

1 HOUSE BILL NO. 773

2 INTRODUCED BY B. CARTER, S. KLAKKEN, C. SPRUNGER, D. LOGE, D. BAUM, N. DURAM

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4 A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING NOAH'S ACT; REVISING LAWS RELATED TO
5 TRANSPORTATION PLANNING; ELIMINATING THE NEED FOR DUPLICATIVE TRANSPORTATION
6 COMMISSION REVIEW OF CERTAIN PLANS AND PROJECTS APPROVED BY METROPOLITAN
7 PLANNING ORGANIZATIONS; PROVIDING RULEMAKING AUTHORITY; DEFINING "METROPOLITAN
8 PLANNING ORGANIZATION"; AND AMENDING SECTIONS 60-2-110 AND 60-2-111, MCA."
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10 WHEREAS, metropolitan planning organizations (MPOs) are essential for coordinating transportation
11 planning in urban areas with populations exceeding 50,000 residents; and

12 WHEREAS, MPOs already comply with federal and state regulations, include the Montana Department
13 of Transportation as representatives on their boards, and obtain full review and approval of MPO plans from the
14 Department of Transportation and the Montana Transportation Commission; and

15 WHEREAS, duplicative reviews and redundant efforts by the Transportation Commission and the
16 Department of Transportation consume valuable time and resources, hindering efficient transportation planning
17 and project implementation; and

18 WHEREAS, allowing localized decisionmaking for certain nonoperational safety improvements and
19 urban street projects will enhance the ability of municipalities and MPOs to address local transportation needs
20 effectively.
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22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
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24 NEW SECTION. Section 1. Short title. [Sections 1 through 3] may be cited as "Noah's Act".
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26 NEW SECTION. Section 2. Purpose. The purpose of [sections 1 through 3] is to streamline
27 transportation planning processes by reducing redundant reviews while maintaining compliance with federal
28 and state standards for safety and efficiency.

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2 **NEW SECTION. Section 3. Metropolitan planning organizations -- transportation plans. (1)**

3 Long-range transportation plans adopted by metropolitan planning organizations and approved by the
4 department and commission must be recognized by the department and commission as fulfilling state
5 transportation review requirements for projects that are implementing the approved long-range transportation
6 plan.

7 (2) When a transportation project aligns with a long-range transportation plan that was adopted by
8 a metropolitan planning organization and that was previously approved and reviewed by the commission,
9 further review of the transportation project by the commission may not be required provided that the long-range
10 transportation plan adopted by the metropolitan planning organization has been reviewed and approved by the
11 department.

12 (3) An urban street and department roadway project within a metropolitan planning organization
13 district may not require commission review if:

14 (a) the project implements a state-reviewed plan adopted by a metropolitan planning organization;
15 and

16 (b) the project is approved by the relevant department district administrator.

17 (4) Nonoperational safety improvements on urban streets and department roadways included in
18 city, county, or metropolitan planning organization plans must be approved by the department district
19 administrator rather than the commission or other department personnel.

20 (5) In communities without a metropolitan planning organization, department district administrators
21 must have the authority to review and approve projects below a specified scale, as determined by the
22 department in rule, without obtaining approval from the commission.

23 (6) As used in this section, "metropolitan planning organization" means a cooperative
24 transportation policymaking organization that is composed of representatives from local government and
25 transportation professionals, that is required by Title 23 of the United States Code for an area with a population
26 greater than 50,000, and that carries out transportation planning and programming.

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28 **Section 4.** Section 60-2-110, MCA, is amended to read:

1 **"60-2-110. Setting priorities and selecting projects.** (1) Except as provided in 60-2-133 and
2 [section 3], the commission shall establish priorities and select and designate segments for construction and
3 reconstruction on the national highway system, the primary highway system, the secondary highway system,
4 the urban highway system, and state highways.

5 (2) ~~The Except as provided in [section 3],~~ the commission shall consult with the board of county
6 commissioners of the county in which a highway is located when establishing priorities and when selecting and
7 designating segments on the secondary highway system for construction and reconstruction.

8 (3) ~~The Except as provided in [section 3],~~ the commission shall consult with the appropriate local
9 government authorities when establishing priorities and selecting and designating segments on the urban
10 highway system for construction and reconstruction.

11 (4) The commission shall use information gathered or discovered by and documents prepared by
12 the department, and department officials and employees shall provide assistance and advice.

13 (5) The commission shall establish and determine priorities and projects for rail and transit
14 programs and, to the extent possible, coordinate intermodal transportation within the state.

15 (6) In carrying out the requirements of this section, the department shall:

16 (a) make recommendations to the commission;

17 (b) establish the requirements and procedures for administering this section; and

18 (c) take all reasonable steps to ensure the integrity and viability of agricultural and rural
19 transportation and related needs."

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21 **Section 5.** Section 60-2-111, MCA, is amended to read:

22 **"60-2-111. Letting of contracts on state highways and commission-designated highway**
23 **systems.** (1) Except as provided in subsection (2) and subject to the provisions of [section 3], all contracts for
24 the construction or reconstruction of the highways located on commission-designated highway systems and
25 state highways, including portions in cities and towns, and all contracts entered into under 7-14-4108 must be
26 let by the commission. Except as otherwise specifically provided, the commission may enter the types of
27 contracts and upon terms that it may decide. All contracts must meet the requirements of Title 18, chapter 2,
28 part 4. When there is no prevailing rate of wages set by collective bargaining, the commission shall determine

1 the prevailing rate to be stated in the contract.

2 (2) The commission may delegate the authority, with all applicable statutory restrictions, to award
3 any contract covered by this section to the department or to a unit of local government.

4 (3) The commission may award contracts for projects that the department has determined are part
5 of the design-build contracting program authorized in 60-2-137.

6 (4) The commission may award contracts using alternative project delivery methods in accordance
7 with 60-2-120."

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9 NEW SECTION. **Section 6. Codification instruction.** [Sections 1 through 3] are intended to be
10 codified as an integral part of Title 60, chapter 2, part 1, and the provisions of Title 60, chapter 2, part 1, apply
11 to [sections 1 through 3].

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