

SENATE BILL 302

Introduced by Bianchi, et al.

2/07	Introduced
2/07	Referred to Local Government
2/07	First Reading
2/19	Hearing
2/22	Committee Report--Bill Not Passed
2/22	Adverse Committee Report Adopted

1 *SENATE* BILL NO. *302*
 2 INTRODUCED BY *Branch Kennedy Deputy*
 3 *Weldon Gilbert*
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE
 5 LAWS RELATING TO COUNTY ROADS; REDEFINING A COUNTY ROAD;
 6 PROVIDING FOR A PRIMITIVE PUBLIC ROAD; REQUIRING A COUNTY TO
 7 OFFER CERTAIN ROADS TO OTHER PUBLIC AGENCIES BEFORE THE
 8 ROADS MAY BE ABANDONED; AND AMENDING SECTIONS 7-14-2101,
 9 7-14-2603, AND 60-1-201, MCA."

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 11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

12 **Section 1.** Section 7-14-2101, MCA, is amended to read:

13 "7-14-2101. General powers of county relating to roads
 14 and bridges. (1) The board of county commissioners, under
 15 such limitations and restrictions as are prescribed by law,
 16 may:

17 (a) (i) lay out, maintain, control, and manage county
 18 roads and bridges within the county;

19 (ii) levy taxes therefor as provided by law;

20 (b) (i) in the exercise of sound discretion, jointly
 21 with other counties, lay out, maintain, control, manage, and
 22 improve county roads and bridges in adjacent counties,
 23 wholly or in such part as may be agreed upon between the
 24 boards of the counties concerned;

25 (ii) levy taxes therefor as provided by law;

1 (c) (i) enter into agreements for adjusted annual
 2 contributions over not more than 6 years toward the cost of
 3 joint highway or bridge construction projects entered into
 4 in cooperation with other counties, the state, or the United
 5 States;

6 (ii) place such a project in the budget and levy taxes
 7 therefor as provided by law.

8 (2) (a) Unless the context requires otherwise, county
 9 road means any public highway opened, established,
 10 constructed, maintained, abandoned, or discontinued by a
 11 county in accordance with this chapter and a road that was
 12 created:

13 (i) by petition;

14 (ii) by common-law dedication;

15 (iii) by prescription; or

16 (iv) in accordance with 43 U.S.C. 932, now repealed.

17 (b) A primitive public road is a road or any portion of
 18 a road that is in a condition that makes vehicular traffic
 19 difficult.

20 (c) Unless the context requires otherwise, bridge
 21 includes rights-of-way or other interest in land, abutments,
 22 superstructures, piers, and approaches except dirt fills."

23 NEW SECTION. Section 2. Primitive public road
 24 designation -- maintenance. (1) A county may designate a
 25 road or any portion of a road as a primitive public road.

1 Signs must be erected indicating the designation and warning
2 of the road's condition.

3 (2) A county is not responsible for maintaining a
4 primitive public road unless the county includes the road in
5 determining its portion of the gasoline tax allocation.

6 **Section 3.** Section 7-14-2603, MCA, is amended to read:

7 "7-14-2603. Investigation of request concerning road --
8 decision. (1) At its next regular or special meeting or in
9 any case at a date within 30 days after filing of any
10 petition, the board shall cause an investigation to be made
11 of the feasibility, desirability, and cost of granting the
12 prayer of the petition. The investigation shall be
13 sufficient to properly determine the merits or demerits of
14 the petition.

15 (2) No more than one member of the board and the county
16 surveyor shall make the investigation.

17 (3) If a road proposed for abandonment provides or has
18 the potential to provide access to state or federal land or
19 water, the board shall offer the road to the state or
20 federal agency responsible for the management of the land or
21 water in question.

22 {3}(4) After considering the petition and the results
23 of the investigation, the board shall make an entry of its
24 decision on the minutes. The entry must include evidence of
25 the offer made in subsection (3) and any subsequent

1 response."

2 **Section 4.** Section 60-1-201, MCA, is amended to read:

3 "60-1-201. Classification -- highways and roads. (1)
4 Public highways of this state are classified as follows:

- 5 (a) federal-aid highways;
- 6 (b) state highways;
- 7 (c) county roads;
- 8 (d) city streets.

9 (2) All highways which are not designated, selected, or
10 established by the commission or constructed or maintained
11 by the department are county roads or city streets.

12 (3) County roads are those opened, established,
13 constructed, maintained, changed, abandoned, or discontinued
14 by a county in accordance with Title 7, chapter 14, and
15 those that were created:

- 16 (a) by petition;
- 17 (b) by common-law dedication;
- 18 (c) by prescription; or
- 19 (d) in accordance with 43 U.S.C. 932, now repealed.

20 (4) City streets are those public highways under the
21 jurisdiction of municipal officials."

22 NEW SECTION. **Section 5.** Codification instruction.

23 [Section 2] is intended to be codified as an integral part
24 of Title 7, chapter 14, part 21, and the provisions of Title
25 7, chapter 14, part 21, apply to [section 2].