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*Senate* BILL NO. 293  
INTRODUCED BY *[Signature]*

A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING LEAVING HIGHWAY CONSTRUCTION VEHICLES, MATERIALS, OR EQUIPMENT UNATTENDED WITHIN THE HIGHWAY RECOVERY ZONE; DEFINING "RECOVERY ZONE" AND OTHER RELATED TERMS; AND PROVIDING A PENALTY."

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

**NEW SECTION. Section 1. Encroachment of highway construction vehicles and materials into recovery zone prohibited -- definitions.** (1) For the purposes of this section, the following definitions apply:

(a) "Clear runout area" means an area at the toe of a nonrecoverable slope that is available for safe use by an errant vehicle.

(b) "Nonrecoverable slope" means a slope that is considered traversable, but on which an errant vehicle will continue on to the bottom.

(c) "Recoverable slope" means a slope on which a motorist may retain or regain control of a vehicle.

(d) "Recovery zone" means the area from the highway center line through the total roadside border area that is available for safe use by an errant vehicle. This may consist of a shoulder, a recoverable slope, a nonrecoverable slope, or a clear runout area. The width of a recovery zone is dependent on traffic volumes, speeds, and roadside geometry.

(2) A person participating in a highway project involving construction, as defined in 60-1-103, may not leave any vehicles, materials, or equipment unattended within a recovery zone.

(3) A person or contracting company found violating subsection (2) shall be fined \$5,000 for each day that the vehicles, materials, or equipment remains within the recovery zone.

(4) A person or contracting company whose violation of subsection (2) results in injury or loss of life may not participate in future highway construction projects in the state of Montana.

**NEW SECTION. Section 2. Codification instruction.** [Section 1] is intended to be codified as an integral part of Title 60, chapter 6, part 1, and the provisions of Title 60, chapter 6, part 1, apply to



1 [section 1].

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-END-

STATE OF MONTANA - FISCAL NOTE

Fiscal Note for SB0293, as introduced

DESCRIPTION OF PROPOSED LEGISLATION:

A bill prohibiting leaving highway construction vehicles, materials, or equipment unattended within the highway recovery zone.

ASSUMPTIONS:

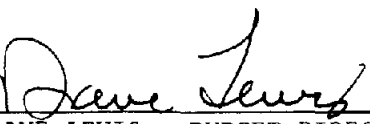
1. The Montana Department of Transportation (MDT) offers that the bill could have anywhere from minimal to material fiscal impact on maintenance and construction programs. If parking space is available behind approved barriers, or adjacent land is for rent, additional costs would be minimal. If heavy equipment and materials must be trucked great distances each day before work can begin, extra costs in both moving and lost time would be a factor.
2. The MDT cannot estimate the fiscal impact of this bill with any degree of accuracy, but assuming "mobilization" (initially moving equipment and materials to the job site, and removing at completion) accounts for 10% of construction costs, then a possible range of increased cost could be from \$1.6 million to \$8 million.

FISCAL IMPACT:

Because of multiple variables involved in the determination of the fiscal impact of this bill, a materially accurate estimate cannot be made.

EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES:

Local governments may also be fiscally impacted by this bill, but a materially accurate estimate cannot be made.

 2.12.97  
DAVE LEWIS, BUDGET DIRECTOR      DATE  
Office of Budget and Program Planning

\_\_\_\_\_  
SHARON ESTRADA, PRIMARY SPONSOR      DATE  
Fiscal Note for SB0293, as introduced

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