

1 CLASS B AND CLASS C ROAD FUND AMENDMENTS

2 2016 GENERAL SESSION

3 STATE OF UTAH

4

5 LONG TITLE

6 General Description:

7 This bill modifies the Transportation Code by amending provisions relating to funding
8 for class B and class C roads.

9 Highlighted Provisions:

10 This bill:

- 11 ▶ amends the apportionment formula for funds available for use on class B and class
- 12 C roads; and
- 13 ▶ makes technical changes.

14 Money Appropriated in this Bill:

15 None

16 Other Special Clauses:

17 This bill provides a special effective date.

18 Utah Code Sections Affected:

19 AMENDS:

20 72-2-108, as last amended by Laws of Utah 2015, Chapter 275

21

22 *Be it enacted by the Legislature of the state of Utah:*

23 Section 1. Section 72-2-108 is amended to read:

24 72-2-108. Apportionment of funds available for use on class B and class C roads

25 -- Bonds.

26 (1) For purposes of this section:

27 (a) "Graveled road" means a road:

28 (i) that is:

29 (A) graded; and

30 (B) drained by transverse drainage systems to prevent serious impairment of the road
31 by surface water;

32 (ii) that has an improved surface; and

- 33 (iii) that has a wearing surface made of:
- 34 (A) gravel;
- 35 (B) broken stone;
- 36 (C) slag;
- 37 (D) iron ore;
- 38 (E) shale; or
- 39 (F) other material that is:
- 40 (I) similar to a material described in Subsection (1)(a)(iii)(A) through (E); and
- 41 (II) coarser than sand.
- 42 (b) "Paved road" includes a graveled road with a chip seal surface.
- 43 (c) "Road mile" means a one-mile length of road, regardless of:
- 44 (i) the width of the road; or
- 45 (ii) the number of lanes into which the road is divided.
- 46 (d) "Weighted mileage" means the sum of the following:
- 47 (i) paved road miles multiplied by five; and
- 48 (ii) all other road type road miles multiplied by two.
- 49 (2) Subject to the provisions of Subsections (3) through (5), funds in the class B and
- 50 class C roads account shall be apportioned among counties and municipalities in the following
- 51 manner:
- 52 (a) 50% in the ratio that the class B roads weighted mileage within each county and
- 53 class C roads weighted mileage within each municipality bear to the total class B and class C
- 54 roads weighted mileage within the state; and
- 55 (b) 50% in the ratio that the population of a county or municipality bears to the total
- 56 population of the state as of the last official federal census or the United States Bureau of
- 57 Census estimate, whichever is most recent, except that if population estimates are not available
- 58 from the United States Bureau of Census, population figures shall be derived from the estimate
- 59 from the Utah Population Estimates Committee.
- 60 (3) For purposes of Subsection (2)(b), "the population of a county" means:
- 61 (a) the population of a county outside the corporate limits of municipalities in that
- 62 county, if the population of the county outside the corporate limits of municipalities in that
- 63 county is not less than 14% of the total population of that county, including municipalities; and

64 (b) if the population of a county outside the corporate limits of municipalities in the
65 county is less than 14% of the total population:

66 (i) the aggregate percentage of the population apportioned to municipalities in that
67 county shall be reduced by an amount equal to the difference between:

68 (A) 14%; and

69 (B) the actual percentage of population outside the corporate limits of municipalities in
70 that county; and

71 (ii) the population apportioned to the county shall be 14% of the total population of
72 that county, including incorporated municipalities.

73 (4) (a) If an apportionment under Subsection (2) for fiscal year 2014 to a county or
74 municipality with a population of less than 14,000 is less than 120% of the amount apportioned
75 to the county or municipality from the class B and class C roads account for fiscal year
76 1996-97, the department shall:

77 (i) reapportion the funds under Subsection (2) to ensure that the county or municipality
78 receives an amount equal to:

79 (A) the amount apportioned to the county or municipality from the class B and class C
80 roads account for fiscal year 1996-97; plus

81 (B) the amount apportioned to the county or municipality from the class B and class C
82 roads account for the fiscal year 1996-97 multiplied by the percentage increase in the class B
83 and class C roads account from fiscal year 1996-97 to the most recently completed fiscal year;
84 and

85 (ii) decrease proportionately as provided in Subsection (4)(b) the apportionments to
86 counties and municipalities for which the reapportionment under Subsection (4)(a)(i) does not
87 apply.

88 (b) The aggregate amount of the funds that the department shall decrease
89 proportionately from the apportionments under Subsection (4)(a)(ii) is an amount equal to the
90 aggregate amount reapportioned to counties and municipalities under Subsection (4)(a)(i).

91 (5) (a) In addition to the apportionment adjustments made under Subsection (4), a
92 county or municipality that qualifies for reapportioned money under Subsection (4)(a)(i) shall
93 receive the percentage change in the class B and class C roads account compounded annually
94 beginning in fiscal year 2006-07.

95 (b) The adjustment under Subsection (5)(a) shall be made in the same way as provided
96 in Subsection (4)(a)(ii) and (b).

97 (6) The governing body of any municipality or county may issue bonds redeemable up
98 to a period of 10 years under Title 11, Chapter 14, Local Government Bonding Act, to pay the
99 costs of constructing, repairing, and maintaining class B or class C roads and may pledge class
100 B or class C road funds received pursuant to this section to pay principal, interest, premiums,
101 and reserves for the bonds.

102 Section 2. **Effective date.**

103 If approved by two-thirds of all the members elected to each house, this bill takes effect
104 upon approval by the governor, or the day following the constitutional time limit of Utah
105 Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto,
106 the date of veto override.