

MINUTES OF THE MEETING OF THE HOUSE HIGHWAYS AND
TRANSPORTATION COMMITTEE, JANUARY 13, 1983

The meeting was called to order by Chairman Abrams on Thursday, January 13, 1983 at 12:30pm, in Room 129, State Capitol. All members were present with the exception of Rep. Hemstad, who was absent.

HEARINGS

HOUSE BILL 87. REP. ROBERT DOZIER, District 61, Yellowstone County, testified as sponsor of the bill, which requires slow traffic to pull over for faster moving vehicles. He said Alberta, Canada, has enacted such legislation and he believes it is needed in Montana.

PROPONENTS

COL. ROBERT LANDON, Montana Highway Patrol, testified in support of the bill, commenting it would create additional turning movements which would add slightly to existing highway hazards, but the Patrol did not object to the bill itself.

OPPONENTS

There were no opponents of the bill.

IN CLOSING, Rep. Dozier asked the Committee to give the bill favorable consideration.

QUESTIONS

REP. KOEHNKE asked if Alberta posted signs along its highways advising motorists to pull over for faster moving traffic. Rep. Dozier replied he didn't know.

REP. UNDERDAL asked when it was appropriate now, for a slow moving vehicle to pull over, on Montana highways. Col. Landon replied it is allowed only when so designated by a sign along the highway.

The hearing on House Bill 87 was closed.

HOUSE BILL 9. REP. STEVE WALDRON, District 97, Missoula, testified as sponsor of the bill, which he said was one of the most comprehensive highway bills this session. He told Committee members the bill allocates highway funds, an area of great concern, as the Highway Commission presently has no authority to carry out its duties and responsibilities, adding it needs to be given some duties or be dissolved.

REP. WALDRON advised Section 60-3-205 (1) provides funding allocations for the primary system, based on incomplete primary mileage in each financial district, compared to total incomplete primary mileage in the State, incomplete mileage meaning any mileage failing to meet the latest approved State standards. He said the Department has defined incomplete mileage as the deficient mileage in each district, based on sufficiency ratings and the amount of deficient mileage for a segment of highway is the percentage deficiency from a perfect road times the length of the segment. He explained the Department bases mileage allocations on sufficiency levels and whether or not a segment of highway is 100% sufficient, adding very few highways in the State meet this criteria so that even a newly completed highway may not be considered to be 100% sufficient.

REP. WALDRON recommended language on page 2, lines 9-10, be changed to "adequate" sufficiency levels (exhibit) and said with the emphasis on bad roads in Montana, critical mileage and sufficiency levels would be designated by the Montana Highway Commission, as recommended by changes on page 2, lines 12-15.

PROPONENTS

MR. LARRY TOBIASON, Montana Automobile Association, said the present system is in urgent need of repair which is addressed by the bill.

MR. SAM HUBBARD, Executive Assistant, Department of Highways, stated Departmental support of the bill.

OPPONENTS

There were no opponents of the bill.

IN CLOSING, Rep. Waldron said it is difficult to allocate funding efficiently within the present 12 financial district system and he sees a need to focus on those sections of highway most in need of repair. He explained as other roads approach the critical level, funding would switch to that district.

QUESTIONS

REP. KEYSER asked Mr. Hubbard what the sufficiency rating is and how it was established. Mr. Hubbard replied it is

based on present structural condition, safety and hourly traffic volume, with percentages of 50%, 20% and 30%, respectively. He said an overall rating of 60% is considered adequate, a rating of less than 40% is critical (red), and ratings between 40 and 60% are considered to be deficient (blue). He explained present laws do not allow distinctions in allocation of funds between adequate and critical, which would be corrected by measures proposed in House Bill 9, in addition to allowing the Commission to establish adequate and critical levels.

REP. KEYSER asked if these levels would fluctuate or remain static for a period of time. Mr. Hubbard replied they should be set and maintained for a period of time, which would probably be based on the current ten year planning cycle.

REP. O'CONNELL asked Rep. Waldron who has this authority now. Rep. Waldron, referring her to page 1, line 20, said the Highway Department had interpreted language to mean a 100% sufficiency rating is tied to federal legislation requiring the latest State standards, and most roads in Montana don't meet this level. He said House Bill 9 would give the Commission the authority to lower these levels to adequate.

REP. KOEHNKE asked if fewer districts would resolve the problem. Rep. Waldron replied it would somewhat, but when funds are divided between large financial districts, roads are completed to the district line and the remaining funds used on other small district roads instead of completing the main road in need of repair. He said smaller districts with an overload of critical mileage and inadequate funds have an even greater problem and the actual solutions would be dissolution of financial districts; however, this action would cause political problems as there are presently five administrative and 12 financial districts.

REP. SHONTZ asked if, for example, 10 miles of 800 in a financial district were critical, how it would be determined where funds would be expended within the district. Rep. Waldron replied a related bill, soon to be heard by the Committee, would authorize the Highway Commission to set priorities for construction.

REP. ZABROCKI asked what the bill would do to current construction plans. Rep. Waldron replied current

Highways Committee Minutes
January 13, 1983
Page 4

priorities have already been set and the bill would apply only to future construction.

MR. SCOTT SEACAT, Deputy Legislative Auditor, said the bill would change allocation of funds only and does not change priorities.

REP. O'CONNELL commented the bill would allow the Commission to act in a healthy manner.

REP. SOLBERG asked Mr. Hubbard if the bill would put more money into the primary system where it was needed. Mr. Hubbard said the net effect is to put more money into critical and deficient miles in appropriate financial districts.

REP. KEYSER asked if, for example, the base of a highway were gone, how the 50% rating would be determined. Mr. Hubbard replied old, narrow stretches of road with narrow shoulders, pot holes and sharp curves would be given priority, citing Highway 93 out of Missoula, as an example.

REP. UNDERDAL asked if a district with a greater amount of bad roads would receive more funding. Mr. Hubbard replied it was the intent of the bill, adding the primary system is essentially complete, but is in need of reconstruction because of age and new standards.

REP. HARP told the Committee two financial districts in the State have 60% of the critical miles, but receive only 24% of funding available and said the legislation would be based on need, not boundaries.

REP. KEYSER asked if reconstruction funds were available now. Mr. Hubbard said federal funding of \$21 million and state funding in the amount of \$4 million was presently available, adding an additional \$4 million was made available from the reconstruction trust account, which is not subject to financial district distribution regulations.

REP. SHONTZ said reconstruction funding was derived from a bill he sponsored last session, adding 50 miles of State highways were upgraded with the funds. He said the federal government has refused to allow any flexibility in allocating funds and State funding would provide greater versatility in expending highway funds.

REP. WALDRON recommended committee members read the Joint Subcommittee on Highways Report and the Performance Audit Report on preconstruction and construction activities, prior to taking executive action on the bill.

CHAIRMAN ABRAMS closed the hearing with the understanding executive action would be deferred until House Bills 7 and 17 were heard and the Department of Highways would be available to answer questions.

EXECUTIVE SESSION

HOUSE BILL 32. MR. GREG PETESCH, Legislative Council, advised the Committee Rep. Holliday wished to withdraw the amendment to change codification on the Size-Weight-Load Section pertaining to violations, as it does not specifically apply to the situation. He said the appropriate penalty section would be 61-8-711.

REP. STOBIE moved the bill Do Not Pass. Rep. Brown seconded the motion.

REP. KEYSER made a substitute motion the bill Do Pass. Rep. Shontz seconded the motion.

REP. BROWN said the legislation was questionable for short distances and in leaving ticketing to the discretion of the Highway Patrol.

CHAIRMAN ABRAMS advised Montana is one of few states without such legislation.

REP. HAMMOND commented the past year has been a problem one for highway safety, especially with more people hauling wood for home heating.

REP. SOLBERG commented there is a need for regulation, but farmers should not be held liable for short term hauling needs.

REP. STOBIE said he thought the bill was too vague.

REP. KEYSER said the Committee should consider the intent of the author, adding it would be impossible to be too specific. He told the Committee all similar legislation allows the Highway Patrol officer discretion.

REP. KOEHNKE asked if there were statutes in effect which would be duplicated by House Bill 32. Rep. Keyser told him littering laws might apply, but improper loading was not addressed in the statutes.

REP. BROWN commented the bill does not prevent the problem from occurring and puts a lot of people in a bad situation.

Highways Committee Minutes
January 13, 1983
Page 6

REP. STOBIE asked how an individual would know if his or her load were legal.

REP. O'CONNELL told the Committee construction debris on highways near Great Falls created very dangerous situations.

REP. HAMMOND explained if the legislation were on the books, individuals would make an effort toward safety if it would be evident to a Highway Patrol officer if an individual had made an attempt to secure the load.

REP. SHONTZ said the bill would allow an officer to issue a warning ticket at his discretion, if the load shifted or became a hazard.

REP. STOBIE commented he is aware of strict rules for hauling lumber and logs.

REP. HARP called for the question. Rep. Keyer's motion was approved with 11 members voting aye, 5 voting no and Rep. Hemstad absent (roll call vote).

CHAIRMAN ABRAMS advised committee members House Bills 6 and 16 would be heard jointly with House Taxation Committee on January 29, 1983, and said House Bill 7 would be heard January 18, 1983, at which time Rep. Harp would provide pertinent information on the bill.

HOUSE BILL 87. REP. KEYSER moved the bill Do Pass. Rep. Shontz seconded the motion, which was unanimously approved by the Committee.

The meeting was adjourned at 1:40pm.


REP. HUBERT ABRAMS, CHAIRMAN

Joann T. Gibson, Secretary



ROLL CALL VOTE ----- HIGHWAYS AND TRANSPORTATION COMMITTEE

1983

	Date: 1/13 No: HB 32	Date: 1/25 No: HB 198	Date: 1/25 No: HB 17 amend	Date: 1/25 No: HB 17 Do Pass as Amend.	Date: 1/25 No: HB 17 Reconsid.	Date: 1/25 No: HB 17 Table	Date: 1/25 No: HB 205 Do Pass
ABRAMS	Y	Y	Y	N	Y	Y	Unanimous
ZABROCKI	Y	Y	Y	Y	Y		
BROWN	N	N	Y	N	Y		
COMPTON	Y	Y	Y	N	Y		
HAMMOND	Y	Y	Y	N	Y		
HARP	Y	Y	Y	Y	Y		
HEMSTAD	--	--	Abstain	Abstain	Y		
HOWE	Y	Y	N	N	Y		
KENNERLY	Y	Y	Y	Y	Y		
KEYSER	Y	Y	Y	Y	Y		
KOEHNKE	N	N	Y	N	Y		
LYBECK	Y	Y	N	N	Y		
O'CONNELL	Y	Y	Y	Y	Y		
SHONTZ	Y	Y	Y	N	Y		
SOLBERG	N	Y	Y	N	Y		
STOBIE	N	Y	Y	Y	Y		
UNDERDAL	N	Y	Y	Y	Y		

STANDING COMMITTEE REPORT

JANUARY 13

19 83

MR. SPEAKER:

We, your committee on HIGHWAYS AND TRANSPORTATION

having had under consideration HOUSE Bill No. 32

reading copy (white)

A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING IMPROPER
LOADING OF A VEHICLE AND ALLOWING EXCEPTIONS FOR HIGHWAY
MAINTENANCE OR CONSTRUCTION."

Respectfully report as follows: That HOUSE Bill No. 32

DO PASS

MR. HUBERT ABRAMS

Chairman.

STANDING COMMITTEE REPORT

JANUARY 13

19 83

MR. ~~SPEAKER:~~

We, your committee on HIGHWAYS AND TRANSPORTATION

having had under consideration HOUSE Bill No. 87

reading over white
color

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING THE DRIVER OF
AN OVERTAKEN VEHICLE TO TRAVEL ON THE SHOULDER OF A TWO-LANE
HIGHWAY UNTIL HE IS PASSED IF IT IS SAFE TO DO SO; AMENDING
SECTIONS 61-8-311 AND 61-8-323, MCA."

Respectfully report as follows: That HOUSE Bill No. 87

DO PASS

HUBERT ABRAMS

Chairman.

HOUSE Highway & Transportation COMMITTEE

Date 1-13-83

[illegible]

Form CS-33
1-81

VISITORS' REGISTER

HOUSE Highway & Transp COMMITTEE

BILL AB9 Date 1-13-83

SPONSOR Waldron

[illegible]

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

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

DATE: January 12, V 1983

RE: House Bill 9 - Justification for Allocating Primary
Highways Funds Based on Highway Commission Designated
Sufficiency Levels

13-83
Sten
Waldman

Present Primary Funding Allocation System

Section 60-3-205(1), MCA, provides for primary funding allocations based on incompleted primary mileage in each financial district compared to total incompleted primary mileage in the state. Incompleted mileage means any mileage failing to meet the latest approved state standards. The department has defined incompleted mileage as the deficient mileage in each district based on sufficiency ratings. The number of deficient mileage for a segment of highway is the percentage deficiency from a perfect road times the length of the segment. For example, a 10 miles segment of road with a sufficiency rating of 70 percent (30 percent deficiency) is said to have three deficient miles. (Appendix A on page 122 of the report gives the number of deficient miles in each financial district.)

Proposed Primary Funding Allocation System

House Bill 9 requires the Highway Commission to designate a sufficiency level considered adequate and a lesser sufficiency level considered critical to be used to allocate primary highway funds. Half of the primary funds would be allocated based on the number of primary miles below the adequate level in each financial district. The other half would be based on the number of primary miles at or below the critical level in each financial district.

STATE OF MONTANA

REQUEST NO. 021-83

FISCAL NOTE

Form BD-15

In compliance with a written request received January 6, 19 83, there is hereby submitted a Fiscal Note for House Bill 9 pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA).

Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

House Bill 9 revises the formula used to apportion construction funds to the Federal Aid Primary Highway System. The total funds apportioned each year would not change, but the allocation for each financial district would change, depending on the sufficiency levels adopted as adequate and critical by the Highway Commission. More weight is also provided in the new allocation formula to critically deficient roadway mileage.

ASSUMPTIONS:

- 1) The following estimated percentage allocations are based on 1982 sufficiency ratings.

FISCAL IMPACT:

No additional revenue will be distributed as a result of this bill. However, the allocation to each financial district will be:

Financial Districts

	1	2	3	4	5	6	7	8	9	10	11	12	
Present	12.76	6.07	10.32	6.59	7.10	8.57	5.17	11.3	5.63	8.80	8.97	8.92	= 100%
Formula	%	%	%	%	%	%	%	%	%	%	%	%	
Proposed	27.94	4.03	5.81	8.26	2.93	6.40	3.91	16.62	3.80	5.23	9.46	5.34	= 100%
Formula	%	%	%	%	%	%	%	%	%	%	%	%	

FISCAL NOTE 3:H/1

David M. Lewis

BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 1-11-83