

Unofficial Draft Copy

As of: August 21, 2014 (9:12am)

LC9907

**** Bill No. ****

Introduced By *****

By Request of the *****

A Bill for an Act entitled: "An Act [requiring/allowing] the department of transportation to designate preferred highway routes for oversize vehicles; providing rulemaking authority; and amending section 7-1-114, MCA."

Be it enacted by the Legislature of the State of Montana:

NEW SECTION. **Section 1. Oversize load corridors -- rulemaking.** (1) The department [shall/may] designate oversize load corridors that are preferred highway routes for vehicles or combinations of vehicles exceeding the size, weight, and load limits provided for in 61-10-102 through 61-10-104 and 61-10-106 through 61-10-110.

(2) [An oversize load corridor must accommodate a vehicle or combination of vehicles of (insert dimensions).]

(3) The department shall consider the following when designating oversize load corridors:

(a) improvements made to a highway to accommodate vehicles or combinations of vehicles that exceed the size, weight, and load limits;

(b) origin and destination points to and from which vehicles or combinations of vehicles that exceed the size, weight, and load limits often travel;

(c) impacts to communities located on a designated oversize load corridor; and

(d) impacts to other traffic traveling on a designated oversize load corridor.

(4) The department shall consult with a county or city before designating county roads or city streets as part of an oversize load corridor. [What happens if the city/county objects to inclusion in the oversize load corridor?]

(5) (a) Except as provided in subsection (5)(b), construction on a designated oversize load corridor may not obstruct a previously accessible route. Construction includes but is not limited to construction of overhead wires and cables, traffic signals, signs, sidewalks, curbs, embankments, retaining walls, culverts, drainage structures, bridges, railroad crossings, tunnels, guardrails, and protective structures.

(b) The department may allow temporary construction that obstructs an oversize load corridor for the purpose of maintaining or enhancing the oversize load corridor.

(6) The department shall adopt rules to implement this section. The rules must list designated oversize load corridors.

Section 2. Section 7-1-114, MCA, is amended to read:

"7-1-114. Mandatory provisions. (1) A local government with self-government powers is subject to the following provisions:

(a) all state laws providing for the incorporation or disincorporation of cities and towns, for the annexation, disannexation, or exclusion of territory from a city or town, for

the creation, abandonment, or boundary alteration of counties,
and for city-county consolidation;

(b) Title 7, chapter 3, part 1;

(c) all laws establishing legislative procedures or
requirements for units of local government;

(d) all laws regulating the election of local officials;

(e) all laws that require or regulate planning or zoning;

(f) any law directing or requiring a local government or
any officer or employee of a local government to carry out any
function or provide any service;

(g) except as provided in subsection (3), any law
regulating the budget, finance, or borrowing procedures and
powers of local governments;

(h) Title 70, chapters 30 and 31;

(i) the prohibitions regarding construction that obstructs
an oversize load corridor as provided in [section 1].

(2) These provisions are a prohibition on the
self-government unit acting other than as provided.

(3) (a) Notwithstanding the provisions of subsection (1)(g)
and except as provided in subsection (3)(b), self-governing local
government units are not subject to the mill levy limits
established by state law.

(b) The provisions of 15-10-420 apply to self-governing
local government units."

{*Internal References to 7-1-114:*
7-5-201x }

Unofficial Draft Copy

As of: August 21, 2014 (9:12am)

LC9907

NEW SECTION. **Section 3. Codification instruction.** [Section 1] is intended to be codified as an integral part of Title 60, chapter 2, part 2, and the provisions of Title 60, chapter 2, part 2, apply to [section 1].

- END -

{Name : Megan M. Moore
Title : Research Analyst
Agency : Montana Legislative Services
Phone : 406-444-4496
E-Mail : memoore@mt.gov}