



WYOMING LEGISLATIVE SERVICE OFFICE

Research Memo

08 RM 013

Date: May 19, 2008

Author: Kelley Shepp, Associate Research Analyst

Re: History of Public Roads

QUESTION

1. Describe the federal history of the public road system.
2. Describe the history of public roads in Wyoming.
3. What are the major funding streams for counties to maintain their public roads?

ANSWERS

1. **The creation of a federal road system began in the late nineteenth and early twentieth centuries. According to information provided by the U.S. Department of Transportation, the Good Roads Movement was the catalyst for the creation of federal highway legislation and the establishment of state highway departments.**

Two pieces of landmark legislation changed the face of the federal highway system in America. In 1916, Congress passed the Federal-Aid Highway Act which appropriated Federal Funds to states to create a highway system. According to information provided by the Wisconsin Historical Society, this legislation marked the first time the federal government was directly involved in the creation of public roads. It was also the first formal piece of highway policy with a regular appropriation to the states and created a cooperative state-federal program. The federal government appropriated approximately five million dollars for the first year with the funds increasing annually¹. The funds were allocated based on state population, land area and road mileage. Under this act, the federal government would finance up to 50 percent of a project, not to exceed \$10,000 per mile.

The second piece of important public highway legislation was the Federal-Aid Highway Act of 1921. This act continued the funding provided by the Federal-Aid Highway Act of 1916, and created a 50/50 match for state funds¹. The act also created the seven percent system which allowed states to receive aid for the construction of seven percent of its highways. Within two years, states were required to designate three percent of their primary roads and four percent of their secondary roads as part of the federal aid highway

¹ The Wisconsin History Explorer article regarding the Federal Highway Acts of 1916 and 1921,

http://www.wisconsinhistory.org/archstories/late_roads/fed_hwy_act.asp

system. In order to qualify for funding, states had to have the U.S. Secretary of Agriculture review highway plans to ensure compliance with width, grade and roadbed type requirements.

Other important federal highway legislation includes the Federal-Aid Highway Act of 1944 and the Federal-Aid Highway Act of 1956. In 1944, the federal government established, "...the federal-aid secondary system and a funding mechanism, authorized specific funding for the federal-aid highway system in urban areas, and authorized the designation of the National System on Interstate Highways", according to information provided by the Wyoming Department of Transportation. The act passed in 1956 allowed for the construction of the National Interstate Highway System.

2. According to information provided by the Department of Transportation, the Legislative Assembly of the Territory of Wyoming established the authority to create public roads in 1869, which led to the current Wyoming Statutes that address public roads. In response to federal legislation which required states to set up highway departments, the Wyoming legislature enacted the State Highway Act establishing the Wyoming Highway Department in 1917. The act also created the State Highway Commission and authorized construction, maintenance and repair of public roads and bridges. In addition, the act created the state highway fund and levied a gasoline tax.

3. While the Department of Transportation is responsible for public highways, the county commissioners for each county are responsible for managing, maintaining and funding their county roads. According to the Wyoming County Commissioners Association, the major funding streams for counties to construct and maintain their roads are as follows:

- **county road funds;**
- **gas and diesel tax revenues;**
- **general funds; and**
- **sales taxes.**

County commissioners are responsible for creating a separate road construction fund, as a supplement to federal aid. Until recently, county road funds were solely for the purpose of construction of county roads, bridges and culverts. Effective July 1, 2008, 2008 House Enrolled Act 13 (Attachment A) amended the statute to allow county road funds to be used for the maintenance of county roads in addition to construction. The act also amends the use of gasoline tax revenues to include maintenance of county roads. Other, more non-traditional funding streams for road construction and maintenance include:

- counties using their general fund;
- implementing a sales tax;
- applying for grant funds; and
- applying for funds from the State.

Table 1, on the next page, depicts the gasoline, diesel and severance tax revenues received, by county, in 2007.

Table 1. Gasoline and Diesel Tax Revenue Collected, by County, for 2007.

County	Gasoline Tax Revenues	Diesel Tax Revenues	Severance Tax Revenues	Totals
Albany	\$140,206.99	\$262,502.49	\$ 209,395.72	\$612,105.20
Big Horn	\$135,510.64	\$253,819.59	\$169,071.87	\$558,402.10
Campbell	\$561,508.60	\$1,050,692.44	\$195,319.40	\$1,807,520.44
Carbon	\$246,327.92	\$461,611.18	\$168,013.20	\$875,952.30
Converse	\$154,183.50	\$288,560.65	\$138,771.55	\$581,515.70
Crook	\$112,498.81	\$210,719.34	\$191,171.44	\$514,389.59
Fremont	\$432,806.04	\$811,177.39	\$226,355.53	\$1,470,338.96
Goshen	\$107,245.30	\$200,853.52	\$318,426.80	\$626,525.62
Hot Springs	\$62,040.69	\$116,181.73	\$139,748.64	\$317,971.06
Johnson	\$123,331.45	\$231,591.02	\$42,875.06	\$397,797.53
Laramie	\$363,495.71	\$680,664.49	\$402,368.25	\$1,446,528.45
Lincoln	\$234,558.41	\$439,368.50	\$103,676.54	\$777,603.45
Natrona	\$273,616.20	\$512,539.82	\$303,955.77	\$1,090,111.79
Niobrara	\$57,564.57	\$107,835.48	\$375,079.79	\$540,479.84
Park	\$272,868.33	\$511,056.04	\$152,861.68	\$936,786.05
Platte	\$94,276.48	\$176,509.51	\$239,328.74	\$510,114.73
Sheridan	\$182,531.05	\$341,980.96	\$131,122.56	\$655,634.57
Sublette	\$429,959.30	\$807,526.15	\$69,745.33	\$1,307,230.78
Sweetwater	\$424,721.45	\$795,843.00	\$240,763.49	\$1,461,327.94
Teton	\$238,793.79	\$446,906.12	\$83,904.10	\$769,604.01
Uinta	\$155,619.48	\$291,276.40	\$142,815.97	\$589,711.85
Washakie	\$74,542.90	\$139,632.82	\$221,931.20	\$436,106.92
Weston	\$80,440.88	\$150,659.55	\$228,338.80	\$459,439.23
Total	\$4,958,648.49	\$9,289,508.19	\$4,495,041.43	\$18,743,198.11

Source: LSO Research summary of information provided by the Department of Transportation.

If you need anything further, please contact LSO Research at 777-7881.

ORIGINAL HOUSE
BILL NO. 0078

ENROLLED ACT NO. 13, HOUSE OF REPRESENTATIVES

FIFTY-NINTH LEGISLATURE OF THE STATE OF WYOMING
2008 BUDGET SESSION

AN ACT relating to highways; providing for maintenance of county roads; and providing for an effective date.

Be It Enacted by the Legislature of the State of Wyoming:

Section 1. W.S. 24-2-110(a), (c)(intro), (g) and (h) and 39-14-801(e)(vii)(intro) are amended to read:

24-2-110. Cooperation with counties in construction and maintenance of county roads; allocation of costs; state-county road construction account established.

(a) The board of county commissioners of each county shall establish a separate road construction and maintenance fund solely for the construction and maintenance of county roads, bridges and culverts. Work using funds from the road construction and maintenance fund of a county shall be performed under contract awarded after competitive bidding if the estimated cost of the work exceeds fifty thousand dollars (\$50,000.00). All work shall be performed under the immediate control and supervision of the board of county commissioners or its authorized representative and in accordance with county road standards as established by the Wyoming county road standards committee. The road construction and maintenance fund program is a supplement to federal aid, primary and secondary road programs in each county. The term "construction and maintenance" as used in this section means construction, reconstruction, surveys, mapping, right-of-way costs, bridges, culverts, general road maintenance and fencing. The county shall use existing grades, bridges and other physical items or facilities in order to minimize or avoid more costly relocation.

ORIGINAL HOUSE
BILL NO. 0078

ENROLLED ACT NO. 13, HOUSE OF REPRESENTATIVES

FIFTY-NINTH LEGISLATURE OF THE STATE OF WYOMING
2008 BUDGET SESSION

(c) The gasoline license tax revenues distributed by the state treasurer under W.S. 39-17-111(d)(ii) shall be sent to the county treasurers of the various counties and placed in a separate fund in each county earning its own interest and be expended by the board of county commissioners solely for the road construction and maintenance fund program and as otherwise provided in this subsection. This money shall be allocated as follows:

(g) It shall be the responsibility of the Wyoming county roads standards committee to furnish standards for the construction and maintenance of county roads to any board of county commissioners upon request, and to advise boards of county commissioners with respect to highway construction, maintenance and improvements. The committee shall meet as necessary, but at least annually.

(h) Whenever an emergency arises requiring construction or maintenance work using funds from the road construction and maintenance fund of a county, the board of county commissioners may enter into contract for the work without advertising for the letting of the contract. An emergency is an occasion requiring construction or maintenance work, on short notice, because the road has become unsafe or impassable due to events which are beyond the control of the county.

39-14-801. Severance tax distributions; distribution account created; formula.

(e) Deposits into the account created by subsection (a) of this section shall be distributed as follows, subject to subsections (b) through (d) of this section:

(vii) To the road construction and maintenance funds of the various counties as provided by W.S. 24-2-110,

ORIGINAL HOUSE
BILL NO. 0078

ENROLLED ACT NO. 13, HOUSE OF REPRESENTATIVES

FIFTY-NINTH LEGISLATURE OF THE STATE OF WYOMING
2008 BUDGET SESSION

two and nine-tenths percent (2.9%), except that each county's share of funds under this subsection shall be computed as follows:

Section 2. W.S. 24-2-110(d) is repealed.

Section 3. This act is effective July 1, 2008.

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the House.

Chief Clerk