

MINUTES OF THE MEETING
HIGHWAYS AND TRANSPORTATION COMMITTEE
MONTANA STATE SENATE

April 7, 1977

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

ROLL CALL: Senator Manning was excused, Senator Healy was absent. All other members of the committee were present.

Those present to testify included the following:

Al Goke

Department of Community Affairs
Administrator Highway Safety

CONSIDERATION OF HOUSE JOINT RESOLUTION 46: Mr. Al Goke of the Division of Highway Safety of the Department of Community Affairs, testified that last session there were two bills concerning bikeways. HB 160 was a study bill with a \$10,000 appropriation for an advisory commission and was killed. HB 161 was the Highway Safety Act of 1975 which said that 7/8 of 1% of the Highway gas tax, about \$250,000 per year, would be used to address the construction of bikeways as the interstate system became complete. The law allows flexibility in the use of the funds to also maintain existing bikeways. The Department of Highways did not feel that the law was clear, however, for they did not know if the percentage of funds went to bikeways before or after the allocations to the local cities and counties. The Attorney General was asked for an opinion in this area.

Mr. Goke continued that public hearings would probably have to be held to help determine the costs versus the benefits in constructing bikeways, but all of this is very hard to do without planning. Right now we do not know where we are going. There is definitely growing public support for bikeways. There is also some concern that the bicyclists ought to help carry the burden of the costs of bikeways. Approximately 80% of all of the bicycle accidents occur in the cities now and the problem is growing.

Mr. Goke commented that we haven't wanted to address the problems of bicycles. There are questions as to whether the vehicle codes apply and fit the situation with bicycles. We don't know what's expected of us as bicyclists. Education has been tried, but it is hard to educate with the codes in the jumble that they are in.

Mr. Goke said that he really believed that a service could be performed if this study were commissioned so that we would know what direction we were moving in. The money for the study is not the total answer. Support will be needed from the city engineers. The cities with the problems will be contacted and estimates of costs and the alternatives will be studied.

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Mr. Goke continued that federal money is available for the construction of bikeways. Approximately \$6 million was appropriated last year for the project, but it appears that \$50 million will be appropriated this year. Missoula received \$176,000 for their bikeway out of federal money.

Mr. Goke said that there are definite problems in some cities. The traffic can't sustain the bikes on 10th Ave. South in Great Falls. There is also a problem with the signal systems. When the light changes to amber, a car could stop, but a bike can't in the amount of time that is given. There are a number of technical things like this that should be addressed in a study of this type. The cities must try to handle the bike traffic. Different cities have different policies in regards to the use of bicycles on the sidewalks versus the streets. This leads to problems when the bikers are in different cities.

Mr. Goke concluded that this may look trivial, but the problem is whether or not we will plan for the future or just let the bikeways happen without the planning. The bikers support this study.

Senator Aber asked for clarification as to whether matching funds were available for the cities. Mr. Goke responded that the Highway Act of 1975 allowed the use of federal funds for bikeways. Senator Aber asked what the per centage was on the match. Mr. Goke answered that this was a 90 - 10 match.

Senator Aber noted that there is a need for the bikepaths in the country. He suggested that the cities should be doing some of the construction on the bikeways themselves.

Mr. Goke said that the highway construction was governed by a technical advisory group and a policy group and that these groups did not include bikeways within their priorities. Most of the bikeways have been built with Bureau of Outdoor Recreation funds. Some of the cities have also put taxes on bikes, such as Billings, to help pay for the bikeways.

Senator Graham stated that he had long been of the opinion that the users of the bikeways should help pay for the construction of those bikeways instead of just taking the money out of the highway tax. Mr. Goke said that the cities with the population over 10,000 are the ones that have the problems with the bikeways. The study would address the problem and try to determine such things as if a registration fee for bikes would be the way to handle the cost of the bikeways.

Senator Graham asked if they had considered who would maintain the bikeways once they were constructed. Mr. Goke answered that there was a split of philosophy on that with some thinking the funds should come out of recreation fees and some thinking that the funds should come from the users. The study would determine that.

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Senator Graham commented that there were some misconceptions as far as federal funding is concerned. The money that could be used for bikeways is not earmarked for that purpose and if it is not used for bikeways, it could be used for the highways. Mr. Goke responded that some of the federal funds are different. If the state did not match this separate account, we wouldn't get the federal funds. Some of the construction money for the bikeways does come out of the general highway funds, but the \$176,000 for Missoula was a separate account that would not have gone to the highways had it not been used for the bikeways.

Senator Smith asked what the Attorney General's opinion was that Mr. Goke referred to earlier in his testimony. Mr. Goke answered that the question was whose responsibility was it to see that a per centage of the highway trust fund money was spent on bikeways. The Attorney General said that it was the responsibility of the Department of Highways and the local governments were not required to spend a certain per centage of the funds that they receive on the construction of bikeways.

Senator Aber asked how we knew what cities had conducted their own studies. Hadn't Billings and Missoula conducted bikeway studies. Mr. Goke answered that they had worked with the city of Billings and they have a framework of a plan. Mr. Goke said that he really felt that he could do a good job for the state.

Senator Hazelbaker asked if the federal funds were already committed to this study. Mr. Goke said that he would apply for federal funds if the study were approved and that he was sure he could find the funds somewhere. Senator Graham asked if there would be a guarantee that no state funds would be used in the study. Mr. Goke said that no state funds were available. Senator Graham asked if any state personnel would be used in the study. Mr. Goke said that he thought there would probably be some staff support, but that would be all. Senator Graham asked if these people would be hired. Mr. Goke said that he would rather have 2 FTE's to do the study, but that as it stood now, the study would be contracted out.

Senator Aber asked if these federal funds were from the same source as the match. Mr. Goke answered no, that the federal government would not allow the funds such as Missoula received to be used for the planning stages of the bikeways project. Senator Aber asked how the federal funds would be gotten then. Mr. Goke answered that he would get the funds any way that he could. He really believed that there were some sources there that could be used.

Senator Aber said that he believed the project should only be done to the extent that the funds were available. Senator Graham agreed that the funds should be tied down through amendment to only the use of federal funds. Mr. Goke stated that the fiscal note says

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that only federal funds will be used. There is no way that state funds could be used even if the department wanted to.

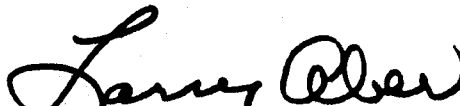
Senator Smith commented that it didn't appear to him that anything was wrong with the bill here, if the federal funds were not available, the department would have no way of accomplishing the study.

Senator Etchart suggested that an amendment be added on page 22 adding the language "from available federal funds." Senator Hazelbaker noted that the problem was that it was the 80th day and amendments couldn't be transmitted without suspension of the rules. Senator Graham suggested that the bill be killed as he couldn't see that it would do any good. Senator Bergren commented that the problem was what happened after the study was done. The problem occurred in the cities and the cities would ultimately have to solve that problem themselves.

DISPOSITION OF HOUSE JOINT RESOLUTION 46: Senator Graham moved that HJR 46 be not concurred in. Senator Etchart seconded the motion. The motion carried with Senators Hazelbaker, Bergren, Aber, Graham, and Etchart voting "yes"; Senators Hager and Smith voting "no"; and Senators Manning, Lockrem, and Healy absent.

Senator Bergren noted that the only thing that was done with the \$176,000 in Missoula was to paint a white line on the side of the street for bikes. Senator Aber commented that the bikepaths never seem to be in use. The need is in the cities. Senator Graham stated that the cities should take care of the problem then. Senator Smith commented that there were a lot of bikers in the park in the summer. Senator Bergren agreed that Highway 93 was a bicentennial bikeway and it had slowed the traffic so much during the summer because of the number of bikes. This type of solution did not solve the problem.

ADJOURNMENT: There being no further business, the meeting was adjourned at 10:03 a.m.


LARRY ABER, VICE CHAIRMAN

SENATE HIGHWAYS & TRANSPORTATION COMMITTEE

FILE HJR 46

VISITORS' REGISTER

DATE 4/7

[illegible]

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY

STANDING COMMITTEE REPORT

April 7

1977

MR. President

We, your committee on HIGHWAYS AND TRANSPORTATION

having had under consideration HOUSE JOINT RESOLUTION Bill No. 46

Respectfully report as follows: That HOUSE JOINT RESOLUTION Bill No. 46

DO NOT CONCUR IN
SENATE

Larry Aber
LARRY ABER,

BA.
VICE-Chairman.