

MINUTES OF THE MEETING OF THE HIGHWAYS AND TRANSPORTATION COMMITTEE
FEBRUARY 12, 1981

The House Highways and Transportation Committee convened in Room 437 of the Capitol Building on Thursday, February 12, 1981, at 12:30 p.m. with CHAIRMAN PAUL KROPP presiding and fourteen members present (REPS. BRAND and MEYER were excused).

CHAIRMAN KROPP opened the hearing on HB 24.

HOUSE BILL 24 REP. JACK K. MOORE, sponsor, presented the bill which would include one-way window pictures in the statute prohibiting the obstruction of a driver's view. He said many accidents are caused by these windows. It is also dangerous for law enforcement officers who cannot see into the vehicles.

Speaking as a proponent was CAPTAIN WALT MILLER of the Montana Highway Patrol who said, from a law enforcement point of view, the windows are a hazard.

There were no OPPONENTS.

During questions from the committee, REP. SHONTZ asked if this would apply to vehicles with one-way windows. The answer was yes.

REP. WINSLOW asked if this law would apply only to Montana vehicles. The answer was yes.

REP. WALLIN asked if this also meant pictures. The answer was yes.

REP. HEMSTAD asked what the current law is. CAPTAIN MILLER said if there is an obstruction on a window, the vehicle must have side mirrors to provide rear vision.

REP. MOORE closed on the bill and the hearing on HB 24 closed.

The hearing then opened on HJR 27.

HOUSE JOINT RESOLUTION 27 REP. JOE QUILICI, chief sponsor, presented the resolution which requests an interim study of commercial transportation problems in Montana. With rail service being discontinued in rural areas, transportation in Montana is getting more complex. We are all always stressing saving energy yet transportation in Montana is getting worse.

Speaking as a proponent was BEN HAVDAHL of the Montana Motor Carriers. He feels this resolution hits the heart of the problems faced by the carriers and the communities in Montana.

WAYNE BUDT, Public Service Commission, supported the resolution and said his agency would help supply data.

Highways and Transportation
February 12, 1981
Page 2

GORDON MCOMBER, Department of Agriculture, said transportation is the biggest economic problem facing this state at the moment. He supported the resolution.

ANN SCOTT, Montana Farmers Union, stated that we have not yet seen the full impact facing grain farmers. We are paying the highest per mile rail rates in the country. The legislature needs to get behind this resolution and we need the study.

JAMES MULAR, representing several railroad unions, said several agencies should be involved in this study because of the Staggers Act which means railroads will be subject to new accounting procedures. State government needs to be involved.

LARRY TOBIASON, Montana Automobile Association, said he felt air traffic should be included in the resolution. More and more places in Montana have been dropped from scheduled stops by the airlines.

During questions from the committee, REP. SHONTZ asked if REP. QUILICI objected to including air in this resolution. The answer was that he did not object but that air transportation is more regulated by the federal government.

REP. QUILICI closed on HJR 27 saying that the rural areas are suffering and this problem should be studied.

The hearing on HJR 27 closed and a hearing on HB 681 opened.

HOUSE BILL 681 REP. BOB SIVERTSEN, chief sponsor, presented the bill. See Exhibit 1.

Speaking as a proponent of the bill was BEN HAVDAHL, Montana Motor Carriers. He said there would be no change in the law but rather this is strictly a recommendation which would come back to the legislature to be adopted or rejected. The bill provides for a thirty day notice to terminate the agreement. Attached is a detailed description of the Multistate Highway Transportation Agreement. See Exhibit 2.

LARRY HUSS, Montana Contractors Association, said his organization builds and uses the highways and faces many problems in doing so. He felt it was time to solve the problems by meeting with others in similar circumstances.

DON COPLEY, Department of Highways, supported the bill.

ANN SCOTT, Montana Farmers Union, said the federal government is making a move to stop states from setting up their own systems of

weights and sizes. We have different problems in this region and this agreement would show the federal government we can deal with our own problems.

CLYDE SMITH, President of the Montana Logging Association, supported the bill.

There were no OPPONENTS.

During questions from the committee, REP. ANDERSON asked how many states are involved. The answer was seven.

REP. STOBIE asked who will be the representative. REP. SIVERTSEN said either a legislator or an individual will become a member of the committee.

REP. SIVERTSEN closed on HB 681 and the hearing closed.

EXECUTIVE SESSION HOUSE BILL 681 REP. FABREGA moved DO PASS.
It PASSED unanimously.

HOUSE BILL 24 REP. HARP moved DO NOT PASS. The motion PASSED unanimously.

HOUSE BILL 506 REP. STOBIE moved DO NOT PASS. REP. HARP made a substitute motion of DO PASS.

REP. IVERSON said according to the fiscal note the real problems will be faced by schools and governments on the local level.

REP. STOBIE felt this bill would not be fair because there is only one refiner who sells the product and also that for some vehicles rerefined oil cannot be used.

REP. FABREGA said that with the rerefined process one is not covered with product liability.

REP. WINSLOW said if the oil is rerefined properly, it is a good product.

REP. HARP withdrew his DO PASS motion. The motion of DO NOT PASS PASSED with REPS. OBERG, HARP, and WINSLOW opposing.

HOUSE JOINT RESOLUTION 19 REP. HEMSTAD moved DO PASS on the amendments to the resolution which changed "Highways" to "Administration" and "Natural Resources". The motion on the amendments PASSED.

Highways and Transportation
February 12, 1981
Page 4

REP. HARP moved DO PASS AS AMENDED on HJR19. It PASSED with REPS. ABRAMS and STOBIE opposing.

HOUSE BILL 299 REP. SHONTZ moved DO PASS on the amendments. He then explained the amendments which would provide a permit for all agricultural products during harvest to be transported for a fifty mile radius. It can be 20 percent per axle over the current limits. The speed is also controlled to 40 miles per hour.

REP. HARP asked if this was meant to cover logging trucks also. REP. SHONTZ said no and that farm vehicles are defined in the bill.

The motion on the amendments PASSED.

REP. SHONTZ moved DO PASS AS AMENDED on the bill. The motion PASSED with REP. IVERSON opposing.

HOUSE BILL 384 GREG PETESCH, staff attorney, provided the committee with information collected from the universities which indicates that calcium chloride is at least as corrosive as sodium chloride and the cost is a great deal higher.

REP. IVERSON moved DO NOT PASS. The motion PASSED with REPS. HEMSTAD and ANDERSON opposing.

The committee then discussed what options it had to investigate the workings of the Department of Highways. REP. FABREGA moved to request a comprehensive performance audit to be done by the Legislative Audit Committee. Motion was PASSED unanimously.

The meeting adjourned at 1:50 p.m.

Respectfully submitted,


PAUL KROPP, CHAIRMAN

Ellen Engstedt, Secretary

HOUSE HIGHWAYS & TRANSPORTATION COMMITTEE

Date 2/12/81

SPONSOR MOORE

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

HOUSE HIGHWAYS & TRANSPORTATION COMMITTEE

Date 2/12/81

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

HOUSE HIGHWAYS & TRANSPORTATION COMMITTEE

Date 2/12/81

ONSOR SIVERTSEN, KEYSER, MARKS, ET AL

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

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

NAME

Jo Brunner

BILL No.

HJR27

ADDRESS

DATE

WHOM DO YOU REPRESENT

W.I.F.E.

SUPPORT

X

OPPOSE

AMEND

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

W.I.F.E. concurs with the testimony supporting HJR 27 given by Ann Scott for the Mont f.f.

EXHIBIT 1

MULTISTATE HIGHWAY TRANSPORTATION AGREEMENT - HB 681

The Multistate Highway Transportation Agreement creates a regional transportation committee to promote a smoother and more efficient flow of commerce among its member states. The power of communication and cooperation is well known to all of us and the MHTA provides a unique opportunity to all of us by establishing a forum where representatives of states from all areas of state government--whether legislators, highway engineers, administrators or enforcement personnel--can meet with their state's sanction to discuss and make recommendations on the region's transportation problems. Those problems may be in sizes and weights, weight enforcement, safety inspections, ports of entry, permit systems, or any similar subject. Because such problems need frank and open discussion, the MHTA does not bind the states to its recommendations and cannot of itself change state law. The MHTA is not a compact or a contract. The standards set out in the MHTA are already embodied in Montana and Western state law and serve as a common base from which progress can be made. Finally, the MHTA does not cost the states any money except for meetings, and those meetings are typically coordinated with others, such as WASHTO and the Council of State Governments, at which the state representatives will often be in attendance.

The Multistate Highway Transportation Agreement is a cooperative agreement adopted by the Western Conference of the Council of State Governments in December, 1974. The Agreement gives the Western States an instrument for achieving regional vehicle size and weight objectives. The principles of the Agreement were endorsed by the Western Association of State Highway Officials in May, 1975. California, Idaho, and Nevada have adopted legislation and are ready to implement the Agreement.

Wyoming, Oregon, and Utah, to my knowledge, have bills in this session to adopt the agreement, in addition to Montana.

Who can join the Multistate Highway Transportation Agreement?

Membership is open to any state of the United States or District of Columbia which subscribes to the findings, purposes and objectives of the Agreement and will seek legislation necessary to accomplish the objectives.

How does a state join?

States may join by signing and accepting the terms of the Agreement. In some states this may necessitate enabling legislation allowing membership by administrative action, or the Agreement itself may be enacted into law.

What is special about the Multistate Highway Transportation Agreement?

The Agreement provides the only state-sanctioned forum in which legislators, highway officials, and engineers can meet in their official capacities for the betterment of transportation in the Western States. The Agreement offers opportunity for education and exchange of information and promises action toward the regional objectives through state and personal involvement.

How does the Multistate Highway Transportation Agreement operate?

The Agreement operates through a committee of designated representatives. The committee meets at least once a year. A chairman, a vice-chairman, and a secretary are elected from among the representatives. Each member state has one vote.

Who can be a designated representative?

A designated representative can be a legislator or any other person, such as a state highway official or engineer, authorized to represent a member state.

What power does the committee have?

The committee has the power to perform three functions in vehicle size and weight related matters: 1) Collect, study and evaluate research results and information, 2) Encourage further research, and 3) Recommend changes in law or policy in the member states with a goal of compatibility, uniformity, or coordination.

Does the committee issue reports?

Yes. The committee reports annually to the legislature of each member state no later than November 1 on the work and recommendations of the committee for the preceding year. The committee may issue additional reports as well. Copies of all reports are sent to the Transportation Committee of the Western Conference, Council of State Governments and to the Western Association of State Highway and Transportation Officials.

How is the committee funded?

The costs of the committee are those of meetings and travel. The Agreement makes no provision for funding, allowing each member state to handle expenses through whatever channel it seems appropriate for travel of state personnel.

Can the committee change state law?

Only state legislatures can change the laws, but the recommendations and reports of the committee will have impact in each member state because each state has subscribed to the findings, purposes, and objectives of the Agreement.

procedures, uniform enforcement procedures, equipment requirements, and the like.

Will participation in the Agreement endanger Federal funding?

No. The Agreement specifically states that any improvements in vehicle sizes and weights which would result in loss of Federal-aid funds shall be handled under the special permit authority of those member states which can legally issue such permits.

Will participation in the Agreement lower vehicle sizes and weights?

Just as there are differences in transportation needs and facilities between regions, the Agreement also recognizes differences between states within a region, so all regional objectives are minimums to ensure a basic flow of interstate commerce. Any member state is free to raise or maintain its sizes and weights above the regional minimums.

Why should states join the Multistate Highway Transportation Agreement?

Lack of a strong regional approach to vehicle size and weight matters only encourages those who would impose maximum standards from above -- Federal limits which may not be responsive to the needs of the Western States.

The Multistate Highway Transportation Agreement can provide that strong regional voice to prevent Federal takeover, to procure eventual Congressional approval of Western size and weight standards, and to present a unified Western governmental position on other transportation matters considered at the Federal level.

Why should there be regional vehicle size and weight objectives?

The Agreement recognizes that the economy of the Western States is more dependent upon highway transportation than is the economy of other areas so improved productivity and efficiency in vehicle sizes and weights is of vital importance in the West. The Western States are in the best position to determine western transportation needs and to pursue them as regional objectives.

Has a regional approach been recognized elsewhere?

The first official governmental recognition of regional vehicle size and weight standards was in the 1964 Federal size and weight study ("Maximum Desirable Dimensions and Weights of Vehicles operated on the Federal-Aid Systems," House Document No. 354, 88th Congress, 2nd Session), which noted,

"(5) Geographic scope of standards. The words "nationwide" and "uniform are not used in the legislative directive in reference to recommended standards thus admitting possible variations by enforcing (State) or geographical (regional) jurisdictions.

(6) There is no requirement that the Federal standards recommended by the Secretary differ from individual State standards. "

The 1980 Federal-Aid Highway Bill in Congress called for size and weight and cost allocation studies and their "effect... upon the economy of a state or region..." (emphasis supplied).

Will the committee have input into the Federal studies?

The Federal size and weight and cost allocation studies are to be conducted "in cooperation with... the state departments of transportation or highway departments, and other affected parties..." The committee by addressing regional interests will be an "affected party" and will have indirect input through state highway departments as well.

What are some of the regional objectives?

Among the regional objectives sought by member states under the Agreement are vehicle size and weight standards, uniform permit

Amendment to HB 299

1. Page 2, lines 12 through 19.

Following: line 11

Strike: lines 12 through 19 in their entirety.

Insert: "(2) A special permit issued under subsection (1) for the transportation of agricultural products by farm vehicles from a harvesting combine or other harvesting machinery to the point of first unloading shall be for the full term of the harvest season of the agricultural product transported."

2. Page 2, line 20.

Following: "{2}"

Strike: "(4)"

Insert: "(3)"

3. Page 3, lines 22 through 25.

Following: line 21

Strike: lines 22 through 25 in their entirety.

Insert: "(3) An operator of a vehicle or combination of vehicles subject to the provisions of 61-10-107(2) may move over a highway, except any highway which is part of the federal aid interstate system, within a 50 mile radius of the harvested field to the point of first unloading, without incurring the excess weight penalties set forth in 61-10-145 if the total gross weight of the vehicle or combination of vehicles does not exceed allowable weight limitations by more than 20 percent per axle. The vehicle or combination of vehicles may not exceed 40 miles per hour. No single trip permit as required in subsection (2) shall be applicable to such vehicle or combination of vehicles. When such vehicles or combination of vehicles violates any of the provisions of this subsection, the fine or penalty imposed shall apply to that portion of the load above the legal limit."