YOUR *"ROADMAP"* TO…



TRANSIT STATUTES

(located in the Montana Code Annotated, MCA)

Joe Carroll, Staff Attorney
Transportation Interim Committee (TIC)

MONTANA LEGISLATURE

LEGISLATIVE SERVICES DIVISION

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Introduction

- In general, statutes governing transportation can be found in the following Titles of the MCA:
  - Title 60 – Highways and Transportation
  - Title 61 – Motor Vehicles
  - Title 67 – Aeronautics
- As you will see in the following slides, various statutes governing transportation are scattered throughout other Titles of the MCA as well.

Aeronautics

Title	Chapter/ Part	Concept	Definitions	Specific Provisions	Funds, Accounts, Mills	Interim Committee	Questions/ Issues
2	**Chapter 15, Part 25** Department of Transportation		2-15-102, MCA	**2-15-2506, MCA** **Board of Aeronautics** Nine-member board, one person representing the general public		2-15-121, 2-15-2506(3), & 5-5-233, MCA	
7	**Chapter 14, Part 48** Air Transportation	municipalities can acquire & exercise jurisdiction over lots or lands for landing or parking aircraft	No definitions	7-14-4801, MCA			
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67	**Chapter 2** Department of Transportation Aeronautical Powers & Duties	provides a basis for state-level regulation of aeronautics	67-1-101, MCA		**67-2-403, MCA** Federal Aid		
	Chapter 10 Municipal Airports	this chapter governs local government airports	67-1-101, MCA		Title 67, Chapter 10, Part 4	**TIC** 5-5-233, MCA	
	Chapter 11 Airport Authorities	this chapter governs municipal and regional airport authorities	67-1-101, MCA	**67-11-201, MCA** provides the general powers of an airport authority **67-11-221, MCA** MDT has most powers of an airport authority in certain areas	Title 67, Chapter 11, Part 3	**TIC** 5-5-233, MCA	
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Bicycles

Title	Chapter/ Part	Concept	Definitions	Specific Provisions	Funds, Accounts, Mills	Interim Committee	Questions/ Issues
2		no advisory board for transit alternatives but **see 2-5-3406, MCA, State Parks & Recreation Board**					
7	**Chapter 14, Part 41** General Provisions Related to Municipal Trafficways & Public Grounds	provides powers of city councils and town councils regarding sidewalks	No definition section	**7-14-4105(3), MCA** City and town councils can require adjoining owners to clear sidewalks of snow **7-14-4122, MCA** Construction and maintenance of sidewalks and foot pavements **7-14-4123, MCA** Regulation of sidewalks			
60	**Chapter 3, Part 3** Shared-Use Paths	separate, paved path for pedestrians, wheelchairs, bikes, horses, and snowmobiles	**60-3-302, MCA Shared-Use Path Defined** As used in this part, "shared-use path" means a multiuse path that is separated from motorized vehicular traffic by an open space, pavement markings, or a barrier within a highway right-of-way and that is usable for transportation purposes by pedestrians, runners, bicyclists, skaters, equestrians, and other nonmotorized users. A sidewalk, as defined in 61-8-102, is not a shared-use path.		**61-3-321(21)(a), MCA** optional $5 at vehicle registration, allocated pursuant to 60-3-309	**TIC** 5-5-233, MCA	

Bicycles

Title	Chapter/ Part	Concept	Definitions	Specific Provisions	Funds, Accounts, Mills	Interim Committee	Questions/ Issues
61	**Chapter 8, Part 6** Bicycle Traffic	laws governing use of mopeds, eclectically assisted bicycles, bicycles, and certain other human-propelled wheeled vehicles other than wheelchairs. An e-bike is a bike. Not all laws in this chapter are applicable to all vehicles described above.	**61-8-102, MCA** (b) "Bicycle" means a vehicle propelled solely by human power on which any person may ride, irrespective of the number of wheels, except scooters, wheelchairs, and similar devices. The term includes an electrically assisted bicycle. (g) "Electrically assisted bicycle" means a vehicle on which a person may ride that has two tandem wheels and an electric motor capable of propelling the vehicle and a rider who weighs 170 pounds no faster than 20 miles an hour on a paved, level surface. (n) "Moped" means a vehicle equipped with two or three wheels, foot pedals to permit muscular propulsion, and an independent power source providing a maximum of 2 brake horsepower. The power source may not be capable of propelling the device, unassisted, at a speed exceeding 30 miles an hour on a level surface. The device must be equipped with a power drive system that functions directly or automatically only and does not require clutching or shifting by the operator after the drive system is engaged.	**61-8-608, MCA** governs bicycles and mopeds on sidewalks.	in general, fines are deposited in the county treasury by justices' courts pursuant to 3-10-601; in the city treasury by municipal courts pursuant to 46-18-235; and in the general fund for criminal cases pursuant to 46-18-235	**TIC** 5-5-233, MCA	
	Chapter 8, Part 10 Driving Under Influence of Alcohol or Drugs	No DUI on bicycles	**61-8-1001 (15), MCA** "Vehicle" has the meaning provided in 61-1-101, except that the term does not include a bicycle.			**TIC** 5-5-233, MCA	
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Busses

(Class A Motor Carriers)

Title	Chapter/ Part	Concept	Definitions	Specific Provisions	Funds, Accounts, Mills	Interim Committee	Questions/ Issues
2		no advisory board for transit but **see 5-15-101, MCA, Legislative Consumer Committee**					
7	**Chapter 14, Part 2** Urban Transportation Districts		7-14-202, MCA		**7-14-232, MCA** Mill levy authorized		
	Chapter 14, Part 44 Municipal Bus Services		No definitions		**7-14-4404, MCA** Tax levy for contracts to operate bus service		
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Busses

(Class A Motor Carriers)

Title	Chapter/ Part	Concept	Definitions	Specific Provisions	Funds, Accounts, Mills	Interim Committee	Questions/ Issues
61			**61-1-101, MCA** **As used in this title:** (4) "Bus" means a motor vehicle designed for carrying more than 10 passengers and used for the transportation of persons and any other motor vehicle, other than a taxicab, designed and used for the transportation of persons for compensation. (10)(a) "Commercial motor vehicle" means a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the vehicle: [...] (iii) is designed to transport at least 16 passengers, including the driver			**TIC** 5-5-233, MCA	
	Chapter 8, Part 8 Commercial Motor Vehicle Safety					**TIC** 5-5-233, MCA	
67							
69	**Chapter 12** Motor Carriers	PSC supervises buses that are "motor carriers"	69-12-101, MCA	**69-12-201, MCA** PSC supervises and regulates motor carriers **69-12-202, MCA** PSC "shall encourage a system of common carrier motor transportation within the state . . ."		**ETIC** 5-5-230, MCA	

Miscellaneous

Title	Chapter/ Part	Concept	Definitions	Specific Provisions	Funds, Accounts, Mills	Interim Committee	Questions/ Issues
2		5-member transportation commission allocated to MDT	2-15-102, MCA	**2-15-2502, MCA** Transportation Commission		2-15-121, 2-15-2502(7), & 5-5-233, MCA	
7	**Chapter 14, Part 10** Transportation Improvement Authorities		No definition section				
	Chapter 14, Part 11 Port Authorities		No definition section				
	Chapter 14, Part 28 Ferries & Wharves		No definition section				
60	**Chapter 21** Public Transportation	**60-21-101, MCA** MDT can represent Montana regarding public transportation in judicial/administrative forums	60-1-103, MCA			**TIC** 5-5-233, MCA	
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Paratransit

Title	Chapter/ Part	Concept	Definitions	Specific Provisions	Funds, Accounts, Mills	Interim Committee	Questions/ Issues
2		no advisory board for paratransit, but **see 2-15-211, MCA, Mental Disabilities Board of Visitors**					
7	**Chapter 14, Part 1** General Provisions Related to Local Government Transportation Services	**7-14-111, MCA** Counties, UTDs, and municipalities may levy property taxes to fund special transportation services for senior citizens and persons with disabilities	No definitions		**7-14-112, MCA** "... senior citizen and persons with disabilities transportation services account in the state special revenue fund ..."		
60	**Chapter 3, Part 3** Shared-Use Paths	separate, paved path for pedestrians, wheelchairs, bikes, horses, and snowmobiles	**60-3-30, MCA Shared-Use Path Defined** As used in this part, "shared-use path" means a multiuse path that is separated from motorized vehicular traffic by an open space, pavement markings, or a barrier within a highway right-of-way and that is usable for transportation purposes by pedestrians, runners, bicyclists, skaters, equestrians, and other nonmotorized users. A sidewalk, as defined in 61-8-102, is not a shared-use path.		**61-3-321(21)(a), MCA** optional $5 at vehicle registration, allocated pursuant to 60-3-309	**TIC** 5-5-233, MCA	

Paratransit

Title	Chapter/ Part	Concept	Definitions	Specific Provisions	Funds, Accounts, Mills	Interim Committee	Questions/ Issues
61	**Chapter 5** Driver's Licenses	low-speed restricted driver's license for a person who is physically or otherwise impaired from driving at all speeds	**61-1-101, MCA** (20) driver's license . . . (23) golf cart . . . (31) low-speed electric vehicle . . .	**61-5-122, MCA** Low-speed restricted driver's license **61-8-378, MCA** Low-speed vehicles/golf carts can go on roads with speed limits of 25 mph. Cannot cross roads with speed limits > 45 mph.		**TIC** 5-5-233, MCA	
	Chapter 8, Part 5 Pedestrian Traffic	wheelchair users are classified as pedestrians, shall use sidewalks if practicable, may use roadway and shall stay as far as practicable from centerline	**61-8-102, MCA** **As used in this chapter:** (19) "Pedestrian" means any person on foot or any person in a manually or mechanically propelled wheelchair or other low-powered, mechanically propelled vehicle designed specifically for use by a physically disabled person.	**61-8-506, MCA** Pedestrians on roadways and highways -- wheelchair use on highways **61-8-508, MCA** Intoxicated pedestrians may not use shoulder or roadway **61-8-516, MCA** **Operator of Vehicle to Yield to Blind Pedestrian** On a way of the state open to the public, the operator of a vehicle shall yield the right-of-way to a blind pedestrian who is carrying a visible white cane or who is accompanied by a guide dog.		**TIC** 5-5-233, MCA	

Paratransit

Title	Chapter/ Part	Concept	Definitions	Specific Provisions	Funds, Accounts, Mills	Interim Committee	Questions/ Issues
61	**Chapter 8, Part 10** Driving Under Influence of Alcohol or Drugs	no DUI on wheelchairs but see 61-8-508 & 61-8-501(5), MCA	**61-8-1001(15),MCA** "Vehicle" has the meaning provided in 61-1-101, except that the term does not include a bicycle. **61-1-101(86), MCA** (a) "Vehicle" means a device in, on, or by which any person or property may be transported or drawn on a public highway, except devices moved by animal power or used exclusively on stationary rails or tracks. (b) The term does not include a manually or mechanically propelled wheelchair or other low-powered, mechanically propelled vehicle that is designed specifically for use by a physically disabled person and that is used as a means of mobility for that person.			**TIC** 5-5-233, MCA	how does the intoxicated pedestrian statute (61-8-508) apply to wheelchair users?
67	**Chapter 10, Part 9** Courtesy Cars for [Municipal] Airports	cars for pilots to get from muni-airports into town	**67-10-902 (2), MCA** "Courtesy car" means a motor vehicle provided by, and titled in the name of, a municipality or third party for the purposes of and pursuant to the conditions set out in this part.	**67-10-903 (3), MCA** The department shall provide preference for the purchase of vehicles that are accessible to persons with disabilities when awarding grants from the courtesy car program. **67-10-904 (8), MCA** In accordance with federal and state nondiscrimination laws and requirements, all vehicles purchased with grant funds from the courtesy car program or vehicles donated to the courtesy car program must be accessible to persons with disabilities or the grantee must provide a vehicle accessible to persons with disabilities on request.	**67-10-904 (1), MCA** MDT grants **67-10-903, MCA** grant money from the department's special revenue account?	**TIC** 5-5-233, MCA	

Pedestrians

(Walking)

Title	Chapter/ Part	Concept	Definitions	Specific Provisions	Funds, Accounts, Mills	Interim Committee	Questions/ Issues
2		no advisory board for transit alternatives, but see 2-15-3406, MCA, State Parks and Recreation Board					
7	**Chapter 14, Part 41** General Provisions Related to Municipal Trafficways and Public Grounds	provides powers of city councils and town councils regarding sidewalks	No definition section	**7-14-4105(3), MCA** City and town councils can require adjoining owners to clear sidewalks of snow. **7-14-4122, MCA** Construction and maintenance of sidewalks and foot pavements **7-14-4123, MCA** Regulation of sidewalks	**7-14-4109(5)(a), MCA** special sidewalk curb and gutter fund. See also 7-14-4110, MCA		
	Chapter 14, Part 47 Pedestrian Malls & Offstreet Parking Facilities	**7-14-4701, MCA** Municipalities may establish pedestrian malls	No definition section	**7-14-4702, MCA** Ability to regulate or restrict motor vehicle traffic on pedestrian malls. **7-14-4711, MCA** Optional creation of improvement district.	**7-14-4703, MCA** Ability of municipalities to pay for pedestrian malls from general funds or proceeds of assessments levied on lands benefitted by establishment of pedestrian mall. **7-14-4713, MCA** Ad valorem taxes in an improvement district **7-14-4714, MCA** Additional provisions for financing an improvement district **7-14-4715, MCA** Improvement districts for pedestrian malls can issue bonds		Are there walking malls besides Helena's? What was Helena's experience with these statutes?

Pedestrians

(Walking)

Title	Chapter/ Part	Concept	Definitions	Specific Provisions	Funds, Accounts, Mills	Interim Committee	Questions/ Issues
60	**Chapter 3, Part 3** Shared-Use Paths	separate, paved path for pedestrians, wheelchairs, bikes, horses, and snowmobiles	**60-3-302, MCA** **Shared-Use Path Defined** As used in this part, "shared-use path" means a multiuse path that is separated from motorized vehicular traffic by an open space, pavement markings, or a barrier within a highway right-of-way and that is usable for transportation purposes by pedestrians, runners, bicyclists, skaters, equestrians, and other nonmotorized users. A sidewalk, as defined in 61-8-102, is not a shared-use path.	**60-3-303, MCA** (1) ability of highway commission/MDT/counties/cities to establish shared use paths. (3) transportation commission to average $200,000/yr over 5 years for construction or extension of shared-use paths. **60-3-304, MCA** MDT to maintain inventory of shared-use paths.	**60-3-309, MCA** Allocation of funds **61-3-321(21)(a), MCA** optional $5 at vehicle registration, allocated pursuant to 60-3-309	**TIC** 5-5-233, MCA	
61	**Chapter 8, Part 5** Pedestrian Traffic	laws governing where pedestrians may go and who has the right of way	**61-8-102, MCA** **As used in this chapter:** (q) "Pedestrian" means any person on foot or any person in a manually or mechanically propelled wheelchair or other low-powered, mechanically propelled vehicle designed specifically for use by a physically disabled person. (x) "Sidewalk" means the portion of a street that is between the curb lines or the lateral lines of a roadway and the adjacent property lines and that is intended for use by pedestrians.	**61-8-102(1), MCA** Pedestrians have right of way at marked crosswalks and at unmarked crosswalks at intersections. Pedestrians must not leave curb suddenly . . . **61-8-508, MCA** Intoxicated pedestrians may not use roadway or shoulder. Who has the right-of-way? Compare 61-8-502; 61-8-503; 61-8-505; 61-8-506; 61-8-509; 61-8-515; and 61-8-516, MCA		**TIC** 5-5-233, MCA	
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Shared-Use Paths

Title	Chapter/ Part	Concept	Definitions	Specific Provisions	Funds, Accounts, Mills	Interim Committee	Questions/ Issues
2			see 2-15-102, MCA		**2-15-3406, MCA** **State Parks & Recreation Board** (3) A person appointed to the board must be informed or experienced in the conservation and protection of state parks . . . or outdoor recreation."	see 2-15-124, 2-15-3406, and EQC statute	
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23	**Chapter 2, Part 1** Development of Outdoor Recreational Areas	FWP administers the trail stewardship grant program, some of which goes to new shared-use path construction/rehabilitation/ maintenance			**23-2-108, MCA** Trails and recreational facilities account. **23-2-109,MCA** Trails and recreational facilities grant program.	**EQC** 75-1-324, MCA	
60	**Chapter 3, Part 3** Shared-Use Paths	separate, paved path for pedestrians, wheelchairs, bikes, horses, and snowmobiles	**60-3-302, MCA** **Shared-Use Path Defined** As used in this part, "shared-use path" means a multiuse path that is separated from motorized vehicular traffic by an open space, pavement markings, or a barrier within a highway right-of-way and that is usable for transportation purposes by pedestrians, runners, bicyclists, skaters, equestrians, and other nonmotorized users. A sidewalk, as defined in 61-8-102, is not a shared-use path.		**61-3-321 (21)(a), MCA** optional $5 at vehicle registration, allocated pursuant to 60-3-309	**TIC** 5-5-233, MCA	
61	**Chapter 3, Part 3** Registration	$1.37 of an optional $9 fee at vehicle registration goes to the 23-2-108 trails and recrational facilities account		**61-3-321, MCA** Registration fees of vehicles and vessels	61-3-321(19)(a)(iii), MCA	**TIC** 5-5-233, MCA	
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70	**Chapter 30** Eminent Domain	Eminent domain is not available for shared-use path projects		**70-30-112, MCA** Eminent domain not to be used for certain recreational purposes			

Transportation Network Carriers (*TNCs*)

Title	Chapter/ Part	Concept	Definitions	Specific Provisions	Funds, Accounts, Mills	Interim Committee	Questions/ Issues
2	no advisory board for transit but **see 5-15-101, MCA, Legislative Consumer Committee**						
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69	**Chapter 12** Motor Carriers	PSC regulates ride-share companies	see next slide for definitions	**69-12-340, MCA** Class E motor carrier certificate of compliance. **69-12-341, MCA** Fare charged for transportation network carrier services. **69-12-343, MCA** Insurance requirements of transportation network carriers. **69-12-404, MCA** Suspension of certificate by petition. **69-12-406, MCA** Restriction on transportation of certain waste. (Class E's can't haul garbage) 69-12-407, MCA Records and reports. (annual audits by PSC permitted)			

Transportation Network Carriers (*TNCs*)

Chapter 12. Motor Carriers - Definitions

(8) "Digital network" means any online-enabled application, software, website, or system offered or utilized by a transportation network carrier that enables the prearrangement of rides with transportation network carrier drivers.

(15) "Personal vehicle" means a vehicle that is used by a transportation network carrier driver in connection with providing a prearranged ride and is:

(a) owned, leased, or otherwise authorized for use by the transportation network carrier driver; and

(b) not a taxicab, limousine, or for-hire vehicle.

(16) "Prearranged ride" means transportation provided by a driver to a rider, beginning when a driver accepts a ride requested by a rider through a digital network controlled by a transportation network carrier, continuing while the driver transports a requesting rider, and ending when the last requesting rider departs from the personal vehicle. A prearranged ride does not include transportation provided using a taxicab, limousine, or other for-hire vehicle pursuant to Title 69, chapter 12.

(20) "Transportation network carrier" means an entity that uses a digital network or software application service to connect passengers to transportation network carrier services provided by transportation network carrier drivers. A transportation network carrier may not be deemed to control, direct, or manage the personal vehicles or transportation network carrier drivers that connect to its digital network, except where agreed to by written contract.

(21) "Transportation network carrier driver" or "driver" means an individual who:

(a) receives connections to potential riders and related services from a transportation network carrier in exchange for payment of a fee to the transportation network carrier; and

(b) uses a personal vehicle to provide a prearranged ride to riders upon connection through a digital network controlled by a transportation network carrier in return for compensation or payment of a fee.

(22) "Transportation network carrier rider" or "rider" means an individual or persons who use a transportation network carrier's digital network to connect with a transportation network carrier driver who provides prearranged rides to the rider in the driver's personal vehicle between points chosen by the rider.

(23) "Transportation network carrier services" means the transportation of a passenger between points chosen by the passenger and prearranged with a transportation network carrier driver through the use of a transportation network carrier digital network or software application.

Trains

Title	Chapter/ Part	Concept	Definitions	Specific Provisions	Funds, Accounts, Mills	Interim Committee	Questions/ Issues
2		no advisory board for train travel					
7	**Chapter 14, Part 16** Railway Authorities	A county can create a county rail authority. Counties can jointly create a regional rail authority. Authorities have general powers, powers of eminent domain for railroad purposes, the potential to raise mills, and the ability to issue bonds.	**7-14-1601, MCA** **As used in this part, the following definitions apply:** (1) "Authority" means a rail authority as provided in this part. (2) "Board" means a board of county commissioners. (3) "Common carrier" means a railroad engaged in transportation for hire. (4) "Directors" means the directors of the rail authority.	**7-14-1624, MCA** General powers of authority. **7-14-1625, MCA** Railroad acquisition and operation -- permits -- eminent domain. **7-14-1635, MCA** Contracts for operation and use of facilities.	**7-14-1632, MCA** Mill levy authorized (election required per 7-14-1633, MCA) **7-14-1636, MCA** Bonds and obligations **7-14-1637, MCA** Debt service fund		
	Chapter 14, Part 43 Municipal Regulation of Railways and Street Railroads	Municipalities can grant the right of way to street railroads and enact certain regulations on street railroads.	No definition section	**7-14-4301, MCA** Regulation of railways. **7-14-4302, MCA** . . . lighting for railway right-of-way -- crossings **7-14-4303, MCA** Authorization for and regulation of street railroads			

Trains

Title	Chapter/ Part	Concept	Definitions	Specific Provisions	Funds, Accounts, Mills	Interim Committee	Questions/ Issues
60	**Chapter 11** Rail Transportation		see 60-11-103; 60-11-110; 60-11-117, MCA		**60-11-115, MCA** Revolving loan account **60-11-123, MCA** Disposition of revenue from state-owned railroads	**TIC** 5-5-233, MCA	
	Chapter 11, Part 2 Rail Passenger Service		see 60-11-103 , MCA		**60-11-202, MCA** Southern amtrak route account	**TIC** 5-5-233, MCA	
61			**61-1-101, MCA** **As used in this title:** (59) "Railroad" means a carrier of persons or property on cars, other than streetcars, operated on stationary rails. (60) (a) "Railroad train" or "train" means a steam engine or electric or other motor, with or without cars coupled to the engine, that is operated on rails. (b) The term does not include streetcars.			**TIC** 5-5-233, MCA	
67							
69	**Chapter 14** Railroads	PSC supervises railroads	**69-14-102, MCA** As used in this chapter, "railroad" means a corporation, company, or individual owning or operating a railroad in whole or in part in this state. The term also includes express companies, sleeping-car companies, and a rail authority established under Title 7, chapter 14, part 16.			**ETIC** 5-5-230, MCA	

QUESTIONS?



MONTANA LEGISLATURE

LEGISLATIVE SERVICES DIVISION