

**Effective 5/1/2024**

## **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