



AN ACT PROVIDING FOR THE GRANT OF RIGHT-OF-WAY BY THE MONTANA DEPARTMENT OF TRANSPORTATION FOR CERTAIN ELIGIBLE PROJECTS ALONG INTERSTATE HIGHWAYS; ESTABLISHING CRITERIA; SETTING TIMELINES FOR DEPARTMENT REVIEW; REQUIRING AN APPLICANT TO PAY THE DEPARTMENT CERTAIN FEES; GRANTING THE DEPARTMENT RULEMAKING AUTHORITY; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Interstate right-of-way -- department role. (1) The department of transportation may grant a right-of-way use agreement for the use of longitudinal right-of-way along interstate highways in the state for eligible projects that:

- (a) provide evidence that construction and completion will result in a significant investment, a documented positive significant fiscal impact, or both, to the Montana economy within the first year of operation;
- (b) are in the public interest; and
- (c) are approved by the federal highway administration.

(2) To request a right-of-way use agreement in accordance with this section, the owner of an eligible project must submit an application to the department that demonstrates compliance with subsection (1). The department shall work with the applicant and the federal highway administration throughout the review process and approve or deny the application within 90 days of approval by the federal highway administration.

(3) The department and the applicant shall agree to the payment of the fair market value of the portion of the right-of-way where the project will be located prior to the right-of-way use agreement being granted.

(4) The department may adopt rules necessary for the administration of this section, including application fees to be paid by an applicant seeking a right-of-way use agreement and any rules necessary to

ensure the state is not prevented from receiving federal funds for highway purposes.

(5) For the purposes of this section:

(a) "Eligible project" means a pipeline or fiber optic or other communications-type cables and associated infrastructure.

(b) "Public interest" is determined by federal highway administration guidance.

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

Section 3. Effective date. [This act] is effective on passage and approval.

- END -

I hereby certify that the within bill,
SB 392, originated in the Senate.

Secretary of the Senate

President of the Senate

Signed this _____ day
of _____, 2021.

Speaker of the House

Signed this _____ day
of _____, 2021.

SENATE BILL NO. 392

INTRODUCED BY G. VANCE, D. ANKNEY, M. BLASDEL, B. BROWN, J. ELLSWORTH, S. FITZPATRICK, G. HERTZ, S. HINEBAUCH, D. HOWARD, T. JACOBSON, D. KARY, T. MANZELLA, E. MCCLAFFERTY, T. MCGILLVRAY, R. OSMUNDSON, K. REGIER, D. SALOMON, J. SMALL, M. SWEENEY, J. WELBORN, S. BERGLEE, R. LYNCH, M. BINKLEY, W. GALT, F. GARNER, D. HARVEY, D. HAWK, M. HOPKINS, L. JONES, J. KEANE, C. KNUDSEN, R. KNUDSEN, D. LOGE, M. NOLAND, S. NOVAK, J. PATELIS, V. RICCI, D. SKEES, S. VINTON, C. SMITH

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