

Effective 7/1/2024

Superseded 5/7/2025

72-2-124 Transportation Investment Fund of 2005.

- (1) There is created a capital projects fund entitled the Transportation Investment Fund of 2005.
- (2) The fund consists of money generated from the following sources:
 - (a) any voluntary contributions received for the maintenance, construction, reconstruction, or renovation of state and federal highways;
 - (b) appropriations made to the fund by the Legislature;
 - (c) registration fees designated under Section 41-1a-1201;
 - (d) the sales and use tax revenues deposited into the fund in accordance with Section 59-12-103; and
 - (e) revenues transferred to the fund in accordance with Section 72-2-106.
- (3)
 - (a) The fund shall earn interest.
 - (b) All interest earned on fund money shall be deposited into the fund.
- (4)
 - (a) Except as provided in Subsection (4)(b), the executive director may only use fund money to pay:
 - (i) the costs of maintenance, construction, reconstruction, or renovation to state and federal highways prioritized by the Transportation Commission through the prioritization process for new transportation capacity projects adopted under Section 72-1-304;
 - (ii) the costs of maintenance, construction, reconstruction, or renovation to the highway projects described in Subsections 63B-18-401(2), (3), and (4);
 - (iii) principal, interest, and issuance costs of bonds authorized by Section 63B-18-401 minus the costs paid from the County of the First Class Highway Projects Fund in accordance with Subsection 72-2-121(4)(e);
 - (iv) for a fiscal year beginning on or after July 1, 2013, to transfer to the 2010 Salt Lake County Revenue Bond Sinking Fund created by Section 72-2-121.3 the amount certified by Salt Lake County in accordance with Subsection 72-2-121.3(4)(c) as necessary to pay the debt service on \$30,000,000 of the revenue bonds issued by Salt Lake County;
 - (v) principal, interest, and issuance costs of bonds authorized by Section 63B-16-101 for projects prioritized in accordance with Section 72-2-125;
 - (vi) all highway general obligation bonds that are intended to be paid from revenues in the Centennial Highway Fund created by Section 72-2-118;
 - (vii) for fiscal year 2015-16 only, to transfer \$25,000,000 to the County of the First Class Highway Projects Fund created in Section 72-2-121 to be used for the purposes described in Section 72-2-121;
 - (viii) if a political subdivision provides a contribution equal to or greater than 40% of the costs needed for construction, reconstruction, or renovation of paved pedestrian or paved nonmotorized transportation for projects that:
 - (A) mitigate traffic congestion on the state highway system;
 - (B) are part of an active transportation plan approved by the department; and
 - (C) are prioritized by the commission through the prioritization process for new transportation capacity projects adopted under Section 72-1-304;
 - (ix) \$705,000,000 for the costs of right-of-way acquisition, construction, reconstruction, or renovation of or improvement to the following projects:
 - (A) the connector road between Main Street and 1600 North in the city of Vineyard;
 - (B) Geneva Road from University Parkway to 1800 South;

- (C) the SR-97 interchange at 5600 South on I-15;
- (D) subject to Subsection (4)(c), two lanes on U-111 from Herriman Parkway to South Jordan Parkway;
- (E) widening I-15 between mileposts 10 and 13 and the interchange at milepost 11;
- (F) improvements to 1600 North in Orem from 1200 West to State Street;
- (G) widening I-15 between mileposts 6 and 8;
- (H) widening 1600 South from Main Street in the city of Spanish Fork to SR-51;
- (I) widening US 6 from Sheep Creek to Mill Fork between mileposts 195 and 197 in Spanish Fork Canyon;
- (J) I-15 northbound between mileposts 43 and 56;
- (K) a passing lane on SR-132 between mileposts 41.1 and 43.7 between mileposts 43 and 45.1;
- (L) east Zion SR-9 improvements;
- (M) Toquerville Parkway;
- (N) an environmental study on Foothill Boulevard in the city of Saratoga Springs;
- (O) using funds allocated in this Subsection (4)(a)(ix), and other sources of funds, for construction of an interchange on Bangerter Highway at 13400 South; and
- (P) an environmental impact study for Kimball Junction in Summit County; and
- (x) \$28,000,000 as pass-through funds, to be distributed as necessary to pay project costs based upon a statement of cash flow that the local jurisdiction where the project is located provides to the department demonstrating the need for money for the project, for the following projects in the following amounts:
 - (A) \$5,000,000 for Payson Main Street repair and replacement;
 - (B) \$8,000,000 for a Bluffdale 14600 South railroad bypass;
 - (C) \$5,000,000 for improvements to 4700 South in Taylorsville; and
 - (D) \$10,000,000 for improvements to the west side frontage roads adjacent to U.S. 40 between mile markers 7 and 10.

(b) The executive director may use fund money to exchange for an equal or greater amount of federal transportation funds to be used as provided in Subsection (4)(a).

(c)

- (i) Construction related to the project described in Subsection (4)(a)(ix)(D) may not commence until a right-of-way not owned by a federal agency that is required for the realignment and extension of U-111, as described in the department's 2023 environmental study related to the project, is dedicated to the department.
- (ii) Notwithstanding Subsection (4)(c)(i), if a right-of-way is not dedicated for the project as described in Subsection (4)(c)(i) on or before October 1, 2024, the department may proceed with the project, except that the project will be limited to two lanes on U-111 from Herriman Parkway to 11800 South.

(5)

- (a) Except as provided in Subsection (5)(b), if the department receives a notice of ineligibility for a municipality as described in Subsection 10-9a-408(7), the executive director may not program fund money to a project prioritized by the commission under Section 72-1-304, including fund money from the Transit Transportation Investment Fund, within the boundaries of the municipality until the department receives notification from the Housing and Community Development Division within the Department of Workforce Services that ineligibility under this Subsection (5) no longer applies to the municipality.
- (b) Within the boundaries of a municipality described in Subsection (5)(a), the executive director:

- (i) may program fund money in accordance with Subsection (4)(a) for a limited-access facility or interchange connecting limited-access facilities;
- (ii) may not program fund money for the construction, reconstruction, or renovation of an interchange on a limited-access facility;
- (iii) may program Transit Transportation Investment Fund money for a multi-community fixed guideway public transportation project; and
- (iv) may not program Transit Transportation Investment Fund money for the construction, reconstruction, or renovation of a station that is part of a fixed guideway public transportation project.

(c) Subsections (5)(a) and (b) do not apply to a project programmed by the executive director before July 1, 2022, for projects prioritized by the commission under Section 72-1-304.

(6)

- (a) Except as provided in Subsection (6)(b), if the department receives a notice of ineligibility for a county as described in Subsection 17-27a-408(7), the executive director may not program fund money to a project prioritized by the commission under Section 72-1-304, including fund money from the Transit Transportation Investment Fund, within the boundaries of the unincorporated area of the county until the department receives notification from the Housing and Community Development Division within the Department of Workforce Services that ineligibility under this Subsection (6) no longer applies to the county.
- (b) Within the boundaries of the unincorporated area of a county described in Subsection (6)(a), the executive director:
 - (i) may program fund money in accordance with Subsection (4)(a) for a limited-access facility to a project prioritized by the commission under Section 72-1-304;
 - (ii) may not program fund money for the construction, reconstruction, or renovation of an interchange on a limited-access facility;
 - (iii) may program Transit Transportation Investment Fund money for a multi-community fixed guideway public transportation project; and
 - (iv) may not program Transit Transportation Investment Fund money for the construction, reconstruction, or renovation of a station that is part of a fixed guideway public transportation project.

(c) Subsections (6)(a) and (b) do not apply to a project programmed by the executive director before July 1, 2022, for projects prioritized by the commission under Section 72-1-304.

(7)

- (a) Before bonds authorized by Section 63B-18-401 or 63B-27-101 may be issued in any fiscal year, the department and the commission shall appear before the Executive Appropriations Committee of the Legislature and present the amount of bond proceeds that the department needs to provide funding for the projects identified in Subsections 63B-18-401(2), (3), and (4) or Subsection 63B-27-101(2) for the current or next fiscal year.
- (b) The Executive Appropriations Committee of the Legislature shall review and comment on the amount of bond proceeds needed to fund the projects.

(8) The Division of Finance shall, from money deposited into the fund, transfer the amount of funds necessary to pay principal, interest, and issuance costs of bonds authorized by Section 63B-18-401 or 63B-27-101 in the current fiscal year to the appropriate debt service or sinking fund.

(9)

- (a) There is created in the Transportation Investment Fund of 2005 the Transit Transportation Investment Fund.
- (b) The fund shall be funded by:

- (i) contributions deposited into the fund in accordance with Section 59-12-103;
- (ii) appropriations into the account by the Legislature;
- (iii) deposits of sales and use tax increment related to a housing and transit reinvestment zone as described in Section 63N-3-610;
- (iv) transfers of local option sales and use tax revenue as described in Subsection 59-12-2220(11)(b) or (c);
- (v) private contributions; and
- (vi) donations or grants from public or private entities.

(c)

- (i) The fund shall earn interest.
- (ii) All interest earned on fund money shall be deposited into the fund.

(d) Subject to Subsection (9)(e), the commission may prioritize money from the fund:

- (i) for public transit capital development of new capacity projects and fixed guideway capital development projects to be used as prioritized by the commission through the prioritization process adopted under Section 72-1-304;
- (ii) to the department for oversight of a fixed guideway capital development project for which the department has responsibility; or
- (iii) up to \$500,000 per year, to be used for a public transit study.

(e)

- (i) Subject to Subsections (9)(g), (h), and (i), the commission may only prioritize money from the fund for a public transit capital development project or pedestrian or nonmotorized transportation project that provides connection to the public transit system if the public transit district or political subdivision provides funds of equal to or greater than 30% of the costs needed for the project.
- (ii) A public transit district or political subdivision may use money derived from a loan granted pursuant to Title 72, Chapter 2, Part 2, State Infrastructure Bank Fund, to provide all or part of the 30% requirement described in Subsection (9)(e)(i) if:
 - (A) the loan is approved by the commission as required in Title 72, Chapter 2, Part 2, State Infrastructure Bank Fund; and
 - (B) the proposed capital project has been prioritized by the commission pursuant to Section 72-1-303.

(f) Before July 1, 2022, the department and a large public transit district shall enter into an agreement for a large public transit district to pay the department \$5,000,000 per year for 15 years to be used to facilitate the purchase of zero emissions or low emissions rail engines and trainsets for regional public transit rail systems.

(g) For any revenue transferred into the fund pursuant to Subsection 59-12-2220(11)(b):

- (i) the commission may prioritize money from the fund for public transit projects, operations, or maintenance within the county of the first class; and
- (ii) Subsection (9)(e) does not apply.

(h) For any revenue transferred into the fund pursuant to Subsection 59-12-2220(11)(c):

- (i) the commission may prioritize public transit projects, operations, or maintenance in the county from which the revenue was generated; and
- (ii) Subsection (9)(e) does not apply.

(i) The requirement to provide funds equal to or greater than 30% of the costs needed for the project described in Subsection (9)(e) does not apply to a public transit capital development project or pedestrian or nonmotorized transportation project that the department proposes.

(j) In accordance with Part 3, Public Transit Innovation Grants, the commission may prioritize money from the fund for public transit innovation grants, as defined in Section 72-2-401, for

public transit capital development projects requested by a political subdivision within a public transit district.

(10)

- (a) There is created in the Transportation Investment Fund of 2005 the Cottonwood Canyons Transportation Investment Fund.
- (b) The fund shall be funded by:
 - (i) money deposited into the fund in accordance with Section 59-12-103;
 - (ii) appropriations into the account by the Legislature;
 - (iii) private contributions; and
 - (iv) donations or grants from public or private entities.
- (c)
 - (i) The fund shall earn interest.
 - (ii) All interest earned on fund money shall be deposited into the fund.
- (d) The Legislature may appropriate money from the fund for public transit or transportation projects in the Cottonwood Canyons of Salt Lake County.
- (e) The department may use up to 2% of the revenue deposited into the account under Subsection 59-12-103(7)(b) to contract with local governments as necessary for public safety enforcement related to the Cottonwood Canyons of Salt Lake County.

(11)

- (a) There is created in the Transportation Investment Fund of 2005 the Active Transportation Investment Fund.
- (b) The fund shall be funded by:
 - (i) money deposited into the fund in accordance with Section 59-12-103;
 - (ii) appropriations into the account by the Legislature; and
 - (iii) donations or grants from public or private entities.
- (c)
 - (i) The fund shall earn interest.
 - (ii) All interest earned on fund money shall be deposited into the fund.
- (d) The executive director may only use fund money to pay the costs needed for:
 - (i) the planning, design, construction, maintenance, reconstruction, or renovation of paved pedestrian or paved nonmotorized trail projects that:
 - (A) are prioritized by the commission through the prioritization process for new transportation capacity projects adopted under Section 72-1-304;
 - (B) serve a regional purpose; and
 - (C) are part of an active transportation plan approved by the department or the plan described in Subsection (11)(d)(ii);
 - (ii) the development of a plan for a statewide network of paved pedestrian or paved nonmotorized trails that serve a regional purpose; and
 - (iii) the administration of the fund, including staff and overhead costs.

(12)

- (a) As used in this Subsection (12), "commuter rail" means the same as that term is defined in Section 63N-3-602.
- (b) There is created in the Transit Transportation Investment Fund the Commuter Rail Subaccount.
- (c) The subaccount shall be funded by:
 - (i) contributions deposited into the subaccount in accordance with Section 59-12-103;
 - (ii) appropriations into the subaccount by the Legislature;
 - (iii) private contributions; and

- (iv) donations or grants from public or private entities.
- (d)
 - (i) The subaccount shall earn interest.
 - (ii) All interest earned on money in the subaccount shall be deposited into the subaccount.
- (e) As prioritized by the commission through the prioritization process adopted under Section 72-1-304 or as directed by the Legislature, the department may only use money from the subaccount for projects that improve the state's commuter rail infrastructure, including the building or improvement of grade-separated crossings between commuter rail lines and public highways.
- (f) Appropriations made in accordance with this section are nonlapsing in accordance with Section 63J-1-602.1.