

R940. Transportation, Administration.

R940-6. Prioritization of New Transportation Capacity Projects.

R940-6-1. Authority and Purpose.

(1) **Authority.** The Commission makes this administrative rule pursuant to authority delegated by Utah Code Section 72-1-304(4).

(2) **Purpose.** This administrative rule is to provide a procedure the Commission will follow to satisfy the requirements of Utah Code Section 72-1-304.

R940-6-2. Definitions.

(1) “Commission” means the Utah Transportation Commission created by Utah Code Subsection 72-1-301(1).

(2) “Department” means the Utah Department of Transportation created by Utah Code Subsection 72-1-201(1).

(3) “Department Approved Active Transportation Plan” means an active transportation plan that the Department has reviewed and approved.

(4) “Fixed Guideway Public Transit” means a public transit facility that uses or occupies rail for the use of public transit or a separate right-of-way for the use of public transit such as bus rapid transit systems.

(5) “Fund Allocation Percentage” means the percentage of funding for a TIF Active Transportation project, TTIF First & Last Mile project, or TTIF Transit project coming from TIF or TTIF funds.

(6) “Fund Request Amount” means the funding amount requested by a local government or district from either TIF or TTIF for a TIF Active Transportation project, TTIF First & Last Mile project, or TTIF Transit project.

(7) “In-kind match” means non-cash matches including services (labor), right-of-way, construction materials, or labor/equipment time valued at fair market value.

(8) “Match” means the 40% matching funds required by and detailed in Utah Code Subsections 72-2-124(4)(a)(viii) and 72-2-124(9)(e).

(9) “Long-Range Transportation Plan” or “LRP” means any one of the five plans developed by the Department and the state’s four MPOs that forecast the state’s transportation needs for the next 20- plus years, also known as the Regional Transportation Plans or RTPs.

(10) “Metropolitan planning organization” or “MPO” means the same as it is defined by Utah Code Subsection 72-1-208.5(1).

(11) “Required Match Percentage” means the match percentage (40%) required for TIF Active Transportation projects, TTIF First & Last Mile projects, and TTIF Transit projects.

(12) “Statewide strategic initiative” or “SSI” means initiatives the Department is required to develop and adopt by Utah Code Section 72-1-211.

(13) “Strategic Goals” means the Utah Department of Transportation’s strategic goals.

(14) “TIF Active Transportation Projects” means paved pedestrian or paved nonmotorized transportation projects per Utah Code Section 72-2-124

(15) “TIF Highway Projects” means projects on state highways per Utah Code Section 72-2-124.

(16) “Transportation Investment Fund” or “TIF” means the capital projects fund created in 2005 by Utah Code Subsection 72-2-124(1).

(17) "Transit Transportation Investment Fund" or "TTIF" means the fund within the Transportation Investment Fund of 2005 created by Utah Code Section 72-2-124(9).

(18) "TTIF First & Last Mile Projects" means pedestrian or nonmotorized transportation projects that provides connection to a public transit system per Utah Code Section 72-2-124.

(19) "TTIF Transit Projects" means public transit capital development projects per Utah Code Subsection 72-2-124.

(20) "UDOT Planning" or "Planning" means the Planning Division of the Program Development Group of the Utah Department of Transportation.

R940-6-3. Prioritization Requirements.

(1) The Commission, in consultation with the Department and the MPOs, will develop a written prioritization process to determine priorities and funding levels of projects in the state transportation systems and capital development of new public transit facilities for each fiscal year, taking into consideration the Department's strategic initiatives in Section 72-1-211 and the Department's Strategic Goals.

R940-6-4. Prioritization Process.

(1) The Commission's written prioritization process, developed pursuant to the requirements of Utah Code Section 72-1-304 and called "New Transportation Capacity Project Prioritization Process" having been reviewed and its implementation voted on in a properly noticed public meeting, is incorporated by reference and may be accessed at this Internet address udot.utah.gov/go/projectprioritizationprocess.

(2) The Commission will review the written prioritization process annually.

(a) The Commission will call for and hear public input on the prioritization process during the review of the process.

(b) The Commission will provide notice of proposed amendments to the prioritization process in a public meeting, and amend the prioritization process following the public meeting, and after allowing public comments.

(i) Amendments to the prioritization process will not affect projects that have already been funded.

(c) If a TIF Highway Project is identified in Phase 1 of the LRP and the total project cost estimate is more than \$5,000,000 it will be included in the annual prioritization of projects.

(d) The Commission may consider additional projects for prioritization beyond those identified in Phase I of the LRP if during the development of the LRP they were determined to be a Phase I need.

R940-6-5. Requirements and Process for Project Nomination by Local Government or District.

(1) Local governments or districts may nominate projects for prioritization.

(2) The nomination process is as follows:

(a) **TIF Highway Projects.**

(i) A local government or district may submit to the Commission a written nomination for a project to be included in the prioritization process. Nominations must

identify the project sponsor's name, address, phone number, and email address and include a detailed description of the nominated project including why the project is important to the local government or district.

(A) The Commission will determine if the nominated projects will be included in the annual prioritization of projects. The factors used in this determination may include, but are not limited to the following:

(i) If, during the development of the LRP, the Project was determined to be a Phase I need.

(ii) If there are any proposed additional funding sources.

(iii) The Commission will prioritize projects annually.

(b) TIF Active Transportation Projects.

(i) A local government or district may nominate a project to the Transportation Commission in a format determined by the Commission. Nominations must identify the project sponsor's name, address, phone number, and email address and include a detailed description of the nominated project. The nomination must also demonstrate the following requirements:

(A) That the project is in a Department Approved Active Transportation Plan; and

(B) that the project will mitigate traffic congestion on the state highway system; and

(C) that the local government or district will be responsible for the maintenance of the facility; and

(D) how the 40% match requirement will be met.

(i) The match may be an in-kind match; and

(ii) The required match amount will be calculated as follows:

The Fund Request Amount divided by the Fund Allocation Percentage multiplied by the Required Match Percentage.

For example:

For a Fund Request Amount of \$600,000 a Fund Allocation Percentage of 60 % and a Required Match Percentage of 40 % the required match amount would be \$400,000. ($\$600,000 \div 0.6$) times 0.4 equals \$400,000.

(ii) If a nominated project meets the requirements it will be included in the annual prioritization of projects.

(iii) The Commission may request additional information from the project sponsor.

(iv) The Commission will prioritize projects annually.

(c) TTIF Transit Projects.

(i) A local government or district may nominate a project to the Transportation Commission in a format determined by the Commission. Nominations must identify the project sponsor's name, address, phone number, and email address and include a detailed description of the nominated project. The nomination must also demonstrate the following requirements:

(A) That there is an ongoing funding plan for maintenance and operations. If the project sponsor is a local government this will require consultation with the transit operator to determine if the plan is consistent with the transit operator's maintenance and operations planning.

(B) How the 40 % match requirement will be met.

(i) The match may be an in-kind match; and

(ii) The required match amount will be calculated as follows:
The Fund Request Amount divided by the Fund Allocation Percentage multiplied by the Required Match Percentage.

For example:

For a Fund Request Amount of \$600,000 a Fund Allocation Percentage of 60 % and a Required Match Percentage of 40 % the required match amount would be \$400,000. ($\$600,000 \div 0.6$) times 0.4 equals \$400,000.

(C) If the nominated project would provide new fixed guideway public transit service, the project is identified in Phase 1 of the LRP or, during the development of the LRP, the Project was determined to be a Phase 1 need.

(ii) If a nominated project meets the requirements it will be included in the annual prioritization of projects.

(iii) The Commission may request additional information from the project sponsor. (iv) The Commission will prioritize projects annually.

(d) TTIF First & Last Mile Projects.

(i) A local government or district may nominate a project to the Transportation Commission in a format determined by the Commission. Nominations must identify the project sponsor's name, address, phone number, and email address and include a detailed description of the nominated project. The nomination must also demonstrate the following requirements:

(A) That the local government or district will be responsible for the maintenance of the facility; and

(i) how the 40 % match requirement will be met.

(ii) The match may be an in-kind match; and

(iii) The required match amount will be calculated as follows:

The Fund Request Amount divided by the Fund Allocation Percentage multiplied by the Required Match Percentage.

For example: For a Fund Request Amount of \$600,000 a Fund Allocation Percentage of 60 % and a Required Match Percentage of 40 % the required match amount would be \$400,000. ($\$600,000 \div 0.6$) times 0.4 equals \$400,000.

(B) That the project will connect and improve access to transit.

(ii) If a nominated project meets the requirements it will be included in the annual prioritization of projects.

(iii) The Commission may request additional information from the project sponsor.

(iv) The Commission will prioritize projects annually.

R940-6-6. Commission Discretion.

The Commission, in consultation with the Department, may establish additional criteria or use other considerations in establishing funding levels for capacity projects. If the Commission funds a project over another project that has a higher prioritization rank under the criteria set forth in R940-6-4, the Commission will identify the change and the reasons for it and accept public comment at a public meeting.