

FIRST CLASS COUNTY HIGHWAY ROAD FUNDS

AMENDMENTS

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: James A. Dunnigan

Senate Sponsor: Wayne A. Harper

LONG TITLE

General Description:

This bill allocates funds in the County of the First Class Highway Projects Fund.

Highlighted Provisions:

This bill:

- ▶ allocates funds in the County of the First Class Highway Projects Fund for annual distributions to certain cities within Salt Lake County for the next 15 years; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

72-2-121, as last amended by Laws of Utah 2020, Fifth Special Session, Chapter 20

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

Section 1. Section **72-2-121** is amended to read:

72-2-121. County of the First Class Highway Projects Fund.

(1) There is created a special revenue fund within the Transportation Fund known as



28 the "County of the First Class Highway Projects Fund."

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

30 (a) any voluntary contributions received for new construction, major renovations, and
31 improvements to highways within a county of the first class;

32 (b) the portion of the sales and use tax described in Subsection 59-12-2214(3)(b)
33 deposited ~~[it]~~ into or transferred to the fund;

34 (c) the portion of the sales and use tax described in Section 59-12-2217 deposited ~~[it]~~
35 into or transferred to the fund; and

36 (d) a portion of the local option highway construction and transportation corridor
37 preservation fee imposed in a county of the first class under Section 41-1a-1222 deposited ~~[it]~~
38 into or transferred to the fund.

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

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

41 (4) The executive director shall use the fund money only:

42 (a) to pay debt service and bond issuance costs for bonds issued under Sections
43 63B-16-102, 63B-18-402, and 63B-27-102;

44 (b) for right-of-way acquisition, new construction, major renovations, and
45 improvements to highways within a county of the first class and to pay any debt service and
46 bond issuance costs related to those projects, including improvements to a highway located
47 within a municipality in a county of the first class where the municipality is located within the
48 boundaries of more than a single county;

49 (c) for the construction, acquisition, use, maintenance, or operation of:

50 (i) an active transportation facility for nonmotorized vehicles;

51 (ii) multimodal transportation that connects an origin with a destination; or

52 (iii) a facility that may include a:

53 (A) pedestrian or nonmotorized vehicle trail;

54 (B) nonmotorized vehicle storage facility;

55 (C) pedestrian or vehicle bridge; or

56 (D) vehicle parking lot or parking structure;

57 (d) to transfer to the 2010 Salt Lake County Revenue Bond Sinking Fund created by
58 Section 72-2-121.3 the amount required in Subsection 72-2-121.3(4)(c) minus the amounts

59 transferred in accordance with Subsection 72-2-124(4)(a)(iv);

60 (e) for a fiscal year beginning on or after July 1, 2013, to pay debt service and bond
61 issuance costs for \$30,000,000 of the bonds issued under Section 63B-18-401 for the projects
62 described in Subsection 63B-18-401(4)(a);

63 (f) for a fiscal year beginning on or after July 1, 2013, and after the department has
64 verified that the amount required under Subsection 72-2-121.3(4)(c) is available in the fund, to
65 transfer an amount equal to 50% of the revenue generated by the local option highway
66 construction and transportation corridor preservation fee imposed under Section 41-1a-1222 in
67 a county of the first class:

68 (i) to the legislative body of a county of the first class; and

69 (ii) to be used by a county of the first class for:

70 (A) highway construction, reconstruction, or maintenance projects; or

71 (B) the enforcement of state motor vehicle and traffic laws;

72 (g) for fiscal year 2015-16 only, and after the department has verified that the amount
73 required under Subsection 72-2-121.3(4)(c) is available in the fund and the transfer under
74 Subsection (4)(e) has been made, to transfer an amount equal to \$25,000,000:

75 (i) to the legislative body of a county of the first class; and

76 (ii) to be used by the county for the purposes described in this section;

77 (h) for a fiscal year beginning on or after July 1, 2015, after the department has verified
78 that the amount required under Subsection 72-2-121.3(4)(c) is available in the fund and the
79 transfer under Subsection (4)(e) has been made, to annually transfer an amount equal to up to
80 42.5% of the sales and use tax revenue imposed in a county of the first class and deposited into
81 the fund in accordance with Subsection 59-12-2214(3)(b) to:

82 (i) the appropriate debt service or sinking fund for the repayment of bonds issued under
83 Section 63B-27-102; and

84 (ii) the Transportation Fund created in Section 72-2-102 until \$28,079,000 has been
85 deposited into the Transportation Fund;

86 (i) for a fiscal year beginning on or after July 1, 2018, after the department has verified
87 that the amount required under Subsection 72-2-121.3(4)(c) is available in the fund and after
88 the transfer under Subsection (4)(d), the payment under Subsection (4)(e), and the transfers
89 under Subsections (4)(h)(i) and (ii) have been made, to annually transfer 20% of the amount

90 deposited into the fund under Subsection (2)(b) to a public transit district in a county of the
91 first class to fund a system for public transit;

92 (j) for a fiscal year beginning on or after July 1, 2018, after the department has verified
93 that the amount required under Subsection 72-2-121.3(4)(c) is available in the fund and after
94 the transfer under Subsection (4)(d), the payment under Subsection (4)(e), and the transfers
95 under Subsections (4)(h)(i) and (ii) have been made, to annually transfer 20% of the amount
96 deposited into the fund under Subsection (2)(b):

97 (i) to the legislative body of a county of the first class; and

98 (ii) to fund parking facilities in a county of the first class that facilitate significant
99 economic development and recreation and tourism within the state;

100 (k) for the 2018-19 fiscal year only, after the department has verified that the amount
101 required under Subsection 72-2-121.3(4)(c) is available in the fund and after the transfer under
102 Subsection (4)(d), the payment under Subsection (4)(e), and the transfers under Subsections
103 (4)(h), (i), and (j) have been made, to transfer \$12,000,000 to the department to distribute for
104 the following projects:

105 (i) \$2,000,000 to West Valley City for highway improvement to 4100 South;

106 (ii) \$1,000,000 to Herriman for highway improvements to Herriman Boulevard from
107 6800 West to 7300 West;

108 (iii) \$1,100,000 to South Jordan for highway improvements to Grandville Avenue;

109 (iv) \$1,800,000 to Riverton for highway improvements to Old Liberty Way from 13400
110 South to 13200 South;

111 (v) \$1,000,000 to Murray City for highway improvements to 5600 South from State
112 Street to Van Winkle;

113 (vi) \$1,000,000 to Draper for highway improvements to Lone Peak Parkway from
114 11400 South to 12300 South;

115 (vii) \$1,000,000 to Sandy City for right-of-way acquisition for Monroe Street;

116 (viii) \$900,000 to South Jordan City for right-of-way acquisition and improvements to
117 10200 South from 2700 West to 3200 West;

118 (ix) \$1,000,000 to West Jordan for highway improvements to 8600 South near
119 Mountain View Corridor;

120 (x) \$700,000 to South Jordan right-of-way improvements to 10550 South; and

121 (xi) \$500,000 to Salt Lake County for highway improvements to 2650 South from
 122 7200 West to 8000 West; and

123 ~~[(f) for a fiscal year beginning after the amount described in Subsection (4)(h) has been~~
 124 ~~repaid to the Transportation Fund until fiscal year 2030, or sooner if the amount described in~~
 125 ~~Subsection (4)(h)(ii) has been repaid, after the department has verified that the amount required~~
 126 ~~under Subsection 72-2-121.3(4)(c) is available in the fund and the transfer under Subsection~~
 127 ~~(4)(c) has been made, and after the bonds under Section 63B-27-102 have been repaid, to~~
 128 ~~annually transfer an amount equal to up to 42.5% of the sales and use tax revenue imposed in a~~
 129 ~~county of the first class and deposited into the fund in accordance with Subsection~~
 130 ~~59-12-2214(3)(b):]~~

131 ~~[(i) to the legislative body of a county of the first class; and]~~

132 ~~[(ii) to be used by the county for the purposes described in this section.]~~

133 (l) for a fiscal year beginning on or after July 1, 2021, and for 15 years thereafter, to
 134 annually transfer the following amounts to the following cities for priority projects to mitigate
 135 congestion and improve transportation safety:

136 (i) \$1,300,000 to Taylorsville;

137 (ii) \$1,200,000 to Sandy;

138 (iii) \$1,000,000 to Salt Lake City;

139 (iv) \$425,000 to Herriman for improvements to 12600 South between Mountain View
 140 Corridor and 7000 West;

141 (v) \$350,000 to South Jordan; and

142 (vi) \$275,000 to Riverton for improvements to 12600 South between Bangerter
 143 Highway and Mountain View Corridor.

144 (5) The revenues described in Subsections (2)(b), (c), and (d) that are deposited ~~[in]~~
 145 into the fund and bond proceeds from bonds issued under Sections 63B-16-102, 63B-18-402,
 146 and 63B-27-102 are considered a local matching contribution for the purposes described under
 147 Section 72-2-123.

148 (6) The additional administrative costs of the department to administer this fund shall
 149 be paid from money in the fund.

150 (7) Notwithstanding any statutory or other restrictions on the use or expenditure of the
 151 revenue sources deposited into this fund, the Department of Transportation may use the money

152 in this fund for any of the purposes detailed in Subsection (4).

153 (8) (a) For a fiscal year beginning on or after July 1, 2018, at the end of each fiscal
154 year, after all programmed payments and transfers authorized or required under this section
155 have been made, on November 30 the department shall transfer the remainder of the money in
156 the fund to the Transportation Fund to reduce the amount owed to the Transportation Fund
157 under Subsection [~~(4)(j)(ii)~~] (4)(h)(ii).

158 (b) The department shall provide notice to a county of the first class of the amount
159 transferred in accordance with this Subsection (8).

160 (9) (a) Any revenue in the fund that is not specifically allocated and obligated under
161 Subsections (4) through (8) is subject to the review process described in this Subsection (9).

162 (b) A county of the first class shall create a county transportation advisory committee
163 as described in Subsection (9)(c) to review proposed transportation and, as applicable, public
164 transit projects and rank projects for allocation of funds.

165 (c) The county transportation advisory committee described in Subsection (9)(b) shall
166 be composed of the following 13 members:

167 (i) six members who are residents of the county, nominated by the county executive
168 and confirmed by the county legislative body who are:

169 (A) members of a local advisory council of a large public transit district as defined in
170 Section [17B-2a-802](#);

171 (B) county council members; or

172 (C) other residents with expertise in transportation planning and funding; and

173 (ii) seven members nominated by the county executive, and confirmed by the county
174 legislative body, chosen from mayors or managers of cities or towns within the county.

175 (d) (i) A majority of the members of the county transportation advisory committee
176 constitutes a quorum.

177 (ii) The action by a quorum of the county transportation advisory committee constitutes
178 an action by the county transportation advisory committee.

179 (e) The county body shall determine:

180 (i) the length of a term of a member of the county transportation advisory committee;

181 (ii) procedures and requirements for removing a member of the county transportation
182 advisory committee;

183 (iii) voting requirements of the county transportation advisory committee;
184 (iv) chairs or other officers of the county transportation advisory committee;
185 (v) how meetings are to be called and the frequency of meetings, but not less than once
186 annually; and

187 (vi) the compensation, if any, of members of the county transportation advisory
188 committee.

189 (f) The county shall establish by ordinance criteria for prioritization and ranking of
190 projects, which may include consideration of regional and countywide economic development
191 impacts, including improved local access to:

- 192 (i) employment;
- 193 (ii) recreation;
- 194 (iii) commerce; and
- 195 (iv) residential areas.

196 (g) The county transportation advisory committee shall evaluate and rank each
197 proposed public transit project and regionally significant transportation facility according to
198 criteria developed pursuant to Subsection (9)(f).

199 (h) (i) After the review and ranking of each project as described in this section, the
200 county transportation advisory committee shall provide a report and recommend the ranked list
201 of projects to the county legislative body and county executive.

202 (ii) After review of the recommended list of projects, as part of the county budgetary
203 process, the county executive shall review the list of projects and may include in the proposed
204 budget the proposed projects for allocation, as funds are available.

205 (i) The county executive of the county of the first class, with information provided by
206 the county and relevant state entities, shall provide a report annually to the county
207 transportation advisory committee, and to the mayor or manager of each city, town, or metro
208 township in the county, including the following:

- 209 (i) the amount of revenue received into the fund during the past year;
- 210 (ii) any funds available for allocation;
- 211 (iii) funds obligated for debt service; and
- 212 (iv) the outstanding balance of transportation-related debt.

213 (10) As resources allow, the department shall study in 2020 transportation connectivity

214 in the southwest valley of Salt Lake County, including the feasibility of connecting major
215 east-west corridors to U-111.