

MINUTES OF THE MEETING OF THE HIGHWAYS AND TRANSPORTATION COMMITTEE
JANUARY 27, 1981

The House Highways and Transportation Committee convened in Room 437 of the Capitol Building on Tuesday, January 27, 1981, at 12:35 p.m. with CHAIRMAN PAUL KROPP presiding and fourteen members present (REPS. ANDERSON and HARP were absent).

CHAIRMAN KROPP opened the meeting to a hearing on HB 299.

HOUSE BILL 299 REP. JOHN SHONTZ, sponsor, presented the bill which would exempt a person from receiving a permit for the movement of agricultural products from single trip permit fees. REP. SHONTZ feels that the Department of Highways does have the authority to issue permits, but it does not. This bill offers the Department of Highways the authority to issue a harvest permit. In REP. SHONTZ' area, sugar beets need to be transported quickly because they are perishable. The farmers need permits for trucks to avoid fines for being overweight. Currently can go 7% over the weight.

Speaking as a proponent for the bill was DON STEINBEISSER of Sidney, a beet grower. He explained that beet growers have a short season to harvest, usually only about one month. It is not economical to use small loads. He felt there was no evidence of road break up on the roads used by the beet truckers.

ROBERT REIN said his crop has to travel on the Interstate and not just on state or county roads.

SHERILL HENDERSON of Sidney said the growers are weighed on portable scales carried by the Highway Patrol. It is too far from the state permanent scale.

Opponents to the bill included BEATE GALDA, an attorney for the Department of Highways. She felt the changes are not necessary. There is already a restricted route permit available or the growers could be issued a term permit. One problem with this bill is the lack of definition of "agricultural products". Does not restrict crop to just perishable ones. Also does not limit to the current year's crop. She felt this bill discriminates in favor of one type of trucker at the expense of others. The state is already having problems with the Federal Highway Administration for issuing permits at all. The state must enforce GVW policies and federal approval is necessary in order to receive federal funds. According to the federal authorities, Montana is already going beyond its authority. State Department of Highway people feel that they do have special permit authority and they use it. Haulers can get a \$10 permit if they are going to be overweight.

BEN HOVDAHL of the Montana Motor Carriers spoke in opposition expressing the concern that the bill goes beyond getting the crop to market. Felt we are dealing with a statutory maximum set by both federal and state authorities. We are already in trouble for our permit system. It is legal in Montana to issue these permits.

During questions from the committee, REP. WINSLOW asked for an explanation of a term permit. Answer was that the term was for the registration period and is available for \$10.

REP. STOBIE asked how much excess weight this allows. An attorney for the Department of Highways, DON COPLEY, said the \$10 permit allows 20,000 pounds on a single axle and 40,000 pounds on a double axle. And beyond that, there is 7% allowed.

REP. METCALF asked how much they are overweight. REP. ZABROCKI said it depends on how much mud clings to the beets. MR. COPLEY said the records they have indicate the overweights range from 2,000 to 9,000 pounds.

GREG PETSCH, staff attorney, said there is a proposed amendment which explains the overweight penalties in Section 61-10-145.

REP. WALLIN asked if we are in a position to legislate beyond federal laws. The answer was no.

REP. FABREGA asked if this bill addresses the fee or the weight limit. REP. SHONTZ said it would take care of both problems.

MS. GALDA said the state must abide by federal law now or as it was in effect in 1956 for trucks that travel on state and federal highways.

REP. SHONTZ asked how Section 4 is not addressing the problem of going over the limits. MS. GALDA said the federal laws give us the authority to not issue the permits.

REP. FABREGA stated that permits could be issued that would not be subject to overweight limitations. The answer was yes, but cannot use that authority on federal highways. Some of the haulers must use the Interstate.

REP. FABREGA asked if the problem is when you go over the total gross weight of the vehicle. MR. COPLEY said if the vehicle is within the 7% overweight, you should have no problem.

REP. KANDUCH said the 7% overweight was passed in 1977 mainly for logging trucks and that the loggers are living with it.

REP. FABREGA asked if the problem is with weight or with enforcement.

REP. SHONTZ closed by saying perhaps a sub-committee to study the problems would be the answer. He appreciated the opportunity to raise the problem.

The hearing on HB 299 closed and opened on HB 331.

HOUSE BILL 331 REP. JOE KANDUCH, chief sponsor, presented the bill which would permit the Department of Highways or a local road authority to impose speed restrictions.

Speaking as a proponent was BEATE GALDA of the Department of Highways. This bill is not intended to be used to police the roads. They need it to restrict speed only for a short period of time.

BEN HOVDAHL of the Montana Motor Carriers spoke in support of this bill. For several years his association has worked with log haulers in attempting to slow down the truck traffic in the Seeley-Swan area. Truckers are willing to cooperate on roads that are heavily used.

There were no OPPONENTS.

REP. IVERSON asked if this involved new rule making authority. The answer was no. This is to impose speed restrictions.

REP. ZABROCKI questioned that there is no speed violation limit. The answer was that there is not even authority to post the limit.

REP. BRAND said the limit is posted for various other things. Do you have authority to do that? Answer was no.

REP. KANDUCH closed on the bill and the hearing closed also.

The hearing opened on HB 322.

HOUSE BILL 322 REP. DARRYL MEYER, sponsor, presented the bill. REP. MEYER explained that the main change presented by this bill is the word "expenditure" to "obligation". After a contract is let, the state is reimbursed. The actual expenditure may not be spent in the actual year it is obligated. The change is made 14 times throughout the bill.

One proponent was JIM BECK, an attorney for the Department of Highways. Since the federal government goes on obligation authority, this would be the proper way to do it. The department has had to change its fiscal year from August to November to accommodate the federal fiscal year.

There were no OPPONENTS.

Under questions from the committee, REP. FABREGA asked if this would make more or less money available. MR. BECK replied that nothing would change. The amount of money available for obligation is at the federal level.

REP. FABREGA then asked if there is a federal matching fund system. The answer was yes, but it depends on the contract.

REP. MEYER closed on HB 322. CHAIRMAN KROPP turned the meeting over to VICE-CHAIRMAN MEYER and the hearing opened on HB 320.

HOUSE BILL 320 REP. PAUL KROPP, sponsor, presented the bill which would authorize the Department of Highways to adopt rules relating to size, weight, and load provisions. Presently, the Department of Highways has no express authority for GVW. The bill is not intended to change any rules.

Speaking as a proponent was BEATE GALDA, an attorney for the Department of Highways. She explained that there is implied rule making and express rule making authority. The department does not have the power to issue special permits. GVW authority gives most rule making power, such as the issuing of stickers and fees.

TOM HARRISON, representing the Montana Automobile Association, expressed his concern because of attempts in the past to put triple trailers on the highways through a rule change. There may be more to a bill such as HB 320 than meets the eye. He asked if it is intended to be different than the rule making of the A. P. A. The State of Montana has incurred the wrath of the federal government already for issuing the permits that they do issue. Concerned further with the possibility that we will condone overriding federal law.

TOM DOWLING of the Montana Railroad Association expressed the same fears as MR. HARRISON. It seemed to him that the Department of Highways is asking for something in this bill.

MR. HOVDAHL of the Montana Motor Carriers stated that the triple trailer decision was never made and he protested the testimony of MR. HARRISON and MR. DOWLING.

REP. METCALF asked why the language is different. The answer was that there was no intention to be different.

MS. GALDA said the department issues permits at its discretion. They have the authority to issue special permits for special loads.

REP. FABREGA asked if they could permit triple trailers. The answer was yes.

REP. FABREGA asked if it would be best to add "relating to the A. P. A." to keep the language uniform. MR. HARRISON said yes. It would make sense to keep it uniform.

REP. FABREGA asked if the department can issue permits to do anything. MS. GALDA replied yes. They can use either trip or term permits.

The hearing closed on HB 320.

EXECUTIVE SESSION HOUSE BILL 331 REP. KANDUCH moved it receive a DO PASS. Seconded by REP. WINSLOW. Passed unanimously.

CHAIRMAN KROPP appointed a sub-committee to study HB 299. REP. STOBIE will be chairman and REPS. FABREGA and SHONTZ will be members.

Meeting adjourned at 2:05 p.m.

Respectfully submitted,



PAUL KROPP, CHAIRMAN

Ellen Engstedt, Secretary

VISITORS' REGISTER
HIGHWAYS & TRANSPORTATION

HOUSE _____

COMMITTEE _____

1/27/81

BILL 299

Date _____

ONSOR SHONTZ

NAME	RESIDENCE	REPRESENTING	SUPPORT	OPPOS
Leon Steinbeisser	Sidney Mont	mont-Dak Beet ^{grower}	yes	
Wilbur Rupp	Sidney, Mont.	Mont. Dak Beet Grower	yes	
Albert Diegel	Sidney MT	Self	yes	
Frank Diegel	Farmville MT	Self	yes	
Robert Pein	Glendora mt.	Self	yes	
Roger Burdick	Columbine mt	mont Dak Beet	yes	
Ernest Klose	Farmville Mt.	Self	yes	
Raymond Thachem	Terry Mont	Mont. Dak. Beet Grower		
John Steinbeisser	Sidney	" " "	yes	
Hans A. Jorgensen	Savage Mt	" "	yes	
Doug Askan	Sidney mt		yes	
Lerman Burt	Sidney Mont	" "	yes	
O. N. Lorenz	Sidney Mont.	" "	yes	
Wale E. Christensen	Sidney, Mont	" "	yes	
Louise Hass	Glendora Mont	" "	yes	
Rich Steinbeisser	Terry Mont	" "	yes	
Eugene A. Jorgensen	Savage Mt	" "	yes	
Myrtle Heflinger	Sidney	Self	yes	
John Askan	Sidney	Mont Dak Beet	yes	
Mary Stanley	Sidney Mont	Mont Dak Beet	yes	

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

COMMITTEE

COMMITTEE

Date _____

SHONTZ

1/27/81

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

