

MINUTES OF THE MEETING  
HIGHWAYS AND TRANSPORTATION COMMITTEE  
MONTANA STATE SENATE

January 18, 1977

The third meeting of the Highways and Transportation Committee was called to order by Chairman Manning on the above date in Room 404 of the State Capitol Building at 9:30 a.m.

ROLL CALL: All members were present, with the exception of Senator Lockrem who was excused until his arrival at 10:00 a.m.

The following witnesses were present to testify:

James Beck  
Jack Beckert

Department of Highways  
Department of Highways

CONSIDERATION OF SB 94: Senator Healy, chief sponsor of this legislation, indicated that this bill was introduced by the request of the Department of Highways. Senator Healy, in written testimony (attached #1), explained to the committee that this bill simply changed the review process for relocation assistance funds from the Highway Commission to the Director of Highways. This amendment to the provisions of the Relocation Assistance Act brings Montana's review process into conformity with Federal regulations which require that the review be made by the agency having control over the highway project.

Chairman Manning called for other comments by proponents of the bill.

James Beck from the Department of Highways added that he had checked on the number of appeals since 1970 and discovered that only three appeals had been made.

Senator Graham asked what procedure had been followed in the past

Mr. Beck responded that when persons are displaced by condemnation proceedings, they are entitled to relocation assistance over and above the payments required under eminent domain. Relocation assistance payments are made by the Department of Highways to cover moving expenses, going out of business expenses, and the like. If the displaced party contests the amount of the relocation assistance payment, the appeal is now made to the Highway Commission. Federal statutes and regulations say that the appeal must be to the displacing agent, which in the case of Montana is the Director of Highways.

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Senator Healy asked how long this had been on the statutes. Mr. Beck indicated that the Relocation Assistance Act became effective in 1970.

There were no witnesses to testify in opposition to SB 94.

CONSIDERATION OF SB 98: Senator Hager, chief sponsor of SB 98, reported that this bill had been introduced at the behest of the Department of Highways. In written testimony submitted to the committee (attached #2), Senator Hager explained that presently apportionments for the replacement of deficient bridges are deducted from the primary, urban or secondary funds that a financial district or a city receives. This results in a serious impact on the regular program funds.

Senator Aber asked for a clarification of what changes were proposed in SB 98.

Senator Hager referred the question to Jack Beckert, Administrator of the Engineering Division of the Department of Highways. Mr. Beckert explained that under present statute the state must put up 25% of the funds for the replacement of bridges while the Federal Government matches with 75%. The question here is where does the 25% state share come from.

Mr. Beckert explained that the bridge replacement program is one of the first safety programs that was initiated and now it is one of only a few that require pay back of the funds. As it currently stands, bridge funds are taken off of the top of the regular primary system funds. That results in a net loss in funds in some districts. On secondary roads the pay back is dependent on the size of the county and how large the financial district is. For example, Fergus County would pay one-half of the district cost, while Chouteau County would pay one-third of the district cost. In urban systems the pay back is dependent on the allocation of urban funds. For example, Great Falls would pay back approximately 78% of the cost to other cities while Havre would pay back 98% of the cost. In some of these cases the pay back may exceed the allocation for several years. The only other way to deal with this problem would be to change the financial district laws.

Mr. Beck read a section of a letter that the Department of Highways received from Harold Stewart, the district engineer for the Federal Highway Administration, concerning funding on a priority basis with no effect on federal-aid regular funds. Mr. Beck commented that federal law was suggesting this solution so as to be consistent with Congressional intent to remove this funding from financial district law, but it was not mandating the change.

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Senator Hager asked if the bridge that was replaced south of Columbus was an example of this program. Mr. Beckert answered that any bridge on the federal-aid system is replaced with regular funds. That is what bothered him about this program; we get what they want to give us. The Department of Highways must convince the federal agency of the total needs and what bridges are available for the funds. Some bridges contribute to the allocation but do not qualify for bridge replacement funds. Only ten bridges are under this program now. Even though this number is low, the cost runs into the millions. Mr. Beckert suggested that anything to help the federal outlook on our bridges will help raise our federal allocation.

There being no opponents to this bill, Chairman Manning thanked all of the guests of the committee.

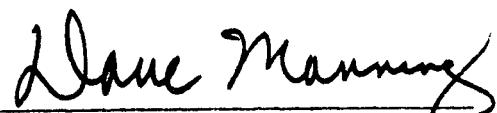
DISPOSITION OF SB 94: Senator Hazelbaker moved that SB 94 do pass. Senator Aber seconded the motion. There was no discussion. All members voted in favor of the motion with Senator Lockrem absent/excused. Motion carried.

DISPOSITION OF SB 98: Senator R. Smith moved that SB 98 do pass. Senator Etchart seconded the motion. No discussion. The Motion carried with Senator Lockrem absent/excused and all other members voting in favor of the motion.

Chairman Manning reminded the committee members of the meeting with a representative of the Attorney General's office in conjunction with the House Committee on Highways and Transportation. Bob Person noted that the meeting would be in Rm. 437 at 3:30 this afternoon and would deal with the motor vehicle registration and licensing procedures. An informal discussion followed concerning the problems of the staggered licenses.

Chairman Manning stated that the committee would meet next Tuesday, January 25th to hear two bills that have been scheduled so far.

ADJOURNMENT: The meeting was officially adjourned at 10:10 a.m.

  
SENATOR MANNING, CHAIRMAN

## ROLL CALL

HIGHWAYS AND TRANSPORTATION COMMITTEE

45th LEGISLATIVE SESSION - - 1977

Date 1/18

SENATE HIGHWAYS & TRANSP. COMMITTEE

BILL 94,98

## VISITORS' REGISTER

DATE 1/18/77

NAME: Miss E. Reck DATE: 1/18

ADDRESS: 3014

PHONE: 777-5555

REPRESENTING WHOM? DOH

APPEARING ON WHICH PROPOSAL: 98

DO YOU: SUPPORT?  AMEND?  OPPOSE?

COMMENTS: \_\_\_\_\_

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Reed H. Clark DATE: 118

DATE: 1/18

ADDRESS: \_\_\_\_\_

PHONE: \_\_\_\_\_

REPRESENTING WHOM? 204

APPEARING ON WHICH PROPOSAL: 96

DO YOU : SUPPORT?  AMEND?  OPPOSE?

COMMENTS: \_\_\_\_\_

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Jack Beckert DATE: 1/18/77

DATE: 1/18/77

ADDRESS: DOH

PHONE: 3452

REPRESENTING WHOM? DOH \_\_\_\_\_

APPEARING ON WHICH PROPOSAL: SB 98

DO YOU: SUPPORT? X AMEND? \_\_\_\_\_ OPPOSE? \_\_\_\_\_

COMMENTS: \_\_\_\_\_

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

# STANDING COMMITTEE REPORT

January 19

19 77

MR. President .....

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

having had under consideration **Senate** ..... Bill No. **98** .....

Respectfully report as follows: That **Senate** ..... Bill No. **98** .....



DO PASS

# STANDING COMMITTEE REPORT

January 10

19 77

MR. President.....

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

having had under consideration ..... **Senate**..... Bill No. .... **94**.....

Respectfully report as follows: That..... **Senate**..... Bill No. .... **94**.....

*P.M.*

DO PASS

Senate Bill 94 amends a provision of the Relocation Assistance Act. The Relocation Assistance Act provides assistance to persons who have been displaced because of the acquisition of their property for highway purposes. This assistance includes such things as moving expenses, tax and interest payments and business relocation payments.

Under the present statute, 32-3928, R.C.M., 1947, a person who did not agree with the amount of the payment could have it reviewed by the highway commission. This amendment would change that so the review is by the Director of Highways. The Federal statute and regulations enacted under it require that the review be made by the head of the agency having control over the project. Inasmuch as under section 82A-701, R.C.M., 1947, the Director of Highways is the head of the highway department, this statute should be amended to conform to Federal requirements.

SENATOR HAGER  
ATTACHMENT #2

S. B. 98 amends section 32-2614, R.C.M. 1947, which section provides for the allocation of state construction moneys to match federal funds made available for the replacement of bridges.

Under the Federal-aid Highway Act of 1976 and previous Acts the Congress made funds available for the replacement of bridges that were found to be deficient. This was done primarily as a safety measure. These funds are in addition to the regular apportionments for programs and are apportioned by the Federal Highway Administration on the basis of need.

Under the present law such apportionments are deducted from the primary, urban or secondary funds that a financial district or city receives, depending upon where the bridge is located.

Such bridge replacement projects usually involve large expenditures and so there is a serious impact on the regular program when the apportionments have to be deducted. To alleviate this problem this bill has been introduced.

It should also be noted that of all the safety programs, the bridge replacement program is the only one that requires that the funds be paid back.