasons for the removal of the vehicle, vessel, or outboard motor;

(iv) person who requested the removal of the vehicle, vessel, or outboard motor;

(v) a description, including its identification number and license number or other identification number issued by a state agency; and

(vi) costs and procedures to retrieve the vehicle, vessel, or outboard motor; and

(c) upon initial contact with the owner or operator whose vehicle, vessel, or outboard motor was removed, provide the owner or operator with a copy of the Utah Consumer Bill of Rights Regarding Towing established by the department in Subsection (16)(e).

(2) Until the tow truck operator or tow truck motor carrier reports the information required under Subsection (1)(a), a tow truck operator, tow truck motor carrier, or impound yard may not:

(a) collect any fee associated with the removal; or

(b) begin charging storage fees.

(3)

(a) Except as provided in Subsection (3)(b) or (9), a tow truck operator or tow truck motor carrier may not perform a tow truck service at the request or direction of a private property owner or the property owner's agent unless:
(i) the owner or a lien holder of the vehicle, vessel, or outboard motor consents to the tow truck service; or
(ii) the property owner erects signage that meets the requirements of:
(A) Subsection (4)(b)(ii); and
(B) Subsection (7) or (8).
(b) Subsections (7) through (9) do not apply to the removal of a vehicle, vessel, or outboard motor:
(i) from a location where parking is prohibited by law, including:
(A) a designated fire lane;
(B) within 15 feet of a fire hydrant, unless the vehicle is parked in a marked parking stall or space; or
(C) a marked parking stall or space legally designated for disabled persons;
(ii) from a location where it is reasonably apparent that the location is not open to parking;
(iii) from a location where all public access points are controlled by:
(A) a permanent gate, door, or similar feature allowing the vehicle to access the facility; or
(B) a parking attendant;
(iv) from a location that materially interferes with access to private property;
(v) from the property of a detached single-family dwelling or duplex; or
(vi) pursuant to a legal repossession.
(4)
(a) A private property owner may, subject to the requirements of a local ordinance, enforce parking restrictions by:
(i) authorizing a tow truck motor carrier to patrol and monitor the property and enforce parking restrictions on behalf of the property owner in accordance with Subsection (7);
(ii) enforcing parking restrictions as needed by requesting a tow from a tow truck motor carrier on a case-by-case basis in accordance with Subsection (8); or
(iii) requesting a tow from a tow truck motor carrier after providing 24-hour written notice in accordance with Subsection (9).
(b)
(i) Any agreement between a private property owner and tow truck motor carrier authorizing the tow truck motor carrier to patrol and monitor the property under Subsection (4)(a)(i) shall include specific terms and conditions for the tow truck motor carrier to remove a vehicle, vessel, or outboard motor from the property.
(ii) In addition to the signage described in Subsection (7) or (8), a private property owner who allows public parking shall erect appropriate signage on the property indicating clear instructions for parking at the property.
(iii) Where a single parking area includes abutting parcels of property owned by two or more private property owners who enforce different parking restrictions under Subsection (7) or (8), each property owner shall, in addition to the requirements under Subsection (7) or (8), erect signage as required by this section:
(A) at each entrance to the property owner's parcel from another property owner's parcel; and
(B) if there is no clearly defined entrance between one property owner's parcel and another property owner's parcel, at intervals of 40 feet or less along the line dividing the property owner's parcel from the other property owner's parcel.

(iv) Where there is no clearly defined entrance to a parking area from a highway, the property owner shall erect signage as required by this section at intervals of 40 feet or less along any portion of a property line where a vehicle, vessel, or outboard motor may enter the parking area.

(5) Nothing in Subsection (3) or (4) restricts the ability of a private property owner from, subject to the provisions of this section, instituting and enforcing regulations for parking at the property.

(6) In addition to any other powers provided by law, a political subdivision or state agency may:

(a) enforce parking restrictions in accordance with Subsections (7) through (9) on property that is:

(i) owned by the political subdivision or state agency;

(ii) located outside of the public right-of-way; and

(iii) open to public parking; and

(b) request or direct a tow truck service in order to abate a public nuisance on private property over which the political subdivision or state agency has jurisdiction.

(7) For private property where parking is enforced under Subsection (4)(a)(i), the property owner shall ensure that each entrance to the property has signs located on the property and clearly visible to the driver of a vehicle entering the property that substantially comply with the following, as determined by the department:

(a) a top sign that is 24 inches tall by 18 inches wide and has:

(i) a blue, reflective background with a 1/2 inch white border;

(ii) two-inch, white letters at the top of the sign with the capitalized words "Lot is Patrolled";

(iii) a white towing logo that is six inches tall and 16 inches wide that depicts an entire tow truck, a tow hook, and an entire vehicle being towed; and

(iv) two-inch, white letters at the bottom of the sign with the capitalized words "Towing Enforced"; and

(b) a bottom sign that is 24 inches tall by 18 inches wide with a 1/2 inch white, reflective border, and has:

(i) a top half that is red background with white, reflective letters indicating:

(A) who is authorized to park or restricted from parking at the property; and

(B) any type of vehicle prohibited from parking at the property; and

(ii) a bottom half that has a white, reflective background with red letters indicating:

(A) the name and telephone number of the tow truck motor carrier that the property owner has authorized to patrol the property; and

(B) the Internet web address "tow.utah.gov".

(8)

(a) For private property where parking is enforced under Subsection (4)(a)(ii):

(i) a tow truck motor carrier may not:

(A) patrol and monitor the property;

(B) perform a tow truck service without the written or verbal request of the property owner or the property owner's agent; or

(C) act as the property owner's agent to request a tow truck service.

(b) For private property where parking is enforced under Subsection (4)(a)(ii), the property owner shall ensure that each entrance to the property has a clearly visible sign located on the property that substantially follows the following format, as determined by the department:

(i) the sign is 24 inches tall by 18 inches wide with a 1/2 inch white, reflective border, and has:

(A) at the top of the sign, a blue background with a white, reflective towing logo that is at least four inches tall and 16 inches wide that depicts an entire tow truck, a tow hook, and an entire vehicle being towed;

(B) immediately below the towing logo described in Subsection (8)(b)(i)(A), a blue background with white, reflective letters at least two inches tall with the capitalized words "Towing Enforced";

(C) in the middle of the sign, a red background with white, reflective letters at least one inch tall indicating who is authorized to park or restricted from parking at the property, and any type of vehicle prohibited from parking at the property; and

(ii) at the bottom of the sign, a white, reflective background with red letters at least one inch tall indicating:

(A) either the name and telephone number of the property owner or the property owner's agent who is authorized to request a tow truck service, or the name and telephone number of the tow truck motor carrier that provides tow truck services for the property; and

(B) the Internet web address "tow.utah.gov".

(c) If a dispute arises regarding whether a sign required under this section substantially complies with the requirements of this section, the department shall determine whether the sign substantially complies.

(9)

(a) For private property without signage substantially meeting the requirements of Subsection (7) or (8), as determined by the department, the property owner may request a tow truck motor carrier to remove a vehicle, vessel, or outboard motor from the private property 24 hours after the property owner or the property owner's agent affixes a written notice to the vehicle, vessel, or outboard motor in accordance with this Subsection (9).

(b) The written notice described in Subsection (9)(a) shall:

(i) indicate the exact time when the written notice is affixed to the vehicle, vessel, or outboard motor;

(ii) warn the owner of the vehicle, vessel, or outboard motor that the vehicle, vessel, or outboard motor will be towed from the property if it is not removed within 24 hours after the time indicated in Subsection (9)(b)(i);

(iii) be at least four inches tall and four inches wide; and

(iv) be affixed to the vehicle, vessel, or outboard motor at a conspicuous location on the driver's side window of the vehicle, vessel, or outboard motor.

(c) A property owner may authorize a tow truck motor carrier to act as the property owner's agent for purposes of affixing the written notice described in Subsection (9)(a) to a vehicle, vessel, or outboard motor.

(10) The department shall publish on the department Internet website the signage requirements and written notice requirements and illustrated or photographed examples of the signage and written notice requirements described in Subsections (7) through (9).

(11) It is an affirmative defense to any claim, based on the lack of notice, that arises from the towing of a vehicle, vessel, or outboard motor from private property that the property had signage meeting the requirements of:

(a) Subsection (4)(b)(ii); and

(b) Subsection (7) or (8).

(12) An individual described in Subsection 41-6a-1406(7)(f)(i) or a party described in Subsection 41-6a-1406(6)(a) with an interest in a vehicle, vessel, or outboard motor lawfully removed is only responsible for paying:

(a) the tow truck service and storage fees set in accordance with Subsection (16); and

(b) the administrative impound fee set in Section 41-6a-1406, if applicable.

(13)

(a) As used in this Subsection (13), "life essential item" means:

(i) prescription medication;
(ii) medical equipment;
(iii) shoes;
(iv) coats;
(v) food and water;
(vi) child safety seats;
(vii) government-issued photo identification; and
(viii) human remains.

(b) The fees under Subsection (12) are a possessory lien on the vehicle, vessel, or outboard motor.

(c) Towing fees are a possessory lien on the vehicle, vessel, or outboard motor and any nonlife essential items contained in the vehicle, vessel, or outboard motor.

(d) Except for a vehicle, vessel, or outboard motor being held as evidence, a tow truck operator, a tow truck motor carrier, or an impound yard shall allow a party described in Subsection 41-6a-1406(6)(a) with an interest in the vehicle, vessel, or outboard motor or an individual described in Subsection 41-6a-1406(7)(f)(i) to take possession of any life essential item within the vehicle, vessel, or outboard motor during normal business hours regardless of whether the towing, impound fees, or storage fees have been paid.

(e) Except for a vehicle, vessel, or outboard motor being held as evidence, upon payment of the towing fee, a tow truck operator, a tow truck motor carrier, or an impound yard shall allow a party described in Subsection 41-6a-1406(6)(a) with an interest in the vehicle, vessel, or outboard motor or an individual described in Subsection 41-6a-1406(7)(f)(i) to enter the vehicle, vessel, or outboard motor during normal business hours and remove personal property not attached to the vehicle, vessel, or outboard motor.

(f) The tow truck operator or tow truck motor carrier shall securely store the vehicle, vessel, or outboard motor and items described in Subsection (13)(a) in an approved state impound yard until a party described in Subsection 41-6a-1406(6)(a) with an interest in the vehicle, vessel, or outboard motor:
(i) pays the fees described in Subsection (12); and
(ii) removes the vehicle, vessel, or outboard motor from the state impound yard.

(14)

(a) A vehicle, vessel, or outboard motor shall be considered abandoned if a party described in Subsection 41-6a-1406(6)(a) with an interest in the vehicle, vessel, or outboard motor or an individual described in Subsection 41-6a-1406(7)(f)(i) does not, within 30 days after notice has been sent under Subsection (1)(b):
(i) pay the fees described in Subsection (12); and
(ii) remove the vehicle, vessel, or outboard motor from the secure storage facility.

(b) A person may not request a transfer of title to an abandoned vehicle, vessel, or outboard motor until at least 30 days after notice has been sent under Subsection (1)(b).

(15)

(a) A tow truck motor carrier or impound yard shall clearly and conspicuously post and disclose all its current fees, rates, and acceptable forms of payment for tow truck service and storage of a vehicle in accordance with rules established under Subsection (16).

(b) A tow truck operator, a tow truck motor carrier, and an impound yard shall accept payment by cash and debit or credit card for a tow truck service under Subsection (1) or any service rendered, performed, or supplied in connection with a tow truck service under Subsection (1).

(16) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department shall:

(a) subject to the restriction in Subsection (17), set maximum rates that:
(i) a tow truck motor carrier may charge for the tow truck service of a vehicle, vessel, or outboard motor that are transported in response to:
(A) a peace officer dispatch call;
(B) a motor vehicle division call; and
(C) any other call or request where the owner of the vehicle, vessel, or outboard motor has not consented to the removal;
(ii) an impound yard may charge for the storage of a vehicle, vessel, or outboard motor stored as a result of one of the conditions listed under Subsection (16)(a)(i); and
(iii) an impound yard may charge for the after-hours release of a vehicle, vessel, or outboard motor stored as a result of one of the conditions described in Subsection (16)(a)(i);
(b) establish authorized towing certification requirements, not in conflict with federal law, related to incident safety, clean-up, and hazardous material handling;
(c) specify the form and content of the posting and disclosure of fees and rates charged and acceptable forms of payment by a tow truck motor carrier or impound yard;
(d) set a maximum rate for an administrative fee that a tow truck motor carrier may charge for reporting the information required under Subsection (1)(a)(i) and providing notice of the removal to each party described in Subsection 41-6a-1406(6)(a) with an interest in the vehicle, vessel, or outboard motor as required in Subsection (1)(b);
(e) establish a Utah Consumer Bill of Rights Regarding Towing form that contains specific information regarding:
(i) a vehicle owner's or operator's rights and responsibilities if the owner's vehicle is towed;
(ii) identifies the maximum rates that a tow truck motor carrier may charge for the tow truck service of a vehicle, vessel, or outboard motor that is transported in response to a call or request where the owner of the vehicle, vessel, or outboard motor has not consented to the removal; and
(iii) identifies the maximum rates that an impound yard may charge for the storage of vehicle, vessel, or outboard motor that is transported in response to a call or request where the owner of the vehicle, vessel, or outboard motor has not consented to the removal; and
(f) set a maximum rate for an after-hours fee allowed under Subsection (19)(b).

(17) An impound yard may not charge a fee for the storage of an impounded vehicle, vessel, or outboard motor if:
(a) the vehicle, vessel, or outboard motor is being held as evidence; and
(b) the vehicle, vessel, or outboard motor is not being released to a party described in Subsection 41-6a-1406(6)(a) or an individual described in Subsection 41-6a-1406(7)(f)(i), even if the party satisfies the requirements to release the vehicle, vessel, or outboard motor under Section 41-6a-1406.

(18)
(a)
(i) A tow truck motor carrier may charge a rate up to the maximum rate set by the department in rules made under Subsection (16).
(ii) In addition to the maximum rates established under Subsection (16) and when receiving payment by credit card or debit card, a tow truck operator, a tow truck motor carrier, or an impound yard may charge a card processing fee of 3% of the transaction total.
(b) A tow truck motor carrier may not be required to maintain insurance coverage at a higher level than required in rules made pursuant to Subsection (16).

(19) When a tow truck motor carrier or impound lot is in possession of a vehicle, vessel, or outboard motor as a result of a tow service that was performed without the consent of the

owner, and that was not ordered by a peace officer or a person acting on behalf of a law enforcement agency, the tow truck motor carrier or impound yard shall make personnel available:

(a) by phone 24 hours a day, seven days a week; and

(b) to release the impounded vehicle, vessel, or outboard motor to the owner within one hour of when the owner calls the tow truck motor carrier or impound yard.

(20) A tow truck motor carrier or a tow truck operator may not:

(a) share contact or other personal information of an owner of a vehicle, vessel, or outboard motor or a party described in Subsection 41-6a-1406(6)(a) for which the tow truck motor carrier or tow truck operator has performed a tow service; and

(b) receive payment for referring a person for whom the tow truck motor carrier or tow truck operator has performed a tow service to another service, including:

(i) a lawyer referral service;

(ii) a medical provider;

(iii) a funding agency;

(iv) a marketer for any service described in Subsections (20)(b)(i) through (iii);

(v) a marketer for any other service; or

(vi) a third party vendor.

Amended by Chapter 378, 2025 General Session

Superseded 1/1/2026

72-9-604 Preemption of local authorities -- Tow trucks.

(1) As used in this section:

(a) "Abandoned" means a vehicle, vessel, or outboard motor for which a party described in Subsection 41-6a-1406(6)(a) with an interest in the vehicle, vessel, or outboard motor does not, within 30 days after notice that the vehicle, vessel, or outboard motor was towed by a towing entity:

(i) pay the relevant fees; and

(ii) remove the vehicle, vessel, or outboard motor from the secure storage facility.

(b) "Towing entity" means:

(i) a political subdivision of this state;

(ii) a state agency;

(iii) an interlocal agency created under Title 11, Chapter 13, Interlocal Cooperation Act; or

(iv) a special service district created under Title 17D, Chapter 1, Special Service District Act.

(2)

(a) Notwithstanding any other provision of law, a political subdivision of this state may neither enact nor enforce any ordinance, regulation, or rule pertaining to a tow truck motor carrier, tow truck operator, or tow truck that conflicts with:

(i) any provision of this part;

(ii) Section 41-6a-1401;

(iii) Section 41-6a-1407; or

(iv) rules made by the department under this part.

(b) A county or municipal legislative governing body may not charge a fee for the storage of an impounded vehicle, vessel, or outboard motor if the county or municipality:

(i) is holding the vehicle, vessel, or outboard motor as evidence; and

(ii) will not release the vehicle, vessel, or outboard motor to the registered owner, lien holder, or the owner's agent even if the registered owner, lien holder, or the owner's agent satisfies the requirements to release the vehicle, vessel, or outboard motor under Section 41-6a-1406.

(3) A tow truck motor carrier that has a county or municipal business license for a place of business located within that county or municipality may not be required to obtain another business license in order to perform a tow truck service in another county or municipality if there is not a business location in the other county or municipality.

(4) A county or municipal legislative or governing body may not require a tow truck motor carrier, tow truck, or tow truck operator that has been issued a current, authorized towing certificate by the department, as described in Section 72-9-602, to obtain an additional towing certificate.

(5) A county or municipal legislative body may require an annual tow truck safety inspection in addition to the inspections required under Sections 53-8-205 and 72-9-602 if:

(a) no fee is charged for the inspection; and

(b) the inspection complies with federal motor carrier safety regulations.

(6)

(a) A tow truck shall be subject to only one annual safety inspection under Subsection (5)(b).

(b) A county or municipality that requires the additional annual safety inspection shall accept the same inspection performed by another county or municipality.

(7)

(a)

(i) If a towing entity uses a towing dispatch vendor described in Section 53-1-106.2, the towing entity may charge a fee to cover costs associated with the use of a dispatch vendor as described in Section 53-1-106.2.

(ii) Except as provided in Subsection (8), a fee described in Subsection (7)(a)(i) may not exceed the actual costs of the dispatch vendor contracted to provide the dispatch service.

(b)

(i) Except as provided in Subsection (7)(b)(ii), if a towing entity does not use a towing dispatch vendor described in Section 53-1-106.2, the towing entity may not charge a fee to cover costs associated with providing towing dispatch and rotation service.

(ii) A special service district created under Title 17D, Chapter 1, Special Service District Act, that charges a dispatch fee on or before January 1, 2023, may continue to charge a fee related to dispatch costs.

(iii) Except as provided in Subsection (8), a fee described in Subsection (7)(b)(ii) may not exceed an amount reasonably reflective to the actual costs of providing the towing dispatch and rotation service.

(c) A towing entity may not charge a fee described in Subsection (7)(a)(i) or (7)(b)(ii) unless the relevant governing body of the towing entity has approved the fee amount.

(d) In addition to fees set by the department in rules made in accordance with Subsection 72-9-603(16), a tow truck operator or a tow truck motor carrier may pass through a fee described in this Subsection (7) to owners, lien holders, or insurance providers of towed vehicles, vessels, or outboard motors.

(8)

(a) In addition to the fees described in Subsection (7), a tow truck operator or tow truck motor carrier may charge an additional fee to absorb unrecovered costs of abandoned vehicles related to the fees described in Subsections (7)(a)(i) and (7)(b)(ii).

(b) Beginning May 3, 2023, and ending on June 30, 2025, a tow truck operator or tow truck motor carrier may charge a fee described in Subsection (8)(a) in an amount not to exceed an amount greater than 25% of the relevant fee described in Subsection (7)(a)(i) or (7)(b)(ii).

(c)
(i) Beginning January 1, 2025, and annually thereafter, the towing entity shall, based on data provided by the State Tax Commission, determine the percentage of vehicles, vessels, or outboard motors that were abandoned during the previous year by:
(A) determining the total number of vehicles, vessels, or outboard motors that were towed as part of a towing entity's towing rotation during the previous calendar year that were also abandoned; and
(B) dividing the number described in Subsection (8)(c)(i)(A) by the total number of vehicles, vessels, or outboard motors that were towed as part of the towing entity's towing rotation during the previous calendar year.
(ii) No later than March 31, 2025, and each year thereafter, the towing entity shall publish:
(A) the relevant fee amount described in Subsection (7)(a)(i) or (7)(b)(ii); and
(B) the percentage described in Subsection (8)(c)(i).
(iii) Beginning on July 1, 2025, and each year thereafter, a tow truck operator or a tow truck motor carrier may charge a fee authorized in Subsection (8)(a) in an amount equal to the percentage described in Subsection (8)(c)(i) multiplied by the relevant fee amount described in Subsection (7)(a)(i) or (7)(b)(ii).
(d) A tow truck operator or tow truck motor carrier shall list on a separate line on the towing invoice any fee described in this Subsection (8).
(9) A towing entity may not require a tow truck operator who has received an authorized towing certificate from the department to submit additional criminal background check information for inclusion of the tow truck motor carrier on a rotation.
(10) If a tow truck motor carrier is dispatched as part of a towing rotation, the tow truck operator that responds may not respond to the location in a tow truck that is owned by a tow truck motor carrier that is different than the tow truck motor carrier that was dispatched.

Amended by Chapter 134, 2024 General Session

Effective 1/1/2026
72-9-604 Preemption of local authorities -- Tow trucks.
(1) As used in this section:
(a) "Abandoned" means a vehicle, vessel, or outboard motor for which a party described in Subsection 41-6a-1406(6)(a) with an interest in the vehicle, vessel, or outboard motor does not, within 30 days after notice that the vehicle, vessel, or outboard motor was towed by a towing entity:
(i) pay the relevant fees; and
(ii) remove the vehicle, vessel, or outboard motor from the secure storage facility.
(b) "Towing entity" means:
(i) a political subdivision of this state;
(ii) a state agency;
(iii) an interlocal agency created under Title 11, Chapter 13, Interlocal Cooperation Act; or
(iv) a special service district created under Title 17D, Chapter 1, Special Service District Act.
(2)
(a) Notwithstanding any other provision of law, a political subdivision of this state may neither enact nor enforce any ordinance, regulation, or rule pertaining to a tow truck motor carrier, tow truck operator, or tow truck that:
(i) conflicts with:
(A) any provision of this part;

(B) Section 41-6a-1401;
(C) Section 41-6a-1407; or
(D) rules made by the department under this part; or
(ii) imposes a maximum rate that deviates from the maximum rates set in rules made by the department pursuant to Subsection 72-9-603(16).
(b) A county or municipal legislative governing body may not charge a fee for the storage of an impounded vehicle, vessel, or outboard motor if the county or municipality:
(i) is holding the vehicle, vessel, or outboard motor as evidence; and
(ii) will not release the vehicle, vessel, or outboard motor to the registered owner, lien holder, or the owner's agent even if the registered owner, lien holder, or the owner's agent satisfies the requirements to release the vehicle, vessel, or outboard motor under Section 41-6a-1406.
(3) A tow truck motor carrier that has a county or municipal business license for a place of business located within that county or municipality may not be required to obtain another business license in order to perform a tow truck service in another county or municipality if there is not a business location in the other county or municipality.
(4) A county or municipal legislative or governing body may not require a tow truck motor carrier, tow truck, or tow truck operator that has been issued a current, authorized towing certificate by the department, as described in Section 72-9-602, to obtain an additional towing certificate.
(5) A county or municipal legislative body may require an annual tow truck safety inspection in addition to the inspections required under Sections 53-8-205 and 72-9-602 if:
(a) no fee is charged for the inspection; and
(b) the inspection complies with federal motor carrier safety regulations.
(6)
(a) A tow truck shall be subject to only one annual safety inspection under Subsection (5)(b).
(b) A county or municipality that requires the additional annual safety inspection shall accept the same inspection performed by another county or municipality.
(7)
(a)
(i) If a towing entity uses a towing dispatch vendor described in Section 53-1-106.2, the towing entity may charge a fee to cover costs associated with the use of a dispatch vendor as described in Section 53-1-106.2.
(ii) Except as provided in Subsection (8), a fee described in Subsection (7)(a)(i) may not exceed the actual costs of the dispatch vendor contracted to provide the dispatch service.
(b)
(i) Except as provided in Subsection (7)(b)(ii), if a towing entity does not use a towing dispatch vendor described in Section 53-1-106.2, the towing entity may not charge a fee to cover costs associated with providing towing dispatch and rotation service.
(ii) A special service district created under Title 17D, Chapter 1, Special Service District Act, that charges a dispatch fee on or before January 1, 2023, may continue to charge a fee related to dispatch costs.
(iii) Except as provided in Subsection (8), a fee described in Subsection (7)(b)(ii) may not exceed an amount reasonably reflective to the actual costs of providing the towing dispatch and rotation service.
(c) A towing entity may not charge a fee described in Subsection (7)(a)(i) or (7)(b)(ii) unless the relevant governing body of the towing entity has approved the fee amount.
(d) In addition to fees set by the department in rules made in accordance with Subsection 72-9-603(16), a tow truck operator or a tow truck motor carrier may pass through a fee

described in this Subsection (7) to owners, lien holders, or insurance providers of towed vehicles, vessels, or outboard motors.

(8)

(a) In addition to the fees described in Subsection (7), a tow truck operator or tow truck motor carrier may charge an additional fee to absorb unrecovered costs of abandoned vehicles related to the fees described in Subsections (7)(a)(i) and (7)(b)(ii).

(b) Beginning May 3, 2023, and ending on June 30, 2025, a tow truck operator or tow truck motor carrier may charge a fee described in Subsection (8)(a) in an amount not to exceed an amount greater than 25% of the relevant fee described in Subsection (7)(a)(i) or (7)(b)(ii).

(c)

(i) Beginning January 1, 2025, and annually thereafter, the towing entity shall, based on data provided by the State Tax Commission, determine the percentage of vehicles, vessels, or outboard motors that were abandoned during the previous year by:

(A) determining the total number of vehicles, vessels, or outboard motors that were towed as part of a towing entity's towing rotation during the previous calendar year that were also abandoned; and

(B) dividing the number described in Subsection (8)(c)(i)(A) by the total number of vehicles, vessels, or outboard motors that were towed as part of the towing entity's towing rotation during the previous calendar year.

(ii) No later than March 31, 2025, and each year thereafter, the towing entity shall publish:

(A) the relevant fee amount described in Subsection (7)(a)(i) or (7)(b)(ii); and

(B) the percentage described in Subsection (8)(c)(i).

(iii) Beginning on July 1, 2025, and each year thereafter, a tow truck operator or a tow truck motor carrier may charge a fee authorized in Subsection (8)(a) in an amount equal to the percentage described in Subsection (8)(c)(i) multiplied by the relevant fee amount described in Subsection (7)(a)(i) or (7)(b)(ii).

(d) A tow truck operator or tow truck motor carrier shall list on a separate line on the towing invoice any fee described in this Subsection (8).

(9) A towing entity may not require a tow truck operator who has received an authorized towing certificate from the department to submit additional criminal background check information for inclusion of the tow truck motor carrier on a rotation.

(10) If a tow truck motor carrier is dispatched as part of a towing rotation, the tow truck operator that responds may not respond to the location in a tow truck that is owned by a tow truck motor carrier that is different than the tow truck motor carrier that was dispatched.

(11) If a towing entity receives a notice from the department as described in Subsection 72-9-602(6), the towing entity shall remove the tow truck motor carrier from the towing entity's towing rotation, contract, or request for proposal as provided in the notice from the department.

Amended by Chapter 378, 2025 General Session

72-9-605 Exception from part.

This part does not apply to a person who is towing a vehicle owned by that person in a noncommercial operation.

Renumbered and Amended by Chapter 270, 1998 General Session

72-9-607 Required process before removal from towing rotation.

(1) Each political subdivision or state agency that establishes a towing rotation to facilitate tows initiated by the political subdivision or state agency shall establish a policy for an appeals process to hear and decide appeals from a decision to suspend or remove a tow truck motor carrier or tow truck operator from a towing rotation.
(2) In conducting an appeal as described in Subsection (1):
(a) the appeal process may be conducted by a single appeal officer or a panel; and
(b) an individual hearing an appeal, whether as a single appeal officer or as part of a panel, may not be the same individual who made the decision to suspend or remove the tow truck motor carrier or tow truck operator from the towing rotation.

Enacted by Chapter 373, 2019 General Session

Part 7
Penalties, Fines, and Fees

72-9-701 Penalty for unlawful conduct.
(1) Unless otherwise specified, any person who violates a provision of this chapter or who aids or abets another person in a violation of this chapter is guilty of a class B misdemeanor.
(2) A second or subsequent conviction for a violation of this chapter or of aiding or abetting another person in a violation of this chapter is a class A misdemeanor.

Amended by Chapter 140, 2008 General Session

72-9-702 Existing rights of action unaffected -- Penalties cumulative.
(1) This chapter may not be construed to have the effect of releasing or waiving any right of action by the state, the department or any person for any right, penalty, or forfeiture which may have arisen or occurred under any law of this state before May 10, 1983, or which arises or occurs after May 10, 1983.
(2) All penalties accruing under this chapter are cumulative, and a suit for the recovery of one penalty is not a bar to and shall not affect the recovery of any other penalty or forfeiture, and is not a bar to any criminal prosecution against any motor carrier, or any officer, director, agent, or employee of a motor carrier, or any other corporation or person, or a bar to the exercise by the department, through the court, of its power to punish for contempt.

Renumbered and Amended by Chapter 270, 1998 General Session

72-9-703 Civil penalties for violations -- Compromise.
(1) In addition to any other penalties, a motor carrier that fails or neglects to comply with any provision of the Constitution of this state, statute, or any rule or order of the department is subject to a civil penalty of not less than $500 nor more than $2,000 for each offense.
(2) Every violation of any provision of the constitution of this state, statute, or any rule or order of the department, is a separate and distinct offense. Each day's continuance of the violation is a separate and distinct offense.
(3)
(a) The civil penalty may be compromised by the department and a determination of compromise is appealable by the person alleged to have committed the violation. In determining the

amount of the penalty or the amount agreed upon in compromise, the department shall consider the:
(i) gravity of the violation; and
(ii) good faith of the person charged in attempting to achieve compliance after notification of the violation.
(b) The amount of the penalty when finally determined or the amount agreed upon in compromise may be deducted from any sums owing by the state to the person charged or may be recovered in a civil action in the courts of this state.
(4) In construing and enforcing the provisions of this chapter relating to penalties, the act, omission, or failure of any officer, agent, or employee of any motor carrier, acting within the scope of the officer's, agent's, or employee's official duties or employment, is deemed to be the act, omission, or failure of the motor carrier.

Amended by Chapter 302, 2025 General Session

72-9-704 Assignment of administrative law judge.
(1) The department shall assign an administrative law judge to hear contested matters.
(2) The administrative law judge's orders shall be reviewed by the department.

Renumbered and Amended by Chapter 270, 1998 General Session

72-9-705 Disposition of fees and civil fines.
All fees and civil fines received and collected under this chapter shall be transmitted daily to the state treasurer and deposited in the Transportation Fund.

Renumbered and Amended by Chapter 270, 1998 General Session

Chapter 10
Aeronautics and Space Act

Part 1
Uniform Aeronautical Regulatory Act

72-10-101 Title.
This chapter is known as the "Aeronautics Act."

Renumbered and Amended by Chapter 270, 1998 General Session

72-10-102 Definitions.
As used in this chapter:
(1) "Acrobatics" means the intentional maneuvers of an aircraft not necessary to air navigation.
(2)
(a) "Advanced air mobility system" means a system that transports individuals and property using piloted and unpiloted aircraft, including electric aircraft and electric vertical takeoff and landing aircraft, in controlled or uncontrolled airspace.

(b) "Advanced air mobility system" includes each component of a system described in Subsection (2)(a), including:
(i) the aircraft, including payload;
(ii) communications equipment;
(iii) navigation equipment;
(iv) controllers;
(v) support equipment;
(vi) an authoritative supplemental data service provider;
(vii) flight information exchange; and
(viii) remote and autonomous functions.
(3) "Aerial transit corridor" means an airspace volume defining a three-dimensional route segment with performance requirements to operate within or to cross where tactical air traffic control separation services are not provided.
(4) "Aeronautics" means transportation by aircraft, air instruction, the operation, repair, or maintenance of aircraft, and the design, operation, repair, or maintenance of airports, or other air navigation facilities.
(5) "Aeronautics instructor" means any individual engaged in giving or offering to give instruction in aeronautics, flying, or ground subjects, either with or without:
(a) compensation or other reward;
(b) advertising the occupation;
(c) calling the instructor's facilities an air school, or any equivalent term; or
(d) employing or using other instructors.
(6) "Aircraft" means any contrivance now known or in the future invented, used, or designed for navigation of or flight in the air.
(7) "Air instruction" means the imparting of aeronautical information by any aviation instructor or in any air school or flying club.
(8) "Airport" means any area of land, water, or both, that:
(a) is used or is made available for landing and takeoff;
(b) provides facilities for the shelter, supply, and repair of aircraft, and handling of passengers and cargo;
(c) meets the minimum requirements established by the department as to size and design, surface, marking, equipment, and operation; and
(d) includes all areas shown as part of the airport in the current airport layout plan as approved by the Federal Aviation Administration.
(9) "Airport authority" means a political subdivision of the state, other than a county or municipality, that is authorized by statute to operate an airport.
(10) "Airport operator" means a municipality, county, or airport authority that owns or operates a commercial airport.
(11)
(a) "Airport revenue" means all fees, charges, rents, or other payments received by or accruing to an airport operator for any of the following reasons:
(i) revenue from air carriers, tenants, lessees, purchasers of airport properties, airport permittees making use of airport property and services, and other parties;
(ii) revenue received from the activities of others or the transfer of rights to others relating to the airport, including revenue received:
(A) for the right to conduct an activity on the airport or to use or occupy airport property;
(B) for the sale, transfer, or disposition of airport real or personal property, or any interest in that property, including transfer through a condemnation proceeding;

(C) for the sale of, or the sale or lease of rights in, mineral, natural, or agricultural products or water owned by the airport operator to be taken from the airport; and

(D) for the right to conduct an activity on, or for the use or disposition of, real or personal property or any interest in real or personal property owned or controlled by the airport operator and used for an airport-related purpose but not located on the airport; or

(iii) revenue received from activities conducted by the airport operator whether on or off the airport, which is directly connected to the airport operator's ownership or operation of the airport.

(b) "Airport revenue" includes state and local taxes on aviation fuel.

(c) "Airport revenue" does not include amounts received by an airport operator as passenger facility fees pursuant to 49 U.S.C. Sec. 40117.

(12) "Air school" means any person engaged in giving, offering to give, or advertising, representing, or holding itself out as giving, with or without compensation or other reward, instruction in aeronautics, flying, or ground subjects, or in more than one of these subjects.

(13) "Airworthiness" means conformity with requirements prescribed by the Federal Aviation Administration regarding the structure or functioning of aircraft, engine, parts, or accessories.

(14) "Authoritative supplemental data service provider" means a third party provider of unmanned aircraft system traffic management services that is approved by the department and supplies specialized data to an unmanned aircraft system service supplier or to an unmanned aircraft system operator for a variety of uses.

(15) "Civil aircraft" means any aircraft other than a public aircraft.

(16) "Commercial aircraft" means aircraft used for commercial purposes.

(17) "Commercial airport" means a landing area, landing strip, or airport that may be used for commercial operations.

(18) "Commercial flight operator" means a person who conducts commercial operations.

(19) "Commercial operations" means:

(a) any operations of an aircraft for compensation or hire or any services performed incidental to the operation of any aircraft for which a fee is charged or compensation is received, including the servicing, maintaining, and repairing of aircraft, the rental or charter of aircraft, the operation of flight or ground schools, the operation of aircraft for the application or distribution of chemicals or other substances, and the operation of aircraft for hunting and fishing; or

(b) the brokering or selling of any of these services; but

(c) does not include any operations of aircraft as common carriers certificated by the federal government or the services incidental to those operations.

(20) "Correctional facility" means the same as that term is defined in Section 77-16b-102.

(21) "Dealer" means any person who is actively engaged in the business of flying for demonstration purposes, or selling or exchanging aircraft, and who has an established place of business.

(22) "Experimental aircraft" means:

(a) any aircraft designated by the Federal Aviation Administration or the military as experimental and used solely for the purpose of experiments, or tests regarding the structure or functioning of aircraft, engines, or their accessories; and

(b) any aircraft designated by the Federal Aviation Administration as:

(i) being custom or amateur built; and

(ii) used for recreational, educational, or display purposes.

(23) "Flight" means any kind of locomotion by aircraft while in the air.

(24) "Flight information exchange" means a model or system that allows for the consistent exchange of flying data between an unmanned aircraft system traffic management system and an unmanned aircraft system operator or aircraft to facilitate the coordination of flights.
(25) "Flying club" means five or more persons who for neither profit nor reward own, lease, or use one or more aircraft for the purpose of instruction, pleasure, or both.
(26) "Glider" means an aircraft heavier than air, similar to an airplane, but without a power plant.
(27) "Mechanic" means a person who constructs, repairs, adjusts, inspects, or overhauls aircraft, engines, or accessories.
(28) "Navigable airspace" means the same as that term is defined in 49 U.S.C. Sec. 40102.
(29) "Parachute jumper" means any person who has passed the required test for jumping with a parachute from an aircraft, and has passed an examination showing that the jumper possesses the required physical and mental qualifications for the jumping.
(30) "Parachute rigger" means any person who has passed the required test for packing, repairing, and maintaining parachutes.
(31) "Passenger aircraft" means aircraft used for transporting persons, in addition to the pilot or crew, with or without their necessary personal belongings.
(32) "Person" means any individual, corporation, limited liability company, or association of individuals.
(33) "Pilot" means any person who operates the controls of an aircraft while in-flight.
(34) "Primary glider" means any glider that has a gliding angle of less than 10 to one.
(35) "Private airport" means an airport that is not open or available for public use.
(36) "Public aircraft" means an aircraft used exclusively in the service of any government or of any political subdivision, including the government of the United States, of the District of Columbia, and of any state, territory, or insular possession of the United States, but not including any government-owned aircraft engaged in carrying persons or goods for commercial purposes.
(37) "Reckless flying" means the operation or piloting of any aircraft recklessly, or in a manner as to endanger the property, life, or body of any person, due regard being given to the prevailing weather conditions, field conditions, and to the territory being flown over.
(38) "Registration number" means the number assigned by the Federal Aviation Administration to any aircraft, whether or not the number includes a letter or letters.
(39) "Roadable aircraft" means an aircraft capable of taking off and landing from a suitable airfield and is also designed to be driven on a highway as a conveyance.
(40) "Secondary glider" means any glider that has a gliding angle between 10 to one and 16 to one, inclusive.
(41) "Significant private airport" means a private airport that is designated by the department as a significant private airport as described in Section 72-10-416.
(42) "Soaring glider" means any glider that has a gliding angle of more than 16 to one.
(43) "Unmanned aircraft system service supplier" means a service supplier that:
  (a) relays flight information between an unmanned aircraft system operator and a flight management system; and
  (b) provides information that supports unmanned aircraft system operations and assists with strategic deconfliction by an unmanned aircraft system traffic management system.
(44) "Unmanned aircraft" means an aircraft that is:
  (a) capable of sustaining flight; and
  (b) operated with no possible direct human intervention from on or within the aircraft.
(45) "Unmanned aircraft system" means the entire system used to operate an unmanned aircraft, including:
  (a) the unmanned aircraft, including payload;

(b) communications equipment;
(c) navigation equipment;
(d) controllers;
(e) support equipment; and
(f) autopilot functionality.
(46) "Unmanned aircraft system traffic management" means a traffic management ecosystem for uncontrolled operations, including unmanned aircraft systems, that is separate from, but complementary to, the Federal Aviation Administration's air traffic management system.
(47) "Vertiport" means an area of land, or a structure, used or intended to be used for electric, hydrogen, and hybrid vertical aircraft landings and takeoffs, including associated buildings and facilities.

Amended by Chapter 423, 2025 General Session
Amended by Chapter 515, 2025 General Session

72-10-103 Rulemaking requirement.
(1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department shall make rules:
(a) governing the establishment, location, and use of air navigation facilities;
(b) regulating the use, licensing, and supervision of all airports and vertiports in this state;
(c) establishing minimum standards with which all air navigation facilities, flying clubs, aircraft, gliders, pilots, and airports must comply; and
(d) safeguarding from accident and protecting the safety of persons operating or using aircraft and persons and property on the ground.
(2) The rules may:
(a) require that any device or accessory that forms part of any aircraft or its equipment be certified as complying with this chapter;
(b) limit the use of any device or accessory as necessary for safety; and
(c) develop and promote aeronautics within this state.
(3)
(a) To avoid the danger of accident incident to confusion arising from conflicting rules governing aeronautics, the rules shall conform as nearly as possible with federal legislation, rules, regulations, and orders on aeronautics.
(b) The rules may not be inconsistent with paramount federal legislation, rules, regulations, and orders on the subject.
(4) The department may not require any pilot, aircraft, or mechanic who has procured a license under the Civil Aeronautics Authority of the United States to obtain a license from this state, other than required by this chapter.
(5) The department may not make rules that conflict with the regulations of:
(a) the Civil Aeronautics Authority; or
(b) other federal agencies authorized to regulate the particular activity.
(6) The department shall comply with the procedures and requirements of Title 63G, Chapter 4, Administrative Procedures Act, in its adjudicative proceedings.

Amended by Chapter 216, 2023 General Session

72-10-104 Investigations and hearings -- Powers.

(1) The department may conduct investigations, inquiries, and hearings concerning matters covered by this chapter and accidents or injuries incident to the operation of aircraft occurring within this state.
(2) The department may:
  (a) administer oaths and affirmations;
  (b) certify to all official acts;
  (c) issue subpoenas;
  (d) compel the attendance and testimony of witnesses; and
  (e) compel the production of papers, books, and documents.
(3)
  (a) If any person fails to comply with any subpoena or order issued by the department, the department may petition any district court in this state to order compliance.
  (b) The district court may order the person to comply with the requirements of the subpoena or order of the department, or to give evidence upon the matter in question.
  (c) Any failure to obey the order of the court may be punished by the court as contempt.

Renumbered and Amended by Chapter 270, 1998 General Session
Amended by Chapter 365, 1998 General Session

72-10-105 Reports of investigations or hearings -- Restrictions on use -- Employees of department not required to testify.
(1) The reports of investigations or hearings, or any part of them, may not be admitted in evidence or used for any purpose in any suit, action, or proceeding growing out of any matter referred to in the investigations or hearings, or in any report of them, except in case of criminal or other proceedings instituted by or on behalf of the department under this title.
(2) An employee of the department may not be required to testify to any fact ascertained in or information gained by reason of his official capacity.
(3) The employees of the department may not be required to testify as expert witnesses in any suit, action, or proceeding involving any aircraft or any navigation facility.

Amended by Chapter 431, 2019 General Session

72-10-106 Enforcement of chapter -- Fees for services by department.
(1)
  (a) The department and every county and municipal officer required to enforce state laws shall enforce and assist in the enforcement of this chapter.
  (b) The department may enforce this chapter by seeking an injunction in a court with jurisdiction under Title 78A, Judiciary and Judicial Administration.
  (c) Other departments and political subdivisions of this state may cooperate with the department in the development of aeronautics within this state.
(2)
  (a) Unless otherwise provided by statute, the department may adopt a schedule of fees assessed for services provided by the department.
  (b) Each fee shall be reasonable and fair, and shall reflect the cost of the service provided.
  (c) Each fee established in this manner shall be submitted to and approved by the Legislature as part of the department's annual appropriations request.
  (d) The department may not charge or collect any fee proposed in this manner without approval by the Legislature.

Amended by Chapter 158, 2024 General Session

72-10-107 Procedures -- Adjudicative proceedings.

The department shall conduct adjudicative proceedings in accordance with Title 63G, Chapter 4, Administrative Procedures Act.

Amended by Chapter 431, 2019 General Session

72-10-108 Payment of expenses of administration.

The department shall pay the expenses of the administration of this part out of the special funds set up by the state treasurer for that purpose.

Amended by Chapter 431, 2019 General Session

72-10-109 Certificate of registration of aircraft required -- Exceptions.

(1) Except as provided in Subsection (2), a person may not operate, pilot, or navigate, or cause or authorize to be operated, piloted, or navigated within this state any civil aircraft based in this state for 181 or more days within any consecutive 12-month period unless the aircraft has a current certificate of registration issued by the department.

(2) The state registration requirement under Subsection (1) does not apply to:

(a) aircraft licensed by a foreign country with which the United States has a reciprocal agreement covering the operations of the registered aircraft;

(b) a non-passenger-carrying flight solely for inspection or test purposes authorized by the Federal Aviation Administration to be made without the certificate of registration; or

(c) aircraft operating under 14 C.F.R. Part 121, with a maximum takeoff weight exceeding 35,000 pounds.

(3) Beginning on January 1, 2025, a person may not operate in this state an unmanned aircraft system or an advanced air mobility aircraft for commercial operation for which certification is required under federal rule unless the aircraft has a current certificate of registration issued by the department.

(4) The department shall, on or before December 31 of each calendar year, provide to the State Tax Commission a list of each aircraft for which a current certificate of registration is issued by the department under Subsection (1).

Amended by Chapter 423, 2025 General Session
Amended by Chapter 452, 2025 General Session

72-10-110 Aircraft registration information requirements -- Registration fee -- Administration -- Partial year registration.

(1) All applications for aircraft registration shall contain:

(a) a description of the aircraft, including:

(i) the manufacturer or builder;

(ii) the Federal Aviation Administration aircraft registration number, type, year of manufacture, or if an experimental aircraft, the year the aircraft was completed and certified for air worthiness by an inspector of the Federal Aviation Administration; and

(iii) gross weight;

(b) the name and address of the owner of the aircraft; and

(c) where the aircraft is located, or the address where the aircraft is usually used or based.

(2)

(a) Except as provided in Subsection (3) or (4), at the time application is made for registration or renewal of registration of an aircraft under this chapter, an annual registration fee of:

(i) 0.4% of the average wholesale value of the aircraft shall be paid; or

(ii) for a roadable aircraft, 0.2% of the average wholesale value of the roadable aircraft shall be paid.

(b) For purposes of calculating the average wholesale value of an aircraft under Subsection (2)(a) or (3)(d), the department shall use the average wholesale value as stated in the Aircraft Bluebook Price Digest.

(c) For an aircraft not listed in the Aircraft Bluebook Price Digest, the department shall calculate the average wholesale value of the aircraft using common industry standards.

(d)

(i) An owner of an aircraft may challenge the department's calculation of the average wholesale value of the aircraft.

(ii) The department shall make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to establish a process for challenging the department's calculation under Subsection (2)(d)(i).

(3)

(a) An annual registration fee of $100 is imposed on an aircraft that is used:

(i) exclusively by an entity that is exempt from federal income taxation under Section 501(c)(3), Internal Revenue Code, and exempt from property taxation under Title 59, Chapter 2, Property Tax Act; and

(ii) for the emergency transportation of medical patients for at least 95% of its flight time.

(b) An annual registration fee is imposed on an aircraft 60 years or older equal to the lesser of:

(i) $100; or

(ii) the annual registration fee provided for under Subsection (2)(a).

(c)

(i) Except as provided in Subsection (3)(c)(iii), an owner of an aircraft shall apply for a certificate of registration described in Section 72-10-109, if the aircraft:

(A) is in the manufacture, construction, fabrication, assembly, or repair process;

(B) is not complete; and

(C) does not have a valid airworthiness certificate.

(ii) An aircraft described in Subsection (3)(c)(i) is exempt from the annual registration fee described in Subsection (2)(a).

(iii) The registration requirement described in Subsection (3)(c)(i) does not apply to an aircraft that, in accordance with Section 59-12-104, is exempt from the taxes imposed under Title 59, Chapter 12, Sales and Use Tax Act.

(d) An annual registration fee of .25% of the average wholesale value of the aircraft is imposed on an aircraft if the aircraft is:

(i) used by an air charter service for air charter; and

(ii) owned by a person other than the air charter service.

(e) The annual registration fee required in this section is due on December 31 of each year.

(4)

(a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department shall make rules to establish and administer a registration fee for an unmanned aircraft system or an advanced air mobility system registered pursuant to Subsection 72-10-109(3).

(b) The rules made pursuant to Subsection (4)(a) regarding registration and applicable fees for an unmanned aircraft system or an advanced air mobility system may include:
(i) a system for classifying unmanned aircraft systems or an advanced air mobility systems;
(ii) technical guidance for complying with state and federal law;
(iii) criteria under which the department may suspend or revoke registration;
(iv) criteria under which the department may waive registration requirements for an applicant currently holding a valid license or permit to operate unmanned aircraft systems issued by another state or territory of the United States, the District of Columbia, or the United States; and
(v) other rules regarding operation as determined by the department.
(c)
(i) Registration fees for an unmanned aircraft system shall be deposited into the aeronautics restricted account created in Section 72-2-126.
(ii) The registration fee imposed under Subsection (2)(a)(ii) for a roadable aircraft shall be deposited in the aeronautics restricted account created in Section 72-2-126.
(5)
(a) The department shall provide a registration card to an owner of an aircraft if:
(i) the owner complies with the registration requirements of this section; and
(ii) the owner of the aircraft states that the aircraft has a valid airworthiness certificate.
(b) An owner of an aircraft shall carry the registration card in the registered aircraft.
(6) The registration fees assessed under this chapter shall be collected by the department to be distributed as provided in Subsection (7).
(7) After deducting the costs of administering all aircraft registrations under this chapter, the department shall deposit all remaining aircraft registration fees into the Aeronautics Restricted Account created by Section 72-2-126.
(8) Aircraft which are initially registered under this chapter for less than a full calendar year shall be charged a registration fee which is reduced in proportion to the fraction of the calendar year during which the aircraft is registered in this state.
(9)
(a) For purposes of this section, an aircraft based at the owner's airport means an aircraft that is hangared, tied down, or parked at an owner's airport for a plurality of the year.
(b) Semi-annually, an owner or operator of an airport open to public use, or of an airport that receives grant funding from the state, shall provide a list of all aircraft based at the owner's airport to the department.
(10) The department shall maintain a statewide database of all aircraft based within the state.
(11) The department may suspend or revoke a registration if the department determines that the required fee has not been paid and the fee is not paid upon reasonable notice and demand.

Amended by Chapter 483, 2024 General Session

72-10-110.5 Uniform fee on aircraft -- Collection of fee by department -- Distribution of fees.
(1) In accordance with Utah Constitution, Article XIII, Section 2, Subsection (6), beginning on January 1, 2009, an aircraft required to be registered with the state is:
(a) exempt from the tax imposed by Section 59-2-103; and
(b) in lieu of the tax imposed by Section 59-2-103, subject to a uniform statewide fee of $25, assessed in accordance with Section 59-2-407.
(2)

(a) The department shall collect the uniform fee and distribute the uniform fee to the county in which the aircraft is based.
(b) A based aircraft is an aircraft that is hangared, tied down, parked, or domiciled in the state for a plurality of the year.
(3)
(a) The uniform fees received by a county under Subsection (2) shall be distributed to each taxing entity within the county in the same proportion in which revenues collected from the ad valorem property tax are distributed.
(b) Each taxing entity described in Subsection (3)(a) that receives revenues from the uniform fee imposed by this section shall distribute the revenues in the same proportion in which revenues collected from the ad valorem property tax are distributed.
(4) The remedies for nonpayment of the uniform fee described in this section are as described in Section 59-2-407.
(5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department may make rules to implement this section.

Enacted by Chapter 436, 2018 General Session

72-10-111.5 Aircraft public liability insurance requirements -- Proof of public liability insurance.

(1) Subject to Subsection (2), an aircraft owner shall:
(a) maintain public liability insurance coverage for the aircraft that conforms to the requirements described in Section 31A-22-1300; and
(b) provide a certificate of insurance issued by an insurer as proof of the owner's valid public liability insurance covering the aircraft as part of any lease agreement with a term of six months or more between the aircraft owner and a public airport.
(2) Subsection (1) applies to an aircraft only if the aircraft is:
(a) an operable fixed-wing aircraft; and
(b) used for flight.

Enacted by Chapter 253, 2021 General Session

72-10-112 Failure to register -- Penalty -- Compliance audits and inspections -- Rulemaking.

(1) Failure to register any aircraft required to be registered with the state subjects the owners of the aircraft to the same penalties provided for motor vehicles under Sections 41-1a-1101, 41-1a-1301, and 41-1a-1307.
(2)
(a) The department shall conduct compliance audits and inspections as needed to enforce state laws related to the registration of aircraft.
(b) The department shall coordinate with airport operators to determine and verify accurate reporting of aircraft that are based within the state for the purpose of administering and enforcing state aircraft registration laws.
(3)
(a) In addition to the penalties described in Subsection (1), the department may impose a fine of 10% of the registration fee for the first month and 5% of the registration fee for each subsequent month an aircraft is operated in violation of Section 72-10-109.

(b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department shall makes rules establishing procedures for the enforcement of state aircraft registration laws and the administration of penalties described in this section.
(c) The department shall comply with the procedures and requirements of Title 63G, Chapter 4, Administrative Procedures Act, in all adjudicative proceedings conducted for the enforcement of penalties under this section.

Amended by Chapter 436, 2018 General Session

72-10-113 Pilot's certificate of competency required -- Exceptions.
(1) A person may not pilot within this state any civil aircraft unless that person is the holder of a currently effective pilot's certificate of competency issued by the government of the United States.
(2) This restriction does not apply to any person operating any aircraft licensed by a foreign country with which the United States has a reciprocal agreement covering the operation of the licensed aircraft.

Renumbered and Amended by Chapter 270, 1998 General Session

72-10-114 Mechanic's certificate of competency.
(1) Mechanics will be rated as airframe or powerplant mechanics.
(2) A person may hold a plurality of certificate of competency, including both classes of mechanic's certificate of competency or a pilot's and mechanic's certificate of competency.
(3) The certificate shall be a currently effective certificate of competency issued by the government of the United States.
(4) This restriction does not apply to mechanics employed by the United States government.

Renumbered and Amended by Chapter 270, 1998 General Session

72-10-115 Certificate carried subject to inspection -- Burden of proving validity of certificate in criminal proceedings.
(1) The certificate of license or permit required of a pilot or a student shall be kept in the personal possession of a licensee or permittee operating an aircraft within the state.
(2) The certificate of license required for an aircraft shall be carried in the aircraft at all times and shall be conspicuously posted in clear view of passengers.
(3) The certificate of pilot's license, student's permit, or aircraft license shall be presented for inspection upon the demand of any peace officer of this state, any authorized official or employee of the department, or any official, manager, or person in charge of any airport in this state upon which it shall land, or upon the reasonable request of any other person.
(4) In any criminal prosecution under this title, a defendant who relies upon a license or permit of any kind has the burden of proving that the defendant is properly licensed or is the possessor of a proper license or permit.
(5) The fact of nonissuance of a license or permit may be evidenced by a certificate signed by the official having power of issuance, or his deputy, under seal of office, stating that a diligent search in the office records has been made and that from the records it appears that no license or permit was issued.

Amended by Chapter 431, 2019 General Session

72-10-116 Restrictions on use of lands or waters of another.

(1)
(a) The landing or taking off of aircraft on or from the lands or waters of another without consent is unlawful, except in the case of a forced landing.
(b) For damages caused by a takeoff or landing, the owner, lessee of the aircraft, operator, or any of them is liable.

(2)
(a) A student pilot may not land on any area without the knowledge of the operator, instructor, or school from which the student is flying.
(b) The use of private landing fields must not impose a hazard upon the person or property of others.

Amended by Chapter 224, 2016 General Session

72-10-117 Aircraft landing permits -- Eligible aircraft -- Special licenses -- Rules -- Proof of insurance -- Bonds.

(1)
(a) The county executive of any county may issue a permit authorizing an aircraft to land on or take off from designated county roads.
(b) The county executive of any county may issue a permit to an aircraft operated:
(i) as an air ambulance;
(ii) as a pesticide applicator; or
(iii) by or under contract with a public utility and used in connection with inspection, maintenance, installation, operation, construction, or repair of property owned or operated by the public utility.

(2) The county executive of any county may issue a permit under this section to other aircraft under rules made by the department.

(3)
(a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department shall make rules for issuing a special license to:
(i) an aircraft permitted by a county executive to land on a county road; and
(ii) a pilot permitted to operate an aircraft licensed under this subsection from a county road.
(b) The rules made under this subsection shall include provisions for the safety of the flying and motoring public.

(4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department shall make rules for the landing and taking off of aircraft to which permits have been issued under this section, which may include annual reports of activities of the aircraft.

(5) Before obtaining a permit or license under this section, the applicant shall file with the county executive and the department proof of public liability insurance coverage that meets the requirements described in Section 31A-22-1300.

(6) In addition to the insurance required under this section, either the county executive or the department may require the posting of a bond to indemnify the county or department against liability resulting from issuing the permit or license under this section.

Amended by Chapter 253, 2021 General Session

72-10-118 Reason for department order to be stated -- Closing airports -- Notice -- Right of inspection.

(1) If the department rejects an application for permission to operate or establish an airport, or issues any order under this chapter that requires or prohibits certain actions, its order shall:
  (a) contain the reasons for the rejection or order; and
  (b) state the requirements to be met before approval will be given or the order changed.
(2) The department may order the closing of any airport until its requirements have been fulfilled.
(3)
  (a) An airport not meeting the standards required by the department shall:
    (i) be given notice of its noncompliance; and
    (ii) have 10 days from the receipt of that notice to respond to the department with a plan and schedule for compliance.
  (b) If the airport fails to respond within the required time, the department may revoke the airport license and close the airport.
(4) The department and any state, county, or municipal officer charged with the duty of enforcing this chapter may inspect and examine at reasonable hours any premises, buildings, or other structures where regulated airports are operated.

Amended by Chapter 431, 2019 General Session

72-10-119 Judicial review.

(1) Any person against whom an order has been entered may obtain judicial review.
(2) Venue for judicial review of informal adjudicative proceedings is in the district court of the county in which the order was made or the county in which property affected by the order is located.

Renumbered and Amended by Chapter 270, 1998 General Session

72-10-120 Violations -- Penalty.

A person who fails to comply with the requirements of or violates any provision of this part is guilty of a class B misdemeanor.

Amended by Chapter 140, 2008 General Session

72-10-121 Severability clause.

If any provision of this part or its application to any person or circumstances is held invalid, this invalidity may not affect other provisions or applications of the part which can be given effect without the invalid provision or application and to this end the provisions of this part are declared to be severable.

Renumbered and Amended by Chapter 270, 1998 General Session

72-10-122 Construction of chapter.

This chapter shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states which enact it.

Renumbered and Amended by Chapter 270, 1998 General Session

72-10-123 Sovereignty in space above land and water in state.

Sovereignty in the space above the lands and waters of this state is declared to rest in the state, except where granted to and assumed by the United States pursuant to a constitutional grant from the people of this state.

Renumbered and Amended by Chapter 270, 1998 General Session

72-10-124 Report of death or serious injury to person or property.

If in the operation of civil aircraft death or serious injury to person or to property results, a report shall be made in accordance with federal aviation regulations.

Renumbered and Amended by Chapter 270, 1998 General Session

72-10-125 Report of injury to aircraft or property.

All accidents in the operation of civil aircraft which cause injury to aircraft or property shall be reported in accordance with federal aviation regulations.

Renumbered and Amended by Chapter 270, 1998 General Session

72-10-126 Marking buildings to aid navigation.

(1) The department may cooperate with the officials of all state institutions for the purpose of marking one building within their group as an aid to aerial navigation.
(2) The marking is subject to the approval of the department and shall comply with the requirements of the United States civil aeronautics authority for air marking.

Amended by Chapter 431, 2019 General Session

72-10-127 Tampering with aircraft forbidden.

It shall be unlawful for any person, without express or implied authority of the owner, to operate, climb upon, enter, manipulate the controls or accessories of, set in motion, remove parts or contents of, or otherwise tamper with any civil aircraft within this state, or knowingly cause or permit the same to be done.

Renumbered and Amended by Chapter 270, 1998 General Session

72-10-128 Tampering with airport or equipment forbidden.

A person may not interfere or tamper with any airport, landing field, or airway, or the equipment thereof.

Renumbered and Amended by Chapter 270, 1998 General Session

72-10-129 Expenditures for Civil Air Patrol.

(1) The department may expend state aeronautics funds for the Utah wing of the Civil Air Patrol to be used to:
  (a) purchase aviation facilities, training, supplies, and equipment;
  (b) defray maintenance and rental costs of hangar facilities and aircraft;
  (c) purchase maintenance supplies and equipment for the communications network of the Civil Air Patrol; and

(d) provide administrative costs approved by the department.
(2) The expenditures may not exceed in any fiscal year the amount appropriated to the Utah wing of the Civil Air Patrol by the Legislature.

Amended by Chapter 431, 2019 General Session

72-10-130 Approval of expenditures for Civil Air Patrol.

An expenditure of state funds for the civil air patrol may not be made unless a purchase order is first approved by the director of aeronautics under guidelines established by the department and unless the funds are specifically used as required in this chapter.

Renumbered and Amended by Chapter 270, 1998 General Session
Amended by Chapter 365, 1998 General Session

72-10-131 Tax-exempt status of Civil Air Patrol equipment.

Equipment, aircraft and vehicles owned by the civil air patrol and used for the emergency service needs of the state of Utah are given tax-exempt status.

Renumbered and Amended by Chapter 270, 1998 General Session

72-10-133 Marking of meteorological evaluation towers.

(1) As used in this section:
(a) "Meteorological evaluation tower" means a permanent or temporary tower used for meteorological evaluation that:
(i) is supported by guy wires and ground anchors; and
(ii) has accessory facilities on which an antenna, sensor, camera, meteorological instrument, or other meteorological monitoring equipment is mounted.
(b) "Meteorological evaluation tower" does not include:
(i) a tower registered with the Federal Communications Commission; or
(ii) a tower that is primarily used to support telecommunications equipment, including:
(A) a microwave relay facility; and
(B) a tower erected for the purpose of providing commercial mobile radio service or commercial mobile data service, as those terms are defined in 47 C.F.R. Sec. 20.3.
(2) Except as required by federal law, rule, or regulation, a meteorological evaluation tower shall be marked as described in Subsection (3) if the tower is:
(a) over 50 feet in height;
(b) located outside of an incorporated city or town; and
(c) on land that is primarily rural, undeveloped, or used for agricultural purposes.
(3)
(a) A meteorological evaluation tower shall:
(i) be painted in equal alternating bands of aviation orange and white, beginning with orange at the top and bottom of the tower, to be visible in clear air during daylight hours from a distance of at least two thousand feet;
(ii) have a high-visibility safety sleeve at least seven feet long on each guy wire, extending from the anchor point along each guy wire attached to the anchor point;
(iii) have a spherical marker attached to the top third of each of the highest guy wires; and
(iv) have a flashing light at the top of the tower that, when flashing, is visible during nighttime from a distance of at least two thousand feet.

(b) The owner of a meteorological evaluation tower shall replace the markings described in Subsection (3)(a) when they become inoperable, faded, or otherwise deteriorated.
(4) The owner of a meteorological evaluation tower erected before May 5, 2021, shall meet the requirements of this section before May 5, 2022.

Enacted by Chapter 34, 2021 General Session

Part 2
Uniform Airports Act

72-10-201 Powers of department -- Acceptance of property.

The department, a county, or municipal legislative body may accept contributions of money or real or personal property for the purpose of establishing, developing, operating, or maintaining airports under this part.

Amended by Chapter 431, 2019 General Session

72-10-202 Cooperation with counties, municipalities, and federal government -- Expenditures by department.

(1) The department may:
(a) cooperate with counties and municipalities in developing and constructing airports;
(b) make agreements on behalf of the state with any county or municipality regarding the financial participation, construction, and operation of any airports;
(c) cooperate with the federal government in establishing airports; and
(d) accept from the United States of America, money to be matched with the funds of the state and funds appropriated by any county or municipality in developing and constructing airports under the Uniform Airports Act.
(2) The department may expend not to exceed 10% of its annual appropriation from the Aeronautics Restricted Account upon any one project under this chapter.

Amended by Chapter 431, 2019 General Session

72-10-203 Department and counties, municipalities, and airport authorities authorized to acquire and regulate airports.

(1) The department and municipalities, counties, and airport authorities may acquire, establish, construct, expand, own, lease, control, equip, improve, maintain, operate, regulate, and police airports for the use of aircraft and may use for these purposes any available property that is owned or controlled by the department or by a municipality, county, or airport authority.
(2) A county may not exercise the authority conferred in this section outside of its geographical limits except jointly with an adjoining county.

Amended by Chapter 431, 2019 General Session

72-10-203.5 Advisory boards of airports and extraterritorial airports.

(1) For purposes of this section:

(a) "Airport owner" means the municipality, county, or airport authority that owns one or more airports.
(b) "Extraterritorial airport" means an airport, including the airport facilities, real estate, or other assets related to the operation of an airport, outside the municipality or county and within the boundary of a different municipality or county.
(2)
(a) If an airport owner that owns an international airport also owns one or more extraterritorial airports, the airport owner shall create and maintain an advisory board as described in this section.
(b) The advisory board shall advise and consult the airport owner according to the process set forth in ordinance, rule, or regulation of the airport owner.
(3)
(a) An advisory board described in Subsection (2) shall consist of 11 members, appointed as follows:
(i) one individual from each municipality or county in which an extraterritorial airport is located, appointed:
(A) according to an ordinance or policy in place in each municipality or county for appointing individuals to a board, if any; or
(B) if no ordinance or policy described in Subsection (3)(a)(i)(A) exists, by the chief executive officer of the municipality or county, with advice and consent from the legislative body of the municipality or county in which the extraterritorial airport is located; and
(ii) as many individuals as necessary, appointed by the chief executive officer of the airport owner, with advice and consent from the legislative body of the airport owner, when added to the individuals appointed under Subsection (3)(a)(i), to equal 11 total members on the advisory board.
(b) The airport owner shall ensure that members of the advisory board have the following qualifications:
(i) at least one member with experience in commercial or industrial construction projects with a budget of at least $10,000,000; and
(ii) at least one member with experience in management and oversight of an entity with an operating budget of at least $10,000,000.
(4)
(a)
(i) Except as provided in Subsection (4)(b), the term of office for members of the advisory board shall be four years or until a successor is appointed, qualified, seated, and has taken the oath of office.
(ii) A member of the advisory board may serve two terms.
(b) When a vacancy occurs on the board for any reason, the replacement shall be appointed according to the procedures set forth in Subsection (3) for the member who vacated the seat, and the replacement shall serve for the remainder of the unexpired term.
(5) The advisory board shall select a chair of the advisory board.
(6)
(a) The chief executive officer of each municipality or county in which an extraterritorial airport is located, with the advice and consent of the respective legislative body of the municipality or county, may create an extraterritorial airport advisory board to represent the interests of the extraterritorial airport.
(b) The extraterritorial airport advisory boards described in Subsection (6)(a) shall meet at least quarterly, and:

(i) shall provide advisory support to the member of the advisory board representing the municipality or county; and
(ii) may advise in the request for proposals process of a fixed base operator for the respective extraterritorial airport.
(7) The airport owner, in consultation with the airport advisory board, shall, consistent with the requirements of federal law, study, produce an analysis, and advise regarding the highest and best use and operational strategy for each airport, including all lands, facilities, and assets owned by the airport owner.
(8) An airport owner, in consultation with the county auditor and the county assessor of a county in which an extraterritorial airport is located, shall explore in good faith whether a municipality or county where an extraterritorial airport is located receives airport-related tax disbursements to which the municipality or county is entitled.
(9) An airport owner shall report annually to the Transportation Interim Committee regarding the requirements in this section.

Amended by Chapter 517, 2024 General Session

72-10-204 Lands acquired by department and counties, municipalities, and airport authorities -- Declaration of public purpose.

Any land acquired, owned, leased, controlled, or occupied by the department or by a county, municipality, or airport authority for the purposes enumerated in Section 72-10-203, is acquired, owned, leased, controlled, or occupied for public, governmental, and municipal purposes.

Amended by Chapter 431, 2019 General Session

72-10-205 Acquisition of property -- Condemnation.

(1) Private property needed by the department or a county, municipality, or airport authority for an airport or landing field or for the expansion of an airport or landing field may be acquired by grant, purchase, lease, or other means if the department or the political subdivision is able to agree with the owners of the property on the terms of acquisition.
(2) If no agreement can be reached, the private property may be obtained by condemnation in the manner provided for the state or a political subdivision to acquire real property for public purposes.

Amended by Chapter 431, 2019 General Session

72-10-205.5 Abandoned aircraft on airport property -- Seizure and disposal.

(1) As used in this section, "abandoned aircraft" means an aircraft that:
(a)
(i) remains in an idle state on airport property for 45 consecutive calendar days;
(ii) is in a wrecked, inoperative, derelict, or partially dismantled condition;
(iii) is not in the process of an insurance claim or inspection by the National Transportation Safety Board; and
(iv) is not in the process of actively being repaired;
(b)
(i) is not subject to a lease or other storage agreement with the airport operator;
(ii) has remained on airport property for 180 days without being operated; and
(iii) has accrued unpaid airport charges during that period; or

(c)
(i) is subject to an agreement with the airport operator to lease space on airport property;
(ii) for which the owner has been notified of the termination of the lease agreement; and
(iii) which has remained on airport property for 120 days after being notified of the termination of the lease agreement.

(2) An airport operator may take possession and dispose of an abandoned aircraft in accordance with Subsections (3) through (5).

(3)
(a) Upon determining that an aircraft located on airport property is abandoned, the airport operator shall notify the aircraft owner as provided in Subsection (3)(b) or (3)(c).
(b)
(i) If the abandoned aircraft owner and the aircraft owner's address are known, the airport operator shall send, by registered mail, a notice containing the information described in Subsection (4) to the last known address of the last registered owner of the aircraft.
(ii) If the mailed notice described in Subsection (3)(b)(i) is returned to the airport operator without a forwarding address, the airport operator shall publish a notice as a class A notice under Section 63G-30-102, which shall contain the information described in Subsection (4).
(c) If the abandoned aircraft owner or the aircraft owner address is unknown, the airport operator shall publish a notice as a class A notice under Section 63G-30-102, which shall contain the information described in Subsection (4).

(4) The notice required in Subsection (3) shall include:
(a) the name, if known, and the last known address, if any, of the last registered owner of the aircraft;
(b) a description of the aircraft, including the identification number, the aircraft make and model, the location of the aircraft, and the date the aircraft is determined abandoned;
(c) a statement describing the specific grounds for the determination that the aircraft is abandoned;
(d) the amount of any accrued or unpaid airport charges; and
(e) a statement indicating that the airport operator intends to take possession and dispose of the aircraft if the owner of the aircraft fails to remove the aircraft from airport property, after payment in full of any charges described in Subsection (4)(d), within the later of:
(i) 30 days after the day on which the notice is sent in accordance with Subsection (3)(b); or
(ii) 30 days after the day on which the notice is published in accordance with Subsection (3)(c), if applicable.

(5) If the owner of the abandoned aircraft fails to remove the aircraft from airport property, after payment in full of any charges described in Subsection (4)(d), within the time specified in Subsection (4)(e):
(a) the abandoned aircraft becomes the property of the airport operator; and
(b) the airport operator may dispose of the abandoned aircraft:
(i) in the manner provided in Title 63A, Chapter 2, Part 4, Surplus Property Service; or
(ii) in accordance with any other lawful method or procedure established by rule or ordinance adopted by the airport operator.

(6) If an airport operator complies with the provisions of this section, the airport operator is immune from liability for the seizure and disposal of an abandoned aircraft in accordance with this section.

Amended by Chapter 460, 2025 General Session

72-10-206 Payment by appropriation or sale of bonds.

The purchase price or award for real property acquired, in accordance with the provisions of this part, for an airport or landing field may be paid for by appropriation of money available for the property or wholly or partly from the proceeds of the sale of bonds of the county, municipality, or other political subdivision, as the legislative body of the political subdivision shall determine, subject to the adoption of a proposition at a regular or special election, if the adoption of a proposition is a prerequisite to the issuance of bonds of the political subdivision for public purposes generally.

Renumbered and Amended by Chapter 270, 1998 General Session

72-10-207 Powers of department and political subdivisions over airports -- Security unit.

(1) The department, and counties, municipalities, or other political subdivisions of this state that have established or may establish airports or that acquire, lease, or set apart real property for those purposes, may:
  (a) construct, equip, improve, maintain, and operate the airports or may vest the authority for their construction, equipment, improvement, maintenance, and operation in an officer of the department or in an officer, board, or body of the political subdivision;
  (b) adopt rules, establish charges, fees, and tolls for the use of airports and landing fields, fix penalties for the violation of the rules, and establish liens to enforce payment of the charges, fees, and tolls, subject to approval by the commission;
  (c) lease the airports to private parties for operation for a term not exceeding 50 years, as long as the public is not deprived of its rightful, equal, and uniform use of the facility;
  (d) lease or assign space, area, improvements, equipment, buildings, and facilities on the airports to private parties for operation for a term not exceeding 50 years;
  (e) lease or assign real property comprising all or any part of the airports to private parties for the construction and operation of hangars, shop buildings, or office buildings for a term not exceeding 50 years, if the projected construction cost of the hangar, shop building, or office building is $100,000 or more; and
  (f) establish, maintain, operate, and staff a security unit for the purpose of enforcing state and local laws at any airport that is subject to federal airport security regulations.
(2) The department or political subdivision shall pay the construction, equipment, improvement, maintenance, and operations expenses of any airport established by them under Subsection (1).
(3)
  (a) If the department or political subdivision establishes a security unit under Subsection (1)(f), the department head or the governing body of the political subdivision shall appoint persons qualified as peace officers under Title 53, Chapter 13, Peace Officer Classifications to staff the security unit.
  (b) A security unit appointed by the department or political subdivision is exempt from civil service regulations.
  (c) If the department or political subdivision establishes a security unit under Subsection (1)(f), the department head or the governing body of the political subdivision:
    (i) may allow peace officers or other workers to assist with airport operations and vehicle and traffic flow; and
    (ii) may not allow peace officers or other workers to:
      (A) unreasonably impede or obstruct traffic;
      (B) create unsafe traffic situations; or

(C) intimidate vehicle drivers or airport passengers.

Amended by Chapter 377, 2020 General Session

72-10-208 Providing for levying of taxes.

The local public authorities having power to appropriate money within the counties, municipalities, or other public subdivisions of this state for the purpose of acquiring, establishing, developing, operating, maintaining, or controlling airports under the provisions of this part, are authorized to appropriate and cause to be raised by taxation or otherwise in such political subdivisions money sufficient to carry out therein the provisions of this part, also to use for such purpose or purposes money derived from the airports.

Renumbered and Amended by Chapter 270, 1998 General Session

72-10-209 Acquisition of air rights -- Condemnation.

(1) To provide unobstructed air space for the landing and taking off of aircraft using airports acquired or maintained under this chapter, the department and a county, municipality, or airport authority may acquire the air rights over private property necessary to insure safe approaches to the landing areas of the airports.
(2) The air rights may be acquired by grant, purchase, lease, or condemnation in the same manner provided under Section 72-10-205 for the acquisition or expansion of airports.

Amended by Chapter 431, 2019 General Session

72-10-210 Easements for marks or lights -- Condemnation.

(1) The department and a county, municipality, or airport authority may acquire the right or easement for a term of years or perpetually to place and maintain suitable marks for the daytime, and to place, operate, and maintain suitable lights for the nighttime marking of buildings or other structures or obstructions for the safe operation of aircraft using airports and landing fields acquired or maintained under this chapter.
(2) The rights or easements may be acquired by grant, purchase, lease, or condemnation in the same manner provided under Section 72-10-205 for the acquisition or expansion of airports.

Amended by Chapter 431, 2019 General Session

72-10-211 Police regulations.

The department and a county, municipality, or airport authority acquiring, establishing, developing, operating, maintaining, or controlling airports outside the geographical limits of the subdivisions, under this chapter may amend and enforce police regulations for the airports.

Amended by Chapter 431, 2019 General Session

72-10-212 General provisions of law applicable in condemnation proceedings, issuing bonds, and levying taxes.

It is the intent and purpose of this part that all provisions herein relating to the issuance of bonds and the levying of taxes for airport purposes and the condemnation for airports and airport facilities shall be construed in accordance with general provisions of the law of this state governing the right and procedure of municipalities to condemn property, issue bonds, and levy taxes.

Renumbered and Amended by Chapter 270, 1998 General Session

72-10-213 Severability clause.

If any provision of this part or its application is held invalid, this invalidity does not affect provisions or applications of the part which can be given effect without the invalid provision or application, and to this end the provisions of this part are declared to be severable.

Renumbered and Amended by Chapter 270, 1998 General Session

72-10-214 Construction of part.

This part shall be so interpreted and construed as to effectuate the general purpose of those states which enact it.

Renumbered and Amended by Chapter 270, 1998 General Session

72-10-215 Restrictions on use of airport revenue to finance a fixed guideway.

An airport operator may not use airport revenue to contribute to the cost of constructing, equipping, maintaining, or operating any portion of a fixed guideway as defined in Section 59-12-102.

Amended by Chapter 263, 2010 General Session

Part 3
Federal Airport Funds Act

72-10-301 Definitions.

As used in this part:

(1) "Airport" means any area of land or water which is used, or intended for use for the landing and taking-off of aircraft, and any appurtenant areas which are used, or intended for use, for aircraft buildings or other airport facilities or rights of way, together with all airport buildings and facilities located on them.

(2) "Air navigation facility" means any facility -- other than one owned and operated by the United States -- used in, available for use in, or designed for use in aid of air navigation, including any structures, mechanisms, lights, beacons, markers, communicating systems, or other instrumentalities, or devices used or useful as an aid, or constituting an advantage or convenience, to the safe taking-off, navigation, and landing of aircraft, or the safe and efficient operation or maintenance of an airport, and any combination of any or all of the facilities.

(3) "Airport hazard" means any structure, object of natural growth, or use of land which obstructs the air space required for the flight of aircraft in landing or taking-off at an airport or is otherwise hazardous to the landing or taking-off of aircraft.

(4) "Municipality" means any county, city, town, or political subdivision of this state.

(5) "Person" means any individual, firm, partnership, corporation, company, association, joint stock association, or body politic and includes any trustee, receiver, assignee, or other similar representation thereof.

(6) "Public agency" means the United States government or any of its agencies, a state or its agencies, a municipality or other political subdivision, or a tax-supported organization.

Renumbered and Amended by Chapter 270, 1998 General Session

72-10-302 Purpose and policy of part.

It is declared that the purpose of this part is to further the public interest in aeronautical progress:

(1) by authorizing public agencies of this state to accept, channel, and disburse federal, state, and other funds for the planning, acquisition, construction, maintenance, operation, and regulation of airports and air navigation facilities;

(2) by granting to a state agency the powers and imposing upon it the duties that the state may obtain the full benefit of financial assistance made available by the federal government, as well as assistance from other sources;

(3) by providing authority that may be exercised by a public agency independently or jointly with other public agencies, and enabling two or more cities, towns, counties, and other political subdivisions jointly to establish, acquire, develop, and operate an airport or airports for their joint or common use.

Renumbered and Amended by Chapter 270, 1998 General Session

72-10-303 Submission of requests for aid -- Approval by department -- Receipt and disbursement of funds.

(1) The state, a county, municipality, or airport authority may not submit to any federal agency or department of the United States any requests for aid under any act of congress that provides funds for airports or commercial airport construction, development, expansion, or improvements, unless the project and the requests for aid have been first approved by the department.

(2) The state, a county, municipality, or airport authority may not directly accept, receive, receipt for, or disburse any funds granted by the United States under the act, but it shall designate the department as its agent and in its behalf to accept, receive, receipt for, and disburse the funds.

(3) The state, a county, municipality, or airport authority shall enter into an agreement with the department, prescribing the terms and conditions of the agency in accordance with federal laws, rules, and regulations and applicable laws of this state.

(4) Money paid by the United States government shall be retained by the state or paid to a county, municipality, or airport authority under terms and conditions imposed by the United States government in making the grant.

Amended by Chapter 431, 2019 General Session

72-10-304 Powers and duties of department.

(1) The department may make available its engineering and other technical services, with or without charge, to the state, a county, municipality, or airport authority or person desiring them in connection with the planning, acquisition, construction, improvement, maintenance, or operation of airports or air navigation facilities.

(2)

(a) The department may render financial assistance by grant, loan, or both, to any county, municipality, or airport authority, in the planning, acquisition, construction, improvement,

maintenance, or operation of an airport owned or controlled, or to be owned or controlled by the county, municipality, or airport authority, out of appropriations made by the Legislature for these purposes.

(b) Financial assistance may be furnished in connection with federal or other financial aid for the same purposes.

(3)

(a) The department may use the facilities and services of other state agencies and of the counties and municipalities to the utmost extent possible.

(b) The state agencies, counties, and municipalities shall make available their facilities and services.

(4) All powers granted to any county, municipality, or airport authority by this chapter may be exercised jointly with any county, municipality, or airport authority, and jointly with any state agency or the United States if the laws of the other state or of the United States permit the joint exercise.

Amended by Chapter 431, 2019 General Session

72-10-305 Mutual assistance -- Gifts, leases, and loans.

(1) If any public agency determines that the public interest and the interest of the public agency will be served by assisting any other public agency in exercising the powers and authority granted by this part, the public agency may furnish assistance by gift of real or personal property or money or lease or loan with or without charge or interest.

(2) In appropriating the property or money and providing for the assistance by taxation, the issuance of bonds, or other means, the public agency may exercise all of its powers as though used for its own direct purposes as provided in this part.

Renumbered and Amended by Chapter 270, 1998 General Session

72-10-306 Contractual powers of public agencies.

A public agency may enter into any contracts necessary to the execution of the powers granted it, and for the purposes provided by this part.

Renumbered and Amended by Chapter 270, 1998 General Session

72-10-307 Powers of governing bodies.

The governing body of any public agency having power to appropriate and raise money is authorized to appropriate, and to raise by taxation or otherwise, sufficient money to carry out the provisions and purposes of this part.

Renumbered and Amended by Chapter 270, 1998 General Session

72-10-308 Construction of part.

This part shall be so interpreted and construed as to make uniform so far as possible the laws and regulations of this state and other states and of the government of the United States having to do with the subject of public airports.

Renumbered and Amended by Chapter 270, 1998 General Session

72-10-309 Severability clause.

If any provision of this part or its application to any person or circumstance shall be held invalid, this invalidity does not affect the provisions or applications of this part which can be given effect without the invalid provision or application, and to this end the provisions of this part are declared to be severable.

Renumbered and Amended by Chapter 270, 1998 General Session

Part 4
Airport Zoning Act

72-10-401 Definitions.

As used in this part:

(1)
(a) "Airport" means any publicly used area of land or water that is used, or intended to be used, for the landing and take-off of aircraft and utilized or to be utilized in the interest of the public for these purposes.
(b) "Airport" includes a vertiport if the vertiport is open for public use.

(2) "Airport hazard" means any structure, tree, object of natural growth, or use of land that potentially obstructs or otherwise impacts the safe and efficient utilization of the navigable airspace required for the flight of aircraft in landing or take-off at an airport.

(3) "Airport influence area" means land located:
(a) within 5,000 feet of an airport runway; or
(b) within 500 feet of a vertiport that is open for public use.

(4) "Airport overlay zone" means a secondary zoning district designed to protect the public health, safety, and welfare near an airport that:
(a) applies land use regulation in addition to the primary zoning district land use regulation of property used as an airport and property within an airport influence area;
(b) may extend beyond the airport influence area;
(c) ensures airport utility as a public asset;
(d) protects property owner land values near an airport through compatible land use regulations as recommended by the Federal Aviation Administration; and
(e) protects aircraft occupant safety through protection of navigable airspace.

(5) "Avigation easement" means an easement permitting unimpeded aircraft flights over property subject to the easement and includes the right:
(a) to create or increase noise or other effects that may result from the lawful operation of aircraft; and
(b) to prohibit or remove any obstruction to such overflight.

(6) "Land use regulation" means the same as that term is defined in Sections 10-9a-103 and 17-27a-103.

(7) "Political subdivision" means any municipality, city, town, or county.

(8) "Structure" means any object constructed or installed by man, including buildings, towers, smokestacks, and overhead transmission lines.

(9) "Tree" means any object of natural growth.

Amended by Chapter 483, 2024 General Session

72-10-402 Declaration with respect to airport hazards.

The Legislature finds that:

(1) an airport hazard endangers the lives and property of users of the airport and of occupants of land in its vicinity;

(2) an obstruction of the type that reduces the size of the area available for the landing, taking-off, and maneuvering of aircraft tends to destroy or impair the utility of the airport and the public investment in the airport;

(3) the creation or establishment of an airport hazard is a public nuisance and an injury to the community served by the airport in question;

(4) it is necessary in the interest of the public health, public safety, and general welfare that the creation or establishment of airport hazards be prevented;

(5) this should be accomplished, to the extent legally possible, by exercise of the police power, without compensation;

(6) both the prevention of the creation or establishment of airport hazards and the elimination, removal, alteration, mitigation, or marking and lighting of existing airport hazards are public purposes for which political subdivisions may raise and expend public funds and acquire land or property interests in land; and

(7) the establishment of an airport overlay zone best prevents the creation or establishment of an airport hazard, and promotes the public health, safety, and general welfare.

Amended by Chapter 65, 2023 General Session

72-10-403 Airport zoning regulations.

(1) Flight of aircraft over the lands and waters of the state is lawful, unless:

  (a) at such a low altitude as to interfere with the existing use to which the owner has put the land, water, or the airspace over the land or water; or

  (b) so conducted as to be imminently dangerous to persons or property lawfully on the land or water beneath.

(2) In order to prevent the creation or establishment of airport hazards, each political subdivision located within an airport influence area, shall adopt, administer, and enforce land use regulations for the airport influence area, including an airport overlay zone, under the police power and in the manner and upon the conditions prescribed:

  (a) in this part;

  (b) Title 10, Chapter 9a, Municipal Land Use, Development, and Management Act; and

  (c) Title 17, Chapter 27a, County Land Use, Development, and Management Act.

(3)

  (a) Each political subdivision located within an airport influence area shall notify a person building on or developing land in an airport influence area, in writing, of aircraft overflights and associated noise.

  (b) To promote the safe and efficient operation of the airport, a political subdivision located within an airport influence area:

    (i) shall:

      (A) adopt an airport overlay zone conforming to the requirements of this chapter and 14 C.F.R. Part 77; and

      (B) require any proposed development within an airport influence area to conform with 14 C.F.R. Part 77; and

(ii) may, as a condition to granting a building permit, subdivision plat, or a requested zoning change within an airport influence area, require a person building or developing land to grant or sell to the airport owner, at appraised fair market value, an avigation easement.

(4) If a political subdivision located within an airport influence area fails to adopt an airport overlay zone by December 31, 2024, then the following requirements shall apply in an airport influence area:

(a) each political subdivision located within an airport influence area shall notify a person building on or developing land within an airport influence area, in writing, of aircraft overflights and associated noise;

(b) as a condition to granting a building permit, subdivision plat, or a requested zoning change within an airport influence area, require the person building or developing land to grant or sell to the airport owner, at appraised fair market value, an avigation easement; and

(c) require a person building or developing land within an airport influence area conform to the requirements of this chapter and 14 C.F.R. Part 77.

Amended by Chapter 483, 2024 General Session

72-10-404 Zoning ordinances -- Governing law in event of conflict.

In the event of conflict between any airport land use regulations adopted under this part and any other regulations applicable to the same area, whether the conflict be with respect to the height of structures or trees, the use of land, or any other matter, the airport overlay zone requirement shall govern and prevail.

Amended by Chapter 65, 2023 General Session

72-10-413 Purchase or condemnation of air rights or navigation easements.

A political subdivision owning the airport, whether or not the airport is located within the territorial limits of the political subdivision, or a political subdivision that is served by the airport may acquire, by purchase, grant, or condemnation in the manner provided by the law under which political subdivisions are authorized to acquire real property for public purposes, an air right, an avigation easement, or other estate or interest in the property or nonconforming structure or use in question if:

(1) it is desired to remove, lower, or otherwise terminate a nonconforming structure or use;

(2) the approach protection necessary cannot, because of constitutional limitations, be provided by airport land use regulations under this part; or

(3) it appears advisable that the necessary approach protection be provided by acquisition of property rights rather than by airport zoning regulations.

Amended by Chapter 65, 2023 General Session

72-10-415 Severability clause.

If any provision of this part or its application to any person or circumstances is held invalid, this invalidity does not affect the provisions or applications of the part which can be given effect without the invalid provision or application, and to this end the provisions of this part are declared to be severable.

Renumbered and Amended by Chapter 270, 1998 General Session

72-10-416 Private airports designated as significant.

(1) Upon request from an owner of a private airport, the department shall determine whether to designate a private airport as a significant private airport.

(2) The department shall designate a private airport as a significant private airport if the department determines that the private airport:

(a) is registered with the Federal Aviation Administration;

(b) appears on aeronautical charts published by the Federal Aviation Administration; and

(c) has significant infrastructure investment, such as a paved runway, lighting, fuel facilities, or more than 20 based aircraft.

(3) If the department designates a private airport as a significant private airport, the department shall notify the relevant municipality or county of:

(a) the department's designation; and

(b) the municipality's or county's responsibility to make the recording described in Section 10-9a-543 or 17-27a-538.

Enacted by Chapter 515, 2025 General Session

Part 5
Flying While Intoxicated

72-10-501 Flying under the influence of alcohol, drugs, or with specified or unsafe blood alcohol concentration -- Calculations of blood or breath alcohol -- Criminal punishment -- Arrest without warrant.

(1)

(a) A person may not operate or be in actual physical control of an aircraft within this state if the person:

(i) has sufficient alcohol in his body that a subsequent chemical test shows that the person has a blood or breath alcohol concentration of .04 grams or greater at the time of the test;

(ii) is under the influence of alcohol, any drug, or the combined influence of alcohol and any drug to a degree that renders the person incapable of safely operating an aircraft; or

(iii) has a blood or breath alcohol concentration of .04 grams or greater at the time of operation or actual physical control.

(b) The fact that a person charged with violating this section is or has been legally entitled to use alcohol or a drug is not a defense against any charge of violating this section.

(2) Calculations of blood or breath alcohol concentration under this section shall be made in accordance with Subsection 41-6a-502(1).

(3)

(a) A person convicted of a violation of Subsection (1) is guilty of a:

(i) class B misdemeanor; or

(ii) class A misdemeanor if the person has also inflicted bodily injury upon another as a proximate result of having operated the aircraft in a negligent manner.

(b) In this section, the standard of negligence is that of simple negligence, the failure to exercise that degree of care that an ordinarily reasonable and prudent person exercises under like or similar circumstances.

(4) A peace officer may, without a warrant, arrest a person for a violation of this section when the officer has probable cause to believe:

(a) the violation has occurred, although not in the officer's presence; and
(b) the violation was committed by that person.

Amended by Chapter 2, 2005 General Session

72-10-502 Implied consent to chemical tests for alcohol or drugs -- Number of tests -- Refusal -- Person incapable of refusal -- Results of test available -- Who may give test -- Evidence -- Immunity from liability.

(1)
(a) A person operating an aircraft in this state consents to a chemical test or tests of the person's breath, blood, urine, or oral fluids:
(i) for the purpose of determining whether the person was operating or in actual physical control of an aircraft while having a blood or breath alcohol content statutorily prohibited under Section 72-10-501, or while under the influence of alcohol, any drug, or combination of alcohol and any drug under Section 72-10-501, if the test is or tests are administered at the direction of a peace officer having grounds to believe that person to have been operating or in actual physical control of an aircraft in violation of Section 72-10-501; or
(ii) if the person operating the aircraft is involved in an accident that results in death, serious injury, or substantial aircraft damage.
(b)
(i) The peace officer determines which of the tests are administered and how many of them are administered.
(ii) The peace officer may order any or all tests of the person's breath, blood, urine, or oral fluids.
(iii) If an officer requests more than one test, refusal by a person to take one or more requested tests, even though the person does submit to any other requested test or tests, is a refusal under this section.
(c)
(i) A person who has been requested under this section to submit to a chemical test or tests of the person's breath, blood, urine, or oral fluids may not select the test or tests to be administered.
(ii) The failure or inability of a peace officer to arrange for any specific chemical test is not a defense to taking a test requested by a peace officer, and it is not a defense in any criminal, civil, or administrative proceeding resulting from a person's refusal to submit to the requested test or tests.

(2)
(a) If the person has been placed under arrest and has then been requested by a peace officer to submit to any one or more of the chemical tests provided in Subsection (1) and refuses to submit to any chemical test, the person shall be warned by the peace officer requesting the test that a refusal to submit to the test is admissible in civil or criminal proceedings as provided under Subsection (8).
(b) Following this warning, unless the person immediately requests that the chemical test offered by a peace officer be administered, a test may not be given.

(3) A person who is dead, unconscious, or in any other condition rendering the person incapable of refusal to submit to any chemical test or tests is considered to not have withdrawn the consent provided for in Subsection (1), and the test or tests may be administered whether the person has been arrested or not.

(4) Upon the request of the person who was tested, the results of the test or tests shall be made available to that person.
(5)
(a) Only the following, acting at the request of a peace officer, may draw blood to determine its alcohol or drug content:
(i) a physician;
(ii) a registered nurse;
(iii) a licensed practical nurse;
(iv) a paramedic;
(v) as provided in Subsection (5)(b), emergency medical service personnel other than paramedics; or
(vi) a person with a valid permit issued by the Department of Public Safety under Section 53-2d-103.
(b) The Department of Public Safety may designate by rule, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, which emergency medical service personnel, as defined in Section 53-2d-101, are authorized to draw blood under Subsection (5)(a)(v), based on the type of license under Section 53-2d-402.
(c) Subsection (5)(a) does not apply to taking a urine, breath, or oral fluid specimen.
(d) The following are immune from civil or criminal liability arising from drawing a blood sample from a person who a peace officer has reason to believe is flying in violation of this chapter if the sample is drawn in accordance with standard medical practice:
(i) a person authorized to draw blood under Subsection (5)(a); and
(ii) if the blood is drawn at a hospital or other medical facility, the medical facility.
(6)
(a) The person to be tested may, at the person's own expense, have a physician of the person's own choice administer a chemical test in addition to the test or tests administered at the direction of a peace officer.
(b) The failure or inability to obtain the additional test does not affect admissibility of the results of the test or tests taken at the direction of a peace officer, or preclude or delay the test or tests to be taken at the direction of a peace officer.
(c) The additional test shall be subsequent to the test or tests administered at the direction of a peace officer.
(7) For the purpose of determining whether to submit to a chemical test or tests, the person to be tested does not have the right to consult an attorney or have an attorney, physician, or other person present as a condition for the taking of any test.
(8) If a person under arrest refuses to submit to a chemical test or tests or any additional test under this section, evidence of any refusal is admissible in any civil or criminal action or proceeding arising out of acts alleged to have been committed while the person was operating or in actual physical control of an aircraft while under the influence of alcohol, any drug, or combination of alcohol and any drug.
(9) The results of any test taken under this section or the refusal to be tested shall be reported to the Federal Aviation Administration by the peace officer requesting the test.
(10) Notwithstanding the provisions of this section, a blood test taken under this section is subject to Section 77-23-213.

Amended by Chapter 340, 2025 General Session

72-10-503 Standards for chemical analysis of breath or oral fluids -- Evidence.

(1) The Commissioner of the Department of Public Safety shall establish standards for the administration and interpretation of chemical analysis of a person's breath or oral fluids, including standards of training.
(2) In any action or proceeding in which it is material to prove that a person was operating or in actual physical control of an aircraft while under the influence of alcohol or any drug or operating with a blood or breath alcohol content statutorily prohibited, documents offered as memoranda or records of acts, conditions, or events to prove that the analysis was made and the instrument used was accurate, according to standards established in Subsection (1), are admissible if:
  (a) the judge finds that they were made in the regular course of the investigation at or about the time of the act, condition, or event; and
  (b) the source of information from which made and the method and circumstances of their preparation indicate their trustworthiness.
(3) If the judge finds that the standards established under Subsection (1) and the conditions of Subsection (2) have been met, there is a presumption that the test results are valid and further foundation for introduction of the evidence is unnecessary.

Amended by Chapter 205, 2004 General Session

72-10-504 Admissibility of chemical test results in actions for flying under the influence -- Weight of evidence.

(1)
  (a) In any civil or criminal action or proceeding in which it is material to prove that a person was operating or in actual physical control of an aircraft while under the influence of alcohol, drugs, or with a blood or breath alcohol content statutorily prohibited, the results of a chemical test or tests as authorized in Section 72-10-502 are admissible as evidence.
  (b)
    (i) In a criminal proceeding, noncompliance with Section 72-10-502 does not render the results of the chemical test inadmissible.
    (ii) Evidence of a defendant's blood or breath alcohol content or drug content is admissible except when prohibited by Rules of Evidence or the constitution.
(2) This section does not prevent a court from receiving otherwise admissible evidence as to a defendant's blood or breath alcohol level or drug level at the time relevant to the alleged offense.

Amended by Chapter 106, 2002 General Session

Part 6
Airport Ground Transportation Security

72-10-601 Definitions.

As used in this part:
(1) "City" means a municipality of the first class, as defined under Section 10-2-301, that:
  (a) is authorized by statute to operate an airport; and
  (b) operates an airport with greater than 10 million annual passengers.

(2) "Division" means the Criminal Investigation and Technical Services Division of the Department of Public Safety, established in Section 53-10-103.
(3) "Ground transportation service" means transporting passengers for hire or as a courtesy in connection with a business over public streets pursuant to a license with the city.
(4)
(a) "Ground transportation service provider" means a driver who provides ground transportation service where the pickup or drop-off of a passenger occurs at an airport under a city's authority.
(b) "Ground transportation service provider" includes:
(i) a taxicab driver;
(ii) a limousine or luxury car driver;
(iii) a bus or minibus driver, except a driver of a transit vehicle, as defined in Section 17B-2a-802;
(iv) a courtesy vehicle or hotel vehicle driver;
(v) a special transportation vehicle driver who transports persons with a disability; and
(vi) a van driver.

Amended by Chapter 366, 2011 General Session

72-10-602 Criminal background check authorized -- Written notice required.
(1) A city may by ordinance require a ground transportation service provider to submit to a criminal background check as a condition of providing ground transportation service to an airport under the city's authority.
(2)
(a) Each ground transportation service provider, if required to submit a background check under Subsection (1), shall:
(i) submit a fingerprint card in a form acceptable to the division; and
(ii) consent to a fingerprint background check by:
(A) the Utah Bureau of Criminal Identification; and
(B) the Federal Bureau of Investigation.
(b) If requested by a city that has adopted an ordinance in accordance with Subsection (1), the division shall request the Department of Public Safety to complete a Federal Bureau of Investigation criminal background check through a national criminal history system for each background check requested by a city under this section.
(c)
(i) If a city has adopted an ordinance in accordance with Subsection (1), the city may make a ground transportation service provider's access to provide ground transportation service to an airport conditional pending completion of a criminal background check under this section.
(ii) If a criminal background check discloses that a ground transportation service provider failed to disclose accurately a criminal history, the city may deny or, if conditionally given, immediately terminate the ground transportation service provider's right to provide ground transportation service to an airport.
(iii) If a ground transportation service provider accurately disclosed the relevant criminal history and the criminal background check discloses that the ground transportation service provider has been convicted of a crime that indicates a potential risk for the safety or well-being of the patrons or employees of the airport under the city's authority, the city may deny or, if conditionally given, immediately terminate the ground transportation service provider's right to provide ground transportation service to an airport.

(3) Each city that requests a criminal background check under Subsection (1) shall prepare criteria for which criminal activity will preclude ground transportation service to the airport and shall provide written notice to the ground transportation service provider who is the subject of the criminal background check that the background check has been requested.
(4) The legislative body of a city may by a majority vote of its members overrule a decision made by the mayor or a city employee establishing the criteria for precluding the right of a ground transportation service provider under Subsection (3).

Enacted by Chapter 137, 2006 General Session

72-10-603 Duties of the Criminal Investigation and Technical Services Division -- Costs of separate file and background check.

(1) If a city requests the division to conduct a criminal background check under Section 72-10-602, the division shall:
  (a) release to the city the full record of criminal convictions for the ground transportation service provider who is the subject of the background check;
  (b) if requested by the city, seek additional information from regional or national criminal data files in conducting the criminal background check;
  (c) maintain a separate file of fingerprints submitted under Section 72-10-602; and
  (d) notify the requesting city when a new entry is made against a ground transportation service provider whose fingerprints are held in the file.
(2)
  (a) Each city requesting a criminal background check shall pay to the division the cost of:
    (i) maintaining the separate file of fingerprints under Subsection (1); and
    (ii) conducting a criminal background check under Section 72-10-602, including costs charged by the Federal Bureau of Investigation or other entity for conducting a national criminal background check, if requested by a city.
  (b) The cost borne by a city under Subsection (2)(a) may be covered by fees charged to a ground transportation service provider who is the subject of the background check.

Enacted by Chapter 137, 2006 General Session

72-10-604 Written notice to ground transportation service provider whose access to airport is denied or terminated -- Right to respond and seek review.

(1) If a city denies or terminates the right of a ground transportation service provider to provide ground transportation service to an airport because of information obtained through a criminal background check under this part, the city shall:
  (a) notify the ground transportation service provider in writing of the reasons for the denial or termination; and
  (b) give the ground transportation service provider an opportunity to respond to the reasons and to seek review of the denial or termination through administrative procedures established by the city.
(2) If a ground transportation service provider is denied access to provide ground transportation service to an airport, the denial shall not impact the right of another ground transportation service provider who provides ground transportation service for the same business.

Enacted by Chapter 137, 2006 General Session

Part 7
Unmanned Aircraft -- Drones

72-10-701 Preemption of local ordinance -- Business licensing.

(1) As used in this section, "advanced air mobility business" means a business that operates an unmanned aircraft system or an advanced air mobility system for a commercial purpose that is required to obtain a certificate pursuant to 14 C.F.R. Part 107 or 135.

(2) A political subdivision of the state, or an entity within a political subdivision of the state, may not enact a law, ordinance, or rule governing the private use of an unmanned aircraft or the private use of an advanced air mobility system, unless:

(a) authorized by this chapter; or

(b) the political subdivision or entity is an airport operator that enacts the law, rule, or ordinance to govern:

(i) the operation of an unmanned aircraft or an advanced air mobility system within the geographic boundaries of the airport over which the airport operator has authority; or

(ii) the takeoff or landing of an unmanned aircraft or an aircraft operated as part of an advanced air mobility system at the airport over which the airport operator has authority.

(3)

(a) Subject to the provisions of this chapter, a political subdivision may require an advanced air mobility business to obtain a business license if the advanced air mobility business does not hold a current business license in good standing from another political subdivision in the state.

(b) A political subdivision may only charge a licensing fee to an advanced air mobility business in an amount that reimburses the political subdivision for the actual cost of processing the business license.

(4) A political subdivision may not require an advanced air mobility business to:

(a) obtain a separate business license beyond the initial business license described in Subsection (3)(a);

(b) pay a fee other than the fee for the initial business license described in Subsection (3); or

(c) pay a fee for each employee the advanced air mobility business employs.

(5) A political subdivision shall provide a reasonable accommodation to an advanced air mobility business with regard to any regulation or restriction on the size of the business.

(6) A political subdivision shall recognize as valid within the political subdivision the business license of an advanced air mobility business obtained in another political subdivision within the state, if the business license is current and in good standing.

(7)

(a) A political subdivision may not create a monopoly by entering into an agreement to grant or permit an exclusive right to one or more vertiport owners as the only vertiport owners or operators within the boundary of the political subdivision.

(b) Subsection (7)(a) does not preclude a political subdivision from granting a permit or right to a vertiport owner or operator if only one owner or operator applies for a permit in that political subdivision.

(8) Notwithstanding Subsection (7), if a political subdivision issues a permit to a vertiport owner or operator, unless the vertiport owner, operator, or facility receives any public money, the vertiport owner or operator may exclude other users from using the owner's or operator's vertiport.

(9) This chapter supersedes any law, ordinance, or rule enacted by a political subdivision of the state before July 1, 2022.

Amended by Chapter 22, 2023 General Session
Amended by Chapter 22, 2023 General Session, (Coordination Clause)
Renumbered and Amended by Chapter 216, 2023 General Session
Amended by Chapter 366, 2023 General Session

72-10-702 Applicability.

This chapter does not apply to a person or business entity:
(1) using an unmanned aircraft for legitimate educational or business purposes; and
(2) operating the unmanned aircraft system in a manner consistent with applicable Federal Aviation Administration rules, exemptions, or other authorizations.

Renumbered and Amended by Chapter 216, 2023 General Session

72-10-703 Advanced air mobility toolkit.

(1) As used in this section, "political subdivision" means the same as that term is defined in Section 72-10-401.
(2) On or before July 1, 2026, the department shall:
  (a) develop a toolkit for a political subdivision to address advanced air mobility, including:
    (i) model ordinances governing advanced air mobility;
    (ii) best practices; and
    (iii) available resources that can assist the political subdivision in developing and implementing advanced air mobility policy;
  (b) regularly maintain and update the toolkit; and
  (c) make the toolkit publicly available on the department's website.
(3) The department may not require a political subdivision to adopt or implement any portion of the advanced air mobility toolkit.

Enacted by Chapter 423, 2025 General Session

Part 8
Law Enforcement Use of Unmanned Aircraft

72-10-801 Definitions.

As used in this part:
(1) "Civilian" means a person that is not a law enforcement officer.
(2) "Law enforcement agency" means the same as that term is defined in Section 53-3-102.
(3) "Law enforcement officer" means the same as that term is defined in Section 53-13-103.
(4) "Target" means a person upon whom, or an object, structure, or area upon which, another person:
  (a) has intentionally collected or attempted to collect information through the operation of an unmanned aircraft system; or
  (b) intends to collect or to attempt to collect information through the operation of an unmanned aircraft system.

Renumbered and Amended by Chapter 216, 2023 General Session

72-10-802 Unmanned aircraft system use requirements -- Exceptions.

(1) A law enforcement agency or officer may not obtain, receive, or use data acquired through an unmanned aircraft system unless the data is obtained:
  (a) pursuant to a search warrant;
  (b) in accordance with judicially recognized exceptions to warrant requirements;
  (c) subject to Subsection (2), from a person who is a nongovernment actor;
  (d) to locate a lost or missing person in an area in which a person has no reasonable expectation of privacy; or
  (e) for purposes unrelated to a criminal investigation.
(2) A law enforcement officer or agency may only use for law enforcement purposes data obtained from a nongovernment actor if:
  (a) the data appears to pertain to the commission of a crime; or
  (b) the law enforcement agency or officer believes, in good faith, that:
    (i) the data pertains to an imminent or ongoing emergency involving danger of death or serious bodily injury to an individual; and
    (ii) disclosing the data would assist in remedying the emergency.
(3) A law enforcement agency or officer that obtains, receives, or uses data acquired through the use of an unmanned aircraft system or through Subsection (2) shall destroy the data as soon as reasonably possible after the law enforcement agency or officer obtains, receives, or uses the data subject to an applicable retention schedule under Title 63G, Chapter 2, Government Records Access and Management Act, or a federal, state, or local law.
(4) This section applies to any imaging surveillance device, as defined in Section 77-23d-102, when used in conjunction with an unmanned aircraft system.

Renumbered and Amended by Chapter 216, 2023 General Session

72-10-803 Data retention.

(1) Except as provided in this section, a law enforcement agency:
  (a) may not use, copy, or disclose data collected by an unmanned aircraft system on a person, structure, or area that is not a target; and
  (b) in accordance with applicable federal, state, and local laws, shall ensure that data described in Subsection (1)(a) is destroyed as soon as reasonably possible after the law enforcement agency collects or receives the data.
(2) A law enforcement agency is not required to comply with Subsection (1) if:
  (a) deleting the data would also require the deletion of data that:
    (i) relates to the target of the operation; and
    (ii) is requisite for the success of the operation;
  (b) the law enforcement agency receives the data:
    (i) through a court order that:
      (A) requires a person to release the data to the law enforcement agency; or
      (B) prohibits the destruction of the data; or
    (ii) from a person who is a nongovernment actor;
  (c)
    (i) the data was collected inadvertently; and
    (ii) the data appears to pertain to the commission of a crime;

(d)
(i) the law enforcement agency reasonably determines that the data pertains to an emergency situation; and
(ii) using or disclosing the data would assist in remedying the emergency; or
(e) the data was collected through the operation of an unmanned aircraft system over public lands outside of municipal boundaries.

Renumbered and Amended by Chapter 216, 2023 General Session

72-10-804 Reporting.
(1) As used in this section, "law enforcement encounter" means the same as that term is defined in Section 77-7a-103.
(2) A law enforcement officer or agency that operates an unmanned aircraft system while on duty or acting in the law enforcement officer's or agency's official capacity, or obtains or receives data in accordance with Section 72-10-802, shall document the following in any report or other official record of the law enforcement encounter:
(a) the presence and use of the unmanned aircraft;
(b) any data acquired; and
(c) if applicable, the person from whom data was received in accordance with Subsection 72-10-802(2).

Renumbered and Amended by Chapter 216, 2023 General Session

Part 9
Unlawful Use of Unmanned Aircraft

72-10-901 Definitions.
As used in this part, "weapon" means:
(1) a firearm as that term is defined in Section 76-11-101; or
(2) an object that in the manner of the object's use or intended use is capable of causing death, bodily injury, or damage to property, as determined according to the following factors:
(a) the location and circumstances in which the object is used or possessed;
(b) the primary purpose for which the object is made;
(c) the character of the damage, if any, the object is likely to cause;
(d) the manner in which the object is used;
(e) whether the manner in which the object is used or possessed constitutes a potential imminent threat to public safety; and
(f) the lawful purposes for which the object may be used.

Amended by Chapter 173, 2025 General Session
Amended by Chapter 208, 2025 General Session

72-10-902 Weapon attached to unmanned aircraft -- Penalties.
(1)
(a) Except as provided in Subsection (2), a person may not fly an unmanned aircraft that carries a weapon or to which a weapon is attached.

(b) A person that violates Subsection (1)(a) is guilty of a class B misdemeanor.
(2) A person may fly an unmanned aircraft that carries a weapon or to which a weapon is attached if the person:
(a)
(i) obtains a certificate of authorization, or other written approval, from the Federal Aviation Administration authorizing the person to fly the unmanned aircraft that carries the weapon or to which the weapon is attached; and
(ii) operates the unmanned aircraft in accordance with the certificate of authorization or other written approval;
(b)
(i) obtains a contract with the state or the federal government permitting the person to fly the unmanned aircraft that carries the weapon or to which the weapon is attached; and
(ii) operates the unmanned aircraft in accordance with the contract; or
(c) operates the unmanned aircraft that carries the weapon or to which the weapon is attached in airspace controlled by the United States Department of Defense, with the permission of the United States Department of Defense.

Renumbered and Amended by Chapter 216, 2023 General Session

72-10-903 Unlawful operation of unmanned aircraft near prison facilities -- Penalties.
(1) An individual may not operate an unmanned aircraft system:
(a) to carry or drop any item to or inside the property of a correctional facility; or
(b) in a manner that interferes with the operations or security of a correctional facility.
(2)
(a) A violation of Subsection (1)(a) is a third degree felony.
(b) A violation of Subsection (1)(b) is a class B misdemeanor.
(3) An operator of an unmanned aircraft system does not violate Subsection (1) if the operator is:
(a) an employee or contractor working on behalf of a mosquito abatement district created pursuant to Title 17B, Limited Purpose Local Government Entities - Special Districts, or Title 17D, Limited Purpose Local Government Entities - Other Entities; and
(b) acting in the course and scope of the operator's employment.

Amended by Chapter 16, 2023 General Session
Renumbered and Amended by Chapter 216, 2023 General Session

Part 10
Safe Use of Unmanned Aircraft

72-10-1001 Reserved.
Reserved.

Enacted by Chapter 216, 2023 General Session

72-10-1002 Safe operation of unmanned aircraft.
(1) An individual who operates an unmanned aircraft system to fly an unmanned aircraft for recreational purposes shall comply with this section or 49 U.S.C. Sec. 44809.

(2) An individual operating an unmanned aircraft shall:
(a) maintain visual line of sight of the unmanned aircraft in order to:
(i) know the location of the unmanned aircraft;
(ii) determine the attitude, altitude, and direction of flight;
(iii) observe the airspace for other air traffic or hazards; and
(iv) determine that the unmanned aircraft does not endanger the life or property of another person; and
(b) ensure that the ability described in Subsection (2)(a)(i) is exercised by either:
(i) the operator of the unmanned aircraft; or
(ii) a visual observer.
(3) An individual may not operate an unmanned aircraft in Class B, Class C, or Class D airspace or within the lateral boundaries of the surface area of Class E airspace designated for an airport unless the operator of the unmanned aircraft has prior authorization from air traffic control.
(4) An individual may not operate an unmanned aircraft in a manner that interferes with operations and traffic patterns at any airport, heliport, or seaplane base.
(5)
(a) Except as provided in Subsection (5)(b), an individual may not operate an unmanned aircraft system:
(i) from a public transit rail platform or station; or
(ii)
(A) under a height of 50 feet within a public transit fixed guideway right-of-way; and
(B) directly above any overhead electric lines used to power a public transit rail vehicle.
(b) Subsection (5)(a) does not apply to:
(i) an individual employed or contracted by a large public transit district who may operate an unmanned aircraft from a public transit rail platform or station or near a public transit facility:
(A) to examine the public transit right-of-way for impediments or obstructions;
(B) to examine a public transit facility for safety concerns; or
(C) for any other safety-related purpose related to the operations of a large public transit district; or
(ii) an individual who is a member of law enforcement operating an unmanned aircraft system in accordance with Section 72-10-802.
(6)
(a) An individual may not operate an unmanned aircraft over any surface critical infrastructure facility as defined in Section 76-6-106.3, unless the operator of the unmanned aircraft has prior authorization from the facility.
(b) Subsection (6)(a) does not apply to:
(i) a first responder, as that term is defined in Section 53-3-207; or
(ii) a state or federal agency with regulatory authority over the relevant critical infrastructure facility.
(7) An individual may not operate an unmanned aircraft in violation of a notice to airmen described in 14 C.F.R. Sec. 107.47.
(8) Unless a waiver has been granted by the Federal Aviation Administration, an individual may not operate an unmanned aircraft at an altitude that is higher than 400 feet above ground level unless the unmanned aircraft:
(a) is flown within a 400-foot radius of a structure; and
(b) does not fly higher than 400 feet above the structure's immediate uppermost limit.
(9)

(a) An individual who violates this section is liable for any damages that may result from the violation.
(b) A law enforcement officer shall issue a written warning to an individual who violates this section who has not previously received a written warning for a violation of this section.
(c) Except as provided in Subsection (9)(d), an individual who violates this section after receiving a written warning for a previous violation of this section is guilty of an infraction.
(d) An individual who violates this section is guilty of a class B misdemeanor for each conviction of a violation of this section after the individual is convicted of an infraction or a misdemeanor for a previous violation of this section.

Amended by Chapter 446, 2024 General Session

Part 11
Navigable Airspace Leasing

72-10-1101 Navigable airspace leasing.
(1) A highway authority may enter into a non-exclusive lease agreement for the use of the navigable airspace above a highway for private purposes:
(a) for such period as the highway authority determines the navigable airspace will not be needed for public purposes; and
(b) upon other terms and conditions the highway authority finds to be in the public interest.
(2) Before entering into a lease agreement for the use of navigable airspace, a highway authority shall ensure that the agreement described in Subsection (1) is consistent with Federal Aviation Administration requirements.
(3) The highway authority shall determine whether the agreement described in Subsection (1) will unreasonably interfere with the public use and utility of the highway and is in the public interest.
(4) An agreement described in Subsection (1) does not affect the dedication of the highway under Section 72-5-104.

Enacted by Chapter 483, 2024 General Session

Part 12
Prohibition on the Purchase of Unmanned Aircraft Manufactured or Assembled by a Covered Foreign

72-10-1201 Definitions.
As used in this part:
(1) "Covered foreign entity" means an individual, foreign government, or party:
(a) on the Consolidated Screening List or Entity List as designated by the United States Secretary of Commerce;
(b) domiciled in the People's Republic of China or the Russian Federation;
(c) under the influence or control of the government of the People's Republic of China or the Russian Federation; or
(d) that is a subsidiary or affiliate of an individual, government, or party described in Subsections (1)(a) through (c).

(2) "Critical infrastructure" means the same as that term is defined in Section 76-6-106.3.
(3) "Political subdivision" means the same as that term is defined in Section 11-55-102.
(4) "Public entity" means the state of Utah, a political subdivision, or any department, division, commission, or other governmental entity created by the Utah Constitution or law.

Enacted by Chapter 483, 2024 General Session

72-10-1202 Prohibition on the purchase of unmanned aircraft manufactured or assembled by a covered foreign entity.
(1) Except as provided in Subsection (2), a public entity or contractor working directly for a public entity may not purchase or operate an unmanned aircraft system for the inspection of critical infrastructure if the unmanned aircraft system was manufactured or assembled by a covered foreign entity.
(2) Regardless of the country of origin of manufacture or assembly of an unmanned aircraft system, a public entity or contractor working directly for a public entity may operate an unmanned aircraft system for the inspection of critical infrastructure if the public entity ensures that:
(a) the unmanned aircraft system is not connected to the Internet during the inspection operation;
(b) after the inspection operation is complete, any data collected from the inspection, including any images, video, data, geospatial data, or flight logs, are removed before the unmanned aircraft system is connected to the Internet; and
(c) if the inspection operation requires the broadcast of video from the unmanned aircraft system through an Internet connection, the relevant software for the unmanned aircraft system is developed in the United States or approved under the National Defense Authorization Act enacted for the most recent fiscal year.

Enacted by Chapter 483, 2024 General Session

Part 13
Spaceport Exploration Committee

72-10-1301 Definitions.
As used in this part:
(1) "Committee" means the Spaceport Exploration Committee created in Section 72-10-1302.
(2) "Spaceport feasibility study" means a study to determine the feasibility of establishing a spaceport and that includes:
(a) a market analysis that evaluates the demand for space launch services, including potential government, commercial, and international customers and competitors;
(b) an economic impact assessment that analyzes the projected economic benefits of developing a spaceport, including job creation, local business growth, revenue generation, and an analysis of projected customers that could use the spaceport;
(c) a business case that describes how the spaceport could meet customer needs and attract private financing for the spaceport;
(d) detailed cost estimates for construction, operation, and maintenance of a spaceport, including infrastructure, technology, and human resources;

(e) consideration of the activities at the spaceport that the committee identifies the spaceport should support; and
(f) in consultation with the Utah National Guard and the Utah Test and Training Range, an assessment of opportunities to leverage military airspace and infrastructure and uses the military might have for a spaceport.
(3) "Spaceport siting assessment" means an assessment that is informed by the results of a spaceport feasibility study to determine potential locations for a spaceport that includes an analysis of:
(a) the extent to which the site can accomplish the spaceport objectives that the committee identifies;
(b) geographic and environmental considerations, including the site's size, location, and environmental impact;
(c) whether the site is remote enough to minimize risk to populated areas and complies with environmental regulations;
(d) infrastructure needs, including existing infrastructure and upgrades needed to support spaceport resources including launchpads, control centers, roads, utilities, and facilities;
(e) potential sources of significant infrastructure upgrades;
(f) accessibility, including consideration for the site's accessibility for transportation and logistics;
(g) connections to major highways, airports, and ports;
(h) regulatory compliance with applicable federal law, including regulations from the Federal Aviation Administration and Environmental Protection Agency;
(i) resources the state may leverage for a particular site, including tax benefits, land ownership, land use authority, and regulatory benefits;
(j) whether the site preserves the viability of the Utah Test and Training Range and all Department of Defense missions in the state;
(k) the existing uses and needs of Utah airspace, including for an international airport in a county of the first class; and
(l) activities that the committee identifies that the spaceport should support.
(4) "Supported activities" means the types of activities that could occur at a spaceport including:
(a) satellite launches;
(b) scientific missions;
(c) national defense missions;
(d) commercial space flights;
(e) space exploration;
(f) space cargo and resupply missions;
(g) space tourism; and
(h) space industry research and development.

Enacted by Chapter 540, 2025 General Session

72-10-1302 Spaceport Exploration Committee creation.
(1) There is created the Spaceport Exploration Committee, comprising of the following members:
(a) two members of the Senate, whom the president of the Senate appoints;
(b) two members of the House of Representatives, whom the speaker of the House of Representatives appoints;
(c) the executive director of the department or the executive director's designee;
(d) the executive director of the Utah Inland Port Authority created in Section 11-58-201;

(e) the president, or the president's designee, of a nonprofit organization owned by Utah State University that is a University Affiliated Research Center that specializes in aerospace technology, missions, and defense;
(f) two liaisons from local military organizations, whom the co-chairs jointly appoint;
(g) the president of the state's largest aerospace and defense industry group as certified by the executive director of the department;
(h) the executive director of an international airport within a county of the first class, or the executive director's designee; and
(i) four members whom the governor appoints.
(2) The following shall co-chair the committee:
(a) a committee member that is a legislator described in Subsection (1)(a) or (1)(b) whom the speaker of the House of Representatives and the president of the Senate jointly designate; and
(b) a committee member whom the governor selects.
(3) When a vacancy occurs in the membership for any reason, the appointing authority or qualification described in Subsection (1) applies to the replacement in the same manner as the filling of the original position.
(4) A majority of members of the committee constitutes a quorum.
(5) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses as allowed in:
(a) Section 63A-3-106;
(b) Section 63A-3-107; and
(c) rules made by the Division of Finance according to Sections 63A-3-106 and 63A-3-107.
(6) The department shall provide staffing and administrative support to the committee.

Enacted by Chapter 540, 2025 General Session

72-10-1303 Spaceport Exploration Committee duties.
(1) The committee shall:
(a) establish key objectives that the state should pursue in establishing a spaceport;
(b) evaluate the supported activities that would be most feasible for a spaceport in the state;
(c) conduct a spaceport feasibility study;
(d) conduct a spaceport siting assessment;
(e) evaluate the advantages and disadvantages the state has in establishing a spaceport; and
(f) make recommendations to the Legislature regarding whether it is in the state's best interest to establish a spaceport.
(2) The committee may:
(a) authorize the department to contract with one or more consultants to perform research, analysis, and legal work, or to provide other assistance necessary to accomplish the committee's duties;
(b) establish any advisory committees or working groups needed to fulfill the committee's responsibilities;
(c) by majority vote, add up to three non-voting committee members; and
(d) appoint one or more working groups to advise and assist the committee.
(3) The committee shall:
(a) create a report that:
(i) details the committee's conclusions on the items described in Subsection (1); and

(ii) includes recommendations on legislation needed to implement the committee's conclusions; and

(b) report to the Economic Development and Workforce Services Interim Committee and the Transportation Interim Committee no later than September 30, 2026.

Enacted by Chapter 540, 2025 General Session

Chapter 11
Passenger Ropeway Systems Act

Part 1
General Provisions -- Funding

72-11-101 Title.

This chapter is known as the " Passenger Ropeway Systems Act."

Amended by Chapter 195, 1999 General Session

72-11-102 Definitions.

As used in this chapter:

(1) "Aerial lift" means a ropeway on which passengers are transported in cabins or on chairs.

(2) "Aerial tramway" means a ropeway on which passengers are transported in cable supported carriers and are not in contact with the ground or snow surface and that reciprocates between terminals.

(3) "Area" means the geographic area, terrain, and ski slopes served by a passenger ropeway.

(4) "Committee" means the Passenger Ropeway Safety Committee created by Section 72-11-202.

(5) "Conveyor" means a device used to transport skiers and snowboarders standing on a flexible moving element or belt.

(6) "Detachable grip lift" means a monocable or bicable ropeway system on which carriers circulate around the system alternately attaching to and detaching from a moving haul rope.

(7) "Funicular" means a ropeway on which carriers are supported and guided by a guideway and that is propelled by means of a haul rope system and that is operated as a single or double reversible system.

(8) "Industry" means the passenger ropeway business activities of any person in the state who owns, manages, or directs the operation of a passenger ropeway.

(9) "Operator" means a person, including any political subdivision or instrumentality of the political subdivision, who owns, manages, or directs the operation of a passenger ropeway.

(10)

(a) "Passenger ropeway" means a device, excluding an elevator, used to transport passengers along a level, inclined or declined path by means of a haul rope or other flexible elements that is driven by a power unit that remains essentially at a single location.

(b) Passenger ropeways include the following:

(i) an aerial tramway;

(ii) an aerial lift, including a detachable grip lift and chair lift;

(iii) a conveyor;

(iv) a funicular;
(v) a surface lift, including a J-bar, T-bar, or platter pull; and
(vi) a rope tow, including a wire rope and fiber rope tow.
(11) "Private residence passenger ropeway" means a passenger ropeway that:
(a) is installed at a private residence;
(b) is not accessible to the general public;
(c) is not used for commercial purposes; and
(d)
(i) is owned by one single owner; and
(ii) the owner described in Subsection (11)(d)(i) is not:
(A) a unit or homeowner's association; or
(B) a planned unit development or a planned residential unit development organization or entity.
(12) "Rope tow" means a ropeway on which passengers remain in contact with the ground or snow surface and are pulled in one direction only by a towing device attached to a circulating wire rope.
(13) "Surface lift" means a ropeway on which passengers remain in contact with the ground or snow surface and are pulled by a towing device attached to a circulating overhead wire rope, and includes a J-bar, T-bar, or platter pull.

Amended by Chapter 212, 2010 General Session

72-11-103 Authority of Passenger Ropeway Safety Committee -- Location of system.
(1) The committee is authorized to acquire, construct, reconstruct, improve or extend, maintain and operate, either directly or through others by contract, lease, concession or otherwise, a passenger ropeway system for the transportation of persons and property between a point or points in the:
(a) Wasatch Mountain State Park; and
(b) Uintah and Wasatch National Forests in the upper parts of Big Cottonwood, Little Cottonwood and American Fork Canyons in Salt Lake, Utah and Wasatch Counties.
(2) The committee may acquire by purchase, contract, lease, permit, donation or otherwise, and to construct, maintain and operate, either directly or through others, by contract, lease, concession or otherwise, all property, rights of way, approach roads, parking and other areas, structures, facilities and services for the convenience and recreation of patrons of the transportation system and visitors to the Wasatch Mountain State Park.
(3) Any contract, lease, concession, or other arrangement may be entered into in a manner and upon the terms and conditions as the committee may consider advisable.

Amended by Chapter 195, 1999 General Session

72-11-104 Laws applicable to construction contracts and contractor's bonds.
(1) Construction contracts entered into by the committee under the authority of this chapter shall be governed solely by this chapter, except that they are subject to the approval of the Division of Facilities Construction and Management.
(2) The provisions of Title 14, Chapter 1, Public Contracts requiring contractor's bonds are expressly made applicable to any construction contract under this chapter when the amount of the contract exceeds $1,000.

Amended by Chapter 13, 2001 General Session

72-11-105 Authority of committee to accept grants and assistance.

(1) The committee is authorized to co-operate and contract with and accept grants or other assistance from any other agency of the state of Utah and from any department, bureau, agency, instrumentality, office or officer of the United States and from the trustees or administrators of any fund established in the interest of conservation or recreation.
(2) The grants or other assistance may be used for the acquisition, construction, maintenance, development, and operation of any of the areas, facilities, activities, or services at any time under, or intended to be brought under, the jurisdiction or control of the committee, expressly including those contemplated by the provisions of this chapter.

Renumbered and Amended by Chapter 270, 1998 General Session

72-11-106 Revenue bonds authorized.

To raise funds for the acquisition, financing, construction, reconstruction, improvement, or extension of any of those purposes, projects, and facilities, the committee is authorized to issue revenue bonds in amounts bearing a rate or rates of interest not exceeding 9% per annum, with maturities, in a form and on terms and conditions as it, with the approval of the director of the Division of Finance, considers necessary or convenient.

Renumbered and Amended by Chapter 270, 1998 General Session

72-11-107 Payment of interest and principal of revenue bonds -- Agreements authorized.

The committee may provide by resolution at a duly called regular or special meeting for the payment of the interest and principal of any and all revenue bonds as may be issued from time to time, and for that purpose may enter into agreements with other parties and may execute documents in a form and substance and on terms and conditions as it, with the approval of the director of the Division of Finance, may from time to time determine.

Renumbered and Amended by Chapter 270, 1998 General Session

72-11-108 Revenue bonds not debt or obligation of state or committee.

(1) In any and all revenue bonds issued hereunder and in the resolution or resolutions authorizing them, and in the agreements or documents entered into and executed in connection therewith, neither the payment of the principal or interest of any bond nor the obligation of any resolution, agreement, or document shall constitute a debt, liability, or obligation of the state or the committee.
(2) Payments are to be paid solely from the revenues received from the operation of the proposed passenger ropeway transportation system, visitor care and accommodations, and all services in connection with the Wasatch Mountain State Park, as in the proceedings authorizing the issuance of the bonds, shall be pledged to the payment thereof.
(3) All bonds issued under this chapter by the committee shall contain a recital on their face that neither the payment of the principal or any part thereof, nor any interest thereon, constitute a debt, liability, or obligation of the state or the committee.

Amended by Chapter 195, 1999 General Session

72-11-109 Revenues from operation to be pledged to payment of bonds and used for costs of operation and maintenance.

(1) Any resolution or trust indenture authorizing the issuance of the revenue bonds shall provide that all toll rates and charges and fees imposed for the use of all transportation, visitor care and accommodations, recreational and other facilities and all services, the revenues of which are pledged to the payment of revenue bonds authorized hereunder, shall be at all times fixed in the amounts as will yield sufficient revenues to pay principal of and interest on the bonds, to maintain the necessary reserves in connection therewith and to pay the annual cost of operation and maintenance of any of the facilities.

(2) The committee may in the resolution or trust indenture pledge to the payment of the principal of and interest on the revenue bonds all or part of the revenues arising from the operation of all transportation, visitor care and accommodations, recreational and other facilities, and all services operated by the commission in connection with the Wasatch Mountain State Park, whether or not acquired with the proceeds of the revenue bonds, after there shall have been paid from the revenues the annual costs of operation and maintenance of all the facilities, including necessary costs of insurance.

(3) The committee may also in the resolution or trust indenture reserve the right to issue bonds on a parity with the bonds authorized by the resolution or indenture under the terms and conditions as may be provided therein.

(4) After and subject to the payment of annual operating and maintenance expenses and insurance costs, the bond redemption and interest payments, including reserves therefor, shall constitute a first lien on all the rates, tolls and charges, and other revenues received from the use and operation of the project or projects for the acquisition and construction of which the revenue bonds were issued, and of any other revenue received from the operation of facilities in connection with the Wasatch Mountain State Park that may be pledged by the committee as security for the payment of the revenue bonds and interest for this project or projects.

Renumbered and Amended by Chapter 270, 1998 General Session

72-11-110 Bonds -- Negotiability -- Tax exemption except corporate franchise tax.

All bonds issued under the provisions of this chapter are negotiable instruments except when registered in the name of a registered owner and all the bonds, and the interest or income therefrom, are exempt from all taxation in the state, except for the corporate franchise tax.

Renumbered and Amended by Chapter 270, 1998 General Session

72-11-111 Sale of bonds.

The committee, with the approval of the director of the Division of Finance, may fix the terms and conditions for the sale or other disposition of any authorized issuance of bonds under this chapter and may sell any of the bonds at less than the par or face value, but no bond may be sold at a price below the par or face value of the bond which would result in a sale price yielding to the purchaser an average of more than 9% per annum, payable semiannually according to standard tables of bond values.

Renumbered and Amended by Chapter 270, 1998 General Session

72-11-112 Powers and authority of committee.

The committee, its officers, employees, and agents are authorized to carry out the necessary procedures to implement the acquisition and development of a passenger ropeway system together with the property, appliances, facilities, rights of way and easements necessary or useful in connection with it and to do anything not inconsistent with law which they consider necessary or convenient to carry out the provisions of this chapter, whether or not the authority is expressly granted in this chapter.

Amended by Chapter 195, 1999 General Session

72-11-113 Refunding of bonds authorized.

Subject to the approval of the director of the Division of Finance, the committee is authorized to refund any revenue bonds that may become due or that may be called with the consent of the holder or holders whenever refunding may be considered necessary or desirable.

Renumbered and Amended by Chapter 270, 1998 General Session

Part 2
Safety Committee - Registration of Ropeways - Enforcement

72-11-201 Passenger ropeways -- Purpose and scope.

(1) In order to safeguard the life, health, property, and welfare of citizens while using passenger ropeways, it is the policy of the state to:
  (a) protect citizens and visitors from unnecessary mechanical hazards in the design, construction, and operation of passenger ropeways, but not from the hazards inherent in the sports of mountaineering, skiing, snowboarding, mountain biking, and hiking, or from the hazards of the area served by passenger ropeways, all of which hazards are assumed by the sportsman; and
  (b) require periodic inspections of passenger ropeways to ensure that each passenger ropeway meets "The United States of America Standard Institute Safety Code for Aerial Passenger Tramways," or an equivalent standard established by rule under Section 72-11-210.

(2)
  (a) Except as provided in Subsection (2)(b), the committee, through the Department of Transportation, shall:
    (i) register all passenger ropeways in the state;
    (ii) establish reasonable standards of design, construction, and operational practices; and
    (iii) make inspections as necessary to implement this section.
  (b) The committee has no jurisdiction over the construction, modification, registration, or inspection of a private residence passenger ropeway.

Amended by Chapter 212, 2010 General Session

72-11-202 Passenger ropeways -- Creation of Passenger Ropeway Safety Committee within Department of Transportation -- Members.

(1) There is created within the Department of Transportation a Passenger Ropeway Safety Committee.

(2) The committee is comprised of six appointive members and one ex officio member who shall be appointed by the executive director of the Department of Transportation.
(3) The appointive members shall be appointed by the governor from persons representing the following interests:
  (a) two members to represent the industry;
  (b) two members to represent the public at large;
  (c) one member who is a licensed engineer in Utah; and
  (d) one member to represent the United States Forest Service.
(4)
  (a) Except as required by Subsection (4)(b), as terms of committee members expire, the governor shall appoint each new member or reappointed member to a four-year term.
  (b) Notwithstanding the requirements of Subsection (4)(a), the governor shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of committee members are staggered so that approximately half of the committee is appointed every two years.
  (c) The governor may not consider or seek to discover the political affiliation of a person when considering the person for appointment or reappointment to the committee.
(5) The governor, in making the appointments, shall request and consider recommendations made to him by:
  (a) the membership of the particular interest from which the appointments are to be made; and
  (b) the Department of Transportation.

Amended by Chapter 156, 2019 General Session

72-11-203 Procedures -- Adjudicative proceedings.

The committee shall comply with the procedures and requirements of Title 63G, Chapter 4, Administrative Procedures Act, in its adjudicative proceedings.

Amended by Chapter 382, 2008 General Session

72-11-204 Vacancies -- Expenses -- Reimbursement -- Use of facilities of Department of Transportation -- Functions, powers, duties, rights, and responsibilities.

(1) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term.
(2) 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 Sections 63A-3-106 and 63A-3-107.
(3) Reimbursement shall be made from fees collected by the committee for services rendered by the committee.
(4) The Department of Transportation shall supply the committee with office accommodation, space, equipment, and secretarial assistance the executive director considers adequate for the committee.
(5) In addition to the functions, powers, duties, rights, and responsibilities granted to the committee under this chapter, the committee shall assume and have all of the functions, powers, duties, rights, and responsibilities of the Division of Outdoor Recreation in relation to passenger ropeway systems pursuant to that chapter.

Amended by Chapter 68, 2022 General Session

72-11-205 Passenger ropeways -- Registration of ropeways.

(1) Except as provided in Subsections (2) through (4), a passenger ropeway may not be operated in this state unless it is registered with the committee.

(2) The initial application for registration of a passenger ropeway permits the operator to operate the passenger ropeway until final action on the application is taken by the committee.

(3) If an operator files an application to renew registration of a passenger ropeway, then the operator may continue the operation of the passenger ropeway under the existing registration until the committee takes final action on the pending application and has:

(a) issued a certificate to the operator; or

(b) given written notice to the operator that the passenger ropeway has not qualified for certification.

(4) A private residence passenger ropeway may be operated in this state without fulfilling the registration requirements of this section.

Amended by Chapter 212, 2010 General Session

72-11-206 Annual application for passenger ropeway registration.

(1) Every operator of a passenger ropeway, or person who plans to operate a passenger ropeway, shall, prior to operating the passenger ropeway, apply to the committee on forms provided by the committee for registration of the passenger ropeway.

(2) Passenger ropeway registrations are valid for a one-year period as established by rule of the committee under Section 72-11-210.

(3) The application shall contain sufficient information for the committee to determine if the passenger ropeway to be registered complies with Section 72-11-201 and the rules made by the committee under Section 72-11-210.

Renumbered and Amended by Chapter 195, 1999 General Session

72-11-207 Passenger ropeways -- Registration certificates.

(1) The committee shall issue to the applying operator registration certificates for each passenger ropeway owned, managed, or operated by the operator if:

(a) the facts stated in the application enable the committee to fulfill its duties under this chapter; and

(b) each passenger ropeway to be registered complies with the rules of the committee under Section 72-11-210.

(2) In order to verify that the conditions described in Subsection (1) have been fulfilled, the committee may make or direct the inspections described in Section 72-11-211 as necessary.

(3)

(a) When an operator installs a passenger ropeway subsequent to registration in any year, the operator shall file a supplemental application for registration of the passenger ropeway.

(b) Upon receipt of the supplemental application, the committee shall immediately initiate proceedings to register or reject registration of the passenger ropeway under the provisions of this chapter.

(4) Each registration expires on the date established under Section 72-11-210.

(5) The registration certificate for each passenger ropeway shall be maintained on file at the area and available to the public for inspection and copying.

Renumbered and Amended by Chapter 195, 1999 General Session

72-11-208 Passenger ropeways -- Registration fee.

The application for registration, or supplemental application, shall be accompanied by an annual fee adopted by the committee in accordance with Section 63J-1-504.

Amended by Chapter 183, 2009 General Session

72-11-209 Passenger ropeways -- Fees deposited in Transportation Fund.

Any fee collected by the committee shall be deposited in the Transportation Fund.

Renumbered and Amended by Chapter 195, 1999 General Session

72-11-210 Passenger ropeways -- Additional powers and duties of committee.

The committee may:

(1) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, make rules establishing:

(a) public safety in the design, construction, and operation of passenger ropeways that:

(i) adopt the American National Standard for Passenger Ropeways;

(ii) modify the standard under Subsection (1)(a)(i); or

(iii) establish an equivalent standard; and

(b) the annual registration date;

(2) hold hearings and take evidence in all matters relating to the exercise and performance of the powers and duties vested in the committee;

(3) subpoena witnesses;

(4) administer oaths;

(5) compel the testimony of witnesses and the production of books, papers, and records relevant to any inquiry;

(6) approve, deny, revoke, and renew the registrations provided for in this chapter;

(7) cause the prosecution and enjoinder of all persons violating the provisions of this chapter and incur the necessary expenses;

(8) elect officers and adopt a seal which may be affixed to all registrations issued by the committee; and

(9) employ, within the funds available, and prescribe the duties of a secretary and other personnel as the committee considers necessary.

Amended by Chapter 382, 2008 General Session

72-11-211 Passenger ropeways -- Inspection.

(1) The committee may order inspections of the design, construction, operation, and maintenance of passenger ropeways as the committee may reasonably require.

(2) If, as the result of an inspection, it is found that a violation of the committee's rules exists, or a condition in passenger ropeway construction, operation, or maintenance exists that endangers the safety of the public, an immediate report shall be made to the operator whose passenger

ropeway has received the inspection and to the committee for appropriate investigation and order.

(3) A private residence passenger ropeway is not subject to the inspection requirements under this section.

Amended by Chapter 212, 2010 General Session

72-11-212 Passenger ropeways -- Violations -- Order of committee.

(1) If, after investigation, the committee finds that a violation of this chapter or any of its rules exists, or that there is a condition in passenger ropeway construction, operation, or maintenance that endangers the safety of the public, it shall immediately issue its written order setting forth its findings, the corrective action to be taken, and setting a reasonable time for compliance.

(2) The order shall be served upon the operator involved in the violation personally or by registered mail at the committee's election. Return shall be made as provided in the Utah Rules of Civil Procedure.

Renumbered and Amended by Chapter 195, 1999 General Session

72-11-213 Passenger ropeways -- Failure to comply with order -- Suspension -- Injunction.

(1) If any operator fails to comply with a legal order or rule of the committee, the committee may:

(a) suspend the registration of the affected passenger ropeway until the operator complies; or

(b) bring injunctive proceedings in the district court of the judicial district in which the affected passenger ropeway is located to compel compliance.

(2) In these proceedings the committee is not required to post bond.

Renumbered and Amended by Chapter 195, 1999 General Session

72-11-214 Passenger ropeways -- Not common carriers or public utilities -- Cooperative agreement with United States Forest Service.

(1) Passenger ropeways are not common carriers or public utilities.

(2) To avoid duplicate effort by authorities having jurisdiction over passenger ropeways on National Forest System land in the state, the committee may enter into a cooperative agreement with the United States Forest Service to establish reasonable standards for design, construction, maintenance, operational practices, and inspection.

(3) Upon application for registration of a passenger tramway, the operator shall pay to the committee a reasonable inspector's fee, plus a surcharge, that would have been charged had the inspection been made by the committee and its inspectors.

Renumbered and Amended by Chapter 195, 1999 General Session

72-11-215 Passenger ropeways -- Use in dangerous manner unlawful.

A person who rides or uses a passenger ropeway may not do so in a manner that may endanger the life and safety of another person or cause damage to passenger ropeway equipment.

Renumbered and Amended by Chapter 195, 1999 General Session

72-11-216 Passenger ropeways -- Violation of act a misdemeanor.
A person who violates Section 72-11-215 is guilty of a class A misdemeanor.

Renumbered and Amended by Chapter 195, 1999 General Session

Chapter 12
Travel Reduction Act

72-12-101 Title.
This chapter is known as the "Travel Reduction Act."

Enacted by Chapter 270, 1998 General Session

72-12-102 Legislative findings and policy.
(1) The Legislature finds that:
(a) increasingly heavy commuting burdens on Utah's freeways and major transportation arteries are gradually aggravating driving conditions for all Utah motorists;
(b) single-occupant driving is the predominant mode of transportation used by commuters in Utah;
(c) single-occupant driving represents the most costly and most excessive use of dwindling petroleum reserves; and
(d) rapidly increasing energy costs represent an ever-growing burden on commuters' work-related expenses.
(2) The policy of this state is to support and encourage transportation modes and ride-sharing programs that reduce the number of vehicle miles traveled, thereby reducing gasoline consumption and protecting the environment.

Renumbered and Amended by Chapter 270, 1998 General Session

72-12-103 Definitions.
As used in this chapter:
(1) "Car-pool" means a mode of transportation in which:
(a) six or fewer persons, including the driver, ride together in a motor vehicle;
(b) that transportation is incidental to another purpose of the driver; and
(c) the vehicle manufacturer's design capacity of any one seat is not exceeded.
(2) "Van-pool" means a nonprofit mode of prearranged commuter transportation of a relatively fixed group of seven to 15 persons, including the driver, between home and work, or termini near home and work, in a vehicle the group occupancy of which does not exceed the vehicle manufacturer's design capacity and that:
(a) is owned or leased and operated by an individual:
(i) who owns only one van-pool vehicle;
(ii) whose provision of transportation is incidental to another purpose of the operator;
(iii) who does not transport people as a business; and

(iv) who accepts money from riders in the vehicle, if at all, only to recover some or all expenses directly related to the transportation, including fuel, maintenance, insurance, and depreciation;

(b) is owned or leased by a nonprofit employee organization and used to transport employees between home and work, or termini near home and work to provide incentives to employees to make the commute by a mode other than single occupant motor vehicle, the operating, administration, and reasonable depreciation costs of which are paid, if at all, by the persons using the vehicles; or

(c) is owned or leased by an employer, a public agency, or a public transit district, either alone or in cooperation with others to provide incentives to employees to make the commute by a mode other than single occupant motor vehicle, the driver and passengers of which are employees and fees charged, if at all, for which are nonprofit and only to recover operating, maintenance, administration, and reasonable depreciation costs.

(3) "Ride-sharing arrangement" means either a car-pool, van-pool, or both.

Renumbered and Amended by Chapter 270, 1998 General Session

72-12-104 Ride-sharing arrangements -- Exemption from specified laws and rules.

The following laws and rules do not apply to ride-sharing arrangements:

(1) laws and rules containing insurance requirements that are specifically applicable to motor carriers or commercial vehicles;

(2) laws imposing a higher standard of care on drivers or owners of motor carriers or commercial vehicles than that imposed on drivers or owners of other motor vehicles;

(3) laws and rules with equipment requirements and special accident reporting requirements that are specifically applicable to motor carriers or commercial vehicles; and

(4) laws imposing a tax on fuel purchased in other states by motor carriers or road user taxes on commercial buses.

Renumbered and Amended by Chapter 270, 1998 General Session

72-12-105 Worker compensation inapplicable to injuries in ride-sharing.

Section 34A-2-401 providing compensation for workers injured during the course of their employment does not apply to persons injured while participating in a ride-sharing arrangement between their places of residence and places of employment.

Renumbered and Amended by Chapter 270, 1998 General Session

72-12-106 Employer's liability for ride-sharing injuries.

(1) An employer is not liable for injuries to passengers or other persons or both resulting from the operation or use of a motor vehicle not owned, leased, or contracted for by the employer in a ride-sharing arrangement.

(2) An employer is not liable for injuries to passengers or other persons or both on account of the employer having provided information or incentives or otherwise having encouraged employees to participate in ride-sharing arrangements.

Renumbered and Amended by Chapter 270, 1998 General Session

72-12-107 Benefits of ride-sharing driver not taxable income.

Money and other benefits, other than salary, received by a driver in a ride-sharing arrangement does not constitute income for the purpose of computing gross income under Title 59, Chapter 10, Individual Income Tax Act.

Renumbered and Amended by Chapter 270, 1998 General Session

72-12-108 Local taxation and licensing.

A county or municipality may not impose a tax on, or require a license for, a ride-sharing arrangement.

Renumbered and Amended by Chapter 270, 1998 General Session

72-12-109 Wage and hour regulations unaffected by ride-sharing.

The fact that an employee participates in any kind of ride-sharing arrangement does not affect the application of any laws requiring payment of a minimum wage or overtime pay or otherwise regulating the hours a person may work.

Amended by Chapter 21, 1999 General Session

72-12-110 Vehicles used and drivers excluded from definitions for regulatory purposes.

(1) A motor vehicle used in a ride-sharing arrangement is not a bus or commercial vehicle under:
  (a) Title 41, Chapter 1a, Motor Vehicle Act, relating to registration; and
  (b) Title 41, Chapter 6a, Traffic Code, relating to equipment requirements and rules of the road.
(2) The driver of a vehicle used in a ride-sharing arrangement is not a chauffeur and he is not transporting persons for compensation under the driver licensing provisions of Title 53, Chapter 3, Uniform Driver License Act.

Amended by Chapter 2, 2005 General Session

Chapter 16
Amusement Ride Safety Act

Part 1
General Provisions

72-16-101 Title.

This chapter is known as the "Amusement Ride Safety Act."

Enacted by Chapter 244, 2019 General Session

72-16-102 Definitions.

As used in this chapter:

(1) "Account" means the Amusement Ride Safety Restricted Account created in Section 72-16-204.
(2)

(a) "Amusement park" means a permanent indoor or outdoor facility or park where one or more amusement rides are available for use by the general public.
(b) "Amusement park" does not include a traveling show, carnival, or public fairground.
(3)
(a) "Amusement ride" means a device or combination of devices or elements that carries or conveys one or more riders along, around, or over a fixed or restricted route or course or allows the riders to steer or guide the device within an established area for the purpose of giving the riders amusement, pleasure, thrills, or excitement.
(b) "Amusement ride" does not include:
(i) a coin-operated ride that:
(A) is manually, mechanically, or electrically operated;
(B) is customarily placed in a public location; and
(C) does not normally require the supervision or services of an operator;
(ii) nonmechanized playground equipment, including a swing, seesaw, stationary spring-mounted animal feature, rider-propelled merry-go-round, climber, playground slide, trampoline, or physical fitness device;
(iii) an inflatable device;
(iv) a water-based recreational attraction where complete or partial immersion is intended, including a water slide, wave pool, or water park;
(v) a challenge, exercise, or obstacle course;
(vi) a passenger ropeway as defined in Section 72-11-102;
(vii) a device or attraction that involves one or more live animals;
(viii) a tractor ride or wagon ride;
(ix) motion seats in a movie theater for which the manufacturer does not require a restraint; or
(x) a zip line.
(4) "Committee" means the Utah Amusement Ride Safety Committee created in Section 72-16-201.
(5) "Director" means the director of the committee, hired under Section 72-16-202.
(6) "Mobile amusement ride" means an amusement ride that is:
(a) designed or adapted to be moved from one location to another;
(b) not fixed at a single location; and
(c) relocated at least once each calendar year.
(7) "Operator" means the individual who controls the starting, stopping, or speed of an amusement ride.
(8) "Owner-operator" means the person who has control over and responsibility for the maintenance, setup, and operation of an amusement ride.
(9) "Permanent amusement ride" means an amusement ride that is not a mobile amusement ride.
(10) "Qualified safety inspector" means an individual who holds a valid qualified safety inspector certification.
(11) "Qualified safety inspector certification" means a certification issued by the director under Section 72-16-303.
(12) "Reportable serious injury" means an injury to a rider that:
(a) occurs when there is a failure or malfunction of an amusement ride; and
(b) results in death, dismemberment, permanent disfigurement, permanent loss of the use of a body organ, member, function, or system, or a compound fracture.
(13) "Safety inspection certification" means a written document that:
(a) is signed by a qualified safety inspector certifying that:

(i) the qualified safety inspector performed an in-person inspection of an amusement ride to check compliance with the safety standards described in Section 72-16-304 and established by rule; and
(ii) at the time the qualified safety inspector performed the in-person inspection, the amusement ride:
(A) was set up for use by the general public; and
(B) satisfied the safety standards described in Section 72-16-304 and established by rule; and
(b) includes the date on which the qualified safety inspector performed the in-person inspection.
(14) "Serious injury" means an injury to a rider that:
(a) occurs when there is a failure or malfunction of an amusement ride; and
(b) requires immediate admission to a hospital and overnight hospitalization and observation by a licensed physician.

Amended by Chapter 22, 2023 General Session

72-16-103 Scope and administration.
(1) The provisions of this chapter apply to any amusement ride in the state.
(2) In accordance with the provisions of this chapter, the committee:
(a) shall administer this chapter; and
(b) has jurisdiction over any amusement ride in the state.

Enacted by Chapter 244, 2019 General Session

Part 2
Utah Amusement Ride Safety Committee

72-16-201 Creation of Utah Amusement Ride Safety Committee.
(1) There is created within the department the Utah Amusement Ride Safety Committee.
(2) The committee is comprised of the following members:
(a) six members as follows, appointed by the governor:
(i) one member who represents fairs in the state that employ 25 or more employees;
(ii) one member who represents mobile ride operators;
(iii) one member who represents permanent ride operators;
(iv) one member who represents large amusement parks in the state;
(v) one member who represents the public at large; and
(vi) one member who represents a nationally recognized amusement ride safety or regulatory organization; and
(b) one nonvoting member appointed by the executive director.
(3)
(a) Except as provided in Subsection (3)(b), the governor shall appoint each member described in Subsection (2)(a) to a four-year term.
(b) The governor shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of the committee members appointed under Subsection (2)(a) are staggered so that approximately half of the committee is appointed every two years.
(4) In making an appointment under Subsection (2)(a), the governor shall request and consider recommendations from:

(a) the membership of the interest from which the appointment is to be made; and
(b) the department.
(5) When a vacancy occurs in the membership of the committee, the governor shall appoint a replacement for the remainder of the unexpired term.
(6) A member of the committee 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 in accordance with Sections 63A-3-106 and 63A-3-107.
(7) The department shall supply the committee with office space, equipment, and staff the executive director finds appropriate.
(8)
(a) The committee shall select a chair annually from the committee members.
(b) Four voting members constitute a quorum for conducting committee business.
(c) A majority vote of a quorum present at a meeting constitutes an action of the committee.
(9) The committee shall meet at least quarterly and at the call of the chair or of a majority of the members.

Amended by Chapter 423, 2020 General Session

72-16-202 Hiring of director.
(1)
(a) The executive director, subject to approval by the committee, shall hire a director.
(b) The executive director may remove the director at the executive director's will.
(2) The director shall:
(a) be experienced in administration and possess additional qualifications as determined by the committee and the executive director; and
(b) receive compensation in accordance with Title 63A, Chapter 17, Utah State Personnel Management Act.

Amended by Chapter 345, 2021 General Session

72-16-203 Rulemaking.
(1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and the provisions of this chapter the committee may make rules:
(a) establishing:
(i) the form of an application and a renewal application for:
(A) a qualified safety inspector certification;
(B) an annual amusement ride permit; and
(C) a multi-ride annual amusement ride permit;
(ii) the procedure to apply for and renew:
(A) a qualified safety inspector certification;
(B) an annual amusement ride permit; and
(C) a multi-ride annual amusement ride permit;
(iii) standards for a daily inspection under Section 72-16-302;
(iv) the form of a report of a reportable serious injury to the director;
(v) the procedure for reporting a reportable serious injury to the director;
(vi) the procedure to suspend and revoke:

(A) a qualified safety inspector certification;
(B) an annual amusement ride permit; and
(C) a multi-ride annual amusement ride permit;
(vii) a retention schedule that applies to each qualified safety inspector for records related to a qualified safety inspector's duties under this chapter;
(viii) a retention schedule that applies to each owner-operator for records related to an owner-operator's duties under this chapter;
(ix) fees;
(x) minimum insurance requirements for certified inspectors; and
(xi) fines or administrative penalties for lack of compliance with this chapter;
(b) regarding the experience required to obtain a qualified safety inspector certification under Subsection 72-16-303(3)(a); and
(c) adopting nationally recognized:
(i) amusement ride inspection standards; and
(ii) qualified safety inspector qualification standards.
(2) Notwithstanding Subsection 63G-3-301(14), the committee shall initiate rulemaking proceedings, as defined in Section 63G-3-301, to make rules under this section.

Amended by Chapter 483, 2025 General Session

72-16-204 Amusement Ride Safety Restricted Account.
(1) There is created in the General Fund a restricted account known as the "Amusement Ride Safety Restricted Account."
(2)
(a) The account is funded from:
(i) fees collected by the committee under this chapter;
(ii) money appropriated by the Legislature; and
(iii) interest earned on money in the account.
(b) Appropriations made from the account are nonlapsing.
(3) Subject to appropriation, the committee may use the money deposited into the account to pay for the administration of this chapter.

Enacted by Chapter 244, 2019 General Session

Part 3
Amusement Ride Safety

72-16-301 Requirements for amusement ride operation.
(1) Beginning on April 1, 2023, a person may not operate an amusement ride in the state that is open to the public, unless the person obtains:
(a) an annual amusement ride permit for the amusement ride in accordance with this section; or
(b) a multi-ride annual amusement ride permit that includes the amusement ride, in accordance with this section.
(2) To obtain or renew an annual amusement ride permit for a mobile amusement ride, the owner-operator shall submit an application to the director that contains the following and is in a form prescribed by the director:

(a) the owner-operator's name and address;
(b) a description of the mobile amusement ride, including the manufacturer's name, the serial number, and the model number;
(c) each known location in the state where the owner-operator intends to operate the mobile amusement ride during the 12-month period for which the annual amusement ride permit is valid, updated in accordance with Subsection (5);
(d) for each location identified under Subsection (2)(c), the name and contact information of the fair, show, landlord, or property owner;
(e) the date on which the owner-operator intends to set up the mobile amusement ride at each location identified under Subsection (2)(c);
(f) the dates on which the owner-operator intends to operate the mobile amusement ride for use by the general public at each location identified under Subsection (2)(c);
(g) proof of compliance with the insurance requirement described in Section 72-16-305;
(h) a safety inspection certification dated no more than 30 days before the day on which the owner-operator submits the application; and
(i) a fee established by the committee in accordance with Section 63J-1-504.

(3) To obtain or renew an annual amusement ride permit for a permanent amusement ride, the owner-operator shall submit an application to the director that contains the following information and is in a form prescribed by the director:
(a) the owner-operator's name and address;
(b) a description of the permanent amusement ride, including the manufacturer's name, the serial number, and the model number;
(c) the location in the state where the owner-operator will operate the permanent amusement ride;
(d) the first date on which the owner-operator intends to operate the permanent amusement ride for use by the general public;
(e) proof of compliance with the insurance requirement described in Section 72-16-305;
(f) a safety inspection certification dated no more than 30 days before the day on which the owner-operator submits the application; and
(g) a fee established by the committee in accordance with Section 63J-1-504.

(4) To obtain or renew a multi-ride annual amusement ride permit for all amusement rides located at an amusement park that employs more than 1,000 individuals in a calendar year, the amusement park shall submit an application to the director that contains the following information and is in a form prescribed by the director:
(a) the amusement park's name and address;
(b) a list of each amusement ride located at the amusement park, including a description of each amusement ride;
(c) the first date on which the amusement park will operate each amusement ride identified in Subsection (4)(b);
(d) proof of compliance with the insurance requirement described in Section 72-16-305;
(e) a safety inspection certification for each amusement ride identified in Subsection (4)(b) that is dated no more than 30 days before the day on which the amusement park submits the application; and
(f) a fee for each amusement ride identified under Subsection (4)(b) established by the committee in accordance with Section 63J-1-504.

(5)
(a) In accordance with committee rule, an owner-operator of a mobile amusement ride shall update the information described in Subsection (2)(c) if the owner-operator learns of a new

location where the owner-operator intends to operate the mobile amusement ride during the 12-month period for which the annual amusement ride permit is valid.

(b) An owner-operator may not operate a mobile amusement ride that is open to the public at a location in the state, unless the owner-operator includes the location:

(i) in the owner-operator's application or renewal for an annual amusement ride permit for the mobile amusement ride in accordance with Subsection (2)(c); or

(ii) in an update described in Subsection (5)(a) that the owner-operator submits to the director before operation of the mobile amusement ride at the location.

(6) The director shall issue:

(a) an annual amusement ride permit for each amusement ride for which the owner-operator submits a complete application or renewal application that satisfies the requirements of this chapter and any applicable rules and fees; and

(b) a multi-ride annual amusement ride permit to each amusement park that employs more than 1,000 individuals in a calendar year and submits a complete application or renewal application that satisfies the requirements of this chapter and any applicable rules and fees.

(7) An annual amusement ride permit or a multi-ride annual amusement ride permit expires one year after the day on which the director issues the annual amusement ride permit or the multi-ride annual amusement ride permit.

(8) An owner-operator or amusement park shall maintain a copy of a current annual amusement ride permit or multi-ride annual amusement ride permit and upon request, reasonable notice, and payment of reasonable copying expense, if applicable:

(a) make the copy available for examination; or

(b) provide a copy of the annual amusement ride permit or multi-ride annual amusement ride permit.

Amended by Chapter 267, 2021 General Session

72-16-302 Daily inspection required.

(1)

(a) Each day an owner-operator operates an amusement ride for use by the general public, the owner-operator or the owner-operator's designee shall inspect and operate the amusement ride in accordance with this section and rules established under this chapter.

(b) The owner-operator or the owner-operator's designee shall complete the inspection and operation described in Subsection (1)(a):

(i) before the owner-operator begins operation for use by the general public; and

(ii) in accordance with rule made under this chapter.

(2) The owner-operator shall:

(a) make a record of each daily inspection that is signed by the individual who performed the inspection; and

(b) maintain each record described in Subsection (2)(a) for at least one year after the day on which the inspection is performed.

Amended by Chapter 423, 2020 General Session

72-16-303 Certification of inspectors.

(1) To become a qualified safety inspector, an individual shall obtain and maintain a qualified safety inspector certification from the director in accordance with this section.

(2) To obtain a qualified safety inspector certification from the director, an individual shall submit an application described in Subsection (3) and a fee established by the committee in accordance with Section 63J-1-504.
(3) An application for a qualified safety inspector certification shall be in a form prescribed by the director and include information that demonstrates the applicant:
(a)
(i)
(A) is a professional engineer, licensed in accordance with Title 58, Chapter 22, Professional Engineers and Professional Land Surveyors Licensing Act, or an engineer with a comparable license from another state as determined by the committee; and
(B) has at least three years of experience in the amusement ride industry, at least two of which include actual inspection of amusement rides for an owner-operator, manufacturer, government agency, amusement park, carnival, or insurer;
(ii)
(A) has at least three years of experience inspecting amusement rides for an owner-operator, manufacturer, government agency, amusement park, carnival, or insurer; and
(B) is certified by a nationally recognized organization in the amusement ride safety industry approved by the committee; or
(iii)
(A) has at least three years of experience inspecting amusement rides for an owner-operator, manufacturer, government agency, amusement park, carnival, or insurer; and
(B) is employed by an amusement park that employs more than 1,000 individuals in a calendar year;
(b)
(i) has liability insurance for bodily injury and property damage in compliance with rules made by the committee; or
(ii) is an employee or authorized agent of an insurance company; and
(c) is a member of and actively participates in an entity that develops standards applicable to the operation of amusement rides.
(4) To obtain a renewal of a qualified safety inspector certification, a qualified safety inspector shall submit to the director a fee established by the committee in accordance with Section 63J-1-504 and a renewal application that demonstrates that the qualified safety inspector:
(a) satisfies the requirements described in Subsection (3); and
(b) during the previous two-year period, completed at least 12 hours of continuing education instruction provided by:
(i) a nationally recognized amusement industry organization;
(ii) a nationally recognized organization in a relevant technical field;
(iii) an owner-operator, through an owner-operator-run safety program approved by the committee; or
(iv) an amusement park that employs more than 1,000 individuals in a calendar year.
(5) The director shall issue a qualified safety inspector certification to each individual who submits an application or a renewal application that is in a form prescribed by the director and complies with the requirements of this section and any applicable rules and fees.
(6) A qualified safety inspector certification expires two years after the day on which the director issues the qualified inspector certification.
(7) In accordance with Title 63G, Chapter 4, Administrative Procedures Act, the director may deny, suspend, or revoke a qualified safety inspector certification if an individual fails to satisfy a requirement of this chapter or any applicable rule.

(8) A qualified safety inspector who is employed by the owner-operator of an amusement ride may complete an inspection of the amusement ride.

Amended by Chapter 423, 2020 General Session

72-16-304 Safety standards.

(1) Subject to Subsections (2) and (3) and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the committee shall make rules adopting the relevant safety standards developed by the ASTM International Committee F24.
(2) The committee may modify or update the safety standards described in Subsection (1), consistent with nationally recognized amusement ride standards.
(3) The committee may amend or exempt a safety standard adopted under this section based upon unique circumstances, if appropriate to ensure public safety.

Amended by Chapter 423, 2020 General Session

72-16-305 Insurance required.

(1) An owner-operator of an amusement ride shall carry liability insurance coverage in at least the following amounts:
  (a) $1,000,000 for bodily injury per occurrence;
  (b) $250,000 for property damage per occurrence; and
  (c) $3,000,000 annual aggregate limit.
(2) An owner-operator of an amusement ride located in an amusement park that employs more than 1,000 individuals in a calendar year shall carry liability insurance coverage in at least the following amounts:
  (a) $5,000,000 for bodily injury per occurrence;
  (b) $1,000,000 for property damage per occurrence; and
  (c) $10,000,000 annual aggregate limit.

Amended by Chapter 423, 2020 General Session

72-16-306 Reporting and shutdown for certain injuries.

(1)
  (a) An owner-operator shall report each known reportable serious injury to the director within eight hours after the owner-operator learns of the reportable serious injury.
  (b) An owner-operator shall include the following information in a report described in Subsection (1)(a):
    (i) the owner-operator's name and contact information;
    (ii) the location of the amusement ride at the time the reportable serious injury occurred;
    (iii) a description of:
      (A) the amusement ride; and
      (B) the nature of the reportable serious injury; and
    (iv) any other information required by rule made under this chapter.
(2)
  (a) In addition to the requirement described in Subsection (1), an owner-operator of a mobile amusement ride shall report each known reportable serious injury and serious injury to the fair, show, landlord, or owner of the property upon which the mobile amusement ride was located at the time the reportable serious injury or serious injury occurred.

(b) After a reportable serious injury, the owner-operator may not operate the mobile amusement ride until the owner-operator receives written authorization from the director or the director's designee as required by rule made in accordance with this chapter.

(3) For purposes of Title 63G, Chapter 2, Government Records Access and Management Act, a report to the director described in this section and any record related to the report is a protected record as defined in Section 63G-2-103, except the ride description, the owner-operator, the location of the amusement ride at the time the reportable serious injury occurred, and the general nature of the reportable serious injury.

Amended by Chapter 354, 2020 General Session
Amended by Chapter 423, 2020 General Session

Part 4
Enforcement

72-16-401 Penalty for violation.

(1) If an owner-operator or operator violates a provision of this chapter with respect to an amusement ride, in accordance with Title 63G, Chapter 4, Administrative Procedures Act, the director may:

(a) deny, suspend, or revoke, in whole or in part, the owner-operator's annual amusement ride permit or multi-ride permit for the amusement ride; or

(b) impose fines or administrative penalties in accordance with rules made by the committee.

(2) Upon a violation of a provision of this chapter, the director may bring an action in a court with jurisdiction under Title 78A, Judiciary and Judicial Administration, to enjoin the operation of an amusement ride.

Amended by Chapter 158, 2024 General Session

72-16-402 Audit -- Right of entry.

The director or the director's representative, upon presenting appropriate credentials to the owner-operator, operator, or agent in charge, may enter a premises where an amusement ride is located for the purpose of auditing compliance with the provisions of this chapter.

Enacted by Chapter 244, 2019 General Session

Chapter 17
Rail Safety

Part 2
Regulation of Highway-Railroad Grade Crossings

72-17-201 Definitions.

As used in this part:

(1) "Highway-railroad grade crossing" means:

(a) an intersection where a railroad track crosses a highway at the same level; or
(b) an intersection where the railroad track of a railroad entity crosses the railroad track of another railroad entity at the same level.
(2) "Public Service Commission" means the Public Service Commission of Utah created in Section 54-1-1.
(3) "Railroad entity" means an entity, a company, a person, or a public transit provider that owns, controls, operates, or manages a railroad.

Renumbered and Amended by Chapter 42, 2023 General Session, (Coordination Clause)

72-17-202 Regulation of highway-railroad grade crossings.
(1) A railroad entity may not construct a new highway-railroad grade crossing without first obtaining written authorization from the department.
(2) Subject to Subsection (4), the department may:
(a) determine and prescribe:
(i) the specific location of each highway-railroad grade crossing in the state; and
(ii) the terms of installation, operation, maintenance, use, and protection of each highway-railroad grade crossing in the state;
(b) alter or abolish any highway-railroad grade crossing upon such terms and conditions as the department prescribes;
(c) restrict the use of any highway-railroad grade crossing to certain types of traffic in the interest of public safety;
(d) when practicable, as determined by the department, require a separation of grades at any existing highway-railroad grade crossing in the state, and prescribe the terms of any separation of grades at an existing highway-railroad grade crossing; and
(e) allocate responsibilities, including costs, for the alteration, abolition, or separation of any highway-railroad grade crossing in the state between each affected railroad entity and highway authority.
(3)
(a) The department shall allocate maintenance responsibilities, including costs, for each highway-railroad grade crossing in the state, including the maintenance of related safety devices and crossing materials, between each railroad entity and highway authority affected by the highway-railroad grade crossing.
(b) The department may base the allocation of maintenance responsibilities, including costs, on ownership and control of the right-of-way, crossing materials, signals and devices, or other factors the department determines are appropriate to protect public safety.
(c) If a railroad entity or a highway authority disagrees with the department's allocation of maintenance responsibilities, including costs, for a specific highway-railroad grade crossing:
(i) the railroad entity or highway authority may provide a written request to the department for a review of the allocation describing reasons for modification of the allocation; and
(ii) the department:
(A) shall conduct a review of the allocation; and
(B) at the department's discretion, may modify the allocation.
(d) Unless the department provides prior written approval, responsibility for the costs of maintenance at a highway-railroad grade crossing as allocated by the department may not be modified or waived by agreement between a railroad entity and a local highway authority.
(e) Unless the department enters into a written agreement with a railroad entity stating otherwise, the relevant railroad entity is responsible for using railroad employees to perform the physical

maintenance and labor at a highway-railroad grade crossing and shall comply with Code of Federal Regulations, Title 49, Transportation.

(4)

(a) The department may require or authorize the construction of a new highway-railroad grade crossing or the improvement of an existing highway-railroad grade crossing if:

(i) the new or improved highway-railroad grade crossing is to be funded solely by non-federal funds; and

(ii) the department determines, after consultation with any affected railroad entities and highway authorities, that the new or improved highway-railroad grade crossing will improve the safety of the public in accordance with requirements established by the department to determine the need, design, and impacts of the new or improved highway-railroad grade crossing.

(b) The railroad entity affected by the new or improved highway-railroad grade crossing shall timely enter into a written agreement with the department regarding the design and installation of the new or improved highway-railroad grade crossing.

(c) If a railroad entity does not make reasonable efforts to participate in determining the need, design, and impacts of a new or improved crossing, does not timely enter into an agreement with the department, or fails to timely provide a design and install improvements as described in an agreement, the department may impose and the railroad shall pay a penalty consistent with Section 54-7-25.

(5) A railroad entity affected by a new or improved highway-railroad grade crossing may not require up-front payment of costs as a condition for the railroad entity's review, approval, or inspection of a new or improved highway-railroad grade crossing.

(6) If the department determines that public convenience and necessity demand the establishment, creation, or construction of a crossing of a street or highway over, under, or upon the tracks or lines of any public utility, the department may by order, decision, rule, or decree require the establishment, construction, or creation of such crossing, and such crossing shall thereupon become a public highway and crossing.

(7)

(a) The Public Service Commission retains exclusive jurisdiction for the resolution of any dispute upon petition by any person aggrieved by any action of the department pursuant to this section, except as provided under Subsection (7)(b).

(b) If a petition is filed by a person or entity engaged in a subject activity, as defined in Section 19-3-318, the Public Service Commission's decision under Subsection (7)(a) regarding resolution of a dispute requires the concurrence of the governor and the Legislature in order to take effect.

(c) The department may:

(i) direct commencement of an action as provided for in Section 54-7-24 in the name of the state to stop or prevent a violation of a department order issued to protect public safety by a railroad entity; and

(ii) petition the Public Service Commission to assess and bring an action as provided for in Section 54-7-21 to recover penalties for failure of a railroad entity to comply with a final order of the department issued pursuant to the department's authority under this section.

Renumbered and Amended by Chapter 42, 2023 General Session, (Coordination Clause)

Chapter 18
Rail Ombudsman

Part 1
Creation and Duties

72-18-101 Rail ombudsman.
(1) There is created the position of rail ombudsman in the rail division of the department.
(2) The executive director of the department shall appoint the rail ombudsman.

Enacted by Chapter 531, 2024 General Session

72-18-102 Rail ombudsman -- Duties.
(1) The rail ombudsman shall:
  (a) develop and maintain expertise in and understanding of laws and regulations relating to rail;
  (b) coordinate, consult, and provide information to private citizens, government entities, rail operators, stakeholders, and other interested parties about rail related issues;
  (c) on the rail ombudsman's website, provide:
    (i) updated, easily accessible information about the duties of the rail ombudsman; and
    (ii) a form that a member of the public, including a railroad company employee, may use to submit a report or complaint;
  (d) provide education and training regarding rail laws and regulations; and
  (e) arrange and facilitate meetings between a rail company and one or more of the following, to resolve a rail dispute described in Subsection (2):
    (i) a local government entity;
    (ii) a large public transit district; or
    (iii) a private property or livestock owner.
(2) The rail ombudsman shall facilitate meetings described in Subsection (1)(e) to resolve issues relating to:
  (a) safety;
  (b) at-grade and grade-separated rail crossings;
  (c) fencing;
  (d) injury to or loss of livestock;
  (e) railroad maintenance, including maintenance agreements and road closures;
  (f) improvements to railroad right-of-way infrastructure;
  (g) track realignment;
  (h) track consolidation; or
  (i) any other issue that has caused a dispute between a rail company and a party described in Subsection (1)(e).
(3) If the rail ombudsman invites a rail company or another party described in Subsection (1)(e) to a meeting to resolve a rail dispute, the rail company or other person shall:
  (a) attend the meeting; and
  (b) attempt to resolve the dispute through the rail ombudsman before filing an action in court or seeking another remedy.
(4) A rail company and a party described in Subsections (1)(e)(i) through (iii) shall provide notice to the rail ombudsman before:
  (a) closing a highway for railroad maintenance; or

(b) starting a construction project involving:
(i) an at-grade rail crossing; or
(ii) the realignment or consolidation of railroad tracks.
(5) The rail ombudsman may not address nor participate in:
(a) organized labor issues or disputes; or
(b) rail company employee safety issues.
(6) If a report or complaint described in Subsection (1)(c)(ii) is made in regard to a rail company, the rail ombudsman shall forward the report or complaint to the relevant rail company or other appropriate agency or entity.

Amended by Chapter 462, 2025 General Session

Chapter 19
Utah Broadband Center

Part 1
General Provisions

72-19-101 Definitions.

As used in this chapter:
(1) "Broadband center" means the Utah Broadband Center created in Section 72-19-201.
(2) "Broadband commission" means the Utah Broadband Center Advisory Commission created in Section 36-29-109.
(3) "Final proposal" means the submission provided by the state to the Assistant Secretary of Commerce for Communications and Information as part of the state's BEAD Application, as set forth in 47 U.S.C. Sec. 1702(e)(4).
(4) "Initial proposal" means the submission provided by the state to the Assistant Secretary of Commerce for Communications and Information as part of the state's BEAD Application, as set forth in 47 U.S.C. Sec. 1702(e)(3).
(5) "Letter of intent" means the submission provided by the state to the Assistant Secretary of Commerce for Communications and Information as part of the state's BEAD Application, as set forth in 47 U.S.C. Sec. 1702(e)(1)(B).
(6) "Public-private partnership" means an arrangement or agreement between a government entity and one or more private persons to fund and provide for a public need through the development or operation of a public project in which the private person or persons share with the government entity the responsibility or risk of developing, owning, maintaining, financing, or operating the project.
(7) "Subgrantee" means an entity that receives funds from the state under:
(a) the Broadband Access Grant Program created in Section 72-19-301; or
(b) the Broadband Equity Access and Deployment Grant Program created in Section 72-19-401.
(8) "State BEAD application" means a submission by the state for a grant under the federal Broadband Equity Access and Deployment Program established under 47 U.S.C. Sec. 1702(b), consisting of a letter of intent, initial proposal, and final proposal.

Renumbered and Amended by Chapter 512, 2025 General Session

Part 2
Utah Broadband Center

72-19-201 Utah Broadband Center -- Creation -- Director -- Duties.

(1) There is created within the department the Utah Broadband Center.

(2) The executive director shall appoint a director of the broadband center to oversee the operations of the broadband center.

(3) The broadband center shall:

(a) ensure that publicly funded broadband projects continue to be publicly accessible and provide a public benefit;

(b) develop the statewide digital connectivity plan described in Section 72-19-203;

(c) carry out the duties described in Section 72-19-202;

(d) administer the Broadband Access Grant Program created in Section 72-19-301; and

(e) administer the Broadband Equity Access and Deployment Grant Program created in Section 72-19-401.

(4) The broadband center shall ensure efficiency with respect to:

(a) expenditure of funds; and

(b) avoiding duplication of efforts.

(5) The broadband center shall consider administering broadband infrastructure funds in a manner that:

(a) efficiently maximizes the leverage of federal funding;

(b) avoids the use of public funds for broadband facilities that duplicate existing broadband facilities that already meet or exceed federal standards; and

(c) accounts for the benefits and costs to the state of existing facilities, equipment, and services of public and private broadband providers.

Renumbered and Amended by Chapter 512, 2025 General Session

72-19-202 Infrastructure and broadband coordination.

(1) The broadband center shall partner with the Utah Geospatial Resource Center created in Section 63A-16-505 to collect and maintain a database and interactive map that displays economic development data statewide, including:

(a) voluntarily submitted broadband availability, speeds, and other broadband data;

(b) voluntarily submitted public utility data;

(c) workforce data, including information regarding:

(i) enterprise zones designated under Section 63N-2-206;

(ii) public institutions of higher education; and

(iii) APEX accelerators;

(d) transportation data, which may include information regarding railway routes, commuter rail routes, airport locations, and major highways;

(e) lifestyle data, which may include information regarding state parks, national parks and monuments, United States Forest Service boundaries, ski areas, golf courses, and hospitals; and

(f) other relevant economic development data as determined by the office, including data provided by partner organizations.

(2) The broadband center may:
(a) make recommendations to state and federal agencies, local governments, the governor, and the Legislature regarding policies and initiatives that promote the development of broadband-related infrastructure in the state and help implement those policies and initiatives;
(b) facilitate coordination between broadband providers and public and private entities;
(c) collect and analyze data on broadband availability and usage in the state, including Internet speed, capacity, the number of unique visitors, and the availability of broadband infrastructure throughout the state;
(d) create a voluntary broadband alliance, which shall include broadband providers and other public and private stakeholders, to solicit input on broadband-related policy guidance, best practices, and adoption strategies;
(e) work with broadband providers, state and local governments, and other public and private stakeholders to facilitate and encourage the expansion and maintenance of broadband infrastructure throughout the state; and
(f) in accordance with the requirements of Title 63J, Chapter 5, Federal Funds Procedures Act, and in accordance with federal requirements:
(i) apply for federal grants;
(ii) participate in federal programs; and
(iii) administer federally funded broadband-related programs.

Renumbered and Amended by Chapter 512, 2025 General Session

72-19-203 Statewide digital connectivity plan.

As used in this section:
(1) "Broadband commission" means the Utah Broadband Center Advisory Commission created in Section 36-29-109.
(2) "Strategic plan" means the statewide digital connectivity plan created in accordance with Subsections (3) and (4).
(3) The broadband center shall develop the strategic plan.
(4) The strategic plan shall include strategies to:
(a) implement broadband connectivity statewide;
(b) promote digital access throughout the state;
(c) apply for federal infrastructure funds; and
(d) apply for additional funds.
(5) In developing the strategic plan, the broadband center shall work with the broadband commission.
(6) The broadband center shall submit the strategic plan to the broadband commission for the broadband commission's recommendation before finalizing the strategic plan.
(7) On or before October 1 of each year, the broadband center shall report to the broadband commission and the Public Utilities, Energy, and Technology Interim Committee regarding status updates.

Renumbered and Amended by Chapter 512, 2025 General Session

Part 3
Broadband Access Grant Program

72-19-301 Creation of Broadband Access Grant Program.

(1) As used in this part:

(a) "Eligible applicant" means:

(i) a telecommunications provider or an Internet service provider;

(ii) a local government entity and one or more private entities, collectively, who are parties to a public-private partnership established for the purpose of expanding affordable broadband access in the state; or

(iii) a tribal government.

(b) "Underserved area" means an area of the state that is underserved in terms of the area's access to broadband service, as further defined by rule made by the department in coordination with the broadband center.

(c) "Unserved area" means an area of the state that is unserved in terms of the area's access to broadband service, as further defined by rule made by the department in coordination with the broadband center.

(2) There is established a grant program known as the Broadband Access Grant Program that is administered by the broadband center in accordance with this part.

(3)

(a) The broadband center may award a grant under this part to an eligible applicant that submits to the broadband center an application that includes a proposed project to extend broadband service to individuals and businesses in an unserved area or an underserved area by providing last-mile connections to end users.

(b) Subsection (3)(a) does not prohibit the broadband center from awarding a grant for a proposed project that also includes middle-mile elements that are necessary for the last-mile connections.

(4) In awarding grants under this part, the broadband center shall:

(a) based on the following criteria and in the order provided, prioritize proposed projects:

(i) located in unserved areas;

(ii) located in underserved areas;

(iii)

(A) that the eligible applicant developed after meaningful engagement with the impacted community to identify the community's needs and innovative means of providing a public benefit that addresses the community's needs; and

(B) that include, as a component of the proposed project, a long-term public benefit to the impacted community developed in response to the eligible applicant's engagement with the community;

(iv) located in an economically distressed area of the state, as measured by indices of unemployment, poverty, or population loss;

(v) that make the greatest investment in last-mile connections;

(vi) that provide higher speed broadband access to end users; and

(vii) for which the eligible applicant provides at least 25% of the money needed for the proposed project, with higher priority to proposed projects for which the eligible applicant provides a greater percentage of the money needed for the proposed project; and

(b) consider the impact of available funding for the proposed project from other sources, including money from matching federal grant programs.

(5) For a project that the eligible applicant cannot complete in a single fiscal year, the broadband center may distribute grant proceeds for the project over the course of the project's construction.

(6)
(a) Before awarding a grant under this part, the broadband center shall present the application described in Subsection (3) to the Transportation Commission for approval.
(b) In awarding a grant under this part, the broadband center shall ensure that grant funds are not used by a subgrantee in a manner that causes competition among projects that are substantially supported by state funds or federal funds subgranted by the state.
(7) As provided in and subject to the requirements of Title 63G, Chapter 2, Government Records Access and Management Act, a record submitted to the broadband center that contains a trade secret or confidential commercial information described in Subsection 63G-2-305(2) is a protected record.

Renumbered and Amended by Chapter 512, 2025 General Session

72-19-302 Duties of the broadband center.
(1) The broadband center shall:
(a) establish an application process by which an eligible applicant may apply for a grant under this part, which application shall include:
(i) a declaration, signed under penalty of perjury, that the application is complete, true, and correct; and
(ii) an acknowledgment that the eligible applicant is subject to audit;
(b) establish a method for the broadband center to determine which eligible applicants qualify to receive a grant;
(c) establish a formula to award grant funds; and
(d) report the information described in Subsections (1)(a) through (c) to the director of the Division of Finance.
(2) Subject to appropriation, the broadband center shall:
(a) collect applications for grant funds from eligible applicants;
(b) determine which applicants qualify for receiving a grant; and
(c) award the grant funds in accordance with the process established under Subsection (1) and in accordance with Section 72-19-301.
(3) The department, in coordination with the broadband center, may make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to administer the grant program.

Renumbered and Amended by Chapter 512, 2025 General Session

Part 4
Broadband Equity Access and Deployment Grant Program

72-19-401 Creation of Broadband Equity Access and Deployment Grant Program.
(1) There is established a grant program known as the Broadband Equity Access and Deployment Grant Program that is administered by the broadband center in accordance with:
(a) this part; and
(b) the requirements of the National Telecommunications and Information Administration's Broadband Equity Access and Deployment Program, 47 U.S.C. Sec. 1702 et seq.
(2) The broadband center shall:

(a) prepare and submit the state's Broadband Equity Access and Deployment application, including the letter of intent, initial proposal, and final proposal to the National Telecommunications and Information Administration;
(b) administer the Broadband Equity Access and Deployment Grant Program in accordance with this section and as approved by the National Telecommunications and Information Administration;
(c) accept and process an application for subgranted funds; and
(d) ensure that a subgrantee complies with the state's final proposal to the National Telecommunications and Information Administration.

(3) The department, in coordination with the broadband center, may make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to administer the grant program.

(4) The broadband center may approve an application for subgranted funds if:
(a) the application meets the requirements of this section;
(b) the application meets any rule made pursuant to this section;
(c) the application meets the requirements of the National Telecommunications and Information Administration's Broadband Equity Access and Deployment Program, 47 U.S.C. Sec. 1702 et seq.; and
(d) the broadband center has informed the Transportation Commission about the application described in Subsection (2)(c).

(5) After the broadband center completes a competitive application process for subgranted funds but before the broadband center notifies the applicant of the award, the broadband center shall present to the Transportation Commission on the subgrant award.

Renumbered and Amended by Chapter 512, 2025 General Session