

**CLASS B AND CLASS C ROAD FUND AMENDMENTS**

2016 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Johnny Anderson**

Senate Sponsor: Alvin B. Jackson

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**LONG TITLE**

**Committee Note:**

The Transportation Interim Committee recommended this bill.

**General Description:**

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

**Highlighted Provisions:**

This bill:

- ▶ amends the apportionment formula for funds available for use on class B and class C roads; and
- ▶ makes technical changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

This bill provides a special effective date.

This bill provides for retrospective operation.

**Utah Code Sections Affected:**

AMENDS:

**72-2-108**, as last amended by Laws of Utah 2015, Chapter 275

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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; and

53 (ii) all other road type road miles multiplied by two.

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

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

56 manner:

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

58 class C roads weighted mileage within each municipality bear to the total class B and class C

59 roads weighted mileage within the state; and

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

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

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

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

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

73 (A) 14%; and

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

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

78 (4) (a) If an apportionment under Subsection (2) [~~for~~] made in fiscal year [~~2014~~]  
79 2013-14 to a county or municipality with a population of less than 14,000 is less than 120% of  
80 the amount apportioned to the county or municipality from the class B and class C roads  
81 account [~~for~~] in fiscal year 1996-97, the department shall:

82 (i) reapportion the funds under Subsection (2) to ensure that the county or municipality  
83 receives an amount equal to:

84 (A) the amount apportioned to the county or municipality from the class B and class C  
85 roads account [~~for~~] in fiscal year 1996-97; plus

86 (B) the amount apportioned to the county or municipality from the class B and class C  
87 roads account in fiscal year 1996-97 multiplied by the percentage increase in the class B and  
88 class C roads account from fiscal year 1996-97 to the most recently completed fiscal year; and

89 (ii) decrease proportionately as provided in Subsection (4)(b) the apportionments to

90 counties and municipalities for which the reapportionment under Subsection (4)(a)(i) does not  
91 apply.

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

95 (5) (a) In addition to the apportionment adjustments made under Subsection (4), a  
96 county or municipality that qualifies for reapportioned money under Subsection (4)(a)(i) shall  
97 receive the percentage change in the class B and class C roads account compounded annually  
98 beginning in fiscal year 2006-07.

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

101 (6) The governing body of any municipality or county may issue bonds redeemable up  
102 to a period of 10 years under Title 11, Chapter 14, Local Government Bonding Act, to pay the  
103 costs of constructing, repairing, and maintaining class B or class C roads and may pledge class  
104 B or class C road funds received pursuant to this section to pay principal, interest, premiums,  
105 and reserves for the bonds.

106 **Section 2. Effective date.**

107 If approved by two-thirds of all the members elected to each house, this bill takes effect  
108 upon approval by the governor, or the day following the constitutional time limit of Utah  
109 Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto,  
110 the date of veto override.

111 **Section 3. Retrospective operation.**

112 This bill has retrospective operation beginning on January 1, 2016.