

**TRANSPORTATION AMENDMENTS AND
HIGHWAY JURISDICTIONAL TRANSFER
TASK FORCE**

2005 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Carlene M. Walker

House Sponsor: Rebecca D. Lockhart

LONG TITLE

General Description:

This bill modifies the Utah Municipal Code, the Cities, Counties, and Local Taxing Units Code, the Counties Code, the Motor Vehicles Code, the Transportation Code, and the Judicial Code to amend provisions relating to transportation and creates the Highway Jurisdictional Transfer Task Force.

Highlighted Provisions:

This bill:

- ▶ provides definitions;
- ▶ expands written notice requirements of a local political subdivision's intent to prepare a capital facilities plan to include notice to the Utah Department of Transportation and a public transit district if the local political subdivision is within the public transit district boundaries;
- ▶ requires municipalities and counties to notify the Utah Department of Transportation, a public transit district if the municipality or county is within the public transit district boundaries, and local associations of governments of proposed zoning designation changes, plat considerations, general plan changes, and annexations that impact state and regional transportation systems;
- ▶ provides that notification for proposed changes is required for projects:
 - adjacent to state highways;
 - in other areas that have potential traffic increases of 3,000 Average Daily Traffic

or peak hour traffic of more than 500 vehicles per hour;

- ▶ allows a municipality's or county's general plan recommendations from the planning commission to include comments from the Utah Department of Transportation, a public transit district if the municipality or county is within the public transit district boundaries, and local associations of governments concerning the impacts on state and regional transportation systems;

- ▶ provides that a person who operates a vehicle in a tollway without paying the toll is guilty of a class C misdemeanor;

- ▶ provides that funds in the Tollway Restricted Account may be used for enforcement of a tollway;

- ▶ provides that the Department of Transportation may designate, with the approval of the Transportation Commission:

- highways as tollways on new state highways or additional capacity lanes as toll lanes on existing state highways; and

- high occupancy toll lanes on existing state highways;

- ▶ provides that the Department of Transportation shall make rules establishing standards and specifications for automatic tolling;

- ▶ provides that the Transportation Commission may provide funds for tollways;

- ▶ provides that revenues received from tolls shall be deposited in the Tollway Restricted Account;

- ▶ requires the executive director of the Department of Transportation to develop strategic initiatives for the department;

- ▶ requires the executive director to report the strategic initiatives to the Transportation Commission;

- ▶ requires the department to make rules establishing the strategic initiatives of the department;

- ▶ requires the Transportation Commission, in consultation with the department, to develop a written prioritization process for the selection of new transportation

capacity projects;

- ▶ requires the commission to hold public hearings on the written prioritization process;
- ▶ requires the commission, in consultation with the department, to make rules

establishing the written prioritization process for new transportation capacity projects;

- ▶ requires the commission to submit the rules to the Legislature prior to adopting them;
- ▶ requires the commission to:

- prioritize and fund new transportation capacity projects pursuant to the written prioritization process;

- hold public hearings on the prioritization of projects; and
 - make available upon request the ranking used for any projects prioritized;

- ▶ requires the executive director or the executive director's designee to report annually to the governor and the Legislature on projects prioritized by the commission;

- ▶ amends provisions establishing criteria for state highways;
- ▶ provides that a state highway shall meet the criteria provided and requires highway authorities to cooperate to match the criteria with designated state highways;

- ▶ requires the Department of Transportation to make rules:
 - defining and designating regionally significant arterial highways; and
 - establishing an access management policy consistent with the functional

classification of roadways;

- ▶ establishes a task force to study highway jurisdictional transfers;
- ▶ establishes task force membership, duties, and salaries and designates staff for the

task force;

- ▶ requires the task force to prepare a report;
- ▶ requires the Department of Transportation and other organizations to prepare a list of

highways that should be added or deleted from the state highway system and provide other data to the task force;

- ▶ requires the task force to report its findings to the Transportation Interim Committee on a specified date; and

- ▶ makes technical changes.

Monies Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a repeal date for the task force.

This bill provides a coordination clause.

Utah Code Sections Affected:

AMENDS:

10-9-103.5, as enacted by Chapter 339, Laws of Utah 1999

10-9-301.5, as enacted by Chapter 99, Laws of Utah 2004

10-9-302, as last amended by Chapter 99, Laws of Utah 2004

10-9-407, as last amended by Chapter 179, Laws of Utah 1995

17-27-103.5, as enacted by Chapter 339, Laws of Utah 1999

17-27-301.5, as enacted by Chapter 99, Laws of Utah 2004

17-27-302, as last amended by Chapter 99, Laws of Utah 2004

17-27-406, as last amended by Chapter 241, Laws of Utah 2001

72-2-120, as renumbered and amended by Chapter 270, Laws of Utah 1998

72-4-102.5, as enacted by Chapter 72, Laws of Utah 1999

72-6-118, as renumbered and amended by Chapter 270, Laws of Utah 1998

ENACTS:

41-6a-716, Utah Code Annotated 1953

72-1-211, Utah Code Annotated 1953

72-1-304, Utah Code Annotated 1953

72-1-305, Utah Code Annotated 1953

Uncodified Material Affected:

ENACTS UNCODIFIED MATERIAL

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

Section 1. Section **10-9-103.5** is amended to read:

10-9-103.5. Notice to nearby entities.

(1) As used in this section~~[-, "predevelopment"]~~:

(a) "Average Daily Traffic" has the same meaning as defined by the American Association of State Highway and Transportation Officials.

(b) "Predevelopment activity" means a public hearing concerning or consideration by the planning commission or the municipal legislative body of:

~~[(a)]~~ (i) a proposed change in zoning designation;

~~[(b)]~~ (ii) a preliminary or final plat describing a multiple-unit residential development or a commercial or industrial development; or

~~[(c)]~~ (iii) a proposed modification of the municipality's general plan whereby the vehicular capacity of a municipal road is proposed to be increased.

(2) The planning commission or legislative body, as the case may be, of each municipality shall provide notice of predevelopment activity occurring in the municipality to:

(a) the legislative body of:

~~[(a)]~~ (i) each municipality whose boundaries are within one mile of the property that is the subject of the predevelopment activity; and

~~[(b)]~~ (ii) each county that has unincorporated territory within one mile of the property that is the subject of the predevelopment activity~~[-]~~;

(b) the Utah Department of Transportation and the local association of governments, created by agreement under Title 11, Chapter 13, Interlocal Cooperation Act, if:

(i) predevelopment activity could create an increase in site:

(A) traffic of 3,000 or more Average Daily Traffic; or

(B) projected peak hour traffic of more than 500 vehicles per hour; or

(ii) predevelopment activity is along a state highway regardless of Average Daily Traffic or peak hour traffic; and

(c) a public transit district organized under Title 17A, Chapter 2, Part 10, Utah Public Transit District Act, if:

(i) the municipality is within the public transit district boundaries; and

(ii) a provision under Subsection (2)(b)(i) or (ii) applies to the predevelopment activity.

(3) The notice required by Subsection (2) shall be provided at least seven days before the predevelopment activity occurs.

(4) A planning commission or municipal legislative body meets the notice requirement of Subsection (2) by mailing to each appropriate legislative body, at least seven days before the predevelopment activity occurs, a copy of a planning commission or municipal legislative body meeting agenda that contains information sufficient to enable a reasonable reader to understand that predevelopment activity is expected to occur in the municipality and the location of the property that is the subject of the predevelopment activity.

(5) If notice given under this section is not challenged under Section 10-9-1001 within 30 days after the action for which notice is given, the notice is considered adequate and proper.

Section 2. Section **10-9-301.5** is amended to read:

10-9-301.5. Notice of intent to prepare a general plan or amendments to a general plan in certain municipalities.

(1) As used in this section:

(a) (i) "Affected entity" means each county, municipality, independent special district under Title 17A, Chapter 2, Independent Special Districts, local district under Title 17B, Chapter 2, Local Districts, school district, interlocal cooperation entity established under Title 11, Chapter 13, Interlocal Cooperation Act, and specified public utility:

(A) whose services or facilities are likely to require expansion or significant modification because of an intended use of land; or

(B) that has filed with the municipality a copy of the entity's general or long-range plan.

(ii) "Affected entity" does not include the municipality that is required under this section to provide notice.

(b) "Specified public utility" means an electrical corporation, gas corporation, or telephone corporation, as those terms are defined in Section 54-2-1.

(2) Before preparing a proposed general plan or amendments to an existing general plan,

each municipality within a county of the first or second class shall provide written notice, as provided in this section, of its intent to prepare a proposed general plan or amendments to a general plan.

(3) Each notice under Subsection (2) shall:

(a) indicate that the municipality intends to prepare a general plan or amendments to a general plan, as the case may be;

(b) describe or provide a map of the geographic area that will be affected by the general plan or amendments to a general plan;

(c) be sent to:

(i) each affected entity;

(ii) the Automated Geographic Reference Center created in Section 63A-6-202;

(iii) the association of governments, established pursuant to an interlocal agreement under Title 11, Chapter 13, Interlocal Cooperation Act, of which the municipality is a member; [and]

(iv) the state planning coordinator appointed under Section 63-38d-202;

(v) the Utah Department of Transportation if the general plan or amendments to the general plan:

(A) pertain to a site along a state highway; or

(B) allow a development that would create an increase in site:

(I) traffic of 3,000 or more Average Daily Traffic as defined in Section 10-9-103.5; or

(II) projected peak hour traffic of more than 500 vehicles per hour; and

(vi) a public transit district organized under Title 17A, Chapter 2, Part 10, Utah Public Transit District Act, if:

(A) the municipality is within the public transit district boundaries; and

(B) a provision under Subsection (3)(c)(v)(A) or (B) applies to the general plan or amendments to the general plan;

(d) with respect to the notice to affected entities, invite the affected entities to provide information for the municipality to consider in the process of preparing, adopting, and

implementing a general plan or amendments to a general plan concerning:

(i) impacts that the use of land proposed in the proposed general plan or amendments to a general plan may have on the affected entity; and

(ii) uses of land within the municipality that the affected entity is planning or considering that may conflict with the proposed general plan or amendments to the general plan; and

(e) include the address of an Internet website, if the municipality has one, and the name and telephone number of a person where more information can be obtained concerning the municipality's proposed general plan or amendments to a general plan.

Section 3. Section **10-9-302** is amended to read:

10-9-302. Plan preparation.

(1) (a) Subject to Section 10-9-301.5, the planning commission shall make and recommend to the legislative body a proposed general plan for the area within the municipality.

(b) The plan may include areas outside the boundaries of the municipality if, in the commission's judgment, they are related to the planning of the municipality's territory.

(c) Except as otherwise provided by law, when the plan of a municipality involves territory outside the boundaries of the municipality, the municipality may not take action affecting that territory without the concurrence of the county or other municipalities affected.

(2) The general plan, with the accompanying maps, plats, charts and descriptive and explanatory matter, shall show the planning commission's recommendations for the development of the territory covered by the plan, and may include, among other things:

(a) a land use element that:

(i) designates the proposed general distribution and location and extent of uses of land for housing, business, industry, agriculture, recreation, education, public buildings and grounds, open space, and other categories of public and private uses of land as appropriate; and

(ii) may include a statement of the standards of population density and building intensity recommended for the various land use categories covered by the plan;

(b) a transportation and circulation element consisting of the general location and extent of existing and proposed freeways, arterial and collector streets, mass transit, and any other

modes of transportation that are appropriate, all correlated with the land use element of the plan;

(c) an environmental element that addresses:

(i) the protection, conservation, development, and use of natural resources, including the quality of air, forests, soils, rivers and other waters, harbors, fisheries, wildlife, minerals, and other natural resources; and

(ii) the reclamation of land, flood control, prevention and control of the pollution of streams and other waters, regulation of the use of land on hillsides, stream channels and other environmentally sensitive areas, the prevention, control, and correction of the erosion of soils, protection of watersheds and wetlands, and the mapping of known geologic hazards;

(d) a public services and facilities element showing general plans for sewage, waste disposal, drainage, local utilities, rights-of-way, easements, and facilities for them, police and fire protection, and other public services;

(e) a rehabilitation, redevelopment, and conservation element consisting of plans and programs for:

(i) historic preservation; and

(ii) the elimination of blight and for redevelopment, including housing sites, business and industrial sites, and public building sites;

(f) an economic element composed of appropriate studies and an economic development plan that may include review of municipal revenue and expenditures, revenue sources, identification of base and residentiary industry, primary and secondary market areas, employment, and retail sales activity;

(g) recommendations for implementing the plan, including the use of zoning ordinances, subdivision ordinances, capital improvement plans, and other appropriate actions;

(h) provisions addressing any of the matters listed in Subsection 10-9-301(2); [~~and~~]

(i) any comments from the Utah Department of Transportation, a public transit district organized under Title 17A, Chapter 2, Part 10, Utah Public Transit District Act, if the municipality is within the public transit district boundaries, or the local association of governments concerning the impact on the state or regional transportation system; and

~~[(1)]~~ (j) any other elements the municipality considers appropriate.

Section 4. Section **10-9-407** is amended to read:

10-9-407. Conditional uses.

(1) A zoning ordinance may contain provisions for conditional uses that may be allowed, allowed with conditions, or denied in designated zoning districts, based on compliance with standards and criteria set forth in the zoning ordinance for those uses.

(2) Before acting on an application for a conditional use, the municipality shall notify:

(a) the Utah Department of Transportation and the local association of governments if the application is for a conditional use of property:

(i) that is along a state highway; or

(ii) to allow a development that would create an increase in, on any local or state highway, site:

(A) traffic of 3,000 or more Average Daily Traffic as defined in Section 10-9-103.5; or

(B) projected peak hour traffic of more than 500 vehicles per hour; and

(b) a public transit district organized under Title 17A, Chapter 2, Part 10, Utah Public Transit District Act, if:

(i) the municipality is within the public transit district boundaries; and

(ii) a provision under Subsection (2)(a)(i) or (ii) applies to the conditional use of the property.

~~[(2)]~~ (3) The board of adjustments has jurisdiction to decide appeals of the approval or denial of conditional use permits unless the legislative body has enacted an ordinance designating the legislative body or another body as the appellate body for those appeals.

Section 5. Section **17-27-103.5** is amended to read:

17-27-103.5. Notice to nearby entities.

(1) As used in this section, "predevelopment activity" means a public hearing concerning or consideration by the planning commission or the county legislative body of:

(a) a proposed change in zoning designation;

(b) a preliminary or final plat describing a multiple-unit residential development or a

commercial or industrial development; or

(c) a proposed modification of the county's general plan whereby the vehicular capacity of a county road is proposed to be increased.

(2) The planning commission or legislative body, as the case may be, of each county shall provide notice of predevelopment activity occurring in the unincorporated county to:

(a) the legislative body of:

~~[(a)]~~ (i) each municipality whose boundaries are within one mile of the property that is the subject of the predevelopment activity; and

~~[(b)]~~ (ii) each county that has unincorporated territory within one mile of the property that is the subject of the predevelopment activity[-];

(b) the Utah Department of Transportation and the local association of governments, created by agreement under Title 11, Chapter 13, Interlocal Cooperation Act, if:

(i) predevelopment activity could create an increase in site:

(A) traffic of 3,000 Average Daily Traffic as defined in Section 10-9-103.5; or

(B) projected peak hour traffic of more than 500 vehicles per hour; or

(ii) predevelopment activity is along a state highway regardless of Average Daily Traffic or peak hour traffic; and

(c) a public transit district organized under Title 17A, Chapter 2, Part 10, Utah Public Transit District Act, if:

(i) the county is within the public transit district boundaries; and

(ii) a provision under Subsection (2)(b)(i) or (ii) applies to the predevelopment activity.

(3) The notice required by Subsection (2) shall be provided at least seven days before the predevelopment activity occurs.

(4) A planning commission or county legislative body meets the notice requirements of Subsection (2) by mailing to each appropriate legislative body, at least seven days before the predevelopment activity occurs, a copy of a planning commission or county legislative body meeting agenda that contains information sufficient to enable a reasonable reader to understand that predevelopment activity is expected to occur in the county and the location of the property

that is the subject of the predevelopment activity.

(5) If notice given under this section is not challenged under Section 17-27-1001 within 30 days after the action for which notice is given, the notice is considered adequate and proper.

Section 6. Section **17-27-301.5** is amended to read:

17-27-301.5. Notice of intent to prepare a general plan or amendments to a general plan in certain counties.

(1) As used in this section:

(a) (i) "Affected entity" means each county, municipality, independent special district under Title 17A, Chapter 2, Independent Special Districts, local district under Title 17B, Chapter 2, Local Districts, school district, interlocal cooperation entity established under Title 11, Chapter 13, Interlocal Cooperation Act, and specified public utility:

(A) whose services or facilities are likely to require expansion or significant modification because of an intended use of land; or

(B) that has filed with the county a copy of the entity's general or long-range plan.

(ii) "Affected entity" does not include the county that is required under this section to provide notice.

(b) "Specified public utility" means an electrical corporation, gas corporation, or telephone corporation, as those terms are defined in Section 54-2-1.

(2) Before preparing a proposed general plan or amendments to an existing general plan, each county of the first or second class shall provide written notice, as provided in this section, of its intent to prepare a proposed general plan or amendments to a general plan.

(3) Each notice under Subsection (2) shall:

(a) indicate that the county intends to prepare a general plan or amendments to a general plan, as the case may be;

(b) describe or provide a map of the geographic area that will be affected by the general plan or amendments to a general plan;

(c) be sent to:

(i) each affected entity;

- (ii) the Automated Geographic Reference Center created in Section 63A-6-202;
- (iii) the association of governments, established pursuant to an interlocal agreement under Title 11, Chapter 13, Interlocal Cooperation Act, of which the county is a member; [and]
- (iv) the state planning coordinator appointed under Section 63-38d-202;
- (v) the Utah Department of Transportation if the general plan or amendments to the general plan:

- (A) pertain to a site along a state highway; or

- (B) allow a development that would create an increase in site:

- (I) traffic of 3,000 or more Average Daily Traffic as defined in Section 10-9-103.5; or

- (II) projected peak hour traffic of more than 500 vehicles per hour; and

- (vi) a public transit district organized under Title 17A, Chapter 2, Part 10, Utah Public Transit District Act, if:

- (A) the county is within the public transit district boundaries; and

- (B) a provision under Subsection (3)(c)(v)(A) or (B) applies to the general plan or amendments to the general plan;

(d) with respect to the notice to affected entities, invite the affected entities to provide information for the county to consider in the process of preparing, adopting, and implementing a general plan or amendments to a general plan concerning:

- (i) impacts that the use of land proposed in the proposed general plan or amendments to a general plan may have on the affected entity; and

- (ii) uses of land within the county that the affected entity is planning or considering that may conflict with the proposed general plan or amendments to the general plan; and

- (e) include the address of an Internet website, if the county has one, and the name and telephone number of a person where more information can be obtained concerning the county's proposed general plan or amendments to a general plan.

Section 7. Section **17-27-302** is amended to read:

17-27-302. Plan preparation.

(1) (a) Subject to Section 17-27-301.5, the planning commission shall make and

recommend to the legislative body a proposed general plan for the area within the county.

(b) (i) The plan may include planning for incorporated areas if, in the planning commission's judgment, they are related to the planning of the unincorporated territory or of the county as a whole.

(ii) Elements of the county plan that address incorporated areas are not an official plan or part of a municipal plan for any municipality, unless it is adopted by the municipal planning commission and the governing body of the municipality.

(2) The general plan, with the accompanying maps, plats, charts and descriptive and explanatory matter, shall show the planning commission's recommendations for the development of the territory covered by the plan, and may include, among other things:

(a) a land use element that:

(i) designates the proposed general distribution and location and extent of uses of land for housing, business, industry, agriculture, recreation, education, public buildings and grounds, open space, and other categories of public and private uses of land as appropriate; and

(ii) may include a statement of the standards of population density and building intensity recommended for the various land use categories covered by the plan;

(b) a transportation and circulation element consisting of the general location and extent of existing and proposed freeways, arterial and collector streets, mass transit, and any other modes of transportation that are appropriate, all correlated with the land use element of the plan;

(c) an environmental element that addresses:

(i) the protection, conservation, development, and use of natural resources, including the quality of air, forests, soils, rivers and other waters, harbors, fisheries, wildlife, minerals, and other natural resources; and

(ii) the reclamation of land, flood control, prevention and control of the pollution of streams and other waters, regulation of the use of land on hillsides, stream channels and other environmentally sensitive areas, the prevention, control, and correction of the erosion of soils, protection of watersheds and wetlands, and the mapping of known geologic hazards;

(d) a public services and facilities element showing general plans for sewage, waste

disposal, drainage, local utilities, rights-of-way, easements, and facilities for them, police and fire protection, and other public services;

(e) a rehabilitation, redevelopment, and conservation element consisting of plans and programs for:

(i) historic preservation; and

(ii) the elimination of blight and for redevelopment, including housing sites, business and industrial sites, and public building sites;

(f) an economic element composed of appropriate studies and an economic development plan that may include review of county revenue and expenditures, revenue sources, identification of base and residentiary industry, primary and secondary market areas, employment, and retail sales activity;

(g) recommendations for implementing the plan, including the use of zoning ordinances, subdivision ordinances, capital improvement plans, and other appropriate actions;

(h) provisions addressing any of the matters listed in Subsection 17-27-301(2); ~~and~~

(i) any comments from the Utah Department of Transportation, a public transit district organized under Title 17A, Chapter 2, Part 10, Utah Public Transit District Act, if the county is within the public transit district boundaries, or the local association of governments concerning the impact on the state or regional transportation system; and

~~(j)~~ (j) any other elements that the county considers appropriate.

Section 8. Section **17-27-406** is amended to read:

17-27-406. Conditional uses -- Appeals.

(1) A zoning ordinance may contain provisions for administrative decisions relating to conditional uses that may be allowed, allowed with conditions, or denied in designated zoning districts, based on compliance with standards and criteria set forth in the zoning ordinance for those uses.

(2) Before acting on an application for a conditional use, the county shall notify:

(a) the Utah Department of Transportation and the local association of governments if the application is for a conditional use of property:

(i) that is along a state highway; or
(ii) that allows a development that would create an increase in, on any local or state highway, site:
(A) traffic of 3,000 or more Average Daily Traffic as defined in Section 10-9-103.5; or
(B) projected peak hour traffic of more than 500 vehicles per hour; and
(b) a public transit district organized under Title 17A, Chapter 2, Part 10, Utah Public Transit District Act, if:

(i) the county is within the public transit district boundaries; and
(ii) a provision under Subsection (2)(a)(i) or (ii) applies to the conditional use of the property.

~~[(2)]~~ (3) Appeals of the approval or denial of a conditional use permit shall be decided by the board of adjustment, unless the county legislative body by ordinance designates itself or another body to decide those appeals.

Section 9. Section **41-6a-716** is enacted to read:

41-6a-716. Driving on tollway without paying toll prohibited.

(1) As used in this section, "tollway" has the same meaning as defined in Section 72-6-118.

(2) The operator of a vehicle traveling on a tollway shall pay the toll imposed by the department or other entity for that tollway under Section 72-6-118.

(3) A person who violates Subsection (2) is guilty of a class C misdemeanor.

Section 10. Section **72-1-211** is enacted to read:

72-1-211. Department to develop strategic initiatives -- Report -- Rulemaking.

(1) The executive director shall develop strategic initiatives for the department.

(2) The strategic initiatives developed under Subsection (1) shall include consideration of the following factors:

(a) corridor preservation;

(b) development of new transportation capacity projects;

(c) long-term maintenance and operations of the transportation system;

(d) safety;

(e) incident management; and

(f) homeland security.

(3) (a) The executive director or the executive director's designee shall report the strategic initiatives of the department developed under Subsection (1) to the Transportation Commission.

(b) The report required under Subsection (3)(a) shall include the measure that will be used to determine whether the strategic initiatives have been achieved.

(4) After compliance with Subsection (3) and in accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the department shall make rules establishing the strategic initiatives developed under this part.

Section 11. Section **72-1-304** is enacted to read:

72-1-304. Written project prioritization process for new transportation capacity projects -- Rulemaking.

(1) The Transportation Commission, in consultation with the department and the metropolitan planning organizations as defined in Section 72-1-208.5, shall develop a written prioritization process for the prioritization of new transportation capacity projects that are or will be part of the state highway system under Chapter 4, Part 1, State Highways.

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

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

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

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

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

(e) any other provisions the commission considers appropriate.

(3) In developing the written prioritization process, the commission:

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

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

(4) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the Transportation Commission, in consultation with the department, shall make rules establishing the written prioritization process under Subsection (1).

(5) The commission shall submit the proposed rules under this section to a committee or task force designated by the Legislative Management Committee for review prior to taking final action on the proposed rules or any proposed amendment to the rules described in Subsection (4).

Section 12. Section **72-1-305** is enacted to read:

72-1-305. Project selection using the written prioritization process -- Public comment -- Report.

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

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

(a) the written prioritization process;

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

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

(3) The commission shall make the weighted criteria system ranking for each project

publicly available prior to the public hearings held under Subsection (2).

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

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

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

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

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

Section 13. Section **72-2-120** is amended to read:

72-2-120. Tollway Restricted Account -- Revenue -- Nonlapsing.

(1) There is created within the Transportation Fund a restricted account known as the "Tollway Restricted Account."

(2) The account shall be funded from the following sources:

(a) tolls collected under Section 72-6-118;

(b) appropriations made to the account by the Legislature;

(c) contributions from other public and private sources for deposit into the account;

(d) interest earnings on cash balances; and

(e) all monies collected for repayments and interest on account monies.

(3) All monies appropriated to the account are nonlapsing.

(4) (a) Monies shall be appropriated by the Legislature from the restricted account to the commission for tollway purposes.

(b) The commission may authorize the monies under Subsection (4)(a) to be spent by the department to establish and operate tollways and related facilities, including design, construction, reconstruction, operation, maintenance, enforcement, impacts from tollways, and the acquisition

of right-of-way.

Section 14. Section **72-4-102.5** is amended to read:

72-4-102.5. Definitions -- Rulemaking -- Criteria for state highways.

~~[(1) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the department shall make rules establishing and defining a functional classification of roadways for the purpose of implementing this section. The definitions shall provide for a separate functional classification system for urban and rural highways recognizing the unique differences in the character of services provided by urban and rural highways.]~~

(1) As used in this section:

(a) "arterial highway" has the same meaning as provided under the Federal Highway Administration Functional Classification Guidelines;

(b) "collector highway," "collector road," or "collector street" has the same meaning as provided under the Federal Highway Administration Functional Classification Guidelines;

(c) "local street" or "local road" means a highway that is not an arterial highway or a collector highway and that is under the jurisdiction of a county or municipality;

(d) "major collector highway," "major collector road," or "major collector street" has the same meaning as provided under the Federal Highway Administration Functional Classification Guidelines;

(e) "minor collector road" or "minor collector street" has the same meaning as provided under the Federal Highway Administration Functional Classification Guidelines;

(f) "minor arterial highway" or "minor arterial street" has the same meaning as provided under the Federal Highway Administration Functional Classification Guidelines;

(g) "principal arterial highway" has the same meaning as provided under the Federal Highway Administration Functional Classification Guidelines;

(h) "rural area" has the same meaning as provided under the Federal Highway Administration Functional Classification Guidelines;

(i) "tourist area" means an area of the state frequented by tourists for the purpose of visiting national parks, national recreation areas, national monuments, or state parks; and

(j) "urban area" has the same meaning as provided under the Federal Highway Administration Functional Classification Guidelines.

(2) (a) Subject to the provisions of Title 72, Chapter 3, Highway Jurisdiction and Classification Act, and this chapter, a state highway shall meet the criteria provided under this section.

(b) The highway authorities of this state or their representatives shall cooperate to match the criteria provided under this section with the state highways designated under this title.

(c) The primary function of state highways is to provide for the safe and efficient movement of traffic, while providing access to property is a secondary function.

(d) The primary function of county and municipal highways is to provide access to property.

(e) For purposes of this section, if a highway is within ten miles of a location identified under this section, the location is considered to be served by that highway.

~~[(2)]~~ (3) A state highway shall:

(a) serve a statewide purpose by accommodating interstate movement of traffic or interregion movement of traffic within the state;

(b) primarily move higher traffic volumes over longer distances than highways under local jurisdiction;

(c) connect major population centers;

(d) be spaced so that:

(i) all developed areas in the state are within a reasonable distance of a state highway;
and ~~[be spaced so that]~~

(ii) duplicative state routes are avoided;

(e) provide state highway system continuity and efficiency of state highway system operation and maintenance activities;

~~[(f) provide access to property as a secondary function; and]~~

(f) include all interstate routes, all expressways, and all highways on the National Highway System as designated by the Federal Highway Administration under 23 C.F.R. Section

470, Subpart A, as of January 1, 2005; and

(g) exclude parking lots, driving ranges, and campus roads.

~~[(3) A rural state highway shall:]~~

~~[(a) include all interstate routes, all highways on the National Highway System as designated by the Federal Highway Administration, all U.S. designated routes, and]~~

(4) In addition to the provisions of Subsection (3), in rural areas a state highway shall:

(a) include all minor arterial highways;

(b) include a major collector highway that:

(i) serves a county seat;

(ii) serves a municipality with a population of 1,000 or more;

(iii) serves a major industrial, commercial, or recreation areas that generate traffic volumes equivalent to a population of 1,000 or more;

(iv) provides continuity for the state highway system by providing major connections between other state highways;

(v) provides service between two or more counties; or

(vi) serves a compelling statewide public safety interest[-]; and

~~[(4) An urban] (c) exclude all minor collector streets and local roads.~~

(5) In addition to the provisions of Subsection (3), in urban areas a state highway shall:

(a) include all [interstate routes, all expressways, all highways on the National Highway System as designated by the Federal Highway Administration, and all] principal arterial highways; [and]

(b) include a minor arterial highway that:

(i) provides continuity for the state highway system by providing major connections between other state highways; [or]

(ii) is a route that is expected to be a principal arterial highway within ten years[-]; or

~~[(5) For] (iii) is needed to provide access to state highways; and~~

(c) exclude all collector highways and local roads.

(6) In addition to the provisions of Subsections (3) and (4), in tourist areas, a state

highway:

(a) shall ~~[serve]~~ include a highway that:

(i) serves a national park or a national recreational area; or

~~[(b) shall serve]~~ (ii) serves a national monument with visitation greater than 100,000 per year; or

~~[(c)]~~ (b) may [serve] include a highway that:

(i) serves a state park with visitation greater than 100,000 per year; or

~~[(d) may serve]~~ (ii) serves a recreation site with visitation greater than 100,000 per year.

(7) (a) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the department shall make rules:

(i) establishing and defining a functional classification of highways for the purpose of implementing this section;

(ii) defining and designating regionally significant arterial highways; and

(iii) establishing an access management policy consistent with the functional classification of roadways.

(b) The definitions under Subsection (7)(a) shall provide a separate functional classification system for urban and rural highways recognizing the unique differences in the character of services provided by urban and rural highways.

(c) The rules under Subsection (7)(a):

(i) shall conform as nearly as practical to the Federal Highway Administration Functional Classification Guidelines; and

(ii) may incorporate by reference, in whole or in part, the federal guidelines under Subsection (7)(c)(i).

Section 15. Section **72-6-118** is amended to read:

72-6-118. Definitions -- Establishment and operation of tollways -- Imposition and collection of tolls -- Amount of tolls -- Rulemaking.

(1) As used in this section:

(a) "High occupancy toll lane" means a high occupancy vehicle lane designated under

Section 41-6a-702 that may be used by an operator of a vehicle carrying less than the number of persons specified for the high occupancy vehicle lane if the operator of the vehicle pays a toll or fee.

~~[(a)]~~ (b) "Toll" means any tax, fee, or charge assessed for the specific use of a tollway.

(c) "Toll lane" means a designated new highway or additional lane capacity that is constructed, operated, or maintained for which a toll is charged for its use.

~~[(b)]~~ (d) (i) "Tollway" means a highway, highway lane, bridge, path, tunnel, or right-of-way designed and used as a transportation route that is constructed, operated, or maintained through the use of toll revenues.

(ii) "Tollway" includes a high occupancy toll lane and a toll lane.

(2) Subject to the provisions of Subsection (3), the department may:

(a) establish and operate tollways and related facilities for the purpose of funding in whole or in part the acquisition of right-of-way and the design, construction, reconstruction, operation, enforcement, and maintenance of or impacts from a transportation route for use by the public;

(b) enter into contracts, agreements, licenses, franchises, or other arrangements to implement this section; and

(c) impose and collect tolls on any tollway established under this section.

(3) (a) ~~[(The)]~~ Except as provided under Subsection (3)(d), the department or other entity may not establish or operate a tollway on ~~[(a)]~~ an existing state highway, except as approved by the commission and the Legislature.

(b) Between sessions of the Legislature, a state tollway may be designated or deleted if:

(i) approved by the commission in accordance with the standards made under this section; and

(ii) the tollways are submitted to the Legislature in the next year for legislative approval or disapproval.

(c) In conjunction with a proposal submitted under Subsection (3)(b)(ii), the department shall provide a description of the tollway project, projected traffic, the anticipated amount of tolls

to be charged, and projected toll revenue.

(d) If approved by the commission, the department may:

(i) establish high occupancy toll lanes on existing state highways; and

(ii) establish tollways on new state highways or additional capacity lanes.

(4) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the commission shall set the amount of any toll imposed or collected on a tollway on a state highway.

(5) (a) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the department shall make rules:

(i) necessary to establish and operate tollways on state highways[-]; and

(ii) that establish standards and specifications for automatic tolling systems.

(b) The rules shall:

(i) include minimum criteria for having a tollway[-]; and

(ii) conform to regional and national standards for automatic tolling.

(6) (a) The commission may provide funds for public or private tollway pilot projects or high occupancy toll lanes from General Fund monies appropriated by the Legislature to the commission for that purpose.

(b) The commission may determine priorities and funding levels for tollways designated under this section.

(7) All revenue generated from a tollway on a state highway shall be deposited into the Tollway Restricted Account created in Section 72-2-120 and used for acquisition of right-of-way and the design, construction, reconstruction, operation, maintenance, and enforcement of transportation facilities within the corridor served by the tollway.

Section 16. Highway Jurisdictional Transfer Task Force -- Creation -- Membership -- Procedures -- Compensation -- Staff.

(1) There is created the Highway Jurisdictional Transfer Task Force consisting of the following 13 members:

(a) three members of the Senate appointed by the president of the Senate, no more than

two of whom may be from the same political party;

(b) three members of the House of Representatives appointed by the speaker of the House of Representatives, no more than two of whom may be from the same political party;

(c) the executive director or the executive director's designee of the Department of Transportation as a nonvoting member;

(d) two representatives of metropolitan planning organizations as defined under Section 72-1-208.5 appointed by the governor as nonvoting members;

(e) two representatives of the counties appointed by the governor as nonvoting members;
and

(f) two representatives of the municipalities appointed by the governor as nonvoting members.

(2) (a) The president of the Senate shall designate a member of the Senate appointed under Subsection (1)(a) as a cochair of the task force.

(b) The speaker of the House of Representatives shall designate a member of the House of Representatives appointed under Subsection (1)(b) as a cochair of the task force.

(3) (a) A majority of the voting members of the task force constitutes a quorum of the task force.

(b) The action of a majority of the voting members constitutes the action of the task force.

(4) (a) Salaries and expenses of the members of the task force who are legislators shall be paid in accordance with Section 36-2-2 and Legislative Joint Rule 15.03.

(b) A member of the task force who is not a legislator may not receive compensation for the work associated with the task force, but may receive per diem and reimbursement for travel expenses incurred as a member of the task force at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

(5) The Office of Legislative Research and General Counsel shall provide staff support to the task force.

(6) The Office of Legislative Fiscal Analyst shall provide staff for fiscal planning support

to the task force.

Section 17. **Duties -- Interim report.**

(1) The task force shall review and make recommendations on the jurisdictional transfer of highways from the state to counties and municipalities and from counties and municipalities to the state including:

(a) which highways should be transferred in accordance with Section 72-4-102.5;

(b) the amount of funding or other resources that should be provided with the transfers;

and

(c) the phase-in or timing of the transfers.

(2) Based on the criteria provided for state highways under Section 72-4-102.5, the Department of Transportation in cooperation with representatives of the municipalities, the counties, and the metropolitan planning organizations as defined under Section 72-1-208.5 shall develop a list of highways that should be deleted as state highways and that should be added as state highways.

(3) The list of highways under Subsection (2) shall be presented and provided along with related data requested by the task force chairs to the task force no later than June 30, 2005.

(4) The Department of Transportation and the representatives specified under Subsection (2) shall provide other data as requested by the task force chairs relevant to the task force making a determination for funding, timing, highway condition, and other requirements of any highway transfer.

(5) The task force shall consider:

(a) the potential need for a uniform access management policy under Section 72-4-102.5 applicable to any transferred highways; and

(b) the potential need for compatible traffic signal coordination systems and intelligent transportation systems.

(6) The task force shall meet no more than eight times from April through November.

(7) The task force shall make a final report, including any proposed legislation, to the Transportation Interim Committee before November 30, 2005.

Section 18. **Repeal date.**

The uncodified material that creates the Highway Jurisdictional Transfer Task Force is repealed on November 30, 2005.

Section 19. **Coordinating S.B. 25 with S.B. 60.**

If this S.B. 25 and S.B. 60, Local Land-use Development and Management Amendments, both pass, it is the intent of the Legislature that the amendments to the following sections in this S.B. 25 do not take effect when the Office of Legislative Research and General Counsel prepares the Utah Code database for publication:

(1) 10-9-103.5;

(2) 10-9-301.5;

(3) 10-9-302;

(4) 10-9-407;

(5) 17-27-103.5;

(6) 17-27-301.5;

(7) 17-27-302; and

(8) 17-27-406.

Section 20. **Coordinating S.B. 25 with S.B. 5.**

If this S.B. 25 and S.B. 5, Traffic Code Recodification and Revisions, both pass it is the intent of the Legislature that Section 41-6-65.5 and any references to that section in this S.B. 25 be renumbered to Section 41-6a-716 when the Office of Legislative Research and General Counsel prepares the Utah Code database for publication.