

MINUTES OF THE MEETING
HIGHWAYS AND TRANSPORTATION COMMITTEE
MONTANA STATE SENATE

February 10, 1977

The nineth 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: Senator Hager was excused, Senators Smith and Etchart were absent. All other Senators were present.

The following witnesses were present to testify:

Edward Neils	St. Regis Paper Company
Gerald Neils	Montana Logging Association
Robert Helding	Wood Products Association
Don Copley	Department of Highways
James Beck	" " "
Don Coleman	Montana Motor Carriers
William J. Novak	Montana Mobile Dealers Association
Ross Cannon	" " " "
John Johust	" " " "
Ted Stollfuss	Montana Highway Patrol
Larry G. Majerus	Administrator/Motor Vehicles Div.
Barry L. Hjort	Montana Mobile Homes Association .

CONSIDERATION OF SENATE BILL 407: Senator Jergeson, chief sponsor of this bill, testified that he had introduced this bill at the request of one of his constituents. There had been a problem in Glasgow with a mobile home that in turning a corner wiped out a parked car. Senator Jergeson stated that flag cars only make sense when moving such large objects over the highways.

Mr. Barry Hjort, representative of the Mobile Home Dealers Association, testified in opposition to this bill. He summarized the dealers' objections as falling into several different categories: 1. Economic - the cost of implementing this bill would be great to the dealers; 2. Unnecessary from a safety perspective; 3. Unwise because of the gas that would be consumed, especially when we should be conserving energy; 4. Unnecessary because the Director of the Department of Highways already has the authority to make regulations to control the movement of mobile homes on the highways. Mr. Hjort presented written testimony to the committee with the Mobile Home Dealers Association's recommendation that the committee recommend that SB 407 do not pass. (Attached #1)

Sergeant Ted Stollfuss of the Montana Highway Patrol also testified in opposition to the bill, presenting to the committee a diagram of the caravan that this bill would require whenever a mobile home were moved. (Attached #2) Sergeant Stollfuss stated that in 1975 there were 46 accidents involving mobile homes, this figure including all sizes of mobile homes. Following the lessening of the restrictions covering the movement

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of mobile homes in 1975, the accident figures went down, with only 33 accidents reported in 1976. Eleven of these occurred on the interstate, and at least 50% of those were wind damage between Big Timber and Livingston. Three of the accidents occurred in cities, and 19 occurred on county and state roads.

In explaining the diagram, Sergeant Stollfuss stated that the long caravan that is created with both front and rear flag cars leads to a traffic hazard when a vehicle wants to pass the slow moving train which totals 304 feet in length.

Mr. Jim Beck of the Department of Highways distributed copies of a written report to the Director of Highways concerning mobile home accidents and a copy of the Department of Highways reaction to SB 407. (Attached #3 & 4)

Mr. Don Copley also of the Department of Highways testified the the Director of the Department of Highways has the power to makes rules and regulations governing the movement of mobile homes on the highways. In 1975 the regulations were changed because the department felt the rules now in effect were just and reasonable. To date, the department has received no written complaints about how mobile homes are moved and field men have received very few verbal complaints. Since the regulations were relaxed, there have been fewer accidents.

Senator Graham asked if there was any restriction on speed for mobile homes. Mr. Hjort answered that the maximum speed allowed was 50 MPH and the minimum was 20 MPH. Mr. Copley confirmed that the maximum allowed was 50 MPH.

Senator Graham asked if the Highway Patrol had any idea how many of the accidents reported were accidents involving other vehicles. Sergeant Stollfuss responded that the computerized reporting system doesn't specify, but simply records all accidents involving mobile homes where the damage is \$250 or more. Senator Graham commented that he doubted that the collision rate was very high. Sergeant Stollfuss added that he had contacted the heads of the five traffic divisions and they had received no written or oral complaints about the movement of mobile homes.

Senator Aber asked Senator Jergeson about the accident in Glasgow involving the mobile home. How would a pilot car have helped if the car was parked? Senator Jergeson said that the people who had asked him to introduce this bill felt that if the rear pilot car had been able to radio to the driver over a CB, the accident could have been avoided.

Senator Healy asked if there was any time of the year in which most of these accidents were occurring. Sergeant Stollfuss responded that although the computer print-out was difficult to decipher, it appeared as if the accidents were well distributed.

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Senator Hazelbaker reminded the committee that the Business and Industry Committee had transferred ten bills to the Highways and Transportation Committee for hearing. Nothing appeared to be of real controversy.

DISCUSSION OF SENATE BILL 147: Senator Graham asked if Mr. Beck had the amendments that had been worked up as a compromise between the Department of Highways and the opposition to the bill. Mr. Beck told the committee that Mr. Helding had offered these amendments and that after the head of the Highway Department had reviewed them, the department could support them. The amendments are as follows: Amend page 2, section 1, line 12, following "7%", insert "In the event the vehicle or combination of vehicles is not in excess of the allowable weight limitations by more than 7%, the department may issue a single trip permit for the fee of \$10 for allowing said vehicle or combination of vehicles to move over the highways to the first facility where its load can be safely adjusted or to its destination." And amend page 2, section 1, line 14, following "loads", strike ", when necessary," and insert "in excess of 7%". Mr. Beck commented that the effect of these amendments would be to allow the weigh master to issue a trip permit when the load was under 7% overweight. The department does not want to allow the overweight trucks to be able to buy a permit and then continue to move over the highways with the load. The department feels that they can live with these amendments, and that they may be strengthening the bill.

Senator Graham asked if the trucks were over 7% over, would they have to get legal. Mr. Beck answered yes they would and they would also be fined.

Mr. Robert Helding of the Wood Products Association stated that these amendments solve some of the problems that the loggers had with the bill.

Senator Aber asked if there was no fine if they were under 7% overweight. Mr. Beck answered no, that they would have the option then of buying the \$10 trip permit. Senator Aber asked how far the permit could be for. Mr. Beck answered that if the language was only to the destination then they would have the problem of some truckers always being over. Senator Aber asked how far apart the scales were. Mr. Copley answered that they can not get another trip permit at the second scale. They would be fined if they were still overweight at the second scale.

Senator Graham commented that most people at the scales realize that there are places to dump part of their load so as to become legal. Mr. Copley added that the scale masters would specify on the permit how far the truck would be allowed to travel before adjusting the load. If the truck went further, it would be fined.

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Mr. Copley added that oversize, overweight permits are available for trucks that cannot meet the GVW requirements.

Mr. Helding commented that this bill was designed for the person honestly in error, not for those truckers who would constantly haul overweight.

Senator Graham asked if the weigh scales personnel took icy conditions into account when they weighed trucks. Mr. Copley responded that the conditions are left to the discretion of the scale master, but seldom is there any problem with complaints that the weather conditions were not taken into account in weighing.

Mr. Gerald Neils commented that these amendments remove all of the possible problems that the loggers had with SB 147.

DISPOSITION OF SENATE BILL 147: Senator Healy moved that SB 147 be amended as Mr. Beck had suggested. Senator Aber seconded the motion. The motion carried unanimously with Senators Smith, Hager, Etchart and Lockrem absent.

Senator Healy moved that SB 147 do pass as amended. Senator Hazelbaker seconded the motion. The motion carried unanimously with Senators Smith, Hager, Etchart and Lockrem absent.

DISPOSITION OF SENATE BILL 407: Senator Aber moved that SB 407 do not pass. Senator Bergren seconded the motion. The motion carried unanimously with Senators Smith, Hager, Etchart and Lockrem absent.

DISCUSSION OF SENATE BILL 142: Senator Aber suggested that it would be important to amend the bill so that only participating counties received 20% of the fines collected for their communication centers. The other amendment suggested sets an upper limit of \$25,000 on the amount that a county could receive. Right now Missoula county is requesting \$17,000 from the Highway Patrol for operation of the law enforcement communication center. When the fines increase, the Highway Patrol is concerned that it would be paying the counties more than it cost to operate the communication centers. The \$25,000 limit is less urgent than the other amendments, but may also be needed soon. Senator Aber commented that he thought that the wording of the amendments suggested by Mr. Wheeling was a bit awkward, but the idea was good.

Bob Person, committee researcher, told the committee that it now had four different possibilities before it for amendments. The first suggestion is that made by Mr. Wheeling which changes the basic language of the bill. (See attachment #2 of the minutes of February 3, 1977.) The second suggestion is that which Mr. Person worked up from the committee discussion of February 1, 1977. (Attached #5) The third suggested language is that made by Senator Lockrem (see minutes of February 3, 1977), which is a significant change in the bill. Senator Lockrem's amendment

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would require a procedure by which the counties would justify the actual costs of running the communications center. The Highway Patrol would have fiscal control under Senator Lockrem's amendment. The other amendments set up automatic remittals to the counties. The fourth possibility would be to make no changes now and amend the law in future sessions if there are problems.

Mr. Person responded to questions from the committee concerning the exact wording of the amendments. Mr. Person added that both his amendment and that of Mr. Wheeling would be helpful in that it would not remit money to the counties for regular communication carried on with the Highway Patrol, but only for communication carried on for the benefit of the Patrol.

Chairman Manning asked how high the costs of the centers were running now. Senator Aber answered that Missoula county was requesting \$17,000 from the Highway Patrol. The federal government paid for the original equipment in these centers, but the costs of maintaining and updating that equipment in addition to staffing the centers has fallen upon the local governments.

Chairman Manning commented that he felt the \$25,000 mark was a shot in the dark. He suggested that the payments should continue beyond that figure if they are justified. Perhaps beyond the \$15,000 mark the counties should receive 10% of the fines collected. Chairman Manning suggested that there needs to be some experience with this before the committee could set a reasonable limit.

Senator Aber responded that the Highway Patrol did not want to pay for more than its share, so the \$25,000 mark seemed reasonable to him. Chairman Manning suggested that perhaps the committee should try the \$25,000 limit for now.

DISPOSITION OF SENATE BILL 142: Senator Hazelbaker moved that SB 142 be amended according to Bob Person's suggested amendments. Senator Bergren seconded the motion. The motion carried unanimously with Senators Smith, Lockrem, Hager and Etchart absent.

Senator Aber moved that SB 142 do pass as amended. Senator Hazelbaker seconded the motion. The motion carried unanimously with Senators Smith, Lockrem, Hager and Etchart absent.

ADJOURNMENT: There being no further business, the meeting was adjourned at 10:30 a.m.


DAVE MANNING, CHAIRMAN

ROLL CALL

HIGHWAYS AND TRANSPORTATION COMMITTEE

45th LEGISLATIVE SESSION - - 1977

Date 2/10

Each day attach to minutes.

SENATE Highways & Transportation COMMITTEE

BILL SB 407

VISITORS' REGISTER

DATE 2/10

STANDING COMMITTEE REPORT

February 10, 1977

MR. President

We, your committee on HIGHWAYS AND TRANSPORTATION

having had under consideration SENATE Bill No. 407

Respectfully report as follows: That SENATE Bill No. 407

DO NOT PASS

300X468X



STATE PUB. CO.
Helena, Mont.

DAVE MANNING

Chairman

STANDING COMMITTEE REPORT

February 10, 1977

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, first reading, be amended as follows:

1. Amend page 2, section 1, line 12.

Following: "7%."

Insert: "In the event the vehicle or combination of vehicles is not in excess of the allowable weight limitations by more than 7%, the department may issue a single trip permit for the fee of \$10 for allowing said vehicle or combination of vehicles to move over the highways to the first facility where its load can be safely adjusted or to its destination."

2. Amend page 2, section 1, line 14.

Following: "loads"

Strike: ", when necessary,"

Insert: "in excess of 7%"

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AND AS SO AMENDED, DO PASS

STATE PUB. CO.
Helena, Mont.

DAVE MANNING

Chairman.

STANDING COMMITTEE REPORT

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MR. President

We, your committee on

SENATE

having had under consideration

Bill No. 142

Respectfully report as follows: That SENATE

Bill No. 142,

first reading, be amended as follows:

1. Amend page 2, section 2, line 15.

Following: "situated."

Insert: "Such remittances may not exceed \$25,000 per year
in a county."

2. Amend page 2, section 2, line 23.

Following: "purposes."

Insert: "This section does not apply in the event a local
government does not provide communications support services
for the highway patrol."

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AND AS SO AMENDED, DO PASS



Chairman.

SENATE BILL 407

HIGHWAYS COMMITTEE

February 10, 1977

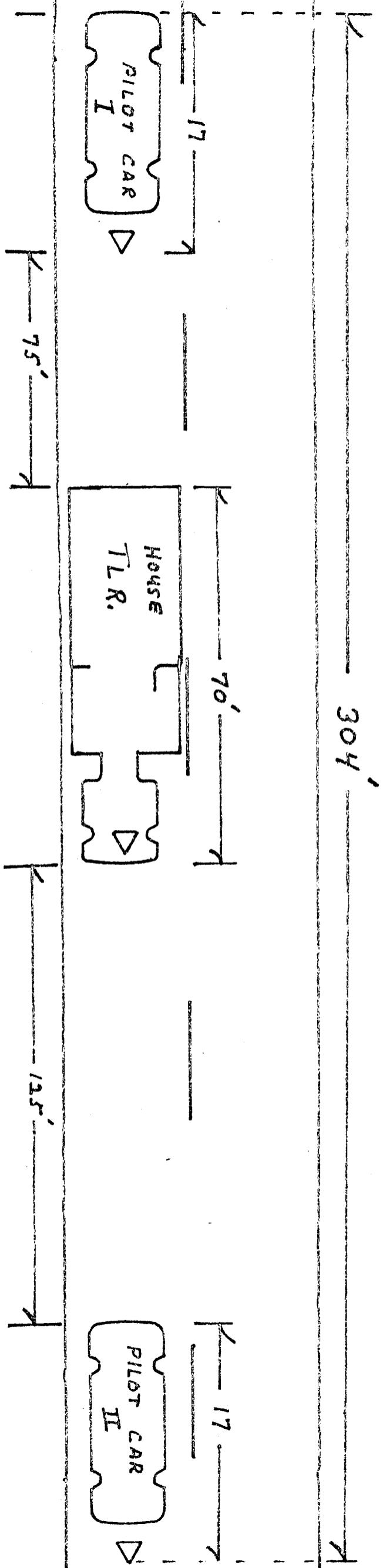
The Montana Mobile Homes Association opposes Senate Bill 407 on the following grounds:

1. Passage of the bill would result in significant added expense to mobile home dealers and others in transporting mobile homes over Montana's highways by requiring two pilot cars on the movement of nearly every mobile home. (any home wider than 102 inches) Not since 1969 have pilot cars been required on any movement which does not exceed 12 feet in width.
2. The two pilot car requirement would not serve the public health, safety and welfare interests of the traveling public nor improve traffic safety over present regulations.
3. Legislation is unnecessary because the Director of the Department of Highways may, if conditions require action, impose additional or more stringent regulations regarding pilot car use by administrative rule.
4. Present regulations which require a leading pilot car on oversize movements (14 feet and wider) on primary and secondary highways and no pilot car on completed sections of the interstate highway system have proven workable and sufficiently protective of the safety of Montana's driving public.

ROSS W. CANNON
BARRY L. HJORT
1721 11th Avenue, Helena, Montana
ON BEHALF OF THE MONTANA MOBILE
HOMES ASSOCIATION

TOTAL ACCIDENTS	1975	46
INTERSTATE	33	
CITY	11	
ALL OTHER	3	

19	COUNTRY & STATE
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50 MPH = 75' PR. SEC.

INTER-DEPARTMENTAL MEMORANDUM

DEPARTMENT OF HIGHWAYS

H. J. Anderson, Director of Highways

Date November 26, 1976

from Donald R. Copley, Acting Admin. - G.V.W. Division

Subject 22 GVW 10, 77-5; 500

Re: New Regulation - Mobile Home Movement effective April 8, 1976
 18-2.10(14)-S10170, Sub-section (7); MAC Order 18-2-14

The following is a report of information we have received regarding new regulation for mobile home movement, from various G.V.W. Enforcement Officers:

<u>Moves Observed</u>	<u>Violations</u>	<u>Compliance</u>
27	5	22

It was mentioned that on 13 of the 27 observed moves, mobile homes were infringing on opposing lane of traffic on narrow roadway and bridges with very narrow shoulders.

We have not received any serious complaints from the motoring public. A few have been mentioned to G.V.W. Enforcement Officers.

The following recommendations have been received:

1. That our special permit have the regulations printed on it.
2. That the maximum speed of 50 M.P.H. for movement of mobile homes be also printed on the permit.

The following information has been secured from the Highway Patrol regarding accidents involving mobile homes:

4/8/76 to 11/18/76	18 accidents
4/8/75 to 11/18/75	33 accidents
4/8/74 to 11/18/74	23 accidents
4/8/73 to 11/18/73	31 accidents
4/8/72 to 11/18/72	28 accidents

Day of Week Mobile Home Accident Occurred:

	<u>Monday</u>	<u>Tuesday</u>	<u>Wednesday</u>	<u>Thursday</u>	<u>Friday</u>	<u>Saturday</u>	<u>Sunday</u>
1976	1	4	3	4	5	1	0
1975	3	4	7	4	9	4	2
1974	6	4	4	3	5	0	1
1973	6	8	6	4	7	0	0
1972	7	5	5	4	5	2	0

In reviewing the summary of accidents, it shows that there have been fewer accidents since the new regulation went into effect.

cc: W. Blake

S. B. 407 -- Pilot Cars on Mobile Homes

1. We have not received any written complaints as to movement of mobile homes. A few verbal complaints have been received.
2. Accident statistics show a decline in the number of accidents since pilot car requirements were relaxed.
3. Mobile homes are now moved as follows:
 - a. 10' wide - Wide Load sign front and rear.
 - b. 12' wide - Wide Load sign and lights front and rear
 - c. 14' - 16' - 18' - Wide Load Sign, lights front and rear and pilot car preceding on primary and secondary. With signs and lights, no pilot car is required on completed interstate. Two way radio communications is required between the pilot car and the toter.
4. Prior to April 8, 1976, mobile homes were moved as follows:
10' wide - Wide Load Sign front and rear.
12' wide - Wide Load Sign and lights front and rear.
14' wide - Wide Load Sign, lights front and rear and a pilot car preceding. With proper signs and lights, pilot car not required on completed interstate.
16' and 18' wide - Pilot cars required front and rear for all travel.
5. Highway Patrol will be presenting testimony regarding safety, accidents, location of pilot cars in proposed legislation, additional vehicles which can present hazards and consume additional fuel, etc.
6. Attached is a copy of movement regulations and a report to H. J. Anderson.

STATE OF MONTANA
DEPARTMENT OF HIGHWAYS

ADMINISTRATIVE ORDER NO. 18-2-14

(1) I, H. J. ANDERSON, Director of the Department of Highways of the State of Montana, by virtue of and pursuant to the authority vested in me by the Montana Administrative Procedures Act, do promulgate and adopt the annexed rules and regulations to wit:

AMD: 18-2.10(14)-S10170 MOBILE HOMES
as permanent rules of this Department.

(2) This order after first being recorded in the order register of this Department shall be forwarded to the Secretary of State for filing.

APPROVED AND ADOPTED March 17, 1976

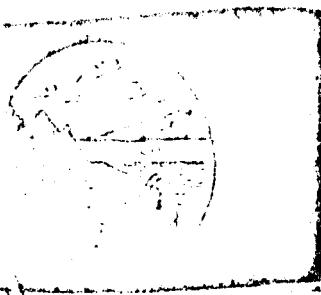
CERTIFIED TO THE
SECRETARY OF STATE March 17, 1976

By:


H. J. Anderson
Director of Highways

Attached #4

THOMAS L. JUDGE
GOVERNOR



STATE OF MONTANA
DEPARTMENT OF HIGHWAYS

HELENA, MONTANA 59601

H. J. ANDERSON
DIRECTOR OF HIGHWAYS

IN REPLY REFER TO
22 GVW 77-5

TO: ADMINISTRATIVE CODE COMMITTEE

STATEMENT

Re: 18-2.10(14)-S10170, sub-section (7) (j)

MAC Notice No. 18-2-10; MAC Order No. 18-2-14

At a public hearing conducted on March 25, 1975, considerable testimony was given to the effect that rear flag cars do not serve to protect the travelling public and, in some instances, pose an additional hazard to vehicles on the highway. Further, present regulations governing overwidth movements as contained in sub-section (8) of Rule 18-2.10(14)-S10120, provide in part that except for mobile homes, vehicles or loads with a total outside width in excess of 144" shall be preceded by a flagman escort. (Emphasis added)

Therefore, it is the decision of the Director of Highways that the attached rule be put into effect at this time. Public reaction, especially of the travelling public, will be carefully noted and should it be substantially adverse, steps will be taken to revoke and repeal the rule under procedures prescribed by the Administrative Procedures Act.

A handwritten signature in black ink, appearing to read "Anderson".
H. J. ANDERSON
Director of Highways

March 17, 1976

GEORGE VUCANOVICH CHAIRMAN
HELENA

P. L. BACHELIER
HELENA

WALTER L. PARSONS
HELENA

POSSIBLE AMENDMENTS TO SENATE BILL 142, PROPOSED AT THE HEARING 2/1/77.

1. Amend page 2, section 2, line 15.

Following: "situated."

Insert: "Such remittances may not exceed \$25,000 per year in a county."

2. Amend page 2, section 2, line 23.

Following: "purposes."

Insert: "This section does not apply in the event a local government does not provide communications support services for the highway patrol."