



## Certification Page Regular and Emergency Rules

Revised May 2014

**Emergency Rules** (After completing all of Sections 1 and 2, proceed to Section 5 below)

**Regular Rules**

<b>1. General Information</b>			
a. Agency/Board Name Wyoming Department of Transportation			
b. Agency/Board Address 5300 Bishop Boulevard	c. City Cheyenne	d. Zip Code 82009-3340	
e. Name of Contact Person Matthew White	f. Contact Telephone Number 307.777.4161		
g. Contact Email Address matthew.white@wyo.gov	h. Adoption Date August 21, 2014		
i. Program General Section			
<b>2. Rule Type and Information:</b> For each chapter listed, indicate if the rule is New, Amended, or Repealed.			
If "New," provide the Enrolled Act numbers and years enacted: <b>n/a</b>			
c. Provide the Chapter Number, Short Title, and Rule Type of Each Chapter being Created/Amended/Repealed (Please use the Additional Rule Information form for more than 10 chapters, and attach it to this certification)			
Chapter Number: 5	Chapter Name: Abandonment and Discontinuance of State Highways	<input type="checkbox"/> New	<input type="checkbox"/> Amended <input checked="" type="checkbox"/> Repealed
Chapter Number: 12	Chapter Name: Junkyard Control	<input type="checkbox"/> New	<input type="checkbox"/> Amended <input checked="" type="checkbox"/> Repealed
Chapter Number:	Chapter Name:	<input type="checkbox"/> New	<input type="checkbox"/> Amended <input type="checkbox"/> Repealed
Chapter Number:	Chapter Name:	<input type="checkbox"/> New	<input type="checkbox"/> Amended <input type="checkbox"/> Repealed
Chapter Number:	Chapter Name:	<input type="checkbox"/> New	<input type="checkbox"/> Amended <input type="checkbox"/> Repealed
Chapter Number:	Chapter Name:	<input type="checkbox"/> New	<input type="checkbox"/> Amended <input type="checkbox"/> Repealed
Chapter Number:	Chapter Name:	<input type="checkbox"/> New	<input type="checkbox"/> Amended <input type="checkbox"/> Repealed
Chapter Number:	Chapter Name:	<input type="checkbox"/> New	<input type="checkbox"/> Amended <input type="checkbox"/> Repealed
Chapter Number:	Chapter Name:	<input type="checkbox"/> New	<input type="checkbox"/> Amended <input type="checkbox"/> Repealed
d. <input checked="" type="checkbox"/> The Statement of Reasons is attached to this certification.			
e. If applicable, describe the <b>emergency</b> which requires promulgation of these rules without providing notice or an opportunity for a public hearing:  n/a			

**3. State Government Notice of Intended Rulemaking**

a. Date on which the Notice of Intent containing all of the information required by W.S. 16-3-103(a) was filed with the **Secretary of State**: June 11, 2014

b. Date on which the Notice of Intent and proposed rules in strike and underscore format and a clean copy were provided to the **Legislative Service Office**: June 11, 2014

c. Date on which the Notice of Intent and proposed rules in strike and underscore format and a clean copy were provided to the **Attorney General**: June 11, 2014

**4. Public Notice of Intended Rulemaking**

a. Notice was mailed 45 days in advance to all persons who made a timely request for advance notice.  Yes  No  N/A

b. A public hearing was held on the proposed rules.  Yes  No

If "Yes:"	Date:	Time:	City:	Location:

**5. Final Filing of Rules**

a. Date on which the Certification Page with original signatures and final rules were sent to the **Attorney General's Office for the Governor's signature**: August 27, 2014

b. Date on which final rules were sent to the **Legislative Service Office**: August 27, 2014

c. Date on which a PDF of the final rules was electronically sent to the **Secretary of State**: August 27, 2014

**6. Agency/Board Certification**

The undersigned certifies that the foregoing information is correct.

Signature of Authorized Individual  
*(Blue ink as per Rules on Rules, Section 7)*

Printed Name of Signatory  
John F. Cox

Signatory Title  
Director

Date of Signature  
August 27, 2014

**7. Governor's Certification**

I have reviewed these rules and determined that they:

1. Are within the scope of the statutory authority delegated to the adopting agency;
2. Appear to be within the scope of the legislative purpose of the statutory authority; and, if emergency rules,
3. Are necessary and that I concur in the finding that they are an emergency.

Therefore, I approve the same.

Governor's Signature	
Date of Signature	

**Attorney General:** 1. Statement of Reasons; 2. Original Certification Page; 3. Summary of Comments (regular rules); 4. Hard copy of rules: clean and strike/underscore; and 5. Memo to Governor documenting emergency (for emergency rules only).

**LSO:** 1. Statement of Reasons; 2. Copy of Certification Page; 3. Summary of Comments (regular rules); 4. Hard copy of rules: clean and strike/underscore; 5. Electronic copy of rules (PDFs) emailed to [Criss.Carlson@wyoleg.gov](mailto:Criss.Carlson@wyoleg.gov): clean and strike/underscore; and 6. Memo to Governor documenting emergency (for emergency rules only).

**SOS:** 1. PDF of clean copy of rules; and 2. Hard copy of Certification Page as delivered by the AG.

# WYOMING DEPARTMENT OF TRANSPORTATION

## STATEMENT OF REASONS

### GENERAL SECTION

*NOTE: Each rule listed below is proposed for repeal based upon Governor Mead's agency directive to remove those rules not required by statute, needed to conduct agency business, or referenced elsewhere. The following rules each come from the Wyoming Department of Transportation, Rules and Regulations, General Section.*

#### **Chapter 5, Abandonment and Discontinuance of State Highways**

Chapter 5, *Abandonment and Discontinuance of State Highways*, is a rule and regulation of the Wyoming Department of Transportation. This rule is no longer needed. It has not been updated since the original filing in 1970. WYDOT uses W.S. 24-1-126 as the defining authority as found in internal policy and the Right-of-Way Manual. Furthermore, approvals are granted by the Federal Highway Administration (FHWA) or the Transportation Commission of Wyoming.

This proposed repeal follows Governor Mead's agency directive to remove those rules not required by statute, needed to conduct agency business, or referenced elsewhere.

#### **Chapter 12, Junkyard Control**

Chapter 12, *Junkyard Control*, is a rule and regulation of the Wyoming Department of Transportation. This rule is no longer needed. These regulations are not required and have not been updated since the original filing in 1992. The Right-of-Way Manual is in conformance with W.S. 33-19-101 through W.S. 33-19-110. The Junkyard Permit Application and the Junkyard Business Permit are also part of the Right-of-Way Manual.

This proposed repeal follows Governor Mead's agency directive to remove those rules not required by statute, needed to conduct agency business, or referenced elsewhere.

**WYOMING DEPARTMENT OF TRANSPORTATION**

**COMMENT SUMMARY**

**GENERAL SECTION**

**CHAPTER 5, Abandonment and Discontinuance of State Highways**

**CHAPTER 12, Junkyard Control**

Following is a summary of comments as submitted for:

General Section:

*Chapter 5, Abandonment and Discontinuance of State Highways*

*Chapter 12, Junkyard Control*

**No public comments were submitted to, or received by, the Wyoming Department of Transportation during the public comment period (June 11, 2014, through July 25, 2014).**

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TABLE OF CONTENTS

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CHAPTER V

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ABANDONMENT AND DISCONTINUANCE OF STATE HIGHWAYS

<u>Section No.</u>	<u>Subject</u>	<u>Page No.</u>
1	General	1
2	Petition of Interested Persons	1
3	Hearing	1
4	Investigation by the Commission	1
5	Abandonment by the Commission's Resolution	1
6	Interest of County or City	1
7	Copies of the Resolution of Abandonment	2

## CHAPTER V

### ~~ABANDONMENT AND DISCONTINUANCE OF STATE HIGHWAYS~~

~~Section 1. General. Pursuant to the provisions of Section 24-3-126, Wyoming Statutes 1957, the Wyoming State Highway Commission may abandon or relinquish any portion or portions of existing state highways upon the reconstruction or relocation of any portion or portions of an existing state highway.~~

~~Section 2. Petition of Interested Persons. Any person whose property or property interests are affected by any road or highway subject to the control and jurisdiction of the Wyoming State Highway Commission may petition the Commission for the formal abandonment and discontinuance of any abandoned road. The petition shall describe the road, or portion of the road, in such a fashion and by reference to some form of land marks so that it can be readily located by the Commission's personnel; the petition shall state the reasons why the petitioner wants the road abandoned; and the petitioner shall sign his full name and provide his mailing address.~~

~~Section 3. Hearing. Upon receiving a petition for the abandonment of a road, the Superintendent may, if he deems it necessary or desirable, or shall, if the petitioner so requests, set the matter for a hearing as provided in Chapter III of the Rules and Regulations of the Wyoming State Highway Department, and upon the basis of evidence produced at the hearing, the Commission shall determine whether the road or portion of the road should be abandoned.~~

~~Section 4. Investigation by the Commission. The Commission may on its own motion, cause an investigation to be made of any road or highway and upon the basis of the information so produced, determine whether it is in the best interests of the state for a road, or a part of a road, to be abandoned or relinquished, and if they find that it is in the best interests of the state to do so, they may abandon and relinquish the same. Where such an investigation is made by the Commission prior to a hearing, as provided for in the preceding section, the Commission shall produce the findings of the investigation at the hearing and allow all other interested parties to either rebut or support these findings.~~

~~Section 5. Abandonment by the Commission's Resolution. In every case where the Commission determines that it is in the best interests of the state to abandon or relinquish a road or a portion of a road, they shall abandon or relinquish the same by entering the resolution in the minute record of the Commission.~~

~~Section 6. Interest of County or City. Prior to abandonment, the district engineer of the district in which the highway is located, shall contact the appropriate county commission or city council to determine if they have an interest in the highway. Should such governing bodies to retain the facility and place it on the county road or city street system, the city or county shall direct a request to the Wyoming State Highway Commission in the form of a resolution indicating that the portion or portions of the state highway sought to be incorporated into the local road, street or highway system would be a necessary or desirable extension of such system, and further, expressing~~

~~the agreement of such county or city to assume all responsibility with regard to repair, service, and maintenance of such road. Relinquishment by the Wyoming State Highway Commission shall be by quit claim deed effective upon recordation in the office of the County Clerk and recorder of the county in which the state highway is located.~~

~~— Section 7. Copies of the Resolution of Abandonment. The Secretary of the Commission shall send a certified copy of the resolution wherein a road or a portion of a road is abandoned or relinquished to the following persons:~~

~~— a. — County Clerk of the county or counties in which the abandoned or relinquished road is located;~~

~~— b. — The office of the District Engineer of the district wherein any such road is located, which order shall be available for public inspection during all normal business hours;~~

~~— c. — Any person who has notified the Commission that his personal or property interests may be affected by the abandonment or relinquishment of the road in question.~~

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TABLE OF CONTENTS

CHAPTER XII

JUNKYARD CONTROL

Section No.    Subject        Page No.

1	Authority	1
2	Definitions	1
3	Application for License	2
4	Distance Measurements	2
5	Screening and Fencing	2
6	Condition of the Junkyards	2
FORM:	Junkyard Permit Application	3
FORM:	Junkyard Business Permit	4

~~CHAPTER XII~~

~~JUNKYARD CONTROL~~

~~Section 1. Authority. The Junkyard Control Act, W.S. 33-19-101 through 33-19-110 provides that "No person shall establish, operate, or maintain a junkyard, any portion of which is within one thousand (1,000) feet of the nearest edge of the right-of-way of the interstate or primary systems, without obtaining a junkyard license from the Commission."~~

~~Section 2. Definitions.~~

~~(a) Junk is old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber debris, waste, or junked, dismantled or wrecked automobiles, or parts thereof, iron, steel and other old or scrap ferrous or nonferrous material.~~

~~(b) Automobile graveyard is any establishment or place of business which is maintained, used, or operated for storage, keeping, buying or selling wrecked, scrapped, ruined, or dismantled motor vehicles or motor vehicle parts.~~

~~(c) Junkyard is an establishment or place of business which is maintained, operated or used for storing, keeping, buying or selling junk, or for the maintenance or operation of an automobile graveyard, and the term shall include garbage dumps and sanitary fills.~~

~~(d) Interstate System is that portion of the National System of Interstate and Defense Highways located within this state, as officially designated, or as may hereafter be so designated by the Transportation Commission of Wyoming and approved by the United States Department of Transportation pursuant to the provisions of Title 23, United States Code, "Highways."~~

~~(e) Primary System is that portion of connected main highways, as officially designated or as may hereafter be so designated by the Transportation Commission of Wyoming and approved by the United State Department of Transportation pursuant to the provisions of Title 23, United States Code, "Highways."~~

~~(f) Commission is Transportation Commission of Wyoming.~~

~~(g) Engineer is state highway engineer or his duly authorized representative.~~

~~(h) Federal Interstate system is National System of Interstate and Defense Highways.~~

~~(i) Person is any individual, firm, agency, company, association, partnership, business, trust, joint stock company, or corporation who operates or allows a junkyard to be placed or to remain on premises controlled by him.~~

~~Section 3. Application for License. Application for a license to establish, maintain, and operate a junkyard shall be made in writing on a form prescribed therefor by the Commission, and shall be signed by the applicant or his duly authorized agent. A license fee in the amount of fifty dollars (\$50.00) in the form of a certified or cashier's check or money order payable to the Transportation Commission of Wyoming shall accompany the application. Information to be furnished shall include the name, address and business capacity of the applicant, i.e., whether the business is conducted by an individual, partnership, corporation, society or association; the date such business was established; the date of the last junkyard license (if any issued) and the number thereof; the location of the salvage yard including the number of the nearest state highway.~~

~~Section 4. Distance Measurements. All measurements determinative of the location of junkyards in relation to state highways shall be made in a line drawn perpendicular from the nearest edge of the right of way.~~

~~Section 5. Screening and Fencing. No license shall be issued for the operation or maintenance of a junkyard within one thousand (1,000) feet to the nearest edge of the right of way of a state highway unless it is properly screened or fenced. All screening shall be a minimum of six (6) feet in height, and so constructed and maintained as to obscure from the view of the traveling public junk contained within the enclosed area. Fences or screens (other than living fences) shall be of uniform composition, i.e., either all wood, all metal, or constructed of such other materials approved for use by the Engineer. Fences and screens shall be kept in a good state of repair and condition at all times and properly painted where the composition is such that painting is required. Gates shall be of the same height as the correspondent fence and shall be opened only for the purpose of permitting ingress and egress to and from the enclosure.~~

~~Section 6. Condition of the Junkyards. Junk in yards not by law to be fenced, and all junk exposed to view from the public highway, shall be neatly stacked in uniform lines, and all wrecked or used automobiles shall have doors, hoods and trunk lids closed and tires inflated.~~

WYOMING DEPARTMENT OF TRANSPORTATION

Copies to: \_\_\_\_\_  
 District File: \_\_\_\_\_  
 R/W Department: \_\_\_\_\_  
 Land Owner: \_\_\_\_\_

<b>JUNKYARD PERMIT APPLICATION</b>  Application accompanied by proper fee must be submitted and permit issued before the junkyard is established.		Return Original copy only  Approved by _____  Date Issued _____  Permit Number _____  Do not write here for official use
This junkyard is located adjacent to:  Interstate System _____ Primary System _____		
The undersigned hereby applies for a permit pursuant to the terms of the Junkyard Control Act and certifies that the junkyard is in compliance with the act. A permit will not be issued unless all data below is supplied.		
Name and address of owner of property upon which the junkyard is located:		NOTICE: Attach copy of _____ _____ property owner's signed _____ consent*
Location: (Attach a sketch if needed to clarify) This junkyard will be established in _____ on the _____ side of _____ city _____ county _____ N.S.E.W.  _____ said area being described as: Hwy. Route No. or Highway Name		
*Name and address if different than that of property owner.		
Fee \$ _____  _____ (Make all checks payable to the Transportation Commission of Wyoming) Fee accompanying this application \$ _____		
Name of the proposed junkyard		Signature of owner of owners agent

NON TRANSFERABLE

Applicant is applying for permit under one of the following exceptions as provided for in the State Junkyard Control act. \_\_\_\_\_

Please check one

~~\_\_\_\_\_ (i) screened by natural objects, plantings, fences or other appropriate means so as not to be visible from the main traveled way of the interstate or primary systems, or otherwise removed from sight; the screen will be provided by the applicant and approved by the Transportation Commission of Wyoming or its authorized personnel prior to the stockpiling.~~

~~\_\_\_\_\_ \*(ii) located within areas zoned for industrial use under authority of law.~~

~~\_\_\_\_\_ \*(iii) located within unzoned industrial areas as determined from actual land uses and defined by regulations promulgated by the commission.~~

~~\_\_\_\_\_ (iv) those which are not visible from the main traveled way of the highway system.~~

~~\* Documentation must accompany from authorized zoning commission within area.~~

<del>_____ STATE OF WYOMING</del>
<del>_____ JUNKYARD BUSINESS PERMIT</del>
<del>NAME <u>DATE OF ISSUE</u></del>
<del>_____ PERMIT NO. <u>EXPIRATION DATE</u></del>
<del>_____ Non Expiring</del>
<del>_____ This is to certify that the person and establishment</del>
<del>_____ noted herein is permitted to engage in the business of a</del>
<del>_____ Junkyard in the State of Wyoming</del>
<del>Department of Transportation Transportation Commission</del>
<del>P.O. 1708 _____ Director</del>
<del>Cheyenne, Wyoming</del>
<del>82002-9019</del>