

**MINUTES OF THE HOUSE TRANSPORTATION
STANDING COMMITTEE**

Room C450, State Capitol, Utah State Capitol Complex
February 15, 2011

MEMBERS PRESENT: Rep. Bradley M. Daw, Chair
 Rep. Johnny Anderson, Vice Chair
 Rep. Janice M. Fisher
 Rep. Julie Fisher
 Rep. Steve Handy
 Rep. Wayne A. Harper
 Rep. Lynn N. Hemingway
 Rep. Todd Kiser
 Rep. Bradley Last
 Rep. Carol Spackman Moss
 Rep. Jim Nielson
 Rep. Jeremy Peterson
 Rep. Val Peterson

MEMBERS ABSENT: Rep. Ken Sumsion

STAFF PRESENT: Leif Elder, Policy Analyst
 Karen Mitchell, Committee Secretary

Note: A list of visitors and a copy of handouts are filed with the committee minutes.

Rep. Anderson called the meeting to order at 2:11 p.m.

MOTION: Rep. Harper moved to approve the minutes of the February 8, 2011 and February 9, 2011 meetings. The motion passed unanimously with Rep. Hemingway, Rep. Last, Rep. Moss, Rep. Nielson, and Rep. Jeremy Peterson absent for the vote.

**S.B. 47 Driver License and Identification Card Amendments (*Sen. C. Bramble*)
(*Rep. D. Litvack*)**

Rep. Litvack introduced the bill to the committee.

Spoke to the bill: Nannette Rolfe, Director Drivers License Division

MOTION: Rep. Julie Fisher moved to pass S.B. 47 with a favorable recommendation. The motion passed with Rep. Kiser and Rep. Rep. Nielson voting in opposition. Rep. Jeremy Peterson was absent for the vote.

H.B. 162 Pedestrians on Freeways (*Rep. L. Perry*)

Rep. Perry introduced the bill to the committee.

Spoke to the bill: Linda Hull, Utah Department of Transportation

MOTION: Rep. Last moved to pass H.B. 162 with a favorable recommendation. The motion passed unanimously with Rep. Moss and Rep. Jeremy Peterson absent for the vote.

H.B. 173 Dedication and Abandonment of Public Highways (Rep. K. McIff)

Rep. McIff introduced the bill to the committee.

MOTION: Rep. Daw moved to amend the bill as follows:

1. Page 1, Line 23:

23 interruption;

► provides that the dedication and interruption provisions apply to any claim for which a court of competent jurisdiction has not issued a final unappealable judgment or order;

2. Page 2, Lines 52 through 58:

52 (3) Continuous use as a public thoroughfare under Subsection (1) is interrupted only
53 when:

54 (a) the regularly established pattern and frequency of public use for the given road
has

55 actually been interrupted to a degree that reasonably puts the traveling public on
notice ; ~~{and}~~ or

56 (b) for interruptions by use of a manned barricade on or after May 10,
2011 ~~{and}~~ ;

(i) the person or entity interrupting the
57 continuous use gives not less than 72 hours advance written notice of the interruption to
the

58 highway authority having jurisdiction of the highway, street, or road ; and
(ii) the manned barricade is maintained for at least 24 consecutive hours .

3. Page 3, Lines 61 through 62:

61 (5) If the highway authority having jurisdiction of the highway, street, or road

demands
62 that an interruption ~~{ceases}~~ cease or that a barrier or barricade blocking public
access be removed and

4. *Page 3, Line 72:*

72 ensure safe travel according to the facts and circumstances.

(9)(a) The provisions of this section apply to any claim under this section for which a court of competent jurisdiction has not issued a final unappealable judgment or order.

(b) The legislature finds that the application of this section:

(i) does not enlarge, eliminate, or destroy vested rights; and

(ii) clarifies legislative intent in light of Utah Supreme Court rulings in *Wasatch County v. Okelberry*, 179 P.3d 768, *Town of Leeds v. Prisbey*, 179 P.3d 757, and *Utah County v. Butler*, 179 P.3d 775.

The motion passed unanimously with Rep. Moss and Rep. Jeremy Peterson absent for the vote.

Spoke in favor of the bill: Brent Gardner, Utah Association of Counties
Lynn Pace, Salt Lake City
Sterling Brown, Utah Farm Bureau

Spoke to the bill: Gerald Haycock, Sons of the Utah Pioneers

MOTION: Rep. Kiser moved to pass H.B. 173 out favorably as amended. The motion passed unanimously with Rep. Julie Fisher, Rep. Handy, and Rep. Moss absent for the vote.

MOTION: Rep. Kiser moved to adjourn. The motion passed unanimously with Rep. Julie Fisher, Rep. Harper, and Rep. Moss absent for the vote.

Rep. Anderson adjourned the meeting at 3:27 p.m.

