

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 628, As Amended

BY WAYS AND MEANS COMMITTEE

AN ACT

RELATING TO WIDTH OF HIGHWAYS; PROVIDING LEGISLATIVE INTENT; AMENDING SECTION 40-2312, IDAHO CODE, TO REVISE PROVISIONS RELATING TO WIDTH OF CERTAIN HIGHWAYS AND TO PROVIDE FOR AN EXCEPTION.

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

SECTION 1. LEGISLATIVE INTENT. It is the intent of the Legislature that this bill clarifies Section 40-2312, Idaho Code, to reflect the Legislature's intent that Section 40-2312, Idaho Code, applies to highways in existence in 1985 when the statute was recodified and applies to highways created thereafter. It is further the intent of the Legislature that highways in existence in 1985 and which were created by prescription or common law dedication or otherwise established by use are limited to the width of their historic use and are not required, pursuant to the statute, to be a minimum of fifty feet wide.

SECTION 2. That Section 40-2312, Idaho Code, be, and the same is hereby amended to read as follows:

40-2312. WIDTH OF HIGHWAYS. (1) All highways, except bridges and those located within cities, shall be not less than fifty (50) feet wide, except those of a lesser width presently existing, and may be as wide as required for proper construction and maintenance in the discretion of the authority in charge of the construction and maintenance.

(2) The provisions of subsection (1) of this section shall not apply to highways of a lesser width. Highways may be as wide as required for historical construction and maintenance in the discretion of the authority in charge of the construction and maintenance and such space as has historically been used for installation and maintenance of utilities.

(3) Bridges located outside incorporated cities shall be the same width to and across the river, creek or stream as the highway leading to it.