

**Senator Wayne A. Harper** proposes the following substitute bill:

**PUBLIC TRANSIT AND TRANSPORTATION**

**GOVERNANCE AMENDMENTS**

2017 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Wayne A. Harper**

House Sponsor: Mike Schultz

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**LONG TITLE**

**General Description:**

This bill amends the governance of certain public transit districts, restricts powers of some public transit districts, and creates a task force.

**Highlighted Provisions:**

This bill:

- ▶ amends provisions relating to the authority of a public service district that serves a population over 200,000 people to develop transit oriented developments;
- ▶ requires a public transit district that serves a population over 200,000 people to have a citizens' advisory board, an office of constituent services, and an office of coordinated mobility;
- ▶ creates the Transportation Governance and Funding Task Force;
- ▶ provides an automatic repeal date for the task force; and
- ▶ makes technical changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None



26 **Utah Code Sections Affected:**

27 AMENDS:

28 **17B-2a-804**, as last amended by Laws of Utah 2016, Chapter 387

29 **63I-2-272**, as last amended by Laws of Utah 2016, Fourth Special Session, Chapter 2

30 ENACTS:

31 **17B-2a-826**, Utah Code Annotated 1953

32 **72-14-101**, Utah Code Annotated 1953



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

35 Section 1. Section **17B-2a-804** is amended to read:

36 **17B-2a-804. Additional public transit district powers.**

37 (1) In addition to the powers conferred on a public transit district under Section  
38 **17B-1-103**, a public transit district may:

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

41 (b) notwithstanding Subsection **17B-1-103(2)(g)** and subject to Section **17B-2a-817**,  
42 levy and collect property taxes only for the purpose of paying:

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

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

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

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

48 (c) insure against:

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

51 (ii) public liability;

52 (iii) property damage; or

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

54 (d) acquire, contract for, lease, construct, own, operate, control, or use:

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

- 57 (ii) any structure necessary for access by persons and vehicles;
- 58 (e) (i) hire, lease, or contract for the supplying or management of a facility, operation,
- 59 equipment, service, employee, or management staff of an operator; and
- 60 (ii) provide for a sublease or subcontract by the operator upon terms that are in the
- 61 public interest;
- 62 (f) operate feeder bus lines and other feeder or ridesharing services as necessary;
- 63 (g) accept a grant, contribution, or loan, directly through the sale of securities or
- 64 equipment trust certificates or otherwise, from the United States, or from a department,
- 65 instrumentality, or agency of the United States;
- 66 (h) study and plan transit facilities in accordance with any legislation passed by
- 67 Congress;
- 68 (i) cooperate with and enter into an agreement with the state or an agency of the state
- 69 or otherwise contract to finance to establish transit facilities and equipment or to study or plan
- 70 transit facilities;
- 71 (j) issue bonds as provided in and subject to Chapter 1, Part 11, Local District Bonds,
- 72 to carry out the purposes of the district;
- 73 (k) from bond proceeds or any other available funds, reimburse the state or an agency
- 74 of the state for an advance or contribution from the state or state agency;
- 75 (l) do anything necessary to avail itself of any aid, assistance, or cooperation available
- 76 under federal law, including complying with labor standards and making arrangements for
- 77 employees required by the United States or a department, instrumentality, or agency of the
- 78 United States;
- 79 (m) sell or lease property;
- 80 (n) except as provided in Subsection (2)(b), assist in or operate transit-oriented or
- 81 transit-supportive developments;
- 82 (o) establish, finance, participate as a limited partner or member in a development with
- 83 limited liabilities in accordance with Subsection (1)(p), construct, improve, maintain, or
- 84 operate transit facilities, equipment, and, in accordance with Subsection (3), transit-oriented
- 85 developments or transit-supportive developments; and
- 86 (p) subject to the ~~[restriction in Subsection]~~ restrictions and requirements in
- 87 Subsections (2) and (3), assist in a transit-oriented development or a transit-supportive

88 development in connection with economic development or community development as defined  
89 in Section 17C-1-102 by:

- 90 (i) investing in a project as a limited partner or a member, with limited liabilities; or
- 91 (ii) subordinating an ownership interest in real property owned by the public transit  
92 district.

93 (2) (a) A public transit district may only assist in the development of areas under  
94 Subsection (1)(p):

- 95 (i) in the manner described in Subsection (1)(p)(i) or (ii); and
- 96 (ii) on no more than eight transit-oriented developments or transit-supportive  
97 developments selected by the board of trustees.

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

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

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

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

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

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

- 118 (i) service and ridership;

- 119 (ii) regional plans made by the metropolitan planning agency;  
 120 (iii) the local economy;  
 121 (iv) the environment and air quality;  
 122 (v) affordable housing; and  
 123 (vi) integration with other modes of transportation; and  
 124 (b) provide evidence to the public of a quantifiable positive return on investment,  
 125 including improvements to public transit service.

126 ~~[(3)]~~ (4) A public transit district may be funded from any combination of federal, state,  
 127 local, or private funds.

128 ~~[(4)]~~ (5) A public transit district may not acquire property by eminent domain.

129 Section 2. Section **17B-2a-826** is enacted to read:

130 **17B-2a-826. Public transit district office of constituent services, citizens' advisory**  
 131 **board, and office of coordinated mobility.**

132 (1) (a) The board of trustees of a public transit district serving a population over  
 133 200,000 people shall create and employ an office of constituent services.

134 (b) The duties of the office of constituent services described in Subsection (1)(a) shall  
 135 include:

136 (i) establishing a central call number to hear and respond to complaints, requests,  
 137 comments, concerns, and other communications from customers and citizens within the  
 138 district;

139 (ii) keeping a log of the complaints, comments, concerns and other communications  
 140 from customers and citizens within the district; and

141 (iii) reporting complaints, comments, concerns, and other communications to  
 142 management and to the citizens' advisory board created in Subsection (2).

143 (2) (a) A public transit district serving a population over 200,000 people shall create  
 144 and oversee a citizens' advisory board.

145 (b) (i) The board of trustees of the public transit district shall select up to 12 members  
 146 for the public transit district citizens' advisory board with ~~Ŝ~~→ [at least one member from each of the  
 147 eight board appointing areas described in Subsection ~~17B-2a-807(2).~~] membership representing the  
 147a diversity of the public transit district area. ←Ŝ

148 (ii) The board of trustees shall ensure that each member of the citizens' advisory board  
 149 regularly uses the public transit district services.

150 (c) The public transit district citizens' advisory board shall meet as needed or quarterly  
 151 in a meeting open to the public for comment, to discuss the service, operations, and any  
 152 concerns with the public transit district operations and functionality.

153 (d) The public transit district management shall meet at least quarterly with and consult  
 154 with the citizens' advisory board and take into consideration the input of the citizens' advisory  
 155 board in managing and operating the public transit district.

156 (3) (a) A public transit district serving a population over 200,000 people shall create  
 157 and employ an office of coordinated mobility.

158 (b) The duties of the office of coordinated mobility shall include:

159 (i) establishing a central call number to facilitate human services transportation;

160 (ii) coordinating all human services transportation needs within the public transit  
 161 district;

162 (iii) receiving requests and other communications regarding human services  
 163 transportation;

164 (iv) receiving requests and other communications regarding vans, buses, and other  
 165 vehicles available for use from the public transit district to maximize the utility of and  
 166 investment in those vehicles; and

167 (v) supporting local efforts ~~Ŝ → [in transportation and public transit]~~ and applications for  
 167a additional ←Ŝ funding.

168 Section 3. Section **63I-2-272** is amended to read:

169 **63I-2-272. Repeal dates -- Title 72.**

170 (1) On July 1, 2018:

171 (a) in Subsection **72-2-108**(2), the language that states "and except as provided in  
 172 Subsection (10)" is repealed;

173 (b) in Subsection **72-2-108**(4)(c)(ii)(A), the language that states ", excluding any  
 174 amounts appropriated as additional support for class B and class C roads under Subsection  
 175 (10)," is repealed; and

176 (c) Subsection **72-2-108**(10) is repealed.

177 (2) Section **72-3-113** is repealed January 1, 2020.

178 (3) Section 72-14-101 is repealed on March 31, 2018.

179 Section 4. Section **72-14-101** is enacted to read:

180 **72-14-101. Creation of the Transportation Governance and Funding Task Force.**

181 (1) As used in this section:

182 (a) "Task force" means the Transportation Governance and Funding Task Force created  
 183 in Subsection (2).

184 (b) "Transportation" includes:

185 (i) state transportation systems as defined in Section [72-1-102](#);

186 (ii) public transit as defined in Section [17B-2a-802](#);

187 (iii) active transportation, including walking, cycling, and other modes of human  
 188 powered transportation; and

189 (iv) any other modes of transportation in this state.

190 (2) There is created the Transportation Governance and Funding Task Force consisting  
 191 of the following members:

192 (a) two members of the Senate appointed by the president of the Senate;

193 (b) two members of the House of Representatives appointed by the speaker of the  
 194 House of Representatives;

195 (c) three members appointed by the governor, with at least one member representing  
 196 the private sector;

197 (d) one member designated by the Transportation Commission;

198 (e) one member designated by the board of trustees of any public transit district serving  
 199 a population over 200,000 people;

200 (f) one member designated by the Utah League of Cities and Towns;

201 (g) two members designated by the Utah Association of Counties, with one member  
 202 representing a rural county;

203 (h) one member who is  $\hat{S} \rightarrow$  ~~the elected chair~~ **an elected member**  $\leftarrow \hat{S}$  of the Mountainland  
 203a Association of

204 Governments; and

205 (i) one member who is the elected chair of the Wasatch Front Regional Council.

206 (3) (a) The president of the Senate shall designate a member of the Senate appointed  
 207 under Subsection (2)(a) as a cochair of the task force.

208 (b) The speaker of the House of Representatives shall designate a member of the House  
 209 of Representatives appointed under Subsection (2)(b) as a cochair of the task force.

210 (4) (a) Salaries and expenses of the members of the task force who are legislators shall  
 211 be paid in accordance with Section [36-2-2](#) and Legislative Joint Rules, Title 5, Chapter 2,

212 Lodging, Meal, and Transportation Expenses, and Legislative Joint Rules, Title 5, Chapter 3,  
213 Legislator Compensation.

214 (b) A member of the task force who is not a legislator may not receive compensation  
215 for the member's work associated with the task force, but may receive per diem and  
216 reimbursement for travel expenses incurred as a member of the task force at the rates  
217 established by the Division of Finance under Sections [63A-3-106](#) and [63A-3-107](#).

218 (5) The Office of Legislative Research and General Counsel shall provide staff support  
219 to the task force.

220 (6) (a) A vacancy shall be filled by appointing a replacement member in the same  
221 manner as the member creating the vacancy was appointed under Subsection (2).

222 (b) Each member of the task force shall serve until a successor is appointed and  
223 qualified.

224 (7) (a) A majority of the members of the task force constitutes a quorum.

225 (b) The action of a majority of a quorum constitutes the action of the task force.

226 (8) The task force shall review, evaluate, study, prepare a report, and make  
227 recommendations on transportation and related topics, including:

228 (a) evaluation of statewide governance, configuration, and organization strategies to  
229 coordinate management and oversight of all forms of transportation in this state;

230 (b) evaluation of and implementation of best practices in:

231 (i) functionality, funding, and operations of transportation in this state and other states;

232 (ii) governance, coordination, oversight, and operational structures of transportation in  
233 this state and other states;

234 (iii) meeting funding needs, including consideration of current state and local  
235 transportation funding sources, and future projections; and

236 (iv) evaluating the interrelationship of growth, land use, capital development, and  
237 transportation;

238 (c) evaluation of alternative transportation revenue mechanisms available or currently  
239 in use in this state and around the country, including an evaluation of:

240 (i) existing sales and use tax funding; and

241 (ii) other funding sources, including taxes, fees, and user charges, as part of the  
242 transportation funding balance;



243 (d) evaluation and study of best practices to meet multimodal mobility and safety needs  
244 in this state that support economic growth and quality of life;

245 (e) impacts of transportation on economic development; and

246 (f) evaluation of best practices in prioritization of transportation projects.

247 (9) The task force may designate and assign subgroups within the task force to address,  
248 study, evaluate, and discuss certain issues, including:

249 (a) improvement in governance and transparency of transportation agencies and  
250 districts; and

251 (b) allocation of resources based on population, including consideration of previously  
252 underserved areas.

253 (10) The task force shall report the task force's findings and recommendations to the  
254 Transportation Interim Committee and the governor before December 1, 2017.