

SENATE FILE NO. SF0136

Roadside geology.

Sponsored by: Senator(s) Scott and Representative(s) Sweeney

A BILL

for

1 AN ACT relating to the collection of geologic information
2 from bedrock geologic formations exposed as a byproduct of
3 highway construction; establishing a state policy concerning
4 the treatment of and access to bedrock geologic formations
5 exposed by highway construction; providing exceptions;
6 providing authority to the Wyoming department of
7 transportation; providing duties to the state geologist; and
8 providing for an effective date.

9

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

11

12 **Section 1.** W.S. 9-2-803(c)(iv) and by creating a new
13 paragraph (vi) and 24-1-118 are amended to read:

14

1 9-2-803. State geologist; appointment; term; removal;
2 pecuniary interest in mineral property in state prohibited;
3 duties; powers.

4
5 (c) The state geologist shall:

6
7 (iv) Keep in his office full and complete records
8 of all work done by him or under his supervision, all of which
9 shall be the property of the state; ~~and~~

10
11 (vi) Regarding roadside bedrock geological
12 formations shall:

13
14 (A) Receive, investigate and attempt to
15 resolve any complaints under W.S. 24-1-118(b)(iii);

16
17 (B) Report complaints to the joint minerals,
18 business and economic development interim committee as
19 provided in W.S. 24-1-118(b)(iii);

20
21 (C) Consult with the department of
22 transportation as provided in W.S. 24-1-118(b)(iv) on the

1 appropriateness of any signage identifying roadside bedrock
2 geological formations.

3

4 **24-1-118. Construction and maintenance to be performed**
5 **at expense of state; geologic formations.**

6

7 (a) Excepting as such work may be performed through
8 mutual agreement with other entities, either public or
9 private, the construction and maintenance of all state
10 highways, including all bridges, and culverts thereon, shall
11 be performed at the expense of the state and by and under the
12 supervision of the commission and the director of the
13 department of transportation or his authorized
14 representative.

15

16 (b) When a new permanent highway cut is made that
17 exposes a bedrock geological formation:

18

19 (i) It shall be the policy of the state to leave
20 the bedrock geological formation exposed and not to cover it
21 with soil and planted vegetation except when:

22

1 (A) There are safety requirements that
2 require another treatment;

3
4 (B) The exposure occurs on private land that
5 will be private land once the construction is completed and
6 the landowner desires a different reclamation; or

7
8 (C) There are cost of construction or
9 operational reasons to remove or cover the exposed formation.

10
11 (ii) After completion of highway construction, for
12 any exposed bedrock geological formation site within the
13 highway right-of-way, with exceptions for site specific
14 safety needs, an individual wishing to understand the local
15 geology for economic, educational or private curiosity
16 reasons may examine the cut and the exposed formation and may
17 remove any geologic samples as may be gathered by hand or
18 collected using geological hammers or other hand held tools;

19
20 (iii) Any person aggrieved by a failure of the
21 department of transportation to follow the policy set forth
22 in paragraph (i) of this subsection or unreasonably denied
23 access to a bedrock geological formation as provided under

1 paragraph (ii) of this subsection may file a complaint with
2 the state geologist. The state geologist shall investigate
3 the complaint and attempt to resolve the matter with the
4 department of transportation. If a pattern of complaints
5 that cannot be successfully resolved with the department of
6 transportation emerges, the state geologist shall report the
7 complaints to the joint minerals, business and economic
8 development interim committee;

9
10 (iv) For exposed bedrock geologic formations of
11 interest to the public, the department of transportation may
12 install appropriate signage, in compliance with applicable
13 federal and state law, to identify the geological formation
14 and may consult with the state geologist on the
15 appropriateness of the signage.

16
17 **Section 2.** This act is effective November 1, 2019.

18
19 (END)