

November 2014

PROCEDURES FOR
DEVELOPMENT
OF COUNTY



CONSTRUCTION PROJECTS

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GENERAL PROCEDURES FOR DEVELOPMENT OF STATE AID CONSTRUCTION PROJECTS

Under Act 445 of 1973, the State Aid Division was created within the Arkansas State Highway and Transportation Department to administer the State Aid and Federal-Aid County Road Program.

The development of a State Aid Project begins with the County Judge having a need or desire for a road improvement. He contacts the State Aid Engineer and an on-site field inspection is made to determine the type of project needed, scope of work, eligibility of work and probable cost. If the County Judge desires to proceed, he requests a project by letter, and it is programmed. The Job is given a number, title and an allotment for preliminary engineering.

Before field surveys begin the Surveys Engineer will contact the County Judge to discuss location and length of proposed improvements. It is important that the proposed centerline of the road be located satisfactorily to the County Judge because he is responsible for furnishing right-of-way, relocating persons if necessary, and utility adjustments.

When final surveys are complete, a State Aid Division design section prepares preliminary plans.

When plan development reaches the point where right-of-way requirements can be determined, an on-site field inspection is made with the County Judge, State Aid Division, and State Construction personnel to discuss design and construction of the proposed project.

GENERAL PROCEDURES FOR DEVELOPMENT OF STATE AID CONSTRUCTION PROJECTS

After the field inspection, the plans are completed. As soon as possible the Right-of-Way Court Order documents are sent to the County for acquisition of right-of-way. This Court Order cannot be executed until the County is notified that environmental clearances have been obtained. Construction plans for utility adjustments are sent from the County directly to the Utility Companies with instructions to contact the County for any additional assistance. When the right-of-way is obtained and the County places its matching share of the Engineer's estimated construction cost in escrow with the Department, the project is advertised for bids upon direction by the County Judge.

If the County desires to bid on the project, a bid proposal can be obtained from the Department upon request. However, the aggregate amount of the County's bid must not exceed \$200,000 (ACT 299 OF 2013). The County is not obligated to bid on the project by requesting a proposal, but is obligated to accept the low bid received for the project if the County does submit a bid. If the County does not bid on the project the bids are received and contracts awarded by the Arkansas Highway Commission in the same manner as regular State Highway projects subject to the County's concurrence.

Upon completion of construction, a final accounting of funds will be made. If actual costs are less than the initial County deposit, a refund will be made to the County. If the actual costs are more than the initial County deposit, the County will be billed for its proportionate share of the contract overrun.

RESPONSIBILITIES OF THE COUNTIES

1. Review State Aid Road System with AHTD personnel. The existing Federal-Aid System is included in the State Aid Road System. The State Aid Engineer, in accordance with Act 445, must approve any additions to the State Aid Road System.
2. The County shall, through its County Judge, agree to comply with the terms, provisions, and limitations of Act 445. This should be done in writing and filed with the State Aid Division of AHTD.
3. The County should prepare an annual construction program for approval by the State Aid Engineer. The program may be modified or revised in whole or in part, with the approval of the State Aid Engineer.
4. When the County wishes to request a specific improvement project, the County shall request the State Aid Engineer in writing to program the project. The following information should be included in the letter:
 - a. County Road Number
 - b. Length of the Project
 - c. Priority
 - d. Describe Type of Improvement

After a preliminary on-site inspection and approval of the project by the State Aid Engineer, if the County Judge desires to proceed, he requests a project by letter and it is programmed (for BR & FA Jobs a preliminary engineering deposit is required from the County prior to programming) and plans are prepared.

5. When plans and specifications are complete and prior to the advertising of a project, the County shall review the plans and the County Judge shall notify the State Aid Engineer that the plans contain the requested scope of work and

RESPONSIBILITIES OF THE COUNTIES

that the County has the necessary State Aid and County funds available to advertise the project for bids. If plans and specifications are not prepared by the Arkansas State Highway and Transportation Department, the County shall submit preliminary and final plans to the State Aid Engineer for approval.

After the State Aid Engineer and the County have approved the plans and the project is advertised, the County shall deposit the County's share of funds, based on the Engineer's estimate, in the State Aid Road Fund prior to opening of bids.

When the Arkansas State Highway and Transportation Department open bids, the County will review the bids in consultation with the Commission and joint agreement will be reached regarding rejection of the bid or award of the contract. If the contract award amount is higher than the Engineer's estimate, the County shall deposit in the State Aid Road Funds its proportionate share of the increased amount. If the contract award amount is less than the Engineer's estimate, the County may withdraw its proportionate share of the excess deposit or leave it on deposit for future projects.

6. The County shall agree to properly maintain all State Aid Roads constructed with State Aid Road Funds in accordance with provisions of Act 445.
7. All utility adjustments are to be secured by the County.
8. All right-of-way required on State Aid Road projects shall be acquired by the county, and any cost of right-of-way shall not be considered a part of the cost of any project contemplated by Act 445. The right-of-way may be purchased, donated or obtained by County Court Order. The County must furnish the State Aid Engineer proof of acquisition before a project is to be advertised for bids.

RESPONSIBILITIES OF THE ARKANSAS STATE HIGHWAY AND TRANSPORTATION DEPARTMENT

1. The State Aid Engineer will review State Aid Road System with each County Judge. The existing Federal-Aid System is included in the State Aid System. Any additions to the present State Aid System must be in accordance with Act 445 and approved by the State Aid Engineer.
2. The design standards and specifications used for the construction of State Aid Roads are prepared to get the most miles for each dollar, with the prime consideration being to provide economical, utilitarian paved roads suitable for rural needs.
3. The State Aid Engineer shall advise the County Judge on matters of policy, use of funds, design standards, accounting methods and other related matters.
4. The State Aid Engineer shall review and approve the annual program prepared by the County.
5. The State Aid Engineer shall keep an accounting of projected funds; funds available and funds expended related to the State Aid Roads.
6. The State Aid Engineer shall notify such County in writing of State Aid eligibility and that its proportionate part of State funds allocated to it for State Aid may be utilized for construction of the State Aid System in the manner provided under Act 445.
7. The State Aid Engineer shall coordinate the efforts of the various divisions of the Arkansas State Highway and Transportation Department to perform engineering services necessary to make surveys and to prepare plans and specifications for the construction of State Aid Roads. The State will keep adequate records of actual job charges made against each county project. The cost of engineering surveys, plans and specifications will be payable from the State Aid Road Fund.

When the County performs the work of surveys and plans preparation, either by a County Engineer or Professional Engineer employed by the County, the

RESPONSIBILITIES OF THE ARKANSAS STATE HIGHWAY AND TRANSPORTATION DEPARTMENT

engineering costs are not reimbursable with State Aid funds. Plans prepared by others will be as approved by the State Aid Engineer.

8. When plans for a project are complete, the State Aid Engineer will submit plans, specifications and an Engineer's estimate of cost to the County for approval.

Upon receipt of concurrences in the plans from the County Judge, the State Aid Engineer shall submit the plans and specifications to the State Highway Commission for bid advertising.

9. When the State Highway Commission opens bids, the Commission will review the bids in consultation with the County Judge and a joint agreement will be reached regarding rejection of the bid or awarding of the contract. Upon execution of the contract, the Arkansas State Highway and Transportation Department will supervise the successful bidder in construction operations specified by the plans and specifications.

Should plans changes be required during the course of the work, such plans changes shall meet the approval of the State Aid Engineer. If, in the opinion of the State Aid Engineer, such plan changes alter the scope of work originally intended, the plan changes may be submitted to the County Judge for concurrence before bringing about such changes.

10. Upon completion of the construction work, the State Construction Division shall schedule a joint final inspection of the completed work. The final inspection party shall include the State Aid Engineer or his designated representative, the County Judge, the contractor, and other personnel as may be necessary for the purpose of determining whether such project has been completed satisfactorily in accordance with the plans and specifications. If the work has been complete satisfactorily, a final estimate will be prepared for final accounting of funds for the project.

GENERAL STEP BY STEP PROCEDURE FOR STATE AID PROJECTS

1. Written request from County for specific job.
2. On-site inspection by State Aid Division, District Personnel and County Judge.
3. Preliminary estimate of cost to County.
4. Concurrence from County to proceed. If required, a preliminary engineering deposit is requested from the County (2% of estimated cost*).
5. Survey and Plans requested by County.
 - a. Professional Engineer retained.
 - b. Request to AHTD to make Surveys and prepare Plans (2% Deposit Required)
6. Preliminary plans prepared.
7. On-site inspection by State Aid Division, District Engineer and County Judge for approval of preliminary plans.
8. Final plans approved by State Aid Engineer and County Judge.
9. Right-of-Way and Utility Adjustments secured by County.
10. County requests advertising of Job.
11. Construction deposit (County matching funds) from County to the Department.
12. Contract Let.
13. Final Acceptance of project by State and County
14. Final Accounting of project.

* The 2% deposit required will be applied to the County's matching portion of the construction cost if the project is let to contract. If the project is not let to contract, the engineering expenses incurred will be deducted and the balance refunded to the County.

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GENERAL POLICIES

There are three types of funding for construction projects:

1. STATE AID – (Designated “SA” Jobs)
(90% State Aid Funds, 10% County Funds)

2. FEDERAL-STATE AID – (Designated “FA” Jobs)
(80% Federal Funds, 18% State Aid Funds, 2% County Funds)

3. FEDERAL-AID BRIDGE REPLACEMENT – (Designated “BR” Jobs)
(80% Federal Aid Funds, 18% State Aid Funds, 2% County Funds)

The County may bid on “SA” Jobs, but must comply with Arkansas State Highway and Transportation Department bidding and bonding requirements and other contractual provisions. Although the County may be a Prime Contractor on a State Aid project, the County cannot be a subcontractor to another Prime Contractor.

The County may award subcontracts on any part of the construction in accordance with Arkansas State Highway and Transportation Specifications if the County has been awarded the prime contract.

The County Judge shall share in the decision to accept or reject a bid of a private contractor, if the County did not submit a bid.

Projects involving Federal Funds (“FA” or “BR”) will be constructed to Federal Aid Standards. State Aid Projects (“SA” Jobs) will use State Aid Standards shown on the enclosed Design Guidelines or as approved by the State Aid Engineer.

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GENERAL POLICIES

Unless otherwise prohibited, local contributions, HUD funds, EDA funds, etc., may be considered as County Funds for matching purposes.

The County may employ a Registered Professional Engineer to perform surveys and Design. Such engineering cost may not be payable from the State Aid Road Fund. All work must meet the approval of the State Aid Engineer.

State Aid Funds may be used to overlay existing pavement when approved by the State Aid Engineer depending on existing base material, drainage, and pavement condition.

State Aid Funds may be spent only on roads on approved State Aid System.

Federal Aid Funds ("FA" Jobs) may be spent only on roads on the approved Federal Aid Classification System.

New Fence and/or Fence Removal and Reconstruction and other man-made obstructions may be included as part of construction costs on State Aid projects with the exception of utility adjustments.

Twenty-Five Percent of State Aid Funds may be used for resealing existing pavements on the State Aid System providing the existing pavement is of acceptable condition as determined by the State Aid Engineer.

DESIGN AND CONSTRUCTION PRACTICES

BRIDGES

1. Bridge width may vary according to enclosed Design Guidelines.
2. Bridges may be either concrete precast slabs or cast in place concrete. Piles and caps may be concrete, treated timber, or steel.
3. Bridge will be designed to pass 25 year frequency flood.
4. Timber bridges may be used on selected locations as approved by the State Aid Engineer.

ROADWAY

1. Widths may vary according to enclosed Design Guidelines.
2. Pavement may extend full width of roadway shown. Shoulder area may be single sealed.
3. Alignment and grade according to enclosed Design Guidelines. Profile will generally follow existing ground line.
4. Proper drainage will be of utmost importance.
5. Motorist guide and regulatory signs may be installed.
6. Pavement surface may be Double Bituminous Surface Treatment (Double Seal), Slurry Seal, or Asphaltic Concrete Hot Mix.
7. Base material may be locally available pit run gravel and crushed stone of a good quality meeting specifications somewhat less than Arkansas State Highway and Transportation Department Specifications for Class 5 (formally GB-3) and Class 7 (formally SB-2). Portland cement or asphalt cement may be added to sand and inferior quality gravel and stone to increase strength as required.
8. On existing paved roads with adequate base and width, the roadway may be overlaid with Asphaltic Concrete Hot Mix Surface Course. Shoulders will be built up to edge of pavement by the County or as a Contract item.
9. Roadway Embankment and cross drains to be designed for a 10-25 year frequency flood.

GENERAL STATE AID DESIGN GUIDELINES
AVERAGE DAILY TRAFFIC VOLUME

	Under 100			100 - 400			400 - 1000			Over 1000		
	Minimum	Desirable		Minimum	Desirable		Minimum	Desirable		Desirable	Minimum	
DESIGN SPEED (MPH)												
Level Terrain	40	50		40	50		50	60		60	50	50
Rolling Terrain	30	40		30	40		40	50		50	40	40
Mountainous Terrain	20	30		20	30		30	40		40	30	30
STOPPING SIGHT DISTANCE (ft.)												
Level Terrain	275	350		275	350		350	475		475	350	350
Rolling Terrain	200	275		200	275		275	350		350	275	275
Mountainous Terrain	150	200		150	200		200	275		275	200	200
Width of Finished Crown	22	24		22	26		26	30		30	34	34
Width of Surfacing	20	20		20	20		20	22		22	22	22
Width of New Bridges (HS 20 loading)	24	24		24	24		24	28		28	28	28
Width of Retained Bridges	20	22		20	22		20	24		24	22	22
Width of Right-of-Way	50	60		50	60		60	70		70	70	70
SHARPEST CURVE (Degrees)												
Level Terrain	14	12.5		12.5	10		10	7.5		7.5	7.5	7.5
Rolling Terrain	25	18		18	14		14	12.5		12.5	12.5	12.5
Mountainous Terrain	56	36		36	25		30	23		23	23	23
MAXIMUM GRADIENT (%)												
Level Terrain	8	7		8	5		7	5		5	6	6
Rolling Terrain	12	10		10	8		8	6		6	8	8
Mountainous Terrain	15	12		12	10		10	8		8	10	10

PROCEDURES FOR BIDDING – STATE AID JOBS

Should a county wish to bid on their advertised State Aid project, the following procedures must be used:

1. A telephone call (501/569-2261) or letter to the Programs and Contracts Division, Arkansas State Highway and Transportation Department (AHTD) should be made requesting a Proposal for bidding purposes. For Jobs without separate plan sheets (plans in the Proposal), the cost is \$6.00 per Proposal. When 11"x17" plan sheets are included, the cost is \$0.12 per sheet. Also, if a county does not have the current edition of the "Standard Specifications for Highway Construction", a copy should be ordered. The cost of the Standard Specifications is \$12.00. An invoice of charges will be included with your order.
2. The bid must be submitted by the time and date required in the Proposal. The County's bid amount cannot be greater than \$200,000 (Act 299 of 2013). With the submission of the bid, a Proposal Guaranty (Bid Bond) in the amount of 5% of the total amount of the bid shall be included. A county check for the Proposal Guaranty is acceptable. The Proposal Guaranty will be returned after execution of the Contract.
3. If the county is the low bidder, the conditions of Section 103 of the Standard Specification must be met, including the following:
 - a. The successful bidder shall furnish a surety Performance bond or bonds in a sum equal to the full amount of the Contract and a surety Payment bond or bonds in a sum equal to 80% of the full amount of the Contract.
 - b. The county shall procure and maintain at its own sole cost and expense, until acceptance of the project by the Engineer, General Public Liability Insurance providing bodily injury, including death, personal injury, and property damage coverage with a limit of at least \$1,000,000 per occurrence and a general aggregate limit of at least \$2,000,000. Each such policy shall be endorsed to include broad form general liability, contractual liability, and completed operations coverage.
4. Unless otherwise advised in writing, the Work Order for a working day contract shall become effective on the fifteenth calendar day following the execution of the Contract by the Department.
5. Unless otherwise advised in writing, the Work Order for a fixed completion date contract shall become effective on the day following the execution of the Contract by the Department.
6. Under normal conditions, contract time will be assessed not later than ten calendar days after the effective date of the Work Order
7. The County, when acting as the contractor, shall comply with all the provisions of the Standard Specifications and the provisions of the Proposal in constructing the project. This includes being responsible for quality control and acceptance testing to assure the materials and workmanship meet the requirements of the Standard Specifications.

COUNTY ROAD CONSTRUCTION AND MAINTENANCE REVOLVING FUND

By authority of Act 607 of 1975 the County Judge may request an advance of matching funds from the “County Road Construction and Maintenance Revolving Fund” to assist the County in providing its matching funds required to cover a proposed construction project.

The following are the General Procedures for the County in “Requesting For Matching Advances”:

1. The County Judge should inform the State Aid Engineer of his intent to borrow required Matching Funds.
2. The State Aid Engineer will forward three (3) “Request For Matching Advances” Forms.
3. The County Judge should sign these forms, state the expiration date of his term in office on the bottom of the form and execute an enclosed Court Order.
4. Send the original “Request For Matching Advances” form, copy of the letter setting out amount needed and one copy of the executed Court Order to the Department of Finance and Administration.
5. Return one signed copy of the “Request For Matching Advances” form and one copy of the executed court order to the State Aid Division indicating that the request has been submitted.
6. Retain the third copy of the “Request For Matching Advances” form for the county files.

APPENDIX A

ACT 445 OF 1973

76-451. State aid roads—Purpose of law—Agreement to comply with law.—There will be established a system of state aid roads in each county consisting of the major collector and minor collector routes not on the state highway system feeding into local trade areas or into the state highway system, and to provide a program for the construction and improvement of said state aid roads. Nothing herein shall be construed to deprive or diminish the powers and duties of the County Judge of any county in the exercise of his constitutional control over county roads. Provided, that before any county shall be eligible to receive the benefits of the provisions of this Act [§§ 75-1269—75-1271, 76-335, 76-336, 76-451—76-461], said county shall, through its County Judge, agree to comply with the terms, provisions and limitations of this Act. [Acts 1973, No. 445, § 5, p. 1233.]

Compiler's Note.

A former law containing subject matter similar to §§ 76-451—76-461 (Acts 1959, No. 149, §§ 1-11, p. 925) was repealed by Acts 1973, No. 445, § 24.

Section 4 of Acts 1973, No. 445, is compiled as § 76-336.

Section to Section References.

Sections 76-451—76-461 are referred to in § 13-503.13.

76-452. "State aid roads" defined.—As used in this Act [§§ 75-1269—75-1271, 76-335, 76-336, 76-451—76-461], the term "State Aid Roads" shall mean that classification of county roads composing the major collector and minor collector routes feeding into local trade areas or into the state highway system, which are not designated as state highways, and particularly those essential to the conservation and development of natural resources, of economic, and social value and encouraging desirable land utilization, having in addition one or more of the following characteristics, to-wit: Roads (including bridges and ferries) which

- (a) extend to the larger communities including all incorporated towns,
 - (b) connect with roads of major importance in adjoining counties,
 - (c) connect with the state highways to form a complete network of main feeder roads,
 - (d) carry heavy volumes of traffic serving major business and agricultural interests of the county, and
 - (e) collect traffic at reasonable intervals from several local roads.
- [Acts 1973, No. 445, § 6, p. 1233.]

76-453. Eligibility for state aid — Distribution among counties.— State aid roads in the several counties shall be eligible for state aid in the manner and under the terms and conditions hereinafter set out. State aid, by way of funds to be expended on state aid roads, shall consist of any sum or sums provided by the legislature to supplement funds furnished by the several counties for the purpose of constructing, improving, widening, straightening, surfacing or reconstructing roads on the state aid system, and shall be available to the several counties in such proportion as may be fixed and determined by law.

There is hereby set up for designation by cooperative action of the state and counties a state aid system of roads, as hereinabove classified and defined, which system shall be designated by the several County Judges of their respective counties with the consent and approval of the state aid engineer and the Highway Commission to a total mileage not in excess of ten thousand (10,000) miles including any municipal streets, and initially established at 5,000 miles, which 5,000 miles shall include all county roads on the federal aid secondary road system. The

system will periodically be expanded in 1,000-mile increments after the initial 5,000 mile system has been established. The state aid system shall be allocated to the several counties of the state on a mileage basis in the following proportions:

- a. fifty per cent (50%) to be divided equally among the seventy-five (75) counties;
- b. twenty-five per cent (25%) to be divided in the proportion that the area of each county bears to the area of the State; and,
- c. twenty-five per cent (25%) to be divided in the proportion that the rural population of each county bears to rural population of the State as shown by the most recent decennial federal census. [Acts 1973, No. 445, § 7, p. 1233.]

Section to Section References.

This section is referred to in § 13-

This section is referred to in § 76-459. 503.13.

76-454. Division of state aid road construction created—State aid engineer.—There is hereby created within the State Highway Department a division to be called the Division of State Aid Road Construction. The Division of State Aid Road Construction shall be headed by a State Aid Engineer to be appointed by, and to serve at the pleasure of, the State Highway Commission. The State Aid Engineer shall be a registered engineer with at least three (3) years experience as a county road or highway engineer and a thorough knowledge of rural road problems.

The salary of the State Aid Engineer and his assistants, and of all other employees of the Division of State Aid Road Construction, and all other expenses incurred by the Division of State Aid Road Construction in carrying out the provisions of this Act [§§ 75-1269—75-1271, 76-335, 76-336, 76-451—76-461], shall be paid from the state aid road fund in the state treasury prior to allocation to the several counties, when conducting the duties set forth in this Act. [Acts 1973, No. 445, § 8, p. 1233.]

76-455. Powers and duties of state aid engineer.—The State Aid Engineer under the direction of the Arkansas Highway Commission shall have the following powers and duties:

(a) to advise with the County Judges of the several counties on all matters of policy, use of funds, uniform standards for state aid roads, safeguards in accounting methods and other related matters, and to cooperate with the several County Judges on all matters connected with the laying out and construction of the state aid system of county roads;

(b) to promulgate such uniform and reasonable rules and regulations as he may deem necessary to effectuate a proper designation of state aid roads to be constructed in each county, the methods for determining priority of construction, the making of surveys and the preparation of plans and specifications for the construction of such state aid roads.

(c) to provide a uniform system of accounting in the expenditure of state aid road funds.

(d) to prepare and promulgate practical uniform design standards and specifications for the construction of state aid roads in such a way as to get the most miles for each dollar, with the prime consideration being to provide economical, utilitarian paved roads suitable for rural needs, not to accommodate relatively large amounts of traffic, or to be designed for high speed transportation, which said uniform design standards and specifications may be modified to [or] amended from time to time as the State Aid Engineer may deem necessary;

(e) to advise and cooperate with the County Judges in the selection and designation of the county roads which are to be made a part of the state aid road system, as provided for in this Act [§§ 75-1269—75-1271, 76-335, 76-336, 76-451—76-461], and to approve or disapprove the selection of roads to be made a part of the state aid road system by the respective County Judges;

(f) to prepare and to submit to the State Highway Commission all proposed contracts to be let for the construction or reconstruction of state aid roads, but before submitting the same to the State Highway Commission, he shall submit the same to the County Judge of the county in which the work is to be performed in order that the County Judge may determine that the same included, in all respects, the work the county desires to be done in the county to be paid from its share of state-aid funds; and

(g) to personally, or through his designated assistants, supervise and inspect all state aid road projects as the work progresses and upon final completion of any such project, the State Aid Engineer shall cause a final inspection to be made of such project for the purpose of determining whether such project has been completed satisfactorily in accordance with the plans and specifications, and if satisfactorily completed, he shall approve payment of the final estimate on such project. No progress or final estimate either on a contract or a force account project shall be paid unless approved in such manner by the State Aid Engineer, and on all such contracts or force accounts projects a percentage of ten per cent (10%) of each estimate thereon paid shall be retained until final acceptance of such project; and

(h) the State Aid Engineer shall be subject to the direction of the State Highway Commission, provided both the State Aid Engineer and the Arkansas Highway Commission shall be bound by the provisions hereof. [Acts 1973, No. 445, § 9, p. 1233.]

Compiler's Note.

The bracketed word "or" in paragraph (d) was inserted by the compiler.

76-456. Conditions for use of state aid.—Any county shall be entitled to receive state aid and to expend state moneys in conjunction with moneys furnished by said county on state aid roads in such county on projects approved for construction in such county, provided

(1) the state aid system in such county has been designated and approved as herein provided;

(2) the county has employed or retained a county engineer to act for and on behalf of the county as a whole, who shall be a registered professional engineer, provided, that if any County Judge shall be a registered professional engineer, such County Judge may perform the duties provided herein for the county engineer.

Any county may contract with the State Highway Department for engineering services in lieu of employing or retaining a county engineer. The cost of employing or retaining a county engineer, or contracting with the State Highway Department for engineering services, shall be paid from the county road funds of the county and shall not be payable from the County Aid Road Fund. Provided, that engineering costs on federal aid projects may be included as a cost item of such projects;

(3) an annual program shall have been filed by the county with the Division of State Aid Road Construction and approved by the State Aid Engineer, and in accordance with the uniform design standards and specifications set up by the State Aid Engineer, except, however, that such program may be modified or revised in whole or in part by the State Aid Engineer, with the agreement of the county involved; and

(4) such county has complied with all rules and regulations promulgated by the State Aid Engineer. [Acts 1973, No. 445, § 10, p. 1233.]

76-457. Notification of eligibility.—When any county shall have met the requirements of this Act [§§ 76-451—76-461] and shall have become eligible for state aid, the State Aid Engineer, as soon as practicable, shall notify such county in writing of such eligibility and that its proportionate part of any state funds allocated to it for state aid may be utilized for construction on the state aid system in the manner provided in this Act. [Acts 1973, No. 445, § 11, p. 1233.]

76-458. Proposals for work to be performed.—All proposals covering work to be performed on state-aid roads in each county in this State shall be under contract let and approved by the State Highway Commission, upon request therefor from the County Judge of the county, in accordance with the procedures prescribed in Section 21 [§ 76-507] of Act 65 of 1929, as amended, and other laws of this State pertaining to contracts for the construction of state highways, which shall be equally applicable to all contracts let by the State Highway Commission for the construction of state-aid roads under this Act [§§ 75-1269—75-1271, 76-335, 76-336, 76-451—76-461]. The County Judge of any county is hereby authorized to submit bids for work to be performed on state-aid roads under the provisions of this Act and nothing contained herein shall be construed to limit or restrict the right of a county judge to submit bids for such work to be performed by county forces, so long as such bids are in accordance with the procedures prescribed in Section 21 [§ 76-507] of Act 65 of 1929, as amended. [Acts 1973, No. 445, § 12, p. 1233.]

76-459. State aid road fund.—There is hereby created in the State Treasury a fund to be known as the "State Aid Road Fund" to which the State Treasurer shall transfer sixty per cent (60%) of the revenues credited to the State Highway Special Construction Account each month until an aggregate total of nine million dollars (\$9,000,000) each fiscal year is so transferred, there to be used for construction, reconstruction, and improvements of the state-aid road system; provided, however, that beginning July 1, 1975, and for each fiscal year thereafter, the State Treasurer shall transfer seventy per cent (70%) of the revenues credited to the State Highway Special Construction Account each month until an aggregate total of nine million dollars (\$9,000,000) each fiscal year is so transferred. All revenues deposited in the State Aid Road Fund shall be apportioned to each county as prescribed in Section 7 [§ 76-453] of this Act for the distribution of mileage on the state-aid road system among the various counties. The apportioned funds shall remain for a period of two [2] years from the date they are apportioned. Any unused funds shall be returned to the State-Aid Road Fund for redistribution in accordance with the above formula. For a county to receive these funds, they must be matched in the ratio of seventy per cent (70%) State-Aid Road Funds to not less than thirty per cent (30%) county matching funds, and the county must comply with all provisions of this Act. [Acts 1973, No. 445, § 13, p. 1233; 1975, No. 607, § 3, p. 1666; 1975 (Extended Sess., 1976), No. 1037, § 2, p. 2703.]

Amendments. The 1975 amendment in the first sentence substituted "nine million dollars (\$9,000,000)" for "seven million dollars (\$7,000,000)"; and in the last sentence substituted "seventy per cent (70%)" for "sixty per cent (60%)", "thirty per cent (30%)" for "forty per cent (40%)", and "this" for "the."

The 1976 amendment added the proviso to the end of the first sentence.

Cross-References. State highway special construction account, § 76-336.

Section to Section References. This section is referred to in § 13-503.13.

76-459.1. County supplement fund account.—In the event that any county desires to provide funds in excess of the minimum matching requirements as provided herein, the State Treasurer shall credit the amount above matching requirements to the County Supplement Fund Account of the State Aid Road Fund, there to be used as provided by law. [Acts 1973, No. 445, § 21, p. 1233.]

76-460. Use of state and federal aid road funds—Rights of way.—Funds deposited in the state-aid road fund shall be used exclusively for the construction, reconstruction, and improvements of roads on the state-aid road system except as otherwise provided herein. Construction, reconstruction, and improvement shall mean any proposal submitted by a County Court which meets the definition of “betterment” as opposed to “maintenance.” Betterment shall mean any construction or reconstruction on a state-aid designated road which results in an improvement which exceeds or equals any previous improvement whether or not such previous improvement was financed in part or in whole through the provisions of this Act [§§ 76-459, 76-460, 76-461.1, 76-461.2]. Provided, not more than twenty-five per cent (25%) of a county’s allotment from the State Aid Road Fund shall be used for the purposes of resealing. Maintenance shall mean any act of work which maintains the improvement in serviceable condition. Provided further, that no funds shall be spent hereunder on any project which shall not culminate directly in a paved, hard-surfaced road. None [No] such funds shall be used for maintenance of state-aid roads.

(a) Each year, fifty per cent (50%) of all federal aid secondary aid funds allocated to this State shall be set aside by the State Highway Commission for use on county secondary road projects on the federal aid secondary roads that are included in the state aid road system. Provided that county funds are to be matched in accordance with the applicable federal law relative thereto and further, that no federal aid secondary funds shall be used to match any revenue sharing funds appropriated hereunder.

Federal aid secondary road funds that are not committed for use on county secondary federal aid road projects during any current two [2] year period shall revert to, and may be used by, the State Highway Department on state secondary highways.

(b) All rights of way required on state-aid road projects shall be acquired by the county, and any cost of rights of way shall not be considered a part of the cost of any project contemplated by this Act. The costs of reconstructing fencing, and the construction of property access passages shall not be considered as rights of way costs but shall be considered as a component of project cost.

(c) All state-aid road fund expenditures hereunder shall be made after publication of notice to bidders of the date for final reception of bids and the address at which specifications can be acquired, and after a public opening of the bids thereon, all contracts shall be awarded to the lowest and best bidder. [Acts 1973, No. 445, § 14, p. 1233; 1975, No. 607, § 4, p. 1666; 1975 (Extended Sess., 1976), No. 1037, § 3, p. 2703.]

Amendments. The 1975 amendment in the first paragraph at the end of the first sentence added “except as otherwise provided herein” and added the present second through fifth sentences; omitted the last sentence and former subdivisions (a) and (b) which read: “Expenditures of funds credited to the state aid road fund shall be in the following manner: (a) Each year, fifty per cent of all federal aid

secondary aid funds allocated to this State shall be set aside by the State Highway Commission for use on county secondary road projects on the federal aid secondary roads that are included in the state aid road system. Provided that county funds are to be matched in accordance with the applicable federal law relative thereto and further, that no federal aid secondary funds shall be used to match any rev-

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enue sharing funds appropriated hereunder.

"Federal aid secondary road funds that are not committed for use on county secondary federal aid road projects during any current two year period shall revert to, and may be used by, the State Highway Department on state secondary highways.

"(b) No state aid road project shall be approved until sufficient funds are available in the state aid road fund to pay the county's part of the project. If any county shall elect to supplement

funds on credit to the account of the county in the state aid road fund in order to provide sufficient funds for a state aid road project, the County Judge of said county may deposit such funds with the State Treasurer who shall credit the amount so deposited to the credit of the county"; and inserted the present second sentence of the second paragraph.

The 1976 amendment added subdivision (a) and designated the last two paragraphs as subdivisions (b) and (c), respectively.

76-461. Duty of county to maintain roads—Effect of failure to maintain.—It shall be the duty of each county to properly maintain all state aid roads in their respective counties after construction of any such roads with state aid moneys, and if essential maintenance is not properly and regularly carried on in the opinion of the State Aid Engineer, then notice thereof shall be given in writing to the County Judge in default and if such maintenance is not done and continued within sixty [60] days from date of such notice, then and in such event the State Aid Engineer may proceed to have done the necessary maintenance and repair work on such road and charge the same to any funds in the State Aid Road Fund in the State Treasury allocated to such county and if such failure to maintain continues, then such county shall be no longer eligible for state aid until proper maintenance is resumed by it and notice of such withdrawal of state aid shall be duly given the State Auditor and State Treasurer; provided, however, that such ineligibility shall not effect payment from the State Aid Road Fund of progress and final estimates on contracts awarded prior to notice of such ineligibility.

Whenever any county is ineligible for state aid under the provisions such ineligibility shall not affect payment from the State Aid Road of this Act [§§ 75-1269—75-1271, 76-335, 76-336, 76-451—76-461] for a continuous period of five (5) years, then such county shall forfeit and no longer be entitled to any part of the funds in the State Aid Road Fund theretofore allocated to it, and the balance of such funds so theretofore allocated to it shall be reallocated pro rata between all other eligible counties in the same relative proportions as those specified for distribution of funds to the respective counties. [Acts 1973, No. 445, § 15, p. 1233.]

Compiler's Notes. Section 21 of Acts 1973, No. 445, is compiled as § 76-459.1.

Section 23 of Acts 1973, No. 445, which was compiled as § 75-1271, was repealed in 1975.

Sections 16, 17, 18, 20, and 22 of Acts 1973, No. 445, provided for appropriations.

Section 19 of Acts 1973, No. 445, provided for transfer of funds to the state aid road fund.

Repealing Clause. Section 24 of Acts 1973, No. 445 repealed Act 149 of 1959 (former §§ 76-451—76-461).

Separability. Section 25 of Acts 1973, No. 445 read: "If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or application, and to this end the provisions of this Act are declared to be severable."

Emergency and Effective Date. Section 26 of Acts 1973, No. 445, read: "It is hereby found and determined by the General Assembly that immediate steps must be taken to provide additional State funds, and to allocate federal revenue sharing funds, for the construction of State highways which are essential to the public health, safety, and welfare and that the immediate passage of this Act is necessary in order that fiscal officials of the State may make plans to prepare for the collection of additional highway revenues effective from and after July 1, 1973. Therefore, an emergency is hereby declared to exist, and this Act being necessary for the immediate preservation of the public peace, health, and safety shall be in full force and effect from and after July 1, 1973."

APPENDIX B

ACT 255 OF 1985

ACT 553 OF 1985

ACT 996 OF 1985

**AHTD CHIEF COUNCIL OPINION OF COUNTY AS
SUB-CONTRACTOR ON STATE AID JOBS**

ACT 24 OF 1989

ACT 244 OF 1993

ACT 670 OF 1993

ACT 1028 OF 1999

ACT 1186 OF 2003

ACT 299 OF 2013

ACT 255 1985

State of Arkansas
75th General Assembly
Regular Session, 1985

A Bill

HOUSE BILL 226

By: Representative Ellis, Representatives Langster, Easley, Dugger
and Sanson

AS ENGROSSED 1/29/85

For An Act To Be Entitled

1 "AN ACT TO ALLOW DISASTER COUNTIES TO USE STATE AID ROAD
2 FUNDS ON A NINETY PERCENT TO TEN PERCENT MATCHING BASIS FOR
3 THE REPAIR OR RECONSTRUCTION OF COUNTY ROADS AND BRIDGES
4 DESTROYED OR DAMAGED DURING TORNADOES, HEAVY RAINFALL AND
5 FLOOD CONDITIONS; AND FOR OTHER PURPOSES."

6
7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

8
9 SECTION 1. Notwithstanding the provisions of Sections 13 and 14 of Act
10 445 of 1973, as amended, [Ark. Stat. Ann. Sec. 76-459 and 76-460], a county
11 that has been determined by the appropriate federal or State official as being
12 a disaster county for public assistance due to the tornadoes, excessive rain-
13 fall and flooding conditions shall be eligible to receive State Aid Road Funds
14 credited to the account of such disaster county on a ninety percent (90%)
15 State Aid Road Funds to not less than ten percent (10%) county matching fund
16 basis. Funds distributed to a disaster county under the special matching pro-
17 visions of this Section shall be used solely for the restoration or repair of
18 county bridges and/or roads destroyed or which suffered extensive damage as a
19 result of tornadoes, heavy rainfall and/or flooding conditions, regardless of
20 whether such roads and/or bridges are a part of the State Aid system of county
21 roads.

22
23 SECTION 2. In addition to the uses provided for in Section 1 of this
24 Act, funds distributed to a disaster county under the matching provisions of
25 this Act may be used to provide the necessary matching funds required to match
26 federal disaster relief funds available for the restoration or repair of county
27 bridges and/or roads which are destroyed or extensively damaged as a result of
28 tornadoes, heavy rainfall and/or flooding conditions regardless of whether such
29 roads and/or bridges are a part of the State Aid system of county roads.
30

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1 SECTION 3. It is the intent and purpose of this Act to make available
2 monies in the State Aid Road Fund to the credit of disaster counties to be
3 used to restore and repair county bridges and/or roads which are destroyed or
4 which have suffered extensive damage as a result of tornadoes, heavy rainfall
5 and/or flooding conditions and to provide, together with county funds, the
6 necessary matching monies required to enable the disaster counties to obtain
7 federal disaster relief funds for such projects. Only counties designated by
8 the appropriate federal or State official as disaster counties for public
9 assistance shall be authorized to use monies in the State Aid Road Fund under
10 the matching provisions and for the purposes set forth in this Act. All
11 other monies deposited in the State Aid Road Fund shall be used solely on the
12 matching basis and for the purposes set forth in Sections 13 and 14 of Act 445
13 of 1973, as amended.

14
15 SECTION 4. Act 108 of 1983, the same being Arkansas Statutes 76-460.1
16 through 460.4, and Act 519 of 1983 and all other laws and parts of laws in
17 conflict with this Act are hereby repealed.

18
19 SECTION 5. It is hereby found and determined by the General Assembly
20 that tornadoes, excessive rains and flooding which occur periodically result in
21 considerable destruction and damage to county roads and bridges in the various
22 counties in this State and that such counties are occasionally declared
23 "disaster counties" by the Governor or the appropriate federal official; that
24 the matching requirements and use restrictions on State Aid Road Funds
25 available to said counties will not enable such counties to adequately repair
26 or restore the roads and bridges which were destroyed or damaged during such
27 natural disasters; that, in addition, many of said counties will be eligible
28 for federal disaster relief funds and/or Federal Secondary Highway Funds to
29 assist in defraying the cost of such disaster repairs or construction, but
30 will not have sufficient matching monies available to enable said counties to
31 gain the full benefits of the use of federal aid funds in connection with such
32 projects; and that the immediate passage of this Act is necessary to amend the
33 matching fund requirement and redefine the purposes for which State Aid Road
34 funds allocated to said counties may be used. Therefore, an emergency is
35 hereby declared to exist and this Act being necessary for the immediate pre-
36 servation of the public peace, health and safety shall be in full force and

1 effect from and after its passage and approval.

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/s/ PAT ELLIS, et al

William L. ...

3/5/85
APPROVED BY *Pat Ellis*
GOVERNOR

A. Lawrence Sanders

ACT 553 1985

A Bill

State of Arkansas
75th General Assembly
Regular Session, 1985
By: Representative Day

HOUSE BILL 351

For An Act To Be Entitled

1 "AN ACT TO AMEND SECTION 15 OF ACT 445 OF 1973 [ARK. STATS.
2 76-461]; TO PROVIDE FOR THE TRANSFER OF THE RESPONSIBILITY
3 OF MAINTAINING SECTIONS OF COUNTY ROADS CONSTRUCTED BY
4 STATE AID ROAD FUND MONIES; AND FOR OTHER PURPOSES."

5
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

7
8 SECTION 1. That Section 15 of Act 445 of 1973, the same being Section
9 76-461 of the Arkansas Statutes, is hereby amended to read as follows:

10 "Section 15. It shall be the duty of each county to properly maintain
11 all state aid roads in their respective counties after construction of any
12 such roads with state aid monies, and if essential maintenance is not properly
13 and regularly carried on in the opinion of the State Aid Engineer, then notice
14 thereof shall be given in writing to the County Judge in default and if such
15 maintenance is not done and continued within sixty (60) days from date of such
16 notice, then and in such event the State Aid Engineer may proceed to have done
17 the necessary maintenance and repair work on such road and charge the same to
18 any funds in the State Aid Road Fund in the State Treasury allocated to such
19 county and if such failure to maintain continues, then such county shall be no
20 longer eligible for state aid until proper maintenance is resumed by it and
21 notice of such withdrawal of state aid shall be duly given the State Auditor
22 and State Treasurer; provided, however, that such ineligibility shall not
23 effect payment from the State Aid Road Fund of progress and final estimates on
24 contracts awarded prior to notice of such ineligibility.

25 When any county road or sections of county roads constructed under the
26 provisions of this Act, as amended, is within an area annexed to any first or
27 second class city or incorporated town, the county shall thereafter be
28 relieved of the responsibility for maintaining the road or sections of roads
29 as required in this Act, and the responsibility for maintenance thereof shall
30 be transferred, at the time of annexation, to the annexing city or

1 incorporated town.

2 Whenever any county is ineligible for state aid under the provisions of
3 this Act for a continuous period of five (5) years, then such county shall
4 forfeit and no longer be entitled to any part of the funds in the State Aid
5 Road Fund theretofore allocated to it, and the balance of such funds so there-
6 tofore allocated to it shall be reallocated pro rata between all other eli-
7 gible counties in the same relative proportions as those specified for
8 distribution of funds to the respective counties."
9

10 SECTION 2. EMERGENCY. It is hereby found and determined by the General
11 Assembly that Section 15 of Act 445 of 1973 imposed an obligation on counties
12 to defray the cost of essential maintenance of county roads that were improved
13 by construction with state aid monies from the State Aid Road Fund; that the
14 provisions of said Section 15 as now written would require a county to con-
15 tinue to pay for maintenance costs on any such road or section thereof that is
16 annexed into a city or town subsequent to the construction improvements; and
17 that the immediate passage of this Act is necessary to clarify said law,
18 thereby imposing the obligation upon the incorporating city or town to assume
19 the responsibility for the maintenance of any such road or sections of roads
20 in the area annexed to the city or town, thereby relieving the counties of
21 this obligation. Therefore, an emergency is declared to exist and this Act,
22 being immediately necessary for the preservation of the public peace, health,
23 and safety, shall be in full force and effect from and after its passage and
24 approval.
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Handwritten signature: Walter Day

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3/25/85
APPROVED BY *[Signature]*
GOVERNOR

ACT 996 1985

A Bill

State of Arkansas

75th General Assembly

Regular Session, 1985

AS ENGROSSED 2/27/85

HOUSE BILL 780

By: Representative Rice

AS ENGROSSED 3/21/85

For An Act To Be Entitled

1 "AN ACT TO AMEND SECTION 13 OF ACT 445 OF 1973, AS AMENDED,
 2 [ARK. STAT. 76-459] TO PROVIDE THAT THE STATE TREASURER SHALL
 3 TRANSFER TO THE STATE AID ROAD FUND ONE HUNDRED PERCENT OF
 4 THE REVENUES CREDITED TO THE STATE HIGHWAY SPECIAL CONSTRUCTION
 5 ACCOUNT EACH MONTH UNTIL AN AGGREGATE TOTAL OF THIRTEEN MILLION
 6 DOLLARS EACH FISCAL YEAR IS SO TRANSFERRED; AND FOR OTHER PUR-
 7 POSES."
 8

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

10
 11 SECTION 1. Section 13 of Act 445 of 1973, as amended, the same being
 12 Arkansas Statutes 76-459, is hereby amended to read as follows:

13 "Section 13. There is hereby created in the State Treasury a fund to be
 14 known as the 'State Aid Road Fund' to which the State Treasurer shall transfer
 15 one hundred percent (100%) of the revenues credited to the State Highway
 16 Special Construction Account each month until an aggregate total of thirteen
 17 million dollars (\$13,000,000) each fiscal year is so transferred, thereto be
 18 used for construction, reconstruction, and improvements of the state-aid road
 19 system. All revenues deposited in the State Aid Road Fund shall be appor-
 20 tioned to each county as prescribed in Section 7 of this Act for the distribu-
 21 tion of mileage on the state-aid road system among the various counties. The
 22 apportioned funds shall remain for a period of two (2) years from the date
 23 they are apportioned. Any unused funds shall be returned to the State-Aid
 24 Road Fund for redistribution in accordance with the above formula. For a
 25 county to receive these funds, they must be matched in the ratio of eighty
 26 percent (80%) State-Aid Road Funds to not less than twenty percent (20%)
 27 county matching funds, and the county must comply with all provisions of this
 28 Act."
 29

30 SECTION 2. That Section 12 of Act 445 of 1973, as amended, the same

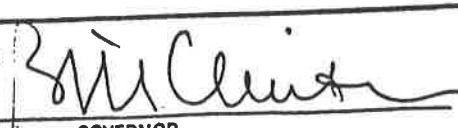
1 being Section 76-458 of the Arkansas Statutes, is hereby amended to read as
2 follows:

3 "Section 12. All proposals covering work to be performed on state-aid
4 roads in each county in this State shall be under contract let and approved by
5 the State Highway Commission, upon request therefor from the County Judge of
6 the county, in accordance with the procedures prescribed in Section 21 of Act
7 65 of 1929, as amended, and other laws of this State pertaining to contracts
8 for the construction of State highways, which shall be equally applicable to
9 all contracts let by the State Highway Commission for the construction of
10 state-aid roads under this Act. The County Judge of any county is hereby
11 authorized to submit bids for work to be performed on state-aid roads under
12 the provisions of this Act, to be performed by county forces so long as such
13 bids are in accordance with procedures prescribed in Section 21 of Act 65 of
14 1929, as amended, and the aggregate cost thereof does not exceed Seventy-Five
15 Thousand Dollars (~~\$75,000~~)." (Changed to \$115,000 - Act 1091 of 1997)
16

17 SECTION 3. All laws and parts of laws in conflict with this Act are
18 hereby repealed.
19

20 SECTION 4. EMERGENCY. It is hereby found and determined by the General
21 Assembly that the present formula for funding the State Aid Road Fund
22 is inadequate; that this Act prescribes a more adequate funding formula and
23 should be given effect at the beginning of the next fiscal year; that the next
24 fiscal year begins July 1, 1985, and unless this Emergency Clause is adopted,
25 this Act probably will not go into effect until after July 1, 1985. Therefore,
26 an emergency is hereby declared to exist, and this Act being immediately
27 necessary for the preservation of the public peace, health, and safety, shall
28 be in full force and effect from and after July 1, 1985.
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31 /s/ W.R. (Bud) Rice, et al
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4/16/85
APPROVED BY 
GOVERNOR

Handwritten signatures and initials on the left margin, including what appears to be 'W. Rice' and 'Bud'.

Handwritten signature on the right margin, possibly 'D. Lee'.

INTER OFFICE MEMORANDUM

DATE September 19, 1986

TO: John Kizer, State Aid Roads

FROM: Thomas B. Keys, Chief Counsel, Legal Division
Ted Goodloe, Staff Attorney



SUBJECT: May County Judges Act as Sub-Contractors on State Aid Jobs

Ark. Stat. Ann. 76-458 provides that County Judges may bid on State Aid jobs where the total cost of the job does not exceed ~~\$75,000.00~~. (Changed to \$115,000 - Act. 1091 of 1997)

Ark. Stat. Ann. 76-458 contains no exception with respect to sub-contract. To permit a County Judge to sub-contract work on a State Aid job would subvert the clear intention of Ark. Stat. 76-548. The County Judge is not a licensed contractor and is not pre-qualified with the Arkansas Highway Commission.

It is my opinion that the Arkansas Highway Commission as administrator of Ark. Stat. Ann. 76-548 should not permit a prime contractor to sub-contract work on a State Aid job to a County Judge with the work to be performed by county forces.

RECEIVED
SEP 22 1986


**Act 24 - "AN ACT TO AUTHORIZE COUNTIES TO EXPEND
STATE AID ROAD FUNDS
FOR THE CONSTRUCTION, REPLACEMENT, OR
RECONSTRUCTION OF
BRIDGES LOCATED IN INCORPORATED TOWNS WITHIN THE
COUNTIES;
AND FOR OTHER PURPOSES."**

State of Arkansas

77th General Assembly **A Bill** Act 24

Third Extraordinary Session, 1989 HB1059

By: Representative Davis

For An Act To Be Entitled

"AN ACT TO AUTHORIZE COUNTIES TO EXPEND STATE AID ROAD FUNDS
FOR THE CONSTRUCTION, REPLACEMENT, OR RECONSTRUCTION OF
BRIDGES LOCATED IN INCORPORATED TOWNS WITHIN THE COUNTIES;
AND FOR OTHER PURPOSES."

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

SECTION 1. Upon approval of the State Highway Commission, the quorum court and the county judge, any county may expend State aid road funds, as deposited in the State Aid Road Fund pursuant to Arkansas Code Annotated §27-72-305 and as administered pursuant to the policies of the Division of State Aid Road Construction as provided in Arkansas Code Annotated §27-72-304, for the construction, replacement, or reconstruction of bridges located in incorporated towns with a population of 500 or less, according to the latest federal census, within the county and may use the State aid road funds as matching funds for State, federal and local funds available for the replacement, construction, or reconstruction of the bridges, provided, such bridges are on highways, roads or streets in such incorporated towns which are extensions to "State aid roads", as that term is defined in Arkansas Code Annotated §27-72-301. Such extensions shall not be included in the county's allocated State aid system mileage total. Provided, further, such approval may be granted only on a project-by-project basis. For the purposes of this Act, the term "reconstruction" shall include not only a complete rebuilding or replacement of a bridge, but shall also include major renovations which will extend the service life of an existing bridge. Maintenance of such facilities,

utility adjustments, and right-of-way acquisitions shall be the responsibility of the incorporated town.

SECTION 2. All provisions of this Act of a general and permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same in the Code.

SECTION 3. All laws and parts of laws in conflict with this Act are hereby repealed.

SECTION 4. Emergency. It is hereby found and determined by the General Assembly that counties desperately need additional revenues for constructing, replacing or reconstructing bridges; that this Act authorizes counties to expend State aid road funds for the replacement, construction, or reconstruction of certain bridges; that this Act will provide counties with the means of replacing or reconstructing bridges which are in a dangerous condition; and that this Act should be given effect immediately in order to provide the means of constructing, replacing or reconstructing the bridges as soon as possible. Therefore, an emergency is hereby declared to exist and this Act being immediately necessary for the preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval.

APPROVED: November 6, 1989

**ACT 244 OF 1993 - TO INCREASE THE MAXIMUM TOTAL
MILEAGE IN THE STATE AID ROAD SYSTEM FROM 10,000
MILES TO 15,000 MILES."**

State of Arkansas

79th General Assembly **A Bill** ACT 244 OF 1993

Regular Session, 1993 SB46

By: Senator Scott

For An Act To Be Entitled

"TO AMEND ARKANSAS CODE 27-72-302(b) TO INCREASE THE MAXIMUM TOTAL MILEAGE IN THE STATE AID ROAD SYSTEM FROM 10,000 MILES TO 15,000 MILES; AND FOR OTHER PURPOSES."

Subtitle

"TO INCREASE THE MAXIMUM TOTAL MILEAGE IN THE STATE AID ROAD SYSTEM FROM 10,000 MILES TO 15,000 MILES."

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

SECTION 1. Arkansas Code 27-72-302(b) is hereby amended to read as follows:

"(b) There is set up for designation by cooperative action of the state and counties a state aid system of roads, as classified and defined in this subchapter, which system shall be designated by the several county judges of their respective counties with the consent and approval of the state aid engineer and the State Highway Commission to a total mileage not in excess of fifteen thousand (15,000) miles including any municipal streets, and initially established at five thousand (5,000) miles, which five thousand (5,000) miles shall include all county roads on the federal-aid secondary road system. The system will periodically be expanded in one thousand-mile increments after the initial five thousand-mile system has been established."

SECTION 2. All provisions of this act of a general and permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same in the Code.

SECTION 3. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or

applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

SECTION 4. All laws and parts of laws in conflict with this act are hereby repealed.

SECTION 5. It is hereby found and determined by the General Assembly that there is an urgent need for a periodic expansion of the state aid road system; that the current law limits the system to a total mileage of ten thousand (10,000) miles; that this act is designed to increase the maximum total mileage in the system and should be given effect immediately. Therefore, an emergency is hereby declared to exist, and this act being immediately necessary for the preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval.

APPROVED: 02/26/93

**ACT 670 OF 1993 - AN ACT TO REDUCE THE MATCHING
FORMULA USED BY COUNTY GOVERNMENTS FOR THE STATE
AID ROAD PROGRAM FROM 20% TO 10% COUNTY MATCHING
FUNDS."**

State of Arkansas

79th General Assembly **A Bill** ACT 670 OF 1993

Regular Session, 1993 SB616

By: Senator Fitch

For An Act To Be Entitled

"AN ACT TO AMEND ARKANSAS CODE § 27-72-305 TO CHANGE THE MATCHING
FORMULA USED BY COUNTY GOVERNMENTS FOR THE STATE AID ROAD PROGRAM FROM
TWENTY PERCENT (20%) TO TEN PERCENT (10%) COUNTY MATCHING FUNDS; AND
FOR OTHER PURPOSES."

Subtitle

"AN ACT TO REDUCE THE MATCHING FORMULA USED BY COUNTY GOVERNMENTS FOR
THE STATE AID ROAD PROGRAM FROM 20% TO 10% COUNTY MATCHING FUNDS."

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

SECTION 1. Arkansas Code § 27-72-305 is hereby amended to read as follows:

"27-72-305. State Aid Road Fund.

(a) There is created in the State Treasury a fund to be known as the State Aid Road Fund to which the State Treasurer shall transfer one hundred percent (100%) of the revenues credited to the State Highway Special Construction Account each month until an aggregate total of thirteen million dollars (\$13,000,000) each fiscal year is so transferred, there to be used for construction, reconstruction, and improvements of the state aid road system. (b)(1) All revenues deposited in the State Aid Road Fund shall be apportioned to each county as prescribed in § 27-72-309 for the distribution of mileage on the state aid road system among the various counties.

(2) The apportioned funds shall remain for a period of two (2) years from the date they are apportioned.

(3) Any unused funds shall be returned to the State Aid Road Fund for redistribution in accordance with the above formula.

(4) For a county to receive these funds, they must be matched in the ratio of ninety percent (90%) state aid road funds to not less than ten percent (10%) county matching funds, and the county must comply with all provisions of this subchapter."

SECTION 2. All provisions of this act of general and permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same in the Code.

SECTION 3. If any provisions of this act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provisions or application, and to this end the provisions of this act are declared to be severable.

SECTION 4. All laws and parts of laws in conflict with this act are hereby repealed.

APPROVED: 3/24/93

**Act 1028 of 1999 - TO LEVY AN ADDITIONAL EXCISE TAX ON
MOTOR FUEL AND AN ADDITIONAL TAX ON DISTILLATE
SPECIAL FUEL.**

Stricken language would be deleted from and underlined language would be added to law as it existed prior to the 82nd General Assembly.

State of Arkansas *As Engrossed: H2/15/99 H2/17/99 H2/24/99 H3/1/99 S3/24/99*

82nd General Assembly

A Bill

Act 1028 of 1999

Regular Session, 1999

HB1548

By: Representatives Glover, Wood, House, Simmons, Courtway, J. Jeffress By: Senators K. Smith, Russ, Bisbee, Bradford, Brown, Critcher, Edwards, Everett, Kennedy, Mahony, Roebuck, Scott, Walters, Webb, Wooldridge

For An Act To Be Entitled

"AN ACT TO LEVY AN ADDITIONAL EXCISE TAX ON MOTOR FUEL OF ONE CENT (1¢) PER GALLON PER YEAR FOR A TOTAL OF THREE (3) YEARS; TO LEVY AN ADDITIONAL EXCISE TAX ON DISTILLATE SPECIAL FUEL OF TWO CENTS (2¢) PER GALLON EFFECTIVE IMMEDIATELY, AND TO INCREASE SUCH ADDITIONAL LEVY TO FOUR CENTS (4¢) PER GALLON EFFECTIVE ONE YEAR AFTER THE EFFECTIVE DATE OF THIS ACT; AND FOR OTHER PURPOSES."

Subtitle

"TO LEVY AN ADDITIONAL EXCISE TAX ON

MOTOR FUEL AND AN ADDITIONAL TAX ON

DISTILLATE SPECIAL FUEL."

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

SECTION 1. This Act may be referred to and cited as the "Arkansas Distillate Special Fuel Excise Tax Act of 1999" and the "Motor Fuel Excise Tax Act of 1999".

SECTION 2. Arkansas Code 26-56-201, relating to fuel tax, is amended to add to the end thereof a new subsection to read as follows:

“(e)(1) On and after the effective date of this act, in addition to the taxes levied on distillate special fuels in this section and Arkansas Code 26-56-502 and Arkansas Code 26-56-601, there is hereby levied an excise tax of two cents (2¢) per gallon upon all distillate special fuels subject to the taxes levied in those code sections. Effective one (1) year after the effective date of this act, the additional tax levied by this subsection shall be increased by an additional two cents (2¢) per gallon.

(2) This additional excise tax shall be levied, collected, reported, and paid in the same manner and at the same time as is prescribed by law for the levying, collection, reporting, and payment of the other distillate special fuels taxes under Arkansas law.

(3) The additional tax levied by this subsection shall be taken into consideration and used when calculating tax credits or additional tax due under Arkansas Code 26-56-214.”

SECTION 3. Title 26, Chapter 55, Subchapter 10 of the Arkansas Code is amended to add the following new section to the end thereof to be appropriately numbered by the Code Revision Commission:

“(a) On and after July 1, 1999, in addition to the taxes levied on motor fuel in 26-55-205, 26-55-1002 and 26-55-1201, there is hereby levied an additional excise tax of one cent (1¢) per gallon upon all motor fuels subject to the taxes levied in those code sections. On and after July 1, 2000, the additional tax levied by this subsection shall be increased to two cents (2¢) per gallon. On and after July 1, 2001, the additional tax levied by this subsection shall be increased to three cents (3¢) per gallon.

(b) The tax shall be collected, reported, and paid in the same manner and at the same time as is prescribed by law for the collection, reporting, and payment of the other motor fuel taxes under Arkansas law.

(c) The additional tax levied by this section shall be taken into consideration and used when calculating tax credits or additional tax due under Arkansas Code 26-55-710.”

SECTION 4.

(a) The additional taxes collected pursuant to this act shall be considered special revenues and shall be distributed as set forth in the Arkansas Highway Revenue Distribution Law, beginning at Arkansas Code § 27-70-201.

(b) However, if the bond issue provided in the Arkansas Highway Financing Act of 1999 is approved by the voters, the distillate special fuel taxes collected pursuant to Section 2 of this act shall be distributed as provided in the Arkansas Highway Financing Act of 1999.

SECTION 5. *Arkansas Code Annotated § 27-72-305(a) relating to the State Aid Road Fund is amended to read as follows:*

“(a)(1) There is created in the State Treasury a fund to be known as the State Aid Road Fund to which the Treasurer of State shall transfer one hundred percent (100%) of the revenues credited to the State Highway Special Construction Account of the State Highway and Transportation Department Fund each month until an aggregate total of thirteen million dollars (\$13,000,000) each fiscal year is so transferred, there to be used for construction, reconstruction, and improvements of the state aid road system.

(2) For the fiscal year beginning July 1, 2000, the limitation on the transfer of funds in subsection (a) shall be increased to fifteen million dollars (\$15,000,000);

(3) For the fiscal year beginning July 1, 2001, the limitation on the transfer of funds in subsection (a) shall be increased to seventeen million dollars (\$17,000,000);

(4) For the fiscal year beginning July 1, 2002, the limitation on the transfer of funds in subsection (a) shall be increased to nineteen million dollars (\$19,000,000); and

(5) For the fiscal year beginning July 1, 2003 and for all fiscal years thereafter, there shall be no limitation on the transfer of funds to the State Aid Road Fund.”

SECTION 6. All provisions of this act of a general and permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same in the Code.

SECTION 7. *If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.*

SECTION 8. All laws and parts of laws in conflict with this act are hereby repealed.

SECTION 9. *EMERGENCY CLAUSE. It is hereby found and determined by the Eighty-second General Assembly that existing highway user revenue sources do not provide sufficient funds for the necessary maintenance, repair, construction and reconstruction of state highways, county roads and municipal streets; that there is an immediate and urgent need for adequate state highways, county roads and municipal streets; that the continued economic expansion and growth of this state will be jeopardized if an adequate system of state highways, county roads and municipal streets is not provided; and that only by the immediate passage of this act may such vitally needed additional funds be provided to solve these problems. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health and safety shall become effective on the date of its approval by the Governor. If the bill is neither approved nor vetoed by the Governor, it shall become effective on the expiration of the period of time during which the Governor may veto the*

bill. If the bill is vetoed by the Governor and the veto is overridden, it shall become effective on the date the last house overrides the veto.

/s/ Glover **APPROVED: 4/1/1999**

State of Arkansas
84th General Assembly
Regular Session, 2003

A Bill

Act 1186 of 2003
SENATE BILL 587

By: Senator Miller

For An Act To Be Entitled

AN ACT TO MAKE STATE AID FUNDS
AVAILABLE TO COUNTIES FOR NATURAL
DISASTERS OCCURRING AFTER DECEMBER 1,
2002.

Subtitle

TO MAKE STATE AID FUNDS
AVAILABLE TO
COUNTIES FOR NATURAL DISASTERS
OCCURRING
AFTER DECEMBER 1, 2002.

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

SECTION 1. Arkansas Code § 27-72-314 is amended to read as follows:
27-72-314. Disaster counties.

(a)(1) It is the intent and purpose of this section to make available moneys in the State Aid Road Fund to the credit of disaster counties to be used to restore and repair county bridges or roads which are destroyed or which have suffered extensive damage as a result of tornadoes, heavy rainfall, ~~or~~ flooding conditions, or other natural disasters occurring after December 1, 2002, and to provide, together with county funds, the necessary matching moneys required to enable the disaster counties to obtain federal disaster relief funds for such projects.

(2) Only counties designated by the appropriate federal or state official as disaster counties for public assistance shall be authorized to use moneys in the State Aid Road Fund under the matching provisions and for the purposes set forth in this section.

(3) All other moneys deposited in the State Aid Road Fund shall be used solely on the matching basis and for the purposes set forth in §§ 27-72-301, 27-72-305, 27-72-312, 27-72-313, and 27-72-315.

Act 1186 of 2003 (Continued)

(b)(1) Notwithstanding the provisions of §§ 27-72-301, 27-72-305, 27-72-312, 27-72-313, and 27-72-315, a county that has been determined by the appropriate federal or state official as being a disaster county for public assistance due to the tornadoes, excessive rainfall, ~~and~~ flooding conditions, and other natural disasters occurring after December 1, 2002, shall be eligible to receive state aid road funds credited to the account of the disaster county on a ninety percent (90%) state aid road funds to not less than ten percent (10%) county matching fund basis.

(2) Funds distributed to a disaster county under the special matching provisions of this subsection shall be used solely for the restoration or repair of county bridges or roads destroyed or which suffered extensive damage as a result of tornadoes, heavy rainfall, ~~or~~ flooding conditions, or other natural disasters occurring after December 1, 2002, regardless of whether the roads or bridges are a part of the state aid system of county roads.

(c) In addition to the uses provided for in subsection (b) of this section, funds distributed to a disaster county under the matching provisions of this section may be used to provide the necessary matching funds required to match federal disaster relief funds available for the restoration or repair of county bridges or roads which are destroyed or extensively damaged as a result of tornadoes, heavy rainfall, ~~or~~ flooding conditions, or other natural disasters occurring after December 1, 2002, regardless of whether the roads or bridges are a part of the state aid system of county roads.

SECTION 2. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that moneys available in the State Aid Road Fund are necessary for the restoration and repair of county bridges and roads which are destroyed or extensively damaged by natural disasters, including those occurring after December 1, 2002. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on:

- (1) The date of its approval by the Governor;
- (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or
- (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.

APPROVED: 4/9/2003

1 State of Arkansas
2 89th General Assembly
3 Regular Session, 2013

A Bill

HOUSE BILL 1389

4
5 By: Representative Holcomb

For An Act To Be Entitled

8 AN ACT CONCERNING THE MINIMUM BID AMOUNT UNDER
9 CONTRACTS FOR STATE AID ROADS; AND FOR OTHER
10 PURPOSES.

Subtitle

13 CONCERNING THE MINIMUM BID AMOUNT UNDER
14 CONTRACTS FOR STATE AID ROADS.

16
17
18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

19
20 SECTION 1. Arkansas Code § 27-72-310(b), concerning contracts for work
21 to be performed on state aid roads, is amended to read as follows:

22 (b) The county judge of any county is authorized to submit bids for
23 work to be performed on state aid roads under the provisions of this
24 subchapter, and nothing contained herein shall be construed to limit or
25 restrict the right of a county judge to submit bids for work to be performed
26 by county forces so long as the bids are in accordance with procedures
27 prescribed in § 27-67-206, and the aggregate cost thereof does not exceed ~~one~~
28 ~~hundred sixty five thousand dollars (\$165,000)~~ two hundred thousand dollars
29 (\$200,000).

30
31
32 APPROVED: 03/06/2013

