

MINUTES OF THE MEETING
HIGHWAYS & TRANSPORTATION COMMITTEE
50TH LEGISLATIVE SESSION
HOUSE OF REPRESENTATIVES

February 12, 1987

Rep. John Harp, Chairman, called this meeting to order at 1:00 p.m. in room 317 of the Capitol, Helena.

ROLLCALL

Reps. Harry Fritz, Roland Kennerly, and Helen O'Connell were excused; all other members were present. Mary McCue, researcher, was present.

Bills to be heard were HB 291, HB 506, HB 518, and HB 493.

HOUSE BILL 493

Rep. Dennis Nathe, House District 19, sponsored HB 493 which is an act to require the department of highways to erect signs identifying mountain ranges along primary and interstate highways. This bill is to identify some mountain ranges in Montana on the primary and interstate systems. Two signs are proposed, one from either direction if you are travelling in a car or vehicle. We have such beautiful names on our mountain ranges that are hidden on a map. We have such grandeur out here that is not even identified. This is an information thing and something that will add to the state. The state of Arizona has something like this. It would cost \$40,000. There are 39 mountain ranges in Montana that would be identified although there are more mountain ranges and more subgroups than that. He is presenting this bill as a means of promoting Montana for tourism. He has no proponents - he feels the bill should sell itself.

OPPONENTS

DON GRUEL, Department of Highways, took a neutral position. There are 39 mountain ranges. It would take somewhere in the neighborhood of 234 signs on the interstate and the primary systems. The problem that the department sees is that there is a \$25,500 expenditure each year that would have to be absorbed out of the maintenance funds. During lean budget times it might be taking money away from other essential items.

Rep. Mercer thought Mr. Gruel sounded like an opponent and requested that he be recorded as an opponent. Rep. Harp said his request would be noted. He will be shown as an opponent.

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QUESTIONS (OR DISCUSSION) FROM THE COMMITTEE

Rep. Swysgood thought this is a good deal, but there are some proposed taxes on the tourism industry that are coming up. Maybe we can get them to fund some of this. He didn't see \$20,000 as a big deal right now. Rep. Nathe would have no problem with this.

Rep. Hal Harper mentioned there are already some historic-type signs that identify some ranges that are on one side of the road. It might be just a little cheaper if we allowed just one. The cost for 234 signs could be cut substantially. Rep. Nathe had no problem with that suggestion, he just feels that there should be something to break the monotony of the long distances you drive in Montana and it would add a more favorable impression to tourism.

Rep. Dennis Nathe closed saying he doesn't understand why this was never done before. Montana puts up signs on every creek whether it is dry or not on the interstate system and on the primary system and usually the secondary system has a name on a bridge. He feels the state should do the same thing for the mountain ranges.

HOUSE BILL 506

Rep. Stella Jean Hansen, House District 57, Missoula, is sponsor of HB 506 which prohibits the use of slag in road maintenance. The highway department has already been prohibited from using slag in road maintenance, but some counties are still doing it. Slag is material produced under intensive heat and pressure and has been chemically treated such as the slag pile at Anaconda. The two areas where they are continuing to use this slag are the highway along the Clark's Fork and in trying to clean up that river this has been a real problem and is a slight move backward.

PROPONENTS

STEVE PILCHER, Water Quality Bureau of Montana Department of Health and Environmental Sciences, supports HB 506 on behalf of that agency. While the practice of using slag to sand roadways may not be a statewide problem, it has been a very common practice in some areas and in their opinion poses a threat to water quality in those areas. Studies show the leachate has or contains very high quantities of cadmium, zinc, copper, mercury and lead. Their concern resulted in a letter that was sent to the City-County Manager of Anaconda regarding discontinuance of using slag for road sanding within one-quarter mile of Georgetown Lake or 100 yards of bridges in the county, exhibit #1. He feels HB 506 deals with a long term concern of theirs and asks for its support.

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GEORGE OCHENSKI, Montana Environmental Information Center, handed out letters from the Disease Control, the Water Quality Bureau, and the Air Quality Bureau, exhibits #2.

Not only does this stuff go into water, but some of it can get into the air. It is only used a couple of places now, and it would be no great impact on anyone to just say don't use that any more. He would appreciate it if the committee favored this with a do pass.

OPPONENTS

DON GRUEL, Highway Department, received the same letters from the Board of Health and they have refrained from using any of the slag from the Anaconda area. They did make a survey and found they still use a by-product from the sugar refinery at Billings. They use approximately 2,000 yards of that material a year. It is a cinder type material that is very effective on icy roads. They would like to continue to use it on the rural highways. Perhaps a change in the bill to amend it to read "mineral slag" rather than just "slag" would make the use of slag more restrictive.

QUESTIONS (OR DISCUSSION) FROM THE COMMITTEE

Rep. Swysgood asked the sponsor if she would have a problem with the change the highway department proposed. She said she would not have a problem with such an amendment. She is just trying to get the slag from the Anaconda area off the road since the Superfund is trying to clean up water and the use of this slag just adds to the problem.

Rep. Koehnke asked the composition of the sugar refinery slag. Mr. Gruel answered it is a cinder that they use to heat their furnaces. He didn't know the composition, but he thought it is a coal product.

Rep. Glaser asked Mr. Pilcher what Anaconda did when their letter was sent to them? Mr. Pilcher could not say whether they altered their sanding practice or not. His bureau was merely advising them of the agency concern and asking them to seek an alternate source of roadway sanding material. He referred to Mr. Ochenski.

Mr. Ochenski said after the letter was sent, the state quit using slag on the roads in the Georgetown Lake area the next year. The county curtailed the use of slag in town and to the best of his knowledge, they occasionally use slag on the Mill Creek Road and on Rock Creek in a couple of short stretches in Granite County. It would be alright with them to change the wording to 'mineral' slag. They have no problem with sugar beet slag which is one thing that is left after an intense heat process but it is not a combustion product.

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Rep. Hansen closed saying the Coalition was starting at the headwaters of the Clark Fork and working down to clean it up so that it will be a blue ribbon stream.

Rep. Harp asked Mr. Ochenski to come up with some amendments to take care of the wording. He said the word 'Mineral' would be enough to restrict use of slag from the Anaconda area. See the standing committee report.

EXECUTIVE SESSION while waiting for HB 518 people to come in.

Rep. Stang moved HB 438 DO PASS. The GVW division will get together with the logging association and work on administratively allowing logging cranes to have 30-day permits. Idaho does this, but it is not good for their bridges.

HB 518 people came in so the hearing resumed.

HOUSE BILL 518

Rep. Ed Grady, House District 47, Helena, was a sponsor of HB 518 which is an act defining all-terrain vehicles; provides for the reporting of stolen vehicles; provides for certification and owner and dealer registration, a nonresident-use permit, and a fee in lieu of tax; amends 15-6-146, MCA. There are some 22,500 all-terrain vehicles with no way of being traced. This was introduced at the request of some landowners. There is no way of knowing who owns these vehicles, who is trespassing. A stolen one could be reported and identified if it had a decal and was registered. This is taken from the snowmobile license legislation. The cost is identical to that of snowmobiles except the money is allocated differently. Landowners who use an all-terrain vehicle on their own land will not have to pay the license fee or have it registered. Some amendments will be proposed by the all-terrain people which change the bill considerably, but he is in agreement with them. He suggested the committee chairman appoint a subcommittee to consider the amendments.

PROPONENTS

BOB GARNER, Legislative and Land Use Coordinator for Montana Trail Bike Riders Association, represents dealers and various user groups in different parts of the state. He supports the bill with amendments they propose. He presented handouts, exhibit #1. Basically the intent of the bill and their amendments is to recommend raising the \$2 decal fee to \$4. That will change the fiscal note and may or may not change the overall view of the Parks Department on this. Recommendations have been made to change the definition of all-terrain vehicles to off-highway vehicles because an ATV

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has a specific definition included in the amendments; for an off-highway vehicle recreational fund; and some operator requirements. HB 518 starts the process of creating an off-highway vehicle recreation safety, education and opportunities program. They would like to have the opportunity to study certain provisions over the next two years with the support of all concerned to report back to the next legislature with appropriate legislation that would enable some of these proposed amendments to be put in place. The bill amounts to a user fee for use of public land, but it does not provide adequate set aside funds to be used for the benefit of the users.

DICK JOHNSON, Montana Fish, Wildlife & Parks, said HB 518 provides for defining all-terrain vehicles for certification, registration, fee in lieu of taxes. The original fiscal note reveals that income from this legislation would be less than the amount required to administer the act. As a result they would not be able to administer the program as proposed legislation suggests unless other funding were realized. They do not feel that an ATV program should be subsidized from other sources, but should support itself. They would support HB 518 if the fees were sufficient to cover the cost of administration. He asked the committee time for the FWP to review this and report back to the committee with their recommendations, see exhibit #3.

LINDA ELLISON, President of the Montana Trail Bike Riders Association, a recently organized non-profit association with officers in many cities in Montana. Their purpose is to promote and protect the recreational interests of off-highway vehicles sports. Off-highway vehicle recreation on public lands has been increasing. Approximately 35,000 off-highway vehicles are in use in Montana and their popularity is increasing. ATVs and trail bikes are less costly to own and operate than larger recreational vehicles. Cooperatively need to strive to bring Montana in line with other states.

KEN HOOVESTAL, Legislative Chairman for Montana Snowmobile Association, had not read all of the bill or the proposed amendments. For a good many years the Snowmobile Association has been supportive of and trying to get a group together to get legislation of this type. If it is patterned after the Snowmobile Act which has been very successful, he supports the concept.

OPPONENTS - None

QUESTIONS (OR DISCUSSION) FROM THE COMMITTEE

Rep. Hal Harper asked where the amendments were. Rep. Grady

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advised the amendments are pretty complex. He suggested holding off at least until he has time to look at them.

Rep. Thomas asked if this would allow ATVs to use the highways if licensed? Rep. Grady said this is for just off-highway use.

Rep. Campbell asked what about his golf cart? Rep. Grady said he didn't know golf carts were in there. He would be willing to pay a fee on his so if it got stolen he would have a way to track it down.

Rep. Swysgood asked who requested Rep. Grady to introduce this bill? He said landowners requested this bill because they were having trouble finding out who those running on his land belonged to, and there is no way of tracking them down. It has gone further now.

Rep. Kadas asked what is this off-highway vehicle recreation fund? The fiscal note says they will be hiring two more people in the FWP. Mr. Garner said OHV recreation fund would establish funds to create safety, education, and trails for users. It is intended to be the first step in a process of managing off road vehicles in a constructive way rather than through prohibition or policing. Two more wardens would be necessary to check for decals on the vehicles and to police them.

Rep. Glaser asked if he crossed a public road to get from one part of his land to another, would he have to have a decal? Rep. Grady thought he would because he would be crossing public land.

Rep. Harp referring to his copy of the proposed amendments remarked basically any of the fuels taxes used in these off-highway vehicles are going to go into a special account which will start to build roads, and maintain trails. Where will they be maintained? Mr. Garner answered the majority would be on federal lands. There are precedents in other states and the snowmobile program has a similar program that operates on public lands. Rep. Harp thought they would need more extensive work, such as brush clearing on the road bed, than snowmobiles because they ride on snow. You are also getting into some kind of education on safety and also the department is to review and recommend how this program is to continue, and how the gas taxes are distributed. These amendments appear to change the entire concept of this bill.

Rep. Harp asked if they are reacting to Rep. Grady's bill? Mr. Garner answered No, we were planning to introduce our own legislation in 1989. We would have that additional time. This legislation nor the amendments suggest that a decision should

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be made regarding refunds of gasoline taxes. In reaction to this bill we were going to have to oppose it. The industry does not approve of this bill. Rep. Harp asked if it would be fair to say this bill is premature? Mr. Garner thought so.

Rep. Swysgood commented the fiscal note shows that two additional wardens would have to be hired. Mr. Johnson stated two wardens themselves could not enforce all these laws, it would be an additional burden on all wardens. Rep. Swysgood thought this should be an added burden on the local sheriff's department. There would be nothing to offset the that besides some incoming revenues to the counties.

Rep. Grady closed saying bith he and Rep. Ellison had been contacted about this legislation, and both of them had a bill request in for the same thing. They were working with him and they suggested they might want to wait. Rep. Grady wanted to go ahead with his bill, so they contacted him. Even though it goes a little bit further, it is going to come now or later. Their amendments are going to give these people a place to use these vehicles. Landowners are having a lot of pressure to allow these people to use private land. If they are not used properly in the right area, they can do a lot of damage. They want to do what the snowmobile people have done and put that money towards helping them establish some areas to use these vehicles on. It will help save the industry and still meet his intent to get them registered so it can be known who owns these vehicles. The Parks Department with the two game wardens seems unnecessary and is premature. They haven't had time to consider these amendments and they are trying to cover more broadly than is necessary. This will fall more under the sheriff's department. He thinks there is some merit in the bill because this going to come. Unless the committee wants to study the impact of the amendments, shouldn't go with the bill.

HOUSE BILL 291

Rep. Harp brought to the attention of the committee the spread sheet prepared by the justice department showing comparison of current law, HB 291, HB 423, and proposed amendment impact, exhibit #4.

Rep. Ray Peck, House District #15, sponsored HB 291 which is an act requiring that an additional \$15 surcharge be imposed for violation of the fuel conservation speed limit; increasing the bond for that offense; provides for disposition of the surcharge, and amends 61-8-718, MCA. On page 1, lines 17 - 21, there is a statement that the fee will be changed and the bond will be \$20. On line 22, where the defendant is unable to pay, the court shall waive payment of the surcharge. Money from fines is to be deposited in the

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Montana Vehicle Recording Account Special Revenue Fund. The fiscal note says there will be a decreased number of violations because the bond will be increased from \$5 to \$20. However, the law enforcement people might work more vigorously to collect a higher fine. He doesn't think lawbreakers should do so at state expense. It is estimated that it costs the state between \$1.2 and \$1.5 million annually to process these tickets above that \$5 that they collect. We can't change the 55 mph law, so we ought to enforce it. Other states have much larger fines. Montana is right on the borderline for losing federal highway funds because of so many driving over the 55 mph speed limit. It is reported there has been a significant decrease in deaths and injuries nationwide as a result of the 55 mph speed limit. When one person has a wreck, everybody pays because the insurance companies raise their rates. People should be a little more conscious of other people when we pass the 55 mph speed limit. There are two other similar bills. He doesn't care where the money goes, he is sincerely concerned about the impact the 55 mph speed limit has had on people in Montana.

PROPONENTS

PAT DRISCOLL, Chief Assistant for the Attorney General, commented on the confusion that results from the allocation of those funds. He referred to Exhibit #4 which is self-explanatory. He did fully explain the spreadsheet showing the comparisons. The costs per stop figure now is \$20.19, not including the cost of administration. It simply includes the officer's salary and benefits, the vehicle cost, fuel and maintenance, and insurance. It takes about 45% of the average officer's time.

OPPONENTS

Rep. Koehnke was not reluctant to oppose this bill. He disagrees that it is a fuel saving bill. Now there is plenty of fuel and its cost is down. He disagrees on the number of deaths for the last few years because they have decreased because of the DUI laws. He doesn't think that 65 mph is too fast on a straightaway in the wide open spaces in Montana. Rep. Koehnke commented their salaries go on. There are laws on interstates and other roads where they can charge them over \$5. Any law is a bad law when lawabiding citizens still break it. It is blackmailing from the federal government. We have found a way of abiding by it and not punishing our citizens too much. We have been told before that Montana is on the brink of not complying for several years. He doesn't think there will be any more revenue from \$15 or \$20. Sometimes a slow speed is dangerous when trying to go around those slow drivers. Not many people are going only 55 mph.

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LARRY TOBIASON, Montana Auto Association, said compliance has been relatively the same the last year or two. If deaths have been decreasing, compliance is staying pretty much the same, probably are not comparative. Fines are almost the lowest in the nation. It feels good to be one of the lowest. If the funding is to go to the law academy, he thinks violation of the fuel conservation act and funding of the law academy makes about as much sense as license fees in district courts, license fees in weed control, and the other things for which the motorist has to pay for now. He asked the committee to take a look at the funding, and that the U.S. Senate has approved a 65 mph speed limit. It is very possible that in the very near future we will be allowed to raise our speed limit to 65 mph.

QUESTIONS (OR DISCUSSIONS) FROM THE COMMITTEE

Rep. Kadas did not understand the flow of money to the law enforcement academy. Mr. Driscoll advised the funding of the law academy currently comes out of the Motor Vehicle Accounts as do several other functions of the justice department. Expenditure of the funds for the law enforcement academy would be subject to appropriation by the legislature. Nothing in this bill would allow that to happen unless the money were appropriated.

Rep. Harp remarked the beauty of these earmarked accounts is that the people who put the money in the account are never the same people who appropriate it.

Rep. Harper asked if this money were raised from these fines, would you think some of this money could be used to notify vehicle owners that their reregistration is necessary. Very difficult to come up with funding for these notices. Mr. Tobiason thought the relationship between the fine and being used for motorists is probably more correlated with that use of the funds. He has a problem with increasing any particular fine for funding for any act of government. We no longer have a fuel conservation problem, and aren't going to have one.

Rep. Kadas asked if the federal government raises the speed limit to 65 mph, what happens to the speed limit in Montana? Rep. Koehnke thought it might be necessary to come back and legalize the 65 mph speed limit. Mr. Driscoll answered his understanding is that it would be necessary to come back and change the law to 65 mph. This bill refers to violation of the fuel conservation act, not the speed limit.

Rep. Swysgood referred to Rep. Peck's statement that he doesn't really care where this money goes but he is not comfortable with where the money is going to be used. Two very important programs to him take a 20% cut in this bill,

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that is the driver's education and crime victims. The assumption is that the 20% decrease would be from less tickets being written, is that correct? Mr. Driscoll thought there might be a mistake in the spread sheet. If this spread sheet is correct, those two accounts would decrease assuming a 20% decrease in issuance of tickets. This is to try to offset the effect on the counties.

Rep. Peck closed saying he thought he heard the opponents say that people violate this law which can't be repealed. People obey other laws, and if violated pay the penalty. The price of gasoline is heading back the other way now, and we may be back in a fuel conservation program again. We are giving up some of our freedom when exceeding 55 mph. We are losing something, but gaining more in terms of death and terms of injury, property loss, etc. It is a question of law compliance or violation. The \$5 present fine doesn't underwrite the time involved for the highway patrolman who gives you the ticket. He sincerely thinks the \$5 penalty should be increased as long as we have the 55 mph speed limit. Why underwrite violations when the state needs tax dollars?

EXECUTIVE SESSION

HOUSE BILL 493

Rep. Glaser recommended HB 493 DO PASS. Rep. Harper stated he had some amendments for HB 493. See exhibit #5. Mr. Harper moved the amendments be adopted. Motion was adopted unanimously. Rep. Glaser then moved HB 493 DO PASS AS AMENDED and the motion was adopted unanimously.

HOUSE BILL 506

Rep. Thomas moved HB 506 DO PASS; he moved to amend the title on line 4 and page 1, line 10 by inserting the word 'mineral' and this motion was adopted unanimously. Rep. Mercer moved HB 506 DO PASS AS AMENDED; kthis motion was adopted with Rep. O'Connell voting No.

HOUSE BILL 518

Rep. Glaser moved HB 518 BE TABLED; motion was adopted unanimously. HB 518 was seeking a revenue source for local government.

HOUSE BILL 291

Rep. Kadas suggested it would be reasonable to have a committee bill contingent on Congressional action. Also to

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add \$100,000 for reregistration notices. His motion to DO
PASS HB 291 was withdrawn in order to work on some
amendments.

ADJOURNMENT

Committee was adjourned at 2:45 p.m.



REP. JOHN HARP, Chairman

DAILY ROLL CALL

HIGHWAYS & TRANSPORTATION COMMITTEE

50th LEGISLATIVE SESSION -- 1987

Date Feb. 12, 1987

[illegible]

STANDING COMMITTEE REPORT

February 12 19 87

Mr. Speaker: We, the committee on HIGHWAYS & TRANSPORTATION

report HOUSE BILL 493

☒ do pass
☐ do not pass

☐ be concurred in
☐ be not concurred in

☒ as amended
☐ statement of intent attached

REP. JOHN GARP

Chairman

REQUIRE HIGHWAY SIGNS IDENTIFYING MOUNTAIN RANGES

Be amended as follows:

1. Page 1, line 11.
Following: "locations"
Strike: "two"
Following: "signs."
Strike: "one"
2. Page 1, line 12.
Strike: "from each direction"
3. Page 1, line 13.
Following: "each"
Insert: "prominent"

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STANDING COMMITTEE REPORT

February 12 19 37

Mr. Speaker: We, the committee on HIGHWAYS & TRANSPORTATION
report HOUSE BILL 506

☒ do pass ☐ be concurred in ☒ as amended
☐ do not pass ☐ be not concurred in ☐ statement of intent attached

REP. JOHN HARP

Chairman

PROHIBITING SLAG USE IN ROAD MAINTENANCE

Be amended as follows:

1. Title, following line 4.
Insert: "MINERAL"
2. Page 1, line 10.
Following: "use"
Insert: "Mineral"


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color

STANDING COMMITTEE REPORT

February 12 19 37

Mr. Speaker: We, the committee on HIGHWAYS & TRANSPORTATION

report HOUSE BILL 438

☒ do pass
☐ do not pass

☐ be concurred in
☐ be not concurred in

☐ as amended
☐ statement of intent attached

REP. JOHN EARP

Chairman

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Montana Trail Bike Riders Association

P.O. Box 6118, Bozeman, MT 59771-6118

Bob Garner, *Legislative and Land-Use Coordinator*
587-8010

February 11, 1987

FOR IMMEDIATE RELEASE

"Managing Trail Bike Recreation in a Forest Environment" is the title of a slide show to be presented by the Montana Trail Bike Riders Association (MTBRA) at the Bozeman Public Library on Tuesday evening, February 17.

The program, beginning at 7:00 p.m., will be followed by a general discussion of the subject with Forest Service and Montana Department of Fish, Wildlife and Parks representatives.

The slide show, produced by the Motorcycle Industry Council (MIC), depicts a program of off-road vehicle management administered by the Department of Natural Resources in the state of Washington. Funded by a combination of permits, fees and gasoline tax refund dollars, the Washington ORV program contains elements which MTBRA seeks to have implemented in Montana.

Legislation to license trail bikes, ATVs and other off-highway vehicles has been introduced in the legislature now in session in Helena, and MTBRA has proposed amendments to that legislation which are acceptable to the bill's sponsor, Rep. Ed Grady, as well as to the MIC, American Motorcyclist Association, American All-Terrain Vehicle Association, Specialty Vehicle Institute of America, and the Idaho and Utah Trail Machines Associations.

A report on the proposed Montana legislation will be presented at the meeting, followed by an open discussion.

The meeting is open to the public, and will be hosted by MTBRA.

* * * * *



COPY

February 10, 1987

Honorable Edward J. Grady
House of Representatives
State Capitol
Helena, MT 59620

Dear Mr. Grady:

Mr. Bob Garner of the Montana Trail Bike Riders Association has asked us to write to you in regard to HB 518 relating to registration and taxation of all-terrain vehicles, and in regard to the amendments which Mr. Garner has proposed to the bill.

The Specialty Vehicle Institute of America is a nonprofit national trade association representing the manufacturers of all-terrain vehicles. It was formed in 1983 to foster and promote safe and responsible use of ATVs manufactured or distributed in the United States. As one activity to promote ATV safety, we have recently developed a Model Law to require registration of ATVs, to regulate their safe operation, and to establish an operator safety education and certification program. I will enclose a copy of this Model Law for your use.

The amendments which Mr. Garner has proposed pick up some of the significant aspects of the SVIA Model Law. For example:

- o The definition of all-terrain vehicle in Mr. Garner's proposed amendment is taken from the Model Law and is the definition used in the developing ANSI (American National Standards Institute) standard on ATVs. It is important that this term is reserved to refer only to true ATVs and not be used as a generic term for all off-highway vehicles. Hence the substitution of the term OHV for ATV throughout the bill is very appropriate.

- o Mr. Garner's proposed amendment, like the Model Law, provides for implementation of an ATV safety education program with the cooperation of various public and private agencies. This is an excellent proposal. The Consumer Product Safety Commission recently concluded from accident studies that the risk of injury to an ATV operator is 13 times greater than normal during the first month of operation when the operator is inexperienced. We believe that operator education and training can do much to reduce ATV accidents.

- o Mr. Garner's proposed amendment, like the Model Law, provides for use of some revenue from ATV fees to provide for construction and maintenance of ATV trails and user areas. Again, this is an excellent proposal. ATV users will not resist the imposition of appropriate taxes and fees if a reasonable portion of the revenue is used to benefit the user and make his operation of the vehicle safer and more enjoyable.

Honorable Edward J. Grady
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February 10, 1987

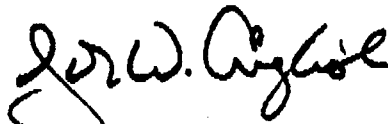
o Mr. Garner's amendment would restrict use of off-highway vehicles by children under 12, requiring them to be under adult supervision. We believe this is very important and there is a similar requirement in the Model Law. Young children can safely operate ATVs and other off-highway vehicles, but they need to be supervised by an adult at all times to assure that good judgement is used.

o The equipment requirements in Mr. Garner's proposed amendment are also similar to the Model Law provisions.

We also fully support the statement of legislative intent which is incorporated in Mr. Garner's amendment. With these amendments, HB 518 could have a significant impact on the safe use and enjoyment of off-highway vehicles in Montana. We would support the bill fully if these amendments are incorporated.

Please feel free to call me if I can supply additional information or assistance.

Sincerely,



John W. English
Director
State Government Affairs

JWE/cat

Enc.

COPY

MIC
MOTORCYCLE INDUSTRY COUNCIL, INC.Government Relations Office
Washington, D.C.

February 10, 1987

Honorable Edward J. Grady
House of Representatives
State Capitol
Helena, MT 59620

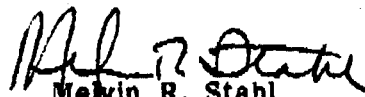
Dear Mr. Grady:

We have recently reviewed HB 518 which would require a certificate of ownership, annual registration, and payment of a fee in lieu of tax for all-terrain vehicles. We have also reviewed the proposed amendments to HB 518 which have been recommended by the Montana Trail Bike Riders Association. We strongly support HB 518 if it is amended as proposed by the Riders Association. We would be unable to support the bill without those amendments. We believe that the additional tax burden imposed on off-highway vehicle users by the bill can be justified only if the bill also returns some much needed benefits to the off-highway vehicle user community in the form of construction, improvement, and maintenance of trails and facilities for the use of such vehicles on public land. The amendments proposed by the Rider Association would accomplish this important goal.

We also support the use of the term "off-highway vehicle" (OHV) in the proposed amendments in place of the term "all-terrain vehicle (ATV)". An ATV is one of several specific kinds of vehicles designed for off-highway use. Off-highway motorcycles are another type. The generic term, OHV, is a good term to use to cover all these vehicle types.

The Motorcycle Industry Council is a nonprofit national trade association representing the manufacturers and distributors of motorcycles, all-terrain vehicles, scooters, mopeds, parts and accessories, and members of allied trades. If we can provide assistance with any legislation relating to these matters, please call me.

Sincerely,


Melvin R. Stahl
Vice President
Government Relations

MRS/cat

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*File 12-12-1977
1977-12-12-1977*



MOTORCYCLE INDUSTRY COUNCIL, INC.

Today it is estimated that 7.7 million motorcycles, scooters, and ATVs are in use in this country. In 1985 alone the motorcycle industry generated an estimated 7.2 billion dollars in consumer sales and services and state taxes and licensing in the U.S.

The motorcycle market experienced phenomenal growth during the 1960's and early 1970's. From 1960 to 1975 motorcycle registrations increased tenfold, while automobile registrations only doubled. By the early 1980's the motorcycle market had evolved into a stable and mature phase of growth. Some segments of the market, however, are showing strong growth as new products are introduced and marketing efforts are intensified.

Compared with automobiles, the low cost of owning and operating a motorcycle or scooter has attracted many buyers with no, or very little, previous riding experience. Since the early 1970's the motorcycle industry has been active in developing and implementing motorcycle rider education and licensing programs, and conducting safety research and public information programs through the Motorcycle Safety Foundation.

Motorcycles in the 1980's are cleaner in terms of air pollutants than motorcycles in the past. National exhaust emission controls for new motorcycles began in 1978. Although motorcycles contributed less than 1 percent of the total hydrocarbon emissions nationwide before controls, the motorcycle industry supported the adoption of uniform national standards to regulate exhaust emissions.

The motorcycle industry's continuing commitment to reduce sound levels in our environment has been demonstrated by the production of quiet motorcycles and aftermarket exhaust systems. Many new models are as quiet as new automobiles. With the support of the industry, the U.S. Environmental Protection Agency set uniform national noise standards for new motorcycles and mopeds produced after 1981. MIC actively assists noise enforcement authorities in cost-efficient programs for motorcycle noise control.

The MIC also sponsors a public service program for television, radio, magazines, and newspapers to encourage motorcycle rider responsibility in noise reduction and environmental protection. The theme is "Ride Aware-Show You Care."

The use of motorcycles and ATVs for off-highway recreation has grown significantly in the past ten years. The motorcycle industry and responsible riders understand that unrestricted vehicle use can damage certain fragile environments and that well managed facilities provide the best opportunity for off-highway recreation. The industry has been working with state and Federal government agencies to encourage intelligent land planning and management based on equitable multiple use which can benefit all outdoorsmen, including those who ride the 4.1 million motorcycles and ATVs used for off-highway recreation.

Each year the MIC receives countless inquiries for statistical data and trends within the motorcycle industry. The information in this publication has been gathered to provide a comprehensive, orderly and accurate source of motorcycle statistics in response to those numerous requests. We welcome your comments for future editions.

ECONOMIC VALUE OF THE MOTORCYCLE RETAIL MARKETPLACE BY STATE

In 1985 the motorcycle industry generated an estimated \$7.21 billion in consumer sales and services and state taxes and licensing, of which \$2.79 billion, or 38.7% is attributed to retail sales of new motorcycles, scooters, and ATVs.

In addition to this \$7.21 billion generated by the retail marketplace, major contributions to the economic value of the industry in personnel salaries, product advertising, corporate and personal income taxes, etc., are made by the manufacturers and distributors of new motorcycles, scooters and ATVs, parts and accessories, and the trades allied to the industry.

1985 ESTIMATED ANNUAL ECONOMIC VALUE OF THE MOTORCYCLE RETAIL MARKETPLACE BY STATE

State	1985 Estimated Annual* Economic Value of the Retail Marketplace	1985 Estimated Retail Sales of New Motorcycles		State	1985 Estimated Annual* Economic Value of the Retail Marketplace	1985 Estimated Retail Sales of New Motorcycles	
	\$000's	Units	\$000's		\$000's	Units	\$000's
Alabama	\$ 130,410	27,390	\$ 50,860	Montana	\$ 30,700	5,520	\$ 12,280
Alaska	31,550	5,770	12,620	Nebraska	44,850	7,540	17,940
Arizona	128,850	22,580	50,250	Nevada	38,830	7,220	15,530
Arkansas	120,180	24,210	48,070	New Hampshire	75,330	13,060	30,130
California	910,760	147,040	335,160	New Jersey	151,030	25,610	58,900
Colorado	110,530	17,950	44,210	New Mexico	58,430	10,710	23,370
Connecticut	80,700	13,730	32,280	New York	359,400	59,010	136,570
Delaware	13,030	2,480	5,210	North Carolina	195,230	37,740	76,140
Dist. of Col.	3,800	250	1,520	North Dakota	26,300	4,450	10,520
Florida	278,950	48,090	106,000	Ohio	338,680	53,720	128,700
Georgia	176,030	38,280	68,650	Oklahoma	85,930	16,910	34,370
Hawaii	Not Avail.	Not Avail.	Not Avail.	Oregon	106,930	19,920	42,770
Idaho	52,830	9,550	21,130	Pennsylvania	347,260	58,500	131,960
Illinois	273,050	40,390	103,760	Rhode Island	24,130	3,970	9,650
Indiana	203,770	34,670	79,470	South Carolina	65,530	13,170	26,210
Iowa	75,780	13,050	30,310	South Dakota	23,400	3,710	9,360
Kansas	64,830	11,620	25,930	Tennessee	168,800	33,810	65,830
Kentucky	79,700	17,490	31,880	Texas	460,750	83,490	177,850
Louisiana	119,500	23,800	47,800	Utah	98,950	18,700	39,580
Maine	68,180	11,620	27,270	Vermont	24,980	4,290	9,990
Maryland	94,400	17,070	37,760	Virginia	168,030	31,340	65,530
Massachusetts	150,130	23,950	58,550	Washington	137,490	24,440	53,620
Michigan	343,110	56,770	130,380	West Virginia	79,230	16,470	31,690
Minnesota	151,560	23,190	59,110	Wisconsin	183,850	27,760	71,700
Mississippi	73,450	15,590	29,380	Wyoming	26,850	4,840	10,740
Missouri	150,030	27,570	58,510	U.S. Total	\$ 7,206,000	1,260,000	\$ 2,787,000

Note: The 1985 figures above are not comparable to prior year estimates due to retail sales and population revisions. See page 12 for updated retail sales estimates for prior years.

New motorcycle retail sales include all-terrain vehicles, scooters, and mopeds (limited speed motor-driven cycles under 50cc which are not generally defined by state as mopeds). Excludes mopeds. New motorcycle retail sales dollars based on the manufacturers "suggested retail price" per model as published in the MIC Manufacturers Shipment Reporting System.

*The 1985 estimated annual economic value of the retail marketplace includes retail sales of motorcycles, scooters, and ATVs (new and used) and parts and accessories, dealer servicing, product advertising, vehicle financing charges, insurance premiums, dealer personnel salaries, state sales and dealer personal income taxes, and vehicle registration fees. Revenues from industry publications, corporate income taxes, personal income tax from non-dealer salaries, motorcycle and aftermarket manufacturer and distributor personnel salaries and advertising, and special events attendance are not included.

Source: "1985 Estimated Retail Sales of New Motorcycles" for each state was derived by the Motorcycle Industry Council from the MIC Manufacturers Shipment Reporting System. "1985 Estimated Annual Economic Value of the Motorcycle Retail Marketplace" was derived by the Motorcycle Industry Council for each state by using as a determinant the percent of the annual motorcycle industry economic value represented by the estimated retail sales dollars for new motorcycles in a sample of states.

MOTORCYCLE RETAIL OUTLETS, EMPLOYEES, AND PAYROLL

Of the estimated 12,845 retail outlets selling motorcycles and related products in the U.S. in 1986, 38% are retail outlets franchised to sell new motorcycles, scooters, or all-terrain vehicles (ATVs), and 62% are retail outlets specializing in motorcycle related parts, accessories, riding apparel, used vehicles, or service, but not franchised to sell new motorcycles, scooters or ATVs.

Motorcycle retail outlets employ an estimated 62,555 employees at an estimated annual payroll of \$777 million, including owner and manager salaries and advances.

In all states but Alaska, franchised retail motorcycle dealers have formed nonprofit associations to engage in government relations and other activities for the good of the motorcycle industry in their state. The MIC recognizes and supports these state associations with several information exchange programs. The addresses of the state associations are listed on page 44 of this publication.

	1986 Franchised Motorcycle Retail Outlets			1986 Non-Franchised Motorcycle Retail Outlets			1986 Total Motorcycle Retail Outlets		
	# Of Outlets	Est. # Of Employees	Est. Annual Employee Payroll (\$000's)	# Of Outlets	Est. # Of Employees	Est. Annual Employee Payroll (\$000's)	# Of Outlets	Est. # Of Employees	Est. Annual Employee Payroll (\$000's)
Total U.S.	4,857	38,591	521,359	7,988	23,964	255,237	12,845	62,555	776,596
State									
Alabama	75	637	8,044	73	219	2,333	148	856	10,377
Alaska	34	282	4,107	29	87	927	63	369	5,034
Arizona	63	522	7,610	131	393	4,186	194	915	11,796
Arkansas	66	561	7,078	75	225	2,396	141	786	9,474
California	464	3,851	56,130	1,041	3,123	33,263	1,505	6,974	89,393
Colorado	89	738	10,766	121	363	3,866	210	1,101	14,632
Connecticut	49	362	5,448	90	270	2,876	139	632	8,324
Delaware	9	66	1,001	19	57	607	28	123	1,608
DC	1	7	111	7	21	224	8	28	335
Florida	175	1,487	18,768	312	936	9,969	487	2,423	28,737
Georgia	106	901	11,368	100	300	3,195	206	1,201	14,563
Hawaii	6	49	726	36	108	1,150	42	157	1,876
Idaho	62	514	7,500	62	186	1,981	124	700	9,481
Illinois	204	1,530	19,168	421	1,263	13,452	625	2,793	32,620
Indiana	135	1,012	12,685	289	867	9,234	424	1,879	21,919
Iowa	104	780	9,772	248	744	7,924	352	1,524	17,696
Kansas	81	607	7,611	105	315	3,355	186	922	10,966
Kentucky	54	459	5,791	122	366	3,898	176	825	9,689
Louisiana	91	773	9,759	84	252	2,684	175	1,025	12,443
Maine	43	318	4,781	60	180	1,917	103	498	6,698
Maryland	49	362	5,448	76	228	2,428	125	590	7,876
Mass.	70	518	7,783	142	426	4,537	212	944	12,320
Michigan	181	1,357	17,007	355	1,065	11,343	536	2,422	28,350
Minnesota	116	870	10,900	187	561	5,975	303	1,431	16,875
Mississippi	62	527	6,649	50	150	1,598	112	677	8,247
Missouri	109	817	10,242	133	399	4,250	242	1,216	14,492
Montana	60	498	7,258	42	126	1,342	102	624	8,600
Nebraska	76	570	7,141	65	195	2,077	141	765	9,218
Nevada	28	232	3,387	30	90	959	58	322	4,346
N.H.	38	281	4,225	58	174	1,853	96	455	6,078
New Jersey	99	732	11,008	207	621	6,614	306	1,353	17,622
New Mexico	41	340	4,960	53	159	1,694	94	499	6,654
New York	228	1,687	25,352	497	1,491	15,881	725	3,178	41,233
N.C.	118	1,003	12,655	134	402	4,282	252	1,405	16,937
N.D.	42	315	3,946	32	96	1,022	74	411	4,968
Ohio	185	1,387	17,383	600	1,800	19,172	785	3,187	36,555
Oklahoma	74	629	7,936	115	345	3,675	189	974	11,611
Oregon	88	730	10,645	86	258	2,748	174	988	13,393
Penn.	241	1,783	26,797	459	1,377	14,666	700	3,160	41,463
R.I.	13	96	1,445	37	111	1,182	50	207	2,627
S.C.	49	416	5,255	56	168	1,789	105	584	7,044
S.D.	43	322	4,040	27	81	863	70	403	4,903
Tennessee	97	824	10,403	123	369	3,930	220	1,193	14,333
Texas	286	2,431	30,673	364	1,092	11,631	650	3,523	42,304
Utah	62	514	7,500	58	174	1,853	120	688	9,353
Vermont	26	192	2,891	36	108	1,150	62	300	4,041
Virginia	85	722	9,116	125	375	3,994	210	1,097	13,110
Washington	121	1,004	14,637	121	363	3,866	242	1,367	18,503
W. Virginia	46	340	5,115	44	132	1,406	90	472	6,521
Wisconsin	164	1,230	15,410	230	690	7,349	394	1,920	22,759
Wyoming	49	406	5,928	21	63	671	70	469	6,599

Note: A franchised motorcycle outlet is defined as a motorcycle retail outlet franchised to sell new motorcycles, scooters, or all-terrain vehicles (ATVs).

A non-franchised motorcycle outlet is defined as a motorcycle retail outlet specializing in the sale of either motorcycle related parts, accessories, riding apparel, used vehicles, or service, but not franchised to sell new motorcycles, scooters, or ATVs. Because of differences in list sources, direct comparisons should not be made between the number of non-franchised outlets each year.

Source: 1986 Motorcycle Retail Outlet Study, Motorcycle Industry Council, Inc., Costa Mesa, California, June 1986.
1985 Motorcycle Retail Outlet Profile Survey, Motorcycle Industry Council, Inc., Costa Mesa, California, February 1986.

U.S. MOTORCYCLE USAGE ON-HIGHWAY AND OFF-HIGHWAY By STATE

Of the 7.7 million motorcycles, scooters and ATVs in use in 1985, it is estimated that 4.35 million were used on public roads and 4.08 million were used off-highway some of the time.

Of the 4.35 million motorcycles used on-highway, the majority (85%) were on-highway motorcycles. Dual purpose motorcycles accounted for 11% of the motorcycles used on-highway.

Of the 4.08 million motorcycles and ATVs used off-highway at some time, the majority were off-highway motorcycles and ATVs (71%) and dual purpose motorcycles accounted for 21%. Only 8% of the on-highway motorcycles were used off-highway in 1985.

MOTORCYCLES USED ON AND OFF-HIGHWAY IN 1985

	U.S. Total	Model Type		
		On-Highway	Off-Highway	Dual Purpose
Total Motorcycles in Use (% of total in use)	7,700,000 (100%)	3,800,000 (100%)	2,900,000 (100%)	1,000,000 (100%)
Motorcycles Used On-Highway at Some Time (% of total in use)	4,354,000 (57%)	3,682,000 (97%)	200,000 (7%)	472,000 (47%)
Motorcycles Used Off-Highway at Some Time (% of total in use)	4,076,000 (53%)	312,000 (8%)	2,900,000 (100%)	864,000 (86%)

MOTORCYCLE USAGE BY STATE IN 1985

State	Total Motorcycles In Use	Motorcycles Used On-Highway At Some Time	Motorcycles Used Off-Highway At Some Time
Alabama	152,300	72,600	95,400
Alaska	42,700	12,000	35,200
Arizona	128,400	60,900	79,600
Arkansas	134,400	51,600	95,600
California	924,600	532,000	480,800
Colorado	123,400	71,300	65,800
Connecticut	80,200	55,500	31,300
Delaware	14,100	8,200	7,100
D.C.	1,500	1,400	200
Florida	298,700	180,700	146,100
Georgia	185,600	93,400	110,500
Hawaii	Not Available		
Idaho	69,200	31,600	47,300
Illinois	279,300	188,700	116,000
Indiana	204,400	129,600	92,500
Iowa	165,400	120,900	59,000
Kansas	93,700	58,500	44,300
Kentucky	94,300	47,500	56,300
Louisiana	181,500	74,100	123,300
Maine	61,300	35,500	30,900
Maryland	91,900	61,100	39,000
Mass.	115,700	78,900	45,800
Michigan	309,300	176,700	160,200
Minnesota	193,700	111,400	99,700
Mississippi	97,100	36,200	69,800
Missouri	150,500	75,900	88,500

State	Total Motorcycles In Use	Motorcycles Used On-Highway At Some Time	Motorcycles Used Off-Highway At Some Time
Montana	51,400	23,300	35,200
Nebraska	72,200	40,700	39,100
Nevada	38,400	19,000	23,300
N.H.	57,100	35,500	26,200
N.J.	140,900	90,400	62,400
New Mexico	61,000	33,000	35,000
New York	344,500	219,200	152,800
North Carolina	161,100	86,000	90,000
North Dakota	42,400	22,800	24,300
Ohio	327,600	212,500	141,700
Oklahoma	147,100	76,700	86,900
Oregon	125,300	61,100	77,200
Penn.	307,200	175,400	160,800
Rhode Island	25,300	19,300	8,000
S.C.	76,600	46,200	37,100
S.D.	40,400	23,200	21,400
Tennessee	179,900	83,900	114,200
Texas	517,300	284,000	283,400
Utah	114,800	48,400	80,600
Vermont	23,500	12,900	12,700
Virginia	149,600	91,100	72,300
Washington	191,100	104,600	106,800
W. Virginia	74,800	31,800	51,400
Wisconsin	206,100	133,700	91,100
Wyoming	31,200	13,100	21,900
U.S. Totals	7,700,000	4,354,000	4,076,000

Note: See page 6 for model type definitions.

Includes scooters and ATVs, and excludes mopeds and nopedes.

The 1985 figures are not comparable to 1984 and prior year estimates due to different baselines used for deriving population estimates.

Source: 1985 Estimated Motorcycle Population and Usage, Motorcycle Industry Council, Inc., Costa Mesa, CA.

Montana Trail Rider

Official Publication of the Montana Trail Bike Riders Association

Vol 1., Issue #1 Fall 1986

Premiere Issue

Wildlife Information....p3
How To Use The Info
In This Newsletter.....p4
ATV Regulations
Need Revision.....p7

Wilderness Bill 'Dies' As Congress Ends

The Montana congressional delegation -- consisting of Sens. John Melcher and Max Baucus, and Reps. Ron Marlenee and Pat Williams -- have been trying for four years to come up with comprehensive legislation intended to settle the question of wilderness and non-wilderness land management in Montana. The latest effort culminated in a bill submitted to congress on Aug. 15, 1986 by Sen. John Melcher. This bill (S.2790) was not endorsed by any of the other members of the Montana delegation, and so was not expected to become law. The bill "died" when the 99th Congress adjourned in October.

Melcher's reason for introducing a bill which had no chance of becoming law was to "let Montanans know where we were," the senior senator explained. Melcher said he was anxious to have a bill passed for two main reasons: to facilitate a land exchange between Burlington Northern and the Forest Service, and to allow questions to be answered which would allow long-range forest planning to proceed.

Serious problems ensued for the Melcher-sponsored bill when it was proposed that 55,000 acres of additional wilderness on the Gallatin National Forest be designated in an area of major importance to trail bike riders. Proposals to create a Porcupine Buffalo Horn Wilderness on the Gallatin Forest divided the delegation and led to the collapse of the bill, according to members of the delegation.

See the 'Legislative Report' on page 9 for further comments of delegation members concerning the bill's collapse.

Riders Association (MTBRA) has been very involved with the congressional delegation's four-year effort to create a comprehensive wilderness/non-wilderness bill for Montana. In 1984, an earlier version of the present bill was introduced, which also "died" when Congress failed to act on it. MTBRA sent a representative of the association to testify at a Senate subcommittee hearing on that bill in the Summer of 1984, and the association's efforts related to the recent 1986 bill again contributed to the delegation's understanding of non-wilderness recreational concerns.

MTBRA wants a wilderness bill to resolve the wilderness/non-wilderness question in Montana, but the association opposed the 1986

see BILL, page 2

Premiere Issue

Welcome to Montana Trail Rider! This issue of Montana Trail Rider marks the debut of the official publication of the Montana Trail Bike Riders Assoc. (MTBRA). Members of MTBRA receive this publication as a part of membership in the organization. If you have received this *Premiere Issue*, and are not yet a member of MTBRA, we invite you to join and continue receiving Montana Trail Rider. (Please see the membership form on page 11). Montana Trail Rider will be published quarterly, or more often as needed, and mailed to all MTBRA members.

Trail Bikes OK in Cabin Creek, Williams Says

Trail Bike Controversy Caused By Inadequate Data From Forest Service

BOZEMAN - The controversy over the use of trail bikes in the Cabin Creek Management area of the Gallatin Forest was caused by inadequate information given to Montana's congressional delegation by the Forest Service, Rep. Pat Williams told trail bike riders recently in an interview with a director of the Montana Trail Bike Riders Association (MTBRA).

Bob Garner, legislative and land-use coordinator for MTBRA, says the delegation is "similarly confused" by Forest Service data showing various recreational uses of the Porcupine-Buffalo Horn areas of the Gallatin Forest, which have been recommended for wilderness designation in a bill submitted recently to congress by Sen. John Melcher.

"The present wilderness bill proposals are as confused as the Cabin Creek proposals ever were," Garner said.

Garner interviewed members of the congressional delegation for publication in this newsletter when Williams said the Forest Service "did not show us (the delegation) all the trails in Cabin Creek. We saw only what they called 'significant use' trails."

Williams said that these "significant use" trails in Cabin

see WILLIAMS, page 2

HB 518
February 12, 1987

FILE #3
DATE Jan 12, 1987
HB 518 - Rep. Flynn

Testimony presented by Jim Flynn, Dept. of Fish, Wildlife & Parks

HB 518 provides for defining all-terrain vehicles for certification, registration and fee in lieu of tax.

A review of the original fiscal note reveals that income from this legislation would be less than the amount it would take to administer the act. As a result, we would not be able to administer the program as proposed legislation suggests, unless other funding were utilized.

We do not feel an ATV program should be subsidized from other sources, but rather should support itself.

If the amendments provide sufficient fees to cover the requirements in the bill, we would support this legislation.

We have not had the opportunity to study the amendments in detail, and would hope this committee would grant the department time to do this and then report back to the committee with our recommendations.

EXHIBIT #4
 DATE Feb. 12, 1987
 HB 578 - Rep. Elhady

Comparative Analysis of Increasing 55 MPH Violation \$15

	H. B. 423		Amendment		House Bill 291	
	Current Law		\$3 to County		All increase to	
	Distribution		\$12 to Mtr. Veh. Acct.		Mtr. Veh. Acct.	
	Total		Total		Total	
	Revenue	Breakdown	Revenue	Breakdown	Revenue	Breakdown
State:						
General Fund	-0-	-0-	\$ 236,500	3.90	-0-	-0-
Driver's Education (25%)	\$ 94,750	1.25	303,200	5.00	\$ 75,800	1.25
Crime Victims (18%)	68,220	.90	218,300	3.60	54,600	.90
Motor Vehicle	-0-	-0-	-0-	-0-	727,700	12.00
					909,600	15.00
County:						
Court Fee	216,030	2.85	454,800	7.50	172,800	2.85
	\$379,000	5.00	\$1,212,800	20.00	\$1,212,800	20.00

NOTE: All computations assume a base of 75,800 55 MPH violations (the number written in 1986). But, if the fine increased \$15, we assumed the number written would decrease 20%. 60,640

Prepared by Department of Justice: 2/11/87.



TED SCHWINDEN GOVERNOR

STATE OF MONTANA

113506 - App - File
Dan Worsdell
COGSWELL BUILDING

HELENA MONTANA 59620

April 5, 1983

Mr. Dan Worsdell
City-County Manager
800 South Main
County Courthouse
Anaconda, Montana 59711

Re: Road Sanding

Dear Mr. Worsdell:

The recently completed Georgetown Lake "Clean Lakes" project included an assessment of the effects of using smelting slag from the Anaconda Company reduction works for sanding roads in Deer Lodge County. Data generated from that effort and from samples previously analyzed indicates serious potential environmental impacts from the use of this material including road sanding.

Our information indicates that the slag contains high concentrations of cadmium, zinc, mercury, lead and other substances which pose a threat to fish and aquatic life. I have also enclosed a copy of a memo from the Public Health Service which verifies this concern.

In view of this data, we recommend that the slag not be used to sand roads within one-quarter mile of Georgetown Lake or 100 yards of bridges in the county. Since this may defeat the purpose of the sanding program, consideration might be given to use of an alternate source of sanding material.

We are hopeful that this potential environmental threat can be mitigated. Thank you for your cooperation.

Very truly yours,

A handwritten signature in cursive script, reading "Steven L. Pilcher".

Steven L. Pilcher, Chief
Water Quality Bureau
Environmental Sciences Division

SLP:mg

Enclosure



The Montana Environmental Information Center

- P.O. Box 1184, Helena, Montana 59624 (406)443-2520
- Bozeman Chapter P.O. Box 3865, Bozeman, MT 59715
- West Central Chapter P.O. Box 9174, Missoula, MT 59807

HB 506

Enclosed:

Letters from the Department of Health and Human Services

Environmental Protection Agency

Department of Health and Environmental Sciences

Water Quality Bureau

1700
FEB 17, 1984
J. F. Wardell



FEB 17 1984

Ref: 8MO

Mr. George Ochenski
Chairman, Anaconda Citizens Advisory
Council
Southern Cross
Anaconda, Montana 59711


Dear Mr. Ochenski:

Enclosed is a report prepared by a committee of the Center for Disease Control (CDC) which addresses health issues relating to the use of slag from the Anaconda Smelter. The report suggests that slag from the site not be used for commercial purposes such as sanding of icy roads. Available information indicates that the slag contains arsenic, lead, chromium and cadmium that could be leached into water or entrained in the air under certain conditions. There are currently no state or federal laws or regulations prohibiting the use of slag for road sanding. Nevertheless, common sense suggests use of an alternate material if possible.

Because of this information, I have discussed the possibility of not using this material as road sand with Tim Gallagher of the Governor's Office. You may wish to pursue this matter further with Mr. Gallagher.

If you have questions or if we can provide additional assistance, please contact me or Doug Skie (449-5414).

Sincerely yours,


John F. Wardell, Director
Montana Office

Enclosure



Memorandum

Return to George Ochenski

EX-100 112

Date March 1, 1983

From Chief, Superfund Implementation Group

Subject Anaconda Smelter Waste Site
Anaconda, Montana

To Edward J. Skowronski
Public Health Advisor
EPA Region VII/VIII

RECEIVED

1983

SUPERFUND SECTION

At your request, the data you submitted on the above site has been reviewed by a committee of the Center for Environmental Health, Centers for Disease Control. I hope that the comments will be useful to you.

CONCLUSION

Although the plant is no longer operational, there are some serious health concerns, primarily the lack of security and apparent open public access to the site. The committee felt strongly that attempts should be made to limit or eliminate this access. Further, it was suggested that the waste slag not be used for other commercial purposes (such as spreading on icy roads) and that the land may also be unsuitable for agriculture, livestock or even timber cutting. The committee also felt that hydrogeologic data should be examined to determine whether heavy metal contaminants are entering local or downstream drinking water supplies and perhaps some data gathered to determine if there is a possibility of food chain contamination from this site.

LABORATORY ISSUES

Before proceeding to a detailed discussion of the specific health issues presented by this site, the committee felt that some comments should be directed to the laboratory aspects of the data:

As cited in the information submitted by Northern Testing Laboratory, EPA-recommended procedures were used in sampling and analysis. It is not clear from the Northern data which analytical method was used--presumably atomic absorption, either flame or flameless was employed based on detection limits listed. Unfortunately, Appendix A-3 was missing from our copies of the "Working Paper" to verify this assumption. Sampling protocols seem adequate; however, we share the concern that: a) "natural" or background levels of metals in off-site water were not included for comparison, and b) that some doubt exists as to the validity of pilot well samples due to either vertical migration of water within an unsealed pilot well or contamination from steel wall casings. Were organic analyses done on this survey? This might be of interest, especially in the PVC-encased wells.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES #4



TEED SCHWINDEN GOVERNOR

STATE OF MONTANA

HELENA, MONTANA 59620

April 4, 1983

George M. Ochenski
Southern Cross
Anaconda, MT 59711

Dear Mr. Ochenski:

In answer to your letter of March 8, 1983, much testing of soil samples has been done recently in the Anaconda area in conjunction with the EPA Superfund project to clean up the Anaconda Company smelter site. The Air Quality Bureau did testing on soil samples taken near the smelter in November of 1982. EPA also collected samples and had test data submitted to the Center for Disease Control (CDC) in Atlanta for their review and comment. That comment was received in this office in March of this year. Also testing for adverse health effects was done by EPA and CDC in 1975 and by the Air Quality Bureau in 1979-81. I have enclosed a copy of the 1981 final report of the Montana Air Pollution Study for your information.

Laboratory analysis of the slag and most soil samples near the smelter shows elevated levels of heavy metals such as arsenic, cadmium, lead, zinc and copper. Over the years there has been considerable data collected to show that arsenic, lead and cadmium in particular are highly toxic and can be linked to specific adverse health effects. Young children are especially affected by arsenic and lead.

In addition to its metal content, the smelter slag has a relatively high percentage of silicate material (similar to glass). Usually this type of substance will have a sharp, jagged particulate configuration. This configuration is very irritating and tends to rupture tissues when breathed into the lungs. The slag would naturally have a small percentage of respirable sized particles (the size that can be breathed deep into the lungs). A larger portion of respirable particles would be generated by the crushing action of road traffic.

Because of health dangers, CDC has specifically suggested that the slag not be used for commercial purposes such as winter road sanding. This Bureau is taking the same position and will be contacting the Montana State Highway Department and Anaconda city officials with our recommendations. Unless air quality standards are being violated, we have no regulations to mandate a change in policy for local use of the slag; however, we hope the data on health concerns will be convincing.

I hope this information is helpful. We appreciate your concern and effort in this matter. If you have further questions or need more information, please contact us.

Sincerely,

A handwritten signature in cursive script, reading "Cynthia L. Wevers".

Cynthia L. Wevers
Environmental Specialist

WITNESS STATEMENT

NAME

BILL NO.

ADDRESS

DATE

WHOM DO YOU REPRESENT?

SUPPORT

OPPOSE

AMEND

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

WITNESS STATEMENT

NAME _____ BILL NO. _____

ADDRESS _____ DATE _____

WHOM DO YOU REPRESENT? _____

SUPPORT _____ OPPOSE _____ AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

COMMITTEE

DATE _____

SPONSOR

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PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITORS' REGISTER

COMMITTEE

BILL NO.

DATE _____

SPONSOR

[illegible]

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.