

***Effective 5/3/2023***

***Effective until 5/1/2024***

**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; and
  - (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.
- (2)
- (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 (2)(a) for liability purposes.