

**HIGHWAY AND FREEWAY UNDERPASSES FOR  
WILDLIFE**

2002 GENERAL SESSION

STATE OF UTAH

**Sponsor: Michael R. Styler**

**This act modifies the Transportation Code to require evaluation and mitigation of certain highway construction on big game migration.**

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

ENACTS:

**72-6-120**, Utah Code Annotated 1953

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

Section 1. Section **72-6-120** is enacted to read:

**72-6-120. Evaluation of big game migration prior to constructing highways -- Mitigation -- Costs.**

(1) As used in this section, "big game" has the same meaning as provided in Section 23-13-2.

(2) Prior to the department constructing a new highway or performing major reconstruction of a highway, the department, with the assistance of the Division of Wildlife Resources of the Department of Natural Resources, shall evaluate:

(a) big game habitat and migration patterns and routes in the area of the construction and reconstruction; and

(b) the impacts of the new or expanded highway on big game.

(3) The department, with the technical assistance of the Division of Wildlife Resources shall:

(a) make a written report of the evaluation under Subsection (2); and

(b) develop a written plan to mitigate the negative effects of the new or expanded highway on big game.



28           (4) If warranted by the evaluation and the plan developed under this section, the  
29   department shall construct mitigation facilities for big game migration including overpasses,  
30   underpasses, or other crossings for big game.

31           (5) The department shall include the cost of the mitigation facilities for big game migration  
32   as part of the cost of the initial highway construction or the reconstruction.

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**Legislative Review Note**  
**as of 2-5-02 10:12 AM**

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

**Office of Legislative Research and General Counsel**