

UTAH SPACEPORT AUTHORITY ACT

2001 GENERAL SESSION

STATE OF UTAH

Sponsor: Thomas V. Hatch

This act modifies the Transportation Code by designating the Department of Transportation as the state spaceport authority and granting the department regulatory authority over spaceports. This act creates a Spaceport Advisory Board within the Department of Transportation. This act takes effect on July 1, 2001.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

72-1-102, as last amended by Chapter 86, Laws of Utah 2000

ENACTS:

72-13-101, Utah Code Annotated 1953

72-13-102, Utah Code Annotated 1953

72-13-103, Utah Code Annotated 1953

72-13-104, Utah Code Annotated 1953

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **72-1-102** is amended to read:

72-1-102. Definitions.

As used in this title:

- (1) "Commission" means the Transportation Commission created under Section 72-1-301.
- (2) "Construction" means the construction, reconstruction, replacement, and improvement of the highways, including the acquisition of rights-of-way and material sites.
- (3) "Department" means the Department of Transportation created in Section 72-1-201.
- (4) "Executive director" means the executive director of the department appointed under Section 72-1-202.
- (5) "Farm tractor" has the meaning set forth in Section 41-1a-102.
- (6) "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.

(7) "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.

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

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

(10) "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.

(11) "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.

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

(13) "Municipality" has the same meaning set forth in Section 10-1-104.

(14) "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.

(15) (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.

(16) "Port-of-entry agent" means a person employed at a port-of-entry to perform the duties specified in Section 72-9-501.

(17) "Right-of-way" means real property or an interest in real property, usually in a strip, acquired for or devoted to a highway.

(18) "Sealed" does not preclude acceptance of electronically sealed and submitted bids or

proposals in addition to bids or proposals manually sealed and submitted.

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

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

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

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

(23) "State transportation systems" means all streets, alleys, roads, highways, and thoroughfares of any kind, including connected structures, airports, spaceports, and all other modes and forms of conveyance used by the public.

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

(25) "Truck tractor" has the meaning set forth in Section 41-1a-102.

(26) "UDOT" means the Utah Department of Transportation.

(27) "Vehicle" has the same meaning set forth in Section 41-1a-102.

Section 2. Section **72-13-101** is enacted to read:

CHAPTER 13. UTAH SPACEPORT AUTHORITY ACT

72-13-101. Title.

This chapter is known as the "Utah Spaceport Authority Act."

Section 3. Section **72-13-102** is enacted to read:

72-13-102. Definitions.

As used in this chapter:

(1) "Board" means the Spaceport Advisory Board created in Section 72-13-104.

(2) "Spaceport" means an area of land or water which is used, or is made available for, the landing and takeoff of spacecraft, including any appurtenant areas which are used, or intended for use, for spaceport buildings, other spaceport facilities or rights-of-way, together with all spaceport buildings and facilities located thereon, and which may include land and buildings, together with all appurtenances necessary or convenient thereto for the accommodation or convenience of the public, including, parking, dining, recreational, and hotel facilities.

Section 4. Section **72-13-103** is enacted to read:

72-13-103. Powers of department -- Spaceports.

The department is designated as the state spaceport authority and has power to:

- (1) plan, design, acquire property for, undertake, construct, operate, maintain, administer, and manage all spaceport properties and attendant spaceport facilities;
- (2) regulate the receiving, deposit, and embarkation of passengers or property to or from the spaceport;
- (3) regulate or prohibit any spaceport hazard;
- (4) exact and require charges, fees, and rentals, and provide for a lien to enforce their payment;
- (5) lease or assign for operation any space or area, appurtenances, appliances, or other conveniences as are necessary or useful;
- (6) provide rules governing the use of the spaceport or spaceports, and facilities and the use of other property and means of transportation within or over the spaceport or spaceports, landing field and navigation facilities, and perform any duties, necessary for or consistent with the regulation of spacecraft traffic;
- (7) enter into contracts or otherwise cooperate with the federal government or other public or private agencies regarding spaceport matters;
- (8) exercise the powers that may be required for or that are consistent with the promotion of a spaceport and the furtherance of commerce and navigation by spacecraft; and
- (9) consult with the board and provide staff support to the board.

Section 5. Section **72-13-104** is enacted to read:

72-13-104. Advisory board created -- Appointment -- Terms -- Meetings -- Per diem and expenses -- Duties.

- (1) There is created within the department the Spaceport Advisory Board consisting of seven members appointed by the governor as follows:
 - (a) the executive director of the department or his designee;
 - (b) the executive director of the Department of Community and Economic Development or

his designee; and

(c) the governor shall appoint five public members to represent the public at large, aerospace interests, and local governments.

(2) Each public member of the board shall:

(a) be selected at large on a nonpartisan basis; and

(b) 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 governor shall appoint each new member or reappointed member 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 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 replacement shall be appointed for the unexpired term beginning the day following the expiration of the preceding term.

(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 as needed when called by the chair.

(7) Any four voting members constitute a quorum for the transaction of business that comes before the board.

(8) (a) Members shall receive no compensation or benefits for their services, but may receive per diem and expenses incurred in the performance of the member's official duties at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

(b) Members may decline to receive per diem and expenses for their service.

(9) The board shall advise the department and the commission on interpretation, adoption, and implementation of this chapter and other spaceport related issues, including planning, design, operation, maintenance, administration, and management of all spaceports and their attendant facilities under the jurisdiction of the department.

(10) The department shall provide staff support to the board.

Section 6. **Effective date.**

This act takes effect on July 1, 2001.