

CORRIDOR PRESERVATION FUNDING

DISTRIBUTION

2001 GENERAL SESSION

STATE OF UTAH

Sponsor: David L. Hogue

This act modifies the Transportation Code by restricting the amount of Transportation Corridor Preservation Revolving Loan Fund monies that may be used for acquisition of real property in hardship cases.

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

AMENDS:

72-2-117, as last amended by Chapter 34, Laws of Utah 2000

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.

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

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

- 33 (i) monies available in the fund;
- 34 (ii) rules made under Subsection (7); [~~and~~]
- 35 (iii) Subsection (9); and
- 36 Subsection (10).

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

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

41 (6) The department:

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

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

47 (7) The commission shall:

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

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

- 53 (i) areas with rapidly expanding population;
- 54 (ii) the willingness of local governments to complete studies and impact statements that
55 meet department standards;
- 56 (iii) the preservation of corridors by the use of local planning and zoning processes; and
- 57 (iv) the availability of other public and private matching funds for a project; and

58 (c) make rules in accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking

59 Act, establishing:

60 (i) the procedures for the awarding of fund monies;

61 (ii) the procedures for the department to apply for transportation corridor preservation
62 monies for projects;

63 (iii) repayment conditions of the monies to the fund from the specified project funds; and

64 (iv) an advisory council to assist with and help coordinate the corridor preservation efforts
65 of the department and local governments and to provide recommendations and priorities
66 concerning corridor preservation and the use of fund monies to the department and to the
67 commission.

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

70 (i) the acquisition of real property in hardship cases; and

71 (ii) any of the purposes authorized for funds in the Transportation Corridor Preservation
72 Revolving Loan Fund under this section.

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

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

79 (b) The access management policy or ordinance shall:

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

83 (ii) include provisions:

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

85 (B) separating conflict areas;

86 (C) reducing the interference of through traffic;

87 (D) spacing at-grade signalized intersections; and

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

89 (c) The department shall develop a model access management policy or ordinance that

90 meets the requirements of this Subsection (9) for the benefit of a county or municipality under this
91 section.

92 (10) Not more than 20% of the monies available in the fund in any fiscal year may be used
93 for the acquisition of real property in hardship cases.

Legislative Review Note
as of 1-5-01 2:42 PM

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

Office of Legislative Research and General Counsel