

MINUTES OF THE MEETING
HIGHWAYS AND TRANSPORTATION COMMITTEE
MONTANA STATE
HOUSE OF REPRESENTATIVES

March 30, 1985

The meeting of the Highways and Transportation Committee was called to order by Chairman Harp on March 30, 1985, at 7 a.m. in Room 420, State Capitol.

ROLL CALL: All members of the Committee were present except Representatives Howe and Zabrocki, who were absent, and Representative O'Connell, who was excused.

DISPOSITION OF SENATE BILL 419: Representative Keyser made a motion that the amendment to Senate Bill 419 be approved. The motion was given unanimous approval by the Committee (Exhibit 1).

Representative Glaser made a motion that Senate Bill 419 BE CONCURRED IN AS AMENDED. The motion was given unanimous approval by the Committee.

DISPOSITION OF SENATE BILL 83: Mr. Tom Gomez, Legislative Researcher told the Committee the proposed amendment (i) refers to agricultural commodities which are not manufactured products and (ii) refers to a 200 mile radius which includes raw products from their point of origin (Exhibit 2).

Representative Keyser asked about the chauffeur's license exclusion. Mr. Gomez replied requirements for a chauffeur's license presently exclude a driver transporting farm products.

Chairman Harp commented that Senate Bill 83 may not need the proposed amendment.

Representative Smith asked that the 200 mile requirement be changed to 100 miles. There was no objection. Representative Smith then made a motion that the proposed amendments be approved and that Senate Bill 83 BE CONCURRED IN AS AMENDED. The motion was subject to a roll call vote (attached) and failed.

Representative Keyser made a motion that Senate Bill 83 be Tabled. The motion was given unanimous approval of the Committee.

DISPOSITION OF SENATE BILL 22: Representative Compton made a motion that Senate Bill 22 BE CONCURRED IN.

Representative Harbin told committee members he believes problems will result if counties are allowed to set certain speed limits.

Representative Glaser made a motion that the amendment proposed by the Department of Highways (Exhibit 3) be approved. The motion passed with all members voting aye except Representative Keyser, who voted no.

Representative Compton changed his motion to BE CONCURRED IN AS AMENDED. The motion failed with four members voting no and eight voting aye (roll call vote attached).

Representative Smith made a motion that Senate Bill 22 be Tabled. The motion was approved with all members voting aye, except Representatives Koehnke and Keyser.

DISPOSITION OF SENATE BILL 182: Representative Keyser made a motion that Senate Bill 182 BE CONCURRED IN.

Representative Campbell stated he was concerned with the bill and would rather see older Montana Highway Patrolmen inspecting vehicles than new ones.

Representative Smith told the Committee the logging industry would rather deal with one agency than GVW, the Department of Justice and the Public Service Commission (PSC), and commented that 80% of trucking accidents are driver-related.

Representative Harbin asked what the difference is between driver safety and accident control via inspections.

Representative Keyser stated he didn't know how training programs would be set up if the bill were to pass and Vice Chairman Abrams commented GVW personnel are upset by the possibility of being included in the Montana Highway Patrol.

Representative Keyser advised the Committee if GVW is assigned to the Montana Highway Patrol, GVW officers will become Montana Highway Patrol officers and will have full authority of such officers, in addition to their GVW training.

Representative Harbin asked about the training of a qualified truck safety inspector. Representative Smith asked if that wasn't what Mr. Bridges did now.

Representative Harbin stated he was concerned with the cost of training patrolmen. Representative Keyser replied there are only five safety officers operating within PSC jurisdiction right now.

Representative Campbell stated he believes there is no difference in who does the training, but the Committee must address who is most capable of handling the proposed situation.

Representative Keyser advised the Committee Attorney General, Mike Greely, doesn't want motor carrier safety inspection responsibility, but the Montana Highway Patrol would accept the responsibility, and the PSC would because the PSC wants to grow.

Representative Peterson asked how funding would be arranged. Representative Keyser replied it would be the reverse of present funding.

Representative Peterson asked how much longer GVW would be funded as it presently exists. Chairman Harp replied the funds come from the Surface Transportation Assistance Act, and will terminate near the end of the present decade.

Vice Chairman Abrams told the Committee the bill needs to go to the House floor for debate since it addresses an important issue.

Representative Peterson stated she would like to see an organizational flow chart as it seems that both the Montana Highway Patrol and GVW have partial authority for safety enforcement, and the total capability to conduct vehicle inspections. She said it would seem logical to start with either GVW or the Montana Highway Patrol.

Representative Harbin stated he is concerned as to who will pay the staff five years from now. Representative Keyser replied that Representative Nathe stated on the House floor that if federal funds were not available, staff would not be hired. Representative Keyser commented that wherever the program goes it will need general funding.

Representative Peterson asked who directs the PSC. Chairman Harp replied it was created by the Legislature. Representative Keyser stated that in most states the issue of truck inspections is governed by one agency, and the bill would transfer the functions of both GVW and the PSC to the Montana Highway Patrol under the direction of the Department of Justice.

Chairman Harp asked if additional funding would be required if the Highway Patrol assumes responsibility for safety under Senate Bill 182. Mr. Wayne Budt, Transportation Division, PSC, stated the bill makes the Montana Highway Patrol the lead agency for truck safety and strips the authority of the other agencies, and thus the soft match, of GVW and the PSC.

Representative Harbin asked what would be gained by requiring more general fund dollars for the changes proposed in the bill. Chairman Harp suggested committee members consult the technical note at the end of the fiscal note, which indicates a possible reduction of potential state soft match money. Chairman Harp stated that if the bill is killed, funding will remain as it is presently.

Highways and Transportation Committee
March 30, 1985
Page 4

Representative Glaser made a motion that Senate Bill 182 be Tabled, which resulted in a tie vote (roll call vote attached). Chairman Harp announced that Senate Bill 182 will go to the House floor WITHOUT RECOMMENDATION.

There being no further business before the Committee, the meeting was adjourned at 8 a.m.

Representative John G. Harp, Chairman

DAILY ROLL CALL

HOUSE HIGHWAYS AND TRANSPORTATION COMMITTEE

49th Legislative Session

Date March 30, 1985

Name	Present	Absent	Excused
Harp	X		
Abrams	X		
Campbell	X		
Compton	X		
Glazer	X		
Harbin	X		
Howe			
Kennerly	X		
Koeyser	X		
Koehnke	X		
O'Connell			X
Peterson	X		
Smith	X		
Zabrocki			

March 30, 1985
Exhibit 0
SB 419

March 28, 1985

Amendment to Senate Bill 419.

1. Page 9.

Following: line 6

Insert: "NEW SECTION. Section 6. Coordination instruction.

If House Bill No. 873 (LC 1078) is not passed and approved,
sections 1 through 5 of this act are void."

Amendment to Senate Bill No. 83:

1. Page 2, line 7.

Following: "indicates."

Insert: "However, such license requirement does not apply to the driver of a truck or other motor vehicle that is:

(i) used exclusively for the transportation of raw forestry products or agricultural commodities of the type described in 69-12-102(a); and

(ii) operated entirely within a 200-mile radius of the location from which such products originated."

Exhibit
March 30, 1985
SB83

Amendment to Senate Bill No. 83:

1. Page 2, line 7.

Following: "indicates."

Insert: "However, such license requirement does not apply to the driver of a truck or other motor vehicle that is:

(i) used exclusively for the transportation of raw forestry products or agricultural commodities of the type described in 69-12-102(a); and

(ii) operated entirely within a 200-mile radius of the location from which such products originated."



INTERMOUNTAIN SECTION

IDAHO - MONTANA - UTAH

Mr. Harry Lauer
Dept. of Justice
Capitol Station
Helena, MT 59620

March 30, 1985
Exhibit 2

March 14, 1985

SB 22/396

Dear Mr. Lauer:

As a first vice-president of the Intermountain Section, Institute of Transportation Engineers, I am requesting your aid as a member of the institute in a matter of great concern.

It has been brought to my attention that two Montana Legislative bills concerning Speed Zoning have been introduced in the Senate, SB 0022/03 and SB 0396/02. The contents of these bills are contrary to the Institute's Operations Policy 0-5 Speed Zoning. This policy states:

"It is the policy of the Institute of Transportation Engineers to advocate that the establishment of speed zones be guided by established traffic engineering principals, based realistically on route and traffic characteristics, and not on artificial criteria, jurisdictional boundaries or other considerations not related to the safety and efficiency of vehicle operations."

This policy is also consistent with the Manual on Uniform Traffic Control Devices (MUTCD). Federal, State, County and City laws, codes and ordinances all have in one form or another adopted the MUTCD. The proposed Senate Bills would remove wording which provides the basis for realistic speed zoning in Montana and is thus in direct conflict with all existing laws, codes and ordinances in Montana and in the United States.

SB 0022/03 is self contradictory in that a Traffic Engineering study is required in one section and prohibited in another. SB 0396/03 requires the study with the exception of schools and also gives local authorities a license to practice Engineering in one instance. In addition, the new section 2 gives county commissioners the power to establish special speed zones on Federal and State roadways.

Even if the language of these bills was revised to be consistent with existing speed zoning policy, it should be recognized that the majority of local governments in Montana do not possess Traffic Engineering expertise and would be forced to retain consultants. As a Traffic Engineering Consultant in Montana, it would be a windfall for my business but as a taxpayer, one which local government could ill afford.

You are urged as a member of the Traffic Engineering Profession and as a citizen of Montana to represent our interests in defeating these Legislative Bills by making the facts known. There has not been time to involve the other member states of the Intermountain Section or the International Institute, however their support for the defeat of this legislation is assured.

Sincerely,

Robert R. Marvin
Robert R. Marvin, P. E.

Exhibit 3
March 30, 1985
SB396

DEPARTMENT OF JUSTICE
HIGHWAY TRAFFIC SAFETY



TED SCHWINDEN, GOVERNOR

303 N. ROBERTS

STATE OF MONTANA

(406) 444-3412

HELENA, MONTANA 59620

HIGHWAY TRAFFIC SAFETY DIVISION
MONTANA DEPARTMENT OF JUSTICE

The following discussion deals with our concern over the speed zone changes on Montana streets and highways as proposed in Senate Bill 396.

Our office feels the current proposed legislation is not in the best interest of Montana citizens. The principal problem relates to having local officials establish their speed zones on Federal-Aid highways. This department works with local officials regarding many highway safety related items which include traffic operation problems not on the Federal-Aid system. Our exposure with most of the local officials indicate that very few have the capabilities or the desire to conduct traffic and safety engineering investigations for establishing speed limits on the higher volume Federal-Aid roadways. They have more than enough problems with the local road systems.

As a result of this lack of expertise, this legislation would impose a burden on these officials that could create some difficult problems and a lot of extra work they are not currently responsible for. Some of the more serious problems relate to; who then accepts legal responsibility in court cases? Who installs the signing and maintains them? Who stores the engineering documents and information which each speed limit is based upon? Who conducts the after studies for verification of zones? Who will train local officials to conduct the more sophisticated studies?

Thus our major concern deals with the fact that the majority of local officials do not have the capabilities for conducting the necessary studies. Therefore, the speed zones that result from the proposed legislation could easily be based on the wrong criteria. This situation probably puts the local officials in a liability situation that may cost them a great deal of funds and could easily decrease the safety of the majority of our highways. At present our Federal-Aid highways at least are speed zoned consistently on the basis of a traffic and engineering study by the Department of Highways. This process has existed for many years across the United States as well as Montana. For Montana to regress and put a burden on local government organizations, which we know generally do not have the capability to accomplish the task, is not reasonable in our estimation or in the interest of the public at large.

Attached find several documents detailing some of the effort which must accompany a speed zone study.

Thank you for your consideration of our position.

March 30, 1985
SB 22+396
Exhibit 4

March 8, 1985

Honorable Kurt Krueger
State Representative
State Capitol Station
Helena, MT 59620

Dear Mr. Krueger:

First of all I would like to thank you for returning my call. I know you have a busy schedule, and your call was somewhat of a surprise.

I guess I should give you some background on why I singled you out. When you were on the campaign trail, you stopped by my home. Some of your answers to my questions impressed me and, of course, I cast my ballot for you. I realize I am only one of those who voted for you but I would like to think my vote was important.

Now to the business at hand. Presently two senate bills have been transferred to the House. They are Senate Bill 22, introduced by Senator Story, and Senate Bill 396, introduced by Senator Yellowtail. Both bills are similar in that they relate to the responsibility of establishing speed zones. At this time the Department of Highways has the duty of conducting speed zone investigations on all Federal-Aid routes. Generally the investigations are the results of a request received from either local or county governments.

Basically, my job is to conduct speed zone investigations for the Department of Highways. I conduct the studies and prepare speed zone recommendations based on these studies. The results are then presented to the local officials and then on to the Highway Commission. Contrary to the beliefs of many, we are not cold-hearted in establishing speed zones. They are established only after we have thoroughly analyzed the different variables involved in any particular area. The variables usually considered are the traffic speeds (obtained from radar samples), schools, school crosswalks, pedestrian crosswalks, residential areas, business districts, and roadway conditions.

Realistic speed zones are not pulled from a large bin of numbers by a bunch of bureaucrats in a crystal palace as many of the local citizens feel. I feel I do a professional job for my employer, and the speed zones recommended by my crew are beneficial to the majority of motorists. No law enforcement officials would have to be ashamed or embarrassed at issuing a citation to those found in violation of the posted limit.

Honorable Kurt Krueger

March 8, 1985

page 2

Senate Bill 22 would keep my job intact which, of course, is important to me. I feel Senate Bill 22 should pass, not only for me but for the motoring public because the alternative is Senate Bill 396. Senate Bill 396, as it presently reads, gives the cities and counties the right to establish speed zones on all Federal-Aid routes within their jurisdiction. Senate Bill 396 would not only eliminate my main function with the Department of Highways, but you can imagine the assortment of speed zones within the State of Montana. Montana would be one big speed trap. I'm not saying that every city or county would not establish a realistic speed zone and for the most part I believe each local government is responsible and will try to do right by the motoring public. However, I honestly feel Senate Bill 396, if passed, will do a great injustice to those who travel Montana's roadways. Senate Bill 396, if voted into law, would for the most part be abused.

Please read both bills carefully because our democratic society is based on freedom of choice, but hopefully you will cast a 'yes' vote for Senate Bill 22 and a negative vote for Senate Bill 396.

Your consideration is greatly appreciated. Should you have any questions or need any clarifications, please feel free to contact me at 444-6220. Also, I would appreciate your cooperation in presenting a copy of my letter to the proper House Committee.

Sincerely,

George F. Cruickshank
1335 Iowa St.
Butte, MT 59701

(5v)

March 30, 1985

SB182
Exhibit 5

DEPARTMENT OF HIGHWAYS



TED SCHWINDEN, GOVERNOR

2701 PROSPECT

STATE OF MONTANA

HELENA, MONTANA 59620

March 25, 1985

Honorable John Harp, Chairman
House Highway and Transportation Committee
State Capitol Station
Helena, MT 59601

Dear John:

There appeared to be some unanswered questions after the hearing on SB182 as to the involvement of the GVW Division. The following information is submitted in areas that we feel need some clarification:

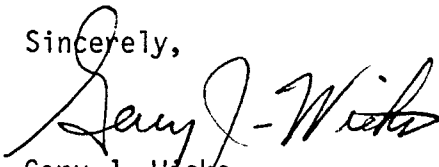
1. New GVW officers are in a training status for about nine months. During this time they work with and are under the supervision of another officer. They are not authorized to issue notices to appear for any GVW related activity until their training is complete. They do not take part in any truck safety inspections without an experienced officer being present.
2. The practice of issuing a short form inspection report, issuing a citation, collecting bond, and allowing the vehicle to proceed with an out of service violation is not standard practice. This has happened with GVW on a few occasions and we understand that it has also happened with the Highway Patrol. This problem is being corrected through additional training.
3. During 1984 the GVW Division devoted only about 5% of their time to vehicle safety inspections which includes driver log books and medical cards. This low percentage is due to our other duties and responsibilities and the inability of an officer to stop all activities for the time necessary, about 30 minutes, to conduct a regular inspection. Normally the officer looks for obvious defects as the vehicle rolls across the scale while being weighed. Our highest priority and primary function is weight control for the protection of our highways.
4. The GVW function has always been a part of the Department of Highways. Prior to July 1, 1971 the Highway Department was under the administrative control of the Highway Commission and the Patrol was

Honorable John Harp
March 25, 1985
Page 2

under the Highway Patrol Board with the same people serving on both the Commission and the Board. The GVW function has never been organizationally assigned to the Montana Highway Patrol. The GVW Division and the Highway Patrol were always separate, both functionally and administratively, even before the Highway Patrol was totally transferred to the Department of Justice in 1971.

If any additional information is desired, please let me know.

Sincerely,



Gary J. Wicks
Director of Highways

GJW:DRC:sk:le

ROLL CALL VOTE

HOUSE COMMITTEE HIGHWAYS AND TRANSPORTATION

DATE March 30, 1985 BILL NO. SB 83 TIME 7:10a

NAME	AYE	NAY	ABSTAIN
REP. HARP		X	
ABRAMS		X	
CAMPBELL		X	
COMPTON		X	
GLASER	X		
HARBIN		X	
HOWE			
KENNERLY		X	
KEYSER		X	
KOEHNKE		X	
O'CONNELL	X		
PETERSON	X		
SMITH	X		
ZABROCKI			
Totals	4	8	

Joann T. DeWolf
Secretary

Representative John Harp
Chairman

Motion: Rep. Smith - Be Concurred In As Amended

ROLL CALL VOTE

HOUSE COMMITTEE HIGHWAYS AND TRANSPORTATION

DATE March 30, 1985

BILL NO. SB 182

TIME 7:40a

NAME	AYE	NAY	ABSTAIN
REP. HARP		X	
ABRAMS	X		
CAMPBELL		X	
COMPTON		X	
GLASER	X		
HARBIN	X		
HOWE			
KENNERLY	X		
KEYSER		X	
KOEHNKE	X		
O'CONNELL	X		
PETERSON		X	
SMITH		X	
ZABROCKI			
Totals	6	6	

Joann T. DeWolf
Secretary

Representative John Harp
Chairman

Motion: Rep. Glaser - motion to Table

STANDING COMMITTEE REPORT

March 30 19 35

MR. SPEAKER:

We, your committee on HOUSE HIGHWAYS AND TRANSPORTATION

having had under consideration SENATE BILL 1 Bill No. 132

THIRD reading copy (BLUE)
color

AN ACT TRANSFERRING AUTHORITY FOR SETTING MOTOR CARRIER AND
MOTOR VEHICLE SAFETY STANDARDS FROM THE PUBLIC SERVICE
COMMISSION TO THE MOTOR VEHICLE DIVISION AND GIVING THE
HIGHWAY PATROL SOLE AUTHORITY FOR ENFORCEMENT OF SAFETY
STANDARDS;

Respectfully report as follows: That SENATE BILL Bill No. 132

WITHOUT RECOMMENDATION

DO PASS

STANDING COMMITTEE REPORT

MARCH 30

1985

MR. SPEAKER:

We, your committee on HOUSE HIGHWAYS AND TRANSPORTATION

having had under consideration SENATE BILL Bill No. 419

THIRD reading copy (BLUE)
color

AN ACT PROVIDING FOR THE ISSUANCE OF REGULAR LICENSE PLATES CARRYING A DESIGN TO RECOGNIZE THE CENTENNIAL OF MONTANA'S ADMISSION TO STATEHOOD; PROVIDING THAT SPECIAL COMMEMORATIVE CENTENNIAL LICENSE PLATES MAY BE ISSUED FOR AN AMOUNT IN EXCESS OF THE CHARGE FOR REGULAR LICENSE PLATES, WITH THE PROCEEDS OF SUCH SALES TO BE USED FOR MONTANA'S STATEHOOD CENTENNIAL COMMEMORATION; PROVIDING FOR THE ADMINISTRATION OF THE SALE AND ISSUANCE OF SUCH PLATES; AMENDING SECTION 61-3-332, MCA; AND PROVIDING A TERMINATION DATE.

Respectfully report as follows: That SENATE BILL Bill No. 419

Be amended as follows:

1. Page 9
Following: line 6
Insert: "NEW SECTION. Section 6. Coordination instruction.
If House Bill No. 873 (LC 1078) is not passed and approved,
sections 1 through 5 of this act are void."

AND AS AMENDED

BE CONCURRED IN

A

7007A66