

1 **TRANSPORTATION CORRIDOR FUNDING AMENDMENTS**

2 2023 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Kay J. Christofferson**

5 Senate Sponsor: Wayne A. Harper

7 **LONG TITLE**

8 **General Description:**

9 This bill amends provisions related to transportation corridor preservation funds.

10 **Highlighted Provisions:**

11 This bill:

- 12 ▶ allows the Department of Transportation to use certain corridor preservation funds
- 13 to cover staff costs to administer the fund;
- 14 ▶ extends the time horizon for use of the funds from 30 years to 40 years; and
- 15 ▶ makes technical changes.

16 **Money Appropriated in this Bill:**

17 None

18 **Other Special Clauses:**

19 None

20 **Utah Code Sections Affected:**

21 AMENDS:

22 **72-2-117**, as last amended by Laws of Utah 2012, Chapter 121

23 **72-5-403**, as last amended by Laws of Utah 2022, Chapter 259

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

26 Section 1. Section **72-2-117** is amended to read:

27 **72-2-117. Marda Dillree Corridor Preservation Fund -- Distribution --**
28 **Repayment -- Rulemaking.**

29 (1) There is created the Marda Dillree Corridor Preservation Fund within the

30 Transportation Fund.

31 (2) The fund shall be funded from the following sources:

32 (a) motor vehicle rental tax imposed under Section 59-12-1201;

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

34 (c) contributions from other public and private sources for deposit into the fund;

35 (d) interest earnings on cash balances;

36 (e) all money collected for repayments and interest on fund money;

37 (f) all money collected from rents and sales of real property acquired with fund money;

38 and

39 (g) proceeds from general obligation bonds, revenue bonds, or other obligations as
40 authorized by Title 63B, Bonds.

41 (3) (a) The commission shall authorize the expenditure of fund money to allow the
42 department to acquire real property or any interests in real property for state, county, and
43 municipal transportation corridors subject to:

44 (i) money available in the fund;

45 (ii) rules made under Subsection (6); and

46 (iii) Subsection (8).

47 (b) Fund money may be used to pay interest on debts incurred in accordance with this
48 section.

49 (4) Administrative costs for transportation corridor preservation shall be paid from the
50 fund.

51 (5) (a) The department:

52 ~~[(a)]~~ (i) may apply to the commission under this section for money from the Marda
53 Dillree Corridor Preservation Fund for a specified transportation corridor project, including for
54 county and municipal projects; and

55 ~~[(b)]~~ (ii) shall repay the fund money authorized for the project to the fund as required
56 under Subsection (6).

57 (b) The department may request and the commission may approve the expenditure of

58 money from the fund to pay the costs of staff and overhead costs to administer the fund.

59 (6) The commission shall:

60 (a) administer the Marda Dillree Corridor Preservation Fund to:

61 (i) preserve transportation corridors;

62 (ii) promote long-term statewide transportation planning;

63 (iii) save on acquisition costs; and

64 (iv) promote the best interests of the state in a manner which minimizes impact on

65 prime agricultural land;

66 (b) prioritize fund money based on considerations, including:

67 (i) areas with rapidly expanding population;

68 (ii) the willingness of local governments to complete studies and impact statements

69 that meet department standards;

70 (iii) the preservation of corridors by the use of local planning and zoning processes;

71 (iv) the availability of other public and private matching funds for a project; and

72 (v) the cost-effectiveness of the preservation projects;

73 (c) designate high priority corridor preservation projects in cooperation with a

74 metropolitan planning organization;

75 (d) administer the program for the purposes provided in this section;

76 (e) prioritize fund money in accordance with this section; and

77 (f) make rules in accordance with Title 63G, Chapter 3, Utah Administrative

78 Rulemaking Act, establishing:

79 (i) the procedures for the awarding of fund money;

80 (ii) the procedures for the department to apply for transportation corridor preservation

81 money for projects; and

82 (iii) repayment conditions of the money to the fund from the specified project funds.

83 (7) (a) The proceeds from any bonds or other obligations secured by revenues of the

84 Marda Dillree Corridor Preservation Fund shall be used for:

85 (i) the acquisition of real property in hardship cases; and

86 (ii) any of the purposes authorized for funds in the Marda Dillree Corridor Preservation
87 Fund under this section.

88 (b) The commission shall pledge the necessary part of the revenues of the Marda
89 Dillree Corridor Preservation Fund to the payment of principal of and interest on the bonds or
90 other obligations.

91 (8) (a) The department may not apply for money under this section unless the highway
92 authority has an access management policy or ordinance in effect that meets the requirements
93 under Subsection (8)(b).

94 (b) The access management policy or ordinance shall:

95 (i) be for the purpose of balancing the need for reasonable access to land uses with the
96 need to preserve the smooth flow of traffic on the highway system in terms of safety, capacity,
97 and speed; and

98 (ii) include provisions:

99 (A) limiting the number of conflict points at driveway locations;

100 (B) separating conflict areas;

101 (C) reducing the interference of through traffic;

102 (D) spacing at-grade signalized intersections; and

103 (E) providing for adequate on-site circulation and storage.

104 (c) The department shall develop a model access management policy or ordinance that
105 meets the requirements of this Subsection (8) for the benefit of a county or municipality under
106 this section.

107 (9) (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
108 the commission shall make rules establishing a corridor preservation advisory council.

109 (b) The corridor preservation advisory council shall:

110 (i) assist with and help coordinate the corridor preservation efforts of the department
111 and local governments;

112 (ii) provide recommendations and priorities concerning corridor preservation and the
113 use of fund money to the department and to the commission; and

114 (iii) include members designated by each metropolitan planning organization in the
115 state to represent local governments that are involved with corridor preservation through
116 official maps and planning.

117 Section 2. Section **72-5-403** is amended to read:

118 **72-5-403. Transportation corridor preservation powers.**

119 (1) The department, counties, and municipalities may:

120 (a) act in cooperation with one another and other government entities to promote
121 planning for and enhance the preservation of transportation corridors and to more effectively
122 use the money available in the Marda Dillree Corridor Preservation Fund created in Section
123 [72-2-117](#);

124 (b) undertake transportation corridor planning, review, and preservation processes; and

125 (c) acquire fee simple rights and other rights of less than fee simple, including
126 easement and development rights, or the rights to limit development, including rights in
127 alternative transportation corridors, and to make these acquisitions up to a projected ~~[30]~~ 40
128 years in advance of using those rights in actual transportation facility construction.

129 (2) In addition to the powers described under Subsection (1), counties and
130 municipalities may:

131 (a) limit development for transportation corridor preservation by land use regulation
132 and by official maps; and

133 (b) by ordinance prescribe procedures for approving limited development in
134 transportation corridors until the time transportation facility construction begins.

135 (3) (a) The department shall identify and the commission shall approve transportation
136 corridors as high priority transportation corridors for transportation corridor preservation.

137 (b) The department shall notify a county or municipality if the county or municipality
138 has land within its boundaries that is located within the boundaries of a high priority
139 transportation corridor.

140 (c) The department may, on a voluntary basis, acquire private property rights within the
141 boundaries of a high priority transportation corridor for which a notification has been received

142 in accordance with Section [10-9a-206](#) or [17-27a-206](#).