

**HIGHWAY FUNDING AMENDMENTS**

2008 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Dennis E. Stowell**

House Sponsor: Rebecca D. Lockhart

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**LONG TITLE**

**General Description:**

This bill modifies the Transportation Code by amending provisions relating to highway funding.

**Highlighted Provisions:**

This bill:

- ▶ amends apportionment provisions for the distribution of class B and class C roads account funds;
- ▶ provides that the State Park Highways Access Improvement Program may be funded from funds appropriated to the Department of Transportation; and
- ▶ makes technical changes.

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**

This bill takes effect on July 1, 2008.

**Utah Code Sections Affected:**

AMENDS:

**72-2-108**, as last amended by Laws of Utah 2007, Chapter 126

**72-3-207**, as last amended by Laws of Utah 2007, Chapter 126

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



28 Section 1. Section **72-2-108** is amended to read:

29 **72-2-108. Apportionment of funds available for use on class B and class C roads**

30 **-- Bonds.**

31 (1) For purposes of this section:

32 (a) "Graveled road" means a road:

33 (i) that is:

34 (A) graded; and

35 (B) drained by transverse drainage systems to prevent serious impairment of the road

36 by surface water;

37 (ii) that has an improved surface; and

38 (iii) that has a wearing surface made of:

39 (A) gravel;

40 (B) broken stone;

41 (C) slag;

42 (D) iron ore;

43 (E) shale; or

44 (F) other material that is:

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

46 (II) coarser than sand.

47 (b) "Paved road" includes a gravelled road with a chip seal surface.

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

49 (i) the width of the road; or

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

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

52 (i) paved road miles multiplied by five;

53 (ii) gravelled road miles multiplied by two; and

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

55 (2) Subject to the provisions of Subsections (3) through (5), funds in the class B and

56 class C roads account shall be apportioned among counties and municipalities in the following

57 manner:

58 (a) 50% in the ratio that the class B roads weighted mileage within each county and

59 class C roads weighted mileage within each municipality bear to the total class B and class C  
60 roads weighted mileage within the state; and

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

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

67 (a) the population of a county outside the corporate limits of municipalities in that  
68 county, if the population of the county outside the corporate limits of municipalities in that  
69 county is not less than 14% of the total population of that county, including municipalities; and

70 (b) if the population of a county outside the corporate limits of municipalities in the  
71 county is less than 14% of the total population:

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

74 (A) 14%; and

75 (B) the actual percentage of population outside the corporate limits of municipalities in  
76 that county; and

77 (ii) the population apportioned to the county shall be 14% of the total population of  
78 that county, including incorporated municipalities.

79 (4) (a) If an apportionment under Subsection (2) to a county or municipality with a  
80 population of less than [~~10,000~~] 14,000 is less than 120% of the amount apportioned to the  
81 county or municipality from the class B and class C roads account for fiscal year 1996-97, the  
82 department shall:

83 (i) reapportion the funds under Subsection (2) to ensure that the county or municipality  
84 receives an amount equal to 120% of the amount apportioned to the county or municipality  
85 from the class B and class C roads account for fiscal year 1996-97; and

86 (ii) decrease proportionately as provided in Subsection (4)(b) the apportionments to  
87 counties and municipalities for which the reapportionment under Subsection (4)(a)(i) does not  
88 apply.

89 (b) The aggregate amount of the funds that the department shall decrease

90 proportionately from the apportionments under Subsection (4)(a)(ii) is an amount equal to the  
91 aggregate amount reapportioned to counties and municipalities under Subsection (4)(a)(i).

92 (5) (a) ~~[(f)]~~ In addition to the apportionment adjustments made under Subsection (4), a  
93 county or municipality that qualifies for reapportioned monies under Subsection (4)(a)(i) shall  
94 receive the percentage change in the class B and class C roads account compounded annually  
95 beginning in fiscal year 2006-07.

96 ~~[(ii) Any percentage increase calculated under Subsection (5)(a)(i) may not include any  
97 increases from increases in fees or tax rates.]~~

98 (b) The adjustment under Subsection (5)(a) shall be made in the same way as provided  
99 in Subsection (4)(a)(ii) and (b).

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

105 Section 2. Section **72-3-207** is amended to read:

106 **72-3-207. State Park Access Highways Improvement Program -- Distribution --**  
107 **Rulemaking.**

108 (1) There is created the State Park Access Highways Improvement Program within the  
109 department.

110 (2) (a) The program shall be funded from the following revenue sources:

111 ~~[(a)]~~ (i) any voluntary contributions received for improvements to state park access  
112 highways; and

113 ~~[(b)]~~ (ii) appropriations made to the program by the Legislature.

114 (b) The program may be funded from appropriations made to the department by the  
115 Legislature.

116 (3) The department may use the program monies as matching grants to a county or  
117 municipality for the improvement of class B or class C roads specified as state park access  
118 highways under this part subject to:

119 (a) monies available in the program;

120 (b) prioritization of the program monies by the commission;

121 (c) a county or municipality providing at least 50% of the cost of each improvement  
122 project in matching funds; and

123 (d) rules made under Subsection (4).

124 (4) The department shall make rules in accordance with Title 63, Chapter 46a, Utah  
125 Administrative Rulemaking Act, necessary to administer the program and to establish the  
126 procedures for a county or municipality to apply for a grant of program monies.

127 (5) All appropriations made to the program by the Legislature are nonlapsing.

128 (6) The department shall commit funds for state park access highway projects for the  
129 amount of funding currently programmed in a funded year in the 2007 Statewide  
130 Transportation Improvement Program.

131 Section 3. **Effective date.**

132 This bill takes effect on July 1, 2008.

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**Legislative Review Note**

as of 1-22-08 2:13 PM

**Office of Legislative Research and General Counsel**

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**S.B. 168 - Highway Funding Amendments**

**Fiscal Note**

2008 General Session

State of Utah

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**State Impact**

Enactment of this bill will not require additional appropriations. However, if the Department of Transportation is required to use Transportation Funds on highways that are not State highways the funding available to maintain State highways will decrease proportionately.

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**Individual, Business and/or Local Impact**

Enactment of this bill will redistribute funds divided for use on Class B & C Roads by adjusting the population of counties or municipalities with populations less than 10,000 to counties or municipalities to less than 14,000. No new funds will be available but distribution of existing funds will change.

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