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**RECREATIONAL TRAILS**

2022 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Jennifer Dailey-Provost**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill addresses provisions related to recreational trails.

**Highlighted Provisions:**

This bill:

- ▶ modifies definitions;
- ▶ provides for the facilitation of a recreational trail network, including facilitating categories of trails;
- ▶ addresses consideration of the multi-uses of a recreational trail;
- ▶ establishes a complaint procedure;
- ▶ addresses funding of recreational trails;
- ▶ repeals state guidelines for the establishment of trails; and
- ▶ makes technical and conforming changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**79-5-102**, as last amended by Laws of Utah 2021, Chapter 280

**79-5-103**, as renumbered and amended by Laws of Utah 2009, Chapter 344



28 79-5-201, as last amended by Laws of Utah 2021, Chapter 280

29 79-5-303, as renumbered and amended by Laws of Utah 2009, Chapter 344

30 79-5-501, as last amended by Laws of Utah 2021, Chapter 280

31 ENACTS:

32 79-5-402, Utah Code Annotated 1953

33 REPEALS:

34 79-5-301, as renumbered and amended by Laws of Utah 2009, Chapter 344

35 79-5-302, as renumbered and amended by Laws of Utah 2009, Chapter 344



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

38 Section 1. Section 79-5-102 is amended to read:

39 **79-5-102. Definitions.**

40 As used in this chapter:

41 (1) "Commission" means the Outdoor Adventure Commission.

42 (2) "Council" means the Recreational Trails Advisory Council.

43 (3) "Division" means the Division of Recreation.

44 (4) "Recreational trail" or "trail" means a single-use or multi-use path used for:

45 (a) muscle-powered activities, including:

46 (i) bicycling;

47 (ii) cross-country skiing;

48 (iii) walking;

49 (iv) jogging; [~~and~~]

50 (v) horseback riding; and

51 (vi) a similar muscle-powered activity as defined by rule made by the division in

52 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and after

53 consultation with the commission; and

54 (b) uses compatible with [~~the uses~~] a muscle-powered activity described in Subsection

55 (4)(a), including the use of an electric assisted bicycle or motor assisted scooter, as defined in

56 Section 41-6a-102.

57 Section 2. Section 79-5-103 is amended to read:

58 **79-5-103. Division to facilitate recreational trails in cooperation with public and**

59 **private entities -- Priorities.**

60 (1) The division shall ~~[plan and develop]~~ facilitate a recreational trail ~~[system]~~ network  
 61 throughout the state that:

62 (a) provides for outdoor recreation needs; and

63 (b) facilitates access to, travel within, and enjoyment and admiration of the outdoors.

64 (2) To assure that an integrated trails network is achieved, the division shall coordinate  
 65 the planning and development of trails with:

66 (a) federal land management agencies;

67 (b) local governments;

68 (c) private landowners; and

69 (d) state agencies.

70 (3) The division may facilitate the following categories of recreational trails as part of a  
 71 state trails network:

72 (a) a cross-state trail that connects scenic, natural, historic, geologic, geographic, or  
 73 other significant features;

74 (b) a water-oriented trail that provides a path to or along lakes, streams, or reservoirs;

75 (c) a scenic-access trail that provides access to recreation, scenic, natural, historic, or  
 76 cultural areas;

77 (d) an urban trail that connects parks, scenic and natural areas, historical sites, and  
 78 neighboring communities; and

79 (e) an interpretive trail that identifies:

80 (i) historic routes; or

81 (ii) significant natural features.

82 ~~[(3)]~~ (4) The division shall give priority to ~~[establishing]~~ facilitating trails that:

83 (a) cross public lands;

84 (b) are in proximity or accessible to urban areas;

85 (c) implement rail-to-trail conversions pursuant to the National Trails System Act, 16  
 86 U.S.C. Sec. 1241 et seq.;

87 (d) ~~[provide linkage]~~ connect to existing trails; ~~[and]~~

88 (e) ~~[provide linkage or access to]~~ connect to or access natural, scenic, historic, or  
 89 recreational areas of statewide significance[-];

90 (f) connect communities; and

91 (g) provide access for outdoor recreation.

92 Section 3. Section **79-5-201** is amended to read:

93 **79-5-201. Recreational Trails Advisory Council -- Multi-use consideration.**

94 (1) The division shall establish a Recreational Trails Advisory Council.

95 (2) The council shall advise and make recommendations to the division regarding:

96 (a) trails to be established;

97 (b) facilities to be constructed;

98 [~~(c) development costs;~~]

99 [~~(d)~~] (c) modes of travel permitted;

100 [~~(e) law enforcement;~~]

101 [~~(f) selection of rights-of-way;~~]

102 [~~(g) interlocal agreements;~~]

103 [~~(h) selection of signs and markers;~~]

104 [~~(i) the general administration of trails;~~]

105 [~~(j)~~] (d) distribution of matching funds pursuant to Section 79-5-501; and

106 [~~(k)~~] (e) future funding mechanisms for trail development.

107 (3) (a) The council shall consider the factors established by the division under

108 Subsection (3)(b) in reviewing an application for funding of a multi-use recreational trail under

109 Part 5, Trail Funding, to ensure that the recreational trail balances the interests and

110 requirements for the multi-uses of the recreational trail.

111 (b) The division, after consultation with the commission, shall adopt by rule made in

112 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the factors that

113 the council shall consider under Subsection (3)(a).

114 (c) The division shall comply with Section 63G-3-305 in reviewing a rule made under

115 this Subsection (3), except that the division shall conduct a public hearing regarding the rule

116 before the division continues, repeals, or amends and continues the rule as provided in Section

117 63G-3-305.

118 Section 4. Section **79-5-303** is amended to read:

119 **79-5-303. Signs and markers.**

120 The division, in consultation with appropriate federal, state, and local government

121 agencies [~~and~~], private organizations, [~~shall establish uniform~~] and the commission, may make  
122 rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to  
123 encourage consistency in signs and markers for the [system] network of recreational trails.

124 Section 5. Section **79-5-402** is enacted to read:

125 **79-5-402. Complaint procedure.**

126 (1) As used in this section:

127 (a) "Approved recreational trail application" means the application that is submitted to  
128 the division and approved for funding under Part 5, Trail Funding.

129 (b) "Trail developer" means the public or private person, including a municipality or  
130 county, who develops or maintains a recreational trail that is subject to an approved  
131 recreational trail application.

132 (c) "Verified complaint" means a complaint that is verified under oath or affirmation  
133 alleging a violation of an approved recreational trail application.

134 (2) (a) When a person files with the division a verified complaint, the division shall:

135 (i) investigate a recreational trail to determine whether the recreational trail complies  
136 with the applicable approved recreational trail application; and

137 (ii) facilitate a settlement between the complainant and the trail developer.

138 (b) If a settlement cannot be effected, the division shall treat the verified complaint as a  
139 request for agency action and act on the verified complaint in accordance with Title 63G,  
140 Chapter 4, Administrative Procedures Act, and this section.

141 (3) If in response to a request for agency action the division determines by a  
142 preponderance of the evidence that the trail developer has not complied with the approved  
143 recreational trail application, the division:

144 (a) shall prepare written findings of fact detailing the findings;

145 (b) may order the trail developer to comply with the approved recreational trail  
146 application; and

147 (c) may terminate all or part of the grant approved under Part 5, Trail Funding, for the  
148 recreational trail.

149 (4) A trail developer aggrieved by an order issued under this section may obtain  
150 judicial review of the order.

151 Section 6. Section **79-5-501** is amended to read:

152 **79-5-501. Grants -- Matching funds requirements -- Rules.**

153 (1) (a) The division, after consultation with the commission, may give grants to federal  
154 government agencies, state agencies, or local governments for the planning, acquisition, and  
155 development of trails within the state's recreational trail ~~[system with funds]~~ network with  
156 money appropriated by the Legislature for that purpose or money provided by the federal  
157 government.

158 (b) (i) ~~[Each]~~ A grant recipient ~~[must]~~ shall provide matching ~~[funds]~~ money having a  
159 value that is equal to or greater than the grant ~~[funds]~~ money received.

160 (ii) The division may allow a grant recipient to provide property, material, or labor in  
161 lieu of money, provided the grant recipient's contribution has a value that is equal to or greater  
162 than the grant ~~[funds]~~ money received.

163 (2) The division, after consultation with the commission, shall:

164 (a) make rules, in accordance with Title 63G, Chapter 3, Utah Administrative  
165 Rulemaking Act, setting forth procedures and criteria for the awarding of grants for  
166 recreational trails; and

167 (b) determine to whom grant ~~[funds]~~ money shall be awarded after considering the  
168 recommendations of and after consulting with the council and the division.

169 (3) Rules for the awarding of grants for recreational trails shall provide that:

170 (a) ~~[each]~~ a grant applicant ~~[must]~~ shall solicit public comment on the proposed  
171 recreational trail and submit a summary of that comment to the division;

172 (b) each trail project for which grant funds are awarded ~~[must]~~ shall conform to the  
173 criteria and guidelines specified in ~~[Sections]~~ Section 79-5-103 ~~[, 79-5-301, and 79-5-302]~~; and

174 (c) trail proposals that include a plan to provide employment opportunities for youth,  
175 including at-risk youth, in the development of the trail is encouraged.

176 (4) As used in this section, "at-risk youth" means youth who:

177 (a) are subject to environmental forces, such as poverty or family dysfunction, that may  
178 make them vulnerable to family, school, or community problems;

179 (b) perform poorly in school or have failed to complete high school;

180 (c) exhibit behaviors that have the potential to harm themselves or others in the  
181 community, such as truancy, use of alcohol or drugs, and associating with delinquent peers; or

182 (d) have already engaged in behaviors harmful to themselves or others in the

183 community.

184 Section 7. **Repealer.**

185 This bill repeals:

186 Section **79-5-301, Guidelines for the establishment of trails.**

187 Section **79-5-302, Recreational trail categories.**