

Stricken language would be deleted from and underlined language would be added to present law.
Act 898 of the Regular Session

State of Arkansas
90th General Assembly
Regular Session, 2015

As Engrossed: H3/11/15
A Bill

SENATE BILL 613

By: Senators Irvin, *B. Sample, J. Woods*

By: Representatives House, Branscum, Tucker, *Hillman, D. Douglas, Boyd, Sabin*

For An Act To Be Entitled

AN ACT TO CREATE THE ARKANSAS UNPAVED ROADS PROGRAM ACT; TO PROVIDE GRANTS TO COUNTIES FOR UNPAVED ROAD PROJECTS; TO CREATE THE ARKANSAS UNPAVED ROADS PROGRAM FUND; AND FOR OTHER PURPOSES.

Subtitle

TO CREATE THE ARKANSAS UNPAVED ROADS PROGRAM ACT; TO PROVIDE GRANTS TO COUNTIES FOR UNPAVED ROAD PROJECTS; AND TO CREATE THE ARKANSAS UNPAVED ROADS PROGRAM FUND.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code Title 14 is amended to add an additional chapter to read as follows:

Chapter 305

Arkansas Unpaved Roads Program Act

14-305-101. Title.

This chapter shall be known as the "Arkansas Unpaved Roads Program Act".

14-305-102. Legislative findings and intent.

(a) The General Assembly finds that:

(1) Unpaved roads in the state are the transportation backbone



for rural communities and for many economic sectors in Arkansas, including timber, agriculture, ranching, and energy;

(2) Unpaved roads provide access to the public to hunting, fishing, boating, hiking, and other recreational and tourist activities;

(3) Public access is vital to the economy, tourism, and public enjoyment of natural resources in the state; and

(4) The erosion of unpaved roads can have negative effects on the state's economy, tourism, and natural resources.

(b) The General Assembly intends to support the creation of the Arkansas Unpaved Roads Program, which will:

(1) Combine the resources of public and private organizations;

(2) Provide incentives for the maintenance of select low-volume, unpaved public roads maintained by counties in Arkansas for the purpose of maintaining and improving the health of the state's economy and natural resources;

(3) Use a public-private partnership arrangement to assist counties in funding unpaved road projects; and

(4) Provide funding for demonstration, training, promotion, and use of best management practices in construction and maintenance of rural unpaved roads adjacent to or near lakes, rivers, or streams.

14-305-103. Definitions.

As used in this chapter:

(1) "Best management practices" means practices for the construction and maintenance of unpaved roads that are broadly accepted by road engineers and maintenance professionals as the most effective approaches to managing unpaved roads that minimize sediment impacts to adjacent water bodies and aquatic habitats; and

(2) "Unpaved road project" means a project that has as its purpose the reduction of erosion and sedimentation by:

(A) Providing better drainage to an eroding unpaved public road maintained by a county;

(B) Stabilizing erodible ditches and drainage outlets for an unpaved public road maintained by a county;

(C) Creating a more durable driving surface for an unpaved public road maintained by a county; or

(D) A combination of the activities described in subdivisions (2)(A)-(C) of this section.

14-305-104. Arkansas Unpaved Roads Program.

The Arkansas Unpaved Roads Program is established to help provide funding for unpaved road projects throughout the state using best management practices.

14-305-105. Application process – Criteria for selection.

(a)(1) After completing training in best management practices, a county may submit an application to receive funding for an unpaved road project to the Department of Rural Services.

(2) The department shall:

(A) Determine which of the proposed unpaved road projects to fund based on the criteria and requirements stated in this chapter; and

(B) Create an advisory committee to assist the department in evaluating applications and determining which proposed unpaved road projects to fund.

(b) A county applying for funding for an unpaved road project shall submit an application to the department that includes the following:

(1) A brief description of the maintenance needs to be addressed by the unpaved road project;

(2) A cost estimate for the unpaved road project;

(3) A proposed work schedule for the unpaved road project;

(4) The basis for successful completion of the unpaved road project with citation to the relevant feature contained in subsection (c) of this section;

(5) A plan for using best management practices;

(6) A description of the unpaved road project site, including without limitation a site map; and

(7) Any other information requested by the department.

(c) The proposed unpaved road project shall be located in a watershed area with at least one (1) of the following features, listed in order of priority:

(1) An aquatic species that the federal government has listed as a threatened, endangered, or candidate species;

(2) A water body that has been determined to be impaired as a result of turbidity or sediment;

(3) A drinking water source;

(4) An interstate water body;

(5) A species that the Arkansas State Game and Fish Commission has declared is of greatest conservation need;

(6) An agricultural or pasture land use; or

(7) A forestry land use.

(d) The proposed unpaved road project shall not include the paving or chipping and sealing of a dirt or gravel road.

(e) The department shall evaluate and prioritize each proposed unpaved road project based on the characteristics of the road contributing to erosion.

14-305-106. Funding of unpaved road projects.

(a)(1) Donations from private entities and funding or in-kind goods and services committed by the county proposing the unpaved road project shall equal at least fifty percent (50%) of the estimated total costs of the proposed unpaved road project.

(2) In-kind goods and services committed by the county may include without limitation labor, equipment use, materials, and services.

(b) The Department of Rural Services may award a grant to a county using funds available in the Arkansas Unpaved Roads Program Fund for up to fifty percent (50%) of the estimated total costs of a proposed unpaved road project.

(c) At least four percent (4%) of the funding obtained from the department under this chapter shall be used to evaluate and assess the unpaved road project.

14-305-107. Completion of unpaved road projects.

(a) A grant awarded to a county under this chapter shall be applied only to work completed on an unpaved road project after the unpaved road project has been approved for a grant.

(b)(1) If an unpaved road project that has been approved for a grant is not completed within one (1) year of the award of the grant, the county shall refund the full grant amount to the Department of Rural Services.

(2) However, for good cause shown, the Director of the Department of Rural Services may allow one (1) extension for a county that is unable to complete its unpaved road project within the period stated in subdivision (b)(1) of this section.

(c) A county shall:

(1) Comply with the standards set by the department for the completion of an unpaved road project to ensure that the unpaved road project is conducted in a manner that is not harmful to the state or the environment; and

(2) Report on the progress of the unpaved road project in the manner and at the times determined by the department.

14-305-108. Records.

A county that receives a grant under this chapter shall:

(1) Maintain a separate accounting of the grant funds received under this chapter;

(2) Maintain all records related to the unpaved road project that is the subject of the grant awarded under this chapter for three (3) years from the date the unpaved road project is completed; and

(3) Allow inspection by the Department of Rural Services of the records described in subdivisions (1) and (2) of this section.

14-305-109. Support of Arkansas Unpaved Roads Program.

(a) The following agencies and entities have pledged their support for the Arkansas Unpaved Roads Program and are encouraged to provide funding for unpaved road projects under this chapter:

(1) The Arkansas Association of Conservation Districts;

(2) The Arkansas Forestry Commission;

(3) The Arkansas State Game and Fish Commission;

(4) The Arkansas Natural Resources Commission;

(5) County judges;

(6) The Natural Resources Conservation Service;

(7) The Center for Training Transportation Professionals at the University of Arkansas; and

(8) The United States Fish and Wildlife Service.

(b) Additional agencies and private entities are encouraged to join

the entities listed in subsection (a) of this section in supporting and funding unpaved road projects in the state.

(c) Any funds received from agencies and entities in support of the Arkansas Unpaved Roads Program shall be deposited into the Arkansas Unpaved Roads Program Fund.

14-305-110. Rules.

The Department of Rural Services shall promulgate rules to implement and administer this chapter, including without limitation rules regarding:

- (1) The application process;
- (2) The creation and administration of an advisory committee to assist the department in evaluating applications and making funding determinations;
- (3) The disbursement of grant funds;
- (4) The reporting required by counties that receive grant funds under this chapter;
- (5) The evaluation and assessment of unpaved road projects approved for grants;
- (6) The expenses that are eligible for grant funds; and
- (7) The standards a county is required to meet in completing an unpaved road project.

SECTION 2. Arkansas Code Title 19, Chapter 5, Subchapter 12, is amended to add an additional section to read as follows:

19-5-1255. Arkansas Unpaved Roads Program Fund.

(a) There is created on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a miscellaneous fund to be known as the "Arkansas Unpaved Roads Program Fund".

(b) The fund shall consist of:

- (1) Grants made by any person, state agency, or federal government agency;
- (2) Donations made by private persons or entities;
- (3) Any remaining fund balances carried forward from year to year; and
- (4) Any other funds authorized or provided by law.

(c) The fund shall be used by the Department of Rural Services to

award grants to counties under the Arkansas Unpaved Roads Program Act, § 14-305-101 et seq.

(d) Moneys remaining in the fund at the end of each fiscal year shall carry forward and be made available for the purposes stated in this section in the next fiscal year.

/s/ Irvin

APPROVED: 04/01/2015