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House BILL NO. *588*

INTRODUCED BY *L Taylor* *Cole* *Marcia* *Masolo*
711 *Holland*

A BILL FOR AN ACT ENTITLED: "AN ACT APPROPRIATING MONEY TO THE MONTANA COAL BOARD FOR THE RECONSTRUCTION OF SECONDARY HIGHWAY 314; AND PROVIDING AN EFFECTIVE DATE."

WHEREAS, secondary Highway 314 was originally constructed as a farm-to-market road and was never designed to support the frequency or weight classification of traffic that it currently carries because of the transport of coal by trucks; and

WHEREAS, Big Horn County has expended hundreds of thousands of dollars attempting to maintain this deteriorating highway and no longer has the ability to generate sufficient financial resources to reconstruct severely damaged, deteriorated, and dangerous portions of secondary Highway 314 caused by increased coal traffic; and

WHEREAS, in 1994, a pavement improvement study set the total reconstruction cost of a 13-mile portion of secondary Highway 314 at \$7.3 million; and

WHEREAS, Big Horn County is diligently pursuing cooperative funding for this project and has initiated a Memorandum of Understanding with the Montana Department of Transportation, the Bureau of Indian Affairs, and the Northern Cheyenne Tribal Council to assist with the funding for the reconstruction of a 13-mile portion of secondary Highway 314.

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

NEW SECTION. Section 1. Appropriation. (1) There is appropriated to the coal board for the biennium beginning July 1, 1997, \$2 million from the coal severance tax shared state special revenue account, provided for in 15-35-108(3), for the reconstruction of secondary highway 314 between Decker and Busby, Montana.

(2) The funds must be used in conjunction with funds or services from Big Horn County, the bureau of Indian affairs, and the Northern Cheyenne tribal council and with any public lands discretionary funds obtained through a grant application to be made by the Montana department of transportation. The department of transportation shall apply for a grant of public lands discretionary funds from the federal



1 highway administration, provided that a penalty will not be placed on the regular apportionment of
2 federal-aid highway funds if the grant is received.

3 (3) Design approvals, contract award, and contract administration for the reconstruction work must
4 be in accordance with standard department of transportation practices.

5 (4) If sufficient funds are not available to perform the reconstruction work on secondary highway
6 314, the participating agencies shall reduce the scope of the project as funds permit or return the funds
7 to the participating agencies.

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9 NEW SECTION. **Section 2. Effective date.** [This act] is effective July 1, 1997.

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