

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)
 - (i) The commissioners shall be appointed by the governor, with the consent of the Senate, for a term of six years, beginning on April 1 of odd-numbered years, except as provided under Subsection (1)(d)(ii).
 - (ii) The first two additional commissioners serving on the seven member commission shall be appointed for terms of two years nine months and four years nine months, respectively, initially commencing on July 1, 1996, and subsequently commencing as specified under Subsection (1)(d)(i).
 - (e) The commissioners serve on a part-time basis.
 - (f) Each commissioner shall remain in office until a successor is appointed and qualified.
- (2)
 - (a) Except as provided in Subsection (2)(b), the selection of the commissioners shall be as follows:
 - (i) one commissioner from Box Elder, Cache, or Rich county;
 - (ii) one commissioner from Salt Lake or Tooele county;
 - (iii) one commissioner from Carbon, Emery, Grand, or San Juan county;
 - (iv) one commissioner from Beaver, Garfield, Iron, Kane, Millard, Piute, Sanpete, Sevier, Washington, or Wayne county;
 - (v) one commissioner from Weber, Davis, or Morgan county;
 - (vi) one commissioner from Juab, Utah, Wasatch, Duchesne, Summit, Uintah, or Daggett county; and
 - (vii) one commissioner selected from the state at large.
 - (b) Beginning with the appointment of commissioners on or after July 1, 2009 and subject to the restriction in Subsection (2)(d), 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)(c), three commissioners selected from the state at large.
 - (c)
 - (i) At least one of the three commissioners appointed under Subsection (2)(b)(ii) shall be selected from a rural county.
 - (ii) For purposes of this Subsection (2)(c), a rural county includes a county of the third, fourth, fifth, or sixth class.
 - (d) No more than two commissioners appointed under Subsection (2)(b) 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 pursuant to 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 shall 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.

Amended by Chapter 336, 2011 General Session

72-1-302 Commission offices and meetings.

- (1) The commission shall maintain offices and hold regular meetings at those offices on dates fixed and formally announced by it, and may hold other meetings at the times and places as it may, by order, provide.
- (2)
- (a) Meetings may be held upon call of the governor, the chairman, or two commissioners upon notice of the time, place, and purpose of meeting to each commissioner at least seven days prior to the date of the meeting.
 - (b) Any meeting may be held upon shorter notice with the unanimous approval of the commission.

Amended by Chapter 10, 2002 General Session

72-1-303 Duties of commission.

- (1) The commission has the following duties:
- (a) determining priorities and funding levels of projects in the state transportation systems for each fiscal year based on project lists compiled by the department;
 - (b) determining additions and deletions to state highways under Chapter 4, Designation of State Highways Act;
 - (c) holding public hearings 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 in 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, ex officio member or a voting member on the board of trustees of a public transit district;
 - (i) in accordance with Section 17B-2a-808, reviewing, at least annually, the short-term and long-range public transit plans; and
 - (j) reviewing administrative rules made, amended, or repealed by the department.
- (2)
- (a) For projects prioritized with funding provided under Sections 72-2-124 and 72-2-125, the commission shall annually report to a committee designated by the Legislative Management Committee:
 - (i) a prioritized list of the new transportation capacity projects in the state transportation system and the funding levels available for those projects; and

- (ii) the unfunded highway construction and maintenance needs within the state.
- (b) The committee designated by the Legislative Management Committee under Subsection (2) (a) shall:
 - (i) review the list 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.

Amended by Chapter 256, 2011 General Session

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 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).
- (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).

Amended by Chapter 382, 2008 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 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.
- (6)
 - (a) The department may not delay a new transportation capacity project that was funded by the Legislature in an appropriations act to a different fiscal year than programmed by the commission due to an unavoidable shortfall in revenues unless the project delays are prioritized and approved by the Transportation Commission.
 - (b) The Transportation Commission shall prioritize and approve any new transportation capacity project delays for projects that were funded by the Legislature in an appropriations act due to an unavoidable shortfall in revenues.

Amended by Chapter 364, 2009 General Session