

STATEMENT OF PURPOSE

RS32042 / H0101

This legislation amends Section 40-203, Idaho Code, regarding the abandonment of roads and public rights-of-way. Abandonment involves a lengthy process for the county or the highway district in which a public road is being abandoned. For the cases where the public road accesses public lands or waters, this legislation adds to the process so that evidence of such access can be presented. For those public roads that do access public lands and waters, this amendment requires that a replacement public access be provided, even if that public access is provided at private expense, before the abandonment can be completed. The replacements cannot be provided through the use of eminent domain nor condemnation, and this legislation will not affect any road vacations currently underway or currently being litigated.

FISCAL NOTE

This legislation will have no impact on state funding since road abandonments are in the jurisdiction of counties or highway districts. Counties and highway districts may be abandoning public roads to save money, but where the public access is to public lands or waters, the replacement access could be paid with private funding.

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DISCLAIMER: This statement of purpose and fiscal note are a mere attachment to this bill and prepared by a proponent of the bill. It is neither intended as an expression of legislative intent nor intended for any use outside of the legislative process, including judicial review (Joint Rule 18).