

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

April 9, 1985

The meeting of the Highways and Transportation Committee was called to order by Chairman Harp on April 9, 1985, at 8 a.m. in Room 420, State Capitol.

ROLL CALL: All members of the Committee were present except Representative Howe, who was absent, and Representative Koehnke, who was excused.

DISCUSSION OF SENATE BILL 182: Chairman Harp explained the Committee would accept information presented by Mr. Gerald Clay, Officer in Charge, Bureau of Motor Carrier Safety, Federal Highway Administration, Department of Transportation, as well as information from Colonel Robert Landon, Chief Administrator, Montana Highway Patrol Division, Department of Justice.

INFORMATION: Mr. Clay told the Committee that, while he is not a funding expert, he would explain federal funding of motor carrier safety programs and advise them of his agency's involvement in motor carrier safety inspection. He said there are presently 46 states participating in the program, of which 19 states are receiving developmental grants of up to \$50,00 annually, while 26 states have implemented safety inspection programs, including Montana.

Mr. Clay explained the program has been funded for 5 years and action has been initiated to extend it beyond FY88. He said \$14 million was appropriated nationally for FY85, but not all of these funds have been obligated. He advised the Committee, Montana declined additional funds as it was not certain the original appropriation of \$357,000 would be expended this fiscal year.

Mr. Clay told the Committee he does not use the term "soft match" and said the program is based 100% on participation, with 80% of expenditures reimbursed at the federal level. As an example, he cited a situation wherein 6 new FTE could be hired for motor carrier safety inspections and would be reimbursed for the first month at 80/20 for \$12,000 in expenses. He said the same situation would apply to 3 employees already employed by the State of Montana, who work on the program and have incurred monthly expenses of \$9,000.

Mr. Clay advised committee members that related expenses, such as use of a building for inspection purposes, computer time, etc., may also be reimbursed at 80/20, although some of these expenses require prior approval at the federal level.

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Mr. Clay said the appropriation will be \$50 million by federal FY88 and that each year participating states must submit an enforcement plan (broken down by expenses) by August 1, in order to obtain the match. He explained he is not taking sides and is present only to explain how the program works, adding, "it has substantially reduced accidents since its implementation".

QUESTIONS: Representative Keyser asked what PSC participation would be if the Montana Highway Patrol became the lead agency in motor carrier safety inspections. Mr. Clay replied the PSC would be out altogether, as the bill reads, and that his department would simply amend its agreement with the State of Montana to designate a new lead agency (presently the PSC).

Representative Keyser asked if only the Governor could change such a designation. Mr. Clay replied that is correct.

Representative Smith asked if changing the lead agency would affect federal funding. Mr. Clay replied it would not and that once a state has implemented the program, its funding will not be cut.

Representative Peterson asked when the program was initiated on the national level. Mr. Clay replied it was formed in federal FY84 and is in its second year.

There were no further questions for Mr. Clay and Chairman Harp introduced Colonel Landon.

INFORMATION: Colonel Landon apologized for not being present when Senate Bill 182 was originally heard and told the Committee he was attending a meeting outside the State at the time. He said both he and the Attorney General agree Highway Patrolmen should not be taken from highway duties for motor carrier safety inspections.

Colonel Landon advised the Committee the situation has been evaluated by the Department of Justice and if the Legislature wants the Department to administer the program on the level proposed by the PSC, the Patrol will need 3 new FTE for its off-road force.

QUESTIONS: Representative Peterson asked if those officers would be eligible for matching funds. Col. Landon replied the state would supply 20% of the match.

Representative Peterson asked if 3 officers could handle the program at the PSC-desired level. Colonel Landon replied they could not.

Representative Peterson asked if civilians could handle the inspections. Colonel Landon replied they could, on a scaled-down version.

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Representative Smith stated his concern that administrative costs should be no greater for the Highway Patrol than they would be for the other agencies involved. Colonel Landon replied costs would be similar.

Representative Keyser asked where the new FTE would come from and how they would be trained. Colonel Landon replied the new FTE's would have civilian inspector status.

Representative Harbin asked if the Highway Patrol would require a general fund appropriation to make the program work. Colonel Landon replied it would not.

Representative Harbin asked where the 20% match would come from. Colonel Landon replied it would be derived from like services in a scaled-down program. Representative Harbin asked if the Patrol would still need a general fund appropriation.

Chairman Harp asked how many dollars could be absorbed in like services without a general fund appropriation. Colonel Landon replied \$43,018, or a total of \$172,072 (including the federal match), could come from like services.

Mr. Wayne Budt, Administrator, Transportation Division, PSC, stated the Commission spent \$23,500 in 1981 and 1982. Colonel Landon replied this amount had already been subtracted from the figure he quoted Chairman Harp.

Chairman Harp advised the Committee the total funds for safety inspections during FY84 was \$225,000 and that for FY85, \$337,000.

Representative Harbin commented the \$172,072 quote by Colonel Landon is substantially less than the funds actually spent and allocated to the state safety program at the current time. Colonel Landon replied this is correct and it would be the best the Patrol could do without a general fund appropriation.

Colonel Landon told the Committee the Patrol could not use GYW inspectors, as the bill is written, so their services could not be used for a match.

Mr. Budt commented the bill doesn't designate a lead agency, but a sole agency of responsibility.

Representative Peterson asked if the Highway Patrol had a computer. Colonel Landon replied the Patrol shares computer time with other agencies.

Representative Peterson asked if the PSC has a computer program in use at the present time. Mr. Budt explained the PSC is writing a soft ware program now, which will be completed in approximately 30 days and is awaiting a terminal (which is on order).

Chairman Harp asked if the Highway Patrol would use GVW weigh stations for inspections, as well as bus stop sites and on road inspections, if it became the lead agency. Colonel Landon replied the Patrol would use GVW sites for the most part.

Representative Harbin asked if all patrolmen would have the same authority to conduct inspections, should the bill pass. Colonel Landon replied all officers have the authority now to perform short form inspections.

Representative Peterson asked why the Department of Highways did not make application for lead agency, when the program was implemented. Mr. Gary Wicks, Director, Department of Highways, explained the possibility was discussed with the Highway Patrol and the PSC, in the beginning. He said 90% of the time GVW responsibilities deal with enforcement of GVW regulations, of which safety plays a minor part. He told the Committee he believes safety belongs with the other participating agencies.

Vice Chairman Abrams asked if GVW officers would require further training in order to conduct safety inspections. Mr Wicks replied most of the staff is already qualified for such inspections.

Colonel Landon, referring to the lead agency, explained the Patrol asked for fewer dollars for a grant to study the situation prior to implementation in 1983, and said, at the time, he personally felt the situation was a mess and needed further study prior to any decisions being made. He added that the PSC had a good, operational program and was thus, named lead agency.

Chairman Harp asked if the Patrol is ready to assume the responsibility now. Colonel Landon replied the time for study has passed and there is a need to establish responsibility and go ahead with the program.

Chairman Harp advised the Committee that some states operate their motor carrier safety inspection programs under one umbrella, such as in Washington State, where inspectors work under the Department of Transportation. Colonel Landon commented there is a trend toward coordinating enforcement, as the agencies seem to then serve the public more efficiently.

Representative Keyser asked Mr. Clay if most states participating in the inspection program were operating under one agency, or governed by several. Mr. Clay replied Utah has the same problem as Montana, Oregon has 5 agencies, Wyoming has no program, and he wasn't sure how Washington State operated its program.

Mr. Wicks advised the Committee that Idaho recently took its GVW Division from the Highway Patrol and gave it to the Department of Transportation, while North Dakota did just the opposite. He stated GVW is situated with the Patrol in Washington State.

Representative Peterson asked what percentage of GVW officers are trained in safety inspection procedures. Mr. Horace Hudson, Chief, Enforcement Bureau, GVW Division, Department of Highways, told the Committee, GVW officers are trained by the PSC and the federal Department of Transportation.

Mr. Budt stated 11 patrolmen and 11 GVW inspectors are newly trained and the remaining 10 have been trained on short form inspections (to include log books and medical cards). He said a total of 32 FTE have been trained by the PSC during the past 5 years and the DOT, which approves training schedules.

Representative Keyser asked how many inspectors the PSC had at present. Mr. Budt replied there are 6 on board under the federal program, and 5 field men who have also been trained, as well as Highway Patrol and GVW officers. He commented that 3 inspectors left shortly after Senate Bill 182 was introduced.

Representative Smith stated the Montana Motor Carriers and the Montana Logging Associations are aware that more than 80% of accidents are driver related. Colonel Landon replied that in 1984, only 8% of all accidents involved motor carriers, but comprised 19% of fatal accidents. He stated that, in his opinion, the majority of accidents are driver error related, thus the need for patrolmen on the road. He added that inspections are necessary, but they won't solve the entire problem of motor carrier accidents.

Colonel Landon said last year the Patrol stopped over 5,200 trucks for speeding violations and at the same time often performed short form inspections.

Chairman Harp asked if a certain amount of long form inspections were required, to receive the federal match. Colonel Landon replied the Patrol has been involved in inspections since the Commercial Vehicle Safety Alliance was formed, when there were ICC inspectors.

Colonel Landon told the Committee this responsibility has been transferred to the Department of Transportation, but the Patrol has always been involved in inspections. He commented that ever since federal funds have been available, emphasis increased in several states toward motor carrier safety inspections.

Mr. Clyde Jarvis, Public Service Commissioner, told the Committee the program is working well now and that if Senate Bill 182 were to pass, the program would be gutted.

Chairman Harp asked Legislative Researcher Tom Gomez to explain the present functions of each agency and how they would be changed by Senate Bill 182.

Mr. Gomez stated the Department of Justice, Highway Patrol Division, The Department of Highways, GVW Division, and the Public Service Commission, Transportation Division, presently share responsibilities to enforce motor carrier safety for motor carrier safety standards and that the standards are identical to the Interstate Commerce Commission (ICC) and Department of Transportation (DOT) requirements.

Mr. Gomez told the Committee the Legislature designated the PSC as the lead agency, which adopts safety standards and also (by statute), completes safety inspections as required. He said the PSC primarily conducts long form inspections, which includes inspection of critical items (mechanical) as listed in the administrative rules, and checks for compliance with driver requirements. He stated the PSC may also inspect cargo and check hazardous material (presently emphasized by the PSC), check documents, bills of lading, and is empowered by statute to make arrests.

Mr. Gomez explained the PSC performs concentrated safety inspections in certain areas in conjunction with GVW and Highway Patrol officers, at weigh stations. He said GVW has the same enforcement authority as the PSC; however, GVW is primarily involved in visual inspections, but can exercise its authority to perform detailed inspections, if need be. He advised the Committee GVW also conducts short form driver-related inspections of driver's licenses, medical cards and log books.

Mr. Gomez stated the Highway Patrol has the primary responsibility for inspection of vehicles in excess of 26,000 pounds at the owner's place of business. He said Highway Patrolmen may conduct road inspections with the stipulation (under statute), that it be done at a safe place along the highway. He commented that in Senate Bill 182, GVW Division will have no authority to conduct safety inspections or to enforce Title 69, and will be responsible only for enforcement of the state weight and dimension laws and regulations.

Mr. Gomez told the Committee the PSC would no longer be the lead agency, if Senate Bill 182 were to pass, and would have no enforcement or inspection authority, but would have authority to regulate all motor carrier matters (except safety). He commented the Highway Patrol would gain this authority.

Representative Zabrocki asked if the Patrol could also inspect automobiles. Mr. Gomez replied the bill refers to commercial vehicles and vehicles of certain weight limitations or carrying hazardous materials.

Representative Keyser asked if the Patrol presently has all the rights discussed. Mr. Gomez replied that the Highway Patrol has the same authority as the PSC under Section 61-12-203, MCA, and therefore, the answer would be yes.

Representative Smith asked Mr. Havdal what prompted the Montana Motor Carriers to come out with the bill. Mr. Havdal stated he believed Mr. Gomez had done an excellent job in explaining agency functions concerning motor carrier safety inspections and said that the situation as it exists is as confusing for truckers as it is for the Legislature and the Committee, thus the bill was an effort to eliminate the confusion and duplication in enforcement by consolidating functions in one agency.

Representative Harbin asked if the PSC would still be involved in interstate commerce. Mr. Gomez replied this would be correct.

Representative Harbin asked if truckers would still be dealing with 3 agencies, should Senate Bill 182 pass. Mr. Gomez replied this again, would be correct, as the bill would only exclude authority to conduct safety inspections and that the PSC and GVW would retain authority in other matters affecting motor carriers.

Representative Harbin asked Mr. Havdal if in view of the statement made by Mr. Gomez, Senate Bill 182 would actually help the trucking industry. Mr. Havdal replied it would, as the bill puts safety under one agency. He commented that ideally, truckers would like to see all related issues under one agency.

Representative O'Connell asked if GVW staff would remain with the Department of Highways should Senate Bill 182 pass. Chairman Harp advised they would.

Representative Peterson asked if the PSC had plans to augment agency cooperation. Mr. Budt replied the program was initiated in February, 1984, and the PSC met with involved agencies at that time. He said the PSC decided to hire FTE with federal funds to complete long form inspections, while GVW and the Highway Patrol were to perform short form inspections. He told the Committee the program is in its "infancy", in his opinion, and asked that the Committee not make too many changes "piecemeal".

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Representative Keyser asked if the PSC could have implemented the program on its own without GVW and Highway Patrol assistance. Mr. Budt replied the PSC could not have done so.

Representative Keyser then asked if the PSC planned to expand its number of inspectors. Mr. Budt replied that number could reach a maximum of 12 or 14, but the Commission has only 6 inspectors right now. He stated there is a need to secure funds for a match for additional FTE, as he doesn't believe 12 FTE are enough.

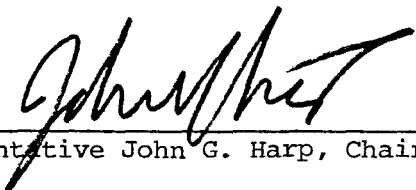
Mr. Clay, referring to the problem of uniformity, stated the National Vehicle Uniform Inspection Procedures are used by all inspectors in participating states, for which federal training is provided.

Representative Harbin stated he believes the Highway Patrol will need \$111,000 in additional funds, should it be designated the lead agency, assuming that the Highway Patrol maintains the same level of program activity. Representative Smith commented the bottom line is that the taxpayers pay for the program. Representative Harbin said he was concerned with the existing budget crunch affecting the general fund right now.

Representative Peterson stated her belief that the Legislature should accept Colonel Landon's suggestion for a study of the matter.

Chairman Harp asked the Committee to consider the information presented, and stated they would meet soon to render a decision.

There being no further business before the Committee, the meeting was adjourned at 9:15 a.m.


Representative John G. Harp, Chairman

DAILY ROLL CALL

HOUSE HIGHWAYS AND TRANSPORTATION COMMITTEE

49th Legislative Session

Date April 9, 1985

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

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

April 9, 1985
8 a.m.

RE: Senate Bill 182

Information: Mr. Gerald Clay, Officer in Charge
Bureau of Motor Carrier Safety
8-8:20am- Federal Highway Administration
Department of Transportation

8:20- 8:40- Colonel Robert Landon, Chief Administrator
Montana Highway Patrol Division
Department of Justice

Available
for

Questions: Mr. Gary Wicks, Director
Department of Highways

8:40am- Mr. Clyde Jarvis, Commissioner
Public Service Commission

9am- Disposition of Senate Bill 182