

B AND C ROADS AMENDMENTS

2007 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Dennis E. Stowell

House Sponsor: Roger E. Barrus

LONG TITLE

General Description:

This bill modifies the Transportation Code by amending provisions relating to B and C roads.

Highlighted Provisions:

This bill:

~~§→ [→ provides that counties or municipalities that qualify for certain reapportioned B and C road account monies shall receive the percentage increase, rather than 1/3 of the percentage increase, in the B and C road account for the current fiscal year over the previous fiscal year;] ←§~~

▶ authorizes a county or municipality to use the Federal Emergency Management Agency schedule of equipment rates when providing an accounting of costs and expenditures for an improvement performed by force account; and

▶ makes technical changes.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

~~§→ [72-2-108, as last amended by Chapter 105, Laws of Utah 2005] ←§~~



28 72-6-109, as last amended by Chapter 2, Laws of Utah 2005

29

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

31 **§→ [Section 1. Section 72-2-108 is amended to read:**

32 ~~72-2-108. Apportionment of funds available for use on class B and class C roads~~

33 ~~-- Bonds.~~

34 ~~(1) For purposes of this section:~~

35 ~~(a) "Graveled road" means a road:~~

36 ~~(i) that is:~~

37 ~~(A) graded; and~~

38 ~~(B) drained by transverse drainage systems to prevent serious impairment of the road~~
39 ~~by surface water;~~

40 ~~(ii) that has an improved surface; and~~

41 ~~(iii) that has a wearing surface made of:~~

42 ~~(A) gravel;~~

43 ~~(B) broken stone;~~

44 ~~(C) slag;~~

45 ~~(D) iron ore;~~

46 ~~(E) shale; or~~

47 ~~(F) other material that is:~~

48 ~~(I) similar to a material described in Subsection (1)(a)(iii)(A) through (E); and~~

49 ~~(H) coarser than sand.~~

50 ~~(b) "Paved road" includes a graveled road with a chip seal surface.~~

51 ~~(c) "Road mile" means a one-mile length of road, regardless of:~~

52 ~~(i) the width of the road; or~~

53 ~~(ii) the number of lanes into which the road is divided.~~

54 ~~(d) "Weighted mileage" means the sum of the following:~~

55 ~~(i) paved road miles multiplied by five;~~

56 ~~(ii) graveled road miles multiplied by two; and~~

57 ~~(iii) all other road type road miles multiplied by one.~~

58 ~~(2) Subject to the provisions of Subsections (3) through (5), funds in the class B and] ←§~~

59 ~~§→ [class C roads account shall be apportioned among counties and municipalities in the following~~
60 ~~manner:~~

61 ~~—— (a) 50% in the ratio that the class B roads weighted mileage within each county and~~
62 ~~class C roads weighted mileage within each municipality bear to the total class B and class C~~
63 ~~roads weighted mileage within the state; and~~

64 ~~—— (b) 50% in the ratio that the population of a county or municipality bears to the total~~
65 ~~population of the state as of the last official federal census or the United States Bureau of~~
66 ~~Census estimate, whichever is most recent, except that if population estimates are not available~~
67 ~~from the United States Bureau of Census, population figures shall be derived from the estimate~~
68 ~~from the Utah Population Estimates Committee.~~

69 ~~—— (3) For purposes of Subsection (2)(b), "the population of a county" means:~~

70 ~~—— (a) the population of a county outside the corporate limits of municipalities in that~~
71 ~~county, if the population of the county outside the corporate limits of municipalities in that~~
72 ~~county is not less than 14% of the total population of that county, including municipalities; and~~

73 ~~—— (b) if the population of a county outside the corporate limits of municipalities in the~~
74 ~~county is less than 14% of the total population:~~

75 ~~—— (i) the aggregate percentage of the population apportioned to municipalities in that~~
76 ~~county shall be reduced by an amount equal to the difference between:~~

77 ~~—— (A) 14%; and~~

78 ~~—— (B) the actual percentage of population outside the corporate limits of municipalities in~~
79 ~~that county; and~~

80 ~~—— (ii) the population apportioned to the county shall be 14% of the total population of~~
81 ~~that county, including incorporated municipalities.~~

82 ~~—— (4) (a) If an apportionment under Subsection (2) to a county or municipality is less than~~
83 ~~110% of the amount apportioned to the county or municipality from the class B and class C~~
84 ~~roads account for fiscal year 1996-97, the department shall:~~

85 ~~—— (i) reapportion the funds under Subsection (2) to ensure that the county or municipality~~
86 ~~receives an amount equal to 110% of the amount apportioned to the county or municipality~~
87 ~~from the class B and class C roads account for fiscal year 1996-97; and~~

88 ~~—— (ii) decrease proportionately as provided in Subsection (4)(b) the apportionments to~~
89 ~~counties and municipalities for which the reapportionment under Subsection (4)(a)(i) does not] ←§~~

90 ~~§~~→ [apply:

91 ~~—— (b) The aggregate amount of the funds that the department shall decrease~~
 92 ~~proportionately from the apportionments under Subsection (4)(a)(ii) is an amount equal to the~~
 93 ~~aggregate amount reapportioned to counties and municipalities under Subsection (4)(a)(i).~~

94 ~~—— (5) (a) (i) In addition to the apportionment adjustments made under Subsection (4), a~~
 95 ~~county or municipality that qualifies for reapportioned monies under Subsection (4)(a)(i) shall~~
 96 ~~receive [1/3 of] the percentage increase in the class B and C road account for the current fiscal~~
 97 ~~year over the previous fiscal year.~~

98 ~~—— (ii) Any percentage increase calculated under Subsection (5)(a)(i) may not include any~~
 99 ~~increases from increases in fees or tax rates.~~

100 ~~—— (b) The adjustment under Subsection (5)(a) shall be made in the same way as provided~~
 101 ~~in Subsection (4)(a)(ii) and (b):~~

102 ~~—— (6) The governing body of any municipality or county may issue bonds redeemable up~~
 103 ~~to a period of ten years under Title 11, Chapter 14, Local Government Bonding Act, to pay the~~
 104 ~~costs of constructing, repairing, and maintaining class B or class C roads and may pledge class~~
 105 ~~B or class C road funds received pursuant to this section to pay principal, interest, premiums,~~
 106 ~~and reserves for the bonds.] ←§~~

107 Section ~~§~~→ [2] 1 ←§ . Section 72-6-109 is amended to read:

108 **72-6-109. Class B and C roads -- Construction and maintenance -- Definitions --**
 109 **Estimates lower than bids -- Accountability.**

110 (1) As used in this section and Section 72-6-108:

111 (a) "Bid limit" means:

112 (i) for the year 2003, \$125,000; and

113 (ii) for each year after 2003, the amount of the bid limit for the previous year, plus an
 114 amount calculated by multiplying the amount of the bid limit for the previous year by the lesser
 115 of 3% or the actual percent change in the Consumer Price Index during the previous calendar
 116 year.

117 (b) "Consumer Price Index" means the Consumer Price Index for All Urban
 118 Consumers as published by the Bureau of Labor Statistics of the United States Department of
 119 Labor.

120 (c) (i) "Construction" means the work that would apply to:

- 121 (A) any new roadbed either by addition to existing systems or relocation;
- 122 (B) resurfacing of existing roadways with more than two inches of bituminous
- 123 pavement; or
- 124 (C) new structures or replacement of existing structures, except the replacement of
- 125 drainage culverts.
- 126 (ii) "Construction" does not include maintenance, emergency repairs, or the installation
- 127 of traffic control devices as described in Section [~~41-6a-301~~] 41-6a-302.
- 128 (d) "Improvement project" means construction and maintenance as defined in this
- 129 section except for that maintenance excluded under Subsection (2).
- 130 (e) "Maintenance" means the keeping of a road facility in a safe and usable condition to
- 131 which it was constructed or improved, and includes:
- 132 (i) the reworking of an existing surface by the application of up to and including two
- 133 inches of bituminous pavement;
- 134 (ii) the installation or replacement of guardrails, seal coats, and culverts;
- 135 (iii) the grading or widening of an existing unpaved road or flattening of shoulders or
- 136 side slopes to meet current width and safety standards; and
- 137 (iv) horizontal or vertical alignment changes necessary to bring an existing road in
- 138 compliance with current safety standards.
- 139 (f) "Project" means the performance of a clearly identifiable group of associated road
- 140 construction activities or the same type of maintenance process, where the construction or
- 141 maintenance is performed on any one class B or C road, within a half-mile proximity and
- 142 occurs within the same calendar year.
- 143 (2) The following types of maintenance work are not subject to the contract or bid limit
- 144 requirements of this section:
- 145 (a) the repair of less than the entire surface by crack sealing or patching; and
- 146 (b) road repairs incidental to the installation, replacement, or repair of water mains,
- 147 sewers, drainage pipes, culverts, or curbs and gutters.
- 148 (3) (a) (i) If the estimates of a qualified engineer referred to in Section 72-6-108 are
- 149 substantially lower than any responsible bid received or in the event no bids are received, the
- 150 county or municipality may perform the work by force account.
- 151 (ii) In no event shall "substantially lower" mean estimates that are less than 10% below

152 the lowest responsible bid.

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

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

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

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

Legislative Review Note
as of 1-11-07 2:02 PM

Office of Legislative Research and General Counsel

S.B. 158 - B and C Roads Amendments - As Amended

Fiscal Note

2007 General Session
State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

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.

1/29/2007, 11:44:36 AM, Lead Analyst: Bleazard, M.

Office of the Legislative Fiscal Analyst