

**WILDLIFE ACCIDENT PROTECTIONS**

2022 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Doug Owens**

Senate Sponsor: Jacob L. Anderegg

---

---

**LONG TITLE**

**General Description:**

This bill amends a required annual report from the Department of Transportation to include analysis of wildlife mitigation.

**Highlighted Provisions:**

This bill:

▶ amends a required annual report from the Department of Transportation to include analysis of wildlife mitigation.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**72-1-201**, as last amended by Laws of Utah 2019, Chapter 431

---

---

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

Section 1. Section **72-1-201** is amended to read:

**72-1-201. Creation of Department of Transportation -- Functions, powers, duties, rights, and responsibilities.**

(1) There is created the Department of Transportation which shall:



- 28 (a) have the general responsibility for planning, research, design, construction,  
29 maintenance, security, and safety of state transportation systems;
- 30 (b) provide administration for state transportation systems and programs;
- 31 (c) implement the transportation policies of the state;
- 32 (d) plan, develop, construct, and maintain state transportation systems that are safe,  
33 reliable, environmentally sensitive, and serve the needs of the traveling public, commerce, and  
34 industry;
- 35 (e) establish standards and procedures regarding the technical details of administration  
36 of the state transportation systems as established by statute and administrative rule;
- 37 (f) advise the governor and the Legislature about state transportation systems needs;
- 38 (g) coordinate with utility companies for the reasonable, efficient, and cost-effective  
39 installation, maintenance, operation, relocation, and upgrade of utilities within state highway  
40 rights-of-way;
- 41 (h) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,  
42 make rules for the administration of the department, state transportation systems, and  
43 programs;
- 44 (i) jointly with the commission annually report to the Transportation Interim  
45 Committee, by November 30 of each year, as to the operation, maintenance, condition,  
46 mobility, ~~and~~ safety needs, and wildlife mitigation for state transportation systems;
- 47 (j) ensure that any training or certification required of a public official or public  
48 employee, as those terms are defined in Section [63G-22-102](#), complies with Title 63G, Chapter  
49 22, State Training and Certification Requirements, if the training or certification is required:
- 50 (i) under this title;
- 51 (ii) by the department; or
- 52 (iii) by an agency or division within the department; and
- 53 (k) study and make recommendations to the Legislature on potential managed lane use  
54 and implementation on selected transportation systems within the state.
- 55 (2) (a) The department shall exercise reasonable care in designing, constructing, and  
56 maintaining a state highway in a reasonably safe condition for travel.
- 57 (b) Nothing in this section shall be construed as:
- 58 (i) creating a private right of action; or

59           (ii) expanding or changing the department's common law duty as described in  
60 Subsection (2)(a) for liability purposes.