

TRANSPORTATION FUNDING MODIFICATIONS

2016 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Johnny Anderson

Senate Sponsor: Alvin B. Jackson

LONG TITLE

General Description:

This bill modifies the Transportation Code by amending provisions relating to the County of the First Class Highway Projects Fund.

Highlighted Provisions:

This bill:

- ▶ amends the authorized uses for revenue in the County of the First Class Highway Projects Fund; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

72-2-121, as last amended by Laws of Utah 2015, Chapter 421

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

Section 1. Section **72-2-121** is amended to read:

72-2-121. County of the First Class Highway Projects Fund.

(1) There is created a special revenue fund within the Transportation Fund known as



28 the "County of the First Class Highway Projects Fund."

29 (2) The fund consists of money generated from the following revenue sources:

30 (a) any voluntary contributions received for new construction, major renovations, and
31 improvements to highways within a county of the first class;

32 (b) the portion of the sales and use tax described in Subsection 59-12-2214(3)(b)
33 deposited in or transferred to the fund;

34 (c) the portion of the sales and use tax described in Subsection 59-12-2217(2)(b) and
35 required by Subsection 59-12-2217(8)(b) to be deposited in or transferred to the fund; and

36 (d) a portion of the local option highway construction and transportation corridor
37 preservation fee imposed in a county of the first class under Section 41-1a-1222 deposited in or
38 transferred to the fund.

39 (3) (a) The fund shall earn interest.

40 (b) All interest earned on fund money shall be deposited into the fund.

41 (4) The executive director shall use the fund money only:

42 (a) to pay debt service and bond issuance costs for bonds issued under Sections
43 63B-16-102 and 63B-18-402;

44 (b) for right-of-way acquisition, new construction, major renovations, and
45 improvements to highways within a county of the first class and to pay any debt service and
46 bond issuance costs related to those projects, including improvements to a highway located
47 within a municipality in a county of the first class where the municipality is located within the
48 boundaries of more than a single county;

49 (c) for the construction, acquisition, use, maintenance, or operation of:

50 (i) an active transportation facility [~~that is~~] for nonmotorized vehicles [~~and~~];

51 (ii) multimodal transportation [~~and~~] that connects an origin with a destination; or

52 (iii) a facility that may include a:

53 (A) pedestrian or nonmotorized vehicle trail;

54 (B) nonmotorized vehicle storage facility;

55 (C) pedestrian or vehicle bridge; or

56 (D) vehicle parking lot or parking structure;

57 (d) for fiscal year 2012-13 only, to pay for or to provide funds to a municipality or
58 county to pay for a portion of right-of-way acquisition, construction, reconstruction,

59 renovations, and improvements to highways described in Subsections 72-2-121.4(7), (8), and
60 (9);

61 (e) to transfer to the 2010 Salt Lake County Revenue Bond Sinking Fund created by
62 Section 72-2-121.3 the amount required in Subsection 72-2-121.3(4)(c) minus the amounts
63 transferred in accordance with Subsection 72-2-124(4)(a)(iv);

64 (f) for a fiscal year beginning on or after July 1, 2013, to pay debt service and bond
65 issuance costs for \$30,000,000 of the bonds issued under Section 63B-18-401 for the projects
66 described in Subsection 63B-18-401(4)(a);

67 (g) for a fiscal year beginning on or after July 1, 2013, and after the department has
68 verified that the amount required under Subsection 72-2-121.3(4)(c) is available in the fund, to
69 transfer an amount equal to 50% of the revenue generated by the local option highway
70 construction and transportation corridor preservation fee imposed under Section 41-1a-1222 in
71 a county of the first class:

72 (i) to the legislative body of a county of the first class; and

73 (ii) to be used by a county of the first class for:

74 (A) highway construction, reconstruction, or maintenance projects; or

75 (B) the enforcement of state motor vehicle and traffic laws;

76 (h) for fiscal year 2015 only, and after the department has verified that the amount
77 required under Subsection 72-2-121.3(4)(c) is available in the fund and the transfer under
78 Subsection (4)(f) has been made, to transfer an amount equal to the remainder of the revenue
79 available in the fund for the 2015 fiscal year:

80 (i) to the legislative body of a county of the first class; and

81 (ii) to be used by a county of the first class for:

82 (A) highway construction, reconstruction, or maintenance projects; or

83 (B) the enforcement of state motor vehicle and traffic laws;

84 (i) for fiscal year 2015-16 only, and after the department has verified that the amount
85 required under Subsection 72-2-121.3(4)(c) is available in the fund and the transfer under
86 Subsection (4)(f) has been made, to transfer an amount equal to \$25,000,000:

87 (i) to the legislative body of a county of the first class; and

88 (ii) to be used by the county for the purposes described in this section;

89 (j) for a fiscal year beginning on or after July 1, 2015, after the department has verified

90 that the amount required under Subsection 72-2-121.3(4)(c) is available in the fund and the
91 transfer under Subsection (4)(f) has been made, to annually transfer an amount equal to up to
92 42.5% of the sales and use tax revenue imposed in a county of the first class and deposited into
93 the fund in accordance with Subsection 59-12-2214(3)(b) to the Transportation Investment
94 Fund of 2005 created in Section 72-2-124 until \$28,079,000 has been deposited into the
95 Transportation Investment Fund of 2005;

96 (k) for a fiscal year beginning after the amount described in Subsection (4)(j) has been
97 repaid to the Transportation Investment Fund of 2005 until fiscal year 2030, and after the
98 department has verified that the amount required under Subsection 72-2-121.3(4)(c) is
99 available in the fund and the transfer under Subsection (4)(f) has been made, to annually
100 transfer an amount equal to up to 42.5% of the sales and use tax revenue imposed in a county
101 of the first class and deposited into the fund in accordance with Subsection 59-12-2214(3)(b):

102 (i) to the legislative body of a county of the first class; and

103 (ii) to be used by the county for the purposes described in this section.

104 (5) The revenues described in Subsections (2)(b), (c), and (d) that are deposited in the
105 fund and bond proceeds from bonds issued under Sections 63B-16-102 and 63B-18-402 are
106 considered a local matching contribution for the purposes described under Section 72-2-123.

107 (6) The additional administrative costs of the department to administer this fund shall
108 be paid from money in the fund.

109 (7) Notwithstanding any statutory or other restrictions on the use or expenditure of the
110 revenue sources deposited into this fund, the Department of Transportation may use the money
111 in this fund for any of the purposes detailed in Subsection (4).

Legislative Review Note
Office of Legislative Research and General Counsel