

TRANSPORTATION REVISIONS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Wayne A. Harper

House Sponsor: Kay J. Christofferson

LONG TITLE

Committee Note:

The Transportation Interim Committee recommended this bill.

Legislative Vote: 15 voting for 0 voting against 3 absent

General Description:

This bill amends code sections related to transportation and motor vehicle items and makes technical corrections.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ amends provisions related to station area plans for public transit;
- ▶ prohibits an individual from passing a snowplow on the side where the snowplow blade is deployed;
- ▶ prohibits an individual from passing two or more snowplows operating in echelon formation;
- ▶ requires an individual operating a motor vehicle to move over to avoid a vehicle stopped on the side of a highway;
- ▶ amends a required local match of funds to qualify for certain transportation related funds;
- ▶ clarifies the division of responsibilities within the Department of Transportation for oversight of capital development of public transit facilities, shifting that oversight



28 from the executive director to a deputy director;

29 ▶ makes technical corrections to motor vehicle and transportation related code

30 sections; and

31 ▶ removes outdated language.

32 **Money Appropriated in this Bill:**

33 None

34 **Other Special Clauses:**

35 None

36 **Utah Code Sections Affected:**

37 AMENDS:

38 **10-9a-401**, as last amended by Laws of Utah 2022, Chapters 282, 406

39 **10-9a-403**, as last amended by Laws of Utah 2022, Chapters 282, 406 and last amended
40 by Coordination Clause, Laws of Utah 2022, Chapter 406

41 **10-9a-403.1**, as enacted by Laws of Utah 2022, Chapter 406

42 **20A-7-601**, as last amended by Laws of Utah 2022, Chapter 406

43 **41-1a-1201**, as last amended by Laws of Utah 2022, Chapter 259

44 **41-6a-102**, as last amended by Laws of Utah 2022, Chapters 86, 92 and 104

45 **41-6a-704**, as last amended by Laws of Utah 2019, Chapter 49

46 **41-6a-705**, as last amended by Laws of Utah 2015, Chapter 412

47 **41-6a-904**, as last amended by Laws of Utah 2020, Fifth Special Session, Chapter 4

48 **53-3-109**, as last amended by Laws of Utah 2020, Chapter 428

49 **63I-1-241**, as last amended by Laws of Utah 2022, Chapters 68, 92, 104, and 110

50 **72-1-202**, as last amended by Laws of Utah 2022, Chapter 69

51 **72-1-203**, as last amended by Laws of Utah 2019, Chapter 479

52 **72-1-301**, as last amended by Laws of Utah 2020, Chapters 352, 373

53 **72-1-302**, as last amended by Laws of Utah 2020, Chapter 373

54 **72-1-303**, as last amended by Laws of Utah 2022, Chapter 99

55 **72-1-304**, as last amended by Laws of Utah 2022, Chapter 406

56 **72-1-305**, as last amended by Laws of Utah 2018, Chapter 424

57 **72-2-124**, as last amended by Laws of Utah 2022, Chapters 69, 259 and 406

58 ENACTS:

59 [41-6a-718](#), Utah Code Annotated 1953

60

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

62 Section 1. Section **10-9a-401** is amended to read:

63 **10-9a-401. General plan required -- Content.**

64 (1) To accomplish the purposes of this chapter, a municipality shall prepare and adopt
65 a comprehensive, long-range general plan for:

66 (a) present and future needs of the municipality; and

67 (b) growth and development of all or any part of the land within the municipality.

68 (2) The general plan may provide for:

69 (a) health, general welfare, safety, energy conservation, transportation, prosperity, civic
70 activities, aesthetics, and recreational, educational, and cultural opportunities;

71 (b) the reduction of the waste of physical, financial, or human resources that result
72 from either excessive congestion or excessive scattering of population;

73 (c) the efficient and economical use, conservation, and production of the supply of:

74 (i) food and water; and

75 (ii) drainage, sanitary, and other facilities and resources;

76 (d) the use of energy conservation and solar and renewable energy resources;

77 (e) the protection of urban development;

78 (f) if the municipality is a town, the protection or promotion of moderate income
79 housing;

80 (g) the protection and promotion of air quality;

81 (h) historic preservation;

82 (i) identifying future uses of land that are likely to require an expansion or significant
83 modification of services or facilities provided by an affected entity; and

84 (j) an official map.

85 (3) (a) The general plan of a specified municipality, as defined in Section [10-9a-408](#),
86 shall include a moderate income housing element that meets the requirements of Subsection
87 [10-9a-403\(2\)\(a\)\(iii\)](#).

88 (b) On or before October 1, 2022, a specified municipality, as defined in Section
89 [10-9a-408](#), with a general plan that does not comply with Subsection (3)(a) shall amend the

90 general plan to comply with Subsection (3)(a).

91 (4) Subject to Subsection 10-9a-403(2), the municipality may determine the
92 comprehensiveness, extent, and format of the general plan.

93 (5) A municipality shall send the adopted or modified general plan to the relevant
94 association of government within 45 days of the date of adoption.

95 Section 2. Section 10-9a-403 is amended to read:

96 **10-9a-403. General plan preparation.**

97 (1) (a) The planning commission shall provide notice, as provided in Section
98 10-9a-203, of the planning commission's intent to make a recommendation to the municipal
99 legislative body for a general plan or a comprehensive general plan amendment when the
100 planning commission initiates the process of preparing the planning commission's
101 recommendation.

102 (b) The planning commission shall make and recommend to the legislative body a
103 proposed general plan for the area within the municipality.

104 (c) The plan may include areas outside the boundaries of the municipality if, in the
105 planning commission's judgment, those areas are related to the planning of the municipality's
106 territory.

107 (d) Except as otherwise provided by law or with respect to a municipality's power of
108 eminent domain, when the plan of a municipality involves territory outside the boundaries of
109 the municipality, the municipality may not take action affecting that territory without the
110 concurrence of the county or other municipalities affected.

111 (2) (a) At a minimum, the proposed general plan, with the accompanying maps, charts,
112 and descriptive and explanatory matter, shall include the planning commission's
113 recommendations for the following plan elements:

114 (i) a land use element that:

115 (A) designates the long-term goals and the proposed extent, general distribution, and
116 location of land for housing for residents of various income levels, business, industry,
117 agriculture, recreation, education, public buildings and grounds, open space, and other
118 categories of public and private uses of land as appropriate;

119 (B) includes a statement of the projections for and standards of population density and
120 building intensity recommended for the various land use categories covered by the plan;

121 (C) except for a city of the fifth class or a town, is coordinated to integrate the land use
122 element with the water use and preservation element; and

123 (D) except for a city of the fifth class or a town, accounts for the effect of land use
124 categories and land uses on water demand;

125 (ii) a transportation and traffic circulation element that:

126 (A) provides the general location and extent of existing and proposed freeways, arterial
127 and collector streets, public transit, active transportation facilities, and other modes of
128 transportation that the planning commission considers appropriate;

129 (B) for a municipality that has access to a major transit investment corridor, addresses
130 the municipality's plan for residential and commercial development around major transit
131 investment corridors to maintain and improve the connections between housing, employment,
132 education, recreation, and commerce;

133 (C) for a municipality that does not have access to a major transit investment corridor,
134 addresses the municipality's plan for residential and commercial development in areas that will
135 maintain and improve the connections between housing, transportation, employment,
136 education, recreation, and commerce; and

137 (D) correlates with the population projections, the employment projections, and the
138 proposed land use element of the general plan;

139 (iii) for a specified municipality as defined in Section 10-9a-408, a moderate income
140 housing element that:

141 (A) provides a realistic opportunity to meet the need for additional moderate income
142 housing within the next five years;

143 (B) selects three or more moderate income housing strategies described in Subsection
144 (2)(b)(iii) for implementation, including [~~one~~] additional moderate income housing [~~strategy~~]
145 strategies as provided in Subsection (2)(b)(iv) for a specified municipality that has a fixed
146 guideway public transit station; and

147 (C) includes an implementation plan as provided in Subsection (2)(c); and

148 (iv) except for a city of the fifth class or a town, a water use and preservation element
149 that addresses:

150 (A) the effect of permitted development or patterns of development on water demand
151 and water infrastructure;

- 152 (B) methods of reducing water demand and per capita consumption for future
153 development;
- 154 (C) methods of reducing water demand and per capita consumption for existing
155 development; and
- 156 (D) opportunities for the municipality to modify the municipality's operations to
157 eliminate practices or conditions that waste water.
- 158 (b) In drafting the moderate income housing element, the planning commission:
 - 159 (i) shall consider the Legislature's determination that municipalities shall facilitate a
160 reasonable opportunity for a variety of housing, including moderate income housing:
 - 161 (A) to meet the needs of people of various income levels living, working, or desiring to
162 live or work in the community; and
 - 163 (B) to allow people with various incomes to benefit from and fully participate in all
164 aspects of neighborhood and community life;
 - 165 (ii) for a town, may include, and for a specified municipality as defined in Section
166 [10-9a-408](#), shall include[;] an analysis of how the municipality will provide a realistic
167 opportunity for the development of moderate income housing within the next five years;
 - 168 (iii) for a town, may include, and for other municipalities, shall include[;] a
169 recommendation to implement three or more of the following moderate income housing
170 strategies:
 - 171 (A) rezone for densities necessary to facilitate the production of moderate income
172 housing;
 - 173 (B) demonstrate investment in the rehabilitation or expansion of infrastructure that
174 facilitates the construction of moderate income housing;
 - 175 (C) demonstrate investment in the rehabilitation of existing uninhabitable housing
176 stock into moderate income housing;
 - 177 (D) identify and utilize general fund subsidies or other sources of revenue to waive
178 construction related fees that are otherwise generally imposed by the municipality for the
179 construction or rehabilitation of moderate income housing;
 - 180 (E) create or allow for, and reduce regulations related to, internal or detached accessory
181 dwelling units in residential zones;
 - 182 (F) zone or rezone for higher density or moderate income residential development in

183 commercial or mixed-use zones near major transit investment corridors, commercial centers, or
184 employment centers;

185 (G) amend land use regulations to allow for higher density or new moderate income
186 residential development in commercial or mixed-use zones near major transit investment
187 corridors;

188 (H) amend land use regulations to eliminate or reduce parking requirements for
189 residential development where a resident is less likely to rely on the resident's own vehicle,
190 such as residential development near major transit investment corridors or senior living
191 facilities;

192 (I) amend land use regulations to allow for single room occupancy developments;

193 (J) implement zoning incentives for moderate income units in new developments;

194 (K) preserve existing and new moderate income housing and subsidized units by
195 utilizing a landlord incentive program, providing for deed restricted units through a grant
196 program, or, notwithstanding Section [10-9a-535](#), establishing a housing loss mitigation fund;

197 (L) reduce, waive, or eliminate impact fees related to moderate income housing;

198 (M) demonstrate creation of, or participation in, a community land trust program for
199 moderate income housing;

200 (N) implement a mortgage assistance program for employees of the municipality, an
201 employer that provides contracted services to the municipality, or any other public employer
202 that operates within the municipality;

203 (O) apply for or partner with an entity that applies for state or federal funds or tax
204 incentives to promote the construction of moderate income housing, an entity that applies for
205 programs offered by the Utah Housing Corporation within that agency's funding capacity, an
206 entity that applies for affordable housing programs administered by the Department of
207 Workforce Services, an entity that applies for affordable housing programs administered by an
208 association of governments established by an interlocal agreement under Title 11, Chapter 13,
209 Interlocal Cooperation Act, an entity that applies for services provided by a public housing
210 authority to preserve and create moderate income housing, or any other entity that applies for
211 programs or services that promote the construction or preservation of moderate income
212 housing;

213 (P) demonstrate utilization of a moderate income housing set aside from a community

214 reinvestment agency, redevelopment agency, or community development and renewal agency
215 to create or subsidize moderate income housing;

216 (Q) create a housing and transit reinvestment zone pursuant to Title 63N, Chapter 3,
217 Part 6, Housing and Transit Reinvestment Zone Act;

218 (R) eliminate impact fees for any accessory dwelling unit that is not an internal
219 accessory dwelling unit as defined in Section 10-9a-530;

220 (S) create a program to transfer development rights for moderate income housing;

221 (T) ratify a joint acquisition agreement with another local political subdivision for the
222 purpose of combining resources to acquire property for moderate income housing;

223 (U) develop a moderate income housing project for residents who are disabled or 55
224 years old or older;

225 (V) develop and adopt a station area plan in accordance with Section 10-9a-403.1;

226 (W) create or allow for, and reduce regulations related to, multifamily residential
227 dwellings compatible in scale and form with detached single-family residential dwellings and
228 located in walkable communities within residential or mixed-use zones; and

229 (X) demonstrate implementation of any other program or strategy to address the
230 housing needs of residents of the municipality who earn less than 80% of the area median
231 income, including the dedication of a local funding source to moderate income housing or the
232 adoption of a land use ordinance that requires 10% or more of new residential development in a
233 residential zone be dedicated to moderate income housing; and

234 (iv) in addition to the recommendations required under Subsection (2)(b)(iii), for a
235 municipality that has a fixed guideway public transit station, shall include a recommendation to
236 implement:

237 (A) the strategy described in Subsection (2)(b)(iii)(V); and

238 (B) a strategy described in Subsection (2)(b)(iii)(G), (H), or (Q).

239 (c) (i) In drafting the implementation plan portion of the moderate income housing
240 element as described in Subsection (2)(a)(iii)(C), the planning commission shall establish a
241 timeline for implementing each of the moderate income housing strategies selected by the
242 municipality for implementation.

243 (ii) The timeline described in Subsection (2)(c)(i) shall:

244 (A) identify specific measures and benchmarks for implementing each moderate

245 income housing strategy selected by the municipality, whether one-time or ongoing; and
246 (B) provide flexibility for the municipality to make adjustments as needed.
247 (d) In drafting the land use element, the planning commission shall:
248 (i) identify and consider each agriculture protection area within the municipality;
249 (ii) avoid proposing a use of land within an agriculture protection area that is
250 inconsistent with or detrimental to the use of the land for agriculture; and
251 (iii) consider and coordinate with any station area plans adopted by the municipality if
252 required under Section 10-9a-403.1.
253 (e) In drafting the transportation and traffic circulation element, the planning
254 commission shall:
255 (i) (A) consider and coordinate with the regional transportation plan developed by the
256 municipality's region's metropolitan planning organization, if the municipality is within the
257 boundaries of a metropolitan planning organization; or
258 (B) consider and coordinate with the long-range transportation plan developed by the
259 Department of Transportation, if the municipality is not within the boundaries of a
260 metropolitan planning organization; and
261 (ii) consider and coordinate with any station area plans adopted by the municipality if
262 required under Section 10-9a-403.1.
263 (f) In drafting the water use and preservation element, the planning commission:
264 (i) shall consider:
265 (A) applicable regional water conservation goals recommended by the Division of
266 Water Resources; and
267 (B) if Section 73-10-32 requires the municipality to adopt a water conservation plan
268 pursuant to Section 73-10-32, the municipality's water conservation plan;
269 (ii) shall include a recommendation for:
270 (A) water conservation policies to be determined by the municipality; and
271 (B) landscaping options within a public street for current and future development that
272 do not require the use of lawn or turf in a parkstrip;
273 (iii) shall review the municipality's land use ordinances and include a recommendation
274 for changes to an ordinance that promotes the inefficient use of water;
275 (iv) shall consider principles of sustainable landscaping, including the:

- 276 (A) reduction or limitation of the use of lawn or turf;
- 277 (B) promotion of site-specific landscape design that decreases stormwater runoff or
278 runoff of water used for irrigation;
- 279 (C) preservation and use of healthy trees that have a reasonable water requirement or
280 are resistant to dry soil conditions;
- 281 (D) elimination or regulation of ponds, pools, and other features that promote
282 unnecessary water evaporation;
- 283 (E) reduction of yard waste; and
- 284 (F) use of an irrigation system, including drip irrigation, best adapted to provide the
285 optimal amount of water to the plants being irrigated;
- 286 (v) shall consult with the public water system or systems serving the municipality with
287 drinking water regarding how implementation of the land use element and water use and
288 preservation element may affect:
 - 289 (A) water supply planning, including drinking water source and storage capacity
290 consistent with Section 19-4-114; and
 - 291 (B) water distribution planning, including master plans, infrastructure asset
292 management programs and plans, infrastructure replacement plans, and impact fee facilities
293 plans;
 - 294 (vi) may include recommendations for additional water demand reduction strategies,
295 including:
 - 296 (A) creating a water budget associated with a particular type of development;
 - 297 (B) adopting new or modified lot size, configuration, and landscaping standards that
298 will reduce water demand for new single family development;
 - 299 (C) providing one or more water reduction incentives for existing development such as
300 modification of existing landscapes and irrigation systems and installation of water fixtures or
301 systems that minimize water demand;
 - 302 (D) discouraging incentives for economic development activities that do not adequately
303 account for water use or do not include strategies for reducing water demand; and
 - 304 (E) adopting water concurrency standards requiring that adequate water supplies and
305 facilities are or will be in place for new development; and
 - 306 (vii) for a town, may include, and for another municipality, shall include, a

- 307 recommendation for low water use landscaping standards for a new:
- 308 (A) commercial, industrial, or institutional development;
 - 309 (B) common interest community, as defined in Section 57-25-102; or
 - 310 (C) multifamily housing project.
- 311 (3) The proposed general plan may include:
- 312 (a) an environmental element that addresses:
 - 313 (i) the protection, conservation, development, and use of natural resources, including
 - 314 the quality of:
 - 315 (A) air;
 - 316 (B) forests;
 - 317 (C) soils;
 - 318 (D) rivers;
 - 319 (E) groundwater and other waters;
 - 320 (F) harbors;
 - 321 (G) fisheries;
 - 322 (H) wildlife;
 - 323 (I) minerals; and
 - 324 (J) other natural resources; and
 - 325 (ii) (A) the reclamation of land, flood control, prevention and control of the pollution
 - 326 of streams and other waters;
 - 327 (B) the regulation of the use of land on hillsides, stream channels and other
 - 328 environmentally sensitive areas;
 - 329 (C) the prevention, control, and correction of the erosion of soils;
 - 330 (D) the preservation and enhancement of watersheds and wetlands; and
 - 331 (E) the mapping of known geologic hazards;
 - 332 (b) a public services and facilities element showing general plans for sewage, water,
 - 333 waste disposal, drainage, public utilities, rights-of-way, easements, and facilities for them,
 - 334 police and fire protection, and other public services;
 - 335 (c) a rehabilitation, redevelopment, and conservation element consisting of plans and
 - 336 programs for:
 - 337 (i) historic preservation;

338 (ii) the diminution or elimination of a development impediment as defined in Section
339 17C-1-102; and

340 (iii) redevelopment of land, including housing sites, business and industrial sites, and
341 public building sites;

342 (d) an economic element composed of appropriate studies and forecasts, as well as an
343 economic development plan, which may include review of existing and projected municipal
344 revenue and expenditures, revenue sources, identification of basic and secondary industry,
345 primary and secondary market areas, employment, and retail sales activity;

346 (e) recommendations for implementing all or any portion of the general plan, including
347 the adoption of land and water use ordinances, capital improvement plans, community
348 development and promotion, and any other appropriate action;

349 (f) provisions addressing any of the matters listed in Subsection 10-9a-401(2) or (3);
350 and

351 (g) any other element the municipality considers appropriate.

352 Section 3. Section 10-9a-403.1 is amended to read:

353 **10-9a-403.1. Station area plan requirements -- Contents -- Review and**
354 **certification by applicable metropolitan planning organization.**

355 (1) As used in this section:

356 (a) "Applicable metropolitan planning organization" means the metropolitan planning
357 organization that has jurisdiction over the area in which a fixed guideway public transit station
358 is located.

359 (b) "Applicable public transit district" means the public transit district, as defined in
360 Section 17B-2a-802, of which a fixed guideway public transit station is included.

361 (c) "Existing fixed guideway public transit station" means a fixed guideway public
362 transit station for which construction begins before June 1, 2022.

363 (d) "Fixed guideway" means the same as that term is defined in Section 59-12-102.

364 (e) "Metropolitan planning organization" means an organization established under 23
365 U.S.C. Sec. 134.

366 (f) "New fixed guideway public transit station" means a fixed guideway public transit
367 station for which construction begins on or after June 1, 2022.

368 (g) "Qualifying land use application" means a land use application:

369 (i) that involves land located within a station area for an existing public transit station
370 that provides rail services;

371 (ii) that involves land located within a station area for which the municipality has not
372 yet satisfied the requirements of Subsection (2)(a);

373 (iii) that proposes the development of an area greater than five contiguous acres, with
374 no less than 51% of the acreage within the station area;

375 (iv) that would require the municipality to amend the municipality's general plan or
376 change a zoning designation for the land use application to be approved;

377 (v) that would require a higher density than the density currently allowed by the
378 municipality;

379 (vi) that proposes the construction of new residential units, at least 10% of which are
380 dedicated to moderate income housing; and

381 (vii) for which the land use applicant requests the municipality to initiate the process of
382 satisfying the requirements of Subsection (2)(a) for the station area in which the development
383 is proposed, subject to Subsection (3)(d).

384 (h) (i) "Station area" means:

385 (A) for a fixed guideway public transit station that provides rail services, the area
386 within a one-half mile radius of the center of the fixed guideway public transit station platform;
387 or

388 (B) for a fixed guideway public transit station that provides bus services only, the area
389 within a one-fourth mile radius of the center of the fixed guideway public transit station
390 platform.

391 (ii) "Station area" includes any parcel bisected by the radius limitation described in
392 Subsection (1)(h)(i)(A) or (B).

393 (i) "Station area plan" means a plan that:

394 (i) establishes a vision, and the actions needed to implement that vision, for the
395 development of land within a station area; and

396 (ii) is developed and adopted in accordance with this section.

397 (2) (a) Subject to the requirements of this section, a municipality that has a fixed
398 guideway public transit station located within the municipality's boundaries shall, for the
399 station area:

400 (i) develop and adopt a station area plan; and
401 (ii) adopt any appropriate land use regulations to implement the station area plan.

402 (b) The requirements of Subsection (2)(a) shall be considered satisfied if:

403 (i) (A) the municipality has already taken actions to satisfy the requirements of
404 Subsection (2)(a) for a station area, including actions that involve public and stakeholder
405 engagement processes, market assessments, the creation of a station area vision, planning and
406 implementation activities, capital programs, the adoption of land use regulations, or other
407 similar actions; and

408 (B) the municipality adopts a resolution demonstrating the requirements of Subsection
409 (2)(a) have been satisfied; or

410 (ii) (A) the municipality has determined that conditions exist that make satisfying a
411 portion or all of the requirements of Subsection (2)(a) for a station area impracticable,
412 including conditions that relate to existing development, entitlements, land ownership, land
413 uses that make opportunities for new development and long-term redevelopment infeasible,
414 environmental limitations, market readiness, development impediment conditions, or other
415 similar conditions; and

416 (B) the municipality adopts a resolution describing the conditions that exist to make
417 satisfying the requirements of Subsection (2)(a) impracticable.

418 (c) To the extent that previous actions by a municipality do not satisfy the requirements
419 of Subsection (2)(a) for a station area, the municipality shall take the actions necessary to
420 satisfy those requirements.

421 (3) (a) A municipality that has a new fixed guideway public transit station located
422 within the municipality's boundaries shall satisfy the requirements of Subsection (2)(a) for the
423 station area surrounding the new fixed guideway public transit station before the new fixed
424 guideway public transit station begins transit services.

425 (b) Except as provided in Subsections (3)(c) and (d), a municipality that has an existing
426 fixed guideway public transit station located within the municipality's boundaries shall satisfy
427 the requirements of Subsection (2)(a) for the station area surrounding the existing fixed
428 guideway public transit station on or before December 31, 2025.

429 (c) If a municipality has more than four existing fixed guideway public transit stations
430 located within the municipality's boundaries, the municipality shall:

431 (i) on or before December 31, 2025, satisfy the requirements of Subsection (2)(a) for
432 four or more station areas located within the municipality; and

433 (ii) on or before December 31 of each year thereafter, satisfy the requirements of
434 Subsection (2)(a) for no less than two station areas located within the municipality until the
435 municipality has satisfied the requirements of Subsection (2)(a) for each station area located
436 within the municipality.

437 (d) (i) Subject to Subsection (3)(d)(ii):

438 (A) if a municipality receives a complete qualifying land use application on or before
439 July 1, 2022, the municipality shall satisfy the requirements of Subsection (2)(a) for the station
440 area in which the development is proposed on or before July 1, 2023; and

441 (B) if a municipality receives a complete qualifying land use application after July 1,
442 2022, the municipality shall satisfy the requirements of Subsection (2)(a) for the station area in
443 which the development is proposed within a 12-month period beginning on the first day of the
444 month immediately following the month in which the qualifying land use application is
445 submitted to the municipality, and shall notify the applicable metropolitan planning
446 organization of the receipt of the application within 45 days of the date of receipt.

447 (ii) (A) A municipality is not required to satisfy the requirements of Subsection (2)(a)
448 for more than two station areas under Subsection (3)(d)(i) within any 12-month period.

449 (B) If a municipality receives more than two complete qualifying land use applications
450 on or before July 1, 2022, the municipality shall select two station areas for which the
451 municipality will satisfy the requirements of Subsection (2)(a) in accordance with Subsection
452 (3)(d)(i)(A).

453 (iii) A municipality shall process on a first priority basis a land use application,
454 including an application for a building permit, if:

455 (A) the land use application is for a residential use within a station area for which the
456 municipality has not satisfied the requirements of Subsection (2)(a); and

457 (B) the municipality would be required to change a zoning designation for the land use
458 application to be approved.

459 (e) Notwithstanding Subsections (3)(a) through (d), the time period for satisfying the
460 requirements of Subsection (2)(a) for a station area may be extended once for a period of 12
461 months if:

462 (i) the municipality demonstrates to the applicable metropolitan planning organization
463 that conditions exist that make satisfying the requirements of Subsection (2)(a) within the
464 required time period infeasible, despite the municipality's good faith efforts; and

465 (ii) the applicable metropolitan planning organization certifies to the municipality in
466 writing that the municipality satisfied the demonstration in Subsection (3)(e)(i).

467 (4) (a) Except as provided in Subsection (4)(b), if a station area is included within the
468 boundaries of more than one municipality, each municipality with jurisdiction over the station
469 area shall satisfy the requirements of Subsection (2)(a) for the portion of the station area over
470 which the municipality has jurisdiction.

471 (b) Two or more municipalities with jurisdiction over a station area may coordinate to
472 develop a shared station area plan for the entire station area.

473 (5) A municipality that has more than one fixed guideway public transit station located
474 within the municipality may, through an integrated process, develop station area plans for
475 multiple station areas if the station areas are within close proximity of each other.

476 (6) (a) A municipality that is required to develop and adopt a station area plan under
477 this section may request technical assistance from the applicable metropolitan planning
478 organization.

479 (b) An applicable metropolitan planning organization that receives funds from the
480 Governor's Office of Economic Opportunity under Section 63N-3-113 shall, when utilizing the
481 funds, give priority consideration to requests for technical assistance for station area plans
482 required under Subsection (3)(d).

483 (7) (a) A station area plan shall promote the following objectives within the station
484 area:

485 (i) increasing the availability and affordability of housing, including moderate income
486 housing;

487 (ii) promoting sustainable environmental conditions;

488 (iii) enhancing access to opportunities; and

489 (iv) increasing transportation choices and connections.

490 (b) (i) To promote the objective described in Subsection (7)(a)(i), a municipality may
491 consider implementing the following actions:

492 (A) aligning the station area plan with the moderate income housing element of the

493 municipality's general plan;

494 (B) providing for densities necessary to facilitate the development of moderate income
495 housing;

496 (C) providing for affordable costs of living in connection with housing, transportation,
497 and parking; or

498 (D) any other similar action that promotes the objective described in Subsection
499 (7)(a)(i).

500 (ii) To promote the objective described in Subsection (7)(a)(ii), a municipality may
501 consider implementing the following actions:

502 (A) conserving water resources through efficient land use;

503 (B) improving air quality by reducing fuel consumption and motor vehicle trips;

504 (C) establishing parks, open spaces, and recreational opportunities; or

505 (D) any other similar action that promotes the objective described in Subsection
506 (7)(a)(ii).

507 (iii) To promote the objective described in Subsection (7)(a)(iii), a municipality may
508 consider the following actions:

509 (A) maintaining and improving the connections between housing, transit, employment,
510 education, recreation, and commerce;

511 (B) encouraging mixed-use development;

512 (C) enabling employment and educational opportunities within the station area;

513 (D) encouraging and promoting enhanced broadband connectivity; or

514 (E) any other similar action that promotes the objective described in Subsection
515 (7)(a)(iii).

516 (iv) To promote the objective described in Subsection (7)(a)(iv), a municipality may
517 consider the following:

518 (A) supporting investment in infrastructure for all modes of transportation;

519 (B) increasing utilization of public transit;

520 (C) encouraging safe streets through the designation of pedestrian walkways and
521 bicycle lanes;

522 (D) encouraging manageable and reliable traffic conditions;

523 (E) aligning the station area plan with the regional transportation plan of the applicable

524 metropolitan planning organization; or

525 (F) any other similar action that promotes the objective described in Subsection

526 (7)(a)(iv).

527 (8) A station area plan shall include the following components:

528 (a) a station area vision that:

529 (i) is consistent with Subsection (7); and

530 (ii) describes the following:

531 (A) opportunities for the development of land within the station area under existing

532 conditions;

533 (B) constraints on the development of land within the station area under existing

534 conditions;

535 (C) the municipality's objectives for the transportation system within the station area

536 and the future transportation system that meets those objectives;

537 (D) the municipality's objectives for land uses within the station area and the future

538 land uses that meet those objectives;

539 (E) the municipality's objectives for public and open spaces within the station area and

540 the future public and open spaces that meet those objectives; and

541 (F) the municipality's objectives for the development of land within the station area and

542 the future development standards that meet those objectives;

543 (b) a map that depicts:

544 (i) the area within the municipality that is subject to the station area plan, provided that

545 the station area plan may apply to areas outside of the station area; and

546 (ii) the area where each action is needed to implement the station area plan;

547 (c) an implementation plan that identifies and describes each action needed within the

548 next five years to implement the station area plan, and the party responsible for taking each

549 action, including any actions to:

550 (i) modify land use regulations;

551 (ii) make infrastructure improvements;

552 (iii) modify deeds or other relevant legal documents;

553 (iv) secure funding or develop funding strategies;

554 (v) establish design standards for development within the station area; or

- 555 (vi) provide environmental remediation;
- 556 (d) a statement that explains how the station area plan promotes the objectives
557 described in Subsection (7)(a); and
- 558 (e) as an alternative or supplement to the requirements of Subsection (7) or (8), and for
559 purposes of Subsection (2)(b)(ii), a statement that describes any conditions that would make
560 the following impracticable:
- 561 (i) promoting the objectives described in Subsection (7)(a); or
562 (ii) satisfying the requirements of this Subsection (8).
- 563 (9) A municipality shall develop a station area plan with the involvement of all
564 relevant stakeholders that have an interest in the station area through public outreach and
565 community engagement, including:
- 566 (a) other impacted communities;
567 (b) the applicable public transit district;
568 (c) the applicable metropolitan planning organization;
569 (d) the Department of Transportation;
570 (e) owners of property within the station area; and
571 (f) the municipality's residents and business owners.
- 572 (10) (a) A municipality that is required to develop and adopt a station area plan for a
573 station area under this section shall submit to the applicable metropolitan planning organization
574 and the applicable public transit district documentation evidencing that the municipality has
575 satisfied the requirement of Subsection (2)(a)(i) for the station area, including:
- 576 (i) a station area plan; or
577 (ii) a resolution adopted under Subsection (2)(b)(i) or (ii).
- 578 (b) The applicable metropolitan planning organization, in consultation with the
579 applicable public transit district, shall:
- 580 (i) review the documentation submitted under Subsection (10)(a) to determine the
581 municipality's compliance with this section; and
582 (ii) provide written certification to the municipality if the applicable metropolitan
583 planning organization determines that the municipality has satisfied the requirement of
584 Subsection (2)(a)(i) for the station area.
- 585 (c) The municipality shall include the certification described in Subsection (10)(b)(ii)

586 in the municipality's report to the Department of Workforce Services under Section 10-9a-408.

587 Section 4. Section 20A-7-601 is amended to read:

588 **20A-7-601. Referenda -- General signature requirements -- Signature**
589 **requirements for land use laws, subjurisdictional laws, and transit area land use laws --**
590 **Time requirements.**

591 (1) As used in this section:

592 (a) "Number of active voters" means the number of active voters in the county, city, or
593 town on the immediately preceding January 1.

594 (b) "Qualifying county" means a county that has created a small public transit district,
595 as defined in Section 17B-2a-802, on or before January 1, 2022.

596 (c) "Qualifying transit area" means:

597 (i) a station area, as defined in Section 10-9a-403.1, for which the municipality with
598 jurisdiction over the station area has satisfied the requirements of Subsection
599 10-9a-403.1(2)(a)(i), as demonstrated by the adoption of a station area plan or resolution under
600 Subsection 10-9a-403.1(2); or

601 (ii) a housing and transit reinvestment zone, as defined in Section 63N-3-602, created
602 within a qualifying county.

603 (d) "Subjurisdiction" means an area comprised of all precincts and subprecincts in the
604 jurisdiction of a county, city, or town that are subject to a subjurisdictional law.

605 (e) (i) "Subjurisdictional law" means a local law or local obligation law passed by a
606 local legislative body that imposes a tax or other payment obligation on property in an area that
607 does not include all precincts and subprecincts under the jurisdiction of the county, city, town,
608 or metro township.

609 (ii) "Subjurisdictional law" does not include a land use law.

610 (f) "Transit area land use law" means a land use law that relates to the use of land
611 within a qualifying transit area.

612 (g) "Voter participation area" means an area described in Subsection 20A-7-401.3(1)(a)
613 or (2)(b).

614 (2) Except as provided in Subsections (3) through (5), an eligible voter seeking to have
615 a local law passed by the local legislative body submitted to a vote of the people shall obtain
616 legal signatures equal to:

- 617 (a) for a county of the first class:
- 618 (i) 7.75% of the number of active voters in the county; and
- 619 (ii) beginning on January 1, 2020, 7.75% of the number of active voters in at least 75%
- 620 of the county's voter participation areas;
- 621 (b) for a metro township with a population of 100,000 or more, or a city of the first
- 622 class:
- 623 (i) 7.5% of the number of active voters in the metro township or city; and
- 624 (ii) beginning on January 1, 2020, 7.5% of the number of active voters in at least 75%
- 625 of the metro township's or city's voter participation areas;
- 626 (c) for a county of the second class:
- 627 (i) 8% of the number of active voters in the county; and
- 628 (ii) beginning on January 1, 2020, 8% of the number of active voters in at least 75% of
- 629 the county's voter participation areas;
- 630 (d) for a metro township with a population of 65,000 or more but less than 100,000, or
- 631 a city of the second class:
- 632 (i) 8.25% of the number of active voters in the metro township or city; and
- 633 (ii) beginning on January 1, 2020, 8.25% of the number of active voters in at least 75%
- 634 of the metro township's or city's voter participation areas;
- 635 (e) for a county of the third class:
- 636 (i) 9.5% of the number of active voters in the county; and
- 637 (ii) beginning on January 1, 2020, 9.5% of the number of active voters in at least 75%
- 638 of the county's voter participation areas;
- 639 (f) for a metro township with a population of 30,000 or more but less than 65,000, or a
- 640 city of the third class:
- 641 (i) 10% of the number of active voters in the metro township or city; and
- 642 (ii) beginning on January 1, 2020, 10% of the number of active voters in at least 75%
- 643 of the metro township's or city's voter participation areas;
- 644 (g) for a county of the fourth class:
- 645 (i) 11.5% of the number of active voters in the county; and
- 646 (ii) beginning on January 1, 2020, 11.5% of the number of active voters in at least 75%
- 647 of the county's voter participation areas;

648 (h) for a metro township with a population of 10,000 or more but less than 30,000, or a
649 city of the fourth class:

650 (i) 11.5% of the number of active voters in the metro township or city; and

651 (ii) beginning on January 1, 2020, 11.5% of the number of active voters in at least 75%
652 of the metro township's or city's voter participation areas;

653 (i) for a metro township with a population of 1,000 or more but less than 10,000, a city
654 of the fifth class, or a county of the fifth class, 25% of the number of active voters in the metro
655 township, city, or county; or

656 (j) for a metro township with a population of less than 1,000, a town, or a county of the
657 sixth class, 35% of the number of active voters in the metro township, town, or county.

658 (3) Except as provided in Subsection (4) or (5), an eligible voter seeking to have a land
659 use law or local obligation law passed by the local legislative body submitted to a vote of the
660 people shall obtain legal signatures equal to:

661 (a) for a county of the first, second, third, or fourth class:

662 (i) 16% of the number of active voters in the county; and

663 (ii) beginning on January 1, 2020, 16% of the number of active voters in at least 75%
664 of the county's voter participation areas;

665 (b) for a county of the fifth or sixth class:

666 (i) 16% of the number of active voters in the county; and

667 (ii) beginning on January 1, 2020, 16% of the number of active voters in at least 75%
668 of the county's voter participation areas;

669 (c) for a metro township with a population of 100,000 or more, or a city of the first
670 class:

671 (i) 15% of the number of active voters in the metro township or city; and

672 (ii) beginning on January 1, 2020, 15% of the number of active voters in at least 75%
673 of the metro township's or city's voter participation areas;

674 (d) for a metro township with a population of 65,000 or more but less than 100,000, or
675 a city of the second class:

676 (i) 16% of the number of active voters in the metro township or city; and

677 (ii) beginning on January 1, 2020, 16% of the number of active voters in at least 75%
678 of the metro township's or city's voter participation areas;

679 (e) for a metro township with a population of 30,000 or more but less than 65,000, or a
680 city of the third class:

681 (i) 27.5% of the number of active voters in the metro township or city; and

682 (ii) beginning on January 1, 2020, 27.5% of the number of active voters in at least 75%
683 of the metro township's or city's voter participation areas;

684 (f) for a metro township with a population of 10,000 or more but less than 30,000, or a
685 city of the fourth class:

686 (i) 29% of the number of active voters in the metro township or city; and

687 (ii) beginning on January 1, 2020, 29% of the number of active voters in at least 75%
688 of the metro township's or city's voter participation areas;

689 (g) for a metro township with a population of 1,000 or more but less than 10,000, or a
690 city of the fifth class, 35% of the number of active voters in the metro township or city; or

691 (h) for a metro township with a population of less than 1,000 or a town, 40% of the
692 number of active voters in the metro township or town.

693 (4) A person seeking to have a subjurisdictional law passed by the local legislative
694 body submitted to a vote of the people shall obtain legal signatures of the residents in the
695 subjurisdiction equal to:

696 (a) 10% of the number of active voters in the subjurisdiction if the number of active
697 voters exceeds 25,000;

698 (b) 12-1/2% of the number of active voters in the subjurisdiction if the number of
699 active voters does not exceed 25,000 but is more than 10,000;

700 (c) 15% of the number of active voters in the subjurisdiction if the number of active
701 voters does not exceed 10,000 but is more than 2,500;

702 (d) 20% of the number of active voters in the subjurisdiction if the number of active
703 voters does not exceed 2,500 but is more than 500;

704 (e) 25% of the number of active voters in the subjurisdiction if the number of active
705 voters does not exceed 500 but is more than 250; and

706 (f) 30% of the number of active voters in the subjurisdiction if the number of active
707 voters does not exceed 250.

708 (5) An eligible voter seeking to have a transit area land use law passed by the local
709 legislative body submitted to a vote of the people shall obtain legal signatures equal to:

- 710 (a) for a county:
- 711 (i) 20% of the number of active voters in the county; and
- 712 (ii) 21% of the number of active voters in at least 75% of the county's voter
- 713 participation areas;
- 714 (b) for a metro township with a population of 100,000 or more, or a city of the first
- 715 class:
- 716 (i) 20% of the number of active voters in the metro township or city; and
- 717 (ii) 20% of the number of active voters in at least 75% of the metro township's or city's
- 718 voter participation areas;
- 719 (c) for a metro township with a population of 65,000 or more but less than 100,000, or
- 720 a city of the second class:
- 721 (i) 20% of the number of active voters in the metro township or city; and
- 722 (ii) 21% of the number of active voters in at least 75% of the metro township's or city's
- 723 voter participation areas;
- 724 (d) for a metro township with a population of 30,000 or more but less than 65,000, or a
- 725 city of the third class:
- 726 (i) 34% of the number of active voters in the metro township or city; and
- 727 (ii) 34% of the number of active voters in at least 75% of the metro township's or city's
- 728 voter participation areas;
- 729 (e) for a metro township with a population of 10,000 or more but less than 30,000, or a
- 730 city of the fourth class:
- 731 (i) 36% of the number of active voters in the metro township or city; and
- 732 (ii) 36% of the number of active voters in at least 75% of the metro township's or city's
- 733 voter participation areas; or
- 734 (f) for a metro township with a population less than 10,000, a city of the fifth class, or a
- 735 town, 40% of the number of active voters in the metro township, city, or town.
- 736 (6) Sponsors of any referendum petition challenging, under Subsection (2), (3), (4), or
- 737 (5), any local law passed by a local legislative body shall file the application before 5 p.m.
- 738 within seven days after the day on which the local law was passed.
- 739 (7) Nothing in this section authorizes a local legislative body to impose a tax or other
- 740 payment obligation on a subjurisdiction in order to benefit an area outside of the

741 subjurisdiction.

742 Section 5. Section **41-1a-1201** is amended to read:

743 **41-1a-1201. Disposition of fees.**

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

746 (2) Except as provided in Subsections (3), (6), (7), (8), and (9) and Sections [41-1a-422](#),
747 [41-1a-1205](#), [41-1a-1220](#), [41-1a-1221](#), [41-1a-1222](#), and [41-1a-1223](#) all fees collected under this
748 part shall be deposited into the Transportation Fund.

749 (3) Funds generated under Subsections [41-1a-1211](#)(1)(b)(ii), (6)(b)(ii), and (7) and
750 Section [41-1a-1212](#) may be used by the commission to cover the costs incurred in issuing
751 license plates under Part 4, License Plates and Registration Indicia.

752 (4) In accordance with Section [63J-1-602.2](#), all funds available to the commission for
753 the purchase and distribution of license plates and decals are nonlapsing.

754 (5) (a) Except as provided in Subsections (3) and (5)(b) and Section [41-1a-1205](#), the
755 expenses of the commission in enforcing and administering this part shall be provided for by
756 legislative appropriation from the revenues of the Transportation Fund.

757 (b) Three dollars of the registration fees imposed under Subsections [41-1a-1206](#)(2)(a)
758 and (b) for each vehicle registered for a six-month registration period under Section
759 [41-1a-215.5](#) may be used by the commission to cover the costs incurred in enforcing and
760 administering this part.

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

764 (6) (a) The following portions of the registration fees imposed under Section
765 [41-1a-1206](#) for each vehicle shall be deposited into the Transportation Investment Fund of
766 2005 created under Section [72-2-124](#):

767 (i) \$30 of the registration fees imposed under Subsections [41-1a-1206](#)(1)(a), (1)(b),
768 (1)(f), (4), and (7);

769 (ii) \$21 of the registration fees imposed under Subsections [41-1a-1206](#)(1)(c)(i) and
770 (1)(c)(ii);

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

- 772 (iv) \$23 of the registration fee imposed under Subsection 41-1a-1206(1)(d)(i);
773 (v) \$24.50 of the registration fee imposed under Subsection 41-1a-1206(1)(e)(i); and
774 (vi) \$1 of the registration fee imposed under Subsection 41-1a-1206(1)(d)(ii).
- 775 (b) The following portions of the registration fees collected for each vehicle registered
776 for a six-month registration period under Section 41-1a-215.5 shall be deposited into the
777 Transportation Investment Fund of 2005 created by Section 72-2-124:
- 778 (i) \$23.25 of each registration fee collected under Subsection 41-1a-1206(2)(a)(i); and
779 (ii) \$23 of each registration fee collected under Subsection 41-1a-1206(2)(a)(ii).
- 780 (7) (a) Ninety-four cents of each registration fee imposed under Subsections
781 41-1a-1206(1)(a) and (b) for each vehicle shall be deposited into the Public Safety Restricted
782 Account created in Section 53-3-106.
- 783 (b) Seventy-one cents of each registration fee imposed under Subsections
784 41-1a-1206(2)(a) and (b) for each vehicle registered for a six-month registration period under
785 Section 41-1a-215.5 shall be deposited into the Public Safety Restricted Account created in
786 Section 53-3-106.
- 787 (8) (a) One dollar of each registration fee imposed under Subsections 41-1a-1206(1)(a)
788 and (b) for each vehicle shall be deposited into the Motor Vehicle Safety Impact Restricted
789 Account created in Section 53-8-214.
- 790 (b) One dollar of each registration fee imposed under Subsections 41-1a-1206(2)(a)
791 and (b) for each vehicle registered for a six-month registration period under Section
792 41-1a-215.5 shall be deposited into the Motor Vehicle Safety Impact Restricted Account
793 created in Section 53-8-214.
- 794 (9) Fifty cents of each registration fee imposed under Subsection 41-1a-1206(1)(a) for
795 each motorcycle shall be deposited into the Spinal Cord and Brain Injury Rehabilitation Fund
796 created in Section 26-54-102.
- 797 Section 6. Section 41-6a-102 is amended to read:
- 798 **41-6a-102. Definitions.**
- 799 As used in this chapter:
- 800 (1) "Alley" means a street or highway intended to provide access to the rear or side of
801 lots or buildings in urban districts and not intended for through vehicular traffic.
- 802 (2) "All-terrain type I vehicle" means the same as that term is defined in Section

803 41-22-2.

804 (3) "Authorized emergency vehicle" includes:

805 (a) fire department vehicles;

806 (b) police vehicles;

807 (c) ambulances; and

808 (d) other publicly or privately owned vehicles as designated by the commissioner of the
809 Department of Public Safety.

810 (4) "Autocycle" means the same as that term is defined in Section 53-3-102.

811 (5) (a) "Bicycle" means a wheeled vehicle:

812 (i) propelled by human power by feet or hands acting upon pedals or cranks;

813 (ii) with a seat or saddle designed for the use of the operator;

814 (iii) designed to be operated on the ground; and

815 (iv) whose wheels are not less than 14 inches in diameter.

816 (b) "Bicycle" includes an electric assisted bicycle.

817 (c) "Bicycle" does not include scooters and similar devices.

818 (6) (a) "Bus" means a motor vehicle:

819 (i) designed for carrying more than 15 passengers and used for the transportation of
820 persons; or

821 (ii) designed and used for the transportation of persons for compensation.

822 (b) "Bus" does not include a taxicab.

823 (7) (a) "Circular intersection" means an intersection that has an island, generally
824 circular in design, located in the center of the intersection where traffic passes to the right of
825 the island.

826 (b) "Circular intersection" includes:

827 (i) roundabouts;

828 (ii) rotaries; and

829 (iii) traffic circles.

830 (8) "Class 1 electric assisted bicycle" means an electric assisted bicycle described in

831 Subsection ~~[(17)(d)(i)]~~ (18)(d)(i).

832 (9) "Class 2 electric assisted bicycle" means an electric assisted bicycle described in

833 Subsection ~~[(17)(d)(ii)]~~ (18)(d)(ii).

834 (10) "Class 3 electric assisted bicycle" means an electric assisted bicycle described in
835 Subsection ~~[(17)(d)(iii)]~~ (18)(d)(iii).

836 (11) "Commissioner" means the commissioner of the Department of Public Safety.

837 (12) "Controlled-access highway" means a highway, street, or roadway:

838 (a) designed primarily for through traffic; and

839 (b) to or from which owners or occupants of abutting lands and other persons have no
840 legal right of access, except at points as determined by the highway authority having
841 jurisdiction over the highway, street, or roadway.

842 (13) "Crosswalk" means:

843 (a) that part of a roadway at an intersection included within the connections of the
844 lateral lines of the sidewalks on opposite sides of the highway measured from:

845 (i) (A) the curbs; or

846 (B) in the absence of curbs, from the edges of the traversable roadway; and

847 (ii) in the absence of a sidewalk on one side of the roadway, that part of a roadway
848 included within the extension of the lateral lines of the existing sidewalk at right angles to the
849 centerline; or

850 (b) any portion of a roadway at an intersection or elsewhere distinctly indicated for
851 pedestrian crossing by lines or other markings on the surface.

852 (14) "Department" means the Department of Public Safety.

853 (15) "Direct supervision" means oversight at a distance within which:

854 (a) visual contact is maintained; and

855 (b) advice and assistance can be given and received.

856 (16) "Divided highway" means a highway divided into two or more roadways by:

857 (a) an unpaved intervening space;

858 (b) a physical barrier; or

859 (c) a clearly indicated dividing section constructed to impede vehicular traffic.

860 (17) "Echelon formation" means the operation of two or more snowplows arranged
861 side-by-side or diagonally across multiple lanes of traffic of a multi-lane highway to clear snow
862 from two or more lanes at once.

863 ~~[(17)]~~ (18) "Electric assisted bicycle" means a bicycle with an electric motor that:

864 (a) has a power output of not more than 750 watts;

- 865 (b) has fully operable pedals on permanently affixed cranks;
- 866 (c) is fully operable as a bicycle without the use of the electric motor; and
- 867 (d) is one of the following:
- 868 (i) an electric assisted bicycle equipped with a motor or electronics that:
- 869 (A) provides assistance only when the rider is pedaling; and
- 870 (B) ceases to provide assistance when the bicycle reaches the speed of 20 miles per
- 871 hour;
- 872 (ii) an electric assisted bicycle equipped with a motor or electronics that:
- 873 (A) may be used exclusively to propel the bicycle; and
- 874 (B) is not capable of providing assistance when the bicycle reaches the speed of 20
- 875 miles per hour; or
- 876 (iii) an electric assisted bicycle equipped with a motor or electronics that:
- 877 (A) provides assistance only when the rider is pedaling;
- 878 (B) ceases to provide assistance when the bicycle reaches the speed of 28 miles per
- 879 hour; and
- 880 (C) is equipped with a speedometer.
- 881 ~~[(18)]~~ (19) (a) "Electric personal assistive mobility device" means a self-balancing
- 882 device with:
- 883 (i) two nontandem wheels in contact with the ground;
- 884 (ii) a system capable of steering and stopping the unit under typical operating
- 885 conditions;
- 886 (iii) an electric propulsion system with average power of one horsepower or 750 watts;
- 887 (iv) a maximum speed capacity on a paved, level surface of 12.5 miles per hour; and
- 888 (v) a deck design for a person to stand while operating the device.
- 889 (b) "Electric personal assistive mobility device" does not include a wheelchair.
- 890 ~~[(19)]~~ (20) "Explosives" means a chemical compound or mechanical mixture
- 891 commonly used or intended for the purpose of producing an explosion and that contains any
- 892 oxidizing and combustive units or other ingredients in proportions, quantities, or packing so
- 893 that an ignition by fire, friction, concussion, percussion, or detonator of any part of the
- 894 compound or mixture may cause a sudden generation of highly heated gases, and the resultant
- 895 gaseous pressures are capable of producing destructive effects on contiguous objects or of

896 causing death or serious bodily injury.

897 ~~[(20)]~~ (21) "Farm tractor" means a motor vehicle designed and used primarily as a farm
898 implement, for drawing plows, mowing machines, and other implements of husbandry.

899 ~~[(21)]~~ (22) "Flammable liquid" means a liquid that has a flashpoint of 100 degrees F. or
900 less, as determined by a Tagliabue or equivalent closed-cup test device.

901 ~~[(22)]~~ (23) "Freeway" means a controlled-access highway that is part of the interstate
902 system as defined in Section [72-1-102](#).

903 ~~[(23)]~~ (24) (a) "Golf cart" means a device that:

- 904 (i) is designed for transportation by players on a golf course;
- 905 (ii) has not less than three wheels in contact with the ground;
- 906 (iii) has an unladen weight of less than 1,800 pounds;
- 907 (iv) is designed to operate at low speeds; and
- 908 (v) is designed to carry not more than six persons including the driver.

909 (b) "Golf cart" does not include:

- 910 (i) a low-speed vehicle or an off-highway vehicle;
- 911 (ii) a motorized wheelchair;
- 912 (iii) an electric personal assistive mobility device;
- 913 (iv) an electric assisted bicycle;
- 914 (v) a motor assisted scooter;
- 915 (vi) a personal delivery device, as defined in Section [41-6a-1119](#); or
- 916 (vii) a mobile carrier, as defined in Section [41-6a-1120](#).

917 ~~[(24)]~~ (25) "Gore area" means the area delineated by two solid white lines that is
918 between a continuing lane of a through roadway and a lane used to enter or exit the continuing
919 lane including similar areas between merging or splitting highways.

920 ~~[(25)]~~ (26) "Gross weight" means the weight of a vehicle without a load plus the
921 weight of any load on the vehicle.

922 ~~[(26)]~~ (27) "Hi-rail vehicle" means a roadway maintenance vehicle that is:

- 923 (a) manufactured to meet Federal Motor Vehicle Safety Standards; and
- 924 (b) equipped with retractable flanged wheels that allow the vehicle to travel on a
925 highway or railroad tracks.

926 ~~[(27)]~~ (28) "Highway" means the entire width between property lines of every way or

927 place of any nature when any part of it is open to the use of the public as a matter of right for
928 vehicular travel.

929 ~~[(28)]~~ (29) "Highway authority" means the same as that term is defined in Section
930 72-1-102.

931 ~~[(29)]~~ (30) (a) "Intersection" means the area embraced within the prolongation or
932 connection of the lateral curblines, or, if none, then the lateral boundary lines of the roadways
933 of two or more highways that join one another.

934 (b) Where a highway includes two roadways 30 feet or more apart:

935 (i) every crossing of each roadway of the divided highway by an intersecting highway
936 is a separate intersection; and

937 (ii) if the intersecting highway also includes two roadways 30 feet or more apart, then
938 every crossing of two roadways of the highways is a separate intersection.

939 (c) "Intersection" does not include the junction of an alley with a street or highway.

940 ~~[(30)]~~ (31) "Island" means an area between traffic lanes or at an intersection for control
941 of vehicle movements or for pedestrian refuge designated by:

942 (a) pavement markings, which may include an area designated by two solid yellow
943 lines surrounding the perimeter of the area;

944 (b) channelizing devices;

945 (c) curbs;

946 (d) pavement edges; or

947 (e) other devices.

948 ~~[(31)]~~ (32) "Lane filtering" means, when operating a motorcycle other than an
949 autocycle, the act of overtaking and passing another vehicle that is stopped in the same
950 direction of travel in the same lane.

951 ~~[(32)]~~ (33) "Law enforcement agency" means the same as that term is as defined in
952 Section 53-1-102.

953 ~~[(33)]~~ (34) "Limited access highway" means a highway:

954 (a) that is designated specifically for through traffic; and

955 (b) over, from, or to which neither owners nor occupants of abutting lands nor other
956 persons have any right or easement, or have only a limited right or easement of access, light,
957 air, or view.

958 ~~[(34)]~~ (35) "Local highway authority" means the legislative, executive, or governing
959 body of a county, municipal, or other local board or body having authority to enact laws
960 relating to traffic under the constitution and laws of the state.

961 ~~[(35)]~~ (36) (a) "Low-speed vehicle" means a four wheeled electric motor vehicle that:
962 (i) is designed to be operated at speeds of not more than 25 miles per hour; and
963 (ii) has a capacity of not more than six passengers, including a conventional driver or
964 fallback-ready user if on board the vehicle, as those terms are defined in Section [41-26-102.1](#).
965 (b) "Low-speed vehicle" does not include a golfcart or an off-highway vehicle.

966 ~~[(36)]~~ (37) "Metal tire" means a tire, the surface of which in contact with the highway
967 is wholly or partly of metal or other hard nonresilient material.

968 ~~[(37)]~~ (38) (a) "Mini-motorcycle" means a motorcycle or motor-driven cycle that has a
969 seat or saddle that is less than 24 inches from the ground as measured on a level surface with
970 properly inflated tires.

971 (b) "Mini-motorcycle" does not include a moped or a motor assisted scooter.

972 (c) "Mini-motorcycle" does not include a motorcycle that is:

973 (i) designed for off-highway use; and

974 (ii) registered as an off-highway vehicle under Section [41-22-3](#).

975 ~~[(38)]~~ (39) "Mobile home" means:

976 (a) a trailer or semitrailer that is:

977 (i) designed, constructed, and equipped as a dwelling place, living abode, or sleeping
978 place either permanently or temporarily; and

979 (ii) equipped for use as a conveyance on streets and highways; or

980 (b) a trailer or a semitrailer whose chassis and exterior shell is designed and
981 constructed for use as a mobile home, as defined in Subsection ~~[(38)]~~ (39)(a), but that is
982 instead used permanently or temporarily for:

983 (i) the advertising, sale, display, or promotion of merchandise or services; or

984 (ii) any other commercial purpose except the transportation of property for hire or the
985 transportation of property for distribution by a private carrier.

986 ~~[(39)]~~ (40) "Mobility disability" means the inability of a person to use one or more of
987 the person's extremities or difficulty with motor skills, that may include limitations with
988 walking, grasping, or lifting an object, caused by a neuro-muscular, orthopedic, or other

989 condition.

990 ~~[(40)]~~ (41) (a) "Moped" means a motor-driven cycle having:

991 (i) pedals to permit propulsion by human power; and

992 (ii) a motor that:

993 (A) produces not more than two brake horsepower; and

994 (B) is not capable of propelling the cycle at a speed in excess of 30 miles per hour on
995 level ground.

996 (b) If an internal combustion engine is used, the displacement may not exceed 50 cubic
997 centimeters and the moped shall have a power drive system that functions directly or
998 automatically without clutching or shifting by the operator after the drive system is engaged.

999 (c) "Moped" does not include:

1000 (i) an electric assisted bicycle; or

1001 (ii) a motor assisted scooter.

1002 ~~[(41)]~~ (42) (a) "Motor assisted scooter" means a self-propelled device with:

1003 (i) at least two wheels in contact with the ground;

1004 (ii) a braking system capable of stopping the unit under typical operating conditions;

1005 (iii) an electric motor not exceeding 2,000 watts;

1006 (iv) either:

1007 (A) handlebars and a deck design for a person to stand while operating the device; or

1008 (B) handlebars and a seat designed for a person to sit, straddle, or stand while operating
1009 the device;

1010 (v) a design for the ability to be propelled by human power alone; and

1011 (vi) a maximum speed of 20 miles per hour on a paved level surface.

1012 (b) "Motor assisted scooter" does not include:

1013 (i) an electric assisted bicycle; or

1014 (ii) a motor-driven cycle.

1015 ~~[(42)]~~ (43) (a) "Motor vehicle" means a vehicle that is self-propelled and a vehicle that
1016 is propelled by electric power obtained from overhead trolley wires, but not operated upon
1017 rails.

1018 (b) "Motor vehicle" does not include:

1019 (i) vehicles moved solely by human power;

- 1020 (ii) motorized wheelchairs;
- 1021 (iii) an electric personal assistive mobility device;
- 1022 (iv) an electric assisted bicycle;
- 1023 (v) a motor assisted scooter;
- 1024 (vi) a personal delivery device, as defined in Section [41-6a-1119](#); or
- 1025 (vii) a mobile carrier, as defined in Section [41-6a-1120](#).
- 1026 [~~43~~] [\(44\)](#) "Motorcycle" means:
- 1027 (a) a motor vehicle, other than a tractor, having a seat or saddle for the use of the rider
- 1028 and designed to travel with not more than three wheels in contact with the ground; or
- 1029 (b) an auticycle.
- 1030 [~~44~~] [\(45\)](#) (a) "Motor-driven cycle" means a motorcycle, moped, and a motorized
- 1031 bicycle having:
- 1032 (i) an engine with less than 150 cubic centimeters displacement; or
- 1033 (ii) a motor that produces not more than five horsepower.
- 1034 (b) "Motor-driven cycle" does not include:
- 1035 (i) an electric personal assistive mobility device;
- 1036 (ii) a motor assisted scooter; or
- 1037 (iii) an electric assisted bicycle.
- 1038 [~~45~~] [\(46\)](#) "Off-highway implement of husbandry" means the same as that term is
- 1039 defined under Section [41-22-2](#).
- 1040 [~~46~~] [\(47\)](#) "Off-highway vehicle" means the same as that term is defined under Section
- 1041 [41-22-2](#).
- 1042 [~~47~~] [\(48\)](#) "Operate" means the same as that term is defined in Section [41-1a-102](#).
- 1043 [~~48~~] [\(49\)](#) "Operator" means:
- 1044 (a) a human driver, as defined in Section [41-26-102.1](#), that operates a vehicle; or
- 1045 (b) an automated driving system, as defined in Section [41-26-102.1](#), that operates a
- 1046 vehicle.
- 1047 [~~49~~] [\(50\)](#) "Other on-track equipment" means a railroad car, hi-rail vehicle, rolling
- 1048 stock, or other device operated, alone or coupled with another device, on stationary rails.
- 1049 [~~50~~] [\(51\)](#) (a) "Park" or "parking" means the standing of a vehicle, whether the vehicle
- 1050 is occupied or not.

- 1051 (b) "Park" or "parking" does not include:
- 1052 (i) the standing of a vehicle temporarily for the purpose of and while actually engaged
- 1053 in loading or unloading property or passengers; or
- 1054 (ii) a motor vehicle with an engaged automated driving system that has achieved a
- 1055 minimal risk condition, as those terms are defined in Section [41-26-102.1](#).
- 1056 [~~51~~] [\(52\)](#) "Peace officer" means a peace officer authorized under Title 53, Chapter 13,
- 1057 Peace Officer Classifications, to direct or regulate traffic or to make arrests for violations of
- 1058 traffic laws.
- 1059 [~~52~~] [\(53\)](#) "Pedestrian" means a person traveling:
- 1060 (a) on foot; or
- 1061 (b) in a wheelchair.
- 1062 [~~53~~] [\(54\)](#) "Pedestrian traffic-control signal" means a traffic-control signal used to
- 1063 regulate pedestrians.
- 1064 [~~54~~] [\(55\)](#) "Person" means a natural person, firm, copartnership, association,
- 1065 corporation, business trust, estate, trust, partnership, limited liability company, association,
- 1066 joint venture, governmental agency, public corporation, or any other legal or commercial entity.
- 1067 [~~55~~] [\(56\)](#) "Pole trailer" means a vehicle without motive power:
- 1068 (a) designed to be drawn by another vehicle and attached to the towing vehicle by
- 1069 means of a reach, or pole, or by being boomed or otherwise secured to the towing vehicle; and
- 1070 (b) that is ordinarily used for transporting long or irregular shaped loads including
- 1071 poles, pipes, or structural members generally capable of sustaining themselves as beams
- 1072 between the supporting connections.
- 1073 [~~56~~] [\(57\)](#) "Private road or driveway" means every way or place in private ownership
- 1074 and used for vehicular travel by the owner and those having express or implied permission
- 1075 from the owner, but not by other persons.
- 1076 [~~57~~] [\(58\)](#) "Railroad" means a carrier of persons or property upon cars operated on
- 1077 stationary rails.
- 1078 [~~58~~] [\(59\)](#) "Railroad sign or signal" means a sign, signal, or device erected by
- 1079 authority of a public body or official or by a railroad and intended to give notice of the presence
- 1080 of railroad tracks or the approach of a railroad train.
- 1081 [~~59~~] [\(60\)](#) "Railroad train" means a locomotive propelled by any form of energy,

1082 coupled with or operated without cars, and operated upon rails.

1083 ~~[(60)]~~ (61) "Right-of-way" means the right of one vehicle or pedestrian to proceed in a
1084 lawful manner in preference to another vehicle or pedestrian approaching under circumstances
1085 of direction, speed, and proximity that give rise to danger of collision unless one grants
1086 precedence to the other.

1087 ~~[(61)]~~ (62) (a) "Roadway" means that portion of highway improved, designed, or
1088 ordinarily used for vehicular travel.

1089 (b) "Roadway" does not include the sidewalk, berm, or shoulder, even though any of
1090 them are used by persons riding bicycles or other human-powered vehicles.

1091 (c) "Roadway" refers to any roadway separately but not to all roadways collectively, if
1092 a highway includes two or more separate roadways.

1093 ~~[(62)]~~ (63) "Safety zone" means the area or space officially set apart within a roadway
1094 for the exclusive use of pedestrians and that is protected, marked, or indicated by adequate
1095 signs as to be plainly visible at all times while set apart as a safety zone.

1096 ~~[(63)]~~ (64) (a) "School bus" means a motor vehicle that:

1097 (i) complies with the color and identification requirements of the most recent edition of
1098 "Minimum Standards for School Buses"; and

1099 (ii) is used to transport school children to or from school or school activities.

1100 (b) "School bus" does not include a vehicle operated by a common carrier in
1101 transportation of school children to or from school or school activities.

1102 ~~[(64)]~~ (65) (a) "Semitrailer" means a vehicle with or without motive power:

1103 (i) designed for carrying persons or property and for being drawn by a motor vehicle;
1104 and

1105 (ii) constructed so that some part of its weight and that of its load rests on or is carried
1106 by another vehicle.

1107 (b) "Semitrailer" does not include a pole trailer.

1108 ~~[(65)]~~ (66) "Shoulder area" means:

1109 (a) that area of the hard-surfaced highway separated from the roadway by a pavement
1110 edge line as established in the current approved "Manual on Uniform Traffic Control Devices";
1111 or

1112 (b) that portion of the road contiguous to the roadway for accommodation of stopped

1113 vehicles, for emergency use, and for lateral support.

1114 ~~[(66)]~~ (67) "Sidewalk" means that portion of a street between the curb lines, or the
1115 lateral lines of a roadway, and the adjacent property lines intended for the use of pedestrians.

1116 ~~[(67)]~~ (68) (a) "Soft-surface trail" means a marked trail surfaced with sand, rock, or dirt
1117 that is designated for the use of a bicycle.

1118 (b) "Soft-surface trail" does not mean a trail:

1119 (i) where the use of a motor vehicle or an electric assisted bicycle is prohibited by a
1120 federal law, regulation, or rule; or

1121 (ii) located in whole or in part on land granted to the state or a political subdivision
1122 subject to a conservation easement that prohibits the use of a motorized vehicle.

1123 ~~[(68)]~~ (69) "Solid rubber tire" means a tire of rubber or other resilient material that
1124 does not depend on compressed air for the support of the load.

1125 ~~[(69)]~~ (70) "Stand" or "standing" means the temporary halting of a vehicle, whether
1126 occupied or not, for the purpose of and while actually engaged in receiving or discharging
1127 passengers.

1128 ~~[(70)]~~ (71) "Stop" when required means complete cessation from movement.

1129 ~~[(71)]~~ (72) "Stop" or "stopping" when prohibited means any halting even momentarily
1130 of a vehicle, whether occupied or not, except when:

1131 (a) necessary to avoid conflict with other traffic; or

1132 (b) in compliance with the directions of a peace officer or traffic-control device.

1133 ~~[(72)]~~ (73) "Street-legal all-terrain vehicle" or "street-legal ATV" means an all-terrain
1134 type I vehicle, all-terrain type II vehicle, or all-terrain type III vehicle, that is modified to meet
1135 the requirements of Section 41-6a-1509 to operate on highways in the state in accordance with
1136 Section 41-6a-1509.

1137 ~~[(73)]~~ (74) "Tow truck operator" means the same as that term is defined in Section
1138 72-9-102.

1139 ~~[(74)]~~ (75) "Tow truck motor carrier" means the same as that term is defined in Section
1140 72-9-102.

1141 ~~[(75)]~~ (76) "Traffic" means pedestrians, ridden or herded animals, vehicles, and other
1142 conveyances either singly or together while using any highway for the purpose of travel.

1143 ~~[(76)]~~ (77) "Traffic signal preemption device" means an instrument or mechanism

1144 designed, intended, or used to interfere with the operation or cycle of a traffic-control signal.

1145 ~~[(77)]~~ (78) "Traffic-control device" means a sign, signal, marking, or device not
1146 inconsistent with this chapter placed or erected by a highway authority for the purpose of
1147 regulating, warning, or guiding traffic.

1148 ~~[(78)]~~ (79) "Traffic-control signal" means a device, whether manually, electrically, or
1149 mechanically operated, by which traffic is alternately directed to stop and permitted to proceed.

1150 ~~[(79)]~~ (80) (a) "Trailer" means a vehicle with or without motive power designed for
1151 carrying persons or property and for being drawn by a motor vehicle and constructed so that no
1152 part of its weight rests upon the towing vehicle.

1153 (b) "Trailer" does not include a pole trailer.

1154 ~~[(80)]~~ (81) "Truck" means a motor vehicle designed, used, or maintained primarily for
1155 the transportation of property.

1156 ~~[(81)]~~ (82) "Truck tractor" means a motor vehicle:

1157 (a) designed and used primarily for drawing other vehicles; and

1158 (b) constructed to carry a part of the weight of the vehicle and load drawn by the truck
1159 tractor.

1160 ~~[(82)]~~ (83) "Two-way left turn lane" means a lane:

1161 (a) provided for vehicle operators making left turns in either direction;

1162 (b) that is not used for passing, overtaking, or through travel; and

1163 (c) that has been indicated by a lane traffic-control device that may include lane
1164 markings.

1165 ~~[(83)]~~ (84) "Urban district" means the territory contiguous to and including any street,
1166 in which structures devoted to business, industry, or dwelling houses are situated at intervals of
1167 less than 100 feet, for a distance of a quarter of a mile or more.

1168 ~~[(84)]~~ (85) "Vehicle" means a device in, on, or by which a person or property is or may
1169 be transported or drawn on a highway, except a mobile carrier, as defined in Section
1170 [41-6a-1120](#), or a device used exclusively on stationary rails or tracks.

1171 Section 7. Section **41-6a-704** is amended to read:

1172 **41-6a-704. Overtaking and passing vehicles proceeding in same direction.**

1173 (1) (a) ~~[(85)]~~ Except as provided in Section [41-6a-718](#), on any highway:

1174 (i) the operator of a vehicle overtaking another vehicle proceeding in the same

1175 direction shall:

1176 (A) except as provided under Section 41-6a-705, promptly pass the overtaken vehicle
1177 on the left at a safe distance; and

1178 (B) enter a right-hand lane or the right side of the roadway only when safely clear of
1179 the overtaken vehicle;

1180 (ii) the operator of an overtaken vehicle:

1181 (A) shall give way to the right in favor of the overtaking vehicle; and

1182 (B) may not increase the speed of the vehicle until completely passed by the overtaking
1183 vehicle.

1184 (b) The exemption from the minimum speed regulations for a vehicle operating on a
1185 grade under Section 41-6a-605 does not exempt the vehicle from promptly passing a vehicle as
1186 required under Subsection (1)(a)(i)(A).

1187 (2) On a highway having more than one lane in the same direction, the operator of a
1188 vehicle traveling in the left general purpose lane:

1189 (a) shall, upon being overtaken by another vehicle in the same lane, yield to the
1190 overtaking vehicle by moving safely to a lane to the right; and

1191 (b) may not impede the movement or free flow of traffic in the left general purpose
1192 lane.

1193 (3) An operator of a vehicle traveling in the left general purpose lane that has a vehicle
1194 following directly behind the operator's vehicle at a distance so that less than two seconds
1195 elapse before reaching the location of the operator's vehicle when space is available for the
1196 operator to yield to the overtaking vehicle by traveling in the right-hand lane is prima facie
1197 evidence that the operator is violating Subsection (2).

1198 (4) The provisions of Subsection (2) do not apply to an operator of a vehicle traveling
1199 in the left general purpose lane when:

1200 (a) overtaking and passing another vehicle proceeding in the same direction in
1201 accordance with Subsection (1)(a)(i);

1202 (b) preparing to turn left or taking a different highway or an exit on the left;

1203 (c) responding to emergency conditions;

1204 (d) avoiding actual or potential traffic moving onto the highway from an acceleration
1205 or merging lane; or

1206 (e) following the direction of a traffic-control device that directs the use of a designated
1207 lane.

1208 (5) An individual may engage in lane filtering only when the following conditions
1209 exist:

1210 (a) the individual is operating a motorcycle;

1211 (b) the individual is on a roadway divided into two or more adjacent traffic lanes in the
1212 same direction of travel;

1213 (c) the individual is on a roadway with a speed limit of 45 miles per hour or less;

1214 (d) the vehicle being overtaken in the same lane is stopped;

1215 (e) the motorcycle is traveling at a speed of 15 miles per hour or less; and

1216 (f) the movement may be made safely.

1217 (6) A violation of Subsection (1), (2), or (5) is an infraction.

1218 Section 8. Section **41-6a-705** is amended to read:

1219 **41-6a-705. Passing on right -- When permissible.**

1220 (1) [~~The~~] Subject to Section [41-6a-718](#), the operator of a vehicle may overtake and
1221 pass on the right of another vehicle only:

1222 (a) when the vehicle overtaken is making or preparing to make a left turn; or

1223 (b) on a roadway with unobstructed pavement of sufficient width for two or more lines
1224 of vehicles moving lawfully in the direction being traveled by the overtaking vehicle.

1225 (2) The operator of a vehicle may overtake and pass another vehicle on the right only
1226 under conditions permitting the movement with safety.

1227 (3) Except for a person operating a bicycle, the operator of a vehicle may not overtake
1228 and pass another vehicle if the movement is made by driving off the roadway.

1229 (4) A violation of this section is an infraction.

1230 Section 9. Section **41-6a-718** is enacted to read:

1231 **41-6a-718. Operation of a snowplow -- Approaching a snowplow -- Prohibition to**
1232 **pass.**

1233 (1) (a) A snowplow operator shall ensure that a snowplow in operation on a highway
1234 displays flashing yellow lights.

1235 (b) An individual operating a snowplow as an agent of a highway authority, while
1236 engaged in the removal of snow or ice on a highway, may not be charged with a violation under

1237 this chapter related to parking, standing, turning, backing, or yielding the right-of-way.

1238 (c) Notwithstanding the exemptions described in Subsection (1)(b), an individual

1239 operating a snowplow shall operate the snowplow with reasonable care.

1240 (2) If a snowplow is displaying flashing yellow lights, an individual operating a vehicle

1241 in the vicinity of the snowplow may not pass or overtake a snowplow on a side of the

1242 snowplow where a plow blade is deployed.

1243 (3) If two or more snowplows are operating in echelon formation, an individual

1244 operating a vehicle in the vicinity of the snowplows may not overtake or pass the snowplows

1245 on either side of the snowplows.

1246 (4) A violation of Subsection (2) or (3) is an infraction.

1247 Section 10. Section **41-6a-904** is amended to read:

1248 **41-6a-904. Approaching emergency vehicle -- Necessary signals -- Stationary**

1249 **emergency vehicle -- Duties of respective operators.**

1250 (1) Except when otherwise directed by a peace officer, the operator of a vehicle, upon

1251 the immediate approach of an authorized emergency vehicle using audible or visual signals

1252 under Section [41-6a-212](#) or [41-6a-1625](#), shall:

1253 (a) yield the right-of-way and immediately move to a position parallel to, and as close
1254 as possible to, the right-hand edge or curb of the highway, clear of any intersection; and

1255 (b) then stop and remain stopped until the authorized emergency vehicle has passed.

1256 (2) (a) The operator of a vehicle, upon approaching a stationary authorized emergency
1257 vehicle that is displaying alternately flashing red, red and white, or red and blue lights, shall:

1258 (i) reduce the speed of the vehicle;

1259 (ii) provide as much space as practical to the stationary authorized emergency vehicle;

1260 and

1261 (iii) if traveling in a lane adjacent to the stationary authorized emergency vehicle and if

1262 practical, with due regard to safety and traffic conditions, make a lane change into a lane not

1263 adjacent to the authorized emergency vehicle.

1264 (b) (i) If the operator of a vehicle is traveling in an HOV lane, upon approaching a

1265 stationary authorized emergency vehicle that is displaying alternately flashing red, red and

1266 white, or red and blue lights, the requirements in Subsection (2)(a) apply.

1267 (ii) The operator of a vehicle traveling in an HOV lane, upon approaching a stationary

1268 authorized emergency vehicle that is displaying alternately flashing red, red and white, or red
1269 and blue lights, shall, if practical, with due regard to safety and traffic conditions, make a lane
1270 change out of the HOV lane into a lane not adjacent to the authorized emergency vehicle.

1271 (3) (a) The operator of a vehicle, upon approaching a stationary tow truck or highway
1272 maintenance vehicle that is displaying flashing amber lights, shall:

1273 (i) reduce the speed of the vehicle;

1274 (ii) provide as much space as practical to the stationary tow truck or highway
1275 maintenance vehicle; and

1276 (iii) if traveling in a lane adjacent to the stationary tow truck or highway maintenance
1277 vehicle, if practical and with due regard to safety and traffic conditions, make a lane change
1278 into a lane not adjacent to the tow truck or highway maintenance vehicle.

1279 (b) (i) If the operator of a vehicle is traveling in an HOV lane, upon approaching a
1280 stationary tow truck or highway maintenance vehicle that is displaying flashing amber lights,
1281 the requirements in Subsection (3)(a) apply.

1282 (ii) The operator of a vehicle traveling in an HOV lane, upon approaching a stationary
1283 tow truck or highway maintenance vehicle that is displaying flashing amber lights, shall, if
1284 practical, with due regard to safety and traffic conditions, make a lane change out of the HOV
1285 lane into a lane not adjacent to the tow truck or highway maintenance vehicle.

1286 (4) (a) The operator of a vehicle, upon approaching a stationary vehicle adjacent to a
1287 highway that is not parked in an apparent legal parking area that has flashing hazard lights
1288 illuminated, shall:

1289 (i) reduce the speed of the vehicle;

1290 (ii) provide as much space as practical to the stationary vehicle; and

1291 (iii) if traveling in a lane adjacent to the stationary vehicle, if practical and with due
1292 regard to safety and traffic conditions, make a lane change into a lane not adjacent to the
1293 stationary vehicle.

1294 (b) (i) If the operator of a vehicle is traveling in an HOV lane, upon approaching a
1295 stationary vehicle as described in Subsection (4)(a), the requirements in Subsection (4)(a)
1296 apply.

1297 (ii) The operator of a vehicle traveling in an HOV lane, upon approaching a stationary
1298 vehicle as described in Subsection (4)(a), shall, if practical, with due regard to safety and traffic

1299 conditions, make a lane change out of the HOV lane into a lane not adjacent to the stationary
1300 vehicle.

1301 ~~[(4)]~~ (5) When an authorized emergency vehicle is using audible or visual signals
1302 under Section 41-6a-212 or 41-6a-1625, the operator of a vehicle may not:

1303 (a) follow closer than 500 feet behind the authorized emergency vehicle;

1304 (b) pass the authorized emergency vehicle, if the authorized emergency vehicle is
1305 moving; or

1306 (c) stop the vehicle within 500 feet of a fire apparatus which has stopped in answer to a
1307 fire alarm.

1308 ~~[(5)]~~ (6) This section does not relieve the operator of an authorized emergency vehicle,
1309 tow truck, or highway maintenance vehicle from the duty to drive with regard for the safety of
1310 all persons using the highway.

1311 ~~[(6)]~~ (7) (a) (i) In addition to the penalties prescribed under Subsection ~~[(8)]~~ (9), a
1312 person who violates this section shall attend a four hour live classroom defensive driving
1313 course approved by:

1314 (A) the Driver License Division; or

1315 (B) a court in this state.

1316 (ii) Upon completion of the four hour live classroom course under Subsection
1317 ~~[(6)(a)(i)]~~ (7)(a)(i), the person shall provide to the Driver License Division a certificate of
1318 attendance of the classroom course.

1319 (b) The Driver License Division shall suspend a person's driver license for a period of
1320 90 days if the person:

1321 (i) violates a provision of Subsections (1) through (3); and

1322 (ii) fails to meet the requirements of Subsection ~~[(6)(a)(i)]~~ (7)(a)(i), within 90 days of
1323 sentencing for or pleading guilty to a violation of this section.

1324 (c) Notwithstanding the provisions of Subsection ~~[(6)(b)]~~ (7)(b), the Driver License
1325 Division shall shorten the 90-day suspension period imposed under Subsection ~~[(6)(b)]~~ (7)(b)
1326 effective immediately upon receiving a certificate of attendance of the four hour live classroom
1327 course required under Subsection ~~[(6)(a)(i)]~~ (7)(a)(i), if the certificate of attendance is received
1328 before the completion of the suspension period.

1329 (d) A person whose license is suspended under Subsection ~~[(6)(b)]~~ (7)(b) and a person

1330 whose suspension is shortened as described under Subsection [~~(6)(c)~~] (7)(c) shall pay the
1331 license reinstatement fees under Subsection 53-3-105(26).

1332 [~~(7)~~] (8) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
1333 Act, the Driver License Division shall make rules to implement the provisions of this part.

1334 [~~(8)~~] (9) A violation of Subsection (1), (2), (3), [~~or~~] (4), or (5) is an infraction.

1335 Section 11. Section **53-3-109** is amended to read:

1336 **53-3-109. Records -- Access -- Fees -- Rulemaking.**

1337 (1) (a) Except as provided in this section, all records of the division shall be classified
1338 and disclosed in accordance with Title 63G, Chapter 2, Government Records Access and
1339 Management Act.

1340 (b) The division may disclose personal identifying information in accordance with 18
1341 U.S.C. Chapter 123:

1342 (i) to a licensed private investigator holding a valid agency license, with a legitimate
1343 business need;

1344 (ii) to an insurer, insurance support organization, or a self-insured entity, or its agents,
1345 employees, or contractors that issues any motor vehicle insurance under Title 31A, Chapter 22,
1346 Part 3, Motor Vehicle Insurance, for use in connection with claims investigation activities,
1347 antifraud activities, rating, or underwriting for any person issued a license certificate under this
1348 chapter;

1349 (iii) to a depository institution as that term is defined in Section 7-1-103;

1350 (iv) to the State Tax Commission for the purposes of tax fraud detection and
1351 prevention and any other use required by law;

1352 (v) subject to Subsection (7), to the University of Utah for data collection in relation to
1353 genetic and epidemiologic research; or

1354 (vi) (A) to a government entity, including any court or law enforcement agency, to
1355 fulfill the government entity's functions; or

1356 (B) to a private person acting on behalf of a government entity to fulfill the government
1357 entity's functions, if the division determines disclosure of the information is in the interest of
1358 public safety.

1359 (2) (a) A person who receives personal identifying information shall be advised by the
1360 division that the person may not:

1361 (i) disclose the personal identifying information from that record to any other person;

1362 or

1363 (ii) use the personal identifying information from that record for advertising or
1364 solicitation purposes.

1365 (b) Any use of personal identifying information by an insurer or insurance support
1366 organization, or by a self-insured entity or its agents, employees, or contractors not authorized
1367 by Subsection (1)(b)(ii) is:

1368 (i) an unfair marketing practice under Section 31A-23a-402; or

1369 (ii) an unfair claim settlement practice under Subsection 31A-26-303(3).

1370 (3) (a) Notwithstanding the provisions of Subsection (1)(b), the division or its designee
1371 may disclose portions of a driving record, in accordance with this Subsection (3), to:

1372 (i) an insurer as defined under Section 31A-1-301, or a designee of an insurer, for
1373 purposes of assessing driving risk on the insurer's current motor vehicle insurance
1374 policyholders;

1375 (ii) an employer or a designee of an employer, for purposes of monitoring the driving
1376 record and status of current employees who drive as a responsibility of the employee's
1377 employment if the requester demonstrates that the requester has obtained the written consent of
1378 the individual to whom the information pertains; and

1379 (iii) an employer or the employer's agents to obtain or verify information relating to a
1380 holder of a commercial driver license that is required under 49 U.S.C. Chapter 313.

1381 (b) A disclosure under Subsection (3)(a)(i) shall:

1382 (i) include the licensed driver's name, driver license number, date of birth, and an
1383 indication of whether the driver has had a moving traffic violation that is a reportable violation,
1384 as defined under Section 53-3-102 during the previous month;

1385 (ii) be limited to the records of drivers who, at the time of the disclosure, are covered
1386 under a motor vehicle insurance policy of the insurer; and

1387 (iii) be made under a contract with the insurer or a designee of an insurer.

1388 (c) A disclosure under Subsection (3)(a)(ii) or (iii) shall:

1389 (i) include the licensed driver's name, driver license number, date of birth, and an
1390 indication of whether the driver has had a moving traffic violation that is a reportable violation,
1391 as defined under Section 53-3-102, during the previous month;

- 1392 (ii) be limited to the records of a current employee of an employer;
- 1393 (iii) be made under a contract with the employer or a designee of an employer; and
- 1394 (iv) include an indication of whether the driver has had a change reflected in the
- 1395 driver's:
- 1396 (A) driving status;
- 1397 (B) license class;
- 1398 (C) medical self-certification status; or
- 1399 (D) medical examiner's certificate under 49 C.F.R. Sec. 391.45.
- 1400 (d) The contract under Subsection (3)(b)(iii) or (c)(iii) shall specify:
- 1401 (i) the criteria for searching and compiling the driving records being requested;
- 1402 (ii) the frequency of the disclosures;
- 1403 (iii) the format of the disclosures, which may be in bulk electronic form; and
- 1404 (iv) a reasonable charge for the driving record disclosures under this Subsection (3).
- 1405 (4) The division may charge fees:
- 1406 (a) in accordance with Section [53-3-105](#) for searching and compiling its files or
- 1407 furnishing a report on the driving record of a person;
- 1408 (b) for each document prepared under the seal of the division and deliver upon request,
- 1409 a certified copy of any record of the division, and charge a fee set in accordance with Section
- 1410 [63J-1-504](#) for each document authenticated; and
- 1411 (c) established in accordance with the procedures and requirements of Section
- 1412 [63J-1-504](#) for disclosing personal identifying information under Subsection (1)(b).
- 1413 (5) Each certified copy of a driving record furnished in accordance with this section is
- 1414 admissible in any court proceeding in the same manner as the original.
- 1415 (6) (a) A driving record furnished under this section may only report on the driving
- 1416 record of a person for a period of 10 years.
- 1417 (b) Subsection (6)(a) does not apply to court or law enforcement reports, reports of
- 1418 commercial driver license violations, or reports for commercial driver license holders.
- 1419 (7) (a) The division shall include on each application for or renewal of a license or
- 1420 identification card under this chapter:
- 1421 (i) the following notice: "The Driver License Division may disclose the information
- 1422 provided on this form to an entity described in Utah Code Ann. Subsection

1423 53-3-109(1)(b)(v).";

1424 (ii) a reference to the website described in Subsection (7)(b); and

1425 (iii) a link to the division website for:

1426 (A) information provided by the division, after consultation with the University of

1427 Utah, containing the explanation and description described in Subsection (7)(b); and

1428 (B) an online form for the individual to opt out of the disclosure of personal identifying

1429 information as described in Subsection (1)(b)(v).

1430 (b) [~~On or before July 1, 2020, and in~~] In consultation with the division, the University

1431 of Utah shall create a website that provides an explanation and description of:

1432 (i) what information may be disclosed by the division to the University of Utah under

1433 Subsection (1)(b)(v);

1434 (ii) the methods and timing of anonymizing the information;

1435 (iii) for situations where the information is not anonymized:

1436 (A) how the information is used;

1437 (B) how the information is secured;

1438 (C) how long the information is retained; and

1439 (D) who has access to the information;

1440 (iv) research and statistical purposes for which the information is used; and

1441 (v) other relevant details regarding the information.

1442 (c) The website created by the University of Utah described in Subsection (7)(b) shall

1443 include the following:

1444 (i) a link to the division website for an online form for the individual to opt out of the
1445 disclosure of personal identifying information as described in Subsection (1)(b)(v); and

1446 (ii) a link to an online form for the individual to affirmatively choose to remove,
1447 subject to Subsection (7)(e)(ii), personal identifying information from the database controlled
1448 by the University of Utah that was disclosed pursuant to Subsection (1)(b)(v).

1449 (d) In the course of business, the division shall provide information regarding the
1450 disclosure of personal identifying information, including providing on the division website:

1451 (i) a link to the website created under Subsection (7)(b) to provide individuals with
1452 information regarding the disclosure of personal identifying information under Subsection

1453 (1)(b)(v); and

1454 (ii) a link to the division website for:

1455 (A) information provided by the division, after consultation with the University of
1456 Utah, containing the explanation and description described in Subsection (7)(b); and

1457 (B) an online form for the individual to opt out of the disclosure of personal identifying
1458 information as described in Subsection (1)(b)(v).

1459 (e) (i) The division may not disclose the personal identifying information under
1460 Subsection (1)(b)(v) if an individual opts out of the disclosure as described in Subsection
1461 (7)(a)(iii)(B) or (7)(c)(i).

1462 (ii) (A) Except as provided in Subsection (7)(e)(ii)(B), if an individual makes a request
1463 as described in Subsection (7)(c)(ii), the University of Utah shall, within 90 days of receiving
1464 the request, remove and destroy the individual's personal identifying information received
1465 under Subsection (1)(b)(v) from a database controlled by the University of Utah.

1466 (B) The University of Utah is not required to remove an individual's personal
1467 identifying information as described in Subsection (7)(e)(ii)(A) from data released to a research
1468 study before the date of the request described in Subsection (7)(c)(ii).

1469 ~~[(f) (i) Subject to prioritization of the Audit Subcommittee created in Section 36-12-8;
1470 the Office of the Legislative Auditor General shall conduct an audit and issue a report on:]~~

1471 ~~[(A) procedures and safeguards utilized by the University of Utah related to the
1472 security of personal identifying information disclosed pursuant to Subsection (1)(b)(v); and]~~

1473 ~~[(B) potential risks of disclosure or breaches in the security of personal identifying
1474 information disclosed pursuant to Subsection (1)(b)(v).]~~

1475 ~~[(ii) The Office of the Legislative Auditor General shall provide the report described in
1476 Subsection (7)(f)(i) to the Transportation Interim Committee before October 31, 2021.]~~

1477 ~~[(g) (i) The University of Utah shall report to the Transportation Interim Committee
1478 before October 31, 2020, regarding the information described in Subsection (7)(b).]~~

1479 ~~[(ii)]~~ (f) The University of Utah shall conduct a biennial internal information security
1480 audit of the information systems that store the data received pursuant to Subsection (1)(b)(v),
1481 and, beginning in the year 2023, provide a biennial report of the findings of the internal audit to
1482 the Transportation Interim Committee.

1483 (8) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
1484 division may make rules to designate:

- 1485 (a) what information shall be included in a report on the driving record of a person;
- 1486 (b) the form of a report or copy of the report which may include electronic format;
- 1487 (c) the form of a certified copy, as required under Section 53-3-216, which may include
- 1488 electronic format;
- 1489 (d) the form of a signature required under this chapter which may include electronic
- 1490 format;
- 1491 (e) the form of written request to the division required under this chapter which may
- 1492 include electronic format;
- 1493 (f) the procedures, requirements, and formats for disclosing personal identifying
- 1494 information under Subsection (1)(b); and
- 1495 (g) the procedures, requirements, and formats necessary for the implementation of
- 1496 Subsection (3).
- 1497 (9) (a) It is a class B misdemeanor for a person to knowingly or intentionally access,
- 1498 use, disclose, or disseminate a record created or maintained by the division or any information
- 1499 contained in a record created or maintained by the division for a purpose prohibited or not
- 1500 permitted by statute, rule, regulation, or policy of a governmental entity.
- 1501 (b) A person who discovers or becomes aware of any unauthorized use of records
- 1502 created or maintained by the division shall inform the commissioner and the division director
- 1503 of the unauthorized use.
- 1504 Section 12. Section **63I-1-241** is amended to read:
- 1505 **63I-1-241. Repeal dates: Title 41.**
- 1506 (1) Subsection 41-1a-1201(9), related to the Spinal Cord and Brain Injury
- 1507 Rehabilitation Fund, is repealed January 1, 2025.
- 1508 (2) Section 41-3-106, which creates an advisory board related to motor vehicle
- 1509 business regulation, is repealed July 1, 2024.
- 1510 (3) The following subsections addressing lane filtering are repealed on July 1, 2027:
- 1511 (a) [~~Subsection 41-6a-102(31)~~] the subsection in Section 41-6a-102 that defines "lane
- 1512 filtering";
- 1513 (b) Subsection 41-6a-704(5); and
- 1514 (c) Subsection 41-6a-710(1)(c).
- 1515 (4) Subsection 41-6a-1406(6)(c)(iii), related to the Spinal Cord and Brain Injury

1516 Rehabilitation Fund, is repealed January 1, 2025.

1517 (5) Subsections 41-22-2(1) and 41-22-10(1)(a), which authorize an advisory council
1518 that includes in the advisory council's duties addressing off-highway vehicle issues, are
1519 repealed July 1, 2027.

1520 (6) Subsection 41-22-8(3), related to the Spinal Cord and Brain Injury Rehabilitation
1521 Fund, is repealed January 1, 2025.

1522 Section 13. Section 72-1-202 is amended to read:

1523 **72-1-202. Executive director of department -- Appointment -- Qualifications --**
1524 **Term -- Responsibility -- Power to bring suits -- Salary.**

1525 (1) (a) The governor, with the advice and consent of the Senate, shall appoint an
1526 executive director to be the chief executive officer of the department.

1527 (b) The executive director shall be a registered professional engineer and qualified
1528 executive with technical and administrative experience and training appropriate for the
1529 position.

1530 (c) The executive director shall remain in office until a successor is appointed.

1531 (d) The executive director may be removed by the governor.

1532 (2) In addition to the other functions, powers, duties, rights, and responsibilities
1533 prescribed in this chapter, the executive director shall:

1534 (a) have responsibility for the administrative supervision of the state transportation
1535 systems and the various operations of the department;

1536 (b) have the responsibility for the implementation of rules, priorities, and policies
1537 established by the department and the commission;

1538 (c) have the responsibility for the oversight and supervision of[:]

1539 [(i)] any transportation project for which state funds are expended; [and]

1540 [~~(ii) any fixed guideway capital development project within the boundaries of a large~~
1541 ~~public transit district for which any state funds are expended;~~]

1542 (d) have full power to bring suit in courts of competent jurisdiction in the name of the
1543 department as the executive director considers reasonable and necessary for the proper
1544 attainment of the goals of this chapter;

1545 (e) receive a salary, to be established by the governor within the salary range fixed by
1546 the Legislature in Title 67, Chapter 22, State Officer Compensation, together with actual

1547 traveling expenses while away from the executive director's office on official business;

1548 (f) purchase all equipment, services, and supplies necessary to achieve the department's
1549 functions, powers, duties, rights, and responsibilities delegated under Section 72-1-201;

1550 (g) have the responsibility to determine whether a purchase from, contribution to, or
1551 other participation with a public entity or association of public entities in a pooled fund
1552 program to acquire, develop, or share information, data, reports, or other services related to the
1553 department's mission are procurement items under Title 63G, Chapter 6a, Utah Procurement
1554 Code;

1555 (h) have responsibility for administrative supervision of the Comptroller Division, the
1556 Internal Audit Division, and the Communications Division; and

1557 (i) appoint assistants, to serve at the discretion of the executive director, to administer
1558 the divisions of the department.

1559 (3) The executive director may employ other assistants and advisers as the executive
1560 director finds necessary and fix salaries in accordance with the salary standards adopted by the
1561 Division of Human Resource Management.

1562 (4) (a) For a fixed guideway capital development project within the boundaries of a
1563 large public transit district for which state funds are expended, responsibilities of the executive
1564 director include:

1565 (i) project development for a fixed guideway capital development project in a large
1566 public transit district;

1567 (ii) oversight and coordination of planning, including:

1568 (A) development of statewide strategic initiatives for planning across all modes of
1569 transportation;

1570 (B) coordination with metropolitan planning organizations;

1571 (C) coordination with a large public transit district, including planning, project
1572 development, outreach, programming, environmental studies and impact statements,
1573 construction, and impacts on public transit operations; and

1574 (D) corridor and area planning;

1575 (iii) programming and prioritization of fixed guideway capital development projects;

1576 (iv) fulfilling requirements for environmental studies and impact statements; and

1577 (v) resource investment, including identification, development, and oversight of

1578 public-private partnership opportunities.

1579 (5) (a) Before October 31, 2022, the department shall submit to the Transportation
1580 Interim Committee a written plan for the department to assume management of all fixed
1581 guideway capital development projects within a large public transit district for which state
1582 funds are expended.

1583 (b) The department shall consult with a large public transit district and relevant
1584 metropolitan planning organizations in developing the plan described in Subsection (5)(a).

1585 (c) The Transportation Interim Committee shall consider the plan submitted by the
1586 department as described in Subsection (5)(a) and make recommendations to the Legislature
1587 before December 1, 2022.

1588 Section 14. Section **72-1-203** is amended to read:

1589 **72-1-203. Deputy director -- Appointment -- Qualifications -- Other assistants**
1590 **and advisers -- Salaries.**

1591 (1) The executive director shall appoint two deputy directors, who shall serve at the
1592 discretion of the executive director.

1593 (2) (a) The deputy director of engineering and operations shall be a registered
1594 professional engineer in the state and is the chief engineer of the department.

1595 (b) The deputy director of engineering and operations shall assist the executive director
1596 with areas of responsibility that may include:

1597 (i) project development, including statewide standards for project design and
1598 construction, right-of-way, materials, testing, structures, and construction;

1599 (ii) oversight of the management of the region offices described in Section [72-1-205](#);

1600 (iii) operations and traffic management;

1601 (iv) oversight of operations of motor carriers and ports;

1602 (v) transportation systems safety;

1603 (vi) aeronautical operations; and

1604 (vii) equipment for department engineering and maintenance functions.

1605 (c) The deputy director of planning and investment shall assist the executive director
1606 with areas of responsibility that may include:

1607 (i) oversight and coordination of planning, including:

1608 (A) development of statewide strategic initiatives for planning across all modes of

1609 transportation;

1610 (B) coordination with metropolitan planning organizations and local governments; and

1611 (C) corridor and area planning;

1612 (ii) responsibility for the oversight and supervision of any fixed guideway capital

1613 development project within the boundaries of a large public transit district for which any state

1614 funds are expended;

1615 [(ii)] (iii) asset management;

1616 [(iii)] (iv) programming and prioritization of transportation projects;

1617 [(iv)] (v) fulfilling requirements for environmental studies and impact statements;

1618 [(v)] (vi) resource investment, including identification, development, and oversight of

1619 public-private partnership opportunities;

1620 [(vi)] (vii) data analytics services to the department;

1621 [(vii)] (viii) corridor preservation;

1622 [(viii)] (ix) employee development;

1623 [(ix)] (x) maintenance planning; and

1624 [(x)] (xi) oversight and facilitation of the negotiations and integration of public transit

1625 providers described in Section [17B-2a-827](#).

1626 Section 15. Section **72-1-301** is amended to read:

1627 **72-1-301. Transportation Commission created -- Members, appointment, terms --**

1628 **Qualifications -- Pay and expenses -- Chair -- Quorum.**

1629 (1) (a) There is created the Transportation Commission which shall consist of seven

1630 members.

1631 (b) The members of the commission shall be residents of Utah.

1632 (c) The members of the commission shall be selected on a nonpartisan basis.

1633 (d) [(i)] The commissioners shall, in accordance with Title 63G, Chapter 24, Part 2,

1634 Vacancies, be appointed by the governor, with the advice and consent of the Senate, for a term

1635 of six years, beginning on April 1 of odd-numbered years[~~], except as provided under~~

1636 ~~Subsection (1)(d)(ii)].~~

1637 ~~[(ii)] The first two additional commissioners serving on the seven member commission~~

1638 ~~shall be appointed for terms of two years nine months and four years nine months, respectively,~~

1639 ~~initially commencing on July 1, 1996, and subsequently commencing as specified under~~

1640 Subsection (1)(d)(i).]

1641 (e) The commissioners serve on a part-time basis.

1642 (f) Each commissioner shall remain in office until a successor is appointed and

1643 qualified. ~~[(2)(a) Except as provided in Subsection (2)(b), the selection of the commissioners~~

1644 shall be as follows:]

1645 [~~(i) one commissioner from Box Elder, Cache, or Rich county;~~]

1646 [~~(ii) one commissioner from Salt Lake or Tooele county;~~]

1647 [~~(iii) one commissioner from Carbon, Emery, Grand, or San Juan county;~~]

1648 [~~(iv) one commissioner from Beaver, Garfield, Iron, Kane, Millard, Piute, Sanpete,~~

1649 Sevier, Washington, or Wayne county;]

1650 [~~(v) one commissioner from Weber, Davis, or Morgan county;~~]

1651 [~~(vi) one commissioner from Juab, Utah, Wasatch, Duchesne, Summit, Uintah, or~~

1652 Daggett county; and]

1653 [~~(vii) one commissioner selected from the state at large.]~~

1654 ~~[(b) (2) (a) [Beginning with the appointment of commissioners on or after July 1, 2009~~

1655 and subject] Subject to the restriction in Subsection ~~[(2)(d)]~~ (2)(c), the selection of

1656 commissioners shall be as follows:

1657 (i) four commissioners with one commissioner selected from each of the four regions

1658 established by the department; and

1659 (ii) subject to the restriction in Subsection ~~[(2)(e)]~~ (2)(b), three commissioners selected

1660 from the state at large.

1661 ~~[(e)]~~ (b) (i) At least one of the three commissioners appointed under Subsection

1662 ~~[(2)(b)(ii)]~~ (2)(a)(ii) shall be selected from a rural county.

1663 (ii) For purposes of this Subsection ~~[(2)(e)]~~ (2)(b), a rural county ~~[includes]~~ is a county

1664 of the third, fourth, fifth, or sixth class.

1665 ~~[(d)]~~ (c) No more than two commissioners appointed under Subsection ~~[(2)(b)]~~ (2)(a)

1666 may be selected from any one of the four regions established by the department.

1667 (3) A member may not receive compensation or benefits for the member's service, but

1668 may receive per diem and travel expenses in accordance with:

1669 (a) Section 63A-3-106;

1670 (b) Section 63A-3-107; and

1671 (c) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and
1672 [63A-3-107](#).

1673 (4) (a) One member of the commission shall be designated by the governor as chair.

1674 (b) The commission [~~shall~~] may select one member as vice chair to act in the chair's
1675 absence.

1676 (5) Any four commissioners constitute a quorum.

1677 (6) Each member of the commission shall qualify by taking the constitutional oath of
1678 office.

1679 (7) Each member of the commission is subject to the conflict of interest provisions
1680 described in Title 63G, Chapter 24, Part 3, Conflicts of Interest.

1681 [~~(7)~~] (8) For the purposes of Section [63J-1-504](#), the commission is not considered an
1682 agency.

1683 Section 16. Section **72-1-302** is amended to read:

1684 **72-1-302. Commission offices and meetings.**

1685 (1) The commission shall [~~maintain offices and~~] hold regular public meetings [~~at those~~
1686 ~~offices on dates fixed and formally announced by it, and may hold other meetings at the times~~
1687 ~~and places as it may, by order, provide] at least quarterly.~~

1688 (2) The commission may hold additional public meetings as determined by the chair of
1689 the commission in consultation with the executive director of the department.

1690 [~~(a) Meetings may be held upon call of the governor, the chairman, or two~~
1691 ~~commissioners upon notice of the time, place, and purpose of meeting to each commissioner at~~
1692 ~~least seven days prior to the date of the meeting.]~~

1693 [~~(b) Any meeting may be held upon shorter notice with the unanimous approval of the~~
1694 ~~commission.]~~

1695 [~~(c) A member of the commission shall comply with the conflict of interest provisions~~
1696 ~~described in Title 63G, Chapter 24, Part 3, Conflicts of Interest.]~~

1697 Section 17. Section **72-1-303** is amended to read:

1698 **72-1-303. Duties of commission.**

1699 (1) The commission has the following duties:

1700 (a) determining priorities and funding levels of projects and programs in the state
1701 transportation systems and the capital development of new public transit facilities for each

- 1702 fiscal year based on project lists compiled by the department and taking into consideration the
1703 strategic initiatives described in Section [72-1-211](#);
- 1704 (b) determining additions and deletions to state highways under Chapter 4, Designation
1705 of State Highways Act;
- 1706 (c) holding public [~~hearings~~] meetings and otherwise providing for public input in
1707 transportation matters;
- 1708 (d) making policies and rules in accordance with Title 63G, Chapter 3, Utah
1709 Administrative Rulemaking Act, necessary to perform the commission's duties described under
1710 this section;
- 1711 (e) in accordance with Section [63G-4-301](#), reviewing orders issued by the executive
1712 director in adjudicative proceedings held in accordance with Title 63G, Chapter 4,
1713 Administrative Procedures Act;
- 1714 (f) advising the department [~~in~~] on state transportation systems policy;
- 1715 (g) approving settlement agreements of condemnation cases subject to Section
1716 [63G-10-401](#);
- 1717 (h) in accordance with Section [17B-2a-807](#), appointing a commissioner to serve as a
1718 nonvoting[~~, ex officio~~] member or a voting member on the board of trustees of a public transit
1719 district;
- 1720 (i) in accordance with Section [17B-2a-808](#), reviewing, at least annually, the short-term
1721 and long-range public transit plans; and
- 1722 (j) reviewing administrative rules made, substantively amended, or repealed by the
1723 department.
- 1724 (2) (a) For projects prioritized with funding provided under Sections [72-2-124](#) and
1725 [72-2-125](#), the commission shall annually report to a committee designated by the Legislative
1726 Management Committee:
- 1727 (i) a prioritized list of the new transportation capacity projects in the state
1728 transportation system and the funding levels available for those projects; and
- 1729 (ii) the unfunded highway construction and maintenance needs within the state.
- 1730 (b) The committee designated by the Legislative Management Committee under
1731 Subsection (2)(a) shall:
- 1732 (i) review the list reported by the Transportation Commission; and

1733 (ii) make a recommendation to the Legislature on:

1734 (A) the amount of additional funding to allocate to transportation; and

1735 (B) the source of revenue for the additional funding allocation under Subsection

1736 (2)(b)(ii)(A).

1737 (3) The commission shall review and may approve plans for the construction of a

1738 highway facility over sovereign lakebed lands in accordance with Chapter 6, Part 3, Approval

1739 of Highway Facilities on Sovereign Lands Act.

1740 (4) One or more associations representing airport operators or pilots in the state shall

1741 annually report to the commission recommended airport improvement projects and any other

1742 information related to the associations' expertise and relevant to the commission's duties.

1743 Section 18. Section **72-1-304** is amended to read:

1744 **72-1-304. Written project prioritization process for new transportation capacity**

1745 **projects -- Rulemaking.**

1746 (1) (a) The Transportation Commission, in consultation with the department and the

1747 metropolitan planning organizations as defined in Section [72-1-208.5](#), shall develop a written

1748 prioritization process for the prioritization of:

1749 (i) new transportation capacity projects that are or will be part of the state highway

1750 system under Chapter 4, Part 1, State Highways;

1751 (ii) paved pedestrian or paved nonmotorized transportation projects that:

1752 (A) mitigate traffic congestion on the state highway system; and

1753 (B) are part of an active transportation plan approved by the department;

1754 (iii) public transit projects that directly add capacity to the public transit systems within

1755 the state, not including facilities ancillary to the public transit system; and

1756 (iv) pedestrian or nonmotorized transportation projects that provide connection to a

1757 public transit system.

1758 (b) (i) A local government or district may nominate a project for prioritization in

1759 accordance with the process established by the commission in rule.

1760 (ii) If a local government or district nominates a project for prioritization by the

1761 commission, the local government or district shall provide data and evidence to show that:

1762 (A) the project will advance the purposes and goals described in Section [72-1-211](#);

1763 (B) for a public transit project, the local government or district has an ongoing funding

1764 source for operations and maintenance of the proposed development; and

1765 (C) the local government or district will provide [~~40%~~] the percentage of the costs for
1766 the project as required by Subsection 72-2-124(4)(a)(viii) or 72-2-124(9)(e).

1767 (2) The following shall be included in the written prioritization process under
1768 Subsection (1):

1769 (a) a description of how the strategic initiatives of the department adopted under
1770 Section 72-1-211 are advanced by the written prioritization process;

1771 (b) a definition of the type of projects to which the written prioritization process
1772 applies;

1773 (c) specification of a weighted criteria system that is used to rank proposed projects
1774 and how it will be used to determine which projects will be prioritized;

1775 (d) specification of the data that is necessary to apply the weighted ranking criteria; and

1776 (e) any other provisions the commission considers appropriate, which may include
1777 consideration of:

1778 (i) regional and statewide economic development impacts, including improved local
1779 access to:

1780 (A) employment;

1781 (B) educational facilities;

1782 (C) recreation;

1783 (D) commerce; and

1784 (E) residential areas, including moderate income housing as demonstrated in the local
1785 government's or district's general plan pursuant to Section 10-9a-403 or 17-27a-403;

1786 (ii) the extent to which local land use plans relevant to a project support and
1787 accomplish the strategic initiatives adopted under Section 72-1-211; and

1788 (iii) any matching funds provided by a political subdivision or public transit district in
1789 addition to the [~~40%~~] percentage of costs required by Subsections 72-2-124(4)(a)(viii) and
1790 72-2-124(9)(e).

1791 (3) (a) When prioritizing a public transit project that increases capacity, the
1792 commission:

1793 (i) may give priority consideration to projects that are part of a transit-oriented
1794 development or transit-supportive development as defined in Section 17B-2a-802; and

1795 (ii) shall give priority consideration to projects that are within the boundaries of a
1796 housing and transit reinvestment zone created pursuant to Title 63N, Chapter 3, Part 6,
1797 Housing and Transit Reinvestment Zone Act.

1798 (b) When prioritizing a transportation project that increases capacity, the commission
1799 may give priority consideration to projects that are:

1800 (i) part of a transportation reinvestment zone created under Section 11-13-227 if:

1801 (A) the state is a participant in the transportation reinvestment zone; or

1802 (B) the commission finds that the transportation reinvestment zone provides a benefit
1803 to the state transportation system; or

1804 (ii) within the boundaries of a housing and transit reinvestment zone created pursuant
1805 to Title 63N, Chapter 3, Part 6, Housing and Transit Reinvestment Zone Act.

1806 (c) If the department receives a notice of prioritization for a municipality as described
1807 in Subsection 10-9a-408(5), or a notice of prioritization for a county as described in Subsection
1808 17-27a-408(5), the commission may, during the fiscal year specified in the notice, give priority
1809 consideration to transportation projects that are within the boundaries of the municipality or the
1810 unincorporated areas of the county.

1811 (4) In developing the written prioritization process, the commission:

1812 (a) shall seek and consider public comment by holding public meetings at locations
1813 throughout the state; and

1814 (b) may not consider local matching dollars as provided under Section 72-2-123 unless
1815 the state provides an equal opportunity to raise local matching dollars for state highway
1816 improvements within each county.

1817 (5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
1818 Transportation Commission, in consultation with the department, shall make rules establishing
1819 the written prioritization process under Subsection (1).

1820 (6) The commission shall submit the proposed rules under this section to a committee
1821 or task force designated by the Legislative Management Committee for review prior to taking
1822 final action on the proposed rules or any proposed amendment to the rules described in
1823 Subsection (5).

1824 Section 19. Section 72-1-305 is amended to read:

1825 **72-1-305. Project selection using the written prioritization process -- Public**

1826 **comment -- Report.**

1827 (1) Except as provided in Subsection (4), in determining priorities and funding levels
1828 of projects in the state transportation system under Subsection 72-1-303(1)(a) that are new
1829 transportation capacity projects, the commission shall use the weighted criteria system adopted
1830 in the written prioritization process under Section 72-1-304.

1831 (2) Prior to finalizing priorities and funding levels of projects in the state transportation
1832 system, the commission shall conduct public [~~hearings~~] meetings at locations around the state
1833 and accept public comments on:

1834 (a) the written prioritization process;

1835 (b) the merits of new transportation capacity projects that will be prioritized under this
1836 section; and

1837 (c) the merits of new transportation capacity projects as recommended by a consensus
1838 of local elected officials participating in a metropolitan planning organization as defined in
1839 Section 72-1-208.5.

1840 (3) The commission shall make the weighted criteria system ranking for each project
1841 publicly available prior to the public [~~hearings~~] meetings held under Subsection (2).

1842 (4) (a) If the commission prioritizes a project over another project with a higher rank
1843 under the weighted criteria system, the commission shall identify the change and accept public
1844 comment at a [~~hearing~~] meeting held under this section on the merits of prioritizing the project
1845 above higher ranked projects.

1846 (b) The commission shall make the reasons for the prioritization under Subsection
1847 (4)(a) publicly available.

1848 (5) (a) The executive director or the executive director's designee shall report annually
1849 to the governor and a committee designated by the Legislative Management Committee no later
1850 than the last day of October:

1851 (i) the projects prioritized under this section during the year prior to the report; and

1852 (ii) the status and progress of all projects prioritized under this section.

1853 (b) Annually, before any funds are programmed and allocated from the Transit
1854 Transportation Investment Fund created in Section 72-2-124 for each fiscal year, the executive
1855 director or the executive director's designee, along with the executive director of a large public
1856 transit district as described in Section 17B-2a-802, shall report to the governor and a committee

1857 designated by the Legislative Management Committee no later than the last day of October:

1858 (i) the public transit projects prioritized under this section during the year prior to the
1859 report; and

1860 (ii) the status and progress of all public transit projects prioritized under this section.

1861 (6) (a) The department may not delay a new transportation capacity project that was
1862 funded by the Legislature in an appropriations act to a different fiscal year than programmed by
1863 the commission due to an unavoidable shortfall in revenues unless the project delays are
1864 prioritized and approved by the Transportation Commission.

1865 (b) The Transportation Commission shall prioritize and approve any new
1866 transportation capacity project delays for projects that were funded by the Legislature in an
1867 appropriations act due to an unavoidable shortfall in revenues.

1868 Section 20. Section **72-2-124** is amended to read:

1869 **72-2-124. Transportation Investment Fund of 2005.**

1870 (1) There is created a capital projects fund entitled the Transportation Investment Fund
1871 of 2005.

1872 (2) The fund consists of money generated from the following sources:

1873 (a) any voluntary contributions received for the maintenance, construction,
1874 reconstruction, or renovation of state and federal highways;

1875 (b) appropriations made to the fund by the Legislature;

1876 (c) registration fees designated under Section [41-1a-1201](#);

1877 (d) the sales and use tax revenues deposited into the fund in accordance with Section
1878 [59-12-103](#); and

1879 (e) revenues transferred to the fund in accordance with Section [72-2-106](#).

1880 (3) (a) The fund shall earn interest.

1881 (b) All interest earned on fund money shall be deposited into the fund.

1882 (4) (a) Except as provided in Subsection (4)(b), the executive director may only use
1883 fund money to pay:

1884 (i) the costs of maintenance, construction, reconstruction, or renovation to state and
1885 federal highways prioritized by the Transportation Commission through the prioritization
1886 process for new transportation capacity projects adopted under Section [72-1-304](#);

1887 (ii) the costs of maintenance, construction, reconstruction, or renovation to the highway

- 1888 projects described in Subsections 63B-18-401(2), (3), and (4);
- 1889 (iii) principal, interest, and issuance costs of bonds authorized by Section 63B-18-401
- 1890 minus the costs paid from the County of the First Class Highway Projects Fund in accordance
- 1891 with Subsection 72-2-121(4)(e);
- 1892 (iv) for a fiscal year beginning on or after July 1, 2013, to transfer to the 2010 Salt
- 1893 Lake County Revenue Bond Sinking Fund created by Section 72-2-121.3 the amount certified
- 1894 by Salt Lake County in accordance with Subsection 72-2-121.3(4)(c) as necessary to pay the
- 1895 debt service on \$30,000,000 of the revenue bonds issued by Salt Lake County;
- 1896 (v) principal, interest, and issuance costs of bonds authorized by Section 63B-16-101
- 1897 for projects prioritized in accordance with Section 72-2-125;
- 1898 (vi) all highway general obligation bonds that are intended to be paid from revenues in
- 1899 the Centennial Highway Fund created by Section 72-2-118;
- 1900 (vii) for fiscal year 2015-16 only, to transfer \$25,000,000 to the County of the First
- 1901 Class Highway Projects Fund created in Section 72-2-121 to be used for the purposes described
- 1902 in Section 72-2-121;
- 1903 (viii) if a political subdivision provides a contribution equal to or greater than 40% of
- 1904 the costs needed for construction, reconstruction, or renovation of paved pedestrian or paved
- 1905 nonmotorized transportation for projects that:
- 1906 (A) mitigate traffic congestion on the state highway system;
- 1907 (B) are part of an active transportation plan approved by the department; and
- 1908 (C) are prioritized by the commission through the prioritization process for new
- 1909 transportation capacity projects adopted under Section 72-1-304;
- 1910 (ix) \$705,000,000 for the costs of right-of-way acquisition, construction,
- 1911 reconstruction, or renovation of or improvement to the following projects:
- 1912 (A) the connector road between Main Street and 1600 North in the city of Vineyard;
- 1913 (B) Geneva Road from University Parkway to 1800 South;
- 1914 (C) the SR-97 interchange at 5600 South on I-15;
- 1915 (D) two lanes on U-111 from Herriman Parkway to 11800 South;
- 1916 (E) widening I-15 between mileposts 10 and 13 and the interchange at milepost 11;
- 1917 (F) improvements to 1600 North in Orem from 1200 West to State Street;
- 1918 (G) widening I-15 between mileposts 6 and 8;

- 1919 (H) widening 1600 South from Main Street in the city of Spanish Fork to SR-51;
- 1920 (I) widening US 6 from Sheep Creek to Mill Fork between mileposts 195 and 197 in
- 1921 Spanish Fork Canyon;
- 1922 (J) I-15 northbound between mileposts 43 and 56;
- 1923 (K) a passing lane on SR-132 between mileposts 41.1 and 43.7 between mileposts 43
- 1924 and 45.1;
- 1925 (L) east Zion SR-9 improvements;
- 1926 (M) Toquerville Parkway;
- 1927 (N) an environmental study on Foothill Boulevard in the city of Saratoga Springs;
- 1928 (O) using funds allocated in this Subsection (4)(a)(ix), and other sources of funds, for
- 1929 construction of an interchange on Bangerter Highway at 13400 South; and
- 1930 (P) an environmental impact study for Kimball Junction in Summit County; and
- 1931 (x) \$28,000,000 as pass-through funds, to be distributed as necessary to pay project
- 1932 costs based upon a statement of cash flow that the local jurisdiction where the project is located
- 1933 provides to the department demonstrating the need for money for the project, for the following
- 1934 projects in the following amounts:
- 1935 (A) \$5,000,000 for Payson Main Street repair and replacement;
- 1936 (B) \$8,000,000 for a Bluffdale 14600 South railroad bypass;
- 1937 (C) \$5,000,000 for improvements to 4700 South in Taylorsville; and
- 1938 (D) \$10,000,000 for improvements to the west side frontage roads adjacent to U.S. 40
- 1939 between mile markers 7 and 10.
- 1940 (b) The executive director may use fund money to exchange for an equal or greater
- 1941 amount of federal transportation funds to be used as provided in Subsection (4)(a).
- 1942 (5) (a) Except as provided in Subsection (5)(b), if the department receives a notice of
- 1943 ineligibility for a municipality as described in Subsection [10-9a-408\(7\)](#), the executive director
- 1944 may not program fund money to a project prioritized by the commission under Section
- 1945 [72-1-304](#), including fund money from the Transit Transportation Investment Fund, within the
- 1946 boundaries of the municipality during the fiscal year specified in the notice.
- 1947 (b) Within the boundaries of a municipality described in Subsection (5)(a), the
- 1948 executive director:
- 1949 (i) may program fund money in accordance with Subsection (4)(a) for a limited-access

1950 facility or interchange connecting limited-access facilities;

1951 (ii) may not program fund money for the construction, reconstruction, or renovation of
1952 an interchange on a limited-access facility;

1953 (iii) may program Transit Transportation Investment Fund money for a
1954 multi-community fixed guideway public transportation project; and

1955 (iv) may not program Transit Transportation Investment Fund money for the
1956 construction, reconstruction, or renovation of a station that is part of a fixed guideway public
1957 transportation project.

1958 (c) Subsections (5)(a) and (b) do not apply to a project programmed by the executive
1959 director before July 1, 2022, for projects prioritized by the commission under Section
1960 [72-1-304](#).

1961 (6) (a) Except as provided in Subsection (6)(b), if the department receives a notice of
1962 ineligibility for a county as described in Subsection [17-27a-408\(7\)](#), the executive director may
1963 not program fund money to a project prioritized by the commission under Section [72-1-304](#),
1964 including fund money from the Transit Transportation Investment Fund, within the boundaries
1965 of the unincorporated area of the county during the fiscal year specified in the notice.

1966 (b) Within the boundaries of the unincorporated area of a county described in
1967 Subsection (6)(a), the executive director:

1968 (i) may program fund money in accordance with Subsection (4)(a) for a limited-access
1969 facility to a project prioritized by the commission under Section [72-1-304](#);

1970 (ii) may not program fund money for the construction, reconstruction, or renovation of
1971 an interchange on a limited-access facility;

1972 (iii) may program Transit Transportation Investment Fund money for a
1973 multi-community fixed guideway public transportation project; and

1974 (iv) may not program Transit Transportation Investment Fund money for the
1975 construction, reconstruction, or renovation of a station that is part of a fixed guideway public
1976 transportation project.

1977 (c) Subsections (6)(a) and (b) do not apply to a project programmed by the executive
1978 director before July 1, 2022, for projects prioritized by the commission under Section
1979 [72-1-304](#).

1980 (7) (a) Before bonds authorized by Section [63B-18-401](#) or [63B-27-101](#) may be issued

1981 in any fiscal year, the department and the commission shall appear before the Executive
1982 Appropriations Committee of the Legislature and present the amount of bond proceeds that the
1983 department needs to provide funding for the projects identified in Subsections 63B-18-401(2),
1984 (3), and (4) or Subsection 63B-27-101(2) for the current or next fiscal year.

1985 (b) The Executive Appropriations Committee of the Legislature shall review and
1986 comment on the amount of bond proceeds needed to fund the projects.

1987 (8) The Division of Finance shall, from money deposited into the fund, transfer the
1988 amount of funds necessary to pay principal, interest, and issuance costs of bonds authorized by
1989 Section 63B-18-401 or 63B-27-101 in the current fiscal year to the appropriate debt service or
1990 sinking fund.

1991 (9) (a) There is created in the Transportation Investment Fund of 2005 the Transit
1992 Transportation Investment Fund.

1993 (b) The fund shall be funded by:

1994 (i) contributions deposited into the fund in accordance with Section 59-12-103;

1995 (ii) appropriations into the account by the Legislature;

1996 (iii) deposits of sales and use tax increment related to a housing and transit

1997 reinvestment zone as described in Section 63N-3-610;

1998 (iv) private contributions; and

1999 (v) donations or grants from public or private entities.

2000 (c) (i) The fund shall earn interest.

2001 (ii) All interest earned on fund money shall be deposited into the fund.

2002 (d) Subject to Subsection (9)(e), the Legislature may appropriate money from the fund:

2003 (i) for public transit capital development of new capacity projects and fixed guideway

2004 capital development projects to be used as prioritized by the commission through the

2005 prioritization process adopted under Section 72-1-304;

2006 (ii) for development of the oversight plan described in Section 72-1-202(5); or

2007 (iii) to the department for oversight of a fixed guideway capital development project

2008 for which the department has responsibility.

2009 (e) (i) The Legislature may only appropriate money from the fund for a public transit
2010 capital development project or pedestrian or nonmotorized transportation project that provides
2011 connection to the public transit system if the public transit district or political subdivision

2012 provides funds of equal to or greater than [~~40%~~] 20% of the costs needed for the project.

2013 (ii) A public transit district or political subdivision may use money derived from a loan
2014 granted pursuant to Title 72, Chapter 2, Part 2, State Infrastructure Bank Fund, to provide all or
2015 part of the [~~40%~~] 20% requirement described in Subsection (9)(e)(i) if:

2016 (A) the loan is approved by the commission as required in Title 72, Chapter 2, Part 2,
2017 State Infrastructure Bank Fund; and

2018 (B) the proposed capital project has been prioritized by the commission pursuant to
2019 Section [72-1-303](#).

2020 (f) Before July 1, 2022, the department and a large public transit district shall enter into
2021 an agreement for a large public transit district to pay the department \$5,000,000 per year for 15
2022 years to be used to facilitate the purchase of zero emissions or low emissions rail engines and
2023 trainsets for regional public transit rail systems.

2024 (10) (a) There is created in the Transportation Investment Fund of 2005 the
2025 Cottonwood Canyons Transportation Investment Fund.

2026 (b) The fund shall be funded by:

2027 (i) money deposited into the fund in accordance with Section [59-12-103](#);

2028 (ii) appropriations into the account by the Legislature;

2029 (iii) private contributions; and

2030 (iv) donations or grants from public or private entities.

2031 (c) (i) The fund shall earn interest.

2032 (ii) All interest earned on fund money shall be deposited into the fund.

2033 (d) The Legislature may appropriate money from the fund for public transit or
2034 transportation projects in the Cottonwood Canyons of Salt Lake County.