

Part 3 Transportation Commission

72-1-301 Transportation Commission created -- Members, appointment, terms -- Qualifications -- Pay and expenses -- Chair -- Quorum.

- (1)
 - (a) There is created the Transportation Commission which shall consist of seven members.
 - (b) The members of the commission shall be residents of Utah.
 - (c) The members of the commission shall be selected on a nonpartisan basis.
 - (d) Except as provided in Subsection (1)(e), the commissioners shall, in accordance with Title 63G, Chapter 24, Part 2, Vacancies, be appointed by the governor, with the advice and consent of the Senate, for a term of six years, beginning on April 1 of odd-numbered years.
 - (e) A commissioner appointed after May 6, 2026, shall serve for a term of four years.
 - (f) The commissioners serve on a part-time basis.
 - (g) Each commissioner shall remain in office until a successor is appointed and qualified.
- (2)
 - (a) Subject to the restriction in Subsection (2)(c), the selection of commissioners shall be as follows:
 - (i) four commissioners with one commissioner selected from each of the four regions established by the department; and
 - (ii) subject to the restriction in Subsection (2)(b), three commissioners selected from the state at large.
 - (b)
 - (i) At least one of the three commissioners appointed under Subsection (2)(a)(ii) shall be selected from a rural county.
 - (ii) For purposes of this Subsection (2)(b), a rural county is a county of the third, fourth, fifth, or sixth class.
 - (c) No more than two commissioners appointed under Subsection (2)(a) may be selected from any one of the four regions established by the department.
- (3) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:
 - (a) Section 63A-3-106;
 - (b) Section 63A-3-107; and
 - (c) rules made by the Division of Finance in accordance with Sections 63A-3-106 and 63A-3-107.
- (4)
 - (a) One member of the commission shall be designated by the governor as chair.
 - (b) The commission may select one member as vice chair to act in the chair's absence.
- (5) Any four commissioners constitute a quorum.
- (6) Each member of the commission shall qualify by taking the constitutional oath of office.
- (7) Each member of the commission is subject to the conflict of interest provisions described in Title 63G, Chapter 24, Part 3, Conflicts of Interest.
- (8) For the purposes of Section 63J-1-504, the commission is not considered an agency.

Amended by Chapter 99, 2026 General Session

72-1-302 Commission offices and meetings.

- (1) The commission shall hold regular public meetings at least quarterly.

- (2) The commission may hold additional public meetings as determined by the chair of the commission in consultation with the executive director of the department.

Amended by Chapter 219, 2023 General Session

72-1-303 Duties of commission.

- (1) The commission has the following duties:
 - (a) determining priorities and funding levels of projects and programs in the state transportation systems and the capital development of new public transit facilities for each fiscal year based on project lists compiled by the department and taking into consideration the strategic initiatives described in Section 72-1-211;
 - (b) determining additions and deletions to state highways under Chapter 4, Designation of State Highways Act;
 - (c) holding public meetings and otherwise providing for public input in transportation matters;
 - (d) making policies and rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, necessary to perform the commission's duties described under this section;
 - (e) in accordance with Section 63G-4-301, reviewing orders issued by the executive director in adjudicative proceedings held in accordance with Title 63G, Chapter 4, Administrative Procedures Act;
 - (f) advising the department on state transportation systems policy;
 - (g) approving settlement agreements of condemnation cases subject to Section 63G-10-401;
 - (h) in accordance with Section 17B-2a-807, appointing a commissioner to serve as a nonvoting member or a voting member on the board of trustees of a small public transit district;
 - (i) in accordance with Sections 17B-2a-808 and 17B-2a-808.1, reviewing, at least annually, the plans submitted by public transit districts;
 - (j) determining the priorities and funding levels of public transit innovation grants, as defined in Section 72-2-401;
 - (k) approving grant awards administered by the Utah Broadband Center in accordance with Section 72-19-301; and
 - (l) reviewing administrative rules made, substantively amended, or repealed by the department.
- (2)
 - (a) The commission shall annually report to the Transportation and Infrastructure Appropriations Subcommittee:
 - (i) a list of the new transportation capacity projects in the state transportation system and the funding levels or shortages for those projects; and
 - (ii) the unfunded highway construction and maintenance needs within the state.
 - (b) The Transportation and Infrastructure Appropriations Subcommittee shall:
 - (i) review the information reported by the Transportation Commission; and
 - (ii) make a recommendation to the Legislature on:
 - (A) the amount of additional funding to allocate to transportation; and
 - (B) the source of revenue for the additional funding allocation under Subsection (2)(b)(ii)(A).
- (3) The commission shall review and may approve plans for the construction of a highway facility over sovereign lakebed lands in accordance with Chapter 6, Part 3, Approval of Highway Facilities on Sovereign Lands Act.
- (4) One or more associations representing airport operators or pilots in the state shall annually report to the commission recommended airport improvement projects and any other information related to the associations' expertise and relevant to the commission's duties.

Amended by Chapter 99, 2026 General Session

Superseded 7/1/2026

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

- (1)
 - (a) 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:
 - (i) new transportation capacity projects that are or will be part of the state highway system under Chapter 4, Part 1, State Highways;
 - (ii) paved pedestrian or paved nonmotorized transportation projects described in Section 72-2-124;
 - (iii) public transit projects that directly add capacity to the public transit systems within the state, not including facilities ancillary to the public transit system; and
 - (iv) pedestrian or nonmotorized transportation projects that provide connection to a public transit system.
 - (b)
 - (i) A local government or public transit district may nominate a project for prioritization in accordance with the process established by the commission in rule.
 - (ii) If a local government or public transit district nominates a project for prioritization by the commission, the local government or public transit district shall provide data and evidence to show that:
 - (A) the project will advance the purposes and goals described in Section 72-1-211;
 - (B) for a public transit project, the local government or public transit district has an ongoing funding source for operations and maintenance of the proposed development; and
 - (C) the local government or public transit district will provide the percentage of the costs for the project as required by Subsection 72-2-124(4)(a)(viii) or 72-2-124(10)(e).
- (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, which may include consideration of:
 - (i) regional and statewide economic development impacts, including improved local access to:
 - (A) employment;
 - (B) educational facilities;
 - (C) recreation;
 - (D) commerce; and
 - (E) residential areas, including moderate income housing as demonstrated in the local government's or public transit district's general plan in accordance with Section 10-20-404 or 17-79-403;
 - (ii) the extent to which local land use plans relevant to a project support and accomplish the strategic initiatives adopted under Section 72-1-211; and

- (iii) any matching funds provided by a political subdivision or public transit district in addition to the percentage of costs required by Subsections 72-2-124(4)(a)(viii) and 72-2-124(10)(e).
- (3)
- (a) When prioritizing a public transit project that increases capacity, the commission:
 - (i) may give priority consideration to projects that are part of a transit-oriented development or transit-supportive development as defined in Section 17B-2a-802; and
 - (ii) shall give priority consideration to projects that are within the boundaries of a housing and transit reinvestment zone created in accordance with Title 63N, Chapter 3, Part 6, Housing and Transit Reinvestment Zone Act.
 - (b) When prioritizing a transportation project that increases capacity, the commission may give priority consideration to projects that are:
 - (i) part of a transportation reinvestment zone created under Section 63N-23-901 if:
 - (A) the state is a participant in the transportation reinvestment zone; or
 - (B) the commission finds that the transportation reinvestment zone provides a benefit to the state transportation system; or
 - (ii) within the boundaries of a housing and transit reinvestment zone created in accordance with Title 63N, Chapter 23, Part 2, Housing and Transit Reinvestment Zone.
 - (c) If the department receives a notice of prioritization for a municipality as described in Subsection 10-21-202(7), or a notice of prioritization for a county as described in Subsection 17-80-202(5), the commission may give priority consideration to transportation projects that are within the boundaries of the municipality or the unincorporated areas of the county until the department receives notification from the Housing and Community Development Division within the Department of Workforce Services that the municipality or county no longer qualifies for prioritization under this Subsection (3)(c).
 - (d) When prioritizing a transportation project described in Subsection (1)(a)(ii) or (iv), the commission may give priority consideration to projects that improve connectivity in accordance with Section 10-8-87.
 - (e) The total priority consideration the commission gives under this Subsection (3) may not increase the score the commission uses to rank a project for purposes of prioritization by more than 7%.
- (4) 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.
- (5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the Transportation Commission, in consultation with the department, shall make rules establishing the written prioritization process under Subsection (1).
- (6) The commission shall submit the proposed rules under this section to the Transportation Interim Committee for review before taking final action on the proposed rules or any proposed amendment to the rules described in Subsection (5).

Amended by Chapter 320, 2026 General Session

Effective 7/1/2026

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

- (1)
- (a) 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:
 - (i) new transportation capacity projects that are or will be part of the state highway system under Chapter 4, Part 1, State Highways;
 - (ii) paved pedestrian or paved nonmotorized transportation projects described in Section 72-2-124;
 - (iii) public transit projects that directly add capacity to the public transit systems within the state, not including facilities ancillary to the public transit system; and
 - (iv) pedestrian or nonmotorized transportation projects that provide connection to a public transit system.
 - (b)
 - (i) A local government or public transit district may nominate a project for prioritization in accordance with the process established by the commission in rule.
 - (ii) If a local government or public transit district nominates a project for prioritization by the commission, the local government or public transit district shall provide data and evidence to show that:
 - (A) the project will advance the purposes and goals described in Section 72-1-211;
 - (B) for a public transit project, the local government or public transit district has an ongoing funding source for operations and maintenance of the proposed development; and
 - (C) the local government or public transit district will provide the percentage of the costs for the project as required by Subsection 72-2-124(4)(a)(viii) or 72-2-124(10)(e).
- (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, which may include consideration of:
 - (i) regional and statewide economic development impacts, including improved local access to:
 - (A) employment;
 - (B) educational facilities;
 - (C) recreation;
 - (D) commerce; and
 - (E) residential areas, including moderate income housing as demonstrated in the local government's or public transit district's general plan in accordance with Section 10-20-404 or 17-79-403;
 - (ii) the extent to which local land use plans relevant to a project support and accomplish the strategic initiatives adopted under Section 72-1-211; and
 - (iii) any matching funds provided by a political subdivision or public transit district in addition to the percentage of costs required by Subsections 72-2-124(4)(a)(viii) and 72-2-124(10)(e).
- (3)
- (a) When prioritizing a public transit project that increases capacity, the commission:
 - (i) may give priority consideration to projects that are part of a transit-oriented development or transit-supportive development as defined in Section 17B-2a-802; and

- (ii) shall give priority consideration to projects that are within the boundaries of a housing and transit reinvestment zone created in accordance with Title 63N, Chapter 3, Part 6, Housing and Transit Reinvestment Zone Act.
 - (b) When prioritizing a transportation project that increases capacity, the commission may give priority consideration to projects that are:
 - (i) part of a transportation reinvestment zone created under Section 63N-23-901 if:
 - (A) the state is a participant in the transportation reinvestment zone; or
 - (B) the commission finds that the transportation reinvestment zone provides a benefit to the state transportation system; or
 - (ii) within the boundaries of a housing and transit reinvestment zone created in accordance with Title 63N, Chapter 23, Part 2, Housing and Transit Reinvestment Zone.
 - (c) If the department receives a notice of prioritization for a municipality as described in Subsection 10-21-202(7), or a notice of prioritization for a county as described in Subsection 17-80-202(5), the commission may give priority consideration to transportation projects that are within the boundaries of the municipality or the unincorporated areas of the county until the department receives notification from the Division of Housing and Community Development within the Governor's Office of Economic Development that the municipality or county no longer qualifies for prioritization under this Subsection (3)(c).
 - (d) When prioritizing a transportation project described in Subsection (1)(a)(ii) or (iv), the commission may give priority consideration to projects that improve connectivity in accordance with Section 10-8-87.
 - (e) The total priority consideration the commission gives under this Subsection (3) may not increase the score the commission uses to rank a project for purposes of prioritization by more than 7%.
- (4) 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.
- (5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the Transportation Commission, in consultation with the department, shall make rules establishing the written prioritization process under Subsection (1).
- (6) The commission shall submit the proposed rules under this section to the Transportation Interim Committee for review before taking final action on the proposed rules or any proposed amendment to the rules described in Subsection (5).

Amended by Chapter 393, 2026 General Session

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)(a) 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 meetings 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 meetings 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 meeting 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)
- (a) The executive director or the executive director's designee shall report annually to the governor and the Transportation Interim Committee no later than the last day of October:
 - (i) the projects prioritized under this section during the year prior to the report; and
 - (ii) the status and progress of all projects prioritized under this section.
 - (b) Annually, before any funds are programmed and allocated from the Transit Transportation Investment Fund created in Section 72-2-124 for each fiscal year, the executive director or the executive director's designee, along with the executive director of a large public transit district as described in Section 17B-2a-802, shall report to the governor and the Transportation Interim Committee no later than the last day of October:
 - (i) the public transit projects prioritized under this section during the year prior to the report; and
 - (ii) the status and progress of all public transit projects prioritized under this section.
- (6) The department shall annually report to the Transportation Commission on the status of new capacity transportation projects, including projects that were funded by the Legislature in an appropriations act.

Amended by Chapter 452, 2025 General Session