

## **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