

Representative Gage Froerer proposes the following substitute bill:

**HIGHWAY SPECIAL EVENT PERMITTING**

2015 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Gage Froerer**

Senate Sponsor: Scott K. Jenkins

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**LONG TITLE**

**General Description:**

This bill enacts language authorizing the Department of Transportation to make rules related to the issuance of special use permits on state highways.

**Highlighted Provisions:**

This bill:

- ▶ defines "special use permit"; and
- ▶ authorizes the Department of Transportation to make rules related to the issuance of special use permits on state highways.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

ENACTS:

**72-1-212**, Utah Code Annotated 1953

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

Section 1. Section **72-1-212** is enacted to read:



26 72-1-212. Special use permitting -- Rulemaking.

27 (1) For purposes of this section, "special use permit" means a permit issued for a  
28 special use or a special event that takes place on a highway.

29 (2) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and  
30 in consultation with representatives of the Utah League of Cities and Towns and the Utah  
31 Association of Counties, the department shall make rules that are not inconsistent with this  
32 chapter or the constitution and laws of this state or of the United States governing the issuance  
33 of a special use permit to maintain public safety and serve the needs of the traveling public.

34 (3) The rules described in Subsection (2) may:

35 (a) establish the highways for which the highest number of special use permits are  
36 issued;

37 (b) develop, in consultation with municipalities, a limit on the number of special use  
38 permits that may be issued in any calendar year on a particular highway;

39 (c) require a person to submit an application designated by the department before the  
40 department issues a special use permit;

41 (d) limit the number of special use permits issued on any one day for any specified  
42 location based on a first-come, first-served basis for completed applications;

43 (e) establish criteria for evaluating completed applications, such as historic use,  
44 potential economic benefit, or other relevant factors;

45 (f) specify conditions that are required to be met before a special use permit may be  
46 issued;

47 (g) establish a penalty for failure to fulfill conditions required by the special use permit,  
48 including suspension of the special use permit or suspension of a future special use permit;

49 (h) require an applicant to obtain insurance for certain special uses or special events; or

50 (i) provide other requirements to maintain public safety and serve the needs of the  
51 traveling public.

52 (4) The limit on the number of special use permits described in Subsection (3)(b) may  
53 not include a special use permit issued for a municipality-sponsored special use or special  
54 event on a highway within the jurisdiction of the municipality.

55 (5) The rules shall consider:

56 (a) traveler safety and mobility;

- 57            (b) the safety of special use or special event participants;
- 58            (c) emergency access;
- 59            (d) the mobility of residents close to the event or use;
- 60            (e) access and economic impact to businesses affected by changes to the normal
- 61 operation of highway traffic; and
- 62            (f) past performance of an applicant's adherence to special use permit requirements.
- 63            (5) The department shall adopt a fee schedule in accordance with Section [63J-1-504](#)
- 64 that reflects the cost of services provided by the department associated with special use permits
- 65 and with special uses or special events that take place on a highway.