

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; AMENDING OUTDOOR ADVERTISING PROVISIONS; 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

72-7-513, as renumbered and amended by Chapter 270, Laws of Utah 1998

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

Procedures Act; and

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

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

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

(1) (a) ~~[At each general session of the Legislature, the]~~ 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) ~~[(i)]~~ All recommendations shall be based on ~~[minimum qualifying standards established by the commission]~~ the criteria for state highways under Section 72-4-102.5.

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

(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 the ~~[standards made]~~ criteria for state highways under [Subsection (1); and] Section 72-4-102.5;

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

~~[(b)]~~ (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 list of recommendations under this section shall be submitted to the Transportation Interim Committee of the Legislature on or before November 1 of each year.

(b) 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.

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

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

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

of services provided by urban and rural highways.

(2) A state highway shall:

(a) serve a statewide purpose by accommodating interstate movement of traffic or inter-region movement within the state;

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

(c) connect major population centers;

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

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

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

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

(3) A rural state highway shall:

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

(b) include a major collector highway that:

(i) serves a county seat;

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

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

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

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

(vi) serves a compelling statewide public safety interest.

(4) An urban state highway shall:

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

(b) include a minor arterial highway that:

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

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

(5) For tourist areas, a state highway:

(a) shall serve a national park or a national recreational area;

(b) shall serve a national monument with visitation greater than 100,000 per year;

(c) may serve a state park with visitation greater than 100,000 per year; or

(d) may serve a recreation site with visitation greater than 100,000 per year.

Section 4. Section **72-7-513** is amended to read:

72-7-513. Relocation on state highways.

(1) As used in this section, "state highway" means those highways designated as state highways in Title 72, Chapter 4, Designation of State Highways, on July 1, 1999, and any subsequently designated state highway.

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

(a) on the same property;

- (b) on adjacent property;
- (c) within 2640 feet of the previous location on either side of the same highway; or
- (d) mutually agreed upon by the owner and the county or municipality in which the use, structure, or permit is located.

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

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

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

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

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

(c) relocated to a comparable vehicular traffic count.

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

(b) If a governmental entity prohibits the relocation and remodeling as provided in Subsection ~~[(1)]~~ (2)(a), (b), or (c), it shall pay just compensation as provided in Subsection 72-7-510(3).

Section 5. Effective date.

This act takes effect on July 1, 1999.