

HB 1201 Amendment offered by Cynthia Schreiber-Beck, District 25 Representative

Committee Hearing: Energy and Natural Resources

1/23/24 @ 9AM

Chair Porter and Committee Members:

HB 1201 pertains to stream crossings, thus the following amendment is offered due to the issue of a difference of opinion between the department of transportation and the local authority of the proper culvert size. From information received from Richland County personnel, the department of transportation has been difficult to convince of the proper culvert size to provide water conveyance without problems. Since this is related to agriculture, the amendment below involves the Commissioner of Agriculture on a consultant basis to assist with oversight when issues arise.

24-03-08. Determinations of surface water flow and appropriate highway construction.

Whenever and wherever a highway under the supervision, control, and jurisdiction of the department or under the supervision, control, and jurisdiction of the board of county commissioners of any county or the board of township supervisors has been or will be constructed over a watercourse or draw into which flow surface waters from farmlands, the department of water resources, upon petition of the majority of landowners of the area affected or at the request of the board of county commissioners, township supervisors, or a water resource board, shall determine as nearly as practicable the design discharge that the crossing is required to carry to meet the stream crossing standards prepared by the department and the department of water resources. In the case that a determination of a design discharge has been made impacting a highway under the supervision, control, and jurisdiction of the department of transportation, the director of the department of water resources and the director of the department of transportation shall consult with the agriculture commissioner. When the determination has been made by the department of water resources, the department of transportation, the board of county commissioners, or the board of township supervisors, as the case may be, upon notification of the determination, shall install a culvert or bridge of sufficient capacity to permit the water to flow freely and unimpeded through the culvert or under the bridge. The department, county, and township are not liable for any damage to any structure or property caused by water detained by the highway at the crossing if the highway crossing has been constructed in accordance with the stream crossing standards prepared by the department and the department of water resources.