

HB 1439 -- Transportation

Sponsor: Crawford

REAL ESTATE TRANSACTIONS

This bill requires that when the Highways and Transportation Commission acquires real estate through eminent domain the restriction or loss of access to any adjacent highway be considered when assessing damages. Restriction or loss of access includes the prohibition of making right or left turns into or out of the real estate involved, if access was present before the proposed improvement was built. The bill also requires that the report to the Joint Committee on Transportation include an inventory of the real property owned by the Department of Transportation and a description of all real estate transactions by the department for the preceding fiscal year. This information will include the date of each transaction, the source of revenue used, and the allocation of any income produced by the real estate.

HIGHWAYS AND TRANSPORTATION COMMISSION

The bill requires that beginning August 28, 2004, two members of the Highways and Transportation Commission, one from each opposing political party, who have the most seniority in commission service will be elected by the commission, one to serve as chair and the other as vice chair. Effective March 1, 2005, the commission will then elect for a one-year term a chair and vice chair from the two members, one from each opposing political party, who have the most seniority in commission service. At the end of the one-year term, the chair and vice chair will switch their positions. Thereafter, the commission leadership will continue to rotate accordingly. The bill contains provisions for filling vacancies due to removal, death, resignation, or refusal to serve. Any member reappointed will only be eligible to serve as chair or vice chair during the final two years of the member's reappointment.

CHIEF COUNSEL

The bill requires the Director of the Department of Transportation to select and fix the salary of the chief counsel for the department. Currently, the chief counsel is selected by the Highways and Transportation Commission.

OUTDOOR ADVERTISING

The bill prohibits local zoning authorities from requiring a legally erected outdoor advertising structure be removed or

altered as a condition for issuance of a permit, license, or other approval for any use, structure, development, or activity other than outdoor advertising without just compensation.

HIGHWAY NAME DESIGNATION

The bill names the portion of State Highway J in Lincoln County from the intersection of State Highway J and State Highway 47 to the intersection of State Highway J and State Highway U as the "Veterans Highway."

LOG TRUCKS

The bill establishes a maximum axle weight on local log truck tractors of 22,400 pounds on one axle or 44,800 pounds on any tandem axle that does not have more than three axles and does not pull a trailer which has more than two axles.

TRANSPORTATION CORPORATIONS OR DISTRICTS

When transportation corporations or districts issue a request for proposals to finance, design, engineer, build, or assist in developing any part of a project that will become part of the state highway system, the following procedures will apply:

- (1) The transportation corporation or district must set a deadline for filing written responses. Failure to meet the deadline will prohibit any future proposal to that corporation or district;
- (2) The department proposals must meet the same requirements as private organization proposals;
- (3) Any rules, requirements, benefits, or concessions made available to a district or corporation by the commission or the department must be made available in the same manner and degree with regard to all competing proposals; and
- (4) Any agreement entered into between the commission or the department and a transportation corporation or district after the date of the first introduction of this legislation where the procedures do not meet the requirements of the bill will be void.

The bill contains an emergency clause for the section dealing with taking of property by eminent domain.