

Projects prioritization in Utah SB 1636

Bill wording – SB 136 – lines 5331-5467:

72-1-303. Duties of commission.

- 5331 (1) The commission has the following duties:
- 5332 (a) determining priorities and funding levels of projects in the state transportation
- 5333 systems and capital development of new public transit facilities for each fiscal year based on
- 5334 project lists compiled by the department and taking into consideration the strategic initiatives
- 5335 described in Section 72-1-211;
- 5336 (b) determining additions and deletions to state highways under Chapter 4, Designation
- 5337 of State Highways Act;
- 5338 (c) holding public hearings and otherwise providing for public input in transportation
- 5339 matters;
- 5340 (d) making policies and rules in accordance with Title 63G, Chapter 3, Utah
- 5341 Administrative Rulemaking Act, necessary to perform the commission's duties described under
- 5342 this section;
- 5343 (e) in accordance with Section [63G-4-301](#), reviewing orders issued by the executive
- 5344 director in adjudicative proceedings held in accordance with Title 63G, Chapter 4,
- 5345 Administrative Procedures Act;
- 5346 (f) advising the department in state transportation systems policy;
- 5347 (g) approving settlement agreements of condemnation cases subject to Section
- 5348 [63G-10-401](#);
- 5349 (h) in accordance with Section [17B-2a-807](#), appointing a commissioner to serve as a
- 5350 nonvoting, ex officio member or a voting member on the board of trustees of a public transit
- 5351 district;
- 5352 (i) in accordance with Section [17B-2a-808](#), reviewing, at least annually, the short-term
- 5353 and long-range public transit plans; and
- 5354 (j) reviewing administrative rules made, amended, or repealed by the department.
- 5355 (2) (a) For projects prioritized with funding provided under Sections [72-2-124](#) and
- 5356 [72-2-125](#), the commission shall annually report to a committee designated by the Legislative
- 5357 Management Committee:
- 5358 (i) a prioritized list of the new transportation capacity projects in the state
- 5359 transportation system and the funding levels available for those projects; and
- 5360 (ii) the unfunded highway construction and maintenance needs within the state.
- 5361 (b) The committee designated by the Legislative Management Committee under
- 5362 Subsection (2)(a) shall:
- 5363 (i) review the list reported by the Transportation Commission; and
- 5364 (ii) make a recommendation to the Legislature on:
- 5365 (A) the amount of additional funding to allocate to transportation; and
- 5366 (B) the source of revenue for the additional funding allocation under Subsection
- 5367 (2)(b)(ii)(A).
- 5368 (3) The commission shall review and may approve plans for the construction of a

5369 highway facility over sovereign lakebed lands in accordance with Chapter 6, Part 3, Approval
5370 of Highway Facilities on Sovereign Lands Act.

5371 Section 47. Section **72-1-304** is amended to read:

5372 **72-1-304. Written project prioritization process for new transportation capacity**
5373 **projects -- Rulemaking.**

5374 (1) (a) The Transportation Commission, in consultation with the department and the

5375 metropolitan planning organizations as defined in Section [72-1-208.5](#), shall develop a written
5376 prioritization process for the prioritization of new transportation capacity projects that are or
5377 will be part of the state highway system under Chapter 4, Part 1, State Highways, or public
5378 transit projects that add capacity to the public transit systems within the state.

5379 (b) (i) A local government or district may nominate a project for prioritization in
5380 accordance with the process established by the commission in rule.

5381 (ii) If a local government or district nominates a project for prioritization by the
5382 commission, the local government or district shall provide data and evidence to show that:

5383 (A) the project will advance the purposes and goals described in Section [72-1-211](#);

5384 (B) for a public transit project, the local government or district has an ongoing funding
5385 source for operations and maintenance of the proposed development; and

5386 (C) the local government or district will provide 40% of the funds for the project as
5387 required by Subsection [72-2-124\(7\)\(e\)](#).

5388 (2) The following shall be included in the written prioritization process under
5389 Subsection (1):

5390 (a) a description of how the strategic initiatives of the department adopted under
5391 Section [72-1-211](#) are advanced by the written prioritization process;

5392 (b) a definition of the type of projects to which the written prioritization process
5393 applies;

5394 (c) specification of a weighted criteria system that is used to rank proposed projects
5395 and how it will be used to determine which projects will be prioritized;

5396 (d) specification of the data that is necessary to apply the weighted ranking criteria; and

5397 (e) any other provisions the commission considers appropriate[.], which may include
5398 consideration of:

5399 (i) regional and statewide economic development impacts, including improved local
5400 access to:

5401 (A) employment;

5402 (B) recreation;

5403 (C) commerce; and

5404 (D) residential areas;

5405 (ii) the extent to which local land use plans relevant to a project support and
5406 accomplish the strategic initiatives adopted under Section [72-1-211](#); and

5407 (iii) any matching funds provided by a political subdivision or public transit district in
5408 addition to the 40% required by Subsection [72-2-124\(7\)\(e\)](#).

5409 (3) In developing the written prioritization process, the commission:

5410 (a) shall seek and consider public comment by holding public meetings at locations
5411 throughout the state; and

5412 (b) may not consider local matching dollars as provided under Section [72-2-123](#) unless
5413 the state provides an equal opportunity to raise local matching dollars for state highway
5414 improvements within each county.

5415 (4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
5416 Transportation Commission, in consultation with the department, shall make rules establishing
5417 the written prioritization process under Subsection (1).

5418 (5) The commission shall submit the proposed rules under this section to a committee
5419 or task force designated by the Legislative Management Committee for review prior to taking
5420 final action on the proposed rules or any proposed amendment to the rules described in
5421 Subsection (4).

5422 Section 48. Section **72-1-305** is amended to read:

5423 **72-1-305. Project selection using the written prioritization process -- Public**
5424 **comment -- Report.**

5425 (1) Except as provided in Subsection (4), in determining priorities and funding levels
5426 of projects in the state transportation system under Subsection [72-1-303\(1\)\(a\)](#) that are new
5427 transportation capacity projects, the commission shall use the weighted criteria system adopted
5428 in the written prioritization process under Section [72-1-304](#).

5429 (2) Prior to finalizing priorities and funding levels of projects in the state transportation
5430 system, the commission shall conduct public hearings at locations around the state and accept
5431 public comments on:

5432 (a) the written prioritization process;

5433 (b) the merits of new transportation capacity projects that will be prioritized under this
5434 section; and

5435 (c) the merits of new transportation capacity projects as recommended by a consensus
5436 of local elected officials participating in a metropolitan planning organization as defined in
5437 Section [72-1-208.5](#).

5438 (3) The commission shall make the weighted criteria system ranking for each project
5439 publicly available prior to the public hearings held under Subsection (2).

5440 (4) (a) If the commission prioritizes a project over another project with a higher rank
5441 under the weighted criteria system, the commission shall identify the change and accept public
5442 comment at a hearing held under this section on the merits of prioritizing the project above
5443 higher ranked projects.

5444 (b) The commission shall make the reasons for the prioritization under Subsection
5445 (4)(a) publicly available.

5446 (5) (a) The executive director or the executive director's designee shall report annually
5447 to the governor and a committee designated by the Legislative Management Committee no later
5448 than the last day of October:

5449 [(a)] (i) the projects prioritized under this section during the year prior to the report;
5450 and

5451 [(b)] (ii) the status and progress of all projects prioritized under this section.

5452 (b) Annually, before any funds are programmed and allocated from the Transit
5453 Transportation Investment Fund created in Section [72-2-124](#) for each fiscal year, the executive
5454 director or the executive director's designee, along with the executive director of a large public
5455 transit district as described in Section [17B-2a-802](#), shall report to the governor and a committee

5456 designated by the Legislative Management Committee no later than the last day of October:

5457 (i) the public transit projects prioritized under this section during the year prior to the
5458 report; and

5459 (ii) the status and progress of all public transit projects prioritized under this section.

5460 (6) (a) The department may not delay a new transportation capacity project that was
5461 funded by the Legislature in an appropriations act to a different fiscal year than programmed by
5462 the commission due to an unavoidable shortfall in revenues unless the project delays are
5463 prioritized and approved by the Transportation Commission.

5464 (b) The Transportation Commission shall prioritize and approve any new
5465 transportation capacity project delays for projects that were funded by the Legislature in an
5466 appropriations act due to an unavoidable shortfall in revenues.