

IN THE SENATE

SENATE BILL NO. 1107

BY LOCAL GOVERNMENT AND TAXATION COMMITTEE

AN ACT

1 RELATING TO HIGHWAY DISTRICTS; AMENDING SECTION 40-1415, IDAHO CODE, TO PRO-
2 VIDE FOR AGREEMENTS REGARDING CERTAIN FINANCIAL RESPONSIBILITY FOR UR-
3 BAN RENEWAL PROJECTS AND TO MAKE TECHNICAL CORRECTIONS.
4

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

6 SECTION 1. That Section 40-1415, Idaho Code, be, and the same is hereby
7 amended to read as follows:

8 40-1415. RESPONSIBILITIES OF SINGLE ~~COUNTY-WIDE~~ COUNTYWIDE HIGH-
9 WAY DISTRICTS WITHIN CITIES -- FINAL DECISION ON URBAN RENEWAL PROJECTS
10 -- SETTLEMENT OF QUESTIONS. (1) ~~County-wide~~ Countywide highway districts
11 organized under the provisions of this chapter, within the limits of any
12 city, shall be responsible for the design, construction, reconstruction and
13 maintenance of city rights-of-way and accompanying curbs, gutters, cul-
14 verts, sidewalks, paved medians, bulkheads and retaining walls. Within city
15 rights-of-way, design, construction, reconstruction and maintenance shall
16 include:

17 (a) Traffic and safety engineering for both motorist and pedestrian
18 traffic;

19 (b) Procurement and installation of highway lighting where it is pri-
20 marily of benefit to the motorist. Energy costs and maintenance of
21 lighting shall subsequently be a function of the city;

22 (c) Procurement, installation, operation and maintenance of traffic
23 control devices where they are needed for traffic control; and

24 (d) Drainage where it is necessary for motorist safety or necessary for
25 right-of-way maintenance.

26 (2) Acquisition and acceptance of rights-of-way shall be the responsi-
27 bility of the ~~county-wide~~ countywide highway district.

28 (3) In matters of urban renewal projects, the city involved shall make
29 the final decision concerning approval of the project based on the overall
30 plan of the city. Prior to approval of an urban renewal project, the city
31 shall submit the plan to the highway district for review and recommendations
32 in accordance with subsection (1) of this section. The highway district
33 shall submit its written recommendations with respect to the proposed urban
34 renewal plan to the city within thirty (30) days after receipt of the plan for
35 review. Upon receipt of the recommendations of the highway district, or if
36 no recommendations are received within thirty (30) days, then the city may
37 proceed without recommendations with the hearing on the proposed urban re-
38 newal project, and the highway district shall not be responsible, as between
39 the city and the highway district, for funding the district's responsibili-
40 ties as provided by subsection (1) of this section, unless otherwise agreed
41 by the city, highway district, and urban renewal agency pursuant to section
42 50-2908(2)(a)(iv), Idaho Code. Agreements entered into by a city pursuant

1 to an urban renewal project prior to dissolution of the city highway system
2 and organization of the successor highway district shall be binding upon the
3 ~~county-wide~~ countywide highway district.

4 (4) The highway district shall be responsible for planning and lo-
5 cation of rights-of-way. In planning for and determining location of
6 rights-of-way, the highway district shall submit to the appropriate plan-
7 ning agency the proposed location of the rights-of-way. In locating
8 rights-of-way, the highway district shall take into consideration the com-
9 prehensive general plan of the appropriate county or city planning agency.
10 In planning for the location of rights-of-way, the highway district shall
11 comply with all appropriate provisions of chapter 65, title 67, Idaho Code.

12 (5) The city shall retain jurisdiction and responsibility for out-
13 standing local improvement district bonds or warrants sold or issued by the
14 city prior to dissolution of the city highway system and organization of the
15 successor highway district.

16 (6) All subdivision plats required to be submitted for acceptance and
17 approval to the city and the county under the provisions of chapter 13, title
18 50, Idaho Code, shall be submitted to the highway district for consideration
19 for acceptance and approval as to continuity of highway pattern, widths,
20 drainage provisions, right-of-way construction standards, traffic flow,
21 the traffic volume demand occasioned by the proposed subdivision either
22 within or without the boundaries of the proposed subdivision, and other mat-
23 ters pertaining to the function of the highway district.

24 (7) Within the limits of any city, the city may expend city funds for the
25 placement, care and removal of trees, shrubs, grass, and other plants, ~~which~~
26 that are located within the rights-of-way of any highway of the ~~county-wide~~
27 countywide highway district.

28 (8) A city, after advising the board of highway district commission-
29 ers of its intent, shall be responsible for the placement, care and removal
30 of any parking meters within the limits of any city, and for the enforcement
31 of ordinances regulating the use of parking meters, ~~which~~ that are located
32 within the rights-of-way of any highway of the ~~county-wide~~ countywide high-
33 way district. The city shall be entitled to all of the revenues received from
34 parking meters.