

Senator Wayne A. Harper proposes the following substitute bill:

TRANSPORTATION AMENDMENTS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Wayne A. Harper

House Sponsor: Kay J. Christofferson

LONG TITLE

General Description:

This bill amends provisions related to motor vehicles, the Department of Transportation, and highways, and makes technical corrections and changes.

Highlighted Provisions:

This bill:

- ▶ makes technical changes throughout various sections to clean up cross references and remove outdated language;
- ▶ amends the definition of a snowmobile;
- ▶ requires the State Tax Commission to create an electronic titling system;
- ▶ prohibits the storage of flammable, explosive, or combustible materials near or beneath certain highway and public transit facilities;
- ▶ amends provisions regarding the use of certain funds for public transit studies;
- ▶ amends the descriptions of highways near certain state parks;
- ▶ amends a provision related to required matching funds to qualify for certain transportation funding to exclude projects administered by the Department of Transportation;
- ▶ requires a person challenging a dedication of a public highway through continuous use to first notify the relevant highway authority before filing suit;



- 26 ▶ amends the definition of abandoned aircraft; and
- 27 ▶ makes technical changes.

28 **Money Appropriated in this Bill:**

29 None

30 **Other Special Clauses:**

31 None

32 **Utah Code Sections Affected:**

33 AMENDS:

- 34 **17B-2a-804**, as last amended by Laws of Utah 2023, Chapter 15
- 35 **17B-2a-806**, as last amended by Laws of Utah 2023, Chapter 22
- 36 **17B-2a-807.2**, as last amended by Laws of Utah 2022, Chapter 259
- 37 **17B-2a-808.1**, as last amended by Laws of Utah 2022, Chapter 207
- 38 **17B-2a-808.2**, as last amended by Laws of Utah 2023, Chapter 219
- 39 **17B-2a-810.1**, as enacted by Laws of Utah 2018, Chapter 424
- 40 **41-1a-1201**, as last amended by Laws of Utah 2023, Chapters 33, 212, 219, 335, and
- 41 372
- 42 **41-6a-201**, as renumbered and amended by Laws of Utah 2005, Chapter 2
- 43 **41-22-2**, as last amended by Laws of Utah 2022, Chapters 68, 88
- 44 **59-13-103**, as last amended by Laws of Utah 2020, Chapter 373
- 45 **72-1-201**, as last amended by Laws of Utah 2023, Chapter 432
- 46 **72-1-203**, as last amended by Laws of Utah 2023, Chapters 22, 219
- 47 **72-1-216**, as last amended by Laws of Utah 2021, Chapter 280
- 48 **72-1-304**, as last amended by Laws of Utah 2023, Chapters 22, 88 and 219
- 49 **72-2-124**, as last amended by Laws of Utah 2023, Chapters 22, 88, 219, and 529
- 50 **72-3-202**, as last amended by Laws of Utah 2013, Chapter 14
- 51 **72-3-203**, as last amended by Laws of Utah 2013, Chapter 14
- 52 **72-3-204**, as last amended by Laws of Utah 2013, Chapter 14
- 53 **72-3-205**, as last amended by Laws of Utah 2013, Chapter 14
- 54 **72-3-206**, as last amended by Laws of Utah 2013, Chapter 14
- 55 **72-5-104**, as last amended by Laws of Utah 2020, Chapter 293
- 56 **72-6-118**, as last amended by Laws of Utah 2020, Chapter 377

- 57 [72-6-121](#), as last amended by Laws of Utah 2023, Chapter 299
- 58 [72-10-203.5](#), as enacted by Laws of Utah 2017, Chapter 301
- 59 [72-10-205.5](#), as last amended by Laws of Utah 2020, Fifth Special Session, Chapter 4
- 60 [72-17-101](#) (Effective 03/31/24), as enacted by Laws of Utah 2023, Chapter 42
- 61 [72-17-102](#) (Effective 03/31/24), as enacted by Laws of Utah 2023, Chapter 42
- 62 [77-11d-105](#), as renumbered and amended by Laws of Utah 2023, Chapter 448

63 ENACTS:

- 64 [41-1a-523](#), Utah Code Annotated 1953
- 65 [72-7-111](#), Utah Code Annotated 1953



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

68 Section 1. Section [17B-2a-804](#) is amended to read:

69 **[17B-2a-804](#). Additional public transit district powers.**

70 (1) In addition to the powers conferred on a public transit district under Section
71 [17B-1-103](#), a public transit district may:

72 (a) provide a public transit system for the transportation of passengers and their
73 incidental baggage;

74 (b) notwithstanding Subsection [17B-1-103\(2\)\(g\)](#) and subject to Section [17B-2a-817](#),
75 levy and collect property taxes only for the purpose of paying:

- 76 (i) principal and interest of bonded indebtedness of the public transit district; or
- 77 (ii) a final judgment against the public transit district if:

78 (A) the amount of the judgment exceeds the amount of any collectable insurance or
79 indemnity policy; and

80 (B) the district is required by a final court order to levy a tax to pay the judgment;

81 (c) insure against:

82 (i) loss of revenues from damage to or destruction of some or all of a public transit
83 system from any cause;

84 (ii) public liability;

85 (iii) property damage; or

86 (iv) any other type of event, act, or omission;

87 (d) subject to Section [~~72-1-202~~] [72-1-203](#) pertaining to fixed guideway capital

88 development within a large public transit district, acquire, contract for, lease, construct, own,
89 operate, control, or use:

90 (i) a right-of-way, rail line, monorail, bus line, station, platform, switchyard, terminal,
91 parking lot, or any other facility necessary or convenient for public transit service; or

92 (ii) any structure necessary for access by persons and vehicles;

93 (e) (i) hire, lease, or contract for the supplying or management of a facility, operation,
94 equipment, service, employee, or management staff of an operator; and

95 (ii) provide for a sublease or subcontract by the operator upon terms that are in the
96 public interest;

97 (f) operate feeder bus lines and other feeder or ridesharing services as necessary;

98 (g) accept a grant, contribution, or loan, directly through the sale of securities or
99 equipment trust certificates or otherwise, from the United States, or from a department,
100 instrumentality, or agency of the United States;

101 (h) study and plan transit facilities in accordance with any legislation passed by
102 Congress;

103 (i) cooperate with and enter into an agreement with the state or an agency of the state
104 or otherwise contract to finance to establish transit facilities and equipment or to study or plan
105 transit facilities;

106 (j) subject to Subsection [~~17B-2a-808.1(5)~~], [17B-2a-808.1\(4\)](#), issue bonds as provided
107 in and subject to Chapter 1, Part 11, Special District Bonds, to carry out the purposes of the
108 district;

109 (k) from bond proceeds or any other available funds, reimburse the state or an agency
110 of the state for an advance or contribution from the state or state agency;

111 (l) do anything necessary to avail itself of any aid, assistance, or cooperation available
112 under federal law, including complying with labor standards and making arrangements for
113 employees required by the United States or a department, instrumentality, or agency of the
114 United States;

115 (m) sell or lease property;

116 (n) except as provided in Subsection (2)(b), assist in or operate transit-oriented or
117 transit-supportive developments;

118 (o) subject to Subsections (2) and (3), establish, finance, participate as a limited partner

119 or member in a development with limited liabilities in accordance with Subsection (1)(p),
120 construct, improve, maintain, or operate transit facilities, equipment, and, in accordance with
121 Subsection (3), transit-oriented developments or transit-supportive developments; and

122 (p) subject to the restrictions and requirements in Subsections (2) and (3), assist in a
123 transit-oriented development or a transit-supportive development in connection with project
124 area development as defined in Section 17C-1-102 by:

125 (i) investing in a project as a limited partner or a member, with limited liabilities; or

126 (ii) subordinating an ownership interest in real property owned by the public transit
127 district.

128 (2) (a) A public transit district may only assist in the development of areas under
129 Subsection (1)(p) that have been approved by the board of trustees, and in the manners
130 described in Subsection (1)(p).

131 (b) A public transit district may not invest in a transit-oriented development or
132 transit-supportive development as a limited partner or other limited liability entity under the
133 provisions of Subsection (1)(p)(i), unless the partners, developer, or other investor in the entity,
134 makes an equity contribution equal to no less than 25% of the appraised value of the property
135 to be contributed by the public transit district.

136 (c) (i) For transit-oriented development projects, a public transit district shall adopt
137 transit-oriented development policies and guidelines that include provisions on affordable
138 housing.

139 (ii) For transit-supportive development projects, a public transit district shall work with
140 the metropolitan planning organization and city and county governments where the project is
141 located to collaboratively seek to create joint plans for the areas within one-half mile of transit
142 stations, including plans for affordable housing.

143 (d) A current board member of a public transit district to which the board member is
144 appointed may not have any interest in the transactions engaged in by the public transit district
145 pursuant to Subsection (1)(p)(i) or (ii), except as may be required by the board member's
146 fiduciary duty as a board member.

147 (3) For any transit-oriented development or transit-supportive development authorized
148 in this section, the public transit district shall:

149 (a) perform a cost-benefit analysis of the monetary investment and expenditures of the

150 development, including effect on:

- 151 (i) service and ridership;
- 152 (ii) regional plans made by the metropolitan planning agency;
- 153 (iii) the local economy;
- 154 (iv) the environment and air quality;
- 155 (v) affordable housing; and
- 156 (vi) integration with other modes of transportation;

157 (b) provide evidence to the public of a quantifiable positive return on investment,
158 including improvements to public transit service; and

159 (c) coordinate with the Department of Transportation in accordance with Section
160 ~~[72-1-202]~~ [72-2-203](#) pertaining to fixed guideway capital development and associated parking
161 facilities within a station area plan for a transit oriented development within a large public
162 transit district.

163 (4) For any fixed guideway capital development project with oversight by the
164 Department of Transportation as described in Section ~~[72-1-202]~~ [72-2-203](#), a large public
165 transit district shall coordinate with the Department of Transportation in all aspects of the
166 project, including planning, project development, outreach, programming, environmental
167 studies and impact statements, impacts on public transit operations, and construction.

168 (5) A public transit district may participate in a transit-oriented development only if:

- 169 (a) for a transit-oriented development involving a municipality:
 - 170 (i) the relevant municipality has developed and adopted a station area plan; and
 - 171 (ii) the municipality is in compliance with Sections [10-9a-403](#) and [10-9a-408](#) regarding
- 172 the inclusion of moderate income housing in the general plan and the required reporting
- 173 requirements; or

174 (b) for a transit-oriented development involving property in an unincorporated area of a
175 county, the county is in compliance with Sections [17-27a-403](#) and [17-27a-408](#) regarding
176 inclusion of moderate income housing in the general plan and required reporting requirements.

177 (6) A public transit district may be funded from any combination of federal, state,
178 local, or private funds.

179 (7) A public transit district may not acquire property by eminent domain.

180 Section 2. Section **17B-2a-806** is amended to read:

181 **17B-2a-806. Authority of the state or an agency of the state with respect to a**
182 **public transit district -- Counties and municipalities authorized to provide funds to**
183 **public transit district -- Equitable allocation of resources within the public transit**
184 **district.**

185 (1) The state or an agency of the state may:

186 (a) make public contributions to a public transit district as in the judgment of the
187 Legislature or governing board of the agency are necessary or proper;

188 (b) authorize a public transit district to perform, or aid and assist a public transit district
189 in performing, an activity that the state or agency is authorized by law to perform; or

190 (c) perform any action that the state agency is authorized by law to perform for the
191 benefit of a public transit district.

192 (2) (a) A county or municipality involved in the establishment and operation of a
193 public transit district may provide funds necessary for the operation and maintenance of the
194 district.

195 (b) A county's use of property tax funds to establish and operate a public transit district
196 within any part of the county is a county purpose under Section [17-53-220](#).

197 (3) (a) To allocate resources and funds for development and operation of a public
198 transit district, whether received under this section or from other sources, and subject to
199 Section ~~[72-1-202]~~ [72-1-203](#) pertaining to fixed guideway capital development within a large
200 public transit district, a public transit district may:

201 (i) give priority to public transit services that feed rail fixed guideway services; and

202 (ii) allocate funds according to population distribution within the public transit district.

203 (b) The comptroller of a public transit district shall report the criteria and data
204 supporting the allocation of resources and funds in the statement required in Section
205 [17B-2a-812](#).

206 Section 3. Section **17B-2a-807.2** is amended to read:

207 **17B-2a-807.2. Existing large public transit district board of trustees --**
208 **Appointment -- Quorum -- Compensation -- Terms.**

209 (1) (a) (i) For a large public transit district created before January 1, 2019, and except
210 as provided in Subsection (7), the board of trustees shall consist of three members appointed as
211 described in Subsection (1)(b).

212 (ii) For purposes of a large public transit district created before January 1, 2019, the
213 nominating regions are as follows:

214 (A) a central region that is Salt Lake County;

215 (B) a southern region that is comprised of Utah County and the portion of Tooele
216 County that is part of the large public transit district; and

217 (C) a northern region that is comprised of Davis County, Weber County, and the
218 portion of Box Elder County that is part of the large public transit district.

219 (iii) (A) If a large public transit district created before January 1, 2019, annexes an
220 additional county into the large public transit district pursuant to Section [17B-1-402](#), following
221 the issuance of the certificate of annexation by the lieutenant governor, the political
222 subdivisions making up the large public transit district shall submit to the Legislature for
223 approval a proposal for the creation of three regions for nominating members to the board of
224 trustees of the large public transit district.

225 (B) If a large public transit district created before January 1, 2019, has a change to the
226 boundaries of the large public transit district, the Legislature, after receiving and considering
227 the proposal described in Subsection (1)(a)(iii)(A), shall designate the three regions for
228 nominating members to the board of trustees of the large public transit district.

229 (b) (i) Except as provided in Subsection (5), the governor, with advice and consent of
230 the Senate, shall appoint the members of the board of trustees, making:

231 (A) one appointment from individuals nominated from the central region as described
232 in Subsection (2);

233 (B) one appointment from individuals nominated from the southern region described in
234 Subsection (3); and

235 (C) one appointment from individuals nominated from the northern region described in
236 Subsection (4).

237 (2) For the appointment from the central region, the governor shall appoint one
238 individual selected from five individuals nominated as follows:

239 (a) two individuals nominated by the council of governments of Salt Lake County; and

240 (b) three individuals nominated by the mayor of Salt Lake County, with approval of the
241 Salt Lake County council.

242 (3) For the appointment from the southern region, the governor shall appoint one

243 individual selected from five individuals nominated as follows:

- 244 (a) two individuals nominated by the council of governments of Utah County;
- 245 (b) two individuals nominated by the county commission of Utah County; and
- 246 (c) one individual nominated by the county [~~commission~~] legislative body of Tooele
- 247 County.

248 (4) For the appointment from the northern region, the governor shall appoint one

249 individual selected from five individuals nominated as follows:

- 250 (a) one individual nominated by the council of governments of Davis County;
- 251 (b) one individual nominated by the council of governments of Weber County;
- 252 (c) one individual nominated by the county commission of Davis County;
- 253 (d) one individual nominated by the county commission of Weber County; and
- 254 (e) one individual nominated by the county commission of Box Elder County.

255 (5) (a) The nominating counties described in Subsections (2) through (4) shall ensure

256 that nominations are submitted to the governor no later than June 1 of each respective

257 nominating year.

258 (b) If the governor fails to appoint one of the individuals nominated as described in

259 Subsection (2), (3), or (4), as applicable, within 60 days of the nominations, the following

260 appointment procedures apply:

261 (i) for an appointment for the central region, the Salt Lake County council shall appoint

262 an individual, with confirmation by the Senate;

263 (ii) for an appointment for the southern region, the Utah County commission shall

264 appoint an individual, in consultation with the Tooele County [~~commission~~] legislative body,

265 with confirmation by the Senate; and

266 (iii) for an appointment for the northern region, the Davis County commission and the

267 Weber County commission, collectively, and in consultation with the Box Elder County

268 commission, shall appoint an individual, with confirmation by the Senate.

269 (6) (a) Each nominee shall be a qualified executive with technical and administrative

270 experience and training appropriate for the position.

271 (b) The board of trustees of a large public transit district shall be full-time employees

272 of the public transit district.

273 (c) The compensation package for the board of trustees shall be determined by the local

274 advisory council as described in Section [17B-2a-808.2](#).

275 (d) (i) Subject to Subsection (6)(d)(iii), for a board of trustees of a large public transit
276 district, "quorum" means at least two members of the board of trustees.

277 (ii) Action by a majority of a quorum constitutes an action of the board of trustees.

278 (iii) A meeting of a quorum of a board of trustees of a large public transit district is
279 subject to Section [52-4-103](#) regarding convening of a three-member board of trustees and what
280 constitutes a public meeting.

281 (7) (a) Subject to Subsection (8), each member of the board of trustees of a large public
282 transit district shall serve for a term of four years.

283 (b) A member of the board of trustees may serve an unlimited number of terms.

284 (c) Notwithstanding Subsection (2), (3), or (4), as applicable, at the expiration of a
285 term of a member of the board of trustees, if the respective nominating entities and individuals
286 for the respective region described in Subsection (2), (3), or (4), unanimously agree to retain
287 the existing member of the board of trustees, the respective nominating individuals or bodies
288 described in Subsection (2), (3), or (4) are not required to make nominations to the governor,
289 and the governor may reappoint the existing member to the board of trustees.

290 (8) Each member of the board of trustees of a large public transit district shall serve at
291 the pleasure of the governor.

292 (9) Subject to Subsections (7) and (8), a board of trustees of a large public transit
293 district that is in place as of February 1, 2019, may remain in place.

294 (10) The governor shall designate one member of the board of trustees as chair of the
295 board of trustees.

296 (11) (a) If a vacancy occurs, the nomination and appointment procedures to replace the
297 individual shall occur in the same manner described in Subsection (2), (3), or (4), and, if
298 applicable, Subsection (5), for the respective member of the board of trustees creating the
299 vacancy.

300 (b) If a vacancy occurs on the board of trustees of a large public transit district, the
301 respective nominating region shall nominate individuals to the governor as described in this
302 section within 60 days after the vacancy occurs.

303 (c) If the respective nominating region does not nominate to fill the vacancy within 60
304 days, the governor shall appoint an individual to fill the vacancy.

305 (d) A replacement board member shall serve for the remainder of the unexpired term,
306 but may serve an unlimited number of terms as provided in Subsection (7)(b).

307 Section 4. Section **17B-2a-808.1** is amended to read:

308 **17B-2a-808.1. Large public transit district board of trustees powers and duties --**
309 **Adoption of ordinances, resolutions, or orders -- Effective date of ordinances.**

310 (1) The powers and duties of a board of trustees of a large public transit district stated
311 in this section are in addition to the powers and duties stated in Section **17B-1-301**.

312 (2) The board of trustees of each large public transit district shall:

313 (a) hold public meetings and receive public comment;

314 (b) ensure that the policies, procedures, and management practices established by the
315 public transit district meet state and federal regulatory requirements and federal grantee
316 eligibility;

317 (c) [~~subject to Subsection (8);~~] create and approve an annual budget, including the
318 issuance of bonds and other financial instruments, after consultation with the local advisory
319 council;

320 (d) approve any interlocal agreement with a local jurisdiction;

321 (e) in consultation with the local advisory council, approve contracts and overall
322 property acquisitions and dispositions for transit-oriented development;

323 (f) in consultation with constituent counties, municipalities, metropolitan planning
324 organizations, and the local advisory council:

325 (i) develop and approve a strategic plan for development and operations on at least a
326 four-year basis; and

327 (ii) create and pursue funding opportunities for transit capital and service initiatives to
328 meet anticipated growth within the public transit district;

329 (g) annually report the public transit district's long-term financial plan to the State
330 Bonding Commission;

331 (h) annually report the public transit district's progress and expenditures related to state
332 resources to the Executive Appropriations Committee and the Infrastructure and General
333 Government Appropriations Subcommittee;

334 (i) annually report to the Transportation Interim Committee the public transit district's
335 efforts to engage in public-private partnerships for public transit services;

- 336 (j) hire, set salaries, and develop performance targets and evaluations for:
- 337 (i) the executive director; and
- 338 (ii) all chief level officers;
- 339 (k) supervise and regulate each transit facility that the public transit district owns and
- 340 operates, including:
 - 341 (i) fix rates, fares, rentals, charges and any classifications of rates, fares, rentals, and
 - 342 charges; and
 - 343 (ii) make and enforce rules, regulations, contracts, practices, and schedules for or in
 - 344 connection with a transit facility that the district owns or controls;
 - 345 (l) ~~[subject to Subsection (4);]~~ control the investment of all funds assigned to the
 - 346 district for investment, including funds:
 - 347 (i) held as part of a district's retirement system; and
 - 348 (ii) invested in accordance with the participating employees' designation or direction
 - 349 pursuant to an employee deferred compensation plan established and operated in compliance
 - 350 with Section 457 of the Internal Revenue Code;
 - 351 (m) in consultation with the local advisory council created under Section
 - 352 [17B-2a-808.2](#), invest all funds according to the procedures and requirements of Title 51,
 - 353 Chapter 7, State Money Management Act;
 - 354 (n) if a custodian is appointed under Subsection (3)(d), ~~[and subject to Subsection (4);]~~
 - 355 pay the fees for the custodian's services from the interest earnings of the investment fund for
 - 356 which the custodian is appointed;
 - 357 (o) (i) cause an annual audit of all public transit district books and accounts to be made
 - 358 by an independent certified public accountant;
 - 359 (ii) as soon as practicable after the close of each fiscal year, submit to each of the
 - 360 councils of governments within the public transit district a financial report showing:
 - 361 (A) the result of district operations during the preceding fiscal year;
 - 362 (B) an accounting of the expenditures of all local sales and use tax revenues generated
 - 363 under Title 59, Chapter 12, Part 22, Local Option Sales and Use Taxes for Transportation Act;
 - 364 (C) the district's financial status on the final day of the fiscal year; and
 - 365 (D) the district's progress and efforts to improve efficiency relative to the previous
 - 366 fiscal year; and

367 (iii) supply copies of the report under Subsection (2)(o)(ii) to the general public upon
368 request;

369 (p) report at least annually to the Transportation Commission created in Section
370 72-1-301, which report shall include:

371 (i) the district's short-term and long-range public transit plans, including the portions of
372 applicable regional transportation plans adopted by a metropolitan planning organization
373 established under 23 U.S.C. Sec. 134; and

374 (ii) any transit capital development projects that the board of trustees would like the
375 Transportation Commission to consider;

376 (q) direct the internal auditor appointed under Section 17B-2a-810 to conduct audits
377 that the board of trustees determines, in consultation with the local advisory council created in
378 Section 17B-2a-808.2, to be the most critical to the success of the organization;

379 (r) together with the local advisory council created in Section 17B-2a-808.2, hear audit
380 reports for audits conducted in accordance with Subsection (2)(o);

381 (s) review and approve all contracts pertaining to reduced fares, and evaluate existing
382 contracts, including review of:

383 (i) how negotiations occurred;

384 (ii) the rationale for providing a reduced fare; and

385 (iii) identification and evaluation of cost shifts to offset operational costs incurred and
386 impacted by each contract offering a reduced fare;

387 (t) in consultation with the local advisory council, develop and approve other board
388 policies, ordinances, and bylaws; and

389 (u) review and approve any:

390 (i) contract or expense exceeding \$200,000; or

391 (ii) proposed change order to an existing contract if the change order:

392 (A) increases the total contract value to \$200,000 or more;

393 (B) increases a contract of or expense of \$200,000 or more by 15% or more; or

394 (C) has a total change order value of \$200,000 or more.

395 (3) A board of trustees of a large public transit district may:

396 (a) subject to Subsection [~~(5)~~] (4), make and pass ordinances, resolutions, and orders
397 that are:

398 (i) not repugnant to the United States Constitution, the Utah Constitution, or the
399 provisions of this part; and
400 (ii) necessary for:
401 (A) the governance and management of the affairs of the district;
402 (B) the execution of district powers; and
403 (C) carrying into effect the provisions of this part;
404 (b) provide by resolution, under terms and conditions the board considers fit, for the
405 payment of demands against the district without prior specific approval by the board, if the
406 payment is:
407 (i) for a purpose for which the expenditure has been previously approved by the board;
408 (ii) in an amount no greater than the amount authorized; and
409 (iii) approved by the executive director or other officer or deputy as the board
410 prescribes;
411 (c) in consultation with the local advisory council created in Section [17B-2a-808.2](#):
412 (i) hold public hearings and subpoena witnesses; and
413 (ii) appoint district officers to conduct a hearing and require the officers to make
414 findings and conclusions and report them to the board; and
415 (d) appoint a custodian for the funds and securities under its control, subject to
416 Subsection (2)(n).
417 ~~[(4) For a large public transit district in existence as of May 8, 2018, on or before~~
418 ~~September 30, 2019, the board of trustees of a large public transit district shall present a report~~
419 ~~to the Transportation Interim Committee regarding retirement benefits of the district,~~
420 ~~including:]~~
421 ~~[(a) the feasibility of becoming a participating employer and having retirement benefits~~
422 ~~of eligible employees and officials covered in applicable systems and plans administered under~~
423 ~~Title 49, Utah State Retirement and Insurance Benefit Act;]~~
424 ~~[(b) any legal or contractual restrictions on any employees that are party to a~~
425 ~~collectively bargained retirement plan; and]~~
426 ~~[(c) a comparison of retirement plans offered by the large public transit district and~~
427 ~~similarly situated public employees, including the costs of each plan and the value of the~~
428 ~~benefit offered.]~~

429 ~~[(5)]~~ (4) The board of trustees may not issue a bond unless the board of trustees has
430 consulted and received approval from the State Finance Review Commission created in Section
431 [63C-25-201](#).

432 ~~[(6)]~~ (5) A member of the board of trustees of a large public transit district or a hearing
433 officer designated by the board may administer oaths and affirmations in a district investigation
434 or proceeding.

435 ~~[(7)]~~ (6) (a) The vote of the board of trustees on each ordinance or resolution shall be
436 by roll call vote with each affirmative and negative vote recorded.

437 (b) The board of trustees of a large public transit district may not adopt an ordinance
438 unless it is introduced at least 24 hours before the board of trustees adopts it.

439 (c) Each ordinance adopted by a large public transit district's board of trustees shall
440 take effect upon adoption, unless the ordinance provides otherwise.

441 ~~[(8)(a) For a large public transit district in existence on May 8, 2018, for the budget
442 for calendar year 2019, the board in place on May 8, 2018, shall create the tentative annual
443 budget.]~~

444 ~~[(b) The budget described in Subsection (8)(a) shall include setting the salary of each
445 of the members of the board of trustees that will assume control on or before November 1,
446 2018, which salary may not exceed \$150,000, plus additional retirement and other standard
447 benefits, as set by the local advisory council as described in Section [17B-2a-808.2](#).]~~

448 ~~[(c) For a large public transit district in existence on May 8, 2018, the board of trustees
449 that assumes control of the large public transit district on or before November 2, 2018, shall
450 approve the calendar year 2019 budget on or before December 31, 2018.]~~

451 Section 5. Section **17B-2a-808.2** is amended to read:

452 **17B-2a-808.2. Large public transit district local advisory council -- Powers and**
453 **duties.**

454 (1) A large public transit district shall create and consult with a local advisory council.

455 (2) (a) (i) For a large public transit district in existence as of January 1, 2019, the local
456 advisory council shall have membership selected as described in Subsection (2)(b).

457 (ii) (A) For a large public transit district created after January 1, 2019, the political
458 subdivision or subdivisions forming the large public transit district shall submit to the
459 Legislature for approval a proposal for the appointments to the local advisory council of the

460 large public transit district similar to the appointment process described in Subsection (2)(b).

461 (B) Upon approval of the Legislature, each nominating individual or body shall appoint
462 individuals to the local advisory council.

463 (b) (i) The council of governments of Salt Lake County shall appoint three members to
464 the local advisory council.

465 (ii) The mayor of Salt Lake City shall appoint one member to the local advisory
466 council.

467 (iii) The council of governments of Utah County shall appoint two members to the
468 local advisory council.

469 (iv) The council of governments of Davis County and Weber County shall each appoint
470 one member to the local advisory council.

471 (v) The councils of governments of Box Elder County and Tooele County shall jointly
472 appoint one member to the local advisory council.

473 (3) The local advisory council shall meet at least quarterly in a meeting open to the
474 public for comment to discuss the service, operations, and any concerns with the public transit
475 district operations and functionality.

476 (4) (a) The duties of the local advisory council shall include:

477 (i) setting the compensation packages of the board of trustees, which salary, except as
478 provided in Subsection (4)(b), may not exceed \$150,000 for a newly appointed board member,
479 plus additional retirement and other standard benefits;

480 (ii) reviewing, approving, and recommending final adoption by the board of trustees of
481 the large public transit district service plans at least every two and one-half years;

482 (iii) except for a fixed guideway capital development project under the authority of the
483 Department of Transportation as described in Section [~~72-1-202~~] [72-1-203](#), reviewing,
484 approving, and recommending final adoption by the board of trustees of project development
485 plans, including funding, of all new capital development projects;

486 (iv) reviewing, approving, and recommending final adoption by the board of trustees of
487 any plan for a transit-oriented development where a large public transit district is involved;

488 (v) at least annually, engaging with the safety and security team of the large public
489 transit district to ensure coordination with local municipalities and counties;

490 (vi) assisting with coordinated mobility and constituent services provided by the public

491 transit district;

492 (vii) representing and advocating the concerns of citizens within the public transit
493 district to the board of trustees; and

494 (viii) other duties described in Section [17B-2a-808.1](#).

495 (b) The local advisory council may approve an increase in the compensation for
496 members of the board of trustees based on a cost-of-living adjustment at the same rate as
497 government employees of the state for the same year.

498 (5) The local advisory council shall meet at least quarterly with and consult with the
499 board of trustees and advise regarding the operation and management of the public transit
500 district.

501 Section 6. Section **17B-2a-810.1** is amended to read:

502 **17B-2a-810.1. Attorney general as legal counsel for a large public transit district**
503 **-- Large public transit district may sue and be sued.**

504 (1) [~~Subject to Subsection (2), in~~] In accordance with Title 67, Chapter 5, Attorney
505 General, the Utah attorney general shall serve as legal counsel for a large public transit district.

506 [~~(2)(a) For any large public transit district in existence as of May 8, 2018, the~~
507 ~~transition to legal representation by the Utah attorney general shall occur as described in this~~
508 ~~Subsection (2), but no later than July 1, 2019.~~]

509 [~~(b)(i) For any large public transit district in existence as of May 8, 2018, in~~
510 ~~partnership with the Utah attorney general, the board of trustees of the large public transit~~
511 ~~district shall study and develop a strategy to transition legal representation from a general~~
512 ~~counsel to the Utah attorney general.~~]

513 [~~(ii) In partnership with the Utah attorney general, the board of trustees of the large~~
514 ~~public transit district shall present a report to the Transportation Interim Committee before~~
515 ~~November 30, 2018, to:~~]

516 [~~(A) outline the transition strategy; and~~]

517 [~~(B) request any legislation that might be required for the transition.~~]

518 [~~(3)~~] (2) Sections [67-5-6](#) through [~~13, Attorney General Career Service Act,~~] [67-5-13](#)
519 apply to representation of a large public transit district by the Utah attorney general.

520 [~~(4)~~] (3) A large public transit district may sue, and it may be sued only on written
521 contracts made by it or under its authority.

522 ~~[(5)]~~ (4) In all matters requiring legal advice in the performance of the attorney
523 general's duties and in the prosecution or defense of any action growing out of the performance
524 of the attorney general's duties, the attorney general is the legal adviser of a large public transit
525 district and shall perform any and all legal services required by the large public transit district.

526 ~~[(6)]~~ (5) The attorney general shall aid in any investigation, hearing, or trial under the
527 provisions of this part and institute and prosecute actions or proceedings for the enforcement of
528 the provisions of the Constitution and statutes of this state or any rule or ordinance of the large
529 public transit district affecting and related to public transit, persons, and property.

530 Section 7. Section **41-1a-523** is enacted to read:

531 **41-1a-523. Electronic titling.**

532 (1) The commission shall develop and establish an electronic titling system to process
533 a vehicle title through electronic means.

534 (2) The commission shall ensure that the electronic titling system is available:

535 (a) for a dealer, no later than December 31, 2025; and

536 (b) for an individual who is not a dealer, no later than December 31, 2026.

537 (3) The commission shall ensure that the electronic titling system:

538 (a) allows all parties to a sale or transfer of a vehicle to transfer a vehicle title by
539 electronic means;

540 (b) allows a lienholder to attach or release a lien; and

541 (c) provides a vehicle title in a secure, digital form.

542 Section 8. Section **41-1a-1201** is amended to read:

543 **41-1a-1201. Disposition of fees.**

544 (1) All fees received and collected under this part shall be transmitted daily to the state
545 treasurer.

546 (2) Except as provided in Subsections (3), (5), (6), (7), (8), and (9) and Sections
547 **41-1a-1205, 41-1a-1220, 41-1a-1221, 41-1a-1222, 41-1a-1223, and 41-1a-1603**, all fees
548 collected under this part shall be deposited into the Transportation Fund.

549 (3) Funds generated under Subsections **41-1a-1211(1)(b)(ii), (6)(b)(ii), (7), and (9)**, and
550 Section **41-1a-1212** shall be deposited into the License Plate Restricted Account created in
551 Section **41-1a-122**.

552 (4) (a) Except as provided in Subsections (3) and (4)(b) and Section **41-1a-1205**, the

553 expenses of the commission in enforcing and administering this part shall be provided for by
554 legislative appropriation from the revenues of the Transportation Fund.

555 (b) Three dollars of the registration fees imposed under Subsections 41-1a-1206(2)(a)
556 and (b) for each vehicle registered for a six-month registration period under Section
557 41-1a-215.5 may be used by the commission to cover the costs incurred in enforcing and
558 administering this part.

559 (c) Fifty cents of the registration fee imposed under Subsection 41-1a-1206(1)(i) for
560 each vintage vehicle that has a model year of [~~1981~~] 1983 or newer may be used by the
561 commission to cover the costs incurred in enforcing and administering this part.

562 (5) (a) The following portions of the registration fees imposed under Section
563 41-1a-1206 for each vehicle shall be deposited into the Transportation Investment Fund of
564 2005 created in Section 72-2-124:

565 (i) \$30 of the registration fees imposed under Subsections 41-1a-1206(1)(a), (1)(b),
566 (1)(f), (4), and (7);

567 (ii) \$21 of the registration fees imposed under Subsections 41-1a-1206(1)(c)(i) and
568 (1)(c)(ii);

569 (iii) \$2.50 of the registration fee imposed under Subsection 41-1a-1206(1)(e)(ii);

570 (iv) \$23 of the registration fee imposed under Subsection 41-1a-1206(1)(d)(i);

571 (v) \$24.50 of the registration fee imposed under Subsection 41-1a-1206(1)(e)(i); and

572 (vi) \$1 of the registration fee imposed under Subsection 41-1a-1206(1)(d)(ii).

573 (b) The following portions of the registration fees collected for each vehicle registered
574 for a six-month registration period under Section 41-1a-215.5 shall be deposited into the
575 Transportation Investment Fund of 2005 created in Section 72-2-124:

576 (i) \$23.25 of each registration fee collected under Subsection 41-1a-1206(2)(a)(i); and

577 (ii) \$23 of each registration fee collected under Subsection 41-1a-1206(2)(a)(ii).

578 (6) (a) Ninety-four cents of each registration fee imposed under Subsections
579 41-1a-1206(1)(a) and (b) for each vehicle shall be deposited into the Public Safety Restricted
580 Account created in Section 53-3-106.

581 (b) Seventy-one cents of each registration fee imposed under Subsections
582 41-1a-1206(2)(a) and (b) for each vehicle registered for a six-month registration period under
583 Section 41-1a-215.5 shall be deposited into the Public Safety Restricted Account created in

584 Section 53-3-106.

585 (7) (a) One dollar of each registration fee imposed under Subsections 41-1a-1206(1)(a)
586 and (b) for each vehicle shall be deposited into the Motor Vehicle Safety Impact Restricted
587 Account created in Section 53-8-214.

588 (b) One dollar of each registration fee imposed under Subsections 41-1a-1206(2)(a)
589 and (b) for each vehicle registered for a six-month registration period under Section
590 41-1a-215.5 shall be deposited into the Motor Vehicle Safety Impact Restricted Account
591 created in Section 53-8-214.

592 (8) Fifty cents of each registration fee imposed under Subsection 41-1a-1206(1)(a) for
593 each motorcycle shall be deposited into the Neuro-Rehabilitation Fund created in Section
594 26B-1-319.

595 (9) (a) Beginning on January 1, 2024, subject to Subsection (9)(b), \$2 of each
596 registration fee imposed under Section 41-1a-1206 shall be deposited into the Rural
597 Transportation Infrastructure Fund created in Section 72-2-133.

598 (b) Beginning on January 1, 2025, and each January 1 thereafter, the amount described
599 in Subsection (9)(a) shall be annually adjusted by taking the amount deposited the previous
600 year and adding an amount equal to the greater of:

- 601 (i) an amount calculated by multiplying the amount deposited by the previous year by
602 the actual percentage change during the previous fiscal year in the Consumer Price Index; and
603 (ii) 0.

604 (c) The amounts calculated as described in Subsection (9)(b) shall be rounded up to the
605 nearest 1 cent.

606 Section 9. Section 41-6a-201 is amended to read:

607 **41-6a-201. Chapter relates to vehicles on highways -- Exceptions.**

608 The provisions of this chapter relating to the operation of vehicles refer exclusively to
609 the operation of vehicles upon highways, except:

- 610 (1) when a different place is specifically identified; [or]
611 (2) under the provisions of Section 41-6a-210, Part 4, Accident Responsibilities, and
612 Part 5, Driving Under the Influence and Reckless Driving, which apply upon highways and
613 elsewhere throughout the state[.]; or
614 (3) on private roads within the confines of a campus of a private institution of higher

615 education that has a certified private law enforcement agency, as authorized by Subsection
616 53-19-202(1)(b).

617 Section 10. Section 41-22-2 is amended to read:

618 **41-22-2. Definitions.**

619 As used in this chapter:

620 (1) "Advisory council" means an advisory council appointed by the Division of
621 Outdoor Recreation that has within the advisory council's duties advising on policies related to
622 the use of off-highway vehicles.

623 (2) "All-terrain type I vehicle" means any motor vehicle 52 inches or less in width,
624 having an unladen dry weight of 1,500 pounds or less, traveling on three or more low pressure
625 tires, having a seat designed to be straddled by the operator, and designed for or capable of
626 travel over unimproved terrain.

627 (3) (a) "All-terrain type II vehicle" means any motor vehicle 80 inches or less in width,
628 traveling on four or more low pressure tires, having a steering wheel, non-straddle seating, a
629 rollover protection system, and designed for or capable of travel over unimproved terrain, and
630 is:

631 (i) an electric-powered vehicle; or

632 (ii) a vehicle powered by an internal combustion engine and has an unladen dry weight
633 of 3,500 pounds or less.

634 (b) "All-terrain type II vehicle" does not include golf carts, any vehicle designed to
635 carry a person with a disability, any vehicle not specifically designed for recreational use, or
636 farm tractors as defined under Section 41-1a-102.

637 (4) (a) "All-terrain type III vehicle" means any other motor vehicle, not defined in
638 Subsection (2), (3), (12), or (22), designed for or capable of travel over unimproved terrain.

639 (b) "All-terrain type III vehicle" does not include golf carts, any vehicle designed to
640 carry a person with a disability, any vehicle not specifically designed for recreational use, or
641 farm tractors as defined under Section 41-1a-102.

642 (5) "Commission" means the Outdoor Adventure Commission.

643 (6) "Cross-country" means across natural terrain and off an existing highway, road,
644 route, or trail.

645 (7) "Dealer" means a person engaged in the business of selling off-highway vehicles at

646 wholesale or retail.

647 (8) "Division" means the Division of Outdoor Recreation.

648 (9) "Low pressure tire" means any pneumatic tire six inches or more in width designed
649 for use on wheels with rim diameter of 14 inches or less and utilizing an operating pressure of
650 10 pounds per square inch or less as recommended by the vehicle manufacturer.

651 (10) "Manufacturer" means a person engaged in the business of manufacturing
652 off-highway vehicles.

653 (11) (a) "Motor vehicle" means every vehicle which is self-propelled.

654 (b) "Motor vehicle" includes an off-highway vehicle.

655 (12) "Motorcycle" means every motor vehicle having a saddle for the use of the
656 operator and designed to travel on not more than two tires.

657 (13) "Off-highway implement of husbandry" means every all-terrain type I vehicle,
658 all-terrain type II vehicle, all-terrain type III vehicle, motorcycle, or snowmobile that is used by
659 the owner or the owner's agent for agricultural operations.

660 (14) "Off-highway vehicle" means any snowmobile, all-terrain type I vehicle,
661 all-terrain type II vehicle, all-terrain type III vehicle, or motorcycle.

662 (15) "Operate" means to control the movement of or otherwise use an off-highway
663 vehicle.

664 (16) "Operator" means the person who is in actual physical control of an off-highway
665 vehicle.

666 (17) "Organized user group" means an off-highway vehicle organization incorporated
667 as a nonprofit corporation in the state under Title 16, Chapter 6a, Utah Revised Nonprofit
668 Corporation Act, for the purpose of promoting the interests of off-highway vehicle recreation.

669 (18) "Owner" means a person, other than a person with a security interest, having a
670 property interest or title to an off-highway vehicle and entitled to the use and possession of that
671 vehicle.

672 (19) "Public land" means land owned or administered by any federal or state agency or
673 any political subdivision of the state.

674 (20) "Register" means the act of assigning a registration number to an off-highway
675 vehicle.

676 (21) "Roadway" is used as defined in Section [41-6a-102](#).

677 (22) "Snowmobile" means any motor vehicle designed for travel on snow or ice and
678 steered and supported in whole or in part by skis, belts, cleats, runners, or low pressure tires,
679 and equipped with a saddle or seat for the use of the rider.

680 (23) "Street or highway" means the entire width between boundary lines of every way
681 or place of whatever nature, when any part of it is open to the use of the public for vehicular
682 travel.

683 (24) "Street-legal all-terrain vehicle" or "street-legal ATV" has the same meaning as
684 defined in Section 41-6a-102.

685 Section 11. Section 59-13-103 is amended to read:

686 **59-13-103. List of clean fuels provided to tax commission .**

687 [(H)] The Air Quality Board shall annually provide to the tax commission a list of fuels
688 that are clean fuels under Section 59-13-102.

689 [~~2~~] ~~The Air Quality Board appointed under Section 19-2-103 shall in conjunction with~~
690 ~~the State Tax Commission prepare and submit to the Legislature before January 1, 1995, a~~
691 ~~report evaluating the impacts, benefits, and economic consequences of the clean fuel provisions~~
692 ~~of Sections 59-13-201 and 59-13-301.]~~

693 Section 12. Section 72-1-201 is amended to read:

694 **72-1-201. Creation of Department of Transportation -- Functions, powers, duties,**
695 **rights, and responsibilities.**

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

697 (a) have the general responsibility for planning, research, design, construction,
698 maintenance, security, and safety of state transportation systems;

699 (b) provide administration for state transportation systems and programs;

700 (c) implement the transportation policies of the state;

701 (d) plan, develop, construct, and maintain state transportation systems that are safe,
702 reliable, environmentally sensitive, and serve the needs of the traveling public, commerce, and
703 industry;

704 (e) establish standards and procedures regarding the technical details of administration
705 of the state transportation systems as established by statute and administrative rule;

706 (f) advise the governor and the Legislature about state transportation systems needs;

707 (g) coordinate with utility companies for the reasonable, efficient, and cost-effective

708 installation, maintenance, operation, relocation, and upgrade of utilities within state highway
709 rights-of-way;

710 (h) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
711 make rules for the administration of the department, state transportation systems, and
712 programs;

713 (i) jointly with the commission annually report to the Transportation Interim
714 Committee, by November 30 of each year, as to the operation, maintenance, condition,
715 mobility, safety needs, and wildlife and livestock mitigation for state transportation systems;

716 (j) ensure that any training or certification required of a public official or public
717 employee, as those terms are defined in Section 63G-22-102, complies with Title 63G, Chapter
718 22, State Training and Certification Requirements, if the training or certification is required:

719 (i) under this title;

720 (ii) by the department; or

721 (iii) by an agency or division within the department;

722 (k) study and make recommendations to the Legislature on potential managed lane use
723 and implementation on selected transportation systems within the state; [~~and~~]

724 (l) before July 1 of each year, coordinate with the Utah Highway Patrol Division
725 created in Section 53-8-103 regarding:

726 (i) future highway projects that will add additional capacity to the state transportation
727 system;

728 (ii) potential changes in law enforcement responsibilities due to future highway
729 projects; and

730 (iii) incident management services on state highways[~~;~~]; and

731 (m) provide public transit services, in consultation with any relevant public transit
732 provider.

733 (2) (a) The department shall exercise reasonable care in designing, constructing, and
734 maintaining a state highway in a reasonably safe condition for travel.

735 (b) Nothing in this section shall be construed as:

736 (i) creating a private right of action; or

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

739 Section 13. Section **72-1-203** is amended to read:

740 **72-1-203. Deputy director -- Appointment -- Qualifications -- Other assistants**
741 **and advisers -- Salaries.**

742 (1) The executive director shall appoint the following deputy directors, who shall serve
743 at the discretion of the executive director:

744 (a) the deputy director of engineering and operation, who shall be a registered
745 professional engineer in the state, and who shall be the chief engineer of the department; and

746 (b) the deputy director of planning and investment.

747 (2) As assigned by the executive director, the deputy directors described in Subsection
748 (1) may assist the executive director with the following departmental responsibilities:

749 (a) project development, including statewide standards for project design and
750 construction, right-of-way, materials, testing, structures, and construction;

751 (b) oversight of the management of the region offices described in Section [72-1-205](#);

752 (c) operations and traffic management;

753 (d) oversight of operations of motor carriers and ports;

754 (e) transportation systems safety;

755 (f) aeronautical operations;

756 (g) equipment for department engineering and maintenance functions;

757 (h) oversight and coordination of planning, including:

758 (i) development of statewide strategic initiatives for planning across all modes of
759 transportation;

760 (ii) coordination with metropolitan planning organizations and local governments;

761 (iii) coordination with a large public transit district, including planning, project
762 development, outreach, programming, environmental studies and impact statements,

763 construction, and impacts on public transit operations; and

764 (iv) corridor and area planning;

765 (i) asset management;

766 (j) programming and prioritization of transportation projects;

767 (k) fulfilling requirements for environmental studies and impact statements;

768 (l) resource investment, including identification, development, and oversight of
769 public-private partnership opportunities;

770 (m) data analytics services to the department;

771 (n) corridor preservation;

772 (o) employee development;

773 (p) maintenance planning;

774 (q) oversight and facilitation of the negotiations and integration of public transit

775 providers described in Section [17B-2a-827](#);

776 (r) oversight and supervision of any fixed guideway capital development project within

777 the boundaries of a large public transit district for which any state funds are expended,

778 including those responsibilities described in Subsections (2)(a), (h), (j), (k), and (l), and the

779 implementation and enforcement of any federal grant obligations associated with fixed

780 guideway capital development project funding; and

781 (s) other departmental responsibilities as determined by the executive director.

782 (3) The executive director shall ensure that the same deputy director does not oversee

783 or supervise both the fixed guideway capital development responsibilities described in

784 Subsection (2)(r) and the department's fixed guideway rail safety responsibilities, including the

785 responsibilities described in Section [72-1-214](#).

786 Section 14. Section **72-1-216** is amended to read:

787 **72-1-216. Statewide electric vehicle charging network plan -- Report.**

788 (1) (a) The department, in consultation with relevant entities in the private sector, shall

789 develop a statewide electric vehicle charging network plan.

790 (b) To develop the statewide electric vehicle charging network plan, the department

791 shall consult with political subdivisions and other relevant state agencies, divisions, and

792 entities, including:

793 (i) the Department of Environmental Quality created in Section [19-1-104](#);

794 (ii) the Division of Facilities Construction and Management created in Section

795 [63A-5b-301](#);

796 (iii) the Office of Energy Development created in Section [79-6-401](#); and

797 (iv) the Department of Natural Resources created in Section [79-2-201](#).

798 (2) The statewide electric vehicle charging network plan shall provide implementation

799 strategies to ensure that electric vehicle charging stations are available:

800 (a) at strategic locations as determined by the department [~~by June 30, 2021~~];

801 (b) at incremental distances no greater than every 50 miles along the state's interstate
802 highway system by December 31, 2025; and

803 (c) along other major highways within the state as the department finds appropriate.

804 ~~[(3) The department shall provide a report before November 30, 2020, to the~~
805 ~~Transportation Interim Committee to outline the statewide electric vehicle charging network~~
806 ~~plan.]~~

807 Section 15. Section **72-1-304** is amended to read:

808 **72-1-304. Written project prioritization process for new transportation capacity**
809 **projects -- Rulemaking.**

810 (1) (a) The Transportation Commission, in consultation with the department and the
811 metropolitan planning organizations as defined in Section [72-1-208.5](#), shall develop a written
812 prioritization process for the prioritization of:

813 (i) new transportation capacity projects that are or will be part of the state highway
814 system under Chapter 4, Part 1, State Highways;

815 (ii) paved pedestrian or paved nonmotorized transportation projects described in
816 Section [72-2-124](#);

817 (iii) public transit projects that directly add capacity to the public transit systems within
818 the state, not including facilities ancillary to the public transit system; and

819 (iv) pedestrian or nonmotorized transportation projects that provide connection to a
820 public transit system.

821 (b) (i) A local government or public transit district may nominate a project for
822 prioritization in accordance with the process established by the commission in rule.

823 (ii) If a local government or public transit district nominates a project for prioritization
824 by the commission, the local government or public transit district shall provide data and
825 evidence to show that:

826 (A) the project will advance the purposes and goals described in Section [72-1-211](#);

827 (B) for a public transit project, the local government or public transit district has an
828 ongoing funding source for operations and maintenance of the proposed development; and

829 (C) the local government or public transit district will provide the percentage of the
830 costs for the project as required by Subsection [72-2-124\(4\)\(a\)\(viii\)](#) or [72-2-124\(9\)\(e\)](#).

831 (2) The following shall be included in the written prioritization process under

832 Subsection (1):

833 (a) a description of how the strategic initiatives of the department adopted under
834 Section 72-1-211 are advanced by the written prioritization process;

835 (b) a definition of the type of projects to which the written prioritization process
836 applies;

837 (c) specification of a weighted criteria system that is used to rank proposed projects
838 and how it will be used to determine which projects will be prioritized;

839 (d) specification of the data that is necessary to apply the weighted ranking criteria; and

840 (e) any other provisions the commission considers appropriate, which may include
841 consideration of:

842 (i) regional and statewide economic development impacts, including improved local
843 access to:

844 (A) employment;

845 (B) educational facilities;

846 (C) recreation;

847 (D) commerce; and

848 (E) residential areas, including moderate income housing as demonstrated in the local
849 government's or public transit district's general plan pursuant to Section 10-9a-403 or
850 17-27a-403;

851 (ii) the extent to which local land use plans relevant to a project support and
852 accomplish the strategic initiatives adopted under Section 72-1-211; and

853 (iii) any matching funds provided by a political subdivision or public transit district in
854 addition to the percentage of costs required by Subsections 72-2-124(4)(a)(viii) and
855 72-2-124(9)(e).

856 (3) (a) When prioritizing a public transit project that increases capacity, the
857 commission:

858 (i) may give priority consideration to projects that are part of a transit-oriented
859 development or transit-supportive development as defined in Section 17B-2a-802; and

860 (ii) shall give priority consideration to projects that are within the boundaries of a
861 housing and transit reinvestment zone created pursuant to Title 63N, Chapter 3, Part 6,
862 Housing and Transit Reinvestment Zone Act.

863 (b) When prioritizing a transportation project that increases capacity, the commission
864 may give priority consideration to projects that are:

865 (i) part of a transportation reinvestment zone created under Section 11-13-227 if:

866 (A) the state is a participant in the transportation reinvestment zone; or

867 (B) the commission finds that the transportation reinvestment zone provides a benefit
868 to the state transportation system; or

869 (ii) within the boundaries of a housing and transit reinvestment zone created pursuant
870 to Title 63N, Chapter 3, Part 6, Housing and Transit Reinvestment Zone Act.

871 (c) If the department receives a notice of prioritization for a municipality as described
872 in Subsection 10-9a-408(5), or a notice of prioritization for a county as described in Subsection
873 17-27a-408(5), the commission may give priority consideration to transportation projects that
874 are within the boundaries of the municipality or the unincorporated areas of the county until the
875 department receives notification from the Housing and Community Development Division
876 within the Department of Workforce Services that the municipality or county no longer
877 qualifies for prioritization under this Subsection (3)(c).

878 (4) In developing the written prioritization process, the commission:

879 (a) shall seek and consider public comment by holding public meetings at locations
880 throughout the state; and

881 (b) may not consider local matching dollars as provided under Section 72-2-123 unless
882 the state provides an equal opportunity to raise local matching dollars for state highway
883 improvements within each county.

884 (5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
885 Transportation Commission, in consultation with the department, shall make rules establishing
886 the written prioritization process under Subsection (1).

887 (6) The commission shall submit the proposed rules under this section to a committee
888 or task force designated by the Legislative Management Committee for review prior to taking
889 final action on the proposed rules or any proposed amendment to the rules described in
890 Subsection (5).

891 Section 16. Section 72-2-124 is amended to read:

892 **72-2-124. Transportation Investment Fund of 2005.**

893 (1) There is created a capital projects fund entitled the Transportation Investment Fund

894 of 2005.

895 (2) The fund consists of money generated from the following sources:

896 (a) any voluntary contributions received for the maintenance, construction,
897 reconstruction, or renovation of state and federal highways;

898 (b) appropriations made to the fund by the Legislature;

899 (c) registration fees designated under Section 41-1a-1201;

900 (d) the sales and use tax revenues deposited into the fund in accordance with Section
901 59-12-103; and

902 (e) revenues transferred to the fund in accordance with Section 72-2-106.

903 (3) (a) The fund shall earn interest.

904 (b) All interest earned on fund money shall be deposited into the fund.

905 (4) (a) Except as provided in Subsection (4)(b), the executive director may only use
906 fund money to pay:

907 (i) the costs of maintenance, construction, reconstruction, or renovation to state and
908 federal highways prioritized by the Transportation Commission through the prioritization
909 process for new transportation capacity projects adopted under Section 72-1-304;

910 (ii) the costs of maintenance, construction, reconstruction, or renovation to the highway
911 projects described in Subsections 63B-18-401(2), (3), and (4);

912 (iii) principal, interest, and issuance costs of bonds authorized by Section 63B-18-401
913 minus the costs paid from the County of the First Class Highway Projects Fund in accordance
914 with Subsection 72-2-121(4)(e);

915 (iv) for a fiscal year beginning on or after July 1, 2013, to transfer to the 2010 Salt
916 Lake County Revenue Bond Sinking Fund created by Section 72-2-121.3 the amount certified
917 by Salt Lake County in accordance with Subsection 72-2-121.3(4)(c) as necessary to pay the
918 debt service on \$30,000,000 of the revenue bonds issued by Salt Lake County;

919 (v) principal, interest, and issuance costs of bonds authorized by Section 63B-16-101
920 for projects prioritized in accordance with Section 72-2-125;

921 (vi) all highway general obligation bonds that are intended to be paid from revenues in
922 the Centennial Highway Fund created by Section 72-2-118;

923 (vii) for fiscal year 2015-16 only, to transfer \$25,000,000 to the County of the First
924 Class Highway Projects Fund created in Section 72-2-121 to be used for the purposes described

925 in Section 72-2-121;

926 (viii) if a political subdivision provides a contribution equal to or greater than 40% of
927 the costs needed for construction, reconstruction, or renovation of paved pedestrian or paved
928 nonmotorized transportation for projects that:

929 (A) mitigate traffic congestion on the state highway system;

930 (B) are part of an active transportation plan approved by the department; and

931 (C) are prioritized by the commission through the prioritization process for new
932 transportation capacity projects adopted under Section 72-1-304;

933 (ix) \$705,000,000 for the costs of right-of-way acquisition, construction,
934 reconstruction, or renovation of or improvement to the following projects:

935 (A) the connector road between Main Street and 1600 North in the city of Vineyard;

936 (B) Geneva Road from University Parkway to 1800 South;

937 (C) the SR-97 interchange at 5600 South on I-15;

938 (D) two lanes on U-111 from Herriman Parkway to 11800 South;

939 (E) widening I-15 between mileposts 10 and 13 and the interchange at milepost 11;

940 (F) improvements to 1600 North in Orem from 1200 West to State Street;

941 (G) widening I-15 between mileposts 6 and 8;

942 (H) widening 1600 South from Main Street in the city of Spanish Fork to SR-51;

943 (I) widening US 6 from Sheep Creek to Mill Fork between mileposts 195 and 197 in
944 Spanish Fork Canyon;

945 (J) I-15 northbound between mileposts 43 and 56;

946 (K) a passing lane on SR-132 between mileposts 41.1 and 43.7 between mileposts 43
947 and 45.1;

948 (L) east Zion SR-9 improvements;

949 (M) Toquerville Parkway;

950 (N) an environmental study on Foothill Boulevard in the city of Saratoga Springs;

951 (O) using funds allocated in this Subsection (4)(a)(ix), and other sources of funds, for
952 construction of an interchange on Bangerter Highway at 13400 South; and

953 (P) an environmental impact study for Kimball Junction in Summit County; and

954 (x) \$28,000,000 as pass-through funds, to be distributed as necessary to pay project
955 costs based upon a statement of cash flow that the local jurisdiction where the project is located

956 provides to the department demonstrating the need for money for the project, for the following
957 projects in the following amounts:

- 958 (A) \$5,000,000 for Payson Main Street repair and replacement;
- 959 (B) \$8,000,000 for a Bluffdale 14600 South railroad bypass;
- 960 (C) \$5,000,000 for improvements to 4700 South in Taylorsville; and
- 961 (D) \$10,000,000 for improvements to the west side frontage roads adjacent to U.S. 40
962 between mile markers 7 and 10.

963 (b) The executive director may use fund money to exchange for an equal or greater
964 amount of federal transportation funds to be used as provided in Subsection (4)(a).

965 (5) (a) Except as provided in Subsection (5)(b), if the department receives a notice of
966 ineligibility for a municipality as described in Subsection 10-9a-408(7), the executive director
967 may not program fund money to a project prioritized by the commission under Section
968 72-1-304, including fund money from the Transit Transportation Investment Fund, within the
969 boundaries of the municipality until the department receives notification from the Housing and
970 Community Development Division within the Department of Workforce Services that
971 ineligibility under this Subsection (5) no longer applies to the municipality.

972 (b) Within the boundaries of a municipality described in Subsection (5)(a), the
973 executive director:

974 (i) may program fund money in accordance with Subsection (4)(a) for a limited-access
975 facility or interchange connecting limited-access facilities;

976 (ii) may not program fund money for the construction, reconstruction, or renovation of
977 an interchange on a limited-access facility;

978 (iii) may program Transit Transportation Investment Fund money for a
979 multi-community fixed guideway public transportation project; and

980 (iv) may not program Transit Transportation Investment Fund money for the
981 construction, reconstruction, or renovation of a station that is part of a fixed guideway public
982 transportation project.

983 (c) Subsections (5)(a) and (b) do not apply to a project programmed by the executive
984 director before July 1, 2022, for projects prioritized by the commission under Section
985 72-1-304.

986 (6) (a) Except as provided in Subsection (6)(b), if the department receives a notice of

987 ineligibility for a county as described in Subsection 17-27a-408(7), the executive director may
988 not program fund money to a project prioritized by the commission under Section 72-1-304,
989 including fund money from the Transit Transportation Investment Fund, within the boundaries
990 of the unincorporated area of the county until the department receives notification from the
991 Housing and Community Development Division within the Department of Workforce Services
992 that ineligibility under this Subsection (6) no longer applies to the county.

993 (b) Within the boundaries of the unincorporated area of a county described in
994 Subsection (6)(a), the executive director:

995 (i) may program fund money in accordance with Subsection (4)(a) for a limited-access
996 facility to a project prioritized by the commission under Section 72-1-304;

997 (ii) may not program fund money for the construction, reconstruction, or renovation of
998 an interchange on a limited-access facility;

999 (iii) may program Transit Transportation Investment Fund money for a
1000 multi-community fixed guideway public transportation project; and

1001 (iv) may not program Transit Transportation Investment Fund money for the
1002 construction, reconstruction, or renovation of a station that is part of a fixed guideway public
1003 transportation project.

1004 (c) Subsections (6)(a) and (b) do not apply to a project programmed by the executive
1005 director before July 1, 2022, for projects prioritized by the commission under Section
1006 72-1-304.

1007 (7) (a) Before bonds authorized by Section 63B-18-401 or 63B-27-101 may be issued
1008 in any fiscal year, the department and the commission shall appear before the Executive
1009 Appropriations Committee of the Legislature and present the amount of bond proceeds that the
1010 department needs to provide funding for the projects identified in Subsections 63B-18-401(2),
1011 (3), and (4) or Subsection 63B-27-101(2) for the current or next fiscal year.

1012 (b) The Executive Appropriations Committee of the Legislature shall review and
1013 comment on the amount of bond proceeds needed to fund the projects.

1014 (8) The Division of Finance shall, from money deposited into the fund, transfer the
1015 amount of funds necessary to pay principal, interest, and issuance costs of bonds authorized by
1016 Section 63B-18-401 or 63B-27-101 in the current fiscal year to the appropriate debt service or
1017 sinking fund.

1018 (9) (a) There is created in the Transportation Investment Fund of 2005 the Transit
1019 Transportation Investment Fund.

1020 (b) The fund shall be funded by:

1021 (i) contributions deposited into the fund in accordance with Section 59-12-103;

1022 (ii) appropriations into the account by the Legislature;

1023 (iii) deposits of sales and use tax increment related to a housing and transit

1024 reinvestment zone as described in Section 63N-3-610;

1025 (iv) transfers of local option sales and use tax revenue as described in Subsection

1026 59-12-2220(11)(b) or (c);

1027 (v) private contributions; and

1028 (vi) donations or grants from public or private entities.

1029 (c) (i) The fund shall earn interest.

1030 (ii) All interest earned on fund money shall be deposited into the fund.

1031 (d) Subject to Subsection (9)(e), the commission may prioritize money from the fund:

1032 (i) for public transit capital development of new capacity projects and fixed guideway

1033 capital development projects to be used as prioritized by the commission through the

1034 prioritization process adopted under Section 72-1-304; ~~or~~

1035 (ii) to the department for oversight of a fixed guideway capital development project for

1036 which the department has responsibility[-]; or

1037 (iii) up to \$500,000 per year, to be used for a public transit study.

1038 (e) (i) Subject to Subsections ~~[(9)(g) and (h)]~~ (9)(g), (h), and (i), the commission may

1039 only prioritize money from the fund for a public transit capital development project or

1040 pedestrian or nonmotorized transportation project that provides connection to the public transit

1041 system if the public transit district or political subdivision provides funds of equal to or greater

1042 than 30% of the costs needed for the project.

1043 (ii) A public transit district or political subdivision may use money derived from a loan

1044 granted pursuant to Title 72, Chapter 2, Part 2, State Infrastructure Bank Fund, to provide all or

1045 part of the 30% requirement described in Subsection (9)(e)(i) if:

1046 (A) the loan is approved by the commission as required in Title 72, Chapter 2, Part 2,

1047 State Infrastructure Bank Fund; and

1048 (B) the proposed capital project has been prioritized by the commission pursuant to

1049 Section 72-1-303.

1050 (f) Before July 1, 2022, the department and a large public transit district shall enter into
1051 an agreement for a large public transit district to pay the department \$5,000,000 per year for 15
1052 years to be used to facilitate the purchase of zero emissions or low emissions rail engines and
1053 trainsets for regional public transit rail systems.

1054 (g) For any revenue transferred into the fund pursuant to Subsection
1055 59-12-2220(11)(b):

1056 (i) the commission may prioritize money from the fund for public transit projects,
1057 operations, or maintenance within the county of the first class; and

1058 (ii) Subsection (9)(e) does not apply.

1059 (h) For any revenue transferred into the fund pursuant to Subsection
1060 59-12-2220(11)(c):

1061 (i) the commission may prioritize public transit projects, operations, or maintenance in
1062 the county from which the revenue was generated; and

1063 (ii) Subsection (9)(e) does not apply.

1064 (i) The requirement to provide funds equal to or greater than 30% of the costs needed
1065 for a project described in Subsection (9)(e) does not apply to a public transit capital
1066 development project or pedestrian or nonmotorized transportation project for which the
1067 department has oversight or supervision responsibilities.

1068 (10) (a) There is created in the Transportation Investment Fund of 2005 the
1069 Cottonwood Canyons Transportation Investment Fund.

1070 (b) The fund shall be funded by:

1071 (i) money deposited into the fund in accordance with Section 59-12-103;

1072 (ii) appropriations into the account by the Legislature;

1073 (iii) private contributions; and

1074 (iv) donations or grants from public or private entities.

1075 (c) (i) The fund shall earn interest.

1076 (ii) All interest earned on fund money shall be deposited into the fund.

1077 (d) The Legislature may appropriate money from the fund for public transit or
1078 transportation projects in the Cottonwood Canyons of Salt Lake County.

1079 (11) (a) There is created in the Transportation Investment Fund of 2005 the Active

1080 Transportation Investment Fund.

1081 (b) The fund shall be funded by:

1082 (i) money deposited into the fund in accordance with Section 59-12-103;

1083 (ii) appropriations into the account by the Legislature; and

1084 (iii) donations or grants from public or private entities.

1085 (c) (i) The fund shall earn interest.

1086 (ii) All interest earned on fund money shall be deposited into the fund.

1087 (d) The executive director may only use fund money to pay the costs needed for:

1088 (i) the planning, design, construction, maintenance, reconstruction, or renovation of
1089 paved pedestrian or paved nonmotorized trail projects that:

1090 (A) are prioritized by the commission through the prioritization process for new
1091 transportation capacity projects adopted under Section 72-1-304;

1092 (B) serve a regional purpose; and

1093 (C) are part of an active transportation plan approved by the department or the plan
1094 described in Subsection (11)(d)(ii);

1095 (ii) the development of a plan for a statewide network of paved pedestrian or paved
1096 nonmotorized trails that serve a regional purpose; and

1097 (iii) the administration of the fund, including staff and overhead costs.

1098 Section 17. Section 72-3-202 is amended to read:

1099 **72-3-202. State park access highways -- Anasazi State Park Museum to Edge of**
1100 **the Cedars State Park Museum.**

1101 State park access highways include:

1102 (1) ANASAZI STATE PARK MUSEUM. Access to the Anasazi State Park Museum
1103 is at the park entrance located in Garfield County at milepoint ~~[87.8]~~ 87.3 on State Highway
1104 12. No access road is defined.

1105 (2) BEAR LAKE STATE PARK (Marina). Access to the Bear Lake Marina is at the
1106 pay gate located in Rich County at milepoint ~~[413.2]~~ 498.8 on State Highway 89. No access
1107 road is defined.

1108 (3) BEAR LAKE STATE PARK (East Shore). Access to the Bear Lake East Shore
1109 begins in Rich County at State Highway 30 and proceeds northerly on a county road (L326) a
1110 distance of 9.2 miles, to the camping area of the park and is under the jurisdiction of Rich

1111 County.

1112 (4) BEAR LAKE STATE PARK (Rendezvous Beach). Access to the Bear Lake
1113 Rendezvous Beach is at the park entrance in Rich County at milepoint [~~124.5~~] 118 on State
1114 Highway 30. No access road is defined.

1115 (5) CAMP FLOYD/STAGECOACH INN STATE PARK MUSEUM. Access to the
1116 Camp Floyd/Stagecoach Inn State Park Museum is at the parking area in Utah County at
1117 milepoint 20.6 on State Highway 73. No access road is defined.

1118 (6) CORAL PINK SAND DUNES STATE PARK.

1119 (a) Access to the Coral Pink Sand Dunes State Park begins in Kane County at State
1120 Highway 89 and proceeds southwesterly on [~~a~~] county road 43 a distance of 12.0 miles to the
1121 visitor center of the park and is under the jurisdiction of Kane County.

1122 (b) The second access to the Coral Pink Sand Dunes State Park begins on the state
1123 border between Arizona and Utah and proceeds northerly on county road 43 and travels
1124 through the state park and is under the jurisdiction of Kane County.

1125 (7) DANGER CAVE. Access to Danger cave is in Tooele County. No access road is
1126 defined.

1127 (8) DEAD HORSE POINT STATE PARK. Access to Dead Horse Point State Park
1128 begins in Grand County at State Highway 191 and proceeds southwesterly on State Highway
1129 313 a distance of 20.8 miles [~~to the camping area at the park and is under the jurisdiction of~~
1130 ~~UDOT~~], crosses into San Juan County between mile marker 2 and 3, continues to mile marker
1131 0, and is under the jurisdiction of the department.

1132 (9) DEER CREEK STATE PARK. Access to Deer Creek State Park begins in
1133 Wasatch County at State Highway 189 and proceeds southwesterly on State Highway 314 a
1134 distance of [~~0.2~~] 0.8 miles to the boat ramp at the park and is under the jurisdiction of [~~UDOT~~]
1135 the department.

1136 (10) EAST CANYON STATE PARK. Access to East Canyon State Park begins in
1137 Morgan County at State Highway 66 and proceeds southeasterly on State Highway 306 a
1138 distance of 0.1 miles to the parking area at the park and is under the jurisdiction of [~~UDOT~~] the
1139 department.

1140 (11) ECHO STATE PARK. Access to Echo State Park begins in Coalville, Summit
1141 County at Main Street and proceeds northeasterly on Echo Dam Road a distance of 0.12 miles

1142 to the boat ramp at the park.

1143 [(H)] (12) EDGE OF THE CEDARS STATE PARK MUSEUM. Access to Edge of
1144 the Cedars State Park Museum begins in Blanding at U.S. Highway 191 and proceeds west on
1145 Center Street to 600 West then north on 600 West to the parking area and museum at 660 West
1146 400 North. The access road is under the jurisdiction of Blanding.

1147 Section 18. Section **72-3-203** is amended to read:

1148 **72-3-203. State park access highways -- Escalante Petrified Forest State Park to**
1149 **Huntington State Park.**

1150 State park access highways include:

1151 (1) ESCALANTE PETRIFIED FOREST STATE PARK. Access to Escalante
1152 Petrified Forest State Park begins in Garfield County at State Highway 12 and proceeds
1153 northwesterly on a county road a distance of 1 mile to the park's visitor center and is under the
1154 jurisdiction of Garfield County.

1155 (2) FLIGHT PARK STATE RECREATION AREA. Access to Flight Park State
1156 Recreation Area begins in Utah County at East Frontage Road and proceeds northeasterly on
1157 Air Park Road, a distance of 0.5 miles to the park entrance and is under the jurisdiction of Utah
1158 County.

1159 (3) FREMONT INDIAN STATE PARK MUSEUM. Access to the Fremont Indian
1160 State Park Museum begins in Sevier County at the Sevier Junction on Highway 89 and
1161 proceeds westerly on county road 2524 to interchange 17 on Interstate 70, a distance of 5.9
1162 miles and is under the jurisdiction of Sevier County.

1163 [~~(4)~~] ~~GOBLIN VALLEY STATE PARK (East Access).~~ ~~The East Access to the Goblin~~
1164 ~~Valley State Park begins in Emery County at the junction of State Highway 24 and county road~~
1165 ~~1012 and proceeds westerly on county road 1012, a distance of 5.2 miles; then southerly on~~
1166 ~~county road 1013, a distance of 6.0 miles; then southerly on county road 1014, a distance of 0.4~~
1167 ~~miles to the park entrance. The East Access is under the jurisdiction of Emery County.]~~

1168 [(5)] (4) GOBLIN VALLEY STATE PARK (North Access). The North Access to the
1169 Goblin Valley State Park begins in Emery County at the junction of [~~Interstate 70 and county~~
1170 ~~road 332~~] county road 1013 and county road 1014 and proceeds southwestly on county road
1171 332, a distance of 10 miles; then southerly on county road 1033, a distance of 3.1 miles; then
1172 southeasterly on county road 1012, a distance of [~~10.6 miles; then southerly on county road~~

1173 ~~1013, a distance of 6.0 miles; then southerly on county road 1014, a distance of 0.4 miles to the~~
 1174 ~~park entrance.] 7.0 miles to the park fee station. The North Access is under the jurisdiction of~~
 1175 Emery County.

1176 ~~[(6)]~~ (5) GOOSENECKS STATE PARK. Access to Goosenecks State Park begins in
 1177 San Juan County at State Highway 261 and proceeds southwesterly on State Highway 316 a
 1178 distance of 3.6 miles to the parking area and overlook at the park and is under the jurisdiction
 1179 of UDOT.

1180 ~~[(7)]~~ (6) ANTELOPE ISLAND STATE PARK. Access to Antelope Island State Park
 1181 begins in Davis County at State Highway 127 and proceeds southwesterly on a county road a
 1182 distance of 7.2 miles to the parking area and marina at the park and is under the jurisdiction of
 1183 Davis County.

1184 ~~[(8)]~~ (7) GREAT SALT LAKE STATE PARK MARINA. Access to the Great Salt
 1185 Lake State Park Marina begins in Salt Lake County at Interstate Highway 80 and proceeds
 1186 southwesterly on a county road a distance of 1.5 miles to the parking area and marina at the
 1187 park and is under the jurisdiction of Salt Lake County.

1188 ~~[(9)]~~ (8) GREEN RIVER STATE PARK. Access to Green River State Park begins in
 1189 Emery County at the junction of Route 19 and Green River Boulevard and proceeds southerly
 1190 on Green River Boulevard, a distance of 0.5 miles to the park entrance and is under the
 1191 jurisdiction of Green River.

1192 ~~[(10)]~~ (9) GUNLOCK STATE PARK. Access to ~~[the]~~ Gunlock State Park begins in
 1193 Washington County at the junction of county road (L009) ~~[and a county road]~~ (Old Highway
 1194 91) and Gunlock Road and proceeds northwesterly on ~~[a county road]~~ Gunlock Road a distance
 1195 of ~~[0.1]~~ 5.9 miles to the parking area at the park and is under the jurisdiction of Washington
 1196 County.

1197 ~~[(11)]~~ (10) HUNTINGTON STATE PARK. Access to ~~[the]~~ Huntington State Park
 1198 begins in Emery County at State Highway 10 and proceeds northwesterly on a county road a
 1199 distance of 0.3 miles to the park entrance and is under the jurisdiction of Emery County.

1200 Section 19. Section **72-3-204** is amended to read:

1201 **72-3-204. State park access highways -- Hyrum State Park to Painted Rocks.**

1202 State park access highways include:

1203 (1) HYRUM STATE PARK. Access to Hyrum State Park is at the pay gate in Cache

1204 County at 405 West 300 South in Hyrum and proceeds northerly on 400 West to State Highway
1205 101. No access road is defined.

1206 (2) FRONTIER HOMESTEAD STATE PARK MUSEUM. Access to Frontier
1207 Homestead State Park Museum is at the parking area and museum in Iron County at milepoint
1208 [3.3] 3.1 on State Highway 130 at 585 North Main St. in Cedar City. No access road is
1209 defined.

1210 (3) FRONTIER HOMESTEAD STATE PARK (OLD IRON TOWN HISTORIC
1211 SITE). Access to Old Iron Town begins at the junction of a county road and State Highway 56,
1212 19.0 miles west of Cedar City, and proceeds southwesterly 2.7 miles to the parking lot for Old
1213 Iron Town and is under the jurisdiction of Iron County.

1214 (4) JORDAN RIVER OFF-HIGHWAY VEHICLE STATE PARK. Access to Jordan
1215 River Off-highway Vehicle State Park begins in Salt Lake County at 2100 North and proceeds
1216 northerly on Rose Park Lane, a distance of 1.25 miles to the park entrance and is under the
1217 jurisdiction of Salt Lake County.

1218 (5) JORDANELLE STATE PARK (HAILSTONE MARINA). Access to the
1219 Jordanelle State Park Hailstone Marina begins in Wasatch County at State Highway 40 and
1220 proceeds southeasterly on State Highway 319 a distance of [1.4] 1.2 miles to the marina
1221 parking area at the park and is under the jurisdiction of UDOT.

1222 (6) JORDANELLE STATE PARK (ROCK CLIFF NATURE CENTER). Access to
1223 the Jordanelle State Park Rock Cliff Nature Center begins in Wasatch County at State Highway
1224 32 and proceeds northwesterly on a county road a distance of 0.6 miles to the parking area at
1225 the park and is under the jurisdiction of the county.

1226 (7) JORDANELLE STATE PARK (ROSS CREEK). Access to Jordanelle State Park
1227 Ross Creek begins in Wasatch County at State Highway 189 and proceeds southerly on a
1228 county road a distance of 0.1 miles to the parking area at the park and is under the jurisdiction
1229 of the county.

1230 (8) KODACHROME BASIN STATE PARK. Access to the Kodachrome Basin State
1231 Park begins in Kane County at State Highway 12 and proceeds southeasterly on a county road
1232 10.1 miles to the parking area at Kodachrome Lodge and is under the jurisdiction of Kane
1233 County.

1234 (9) MILLSITE STATE PARK. Access to the Millsite State Park begins in Emery

1235 County at State Highway 10 and proceeds northwesterly on a county road (L122) a distance of
1236 4.6 miles to the parking area at the park and is under the jurisdiction of Emery County.

1237 (10) OTTER CREEK STATE PARK. Access to the Otter Creek State Park is at the
1238 pay gate/contact station in Piute County at milepoint 6.4 on State Highway 22. No access road
1239 is defined.

1240 (11) PAINTED ROCKS (YUBA EAST SHORE). Access to the Painted Rocks Yuba
1241 East Shore begins in Sanpete County at State Highway 28 and proceeds westerly on a county
1242 road a distance of 2.0 miles to the parking/boat launch area at the park and is under the
1243 jurisdiction of Sanpete County.

1244 Section 20. Section **72-3-205** is amended to read:

1245 **72-3-205. State park access highways -- Palisade State Park to Starvation State**
1246 **Park.**

1247 State park access highways include:

1248 (1) PALISADE STATE PARK. Access to the Palisade State Park begins in Sanpete
1249 County at State Highway 89 and proceeds northeasterly on a county road a distance of 2.2
1250 miles to the golf club/contact station at the park and is under the jurisdiction of Sanpete
1251 County.

1252 (2) PIUTE STATE PARK. Access to the Piute State Park begins in Piute County at
1253 State Highway 89 and proceeds southeasterly on a county road a distance of 1.0 miles to the
1254 parking area at the park and is under the jurisdiction of Piute County.

1255 (3) QUAIL CREEK STATE PARK (North Access). The North Access to the Quail
1256 Creek State Park begins in Hurricane City at Old Highway 91 and proceeds southerly on 5300
1257 West, a distance of 1.0 miles to the pay gate/contact station at the park. The North Access is
1258 under the jurisdiction of Hurricane City.

1259 (4) QUAIL CREEK STATE PARK (South Access). The South Access to the Quail
1260 Creek State Park begins in Washington County at State Highway 9 and proceeds northerly on
1261 State Highway 318, a distance of 2.2 miles to the pay gate/contact station at the park. The
1262 South Access is under the jurisdiction of UDOT.

1263 (5) RED FLEET STATE PARK. Access to the Red Fleet State Park begins in Uintah
1264 County at State Highway 191 and proceeds easterly on a county road a distance of 2.0 miles to
1265 the pay gate at the park and is under the jurisdiction of Uintah County.

1266 (6) ROCKPORT STATE PARK. Access to the Rockport State Park begins in Summit
1267 County at State Highway 32 and proceeds northwesterly on State Highway 302 a distance of
1268 0.2 miles to the pay gate at the park and is under the jurisdiction of UDOT.

1269 (7) SAND HOLLOW STATE PARK (North Access). The North Access to the Sand
1270 Hollow State Park begins in Hurricane City at State Highway 9 and proceeds southerly on Sand
1271 Hollow Road, a distance of 3.9 miles to Sand Hollow Parkway. The North Access is under the
1272 jurisdiction of Hurricane City.

1273 ~~[(8) SAND HOLLOW STATE PARK (East Access). The East Access to the Sand~~
1274 ~~Hollow State Park begins in Hurricane City at 1100 West and proceeds west on 3000 South, a~~
1275 ~~distance of 1.7 miles; then proceeds southwesterly on Sand Hollow Road, a distance of 5.3~~
1276 ~~miles to Sand Hollow Parkway. The East Access is under the jurisdiction of Hurricane City.]~~

1277 (8) SAND HOLLOW STATE PARK (South Access). The South Access to Sand
1278 Hollow State Park begins at the intersection of State Route 7 and Sand Hollow Road, then
1279 proceeds northerly on Sand Hollow Road, a distance of 0.87 miles to the park entrance road.
1280 The South Access is under the jurisdiction of Hurricane City.

1281 (9) SCOFIELD (Mountain View). Access to Scofield Mountain View is at the boat
1282 launch in Carbon County at milepoint 9.2 on State Highway 96. No access road is defined.

1283 (10) SCOFIELD STATE PARK (Madsen Bay). Access to the Scofield State Park
1284 Madsen Bay is at the park entrance in Carbon County at milepoint 12.3 on State Highway 96.
1285 No access road is defined.

1286 ~~[(11) SNOW CANYON STATE PARK. Access to the Snow Canyon State Park~~
1287 ~~begins in Washington County at State Highway 18 near mile post 4 in St. George and proceeds~~
1288 ~~northerly on Snow Canyon Parkway and Snow Canyon Drive to the south boundary of the~~
1289 ~~Snow Canyon State Park.]~~

1290 (11) SNOW CANYON STATE PARK.

1291 (a) South access to the Snow Canyon State Park begins in Washington County at State
1292 Highway 18 near mile post 4 in St. George and proceeds westerly on Snow Canyon Parkway
1293 and northerly on Snow Canyon Drive to the south boundary of the Snow Canyon State Park (at
1294 the northern boundary of the Vermillion Cliffs development).

1295 (b) The northern access is located at the intersection of State Route 18 and Snow
1296 Canyon Drive.

1297 (12) STARVATION STATE PARK. Access to the Starvation State Park begins in
1298 Duchesne County at State Highway 40 and proceeds northwesterly on State Highway 311 a
1299 distance of [~~2.2~~] 3.9 miles to the boat ramp at the park and is under the jurisdiction of UDOT.

1300 Section 21. Section **72-3-206** is amended to read:

1301 **72-3-206. State park access highways -- Steinaker State Park to Yuba State Park.**

1302 State park access highways include:

1303 (1) STEINAKER STATE PARK. Access to the Steinaker State Park begins in Uintah
1304 County at State Highway 191 and proceeds northwesterly on State Highway 301 a distance of
1305 [~~1.7~~] 2.0 miles to the boat ramp at the park and is under the jurisdiction of UDOT.

1306 (2) TERRITORIAL STATEHOUSE STATE PARK. Access to the Territorial
1307 Statehouse State Park is at the parking area in Millard County at milepoint 1.0 on State
1308 Highway 100. No access road is defined.

1309 (3) THIS IS THE PLACE HERITAGE PARK. Access to This Is The Place Heritage
1310 Park is at the park entrance in Salt Lake County at 2601 East Sunnyside Avenue in Salt Lake
1311 City. No access road is defined.

1312 (4) UTAH FIELD HOUSE OF NATURAL HISTORY STATE PARK. Access to Utah
1313 Field House of Natural History State Park is at the parking area in Uintah County at milepoint
1314 [~~145.8~~] 145.1 on State Highway 40 at 496 East Main in Vernal. No access road is defined.

1315 (5) UTAH LAKE STATE PARK. Access to the Utah Lake State Park begins in Utah
1316 County at State Highway 114 and proceeds westerly on a county road a distance of 2.5 miles to
1317 the pay gate at the park and is under the jurisdiction of Utah County.

1318 (6) WASATCH MOUNTAIN STATE PARK (East Access). The East Access to the
1319 Wasatch Mountain State Park begins at the Summit-Wasatch County line and proceeds
1320 westerly on Guardsman Pass Road, a county road, a distance of .9 miles; then southeasterly on
1321 Pine Canyon Road, a county road, a distance of 7.3 miles to the campground entrance. The
1322 East Access is under the jurisdiction of Wasatch County.

1323 (7) WASATCH MOUNTAIN STATE PARK (South Access). The South Access to
1324 the Wasatch Mountain State Park begins in Wasatch County at State Route 40 and proceeds
1325 westerly on Federal Route 3130 via River Road, Burgi Lane, and Cari Lane, county and city
1326 roads, a distance of 4.3 miles to State Highway 222; then northerly on State Highway 222, a
1327 distance of [~~1.1~~] 1.3 miles to the campground entrance. The South Access is under the

1328 jurisdiction of Wasatch County and Midway City.

1329 (8) WASATCH MOUNTAIN STATE PARK (West Access). The West Access to the
1330 Wasatch Mountain State Park begins at the Salt Lake-Wasatch County line and proceeds
1331 easterly on Guardsman Pass Road, a county road, a distance of 1.7 miles; then southeasterly on
1332 Pine Canyon Road, a county road, a distance of 7.3 miles to the campground entrance. The
1333 West Access is under the jurisdiction of Wasatch County.

1334 (9) WASATCH MOUNTAIN (Soldier Hollow). Access to Soldier Hollow begins in
1335 Wasatch County at State Highway 113 and proceeds westerly on Tate Lane, a county road; then
1336 southwesterly on Soldier Hollow Lane to the parking area and clubhouse.

1337 (10) WASATCH MOUNTAIN (Cascade Springs). Access to Cascade Springs begins
1338 in Wasatch County at the junction of Tate Lane and Stringtown Road, county roads, and
1339 proceeds northerly on Stringtown Road; then southwesterly on Cascade Springs Drive to the
1340 parking area. The access is under the jurisdiction of Wasatch County.

1341 (11) WILLARD BAY STATE PARK (South). Access to the Willard Bay State Park
1342 South begins in Box Elder County at a county road and proceeds northwesterly on State
1343 Highway 312 a distance of [~~0.2~~] 0.5 miles to the marina parking at the park and is under the
1344 jurisdiction of UDOT.

1345 (12) WILLARD BAY STATE PARK (North). Access to the Willard Bay State Park
1346 North begins in Box Elder County at Interstate Highway 15 and proceeds southwesterly on
1347 State Highway 315 a distance of [~~0.6~~] 1.0 miles to the marina parking at the park and is under
1348 the jurisdiction of UDOT.

1349 (13) YUBA STATE PARK. Access to the Yuba State Park begins in Juab County at
1350 Interstate Highway 15 and proceeds southerly on county road (L203) a distance of 4.1 miles to
1351 the pay gate at the park and is under the jurisdiction of Juab County.

1352 Section 22. Section **72-5-104** is amended to read:

1353 **72-5-104. Public use constituting dedication -- Scope.**

1354 (1) As used in this section, "highway," "street," or "road" does not include an area
1355 principally used as a parking lot.

1356 (2) A highway is dedicated and abandoned to the use of the public when it has been
1357 continuously used as a public thoroughfare for a period of 10 years.

1358 (3) The requirement of continuous use under Subsection (2) is satisfied if the use is as

1359 frequent as the public finds convenient or necessary and may be seasonal or follow some other
1360 pattern.

1361 (4) Continuous use as a public thoroughfare under Subsection (2) is interrupted when:

1362 (a) the person or entity interrupting the continuous use gives not less than 72 hours
1363 advance written notice of the interruption to the highway authority having jurisdiction of the
1364 highway, street, or road;

1365 (b) the property owner undertakes an overt act which is intended to interrupt the use of
1366 the highway, street, or road as a public thoroughfare; and

1367 (c) the overt act described in Subsection (4)(b) is reasonably calculated to interrupt the
1368 regularly established pattern and frequency of public use for the given highway, street, or road
1369 for a period of no less than 24 hours.

1370 (5) Installation of gates and posting of no trespassing signs are relevant forms of
1371 evidence but are not solely determinative of whether an interruption under Subsection (4) has
1372 occurred.

1373 (6) A property owner's interruption under Subsection (4) of a highway, street, or road
1374 where the requirement of continuous use under Subsection (2) is not satisfied restarts the
1375 running of the 10-year period of continuous use required for dedication under Subsection (2).

1376 (7) (a) The burden of proving dedication under Subsection (2) is on the party asserting
1377 the dedication.

1378 (b) The burden of proving interruption under Subsection (4) is on the party asserting
1379 the interruption.

1380 (8) (a) The dedication and abandonment creates a right-of-way held by the state or a
1381 local highway authority in accordance with Sections [72-3-102](#), [72-3-103](#), [72-3-104](#), [72-3-105](#),
1382 and [72-5-103](#).

1383 (b) A property owner's interruption under Subsection (4) of a right-of-way claimed by
1384 the state or local highway authority in accordance with Subsection (8)(a) or R.S. 2477 has no
1385 effect on the validity of the state's or local highway authority's claim to the right-of-way and
1386 does not return the right-of-way to the property owner.

1387 (9) The scope of a right-of-way described in Subsection (8)(a) is that which is
1388 reasonable and necessary to ensure safe travel according to the facts and circumstances.

1389 (10) The provisions of this section apply to any claim under this section for which a

1390 court of competent jurisdiction has not issued a final unappealable judgment or order.

1391 (11) (a) Before a person may file an action in district court to determine or challenge
1392 whether a highway, street, or road has been dedicated to the public as described in this section,
1393 the person shall first provide 30-day written notice to the relevant highway authority.

1394 (b) In an action described in Subsection (11)(a), the person shall name as a defendant
1395 the highway authority that would have jurisdiction over the highway, street, or road.

1396 Section 23. Section **72-6-118** is amended to read:

1397 **72-6-118. Definitions -- Establishment and operation of tollways -- Imposition**
1398 **and collection of tolls -- Amount of tolls -- Rulemaking.**

1399 (1) As used in this section:

1400 (a) "High occupancy toll lane" means a high occupancy vehicle lane designated under
1401 Section **41-6a-702** that may be used by an operator of a vehicle carrying less than the number
1402 of persons specified for the high occupancy vehicle lane if the operator of the vehicle pays a
1403 toll or fee.

1404 (b) "Toll" means any tax, fee, or charge assessed for the specific use of a tollway.

1405 (c) "Toll lane" means a designated new highway or additional lane capacity that is
1406 constructed, operated, or maintained for which a toll is charged for its use.

1407 (d) (i) "Tollway" means a highway, highway lane, bridge, path, tunnel, or right-of-way
1408 designed and used as a transportation route that is constructed, operated, or maintained through
1409 the use of toll revenues.

1410 (ii) "Tollway" includes a high occupancy toll lane and a toll lane.

1411 (e) "Tollway development agreement" has the same meaning as defined in Section
1412 **72-6-202**.

1413 (2) Subject to the provisions of Subsection (3), the department may:

1414 (a) establish, expand, and operate tollways and related facilities for the purpose of
1415 funding in whole or in part the acquisition of right-of-way and the design, construction,
1416 reconstruction, operation, enforcement, and maintenance of or impacts from a transportation
1417 route for use by the public;

1418 (b) enter into contracts, agreements, licenses, franchises, tollway development
1419 agreements, or other arrangements to implement this section;

1420 (c) impose and collect tolls on any tollway established under this section, including

1421 collection of past due payment of a toll or penalty;

1422 (d) grant exclusive or nonexclusive rights to a private entity to impose and collect tolls
1423 pursuant to the terms and conditions of a tollway development agreement;

1424 (e) use technology to automatically monitor a tollway and collect payment of a toll,
1425 including:

1426 (i) license plate reading technology; and

1427 (ii) photographic or video recording technology; and

1428 (f) in accordance with Subsection (5), request that the Division of Motor Vehicles deny
1429 a request for registration of a motor vehicle if the motor vehicle owner has failed to pay a toll
1430 or penalty imposed for usage of a tollway involving the motor vehicle for which registration
1431 renewal has been requested.

1432 (3) (a) The department may establish or operate a tollway on an existing highway if
1433 approved by the commission in accordance with the terms of this section.

1434 (b) To establish a tollway on an existing highway, the department shall submit a
1435 proposal to the commission including:

1436 (i) a description of the tollway project;

1437 (ii) projected traffic on the tollway;

1438 (iii) the anticipated amount of the toll to be charged; and

1439 (iv) projected toll revenue.

1440 (4) (a) For a tollway established under this section, the department may:

1441 (i) according to the terms of each tollway, impose the toll upon the owner of a motor
1442 vehicle using the tollway according to the terms of the tollway;

1443 (ii) send correspondence to the owner of the motor vehicle to inform the owner of:

1444 (A) an unpaid toll and the amount of the toll to be paid to the department;

1445 (B) the penalty for failure to pay the toll timely; and

1446 (C) a hold being placed on the owner's registration for the motor vehicle if the toll and
1447 penalty are not paid timely, which would prevent the renewal of the motor vehicle's
1448 registration;

1449 (iii) require that the owner of the motor vehicle pay the toll to the department within 30
1450 days of the date when the department sends written notice of the toll to the owner; and

1451 (iv) impose a penalty for failure to pay a toll timely.

1452 (b) The department shall mail the correspondence and notice described in Subsection
1453 (4)(a) to the owner of the motor vehicle according to the terms of a tollway.

1454 (5) (a) The Division of Motor Vehicles and the department shall share and provide
1455 access to information pertaining to a motor vehicle and tollway enforcement including:

1456 (i) registration and ownership information pertaining to a motor vehicle;

1457 (ii) information regarding the failure of a motor vehicle owner to timely pay a toll or
1458 penalty imposed under this section; and

1459 (iii) the status of a request for a hold on the registration of a motor vehicle.

1460 (b) If the department requests a hold on the registration in accordance with this section,
1461 the Division of Motor Vehicles may not renew the registration of a motor vehicle under Title
1462 41, Chapter 1a, Part 2, Registration, if the owner of the motor vehicle has failed to pay a toll or
1463 penalty imposed under this section for usage of a tollway involving the motor vehicle for which
1464 registration renewal has been requested until the department withdraws the hold request.

1465 (6) (a) Except as provided in Subsection (6)(b), in accordance with Title 63G, Chapter
1466 3, Utah Administrative Rulemaking Act, the commission shall:

1467 (i) set the amount of any toll imposed or collected on a tollway on a state highway; and

1468 (ii) for tolls established under Subsection (6)(b), set:

1469 (A) an increase in a toll rate or user fee above an increase specified in a tollway
1470 development agreement; or

1471 (B) an increase in a toll rate or user fee above a maximum toll rate specified in a
1472 tollway development agreement.

1473 (b) A toll or user fee and an increase to a toll or user fee imposed or collected on a
1474 tollway on a state highway that is the subject of a tollway development agreement shall be set
1475 in the tollway development agreement.

1476 (7) (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
1477 the department shall make rules:

1478 (i) necessary to establish and operate tollways on state highways;

1479 (ii) that establish standards and specifications for automatic tolling systems and
1480 automatic tollway monitoring technology; and

1481 (iii) to set the amount of a penalty for failure to pay a toll under this section.

1482 (b) The rules shall:

- 1483 (i) include minimum criteria for having a tollway; and
1484 (ii) conform to regional and national standards for automatic tolling.
- 1485 (8) (a) The commission may provide funds for public or private tollway pilot projects
1486 or high occupancy toll lanes from General Fund money appropriated by the Legislature to the
1487 commission for that purpose.
- 1488 (b) The commission may determine priorities and funding levels for tollways
1489 designated under this section.
- 1490 (9) (a) Except as provided in Subsection (9)(b), all revenue generated from a tollway
1491 on a state highway shall be deposited into the Tollway Special Revenue Fund created in
1492 Section 72-2-120 and used for any state transportation purpose.
- 1493 (b) Revenue generated from a tollway that is the subject of a tollway development
1494 agreement shall be deposited into the Tollway Special Revenue Fund and used in accordance
1495 with Subsection (9)(a) unless:
- 1496 (i) the revenue is to a private entity through the tollway development agreement; or
1497 (ii) the revenue is identified for a different purpose under the tollway development
1498 agreement.
- 1499 (10) Data described in Subsection (2)(e) obtained for the purposes of this section:
- 1500 (a) in accordance with Section 63G-2-305, is a protected record under Title 63G,
1501 Chapter 2, Government Records Access and Management Act, if the photographic or video
1502 data is maintained by a governmental entity;
- 1503 (b) may not be used or shared for any purpose other than the purposes described in this
1504 section;
- 1505 (c) may only be preserved:
- 1506 (i) so long as necessary to collect the payment of a toll or penalty imposed in
1507 accordance with this section; or
- 1508 (ii) pursuant to a warrant issued under the Utah Rules of Criminal Procedure or an
1509 equivalent federal warrant; and
- 1510 (d) may only be disclosed:
- 1511 (i) in accordance with the disclosure requirements for a protected record under Section
1512 63G-2-202; or
- 1513 (ii) pursuant to a warrant issued under the Utah Rules of Criminal Procedure or an

1514 equivalent federal warrant.

1515 (11) (a) The department may not sell for any purpose photographic or video data
1516 captured under Subsection (2)(e)(ii).

1517 (b) The department may not share captured photographic or video data for a purpose
1518 not authorized under this section.

1519 ~~[(12) Before November 1, 2018, the Driver License Division, the Division of Motor
1520 Vehicles, and the department shall jointly study and report findings and recommendations to
1521 the Transportation Interim Committee regarding the use of Title 53, Chapter 3, Part 6, Drivers'
1522 License Compact, and other methods to collect a toll or penalty under this section from:]~~

1523 ~~[(a) an owner of a motor vehicle registered outside this state; or]~~

1524 ~~[(b) a driver or lessee of a motor vehicle leased or rented for 30 days or less.]~~

1525 Section 24. Section **72-6-121** is amended to read:

1526 **72-6-121. Clean fuel vehicle decal.**

1527 (1) Subject to the requirements of this section, the department shall issue a clean fuel
1528 vehicle decal permit and a clean fuel vehicle decal to an applicant if:

1529 (a) the applicant is an owner of a vehicle:

1530 (i) powered by clean fuel that meets the standards established by the department in
1531 rules authorized under Subsection [41-6a-702\(5\)\(b\)](#); and

1532 (ii) that is registered in the state of Utah;

1533 (b) the applicant remits an application and all fees required under this section; and

1534 (c) the department has clean fuel vehicle decals available subject to the limits
1535 established by the department in accordance with Subsection [41-6a-702\(5\)\(b\)](#).

1536 (2) The department shall establish the clean fuel vehicle decal design in consultation
1537 with the Utah Highway Patrol.

1538 (3) (a) An applicant for a clean fuel vehicle decal shall pay a clean fuel vehicle decal
1539 fee established by the department in accordance with Section [63J-1-504](#).

1540 (b) Funds generated by the clean fuel vehicle decal fee may be used by the department
1541 to cover the costs incurred in issuing clean fuel vehicle decals under this section.

1542 (4) (a) The department shall issue a clean fuel vehicle decal permit and a clean fuel
1543 vehicle decal to a person who has been issued a clean fuel special group license plate prior to
1544 July 1, 2011.

1545 (b) A person who applies to the department to receive a clean fuel vehicle decal permit
1546 and a clean fuel vehicle decal under Subsection (4)(a) is not subject to the fee imposed under
1547 Subsection (3).

1548 (5) (a) An owner of a vehicle may not place a clean fuel vehicle decal on a vehicle
1549 other than the vehicle specified in the application for the clean fuel vehicle decal permit and the
1550 clean fuel vehicle decal.

1551 (b) An owner of a vehicle issued a clean fuel vehicle permit and clean fuel vehicle
1552 decal is not required to place the clean fuel vehicle decal on the vehicle specified to drive in the
1553 high occupancy lane described in Subsection [41-6a-702](#)(5).

1554 (c) A person operating a motor vehicle that has been issued a clean fuel vehicle decal
1555 shall:

1556 (i) in a manner consistent with Section [41-6a-1635](#), install on the windshield of the
1557 motor vehicle the clean vehicle transponder issued by the department;

1558 ~~(i)~~ (ii) have in the person's immediate possession the clean fuel vehicle decal permit
1559 issued by the department for the motor vehicle the person is operating; and

1560 ~~(ii)~~ (iii) present the permit upon demand of a peace officer.

1561 (6) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
1562 department shall make rules to administer the clean fuel vehicle decal program authorized in
1563 this section.

1564 Section 25. Section **72-7-111** is enacted to read:

1565 **72-7-111. Storage of flammable, explosive, or combustible materials prohibited.**

1566 (1) As used in this section:

1567 (a) "Combustible" means a material capable of producing a usually rapid chemical
1568 process that creates heat and usually light.

1569 (b) "Explosive" means any chemical compound mixture, or device, the primary or
1570 common purpose of which is to function by explosion.

1571 (c) "Flammable" means a material capable of being easily ignited and burning quickly.

1572 (2) A person may not keep, store, or stockpile any flammable, explosive, or
1573 combustible material above ground directly beneath a bridge, overpass, viaduct, or tunnel
1574 owned or operated by a highway authority or large public transit district.

1575 (3) A person who violates Subsection (2) is guilty of a class B misdemeanor.

1576 Section 26. Section 72-10-203.5 is amended to read:

1577 **72-10-203.5. Advisory boards of airports and extraterritorial airports.**

1578 (1) For purposes of this section:

1579 (a) "Airport owner" means the municipality, county, or airport authority that owns one
1580 or more airports.

1581 (b) "Extraterritorial airport" means an airport, including the airport facilities, real
1582 estate, or other assets related to the operation of an airport, outside the municipality or county
1583 and within the boundary of a different municipality or county.

1584 (2) (a) If an airport owner that owns an international airport also owns one or more
1585 extraterritorial airports, the airport owner shall create and maintain an advisory board as
1586 described in this section.

1587 (b) The advisory board shall advise and consult the airport owner according to the
1588 process set forth in ordinance, rule, or regulation of the airport owner.

1589 (3) (a) An advisory board described in Subsection (2) shall consist of 11 members,
1590 appointed as follows:

1591 (i) one individual from each municipality or county in which an extraterritorial airport
1592 is located, appointed:

1593 (A) according to an ordinance or policy in place in each municipality or county for
1594 appointing individuals to a board, if any; or

1595 (B) if no ordinance or policy described in Subsection (3)(a)(i)(A) exists, by the chief
1596 executive officer of the municipality or county, with advice and consent from the legislative
1597 body of the municipality or county in which the extraterritorial airport is located; and

1598 (ii) as many individuals as necessary, appointed by the chief executive officer of the
1599 airport owner, with advice and consent from the legislative body of the airport owner, when
1600 added to the individuals appointed under Subsection (3)(a)(i), to equal 11 total members on the
1601 advisory board.

1602 (b) The airport owner shall ensure that members of the advisory board have the
1603 following qualifications:

1604 (i) at least one member with experience in commercial or industrial construction
1605 projects with a budget of at least \$10,000,000; and

1606 (ii) at least one member with experience in management and oversight of an entity with

1607 an operating budget of at least \$10,000,000.

1608 (4) (a) (i) Except as provided in [~~Subsections (4)(b) and (6)(b)~~] Subsection (4)(b), the
1609 term of office for members of the advisory board shall be four years or until a successor is
1610 appointed, qualified, seated, and has taken the oath of office.

1611 (ii) A member of the advisory board may serve two terms.

1612 (b) When a vacancy occurs on the board for any reason, the replacement shall be
1613 appointed according to the procedures set forth in Subsection (3) for the member who vacated
1614 the seat, and the replacement shall serve for the remainder of the unexpired term.

1615 (5) The advisory board shall select a chair of the advisory board.

1616 [~~(6) (a) For an airport owner that owns and operates an extraterritorial airport as of
1617 March 9, 2017, that has an advisory board in place, the members of the advisory board may
1618 complete the member's respective current term on the advisory board.]~~

1619 [~~(b) After March 9, 2017, and upon expiration of the current term of each member of
1620 the advisory board serving as of March 9, 2017, the airport owner shall ensure that the
1621 membership of the advisory board transitions to reflect the requirements of this section.]~~

1622 [~~(7)~~] (6) (a) The chief executive officer of each municipality or county in which an
1623 extraterritorial airport is located, with the advice and consent of the respective legislative body
1624 of the municipality or county, may create an extraterritorial airport advisory board to represent
1625 the interests of the extraterritorial airport.

1626 (b) The extraterritorial airport advisory boards described in Subsection [~~(7)(a)~~] (6)(a)
1627 shall meet at least quarterly, and:

1628 (i) shall provide advisory support to the member of the advisory board representing the
1629 municipality or county; and

1630 (ii) may advise in the request for proposals process of a fixed base operator for the
1631 respective extraterritorial airport.

1632 [~~(8)~~] (7) The airport owner, in consultation with the airport advisory board, shall,
1633 consistent with the requirements of federal law, study, produce an analysis, and advise
1634 regarding the highest and best use and operational strategy for each airport, including all lands,
1635 facilities, and assets owned by the airport owner.

1636 [~~(9)~~] (8) An airport owner, in consultation with the county auditor and the county
1637 assessor of a county in which an extraterritorial airport is located, shall explore in good faith

1638 whether a municipality or county where an extraterritorial airport is located receives
1639 airport-related tax disbursements to which the municipality or county is entitled.

1640 ~~[(+10)]~~ (9) An airport owner shall report annually to the Transportation Interim
1641 Committee regarding the requirements in this section.

1642 Section 27. Section **72-10-205.5** is amended to read:

1643 **72-10-205.5. Abandoned aircraft on airport property -- Seizure and disposal.**

1644 (1) (a) As used in this section, "abandoned aircraft" means an aircraft that:

1645 (i) remains in an idle state on airport property for 45 consecutive calendar days;

1646 (ii) is in a wrecked, inoperative, derelict, or partially dismantled condition; and

1647 (iii) is not in the process of actively being repaired.

1648 (b) "Abandoned aircraft" does not include an aircraft:

1649 (i) (A) that has current FAA registration; and

1650 ~~[(+ii)]~~ (B) that has current state registration; or

1651 ~~[(+iii)]~~ (ii) for which evidence is shown indicating repairs are in process, including:

1652 (A) receipts for parts and labor; or

1653 (B) a statement from a mechanic making the repairs.

1654 (2) An airport operator may take possession and dispose of an abandoned aircraft in
1655 accordance with Subsections (3) through (5).

1656 (3) Upon determining that an aircraft located on airport property is abandoned, the
1657 airport operator shall:

1658 (a) send, by registered mail, a notice containing the information described in
1659 Subsection (4) to the last known address of the last registered owner of the aircraft; and

1660 (b) publish a notice containing the information described in Subsection (4) in a
1661 newspaper of general circulation in the county where the airport is located if:

1662 (i) the owner or the address of the owner of the aircraft is unknown; or

1663 (ii) the mailed notice is returned to the airport operator without a forwarding address.

1664 (4) The notice described in Subsection (3) shall include:

1665 (a) the name, if known, and the last known address, if any, of the last registered owner
1666 of the aircraft;

1667 (b) a description of the aircraft, including the identification number, the location of the
1668 aircraft, and the date the aircraft is determined abandoned;

1669 (c) a statement describing the specific grounds for the determination that the aircraft is
1670 abandoned;

1671 (d) the amount of any accrued or unpaid airport charges; and

1672 (e) a statement indicating that the airport operator intends to take possession and
1673 dispose of the aircraft if the owner of the aircraft fails to remove the aircraft from airport
1674 property, after payment in full of any charges described in Subsection (4)(d), within the later
1675 of:

1676 (i) 30 days after the day on which the notice is sent in accordance with Subsection
1677 (3)(a); or

1678 (ii) 30 days after the day on which the notice is published in accordance with
1679 Subsection (3)(b), if applicable.

1680 (5) If the owner of the abandoned aircraft fails to remove the aircraft from airport
1681 property, after payment in full of any charges described in Subsection (4)(d), within the time
1682 specified in Subsection (4)(e):

1683 (a) the abandoned aircraft becomes the property of the airport operator; and

1684 (b) the airport operator may dispose of the abandoned aircraft:

1685 (i) in the manner provided in Title 63A, Chapter 2, Part 4, Surplus Property Service; or

1686 (ii) in accordance with any other lawful method or procedure established by rule or
1687 ordinance adopted by the airport operator.

1688 (6) If an airport operator complies with the provisions of this section, the airport
1689 operator is immune from liability for the seizure and disposal of an abandoned aircraft in
1690 accordance with this section.

1691 Section 28. Section **72-17-101 (Effective 03/31/24)** is amended to read:

1692 **72-17-101 (Effective 03/31/24). Office of Rail Safety -- Creation -- Applicability.**

1693 (1) In accordance with 49 C.F.R. Part 212, State Safety Participation Regulations, there
1694 is created within the department an Office of Rail Safety.

1695 (2) As described in 49 C.F.R. Secs. 212.105 and 212.107, to organize the Office of
1696 Rail Safety, the executive director shall:

1697 (a) enter into an agreement with the Federal Railroad Administration to participate in
1698 inspection and investigation activities; and

1699 (b) obtain certification from the Federal Railroad Administration to undertake

1700 inspection and investigative responsibilities and duties.

1701 (3) In establishing the Office of Rail Safety in accordance with the duties described in
1702 49 C.F.R. Part 212, the department may hire personnel and establish the duties of the office in
1703 phases.

1704 (4) This [~~chapter~~] part applies to:

1705 (a) a class I railroad; and

1706 (b) commuter rail.

1707 Section 29. Section **72-17-102 (Effective 03/31/24)** is amended to read:

1708 **72-17-102 (Effective 03/31/24). Definitions.**

1709 As used in this [~~chapter~~] part:

1710 (1) "Class I railroad" means the same as that term is defined in 49 U.S.C. Sec. 20102.

1711 (2) "Commuter rail" means the same as that term is defined in Section [63N-3-602](#).

1712 (3) "Federal Railroad Administration" means the Federal Railroad Administration
1713 created in 49 U.S.C. Sec. 103.

1714 (4) "Office" means the Office of Rail Safety created in accordance with Section
1715 [72-17-101](#).

1716 (5) "Railroad" means the same as that term is defined in 49 C.F.R. Sec. 200.3.

1717 Section 30. Section **77-11d-105** is amended to read:

1718 **77-11d-105. Disposition of unclaimed property.**

1719 (1) (a) If the owner of any lost or mislaid property cannot be determined or notified, or
1720 if the owner of the property is determined and notified, and fails to appear and claim the
1721 property after three months of the property's receipt by the local law enforcement agency, the
1722 agency shall:

1723 (i) publish notice of the intent to dispose of the unclaimed property on Utah's Public
1724 Legal Notice Website established in Subsection [45-1-101\(2\)\(b\)](#);

1725 (ii) post a similar notice on the public website of the political subdivision within which
1726 the law enforcement agency is located; and

1727 (iii) post a similar notice in a public place designated for notice within the law
1728 enforcement agency.

1729 (b) The notice shall:

1730 (i) give a general description of the item; and

1731 (ii) the date of intended disposition.

1732 (c) The agency may not dispose of the lost or mislaid property until at least eight days
1733 after the date of publication and posting.

1734 (2) (a) If no claim is made for the lost or mislaid property within nine days of
1735 publication and posting, the agency shall notify the person who turned the property over to the
1736 local law enforcement agency, if it was turned over by a person under Section [77-11d-103](#).

1737 (b) Except as provided in Subsection (4), if that person has complied with the
1738 provisions of this chapter, the person may take the lost or mislaid property if the person:

1739 (i) pays the costs incurred for advertising and storage; and
1740 (ii) signs a receipt for the item.

1741 (3) If the person who found the lost or mislaid property fails to take the property under
1742 the provisions of this chapter, the agency shall:

1743 (a) apply the property to a public interest use as provided in Subsection (4);
1744 (b) sell the property at public auction and apply the proceeds of the sale to a public
1745 interest use; or
1746 (c) destroy the property if it is unfit for a public interest use or sale.

1747 (4) (a) Before applying the lost or mislaid property to a public interest use, the agency
1748 having possession of the property shall obtain from the agency's legislative body:

1749 ~~[(a)]~~ (i) permission to apply the property to a public interest use; and
1750 ~~[(b)]~~ (ii) the designation and approval of the public interest use of the property.

1751 (b) If the agency is a private law enforcement agency as defined in Subsection
1752 [53-19-102\(4\)](#), the agency may apply the lost or mislaid property to a public interest use as
1753 provided in Subsection (4)(a) after obtaining the permission, designation, and approval of the
1754 legislative body of the municipality in which the agency is located.

1755 (5) Any person employed by a law enforcement agency who finds property may not
1756 claim or receive property under this section.

1757 Section 31. **Effective date.**
1758 This bill takes effect on May 1, 2024.