

## Transportation Interim Committee - June 20, 2012

### **72-4-102. Additions to or deletions from state highway system -- Designation of highways as state highways between sessions.**

(1) (a) The Legislature may add to or delete highways or sections of highways from the state highway system.

(b) The department shall annually submit to the Legislature a list of highways or sections of highways the commission recommends for addition to or deletion from the state highway system.

(c) All recommendations under Subsection (1)(b) shall be based on:

(i) the criteria for state highways under Section 72-4-102.5;

(ii) funding and operational considerations identified under Subsection (3);

(iii) efficiency of highway operations and maintenance; and

(iv) other factors the commission determines are appropriate, in consultation with the department and the highway authorities involved in the transfer.

(2) Between general sessions of the Legislature, highways may be designated as state highways or deleted from the state highway system if:

(a) approved by the commission in accordance with:

(i) the criteria for state highways under Section 72-4-102.5;

(ii) funding and operational considerations identified under Subsection (3);

(iii) efficiency of highway operations and maintenance; and

(iv) other factors the commission determines are appropriate, in consultation with the department and the highway authorities involved in the transfer;

(b) a deletion is agreed upon by all highway authorities involved in the transfer; and

(c) the highways are included in the list of recommendations submitted to the Legislature in the next year for legislative approval or disapproval.

(3) All highway authorities involved in a highway transfer under this section shall consider available highway financing levels and operational abilities for the maintenance and construction of a transferred highway.

**(4) (a) The department shall no later than June 30 report to the Transportation Interim Committee of the Legislature any proposed additions to or deletions from the state highway system whether proposed by the department or another highway authority.**

(b) The commission shall submit to the Transportation Interim Committee of the Legislature on or before November 1 of each year:

(i) the list of highways recommended for transfer under Subsection (1);

(ii) a list of potential additions to or deletions from the state highway system that are currently under consideration; and

(iii) a list of additions to or deletions from the state highway system that were proposed but not agreed to by the affected highway authorities.

(c) The recommendations shall include:

(i) any fiscal and funding recommendations of each highway authority involved in the transfer of a highway or section of a highway; and

(ii) a cost estimate, fiscal analysis, and funding recommendation, or recommendation for further study from the Office of the Legislative Fiscal Analyst.

(5) (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commission shall make rules, in consultation with the department and local highway authorities, establishing a process for a highway authority to propose an addition to or deletion from the state highway system.

(b) The rules established under Subsection (5)(a) shall include provisions for:

(i) notification to highway authorities of the department's intent to:

(A) collect proposed additions to or deletions from the state highway system; and

(B) report the proposals to the Transportation Interim Committee as required under Subsection (4)(a);

(ii) public comment regarding a proposed addition to or deletion from the state highway system under this section during a commission meeting held under Section 72-1-302;

(iii) notification to any affected highway authority of an addition to or deletion from the state highway system under consideration prior to the meeting held under Subsection (5)(b)(ii); and

(iv) opportunity for a highway authority to initiate consideration of additions to or deletions from the state highway system by the commission.