

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 508

BY TRANSPORTATION AND DEFENSE COMMITTEE

AN ACT

1
2 RELATING TO HIGHWAYS AND BRIDGES; AMENDING SECTION 40-117, IDAHO CODE, TO
3 REVISE A DEFINITION; AMENDING SECTION 40-207, IDAHO CODE, TO REVISE A
4 PROVISION REGARDING A VIOLATION; AMENDING SECTION 40-605, IDAHO CODE,
5 TO PROVIDE AN EXCEPTION; AND DECLARING AN EMERGENCY AND PROVIDING AN EF-
6 FECTIVE DATE.

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

8 SECTION 1. That Section 40-117, Idaho Code, be, and the same is hereby
9 amended to read as follows:

10 40-117. DEFINITIONS -- P. (1) "Person" includes every natural per-
11 son, firm, fiduciary, copartnership, association, corporation, trustee,
12 receiver or assignee for the benefit of creditors.

13 (2) "Place." (See "Maintain," section 40-114, Idaho Code)

14 (3) "Preliminary design," as used in section 40-904, Idaho Code, means
15 the general project location and design concepts. It includes but is not
16 limited to preliminary engineering and other activities and analyses,
17 such as environmental assessments, topographic surveys, metes and bounds
18 surveys, geotechnical investigations, hydrologic analyses, hydraulic
19 analyses, utility engineering, traffic studies, financial plans, revenue
20 estimates, hazardous materials assessments, general estimates of the types
21 and quantities of materials and other work needed to establish parameters
22 for the final design.

23 (4) "Price proposal" means the price submitted by a design-build
24 firm to provide the required design and construction services described
25 in the request for proposals or the price submitted by a construction man-
26 ager/general contractor firm to provide the required construction services
27 described in the request for proposal.

28 (5) "Primary benefit of motor vehicles" and "benefit primarily motor
29 vehicles" means designing highway and bridge maintenance and construction
30 projects to reduce traffic congestion, travel delays, engine idle time, and
31 unproductive fuel consumption. "Primary benefit of motor vehicles" also
32 includes and is limited to improving vehicle traffic flow and travel times
33 through expanding vehicle travel lanes, improving intersection efficiency,
34 adding turning lanes, improving transportation management systems, or a
35 combination of such methods. Highway improvements to existing or new bi-
36 cycle and pedestrian facilities may only be included in a project for the
37 primary benefit of motor vehicles if such facilities:

38 (a) Provide a collateral or secondary benefit to the project; ~~or~~

39 (b) Receive federal funds or grants for such purposes; or

40 ~~(b)~~ (c) Are highway design improvements that are necessary to comply
41 with existing federal law.

1 (6) "Primary system" or "primary highway" means any portion of the
 2 highways of the state, as officially designated, or as may hereafter be so
 3 designated, by the Idaho transportation board, and approved by the secretary
 4 of transportation, pursuant to the provisions of title 23, U.S. Code, "High-
 5 ways."

6 (7) "Public highway agency" means the state transportation depart-
 7 ment, any city, county, highway district or other political subdivision
 8 of the state with jurisdiction over public highway systems and public
 9 rights-of-way.

10 (8) "Public highways" means all highways open to public use in the
 11 state, whether maintained by the state or by any county, highway district,
 12 city, or other political subdivision. (Also see "Highways," section 40-109,
 13 Idaho Code)

14 (9) "Public land survey corner" means any point actually established
 15 and monumented in an original survey or resurvey that determines the bound-
 16 aries of remaining public lands, or public lands patented, represented on an
 17 official plat and in the field notes thereof, accepted and approved under au-
 18 thority delegated by congress to the United States general land office and
 19 the United States department of interior, bureau of land management.

20 (10) "Public right-of-way" means a right-of-way open to the public and
 21 under the jurisdiction of a public highway agency, where the public highway
 22 agency has no obligation to construct or maintain, but may expend funds for
 23 the maintenance of, said public right-of-way or post traffic signs for ve-
 24 hicular traffic on said public right-of-way. In addition, a public right-
 25 of-way includes a right-of-way which was originally intended for develop-
 26 ment as a highway and was accepted on behalf of the public by deed of pur-
 27 chase, fee simple title, authorized easement, eminent domain, by plat, pre-
 28 scriptive use, or abandonment of a highway pursuant to section 40-203, Idaho
 29 Code, but shall not include federal land rights-of-way, as provided in sec-
 30 tion 40-204A, Idaho Code, that resulted from the creation of a facility for
 31 the transmission of water. Public rights-of-way shall not be considered im-
 32 proved highways for the apportionment of funds from the highway distribution
 33 account.

34 (11) "Public street" means a road, thoroughfare, alley, highway or
 35 bridge under the jurisdiction of a public highway agency.

36 (12) "Public transportation services" means, but is not limited to,
 37 fixed transit routes, scheduled or unscheduled transit services provided
 38 by motor vehicle, bus, rail, van, aerial tramway and other modes of pub-
 39 lic conveyance; paratransit service for the elderly and disabled; shuttle
 40 and commuter service between cities, counties, health care facilities,
 41 employment centers, educational institutions or park-and-ride locations;
 42 subscription van and car pooling services; transportation services unique
 43 to social service programs; and the management and administration thereof.

44 SECTION 2. That Section 40-207, Idaho Code, be, and the same is hereby
 45 amended to read as follows:

46 40-207. VIOLATIONS -- PENALTIES. Any elected official, or officer,~~or~~
 47 ~~person~~ who shall violate or aid in the violation of any of the provisions of
 48 this title, unless a different penalty is prescribed by law, shall be guilty
 49 of a misdemeanor, and upon conviction thereof be punished by a fine of not

1 more than one thousand dollars (\$1,000), or imprisonment for a period not
 2 to exceed ninety (90) days, or by both such fine and imprisonment. The re-
 3 porting of violations under this title shall be afforded protection pursuant
 4 to the provisions of chapter 21, title 6, Idaho Code. All fines collected
 5 for violations of the provisions of this title shall be paid into the highway
 6 distribution account established in section 40-701, Idaho Code.

7 SECTION 3. That Section 40-605, Idaho Code, be, and the same is hereby
 8 amended to read as follows:

9 40-605. LAYING OUT OF HIGHWAYS -- WIDENING OR STRAIGHTENING NEW AND
 10 EXISTING HIGHWAYS FOR THE PRIMARY BENEFIT OF MOTOR VEHICLES. (1) Commission-
 11 ers may improve existing highways or lay out new highways within the county
 12 as they determine necessary to reduce traffic congestion or motorist travel
 13 time and for the primary benefit of motor vehicles.

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

17 (3) Existing or new pedestrian and bicycle facilities may only be im-
 18 proved:

19 (a) ~~as~~ As a secondary or collateral benefit to any highway project;

20 (b) When receiving federal funds or grants for such purposes; or

21 (c) ~~as~~ As necessary to improve the safety of pedestrian and bicycle fa-
 22 ilities near schools, parks, or other designated pedestrian or bicycle
 23 areas.

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

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

38 SECTION 4. An emergency existing therefor, which emergency is hereby
 39 declared to exist, this act shall be in full force and effect on and after
 40 July 1, 2026.