

Transportation Funds Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Kay J. Christofferson

Senate Sponsor: Wayne A. Harper

LONG TITLE

General Description:

This bill amends provisions related to corridor preservation to include fixed guideway public transit facilities for corridor preservation.

Highlighted Provisions:

This bill:

- defines terms;
- amends provisions related to corridor preservation to include fixed guideway public transit facilities for corridor preservation; and
- makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

72-1-102, as last amended by Laws of Utah 2023, Chapter 22

72-1-203, as last amended by Laws of Utah 2024, Chapter 517

72-2-117, as last amended by Laws of Utah 2023, Chapter 39

72-2-117.5, as last amended by Laws of Utah 2019, Chapter 479

72-5-103, as last amended by Laws of Utah 2001, Chapter 79

72-5-401, as last amended by Laws of Utah 2018, Chapter 424

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

Section 1. Section **72-1-102** is amended to read:

72-1-102 . Definitions.

As used in this title:

- (1) "Circulator alley" means a publicly owned passageway:
 - (a) with a right-of-way width of 20 feet or greater;
 - (b) located within a master planned community;
 - (c) established by the city having jurisdictional authority as part of the street network for traffic circulation that may also be used for:
 - (i) garbage collection;
 - (ii) access to residential garages; or
 - (iii) access rear entrances to a commercial establishment; and
 - (d) constructed with a bituminous or concrete pavement surface.
- (2) "Commission" means the Transportation Commission created under Section 72-1-301.
- (3) "Construction" means the construction, reconstruction, replacement, and improvement of the highways, including the acquisition of rights-of-way and material sites.
- (4) "Department" means the Department of Transportation created in Section 72-1-201.
- (5) "Executive director" means the executive director of the department appointed under Section 72-1-202.
- (6) "Farm tractor" has the meaning set forth in Section 41-1a-102.
- (7) "Federal aid primary highway" means that portion of connected main highways located within this state officially designated by the department and approved by the United States Secretary of Transportation under Title 23, Highways, U.S.C.
- (8) "Fixed guideway" means the same as that term is defined in Section 59-12-102.
- (9)(a) "Fixed guideway capital development" means a project to construct or reconstruct a public transit fixed guideway facility that will add capacity to a fixed guideway public transit facility.
 - (b) "Fixed guideway capital development" includes:
 - (i) a project to strategically double track commuter rail lines; and
 - (ii) a project to develop and construct public transit facilities and related infrastructure pertaining to the Point of the Mountain State Land Authority created in Section 11-59-201.
- (10) "Greenfield" means the same as that term is defined in Section 17C-1-102.
- (11) "Highway" means any public road, street, alley, lane, court, place, viaduct, tunnel, culvert, bridge, or structure laid out or erected for public use, or dedicated or abandoned to the public, or made public in an action for the partition of real property, including the entire area within the right-of-way.

- 63 (12) "Highway authority" means the department or the legislative, executive, or governing
64 body of a county or municipality.
- 65 (13) "Housing and transit reinvestment zone" means the same as that term is defined in
66 Section 63N-3-602.
- 67 (14) "Implement of husbandry" has the meaning set forth in Section 41-1a-102.
- 68 (15) "Interstate system" means any highway officially designated by the department and
69 included as part of the national interstate and defense highways, as provided in the
70 Federal Aid Highway Act of 1956 and any supplemental acts or amendments.
- 71 (16) "Large public transit district" means the same as that term is defined in Section
72 17B-2a-802.
- 73 (17) "Limited-access facility" means a highway especially designated for through traffic,
74 and over, from, or to which neither owners nor occupants of abutting lands nor other
75 persons have any right or easement, or have only a limited right or easement of access,
76 light, air, or view.
- 77 (18) "Master planned community" means a land use development:
78 (a) designated by the city as a master planned community; and
79 (b) comprised of a single development agreement for a development larger than 500
80 acres.
- 81 (19) "Motor vehicle" has the same meaning set forth in Section 41-1a-102.
- 82 (20) "Municipality" has the same meaning set forth in Section 10-1-104.
- 83 (21) "National highway systems highways" means that portion of connected main highways
84 located within this state officially designated by the department and approved by the
85 United States Secretary of Transportation under Title 23, Highways, U.S.C.
- 86 (22)(a) "Port-of-entry" means a fixed or temporary facility constructed, operated, and
87 maintained by the department where drivers, vehicles, and vehicle loads are checked
88 or inspected for compliance with state and federal laws as specified in Section
89 72-9-501.
- 90 (b) "Port-of-entry" includes inspection and checking stations and weigh stations.
- 91 (23) "Port-of-entry agent" means a person employed at a port-of-entry to perform the duties
92 specified in Section 72-9-501.
- 93 (24) "Public transit" means the same as that term is defined in Section 17B-2a-802.
- 94 (25) "Public transit facility" means a fixed guideway, transit vehicle, transit station, depot,
95 passenger loading or unloading zone, parking lot, or other facility:
96 (a) leased by or operated by or on behalf of a public transit district; and

(b) related to the public transit services provided by the district, including:

(i) railway or other right-of-way;

(ii) railway line; and

(iii) a reasonable area immediately adjacent to a designated stop on a route traveled by a transit vehicle.

(26) "Right-of-way" means real property or an interest in real property, usually in a strip, acquired for or devoted to state transportation purposes.

(27) "Sealed" does not preclude acceptance of electronically sealed and submitted bids or proposals in addition to bids or proposals manually sealed and submitted.

(28) "Semitrailer" has the meaning set forth in Section 41-1a-102.

(29) "SR" means state route and has the same meaning as state highway as defined in this section.

(30) "State highway" means those highways designated as state highways in Title 72, Chapter 4, Designation of State Highways Act.

(31) "State transportation purposes" has the meaning set forth in Section 72-5-102.

(32) "State transportation systems" means all streets, alleys, roads, highways, pathways, and thoroughfares of any kind, including connected structures, airports, aerial corridor infrastructure, spaceports, public transit facilities, and all other modes and forms of conveyance used by the public.

(33) "Trailer" has the meaning set forth in Section 41-1a-102.

(34)(a) "Transportation corridor" means the path or proposed path of a transportation facility that exists or that may exist in the future.

(b) "Transportation corridor" may include:

(i) the land occupied or that may be occupied by a transportation facility; and

(ii) any other land that may be needed for expanding, operating, or controlling access to the transportation facility.

(35) "Transportation facility" means:

(a) a highway; or

(b) a fixed guideway.

~~[(34)]~~ (36) "Transportation reinvestment zone" means a transportation reinvestment zone created pursuant to Section 11-13-227.

~~[(35)]~~ (37) "Truck tractor" has the meaning set forth in Section 41-1a-102.

~~[(36)]~~ (38) "UDOT" means the Utah Department of Transportation.

~~[(37)]~~ (39) "Vehicle" has the same meaning set forth in Section 41-1a-102.

Section 2. Section **72-1-203** is amended to read:

72-1-203 . Deputy director -- Appointment -- Qualifications -- Other assistants and advisers -- Salaries.

(1) The executive director shall appoint the following deputy directors, who shall serve at the discretion of the executive director:

(a) the deputy director of engineering and operation, who shall be a registered professional engineer in the state, and who shall be the chief engineer of the department; and

(b) the deputy director of planning and investment.

(2) As assigned by the executive director, the deputy directors described in Subsection (1) may assist the executive director with the following departmental responsibilities:

(a) project development, including statewide standards for project design and construction, right-of-way, materials, testing, structures, and construction;

(b) oversight of the management of the region offices described in Section 72-1-205;

(c) operations and traffic management;

(d) oversight of operations of motor carriers and ports;

(e) transportation systems safety;

(f) aeronautical operations;

(g) equipment for department engineering and maintenance functions;

(h) oversight and coordination of planning, including:

(i) development of statewide strategic initiatives for planning across all modes of transportation;

(ii) coordination with metropolitan planning organizations and local governments;

(iii) coordination with a large public transit district, including planning, project development, outreach, programming, environmental studies and impact statements, construction, and impacts on public transit operations; and

(iv) transportation corridor and area planning;

(i) asset management;

(j) programming and prioritization of transportation projects;

(k) fulfilling requirements for environmental studies and impact statements;

(l) resource investment, including identification, development, and oversight of public-private partnership opportunities;

(m) data analytics services to the department;

(n) transportation corridor preservation;

- (o) employee development;
- (p) maintenance planning;
- (q) oversight and facilitation of the negotiations and integration of public transit providers described in Section 17B-2a-827;
- (r) oversight and supervision of any fixed guideway capital development project within the boundaries of a large public transit district for which any state funds are expended, including those responsibilities described in Subsections (2)(a), (h), (j), (k), and (l), and the implementation and enforcement of any federal grant obligations associated with fixed guideway capital development project funding; and
- (s) other departmental responsibilities as determined by the executive director.

- (3) The executive director shall ensure that the same deputy director does not oversee or supervise both the fixed guideway capital development responsibilities described in Subsection (2)(r) and the department's fixed guideway rail safety responsibilities, including the responsibilities described in Section 72-1-214.

Section 3. Section **72-2-117** is amended to read:

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)(a) The department:

(i) 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

(ii) shall repay the fund money authorized for the project to the fund as required under Subsection (6).

(b) The department may request and the commission may approve the expenditure of money from the fund to pay the costs of staff and overhead costs to administer the fund.

(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 transportation 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 transportation 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:

- 233 (i) the procedures for the awarding of fund money;
- 234 (ii) the procedures for the department to apply for transportation corridor preservation
- 235 money for projects; and
- 236 (iii) repayment conditions of the money to the fund from the specified project funds.
- 237 (7)(a) The proceeds from any bonds or other obligations secured by revenues of the
- 238 Marda Dillree Corridor Preservation Fund shall be used for:
- 239 (i) the acquisition of real property in hardship cases; and
- 240 (ii) any of the purposes authorized for funds in the Marda Dillree Corridor
- 241 Preservation Fund under this section.
- 242 (b) The commission shall pledge the necessary part of the revenues of the Marda Dillree
- 243 Corridor Preservation Fund to the payment of principal of and interest on the bonds
- 244 or other obligations.
- 245 (8)(a) ~~[The]~~ Except for the acquisition of a transportation corridor for a fixed guideway,
- 246 the department may not apply for money under this section unless the highway
- 247 authority has an access management policy or ordinance in effect that meets the
- 248 requirements under Subsection (8)(b).
- 249 (b) The access management policy or ordinance shall:
- 250 (i) be for the purpose of balancing the need for reasonable access to land uses with
- 251 the need to preserve the smooth flow of traffic on the highway system in terms of
- 252 safety, capacity, and speed; and
- 253 (ii) include provisions:
- 254 (A) limiting the number of conflict points at driveway locations;
- 255 (B) separating conflict areas;
- 256 (C) reducing the interference of through traffic;
- 257 (D) spacing at-grade signalized intersections; and
- 258 (E) providing for adequate on-site circulation and storage.
- 259 (c) The department shall develop a model access management policy or ordinance that
- 260 meets the requirements of this Subsection (8) for the benefit of a county or
- 261 municipality under this section.
- 262 (9)(a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
- 263 the commission shall make rules establishing a transportation corridor preservation
- 264 advisory council.
- 265 (b) The transportation corridor preservation advisory council shall:
- 266 (i) assist with and help coordinate the transportation corridor preservation efforts of

- the department and local governments;
- (ii) provide recommendations and priorities concerning transportation 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 transportation corridor preservation through official maps and planning.

Section 4. Section **72-2-117.5** is amended to read:

72-2-117.5 . Definitions -- Local Highway and Transportation Corridor

Preservation Fund -- Disposition of fund money.

(1) As used in this section:

- (a) "Council of governments" means a decision-making body in each county composed of membership including the county governing body and the mayors of each municipality in the county.
- (b) "Metropolitan planning organization" has the same meaning as defined in Section 72-1-208.5.

(2) There is created the Local Highway and Transportation Corridor Preservation Fund within the Transportation Fund.

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

- (a) a local option highway construction and transportation corridor preservation fee imposed under Section 41-1a-1222;
- (b) appropriations made to the fund by the Legislature;
- (c) contributions from other public and private sources for deposit into the fund;
- (d) all money collected from rents and sales of real property acquired with fund money;
- (e) proceeds from general obligation bonds, revenue bonds, or other obligations issued as authorized by Title 63B, Bonds; and
- (f) sales and use tax revenues deposited into the fund in accordance with Title 59, Chapter 12, Part 22, Local Option Sales and Use Taxes for Transportation Act.

(4)(a) The fund shall earn interest.

(b) All interest earned on fund money shall be deposited into the fund.

(c) The State Tax Commission shall allocate the revenues:

- (i) provided under Subsection (3)(a) to each county imposing a local option highway construction and transportation corridor preservation fee under Section 41-1a-1222;
- (ii) provided under Subsection 59-12-2217(2) to each county imposing a county

- 301 option sales and use tax for transportation; and
- 302 (iii) provided under Subsection (3)(f) to each county of the second class or city or
- 303 town within a county of the second class that imposes the sales and use tax
- 304 authorized by Section 59-12-2218.
- 305 (d) The department shall distribute the funds allocated to each county, city, or town
- 306 under Subsection (4)(c) to each county, city, or town.
- 307 (e) The money allocated and distributed under this Subsection (4):
- 308 (i) shall be used for the purposes provided in this section for each county, city, or
- 309 town;
- 310 (ii) is allocated to each county, city, or town as provided in this section with the
- 311 condition that the state will not be charged for any asset purchased with the money
- 312 allocated and distributed under this Subsection (4), unless there is a written
- 313 agreement in place with the department prior to the purchase of the asset
- 314 stipulating a reimbursement by the state to the county, city, or town of no more
- 315 than the original purchase price paid by the county, city, or town; and
- 316 (iii) is considered a local matching contribution for the purposes described under
- 317 Section 72-2-123 if used on a state highway.
- 318 (f) Administrative costs of the department to implement this section shall be paid from
- 319 the fund.
- 320 (5)(a) A highway authority may acquire real property or any interests in real property for
- 321 state, county, and municipal [~~highway or public transit~~] transportation corridors
- 322 subject to:
- 323 (i) money available in the fund to each county under Subsection (4); and
- 324 (ii) the provisions of this section.
- 325 (b) Fund money may be used to pay interest on debts incurred in accordance with this
- 326 section.
- 327 (c)(i)(A) Fund money may be used to pay maintenance costs of properties
- 328 acquired under this section but limited to a total of 5% of the purchase price of
- 329 the property.
- 330 (B) Any additional maintenance cost shall be paid from funds other than under
- 331 this section.
- 332 (C) Revenue generated by any property acquired under this section is excluded
- 333 from the limitations under this Subsection (5)(c)(i).
- 334 (ii) Fund money may be used to pay direct costs of acquisition of properties acquired

- 335 under this section.
- 336 (d) Fund money allocated and distributed under Subsection (4) may be used by a county
337 highway authority for countywide transportation or public transit planning if:
- 338 (i) the county's planning focus area is outside the boundaries of a metropolitan
339 planning organization;
- 340 (ii) the transportation planning is part of the county's continuing, cooperative, and
341 comprehensive process for transportation or public transit planning, transportation
342 corridor preservation, right-of-way acquisition, and project programming;
- 343 (iii) no more than four years allocation every 20 years to each county is used for
344 transportation planning under this Subsection (5)(d); and
- 345 (iv) the county otherwise qualifies to use the fund money as provided under this
346 section.
- 347 (e)(i) Subject to Subsection (11), fund money allocated and distributed under
348 Subsection (4) may be used by a county highway authority for transportation [~~or~~
349 ~~public transit~~]corridor planning that is part of the transportation corridor elements
350 of an ongoing work program of transportation or public transit projects.
- 351 (ii) The transportation corridor planning under Subsection (5)(e)(i) shall be under the
352 direction of:
- 353 (A) the metropolitan planning organization if the county is within the boundaries
354 of a metropolitan planning organization; or
- 355 (B) the department if the county is not within the boundaries of a metropolitan
356 planning organization.
- 357 (f)(i) A county, city, or town that imposes a local option highway construction and
358 transportation corridor preservation fee under Section 41-1a-1222 may elect to
359 administer the funds allocated and distributed to that county, city, or town under
360 Subsection (4) as a revolving loan fund.
- 361 (ii) If a county, city, or town elects to administer the funds allocated and distributed
362 to that county, city, or town under Subsection (4) as a revolving loan fund, a local
363 highway authority shall repay the fund money authorized for the project to the
364 fund.
- 365 (iii) A county, city, or town that elects to administer the funds allocated and
366 distributed to that county, city, or town under Subsection (4) as a revolving loan
367 fund shall establish repayment conditions of the money to the fund from the
368 specified project funds.

(g)(i) Subject to the restrictions in Subsections (5)(g)(ii) and (iii), fund money may be used by a county of the third, fourth, fifth, or sixth class or by a city or town within a county of the third, fourth, fifth, or sixth class for:

(A) the construction, operation, or maintenance of a class B road or class C road; or

(B) the restoration or repair of survey monuments associated with transportation infrastructure.

(ii) A county, city, or town may not use more than 50% of the current balance of fund money allocated to the county, city, or town for the purposes described in Subsection (5)(g)(i).

(iii) A county, city, or town may not use more than 50% of the fund revenue collections allocated to a county, city, or town in the current fiscal year for the purposes described in Subsection (5)(g)(i).

(6)(a)(i) The Local Highway and Transportation Corridor Preservation Fund shall be used to preserve ~~[highway and public transit]~~ transportation corridors, promote long-term statewide transportation planning, save on acquisition costs, and promote the best interests of the state in a manner which minimizes impact on prime agricultural land.

(ii) The Local Highway and Transportation Corridor Preservation Fund shall only be used to preserve a ~~[highway or public transit]~~ transportation corridor that is right-of-way:

(A) in a county of the first or second class for:

(I) a state highway;

(II) a principal arterial highway as defined in Section 72-4-102.5;

(III) a minor arterial highway as defined in Section 72-4-102.5;

(IV) a collector highway in an urban area as defined in Section 72-4-102.5; or

(V) a transit facility as defined in Section 17B-2a-802; or

(B) in a county of the third, fourth, fifth, or sixth class for:

(I) a state highway;

(II) a principal arterial highway as defined in Section 72-4-102.5;

(III) a minor arterial highway as defined in Section 72-4-102.5;

(IV) a major collector highway as defined in Section 72-4-102.5;

(V) a minor collector road as defined in Section 72-4-102.5; or

(VI) a transit facility as defined in Section 17B-2a-802.

(iii) The Local Highway and Transportation Corridor Preservation Fund may not be used for a [~~highway~~] transportation corridor that is primarily a recreational trail as defined under Section 79-5-102.

(b) A highway authority shall authorize the expenditure of fund money after determining that the expenditure is being made in accordance with this section from applications that are:

(i) endorsed by the council of governments; and

(ii) for a right-of-way purchase for a [~~highway or public transit~~] transportation corridor authorized under Subsection (6)(a)(ii).

(7)(a)(i) A council of governments shall establish a council of governments endorsement process which includes prioritization and application procedures for use of the money allocated to each county under this section.

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

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

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

(b) All fund money shall be prioritized by each highway authority and council of governments 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 transportation corridors by the use of local planning and zoning processes;

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

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

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

(vii) whether the transportation [~~or public transit~~] corridor is included as part of:

(A) the county and municipal master plan; and

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

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

(c) The council of governments shall:

- 437 (i) establish a priority list of [~~highway and public transit~~] transportation corridor
438 preservation projects within the county;
- 439 (ii) submit the list described in Subsection (7)(c)(i) to the county's legislative body
440 for approval; and
- 441 (iii) obtain approval of the list described in Subsection (7)(c)(i) from a majority of the
442 members of the county legislative body.
- 443 (d) A county's council of governments may only submit one priority list described in
444 Subsection (7)(c)(i) per calendar year.
- 445 (e) A county legislative body may only consider and approve one priority list described
446 in Subsection (7)(c)(i) per calendar year.
- 447 (8)(a) Unless otherwise provided by written agreement with another highway authority
448 or public transit district, the highway authority that holds the deed to the property is
449 responsible for maintenance of the property.
- 450 (b) The transfer of ownership for property acquired under this section from one highway
451 authority to another shall include a recorded deed for the property and a written
452 agreement between the highway authorities or public transit district.
- 453 (9)(a) The proceeds from any bonds or other obligations secured by revenues of the
454 Local Highway and Transportation Corridor Preservation Fund shall be used for the
455 purposes authorized for funds under this section.
- 456 (b) The highway authority shall pledge the necessary part of the revenues of the Local
457 Highway and Transportation Corridor Preservation Fund to the payment of principal
458 and interest on the bonds or other obligations.
- 459 (10)(a) A highway authority may not expend money under this section to purchase a
460 right-of-way for a state highway unless the highway authority has:
- 461 (i) a transportation corridor property acquisition policy or ordinance in effect that
462 meets department requirements for the acquisition of real property or any interests
463 in real property under this section; and
- 464 (ii) an access management policy or ordinance in effect that meets the requirements
465 under Subsection 72-2-117(8).
- 466 (b) The provisions of Subsection (10)(a)(i) do not apply if the highway authority has a
467 written agreement with the department for the department to acquire real property or
468 any interests in real property on behalf of the local highway authority under this
469 section.
- 470 (11) The county shall ensure, to the extent possible, that the fund money allocated and

distributed to a city or town in accordance with Subsection (4) is expended:

(a) to fund a project or service as allowed by this section within the city or town to which the fund money is allocated;

(b) to pay debt service, principal, or interest on a bond or other obligation as allowed by this section if that bond or other obligation is:

(i) secured by money allocated to the city or town; and

(ii) issued to finance a project or service as allowed by this section within the city or town to which the fund money is allocated;

(c) to fund transportation planning as allowed by this section within the city or town to which the fund money is allocated; or

(d) for another purpose allowed by this section within the city or town to which the fund money is allocated.

(12) Notwithstanding any other provision in this section, any amounts within the fund allocated to a public transit district or for a public transit corridor may only be derived from the portion of the fund that does not include constitutionally restricted sources related to the operation of a motor vehicle on a public highway or proceeds from an excise tax on liquid motor fuel to propel a motor vehicle.

Section 5. Section **72-5-103** is amended to read:

72-5-103 . Acquisition of rights-of-way and other real property -- Title to property acquired.

(1) The department may acquire any real property or interests in real property necessary for temporary, present, or reasonable future state transportation purposes by gift, agreement, exchange, purchase, condemnation, or otherwise.

(2)(a)(i) Title to real property acquired by the department or the counties, cities, and towns by gift, agreement, exchange, purchase, condemnation, or otherwise for highway rights-of-way or other transportation purposes may be in fee simple or any lesser estate or interest.

(ii) [Title] As determined by the department, title to real property acquired by the department for a public transit project [shall] may be transferred to the public transit district responsible for the project.

(iii) A public transit district shall cover all costs associated with any condemnation on its behalf.

(b) If the highway is a county road, city street under joint title as provided in Subsection 72-3-104(3), or right-of-way described in Title 72, Chapter 5, Part 3, Rights-Of-Way

Across Federal Lands Act, title to all interests in real property less than fee simple held under this section is held jointly by the state and the county, city, or town holding the interest.

- (3) A transfer of land bounded by a highway on a right-of-way for which the public has only an easement passes the title of the person whose estate is transferred to the middle of the highway.

Section 6. Section **72-5-401** is amended to read:

72-5-401 . Definitions.

As used in this part:

- ~~[(1) "Corridor" means the path or proposed path of a transportation facility, including a public transit facility, that exists or that may exist in the future, and may include the land occupied or to be occupied by a transportation facility, and any other land that may be needed for expanding a transportation facility or for controlling access to it.]~~

- ~~[(2)]~~ (1) "Corridor preservation" means planning or acquisition processes intended to:

- (a) protect or enhance the capacity of existing transportation corridors; and
- (b) protect the availability of proposed transportation corridors in advance of the need for and the actual commencement of the transportation facility construction.

- ~~[(3)]~~ (2) "Development" means:

- (a) the subdividing of land;
- (b) the construction of improvements, expansions, or additions; or
- (c) any other action that will appreciably increase the value of and the future acquisition cost of land.

- ~~[(4)]~~ (3) "Official map" means a map, drawn by government authorities and recorded in county recording offices that:

- (a) shows actual and proposed rights-of-way, centerline alignments, and setbacks for highways and other transportation facilities;
- (b) provides a basis for restricting development in designated rights-of-way or between designated setbacks to allow the government authorities time to purchase or otherwise reserve the land; and
- (c) for counties and municipalities may be adopted as an element of the general plan, pursuant to Title 17, Chapter 27a, Part 4, General Plan, or Title 10, Chapter 9a, Part 4, General Plan.

- ~~[(5)]~~ (4) "Taking" means an act or regulation, either by exercise of eminent domain or other police power, whereby ~~[government]~~ a government entity puts private property to public

539 use or restrains use of private property for public purposes, and that requires
540 compensation to be paid to private property owners.

541 Section 7. **Effective Date.**

542 This bill takes effect on May 7, 2025.