

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

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32
33 **LONG TITLE**

34 **General Description:**

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

37 **Highlighted Provisions:**

38 This bill:

- 39 ▶ defines terms;
- 40 ▶ requires a large public transit district to coordinate with the Department of
41 Transportation regarding certain public transit facilities associated with a transit
42 oriented development;
- 43 ▶ requires the Department of Transportation to manage and oversee fixed guideway
44 capital development projects for which state money is expended;
- 45 ▶ requires the Department of Transportation to report to the Transportation Interim
46 Committee regarding a plan to assume responsibility for public transit capital
47 development;
- 48 ▶ amends the allowed uses of funds in the Transit Transportation Investment Fund;
- 49 ▶ requires an agreement between a large public transit district and the Department of
50 Transportation pertaining to repayment of certain funds; and
- 51 ▶ makes technical changes.

52 **Money Appropriated in this Bill:**

53 None

54 **Other Special Clauses:**

55 None

56 **Utah Code Sections Affected:**

57 AMENDS:

58 **17B-2a-802**, as last amended by Laws of Utah 2020, Chapter 377

59 **17B-2a-804**, as last amended by Laws of Utah 2020, Fifth Special Session, Chapter 4

60 **17B-2a-806**, as last amended by Laws of Utah 2017, Chapter 121

61 **17B-2a-808.2**, as last amended by Laws of Utah 2019, Chapter 479

62 **72-1-102**, as last amended by Laws of Utah 2021, Chapter 411

63 **72-1-202**, as last amended by Laws of Utah 2021, Chapter 344

64 **72-1-208**, as last amended by Laws of Utah 2018, Chapter 424

65 **72-2-124**, as last amended by Laws of Utah 2021, Chapters 239, 387, and 411



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

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

69 **17B-2a-802. Definitions.**

70 As used in this part:

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

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

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

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

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

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

87 fulfilled by the chief executive officer.

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

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

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

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

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

97 ~~[(7)]~~ (9) (a) "General manager" means a person appointed by the board of trustees of a
98 small public transit district to serve as general manager.

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

102 ~~[(8)]~~ (10) "Large public transit district" means a public transit district that provides
103 public transit to an area that includes:

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

106 (b) two or more counties.

107 ~~[(9)]~~ (11) (a) "Locally elected public official" means a person who holds an elected
108 position with a county or municipality.

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

111 ~~[(10)]~~ (12) "Metropolitan planning organization" means the same as that term is
112 defined in Section [72-1-208.5](#).

113 ~~[(11)]~~ (13) "Multicounty district" means a public transit district located in more than
114 one county.

115 ~~[(12)]~~ (14) "Operator" means a public entity or other person engaged in the
116 transportation of passengers for hire.

117 ~~[(13)]~~ (15) (a) "Public transit" means regular, continuing, shared-ride, surface

118 transportation services that are open to the general public or open to a segment of the general
119 public defined by age, disability, or low income.

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

121 (i) chartered bus;

122 (ii) sightseeing bus;

123 (iii) taxi;

124 (iv) school bus service;

125 (v) courtesy shuttle service for patrons of one or more specific establishments; or

126 (vi) intra-terminal or intra-facility shuttle services.

127 [~~(14)~~] (16) "Public transit district" means a local district that provides public transit
128 services.

129 [~~(15)~~] (17) "Small public transit district" means any public transit district that is not a
130 large public transit district.

131 [~~(16)~~] (18) "Station area plan" means a plan adopted by the relevant municipality or
132 county that establishes and preserves a vision for areas within one-half mile of a fixed
133 guideway station of a large public transit district, the development of which includes:

134 (a) involvement of all relevant stakeholders who have an interest in the station area,
135 including relevant metropolitan planning organizations and the Department of Transportation;

136 (b) identification of major infrastructural and policy constraints and a course of action
137 to address those constraints; and

138 (c) other criteria as determined by the board of trustees of the relevant public transit
139 district.

140 [~~(17)~~] (19) "Transit facility" means a transit vehicle, transit station, depot, passenger
141 loading or unloading zone, parking lot, or other facility:

142 (a) leased by or operated by or on behalf of a public transit district; and

143 (b) related to the public transit services provided by the district, including:

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

145 (ii) railway line; and

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

148 [~~(18)~~] (20) "Transit vehicle" means a passenger bus, coach, railcar, van, or other

149 vehicle operated as public transportation by a public transit district.

150 ~~[(+9)]~~ (21) "Transit-oriented development" means a mixed use residential or
151 commercial area that is designed to maximize access to public transit and includes the
152 development of land owned by a large public transit district.

153 ~~[(20)]~~ (22) "Transit-supportive development" means a mixed use residential or
154 commercial area that is designed to maximize access to public transit and does not include the
155 development of land owned by a large public transit district.

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

157 **17B-2a-804. Additional public transit district powers.**

158 (1) In addition to the powers conferred on a public transit district under Section
159 [17B-1-103](#), a public transit district may:

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

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

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

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

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

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

169 (c) insure against:

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

172 (ii) public liability;

173 (iii) property damage; or

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

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

178 (i) a right-of-way, rail line, monorail, bus line, station, platform, switchyard, terminal,
179 parking lot, or any other facility necessary or convenient for public transit service; or

- 180 (ii) any structure necessary for access by persons and vehicles;
- 181 (e) (i) hire, lease, or contract for the supplying or management of a facility, operation,
182 equipment, service, employee, or management staff of an operator; and
- 183 (ii) provide for a sublease or subcontract by the operator upon terms that are in the
184 public interest;
- 185 (f) operate feeder bus lines and other feeder or ridesharing services as necessary;
- 186 (g) accept a grant, contribution, or loan, directly through the sale of securities or
187 equipment trust certificates or otherwise, from the United States, or from a department,
188 instrumentality, or agency of the United States;
- 189 (h) study and plan transit facilities in accordance with any legislation passed by
190 Congress;
- 191 (i) cooperate with and enter into an agreement with the state or an agency of the state
192 or otherwise contract to finance to establish transit facilities and equipment or to study or plan
193 transit facilities;
- 194 (j) subject to Subsection [17B-2a-808.1\(5\)](#), issue bonds as provided in and subject to
195 Chapter 1, Part 11, Local District Bonds, to carry out the purposes of the district;
- 196 (k) from bond proceeds or any other available funds, reimburse the state or an agency
197 of the state for an advance or contribution from the state or state agency;
- 198 (l) do anything necessary to avail itself of any aid, assistance, or cooperation available
199 under federal law, including complying with labor standards and making arrangements for
200 employees required by the United States or a department, instrumentality, or agency of the
201 United States;
- 202 (m) sell or lease property;
- 203 (n) except as provided in Subsection (2)(b), assist in or operate transit-oriented or
204 transit-supportive developments;
- 205 (o) subject to Subsections (2) and (3), establish, finance, participate as a limited partner
206 or member in a development with limited liabilities in accordance with Subsection (1)(p),
207 construct, improve, maintain, or operate transit facilities, equipment, and, in accordance with
208 Subsection (3), transit-oriented developments or transit-supportive developments; and
- 209 (p) subject to the restrictions and requirements in Subsections (2) and (3), assist in a
210 transit-oriented development or a transit-supportive development in connection with project

211 area development as defined in Section 17C-1-102 by:

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

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

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

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

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

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

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

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

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

238 (i) service and ridership;

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

240 (iii) the local economy;

241 (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**
 272 **district.**

273 (1) The state or an agency of the state may:

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

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

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

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

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

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

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

289 (b) The comptroller of a public transit district shall report the criteria and data
290 supporting the allocation of resources and funds in the statement required in Section
291 [17B-2a-812](#).

292 Section 4. Section [17B-2a-808.2](#) is amended to read:

293 **[17B-2a-808.2. Large public transit district local advisory council -- Powers and](#)**
294 **[duties.](#)**

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

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

298 (ii) (A) For a large public transit district created after January 1, 2019, the political
299 subdivision or subdivisions forming the large public transit district shall submit to the

300 Legislature for approval a proposal for the appointments to the local advisory council of the
301 large public transit district similar to the appointment process described in Subsection (2)(b).

302 (B) Upon approval of the Legislature, each nominating individual or body shall appoint
303 individuals to the local advisory council.

304 (b) (i) The council of governments of Salt Lake County shall appoint three members to
305 the local advisory council.

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

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

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

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

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

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

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

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

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

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

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

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

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

334 (h) other duties described in Section [17B-2a-808.1](#).

335 (5) The local advisory council shall meet at least quarterly with and consult with the
336 board of trustees and advise regarding the operation and management of the public transit
337 district.

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

339 **72-1-102. Definitions.**

340 As used in this title:

341 (1) "Circulator alley" means a publicly owned passageway:

342 (a) with a right-of-way width of 20 feet or greater;

343 (b) located within a master planned community;

344 (c) established by the city having jurisdictional authority as part of the street network
345 for traffic circulation that may also be used for:

346 (i) garbage collection;

347 (ii) access to residential garages; or

348 (iii) access rear entrances to a commercial establishment; and

349 (d) constructed with a bituminous or concrete pavement surface.

350 (2) "Commission" means the Transportation Commission created under Section
351 [72-1-301](#).

352 (3) "Construction" means the construction, reconstruction, replacement, and
353 improvement of the highways, including the acquisition of rights-of-way and material sites.

354 (4) "Department" means the Department of Transportation created in Section [72-1-201](#).

355 (5) "Executive director" means the executive director of the department appointed
356 under Section [72-1-202](#).

357 (6) "Farm tractor" has the meaning set forth in Section [41-1a-102](#).

358 (7) "Federal aid primary highway" means that portion of connected main highways
359 located within this state officially designated by the department and approved by the United
360 States Secretary of Transportation under Title 23, Highways, U.S.C.

361 (8) "Fixed guideway" means the same as that term is defined in Section [59-12-102](#).

362 (9) (a) "Fixed guideway capital development" means a project to construct or
363 reconstruct a public transit fixed guideway facility that will add capacity to a fixed guideway
364 public transit facility.

365 (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

368 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,
370 tunnel, culvert, bridge, or structure laid out or erected for public use, or dedicated or abandoned
371 to the public, or made public in an action for the partition of real property, including the entire
372 area within the right-of-way.

373 [~~9~~] (11) "Highway authority" means the department or the legislative, executive, or
374 governing body of a county or municipality.

375 [~~10~~] (12) "Housing and transit reinvestment zone" means the same as that term is
376 defined in Section [63N-3-602](#).

377 [~~11~~] (13) "Implement of husbandry" has the meaning set forth in Section [41-1a-102](#).

378 [~~12~~] (14) "Interstate system" means any highway officially designated by the
379 department and included as part of the national interstate and defense highways, as provided in
380 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
384 through traffic, and over, from, or to which neither owners nor occupants of abutting lands nor
385 other persons have any right or easement, or have only a limited right or easement of access,
386 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
394 main highways located within this state officially designated by the department and approved
395 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,

397 operated, and maintained by the department where drivers, vehicles, and vehicle loads are
398 checked or inspected for compliance with state and federal laws as specified in Section
399 [72-9-501](#).

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

401 [~~(19)~~] [\(22\)](#) "Port-of-entry agent" means a person employed at a port-of-entry to perform
402 the duties specified in Section [72-9-501](#).

403 [~~(20)~~] [\(23\)](#) "Public transit" means the same as that term is defined in Section
404 [17B-2a-802](#).

405 [~~(21)~~] [\(24\)](#) "Public transit facility" means a fixed guideway, transit vehicle, transit
406 station, depot, passenger loading or unloading zone, parking lot, or other facility:

407 (a) leased by or operated by or on behalf of a public transit district; and

408 (b) related to the public transit services provided by the district, including:

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

410 (ii) railway line; and

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

413 [~~(22)~~] [\(25\)](#) "Right-of-way" means real property or an interest in real property, usually
414 in a strip, acquired for or devoted to a highway.

415 [~~(23)~~] [\(26\)](#) "Sealed" does not preclude acceptance of electronically sealed and
416 submitted bids or proposals in addition to bids or proposals manually sealed and submitted.

417 [~~(24)~~] [\(27\)](#) "Semitrailer" has the meaning set forth in Section [41-1a-102](#).

418 [~~(25)~~] [\(28\)](#) "SR" means state route and has the same meaning as state highway as
419 defined in this section.

420 [~~(26)~~] [\(29\)](#) "State highway" means those highways designated as state highways in
421 Title 72, Chapter 4, Designation of State Highways Act.

422 [~~(27)~~] [\(30\)](#) "State transportation purposes" has the meaning set forth in Section
423 [72-5-102](#).

424 [~~(28)~~] [\(31\)](#) "State transportation systems" means all streets, alleys, roads, highways,
425 pathways, and thoroughfares of any kind, including connected structures, airports, aerial
426 corridor infrastructure, spaceports, public transit facilities, and all other modes and forms of
427 conveyance used by the public.

428 ~~[(29)]~~ (32) "Trailer" has the meaning set forth in Section 41-1a-102.

429 ~~[(30)]~~ (33) "Transportation reinvestment zone" means a transportation reinvestment
430 zone created pursuant to Section 11-13-227.

431 ~~[(31)]~~ (34) "Truck tractor" has the meaning set forth in Section 41-1a-102.

432 ~~[(32)]~~ (35) "UDOT" means the Utah Department of Transportation.

433 ~~[(33)]~~ (36) "Vehicle" has the same meaning set forth in Section 41-1a-102.

434 Section 6. Section 72-1-202 is amended to read:

435 **72-1-202. Executive director of department -- Appointment -- Qualifications --**

436 **Term -- Responsibility -- Power to bring suits -- Salary.**

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

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

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

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

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

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

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

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

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

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

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

457 (e) receive a salary, to be established by the governor within the salary range fixed by
458 the Legislature in Title 67, Chapter 22, State Officer Compensation, together with actual

459 traveling expenses while away from the executive director's office on official business;

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

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

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

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

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

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

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

479 (ii) oversight and coordination of planning, including:

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

482 (B) coordination with metropolitan planning organizations;

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

486 (D) corridor and area planning;

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

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

489 (v) resource investment, including identification, development, and oversight of

490 public-private partnership opportunities.

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

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

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

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

501 **72-1-208. Cooperation with counties, cities, towns, the federal government, and**
502 **all state departments -- Inspection of work done by a public transit district.**

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

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

510 (3) The department:

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

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

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

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

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

521 **72-2-124. Transportation Investment Fund of 2005.**

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

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

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

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

528 (c) registration fees designated under Section [41-1a-1201](#);

529 (d) the sales and use tax revenues deposited into the fund in accordance with Section
530 [59-12-103](#); and

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

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

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

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

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

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

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

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

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

550 (vi) all highway general obligation bonds that are intended to be paid from revenues in
551 the Centennial Highway Fund created by Section [72-2-118](#);

552 (vii) for fiscal year 2015-16 only, to transfer \$25,000,000 to the County of the First
553 Class Highway Projects Fund created in Section 72-2-121 to be used for the purposes described
554 in Section 72-2-121;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

577 (L) east Zion SR-9 improvements;

578 (M) Toquerville Parkway;

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

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

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

582 (x) \$28,000,000 as pass-through funds, to be distributed as necessary to pay project

583 costs based upon a statement of cash flow that the local jurisdiction where the project is located
584 provides to the department demonstrating the need for money for the project, for the following
585 projects in the following amounts:

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

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

593 (5) (a) Except as provided in Subsection (5)(b), the executive director may not program
594 fund money to a project prioritized by the commission under Section 72-1-304, including fund
595 money from the Transit Transportation Investment Fund, within the boundaries of a
596 municipality that is required to adopt a moderate income housing plan element as part of the
597 municipality's general plan as described in Subsection 10-9a-401(3), if the municipality has
598 failed to adopt a moderate income housing plan element as part of the municipality's general
599 plan or has failed to implement the requirements of the moderate income housing plan as
600 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 a municipality that is required under Subsection
603 10-9a-401(3) to plan for moderate income housing growth but has failed to adopt a moderate
604 income housing plan element as part of the municipality's general plan or has failed to
605 implement the requirements of the moderate income housing plan as determined by the results
606 of the Department of Workforce Service's review of the annual moderate income housing
607 report described in Subsection 35A-8-803(1)(a)(vii), the executive director:

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

610 (ii) may not program fund money for the construction, reconstruction, or renovation of
611 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 May 1, 2020, for projects prioritized by the commission under Section
619 [72-1-304](#).

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

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

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

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

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

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

644 (c) Subsections (5)(a) and (b) do not apply to a project programmed by the executive

645 director before July 1, 2020, for projects prioritized by the commission under Section
646 72-1-304.

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

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

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

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

660 (b) The fund shall be funded by:

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

662 (ii) appropriations into the account by the Legislature;

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

665 (iv) private contributions; and

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

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

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

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

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

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

674 (iii) to the department for oversight of a fixed guideway capital development project
675 for which the department has responsibility.

676 (e) (i) The Legislature may only appropriate money from the fund for a public transit
677 capital development project or pedestrian or nonmotorized transportation project that provides
678 connection to the public transit system if the public transit district or political subdivision
679 provides funds of equal to or greater than 40% of the costs needed for the project.

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

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

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

687 (f) (i) Before July 1, 2022, the department and a large public transit district shall enter
688 into an agreement for a large public transit district to pay the department \$5,000,000 per year
689 for 15 years to be used for a fixed guideway capital development project to strategically double
690 track commuter rail lines within a large public transit district.

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

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

697 (b) The fund shall be funded by:

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

699 (ii) appropriations into the account by the Legislature;

700 (iii) private contributions; and

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

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

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

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