

Senator Howard A. Stephenson proposes the following substitute bill:

1 **FUNDING FOR PURCHASE OF STATE**

2 **HIGHWAY RIGHTS OF WAY**

3 2007 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Howard A. Stephenson**

6 House Sponsor: Todd E. Kiser

8 **LONG TITLE**

9 **General Description:**

10 This bill addresses funding for corridor preservation and allows use of the revolving
11 loan fund for administrative costs.

12 **Highlighted Provisions:**

13 This bill:

14 ▶ requires the Department of Transportation to submit a budget request for corridor
15 preservation monies to the governor and the Legislature's Transportation,
16 Environmental Quality, and National Guard Appropriations Subcommittee;

17 ▶ directs the Legislature to consider funding the request from one-time monies,
18 general obligation bonds, or a combination of them; and

19 ▶ allows administrative costs for transportation corridor preservation to be paid from
20 the Transportation Corridor Preservation Revolving Loan Fund.

21 **Monies Appropriated in this Bill:**

22 None

23 **Other Special Clauses:**

24 None

25 **Utah Code Sections Affected:**



26 AMENDS:

27 **72-2-117**, as last amended by Chapter 284, Laws of Utah 2005

28 ENACTS:

29 **72-2-117.2**, Utah Code Annotated 1953

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

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

33 **72-2-117. Transportation Corridor Preservation Revolving Loan Fund --**
34 **Distribution -- Repayment -- Rulemaking.**

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

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

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

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

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

41 (d) interest earnings on cash balances;

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

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

45 (g) proceeds from general obligation bonds, revenue bonds, or other obligations as
46 authorized by Title 63B, Bonds.

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

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

52 (i) monies available in the fund;

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

54 (iii) Subsection (9).

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

57 (5) Administrative costs [~~of the Transportation Corridor Preservation Revolving Loan~~
58 ~~Fund~~] for transportation corridor preservation shall be paid from the fund.

59 (6) The department:

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

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

65 (7) The commission shall:

66 (a) administer the Transportation Corridor Preservation Revolving Loan Fund to:

67 (i) preserve transportation corridors;

68 (ii) promote long-term statewide transportation planning;

69 (iii) save on acquisition costs; and

70 (iv) promote the best interests of the state in a manner which minimizes impact on
71 prime agricultural land;

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

73 (i) areas with rapidly expanding population;

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

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

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

78 (v) the cost-effectiveness of the preservation projects;

79 (c) designate high priority corridor preservation projects in cooperation with a
80 metropolitan planning organization;

81 (d) administer the program for the purposes provided in this section;

82 (e) prioritize fund monies in accordance with this section; and

83 (f) make rules in accordance with Title 63, Chapter 46a, Utah Administrative
84 Rulemaking Act, establishing:

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

86 (ii) the procedures for the department to apply for transportation corridor preservation
87 monies for projects; and

88 (iii) repayment conditions of the monies to the fund from the specified project funds.

89 (8) (a) The proceeds from any bonds or other obligations secured by revenues of the

90 Transportation Corridor Preservation Revolving Loan Fund shall be used for:

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

92 (ii) any of the purposes authorized for funds in the Transportation Corridor

93 Preservation Revolving Loan Fund under this section.

94 (b) The commission shall pledge the necessary part of the revenues of the

95 Transportation Corridor Preservation Revolving Loan Fund to the payment of principal of and

96 interest on the bonds or other obligations.

97 (9) (a) The department may not apply for monies under this section unless the highway

98 authority has an access management policy or ordinance in effect that meets the requirements

99 under Subsection (9)(b).

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

101 (i) be for the purpose of balancing the need for reasonable access to land uses with the

102 need to preserve the smooth flow of traffic on the highway system in terms of safety, capacity,

103 and speed; and

104 (ii) include provisions:

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

106 (B) separating conflict areas;

107 (C) reducing the interference of through traffic;

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

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

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

111 meets the requirements of this Subsection (9) for the benefit of a county or municipality under

112 this section.

113 (10) (a) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking

114 Act, the commission shall make rules establishing a corridor preservation advisory council.

115 (b) The corridor preservation advisory council shall:

116 (i) assist with and help coordinate the corridor preservation efforts of the department

117 and local governments;

118 (ii) provide recommendations and priorities concerning corridor preservation and the

119 use of fund monies to the department and to the commission; and

120 (iii) include members designated by each metropolitan planning organization in the
121 state to represent local governments that are involved with corridor preservation through
122 official maps and planning.

123 Section 2. Section **72-2-117.2** is enacted to read:

124 **72-2-117.2. Department to request transportation corridor preservation monies.**

125 (1) By November 15 of each year, the Department of Transportation shall submit its
126 estimate of monies it needs for transportation corridor preservation projects to:

127 (a) the governor; and

128 (b) the Legislature's Transportation, Environmental Quality, and National Guard
129 Appropriations Subcommittee.

130 (2) In adopting a budget for each fiscal year, the Legislature shall consider funding the
131 request by:

132 (a) using available one-time monies in years where sufficient one-time monies exist;

133 (b) issuing general obligation bonds in years where one-time monies do not exist; or

134 (c) a combination of Subsections (2)(a) and (b) in years where insufficient one-time
135 monies exist.

Fiscal Note**S.B. 12 2nd Sub. (Salmon) - Funding for Purchase of State Highway Rights of Way**

2007 General Session

State of Utah

State Impact

Enactment of this bill would require the Department of Transportation to submit a budget request for corridor preservation monies to the governor and the Subcommittee for Transportation, Environmental Quality, and National Guard. It is unknown at this time how much would be requested or authorized by the Legislature. If issuance of general obligation bonds is authorized, debt service payments will vary depending on issuance costs and interest rates at the time of issuance. The actual principal and interest payments will depend on the structure of each issuance.

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.