

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 52nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON HIGHWAYS & TRANSPORTATION

Call to Order: By **CHAIRMAN BARRY STANG**, on January 17, 1991, at 3:00 p.m.

ROLL CALL

Members Present:

Barry "Spook" Stang, Chairman (D)
Floyd "Bob" Gervais, Vice-Chairman (D)
Ernest Bergsagel (R)
Robert Clark (R)
Jane DeBruycker (D)
Alvin Ellis, Jr. (R)
Gary Feland (R)
Mike Foster (R)
Patrick Galvin (D)
Dick Knox (R)
Don Larson (D)
Scott McCulloch (D)
Jim Madison (D)
Linda Nelson (D)
Don Steppler (D)
Howard Toole (D)
Rolph Tunby (R)

Members Excused: Chairman Barry Stang

Staff Present: Valencia Lane, Legislative Council
Claudia Johnson, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

HEARING ON HB 82

Presentation and Opening Statement by Sponsor:

REP. DON STEPPLER, House District 21, Brockton, informed the committee he was presenting the bill for **CHAIRMAN STANG** who was presenting a bill in another hearing. **REP. STEPPLER** said that HB 82 will increase the arrest authority of Gvw officers to include authority to arrest for violation of laws regarding special mobile home equipment and liquified petroleum gas (LPG). The Department of Highways is responsible for issuing license to vehicles powered by LPG. Gvw officers are the largest licensed issuers for LPG users, but they do not have the authority to

issue citations to users who refuse to obtain the license. GVW officers provide coverage on all highways in the State. The major responsibilities of these officers are to make sure these vehicles are licensed. Adding special mobile equipment to GVW arrest authority will help insure that all vehicles properly licensed. **REP. STEPLER** said that since all GVW officers are already involved with mobile equipment, and by adding LPG powered vehicles to their enforcement authority would enhance the GVW officers job performance.

Proponents' Testimony:

Dave Galt, Administrator of Gross Vehicle Weight Division, Montana Department of Highways, informed the committee the department is in support of HB 82. This bill will allow GVW officers to issue citations to people who violate laws regarding liquified petroleum gas licenses and license plates for special mobile equipment. Citing these people who fail to purchase LPG permits will increase compliance with this requirement. **Mr. Galt** informed the committee that the department is currently the only outlet for LPG permits. At this time the GVW officers cannot force anyone to purchase the permit without contacting another law enforcement officer and in most cases cannot locate one when needed. He said in addition to the LPG authority in HB 82, it would also grant authority to enforce laws requiring special mobile equipment (SM plate) to have a license plate. By having the license plate is proof that county taxes have been paid and only amounts to \$5. **Mr. Galt** said by giving the department this authority for SM plates, they are able to check on size, weight and fuel compliance.

Opponents' Testimony: None

Questions From Committee Members:

REP. LARSON asked to have an example of special mobile equipment. **Mr. Galt** replied a crane i.e., any vehicle designed to be used off the road.

REP. BERGSAGEL asked if that included heavy equipment i.e., front end loader. **Mr. Galt** said any loaders, cranes, and drill rigs. He said the only kind of equipment that is not a special mobile type equipment is allotted vehicles with steel pleated wheels i.e., cats, compactors, any type of vehicle that cannot run on a highway and is designed for off-road use only.

REP. ELLIS asked if other highway employees would be under this authority. **Mr. Galt** replied this section applies to authority for GVW officers only. He stated that highway patrol officers, sheriffs and city police officers have the authority to enforce all Montana statutes.

REP. MADISON asked if GVW officers would be armed. **Mr. Galt** replied no.

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REP. JANE DEBRUYCKER asked if this is a big problem or is it only happening once in awhile. She said a large number of farmers and ranchers move off-road equipment and felt these people would not want to be bothered having to apply for this permit. Mr. Galt said that farm equipment falls into agriculture husbandry and are not required to display a plate. He said they do have a lot of problems with people that are not licensed for LPG and do not show a plate.

Closing by Sponsor:

REP. STEPLER said this bill is necessary and urged the committee to ask CHAIRMAN STANG any questions they might have during executive action on HB 82.

HEARING ON HB 86

Presentation and Opening Statement by Sponsor:

REP. DON STEPLER, House District 21, Brockton, said this bill eliminates the requirement that speed limits on federal-aid highways and extensions in municipalities or urban areas be set by the highway commission by amending sections of the MCA. REP. STEPLER said that HB 86 will eliminate the existing requirement for speed limits set by the highway commission, but are not maintained by the Department of Highways i.e, streets that are on federal urban system and roads that are on federal-aid secondary system. REP. STEPLER stated if this bill went through it would give the unit of local government that maintains these roads. The highway commission would continue to set speed limits on all highways where they have maintenance responsibility. REP. STEPLER hoped this bill would reduce the controversy that arises when the highway commission sets the speed limit within a city or town and the local citizens feel that speed limit is inappropriate.

Proponents' Testimony:

James Beck, Chief Council of Highways, stated his support for HB 86. He said there are a lot of streets in small towns that receive funding from the federal-aid urban system. By virtue of the statutes are required to set speed limits for these roads and on the secondary routes that are maintained by the counties. Mr. Beck said an incident took place in a residential area in Bozeman near a school on a stretch of road that receives federal-aid and the speed limit had been set by the highway commission and if the county or city had set the speed limit the incident might not have happened. He said the highway commission would continue to set the speed limits on the roads the department maintains.

Opponents' Testimony:

Ben Havdahl, Montana Motor Carriers Association, stated his concern of the actual mechanics of setting a speed limit in a

variety of areas around the State. The way the law is now, the commission establishes the speed limits in the urban areas is uniform. He said if the authority is taken away from the commission there would be a variety of speed limits all over the state on federal-aid highways. Mr. Havdahl stated if the counties set the speed limits on urban extensions of federal-aid highways it would effect trucks of all kinds, i.e., farm etc., and lead to speed traps. He felt the speed limits are well defined and established and did not feel the law should be changed.

Questions From Committee Members:

REP. TOOLE asked if the speed limits are only in effect on streets that constitute the city limits. Mr. Beck said that is correct. REP. TOOLE asked if these towns asked for this change. Mr. Beck replied they have and also the counties where there have been problems. REP. TOOLE asked about the question Mr. Havdahl raised on the uniformity of these speed limits that would be set by the counties. Mr. Beck said all speed limits are set on traffic and engineering traffic investigation. He said if the local jurisdiction follows the statutes they would come up with the same results the department did.

REP. FOSTER asked if this bill grants authority to places like Neihart to set a speed limit. Mr. Beck replied they could not because the main street is a federal-aid highway.

REP. LARSON asked if the local authorities would have to assume the cost of the traffic and engineering investigation. Mr. Beck said they would.

REP. TOOLE asked if the only change is in the highway system that is within a municipality urban area that is not under the Department of Highways maintenance. Mr. Beck replied yes and said this also includes roads that are receiving funds under the federal-aid highway system.

Closing by Sponsor:

REP. STEPPLER said he would have to agree with this bill. He lives in an area that is mostly rural and HB 86 would solve their problem to have local input in the way the speed limits are set.

HEARING ON HB 87

Presentation and Opening Statement by Sponsor:

REP. DON STEPPLER, House District 21, Brockton, said that HB 87 is an act authorizing the Department of Highways to enter into agreements with adjoining states and provinces for the purpose of exchanging maintenance services. He said this bill is for remote locations on the State boundaries where federal highways, both primary and interstate change jurisdiction. REP. STEPPLER said

that many of Montana's outlying areas are limited on personnel and equipment and in most cases the neighboring States have a supply of both. He said that in some of these areas it is too difficult to keep up with the heavy truck traffic that occurs on these borders. **REP. STEPPLE** read a statement from the highway department **EXHIBIT 1** and said in conclusion, across border assistance can greatly relieve the problem of maintenance for snowplowing, etc. He stated this would improve the service to the out of state travelers as they move from one local to another. **REP. STEPPLE** said it would benefit Montana and the other States to enter into this mutual assistance program.

Proponents' Testimony:

Bill Strizich, Chief Maintenance Engineer, Department of Highways, gave his support of HB 87. He said the example given by **REP. STEPPLE** regarding the Montana and Wyoming border on Interstate 90 is similar to the I-15 border on Idaho. He said that most of the problems on I-15 are on the Idaho side. In the winter time the Idaho side receive snowdrifts that take longer to clear and than the Montana side has to close. If this bill went through, Montana could help on the Idaho side and vice versa on other passes where this problem occurs.

Opponents' Testimony:

John Manzer, Teamsters Union, said he was before the committee to adamantly oppose this bill. He said this bill is aimed at using these maintenance agreements to lay off state employees working in these outlying less populated areas in Montana. Mr. Manzer said at this time a study is being done regarding maintenance sections and employees by the highway department. He said there are secret memos going around between certain people on this committee and the director of highways that have indicated certain State sections to be closed. He felt this bill is being introduced to make if feasible to close these sections, making it more difficult for Montana to maintain the crews and allowing other States to take jobs away from those outlying areas. He asked that the committee kill this bill. He said if you have crews from other States taking care of Montana roads they will not take care of them like a Montana citizen would. Mr. Manzer said the employees for the state of Montana under the department of highways are the ones that should be taking care of Montana roads.

Questions From Committee Members:

REP. FOSTER asked if he would address the statements made by Mr. Manzer. Mr. Strizich replied there is not a hidden agenda in the department of highways. The concern of the department is only with regard to the ability to maintain highways where an invisible line exists that cannot be crossed. He said this bill expedites the departments ability to maintain the highways.

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REP. BERGSAGEL asked if there are Indian road crews on the reservation that would be affected by this. Mr. Strizich said that reservations are not excluded, but the department does not deal with the reservation separately or differently like they do with the State borders.

REP. FOSTER asked if the other states have this item on their agenda. Mr. Strizich could not answer and Mr. Beck answered. Mr. Beck replied this came out from a request involving the state of Wyoming. He stated that Wyoming has a statute that authorizes such an agreement.

REP. FELAND asked if the main reason for this bill is for maintenance for snow removal. Mr. Strizich replied that it is and primarily for emergency purposes.

REP. LARSON asked if the winter crews are permanent full time employees or part time temporary for the snow removal season. Mr. Strizich stated that most of the winter crews are full time employees. He stated that in some locals where there is heavier maintenance for snow removal they hire extra seasonal employees. REP. LARSON asked if most of these employees operate under a teamsters contract. Mr. Strizich replied in some areas they are, i.e., Missoula district which includes Lookout Pass, Lolo Pass, Lost Trail Pass and Monida Pass which is in the Butte district.

REP. KNOX asked how they would figure a basis for costs. Mr. Strizich said the conception of what Montana agrees to do will be to work for cost. There is a maintenance Management System which allows the crews to account for all costs whatever the problem and Wyoming has a similar system. He stated the intent would be to work for cost.

REP. MCCULLOCH asked that with the talk about laying off full time and part time employees through privatization, if this situation would allow for some kind of protection for the employees that are working at this present time. Mr. Beck replied that he had helped draft this bill and there was nothing about entering into privatization. This bill is to take care of the situation with Wyoming and allow Montana to enter into several agreements with other bordering states.

REP. ELLIS asked if Montana has been successfully sued due to bad roads. Mr. Strizich said yes, but did not know if there had been any suits due to crews crossing the border into Montana and suing from injuries on the job.

REP. FOSTER asked Mr. Strizich if Montana would be a winner/loser regarding the cost of the jobs. Mr. Strizich replied that it depends on the weather. REP. FOSTER asked Mr. Strizich if a cost analysis has been done on this. Mr. Strizich said no.

REP. GERVAIS asked Mr. Strizich if someone going across the state line to do this work who is responsible for liability if a

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personal injury has occurred. Mr. Beck said if a Montana worker goes across the state line, say into Idaho, Montana would be responsible and vice versa if a worker from Idaho came into Montana.

REP. STEPPLER asked if a Montana plow truck was involved in a wreck in Idaho who would be responsible for the liability. Mr. Beck stated it would be handled in the agreement made with the other state involved.

Closing by Sponsor:

CHAIRMAN STANG urged the committee to support HB 87 bill.

HEARING ON HB 99

Presentation and Opening Statement by Sponsor:

CHAIRMAN BARRY STANG, House District 52, St. Regis, said this bill had been drafted at the request of the Highway Department to change the law to allow a bicycle on the paved shoulder of a highway. Present law states that a person on a bicycle has to ride as near to the right side as possible. It also states that part of the road is used for vehicle use. He said the Highway Department and Department of Administration have recently settled this case and this is the reason this bill is before the committee.

Proponents' Testimony:

James Beck, Chief Council for Department of Highways, said that CHAIRMAN STANG noted in a recent case that was brought to the attention of the Department of Highways that the definition of roadway excludes shoulder or burn. He said the present law states that a bicyclist cannot ride on the paved shoulder. Mr. Beck states this bill is to amend the word roadway to include paved shoulder for bicycle riders.

Opponents' Testimony: None

Questions From Committee Members:

REP. TUNBY asked if it would be possible to encourage Congress to act nationwide to include paved shoulders for bicyclist. Mr. Beck did not think that could be brought to their attention because of the more important agenda they have to deal with.

REP. STEPPLER asked if other states have this written into their laws. Is there a difference from one state to another, i.e., going from Montana to Idaho or Montana into North Dakota etc, or is Montana in line with the other state laws. Mr. Beck replied he did not know what statutes Idaho, North Dakota or other states have.

Closing by Sponsor:

CHAIRMAN STANG answered REP. STEPLER'S question about the laws for bicyclist in other states if they were in line with Montana. CHAIRMAN STANG said that bicyclist probably have to know the different laws from one state to the next.

HEARING ON HB 83

Presentation and Opening Statement by Sponsor:

CHAIRMAN BARRY STANG, House District 52, said this bill is also at the request of the Department of Highways. It is an act authorizing the telephonic issuance of permits for excess size and weight. He said the truckers in his area have 3 options at this time to purchase permits if they are overweight or too wide; 1) if done during the week or before 5:00 p.m. they can drive their car to Missoula, stop at the highway department building and purchase a permit; 2) if done on Saturday or Sunday, they would have to drive to Drummond; or 3) drive to Haugan. This bill allows for them to call over the phone to purchase a permit than go to the nearest weigh station, under authority be issued the permit.

Proponents' Testimony:

Dave Galt, GVW, Highway Department, said this bill goes hand in hand with the computerization at the weigh stations. If the department purchases the computers and the scale telephone authorization authority will greatly enhance the trucking industry and reduce the downtime for the truck operators.

Ben Havdahl, Montana Motor Carrier's Association, wanted to be on record for HB 83. He said the convenience of this bill would be greatly appreciated for the Motor Carriers.

Questions From Committee Members:

REP. LARSON asked Dave Galt what would keep an illegal truck from running. Mr. Galt said the only thing that would stop the truckers would be the GVW officers. Mr. Galt said if the computers were put into the weigh stations they would be able to check the trucker and issue him a hard copy of the permit. REP. LARSON asked Mr. Galt if the safety of the trucks wouldn't be overlooked by issuing the permits at the weigh stations. Mr. Galt said that is not the duty of the GVW to inspect the safety of the trucks.

REP. BERGSAGEL asked Mr. Galt why he keeps referring to computers and what are they doing now. Mr. Galt said without computers the GVW is not issuing permits and it is a problem at this time when trucks are running without a permit.

REP. CLARK asked Mr. Galt what the time table is to get the

computers in the GVW stations. Mr. Galt said they are asking legislature for the authority now to purchase the computers, but said it would probably be about a year to 18 months before this is achieved. REP. CLARK said that once this is in place will it speed up the process of contacting other scale houses to check on permits. Mr. Galt said that was correct.

REP. KNOX asked Mr. Galt when you do receive the authorization but do not have the equipment in place would you be able to implement this program. Mr. Galt replied no and would be the same if vice versa. Mr. Galt said the trucker has to have that hard copy in their possession to be able to operate on the highway.

Closing by Sponsor:

CHAIRMAN STANG said with all the trucks on Montana's highways, he would like to amend this bill to say the offices in Missoula and Helena could call one of the weight stations to give the authority to the truckers to go from one weigh station to another. CHAIRMAN STANG said he was going to carry this further than the Highway Department just in case they do not receive their computers. He said the trucking industry does not want to wait for Montana to catch up.

HEARING ON HB 84

Presentation and Opening Statement by Sponsor:

CHAIRMAN BARRY STANG, House District 52, St. Regis, said this bill will allow the Department of Highways to enter into agreement with other states for the issuance of overweight and oversize permits. Currently only weigh stations, district highway offices and Helena GVW office can issue oversize permits. A large percent of the oversize permits issued by the department are for trips traveled in more than one state. One trucking permit issued throughout the nation with regional oversize permits would greatly reduce the time and paperwork involved in obtaining permits for truckers and state offices.

Proponents' Testimony:

Dave Galt, Administrator GVW, Department of Highways, said the department favors this bill because it greatly reduces the paperwork of the department, state offices and the trucking industry. Mr. Galt said he is a member of the Highway Transportation committee for the Western Association of State Highway Transportation (WASHTO). Over the past three years they have been working for uniform laws and regulations for trucks in the western United States. In addition their goal is for regional oversize permits to reduce paperwork. He said under the system each state would be designated maximum dimension which a vehicle may be operated or a permit issued. Other jurisdictions would offer guidelines in which the permits are issued for the

operation of truck on the different highways. The permit fee would be collected by the issuing state and the money would be distributed to the appropriate states. Mt. Galt said it is handled that way now with the international tax agreement for motor fuel tax and international registration plan for licensing tax. This plan is an opportunity for both the state and trucking industry to reduce cost.

Ben Havdahl, Montana Motor Carrier's Association, supports the passage of HB 84. The last 3 years a task force has been set up by the association of highways and transportation officials for the 15 to 17 states covered under WASHTO. The objective of the task force is to gather laws and regulations that apply to interstate movements of various trucks, covering uniform weights, etc.

Questions From Committee Members:

REP. GALVIN read a statement regarding trucking between Montana/United States and Canada. He asked **Mr. Havdahl** to comment. **Mr. Havdahl** said this bill deals only to enter into an agreement with the other western states and does not deal with Canada.

REP. BERGSAGEL asked if this bill allows the truckers to purchase their permits at one location for all the rest of the western states. **Mr. Galt** replied that was correct. **REP. BERGSAGEL** asked if Montana would continue to meet the state standards and not be changing or revising any regulations to stay in compliance with other states. **Mr. Galt** said not at all. He was just looking at the tri-state agreement of what Idaho, Washington and Oregon are using. He said they have developed an envelop vehicle that had to meet certain requirements, i.e., x amount of pounds on a tandem axle, x amount on gross weight and up to so many feet wide and so many feet long, than establish a route system the other states have issued permits for. They can only issue a permits for the vehicle that falls within the vehicle envelop. Preliminary agreement is routinely smaller in other states than what is permitted on Montana highways. This bill allows other states to issue permits to go through Montana on a given route on a weight that is already agreed upon.

REP. LARSON asked how they handle triple trailers. **Mr. Galt** replied that the agreements mentioned above deal with oversize trip permits. The permits are issued to only the vehicles that fall in the window of the envelop and triples are not included.

Closing by Sponsor:

CHAIRMAN STANG said this bill does not allow Montana to enter into agreements with other countries. It is only for states to help the trucking industry run more smoothly.

EXECUTIVE ACTION ON HB 84

Motion: REP. LARSON MOVED HB 84 DO PASS.

Discussion: CHAIRMAN STANG said the permitting process is made easier for the trucking industry and the department of Highways.

Vote: HB 84 DO PASS. Motion CARRIED 16 to 1 with REP. GALVIN voting no.

EXECUTIVE ACTION ON HB 32

Motion: REP. BERGSAGEL MOVED TO RECONSIDER ACTION ON HB 32 AND TAKE FROM THE TABLE. Motion CARRIED unanimously.

Discussion: CHAIRMAN STANG asked Linda Ellison, Montana Trail Riders Association, to give a brief overview of the bikeriders bill. Where the money goes from the off-road vehicle and how the fees are split out. Ms. Ellison said the main purpose of the bill was to address off-highway resource concerns. There was no certificate of title on off-road vehicles and a registration that was ineffective. The language of the bill was to establish needed fees for issuing a certificate of title, for the registration and the decal fee is the off-highway portion. Fees that evolved from the \$5 decal was split 60-40%. 60% for administration and program costs; and 40% to enforcement. The fee for registration is \$2; Certificate of title is \$2; and \$5 for the decal. Ms. Ellison said there is no license fee it is in lieu of tax.

CHAIRMAN STANG said this bill could wipe out all the fees on off-highway vehicles. CHAIRMAN STANG said the committee would probably want to take the \$5 fee off and leave it on a certificate of title which will do what REP. CONNELLY wants it to do for a fee in lieu of tax.

REP. FOSTER asked how much the fee was in lieu of taxes.

CHAIRMAN STANG said it is between \$8 and \$18 depending on the age of the vehicle.

CHAIRMAN STANG said this bill could be made into a committee bill.

Motion/Vote: CHAIRMAN STANG MOVED HB 32 DO PASS.

Vote: HB 32 DO PASS. Motion CARRIED unanimously. EXHIBIT 2

MOTION/VOTE: REP. LARSON made the motion to develop a committee bill that deals with golf carts that would be a companion bill for HB 32. It would establish a fee for in lieu of tax. Voice vote was taken. Motion CARRIED unanimously.

CHAIRMAN STANG informed the committee that Ms. Lane would give them information on boats, off-highway, snowmobiles, etc.

EXECUTIVE ACTION ON HB 99

Motion: REP. TUNBY MOVED HB 99 DO PASS.

Motion/Vote: Question was called. Voice vote was taken.

Vote: HB 99 DO PASS. Motion CARRIED unanimously.

EXECUTIVE ACTION ON HB 82

Motion: REP. LARSON MOVED HB 82 DO PASS.

Discussion: REP. LARSON said this bill allows the MHP to make arrest for statutes bearing mobile equipment carrying LPG.

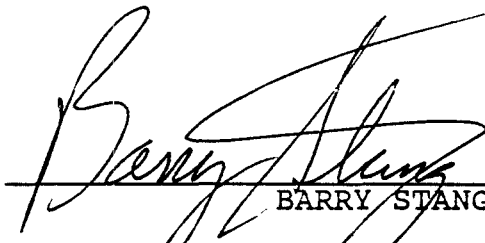
REP. STEPPLER asked REP. CLARK if the MHP has to make the arrest. REP. CLARK said the GVW can issue a citation, at this time the GVW cannot even issue a citation to people who do not have a drivers license. REP. CLARK said that most of the time a GVW officer cannot find a MHP to make an arrest and said this is a good bill.


REP. GERVAIS asked REP. CLARK if a person is driving while drunk can a GVW officer make an arrest. REP. CLARK replied the GVW officers can only detain them until a MHP can arrive at the scene.

Vote: HB 82 DO PASS. Motion CARRIED 15 to 2 with REP. STEPPLER and REP. DEBRUYCKER voting no.

ADJOURNMENT

Adjournment: 5:20 p.m.


BARRY STANG, Chair


CLAUDIA JOHNSON, Secretary

BS/cj

HOUSE OF REPRESENTATIVES

HIGHWAYS AND TRANSPORTATION COMMITTEE

ROLL CALL

DATE 1-17-91

NAME	PRESENT	ABSENT	EXCUSED
REP. FLOYD "BOB" GERVAIS, V.-CHAIR			✓
REP. ERNEST BERGSAGEL	✓		
REP. ROBERT CLARK	✓		
REP. JANE DEBRUYCKER	✓		
REP. ALVIN ELLIS, JR.	✓		
REP. GARY FELAND	✓		
REP. MIKE FOSTER	✓		
REP. PATRICK GALVIN	✓		
REP. DICK KNOX	✓		
REP. DON LARSON	✓		
REP. SCOTT MCCULLOCH	✓		
REP. JIM MADISON	✓		
REP. LINDA NELSON	✓		
REP. DON STEPPLER	✓		
REP. HOWARD TOOLE	✓		
REP. ROLPH TUNBY	✓		
REP. BARRY "SPOOK" STANG, CHAIRMAN	✓		

S: 73
1-17-91
FDB

HOUSE STANDING COMMITTEE REPORT

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Mr. Speaker: We, the committee on Highways and Transportation
report that House Bill 84 (first reading copy -- white) do
pass.

Signed: Barry Stang, Chairman

3.43
1-17-91
JDR

HOUSE STANDING COMMITTEE REPORT

January 17, 1991

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Mr. Speaker: We, the committee on Highways and Transportation report that House Bill 32 (first reading copy -- white) do pass.

Signed: Barry Stang, Chairman

5148
1-17-11
JDB

HOUSE STANDING COMMITTEE REPORT

January 17, 1991

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Mr. Speaker: We, the committee on Highways and Transportation
report that House Bill 99 (first reading copy -- white) do
pass.

Signed: _____

Barry Stang, Chairman

HOUSE STANDING COMMITTEE REPORT

January 17, 1991

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Mr. Speaker: We, the committee on Highways and Transportation report that House Bill 82 (first reading copy -- white) do pass.

Signed: _____
Barry Stang, Chairman

HB 87 - An act authorizing the Department of Highways to enter into agreements with adjoining states and providences for the purpose of exchanging maintenance services

MONTANA DEPARTMENT OF HIGHWAYS
2701 Prospect Avenue
Helena, MT 59620

The following is provided to explain the purpose for entering into a multi-state maintenance agreement at remote locations of state boundaries where federal highways, both primaries and interstate, change jurisdictions. While a specific example of I-90 in the vicinity of the Montana-Wyoming border will be used to illustrate the need, the requirements may be equally applicable at other Wyoming, Idaho, North Dakota and South Dakota boundaries.

1. While many of our outlying sections are limited in personnel and equipment, it may often be the case that the adjoining state maintenance section would have a substantial amount of equipment and personnel.

In the case of I-90, the State of Montana, Department of Highways has a compliment of five men assigned in Lodge Grass with five plows. For an extended storm where shift work would be required, the maximum number on duty at any one time would be three people trying to cover an area of forty-three miles of interstate. During such periods, we have a significant amount of trouble with the long grade on Aberdeen Hill and the icing that occurs. It is physically impossible for us to keep up with the demands of heavy truck traffic.

However, just above the hill on the other side of the state line, the Sheridan section has fourteen plows and one rotary and a comparable number of operators, along with less miles of interstate to attend to. It is possible for them on an extended basis to muster out seven or eight people per shift, easily reaching our area extremities at Aberdeen Hill.

2. Areas remote to population centers generally do not justify a large complement of service personnel. Such is the case at Lodge Grass; even the people assigned there are more than what generally occur in most outlying areas. Again, on the other side of the state line with Sheridan in the near proximity, there is a justification for the Wyoming Highway Department to have a larger compliment of people available. As such, between the two states it makes it possible to share manpower availability during optimum times, thus providing reinforcements on either side of the state line at critical times.

3. It is important to recognize that storms vary in intensity geographically, particularly where hills and mountains adjacent to flat lands are concerned. It is possible that a

storm system may pass through and dump a significant amount of snow on an upper plateau while totally missing the adjacent canyons and hill areas. In such cases, the demand in one instance may be in the plateau area, and on another occurrence it may be in the approaching canyons. This again is true for the Aberdeen area where a large amount of snow may be dumped on the plateau approaching Sheridan, and at such a time, we may have no problem maintaining the Aberdeen Hill. In such cases, we could potentially assist the Sheridan crews in removing snow up on the plateau in order to avoid or minimize costly or inconvenient road closures. At other times, the snow, ice and drifting may occur in the hilly areas approaching the plateau, in which case, the Wyoming crews could assist us in maintaining hazardous areas, again avoiding costly and inconvenient closures.

4. We also need to be aware that surface affects of a storm can be significantly different geographically. Because of different ambient surface temperatures, icing can become a factor in moderate snow storm in one region where an adjacent area may not be significantly affected. Again, in such cases, across-border assistance can greatly relieve this problem.

In conclusion, it is our opinion that, in order to improve our service to the traveling public as they continue from one locale to another, it is to both our advantage and the adjoining states' to enter into such a mutual assistance program.

EXHIBIT 2
DATE 1-17-91
HB 32

HOUSE OF REPRESENTATIVES

HIGHWAYS AND TRANSPORTATION COMMITTEE

ROLL CALL VOTE

DATE 1-17-91 BILL NO. HB-32 NUMBER _____

MOTION: Do pass

NAME	AYE	NO
REP. FLOYD "BOB" GERVAIS, VICE-CHAIRMAN	✓	
REP. ERNEST BERGSAGEL	✓	
REP. ROBERT CLARK	Ø	
REP. JANE DEBRUYCKER	✓	
REP. ALVIN ELLIS, JR.	✓	
REP. GARY FELAND	✓	
REP. MIKE FOSTER	✓	
REP. PATRICK GALVIN	✓	
REP. DICK KNOX	✓	
REP. DON LARSON	✓	
REP. SCOTT MCCULLOCH	✓	
REP. JIM MADISON	✓	
REP. LINDA NELSON	✓	
REP. DON STEPPLER	✓	
REP. HOWARD TOOLE	✓	
REP. ROLPH TUNBY	✓	
REP. BARRY "SPOOK" STANG, CHAIRMAN	✓	
TOTAL	15	0

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Stang

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