

HOUSE BILL NO. 776

INTRODUCED BY T. FRANCE

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR A STATEWIDE BIKE PATH THAT IS SEPARATED FROM MOTORIZED TRAFFIC; PROVIDING A STATEMENT OF LEGISLATIVE INTENT TO INCREMENTALLY CONNECT EACH COUNTY SEAT WITH THE STATEWIDE BIKE PATH BY 2100; REQUIRING THE DEPARTMENT OF TRANSPORTATION TO IDENTIFY ROADS LIKELY TO BE RECONSTRUCTED IN A 20-YEAR PLANNING HORIZON CAPABLE OF INCLUDING A SHARED-USE PATH; REQUIRING THE DEPARTMENT OF TRANSPORTATION TO DESIGNATE POTENTIAL SHARED-USE PATHS AS PART OF THE STATEWIDE BIKE PATH; REVISING SHARED-USE PATH CONSTRUCTION LAW; PROVIDING DEFINITIONS; AND AMENDING SECTIONS 60-3-301, 60-3-302, 60-3-303, 60-3-304, AND 60-3-309, MCA."

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

Section 1. Section 60-3-301, MCA, is amended to read:

"60-3-301. Short title -- legislative intent. (1) This part may be cited as the "Montana Shared-Use Path Act".

(2) It is the intent of the legislature to incrementally establish a statewide network of shared-use paths that is separated from motorized vehicular traffic and that connects each county seat by the year 2100, in partnership with the department of transportation and private organizations that promote outdoor recreation, such as rail-to-trail conservancies.

Section 2. Section 60-3-302, MCA, is amended to read:

"60-3-302. ~~Shared-use path defined~~ Definitions. As used in this part:

(1) ~~"shared-use~~ **"Shared-use path"** means a multiuse path that is separated from motorized vehicular traffic by an open space, pavement markings, or a barrier within a highway right-of-way and that is usable for transportation purposes by pedestrians, runners, bicyclists, skaters, equestrians, and other

1 nonmotorized users. A sidewalk, as defined in 61-8-102, is not a shared-use path.

2 (2) "Statewide bike path" means an inventory of:

3 (a) existing shared-use paths;

4 (b) existing rail-trails; and

5 (c) potential shared-use paths designated by the department of transportation pursuant to 60-3-
6 304 that are capable of connecting to county seats and to other portions of the statewide bike path.

7 (3) "Rail-trail" means a former railroad bed open to the public for pedestrian, wheeled, and
8 equestrian recreation."

9

10 **Section 3.** Section 60-3-303, MCA, is amended to read:

11 **"60-3-303. Shared-use paths to be established -- funding.** (1) (a) Subject to the provisions of
12 subsection (1)(b), the commission or the department or a county or city, with funds received from the
13 commission or the department, may construct or extend a shared-use path:

14 (i) wherever a highway, road, or street is being constructed, reconstructed, or relocated;

15 (ii) at any time along a highway, road, or street under state jurisdiction; or

16 (iii) if the construction enhances traffic safety and convenience.

17 (b) Funds allocated by the department pursuant to 60-3-309 may be used for the purposes
18 described in subsection (1)(a) of this section only as provided in 60-3-309(3).

19 (2) A Except to further the development of the statewide bike path, a shared-use path may not be
20 established under subsection (1):

21 (a) if the cost of establishing the path is excessively disproportionate to the need or probable use;

22 or

23 (b) if sparsity of population, other available ways, or other factors indicate an absence of any need
24 for the path.

25 (3) The commission shall let to contract in any period of 5 consecutive fiscal years not less than an
26 average of \$200,000 each year to construct or extend shared-use paths. The department shall establish
27 accounting procedures to document compliance with this subsection."

28

1 **Section 4.** Section 60-3-304, MCA, is amended to read:

2 **"60-3-304. Duties of department of transportation.** (1) The allocation of available funds for the
3 maintenance, repair, and establishment of shared-use paths and the expenditure of funds as authorized by this
4 part are primarily for the maintenance and repair of shared-use paths and for the promotion of traffic safety on
5 the highways, roads, and streets of the state.

6 (2) The transportation commission shall, when requested, provide technical assistance and advice
7 to cities and counties in carrying out the purpose of this part.

8 (3) The department of transportation shall:

9 (a) in consultation with user groups and the interested public, develop a statewide bike and
10 shared-use plan and update the plan not less frequently than every 10 years;

11 ~~(a)(b)~~ maintain an inventory of all shared-use paths located in the right-of-way of each state-
12 maintained federal-aid highway in Montana;

13 ~~(b)(c)~~ maintain a plan for maintenance and repair of all the shared-use paths described in subsection
14 ~~(3)(a)~~ (3)(b);

15 ~~(c)(d)~~ recommend construction and maintenance standards for shared-use paths;

16 ~~(d)(e)~~ provide a uniform system of signing shared-use paths that applies to all shared-use paths,
17 whether under the jurisdiction of the commission or a city or county; ~~and~~

18 ~~(e)(f)~~ as provided in 60-3-309, allocate funds in the account established in 61-3-321(21);

19 (g) (i) every other biennium, identify highways, roads, and streets likely to be constructed,
20 reconstructed, or relocated within a 20-year planning horizon that can include shared-use paths; and

21 (ii) from the highways, roads, and streets identified in subsection (3)(g)(i), in consultation with the
22 public, designate potential shared-use paths conducive to connecting county seats and existing portions of the
23 statewide shared-use path as part of the statewide shared-use path; and

24 (h) publish online a map of existing portions of the statewide shared-use path.

25 (4) (a) Except as provided in subsection (4)(b), shared-use paths may not be used by motorized
26 vehicles.

27 (b) The transportation commission, a city or county, or the commission jointly with a city or county
28 may authorize the use of snowmobiles on all or a portion of a shared-use path under its jurisdiction."

1

2 **Section 5.** Section 60-3-309, MCA, is amended to read:

3 **"60-3-309. Allocation of funds.** (1) Of the total funds in the account established in 61-3-321(21)(a):

4 (a) in fiscal year 2018 only, an amount not to exceed \$50,000 must be transferred to the
5 department of justice to reprogram the software and equipment of the department and the department's vendor
6 to accommodate the optional fee provided for in 61-3-321(21); and

7 (b) of the remainder in fiscal year 2018 and for succeeding fiscal years:

8 (i) 20% of the total must be allocated to the department of transportation to be used for bicycle
9 and pedestrian education throughout the state as provided in 60-3-308(2); and

10 (ii) 80% of the total must be allocated as provided in subsection (2) by the department of
11 transportation to each of the five districts established in 2-15-2502.

12 (2) The amount of funds to be allocated to a district is equal to the total amount of optional
13 registration fees provided for in 61-3-321(21)(a) collected in the district divided by the total amount of the
14 optional registration fees provided for in 61-3-321(21)(a) collected for the entire state.

15 (3) Except as provided in subsection (4), the total funds allocated to a district under subsection
16 (1)(b)(ii) must be used within the district for the maintenance and repair of shared-use paths described in this
17 part. At least 10% of the funds allocated to a district under subsection (1)(b)(ii) must be used to maintain or
18 repair shared-use paths that are not part of the state-maintained federal-aid highway system.

19 (4) (a) Subject to the provisions of subsection (4)(b), if all of the shared-use paths in the district are
20 maintained and repaired at a level that meets or exceeds the standards established pursuant to ~~60-3-304(3)(c)~~
21 60-3-304(3)(d) or if there are no shared-use paths in the district that are not part of the state-maintained
22 federal-aid highway system, any funds remaining in a fiscal year may be used to construct new shared-use
23 paths within the district. Potential shared-use paths that are part of the statewide bike path must be prioritized if
24 new shared-use paths are constructed.

25 (b) Prior to the construction or extension of a shared-use path, the department shall enter into a
26 maintenance agreement with the county or municipality, or both, in which the path is proposed to be
27 constructed or extended. The maintenance agreement may provide that maintenance be conducted by the
28 county or the municipality, by both the county and the municipality, by the department, or by a combination of

1 those entities. Based on the maintenance agreement and available funding, the department shall transfer funds
2 from the account established in 61-3-321(21)(a) to the appropriate county or municipality as provided for in the
3 maintenance agreement. If the maintenance agreement provides for maintenance by the department, the
4 department shall use the funds in the account for that purpose."

5
6 **NEW SECTION. Section 6. Codification instruction.** [Section 1] is intended to be codified as an
7 integral part of Title 60, chapter 3, part 3, and the provisions of Title 60, chapter 3, part 3, apply to [section 1].

8 - END -