

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 628

BY WAYS AND MEANS COMMITTEE

AN ACT

1
2 RELATING TO WIDTH OF HIGHWAYS; AMENDING SECTION 40-2312, IDAHO CODE, TO PRO-
3 VIDE THAT HIGHWAYS CREATED BY STATUTORY PRESCRIPTION OR COMMON LAW DED-
4 ICATION ARE AN EXCEPTION TO THE REQUIREMENT THAT ALL HIGHWAYS SHALL NOT
5 BE LESS THAN FIFTY FEET WIDE.

6 Be It Enacted by the Legislature of the State of Idaho:

7 SECTION 1. That Section 40-2312, Idaho Code, be, and the same is hereby
8 amended to read as follows:

9 40-2312. WIDTH OF HIGHWAYS. All highways, except bridges and those lo-
10 cated within cities, shall be not less than fifty (50) feet wide, except:

11 (1) Those highways created by:

12 (a) Prescription, pursuant to section 40-202(3); or

13 (b) Common law dedication (which does not specify a width), the width
14 of which shall be limited to the actual traveling surface of the road-
15 way and such additional space beyond the edge of the traveling surface
16 of the roadway as has historically been used for the maintenance of the
17 roadway; and

18 (2) Those of a lesser width presently existing, and ~~may be~~ are only
19 as wide as required for proper historic construction and maintenance in the
20 discretion of the authority in charge of the construction and maintenance.
21 Bridges located outside incorporated cities shall be the same width to and
22 across the river, creek or stream as the highway leading to it.