

MINUTES OF THE MEETING
HIGHWAYS AND TRANSPORTATION
MONTANA STATE SENATE

January 27, 1983

The meeting of the Highways and Transportation Committee was called to order by Chairman Mark Etchart on Thursday, January 27, 1983, at 1:00 p.m. in Room 410, State Capitol.

ROLL CALL: Roll was called. Present: Senator Etchart, Senator Hager, Senator Elliott, Senator Shaw, Senator Stimatz. Senator Graham and Senator Manning arrived a few minutes late. Senator Tveit arrived at 1:40 p.m. Those Senators absent: Senator Daniels.

SENATE BILL NO. 239: Hearing commenced on Senate Bill No. 239. Senator Keating, sponsor of Senate Bill No. 239, told the committee this bill exempts a municipal bus service or an urban transportation district from regulation by the Public Service Commission. This bill deals with city bus transportation within cities or towns. It specifically deals with two towns, Billings and Helena. These are the only two places where there are bus systems. It will exempt these city bus systems from control by the PSC. That is the primary purpose of the bill.

John R. Adamson, Transit Manager, City of Billings said the City of Billings supports the passage of Senate Bill No. 239, an act providing for full control and management of public transportation services and transportation district services by the municipality or district. He presented prepared testimony to the committee (Exhibit 1).

Bill Opitz, Public Service Commission, spoke in support of Senate Bill 239. He presented the committee with prepared testimony (Exhibit 2).

Keith L. Olson, Executive Director, Montana Logging Association gave prepared testimony in support of Senate Bill No. 239, but did not speak to the committee, (Exhibit 3).

Senator Hager asked Mr. Adamson if the bus system in Billings operates outside of the city limits.

Mr. Adamson said, yes they do. They travel about 5 miles outside the city limits to a nursing home.

Senator Elliott asked Mr. Opitz if any fees are paid by these organizations at the present time.

Mr. Opitz said the only fee the PSC receives is when they file an annual report, there is a fee of \$6.50 per year.

Senator Stimatz asked Mr. Opitz where the Butte bus system comes into this.

Mr. Opitz said he was not sure.

Mike Shea, Butte, told the committee the Butte Transit System is regulated by the PSC, and they are a municipality.

In closing, Senator Keating, said there are three municipalities instead of two, that would be affected by this bill.

There being no further discussion, hearing on Senate Bill No. 239 was closed.

HOUSE BILL NO. 32: Hearing commenced on House Bill No. 32, sponsored by Representative Holliday, Roundup. This bill prohibits movement of any vehicle on the highways unless the load is secured to prevent the contents from dropping, sifting, leaking or otherwise escaping if the contents create a hazard for other motorists. My major concern is firewood on the highways. I would like to offer the following amendment:

1. Line 12.
Following: "its"
Insert: "solid"

This bill is a preventive measure. Wyoming and North Dakota have similar legislation.

Jo Brunner, representing Women Involved in Farm Economics, (WIFE), spoke for the members of WIFE. They support this bill with the amendment. She presented the committee with prepared testimony (Exhibit 4).

Robin MacNab, representing the Montana Livestock Markets Association, told the committee, with the amendment they are a proponent and without the amendment they are an opponent to House Bill No. 32. He told the committee there is not a livestock truck built today that will not seep.

Col. R. W. Landon, Highway Patrol, spoke in support of House Bill No. 32. We need this bill as a tool to make the highway safer. Currently, we do not have statutes to deal with securing loads. We do not feel it is asking too much of people to put ropes on their loads to secure them. I hope you favorably consider this legislation.

Senator Graham asked Col. Landon who is responsible for removing pieces of debris that fall onto the highway.

Col. Landon said he thought we all have a responsibility to keep the highways free of objects.

Senator Shaw asked if there is a lot of incidence of wood, etc., falling onto the highways.

Col. Landon said since firewood has become so popular, it has increased. We have not had significant problems with grain or hay. Loose hay will not hurt anything, but bales will. For the most part, the problem is firewood laying in the highways.

Senator Shaw asked if there was a penalty for this bill.

Col. Landon said yes, in Section 61-8-711. It is a misdemeanor. I think the main value of this bill is not in the penalty, but in the prevention. We need to educate those folks to put ropes around those loads.

Paul Verdon, Legislative Council, reported to the committee that on the first offense, the penalty is not less than \$10 and not more than \$100.

Senator Hager asked about 61-8-365, subsection 1 and 2. He wondered if this section of the law would cover this bill.

Col. Landon said no. This section of the law deals with throwing litter onto the highways, not with loading and securing.

In closing, Representative Holliday said she was aware of the concerns from those in Agriculture, but hoped the committee would pass this bill.

There being no further discussion, hearing on House Bill No. 32 was closed.

SENATE BILL NO. 245: Hearing commenced on Senate Bill No. 245, sponsored by Senator D. Manning, by request of the Department of Highways. This bill amends present law to extend time for spending coal funds to June 30, 1985, instead of the present June 30, 1983. The Colstrip-Forsyth Project, which is being partially funded with coal tax funds, was delayed due to problems with the land acquisition, obtaining a complex railway-highway agreement, and resolving availability of other federal funds which were used to supplement coal funds on this project. The Busby-Kirby Project was originally designed and planned by the Bureau of Indian Affairs.

Protracted negotiations with them over joint funding and other joint contributions toward the project delayed the letting. There was also some difficulty in accomplishing the relocation of utility lines which were in conflict with the project. We currently anticipate that all of the remaining coal funds will be utilized on these two construction projects. Extension of the funding authority as proposed is proper and in line with Department of Highways needs and fund planning.

Sam Hubbard, Department of Highways, told the committee the Highway Department is in support of this bill.

ACTION ON SENATE BILL NO. 245: Senator Stimatz made the motion that Senate Bill No. 245 DO PASS. Motion carried unanimously.

ACTION ON SENATE BILL NO. 239: Senator Shaw made the motion that Senate Bill No. 239 DO PASS. Motion carried unanimously.

ACTION ON HOUSE BILL NO. 32: Senator Etchart told the committee he would like to hold the bill until the next meeting, but the committee could take action on the amendment if they wanted to.

Senator Graham made the motion that the committee adopt the amendment proposed by Representative Holliday, that would on Line 12, following "its", insert the word "solid". The motion carried unanimously.

ADJOURN: There being no further business before the committee, the meeting was adjourned at 1:55 p.m.



SENATOR MARK ETCHART
Chairman

ROLL CALL

SENATE HIGHWAYS AND TRANSPORTATION COMMITTEE

48 ~~47~~th LEGISLATIVE SESSION -- ~~XXXX~~ 1983

Date 1/27/83

NAME	PRESENT	ABSENT	EXCUSED
Senator Mark Etchart, Chairman	✓		
Senator Hager, Vice Chairman	✓		
Senator Elliott	✓		
Senator Shaw	✓		
Senator Tveit <i>late 1:40</i>	<i>late</i>		
Senator Graham	<i>late</i>		
Senator D. Manning	<i>late</i>		
Senator Stimatz	✓		
Senator Daniels		<i>absent</i>	
Paul Verdon, Leg. Council	✓		
Carol Doyle Frasier, Secretary	✓		

TESTIMONY OF JOHN R. ADAMSON,
TRANSIT MANAGER
CITY OF BILLINGS, MONTANA
BEFORE THE SENATE HIGHWAY COMMITTEE
JANUARY 27, 1983

Thank you, Mr. Chairman and members of the Highway Committee. It is a privilege to speak before you concerning Senate Bill #239. The City of Billings supports the passage of Senate Bill #239, an act providing for full control and management of public transportation services and transportation district services by the municipality or district.

I would like to explain a little of the background concerning this bill. In the summer of 1982 the Public Service Commission removed themselves from any control over transportation districts in the State of Montana. They indicated that the current laws of the State of Montana did allow transportation districts to be exempted from the authority of the Public Service Commission. However, that same law did not allow municipalities and the city-owned and operated municipal bus lines to be exempted from the authority of the Public Service Commission. As a result of this discussion, the City of Billings, and the Public Service Commission concurred, that the law should be changed to exempt municipal bus lines from the

authority of the Public Service Commission. Thus, Senate Bill #239 was prepared with the concurrence of the Public Service Commission.

The federal regulations already require the City of Billings, or any municipality which receives federal grants for transit operations, to hold a public hearing locally, prior to any rate increase. As a result of this regulation the Public Service Commission has never had a request for a public hearing on any rate increase in the City of Billings.

Secondly, all of the municipal bus lines in the State of Montana are subsidized by local taxpayers through a general property tax levy. The fares generally bring in only a small amount of the revenue, in the City of Billings case, less than 15%.

Lastly, I would like to point out that, this bill, Senate Bill #239, is intended strictly for cities and municipal governments which operate bus lines within their jurisdictions. By exempting the municipal bus lines from the authority of the Public Service Commission, you will not affect any intercity service.

The City of Billings supports Senate Bill #239 and urges the Highway Committee to recommend "do pass" to the Senate. The Public Service Commission has already exempted urban transit districts. Secondly, we support this legislation because federal regulations already require substantial public input into the rate setting process. Thus, any further regulation by the Public Service Commission would be redundant and only add to the governmental red tape involved. Thirdly, fares are a small percentage of the total revenues received by municipal bus lines. Therefore, fares, although an important source of revenue, are a minor portion of total revenue. Lastly, this bill as drafted would only affect municipal transit lines operating only within their jurisdictions and would not have any effect on intercity bus service. For these reasons we urge the Senate Highway Committee to recommend "do pass" on Senate Bill #239.

Thank you. I would be happy to answer any questions the members may have concerning Senate Bill #239.

JOHN R. ADAMSON,
Transit Manager
City of Billings, Montana
(Ph. (406) 657-8221)

SENATE BILL 239

Under present statutes, municipalities are issued an operating authority by the Montana Public Service Commission upon request. No proof of public convenience or necessity is required. The Commission does, however, regulate the rates and charges for municipal buses. Even if the city government approves a rate increase or decrease, the change must then be further approved by the PSC. This removes local control of their own bus system.

In addition, virtually all municipal buses are in part federally funded. Local elected officials work with this federal funding to assure an adequate transportation system and further review by the PSC is not required.

The PSC will continue to maintain safety regulation on all vehicles used in these operations.

NAME: Keith W. Olson DATE: 1-27-83

ADDRESS: P.O. Box 1716 Kalispell 59901

PHONE: 755-3185

REPRESENTING WHOM? EXECUTIVE DIRECTOR / MT. Logging Assn.

APPEARING ON WHICH PROPOSAL: HB 32

DO YOU: SUPPORT? AMEND? OPPOSE?

COMMENTS: _____

Since the wood stove has become an important addition to many Montana households, improperly loaded vehicles transporting cut and split firewood have become a regular nuisance.

A piece of firewood which has fallen upon the highway is a threat to the safety to all motorists. HB 32 intends to minimize such dangers and, therefore, has the support of the Montana Logging Association.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.



WIFE Women Involved In Farm Economics

NAME Jo Brunner BILL NO. HB 32
 ADDRESS 563 3rd St, Helena DATE Jan. 27/83
 REPRESENT Women Involved in Farm Economics
 SUPPORT X OPPOSE AMEND

COMMENTS.

Mr. Chairman, members of the committee, my name is Jo Brunner and I speak today for the members of the Women Involved in Farm Economics organization in support of HB 32.

Mr. Chairman, it is the policy of our organization to study any issue and discuss that issue before we make any policy for or against that issue. At our last steering committee meeting we discussed the contents of this bill and voted to support HB 32. We did not make this decision lightly. W.I.F.E. is an agricultural organization and as such the best interests of all of agriculture and of our communities, our state, our nation are our concern. Still that does not make us blind to any fault our industry may have,--- although we realize that such instances are very few and far between. And it is along that line that we offer our support of HB 32. We believe that we all must accept responsibility for our actions. Is a bale of hay, or several bales of hay, lying in a road less a hazard because it is an agricultural product? Because sugar beets are an agricultural product, are they any less hazardous, scattered excessively along a highway?

We have heard, and will certainly hear much more, about the excuseable dangers of cattle and sheep trucks---of driving behind a cattle truck, say, with a window open---or stopping hurridily along the highway, for whatever purpose, and stepping into a pile

He'll has no fury like a woman scorned



WIFE Women Involved In Farm Economics

of manure, recently fresh from a passing truck, and falling in the slippery stuff and breaking a leg, ectera. We do realize the potential dangers, even OSFA² Has felt the need to warn those people who work around livestock to not step into the stuff, but we do submit that while we cannot expect the cows or sheep to contain themselves, we do expect that human driving that vehicle meeting or following the livestock truck to use a little common sense and discretion as to the distance between the vehicles and as to the position of his window and perhaps even containing himself so as to be careful and look where he steps.

Certainly we hear often enough that we cannot legislate common sense or every aspect of our daily life and W.I.F.E. certainly agrees with that, but are any of us exempt from the consequences of leaving hazardous material on the highway~~???~~ If such material did cause a wreck, or loss of life, would it be any less serious because it was our industry responsible for the obstruction?

We know that accidents do happen, that a animal will somehow get out of a truck, no matter how many safety precautions are taken; that a bale or so may drop off, or that sugar beets will fall over the side---but how many of us have driven down the highway behind a pickup or truck with a stock rack held together with a piece of two of baling wire and should have never been on the highway in that condition? Or a load of hay stacked so high, with little or no restraints that any margin figured by overloading will be lost in

"Hell has no fury like a woman scorned"



WIFE Women Involved in Farm Economics

the bales lost? Because these are agriculture people, is their responsibility less???? Would you expect a court of law to rule in your favor in a lawsuit over an accident or death, if you felt you could not be considered responsible for leaving an obstruction on the highway----solely because of your profession? Of course you would not!!!!!! And we know that instances like these are not the norm, but the exception. We also expect that there will be loud howls of protests and outrage because W.I.F.E. is seemingly unaware of which side of the bread their butter is on. We assure you, we do know, and we are working to make our life a better life and hopefully that will include a sense of responsibility for our actions. You know, there is nothing that makes me angrier during bird season, than to drive down our lane and come upon a car from the city, stopped in the middle of that lane, all four doors wide open and all four hunters out in my field, climbing my fences and scaring my cows. I figure that they should use a little common sense, take the time to pull over to the side, close the doors, crawl through the fence, and certainly not shoot toward the cows. I figure they should be smart enough, to do those things. I think that agriculture should be smart enough to do a few things also. W.I.F.E. concurs with HB 32.

NAME: Sam Hubbard DATE: 1/27/83

ADDRESS: Helena, MT.

PHONE: 449-3052

REPRESENTING WHOM? Dept. of Highways

APPEARING ON WHICH PROPOSAL: SB 245

DO YOU: SUPPORT? X AMEND? _____ OPPOSE? _____

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

STANDING COMMITTEE REPORT

January 27

19 83

MR. **PRESIDENT:**

We, your committee on **Highways and Transportation**

having had under consideration **Senate** Bill No. **245**

Respectfully report as follows: That **Senate** Bill No. **245**

DO PASS

ME

STANDING COMMITTEE REPORT

January 27 19 83

MR. PRESIDENT:

We, your committee on HIGHWAYS AND TRANSPORTATION

having had under consideration SENATE Bill No. 239

Respectfully report as follows: That SENATE Bill No. 239

DO PASS

SENATOR MARK ETCHART Chairman.

Handwritten initials