



# County Supervisors A S S O C I A T I O N o f a r i z o n a

## **2017 Legislative Policy Statement** **12<sup>th</sup> Annual CSA Legislative Summit** **Coconino County, Arizona** **October 25-27, 2016**

### **A. What is the legislative proposal?**

Restore management of public roads through abandoning established highways.

Suggested deleted language is shown in ~~red strikethrough~~ and added language is shown in **red bold italicized**.

#### 28-6701. Establishing, altering or abandon local highway

- A. The board of supervisors may establish, alter or abandon a highway in the county and other legal subdivisions and acquire real property for these purposes by purchase, donation, dedication, condemnation or other lawful means.
- B. A highway in the county or any other legal subdivision may be established or altered by the county engineer's recommendation or by presentation of a petition that is signed by ten or more resident taxpayers of the county to the board of supervisors or to the board of supervisors by the governing body of a legal subdivision, that requests that a highway be established or altered and that gives the highway's beginning, end, general course and direction. The board of supervisors may either reject the recommendation or petition or act on the recommendation or petition as prescribed by this article.
- C. The board of supervisors may abandon or vacate these highways by resolution as provided in chapter 20, article 8 of this title, except that, notwithstanding section 28-7211, at least sixty days before the resolution is effective pursuant to section 28-7213, the board of supervisors shall give written notice by certified mail to the owners of the land abutting the highway or portion of the highway to be abandoned or vacated. ~~The board of supervisors shall not resolve to abandon or vacate a highway unless a majority of the owners of the land abutting the highway or portion of the highway approve of the action to abandon or vacate the highway.~~
- D. The county engineer's recommendation process to establish or alter a highway as described in subsection B of this section does not apply to the abandonment of a road that was granted under revised statute 2477 (43 United States Code Section 932) that was enacted by the United States Congress in 1866.

### **B. Describe the problem and explain how the proposal solves it.**

Historically the board of supervisors, the elected public representatives, had the power to lay out, maintain, control and manage public roads within their jurisdiction pursuant to 11-251(4). One process for managing public roads is provided per 28-6701 through 28-6703 and is utilized for public safety considerations such as road re-alignment or removing a potential pre-1950 highway status per 28-7041.C in order to more appropriately designate a road as Primitive per 28-6706. The current language of 28-6701 requires the consent of the majority of adjoining land owners if a highway is to be abandoned. This change effectively stripped a power from the public and gave control to adjoining property owners.

The proposal solves this problem by restoring appropriate authority to the board of supervisors. Property owner's input will remain part of the decision making process through certified mailing, newspaper advertisement and a public hearing. However the



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final determination as to the greater public's need will be transferred from a minority of constituents back to the elected representatives of the greater public.

**C. What is the fiscal impact to the state or county budgets of the proposal?**

No impact.

**D. What is the preliminary analysis of the political environment and stakeholders' and affiliates' comments?**

**E. Who is the primary county contact information for the proposal (name, phone, email and other relevant information)?**

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