

MINUTES

MONTANA SENATE 52nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON HIGHWAYS & TRANSPORTATION

Call to Order: By SENATOR CECIL WEEDING, Chairman, on March 7, 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 asked the Committee to review the bills being heard on April 4. He asked them to report back if any of those bills need amendments because of the deadline. PAUL VERDON informed the Committee that HB 723 needs to be coordinated with SB 191, Senator Beck's bill.

HEARING ON HOUSE BILL 47

Presentation and Opening Statement by Sponsor:

REPRESENTATIVE ED GRADY, District #47, stated that HB 47 is similar to HB 29, except that HB 47 addresses the front windshield and the side windows. He cautioned the Committee about a grandfather clause regarding HB 47. He suggested that HB 29 and HB 47 be coordinated.

Proponents' Testimony:

LORNA FRANK representing the Montana Farm Bureau Federation testified in support of HB 47. (SEE EXHIBIT 1)

LARRY TOBIASON, President of AAA of Montana, testified in support of HB 47. He stated he would like to see the rear window addressed in this bill. Mr. Tobiason said he was also representing the Highway Patrol because Colonel Griffith had to go to another meeting. The Highway Patrol supports HB 47. The tinting manufacturers use is less than what the percentage is in the bill. If the tinting from the manufacturers should happen to be more than the 35% the window would have to be replaced. The tinting would be in the glass and not a film that is glued on.

GAIL GRAY, Office of Public Instruction, stated that children walking to and from school need to use visual skills. These children are taught to use eye contact at cross walks.

BEN HAVDAHL, representing the Montana Motor Carriers Association, expressed support for HB 47. The trucking industry is already under regulations established by the Department of Transportation, Bureau of Motor Carriers Safety. This bill is consistent with existing commercial truck regulations.

GEORGE LARSON testified in support of HB 47. He stated that he notified Representative Grady last June of this problem. It is necessary for the safety of pedestrians, other drivers and law enforcement officers.

Opponents' Testimony:

None.

Questions From Committee Members:

CHAIRMAN WEEDING asked Representative Grady if he and Representative Kimberley would be available to coordinate the two bills.

REPRESENTATIVE GRADY said he would be able to. Representative Grady also pointed out some samples which Trimline brought and stated he was against the 5% tinting.

SENATOR REA asked if the pull down blinds that are sometimes in vans and back windows of vehicles would be illegal.

REPRESENTATIVE GRADY stated because of those situations, his bill does not address back windows.

SENATOR FARRELL asked if the 20% would also be illegal.

REPRESENTATIVE GRADY stated that 20% would be illegal in HB 47 for the front sides and windshield but not for the back window.

SENATOR FARRELL asked of the three samples, 20%, 35%, & 5%, which would be legal.

DOUG SMITH, representing Trimline, stated that under HB 29 the 35% would be on the driver/passenger window and 20% behind that. Under HB 47 the windshield and driver/passenger window can be only 35%. The 5% is illegal in both bills.

Closing by Sponsor:

REPRESENTATIVE GRADY closed the hearing on HB 47.

HEARING ON HOUSE JOINT RESOLUTION 12

Presentation and Opening Statement by Sponsor:

REPRESENTATIVE ED GRADY, District #47, opened the hearing on HJR 12. This resolution is to get a message to Washington asking the Federal Government to not pull federal funding.

Proponents' Testimony:

BOB CHAMPION, Executive Director for Program Development of the Highway Department, testified in support of HJR 12. The Highway Commission endorsed this legislation.

BEN HAVDAHL, representing the Montana Motor Carriers Association, stated the truckers want to endorse this resolution. He stated they are looking at a 10 to 15 cent increase in fuel taxes to replace those apportioned losses.

CHRIS MACKAY, representing the Montana AFL-CIO in place of Don Judge, submitted testimony in support of HJR 12. (SEE EXHIBIT 2)

Opponents' Testimony:

None.

Questions From Committee Members:

None.

Closing by Sponsor:

REPRESENTATIVE GRADY closed the hearing on HJR 12.

HEARING ON HOUSE BILL 167

Presentation and Opening Statement by Sponsor:

REPRESENTATIVE SCOTT McCULLOCH, District #96, stated that HB 167 was introduced at the request of the Public Service Commission.

Proponents' Testimony:

WAYNE BUDT, Public Service Commission, testified in support of HB 167. (SEE EXHIBIT 3)

Opponents' Testimony:

None.

Questions From Committee Members:

None.

Closing by Sponsor:

REPRESENTATIVE McCULLOCH closed the hearing on HB 167.

EXECUTIVE ACTION ON HOUSE BILL 167

Motion:

SENATOR HARP MOVED that HOUSE BILL 167 BE CONCURRED IN.

Discussion:

SENATOR HARP will carry HB 167.

Recommendation and Vote:

MOTION PASSED UNANIMOUSLY that HB 167 BE CONCURRED IN.

EXECUTIVE ACTION ON HOUSE JOINT RESOLUTION 12

Motion:

SENATOR NOBLE MOVED that HJR 12 BE CONCURRED IN.

Discussion:

SENATOR TVEIT will carry HJR 12.

Recommendation and Vote:

MOTION PASSED UNANIMOUSLY that HJR 12 BE CONCURRED IN.

HEARING ON HOUSE BILL 168

Presentation and Opening Statement by Sponsor:

REPRESENTATIVE McCULLOCH, District #96, stated that HB 168 amends requirements for motor carrier identification. The motor carrier has two options for displaying information on that vehicle. One option is to display their name and address, the other option is to display their name and DOT number.

Proponents' Testimony:

WAYNE BUDT, Public Service Commission, testified in support of HB 168. (SEE EXHIBIT 4)

BEN HAVDAHL, representing the Motor Carriers Association, stated they support HB 168.

Opponents' Testimony:

None.

Questions From Committee Members:

CHAIRMAN WEEDING asked Wayne Budt what is required at the present time.

WAYNE BUDT stated that the major change is they have added the DOT number.

Closing by Sponsor:

REPRESENTATIVE McCULLOCH closed the hearing on HB 168.

EXECUTIVE ACTION ON HOUSE BILL 168

Motion:

SENATOR FARRELL MOVED that HOUSE BILL 168 BE CONCURRED IN.

Discussion:

SENATOR FARRELL will carry HB 168.

Recommendation and Vote:

MOTION PASSED UNANIMOUSLY that HB 168 BE CONCURRED IN.

HEARING ON HOUSE BILL 425

Presentation and Opening Statement by Sponsor:

REPRESENTATIVE JESSICA STICKNEY, District #26, stated that a constituent in her district requested that they clarify the law dealing with allowing to pull a different tractor trailer in a delivery zone.

Proponents' Testimony:

DAVE GALT, GVW, Highway Department, supports HB 425 for two reasons. The bill clarifies which vehicles may be pulled into a local delivery zone by a truck by GVW fees and it establishes how big the delivery zone is. This bill will eliminate the Department's biggest concern which is carriers using trailers brought into the state on rail cars pulled by trucks without the proper fees. There is no problem with the trailer if the truck has schedule 3 fees

Opponents' Testimony:

None.

Questions From Committee Members:

None.

Closing by Sponsor:

REPRESENTATIVE STICKNEY closed the hearing on HB 425.

EXECUTIVE ACTION ON HOUSE BILL 425

Motion:

SENATOR HARP MOVED that HB 425 BE CONCURRED IN.

Discussion:

CHAIRMAN WEEDING will carry HB 425.

Recommendation and Vote:

MOTION PASSED that HB 425 BE CONCURRED IN.

EXECUTIVE ACTION ON HOUSE BILL 99

Motion:

SENATOR NOBLE MOVED that HB 99 BE CONCURRED IN AS AMENDED.

Discussion:

SENATOR NOBLE will carry HB 99.

Amendments, Discussion, and Votes:

SENATOR FARRELL MOVED to adopt the amendments to HB 99.
(SEE EXHIBIT 5)

MOTION to ADOPT AMENDMENTS TO HB 99 PASSED UNANIMOUSLY.

Recommendation and Vote:

MOTION PASSED UNANIMOUSLY that HB 99 BE CONCURRED IN AS AMENDED.

EXECUTIVE ACTION ON HOUSE BILL 47

Motion:

None.

Discussion:

The Committee discussed House Bill 29 and House Bill 47. SENATOR FARRELL suggested the Committee amend one or the other to accomplish the intentions of both bills. If you put the two together the windshield and the rear window is 35% tinted, and the side windows are 20% tinted. The Committee deferred action on HB 29 and HB 47 until amendments could be drawn up.

Amendments, Discussion, and Votes:

None.

Recommendation and Vote:

None.

EXECUTIVE ACTION ON HOUSE BILL 306

Motion:

None.

Discussion:

CHAIRMAN WEEDING asked GORDON LARSON, Administrator of the Engineering Division, to respond to the argument that the Committee should adhere to engineering standards rather than imposing arbitrary speed zones.

GORDON LARSON stated that the Highway Department has remained neutral on HB 306. The Department does have some concerns regarding speed limits. They are set based on engineering studies alone.

SENATOR FARRELL asked what emphasis the other states put on the 85 percentile as a total percentage of how the study is recommended.

GORDON LARSON stated that he can only speak for Montana and North Dakota, and North Dakota also bases their limits on the 85 percentile.

SENATOR FARRELL asked what percentage the other criteria (road side conditions, etc.) is in the study. Senator Farrell stated that what he objects to is using the speed of the traffic passing through there and taking 85% of that. He stated he objects to that being the total criteria to how you set a speed limit. The Highway Department has not been placing enough emphasis on the crossing for the kids, curves, road surface, etc.

GORDON LARSON stated that the travelling public see these existing conditions, their overall speed is general based on those restrictions.

SENATOR TVEIT stated that in this particular case there are rental cars coming from the airport for the first time and the drivers have no idea what is down that road. He stated he has a problem with the scenario of people see what is there and they should slow down. If it is a person from out of state he doesn't know there are schools ahead. The people who live in these places know more about what is going on than the engineers.

GORDON LARSON stated that he does agree that first time drivers over a road will be travelling faster because they do not have a good understanding of the road conditions.

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SENATOR TVEIT stated that he travels a lot around the state. He asked why when you come into a town the speed limit drops down to 25 and there are not even any schools around, what criteria did they use for that? Here you have a case where there are schools with 1,200 kids crossing, and you are allowing cars to go 35. Senator Tveit stated that at sometime someone could get killed and you don't want to use that type of statistics to base your judgment on in the safety factors that go into the criteria that the engineers use.

GORDON LARSON stated that accidents happen no matter what you do, but the engineering practice over the years, and not just in Montana. The traffic engineering schools, such as Northwestern University Institute in Chicago, came to Montana twice to review the Department's procedures and methods of establishing speed limits and have said it is being done the way it should be.

SENATOR NOBLE stated that in Great Falls in four different locations they have lowered the speed limit from 35 to 25 mph. Senator Noble requested that John Rothwell, Director of the Department of Highways, attend the next meeting to answer questions. The people from Belgrade were very frustrated. The Department needs to be more receptive to the input of the local people.

SENATOR STIMATZ stated that the committee heard from a police officer, Rick Dighans, who has great qualifications to be a radar man and he had many instances documented of what the speed limit is. He asked if the Highway Department is saying their policy is to not work with the local folks. He stated that all he hears is that the Feds won't allow it, they will cut the funding.

SENATOR FARRELL asked if it is true that Federal money will be cut if they do not set speed limits based on a traffic study.

GORDON LARSON stated they have a policy and practice they use to set a speed limit. They asked that if a person wants this changed to send in a letter. Once they have that request they have a public meeting with local people to inform them of how the study is done. The speed limit may even be increased after a study.

SENATE HIGHWAYS & TRANSPORTATION COMMITTEE

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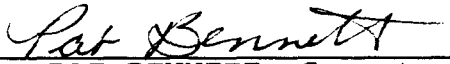
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SENATOR NOBLE asked how it can be an accurate study between two schools, when they did it during August. Senator Noble stated that the Committee needs to get together with Rothwell to establish some new policy.

ADJOURNMENT

Adjournment At: 4:50 p.m.


SENATOR CECIL WEEDING, Chairman


PAT BENNETT, Secretary

CW/pb

HI030791.SM1



MONTANA FARM BUREAU FEDERATION

502 South 19th • Bozeman, Montana 59715
Phone: (406) 587-3153

Ex. 1
3-7-91
HB 47

BILL # HB-47; TESTIMONY BY: Lorna Frank

DATE March 7, 1991; SUPPORT Support; OPPOSE _____

Mr. Chairman, members of the committee, for the record I am Lorna Frank representing the Montana Farm Bureau.

We support HB-47. Farm Bureau members oppose the use of dark tinted or reflective glass or material on the windshield and front doors of any vehicle licensed for use on highways.

Individuals, whether it be highway patrolman, police or a private individual needs to be able to see the face of the person driving a vehicle to avoid an accident or some other disaster.

We also supported HB-29 for the same reasons, but feel that it should be incorporated in HB-47 or tabled in this committee, so we do not have two similar laws on the books. We also feel that if the two sponsors would of gotten together on these bills, it would of saved the taxpayers the cost of printing 6 different copies and it would of saved a lot of time in hearing these two bills in the legislature.

SIGNED: _____

Lorna Frank

EX. 5
3-7-91
HJR 12



DONALD R. JUDGE
EXECUTIVE SECRETARY

110 WEST 13TH STREET
P.O. BOX 1176
HELENA, MONTANA 59624

(406) 442-1708

TESTIMONY OF DON JUDGE ON HOUSE JOINT RESOLUTION 12 BEFORE THE SENATE HIGHWAYS
AND TRANSPORTATION COMMITTEE, MARCH 7, 1991

Mr. Chairman, members of the committee, my name is Don Judge and I'm appearing here today on behalf of the Montana State AFL-CIO in support of House Joint Resolution 12.

As with any resolution adopted by the Legislature, HJR 12 would not carry the weight of law, nor does it provide for any sanction if it's provisions are not adhered to. Adoption of this resolution would, however, send a clear signal to the United States Congress and the President that Montanans are concerned about how they would choose to allocate federal dollars to our nation's highway and transportation systems.

As a state with a relatively small population for the size of its lands, Montana's tax base is often insufficient to adequately fund the necessary governmental functions. This is particularly true of our gasoline taxes which are used primarily for highway, street and road construction, maintenance and improvement. Our population base is simply too small to fund costs associated with the vast expanse of highways which crisscross our state.

These highways serve as the lifeblood of our state's economic and social activities. Products are hauled to market, children are bussed to schools, medical services are accessed and tourists are encouraged to visit over our state's highways. These highways also serve as vital links between the east and west coasts and to our neighbors to the north of our border.

We simply can't afford to allow this network to go into disrepair. Unfortunately, if the Congress and the President adopt allocation formulas based on population, Montana's share of federal funding will shrink dramatically and we will simply be unable to halt the gradual deterioration of these systems.

As Montana looks ahead to encouraging economic development and creation of value-added industries, we need to keep in mind the importance of the role transportation will play. If we are to create jobs and economic opportunities, we will need to offer a quality highway system over which raw materials and finished products can flow smoothly.

It is the role of the United States government to make sure that no region of our great country will be forgotten in promoting and expanding our economic wealth. One way that it can insure this for Montana is by rejecting efforts to reallocate federal funding which would penalize sparsely populated rural states.

House Joint Resolution 12 simply asks the President and the Congress not to forget us, because we are an important part of this great country. We urge you to give HJR 12 a "do pass" recommendation. Thank You

DEPARTMENT OF HIGHWAYS



STAN STEPHENS, GOVERNOR

2701 PROSPECT AVE.

STATE OF MONTANA

HELENA, MONTANA 59620

March 8, 1991

Representative Ed Grady
House of Representatives
State Capitol
Helena, MT 59620

Subject: House Joint Resolution 12

During testimony before the Senate Highways and Transportation Committee on Thursday, March 7, 1991, senator John Harp suggested that wording be added discouraging congress from enacting the National Highway System which is being advocated by Secretary of Transportation Sam Skinner. I have taken the liberty of drafting the following statement which I believe would accomplish what Senator Harp suggested.

BE IT FURTHER RESOLVED that the Congress of the United States be requested to refrain from enacting and the President be requested to decline to approve legislation now before Congress to designate a National Highway System or other legislation which would dramatically alter the present federal-aid highway systems.

The above language would be added on page 3, beginning at line 10. The present "closing" clause would be moved down so it would follow after the additional language I'm suggesting.

Representative Ed Grady
March 8, 1991
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If you have any questions, or if there is anything else we can do in connection with the suggestion by Senator Harp, please give me a call at 444-6127.



Robert E. Champion, P.E.
Deputy Director for Program Development

REC:lrk:030

cc: ~~1~~ Senator Cecil Weeding, Chairman
Highways and Transportation Committee
Senator John Harp, Member
Highways and Transportation Committee
John Rothwell, Director of Highways

3-7-91
HB 167

HOUSE BILL 167

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

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SPECIAL PROVISIONS RELATING TO MOTOR CARRIER TRANSPORTATION OF BUILDINGS AND REPEAL THE GRANDFATHER PROVISIONS AND REPEAL THE RULEMAKING AUTHORITY AS BEING SURPLUSAGE: AMENDING SECTION 69-12-311, MCA: AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

In 1979 the Montana Legislature enacted 69-12-311, MCA, which amended the scope of operating authority for "house movers" to be statewide. Their operating authority could no longer be restricted to a particular locality, but rather authorized transportation between all points in the State of Montana.

The statute then set forth a "grandfather" provision which allowed the Commission to reissue existing house moving authorities to reflect expanded statewide scope of authority.

This proposed bill amends 69-12-311 to delete the grandfather reissuance provisions. This was an implementation statute which no longer serves any purpose.

EX. 1
3-7-91
HB 168

HOUSE BILL 168

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

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND THE REQUIREMENTS FOR MOTOR CARRIER IDENTIFICATION OF CERTAIN LARGE MOTOR VEHICLES AND REPEAL THE PENALTY PROVISION RELATED THERETO AS SURPLUSAGE; AMENDING SECTION 69-12-408, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

This bill is introduced at the request of the Montana Public Service Commission. It amends an existing statute to more clearly reflect requirements in the placarding of ownership of motor vehicles and or combination of vehicles, except farm vehicles, in excess of 10,000 pounds. The new wording will provide clarification for ease in enforcement and public understanding without changing legislative intent. This bill will also provide for the inclusion of a Department of Transportation number which was not in existence at the initial writing of this legislation.

Additionally, this bill will remove the penalty provision which is already covered under 69-12-108, MCA.

For further information, please contact Wayne Budt, Administrator, Transportation Division, PSC (444-6195)

EX. 3
3-7-91
HB 99

Amendments to House Bill No. 99
Third Reading Copy

For the Senate Committee on Highways and Transportation

Prepared by Paul Verdon
March 7, 1991

1. Page 1, line 19.

Strike: **"and bicycle paths"**

2. Page 3, lines 3 through 8.

Strike: subsection (5) in its entirety

Renumber: subsequent subsection

COMMITTEE ON: HIGHWAYS AND TRANSPORTATIONDATE: 3-7-91HB 47
HB 167
HB 168
HB 425
HJR 12

VISITOR'S REGISTER

NAME	REPRESENTING	BILL #	SUPPORT	OPPOS
George J. Janor	Self	HB47	X	
Wayne Budt	Mont PSC	HB167	X	
"	"	HB168	X	
CHRISTIAN MACKAY	MT. ST. AFL-CIO	HJR12	X	
BOB CHAMPION	Dept of Highways	HJR12	✓	
MARY TOBIASON	AAA Mont	HB47	—	
Dave East	DOH	HB425	✓	
Jim Tutwiler	MT CHAMBER	HJR12	✓	
Lena Frank	Mr. Tom Bureau	HB47	✓	
KEVIN DUNHAM	MT CONTRACTORS' ASSOC.	HJR12	X	
Pat Jay	OPD	HB47	✓	
Ben Hildon	MMCA	HB47	✓	
"	"	HB168	✓	

(PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY)