

The Salt Lake Tribune

Tribune editorial: Council, governor come up with a better Inland Port bill



(Rick Egan | The Salt Lake Tribune) Erin Mendenhall, Salt Lake City Council makes a comment on SB234, the inland port bill in the Economic Development committee meeting, Friday, March 2, 2018.

Published: 54 minutes ago
Updated: 54 minutes ago

The sausage-making process that produced the Utah Legislature's disastrous version of a Utah Inland Port Authority was a case study in how complex policy-making should not be done.

The new version of the legislation, which could be approved as soon as Wednesday in a special session of the Legislature, is an example of how much better the product can be when the process involves people who actually know how to make sausage.

The new version of the Port Authority statute and board is not perfect. But it is a great improvement over what sits on the books today. The Legislature should approve it, and all those involved in the process should stay involved to make sure of the best possible outcomes.

The original legislation was highly suspect because, if for no other reason, it was introduced, re-written, re-written again and pushed through at the last minute, with even the bill's original sponsors left in the dark as to what it said and what it would mean. The involvement of representatives of Salt Lake City, which had zoning and development jurisdiction of the 22,000 acres in its northwest quadrant, was slim to none. Which is always a bad sign. And those involved tossed around the blame for why that was. Which was an even worse sign.

Gov. Gary Herbert, informed of the sorry process and the city's many objections, should have vetoed the bill and told everyone to go back to the drawing board. Instead, even while admitting that the process and the bill were flawed, Herbert signed the bill and *then* told those interested in the process to go fix it.

That wasn't a hopeful step because, with the old bill already signed into law, those who wanted significant changes were left with very little bargaining strength.

But members of the Salt Lake City Council persisted, as did the governor, House Speaker Greg Hughes and other legislative leaders. Good faith was sought and demonstrated all around. Perhaps most important was the realization that such complex work properly belongs in the wonk-to-wonk channels, where detail-minded staff tease out areas of agreement that, council members were saying Tuesday, were not so much matters of controversy as of not knowing.

Missing in action in this process was Mayor Jackie Biskupski. She retired from the field, criticizing those who remained for working behind closed doors — which they were — but offering no alternative other than what would have been a futile, and expensive, effort to fight the legislation in court.

The legislation that was rushed through the process of the always-accelerated legislative session gave far too much unreviewed power to the Port Authority Board, allowing it to make up the rules and shape of what could be the largest single economic development project in state history as they went along.

The fear that the city, and the surrounding valley, would face an environmental disaster, a giant drain on its taxbase and a runaway development answerable only to itself was completely justified.

The new version, if passed and signed into law, still takes too much power away from the city. But it is much more respectful of the city's land-use authority and its proper role as the primary provider of infrastructure, code enforcement and public safety services, as well as of state and federal environmental standards.

The port authority's power to overrule city regulations, which should have been eliminated altogether, has been narrowed and attached to a set of due process expectations. Which gives the city and other interested parties a means of review, and recourse to the legal system, they didn't have before.

The new version of the Port Authority legislation should become law. It's not perfect, but it is much, much better.
