1	PUBLIC TRANSIT CAPITAL DEVELOPMENT
2	MODIFICATIONS
3	2022 GENERAL SESSION
4	STATE OF UTAH
5	Chief Sponsor: Kay J. Christofferson
6	Senate Sponsor:
7	· · · · · · · · · · · · · · · · · · ·
8	LONG TITLE
9	General Description:
10	This bill requires the Department of Transportation to manage and oversee all fixed
11	guideway capital development projects that include state funding.
12	Highlighted Provisions:
13	This bill:
14	 defines terms;
15	 requires a large public transit district to coordinate with the Department of
16	Transportation regarding certain public transit facilities associated with a transit
17	oriented development;
18	 requires the Department of Transportation to manage and oversee fixed guideway
19	capital development projects for which state money is expended;
20	 requires the Department of Transportation to report to the Transportation Interim
21	Committee regarding a plan to assume responsibility for public transit capital
22	development;
23	 amends the allowed uses of funds in the Transit Transportation Investment Fund;
24	 requires an agreement between a large public transit district and the Department of
25	Transportation pertaining to repayment of certain funds; and
26	 makes technical changes.
27	Money Appropriated in this Bill:

None
Other Special Clauses:
None
Utah Code Sections Affected:
AMENDS:
17B-2a-802, as last amended by Laws of Utah 2020, Chapter 377
17B-2a-804, as last amended by Laws of Utah 2020, Fifth Special Session, Chapter 4
17B-2a-806, as last amended by Laws of Utah 2017, Chapter 121
17B-2a-808.2, as last amended by Laws of Utah 2019, Chapter 479
72-1-102, as last amended by Laws of Utah 2021, Chapter 411
72-1-202, as last amended by Laws of Utah 2021, Chapter 344
72-1-208, as last amended by Laws of Utah 2018, Chapter 424
72-2-124, as last amended by Laws of Utah 2021, Chapters 239, 387, and 411
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:
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59	(b) "Chief executive officer" shall enjoy all the rights, duties, and responsibilities
60	defined in Sections 17B-2a-810 and 17B-2a-811 and includes all rights, duties, and
61	responsibilities assigned to the general manager but prescribed by the board of trustees to be
62	fulfilled by the chief executive officer.
63	(4) "Council of governments" means a decision-making body in each county composed
64	of membership including the county governing body and the mayors of each municipality in the
65	county.
66	(5) "Department" means the Department of Transportation created in Section 72-1-201.
67	(6) "Executive director" means a person appointed by the board of trustees of a large
68	public transit district to serve as executive director.
69	(7) "Fixed guideway" means the same as that term is defined in Section 59-12-102.
70	(8) "Fixed guideway capital development" means the same as that term is defined in
71	Section 72-1-102.
72	[(7)] (9) (a) "General manager" means a person appointed by the board of trustees of a
73	small public transit district to serve as general manager.
74	(b) "General manager" shall enjoy all the rights, duties, and responsibilities defined in
75	Sections 17B-2a-810 and 17B-2a-811 prescribed by the board of trustees of a small public
76	transit district.
77	[(8)] (10) "Large public transit district" means a public transit district that provides
78	public transit to an area that includes:
79	(a) more than 65% of the population of the state based on the most recent official
80	census or census estimate of the United States Census Bureau; and
81	(b) two or more counties.
82	[(9)] (11) (a) "Locally elected public official" means a person who holds an elected
83	position with a county or municipality.
84	(b) "Locally elected public official" does not include a person who holds an elected
85	position if the elected position is not with a county or municipality.
86	[(10)] (12) "Metropolitan planning organization" means the same as that term is
87	defined in Section 72-1-208.5.
88	[(11)] (13) "Multicounty district" means a public transit district located in more than
89	one county.

90	$\left[\frac{(12)}{(14)}\right]$ "Operator" means a public entity or other person engaged in the
91	transportation of passengers for hire.
92	[(13)] (15) (a) "Public transit" means regular, continuing, shared-ride, surface
93	transportation services that are open to the general public or open to a segment of the general
94	public defined by age, disability, or low income.
95	(b) "Public transit" does not include transportation services provided by:
96	(i) chartered bus;
97	(ii) sightseeing bus;
98	(iii) taxi;
99	(iv) school bus service;
100	(v) courtesy shuttle service for patrons of one or more specific establishments; or
101	(vi) intra-terminal or intra-facility shuttle services.
102	[(14)] (16) "Public transit district" means a local district that provides public transit
103	services.
104	[(15)] (17) "Small public transit district" means any public transit district that is not a
105	large public transit district.
106	[(16)] (18) "Station area plan" means a plan adopted by the relevant municipality or
107	county that establishes and preserves a vision for areas within one-half mile of a fixed
108	guideway station of a large public transit district, the development of which includes:
109	(a) involvement of all relevant stakeholders who have an interest in the station area,
110	including relevant metropolitan planning organizations and the Department of Transportation;
111	(b) identification of major infrastructural and policy constraints and a course of action
112	to address those constraints; and
113	(c) other criteria as determined by the board of trustees of the relevant public transit
114	district.
115	[(17)] (19) "Transit facility" means a transit vehicle, transit station, depot, passenger
116	loading or unloading zone, parking lot, or other facility:
117	(a) leased by or operated by or on behalf of a public transit district; and
118	(b) related to the public transit services provided by the district, including:
119	(i) railway or other right-of-way;
120	(ii) railway line; and

121	(iii) a reasonable area immediately adjacent to a designated stop on a route traveled by
122	a transit vehicle.
123	[(18)] (20) "Transit vehicle" means a passenger bus, coach, railcar, van, or other
124	vehicle operated as public transportation by a public transit district.
125	[(19)] (21) "Transit-oriented development" means a mixed use residential or
126	commercial area that is designed to maximize access to public transit and includes the
127	development of land owned by a large public transit district.
128	[(20)] (22) "Transit-supportive development" means a mixed use residential or
129	commercial area that is designed to maximize access to public transit and does not include the
130	development of land owned by a large public transit district.
131	Section 2. Section 17B-2a-804 is amended to read:
132	17B-2a-804. Additional public transit district powers.
133	(1) In addition to the powers conferred on a public transit district under Section
134	17B-1-103, a public transit district may:
135	(a) provide a public transit system for the transportation of passengers and their
136	incidental baggage;
137	(b) notwithstanding Subsection 17B-1-103(2)(g) and subject to Section 17B-2a-817,
138	levy and collect property taxes only for the purpose of paying:
139	(i) principal and interest of bonded indebtedness of the public transit district; or
140	(ii) a final judgment against the public transit district if:
141	(A) the amount of the judgment exceeds the amount of any collectable insurance or
142	indemnity policy; and
143	(B) the district is required by a final court order to levy a tax to pay the judgment;
144	(c) insure against:
145	(i) loss of revenues from damage to or destruction of some or all of a public transit
146	system from any cause;
147	(ii) public liability;
148	(iii) property damage; or
149	(iv) any other type of event, act, or omission;
150	(d) subject to Section 72-1-202 pertaining to fixed guideway capital development
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151 within a large public transit district, acquire, contract for, lease, construct, own, operate,

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

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183 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:
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(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 transitdistrict.

(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.

209 (3) For any transit-oriented development or transit-supportive development authorized210 in this section, the public transit district shall:

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

213 (i) service and ridership;

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214	(ii) regional plans made by the metropolitan planning agency;
215	(iii) the local economy;
216	(iv) the environment and air quality;
217	(v) affordable housing; and
218	(vi) integration with other modes of transportation; [and]
219	(b) provide evidence to the public of a quantifiable positive return on investment,
220	including improvements to public transit service[-]; and
221	(c) coordinate with the Department of Transportation in accordance with Section
222	72-1-202 pertaining to fixed guideway capital development and associated parking facilities
223	within a station area plan for a transit oriented development within a large public transit
224	district.
225	(4) For any public transit capital development project with oversight by the Department
226	of Transportation as described in Section 72-1-202, a large public transit district shall
227	coordinate with the Department of Transportation in all aspects of the project, including
228	planning, project development, outreach, programming, environmental studies and impact
229	statements, impacts on public transit operations, and construction.
230	[(4)] (5) A public transit district may not participate in a transit-oriented development
231	if:
232	(a) the relevant municipality or county has not developed and adopted a station area
233	plan; and
234	(b) (i) for a transit-oriented development involving a municipality, the municipality is
235	not in compliance with Sections 10-9a-403 and 10-9a-408 regarding the inclusion of moderate
236	income housing in the general plan and the required reporting requirements; or
237	(ii) for a transit-oriented development involving property in an unincorporated area of a
238	county, the county is not in compliance with Sections 17-27a-403 and 17-27a-408 regarding
239	inclusion of moderate income housing in the general plan and required reporting requirements.
240	[(5)] (6) A public transit district may be funded from any combination of federal, state,
241	local, or private funds.
242	[(6)] (7) A public transit district may not acquire property by eminent domain.
243	Section 3. Section 17B-2a-806 is amended to read:
244	17B-2a-806. Authority of the state or an agency of the state with respect to a

245	public transit district Counties and municipalities authorized to provide funds to
246	public transit district Equitable allocation of resources within the public transit
247	district.
248	(1) The state or an agency of the state may:
249	(a) make public contributions to a public transit district as in the judgment of the
250	Legislature or governing board of the agency are necessary or proper; or
251	(b) authorize a public transit district to perform, or aid and assist a public transit district
252	in performing, an activity that the state or agency is authorized by law to perform.
253	(2) (a) A county or municipality involved in the establishment and operation of a
254	public transit district may provide funds necessary for the operation and maintenance of the
255	district.
256	(b) A county's use of property tax funds to establish and operate a public transit district
257	within any part of the county is a county purpose under Section 17-53-220.
258	(3) (a) To allocate resources and funds for development and operation of a public
259	transit district, whether received under this section or from other sources, and subject to
260	Section 72-1-202 pertaining to fixed guideway capital development within a large public transit
261	district, a public transit district may:
262	(i) give priority to public transit services that feed rail fixed guideway services; and
263	(ii) allocate funds according to population distribution within the public transit district.
264	(b) The comptroller of a public transit district shall report the criteria and data
265	supporting the allocation of resources and funds in the statement required in Section
266	17B-2a-812.
267	Section 4. Section 17B-2a-808.2 is amended to read:
268	17B-2a-808.2. Large public transit district local advisory council Powers and
269	duties.
270	(1) A large public transit district shall create and consult with a local advisory council.
271	(2) (a) (i) For a large public transit district in existence as of January 1, 2019, the local
272	advisory council shall have membership selected as described in Subsection (2)(b).
273	(ii) (A) For a large public transit district created after January 1, 2019, the political
274	subdivision or subdivisions forming the large public transit district shall submit to the
275	Legislature for approval a proposal for the appointments to the local advisory council of the

- H.B. 322 276 large public transit district similar to the appointment process described in Subsection (2)(b). 277 (B) Upon approval of the Legislature, each nominating individual or body shall appoint 278 individuals to the local advisory council. 279 (b) (i) The council of governments of Salt Lake County shall appoint three members to 280 the local advisory council. 281 (ii) The mayor of Salt Lake City shall appoint one member to the local advisory 282 council. 283 (iii) The council of governments of Utah County shall appoint two members to the 284 local advisory council. (iv) The council of governments of Davis County and Weber County shall each appoint 285 286 one member to the local advisory council. 287 (v) The councils of governments of Box Elder County and Tooele County shall jointly 288 appoint one member to the local advisory council. 289 (3) The local advisory council shall meet at least quarterly in a meeting open to the 290 public for comment to discuss the service, operations, and any concerns with the public transit 291 district operations and functionality. 292 (4) The duties of the local advisory council shall include: 293 (a) setting the compensation packages of the board of trustees, which salary may not 294 exceed \$150,000, plus additional retirement and other standard benefits; 295 (b) reviewing, approving, and recommending final adoption by the board of trustees of
 - 296 the large public transit district service plans at least every two and one-half years;
 - 297 (c) except for a fixed guideway capital development project under the authority of the 298 Department of Transportation as described in Section 72-1-202, reviewing, approving, and 299 recommending final adoption by the board of trustees of project development plans, including 300 funding, of all new capital development projects;
 - 301 (d) reviewing, approving, and recommending final adoption by the board of trustees of 302 any plan for a transit-oriented development where a large public transit district is involved;
- 303 (e) at least annually, engaging with the safety and security team of the large public 304 transit district to ensure coordination with local municipalities and counties;
- 305 (f) assisting with coordinated mobility and constituent services provided by the public 306 transit district;

307	(g) representing and advocating the concerns of citizens within the public transit
308	district to the board of trustees; and
309	(h) other duties described in Section 17B-2a-808.1.
310	(5) The local advisory council shall meet at least quarterly with and consult with the
311	board of trustees and advise regarding the operation and management of the public transit
312	district.
313	Section 5. Section 72-1-102 is amended to read:
314	72-1-102. Definitions.
315	As used in this title:
316	(1) "Circulator alley" means a publicly owned passageway:
317	(a) with a right-of-way width of 20 feet or greater;
318	(b) located within a master planned community;
319	(c) established by the city having jurisdictional authority as part of the street network
320	for traffic circulation that may also be used for:
321	(i) garbage collection;
322	(ii) access to residential garages; or
323	(iii) access rear entrances to a commercial establishment; and
324	(d) constructed with a bituminous or concrete pavement surface.
325	(2) "Commission" means the Transportation Commission created under Section
326	72-1-301.
327	(3) "Construction" means the construction, reconstruction, replacement, and
328	improvement of the highways, including the acquisition of rights-of-way and material sites.
329	(4) "Department" means the Department of Transportation created in Section 72-1-201.
330	(5) "Executive director" means the executive director of the department appointed
331	under Section 72-1-202.
332	(6) "Farm tractor" has the meaning set forth in Section $41-1a-102$.
333	(7) "Federal aid primary highway" means that portion of connected main highways
334	located within this state officially designated by the department and approved by the United
335	States Secretary of Transportation under Title 23, Highways, U.S.C.
336	(8) "Fixed guideway" means the same as that term is defined in Section 59-12-102.
337	(9) (a) "Fixed guideway capital development" means a project to construct or

338	reconstruct a public transit fixed guideway facility that will add capacity to a fixed guideway
339	public transit facility.
340	(b) "Fixed guideway capital development" includes:
341	(i) a project to strategically double track commuter rail lines; and
342	(ii) a project to develop and construct public transit facilities and related infrastructure
343	pertaining to the Point of the Mountain State Land Authority created in Section 11-59-201.
344	[(8)] (10) "Highway" means any public road, street, alley, lane, court, place, viaduct,
345	tunnel, culvert, bridge, or structure laid out or erected for public use, or dedicated or abandoned
346	to the public, or made public in an action for the partition of real property, including the entire
347	area within the right-of-way.
348	[(9)] (11) "Highway authority" means the department or the legislative, executive, or
349	governing body of a county or municipality.
350	[(10)] (12) "Housing and transit reinvestment zone" means the same as that term is
351	defined in Section 63N-3-602.
352	[(11)] (13) "Implement of husbandry" has the meaning set forth in Section 41-1a-102.
353	[(12)] (14) "Interstate system" means any highway officially designated by the
354	department and included as part of the national interstate and defense highways, as provided in
355	the Federal Aid Highway Act of 1956 and any supplemental acts or amendments.
356	(15) "Large public transit district" means the same as that term is defined in Section
357	<u>17B-2a-802.</u>
358	[(13)] (16) "Limited-access facility" means a highway especially designated for
359	through traffic, and over, from, or to which neither owners nor occupants of abutting lands nor
360	other persons have any right or easement, or have only a limited right or easement of access,
361	light, air, or view.
362	[(14)] (17) "Master planned community" means a land use development:
363	(a) designated by the city as a master planned community; and
364	(b) comprised of a single development agreement for a development larger than 500
365	acres.
366	[(15)] (18) "Motor vehicle" has the same meaning set forth in Section 41-1a-102.
367	[(16)] (19) "Municipality" has the same meaning set forth in Section 10-1-104.
368	[(17)] (20) "National highway systems highways" means that portion of connected

369	main highways located within this state officially designated by the department and approved
370	by the United States Secretary of Transportation under Title 23, Highways, U.S.C.
371	[(18)] (21) (a) "Port-of-entry" means a fixed or temporary facility constructed,
372	operated, and maintained by the department where drivers, vehicles, and vehicle loads are
373	checked or inspected for compliance with state and federal laws as specified in Section
374	72-9-501.
375	(b) "Port-of-entry" includes inspection and checking stations and weigh stations.
376	[(19)] (22) "Port-of-entry agent" means a person employed at a port-of-entry to perform
377	the duties specified in Section 72-9-501.
378	[(20)] (23) "Public transit" means the same as that term is defined in Section
379	17B-2a-802.
380	[(21)] (24) "Public transit facility" means a fixed guideway, transit vehicle, transit
381	station, depot, passenger loading or unloading zone, parking lot, or other facility:
382	(a) leased by or operated by or on behalf of a public transit district; and
383	(b) related to the public transit services provided by the district, including:
384	(i) railway or other right-of-way;
385	(ii) railway line; and
386	(iii) a reasonable area immediately adjacent to a designated stop on a route traveled by
387	a transit vehicle.
388	[(22)] (25) "Right-of-way" means real property or an interest in real property, usually
389	in a strip, acquired for or devoted to a highway.
390	[(23)] (26) "Sealed" does not preclude acceptance of electronically sealed and
391	submitted bids or proposals in addition to bids or proposals manually sealed and submitted.
392	[(24)] (27) "Semitrailer" has the meaning set forth in Section 41-1a-102.
393	[(25)] (28) "SR" means state route and has the same meaning as state highway as
394	defined in this section.
395	[(26)] (29) "State highway" means those highways designated as state highways in
396	Title 72, Chapter 4, Designation of State Highways Act.
397	[(27)] (30) "State transportation purposes" has the meaning set forth in Section
398	72-5-102.
399	[(28)] (31) "State transportation systems" means all streets, alleys, roads, highways,

H.B. 322 400 pathways, and thoroughfares of any kind, including connected structures, airports, aerial 401 corridor infrastructure, spaceports, public transit facilities, and all other modes and forms of 402 conveyance used by the public. [(29)] (32) "Trailer" has the meaning set forth in Section 41-1a-102. 403 [(30)] (33) "Transportation reinvestment zone" means a transportation reinvestment 404 405 zone created pursuant to Section 11-13-227. 406 [(31)] (34) "Truck tractor" has the meaning set forth in Section 41-1a-102. [(32)] (35) "UDOT" means the Utah Department of Transportation. 407 408 [(33)] (36) "Vehicle" has the same meaning set forth in Section 41-1a-102. 409 Section 6. Section 72-1-202 is amended to read: 410 72-1-202. Executive director of department -- Appointment -- Oualifications --411 Term -- Responsibility -- Power to bring suits -- Salary. 412 (1) (a) The governor, with the advice and consent of the Senate, shall appoint an 413 executive director to be the chief executive officer of the department. 414 (b) The executive director shall be a registered professional engineer and qualified 415 executive with technical and administrative experience and training appropriate for the 416 position. 417 (c) The executive director shall remain in office until a successor is appointed. 418 (d) The executive director may be removed by the governor. 419 (2) In addition to the other functions, powers, duties, rights, and responsibilities 420 prescribed in this chapter, the executive director shall: 421 (a) have responsibility for the administrative supervision of the state transportation 422 systems and the various operations of the department; 423 (b) have the responsibility for the implementation of rules, priorities, and policies 424 established by the department and the commission; 425 (c) have the responsibility for the oversight and supervision of: 426 (i) any transportation project for which state funds are expended; and 427 (ii) any fixed guideway capital development project within the boundaries of a large 428 public transit district for which any state funds are expended; 429 (d) have full power to bring suit in courts of competent jurisdiction in the name of the 430 department as the executive director considers reasonable and necessary for the proper

431	attainment of the goals of this chapter;
432	(e) receive a salary, to be established by the governor within the salary range fixed by
433	the Legislature in Title 67, Chapter 22, State Officer Compensation, together with actual
434	traveling expenses while away from the executive director's office on official business;
435	(f) purchase all equipment, services, and supplies necessary to achieve the department's
436	functions, powers, duties, rights, and responsibilities delegated under Section 72-1-201;
437	(g) have the responsibility to determine whether a purchase from, contribution to, or
438	other participation with a public entity or association of public entities in a pooled fund
439	program to acquire, develop, or share information, data, reports, or other services related to the
440	department's mission are procurement items under Title 63G, Chapter 6a, Utah Procurement
441	Code;
442	(h) have responsibility for administrative supervision of the Comptroller Division, the
443	Internal Audit Division, and the Communications Division; and
444	(i) appoint assistants, to serve at the discretion of the executive director, to administer
445	the divisions of the department.
446	(3) The executive director may employ other assistants and advisers as the executive
447	director finds necessary and fix salaries in accordance with the salary standards adopted by the
448	Division of Human Resource Management.
449	(4) (a) For a fixed guideway capital development project within the boundaries of a
450	large public transit district for which state funds are expended, responsibilities of the executive
451	director include:
452	(i) project development for a fixed guideway capital development project in a large
453	public transit district;
454	(ii) oversight and coordination of planning, including:
455	(A) development of statewide strategic initiatives for planning across all modes of
456	transportation;
457	(B) coordination with metropolitan planning organizations and large public transit
458	districts; and
459	(C) corridor and area planning:
460	(iii) programming and prioritization of fixed guideway capital development projects;
461	(iv) fulfilling requirements for environmental studies and impact statements; and

462	(v) resource investment, including identification, development, and oversight of
463	public-private partnership opportunities.
464	(5) (a) Before October 31, 2022, the department shall submit to the Transportation
465	Interim Committee a written plan for the department to assume management of all fixed
466	guideway capital development projects that add capacity to a fixed guideway system within a
467	large public transit district.
468	(b) The department shall consult with a large public transit district and relevant
469	metropolitan planning organizations in developing the plan described in Subsection (5)(a).
470	(c) The Transportation Interim Committee shall consider the plan submitted by the
471	department as described in Subsection (5)(a) and make recommendations to the Legislature
472	before December 1, 2022.
473	Section 7. Section 72-1-208 is amended to read:
474	72-1-208. Cooperation with counties, cities, towns, the federal government, and
475	all state departments Inspection of work done by a public transit district.
476	(1) The department shall cooperate with the counties, cities, towns, and community
477	reinvestment agencies in the construction, maintenance, and use of the highways and in all
478	related matters, and may provide services to the counties, cities, towns, and community
479	reinvestment agencies on terms mutually agreed upon.
480	(2) The department, with the approval of the governor, shall cooperate with the federal
481	government in all federal-aid projects and with all state departments in all matters in
482	connection with the use of the highways.
483	(3) The department:
484	(a) shall inspect all work done by a public transit district under Title 17B, Chapter 2a,
485	Part 8, Public Transit District Act, relating to safety appliances and procedures; and
486	(b) may make further additions or changes necessary for the purpose of safety to
487	employees and the general public.
488	[(4) (a) The department may assume responsibility for any public transit project that
489	traverses any portion of the state highway systems.]
490	[(b) To determine whether the department will assume responsibility for a public
491	transit project, the executive director and the public transit agency proposing the development
492	shall jointly determine whether the department will assume responsibility.]

493	Section 8. Section 72-2-124 is amended to read:
494	72-2-124. Transportation Investment Fund of 2005.
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495	(1) There is created a capital projects fund entitled the Transportation Investment Fund
496	of 2005.
497	(2) The fund consists of money generated from the following sources:
498	(a) any voluntary contributions received for the maintenance, construction,
499	reconstruction, or renovation of state and federal highways;
500	(b) appropriations made to the fund by the Legislature;
501	(c) registration fees designated under Section 41-1a-1201;
502	(d) the sales and use tax revenues deposited into the fund in accordance with Section
503	59-12-103; and
504	(e) revenues transferred to the fund in accordance with Section 72-2-106.
505	(3) (a) The fund shall earn interest.
506	(b) All interest earned on fund money shall be deposited into the fund.
507	(4) (a) Except as provided in Subsection (4)(b), the executive director may only use
508	fund money to pay:
509	(i) the costs of maintenance, construction, reconstruction, or renovation to state and
510	federal highways prioritized by the Transportation Commission through the prioritization
511	process for new transportation capacity projects adopted under Section 72-1-304;
512	(ii) the costs of maintenance, construction, reconstruction, or renovation to the highway
513	projects described in Subsections 63B-18-401(2), (3), and (4);
514	(iii) principal, interest, and issuance costs of bonds authorized by Section 63B-18-401
515	minus the costs paid from the County of the First Class Highway Projects Fund in accordance
516	with Subsection 72-2-121(4)(e);
517	(iv) for a fiscal year beginning on or after July 1, 2013, to transfer to the 2010 Salt
518	Lake County Revenue Bond Sinking Fund created by Section 72-2-121.3 the amount certified
519	by Salt Lake County in accordance with Subsection 72-2-121.3(4)(c) as necessary to pay the
520	debt service on \$30,000,000 of the revenue bonds issued by Salt Lake County;
521	(v) principal, interest, and issuance costs of bonds authorized by Section 63B-16-101
522	for projects prioritized in accordance with Section 72-2-125;
523	(vi) all highway general obligation bonds that are intended to be paid from revenues in

524	the Centennial Highway Fund created by Section 72-2-118;
525	(vii) for fiscal year 2015-16 only, to transfer \$25,000,000 to the County of the First
526	Class Highway Projects Fund created in Section 72-2-121 to be used for the purposes described
527	in Section 72-2-121;
528	(viii) if a political subdivision provides a contribution equal to or greater than 40% of
529	the costs needed for construction, reconstruction, or renovation of paved pedestrian or paved
530	nonmotorized transportation for projects that:
531	(A) mitigate traffic congestion on the state highway system;
532	(B) are part of an active transportation plan approved by the department; and
533	(C) are prioritized by the commission through the prioritization process for new
534	transportation capacity projects adopted under Section 72-1-304;
535	(ix) \$705,000,000 for the costs of right-of-way acquisition, construction,
536	reconstruction, or renovation of or improvement to the following projects:
537	(A) the connector road between Main Street and 1600 North in the city of Vineyard;
538	(B) Geneva Road from University Parkway to 1800 South;
539	(C) the SR-97 interchange at 5600 South on I-15;
540	(D) two lanes on U-111 from Herriman Parkway to 11800 South;
541	(E) widening I-15 between mileposts 10 and 13 and the interchange at milepost 11;
542	(F) improvements to 1600 North in Orem from 1200 West to State Street;
543	(G) widening I-15 between mileposts 6 and 8;
544	(H) widening 1600 South from Main Street in the city of Spanish Fork to SR-51;
545	(I) widening US 6 from Sheep Creek to Mill Fork between mileposts 195 and 197 in
546	Spanish Fork Canyon;
547	(J) I-15 northbound between mileposts 43 and 56;
548	(K) a passing lane on SR-132 between mileposts 41.1 and 43.7 between mileposts 43
549	and 45.1;
550	(L) east Zion SR-9 improvements;
551	(M) Toquerville Parkway;
552	(N) an environmental study on Foothill Boulevard in the city of Saratoga Springs;
553	(O) for construction of an interchange on Bangerter Highway at 13400 South; and
554	(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;

560 (B) \$8,000,000 for a Bluffdale 14600 South railroad bypass;

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(C) \$5,000,000 for improvements to 4700 South in Taylorsville; and

562 (D) \$10,000,000 for improvements to the west side frontage roads adjacent to U.S. 40
563 between mile markers 7 and 10.

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

566 (5) (a) Except as provided in Subsection (5)(b), the executive director may not program 567 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 568 569 municipality that is required to adopt a moderate income housing plan element as part of the 570 municipality's general plan as described in Subsection 10-9a-401(3), if the municipality has 571 failed to adopt a moderate income housing plan element as part of the municipality's general 572 plan or has failed to implement the requirements of the moderate income housing plan as 573 determined by the results of the Department of Workforce Service's review of the annual 574 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 ofan interchange on a limited-access facility;
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(iii) may program Transit Transportation Investment Fund money for a

586 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.

593 (6) (a) Except as provided in Subsection (6)(b), the executive director may not program 594 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 595 596 unincorporated area of a county, if the county is required to adopt a moderate income housing 597 plan element as part of the county's general plan as described in Subsection 17-27a-401(3) and 598 if the county has failed to adopt a moderate income housing plan element as part of the county's 599 general plan or has failed to implement the requirements of the moderate income housing plan 600 as determined by the results of the Department of Workforce Service's review of the annual 601 moderate income housing report described in Subsection 35A-8-803(1)(a)(vii).

602 (b) Within the boundaries of the unincorporated area of a county where the county is 603 required under Subsection 17-27a-401(3) to plan for moderate income housing growth but has 604 failed to adopt a moderate income housing plan element as part of the county's general plan or 605 has failed to implement the requirements of the moderate income housing plan as determined 606 by the results of the Department of Workforce Service's review of the annual moderate income 607 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;

610 (ii) may not program fund money for the construction, reconstruction, or renovation of611 an interchange on a limited-access facility;

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

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

617	(c) Subsections (5)(a) and (b) do not apply to a project programmed by the executive
618	director before July 1, 2020, for projects prioritized by the commission under Section
619	72-1-304.
620	(7) (a) Before bonds authorized by Section 63B-18-401 or 63B-27-101 may be issued
621	in any fiscal year, the department and the commission shall appear before the Executive
622	Appropriations Committee of the Legislature and present the amount of bond proceeds that the
623	department needs to provide funding for the projects identified in Subsections 63B-18-401(2),
624	(3), and (4) or Subsection $63B-27-101(2)$ for the current or next fiscal year.
625	(b) The Executive Appropriations Committee of the Legislature shall review and
626	comment on the amount of bond proceeds needed to fund the projects.
627	(8) The Division of Finance shall, from money deposited into the fund, transfer the
628	amount of funds necessary to pay principal, interest, and issuance costs of bonds authorized by
629	Section 63B-18-401 or 63B-27-101 in the current fiscal year to the appropriate debt service or
630	sinking fund.
631	(9) (a) There is created in the Transportation Investment Fund of 2005 the Transit
632	Transportation Investment Fund.
633	(b) The fund shall be funded by:
634	(i) contributions deposited into the fund in accordance with Section 59-12-103;
635	(ii) appropriations into the account by the Legislature;
636	(iii) deposits of sales and use tax increment related to a housing and transit
637	reinvestment zone as described in Section 63N-3-610;
638	(iv) private contributions; and
639	(v) donations or grants from public or private entities.
640	(c) (i) The fund shall earn interest.
641	(ii) All interest earned on fund money shall be deposited into the fund.
642	(d) Subject to Subsection (9)(e), the Legislature may appropriate money from the fund:
643	(i) for public transit capital development of new capacity projects and fixed guideway
644	capital development projects to be used as prioritized by the commission through the
645	prioritization process adopted under Section 72-1-304[-];
646	(ii) for development of the oversight plan described in Section 72-1-202(5); or
647	(iii) to the department for oversight of a fixed guideway capital development project

648	for which the department has responsibility.
649	(e) (i) The Legislature may only appropriate money from the fund for a public transit
650	capital development project or pedestrian or nonmotorized transportation project that provides
651	connection to the public transit system if the public transit district or political subdivision
652	provides funds of equal to or greater than 40% of the costs needed for the project.
653	(ii) A public transit district or political subdivision may use money derived from a loan
654	granted pursuant to Title 72, Chapter 2, Part 2, State Infrastructure Bank Fund, to provide all or
655	part of the 40% requirement described in Subsection (9)(e)(i) if:
656	(A) the loan is approved by the commission as required in Title 72, Chapter 2, Part 2,
657	State Infrastructure Bank Fund; and
658	(B) the proposed capital project has been prioritized by the commission pursuant to
659	Section 72-1-303.
660	(f) (i) Before July 1, 2022, the department and a large public transit district shall enter
661	into an agreement for a large public transit district to pay the department \$5,000,000 per year
662	for 15 years to be used for a fixed guideway capital development project to strategically double
663	track commuter rail lines within a large public transit district.
664	(ii) If the department and a large public transit district fail to enter into and comply
665	with the terms of the agreement described in Subsection (9)(f)(i), money in the fund may not be
666	expended for a fixed guideway capital development project to strategically double track
667	commuter rail lines within a large public transit district.
668	(10) (a) There is created in the Transportation Investment Fund of 2005 the
669	Cottonwood Canyons Transportation Investment Fund.
670	(b) The fund shall be funded by:
671	(i) money deposited into the fund in accordance with Section 59-12-103;
672	(ii) appropriations into the account by the Legislature;
673	(iii) private contributions; and
674	(iv) donations or grants from public or private entities.
675	(c) (i) The fund shall earn interest.
676	(ii) All interest earned on fund money shall be deposited into the fund.
677	(d) The Legislature may appropriate money from the fund for public transit or
678	transportation projects in the Cottonwood Canyons of Salt Lake County.