

MINUTES OF THE MEETING OF THE HOUSE HIGHWAYS AND
TRANSPORTATION COMMITTEE, MARCH 1, 1983

The meeting was called to order by Chairman Abrams on Tuesday, March 1, 1983 at 12:30pm, in Room 129, State Capitol. All members were present with the exception of Representatives Brown, Hemstad and Harp, who were absent.

HEARINGS

SENATE BILL 122. SEN. THOMAS KEATING, District 32, Yellowstone County, testified as sponsor of the bill, which he called a freedom bill for small business. He told the Committee a delivery service may not presently pick up a parcel from a private carrier at an airport without a permit, when one arrives intra-state. Sen. Keating explained inter-state parcels may be picked up without the Public Service Commission permit and advised committee members the permit fee is quite substantial in relation to the amount of business conducted by small delivery services. He said the change in statute would allow conformity with federal regulations and eliminate the need for such a permit.

PROPONENTS

MR. WAYNE BUDT, Public Service Commission, told the Committee he supports the bill since present statutes do create an enforcement problem (exhibit).

OPPONENTS

There were no opponents of the bill.

IN CLOSING, Sen. Keating said members of the small delivery service business sector offered their support of the bill although they could not be present to testify.

QUESTIONS

REP. UNDERDAL asked if UPS would be affected by the legislation. Sen. Keating replied they would not, adding the bill relates mostly to small local delivery service businesses.

REP. SOLBERG asked how parcels were being picked up at this time. Sen. Keating said some are picked up by cab service or illegally if the delivery service does not possess a permit.

REP. HAMMOND asked how local delivery services were regulated originally. Sen. Keating advised they were originally governed by federal legislation and the hearing was closed.

EXECUTIVE SESSION

SENATE BILL 122. REP. STOBIE moved the bill Do Pass. The motion was seconded by Rep. Harp and given unanimous committee approval.

HEARINGS

HOUSE BILL 815. REP. JAY FABREGA, District 44, Cascade County, testified as sponsor of the bill, which addresses acquisition of abandoned railroad rights of way. He told the Committee the bill would provide authority to the Department of Commerce to identify abandoned railroad rights of way and to study the feasibility or purchasing same or to submit plans for acquisition thereof. He said the bill would require \$78,500 during the upcoming biennium, adding he believes the State should look into the matter in its own best interest, for potential leasing of such properties.

PROPOSERS

MR. JAMES T. MULAR, State Director, Brotherhood of Railway and Airlines Clerks, read from prepared testimony in support of the bill (exhibit), and told the Committee the State of Washington used such lands for utility corridors, adding there are more than 400 miles of category one lines. Mr. Mular informed the Committee of the Geraldine-Denton line, which was purchased from the Milwaukee Railroad by Burlington Northern three years ago and is now emgargoed. He said the bill provides the necessary route to salvage adequate rail service in the State.

OPPONENTS

There were no opponents of the bill and Rep. Fabrega closed.

QUESTIONS

REP. SOLBERG asked if it were planned to make such purchases before ties were taken up. Mr. Mular said the Staggers Act provided a responsible entity with the ability to purchase abandoned railroad rights of way. He advised committee members of the old Milwaukee line segment at Three Forks, MT, which serves two grain elevators and cannot be presently connected with a main line.

The hearing on House Bill 815 was closed.

SENATE BILL 106. SEN. CHET BLAYLOCK, District 35, Yellowstone County, testified as sponsor of the bill, which allows increased fines for overweight trucks, as requested by the Department of Highways. Sen. Blaylock asked the Committee to amend the bill by tripling fines and said 58% of Montana communities rely on highways for ingress and egress, adding it is necessary to protect the improvements made to the Montana highway system. He explained to the Committee, as a truck driver, it is fairly easy to ascertain weight on a truck and said it is necessary the burden be put on trucks to comply with weight standards, although he did not know how overweight damage was calculated. Sen. Blaylock said the bill is meant to stop abuse of Montana's highways adding, the fines are fair, as scheduled. He requested committee support of the bill.

PROPONENTS

MR. BEN HAVDAL, Montana Motor Carriers Association, said his organization supports the bill as it was originally introduced in the Senate, and told the Committee, motor carriers face unfair competition from illegally loaded trucks, which the proposed fine structure would hopefully deter.

MR. GARY WICKS, Director, Montana Department of Highways, told the Committee he supported the bill, since it would reduce overweight problems in the State. He said the Highway Transportation Council and the Governor's Council on Management also support the increase in fines to protect Montana's investment in its highways, adding with such enforcement, future construction dollars would be better spent. Mr. Wicks advised committee members there is still a 5% tolerance on overweight trucks by statute and urged committee support of the bill, because GVW fines have not been raised since 1961.

MR. KEITH OLSON, Executive Director, Montana Logging Association, stated his support of the bill and said many wood contractors won't hire a truck unless it is agreed in the contract that the truck will not be overloaded.

OPPONENTS

There were no opponents of the bill.

IN CLOSING, Sen. Blaylock told the Committee he agreed with statements made by Mr. Havdal and thanked those supporting the bill.

QUESTIONS

REP. LYBECK asked Mr. Olson if his organization supported the increase in fines. Mr. Olson replied he was in agreement with Mr. Havdal, adding his organization supported the bill in the Senate.

The hearing was closed on House Bill 815.

EXECUTIVE SESSION

HOUSE BILL 815. REP. ZABROCKI moved the bill Do Pass. Rep. O'Connell seconded the motion, which was given unanimous committee approval.

SENATE BILL 106. REP. STOBIE moved the bill Be Concurred In and then moved fines be increased by 50% with no fines for trucks more than 10,000 pounds overweight.

REP. KEYSER said the fines in Section 1 of the bill are not unreasonable.

REP. HAMMOND told committee members the person responsible for the damage should pay for it.

REP. SHONTZ advised the Committee of the 20% overweight allowance for agricultural vehicles.

REP. KOEHNKE said he would go along with the bill in its present form, but he could not agree to tripling fines.

REP. LYBECK made a substitute motion to amend the bill to its original proposal of a \$300 increase in fines. Rep. O'Connell seconded the motion.

REP. SOLBERG said he opposed the amendment as it would put small trucks out of business, adding he favored the bill as it is written.



REP. STOBIE told committee members he would oppose the motion, as it would kill the bill on the House floor and the fines would be too stiff. He made a substitute motion for all motions pending that the bill Be Concurred In. Rep. Solberg seconded the motion.

REP. SHONTZ moved the bill be tabled. The motion failed with eight members voting no and six voting aye. Representatives Brown, Harp and Hemstad were absent.

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The motion made by Rep. Stobie was approved with eight members voting aye, six voting no, and Representatives Brown, Harp and Hemstad absent.

The meeting was adjourned at 1:28pm.


REP. HUBERT ABRAMS, CHAIRMAN


Joann T. Gibson, Secretary

STANDING COMMITTEE REPORT

MARCH 1

19 83

MR. **SPEAKER:**

We, your committee on **HIGHWAYS AND TRANSPORTATION**

having had under consideration **SENATE** Bill No. **122**

THIRD reading copy (**BLUE**)
color

**A BILL FOR AN ACT ENTITLED: "AN ACT EXEMPTING FROM THE
COVERAGE OF TITLE 69, PUBLIC UTILITIES AND CARRIERS, CHAPTER
12, MOTOR CARRIERS, THE TRANSPORTING OF PROPERTY IN A
CONTINUOUS MOVEMENT THAT INCLUDES TRANSPORTING BY AIR AS
WELL AS BY MOTOR CARRIER; AMENDING SECTION 69-12-102, MCA."**

Respectfully report as follows: That **SENATE** **122**
Bill No.

BE CONSIDERED IN

XXXXXX

REP. HUBERT ABRAMS

Chairman.

STANDING COMMITTEE REPORT

~~FRIDAY~~ MARCH 1 83
19.....

SPEAKER:
MR.

We, your committee on **HIGHWAYS AND TRANSPORTATION**

having had under consideration **HOUSE** Bill No. **815**

FIRST reading copy (**HEATED**)
color

**A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING
IDENTIFICATION OF AND PREPARATION OF A PLAN FOR ACQUISITION
OF ABANDONED RAILROAD RIGHTS-OF-WAY; APPROPRIATING \$78,500
FROM THE GENERAL FUND; AND PROVIDING AN IMMEDIATE EFFECTIVE
DATE."**

Respectfully report as follows: That **HOUSE** Bill No. **815**

DO PASS

REP. HUBERT ABRAMS

Chairman.

STATE PUB. CO.
Helena, Mont.

COMMITTEE SECRETARY

STANDING COMMITTEE REPORT

MARCH 1 19 83

MR. **SPEAKER:**

We, your committee on **HIGHWAYS AND TRANSPORTATION**

having had under consideration **SENATE** Bill No. **106**

THIRD reading copy (**BLUE**)
color

A BILL FOR AN ACT ENTITLED: "AN ACT TO INCREASE THE
PENALTIES FOR OVERWEIGHT VEHICLES; ~~TO PROVIDE THAT THE~~
~~IMPOSITION OF PENALTIES MAY NOT BE SUSPENDED;~~ TO REVISE THE
DISPOSITION OF FINES AND FORFEITURES COLLECTED FOR
VIOLATIONS OF THE VEHICLE SIZE, WEIGHT, AND LOAD LAWS; AND
TO PROVIDE FOR JURISDICTION OF SUCH LAWS IN JUSTICES'
COURTS: AMENDING SECTIONS 31-10-303, 61-10-245, AND
61-10-148, MCA."

Respectfully report as follows: That **SENATE** Bill No. **106**

AS CONCURRED IN
~~DO PASS~~

REP. HUBERT ABRAMS

Chairman.

ROLL CALL VOTE ----- 1983 HIGHWAYS AND TRANSPORTATION COMMITTEE

	Date: 2/5 No: HB 16 Do Pass as Am.	Date: 2/8 No: HB 9 Do Pass as Am.	Date: 3/1 No: SB 106	Date: 3/3 No: HB 440	Date No:	Date No:
ABRAMS	Y	N	Y	N		
ZABROCKI	Y	Y	Y	Y		
BROWN	N	N	--	N		
COMPTON	Y	N	Y	N		
HAMMOND	Y	Y	N	Y		
HARP	Y	Y	--	N		
HEMSTAD	N	Y	--	--		
HOWE	N	N	Y	Y		
KENNERLY	Y	Y	N	--		
KEYSER	N	Y	N	N		
KOEHNKE	N	Y	Y	Y		
LYBECK	Y	Y	N	Y		
O'CONNELL	Y	Y	N	N		
SHONTZ	Y	N	N	--		
SOLBERG	Y	N	Y	N		
STOBIE	N	Y	Y	--		
UNDERDAL	N	N	Y	N		

VISITOR'S REGISTER

HOUSE Highways & Transp COMMITTEE

BILL SB 122

DATE 3-1-83

SPONSOR Keating

[illegible]

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

WHEN TESTIFYING PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITOR'S REGISTER

HOUSE Highways & Transp COMMITTEE

BILL HB 815

DATE 3-1-83

SPONSOR Fabrega

[illegible]

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

WHEN TESTIFYING PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITOR'S REGISTER

HOUSE Highways & Transp COMMITTEE

BILL SB 106

DATE 3-1-83

SPONSOR Blaylock

[illegible]

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

WHEN TESTIFYING PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

WITNESS STATEMENT

Name Wayne W. B. D. Committee On H&T
Address 911 Idlewild Date 3-1-83
Representing MPSC Support ✓
Bill No. SB 122 Oppose _____
Amend _____

AFTER TESTIFYING, PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

1.

2.

3.

4.

Itemize the main argument or points of your testimony. This will assist the committee secretary with her minutes.

SENATE BILL 122

This Bill exempts from PSC regulation carriers involved in the transportation of property that will have a prior or subsequent air movement.

The only change this bill makes in the present statutes is that if a person holds himself out to pickup freight from a business and delivers to an airport or pickup freight from an airport and delivers it to a business, he would not need a certificate from the PSC.

In addition, this bill would bring Montana statutes in conformity with the federal laws on transportation regulation which now allows this type of operation under the Interstate Commerce Commission.

WITNESS STATEMENT

Name JAMES T. MULAR Committee On Highways Transp
Address Butte MT Date 3/1/83
Representing Ray Clerks Support X
UTU BMW & BLE Oppose _____
Bill No. HB 815 Amend _____

AFTER TESTIFYING, PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

1. HB 815 would give the state authority to study the feasibility of purchasing abandoned
2. Branch Lines - in concert with the N.O.C. Rail Planning Division. Either by private
3. financial parties, or a responsible rail operator. There is over 400 miles of
4. Rail Branch Lines in Category I Abandonments - under Staggers Rail Act 1980. Another important line is the Denton Geraldine Milw-BN segment. Along with specific line segments along the former Milw Right of Way.

Itemize the main argument or points of your testimony. This will assist the committee secretary with her minutes.

3-1-83
H3815

Concerning H B 815 which directs the executive department to study abandoned railroad branch lines and report back to the legislature any rights-of-way or easements it feels should be preserved in the public interest:

Over 400 miles of railroad branch lines in the state are either being considered for abandonment or have been abandoned. This is in addition to the abandoned Milwaukee right-of-way.

New utility and transportation corridors are required from time to time. These corridors are very expensive to establish and very disruptive to the affected areas. Thus the state of Washington has seen fit to preserve all of the abandoned portions of the Milwaukee Road right-of-way (main line) in that state.

The manner in which a rail-banking bill was killed in the 1981 legislature apparently prevents the executive department from negotiating for any right-of-way or easment aquisition.

One of the railroads in the state is reportedly considering whether to turn over marginal branch lines to the state with the idea that a private operator might wish to continue operation.

The Montana Citizens Freight Rate Association and its associated members and organizations believe that the state should carefully examine and evaluate the future potential of all abandoned or relinquished rail right-of-way in the state.

Respectfully,

The Montana Citizens Freight Rate Association

The Brotherhood of Rwy Clerks
UNITED TRANSPORTATION UNION
Brotherhood of Maintenance Way Employees
Brotherhood of Locomotive Engineers.

WITNESS STATEMENT

Name Ben Harvahl Committee On Highways
Address Helena Date 3/1/83
Representing MT. Motor Carriers Assoc Support X
Bill No. SB 106 Oppose _____
Amend _____

AFTER TESTIFYING, PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments: The policy of Montana Motor Carriers Assoc. is for
1. Compliance with present weight allowances for trucks. MMCA
opposes illegally loaded overweight trucks. We Support
any effort to curb illegal overweight and support a level
2. Of overweight fines that would effectively deter
illegal loads.

MMCA supported SB106 as originally introduced increasing
3. overweight fines 200%. We did not object to the Senate
amending the fine schedule to a 200% increase. If
a 200% increase is adequate to deter illegal loads we support
4. the level.

Itemize the main argument or points of your testimony. This will assist the committee secretary with her minutes.

NAME:

KEITH L. OLSON

DATE:

3-1-83

ADDRESS:

FAIRFELL

PHONE:

755-3185

REPRESENTING WHOM?

Montana Logging Assn

APPEARING ON WHICH PROPOSAL:

SB 106

DO YOU:

SUPPORT?

X

AMEND?

OPPOSE?

COMMENTS:

Dite bullet

Previously stood before committee

- requested your support to increase productivity of trucks to offset

SOME OF THE

dramatic increases in operating expense

Today, ^{support} ~~encourage~~ you need for disincentives to overload

WE HAVE EXPRESSED

Concerns about interpretation ^{as} revenue bill

However, our members not consistent violators and many ~~many~~ woods

processors will not pay for volume hauled in excess of legal capacity

Thus, urge your support for concept of this legislation

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

HOUSE HIGHWAYS AND TRANSPORTATION

BILL SUMMARIES

Tuesday, March 1, 1983

HB 815 - authorizes the Department of Commerce to study the feasibility and desirability of purchasing abandoned railroad rights-of-way and to submit a plan and cost estimate to the 49th Legislature. The bill appropriates \$78,500 for the study and plan preparation.

SB 91 - allows the Highway Commission to delegate its authority to award contracts to the Highway Department or to a unit of local government.

SB 106 - doubles the current fines for overweight vehicles. The bill provides that fines and forfeited bonds will be distributed to the highway earmarked revenue fund and the county road fund. Jurisdiction of overweight violations is given to justices' courts.

SB 122 - exempts from Title 69, Chapter 12, the regulation of motor carriers, the transportation of property as part of a continuous movement, where part of the transportation is provided by an air carrier.