

MINUTES

MONTANA SENATE 51st LEGISLATURE - REGULAR SESSION

COMMITTEE ON HIGHWAYS AND TRANSPORTATION

Call to Order: By CHAIRMAN TVEIT, on FEBRUARY 14, 1989, at 1:00 p.m. in Room 410 of the State Capitol.

ROLL CALL

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

Members Excused: Senator Lawrence Stimatz

Members Absent: None

Staff Present: Lee Heiman, Legislative Council

Announcements/Discussion: CHAIRMAN TVEIT announced the hearings on House Bill 94, Senate Bill 402, House Bill 110 and House Bill 196.

HEARING ON HOUSE BILL 94

Presentation and Opening Statement by Sponsor:

REPRESENTATIVE GILBERT, District 22 opened the hearing on House Bill 94 stating that it is a "convenience" bill. It will allow companies that have over one hundred vehicles operating across Montana to license them as a fleet. Primarily, it will affect utility companies. At the present time, they have to register in every county. He stated that the fiscal note is not quite accurate. They were saying that there would be about a \$7,500 loss through the special revenue fund. That was taken care of on Page 3 of the bill on lines 14 through 18. The \$7.50 fee was split so the \$4.00 goes to the Highway Department for their costs and the \$3.50 goes into the revenue fund. The \$25,000 loss for the counties is not accurate. That would be assuming that every vehicle registered would be a truck which is a \$10 fee. The county used to get that for registering vehicles, which now the state does the registering. The counties will still get all their taxes.

List of Testifying Proponents and What Group they Represent:

Tom McGee, U.S. West Communication
Gene Pigeon, Montana-Dakota Utilities
Ken Williams, Entech and Montana Power Company

Testimony:

TOM MCGEE representing U.S. West Communications stated that they support House Bill 94. It will help their company by making it easier to have a one-stop-shop for vehicles at the GVW and also, it will be a convenience for the counties. This is not for new vehicles, but it for the reregistering of vehicles.

GENE PIGEON, Montana-Dakota Utilities stated that they service 13 counties in Eastern Montana with over 200 vehicles in their fleet. They support House Bill 94.

KEN WILLIAMS representing ENTECH and Montana Power Company expressed their support for House Bill 94.

List of Testifying Opponents and What Group They Represent:

Gordon Morris, Executive Director for the Montana Association of Counties
Cort Harrington, Montana County Treasurers Association

Testimony:

GORDON MORRIS, Executive Director for the Montana Association of Counties stated that they do have some concerns about House Bill 94. The \$7.50 proposed in the bill for fleet vehicles would be changed and they would not be paying the current \$5 and \$10 which goes to counties. He stated that they feel the fiscal note attached is totally erroneous and does have an impact on counties. The Lewis and Clark County Treasure generated a list of the fleet registered vehicles, those registered by corporations, the total current registration fee paid comes to \$113,840. He suggested that on line 13 of Page 3 they change that language instead of "in lieu of" and insert "in addition to".

CORT HARRINGTON representing the Montana Treasurers Association stated they feel the same as what Gordon Morrison had stated.

Questions From Committee Members: SENATOR WILLIAMS asked where the license plates will be located.

REPRESENTATIVE GILBERT stated that the Highway Department will have plates that they will get from Deer Lodge with that company's county number on it. That county will get the taxes for each vehicle and the fees will be paid in Helena. He stated that the registration fee is for services performed and is not a gift from the citizens of Montana to local governments. This bill is states that if you don't do any work, you don't get any money.

Closing by Sponsor: REPRESENTATIVE GILBERT closed the hearing on House Bill 94 and appointed Senator Harp to carry the bill. He stated that when Morris talked about the fleet vehicles registered in Lewis and Clark County, he was probably county every vehicle. This bill applies to fleets of one hundred or more vehicles.

DISPOSITION OF HOUSE BILL 94

Discussion: SENATOR HARP will carry the bill.

Amendments and Votes: None

Recommendation and Vote: SENATOR NOBLE MOVED that HOUSE BILL 94 BE CONCURRED IN.

MOTION PASSED WITH SENATOR WILLIAMS OPPOSING.

HEARING ON SENATE BILL 402

Presentation and Opening Statement by Sponsor: SENATOR HARP, District 4 stated that under the current law the Highway Department has federal dollars available for restrictive highway crossings and safeties. There are two processes as far as how it is determined where they are going to put railroad crossing. Currently, the Highway Department established a priority list using some technical criteria. Some of those considerations are - the sight, distance, speed of trains, approach angle, highway alignment, approaching grades and the crossing of the track itself. The Highway Department is very familiar with that. The other way to get a signal for a crossing is through a Public Service Commission statute which allows the County Commissioners to petition the PSC to order it. It is based on the order of the input from the community. The danger lies in having two different groups who are setting criteria in two different manners.

Senator Harp explained that this bill asks that we merge the two ideas, have the Highway Commission set the priorities and still allow the public to have input at a public hearing.

List of Testifying Proponents and What Group they Represent:

Wayne Budt, Administrator of Transportation Division of
the Public Service Commission
Verle Ostrander, Engineer of Public Works for
Burlington Northern
Charley Chambers, Assistant Chief Engineer for Montana
Rail Link

List of Testifying Opponents and What Group They Represent:

None

Testimony:

WAYNE BUDT, Administrator of Transportation Division of the Public Service Commission stated they support SB 402. This statute has been used once in 1973 and once in 1988.

VERLE OSTRANDER representing Burlington Northern stated that the Highway Department has the resources, the people, the engineers and the technical data, plus they have been charged by Congress to make these types of lists to create a hazard index. With limited resources, this seems to be the most sensible way to go about making as many crossings safe for the travelling public.

CHARLEY CHAMBERS representing Montana Rail Link expressed support for Senate Bill 402. Although Montana Rail Link has only been in existence for less than two years, they have worked closely with the State of Montana and the Department of Highways on the installation of new signals. In 1988 they had 6 crossings upgraded and in 1989 had 12 crossings approved for installation.

Questions From Committee Members: None

Closing by Sponsor: SENATOR HARP closed the hearing on Senate Bill 402.

DISPOSITION OF SENATE BILL 402

Discussion: None

Amendments and Votes: None

Recommendation and Vote: SENATOR MEYER MOVED that SENATE
BILL 402 DO PASS.

MOTION PASSED UNANIMOUSLY.

HEARING ON HOUSE BILL 110

Presentation and Opening Statement by Sponsor:

REPRESENTATIVE EUDAILY, District 60 stated that House Bill 110 was at the request of his constituents in his district who felt that certain GVW officers in the Missoula area were stopping motor homes unnecessarily at the weigh station. He stated that the conflict is because some of the GVW officers taking that 61-10-141, MCA, does not exclude motor homes from having to stop at weigh stations and yet 61-1-132, MCA, passes them as a recreational vehicle. Ordinarily they are not stopping recreational vehicles for weighing out on the highway. This bill will prohibit the Department of Highways and Peace Officers from stopping recreational vehicles for gross vehicle weight inspection.

List of Testifying Proponents and What Group they Represent:

Jesse Munro, Acting Director for the Department of
Highways
Gene Pigeon, Good Sam Club

List of Testifying Opponents and What Group They Represent:

None

Testimony:

JESSE MUNRO, Acting Director for the Department of Highways stated that they are in support of House Bill 110. They have had to tame some of their people down last year on this issue. However, this bill will help and make it more workable for the Department. It will allow the Department to still regulate recreational vehicles in transit.

GENE PIGEON representing the Good Sam Club expressed support for House Bill 110. He submitted a letter of support from the Director of the Good Sam Club. SEE EXHIBIT 1.

Questions From Committee Members: SENATOR MEYER asked if a fifth wheel trailer would be included.

JESSE MUNRO stated that it includes everything that is defined as a recreational vehicle and a fifth wheel trailer would be included.

Closing by Sponsor: REPRESENTATIVE EUDAILY closed the hearing on House Bill 110.

DISPOSITION OF HOUSE BILL 110

Discussion: SENATOR FARRELL will carry the bill.

Amendments and Votes: None

Recommendation and Vote: SENATOR MEYER MOVED that HOUSE BILL 110 BE CONCURRED IN.

MOTION PASSED UNANIMOUSLY.

HEARING ON HOUSE BILL 196

Presentation and Opening Statement by Sponsor:

REPRESENTATIVE COBB, District 42 stated that House Bill 196 was at the request of a Legislative Audit Committee to establish foot paths and bicycle trails through the Department of Highways. This bill will provide direction to the Department and allows more flexibility in documenting compliance.

List of Testifying Proponents and What Group they Represent:

John Northey, Legislative Auditors Office
Jesse Munro, Acting Director for the Department of Highways

List of Testifying Opponents and What Group They Represent:

None

Testimony:

JOHN NORTHEY from the Legislative Auditors Office rose in support of House Bill 196 and stated that he would be glad to answer any questions.

JESSE MUNRO, Acting Director for the Department of Highways said they are in support of House Bill 196.

Questions From Committee Members: None

Closing by Sponsor: REPRESENTATIVE COBB closed the hearing on House Bill 196.

VICE CHAIRMAN MEYER took over the chair.

DISPOSITION OF HOUSE BILL 196

Discussion: SENATOR JACOBSEN will carry the bill.

Amendments and Votes: None

Recommendation and Vote: SENATOR WEEDING MOVED that House Bill 196 BE CONCURRED IN.

MOTION PASSED UNANIMOUSLY.

DISPOSITION OF SENATE JOINT RESOLUTION 9

Discussion: JESSE MUNRO explained the amendments for SJR 9. SEE EXHIBIT 2. The cost of the signs was estimated to be around \$8,000, they have agreed to pay for the signs.

SENATOR NOBLE asked if you designate a highway as a scenic route, if it is true that you can not do repairs.

JESSE MUNRO stated that it is possible for the environmentalists to come in and get that road classified as a letter and number designation. This would mean that if an overlay is needed or if the highway needs to be widened, the Department would be restricted in what they could do.

The Committee decided to postpone execution action on SJR 9 until Thursday, February 16.

DISPOSITION OF SENATE BILL 355

Discussion: SENATOR FARRELL explained the amendments for his bill Senate Bill 355. SEE EXHIBIT 3. The Committee also discussed Ben Havdahl's amendments which were suggested during the hearing for the Motor Carriers Association, as changed by Lee Heiman, Legislative Staffer. SEE EXHIBIT 4.

Amendments and Votes: SENATOR FARRELL MOVED the amendments for Senate Bill 355 (EXHIBIT 3).

MOTION PASSED UNANIMOUSLY.

SENATOR NOBLE MOVED the changed amendments from the Motor Carriers Association (EXHIBIT 4).

MOTION PASSED UNANIMOUSLY.

Recommendation and Vote: SENATOR NOBLE MOVED that SENATE
BILL 355 DO PASS AS AMENDED.

MOTION PASSED UNANIMOUSLY.

ADJOURNMENT

Adjournment At: 2:30 p.m.



SENATOR LARRY TVEIT, Chairman

LT/pb

senmin.214

SENATE STANDING COMMITTEE REPORT

February 14, 1989

MR. PRESIDENT:

We, your committee on Highways and Transportation, having had under consideration HB 94 (third reading copy -- blue), respectfully report that HB 94 be concurred in.

Sponsor: Gilbert (Harp)

BE CONCURRED IN

Signed: _____
Larry J. Tveit, Chairman

J. C. 189
2/15/89
25
10:00 AM

SENATE STANDING COMMITTEE REPORT

February 14, 1989

MR. PRESIDENT:

We, your committee on Highways and Transportation, having had under consideration SB 402 (first reading copy -- white), respectfully report that SB 402 do pass.

DO PASS

Signed: _____
Larry J. Tveit, Chairman

Statement of Intent adopted.

J.C.
2/15/89
10:00

SENATE STANDING COMMITTEE REPORT

February 15, 1989

MR. PRESIDENT:

We, your committee on Highways and Transportation, having had under consideration HB 110 (third reading copy -- blue), respectfully report that HB 110 be concurred in.

Sponsor: Eudaily (Farrell)

BE CONCURRED IN

Signed: _____
Larry J. Tveit, Chairman

Handwritten:
4.0.
2/15/89
10:35
a.m.

SENATE STANDING COMMITTEE REPORT

February 14, 1989

MR. PRESIDENT:

We, your committee on Highways and Transportation, having had under consideration HB 196 (third reading copy -- blue), respectfully report that HB 196 be concurred in.

Sponsor: Cobb (Jacobsen)

BE CONCURRED IN

Signed: _____
Larry J. Tveit, Chairman

*J. C. 2/15/89
10:00*

SENATE STANDING COMMITTEE REPORT

February 15, 1989

MR. PRESIDENT:

We, your committee on Highways and Transportation, having had under consideration SB 355 (first reading copy -- white), respectfully report that SB 355 be amended and as so amended do pass:

1. Page 3, line 12.

Strike: "of an offense that subjects him to an accumulation of points under 61-11-203 or as provided by"

Insert: "of a serious traffic violation as defined in"

2. Page 9, line 11.

Following: line 10

Insert: "(1)"

3. Page 9.

Following: line 12

Insert: "(2) The department may authorize a private individual, institution, or corporation to administer required driving examinations that would otherwise be administered by the department if they have been officially trained and certified to conduct them by the department and the third party has entered into an agreement with the department that complies with the requirements of 49 C.F.R. part 383.75."

AND AS AMENDED DO PASS

Signed: _____

Larry J. Tveit, Chairman



The World's Largest and Fastest Growing RV Owners Organization
International Headquarters: P.O. Box 500, Agoura, California 91301 (818) 991-4980

Donald R. Tuttle
Montana State Director
251 Sheafman Creek Rd.
Victor, MT 59875
(406) 961-3171

SENATE HIGHWAYS

EXHIBIT NO. 1

DATE 2-14-89

BILL NO. HB110

February 13, 1989

Senate Highway Committee
State Capitol
Helena, MT 59601

Mr. Chairman,

The Montana Good Sams is a recreational vehicle organization with 4,500 members in the State of Montana.

We fully support your efforts in the passage of HB-110 concerning the stopping and weighing of recreational vehicles.

We feel there is no need of adding this burden to the officers manning the weigh stations. I am not aware of any state that is currently weighing recreational vehicles.

We will certainly support this bill.

Sincerely,

Donald R. Tuttle
Montana State Director

Time Good Sam Club

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AMENDMENTS TO SENATE JOINT RESOLUTION 9

Proposed by the Department of Highways

TITLE, line 6

Following: "DESIGNATE"

Strike: "STATE HIGHWAY NO. 10"

Insert: "THE FRONTAGE ROAD"

Page 1, line 10

Following: "WHEREAS"

STRIKE: "State Highway No. 10"

Insert: "the Park City-Springtime frontage road"

Page 1, line 14

Following: "along"

Strike: "State Highway No. 10"

Insert: "the Yellowstone River"

Page 1, line 15

Following: "of"

Strike: "State Highway No. 10"

Insert: "the Park City-Springtime frontage road"

Page 1, lines 18-19

Following: "of"

Strike: "State Highway No. 10"

Insert: "the Park City-Springtime frontage road"

Page 1, line 25

Following: "designate"

Strike: "State Highway No. 10"

Insert: "the frontage road"

Page 2, line 5

Strike: "State Highway No. 10"

Insert: "The Park City-Springtime frontage road"

Page 2

Following: line 9

Insert: "It being understood that the funding for the manufacture and installation of the signing will be paid for by private sources in the area."

jae:i

Amendments to Senate Bill No. 355
First Reading Copy

Requested by Department of Justice
For the Committee on Highways and Transportation

Prepared by Peter Funk
Assistant Attorney General
February 13, 1989

1. Page 3, line 12.

Strike: "of an offense that subjects him to an accumulation of
points under 61-11-203 or as provided by"

Insert: "of a serious traffic violation as defined in"

SENATE HIGHWAYS

EXHIBIT NO. 4

DATE 2-14-89

BILL NO. SB 355

BEN HAVDALL

AMENDMENT TO SENATE BILL 355

Page 11, line 9, sub paragraph (c) and sub paragraph (d) relettering sub paragraph (c) to (e).

(c) The department may authorize a private individual, institution, corporation to administer the written examination and driving examination specified by this section provided the tests are the same which would otherwise be administered by the department and the third party has entered into an agreement with the department which complies with the requirements of 49 C.F.R., part 383.75.

(d) No person, who has been officially trained and certified by the department as a Driver Examiner, who administers any such driving test and no other person, firm or corporation by whom or with which such person is employed or is in any way associated, shall be in any way criminally liable for the administration of such tests, or civilly liable in damages to the person tested or other persons or property unless for gross negligence or willful or wanton injury.

