

IN THE SENATE

SENATE BILL NO. 1144

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO HIGHWAYS AND BRIDGES; REPEALING SECTION 40-605, IDAHO CODE,  
2 RELATING TO THE LAYING OUT OF NEW HIGHWAYS, THE WIDENING, CHANGING, OR  
3 STRAIGHTENING OF EXISTING HIGHWAYS, AND THE PURCHASE OF RIGHTS-OF-WAY  
4 BY AGREEMENT; AMENDING CHAPTER 6, TITLE 40, IDAHO CODE, BY THE ADDITION  
5 OF A NEW SECTION 40-605, IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING  
6 LAYING OUT OF HIGHWAYS AND THE WIDENING OR STRAIGHTENING OF NEW AND EX-  
7 ISTING HIGHWAYS FOR THE PRIMARY BENEFIT OF MOTORISTS; AND DECLARING AN  
8 EMERGENCY AND PROVIDING AN EFFECTIVE DATE.  
9

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

11 SECTION 1. That Section [40-605](#), Idaho Code, be, and the same is hereby  
12 repealed.

13 SECTION 2. That Chapter 6, Title 40, Idaho Code, be, and the same is  
14 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
15 ignated as Section 40-605, Idaho Code, and to read as follows:

16 40-605. LAYING OUT OF HIGHWAYS -- WIDENING OR STRAIGHTENING NEW AND  
17 EXISTING HIGHWAYS FOR THE PRIMARY BENEFIT OF MOTOR VEHICLES. (1) Commission-  
18 ers may improve existing highways or lay out new highways within the county  
19 as they determine necessary to reduce traffic congestion or motorist travel  
20 time and for the primary benefit of motor vehicles.

21 (2) The right-of-way of any highway shall not be less than fifty (50)  
22 feet wide, except to comply with applicable law or in other exceptional  
23 cases.

24 (3) Existing or new pedestrian and bicycle facilities may only be im-  
25 proved as a secondary or collateral benefit to any highway project or as  
26 necessary to improve the safety of pedestrian and bicycle facilities near  
27 schools, parks, or other designated pedestrian or bicycle areas.

28 (4) For a highway functioning as a non-residential collector or arte-  
29 rial highway, commissioners may only increase the width, straighten, or re-  
30 locate the highway, except as required by federal law. Commissioners shall  
31 not decrease the width of any non-residential collector or arterial highway,  
32 unless required by federal law.

33 (5) If, in the laying out, widening, or straightening of any highway it  
34 becomes necessary to take private property, the commissioners or their di-  
35 rector of highways shall cause a survey of the proposed highway to be made,  
36 together with an accurate description of the lands required. The commis-  
37 sioners shall endeavor to agree with each owner for the purchase of a right-  
38 of-way over the owner's land included within the description. If they are  
39 able to agree with the owner, the commissioners may purchase the land out of  
40 the county highway fund under their control, and the land shall then be con-  
41 veyed to the county for the use and purpose of highways.

1           SECTION 3. An emergency existing therefor, which emergency is hereby  
2 declared to exist, this act shall be in full force and effect on and after  
3 July 1, 2025.