

1 **TRANSPORTATION INTERIM COMMITTEE REPORTS**

2 **AMENDMENTS**

3 2016 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Kay J. Christofferson**

6 Senate Sponsor: David P. Hinkins

8 **LONG TITLE**

9 **General Description:**

10 This bill modifies the Motor Vehicle Act and the Transportation Code by amending
11 provisions relating to reports.

12 **Highlighted Provisions:**

13 This bill:

- 14 ▶ repeals certain reporting requirements to the Legislature's Transportation Interim
15 Committee;
- 16 ▶ modifies certain reporting requirements that the Department of Transportation and
17 the Transportation Commission are required to make to the Legislature's
18 Transportation Interim Committee; and
- 19 ▶ makes technical corrections.

20 **Money Appropriated in this Bill:**

21 None

22 **Other Special Clauses:**

23 None

24 **Utah Code Sections Affected:**

25 AMENDS:

26 **41-1a-418**, as last amended by Laws of Utah 2014, Chapter 37

27 **41-6a-602**, as last amended by Laws of Utah 2014, Chapter 62

28 **41-6a-702**, as last amended by Laws of Utah 2015, Chapter 412

29 **72-1-201**, as last amended by Laws of Utah 2013, Chapter 303

30 72-2-124, as last amended by Laws of Utah 2015, Chapter 421

31 72-4-102, as last amended by Laws of Utah 2008, Chapter 382

32

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

34 Section 1. Section 41-1a-418 is amended to read:

35 **41-1a-418. Authorized special group license plates.**

36 (1) The division shall only issue special group license plates in accordance with this
37 section through Section 41-1a-422 to a person who is specified under this section within the
38 categories listed as follows:

39 (a) disability special group license plates issued in accordance with Section 41-1a-420;

40 (b) honor special group license plates, as in a war hero, which plates are issued for a:

41 (i) survivor of the Japanese attack on Pearl Harbor;

42 (ii) former prisoner of war;

43 (iii) recipient of a Purple Heart;

44 (iv) disabled veteran; or

45 (v) recipient of a gold star award issued by the United States Secretary of Defense;

46 (c) unique vehicle type special group license plates, as for historical, collectors value,
47 or other unique vehicle type, which plates are issued for:

48 (i) a special interest vehicle;

49 (ii) a vintage vehicle;

50 (iii) a farm truck; or

51 (iv) (A) until Subsection (1)(c)(iv)(B) or (4) applies, a vehicle powered by clean fuel as
52 defined in Section 59-13-102; or

53 (B) beginning on the effective date of rules made by the Department of Transportation
54 authorized under Subsection 41-6a-702(5)(b) and until Subsection (4) applies, a vehicle
55 powered by clean fuel that meets the standards established by the Department of Transportation
56 in rules authorized under Subsection 41-6a-702(5)(b);

57 (d) recognition special group license plates, which plates are issued for:

- 58 (i) a current member of the Legislature;
- 59 (ii) a current member of the United States Congress;
- 60 (iii) a current member of the National Guard;
- 61 (iv) a licensed amateur radio operator;
- 62 (v) a currently employed, volunteer, or retired firefighter until June 30, 2009;
- 63 (vi) an emergency medical technician;
- 64 (vii) a current member of a search and rescue team;
- 65 (viii) a current honorary consulate designated by the United States Department of
66 State; or
- 67 (ix) an individual that wants to recognize and honor American freedoms and values
68 through an In God We Trust license plate;
- 69 (e) support special group license plates, as for a contributor to an institution or cause,
70 which plates are issued for a contributor to:
 - 71 (i) an institution's scholastic scholarship fund;
 - 72 (ii) the Division of Wildlife Resources;
 - 73 (iii) the Department of Veterans' and Military Affairs;
 - 74 (iv) the Division of Parks and Recreation;
 - 75 (v) the Department of Agriculture and Food;
 - 76 (vi) the Guardian Ad Litem Services Account and the Children's Museum of Utah;
 - 77 (vii) the Boy Scouts of America;
 - 78 (viii) spay and neuter programs through No More Homeless Pets in Utah;
 - 79 (ix) the Boys and Girls Clubs of America;
 - 80 (x) Utah public education;
 - 81 (xi) programs that provide support to organizations that create affordable housing for
82 those in severe need through the Division of Real Estate;
 - 83 (xii) the Department of Public Safety;
 - 84 (xiii) programs that support Zion National Park;
 - 85 (xiv) beginning on July 1, 2009, programs that provide support to firefighter

86 organizations;

87 (xv) programs that promote bicycle operation and safety awareness;

88 (xvi) programs that conduct or support cancer research;

89 (xvii) programs that create or support autism awareness;

90 (xviii) programs that create or support humanitarian service and educational and
91 cultural exchanges;

92 (xix) programs that conduct or support prostate cancer awareness, screening, detection,
93 or prevention;

94 (xx) programs that support and promote adoptions;

95 (xxi) programs that create or support civil rights education and awareness; or

96 (xxii) programs that support issues affecting women and children through an
97 organization affiliated with a national professional men's basketball organization.

98 (2) (a) The division may not issue a new type of special group license plate unless the
99 division receives:

100 (i) (A) a private donation for the start-up fee established under Section 63J-1-504 for
101 the production and administrative costs of providing the new special group license plates; or

102 (B) a legislative appropriation for the start-up fee provided under Subsection
103 (2)(a)(i)(A); and

104 (ii) beginning on January 1, 2012, and for the issuance of a support special group
105 license plate authorized in Section 41-1a-422, at least 500 completed applications for the new
106 type of support special group license plate to be issued with all fees required under this part for
107 the support special group license plate issuance paid by each applicant.

108 (b) (i) Beginning on January 1, 2012, each participating organization shall collect and
109 hold applications for support special group license plates authorized in Section 41-1a-422 on or
110 after January 1, 2012, until it has received at least 500 applications.

111 (ii) Once a participating organization has received at least 500 applications, it shall
112 submit the applications, along with the necessary fees, to the division for the division to begin
113 working on the design and issuance of the new type of support special group license plate to be

114 issued.

115 (iii) Beginning on January 1, 2012, the division may not work on the issuance or design
116 of a new support special group license plate authorized in Section 41-1a-422 until the
117 applications and fees required under this Subsection (2) have been received by the division.

118 (iv) The division shall begin issuance of a new support special group license plate
119 authorized in Section 41-1a-422 on or after January 1, 2012, no later than six months after
120 receiving the applications and fees required under this Subsection (2).

121 (c) (i) Beginning on July 1, 2009, the division may not renew a motor vehicle
122 registration of a motor vehicle that has been issued a firefighter recognition special group
123 license plate unless the applicant is a contributor as defined in Subsection
124 41-1a-422(1)(a)(ii)(D) to the Firefighter Support Restricted Account.

125 (ii) A registered owner of a vehicle that has been issued a firefighter recognition
126 special group license plate prior to July 1, 2009, upon renewal of the owner's motor vehicle
127 registration shall:

128 (A) be a contributor to the Firefighter Support Restricted Account as required under
129 Subsection (2)(c)(i); or

130 (B) replace the firefighter recognition special group license plate with a new license
131 plate.

132 (3) ~~[(a)]~~ Beginning on July 1, 2011, if a support special group license plate type
133 authorized in Section 41-1a-422 and issued on or after January 1, 2012, has fewer than 500
134 license plates issued each year for a three consecutive year time period that begins on July 1,
135 the division may not issue that type of support special group license plate to a new applicant
136 beginning on January 1 of the following calendar year after the three consecutive year time
137 period for which that type of support special group license plate has fewer than 500 license
138 plates issued each year.

139 ~~[(b) If the division is required to stop the issuance of a type of support special group~~
140 ~~license plate authorized in Section 41-1a-422 under this Subsection (3), the division shall~~
141 ~~report to the Transportation Interim Committee that the division will stop the issuance on or~~

142 ~~before the November interim meeting of the year in which the commission determines to stop~~
143 ~~the issuance of that type of support special group license plate.]~~

144 (4) Beginning on July 1, 2011, the division may not issue to an applicant a unique
145 vehicle type license plate for a vehicle powered by clean fuel under Subsection (1)(c)(iv).

146 Section 2. Section **41-6a-602** is amended to read:

147 **41-6a-602. Speed limits established on state highways.**

148 (1) (a) The Department of Transportation shall determine the reasonable and safe speed
149 limit for each highway or section of highway under its jurisdiction.

150 (b) For each highway or section of highway, each speed limit shall be based on a traffic
151 engineering and safety study consistent with the requirements and recommendations in the
152 most current version of the "Manual on Uniform Traffic Control Devices."

153 (c) The traffic engineering and safety studies shall include:

- 154 (i) the design speed;
- 155 (ii) prevailing vehicle speeds;
- 156 (iii) accident history;
- 157 (iv) highway, traffic, and roadside conditions; and
- 158 (v) other highway safety factors.

159 (2) In addition to the provisions of Subsection (1), the Department of Transportation
160 may establish different speed limits on a highway or section of highway based on:

- 161 (a) time of day;
- 162 (b) highway construction;
- 163 (c) type of vehicle;
- 164 (d) weather conditions; and
- 165 (e) other highway safety factors.

166 (3) (a) Except as provided in Subsection (3)(b) and (c), a posted speed limit may not
167 exceed 65 miles per hour.

168 (b) Except as provided in Subsection (3)(c), a posted speed limit on a freeway or other
169 limited access highway may not exceed 75 miles per hour.

170 (c) (i) The Department of Transportation may establish a posted speed limit on a
171 freeway or other limited access highway that exceeds the maximum speed limit in Subsection
172 (3)(b) if the speed limit is based on a highway traffic engineering and safety study.

173 (ii) If the Department of Transportation establishes a posted speed limit that exceeds
174 the limit under Subsection (3)(b), the Department of Transportation shall evaluate the results
175 and impacts of increasing a speed limit under this Subsection (3)(c).

176 ~~[(iii) The Department of Transportation shall report the findings of an evaluation
177 conducted under Subsection (3)(c)(ii) to the Transportation Interim Committee no later than
178 one year after a speed limit has been imposed under this Subsection (3)(c).]~~

179 (d) This Subsection (3) is an exception to the provisions of Subsections (1) and (2).

180 (4) When establishing or changing a speed limit, the Department of Transportation
181 shall consult with the following entities prior to erecting or changing a speed limit sign:

- 182 (a) the county for state highways in an unincorporated area of the county;
- 183 (b) the municipality for state highways within the municipality's incorporated area;
- 184 (c) the Department of Public Safety; and
- 185 (d) the Transportation Commission.

186 (5) The speed limit is effective when appropriate signs giving notice are erected along
187 the highway or section of the highway.

188 Section 3. Section **41-6a-702** is amended to read:

189 **41-6a-702. Left lane restrictions -- Exceptions -- Other lane restrictions --**

190 **Penalties.**

191 (1) As used in this section and Section **41-6a-704**, "general purpose lane" means a
192 highway lane open to vehicular traffic but does not include a designated:

- 193 (a) high occupancy vehicle (HOV) lane; or
- 194 (b) auxiliary lane that begins as a freeway on-ramp and ends as part of the next freeway
195 off-ramp.

196 (2) On a freeway or section of a freeway which has three or more general purpose lanes
197 in the same direction, a person may not operate a vehicle in the left most general purpose lane

198 if the person's:

199 (a) vehicle is drawing a trailer or semitrailer regardless of size; or

200 (b) vehicle or combination of vehicles has a gross vehicle weight of 12,001 or more
201 pounds.

202 (3) Subsection (2) does not apply to a person operating a vehicle who is:

203 (a) preparing to turn left or taking a different highway split or an exit on the left;

204 (b) responding to emergency conditions;

205 (c) avoiding actual or potential traffic moving onto the highway from an acceleration or
206 merging lane; or

207 (d) following direction signs that direct use of a designated lane.

208 (4) (a) A highway authority may designate a specific lane or lanes of travel for any type
209 of vehicle on a highway or portion of a highway under its jurisdiction for the:

210 (i) safety of the public;

211 (ii) efficient maintenance of a highway; or

212 (iii) use of high occupancy vehicles.

213 (b) The lane designation under Subsection (4)(a) is effective when appropriate signs
214 giving notice are erected on the highway or portion of the highway.

215 ~~[(c) If a highway authority establishes an HOV lane, the highway authority shall~~
216 ~~annually report to the Transportation Interim Committee no later than November 30 of each~~
217 ~~year regarding:]~~

218 ~~[(i) the types of vehicles that may access the lane;]~~

219 ~~[(ii) where, when, and how a vehicle may access the lane;]~~

220 ~~[(iii) how a tax, fee, or charge is assessed for a vehicle carrying less than the number of~~
221 ~~persons specified for the lane;]~~

222 ~~[(iv) the usage of the HOV lane as compared to the usage of the general purpose lanes~~
223 ~~along the same stretch of highway; and]~~

224 ~~[(v) the compliance issues, safety risks, and impacts of the lane parameters described~~
225 ~~under Subsections (4)(c)(i), (ii), and (iii).]~~

226 (5) (a) Subject to Subsection (5)(b) and beginning on July 1, 2011, the lane designation
227 under Subsection (4)(a)(iii) shall allow a vehicle with a clean fuel vehicle decal issued in
228 accordance with Section 72-6-121 to travel in lanes designated for the use of high occupancy
229 vehicles regardless of the number of occupants as permitted by federal law or federal
230 regulation.

231 (b) (i) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
232 the Department of Transportation may make rules to allow a vehicle with a clean fuel vehicle
233 decal to travel in lanes designated for the use of high occupancy vehicles regardless of the
234 number of occupants as permitted by federal law or federal regulation.

235 (ii) Except as provided in Subsection (5)(b)(iii), the Department of Transportation may
236 not issue more than 6,000 clean fuel vehicle decals under Section 72-6-121.

237 (iii) The Department of Transportation may, through rules made under Subsection
238 (5)(b)(i), increase the number of clean fuel vehicle decals issued in accordance with Section
239 72-6-121 beyond the minimum described in Subsection (5)(b)(ii) if the increased issuance will
240 allow the Department of Transportation to continue to meet its goals for operational
241 management of the lane designated under Subsection (4)(a)(iii).

242 (6) A person who operates a vehicle in violation of Subsection (2) or in violation of the
243 restrictions made under Subsection (4) is guilty of an infraction.

244 Section 4. Section 72-1-201 is amended to read:

245 **72-1-201. Creation of Department of Transportation -- Functions, powers, duties,**
246 **rights, and responsibilities.**

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

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

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

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

252 (d) plan, develop, construct, and maintain state transportation systems that are safe,
253 reliable, environmentally sensitive, and serve the needs of the traveling public, commerce, and

254 industry;

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

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

258 (g) coordinate with utility companies for the reasonable, efficient, and cost-effective
259 installation, maintenance, operation, relocation, and upgrade of utilities within state highway
260 rights-of-way;

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

264 (i) annually report to~~[-(i)]~~ the Transportation Interim Committee, by November 30 of
265 each year, as to the:

266 (i) operation ~~[and]~~, maintenance, condition, and safety needs for highways; and

267 ~~[(ii) an appropriate legislative committee as designated by the Legislative Management
268 Committee the transfers that need to be made between all transportation-related funds to
269 maintain the state highway construction program as prioritized by the commission.]~~

270 (ii) condition, safety, and mobility of the state transportation system jointly with the
271 Transportation Commission.

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

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

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

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

278 Section 5. Section **72-2-124** is amended to read:

279 **72-2-124. Transportation Investment Fund of 2005.**

280 (1) There is created a capital projects fund entitled the Transportation Investment Fund
281 of 2005.

- 282 (2) The fund consists of money generated from the following sources:
- 283 (a) any voluntary contributions received for the maintenance, construction,
- 284 reconstruction, or renovation of state and federal highways;
- 285 (b) appropriations made to the fund by the Legislature;
- 286 (c) the sales and use tax revenues deposited into the fund in accordance with Section
- 287 59-12-103; and
- 288 (d) registration fees designated under Section 41-1a-1201.
- 289 (3) (a) The fund shall earn interest.
- 290 (b) All interest earned on fund money shall be deposited into the fund.
- 291 (4) (a) Except as provided in Subsection (4)(b), the executive director may use fund
- 292 money only to pay:
- 293 (i) the costs of maintenance, construction, reconstruction, or renovation to state and
- 294 federal highways prioritized by the Transportation Commission through the prioritization
- 295 process for new transportation capacity projects adopted under Section 72-1-304;
- 296 (ii) the costs of maintenance, construction, reconstruction, or renovation to the highway
- 297 projects described in Subsections 63B-18-401(2), (3), and (4);
- 298 (iii) principal, interest, and issuance costs of bonds authorized by Section 63B-18-401
- 299 minus the costs paid from the County of the First Class Highway Projects Fund in accordance
- 300 with Subsection 72-2-121(4)(f);
- 301 (iv) for a fiscal year beginning on or after July 1, 2013, to transfer to the 2010 Salt
- 302 Lake County Revenue Bond Sinking Fund created by Section 72-2-121.3 the amount certified
- 303 by Salt Lake County in accordance with Subsection 72-2-121.3(4)(c) as necessary to pay the
- 304 debt service on \$30,000,000 of the revenue bonds issued by Salt Lake County;
- 305 (v) principal, interest, and issuance costs of bonds authorized by Section 63B-16-101
- 306 for projects prioritized in accordance with Section 72-2-125;
- 307 (vi) all highway general obligation bonds that are intended to be paid from revenues in
- 308 the Centennial Highway Fund created by Section 72-2-118; and
- 309 (vii) for fiscal year 2015-16 only, to transfer \$25,000,000 to the County of the First

310 Class Highway Projects Fund created in Section 72-2-121 to be used for the purposes described
311 in Section 72-2-121.

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

314 (5) (a) Before bonds authorized by Section 63B-18-401 may be issued in any fiscal
315 year, the department and the commission shall appear before the Executive Appropriations
316 Committee of the Legislature and present the amount of bond proceeds that the department
317 needs to provide funding for the projects identified in Subsections 63B-18-401(2), (3), and (4)
318 for the next fiscal year.

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

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

324 ~~[(7)(a) The commission shall develop prior to June 30, 2015, a funding plan and
325 identify a highway construction program using the prioritization process for new transportation
326 capacity projects adopted under Section 72-1-304 that meets long-term transportation needs
327 beyond the normal four-year programming horizon.]~~

328 ~~[(b) The commission shall report the plan and program established under Subsection
329 (7)(a) to the Transportation Interim Committee of the Legislature by no later than September
330 30, 2015.]~~

331 Section 6. Section 72-4-102 is amended to read:

332 **72-4-102. Additions to or deletions from state highway system -- Designation of**
333 **highways as state highways between sessions.**

334 (1) (a) The Legislature may add to or delete highways or sections of highways from the
335 state highway system.

336 (b) The department shall annually submit to the Legislature a list of highways or
337 sections of highways the commission recommends for addition to or deletion from the state

338 highway system.

339 (c) All recommendations under Subsection (1)(b) shall be based on:

340 (i) the criteria for state highways under Section 72-4-102.5;

341 (ii) funding and operational considerations identified under Subsection (3);

342 (iii) efficiency of highway operations and maintenance; and

343 (iv) other factors the commission determines are appropriate, in consultation with the
344 department and the highway authorities involved in the transfer.

345 (2) Between general sessions of the Legislature, highways may be designated as state
346 highways or deleted from the state highway system if:

347 (a) approved by the commission in accordance with:

348 (i) the criteria for state highways under Section 72-4-102.5;

349 (ii) funding and operational considerations identified under Subsection (3);

350 (iii) efficiency of highway operations and maintenance; and

351 (iv) other factors the commission determines are appropriate, in consultation with the
352 department and the highway authorities involved in the transfer;

353 (b) a deletion is agreed upon by all highway authorities involved in the transfer; and

354 (c) the highways are included in the list of recommendations submitted to the
355 Legislature in the next year for legislative approval or disapproval.

356 (3) All highway authorities involved in a highway transfer under this section shall
357 consider available highway financing levels and operational abilities for the maintenance and
358 construction of a transferred highway.

359 ~~[(4)(a) The department shall no later than June 30 report to the Transportation Interim
360 Committee of the Legislature any proposed additions to or deletions from the state highway
361 system whether proposed by the department or another highway authority.]~~

362 ~~[(b)]~~ (4) (a) The department or the commission shall submit to the Transportation
363 Interim Committee of the Legislature on or before November 1 of each year:

364 (i) the list of highways recommended for transfer under Subsection (1);

365 (ii) a list of potential additions to or deletions from the state highway system that are

366 currently under consideration; and

367 (iii) a list of additions to or deletions from the state highway system that were proposed
368 but not agreed to by the affected highway authorities.

369 ~~(c)~~ (b) The recommendations shall include:

370 (i) any fiscal and funding recommendations of each highway authority involved in the
371 transfer of a highway or section of a highway; and

372 (ii) a cost estimate, fiscal analysis, and funding recommendation, or recommendation
373 for further study from the Office of the Legislative Fiscal Analyst.

374 (5) (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
375 the commission shall make rules, in consultation with the department and local highway
376 authorities, establishing a process for a highway authority to propose an addition to or deletion
377 from the state highway system.

378 (b) The rules established under Subsection (5)(a) shall include provisions for:

379 (i) notification to highway authorities of the department's intent to:

380 (A) collect proposed additions to or deletions from the state highway system; and

381 (B) report the proposals to the Transportation Interim Committee as required under
382 Subsection (4)(a);

383 (ii) public comment regarding a proposed addition to or deletion from the state
384 highway system under this section during a commission meeting held under Section [72-1-302](#);

385 (iii) notification to any affected highway authority of an addition to or deletion from
386 the state highway system under consideration prior to the meeting held under Subsection
387 (5)(b)(ii); and

388 (iv) opportunity for a highway authority to initiate consideration of additions to or
389 deletions from the state highway system by the commission.