

MINUTES OF THE MEETING
HIGHWAYS AND TRANSPORTATION COMMITTEE
MONTANA STATE SENATE

February 19, 1985

The eleventh meeting of the Highways and Transportation was called to order at 12:30 p.m. on February 19, 1985 by Chairman Lawrence G. Stimatz in Room 410 of the Capitol Building.

ROLL CALL: All members were present except for Senator Daniels who was excused.

There were visitos in attendance. (SEE ATTACHMENT)

CONSIDERATION OF SENATE BILL 83: Senator Bill Farrell, Senate District 31, was the sponsor of this bill. This bill was aimed at improving motor carrier safety and driving qualifications. This bill was to ensure safer, more qualified drivers by requiring that the drivers pass a written, as well as a driving test. These tests are described in 49 CFR parts 391, 391.31, & 391.35 of the Bureau of Motor Carriers Safety Handbook. (SEE EXHIBIT 2) This test is not intended to relieve the driver of any responsibility, but at the very least, require new drivers who are getting their first chauffer's license to know what the regulations are, and that they do know how to drive a truck. The bill will not affect anyone who already has a chauffer's license, but will help the Motor Carrier Industry to prepare for the future with safer, better qualified drivers of vehicle over 44,000 pounds. The general summary of this bill is attached as EXHIBIT 1A.

PROPONENTS: Senator Farrell, Senate District 31, spoke in support of SB 83.

Ben Havdahl, representing the Montana Motor Carriers Association, spoke in support of SB 83. (SEE EXHIBIT 3)

Mike Rice, representing Transystems Inc., spoke in support of SB 83. He felt more safety programs were needed, and now was the opportunity because they had federal funding.

Jim Basolo, representing Sammons Trucking, Missoula, MT, spoke in support of SB 83. He stated that 3 out of 4 accidents are caused by driver error, not by mechanical failure. Truck safety is one of the most important aspects of the trucking business.

Keith Olson, representing the Montana Logging Association, spoke in support of SB 83.

Jim Manion, representing the Montana Automobile Association, spoke in support of SB 83.

Larry Majerus, representing the Motor Vehicle Division, spoke in support of SB 83. He stated that driver testing has highway safety merit. The effective date should be deferred to a later date so that a better start can be taken. The major concern is money, and

that has been alluded to, but the money must be included in the bill.

OPPONENTS: There were no opponents to SB 83.

Questions from the committee were called for.

Senator Williams asked Ben Havdahl what type of training program did the Montana Motor Carriers have for their drivers? Mr. Havdahl replied that as an association they have ongoing educational programs and workshops, that cover a wide range of subjects, including safety operations. He also stated there was a council of safety supervisors within their association.

Senator Williams asked Ben Havdahl what was meant by the driver having certain physical qualifications? Mr. Havdahl replied that the driver, women included, has to be physically capable of handling equipment. Senator Farrell added that a Department of Transportation medical examination has to be passed. You must pass a physical examination by a doctor every two years.

Senator Shaw asked Senator Farrell how the driver got the one year driving experience mentioned in the bill? The question was referred to Larry Majerus who replied by stating that the one year driving experience pertains to any type of driving.

In closing, Senator Farrell stated that over the next three or four years, 1.7 million dollars will be spent on safety in Montana, with 80% of that being federal money. He felt that some of that money should be spent on the major portions of accidents, by setting up qualifying programs to make better drivers.

The hearing on SB 83 was closed.

CONSIDERATION OF SENATE BILL 182: Senator Farrell, Senate District 31, was the sponsor of this bill. This bill was designed to place enforcement of the Motor Carriers Safety Regulations into one agency. The general summary of this bill is attached as EXHIBIT 1B.

PROPOSERS: Senator Farrell, Senate District 31, spoke in support of SB 182.

Ben Havdahl, representing the Montana Motor Carriers Association, spoke in support of SB 182. (SEE EXHIBIT 4)

Mike Rice, representing Transystems, Inc., spoke in support of SB 182. The reasons for their support to this bill is that they have no comprehensive centrally administered safety program in this State.

Jim Basolo, representing Sammons Trucking, Missoula, MT, spoke in support of SB 182. He stated they were interested in a comprehensive safety program in the State of Montana and it seems impossible for them to know where they stand with any one agency. They want to be able to go to one place and work with one agency to establish a comprehensive program that would be effective in their operations.

Keith Olson, representing the Montana Logging Association, spoke in support of SB 182.

Jim Palmer, representing Jim Palmer Trucking from Missoula, MT, spoke in support of SB 182.

Bill Olson, representing the Montana Contractors Association, spoke in support of SB 182 because of the consolidation aspect of the bill.

OPPONENTS: Wayne Budt, representing the Montana Public Service Commission, spoke against SB 182. (SEE EXHIBIT 5)

William Murray, representing the Montana Disaster and Emergency Association, spoke against SB 182. (SEE EXHIBIT 6)

Tom O'Hara, Rural Fire Coordinator for the Cascade County Sheriff's Office, spoke against SB 182. They oppose this bill for one reason, the consistency of inspection that they face would be lost.

Paul Spengler, representing the Montana Disaster and Emergency Services, spoke against SB 182. (SEE EXHIBIT 7)

Todd Hudak, representing the Montana Association of Counties, spoke against SB 182. (SEE EXHIBIT 8)

Philip Paull, representing Butte-Silver Bow Government and Donald R. Peoples, spoke against SB 182. He felt the necessity for change didn't apply in this case.

Colonel Landon, representing the Montana Highway Patrol, spoke against SB 182. He stated that the Montana Highway Patrol has 200 officers and they can only be spread so thin, and every time they have to take on an additional responsibility, they get spread even thinner. Their primary mission is highway safety and traffic law enforcement. Truck inspections will still be made with or without this bill.

Dave Fisher, Fire Chief, spoke against SB 182. He stated that his fire station is exactly 59 feet from the interstate highway, and they are the first responding unit. Their main concern was the condition of the hazardous material accidents.

Mike Doto, representing the Silver Bow Fire Department, spoke against SB 182. They would like to keep the inspections the way they are.

Written letters received opposing SB 182 are entered as exhibits from the following people: Elmer L. Peterson, President, Disaster & Emergency Services Coordinators, Anaconda, MT EXHIBIT 9

Alvin Faulkner, Chief, Big Butte Volunteer Fire Department
EXHIBIT 10

Mike Doto, Administrator, Silver Bow Fire Training Center, Inc., Butte, MT EXHIBIT 11

Richard Tretheway, Fire Coordinator, Butte-Silver Bow EXHIBIT 12

Questions from the committee were called for.

Senator Shaw asked who was the first man on the scene of an accident? Bill Murray replied by stating either a law enforcement officer or the fire department.

Senator Williams asked what is considered hazardous material? Dave Fisher replied by stating that any material, whether it be breathed in from the atmosphere, touched by any chemical involved, or an explosion is considered hazardous.

Senator Williams asked Mike Rice about hazardous material accidents. Mr. Rice stated that he has been a motor carrier involved with transportation of hazardous quantities for over 20 years, and has not seen an accident where mechanical failure, inspection of the vehicle, was the cause of the accident. He has yet to see a circumstance where the emergency people could not cope with not knowing what the hazardous material was.

Senator Williams asked how much effort was put into the tri-agency approach to the inspection? Wayne Budt answered him by stating that in 1981 when the inspections were shortened, the PSC coordinated their efforts with the GVW and the Highway Patrol.

Senator Farrell asked Wayne Budt how many people were hired last year to perform these inspections? Wayne Budt replied that four people were hired with the federal money to actually perform the inspections. Out of those four, only one person is left doing the inspecting now.

Senator Farrell closed by referring to the 1981 audit report of the Sunset Provisions of the PSC, that relates to the placarding and authority and the illegal carriers carrying this hazardous material. The legislation stated in this report that the PSC does not actively enforce motor carrier obligations to provide service on an ongoing basis. What that means is that they are not making sure that the people that have the authority are the only ones hauling the material. It also stated the Highway Patrol and GVW keep track of carrier related motor carrier violations with the aid of data processing. Both indicated a willingness to make changes and allow the PSC access to their take, to accomodate their needs, and yet in the State Enforcement Plan there is still a section where they indicated a need for computer data. They already have the opportunity to work with the Highway Patrol or GVW.

The hearing was closed on SB 182.

CONSIDERATION OF SENATE BILL 387: Senator Lybeck, Senate District 4, was the sponsor of this bill. This bill was an act to require police and emergency vehicles to carry a portable green signal light for the purpose of the designation of the on scene command and control vehicle in an emergency or disaster situation. There was an amendment to this bill. The general summary of this bill is attached as EXHIBIT 1C.

PROPONENTS: William Murray, representing the Montana Disaster and Emergency Association, spoke in support of SB 387, as amended. (SEE EXHIBIT 13)

Tom O'Hara, Cascade County Rural Fire Coordinator, spoke in support of SB 387. He stated that the green lights work superbly.

Colonel Landon, representing the Montana Highway Patrol, spoke in support of SB 387.

OPPONENTS: Todd Hudak, representing the Montana Association of Counties, rose in opposition to SB 387, but because of the proposed amendments will support SB 387.

Senator Lybeck closed by thanking his witnesses.


The hearing on SB 387 was closed.

ANNOUNCEMENTS:

The committee will meet on Thursday, February 21, 1985 at 12:30 p.m.

ADJOURNMENT:

The meeting was adjourned at 2:15 p.m.


LAWRENCE G. STIMATZ
Chairman

ROLL CALL

HIGHWAY AND TRANSPORT. COMMITTEE

48th LEGISLATIVE SESSION -- 1985

Date 2-19-85

SENATE
SEAT
#

NAME	PRESENT	ABSENT	EXCUSED
#7 SENATOR STIMATZ	X		
#25 SENATOR MANNING	-----	-----	-----
#27 SENATOR BENGTON	X		
#8 SENATOR DANIELS			X
#32 SENATOR FARRELL	X		
#42 SENATOR HAGER	X		
#48 SENATOR LYBECK	X		
#23 SENATOR SHAW	X		
#3 SENATOR TVEIT	X		
#39 SENATOR WILLIAMS	X		
#26 SENATOR WEEDING	X		

Each day attach to minutes.

DATE

February 19, 1985

COMMITTEE ON

Highways and Transportation

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppose
Jim Palmer	Sam Johnson Trucking	83 182	X	
Jim Basolo	Sammons Trucking	83 182	✓	
Gary Nelson	Western Transport	83 182	X	
Ben Havidahl	Mont Motor Carriers Assn	83 182	✓	
R. R. W. Landon	MHP	182		X
Wayne Budt	MT PSC	182		X
KEITH L. OLSON	MT. Logging Assn	83 182	✓	
Larry Maynard	MT Vehicle Division	83	Information	
Mike Hill	Transystems, Inc	83 182	X	
Tom O'Hara	Cascade Co. Rural Fire	182 387	X	X
TODD HUDAK	MAFCO	182 387		X
Joe Roberts	Dept. of Justice	182		X
Kenia Pouch	Rescue/Emery Sew.	182		X
Mike Dato	Silver Bow Fire Dept	182	✓	X
Philip Paul	Butte-Silver Bow Gov	182		X
Paul Spengler	MT. D.E.S. Assoc.	182		X
Albert Calkins	MT PSC	182		X
Bill Olson	MT. Contractors Assn.	182	✓	
Bill MURRAY	MT. D.G.S. Assoc.	182		X
Bill MURRAY	MT D.G.S. Assoc	387	X	

SUMMARIES OF BILLS TO HEARD BY
SENATE COMMITTEE ON HIGHWAYS AND TRANSPORTATION
TUESDAY, FEBRUARY 19, 1985

- 1A SB 83, introduced by Senator Farrell, requires an operator of a truck weighing over 44,000 pounds to be licensed for such purposes after successfully completing a road test and written examination. A holder of a current chauffeur's license is exempt from the test and the examination. There is an apparent conflict in effective dates.
- 1B SB 182, introduced by Senator Farrell, transfers all 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. The immediate effective date applies only to the rulemaking section so the Motor Vehicle Division may adopt necessary rules before the rest of the act becomes effective.
- 1C SB 387, introduced by Senator Lybeck, requires every police car and emergency vehicle to carry a green signal light that may be attached to the roof to designate the onscene command and control vehicle in an emergency or disaster.

FEDERAL MOTOR CARRIER SAFETY REGULATIONS

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION

PARTS 390-399

MARCH, 1984

SUBPART D — EXAMINATIONS AND TESTS

§391.31 Road test.

(a) Except as provided in §§391.33, 391.61, and 391.67 a person shall not drive a motor vehicle unless he has first successfully completed a road test and has been issued a certificate of driver's road test in accordance with this section.

(b) The road test shall be given by the motor carrier or a person designated by it. However, a driver who is a motor carrier must be given the test by a person other than himself. The test shall be given by a person who is competent to evaluate and determine whether the person who takes the test has demonstrated that he is capable of operating the vehicle, and associated equipment, that the motor carrier intends to assign him.

(c) The road test must be of sufficient duration to enable the person who gives it to evaluate the skill of the person who takes it at handling the motor vehicle, and associated equipment, that the motor carrier intends to assign to him. As a minimum, the person who takes the test must be tested, while operating the type of motor vehicle the motor carrier intends to assign him, on his skill at performing each of the following operations:

- (1) The pretrip inspection required by §392.7 of this subchapter;
- (2) Coupling and uncoupling of combination units, if the equipment he may drive includes combination units;
- (3) Placing the vehicle in operation;

§391.31(c)(4)

- (4) Use of the vehicle's controls and emergency equipment;
 - (5) Operating the vehicle in traffic and while passing other vehicles;
 - (6) Turning the vehicle;
 - (7) Braking, and slowing the vehicle by means other than braking; and
 - (8) Backing and parking the vehicle.
- (d) The motor carrier shall provide a road test form on which the person who gives the test shall rate the performance of the person who takes it at each operation or activity which is a part of the test. After he completes the form, the person who gave the test shall sign it.

(e) If the road test is successfully completed, the person who gave it shall complete a certificate of driver's road test in substantially the form prescribed in paragraph (f) of this section.

(f) The form for the certificate of driver's road test is substantially as follows:

CERTIFICATION OF ROAD TEST

Driver's name
 Social Security No.
 Operator's or Chauffeur's License No.
 State
 Type of power unit Type of trailer(s)
 If passenger carrier, type of bus
 This is to certify that the above-named driver was given a road test under my supervision on 19 consisting of approximately miles of driving.
 It is my considered opinion that this driver possesses sufficient driving skill to operate safely the type of commercial motor vehicle listed above.

(Signature of examiner)

(Title)

(Organization and address of examiner)

(g) A copy of the certificate required by paragraph (e) of this section shall be given to the person who was examined. The motor carrier shall retain in the driver qualification file of the person who was examined —

- (1) The original of the signed road test form required by paragraph (d) of this section; and
- (2) The original, or a copy of, the certificate required by paragraph (e) of this section.

§391.35 Written examination.

(a) Except as provided in §§391.37, 391.61, and 391.67, a person shall not drive a motor vehicle

unless he has first taken a written examination and has been issued a certificate of written examination in accordance with this section.

(b) The objective of this written examination is to instruct prospective drivers in the rules and regulations established by the Federal Highway Administration pertaining to commercial vehicle safety. It is an instructional tool only, and a person's qualifications to drive a motor vehicle under the rules in this part are not affected by his performance on the examination. Motor carriers subject to title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e-1-2000e-15), Executive Order 11246, or both, are cautioned that neither the written examination requirements in this section nor any other rule in this part authorizes a motor carrier to violate the provisions of the Act, the Executive Order, or regulations issued under them with respect to equal opportunity in employment.

(c) The written examination shall be given by the motor carrier or a person designated by it, on a form prescribed by the motor carrier.

(d) Prior to, and during, the examination, the person who takes it shall be permitted to examine and consult a copy of the Federal Motor Carrier Safety Regulations (Subchapter B of this title) in addition to any other material explaining the provisions of those regulations that the motor carrier may provide. There is no time limit for completing the examination, and persons taking it shall be so advised in advance.

(e) The examination shall consist of 66 questions, covering the examinee's knowledge of the Federal Motor Carrier Safety Regulations and the Hazardous Materials Regulations. However, a person who is being examined with a view to employment as the driver of a motor vehicle which will not

§391.35(f)

transport hazardous materials of a type or quantity that requires the vehicle to be marked or placarded in accordance with §177.823 of this title need not answer questions 58-66, inclusive. The questions given during the examination must be the questions published in Appendix C to this subchapter.

(f) After the examinee completes the examination, the person who administered it shall advise him of the correct answers to any questions he failed to answer correctly. The motor carrier may also provide the examinee with such additional instruction in the pertinent regulations as appears to be warranted on the basis of his performance on the examination.

(g) The motor carrier, or the person who administered the examination on the motor carrier's behalf, shall provide every person who completes the examination with a certificate in substantially the following form:

CERTIFICATE OF WRITTEN EXAMINATION

This is to certify that the person whose signature appears below has completed the written examination under my supervision in accordance with the provisions of §391.35 of the Federal Motor Carrier Safety Regulations.

.....
(Signature of person taking examination)

.....
(Date of examination)

.....
(Location of examination)

.....
(Signature of examiner)

.....
(Title)

.....
(Organization and address of examiner)

(h) A copy of the certificate required by paragraph (g) of this section shall be given to the person who was examined. The motor carrier shall retain, in the driver qualification file of the person who was examined —

(1) The original, or a copy of, the certificate required by paragraph (g) of this section;

(2) The questions asked on the examination; and

(3) The person's answers to those questions.

HIGHWAYS AND TRANSPORTATION

MONTANA MOTOR CARRIERS ASSOCIATION STATEMENT

SENATE BILL 83

The Montana Motor Carriers Association has some 450 motor carrier and supplying company members. Our Montana based members operations range in size from a one truck operator to companies running 400 + truckers.

Of prime concern to our members is truck safety. Accidents are costly in human lives, suffering and cost a great deal of money. MMCA's policy is strongly supportive of effective accident prevention programs by the state and industry.

We feel that qualifying an over the road truck driver is of paramount importance to achieving truck safety in Montana. For that reason we are in full support of Senate Bill 83.

We support the bill's requirement for establishing a special chauffeur's license to be issued by the state for an applicant desiring to drive an over the road truck exceeding 44,000 pounds.

The bills requirements of an applicant to successfully pass a road test and a written examination as prescribed under Federal Motor Carrier Safety Regulations (parts 391.31 and 391.35) are in our opinion minimum requirements for anyone contemplating driving a truck weighing over 44,000 pounds.

Presently, these requirements must be met and must be certified to by a motor carrier hiring a driver. In addition the road and written test, the Federal rules require a check of a drivers background and character including a review of his driving record and record of violation. They require the carrier to certify that a driver has certain physical qualifications, a medical examination, maintain a driver qualification file and other requirements.

The road test as prescribed by regulation says it has to be of sufficient duration to enable the testor to evaluate the skills of the applicant in a vehicle he is expected to operate. In addition, the test includes a pre trip inspection, coupling and uncoupling of the units, placing the vehicles in operation, use of controls and emergency equipment, operating in traffic, turning the vehicle, backing and slowing down by means other than braking, backing and parking the vehicle. In our view if a driver can't do all these things, he shouldn't be on the road.

The written exam is to instruct prospective drivers in the rules and regulations established by Federal Highway Administration pertaining to commercial vehicle safety. It is an instructional tool only and a person's qualification to drive a vehicle under the rule on this part are not affected by his performance in the examination.

"Driver Error" has often been cited as a major link in the causal chain in accidents involving large trucks. The results of a comprehensive study made in Washington state in 1979 and 1980 were reported in a DOT publication on Large Truck Accident Causation. After analyzing 161 in depth investigations of accidents involving large trucks, it was found that 8 of 10 accident "causes" cited were related to driver error. The study said the truck driver was the causal factor named in 62% of the accidents compared to 31% for the other driver. Defective truck equipment was cited in only 6% of the accidents. The report noted that only 15% of the accidents involved truck drivers who had any kind of commercial driver education. A copy of the report is herewith entered in the hearing record.

More recent statistics by the Federal Bureau of Motor Carrier Safety in its 1983 Accident Summary indicated 5% of the accidents are caused by known mechanical defects....95% are caused by actions of the driver, resulting in a very high percentage of driver error caused accidents.

MMCA supports the passage of Senate bill 83.

THANK YOU



U.S. Department
of Transportation
National Highway
Traffic Safety
Administration

Large-Truck Accident Causation

Research and Development
National Center for
Statistics and Analysis

DRIVER-RELATED CONTRIBUTING FACTORS

It is commonly agreed that the demands and skills required in driving large trucks are more complex than those required in the routine driving of automobiles (Waller et al., 1976 and Moe et al., 1973). Because these larger and heavier vehicles are required to operate in mixed traffic composed primarily of vehicles with quicker response characteristics, drivers of large trucks must compensate for the relative awkwardness of their vehicles. Such compensation requires greater distances for passing, stopping, turning and accelerating, and a consequent need for more effective anticipation of approaching situations. In addition, maneuvers with large trucks are more complex than those with passenger cars. Large trucks also tend to operate closer to the design limits of both the vehicle and the highway. This results in narrower margins for error, particularly for recovery of an errant vehicle. Thus, the demand for attention and the precision required in most truck-driving situations make the truck driver a critical variable in the truck-accident equation.

"Driver error" has often been cited as a major link in the causal chain in accidents involving large trucks (Shinar, 1979 and Washington State, 1980). Shinar analyzed 161 in-depth investigations of accidents that involved large trucks and found that 8 of the 10 accident "causes" cited most frequently were related to driver error. The remaining two "causes" were related to the highway environment. Washington State data based on police-reported information (Table IV-1) indicate that inattention and negligence most frequently "caused" accidents that involved a large truck and another vehicle. The truck driver was the causal factor named in 62 percent of the accidents compared to 31 percent for the other driver. Defective truck equipment was cited in 6 percent of the accidents. While "driver error" may be a major identifiable event which immediately preceded the accident, the true "causes" of the accident must be traced to multiple factors and conditions, including driver judgments, that led to the accident.

*all Shinar
causes traced*

Thus, it appears that drivers of large trucks under age 25 exhibit much more of a safety problem than their counterpart passenger car driver. Other differences between passenger car drivers and truck drivers by age group were much less dramatic (FARS data, 1979-1980, NASS, 1981 and Smith et al., 1981).

In Wyckoff's (1979) survey, truck drivers were questioned about their driving safety practices and performance (Table IV-4). The survey methodology used by Wyckoff has been criticized for being non-random and errors in calculating rates have been identified (Raven, 1979), but, if a bias did exist, drivers more prone to violate safety regulations could be expected to have been less cooperative. If this is true, the survey represents a conservative estimate. The survey indicated that drivers under the age of 25 drove at slightly higher speeds, misrepresented their logs more frequently, drove beyond the ten-hour limitation more often, and had more violations than did middle-aged or older truck drivers. Thus, by their own estimates, younger truck drivers appeared to take more and graver risks than older drivers.

Analysis by age group that fails to consider experience level is not sufficient to understand the rate of accident involvement of drivers. Different types of carriers (exempt, private, contract, and common) generally have different policies regarding the hiring of young and/or inexperienced drivers. For example, Table IV-5 shows that exempt carriers employ a higher proportion of drivers under age 25 than either private, contract, or common carriers.

NHTSA and BMCS are conducting a study scheduled to be completed in 1982 that will attempt to identify the reasons young and/or inexperienced drivers seem to be involved disproportionately in accidents (Reiss, 1982).

Little information is available on the number of drivers of large trucks who have received formal driving instruction. However, data reveal that many accident-involved drivers have not had formal driver education. 1979 NASS

data show that more accident-involved truck drivers (59 percent) than car drivers (45 percent) were reported as having no formal driver training. ~~They~~

~~percent of the accident-involved truck drivers had any kind of formal driver education (Pantya, 1981).~~

While there is a trend towards greater use of formal driver training among younger truck drivers, a majority of the drivers surveyed in what may have been a biased (Wyckoff, 1979) sample had not received any formal training. Training programs usually include Federal requirements, log book procedures, and hours-of-service regulations. A current BMCS study is developing truck-driver training standards and a model curriculum covering regulatory requirements and driving skills. This material will be used to define minimum FMCSR training requirements (NPSRI, 1982).

Medical Condition

Accident researchers (Simpson et al., 1977; Janke et al., 1978; O'Brien, 1979; and Naughton and Waller, 1980) and concerned organizations (American Association for Automotive Medicine, and International Association for Traffic Medicine) have indicated that medical conditions which impair a person's ability to respond to a complex driving situation are a significant contributing factor to motor vehicle accidents. The share of highway accidents attributed to medical conditions has been estimated by Waller (1973) at approximately 15 percent of all accidents. Data on the medical condition of truck drivers involved in accidents are scarce. For example, the medical condition of drivers was reported to BMCS in less than 5 percent of all fatalities (BMCS data, 1978).

Both BMCS and State medical standards for truck drivers are primarily subjective in nature. Medical certification is based on a case-by-case assessment by an examining physician with overview responsibility by the motor

HIGHWAYS AND TRANSPORTATION

STATEMENT OF MONTANA MOTOR CARRIERS ASSOCIATION

IN SUPPORT OF SENATE BILL 182

The Montana Motor Carriers Association has in past Legislative Sessions and in this one, expressed strong support for safety programs involving the trucking industry and has reaffirmed that policy in support of Senate Bill 182 (and as you have heard, support for Senate Bill 83).

We feel strongly that, now more than ever, the Legislature needs to establish a policy and affirm its support for an effective program adequately funded to enable a sound truck safety program to produce the results it's suppose to, namely save lives, cut down on accidents, protect the motoring public and save dollars.

In light of recently passed legislation by the Congress and the importance of an effective truck safety program to the state and the industry, we feel that Montana must change the tri-agency enforcement approach that has been in being for nine years and place the sole responsibility for enforcement of all aspects of an effective truck safety program into a single agency.

For that reason, MMCA supports Senate Bill 182 because it takes the safety enforcement responsibility from the Gross Vehicle Weight Division of the Department of Highways and from the Public Service Commission and places it in the Department of Justice, Highway Patrol Division.

As has been pointed out, the 1977 Legislature passed legislation authorizing the GVW and the Highway Patrol to enforce the provisions of the Motor Carrier Act including the enforcement of the safety requirements for regulated motor carriers because of budgetary problems. The reason for the tri-agency enforcement action was, and I'm quoting from the session laws, "Increase the level of enforcement coverage available without increasing the budget or appropriations required by any agency."

Little if anything in the way of an effective motor carrier safety program was in being in Montana from 1977 to 1981. Comprehensive Bureau of Motor Carrier Safety Regulations were adopted by reference by the PSC but there was little or no enforcement by the three agencies. The full BMCS regulations are complicated, covering detailed inspections and down time for complete equipment inspections is extensive causing considerable delay on the road. The PSC, with its five field peace officers, attempted to implement some enforcement of safety regulations but they had to also enforce motor carrier economic regulations, their prime responsibility, and were strapped with no additional funding.

The GVW apparently had its hands full enforcing size and weight regulations, operating the weigh stations, issuing truck permits and general enforcement of Highway Department regulations. Some effort was made to enforce PSC economic regulations, but truck safety inspections were at a minimum, to my knowledge. The Highway Patrol also had other primary responsibilities and were troubled with the legalities of stopping a truck and inspecting it.

The 1981 Legislature considered and passed legislation sponsored by the Montana Motor Carriers Association that (1) granted implied consent by a motor carrier to be stopped and reasonably inspected for safety, resolving the Highway Patrol problem, (2) brought all trucks over 26,000 pounds operating in commerce under the safety inspection requirements and all trucks hauling hazardous materials and (3) incorporated by rule request to PSC (GVW and Highway Patrol) that the abbreviated "Critical Items Truck Inspection" criteria be adopted... standards aimed at inspecting mechanical factors most often blamed for accidents such as brakes, tires, steering, etc.

Following this action, PSC adopted the DOT Essential Elements Examination criteria and became signatory to the Commercial Vehicle Inspection Alliance. The Legislature did not, however, grant any additional appropriation for enforcement, leaving that in the hands of the three agencies, without adequate funds for an effective program.

In 1983, the Legislature placed primary responsibility for truck safety inspections to be accomplished in terminals as opposed to roadside inspections in the Highway Patrol. This was done because of the number of Patrol officers located throughout the state. The theory being that communities all over the state had a highway patrolman while only a small handful had PSC officers and GVW officers. The bill was passed, however, again with no additional appropriation.

MMCA members have expressed frustration over the enforcement or lack of uniform policies for enforcement of truck safety regulations by the tri-agencies. The claim is that enforcement by three different agencies with no central direction of enforcement authority, has led to confusion in policies, duplication and general dissatisfaction, not with any one of the agencies involved per se, but with the general program and the lack of an effectively administered program.

As I mentioned, important Federal legislation has been adopted affecting truck safety with a strong emphasis on the program by the Congress. The Surface Transportation Assistance Act raised, among other taxes, ~~diesel fuel taxes~~ 363% and heavy truck taxes 130% for highways and created Federal grants to states to enforce regulations of the Bureau of Motor Carrier Safety under the Department of Transportation. Montana stands to receive, on an 80% 20% matching basis, over the life of the five year grant program, 1983-1988, some \$1.7 million in Federal grants, for an effective enforcement program of Bureau of Motor Carrier Safety Standards and Federal Hazardous Materials Regulations. By year the amounts are: 1984, \$225,000; 1985, \$337,500; 1986, \$464,000; and 1987, \$652,000.

The Motor Carrier Safety Act of 1984 was signed into law by the President on October 30, 1984. Under that act, the Secretary of DOT must issue by 1986, safety regulations which assure that trucks are properly maintained, equipped, loaded and operated and to assure that drivers are competent. The law calls for annual safety inspections but also affirms that inspections requirements can be met by state programs of periodic or random inspections that are at least as effective as federal requirements.

Congress means business in the act, levying stiff penalties for faulty record keeping by a carrier of \$500.00 per offense up to \$2500.00 and for serious violations other than record keeping up to \$1,000 with a cap of \$10,000.

A series of studies due to be implemented includes one to determine the safety characteristics of heavy trucks and the manner in which they are driven, emphasizing the importance of driver qualification.

The act will also study the effectiveness of individual state safety regulation and performance governing intrastate commercial truck operations.

Under the first year of the Federal grant program, the PSC submitted a State of Montana enforcement plan which was approved by the DOT implementing the Federal program. The report acknowledged the accomplishments and difficulties in using the tri-agency inspection approach and outlined a plan to utilize PSC and newly hired personnel under the Motor Carrier Safety Assistance program and GVW personnel "AS THEIR TIME PERMITS". It also noted that Highway Patrol personnel under a directive from the Legislature would concentrate their inspections in carrier terminals. The plan calls for a renewed emphasis on all three agencies to perform EEE inspections "on their own" rather than relying on a "tri-agency" meeting to be set for inspections. The plan noted that the PSC presently does not have computerization of motor vehicle data but would have in 1984, noting this added benefit will allow flexibility in pinpointing problem areas. It was noted that information on accidents is being supplied from the Highway Patrol's computer data.

In order to carry out the ultimate enforcement program the PSC would need to hire 23 additional Federal and State safety personnel....

MMCA does not find fault with this effort by PSC at all... in fact MMCA supports an adequate level of funding for an effective program. An effective program is our main concern.

We simply endorse the concept of placing the enforcement program into a single agency. The agency to be solely responsible rests with the decision of the Legislature.

MMCA feels that due to its size, the diverse location of manpower, its scope of responsibility, present involvement in the truck safety as well as general highways safety, and capability for compiling data on accidents, that the Department of Justice, Highway Patrol Division is the logical agency to solely enforce the program.

Also, if SB 83 is passed, its enforcement will be under the Department of Justice. All aspects of the truck safety program will be in one Department.

THANK YOU

(This sheet to be used by those testifying on a bill.)

HIGHWAYS &
TRANSPORT.

NAME: Wayne Budt DATE: 2-19-55

ADDRESS: 2701 Pomeroy

PHONE: 444-6195

REPRESENTING WHOM? West PSC

APPEARING ON WHICH PROPOSAL: SB 182

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

COMMENT: A++

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

The Montana Public Service Commission is opposed to SB 182. Our opposition to the bill is based on three critical areas.

1. Is it in the best interest of the State of Montana to reduce existing truck safety enforcement personnel by 1/3?
2. Can the Public Service Commission continue to carry out its mandate of a regulated common carrier system if it is exempted from all safety regulations?
3. Why move an ongoing safety program from an agency that has been designated lead agency by the Governor and is actively seeking to continue that program and place it in an agency which is not actively requesting it and in an agency that already is on record requesting additional personnel to carry out its present responsibilities?

Our first point of opposition to SB 182 is that it would remove the Public Service Commission and GVW personnel from truck safety which would produce the following results:

- A) It would prohibit approximately 70 trained officers who deal only with trucks from checking those vehicles for safety.
- B) It would require a PSC or GVW officer to either ignore an obvious safety defect or contact a Highway Patrolman to take care of the problem, if an officer is available. There is a question, whether or not the PSC or GVW would even have the authority to hold a truck for a safety defect. In any event, this is obviously an inefficient if not down right wasteful way of enforcing safety. A prime example of this problem would be if a carrier does not have authority to transport dynamite, he is not going to broadcast that fact by identifying the vehicle with the required explosive placards. Under SB 182 the PSC or GVW could still issue him a ticket for hauling an illegal load, but could not react to the placard problem because it is in the safety area. The truck would proceed on down the road and it would be up to a local DES or Volunteer Fire Department to deal with that vehicle if it were involved in a wreck, without knowing what they are exposed to.
- C) This bill could result in a vehicle being checked a number of times by different officers for different violations. A truck would still be required to stop at a scale for weighing, fuel bond, PSC authority, etc, and then stopped down the road for safety.

- D) The 1981 legislature directed the PSC to hold the majority of its inspections in a safe area, which we have done. The legislature felt, and we agree, that roadside safety inspections could be dangerous to the trucker, the officer and the general public. This bill proposes to eliminate the personnel from safety who man the most obvious safe areas for checking a truck, the scales.

I have attached to this testimony a break down of the inspection numbers for the three agencies involved in safety for the last 3 quarters of 1984. These numbers were pulled from the quarterly reports given to the federal government under the federal funding program.

The second area of our concern is that of the Commission's ability to oversee a common carrier system. Safety has been a part of the Commission's statutes since 1931, when the 22nd Legislative Assembly established a regulated trucking industry in Montana. The 22nd Legislative Assembly made it the duty of the then Board of Railroad Commissioners to regulate the properties, facilities, operations, accounts, service, practices, affairs and safety of all motor carriers. It must be assumed that the 22nd Legislative Assembly felt that to have a healthy regulated motor carrier system in Montana the Commission must have all of these powers.

The motor carrier statutes have been changed over the last 54 years, with the major change in safety coming in the 1981 Legislature. The Commission was charged with the duty to develop a shortened inspection procedure and to conduct inspections in a safe area, thereby holding inspections made along the road side to a minimum. That same Legislature added to the Commission's responsibility the overseeing of safety for all motor vehicles operating in Montana having a gross weight of 26,000 pounds or greater, except farm vehicles. The Commission has taken on these responsibilities and carried out the Legislature's directive without the benefit of additional funds. I might add the Motor Carrier Association and I believe the Logging Association supported the expansion of the Commission's safety duties.

To my knowledge, no one has heretofore challenged the Public Service Commission's duty to assure safe vehicles operating in Montana. It is the Commission's opinion that this proposal would not be before you today if it were not for the truck safety funds now available from the Federal Government.

The Commission feels that SB 182, in totally prohibiting the Commission from safety, would affect its ability to review a carriers fitness and respond to complaints from the public concerning the safety of a carrier and take appropriate action.

The third area of our opposition to SB 182 concerns who should have primary responsibility for administering the Motor

Carrier Safety Assistance Program, which is an 80/20 Federal/State funded program for the inspection of large trucks. As I stated earlier, the PSC has been designated by the Governor as the lead agency. In addition, we have gone before the Legislative Finance Committee on two occasions and received approval to spend federal funds. We have developed a state enforcement plan and a proposed future enforcement plan covering the next two fiscal years. We have made our plans for the future of the safety program known to the Motor Carrier Association, the Logging Association, the Solid Waste Contractors, the Governors office and everyone else within earshot. We have been totally up front with everyone concerned. We have coordinated our efforts every step of the way with the GVV and Patrol to insure, as those statutes clearly state, maximum coordination and minimum duplication. We feel we have fulfilled all requirements set out by State and Federal Law for this program and have indeed gone beyond any state or federal mandate by meeting with various carrier groups to answer their questions on the program and coordinating our efforts with the Disaster and Emergency Services personnel and the Montana Department of Health concerning hazardous material transportation.

What you have before you today is an agency which is seeking to continue and expand a vigorous trucks safety program and a bill that would move that program to an agency which has stated it does not support the proposed move. We feel that the old adage of "if it ain't broke don't fix it" applies to this bill, and from the PSC's point of view it definitely ain't broke. We would urge you to give SB 182 a Do Not Pass Recommendation and allow us to get on with a safety program which we feel is of benefit to every citizen of Montana.

Wayne Budt, Administrator
Transportation Division
Public Service Commission



Department of Justice

MONTANA HIGHWAY PATROL

303 N. Roberts, Helena, Montana 59620 (406) 449-3000



30 January 1985

The Honorable Mike Halligan
Montana State Senate
State Capitol
Helena MT 59620

Dear Senator Halligan:

In response to your correspondence of January 23, 1985, I am submitting the following answers to your questions.

1. Do you support the move of the motor carrier safety inspection program to your agency?

No, however the Highway Patrol will do whatever the Legislature directs. The Highway Patrol is not actively involved with SB 182.

2. I have reviewed the Public Service Commission's proposal on operating this inspection program. How do you, in as much detail as possible, propose to implement this program. Please let me know if your people are fully trained or if there will be some delay in beginning this program until they are trained.

The Highway Patrol does not have a contingency plan for assuming the Public Service Commission inspection program. The Highway Patrol did train all patrolmen and sergeants in the truck inspection process under a training program conducted by the Federal Department of Transportation Motor Carrier Division. The additional FTE's required to implement this bill would require training. There would be no significant delay in beginning the program.

3. How much of the state 20 percent match can be derived from your present budget?

The Highway Patrol would require a state appropriation to meet the 20 percent required match. The Highway Patrol's present budget does not contain funds in excess of present operating requirements. However, current salaries paid to



30 January 1985

patrolmen who are doing inspections could be used as part of the match.

4. If you are not contemplating setting up a special unit of full time inspectors, how much of a burden will it be to add additional work load to your patrolmen's present responsibilities? Will this take patrolmen off the highway?

Truck inspections should be handled by a unit specifically trained and dedicated to the inspection program. Highway Patrolmen assigned to traffic patrol could not assume the additional duties of truck inspection without sacrificing their original assigned responsibilities. Even if the FTE's in the fiscal note are provided, current patrolmen would be involved in the inspection process.

5. How many additional personnel if any do you feel this program will require?

A minimum of twelve additional personnel (ten inspectors, one supervisor and one clerical) in fiscal year 1986 and an additional seven personnel (six inspectors, one clerical) in fiscal year 1987.

6. I am aware that in the 1983 legislature we placed the primary responsibility for terminal inspections in your agency; please outline how you implemented that program. Please give me an average of how many inspections your patrolmen did each month.

The Highway Patrol assigned a lieutenant with previous experience in gross vehicle weight enforcement to the terminal inspections on a rotating basis between Billings and Missoula. These cities domicile a majority of trucking companies in Montana. Additional requests for inspections are handled by local patrolmen whenever possible, depending upon the demand for called-for services. The Highway Patrol performed 1074 inspections in 1984, for an average of 89.5 per month.

7. This bill proposes removing all safety from the PSC and the GVW and placing it totally within the Highway Patrol. Do you support that language or do you feel those agencies should maintain the ability to perform vehicle inspections?

30 January 1985

The Highway Patrol believes all inspections should remain with one agency. The Highway Patrol has not tried to interpret the intent of the proposed legislation and would simply comply with the legislation as passed.

8. If the federal funds should no longer be available, how does your agency propose to continue this motor carrier inspection responsibility?

The Highway Patrol would have to rely upon the state appropriations to continue the program if that was the desire of the Legislature. Either fewer inspections would be performed or more patrolmen would do inspections instead of their original assigned responsibilities.

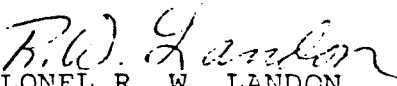
9. Would you contemplate transferring those positions which are now totally funded by federal funds within the PSC to your agency?

The Highway Patrol would accept the program in toto if so directed by the Legislature. We would not accept the personnel because we would contemplate using Highway Patrol Cadets in the program, but we would accept any equipment already acquired.

10. Finally, are you aware of any problems on how the PSC has administered this program, and if so did you bring that to the attention of the PSC?

The Highway Patrol has not been involved with the administration of the Public Service Commission program. The Highway Patrol has received general complaints about the program but no specific complaints about the administration of the program.

Sincerely,


COLONEL R. W. LANDON
Chief
Montana Highway Patrol

<u>PSC</u>	<u>LONG FORMS (PSC63)</u>	<u>SHORT FORMS (PSC64)</u>
Apr, May, June	889	*
July, Aug, Sept.	1069	183
Oct, Nov, Dec.	<u>291</u>	<u>611</u>
	2249	794

* Short form (PSC64) Developed after June 30.

<u>MHP</u>	<u>LONG FORMS (PSC63)</u>	<u>SHORT FORMS (PSC64)</u>
Apr, May, June	101	*
July, Aug, Sept.	127	36
Oct, Nov, Dec.	<u>34</u>	<u>135</u>
	262	171

MHP 119

Apr, May, June	172
July, Aug, Sept.	137
Oct, Nov, Dec.	<u>122</u>
	431

* Short form (PSC64) Developed after June 30.
119's Inspections are Terminal Inspections.

<u>GVW</u>	<u>LONG FORMS (PSC63)</u>	<u>SHORT FORMS (PSC64)</u>
Apr, May, June	445	*
July, Aug, Sept.	90	498
Oct, Nov, Dec.	<u>56</u>	<u>382</u>
	591	880

* Short form (PSC64) Developed after June 30.

Long forms represent complete vehicle inspections or mechanical defects that warranted citations.

Short forms represent Driver Examinations (log book & med. Card), and mechanical defects that didn't warrant citations.

(This sheet to be used by those testifying on a bill.) HIGHWAYS &
TRANSPORT.

NAME: William E. MURRAY DATE: 2/19/85

ADDRESS: Rm 248 Cas Co Bldg Great Falls, MT

PHONE: 761-6700 EXT 246

REPRESENTING WHOM? PASCAGO Co. Commissioners

APPEARING ON WHICH PROPOSAL: SB 182

DO YOU: SUPPORT? AMEND? OPPOSE? X

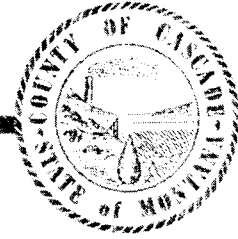
COMMENT: WRITTEN STATEMENTS ATTACHED

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

Cascade County

State of Montana

TELEPHONE: (406) 761-6700



Great Falls, Montana 59401

February 19, 1985

After carefully reviewing the proposed SB 182 and the existing Public Service Commission program for providing safety inspections for heavy duty over-the-road commercial trucks, the Cascade County Commission recommends that HB 182 be rejected.

We feel the Montana Highway Patrol is doing an admirable job of distributing their growing workload among the dedicated patrol officers who must get the job done. Our recommendation that the Public Service Commission continue to handle these safety inspections is in no way intended to be a reflection on the Patrol.

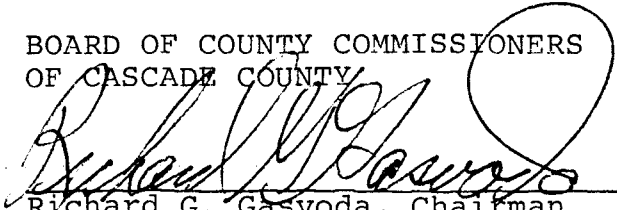
The relatively small force utilized by the Public Service Commission has compiled a good record, and we feel their experience and dedication should be retained as the nucleus of an expanded safety program.

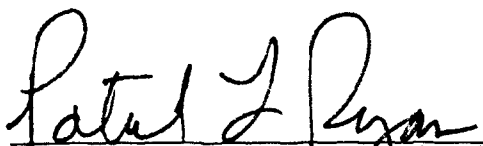
In the interests of improved safety of our motorists, we must also object to the proposal that trucks be inspected only on public thoroughfares. Terminal inspections have proven effective in catching unsafe vehicles prior to entering the public highways. We support the continued access of authorized, qualified inspectors to terminals and other locations where trucks may be inspected quickly and completely.

We encourage the State of Montana to take advantage of the availability of Federal matching funds to allow the Public Service Commission to add the personnel necessary to perform a vital safety function.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
OF CASCADE COUNTY


Richard G. Gasvoda, Chairman


Patrick L. Ryan, Commissioner


Jack T. Whitaker, Commissioner
CENTER OF MONTANA'S LIVESTOCK AND FARMING AREAS



(This sheet to be used by those testifying on a bill.)

NAME: William E. MURRAY DATE: 2/19/85

ADDRESS: Rm 248 Cos G Bldg Great Falls, MT

PHONE: 761-6200 EXT 246

REPRESENTING WHOM? MT. Assoc. of D.E.S. DIRECTORS

APPEARING ON WHICH PROPOSAL: SB 182

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

COMMENT: STATEMENT ATTACHED

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.



Cascade County Disaster & Emergency Services



coordination & communication

William E. Murray, director

(406) 761-6700 Ext. 247

Box 3127

Great Falls, Montana 59403

February 18, 1985

MONTANA ASSOCIATION OF DISASTER AND EMERGENCY SERVICES DIRECTORS

IN OPPOSITION TO SB 182

The individuals who make up the Association are charged with assessing the possible dangers that face their communities, then with determining the resources best suited to minimizing or responding to those dangers.

Prior to the Legislative session, our Association studied the request of the Public Service Commission for additional funds to take advantage of Federal cost-sharing. We concluded this was a wise use of personnel, and that the program desperately needed additional manpower. Use of available Federal funds was the most logical way to improve our capability to make highways safer with regard to large trucks and their cargoes.

We have the highest regard for the Montana Highway Patrol. We work with their members daily and have a healthy respect for their dedication and hard work as they meet their current obligations.

On the other hand, we must objectively assess both the capabilities and the responsibilities involved in determining the safety of large trucks and their cargoes. By virtue of their related responsibilities, the Public Service Commission is accustomed to both these vehicles and their operators.

In studying the Fiscal Note and available implementation proposals, we feel that the State is expected to obligate itself to additional personnel no matter which Agency receives the program. That being the case, we suggest the program be assigned the Agency having the most potential for meeting the specific requirements of this particular activity.

The Highway Patrol proposes to utilize Cadets between the time they graduate and the time they become full time Patrol officers. That assures a constant turnover in a position that requires considerable expertise and experience. The Public Safety Commission, on the other hand, proposes to add to a unit that has already proven its abilities and dedication.

Our Association feels the public safety is better served, and the best potential for economy exists, if S.B. 182 is rejected. We further recommend the adoption of the proposed budget item for the Public Service Commission to enable the program to be fully developed in the coming biennium.

(This sheet to be used by those testifying on a bill.)

EXHIBIT 7

HIGHWAYS &
TRANSPORT.

NAME: Paul Spangler DATE: 2-19-85

ADDRESS: 201 S. Main Helena

PHONE: 443-1010, ext. 255

REPRESENTING WHOM? Mont. Disaster + Emergency Services
Assoc.

APPEARING ON WHICH PROPOSAL: SB 182

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

COMMENT: Truck inspectors should work for the

PSC. & not the Highway Patrol, because:

1. H.P. employees may not inspect because this
is ~~not~~ the Dept. mission.

2. Patrolmen are not familiar with truck
safety standards.

3. Patrolmen cannot thoroughly inspect a truck
by crawling underneath the rig because of their
dress uniforms.

4. The Assoc. supports the program if it
is given to the PSC, which is equipped
to do more comprehensive inspections than the H.P.

5. Inspections are improving, because ~~patrolmen~~ untrained truck
inspectors pose a grave threat to all motorists.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

HIGHWAYS AND TRANSPORTATION

**MONTANA
ASSOCIATION OF
COUNTIES**

1802 11th Avenue
Helena, Montana 59601
(406) 442-5209

TO: Senator Larry Stimat, Chairman
Senate Highways & Transportation Committee

FROM: *Gordon M.*
Gordon Morris
Executive Director

RE: Senate Bill 182

DATE: February 18, 1985

The Board of Directors of the Montana Association of Counties has reviewed Senate Bill 182. This bill proposes to transfer authority for setting motor carrier and motor vehicle safety standards from the Public Service Commission to the Motor Vehicle Division, and gives the highway patrol sole authority for enforcement of safety standards.

Based upon review we find no compelling reasons to support the transfer of regulatory responsibility to the Highway Patrol. The Board of Directors is unanimous in their opposition of SB 182, as reflected in our Board Minutes of February 15, 1985. We therefore urge a "Do Not Pass" recommendation on SB 182.

GM/mrp

HIGHWAYS AND TRANSPORT.

Anaconda - Deer Lodge County
Courthouse-800 South Main
Anaconda, Montana 59711

(406) 563-8421
Ext. 233

January 23, 1985

Mr. Larry Stimatz, Chairman
Senate Transportation Committee
House of Representatives
Capitol Station
Helena, Montana 59620

Dear Mr. Stimatz:

I am writing this letter in hopes that my feelings can be conveyed concerning a bill Senator Farrell of Missoula will be introducing. The bill proposes to take the funding for hazardous material transport detection, which is 80 per cent (80%) federally funded, from the Public Service Commission and put it in to the Highway Patrol.

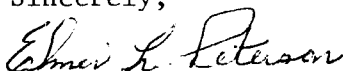
Although our Highway Patrol is doing a great job, I believe the patrol is already too heavily burdened with the work they currently are responsible for.

If the Public Service Commission receives the monies, it is requesting to hire 18 full-time truck inspectors whose only duties are to inspect transport carriers and to make sure the carriers meet all state and federal codes for hazardous material hauling and that the trucks meet all safety standards.

The duties for the 18 trained personnel will only be to the transport hauler and not the average motorist so that more time can be spent on the job they are trained for. They will have mechanical skills as well as having hazardous materials background so their expertise is indeed valuable to our state. We as county Disaster & Emergency Services Coordinators support the Public Service Commission Transportation Division's appropriation bill. The State's share of the bill would be twenty percent (20%) while the federal government's share for the request would be eighty percent (80%).

Your consideration of this appropriation on behalf of the Public Service Transportation Division would be greatly appreciated.

Sincerely,



Elmer L. Peterson
President Elect
Association of Montana
Disaster & Emergency Services Coordinators

ELP:cg

HIGHWAYS AND TRANSPORT.

BIG BUTTE VOLUNTEER FIRE DEPARTMENT

945 LEXINGTON STREET

BUTTE, MONTANA 59701

PHONE 782-8754

ARTCRAFT, BUTTE

February 5, 1985

Senator Larry Stimatz
Montana State Senate
Montana State Capital Building
Helena, Montana 59620

Dear Senator Stimatz:

As Chief of the Big Butte Volunteer Fire Department, I would like to express the department's interest in Senate Bill 182. Being first responders to many hazardous situations, we feel truck inspection in our great State of Montana should be left in the jurisdiction of the Public Service Commission.

The number of trucks that carry hazardous materials in our State increase yearly and regular, proper inspections are the best way to prevent many problem situations. We feel The Public Service Commission is best equipped to conduct these needed inspections.

Your help in this matter is greatly appreciated. Thank you.

Sincerely,

Alvin Faulkner

Alvin Faulkner, Chief



SILVER BOW FIRE TRAINING CENTER INC.

HIGHWAYS & TRANSPORT.

350 JOSETTE

BUTTE, MONTANA 59701

PHONE: 782-6090

Senator Larry Stimatz
Montana State Senate
Montana State Capitol Building
Helena, MT 59602

January 31, 1985

Senator Stimatz;

In regards to Senate Bill 182 recently introduced by Senator Farrell from Missoula, to allow the Montana Highway Patrol to inspect public transportation vehicles.

We are against using the Highway Patrol to inspect trucks hauling hazardous materials because we feel that the Highway Patrol has enough responsibility now and do not feel that they will do a good enough job in inspecting these trucks. They don't have the time and we feel that they cannot be expected to fully inspect a truck in full dress uniform.

It is our opinion that this job should be kept with the Public Service Commission because they have the trained personnel and the time, equipment and clothing to do this properly.

We, of the fire service, who have to answer these calls if something happens in our county and our highways would like to see this done as good as possible and feel that the P.S.C. is best equipped to do the truck inspections thoroughly for our own protection and that of others actively involved with any aspects of hazardous materials.

Sincerely,

Mike Doto

T.C. Administrator

HIGHWAYS AND TRANSPORTATION

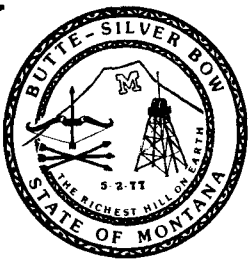
BUTTE-SILVER BOW

Office of Fire Co-ordinator

Courthouse

Butte, Montana 59701

February 5, 1985

**DICK TRETHEWEY**

Fire Co-ordinator

792-0130

H. J. "Lefty" LOWNEY

Deputy Fire Co-ordinator

723-5104


Senator Larry Stimatz
Montana State Senate
Montana State Capitol Building
Helena, MT. 59620

Dear Senator Stimatz:

I am writing to oppose Senate Bill 182. I feel the Highway Patrol has enough responsibilities at this time. The Butte-Silver Bow Fire Department has been pleased with the excellent job the Transportation Division of the Montana Public Service Commission has been doing. The shipping papers, markings and the Placards these trucks are marked with allow the Fire Department to identify the hazardous material they are hauling and dictates the kind of action the Fire Department will take when any of these trucks are involved in an emergency situation such as a fire, wreck, spill etc. We have had a representative of the Transportation Department assist us in the past when we had one of these accidents. I would request you allow the Transportation Division of the Montana Public Service Commission to continue the fine job they are doing.

Sincerely,

BUTTE-SILVER BOW GOVERNMENT


Richard Tretheway
Fire Coordinator

RT:mk

(This sheet to be used by those testifying on a bill.)

EXHIBIT 13
HIGHWAYS &
TRANSPORT.

NAME: William E. MURRAY DATE: 2/19/85

ADDRESS: Rm 248 Cas Co Bldg 6000 Falls, MT.

PHONE: 761-6200 ext 246

REPRESENTING WHOM? MT. Assoc. of D.F.S. Directors

APPEARING ON WHICH PROPOSAL: SB 387

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

COMMENT: See Attached Statements

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.



Cascade County Disaster & Emergency Services



coordination & communication

William E. Murray, director

(406) 761-6700 Ext. 247

Box 3127

Great Falls, Montana 59403

February 18, 1985

MONTANA ASSOCIATION OF DISASTER AND EMERGENCY SERVICES DIRECTORS

FAVORS SB 387 (With recommended amendment)

The individuals making up the Association have considerable experience with the confusion that is an inescapable part of any disaster scene.

In a "normal" emergency, there are only a few emergency service vehicles involved. Approaching personnel can easily determine who is in charge by quickly surveying the scene.

In a disaster situation, however, things are different. Emergency vehicles of all types arrive in great numbers. The scene is quickly characterized by a massive array of flashing red, blue and amber lights.

Radio channels are tied up by approaching individuals seeking directions to the on-scene command post. Aircraft offering information are hampered by an inability to know which vehicle to "key" upon in providing directions.

To minimize such confusion, several localities--including Cascade County--have experimented with the use of a flashing green strobe to identify the on-scene Command Post. In at least three major incidents involving city, county, state and federal personnel along with volunteers and private agencies, the strobe proved very effective at enabling each arriving unit to report quickly and accurately to the Command Post.

We recommend amending SB 387 to remove the requirement inherent in the language of proposed subsection (7) to 61-9-402 Section 1. Where it now is worded "shall be equipped", we suggest substituting "may be equipped", or perhaps "shall be authorized a portable...".

The point is that the need to display a green lamp is not immediate, but only comes as more and more equipment arrives at the scene. The vehicle that will display the light is determined in advance by the Disaster Plan. For those reasons, it is not necessary for every emergency vehicle to be so equipped.

In Cascade County, each Emergency Service has a single magnetic mount "fireball" type green beacon. This has proven sufficient for any situation.