

MINUTES

MONTANA SENATE
51st LEGISLATURE - REGULAR SESSION

COMMITTEE ON HIGHWAY AND TRANSPORTATION

Call to Order: By CHAIRMAN TVEIT, on FEBRUARY 7, 1989, at 1:00 p.m. in Room 410 of the State Capitol.

ROLL CALL

Members Present: SENATORS: Larry Tveit, Darryl Meyer, Hubert Abrams, William Farrell, Cecil Weeding, Jerry Noble, Lawrence Stimatz, John Harp, Bob Williams

Members Excused: None

Members Absent: None

Staff Present: Lee Heiman, Legislative Council

Announcements/Discussion: CHAIRMAN TVEIT announced the hearings on HOUSE BILLS 61 & 25 and on SENATE BILL 242.

HEARING ON HOUSE BILL 61

Presentation and Opening Statement by Sponsor:

REPRESENTATIVE ED GRADY, District 47 explained that House Bill 61 is a house-keeping bill.

List of Testifying Proponents and What Group they Represent:

Bill Gosnell, Assistant Executive for the Department of Highways

List of Testifying Opponents and What Group They Represent:

None

Testimony:

BILL GOSNELL, Assistant Executive for the Department of Highways stated that this bill is a result from a state audit. This bill has nothing to do with the fourteen million dollars per year that they turn back to the counties and cities nor does it have anything to do with the local road funds that is raised from through mill levies.

Bill Gosnell explained that the federal aid secondary program is where the Department puts state earmarked funds in the county pots and the federal fund follows at a percentage. Since the 1970's, projects have become more and more expensive and the law hasn't been changed since before that. At present, the matching ratio is 21.69% state money and 78.31 federal. As an example, Granite County at the end of December had \$14,000 in their account and under the 3-times rule using the federal aid match the Department could let a project of \$195,000. under current law. Under the proposed bill, it could go up to \$325,000. The Department asks that the bill be changed to meet what the costs of projects are today instead of what they were 20 years ago.

Questions From Committee Members: SENATOR ABRAMS asked Bill Gosnell what the figure is for Carter County.

BILL GOSNELL stated that Carter County presently is at \$146,000. as of December of 1988. Under the proposed bill it would raise it up to over 1 million.

SENATOR WEEDING asked if its accumulative.

BILL GOSNELL stated that it does accumulate. Under existing statutes, every year so much goes into the county by formula under state law and it builds up.

SENATOR FARRELL asked if this is in addition to the fourteen million dollars.

BILL GOSNELL stated that this is separate from the fourteen million dollars. Of the 20 cents per gallon of gasoline that we now collect, fourteen million of the gasoline was taken right off the top, which is almost 3 cents. This is part of the remaining 17 cents that is used to match federal dollars. Counties and Cities can match funds for a project, and the Department does encourage this.

Closing by Sponsor: REPRESENTATIVE GRADY closed the hearing on House Bill 61.

DISPOSITION OF HOUSE BILL 61

Discussion: CHAIRMAN TVEIT will carry.

Amendments and Votes: None

Recommendation and Vote: SENATOR WILLIAMS MOVED that HOUSE BILL 61 BE CONCURRED IN.

MOTION PASSED UNANIMOUSLY.

HEARING ON HOUSE BILL 25

Presentation and Opening Statement by Sponsor:

REPRESENTATIVE O'KEEFE, District 45 stated that House Bill 25 is a highway-signing law which was requested by the Glacier County Regional Tourism Commission. SEE EXHIBIT 1. The people in Northwest Montana involved with tourism, thought that since all of our neighbor states had a minimum speed law which says that vehicles travelling 10 miles below the posted speed limit are required to pull over if they have 4 or more vehicles behind them and are slowing traffic, would be a good idea. That law is already on the books, but it seems that no one in Montana is aware of it. He stated that this bill is intended to educate the citizens of Montana and the visitors that it is their responsibility to get off the road if they are slowing up traffic. Accidents revolved around passing due to a long line of vehicles amounted to 409 accidents in 1987. In those 409 accidents, 9 fatalities occurred. This bill would require the State Highway Department to place a total of 89 signs around the state. Of the 89 signs, 54 signs in rest areas, 28 signs at weigh stations and 7 at customs stations. The fiscal note reflects the cost for 1990 and for fiscal year 1991 the cost is \$534. for maintenance which needs to be added to that fiscal note.

List of Testifying Proponents and What Group they Represent:

John Wilson, Administrator of the Montana Promotion Division

List of Testifying Opponents and What Group They Represent:

None

Testimony:

JOHN WILSON, Administrator of the Montana Promotion Division stated that there is an increase in tourism and see this bill as a service to the visitors. It will also be a good safety law.

Questions From Committee Members: SENATOR FARRELL asked if the Highway Patrol would be enforcing this law.

REPRESENTATIVE O'KEEFE stated that he had talked with the Highway Patrol and they have a problem with the law. The problem revolves around, looking at Page 2, line 6-9, the Highway Department not having the money to erect designated turnouts. The Highway Patrol said that they issue a handful of citations a year on this law and most are warning citations.

SENATOR NOBLE asked about the size of the signs.

BEATE GALDA, Attorney for the Highway Department stated that the signs would be the same size as a speed limit sign. The reason why the areas chosen are those such as rest areas is because they will have 3 lines and would be hard to read at 55 mph.

Closing by Sponsor: REPRESENTATIVE O'KEEFE closed stating that this bill might ease the frustration of those who live here.

DISPOSITION OF HOUSE BILL 25

Discussion: SENATOR HARP will carry.

Amendments and Votes: None

Recommendation and Vote: SENATOR NOBLE MOVED that HOUSE BILL 25 BE CONCURRED IN.

MOTION FAILED ON A ROLL CALL VOTE of 5-3.

HEARING ON SENATE BILL 242

Presentation and Opening Statement by Sponsor: SENATOR HARP, District 4 stated that Senate Bill 242 is at the request of the Department of Highways. In 1987 a Surface Transportation Uniform Relocation Act that asked states to look at their existing legislation on what they do to people who are being relocated because of new roads or changes in highways. SEE EXHIBIT 2.

List of Testifying Proponents and What Group they Represent:

Beate Galda, Attorney for the Department of Highways

Testimony:

BEATE GALDA, Attorney for the Department of Highways stated that the Highway Department does support this bill. SEE EXHIBIT 3. She also distributed an amendment which was brought to her attention by the Right of Way Division of the Highway Department. SEE EXHIBIT 4.

List of Testifying Opponents and What Group They Represent:

None

Questions From Committee Members: None

Closing by Sponsor: SENATOR HARP closed the hearing on Senate Bill 242.

DISPOSITION OF SENATE BILL 242

Discussion: None

Amendments and Votes: SENATOR WILLIAMS MOVED the amendments to SENATE BILL 242.

MOTION PASS UNANIMOUSLY.

Recommendation and Vote: SENATOR NOBLE MOVED that SENATE BILL 242 DO PASS AS AMENDED.

MOTION PASSED UNANIMOUSLY.

SENATOR ABRAMS MOVED to adopt the STATEMENT OF INTENT.

MOTION PASSED UNANIMOUSLY.

DISPOSITION OF SENATE BILL 148

Discussion: The Committee discussed the fiscal note and the suggested amendment to clarify which Department. SEE EXHIBIT 5.

Amendments and Votes: SENATOR NOBLE MOVED the amendment for SENATE BILL 148.

MOTION PASSED UNANIMOUSLY.

Recommendation and Vote: SENATOR WEEDING MOVED that SENATE
BILL 148 DO PASS AS AMENDED.

MOTION PASSED UNANIMOUSLY.

ADJOURNMENT

Adjournment At: 2:05 p.m.



SENATOR LARRY TVEIT, Chairman

LT/pb

SENMIN.207

ROLL CALL

HIGHWAY COMMITTEE

DATE February 7, 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

February 8, 1989

MR. PRESIDENT:

We, your committee on Highways and Transportation, having had under consideration HB 61 (third reading copy -- blue), respectfully report that HB 61 be concurred in.

Sponsor: Grady (Tveit)

BE CONCURRED IN

Signed: *Larry J. Tveit*
Larry J. Tveit, Chairman

*JJC.
2/8/89
1:30 p.m.*

SENATE STANDING COMMITTEE REPORT

February 8, 1989

MR. PRESIDENT:

We, your committee on Highways and Transportation, having had under consideration HB 25 (third reading copy -- blue), respectfully report that HB 25 be not concurred in.

Sponsor: O'Keefe (Harp)

BE NOT CONCURRED IN

Signed: _____
Larry J. Tveit, Chairman

J.C. 2/8/89
1:20 P.M.

SENATE STANDING COMMITTEE REPORT

February 7, 1989

MR. PRESIDENT:

We, your committee on Highways and Transportation, having had under consideration SB 242 (first reading copy -- white), respectfully report that SB 242 be amended and as so amended do pass:

1. Page 10, line 17.
Strike: "entire property"
Insert: "uneconomic remnant"

AND AS AMENDED DO PASS

Signed: _____
Larry J. Tveit, Chairman

Statement of Intent adopted.

J.C.
2/8/89
1:20
9:21

SENATE STANDING COMMITTEE REPORT

February 7, 1989

MR. PRESIDENT,

We, your committee on Highways and Transportation, having had under consideration SB 148 (first reading copy -- white), respectfully report that SB 148 be amended and as so amended do pass:

1. Page 2, line 3.

Following: the first occurrence of "department"

Insert: "of justice"

AND AS AMENDED DO PASS

Signed: _____

Larry J. Tveit
Larry J. Tveit, Chairman

41.6
3/15/89
11:20 AM

DATE 2/7/89

BILL NO. HB25



Glacier Country

Glacier Country Regional Tourism Commission
Seven Northwest Montana Counties United to Attract Visitors

Maek O'KEEFE

I support House Bill 25 for several reasons. Being in the tourism business I am well aware of the traveler passing through our area. The roads are narrow, winding, and hilly along with being scenic. This makes for slow travel. The ~~see~~ visitor has no idea Montana has a minimum speed limit law, nor do all Montanans. We need to get the word out. This is not only for convenience sake but for safety reasons. When there are back-ups and slow travel people attempt risky passing on dangerous roads.

Glacier National Park recognized this problem years ago and put up signs for slow vehicles to pull-over. The vast majority ^{now} do. Education is the key to making any law successful. House Bill 25 would do that for Montana's minimum speed limit law.

Randy Capron, TRC's
Glacier Country Board of Directors



OFFICE OF
THE ADMINISTRATOR

DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION
WASHINGTON, D.C. 20590

SENATE HIGHWAYS
EXHIBIT NO. 2
DATE 2-7-89
BILL NO. SB 242

December 16, 1988

IN REPLY REFER TO:
HRW-10

The Honorable Stan Stephens
Governor-elect of Montana
State Capitol
Helena, Montana 59620

Dear Governor-elect Stephens:

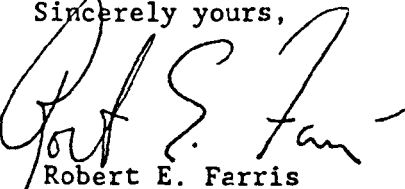
I am writing to you as the head of the agency that has been designated as the Federal Government's lead agency for implementing and administering the requirements of the amended Uniform Relocation Assistance and Real Property Acquisition Policies Act, 42 U.S.C. §§ 4601-4655 (Uniform Act).

On October 20, 1987, my predecessor, R. A. Barnhart wrote to you to enlist your support for the passage in your State of a comprehensive statute to enable all State, local, and private entities receiving Federal funds to comply with the Uniform Act, as amended. Specific requirements of the Uniform Act found in §§ 210 and 305 relate to assurances which must be provided by displacing or acquiring agencies indicating their ability to comply with certain provisions of the Uniform Act. These assurances must be in place as of April 2, 1989. If they are not, the Federal agency providing the financial assistance for any ongoing project must withhold funding for any acquisitions or displacement occurring on or after April 2, 1989, and further, shall not approve any new activity, project, or program which will result in acquisition or displacement.

While we believe that many States may have specific legislation already in place or general assent language that could provide adequate protection come April 2, in many States the situation is unclear and open to question. In any event, the adequacy of State legislative authority can only be determined by appropriate State officials. Therefore, I respectfully request that you review the adequacy of State legislation to assure that State legislation is, or will be, in place no later than April 2, 1989, to permit unimpeded activities of State or local agencies receiving Federal financial assistance which may be used to acquire real property or to displace residents or businesses. The State legislation may be program-specific, comprehensive, or general in nature. The important point is that all affected State agencies must be able to provide the necessary assurances of compliance so that Federal financial assistance may continue without any interruptions due to failure to comply with the Uniform Act.

I appreciate your assistance in this matter.

Sincerely yours,


Robert E. Farris
Federal Highway Administrator

Relocation Assistance

Background:

In 1969, the Legislature enacted a bill for relocation of persons displaced by the highway projects (Part 3, Chapter 4, Title 60, MCA) and, in 1971, one for fair treatment of condemnees for persons displaced by federally assisted programs and for property acquisition. (Chapter 31, Title 70, MCA). These bills were enacted in response to federal legislation which created a federal relocation program to assist persons displaced by federally funded projects and which regulated the acquisition of real property.

In 1987 Congress comprehensively amended the Uniform Relocation Assistance and Real Property Acquisition Policies Act. As a result it is necessary for Montana to amend its statutes to be in compliance with the federal act in order to be eligible for federal funding of projects involving property acquisition or the displacement of persons. The federal act requires the state's certification that it will carry out relocation assistance and property acquisition on projects with federal funds in accordance with state laws which accomplish the purpose and effect of the federal act. Failure to comply may result in the withholding of approval of any federal financial assistance on a project involving property acquisition or relocation.

What the Proposed Bill Does:

This bill repeals the two existing relocation assistance acts under Montana law and replaces them with broad enabling legislation. The bill will authorize all state agencies or any other legal entity which has eminent domain authority and which receives federal funding for any program or project which displaces persons to comply with federal law to obtain relocation assistance. It also gives express rulemaking authority under the

act to enable agencies to adopt rules necessary to follow federal requirements. It provides an immediate effective date because the federal law requires state compliance by April 2, 1989.

The bill also adds a definition of the term "appraisal" and amends the property acquisition provision by adding the right of a condemnee to donate property or proceeds to an agency and by allowing the Waiver of the appraisal requirement where property has a low fair market value.

Department Position:

Most of the federally funded highway projects of the Department of Highways involve the acquisition of real property or the displacement of persons from their homes, farms, or businesses. The federal act provides a more uniform treatment of displaced persons. This bill will enable the Department to comply with the federal requirements in order to assure continued funding of federal-aid highway projects as well as federal payment of relocation expenses to displaced persons. The Department supports this bill.

BG:ml

Beste Galda
Tel: 6097

SENATE HIGHWAYS

EXHIBIT NO. 4

DATE 2-7-89

BILL NO. SB 242

AMENDMENT TO SENATE BILL NO. 242

Proposed by the Department of Highways

Page 10, line 17

Following: "to acquire the"

Strike: "entire property"

Insert: "uneconomic remnant"

SENATE HIGHWAYS
EXHIBIT NO. 5
DATE 2-7-89
BILL NO. SB 148

Amendments to Senate Bill No. 148
First Reading Copy

For the Committee on Highways and Transportation

Prepared by Lee Heiman
February 7, 1989

1. Page 2, line 3.
Following: the first occurrence of "department"
Insert: "of justice"

ROLL CALL VOTE

SENATE COMMITTEE HIGHWAYS AND TRANSPORTATION

Date FEBRUARY 7, 1989

Bill No. HB 25

Time 1:50 p.m.

<u>NAME</u>	<u>YES</u>	<u>NO</u>
VICE CHAIRMAN MEYER		
SENATOR ABRAMS		✓
SENATOR FARRELL		✓
SENATOR WEEDING		✓
SENATOR NOBLE	✓	
SENATOR STIMATZ	✓	
SENATOR HARP		✓
SENATOR WILLIAMS		✓
CHAIRMAN TVEIT	✓	

Secretary
Pat Bennett

Chairman
Larry Tveit

Motion: SENATOR NOBLE MOVED that HB 25 BE CONCURRED IN.

MOTION FAILED on a 5-3 vote with SENATOR MEYER excused.