

# UTAH LEAGUE OF CITIES AND TOWNS

Legislative Policy Committee

January 29, 2018



# Week 1 overview

## Week one stats

- 800+ bills so far
- 162 tracked by ULCT
- 20+ individual meetings with legislators
- Zero babies in the Diehl household

## Actively worked on:

- H.B. 115 (2017 solid waste fees)
- H.B. 135, 136 (Noel's federal designation and extraterritorial water)
- H.B. 168 (Webb's political subdivision lien authority)
- H.B. 72 (Fawson's political activity by a public entity)
- H.B. 209 (Kwan's mental health protections for first responders)
- H.B. 250 (Shultz's building permits and impact fees)
- H.B. ?? (Shultz's land use amendments)
- H.B. ?? (Wilde's moderate income housing)
- S.B. 83 (Dayton's development center boundary adjustments)
- S.B. 28 & 29 (Henderson's government entity registry)
- S.B. 120 (Henderson's transportation utility fees)
- S.B. ?? (Henderson's food truck amendments)
- S.B. ?? (Iwamoto's retail bag fees)
- S.B. ?? (Bramble's small cell wireless facilities)
- Transportation Governance Amendments
- Referendum
- Housing/homelessness
- Retirement – S.B. 113, tier 2
- Water – H.B. 103, 124, 244, 255, S.B. 96

#LeagueArmy

# THANK YOU

*to those of you who attended the daily operations meetings, alerted us to bills, provided feedback, and participated in small group strategy meetings.*

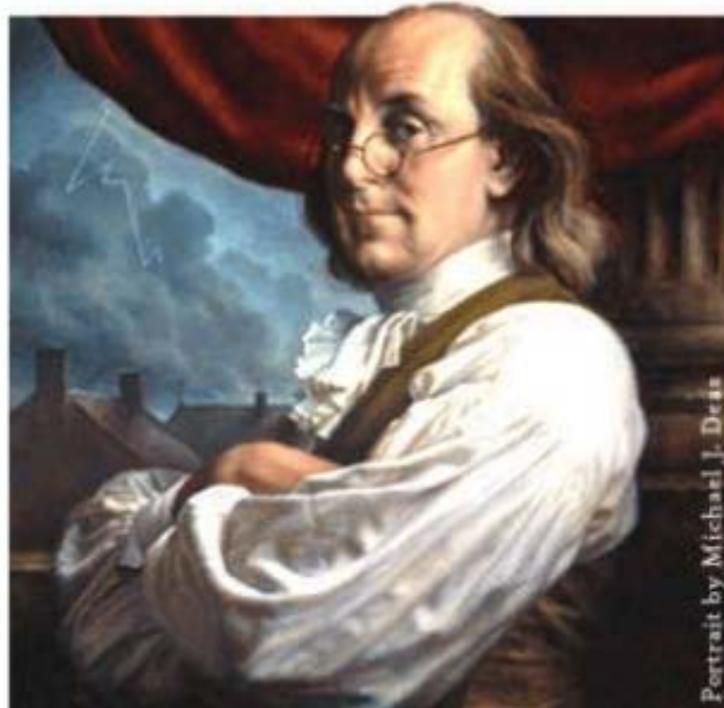
Thanks also to our partners at UAC, UASD, and WFRC.



# The power of ULCT: #leaguearmy

**“We must all hang together, or assuredly we shall all hang separately.”**

*- Benjamin Franklin,  
at the signing of the  
Declaration of  
Independence*



**UNITED WE STAND,  
DIVIDED WE FALL.**

**- AESOP**



# Reminder: Transportation TF recommendation (9/6/17)

## INCENTIVES

- A) Prioritization points during the programming of transportation projects
- B) Financial & technical assistance to local gov'ts through Transportation and Land Use Connection (TLC)
- C) Access to funding sources (infrastructure bank loans, value capture)

## DISINCENTIVES/PENALTIES (local land use)

- A) Ability of state to take action when a local gov't refuses to participate in the creation and adoption of a C/AP
- B) Fees levied by the state when:
  - i) local gov't deviates from an agreed upon C/AP
  - ii) delay/not build all or part of project
  - iii) reopen C/AP process at cost to state



# Transportation Task Force draft legislation

- 114 pages
- Transportation Investment Fund eligibility and criteria
  - Impact on local land use planning
- Utah Department of Transportation strategic initiatives
- Utah Transit Authority Board of Trustees
- Revenue tools (state and local)

# UDOT, Transportation Investment Fund: flexibility

- TIF = 83% sales tax, 12% vehicle fees, 5% gas tax = **\$860 million in FY 18**
  - May use TIF for construction, reconstruction, renovation **to public transit facilities** prioritized by TC
  - Within TIF, there is a Public Transit Investment Fund
  - Public transit district or political subdivision responsible for 35% of matching funds needed for state transit capital development
- Local Highway and Transportation Corridor Preservation Fund can be used to preserve a highway or **public transit corridor** (“transit facility in 17B-2a-802”)

# UDOT, Transportation Investment Fund: INCENTIVES ONLY

- **Prioritization process shall include:**
- How the UDOT strategic initiatives are advanced by prioritization process (current)
- Definition of type of projects (current)
- Specification of weighted criteria system (current)
- Specification of necessary data (current)
- *Consideration of economic development impacts including improved local access to employment, recreation, commerce, and residential areas (new)*
- *Consideration of local land use plans that support a statewide transportation system strategy (new)*
- *Consideration of the extent to which local land use plans relevant to a project support and accomplish the strategic initiatives (new)*
- Any other provisions that the commission considers appropriate (current law)



# UDOT, statewide initiatives: INCENTIVES ONLY

- Executive Director shall develop statewide initiatives **in consultation with MPOs, counties, municipal governments, transit agencies, and stakeholders for planning across modes**
- ED shall consider RTPs, municipal and county transportation plans
- ED shall establish corridor goals and consider projected major centers of economic activity, population growth, job centers, freight, multi-modal
- Create an Economic Development Division at UDOT
- Create intermodal terminal facility, promote strategies to develop inland port



# UDOT, strategic initiatives: INCENTIVES ONLY

## Strategic initiatives shall consider:

- corridor preservation (current)
- development of new capacity projects (current)
- long-term maintenance of system (current)
- safety (current)
- incident management (current)
- homeland security (current)
- *congestion reduction (new)*
- *economic development and job creation (new)*
- *asset management (new)*
- *sustainability (new)*
- *optimization of ROI (new)*



# Summary: Transportation Investment Fund and UDOT

- Objective: enhance the integration of state transportation infrastructure with local land use planning so as to facilitate economic development and prepare for population growth
- The draft bill is focused ONLY on incentives in the UDOT criteria
- **The draft bill does NOT have any specific “disincentives” or “penalties” for local land use planning**
- Thanks to the 3 city mayors on the Task Force: Salt Lake City Mayor Jackie Biskupski, Ogden Mayor Mike Caldwell, former Cedar Hills Mayor Gary Gygi



# Utah Transit Authority governance

## Status quo

- Currently 16 part-time members of the Board of Trustees
- 11 members locally appointed
  - Cities within Weber County
  - Cities within Davis County
  - Cities within SL County (4)
  - Salt Lake County metro townships
  - Salt Lake City
  - Utah County
  - Cities within Utah County
  - Partial counties (Box Elder/Tooele)

## Proposal

- 3 full-time Trustees
  - SL Co., Utah Co. (intent), Davis/Weber Cos, w/input from Tooele/Box Elder
  - Gubernatorial appointed
  - Senate advise and consent
  - “consult w/each constituent municipality”
  - 3 year terms, serve at pleasure of Gov.
- 9 part-time Local Advisory Board



# Utah Transit Authority governance

## 3 member Board of Trustees duties

- Technical and administrative experience and appropriate training
- Create/approve budget
- Approve contracts and interlocals
- Develop strategic plan
- Get approval from State Bonding Commission
- Report to legislative committees
- Fix rates
- Annual independent audit
- Develop performance targets
- Consult w/advisory board about investment

## 9 member Local Advisory Board duties

- SL County COG: 3
- SLC: 1
- Utah: 2
- Davis: 1
- Weber: 1
- Tooele/Box Elder: 1
- Meet quarterly to:
  - Discuss service and operations
  - Review and approve final service plans/project development plans
  - Engage w/safety and security team
  - Coordinate w/local gov't, constituent services



# Revenue options: state specific



- Vehicle registration fees
  - Electric vehicles increase from \$44 to \$194; hybrid vehicles increase from \$44 to \$75
- State transient room tax (TRT) increase from .032% to 5%
- Road usage charge pilot program

# Revenue: local (or state?)

- State assumes outstanding un-imposed county option sales tax in UTA counties in 2022 (note: HB 362/Prop 1 is 4<sup>th</sup> qtr, .10 to cities/.10 to UTA/.05 to counties)
  - **4 total quarters, 1.05 cents**
  - Box Elder: 1<sup>st</sup> quarter, 2<sup>nd</sup> quarter
  - Davis: 1<sup>st</sup> quarter, 2<sup>nd</sup> quarter, 4<sup>th</sup> quarter
  - Salt Lake: 1<sup>st</sup> quarter, 2<sup>nd</sup> quarter, 3<sup>rd</sup> quarter
  - Tooele: 1<sup>st</sup> quarter, 4<sup>th</sup> quarter
  - Utah: 1<sup>st</sup> quarter, 2<sup>nd</sup> quarter, 3<sup>rd</sup> quarter
  - **Weber: only UTA county to impose all 4 quarters**
- Transportation Reinvestment Zone (2+ public agencies, property tax)
- Note: bill silent about Transportation Utility Fee, but see SB 120



Homelessness and “affordable housing”



# Lawmakers may impose fees on Utah cities that lack affordable housing

*Bill would encourage cities to build housing for extremely low-income residents, help fund homeless shelters.*



# General concept

- Operation Rio Grande: \$67 million of state investment
- State would assess a fee on cities and counties to raise revenue for the operation and maintenance of homeless resource centers
  - Amount of the fee still undefined
  - Collection agency still undefined
- State would calculate how much each city/county would be assessed
  - 2017 bill: population based
  - 2018 concept: formula considers amount of “affordable housing” in each city/county (30% AMI, 50% AMI, 80%)
- Cities that house a homeless resource center would not pay the fee

# Key questions

- Should the state impose a fee/tax on local governments for homelessness?
  - The state pre-empted local gov't for HRCs but now expects local gov't to pay for the HRC O&M?
- Should local gov'ts w/o a homeless resource center contribute to the O&M?
  - Impact on private donations?
- Should local gov'ts w/o a homeless resource center help mitigate the impacts?
  - Is that already happening? ULCT research on impacts from Operations Rio Grande/Diversion
- Which homeless resource centers would qualify?
  - 2017 bill: overnight shelter of 200+ beds; what about others (VOA, Lantern House, etc.)?
  - How much revenue is necessary?
- If there is a fee, what should the formula be?
  - Population based? Based on housing stock within a community? (“affordable housing”)
- If there is a fee, who collects, manages, and expends it and how long does it last?

# No Cell Left Behind

Cellular service providers are changing their coverage strategy to fill in gap coverage.

## Current Strategy

Historically, tall towers have been used to provide coverage to several thousand people.

This area could be up to a 3-mile radius.

Towers are typically several hundred feet tall.

They can also be located on rooftops.

Multiple carriers can affix transmitters to these towers, operating on their respective frequencies.

**Shortcomings** - While great for large areas, they can get congested when many people try to stream data simultaneously.

## New Strategy

**Outdoors** - Small cells are increasingly being used to fill in gaps and improve capacity. They typically cover a few hundred feet and only about 100 users.

Providers are striking deals with municipalities to attach them to street lamps and utility poles.

They're also being placed atop newly installed poles on municipal land, such as the grass strips between the sidewalk and street. These can be 35 feet to 120 feet tall.

**Indoors** - Some small antenna systems are designed to serve dead spots in buildings, serving about 30 people.

This can cover a 10,000 to 20,000 square foot area.

Others are designed to serve concentrated indoor populations such as airports and mall.

Some of these have been met with public opposition.



Legislation already passed in 12 states

- California = lone industry setback (veto)

Some in the industry are pursuing a federal FCC preemption of local control of the right-of-way

