

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:

- ▶ 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 on a class B or C road; 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 Chapter 2, Laws of Utah 2005

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.

- 30 (1) As used in this section and Section 72-6-108:
- 31 (a) "Bid limit" means:
- 32 (i) for the year 2003, \$125,000; and
- 33 (ii) for each year after 2003, the amount of the bid limit for the previous year, plus an
- 34 amount calculated by multiplying the amount of the bid limit for the previous year by the lesser
- 35 of 3% or the actual percent change in the Consumer Price Index during the previous calendar
- 36 year.
- 37 (b) "Consumer Price Index" means the Consumer Price Index for All Urban
- 38 Consumers as published by the Bureau of Labor Statistics of the United States Department of
- 39 Labor.
- 40 (c) (i) "Construction" means the work that would apply to:
- 41 (A) any new roadbed either by addition to existing systems or relocation;
- 42 (B) resurfacing of existing roadways with more than two inches of bituminous
- 43 pavement; or
- 44 (C) new structures or replacement of existing structures, except the replacement of
- 45 drainage culverts.
- 46 (ii) "Construction" does not include maintenance, emergency repairs, or the installation
- 47 of traffic control devices as described in Section ~~[41-6a-301]~~ 41-6a-302.
- 48 (d) "Improvement project" means construction and maintenance as defined in this
- 49 section except for that maintenance excluded under Subsection (2).
- 50 (e) "Maintenance" means the keeping of a road facility in a safe and usable condition to
- 51 which it was constructed or improved, and includes:
- 52 (i) the reworking of an existing surface by the application of up to and including two
- 53 inches of bituminous pavement;
- 54 (ii) the installation or replacement of guardrails, seal coats, and culverts;
- 55 (iii) the grading or widening of an existing unpaved road or flattening of shoulders or
- 56 side slopes to meet current width and safety standards; and
- 57 (iv) horizontal or vertical alignment changes necessary to bring an existing road in

58 compliance with current safety standards.

59 (f) "Project" means the performance of a clearly identifiable group of associated road
60 construction activities or the same type of maintenance process, where the construction or
61 maintenance is performed on any one class B or C road, within a half-mile proximity and
62 occurs within the same calendar year.

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

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

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

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

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

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

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

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

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