

MINUTES

MONTANA SENATE 52nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON HIGHWAYS & TRANSPORTATION

Call to Order: By SENATOR CECIL WEEDING, Chairman, on March 5, 1991, at 3:00 p.m.

ROLL CALL

Members Present:

Cecil Weeding, Chairman (D)
Betty Bruski, Vice Chairman (D)
Bill Farrell (R)
John Harp (R)
Francis Koehnke (D)
Jerry Noble (R)
Jack Rea (D)
Lawrence Stimatz (D)
Larry Tveit (R)

Members Excused: None.

Staff Present: Paul Verdon (Legislative Council).
Pat Bennett, Secretary

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

Announcements/Discussion: Chairman Weeding announced that Senator Bruski would take over the chair while he introduced a bill in another committee.

HEARING ON HOUSE BILL 29

Presentation and Opening Statement by Sponsor:

REPRESENTATIVE BERVYL KIMBERLEY, District #90, opened the hearing on House Bill 29 which deals with tinted windows. The law enforcement officers in District #90 suggested that the legislature do something to eliminate the dark tint in automobile windows. When these officers approach a vehicle they have no idea what might be waiting for them. Representative Kimberley suggested the Committee amend HB 29 on Page 4, Section 6 by removing the Grandfather exemption and on Page 5, Section 2, Line 5, following "of the" strike "head of the" and following "enforcement" strike "agency" and insert "officer". Besides the concern of the officers, there is also a concern about the driver at a controlled intersection. What a person will do at an intersection often depends on what kind of eye contact has been

made with the other person at that intersection. House Bill 29 deals on with the side windows, House Bill 47 deals with windshields. With regard to vans, on Page 2, Section 4-B, allows the side windows behind the front window to be darker.

Proponents' Testimony:

BOB GRIFFITH, Chief Administrator, Highway Patrol Division, Department of Justice, expressed support for HB 29 and stated that they have been attempting to pass legislation to do away with tinted windows for some time. Colonel Griffith said he agrees with striking subsection (6) on page 4 and they would also be willing to forgo with enforcement for a period of time, allowing people time for the adjustment.

LARRY TOBIASON, representing AAA of Montana, testified in support of HB 29. He stated that they are quite involved in high schools with traffic education, all the manuals teach that eye contact is important.

Opponents' Testimony:

RAY CROWNER wished to be listed as an opponent. (SEE WITNESS STATEMENT)

Questions From Committee Members:

SENATOR KOEHNKE asked how soon a person would be required to replace the windows.

REPRESENTATIVE KIMBERLEY said that in the bill it states "if they came from the manufacturer" it would not be affected by this legislation.

SENATOR NOBLE asked if Subsection 6 exempts the manufacturers.

REPRESENTATIVE KIMBERLEY said it is on Page 4, Lines 8-18. He stated that those windows which would not comply because they are darker than the 35% have a darkened material attached can be removed.

SENATOR KOEHNKE asked who will decide what is too dark?

REPRESENTATIVE KIMBERLEY said it would be the local law enforcement agency or officer.

SENATOR NOBLE asked if the Committee should hold off on HB 29 until they have heard HB 47 sponsored by Ed Grady.

REPRESENTATIVE KIMBERLEY said he would have no objections to that.

SENATOR TVEIT asked if the cars with the real dark windows

came that way from the manufacturer?

REPRESENTATIVE KIMBERLEY said most of those were done after they came from the factory.

SENATOR TVEIT asked if there was any grandfathering in this bill?

REPRESENTATIVE KIMBERLEY said if they remove section (6), there would not be any grandfathering in the bill. The law enforcement people would like to have immediate compliance. Representative Kimberley stated he would like immediate compliance also.

CHAIRMAN WEEDING asked if this bill would prohibit tinting?

REPRESENTATIVE KIMBERLEY stated HB 29 would not prohibit tinting, it only states a person can not go beyond the point where you can not see into the interior vehicle.

Closing by Sponsor:

REPRESENTATIVE KIMBERLEY closed the hearing on HB 29.

HEARING ON HOUSE BILL 156

Presentation and Opening Statement by Sponsor:

REPRESENTATIVE HOWARD TOOLE, District #60, informed the Committee that HB 156 would allow the reciprocal arrangements with other states regarding issuance of permits for international and interstate carriers. This concept will enable Montana to provide interstate permits to Montana based carriers and to allow other states to do the same with respect to their carriers, and to operate on a reciprocal basis.

Proponents' Testimony:

WAYNE BUDT, Administrator of the Transportation Division, Public Service Commission, testified in support of HB 156. (SEE EXHIBIT 1) He explained that HB 156 would allow the PSC to enter into an agreement with the other states. There is a pilot program presently going on with the identification year running from October 1. He stated there would not be any additional cost.

Opponents' Testimony:

None.

Questions From Committee Members:

None.

Closing by Sponsor:

REPRESENTATIVE TOOLE closed the hearing on HB 156 stating this bill would be a tremendous cost savings and harassment savings for the trucking firms.

EXECUTIVE ACTION ON HOUSE BILL 156

Motion:

SENATOR FARRELL MOVED that HOUSE BILL 156 BE CONCURRED IN.

Discussion:

SENATOR FARRELL will carry HB 156.

Recommendation and Vote:

MOTION PASSED UNANIMOUS that HB 156 BE CONCURRED IN.

HEARING ON HOUSE BILL 177

Presentation and Opening Statement by Sponsor:

REPRESENTATIVE HOWARD TOOLE, District #60, explained that HB 177 is a bill to eliminate a reference in the statute to a special revenue account. This was missed during the last legislature.

Proponents' Testimony:

PETER FUNK, Assistant Attorney General, stated that last session House Bill 744 was put together by the House Appropriations Committee. This bill eliminated the mechanism by which the Motor Vehicle Division has been administered for a number of years. Included in that is the Motor Vehicle Account of the State Special Revenue Fund. This one statute was missed and HB 177 will clean it up. The Division is funded exclusively out of the general fund, rather than having this special revenue account. (SEE EXHIBIT 2)

Opponents' Testimony:

None.

Questions From Committee Members:

None.

Closing by Sponsor:

REPRESENTATIVE TOOLE closed the hearing on HB 177.

EXECUTIVE ACTION ON HOUSE BILL 177

Motion:

SENATOR HARP MOVED that HOUSE BILL 177 BE CONCURRED IN.

Discussion:

SENATOR NOBLE will carry HB 177.

Recommendation and Vote:

MOTION PASSED UNANIMOUSLY that HB 177 BE CONCURRED IN.

HEARING ON HOUSE BILL 306

Presentation and Opening Statement by Sponsor:

REPRESENTATIVE JOE BARNETT, District #76, stated that there are other communities, other than Belgrade, who are facing the same problem which HB 306 addresses. He explained the changes made to House Bill 306 when in the House Committee.

Proponents' Testimony:

JOE MENICUCCI, City Manager, City of Belgrade, read a letter from Carolyn Janssen-Colman supporting HB 306. (SEE EXHIBIT 3) He also testified in support of HB 306. (SEE EXHIBIT 4) Along with Mr. Menicucci's written testimony is a map of Belgrade.

HARRY ERICKSON, Superintendent of Schools, Belgrade, stated they strongly support HB 306. He explained there are two schools, one on each side of the street on one of the entrances into Belgrade from the North. There are approximately between 1,100 and 1,200 student crossings there. Mr. Erickson stated that although it is the Highway Commission's task to expedite traffic, their's is to make sure that traffic is not running over kids.

RICK DIGHANS, Sergeant of the Belgrade Police Department, said he has been in the Department for 13 years. He stated he started on this about four and a half years ago. He has worked traffic control extensively within the city limits of Belgrade and has seen the dangers increasing to the students going to and from school. There are a number of variables influencing the traffic flow within the city limits of Belgrade. The airport is the prime important influence because the approximately 90 cars

are being rented by people who are not familiar with the area. He stated they gave information to the Mayor to get the speed zones changed. The Mayor presented it to the Highway Department, who responded by placing a cross walk within a 35 mph speed zone. (#4 on the Map, EXHIBIT 4) He stated they have asked to move that speed zone back around the corner, allowing a greater area of 25 mph. The study also recommended that the speed limit be increased to 35 mph on North Broadway between the two grade schools. Currently it is set at 25 mph. There are 18 bus crossings and 1,200 student crossing each day. Their initial engineering study took place in August when there was no school. The City of Belgrade protested the findings of the speed zone study. He stated that they were invited to attend the Highway Commission meeting in Bozeman on September 1. This bill is due to frustration with the Commission. The City of Belgrade expressed they felt the study was flawed, and the Commission said they could have their own study at the City's expense. The cost would be around \$6,500 to the City of Belgrade. He stated that the City of Belgrade has no interest in taking away the State's authority to regulate speed limits. The City of Belgrade is interested in legislation that allows those who are there and see it everyday to be the ones to have the input that is at least considered.

JEFFREY LOSETT, Elementary Principal, Belgrade, testified in support of HB 306. There are approximately 340 students in his elementary, across the street there are approximately 400 students. Their ages range from kindergarten to fourth grade. At these ages, the children do not have much of a thought process regarding traffic. This bill is more of a safety issue than a convenience issue. Mr. Losett stated you have to look at what is more important, the inconvenience of motorists having to slow down versus the safety of children. Many of the crossings are unsupervised. Traffic travelling at 25 to 35 mph requires greater stopping distance than traffic going 15 mph would. In most communities in Montana the speed limit around schools is 15 mph.

CHERYL JOHANNIS, Elementary Principal of the Hecht School, Belgrade, stated that her elementary also has a pre-school with 3 and 4 year olds. Although the teachers reminds these children to be careful crossing, she stated she has had many heart stopping incidents. Ms. Johannis submitted pictures. (SEE EXHIBIT 5)

JIM ELLIS, Road Supervisor for Lewis and Clark County, also representing MACo, testified in support of HB 306. He stated they have a number of schools and parks that are within the county road systems. Mr. Ellis stated that they have a number of roads they have asked the Highway Department to do studies on. The requests have been in for one year and they have yet to respond to this. There is a road in the Helena Valley called Green Meadow drive. This road is very narrow, winding road and about 20 school busses drive this road every day. Mr. Ellis stated they have asked for engineering studies on that road. He

stated he would like it reduced to 45 mph, but it has been left at 55 mph. He stated he would also like the section pertaining to schools, playgrounds, and parks put back in the title.

Opponents' Testimony:

JOANNE CHANCE, representing the Montana Technical Council testified in opposition of House Bill 306. (SEE EXHIBIT 6)

Questions From Committee Members:

SENATOR KOEHNKE told JoAnne Chance about the same problem in his district and safety should come first.

JOANNE CHANCE stated that based on statistics, you get a safer situation when you follow the engineering reports. She stated that the problem may be enforcement in this case. If you set inappropriately slow speed limits, some cars obey them, others are accustomed to going the set limit of 55. The result of a reduced speed limit is someone being rear ended by a person who is still going 55. She stated that when you start making inconsistent speed limits, you actually generate more unsafe situations.

SENATOR KOEHNKE stated that in Townsend they have advance notice that there is speed limit ahead.

JOANNE CHANCE stated that it is a matter of whether everyone would catch the sign.

SENATOR FARRELL asked Ms. Chance about her testimony regarding not requiring an engineering traffic investigation. The bill provides local authority based on "engineering and traffic investigation".

JOANNE CHANCE stated they can lower the findings by 70% which weakens the effectiveness of an engineering study.

SENATOR FARRELL asked about the federal highway funding, and asked Ms. Chance to explain how the State can lose money.

JOANNE CHANCE stated that if federal technical standards are not adhered to, the state's share of federal-aid highway money may be withheld.

SENATOR FARRELL asked what percentage of the Federal decision making of survey is? There are 7 or 8 different things that are to be considered when they do the traffic survey. Montana has chosen 85%.

JOANNE CHANCE stated that the study takes into account sight distance, curves, and road conditions, etc.

SENATOR FARRELL asked if it makes any difference that the traffic study was done in August when there were not any children in school?

JOANNE CHANCE stated that she thought they took that into consideration.

SENATOR FARRELL stated that Lolo, Stevensville, Poplar, Neihart, and Missoula have all had this same problem since he has been in the legislature.

SENATOR FARRELL asked if there was a death at one of these crossings, would the engineering survey remain the same?

JOANNE CHANCE stated that they do go back into the study if there have been deaths at an intersection.

SENATOR REA stated that he fails to see how the engineering study can not take into consideration a school where three sides have 15 mph speed limits.

JOANNE CHANCE stated that part of the problem was they want to move that speed sign way back from the school.

SENATOR TVEIT stated his district had the same problem, had a study done and was told that there has to be a certain number of deaths on that road before a crossing could be put on the railroad tracks. He asked what the difference is between slowing down when entering a town and slowing down because there is a school ahead. He stated that 30 mph is too fast for this type of condition with the schools. Senator Tveit stated he had a problem with the engineering studies and their lack of safety.

JOANNE CHANCE stated that they have said it is the technical position of engineers that you are safer if you follow the studies in setting your speed limits.

SENATOR TVEIT said he hears the engineers saying to go by the study until there are some deaths before making a change, and that he would rather prevent this.

JOANNE CHANCE stated that they trust the logical, dependable nature of the engineering study.

SENATOR TVEIT asked if this is a primary road going between the schools.

RICK DIGHANS stated that FAS 290 is a secondary which is under the jurisdiction of the state, the city has it from the city limits into town.

SENATOR STIMATZ requested that the head of engineering from the Highway Department come to answer questions.

SENATE HIGHWAYS & TRANSPORTATION COMMITTEE

March 5, 1991

Page 9 of 9

CHAIRMAN WEEDING informed Ms. Chance with regard to people's expectations, speed limits within cities are not the same in all cases. People's expectations are what they see on the speed sign along the road.

Closing by Sponsor:

REPRESENTATIVE BARNETT stated there are other communities as well who are having this problem, such as Big Fork and Anaconda. He stated he disagrees with Ms. Chance as far as determining what is near a school, park or playground. He in turn asked how you would define what is safe, prudent, and careful. Those schools were there before this road became within the state maintenance district. Even after a good traffic investigation, the engineers are not aware of the total impact that the situation in that community has on certain streets. Those who are the closest to the problem are the ones who should have some input. They are asking that after the investigation, if there are some of these problems which exist such as with the schools, that decrease the limits by 70% be allowed.

ADJOURNMENT

Adjournment At: 5:00 p.m.


SENATOR CECIL WEEDING, Chairman


PAT BENNETT, Secretary

CW/pb

HI030591.SM1

Ex. 1
3-5-91 3-5
HB 156

HOUSE BILL 156

TESTIMONY OF WAYNE BUDT
ADMINISTRATOR, TRANSPORTATION DIVISION
MONTANA PUBLIC SERVICE COMMISSION

A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW THE MONTANA PUBLIC SERVICE COMMISSION TO PARTICIPATE IN THE COOPERATIVE REGISTRATION OF INTERSTATE AND INTERNATIONAL MOTOR CARRIERS THROUGH AGREEMENT WITH AGENCIES OF OTHER STATES; AMENDING SECTION 69-12-103, MCA; PROVIDING AN IMMEDIATE EFFECTIVE DATE."

The federal Interstate Commerce Commission grants interstate operating authority to motor carriers. The motor carrier must then contact each state in which he transports commodities and register the grant of ICC authority.

This bill would allow the motor carrier's base state Commission to register the ICC authority under a reciprocity agreement with other participating states. The carrier would then be responsible for registering with only one state, while having other states acknowledge the registration.

The proposed statute requires that the agreements or amendments be in writing and authorizes the agency of any participating state to issue interstate motor carrier registrations and collect fees.

- (d) manufacturer's designation of style of car or vehicle;
 - (e) identifying number;
 - (f) year of manufacture;
 - (g) character of motive power and shipping weight of car as shown by the manufacturer;
 - (h) the distinctive license number assigned to the vehicle;
 - (i) if a truck or trailer, the number of tons' capacity or GVW if imprinted on manufacturer's identification plate;
 - (j) such other information as may from time to time be found desirable.
- (3) The department shall file applications for registration received by it from the county treasurers of the state and register the vehicles therein described and the owners thereof in suitable books or on index cards, as follows:

- (a) under the distinctive license number assigned to the vehicle by the county treasurer;
 - (b) alphabetically under the name of the owner;
 - (c) numerically under make and identifying number of the vehicle;
 - (d) such other index of registration as the department considers expedient.
- (4) Vehicle registration records and indexes and driver's license records and indexes may be maintained by electronic recording and storage media.
- (5) In the case of dealers, the records shall show the information contained in the application for dealer's license as required by 61-4-101 through 61-4-105, as well as the distinctive license number assigned to the dealer.
- (6) In order to prevent an accumulation of unneeded records and files, the department shall have the authority and it shall be its duty to destroy all records and files which have ceased to be of any value.
- (7) The department may establish and maintain a short-wave radio station in order to report motor vehicle registration information to the highway patrol, to sheriffs, and to the chiefs of police of each incorporated city of the state who are able to communicate with such short-wave radio station.
- (8) All records shall be open to inspection during all reasonable business hours, and the department shall furnish any information from the records upon payment by the applicant of the cost of transcribing the information requested.

History: En. Sec. 1, Ch. 75, L. 1917; re-en. Sec. 1755, R.C.M. 1921; amd. Sec. 1, Ch. 177, L. 1925; amd. Sec. 1, Ch. 129, L. 1927; amd. Sec. 1, Ch. 181, L. 1929; amd. Sec. 1, Ch. 159, L. 1933; re-en. Sec. 1755, R.C.M. 1935; amd. Sec. 1, Ch. 62, L. 1943; amd. Sec. 1, Ch. 208, L. 1957; amd. Sec. 22, Ch. 177, L. 1965; amd. Sec. 1, Ch. 256, L. 1965; amd. Sec. 1, Ch. 74, L. 1967; amd. Sec. 1, Ch. 115, L. 1969; amd. Sec. 1, Ch. 207, L. 1969; amd. Sec. 1, Ch. 214, L. 1971; amd. Sec. 7, Ch. 343, L. 1977; R.C.M. 1947, 53-101; amd. Sec. 26, Ch. 421, L. 1979; amd. Sec. 1, Ch. 15, L. 1981; amd. Sec. 1, Ch. 503, L. 1985; amd. Sec. 2, Ch. 555, L. 1985.

Cross-References

Right to know, Art. II, sec. 9, Mont. Const.
Public records, Title 2, ch. 6.
Cities and towns — power to license, ch. 7, part 1.
Mobile home or house trailer — transfer of interest, 61-3-207.
Registration of collectors' items, 61-3-411.
Monopolies in motor vehicle financing, Title 61, ch. 4, part 4.
Drivers' licenses, Title 61, ch. 5.
Accidents on highways — reports, Title 61, ch. 7, part 1.
Weight and size regulations, Title 61, ch. 10.
Motor club service companies, Title 61, ch. 12, part 3.
Motor carriers, Title 69, ch. 12.

61-3-102. General fund reimbursement. Any moneys appropriated from the general fund for the operation of the department in performing its

duties under this title or for the manufacture of number plates shall be reimbursed to the general fund from the motor vehicle account, state special revenue fund, if there are moneys in the account above the amount required for the normal operation of the department in performing its duties under this title.

History: En. 53-122.1 by Sec. 3, Ch. 41, L. 1975; R.C.M. 1947, 53-122.1; amd. Sec. 1, Ch. 277, L. 1983; amd. Sec. 1, Ch. 503, L. 1985; amd. Sec. 114, Ch. 370, L. 1987.

Cross-References

Fund structure, 17-2-102.

61-3-103. Filing of security interests, rights, procedure, fees. (1) No security interest in a motor vehicle shall be valid as against creditors, subsequent purchasers, or encumbrancers unless a lien notice, on a form approved by the department, that shows a security interest has been created, has been filed with the department as provided in this section. The department shall not file any security interest or other lien unless it is accompanied by or specified in the application for a certificate of ownership of the vehicle encumbered. If the approved notice form is transmitted to the department, the security agreement or other lien instrument that creates the security interest must be retained by the secured party. A copy of the security agreement is sufficient as a lien notice if it contains the name and address of the debtor and the secured party, the complete vehicle description, amount of lien, and is signed by the debtor. The department shall file the security interest or lien by entering the name and address of the secured party upon the face of the certificate of ownership. The department shall mail a statement certifying to the filing of a security interest or lien to the secured party. The department shall mail the certificate of ownership to the owner at the address given on the certificate; however, if the transfer of ownership and filing of the security interest are paid for by a creditor or secured party, the department shall return the certificate of ownership to the county treasurer where the vehicle is to be registered. The owner of a motor vehicle is the person entitled to operate and possess such motor vehicle.

(2) A security interest in a motor vehicle held as inventory by a dealer licensed under the provisions of 61-4-101, must be perfected in accordance with Title 30, chapter 9, and no endorsement on the certificate of title is necessary for perfection.

(3) Whenever a security interest or lien is filed against a motor vehicle that is subject to two security interests previously perfected by filing under this section, the department shall endorse on the face of the certificate of ownership, "NOTICE. This motor vehicle is subject to additional security interests on file with the Department of Justice." No other information regarding such additional security interests need be endorsed on the certificate.

(4) Satisfaction or statements of release filed with the department under this chapter shall be retained by it for a period of 8 years after receipt, after which they may be destroyed.

(5) The filing of a security interest or other lien, as herein provided, perfects a security interest which has attached at the time the certificate of ownership noting such interest is issued. Issuance of a certificate of ownership

TOWN of WEST YELLOWSTONE
PO Box 579 -or- 124 Yellowstone Ave.
OFFICE OF THE MAYOR
West Yellowstone, MT 59758
Phone (406) 646-7795

Ex. 3
3-5-91
HB 306

Monday, 25 Feb 1991

Senator Cecil Weeding, Chairman
Senate Committee on Highways & Transportation
Helena, MT 59601

RE: HB306

Dear Senator Weeding:

This letter is being written to inform you and your committee of the total support of the Town of West Yellowstone, as stated at our Town Council meeting February 21st, for HB306.

We feel the standardized rating given by the Highway Department in their speed zone studies does not take into consideration extenuating circumstances in individual towns and cities.

The option to adjust traffic speed in the areas of schools, playgrounds and parks would rest much better with the officials who live in that area.

Thank you for your consideration to approve HB306.

Sincerely,



Carolyn Janssen-Colman
Mayor

Ex. 4 7
3-5-91
HB 306

CITY OF BELGRADE

STATE OF MONTANA

JOSEPH A. MENICUCCI
CITY MANAGER

HENRY D. HATHAWAY
DIRECTOR OF PUBLIC WORKS

MARILYN M. FOLTZ
CLERK - TREASURER

March 5, 1991

Senator Cecil Weeding, Chairman
Senate Committee on Highways and Transportation
Helena, Montana 59601

Dear Chairman Weeding and Committee Members,

State Highways serve as main streets in communities throughout Montana. Belgrade's three primary streets, Jackrabbit Lane, Main and Broadway Streets are state highways. There are advantages to having the state highway department responsible for the maintenance of City streets. There are, however, disadvantages that are addressed by HB 306.

The State is in the business to move traffic on the highways in the fastest and most efficient way possible. Cities are responsible for the safety of all of the citizens of the community as well as visitors to the community. Too often, the two responsibilities are not compatible.

The State relies on an engineering and traffic study to set speeds on state highways. This study determines that eighty-five percent of the individuals operating a vehicle on the highway do so in a safe and prudent manner. No consideration is given to those factors such as the section of Main street in Belgrade that is shaded throughout the winter by the multi-story grain elevator building. This building is adjacent to a city park, and a cross walk used by children crossing from the South side of the community to the park and to schools located in the north section of the community. The traffic is also greatly influenced by the Gallatin airport located east of this area. Car rental agencies at the airport report an average of ninety cars rented each day. A large percentage of the traffic from the airport utilizes Main street and Jackrabbit Lane as the visitors travel to Yellowstone Park and Big Sky resort located south of Belgrade.

Broadway street functions as a main conduit of traffic from all areas to the North of Belgrade. The Engineering and traffic study does not consider the Quaw and Heck Elementary schools or the Lyons Park located on Broadway.

HB 306 allows the Cities and towns to consider the many safety factors and reduce speeds set by an engineering and traffic study near schools, parks and playgrounds.

CITY OF BELGRADE

STATE OF MONTANA


JOSEPH A. MENICUCCI
CITY MANAGER

HENRY D. HATHAWAY
DIRECTOR OF PUBLIC WORKS

MARILYN M. FOLTZ
CLERK - TREASURER

On behalf of the City of Belgrade, I want to strongly urge that you act favorably on HB 306.

Sincerely,
CITY OF BELGRADE -

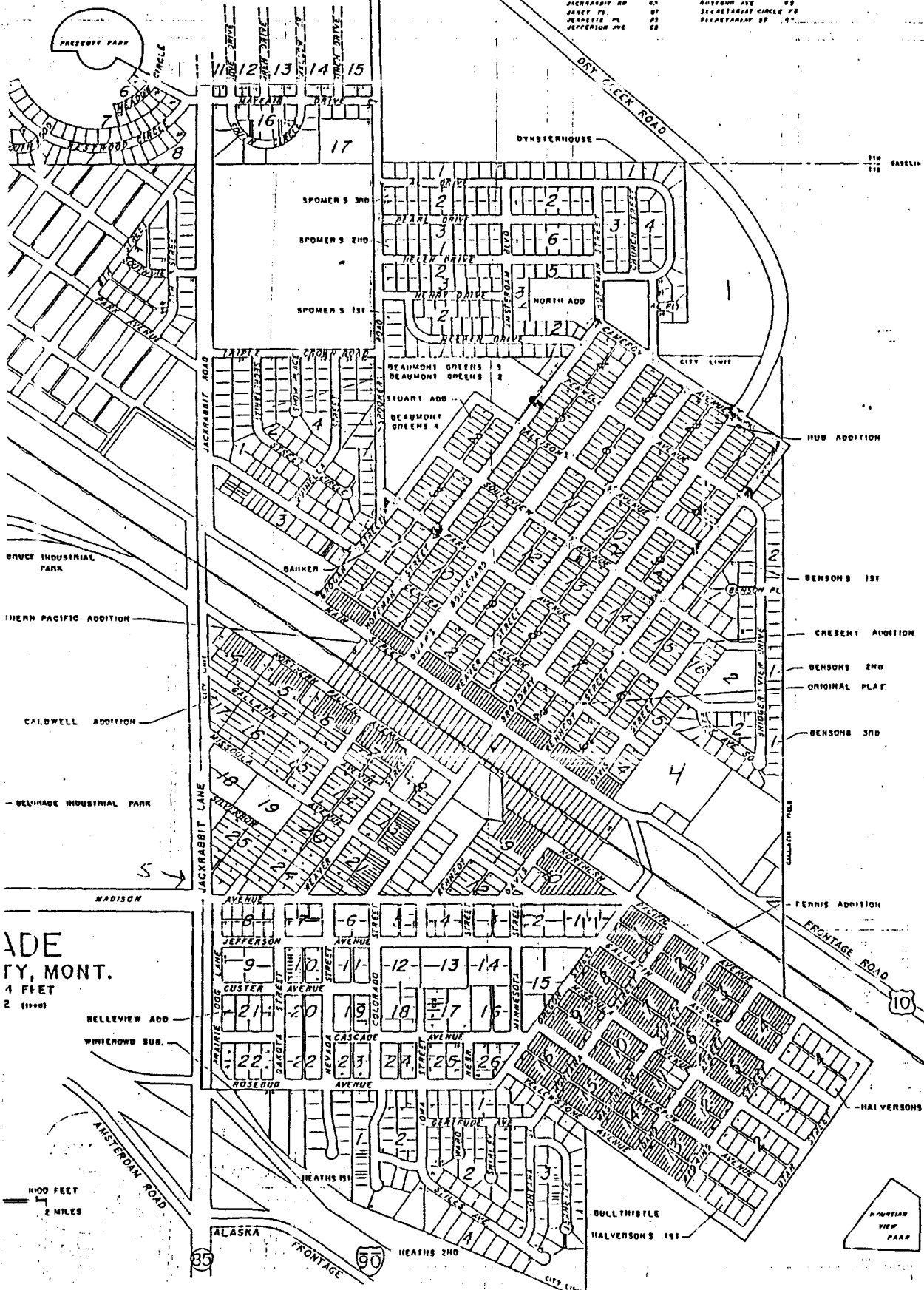


Joseph A. Menicucci
City Manager

11B 304 Ex. 4
INVOCA 3-5-91

- STATE / INDEA

ALYSSA THROESSE	40	CAJALCO AVE	24	KENYON ST	06,23	1TH ST	A
ALP	40	CENTRAL AVE	24	MADISON AVE	06	SHAWNEE ST	B
AL PLACE	06	CHURCH ST	03	WALK ST	06	SHAWNEE AVE	B
ALYSSON AVE	02	CLARKMAN ST	00	WALTON DR	00	SILVERDALE DR	B
AMERICAN PL	00	CUTLER AVE	00	WILKINSON DR	00	SWIN ST	B
ANDREA AVE	00	DAVIDA ST	03	WILSON CIRCLE	10	SOUTH LAKELI	B
ARLEN DR	04	DAVIS ST	00	WILSON ST	00	SOUTH VIEW AVE	21
ATLANTIC PL	02	DEWEY DR	03	WINDMILL AVE	03,00	SOUTH VIEW AVE	00
BAIR HILL ST	00	DR 3TH	00	WINTANA ST	03	SPOONER RD	0
BARNER VIEW DR	02	ELLEN ST	07	WINDYBUSH ST	00,04	STILES AVE	A
BARNHART	03	FINCH DR	00	WINDYBUSH ST	00	STILLMAN DR	0
CANDOR AVE	02	GILLMAN AVE	02,23	WINDYBUSH PARKWAY DR	03	THIRLEY / AGNES RD	B
		GERARDUS AVE	00	WINDYBUSH ST	03	UTAH ST	0
		GROGAN ST	03	PAKIN AVE	01,00	WARD ST	0
		HELEN DR	00	PAKIN AVE SOUTH	00	WASHBURN ST	0
		HEWITT DR	00	PEWEE DR	00	WHEATON ST	03
		HOFFMAN ST	00	PINEVALE AVE	03	WESTBROOK CIRCLE	1
		IBANDU ST	03	PHANTOM DR LK	03	WHEAT DR	0
		IGOUA ST	00	POW'Y PARK	00	WYOMING ST	0
		JACKSONBRIE LANE	00	QUINNELL ST	00	YELLOWSTONE AVE DR	0
		JACKSONBRIE RD	03	ROSTOWN AVE	00		
		JANET PL	07	SILVERSTAR CIRCLE PR	00		
		JENNIFER PL	03	SILVERSTAR ST	04		
		JEROME AVE	00				



Submitted by
Cheryl Johannis
EX5
3-5-91



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

HB 306

EX-6
3-5-91
HB 306

MONTANA CHAPTER AIA	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

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.

THIS BILL REMOVES THE CURRENT REQUIREMENT FOR AN ENGINEERING AND TRAFFIC INVESTIGATION OR STUDY IN TWO MAJOR AREAS. THESE ARE THE SETTING OF SPEED LIMITS NEAR SCHOOLS AND THE SETTING OF CITY AND TOWN SPEED LIMITS ON ALL STREETS AND ARTERIAL NOT RECEIVING FEDERAL AND STATE HIGHWAY AID. THIS IS A LARGE PERCENTAGE AND INCREASING.

BY NOT ADHERING TO SOUND, CONSISTENT ENGINEERING EVALUATIONS, SPEED LIMITS IN CITIES AND TOWNS 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.

I HAVE A LETTER FROM THE MONTANA SECTION OF THE INSTITUTE OF TRANSPORTATION ENGINEERS WHICH STATES THEIR OPPOSITION TO THIS BILL. I WOULD LIKE IT ENTERED INTO THE RECORD. I WOULD LIKE TO PARAPHRASE THEIR MAJOR POINTS:

1. POSTING A LOWER SPEED LIMIT DOES NOT, MAKE THE ROADWAY "SAFE" BY SLOWING TRAFFIC. STUDIES SHOW THAT IF SPEED LIMITS ARE NOT SET BASED ON ENGINEERING STUDIES THAT THE VARIATION IN SPEEDS OF INDIVIDUAL VEHICLES INCREASES. THAT IS, SOME CARS ADHER TO THE POSTED SPEED LIMITS, OTHERS DRIVE BASED ON ROAD CONDITIONS. THESE DIFFERING SPEEDS INCREASE THE FREQUENCY OR PROBABILITY OF ACCIDENTS. THIS BILL WOULD ACTUALLY DECREASE SAFETY NEAR A SCHOOL IF ENGINEERING STUDIES ARE IGNORED OR *reduced in effectiveness.*



COORDINATING COUNCIL FOR MONTANA DESIGN PROFESSIONS

Ex. 6
3-5-91
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 not 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.

*

2. THEY FURTHER POINT OUT THAT THE BILL WOULD INCREASE THE NUMBER OF AREAS THAT COULD BE VIEWED AS SPEED TRAPS. (*)
3. THE INST. OF TRANS. ENGINEERS ALSO RAISES THE QUESTION OF WHETHER SPEED LIMITS SET WITHOUT BEING BASED ON AN ENGINEERING STUDY ARE LEGALLY DEFENSIBLE. THEY CITE STATE LAW TO THIS EFFECT. (*)

INSERT

THE MONTANA TECHNICAL COUNCIL WOULD LIKE TO POINT OUT THAT THIS BILL COULD ALSO ENDANGER FEDERAL HIGHWAY AID, SINCE FEDERAL STANDARDS WOULD PROBABLY BE VIOLATED.

UNFORTUNATE

IN SHORT THIS IS AN ~~AM~~ BILL, THAT WAS SIMPLY INTRODUCED BECAUSE OF ONE JURISDICTIONS SQUABBLE WITH THE DEPT. OF HIGHWAYS. WE APPEAL TO YOU TO KEEP TECHNICAL DECISIONS IN THE HANDS OF THOSE USING THEIR TECHNICAL EXPERTISE TO SET CONSISTENT, SAFE, JUSTIFIABLE SPEED LIMITS IN LOCAL JURISDICTIONS. MTC THANKS YOU FOR THE OPPORTUNITY TO BE HEARD AND URGES YOU TO VOTE IN OPPOSITION TO THIS BILL.

- Better enforcement needed by police force
- Better communication

INSERT

What is near a school? A mile away? A half mile?

What is a park / playground?

- an unofficial neighborhood play field
- an open field

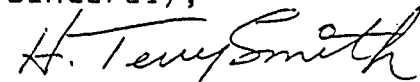
- Joanne Chance P.E.

(*) Points still germane after amendments of House.

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, P.E.
First Vice-President

HTS/rm

WITNESS STATEMENT

To be completed by a person testifying or a person who wants their testimony entered into the record.

Dated this 5th day of MARCH, 1991.

Name: RAY CROWNER

Address: P.O. Box 1398
EAST HELENA, MT 59635

Telephone Number: 406 227-6406

Representing whom?

SELF

Appearing on which proposal?

HB 29

Do you: Support? Amend? Oppose? ✓

Comments:

- ① DO NOT SEE ANYTHING TO PROTECT INDIVIDUALS WHO
ALREADY HAVE TINTED WINDOWS FROM HAVING TO REMOVE
SAME. (GRANDFATHER CLAUSE?)
- ② AGREE THAT "LIMOUSINE" TINT IS TOO DARK ON SIDE
WINDOWS OF FRONT & PASSENGER DOORS CREATING
SAFETY HAZARD.
- ③ TINT CAN DECREASE CAR BURGLARIES AS THIEVES
GENERALLY DO NOT ENTER THE TOTALLY UNKNOWN
- ④ TINTING CAN BE A SAFETY ITEM IN THE EVENT THE
SIDE WINDOW IS SHATTERED AT HIGHWAY SPEED BY
HOLDING THE GLASS IN PLACE.
- ⑤ WOULD SUGGEST ALLOWING LIGHT & MEDIUM TINT
ON SIDES AND OUTLAW "LIMOUSINE" & "REFLECTIVE"

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

COMMITTEE ON: HIGHWAYS AND TRANSPORTATION

DATE: March 5, 1991

VISITOR'S REGISTER

HB 29
HB 156
HB 177
HB 306

NAME	REPRESENTING	BILL #	SUPPORT	OPPOS
RAY CROWNER	SELF & GENERAL PUBLIC	HB 29		✓
Wayne Budt	Mont PSC	HB 156	✓	
Mike DIGHANS	CITY OF BELGRADE	HB 306	✓	
HARRY D. EKLISON	Supt - Belgrade	HB 306	✓	
JEFFREY C. LOFT	Elem. Principal - Belgrade	HB 306	✓	
Cheryl Johannes	Elem Principal - Belgrade	HB 306	✓	
Joe Menicucci	City Manager - Belgrade	HB 306	✓	
Joanne Chance	MT Tech. Council	HB 306		✓
Lorna Frank	MT. FARM BUREAU	HB 29	✓	
Chet Langer	MT Motor Carriers Assn	HB 156	✓	

(PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY)