

**MINUTES OF THE
UTILITIES IN HIGHWAY RIGHTS-OF-WAY TASK FORCE**

Wednesday, November 3, 1999 - 9:00 a.m. - 405 State Capitol

Members Present:

Sen. Leonard M. Blackham,
Senate Chair
Rep. Thomas Hatch,
House Chair
Sen. Mike Dmitrich
Sen. Michael G. Waddoups
Rep. Craig W. Buttars
Rep. Marda Dillree
Rep. Fred J. Fife III
Rep. Neil A. Hansen
Rep. Brad King
Mr. Wesley R. Curtis
Mr. Jerry Fenn
Mr. Ivan W. Flint
Mr. Jeff Fox
Mr. Ruland J. Gill, Jr.
Mr. Jerold G. Oldroyd
Mr. James E. Thomas
Mr. Thomas R. Warne

Members Absent:

Sen. Ron Allen
Sen. Peter C. Knudson
Rep. Marlon O. Snow

Staff Present:

Mr. Benjamin N. Christensen,
Research Analyst
Mr. Dee S Larsen,
Associate General Counsel
Ms. Junie G. Anderson,
Legislative Secretary

Note: A list of others present and a copy of materials distributed in the meeting are on file in the Office of Legislative Research and General Counsel.

1. Task Force Business - Chair Hatch called the meeting to order at 9:11 a.m.

MOTION: Mr. Curtis moved to approve the minutes of the September 14, 1999 meeting. The motion passed unanimously. Sen. Dmitrich, Sen. Waddoups, Rep. Buttars, Rep. Hansen, and Rep. King were absent for the vote.

2. Relocation of Utilities in Highway Rights-of-Way - Mr. Randall K. Lamoreaux, Utah Department of Transportation (UDOT), presented a report from the technical coordination group that was mailed to task force members prior to the meeting. He explained three major initiative areas and the recommendations as outlined in the report.

Mr. Lamoreaux said that two primary issues not addressed in the report were: 1) to extend the length of time between the reconstruction of a road and the demolition of that road again, and 2) to explore the possibility of "participation agreements" which would provide for the utility relocations to be included in bid packages.

MOTION: Sen. Blackham moved that the task force thank the Technical Coordination Group for a job well done, adopt the letter and recommendations as outlined in the report, and recommend that the Transportation Interim Committee hear the report and receive periodic reports on its implementation. The motion passed unanimously. Rep. Buttars, and Rep. Hansen were absent for the vote.

3. Compensation for Telecommunications Access in Interstate Highway Rights-of-Way

Mr. Christensen distributed handouts titled "Proposed Payment Share for Utility Relocation," "Key Points on Compensation for Telecommunications Access to the Interstates," and "Notice of Proposed Rule R907-65." He also distributed draft legislation titled "Relocation Of Utilities In Highway Rights-Of-Way," and discussed the amendments in the bill. Draft legislation titled "Utilities In Highways Rights-Of-Way," was also distributed. He explained that the "Relocation Of Utilities In Highway Rights-Of-Way" bill would require UDOT to pay 40% of all utility relocation costs in all state highway projects, instead of the past practice of just paying on projects where federal money is used.

Mr. Mark Bleazard, Office of the Legislative Fiscal Analyst, addressed issues of fiscal costs pertaining to the bill and answered questions from task force members.

Mr. Clinton Topham, UDOT, explained the current process in which UDOT pays for certain relocation costs. Mr. Topham requested that Mr. Christensen provide the spreadsheet titled "Utility Relocation Costs on Federal Highway Projects." Mr. Christensen stated that, based on information provided by UDOT, that between 1995-1999 UDOT paid an average of \$2.8 million in relocation costs for federally-funded highway projects.

Sen. Blackham suggested that Mr. Bleazard, Mr. Christensen, a representative from the utilities, and a representative from UDOT work together to refine the percentage rate that UDOT should pay for relocation of utilities to be included in the bill.

MOTION: Sen. Blackham moved to approve draft legislation titled "Relocation of Utilities in Highway Rights-Of-Way" and to set a sunset date.

Mr. Oldroyd expressed concern over the firewall issue and recommended that freeway access, the compensation issue, and firewall language be combined into one bill.

After discussion, Sen. Blackham withdrew the motion.

Mr. Larsen distributed draft legislation titled "Interstate Right-Of-Way Telecommunications Access," and discussed the bill with task force members. He also passed out and briefly discussed proposed firewall language that he had received from Mr. Oldroyd.

Mr. Fenn expressed some concerns regarding indexing of annual payments and indicated that he would discuss his concerns with UDOT.

MOTION: Sen. Blackham moved that draft legislation titled "Interstate Right-Of-Way Telecommunications Access," and "Relocation Of Utilities In Highway Rights-Of-Way," be combined, that the firewall language be included, and that the refined percentage to be paid by UDOT for relocation costs be worked on for consideration and inclusion in the bill at the next meeting. The motion passed unanimously.

4. Other Task Force Business - The next meeting of the task force is scheduled for November 16, at 9:00 a.m., in room 405.

5. Adjourn -

MOTION: Rep. Hansen moved to adjourn the meeting. The motion passed unanimously at 11:05 a.m.

