

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 184

BY WAYS AND MEANS COMMITTEE

AN ACT

RELATING TO HIGHWAYS AND BRIDGES; AMENDING SECTION 40-104, IDAHO CODE, TO  
DEFINE A TERM AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMER-  
GENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 40-104, Idaho Code, be, and the same is hereby  
amended to read as follows:

40-104. DEFINITIONS -- C. (1) "City system" means all public highways  
within the corporate limits of a city, with a functioning street department,  
except those highways ~~which~~ that are under federal control, a part of the  
state highway system, part of a highway district system or an extension of a  
rural major collector route as specified in section 40-607, Idaho Code.

(2) "Commercial activities." (See "Unzoned commercial or industrial  
areas," section 40-122, Idaho Code)

(3) "Commercial areas, unzoned." (See "Unzoned commercial or indus-  
trial areas," section 40-122, Idaho Code)

(4) "Commissioners" means the board of county commissioners of a county  
of this state.

(5) "Congestion mitigation" means transportation road projects for the  
primary benefit of motor vehicles designed and constructed to reduce traf-  
fic congestion, travel delays, engine idle time, and unproductive fuel con-  
sumption. Congestion mitigation includes and is limited to improving ve-  
hicle traffic flow and travel times through expanding vehicle travel lanes,  
improving intersection efficiency, adding turning lanes, improving trans-  
portation management systems and signal operations, implementing intelli-  
gent transportation system strategies, or a combination of such methods.

~~(5) (6)~~ "Construction manager/general contractor firm" means a busi-  
ness entity with which the department has contracted to provide services  
prior to the final design phase and to provide for the construction of the  
project during the construction phase.

~~(6) (7)~~ "Construction manager/general contractor project" means a  
project where the department retains a consultant or has on staff an Idaho  
licensed professional engineer to develop the design and also hires a con-  
struction manager/general contractor firm to provide services prior to the  
final design. If a guaranteed maximum price is negotiated successfully, the  
construction manager/general contractor firm also provides for construc-  
tion of the project.

~~(7) (8)~~ "Consultant" means an individual or business entity possessing  
the qualifications to provide licensed architectural, licensed engineer-  
ing, or licensed land surveying services or possessing specialized creden-  
tials and qualifications.

1       ~~(8)~~ (9) "Controlled-access facility" means a highway especially de-  
2 signed for through traffic to which owners or occupants of abutting land  
3 have no right or easement or only a controlled right or easement of access by  
4 reason of the fact that their property abuts upon the controlled-access fa-  
5 cility. These highways may be freeways open to use by all customary forms of  
6 highway traffic, or they may be parkways from which trucks, buses and other  
7 commercial vehicles shall be excluded.

8       ~~(9)~~ (10) "County highway system" or "county secondary highways" means  
9 all public highways in a county except those included within the state high-  
10 way system, those under another state agency, those included within city  
11 highway systems of incorporated cities, those included within a highway dis-  
12 trict highway system, and those under federal control.

13       SECTION 2. An emergency existing therefor, which emergency is hereby  
14 declared to exist, this act shall be in full force and effect on and after  
15 July 1, 2023.