Representative Kay J. Christofferson proposes the following substitute bill:

PUBLIC TRANSIT CAPITAL DEVELOPMENT
MODIFICATIONS
2022 GENERAL SESSION
STATE OF UTAH

Chief Sponsor: Kay J. Christofferson
Senate Sponsor: Kirk A. Cullimore

Cosponsors:
Suzanne Harrison
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Mike Schultz
Rex P. Shipp
Casey Snider
V. Lowry Snow

Stephen G. Handy
LONG TITLE

General Description:
This bill requires the Department of Transportation to manage and oversee all fixed guideway capital development projects that include state funding.

Highlighted Provisions:
This bill:
- defines terms;
- requires a large public transit district to coordinate with the Department of Transportation regarding certain public transit facilities associated with a transit oriented development;
- requires the Department of Transportation to manage and oversee fixed guideway capital development projects for which state money is expended;
- requires the Department of Transportation to report to the Transportation Interim Committee regarding a plan to assume responsibility for public transit capital development;
- amends the allowed uses of funds in the Transit Transportation Investment Fund;
- requires an agreement between a large public transit district and the Department of Transportation pertaining to repayment of certain funds; and
- makes technical changes.

Money Appropriated in this Bill:
None

Other Special Clauses:
None
Be it enacted by the Legislature of the state of Utah:

Section 1. Section 17B-2a-802 is amended to read:

17B-2a-802. Definitions.

As used in this part:

(1) "Affordable housing" means housing occupied or reserved for occupancy by households that meet certain gross household income requirements based on the area median income for households of the same size.

(a) "Affordable housing" may include housing occupied or reserved for occupancy by households that meet specific area median income targets or ranges of area median income targets.

(b) "Affordable housing" does not include housing occupied or reserved for occupancy by households with gross household incomes that are more than 60% of the area median income for households of the same size.

(2) "Appointing entity" means the person, county, unincorporated area of a county, or municipality appointing a member to a public transit district board of trustees.

(3) (a) "Chief executive officer" means a person appointed by the board of trustees of a small public transit district to serve as chief executive officer.

(b) "Chief executive officer" shall enjoy all the rights, duties, and responsibilities defined in Sections 17B-2a-810 and 17B-2a-811 and includes all rights, duties, and responsibilities assigned to the general manager but prescribed by the board of trustees to be
fulfilled by the chief executive officer.

(4) "Council of governments" means a decision-making body in each county composed of membership including the county governing body and the mayors of each municipality in the county.

(5) "Department" means the Department of Transportation created in Section 72-1-201.

(6) "Executive director" means a person appointed by the board of trustees of a large public transit district to serve as executive director.

(7) "Fixed guideway" means the same as that term is defined in Section 59-12-102.

(8) "Fixed guideway capital development" means the same as that term is defined in Section 72-1-102.

(9) (a) "General manager" means a person appointed by the board of trustees of a small public transit district to serve as general manager.

(b) "General manager" shall enjoy all the rights, duties, and responsibilities defined in Sections 17B-2a-810 and 17B-2a-811 prescribed by the board of trustees of a small public transit district.

(10) "Large public transit district" means a public transit district that provides public transit to an area that includes:

(a) more than 65% of the population of the state based on the most recent official census or census estimate of the United States Census Bureau; and

(b) two or more counties.

(11) (a) "Locally elected public official" means a person who holds an elected position with a county or municipality.

(b) "Locally elected public official" does not include a person who holds an elected position if the elected position is not with a county or municipality.

(12) "Metropolitan planning organization" means the same as that term is defined in Section 72-1-208.5.

(13) "Multicounty district" means a public transit district located in more than one county.

(14) "Operator" means a public entity or other person engaged in the transportation of passengers for hire.

(15) (a) "Public transit" means regular, continuing, shared-ride, surface
transportation services that are open to the general public or open to a segment of the general public defined by age, disability, or low income.

(b) "Public transit" does not include transportation services provided by:

(i) chartered bus;
(ii) sightseeing bus;
(iii) taxi;
(iv) school bus service;
(v) courtesy shuttle service for patrons of one or more specific establishments; or
(vi) intra-terminal or intra-facility shuttle services.

[(14)] (16) "Public transit district" means a local district that provides public transit services.

[(15)] (17) "Small public transit district" means any public transit district that is not a large public transit district.

[(16)] (18) "Station area plan" means a plan adopted by the relevant municipality or county that establishes and preserves a vision for areas within one-half mile of a fixed guideway station of a large public transit district, the development of which includes:

(a) involvement of all relevant stakeholders who have an interest in the station area, including relevant metropolitan planning organizations and the Department of Transportation;
(b) identification of major infrastructural and policy constraints and a course of action to address those constraints; and
(c) other criteria as determined by the board of trustees of the relevant public transit district.

[(17)] (19) "Transit facility" means a transit vehicle, transit station, depot, passenger loading or unloading zone, parking lot, or other facility:

(a) leased by or operated by or on behalf of a public transit district; and
(b) related to the public transit services provided by the district, including:

(i) railway or other right-of-way;
(ii) railway line; and
(iii) a reasonable area immediately adjacent to a designated stop on a route traveled by a transit vehicle.

[(18)] (20) "Transit vehicle" means a passenger bus, coach, railcar, van, or other
vehicle operated as public transportation by a public transit district.

[(19)] (21) "Transit-oriented development" means a mixed use residential or commercial area that is designed to maximize access to public transit and includes the development of land owned by a large public transit district.

[(20)] (22) "Transit-supportive development" means a mixed use residential or commercial area that is designed to maximize access to public transit and does not include the development of land owned by a large public transit district.

Section 2. Section 17B-2a-804 is amended to read:

17B-2a-804. Additional public transit district powers.

(1) In addition to the powers conferred on a public transit district under Section 17B-1-103, a public transit district may:

(a) provide a public transit system for the transportation of passengers and their incidental baggage;

(b) notwithstanding Subsection 17B-1-103(2)(g) and subject to Section 17B-2a-817, levy and collect property taxes only for the purpose of paying:

(i) principal and interest of bonded indebtedness of the public transit district; or

(ii) a final judgment against the public transit district if:

(A) the amount of the judgment exceeds the amount of any collectable insurance or indemnity policy; and

(B) the district is required by a final court order to levy a tax to pay the judgment;

(c) insure against:

(i) loss of revenues from damage to or destruction of some or all of a public transit system from any cause;

(ii) public liability;

(iii) property damage; or

(iv) any other type of event, act, or omission;

(d) subject to Section 72-1-202 pertaining to fixed guideway capital development within a large public transit district, acquire, contract for, lease, construct, own, operate, control, or use:

(i) a right-of-way, rail line, monorail, bus line, station, platform, switchyard, terminal, parking lot, or any other facility necessary or convenient for public transit service; or
(ii) any structure necessary for access by persons and vehicles;
(e) (i) hire, lease, or contract for the supplying or management of a facility, operation, equipment, service, employee, or management staff of an operator; and
(ii) provide for a sublease or subcontract by the operator upon terms that are in the public interest;
(f) operate feeder bus lines and other feeder or ridesharing services as necessary;
(g) accept a grant, contribution, or loan, directly through the sale of securities or equipment trust certificates or otherwise, from the United States, or from a department, instrumentality, or agency of the United States;
(h) study and plan transit facilities in accordance with any legislation passed by Congress;
(i) cooperate with and enter into an agreement with the state or an agency of the state or otherwise contract to finance to establish transit facilities and equipment or to study or plan transit facilities;
(j) subject to Subsection 17B-2a-808.1(5), issue bonds as provided in and subject to Chapter 1, Part 11, Local District Bonds, to carry out the purposes of the district;
(k) from bond proceeds or any other available funds, reimburse the state or an agency of the state for an advance or contribution from the state or state agency;
(l) do anything necessary to avail itself of any aid, assistance, or cooperation available under federal law, including complying with labor standards and making arrangements for employees required by the United States or a department, instrumentality, or agency of the United States;
(m) sell or lease property;
(n) except as provided in Subsection (2)(b), assist in or operate transit-oriented or transit-supportive developments;
(o) subject to Subsections (2) and (3), establish, finance, participate as a limited partner or member in a development with limited liabilities in accordance with Subsection (1)(p), construct, improve, maintain, or operate transit facilities, equipment, and, in accordance with Subsection (3), transit-oriented developments or transit-supportive developments; and
(p) subject to the restrictions and requirements in Subsections (2) and (3), assist in a transit-oriented development or a transit-supportive development in connection with project
area development as defined in Section 17C-1-102 by:

(i) investing in a project as a limited partner or a member, with limited liabilities; or

(ii) subordinating an ownership interest in real property owned by the public transit district.

(2) (a) A public transit district may only assist in the development of areas under Subsection (1)(p) that have been approved by the board of trustees, and in the manners described in Subsection (1)(p).

(b) A public transit district may not invest in a transit-oriented development or transit-supportive development as a limited partner or other limited liability entity under the provisions of Subsection (1)(p)(i), unless the partners, developer, or other investor in the entity, makes an equity contribution equal to no less than 25% of the appraised value of the property to be contributed by the public transit district.

(c) (i) For transit-oriented development projects, a public transit district shall adopt transit-oriented development policies and guidelines that include provisions on affordable housing.

(ii) For transit-supportive development projects, a public transit district shall work with the metropolitan planning organization and city and county governments where the project is located to collaboratively seek to create joint plans for the areas within one-half mile of transit stations, including plans for affordable housing.

(d) A current board member of a public transit district to which the board member is appointed may not have any interest in the transactions engaged in by the public transit district pursuant to Subsection (1)(p)(i) or (ii), except as may be required by the board member's fiduciary duty as a board member.

(3) For any transit-oriented development or transit-supportive development authorized in this section, the public transit district shall:

(a) perform a cost-benefit analysis of the monetary investment and expenditures of the development, including effect on:

(i) service and ridership;

(ii) regional plans made by the metropolitan planning agency;

(iii) the local economy;

(iv) the environment and air quality;
242 (v) affordable housing; and
243 (vi) integration with other modes of transportation; [and]
244 (b) provide evidence to the public of a quantifiable positive return on investment,
245 including improvements to public transit service[:]; and
246 (c) coordinate with the Department of Transportation in accordance with Section
247 72-1-202 pertaining to fixed guideway capital development and associated parking facilities
248 within a station area plan for a transit oriented development within a large public transit
249 district.
250 (4) For any fixed guideway capital development project with oversight by the
251 Department of Transportation as described in Section 72-1-202, a large public transit district
252 shall coordinate with the Department of Transportation in all aspects of the project, including
253 planning, project development, outreach, programming, environmental studies and impact
254 statements, impacts on public transit operations, and construction.
255 [(4)] (5) A public transit district may not participate in a transit-oriented development
256 if:
257 (a) the relevant municipality or county has not developed and adopted a station area
258 plan; and
259 (b) (i) for a transit-oriented development involving a municipality, the municipality is
260 not in compliance with Sections 10-9a-403 and 10-9a-408 regarding the inclusion of moderate
261 income housing in the general plan and the required reporting requirements; or
262 (ii) for a transit-oriented development involving property in an unincorporated area of a
263 county, the county is not in compliance with Sections 17-27a-403 and 17-27a-408 regarding
264 inclusion of moderate income housing in the general plan and required reporting requirements.
265 [(5)] (6) A public transit district may be funded from any combination of federal, state,
266 local, or private funds.
267 [(6)] (7) A public transit district may not acquire property by eminent domain.
268 Section 3. Section 17B-2a-806 is amended to read:
269 17B-2a-806. Authority of the state or an agency of the state with respect to a
270 public transit district -- Counties and municipalities authorized to provide funds to
271 public transit district -- Equitable allocation of resources within the public transit
district.
The state or an agency of the state may:

(a) make public contributions to a public transit district as in the judgment of the Legislature or governing board of the agency are necessary or proper; or

(b) authorize a public transit district to perform, or aid and assist a public transit district in performing, an activity that the state or agency is authorized by law to perform.

(2) (a) A county or municipality involved in the establishment and operation of a public transit district may provide funds necessary for the operation and maintenance of the district.

(b) A county's use of property tax funds to establish and operate a public transit district within any part of the county is a county purpose under Section 17-53-220.

(3) (a) To allocate resources and funds for development and operation of a public transit district, whether received under this section or from other sources, and subject to Section 72-1-202 pertaining to fixed guideway capital development within a large public transit district, a public transit district may:

(i) give priority to public transit services that feed rail fixed guideway services; and

(ii) allocate funds according to population distribution within the public transit district.

(b) The comptroller of a public transit district shall report the criteria and data supporting the allocation of resources and funds in the statement required in Section 17B-2a-812.

Section 4. Section 17B-2a-808.2 is amended to read:

17B-2a-808.2. Large public transit district local advisory council -- Powers and duties.

(1) A large public transit district shall create and consult with a local advisory council.

(2) (a) (i) For a large public transit district in existence as of January 1, 2019, the local advisory council shall have membership selected as described in Subsection (2)(b).

(ii) (A) For a large public transit district created after January 1, 2019, the political subdivision or subdivisions forming the large public transit district shall submit to the Legislature for approval a proposal for the appointments to the local advisory council of the large public transit district similar to the appointment process described in Subsection (2)(b).

(B) Upon approval of the Legislature, each nominating individual or body shall appoint individuals to the local advisory council.
(b) (i) The council of governments of Salt Lake County shall appoint three members to the local advisory council.

(ii) The mayor of Salt Lake City shall appoint one member to the local advisory council.

(iii) The council of governments of Utah County shall appoint two members to the local advisory council.

(iv) The council of governments of Davis County and Weber County shall each appoint one member to the local advisory council.

(v) The councils of governments of Box Elder County and Tooele County shall jointly appoint one member to the local advisory council.

(3) The local advisory council shall meet at least quarterly in a meeting open to the public for comment to discuss the service, operations, and any concerns with the public transit district operations and functionality.

(4) The duties of the local advisory council shall include:

(a) setting the compensation packages of the board of trustees, which salary may not exceed $150,000, plus additional retirement and other standard benefits;

(b) reviewing, approving, and recommending final adoption by the board of trustees of the large public transit district service plans at least every two and one-half years;

(c) except for a fixed guideway capital development project under the authority of the Department of Transportation as described in Section 72-1-202, reviewing, approving, and recommending final adoption by the board of trustees of project development plans, including funding, of all new capital development projects;

(d) reviewing, approving, and recommending final adoption by the board of trustees of any plan for a transit-oriented development where a large public transit district is involved;

(e) at least annually, engaging with the safety and security team of the large public transit district to ensure coordination with local municipalities and counties;

(f) assisting with coordinated mobility and constituent services provided by the public transit district;

(g) representing and advocating the concerns of citizens within the public transit district to the board of trustees; and

(h) other duties described in Section 17B-2a-808.1.
The local advisory council shall meet at least quarterly with and consult with the board of trustees and advise regarding the operation and management of the public transit district.

Section 5. Section 72-1-102 is amended to read:

72-1-102. Definitions.
As used in this title:
(1) "Circulator alley" means a publicly owned passageway:
(a) with a right-of-way width of 20 feet or greater;
(b) located within a master planned community;
(c) established by the city having jurisdictional authority as part of the street network for traffic circulation that may also be used for:
(i) garbage collection;
(ii) access to residential garages; or
(iii) access rear entrances to a commercial establishment; and
(d) constructed with a bituminous or concrete pavement surface.
(2) "Commission" means the Transportation Commission created under Section 72-1-301.
(3) "Construction" means the construction, reconstruction, replacement, and improvement of the highways, including the acquisition of rights-of-way and material sites.
(4) "Department" means the Department of Transportation created in Section 72-1-201.
(5) "Executive director" means the executive director of the department appointed under Section 72-1-202.
(6) "Farm tractor" has the meaning set forth in Section 41-1a-102.
(7) "Federal aid primary highway" means that portion of connected main highways located within this state officially designated by the department and approved by the United States Secretary of Transportation under Title 23, Highways, U.S.C.
(8) "Fixed guideway" means the same as that term is defined in Section 59-12-102.
(9) (a) "Fixed guideway capital development" means a project to construct or reconstruct a public transit fixed guideway facility that will add capacity to a fixed guideway public transit facility.
(b) "Fixed guideway capital development" includes:
366 (i) a project to strategically double track commuter rail lines; and
367 (ii) a project to develop and construct public transit facilities and related infrastructure
pertaining to the Point of the Mountain State Land Authority created in Section 11-59-201.
369 [(8)] (10) "Highway" means any public road, street, alley, lane, court, place, viaduct,
tunnel, culvert, bridge, or structure laid out or erected for public use, or dedicated or abandoned
to the public, or made public in an action for the partition of real property, including the entire
area within the right-of-way.
373 [(9)] (11) "Highway authority" means the department or the legislative, executive, or
governing body of a county or municipality.
375 [(10)] (12) "Housing and transit reinvestment zone" means the same as that term is
defined in Section 63N-3-602.
377 [(11)] (13) "Implement of husbandry" has the meaning set forth in Section 41-1a-102.
379 [(12)] (14) "Interstate system" means any highway officially designated by the
department and included as part of the national interstate and defense highways, as provided in
the Federal Aid Highway Act of 1956 and any supplemental acts or amendments.
381 (15) "Large public transit district" means the same as that term is defined in Section
382 17B-2a-802.
383 [(13)] (16) "Limited-access facility" means a highway especially designated for
through traffic, and over, from, or to which neither owners nor occupants of abutting lands nor
other persons have any right or easement, or have only a limited right or easement of access,
light, air, or view.
387 [(14)] (17) "Master planned community" means a land use development:
388 (a) designated by the city as a master planned community; and
389 (b) comprised of a single development agreement for a development larger than 500
390 acres.
391 [(15)] (18) "Motor vehicle" has the same meaning set forth in Section 41-1a-102.
392 [(16)] (19) "Municipality" has the same meaning set forth in Section 10-1-104.
393 [(17)] (20) "National highway systems highways" means that portion of connected
main highways located within this state officially designated by the department and approved
by the United States Secretary of Transportation under Title 23, Highways, U.S.C.
396 [(18)] (21) (a) "Port-of-entry" means a fixed or temporary facility constructed,
operated, and maintained by the department where drivers, vehicles, and vehicle loads are
checked or inspected for compliance with state and federal laws as specified in Section
72-9-501.

(b) "Port-of-entry" includes inspection and checking stations and weigh stations.

[(19)] "Port-of-entry agent" means a person employed at a port-of-entry to perform
the duties specified in Section 72-9-501.

[(20)] "Public transit" means the same as that term is defined in Section
17B-2a-802.

[(21)] "Public transit facility" means a fixed guideway, transit vehicle, transit
station, depot, passenger loading or unloading zone, parking lot, or other facility:

(a) leased by or operated by or on behalf of a public transit district; and
(b) related to the public transit services provided by the district, including:

(i) railway or other right-of-way;

(ii) railway line; and

(iii) a reasonable area immediately adjacent to a designated stop on a route traveled by
a transit vehicle.

[(22)] "Right-of-way" means real property or an interest in real property, usually
in a strip, acquired for or devoted to a highway.

[(23)] "Sealed" does not preclude acceptance of electronically sealed and
submitted bids or proposals in addition to bids or proposals manually sealed and submitted.

[(24)] "Semitrailer" has the meaning set forth in Section 41-1a-102.

[(25)] "SR" means state route and has the same meaning as state highway as
defined in this section.

[(26)] "State highway" means those highways designated as state highways in
Title 72, Chapter 4, Designation of State Highways Act.

[(27)] "State transportation purposes" has the meaning set forth in Section
72-5-102.

[(28)] "State transportation systems" means all streets, alleys, roads, highways,
pathways, and thoroughfares of any kind, including connected structures, airports, aerial
corridor infrastructure, spaceports, public transit facilities, and all other modes and forms of
conveyance used by the public.
Section 6. Section 72-1-202 is amended to read:


(1) (a) The governor, with the advice and consent of the Senate, shall appoint an executive director to be the chief executive officer of the department.

(b) The executive director shall be a registered professional engineer and qualified executive with technical and administrative experience and training appropriate for the position.

(c) The executive director shall remain in office until a successor is appointed.

(d) The executive director may be removed by the governor.

(2) In addition to the other functions, powers, duties, rights, and responsibilities prescribed in this chapter, the executive director shall:

(a) have responsibility for the administrative supervision of the state transportation systems and the various operations of the department;

(b) have the responsibility for the implementation of rules, priorities, and policies established by the department and the commission;

(c) have the responsibility for the oversight and supervision of:

(i) any transportation project for which state funds are expended; and

(ii) any fixed guideway capital development project within the boundaries of a large public transit district for which any state funds are expended;

(d) have full power to bring suit in courts of competent jurisdiction in the name of the department as the executive director considers reasonable and necessary for the proper attainment of the goals of this chapter;

(e) receive a salary, to be established by the governor within the salary range fixed by the Legislature in Title 67, Chapter 22, State Officer Compensation, together with actual
traveling expenses while away from the executive director's office on official business;

(f) purchase all equipment, services, and supplies necessary to achieve the department's functions, powers, duties, rights, and responsibilities delegated under Section 72-1-201;

(g) have the responsibility to determine whether a purchase from, contribution to, or other participation with a public entity or association of public entities in a pooled fund program to acquire, develop, or share information, data, reports, or other services related to the department's mission are procurement items under Title 63G, Chapter 6a, Utah Procurement Code;

(h) have responsibility for administrative supervision of the Comptroller Division, the Internal Audit Division, and the Communications Division; and

(i) appoint assistants, to serve at the discretion of the executive director, to administer the divisions of the department.

(3) The executive director may employ other assistants and advisers as the executive director finds necessary and fix salaries in accordance with the salary standards adopted by the Division of Human Resource Management.

(4) (a) For a fixed guideway capital development project within the boundaries of a large public transit district for which state funds are expended, responsibilities of the executive director include:

(i) project development for a fixed guideway capital development project in a large public transit district;

(ii) oversight and coordination of planning, including:

(A) development of statewide strategic initiatives for planning across all modes of transportation;

(B) coordination with metropolitan planning organizations;

(C) coordination with a large public transit district, including planning, project development, outreach, programming, environmental studies and impact statements, construction, and impacts on public transit operations; and

(D) corridor and area planning;

(iii) programming and prioritization of fixed guideway capital development projects;

(iv) fulfilling requirements for environmental studies and impact statements; and

(v) resource investment, including identification, development, and oversight of
public-private partnership opportunities.

(5) (a) Before October 31, 2022, the department shall submit to the Transportation Interim Committee a written plan for the department to assume management of all fixed guideway capital development projects within a large public transit district for which state funds are expended.

(b) The department shall consult with a large public transit district and relevant metropolitan planning organizations in developing the plan described in Subsection (5)(a).

(c) The Transportation Interim Committee shall consider the plan submitted by the department as described in Subsection (5)(a) and make recommendations to the Legislature before December 1, 2022.

Section 7. Section 72-1-208 is amended to read:

72-1-208. Cooperation with counties, cities, towns, the federal government, and all state departments -- Inspection of work done by a public transit district.

(1) The department shall cooperate with the counties, cities, towns, and community reinvestment agencies in the construction, maintenance, and use of the highways and in all related matters, and may provide services to the counties, cities, towns, and community reinvestment agencies on terms mutually agreed upon.

(2) The department, with the approval of the governor, shall cooperate with the federal government in all federal-aid projects and with all state departments in all matters in connection with the use of the highways.

(3) The department:

(a) shall inspect all work done by a public transit district under Title 17B, Chapter 2a, Part 8, Public Transit District Act, relating to safety appliances and procedures; and

(b) may make further additions or changes necessary for the purpose of safety to employees and the general public.

[(4) (a) The department may assume responsibility for any public transit project that traverses any portion of the state highway systems.]

[(b) To determine whether the department will assume responsibility for a public transit project, the executive director and the public transit agency proposing the development shall jointly determine whether the department will assume responsibility.]

Section 8. Section 72-2-124 is amended to read:

(1) There is created a capital projects fund entitled the Transportation Investment Fund of 2005.

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

(a) any voluntary contributions received for the maintenance, construction, reconstruction, or renovation of state and federal highways;

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

(c) registration fees designated under Section 41-1a-1201;

(d) the sales and use tax revenues deposited into the fund in accordance with Section 59-12-103; and

(e) revenues transferred to the fund in accordance with Section 72-2-106.

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

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

(4) (a) Except as provided in Subsection (4)(b), the executive director may only use fund money to pay:

(i) the costs of maintenance, construction, reconstruction, or renovation to state and federal highways prioritized by the Transportation Commission through the prioritization process for new transportation capacity projects adopted under Section 72-1-304;

(ii) the costs of maintenance, construction, reconstruction, or renovation to the highway projects described in Subsections 63B-18-401(2), (3), and (4);

(iii) principal, interest, and issuance costs of bonds authorized by Section 63B-18-401 minus the costs paid from the County of the First Class Highway Projects Fund in accordance with Subsection 72-2-121(4)(e);

(iv) for a fiscal year beginning on or after July 1, 2013, to transfer to the 2010 Salt Lake County Revenue Bond Sinking Fund created by Section 72-2-121.3 the amount certified by Salt Lake County in accordance with Subsection 72-2-121.3(4)(c) as necessary to pay the debt service on $30,000,000 of the revenue bonds issued by Salt Lake County;

(v) principal, interest, and issuance costs of bonds authorized by Section 63B-16-101 for projects prioritized in accordance with Section 72-2-125;

(vi) all highway general obligation bonds that are intended to be paid from revenues in the Centennial Highway Fund created by Section 72-2-118;
(vii) for fiscal year 2015-16 only, to transfer $25,000,000 to the County of the First Class Highway Projects Fund created in Section 72-2-121 to be used for the purposes described in Section 72-2-121;

(viii) if a political subdivision provides a contribution equal to or greater than 40% of the costs needed for construction, reconstruction, or renovation of paved pedestrian or paved nonmotorized transportation for projects that:

(A) mitigate traffic congestion on the state highway system;

(B) are part of an active transportation plan approved by the department; and

(C) are prioritized by the commission through the prioritization process for new transportation capacity projects adopted under Section 72-1-304;

(ix) $705,000,000 for the costs of right-of-way acquisition, construction, reconstruction, or renovation of or improvement to the following projects:

(A) the connector road between Main Street and 1600 North in the city of Vineyard;

(B) Geneva Road from University Parkway to 1800 South;

(C) the SR-97 interchange at 5600 South on I-15;

(D) two lanes on U-111 from Herriman Parkway to 11800 South;

(E) widening I-15 between mileposts 10 and 13 and the interchange at milepost 11;

(F) improvements to 1600 North in Orem from 1200 West to State Street;

(G) widening I-15 between mileposts 6 and 8;

(H) widening 1600 South from Main Street in the city of Spanish Fork to SR-51;

(I) widening US 6 from Sheep Creek to Mill Fork between mileposts 195 and 197 in Spanish Fork Canyon;

(J) I-15 northbound between mileposts 43 and 56;

(K) a passing lane on SR-132 between mileposts 41.1 and 43.7 between mileposts 43 and 45.1;

(L) east Zion SR-9 improvements;

(M) Toquerville Parkway;

(N) an environmental study on Foothill Boulevard in the city of Saratoga Springs;

(O) for construction of an interchange on Bangerter Highway at 13400 South; and

(P) an environmental impact study for Kimball Junction in Summit County; and

(x) $28,000,000 as pass-through funds, to be distributed as necessary to pay project
costs based upon a statement of cash flow that the local jurisdiction where the project is located provides to the department demonstrating the need for money for the project, for the following projects in the following amounts:

- (A) $5,000,000 for Payson Main Street repair and replacement;
- (B) $8,000,000 for a Bluffdale 14600 South railroad bypass;
- (C) $5,000,000 for improvements to 4700 South in Taylorsville; and
- (D) $10,000,000 for improvements to the west side frontage roads adjacent to U.S. 40 between mile markers 7 and 10.

(b) The executive director may use fund money to exchange for an equal or greater amount of federal transportation funds to be used as provided in Subsection (4)(a).

(5) (a) Except as provided in Subsection (5)(b), the executive director may not program fund money to a project prioritized by the commission under Section 72-1-304, including fund money from the Transit Transportation Investment Fund, within the boundaries of a municipality that is required to adopt a moderate income housing plan element as part of the municipality's general plan as described in Subsection 10-9a-401(3), if the municipality has failed to adopt a moderate income housing plan element as part of the municipality's general plan or has failed to implement the requirements of the moderate income housing plan as determined by the results of the Department of Workforce Service's review of the annual moderate income housing report described in Subsection 35A-8-803(1)(a)(vii).

(b) Within the boundaries of a municipality that is required under Subsection 10-9a-401(3) to plan for moderate income housing growth but has failed to adopt a moderate income housing plan element as part of the municipality's general plan or has failed to implement the requirements of the moderate income housing plan as determined by the results of the Department of Workforce Service's review of the annual moderate income housing report described in Subsection 35A-8-803(1)(a)(vii), the executive director:

(i) may program fund money in accordance with Subsection (4)(a) for a limited-access facility or interchange connecting limited-access facilities;

(ii) may not program fund money for the construction, reconstruction, or renovation of an interchange on a limited-access facility;

(iii) may program Transit Transportation Investment Fund money for a multi-community fixed guideway public transportation project; and
(iv) may not program Transit Transportation Investment Fund money for the construction, reconstruction, or renovation of a station that is part of a fixed guideway public transportation project.

(c) Subsections (5)(a) and (b) do not apply to a project programmed by the executive director before May 1, 2020, for projects prioritized by the commission under Section 72-1-304.

(6) (a) Except as provided in Subsection (6)(b), the executive director may not program fund money to a project prioritized by the commission under Section 72-1-304, including fund money from the Transit Transportation Investment Fund, within the boundaries of the unincorporated area of a county, if the county is required to adopt a moderate income housing plan element as part of the county's general plan as described in Subsection 17-27a-401(3) and if the county has failed to adopt a moderate income housing plan element as part of the county's general plan or has failed to implement the requirements of the moderate income housing plan as determined by the results of the Department of Workforce Service's review of the annual moderate income housing report described in Subsection 35A-8-803(1)(a)(vii).

(b) Within the boundaries of the unincorporated area of a county where the county is required under Subsection 17-27a-401(3) to plan for moderate income housing growth but has failed to adopt a moderate income housing plan element as part of the county's general plan or has failed to implement the requirements of the moderate income housing plan as determined by the results of the Department of Workforce Service's review of the annual moderate income housing report described in Subsection 35A-8-803(1)(a)(vii), the executive director:

(i) may program fund money in accordance with Subsection (4)(a) for a limited-access facility to a project prioritized by the commission under Section 72-1-304;

(ii) may not program fund money for the construction, reconstruction, or renovation of an interchange on a limited-access facility;

(iii) may program Transit Transportation Investment Fund money for a multi-community fixed guideway public transportation project; and

(iv) may not program Transit Transportation Investment Fund money for the construction, reconstruction, or renovation of a station that is part of a fixed guideway public transportation project.

(c) Subsections (5)(a) and (b) do not apply to a project programmed by the executive
director before July 1, 2020, for projects prioritized by the commission under Section 72-1-304.

(7) (a) Before bonds authorized by Section 63B-18-401 or 63B-27-101 may be issued in any fiscal year, the department and the commission shall appear before the Executive Appropriations Committee of the Legislature and present the amount of bond proceeds that the department needs to provide funding for the projects identified in Subsections 63B-18-401(2), (3), and (4) or Subsection 63B-27-101(2) for the current or next fiscal year.

(b) The Executive Appropriations Committee of the Legislature shall review and comment on the amount of bond proceeds needed to fund the projects.

(8) The Division of Finance shall, from money deposited into the fund, transfer the amount of funds necessary to pay principal, interest, and issuance costs of bonds authorized by Section 63B-18-401 or 63B-27-101 in the current fiscal year to the appropriate debt service or sinking fund.

(9) (a) There is created in the Transportation Investment Fund of 2005 the Transit Transportation Investment Fund.

(b) The fund shall be funded by:

(i) contributions deposited into the fund in accordance with Section 59-12-103;

(ii) appropriations into the account by the Legislature;

(iii) deposits of sales and use tax increment related to a housing and transit reinvestment zone as described in Section 63N-3-610;

(iv) private contributions; and

(v) donations or grants from public or private entities.

(c) (i) The fund shall earn interest.

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

(d) Subject to Subsection (9)(e), the Legislature may appropriate money from the fund:

(i) for public transit capital development of new capacity projects and fixed guideway capital development projects to be used as prioritized by the commission through the prioritization process adopted under Section 72-1-304[;]

(ii) for development of the oversight plan described in Section 72-1-202(5); or

(iii) to the department for oversight of a fixed guideway capital development project for which the department has responsibility.
(e) (i) The Legislature may only appropriate money from the fund for a public transit capital development project or pedestrian or nonmotorized transportation project that provides connection to the public transit system if the public transit district or political subdivision provides funds of equal to or greater than 40% of the costs needed for the project.

(ii) A public transit district or political subdivision may use money derived from a loan granted pursuant to Title 72, Chapter 2, Part 2, State Infrastructure Bank Fund, to provide all or part of the 40% requirement described in Subsection (9)(e)(i) if:

(A) the loan is approved by the commission as required in Title 72, Chapter 2, Part 2, State Infrastructure Bank Fund; and

(B) the proposed capital project has been prioritized by the commission pursuant to Section 72-1-303.

(f) Before July 1, 2022, the department and a large public transit district shall enter into an agreement for a large public transit district to pay the department $5,000,000 per year for 15 years to be used for a fixed guideway capital development project to strategically double track commuter rail lines within a large public transit district to facilitate the purchase of zero emissions or low emissions rail engines and trainsets for regional public transit rail systems.

(ii) If the department and a large public transit district fail to enter into and comply with the terms of the agreement described in Subsection (9)(f)(i), money in the fund may not be expended for a fixed guideway capital development project to strategically double track commuter rail lines within a large public transit district.

(10) (a) There is created in the Transportation Investment Fund of 2005 the Cottonwood Canyons Transportation Investment Fund.

(b) The fund shall be funded by:

(i) money deposited into the fund in accordance with Section 59-12-103;

(ii) appropriations into the account by the Legislature;

(iii) private contributions; and

(iv) donations or grants from public or private entities.

(c) (i) The fund shall earn interest.

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

(d) The Legislature may appropriate money from the fund for public transit or transportation projects in the Cottonwood Canyons of Salt Lake County.