

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



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 (II) 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. 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
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Office of Legislative Research and General Counsel