

**CLASS B AND C ROADS AMENDMENTS**

2009 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Kevin T. Van Tassell**

House Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill modifies the Transportation Code by amending provisions relating to construction and maintenance contracts for class B and C roads.

**Highlighted Provisions:**

This bill:

- ▶ increases the bid limit from \$125,000 to \$500,000 for construction and certain maintenance contracts for class B and C roads; and
- ▶ makes technical changes.

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**72-6-109**, as last amended by Laws of Utah 2007, Chapter 69

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

Section 1. Section **72-6-109** is amended to read:

**72-6-109. Class B and C roads -- Construction and maintenance -- Definitions -- Estimates lower than bids -- Accountability.**



- 28 (1) As used in this section and Section 72-6-108:
- 29 (a) "Bid limit" means:
- 30 (i) for the year [~~2003, \$125,000~~] 2009, \$500,000; and
- 31 (ii) for each year after [~~2003~~] 2009, the amount of the bid limit for the previous year,
- 32 plus an amount calculated by multiplying the amount of the bid limit for the previous year by
- 33 the lesser of 3% or the actual percent change in the Consumer Price Index during the previous
- 34 calendar year.
- 35 (b) "Consumer Price Index" means the Consumer Price Index for All Urban
- 36 Consumers as published by the Bureau of Labor Statistics of the United States Department of
- 37 Labor.
- 38 (c) (i) "Construction" means the work that would apply to:
- 39 (A) any new roadbed either by addition to existing systems or relocation;
- 40 (B) resurfacing of existing roadways with more than two inches of bituminous
- 41 pavement; or
- 42 (C) new structures or replacement of existing structures, except the replacement of
- 43 drainage culverts.
- 44 (ii) "Construction" does not include maintenance, emergency repairs, or the installation
- 45 of traffic control devices as described in Section 41-6a-302.
- 46 (d) "Improvement project" means construction and maintenance as defined in this
- 47 section except for that maintenance excluded under Subsection (2).
- 48 (e) "Maintenance" means the keeping of a road facility in a safe and usable condition to
- 49 which it was constructed or improved, and includes:
- 50 (i) the reworking of an existing surface by the application of up to and including two
- 51 inches of bituminous pavement;
- 52 (ii) the installation or replacement of guardrails, seal coats, and culverts;
- 53 (iii) the grading or widening of an existing unpaved road or flattening of shoulders or
- 54 side slopes to meet current width and safety standards; and
- 55 (iv) horizontal or vertical alignment changes necessary to bring an existing road in
- 56 compliance with current safety standards.
- 57 (f) "Project" means the performance of a clearly identifiable group of associated road
- 58 construction activities or the same type of maintenance process, where the construction or

59 maintenance is performed on any one class B or C road, within a half-mile proximity and  
60 occurs within the same calendar year.

61 (2) The following types of maintenance work are not subject to the contract or bid limit  
62 requirements of this section:

63 (a) the repair of less than the entire surface by crack sealing or patching; and

64 (b) road repairs incidental to the installation, replacement, or repair of water mains,  
65 sewers, drainage pipes, culverts, or curbs and gutters.

66 (3) (a) (i) If the estimates of a qualified engineer referred to in Section 72-6-108 are  
67 substantially lower than any responsible bid received or in the event no bids are received, the  
68 county or municipality may perform the work by force account.

69 (ii) In no event shall "substantially lower" mean estimates that are less than 10% below  
70 the lowest responsible bid.

71 (b) If a county or municipality performs an improvement project by force account, it  
72 shall:

73 (i) provide an accounting of the costs and expenditures of the improvement including  
74 material, labor, and direct equipment costs to be calculated using the Cost Reference Guide for  
75 Construction Equipment by Dataquest Inc. or the Federal Emergency Management Agency  
76 schedule of equipment rates;

77 (ii) disclose the costs and expenditures to any person upon request and allow the  
78 person to make a copy and pay for the actual cost of the copy; and

79 (iii) perform the work using the same specifications and standards that would apply to  
80 a private contractor.

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**Legislative Review Note**  
as of 2-5-09 12:31 PM

**Office of Legislative Research and General Counsel**

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**S.B. 178 - Class B and C Roads Amendments**

**Fiscal Note**

2009 General Session

State of Utah

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**State Impact**

Enactment of this bill will not require additional appropriations.

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**Individual, Business and/or Local Impact**

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.

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