

**Senator Carlene M. Walker** proposes the following substitute bill:

**TRANSPORTATION AMENDMENTS AND  
HIGHWAY JURISDICTIONAL TRANSFER**

**TASK FORCE**

2005 GENERAL SESSION

STATE OF UTAH

**Sponsor: Carlene M. Walker**

---

---

**LONG TITLE**

**General Description:**

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

**Highlighted Provisions:**

This bill:

- ▶ provides definitions;
- ▶ expands written notice requirements of a local political subdivision's intent to prepare a capital facilities plan to include notice to the Utah Department of Transportation and a public transit district if the local political subdivision is within the public transit district boundaries;
- ▶ requires municipalities and counties to notify the Utah Department of Transportation, a public transit district if the municipality or county is within the public transit district boundaries, and local associations of governments of proposed zoning designation changes, plat considerations, general plan changes, and 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 Average 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 the executive director of the Department of Transportation to develop
- 50 strategic initiatives for the department;
- 51           ▶ requires the executive director to report the strategic initiatives to the Transportation
- 52 Commission;
- 53           ▶ requires the department to makes rules establishing the strategic initiatives of the
- 54 department;
- 55           ▶ requires the Transportation Commission, in consultation with the department, to
- 56 develop a written prioritization process for the selection of new transportation

- 57 capacity projects;
- 58       ▶ requires the commission to hold public hearings on the written prioritization
- 59 process;
- 60       ▶ requires the commission, in consultation with the department, to make rules
- 61 establishing the written prioritization process for new transportation capacity
- 62 projects;
- 63       ▶ requires the commission to submit the rules to the Legislature prior to adopting
- 64 them;
- 65       ▶ requires the commission to:
- 66           • prioritize and fund new transportation capacity projects pursuant to the written
- 67 prioritization process;
- 68           • hold public hearings on the prioritization of projects; and
- 69           • make available upon request the ranking used for any projects prioritized;
- 70       ▶ requires the executive director or the executive director's designee to report annually
- 71 to the governor and the Legislature on projects prioritized by the commission;
- 72       ▶ amends provisions establishing criteria for state highways;
- 73       ▶ provides that a state highway shall meet the criteria provided and requires highway
- 74 authorities to cooperate to match the criteria with designated state highways;
- 75       ▶ requires the Department of Transportation to make rules:
- 76           • defining and designating regionally significant arterial highways; and
- 77           • establishing an access management policy consistent with the functional
- 78 classification of roadways;
- 79       ▶ establishes a task force to study highway jurisdictional transfers;
- 80       ▶ establishes task force membership, duties, and salaries and designates staff for the
- 81 task force;
- 82       ▶ requires the task force to prepare a report;
- 83       ▶ requires the Department of Transportation and other organizations to prepare a list
- 84 of highways that should be added or deleted from the state highway system and
- 85 provide other data to the task force;
- 86       ▶ requires the task force to report its findings to the Transportation Interim Committee
- 87 on a specified date; and

88           ▶ makes technical changes.

89 **Monies Appropriated in this Bill:**

90           None

91 **Other Special Clauses:**

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

93           This bill provides a coordination clause.

94 **Utah Code Sections Affected:**

95 AMENDS:

96           **10-9-103.5**, as enacted by Chapter 339, Laws of Utah 1999

97           **10-9-301.5**, as enacted by Chapter 99, Laws of Utah 2004

98           **10-9-302**, as last amended by Chapter 99, Laws of Utah 2004

99           **10-9-407**, as last amended by Chapter 179, Laws of Utah 1995

100          **17-27-103.5**, as enacted by Chapter 339, Laws of Utah 1999

101          **17-27-301.5**, as enacted by Chapter 99, Laws of Utah 2004

102          **17-27-302**, as last amended by Chapter 99, Laws of Utah 2004

103          **17-27-406**, as last amended by Chapter 241, Laws of Utah 2001

104          **72-2-120**, as renumbered and amended by Chapter 270, Laws of Utah 1998

105          **72-4-102.5**, as enacted by Chapter 72, Laws of Utah 1999

106          **72-6-118**, as renumbered and amended by Chapter 270, Laws of Utah 1998

107 ENACTS:

108          **41-6-65.5**, Utah Code Annotated 1953

109          **72-1-211**, Utah Code Annotated 1953

110          **72-1-304**, Utah Code Annotated 1953

111          **72-1-305**, Utah Code Annotated 1953

112 **Uncodified Material Affected:**

113 ENACTS UNCODIFIED MATERIAL



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

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

117           **10-9-103.5. Notice to nearby entities.**

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

119           (a) "Average Daily Traffic" has the same meaning as defined by the American  
120 Association of State Highway and Transportation Officials.

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

123           ~~(a)~~ (i) a proposed change in zoning designation;

124           ~~(b)~~ (ii) a preliminary or final plat describing a multiple-unit residential development  
125 or a commercial or industrial development; or

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

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

130           (a) the legislative body of:

131           ~~(a)~~ (i) each municipality whose boundaries are within one mile of the property that is  
132 the subject of the predevelopment activity; and

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

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

137           (i) predevelopment activity could create site:

138           (A) traffic of 3,000 or more Average Daily Traffic; or

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

140           (ii) predevelopment activity is along a state highway regardless of Average Daily  
141 Traffic or peak hour traffic; and

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

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

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

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

148           (4) A planning commission or municipal legislative body meets the notice requirement  
149 of Subsection (2) by mailing to each appropriate legislative body, at least seven days before the

150 predevelopment activity occurs, a copy of a planning commission or municipal legislative body  
151 meeting agenda that contains information sufficient to enable a reasonable reader to understand  
152 that predevelopment activity is expected to occur in the municipality and the location of the  
153 property that is the subject of the predevelopment activity.

154 (5) If notice given under this section is not challenged under Section 10-9-1001 within  
155 30 days after the action for which notice is given, the notice is considered adequate and proper.

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

157 **10-9-301.5. Notice of intent to prepare a general plan or amendments to a general**  
158 **plan in certain municipalities.**

159 (1) As used in this section:

160 (a) (i) "Affected entity" means each county, municipality, independent special district  
161 under Title 17A, Chapter 2, Independent Special Districts, local district under Title 17B,  
162 Chapter 2, Local Districts, school district, interlocal cooperation entity established under Title  
163 11, Chapter 13, Interlocal Cooperation Act, and specified public utility:

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

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

168 (ii) "Affected entity" does not include the municipality that is required under this  
169 section to provide notice.

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

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

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

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

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

181 (c) be sent to:  
 182 (i) each affected entity;  
 183 (ii) the Automated Geographic Reference Center created in Section 63A-6-202;  
 184 (iii) the association of governments, established pursuant to an interlocal agreement  
 185 under Title 11, Chapter 13, Interlocal Cooperation Act, of which the municipality is a member;  
 186 [~~and~~]

187 (iv) the state planning coordinator appointed under Section 63-38d-202;  
 188 (v) the Utah Department of Transportation if the general plan or amendments to the  
 189 general plan:

190 (A) pertain to a site along a state highway; or  
 191 (B) allow a development that would create site:  
 192 (I) traffic of 3,000 or more Average Daily Traffic as defined in Section 10-9-103.5; or  
 193 (II) projected peak hour traffic of more than 500 vehicles per hour; and  
 194 (vi) a public transit district organized under Title 17A, Chapter 2, Part 10, Utah Public

195 Transit District Act, if:  
 196 (A) the municipality is within the public transit district boundaries; and  
 197 (B) a provision under Subsection (3)(c)(v)(A) or (B) applies to the general plan or  
 198 amendments to the general plan;

199 (d) with respect to the notice to affected entities, invite the affected entities to provide  
 200 information for the municipality to consider in the process of preparing, adopting, and  
 201 implementing a general plan or amendments to a general plan concerning:

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

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

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

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

211 **10-9-302. Plan preparation.**

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

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

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

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

222 (a) a land use element that:

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

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

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

232 (c) an environmental element that addresses:

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

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

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



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

245 (i) historic preservation; and

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

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

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

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

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

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

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

261 **10-9-407. Conditional uses.**

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

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

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

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

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

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

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

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

274 (i) the municipality is within the public transit district boundaries; and  
275 (ii) a provision under Subsection (2)(a)(i) or (ii) applies to the conditional use of the  
276 property.

277 ~~[(2)]~~ (3) The board of adjustments has jurisdiction to decide appeals of the approval or  
278 denial of conditional use permits unless the legislative body has enacted an ordinance  
279 designating the legislative body or another body as the appellate body for those appeals.

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

281 **17-27-103.5. Notice to nearby entities.**

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

284 (a) a proposed change in zoning designation;

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

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

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

291 (a) the legislative body of:

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

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

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

298 (i) predevelopment activity could create site:

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

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

301 (ii) predevelopment activity is along a state highway regardless of Average Daily  
302 Traffic or peak hour traffic; and

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

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

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

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

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

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

319           **17-27-301.5. Notice of intent to prepare a general plan or amendments to a**  
320 **general plan in certain counties.**

321           (1) As used in this section:

322           (a) (i) "Affected entity" means each county, municipality, independent special district  
323 under Title 17A, Chapter 2, Independent Special Districts, local district under Title 17B,  
324 Chapter 2, Local Districts, school district, interlocal cooperation entity established under Title  
325 11, Chapter 13, Interlocal Cooperation Act, and specified public utility:

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

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

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

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

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

336 (3) Each notice under Subsection (2) shall:  
337 (a) indicate that the county intends to prepare a general plan or amendments to a  
338 general plan, as the case may be;  
339 (b) describe or provide a map of the geographic area that will be affected by the general  
340 plan or amendments to a general plan;  
341 (c) be sent to:  
342 (i) each affected entity;  
343 (ii) the Automated Geographic Reference Center created in Section 63A-6-202;  
344 (iii) the association of governments, established pursuant to an interlocal agreement  
345 under Title 11, Chapter 13, Interlocal Cooperation Act, of which the county is a member; ~~and~~  
346 (iv) the state planning coordinator appointed under Section 63-38d-202;  
347 (v) the Utah Department of Transportation if the general plan or amendments to the  
348 general plan:  
349 (A) pertain to a site along a state highway; or  
350 (B) allow a development that would create site:  
351 (I) traffic of 3,000 or more Average Daily Traffic as defined in Section 10-9-103.5; or  
352 (II) projected peak hour traffic of more than 500 vehicles per hour; and  
353 (vi) a public transit district organized under Title 17A, Chapter 2, Part 10, Utah Public  
354 Transit District Act, if:  
355 (A) the county is within the public transit district boundaries; and  
356 (B) a provision under Subsection (3)(c)(v)(A) or (B) applies to the general plan or  
357 amendments to the general plan;  
358 (d) with respect to the notice to affected entities, invite the affected entities to provide  
359 information for the county to consider in the process of preparing, adopting, and implementing  
360 a general plan or amendments to a general plan concerning:  
361 (i) impacts that the use of land proposed in the proposed general plan or amendments  
362 to a general plan may have on the affected entity; and  
363 (ii) uses of land within the county that the affected entity is planning or considering  
364 that may conflict with the proposed general plan or amendments to the general plan; and  
365 (e) include the address of an Internet website, if the county has one, and the name and  
366 telephone number of a person where more information can be obtained concerning the county's

367 proposed general plan or amendments to a general plan.

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

369 **17-27-302. Plan preparation.**

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

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

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

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

381 (a) a land use element that:

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

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

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

391 (c) an environmental element that addresses:

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

395 (ii) the reclamation of land, flood control, prevention and control of the pollution of  
396 streams and other waters, regulation of the use of land on hillsides, stream channels and other  
397 environmentally sensitive areas, the prevention, control, and correction of the erosion of soils,

398 protection of watersheds and wetlands, and the mapping of known geologic hazards;

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

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

404 (i) historic preservation; and

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

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

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

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

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

418 ~~(i)~~ (j) any other elements that the county considers appropriate.

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

420 **17-27-406. Conditional uses -- Appeals.**

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

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

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

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

429 (ii) that allows a development that would create, on any local or state highway, site:  
 430 (A) traffic of 3,000 or more Average Daily Traffic as defined in Section 10-9-103.5; or  
 431 (B) projected peak hour traffic of more than 500 vehicles per hour; and  
 432 (b) a public transit district organized under Title 17A, Chapter 2, Part 10, Utah Public  
 433 Transit District Act, if:  
 434 (i) the county is within the public transit district boundaries; and  
 435 (ii) a provision under Subsection (2)(a)(i) or (ii) applies to the conditional use of the  
 436 property.

437 ~~[(2)]~~ (3) Appeals of the approval or denial of a conditional use permit shall be decided  
 438 by the board of adjustment, unless the county legislative body by ordinance designates itself or  
 439 another body to decide those appeals.

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

441 **41-6-65.5. Driving on tollway without paying toll prohibited.**

442 (1) As used in this section, "tollway" has the same meaning as defined in Section  
 443 72-6-118.

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

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

447 Section 10. Section **72-1-211** is enacted to read:

448 **72-1-211. Department to develop strategic initiatives -- Report -- Rulemaking.**

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

450 (2) The strategic initiatives developed under Subsection (1) shall include consideration  
 451 of the following factors:

452 (a) corridor preservation;

453 (b) development of new transportation capacity projects;

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

455 (d) safety;

456 (e) incident management; and

457 (f) homeland security.

458 (3) (a) The executive director or the executive director's designee shall report the  
 459 strategic initiatives of the department developed under Subsection (1) to the Transportation

460 Commission.

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

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

466 Section 11. Section **72-1-304** is enacted to read:

467 **72-1-304. Written project prioritization process for new transportation capacity**  
468 **projects -- Rulemaking.**

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

473 (b) The department shall consult with metropolitan planning organizations as defined  
474 in Section 72-1-208.5 in the development provided under Subsection (1)(a).

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

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

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

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

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

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

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

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

490 (5) The commission shall submit the proposed rules under this section to a committee



491 or task force designated by the Legislative Management Committee for review prior to taking  
492 final action on the proposed rules or any proposed amendment to the rules described in  
493 Subsection (4).

494 Section 12. Section **72-1-305** is enacted to read:

495 **72-1-305. Project selection using the written prioritization process - Public**  
496 **comment -- Report.**

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

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

504 (a) the written prioritization process; and

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

507 (3) The commission shall make the weighted criteria system ranking for each project  
508 publicly available prior to the public hearings held under Subsection (2).

509 (4) (a) If the commission prioritizes a project over another project with a higher rank  
510 under the weighted criteria system, the commission shall identify the change and accept public  
511 comment at a hearing held under this section on the merits of prioritizing the project above  
512 higher ranked projects.

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

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

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

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

520 Section 13. Section **72-2-120** is amended to read:

521 **72-2-120. Tollway Restricted Account -- Revenue -- Nonlapsing.**

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

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

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

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

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

528 (d) interest earnings on cash balances; and

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

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

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

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

537 Section 14. Section **72-4-102.5** is amended to read:

538 **72-4-102.5. Definitions -- Rulemaking -- Criteria for state highways.**

539 ~~[(1) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act,~~  
540 ~~the department shall make rules establishing and defining a functional classification of~~  
541 ~~roadways for the purpose of implementing this section. The definitions shall provide for a~~  
542 ~~separate functional classification system for urban and rural highways recognizing the unique~~  
543 ~~differences in the character of services provided by urban and rural highways.]~~

544 (1) As used in this section:

545 (a) "arterial highway" has the same meaning as provided under the Federal Highway  
546 Administration Functional Classification Guidelines;

547 (b) "collector highway," "collector road," or "collector street" has the same meaning as  
548 provided under the Federal Highway Administration Functional Classification Guidelines;

549 (c) "local street" or "local road" means a highway that is not an arterial highway or a  
550 collector highway and that is under the jurisdiction of a county or municipality;

551 (d) "major collector highway," "major collector road," or "major collector street" has  
552 the same meaning as provided under the Federal Highway Administration Functional

553 Classification Guidelines;

554 (e) "minor collector road" or "major collector street" has the same meaning as provided  
555 under the Federal Highway Administration Functional Classification Guidelines;

556 (f) "minor arterial highway" or "minor arterial street" has the same meaning as  
557 provided under the Federal Highway Administration Functional Classification Guidelines;

558 (g) "principal arterial highway" has the same meaning as provided under the Federal  
559 Highway Administration Functional Classification Guidelines;

560 (h) "rural area" has the same meaning as provided under the Federal Highway  
561 Administration Functional Classification Guidelines;

562 (i) "tourist area" means an area of the state frequented by tourists for the purpose of  
563 visiting national parks, national recreation areas, national monuments, or state parks; and

564 (j) "urban area" has the same meaning as provided under the Federal Highway  
565 Administration Functional Classification Guidelines.

566 (2) (a) Subject to the provisions of Title 72, Chapter 3, Highway Jurisdiction and  
567 Classification Act, and this chapter, a state highway shall meet the criteria provided under this  
568 section.

569 (b) The highway authorities of this state or their representatives shall cooperate to  
570 match the criteria provided under this section with the state highways designated under this  
571 title.

572 (c) The primary function of state highways is to provide for the safe and efficient  
573 movement of traffic while providing access to property is a secondary function.

574 (d) The primary function of county and municipal highways is to provide access to  
575 property.

576 (e) For purposes of this section, if a highway is within ten miles of a location identified  
577 under this section the location is considered to be served by that highway.

578 [~~2~~] (3) A state highway shall:

579 (a) serve a statewide purpose by accommodating interstate movement of traffic or  
580 inter-region movement of traffic within the state;

581 (b) primarily move higher traffic volumes over longer distances than highways under  
582 local jurisdiction;

583 (c) connect major population centers;

584 (d) be spaced so that;

585 (i) all developed areas in the state are within a reasonable distance of a state highway;

586 and ~~[be spaced so that]~~

587 (ii) duplicative state routes are avoided;

588 (e) provide state highway system continuity and efficiency of state highway system

589 operation and maintenance activities;

590 ~~[(f) provide access to property as a secondary function; and]~~

591 (f) include all interstate routes, all expressways, and all highways on the National

592 Highway System as designated by the Federal Highway Administration under 23 C.F.R.

593 Section 470, Subpart A, as of January 1, 2005; and

594 (g) exclude parking lots, driving ranges, and campus roads.

595 ~~[(3) A rural state highway shall:]~~

596 ~~[(a) include all interstate routes, all highways on the National Highway System as~~

597 ~~designated by the Federal Highway Administration, all U.S. designated routes, and]~~

598 (4) In addition to the provisions of Subsection (3), in rural areas a state highway shall:

599 (a) include all minor arterial highways;

600 (b) include a major collector highway that:

601 (i) serves a county seat;

602 (ii) serves a municipality with a population of 1,000 or more;

603 (iii) serves a major industrial, commercial, or recreation areas that generate traffic

604 volumes equivalent to a population of 1,000 or more;

605 (iv) provides continuity for the state highway system by providing major connections

606 between other state highways;

607 (v) provides service between two or more counties; or

608 (vi) serves a compelling statewide public safety interest[-]; and

609 ~~[(4) An urban] (c) exclude all minor collector streets and local roads.~~

610 (5) In addition to the provisions of Subsection (3), in urban areas a state highway shall:

611 (a) include all ~~[interstate routes, all expressways, all highways on the National~~

612 ~~Highway System as designated by the Federal Highway Administration, and all] principal~~

613 arterial highways; ~~[and]~~

614 (b) include a minor arterial highway that:

615 (i) provides continuity for the state highway system by providing major connections  
616 between other state highways; ~~[or]~~

617 (ii) is a route that is expected to be a principal arterial highway within ten years~~[-]; or~~  
618 ~~[(5) For]~~ (iii) is needed to provide access to state highways; and

619 (c) exclude all collector highways and local roads.

620 (6) In addition to the provisions of Subsections (3) and (4), in tourist areas, a state  
621 highway:

622 (a) shall ~~[serve]~~ include a highway that:

623 (i) serves a national park or a national recreational area; ~~or~~

624 ~~[(b) shall serve]~~ (ii) serves a national monument with visitation greater than 100,000  
625 per year; ~~or~~

626 ~~[(c)]~~ (b) may ~~[serve]~~ include a highway that:

627 (i) serves a state park with visitation greater than 100,000 per year; ~~or~~

628 ~~[(d) may serve]~~ (ii) serves a recreation site with visitation greater than 100,000 per  
629 year.

630 (7) (a) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act,  
631 the department shall make rules:

632 (i) establishing and defining a functional classification of highways for the purpose of  
633 implementing this section;

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

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

637 (b) The definitions under Subsection (7)(a) shall provide a separate functional  
638 classification system for urban and rural highways recognizing the unique differences in the  
639 character of services provided by urban and rural highways.

640 (c) The rules under Subsection (7)(a):

641 (i) shall conform as nearly as practical to the Federal Highway Administration  
642 Functional Classification Guidelines; and

643 (ii) may incorporate by reference, in whole or in part, the federal guidelines under  
644 Subsection (7)(c)(i).

645 Section 15. Section **72-6-118** is amended to read:

646           **72-6-118. Definitions -- Establishment and operation of tollways – Imposition and**  
647 **collection of tolls -- Amount of tolls -- Rulemaking.**

648           (1) As used in this section:

649           (a) "High occupancy toll lane" means a high occupancy vehicle lane designated under  
650 Section 41-6-53.5 that may be used by an operator of a vehicle carrying less than the number of  
651 persons specified for the high occupancy vehicle lane if the operator of the vehicle pays a toll  
652 or fee.

653           ~~(a)~~ (b) "Toll" means any tax, fee, or charge assessed for the specific use of a tollway.

654           (c) "Toll lane" means a designated new highway or additional lane capacity that is  
655 constructed, operated, or maintained for which a toll is charged for its use.

656           ~~(b)~~ (d) (i) "Tollway" means a highway, highway lane, bridge, path, tunnel, or  
657 right-of-way designed and used as a transportation route that is constructed, operated, or  
658 maintained through the use of toll revenues.

659           (ii) "Tollway" includes a high occupancy toll lane and a toll lane.

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

661           (a) establish and operate tollways and related facilities for the purpose of funding in  
662 whole or in part the acquisition of right-of-way and the design, construction, reconstruction,  
663 operation, enforcement, and maintenance of or impacts from a transportation route for use by  
664 the public;

665           (b) enter into contracts, agreements, licenses, franchises, or other arrangements to  
666 implement this section; and

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

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

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

672           (i) approved by the commission in accordance with the standards made under this  
673 section; and

674           (ii) the tollways are submitted to the Legislature in the next year for legislative  
675 approval or disapproval.

676           (c) In conjunction with a proposal submitted under Subsection (3)(b)(ii), the

677 department shall provide a description of the tollway project, projected traffic, the anticipated  
678 amount of tolls to be charged, and projected toll revenue.

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

680 (i) establish high occupancy toll lanes on existing state highways; and

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

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

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

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

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

689 (b) The rules shall:

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

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

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

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

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

701 Section 16. **Highway Jurisdictional Transfer Task Force -- Creation --**  
702 **Membership - Procedures -- Compensation -- Staff.**

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

705 (a) three members of the Senate appointed by the president of the Senate, no more than  
706 two of whom may be from the same political party;

707 (b) three members of the House of Representatives appointed by the speaker of the

708 House of Representatives, no more than two of whom may be from the same political party;

709 (c) the executive director or the executive director's designee of the Department of

710 Transportation as a nonvoting member;

711 (d) two representatives of metropolitan planning organizations as defined under

712 Section 72-1-208.5 appointed by the governor as nonvoting members;

713 (e) two representatives of the counties appointed by the governor as nonvoting

714 members; and

715 (f) two representatives of the municipalities appointed by the governor as nonvoting

716 members.

717 (2) (a) The president of the Senate shall designate a member of the Senate appointed

718 under Subsection (1)(a) as a cochair of the task force.

719 (b) The speaker of the House of Representatives shall designate a member of the House

720 of Representatives appointed under Subsection (1)(b) as a cochair of the task force.

721 (3) (a) A majority of the voting members of the task force constitutes a quorum of the

722 task force.

723 (b) The action of a majority of the voting members constitutes the action of the task

724 force.

725 (4) (a) Salaries and expenses of the members of the task force who are legislators shall

726 be paid in accordance with Section 36-2-2 and Legislative Joint Rule 15.03.

727 (b) A member of the task force who is not a legislator may not receive compensation

728 for the work associated with the task force, but may receive per diem and reimbursement for

729 travel expenses incurred as a member of the task force at the rates established by the Division

730 of Finance under Sections 63A-3-106 and 63A-3-107.

731 (5) The Office of Legislative Research and General Counsel shall provide staff support

732 to the task force.

733 (6) The Office of Legislative Fiscal Analyst shall provide staff for fiscal planning

734 support to the task force.

735 **Section 17. Duties -- Interim report.**

736 (1) The task force shall review and make recommendations on the jurisdictional

737 transfer of highways from the state to counties and municipalities and from counties and

738 municipalities to the state including:



- 739 (a) which highways should be transferred in accordance with Section 72-4-102.5;
- 740 (b) the amount of funding or other resources that should be provided with the transfers;
- 741 and
- 742 (c) the phase-in or timing of the transfers.

743 (2) Based on the criteria provided for state highways under Section 72-4-102.5 the  
744 Department of Transportation in cooperation with representatives of the municipalities, the  
745 counties, and the Metropolitan Planning Organizations as defined under Section 72-1-208.5  
746 shall develop a list of highways that should be deleted as state highways and that should be  
747 added as state highways.

748 (3) The list of highways under Subsection (2) shall be presented and provided along  
749 with related data requested by the task force chairs to the task force no later than June 30, 2005.

750 (4) The Department of Transportation and the representatives specified under  
751 Subsection (2) shall provide other data as requested by the task force chairs relevant to the task  
752 force making a determination for funding, timing, highway condition, and other requirements  
753 of any highway transfer.

754 (5) The task force shall consider:

755 (a) the potential need for a uniform access management policy under Section  
756 72-4-102.5 applicable to any transferred highways; and

757 (b) the potential need for compatible traffic signal coordination systems and intelligent  
758 transportation systems.

759 **Section 18. Repeal date.**

760 The uncodified material that creates the Highway Jurisdictional Transfer Task Force is  
761 repealed on November 30, 2005.

762 **Section 19. Coordinating S.B. 25 with S.B. 60.**

763 If this S.B. 25 and S.B. 60, Local Land-use Development and Management  
764 Amendments, both pass, it is the intent of the Legislature that the amendments to the following  
765 sections in this S.B. 25 do not take effect when the Office of Legislative Research and General  
766 Counsel prepares the Utah Code database for publication:

- 767 (1) 10-9-103.5;
- 768 (2) 10-9-301.5;
- 769 (3) 10-9-302;

- 770           (4) 10-9-407;
- 771           (5) 17-27-103.5;
- 772           (6) 17-27-301.5;
- 773           (7) 17-27-302; and
- 774           (8) 17-27-406.

775           Section 20. **Coordinating S.B. 25 with S.B. 5.**

776           If this S.B. 25 and S.B. 5, Traffic Code Recodification and Revisions, both pass it is the  
777 intent of the Legislature that Section 41-6-65.5 and any references to that section in this S.B. 25  
778 be renumbered to Section 41-6a-716 when the Office of Legislative Research and General  
779 Counsel prepares the Utah Code database for publication.

**State Impact**

Operations provisions of this bill can be handled within existing budgets. 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>

---

**Individual and Business Impact**

No fiscal impact.