

January 16, 1979

The House Committee on Highways and Transportation convened in Room 20 of the Capital Annex on Tuesday, January 16, 1979, at 1:30 p.m., with Chairman Baeth presiding and fifteen members present. Absent was Representative Fedak.

Chairman Baeth opened the meeting to a hearing on HB 55.

HOUSE BILL 55 REPRESENTATIVE JACK UHDE, the chief sponsor, introduced the bill. He said the bill is by the request of the Public Service Commission and is to clarify the conditions under which Class C carriers are considered to be operating as Class B carriers. He said this bill is for the protection of the Class B carriers as Class B carrier rates are regulated under the Public Service Commission while Class C rates are not. This bill regulates the number and length of the contracts of a Class C carrier.

WAYNE BUDT, Montana Public Service Commission, spoke in support of the bill. He said the bill specifies that if a Class C carrier has more than six contracts and each contract is for more than 180 days he would be considered to be a Class B carrier and would come under the Public Service Commission regulations. A copy of his testimony is exhibit 1 and part of the minutes.

During questions from the committee Representative Lien asked Mr. Budt what kind of haulers fall under the Class C classification. He said since a major concern of his in his district is independent livestock and grain haulers, he wanted to know if this bill would adversely affect them. Mr. Budt responded that grain haulers are unregulated and livestock haulers are under the Class B classification. Mr. Budt said a Class C carrier could be a hauler of almost any product: petroleum, coal, logs, meat, etc. The distinction being that he hauls it under contract for a specific mine(s) or company(ies), while a Class B carrier holds himself out to serve all parties who request service. Rep. Fabrega questioned what the purpose was for being classified as a C. Mr. Budt responded that some carriers do not want to file rates with the PSC. They deal with a small number of people and arrangements are made privately between them. Under Class B a tariff is set up and charged to all. He said as far as license fees are concerned he was not aware of any difference between the two carriers. He said the bill was to keep the Class C carriers from being in competition with the Class B carriers.

Chairman Baeth closed the hearing on HB 55 and opened it to HB 65.

HOUSE BILL 65 REPRESENTATIVE JACK UHDE, the chief sponsor, said this bill is also by the request of the Public Service Commission, and its purpose is to include Class D carriers

in this section of the law, and it provides that if there are no objections to an application for a motor carrier certificate no hearing would need to be held.

WAYNE BUDT, Montana Public Service Commission, was the next proponent speaker. He said the bill is to eliminate the need for hearings on unprotested authority applications, and to insert Class D into the statute as a matter of housekeeping as the Class D designation was approved by the 1977 Legislature. He said the reasons for the bill is to reduce applicant expense and to reduce hearing and travel expense for the Commission.

LARRY HUSS, Montana Motor Carriers, was the next proponent speaker. He said this could save a small carrier from the useless and burdensome expense of having to hire a lawyer and the other attendant expenses for a hearing and so a good idea. He said the first part about including Class D carriers would correct an oversight.

WILLIAM J. OPITZ, Montana Public Service Commission, spoke next as a proponent. He said in December of 1978 the Commission conducted a hearing on a taxicab PC&N in Hardin. There were no opponents to the PC&N but still the Commissioner and a court reporter spent two days traveling to Hardin to conduct a fifteen minute hearing. He said the Commission unanimously supports the passage of HB 65.

As there were no questions from the committee members, Chairman Baeth closed the hearing on HB 65 and opened the meeting to a hearing on HB 66.

HOUSE BILL 66 REPRESENTATIVE MIKE COONEY, the chief sponsor, said this bill was at the request of the Public Service Commission. He said it is to change from 90 days from filing to 60 days from the hearing the time period when the commission must issue a decision on a motor carrier certificate application.

WAYNE W. BUDT, Montana Public Service Commission, spoke as a proponent. He said this would give time for the transcript to be prepared and time to file briefs by the applicant and the protestant. He felt sixty days would be a fairly good time and he was hopeful the Commission could operate within this time period.

LARRY HUSS, Montana Motor Carriers, spoke as an opponent. He said the current time period is usually ignored and it usually takes about six months or longer and that these delays are at times occasioned by the carriers themselves. He said one of the important factors in going from the filing rather than the hearing date is that you have a starting point. He felt 90 days from the filing

date was insufficient time for the PSC and suggested an amendment that would make it 180 days from the date of completed filing. He felt they could follow that and it would also give the PSC time to do their work. A copy of his suggested amendments is exhibit 2 of the minutes.

During the questions from the committee, Rep. Lien asked the Public Service Commission representatives how they felt about the suggested amendment. Mr. Opitz said the commission could support the adoption of the amendment but he felt a specific waiver provision, stating "at the request of the applicant the time period could be extended," should be granted to the commission in the event of unforeseen problems in accomplishing the task. He said this could prevent the commission from acting negatively to a request and the applicant having to refile and pay another filing fee.

Chairman Baeth closed the hearing on HB 66 and opened the meeting to a hearing on HB 67.

HOUSE BILL 67 REPRESENTATIVE MIKE COONEY, the chief sponsor, said this bill was at the request of the Public Service Commission and would clarify the statutes to the fact that supervisors of motor carriers have the authority to check papers relating to drivers (log books, medical certificates). He said this was basically for safety purposes.

WAYNE BUDT, Montana Public Service Commission, spoke as a proponent. He said they already feel they have the authority to check these items now but this bill would clarify the fact that drivers are covered.

During the questions from the committee, Rep. Tropila asked how many extra FTEs this would require. Mr. Budt assured him that no more would be needed. Rep. Tropila questioned the clearness of the wording as to the inspections. He felt the PSC might be becoming involved with work intended for the Highway Patrol. Chairman Baeth said he would have the lawyer assigned to the committee check on this bill to be sure it says what it is claimed to say.

Chairman Baeth closed the hearing on HB 67 and opened the meeting to an executive session.

EXECUTIVE SESSION

HOUSE BILL 55 Rep. Tropila moved that HB 55 do pass. The bill passed unanimously with those present. Rep. Cooney moved that since the bill had received a unanimous vote to have it put on the consent calendar. This motion also passed unanimously.

Highways and Transportation
January 16, 1979
Page 4

HOUSE BILL 65 Chairman Baeth asked for action on this bill.
Rep. Keyser moved do pass. The motion carried
unanimously with the members present. Rep. Cooney moved that
this bill be put on the consent calender. This motion passed
unanimously with those present.

Rep. Tropila moved that the meeting adjourn. Meeting adjourned
at 2:15 p.m. Chairman Baeth announced the next meeting would
be at 1 o'clock on Thursday, January 18.

RESPECTFULLY SUBMITTED,

William R. Baeth
WILLIAM R. BAETH, Chairman

Emelia Satre, Secretary