

1 SENATE BILL NO. 194

2 INTRODUCED BY M. LANG

3

4 A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING USE OF FEDERAL-AID HIGHWAY FUNDS FOR
5 SURFACE PRESERVATION ON THE SECONDARY HIGHWAY SYSTEM; AND AMENDING SECTION
6 60-3-206, MCA."

7

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

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10 **Section 1.** Section 60-3-206, MCA, is amended to read:

11 **"60-3-206. Apportionment of funds to secondary highway system.** (1) Each fiscal year the
12 department shall apportion at least 65% of the federal-aid highway funds allocated for the secondary highway
13 system among the districts for capital construction needs. The remainder of the funds must be used by the
14 department for secondary highway system ~~pavement~~ surface preservation. The proportion that each district
15 receives is computed on the following basis:

- 16 (a) 30% in the ratio of land area in each district to the total land area in the state;
17 (b) 35% in the ratio of the rural population in each district to the total rural population in the state;
18 (c) 30% in the ratio of the rural road mileage in each district to the total rural road mileage in the state;
19 (d) 5% in the ratio of the rural bridge square footage in each district to the total rural bridge square
20 footage in the state.

21 (2) To the extent necessary to permit orderly programming and construction of projects, obligations in
22 a district may exceed the amount apportioned to that district if a majority of the boards of county commissioners
23 of the counties in another district approve the donation of the extra amount. The amount of excess obligations
24 must be deducted from future apportionments to that recipient district and returned to the donor district.

25 (3) For the purposes of this section, terms are defined as follows:

26 (a) "Capital construction" means a highway or bridge project undertaken to improve structural strength,
27 increase capacity, or eliminate hazardous design features. A capital construction project may include paved or
28 gravel road reconstruction and rehabilitation.

29 (b) "District" means the transportation commission districts identified in 2-15-2502.

30 ~~(c) "Pavement preservation" means a project undertaken to extend the useful life of a paved road.~~

1 ~~(d)(c)~~ "Rural bridge square footage" means the total square footage of all deck areas of structures 20
2 feet long or longer located on the roadways that are used to calculate rural road mileage as provided in
3 subsection ~~(3)(f)~~ (3)(e).

4 ~~(e)(d)~~ "Rural population" means the total population of all of the counties in a district as reported in the
5 latest decennial federal census less the population in cities over 5,000 persons and their unincorporated fringe
6 urban areas as determined by the department, using the latest decennial federal census.

7 ~~(f)(e)~~ (i) "Rural road mileage" means all road mileage on roads functionally classified and approved by
8 the transportation commission as major collectors or minor arterials, exclusive of road mileage on the primary
9 highway system.

10 (ii) Road mileage within national parks or road mileage that lies within incorporated cities over 5,000
11 persons and their unincorporated fringe urban areas, whose population is determined by the department, using
12 the latest decennial federal census, is not considered rural road mileage.

13 (iii) Rural road mileage reported by the road inventory of the department must be used in determining
14 rural road mileage.

15 (f) "Surface preservation" means a project undertaken to extend the useful life of a road.

16 (4) For the purpose of determining secondary highway capital construction priorities within a district, each
17 board of county commissioners in a district has one vote and the department has two votes. An existing paved
18 secondary highway may not be converted to a graveled surface without the concurrence of the board of county
19 commissioners in the county where the road is located."

20 - END -