

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

WILDLIFE ACCIDENT PROTECTIONS

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Doug Owens

Senate Sponsor: _____

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

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

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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

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

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

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

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



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

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