

HOUSE BILL 415

Introduced by Knox, et al.

1/30 **Introduced**
1/30 **Referred to Local Government**
1/30 **First Reading**
2/11 **Hearing**
2/11 **Tabled in Committee**

House BILL NO. 415

INTRODUCED BY Knox - Gandy - Dunn - Rehbein
M. Hanson - Foster - Swanson - Carlson - Gilbert - Clark
Major - Yeller - L. Nelson - Bertel - Swift - Brink - Main
A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING A BOARD OF
COUNTY COMMISSIONERS TO ABANDON A COUNTY ROAD BY RESOLUTION;
AND AMENDING SECTIONS 7-14-2103, 7-14-2601, 7-14-2603, AND
7-14-2604, MCA."

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

Section 1. Section 7-14-2103, MCA, is amended to read:

"7-14-2103. Duties of county commissioners concerning county roads. (1) Each board of county commissioners has general supervision over the county roads within the county.

(2) Each board shall survey, view, lay out, record, open, work, and maintain county roads which that are petitioned for by freeholders. Guideposts shall must be erected.

(3) Each board shall discontinue or abandon county roads when freeholders properly petition therefor for discontinuance or abandonment.

(4) Notwithstanding other provisions of law, a board may discontinue or abandon a county road that has not been maintained by the county for at least 20 years."

Section 2. Section 7-14-2601, MCA, is amended to read:

"7-14-2601. Petition to establish, alter, or abandon a

1 county road -- abandonment by county commissioners. (1) (a)
2 Any 10, or a majority, of the freeholders of a road district
3 taxable therein for road purposes may petition the board in
4 writing to open, establish, construct, change, abandon, or
5 discontinue any county road in the district.

6 ~~(2)~~(b) When the road petitioned for is on the dividing
7 line between two counties, the same procedure must be
8 followed except that a copy of the petition must be
9 presented to each board. The two boards shall act jointly.

10 (2) (a) The board may by resolution abandon a county
11 road that has not been maintained by the county for at least
12 20 years.

13 (b) When the road that the board seeks to abandon is on
14 the dividing line between two counties, the board shall give
15 written notice of its intent to abandon the road to the
16 board of the adjacent county, and the two boards shall act
17 jointly. The road may not be abandoned without the
18 concurrence of the board of the adjacent county.

19 (3) As used in this part, unless the context requires
20 otherwise:

21 (a) "board" means the board of county commissioners;
22 (b) "abandonment" means cessation of use of
23 right-of-way (easement) or activity thereon on the
24 right-of-way with no intention to reclaim or use again and
25 is sometimes called "vacation".

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

2 "7-14-2603. Investigation of-request concerning road --

3 decision. (1) At its next regular or special meeting or in

4 any case at a date within 30 days after filing of any

5 petition or after passage of a resolution to abandon a road,

6 the board shall cause an investigation to be made of the

7 feasibility, desirability, and cost of granting the-prayer

8 of the petition or the proposed abandonment. At the same

9 time, the board shall by certified mail notify the owners of

10 the land abutting on the road proposed for abandonment. The

11 owners must be those listed on the last county assessment

12 roll. The investigation shall must be sufficient to properly

13 determine the merits or demerits of the petition proposal.

14 (2) No--more--than--one One member of the board and the

15 county surveyor shall make the investigation.

16 (3) After considering the-petition-and the results of

17 the investigation, the board shall make an entry of its

18 decision on the minutes."

19 **Section 4.** Section 7-14-2604, MCA, is amended to read:

20 "7-14-2604. Notice of decision on-petition. Within 10

21 days thereafter after a decision, the board shall cause

22 notice of its decision to be sent by certified mail to all

23 owners of land abutting on the road petitioned-for affected

24 by the decision. The owners shall must be those listed on

25 the last county assessment roll."