

TRANSPORTATION REVISIONS

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Kirk A. Cullimore

House Sponsor: Mike Schultz

LONG TITLE

General Description:

This bill transfers funds from the Cottonwood Canyons Transportation Investment Fund to the State Infrastructure Bank Fund.

Highlighted Provisions:

This bill:

- ▶ transfers funds from the Cottonwood Canyons Transportation Investment Fund to the State Infrastructure Bank Fund.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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 **72-2-124** is amended to read:

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

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



- 28 (2) The fund consists of money generated from the following sources:
- 29 (a) any voluntary contributions received for the maintenance, construction,
- 30 reconstruction, or renovation of state and federal highways;
- 31 (b) appropriations made to the fund by the Legislature;
- 32 (c) registration fees designated under Section 41-1a-1201;
- 33 (d) the sales and use tax revenues deposited into the fund in accordance with Section
- 34 59-12-103; and
- 35 (e) revenues transferred to the fund in accordance with Section 72-2-106.
- 36 (3) (a) The fund shall earn interest.
- 37 (b) All interest earned on fund money shall be deposited into the fund.
- 38 (4) (a) Except as provided in Subsection (4)(b), the executive director may only use
- 39 fund money to pay:
- 40 (i) the costs of maintenance, construction, reconstruction, or renovation to state and
- 41 federal highways prioritized by the Transportation Commission through the prioritization
- 42 process for new transportation capacity projects adopted under Section 72-1-304;
- 43 (ii) the costs of maintenance, construction, reconstruction, or renovation to the highway
- 44 projects described in Subsections 63B-18-401(2), (3), and (4);
- 45 (iii) principal, interest, and issuance costs of bonds authorized by Section 63B-18-401
- 46 minus the costs paid from the County of the First Class Highway Projects Fund in accordance
- 47 with Subsection 72-2-121(4)(e);
- 48 (iv) for a fiscal year beginning on or after July 1, 2013, to transfer to the 2010 Salt
- 49 Lake County Revenue Bond Sinking Fund created by Section 72-2-121.3 the amount certified
- 50 by Salt Lake County in accordance with Subsection 72-2-121.3(4)(c) as necessary to pay the
- 51 debt service on \$30,000,000 of the revenue bonds issued by Salt Lake County;
- 52 (v) principal, interest, and issuance costs of bonds authorized by Section 63B-16-101
- 53 for projects prioritized in accordance with Section 72-2-125;
- 54 (vi) all highway general obligation bonds that are intended to be paid from revenues in
- 55 the Centennial Highway Fund created by Section 72-2-118;
- 56 (vii) for fiscal year 2015-16 only, to transfer \$25,000,000 to the County of the First
- 57 Class Highway Projects Fund created in Section 72-2-121 to be used for the purposes described
- 58 in Section 72-2-121;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

81 (L) east Zion SR-9 improvements;

82 (M) Toquerville Parkway;

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

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

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

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

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

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

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

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

106 (b) Within the boundaries of a municipality that is required under Subsection
107 [10-9a-401\(3\)](#) to plan for moderate income housing growth but has failed to adopt a moderate
108 income housing plan element as part of the municipality's general plan or has failed to
109 implement the requirements of the moderate income housing plan as determined by the results
110 of the Department of Workforce Service's review of the annual moderate income housing
111 report described in Subsection [35A-8-803\(1\)\(a\)\(vii\)](#), the executive director:

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

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

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

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

121 (c) Subsections (5)(a) and (b) do not apply to a project programmed by the executive
122 director before May 1, 2020, for projects prioritized by the commission under Section
123 72-1-304.

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

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

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

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

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

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

148 (c) Subsections (5)(a) and (b) do not apply to a project programmed by the executive
149 director before July 1, 2020, for projects prioritized by the commission under Section
150 72-1-304.

151 (7) (a) Before bonds authorized by Section 63B-18-401 or 63B-27-101 may be issued

152 in any fiscal year, the department and the commission shall appear before the Executive
153 Appropriations Committee of the Legislature and present the amount of bond proceeds that the
154 department needs to provide funding for the projects identified in Subsections 63B-18-401(2),
155 (3), and (4) or Subsection 63B-27-101(2) for the current or next fiscal year.

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

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

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

164 (b) The fund shall be funded by:

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

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

167 (iii) deposits of sales and use tax increment related to a housing and transit

168 reinvestment zone as described in Section 63N-3-610;

169 (iv) private contributions; and

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

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

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

173 (d) Subject to Subsection (9)(e), the Legislature may appropriate money from the fund
174 for public transit capital development of new capacity projects to be used as prioritized by the
175 commission through the prioritization process adopted under Section 72-1-304.

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

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

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

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

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

189 (b) The fund shall be funded by:

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

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

192 (iii) private contributions; and

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

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

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

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

198 (e) ~~Ŝ~~ **(i)** ~~Ŝ~~ For a fiscal year beginning on July 1, 2022 only, the Division of Finance
198a shall

199 transfer \$35,000,000 to the State Infrastructure Bank Fund created in Section 72-2-202.

199a **Ŝ** **(ii) After repayment of a loan issued from the State Infrastructure Bank Fund created in**
199b **Section 72-2-202 using funds transferred in accordance with Subsection (10)(e)(i), in**
199c **accordance with Subsection 72-2-202(2)(b), the department shall request that the Legislature**
199d **transfer the amount repaid to the Cottonwood Canyons Transportation Investment Fund.** ~~Ŝ~~