

**HIGHWAY TRANSFER PROCESS AMENDMENTS**

2006 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Carlene M. Walker**

House Sponsor: James A. Ferrin

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**LONG TITLE**

**General Description:**

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

**Highlighted Provisions:**

This bill:

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

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

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

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

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

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

- a public hearing of proposed changes;

- notification to affected highway authorities; and

- 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.