

State of Utah Corridor Preservation

**State Route & Local System
Preservation Fund Overview**



State Route Corridor Preservation

ISTEA of 1991 formally introduced the concept of corridor preservation, requiring states to consider “preservation of rights of way for construction of future transportation projects...and identify those corridors for which action is most needed to prevent destruction or loss.”

While strongly promoted at the federal level, it has been left to the individual states to develop techniques and programs for corridor preservation. The Utah Department of Transportation (UDOT) has developed a revolving loan program that enables the state and local municipalities to preserve future state transportation corridors by acquiring rights of way that meet certain eligibility requirements.

State Route Corridor Preservation

UDOT RIGHT OF WAY GOALS

1. To provide a safe, reliable, and environmentally sensitive transportation system.
2. To be courteous, fair, and protect the property right of Utah's citizens.
3. To pay just compensation (fair market value) for the needed property.
4. To comply with Title VI of the Civil Rights Act of 1964 and The Uniform Relocation Assistance and Real Property Acquisition Polices Act of 1970 as amended (the Uniform Act).

Corridor Preservation Eligibility

UDOT evaluates applications for funding based upon the following criteria:

- **Preservation of Bare Ground**
- **Prevent Imminent Development**
- **Alleviate Hardship**
 - **Health and Safety Considerations:**
 - **Financial Considerations:**
- **Application Process**

State Route Corridor Preservation

Bare Ground and/or Imminent Development

- ✓ Your land must be bare (without constructed improvements), and/or your land is soon to be developed.
- ✓ Your land is in a corridor that UDOT or the local municipality has identified for preservation. The MPO has designated priority corridors.

State Route Corridor Preservation

Hardship

- **Health and Safety Considerations:**
 - Advanced Age ~ needs care or assistance from others.
 - Ambulatory Defects or Diseases – where present facilities are inadequate or cannot be maintained by the owner.
 - Major Disabilities, or equivalent disabilities.
 - Doctor's recommendation to change climate or physical environments.
 - Non-decent, safe, and sanitary housing such as overcrowded living conditions if the occupancy level did not exceed decent, safe, and sanitary standards at the time the owner originally bought the property.

Hardship

- **Financial Considerations:**


- Probate or other litigation.
- Loss of employment.
- Retirement causing financial inability to maintain current residence, or purchase of retirement home.
- Pending mortgage or tax foreclosure.
- Job transfer, or change or work location creates a need to move.
- Financial Distress involving personal or business circumstances.
- Substantial Burden such as maintenance, taxes, and/or rehabilitation costs.
- Monetary Loss – Income or vacant properties. Eligible when the proposed project is the immediate cause of a monetary loss. The owner must demonstrate that the project creates an adverse impact upon business profitability or upon property. Non-transportation issues to be considered are:
 - Inability to obtain financing
 - Inherent risk of ownership associated with this type of property.
 - Other outside factors affecting the profitability of the business operation or property ownership.
 - Local governmental regulations affecting development or rehabilitation, such as requiring the owner to set aside right of way from development, without the requirement for dedication.

Funding of Corridor Preservation

- Initial funding of \$10 million (bond)
- 2.5% sales tax on auto rentals (~\$3 million/year)
- \$500,000 per year from general fund
 - 50% of this amount must be spent on local corridors
- Revolving Loan (Project construction)
- Lease or Use Agreement receipts net of p.m. expenses
- State General Fund Appropriation
 - \$20 million in FY07


Funding Approval Decision Process

Application Process

-  Review by advisory council

Statewide Corridor Committee

Transportation Commission Approval

-  Terms of purchase (whole / part / lease / easement)



Senate Bill 8

Local Corridor

Preservation Funding

2005 General Session (SB 8)- State of Utah

Sheldon L. Killpack, Chief Sponsor
Rebecca D. Lockhart, House Sponsor

Effective: January 1, 2006

Local Corridor Preservation Fund

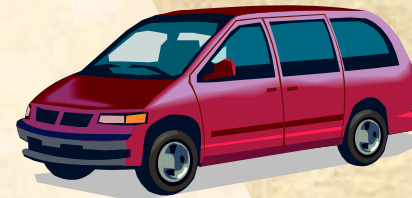
- ❖ **Established a revenue source and an approval process for preservation projects for certain county and municipal governments.**

The LTCPF shall be used to;

- **Preserve transportation corridors,**
- **Promote long-term transportation planning,**
- **Save on acquisition costs, and**
- **Promote the best interests of the state in a manner which minimizes impact on prime agricultural land.**

Local Corridor Preservation Fund

Allows a county legislative body to impose up to \$10 local option transportation corridor preservation fee on motor vehicle registrations and renewals of registration.



**Requires that revenues from the fee be deposited in the Local Transportation Corridor Preservation Fund; and allocated for each participating county based on the total revenue received from the fee.
(Utah Tax Commission to collect through DMV)**

Local Corridor Preservation Fund

2004 VEHICLE REGISTRATION & 2000 POPULATION BY COUNTY

<u>County</u>	<u>2000 Population</u>	<u>2004 Veh. Registration</u>	<u>Revenue Potential</u>		
			<u>\$1.00</u>	<u>\$5.00</u>	<u>\$10.00</u>
Beaver	6,005	5,957	\$5,957	\$29,784	\$59,567
Box Elder	42,745	41,300	\$41,300	\$206,500	\$412,999
Cache	91,391	73,287	\$73,287	\$366,437	\$732,873
Carbon	20,422	20,345	\$20,345	\$101,727	\$203,453
Daggett	921	1,454	\$1,454	\$7,269	\$14,538
Davis	238,994	194,467	\$194,467	\$972,336	\$1,944,672
Duchene	14,371	15,630	\$15,630	\$78,150	\$156,299
Emery	10,860	10,407	\$10,407	\$52,035	\$104,070
Garfield	4,735	4,710	\$4,710	\$23,551	\$47,102
Grand	8,485	8,875	\$8,875	\$44,377	\$88,753
Iron	33,779	29,777	\$29,777	\$148,883	\$297,765
Juab	8,238	8,403	\$8,403	\$42,013	\$84,026
Kane	6,046	6,477	\$6,477	\$32,386	\$64,771
Millard	12,405	11,777	\$11,777	\$58,887	\$117,774
Morgan	7,129	8,012	\$8,012	\$40,059	\$80,117
Puite	1,435	1,554	\$1,554	\$7,770	\$15,540
Rich	1,961	2,278	\$2,278	\$11,390	\$22,780
Salt Lake	898,387	705,191	\$705,191	\$3,525,954	\$7,051,908
San Juan	14,413	7,827	\$7,827	\$39,136	\$78,272
Sanpete	22,763	20,515	\$20,515	\$102,573	\$205,147
Sevier	18,842	17,569	\$17,569	\$87,847	\$175,694
Summit	29,736	35,676	\$35,676	\$178,379	\$356,759
Tooele	40,735	40,671	\$40,671	\$203,355	\$406,711
Uintah	25,224	23,924	\$23,924	\$119,622	\$239,245
Utah	368,536	261,151	\$261,151	\$1,305,754	\$2,611,509
Wasatch	15,215	17,080	\$17,080	\$85,401	\$170,802
Washington	90,354	94,359	\$94,359	\$471,796	\$943,592
Wayne	2,509	2,730	\$2,730	\$13,652	\$27,303
Weber	196,533	159,466	\$159,466	\$797,328	\$1,594,655
Total	2,233,169	1,830,870	\$1,830,870	\$9,154,348	\$18,308,697

Apportioned = 29000 Trucks

Local Corridor Preservation Fund

REQUIREMENTS OF THE FUND

- ✓ County Ordinance
 - Approving local option fee
 - Setting the fee
 - Setting effective date
- ✓ Vehicle Exemptions
- ✓ Corridor Prioritization
 - MPO boundary
 - Non-MPO boundary
- ✓ Property Acquisition
 - Corridor property acquisition policy or ordinance (Federal & Utah rules)
 - Acquisition service agreement w/ Dept. of Transportation
- ✓ Property Maintenance
- ✓ Access Management policy or ordinance
- ✓ County Endorsement Process

Local Corridor Preservation Fund

CORRIDOR PRIORITIZATION

Allows a council of governments to establish prioritization and application procedures for use of the monies allocated to each county. Requires all fund monies to be prioritized by each highway authority and council of governments.

Countywide Corridor Planning

- State MPO's will oversee project prioritization as part of the continuing, cooperative, and comprehensive process for transportation planning, corridor preservation, right-of-way acquisition, and project planning.
- Allows fund monies to be used by counties that are not within a metropolitan planning organization for countywide transportation planning.
 - No more than four years allocation every 20 years may be used for planning studies.



Local Corridor Preservation Fund

PROPERTY ACQUISITION

Fund monies may be used to pay direct costs of acquisition of properties.

- The highway authority that holds the deed to the property is responsible for maintenance of the property and that transfer of ownership of property acquired shall be done with a recorded deed and a written agreement.
- The Highway Authority may have a written agreement with the Department for the acquisition of real property or any interests in real property...

PROPERTY MAINTENANCE

Provides that fund monies may be used to pay maintenance costs of properties acquired limited to a total of 5% of the purchase price of the property.

*** Funds are considered a local matching contribution for the purposes described under Section 72-2-123 if used on a State Highway.**

Local Corridor Preservation Fund

COG/COUNTY

- ✓ Application Procedures
- ✓ Prioritization Procedures
- ✓ Acquisition Policy
- ✓ Access Management Plan
- ✓ Countywide Plan

UDOT

- Education Program
 - objectives,
 - use,
 - application process,
 - responsibilities of the fund
 - Model Acquisition Policy
 - Checklist & (UT 57-12)
 - Authorize fund monies
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- Sample ordinance for adoption
 - Local Access Management pts.
 - Acquisition Agreement w/ Dept.