

MINUTES

MONTANA SENATE
51st LEGISLATURE - REGULAR SESSION

COMMITTEE ON HIGHWAY AND TRANSPORTATION

Call to Order: By CHAIRMAN TVEIT, on January 31, 1989, at
1:00 p.m. in Room 410 of the State Capitol.

ROLL CALL

Members Present: SENATORS: Larry Tveit, Darryl Meyer,
Cecil Weeding, Jerry Noble, John Harp and Bob Williams

Members Excused: Senator Lawrence Stimatz

Members Absent: None

Staff Present: Lee Heiman, Legislative Council

Announcements/Discussion: CHAIRMAN TVEIT announced the
hearings on Senate Bill 123 and House Bill 8.

HEARING ON SENATE BILL 123

Presentation and Opening Statement by Sponsor: SENATOR
BECK, District 24 stated that there have been instances
where the Department of Motor Vehicles, when typing up
registrations, have made a mistake such as leaving off
a lien or a serial number. With the present situation,
they have no way of changing that registration or of
getting it back. The lien being left off leaves the
state in a liable position. Senator Beck explained
that with this bill, they are trying to give some
authority to the Registrar of Motor Vehicles. This
would allow them to inform the person of the error on
the title, making sure that person returns the title so
the error can be corrected.

List of Testifying Proponents and What Group they Represent:

Peter Funk, Assistant Attorney General, Department of
Justice

List of Testifying Opponents and What Group They Represent:

None

Testimony:

PETER FUNK, Assistant Attorney General from the Department of Justice stated that Senate Bill 123 was put forward at their request. There have been a few problems in the past:

1. If the title is issued and it puts the owner in a favorable position, they are not real willing to return the title.

2. The liability issue is the other problem. It is the Registrar's duty to record a lien on the title, and if it is missed, we are responsible to the lender.

He stated that the language they had inserted starts on Page 5, Subsection 8 and that language would allow the Registrar to cancel a title. Bud Schoen, Chief of the Registrar's Bureau in Deer Lodge, has requested that two amendments be drawn up. He stated that he would get those to the Committee the next morning. The first one would specify that the title could not be cancelled until the old one which was in error was returned. The second would create a misdemeanor offense for a person to refuse to return a title which was issued with an error caused by the Registrar. All the proposed changes deal only with errors that the source is within the Registrars bureau. If the lien holder fails to notify the Registrar of the existence of a lien, that would be the lien holder's problem.

Questions From Committee Members: SENATOR FARRELL asked if it is made a misdemeanor, how would they deal with the case where the out-of-state firms who hold the title should happen to refuse to send the title.

PETER FUNK stated that they could inform the out of state person that it is a misdemeanor offense within the State of Montana, but that they would not have the jurisdiction over them.

Closing by Sponsor: SENATOR BECK stated that he concurs with the amendments that are suggested for the bill.

HEARING ON HOUSE BILL 8

Presentation and Opening Statement by Sponsor:

REPRESENTATIVE SWYSGOOD, District 73 stated that House Bill 8 addresses the sunset provision that was put on Senate Bill 187 last session. These combinations on interstate highways were under special restrictions and rules which preclude the operation of these units during adverse weather and were restricted to 55 mile per hour. Montana is currently surrounded by 12 states that allow this operation of these units.

List of Testifying Proponents and What Group they Represent:

Ben Havdahl, Executive Vice President, Montana Motor Carriers Association
Jesse Munro, Acting Director, Department of Highways
Don Ingels, Montana Chamber of Commerce

Testimony:

BEN HAVDAHL, Executive Vice President for the Montana Motor Carriers Association spoke in favor of House Bill 8.
SEE EXHIBIT 1.

JESSE MUNRO, Acting Director for the Department of Highways stated that the Department supports House Bill 8. During the last 18 months at the urging of the industry, the Department has instituted a requirement of driver certification for all triples operators in the State of Montana. Initially, if the driver is going to operate in the state he has to take a two hundred mile road test and he also has to have annual recertification on safety rules and regulations and highway laws in the State of Montana. He stated that the Department has had tremendous cooperation from the industry. In the last 18 months the Department has brought in excess of \$400,000. in fees over a three year period.

DON INGELS representing the Montana Chamber of Commerce stated that the facts and figures that have been heard in Committee verify the wisdom of this body two years ago in the passing of SB 187. They support House Bill 8.

List of Testifying Opponents and What Group They Represent:

None.

Questions From Committee Members: SENATOR WILLIAMS asked Ben Havdahl if there are any flat beds with the same configuration.

BEN HAVDAHL stated that he did not know of any combination of three flat bed trailers.

SENATOR WILLIAMS asked if this combination would be legal.

JESSE MUNRO stated that they would be legal as long as their trailers were no longer than 28 and one half feet in length on interstate only.

Closing by Sponsor: REPRESENTATIVE SWYSGOOD stated that the operation of these vehicles has proven not only beneficial to the economy of Montana, but also has contributed greatly to the safety of our highway system. The sunset provision was put on by Representative Spaeth last session to see if these units could do what we claimed and it has been proven that they can.

DISPOSITION OF HOUSE BILL 8

Discussion: SENATOR FARRELL will carry House Bill 8 in the Senate.

Amendments and Votes: None.

Recommendation and Vote: SENATOR FARRELL MOVED that House Bill 8 BE CONCURRED IN.

MOTION PASSED UNANIMOUSLY.

ADJOURNMENT

Adjournment At: 1:40 p.m.



SENATOR LARRY TVEIT, Chairman

LT/pb

senmin.131

ROLL CALL

HIGHWAY COMMITTEE

DATE January 31, 1989

51st
LEGISLATIVE SESSION

NAME	PRESENT	ABSENT	EXCUSED
CHAIRMAN TVEIT	✓		
VICE CHAIRMAN MEYER	✓		
SENATOR ABRAMS	✓		
SENATOR FARRELL	✓		
SENATOR WEEDING	✓		
SENATOR NOBLE	✓		
SENATOR STIMATZ			
SENATOR HARP	✓		
SENATOR WILLIAMS	✓		

Each day attach to minutes.

SENATE STANDING COMMITTEE REPORT

January 31, 1989

MR. PRESIDENT:

We, your committee on Highways and Transportation, having had under consideration HB 8 (third reading copy -- blue), respectfully report that HB 8 be concurred in.

Sponsor: Swysgood (Farrell)

BE CONCURRED IN

Signed: _____
Larry J. Tveit, Chairman

J.C.
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COPY OF STATEMENT BY MMCA

ON TRIPLES BILL RENEWAL

1989 SESSION

by BEN HAVDAHL, Executive Vice President, MMCA

Mr. Chairman and members of the committee...for the record, my name is Ben Havdahl and I'm the Executive Vice President of the Montana Motor Carriers Association. I would like to go on record on behalf of MMCA in support of HB8. As has been pointed out by Representative Swysgood, HB8 removes the expiration date of July 1, 1989 from Chapter 474, Laws of 1987 and is effective on passage and approval. Chapter 474 or SB187 passed last session granted authority to the Montana Department of Highways to issue permits for the operation exclusively on the Interstate Highway, of longer combination vehicles including a truck tractor with three 28 1/2 foot trailers, or the so called "triples" combination. The bill contained the expiration date of July 1, 1989 to enable the Legislature to review the performance over a two year period of time.

Following the passage of SB187, the Montana Department of Highways adopted rules and regulations precluding the dispatching of triples during periods when adverse weather or other safety considerations would make their operation inadvisable. Other regulations covered general operations, equipment standards, driver qualification, speed control (set by statute at 55 mph), weight, load sequence, accident reporting and insurance.

Several carriers of general commodity freight have been operating triples in and through Montana since July 1, 1987.

TRIPLES STATEMENT

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Many of them are represented here today, and although they do not intend to individually testify, they have indicated they will be happy to answer any questions that the committee may have. A single composite statement incorporating the results of the operations of triples over the past eighteen months by these carriers will be presented to the committee. Seven of the carriers representing the largest users of triple combinations responded to an MMCA questionnaire that is the basis of the composite statement.

Hopefully upon hearing the testimony and answering any questions, this committee will support HB8 granting the authority to continue triples operation on a permanent basis in the state.

I would like to point out for the benefit of the committee that by making triples operation permanent, they can only operate under special permits issued at the discretion of the Montana Department of Highways and that the permits can be revoked for failure to operate triples in compliance with the law and prescribed rules and regulations.

Some thirteen carriers applied for permits to operate triples combinations in and through Montana since July 1, 1987, they are: ANR Freight System; Consolidated Freightways; Edson Express; Northwest Transport Service, Inc.,; Electran Transport; Little Montana Transportation; Midwest Motor Express, Inc.,; PIE Nationwide; Roadway Express; Transystems, Inc.,; United Parcel Service; United Truck Lines, Inc.,; and Yellow Freight Systems.

TRIPLES STATEMENT

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For the eighteen month period ending December 15, 1988, 3,352 term and/or trip permits were issued to these carriers by the GVW Division of the Montana Department of Highways. In addition, some 1,837 restricted route permits were also issued. The total revenue paid the Department for the permits for triples was \$355,990. That's a substantial sum when compared to the estimated revenue of \$85,826 for the biennium stated in the fiscal note to SB187.

The seven carriers responding to the survey traveled 10.7 million miles in Montana with triples combinations over the 18 months and carried an estimated 418,000 tons or 836,000,000 pounds of freight. For those of you that may find it difficult to relate to these big numbers as I do, 10,700,000 miles is equivalent to 23 round trips to the moon....or 1,929 round trips from Los Angeles to New York....or closer to home, it's 7,589 round trips from Ekalaka to Eureka, Montana, a distance of 705 miles....I'm not sure why anybody would want to make 7,589 round trips from Ekalaka to Eureka, but there it is....

Several of the carriers operated on a limited basis during the winter months under prescribed rules for winter operation set down by the Department and experienced little or no difficulties during that period.

As part of the winter operation procedure, when triples are permanently allowed to operate, and to better comply with Department of Highway rules, the carriers operating triples plan to secure special equipment increasing the telephone line capacity of the Department road reporting service.

TRIPLES STATEMENT

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Two or three of the new lines providing interstate wats service, will be reserved exclusively for triples' dispatchers use. The reports will give up-to-the minute interstate road report information enabling dispatchers to decide whether to dispatch doubles or triples. The information can be imparted to enroute triples to enable the dropping of a trailer when necessary.

In addition the carriers in Montana plan to look at the program "Weather and Highway Condition Exchange" now in effect, in Utah, Nevada and Idaho. Carriers there, in cooperation with the Highway Patrol, man the operation of a weather command post on a rotating basis and impart up-to-the minute weather conditions and road conditions, to the carriers in the program, 24 hours a day. The carriers have agreed to follow the recommendation of the command post not to operate triples when conditions warrant it and to switch to doubles all along the triples routes in those states, on a highway by highway basis.

During the 18 month operation in Montana there were a total of five mishaps involving minor damage to triples combinations during the 18 month period. Four of the mishaps involved the triples combination and another vehicle or vehicles and one involved only the triples unit. In three instances the triples combinations were stopped and parked and were struck by other vehicles. Two occurred on icy roads, one on dry pavement. One mishap involved a vehicle striking the third trailer in a local intersection in Missoula and the striking vehicle driver was cited. One of the mishaps involved the turning over of the third trailer when the driver attempted to avoid a collision with several deer.

TRIPLES STATEMENT

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None of the mishaps were reportable accidents under the rules for reporting by the Federal Bureau of Motor Carrier Safety. Damages did not equal the \$4,400 aggregate amount required for reporting in any of the mishaps. There were no personal injuries to any individuals involved in any of these mishaps. Four could be classified as "fender benders", and one as a "fender and front end bender".

The use of triple trailer combinations during this period did result in substantial fuel savings when compared to the fuel necessary to haul the same tonnage in "doubles" combinations. Fuel savings ranged from a high of 37.5% to 21.6% by these carriers.

The response to the question, "did use of triples displace any drivers causing layoffs or reduction?", resulted in none as stated by six carriers. In fact two of the six indicated they increased the number of drivers over the past 18 months. One carrier did experience initial layoffs but since has rehired all the drivers.

Five of the seven carriers indicated that substantial savings in freight charges were afforded shippers as a direct result of using triple trailers. The extra capacity resulted in larger discounts to shippers of large volume of freight and carriers used this fact as a sales tool to generate more business in these cases.

TRIPLES STATEMENT

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In summary the triples record of operation in the "real economic world" in Montana over the last 18 months has been extremely positive and economically beneficial to shippers, carriers and the State of Montana.

In the area of employment, use of triples has been very beneficial. One of the carriers testifying on SB187 last session noted at the time that his company had 9 employees in Montana with a payroll of \$250,000. Today, the same carrier indicated they have 25 Montana employees with payroll of over \$723,000 as a direct result of triples operation and continued expansion in Montana.

The record of five minor mishaps, non reportable accidents, in 10,651,828 miles of operation is outstanding. This safety record is unexcelled by any other longer combination vehicle operating in Montana. We feel the record of triples operation for the past 18 months is an excellent one and would respectfully urge a do pass recommendation for HB8.

We thank you for this opportunity to present this composite statement of experience for the past 18 months by those combinations. I'm sure if you have any questions, we'll be happy to answer them. Thank you.

HB8 removes the expiration date of July 1, 1989 from Chapter 474, Section 8 and makes Chapter 474 (SB 187 passed in 1987) a permanent statute.

Pertinent Provisions of SB 187 Passed by the 1987 Legislature

--SB 187, passed by the 1987 legislature allows LCV's with three 28 1/2 ft. semi trailers operating under a special permit only on four-lane interstate highways, not exceeding 55 mph.

--Triples have the best safety record of all truck combinations operating in 13 states and four Canadian Provinces.

--Highway Department Rules and Regulations, preclude the operation during periods when adverse weather or other safety considerations make operations inadvisable.

--SB 187 contained an amendment to allow the operation up to July 1 1989 to enable the Legislature to review the performance of this combination in Montana.

REVIEW OF TRIPLES COMBINATION PERFORMANCE IN MONTANA THROUGH DECEMBER 31, 1988

--In summary, the triples record of operation in Montana over the past 18 months has been extremely positive and economically beneficial to shippers, carriers and the State of Montana.

--13 carriers applied for 3,352 permits to operate triples in and through Montana since July 1, 1987 (seven of the carriers held extensive operations).

--Total permit fee revenue paid to the state was \$355,990 (estimated revenue was \$85,826 1987 fiscal note).

--Seven carriers operated triples 10.7 million miles in Montana and carried an estimated 418,000 tons (836 million pounds) of freight.

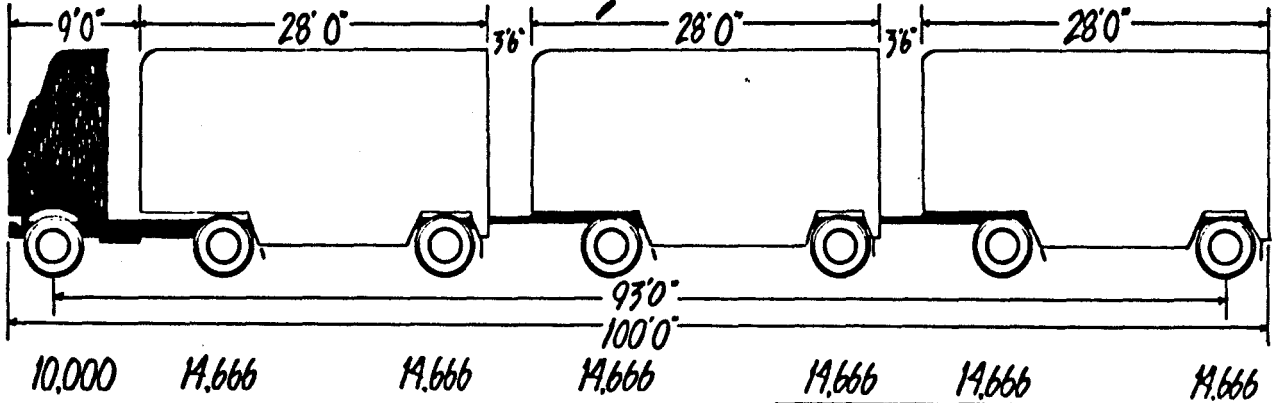
--There were no accidents, meeting the requirements for reporting under Federal Bureau of Motor Carrier Safety regulations (damages must be at least \$4,400 or involve personal injury) safety record unexcelled by any other vehicle combination.

--Five mishaps involving triples and other vehicles were reported, three while triples were parked; one, involved a vehicle striking the third trailer at a local intersection; and one overturned a trailer avoiding a deer.

--Use of triples resulted in fuel savings ranging from 21.6% to 37.5% when compared to doubles, and no drivers were displaced.

--Five of the carriers indicated substantial savings in freight charges afforded to shippers as a direct result of triples.

UNITED PARCEL COMBINATION EXAMPLE

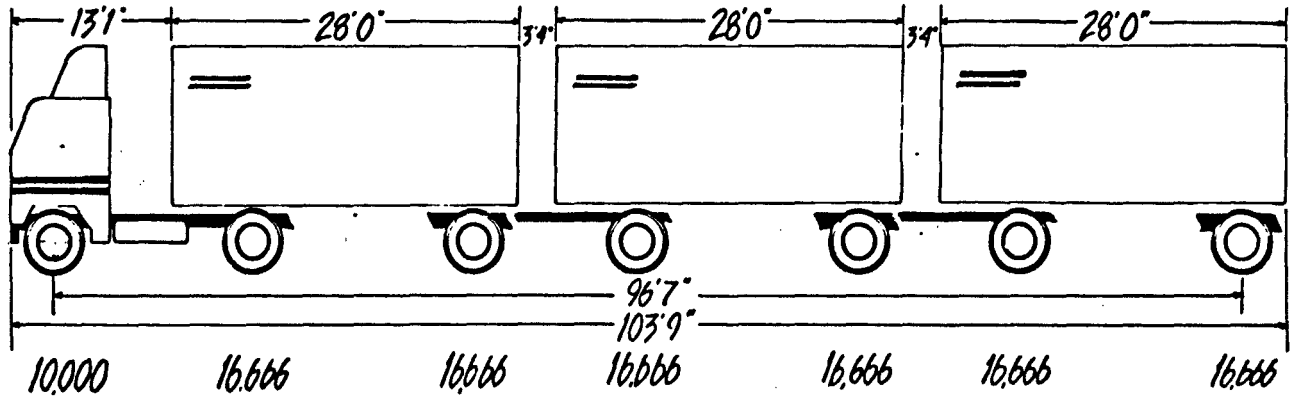


UNITED PARCEL DECLARED GROSS WEIGHT - 98,000 lbs.

TOTAL ALLOWABLE GROSS WEIGHT - 114,250 lbs.

ANNUAL GROSS WEIGHT FEES - 98,000 lbs.	\$2,308 ⁰⁰
TERM RESTRICTED ROUTE PERMIT	100 ⁰⁰
TERM SPECIAL OVERLENGTH PERMIT	200 ⁰⁰
	\$2,608⁰⁰

CONSOLIDATED FREIGHTWAYS EXAMPLE

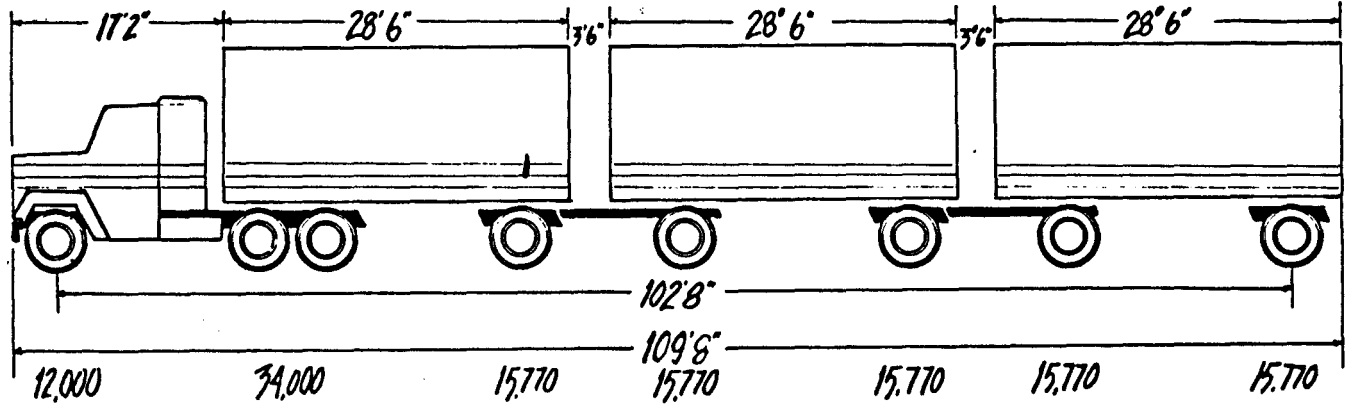


CF DECLARED GROSS WEIGHT - 110,000 lbs.

TOTAL ALLOWABLE GROSS WEIGHT - 116,580 lbs.

ANNUAL GROSS WEIGHT FEES - 110,000 lbs.	\$2,701 ⁰⁰
TERM RESTRICTED ROUTE PERMIT	100 ⁰⁰
TERM SPECIAL OVERWEIGHT PERMIT	200 ⁰⁰
	\$3,001⁰⁰

CONVENTIONAL TRACTOR WITH SLEEPER EXAMPLE



TOTAL ALLOWABLE GROSS WEIGHT - 124,850 lbs.

ANNUAL GROSS WEIGHT FEES - 124,000 lbs.	\$3,225 ⁰⁰
TERM RESTRICTED ROUTE PERMIT	100 ⁰⁰
TERM SPECIAL OVERWEIGHT PERMIT	200 ⁰⁰
	\$3,525⁰⁰

1. Rule I,(7)(k), should read: "Anti-sail type mud flaps are required. If anti-sail mud flaps are not used, mud flaps and anti-spray and splash suppressant device systems are required."
2. Rule I,(7)(g), second sentence should read: "Air actuated hitches, when used, must be isolated from the primary air transmission system."
- ✓ 3. Rule I,(6) Add: "Special vehicle combinations shall not be dispatched during adverse weather conditions, as defined in Section 392.14 of the Federal Motor Carrier Safety Regulations. If adverse weather or road conditions are encountered or if the road surface is icy or snowpacked, the driver of the special vehicle combination shall proceed to the next available exit or turnout and drop a trailer or wait for conditions to improve. If road or weather conditions are deemed sufficiently hazardous by the Montana Department of Highways or the Montana Highway Patrol, they may instruct the special vehicle combinations to cease operations immediately until such hazardous conditions no longer exist."

JM:m1:1/ww

COMMITTEE ON HIGHWAY AND TRANSPORTATION

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppose
Larry Gerek	UPS	HB 8	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Ben Harvati	MMCA	HB 8	<input checked="" type="checkbox"/>	<input type="checkbox"/>
MAX Neely	Consolidated Freightways	HB 8	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Ren Boyer	Consolidated Freightways	HB 8	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Tom Hicks	Northwest TRANSPORT	HB 8	<input checked="" type="checkbox"/>	<input type="checkbox"/>
MARIL BETH HOFF	ROADWAY EXPRESS	HB 8	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ROBERT O'NEILL	Consolidated Freightways INC	H-B 8	<input checked="" type="checkbox"/>	<input type="checkbox"/>
William Green	QVR Freight System	HB 8	<input checked="" type="checkbox"/>	<input type="checkbox"/>
James H. ...	MDOH	HB 8	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Don Ingels	Mr Chamber of Commerce	HB 8	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Peter Fink	Dept. of Justice	SB 123	<input checked="" type="checkbox"/>	<input type="checkbox"/>

(Please leave prepared statement with Secretary)