

MINUTES OF THE MEETING OF THE HIGHWAYS AND TRANSPORTATION COMMITTEE
MARCH 10, 1981

The meeting of the House Highways and Transportation Committee convened on Tuesday, March 10, 1981, at 1:00 p.m. in Room 437 of the Capitol Building with CHAIRMAN PAUL KROPP presiding and twelve members present (REPS. HEMSTAD, OBERG, SHONTZ, and STOBIE were absent).

CHAIRMAN KROPP opened the hearing on SB 434.

SENATE BILL 434 SENATOR LARRY TVEIT, sponsor, presented the bill which would provide that the maximum load per inch of tire width may not exceed 550 pounds. He felt this bill would help the problem of highway deterioration.

Speaking as a proponent of the bill was DON GRUEL, Department of Highways, who said the intent is to place more tires on the road to transport the weight.

BEN HAVDAHL, Montana Motor Carriers, supported the bill saying that his organization will be affected by passage of this but they are agreeable.

There were no OPPONENTS.

During questions from the committee, REP. BRAND asked how this will affect Montana trucks going to other states. MR. HAVDAHL replied that other states already have tire standards.

SENATOR TVEIT closed on the bill asking that the bill be amended to have a July 1 effective date.

The hearing on SB 434 closed and one opened on SB 422.

SENATE BILL 422 SENATOR GRAHAM, chief sponsor, presented the bill which would extend for two years a deadline to expend or encumber coal area highway reconstruction funds. The deadline expires on June 30, 1981 unless renewed by this bill. If the deadline did expire, the funds would revert to the general fund. Companies should be consulted before the funds are used.

Speaking as a proponent was PAT WILSON, representing Montco. She said her company is interested in coal monies going into the roads needed by the areas of development.

There were no OPPONENTS.

During questions from the committee, REP. FABREGA asked if there should be an effective date. If the funds expire June 30 but the legislature passes October 1 as the effective date of legislation, there would be a three-month lapse. SENATOR GRAHAM said it would be fine to amend the bill to an immediate effective date.

SENATOR GRAHAM closed on the bill.

The hearing on SB 422 closed and one on SB 462 opened.

SENATE BILL 462 SENATOR TOM HAGER, sponsor, presented the bill which would change the method used by the Department of Highways in selling an interest in real property. He stated that there are currently two methods used to sell property i.e. public auction and sealed bid. This bill would change that to selling by public auction only and in the county in which the property is located.

Speaking as a proponent of the bill was WILLIAM E. GLASER of the Indian Creek Ranch near Billings. MR. GLASER had several exhibits which are attached hereto. Most of the people in his area did not feel the Department of Highways was fair in purchasing land for an Interstate project. The highway cut the land so the grass is on one side and the water is on the other. A tube was placed so the cows could go from one side to the other, but the ranch needed an easement. The department said it would sell the ranch the easement. The price for 27 acres was \$15,500. He felt the department should not be able to sell land as it does.

Speaking as an opponent of the bill was JIM BECK, Department of Highways. He said the department does an appraisal of the land to be sold and that the sale cannot be made for less than 90 percent of the appraised value. The property now can be sold either at public auction or sealed bid. MR. BECK did not feel a new system is needed and that it could create problems as it would be more cumbersome.

During questions from the committee, REP. BRAND asked if the department negotiates with the property owners. MR. BECK said it does and that just compensation is paid. He said he felt the department pays fair market value because it checks land values in the area and pays accordingly.

REP. BRAND then asked if there is a third party also involved. And, is he trying to buy a portion of the land. The answer was yes. MR. GLASER said he had to buy the easement. MR. BECK answered that MR. GLASER had legal access but wanted more convenient access.

SENATOR HAGER closed on the bill saying that the bill simply asks that the same method of selling real property be used by the Department of Highways as is used by other state departments.

The hearing closed.

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EXECUTIVE SESSION SENATE BILL 422 REP. METCALF moved DO PASS on an amendment which would provide an immediate effective date. It PASSED.

REP. METCALF then moved that SENATE BILL 422 BE CONCURRED IN AS AMENDED. The motion PASSED with REPS. HARP, IVERSON, WINSLOW, WALLIN, and ANDERSON opposing.

REP. METCALF will carry the bill in the House.

SENATE BILL 462 REP. BRAND moved the bill BE CONCURRED IN. The motion PASSED.

REP. WALLIN will carry the bill.

SENATE BILL 434 REP. METCALF moved to amend the bill providing an effective date of July 1. It PASSED.

REP. METCALF then moved AS AMENDED BE CONCURRED IN and it PASSED.

REP. METCALF will carry the bill.

REP. HARP then introduced SCOTT SEACAT and GAYLE LARSON of the Legislative Auditor's office.

MR. SEACAT said the concern of the Legislative Audit Committee in doing a performance audit regarding the Department of Highways is that the area is too broad. He suggested that perhaps two or three areas be investigated. Two of the areas suggested were motor pool functions and centralized services.

Several committee members mentioned checking into the appraisal process used by the department also.

REP. WALLIN felt the structure of the department should be examined.

REP. HARP stated he would like to see the performance audit done and also have an interim committee study the problems.

The consensus of the committee was to do both the resolution asking for an interim study and the performance audit.

The meeting adjourned at 2:30 p.m.

Respectfully submitted,



PAUL KROPP, CHAIRMAN

Ellen Engstedt, Secretary

HOUSE HIGHWAYS AND TRANSPORTATION COMMITTEE

SB 422

Date 3/10/81

GRAHAM

OP-
POSE

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITORS' REGISTER

HOUSE HIGHWAYS AND TRANSPORTATION COMMITTEE

BILL SB 434

Date 3/10/81

SPONSOR TVEIT

[illegible]

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

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITORS' REGISTER

HOUSE HIGHWAYS AND TRANSPORTATION COMMITTEE

BILL SB 462

Date 3/10/81

SPONSOR HAGER

[illegible]

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

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

SENATE BILL 434

S.B. 434 was introduced by Senator Tveit out of concern for the deterioration of our highway system. In recent years there has been a trend for some trucking firms to remove two tires from a dual axle. This practice allows them to carry greater payloads before the maximum gross weight of the vehicle is reached, but at the same time creates a problem in that weight is concentrated on a narrower width of tire. The greater weight per inch of tire width has been accelerating the deterioration of certain highways around the state.

Presently maximum axle loads may be carried on any size tire and on single tires rather than dual tires. This bill provides for a maximum loading of 600 lbs. per inch width of tire, exclusive of the steering axle, and would therefore require sufficient tire size or a sufficient number of tires to distribute the permissible maximum axle load. The bill also insures that regardless of tire size and number of tires, the maximum axle loads cannot be exceeded. (20,000 lbs. on a single axle and 34,000 lbs. on a tandem axle.)

For example, consider an axle with 10 inch wide tires. On a single axle under present law the maximum permissible load is 20,000 pounds. If the axle has four tires, the weight per inch of tire width will be 500 pounds. If, however, two tires are removed, the axle may still carry 20,000 pounds, but the weight per inch of tire width will be 1,000 pounds.

If this bill is enacted, the maximum permissible weight will still be 20,000 pounds, but the axle will be required to have sufficient tire width to carry that weight. In my example, the axle with four tires at 500 pounds per inch width would be in compliance with the law. If, however, two tires are removed, the maximum weight which may be carried is limited to 12,000 pounds which is 600 pounds per inch width times two 10 inch tires.

We are all keenly aware of the condition of our highway system, and this bill is a vehicle by which we can help protect our roads.

BG:snk:3J

DEPARTMENT OF HIGHWAYS



TED SCHWENDEN, GOVERNOR

2701 Prospect

STATE OF MONTANA

Helena, Montana 59620

January 26, 1981

I 90-8(32)
Parcel 9-B.I.A.
Ref: 68-GDF

Mrs. Georgia H. Blake
P.O. Box 145
Billings, Montana 59103

Dear Mrs. Blake:

The Department of Highways proposes to offer for sale the 27 acre tract of land in the SE1/4SE1/4 Section 34, Township 1 North, Range 28 East, in Yellowstone County which you are leasing from the State.

This letter is notification that the said lease, dated February 17, 1977, from the State of Montana, as Lessor, and yourself, as Lessee, covering the above-described land, will be terminated as of March 30, 1981. Any personal property, including fencing, must be removed at your expense by said date.

If you have any questions, please contact the Supervisor - Land Section, Right of Way Bureau, 2701 Prospect Avenue, Helena, Montana 59620 or phone 449-2004.

Sincerely,

A handwritten signature in cursive script, appearing to read "Robert E. Champion".

Robert E. Champion, P.E.
Chief - R/W Bureau

REC:WS:nr/1E
cc: Supervisor - Field R/W Section, Billings
Mail & File Unit

INDIAN CREEK RANCH
Box 145
Billings, Montana 59103

February 11, 1981

In 1970 the Highway Department commenced construction on the Interstate 90 Highway east of Billings from the Pryor Creek off ramp to the county line. During this construction phase the highway department made certain purchases and commitments pertaining to Georgia H. Blake, who is now doing business under the name of Indian Creek Ranch, Inc.

The Highway Department in the process of building the highway, cut the winter range of Indian Creek Ranch in two, separating grass from water and because of the hardship imposed by the highway, agreed to provide Georgia Blake a certain sum of money and four egresses in seven miles under the interstate for the Ranches' equipment, personell and live-stock.

Three of these egress points were in the form of tubes under the Interstate. All three of which have water flowing through them in the spring so the cattle cannot use them. Furthermore the ranch trucks, even a pickup with a stock rack cannot safely go through these tubes. One is so small you must lead your horse through it if he'll go. The fourth is in the form of an underpass at the point where the county road goes under the interstate, approximately in the middle of the range. This is the only egress usable by all trucks, personell, livestock and equipment, even then the tool bars must be folded and the drills regged for towing in order to go from one side of the interstate to the other.

Keep in mind eleven years ago this was one piece of land, open range before the road split grass from water.

There were only 40 acres along the whole right of way where there was other than ranch property, this was the point the highway department contrary to the ranches' wishes decided to put that underpass. Due to the lay of the land it saved the highway department considerable money to locate it there and they stressed the convenience for the cattle, the accessibility of the underpass and the desirable location for the livestock to get from feed to water.

On Jan. 26, 1981 Robert E. Champion of the Highway Dept. Right of Way Bureau wrote Georgia H. Blake informing her that the lease she had taken out on this small piece of land was being cancelled and that the ranch was to remove any fences or personal property from said property. A crude way of telling some one to get off a piece of land that the Highway department had agreed to allow egress when they shut off the seven miles of previous open access.