

**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