

MINUTES OF THE MEETING OF THE HOUSE HIGHWAYS AND  
TRANSPORTATION COMMITTEE, FEBRUARY 1, 1983

The meeting was called to order by Chairman Abrams on Tuesday, February 1, 1983 at 12:30pm, in Room 129, State Capitol. All members of the Committee were present with the exception of Rep. Brown, who was absent.

HEARINGS

SENATE BILL 82. SEN. J.D. LYNCH, Silver Bow County, testified as sponsor of the bill, which he said resulted from visits with veterans in his district, Rep. Neuman and Sen. McCallum. He told the Committee the bill had been improved by the Senate Taxation Committee to include license plates for the handicapped and provided members with photographs of Nevada plates for the handicapped and Prisoners of War (exhibit).

PROPONENTS

MR. BILL WILSON, Adjutant Quartermaster, Montana Veterans of Foreign Wars, state his support of the bill.

MR. TONY CUMMING, State Adjutant, American Legion, said POW plates create an impressive image in other states by honoring veterans and he hoped the Committee would act favorably on the bill.

OPPONENTS

There were no opponents of the bill.

IN CLOSING, Sen. Lynch said the bill is self-explanatory and the cost, non-deterrent.

QUESTIONS

REP. LYBECK asked about the \$5 charge. Sen. Lynch said the fee is presently only available to a 100% disabled veteran and will remain so, adding normal costs would apply to handicapped persons.

REP. KEYSER asked Sen. Lynch if he saw any problems with the five handicapped related bills now in the House. Sen. Lynch replied he saw none.

REP. KOEHNKE asked if there would be a sticker in conjunction with the plates. Sen. Lynch replied there would be no sticker and the hearing was closed.

EXECUTIVE SESSION

HOUSE BILL 320. REP. SHONTZ moved the bill Do Pass.

REP. SOLBERG questioned the use of "impractical" on page 3, line 2 of the bill. Rep. Hammond said, if for example, the Department had to go to Wolf Point, the additional cost could be considered to be impractical.

REP. KEYSER said there is a problem with the language in that most bids could be brought into Helena on this premise instead of being held in the county.

The motion made by Rep. Shontz was seconded by Rep. Hammond and unanimously approved by committee members.

HOUSE BILL 353. REP. STOBIE moved the bill Do Pass.

REP. KEYSER said if the State had funded prior Legislation and the Department had adhered to statute, he would have no qualms with the bill, however, he questioned its necessity under these circumstances.

CHAIRMAN ABRAMS said it was his understanding the bill would correct problems arising from prior legislation and clarify statutes.

Rep. Harp seconded the motion, which was approved with all members voting aye, except Rep. Zabrocki, who voted no.

HOUSE BILL 397. REP. KEYSER moved the bill Do Not Pass. Rep. Hammond asked the reason for the motion. Rep. Keyser said the reason for the sign is the protection of the workers and if the State were to become too carried away with sexual differentiation on the job, it would be almost asinine. He said signs presently in use do not put female workers in jeopardy and are for hazard purposes anyway.

REP. STOBIE said there is no reason to go to crew working signs as the Department will be required to use the symbol sign, adding the problem won't be resolved then either, since the symbol resembles a male.

REP. LYBECK said he could see no problem with the bill, as there are a number of females on construction sites, and highway personnel testified the signs had to be replaced by 1993, adding there would be no financial impact to the State.

REP. ZABROCKI said he agreed with Rep. Keyser, as two signs, both male and female, would be necessary to be fair, adding he thought the legislation was unnecessary.

REP. HAMMOND said he disagreed as the power of suggestion accounts for a lot and the legislation would resolve the harrassment problem.

The motion made by Rep. Keyser was approved with 12 members voting aye and Representatives Shontz, Lybeck, Hammond and Kennerly voting no. Rep. Brown was absent.

HOUSE BILL 410. REP. SHONTZ moved the bill Do Pass.

REP. STOBIE Made a substitute motion the bill Do Not Pass and the funds be used to build highways instead of planning for Missoula, Great Falls and Billings.

MR. GREG PETESCH, Legislative Council Attorney, said the bill was drafted as a result of a performance audit on the Department of Highways and if it were not passed the 80% federal match in the amount of \$226,000 annually, would be lost.

REP. ZABROCKI asked if he were correct in understanding federal funding would be lost if the bill were not passed out of Committee. Mr. Petesch replied that was correct.

REP. KEYSER said he questioned Rep. Stobie's arguement, asking what would happen to the funds if they were not used for metropolitan planning. Mr. Jim Beck, Department of Highways, said FHWA funds might be distributed to cities without the State match.

REP. STOBIE asked if the 20% state match of \$97,000 could then be used for highway construction. Mr. Beck replied it was possible, if the funds were applicable to the intended use.

REP. SOLBERG said he thought the Committee should not take action on the bill until other funded bills received by the Committee are heard and they were in a better position to make an informed decision.

REP. O'CONNELL said she agreed with Rep. Solberg.

REP. STOBIE said he stood with his arguement since there is a good chance the funds will be received.

REP. O'CONNELL moved the bill be tabled. The motion was seconded by Rep. Solberg and unanimously approved by Committee members.

#### HEARINGS

HOUSE BILL 488. REP. ANDREA HEMSTAD, District 40, Cascade County, testified as sponsor of the bill and read from prepared testimony (exhibit). She said the bill would allow the Department of Highways to exempt a safety device necessary for the safe and efficient operation of a motor vehicle, from the vehicle width restriction. She told committee members page 2, line 5, would be amended by striking "Department of Highways and inserting "Montana Highway Patrol".

#### PROPONENTS

MR. DON COPLEY, Montana Department of Highways, advised of Departmental support of the bill.

MR. BEN HAVDAL, Montana Motor Carriers Association, said his organization supported the bill.

MR. ROBERT HELDING, Montana Wood Products Association, said he supported the bill.

#### OPPONENTS

There were no opponents of the bill and Rep. Hemstad closed.

#### QUESTIONS

There were no questions from the Committee.

#### EXECUTIVE SESSION

HOUSE BILL 488. REP. SHONTZ moved the bill Do Pass and then moved the amendments to the bill be approved. The motion was seconded by Rep. Hemstad and unanimously approved by committee members.

REP. O'CONNELL moved the bill Do Pass as Amended. The motion was seconded by Rep. Keyser and unanimously approved by committee members.

SENATE BILL 82. REP. SHONTZ moved the bill be referred to the House Human Services Committee. Discussion of the motion followed.

REP. STOBIE suggested the legal staff for the two committees consult to correlate the bills. Mr. Petesch said this action could be accomplished after a final determination was reached on the bill.

REP. SHONTZ withdrew his motion. Mr. Petesch advised he would obtain a copy of the House Human Services Committee bill and would prepare any amendments necessary for conformity.

#### HEARINGS

HOUSE BILL 484. REP. JAY FABREGA, District 44, Cascade County, testified as sponsor of the bill which addresses the Supreme Court decision on the 55mph speed limit. He said the bill strikes all language previously adopted, as the 1981 Legislature left the Montana Attorney General the authority to change the language to coordinate Montana statutes with federal legislation. He said the language regarding the decision had been added on page 2, lines 17-22. Rep. Fabrega said it would hve cost the State 14 cents per gallon to tell Congress to keep its conservation measures and told the Committee high school students in Great Falls voted to retain the 55mph speed limit as a conservation measure. He said the penalty section remains the same, adding the bill strictly addresses the Supreme Court decision.

#### PROPONENTS

MR. GARY WICKS, Director, Department of Highways, said the bill is absolutely critical to the State and the highway system. He said overall contribution at the federal level 82% compared to 18% for the State and referred to 22 USC.154, which states the Secretary of Transportation shall not approve any project in any state which does not implement the 55mph speed limit. He explained the Secretary has no discretion to take into consideration each state's individual circumstances, adding the effective date of the Court's decision is October 1, 1983. He told the Committee the State would presently be looking at a 20 cent per gallon increase without federal legislation and said the proposed legislation would remain in effect only as long as the federal statute does.

COL. BOB LANDON, Montana Highway Patrol, told committee members if Montana doesn't meet the 50% compliance level,

the State would receive an additional penalty from the federal government. He said his Division sees a real problem with average speed, which has dramatically increased during the last quarter of 1982 and shows 62.7% of drivers exceed the speed limit. Col. Landon said two states exceeded the 50% compliance level last year and Montana nearly did. He proposed the Committee amend the bill to increase the present fine from \$5 to \$25 for exceeding the daytime speed limit and said most traffic on the I 90 corridor is intent on crossing the State in the least amount of time, adding drivers keep a supply of \$5 bills on hand. He explained the Patrol needs legislative support in dealing with this problem. Col. Landon proposed a second amendment wherein the daytime speed limit in Montana would not exceed 65mph, if the 55mph limit is ever raised. He said presently the daytime speed limit for trucks is 65mph, with a nighttime limit of 55mph for all vehicles, adding few drivers can handle high speed driving, as is shown by traffic statistics.

MR. BEN HAVDAL, Montana Motor Carriers Association, said it is the policy of his association to support the 55mph speed limit and the bill.

#### OPPONENTS

MR. MICHAEL KOEHNKE, Townsend, said he was representing himself and told committee members the bill was originally drafted by the Department of Justice. He said there are problems with Sections 2,3,4 and 5 of the bill, adding it addresses more than federal legislation. He also cited a problem with how the Montana Highway Patrol officer would define driving in a reasonable and prudent manner. Mr. Koehnke provided committee members with copies of a summary of the speed limit in the State and asked the Committee to hear House Bill 606, prior to taking action on House Bill 484 (exhibit). He said the State of California has proposed raising its speed limit, which is addressed in House Bill 606, without loss of federal funds. He made reference to a letter from Mr. Sam Hubbard, Department of Highways, advising of a 42.7% level of drivers exceeding the 55mph limit and told the Committee, loss of federal funds is actually based on a 10% increase in speeders per year. He said if the State were to change the daytime limit to 65mph, the find would not be \$5 and urged the members to seriously reconsider House Bill 484.

IN CLOSING, Rep. Fabrega said Mr. Koehnke is correct in quoting the amount to be lost when the State exceeds the 50% compliance level. He said the amendments proposed would constitute a violation of the Conservation Act and if the bill were amended in such a way as to be lost on the House floor, the Committee would have to return the bill to its original state to retain federal funds.

#### QUESTIONS

REP. KOEHNKE asked why the death rate was down in 1982. Col. Landon said because the economy was down, so was travel and the drunk driver program implemented a year ago resulted in increased arrests and better enforcement, which was also a contributing factor.

REP. SOLBERG asked what percent of fatal accidents were alcohol related. Col. Landon replied in 1982, the rate was 60% and it was running at approximately 50% thus far in 1983.

REP. SHONTZ asked how many \$5 tickets had been issued during the past biennium and the cost of writing them. Col. Landon said he didn't know the number of tickets written, but each ticket had been estimated to cost three times the amount of the \$5 fine.

REP. KEYSER asked Mr. Wicks if this legislation would take the Supreme Court off the hook. Mr. Wicks said the Court delayed the effective date of the ruling to October 1, 1983, to give Montana legislators time to review the problem and take corrective action. He reminded committee members the Montana statute was found to be unconstitutional, adding 97,000 citations were issued, including 83,684 daytime citations in 1982.

REP. STOBIE asked if Mr. Wicks recommended adoption of the proposed amendments. Mr. Wicks said his first response would be to comply with 22 USC.154, Section A, as over the long term, the State would lose obligation limits and face a potential reduction of federal funds, if it were not in compliance with federal regulations.

REP. HEMSTAD asked how compliance rates were determined for the State. Mr. Beck replied the Planning and Resource Division placed speed monitors (radars) throughout the State. He said raw data suggests the average number of

Highways Committee Minutes  
February 1, 1983  
Page 8

vehicles exceeding the 55mph limit is 62.8% adding this figure was "massaged" into the 42.7% figure which was provided to the federal government. He said the number of speeding drivers seems to be increasing.

REP. KEYSER asked Mr. Beck how the figures were "massaged". Mr. Beck provided committee members with a copy of the formula used by the Department (exhibit).

REP. LYBECK asked if the estimated cost per \$5 fine were accurate. Col. Landon replied it was an estimate and was not official. He said one violator in the Bozeman area was ticketed by four different patrolmen in one date, adding he thought the \$5 fine was no deterrent.

REP. SHONTZ said the State is losing a significant amount of income if \$14.80 were multiplied by 83,000 tickets and that he thinks the situation should be addressed.

REP. HEMSTAD asked what costs were involved, other than paper. Rep. Shontz said it distracts officers from other functions, such as accidents.

CHAIRMAN ABRAMS advised it was not the tickets that were necessarily the expense, but rather the administrative costs. Col. Landon said a more expensive ticket would be a better deterrent to speeding, since the \$5 tickets are not placed on the driver's record.

REP. STOBIE asked Mr. Beck for statistics on increasing speeds. Mr. Beck said raw data was at 54.9% in 1981 and 62% in 1982.

REP. KOEHNKE asked if a more expensive ticket would be issued for excessive speed in the daytime. Col. Landon said a county attorney in Eastern Montana refused to prosecute a daytime ticket for speed in excess of 100mph.

REP. KEYSER said if an officer saw fit to do so, he could write a ticket under the careless driving statute and defend his action in court and the hearing was closed.

The meeting was adjourned at 2pm.

  
REP. HUBERT ABRAMS, CHAIRMAN  


Joann T. Gibson, Secretary



# STANDING COMMITTEE REPORT

FEBRUARY 1

19 93

MR. **SPEAKER:** .....

We, your committee on **HIGHWAYS AND TRANSPORTATION** .....

having had under consideration ..... **HOUSE** Bill No. **329** .....

**first** reading ( **white** )  
color

A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE THE METHOD BY WHICH THE DEPARTMENT OF HIGHWAYS DISPOSES OF REAL PROPERTY; TO RAISE THE VALUE OF REAL PROPERTY THAT CAN BE SOLD AT PRIVATE SALE; TO ALLOW THE SALE TO UNITS OF LOCAL GOVERNMENT AT THE APPRAISED VALUE; TO ALLOW THE SALE BY PUBLIC AUCTION OR SEALED BID; AND TO REMOVE THE PROVISION ALLOWING THE SUCCESSOR IN INTEREST TO MEET THE HIGH BID; AMENDING SECTIONS 60-4-201 THROUGH 60-4-204, MCA."

Respectfully report as follows: That ..... **HOUSE** Bill No. **329** .....

DO PASS

REP. **HUBERT ADRAMS**

*Hubert Abrams*

Chairman.

# STANDING COMMITTEE REPORT

FEBRUARY 1

19 83

**SPEAKER:**

MR. ....

**HIGHWAYS AND TRANSPORTATION**

We, your committee on .....

having had under consideration ..... **HOUSE** Bill No. **353**

**FIRST** reading copy ( white )  
color

**A BILL FOR AN ACT ENTITLED: "AN ACT TO REPEAL SECTION  
60-2-102, MCA, WHICH REQUIRES 24-HOUR CHECKING STATIONS ON  
THE MAJOR HIGHWAYS ENTERING THE STATE."**

Respectfully report as follows: That ..... **HOUSE** Bill No. **353**

DO PASS

STATE PUB. CO.  
Helena, Mont.

**REP. HUBERT ABRAMS**

*Hubert Abrams*

Chairman.

COMMITTEE SECRETARY

# STANDING COMMITTEE REPORT

FEBRUARY 1

19 83

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MR. **SPEAKER:** .....

## HIGHWAYS AND TRANSPORTATION

We, your committee on .....

having had under consideration ..... **HOUSE** Bill No. **397**

**FIRST** reading copy ( white )  
color

**A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE THE  
DEPARTMENT OF HIGHWAYS TO PROVIDE FOR REPLACEMENT OF ALL  
"MEN WORKING" SIGNS WITH "CREW WORKING" SIGNS BY 1993;  
AMENDING SECTION 61-6-202, MCA."**

Respectfully report as follows: That ..... **HOUSE** Bill No. **397**

~~XXXXX~~  
~~DO PASS~~  
**DO NOT PASS**

**REP. HUBERT ABRAMS** *Hubert Abrams*  
.....  
Chairman.

# STANDING COMMITTEE REPORT

FEBRUARY 1

83

19.....

MR. **SPEAKER:**.....

We, your committee on..... **HIGHWAYS AND TRANSPORTATION**.....

having had under consideration..... **HOUSE**..... Bill No. **488**.....

**FIRST** reading copy ( white )  
color

**A BILL FOR AN ACT ENTITLED: "AN ACT EXCEPTING CERTAIN  
SAFETY DEVICES FROM THE MEASUREMENT OF VEHICLE WIDTH;  
AMENDING SECTION 61-10-102, MCA."**

Respectfully report as follows: That..... **HOUSE**..... Bill No. **488**.....

**Be amended as follows:**

- 1) Page 2, Line 5.  
Following: "that the"  
Strike: "department of highways"  
Insert: "highway patrol division"
  
- 2) Page 2, Line 6.  
Following: "rule"  
Insert: "adopted pursuant to 61-9-504"

**AND AS AMENDED**

**DO PASS**

**REP. HUBERT ABRAMS**

*Hubert Abrams*

Chairman.

STATE PUB. CO.  
Helena, Mont.

COMMITTEE SECRETARY



VISITOR'S REGISTER

HOUSE Highwayed teams COMMITTEE \_\_\_\_\_  
 BILL LB 484 DATE 2/1/83  
 SPONSOR Hemstad

NAME	RESIDENCE	REPRESENTING	SUP- PORT	OP- POSE
Col. R.W. Hansen	Helena	Highway Patrol	X	
B.G. Hovdeh	<del>Mont</del> Helena	Mont Motor Convic	X	
M KOENKE	TOWNSEND	SELF		X
Gary Wicks	Helena	M DOH	✓	
V.A. Jensen	Helena	FHWA	✓	

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.  
 WHEN TESTIFYING PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITOR'S REGISTER

HOUSE ~~HB 488~~ Highways/airlines COMMITTEE

BILL HB 488

DATE 2/1/83

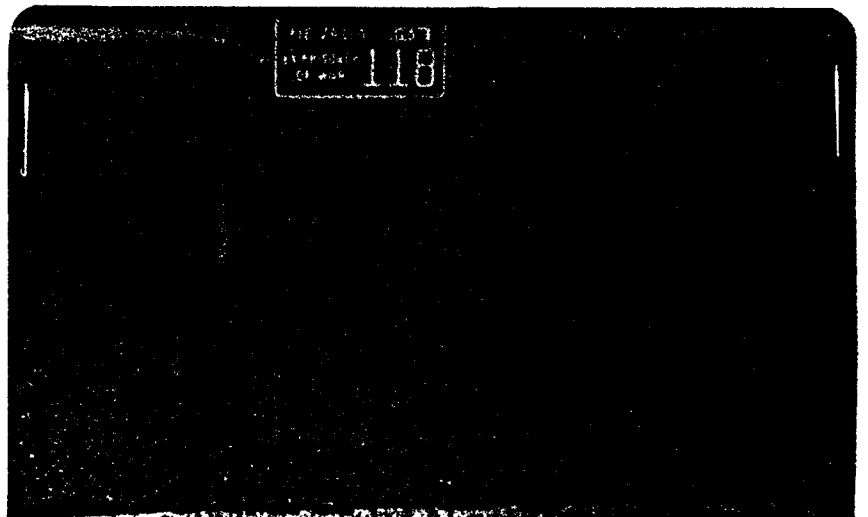
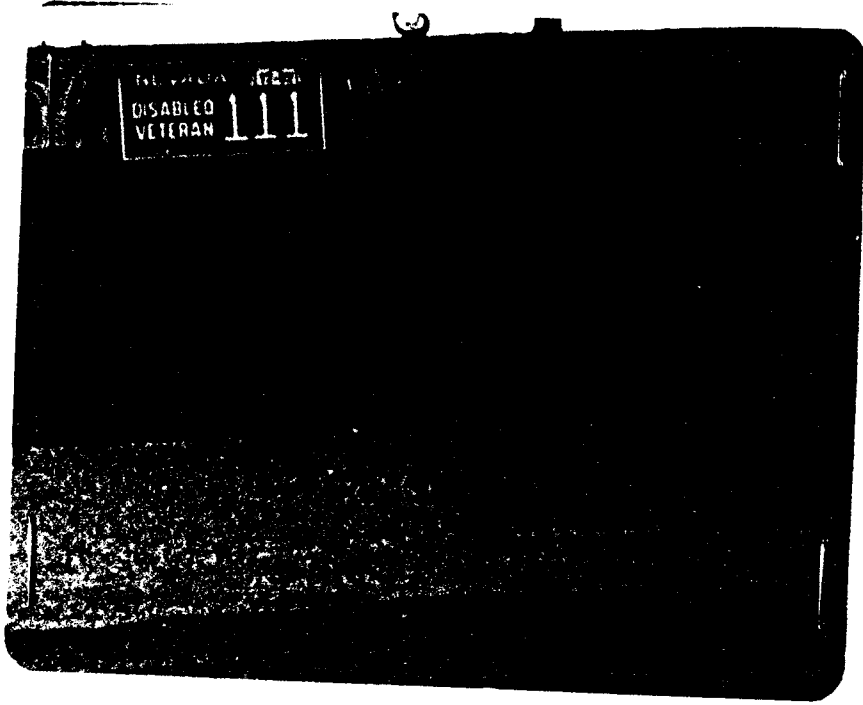
SPONSOR Fabrega

NAME	RESIDENCE	REPRESENTING	SUP-PORT	OP-POSE
Col. R. L. Landon	Helena	Highway Patrol	X	
Don Copley	Helena	Dept. of Highways	X	
V. A. Jensen	Helena	FHWA	X	
Ben Haudahl	Helena	Mont Motor Carriers	X	
BOB HELDING C	MISSOULA, MT	MT. WOOD PRODUCERS ASSOC	X	

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

WHEN TESTIFYING PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

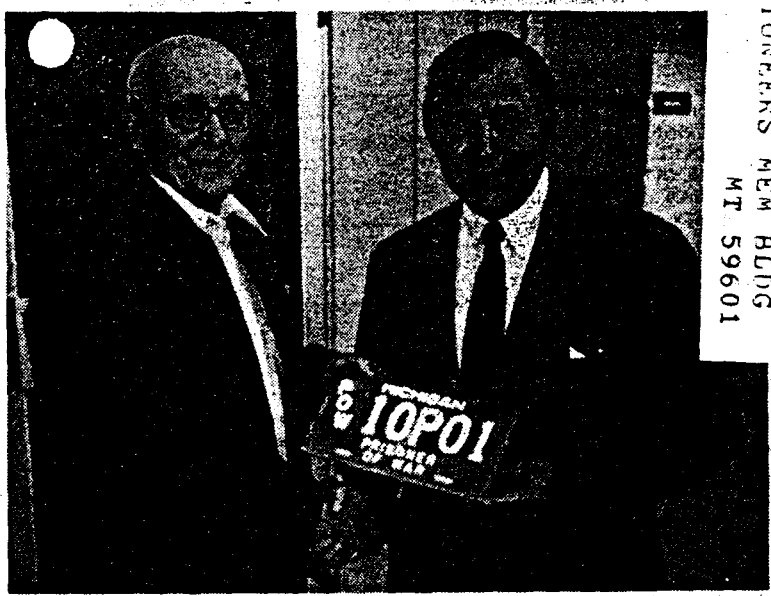
24. 2-1-83  
SB82





24 SB 82  
24-83

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AMERICAN LEGION  
DEPT OF MONTANA  
VET & PIONEERS MEM BLDG  
HELENA MT 59601



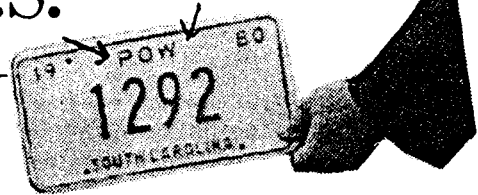
**FIRST EDITION** -- Senator elect Nick Smith, 19th District, presents the first official Prisoner of War license plate in Michigan to former POW Dave Summons of Hillsdale. Smith, a former State Representative, has been instrumental since the beginning in making the special license plates a reality. The presentation was made with Mayor Herbert H. Hine present along with Gloria Johnson, Director of Veterans Affairs in Hillsdale County and Past Commander of American Legion Post 10901. Summons was captured by Japanese forces at the fall of Corregidor in 1942. He spent more than three years as a Prisoner of War in the Philippines and in northern Japan. Following World War II, he re-enlisted and in 1960 retired with more than 20 years military service.

24. SB 82  
2-1-83

# 67

FROM EX-POW BULLETIN  
VOL 39 Jan F2 No. 1

# Ex-POW License Plates Offered in the U.S.



Published below is the corrected listing of Ex-POW license plates offered in the United States as of December 1981. Thank you to those who sent in corrections and additions to the listing in the October 1981, as requested.

STATE	YEAR PASSED	COST	REGISTRATION
Alabama	1981	0	Free
Arkansas	1980	\$1.00	Free
California	1981	TBA	normal cost.
Georgia	1980	0	Free
Illinois	1979	0	Free
Iowa	1980	\$5.00	normal cost
Louisiana	1980	0	Free
Maryland	1979	0	normal cost
Mississippi	1979	0	Free
Nevada	1981		
New Jersey	1981	\$15.00	normal cost
New Mexico	1978	0	Free
North Carolina	1979	0	Free
North Dakota	1981	\$1.00	
Ohio	1979	0	Free
Oklahoma	1980	\$1.00	normal cost
Pennsylvania	1981	0	\$10
South Carolina	1979	0	Free
Tennessee	1979	0	normal cost
Texas	1979	0	Free
West Virginia	1980	0	Free
Wisconsin	1980	\$10.00	normal cost

NOTE: Kansas issues a free courtesy plate only, for the front of the vehicle. Legislation is pending in the state of Missouri.

AND... an ex-POW license plate incident furnished by Walt Regehr

A funny thing happened in Champaign, Illinois, the other day.

I (a Californian) was just driving into a parking slot in a shopping center. In the next slot was a white Continental bearing Illinois POW license plates.

Curious, I approached the driver of the Continental and introduced myself as a fellow ex-POW. It just so happened the driver was Barney Grill, who I had not seen since 1944 except for a brief conversation at the 1976 Albuquerque convention. Small world!

BILL BRIEF HB 488 SPONSORED BY REPRESENTATIVE HEMSTAD

House Bill 488 amends existing Montana law establishing a maximum of 102 inches in width for vehicles to conform changes in the federal law recently enacted by the Congress.

Montana's law provides that no vehicle may have a total outside width in excess of 102 inches. The federal law was amended to provide a vehicle width maximum and minimum of 102 inches to be operated on any segment of the National System of Interstate Highways or any other Federal aid highways to be designated by the DOT Secretary. The federal bill clarifies the measurement of the 102-inch width to not include certain safety devices which the Secretary of Transportation determines as necessary for the safe operation of motor vehicles.

HB 488 provides for a similar exemption of safety devices in measurement of the 102-inch width maximum in Montana. The bill provides that the Department of Highways will determine by rule the specific safety devices. It was learned after this bill was drafted that the more appropriate agency to make that determination is the Montana Highway Patrol.

I would like to ask the committee to amend the bill on page 2, line 5, by deleting the words "department of highways" and substitute the words "highway patrol".

For the committee's information, the kind of safety devices referred to would include, but not necessarily be limited to, such devices as rear-view mirrors, turn-signals lamps, marker lamps, step and handles for entry and egress, mud flaps, and splash and spray suppressant devices, and other similar devices as determined by the Highway Patrol.

STATEMENT OF INTENT  
HOUSE BILL NO. 488 ~~LG-2363~~

A statement of intent is required for this bill because it gives the highway patrol authority to allow by rule a safety device on a vehicle to protrude beyond the 102-inch width limit set in 61-10-102. This authorization is necessary to conform with federal law that excludes from 102-inch width limit safety-related appendages such as rear view mirrors, twin signal lamps, marker lamps, steps and handholds for entry and egress, flexible fender extensions, mudflaps, splash and spray suppressant devices or designs, refrigeration units, or air compressors which the highway patrol may interpret as necessary for safe and efficient operation of commercial motor vehicles.

2-1-83

House Bill No. 488

Page 2, line 5.

Following: "that the"

Strike: "department of highways"

Insert: "highway patrol division"

Page 2, line 6.

Following: "rule"

Insert: "adopted pursuant to 61-9-504"

WITNESS STATEMENT

NAME BOB HELDING BILL No. HB 488  
ADDRESS MISSOULA, MT. DATE 2-1-83  
WHOM DO YOU REPRESENT MONTANA WOOD PRODUCTS ASSOC.  
SUPPORT X as amended ~~OPPOSE~~ AMEND

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

This bill will allow Montana  
to get in line with the Federal  
rule. Support as amended

DEPARTMENT OF HIGHWAYS

*Am 130 1-28-83*



TED SCHWINDEN, GOVERNOR

2701 PROSPECT

STATE OF MONTANA

HELENA, MONTANA 59620

*2-1-83  
HB 484  
Exhibit*

MEMORANDUM

TO: The Honorable Hubert Abrams  
Chairman  
Highways and Transportation Committee  
Montana House of Representatives

FROM: Gary J. Wicks  
Director of Highways

RE: Financial District Construction Costs;  
Highway 13 Sufficiency Ratings

DATE: January 26, 1983

Two questions were recently raised in meetings of your committee regarding the average cost of completing reconstruction projects in the various financial districts and a comparison of sufficiency ratings on two different sections of State Highway 13. The purpose of this memo is to answer those questions.

To answer the first question, I asked our Preconstruction Bureau to examine representative projects in each financial district and develop what they felt were representative figures. Obviously, the cost of such projects can vary widely, even within the same financial district, so the figures below should be approached with some caution. In any case, the data is as follows:

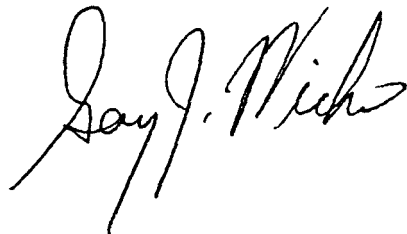
Financial District	Number of Projects	Average Cost Per Mile
1	4	1,040,000
2	1	830,000
3	1	660,000
4	3	660,000
5	2	520,000
6	1	500,000
7	2	490,000
8	2	740,000
9	1	690,000
10	1	540,000
11	1	680,000
12	2	670,000

Honorable Hubert Abrams  
January 26, 1983  
Page 2

It should be noted that all of the projects sampled were heavy reconstruction efforts on the primary system.

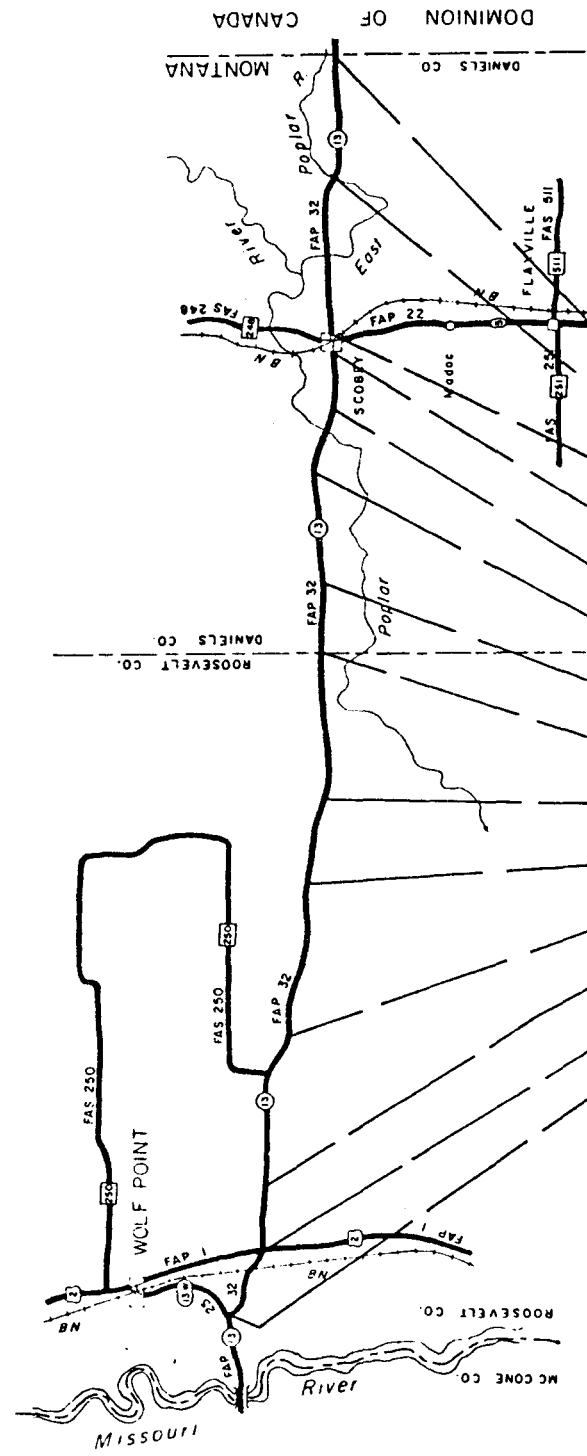
Representative Solberg asked about the difference in the sufficiency rating between two stretches of roadway on Highway 13 north of Wolf Point. That portion of the route -- a primary highway -- continues from Wolf Point to the Canadian border, running through both Roosevelt and Daniels Counties. Representative Solberg asked about the sections between mileposts 3.7 and 6.2 and between 51.7 and 60.9. The attached page from the Department of Highways' 1981 Sufficiency Ratings highlights those two stretches of roadway. In the case of the former, the rating is 96. It is a section that was fully reconstructed in 1979 to a 32-foot width. It has a service volume of 487 cars per day. The other section was resurfaced in 1968, is 24 feet wide and has a service volume of 286 vehicles per day (with an actual average daily traffic rate of only 79 vehicles). This section contains a sufficiency rating of 61.

If we can be of any further assistance on these or any other matters of interest to the committee, please don't hesitate to ask.

A handwritten signature in cursive script, reading "Jay J. Nichols". The signature is written in dark ink and is positioned in the lower right quadrant of the page.

GJW:SH:nr:211/C





BEGINNING MILE POST	3.7	2.5	7.8	6.2	14.1	23.4	28.1	35.2	39.4	44.4	48.1	50.7	51.7	60.9	BEGINNING MILE POST
LENGTH	3.7	2.5	7.8	6.2	14.1	23.4	28.1	35.2	39.4	44.4	48.1	50.7	51.7	60.9	4.8
YEAR BUILT	70	75	33	33	33	33	33	33	33	33	33	33	33	33	45
YEAR IMPROVED	79	79	79	45	45	45	45	45	45	45	45	45	45	45	68
SURFACE WIDTH	32	32	24	24	24	24	20	20	20	20	20	20	20	20	24
ROADWAY WIDTH	32	32	24	24	24	24	24	24	24	24	24	24	24	24	24
SURFACE TYPE	PMS	PMS	RMS	RMS	RMS	RMS	RMS	RMS	RMS	RMS	RMS	RMS	RMS	RMS	PMS
ADT	426	543	524	440	410	410	470	589	722	915	222	76	ADT	222	76
DHV	59	76	73	61	57	57	65	52	101	128	31	10	DHV	31	10
SERVICE VOLUME	487	487	221	196	221	168	147	168	345	168	370	286	SERVICE VOLUME	370	286
FOUNDATION - 10	9	0	0	0	0	0	0	0	0	0	0	0	FOUNDATION - 10	7	4
SURFACE - 30	28	29	13	15	13	11	13	14	13	13	13	13	SURFACE - 30	20	16
DRAINAGE - 10	10	10	7	7	7	7	7	7	7	7	7	7	DRAINAGE - 10	10	10
SAFETY - 20	6	20	1	1	1	1	1	2	1	7	1	1	SAFETY - 20	3	2
CAPACITY - 30	28	28	25	25	26	25	23	23	26	19	29	29	CAPACITY - 30	29	29
SUFFICIENCY RATING	91	96	46	48	48	44	46	43	54	41	69	61	SUFFICIENCY RATING	69	61
ADJUSTED RATING - TRAFF.	95	96	51	54	55	51	52	47	57	42	78	76	ADJUSTED RATING	78	76
DEFICIENT MILEAGE	.70	.10	4.22	4.22	2.47	3.84	2.52	2.62	1.70	1.52	2.44	1.40	DEFICIENT MILEAGE	2.44	1.40
ADJUSTED RATING - ACCIDENTS	86	96	51	54	55	51	52	47	69	42	81	79	ADJUSTED RATING - ACCIDENTS	81	79

2-1-83  
RV.  
HB 484

Summary of MCA Sections on Speed Limits

MCA 61-8-303. Speed restrictions - basic rule.(1955)

- (1) "drive in a careful and prudent manner" "no greater than is reasonable and proper under the conditions"
- (2) "but a speed in excess of those limits is unlawful"
  - (a) "25 MPH in an urban district"
  - (b) "35 MPH on a highway under construction"
  - (c) "55 MPH ... during nighttime, except...on completed sections of interstate highways is 65 MPH"

61-8-304. (Conservation speed limit) - exception to basic rule.(1974)

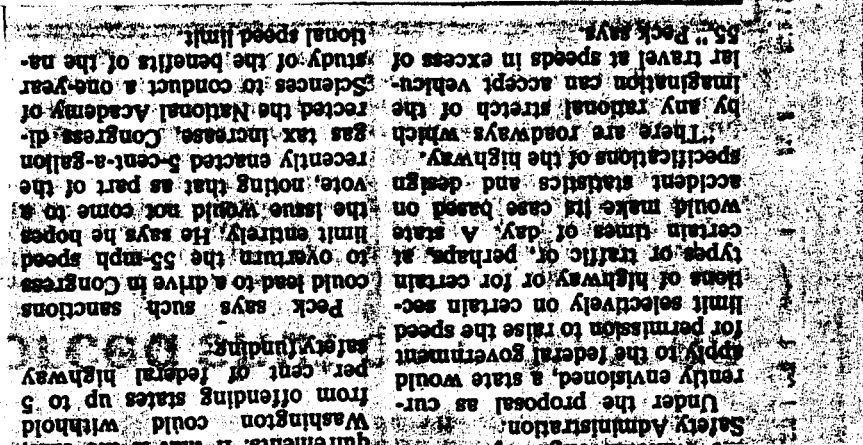
- 55 MPH on all highways, day and night

61-8-309. Establishment of special speed zones.(1955)

"the department of highways determines upon the basis of an engineering and traffic investigation that a speed limit set by 61-8-303 is greater or less than is reasonable or safe under the conditions"...the commission may set a reasonable and safe special speed limit...."

61-8-310. When local authorities may and shall alter limits.(1955)

- general authority is given to local jurisdictions to set a reasonable and safe speed limits at intersections, within urban districts, outside urban districts to be effective at all times, except upon all federal-aid highways



MCA 61-8-711. Violation of chapter - penalty.

- (1) "It is a misdemeanor for any person to violate any of the provisions of this chapter (Chapter 8, Traffic Regulations) unless the violation is ...a felony...."
- (2) "a first conviction...punished by a fine of not less than \$10 or more than \$100 or by imprisonment for not more than 10 days. "(S)econd conviction within 1 year... punished by a fine of not less than \$25 or more than \$200 or imprisonment for not more than 20 days or by both...." "(T)hird or subsequent convictions within 1 year after the first conviction...shall be punished by a fine of not less than \$50 or more than \$500 or by imprisonment for not more than 6 months or by both...."

" 61-8-718. Penalty for violation of conservation speed limit.

- (1) "A person violating the speed limit imposed pursuant to 61-8-304 is guilty of the offense of unnecessary waste of a resource currently in short supply and upon conviction shall be fined \$5, and <sup>or</sup> jail sentence may be imposed. Bond for this offence shall be \$5."

## California pushes faster speed limit 55-mph exemptions sought

MICHAEL F. CONLAN  
Newhouse News Service

WASHINGTON — The federal government will examine a proposal that would exempt some roads from the national 55-mph speed limit, which has been credited with saving thousands of lives and billions of gallons of fuel since its imposition nine years ago.

The Transportation Department will review a plan that

In the years since Congress enacted the national speed standard as a conservation measure during the Arab oil embargo of 1973-74, more and more motorists — with the acquiescence of police and politicians — have been ignoring it.

Federal law requires that states enforce the speed limit and certify that at least half their motorists comply with it.

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2-1-83  
HB 484

### SPEED MONITORING CERTIFICATION

With reference to the memorandum dated October 20, 1981 which discusses the use of speedometer variability in the determination of compliance or noncompliance with the 55 MPH National Speed Limit the following calculations are shown for the fiscal year 1982.

Let A = percent exceeding 55 MPH

B = percent exceeding 60 MPH

C = A - B

.5 X C = adjusted speed range after error factors  
are accounted for

D = adjusted percent exceeding 55 MPH

A = 62.8

B = 22.5

C = 62.8 - 22.5 = 40.3

.5 X C = 20.2

D = .5 X 40.3 + 22.5 = 42.7

42.7 represents the adjusted percent exceeding 55 MPH for fiscal year 1982.

OK.  
2-1-83

House Bill No. 484

Amendments proposed by the Highway Patrol

Title, line 6.

Following: "LIMIT"

Insert: "AND TO INCREASE THE PENALTY TO \$25"

Title, line 7.

Following: "61-8-310,"

Strike: "AND"

Title, line 8.

Following: "61-8-312,"

Insert: "AND 61-8-718,"

Page 7.

Following: line 10

Insert: "Section 6. Section 61-8-718, MCA, is amended to read:

"61-8-718. Penalty for violation of conservation speed limit. ~~(1)~~ A person violating the speed limit imposed pursuant to 61-8-304 is guilty of the offense of unnecessary waste of a resource currently in short supply and upon conviction shall be fined \$5 \$25, and no jail sentence may be imposed. Bond for this offense shall be \$5 \$25.

~~(2) For the purpose of this section only, the fees of the justice's court shall be the balance of the fine not otherwise allocated by law and shall be remitted as set forth in 3-10-603(3).~~

Renumber: all subsequent sections.

Amendment proposed by the Highway Patrol

Page 3 after line 25

(D) 65 miles per hour in other locations throughout the state during daytime hours.

2-1-83

Bill Summaries

House Highways and Transportation Committee

HB 484 statutorily establishes a statewide 55 mile an hour speed limit. The bill retains the \$5 fine for violations of the speed limit. The bill provides that the speed limit is in effect only as long as such a speed limit is required by federal law. The bill repeals section 61-8-305.

HB 488 allows the department of highways to exempt a safety device necessary for the safe and efficient operation of a motor vehicle from the vehicle width restrictions.

SB 82 allows disabled veterans, ex-prisoners of war, and handicapped individuals to apply to the motor vehicle division of the department of justice for special license plates.