MINUTES

MONTANA HOUSE OF REPRESENTATIVES
52nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON HIGHWAYS & TRANSPORTATION

Call to Order: By **CHAIRMAN BARRY STANG**, on February 5, 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)

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 327

Presentation and Opening Statement by Sponsor:

REP. TED SCHYE, House District 18, Glasgow, said HB 327 deals with the octane rating in gasoline. There are different standards around the nation. He can purchase 87 octane in his are, and it comes from Glendive via North Dakota. He said other areas of Montana cannot get 87 octane and most of the new cars call for 87 octane.

Proponents' Testimony:

Stan Barnard, Hindsdale, said he can get octane 87 in Valley county, but it is very hard to find in Phillips county. He said

it isn't a problem with the older 1970 car models, but the cars that came out in the 1980s have the computer systems, i.e., sensors that control the timing of the vehicle. The altitude determines the intake of octane. The octane required for the older models timing mechanism reacts to the altitude. He talked about the GAPP 100 standard specifications for automotive gasoline. Vehicle octane requirements generally decrease with increasing altitude. The maximum anti-knock index adjustment established for these protected cars driven from high altitude to a lower altitude area by using fuel obtained in the high altitude are provided in a table. His area isn't much higher than North Dakota which is in area 1. Montana is area 3, which takes in the Black Hills of South Dakota. Vehicles equipped with anti-knock devices increase in octane will help them, while a decrease in octane will lower the car's performance. Vehicles equipped with barometric pressure sensors and computerized spark advance seem to be less effected than the older models. Higher altitude does not affect octane requirement of all cars uniformally, but the effect can be less for vehicles equipped with barometric pressure sensors and other compensating devices in vehicles not equipped with those devices. He has spoken with the automobile dealers in Malta, and they informed him that they have problems with their vehicles pinging from the gasoline.

Jim Kimbel, Public Safety Division/DOC, said that waste and measures is part of his division which deals with octane ratings. He was before the committee to answer any questions they may have regarding the octane ratings.

Opponents' Testimony:

Leland Griffin, Montana Refining Company, Great Falls, distributed information on the ASTM D-439 specifications for automotive gasoline. The specification describes gasoline in complete detail, i.e., octane requirements. **EXHIBIT 1** He said this bill addresses a nonexistent problem. All refiners and blenders of gasoline in the United States use this specification so consistent quality gasoline can be obtained anywhere in the country. The specifications are updated every year. The specifications have been developed over a period of many years by the gasoline manufacturers and the automobile manufacturers. It is a cooperative effort between the two manufacturers to develop standards that will work throughout the United States. The gasoline in Montana is blended to an 85.5 octane, which is already .7 octane higher than is required. The American Society of Testing and Materials has already taken into account the octane requirement for automobiles throughout the country. By arbitrarily establishing an 87 octane minimum will only cost more and nothing will have been gained. He said if the bill goes through, it will cost everyone that uses unleaded gasoline at least 1.2 cents more per gallon, because it cost the refiner more to produce it.

Rex Manuel, CENEX Petroleum, Laurel, said the national standard

specifications for unleaded gasoline octane requirements is 87 with an exception of 5 areas with octane reductions because of the altitude. Montana is an Area III which allows for a reduction of 2.2 points below 87 octane. If Cenex had produced 87 unleaded gasoline for the year of 1990 the customers would have paid an extra $220,000.00. He said some of the new car owners are concerned because their owners manuals suggest they use 87 octane unleaded gasoline. He read a paragraph from the owners manual of a 1986 Oldsmobile. It states that 87 octane should be used in most parts of the United States, but unleaded fuel with an octane rating as low as 85 can be used in high altitude areas, i.e., Colorado, Montana, New Mexico, Utah, Wyoming, Northeastern Nevada, southern Idaho, Western South Dakota and Texas directly south of New Mexico. He asked a General Motor's official why that wasn't in the new manuals and the official was not aware that it wasn't. **Mr. Manuel** speculated that there was a breakdown in communication. He urged the committee to vote against HB 327. **EXHIBIT 2**

Jan Cool, Exxon, Billings, said the Exxon company provides 85 octane, regular unleaded fuel throughout the state in accordance with all rules and regulations. Exxon agrees with the testimony given by **Mr. Manuel**. She said that EPA also regulates minimum octane requirements for unleaded fuel. The regulation recognizes the altitude adjustment standards provided by the American Society for Testing and Materials. **EXHIBIT 3**

Questions From Committee Members:

REP. ELLIS asked **Ms. Cool** what the 1.2 cents would mean in dollar amounts to process 87 octane. **Ms. Cool** said about $2 million. She said that is the cost for Exxon, not at the pump.

REP. ELLIS asked if the octane point goes up does it make the gasoline burn faster or slower. **Mr. Griffin** said the definition of octane is the ability of the fuel to burn uniformally under pressure. It has nothing to do with speed. Under certain compression when gasoline burns unevenly it means it will preignite like a diesel engine does. Octane is strictly for burning more uniform under pressure. **REP. ELLIS** asked with premium gas available can octane rating be blended at any rate that is needed. **Mr. Griffin** said yes.

REP. NELSON asked if all of Montana is considered an high altitude area. **Mr. Manuel** said it is.

REP. CLARK asked why the auto dealers have removed the information regarding the altitudes in their owner manuals. **REP. SCHYE** didn't know. He said the new car manuals do not say what the altitude is for the 87 octane.

REP. CLARK asked **Mr. Turkewicz** if he knew the answer. **Mr. Turkewicz** said he has been in contact with the Motor Vehicle Association and General Motors. At this time, he has not been

able to get a consistent answer, except it seemed to do with the fact that they manufacture 2 vehicles, one for California and one for the other 49 states. **REP. CLARK** asked if using 85 octane would void warranties. **Mr. Turkewicz** said the response from the representatives of the car companies is that they didn't think they would warrant it, but they were not willing to give the answer to him in writing.

REP. CLARK asked if the cost to the consumer would have to be changed and how much would it be. **Ms. Cool** said it will cost Exxon an estimated $2 million. Conaco's estimate is the same, so there is a $4 million cost. She said they have to be careful in drawing out conclusions between the correlation of the costs to their company and the costs to the consumer.

Closing by Sponsor:

REP. SCHYE thanked the people from the refineries for their information. There are some real concerns that need to be answered. The tank farms in Glendive have the 87 octane, so part of the state already have it. He felt there were some discrepancies in the standards, North Dakota is an Area I and Montana is an Area III, the elevation in Bismarck is 2,000 ft., and Havre is 2,300 ft. **REP. SCHYE** said he had a solution to the whole problem, use gasohol. It raises the octane and conserves on fuel. It will clean up the environment, raise the octane, and solve the problem.

HEARING ON HB 306

Presentation and Opening Statement by Sponsor:

REP.JOE BARNETT, House District 76, Belgrade, said this bill is at the request of the city of Belgrade and their city manager, Joe Menicucci. He said that **REP. LEE** asked him to submit a couple amendments. In the title on line 5, following the word "limits" to add "including areas near schools". On page 3, following line 18, insert "decreases the limit in an area near a school to not less than 80% of the speed limit that would be set on the basis of an engineering and traffic investigation." **REP. BARNETT** said the intent of the bill in the title is an act amending when local authorities may alter speed limits including areas near school eliminating the necessity for an engineering and traffic investigation before a local authority can establish a speed limit. The problem in the city of Belgrade is with the two elementary schools across the street from one another and the school children are crossing back and forth. The speed limit needs to be reduced in that area. It is a road that is in the jurisdiction of the state Highway Department. The department did an investigation on that road and raised the speed limit.

Proponents' Testimony:

Joe Menicucci, City of Belgrade, said that most of the cities and

towns in Montana have a highway that passes through them. The engineering traffic study does not take into consideration the local traffic hazards and local problems, it is the objective of local government to provide a safe environment for all citizens in the community. Establishing the speed limits is within that realm of their responsibility. He didn't feel that any of the cities in Montana would abuse that responsibility. The awareness of local hazards is something that the local police departments, and the local leaders see every day. An out-of-area engineering firm would not pay any attention through their method of study to determine the average speed in the percentile that sets the speed limits. The city of Belgrade has looked at the option of a second engineering study with a private consultant. The cost for that study would be $6,164 which represents approximately 2 mills. He said that should not be expended since they have the capabilities within their community to establish the speed limits that would be fair to the people that live there. There are a number of people that utilize the Gallatin Air Field, which is the second busiest airport in Montana. The car rentals average about 90 cars per day that leave Gallatin Field. The only indication they have of what is safe and what is unsafe is the speed limit signs as they enter the city of Belgrade. The only cross walk is at the 35 MPH speed limit sign to get from the southern side to the northern side of the city that leads to the playground and park in the Belgrade. The shadow from one of the grain elevators does not allow the snow and ice to melt on that section of the highway. He asked the committee to take into consideration his testimony when they take action on the bill.

Jim Ellis, County Roads Supervisor, Lewis and Clark County, said they support the bill. The local governments have enough knowledge and criteria in this day and age to set speed limits. He said there have been instances where they have had the Highway Department do studies on some of the county roads and gave an example of Green Meadow Drive here in Helena. The county asked the department to do an engineering study on this road and the department determined that the speed limit should stay at 55 MPH. They receive 50 to 60 calls a year from the people that live on this road regarding the excessive speed. Mr. Ellis said the county feels that the speed limit should be lowered to 45 MPH and the department disagreed with them. He is a certified traffic engineer and said that most counties have this capability in their forces at this time. He would be happy to answer any questions the committee might have. **EXHIBIT 4**

REP. LEE, House District 49, Big Fork, spoke in support of HB 306. He said that Big Fork is currently having the same problem with their rural school. There is an intersection where the Swan Highway starts. On each corner of the intersection is the elementary school, gas station, convenient mart, and a gas station. The intersection has a yellow flashing light. The citizens are concerned with the dangers of the school children crossing the highway. He said the city of Big Fork approached the Highway Department about changing the speed limit in that

area. Section MCA 61-8-309 does have an alternate method to setting speed zones and the establishment of special speed zones. He said they applied to the department to have the speed zone changed in that area and the department did their engineering and traffic study. They evaluated the signs, lights, etc. The speed study indicated that when school is not in session and no school children are present, the reasonable, wise and imprudent drivers of Montana travel at 59 MPH. When school is in session, the same drivers dropped their speed to 58 MPH. **REP. LEE** said he has spoken with the people at the department at length on this and Mr. Rothwell was very sympathetic. He read a letter from the department that stated essentially they are not going to do anything about it. He said there are a number of considerations that the department rightfully needs to consider in all cases. He urged the committee to earnestly study this situation and address the concerns to give those lesser jurisdictions some type of mechanism that will make some common sense about what needs to be done.

Rick Dighans, Sergeant, Belgrade Police Department, said he was the one that started this issue a few years back. He originally requested to have the ability to remove the 35 MPH sign to the edge of the city limits which is about 900'. After the engineering study was done by the Highway Department it was determined that the speed limit be raised through the school zones. The study also suggested to have the speed limit raised in other areas of the town. The highway was not designed to handle the traffic they now have. **Sergeant Dighans** said he has 12 years of experience operating radar working traffic in Belgrade. He asked the department how they came up with the speeds they reported, because they were totally out of line with what is really going on. If the traffic was really going those speeds, the city of Belgrade should be bulging at the seems with traffic violations. He asked the certified surveyor that had done the study at the request of the department, what the qualifications were of the individual that had conducted the speed surveys. He was informed that the individual that was using the radar unit to obtain the speeds they were basing their study on was not certified in the use of radar operation, but had seventeen years of experience. **Sergeant Dighans** said he is certified, but his certification and experience doesn't count. In his observations with traffic in the vehicle and pedestrian traffic in Belgrade, the city should have some control in what is needed, etc. He said the people that were doing the study, spent 24 hours eyes-on type of surveillance which was used that for an entire year. **Sergeant Dighan's** survey is based on years of experience behind the wheel of a patrol car observing the traffic by radar and visually. A woman was killed in the area that was requested for the reduced speed signs after the committee hearing had taken place in Belgrade. If the city could have a little more leeway, the bill would give them the opportunity to take the local circumstances that exist and are aware of, and do something with them.

Opponents' Testimony:

Jim Beck, Chief Counsel, Department of Highways, said he had a bill before the committee several weeks ago that would have solved Belgrade's problem, but the committee did not approve of it. This bill, even if amended would create tremendous problems for the Department of Highways, because it would eliminate their ability to set speed limits on all federal aid highways, and give the local units of government the ability to set speed limits on the interstate highways as they pass through their respective jurisdictions.

Joanne C. Chance, P.E., Canyon Ferry Road, is opposed to HB 306. **EXHIBIT 4-A.**

H. Terry Smith, Institute of Transportation Engineers, is opposed to HB 306. **EXHIBIT 4-B.**

Questions From Committee Members:

REP. GALVIN asked **Sergeant Dighans** if Belgrade was on an interstate or a state highway. **Sergeant Dighans** said the interstate is on the south side of the Belgrade city limits. Highway 10 passes through the city of Belgrade. It is the arterial street that leads to the airport from 6 or 7 car rental agencies, and is the main generating routes for traffic from north of Belgrade.

REP. MCCULLOCH asked if this law were to pass would Belgrade have jurisdiction over the interstate speed limits. **Mr. Beck** wasn't certain if part of the interstate was within the city limits of Belgrade, but in checking the maps of the major cities in Montana that have interstates within their restrictive city limits. The way he reads the bill, would give these cities the authority to set speed limits on highways within their jurisdiction, i.e., interstate.

REP. MCCULLOCH asked **REP. BARNETT** if that was his intention to let these cities have jurisdictions of the interstate system. **REP. BARNETT** said it wasn't. He didn't think that the interstate is within the city limits of Belgrade.

REP. CLARK asked **Mr. Menicucci** who maintains the section of road where they are having the speed limit problem. He replied that it is maintained primarily by the state. In some instances, the city places sand on it or uses their sweeper. He said that Belgrade has been informed by the district office in Bozeman that it is extremely low on the priority list, because the interstate that serves the entire county has higher priority on the Bozeman Hill. **REP. CLARK** asked if U.S. 10 is the road that is being talked about. **Mr. Menicucci** said that Belgrade has the misfortune or fortune of having Highway 10 as their main street. Broadway is a secondary road, Highway 285, and Jack Rabbit Lane, which serves the community from the interstate, is another state

secondary road. He said it compounds the fact that they have three separate major collector streets within the community that are state secondary roads. **REP. CLARK** asked what the speed limit is in the school area now. **Mr. Menicucci** said it is 25 MPH, and the they tried to raise it to 35 MPH.

REP. CLARK asked if Belgrade operated under city codes or is it state codes from the traffic control. Sergeant Dighans said he cites a few violation under city ordinances, but the council has adopted state statutes.

CHAIRMAN STANG said in the discussion that has taken place with the two bills, the question that comes up is the engineering and traffic study and asked **Mr. Beck** to expound on this. **Mr. Beck** said the people that do this are registered professional engineers who are in the department's traffic unit. **Mr. Beck** said he did not know how the criteria was set, but could make available to the committee a booklet on how speed limits are set. **CHAIRMAN STANG** asked him to bring that information into the committee.

REP. TUNBY asked **Mr. Beck** if the interstate problem was taken care of than what problem would he have with this bill. **Mr. Beck** said there would still be problems with people setting speed limits on state maintained highways through cities that are on primary systems without having a traffic study.

CHAIRMAN STANG asked **Mr. Menicucci** if he would still be in favor of this bill if the city of Belgrade had to do the engineering study and then set the limits. **Mr. Menicucci** said he asked that question of the Highway Department and received a letter from them with the names of four engineering firms the city could contact. He sent out requests for the proposals to the four firms and received one proposal back that would even consider conducting that study, and it was a firm that connected themselves with one of the four firms that was listed. He said if this bill is not passed, the city of Belgrade will probably go with a engineering and traffic study to attempt to lower the speed zone.

Closing by Sponsor:

REP. BARNETT thanked the committee for a good hearing. He said there is a jurisdictional problem in Montana. The big concern should be traffic, and the Highway Department's concern is moving traffic. He did not feel that the two would work together. **REP. BARNETT** said in regards to **Mr. Beck's** testimony about losing some of the jurisdiction and authority that they have, it is granted on page 3, line 19, 20 and 21 of HB 301. The county commissioners have been granted the ability to set speed limits without any engineering and traffic investigation. There shouldn't be anymore of an problem in the cities compared to the counties. **REP. BARNETT** asked the committee to give this bill their utmost consideration for a do pass.

EXECUTIVE ACTION ON 87

Motion: **REP. TOOLE MOVED HB 87 DO PASS.**

Discussion: **CHAIRMAN STANG** said this bill will authorize the Department of Highways to enter into agreements with the adjoining states and provinces. He said if this bill received a do pass motion, he had amendments that would make it better for labor.

Motion/Vote: REP. TOOLE moved to adopt the amendments. **EXHIBIT 5** **CHAIRMAN STANG** said it has to be an emergency maintenance agreement.

Voice vote was taken. Motion **CARRIED** 14 to 2 with **REP. GERVAIS** and **REP. STEPPLER** voting no.

Motion/Vote: **REP. TOOLE MADE A SUBSTITUTE MOTION THAT HB 87 DO PASS AS AMENDED.** Question was called. Voice vote was taken.

Vote: **HB 87 DO PASS AS AMENDED.** Motion **CARRIED** 14 to 2 with **REP. GERVAIS** and **REP. STEPPLER** voting no.

EXECUTIVE ACTION ON HB 61

Motion: **REP. FELAND MOVED HB 61 DO PASS.**

Discussion: **REP. FELAND** said this deals with speed control and not speed limits. He said that the trucks are not going to slow down. If the speed limit is dropped to 60 MPH it will put a hardship on the truckers.

CHAIRMAN STANG said that Montana Motor Carriers, Consolidated Freightways and other freight companies have company set limits at 55 MPH for fuel conservation purposes. The motor carriers are governed for 65 MPH.

Motion/Vote: **REP. STEPPLER MADE A SUBSTITUTE MOTION TO TABLE HB 61.** Question was called. Voice vote was taken.

Vote: **HB 61 BE TABLED.** Motion **CARRIED** unanimously.

EXECUTIVE ACTION ON HB 63

Motion: **REP. MCCULLOCH MOVED HB 63 DO PASS.**

Discussion: **CHAIRMAN STANG** said this bill is a Class C motor carrier to Class B motor carrier conversion. It is easier to be a Class C carrier than a Class B carrier. Class B carriers have a harder time competing with other Class B carriers to get authority.

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

Vote: **HB 63 DO PASS.** Motion **CARRIED** 13 to 3 with **REP. STEPPLER, REP. BERGSAGEL** and **REP. FELAND** voting no.

EXECUTIVE ACTION ON HB 133

Motion: **REP. GALVIN MOVED HB 133 DO PASS.**

Discussion: **CHAIRMAN STANG** said this bill deals with railroad crossings. He received a letter from the city of Billings in opposition to the bill because of the way it deals with the in-town crossings. **CHAIRMAN STANG** said he received the information on the number of passengers, if it is for hire, they may carry 7 passengers.

Motion/Vote: **REP. GALVIN** made motion to adopt amendment #1. Voice vote was taken. Motion **CARRIED** unanimously. On page 2, line 2, following "bus" insert "with or without passengers". The bus has to stop at all railroad crossings with or without passengers.

REP. FELAND asked if this only deals with the controlled crossings. **REP. GALVIN** said no.

REP. MCCULLOCH made a motion to adopt amendment #2. Page 2, line 11, "may" is permissive and can mean "shall not". Voice vote was taken. Motion **CARRIED** unanimously.

Motion/Vote: **REP. GALVIN MADE A SUBSTITUTE MOTION THAT HB 133 DO PASS AS AMENDED.** **REP. NELSON** called the question. Voice vote was taken.

Vote: **HB 133 DO PASS AS AMENDED.** Motion **CARRIED** unanimously.

EXECUTIVE ACTION ON HB 206

Motion: **REP. FELAND MOVED TO TABLE HB 206.**

Discussion: **CHAIRMAN STANG** said this bill requires fencing of right-of-ways on Montana U.S. Highways.

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

Vote: **HB 206 BE TABLED.** Motion **CARRIED** 16 to 1 with **CHAIRMAN STANG** voting no.

EXECUTIVE ACTION ON HB 222

Motion: **REP. MCCULLOCH MOVED HB 222 DO PASS.**

Motion/Vote: **REP. CLARK MADE A SUBSTITUTE MOTION THAT HB 222 BE TABLED.** Question was called. Voice vote was taken.

Vote: **HB 222 BE TABLED.** Motion **CARRIED** 15 to 1 with **CHAIRMAN STANG** voting no.

EXECUTIVE ACTION ON HB 249

Motion: **REP. MCCULLOCH MOVED HB 249 DO PASS.**

Discussion: **REP. TOOLE** said this bill allows accident reports to be made that can make and resolve cases or vice versa. He said the patrol officers do not have the information to estimate the damages and could underestimate the total amount.

Motion/Vote: **REP. TOOLE MADE A SUBSTITUTE MOTION TO TABLE HB 249.** Roll call vote was taken. Motion **FAILED** 6 to 10. **EXHIBIT 6**

REP. MCCULLOCH MADE A SUBSTITUTE MOTION THAT HB 249 DO PASS. Roll call vote was taken. Motion **FAILED** 5 to 12. **EXHIBIT 7**

REP. BERGSAGEL MADE A SUBSTITUTE MOTION THAT HB 249 BE TABLED. Question was called. Voice vote was taken.

Vote: **HB 249 BE TABLED.** Motion **CARRIED** 13 to 3 with **REP. KNOX, REP. GERVAIS** and **CHAIRMAN STANG** voting no.

EXECUTIVE ACTION ON HB 250

Motion: **REP. TUNBY MOVED HB 250 DO PASS.**

Discussion: **REP. TUNBY** moved to adopt amendments. **Ms. Lane** distributed amendments given to her from Peter Funk, Attorney General, Department of Justice. The amendments change the title, gives a statement of intent and a new section 1. It requires traffic law violators to successfully complete a written test related to driver responsibilities and defensive driving technic. The statement of intent will grant the Department of Justice additional rulemaking authority to the creation of a retest program for licensed Montana drivers. Section 1 will require traffic offenders to take written test--fee-rules. **EXHIBIT 8**

REP. FELAND wanted to set the rulemaking authority at 8 points.

REP. ELLIS asked **REP. CLARK** with the points set at 8, it would indicate that there are 10,000 violations, isn't that too high. **REP. CLARK** said it isn't. The points are considered for the biennium.

REP. FOSTER made a motion to adopt the amendment on the amendment. It will change the fee from $5 to $10.

REP. LARSON spoke on the amendment. He said as legislators, there is no basis for facts. He recommended the bill do not pass.

REP. FOSTER moved to adopt the amendment to the amendment. Roll call vote was taken. Motion **FAILED** 5 to 12. **EXHIBIT 9**

Motion/Vote: REP. STEPPLER MADE A SUBSTITUTE MOTION THAT HB 250 DO NOT PASS AS AMENDED. Motion **CARRIED** 14 to 3 with **REP. MCCULLOCH, REP. TOOLE** and **CHAIRMAN STANG** voting no.

Motion/Vote: REP. CLARK MADE A SUBSTITUTE MOTION THAT HB 25 BE TABLED AS AMENDED.

Vote: HB 250 BE TABLED AS AMENDED. Motion **CARRIED** 14 to 3 with **REP. MCCULLOCH, REP. TUNBY** and **CHAIRMAN STANG** voting no. **EXHIBIT 10**

EXECUTIVE ACTION ON HB 301

Motion: REP. FOSTER MOVED HB 301 DO PASS.

Discussion: REP. FOSTER spoke to his motion. He has a friend that is a Highway Patrolman that had moved out of state awhile back and wants to come back, but the 1 year requirement is keeping him from doing this. This bill gets rid of that requirement and will revert back to residency, which is 6 months.

REP. KNOX said he has received information that a ruling was made by the Attorney General's office that the present law is unconstitutional.

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

Vote: HB 301 DO PASS. Motion **CARRIED** unanimously. **REP. STEPPLER** moved to place HB 301 on the consent calendar. Motion **CARRIED** unanimously.

EXECUTIVE ACTION ON HB 83

Motion: REP. ELLIS MOVED HB 83 DO PASS.

Discussion: CHAIRMAN STANG said this bill authorizes telephonic issuance of permits for excess size and weights of motor carriers. He had a problem with the way the Department of Highways presented this bill. If this bill passed under the department's intent, the department will go to the Appropriation's Committee and ask for computers. **CHAIRMAN STANG** said he does not want to wait for the GVW division to catch up with the computer age, and then, if the Appropriation's Committee doesn't want to catch up with the computer age either, that he had an "Statement of Intent" to go with this bill. It will allow the Department of Highways the means to facilitate the securing of oversize permits by the Motor Carrier Industry. It states that the department should issue permits telephonically regardless of whether the weigh stations are equipped with computers or not. **CHAIRMAN STANG** said this will force the department to find in their budget to place a few fax machines in convenient places. **EXHIBIT 11**

REP. GALVIN asked if it would be possible to require that the Motor Carrier Association help pay for the fax machines. **CHAIRMAN STANG** said that as a legislative body, they cannot force the Motor Carrier Association to do anything, but as a committee, they could ask them to help.

REP. LARSON asked if the Highway Department had rulemaking authority to charge a fee for a telephonic issued permit. **CHAIRMAN STANG** said they probably would. He said it would probably be in the fee for the permit. About half of the weigh stations that he is familiar with have fax machines, but the department does not have the rulemaking authority to issue the permits.

REP. STEPPLER moved to adopt amendments. Question was called. Voice vote was taken. Motion **CARRIED** unanimously.

Motion/Vote: **REP. TUNBY MADE A SUBSTITUTE MOTION THAT HB 78 DO PASS AS AMENDED. REP. MCCULLOCH** called the question. Voice vote was taken.

Vote: **HB 83 DO PASS AS AMENDED.** Motion **CARRIED** unanimously.

EXECUTIVE ACTION ON HB 117

Motion: **REP. CLARK MOVED TO RECONSIDER ACTION ON HB 117 AND TAKE FROM THE TABLE. REP. TUNBY** called the question. Voice vote was taken. Motion **CARRIED** 15 to 2 with **REP. BERGSAGEL** and **REP. STEPPLER** voting no.

REP. CLARK distributed and explained proposed amendments. **EXHIBIT 12** The amendments were submitted by Col. Griffith, MHP. **REP. CLARK** said the first two amendments repeal the requirements of the motorcycle endorsement and commercial driver's licenses. The third amendment addresses a flag person who directs, controls, or alters the normal flow of vehicular traffic upon a street or highway as result of a vehicular traffic hazard then present on that street or highway. This person, except the uniform traffic enforcement officer exercising their duty as a result of a planned vehicular traffic hazard shall be equipped as required by the rules of the Montana Department of Highways.

REP. LARSON said this bill failed 10 to 7 in an earlier committee hearing because of the concern of liability associated with this. He wasn't sure these amendments would restore any responsibility for liability. **REP. CLARK** said this amendment would if the funeral company chose to do that if the intersection was a hazardous intersection. He said it probably doesn't address liability, but a person flagging at an intersection would probably keep an accident from happening.

Motion/Vote: **REP. MCCULLOUGH** moved adoption of the amendments. **REP. STEPPLER** called the question. Voice vote was taken. Motion **CARRIED** unanimously.

REP. TOOLE moved to further amend HB 117 and distributed proposed amendments. **EXHIBITS 13 and 14** He said the amendments were submitted by **Chief Ware, Lewis and Clark Police Department.** The amendment on page 4, line 14, will strike, "circulation" and insert "rotating or oscillating" amber flashing lights, etc.

REP. STEPPLER called the question. Voice vote was taken. Motion **CARRIED** unanimously.

Motion/Vote: REP. CLARK MADE A SUBSTITUTE MOTION THAT HB 117 DO PASS AS AMENDED. Roll call vote was taken. **EXHIBIT 15**

Vote: HB 117 DO PASS AS AMENDED. Motion **CARRIED** 13 to 4 with **REP. BERGSAGEL, REP. J. DEBRUYCKER, REP. GALVIN** and **REP. KNOX** voting no.

ADJOURNMENT

Adjournment: 5:45 p.m.

BARRY STANG, Chair

Claudia Johnson/by LA
CLAUDIA JOHNSON, Secretary

BS/cj

HOUSE STANDING COMMITTEE REPORT

February 6, 1991

Mr. Speaker: We, the committee on Highways and Transportation report that House Bill 87 (first reading copy -- white) do pass as amended .

Signed: _____
Barry Stang, Chairman

And, that such amendments read:

1. Title, line 8.
Following: "SERVICES"
Insert: "IN EMERGENCY SITUATIONS"

2. Page 1, line 11.
Following: "Interstate"
Insert: "emergency"

3. Page 1, line 12.
Following: "agreements."
Insert: "(1)"

4. Page 1, line 14.
Following: "of"
Insert: "emergency"

5. Page 1, line 16.
Following: line 15
Insert: "(2) An agreement authorized under subsection (1) must be confined to emergency situations. The department is prohibited from entering into agreements with adjoining states or provinces that would result in an adjoining state or province performing routine maintenance on highways located in Montana."

2-6-91
HB

HOUSE STANDING COMMITTEE REPORT

February 6, 1991

Mr. Speaker: We, the committee on Highways and Transportation report that House Bill 63 (first reading copy -- white) do pass .

Signed: _____
Barry Stang, Chairman

271004SC.Hpd

HOUSE STANDING COMMITTEE REPORT

February 6, 1991

Mr. Speaker: We, the committee on Highways and Transportation report that House Bill 133 (first reading copy -- white) do pass as amended .

Signed: Barry Stang
Barry Stang, Chairman

And, that such amendments read:

1. Page 2, line 1.
Following: "carrying"
Insert: "seven or more"

2. Page 2, line 2.
Following: "bus"
Insert: "with or without passengers"

1013
2-6-91
TDB

HOUSE STANDING COMMITTEE REPORT

February 6, 1991

Mr. Speaker: We, the committee on Highways and Transportation report that House Bill 301 (first reading copy -- white) do pass and be placed on the consent calendar.

Signed: _____
Barry Stang, Chairman

HOUSE STANDING COMMITTEE REPORT

February 6, 1991
Page 1 of 1

Mr. Speaker: We, the committee on Highways and Transportation report that House Bill 83 (first reading copy -- white) do pass as amended .

Signed: _____
Barry Stang, Chairman

And, that such amendments read:
1. Page 1, line 8.
Following: line 7
Insert: "STATEMENT OF INTENT
The house committee on highways and transportation has determined that a statement of intent is necessary for this bill. It is the intent of the legislature to provide the department of highways the means to facilitate the securing of oversize permits by the motor carrier industry. To that end, the department should issue permits telephonically regardless of whether the weigh stations are equipped with computers."

HOUSE STANDING COMMITTEE REPORT

February 6, 1991

Mr. Speaker: We, the committee on Highways and Transportation report that House Bill 117 (first reading copy -- white) do pass as amended .

Signed: _____
Barry Stang, Chairman

And, that such amendments read:

1. Title, lines 7 and 8.
Following: "PROCESSION;" on line 7
Strike: remainder of line 7 through "DAMAGES" on line 8
Insert: "PROVIDING THAT AN OPERATOR OF A VEHICLE IN A FUNERAL PROCESSION IS NOT NEGLIGENT IF HE FOLLOWS THE REQUIREMENTS OF THIS ACT; PROVIDING THAT NEGLIGENCE MAY NOT BE IMPUTED TO A FUNERAL DIRECTOR OR MORTICIAN IF NO NEGLIGENCE EXISTS ON THE PART OF THE OPERATOR OF A VEHICLE IN A FUNERAL PROCESSION"

2. Page 2, lines 8 through 10.
Following: "[section 6]" on line 8
Strike: remainder of line 8 through "license" on line 10

3. Page 2, lines 14 through 16.
Following: "procession" on line 14
Strike: remainder of line 14 through "license" on line 16

4. Page 3, line 10.
Following: "."
Insert: "When the funeral lead vehicle arrives at an intersection, it must comply with the requirements of any official traffic-control device, right-of-way provision of this chapter, and local ordinance."

5. Page 3, lines 20 through 23.
Following: "device." on line 20
Strike: remainder of line 20 through "intersection." on line 23

Insert: "Persons directing traffic shall comply with the provisions of 61-1-411."

6. Page 3, line 25.
Following: "A"
Insert: "vehicle in a"

7. Page 4, line 2.
Following: "devices"
Insert: "provided the driver of that vehicle and the drivers of all vehicles in the funeral procession meet all the requirements of [sections 2 through 8]"

8. Page 4, line 4.
Strike: "visible"
Insert: "visual"

9. Page 4, line 6.
Following: "."
Insert: "This section does not relieve the driver of a vehicle in a funeral procession from the duty to drive with due regard for the safety of all persons using the highway."

10. Page 4, line 10.
Strike: "circulation"
Insert: "rotating or oscillating"

11. Page 4, line 14.
Strike: "flashing"
Insert: "rotating or oscillating"

12. Page 6, line 3.
Following: "procession"
Insert: "being conducted in compliance with [sections 2 through 8]"

13. Page 6, line 10.
Following: "of"
Strike: "the"
Insert: "a vehicle participating in a"

14. Page 6, line 11 through page 7, line 3.
Following: "Liability." on line 11
Strike: remainder of section 9 in its entirety
Insert: "The operator of a vehicle in a funeral procession, including a lead vehicle or an escort vehicle, is not negligent if he operates the vehicle in accordance with the requirements of [sections 2 through 8]. When no negligence exists on the part of the operator of a vehicle in a funeral procession, none may be imputed to the funeral director or mortician organizing the procession, to the agent of the funeral director or mortician, or to a member of a local law enforcement agency acting as the agent, with or without compensation, of the funeral director or mortician."

HOUSE OF REPRESENTATIVES

HIGHWAYS AND TRANSPORTATION COMMITTEE

ROLL CALL **DATE** 2-5-91

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	✓		

EXHIBIT 1
DATE 2-5-91
HB 327

MONTANA REFINING COMPANY

Post Office Box 1243 / Great Falls, Montana 59403

To: Members of the House Highways and Transportation Committee

From: Leland Griffin, Refinery Manager, Montana Refining Company

Date: February 5, 1991

Subject: HB327 Minimum Octane Rating of 87

This bill addresses a nonexistent problem and will cost everyone more. Attached for your information is a copy of ASTM D-439, Standard Specification for Automotive Gasoline (American Society of Testing Materials) that in detail describes all grades of gasoline, including octane requirements. All refiners and blenders of gasoline in the United States use this specification so that consistent, proper quality gasoline is available anywhere in this country. These gasoline specifications were developed over many years, and are constantly updated, with cooperation of the automobile manufacturers and the gasoline manufacturers.

In this specification you will find that 87 octane is required for unleaded gasoline at sea level. "At Sea Level" is important because you will also find in this same specification, adjustments for altitude. On page 157 of ASTM D-439, Section 5.2.2, you will find the statement "Vehicle octane requirements generally decrease with increasing altitude." The maximum antiknock index (octane) adjustments established to protect cars driven from a high to a lower altitude area while using fuel obtained in the high altitude area, are provided in Figure 2. If you examine Figure 2 on page 161, you will see that Montana is in Area III and that a reduction of 2.2 octane numbers can be taken off of the 87 octane thereby having an octane of 84.8.

In Montana nearly all gasoline is blended to an 85.5 octane, which is already .7 octane higher than is required. If this bill goes into effect, it will cost anyone using unleaded gasoline at least 1.2 cents per gallon more, because it costs the refiner that much more to produce it. This higher octane will also decrease the amount of gasoline available by approximately 1 1/2% which goes against energy conservation practices. This decrease in gasoline volume could ultimately cost the consumer even more than the 1.2 cents per gallon.

In closing I would like to reiterate that the American Society of Testing and Materials has already taken into account the octane requirement for automobiles throughout this country, and arbitrarily establishing an 87 octane minimum will only cost you more and gain you nothing.

Designation: D 439 – 89

Standard Specification for Automotive Gasoline[1]

This standard is issued under the fixed designation D 439; the number immediately following the designation indicates the year of original adoption or, in the case of revision, the year of last revision. A number in parentheses indicates the year of last reapproval. A superscript epsilon (ε) indicates an editorial change since the last revision or reapproval.

This standard has been approved for use by agencies of the Department of Defense. Consult the DoD Index of Specifications and Standards for the specific year of issue which has been adopted by the Department of Defense.

1. Scope

1.1 This specification guides in establishing the requirements of gasoline for ground vehicles equipped with spark-ignition engines.

1.2 This specification describes various characteristics of gasolines for use over a wide range of operating conditions. It provides for a variation of the volatility of gasoline in accordance with seasonal climatic changes at the locality where the gasoline is used. It neither necessarily includes all types of gasolines that are satisfactory for automotive vehicles, nor necessarily excludes gasolines that may perform unsatisfactorily under certain operating conditions or in certain equipment. The significance of this specification is shown in Appendix X1.

1.3 Gasoline is not the only fuel used in ground vehicles equipped with spark-ignition engines. Blends of gasoline with oxygenates such as alcohols and ethers are common in the marketplace. However, some of the test methods referred to in this specification are not applicable to such blends. A specification that encompasses all fuels for automotive spark-ignition engines has been developed. It appears as Specification D 4814. Refer to Specification D 4814 for information and for requirements and test methods applicable to gasoline-oxygenate blends.

1.4 This specification represents a description of gasolines as of the date of publication. The specification is under continous review, which may result in revisions based on changes in gasoline or automotive requirements, or both. All users of this specification, therefore, should refer to the latest edition.

NOTE 1—If there is any doubt as to the latest edition of Specification D 439, contact ASTM Headquarters.

1.5 The values stated in SI units are the standard. The values in parentheses are for information only.

2. Referenced Documents

2.1 *ASTM Standards:*

D 86 Method for Distillation of Petroleum Products[2]

D 130 Test Method for Detection of Copper Corrosion from Petroleum Products by the Copper Strip Tarnish Test[2]

D 323 Test Method for Vapor Pressure of Petroleum Products (Reid Method)[2]

D 381 Test Method for Existent Gum in Fuels by Jet Evaporation[2]

D 525 Test Method for Oxidation Stability of Gasoline (Induction Period Method)[2]

D 1266 Test Method for Sulfur in Petroleum Products (Lamp Method)[2]

D 2533 Test Method for Vapor-Liquid Ratio of Spark-Ignition Engine Fuels[3]

D 2547 Test Method for Lead in Gasoline, Volumetric Chromate Method[3]

D 2599 Test Method for Lead in Gasoline by X-Ray Spectrometry[3]

D 2622 Test Method for Sulfur in Petroleum Products (X-Ray Spectrographic Method)[3]

D 2699 Test Method for Knock Characteristics of Motor Fuels by the Research Method[4]

D 2700 Test Method for Knock Characteristics of Motor and Aviation Fuels by the Motor Method[4]

D 2885 Test Method for Research and Motor Method Octane Ratings Using On-Line Analyzers[4]

D 3116 Test Method for Trace Amounts of Lead in Gasoline[3]

D 3120 Test Method for Trace Quantities of Sulfur in Light Liquid Petroleum Hydrocarbons by Oxidative Microcoulometry[3]

D 3229 Test Method for Low Levels of Lead in Gasoline by Wavelength Dispersion X-Ray Spectrometry[3]

D 3231 Test Method for Phosphorus in Gasoline[3]

D 3237 Test Method for Lead in Gasoline by Atomic Absorption Spectrometry[5]

D 3341 Test Method for Lead in Gasoline—Iodine Monochloride Method[3]

D 4814 Specification for Automotive Spark-Ignition Engine Fuel[5]

3. Terminology

3.1 *Definitions:*

3.1.1 *gasoline*—a volatile mixture of liquid hydrocarbons, generally containing small amounts of additives, suitable for use as a fuel in spark-ignition internal combustion engines.

3.1.2 *oxygenate, n*—an oxygen-containing, ashless, organic compound, such as an alcohol or ether, which may be used as a fuel or fuel supplement.

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[1] This specification is under the jurisdiction of ASTM Committee D-2 on Petroleum Products and Lubricants and is the direct responsibility of Subcommittee D02.A on Gasoline.

Current edition approved Oct. 27, 1989. Published December 1989. Originally published as D 439 – 37 T. Last previous edition D 439 – 88b.

[2] *Annual Book of ASTM Standards*, Vol 05.01.

[3] *Annual Book of ASTM Standards*, Vol 05.02.

[4] *Annual Book of ASTM Standards*, Vol 05.04.

[5] *Annual Book of ASTM Standards*, Vol 05.03.

EXHIBIT 1
DATE 2-5-91
HB 327

3.1.3 *gasoline-oxygenate blend*—a blend consisting primarily of gasoline and a substantial amount of one or more oxygenates.

NOTE 2—Because a standard test method does not exist that can quantitatively determine small amounts of oxygenates or combined oxygen in fuel, it is not possible at this time to set a maximum limit for oxygenate or oxygen content for gasoline. The intent of the above definitions is to indicate that a spark-ignition engine fuel is a gasoline-oxygenate blend when sufficient oxygenate is present to interfere with the determination of properties using current standard test methods. It is not the intent of the definitions to classify as a gasoline-oxygenate blend a gasoline containing: (*1*) alcohol used as a diluent for detergent or corrosion inhibitor additives and (*2*) small amounts of alcohols or glycols used as anti-icing additives. When new test methods and technical data to support a limit are available, an oxygenate or oxygen content maximum limit for gasoline will be considered.

4. Ordering Information

4.1 The purchasing agency shall:

4.1.1 State the antiknock index as agreed upon with the seller,

4.1.2 Indicate the season and locality in which the gasoline will be used,

4.1.3 Indicate the lead level required (Table 1).

5. Performance Requirements

5.1 Volatility is varied for seasonal climatic changes by providing for five volatility classes of gasoline, which conform to the requirements prescribed in Table 1.

5.1.1 The seasonal and geographical distribution of the five classes is shown in Table 2.

5.2 Antiknock index levels, defined as the average of the Research octane number (RON) and Motor octane number (MON), and their application are set forth in Table 3.

5.2.1 Vehicle octane requirements generally vary with atmospheric temperature and humidity. Recommended maximum adjustments in antiknock index for seasonal climatic changes are provided in Fig. 1.

5.2.2 Vehicle octane requirements generally decrease with increasing altitude. The maximum antiknock index adjustments, established to protect cars driven from a high to a lower altitude area while using fuel obtained in the high altitude area, are provided in Fig. 2.

5.3 Additional requirements are listed in Table 1.

6. Workmanship

6.1 The finished gasoline must be visually free of undissolved water, sediment, and suspended matter; it must be clear and bright at the ambient temperature or 21°C (70°F), whichever is higher.

7. Test Methods

7.1 The requirements enumerated in this specification are determined in accordance with the following methods:

7.1.1 *Distillation*—Method D 86.

7.1.2 *Vapor-Liquid Ratio*—Test Method D 2533.

7.1.3 *Vapor Pressure*—Test Method D 323.

7.1.4 *Research Method Octane Number*—Test Method D 2699 or Test Method D 2885.

7.1.5 *Motor Method Octane Number*—Test Method D 2700 or Test Method D 2885.

7.1.6 *Corrosion*—Test Method D 130, three hours at 50°C (122°F).

7.1.7 *Existent Gum*—Test Method D 381, Air-Jet Apparatus.

7.1.8 *Sulfur*—Test Method D 1266, Test Method D 2622, or Test Method D 3120. With Test Method D 3120, fuels with sulfur content greater than 100 ppm (0.0100 mass %) must be diluted with *iso*octane. The dilution of the sample may result in a loss of precision. Test Method D 3120 cannot be used when the lead concentration is greater than 0.4 g/L (1.4 g/gal).

TABLE 1 Detailed Requirements for Gasoline

Volatility Class	Distillation Temperatures, °C (°F), at Percent Evaporated[A,B]					Distillation Residue, Vol %, max	Vapor/Liquid Ratio (V/L)[A]	
	10 Vol %, max	50 Vol %		90 Vol %, max	End Point, max		Test Temperature °C (°F)	V/L, max
		min	max					
A	70 (158)	77 (170)	121 (250)	190 (374)	225 (437)	2	60 (140)	20
B	65 (149)	77 (170)	118 (245)	190 (374)	225 (437)	2	56 (133)	20
C	60 (140)	77 (170)	116 (240)	185 (365)	225 (437)	2	51 (124)	20
D	55 (131)	77 (170)	113 (235)	185 (365)	225 (437)	2	47 (116)	20
E	50 (122)	77 (170)	110 (230)	185 (365)	225 (437)	2	41 (105)	20

Volatility Class	Reid Vapor Pressure, max,[B] kPa (psi)	Lead Content, max, g/L (g/gal)		Copper Strip Corrosion, max	Existent Gum, max, mg/100 mL	Sulfur, max, Mass %		Oxidation Stability, Minimum, Minutes	Antiknock Index
		Unleaded[C]	Leaded[D]			Unleaded	Leaded		
A	62 (9.0)	0.013 (0.05)	1.1 (4.2)	No. 1	5	0.10	0.15	240	[E]
B	69 (10.0)	0.013 (0.05)	1.1 (4.2)	No. 1	5	0.10	0.15	240	[E]
C	79 (11.5)	0.013 (0.05)	1.1 (4.2)	No. 1	5	0.10	0.15	240	[E]
D	93 (13.5)	0.013 (0.05)	1.1 (4.2)	No. 1	5	0.10	0.15	240	[E]
E	103 (15.0)	0.013 (0.05)	1.1 (4.2)	No. 1	5	0.10	0.15	240	[E]

[A] At 101.3 kPa pressure (760 mm Hg).

[B] If Federal legislation or regulatory action restricts Reid Vapor Pressure to a level lower than the volatility classes specified in Table 2 for a given time and place, the distillation temperature limits shall be consistent with the corresponding Reid Vapor Pressure in Table 1. If the Reid Vapor Pressure limit is between the two classes, the distillation temperature limits of either class are acceptable.

[C] The intentional addition of lead or phosphorus compounds is not permitted. U.S. Environmental Protection Agency (EPA) regulations limit their maximum concentrations to 0.05 g of lead per gallon and 0.005 g of phosphorus per gallon (by Test Method D 3231), respectively.

[D] EPA regulations limit the lead concentration in leaded gasoline to no more than 0.1 g/gal (0.026 g/L) averaged for quarterly production by refinery.

[E] See Table 3.

EXHIBIT 1
DATE
HB 327

7.1.9 *Lead*—Test Method D 2547, Test Method D 2599, or Test Method D 3341. For lead levels below 0.03 g/L (0.1 g/gal) use Test Method D 3116, Test Method D 3229 or Test Method D 3237.

7.1.10 *Oxidation Stability*—Test Method D 525.

8. Precision and Bias

8.1 The precision of each required test method is included in the standard applicable to each method.

8.2 *Antiknock Index:*

8.2.1 The following statements apply to antiknock index, which is a composite quantity not addressed in any other standard.

8.2.2 The precision of the antiknock index (RON + MON)/2 is a function of the individual precisions of Research (D 2699) and Motor (D 2700) octane numbers. The repeatability and reproducibility variances for these test methods must be summed in proportion to their individual contributions to the antiknock index.

8.2.3 *Repeatability*—The difference between two sets of antiknock index determinations, where two test results by each octane number method were obtained by one operator, with the same apparatus under constant operating conditions on identical test material would, in the long run, and in the normal and correct operation of the test methods, exceed the values in the following table in only one case in twenty.

8.2.4 *Reproducibility*—The difference between two independent sets of antiknock index determinations, obtained by different operators working in different laboratories on identical test material would, in the long run, and in the normal and correct operation of the test methods, exceed the values in the following table in only one case in twenty.

Antiknock Index	Repeatability Limits, Antiknock Index Units	Reproducibility Limits, Antiknock Index Units
83	0.2	0.7
85	0.2	0.7
87	0.2	0.7
89	0.2	0.6
91	0.2	0.6
93	0.2	0.6
95	—	0.6
97	—	0.7

NOTE 3—These precision limits were calculated from Research and Motor octane number results obtained by member laboratories of the ASTM National Exchange Group (NEG) participating in a cooperative testing program. The data obtained during the period 1980 through 1982 have been analyzed in accordance with RR:D02-1007, "Manual on Determining Precision Data for ASTM Methods on Petroleum Products and Lubricants," Spring, 1973.

8.2.5 *Bias*—There being no criteria for measuring bias in these test-product combinations, no statement of bias can be made.

TABLE 2 Schedule of Seasonal and Geographical Volatility Classes

This schedule, subject to agreement between purchaser and seller, denotes the volatility properties of the gasoline at the time and place of shipment. Shipments intended for future use may anticipate this schedule.
Where alternative classes are permitted, either class is acceptable; the option shall be exercised by the seller.

State	Jan	Feb	March	April	May	June	July	Aug	Sept	Oct	Nov	Dec
Alabama	D	D	D/C	C	C	C	C/B	B	B/C	C	C/D	D
Alaska	E	E	E	E	E/D	D	D	D	D/E	E	E	E
Arizona	D	D/C	C/B	B	B/A	A	A	A	A	A/B	B/C	C/D
Arkansas	E/D	D	D/C	C	C	C/B	B	B	B/C	C/D	D	D/E
[A]California												
North Coast	E/D	D	D	D/C	C	C/B	B	B	B	B/C	C/D	D/E
South Coast	D	D	D/C	C	C/B	B	B	B	B	B/C	C/D	D
Southeast	D	D/C	C/B	B	B/A	A	A	A	A	A/B	B/C	C/D
Interior	E/D	D	D	D/C	C/B	B	B	B	B	B/C	C/D	D/E
Colorado	E	E/D	D/C	C	C/B	B	B/A	A/B	B	B/C	C/D	D/E
Connecticut	E	E	E/D	D	D/C	C	C	C	C/D	D	D/E	E
Delaware	E	E	E/D	D	D/C	C	C	C	C	C/D	D/E	E
District of Columbia	E	E/D	D	D/C	C	C	C	C	C	C/D	D/E	E
Florida	D	D	D/C	C	C	C	C	C	C	C	C/D	D
Georgia	D	D	D/C	C	C	C	C/B	B	B/C	C	C/D	D
Hawaii	C	C	C	C	C	C	C	C	C	C	C	C
Idaho												
N 46° Latitude	E	E	E/D	D	D/C	C/B	B	B	B/C	C/D	D/E	E
S 46° Latitude	E	E/D	D	D/C	C/B	B	B	B	B	B/C	C/D	D/E
Illinois												
N 40° Latitude	E	E	E/D	D	D/C	C	C	C	C	C/D	D/E	E
S 40° Latitude	E	E	E/D	D/C	C	C	C/B	B/C	C	C/D	D	D/E
Indiana	E	E	E/D	D	D/C	C	C	C	C	C/D	D/E	E
Iowa	E	E	E/D	D/C	C	C/B	B/C	C	C	C/D	D/E	E
Kansas	E	E/D	D/C	C	C/B	B	B	B	B	B/C	C/D	D/E
Kentucky	E	E/D	D	D/C	C	C	C	C	C	C/D	D/E	E
Louisiana	D	D	D/C	C	C	C	C/B	B	B/C	C	C/D	D
Maine	E	E	E/D	D	D/C	C	C	C	C/D	D	D/E	E
Maryland	E	E	E/D	D	D/C	C	C	C	C	C/D	D/E	E
Massachusetts	E	E	E/D	D	D/C	C	C	C	C/D	D	D/E	E
Michigan	E	E	E/D	D	D/C	C	C	C	C/D	D	D/E	E
Minnesota	E	E	E/D	D	D/C	C	C	C	C	C/D	D/E	E
Mississippi	D	D	D/C	C	C	C	C/B	B	B/C	C	C/D	D
Missouri	E	E/D	D	D/C	C	C/B	B	B	B/C	C/D	D	D/E
Montana	E	E	E/D	D/C	C/B	B	B	B	B/C	C/D	D/E	E
Nebraska	E	E	E/D	D/C	C/B	B	B	B	B	B/C	C/D	D/E

EXHIBIT 1
DATE 2-5-91
HB 327

TABLE 2 *Continued*

State	Jan	Feb	March	April	May	June	July	Aug	Sept	Oct	Nov	Dec
Nevada												
N 38° Latitude	E	E/D	D	D/C	C/B	B	B	B	B	B/C	C/D	D/E
S 38° Latitude	D	D/C	C/B	B	B/A	A	A	A	A	A/B	B/C	C/D
New Hampshire	E	E	E/D	D	D/C	C	C	C	C/D	D	D/E	E
New Jersey	E	E	E/D	D	D/C	C	C	C	C/D	D	D/E	E
New Mexico												
N 34° Latitude	E/D	D	D/C	C/B	B/A	A	A	A/B	B	B/C	C/D	D
S 34° Latitude	D	D/C	C/B	B	B/A	A	A	A	A/B	B/C	C/D	D
New York	E	E	E/D	D	D/C	C	C	C	C/D	D	D/E	E
North Carolina	E/D	D	D	D/C	C	C	C/B	B	B/C	C/D	D	D/E
North Dakota	E	E	E/D	D	D/C	C/B	B	B	B/C	C/D	D/E	E
Ohio	E	E	E/D	D	D/C	C	C	C	C	C/D	D/E	E
Oklahoma	E/D	D	D/C	C	C/B	B	B	B	B	B/C	C/D	D/E
Oregon												
E 122° Longitude	E	E/D	D	D	D/C	C/B	B	B	B/C	C/D	D	D/E
W 122° Longitude	E	E/D	D	D	D/C	C	C	C	C	C/D	D/E	E
Pennsylvania	E	E	E/D	D	D/C	C	C	C	C/D	D	D/E	E
Rhode Island	E	E	E/D	D	D/C	C	C	C	C/D	D	D/E	E
South Carolina	D	D	D	D/C	C	C	C/B	B	B/C	C/D	D	D
South Dakota	E	E	E/D	D/C	C/B	B	B	B	B	B/C	C/D	D/E
Tennessee	E/D	D	D	D/C	C	C	C/B	B	B/C	C/D	D	D/E
Texas												
E 99° Longitude	D	D	D/C	C	C	C/B	B	B	B	B/C	C/D	D
W 99° Longitude	D	D/C	C/B	B	B/A	A	A	A	A/B	B/C	C/D	D
Utah	E	E/D	D	D/C	C/B	B	B/A	A/B	B	B/C	C/D	D/E
Vermont	E	E	E/D	D	D/C	C	C	C	C/D	D	D/E	E
Virginia	E	E/D	D	D/C	C	C	C	C	C	C/D	D/E	E
Washington												
E 122° Longitude	E	E	E/D	D	D/C	C/B	B	B	B/C	C/D	D/E	E
W 122° Longitude	E	E	E/D	D	D/C	C	C	C	C	C/D	D/E	E
West Virginia	E	E	E/D	D	D/C	C	C	C	C	C/D	D/E	E
Wisconsin	E	E	E/D	D	D/C	C	C	C	C	C/D	D/E	E
Wyoming	E	E	E/D	D/C	C/B	B	B	B	B	B/C	C/D	D/E

[A] Details of State Climatological Division by county as indicated.

California, North Coast—Alameda, Contra Costa, Del Norte, Humbolt, Lake, Mann, Mendocino, Monterey, Napa, San Benito, San Francisco, San Mateo, Santa Clara, Santa Cruz, Solano, Sonoma, Trinity

California, Interior—Lassen, Modoc, Plumas, Sierra, Siskiyou, Alpine, Amador, Butte, Calaveras, Colusa, El Dorado, Fresno, Glenn, Kern (except that portion lying east of the Los Angeles County Aqueduct), Kings, Madera, Manposa, Merced, Placer, Sacramento, San Joaquin, Shasta, Stanislaus, Sutter, Tehama, Tulare, Tuolumne, Yolo, Yuba, Nevada

California, South Coast—Orange, San Diego, San Luis Obispo, Santa Barbara, Ventura, Los Angeles (except that portion north of the San Gabriel Mountain range and east of the Los Angeles County Aqueduct)

California, Southeast—Imperial, Riverside, San Bernardino, Los Angeles (that portion north of the San Gabriel Mountain range and east of the Los Angeles County Aqueduct), Mono, Inyo, Kern (that portion lying east of the Los Angeles County Aqueduct)

TABLE 3 Gasoline Antiknock Indexes and Their Application

Leaded Gasoline (for vehicles that can or must use leaded gasoline)	
Antiknock Index (RON + MON)/2, min[A,B]	Application
87	Meets antiknock requirements of most 1971 and later model vehicles that can use leaded gasoline and of pre-1971 vehicles with low antiknock requirements.
88	Meets antiknock requirements of most 1970 and prior model vehicles that were designed to operate on leaded gasoline, and of 1971 and later model vehicles that can use leaded gasoline and have high antiknock requirements.
89	Meets antiknock requirements of medium and heavy duty trucks that require higher octane leaded gasoline.
92	Suitable for most vehicles with very high antiknock requirements that can use leaded gasoline.
Unleaded Gasoline (for vehicles that can or must use unleaded gasoline)	
Antiknock Index (RON + MON)/2, min[A,B]	Application
85	For vehicles with low antiknock requirements.
87[C]	Meets antiknock requirements of most 1971 and later model vehicles.
90	For most 1971 and later model vehicles with high antiknock requirements.

[A] Reductions for seasonal variations are allowed in accordance with Fig. 1.
[B] Reductions for altitude are allowed in accordance with Fig. 2.
[C] In addition, Motor octane number must not be less than 82.0.

EXHIBIT 1
DATE 2-5-91
HB 327

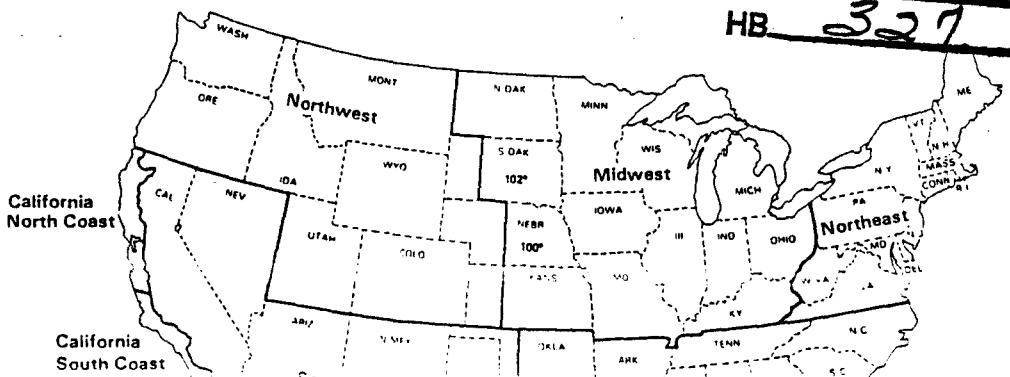

FIG. 1 Antiknock Index Reductions for Weather[A]

	J	F	M	A	M	J	J	A	S	O	N	D
Northeast	1.0	0.5	0.5	0	0	0	0	0	0	0.5	0.5	1.0
Southeast	0.5	0	0	0	0	0.5	0.5	0.5	0.5	0	0	0.5
Midwest	1.0	0.5	0.5	0	0	0	0	0	0	0	0.5	1.0
Northwest	1.0	1.0	0.5	0.5	0	0	0	0	0	0.5	1.0	1.0
Southwest	1.0	0.5	0	0	0	0	0	0	0	0	0.5	1.0
California												
No. Coast[B]	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0	0	0.5	0.5
So. Coast[B]	0	0	0.5	0.5	1.0	1.0	1.0	0.5	0.5	0	0	0
Alaska	1.0	1.0	0.5	0.5	0	0	0	0	0	0.5	1.0	1.0
Hawaii	0	0	0	0	0	0	0	0	0	0	0	0

[A] Reductions also apply to Motor octane number requirement for unleaded gasolines with an antiknock index of 87 to 89.9.
[B] Details of California coastal areas are shown in Footnote A of Table 2.

EXHIBIT 1
DATE 2-5-91
HB 327

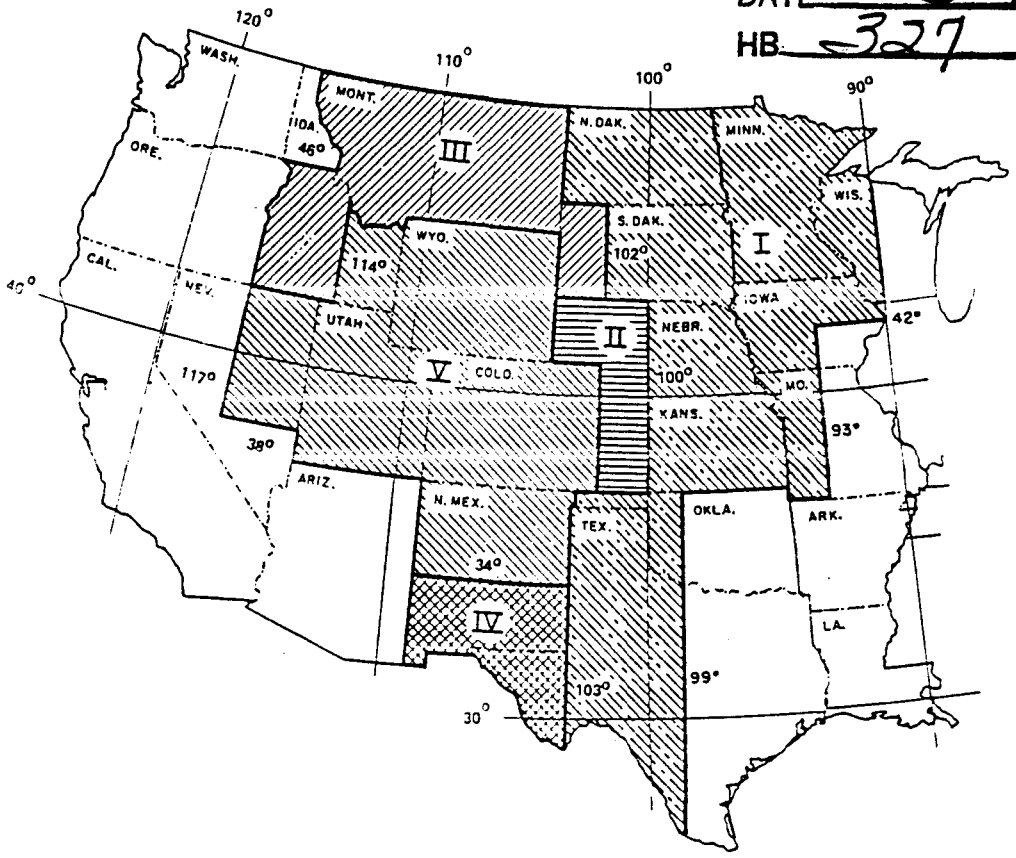

FIG. 2 Antiknock Index Reductions for Altitude

Antiknock Index Reductions by Altitude Area

Area	Less than 89[A]	89 or Greater
I	0.7	0.5
II	1.5	1.5
III	2.2	1.5
IV	3.0	2.0
V	4.5	3.0

[A] Reductions also apply to Motor octane number requirement for unleaded gasoline with an antiknock index of 87 to 88.9.

EXHIBIT 1
DATE 2-5-91
HB 327

APPENDIXES

(Nonmandatory Information)

X1. SIGNIFICANCE OF ASTM SPECIFICATION FOR AUTOMOTIVE GASOLINE

X1.1 General

X1.1.1 Antiknock rating and volatility define the general characteristics of gasoline. Other characteristics relate to limiting the concentration of undesirable components so that they will not adversely affect engine performance; and ensuring the stability of gasoline as well as its compatibility with materials used in engines and their fuel systems.

X1.1.2 Gasoline is a complex mixture composed of relatively volatile hydrocarbons that vary widely in their physical and chemical properties. Gasoline is exposed to a wide variety of mechanical, physical, and chemical environments. Thus, the properties of gasoline must be balanced to give satisfactory engine performance over an extremely wide range of operating conditions. The prevailing standards for gasoline represent compromises among the numerous quality and performance requirements. This ASTM specification is established on the basis of the broad experience and close cooperation of producers of gasoline, manufacturers of automotive equipment, and users of both.

X1.2 Antiknock Rating

X1.2.1 The fuel-air mixture in the cylinder of a spark-ignition engine will, under certain conditions, autoignite in localized areas ahead of the flame front that is progressing from the spark. This may cause an audible "ping" or knock. The antiknock rating of a gasoline is a measure of its resistance to knock, and depends on engine design and operation, as well as atmospheric conditions. Gasoline with an antiknock rating higher than that required for knock-free operation does not improve performance. However, vehicles equipped with knock limiters may show a performance improvement as the antiknock rating of the gasoline used is increased. Conversely, a decrease in antiknock rating may cause vehicle performance loss. The loss of power and the damage to an automotive engine due to knocking are generally not significant until the knock intensity becomes very severe. Heavy and prolonged knocking may cause power loss and damage to the engine.

X1.3 Octane Number

X1.3.1 The two recognized laboratory engine test methods for determining the antiknock rating of gasolines are the Research method and the Motor method. The following paragraphs define the two methods and describe their significance as applied to various equipment and operating conditions.

X1.3.2 Research octane number is determined by a method that measures gasoline antiknock level in a single-cylinder engine under mild operating conditions: namely, at a moderate inlet mixture temperature and a low engine speed. It indicates gasoline antiknock performance in engines at wide-open throttle and low-to-medium engine speeds.

X1.3.3 Motor octane number is determined by a method that measures gasoline antiknock level in a single-cylinder engine under more severe operating conditions than those employed in the Research method: namely, at a higher inlet mixture temperature and at a higher engine speed. It indicates gasoline antiknock performance in engines operating at wide-open throttle and high engine speeds. Also, it indicates gasoline antiknock performance under part-throttle road-load conditions.

X1.3.4 The most extensive data base that relates the laboratory engine test methods for Research and Motor octane to actual field performance of gasolines in vehicles is the annual Coordinating Research Council (CRC) Octane Number Requirement Survey conducted for new light duty vehicles. These data show that the antiknock performance of a gasoline in some vehicles may correlate best with Research octane number, while in others it may correlate best with Motor octane number. These correlations also differ from model year to model year or from vehicle population to vehicle population, reflecting the changes in engine designs over the years. To provide a single number as guidance to the consumer, the antiknock index, which is the average of the Research and Motor octane numbers, (RON + MON)/2, was developed. The antiknock index gives an approximate correlation of laboratory engine octane ratings of gasoline with CRC road octane ratings for many vehicles, but the user must be guided also by experience as to which gasoline is most appropriate for an individual vehicle. The antiknock index formula is reviewed continuously and may have to be adjusted in the future as engines and gasolines continue to evolve. The present (RON + MON)/2 formula is not an absolute measure of gasoline antiknock performance in general or in a specific vehicle.

X1.3.5 The octane requirement (the octane number of gasoline required for satisfactory vehicle operation with respect to knock) of vehicles decreases as altitude increases, primarily because of the reduction in mixture density caused by reduced atmospheric pressure. However, altitude does not affect octane requirements of all cars uniformly. Also, the effect can be smaller for vehicles equipped with barometric pressure sensors and other compensation devices than for vehicles not equipped with such devices. In general, the decrease in octane requirement is larger for low octane requirement vehicles.

X1.3.5 (*1*) Tests by the CRC and other organizations have shown that the decrease in octane requirements with altitude is larger for 1971 and later model uncompensated cars, designed to use a gasoline with an antiknock index of 87, than for pre-1971 cars. The pre-1971 cars generally have high compression ratios and use gasolines with an antiknock index of 88 and higher. Gasolines with antiknock indexes below 89 are adjusted by a larger reduction factor than those with an antiknock index of 89 or greater.

EXHIBIT 1
DATE 2-5-91
HB 327

X1.3.5 (2) Boundaries of the areas defined in Fig. 2 and the corresponding antiknock index reductions were established to protect cars driven from a high to a lower altitude (and hence higher octane requirement) area while using gasoline obtained in the high-altitude area.

X1.3.6 Vehicle octane requirements on the average rise with increasing atmospheric temperature by 0.097 MON per degree Celsius (0.054 MON per degree Fahrenheit), and decrease with increasing specific humidity by 0.245 MON per gram of water per kilogram of dry air (0.035 MON per grain of water per pound of dry air). Because temperature and humidity of geographical areas are predictable throughout the year from past weather records, octane levels can be seasonally adjusted to match seasonal changes in vehicle octane requirements. Figure 1 defines the boundaries areas and the seasonal variations recommended for antiknock index variations.

X1.4 Antiknock Additives

X1.4.1 In addition to selecting the appropriate antiknock index to meet vehicle antiknock needs, a choice must be made between leaded and unleaded gasoline. Vehicles that must use unleaded gasoline are required by Environmental Protection Agency (EPA) regulation to have permanent labels on the instrument panel and adjacent to the gasoline tank filler inlet reading "Unleaded Fuel Only." Most 1975 and later model passenger cars and light trucks are in this category. Most 1971–74 vehicles can use leaded or unleaded gasoline. Pre-1971 vehicles were designed for leaded gasoline: however, unleaded gasoline of suitable antiknock index may generally be used in these vehicles, except that leaded gasoline should be used periodically (after a few tankfuls of unleaded gasoline have been used). Leaded gasoline may be required in some vehicles, particularly trucks, in heavy duty service. Instructions on gasoline selection are normally provided in publications of vehicle manufacturers (for example, owners' manuals, service bulletins, etc.). Antiknock agents other than lead alkyls may be used to increase the antiknock index of gasolines, and their concentrations may also be limited due to either performance or legal requirements.

X1.5 Volatility

X1.5.1 In most spark-ignition internal combustion engines, the gasoline is metered in liquid form through the carburetor or fuel injector, and is mixed with air and partially vaporized before entering the cylinders of the engine. Consequently, volatility is an extremely important characteristic of motor gasoline.

X1.5.2 At high operating temperatures, gasolines may boil in fuel pumps, lines, or carburetors. If too much vapor is formed, the fuel flow to the engine may be decreased, resulting in loss of power, rough engine operation, or engine stoppage. These conditions are known as "vapor lock." Conversely, gasolines that do not vaporize sufficiently may cause hard starting of cold engines and poor warm-up performance. These conditions can be minimized by proper selection of volatility requirements, but cannot always be avoided. For example, during spring and fall a gasoline of volatility suitable for satisfactory starting at low ambient temperatures may cause problems in some engines under higher ambient temperature operating conditions.

X1.5.3 Five volatility classes of gasoline are provided to satisfy vehicle performance requirements under different climatic conditions. The schedule for seasonal and geographical distribution indicates the appropriate volatility class or classes for each month in all areas of the United States, based on altitudes and on expected air temperatures. Volatility limits are established in terms of vapor-liquid ratio, vapor pressure, and distillation properties.

X1.5.4 For sea-level areas outside of the United States, the following ambient temperatures are for guidance in selecting the appropriate volatility class:

Volatility Class	10th Percentile 6-h Minimum Daily Temperatures, °C (°F)	90th Percentile Maximum Daily Temperatures, °C (°F)
A	>16 (60)	≥43 (110)
B	>10 (50)	<43 (110)
C	>4 (40)	<36 (97)
D	>−7 (20)	<29 (85)
E	≤−7 (20)	<21 (69)

The 6-hour minimum temperature is the highest temperature of the six coldest consecutive hourly temperature readings of a 24-hour day. The 6-hour minimum temperature provides information on the cold-soak temperature experienced by a vehicle. The 10th percentile of this temperature statistic indicates a 10 % expectation that the 6-hour minimum temperature will be below this value during a month. The 90th percentile maximum temperature is the highest temperature expected during 90 % of the days, and provides information relative to peak vehicle operating temperatures during warm and hot weather. For areas above sea level, the 10th percentile 6-hour minimum temperature should be increased by 3.6°C/1000 m (2°F/1000 ft) of altitude, and the 90th percentile maximum should be increased by 4.4°C/1000 m (2.4°F/1000 ft) of altitude before comparing them to the sea level temperature. These corrections compensate for changes in fuel volatility caused by changes in barometric pressure due to altitude.

X1.6 Vapor Pressure

X1.6.1 The vapor pressure of gasoline must be sufficiently high to ensure ease of engine starting, but it must not be so high as to contribute to vapor lock.

X1.7 Vapor-Liquid Ratio

X1.7.1 Vapor-liquid (V/L) ratio is the ratio of the volume of vapor formed at atmospheric pressure to the volume of gasoline tested in Test Method D 2533. The V/L ratio increases with temperature for any given gasoline.

X1.7.2 The temperature of the fuel system and the V/L ratio that can be tolerated without vapor lock vary from vehicle to vehicle and with operating conditions. The tendency of a gasoline to cause vapor lock, as evidenced by loss of power during full-throttle accelerations, is indicated by the gasoline temperature at V/L ratios of approximately 20. The temperature at which the maximum V/L ratio is specified for each gasoline volatility class is based on the ambient temperatures and the altitude associated with the use of the class.

X1.8 Vapor-Liquid Ratio (Estimated)

X1.8.1 Three techniques for estimating temperature-V/L

EXHIBIT 2
DATE 2-5-91
HB 327

February 5, 1991

Dear Chairman Stang and members of the House Highway Committee:

My name is Rex Manuel, lobbyist for CENEX Petroleum Division headquartered at Laurel, Montana.

The Laurel refinery supplies retailers with 85.5 octane unleaded gasoline in Montana with the exception of CENEX in Glendive. The refinery ships only one grade of unleaded gasoline east on our pipeline and it is 87 octane blended for the North Dakota market. The Glendive CENEX is supplied by this pipeline.

National standard specifications for unleaded gasoline octane requirements is 87 with an exception for 5 different areas with octane reductions because of altitude. Montana is in area III which allows for a reduction of 2.2 points below 87 octane. North Dakota is in Area I which only allows 0.7 points reduction. Thus North Dakota is furnished with 87 octane unleaded gasoline.

Each refinery in Montana (because of operating expenses) will have a different cost of producing unleaded gasoline at 87 octane compared with the present 85.5. Extra costs for CENEX amounts to slightly over 1 cent per gallon and also a cost in terms of reduced product yields from crude oil. If CENEX had produced 87 unleaded gasoline for the year of 1990, our customers would have paid an extra $220,000.00.

Some new car owners are concerned because their Owner Manuals suggest they use 87 octane unleaded gasoline. Let me show what the Owners Manual for a 1986 Olds says about octane requirements: "In most parts of the United States, you should use unleaded fuel with an octane rating of at least 87. However, you may use unleaded fuel with an octane rating as low as 85 in these high altitude areas: Colorado, Montana, New Mexico, Utah, Wyoming, Northeastern Nevada, southern Idaho, Western South Dakota and Texas directly south of New Mexico."

In a telephone contact by a local auto dealer with a high General Motors official he was asked why the above message was not included in present Owners Manuals. He stated he was unaware it was not. I will speculate that a breakdown in communication and information has occurred.

Therefore, CENEX believes that there is no real justifiable reason for this bill and asks that your committee vote against HB 327.

Rex Manuel

Rex Manuel, Lobbyist
CENEX Refinery Division

System, which includes an oxygen sensor. Leaded fuel will damage the sensor, and deteriorate emission control. (For more information, see **"Computer Command Control System"** in Section 5 of this manual.)

Federal regulations require that pumps delivering unleaded fuel be labeled with the word UNLEADED. Only these pumps have nozzles that fit the filler neck of your Toronado's fuel tank.

In the United States, Federal law also requires that fuel octane ratings be posted on the pumps. The octane rating shown is an average of the Research (R) octane and Motor (M) octane numbers. In most parts of the United States, you should use unleaded fuel with an octane rating of at least 87. However, you may use unleaded fuel with an octane rating as low as 85 in these high-altitude areas: Colorado, Montana, New Mexico, Utah, Wyoming, northeastern Nevada, southern Idaho, western South Dakota, and Texas directly south of New Mexico.

Using unleaded fuel with an octane rating lower than stated can cause persistent, heavy "spark knock;" ("Spark knock" is a metallic rapping noise.) If severe, this can lead to engine damage. If you detect heavy spark knock even when using fuel of the recommended octane rating, or if you hear steady spark knock while holding a steady speed on level roads, have your Oldsmobile dealer correct the problem. Failure to take steps to stop such knocking is misuse of the vehicle, and damage due to misuse is not covered under the New Vehicle and Emission Control Systems warranties.

However, now and then you may notice light spark knock for a short time while accelerating or driving up hills. This is no cause for concern because you get the greatest fuel economy benefit from the fuel's octane rating when there is occasional light spark knock. Using fuel with a higher octane rating than that which allows occasional spark knock is an unnecessary expense.

Fuels Containing Alcohols

Unleaded fuels composed of blends of gasoline and alcohol (ethanol, methanol, co-solvents) are available. Some fuel suppliers voluntarily use labels of the type shown to inform consumers that their gasolines contain alcohol. Also, some states require the use of such labels. If you are not sure whether there is alcohol in the fuel you buy, ask the service station operator.

You may use properly blended fuels containing 10 percent or less ethanol (ethyl or grain alcohol) and still be covered by the New Vehicle and Emission Control Systems warranties.

DO NOT use fuels containing more than 5 percent methanol under any circumstances. Fuel system damage or car performance problems resulting from the use of such fuels are not the responsibility of Oldsmobile, and are not covered under the New Vehicle and Emission Control Systems warranties.

Fuels containing 5 percent or less methanol (methyl or wood alcohol) may be suitable for use in your car, if they also contain an equal amount of appropriate cosolvents to prevent fuel separation, and ingredients to protect your car's fuel system against corrosion of metals and damage to plastics and rubbers caused by methanol. However, the suitability of these fuels is not fully known at this time. Check with the service station operator if you have any questions regarding whether the fuel contains appropriate cosolvents and corrosion inhibitors.

If you are not satisfied with the drivability and fuel economy provided by fuels containing alcohols, you may prefer to use unleaded gasoline that does not contain alcohol.

NOTICE: Take care not to spill fuel during refueling. Fuels containing alcohol can cause paint damage, which is not covered under the New Vehicle Limited Warranty.

economic impact on a substantial number of small entities so as to require a regulatory analysis. This modification should not have a significant adverse impact on any of the affected entities, which are primarily retail gasoline outlets and wholesale puchaser-consumers. Therefore, pursuant to 5 U.S.C. 605 (b), I hereby certify that this rule will not have significant economic impact on a substantial number of small entities.

List of Subjects in 40 CFR Part 80

Incorporation by reference, Fuel additives, Gasoline, Motor vehicle pollution, Penalties.

Therefore, the rule is hereby promulgated as described below.

Dated: December 17, 1982.

Anne M. Gorsuch,

Administrator.

PART 80—REGULATION OF FUELS AND FUEL ADDITIVES

Accordingly, notice is hereby given that 40 CFR Part 80 is amended as follows:

1. In § 80.2 by revising paragraph (d) to read as follows:

80.2 Definitions.

• • • •

(d) "Octane number, (R+M) /2 method" means measurement of a gasoline's antiknock characteristics which is obtained by dividing the sum of the Research Octane Number and the Motor Octane Number by two, as explained by the American Society for Testing and Materials (ASTM) in ASTM 439–81, entitled "Standard Specifications for Automotive Gasoline." The Research Octane Number is determined by ASTM standard test method D 2699–80 and the Motor Octane Number is determined by ASTM standard test method D 2700–81. ASTM standards D 439–81, D 2699–80 and D 2700–81 are incorporated by reference. They are available from ASTM, 1916 Race Street, Philadelphia, PA, 19103, and are also available for inspection as part of Docket EN–81–11, located at the Central Docket Section, LA, Gallery L West Tower, 401 M Street, SW., Washington, DC, 20460. Standard D 439–81 is contained in the Annual Book of ASTM Standards, Part 25; standards D 2699–80 and D 2700–81 are contained in Part 47. This incorporation by reference was approved by the Director of the Federal Register on January 19, 1983. These materials are incorporated as they exist on the date of the approval and a notice of any change in these materials will be published in the Federal Register.

§ 80.22 [Amended]

2. In § 80.22 by amending the introductory text of paragraph (b) so that the portion reading "• • • not less than 91 Research Octane Number: *Provided, however,* That the octane number of unleaded gasoline offered for sale in areas where altitude is greater than 2,000 feet may be reduced one (1) octane number for each succeeding 1,000 feet, but not more than three (3) octane numbers in total" is changed to read, "• • • not less than 87 Octane, (R+M)/2 method: *Provided, however,* That the octane number of unleaded gasoline may be reduced for altitude as specified in American Society for Testing and Materials Standard D 439–81, which is incorporated by reference (see 40 CFR 80.2 (d)), except that references in that Standard to EPA regulations affecting Research Octane Number (RON) shall not apply."

[FR Doc. 83-2126 Filed 1-28-83; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 65

Changes in Special Flood Hazard Areas Under the National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: The Associate Director, State and Local Programs and Support, after consultation with the Chief Executive Officer of each community listed, finds that modification of the proposed Special Flood Hazard Areas (SFHAs) for those communities is appropriate as a result of requests for changes in the interim and/or Proposed Rule.

DATES: These modified SFHAs are in effect as of the dates listed in the sixth column of the attached list and amend the Flood Insurance Rate Map(s) (FIRM) in effect for each listed community prior to this date.

ADDRESSES: The modified SFHA determinations for each community are available for inspection at the office of the Chief Executive Officer of the community, listed in the fifth column of the table.

FOR FURTHER INFORMATION CONTACT: Dr. Brian R. Mrazik, Acting Chief, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287–0230.

SUPPLEMENTARY INFORMATION: The Associate Director, State and Local Programs and Support has published a notification of the SFHAs in prominent local newspapers for the communities listed below. Ninety (90) days have elapsed since that publication, and the Associate Director has received appeals from the communities requesting changes in the proposed SFHA determinations.

Pg 3

The numerous changes made in the SFHAs on the Flood Insurance Rate Map for each community make it administratively infeasible to publish in this notice all of the SFHA changes contained on the maps. However, this notice includes the address of the Chief Executive Officer where the modified SFHA determinations are available for inspection.

The modifications are pursuant to Section 206 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234) and are in accordance with the National Flood Insurance Act of 1968, as amended, Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 44 CFR Part 65.

For rating purposes, the revised community number is listed and must be used for all new policies and renewals.

These SFHAs are basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These SFHAs together with the flood plain management measures required by § 60.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements of its own, or pursuant to policies established by other Federal, State, or regional entities.

These modified SFHAs shall be used to calculate the appropriate flood insurance premium rates for new buildings and their contents.

The changes in the SFHAs listed below are in accordance with 44 CFR 65.4.

2

EXHIBIT 4
DATE 2-5-91
HB 306

WITNESS STATEMENT

NAME JIM ELLIS BILL NO. HB 306

ADDRESS 3402 COONEY DR HELENA

WHOM DO YOU REPRESENT? M.A.C.O. + M.A.C.R.S.

SUPPORT ✓ OPPOSE _____ AMEND _____

COMMENTS: We BELIVE COUNTYS HAVE THE KNOLAGE TO SET OUR OWN SPEED LIMITS

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Form CS-34A
Rev. 1985

EXHIBIT 4-H
DATE 2-5-91
HB 306

WITNESS STATEMENT

NAME Joanne C. Chance, P.E. BILL NO. HB306

ADDRESS 6574 Canyon Ferry Rd, Helena, MT

WHOM DO YOU REPRESENT? Montana Technical Council

SUPPORT _____ OPPOSE X AMEND _____

COMMENTS: See attached

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Form CS-34A
Rev. 1985

EXHIBIT 4-A
DATE 2-5-91
HB 306

!montana technical council

P.O. Box 20996, 1629 Ave. D, Billings, MT 59104, Phone 406/259-7300
Fax: 259-4211

MONTANA CHAPTER AIA
AMERICAN SOCIETY OF CIVIL ENGINEERS — ASCE
BILLINGS ARCHITECTURAL ASSOCIATION — BAA
CONSULTING ENGINEERS COUNCIL OF MONTANA — CECM
GREAT FALLS SOCIETY OF ARCHITECTS — GFSA
AMERICAN SOCIETY OF LANDSCAPE ARCHITECTS — ASLA
ARCHITECTURAL SOCIETY OF HELENA — ASH
MONTANA ASSOCIATION OF REGISTERED LAND SURVEYORS — MARLS
MONTANA SOCIETY OF ENGINEERS — MSE
INSTITUTE OF ELECTRICAL AND ELECTRONIC ENGINEERS — IEEE

HB 306

TESTIMONY OF THE MONTANA TECHNICAL COUNCIL. AN ASSOCIATION OF PROFESSIONAL ENGINEERS, ARCHITECTS, AND LAND SURVEYORS

MONTANA TECHNICAL COUNCIL IS OPPOSED TO THE CHANGES PROVIDED FOR IN THIS BILL FOR THE FOLLOWING REASONS.

AN ENGINEERING AND TRAFFIC INVESTIGATION STUDY IS THE LOGICAL, QUANTIFIABLE, AND JUSTIFIABLE WAY TO DETERMINE THE APPROPRIATE SPEED LIMIT IN A LOCAL JURISDICTION.

BY NOT ADHERING TO SOUND, CONSISTENT ENGINEERING EVALUATIONS, SPEED LIMITS IN LOCAL JURISDICTIONS WOULD BECOME INCONSISTENT, CONFUSING, AND POSSIBLY UNSAFE.* THE DANGER WOULD EXIST THAT THE ESTABLISHMENT OF SPEED LIMITS COULD BECOME POLITICAL AND SUBJECT LOCAL AUTHORITIES TO UNREASONABLE, BUT VERY VOCAL REQUESTS FROM LOCAL CITIZENS.

THE DEPARTMENT OF HIGHWAYS HAS THE GREATEST TECHNICAL EXPERTISE AND RESOURCES TO HAVE THE EXCLUSIVE JURISDICTION TO SET SPECIAL SPEED LIMITS ON ALL FEDERAL AID HIGHWAYS OR EXTENSIONS THEREOF IN ALL MUNICIPALITIES OR URBAN AREAS.

PLEASE KEEP TECHNICAL DECISIONS IN THE HANDS OF THOSE USING THEIR TECHNICAL EXPERTISE TO SET CONSISTENT, SAFE, JUSTIFIABLE SPEED LIMITS IN LOCAL JURISDICTIONS. MONTANA TECHNICAL COUNCIL THANKS YOU FOR THE OPPORTUNITY TO BE HEARD AND URGES YOU TO VOTE IN OPPOSITION TO THIS BILL.

*National Traffic accident studies show, for example, that unreasonably slow speed limits cause an increase in rear end collissions and passing under dangerous conditions.

EXHIBIT 4-B
DATE 2-5-91
HB 306

INTERMOUNTAIN SECTION
IDAHO - MONTANA - NEVADA - UTAH
ite Institute of Transportation Engineers

February 4, 1991

Representative Barry Stang, Chairman
Members of the House Highways
& Transportation Committee
State Capitol
Helena, MT 59620

SUBJECT: **HB 306, Local Speed Limits**

This letter is offered as testimony opposing House Bill 306.

This bill eliminates the requirement that local governments conduct an engineering study prior to increasing or decreasing speed limits from the statutory limits established in 61-8-303 MCA, and takes away the State's exclusive right to establish speed limits on federal aid highways in urban areas. While this could be viewed as an issue of local control, in reality it will lead to inconsistencies in the way speed limits are established. Of primary concern is that it will lead to speed limits established totally on a political basis, rather than being related to actual roadway conditions and driver expectations.

A commonly held misconception is that posting a lower speed limit will make the roadway "safe" by slowing traffic. Numerous studies have shown that without concentrated enforcement, the average speed of traffic is affected very little by changes in the posted speed. It has also been found that accidents increase as the variation in speeds of individual vehicles from the average speed increases. This is likely to occur when speed limits have not been established based on an engineering study. While some vehicles will attempt to drive the posted limit, others will continue to base their speed on visual clues such as roadway width, amount of adjacent development, etc. In short, speed limits <u>not</u> based on an engineering study and investigation are likely to decrease safety.

The other likely result of this legislation will be an increase in the number of areas that are (or are viewed as) speed traps--locations with the speed limit set artificially low to collect revenue from speeding tickets. The point of the legislation does not appear to be that engineering studies are an invalid means of establishing a speed limit, since the State Highway Commission will still be required to use them in setting speed limits (61-8-309 MCA). The current language in State Law is patterned after the "Uniform Vehicle Code," a nationally recognized and accepted model code.

EXHIBIT 4-B
DATE 2-5-91
HB 306

Lastly, I would pose the question of whether speed limits not based on an engineering study are legally defensible. Pursuant to 61-8-202 MCA the Department of Highways has adopted the Manual on Uniform Traffic Control Devices as a standard. Local jurisdictions are required to conform with this standard by 61-8-206 MCA. The Uniform Manual provides in part, "The Speed Limit sign *shall* display the limit established by law, or by regulation, *after an engineering and traffic investigation has been made in accordance with established traffic engineering practices* (emphasis added)."

As a practicing traffic engineer for the City of Billings and on behalf of the Intermountain Section of ITE, I urge the committee to oppose House Bill 306.

Sincerely,

H. Terry Smith

H. Terry Smith, P.E.
First Vice-President

HTS/rm

EXHIBIT 5
DATE 2-5-91
HB 87

Amendments to House Bill No. 87
First Reading Copy (White)

Requested by Representative Stang
For the Committee on Highways and Transportation

Prepared by Valencia Lane
January 31, 1991

1. Title, line 8.
Following: "SERVICES"
Insert: "IN EMERGENCY SITUATIONS"

2. Page 1, line 11.
Following: "Interstate"
Insert: "emergency"

3. Page 1, line 12.
Following: "agreements."
Insert: "(1)"

4. Page 1, line 14.
Following: "of"
Insert: "emergency"

5. Page 1, line 16.
Following: line 15
Insert: "(2) An agreement authorized under subsection (1) must be confined to emergency situations. The department is prohibited from entering into agreements with adjoining states or provinces that would result in an adjoining state or province performing routine maintenance on highways located in Montana."

EXHIBIT 6
DATE 2-5-91
HB 249

HOUSE OF REPRESENTATIVES

HIGHWAYS AND TRANSPORTATION COMMITTEE

ROLL CALL VOTE

DATE 2-5-91 BILL NO. HB 249 NUMBER _____

MOTION: Substitute Motion To TABLE
FAILED 6-10

NAME	AYE	NO
REP. FLOYD "BOB" GERVAIS, VICE-CHAIRMAN		✓
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	Excused	
REP. SCOTT MCCULLOCH		✓
REP. JIM MADISON		✓
REP. LINDA NELSON	✓	
REP. DON STEPPLER	✓	
REP. HOWARD TOOLE	✓	
REP. ROLPH TUNBY	✓	
REP. BARRY "SPOOK" STANG, CHAIRMAN		✓
TOTAL	6	10

EXHIBIT 7
DATE 2-5-91
HB 249

HOUSE OF REPRESENTATIVES

HIGHWAYS AND TRANSPORTATION COMMITTEE

ROLL CALL VOTE

DATE 2-5-91 **BILL NO.** 249 **NUMBER** _____

MOTION: Substitute Motion Do PASS
FAILED 5-12

NAME	AYE	NO
REP. FLOYD "BOB" GERVAIS, VICE-CHAIRMAN	✓	
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	✓	
TOTAL	5	12

EXHIBIT 8
DATE 2-5-91
HB 250

Amendments to House Bill No. 250
First Reading Copy (White)

Requested by Rep. Stang
For the Committee on Highways and Transportation

Prepared by Valencia Lane
February 3, 1991

1. Title, lines 4 through 11.
Following: ""AN ACT"
Strike: lines 4 through 11 in their entirety
Insert: "REQUIRING TRAFFIC LAW VIOLATORS TO SUCCESSFULLY COMPLETE A WRITTEN TEST RELATED TO DRIVER RESPONSIBILITIES AND DEFENSIVE DRIVING TECHNIQUES; PROVIDING THAT THE LICENSE OF A PERSON REQUIRED TO COMPLETE A WRITTEN TEST AS DESCRIBED IN THIS ACT NOT BE RENEWED UNLESS THE WRITTEN TEST HAS BEEN COMPLETED; ESTABLISHING A SURCHARGE TO THE LICENSE FEE TO OFFSET THE COST OF THE PROGRAM; APPROPRIATING FUNDS TO IMPLEMENT THE PROGRAM; AND PROVIDING AN EFFECTIVE DATE.""

2. Page 1, line 12.
Following: line 11
Insert: "STATEMENT OF INTENT

A statement of intent is necessary for this bill because it grants the department of justice additional rulemaking authority with respect to the creation of a retest program for licensed Montana drivers. It is the intent of the legislature that the department adopt rules establishing the violation level at which licensed Montana drivers would be subject to retesting, the test methods and content, and requirements for Montana drivers possessing provisional licenses."

3. Pages 1 through 9.
Strike: everything following the enacting clause
Insert: "NEW SECTION. **Section 1. Traffic offenders to take written test -- fee -- rules.** (1) The department of justice may order a driver convicted of violating traffic laws to complete a written test related to the responsibilities of a driver and the driving skills and techniques of defensive driving.

(a) When a driver has been ordered to complete a written test as required in this section, the department may not renew that driver's license or issue an original license until the test has been successfully completed.

(b) Any driver who has been ordered to complete a written test as required in this section must pay a $5 fee at the time of his next renewal or original application to offset the costs of the testing program.

(2) The fee required in subsection (1) must be

EXHIBIT 9
DATE 2-5-91
HB 250

HOUSE OF REPRESENTATIVES

HIGHWAYS AND TRANSPORTATION COMMITTEE

ROLL CALL VOTE

DATE 2-5-91 BILL NO. 250 NUMBER

MOTION: Rep. Foster Moved to Change Fee From $5 to $10 FAILED 5-12

NAME	AYE	NO
REP. FLOYD "BOB" GERVAIS, VICE-CHAIRMAN		✓
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		✓
TOTAL	5	12

EXHIBIT 16
DATE 2-5-91
HB 250

HOUSE OF REPRESENTATIVES

HIGHWAYS AND TRANSPORTATION COMMITTEE

ROLL CALL VOTE

DATE 2-5-91 BILL NO. 250 NUMBER

MOTION: Rep Stepler Made Substitute Motion that HB 250 Do not Pass as Amended. Rep Clark Made Motion that HB 250 Be Tabled. Motion Carried 14-3

NAME	AYE	NO
REP. FLOYD "BOB" GERVAIS, VICE-CHAIRMAN	✓	
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		✓
TOTAL	14	3

EXHIBIT 11
DATE 2-5-91
HB 83

Amendments to House Bill No. 83
First Reading Copy (White)

Requested by Rep. Stang
For the Committee on Highways and Transportation

Prepared by Valencia Lane
February 3, 1991

1. Page 1, line 8.
Following: line 7
Insert: "STATEMENT OF INTENT

The house committee on highways and transportation has determined that a statement of intent is necessary for this bill. It is the intent of the legislature to provide the department of highways the means to facilitate the securing of oversize permits by the motor carrier industry. To that end, the department should issue permits telephonically regardless of whether the weigh stations are equipped with computers."

EXHIBIT 12
DATE 2-5-91
HB 117

Amendments to House Bill No. 117

Prepared by Colonel Griffith
February 1, 1991

1. Section 2.
Following (Section 6) line 8.
Strike: through "license" on line 10.
This is covered by existing statutes.

2. Section 3, Line 15.
Strike: everything following "procession" through Line 16.

3. Page 3, Line 20.
Following "devices"
Insert: "persons directing traffic must comply with Section 61-1-411, MCA."

4. Page 4, line 2.
Following: "devices"
Insert: "provided the driver of that vehicle and the drivers of all vehicles in the funeral procession are meeting all the requirements of Section 2 through Section 8; and this section shall not operate to relieve the driver of a vehicle in a funeral procession from the duty to drive with due regard for the safety of all persons using the highway."

EXHIBIT 13
DATE 2-5-91
HB 117

Amendments to House Bill No. 117
First Reading Copy (White)

For the Committee on Highways and Transportation

Prepared by Valencia Lane
February 5, 1991

1. Title, lines 7 and 8.
Following: "PROCESSION;" on line 7
Strike: remainder of line 7 through "DAMAGES" on line 8
Insert: "PROVIDING THAT AN OPERATOR OF A VEHICLE IN A FUNERAL PROCESSION IS NOT NEGLIGENT IF HE FOLLOWS THE REQUIREMENTS OF THIS ACT; PROVIDING THAT NEGLIGENCE MAY NOT BE IMPUTED TO A FUNERAL DIRECTOR OR MORTICIAN IF NO NEGLIGENCE EXISTS ON THE PART OF THE OPERATOR OF A VEHICLE IN A FUNERAL PROCESSION"

2. Page 2, lines 8 through 10.
Following: "[section 6]" on line 8
Strike: remainder of line 8 through "license" on line 10

3. Page 2, lines 14 through 16.
Following: "procession" on line 14
Strike: remainder of line 14 through "license" on line 16

4. Page 3, line 10.
Following: "."
Insert: "When the funeral lead vehicle arrives at an intersection, it must comply with the requirements of any official traffic-control device, right-of-way provision of this chapter, and local ordinance."

5. Page 3, lines 20 through 23.
Following: "device." on line 20
Strike: remainder of line 20 through "intersection." on line 23
Insert: "Persons directing traffic shall comply with the provisions of 61-1-411."

6. Page 3, line 25.
Following: "A"
Insert: "vehicle in a"

7. Page 4, line 2.
Following: "devices"
Insert: "provided the driver of that vehicle and the drivers of all vehicles in the funeral procession meet all the

EXHIBIT 13
DATE 2-5-91
HB 117

requirements of [sections 2 through 8]"

8. Page 4, line 4.
Strike: "visible"
Insert: "visual"

9. Page 4, line 6.
Following: "."
Insert: "This section does not relieve the driver of a vehicle in a funeral procession from the duty to drive with due regard for the safety of all persons using the highway."

10. Page 4, line 10.
Strike: "circulation"
Insert: "rotating or oscillating"

11. Page 4, line 14.
Strike: "flashing"
Insert: "rotating or oscillating"

12. Page 6, line 3.
Following: "procession"
Insert: "being conducted in compliance with [sections 2 through 8]"

13. Page 6, line 10.
Following: "of"
Strike: "the"
Insert: "a vehicle participating in a"

14. Page 6, line 11 through page 7, line 3.
Following: "Liability." on line 11
Strike: remainder of section 9 in its entirety
Insert: "The operator of a vehicle in a funeral procession, including a lead vehicle or an escort vehicle, is not negligent if he operates the vehicle in accordance with the requirements of [sections 2 through 8]. When no negligence exists on the part of the operator of a vehicle in a funeral procession, none may be imputed to the funeral director or mortician organizing the procession, to the agent of the funeral director or mortician, or to a member of a local law enforcement agency acting as the agent, with or without compensation, of the funeral director or mortician."

EXHIBIT 14
DATE 2-5-91
HB 117

Amendments to House Bill No. 117
First Reading Copy (White)

Requested by Representative Toole
For the Committee on Highways and Transportation

Prepared by Valencia Lane
January 29, 1991

1. Title, lines 7 and 8.
Following: "PROCESSION;" on line 7
Strike: remainder of line 7 through "DAMAGES" on line 8
Insert: "PROVIDING THAT AN OPERATOR OF A VEHICLE IN A FUNERAL PROCESSION IS NOT NEGLIGENT IF HE FOLLOWS THE REQUIREMENTS OF THIS ACT; PROVIDING THAT NEGLIGENCE MAY NOT BE IMPUTED TO A FUNERAL DIRECTOR OR MORTICIAN IF NO NEGLIGENCE EXISTS ON THE PART OF THE OPERATOR OF A VEHICLE IN A FUNERAL PROCESSION"

2. Page 3, line 10.
Following: "."
Insert: "When the funeral lead vehicle arrives at an intersection, it must comply with the requirements of any official traffic-control device, right-of-way provision of this chapter, and local ordinance."

3. Page 3, lines 20 through 23.
Following: "device." on line 20
Strike: remainder of line 20 through "intersection." on line 23

4. Page 3, line 25.
Following: "A"
Insert: "vehicle in a"

5. Page 4, line 4.
Strike: "visible"
Insert: "visual"

6. Page 4, line 10.
Strike: "circulation"
Insert: ", circulating"

7. Page 4, line 14.
Strike: "flashing"
Insert: "circulating"

8. Page 6, line 3.
Following: "procession"
Insert: "being conducted in compliance with [sections 2 through 8]"

9. Page 6, line 10.
Following: "of"
Strike: "the"

EXHIBIT 14
DATE 2-5-91
HB 117

Insert: "a vehicle participating in a"

10. Page 6, line 11 through page 7, line 3.
Following: "Liability." on line 11
Strike: remainder of section 9 in its entirety
Insert: "The operator of a vehicle in a funeral procession, including a lead vehicle or an escort vehicle, is not negligent if he operates the vehicle in accordance with the requirements of [sections 2 through 8]. Where no negligence exists on the part of the operator of a vehicle in a funeral procession, none may be imputed to the funeral director or mortician organizing the procession or to the agent of the funeral director or mortician."

EXHIBIT 15
DATE 2-5-91
HB 117

HOUSE OF REPRESENTATIVES

HIGHWAYS AND TRANSPORTATION COMMITTEE

ROLL CALL VOTE

DATE 2-5-91 BILL NO. HB 117 NUMBER

MOTION: Rep. CLARK Made Substitute Motion DO PASS AS AMENDED CARRIED 13-4

NAME	AYE	NO
REP. FLOYD "BOB" GERVAIS, VICE-CHAIRMAN	✓	
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	✓	
TOTAL	13	4

HOUSE OF REPRESENTATIVES
VISITOR'S REGISTER

Hearings COMMITTEE BILL NO. HB327

DATE 2-5-91 SPONSOR(S) Rep Schye

PLEASE PRINT PLEASE PRINT PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Rex MANUEL	CENEX		✓
Stan Barnard	Self	✓	
LELAND GRIFFIN	Montana Refining Co		✓
Mike Dusterhoff	Montana Refining Co		✓
Jim Kembel	Public Safety Div / DOC	Information	
Jan Cool	EXXON		✓
WARD SHANAHAN	CHEVRON		✓
Steve Turkiewicz	Mt Auto Dealers Assn	—	—
Jamelle Fallan	Mt Petroleum		—

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

HOUSE OF REPRESENTATIVES
VISITOR'S REGISTER

Hiways COMMITTEE BILL NO. HB 304

DATE 2-5-91 SPONSOR(S) Rep. Barnett

PLEASE PRINT **PLEASE PRINT** **PLEASE PRINT**

NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
RICK DIGHANS 211 AL DAVIS BELGRADE	CITY OF BELGRADE	✓	
JIM ELLIS	MACRS L&C COUNTY - NACO	✓	
Joe Menicucci	City of Belgrade	✓	
John Youngberg	City of Belgrade	✓	
Heck	MDOH	—	
Joanne C. Chance, P.E.	MT Technical Council		✓
~~Tom Cool~~	~~EXXON~~	~~✓~~	~~✓~~
Thomas N. Ask	HD 49, Bigfork	✓	

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.