

MINUTES OF THE MEETING  
HIGHWAYS AND TRANSPORTATION COMMITTEE  
MONTANA STATE SENATE

February 23, 1985

The fourteenth meeting the Highways and Transportation was called to order at 1 p.m. on February 23, 1985 by Chairman Lawrence G. Stimatz in Room 410 of the Capitol Building.

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

EXECUTIVE ACTION was called to order.

DISPOSITION OF SENATE BILL 396: Senator Tveit explained the sub-committee amendments and the Highway Department's amendments.  
(SEE EXHIBIT 1 & 2)

Senator Farrell stated that Gary Wicks told him the amendments did the same thing as the sub-committee amendments, except striking "half-mile" and inserting "quarter-mile".

Senator Tveit stated that the important difference between the two sets of amendments is that the Highway Department has exclusive jurisdiction except as provided in 61-8-310(1d).

Senator Tveit stated that what the sub-committee tried to do, was in just the case of a school zone, give the local authority some jurisdiction in setting the speed zones lower than 25-30 mph.

Senator Stimatz asked if Poplar had a police force or town marshall that could enforce the speed limits? Senator Tveit replied that they have city police and tribal police.

Senator Farrell stated that he read the Highway Department's amendment number four as saying that the department will go along with the local authority investigators' find, as long as they have an investigation. In other words, the local townsmen will not have to go to the Highway Department to get a study done, they can do their own study and bring it before the Highway Commission and say, "this is what we found". Senator Farrell stated then the Highway Commission would concur in the findings and keep everybody out of trouble with the federal aid program.

Senator Tveit stated that the point is, they are concurring, but he doesn't want the commission to have the last say, and with this amendment, that is what would be happening.

Senator Williams asked if the amendments were covering both school zones and school crossings? Senator Stimatz stated there is a difference between the two, but a school crossing is not included in SB 396, unless it was within the quarter-mile.

Senator Daniels asked Jim Beck, chief counsel for the Highway Department, if the department relied on the investigation all the time?

Jim Beck replied that they conduct an Engineering and Traffic Investigation, and they do rely on that study conducted by their traffic unit.

Senator Daniels asked who composes the traffic unit? Jim Beck replied that it is a unit of the engineering division of the Department of Highways.

Senator Daniels asked how many persons are in the unit? Jim Beck replied that he did not know how many people it consists of, but the manager is Greg Jackson.

Senator Daniels asked if the engineering and traffic study was mandated by the federal government? Jim Beck replied that in the project agreement that they sign with the federal government for federal aid, they are required to see that traffic control is based on engineering and traffic investigations.

Senator Stimatz asked Jim Beck if the agreements are sometimes referred to as "sponsor assurances"? Jim Beck replied that he had never heard them being referred to as that, and basically it is a contract with quarantees to the federal government.

Senator Williams asked Jim Beck if the 85 percentile is just a general practice that the department uses? Jim Beck replied that traffic engineers have developed a method of setting speed limits, and this is the generally accepted method, not defined by law.

Senator Stimatz asked who signs the agreements? Jim Beck replied that the Highway Department signs the agreements.

Senator Stimatz asked if you must apply for the money, or is is a grant? Jim Beck replied that it is a revolving situation where they sign the agreement and then do the work and get reimbursed.

Senator Stimatz asked if this was done by project? Jim Beck replied that it is done by project, but each project has various programs within it. For example, a given stretch of interstate would have a PE program, a right-of-way program, and a construction program; there are separate agreements within each project for each program.

Senator Williams asked if this bill passes, who would pay for the study that had to be done? Jim Beck replied whoever conducts the study should pay for it.

Senator Williams asked if there are funds appropriated out of the federal funding assigned to school zone crossings or railroad crossings? Jim Beck replied that he was unaware of any fundings designated for school zones, but there is a railroad crossing program.

Senator Daniels asked if it had been interpreted that local authorities have not been included as a Board of County Commissioners, they would be separate. Senator Yellowtail stated that it would probably be best to establish the County Commissioners as having authority.

Senator Farrell asked what the word "concur" meant? Jim Beck replied that the Highway Department would have to concur with the local authorities on the school zone limits.

Senator Yellowtail stated that he asked the Legislative Council to research this bill and the researcher found that there was no place in federal law that required that the Highway Commission must have the final authority to set speed limit zones on federal aid highways.

Senator Yellowtail stated that the sub-committee amendments met with his intent and he saw no argument in favor of the department's amendments.

Senator Stimatz asked Senator Yellowtail if he felt the Highway Department's amendments did the same thing as the sub-committee's amendments? Senator Yellowtail replied that they did not, but he would go along with the department's amendment number four.

Senator Williams moved that the amendments of the sub-committee PASS. The motion carried and passed unanimously.


Senator Williams moved to accept and PASS amendment number four of the Highway Department's amendments. The motion carried and passed unanimously.

Senator Tveit moved a DO PASS AS AMENDED on SB 396. The motion carried and passed unanimously.

The amendments, as combined and PASSED, are attached as EXHIBIT 3.

ADJOURNMENT:

The meeting was adjourned at 2 p.m.

  
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LAWRENCE G. STIMATZ  
Chairman

ROLL CALL

HIGHWAY AND TRANSPORT. COMMITTEE

48th LEGISLATIVE SESSION -- 1985

Date 2-23-85

SENATE  
SEAT  
#

NAME	PRESENT	ABSENT	EXCUSED
#7 SENATOR STIMATZ	X		
<del>#22 SENATOR MANNING</del>			
#27 SENATOR BENGTSON	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.

## Amendments to Senate Bill 396, Introduced Bill

SUB-COMMITTEE  
AMENDMENTS

1. Title, line 10.  
Following: "AMENDING"  
Strike: "SECTIONS 61-8-303 AND"  
Insert: "SECTION"
2. Page 1, line 14 through line 3, page 3.  
Strike: section 1 in its entirety  
  
Renumber: Subsequent sections
3. Page 3, line 8.  
Following: "investigation"  
Insert: "conducted by the local authority in the case of a  
school zone,"
4. Page 4, line 11.  
Following: "~~61-8-309~~."  
Insert: "(4) The commission has exclusive jurisdiction, except as  
provided in 61-8-310(1), to set special speed limits on all federal  
aid highways or extensions thereof in all municipalities or urban  
areas. The commission shall set these limits in accordance with  
61-8-309."
5. Page 4, line 15.  
Following: "with"  
Strike: "61-8-306 and 61-8-310"  
Insert: "61-8-310(1)"
6. Page 4, line 22.  
Following: "Section"  
Strike: "3"  
Insert: "2"
7. Page 4, line 24.  
Following: "section"  
Strike: "3"  
Insert: "2"

HIGHWAY DEPARTMENT  
AMENDMENTS

## Amendments to Senate Bill 396, Introduced Bill

1. Title, line 10.

Following: "Amending"

Strike: "SECTIONS 61-8-303 AND"

Insert: "SECTION"

2. Page 1, line 14 through line 3, page 3.

Strike: section 1 in its entirety

Renumber: Subsequent sections

3. Page 3, line 8.

Following: "investigation"

Insert: "conducted by the local authority in the case of a  
school zone,"

4. Page 3, line 19. following "a" strike "half" insert "one quarter"

5. Page 4, line 11.

Following: "~~61-8-309~~."

Insert: "(4) The commission has exclusive jurisdiction, except as  
provided in 61-8-310(1)(d), to set special speed limits on all  
federal aid highways or extensions thereof in all municipalities or  
urban areas. (1) The Commission shall concur in limits set by  
local authorities on federal aid highways under the Commissions  
jurisdiction. The Commission shall set these limits in accordance  
with 61-8-309."

6. Page 4, line 12

Following: "~~with~~"

Strike: lines 12 through 24 in their entirety.

1. Title, line 5.  
Following: "A"  
Strike: "HALF-MILE"  
Insert: "QUARTER-MILE"

2. Title, line 10.  
Following: "AMENDING"  
Strike: "SECTIONS 61-8-303 AND"  
Insert: "SECTION"

3. Page 1, line 14 through line 3, page 3.  
Strike: section 1 in its entirety

Renumber: Subsequent sections

4. Page 3, line 8.  
Following: "investigation"  
Insert: "conducted by the local authority in the case of a  
school zone,"

5. Page 3, line 19.  
Following: "a"  
Strike: "half-mile"  
Insert: "quarter-mile"

6. Page 4, line 11.  
Following: "61-8-309."

Insert: "(4) The commission has exclusive jurisdiction, except  
as provided in 61-8-310(1), to set special speed limits on  
all federal old highways or extensions thereof in all  
municipalities or urban areas. The commission shall set  
these limits in accordance with 61-8-309."

7. Page 4, line 15.  
Following: "with"  
Strike: "61-8-306 and 61-8-310"  
Insert: "61-8-310(1)"

8. Page 4, line 22.  
Following: "Section"  
Strike: "3"  
Insert: "2"

9. Page 4, line 24.  
Following: "section"  
Strike: "3"  
Insert: "2"

# STANDING COMMITTEE REPORT

FEBRUARY 23

1935

MR. PRESIDENT

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

having had under consideration **SENATE BILL** No. **396**

**first** reading copy ( **white** )  
color

## **AUTHORIZE LOCAL AUTHORITIES TO SET SPEED LIMITS IN SCHOOL ZONES**

Respectfully report as follows: That **SENATE BILL** No. **396**

**be amended as follows:**

1. Title, line 5.

Following: **"A"**

Strike: **"HALF-MILE"**

Insert: **"QUARTER-MILE"**

2. Title, line 10.

Following: **AMENDING"**

Strike: **"SECTIONS 61-8-303 AND"**

Insert: **"SECTION"**

3. Page 1, line 14 through line 3, page 3.

Strike: **section 1 in its entirety**

Re-number: **Subsequent sections**

4. Page 3, line 8.

Following: **"investigation"**

Insert: **"conducted by the local authority in the case of a  
school zone,"**

5. Page 3, line 19.

Following: **"a"**

Strike: **"half-mile"**

Insert: **"quarter-mile"**

6. Page 4, line 11.

Following: **"61-8-389"**

(CONTINUED)

XXXXXS

XXXXXS

LAWRENCE G. STIMATE

Chairman.



Page 2 of 2

Insert: "(4) The commission has exclusive jurisdiction, except as provided in 61-8-310(1), to set special speed limits on all federal-aid highways or extensions thereof in all municipalities or urban areas. The commission shall set these limits in accordance with 61-8-309."

7. Page 4, line 15.

Following: "with"

Strike: "61-8-306 and 61-8-310"

Insert: "61-8-310(1)"

8. Page 4, line 22.

Following: "Section"

Strike: "3"

Insert: "2"

9. Page 4, line 24.

Following: "section"

Strike: "3"

Insert: "2"

AND AS AMENDED

DO PASS

.....  
LAWRENCE G. STIMATZ