

26 72-6-112.5, as enacted by Laws of Utah 2016, Chapter 178

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

29 Section 1. Section 72-6-112.5 is amended to read:

30 **72-6-112.5. Definitions -- Nighttime highway construction noise -- Exemptions --**  
31 **Permits.**

32 (1) As used in this section:

33 (a) (i) "Front row receptor" means a noise-sensitive residential receptor that is:

34 (A) immediately adjacent to a transportation facility; or

35 (B) within 800 feet of a transportation facility that is within a commercial or  
36 industrialized area.

37 (ii) "Front row receptor" includes a residence that is contiguous to a property  
38 immediately adjacent to a transportation facility in a residential area.

39 (b) "Nighttime highway construction" means highway construction occurring between  
40 the hours of 10:00 p.m. and 7:00 a.m.

41 (c) "Nuisance" means the same as that term is defined in Section 78B-6-1101.

42 (d) (i) "Permitted activities" means activities occurring between the hours of 7:00 p.m.  
43 and 7:00 a.m. that are related to and necessary for nighttime highway construction, whether  
44 occurring at the construction site or at a gravel pit or other site for production of raw materials,  
45 and includes:

46 (A) loading and unloading of trucks;

47 (B) asphalt mixing and hauling; and

48 (C) concrete mixing and hauling.

49 (ii) "Permitted activities" does not include:

50 (A) blasting; ~~↔~~ or ~~↔~~

51 (B) crushing ~~↔~~ [~~;~~ or ] ~~↔~~

52 ~~↔~~ [~~(C) operating a vehicle with a backup alarm engaged.~~] ~~↔~~

53 (2) A state highway construction project conducted on a road where the normal posted  
54 speed limit is 55 miles per hour or greater is exempt from any noise ordinance, regulation, or  
55 standard of a local jurisdictional authority.

56 (3) A state highway construction project conducted on a road where the normal posted