

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30

SENATE BILL NO. 159

INTRODUCED BY J. Nelson

BY REQUEST OF THE DEPARTMENT OF TRANSPORTATION

A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING THE DEPARTMENT OF TRANSPORTATION TO ENTER INTO LEASE AGREEMENTS TO ALLOW COMMERCIAL ACTIVITY AT REST AREAS PROVIDED THAT THE ACTIVITY DOES NOT INTERFERE WITH THE INGRESS OR EGRESS TO THE AREA BY A MOTORIST; AUTHORIZING THE DEPARTMENT OF TRANSPORTATION TO ADOPT RULES TO IMPLEMENT THE AUTHORITY TO ENTER INTO AGREEMENTS ALLOWING COMMERCIAL ACTIVITY AT REST STOPS; AND AMENDING SECTION 60-5-110, MCA."

STATEMENT OF INTENT

A statement of intent is required for this bill because amendments to 60-5-110 authorize the department of transportation to adopt rules to implement the department's authority to enter into agreements allowing commercial activity at rest areas. The legislature contemplates that rules promulgated by the department address, at a minimum, requirements and restrictions on traffic flows, pedestrian safety, speed limits, and other matters bearing on the safe, efficient, and effective use of rest areas for their primary intended purposes.

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

Section 1. Section 60-5-110, MCA, is amended to read:

"60-5-110. Commercial enterprise or structure prohibited -- ~~exception~~ exceptions -- rules. (1) Except as provided in 60-5-505 and subsection (2) of this section, ~~no~~ a commercial enterprise or structure ~~shall~~ may not be constructed or operated on the publicly owned right-of-way of a controlled-access highway or facility or on any publicly leased land used in connection ~~therewith~~ with the publicly owned right-of-way of a controlled-access highway or facility.

(2) The department may enter into a lease agreement to allow commercial activity at a rest area provided that the activity does not interfere with the ingress or egress to the area by a motorist. Any commercial activity permitted by the department under this subsection must be in accordance with Title



1 23 of the United States Code and with regulations adopted pursuant to 23 CFR.

2 (3) The department may adopt rules to implement this section."

3 -END-

STATE OF MONTANA - FISCAL NOTE

Fiscal Note for SB0159, as introduced

DESCRIPTION OF PROPOSED LEGISLATION:

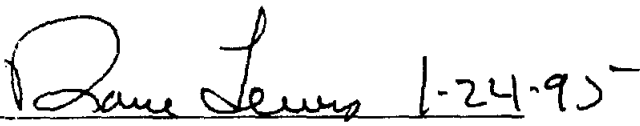
An act authorizing the Department of Transportation to enter into lease agreements to allow commercial activity at rest areas provided that the activity does not interfere with the ingress or egress to the area by a motorist; authorizing the Department of Transportation to adopt rules to implement the authority to enter into agreements allowing commercial activity at rest stops.

ASSUMPTIONS:

1. The department does not have information regarding the level of interest in commercial activity at rest areas.
2. The department would probably adopt rules providing for fees for rest stop concessionaires which would at least recover additional costs for electricity, maintenance due to litter, garbage, etc.

FISCAL IMPACT:

Inestimable at this time. The department may collect fees to recover any additional incidental costs related to commercial activities at rest stops.

 1-24-95

DAVE LEWIS, BUDGET DIRECTOR      DATE  
Office of Budget and Program Planning



LINDA NELSON, PRIMARY SPONSOR      DATE

Fiscal Note for SB0159, as introduced

**SB 159**