

**72-2-117 Marda Dillree Corridor Preservation Fund -- Distribution -- Repayment -- Rulemaking.**

- (1) There is created the Marda Dillree Corridor Preservation Fund within the Transportation Fund.
- (2) The fund shall be funded from the following sources:
  - (a) motor vehicle rental tax imposed under Section 59-12-1201;
  - (b) appropriations made to the fund by the Legislature;
  - (c) contributions from other public and private sources for deposit into the fund;
  - (d) interest earnings on cash balances;
  - (e) all money collected for repayments and interest on fund money;
  - (f) all money collected from rents and sales of real property acquired with fund money; and
  - (g) proceeds from general obligation bonds, revenue bonds, or other obligations as authorized by Title 63B, Bonds.
- (3)
  - (a) The commission shall authorize the expenditure of fund money to allow the department to acquire real property or any interests in real property for state, county, and municipal transportation corridors subject to:
    - (i) money available in the fund;
    - (ii) rules made under Subsection (6); and
    - (iii) Subsection (8).
  - (b) Fund money may be used to pay interest on debts incurred in accordance with this section.
- (4) Administrative costs for transportation corridor preservation shall be paid from the fund.
- (5) The department:
  - (a) may apply to the commission under this section for money from the Marda Dillree Corridor Preservation Fund for a specified transportation corridor project, including for county and municipal projects; and
  - (b) shall repay the fund money authorized for the project to the fund as required under Subsection (6).
- (6) The commission shall:
  - (a) administer the Marda Dillree Corridor Preservation Fund to:
    - (i) preserve transportation corridors;
    - (ii) promote long-term statewide transportation planning;
    - (iii) save on acquisition costs; and
    - (iv) promote the best interests of the state in a manner which minimizes impact on prime agricultural land;
  - (b) prioritize fund money based on considerations, including:
    - (i) areas with rapidly expanding population;
    - (ii) the willingness of local governments to complete studies and impact statements that meet department standards;
    - (iii) the preservation of corridors by the use of local planning and zoning processes;
    - (iv) the availability of other public and private matching funds for a project; and
    - (v) the cost-effectiveness of the preservation projects;
  - (c) designate high priority corridor preservation projects in cooperation with a metropolitan planning organization;
  - (d) administer the program for the purposes provided in this section;
  - (e) prioritize fund money in accordance with this section; and
  - (f) make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, establishing:
    - (i) the procedures for the awarding of fund money;

- (ii) the procedures for the department to apply for transportation corridor preservation money for projects; and
  - (iii) repayment conditions of the money to the fund from the specified project funds.
- (7)
  - (a) The proceeds from any bonds or other obligations secured by revenues of the Marda Dillree Corridor Preservation Fund shall be used for:
    - (i) the acquisition of real property in hardship cases; and
    - (ii) any of the purposes authorized for funds in the Marda Dillree Corridor Preservation Fund under this section.
  - (b) The commission shall pledge the necessary part of the revenues of the Marda Dillree Corridor Preservation Fund to the payment of principal of and interest on the bonds or other obligations.
- (8)
  - (a) The department may not apply for money under this section unless the highway authority has an access management policy or ordinance in effect that meets the requirements under Subsection (8)(b).
  - (b) The access management policy or ordinance shall:
    - (i) be for the purpose of balancing the need for reasonable access to land uses with the need to preserve the smooth flow of traffic on the highway system in terms of safety, capacity, and speed; and
    - (ii) include provisions:
      - (A) limiting the number of conflict points at driveway locations;
      - (B) separating conflict areas;
      - (C) reducing the interference of through traffic;
      - (D) spacing at-grade signalized intersections; and
      - (E) providing for adequate on-site circulation and storage.
  - (c) The department shall develop a model access management policy or ordinance that meets the requirements of this Subsection (8) for the benefit of a county or municipality under this section.
- (9)
  - (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commission shall make rules establishing a corridor preservation advisory council.
  - (b) The corridor preservation advisory council shall:
    - (i) assist with and help coordinate the corridor preservation efforts of the department and local governments;
    - (ii) provide recommendations and priorities concerning corridor preservation and the use of fund money to the department and to the commission; and
    - (iii) include members designated by each metropolitan planning organization in the state to represent local governments that are involved with corridor preservation through official maps and planning.

Amended by Chapter 121, 2012 General Session