

MINUTES OF THE MEETING
HIGHWAYS & TRANSPORTATION COMMITTEE
MONTANA STATE SENATE

March 5, 1987

The meeting of the Highways and Transportation Committee was called to order at 1:00 p.m., on March 5, 1987, by Chairman Larry Tveit in Room 410 of the State Capitol.

ROLL CALL: All members of the Highways and Transportation Committee were present except Senator Farrell who was excused.

CONSIDERATION ON HOUSE BILL 359: Representative Grady, House District No. 47, sponsor of the bill, testified that House Bill 359 will provide \$54,000 of the fuel tax revenues appropriated for cities and counties to be designated for the Montana Rural Technical Assistance Transportation program. This has been a fully funded federal program until last year and now we are only receiving 50% of the funding and the state of Montana will have to fund the additional 50%.

PROPOSERS: Alan Jackson, Director, Rural Technical Assistance Program testified that RTAP is a resource center similar to the Agricultural Extension Program. It provides information and technical advice to cities and counties about how to get the most for their transportation dollar.

They provide information, advice, video tape free rental service, computer software, a quarterly newsletter and training. (See Exhibit I)

Jim Campbell, County Commissioners, Lewis & Clark County, stated House Bill 359 provides all the ingredients for good government. It offers the counties leadership on how we can best solve our technical problems when it comes to the demands we have in the outer areas. Because the counties will be paying for this program themselves, out of their allocations, it offers countability for services that we are willing to purchase through the Montana Technical Assistance and let the local government spend their own technical assistance dollars.

The Rural Technical Assistance Center has definitely been responsible to the needs of the counties and cities. They have provided many necessary programs and have shared them with the different counties throughout the state. In closing Mr. Campbell stated that with the ever shrinking dollar the counties are experiencing we have to utilize our dollars the best we know how.

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Richard Niesbet, Director of Public Works for the City of Helena went on record in favor of House Bill 359 which will supplement the Rural Technical Assistance Program infancy. They have been very cooperative with all the cities in helping with city and county government. He urged support of House Bill 359.

Jim Ellis, Road Supervisor, Lewis & Clark County Road Supervisor said RTAP has been very instrumental in our organization and they provide everything we need in training.

Gary Wicks, Director of the Department of Highways appeared in support of House Bill 359. The Department has been part of this program; the federal government offered to pay 100% of this program but acted as the pass-through agent by getting this program started now they are cutting back 50%, therefore, Montana will have to provide the other 50% by taking the money out of the 14 million dollars a year that cities and counties receive from the fuel tax.

Alex Hansen, Montana League of City and Towns said they support House Bill 359, as the cost to the cities will be approximately \$27,000 a year. The Montana League of City and Towns had a board meeting in January representing the larger cities and the people. They felt that the RTAP program was well worth the money.

OPPONENTS: There were no opponents.

QUESTIONS FROM THE COMMITTEE: Senator Tveit had Mr. Jackson address the means of funding. The funding started in 1983 and was fully funded by the federal highway administration at a rate of \$215,000 a year. Now the federal government is asking the state of Montana to match funds by providing \$8,500.00 from Montana State University and \$52,500.00 from the fuel tax.

CLOSING: Representative Grady stated he believed House Bill 359 is an important piece of legislation as it benefits the cities and counties with the services RTAP provides.

Hearing on House Bill 359 was closed.

CONSIDERATION ON HOUSE BILL 161: Representative Meyer, House District No. 53, sponsor of the bill, testified that House Bill 161 would prevent the Department of Highways and local authorities from restricting the operation of vehicles carrying perishable agricultural seeds on a public highway if certain conditions are met. That the department by order or a local road authority by ordinance or resolution, may prohibit the operation of or impose restrictions on the weight and speed of a vehicle traveling on public highways under its respective

jurisdiction and for which it is responsible for maintenance whenever the highway will be seriously damaged or destroyed by weather, deterioration or climatic conditions.

Because of the limited time seed potato farmers have to haul their product, it makes it difficult for them to have weight and speed restrictions on their vehicles traveling on public highways. Their product is hauled in specialized sanitized trucks and once the trucks are loaded with seed they cannot be unloaded until they arrive at their destination for delivery or market.

PROPONENTS: Don Lake, Farmer, Lake County, testified that his family has farmed in the same location for over fifty years raising seed potatoes. Prior to 1970, most seed potatoes were shipped by rail car in bags to warehouses operated by brokers. They arranged for the shipments to begin in early February and continue through to May.

The loss of the rail service and the hauling of potatoes directly to commercial growers have caused the seed movement to be concentrated to thirty-day season making it difficult for delivery because of the weight and speed restrictions.
(See Exhibit II)

Don Peterson, Chairman, County Commissioners, the Board of Lake County Commissioners, supports House Bill 161. The seed potato industry is vital to Lake County providing millions of dollars to their economy as well as providing many desperately needed jobs. (See Exhibit III)

Jack Weideman, Jack Vander Molen, Sid Kamps, Dean Widerean, Bill Rimm, Bill Cole, Ron Dyk, John Venhenizer, Sr., all supports House Bill 161. (See Exhibit IV)

Don Albert, Owner, Quimby Trucking, Inc., stated about the time they start hauling, a road restriction is put on the road. To be legal we have to cut back about 6,000 pounds making the haul less profitable. (See Exhibit V)

Jay Wilson Preston, President, Ronan Chamber of Commerce stated the nature of the seed potato business requires the product be shipped in the spring of the year. If the weight limits on Highway 93 hinder these producers from competing with producers from outside Montana, he believes it would be crucial to Lake County. (See Exhibit VI)

Dennis Devries, President of the Polson Chamber of Commerce testified that everyone in Montana is concerned about industry, especially industry that is already established in this state. It may take some concessions by everyone to keep some of our existing businesses alive in this state; the potato industry

produces in the area of \$18,000.000 annually. He urge support of House Bill 161. (See Exhibit VII)

Larry Mueller, testified that he grows potatoes, which is his main crop. He supports House Bill 161 for they are losing potato sales because they cannot deliver the potatoes to market at the time of year when needed.

He stated that other states will let the potato trucks by that time of year because they understand that they are hauling a perishable agricultural seed product. (See Exhibit VIII)

Ben Havdahl, Montana Motor Carriers Association, testified that they support House Bill 161 if it applies to all trucking operations in Montana. (See Exhibit IX)

Tonya Clark, state of Idaho, Transportation Department, presented copies of special permit rules that applied to spring break-up limits in Idaho. (See Exhibit X).

Herb Koenig, testified that he and his brother farmed north of Kalispell that his family was the 5th generation on the farm. They have raised certified seed potatoes for approximately 50 years.

In the Flathead Valley alone the implace of load limit restrictions means that on one load of seed shipped to Pasco, Washington, approximately 24 cent per cwt or \$105,00 is lost. (See Exhibit XI)

Lew McCullough, Northwest Potato Trucking Division, Inc., stated that each spring they ship approximately 400 loads of seed potatoes using 60 independent carriers in a 2½ month time period. The bulk seed potato trucks used for movement of certified seed from Montana to Washington and Idaho is the same machinery used to move bulk commercial potatoes from the field to storage and from storage to processors during the balance of the year. (See Exhibit XII)

Douglas Strang, Crown Truck Brokerage, testified that he would like to see House Bill 161 pass. He would hope that the Highway and Transportation Committee realizes how important House Bill 161 is to the potato shippers of Montana. (See Exhibit XIII)

Mike Sun, testified that he was a potato specialist representing Montana State University and he was here to support House Bill 161. Montana State University is concerned with high transportation cost which is limiting Montana's as agricultural products from being competitive in the national market as well as the world market. He felt it was particularly true for perishable commodities which have limited time for market dispersion.

Highways & Transportation Committee

March 5

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Mr. Sun has been working closely with the seed potato industry and knows the situation. He spoke about Montana's seed potato industry and that they have been producing the nation's top quality seed potato for the past 5 years. (See Exhibit XIV)

OPPONENTS: Jim Manion, Montana Automobile Association said a bill of this kind concerns the highway users of Montana for we do not have any problems with the concerns the potato farmers have with the economy, but we are concerned about the roads that these seed farmers will be hauling their product on.

We are concerned about the lifting of weight and speed restrictions for the seed potato farmers but not for the other trucking industries around the state of Montana. Under normal conditions it takes 9600 cars to do the damage that one truck does and by lifting the weight and speed restrictions for seed potato farmers could be hazardous for the road.

QUESTIONS FROM THE COMMITTEE: Because of the time limit on hearing House Bill 161, the committee did not have time to question the proponents and opponents.

The meeting was adjourned.

Senator Tveit
Senator Larry Tveit, Chairman

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Date 7-5-87

*Hannibal - 161 - "Merry -
go-round"*

Each day attach to minutes.

DATE:

COMMITTEE ON

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppose
Eugene Cole	Cole Farms	161	✓	
Bernard Cole	" "	161	✓	
Walter Cole		161	✓	
Spencer Mueller	Lake County	161	✓	
Bill Cole	GALLATIN Co.	161	✓	
Alan Jackson	Rural Tech. Ass't Pam MSU	359	✓	
Kim Ellis	Lewis & Clark Co	359	✓	
Gregory J. G.	MDOT	359	✓	
Ben Horday	Montana MotorCarriers Assoc.	161	✓	4
Richard A. Nisbet	City of Helena	359	✓	
Mike Sun	Montana State Un.	161	✓	
Edmund Hardin	Senator Dist #25	161	✓	
Jim Munson	MONT. AUTO ASSOC	161	✓	
Don Gould	Dept. Highways		✓	
BOB HELDICK	MT. Motor Carriers Assoc.	161	✓	(as considered)
Dan Gallahan	Seed Potato Shavers	161	✓	

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

NAME: Thomas J. Preen DATE: 7-5-1987

ADDRESS: 7914 Ferguson Lane Dallas, TX 75217

PHONE: 406-752-0101

REPRESENTING WHOM? Montana Contractors Association

APPEARING ON WHICH PROPOSAL: H.B. 857

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

COMMENT: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

Bill No 161 - Potato Industry

Supporting

Bill No 161

Supporting

Bill No 161

To whom it may concern

Everyone in the State of Montana is concerned about industry, especially industry that is already established in this State. It may even take some persuasions by everyone to keep some of our existing businesses alive in this state. The potato industry of Montana produces in the area of 16,000,000 bushels. That is 16,000,000 bushels brought into the state of Montana and spent in the State of Montana. Latah County typically produces over one-third of the States total production of Seed Potatoes. This industry is important to the State of Montana, this industry is important to our County (Latah), to this area (Latah, Montello, and CRIN) industry is important to the Commerce of the Palouse community.

I urge your support of this Bill No 161 both as a Ag Banker and as the President of the Palouse Chamber of Commerce.


Dennis Devries

President of the Palouse Chamber of Commerce

WRITTEN TESTIMONY IN SUPPORT OF HOUSE BILL 359

BY ALAN JACKSON, DIRECTOR, RURAL TECHNICAL
ASSISTANCE PROGRAM (RTAP) 3/5/87

THE RURAL TECHNICAL ASSISTANCE PROGRAM, OR (RTAP), IS A RESOURCE CENTER SIMILAR TO THE AGRICULTURAL EXTENSION PROGRAM. IT PROVIDES INFORMATION AND TECHNICAL ADVICE TO CITIES AND COUNTIES ABOUT HOW TO GET THE MOST FOR THEIR TRANSPORTATION DOLLAR. TECHNOLOGY IN THE TRANSPORTATION FIELD IS CONSTANTLY ADVANCING AND THIS IS AN EFFORT TO KEEP LOCAL AGENCIES ABREAST OF THE TIMES.

WE PROVIDE INFORMATION, ADVICE, VIDEO TAPE FREE RENTAL SERVICE, COMPUTER SOFTWARE, A QUARTERLY NEWSLETTER AND TRAINING.

FOR EXAMPLE, ONE PROBLEM IN THE COUNTIES ABOUT WHICH YOU WILL HEAR TESTIMONY TODAY IS FISCAL ACCOUNTABILITY IN THE ROAD DEPARTMENT. MANY COUNTY ROAD DEPARTMENTS HAVE MILLION DOLLAR INVENTORIES AND MILLION DOLLAR BUDGETS. YET FREQUENTLY THEY DON'T HAVE EQUIPMENT INVENTORIES, AND HAVE REAL PROBLEMS IN TRACKING WHERE THE MONEY IS GOING. I RECENTLY RECEIVED A CALL FROM MR. KIRK BARNETTE, EXTENSION AGENT, BIG HORN COUNTY, STATING THAT HIS COMMISSIONERS WANTED HIM TO LOOK INTO THE FREE SOFTWARE PROGRAM OFFERED BY RTAP. THIS PROGRAM TRACKS LABOR, EQUIPMENT, AND MATERIALS BY ROAD DESIGNATION, BY ACTIVITY SUCH AS SNOW PLOWING, OR BY PROJECT NUMBER. IT ALSO PROVIDES TOTALS FOR BUDGETING PURPOSES.

WHEN WE GIVE THIS PROGRAM TO A COUNTY WE ENCOURAGE THEM TO HIRE AN MSU COMPUTER SCIENCE INTERN FOR TWO MONTHS TO INSTALL THE PROGRAM AND ENSURE COUNTY PERSONNEL KNOW HOW TO USE IT. WE WERE ABLE TO DO THIS IN GLACIER AND RAVALLI COUNTIES. AS A RESULT OF THIS EFFORT, MORE COUNTIES ARE REQUESTING THIS SERVICE. TO DATE WE HAVE RICHLAND, TOOLE, AND BIG HORN COUNTIES EXPRESSING INTEREST.

ANOTHER SERVICE WE PROVIDE IS INFORMATION AND ADVICE. COMMISSIONER JANACARO IS HERE TODAY TO GIVE TESTIMONY ABOUT HOW OUR PROGRAM HELPED JEFFERSON COUNTY WITH A BRIDGE PROBLEM. SHE WILL ALSO COMMENT ON OUR RTAP TRAINING PROGRAM. COMMISSIONER JANACARO RECENTLY ATTENDED A TRAINING COURSE IN GREAT FALLS ESPECIALLY DESIGNED FOR CITY, COUNTY AND STATE PERSONNEL TO FAMILIARIZE THEM WITH THE NATIONAL ASSOCIATION OF COUNTY ENGINEERS ACTION AND TRAINING GUIDES.

RICHARD NISBET, DIRECTOR OF PUBLIC WORKS, HELENA, IS HERE AND WILL ALSO TESTIFY ABOUT TRAINING. AT THE REQUEST OF THE PUBLIC WORKS DIRECTORS OF HELENA, BILLINGS, GREAT FALLS, AND MISSOULA, I JUST COMPLETED TEACHING FOUR, TWO-DAY SESSIONS OF THE AMERICAN PUBLIC WORKS ASSOCIATION CONSTRUCTION INSPECTION COURSE. IT WAS WELL ATTENDED AND IT WAS PARTICULARLY REWARDING TO SEE CITY, COUNTY, STATE, CONSULTANTS, AND CONTRACTOR PERSONNEL IN THE SAME CLASSROOM WORKING TOGETHER. DICK WILL ALSO SPEAK ABOUT ANOTHER RTAP EFFORT - TO BUILD ORGANIZATIONAL MEETINGS SUCH AS THE PUBLIC WORKS SUPERVISORS MEETING TO ENABLE PEOPLE IN PUBLIC WORKS TO EXCHANGE INFORMATION AND IDEAS ON A VARIETY OF PUBLIC WORKS TOPICS.

IN THIS REGARD WE HAVE THE PAST PRESIDENT OF THE MONTANA ASSOCIATION OF COUNTY ROAD SUPERVISORS, JIM ELLIS, ROAD SUPERVISOR, LEWIS & CLARK COUNTY, WHO WILL SPEAK TO THE RTAP EFFORT TO BUILD THE ROAD SUPERVISORS ORGANIZATION AND ASSIST IN PROVIDING PROGRAMS FOR THEIR ANNUAL MEETINGS.

I CAN'T STRESS ENOUGH HOW IMPORTANT THE PUBLIC WORKS SUPERVISORS AND COUNTY ROAD SUPERVISORS ORGANIZATIONS ARE TO MONTANA. SUPERVISORS WHO ATTEND THESE MEETINGS CAN PERFORM THEIR WORK MORE EFFICIENTLY. NOT ONLY DO THESE SUPERVISORS LEARN BETTER WAYS OF DOING THINGS, THEY ARE ALSO MORE LIKELY TO RECOGNIZE WHEN LOCAL PROBLEMS REQUIRE OUTSIDE HELP, AND THEY

KNOW WHERE TO OBTAIN IT.

WE ALSO HAVE REPRESENTATIVES HERE TODAY FROM THE LEAGUE OF CITIES AND TOWNS, THE ASSOCIATED GENERAL CONTRACTORS, THE MONTANA DEPARTMENT OF HIGHWAYS, AND MONTANA STATE UNIVERSITY. THEY WILL SPEAK IN SUPPORT OF CONTINUING THIS PROGRAM. FOR THE FACT IS, UNLESS WE CAN PASS THIS BILL THE PROGRAM WILL CEASE TO EXIST AND ALL THE BENEFITS IT PROVIDES TO THE ENTIRE STATE WILL COME TO A HALT.

IN THE DIFFICULT ECONOMIC TIMES THAT ARE FACING OUR STATE I URGE YOU TO CONSIDER THE FACT THAT SAFER, BETTER ROADS AND STREETS WILL NOT ONLY HELP OUR CITIZENS BUT WILL HAVE A FAVORABLE IMPACT ON BUSINESS AND THE TOURISM INDUSTRY.

WRITTEN TESTIMONY IN SUPPORT OF HOUSE BILL 359
BY ALAN JACKSON, DIRECTOR, RURAL TECHNICAL
ASSISTANCE PROGRAM (RTAP) 3/5/87

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Members of the Legislature:

We the undersigned, want to encourage the passage of House Bill 161. We would like to explain our position on this bill.

Why do we have highways in the United States and in the state of Montana? Primarily to move goods to market or their place of consumption. The growth of our highway system is in direct correlation to the growth of the trucking industry. Along with this a major portion of highway tax dollars come from trucks through licensing and fuel taxes.

We have heard a lot in the past few years and especially the last few months about Build Montana. The seed potato industry is one of the strongest agricultural industries Montana has, not the largest by far, but a strong viable industry. Sales of potato seed this year will bring 10 to 15 million dollars into the state- money that comes from outside the state of Montana. This money will be spent locally- on supplies, repairs, taxes- both property and income, on machinery, on cars and trucks, on fuel and licenses, and perhaps most importantly on jobs. Approximately 120 Montanans and their families earn their living from seed potatoes and these people in turn provide about 600 more full or parttime jobs to other Montanans. I expect the state would bend over backwards to attract another industry of this magnitude to Montana.

As growers all we are asking for is a fair shake. Our entire industry hinges on competitive freight rates. The quality of Montana potato seed is great enough to compete with any other area, state, or province. However, as with almost everything produced in our state, we are a long ways from our markets. We need to be able to have trucks haul their full legal licensed weight. It is much more feasible for a trucker to slow down to 35 miles per hour and spend an extra hour if need be for the time he is on a state or county road than to haul a load for 600 miles that is 6000 pounds underweight. This will cost him about 150 dollars per load and consequently he will not haul out of Montana. As a result, we in Montana will lose our seed potato industry. We already see buyers going to other areas to buy seed because of the problems truckers have in this state.

As potato growers we do not like broken up roads better than anyone else. The state of Idaho was faced with the same (and more intense) problem. They found that speed limits worked far better to control road breakup than did weight limits. We ask this committee to consider these facts when judging the merits of this bill. We are all Montanans concerned about our state and its future. We wish to maintain the good that we have here and feel that this bill will help. There are other and better alternatives to control road breakup than using gross vehicle weight limits which are less than legally licensed limits. We urge passage of this bill and the use of alternate methods to control road breakup.

Jack Weidenaar
Jack Vander Molen
Sail Kamps
Ron Dyk
Dean Weidenaar
Dan Kimm

Bill Kimm
D. J.
Bob
Ron Dyk
John Venhuizen Jr.
John Venhuizen Sr.

E+Q

Mar. 5, 1987

~~January 10, 1987~~

SENATE HIGHWAYS

EXHIBIT NO. II

DATE 3/5/87

BILL NO. HB 161

Senate

Mr. Chairman and members of the ~~House~~ Highways and Transportation Committee

My name is Don Lake. I am a farmer from Lake County, Ronan, Mt. I have been married for twenty eight years, the father of four sons and two daughters. My wife, sons and I are farming together operating a grain cleaning plant, a tissue culture laboratory, greenhouse complex and a certified seed potato farm.

Our family has been farming in the same location for over fifty years, raising seed potatoes.

I am currently the Lake County representative serving as chairman of the Montana Potato Improvement Association.

Prior to 1970, most seed potatoes were shipped by rail car in bags to large warehouses operated by brokers. This arrangement allowed shipments to be gin in early February and continue through May. The shipping season lasted nearly 100 days. Since the early 70's there has been a shift to handling the seed in bulk,

~~The~~ loss of good rail service, and the hauling of potatoes directly to commercial grower's farms. These changes have caused the seed movement to be concentrated to a thirty day season which coincides with May 20 to April 20, the dates that the road ~~restrictions~~ restrictions are placed in effect. This caused complaints from buyers and haulers with threats of market loss, refusal to haul and increased freight rates.

Two years ago we asked for relief of this situation by contacting nearly everyone involved including Gov. Schwinden. No progress was made with the G.V.W at that time..

In 1985 Herb Koenig and myself were appointed by the potato growers of Montana to examine the problems we farmers are faced with.

In Jan. 1986 an appointment was made with Mr. Jess Munro and Mr. Sonny Frickle. We were cordially received and we felt they were sympathetic to our problem but could not change what the law gave them authority to do. We also later attempted to negotiate a 8% increase with them but were again refused.

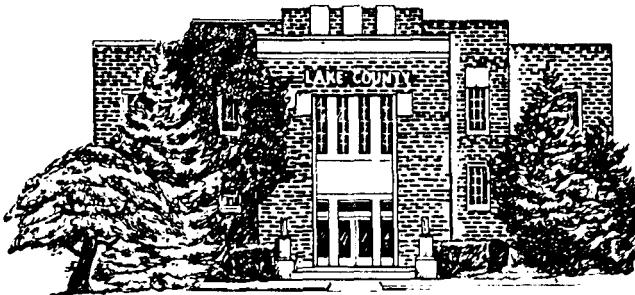
At the annual Montana Seed Potato Growers meeting in Nov. 1986 I introduced a proposal to sponsor legislation that would exempt perishable agricultural seeds hauled up to legal licensed weight. This proposal has remained in tact with small ~~changes~~ and has the unanimous approval of the entire state's membership. Therefore I urge passage of HB 161.

Comment of intent

Thank you,

COUNTY COMMISSIONERS

DON PETERSON
District One
RAY HARBIN
District Two
MIKE W. HUTCHIN
District Three
TREASURER
PATRICIA J. COOK
CLERK AND RECORDER
SURVEYOR
LORIN JACOBSON



ASSESSOR
LENORE A. ROAT

SHERIFF AND CORONER
JOE GELDRICH

CLERK OF COURT
KATHERINE E. PEDERSEN

SUPERINTENDENT OF SCHOOLS
GLENNADENE FERRELL
COUNTY ATTORNEY
LARRY J. NISTER
JUSTICE OF THE PEACE
CHUCK WHITSON

L A K E C O U N T Y

PHONE 406/883-6211 • 106 FOURTH AVENUE EAST • POLSON, MONTANA 59860

March 4, 1987

SENATE HIGHWAYS III

EXHIBIT NO. III

DATE 3/5/87

BILL NO. H.B. 161

Members of the Senate Highways and Transportation Committee:

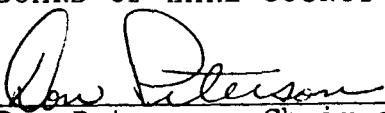
The Board of Lake County Commissioners would like to go on record supporting H.B. 161.

The seed potato industry is very vital to Lake County providing millions of dollars to our area economy as well as providing many desperately needed jobs.

Seed potatoes are a perishable commodity and must reach their final destination in the most expeditious and economical fashion.

We perceive H.B. 161 to be a reasonable solution to the long standing problem of reasonable access to the market place and urge your passage of this legislation.

BOARD OF LAKE COUNTY COMMISSIONERS


Don Peterson
Don Peterson, Chairman


Mike W. Hutchin, Member


Ray Harbin, Member

jd

QUIMBY TRUCKING, INC.

(503) 567-2412

AIRPORT ROAD

P. O. BOX 807
HERMISTON, OREGON 97838

January 16, 1987

SENATE HIGHWAYS

EXHIBIT NO. ✓

DATE 3/1/87

BILL NO. H B 161

House Bill 161

Dear Sirs:

Our company has hauled seed potatoes from the Kalispell area for many years.

The seed potatoes have to be moved every year at about the same time to coincide with the planting in Washington.

About the time we start hauling, a road restriction is put on the road. To be legal we have to cut back about 6,000 pounds. This makes the haul less than profitable.

Because of prorate and the way the state system is set up we still have to pay road tax on the maximum load.

Please consider raising the weight restriction for this very perishable product.

Sincerely,


Don Albert

OWNER

DA/ta

Ronan CHAMBER of COMMERCE

Ronan, Montana 59864

February 14, 1987 SENATE HIGHWAYS

EXHIBIT NO. 161
DATE 2/17/87
BILL NO. HB 161

Sen. Larry Tveit
Chairman
Highways and Transportation Committee
Montana Senate
State Capital
Helena, Montana 59601

Dear Senator Tveit:

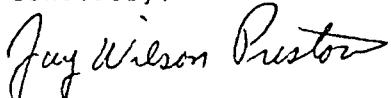
I write in support of HB 161, introduced by Rep. Al Meyers, which is intended to grant relief to the seed potato industry in Lake County from springtime truck weight limits on Highway 93.

The emergence of the seed potato industry in Lake County is one of the few instances I know of where the agricultural community has developed a business that is targeted at a highly profitable market. The ability of the seed potato producers to make a profit is crucial to the health of the economy in Lake County.

The nature of the seed potato business requires that the product be shipped in the spring of the year. If the weight limits on Highway 93 hinder these producers from competing with producers from outside Montana, as I understand they do, I believe it is crucial to Lake County, and all of Montana, that everything possible be done to support this enterprise which exports a highly profitable Montana product from the state. If we cannot utilize our highways to sustain the economies of the areas they serve, the utility of the system must come into question. To put it another way, what good is a highway system that cannot be used.

Thank you for your consideration in this matter.

Sincerely:



Jay Wilson Preston
President

Ronan is located in the center of the beautiful, irrigated Lower Flathead Valley in Lake County . . . Among the state's leaders in dairy production, Lake County also produces beef cattle, registered seeds, grain, alfalfa . . . Diversified agriculture means year 'round income and a growing lumbering and timber products industry offers job opportunities and provides a stronger economy . . . Ronan is the home of the Lake County Junior Fair, one of Montana's outstanding youth shows . . . the Mission Range, bordering the valley on the east, is among America's most beautiful mountains.

SENATE HIGHWAYS
EXHIBIT NO. VII
DATE 3/5/87
BILL NO. 161

My name is Larry Mueller, I live 5 miles Southwest of Polson, Montana. My main crop is potatoes, I also raise grain, hay, and cattle.

I am here to support the bill 161 because we are losing potato sales and market because we can't deliver the potatoes to market at the time of year when needed. Strong seed industries have developed in Idaho, Oregon, Washington and Canada. Montana's share of the Columbia Basin seed potato market dropped 11% last year, shipping from 41.3% in 1985 to 29.5% in 1986.

In Lake County and in Kalispell we grow 3554.25 ac in 1986, 3988.3 ac in 1985, 3464.15 ac in 1984, with gross sells of \$8 million per year. The ~~\$8~~ million dollars⁸ is said to stay in a community 7 times before it leaves so you can see the economic value the potato industry has in Western Montana.

When Montana puts a 400 pound per square inch load limit on secondary road a semi that can haul 80,000 pound on the interstate would have to drop to 74,000 pounds to be legal. That's 6,000 pounds lost of payload, so the trucker has to increase his rate to offset the 6,000 pounds.

All the other states will let the potato truckes by that time of year because they understand that they are hauling a perishable agricultural seed product. We are talking about a 400 pound per square inch on roads and with a increase of only

Montana program to have as a full loan that is legal on the
books.

If Montana doesn't do something, and I mean pass bill 161
the potato industry, and Montana are going to lose a industry
that pays 100% of all costs to be certifized. A state that all
other state use as a example for there seed program.

Sincerely yours, ..

Larry Mueller

Larry Mueller

CM

15
SENATE HIGHWAYS

EXHIBIT NO. X'

DATE 3/7/87

BILL NO. HB 161

March 5, 1987

STATEMENT REGARDING HB 161

Mr. Chairman, members of the Committee, I'm Ben Hadvahl representing the Montana Motor Carriers Association..... We would like to clarify the position of MMCA in opposition to HB 161 as it is currently drafted.....

First of all we sympathize with the seed potato growers frustration of not being able to haul full legal loads during the frost break-up time. This is a very critical time and presents problems for all trucking operations attempting to run in February and March and at times into April.....

Water and the freezing and thawing of water during this time plus weights of trucks does in fact present problems leading to highway damage. Weight alone does not present a major problem to highway deterioration. However, during these critical times, it does when combined with freezing and water conditions.

On the other hand, the weight restrictions during this time cause significant economic problems, when truckers hauling any and all commodities cannot haul their full legal weight limits. There isn't a trucker in business that is not currently suffering economic problems even when allowed to haul the full legal weight. When it is restricted the impact is obvious.

For example an 80,000 pound five axle tractor semi trailer combination can haul up to 425 pounds per inch of tire width with out restrictions and that figures out to be 80,000 pounds gross weight..... ie 34,000# in each tandem for 68,000 pounds and 12,000# on the steering axle adds up to 80,000#.

During a frost break up period, that weight is usually restricted to 350 pounds per inch of tire width. That figures out to be 28,000 pounds per tandem axle or 56,000 pounds and 10,000 pounds on the steering axle for a total of 66,000 pounds. That is a 21% reduction in the total gross weight. If a trucker, any trucker, is hauling lumber from Kalispell for example bound for South Carolina, he has to load to that limit in spite of the fact that 100 miles east of Kalispell, all weight restrictions are lifted. This does not make for a positive economic situation.

MMCA would like to support HB 161 provided it applies to all trucking operations. We don't feel that the privilege should be granted only to perishable commodities. After all a load of whatever commodity, has the same impact on the highways during this period. If the bill is amended on line 15, page 2, to strike the words "loaded with perishable agricultural seeds" and subparagraph (b) in line 19..... We would support HB 161.

Thank you.

STATE OF IDAHO

CECIL D. ANDRUS
GOVERNOR

IDAHOTRANSPORTATION BOARD
JOHN M. OHMAN - CHAIRMAN
LLOYD F. BARRON - VICE CHAIRMAN
MARION DAVIDSON - MEMBER

E. DEAN TISDALE
DIRECTOR



SENATE HIGHWAYS

EXHIBIT NO. 1K

DATE 3/7/87

BILL NO. 413161

TRANSPORTATION DEPARTMENT

AN EQUAL OPPORTUNITY EMPLOYER

P. O. BOX 7129 • BOISE, IDAHO 83707

February 10, 1987

Mr. Jesse Munro
Administrator GVW Division
Department of Highways
P.O. Box 4639
Helena, Montana 59601

Dear Jesse:

Enclosed please find copies of Idaho Code and Special Permit Rules that apply to spring break-up limits. I assure you no exceptions are made based on the commodity hauled. Non-reducible loads are also required to comply with the posted axle limits.

It has been the policy of the state not to post highways for less than legal weight that restrict transportation to major terminals in the state.

Sincerely,

A handwritten signature in cursive script that appears to read "T. Clark".

TONYA CLARK
Size & Weight Officer
(208) 334-2530

TC:db

Enclosure

49-906. SPECIAL REGULATIONS AND NOTICE THEREOF. Whenever in the judgment of the Idaho transportation board or public authorities in charge of, or having jurisdiction over a public highway the operation on any state highway or section of highway of vehicles of the sizes and weights and at the rates of speed permissible by law will cause damage to the road by reason of climatic or other conditions or will interfere with the safe and efficient use of such highway by the traveling public, the said Idaho transportation board or other public authorities in charge of, or having jurisdiction over a public highway shall have authority to make regulations reducing the permissible sizes, weights or speeds of vehicles operated on such highway for such periods as may be necessary for the protection of the road or for public safety, and shall erect and maintain signs designating such regulations at each end of such highway or section and at intersections with main traveled roads and highways.

49-907. RESPONSIBILITY FOR DAMAGE TO HIGHWAY OR BRIDGE. Anything to the contrary herein notwithstanding, the owner and the operator, driver or mover of any vehicle, object or contrivance over a public highway or bridge, shall be jointly and severally responsible for all damages which said highway or bridge may sustain as the result of illegally operating or driving or moving such vehicle, object or contrivance, or as the result of driving or moving any vehicle, object or contrivance weighing in excess of the maximum weight specified in this chapter, but authorized by a temporary permit, and the amount of such damages may be recovered in an action at law by the authorities in control of such highway or bridge; provided it shall be unlawful for more than one vehicle, motor vehicles, trailer and/or semi-trailer, or combination of vehicles with gross weights in excess of those specified in section 49-901, subdivisions (a) and (b), Idaho Code, to pass at the same time on any bridge with a span of nineteen (19) feet or more posted by the Idaho transportation board for single lane traffic by such trucks.

49-908. LIMITING LIABILITY OF AUTHORITIES. No action or proceedings of any nature or description shall lie against the Idaho transportation board or its authorized agents or any other authorities charged with the administration of this chapter because of their compliance with any of the terms of this chapter or the exercise of any authority or the performance of any duties granted or prescribed by this chapter.

49-909. PENALTIES FOR VIOLATIONS. It shall be unlawful and constitute a misdemeanor for any person to violate any of the provisions of this chapter, and any person convicted of such violation shall be subject to punishment by a fine of not to exceed \$100 or by imprisonment in the county jail for not more than thirty (30) days and to the cancellation of registration of each motor vehicle operated in violation of any order for the regulation or suspension of traffic issued under the authority of this chapter and the cancellation of the license of the operator of such vehicle.

49-910. SEPARABILITY. If any part or parts of this chapter shall be held to be unconstitutional, such unconstitutionality shall be not affect the validity of the remaining parts of this chapter.

POLICY DURING SPRING BREAKUP SEASON

22,01 Authority

Section 49-906 Idaho Code provides authority whereby the Idaho Transportation Board may reduce allowable weight or size or permissible speeds of vehicles traveling on state highways if it is the opinion of the Board that operation of vehicles of legal weight or size or at legal speed limits will cause damage to the road by reason of climatic or other conditions or will interfere with the safe and efficient use of the highway by the traveling public.

22,02 Type of Load Restrictions

Depending upon the type of road construction, the amount of moisture, temperature conditions, and severity of frost heaves and breakup, routes or sections of routes will be posted for restricted loadings to one of the following categories as required to protect the roadway and in the interests of public safety.

1. Maximum of legal allowable weight.
2. Maximum of 16,000 pounds on any axle.
3. Maximum of 14,000 pounds on any axle.
4. Maximum of 12,000 pounds.

22,03 Weight Limits Based on Tire Sizes

In administering load limits based on tire sizes or width of tires, credit for tubed tires will be based on the manufacturer's width marked on the tire; for example, a 10.00 x 24 tire will be given credit for ten inches of tire width. Tubeless tires will be given credit for the width of the conventional tubed tires which they replace.

22,04 Width Limitation on Two-Lane Road

A spring-breakup weight restriction to less than legal weight shall automatically place a restriction on width allowed by special permit. On any section of highway restricted to less than legal weight, the maximum width by special permit shall be restricted to 12 feet 6 inches during the period of the weight restriction.

22,05 Speed Restrictions

On those sections of highways which are posted for a maximum of legal loads, or to less than legal loads, trucks and buses with a gross weight of 10,000 pounds or more will be restricted in critical areas to a maximum speed of 30 miles per hour. Restricted speed zones will be marked by red and yellow markers. A red marker will mean speed is restricted to 30 miles per hour and a yellow marker will mean that legal speed may be resumed. These markers

22,05 (Con't)

will generally be attached to existing highway sign posts and when properly used will afford protection to the highway subgrade and surface as well as speeding the flow of traffic.

22,06 Special Permit Policy During Spring Breakup

Normal overweight special permit limits will be suspended on all highways in the area when seasonal load and speed restrictions are imposed.

Spring breakup weight restrictions are primarily concerned with limiting the weight imposed on the highway by individual axles rather than the total gross weight of vehicles or vehicle combination. It will therefore be permissible to issue overweight permits which exceed legal allowable total gross load for a vehicle combination subject to these conditions:

Minimum tire width is 10 inches or larger.

Maximum axle weight on single axle having two single wheels shall not exceed 10,000 pounds.

Maximum axle weight on single axle having four or more tires shall not exceed 14,000 pounds.

Permits for nonreducible loads only.

22,07 Legal Weight Limits Maintained on Certain Highways

The policy of the Department will be to maintain legal load limits on the Interstate highway system and arterials serving through state traffic or connecting major termini, unless conditions are such that severe breakup will result.

22,08 (RESERVED)

22,09 Temporary Suspension of Posted Weight and Speed Restrictions

Spring breakup restrictions are required because of a seasonal characteristic in which freeze/thaw cycles occur, making the roadway unstable and reducing its load-bearing capability. The load-bearing capacity may be temporarily restored by a freeze-up of the pavement after a section has been posted for load and speed restrictions.

District Engineers may provide a temporary waiver of the spring breakup restrictions by posting GREEN markers on the speed limit signs, and on other signs, if appropriate, within a section of highway posted for reduced loads. In addition to posting green markers, a twice-daily status of the posted section will be

22,09 (Con't)

provided by the area Maintenance Foreman to the District Maintenance Office, who will notify area State Police, Ports of Entry, and the local Sheriff's office.

23 through 26 (RESERVED)

WM. KOENIG & SONS
448 CHURCH DRIVE
KALISPELL, MONTANA 59901
HERB (406) 755-9370 BOB (406) 755-8174

**FLATHEAD'S
FINEST
POTATOES**



**Russet Burbank
Elite Seed**

*Produced from our own
Stem Cut & Line Selection Program*

SENATE HIGHWAYS 22, 1987

EXHIBIT NO. XI

DATE 3/7/87

BILL NO. HB161

Ref. H.B. 161

Mr. Chairman & Members of the Committee:

For the record my name is Herb Koenig. My brother Bob and I farm north of Kalispell. Our families are the 5th generation on our farm where we have raised certified seed potatoes for approx. 50 years.

Montana certified potato seed growers have been faced with a real problem for many years. Our product has to be shipped to the buyers in the spring, which is the time of the year when road restrictions are put in place.

It is impossible to ship the potato seed earlier because shipping has to coincide with the planting season of the area where the seed is to be planted.

Under the present regulations truckers are forced to scale down on the size of their loads, approximately 11% to 12% of the payload. This usually forces a higher freight rate on the seller, meaning the seed grower has to give a price break so that he can compete with other areas such as Oregon, Idaho, and Canada. Montana is losing sales to these areas because of more favorable shipping regulations. The currency exchange rate in Canada is also an important factor.

In the Flathead Valley alone the impact of load limit restrictions means that on one load of seed shipped to Pasco, WA approximately 24¢ per cwt. or \$105.00 is lost. For an average of 500 loads shipped each year there is a loss of over \$50,000.00 to be absorbed by the producer, trucker, or buyer. This factor discourages producers, truckers, and buyers and has worked to our disadvantage when placing our seed.

We therefore respectfully request revision in present regulations so that perishable agricultural seeds may be moved to market under more favorable conditions as stated in H.B. 161.

Thank You,



Attachment:

Road map with routes marked that are used to ship seed potatoes.

NORTHWEST POTATO TRUCKING DIV., INC.
1611 S. Sheppard
Kennewick, WA 99337

SENATE HIGHWAYS

EXHIBIT NO. XII

DATE 3/7/87

BILL NO. HLB 101

February 12, 1987

To Whom It May Concern:

Each spring we ship approximately 400 loads of seed potatoes using 60 independent carriers in a $2\frac{1}{2}$ month time period.

The bulk seed potato trucks used for movement of certified seed from Montana to Washington and Idaho is the same machinery used to move bulk commercial potatoes from the field to storage and from storage to processors during the balance of the year.

This specialized machinery is the only equipment suitable for this job.

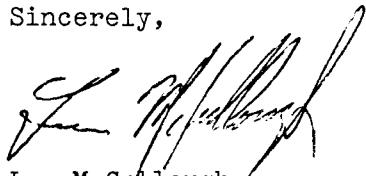
Due to the limitation of Gross Vehicle Weights and the enforcement of these rules and regulations regarding these trucks, they were forced to light load during the 1986 season. This in turn forced the trucks to raise the rates. This added cost was passed on to the commercial potato growers.

The lowest bulk rate out of any seed producing area in Montana is \$1.60 per cwt. and runs to \$2.30 to \$2.50 per cwt. Freight rates from several seed producing areas in Oregon vary from \$.50 to \$.75 and up to \$1.50 per cwt. Freight rates from Idaho are \$1.25 to \$2.30 per cwt.

If Montana continues to restrict the loads to less than the legal capacity of these trucks, seed sales will be lost to other areas and Canada.

Thank you for considering the problems we are having with this.

Sincerely,



Lew McCullough
President

NORTHWEST POTATO TRANSPORT DIV., INC.
1611 S. Sheppard
Kennewick, WA 99337

SENATE HIGHWAYS
CANDIDATE NO. 221
DATE 2/12/87
BILL NO. 221

February 12, 1987

To Whom It May Concern:

Each spring we ship approximately 400 loads of independent carriers in a 2 month time period.

The bulk seed potato trucks used for a variety of crops to move from Oregon to Washington and Idaho is the same machinery used to move the harvested potatoes from the field to storage and from storage to processing during the balance of the year.

This specialized machinery is the only equipment available for this purpose.

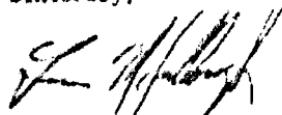
Due to the limitation of Oregon Vehicles weight laws, which are more strict than rules and regulations regarding the transportation of vehicles in the state during the 1986 season. This in turn forced the carriers to add extra cost. This added cost was passed on to the consumer, and you will see.

The lowest bulk rate out of any other producing area is \$1.00 per cwt. and runs to \$2.50 to \$3.00 per cwt. Freight rates from the other producing areas in Oregon very from \$.90 to 1.75 and up to \$1.50 per cwt. Freight rates from Idaho are \$1.00 to \$2.50 per cwt.

If Montana continues to restrict the weight of these trucks, the cost of these trucks, wood sales will be 100% higher.

Thank you for considering the problems we are having.

Sincerely,



Lew McMillough
President

ANSWER SHEET TO THE TEST OF PRACTICE

	CALIFORNIA				FLORIDA				MISSOURI			
	Value	CWT	Lbs	\$/LBS	Value	CWT	Lbs	\$/LBS	Value	CWT	Lbs	\$/LBS
2208	\$1,018,628	200000	431	4.6000	\$3,676,000	640/40	203	4.6000	\$1,018,628	200000	431	4.6000
	derived	baseball 10 + bat 10			derived	baseball 10 + bat 10			derived	baseball 10 + bat 10		
2209	\$1,022,818	200000	401	4.6000	\$6,032,700	640/40	1104	4.6000	\$1,022,818	200000	401	4.6000
	derived	baseball 9 + bat 10			derived	baseball 9 + bat 10			derived	baseball 9 + bat 10		
2210	\$1,024,200	200000	392	4.6000	\$5,567,100	640/40	1106	4.6000	\$1,024,200	200000	392	4.6000
	derived	baseball 10 + bat 10			derived	baseball 10 + bat 10			derived	baseball 10 + bat 10		
2211	\$1,024,200	200000	392	4.6000	\$6,032,700	640/40	1106	4.6000	\$1,024,200	200000	392	4.6000
	derived	baseball 9 + bat 10			derived	baseball 9 + bat 10			derived	baseball 9 + bat 10		
2212	\$2,077,620	200000	470	4.6000	\$6,000,700	640/40	1104	4.6000	\$2,077,620	200000	470	4.6000
	derived	baseball 10 + bat 10			derived	baseball 10 + bat 10			derived	baseball 10 + bat 10		
2213	\$1,028,948	190000	364	4.6000	\$6,000,700	640/40	1107	4.6000	\$1,028,948	190000	364	4.6000
	derived	baseball 10 + bat 10			derived	baseball 10 + bat 10			derived	baseball 10 + bat 10		
2214	\$9,300,500	100000	2197	4.6000	\$22,616,000	640/40	5075	4.6000	\$9,300,500	100000	2197	4.6000

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Year	Value	Qty	Box	Shipped	Value	Qty	Box	Shipped	Value	Qty	Box	Shipped
1942	\$263,500	70410	100	Shipped	\$700,000	82410	100	Shipped	\$11,400,000	100000	1000	Shipped
	Salvaged	April 1 - May 10			Salvaged	Board 10 - May 10			Salvaged	January 10 - May 10		
1943	\$700,000	77410	100	Shipped	\$100,000	83410	100	Shipped	\$11,400,000	100000	1000	Shipped
	Salvaged	Board 10 - May 10			Salvaged	Board 10 - May 10			Salvaged	January 10 - May 10		
1944	\$1,319,100	131412	270	Shipped	\$600,000	84410	100	Shipped	\$11,400,000	100000	1000	Shipped
	Salvaged	Board 10 - May 10			Salvaged	Board 10 - May 10			Salvaged	January 10 - May 10		
1945	\$300,000	91410	194	Shipped	\$600,000	84410	113	Shipped	\$19,400,000	100000	1000	Shipped
	Salvaged	Board 10 - May 10			Salvaged	Board 10 - May 10			Salvaged	January 10 - May 10		
1946	\$200,700	22140	44	Shipped	\$271,500	84410	51	Shipped	\$16,671,700	100000	1000	Shipped
	Salvaged	Board 10 - May 10			Salvaged	Board 10 - May 10			Salvaged	January 10 - May 10		
1947	\$1,319,700	13270	611	Shipped	\$600,000	84410	617	Shipped	\$16,671,700	100000	1000	Shipped





Crown Truck Brokerage

Montana: (406) 777-2221
Wats Line All Other States: 800-548-5051

SENATE HIGHWAYS
EXHIBIT NO. XIII
DATE 3/7/87
BILL NO. HB 161

Feb. 10, 1987

Dear Sir:

I would very much like to see HB 161 pass. I hope the Highway and Transportation Committee realize how important this is to the Montana potato shippers. This only happens about 30 days out of the year and it always falls on the time when the highways are restricted to weights. Montana needs to back all our businesses as much as we can as I can't see that its wise to hinder our efforts to bring money into our state. When a buyer from another state buys a load of potatoes from our growers they need to have a full truck load as they pay thru the nose on short weights. Some say if they can't have a full truck they will go elsewhere to buy their seed potatoes. We feel a truck could have a special note given to the driver at the loading point and then the scale people could let them pass without a fine or penalty. I have heard stories how the weight people just love to set traps at that time to catch any truck that is taking potatoes out of our state to another state. That seems like cutting off the hand that feeds us to me. Please put your support into the passage of this bill.

Thank you

Douglas Strang.

Douglas Strang
OWNER

SENATE HIGHWAYS

EXHIBIT NO. XIV

DATE 3-7-87

BILL NO. HB 161

FOR SENATE HEARING

Mr. Chairman and Members of this Senate Committee:

My name is Mike Sun. I am a potato specialist, representing Montana State University to support HB No. 161. MSU is concerned with high transportation cost which is limiting Montana's agricultural products from being competitive in the national market as well as the world market. This is particularly true for perishable commodities which have limited time for market dispersion. Therefore, MSU will support any new measure the state legislature can come up with that may reduce transportation cost.

* * * *

Since I having been working closely with the seed potato industry, and know the situation, I also would like to give my personal opinion regarding the significance of HB NO. 161 to the seed potato industry.

The Montana seed potato industry has been producing the nation's top quality seed potatoes for the past 5 years. Three years ago, a national emulation team came to MSU to look at the Montana seed potato program. They said that Montana's seed potato program is the best in the nation. The fact that Montana seed potatoes have been in demand by other states also gives confirmation to the above statement.

There are two main reasons that Montana's seed potatoes are tops in the nation. One is Montana seed potato growers

work very hard for it. Their living depends on it. Another reason is the support the seed growers have received from the state. One of the outstanding examples was the research fund appropriated by the state legislature in 1981 to support the industry in developing a disease-free program. Many of the senators here in this room may recall back in 1981 when \$40,000 was appropriated and MSU was given a free hand to develop a disease-free seed program. Results of that research provided needed knowledge to Montana seed potato growers for establishing individual seed farms. These individual seed farms are a key reason that Montana growers produce high quality seed and they are the backbone of the Montana seed potato industry.

The last five years, the Montana seed potato industry has grown from 6000 acres to 7500 acres, producing an average of 2.5 million cwt of potatoes per year, and bringing about 15 million dollars into the State of Montana every year.

However, the industry has stopped growing, because competition from other states is getting stronger every year.

The strongest competition comes from Canada where the provincial governments subsidize their potato programs. The subsidies include providing a public seed farm and indirect transportation costs. An example of the latter is that Canadian seed growers only have to pay one dollar of freight for each one hundred pounds of seed being shipped from Alberta

to the Columbia basin. On the other hand, Montana seed growers have to pay a two-dollar freight rate from Gallatin county to the Columbia basin, which is only half the distance the Alberta growers must ship.

* * * * *

The seed potato industry really needs a helping hand from you gentlemen, the lawmakers. Your passing H.S. No. 161 will be greatly appreciated.

Because of high cost of transportation, the price of Montana seed potatoes must be higher than seed potatoes from other states.

45 dollar value is Canadian