

HIGHWAYS AND TRANSPORTATION  
COMMITTEE

February 3, 1977

The Committee on Highways and Transportation was called to order on February 3, 1977, at 4:00 p.m. with Chairman Baeth presiding and all members were present except Representative Hansen, who was excused.

The following bills were scheduled for discussion today: HB 483, HB 533, HB 601, HJR 46. See visitor's lists attached.

HOUSE BILL 483

Representative Baeth, sponsor of this bill, said this bill was introduced on request of the Department of Highways. Jim Beck, attorney for the Department of Highways, discussed this bill with the committee. He explained this bill is patterned after the Washington bill. This act would define and provide a manner for computing the amount of necessary expenses of litigation.

There were no opponents. Hearing closed on HB 483.

HOUSE BILL 601

Representative Dorothy Bradley, sponsor of this bill, said her bill will provide a penalty for speed violations in excess of 70 mph. She asked for one amendment: page 1, line 21, strike "Bond for this offense shall be \$5."

Former Lt. Governor Bill Christianson appeared as a proponent. He handed out a report entitled United States Dependence on Petroleum Imports. He said he felt this bill will help in the conservation of fuel. He went into details of the volume of fuel used in the United States, both domestic and imported. He reported that 75% of the miles traveled in Montana are under the state speed limit. There is considerably more fuel used for each ten miles per hour increase in speed over fifty. Other fuel products can be made for every gallon of gas saved.

Don Allen, executive director of the Montana Petroleum Association, said they endorse the concept of this bill. Anything we can do to encourage conservation of fuel is good. Supplies are limited and we depend more and more on imported fuel.

Albert Goke, administrator of the Highway Traffic Safety Division, Department of Community Affairs, spoke as a proponent. He handed out a report which shows traffic accident statistics with regard to different speed limits. Data is available that will show that above 60 mph has a higher percentage of fatalities. Statistics showed that the death rate was cut in half on interstate highways when the 55 mph was put into effect. There is definitely more safety with a 55 mph speed limit and increasing the penalty for violations is supported by our department.

In answer to a question, Mr. Goke said that raising the speed limit from 55 to 65 would lose a 13% fuel savings.

On the subject of federal highway funds, Mr. Goke said that the governor's office must certify to the Federal Highway Administration each year that the state is enforcing the national maximum speed limit of 55 mph. In answer to a question, Mr. Goke said that no state has lost federal funds because of non-compliance.

Rep. Kanduch suggested a graduated scale of fines every five mph over 55 up to 80. Captain Tooley of the Montana Highway Patrol said he believed that there might be groupings of violations. If the penalty is set on a dollar a mile exceeding 55 mph, this would be avoided.

Captain Tooley said the patrol's primary duty is the conservation of human life. They support the passage of this bill. He said to his knowledge, we are probably the most lenient of all states in our current penalties.

#### Opponents:

Gary Watt, resident of Helena, spoke in opposition of this bill. He said he did not like the idea of putting speeding penalties on his license and insurance record. His feeling is that if we are going to conserve energy, the horse power of the big cars should be changed.

Hearing closed on HB 601. All reports on this bill are marked Exhibit 4.

#### HOUSE BILL 533

Representative Joe Brand, chief sponsor of this bill, said he introduced this bill on behalf of the Highway Patrol. This bill defines the offense of negligent driving. There was a very definite zone of law that they have never had for careless acts not involving speeding.

Sgt. Stollfuss of the Highway Patrol distributed pictures of some incidents that cannot be cited under the present act. We feel the wreckless driving charge is too severe because it means 5 points on a license. This negligent driving charge is only 2 points.

An amendment was suggested: page 1, section 1, lines 12 and 13. Strike "so as to endanger the property or life or limb of any person".

There were no opponents. The pictures are marked Exhibit 5.

Hearing closed on House Bill 533.

#### HOUSE JOINT RESOLUTION 46

Representative Harper, chief sponsor of this bill, explained the background on the bikeway study that was provided for during the last session. The Department of Highways was supposed to study and start construction of bikeways. It was stated that the Department of Highways did not accomplish this because it was unclear as to whether they had justification to build bikeways because they were not specifically authorized to conduct a study under that bill. That department would welcome a study that would clear the way for construction of these bikeways.

Under HJR 46, the Department of Community Affairs would be requested to conduct an interim bikeway study.

Charlie Poole of the state commission on local government said there is much concern about bikeways. This study would do a survey on what the bicyclists want. More and more bicycles are being purchased and used.

Mae Ellingson of the Montana Study Lobby said the students are very disappointed that there are not any bikeways as yet. A large number of university students do not have cars and use bikes. We urge that you support this resolution.

Albert Goke, administrator of Highway Traffic Safety Division, Department of Community Affairs, spoke as a proponent. He said he had staff to perform this study and he believes he can generate federal funds to do it. He feels \$15,000 a year would accomplish it.

Rep. Harper listed a few examples of what the survey might cover. The outcome of this study would be a series of recommendations for an immediate plan of construction.

There were no opponents. Hearing closed on HJR 46.

EXECUTIVE SESSION

HOUSE JOINT RESOLUTION 46

Rep. Mular made a motion to DO PASS. Rep. Kanduch seconded it. Ten voted yes with Rep. Pistoria and Rep. Wood voting no. Rep. Hansen was excused.

HOUSE BILL 483

Rep. Kropp moved DO PASS. Rep. Mular seconded it. It was unanimously passed. Rep. Hansen was excused.

HOUSE BILL 533

Rep. Wood made motion for the following amendment: Strike "so as to endanger the property or life or limb of any person". Rep. O'Keefe seconded it. It was unanimously passed. Rep. Hansen was excused.

Rep. Keyser made a motion AS AMENDED, DO PASS. Rep. Kanduch seconded it. It was unanimously passed. Rep. Hansen was excused.

HOUSE BILL 601

Rep. Mular made a motion DO NOT PASS. Rep. Kropp seconded it. Nine voted yes with Rep. Tropila, Keyser and Kanduch voting no. Motion carried. Rep. Hansen excused.

Rep. Tropila made a motion to adjourn. Rep. Mular seconded it. Meeting adjourned at 5:50 p.m.

William R. Baeth  
William R. Baeth, Chairman