

1 State of Arkansas
2 90th General Assembly
3 Regular Session, 2015
4

As Engrossed: H3/11/15

A Bill

SENATE BILL 613

5 By: Senators Irvin, *B. Sample, J. Woods*
6 By: Representatives House, Branscum, Tucker, *Hillman, D. Douglas, Boyd, Sabin*
7

For An Act To Be Entitled

9 AN ACT TO CREATE THE ARKANSAS UNPAVED ROADS PROGRAM
10 ACT; TO PROVIDE GRANTS TO COUNTIES FOR UNPAVED ROAD
11 PROJECTS; TO CREATE THE ARKANSAS UNPAVED ROADS
12 PROGRAM FUND; AND FOR OTHER PURPOSES.
13

Subtitle

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16 TO CREATE THE ARKANSAS UNPAVED ROADS
17 PROGRAM ACT; TO PROVIDE GRANTS TO
18 COUNTIES FOR UNPAVED ROAD PROJECTS; AND
19 TO CREATE THE ARKANSAS UNPAVED ROADS
20 PROGRAM FUND.
21

22
23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
24

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

Chapter 305

Arkansas Unpaved Roads Program Act

14-305-101. Title.

31 This chapter shall be known as the "Arkansas Unpaved Roads Program
32 Act".
33

14-305-102. Legislative findings and intent.

35 (a) The General Assembly finds that:

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



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

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

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

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

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

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

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

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

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

21
22 14-305-103. Definitions.

23 As used in this chapter:

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

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

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

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

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

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

3
4 14-305-104. Arkansas Unpaved Roads Program.

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

8
9 14-305-105. Application process – Criteria for selection.

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

13 (2) The department shall:

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

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

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

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

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

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

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

28 (5) A plan for using best management practices;

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

31 (7) Any other information requested by the department.

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

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

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

3 (3) A drinking water source;

4 (4) An interstate water body;

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

7 (6) An agricultural or pasture land use; or

8 (7) A forestry land use.

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

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

14
15 14-305-106. Funding of unpaved road projects.

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

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

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

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

29
30 14-305-107. Completion of unpaved road projects.

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

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

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

5 (c) A county shall:

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

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

12
13 14-305-108. Records.

14 A county that receives a grant under this chapter shall:

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

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

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

22
23 14-305-109. Support of Arkansas Unpaved Roads Program.

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

27 (1) The Arkansas Association of Conservation Districts;

28 (2) The Arkansas Forestry Commission;

29 (3) The Arkansas State Game and Fish Commission;

30 (4) The Arkansas Natural Resources Commission;

31 (5) County judges;

32 (6) The Natural Resources Conservation Service;

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

35 (8) The United States Fish and Wildlife Service.

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

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

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

6
7 14-305-110. Rules.

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

10 (1) The application process;

11 (2) The creation and administration of an advisory committee to
12 assist the department in evaluating applications and making funding
13 determinations;

14 (3) The disbursement of grant funds;

15 (4) The reporting required by counties that receive grant funds
16 under this chapter;

17 (5) The evaluation and assessment of unpaved road projects
18 approved for grants;

19 (6) The expenses that are eligible for grant funds; and

20 (7) The standards a county is required to meet in completing an
21 unpaved road project.

22
23 SECTION 2. Arkansas Code Title 19, Chapter 5, Subchapter 12, is
24 amended to add an additional section to read as follows:

25 19-5-1255. Arkansas Unpaved Roads Program Fund.

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

29 (b) The fund shall consist of:

30 (1) Grants made by any person, state agency, or federal
31 government agency;

32 (2) Donations made by private persons or entities;

33 (3) Any remaining fund balances carried forward from year to
34 year; and

35 (4) Any other funds authorized or provided by law.

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

1 award grants to counties under the Arkansas Unpaved Roads Program Act, § 14-
2 305-101 et seq.

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

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/s/ Irvin

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APPROVED: 04/01/2015

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