

1                           **TRANSPORTATION AMENDMENTS AND**  
2                           **HIGHWAY JURISDICTIONAL TRANSFER**  
3                           **TASK FORCE**

4                           2005 GENERAL SESSION

5                           STATE OF UTAH

6                           **Sponsor: Carlene M. Walker**

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7  
8 **LONG TITLE**

9 **General Description:**

10           This bill modifies the Utah Municipal Code, the Cities, Counties, and Local Taxing  
11 Units Code, the Counties Code, the Motor Vehicles Code, the Transportation Code, and  
12 the Judicial Code to amend provisions relating to transportation and creates the  
13 Highway Jurisdictional Transfer Task Force.

14 **Highlighted Provisions:**

15           This bill:

- 16           ▶ provides definitions;
- 17           ▶ expands written notice requirements of a local political subdivision's intent to  
18 prepare a capital facilities plan to include notice to the Utah Department of  
19 Transportation and a public transit district if the local political subdivision is within  
20 the public transit district boundaries;
- 21           ▶ requires municipalities and counties to notify the Utah Department of  
22 Transportation, a public transit district if the municipality or county is within the  
23 public transit district boundaries, and local associations of governments of proposed  
24 zoning designation changes, plat considerations, general plan changes, and  
25 annexations that impact state and regional transportation systems;
- 26           ▶ provides that notification for proposed changes is required for projects:
- 27           • adjacent to state highways;



- 28           • in other areas that have potential traffic increases of 3,000 Annual Daily Traffic
- 29 or peak hour traffic of more than 500 vehicles per hour;
- 30           ▶ allows a municipality’s or county’s general plan recommendations from the
- 31 planning commission to include comments from the Utah Department of
- 32 Transportation, a public transit district if the municipality or county is within the
- 33 public transit district boundaries, and local associations of governments concerning
- 34 the impacts on state and regional transportation systems;
- 35           ▶ provides that a person who operates a vehicle in a tollway without paying the toll is
- 36 guilty of a class C misdemeanor;
- 37           ▶ provides that funds in the Tollway Restricted Account may be used for enforcement
- 38 of a tollway;
- 39           ▶ provides that the Department of Transportation may designate, with the approval of
- 40 the Transportation Commission:
- 41           • highways as tollways on new state highways or additional capacity lanes as toll
- 42 lanes on existing state highways; and
- 43           • high occupancy toll lanes on existing state highways;
- 44           ▶ provides that the Department of Transportation shall make rules establishing
- 45 standards and specifications for automatic tolling;
- 46           ▶ provides that the Transportation Commission may provide funds for tollways;
- 47           ▶ provides that revenues received from tolls shall be deposited in the Tollway
- 48 Restricted Account;
- 49           ▶ requires district courts and justice courts to allocate fines collected for a violation of
- 50 operating in a tollway without paying the toll to the Tollway Restricted Account;
- 51           ▶ requires the executive director of the Department of Transportation to develop
- 52 strategic initiatives for the department;
- 53           ▶ requires the executive director to report the strategic initiatives to the Transportation
- 54 Commission;
- 55           ▶ requires the department to makes rules establishing the strategic initiatives of the
- 56 department;
- 57           ▶ requires the Transportation Commission, in consultation with the department, to
- 58 develop a written prioritization process for the selection of new transportation

59 capacity projects;

60       ▶ requires the commission to hold public hearings on the written prioritization

61 process;

62       ▶ requires the commission, in consultation with the department, to make rules

63 establishing the written prioritization process for new transportation capacity

64 projects;

65       ▶ requires the commission to submit the rules to the Legislature prior to adopting

66 them;

67       ▶ requires the commission to:

68           • prioritize and fund new transportation capacity projects pursuant to the written

69 prioritization process;

70           • hold public hearings on the prioritization of projects; and

71           • make available upon request the ranking used for any projects prioritized;

72       ▶ requires the executive director or the executive director's designee to report annually

73 to the governor and the Legislature on projects prioritized by the commission;

74       ▶ adds the designations of state highways and the designation of state park access

75 highways to the sunset act to be repealed July 1, 2006;

76       ▶ provides that state highways include all interstate routes, all expressways, and all

77 highways on the National Highway System beginning July 1, 2006;

78       ▶ repeals provisions establishing criteria for state highways;

79       ▶ requires the Department of Transportation to make rules:

80           • defining and designating regionally significant arterial highways; and

81           • establishing an access management policy consistent with the functional

82 classification of roadways;

83       ▶ provides that the department may operate and control all traffic-control devices:

84           • located at interchanges on the interstate system;

85           • proximate to the interchanges that have significant impact on the safety and

86 operation of the interchange; and

87           • on regionally significant arterial highways;

88       ▶ requires a county and a municipality to adopt and implement an access management

89 policy;

- 90           ▶ requires a county or a municipality that develops or implements a traffic signal
- 91 coordination system to have the system compatible with the state system;
- 92           ▶ establishes a task force to study highway jurisdictional transfers;
- 93           ▶ establishes task force membership, duties, and salaries and designates staff for the
- 94 task force;
- 95           ▶ requires the task force to prepare a report;
- 96           ▶ requires the task force to report its findings to the Transportation Interim Committee
- 97 on a specified date; and
- 98           ▶ makes technical changes.

99 **Monies Appropriated in this Bill:**

100           None

101 **Other Special Clauses:**

102           This bill provides an effective date.

103           This bill provides a repeal date for the task force.

104 **Utah Code Sections Affected:**

105 **AMENDS:**

106           **10-9-103.5**, as enacted by Chapter 339, Laws of Utah 1999

107           **10-9-301.5**, as enacted by Chapter 99, Laws of Utah 2004

108           **10-9-302**, as last amended by Chapter 99, Laws of Utah 2004

109           **10-9-407**, as last amended by Chapter 179, Laws of Utah 1995

110           **17-27-103.5**, as enacted by Chapter 339, Laws of Utah 1999

111           **17-27-301.5**, as enacted by Chapter 99, Laws of Utah 2004

112           **17-27-302**, as last amended by Chapter 99, Laws of Utah 2004

113           **17-27-406**, as last amended by Chapter 241, Laws of Utah 2001

114           **63-55-272**, as last amended by Chapter 90, Laws of Utah 2004

115           **72-2-120**, as renumbered and amended by Chapter 270, Laws of Utah 1998

116           **72-6-118**, as renumbered and amended by Chapter 270, Laws of Utah 1998

117           **78-3-14.5**, as last amended by Chapters 273 and 349, Laws of Utah 2004

118           **78-5-116**, as last amended by Chapters 273 and 349, Laws of Utah 2004

119 **ENACTS:**

120           **41-6-65.5**, Utah Code Annotated 1953

121 72-1-211, Utah Code Annotated 1953

122 72-1-304, Utah Code Annotated 1953

123 72-1-305, Utah Code Annotated 1953

124 REPEALS AND REENACTS:

125 72-4-102.5, as enacted by Chapter 72, Laws of Utah 1999

126 **Uncodified Material Affected:**

127 ENACTS UNCODIFIED MATERIAL



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

130 Section 1. Section 10-9-103.5 is amended to read:

131 **10-9-103.5. Notice to nearby entities.**

132 (1) As used in this section[~~-, "predevelopment~~]:

133 (a) "Annual Daily Traffic" has the same meaning as defined by the American  
134 Association of State Highway and Transportation Officials.

135 (b) "Predevelopment activity" means a public hearing concerning or consideration by  
136 the planning commission or the municipal legislative body of:

137 [~~(a)~~] (i) a proposed change in zoning designation;

138 [~~(b)~~] (ii) a preliminary or final plat describing a multiple-unit residential development  
139 or a commercial or industrial development; or

140 [~~(c)~~] (iii) a proposed modification of the municipality's general plan whereby the  
141 vehicular capacity of a municipal road is proposed to be increased.

142 (2) The planning commission or legislative body, as the case may be, of each  
143 municipality shall provide notice of predevelopment activity occurring in the municipality to:

144 (a) the legislative body of:

145 [~~(a)~~] (i) each municipality whose boundaries are within one mile of the property that is  
146 the subject of the predevelopment activity; and

147 [~~(b)~~] (ii) each county that has unincorporated territory within one mile of the property  
148 that is the subject of the predevelopment activity[~~-~~];

149 (b) the Utah Department of Transportation and the local association of governments,  
150 created by agreement under Title 11, Chapter 13, Interlocal Cooperation Act, if:

151 (i) predevelopment activity could create site:

152           (A) traffic of 3,000 or more Annual Daily Traffic; or  
 153           (B) projected peak hour traffic of more than 500 vehicles per hour; or  
 154           (ii) predevelopment activity is along a state highway regardless of Annual Daily Traffic  
 155 or peak hour traffic; and

156           (c) a public transit district organized under Title 17A, Chapter 2, Part 10, Utah Public  
 157 Transit District Act, if:

158           (i) the municipality is within the public transit district boundaries; and  
 159           (ii) a provision under Subsection (2)(b)(i) or (ii) applies to the predevelopment activity.

160           (3) The notice required by Subsection (2) shall be provided at least seven days before  
 161 the predevelopment activity occurs.

162           (4) A planning commission or municipal legislative body meets the notice requirement  
 163 of Subsection (2) by mailing to each appropriate legislative body, at least seven days before the  
 164 predevelopment activity occurs, a copy of a planning commission or municipal legislative body  
 165 meeting agenda that contains information sufficient to enable a reasonable reader to understand  
 166 that predevelopment activity is expected to occur in the municipality and the location of the  
 167 property that is the subject of the predevelopment activity.

168           (5) If notice given under this section is not challenged under Section 10-9-1001 within  
 169 30 days after the action for which notice is given, the notice is considered adequate and proper.

170           Section 2. Section **10-9-301.5** is amended to read:

171           **10-9-301.5. Notice of intent to prepare a general plan or amendments to a general**  
 172 **plan in certain municipalities.**

173           (1) As used in this section:

174           (a) (i) "Affected entity" means each county, municipality, independent special district  
 175 under Title 17A, Chapter 2, Independent Special Districts, local district under Title 17B,  
 176 Chapter 2, Local Districts, school district, interlocal cooperation entity established under Title  
 177 11, Chapter 13, Interlocal Cooperation Act, and specified public utility:

178           (A) whose services or facilities are likely to require expansion or significant  
 179 modification because of an intended use of land; or

180           (B) that has filed with the municipality a copy of the entity's general or long-range  
 181 plan.

182           (ii) "Affected entity" does not include the municipality that is required under this

183 section to provide notice.

184 (b) "Specified public utility" means an electrical corporation, gas corporation, or  
185 telephone corporation, as those terms are defined in Section 54-2-1.

186 (2) Before preparing a proposed general plan or amendments to an existing general  
187 plan, each municipality within a county of the first or second class shall provide written notice,  
188 as provided in this section, of its intent to prepare a proposed general plan or amendments to a  
189 general plan.

190 (3) Each notice under Subsection (2) shall:

191 (a) indicate that the municipality intends to prepare a general plan or amendments to a  
192 general plan, as the case may be;

193 (b) describe or provide a map of the geographic area that will be affected by the general  
194 plan or amendments to a general plan;

195 (c) be sent to:

196 (i) each affected entity;

197 (ii) the Automated Geographic Reference Center created in Section 63A-6-202;

198 (iii) the association of governments, established pursuant to an interlocal agreement  
199 under Title 11, Chapter 13, Interlocal Cooperation Act, of which the municipality is a member;

200 [~~and~~]

201 (iv) the state planning coordinator appointed under Section 63-38d-202;

202 (v) the Utah Department of Transportation if the general plan or amendments to the  
203 general plan:

204 (A) pertain to a site along a state highway; or

205 (B) allow a development that would create site:

206 (I) traffic of 3,000 or more Annual Daily Traffic as defined in Section 10-9-103.5; or

207 (II) projected peak hour traffic of more than 500 vehicles per hour; and

208 (vi) a public transit district organized under Title 17A, Chapter 2, Part 10, Utah Public  
209 Transit District Act, if:

210 (A) the municipality is within the public transit district boundaries; and

211 (B) a provision under Subsection (3)(c)(v)(A) or (B) applies to the general plan or  
212 amendments to the general plan;

213 (d) with respect to the notice to affected entities, invite the affected entities to provide

214 information for the municipality to consider in the process of preparing, adopting, and  
215 implementing a general plan or amendments to a general plan concerning:

216 (i) impacts that the use of land proposed in the proposed general plan or amendments  
217 to a general plan may have on the affected entity; and

218 (ii) uses of land within the municipality that the affected entity is planning or  
219 considering that may conflict with the proposed general plan or amendments to the general  
220 plan; and

221 (e) include the address of an Internet website, if the municipality has one, and the name  
222 and telephone number of a person where more information can be obtained concerning the  
223 municipality's proposed general plan or amendments to a general plan.

224 Section 3. Section **10-9-302** is amended to read:

225 **10-9-302. Plan preparation.**

226 (1) (a) Subject to Section 10-9-301.5, the planning commission shall make and  
227 recommend to the legislative body a proposed general plan for the area within the municipality.

228 (b) The plan may include areas outside the boundaries of the municipality if, in the  
229 commission's judgment, they are related to the planning of the municipality's territory.

230 (c) Except as otherwise provided by law, when the plan of a municipality involves  
231 territory outside the boundaries of the municipality, the municipality may not take action  
232 affecting that territory without the concurrence of the county or other municipalities affected.

233 (2) The general plan, with the accompanying maps, plats, charts and descriptive and  
234 explanatory matter, shall show the planning commission's recommendations for the  
235 development of the territory covered by the plan, and may include, among other things:

236 (a) a land use element that:

237 (i) designates the proposed general distribution and location and extent of uses of land  
238 for housing, business, industry, agriculture, recreation, education, public buildings and  
239 grounds, open space, and other categories of public and private uses of land as appropriate; and

240 (ii) may include a statement of the standards of population density and building  
241 intensity recommended for the various land use categories covered by the plan;

242 (b) a transportation and circulation element consisting of the general location and  
243 extent of existing and proposed freeways, arterial and collector streets, mass transit, and any  
244 other modes of transportation that are appropriate, all correlated with the land use element of



245 the plan;

246 (c) an environmental element that addresses:

247 (i) the protection, conservation, development, and use of natural resources, including  
248 the quality of air, forests, soils, rivers and other waters, harbors, fisheries, wildlife, minerals,  
249 and other natural resources; and

250 (ii) the reclamation of land, flood control, prevention and control of the pollution of  
251 streams and other waters, regulation of the use of land on hillsides, stream channels and other  
252 environmentally sensitive areas, the prevention, control, and correction of the erosion of soils,  
253 protection of watersheds and wetlands, and the mapping of known geologic hazards;

254 (d) a public services and facilities element showing general plans for sewage, waste  
255 disposal, drainage, local utilities, rights-of-way, easements, and facilities for them, police and  
256 fire protection, and other public services;

257 (e) a rehabilitation, redevelopment, and conservation element consisting of plans and  
258 programs for:

259 (i) historic preservation; and

260 (ii) the elimination of blight and for redevelopment, including housing sites, business  
261 and industrial sites, and public building sites;

262 (f) an economic element composed of appropriate studies and an economic  
263 development plan that may include review of municipal revenue and expenditures, revenue  
264 sources, identification of base and residentiary industry, primary and secondary market areas,  
265 employment, and retail sales activity;

266 (g) recommendations for implementing the plan, including the use of zoning  
267 ordinances, subdivision ordinances, capital improvement plans, and other appropriate actions;

268 (h) provisions addressing any of the matters listed in Subsection 10-9-301(2); ~~and~~

269 (i) any comments from the Utah Department of Transportation, a public transit district  
270 organized under Title 17A, Chapter 2, Part 10, Utah Public Transit District Act, if the  
271 municipality is within the public transit district boundaries, or the local association of  
272 governments concerning the impact on the state or regional transportation system; and

273 ~~(i)~~ (j) any other elements the municipality considers appropriate.

274 Section 4. Section **10-9-407** is amended to read:

275 **10-9-407. Conditional uses.**

276 (1) A zoning ordinance may contain provisions for conditional uses that may be  
277 allowed, allowed with conditions, or denied in designated zoning districts, based on  
278 compliance with standards and criteria set forth in the zoning ordinance for those uses.

279 (2) Before acting on an application for a conditional use, the municipality shall notify:

280 (a) the Utah Department of Transportation and the local association of governments if  
281 the application is for a conditional use of property:

282 (i) that is along a state highway; or

283 (ii) to allow a development that would create, on any local or state highway, site:

284 (A) traffic of 3,000 or more Annual Daily Traffic as defined in Section 10-9-103.5; or

285 (B) projected peak hour traffic of more than 500 vehicles per hour; and

286 (b) a public transit district organized under Title 17A, Chapter 2, Part 10, Utah Public  
287 Transit District Act, if:

288 (i) the municipality is within the public transit district boundaries; and

289 (ii) a provision under Subsection (2)(a)(i) or (ii) applies to the conditional use of the  
290 property.

291 [~~2~~] (3) The board of adjustments has jurisdiction to decide appeals of the approval or  
292 denial of conditional use permits unless the legislative body has enacted an ordinance  
293 designating the legislative body or another body as the appellate body for those appeals.

294 Section 5. Section **17-27-103.5** is amended to read:

295 **17-27-103.5. Notice to nearby entities.**

296 (1) As used in this section, "predevelopment activity" means a public hearing  
297 concerning or consideration by the planning commission or the county legislative body of:

298 (a) a proposed change in zoning designation;

299 (b) a preliminary or final plat describing a multiple-unit residential development or a  
300 commercial or industrial development; or

301 (c) a proposed modification of the county's general plan whereby the vehicular capacity  
302 of a county road is proposed to be increased.

303 (2) The planning commission or legislative body, as the case may be, of each county  
304 shall provide notice of predevelopment activity occurring in the unincorporated county to:

305 (a) the legislative body of:

306 [~~a~~] (i) each municipality whose boundaries are within one mile of the property that is

307 the subject of the predevelopment activity; and

308 ~~[(b)]~~ (ii) each county that has unincorporated territory within one mile of the property  
309 that is the subject of the predevelopment activity[-];

310 (b) the Utah Department of Transportation and the local association of governments,  
311 created by agreement under Title 11, Chapter 13, Interlocal Cooperation Act, if:

312 (i) predevelopment activity could create site:

313 (A) traffic of 3,000 Annual Daily Traffic as defined in Section 10-9-103.5; or

314 (B) projected peak hour traffic of more than 500 vehicles per hour; or

315 (ii) predevelopment activity is along a state highway regardless of Annual Daily Traffic  
316 or peak hour traffic; and

317 (c) a public transit district organized under Title 17A, Chapter 2, Part 10, Utah Public  
318 Transit District Act, if:

319 (i) the county is within the public transit district boundaries; and

320 (ii) a provision under Subsection (2)(b)(i) or (ii) applies to the predevelopment activity.

321 (3) The notice required by Subsection (2) shall be provided at least seven days before  
322 the predevelopment activity occurs.

323 (4) A planning commission or county legislative body meets the notice requirements of  
324 Subsection (2) by mailing to each appropriate legislative body, at least seven days before the  
325 predevelopment activity occurs, a copy of a planning commission or county legislative body  
326 meeting agenda that contains information sufficient to enable a reasonable reader to understand  
327 that predevelopment activity is expected to occur in the county and the location of the property  
328 that is the subject of the predevelopment activity.

329 (5) If notice given under this section is not challenged under Section 17-27-1001  
330 within 30 days after the action for which notice is given, the notice is considered adequate and  
331 proper.

332 Section 6. Section **17-27-301.5** is amended to read:

333 **17-27-301.5. Notice of intent to prepare a general plan or amendments to a**  
334 **general plan in certain counties.**

335 (1) As used in this section:

336 (a) (i) "Affected entity" means each county, municipality, independent special district  
337 under Title 17A, Chapter 2, Independent Special Districts, local district under Title 17B,

338 Chapter 2, Local Districts, school district, interlocal cooperation entity established under Title  
339 11, Chapter 13, Interlocal Cooperation Act, and specified public utility:

340 (A) whose services or facilities are likely to require expansion or significant  
341 modification because of an intended use of land; or

342 (B) that has filed with the county a copy of the entity's general or long-range plan.

343 (ii) "Affected entity" does not include the county that is required under this section to  
344 provide notice.

345 (b) "Specified public utility" means an electrical corporation, gas corporation, or  
346 telephone corporation, as those terms are defined in Section 54-2-1.

347 (2) Before preparing a proposed general plan or amendments to an existing general  
348 plan, each county of the first or second class shall provide written notice, as provided in this  
349 section, of its intent to prepare a proposed general plan or amendments to a general plan.

350 (3) Each notice under Subsection (2) shall:

351 (a) indicate that the county intends to prepare a general plan or amendments to a  
352 general plan, as the case may be;

353 (b) describe or provide a map of the geographic area that will be affected by the general  
354 plan or amendments to a general plan;

355 (c) be sent to:

356 (i) each affected entity;

357 (ii) the Automated Geographic Reference Center created in Section 63A-6-202;

358 (iii) the association of governments, established pursuant to an interlocal agreement  
359 under Title 11, Chapter 13, Interlocal Cooperation Act, of which the county is a member; ~~and~~

360 (iv) the state planning coordinator appointed under Section 63-38d-202;

361 (v) the Utah Department of Transportation if the general plan or amendments to the  
362 general plan:

363 (A) pertain to a site along a state highway; or

364 (B) allow a development that would create site:

365 (I) traffic of 3,000 or more Annual Daily Traffic as defined in Section 10-9-103.5; or

366 (II) projected peak hour traffic of more than 500 vehicles per hour; and

367 (vi) a public transit district organized under Title 17A, Chapter 2, Part 10, Utah Public  
368 Transit District Act, if:

369           (A) the county is within the public transit district boundaries; and  
370           (B) a provision under Subsection (3)(c)(v)(A) or (B) applies to the general plan or  
371 amendments to the general plan;

372           (d) with respect to the notice to affected entities, invite the affected entities to provide  
373 information for the county to consider in the process of preparing, adopting, and implementing  
374 a general plan or amendments to a general plan concerning:

375           (i) impacts that the use of land proposed in the proposed general plan or amendments  
376 to a general plan may have on the affected entity; and

377           (ii) uses of land within the county that the affected entity is planning or considering  
378 that may conflict with the proposed general plan or amendments to the general plan; and

379           (e) include the address of an Internet website, if the county has one, and the name and  
380 telephone number of a person where more information can be obtained concerning the county's  
381 proposed general plan or amendments to a general plan.

382           Section 7. Section **17-27-302** is amended to read:

383           **17-27-302. Plan preparation.**

384           (1) (a) Subject to Section 17-27-301.5, the planning commission shall make and  
385 recommend to the legislative body a proposed general plan for the area within the county.

386           (b) (i) The plan may include planning for incorporated areas if, in the planning  
387 commission's judgment, they are related to the planning of the unincorporated territory or of  
388 the county as a whole.

389           (ii) Elements of the county plan that address incorporated areas are not an official plan  
390 or part of a municipal plan for any municipality, unless it is adopted by the municipal planning  
391 commission and the governing body of the municipality.

392           (2) The general plan, with the accompanying maps, plats, charts and descriptive and  
393 explanatory matter, shall show the planning commission's recommendations for the  
394 development of the territory covered by the plan, and may include, among other things:

395           (a) a land use element that:

396           (i) designates the proposed general distribution and location and extent of uses of land  
397 for housing, business, industry, agriculture, recreation, education, public buildings and  
398 grounds, open space, and other categories of public and private uses of land as appropriate; and

399           (ii) may include a statement of the standards of population density and building

400 intensity recommended for the various land use categories covered by the plan;

401 (b) a transportation and circulation element consisting of the general location and  
402 extent of existing and proposed freeways, arterial and collector streets, mass transit, and any  
403 other modes of transportation that are appropriate, all correlated with the land use element of  
404 the plan;

405 (c) an environmental element that addresses:

406 (i) the protection, conservation, development, and use of natural resources, including  
407 the quality of air, forests, soils, rivers and other waters, harbors, fisheries, wildlife, minerals,  
408 and other natural resources; and

409 (ii) the reclamation of land, flood control, prevention and control of the pollution of  
410 streams and other waters, regulation of the use of land on hillsides, stream channels and other  
411 environmentally sensitive areas, the prevention, control, and correction of the erosion of soils,  
412 protection of watersheds and wetlands, and the mapping of known geologic hazards;

413 (d) a public services and facilities element showing general plans for sewage, waste  
414 disposal, drainage, local utilities, rights-of-way, easements, and facilities for them, police and  
415 fire protection, and other public services;

416 (e) a rehabilitation, redevelopment, and conservation element consisting of plans and  
417 programs for:

418 (i) historic preservation; and

419 (ii) the elimination of blight and for redevelopment, including housing sites, business  
420 and industrial sites, and public building sites;

421 (f) an economic element composed of appropriate studies and an economic  
422 development plan that may include review of county revenue and expenditures, revenue  
423 sources, identification of base and residentiary industry, primary and secondary market areas,  
424 employment, and retail sales activity;

425 (g) recommendations for implementing the plan, including the use of zoning  
426 ordinances, subdivision ordinances, capital improvement plans, and other appropriate actions;

427 (h) provisions addressing any of the matters listed in Subsection 17-27-301(2); ~~and~~

428 (i) any comments from the Utah Department of Transportation, a public transit district  
429 organized under Title 17A, Chapter 2, Part 10, Utah Public Transit District Act, if the county is  
430 within the public transit district boundaries, or the local association of governments concerning

431 the impact on the state or regional transportation system; and

432 [(†)] (j) any other elements that the county considers appropriate.

433 Section 8. Section **17-27-406** is amended to read:

434 **17-27-406. Conditional uses -- Appeals.**

435 (1) A zoning ordinance may contain provisions for administrative decisions relating to  
436 conditional uses that may be allowed, allowed with conditions, or denied in designated zoning  
437 districts, based on compliance with standards and criteria set forth in the zoning ordinance for  
438 those uses.

439 (2) Before acting on an application for a conditional use, the county shall notify:

440 (a) the Utah Department of Transportation and the local association of governments if  
441 the application is for a conditional use of property:

442 (i) that is along a state highway; or

443 (ii) that allows a development that would create, on any local or state highway, site:

444 (A) traffic of 3,000 or more Annual Daily Traffic as defined in Section 10-9-103.5; or

445 (B) projected peak hour traffic of more than 500 vehicles per hour; and

446 (b) a public transit district organized under Title 17A, Chapter 2, Part 10, Utah Public  
447 Transit District Act, if:

448 (i) the county is within the public transit district boundaries; and

449 (ii) a provision under Subsection (2)(a)(i) or (ii) applies to the conditional use of the  
450 property.

451 [(2)] (3) Appeals of the approval or denial of a conditional use permit shall be decided  
452 by the board of adjustment, unless the county legislative body by ordinance designates itself or  
453 another body to decide those appeals.

454 Section 9. Section **41-6-65.5** is enacted to read:

455 **41-6-65.5. Driving on tollway without paying toll prohibited.**

456 (1) As used in this section, "tollway" has the same meaning as defined in Section  
457 72-6-118.

458 (2) The operator of a vehicle traveling on a tollway shall pay the toll imposed by the  
459 department or other entity for that tollway under Section 72-6-118.

460 (3) A person who violates Subsection (2) is guilty of a class C misdemeanor.

461 Section 10. Section **63-55-272** is amended to read:

462 **63-55-272. Repeal dates, Title 72.**

463 (1) Title 72, Chapter 3, Part 2, State Park Access Highways is repealed July 1, 2006.

464 (2) Sections 72-4-106 through 72-4-137 regarding designation of state highways are  
465 repealed July 1, 2006.

466 Section 11. Section **72-1-211** is enacted to read:

467 **72-1-211. Department to develop strategic initiatives -- Report -- Rulemaking.**

468 (1) The executive director shall develop strategic initiatives for the department.

469 (2) The strategic initiatives developed under Subsection (1) shall include consideration

470 of the following factors:

471 (a) corridor preservation;

472 (b) development of new transportation capacity projects;

473 (c) long-term maintenance and operations of the transportation system;

474 (d) safety;

475 (e) incident management; and

476 (f) homeland security.

477 (3) (a) The executive director or the executive director's designee shall report the  
478 strategic initiatives of the department developed under Subsection (1) to the Transportation  
479 Commission.

480 (b) The report required under Subsection (3)(a) shall include the measure that will be  
481 used to determine whether the strategic initiatives have been achieved.

482 (4) After compliance with Subsection (3) and in accordance with Title 63, Chapter 46a,  
483 Utah Administrative Rulemaking Act, the department shall make rules establishing the  
484 strategic initiatives developed under this part.

485 Section 12. Section **72-1-304** is enacted to read:

486 **72-1-304. Written project prioritization process for new transportation capacity**  
487 **projects -- Rulemaking.**

488 (1) The Transportation Commission, in consultation with the department, shall develop  
489 a written prioritization process for the prioritization of new transportation capacity projects that  
490 are or will be part of the state highway system under Chapter 4, Part 1, State Highways.

491 (2) The following shall be included in the written prioritization process under  
492 Subsection (1):



493 (a) a description of how the strategic initiatives of the department adopted under  
494 Section 72-1-211 are advanced by the written prioritization process;

495 (b) a definition of the type of projects to which the written prioritization process  
496 applies;

497 (c) specification of a weighted criteria system that is used to rank proposed projects  
498 and how it will be used to determine which projects will be prioritized;

499 (d) specification of the data that is necessary to apply the weighted ranking criteria; and

500 (e) any other provisions the commission considers appropriate.

501 (3) In developing the written prioritization process, the commission shall seek and  
502 consider public comment by holding public meetings at locations throughout the state.

503 (4) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the  
504 Transportation Commission, in consultation with the department, shall make rules establishing  
505 the written prioritization process under Subsection (1).

506 (5) The commission shall submit the proposed rules under this section to a committee  
507 or task force designated by the Legislative Management Committee for review prior to taking  
508 final action on the proposed rules or any proposed amendment to the rules described in  
509 Subsection (4).

510 Section 13. Section **72-1-305** is enacted to read:

511 **72-1-305. Project selection using the written prioritization process - Public**  
512 **comment -- Report.**

513 (1) Except as provided in Subsection (4), in determining priorities and funding levels  
514 of projects in the state transportation system under Subsection 72-1-303(1) that are new  
515 transportation capacity projects, the commission shall use the weighted criteria system adopted  
516 in the written prioritization process under Section 72-1-304.

517 (2) Prior to finalizing priorities and funding levels of projects in the state transportation  
518 system, the commission shall conduct public hearings at locations around the state and accept  
519 public comments on:

520 (a) the written prioritization process; and

521 (b) the merits of major new transportation projects that will be prioritized under this  
522 section.

523 (3) The commission shall make the weighted criteria system ranking for each project

524 publicly available prior to the public hearings held under Subsection (2).

525 (4) (a) If the commission prioritizes a project over another project with a higher rank  
526 under the weighted criteria system, the commission shall hold a hearing and accept public  
527 comment on the merits of prioritizing the project above higher ranked projects.

528 (b) The commission shall make the reasons for the prioritization under Subsection  
529 (4)(a) publicly available.

530 (5) The executive director or the executive director's designee shall report annually to  
531 the governor and a committee designated by the Legislative Management Committee no later  
532 than the last day of October:

533 (a) the projects prioritized under this section during the year prior to the report; and

534 (b) the status and progress of all projects prioritized under this section.

535 Section 14. Section **72-2-120** is amended to read:

536 **72-2-120. Tollway Restricted Account -- Revenue -- Nonlapsing.**

537 (1) There is created within the Transportation Fund a restricted account known as the  
538 "Tollway Restricted Account."

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

540 (a) tolls collected under Section 72-6-118;

541 (b) appropriations made to the account by the Legislature;

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

543 (d) interest earnings on cash balances; and

544 (e) all monies collected for repayments and interest on account monies.

545 (3) All monies appropriated to the account are nonlapsing.

546 (4) (a) Monies shall be appropriated by the Legislature from the restricted account to  
547 the commission for tollway purposes.

548 (b) The commission may authorize the monies under Subsection (4)(a) to be spent by  
549 the department to establish and operate tollways and related facilities, including design,  
550 construction, reconstruction, operation, maintenance, enforcement, impacts from tollways, and  
551 the acquisition of right-of-way.

552 Section 15. Section **72-4-102.5** is repealed and reenacted to read:

553 **72-4-102.5. Rulemaking -- Criteria for state highways -- Designation of state**  
554 **highways.**

555 (1) (a) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act,  
556 the department shall make rules:

557 (i) establishing and defining a functional classification of roadways for the purpose of  
558 implementing this section:

559 (ii) defining and designating regionally significant arterial highways; and

560 (iii) establishing an access management policy consistent with the functional  
561 classification of roadways.

562 (b) The definitions under Subsection (1)(a) shall provide a separate functional  
563 classification system for urban and rural highways recognizing the unique differences in the  
564 character of services provided by urban and rural highways.

565 (2) State highways include all interstate routes, all expressways, and all highways on  
566 the National Highway System as designated by the Federal Highway Administration under 23  
567 CFR 470 Subpart A as of January 1, 2005.

568 (3) Notwithstanding any other provision, the department may operate and control all  
569 traffic-control devices:

570 (a) located at interchanges on the interstate system;

571 (b) proximate to the interchanges that have significant impact on the safety and  
572 operation of the interchange; and

573 (c) on regionally significant arterial highways as designated by rule under Subsection  
574 (1)(a).

575 (4) The department may operate any other traffic-control devices located on a highway  
576 under a local highway authority's jurisdiction by written agreement with the local highway  
577 authority.

578 (5) Notwithstanding any other provision, a county and a municipality shall adopt and  
579 implement the access management policy established by rule under Subsection (1)(a).

580 (6) Notwithstanding any other provision, if a county or a municipality develops or  
581 implements a traffic signal coordination system or intelligent transportation system, the system  
582 shall be compatible with the state traffic signal coordination system or intelligent transportation  
583 system to allow the county or municipality to be integrated with the state system.

584 Section 16. Section **72-6-118** is amended to read:

585 **72-6-118. Definitions -- Establishment and operation of tollways – Imposition and**

586 **collection of tolls -- Amount of tolls -- Rulemaking.**

587 (1) As used in this section:

588 (a) "High occupancy toll lane" means a high occupancy vehicle lane designated under  
589 Section 41-6-53.5 that may be used by an operator of a vehicle carrying less than the number of  
590 persons specified for the high occupancy vehicle lane if the operator of the vehicle pays a toll  
591 or fee.592 [~~(a)~~] (b) "Toll" means any tax, fee, or charge assessed for the specific use of a tollway.593 (c) "Toll lane" means a designated new highway or additional lane capacity that is  
594 constructed, operated, or maintained for which a toll is charged for its use.595 [~~(b)~~] (d) (i) "Tollway" means a highway, highway lane, bridge, path, tunnel, or  
596 right-of-way designed and used as a transportation route that is constructed, operated, or  
597 maintained through the use of toll revenues.598 (ii) "Tollway" includes a high occupancy toll lane and a toll lane.

599 (2) Subject to the provisions of Subsection (3), the department may:

600 (a) establish and operate tollways and related facilities for the purpose of funding in  
601 whole or in part the acquisition of right-of-way and the design, construction, reconstruction,  
602 operation, enforcement, and maintenance of or impacts from a transportation route for use by  
603 the public;604 (b) enter into contracts, agreements, licenses, franchises, or other arrangements to  
605 implement this section; and

606 (c) impose and collect tolls on any tollway established under this section.

607 (3) (a) [~~The~~] Except as provided under Subsection (3)(d), the department or other entity  
608 may not establish or operate a tollway on [~~a~~] an existing state highway, except as approved by  
609 the commission and the Legislature.

610 (b) Between sessions of the Legislature, a state tollway may be designated or deleted if:

611 (i) approved by the commission in accordance with the standards made under this  
612 section; and613 (ii) the tollways are submitted to the Legislature in the next year for legislative  
614 approval or disapproval.615 (c) In conjunction with a proposal submitted under Subsection (3)(b)(ii), the  
616 department shall provide a description of the tollway project, projected traffic, the anticipated

617 amount of tolls to be charged, and projected toll revenue.

618 (d) If approved by the commission, the department may:

619 (i) establish high occupancy toll lanes on existing state highways: and

620 (ii) establish tollways on new state highways or additional capacity lanes.

621 (4) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the  
622 commission shall set the amount of any toll imposed or collected on a tollway on a state  
623 highway.

624 (5) (a) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act,  
625 the department shall make rules:

626 (i) necessary to establish and operate tollways on state highways[-]; and

627 (ii) that establish standards and specifications for automatic tolling systems.

628 (b) The rules shall:

629 (i) include minimum criteria for having a tollway[-]; and

630 (ii) conform to regional and national standards for automatic tolling.

631 (6) (a) The commission may provide funds for public or private tollway pilot projects  
632 or high occupancy toll lanes from General Fund monies appropriated by the Legislature to the  
633 commission for that purpose.

634 (b) The commission may determine priorities and funding levels for tollways  
635 designated under this section.

636 (7) All revenue generated from a tollway on a state highway shall be deposited into the  
637 Tollway Restricted Account created in Section 72-2-120 and used for acquisition of  
638 right-of-way and the design, construction, reconstruction, operation, maintenance, and  
639 enforcement of transportation facilities within the corridor served by the tollway.

640 Section 17. Section **78-3-14.5** is amended to read:

641 **78-3-14.5. Allocation of district court fees and forfeitures.**

642 (1) Except as provided in this section, district court fines and forfeitures collected for  
643 violation of state statutes shall be paid to the state treasurer.

644 (2) Fines and forfeitures collected by the court for violation of a state statute or county  
645 or municipal ordinance constituting a misdemeanor or an infraction shall be remitted 1/2 to the  
646 state treasurer and 1/2 to the treasurer of the state or local governmental entity which  
647 prosecutes or which would prosecute the violation.

648 (3) Fines and forfeitures collected for violations of Title 23, Wildlife Resources Code  
649 of Utah, Title 41, Chapter 22, Off-highway Vehicles, or Title 73, Chapter 18, State Boating  
650 Act, shall be paid to the state treasurer.

651 (a) For violations of Title 23, the state treasurer shall allocate 85% to the Division of  
652 Wildlife Resources and 15% to the General Fund.

653 (b) For violations of Title 41, Chapter 22, or Title 73, Chapter 18, the state treasurer  
654 shall allocate 85% to the Division of Parks and Recreation and 15% to the General Fund.

655 (4) Fines and forfeitures collected for violation of Section 72-7-404 or 72-7-406, less  
656 fees established by the Judicial Council, shall be paid to the state treasurer for deposit in the B  
657 and C road account. Fees established by the Judicial Council shall be deposited in the state  
658 General Fund. Money deposited in the class B and C road account is supplemental to the  
659 money appropriated under Section 72-2-107 but shall be expended in the same manner as other  
660 class B and C road funds.

661 (5) Until July 1, 2007, fines and forfeitures collected by the court for a violation of  
662 Subsection 41-1a-1303(2) related to registration of vehicles after establishing residency shall  
663 be remitted:

664 (a) 50% to the state or local governmental entity which issued the citation for a  
665 violation to be used for law enforcement purposes; and

666 (b) 50% in accordance with Subsection (2).

667 (6) Fines and forfeitures collected by the court for a violation of Section 41-6-65.5  
668 related to operating a vehicle in a tollway without paying the toll shall be allocated to the  
669 Tollway Restricted Account created in Section 72-2-120.

670 [~~6~~] (7) Fines and forfeitures collected for any violations not specified in this chapter  
671 or otherwise provided for by law shall be paid to the state treasurer.

672 [~~7~~] (8) Fees collected in connection with civil actions filed in the district court shall  
673 be paid to the state treasurer.

674 [~~8~~] (9) The court shall remit money collected in accordance with Title 51, Chapter 7,  
675 State Money Management Act.

676 Section 18. Section **78-5-116** is amended to read:

677 **78-5-116. Disposition of fines.**

678 (1) Except as otherwise specified by this section, fines and forfeitures collected by a

679 justice court shall be remitted, 1/2 to the treasurer of the local government responsible for the  
680 court and 1/2 to the treasurer of the local government which prosecutes or which would  
681 prosecute the violation.

682 (2) (a) For violation of Title 23, the court shall allocate 85% to the Division of Wildlife  
683 Resources and 15% to the general fund of the city or county government responsible for the  
684 justice court.

685 (b) For violation of Title 41, Chapter 22, Off-highway Vehicles, or Title 73, Chapter  
686 18, State Boating Act, the court shall allocate 85% to the Division of Parks and Recreation and  
687 15% to the general fund of the city or county government responsible for the justice court.

688 (3) The surcharge established by Section 63-63a-1 shall be paid to the state treasurer.

689 (4) Fines, fees, court costs, and forfeitures collected by a municipal or county justice  
690 court for a violation of Section 72-7-404 or 72-7-406 regarding maximum weight limitations  
691 and overweight permits, minus court costs not to exceed the schedule adopted by the Judicial  
692 Council, shall be paid to the state treasurer and distributed to the class B and C road account.

693 (5) Revenue deposited in the class B and C road account pursuant to Subsection (4) is  
694 supplemental to the money appropriated under Section 72-2-107 but shall be expended in the  
695 same manner as other class B and C road funds.

696 (6) Until July 1, 2007, fines and forfeitures collected by the court for a violation of  
697 Subsection 41-1a-1303(2) related to registration of vehicles after establishing residency shall  
698 be remitted:

699 (a) 50% to the state or local governmental entity which issued the citation for a  
700 violation to be used for law enforcement purposes; and

701 (b) 50% in accordance with Subsection (1).

702 (7) Fines and forfeitures collected by the court for a violation of Section 41-6-65.5  
703 related to operating a vehicle in a tollway without paying the toll shall be allocated to the  
704 Tollway Restricted Account created in Section 72-2-120.

705 **Section 19. Highway Jurisdictional Transfer Task Force -- Creation --**  
706 **Membership - Procedures -- Compensation -- Staff.**

707 (1) There is created the Highway Jurisdictional Transfer Task Force consisting of the  
708 following 13 members:

709 (a) three members of the Senate appointed by the president of the Senate, no more than

710 two of whom may be from the same political party;

711 (b) three members of the House of Representatives appointed by the speaker of the  
712 House of Representatives, no more than two of whom may be from the same political party;

713 (c) the executive director or the executive director's designee of the Department of  
714 Transportation as a nonvoting member;

715 (d) two representatives of metropolitan planning organizations as defined under  
716 Section 72-1-208.5 appointed by the governor as nonvoting members;

717 (e) two representatives of the counties appointed by the governor as nonvoting  
718 members; and

719 (f) two representatives of the municipalities appointed by the governor as nonvoting  
720 members.

721 (2) (a) The president of the Senate shall designate a member of the Senate appointed  
722 under Subsection (1)(a) as a cochair of the task force.

723 (b) The speaker of the House of Representatives shall designate a member of the House  
724 of Representatives appointed under Subsection (1)(b) as a cochair of the task force.

725 (3) In conducting its business, the task force shall comply with the rules of legislative  
726 interim committees.

727 (4) (a) Salaries and expenses of the members of the task force who are legislators shall  
728 be paid in accordance with Section 36-2-2 and Legislative Joint Rule 15.03.

729 (b) A member of the task force who is not a legislator may not receive compensation  
730 for the work associated with the task force, but may receive per diem and reimbursement for  
731 travel expenses incurred as a member of the task force at the rates established by the Division  
732 of Finance under Sections 63A-3-106 and 63A-3-107.

733 (5) The Office of Legislative Research and General Counsel shall provide staff support  
734 to the task force.

735 (6) The Office of Legislative Fiscal Analyst shall provide staff for fiscal planning  
736 support to the task force.

737 **Section 20. Duties -- Interim report.**

738 (1) The task force shall review and make recommendations on the jurisdictional  
739 transfer of state highways to counties and municipalities including long-term costs and benefits  
740 of any jurisdictional transfers.



741 (2) The task force shall meet no more than eight times from April through November.

742 (3) A final report, including any proposed legislation, shall be presented before

743 November 30, 2005 to the Transportation Interim Committee.

744 Section 21. **Effective date.**

745 This bill takes effect on May 2, 2005, except that the amendments to Section

746 72-4-102.5 take effect on July 1, 2006.

747 Section 22. **Repeal date.**

748 The uncodified material that creates the Highway Jurisdictional Transfer Task Force is

749 repealed on November 30, 2005.

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**Legislative Review Note**

**as of 12-7-04 8:43 AM**

Based on a limited legal review, this legislation has not been determined to have a high probability of being held unconstitutional.

**Office of Legislative Research and General Counsel**

**Legislative Committee Note**

**as of 12-09-04 11:58 AM**

The Transportation Planning Task Force recommended this bill.



## OFFICE OF THE LEGISLATIVE FISCAL ANALYST

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### MEMORANDUM

TO: Sen. Carlene M. Walker  
FROM: John E. Massey, Legislative Fiscal Analyst  
DATE: January 17, 2005 (9:21 am)  
SUBJECT: Fiscal Note for S.B. 25

Please respond within 24 hours.

Please be advised that the attached fiscal note for S.B. 25 - 'Transportation Amendments and Highway Jurisdictional Transfer Task Force' will be printed and released 24 hours after the date and time noted above.

If you have any questions on this fiscal note, please contact my office within 24 hours.

**To release this bill prior to 1/18/2005 at 9:21:16 AM, please use the 'reply' feature on the electronic notification you received, e-mail Debbie Benson at [dbenson@utah.gov](mailto:dbenson@utah.gov), call her at 538-1034, or initial this memorandum and return it to our office.**

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**Fiscal Note**  
**Bill Number SB0025**

**Transportation Amendments and Highway Jurisdictional**  
**Transfer Task Force**

*17-Jan-05*  
*9:21 AM*

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**State Impact**

Operations provisions of this bill can be handled within existing budgets. The bill repeals the designation of State and State Park Access roads July 1, 2006. If highways currently designated in those sections are no longer State responsibility savings would be realized by the Department of Transportation and expenditures required by local governments in which those highways exist. The bill creates a Tollway Restricted Account. Currently no public toll roads exist, therefore, no revenues are estimated to flow to the account. The bill further creates a Highway Jurisdictional Transfer Task Force. An appropriation of \$13,600 for FY 2005 from the General Fund will be required to fund the task force. Those funds will be distributed \$6,800 to the Senate and \$6,800 to the House of Representatives.

	<u>FY 2005</u> <u>Approp.</u>	<u>FY 2006</u> <u>Approp.</u>	<u>FY 2005</u> <u>Revenue</u>	<u>FY 2006</u> <u>Revenue</u>
General Fund	\$13,600	\$0	\$0	\$0
	<u>\$13,600</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

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**Individual and Business Impact**

No fiscal impact.

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Office of the Legislative Fiscal Analyst