

# **Bond Case Briefs**

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## **TRANSPORTATION - MONTANA**

### **Montana Independent Living Project v. Department of Transportation**

**Supreme Court of Montana - December 31, 2019 - 454 P.3d 1216 - 2019 MT 298**

Nonprofit provider of transportation services to elderly and disabled residents appealed the decision of the Department of Transportation (DOT) to award state and federal transportation funds to city that served as the lead agency in provider's geographic area, which had distributed the entire amount to the city council instead of allocating a portion of the funds to provider as recommended by area's transportation advisory committee.

The District Court to DOT. Provider appealed.

The Supreme Court held that:

- Statute governing DOT's award of funds was a proper delegation of legislative authority;
- DOT did not engage in unauthorized rulemaking by adopting State Management Plan and applying it to its awards;
- Adoption of State Management Plan did not violate provision of Montana constitution entitling citizens to a reasonable opportunity to participate; and
- DOT did not violate provision of Montana constitution requiring legislature to "insure strict accountability of all revenue received and money spent" by state and local government by making its awards to lead agencies.