

1                   **LOCAL TRANSPORTATION CORRIDOR**  
2                   **PRESERVATION FUND AMENDMENTS**

3                                   2007 GENERAL SESSION

4                                   STATE OF UTAH

5                                   **Chief Sponsor: Sheldon L. Killpack**

6                                   House Sponsor: John Dougall

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8                   **LONG TITLE**

9                   **General Description:**

10                   This bill modifies the Transportation Finances Act by amending provisions relating to  
11 the Local Transportation Corridor Preservation Fund.

12                   **Highlighted Provisions:**

13                   This bill:

14                   ▶ clarifies that the Local Transportation Corridor Preservation Fund shall be used to  
15 preserve highway corridors;

16                   ▶ requires the county's council of governments to establish a priority list of highway  
17 corridor preservation projects within the county and obtain approval of the list from  
18 the county's legislative body;

19                   ▶ provides that a county's council of governments may only submit one priority list of  
20 highway corridor preservation projects within the county per calendar year and the  
21 county legislative body may only consider and approve one priority list of highway  
22 corridor preservation projects per calendar year;

23                   ▶ provides that a highway authority may not apply for monies to purchase a  
24 right-of-way for a state highway unless the highway authority has:

25                   • a transportation corridor property acquisition policy or ordinance in effect that  
26 meets federal requirements; and

27                   • an access management policy or ordinance in effect that meets certain  
28 requirements; and

29                   ▶ makes technical changes.

30 **Monies Appropriated in this Bill:**

31 None

32 **Other Special Clauses:**

33 None

34 **Utah Code Sections Affected:**

35 AMENDS:

36 **72-2-117.5**, as last amended by Chapter 1, Laws of Utah 2006, Fourth Special Session



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

39 Section 1. Section **72-2-117.5** is amended to read:

40 **72-2-117.5. Local Transportation Corridor Preservation Fund -- Distribution.**

41 (1) As used in this section:

42 (a) "Council of governments" means a decision-making body in each county composed  
43 of the county governing body and the mayors of each municipality in the county.

44 (b) "Metropolitan planning organization" has the same meaning as defined in Section  
45 72-1-208.5.

46 (2) There is created the Local Transportation Corridor Preservation Fund within the  
47 Transportation Fund.

48 (3) The fund shall be funded from the following sources:

49 (a) a local option transportation corridor preservation fee imposed under Section  
50 41-1a-1222;

51 (b) appropriations made to the fund by the Legislature;

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

53 (d) interest earnings on cash balances;

54 (e) all monies collected from rents and sales of real property acquired with fund  
55 monies;

56 (f) proceeds from general obligation bonds, revenue bonds, or other obligations issued  
57 as authorized by Title 63B, Bonds; and

58 (g) the portion of the sales and use tax described in Subsection 59-12-1703(4)(a)(ii)  
59 and required by Subsection 59-12-1703(7)(b)(i) to be deposited into the fund.

60 (4) (a) All monies appropriated to the Local Transportation Corridor Preservation Fund  
61 are nonlapsing.

62 (b) The Tax Commission shall provide the department with sufficient data for the  
63 department to allocate the revenues:

64 (i) provided under Subsection (3)(a) to each county imposing a local option  
65 transportation corridor preservation fee under Section 41-1a-1222; and

66 (ii) provided under Subsection 59-12-1703(4)(a)(ii) to each county imposing a county  
67 option sales and use tax for transportation.

68 (c) The monies allocated under Subsection (4)(b):

69 (i) shall be used for the purposes provided in this section for each county; and

70 (ii) are allocated to each county as provided in this section:

71 (A) with the condition that the state will not be charged for any asset purchased with  
72 the monies allocated under Subsection (4)(b); and

73 (B) are considered a local matching contribution for the purposes described under  
74 Section 72-2-123 if used on a state highway.

75 (d) Administrative costs of the department to implement this section shall be paid from  
76 the fund.

77 (5) (a) The department shall authorize the expenditure of fund monies to allow a  
78 highway authority to acquire real property or any interests in real property for state, county, and  
79 municipal [~~transportation~~] highway corridors subject to:

80 (i) monies available in the fund to each county under Subsection (4)(b); and

81 (ii) the provisions of this section.

82 (b) Fund monies may be used to pay interest on debts incurred in accordance with this  
83 section.

84 (c) (i) (A) Fund monies may be used to pay maintenance costs of properties acquired  
85 under this section but limited to a total of 5% of the purchase price of the property.

86 (B) Any additional maintenance cost shall be paid from funds other than under this  
87 section.

88 (C) Revenue generated by any property acquired under this section is excluded from  
89 the limitations under this Subsection (5)(c)(i).

90 (ii) Fund monies may be used to pay direct costs of acquisition of properties acquired  
91 under this section.

92 (d) Fund monies allocated under Subsection (4)(b) may be used by a county highway  
93 authority for countywide transportation planning if:

94 (i) the county is not included in a metropolitan planning organization;

95 (ii) the transportation planning is part of the county's continuing, cooperative, and  
96 comprehensive process for transportation planning, corridor preservation, right-of-way  
97 acquisition, and project programming;

98 (iii) no more than four years allocation every 20 years to each county is used for  
99 transportation planning under this Subsection (5)(d); and

100 (iv) the county otherwise qualifies to use the fund monies as provided under this  
101 section.

102 (e) (i) Fund monies allocated under Subsection (4)(b) may be used by a county  
103 highway authority for transportation corridor planning that is part of the corridor elements of an  
104 ongoing work program of transportation projects.

105 (ii) The transportation corridor planning under Subsection (5)(e)(i) shall be under the  
106 direction of:

107 (A) the metropolitan planning organization if the county is within the boundaries of a  
108 metropolitan planning organization; or

109 (B) the department if the county is not within the boundaries of a metropolitan  
110 planning organization.

111 (6) (a) (i) The Local Transportation Corridor Preservation Fund shall be used to  
112 preserve [~~transportation~~] highway corridors, promote long-term statewide transportation  
113 planning, save on acquisition costs, and promote the best interests of the state in a manner

114 which minimizes impact on prime agricultural land.

115 (ii) The Local Transportation Corridor Preservation Fund may not be used for a  
116 [~~transportation~~] highway corridor that is primarily a recreational trail as defined under Section  
117 63-11a-101.

118 (b) (i) The department shall develop and implement a program to educate highway  
119 authorities on the objectives, application process, use, and responsibilities of the Local  
120 Transportation Corridor Preservation Fund as provided under this section to promote the most  
121 efficient and effective use of fund monies including priority use on designated high priority  
122 corridor preservation projects.

123 (ii) The department shall develop a model transportation corridor property acquisition  
124 policy or ordinance that meets federal requirements for the benefit of a highway authority to  
125 acquire real property or any interests in real property under this section.

126 (c) The department shall authorize the expenditure of fund monies after determining  
127 that the expenditure is being made in accordance with this section from applications that are:

- 128 (i) made by a highway authority; and
- 129 (ii) endorsed by the council of governments.

130 (7) (a) (i) A council of governments [~~may~~] shall establish a council of governments  
131 endorsement process which includes prioritization and application procedures for use of the  
132 monies allocated to each county under this section.

133 (ii) The endorsement process under Subsection (7)(a)(i) may include review or  
134 endorsement of the preservation project by the:

135 (A) metropolitan planning organization if the county is within the boundaries of a  
136 metropolitan planning organization; or

137 (B) the department if the county is not within the boundaries of a metropolitan  
138 planning organization.

139 (b) All fund monies shall be prioritized by each highway authority and council of  
140 governments based on considerations, including:

- 141 (i) areas with rapidly expanding population;

142 (ii) the willingness of local governments to complete studies and impact statements  
143 that meet department standards;

144 (iii) the preservation of corridors by the use of local planning and zoning processes;

145 (iv) the availability of other public and private matching funds for a project;

146 (v) the cost-effectiveness of the preservation projects;

147 (vi) long and short-term maintenance costs for property acquired; and

148 (vii) whether the transportation corridor is included as part of:

149 (A) the county and municipal master plan; and

150 (B) (I) the statewide long range plan; or

151 (II) the regional transportation plan of the area metropolitan planning organization if  
152 one exists for the area.

153 (c) The council of governments shall:

154 (i) establish a priority list of highway corridor preservation projects within the county;

155 (ii) submit the list described in Subsection (7)(c)(i) to the county's legislative body for  
156 approval; and

157 (iii) obtain approval of the list described in Subsection (7)(c)(i) from a majority of the  
158 members of the county legislative body.

159 (d) A county's council of governments may only submit one priority list described in  
160 Subsection (7)(c)(i) per calendar year.

161 (e) A county legislative body may only consider and approve one priority list described  
162 in Subsection (7)(c)(i) per calendar year.

163 (8) (a) Unless otherwise provided by written agreement with another highway  
164 authority, the highway authority that holds the deed to the property is responsible for  
165 maintenance of the property.

166 (b) The transfer of ownership for property acquired under this section from one  
167 highway authority to another shall include a recorded deed for the property and a written  
168 agreement between the highway authorities.

169 (9) (a) The proceeds from any bonds or other obligations secured by revenues of the

170 Local Transportation Corridor Preservation Fund shall be used for the purposes authorized for  
171 funds under this section.

172 (b) The highway authority shall pledge the necessary part of the revenues of the Local  
173 Transportation Corridor Preservation Fund to the payment of principal and interest on the  
174 bonds or other obligations.

175 (10) (a) A highway authority may not apply for monies under this section to purchase a  
176 right-of-way for a state highway unless the highway authority has:

177 (i) a transportation corridor property acquisition policy or ordinance in effect that  
178 meets federal requirements for the acquisition of real property or any interests in real property  
179 under this section; and

180 (ii) an access management policy or ordinance in effect that meets the requirements  
181 under Subsection 72-2-117(9).

182 (b) The provisions of Subsection (10)(a)(i) do not apply if the highway authority has a  
183 written agreement with the department for the acquisition of real property or any interests in  
184 real property under this section.