

**STATEWIDE HIGHWAY CRITERIA**

1999 GENERAL SESSION

STATE OF UTAH

**Sponsor: David H. Steele**

AN ACT RELATING TO TRANSPORTATION; AMENDING PROVISIONS FOR THE DESIGNATION OF STATE HIGHWAYS § ; h [f] **AMENDING OUTDOOR ADVERTISING PROVISIONS; [ ] h**

**§ AND PROVIDING AN EFFECTIVE DATE § .**

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

**72-1-303**, as renumbered and amended by Chapter 270, Laws of Utah 1998

**72-4-102**, as renumbered and amended by Chapter 270, Laws of Utah 1998

**h [f] § 72-7-513, as renumbered and amended by Chapter 270, Laws of Utah 1998 § [f] h**

ENACTS:

**72-4-102.5**, Utah Code Annotated 1953

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

Section 1. Section **72-1-303** is amended to read:

**72-1-303. Duties of commission.**

The commission has the following duties:

(1) determining priorities and funding levels of projects in the state transportation systems for each fiscal year based on project lists compiled by the department;

(2) determining additions and deletions to state highways under Chapter 4, Designation of State Highways;

(3) holding public hearings and otherwise providing for public input in transportation matters;

(4) making policies and rules in accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, necessary to perform the commission's duties described under this section [~~and Section 72-4-102~~];

(5) in accordance with Section 63-46b-12, reviewing orders issued by the executive director in adjudicative proceedings held in accordance with Title 63, Chapter 46b, Administrative

28 Procedures Act; and

29 (6) advising the department in state transportation systems policy.

30 Section 2. Section 72-4-102 is amended to read:

31 **72-4-102. Additions to or deletions from state highway system -- Designation of**  
32 **highways as state highways between sessions.**

33 (1) (a) ~~[At each general session of the Legislature, the]~~ The Legislature may add to or  
34 delete highways or sections of highways from the state highway system.

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

38 (c) ~~[(i)]~~ All recommendations shall be based on ~~[minimum qualifying standards~~  
39 ~~established by the commission]~~ the criteria for state highways under Section 72-4-102.5.

40 ~~[(ii) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the~~  
41 ~~commission shall make rules to establish the minimum qualifying standards for highways to be~~  
42 ~~included on the state highway system.]~~

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

45 (a) approved by the commission in accordance with the ~~[standards made]~~ criteria for state  
46 highways under [Subsection (1); and] Section 72-4-102.5;

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

48 ~~[(b)]~~ (c) the highways are included in the list of recommendations submitted to the  
49 Legislature in the next year for legislative approval or disapproval.

49a **§ (3) ALL HIGHWAY AUTHORITIES INVOLVED IN A HIGHWAY TRANSFER UNDER THIS**  
49b **SECTION SHALL CONSIDER AVAILABLE HIGHWAY FINANCING LEVELS AND OPERATIONAL**  
49c **ABILITIES FOR THE MAINTENANCE AND CONSTRUCTION OF A TRANSFERRED HIGHWAY.**  
49d **(4)(a) THE LIST OF RECOMMENDATIONS UNDER THIS SECTION SHALL BE SUBMITTED TO THE**  
49e **TRANSPORTATION INTERIM COMMITTEE OF THE LEGISLATURE ON OR BEFORE NOVEMBER 1 OF**  
49f **EACH YEAR.**

49g **(b) THE RECOMMENDATIONS SHALL INCLUDE:**  
49h **(i) ANY FISCAL AND FUNDING RECOMMENDATIONS OF EACH HIGHWAY AUTHORITY**  
49i **INVOLVED IN THE TRANSFER OF A HIGHWAY OR SECTION OF A HIGHWAY; AND**

49j **(ii) A COST ESTIMATE, FISCAL ANALYSIS, AND FUNDING RECOMMENDATION , OR**  
49k **RECOMMENDATION FOR FURTHER STUDY FROM THE OFFICE OF THE LEGISLATIVE**  
**FISCAL ANALYST. §**

50 Section 3. Section **72-4-102.5** is enacted to read:

51 **72-4-102.5. Rulemaking -- Criteria for state highways.**

52 (1) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the  
53 department shall make rules establishing and defining a functional classification of roadways for  
54 the purpose of implementing this section. The definitions shall provide for a separate functional  
55 classification system for urban and rural highways recognizing the unique differences in the  
56 character of services provided by urban and rural highways.

57 (2) A state highway shall:

58 (a) serve a statewide purpose by accommodating interstate movement of traffic or

59 inter-region movement within the state;

60 (b) primarily move higher traffic volumes over longer distances than highways under local  
61 jurisdiction;

62 (c) connect major population centers;

63 (d) be spaced so that all developed areas in the state are within a reasonable distance of  
64 a state highway and be spaced so that duplicative state routes are avoided;

65 (e) provide state highway system continuity and efficiency of state highway system  
66 operation and maintenance activities;

67 (f) provide access to property as a secondary function; and

68 (g) exclude parking lots, driving ranges, and campus roads.

69 (3) A rural state highway shall:

70 (a) include all interstate routes, all highways on the National Highway System as  
71 designated by the Federal Highway Administration, all U.S. designated routes, and all minor  
72 arterial highways;

73 (b) include a major collector highway that:

74 (i) serves a county seat;

75 (ii) serves a municipality with a population of 1,000 or more;

76 (iii) serves a major industrial, commercial, or recreation areas that generate traffic volumes  
77 equivalent to a population of 1,000 or more;

78 (iv) provides continuity for the state highway system by providing major connections  
79 between other state highways;

80 (v) provides service between two or more counties; or

81 (vi) serves a compelling statewide public safety interest.

82 (4) An urban state highway shall:

83 (a) include all interstate routes, all expressways, all highways on the National Highway  
84 System as designated by the Federal Highway Administration, and all principal arterial highways;  
85 and

86 (b) include a minor arterial highway that:

87 (i) provides continuity for the state highway system by providing major connections  
88 between other state highways; or

89 (ii) is a route that is expected to be a principal arterial highway within ten years.

- 90            (5) For tourist areas, a state highway:  
 91            (a) shall serve a national park or a national recreational area;  
 92            (b) shall serve a national monument with visitation greater than 100,000 per year;  
 93            (c) may serve a state park with visitation greater than 100,000 per year; or  
 94            (d) may serve a recreation site with visitation greater than 100,000 per year.

94a    **h [f] § Section 4. Section 72-7-513 is amended to read:**

94b            **72-7-513. Relocation on state highways.**

94c            **(1) AS USED IN THIS SECTION, "STATE HIGHWAY" MEANS THOSE HIGHWAYS DESIGNATED**

94d            **AS STATE HIGHWAYS IN TITLE 72, CHAPTER 4, DESIGNATION OF STATE HIGHWAYS, ON JULY 1,**

94e            **1999, AND ANY SUBSEQUENTLY DESIGNATED STATE HIGHWAY.**

94f            **[(1)] (2) If any outdoor advertising use or structure may not be continued because of the**  
 94g            **widening, construction, or reconstruction along a state highway, the owner shall have the option to**  
 94h            **relocate and remodel the use or structure to another location:**

94i            **(a) on the same property;**

94j            **(b) on adjacent property;**

94k            **(c) within 2640 feet of the previous location on either side of the same highway; or**

94l            **(d) mutually agreed upon by the owner and the county or municipality in which the use,**

94m            **structure, or permit is located.**

94n            **[(2)] (3) The relocation under Subsection [(1)] (2) shall be in a commercial or industrial zoned**  
 94o            **area or where outdoor advertising is permitted under this part.**

94p            **[(3)] (4) The county or municipality in which the use or structure is located shall, if necessary,**  
 94q            **provide for the relocation and remodeling by ordinance for a special exception to its zoning**  
 94r            **ordinance.**

94s            **[(4)] (5) The relocated and remodeled use or structure may be:**

94t            **(a) erected to a height and angle to make it clearly visible to traffic on the main-traveled way of**  
 94u            **the highway to which it is relocated or remodeled;**

94v            **(b) the same size and at least the same height as the previous use or structure, but the**  
 94w            **relocated use or structure may not exceed the size and height permitted under this part;**

94x            **(c) relocated to a comparable vehicular traffic count.**

94y            **[(5)] (6) (a) The governmental entity, quasi-governmental entity, or public utility that causes**  
 94z            **the need for the outdoor advertising relocation or remodeling as provided in Subsection [(1)] (2) shall**  
 94aa            **pay the costs related to the relocation, remodeling, or acquisition.**

94ab            **(b) If a governmental entity prohibits the relocation and remodeling as provided in Subsection**

94ac            **[(1)] (2)(a), (b), or (c), it shall pay just compensation as provided in Subsection 72-7-510(3). [†] h**

94ad            **Section h [†] 5 [†] [4] h . Effective date.**

94ae            **THIS ACT TAKES EFFECT ON JULY 1, 1999. §**

## Legislative Review Note

as of 11-18-98 3:40 PM

lilac 3-2-1999 kh/dsl

lilac 2-23-1999 dk/dsl

**S.B. 66**

**12-16-98 11:55 AM**

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

**Office of Legislative Research and General Counsel**

**Committee Note**

The Transportation Interim Committee recommended this bill.