

HOUSE BILL 680

Introduced by Lee, et al.

2/07	Introduced
2/07	Referred to Highways & Transportation
2/08	First Reading
2/14	Hearing
2/19	Tabled in Committee

1 *House* BILL NO. *680*
 2 INTRODUCED BY *Lee* ~~_____~~
 3 *Member at Large*

4 A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING CERTAIN
 5 TRAFFIC ON MONTANA HIGHWAY 35 BETWEEN POLSON AND BIGFORK;
 6 AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A CONTINGENT
 7 APPLICABILITY PROVISION."
 8

9 WHEREAS, more than 800 users of Montana Highway 35 and
 10 residents of the area on the east shore of Flathead Lake
 11 adjacent to Montana Highway 35 have petitioned to restrict
 12 commercial traffic on that highway; and

13 WHEREAS, an alternate commercial route exists in U.S.
 14 Highway 93 on the west shore of Flathead Lake and meets
 15 federal width standards; and

16 WHEREAS, on some sections of Highway 35, the paved
 17 surface is only 22.5 feet wide with less than 1 foot of
 18 paved, angled shoulder; and

19 WHEREAS, the Montana Department of Highways accident
 20 summary for 1986-89 stated, "Over the entire section [of
 21 Highway 35], the accident rate for all vehicles is higher
 22 than the state wide average"; and

23 WHEREAS, several sections of Highway 35 are adjacent to
 24 the shoreline of Flathead Lake, a pristine body of water,
 25 while the alternate route, Highway 93, is remote from the

1 shoreline; and

2 WHEREAS, the section of Highway 35 under consideration
 3 has 48 road and lane intersections, 142 business entrances,
 4 and 632 residential mail boxes; and

5 WHEREAS, the cost of improvement of Highway 35 along the
 6 east shore of Flathead Lake to meet current federal-aid
 7 primary system standards is prohibitive; and

8 WHEREAS, federal aid is not available for the
 9 maintenance or improvement of Highway 35 along the east
 10 shore of Flathead Lake:

11 and

12 WHEREAS, the relief requested by the petitioners would
 13 impose no new taxes or costs upon the people of Montana.

14
 15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

16 NEW SECTION. **Section 1.** Restricted traffic on portion
 17 of Montana highway 35. Movement of any vehicle larger than
 18 26,000 pounds gross vehicle weight, except movement of local
 19 delivery trucks, is prohibited on Montana highway 35 between
 20 its junction with U.S. highway 93 at Polson and its junction
 21 with Montana secondary route 209 at Bigfork.

22 NEW SECTION. **Section 2.** Withdrawal from national
 23 network. Within 30 days after [the effective date of this
 24 act], the department of highways shall request the
 25 withdrawal from the national network of highways available



LC 1410/01

1 to vehicles authorized by the Surface Transportation
2 Assistance Act of 1982, as published in 23 CFR 658.21,
3 Appendix A, of the portion of Montana highway 35 between
4 Polson and Bigfork.

5 NEW SECTION. **Section 3.** Contingent applicability.

6 [Section 1] is applicable upon the withdrawal from the
7 national network of highways provided for in [section 2].

8 NEW SECTION. **Section 4.** Effective date. [This act] is
9 effective on passage and approval.

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