

MINUTES OF THE MEETING
HIGHWAYS AND TRANSPORTATION COMMITTEE
MONTANA STATE SENATE

February 3, 1977

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

ROLL CALL: Senator Etchart was absent, Senators Graham and R. Smith arrived at 9:45, and Senator Lockrem arrived at 10:05 a.m. All other members were present.

Witnesses present to testify included the following:

Gordon Bollinger	Public Service Commission
Larry Huss	Montana Auto Dealers Association
Larry Tobiason	Montana Auto Association
James Beck	Department of Highways
F. G. Fisher	Expedited Management
William A. Blake	Department of Highways
Luther Glenn	Department of Administration
Bud Rick	Purchasing Division
Don Copley	Public Service Commission
	Department of Highways

CONSIDERATION OF SENATE BILL 327: Senator Pat Regan, chief sponsor of SB 327, said that serving on the House Appropriations subcommittee on elected officials, she had found that each biennium there were three separate agencies that would come to the committee seeking funding for enforcement of laws related to vehicles. The highway patrol budget indicated that they had to check for licensing, title of registration, etc.; Gross Vehicle Weights is to enforce all regulations governing the weight of a vehicle; and the Public Service Commission enforces all regulations affecting cargo and shipping as defined in §8-103, R.C.M. 1947. The problem comes in that there is a lot of duplication now and a savings would be realized if the duties of enforcement in the transportation area could be efficiently combined.

Senate Bill 327 would give the highway patrol and the Department of Highways the power to perform all three functions. In 1974 the Public Service Commission had a five man field team to fulfill the enforcement function and about 68% of their time was spent in travel or at the weigh stations. In September of 1976, a typical month, about 75% total time was spent in travel or at the weigh stations. The revenue produced by the Public Service Commission in 1974 was \$62,988, in 1975 it was \$75,900, and in 1976 it was \$69,268. The five field coordinators are grade eleven employees and make approximately \$11,000 per year.

This is an expensive enforcement agency. This bill addresses the question of whether or not the unit should continue at all. At one time the power rested with the Department of Justice, but was trans-

February 3, 1977

ferred out of there. When enforcement is done best it is done most efficiently.

Senator Regan suggested that several amendments were necessary to make the bill more workable. The title will need some changes. Page 1, section 1, line 19, following "department" insert the words "of Highway and Justice". On page 2, section 4, line 20 following §8-103 insert "(B)." On page 2, section 4, line 20 following the word "department" insert the words " of Highway and Justice".

Senator Regan again expressed her frustration at the needless duplication of enforcement. Both the legislative auditor and the fiscal analyst agree that there is needless duplication here.

Mr. Don Copley of the Department of Highways testified that he anticipated that with this bill it would take longer for inspections which would cause added delays or require the hiring of more people at the high volume stations or require the transferring of people from one station to another. Presently the Department of Highways cooperates closely with the Public Service Commission. The procedure at the scales is for the Highway Department to work on the truck, then turn it over to the Public Service Commission team.

Mr. Gordon Bollinger of the Public Service Commission testified that Senator Regan had not talked with the PSC and there were therefore some areas of misunderstanding. SB 327 will destroy the ability of the PSC to enforce its own regulations in the transportation area. If the PSC can't stop truckers, they would have to call the Highway Department and ask them to stop those they knew were in violation of the PSC regulations. This bill and this problem of duplication of effort needs detailed study. What is proposed in SB 327 has been tried in the past and it didn't work, causing the initial break-off from the other transportation enforcement agencies. If the object is revenue, the PSC could raise more revenue. One of the five field men now spends half of his time with the safety program.

Mr. Bud Rick of the PSC enforcement team said that this bill might work but that enforcement work time with the truck can run as high as 2 or 3 days in some cases. The PSC must travel to do a lot of its enforcement work, they can't sit in one spot to do the work. The revenue collected by the PSC also includes the certification of carriers, which amounts to \$59,897 per year.

Mr. Fisher, former administrator of the Transportation Department and former chief enforcement officer for the PSC testified that some of what Senator Regan claims is true but there are a few fallacies in the testimony. The revenue of the regulation of vehicles goes to the general fund and exceeds \$300,000 per year. The revenue that Senator Regan referred to included only bonds, forfeitures and fines which go to the counties. At one time the revenue from registration was less than \$50,000 per year, but the enforcement has been beefed up since then, yielding the much higher figure now.

February 3, 1977

Mr. Fisher further commented that there is a problem with the enforcement: if the trucks are at the scales anyway, it expedites the movement of trucks to inspect them there for PSC violations. If they are stopped on the highway, there is a safety problem with inspections. All vehicles must be stopped and it is PSC policy to try not to tie them up unnecessarily. Now with the Highway Department working over the trucks at the scale first, then moving them off the scales over to the PSC teams, it moves faster than if one man were trying to take care of more than one type of inspection. Before the committee or the legislature acts on SB 327, there needs to be further investigations into the merits of the bill. There appears to be some merit, but the duplication in personnel is really not there now. Traffic could be stopped in lines, and time is money to the transporting industry. There could be much static from them if there is much delay.

Senator Regan in closing remarks noted that there was truth in this bill and that she had struck a nerve. Some of those opposing the bill have not made note of the amendments already offered. No enforcement power is being taken away from any department; instead all three departments would have the power to enforce for the PSC. This would free part of the PSC team for their safety and backroads inspections. Now they sit in one place according to one man's testimony and according to another man's testimony they can't enforce the regulations at the scales. Apparently most enforcement is now done at the scales. Unless there would be a back up of traffic, one man could do all three types of inspections, thus allowing the PSC unit to be in the backroads where they belong. Both the auditor and the fiscal analyst have brought this duplication to the legislature's attention.

Senator Graham asked if the main thrust of this bill was the lost revenue. Senator Regan answered no, the thrust is to provide efficiency in the use of manpower. Three people now share three different responsibilities to the same truck when one person could do the job. The figures submitted were from the fiscal analyst and perhaps were not complete. Senator Regan has checked with the Department of Justice and they do see some merit to the bill.

Senator Graham asked if revenue was part of the thrust. Senator Regan answered that inefficiency is the thrust. It is a wrong philosophy to say that enforcement should raise revenue, but if we examine the budget to see how much money goes to three separate agencies to treat the same truck, you would question the need, too.

Senator Graham said he was concerned that the job couldn't be done at the high volume stations. The Crow Agency weigh station in the center of the highway was a good example of a place where one extra man would be needed as there are trucks lined up there now. Senator Regan answered that there will probably be places where an extra man will be needed. But why tie up the PSC unit? Use two men, but use the Highway Department men to carry out the enforcement.

Senator Graham asked if that would be a burden for the GVW Division. Senator Regan answered that the enforcement powers

February 3, 1977

would be shared between the Department of Highways, the Justice Department and the Public Service Commission. There is no reason for the PSC to have a man at the weigh station if there is not a high volume of traffic. It is inconceivable that this duplication is allowed to continue in government.

Senator Aber asked how long it takes to inspect trucks for compliance with PSC regulations. Mr. Rick answered that if there is nothing wrong, it takes five to ten minutes. If there is a violation, it takes about one hour per truck on the average.

Senator Aber asked how long the GVW inspections take. Mr. Copley answered that if it's just weighing a vehicle, it takes about two minutes. If the license needs to be checked it takes about five to ten minutes.

Senator Regan noted that often times there is also a Highway Patrolman at the scales checking the registration and licenses.

Senator Aber asked if the GVW could now check title and license. Mr. Copley answered that they can check the license and title and often do so.

Senator Aber asked then what the third agency involved was. Senator Regan answered that she was in doubt too that it takes three agencies, but that is what the budget committees are told at the budget hearings.

Senator Aber asked if when the vehicles are weighed, the shipping papers are requested. Mr. Copley answered that they do not ask for their authority to operate presently.

Senator Bergren asked how this would affect GVW. Mr. Copley answered that it would have an effect in the areas of high volume traffic where they would have to hire additional people or transfer from other areas for the added coverage. There is the possibility of traffic jams in which case the trucks would have to be turned loose. At some scales there would be no problems.

Senator Aber asked if the figures were available for the amounts of money requested from the three agencies for this enforcement. Senator Regan answered that she would come up with those figures for two of the agencies, but that it was difficult to find the correct figures for the Department of Justice as they are mixed in with the other functions of the Montana Highway Patrol. The Highway Patrol does make the checks when they stop vehicles.

Senator Aber asked what percentage of the time the Highway Patrol spent at the scales. Mr. Copley answered that he thought it would be very minimal, maybe 5%.

Senator Graham stated that if the burden of enforcement would be falling on the GVW division, then they should do an evaluation as to the volume of traffic in the different areas and the additional

February 3, 1977

personnel that would be needed. Senator Graham asked if there would be more expense to the GVW division than today if this bill were adopted. Mr. Copley answered yes.

Senator Blaylock commented that he had done some trucking and it was his observation that all of the weigh stations should be like the one at the Crow Agency so that it could get traffic from two different directions instead of having two weigh stations and constantly having one or the other closed. The Highways Committee should address the entire problem and consider the options that North Dakota and Wyoming have so that the scales can be open for 24 hours a day and perform all of the needed functions. Another problem seems to be the frontage roads that are being used by the truckers to avoid the scales. Thousands of dollars of damage is being done to our roads when the axles are over the allowed weight.

CONSIDERATION OF SENATE BILL 208: Senator Blaylock, chief sponsor of this bill noted that the committee should consider a minor amendment to SB 208 that was an oversight. On page 1, line 24, the word "not" should be inserted between the words "is" and "less". In explaining the bill, Senator Blaylock commented that we have all seen state motor cars large enough to have several persons in them traveling down the highways with only one person in them. In doing some checking, Senator Blaylock said that he had found that the state has paid out almost \$2 million a year for gas to run the state motor pool vehicles if the units of the university system are included. We are all aware of the energy crisis. There is no reason why we can't run mostly compact cars in the pool for those cases in which only one person is using the car. The pool tries to get people going in the same direction to wait for one another and only take one vehicle, but the users of the cars can seldom wait. If one man is going alone, he should take a compact. The argument that compacts make you tired is just an excuse.

Senator Blaylock further commented that the operative part of this bill leaves some leeway so that the departments will still have some discretion. Small cars cost less, the tires cost less, they use less oil and gas, and the parts cost less. If the legislature gives this much direction to the state through SB 208, a savings could be realized and we would be helping the nation in this energy crisis.

Mr. Larry Tobaison, the Vice President of the Montana Auto Association, testified that we as a country have fallen far below our needs in the energy production area and have become dependent on foreign oil. Before the oil embargo we imported 36% of our oil, now we import 42%. In 1972 the cost of oil was \$3 per barrel, now it is \$12 per barrel. We consume 7,127,000 barrels of oil a day and the amount of imported oil has increased 1.4 million barrels a day. As the cost of oil increases it adds to the inflationary spiral, constantly forcing prices upwards. Currently the sale of bigger cars has increased at a time when we should be fearful of rationing. The state should step forward to set the example and the pace for the rest of the people through adoption of SB 208.

February 3, 1977

Mr. Luther Glenn, purchasing agent for the Department of Administration testified that the policy of the state was already to buy compacts and mid-sized cars. There is agreement with the concept as the Department of Administration tries to get cars that average around 20 miles per gallon. The problem comes in interpreting the EPA guidelines and the problems that would be created by this bill with bidding and disputes of contracts. The EPA itself has differences in the quotes that would apply under this bill. In order to avoid contract debates, the purchaser would have to reestablish the awards and the miles per gallon. The reference to the EPA minimum gas mileage standards should be defined by the purchasing division as it is now, using their best judgement. Many institutions require larger vehicles for security reasons. There is also a problem with the definition of U.S. made cars. Would cars that are manufactured overseas and assembled in the U.S. count?

Senator Blaylock commented that the bill makes exceptions for the law enforcement vehicles, such as the Highway Patrol. What would be the need of larger vehicles at the other institutions? Senator Blaylock also asked for clarification on Mr. Glenn's testimony. All three of the big U.S. manufacturers have small cars; the agency could bid on these. Senator Blaylock questioned why the station wagons were needed. How many trips take 7-8 people. When there are different sized cars available, the motor pool gets static when they give people the small cars. If all of the cars are small, there would be no disputes. With a four cylinder car, the 20 miles per gallon currently aimed at by the department could be cut by better than 1/3 to 28-30 miles per gallon.

Chairman Manning asked Mr. Glenn how some would be shut out of the competitive bidding. Mr. Glenn responded that there was a difference in the criteria for the upper 1/3 in fuel efficiency. The EPA changes this constantly; the manuals define it differently. Currently the department doesn't buy any sub compacts, and under one of the definitions looked at, there would be no compacts that would qualify. The state's best buy is between the mid-sized and the compact cars.

Senator Healy asked how this bill would affect the highway survey crews that sometimes carry 4-6 people and equipment. Senator Smith commented that the GVW division also used station wagons with portable scales in them. Senator Lockrem added that the Highway Department maintenance crews sometimes needed larger cars. Senator Blaylock asked if the Department of Administration bought the highway vehicles. Mr. Glenn answered yes. Senator Blaylock commented that the point was well made. Senator Healy replied that a simple amendment could take care of the problem.

Senator Graham asked the percentage of compact cars to big cars in the motor pool now. Mr. Glenn answered that about 2/3 of the fleet cars are mid-sized or smaller, with 1/3 larger cars or vans. The institutions, especially the University system use the multipurpose wagons and vans extensively.

Page eight
Highways and Transportation

February 3, 1977

in line with legislative intent and therefore SB 312 attempts to put the law back into the shape it was in before the decision. During the current registration period the person would not have to pay another plate fee.

DISPOSITION OF SENATE BILL 312: Senator Smith moved that SB 312 do pass, Senator Lockrem seconded the motion. The motion carried unanimously with Senator Etchart absent.

Senator Aber asked that Senate Bill 325 be tabled for the time being.

DISCUSSION OF SENATE BILL 142: Senator Aber noted that Mr. Wheeling had worked up some amendments to the bill which would set an upper limit of \$25,000 and would eliminate the county sharing if the sophisticated towers are completed and the county relay stations are no longer needed. (Attached #2)

Senator Lockrem noted that he had a problem with the upper limit part. This was a contradiction to Captain Tooley's whole testimony about the pro rata contributions of the counties to the highway patrol. Chairman Manning commented that the upper limit almost indicated that the first contention made by the proponents of the bill was false.

Senator Aber said that he could see reason for the upper limit as it would be possible to generate more revenue through fines than it cost to operate the communications centers, especially if the fines are raised as legislation proposes to do.

Chairman Manning commented that the last section amendments were a bit peculiar, too, and asked for clarification of the rationale for that amendment. Senator Aber replied that the whole system will eventually be automated relays. When these relays are completed, the county centers will no longer be needed. If that were to happen, then the Highway Patrol would not want to continue to share the fines with the county.

Chairman Manning noted that if this problem of obsolete centers arises, the law could be amended two years from now. He commented further that the committee could also be criticized for pulling the \$25,000 figure right out of the air.

Senator Lockrem commented that the second amendment sounded as if the Highway Patrol will use the counties while they need them and then drop them later on when they're not needed.

Senator Bergren suggested that if the first amendment were necessary, then perhaps the solution would be to adjust the 20% figure downward if the fines create more revenue than is needed for the cost of the operation.

Page nine
Highways and Transportation

February 3, 1977

Senator Lockrem suggested that the committee forget the \$25,000 limit and simply qualify that the actual cost is not to exceed 20%. That would take care of the problem in Billings, too, where the center is only open 8 hours during the week each day and all day on the weekends. The amendment might be worded: "The Montana Highway Patrol shall remit the actual increase in cost to the counties not to exceed 20% of the fines collected."

Chairman Manning suggested that the amendments be looked at more closely and discussed again at the next meeting.

ADJOURNMENT: There being no further business, the meeting was adjourned at 11:10 a.m.

Dave Manning
DAVE MANNING, CHAIRMAN

ROLL CALL

HIGHWAYS AND TRANSPORTATION COMMITTEE

45th LEGISLATIVE SESSION - - 1977

Date 2/3/77

NAME	PRESENT	ABSENT	EXCUSED
Dave Manning, Chairman	✓		
Larry Aber, Vice Chairman	✓		
Tom Hager	✓		
Frank Hazelbaker	✓		
Lloyd Lockrem	10:05 ✓		
Mark Etchart		✓	
Carroll Graham	9:45 ✓		
John Healy	✓		
Richard Smith	9:45 ✓		
Russell Bergren	✓		

SENATE Highways & Transportation COMMITTEE

BILL SB 208, SB 312,
SB 325, SB 327

VISITORS' REGISTER

DATE 2/3/77

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY

STANDING COMMITTEE REPORT

February 3

19 77

MR. President

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

having had under consideration **SENATE** Bill No. **312**

Respectfully report as follows: That **SENATE** Bill No. **312**

DO PASS

Pa.

STANDING COMMITTEE REPORT

February 3

19 77

MR. President

We, your committee on

HIGHWAYS AND TRANSPORTATION

having had under consideration

SENATE

Bill No. 147

Respectfully report as follows: That

SENATE

Bill No. 147

DO PASS

G.A.

Jack C. Crosser, Director
Department of Administration

Luther Glenn, Administrator
Purchasing Division

February 2, 1977

Introduced Legislation, Senate Bill No. 202

Implementation of this Act may require the Department of Administration to periodically issue a list of acceptable vehicle brands and models which are sufficiently defined in detail to justify the acceptance or rejection of competitive bids.

Establishing a list of acceptable brands and models should be subject to the pre-determined definition of "the upper one-third of the most fuel efficient U.S.-made passenger vehicles as determined by the United States environmental protection agency." Would all manufacturers' various models and engine sizes be a consideration of award?

It is the recommendation of the Purchasing Division that a minimum standard of acceptable gas mileage be established for each of the basic categories of State vehicle requirements. These basic categories of purchase are described within a memorandum issued by Governor Judge on May 17, 1976. That memorandum directs all State Agencies to comply with pre-established Department of Administration specifications geared toward the conservation of energy and economy.

It should be noted that deviations from these established specifications, issued by the Purchasing Division, may now be authorized if properly justified in writing. The receipt of properly justified deviations allows for the purchase of unique security requirements. Examples of the need for deviations include the State Prison, Pine Hills School, and the Department of Revenue, as well as various Institutions and University Units requirements for vehicles which exceed a nine (9) passenger capacity.

STATE OF MONTANA

DEPARTMENT OF ADMINISTRATION

Memorandum

THOMAS L. JUDGE
GOVERNORTO: Robert Person,
Legislative CouncilFROM: Curt Wheeling, Administrator
Communications Division

DATE: February 1, 1977

SUBJECT: SENATE BILL 142

The following is a proposed amendment to Senate Bill 142 to correct the possible problem areas discussed in the committee hearing.

Section 1 remains unchanged.

Section 2 is amended to read as:

Section 2. There is a new R.C.M. section that reads as follows:

Portion of fine for law enforcement communications. To assist local law enforcement agencies in costs incurred while dispatching highway patrolmen with local law enforcement communications systems, a justice court may, subject to the provisions of this section, remit 20%, not to exceed \$25,000 in one year, of all fines and forfeitures collected from persons apprehended by a highway patrolman for violation of any law (other than 32-2144.1, relating to the 55-mile-per-hour daytime speed limit) or rule relating to the use of state highways and operation of vehicles thereon, to the treasurer of the county in which the court is situated. The county treasurer shall deposit these moneys to be appropriated by the governing body of the county for law enforcement communications purposes. If primary responsibility for law enforcement communications, particularly the dispatching of highway patrolmen, is exercised by a metropolitan police department in county, the county treasurer shall pay these moneys to that city or town governing body, which may utilize them for law enforcement communications purposes. Should the communications facilities and/or systems of the highway patrol improve to the point that local law enforcement communications personnel and/or systems are no longer required to dispatch highway patrolmen in a particular county, this provision shall no longer apply to that county. Should this occur, the justice court must be notified in writing by the chief of the highway patrol at least thirty days prior to the desired effective date.

cc: Joe Sol