

1 **HIGHWAY TRANSFER PROCESS AMENDMENTS**

2 2006 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Carlene M. Walker**

5 House Sponsor: James A. Ferrin

6

7 **LONG TITLE**

8 **General Description:**

9 This bill modifies the Designation of State Highways Act by amending the process for
10 the addition to or deletion of highways to or from the state highway system.

11 **Highlighted Provisions:**

12 This bill:

13 ▶ adds additional criteria that may be considered by the Transportation Commission
14 when considering changes to the state highway system;

15 ▶ requires the department to report any proposed additions or deletions to the state
16 highway system to the Transportation Interim Committee;

17 ▶ requires the commission to report annually to the Transportation Interim Committee
18 regarding any proposed or recommended additions to or deletions from the state
19 highway system that were considered by the commission during the preceding year;

20 ▶ requires the Transportation Commission to make rules governing the process that
21 will be followed when it is considering additions to or deletions from the state
22 highway system;

23 ▶ outlines items that must be included in the rules including:

24 • notification to highway authorities of the department's intent to collect proposed
25 changes to the state highway system and report them to the Transportation
26 Interim Committee;

27 • a public hearing of proposed changes;



- 28 • notification to affected highway authorities; and
- 29 • the ability of any highway authority to initiate the process; and
- 30 ▶ makes technical changes.

31 **Monies Appropriated in this Bill:**

32 None

33 **Other Special Clauses:**

34 None

35 **Utah Code Sections Affected:**

36 AMENDS:

37 **72-4-102**, as last amended by Chapter 72, Laws of Utah 1999



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

40 Section 1. Section **72-4-102** is amended to read:

41 **72-4-102. Additions to or deletions from state highway system -- Designation of**
42 **highways as state highways between sessions.**

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

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

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

49 (i) the criteria for state highways under Section 72-4-102.5[?];

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

51 (iii) efficiency of highway operations and maintenance; and

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

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

56 (a) approved by the commission in accordance with:

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

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

59 (iii) efficiency of highway operations and maintenance; and
60 (iv) other factors the commission determines are appropriate, in consultation with the
61 department and the highway authorities involved in the transfer.

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

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

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

68 (4) (a) [~~The list of recommendations under this section shall be submitted~~] The
69 department shall no later than June 30 report to the Transportation Interim Committee of the
70 Legislature any proposed additions to or deletions from the state highway system whether
71 proposed by the department or another highway authority.

72 (b) The commission shall submit to the Transportation Interim Committee of the
73 Legislature on or before November 1 of each year[-];

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

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

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

79 [~~(b)~~] (c) The recommendations shall include:

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

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

84 (5) (a) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act,
85 the commission shall make rules, in consultation with the department and local highway
86 authorities, establishing a process for a highway authority to propose an addition to or deletion
87 from the state highway system.

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

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

- 90 (A) collect proposed additions to or deletions from the state highway system; and
- 91 (B) report the proposals to the Transportation Interim Committee as required under
- 92 Subsection (4)(a);
- 93 (ii) public comment regarding a proposed addition to or deletion from the state
- 94 highway system under this section during a commission meeting held under Section 72-1-302;
- 95 (iii) notification to any affected highway authority of an addition to or deletion from
- 96 the state highway system under consideration prior to the meeting held under Subsection
- 97 (5)(b)(ii); and
- 98 (iv) opportunity for a highway authority to initiate consideration of additions to or
- 99 deletions from the state highway system by the commission.

Legislative Review Note
as of 11-9-05 4:05 PM

Based on a limited legal review, this legislation has not been determined to have a high probability of being held unconstitutional.

Office of Legislative Research and General Counsel

Interim Committee Note
as of 12-20-05 12:53 PM

The Transportation Interim Committee recommended this bill.

Mixed Membership Committee Note
as of 12-20-05 12:53 PM

The Highway Jurisdictional Transfer Task Force recommended this bill.

Membership:	7 legislators	7 non-legislators	
Legislative Vote:	6 voting for	0 voting against	1 absent