

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 728

BY WAYS AND MEANS COMMITTEE

AN ACT

1 RELATING TO COUNTY COMMISSIONERS AND HIGHWAY OFFICERS; AMENDING SECTION
2 40-605, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE LAYING OUT,
3 WIDENING, INCREASING TRAVEL LANES, OR STRAIGHTENING OF HIGHWAYS; AND
4 DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.
5

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

7 SECTION 1. That Section 40-605, Idaho Code, be, and the same is hereby
8 amended to read as follows:

9 40-605. LAYING OUT OF NEW HIGHWAYS -- WIDENING, ~~CHANGING~~ INCREASING
10 TRAVEL LANES, OR STRAIGHTENING OF EXISTING HIGHWAYS -- PURCHASE OF
11 RIGHTS-OF-WAY BY AGREEMENT. Commissioners may lay out new highways within
12 the county as they determine to be necessary for the primary benefit of mo-
13 torists. The right-of-way of any highway shall not be less than fifty (50)
14 feet wide. ~~, except in exceptional cases. Commissioners may also change the~~
15 ~~width or location or straighten lines of any highway under their jurisdic-~~
16 ~~tion. Commissioners may only expand the existing width, increase the number~~
17 ~~of travel lanes, or straighten lanes of any highway under their jurisdic-~~
18 ~~tion. If, in the laying out, widening, ~~changing~~ increasing travel lanes, or~~
19 ~~straightening of any highway it shall become necessary to take private prop-~~
20 ~~erty, the commissioners or their director of highways shall cause a survey~~
21 ~~of the proposed highway to be made, together with an accurate description~~
22 ~~of the lands required. The commissioners shall endeavor to agree with each~~
23 ~~owner for the purchase of a right-of-way over his land included within the~~
24 ~~description. If they are able to agree with the owner, the commissioners may~~
25 ~~purchase the land out of the county highway fund under their control, and the~~
26 ~~land shall then be conveyed to the county for the use and purpose of highways.~~

27 SECTION 2. An emergency existing therefor, which emergency is hereby
28 declared to exist, this act shall be in full force and effect on and after
29 July 1, 2024.