LC 0400

LC 0400

INTRODUCED BY Kille Bradley Frage Cla Mussault 1 2 3 A BILL FOR AN ACT ENTITLED: "AN ACT TO BE KNOWN AS THE 4 MONTANA TRAFFIC SAFETY ACT OF 1975: PROVIDING FOR THE 5 ALONG 6 CONSTRUCTION OF FOOTPATHS AND BICYCLE TRAILS HIGHWAYS." 7

8

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

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

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

Section 3. Footpaths and bicycle trails to be 15 established -- funding. (1) Out of the funds received by 16 the highway commission or by any county or city from the 17 state highway commission earmarked revenue fund, reasonable 13 amounts shall be expended as necessary for the establishment 19 of footpaths and bicycle trails. Footpaths and bicycle 20 trails shall be established and extended to the nearest city 21 or town or termination point of the highway or road wherever 22 highway, road, or streat is being constructed, 23 а reconstructed, or relocated. In addition, footpaths and 24 picycle trails shall be established along all streets under 25

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 be10 established under subsection (1) of this section:

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

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

17 (3) The amount expended by the commission or by a city
13 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:

(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

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## INTRODUCED BILL

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 funds as authorized by this act is for the promotion of 9 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.

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LC 0400

Approved by Committee on Highways & Transportation

The Bradley Fogg Chan Unsault 1 INTRODUCED BY 2 3 A BILL FOR AN ACT ENTITLED: "AN ACT TO BE KNOWN AS THE Æ 5 MONTANA TRAFFIC SAFETY ACT OF 1975; PROVIDING FOR THE CONSTRUCTION OF FOOTPATHS AND BICYCLE TRAILS ALONG 6 HIGHWAYS." 7 8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 9 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. Section 3. Footpaths and bicycle trails to 15 be 16 established -- funding. (1) Out of the funds received by the highway commission or by any county or city from the 17 state highway commission earmarked revenue fund, reasonable 18 amounts shall be expended as necessary for the establishment 19 20 of footpaths and bicycle trails. Footpaths and bicycle 21 trails shall be established and extended to the nearest city or town or termination point of the highway or road wherever 22 23 highway, road, or street is being constructed, а 24 reconstructed, or relocated. In addition, footpaths and 25 bicycle trails shall be established along all streets under

SECOND READING

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

(b) a city or county in lieu of expending the funds
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LC 0400

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18 or county as required or permitted by this section shall
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2 (b) a city of 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 Duties of department of highways. The Section 4. 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, provide technical assistance and advice to cities and 12 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.

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## 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." .

1	HOUSE BILL NO. 161	1	state jurisdiction. Funds received from the earmarked
2	INTRODUCED BY KIMBLE, BRADLEY, FAGG, SLOAF, DUSSAULT	2	revenue fund may also be expended to maintain footpaths and
3		3	bicycle trails along other highways, roads, and streets and
4	A BILL FOR AN ACT ENTITLED: "AN ACT TO BE KNOWN AS THE	4	in parks and recreation areas where the construction would
5	MONTANA TRAFFIC SAFETY ACT OF 1975; PROVIDING FOR THE	5	enhance traffic safety and convenience. Footpaths and
6	CONSTRUCTION OF FOOTPATHS AND BICYCLE TRAILS ALONG	6	bicycle trails shall be constructed along all sections of
7	HIGHWAYS."	7	the national defense interstate highway system within a
8		8	reasonable time after the completion of that system.
9	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:	9	(2) Footpaths and trails are not required to be
10	Section 1. Short title. This act may be cited as the	10	established under subsection (1) of this section:
11	"Montana Traffic Safety Act of 1975".	11	(a) if the cost of establishing the paths and trails
12	Section 2. Definition. As used in this act, "bicycle	12	would be excessively disproportionate to the need or
13	trail" means a publicly owned and maintained lane or way	13	probable use; or
14	designated and signed for use as a bicycle route.	14	(b) where sparsity of population, other available
15	Section 3. Footpaths and bicycle trails to be	15	ways, or other factors indicate an absence of any need for
16	established funding. (1) Out of the funds received by	16	the paths and trails.
17	the highway commission or by any county or city from the	17	(3)The-amount-expended-by-the-commission-or-by-a-city
18	state highway commission earmarked revenue fund, reasonable	18	or-county-as-required-or-permittedbythissectionshall
19	amounts shall be expended as necessary for the establishment	19	neverinanyone-{i}-fiseal-year-be-less-than-one-percent
20	of footpaths and bicycle trails. Footpaths and bicycle	20	{1%}-of-the-funds-received-from-the-state-highway-commission
21	trails shall MAY be established and extended to the nearest	21	carmarked-revenue-fundHowever+
22	city or town or termination point of the highway or road	22	(a)this-subsection-does-not-apply-to-acityinany
23	wherever a highway, road, or street is being constructed,	23	yearin-which-the-one-percent-{i+}-equals-two-hundred-fifty
24	reconstructed, or relocated. In addition, footpaths and	24	dollars-{6250}-or-less,-or-to-a-county-in-any-year-in-which
25	bicycle trails shall be established along all streets under	25	theonepercent(19)equalsonethousandfive-hundred
-	- REFERENCE BILL HIL6/15 Second Printing- Conference Re	- port Included	-2- HB 161

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th:	is-section.				
	(3) THE AMOUNT EXPENDED BY THE COMMISSION-OR-BY-A-CITY				
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<u>+±</u>	*}-of-the-funds-received-from-the-state-highway-commission				
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ì	THE CONSTRUCTION PROGRAM, MAINTENANCE PROGRAM, AND
2	PRECONSTRUCTION PROGRAM.
3	Section 4. Duties of department of highways. The
4	establishment of paths and trails and the expenditure of
5	funds as authorized by this act is for the promotion of
6	traffic safety on the highways, roads, and streets of the
7	state. The highway commission shall, when requested,
8	provide technical assistance and advice to cities and
9	counties in carrying out the purpose of this act. The
10	department of highways shall recommend construction
11	standards for footpaths and bicycle trails. The department
12	shall provide a uniform system of signing footpaths and
13	bicycle trails which shall apply to paths and trails under
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	GECTION-5LICENCE-FEETHEREISALICENCEPEEOF
23	THREEBOLLARS{63}LEVIED-ON-BACK-BICYCLE-OWNED7-BY-OTHER
24	<u>тнан-а-вісусьв-вельтер,-ін-тніс-стате-тнісревснаььве</u>
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HB 0161/03

1	ANDREMITTINMONTHLYIN-A-MANNER-PRESCRIBED-3Y-THE-STATE
2	TREASURER7-98-THE-Highway-commission-barmarke/~revenuefund
3	Noted-in-section-3-op-this-actthese-fees-shall-be-used-to
4	AUCHENT
5	<del>TRANSFERRED-TOTHISSTATEFORPURPOSESOFBSTABLISHING</del>
6	Pootpaths-and-bikeways-
7	9HIS-FEB-IS-VALID-FOR-A-LIPBTIME-OF-THE-BICYCLE.

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