

**ACCESS MANAGEMENT INCENTIVES IN
TRANSPORTATION**

1999 GENERAL SESSION

STATE OF UTAH

Sponsor: Marda Dillree

AN ACT RELATING TO TRANSPORTATION; AMENDING CERTAIN PROVISIONS FOR
THE AUTHORIZATION OF TRANSPORTATION CORRIDOR PRESERVATION
REVOLVING LOAN FUNDS; AND REQUIRING CERTAIN ACCESS MANAGEMENT
POLICIES OR ORDINANCES TO QUALIFY FOR FUNDS.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

72-2-117, as renumbered and amended by Chapter 270 and last amended by Chapter 314,
Laws of Utah 1998

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **72-2-117** is amended to read:

**72-2-117. Transportation Corridor Preservation Revolving Loan Fund --
Distribution -- Repayment -- Rulemaking.**

(1) There is created the Transportation Corridor Preservation Revolving Loan Fund within
the Transportation Fund.

(2) The fund shall be funded from the following sources:

(a) motor vehicle rental tax imposed under Section 59-12-1201;

(b) appropriations made to the fund by the Legislature;

(c) contributions from other public and private sources for deposit into the fund;

(d) interest earnings on cash balances;

(e) all monies collected for repayments and interest on fund monies;

(f) all monies collected from rents and sales of real property acquired with fund monies;

and

(g) proceeds from revenue bonds or other obligations issued in accordance with Title 63, Chapter 9a, State Building Ownership, and Title 63B, Bonds.

(3) All monies appropriated to the Transportation Corridor Preservation Revolving Loan Fund are nonlapsing.

(4) (a) The commission shall authorize the expenditure of fund monies to allow the department to acquire real property or any interests in real property for state, county, and municipal transportation corridors subject to:

(i) monies available in the fund; [and]

(ii) rules made under Subsection (7); and

(iii) Subsection (9).

(b) Fund monies may be used to pay interest on debts incurred in accordance with this section.

(5) Administrative costs of the Transportation Corridor Preservation Revolving Loan Fund shall be paid from the fund.

(6) The department:

(a) may apply to the commission under this section for monies from the Transportation Corridor Preservation Revolving Loan Fund for a specified transportation corridor project, including for county and municipal projects; and

(b) shall repay the fund monies authorized for the project to the fund as required under Subsection (7).

(7) The commission shall:

(a) administer the Transportation Corridor Preservation Revolving Loan Fund to preserve transportation corridors, promote long-term statewide transportation planning, save on acquisition costs, and promote the best interests of the state in a manner which minimizes impact on prime agricultural land;

(b) prioritize fund monies based on considerations, including:

(i) areas with rapidly expanding population;

(ii) the willingness of local governments to complete studies and impact statements that meet department standards;

(iii) the preservation of corridors by the use of local planning and zoning processes; and

(iv) the availability of other public and private matching funds for a project; and

(c) make rules in accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, establishing the:

- (i) procedures for the awarding of fund monies;
- (ii) procedures for the department to apply for transportation corridor preservation monies for projects; and
- (iii) repayment conditions of the monies to the fund from the specified project funds.

(8) (a) The proceeds from the revenue bonds or other obligations issued on revenues of the Transportation Corridor Preservation Revolving Loan Fund shall be used for:

- (i) the acquisition of real property in hardship cases; and
- (ii) any of the purposes authorized for funds in the Transportation Corridor Preservation Revolving Loan Fund under this section.

(b) The commission shall pledge the necessary part of the revenues of the Transportation Corridor Preservation Revolving Loan Fund to the payment of principal of and interest on the revenue bonds or other obligations.

(9) (a) The department may not apply for monies under this section for a highway authority that does not have an access management policy or ordinance in effect that meets the requirements under Subsection (9)(b).

(b) The access management policy or ordinance shall:

(i) be for the purpose of balancing the need for reasonable access to land uses with the need to preserve the smooth flow of traffic on the highway system in terms of safety, capacity, and speed; and

(ii) include provisions:

(A) limiting the number of conflict points at driveway locations;

(B) separating conflict areas;

(C) reducing the interference of through traffic;

(D) spacing at-grade signalized intersections; and

(E) providing for adequate on-site circulation and storage.

(c) The department shall develop a model access management policy or ordinance that meets the requirements of this Subsection (9) for the benefit of a county or municipality under this section.

Legislative Review Note
as of 1-6-99 12:19 PM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel