

1 **WILDLIFE ACCIDENT PROTECTIONS**

2 2022 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Doug Owens**

5 Senate Sponsor: Jacob L. Anderegg

7 **LONG TITLE**

8 **General Description:**

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

11 **Highlighted Provisions:**

12 This bill:

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

15 **Money Appropriated in this Bill:**

16 None

17 **Other Special Clauses:**

18 None

19 **Utah Code Sections Affected:**

20 AMENDS:

21 **72-1-201**, as last amended by Laws of Utah 2019, Chapter 431

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

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

25 **72-1-201. Creation of Department of Transportation -- Functions, powers, duties,**
26 **rights, and responsibilities.**

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

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

- 30 (b) provide administration for state transportation systems and programs;
- 31 (c) implement the transportation policies of the state;
- 32 (d) plan, develop, construct, and maintain state transportation systems that are safe,
33 reliable, environmentally sensitive, and serve the needs of the traveling public, commerce, and
34 industry;
- 35 (e) establish standards and procedures regarding the technical details of administration
36 of the state transportation systems as established by statute and administrative rule;
- 37 (f) advise the governor and the Legislature about state transportation systems needs;
- 38 (g) coordinate with utility companies for the reasonable, efficient, and cost-effective
39 installation, maintenance, operation, relocation, and upgrade of utilities within state highway
40 rights-of-way;
- 41 (h) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
42 make rules for the administration of the department, state transportation systems, and
43 programs;
- 44 (i) jointly with the commission annually report to the Transportation Interim
45 Committee, by November 30 of each year, as to the operation, maintenance, condition,
46 mobility, ~~and~~ safety needs, and wildlife and livestock mitigation for state transportation
47 systems;
- 48 (j) ensure that any training or certification required of a public official or public
49 employee, as those terms are defined in Section [63G-22-102](#), complies with Title 63G, Chapter
50 22, State Training and Certification Requirements, if the training or certification is required:
 - 51 (i) under this title;
 - 52 (ii) by the department; or
 - 53 (iii) by an agency or division within the department; and
- 54 (k) study and make recommendations to the Legislature on potential managed lane use
55 and implementation on selected transportation systems within the state.
- 56 (2) (a) The department shall exercise reasonable care in designing, constructing, and
57 maintaining a state highway in a reasonably safe condition for travel.

- 58 (b) Nothing in this section shall be construed as:
- 59 (i) creating a private right of action; or
- 60 (ii) expanding or changing the department's common law duty as described in
- 61 Subsection (2)(a) for liability purposes.