

HOUSE BILL NO. 853

INTRODUCED BY T. BROCKMAN, L. REKSTEN, G. FRAZER, J. BERGSTROM, J. FITZPATRICK, C.  
SPRUNGER, B. BARKER, J. KARLEN, N. DURAM

A BILL FOR AN ACT ENTITLED: "AN ACT CONSTRUCTING SIDEWALKS OR SHARED-USE PATHS TO  
IMPROVE ACCESS TO SCHOOLS; AUTHORIZING THE DEPARTMENT OF TRANSPORTATION TO  
ALLOCATE FUNDS TO LOCAL GOVERNMENTS; ESTABLISHING GRANT REQUIREMENTS; PROVIDING  
AN APPROPRIATION; AND PROVIDING AN EFFECTIVE DATE."

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

NEW SECTION. Section 1. Appropriation. (1) There is appropriated \$5 million from the general  
fund to the department of transportation for the biennium beginning July 1, 2023, for the construction of  
sidewalks, as defined in 61-8-102, and shared-use paths, as defined in 60-3-302, within state rights-of-way to  
provide improved access to schools.

(2) The \$5 million appropriation must be divided equally between the five transportation districts  
created in 2-15-2502.

(3) (A) THE DEPARTMENT OF TRANSPORTATION MAY ALLOCATE PORTIONS OF FUNDS APPROPRIATED  
UNDER THIS SECTION TO LOCAL GOVERNMENTS TO BE USED AS MATCHING FUNDS FOR THE PURPOSE OF GRANTS AND  
OTHER AWARDS FOR THE CONSTRUCTION OF SIDEWALKS OR SHARED-USE PATHS WITHIN STATE RIGHTS-OF-WAY TO  
PROVIDE IMPROVED ACCESS TO SCHOOLS.

(B) (i) TO RECEIVE A GRANT OR AWARD, A LOCAL GOVERNMENT REQUESTING CONSTRUCTION OR  
EXTENSION OF SIDEWALKS OR SHARED-USE PATHS SHALL SUBMIT A WRITTEN PROPOSAL DETAILING THE LOCATION OF  
THE PROJECT, WHICH MUST BE WITHIN 1 MILE OF A SCHOOL.

(ii) A SCHOOL DISTRICT MAY SUBMIT A PROPOSAL TO THE LOCAL GOVERNMENT OF APPROPRIATE  
JURISDICTION, AND THE LOCAL GOVERNMENT MAY SUBMIT A GRANT APPLICATION ON BEHALF OF THE SCHOOL DISTRICT  
FOR THE PROPOSED PROJECT.

(C) PRIOR TO THE CONSTRUCTION OR EXTENSION OF A SIDEWALK OR SHARED-USE PATH, THE LOCAL

1 GOVERNMENT REQUESTING THE CONSTRUCTION OR EXTENSION SHALL ENTER INTO AN AGREEMENT WITH THE  
2 DEPARTMENT OF TRANSPORTATION OBLIGATING THE LOCAL GOVERNMENT TO MAINTAIN THE INFRASTRUCTURE, UNLESS  
3 AS OTHERWISE AGREED TO BY THE DEPARTMENT.

4 (D) THE DEPARTMENT OF TRANSPORTATION MAY AWARD GRANT FUNDS TO AN UNINCORPORATED TOWN  
5 OR VILLAGE CONTINGENT ON THE CREATION OR USE OF A RURAL IMPROVEMENT DISTRICT, SPECIAL IMPROVEMENT  
6 DISTRICT, OR OTHER DISTRICT PROVIDED FOR IN TITLE 7, CHAPTER 11, PART 10, OR TITLE 7, CHAPTER 12, AND AS  
7 AGREED TO BY THE DEPARTMENT.

8 (E) THE DEPARTMENT MAY ALLOW AN UNINCORPORATED TOWN OR VILLAGE A GRACE PERIOD OF 2  
9 MONTHS TO COMPLY WITH SUBSECTION (3)(D).

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11 NEW SECTION. Section 2. Effective date. [This act] is effective July 1, 2023

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