

1 *House* BILL NO. *161*  
 2 INTRODUCED BY *Kyle Bradley, Fred Shea, Russell*

3  
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO BE KNOWN AS THE  
 5 MONTANA TRAFFIC SAFETY ACT OF 1975; PROVIDING FOR THE  
 6 CONSTRUCTION OF FOOTPATHS AND BICYCLE TRAILS ALONG  
 7 HIGHWAYS."

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

10 Section 1. Short title. This act may be cited as the  
 11 "Montana Traffic Safety Act of 1975."

12 Section 2. Definition. As used in this act, "bicycle  
 13 trail" means a publicly owned and maintained lane or way  
 14 designated and signed for use as a bicycle route.

15 Section 3. Footpaths and bicycle trails to be  
 16 established -- funding. (1) Out of the funds received by  
 17 the highway commission or by any county or city from the  
 18 state highway commission earmarked revenue fund, reasonable  
 19 amounts shall be expended as necessary for the establishment  
 20 of footpaths and bicycle trails. Footpaths and bicycle  
 21 trails shall be established and extended to the nearest city  
 22 or town or termination point of the highway or road wherever  
 23 a highway, road, or street is being constructed,  
 24 reconstructed, or relocated. In addition, footpaths and  
 25 bicycle trails shall be established along all streets under

1 state jurisdiction. Funds received from the earmarked  
 2 revenue fund may also be expended to maintain footpaths and  
 3 bicycle trails along other highways, roads, and streets and  
 4 in parks and recreation areas where the construction would  
 5 enhance traffic safety and convenience. Footpaths and  
 6 bicycle trails shall be constructed along all sections of  
 7 the national defense interstate highway system within a  
 8 reasonable time after the completion of that system.

9 (2) Footpaths and trails are not required to be  
 10 established under subsection (1) of this section:

11 (a) if the cost of establishing the paths and trails  
 12 would be excessively disproportionate to the need or  
 13 probable use; or

14 (b) where sparsity of population, other available  
 15 ways, or other factors indicate an absence of any need for  
 16 the paths and trails.

17 (3) The amount expended by the commission or by a city  
 18 or county as required or permitted by this section shall  
 19 never in any one (1) fiscal year be less than one percent  
 20 (1%) of the funds received from the state highway commission  
 21 earmarked revenue fund. However:

22 (a) this subsection does not apply to a city in any  
 23 year in which the one percent (1%) equals two hundred fifty  
 24 dollars (\$250) or less, or to a county in any year in which  
 25 the one percent (1%) equals one thousand five hundred

*HB 161*

1 dollars (\$1,500) or less.

2 (b) a city or county in lieu of expending the funds  
3 each year may credit the funds to a financial reserve or  
4 special fund to be held for not more than ten (10) years,  
5 and to be expended for the purpose required or permitted by  
6 this section.

7 Section 4. Duties of department of highways. The  
8 establishment of paths and trails and the expenditure of  
9 funds as authorized by this act is for the promotion of  
10 traffic safety on the highways, roads, and streets of the  
11 state. The highway commission shall, when requested,  
12 provide technical assistance and advice to cities and  
13 counties in carrying out the purpose of this act. The  
14 department of highways shall recommend construction  
15 standards for footpaths and bicycle trails. The department  
16 shall provide a uniform system of signing footpaths and  
17 bicycle trails which shall apply to paths and trails under  
18 the jurisdiction of the commission and cities and counties.  
19 The commission and cities and counties shall restrict the  
20 use of footpaths and bicycle trails under their jurisdiction  
21 to pedestrians and nonmotorized vehicles to the maximum  
22 possible extent.

-End-

Approved by Committee  
on Highways & Transportation

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21 to pedestrians and nonmotorized vehicles to the maximum  
22 possible extent.

-End-

March 25, 1975

SENATE COMMITTEE OF THE WHOLE

AMENDMENTS TO HOUSE BILL NO. 161

That House Bill No. 161, third reading, be amended as follows:

1. Amend page 1, section 3, line 21.  
Strike: "shall"  
Insert: "may"
2. Amend page 2, section 3, lines 17 through line 6 on page 3.  
Following: line 16  
Strike: lines 17 through line 6 on page 3
3. Amend page 3, section 4, line 22.  
Following: "extent"  
Insert: ", except that the commission, in cooperation with local governments, may authorize the operation of snowmobiles on designated portions of bicycle trails and footpaths when snow conditions permit"
4. Amend page 3, section 4, line 22.  
Following: line 22  
Insert: "Section 5. License fee. There is a license fee of three dollars (\$3) levied on each bicycle owned, by other than a bicycle dealer, in this state. This fee shall be collected by the bicycle dealer, upon the sale of a bicycle, and remitted monthly, in a manner prescribed by the state treasurer, to the highway commission earmarked revenue fund noted in section 3 of this act. These fees shall be used to augment state participation in matching federal funds transferred to this state for purposes of establishing footpaths and bikeways.  
This fee is valid for a lifetime of the bicycle."

HOUSE BILL NO. 161

INTRODUCED BY KIMBLE, BRADLEY, FAGG, SLOAN, DUSSAULT

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state jurisdiction. Funds received from the earmarked revenue fund may also be expended to maintain footpaths and bicycle trails along other highways, roads, and streets and in parks and recreation areas where the construction would enhance traffic safety and convenience. Footpaths and bicycle trails shall be constructed along all sections of the national defense interstate highway system within a reasonable time after the completion of that system.

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~~(a) this subsection does not apply to a city in any year in which the one percent (1%) equals two hundred fifty dollars (\$250) or less, or to a county in any year in which the one percent (1%) equals one thousand five hundred~~

REFERENCE BILL  
Second Printing- Conference Report Included  
4/16/75



1 ~~dollars-(\$1,500)-or-less.~~  
 2 ~~(b)--a-city-or-county-in-lieu-of--expending--the--funds~~  
 3 ~~each--year--may--credit--the-funds-to-a-financial-reserve-or~~  
 4 ~~special-fund-to-be-held-for-not-more-than--ten--(10)--years,~~  
 5 ~~and--to-be-expended-for-the-purpose-required-or-permitted-by~~  
 6 ~~this-section.~~  
 7 ~~(3) THE AMOUNT EXPENDED BY THE COMMISSION OR BY A CITY~~  
 8 ~~OR COUNTY AS REQUIRED OR PERMITTED BY THIS SECTION SHALL~~  
 9 ~~NEVER--IN--ANY--ONE--(1)--FISCAL--YEAR--BE--LESS--THAN--ONE--PERCENT~~  
 10 ~~(1%)--OF--THE--FUNDS--RECEIVED--FROM--THE--STATE--HIGHWAY--COMMISSION~~  
 11  ~~earmarked revenue fund. HOWEVER,~~  
 12 ~~(A)--THIS--SUBSECTION--DOES--NOT--APPLY--TO--A--CITY--IN--ANY~~  
 13 ~~YEAR--IN--WHICH--THE--ONE--PERCENT--(1%)--EQUALS--TWO--HUNDRED--FIFTY~~  
 14 ~~DOLLARS--(\$250)--OR--LESS,--OR--TO--A--COUNTY--IN--ANY--YEAR--IN--WHICH~~  
 15 ~~THE--ONE--PERCENT--(1%)--EQUALS--ONE--THOUSAND--FIVE--HUNDRED~~  
 16 ~~DOLLARS--(\$1,500)--OR--LESS.~~  
 17 ~~(B)--A--CITY--OR--COUNTY--IN--LIEU--OF--EXPENDING--THE--FUNDS~~  
 18 ~~EACH--YEAR--MAY--CREDIT--THE--FUNDS--TO--A--FINANCIAL--RESERVE--OR~~  
 19 ~~SPECIAL--FUND--TO--BE--HELD--FOR--NOT--MORE--THAN--TEN--(10)--YEARS,~~  
 20 ~~AND--TO--BE--EXPENDED--FOR--THE--PURPOSE--REQUIRED--OR--PERMITTED--BY~~  
 21 ~~THIS--SECTION, STATE HIGHWAY COMMISSION OR BY A CITY OR~~  
 22 ~~COUNTY AS REQUESTED OR PERMITTED BY THIS SECTION SHALL NEVER~~  
 23 ~~IN ANY ONE (1) FISCAL YEAR BE LESS THAN THREE-QUARTERS OF~~  
 24 ~~ONE PERCENT (0.75%) OF THE AMOUNT APPROPRIATED TO THE~~  
 25 ~~DEPARTMENT OF HIGHWAYS FROM THE EARMARKED REVENUE FUND FOR~~

1 THE CONSTRUCTION PROGRAM, MAINTENANCE PROGRAM, AND  
 2 PRECONSTRUCTION PROGRAM.  
 3 Section 4. Duties of department of highways. The  
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 14 the jurisdiction of the commission and cities and counties.  
 15 The commission and cities and counties shall restrict the  
 16 use of footpaths and bicycle trails under their jurisdiction  
 17 to pedestrians and nonmotorized vehicles to the maximum  
 18 possible extent, EXCEPT THAT THE COMMISSION, IN COOPERATION  
 19 WITH LOCAL GOVERNMENTS, MAY AUTHORIZE THE OPERATION OF  
 20 SNOWMOBILES ON DESIGNATED PORTIONS OF BICYCLE TRAILS AND  
 21 FOOTPATHS WHEN SNOW CONDITIONS PERMIT.  
 22 SECTION 5. LICENSE FEE. THERE IS A LICENSE FEE OF  
 23 THREE DOLLARS (\$3) LEVIED ON EACH BICYCLE OWNED, BY OTHER  
 24 THAN A BICYCLE DEALER, IN THIS STATE. THIS FEE SHALL BE  
 25 COLLECTED BY THE BICYCLE DEALER, UPON THE SALE OF A BICYCLE.

1 AND--REMITTED--MONTHLY--IN-A-MANNER-PRESCRIBED- BY-THE-STATE  
2 TREASURER, TO-THE-HIGHWAY-COMMISSION-BARMARKET-REVENUE--FUND  
3 NOTED-IN-SECTION-3-OF-THIS-ACT,--THESE-FEES-SHALL-BE-USED-TO  
4 AUGMENT--STATE--PARTICIPATION--IN--MATCHING--FEDERAL--FUNDS  
5 TRANSFERRED-TO--THIS--STATE--FOR--PURPOSES--OF--ESTABLISHING  
6 FOOTPATHS-AND-BIKWAYS.  
7 THIS-FEE-IS-VALID-FOR-A-LIFETIME-OF-THE-BICYCLE.

-End-