

Representative Nelson T. Abbott proposes the following substitute bill:

PEDESTRIAN SAFETY AND FACILITIES ACT

MODIFICATIONS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Nelson T. Abbott

Senate Sponsor: Kathleen A. Riebe

LONG TITLE

General Description:

This bill makes changes to the Pedestrian Safety and Facilities Act.

Highlighted Provisions:

This bill:

▶ makes changes to include a bicyclist in the provisions of the Pedestrian Safety and Facilities Act; and

▶ adds additional safety measures for pedestrians and bicyclists.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

72-8-102, as last amended by Laws of Utah 2003, Chapter 292

72-8-103, as renumbered and amended by Laws of Utah 1998, Chapter 270

72-8-104, as renumbered and amended by Laws of Utah 1998, Chapter 270

72-8-105, as renumbered and amended by Laws of Utah 1998, Chapter 270



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

28 Section 1. Section **72-8-102** is amended to read:

29 **CHAPTER 8. PEDESTRIAN AND BICYCLIST SAFETY AND FACILITIES ACT**

30 **72-8-102. Definitions.**

31 As used in this chapter:

32 (1) "Construction" means the function of constructing or reconstructing a sidewalk
33 with or without curb and gutter and includes land acquisition and engineering or inspection as
34 defined by the rules and regulations of the department.

35 (2) "Curb and gutter" means the area between the roadway and sidewalk designed for
36 water runoff and providing a barrier for safety of pedestrian and vehicular traffic.

37 (3) "Participating municipality" means a city of the third, fourth, or fifth class or a
38 town.

39 (4) "Pedestrian and bicyclist safety [devices] device" means ~~[any]~~ a device or method
40 appurtenant to a roadway designed to foster the safety of pedestrian or bicyclist traffic
41 including sidewalks, curbs, gutters, [and] pedestrian overpasses, pedestrian crossings, bicycle
42 lanes, multi-use paths, and traffic calming measures.

43 (5) "Traffic calming measure" means a physical engineering measure that reduces the
44 negative effects of motor vehicle use, alters driver behavior, and improves conditions for
45 pedestrians and bicyclists, including median islands, curb extensions, barriers, and changes in
46 street alignment.

47 Section 2. Section **72-8-103** is amended to read:

48 **72-8-103. Designated county and municipal sidewalks -- Construction on**
49 **easements granted by transportation department.**

50 (1) All sidewalks, including curbs and gutters within the unincorporated areas of a
51 county and within nonparticipating municipalities situated within the county, are designated
52 county sidewalks. All sidewalks within participating municipalities are designated municipal
53 sidewalks.

54 (2) Counties and participating municipalities may construct and maintain curbs,
55 gutters, sidewalks, ~~[and]~~ or pedestrian and bicyclist safety devices adjacent to the traveled
56 portion of state highways upon easements that may be granted by the department. The

57 department shall cooperate with counties and participating municipalities to accomplish
58 pedestrian and bicyclist safety construction and maintenance.

59 (3) A county or municipality may construct and maintain pedestrian and bicyclist safety
60 devices on state highways in compliance with rules made by the department.

61 Section 3. Section **72-8-104** is amended to read:

62 **72-8-104. Funding priorities by county and municipality officials -- Factors.**

63 (1) A county or municipality may use a portion of [~~their~~] the county's or municipality's
64 B and C road funds for pedestrian and bicyclist safety devices under this part.

65 (2) The county legislative body of the counties and the governing officials of
66 participating municipalities may establish funding priorities relating to construction of curbs,
67 gutters, sidewalks, or other pedestrian and bicyclist safety construction, with funds permitted to
68 be expended by this part, based on [~~factors including, but not limited to~~]:

- 69 (a) existing useable rights-of-way;
- 70 (b) vehicle-pedestrian and vehicle-bicyclist accident experience;
- 71 (c) average daily vehicle traffic;
- 72 (d) average daily pedestrian and bicyclist traffic;
- 73 (e) average daily school age pedestrian and bicyclist traffic; [~~and~~]
- 74 (f) speed of vehicle traffic[.];
- 75 (g) proximity to public transit; and
- 76 (h) other relevant factors.

77 (3) All construction performed under this part shall be barrier free to wheelchairs at
78 crosswalks and intersections.

79 Section 4. Section **72-8-105** is amended to read:

80 **72-8-105. Pedestrian and bicyclist safety to be considered in highway planning.**

81 A highway authority shall consider pedestrian and bicyclist safety in all highway
82 engineering and planning where pedestrian or bicyclist traffic may be a significant factor on all
83 projects within the state or any of its political subdivisions.

84 Section 5. **Effective date.**

85 This bill takes effect on May 1, 2024.