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GUIDANCE

R&T IC Guidance for the Interpretation of SB3

Senate Bill 3 amended Section 60-2-110 of Montana Code Annotated relative to how the Transportation Commission sets priorities and selects projects. To ensure consistent interpretation of these amendments within the business practices of the Commission, the following will guide the Montana Transportation Commission and Department staff in implementing these amendments.

Interpretation of SB 3 Provisions

1. SB 3, Section 1 (1): **“The Commission shall direct the department to construct a four-lane highway generally along the present route of U.S. highway 2 from the North Dakota border to the Idaho border in order to increase tourism and to bring economic development to Montana. Planning for the U.S. Highway 2 project must be included in any future fiscal plan developed by the department.”**

The committee interpretation is:

- a. Projects in the Tentative Construction Program as of June 30, 2001 will continue with development as planned. All projects on U.S. 2 that are currently in the tentative construction program will be constructed to a 40-foot width, except for spot safety improvements or simple overlays and pavement treatments on existing roadbeds.
- b. Projects that are nominated and approved for addition to any future Tentative Construction Program will include planning for a four-lane facility if federal funds are secured and the NEPA process completed.
- c. Expenditures to complete the NEPA requirements for four-lane construction shall be paid with federal funds that do not require state fund match or effect future projects.

1. SB 3, Section 1 (2): **“The department shall seek additional federal funding that does not require a state funding match for the U.S. Highway 2 project.”**

The committee interpretation is:

- a. The Director shall proactively work with Montana’s Congressional Delegation towards obtaining Federal funds with a 0% non-Federal match.
- b. Funding for four-lane design and construction may be sought from any Federal funding source, but if a funding source other than the Federal-aid highway program is considered, the Director will coordinate with the appropriate State of Montana administrative agency director and all MDT design and construction standards will be met.

- 1 c. Other Commission policies relative to seeking additional Federal funds
2 shall continue unchanged by this amendment, including the Commission
3 Policy guiding prioritization of Public Lands Highways Discretionary
4 Grant (PLH) nominations. Out of deference to the transportation needs on
5 Montana's State Highways (Primary, Secondary, and Urban), the PLH
6 Prioritization Policy precludes the Department from nominating projects
7 on Montana's Interstate or National Highway Systems. As U.S. 2 is a
8 National Highway System route, the Commission will not prioritize and
9 the Department will not nominate a PLH funding request for U.S. 2.
- 10 d. The Department and the Commission will not seek any Federal funding
11 that directs or reduces Montana's Federal-aid Highway apportionments or
12 obligation authority.
- 13 e. If additional Federal funding is obtained for four-lane construction, the
14 Commission will either approve the location(s) as named in the
15 Congressional directive; or, if locations are unspecified by Congress, will
16 consider project proposals based on recommendations of local and Tribal
17 governments and citizens living along U.S. 2. MDT will accommodate
18 any request for information to assist these governments and citizens in
19 developing their recommendations. If additional monies are not adequate
20 to fund an entire four-lane project, monies may be directed to expand
21 future bridge re-construction projects to accommodate four-lane.
- 22 f. If such additional funds are obtained, MDT is not responsible for over-
23 runs of project costs beyond the amount of the earmark. In this case, a
24 project's length may be reduced based on available funds.
- 25

26 2. **SB 3, Section 1(3): "The Department may not expend any resources on the**
27 **U.S. highway 2 project that would jeopardize any future highway projects."**
28

29 The committee interpretation is:

- 30 a. Projects that are not receiving Federal funds in addition to Montana's
31 Federal-aid Apportionments (including Revenue Aligned Budget
32 Authority) will enter the Statewide Transportation Improvement Program
33 through the normal project prioritization process. This process, known as
34 Performance Programming, considers the transportation needs of the
35 specific project proposal and the overall performance of the system,
36 compared to overall needs of Montana's Highway System.
- 37 b. When defining the scope for any future highway construction project,
38 including those on U.S. 2, the number of lanes will be determined under
39 existing department practices unless federal funds are secured in
40 accordance with SB3 to cover the entire four-lane project.
- 41 c. Regardless of any other provision contained within this guidance, no
42 section of U.S. 2 will be constructed to less than a 40-foot top (two, twelve
43 foot driving lanes; plus two, eight foot shoulders), except for spot safety
44 improvements, and simple overlays and pavement treatments on existing
45 roadbeds.

