

COUNTY ROADS

LEGISLATOR NOTICE

The Legislative Services Division is required to offer a brief history on the subject matter of a bill draft request prior to drafting. (5-4-105, MCA; [Chapter 309, Laws of 2017](#)) The history must include related legislation introduced over the last five sessions and hyperlinks to the bill, hearing information, and fiscal notes. The legislation links below open to the page showing the status and history of bills introduced on this topic in the past. The bill text and any related fiscal notes can be accessed through the link at the top of that page.

Legislation can be complex and this history is not intended to be exhaustive. Please contact the drafter of the requested bill for more information.

Background Materials and Research

Topic Summary:

According to [Title 7, Chapter 14, Part 21 MCA](#), boards of county commissions have the power to lay out, maintain, control, and manage county roads and bridges. County road maintenance accounts for one of local government's largest expenditures due in part to the large unincorporated areas many county roads connect.

Three entities maintain Montana's infrastructure: the federal government who maintains the interstate system, the state who maintains paved secondary roads, and the counties who maintain gravel and some paved secondary roads. County governments are not responsible for National Forest Development roads or streets and alleys in municipalities; however, county governments do allocate portions of their license fees of registered motor vehicles residing within city limits to help fund road maintenance in municipalities ([7-14-2512, MCA](#)). County governments acquire road maintenance funding through property taxes, gas taxes, motor vehicle license fees, and bonds and can execute road management using road districts with or without a county road supervisor.

Legislative Services Division Materials:

[SJR 20 Study of County Road Easements on State Trust Land](#), April 2016

[Roads, Land, & Big Game Harvest](#), HJR 13, Environmental Quality Council Interim Study, 2015-2016

[County Road Figures](#), April 2016

[Creation of County Roads and the Extent of the Easement Attached to Them](#), Legislative Legal Opinion, 2008

[Water Right for Road Construction/Maintenance for a County](#), Legislative Legal Opinion, 2006

[Condemnation for the Purpose of a Private Road](#), Legislative Legal Opinion, 2005

[Memo regarding How a Private Road Becomes a Public Road](#), 2004

Other Materials:

[Survey Results HD 54](#), Funding Transportation Infrastructure & Local Government Revenue Adequacy, 2016

[Public Uses and Eminent Domain](#), EQC Report, Oct 2012

Introduced Legislation

2019

[HB 550](#) - Died in Process - AN ACT PROVIDING THAT PRIVATELY OWNED ROADS OR ROADS THAT HAVE BEEN ABANDONED OR VACATED MAY NOT BE CONSIDERED PUBLIC ROADS IN THE CONSIDERATION OF GAS TAX ALLOCATIONS; AND AMENDING SECTION 15-70-401, MCA.

[SB 224](#) - Died in Standing Committee - AN ACT REVISING LAWS GOVERNING HIGHWAY ENCROACHMENTS; INCREASING THE FINE FOR FAILURE TO REMOVE AN ENCROACHMENT; AND AMENDING SECTION 7-14-2136, MCA.

[SB 301](#) - Died in Standing Committee - AN ACT PROVIDING THAT A COUNTY COMMISSION SHALL GIVE WRITTEN APPROVAL BEFORE A PUBLIC ROAD THAT ACCESSES PUBLIC LANDS IS ABANDONED, VACATED, OR CLOSED.

2017

[HB 473](#) – Chapter Number Assigned -- AN ACT REVISING HIGHWAY FUNDING LAWS; REVISING LAWS CONCERNING THE DEPOSIT AND EXPENDITURE OF HIGHWAY REVENUE; ESTABLISHING A HIGHWAY RESTRICTED ACCOUNT AND A BRIDGE AND ROAD SAFETY AND ACCOUNTABILITY RESTRICTED ACCOUNT; INCREASING THE FUEL TAX AND SPECIAL FUEL TAX; PROVIDING THAT THE NEW REVENUE MUST FUND HIGHWAY PROJECTS AND LOCAL ROAD PROJECTS; PROVIDING FOR A LOCAL GOVERNMENT ROAD MATCH PROGRAM; REQUIRING A PERFORMANCE AUDIT OF THE DEPARTMENT OF TRANSPORTATION; REQUIRING THE DEPARTMENT OF TRANSPORTATION TO PUBLISH A WEBSITE SHOWING PROJECTS FUNDED WITH THE INCREASED REVENUE; PROVIDING A STATUTORY APPROPRIATION AND AN APPROPRIATION; AMENDING SECTIONS 15-70-101, 15-70-102, 15-70-403, 15-70-404, 15-70-419, 15-70-456, 17-5-903, 17-7-502, 44-1-501, 60-3-201, 60-5-110, 61-3-738, 61-8-204, 61-8-907, 61-10-126, 61-10-225, 61-10-226, AND 75-11-301, MCA; REPEALING SECTION 60-3-202, MCA; AND PROVIDING AN EFFECTIVE DATE.

[SB 79](#) – Chapter Number Assigned -- AN ACT REVISING RURAL IMPROVEMENT DISTRICT LAWS; ALLOWING FOR THE CREATION OF A RURAL IMPROVEMENT DISTRICT SOLELY FOR ROAD MAINTENANCE UPON PETITION OF THE OWNERS OF MORE THAN 85% OF THE AREA IN THE PROPOSED DISTRICT; AND AMENDING SECTIONS 7-12-2102, 7-12-2105, 7-12-2109, AND 7-12-2113, MCA.

[HB 295](#) – Died in Standing Committee -- A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS GOVERNING COUNTY ROAD ENCROACHMENTS BY PROVIDING THAT A LOCKED GATE IS AN ENCROACHMENT, ALLOWING ISSUANCE OF A PERMIT FOR CERTAIN ENCROACHMENTS, AND INCREASING THE FINE FOR FAILURE TO REMOVE AN ENCROACHMENT; AND AMENDING SECTIONS 7-14-2134 AND 7-14-2136, MCA."

[HB 301](#) – Died in Process -- A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING CITIES AND TOWNS TO ISSUE REVENUE BONDS FOR IMPROVEMENTS IN A STREET MAINTENANCE DISTRICT; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

[HB 319](#) – Died in Standing Committee -- A BILL FOR AN ACT ENTITLED: "AN ACT REVISING COUNTY COMMISSION AUTHORITY RELATED TO PUBLIC ROADS; ALLOWING CERTAIN ROADS TO BE DESIGNATED A PUBLIC ROAD IF A PETITION IS SUBMITTED AND A PRESUMPTION THAT THE ROAD IS PUBLIC IS NOT REBUTTED; REQUIRING PUBLIC HEARINGS; ALLOWING FOR JUDICIAL REVIEW OF A DECISION BY A BOARD OF COUNTY COMMISSIONERS TO DESIGNATE A ROAD AS A PUBLIC ROAD; REQUIRING THE BOARD TO DETERMINE THE SCOPE OF MAINTENANCE AND DECIDE HOW MAINTENANCE WILL OCCUR; PROVIDING DEFINITIONS; AND AMENDING SECTION 7-14-2101, MCA."

[HB 459](#) – Died in Standing Committee -- A BILL FOR AN ACT ENTITLED: "AN ACT REVISING HOW A LOCAL AUTHORITY AND A COUNTY COMMISSION MAY SET A SPEED LIMIT; AND AMENDING SECTION 61-8-310, MCA."

[SB 106](#) – Died in Standing Committee -- A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING A REDUCTION IN THE USE OF CHLORIDE-BASED LIQUID DE-ICERS ON PUBLIC HIGHWAYS."

2015

[HB 187](#) – Chapter Number Assigned -- AN ACT CLARIFYING LAWS PERTAINING TO THE ASSIGNMENT OF ROAD AND STREET ADDRESSES; SPECIFYING THAT COUNTIES MAY DESIGNATE STREET NAMES AND ADDRESSES IN UNINCORPORATED AREAS; AMENDING SECTION 7-14-2101, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

[HB 286](#) – Missed Deadline for General Bill Transmittal -- A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING THE RESTRICTION OF PUBLIC ACCESS ON CERTAIN ROADS OR RIGHTS-OF-WAY USED BY THE PUBLIC UNLESS CERTAIN REQUIREMENTS ARE MET."

[HB 304](#) – Missed Deadline for Revenue Bill Transmittal -- A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS GOVERNING ENCROACHMENTS AND OBSTRUCTIONS ON COUNTY ROADS; PROVIDING THAT A LOCKED GATE IS CONSIDERED TO BE AN OBSTRUCTION; INCREASING THE PENALTY FOR FAILURE TO REMOVE AN ENCROACHMENT; REQUIRING THAT THE PENALTY BE PAID INTO THE GENERAL FUND OF THE COUNTY; AND AMENDING SECTIONS 7-14-2133, 7-14-2136, AND 7-14-2137, MCA."

[HB 312](#) – Missed Deadline for General Bill Transmittal -- A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING CONSIDERATION OF LOCAL GOVERNMENT NEIGHBORHOOD PLANS AND GROWTH POLICIES IN DEPARTMENT OF TRANSPORTATION CONSTRUCTION AND MAINTENANCE ACTIVITIES; AND AMENDING SECTION 60-2-110, MCA."

[HB 346](#) – Missed Deadline for General Bill Transmittal -- A BILL FOR AN ACT ENTITLED: "AN ACT DEFINING "BYPASS" IN THE CONTEXT OF HIGHWAY CONSTRUCTION AND RELOCATION; REQUIRING PRIOR CONSENT BY A COUNTY FOR THE CONSTRUCTION OF A BYPASS IN THE COUNTY'S

JURISDICTION; REQUIRING NOTIFICATION TO CERTAIN PROPERTY OWNERS ABOUT A PROPOSED HIGHWAY BYPASS; EXTENDING RULEMAKING AUTHORITY; AMENDING SECTION 60-2-211, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE."

[HB 467](#) – Missed Deadline for General Bill Transmittal -- A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS GOVERNING PRIVATE ROADS; CLARIFYING THAT CERTAIN MARKERS INSTALLED ON A PRIVATE ROAD MAY NOT BE CONSIDERED TO BE ENCROACHMENTS; CLARIFYING THAT A PERSON WHOSE PRIVATE ROAD IS DAMAGED BY ANOTHER PERSON MAY COMMENCE AN ACTION; CLARIFYING THAT PUBLIC ACCESS MAY NOT BE GRANTED ON A PRIVATE ROAD WITH MULTIPLE OWNERS UNLESS ALL OF THE OWNERS AGREE; AND AMENDING SECTIONS 7-14-2134, 27-2-208, AND 45-6-201, MCA."

2013

[HB 558](#) – Died in Standing Committee -- A BILL FOR AN ACT ENTITLED: "AN ACT PRESCRIBING THE PROCEDURE FOR THE STABILIZATION OF AGGREGATE SURFACE ROADS."

[HB 599](#) – Died in Process -- A BILL FOR AN ACT ENTITLED: "AN ACT TRANSFERRING FUNDS FROM ~~THE GENERAL FUND~~ A STATE SPECIAL REVENUE ACCOUNT TO THE CAPITAL PROJECTS ACCOUNT; APPROPRIATING FUNDS TO THE DEPARTMENT OF COMMERCE FOR A GRANT TO CARBON COUNTY TO PROVIDE MATCHING FUNDS FOR THE RECONSTRUCTION OF WEST FORK ROAD; PROVIDING CONDITIONS FOR THE GRANT; PROVIDING FOR A REVERSION OF FUNDS; AND PROVIDING AN EFFECTIVE DATE."

[SB 354](#) – Died in Standing Committee -- A BILL FOR AN ACT ENTITLED: "AN ACT REMOVING THE REQUIREMENT FOR A PERSON OR COUNTY TO PAY THE FAIR MARKET VALUE FOR HISTORIC RIGHTS-OF-WAY; AND AMENDING SECTION 77-1-130, MCA."

[SB 365](#) – Died in Standing Committee -- A BILL FOR AN ACT ENTITLED: "AN ACT LIMITING THE USE OF CHLORIDE-BASED LIQUID DE-ICERS ON PUBLIC HIGHWAYS."

[SB 371](#) – Died in Standing Committee -- A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE DEPARTMENT OF TRANSPORTATION TO PLANT AND MAINTAIN VEGETATION ON CERTAIN HIGHWAY CENTER MEDIANS; AND AMENDING SECTION 60-2-208, MCA."

2011

[HB 61](#) – Chapter Number Assigned -- AN ACT ALLOWING A LOCAL AUTHORITY TO SET REDUCED SPEED LIMITS ON CERTAIN UNPAVED ROADS; AND AMENDING SECTION 61-8-310, MCA.

[HB 187](#) – Chapter Number Assigned -- AN ACT REQUIRING THE TRANSPORTATION COMMISSION AND COUNTIES TO USE MONTANA-MADE WOODEN PRODUCTS IN CERTAIN ROAD AND BRIDGE CONSTRUCTION OR RECONSTRUCTION PROJECTS.

[HB 273](#) – Chapter Number Assigned -- AN ACT ALLOWING FOR THE OPERATION OF OFF-HIGHWAY VEHICLES ON CERTAIN PUBLIC ROADS WHEN AUTHORIZED BY A LOCAL GOVERNMENT OR THE STATE HIGHWAY PATROL.

[HB 290](#) – Died in Standing Committee -- A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING THE RESTRICTION OF PUBLIC ACCESS ON CERTAIN ROADS OR RIGHTS-OF-WAY USED BY THE PUBLIC UNLESS CERTAIN REQUIREMENTS ARE MET."

[SB 85](#) – Died in Standing Committee -- A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING A BOARD OF COUNTY COMMISSIONERS TO LIMIT USE OF A COUNTY ROAD OR OTHER PUBLIC RIGHT-OF-WAY UNDER THE COUNTY'S JURISDICTION; AND AMENDING SECTIONS 7-14-2103, 7-14-2133, AND 7-14-2134, MCA."

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