

**MINUTES  
MONTANA SENATE  
52nd LEGISLATURE - REGULAR SESSION**

**COMMITTEE ON HIGHWAYS & TRANSPORTATION**

**Call to Order:** By SENATOR CECIL WEEDING, Chairman, on February 12, 1991, at 3:00 p.m.

**ROLL CALL**

**Members Present:**

Cecil Weeding, Chairman (D)  
Betty Bruski, Vice Chairman (D)  
Bill Farrell (R)  
John Harp (R)  
Francis Koehnke (D)  
Jerry Noble (R)  
Jack Rea (D)  
Lawrence Stimatz (D)  
Larry Tveit (R)

**Members Excused:** None.

**Staff Present:** Paul Verdon (Legislative Council).  
Pat Bennett, Secretary

**Please Note:** These are summary minutes. Testimony and discussion are paraphrased and condensed.

**Announcements/Discussion:** CHAIRMAN WEEDING informed the Committee that Senate Bill 109 had been referred back to the Committee. SENATOR PAUL SVRCEK distributed suggested amendments to SB 109. (SEE EXHIBIT 1) Senator Svrcek explained the amendments.

**HEARING ON HOUSE BILL 99**

**Presentation and Opening Statement by Sponsor:**

REPRESENTATIVE BARRY STANG, District # 52, stated House Bill 99 was presented to him at the request of the Department of Highways. (SEE EXHIBIT 2) Representative Stang distributed copies of letters with regard to bicyclists. (SEE EXHIBIT 3, 4, & 5)

Proponents' Testimony:

JAMES BECK, Administrator of the Legal Division, Department of Highways, stated House Bill 99 amends Sections 61-1-306 and 61-8-605. Section 61-1-306 is presently written to define roadway as that portion of highway used for vehicular travel exclusive of the shoulder. This definition creates a problem in Section 61-8-605 which, as presently written, requires a person to ride their bicycle right of the roadway, which does not include the shoulder. This bill will redefine roadway for the purposes of riding a bicycle. The net effect of this would be to legalize the riding of a bicycle on paved shoulders.

MARK CADWALLADER, past president of the Helena Bicycle Club, testified in support of HB 99. (SEE EXHIBIT 6)

MARY CHERYL HALL faxed her testimony in support of HB 99 to the Committee. (SEE EXHIBIT 7)

Opponents' Testimony:

None.

Questions From Committee Members:

None.

Closing by Sponsor:

REPRESENTATIVE STANG closed the hearing on HB 99.

HEARING ON SENATE BILL 273Presentation and Opening Statement by Sponsor:

SENATOR BERNIE SWIFT, District #32, stated Senate Bill 273 was a bill to enact into law an existing policy of the Montana Department of Highways. (SEE EXHIBIT 8) A suggested amendment is included in Senator Swift's testimony on the last page.

Proponents' Testimony:

DON ALLEN, representing the Montana Wood Products Association, testified in support of SB 273.

BEN HAVDAHL, representing the Montana Motor Carriers Association, stated they support SB 273. He stated that the wood chip haulers and the six axle log truckers have come to depend on the continuation of this policy for purposes of establishing their loads and hauling the weights they would be authorized to do under this policy.

Opponents' Testimony:

DENNIS LIND, representing Washington Corps. based in Missoula, testified in opposition to SB 273. He expressed concern about the impact this bill could have on them as well as other railroads. There should be a fair assessment for increased usage on the highway for the problems that could arise from it. There ought to be a user tax associated with this bill, and since there is not one, they oppose SB 273.

Questions From Committee Members:

SENATOR FARRELL asked Mr. Lind if this bill will affect Montana Rail Link.

DENNIS LIND said it does. There is an increased wood hauling contract with MRL, as well as with some of the other smaller railroads. They are hauling wood chip products and this bill would have an impact on that.

SENATOR FARRELL, referring to the fiscal note, asked Dave Galt about the Federal Bridge Formula.

DAVE GALT stated he has been in contact with the Feds and they are looking into this matter to see what position they will take. Mr. Galt gave a copy of the Bridge Gross Weight Formula (SEE EXHIBIT 9) along with a diagram of possible axle configurations (SEE EXHIBIT 10).

SENATOR FARRELL asked about the three exemptions the Federal Government has and if this bill passes, would wood chip haulers fall under those exemptions.

DAVE GALT stated that it is a similar exemption that was granted to the vehicles that haul ocean going transport containers, tankers, gravel trucks. The exemption was in place when this policy for chip trucks was created. A federal exemption has since been terminated. This policy with the wood chip haulers was set in place to dovetail with federal exemption until they could get it through the 1989 session, however it was not addressed in that session.

SENATOR REA asked if they feel comfortable that if the Committee allows this weight increase, that someone else will want the same exemption.

DAVE GALT said it will create a situation where they will have one class of vehicles doing one thing and the others, such as grain haulers, doing something different. He said with respect to that, he is uncomfortable.

Closing by Sponsor:

REPRESENTATIVE SWIFT closed the hearing on SB 273.

EXECUTIVE ACTION ON SENATE BILL 184

Discussion:

CHAIRMAN WEEDING informed the Committee of a request he received from Senator Mignon Waterman to table SB 184. (SEE EXHIBIT 11)

Motion:

SENATOR TVEIT MOVED to TABLE SB 184.

Recommendation and Vote:

MOTION PASSED UNANIMOUSLY to TABLE SB 184.

EXECUTIVE ACTION ON SENATE BILL 44

Motion:

SENATOR HARP MOVED that SB 44 DO PASS.

Recommendation and Vote:

MOTION PASSED 5-4 that SB 44 DO PASS, WITH SENATORS: FARRELL, NOBLE, HARP, AND TVEIT OPPOSING.

EXECUTIVE ACTION ON SENATE BILL 101

Motion:

SENATOR REA MOVED to TABLE SB 101.

Discussion:

SENATOR REA, Sponsor of SB 101, stated he would like to table SB 101 until HB 475 has been heard in the House.

Recommendation and Vote:

MOTION TO TABLE SB 101 PASSED UNANIMOUSLY.

EXECUTIVE ACTION ON SENATE BILL 109

Motion:

SENATOR HARP MOVED that SB 109 DO PASS AS AMENDED.

MOTION PASSED 6-3 that SB 109 DO PASS AS AMENDED WITH SENATORS: FARRELL, HARP, AND NOBLE OPPOSING.

Amendments, Discussion, and Votes:

SENATOR KOEHNKE MOVED to ADOPT AMENDMENT #1 (SEE EXHIBIT 1, Option 1) to SB 109.

MOTION PASSED 6-3 to ADOPT AMENDMENT #1 TO SB 109, WITH SENATORS: FARRELL, HARP, AND REA OPPOSING.

SENATOR FARRELL MOVED to ADOPT AMENDMENTS #2,3, & 4 (SEE EXHIBIT 1) to SB 109.

MOTION PASSED UNANIMOUSLY TO ADOPT AMENDMENTS #2, 3, & 4 TO SB 109.

EXECUTIVE ACTION ON SENATE BILL 273

Motion:

SENATOR NOBLE MOVED that SB 273 DO PASS AS AMENDED.

MOTION PASSED UNANIMOUSLY that SB 273 DO PASS AS AMENDED.

Amendments, Discussion, and Votes:

SENATOR HARP MOVED TO ADOPT the AMENDMENTS submitted by the Sponsor, Senator Swift, (SEE EXHIBIT 8, Page 3) to SB 273.

MOTION PASSED UNANIMOUSLY to ADOPT AMENDMENTS TO SB 273.

EXECUTIVE ACTION ON SENATE BILL 178

Motion:

SENATOR NOBLE MOVED that SB 178 DO PASS AS AMENDED.

MOTION PASSED UNANIMOUSLY that SB 178 DO PASS AS AMENDED.

Discussion:

The Committee discussed amendments submitted by Ben Havdahl. (SEE EXHIBIT 12)

Amendments, Discussion, and Votes:

SENATOR TVEIT MOVED to ADOPT THE AMENDMENTS TO SB 178.

MOTION PASSED UNANIMOUSLY to ADOPT the AMENDMENTS TO SB 178.

EXECUTIVE ACTION ON SENATE BILL 191

Discussion:

BUD SCHOEN, Administrator, Registrar Motor Vehicles, stated they are combining all special plates into one section and leaving the left side of those plates blank for a symbol or decal. If the Pearl Harbor bill passes, there are approximately 50 survivors, of those only approximately 20 plates will be issued. It is cheaper for Motor Vehicles to silk screen a design on the left side rather than to get a dye to stamp a design. He stated they would like to have the option to provide a decal or to use silk screening.

CHAIRMAN WEEDING asked about Representative Dolezal's concerns.

BUD SCHOEN said he spoke with Representative Dolezal and explained to him what the plans were and Representative Dolezal seem satisfied.

PAUL VERDON suggested to the Committee to include a coordination instruction in SB 191 to refer to HB 98, saying that if it is passed and approved it will be to the same provisions as applied in Subsection 10.

SENATOR FARRELL requested an amendment to be drawn up by Paul Verdon regarding Section 15. He asked Paul Verdon to draft an amendment that will strike Section 15 and to say that county revenue from the state special revenue fund, the highway funds can be withheld if they do not comply with Section 15.

SENATOR TVEIT said the stricken language states you have to show proof to the county treasurer. You would have to put the stricken language back in.

PAUL VERDON stated that if you just strike Section 15, 61-6-302 would remain the same as it was.

Motion:

SENATOR HARP MOVED that a coordination clause be included to coordinate SB 191 upon approval of HB 98.

MOTION PASSED UNANIMOUSLY.

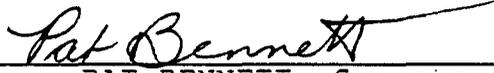
Recommendation and Vote:

The Committee will take further action February 14, 1991.

ADJOURNMENT

Adjournment At: 4:30 p.m.

  
\_\_\_\_\_  
SENATOR CECIL WEEDING, Chairman

  
\_\_\_\_\_  
PAT BENNETT, Secretary

CW/pb

AMENDMENTS PREPARED FOR SENATE BILL 109  
REQUESTED BY SENATOR SVRCEK

OPTION 1 *passed*

Page 1, line 20.  
Strike: "10"  
Insert: "2"

OPTION 2

Page 1, lines 20-21.  
Following: "price"  
Strike: "of no more  
than 10 cents a  
gallon more than"  
Insert: "comparable  
to the price of"

OPTION 3

Page 1, lines 20-21.  
Following: "at"  
Strike: "2"  
Insert: "the same"  
Following: "price"  
Strike: "of no more than  
10 cents a gallon more  
than"  
Insert: "~~20~~"  
    >>

Page 2, lines 4 and 5. *passed*  
Following: line 3  
Strike: "IN MONTANA"  
Following: "FROM" on line 4  
Strike: "MONTANA"  
Strike: "MONTANA" on line 5

Page 2, subsection (3), lines 6 - 9. *passed*  
Following: "shall" on line 7  
Strike: the remainder of subsection (3), through the end of line 9  
Insert: "maintain records of the gasohol used in the motor vehicles under the entity's control. These records shall be retained for the period of time required by law, and shall be subject to annual review by the legislative auditor, for the purpose of determining the amount of gasohol being used in the motor vehicles under the entity's control."

Strike: Subsection (5), lines 15-20 in their entirety.

Amendments to Senate Bill No. 109  
Second Reading Copy

SENATE HIGHWAYS  
EXHIBIT NO. 1  
DATE 2-12-91  
BILL NO. SB 109

Requested by Senator Svrcek  
For the Committee on Highways and Transportation

Prepared by Paul Verdon  
February 12, 1991

1. Page 1, line 20.  
Strike: "10"  
Insert: "2"

2. Page 2, line 4.  
Strike: "IN MONTANA"  
Following: "FROM"  
Strike: "MONTANA"

3. Page 2, line 5.  
Strike: "MONTANA"

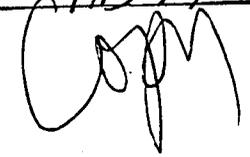
4. Page 2, line 7 through line 9.  
Following: "shall" on line 7  
Strike: remainder of line 7 through "operator" on line 9  
Insert: "maintain records of the gasohol used in the motor vehicles under the entity's control and shall retain the records for the period required by law. The records are subject to annual review by the legislative auditor for the purpose of determining the amount of gasohol being used in the motor vehicles under the entity's control"

5. Page 2, lines 15 through 20.  
Strike: subsection (5) in its entirety

H.B. 99

During a recent trial where a bicyclist was injured on Interstate 15 and had sued the State of Montana for damages, the plaintiffs attorney, in part, based his case on the fact that current Montana law requires that a bicyclist operate on the driving lanes of the highway. This requirement is contrary to good safety practice in that on Interstates or other rural highways motor vehicles operate at a considerably higher speed than bicycles do. The substantial difference in speeds will cause vehicles to run into the rear of bicyclists or make sudden vehicle maneuvers to avoid the bicycle which may cause loss of control of the motor vehicle and some other type of resultant accident.

At the present time Section 61-8-605 requires persons to ride as near the right side of the roadway as practicable. Roadway is presently defined in Section 61-1-206 as "that portion of the highway improved, designed, or ordinarily used for vehicular travel, exclusive of the berm or shoulder". H.B. 99 amends 61-8-605 so that for the purposes of riding bicycles, the term roadway includes the paved shoulder. Therefore 61-8-605 as amended will require a bicyclist to ride as near to the right of the roadway including the paved shoulder as is practicable.

EXHIBIT NO. 3  
DATE 2-12-91  
BILL NO. HB 99  




P.O. Box 8308, Missoula MT 59807  
(406) 721-1776

Hon. Mike Halligan  
Montana Senate  
Helena MT 59601

January 25, 1991

Dear Senator Halligan;

Earlier this week, I got a copy of HB99 (attached), a bill recently passed by the House, which modifies the bicycle-related language in MCA, allowing bicyclists to ride on paved shoulders. Generally, I don't have any problems with this bill. It seems to be a housekeeping measure designed to allow cyclists use of a paved shoulder, something that is not clearly allowed in the current MCA language.

However, HB99 leaves the mandatory bicycle path provision intact. This provision requires that when a "usable" path is available adjacent to a roadway, cyclists shall use it and not the roadway. I would urge you to offer an amendment to HB99 either eliminating this provision (part 5, see enclosed) or changing the "shalls" to "mays". Here are the reasons:

1. In numerous communities around the country, bicycle paths adjacent to the roadway have been shown to have higher car/bike accident rates than the roadways themselves, due to increased problems with turning and crossing conflicts at intersections and driveways. I have seen studies from Palo Alto, California, and Eugene, Oregon, for example, which clearly show this. In Palo Alto, the car/bike accident rate tripled in one year on a road where a sidepath was installed. While sidepaths only account for 15% of their bikeway system, they account for about 85% of their crashes. In Eugene, sidepaths have the highest car/bike accident rates of any of their bikeway types.
2. Because of the growing amount of bad experience with sidepaths, in 1981, the American Association of State Highway and Transportation Officials (AASHTO) said in their Guide to the Development of New Bicycle Facilities that "Providing a sidewalk bicycle path is unsatisfactory for a variety of reasons" (copy of relevant page attached). AASHTO's most current Guide, which will be published this year and has the support of the highway departments in all 50 states, recommends against sidepaths even more strongly. (Steve Kologi of the MT Department of Highways is on the task force, by the way.)
3. In a Montana community with bicycle paths adjacent to the roadways, bicyclists are required by this law to use the paths and not the adjacent roadways, despite the known and undisputed dangers of sidepaths as mentioned above. The law says cyclists must use a "usable" path but that does not say whether that path must meet commonly accepted standards. Thus, cyclists are required to unknowingly accept higher risks.
4. The jurisdiction having control over a sidepath has significantly greater liability for accidents on that facility, given the weight of evidence against such paths. Lawsuits around the country regarding substandard bike paths have resulted in multi-million dollar settlements and judgements against the jurisdictions. A sidepath suit against a town would be relatively easy to win and hard to defend. And the paths I've seen in Montana are no better than the ones involved in the law suits I've reviewed.
5. The National Committee on Uniform Traffic Laws & Ordinances did away with the mandatory path provision in their Uniform Vehicle Code back in the 1970s. In this respect, Montana is behind the times.
6. Sidepaths encourage wrong-way riding, a factor in many of the accidents. Motorists don't look for or expect bicyclists coming quickly from the wrong direction. And wrong-way riding is illegal in all 50 states.

In order to save cyclists from the dangers of poorly-implemented and maintained paths and to save jurisdictions from additional liability, I encourage you to offer this amendment to HB99.

Yours,  
  
John Williams  
Safety Coordinator



P.O. Box 8308, Missoula MT 59807  
(406) 721-1776

## Montana's Mandatory Path Requirement

### Current language of MCA 61-8-605:

...“(4) Whenever a usable path for bicycles has been provided adjacent to a roadway, bicycle riders shall use such path and shall not use the roadway. A person riding a bicycle defined in 61-1-123(2) is excluded from the provisions of this subsection when such bicycle is prohibited from using such paths.

### Revision contained in House Bill 99:

...“(4) (5) Whenever a usable path for bicycles has been provided adjacent to a roadway, bicycle riders shall use ~~such~~ the path and ~~shall not use~~ the roadway. A person riding a bicycle defined in 61-1-123(2) is excluded from the provisions of this subsection when ~~such~~ the bicycle is prohibited from using ~~such~~ the ~~paths~~ path.

### Suggested revision A (our language shown in large boldface):

...“(4) (5) Whenever a usable path for bicycles has been provided adjacent to a roadway, bicycle riders **may shall** use ~~such~~ the path and ~~shall not use~~ the roadway. A person riding a bicycle defined in 61-1-123(2) is excluded from the provisions of this subsection when ~~such~~ the bicycle is prohibited from using ~~such~~ the ~~paths~~ path.

### Suggested revision B: Eliminate the section entirely.

~~...“(4) Whenever a usable path for bicycles has been provided adjacent to a roadway, bicycle riders shall use such path and shall not use the roadway. A person riding a bicycle defined in 61-1-123(2) is excluded from the provisions of this subsection when such bicycle is prohibited from using such paths.~~

Submitted by:

John Williams  
Safety Coordinator  
January 25, 1991

**Article for the Missoula Bicycle Club Newsletter**  
by John Williams, Safety Coordinator, Bikecentennial

Recently, the Montana House of Representatives passed House Bill 99, "A Bill for an act entitled 'An Act to Allow a person to operate a bicycle on the paved shoulder of a roadway...'" There has been some confusion in the bicycling community regarding this bill, which I'll try to clear up.

First, there is nothing in the bill that would ban bikes from any highways. Its purpose is to clear up a minor annoyance in Montana Code Annotated. That "annoyance" is as follows:

The current law's definition of "roadway" includes that portion of the highway "improved, designed, or ordinarily used for vehicular traffic, exclusive of the berm or shoulder." Since, in Montana, bicycles are vehicles and vehicles aren't supposed to travel on a shoulder, one could argue that bicyclists aren't supposed to use a paved shoulder. While I doubt many cyclists have been stopped for using a shoulder, the possibility existed.

The new language changes the definition of roadway only with respect to the bicycle section of State Law. For bicyclists, the term "roadway" would mean "that portion of the highway improved, designed, or ordinarily used for vehicular travel, including the paved shoulder."

Does this, then, mean we have to ride on shoulders? No. Including the paved shoulder in the definition of roadway does not negate the other provisions in this section of State Law. These provisions basically say that you have to ride as far right as "practicable" except if you're going the speed of traffic. They then give the following exceptions to the "ride right" law: when you're preparing to turn left; when you're overtaking another vehicle; and when "necessary to avoid a condition that makes it unsafe to continue along the right side of the roadway, including but not limited to a fixed or moving object, parked or moving vehicle, pedestrian, animal, surface hazard, or a lane that is too narrow for a bicycle and another vehicle to travel safely side by side within the lane."

In other words, you only have to ride as far right as is safe. If a paved shoulder is covered with debris or has crumbling pavement, you don't have to use it.

Is House Bill 99 a good idea? Probably. I personally don't think it's of great concern one way or the other.

**TESTIMONY OF MARK CADWALLADER**  
**BEFORE THE SENATE HIGHWAYS COMMITTEE**  
**TUESDAY, FEBRUARY 12, 1991**

My name is Mark Cadwallader and I am here to speak in favor of House Bill 99 and to support an amendment to it. I am a Helena attorney, the past president of the Helena Bicycle Club, a long time member of the Montana bicycling community, and one of the authors of the 1983 revision of Montana's bicycle laws. I am here not to talk about bicycling so much as to talk about how this bill can be amended to help avoid agency liability. I want to encourage the committee to amend HB99 to either remove the mandatory sidepath requirement entirely, as has been done in the Uniform Vehicle Code, or make the use of sidepaths permissive.

I have with me today a letter from John Williams, addressed to Senator Halligan, which Mr. Williams asked me to present for the committee's consideration, and I ask that Mr. Williams' letter be included in the record. Unfortunately, Mr. Williams is unable to be here in person today to testify on this bill. Mr. Williams is a nationally known expert in the field of bicycle pathway use and design criteria. Mr. Williams has testified as an expert witness in liability trials concerning design defects and negligence in bicycle path lawsuits. Mr. Williams suggests, and I concur, that the law be changed in Montana to eliminate the requirement that bicyclists be forced to use sidepaths. The primary concern is that a great many facilities in this state do not conform with current design standards, and that mandatory use creates liability for the agency responsible. This means exposure not only for the State, but also for the local government body that is responsible for maintenance.

Testimony of Mark Cadwallader  
Senate Highways Committee  
February 12, 1991  
House Bill 99

Eliminating the mandatory language of subsection (5) of section 61-8-605 will provide at least some defense against damage claims. Bicyclists who wish to use sidepaths will not be prohibited from riding there, while bicyclists who are more comfortable using the roadway will be legally permitted to do so.

Mr. Williams' letter contains greater detail concerning his reasons in support of the elimination of the mandatory use of sidepaths. I can report to you, however that the price of liability is not cheap in this area. The last reported jury verdict concerning a bicycle accident in Montana awarded the injured cyclist over a half million dollars! Other states have seen verdicts of several million dollars. The State of Wisconsin repealed its' mandatory sidepath law only after a city settled out of court for a half million dollars. The State of Montana should learn from that experience.

I respectfully urge your support of an amendment to HB99 that will eliminate the mandatory use of sidepaths.



MARK CADWALLADER

515 North Rodney Street

Helena, Montana 59601

(406) 443-5703



## Multi-Use

In general, multi-use paths are undesirable; bicycles and pedestrians do not mix well. Whenever possible, separate bicycle and pedestrian paths should be provided. If this is not feasible, additional width, signing and striping should be used to minimize conflicts.

Providing a sidewalk bicycle path is unsatisfactory for a variety of reasons. Sidewalks are typically designed for pedestrian speeds and maneuverabilities and are not safe for higher-speed bicycle use. Conflicts are common between pedestrians traveling at low speeds (or exiting stores, parked cars, etc.) and bicyclists, as are conflicts with fixed objects (e.g., parking meters, utility poles, sign posts, bus benches, trees, fire hydrants, mail boxes, etc.). Walkers, joggers, and roller skaters can, and often do, change their speed and direction almost instantaneously leaving bicyclists insufficient time to react to avoid collisions. Similarly, pedestrians often have difficulty predicting the direction an oncoming bicyclist will take. At intersections, motorists are often not looking for bicyclists (who are traveling at higher speeds than pedestrians) entering the crosswalk area, particularly when motorists are making a turn. Sight distance is often impaired by buildings, walls, property fences, and shrubs along sidewalks, especially at driveways.

Bicycles riding on sidewalks can be expected in residential areas with young children. With lower bicycle speeds and lower motor vehicle speeds, potential conflicts are somewhat lessened, but still exist. This type of sidewalk bicycle use is generally accepted, but it is inappropriate to sign a sidewalk as a bicycle path or bicycle route if to do so would prohibit bicyclists from using an alternate facility that might better serve their needs.

It is also undesirable to mix mopeds and bicycles on the same facility. Where it is necessary to do so, the facility should be designed to account for the higher operating speeds of mopeds, the additional maneuvering requirements of mopeds, and the increased frequency of passing maneuvers. Many of the design guidelines prescribed in Chapter 2 under "Bicycle Paths" (e.g., widths, design speeds, horizontal alignments, grades, etc.) would be inadequate for facilities intended for moped use. Mopeds also contribute to a lessening of the quiet, relaxing experience most bicyclists desire on bicycle paths.

Using a path for bicycles and horses creates an unsatisfactory and possibly dangerous mix. Horses startle easily and may kick out suddenly if they perceive bicyclists as a danger. A bicycle path and a bridle path are also incompatible in their surface design requirements. Bicycles function best on hard surfaces; horses function best on soft surfaces. A compromise to accommodate both would result in a less than adequate surface for both.

During the winter months, where there is insufficient bicycle traffic to justify plowing snow, operators of bicycle paths may allow them to be used by cross-country skiers or snowmobile operators.

Providing bicycle parking facilities is an essential element in an effort to promote bicycling. People are discouraged from bicycling if adequate parking is available. Bicycle parking facilities should be provided at both the trip origin and the trip destination and should offer protection from theft and damage.

The wide variety of bicycle parking devices fall into two categories: user needs; commuter or long-term parking, and convenience or short-term parking. The minimum needs for each differ in their placement protection. Long-term parking is needed at locations such as employment centers, transit or subway stations, and multifamily dwellings. Facilities should be provided which secure the frame, both wheels, and accessories and offer protection from the weather. Bicycle lockers and attendants are good examples of long-term parking facilities. Short-term parking is needed at locations such as shopping centers; libraries, retail areas, and post offices. Facilities should be very convenient and near building entrances or other highly visible areas which are self-parking. The facility should be designed so that it will not damage bicycles (bent rims are common with racks that only support one wheel). If bicycle parking is not properly designed and located, bicyclists will use trees, shrubs, and other appurtenances. This practice can damage the appurtenances and create a hazard for pedestrians.

Several factors should be considered when planning and providing bicycle parking facilities. Care should be given in selecting the location to ensure that bicycles will not be damaged by motor vehicles. Parking facilities should not interfere with the normal pedestrian flow. Also, facilities should be designed so that persons parking their bicycles will not damage other parked bicycles. The amount of security needed to prevent theft should be evaluated for each area.

Facilities should be able to accommodate a wide range of bicycle sizes and sizes including tri-cycles and trailers if used locally. Finally, facilities should be simple to operate. If possible, signs depicting how to operate the facility should be posted.

In addition to bicycle parking facilities, there are several other improvements that complement bicycle paths and roadway improvements. Provisions should be considered for interfacing bicycle travel with public transit, such as racks on buses; buses converted to carry bicycles aboard; allowing bicycles on rapid rail facilities; printing and distributing bicycle route maps is a high-benefit, low-cost project that is easily accomplished. Maps can help bicyclists locate bikeways, parking facilities, and identify the relative suitability of different segments of the road system. Maps can help bicyclists avoid narrow, high-speed, or high-volume one-way streets, barriers, and other problems to bicyclists. In addition, maps can provide information on Rules of the Road, bicycle safety and interfacing with mass transit.

SENATE HIGHWAYS  
EXHIBIT NO. 7  
DATE 2-12-91  
BILL NO. HB 99

MISSOULA BICYCLE PROGRAM  
PUBLIC WORKS/ENGINEERING DEPT.  
CITY OF MISSOULA

435 RYMAN  
MISSOULA, MT 59802  
406/523-4626

EB-91-M-1324

MEMO TO: Montana State Senate  
Highways Committee  
State Legislature

FROM: Mary Cheryl Hall  
Bicycle Coordinator

RE: HB 99

DATE: February 8, 1991

I support the requested changes in HB 99 as submitted. I believe it would be in the cyclist's best interest to define ROADWAY to include the shoulder of the road.

I do have a question though in Section 2. (5) Whenever a usable path for bicycles has been provided adjacent to a roadway, bicycle riders shall use the path and not the roadway. A person riding a bicycle defined in 61-1-123(2) is excluded from the provisions of this subsection when the bicycle is prohibited from using the path.

This section should be deleted altogether. A Mandatory Sidepath law is not appropriate. Cyclists who feel more comfortable on a sidepath should be encouraged to ride there, but a competent cyclist should not be restricted to riding on the sidepath. They would probably be riding too fast to safely share that sidepath with recreation riders. Cyclists should not be restricted or required to leave the roadway.

February 12, 1991  
SB 273  
Senator Bernie Swift

Mr. Chairman..... members of the committee. For the record I am Senator Bernie Swift, representing Senate District 32. I am the principle sponsor of SB 273, a bill to enact into law an existing policy of the Montana Department of Highways.

In 1988 the GVW Division of the Department implemented a policy to exempt chip trucks from the inner bridge formula measurement. At the time, the Federal Highway Administration had also issued notice to the Montana Department of Highways that shipping containers shipped by vessel, train and truck would also be exempted from the inner bridge measurement.

It was the understanding of the Department, that this policy would remain in effect through the 1989 Legislature to allow the industry the opportunity to correct this problem by enacting legislation. No action was taken in 1989 and the matter still remains to be resolved. The Department's policy will remain in effect through April 30, 1991. Unless and until this session of the Legislature amends the statutes on weight to allow this practice, the Department will require wood chip haulers to be in full compliance with the weight formula.

The problem for wood chip haulers will be a loss of gross weight anywhere from 1,000 to 2000 pounds, depending on the truck combination configuration. Since wood chip haulers have been operating now for almost three years under the current Department policy, they will be unduly penalized for no fault of their own. SB 273 will correct their problem.

A similar situation exists for the six axle log truckers. In 1983, House Bill 539 provided a permit that allowed five-axle logging trucks to carry 80,000 pounds. At that time, the GVW Division of the Department implemented a policy to help administer this new law.

Page 2

Included in the policy were guidelines for six-axle log trucks. One policy exempted six-axle log trucks from the inner bridge measurements when calculating their allowable gross weight. The problem is that the length of the logs is the length of the trailer's inner bridge measurement and is limited. This procedure is unfortunately not backed by a statutory exception. SB 273 would include this exception.

Again, the Department will discontinue this policy on July 1, 1991 after almost 8 years of allowing this practice. If this is not allowed under the statute change in SB 273, it will really create a hardship and a loss of gross weight allowable on the six-axle log truck.

For the information of the committee, Dave Galt, Administrator of the GVW Division of the Department is here to clarify and explain more fully this situation. Also, the committee has been given a brochure explaining how the formula is administered. Thank you.

Ex. C  
2-12-91  
SB 273

AMENDMENT TO SENATE BILL 273

On page 4, line 8 of the introduced bill, following the word "configuration",  
add, "using the formula contained in 61-10-107."

Rationale for this amendment is to clarify that the gross weight is to be calculated using the bridge formula as stated in Section 61-10-107.

Amendments to Senate Bill No. 273  
First Reading Copy

For the Committee on Highways and Transportation

Prepared by Paul Verdon  
February 12, 1991

1. Page 4, line 8.

Following: "configuration"

Insert: ", using the formula provided in 61-10-107"

SENATE HIGHWAYS

EXHIBIT NO. 8

DATE 2-12-91

BILL NO. SB 273

# BRIDGE GROSS WEIGHT FORMULA

SENATE HIGHWAYS

LEGISLATIVE NO. 9

DATE 2-13-91

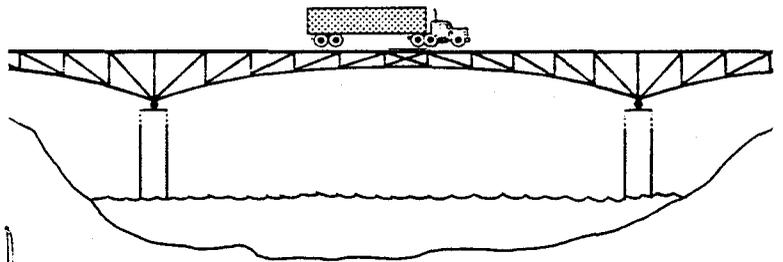
BILL NO. SB 273



U.S. Department  
of Transportation  
Federal Highway  
Administration

April 1984

$$W = 500 \left[ \frac{LN}{N-1} + 12N + 36 \right]$$



NOTE—For additional copies contact:  
Federal Highway Administration  
Office of Motor Carrier Information  
Management and Analysis, HIA-10  
400 7th St., S.W.; Rm. 3104  
Washington, DC 20590  
(202) 366-4023

HTO-33/Rev.4-84(60M)P  
HTO-33/R10-84(30M)QE  
HIA-10/R1-89(80M)QE

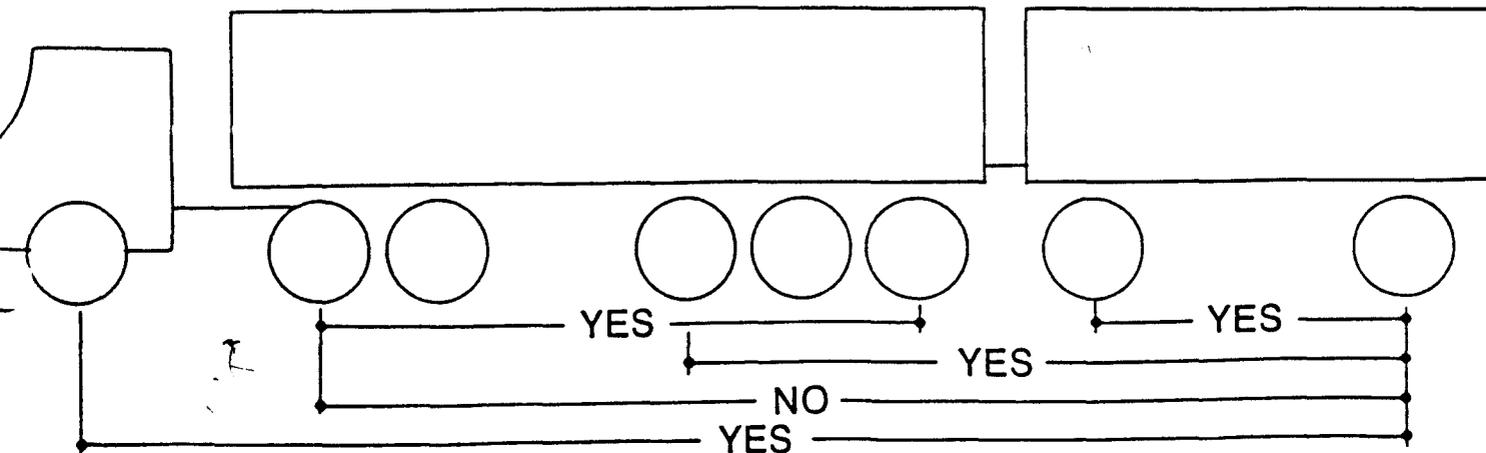
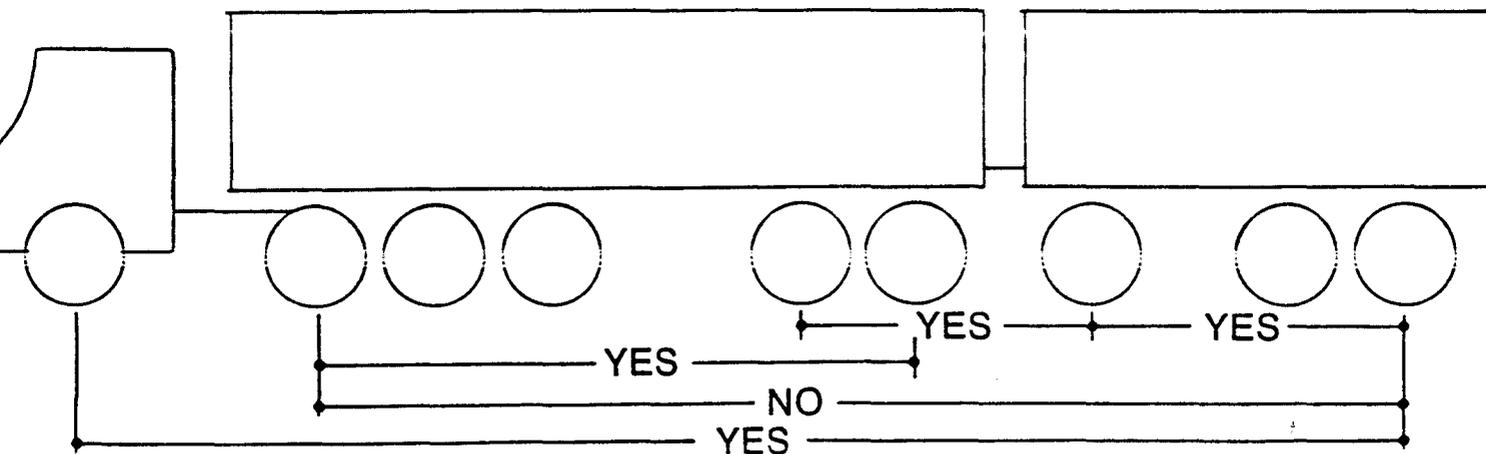
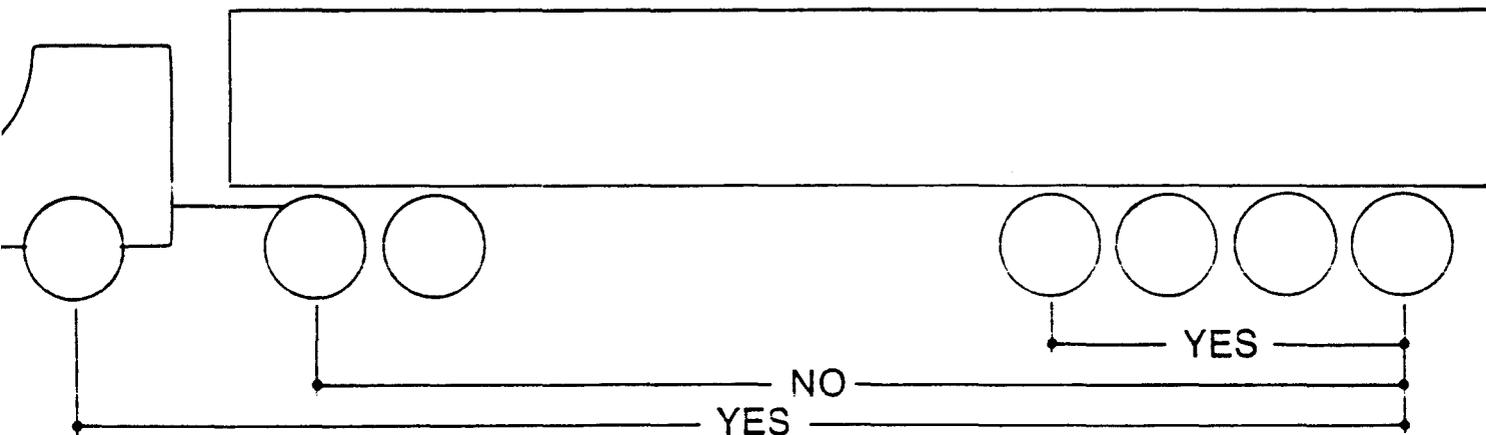
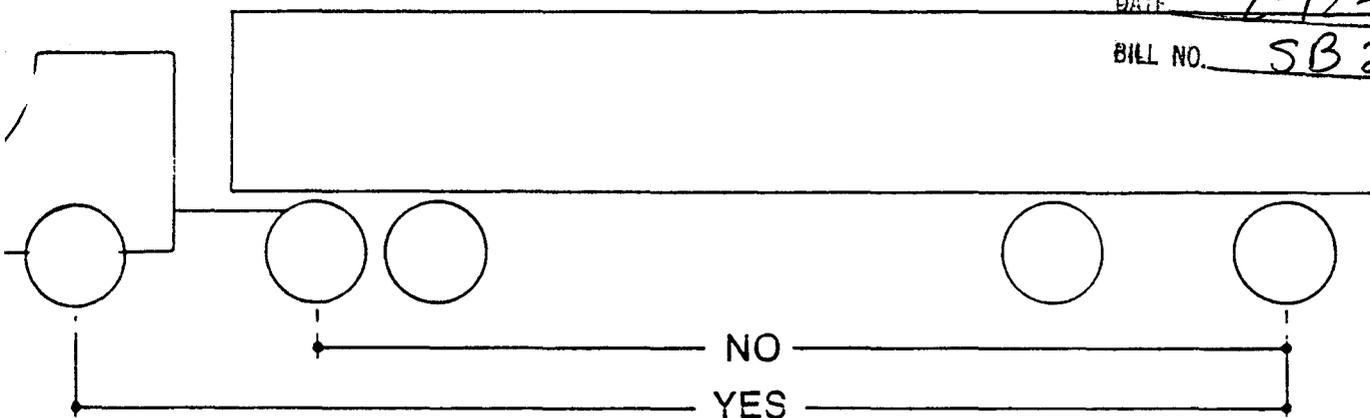
POSSIBLE AXLE CONFIGURATIONS  
CHIP TRUCK BRIDGE EXEMPTIONS

SENATE HIGHWAYS

EXHIBIT NO. 10

DATE 2-12-91

BILL NO. SB 223





SENATE HIGHWAYS 11  
EXHIBIT NO. 2-12-91  
DATE  
**MONTANA STATE SENATE**

BILL NO. SB 184

2/12/91

Mr. Weeding - SB 184  
is a bill regarding highway  
signs. I have been working  
with the Dept. of Highways  
to resolve the problem  
addressed in the bill. Those  
discussions have been successful  
and the bill is no longer  
necessary. Therefore, I  
request that your committee  
table SB 184 without holding  
a hearing.

Melvin Waterman  
50<sup>#</sup>22

AMENDMENTS TO SENATE BILL 178

SENATE  
EXHIBIT NO. 12  
DATE 2-12-91  
BILL NO. SB 178

On page 1, line ten of the introduced bill, add the following statement of intent,

"A statement of intent is required for this bill because (Section 3) grants rulemaking authority to the department of highways. It is the intent of the legislature that the rules adopted for turnpike doubles include all the rules adopted for the operation of triple trailers. In addition it is intended that the department of highways audit all interchanges and shall restrict access routes on and off the interstate system by turnpike doubles as a result of the department's assessment of interchanges and routes to the interchanges to be followed and require, when necessary, to transport the trailers in a turnpike double configuration separately to a point near the interchange of the interstate for coupling prior to ingress and egress."

On page 3, line 19 of the introduced bill following the word "tongues."

add, "and load."

ALTERNATIVE AMENDMENT TO SENATE BILL \_\_\_\_\_

On page 3, line 19 of the introduced bill following the word "tongues."

Add, "and load."

Page 9, Line 8, following the word, "safety."

Add, "The department may include restrictions on access routes on and off the interstate system by turnpike doubles as a result of an assessment of interchanges and routes to and from the interchanges to be followed and require, when necessary, to transport the trailers in a turnpike double configuration separately to a point near the interchange of the interstate for coupling prior to ingress and egress."

