

**MINUTES OF THE HOUSE TRANSPORTATION  
STANDING COMMITTEE  
Room 450 State Capitol  
February 23, 2012**

MEMBERS PRESENT:           Rep. Bradley M. Daw, Chair  
                                  Rep. Johnny Anderson, Vice Chair  
                                  Rep. Stewart E. Barlow  
                                  Rep. Janice M. Fisher  
                                  Rep. Stephen G. Handy  
                                  Rep. Lynn N. Hemingway  
                                  Rep. Todd E. Kiser  
                                  Rep. Carol Spackman Moss  
                                  Rep. Jim Nielson  
                                  Rep. Jeremy A. Peterson  
                                  Rep. Val L. Peterson

MEMBERS EXCUSED:           Rep. Wayne A. Harper

MEMBERS ABSENT:           Rep. Bradley G. Last  
                                  Rep. Kenneth Sumsion

STAFF PRESENT:            Mr. Leif Elder, Policy Analyst  
                                  Ms. Karen Mitchell, Committee Secretary

Note: A list of visitors and a copy of handouts are filed with the committee minutes.

Chair Daw called the meeting to order at 9:04 a.m.

**MOTION:**   Rep. Hemingway moved to approve the minutes of the February 21, 2012 meeting. The motion passed unanimously with Rep. Barlow, Rep. Jeremy Peterson, and Rep. Anderson absent for the vote.

**S.B. 102       Amendments to Off-highway Vehicle Provisions (*Sen. S. Jenkins*) (**Rep. B. Galvez**)**

Sen. Jenkins introduced the bill to the committee.

Spoke for the bill:       Mr. Eric Stucki, Utah State Parks  
                                  Mr. Dave Copeland, Polaris Industries

**MOTION:**   Rep. Anderson moved to pass S.B 102 out favorably. The motion passed with Rep. Hemingway voting in opposition. Rep. Jeremy Peterson was absent for the vote.



- 609 ~~—(b) The operator of a motorcycle, moped, or bicycle proceeding through an~~  
~~intersection~~  
610 ~~in accordance with Subsection (7)(a) shall yield the right-of-way to a:~~  
611 ~~—(i) vehicle moving through the intersection in accordance with an official~~  
612 ~~traffic-control signal; or~~  
613 ~~—(ii) pedestrian lawfully crossing an adjacent crosswalk.}~~ =  
(7) When installing or replacing a signal detection device at an intersection, the  
Department of Transportation shall consider detection of motorcycles, mopeds, and  
bicycles.

The motion failed with Rep. Barlow, Rep. Handy, Rep. Hemingway, Rep. Kiser, and Rep. Val Peterson voting in favor of the motion.

**MOTION:** Rep. Kiser moved to amend the bill as follows:

1. *Page 1, Lines 21 through 23:*

- 21 { ~~→ provides that on a roadway divided into three or more lanes and~~  
~~providing for~~  
22 ~~two-way movement of traffic, a person operating a vehicle may drive in the center~~  
23 ~~under certain circumstances; }~~

2. *Page 23, Lines 696 through 701:*

- 696 { ~~—(d) Notwithstanding Subsection (2)(b)(i), on a roadway divided into three or~~  
~~more~~  
697 ~~lanes and providing for two-way movement of traffic, a person operating a vehicle~~  
~~may drive in~~  
698 ~~the center lane when:~~  
699 ~~—(i) the center lane is clear of traffic within a safe distance; and~~  
700 ~~—(ii) overtaking and passing a bicycle or moped moving at less than the~~  
~~reasonable~~  
701 ~~speed of traffic then present. }~~ \_\_\_

The motion failed with Rep. Barlow, Rep. Hemingway, Rep. Kiser, Rep. Moss, and Rep. Val Peterson voting in favor of the motion.

**MOTION:** Rep. Kiser moved to amend the bill as follows:

1. *Page 1, Lines 16 through 20:*

16           { ~~→ provides that a person may operate a vehicle to the left of center of the~~  
                  ~~roadway;~~  
17   **including in a no-passing zone, when a bicycle or moped proceeding in the same**  
18   **direction at a speed less than the reasonable speed of traffic then present requires**  
19   **operating the vehicle to the left of the center of the roadway except under certain**  
20   **circumstances;}**

2. *Page 2, Lines 43 through 52:*

43   Utah Code Sections Affected:  
44   AMENDS:  
45       13-20-2, as last amended by Laws of Utah 2008, Chapter 175  
46       13-35-102, as last amended by Laws of Utah 2007, Chapter 86  
47       41-1a-202, as last amended by Laws of Utah 2008, Chapter 36  
48       41-6a-102, as last amended by Laws of Utah 2009, Chapter 311  
49       41-6a-305, as renumbered and amended by Laws of Utah 2005, Chapter 2  
50       { ~~41-6a-701, as renumbered and amended by Laws of Utah 2005, Chapter 2~~  
51   ~~—41-6a-708, as renumbered and amended by Laws of Utah 2005, Chapter 2~~ }  
52       41-6a-710, as last amended by Laws of Utah 2009, Chapter 292

3. *Page 20, Line 614 through Page 22, Line 661:*

614           { ~~Section 6. Section 41-6a-701 is amended to read:~~  
615   ~~—41-6a-701. Duty to operate vehicle on right side of roadway -- Exceptions:~~  
616   ~~—(1) On all roadways of sufficient width, a person operating a vehicle shall~~  
      ~~operate the~~  
617   ~~vehicle on the right half of the roadway, except:~~  
618   ~~—(a) when overtaking and passing another vehicle proceeding in the same~~  
      ~~direction~~  
619   ~~under the rules governing that movement;~~  
620   ~~—(b) when an obstruction requires operating the vehicle to the left of the center~~  
      ~~of the~~  
621   ~~roadway subject to the provisions of Subsection (2);~~  
622   ~~—(c) when overtaking and passing a bicycle or moped proceeding in the same~~

- direction
- 623 ~~at a speed less than the reasonable speed of traffic then present requires operating~~  
624 ~~the vehicle to~~  
625 ~~the left of the center of the roadway subject to the provisions of Subsection (2);~~  
626 ~~— [(c)] (d) on a roadway divided into three marked lanes for traffic under the~~  
627 ~~applicable~~  
628 ~~rules; or~~  
629 ~~— [(d)] (e) on a roadway designed and signposted for one-way traffic;~~  
630 ~~— (2) (a) A person operating a vehicle shall yield the right-of-way to a vehicle:~~  
631 ~~— [(a)] (i) traveling in the proper direction on a roadway; and~~  
632 ~~— [(b)] (ii) that is within a distance constituting an immediate hazard.~~  
633 ~~— (b) When overtaking and passing a bicycle or moped under Subsection (1)(c), a~~  
634 ~~person~~  
635 ~~operating a vehicle shall not pass a bicycle or moped proceeding in the same~~  
636 ~~direction if the~~  
637 ~~pass cannot be made safely, including under any of the following conditions:~~  
638 ~~— (i) when approaching or upon the crest of a grade or upon a curve in the~~  
639 ~~highway~~  
640 ~~where the operator's view is in any way obstructed;~~  
641 ~~— (ii) when approaching within 100 feet of, or traversing, any intersection or~~  
642 ~~railroad~~  
643 ~~grade crossing unless otherwise indicated by official traffic control devices;~~  
644 ~~— (iii) when the view is obstructed upon approaching within 100 feet of any~~  
645 ~~bridge;~~  
646 ~~viaduct or tunnel; or~~  
647 ~~— (iv) when the pass cannot be made in accordance with Section 41-6a-706.5.~~  
648 ~~— (3) A person operating a vehicle on a roadway at less than the normal speed of~~  
649 ~~traffic~~  
650 ~~shall operate the vehicle in the right-hand lane then available for traffic, or as close~~  
651 ~~as~~  
652 ~~practicable to the right-hand curb or edge of the roadway, except when:~~  
653 ~~— (a) overtaking and passing another vehicle proceeding in the same direction;~~  
654 ~~— (b) preparing to turn left; or~~  
655 ~~— (c) taking a different highway or an exit on the left.~~  
656 ~~— Section 7. Section 41-6a-708 is amended to read:~~

648 ~~41-6a-708. Signs and markings on roadway -- No-passing zones -- Exceptions:~~  
649 ~~(1) (a) A highway authority may designate no-passing zones on any portion of a~~  
650 ~~highway under its jurisdiction if the highway authority determines passing is~~  
651 ~~especially~~  
652 ~~hazardous.~~  
653 ~~(b) A highway authority shall designate a no-passing zone under Subsection~~  
654 ~~(1)(a) by~~  
655 ~~placing appropriate traffic-control devices on the highway.~~  
656 ~~(2) A person operating a vehicle may not drive on the left side of:~~  
657 ~~(a) the roadway within the no-passing zone; or~~  
658 ~~(b) any pavement striping designed to mark the no-passing zone.~~  
659 ~~(3) Subsection (2) does not apply:~~  
660 ~~(a) under the conditions described under [Subsection] Subsections~~  
661 ~~41-6a-701(1)(b) and~~  
662 ~~(c); or~~  
663 ~~(b) to a person operating a vehicle turning left onto or from an alley, private~~  
664 ~~road, or~~  
665 ~~driveway.}~~

**Renumber remaining sections accordingly.**

The motion passed with Rep. Barlow, Rep. Daw, Rep. Moss, and Rep. Nielson voting in opposition.

**MOTION:** Rep. Kiser moved to amend the bill as follows:

*1. Page 22, Lines 665 through 671:*

665 (1) For the purposes of this section, "bicycle lane" means a portion of the roadway  
666 that  
667 has been designated for the preferential or exclusive use of bicyclists by:  
668 (a) a highway authority; and  
669 (b) { ~~one or a combination of the following:~~ longitudinal pavement  
670 ~~striping.~~ striping.  
671 { ~~(i) striping;~~ (i) striping;  
672 ~~(ii) pavement markings; or~~ (ii) pavement markings; or  
673 ~~(iii) a traffic control device.}~~ (iii) a traffic control device.}

The motion passed unanimously.

**MOTION:** Rep. Jeremy Peterson moved to pass 1st Substitute H.B. 327 out favorably. The motion failed with Rep. Anderson, Rep. Daw, Rep. Handy, Rep. Nielson, and Rep. Jeremy Peterson voting in favor of the bill.

**MOTION:** Rep. Anderson moved to adjourn the meeting. The motion passed unanimously.

Chair Daw adjourned the meeting at 9:49 a.m.

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Rep. Bradley M. Daw, Chair