

February 1, 1979

The House Highways and Transportation Committee convened in room 20 of the Capital Annex on February 1, 1979 at 12:30 p.m. with Chairman Baeth presiding and fifteen members present (one excused) for a hearing on the following bills:

HOUSE BILL 348 REPRESENTATIVE DENNIS IVERSON, the chief sponsor, said the Highway Patrol has found an unexpected problem with the bill and Rep. Iverson requested a postponement of the hearing.

Chairman Baeth asked if there were any other proponents or opponents present to speak on the bill, and since there was no response he said the bill would be heard at the next meeting.

Jim Turcotte, Public Employees Ref. Division, signed as wishing the bill amended.

HOUSE BILL 315 REPRESENTATIVE BILL HAND, the chief sponsor, said this bill is to request the State Highway Department to have Highway 278 put on the primary system. He said the road is well built but in need of extensive repairs which Beaverhead County cannot afford.

ROBERT MILLER, Chairman of Beaverhead County Commissioners, spoke next in support of the bill. He read from a letter they had sent to the Highway Department requesting Highway 278 be reclassified. A copy of this letter is exhibit 1 and part of the minutes.

JAMES R. BECK, Department of Highways, said he would like to advise the committee on the implications of passage of this bill. He said the bill seeks to add a section of highway to the primary system even though it does not meet the criteria established for primary highways. He said if the legislature decides to get into the business of designating the classification of roads he couldn't help but foresee a deluge coming in from all over the state of similar requests. He said they, of course, would accede to the wishes of the committee. He said they would receive no more federal aid from the designation as 278 does not meet the federal guidelines for a primary route.

JAMES HAHN, Highway Department, said the reason 278 was classified as it was is that it is basically an intra-county collector road rather than inter-county or inter-state and it duplicates another road for a portion of that route, which road is classified as a primary arterial. He said for these reasons it would not classify for federal aid as part of the primary system.

DONALD D. GRUEL, Department of Highways, said it would cost about \$453,000 for the equipment and buildings to do what this bill tells us to do. Then, he said, routine maintenance costs for the 62 miles would be \$260,400 a year. He said for this biennium they would be required to add \$290,840 to their maintenance costs.

In closing Representative Hand said the costs tell why they have brought this bill before the legislature. He said maintaining this road is an enormous cost on the county.

During questions from the committee, Rep. Ernst asked what percent is federal in the highway funding. Mr. Hahn said it has been 70-30 but under the new law will be 80-20 as there will be higher federal participation. He said maintenance of the highways is paid with all state money. Rep. Cooney requested a fiscal note be had for this bill.

Rep. Fabrega asked how many changes of road classification requests the department receives. The answer was 7 or 8. He said there were two or three other routes in the state that would carry a higher priority than the route being discussed, like the Red Lodge-Beavercreek and the Cardwell-Harrison. Rep. Kropp questioned if the legislature should be dictating to the Highway Department. Rep. Hand said he didn't know who should dictate but they would like to keep their road. Rep. Keyser questioned the need of new shop facilities as there are shops in Wisdom and Dillon now. Mr. Gruel said they would be adding on to these facilities. Rep. Keyser asked if Beaverhead County cannot take care of this road, who would? Mr. Hahn said the road was built using secondary road funds, which the state did and the county agreed to maintain, so it is the state's responsibility to see that the road is maintained and they would then charge the county. He said he wasn't sure what would happen if they could not pay their bill as that has never come up. Mr. Miller said they are now paying about \$50,000 on necessary repairs.

HOUSE BILL 326 REPRESENTATIVE JACK MOORE, the chief sponsor, said this bill adds to the law already on the books regarding safety features on vehicle windows. This bill adds the words transparencies and picture type things that obstruct a clear view either into or out of a vehicle. He asked for the consideration of one small amendment: page 1, line 16 "or semi-transparent" after transparent. He said enforcing agencies would appreciate being able to see in and assess the situation when stopping a vehicle.

BUD GARRICK, Montana Highway Patrol, spoke in support of the bill and said about 99% of all vehicle stops are from the rear of a vehicle. He said they would like to see into the vehicle and see any unusual behavior.

JOHN B. RIGG, Jr., Regional Representative, Rocky Mountain Region, Motor Vehicle Manufacturers Assoc. of the U.S., Inc., from Denver, spoke next. He said the auto makers do not offer transparent materials as standard or optional material. He said certain federal standards must be met. He said his only concern was the language that you cannot obstruct the view into the car--this might forbid the use of campers on pickups and trucks. He left with the committee a copy of an Idaho law which he said has the same kind of requirements as the federal law. This copy is exhibit 2 and part of the minutes.

During questions from the committee, Rep. Moore said some of these transparencies or obstructions are wire screen meshes mounted with screws, some are decals, some windows have been replaced with opaque glass. Rep. Lien asked about the use of stock racks and fuel tanks which block the view. Rep. Moore assured him that this bill would not cover that type of thing as the pickup was made for that. Gun racks--not covered. Mr. Riggs suggested the Idaho approach in that it had several paragraphs on specific vehicles. Rep. Keyser suggested adding an amendment that would include the Idaho amendments.

HOUSE BILL 380 REPRESENTATIVE DAN KEMMIS, the chief sponsor, said this bill is to clarify the responsibility of the State Highway Department as far as maintaining traffic lights within city limits on state highways that pass through the cities. He said the reason for the bill is the State Highway Department has adopted the policy of telling the cities that they will install the traffic control devices if the city will maintain and operate them. If they don't agree, the department won't install the device. In Missoula, he said, this has happened a number of times and they feel it is unfair for the city to pay for something that is the department's responsibility.

DAN MIZNER, League of Cities and Towns, spoke in support of the bill.

TOM CROWLEY, representing the City of Missoula, spoke next in support and a copy of his testimony and copies of correspondence with the State Highway Department is exhibit 3 and part of the minutes.

JIM NUGENT, City Attorney for the City of Missoula, spoke next in support and a copy of his testimony is exhibit 4 and part of the minutes.

Handing in written testimony was Doyle Williams, City of Great Falls, and a copy of this is exhibit 5 and part of the minutes.

JAMES R. BECK, Department of Highways, said they have no quarrel with the basic concept of the bill. He said they had come to the legislature to try to ameliorate the problem but he didn't think this bill would do it. He said he would like to work with Rep. Kemmis and the others. He felt this bill was unclear as to motor control devices, exactly which streets would be affected, etc. He also said they would need additional funding if they were to do for all cities what this bill is asking them to do. He said as a point of information that this thing came about in the old days when it was fairly easy and inexpensive for the city to maintain the lights--they were there and could get it done quickly.

Rep. Kemmis in his closing speech said he would be glad to work with Mr. Beck. He felt the bill was clear.

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During questions from the committee, Rep. Fabrega asked what the cost would be. Mr. Beck said they didn't have any history. Mr. Hahn said a guess would be \$200,000 statewide. Mr. Crowley said Missoula has a good handle on what the cost would be. He said the law identifies state highways and the Highway Department should know the exact routes of these state highways, and the exact definition of a traffic control device is also given.

Chairman Baeth said this bill will be put into a subcommittee and he would like to have them meet with the sponsor and others. The subcommittee will be composed of Representatives Magone, Uhde and Meyer.

Meeting adjourned at 2:10 p.m.

Respectfully submitted,


WILLIAM R. BAETH, Chairman

Emelia Satre, Sec.