

MINUTES OF THE MEETING  
HIGHWAYS AND TRANSPORTATION COMMITTEE  
MONTANA STATE SENATE

March 3, 1977

The sixteenth 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, Senator Smith arrived at 9:40 a.m. All other members were present.

Those present to testify included the following:

Kenneth Clark	United Transportation Union
Carl Knutson	Brotherhood of Motor Way Employees
David Oliver	Department of Transportation, Highway Division

CONSIDERATION OF HOUSE BILL 626: Representative Bob Sivertsen, chief sponsor of the bill, testified that this bill would raise the speed limit from 55 MPH to 65 MPH. Representative Sivertsen said that he had contacted other western states and had found that Oklahoma in 1975 had passed this same law and that Kansas, Idaho and Wyoming were introducing like legislation. If these states and others stick together, we might have some impact on Congress, whereas if Montana works alone, it would be futile.

Representative Sivertsen stated that the great concern before had been the withholding of highway funds if the states did not comply. This bill provides a way to convey the message to Congress that the western states are dissatisfied with the 55 MPH speed limit. This bill would only become effective upon the passage of similar bills in 29 other states. If 29 other states pass such bills, the pressure would be on Congress to remove the funding provision that forced states to comply with the 55 MPH speed limit.

Mr. David Oliver of the DOT Highway Division said that he had been concerned with this bill until the 29 state provision was included and that Congress would be forced to take a look at the law if there were such a mandate as 29 states. Mr. Oliver commented that lots of people seem to fall asleep easier and gauk around more at 55 than at 65. The Montana Highway Patrol feel that the present speed limit is awkward with the good roads.

Mr. Oliver continued his testimony referring to the reason for the 55 MPH speed limit being the saving of fuel and lives. Research seems to be contradictory as to fuel conservation with no two reports agreeing. It appears that fuel efficiency is specific to the individual cars, with some cars running just as good at 65 as a 55.

Mr. Oliver stated that the speed limit has had an adverse economic impact on the trucking industry for when the speed limit was imposed the firms had to put on more units to move the same amount of goods in the same amount of time. That means increased fuel consumption.

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One Idaho trucker told Mr. Oliver that he had had 10 trucks on the road, but the speed limit forced him to add two trucks, increasing costs by 18%. With the speed limit imposed, the 10 trucks saved an average of 6% on fuel consumption, but with the addition of the two extra trucks the fuel consumption had gone up past that level that occurred before the speed limit.

As to the saving of lives, Mr. Oliver testified that the death rate had declined, but that was not necessarily due to the speed limit. There were now better highways and safer cars than in years previous to the speed limit. Still, the greatest number of deaths is attributed to drinking which the speed limit doesn't affect.

Representative Mular testified that with the new effective date in the bill, the House Highways Committee did support the bill in its present form.

Chairman Manning asked how the number 29 had been arrived at. Representative Sivertsen answered that the Oklahoma law had been written that way. Representative Mular commented that with 29 states, there should be some clout provided to get Congress to address the issue. Chairman Manning asked if the states with the wide open spaces might not feel differently from the populous states. Representative Mular stated that 29 states can be considered wide open.

Senator Aber asked if the fine would still be \$5 for violations. Representative Sivertsen answered that this bill would do nothing with the present fines. Fines would still be \$5 unless the car was traveling at an "unsafe speed", and then would be fined accordingly. This bill would not change the 55 MPH speed limit at night either.

Senator Lockrem asked if there was anything sacred about the 29 states. Representative Sivertsen answered that the only reason it was used is so that it would be consistent with the Oklahoma law and there would be a cooperation among all of the states acting upon this type of legislation. Chairman Manning commented that there should be uniformity between the states and asked if the other states introducing legislation had used the same language. Representative Sivertsen said that Oklahoma's law was the only one that had passed and this was identical to it. He was not aware of the specific language in the other introduced bills, but knew that the intent was the same.

Representative Sivertsen closed by saying that this should be an issue that is handled by the states, not by the federal government. With the west sticking together, perhaps Congress would get the message that the people didn't like the federal mandates that are tied to money.

CONSIDERATION OF HOUSE JOINT RESOLUTION 11: Representative Wes Teague, chief sponsor of the resolution, stated that this is the same resolution that had been introduced last session and was intended to let the federal officials know that the people of Montana were not satisfied. Representative Teague said that he thought it would be in order for both HB 626 and this resolution to pass, the resolution

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providing the intent and the bill providing the action. Representative Teague pointed to an area in the resolution referring to large geographical states and sparsely populated states requesting some special consideration. Another section of the resolution notes that because of our sparse population, we contribute to the low fuel consumption.

Senator Aber asked if this would have any affect on the \$5 fines. Representative Teague answered that this was just a resolution to request Congress to give the West some consideration and would not have the effect of changing any law.

CONSIDERATION OF HOUSE JOINT RESOLUTION 53: Representative Mular, chief sponsor of the resolution, stated that this resolution seeks to inaugurate an experimental train running through Montana to connect with the Portland Rose, thereby giving Montanans access to Salt Lake City, Denver and Portland by rail. Representative Mular stated that Congress has authorized the National Railroad Commission to start one experimental train per year. It is the hope of this resolution that next year's experimental train might go to Montana.

Representative Mular told the committee that the track and the train already existed, using the BN and UP railroads. This resolution would go to the Congressional delegations, the Governor of Idaho and the Secretary of the Department of Transportation. Senator Mansfield has already supplied much testimony on the subject to the Congressional Record, and that testimony should be helpful to the passage of this experimental train.

Representative Brand, a co sponsor of the bill, testified that experimental trains are being tried, but there is no North - South run west of Chicago. With the energy crisis impending, mass transportation will have to be looked at seriously for the future. It also behooves us to look at all modes of transportation to move people.

Mr. Kenneth Clark, representing the United Transportation Union, testified that a train can get 500 tons per mile per gallon while a truck only gets 200 tons per mile per gallon, for more than double fuel efficiency. This is therefore a very important bill for public transportation.

Senator Smith asked if the train would run further north from Helena. Representative Mular stated that the terminals would be in Great Falls, Butte and Pocatello with a terminal point out of Helena. Senator Smith commented that Helena was one of the hardest towns to get in and out of for a capitol city.

DISPOSITION OF HOUSE JOINT RESOLUTION 11: Senator Aber moved that HJR 11 be concurred in. Senator Lockrem suggested that HB 626 was the better of the two and that HJR 11 should be held to see the outcome of HB 626. The bill would be much more effective.

Senator Aber said that he could see nothing wrong with passing both the resolution and the bill. Senator Lockrem seconded the motion.

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The motion carried unanimously with Senators Hager, Hazelbaker and Graham absent. Senator Aber will carry the resolution on the floor.

DISPOSITION OF HOUSE BILL 626: Senator Lockrem moved to amend HB 626 on page 2, line 18, striking section 3 in its entirety and inserting a new section 3 to read as follows: "Effective date. The governor may issue a declaration to implement the provisions of this act when such implementation will not jeopardize the state's continued eligibility to receive funds authorized by the Federal Highway Act." Senator Lockrem commented that the 29 states provision bothered him and that this amendment would allow the governor to confer with the Washington bureaucrats and find out if the threat of withholding funds still exists. If it does not exist, the governor may implement the act.

Senator Smith seconded the amendment commenting that this way we wouldn't need to get all 29 states in order to implement the 65 MPH speed limit, but at the same time we would not have to take on the federal government.

Senator Aber said that he liked the amendment because it would allow the state to act without federal action. Senator Healy commented that this amendment would be easier to defend because the 29 state figure was not just pulled out of the air. Senator Lockrem stated that the amendment helped to make the bill stronger and at the same time it would give the governor the ability to call the federal bluff without jeopardizing funding.

Chairman Manning commented that this was a novel idea, but might also be double edged with the 29 state provision. It may end up doing the reverse if the magic number could not be reached. Senator Lockrem said that he couldn't think of 29 states with unique space problems. Senator Hazelbaker commented that the east coast and the west coast were anxious to raise the speed limit too because of their freeway system.

Senator Etchart commented that in order to get to a point of equity, the MPG might be figured on the weight of the car, the fact that the car is used mainly on the highways with no stops, etc. in order to allow a higher speed and thereby get better mileage still than the stop and go driving. Congress should be able to work out a formula for each state based on such data.

The motion to amend carried unanimously with Senators Hager and Graham absent. Senator Lockrem moved that SB626 be concurred in as so amended. Senator Smith seconded the motion. The motion carried unanimously with Senators Hager and Graham absent.

DISPOSITION OF HOUSE JOINT RESOLUTION 53: Senator Hazelbaker moved that HJR 53 be concurred in. Senator Smith seconded the motion. The motion carried unanimously with Senators Hager and Graham absent.

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DISPOSITION OF HOUSE BILL 206: Senator Smith commented that during the short break he had informally polled 30 motor cycle riders and they all favored the passage of the bill. Most of them said that they would continue to wear the helmets most of the time, but that they hated the restrictiveness of the law. Senator Smith said that he had been surprised that the proponents of the bill had not mentioned that the act had been declared unconstitutional somewhere along the line.

Senator Lockrem commented that his 15 year old son had made a good comment about this bill, that the people that won't wear the helmets are the ones that should be. Senator Lockrem said that in light of the testimony of the safety director, the law should read 24 and not 18 years of age.

Senator Hazelbaker commented that he could not understand the logic of the statements made by the group that they don't want to be told to do something that would be a safety precaution. Senator Lockrem said that it was the same as construction crews having to wear hard hats.

Senator Smith noted that the hard hats had a head band and did not fit as closely to the head as the insulated helmets. Senator Lockrem stated that there would be a problem of enforcement no matter what the age limit was and that we would be placing an unfair burden on the Highway Patrol.

Senator Smith said that 18 years of age was not arbitrary, but it would help to keep people from sticking a little kid on there without a helmet. Senator Aber commented that 18 was the same type of age restriction found in other areas of the law and therefore was not arbitrary.

Senator Lockrem moved that the bill be amended to read 24 years of age instead of 18. Senator Etchart seconded the motion. Senator Smith noted that this would make the act even more unconstitutional. Maybe all mention of age should be left out except for the problem with kids.

Senator Lockrem stated that the problem was that the municipalities now had local ordinances dealing with the issue of motor cycle helmets that would be invalidated by the passage of this law.

A roll call vote was taken on Senator Lockrem's motion to amend and it was defeated by a vote of two to six.

Senator Smith moved that HB 206 be concurred in. Senator Lockrem seconded the motion. A roll call vote was taken and the motion carried by a vote of five to three. Senator Smith will carry the bill.

ADJOURNMENT: There being no further business, the meeting was adjourned at 10:25.

*Dave Manning*  
DAVE MANNING, CHAIRMAN

## ROLL CALL

## HIGHWAYS AND TRANSPORTATION COMMITTEE

45th LEGISLATIVE SESSION - - 1977

Date 3/3

SENATE Highways & Transportation COMMITTEE

BILL HB 626, HJR 11, HJR 53 VISITORS' REGISTER

DATE 3/3

SENATE COMMITTEE HIGHWAYS AND TRANSPORTATIONDate 3/3 Amendments to House Bill No. 206 Time 10:20

NAME	YES	NO
Larry Aber, Vice Chairman		✓
Tom Hager		
Frank Hazelbaker		✓
Lloyd Lockrem	✓	
Mark Etchart	✓	
Carroll Graham		
John Healy		
Richard Smith		✓
Russell Bergren	✓	
Dave Manning, Chairman		✓

Susan Brown  
SecretaryDave Manning  
Chairman

Motion: Senator Lockrem moved to amend line 15, page 1-  
 striking 18 and inserting 24 and amending the title to  
 conform. Sen. Etchart seconded the motion. The motion  
 failed 2-6.

(include enough information on motion--put with yellow copy of  
 committee report.)

SENATE COMMITTEE HIGHWAYS AND TRANSPORTATIONDate 3/3Bill No. HB 206 Time 10:30

NAME	YES	NO
Larry Aber, Vice Chairman	✓	
Tom Hager		
Frank Hazelbaker	✓	
Lloyd Lockrem	✓	
Mark Etchart	✓	
Carroll Graham		
John Healy	✓	
Richard Smith	✓	
Russell Bergren	✓	
Dave Manning, Chairman		✓

Susan Brown  
SecretaryDave Manning  
Chairman

Motion: Senator Smith moved that HB 206 be concurred in.  
Senator Lockrem seconded the motion. The motion carried  
5-3.

(include enough information on motion--put with yellow copy of committee report.)

# STANDING COMMITTEE REPORT

March 3

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MR. President

We, your committee on HIGHWAYS AND TRANSPORTATION

having had under consideration HOUSE JOINT RESOLUTION Bill No. 11

Respectfully report as follows: That HOUSE JOINT RESOLUTION Bill No. 11

RE CONCURRED IN

COMPASS

*Gl*

# STANDING COMMITTEE REPORT

March 3

19 77

MR. President

We, your committee on HIGHWAYS AND TRANSPORTATION

having had under consideration HOUSE JOINT RESOLUTION Bill No. 53

Respectfully report as follows: That HOUSE JOINT RESOLUTION Bill No. 53

BE CONCURRED IN

~~DO NOT PASS~~

*G. L.*

# STANDING COMMITTEE REPORT

March 3

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MR. President.....

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

having had under consideration HOUSE..... Bill No. 206.....

Respectfully report as follows: That HOUSE..... Bill No. 206.....

BE CONCURRED IN

DO PASS

*G.W.*

# STANDING COMMITTEE REPORT

March 3

1977

MR. President

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

having had under consideration **HOUSE** Bill No. 626

Respectfully report as follows: That **HOUSE** Bill No. 626,  
**third reading, be amended as follows:**

1. Amend page 2, section 3, line 18.

Following: "SECTION 3."

Strike: "WHEN 29 STATES HAVE ENACTED SIMILAR"

Insert: "Effective date. The governor may issue a declaration  
implementing the provisions of this act when such implementation  
will not jeopardize the state's continued eligibility to receive  
funds authorized by the Federal Highways Act."

2. Amend page 2, section 3, lines 19 through 21.

Following: line 18

Strike: lines 19 through 21 in their entirety

AND AS SO AMENDED, BE CONCURRED IN

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GD