

MINUTES

MONTANA SENATE 52nd LEGISLATURE - REGULAR SESSION COMMITTEE ON HIGHWAYS & TRANSPORTATION

Call to Order: By SENATOR CECIL WEEDING, Chairman, on March 21, 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 there would be time limits set for testimony on House Bill 192. He asked that each side take 45 minutes, allowing 20 minutes for questions from the Committee.

HEARING ON HOUSE BILL 133

Presentation and Opening Statement by Sponsor:

REPRESENTATIVE PATRICK GALVIN, District #40, explained that HB 133 was a clarification bill on who is required to stop at railroad crossings. The original law has been misinterpreted by school bus drivers who as a result, have not been stopping at railroad crossings.

Proponents' Testimony:

RICHARD A. FLINK, Chairman of Montana Operation Lifesaver and Locomotive Engineer for Burlington Northern Railroad, testified in favor of HB 133. (SEE EXHIBIT 1)

ZACK CHRYSLER, Missoula, representing the Montana School Transportation Association, stated they support HB 133, however they would like to have the word "without" deleted from page 2, line 2. He stated that their drivers already stop at all rail crossings that are not guarded with lights or obstacles.

DAVE DITZEL, is a locomotive engineer and is also representing the Brotherhood of Locomotive Engineers, stated that there is a problem with the misconception the operators of motor vehicles about what their responsibility is.

DAYNA SWANSON, Office of Public Instruction, informed the Committee that Nancy Keenan, Superintendent of Public Instruction, wished to be on the record in support of HB 133.

GLENNA WORTMAN-OBIE, Manager of Public Relations and Safety for Triple A of Montana, expressed support for HB 133. It is of great importance that school buses and other vehicles that contain explosives stop at all railroad crossings. She stated that she has seen buses actually stop on the tracks because the traffic ahead of them was backed up so far. Interstate carriers are already required to stop. Some school districts have policies requiring school buses to stop. Consistency in practice throughout the state should help the general public understand that these vehicles are expected to stop. Stopping, loaded or not, will increase that consistency.

WAYNE BUDT, representing the Public Service commission, stated that the Commission is charged with rail safety for the State of Montana, therefore the Commission supports HB 133.

JOSEPH KUGLIN, Locomotive Engineer and Area Coordinator for Operation Lifesaver, testified in support of HB 133. (SEE EXHIBIT 2)

PAT KEIM, Director of Governmental Affairs for Burlington Northern Railroad, testified in support of HB 133. He gave testimony of an incident in Spokane, Washington, when a car transporting children was struck by an Amtrak train. Mr. Kuglin also submitted written testimony from Donna Hall, Hall Transit. (SEE EXHIBIT 3) He stated that while he was inspecting track by Blossberg near Austin he witnessed a bus crossing the railroad without stopping, it was then that he realized Montana did not require school buses to stop at crossings. Two provisions in the bill apply to this. On page 2, line 21, which states "except where governed by a traffic control signal". In some instances people were interpreting that to mean a railroad signal not crossing. Federal standards do not define a railroad crossing signal as traffic control. The traffic control signal is a red or green light. On lines 23 through 25 states that it shall not apply to street railway grade crossing within a business or residential district. This is referring to trolley lines, there are not any left in Montana.

Opponents' Testimony:

KAY FOSTER, representing the City of Billings Transit Department and the Montana Transit Association distributed written testimony by Ron Wenger. (SEE EXHIBIT 4) She stated that HB 133 has negative impact on their MET Transit System.

Questions From Committee Members:

SENATOR FARRELL asked Representative Galvin if, since this is so dangerous, why they do not require that grade crossings have arms and soft track?

REPRESENTATIVE GALVIN asked if Senator Farrell felt a grade arm would stop a vehicle. He stated that he has witnessed it being taken off by a vehicle.

SENATOR FARRELL said that it had been testified that sometimes the crossing arms or signals do not work and that is why they are asking if this would make the railroad negligent. Will changing this law change the liability from the railroad crossing to the car owner?

REPRESENTATIVE GALVIN stated that the railroad company owns the crossing, the person in the vehicle that does not brake for the crossing is a trespasser.

SENATOR FARRELL asked should the signal not work and it causes an accident, does that change the liability?

REPRESENTATIVE GALVIN stated he did not know.

Closing by Sponsor:

REPRESENTATIVE GALVIN closed the hearing on HB 133. He stated he has witnessed many crossing accidents, and that this law needs to be clarified.

CHAIRMAN WEEDING asked if he had a sponsor to carry the bill should it pass the Committee.

REPRESENTATIVE GALVIN said Senator Noble would carry the bill.

HEARING ON HOUSE BILL 301

Presentation and Opening Statement by Sponsor:

REPRESENTATIVE DAVID WANZENRIED, District #7, explained that HB 301 would remove the requirement for one-year residency to become an officer with the Montana Highway Patrol. Under the current law you must reside for one year in Montana before becoming a highway patrolman. The last supreme court decision made it clear that this type of restriction is unconstitutional.

REPRESENTATIVE WANZENRIED explained that page 1, line 25, is a section of law that requires the highway patrol to hire officers in each of five districts. You want to be able to recruit the most qualified individuals and not be limited by mandate. This bill removes that requirement.

Proponents' Testimony:

PETER FUNK, representing the Attorney General's Office, stated that the residency requirements stricken on page 1, line 19 have not been stricken by the supreme court. The statutory provisions still require that patrol officers would need to be residents of the State of Montana. It will just do away with the one year prior residency.

BOB GRIFFITH, representing the Montana Highway Patrol, supports HB 301.

Opponents' Testimony:

None.

Questions From Committee Members:

None.

Closing by Sponsor:

REPRESENTATIVE WANZENRIED closed the hearing on HB 301.

HEARING ON HOUSE BILL 192

Presentation and Opening Statement by Sponsor:

REPRESENTATIVE DAVID WANZENRIED, District #7, stated that HB 192 which makes a policy decision on the part of the state with respect to the way pricing truckers are compensated for hauling logs in Montana. (SEE EXHIBIT 5) HB 192 is a bill to establish fairness and equity in the transportation laws. The bill proposes to put log hauling under the economic regulation of the Public Service Commission. Currently, logs are treated as an agricultural commodity in the statutes and are exempt from the PSC regulation for transportation in Montana. In this bill, it is proposed to change that exemption, putting log trucks under the jurisdiction of the PSC. He stated that HB 192 has nothing to do with how safe the operation is, it has to do with the amount of money that will be paid to move that log from the forest to the mill. Representative Wanzenried stated that though they are attempting to change agricultural exemption on logs, the GVW fees will not be changed. This bill is not the first to address this problem.

REPRESENTATIVE WANZENRIED stated that in 1989 Representative Peterson introduced a bill which did pretty much the same thing. At that time there was a commitment made on part of the industry to meet with individuals to see if anything could be done on the amount of money paid. He stated that this never happened. Fourteen other states currently regulate the intrastate transportation of logs. Two states in this region, Washington and Oregon, have economic regulation. Idaho is presently in the process of considering a bill of this nature. This is not the only commodity the PSC would regulate. Ben Havdahl will turn in testimony which has a list of other commodities listed. This bill would allow the PSC to approve rates that are compensatory. He stated that the bill would not keep inefficient operators in business nor will it put efficient operators out of business. The bill provides that if you haul logs from April 1, 1990 you would automatically be granted a certificate to haul logs in the future. Anyone wanting to haul logs after that date, who does not have a business, may get into it the same way. There is a way that the authority will be transferrable from one party to another. Authority once granted has to have been used. The bill does not apply to private carriers. Those who choose to have their own trucks to haul their own logs would not be subject to the regulation. The bill proposes to place laws in position of being under the PSC control for establishing rates to be charged for going from point a to point b. The rates being paid now are the same rates being paid in 1978. It is compounded on the basis of the shipper having control over those who haul logs. Representative Wanzenried referred to a chart depicting the log hauling procedure. (SEE EXHIBIT 5) House Bill 192 will establish one certificate, a Class E, to concurrent operating authorities. A common carrier or individual or group through a tariff bureau can propose rates to be approved by the PSC for the hauling of logs in Montana. The bill also proposes the same theory be granted contract authority.

Proponents' Testimony:

REPRESENTATIVE MARY LOU PETERSON, testified in support of HB 192. She stated that she sponsored a similar bill last session which address the unfairness in this industry, that unfairness still exists. This bill sets out to correct some of those.

BEN HAVDAHL, Executive Vice President of the Montana Motor Carriers Association, testified in support of HB 192. (SEE EXHIBIT 6) He also submitted a sample of the Montana Livestock Tariff. (SEE EXHIBIT 6A)

PATRICIA A. SLACK submitted written testimony in support of HB 192. (SEE EXHIBIT 7)

LYLE DOTY, Kalispell, Montana, testified in favor of HB 192. (SEE EXHIBIT 8)

ARLETTA MRGICH, Eureka, Montana, testified in support of HB

192. (SEE EXHIBIT 9)

DAVE SPARING, Eureka, Montana, testified in favor HB 192.
(SEE EXHIBIT 10)

DAVE SKRANAK, Eureka, Montana, testified in support of HB 192. (SEE EXHIBIT 11)

SAM BRADY, Whitefish, Montana, submitted testimony in support of HB 192. (SEE EXHIBIT 12)

R. T. ADKINS, Kalispell, Montana, testified in support of HB 192. He stated he has hauled logs in Montana for the last 35 years. In the early 1970's log haulers were forced to be independent operators, carrying their own worker's compensation and their own unemployment. In that 35 years, he stated he had never had a contract nor did he know what the price would be until he got his check.

MIKE MRGICH expressed support for HB 192.

HARLEY JONES, Missoula, Montana, testified HB 192. He stated he has been hauling for the same contractor since 1978. It has gotten to be where it is more miles, longer hours, less pay and more expense.

ED HANKINSON, stated he has hauled logs for the last ten years. Since then the rate has steadily decreased. There used to be a set standard as far as how roads were classified. In the past ten years the sale is figured on the haul days from the beginning of the sale, which with some sales which would mean 2 to 3 miles difference.

ARVON FIELDING, Kalispell, Montana, stated he is an independent operator who supports HB 192. He said he does not have any say in the rate for his services.

RAY DUDLEY, Kalispell, Montana, informed the Committee that he has been a log trucker for 31 years. He asked the Committee to please give HB 192 a do pass.

DEAN STACY, Eureka, Montana, asked the Committee to support HB 192 stating that while the mills have had record breaking profits, the log truckers have not had an increase in their rates.

Opponents' Testimony:

REPRESENTATIVE JIM ELLIOTT, District #51, stated he represents many people who are in this business. Two years ago when Representative Peterson introduced a similar bill it was a controversial issue in his district. It was controversial because there were people for it and there were people who were against it. He stated that when he heard about the bill coming up again he set up a meeting in Noxon with Senator Paul Svrcek and Representative Barry Stang. He stated that he was not able to attend due to a death in the family, however 50 other people did attend that meeting. It is no longer a controversial bill. Nobody likes the bill. He stated he has not heard from anyone asking him to support the bill. One of the main concerns is that they have a lot of interstate traffic with the State of Idaho. There is a bill of this nature in Idaho. But if that bill fails in Idaho and it passes in Montana, there is a fear that there will be many overweight rigs running across Montana putting Montana haulers out of business.

SENATOR PAUL SVRCEK, District #26, testified in opposition of HB 192. He stated he had received a lot of mail from his constituents and not one was in favor of HB 192. There is a fear with this bill as far as the independent contractors cannibalizing each other. This is not what the rural areas around Montana need.

BART COOPER, Boulder, Montana, testified against HB 192. (SEE EXHIBIT 13) He stated that he hires to have his logs hauled. When the job is ordered, the hired hauler figures the rate. There is not any contract nor is there any problem. He stated that he knows right from the beginning what he will be paying the hauler.

RICHARD COVERDELL, Columbia Falls, Montana, testified in opposition to HB 192. (SEE EXHIBIT 14)

KEITH OLSON, Executive Director of the Montana Logging Association who represents 600 independent logging contractors. The membership includes those who log, those who haul and those who do both. He stated that the PSC can not regulate this. The bill is ambiguous as far as who will receive PSC authority. It also allows contract deviations to 90% of tariffs. This legislation will limits truckers to contracts. It is entirely too restrictive. Over time this legislation will allow truckers with Class C authority to freely purchase logging equipment. Logging contractors without Class C authority will not have that access. Mr. Olson stated that nothing in this legislation can address the real problem.

PENNY TOLLEFFSON, Missoula, Montana, testified against HB 192. She said she felt this was a bad piece of legislation. Their truckers haul for 88 different people and under this bill they would have to get PSC permission for each truck. She said they have contracts and do not want to be legislated.

BILL COWGER, Townsend, Montana, testified against HB 192.

JEANNETTE HAHN, Bozeman, Montana, testified in opposition to HB 192. (SEE EXHIBIT 15)

RICHARD HARGROVE, Gallatin Gateway, Montana, opposed House Bill 192. It is not up to the PSC to guarantee their business profits, that responsibility is the businessman's. Log haulers need to be able to negotiate with their contractors.

ERNIE FORREY, Townsend, Montana, stated he is an independent log trucker and has been in the business for 20 years. He has different haul rates depending on the haul. This bill was originated in another area of the State and it seems they are the only ones who are supporting it. (SEE EXHIBIT 16)

LEROY CHRISTOFFERSON, Missoula, Montana, testified against HB 192. (SEE EXHIBIT 17)

JIM LEU, Darby, Montana, informed the Committee that he has been hauling logs for 20 years and at the present time has 12 log trucks. Mr. Leu stated they would like to keep the ability to negotiate their own contracts with whoever he is working for. He stated they do not need any more government control. This industry has a lot of problems, but PSC control will not stop those problems.

ART PERRY, Belgrade, Montana, stated he has been in business for 30 years and has survived without PSC regulation. He opposes HB 192 and submitted a petition with signatures of other who also oppose HB 192. (SEE EXHIBIT 18)

DAN NORMANDEAU, Thompson Falls, Montana, testified against HB 192. (SEE EXHIBIT 19)

LEE WILHELM, Bozeman, Montana, stated he can not understand anyone hauling not knowing the rate. He said he is opposed to HB 192.

TRACY PERKINS, Belgrade, Montana, expressed opposition for HB 192.

DONNA NORMANDEAU, Thompson Falls, Montana, testified against HB 192. (SEE EXHIBIT 20)

RODNEY HAHN testified against HB 192.

Questions From Committee Members:

SENATOR HARP asked if there was anyone present who hauled logs from the Northwestern part of Montana for Plum Creek.

DAN NORMANDEAU stated he has no problem with knowing what his payment will be. In fact, a fuel increase had been discussed. He stated that he works for Sunrise Logging Company.

SENATOR HARP asked Dick Coverdell if under Stoltz Lumber Company he has a written contract. Senator Harp also asked if Plum Creek issues contracts.

DICK COVERDELL said he does have a contract. He stated that he is not aware of Plum Creek giving contracts. Plum Creek hires the logger, and the logger is expected to hire the truckers. There is a hauling rate put into the hauling contract, except some of the loggers don't seem to get a rate on their own.

SENATOR HARP asked what we can do with those who do not get contracts.

DICK COVERDELL answered the State of Montana could say "there will be a contract".

SENATOR HARP asked for information pertaining to Champion International concerning contracts.

DICK COVERDELL stated he was not familiar with Champion.

MIKE MRGICH informed the Committee that Champion does not furnish contracts.

SENATOR HARP stated that it is his understanding that Champion in Missoula has contracts, however in Libby they do not have contracts.

MIKE MRGICH stated that he has hauled several times for this log contractor and he always asks what they will pay. They get upset about being asked and usually respond that "they will pay what they pay".

SENATOR FARRELL asked Leroy Christofferson if he has a contract with Champion in Missoula.

LEROY CHRISTOFFERSON stated he has for 26 years.

SENATOR FARRELL asked if Champion in Missoula signs contracts with other logging truckers.

LEROY CHRISTOFFERSON stated that they do have signed contracts and that Hill Trucking does, but he did not know about the other areas.

SENATE HIGHWAYS & TRANSPORTATION COMMITTEE

March 21, 1991

Page 10 of 12

SENATOR NOBLE asked George Wilson about the Polson area.

GEORGE WILSON, Thompson Falls, stated he hauls in Polson and Libby under contract with Champion. He stated that he also hires other truckers and they get the same rate from Champion.

SENATOR NOBLE asked Representative Wanzenried about the meeting that was held when the bill was first being drafted.

REPRESENTATIVE WANZENRIED stated that he did not attend, nor was Wayne Budt there because there was a letter sent out asking people to respond if they wished the PSC to be there. No one did that. He stated that Representative Stang and Representative Elliot were at that meeting. There was subtle intimidation regarding the regulation.

SENATOR NOBLE asked if anyone from Southwestern Montana attended the meeting.

REPRESENTATIVE WANZENRIED stated that they had three meetings prior to the legislative meeting in January. The meetings took place in Kalispell, Missoula and Bozeman. It was very clear that there was a divided attitude about regulating. He stated that he feels this bill will establish a fair rate.

SENATOR HARP asked about the two suggestions as far as the State having contracts and about the idea of public disclosure.

REPRESENTATIVE WANZENRIED stated that with regard to the responses to the suggestions, it would be interesting to see how Plum Creek would feel about making their information public.

SENATOR HARP asked if the set percentage is actually a safety net with the small haulers.

REPRESENTATIVE WANZENRIED stated that was true. He said that if any of these people compile their contract rates but they could not negotiate after those rates were approved by the PSC pertaining to anything less than 90% of that. This provides a minimum.

SENATOR HARP asked if someone from Plum Creek would respond to a question. He asked if he has contracts with the haulers.

JOHN MARCEAU, Belgrade, said they do not, they negotiate for delivering logs with the log contractors.

SENATOR HARP asked if in Columbia Falls if they have contracts.

JOHN MARCEAU said they do not. On occasion they have made a separate contract. The primary reason for have two contracts is because if you write a separate contract for loading and hauling, there is always a hassle when it comes to the loading process. Because sometimes the logs are not decked properly or the limbs are not all trimmed off.

SENATOR HARP asked if Plum Creek would be willing to enter into contracts or if they would be agreeable to a public disclosure.

JOHN MARCEAU stated that it would not be a problem to disclose prices if they were not liable from a legal aspect to the primary contractor. He stressed that if they are not liable for a lawsuit with the contractor for disclosing to the truckers what the rate would be, there would not be any problem.

SENATOR FARRELL asked how many logging contractors last year asked for a fuel surcharge.

JOHN MARCEAU said that there was an adjustment made to all contractors.

SENATOR FARRELL asked if it was passed onto the truckers.

JOHN MARCEAU stated he could not answer that.

SENATOR TVEIT asked about the process of the logging contractor and about Belgrade.

JOHN MARCEAU stated they do not have the problem that they have in Northwestern Montana.

SENATOR TVEIT asked Lyle Doty what the problem is, if it is due to no contract or due to the low rates.

LYLE DOTY stated that there is always an excuse why they can not be told the haul rate. Sometimes they do not know what they will get for a haul rate for 30 to 120 days later.

SENATOR FARRELL asked how they establish the haul rate before knowing what the trucks are willing to haul for.

JOHN MARCEAU stated they have an analysis based on the Plum Creek formula. There is a process where they calculate cost on the basis of the road condition. It is based on what they will be able to get their logs hauled for. Several years ago the truckers and the mills got together and came up with a formula.

SENATOR FARRELL asked Mr. Christofferson if he is asked when getting a contract what your rates are before they bid.

LEROY CHRISTOFFERSON stated they use their formula.

SENATOR FARRELL asked if they use the formula to figure the rates before the contract is signed.

LEROY CHRISTOFFERSON stated they renew their yearly contracts in April and this is when the formula is used. Any increases are included at that time. He stated the only time there is a problem is if they refuse to pay the Plum Creek rate.

SENATOR FARRELL asked Representative Wanzenried, how, under this bill, log homes will be handled. Would the trucker hauling log homes need Class E authority.

REPRESENTATIVE WANZENRIED said that was correct, they would need Class E authority.

SENATOR FARRELL asked if a log truck dumps on the highway and a highway patrolman is called in, they in turn ask another trucker to get them off the road. What happens in an emergency situation when this trucker does not have a contract or rate.

REPRESENTATIVE WANZENRIED stated that if a self hauler is called up and he has a published tariff, that is what the hauler will get from the point of pickup to the point of the drop off.

Closing by Sponsor:

REPRESENTATIVE DAVID WANZENRIED closed the hearing on HB 192. He stated that HB 192 allows for contracts. Regarding the fuel surcharge, the mills stated they did not receive that adjustment. If HB 192 passes the trucks coming in from Idaho will have to have authority to operate in Montana. The log truckers can not go collectively to the mills to talk about the rates. The mills do not encourage the haulers to have any input on what their expenses are. Those who haul logs will not lose their agriculture exemptions. He stated that it was mentioned that it was not clear who would qualify for a Class E certificate. On page 11, section 9 tells who will qualify. Those who are hauling now until October 1 will receive that certificate to operate. There will not be a significant increase in paper work, anyone in business already keeps good records and those records will be the basis for reporting. The bill provides foundation in this state for establishing rates being charged to haul from point to point. He stated that House Bill 236 addresses number of hours being driven, safety requirements, or physicals, HB 192 does not include this.

SENATE HIGHWAYS & TRANSPORTATION COMMITTEE

March 21, 1991

Page 13 of 12


REPRESENTATIVE WANZENRIED stated that the Flathead area is not the only one having these problems. Other states have had this problem, Idaho is one of them. He submitted petitions in support of HB 192. (SEE EXHIBIT 21)

ADJOURNMENT

Adjournment At: 6:45 p.m.



SENATOR CECIL WEEDING, Chairman



PAT BENNETT, Secretary

CW/pb

Richard A. Flink
MT. State Coordinator
Operation Lifesaver
238 Lupfer Ave.
Whitefish, Mt. 59937
(406) 862-0262

EXHIBIT NO. 1
DATE 3-21-91
BILL NO. HB 133



Testimony of Richard A. Flink in support of House Bill 133
238 Lupfer Ave.
Whitefish, MT. 59937
(406)862-4547

Montana Operation Lifesaver Chairman/Coordinator
Member of National Operation Lifesaver Inc. 1992 National Symposium Planning Board.
Recently nominated to National Operation Lifesaver Program Development Council.
Locomotive Engineer for Burlington Northern Railroad.
Montana Resident and Parent.

Mr. Chairman and members of the Committee:

My name is Richard A. Flink and I live in Whitefish MT. I am the Montana Operation Lifesaver Chairman and Coordinator, A newly appointed member of the National Operation Lifesaver Inc 1992 National Symposium Planning Board. I was just recently nominated to the National Operation Lifesaver Program Development Council. I work as a full time Locomotive Engineer for the Burlington Northern Railroad and I am a long time resident and parent of the state of Montana. I am here today to speak as a proponent for House Bill 133.

First of all, for those members of the Committee who are not familiar with the Operation Lifesaver Program, I'd like to briefly explain what the program is and what Operation Lifesaver is trying to accomplish. Operation Lifesaver is a Grass Roots Safety Coalition made up of volunteers from State and Federal Government agencies, different highway safety groups, all the Railroads which operate in the state of Montana and several other individuals and groups with an interest in the elimination of collisions at highway/railroad crossings. Operation Lifesaver is in the process of accomplishing this through what we call the 3 E's, Education, Engineering, and Enforcement. We are also concerned with seeing that outdated and unclear laws are changed and/or repealed. We also are interested in the passage of new and better laws designed with the safety and protection of the citizens of the state of Montana in mind. The bill in question today, House Bill 133 is designed to upgrade and clarify an existing law. As a member of the Operation Lifesaver Coalition, I make educational presentations to a wide variety of groups and organizations. One the groups that I have a lot of contact with is the School Bus Drivers in our state. Inevitably the topic of discussion after my formal presentation to these drivers is, what just exactly the current law means. There is major confusion not only with the drivers and their supervisors, but also with me and the Highway Patrolmen I have taken along with me to these presentations just for the express purpose of explaining what the laws says. There is a great deal of confusion as where and when school buses must stop at highway/railroad crossings. House Bill 133 is designed to stop this confusion.

Specifically what is being address in this bill are two items that have caused confusion as to whether or not school buses and hazardous material carriers should or should not stop. First of all, is the provision that exempts school buses from stopping at railroad crossings where a traffic control signal governs movement of the crossing. Federal regulations define a traffic control signal as a device that is essentially a stop-light. The misinterpretation has been that some people feel that a grade crossing signal not flashing indicates "proceed." By definition under federal regulations, a grade crossing signal is not a traffic control signal. This bill would clarify that a grade crossing signal is not a traffic control signal. The reason that a grade crossing signal not flashing does not indicate "proceed" is because of the possibility, however remote, of the failure of one of these signals to work while a train is approaching. The facts are, it can happen.

The second area of misinterpretation is contained in section 1, Paragraph C where it exempts buses from stopping at the "street railway grade crossing." A street railway is a trolley car line, but we find that this section is being misinterpreted to mean a place where a street crosses a railroad. That was not the intent of this part, and since there are no trolley car lines left in Montana, this bill would eliminate that reference and therefore that misinterpretation.

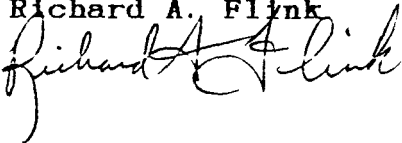
In addition to being concerned with this bill as the Operation Lifesaver Chairman, I am concerned with the passage of this bill as a Locomotive Engineer. My concern lies with the physical and mental health of myself and my fellow employees. We have a saying on the railroad concerning the possible collisions we can encounter at highway/railroad crossings. That saying is: "If I hit a gasoline or a propane truck I will never live long enough to tell about it. If I hit a School Bus I will never live long enough to forget it." I have been involved in several collisions with vehicles at highway/railroad crossings in my 20 plus years working for the railroad. Since I was promoted to a Locomotive Engineer 11 years ago, I have had 3 very close calls with School Buses not stopping at railroad crossings, and 2 extremely close calls with propane trucks again not stopping at railroad crossings. I cannot begin to explain to you the nightmares I get associated with the collisions and near misses I've had. I just hope you never will have to experience anything similar. This bill would be a major step towards stopping near misses and collisions at Highway/railroad crossings in Montana.

Finally I am concerned with the passage of House Bill 133 as a Montana resident and parent. As a resident I am concerned with what would happen to my family, property, and community if a train were to have a collision with a Hazardous Material carrier such as a gasoline, chemical or propane truck. There have been in recent years many news stories on just this subject across our nation. There is always major destruction involved with such collisions, and usually the collision has occurred as a result of the failure of the Haz Mat carrier to stop at a railroad crossing.

As a parent I have 2 school age children that have ridden and will continue to ride School Buses for different school events. I am concerned with their safety as we all should be concerned with the safety of all the children in the state of Montana. I have heard there is an objection to the passage of this bill because some Transportation Companies will have to add 10 or 15 minutes to their schedules, and will have to pay more to their drivers. I would like to know what is the cost of our children's safety. Also I have heard some people would not like to see this bill passed because there would be an increase in "rear end collisions" with School buses at railroad crossings. First of all, if I were a betting man, I probably could have won my next months wages in bets with people who knew that all School Buses have to stop at railroad crossings in Montana. People in Montana think now that these buses have to stop and look out for them. Also, there is a pamphlet out called "A Montana School Bus - The Safest Vehicle on America's Roads." I believe they are. But think of the damage an automobile can cause by "rear ending" a bus and then look at these pictures of what a train can do hitting a School Bus at 60 mph. You and I cannot allow this type of collision to ever occur in Montana, our children are too precious to waste. There are only two states in the United States that allow School Buses and Hazardous Material carriers to cross highway/railroad crossings without stopping. Those two states are Wisconsin and Montana. Wisconsin is in the process of changing their law.

Mr Chairman and members of the committee please for the protection of the youth and the people of Montana, send this bill, House Bill 133 to the floor of the Senate with the highest DO PASS RECOMMENDATION that is possible. Thank you for your time and your highest consideration of House Bill 133.

Richard A. Flink



BRIEFLY

Train strikes school bus, killing two

MILTONA, Minn. (AP) — A freight train struck a school bus today in this west-central Minnesota town, killing at least two and injuring more than 20, authorities said.

Jan Vere, spokeswoman for Douglas County Hospital in Alexandria, said 23 people were brought to the hospital after the accident on a county road. Two people were confirmed dead, she said, but she was unsure whether they were among the 23.

The accident happened around 7:30 a.m. in Miltona, about 10 miles north of Alexandria, the Douglas County Sheriff's Department said. The cause was not immediately known.

Deanna Schultz, secretary for the Miltona Science Magnet School, said the bus had just dropped off some children at the Miltona school and was on its way to Alexandria with upper-grade students.

not

Bus-train accident reconstructed

by Ernie Silbernagel

A fatal train and school bus accident at the Soo Line crossing in Miltona drew the attention of investigators from the state, railroad, and National Transportation Safety Board. The driver of the school bus, Fred Beman, 66, and 9-year-old Kristian Rindahl of Carlos were killed instantly in the Friday morning accident. Rindahl was being transported to the Zion Lutheran School, and the other students on the bus were high school and junior high students in Alexandria.

The accident occurred about 7:20 a.m. Friday morning after the bus dropped off students at the Miltona Elementary School. About two blocks from the school, the bus with 22 students, was struck by the train. All were taken to the Douglas County Hospital where 14 students were treated and released, and seven were kept in the hospital, one of which was seriously injured and required extensive surgery. One remained

hospitalized in fair condition on Monday.

More than 25 witnesses of the accident told authorities that the driver did not stop at the railroad crossing. A Soo Line official said the engineer saw the bus approach the crossing as if it was stopping, but the bus "drifted on to the tracks." The north bound train struck the west bound stub nose bus on the right front, where the driver was sitting. The impact spun the bus around and broke a power line pole. Six students were reported thrown from the bus. Beman has driven school bus for ten years.

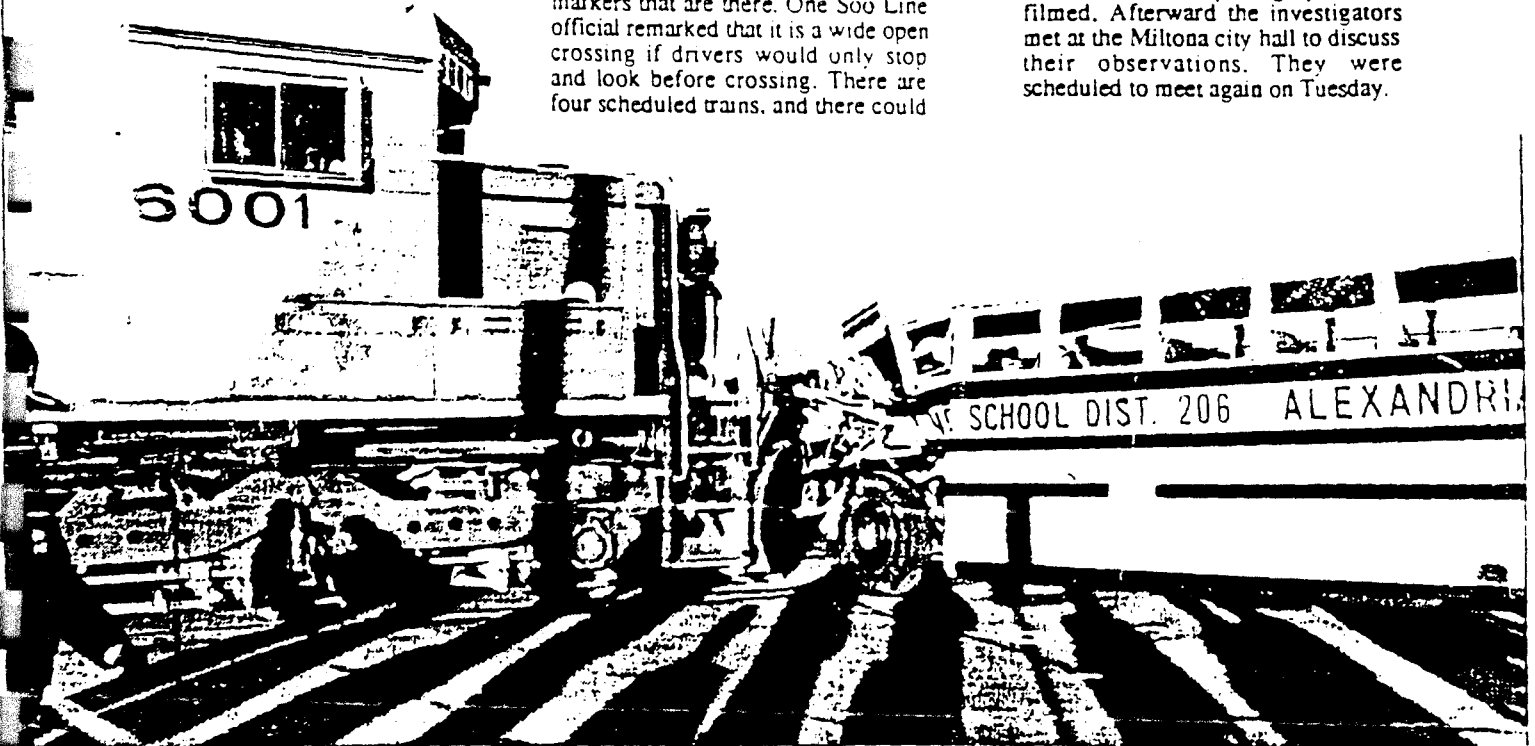
It was just two years ago on December 5, 1988 that Vicki Coyer and her parents Myra and Lester were killed at the same crossing. Five deaths in less than two years has renewed the cry for flashing lights and stop arms at the crossing. After the accident in 1988, the Minnesota Department of Transportation (MNDOT) determined that the Miltona crossing did not need any more markings than the stop sign and markers that are there. One Soo Line official remarked that it is a wide open crossing if drivers would only stop and look before crossing. There are four scheduled trains, and there could

be as many or more special trains through Miltona each day. The 120 car freight train in Friday's accident was two hours late. The 5,800 ton train traveling 40 miles per hour took about 900 feet to stop after the collision.

Early Saturday morning officials gathered in Miltona to reconstruct the accident at the same time of day. They drove a bus down the street and a train down the tracks at 7:20 to try to determine why the driver didn't stop. A Soo Line official that rode in the bus as it approached the tracks said the large mirror on the bus obstructed the drivers view of the train until the bus was one to two bus lengths from the track. During the second run by the bus and train, the people riding in the bus did not hear the train whistle over their own conversation and the radio playing.

After the trial runs, investigators put the bus from the accident on the tracks with the train, and examined the points of impact. Every aspect of the collision was photographed and filmed. Afterward the investigators met at the Miltona city hall to discuss their observations. They were scheduled to meet again on Tuesday.

Ex. 1
3-21-91
HB 133



Officials cast long shadows as they photographed the reconstruction of the school bus and train accident that killed a student and driver last Friday in Miltona.

Fort Wayne, Indiana, News-Sentinel
December 19, 1990

Train crashes into grain truck

A Poneto man survived a train-truck crash yesterday in Wells County. Police say Lee Sills Jr., 65, was driving a grain truck on Wells County Road 100W, near County Road 800S, at 8:40 a.m. when it was struck by a Norfolk Southern freight train. Sills, who is being treated for a broken leg, bruised shoulder and cuts to his head, said he did not see or hear the approaching train when he stopped at the crossing just before he drove into the train's path.

Mobile, Alabama, Register - November 27

Truck hits train at Docks entrance

A truck collided with a train Monday at about 9 a.m. at Telegraph and Deakie roads at the rear entrance to the Alabama State Docks.

A Mobile Police Department spokesman said there were no injuries. The truck and Burlington-Northern train received minor damage, he said.

The driver of the truck, Russell D. King, 27, of Thompsonville, Ill., apparently did not see the train and ran into it, the spokesman said.

The truck is owned by Micow of Des Moines, Iowa.

Dedicated to Safety at Grade Crossings and on Tracks and Trestles

Issued:

August 1, 1990

Public Relations, Norfolk Southern
8 N. Jefferson St.
Roanoke, Va. 24042-0043
(703) 981-5426

The Virginian-Pilot and Ledger-Star, Norfolk, Virginia - June 30, 1990

Flaming gasoline spews from truck hit by train

By John Cochran
Staff writer

CHESAPEAKE — Thousands of gallons of burning gasoline spewed across a South Norfolk railroad crossing Friday afternoon when a train struck a tanker truck.

The explosion and fire melted the tanker truck and briefly knocked out power to more than 500 customers.

The truck had filled up minutes before with 3,000 gallons of gasoline at a Texaco fuel storage complex at the end of Rosemont Avenue, fire officials said. It was traveling north across railroad tracks inside the complex about 3:15 p.m. when a Norfolk Southern train, traveling east, rammed the tank.

The tanker crumpled, exploded into flames and melted in the intense heat, Chesapeake Fire Inspector Greg Orfield said. A column of thick, gray smoke rose hundreds of feet into the air.

The train's brakeman, Ernest Pickett, was in serious condition Friday evening at Sentara Norfolk General Hospital with third-degree burns on his back, chest and arms.

The truck driver, Tyrone Wisner of Portsmouth, and the train's engineer, E.A. White, were treated for minor burns and released.

The addresses and ages of the three men were not available Friday evening.

Rescuers had difficulty getting to Wisner, who lay with the charred chassis of his truck on the north side of the train, Orfield said.

The rescue workers feared the fire would set off another explosion in nearby storage tanks, which contained millions of gallons of gasoline. But earthen

“You think it's hot now, you should have been here when it first started. You could feel the heat way over here.”

Jerrell Harvey, resident of the 700 block of Bank St.

when burning utility poles collapsed. Virginia Power crews restored service to all but the Texaco facility within three hours.

Some neighbors across from the storage facility said they had run for cover when the accident happened, thinking that the huge tanks hundreds of feet away were exploding. Flames leapt above the storage facility's fence, they said.

As the fire died down, many gathered on their front lawns to watch the smoke rise.

“You think it's hot now, you should have been here when it first started,” said Jerrell Harvey,

who lives nearby in the 700 block of Bank St.

“You could feel the heat way over here.”

Alton Wilson of the 800 block of Bannister St. said he heard three rapid explosions and then ran up the street toward the smoke.

“The flames were higher than the tanks,” he said.

Texaco officials blocked off the entrance to the facility Friday afternoon and kept neighbors and media away from the still-smoldering wreckage of the tanker truck.

In Memoriam

Roanoke, Virginia, Times & World-News
July 17, 1990

PICKETT, EARNEST C., JR.

VIRGINIA BEACH — Earnest Claude Pickett, Jr., age 54, a conductor for Norfolk Southern Railroad Co., died July 14, 1990 in a Norfolk, Va. hospital. Mr. Pickett died from injuries he received when a Norfolk Southern train he was working on collided with a gas truck June 29 at a gasoline bulk plant in Chesapeake, Va. He is a native Smyth County, Va. and was employed with the railroad for 37 years. He was a member of Carmi Baptist Church in Sugar Grove, Va. He was also a member of

the United Transportation Union. Survivors include his wife, Ann M. Pickett; his mother, Leona Mae Hawke Pickett, Sugar Grove; two sisters, Ruth McMahan, Marion; Brenda Myers, Daleville; four brothers, Paul Pickett, Independence; Dean Pickett, Sugar Grove; Rev. James Pickett, Hot Springs; Dan Pickett, Huntersville, N.C. The funeral will be conducted Tuesday, July 17 at 10:00 a.m. at Kellum Funeral Home, Virginia Beach by the Rev. Willard Reedy. Burial will be in Rosewood Memorial Park.

Please see **TANKER**, Page B3

dikes surrounding the tanks held back the spilled fuel, Orfield said. No one had to be evacuated.

The fire burned for more than 30 minutes and knocked out power to 500 homes and 20 businesses

SENATE HIGHWAYS

EXHIBIT NO. 2

DATE 3-21-91

BILL NO. HB 133

3-21-1991

JOSEPH W. KUGLIN
OPERATION LIFESAVER
AREA COORDINATOR
GREAT FALLS, MT.

MR. CHAIRMAN

MEMBERS OF THE COMMITTEE:

MY NAME IS JOSEPH KUGLIN, AND I AM A LOCOMOTIVE ENGINEER AND A MEMBER OF OPERATION LIFESAVER. I AM THE AREA COORDINATOR OF GREAT FALLS AND WORK CLOSELY WITH MANY PROFESSIONAL DRIVERS. ONE OUTSTANDING PROBLEM I HAVE ENCOUNTERED IN THIS CAPACITY IS THAT THE LAWS GOVERNING OUR RAILROAD CROSSINGS ARE VERY UNCLEAR AS TO WHAT PROFESSIONAL DRIVERS MUST COMPLY WITH. IN PARTICULAR OUR SCHOOL BUS DRIVERS. MANY OF OUR STATE AGENCIES WERE UNCLEAR THEMSELVES, RESULTING IN VARIOUS DANGEROUS AND HAZARDOUS SITUATIONS. THESE DRIVERS WANT A CLEAR AND DECISIVE LAW FOR THEY FEEL THAT THEY ARE CARRYING OUR MOST PRECIOUS POSSESSIONS "OUR CHILDREN".

AS A LOCOMOTIVE ENGINEER, I NEED NOT REMIND YOU OF HOW DANGEROUS WE ARE WHEN IT IS UNEVENTFUL, KNOWING THAT YOU ARE GOING TO CRASH INTO A SCHOOL BUS OR AUTOMOBILE. MANY LOVED ONES ARE KILLED OR VERY SERIOUSLY INJURED BECAUSE OF THE VAGUENESS OF OUR PRESENT LAWS.

AS A DRIVER, I MUST STATE WE DO NEED MORE CLARITY REGARDING OUR LAWS CONCERNING RAILROAD CROSSINGS. THIS BILL GIVES THE DRIVERS OF MONTANA THE OPPORTUNITY TO START TO UPGRADE THE LAW AND CLEARLY SPELL OUT WHAT IS INTENDED. SAFETY IS THE WISHEST OF ALL OUR MONTANA CITIZENS. NOT JUST A CONVENIENCE FOR A FEW.

THANK YOU

Joseph W. Kuglin
JOSEPH W. KUGLIN

Ex. 3
3-21-91
HB 133

MR CHAIRMAN, MEMEBERS OF THE COMMITTEE, I am Donna Hall of Hall Transit Co. We own and operate the school buses in Helena and Great Falls. Thank you for your time.

I am here today in support of House Bill 133.

As a school bus contractor, we feel very strongly that the law should be clearly defined concerning the stopping of all school buses at all RR crossings, controlled or uncontrolled, whether loaded with children or not. Presently the School Districts in Helena and Great Falls are dictating to us that we must stop. The law, however, is very unclear on this resulting in confusion among our drivers. Every bus driver should know exactly what is expected of him or her.

Our involvement with "Operation Lifesaver" was the coordination and donation of the school bus used in the train-bus crash demonstration conducted in Great Falls on April 24, 1990. We required that all our drivers attend and I know from talking with them that their reaction was the same as mine. Even though we knew that there were only crash dummies aboard the bus, the moment of impact was the most frightening thing we've ever experienced. It proved to us all one important fact "Trains can't Stop" and it was nearly 500 feet before it did. What a horrible thought that it could have been loaded with children!

I feel that the importance of school buses stopping, looking and listening at every crossing can't be stressed enough. In regard for the safety of other drivers, the use of warning lights to signal that the bus is going to stop and the display of "this bus stops at all RR crossings" on the rear of the bus, would greatly reduce the rear-end accidents we experience every year. These precautions are not required at this time.

In conclusion, I would like to see the law defined to give the drivers clear understanding of their responsibility, which is the safe transportation of Montanas most precious cargo, our children.

Thank you.

3/20/91
Donna I. Hall
Hall Transit Co., Inc.

"presented in my absence by Joe Kuehn"

Ex. I

3-21-91

HB 133

HOUSE BILL 133
TESTIMONY

Before the Senate Committee on Highways and Transportation
by Ron Wenger, Transit Manager, City of Billings,
President, Montana Transit Association

House Bill 133, in its current form, will have serious negative impact on our City's MET Transit System. Fourteen (14) of our seventeen (17) routes currently cross railroad tracks. Indeed, one route crosses eight individual tracks, six of which receive very little usage. To require this bus to stop eight individual times will, in all likelihood, require us to shorten the route; thus, reducing service to the area. Other routes may also need to be shortened, thereby lowering service levels throughout the City.

I am unaware of any accident data that would suggest there is a particular accident problem which would warrant requiring our buses to stop at crossings within the Billings urban area. Indeed, I can find no recorded accidents involving a bus type of vehicle in the past twenty years. In fact, I would suspect that following implementation of this bill, we would see a significant increase in rear end accidents at railroad crossings. In particular, there are areas of 35 m.p.h. speed limits where tracks exist which are used very slightly, if at all, where our buses would be required to stop in the middle of a traffic lane.

I would respectfully submit that the provision for street-railway grade crossings in business or residential districts be reintroduced for urbanized areas, or at the very least, recognize railroad grade crossing signals as adequate for traffic control in an urbanized area.

On behalf of the City of Billings' Aviation/Transit Department, Transit Division, and the Montana Transit Association, we respectfully urge your inclusion of this type of language into House Bill 133.

MILL

CONTRACT
Including
Transportation Costs

**LOGGING
CONTRACTOR**

Current:

1. Logs exempt from Motor Carrier Act
2. Written contracts optional

**HAUL LOGS
WITH OWN
EQUIPMENT**
CLASS "E" CERTIFICATE
HOLDER

**HIRE LOG
HAULER**
CLASS "E" CERTIFICATE
HOLDER

House Bill 192:

1. Logs NOT Exempt from Motor Carrier Act
2. PSC ECONOMIC Regulation
3. Published, Compensatory Rates
4. Written Contracts Required

COMMON CARRIER	CONTRACT CARRIER
RATE FIXED BY PSC	NEGOTIATED RATE (NO LESS THAN 90% OF PSC

LOGS TRANSPORTED

DATE _____
BILL NO. HB 192

3-21-4

Date Submitted: 3/21/91
HB 192

Ben Havdahl, MMCA, Senate Highways and Transportation Committee

EXHIBIT NO. 6
DATE 3-21-91
BILL NO. HB 192

Mr. Chairman.....Members of the Committee. For the record, my name is Ben Havdahl, Executive Vice President of Montana Motor Carriers Association.

MMCA supports the passage of HB 192, a bill to include the "for-hire" transportation of logs within Montana as a regulated commodity under the Motor Carrier Act. The bill will simply add logs to the more than hundreds of commodities that are all ready regulated under the act in Montana. A partial listing of the commodities is attached for the information of the committee.

MMCA and the Montana Log Truckers Association merged organizations last year and currently there are 188 members in the MMCA Log Truckers Conference. The conference is seeking this legislation. MMCA Board adopted a position for full support of this effort.

Economic regulation has been an integral part of this State's transportation policy for the past 60 years. Controls on motor carrier entry and rates, coupled with limited antitrust immunity for collective rate-making, have provided fairness to the shipping public.

Further it has resulted in a safe and reliable trucking service and a complete transportation network available even to the most remote shipper. Under regulatory controls, the trucking industry in Montana has grown to become a major mode of Montana freight transport.

The role of state government, through the Public Service Commission, has been to regulate freight common carriage to ensure that adequate service is available for all those who need it, at reasonable rates and on a nondiscriminatory basis. Montana like some 35 other states, adopted laws in the early 1930s regulating entry, rates charged and the financial arrangements of carriers.

Economic regulation encourages efficient collective rate making. Calculating the appropriate rate for each shipment is a big task, involving many possible pairs of origin and destination points, types of shippers and types of commodities. Collective rate making has enabled carriers to efficiently meet this task under antitrust immunity. Carriers can also file individual rates. Shippers have input relating to rate proposals through public hearings and comment.

Economic regulation enhances highway safety. There is a direct relationship between economic regulation and safe equipment.

Experience with limited deregulation has shown that when carriers are forced to engage in a fierce struggle for traffic, they cut costs in those areas most related to safety.

Finally it preserves well-established shipper liability protections. Carriers are required to maintain a minimum amount of liability insurance set by regulation at \$500,000 and have in force a \$10,000 cargo insurance policy.

Why regulate logs in Montana? You have heard and will hear more about why. I would like to give you just a few reasons to pass HB 192.

House Bill 192 establishes a special class, Class E, of carriers, to transport logs intrastate under the motor carrier act as a regulated commodity. It provides for the establishment of compensatory rates for common carriage to be established, either as an individual carrier or as a group with immunity from anti trust laws.

House Bill 192 would require that contracts be in writing for transportation of logs by truck.

14 states regulate log hauling by motor carriers from the forest to the mill and/or from storage to the mill. (Included are: Connecticut; Kansas; Massachusetts; Michigan; Minnesota; Nevada; New Mexico; Ohio; Oregon; Pennsylvania; Texas; Utah; Washington; and West Virginia.)

16 states regulate wood chip hauling by motor carriers from the forest or mill to paper plants including Montana. (All of the above states except Michigan, Minnesota, and New Mexico. In addition, Montana, Idaho, New York, and North Carolina) Montana regulates woodchips, why not logs.

There are those carriers, when considering to haul regulated products, that fear they will fall into a regulatory abyss from which there is no escape. Such is not the case. Certain rules must be followed and reports rendered, but the requirements are no more than those required by any carrier's accountant for good business management and preparation of tax returns.

The initial consideration is the "construction" of a proposed tariff to be filed with PSC. A tariff is nothing more than a price list or a rate list for services to be rendered. Rates can be as simple as reading a menu. Rates are the costs to the shipper for hauling the product. Rates can be based on miles, weight, point-to-point, or any other method the carrier or group of carriers may deem appropriate. In the case of log hauling different road surfaces are taken into account.

Rates are determined in such a way, that any shipper can look at a tariff and determine the exact amount he will be charged for the services performed, prior to the movement of the product.

The determination of what makes an adequate or reasonable line haul rate is composed of basically two major factors: one the economic where by carriers must decide at what level they need to operate, to pay their bills and realize a reasonable profit.

The second factor is the marketplace or the shipper. Rates must be attractive to the shipper or a shipper will simply take other alternatives such as using his own trucks.

Carrier's economic data is assembled to determine costs and rates, including: revenue and operating expenses. Collectively or individually this data is assessed and included in the base used to determine a fair and reasonable rate.

MMCA now provides tariff service to some 135 livestock carriers who are members of a collective livestock tariff. I have provided for the committee's information a copy of that tariff's rules, two pages of rate sheets, and a Memorandum explaining the details of how a tariff is generally established.

Ex. 6
3-21-91
HB 192

Page 3

Livestock carriers sought and were granted economic regulation by the 1971 Legislature. Their system has been working to the satisfaction of carriers and shippers for 20 years. The structure of a collective tariff for log haulers will be similar but with particular modifications appropriate to that industry.

Rate determination is not a mysterious process. It is a process that is open and fair to all concerned both carriers and shippers. The process insures a transportation system that is stable and dependable. It is not perfect. Livestock haulers can attest to that fact as can others. However livestock haulers and other carriers are still operating effectively under the regulated system after many, many years.

Thank you.

PARTIAL LISTING OF COMMODITIES TRANSPORTED BY MOTOR CARRIAGE
WITHIN MONTANA UNDER INTRASTATE COMMERCE REGULATION

Forest Products -Bark-Sawdust-Wood Chips -Mill to Paper Plant-Forest to Paper Plant
Lumber and Wood Products-Finished lumber-Plywood-Partical board
Fencing Roofing Shingles-Poles and Posts
Building materials - Blocks, Bricks-Dry wall-Roofing metal,composition
Buildings
Fresh fish & othe marine products
Metalic ores
Coal- Crude Petroleum,Natural Gas
Nonmetallic minerals
Ordnance & accessories
Food & kindred products
Tobbaco products
Textile mill products
Apparel & other finished textile&knit
Furniture & fixtures
Pulp, paper & allied products
Chemicals & allied products
Petroleum & Coal products
Asphalt-Coke
Rubber & misc. plastic products
Leather & leather products
Stone, clay, glass & concrete products
Primary metal products
Fabricated metal products
Machinery -Electrical machinery equipment
Transportation equipment
Instruments,photo&optical
Waste and scrap metal
Dry bulk cement
Bulk fertilizer
Livestock-Cattle-Sheep-Horses
Processed cattle feed
Hides
Automobiles -light vehicles- Automotive parts-batteries
Farm machinery
Floor covering
Household goods
Solid waste - ashes
Beverages-Liquors
Meal
Meat
Dairy products
Paints
Pipe
Food products-canned-frozenAnd many others



EX. 6
3-21-91
HB 192

B.G. HAVDAHL, EXECUTIVE VICE PRESIDENT
501 NORTH SANDERS
P.O. BOX 1714, HELENA, MONTANA 59624
TELEPHONE: AREA CODE 406 442-6600

March 21, 1991

MEMORANDUM TO: MONTANA SENATE COMMITTEE ON HIGHWAYS AND
TRANSPORTATION

REGARDING: How Carriers, Individually or Collectively, Establish a Tariff
for Transporting Commodities Within Montana.

The Legislature established the Montana Public Service Commission as the State agency responsible for regulating transportation in the Montana and PSC is the appropriate agency for approving tariffs.

The initial consideration in rate establishment is the "construction" of a proposed tariff to be filed with PSC. A tariff is nothing more than a price list or a rate list for services to be rendered and can be as simple as reading a menu. Rates are the costs to the shipper for hauling the product. Rates can be based on miles, weight, point-to-point, or any other appropriate method.

Rates are determined in such a way, that any shipper can look at a tariff and determine the exact amount he will be charged for the services performed, prior to the movement of the product.

The determination of what makes an adequate or reasonable line haul rate is composed of basically two major factors, the economic factor and the market factor. Considering the economic factor, carriers must decide at what level they need to operate, to pay their bills and realize a reasonable profit.

The second factor in constructing a rate is the marketplace or the shipper. A rate must be attractive to the shipper or he will take other alternatives such as using his own trucks.

Carrier's economic data is assembled to determine costs and rates, including: revenue; and expenses such as labor, fringe benefits, operating supplies, fuel and parts, fuel taxes, property taxes, GVW fees, workers compensation premiums, insurance, depreciation, purchased transportation, rent and others. Collectively or individually this data is assessed and included in the base used to determine a fair and reasonable rate. A profit factor is also included.

Under the PSC system for rate establishment, once an initial tariff is filed and approved by the PSC, the rates and charges are effective. Routinely a hearing is not held on the initial establishment of rates. The PSC may, however, investigate and conduct a hearing on initial rate filings. Any changes in rate levels or charges in the tariff may be challenged at public hearings.

Collective tariffs operate under approved rules and regulations and the PSC has to approve these rules and other information connected with an initially filed tariff and any changes to those rules after the tariff becomes effective.

TEN REASONS TO SUPPORT HB 192--- ECONOMIC REGULATION OF INTRASTATE MOTOR CARRIAGE OF LOGS IN MONTANA.

- (1) The mills made a commitment to the 1989 Legislature to meet with *log truckers* to help resolve their problems relating to transportation. NO SUCH EFFORT WAS EVER MADE. HB 192 passed the House 60-40.
- (2) Log Contractors who own trucks and log truckers with mill contracts oppose HB 192 because they do not want competition from small owner operators with no hauling contract. Passage of HB 192 is vital to small truckers competing with larger log truckers and mills.
- (3) Log truckers trying to provide transportation services, find at times, the rates paid to them to be unfair, inconsistent, arbitrary and sub-standard for the service. Current arrangements are on a take-or-leave-it basis.
- (4) HB 192 amends the Motor Carrier Act to include logs as a regulated commodity, allowing *compensatory rates* to be established, either as an individual carrier or as a group and grants immunity from anti-trust prosecution.
- (5) House bill 192 establishes a special class of carriers, Class E, to transport logs in the state either under a written contract or as a common carrier.
- (6) House Bill 192 would require written contracts as one option for transportation of logs by truck and contract rates may also be established and filed with PSC. (Although current logging industry practices include written contracts between mills and log contractors including costs for cutting and transporting logs plus a profit, generally no such written contract is in effect between the log contractor who is the shipper of the logs and the log trucker.)
- (7) House Bill 192 would require that rates for logs transported under "common carriage", as an alternative option, be compensatory and approved by the PSC.
- (8) Under HB 192, rates are to be established with PSC approval by log carriers individually or collectively and must be fair and based on the cost of the service. Shippers would have input to PSC for or against rate levels and establishment.
- (9) The Motor Carrier Act has been in effect in Montana for 60 years to insure fair rates and a transportation system for hundreds of commodities transported within Montana either under written contract or by common carriage.
- (10) 14 States regulate log hauling by motor carriers from forest to mill and/or storage to mill. Montana and 15 States regulate wood chip hauling. Why not logs?

Ex. 6
3-21-91
HB 192

MILL

CONTRACT
Including
Transportation Costs

LOGGING
CONTRACTOR

Current:

1. Logs exempt from Motor Carrier Act
2. Written contracts optional

HAUL LOGS
WITH OWN
EQUIPMENT
CLASS 'E' CERTIFICATE
HOLDER

HIRE LOG
HAULER
CLASS 'E' CERTIFICATE
HOLDER

House Bill 192:
1. Logs NOT Exempt from Motor Carrier Act
2. PSC ECONOMIC Regulation
3. Published, Compensatory Rates
4. Written Contracts Required

COMMON CARRIER	CONTRACT CARRIER
RATE FIXED BY PSC	NEGOTIATED RATE (NO LESS THAN 90% OF PSC

LOGS TRANSPORTED

Log hauler bill: A fair shake-out?

By Will Getelman

University of Montana student
for the Tobacco Valley News

Sawmill owners, log haulers, logging contractors -- each group has its reasons for tracking progress of a bill in the Montana Legislature that would give the state Public Service Commission power to set pay rates for log haulers.

House Bill 192, sponsored by Rep. Dave Wanzenried, D-Kalispell, would also entitle log haulers to a written contract with logging contractors. The haulers presently operate by verbal contract, and some claim the rates haven't changed in

years. They say they can't meet expenses, and have nowhere but the Legislature to turn for relief.

"We have not only not gotten a raise in 16 years, but lost money," said Suellen Brady, co-owner of Brady Trucking Company in Whitefish. Her husband, Sam, hauls logs. Brady submitted written testimony in favor of the bill to the House Highways and Transportation Committee. The committee has since passed the bill to the full House, which sent it to the Senate by a 60 to 40 vote.

If logging contractors have to pay more for gas or equipment, they negotiate the increases with the mill,

Brady says, but rates for haulers stay the same "no matter what."

Wanzenried said part of the problem for the haulers is that they are not privy to the details of the contract drawn up between sawmills and logging contractors. The contract includes transportation costs.

He said under his bill, the PSC would analyze the contract and set a fair rate of pay for log haulers. Truckers could simply look in the PSC rate book to determine the current pay scale for them. They'd then have two options, Wanzenried said. They could haul as "common carriers" at the fixed PSC rate, or as "contract carriers" at a negotiated rate

of not less than 90 percent of the PSC rate.

Haulers working now would receive the PSC "Class E" certification to haul, as would logging contractors who now own their own trucks. Those entering the business later would have to petition the PSC for certification.

Not everyone is happy with the bill. Sherm Anderson, who owns Sun Mountain Logging Co. in Deer Lodge, opposes it. Anderson owns 14 trucks.

"I'm not only a logging contractor, but a hauler, so I negotiate the haul rates with the
See Hauler, Page 12

Hauler

Continued from Page 1

sawmills," Anderson said.

The size of his operation gives him an edge in underbidding other haulers, an edge he's not eager to lose, he said.

Haulers who are not logging contractors, thus not entitled to a contract with the mill, fear being squeezed out of business by firms such as Sherm Anderson's.

But Anderson said they are more likely to be squeezed out by the proposed bill. He said if this bill becomes law, mill owners will choose two or three shippers whose size enables them to prosper at 90 percent of PSC scale, forcing small local haulers out of work.

Large-scale operations could get around the bill by leasing their trucks to the mill, Anderson added. If the mill is using its own leased trucks, it is outside PSC jurisdiction and not subject to the 90 percent minimum haul rates. Or, he said, if the PSC rate makes hauling too profitable, "you can bet that the loggers themselves are going to have their own trucks."

"There's no need to hire somebody to do it if there's a lot of money in it," he says.

Brent Anderson, a logging contractor from Lincoln, owns no trucks. He hires haulers to freight logs to the mill. Be he said if the bill becomes law, he will buy a truck to get PSC certification, if for no other reason. Certification would be harder to get later, Anderson said.

"I'd have to go in and prove to the commission that it was needed in my area and wasn't being taken care of," he said of the PSC certification process.

By buying a truck, Anderson said he could haul his own logs as a private carrier outside PSC jurisdiction, and thus cash in on the newly increased hauling profits. He said he agrees with Sherm Anderson that under the new bill, mills would, for simplicity's sake by avoiding paperwork, do business with only two or three large-scale haulers. The small operator would be forced out, he said.

But Brady says small haulers are being forced out of business anyway, and must take a chance with government regulations.

"Somebody's got to give us a voice," she said.

Brady said this bill was introduced into the 1989 Legislature, and Highway and Transportation Committee Chairman Barry Stang, D-St. Regis, said "he didn't see a need for rules and regulations to work the matter out." Brady said Don Allen, president of the Montana Wood Products Association, which represents the mill owners, offered to "sit down as gentlemen to work out differences". But these talks were unproductive, leaving log haulers no recourse but to return to the Legislature.

Allen said mill owners aren't involved in this year's controversy, though they oppose Wanzenried's bill. Allen said the controversy is "truckers versus truckers."

On the other hand, Allen said he doesn't think the PSC "is in any better position to set rates than can be set in the free-market system."

But Brady said logging contractors have been "purposely put in the middle between us and the mills."

Wanzenried agrees, saying the mills set rates so low that logging contractors must pass the loss on to the haulers, or haul themselves for a rate so low the haulers can't compete.

"Don't kid yourself for a moment," Wanzenried cautioned. "The mills have taken advantage of this because when they bid those jobs, they include transportation costs in those bids. They know informally how much they pay, and it's well below what a fair rate would be."

Wanzenried said as the bill is debated in the Legislature, "the Wood Products Association is going to be right in the middle of it, guarantee you -- I know."

Wanzenried said the bill is strictly an economic regulation. Regulations concerning hours driven and safety factors are not part of it. There is some added paperwork for the haulers, he said, but "no more than a good businessman is already doing."

If mills and logging contractors are in dire financial straits, Wanzenried said, it is because of "soft" market and a lack of trees. They won't go broke by paying haulers what they're worth, he said.

"I just want to make sure the

6A 6F
DATE 3-21-91
HB 192

MONT. P.S.C. NO. 5
CANCELS
MONT. P.S.C. NO. 4

ORIGINAL TITLE PAGE

MONTANA LIVESTOCK TARIFF BUREAU,
AGENT

LIVESTOCK TARIFF NO. 3
(CANCELS LIVESTOCK TARIFF No. 1-B).
SEE LIVESTOCK TARIFF NO. 2 FOR PARTICIPATING CARRIERS

NAMING
INTRASTATE
MILEAGE COMMODITY RATES
AND MILEAGE VOLUME TENDER RATES

- AND -

RULES AND REGULATIONS

BETWEEN POINTS IN	AND POINTS IN
MONTANA	MONTANA

THIS TARIFF APPLIES ONLY ON MONTANA INTRASTATE TRAFFIC

ISSUED:

EFFECTIVE:

ISSUED BY:
B. G. HAVDAHL - GENERAL MANAGER
501 NORTH SANDERS AVE.
HELENA, MT 59601

MONTANA LIVESTOCK TARIFF BUREAU, AGENT
LIVESTOCK TARIFF NO. 3

SECTION 2

APPLICATION OF RATES

RULES AND REGULATIONS

FOR EXPLANATION OF ABBREVIATIONS OR REFERENCE MARKS NOT EXPLAINED ON THIS PAGE, SEE CONCLUDING PAGE OF TARIFF.

ISSUED:

EFFECTIVE:

MTS
D

ISSUED BY:
B. G. HAYDAHL - GENERAL MANAGER
501 NORTH SANDERS AVE.
HELENA, MT 59601

Ex. 6 A
3-21-91
HB 192

MONT. P.S.C. NO. 5
CANCELS
MONT. P.S.C. NO. 3 & 4

ORIGINAL PAGE 13

MONTANA LIVESTOCK TARIFF BUREAU, AGENT
LIVESTOCK TARIFF NO. 3

SECTION 2
APPLICATION OF RATES

RULES AND REGULATIONS	ITEM
<p><u>APPLICATION OF RATES - GENERAL:</u></p> <p>PARTICIPATING CARRIERS ARE REQUIRED BY STATUTE TO CHARGE NEITHER MORE NOR LESS THAN THE APPLICABLE RATE AND/OR CHARGE PUBLISHED HEREIN.</p> <p>EXCEPT AS OTHERWISE MORE SPECIFICALLY PROVIDED:</p> <p>THE RATES AND CHARGES IN THIS TARIFF APPLY TO MONTANA INTRASTATE SHIPMENTS OF LIVESTOCK AND INCLUDE THE SERVICES OF A UNIT OF EQUIPMENT AND DRIVER; AND</p> <p>ALL LIVESTOCK MOVEMENTS WILL BE BASED ON A HUNDREDWEIGHT RATE WHENEVER WEIGHING FACILITIES ARE AVAILABLE. THE CARRIER SHALL USE THE APPLICABLE HUNDREDWEIGHT RATE FOR LENGTH OF UNIT AND APPLY TO THE ACTUAL WEIGHT TRANSPORTED TO DETERMINE CHARGES FOR THE SHIPMENTS. FOR SHIPMENTS THAT CANNOT BE WEIGHED (SEE ITEM 190) THE CARRIER SHALL USE THE MILEAGE CHARGE FOR LENGTH OF UNIT ORDERED OR REQUIRED, WHICHEVER IS LARGER, TO DETERMINE CHARGES FOR THE SHIPMENT.</p>	100
<p><u>APPLICATION OF RATES FOR SHIPMENTS OF SHEEP, GOATS, AND HORSES:</u></p> <p>TRANSPORTATION CHARGES ON SHIPMENTS OF SHEEP, GOATS, AND HORSES, AS DESCRIBED IN ITEM 170, SHALL BE 110% OF THE APPLICABLE RATE IN SECTION 3 OR 4 HEREIN.</p>	110

Issued on ten days notice under authority of docket no. T-5104 and order no. 3019 of the Public Service Commission of the State of Montana, dated November 7, 1980.

FOR EXPLANATION OF ABBREVIATIONS OR REFERENCE MARKS NOT EXPLAINED ON THIS PAGE, SEE CONCLUDING PAGE OF TARIFF.
ISSUED: January 11, 1991 EFFECTIVE: March 11, 1991

ISSUED BY: B.G. HAVDAHL, General Manager

P.O. Box 1714

Helena, Montana 59624

MONTANA LIVESTOCK TARIFF BUREAU, AGENT
LIVESTOCK TARIFF NO. 3
SECTION 2

APPLICATION OF RATES
RULES AND REGULATIONS

Item

ALTERNATING RATES - MINIMUM LENGTH:

WHEN WEIGHT OF SHIPMENT IS AVAILABLE, APPLY THE HUNDREDWEIGHT RATE APPLICABLE FOR LENGTH OF UNIT IN SECTION 3 TO THE ACTUAL WEIGHT OF THE SHIPMENT TO DETERMINE CHARGES. IN NO CASE SHALL THE CHARGE FOR ANY SHIPMENT EXCEED THE MINIMUM CHARGE APPLICABLE TO THE NEXT HIGHER LENGTH OF UNIT FOR THE SAME MILEAGE.

130

BILL OF LADING AND FREIGHT BILL:

EXCEPT AS OTHERWISE MORE SPECIFICALLY PROVIDED,

A BILL OF LADING AND A FREIGHT BILL SHALL BE ISSUED FOR EACH SHIPMENT AND CARRIED IN THE VEHICLE DURING MOVEMENT OF THE SHIPMENT.

THE BILL OF LADING AND FREIGHT BILL SHALL BE ISSUED IN TRIPPLICATE AND CONSIST OF (1) AN ORIGINAL, (2) A SHIPPING ORDER COPY, AND (3) A MEMORANDUM COPY. EACH MUST BE NOTED SHOWING WHICH OF THE THREE IT IS. THE SHIPPING ORDER COPY MUST BE RETAINED BY THE CARRIER FOR PURPOSES OF INSPECTION BY THE MONTANA P.S.C.

EACH BILL OF LADING AND FREIGHT BILL SHALL BE CHECKED FOR ERROR. CORRECTION AND ADJUSTMENT WITH THE SHIPPER MUST BE MADE PRIOR TO BECOMING A PERMANENT RECORD OF THE CARRIER.

140

FOR EXPLANATION OF ABBREVIATIONS OR REFERENCE MARKS NOT EXPLAINED ON THIS PAGE, SEE CONCLUDING PAGE OF TARIFF.

ISSUED: January 11, 1991

EFFECTIVE: March 11, 1991

MTS
D

ISSUED BY:
B. G. HAYDAHL - GENERAL MANAGER
501 NORTH SANDERS AVE.
HELENA, MT 59601

Ex. 6H
3-21-91
HB 192MONT. P.S.C. NO. 5
CANCELS
MONT. P.S.C. NO. 3 & 4MONTANA LIVESTOCK TARIFF BUREAU, AGENT
LIVESTOCK TARIFF NO. 3SECTION 2
APPLICATION OF RATE

RULES AND REGULATIONS

ITEM

CHARGE FOR EQUIPMENT ORDERED AND NOT USED:

IF ORAL, TELEPHONIC, TELEGRAPHIC, OR WRITTEN REQUEST IS MADE BY A SHIPPER TO A CARRIER FOR THE TRANSPORTATION OF LIVESTOCK, AND THE CARRIER COMPLIES BY FURNISHING EQUIPMENT TO SHIPPER AT DESIGNATED ORIGIN OF SHIPMENT, AND REQUESTED TRANSPORTATION OF THE LIVESTOCK AT THE TIME SET BY THE SHIPPER IS REFUSED, WHICH REFUSAL NECESSITATES THE CARRIERS RETURN EMPTY, THE SHIPPER, REFUSING TRANSPORTATION, SHALL PAY THE CARRIER A CHARGE OF:

- A.) ONE CENT () PER FOOT OF UNIT LOADING LENGTH PER MILE ON ALL UNITS REQUESTED FOR THE TRANSPORTATION OF LIVESTOCK EXCEPT SHEEP, GOATS AND HORSES: OR
B.) ONE-HALF CENT (1/2) PER FOOT OF UNIT LOADING LENGTH PER MILE ON ALL UNITS REQUESTED FOR THE TRANSPORTATION OF SHEEP, GOATS AND HORSES.

THE MILEAGE TO BE USED TO DETERMINE CHARGES UNDER THIS ITEM SHALL BE CALCULATED FROM THE POINT WHICH EQUIPMENT WAS DISPATCHED TO THE SHIPPERS DESIGNATED ORIGIN OF SHIPMENT PLUS THE DISTANCE FROM THE DESIGNATED POINT OF ORIGIN TO THE CARRIER'S NEAREST TERMINAL.

TERMINATION OF REQUEST FOR EQUIPMENT AND CONTRACT BY THE SHIPPER SHALL NOT BE DEEMED TO HAVE BEEN PERFORMED IF SENT IN WRITING BY U. S. MAIL LESS THAN THREE (3) DAYS PRIOR TO THE AGREED SHIPMENT DATE. IN CASE OF DISPUTE, THE POSTMARK STAMPED ON THE ENVELOPE SHALL DETERMINE THE DATE WRITTEN TERMINATION OF THE CONTRACT WAS MAILED.

150

COMMODITY DESCRIPTION

EXCEPT AS OTHERWISE MORE SPECIFICALLY PROVIDED, THE DISTANCE COMMODITY RATES NAMED IN SECTION 3, AND THE DISTANCE OR MILEAGE VOLUME TENDER RATES NAMED IN SECTION 4, APPLY TO SHIPMENTS OF THE FOLLOWING:

- A.) CATTLE — INCLUDING BULLS, CALVES, COWS, OXEN, STEERS AND YEARLINGS, AND
B.) SWINE — INCLUDING BOARS, PIGS AND SOWS.

160

FOR EXPLANATION OF ABBREVIATIONS OR REFERENCE MARKS NOT EXPLAINED ON THIS PAGE, SEE CONCLUDING PAGE OF TARIFF.

ISSUED: January 11, 1991

EFFECTIVE: March 11, 1991

MTS
DISSUED BY:
B. G. HAVDAHL - GENERAL MANAGER
501 NORTH SANDERS AVE.
HELENA, MT 59601

SECTION 2

APPLICATION OF RATES

(ITEM CONCLUDED ON FOLLOWING PAGE)

EFFECTIVE: March 11, 1991

ISSUED BY:
B. G. HAYDAHL - GENERAL MANAGER
501 NORTH SANDERS AVE.
HELENA, MT 59601

Ex. 6A

3-21-91

HB 192

MONT. P.S.C. NO. 5

CANCELS

MONT. P.S.C. NO. 3 & 4

MONTANA LIVESTOCK TARIFF BUREAU, AGENT
LIVESTOCK TARIFF NO. 3

SECTION 2
APPLICATION OF RATES

RULES AND REGULATIONS	ITEM
<p><u>DETERMINATION OF WEIGHTS: (CONCLUDED)</u></p> <p>B.) CARRIER IS NOT REQUIRED TO OBTAIN A PUBLIC WEIGHMASTER'S CERTIFICATE WHEN:</p> <p>1.) A SHIPMENT CONSISTS OF TEN (10) HEAD OF LIVESTOCK OR LESS, OR</p> <p>2.) WHEN NO PUBLIC WEIGHMASTER'S SCALE OR SCALES ALONG THE ROUTE OF MOVEMENT IS OPEN FOR WEIGHING AT THE TIME THE CARRIER ARRIVES AT THE SCALE POINT OR POINTS: OR</p> <p>3.) WHEN THE WEIGHING OF A SHIPMENT ON A PUBLIC WEIGHMASTER'S SCALE SHALL REQUIRE THE CARRIER TO TRAVERSE A ROUTE WHICH IS MORE THAN FIVE (5) MILES LONGER THAN THE SHORTEST DISTANCE BETWEEN POINTS OF ORIGIN AND DESTINATION: OR;</p> <p>4.) WHEN BILL OF LADING IS MARKED OR STAMPED AND SIGNED BY SHIPPER: "CARRIER AUTHORIZED TO BILL AT THE MILEAGE MINIMUM CHARGE FOR A _____ FOOT TRAILER.</p> <p>SHIPPER'S SIGNATURE _____</p>	190 (CON- CLU- DED)
<p><u>DISTANCES, METHOD OF DETERMINING:</u></p> <p>RATES AND CHARGES NAMED IN THIS TARIFF SHALL BE COMPUTED FROM THE MILEAGE TABLE ON THE CURRENTLY EFFECTIVE OFFICIAL HIGHWAY MAP ISSUED BY MONTANA STATE HIGHWAY COMMISSION.</p> <p>FOR DISTANCES FROM OR TO POINTS NOT SHOWN ON THE CURRENTLY EFFECTIVE OFFICIAL HIGHWAY MAP, THE ACTUAL SPEEDOMETER MILEAGE VIA THE SHORTEST PRACTICABLE ROUTE SHALL BE USED TO DETERMINE CHARGES.</p> <p>IN COMPUTING MILEAGES, THE FOLLOWING SHALL GOVERN IN THE DISPOSITION OF FRACTIONS:</p> <p>A.) FRACTIONS OF LESS THAN ONE-HALF (1/2) MILE - OMIT: OR</p> <p>B.) FRACTIONS OF ONE-HALF (1/2) MILE OR GREATER — INCREASE TO THE NEXT WHOLE MILE.</p> <p><u>EXCEPTION:</u></p> <p>WHEN, AT THE REQUEST OF SHIPPER, A LONGER ROUTE THAN THE SHORTEST AVAILABLE REGULARLY TRAVELED ROUTE IS PROVIDED, THE MILEAGE VIA ROUTE OF MOVEMENT SHALL BE USED TO DETERMINE CHARGE.</p>	200
<p>FOR EXPLANATION OF ABBREVIATIONS OR REFERENCE MARKS NOT EXPLAINED ON THIS PAGE, SEE CONCLUDING PAGE OF TARIFF.</p>	
ISSUED: January 11, 1991	EFFECTIVE: March 11, 1991
MTS D	<p>ISSUED BY: B. G. HAVDAHL - GENERAL MANAGER 501 NORTH SANDERS AVE. HELENA, MT 59601</p>

MONTANA LIVESTOCK TARIFF BUREAU, AGENT
LIVESTOCK TARIFF NO. 3

SECTION 2
APPLICATION OF RATES

RULES AND REGULATIONS	ITEM
<u>EQUIPMENT ORDERED AND FURNISHED:</u> RATES NAMED IN THIS TARIFF ARE APPLICABLE FOR SPECIFIC UNIT LENGTHS AND WEIGHTS. SHIPPERS MUST SPECIFY LENGTH OF UNIT REQUIRED AND THIS SHALL BE SHOWN ON THE BILL OF LADING AND FREIGHT BILL, AND SHIPMENT CHARGES SHALL BE ASSESSED ON THAT BASIS. IF SHIPPER ORDERS A SPECIFIC LENGTH UNIT AND THE CARRIER IS UNABLE TO FURNISH BUT PROVIDES ONE OF LARGER DIMENSIONS IN LENGTH, CHARGES SHALL BE ASSESSED ON LENGTH OF UNIT ORDERED OR REQUIRED, WHICHEVER IS GREATER.	210
<u>IMPRACTICABLE OPERATIONS:</u> NO PROVISIONS OF THIS TARIFF SHALL BE CONSTRUED AS MAKING IT BINDING ON A CARRIER TO PICK-UP AND/OR DELIVER FREIGHT AT LOCATIONS FROM AND/OR TO WHICH IT IS IMPRACTICABLE TO OPERATE EQUIPMENT ON ACCOUNT OF THE CONDITION OF HIGHWAYS, ROADS, STREETS, OR ALLEYS, OR BECAUSE OF EXTREME WEATHER, RIOTS OR STRIKES.	220
<u>LIABILITY OF CARRIER:</u> CARRIERS OF LIVESTOCK ARE LIABLE FOR LOSS AND/OR DAMAGE AS PROVIDED BY STATUTE. THE AMOUNT OF LIABILITY SHALL BE DETERMINED AS FOLLOWS: A.) ORDINARY LIVESTOCK. RATES IN SECTIONS 3 AND 4 HEREIN APPLY TO SHIPMENTS OF ORDINARY LIVESTOCK. CARRIER'S LIABILITY IS ACTUAL LOSS AND/OR DAMAGE, SUBJECT TO THE LIMITATION OF MARKET VALUE AT POINT OF DESTINATION ON DATE OF SHIPMENT. B.) OTHER THAN ORDINARY LIVESTOCK. EXCEPT AS MORE SPECIFICALLY PROVIDED BELOW, CARRIER'S LIABILITY FOR LOSS AND/OR DAMAGE TO SHIPMENTS OF OTHER THAN ORDINARY LIVESTOCK IS ACTUAL LOSS AND/OR DAMAGE, SUBJECT TO THE LIMITATION OF MARKET VALUE AT POINT OF DESTINATION ON DATE OF SHIPMENT: AND C.) UPON DECLARATION IN WRITING BY THE SHIPPER OF A RELEASED VALUE FOR OTHER THAN ORDINARY LIVESTOCK, AND ON SUCH SHIPMENTS ADDITIONAL CHARGES SHALL BE ASSESSED, CARRIER'S LIABILITY SHALL BE ACTUAL LOSS AND/OR DAMAGE, SUBJECT TO A LIMITATION NOT GREATER THAN THE RELEASED VALUE DECLARED BY THE SHIPPER: 1.) IF DECLARED RELEASED VALUE IS FIFTY (50) CENTS BUT NOT MORE THAN ONE DOLLAR (\$1.00) PER POUND PER ANIMAL, TRANSPORTATION CHARGES SHALL BE 125% OF THE APPLICABLE RATE IN SECTION 3 OR 4 HEREIN, OR 2.) IF DECLARED RELEASED VALUE IS MORE THAN ONE DOLLAR (\$1.00) BUT NOT MORE THAN FIVE DOLLARS (\$5.00) PER POUND PER ANIMAL, TRANSPORTATION CHARGES SHALL BE 150% OF THE APPLICABLE RATE IN SECTION 3 OR 4 HEREIN. INSURANCE FOR LOSS AND/OR DAMAGE IN EXCESS OF THE LIMITATIONS SET FORTH ABOVE IS THE RESPONSIBILITY OF THE SHIPPER AT HIS EXPENSE. NOTE: OTHER THAN ORDINARY LIVESTOCK IS CLASSIFIED AS FOR BREEDING, SHOW PURPOSES, OR OTHER SPECIAL USES.	230

FOR EXPLANATION OF ABBREVIATIONS OR REFERENCE MARKS NOT EXPLAINED ON THIS PAGE, SEE CONCLUDING PAGE OF TARIFF.

ISSUED: January 11, 1991

EFFECTIVE: March 11, 1991

MTS
D

ISSUED BY:
B. G. HAVDAHL - GENERAL MANAGER
501 NORTH SANDERS AVE.
HELENA, MT 59601

Ex. 6A
3-21-91
HB 192

MONT. P.S.C. NO. 5
CANCELS
MONT. P.S.C. NO. 3 & 4

MONTANA LIVESTOCK TARIFF BUREAU, AGENT
LIVESTOCK TARIFF NO. 3

SECTION 2
APPLICATION OF RATES

RULES AND REGULATIONS	ITEM
<u>LOADING AND WEIGHT LIMITS:</u> SHIPMENTS SHALL BE LOADED AVOIDING DAMAGE TO THE ANIMALS AND VEHICLE, AND SHIPMENTS WHEN LOADED, SHALL NOT EXCEED THE MONTANA LEGAL LOAD LIMIT.	240
<u>MINIMUM CHARGE:</u> EXCEPT AS MORE SPECIFICALLY PROVIDED FOR SHIPMENTS OF LIVESTOCK MOVING ON VOLUME TENDER RATES, THE MINIMUM CHARGE FOR ANY SHIPMENT SHALL BE THE CHARGE AS SHOWN FOR 0 - 15 MILES IN SECTION 3 FOR THE LENGTH OF UNIT ORDERED OR REQUIRED, WHICHEVER IS GREATER.	250
<u>MINIMUM VEHICLE LENGTH:</u> THE MINIMUM VEHICLE LENGTH FOR DETERMINING CHARGES SHALL BE 23-24 FEET OF LOADING SPACE. THE CHARGE FOR ALL SHIPMENTS, INCLUDING LESS-THAN-TRUCKLOAD SHIPMENTS, FILLING LESS THAN 23-24 FEET OF LOADING SPACE SHALL BE DETERMINED BY APPLICATION OF THE 23-24 FOOT RATE.	260
<u>MULTIPLE CARRIER SHIPMENTS:</u> PARTICIPATING CARRIERS WILL BE AT THE DISPATCH OF THE CARRIER ORIGINATING THE MOVEMENT, OR BY THE SHIPPER,	270
<u>MIXED SHIPMENTS:</u> TWO OR MORE SHIPMENTS MAY BE CONSOLIDATED INTO ONE LOAD. TO FIGURE THE CHARGE FOR EACH INDIVIDUAL SHIPPER, TAKE THE TOTAL CHARGE OF THE LOAD, DIVIDED BY THE TOTAL NUMBER OF ANIMALS, TIMES THE NUMBER OF HEAD SHIPPED BY EACH INDIVIDUAL SHIPPER.	280 ▲
<u>NON-APPLICATION OF RATES:</u> ALL VEHICLES HAVING A LOADING SPACE OF TWENTY-TWO (22) FEET IN LENGTH, OR LESS, ARE EXEMPT FROM THE RATES PUBLISHED IN THIS TARIFF. SECTION 69-12-405(2)(6), R.C.M. 1947.	290
<u>PARTURITION</u> LIVESTOCK SUBJECT TO PARTURITION WITHIN THIRTY (30) DAYS BEFORE OR AFTER THE DATE OF SHIPMENT WILL BE ACCEPTED ONLY AT OWNER'S RISK.	300
<u>PICKUP AND DELIVERY SERVICE:</u> EXCEPT AS OTHERWISE MORE SPECIFICALLY PROVIDED, RATES PUBLISHED HEREIN INCLUDE PICK-UP SERVICE AT POINT OF ORIGIN AND DELIVERY SERVICE AT DESTINATION.	310
<u>REASONABLE DISPATCH:</u> CARRIERS WILL PROVIDE REASONABLE DISPATCH OF UNITS AT THE TIME AND DATE OF MOVEMENT AS AGREED UPON BETWEEN SHIPPER AND CARRIER.	320

FOR EXPLANATION OF ABBREVIATIONS OR REFERENCE MARKS NOT EXPLAINED ON THIS PAGE, SEE CONCLUDING PAGE OF TARIFF.

ISSUED: January 11, 1991

EFFECTIVE: March 11, 1991

MTS
D

ISSUED BY:
B. G. HAYDAHL - GENERAL MANAGER
501 NORTH SANDERS AVE.
HELENA, MT 59601

ORIGINAL PAGE 20

MONTANA LIVESTOCK TARIFF BUREAU, AGENT
LIVESTOCK TARIFF NO. 3

SECTION 2
APPLICATION OF RATES

RULES AND REGULATIONS	ITEM
<p><u>SHIPMENTS IN EXCESS OF 90 FEET OR 66,000 POUNDS:</u></p> <p>IN THE EVENT THAT IN EXCESS OF NINETY (90) FEET OF LOADING LENGTH IS USED AND/OR IN EXCESS OF 66,000 POUNDS IS LOADED, THE HUNDREDWEIGHT RATE FOR 66,000 POUNDS SHALL BE APPLIED TO THE ACTUAL WEIGHT TRANSPORTED TO DETERMINE CHARGES FOR THE SHIPMENT.</p> <p>IN THE EVENT THAT IN EXCESS OF NINETY (90) FEET OF LOADING LENGTH IS USED AND THE CARRIER DOES NOT OBTAIN WEIGHTS FOR THE SHIPMENT, CHARGES SHALL BE DETERMINED AND ASSESSED BASED ON THE MILEAGE RATE FOR A NINETY (90) FOOT VEHICLE.</p>	330
<p><u>STOPPING IN TRANSIT FOR PARTIAL LOADING OR UNLOADING:</u></p> <p>SUBJECT TO THE PROVISIONS OF PARAGRAPHS (A), (B), (C), (D), (E) AND (F), BELOW, AND ITEM 350, SHIPMENTS MOVING ON RATES NAMED HEREIN, TENDERED ON ONE (1) BILL OF LADING OR SHIPPING ORDER FROM ONE (1) CONSIGNOR AT ONE (1) POINT OF ORIGIN AT ONE TIME CONSIGNED TO ONE (1) CONSIGNEE AT ONE (1) DESTINATION, MAY BE STOPPED IN TRANSIT AT POINTS OR PLACES AUTHORIZED IN PARAGRAPH (A) BELOW FOR THE PURPOSE OF PARTIAL LOADING OR UNLOADING:</p> <p>A.) STOP-OFF FOR PARTIAL LOADING OR UNLOADING WILL ONLY BE PERMITTED AT POINTS WHEN THE MILEAGE VIA THE HIGHWAY ROUTE FROM ORIGIN TO DESTINATION VIA THE STOP-OFF POINT OR POINTS DOES NOT EXCEED TEN-PERCENT (10%) MORE THAN THE SHORTEST HIGHWAY ROUTE BETWEEN ORIGIN AND DESTINATION WITHOUT STOP-OFF. ROUTES AND MILEAGES SHALL BE DETERMINED AS PROVIDED IN ITEM 200.</p> <p>B.) THE BILL OF LADING OR SHIPPING ORDER MUST SHOW (1) THE POINT OR POINTS AT WHICH THE SHIPMENT IS TO BE STOPPED FOR PARTIAL LOADING OR UNLOADING, (2) A COMPLETE DESCRIPTION OF THE KIND AND QUANTITY OF LIVESTOCK TO BE LOADED OR UNLOADED AT EACH POINT, AND (3) THE NAME AND ADDRESS OF PARTY FROM OR TO WHOM EACH PORTION IS TO BE PICKED-UP OR DELIVERED. IF PICK-UP OR DELIVERY IS TO BE MADE AT TWO (2) OR MORE DIFFERENT ADDRESSES OR LOCATIONS AT THE SAME POINT (CITY, TOWN, OR VILLAGE), EACH PICK-UP OR DELIVERY SHALL BE CONSIDERED A SEPARATE STOP IN THE APPLICATION OF THIS RULE.</p> <p>C.) THE SUBSTITUTION OF OTHER LIVESTOCK FOR THAT ORIGINALLY LOADED, OR THE EXCHANGE OF CONTENTS OF THE SHIPMENT IN ANY MANNER, IS PROHIBITED.</p> <p>D.) LINE-HAUL TRANSPORTATION CHARGES ON SHIPMENTS STOPPED FOR PARTIAL LOADING OR UNLOADING SHALL BE DETERMINED ON THE MINIMUM WEIGHT, OR ACTUAL WEIGHT WHEN GREATER, OF THE ENTIRE SHIPMENT AT THE RATE APPLICABLE FROM THE POINT OF ORIGIN TO THE FINAL DESTINATION VIA THE STOP-OFF POINT OR POINTS.</p> <p>E.) STOPPING IN TRANSIT FOR PARTIAL LOADING OR UNLOADING WILL NOT BE PERMITTED ON SHIPMENT WHEN: CONSIGNED "C.O.D.", "TO ORDER", "ORDER NOTIFY", OR TO BE DELIVERED ONLY ON SHIPPERS WRITTEN ORDER, OR WHEN ACCOMPANIED BY INSTRUCTIONS FROM THE CONSIGNOR REQUIRING THE SURRENDER OR PRESENTATION OF THE BILL OF LADING, A WRITTEN ORDER, OR ANY OTHER DOCUMENT AS A CONDITION PRECEDENT TO DELIVERY AT STOP-OFF POINT.</p> <p>F.) THE DRIVER OF THE VEHICLE SHALL OBTAIN, IN WRITING, A STATEMENT, SUCH AS A NOTATION ON THE BILL OF LADING OR FREIGHT BILL, OF THE QUANTITY, DESCRIPTION, AND WEIGHT, OF THE PORTION OF THE SHIPMENT LOADED OR UNLOADED AT STOP-OFF POINT OR POINTS.</p>	340

FOR EXPLANATION OF ABBREVIATIONS OR REFERENCE MARKS NOT EXPLAINED ON THIS PAGE, SEE CONCLUDING PAGE OF TARIFF.

ISSUED: January 11, 1991

EFFECTIVE: March 11, 1991

MTS
D

ISSUED BY:
B. G. HAYDAHL - GENERAL MANAGER
501 NORTH SANDERS AVE.
HELENA, MT 59601

Ex. 6A
3-21-91
HB 192

MONT. P.S.C. NO. 5
CANCELS
MONT. P.S.C. NO. 3 & 4

MONTANA LIVESTOCK TARIFF BUREAU, AGENT
LIVESTOCK TARIFF NO. 3

SECTION 2
APPLICATION OF RATES

RULES AND REGULATIONS	ITEM
<u>SHIPMENTS IN EXCESS OF 90 FEET OR 66,000 POUNDS:</u>	330 ▲
IN THE EVENT THAT IN EXCESS OF NINETY (90) FEET OF LOADING LENGTH IS USED AND/OR IN EXCESS OF 66,000 POUNDS IS LOADED, THE HUNDREDWEIGHT RATE FOR 66,000 POUNDS SHALL BE APPLIED TO THE ACTUAL WEIGHT TRANSPORTED TO DETERMINE CHARGES FOR THE SHIPMENT.	
IN THE EVENT THAT IN EXCESS OF NINETY (90) FEET OF LOADING LENGTH IS USED AND THE CARRIER DOES NOT OBTAIN WEIGHTS FOR THE SHIPMENT, CHARGES SHALL BE DETERMINED AND ASSESSED BASED ON THE MILEAGE RATE FOR A NINETY (90) FOOT VEHICLE.	
<u>STOPPING IN TRANSIT FOR PARTIAL LOADING OR UNLOADING:</u>	340
SUBJECT TO THE PROVISIONS OF PARAGRAPHS (A), (B), (C), (D), (E) AND (F), BELOW, AND ITEM 350, SHIPMENTS MOVING ON RATES NAMED HEREIN, TENDERED ON ONE (1) BILL OF LADING OR SHIPPING ORDER FROM ONE (1) CONSIGNOR AT ONE (1) POINT OF ORIGIN AT ONE TIME CONSIGNED TO ONE (1) CONSIGNEE AT ONE (1) DESTINATION, MAY BE STOPPED IN TRANSIT AT POINTS OR PLACES AUTHORIZED IN PARAGRAPH (A) BELOW FOR THE PURPOSE OF PARTIAL LOADING OR UNLOADING:	
A.) STOP-OFF FOR PARTIAL LOADING OR UNLOADING WILL ONLY BE PERMITTED AT POINTS WHEN THE MILEAGE VIA THE HIGHWAY ROUTE FROM ORIGIN TO DESTINATION VIA THE STOP-OFF POINT OR POINTS DOES NOT EXCEED TEN-PERCENT (10%) MORE THAN THE SHORTEST HIGHWAY ROUTE BETWEEN ORIGIN AND DESTINATION WITHOUT STOP-OFF. ROUTES AND MILEAGES SHALL BE DETERMINED AS PROVIDED IN ITEM 200.	
B.) THE BILL OF LADING OR SHIPPING ORDER MUST SHOW (1) THE POINT OR POINTS AT WHICH THE SHIPMENT IS TO BE STOPPED FOR PARTIAL LOADING OR UNLOADING, (2) A COMPLETE DESCRIPTION OF THE KIND AND QUANTITY OF LIVESTOCK TO BE LOADED OR UNLOADED AT EACH POINT, AND (3) THE NAME AND ADDRESS OF PARTY FROM OR TO WHOM EACH PORTION IS TO BE PICKED-UP OR DELIVERED. IF PICK-UP OR DELIVERY IS TO BE MADE AT TWO (2) OR MORE DIFFERENT ADDRESSES OR LOCATIONS AT THE SAME POINT (CITY, TOWN, OR VILLAGE), EACH PICK-UP OR DELIVERY SHALL BE CONSIDERED A SEPARATE STOP IN THE APPLICATION OF THIS RULE.	
C.) THE SUBSTITUTION OF OTHER LIVESTOCK FOR THAT ORIGINALLY LOADED, OR THE EXCHANGE OF CONTENTS OF THE SHIPMENT IN ANY MANNER, IS PROHIBITED,	
D.) LINE-HAUL TRANSPORTATION CHARGES ON SHIPMENTS STOPPED FOR PARTIAL LOADING OR UNLOADING SHALL BE DETERMINED ON THE MINIMUM WEIGHT, OR ACTUAL WEIGHT WHEN GREATER, OF THE ENTIRE SHIPMENT AT THE RATE APPLICABLE FROM THE POINT OF ORIGIN TO THE FINAL DESTINATION VIA THE STOP-OFF POINT OR POINTS,	
E.) STOPPING IN TRANSIT FOR PARTIAL LOADING OR UNLOADING WILL NOT BE PERMITTED ON SHIPMENT WHEN: CONSIGNED "C.O.D.", "TO ORDER", "ORDER NOTIFY", OR TO BE DELIVERED ONLY ON SHIPPERS WRITTEN ORDER, OR WHEN ACCOMPANIED BY INSTRUCTIONS FROM THE CONSIGNOR REQUIRING THE SURRENDER OR PRESENTATION OF THE BILL OF LADING, A WRITTEN ORDER, OR ANY OTHER DOCUMENT AS A CONDITION PRECEDENT TO DELIVERY AT STOP-OFF POINT.	
F.) THE DRIVER OF THE VEHICLE SHALL OBTAIN, IN WRITING, A STATEMENT, SUCH AS A NOTATION ON THE BILL OF LADING OR FREIGHT BILL, OF THE QUANTITY, DESCRIPTION, AND WEIGHT, OF THE PORTION OF THE SHIPMENT LOADED OR UNLOADED AT STOP-OFF POINT OR POINTS.	

FOR EXPLANATION OF ABBREVIATIONS OR REFERENCE MARKS NOT EXPLAINED ON THIS PAGE, SEE CONCLUDING PAGE OF TARIFF.

ISSUED: January 11, 1991

EFFECTIVE: March 11, 1991

MTS
D

ISSUED BY:
B. G. HAYDAHL - GENERAL MANAGER
501 NORTH SANDERS AVE.
HELENA, MT 59601

ORIGINAL PAGE 21

MONTANA LIVESTOCK TARIFF BUREAU, AGENT
 LIVESTOCK TARIFF NO. 3

SECTION 2
 APPLICATION OF RATES

RULES AND REGULATIONS	ITEM										
<p><u>STOPPING IN TRANSIT - CHARGE:</u> CARRIER SHALL ASSESS FOR EACH STOP-OFF AT AN INTERMEDIATE POINT OR POINTS AN ADDITIONAL CHARGE AS FOLLOWS:</p> <table> <tr> <td>WHEN SHIPMENT IS TRANSPORTED IN OR ON:</td><td>CHARGE PER STOP SHALL BE:</td></tr> <tr> <td><u>STRAIGHT TRUCK</u></td><td><u>\$ 11.50</u></td></tr> <tr> <td><u>STRAIGHT SEMI-TRAILER</u></td><td><u>\$ 18.40</u></td></tr> <tr> <td><u>DROP CENTER TRAILER</u></td><td><u>\$ 23.00</u></td></tr> <tr> <td><u>TRUCK AND TRAILER</u></td><td><u>\$ 23.00</u></td></tr> </table>	WHEN SHIPMENT IS TRANSPORTED IN OR ON:	CHARGE PER STOP SHALL BE:	<u>STRAIGHT TRUCK</u>	<u>\$ 11.50</u>	<u>STRAIGHT SEMI-TRAILER</u>	<u>\$ 18.40</u>	<u>DROP CENTER TRAILER</u>	<u>\$ 23.00</u>	<u>TRUCK AND TRAILER</u>	<u>\$ 23.00</u>	350
WHEN SHIPMENT IS TRANSPORTED IN OR ON:	CHARGE PER STOP SHALL BE:										
<u>STRAIGHT TRUCK</u>	<u>\$ 11.50</u>										
<u>STRAIGHT SEMI-TRAILER</u>	<u>\$ 18.40</u>										
<u>DROP CENTER TRAILER</u>	<u>\$ 23.00</u>										
<u>TRUCK AND TRAILER</u>	<u>\$ 23.00</u>										
<p><u>UNIMPROVED ROADS OR HIGHWAYS:</u></p> <p>THE RATES AND CHARGES AS NAMED HEREIN APPLY ONLY OVER PAVED HIGHWAYS AND IMPROVED ROADS. RATES TO BE ASSESSED FOR TRAVEL OVER UNIMPROVED ROADS OR HIGHWAYS SHALL BE THE APPLICABLE WEIGHT OR MILEAGE RATE FOR THE DISTANCE TRANSPORTED PLUS THE FOLLOWING CHARGE:</p> <p>AN ADDITIONAL CHARGE OF TWENTY-THREE DOLLARS (\$23.00) PER HOUR OR FRACTION THEREOF FOR THAT PORTION OF TIME PROVIDED IN EXCESS OF NORMAL TRAVEL TIME.</p> <p>NORMAL TRAVEL TIME IS THE TIME IT WOULD NORMALLY TAKE TO TRAVEL AN IMPROVED ROAD OR HIGHWAY.</p> <p>THE TERM "UNIMPROVED ROADS" AS USED IN THIS TARIFF MEANS A ROAD WHICH IS NOT PAVED OR ONE WHICH IS NOT GRAVELED AND DRAINED.</p>	360										
<p><u>WEIGHING REQUIREMENTS:</u> EXCEPT AS MORE SPECIFICALLY PROVIDED IN ITEM 190, EACH SHIPMENT SHALL BE WEIGHED AT POINT OF ORIGIN, DESTINATION, OR WHILE ENROUTE:</p> <p>A.) WHEN TRANSPORTATION CHARGES ARE DETERMINED BY HUNDREDWEIGHT RATES,</p> <p>B.) WHEN CERTIFIED SCALES ARE AVAILABLE AND BOTH GROSS AND TARE WEIGHTS CAN BE DETERMINED.</p> <p>THE NET WEIGHT SHALL APPLY AND BE CERTIFIED BY THE WEIGHMASTER, SCALE OPERATOR, OR ANY OTHER PERSON RESPONSIBLE FOR THE SCALES.</p> <p>A COPY OF THE WEIGHT SLIP MUST BE FURNISHED THE DRIVER OR CARRIER S REPRESENTATIVE SHOWING THE GROSS, TARE AND NET WEIGHT AND SHALL BE ATTACHED TO THE ORIGINAL COPY OF THE BILL OF LADING AND FREIGHT BILL. THE CARRIER SHALL ATTACH A DUPLICATE COPY OF THE WEIGHT SLIP TO HIS COPY OF THE BILL OF LADING AND FREIGHT BILL AS A PART OF HIS PERMANENT RECORD.</p>	370										

FOR EXPLANATION OF ABBREVIATIONS OR REFERENCE MARKS NOT EXPLAINED ON THIS PAGE, SEE CONCLUDING PAGE OF TARIFF.

ISSUED: January 11, 1991

EFFECTIVE: March 11, 1991

MTS
 D

ISSUED BY:
 B. G. HAVDAHL - GENERAL MANAGER
 501 NORTH SANDERS AVE.
 HELENA, MT 59601

EX. 6A
3-21-91
HB 192MONT. P.S.C. NO. 5
CANCELS
MONT. P.S.C. NO. 3 & 4MONTANA LIVESTOCK TARIFF BUREAU, AGENT
LIVESTOCK TARIFF NO. 3

SECTION 3

INTRASTATE
DISTANCE OR MILEAGE COMMODITY RATES

—ON—

SHIPMENTS OF LIVESTOCK

BETWEEN POINTS IN	AND POINTS IN
MONTANA	MONTANA

FOR EXPLANATION OF ABBREVIATIONS OR REFERENCE MARKS NOT EXPLAINED ON THIS PAGE, SEE CONCLUDING PAGE OF TARIFF.

ISSUED: January 11, 1991

EFFECTIVE: March 11, 1991

MTS
DISSUED BY:
B. G. HAYDAHL - GENERAL MANAGER
501 NORTH SANDERS AVE.
HELENA, MT 59601

ORIGINAL PAGE 29

MONTANA LIVESTOCK TARIFF BUREAU, AGENT

LIVESTOCK TARIFF NO. 3

SECTION 3 - DISTANCE OR MILEAGE COMMODITY RATES

REFER TO ITEM 200 FOR METHODS OF DETERMINING DISTANCES.

LIVESTOCK, AS DESCRIBED IN ITEM 160 AND 170

ITEM

COLUMN	MINIMUM WEIGHT	IF WEIGHT NOT KNOWN	VEHICLE LENGTH
1	14,000 LBS	USE	23 -24 FEET
2	24,000 LBS	USE	40 FEET
3	31,000 LBS	USE	50 FEET
4	39,000 LBS	USE	60 FEET
5	42,000 LBS	USE	70 FEET
6	44,000 LBS	USE	80 FEET
7	46,000 LBS	USE	90 FEET
8	50,000 LBS	USE	OVER 90 FEET
9	52,000 LBS	USE	OVER 90 FEET
10	54,000 LBS	USE	OVER 90 FEET
11	56,000 LBS	USE	OVER 90 FEET
12	58,000 LBS	USE	OVER 90 FEET
13	60,000 LBS	USE	OVER 90 FEET
14	62,000 LBS	USE	OVER 90 FEET
15	64,000 LBS	USE	OVER 90 FEET
16	66,000 LBS	USE	OVER 90 FEET

DISTANCE IN MILES
 (SEE ITEM 200)

DISTANCE OR MILEAGE COMMODITY RATES IN DOLLARS AND CENTS PER
 SHIPMENT BY WEIGHT OR LENGTH OF VEHICLE

OVER	NOT OVER	COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4	COLUMN 5	COLUMN 6	COLUMN 7	COLUMN 8
0	15	31.20	45.80	52.60	66.10	71.20	74.60	78.00	85.00
15	20	37.10	63.60	75.60	74.40	80.10	84.00	87.80	95.00
20	25	43.00	71.20	78.90	95.10	102.40	107.30	112.10	120.00
25	30	49.00	84.00	91.80	107.50	115.80	121.30	126.80	140.00
30	35	56.40	91.60	108.40	115.80	124.70	130.70	136.50	150.00
35	40	60.80	99.20	118.30	136.40	146.90	153.90	160.90	175.00
40	45	66.80	104.30	128.20	148.80	160.30	164.90	175.50	190.00
44	50	71.20	114.50	141.30	157.10	169.20	177.20	185.30	200.00
50	55	74.20	124.70	147.90	169.50	182.50	191.20	199.90	215.00
55	60	80.10	127.20	161.00	177.80	191.40	200.60	209.70	230.00
60	65	81.60	137.40	164.30	186.00	200.30	209.90	219.40	240.00
65	70	89.00	139.90	177.40	198.40	213.70	223.90	234.00	255.00
70	75	90.50	150.10	180.70	202.60	218.10	228.50	238.90	260.00
75	80	95.00	155.20	193.90	206.70	222.60	233.20	243.80	265.00
80	85	97.90	165.40	197.20	219.10	236.00	247.20	258.40	280.00
85	90	105.40	180.60	210.30	223.20	239.60	251.90	263.30	285.00
90	95	111.30	190.80	213.60	227.40	244.90	256.50	268.20	290.00
95	100	112.80	198.40	216.90	243.90	262.70	275.20	287.70	315.00
100	105	118.70	211.20	233.30	248.00	267.10	279.80	292.60	320.00
105	110	123.20	216.20	243.20	252.20	271.60	284.50	297.40	325.00
110	115	127.60	223.90	246.50	264.60	284.90	298.50	312.10	340.00
115	120	133.60	231.50	249.70	268.70	289.40	303.20	316.90	345.00
120	125	135.00	236.60	256.30	272.80	293.80	307.80	321.80	350.00
125	130	142.50	244.20	262.90	289.40	311.60	326.50	341.30	370.00
130	135	145.40	249.30	272.70	292.60	316.10	331.10	346.20	375.00

(Item continued on following page)

FOR EXPLANATION OF ABBREVIATIONS OR REFERENCE MARKS NOT EXPLAINED ON THIS PAGE, SEE CONCLUDING PAGE OF TARIFF.

MTS
 D

ISSUED: January 11, 1991

EFFECTIVE: March 11, 1991

ISSUED BY: B. G. HAVDAHL, General Manager

P.O. Box 1714

Helena, Montana 59624

Ex. 6H
3-21-91
HB 192

MONT. P.S.C. NO. 5
CANCELS
MONT. P.S.C. NO. 3 & 4

MONTANA LIVESTOCK TARIFF BUREAU, AGENT

LIVESTOCK TARIFF NO. 3

SECTION 3 - DISTANCE OR MILEAGE COMMODITY RATES

REFER TO ITEM 200 FOR METHODS OF DETERMINING DISTANCES.

LIVESTOCK, AS DESCRIBED IN ITEM 160 AND 170

ITEM

COLUMN	MINIMUM WEIGHT	IF WEIGHT NOT KNOWN	VEHICLE LENGTH
1	14,000 LBS	USE	23 -24 FEET
2	24,000 LBS	USE	40 FEET
3	31,000 LBS	USE	50 FEET
4	39,000 LBS	USE	60 FEET
5	42,000 LBS	USE	70 FEET
6	44,000 LBS	USE	80 FEET
7	46,000 LBS	USE	90 FEET
8	50,000 LBS	USE	OVER 90 FEET
9	52,000 LBS	USE	OVER 90 FEET
10	54,000 LBS	USE	OVER 90 FEET
11	56,000 LBS	USE	OVER 90 FEET
12	58,000 LBS	USE	OVER 90 FEET
13	60,000 LBS	USE	OVER 90 FEET
14	62,000 LBS	USE	OVER 90 FEET
15	64,000 LBS	USE	OVER 90 FEET
16	66,000 LBS	USE	OVER 90 FEET

DISTANCE IN MILES
(SEE ITEM 200)DISTANCE OR MILEAGE COMMODITY RATES IN DOLLARS AND CENTS PER
SHIPMENT BY WEIGHT OR LENGTH OF VEHICLE

OVER	NOT OVER	COLUMN 9	COLUMN 10	COLUMN 11	COLUMN 12	COLUMN 13	COLUMN 14	COLUMN 15	COLUMN 16	550 Δ
0	15	88.40	91.80	95.20	98.60	102.00	105.40	108.80	112.20	
15	20	98.80	102.60	106.40	110.20	114.00	117.80	121.60	125.40	
20	25	124.80	129.60	134.40	139.20	144.00	148.80	153.60	158.40	
25	30	145.60	151.20	156.80	162.40	168.00	173.60	179.20	184.80	
30	35	156.00	162.00	168.00	174.00	180.00	186.00	192.00	198.00	
35	40	182.00	189.00	196.00	203.00	210.00	217.00	224.00	231.00	
40	45	197.60	205.20	212.80	220.40	228.00	235.60	243.20	250.80	
45	50	208.00	216.00	224.00	232.00	240.00	248.00	256.00	264.00	
50	55	223.60	232.20	240.80	249.40	258.00	266.60	275.20	283.80	
55	60	239.20	248.40	257.60	266.80	276.00	285.20	294.40	303.60	
60	65	249.60	259.20	268.80	278.40	288.00	297.60	307.20	316.80	
65	70	265.20	275.40	285.60	295.80	306.00	316.20	326.40	336.60	
70	75	270.40	280.80	291.20	301.60	312.00	322.40	332.80	343.20	
75	80	275.60	286.20	296.80	307.40	318.00	328.60	339.20	349.80	
80	85	291.20	302.40	313.60	324.80	336.00	347.20	358.40	369.60	
85	90	296.40	307.80	319.20	330.60	342.00	353.40	364.80	376.20	
90	95	301.60	313.20	324.80	336.40	348.00	359.60	371.20	382.80	
95	100	327.60	340.20	352.80	365.40	378.00	390.60	403.20	415.80	
100	105	332.80	345.60	358.40	371.20	384.00	396.80	409.60	422.40	
105	110	338.00	351.00	364.00	377.00	390.00	403.00	416.00	429.00	
110	115	353.60	367.20	380.80	394.40	408.00	421.60	435.20	448.80	
115	120	358.80	372.60	386.40	400.20	414.00	427.80	441.60	455.40	
120	125	364.00	378.00	392.00	406.00	420.00	434.00	448.00	462.00	
125	130	384.80	399.60	414.40	429.20	444.00	458.80	473.60	488.40	
130	135	390.00	405.00	420.00	435.00	450.00	465.00	480.00	495.00	

FOR EXPLANATION OF ABBREVIATIONS OR REFERENCE MARKS NOT EXPLAINED ON THIS PAGE, SEE CONCLUDING PAGE OF TARIFF.

ISSUED: January 11, 1991

EFFECTIVE: March 11, 1991

ISSUED BY: B. G. HAVDAHL, General Manager

P.O. Box 1714

Helena, Montana 59624

Mr. Chairman and Members of the Committee

For the record,

My name is Patricia A. Slack, Corporate Secretary for James A. Slack Logging & Trucking. This is my testimony in favor of House Bill 192. Log trucking is a viable part of the timber industry, and these LOG TRUCKERS are entitled to earn a fair living.

My husband, James A. Slack, and I bought our first log truck in 1959. We have been operating logging trucks for 32 years in the Flathead valley. We have had as many as twelve trucks at one time and are presently operating five logging trucks. In 1979 we sold some of our trucks because we found that log trucking was not very profitable. I have always done all the bookwork for our business. In 1986 we included in our business the logging (or shipping) part of the business in order to keep our trucks busy and to insure that the trucks receive a fair price for hauling logs.

In my testimony I will refer to the mills as the manufacturer, the loggers as the shipper, and the log trucker as the carrier.

First some definitions:

What is a LOG TRUCK? A log truck is a conveyance that is used to transport processed logs from the woods or shipping point to the mill or manufacturer.

What is a LOG TRUCKER? A log trucker is a person who drives a log truck. He may either be employed by someone who owns the logging truck or, as in most cases, he may own his own log truck. After this he shall be called the carrier.

What are the MILLS? The mills, or manufacturer, are where logs are taken to be processed into lumber, plywood, chips, hog fuel, etc.

These processed products are then shipped by carrier to the consumer. The carriers of these processed products are all regulated.

What is a LOGGER? A logger is a contractor who contracts with the manufacturer to process the trees into logs to be hauled into the mill by a log trucker. His contract is usually for a fixed price for cutting the trees, delimbing and sorting them, and transporting this now processed log to the mill, therefore he is responsible to hire and pay the log trucker. He is allowed by the State and Federal government to either put the log trucker on the payroll and be responsible for all taxes, unemployment insurance, and worker's compensation insurance (which must be paid on 25% of the trucks gross), or he can sub-contract, with a written contract, to a carrier to get the logs to the mill. The carrier then must carry his own Worker's Compensation insurance and pay all his own taxes. According to our instructions from the State Worker's Compensation office and the Internal Revenue Service, who have audited us, we must have a written contract with a carrier other than our own trucks, to ship our logs to the mill. This contract must state a negotiated price for getting the logs to various mills, a time for payment, and a termination agreement. According to the State we must also have a copy of the carriers Worker's Compensation policy or a copy of his exempt (Independent Contractors) certification for Worker's Compensation. Our insurance carrier also requires a copy of the carriers liability insurance coverage in the limits that they state. Very few shippers have a written contract with the carrier, in fact, most carriers do not even know what they are getting paid for

transporting these logs to the mill, or when they will get paid, until they receive their first check from the shipper.

What is an INDEPENDENT CONTRACTOR?

I have enclosed a copy of the legal definition of an INDEPENDENT CONTRACTOR according to the legal counsel of the State Fund.

From the late 1950's and into the 1960's one to five truck carriers were carried on the payroll by the shipper, who paid all the taxes including Worker's Compensation and unemployment insurance. As bigger manufacturers absorbed smaller manufacturers they began to call the carriers INDEPENDENT CONTRACTORS which in turn made them responsible for their own Worker's Compensation and Social Security insurance. The carriers were also without unemployment insurance. To be fair, some of the smaller manufacturers and shippers still keep the carrier on the payroll, and those that do, usually pay a fair rate to the trucker. We were now called INDEPENDENT CONTRACTORS, but most of us have no written contracts with the manufacturer or the shipper.

The shipper tells the carrier; what time to be on the job, how much weight to carry on our trucks, what route to take, and where to take the load of logs. This sounds like the definition of an employee. Maybe the shippers should have all the log truckers or carriers on their payrolls and pay their taxes and insurance. With regulation carriers would be INDEPENDENT CONTRACTORS.

Without a contract, the carrier does not know what the rate is, and when they will get paid, if ever. Many times, when our trucks have picked up a load for another shipper when we are between jobs or during breakup, I have had to call the shipper to find out what rate he was paying so that I could pay our truck drivers. Some shippers do

not pay for 30 to 120 days after the logs are delivered, sometimes using the excuse that "they have not yet been paid by the manufacturer". Many shippers do not pass along the full rate allowed for transportation in their contracts with the manufacturer, using this deduction for bookkeeping fees which perhaps should have been compensated for in the shippers overall contract. Also, some manufacturers, not located near state weigh stations, allow overweight loads to make up for the lower prices for hauling.

Also with the severe fuel increases we have incurred this year, some of the manufacturers have allowed fuel cost allowance increases in the haul rates to be adjusted according to fuel prices. Many carriers are not receiving these increases from the shippers.

Without a contract, if a carrier goes to the manufacturer with a complaint, he is told to talk to the shipper (or logger) and he often can't negotiate with the shipper because he does not have a contract.

What are the opponents afraid of? Are they the shippers that are not being fair with their truckers? Are the opposing truckers afraid of their jobs?

Some of the opposing truckers will tell you that they will be inundated with paperwork and it will cost them so much, and that they will be audited all the time. That is not true! We have been regulated for the last 16 years for transporting heavy equipment. Four times a year we must make a report to the Public Service Commission. All you have to know is your gross revenue for three months. If they don't know this, then they are not keeping any kind of books, and should be. If they were to make \$100,000 per year with their truck it would cost them only \$90 per year. This is not a big

Ex. 7
3-21-91
HB 192

expense when you consider shorter safer hours, more pay and a better lifestyle. Also, in 16 years we have never been audited by the PSD.

If the carrier is not paid a fair rate he is not able to meet all his expenses and still keep his truck in a safe operating condition. Many truckers are forced to neglect safety maintenance simply because there is not enough money to go around. Sometimes there is just not enough money for new tires or brakes when they are needed. Without compensatory rates, often the trucker's concern is to operate his truck in an unsafe condition until next payday when he will have enough revenue to correct the unsafe condition. That is, if they get paid on time.

I feel that House Bill 192 should be passed because the carrier would have a fair and just rate.

Thank you.

Patricia A. Slack
2970 Highway 2 East
Kalispell, MT 59901
406-752-2959

39-71-120. Independent contractor defined.

(1) An "independent contractor" is one who

renders service in the course of an occupation and:

(a) has been and will continue to be free from control or direction over the performance of the services, both under his contract and in fact; and

(b) is engaged in an independently established trade, occupation, profession, or business.

(2) An individual performing services for remuneration is considered to be an employee under this chapter unless the requirements of subsection (1).

As stated in the definition of employee, to establish an employment relationship of any kind, requires that an identifiable contract be a threshold determination. The contract may be oral or written, expressed or implied. The case at bar is an oral contract, if any. Sections 28-2-101, MCA et.seq. cover the statutory considerations regarding contracts. In Section 28-2-102, MCA the law sets forth the four essential elements of a contract, namely:

- (1) identifiable parties capable of contractry
- (2) their consent;
- (3) a lawful object; and
- (4) a sufficient cause or consideration.

Certainly Mr. Morris and Montana Forward had the capacity to contract and their consent is clear if for no other reason that on at least two occasions prior to the case, the same contract terms were executed. The object of Morris piloting candidate Waltermire was certainly lawful and the payment of \$100 per day plus expenses in exchange for piloting the aircraft, clearly satisfies the statutory requirements of consideration.

Thus, if Morris were not an "independent contractor" excluded from being an employee by the definition in Section 39-71-118, MCA, coverage exists.

In determining whether a person is an "independent contractor" or an "employee" for purposes of Workers' Compensation, the Montana Supreme Court has gone to great length to examine the issue. The leading Workers' Compensation case in this regard is Sharp v. Aetna Casualty and Surety Co., 178 Mont. 419, 584 P.2d 1298 (1978).

Beginning at page 424, of the opinion, the Court stated in Sharp, supra:

The statute involved in this appeal is section 92-438.1, R.C.M. 1947, which defines

"independent contractor" as one who renders service in the course of an occupation and:
"...(1) has been and will continue to be free from control or direction over the performance of the services, both under his contract and in fact; and
"(2) is engaged in an independently established trade, occupation, profession or business." (Emphasis added.)

This statute clearly establishes a two-part test that must be met before an individual is classified as an independent contractor. First, he must be free from the control of his employer, under his contract and in fact, in the performance of his services. Second, he must be engaged in an independently established occupation. Appellant has conceded she meets the second part of this test, so our concern is with the first requirement, the absence of the "right of control".

Section 92-438.1(1), R.C.M. 1947, reiterates the basic test in Montana for determining independent contractor status, namely, the right of control over the person doing the work involved. "The vital test in determining whether a person employed to do a certain piece of work is a contractor or a mere servant, is the control over the work which is reserved by the employer." *Kimball v. Industrial Accident Board* (1960), 138 Mont. 445, 449, 357 P.2d 688. "The test to determine whether or not an employer-employee relationship exists ...is the so called control test. Under that test an individual is in the service of another when that other has the right to control the details of the individual's work." *State ex rel. Ferguson v. District Court* (1974), 164 Mont. 84, 88, 519 P.2d 151. Respondent has argued an employer must control the details of a performance before the performer is considered an employee. However, the determinative test is based on the right, not just the exercise, of control. *Larson, Workmen's Compensation Law*, Vol. 1A, Sec. 44.10, p. 8-19; *Ferguson*, supra.

Section 92-438.1(1), R.C.M. 1947, also states in determining this right of control,

Ex. 7
3-21-91
HB 192

attention must be directed to the employment contract and the fact of the employment situation. In the present case, we have no written contract before us to aid in making the determination of freedom from control, and the parties have not contended for the existence of an implied contract. We therefore, must look at the factual situation, pursuant to the statutory direction, to determine whether respondent-employer had the right to control the work of appellant.

Larson's treatise enumerates four factors to consider when attempting to determine right of control in a given situation. Those factors are: (1) direct evidence of right or exercise of control; (2) method of payment; (3) furnishing of equipment; and (4) right to fire. Larson, Sec. 44.31, p.8-35. The treatise further points out that the consideration to be given these factors is not a balancing process, rather "...independent contractorship...is established usually only by a convincing accumulation of these and other tests, while employment ...can if necessary often be solidly proved on the strength of one of the four items [above]." Larson, supra.

We should note that Section 92-438.1 R.C.M. 1947 cited in Sharp is identical to Section 39-71-120, MCA in the case at bar.

TESTIMONY OF LYLE DOTY
BEFORE THE HIGHWAYS AND TRANSPORTATION COMMITTEE
THURSDAY, MARCH 21, 1991

MR. PRESIDENT AND MEMBERS OF THE SENATE:

MY NAME IS LYLE DOTY. I AM A RESIDENT OF FLATHEAD COUNTY AND I LIVE IN KALISPELL, MONTANA.

I AM IN THE LOG TRUCKING BUSINESS AND I HAVE BEEN FOR TWENTY-FIVE YEARS. I HAVE FOUR LOG TRUCKS, AND I EMPLOY 3 DRIVERS AND I OPERATE ONE TRUCK MYSELF. I AM HERE TO ASK FOR YOUR SUPPORT OF HOUSE BILL 192, ON ECONOMIC LOG TRUCK REGULATION.

THE LOG TRUCKING INDUSTRY IS IN A SERIOUS STATE OF DETERIORATION, BECAUSE OF THE LACK OF REVENUE. MANY OF THE LOG TRUCK OWNERS ARE OPERATING OLD AND OUTDATED EQUIPMENT. THE MAINTENANCE OF THEIR EQUIPMENT IS VERY MINIMAL AND IN SOME CASES NOT AT ALL. THE LOG TRUCK INDUSTRY IN VIEW OF THE NEW FEDERAL DEPARTMENT OF TRANSPORTATION RULES AND REGULATIONS, FACES A SAFETY CRISIS.

OVER THE PAST 10 YEARS THE INDUSTRIES REPLACEMENT COSTS HAVE DOUBLED. OUR MAINTENANCE COST OF TIRES, FUEL INCREASES, REPAIRS, LABOR COSTS, INSURANCE RATES, AND TAXES, HAVE ALSO INCREASED TO THE POINT THAT THE LOG TRUCK INDUSTRY CAN NOT AFFORD TO MAINTAIN THEIR EQUIPMENT PROPERLY. THEREFORE, WITH NO MAINTENANCE COST INCREASES, THIS IS CREATING MANY SAFETY PROBLEMS.

IT HAS BECOME ALMOST IMPOSSIBLE FOR THE LOG TRUCKER TO STAY IN BUSINESS. THERE HAVE BEEN NO INCREASES IN CARRIER RATES FROM EITHER THE SHIPPER OR MANUFACTURER IN THE PAST 10 YEARS, WITH THE EXCEPTION OF 2 SMALL MANUFACTURERS.

MUCH OF THE INTRASTATE TRUCKING ACTIVITY IS CURRENTLY REGULATED IN MONTANA AND HAVE BEEN FOR MORE THAN 50 YEARS. MOST STATES REGULATE TRUCKING OF INTRASTATE FREIGHT. 9 STATES PRESENTLY REGULATE LOGS IN SOME FORM OR WAY FROM THE FOREST TO THE MANUFACTURER (MILLS).

LOG TRUCK OWNERS CAME TO THE DECISION TO ASK FOR ECONOMIC REGULATION AFTER A GREAT DEAL OF THOUGHT AND CAREFUL CONSIDERATION. ECONOMIC REGULATION WILL CHANGE THE LOG TRUCK INDUSTRY. REGULATION WILL NOT HARM ANY OTHER ASPECT OF THE TIMBER INDUSTRY, WHETHER IT IS THE SHIPPER OR THE MANUFACTURER. CARRIER RATES WILL BECOME AN OPEN PROCESS BASED ON ACTUAL COSTS. THE CURRENT SYSTEM IN SETTING CARRIER RATES IS OUTDATED AND IS NOT CURRENTLY WORKING.

MR. CHAIRMAN AND MEMBERS OF THIS COMMITTEE, I AM ASKING FOR YOUR STRONG SUPPORT IN* HOUSE BILL 192 FOR ECONOMIC LOG TRUCK REGULATION. LOG TRUCK OWNERS ARE SMALL BUSINESSMEN, BUT BECAUSE OF THE CONCENTRATED POWER IN MONTANA'S TIMBER INDUSTRY, THEY HAVE LOST CONTROL OF THEIR BUSINESSES AND ANY CHANCE OF A FREE ENTERPRISE ENVIRONMENT.

IN ASKING FOR YOUR SUPPORT OF HOUSE BILL 192 ON ECONOMIC LOG TRUCK REGULATION, WE ARE GIVING BACK TO THE LOG TRUCK OWNER CONTROL OF HIS OWN DESTINY AND WELFARE. IT WILL ALSO GIVE THE LOG TRUCK INDUSTRY A CHANCE TO MAKE ITS OWN DECISION AND TO GOVERN ITSELF.

I THANK YOU FOR YOUR TIME AND ONCE AGAIN I ASK FOR YOUR SUPPORT ON PASSING HOUSE BILL 192.

SINCERELY,

LYLE DOTY

Mr. Chairman, Members of the Committee:

My name is Arletta Mrgich. I reside at 3112 Sinclair Creek Road in Eureka, Montana.

My husband Michael and I have owned and operated a logging truck since 1964. We support House Bill 192. We feel that this bill will give us some stability in our industry for the first time.

Two years ago I spoke before the House Committee about our financial plight in my testimony in support of a similar bill. Testimony from both sides of this issue was given. The truckers who spoke against regulation had two main fears. The loss of their jobs and undue regulation.

The loss of jobs due to logging contractors buying their own trucks has to be given consideration. Some will buy their own but many others will find that the financial expenditure as well as the employees and their related expenditures far outweigh any anticipated benefits.

In the past 27 years, every time we asked for a raise, the mills threatened to buy their own trucks. That is certainly nothing new. They obviously couldn't own their own trucks as cheaply as we work or all the mills would own all the trucks.

Safety regulations, as in hours of service and DOT (CVSA) inspections, came to pass anyway. I'm sure more will follow; with or without regulation.

Under current regulation, other Montana trucking businesses have a contract that, among other things, spells out hauling rates. Some

logging truckers do have contracts now; but they are for the purpose of Workers Compensation, not rates.

In later testimony, I'm sure you will hear from logging contractors who own their own trucks. They will most likely state that they know what the hauling rate is. If the logger works for a mill, he usually has a written contract that includes costs for cutting and transporting logs. A contract would allow us to know, before we turn a wheel, how much that job pays. As things stand now, we usually have to wait until we get our paycheck to know what the rate is. The hauling rates are set between the logger and the mill in their contract. Or if the logger bids a Forest Service sale, he must take the hauling distance into account; but he doesn't ask the trucker to suggest a rate.

Most mills will not tell the trucker what a job pays. They say it is between the logger and the trucker. Most loggers pay the allotted rate to the trucks, though there are some loggers who routinely withhold a part of the truck rate to help pay for their logging costs.

We don't have this luxury. Fuel is our biggest expense. When the cost of fuel skyrockets and our rates don't change to reflect this increase, we fall further behind economically. Regulated truckers are routinely paid a surcharge in addition to the regular rate when the price of fuel takes a large jump as it did last fall. The shipper must see that the trucker gets this surcharge. We have heard that some mills were paying a surcharge. My husband has hauled to three different mills since the fuel hike and if the mills were paying a surcharge, we didn't receive it.

We have been placed in a no win situation. The loggers say they can't afford to pay us more, yet we have no say in setting a haul rate during the negotiations. I really don't think that the haul rate is even a very important part of the loggers negotiations. He is more

EX. 7
3-21-91
HB 192

concerned, as he should be, with his logging costs. But that still leaves the trucks left out of our own rate negotiation.

If we were regulated, all parties could sit down without the threat of breaking the Antitrust Act and negotiate a fair and reasonable compensatory rate. Logging contractors, knowing the published rate allowed by the PSC, would be on an equal footing on bidding a logging job; as far as the trucking rates go. This would allow each contractor to concentrate on his logging costs. It would not pit contractor against contractor in any way different than is the case now.

Regulation puts all the contracts on the table and allows those who can prove their expenses are below the average to submit a cheaper rate if so desired. A regulated rate simplifies and clarifies transportation costs to all parties involved.

We have returned again to seek regulation because in the last two years nothing has changed. The same rhetoric and intimidation exist now as it did then. We are not asking for outlandish rates or any pay guarantees; just an equal footing and compensatory rates.

Please help us settle this issue. We do not want to return here in another two years to tell you the same stories of deteriorating conditions that will effect the safety and economic viability of our industry.

I ask that you support this bill. Thank you.

5 Paring

SENATE HIGHWAYS

EXHIBIT NO. 10

DATE 3-21-91

BILL NO. HB 192

Honorable Senators, Ladies and Gentlemen:

I have been a log trucker in Eureka, Montana for approximately 8 years and I am in favor of HB 192.

Rates for hauling have not changed in over 12 years, but costs have spiraled. These rates are determined by the mills in most cases, and as a log trucker you are left in the dark as to the rate you are hauling for. The majority of log truckers haul without a contract, so it is usually a shock to find out what you have been working for. This also leaves the log trucker at a distinct disadvantage if someone decides not to pay him for work performed.

Although rates are an important issue, there also needs to be a standard for rates for different types of roads, to stop the rate undercutting and also the rate skimming. Since we operate on a casual take it or leave it basis, this is a very important in order to survive in this business.

The LTC approached the legislature 2 years ago for the regulation that you are now considering and it never moved further than the House Transportation Committee. At that time promises were made to correct some of the more glaring problems that existed, but this didn't happen, that is why the LTC is back in front of the legislature asking for some relief and for the return of some control of the rates to the people who perform the work.

I know that there has been much said about the state of the timber industry in Montana and would agree to some of it, but there have been some banner years for the mills since 1978 when the last rate was negotiated and there has been no attempt on the part of the mills who control the rates to increase them or give a fair and equitable rate system to the trucking industry even though the cost of doing business has raised considerably.

That is why I am here today asking for your consideration of HB192 and your support for it in the Senate.

Thank you for listening to my statement.

*I would ^{again} ask for your support of
House bill 192*

Dane Brandt

Hello members of the Highway Transportation Committee. My name is Dane Brandt and I am from Eureka, Mt. ^{I have been doing this since 1975} I have traveled over here to Helena to ask your support of House Bill 192. We brought this bill to the legislature in 1989 when it was tabled and we were told that something would be ^{done} by the mills to help out our financial woes of working 13 years without a raise. Nothing has happened so we are back here again with a favorable passage from the House of Representatives and now we are asking for your help.

I don't think anyone here will deny that all phases of the Logging Industry could use a ~~little~~ ^{more} raise in ~~prices~~ ^{wages}. Many other types of ^{Businesses} ~~of Industry~~ have had to raise their rates to stay in Business. The U.S. Postal Service, United Parcel Service, Major Airlines, ~~Oil Companies~~ ?? Oil Companies & on down the line. I'm not sure about that last one that might be a farce.

The ~~the~~ Log Trucking industry needs H.B. 192 to establish a fair & reasonable rate of pay that will ~~maybe~~ help some of us continue to make a living and stay in business. ~~without~~ ^{without} the ~~the~~ mills & the loggers need to become more self-sufficient by not over bidding timber sales & ~~stop~~ ^{stop} encouraging loggers to borrow from their truckers pay checks.

Please Support H.B. 192

Thank you

SENATE HIGHWAYS

EXHIBIT NO. 12

DATE 3-21-91

BILL NO. HB 192

Mr. Chairman, Members of the Committee:

My name is Sam Brady. I reside at 535 Reservoir Road in Whitefish, Montana. I am here today to ask for your support for House Bill 192.

I am an independent businessman. I have been an owner/operator of a logging truck since 1975. I consider myself a sub-contractor. There seems to be some confusion on whether log truck owner/operators are employees or sub-contractors. An employee is told what amount of money he will work for. A sub-contractor submits a contract of his own. Regulation will clarify this issue. Being able to submit a written contract will verify that I am indeed an independent businessman who is a sub-contractor who happens to have a logging truck. Throughout the years, I have told my contractor that I have needed an increase in the rates to keep up with costs incurred in my business. I have also stated that issue to the mills. I have never received an increase of any kind. I have been hauling logs for 16 years without an adjustment in my earning power, and feel that the safety of my equipment is about to be compromised.

So, over two years ago, again, a few of us braver log truckers approached the mills and requested an increase in the monies we received for our services. The mills told us they would not talk to us individually. They told us to organize and come back to talk to them. At that time, we organized the Log Truckers Association of Montana. We then returned to the mills, and were promptly threatened with a million dollar anti-trust law suit for attempting to set rates. Only when we reminded them that they were stealing all the weight over 80,000 pounds that we hauled into their yards, did they drop the law suit, and start paying us for all of the weight our trucks legally

That was when we first came to Helena. We were asking for a way to try and take control of our own industry, by economically keeping pace. The mills told us that we did not have to become regulated to do this. Members of the House required us to sit down with the mills and work out our problems. Then our bill was killed.

We did attend such a meeting. The first thing stated by one of the mills' lawyers, was that we could talk about anything except the economics of the log trucks and the mills' relation to that, or we would be in violation of the anti-trust laws again. So, we discussed the weather and went home. So, here we are again. Please do not send us back to that table. The mills are unwilling to contribute to the solution of our economic plight. We need regulation to gain a mediator, so that we may express our operating costs without fear of another law suit.

We are unable to keep up with spiraling operating costs. One example, is that increased fuel costs alone have cost us approximately \$800.00 a month more since August 1990, without any compensation. That money came directly out of our pocket. Regulation will address the problem of inflationary costs. Regulation will clearly define a contract and precisely spell out all costs involved. Regulation will give me a voice in my own business, as other businesses take for granted.

The mills will tell you that with regulation they will go broke, or buy their own trucks. The contractors will tell you that with regulation they will go broke, or buy their own trucks. Well, I'm telling you that without regulation, I will go broke and anyone can buy my truck.

Thank you for your time.

WITNESS STATEMENT

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

Dated this 21 day of March, 1991.

Name: Barton L. Cooper

Address: Box C

Boulder mt 59632

Telephone Number: 225-3886

Representing whom?

B.L. Cooper Inc Family owned Logging Contractor

Appearing on which proposal?

HB 192

Do you: Support? Amend? Oppose? ✓

Comments:

I do not feel the P.S.C. has the man power or ability to enforce the log hauling rate. the Livestock haulers were regulated about 15 years ago and I supported that regulation as I was a livestock hauler at that time. However lack of enforcement led to constant rate violations and are still happening today. a recent check with a local livestock hauler told me the charge to haul a load of cattle from Butte mt to miles City mt would vary over \$100 depending on the hauler. we must have good enforcement and a fair rate in order to have a law we can all live with. It will be difficult for me to operate part of a business that is regulated and part that isn't. I don't think you can force someone to pay more for something than they think it is worth.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

SENATE HIGHWAYS

EXHIBIT NO. 14

DATE 3-21-91

BILL NO. HB 192

OPPOSITION TO HOUSE BILL NO. 192

BY

RICHARD R. COVERDELL

COLUMBIA FALLS, MONTANA

My name is Dick Coverdell. I'm from Columbia Falls, Montana. I am the "Papa" part of a "Mom & Pop" operation with one log truck. I've been hauling logs for 20 years. Seventeen of those have been as an owner-operator.

I've been through many "ups and downs" through these years. More "downs" than "ups" it seems. The past five years seem to have all been "downs." Timber is becoming scarce -- especially public timber. Mills are shutting down. Consequently, the need for log haulers is decreasing. This has created a situation where there are more log haulers than jobs. This in turn has created a "take it or leave it" attitude by many log shippers.

Costs to operate a log truck have skyrocketed. Fuel, parts, tires, labor for major repairs, state and federal taxes and fees keep going up. Trucks are a prime target when someone thinks more monies are needed to finance a favorite state or federal project. However, hauling rates have not kept up.

Some of this lack in keeping up is due to our economy. The woods product industry is controlled by public demand. The industry is also being controlled by environmentalist whims. This is a big reason for mill shut downs. All of this has the log haulers that are left fighting for survival. When log haulers cannot negotiate for the pay they will receive for hauling, they have no way of even trying to survive. Their hands are tied.

This spawned the idea to get regulation. Two years ago a bill was introduced to make log hauling a class B common carrier under P.S.C. control. It was defeated. I testified against that bill

and I'm testifying against this bill, House Bill #192, for the same reasons. I'm against state regulation by the Public Service Commission.

There is no need for regulation of log hauling in Montana by the P.S.C. or any other state agency. What is needed is a state mandated contract between log shippers and haulers stating terms and conditions agreed upon by both parties.

I haul under contract and have done so for years. I have attached copies of my contract to this statement I'm making along with a sample copy of the itemized computer read-out sheets detailing one of the hauls for that pay period. The contract is a simple, easy-to-read form. It states what is expected of each party, shipper and hauler, or company and contractor. It states when I'll be paid, which is the 10th and 25th of each month. It states that the rate is a mutual agreement. This means I can negotiate without going to the P.S.C. for approval. It also contains what is required of me pertaining to insurance, etc.

This brings up a question in my mind as to who the Worker's Comp. carrier is when there is no contract.

When fuel costs started climbing this past year I negotiated to defray the higher costs. I didn't have to go to the P.S.C.

If I end up on a haul that the rate isn't adequate, I can negotiate. I don't have to go to the P.S.C. "Negotiate" -- mutual discussion. The American way! Free Enterprise!

The computer read-out sheets are very easy to decipher. The top sheet shows the hauling or pay period, hauler number (the

computer knows me as a number), the sale number, and in some cases, the sale unit number. It also shows my name, the sale name, the weight hauled in tons and pounds, the cost per ton which was the hauling rate at that time, the number of loads I hauled off of that sale that pay period, and the amount I earned. The bottom sheet shows the load ticket number, and to the right of it is the gross, tare and net weights.

In the truck I carry what I call my "black book". In it I enter the sale name and load ticket number. When I weigh in and out at the mill I simply subtract empty from loaded weight and get my net weight.

Read-out sheets are sent to me 4 to 5 days before every payday. I compare my black book figures with the read-out sheets. If there is a problem I can "squeak." I don't need to go to the P.S.C.! I'm not "ripped off" so much a load by the shipper for paper and payroll costs like many haulers are.

There have been hauls where I can't get my legal gross weight because of poor timber. Dead lodgepole can take up a lot of room and yet have no weight. On these hauls I'm paid for a legal load. I've hauled cleanup loads where I'm not even half loaded. Once again, I'm paid for a legal load. Under P.S.C. regulation this will not happen!

I don't have to buy "bingo stamps", pay filing fees, or worry about how many contracts I have. I don't have to open my home and let a state inspector in to inspect my properties, facilities, operations, accounts, service, practices, and affairs. I don't

Ex. 14
3-21-91
HB 192

have to file annual reports, tariffs, schedules, etc., etc. All of this would be required as quoted under House Bill #192.

There is nothing in this bill that says I will be better off financially. House Bill #192 is nothing but a bill to create what I already have -- a contract. A simple contract! The difference is that House Bill #192 says I will be regulated by the state and that tariffs will be negotiated by a tariff bureau which allows the majority to be ruled by a few.

Thank you for letting me testify.

Richard R. Coverdell

LOG HAULING CONTRACT

Ex. 14
3-21-91
HB 192

THIS AGREEMENT, made and entered into, in duplicate, this 1st day of May, 19 90, by and between Richard Coverdell of 995 Walsh Rd., Columbia Falls, MT party of the first part, hereinafter referred to as "Contractor" and the F.H. Stoltze Land & Lumber Company, a corporation, the party of the second part, hereinafter referred to as the "Company".

WITNESSETH: The parties hereto for and in consideration of their mutual covenants and agreement herein contained, do agree and contract with each other as follows:

1. For and in consideration of the sums hereinafter mentioned to be paid by the Company to the Contractor, the Contractor agrees and undertakes to provide all trucks and other equipment and all labor employed by him necessary to haul and deliver in an efficient and workmanlike manner customary to the log hauling trade and business to the Company at Half Moon or as designated, such sawlogs, poles and other forest products as said Contractor may be requested to haul from various surrounding areas in which saw logs, poles and other timber products may be produced by the Company, its servants, agents, employees, or contractors.
2. The schedule of payment shall be mutually agreed to by Contractor and Company. Payment will be made on a per ton mile basis.
3. The Company agrees to pay the Contractor in full for all sawlogs, poles and other forest products hauled. Payment shall be paid on the 25th of each month for logs delivered between the 1st and the 15th of such month, and on the 10th day of each month for logs delivered between the 15th of the preceding month and the 1st day of the present month.
4. The Contractor further agrees that all sawlogs, poles and other forest products shall be delivered to the Company free and clear of all liens, encumbrances or claims for labor, materials, or supplies, and, in the event any lien be filed or claim be outstanding for which a lien might be filed, the Company shall have the right to retain and keep enough moneys to protect itself from said lien or claim. The Company, at its option may demand and require production of receipts or satisfactory evidence showing payment in full of all labor employed in the performance of this contract and assessments or other payments accrued under State and Federal Laws on account of labor employed under this contract, and no payments shall be made hereunder until such receipts, when demanded, have been presented to the Company.
5. The Contractor shall immediately take out, at his own expense, Workmen's Compensation coverage for every person in his employ and said Contractor shall otherwise fully comply with all of the Federal and State laws for each state in which he operates under this agreement relating to Workmen's Compensation and Industrial Insurance as well as Unemployment Compensation, and other appropriate State laws governing employers, as well as any amendments made effective during the term of this agreement.
6. The Contractor agrees that he will abide by the Fair Labor Standards Act of 1938, as amended, and the rules and regulations promulgated thereunder, as well as the Social Security Acts, Internal Revenue Acts and other Federal Acts as shall govern employers, together with the rules and regulations promulgated thereunder, and any amendments that may be made effective in said laws during the term of this agreement. The Contractor shall also comply with the Occupational Safety and Health Act, the Equal Pay Act of 1963, Title VII of the Civil Rights Act of 1964, The Age Discrimination in Employment Act of 1967, Executive Order 11246 of the President of the United States, Section 503 of the Rehabilitation Act of 1973, 38 U.S.C. 2012 of the Vietnam Era Veterans Readjustment Assistance Act of 1974, Employee Polygraph Protection Act, and any amendments that may be made effective in said laws during the term of this agreement.
7. It is agreed and understood that the parties hereto and in the relationship to each other of independent contractors and that the Contractor is contracting independently of the Company and that the parties in no way stand in the relationship of master and servant, principal and agent, or employer and employee. It is further understood and agreed that excepting as herein provided, the Contractor shall be and remain free from the direction and control of the Company in all particulars in the performance of this agreement.
8. The Contractor agrees to furnish all labor, supplies and equipment necessary to the performance of this agreement.

9. The Contractor agrees to comply with all State and Federal Laws and U.S. Forest Service Rules, including but not limited to those governing hauling, load limits, safety and comparable laws and rules.

10. The Contractor agrees to carry on his activities under this contract in a safe and/or legal manner so as not to endanger the person or property of the Company or it's employees, agents or other contractors.

11. It is specifically understood that the Contractor shall secure and keep in effect during the term of this contract and any period by which said contract may be extended, a policy or policies of public liability insurance sufficient to satisfy any and all possible claims for personal injuries or property damage arising from or as a result of the conduct of his operations under this contract. Evidence of this insurance must be filed with the company.

12. Contractor further agrees to hold the Company forever free and harmless from any and all claims, debts, or charges arising out of or as a result of the conduct of his operations in the performance of this contract.

13. It is further agreed that neither this contract nor any interest herein can be assigned by the Contractor, without the consent, in writing of the Company.

14. The contract cannot be altered, modified or deviated from, unless such alterations, modification or deviation shall be in writing and signed by the parties hereto.

15. This contract shall extend to and by binding upon and inure to the benefit of the Contractor, his heirs and personal representatives, and the Company, it's successors and assigns.

16. It is understood and agreed that this contract is not severable and that time is of the essence of the performance, and that, in the event the parties hereto shall fail to perform this contract, or any part thereof, at the time and in the manner specified except for a strike, riot, civil commotion, war, whether declared or not, or Act of God, either party may, at its option, with five (5) days written notice upon the other terminate this contract and either party shall have no further rights or interest under this contract. It is further understood and agreed that the waiver of one or more defaults shall not constitute or be construed as a waiver of subsequent defaults or an alteration of this contract or of the right of the Company to insist upon strict compliance of the term hereof.

17. This agreement shall remain in full force and effect to and including June 1, 1991, unless breached prior thereof and notice of termination is delivered in writing to the other party. This agreement may be continued for specific limited periods of time by endorsement herein so specifying such continuance, signed by each party hereto.

18. The log hauler and his employees will operate at all times in accordance with Best Management Practices as adopted by the Montana State Environmental Quality Council in January, 1989.

IN WITNESS WHEREOF: The parties hereto have duly executed this contract, the day and year hereinabove written.

WITNESSES:

Contractor

F.H. Stoltze Land & Lumber Company

Ex. 14
3-21-91
HB 192

HAULER COST DISTRIBUTION SHEET

JANUARY 1-15, 1990

HAULER: 94

RICHARD COVERDELL

SALE: 14-045214

GROSS CONFIDENTIAL CONTROL

UNIT:

ACCOUNTS PAYABLE: 7-13210

	WGT/LBS	TOR/VOL	COST	EXTENSION
HAULING TO STOLTZE MILL	819660	405.33	\$7.3793	\$2991.05

TOTAL DOLLAR AMOUNT: \$2991.05

NUMBER OF LOADS:

TRUCK: 15.00

RAILCAR: .00

HAULER DETAIL LOAD REPORT

JANUARY 1-15, 1989

HAULER: 34

SALE: 14-045214

UNIT:

RICHARD COVERDELL

GRUBB CONIFF PEST CONTROL

TICKET/LOAD	WEIGHT	GROSS	TARE	NET	VOLUME
103391		79360 -	25900	53460	
103395		79900 -	25760 -	54140	
103400		79960 -	25840 -	54120	
103453		80240 -	26160 -	54080	
103458		79880 -	25620 -	54260	
103463		80620 -	25520 -	55100	
103466		79860 -	26000 -	53860	
103468		80260 -	25720 -	54540	
103473		79840 -	25700 -	54140	
103479		79660 -	25800 -	53860	
103483		79900 -	25640 -	54260	
103487		79580 -	26180 -	53400	
103492		80080 -	26000 -	54080	
103498		80420 -	26140 -	54280	
103503		79020 -	25940 -	53080	

1198580

387920

810660

TRUCK LOADS: 15.00
RAILCAR LOADS: .00

EX. 15 15
3-21-91
HB 192

WITNESS STATEMENT

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

Dated this 21 day of March, 1991.

Name: Jeannette Hahn

Address: 185 Cameron Br. Rd W Bozeman MT.
59715

Telephone Number: 406-388-7270

Representing whom?

Rodney Hahn Trucking

Appearing on which proposal?

HB 192

Do you: Support?

Amend?

Oppose? X

Comments:

See attached apposal Statement
to HB 192.

Opposed HB 192

3-21-91

SENATE HIGHWAYS

EXHIBIT NO. 15

DATE

3-21-91

BILL NO.

Committee HB 192

Mr. Chairma & members of the

My name is Jeannette Hahn I'm from Bozeman MT & I represent Rodney Hahn Trucking. We are members of the MT Log Truckers Ass. and we oppose HB 192.

My husband and I own & operate one self loading log TRUCK & have been very successful for the past 12 years.

From a women's point of view & maybe other wives who handle the bookkeeping end of their businesses, I feel to regulate Log hauling would add substantial amounts of paperwork. We have a system now that has done us well for 12 years, why should we have to change now?

For the PSC to come in & tell us ^{we} have to change our system to meet there needs in record keeping & bookkeeping will add hours of frustration with no financial returns. It will cost us more, - Insurance more personal Service, more report filing, more contract & more government regulation - This is not cost effective. Why should we need a bill to regulate the price we haul for. We know what we must haul for & negotiate that with the logger. Otherwise we wouldn't still be in business successfully after 12 years. And for those log truckers that state they don't know what there rate of hauling is until they get there paycheck is foolish on there own part. For small self employed operators such as our selves we need less regulation not more.

EXHIBIT NO.

16

DATE

3-21-91

BILL NO.

HB 192

Mr Chairman - committee members
For the record my name is Ernie Torrey from Townsend. I am an independant owner operator of one log truck. I have been in the log hauling busniess as an independant for 20 years. I have always been able to negotiate my haul rates to fit the conditions of the haul. I feel that I can do a better job at this than the PSD can from a desk in an office. I am out on these jobs everyday and know the changing conditions immediately and can negotiate price at any time for any number of loads in a few minutes. If I make a mistake I would rather be displeased with myself than a government organization.

~~I have yet to talk to a log hauler on the East side that supports this bill.~~

I believe that the two contract portion is unworkable as I often times haul for 3 to 4 contractors at the same time. We have many small contractors that only put up a few loads a week and can not keep a truck steady, so myself and others when we are short of hauling go on these small jobs and help them catch up.

I have yet to talk to a log hauler on the East side that supports this bill. ~~Thank you~~ This bill was ~~originated~~ originated in the North-West corner of the state, and it seems to me that they are the only ones that support it. Why should the rest of us suffer for a local problem.

Thank you

Log Hauling

Name	Address	Phone
Don Debs	Three Foles Mt	285-3566
Jeanette Hahn	Belgrade MT	388-7270
Susan Gerson	Bogerman MT	388-1526
Jim Fowler	Belgrade, MT	388-6621
Orlly Jensen	Bogerman, MT	388-1526
Diana Todd	Bogerman, MT	586-2873
Nancy Shortland	Belgrade MT	388-1986
Lynette Tunge	Belgrade MT	388-1896
Peggy Chambers	Bogerman MT	388-4666
Pat B. R.	Belgrade, MT	388-6866
Christina Hahn	Belgrade MT	388-1210
Melissa Hahn	Belgrade MT	388-1210
Narcene Harvey	Belgrade MT	388-4198
Thomas Harvey	Belgrade MT	388-4198
Susan Griffin	Belgrade, MT	388-1242
William J. Johnson	Belgrade, MT	388-4125
Bill Johnson	Belgrade, MT	388-4785
Marjorie Mufson	Belgrade MT	388-1242
Suzanne Huff	Belgrade MT	388-1293
Arthur Huff	Belgrade MT	388-1293
Bob E. Holten	West Yellowstone MT	646-9298
Bill & Betty	Belgrade	388-1029
Bill & Betty	Belgrade	388-10806
William Hahn	1135 Wolverine Ln Bel. MT	586-1684
Deane Walke	Box 100 Owlfoot way	763-4463
Jerry Margolis	8050 Gallatin rd. Bogerman MT	586-3911
John Hahn	185 Cannon Bank Rd Bogerman	388-7270
Kyle E Perkins	4130 Richman RD belgrade	388-1011
Baron P Cooper	Box C Boulder mt	225-3886
Richard K Powell	595 West Rd. Star 7d, MT	992-5824
Michael Powell	445 Union Rd. bel. MT, MT	892-5831
Danica M. Cooper	Box C Boulder mt	225-3886
Eddie Elliott	Box 404 BELGRADE MT	995-4883 Ext 49
Joann Cauger	566 Hwy 12E Townsend MT	266-4240
Bill Caldwell	566 Hwy 12E Townsend MT	266-4240
Christensen	891 Macgregor Belgrade MT	388-1946
John Marceau	Belgrade	285-3172
Richard Hargrave	P.O. Box 3476 Clinton Highway	763-4748
Davey Wakefield	P.O. Box 1357 Thompson Falls MT	406-827-4641
Harold Vaughn	P.O. Box 566 Thompson Falls MT	406-827-3424
Donald C. W. Vaughn	P.O. Box 284 Thompson Falls MT	406-827-3424
Harold Vaughn	16 Prospector Thompson Falls MT	827-4485
Samuel V. Sayre	Box 493 Seeley Lake MT	586-6868 627-2201
Patricia L. Linn	6940 Thayer Rd. Belgrade MT	388-4666
Phil Meyer	Salmon Prairie Rd Swan Lake MT	754-2265
Dixie Meyer	Salmon Prairie Rd Swan Lake, mt.	754-2265
Art Meyer	Belgrade MT	388-6245

We the following individuals protest the intended passage of Montana House of Representatives Bill #192 in the 1991 session of the ~~house~~ Senate, for the following reasons:

SENATE HIGHWAYS

EXHIBIT NO. 18

BASED ON 3-21-91

BILL NO. HB 192

1. It flies in the face of free enterprise.
 - a. The operator would not be able to negotiate a favorable rate because of seasonal hauling problems or other variables.
 - b. Would greatly increase the operators' administrative cost.
 - c. Would encourage the State to set maximum driving hours even though the industry has displayed a good safety record in the past.
 - d. Would encourage the State to require cargo insurance which has never been demonstrated to be necessary for such low value cargoes as logs.
 - e. Would cause delays and result in lost operating days for the operator.
 - f. Would protect the inefficient operators overtime at the expense of the efficient operator. Good operators don't need subsidized regulation.
2. It will hurt the small one-and-two truck operators who are the backbone of the log hauling industry in Montana.
3. It will encourage the mills to buy truck fleets, thus eliminating the independent contractor.
4. It will further enlarge an already inflated state bureaucracy at the expense of all Montana taxpayers.

In conclusion, the lumber market determines what the mills can pay at any one time for delivered logs, so that, if log hauling rates were too high, other phases of logging would see price cuts. It just is not practical for a state bureaucracy to set rates.

NAME	PHONE NUMBER
Art Perry	388-6714
Leroy & Jacques Christoffersen, Missoula	549-2039
Jim Blue - Jim Blue Trucking, Darby, Mt.	821-4782
Ram Kolbert Box 113, Darby, Mt.	821-4429
Bill Noble Box 676 Darby, Mt.	821-3637
Al & Pat Hoyt Box 557 White Sulphur Spring	547-3806
Joe Burke Box 281 Townsend	266-3352
Don Libmuck Box 75 Gallatin Gateway	763-4350
Ernie R. Torrey 5516 7th St. Bozeman, Mt.	246-3857
Lee Walker 8260 River Rd. Bozeman	587-5398
Doug Gussel P.O. Box 192 White Sulphur Spring	547-3843
Ron Johnson 790 Damsell Rd. Bozeman	585-8813
Richard Duncan 527 S. Oakes Helena	443-4642
J.C. Lowman Box 343 White Sulphur Springs	547-3443
Jack Mahon Box 1194 Townsend	266-3806
Floyd W. McLubbin Box 83 Hungry Horse	387-5770
Glenn W. Carlson 735 Greenan Hill Rd. Kal	755-2779
John Bowditch 300 Bowditch Rd. Kal	752-3221
Mark Ryan Box 4612 Helena, MT	443-6222
HOWARD DREW Box 245 White Sulphur Springs	547-3940
LYLE BAIST 71 CRYSTAL LAKE LIBBY	293-3508
Wm. Curry Thompson Falls	927-3494
Thomas R. Kelly Phoenix, MT	826-5630

EXHIBIT NO. 19DATE 3-21-91BILL NO. HB 192WITNESS STATEMENT

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

Dated this 21 day of March, 1991.

Name: Wanda Normandeau

Address: 33 Vermillion Pt Rd
Thompson Falls, MT

Telephone Number: \$ 827-4656

Representing whom?

Self - owner-operator of Log truck

Appearing on which proposal?

HB 192

Do you: Support? Amend? Oppose? X

Comments:

This legislation will not benefit
the entire State of Log haulers -

Please encourage having the
existing logging contracts legally
open for public review after they
have been signed. That way any hauler
who needs to find out his loggers hauling
rate can stop in the mill and read
the contract, and find out what he
can expect - even having some recourse
on paper - All of the contracts are presently
already on file at the mill - all we
need is that simple legal clarification.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

If log haulers have to publish their rates - why not
just publish the original contract!

WITNESS STATEMENT

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

Dated this 21 day of March, 1991.

Name: DAN NORMAN/DEAY of NORMAN/DEAY Trucking

Address: Box 1149 T. Falls 59873

Telephone Number: 827-4764

Representing whom?

NORMAN/DEAY Trucking

Appearing on which proposal?

192

Do you: Support?

Amend?

Oppose? X

Comments:

I am Dan Norman/Deay of Norman/Deay Trucking Thompson Falls.

I have read this Bill and understand its intent to make a better log hauling rate.

However taking away my personal right to negotiate with my contractor privately under our own terms is NOT going to make me more money.

The independent free enterprise system of which we all work by now, already abuse us to make about 50% I am going to get out of that price of tree.

I also understand the desire to keep Bigger Trucking operations from under cutting us independent operators, who ever this Bill will not stop that because all the big companies have to do is prove they can haul it cheaper and force the rate

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY down state wite. I can not see how Bill 192 is going to help log hauling in Montana Thanks you.

SENATE HIGHWAYS

EXHIBIT NO. 21

DATE 3-21-91

BILL NO. HB 192

PETITION

We, the undersigned, understand that House Bill 192 is important for the economic viability of the log trucking industry.

We strongly support this bill and encourage your support also.
Thank you.

1. Paul M. Schiff
2. Marvin L. Fisher
3. Brett Carl Cislowski
4. Deel McManus
5. William D. Palmer
6. Matt Richards
7. W. D. Hovins
8. Edward J. Klein 312 Solberg Dr. Kalispell 2/17
9. M. J. Longtin 340 Kingsway Kal. Mt.
10. Gregory Paskell 475 No. Main Kalispell, Mt.
11. Ronald L. Smith BEACON TIRE CENTER 142ND AVE E. POKEA, MT.
- 12.
- 13.
- 14.
- 15.
- 16.
- 17.
- 18.
- 19.
- 20.
- 21.
- 22.
- 23.
- 24.

petition from Livingston
supporting 192 inclusive
of names of people encouraged
NOT to testify. 30 signatures

We the underside support the Housebill #192
for regulation of Log truckers and for the
welfare of our jobs..

SENATE HIGHWAYS

EXHIBIT NO. 20 21
DATE 3-21-91
BILL NO. PHONE OPT: 192

NAME

ADDRESS

Charlene Menzies
Peggy Menzies
Died Nelson
Art Crawford
Dale Campbell
Steve Johnson
Steve Johnson
Steve Johnson
Lori Highfill
Jim Hoxford
Dorothy Hoxford
Ken Hoxford
Lynn Hoxford
P. A. Adams
Genevieve Gillman
Dale H. Smith
Keith Machin
Lester V. Maki
K. E. Adams
Cathy Oursdale
Stephen P. Wilton
Donna Smith
M. Smith
John Smith
Lynn Smith

Rt 85 Box 4108 Liv.
Rt 85 Box 4108 Liv.
117 N E St.
116 N 6th Livingston
Rt 38 Box 2273
506 S 12th
Rt 85 Box 4219A
Rt 85 Box 4219A
P.O. Box 1205
Box 1205 Liv.
Box 1205 Liv.
Box 1205
Rt 62 Box 3077
Rt 62 Box 3077
Rt 62 Box 3077
Rt 62 Box 3077
102- No I Liv 8th
Rt 85 Box 4112
617 N 10th Liv MT
Box 384 Livingston
Box 115 Livingston
Rt 111 Box 111 Livingston
421 S 7th Livingston

We the underside support the Housebill #192
for regulation of Log truckers and for the
welfare of our jobs..

NAME

ADDRESS

PHONE OPT:

Don Randall1318 E-38 PARK227-1621Bennie L. LaddWaldorf, Md578-2391Barbara A. Ladd624 N. 17th227-7456Harry Williams Jr.Rt 85 Box 42704222-7514Ann WilliamsRt 85 Box 42704

Have - a petition "for" 192-111 signatures (Cheney)

We, the undersigned, residing in or around FLATHEAD COUNTY, hereby request your SUPPORT for HOUSE BILL 192. We understand the importance of this bill for the economic viability of the log TRUCKING industry, and thereby request YOUR SUPPORT also.

Ex. 21
3-21-91
HB 192

1. Nina R. Aleist
2. Raymond L. Aleist
3. Ellen A. Lehman
4. Janet Masten
5. David Seibert
6. Grace Whitman
7. Bonnie Eckert
8. Calleen Karper
9. Becky McCann
10. Lois Doty
11. Lorraine Watne
12. W. L. Selston (Black Magic Truck Wash)
13. Corinne Barthel
14. Al Gray
15. Charles C. Benson
16. Jim MacKenzie
17. Jimmy Woody
18. Nina K. Laird
19. Gladys McLaas
20. John Bunnage
21. Joe Gustafson
22. Betty Lay
23. Billie J. Arnts
24. 11 with a - H. Hansen

25. Dave Lipe
26. Anders Engdahl
27. ~~Wm. Lipe~~
28. John A. Sizemore
29. Zack Bummell
30. Arnie Havers
31. Barbara Biddis
32. Gary Sanford
33. Evelyn E. Schulz
34. Anita Akonoko
35. Marjorie Baxter
36. Gerry Kan
37. Joan Weber
38. Sel Lehman
39. Jerry Robinson
40. Teri Fink
41. Kathi Hornett
42. Gandy Sheffer
43. B. Jean Ferrell
44. Audrey Speer
45. Luanne Homestead
46. Betty Fink
47. Betty A. Haggan
48. Rosanna Swift
49. Barb Peterman
50. Jari R. Standley
51. Debbie Johnson
52. Karen Nelson
53. Jacquie & Cuffe
54. Julio Bramble

Ex. 21
3-21-91
HB 192

55. Sam Brady
56. Mary Quevedo
57. Gary & Hoffman
58. Hugu Penneart
59. Sid Solie
60. Lillian Judge
61. Ross Armstrong
62. Dale Caruso
63. Barbara Solie
64. Harvey Kater
65. Ephraim Amalf
66. Mellichamel
67. David Quevedo
68. Robbie Peer
69. Berie Harsow
70. Sweeney Brady
71. Tom Shepherd
72. Dale Hagadone
73. Vernon D Fox
74. Phil Pearson
75. G.H. Brown
76. Dave Koch
77. Zini Schultze
78. James Tarnetill
79. Robin Shernood
80. O.K.
81. Tom Tarnetill
82. Ann Baller
83. Edna Buchmiller
84. Maroon Cannon

85. Lorraine F. Myer
 86. Gerald E. Antton
 87. Audrey L. Dunne
 88. James G. Sloger
 89. John Schaubler
 90. John H. Dunne
 91. Mary D. McCann
 92. Sheila Amelley
 93. Laurie Barnes
 94. Edna LaBrie
 95. John Bate
 96. Florence Kehler
 97. Georgia McCready
 98. Cynthia M. Blake
 99. Rosetta Burke
 100. Mavis Miller
- O. Orr

WITNESS STATEMENT

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

Dated this 21 day of MARCH, 1991.

Name: LEROY CHRISTOFFERSON

Address: 3800 S 3 W

MISSOULA, MONT

Telephone Number: 406-549-2039

Representing whom?

Christofferson Inc. (a mountain corp)

Appearing on which proposal?

H.B 192

Do you: Support? ☐ Amend? ☐ Oppose? ☒

Comments:

Regulation is for monopolies only
not log trucking

WITNESS STATEMENT

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

Dated this 21 day of March, 1991.

Name: DAN NORMANDEAU

Address: Box 1149 Thompson Falls MT

Telephone Number: 827-4764

Representing whom?

NORMANDEAU Trucking

Appearing on which proposal?

192

Do you: Support?

Amend?

Oppose? X

Comments:

Owner Operator

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

WITNESS STATEMENT

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

Dated this 21 day of March, 1991.

Name: Ernie Forrey

Address: 55 Jack Farm Rd
Townsend Mt.

Telephone Number: 246-3857

Representing whom?

Forrey Trucking

Appearing on which proposal?

HB 192

Do you: Support? ☐ Amend? ☐ Oppose? ☒

Comments:

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

WITNESS STATEMENT

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

Dated this 21 day of March, 1991.

Name: Lee Wilhelm

Address: 8260 River Rd.
Bozeman Mt.

Telephone Number: 587-5392

Representing whom?

Self

Appearing on which proposal?

HB 192

Do you: Support?

Amend?

Oppose? X

Comments:

WITNESS STATEMENT

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

Dated this 21 day of march, 1991.

Name: Jeri Blue

Address: Ref 368

Darby mt

Telephone Number: 821-4782

Representing whom?

2 in Blue Trucking

Appearing on which proposal?

HB 192

Do you: Support? _____ Amend? _____ Oppose? X

Comments:

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

WITNESS STATEMENT

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

Dated this 21 day of MARCH, 1991.

Name: LYLE BRIST

Address: 71 CRYSTAL LAKE ROAD
LIBRY MONT. 59923

Telephone Number: 293-3508

Representing whom?

BRIST Logging

Appearing on which proposal?

Do you: Support?

Amend?

Oppose? X

Comments:

I OPPOSE HB 192 EVEN THO I
AM A LOGGER WHO DOES NOT
OWN MY OWN TRUCKS. I FEEL
THIS WILL FORCE ME TO BUY TRUCKS
TO HAUL MY LOGS. THUS FORCING
FURTHER HARDSHIP ON THE OWNER
OPERATORS. PLEASE SUPPORT ME
IN OPPOSING HB 192

Lyle Brist

WITNESS STATEMENT

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

Dated this 21 day of march, 1991.

Name: Tommy E. Perkins

Address: 4130 Richmond Rd Belgrade MT 59714

Telephone Number: 406 388-1011

Representing whom?

Parkins Logging

Appearing on which proposal?

17B 192

Do you: Support? _____ Amend? _____ Oppose? ☒

Comments:

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

WITNESS STATEMENT

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

Dated this 21 day of March, 1991.

Name: Jeannette Hahn

Address: 185 Cameron BR. Rd W Bozeman MT.
59715

Telephone Number: 406 - 388 - 7270

Representing whom?

Rodney Hahn Trucking (self)

Appearing on which proposal?

HB 192

Do you: Support?

Amend?

Oppose? X

Comments:

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

WITNESS STATEMENT

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

Dated this 21 day of March, 1991.

Name: Richard Hargrove

Address: P.O. Box 397 Ballatin Gateway MT. 59730

Telephone Number: 763-4746

Representing whom?

Hargrove Trucking

Appearing on which proposal?

HB 192

Do you: Support? ☐ Amend? ☐ Oppose? ☒

Comments:

This Bill is completely uncalled For

WITNESS STATEMENT

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

Dated this 21 day of MARCH, 1991.

Name: Penny Tolleson

Address: 408 Hibernia

MISSOULA MONTANA 59801

Telephone Number: 728-1034

Representing whom?

TOLLEFSON Logging

Appearing on which proposal?

HB 192

Do you: Support? Amend? Oppose? X

Comments:

[illegible]

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

WITNESS STATEMENT

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

Dated this 21 day of March, 1991.

Name: Bill Cow GER

Address: 566 HIGHWAY E, TOWNSEND NAT.

Telephone Number: 266 4240

Representing whom?

S E / F

Appearing on which proposal?

H B 192

Do you: Support? _____ Amend? _____ Oppose? ✓

Comments:

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

COMMITTEE ON: HIGHWAYS AND TRANSPORTATION

DATE: 3-21-91

VISITOR'S REGISTER

NAME	REPRESENTING	BILL #	SUPPORT	OPPO
Left Doty	Doty Trucking	192	X	
Don B...	B... Trucking		X	
Ed Hankinson	Ed Hankinson Trucking		X	
Arvon Fielding	Fielding Trucking		X	
Dave Brandt	Dave Brandt Trucking	192	X	
Larry Dudley	Dudley Trucking	192	X	
Valley (Clouet)	Valley Trucking	192	X	
D. F. Adkins	Adkins Trucking	192	X	
Dean Stupp	Dean Stupp Trucking	192	X	
Ed Hankinson	ED Hankinson Trucking	192	X	
Larry Bill	ED Hankinson Trucking	182	X	
Larry Biele	" " "	192	X	
Don McManus	McManus Trucking	192	X	
Glen Matheson	Glen Matheson Trucking	192	X	
Trent Adkins	Adkins Trucking	192	X	
Jason Adkins	Adkins Trucking	192	X	
Elaine Toole	Adkins Trucking	192	X	
Arvon Fielding	Arvon Fielding Trucking	192	X	

(PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY)

COMMITTEE ON: HIGHWAYS AND TRANSPORTATION

DATE: 21 Mar 91

VISITOR'S REGISTER

NAME	REPRESENTING	BILL #	SUPPORT	OPPOS
Neil L. Meyer	SELF	192		X
Livio M. Meyer	Self	192		X
Unita Haase	Haase Trucking	192		X
David L. Haase	Haase Trucking	192		X
Red Frank	Frank Trucking	192		X
Pam Hamilton	self	192		X
Barton L. Cooper	Self	192		X
Spice M. Cooper	B.L. Cooper Inc	192		X
Donna Normandeau	Normandeau Trucking	192		X
David R. Normandeau	NORMANDEAU Trucking	192		X
David R. Normandeau	Normandeau Trucking	192		X
Ray Beatty	Self	192		X
Colin L. Howard	Colin Howard & Sons	192		X
Doug Russell	Self	192		X
Jim Wakefield	Self	192		X
Lee Wilkins	Self	192		X
Verque Chiff	Self	192		X
Harold Vackelt	Self	192		X
Wald Chylak	Little Thompson Logging	192		X

(PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY)

COMMITTEE ON: HIGHWAYS AND TRANSPORTATION

DATE: 3-21-91

VISITOR'S REGISTER

[illegible]

(PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY)

COMMITTEE ON: HIGHWAYS AND TRANSPORTATIONDATE: 3-21-91

VISITOR'S REGISTER

NAME	REPRESENTING	BILL #	SUPPORT	OPPOS
Jake Ross	Ross Logging Mls	192	✓	
Bill Reed	McManus Trucking	192	✓	
Sam Ingram	Black	192	✓	
Donny Sands		192	✓	
Ray By	H & L Hauling	192	✓	
Pete Hering	McManus Trucking	192	✓	
Jenny McManus	McManus trucking	192	✓	
Les Schlegel	L+M Trucking	192	✓	
Mary J. Schlegel	L+M Trucking	192	✓	
Ara Williams	Harry William Trucking	192	✓	
Douglas A. Ambloch	Harry William Trucking	192	✓	
Bert B. Marchbanks	Bert Marchbanks Logging	192	✓	
Robert L. Huston	A & L Hauling	192	✓	
David C. Kelly	Kelly Logging	192	✓	
David R. Kelly	Kelly Logging	192	✓	
David R. Kelly	David R. Kelly	192	✓	
Elizabeth Skanak	B. Skanak Trucking	192	✓	
David W. Skanak	D. Skanak Trucking	192	✓	
Jerry L. Strong	Trucking	192	✓	

(PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY)

COMMITTEE ON: HIGHWAYS AND TRANSPORTATION

DATE: 3-21-91

VISITOR'S REGISTER

NAME	REPRESENTING	BILL #	SUPPORT	OPPOS
James Fowler	Jim Fowler Logging	192	✓	
Bob Duncan	Duncan Trucking	192	✓	
Bud CLINE	MLA	192	✓	✓
PAT HANLEY	Glacier Line Logging	192		
Harry Schneider	MLS	192	✓	
General Jones	MLS	192	✓	
Paul Baker	MLS	192	✓	
Dail Barnett	MLG	192	✓	
Kyle Doughton	Self	192	✓	
Heggy Jones	Self	192	✓	
Eric Weiner	Darby Lumber	192		✓
Kevin Jupp	Self	192	✓	
Walt Mitchell	Slack Logging	192	✓	
Edw. W. Reed	Reed Hauling	192	✓	
Roger A. Presnell	RA Trucking	192	✓	
Jerry McCully	Self	192	✓	
Ray Crutcher	Self	192	✓	
Lon Johnson	Self	192		✓

(PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY)

COMMITTEE ON: HIGHWAYS AND TRANSPORTATION

DATE: March 20, 1991

VISITOR'S REGISTER

NAME	REPRESENTING	BILL #	SUPPORT	OPPOS
Herb H. Nash	Self	192		X
Arletta Mrigich	self	192	X	
Mike Mrigich	self	192	X	
Rem Kohnt	Stoltze Courier hbr	192		X
Glenn H Conklin	operated self	192		X
John Marceau	Self	192		X
Bess MacPherson	self	192		X
Rich Lane	self	F12		X
Jim Elliott	HD 51			X

(PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY)

COMMITTEE ON: HIGHWAYS AND TRANSPORTATION

DATE: 3-21-91

VISITOR'S REGISTER

NAME	REPRESENTING	BILL #	SUPPORT	OPPOS
Jim Kristensen	Self	HB 192		X
Ken Starn	Self	192		X
Edna Elliott	SELF	192		X
Arthur Perry Sr	Self	192		X
Don Derby	Self	192		X
Mr. Cuddy	Self	192		X
John Brist	Brist Logging	HB 192		X
Dennis Almendinger	Self	192		X
LANNIE BYLER	Self	192		X
Richard Hargrove	Hargrove Trucking	192		X
Don Womack	Self	192		X
Ge Bode	Self	192		X
DARON DUNAW	RY Timber	192		X
Jack Mahon	" "	192		X
J.C. Lowman	Self	192		X
Bill COUGER	SELF	192		X
HOWARD DIXON	DIXON & DIXON Post-Box	192		X
John Hansen				X
Pat Hys		192		X

(PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY)

COMMITTEE ON: HIGHWAYS AND TRANSPORTATIONDATE: 3-12-91

VISITOR'S REGISTER

NAME	REPRESENTING	BILL #	SUPPORT	OPPOS
Alvin Hatz	Self	192		X
Byrd Hatz	Self	192		X
Bohny Hahn	Self	192		X
Tracy E. Perkins	Perkins Logging & Self	192		+
Sheronette Hahn	Bohney Hahn Trucking	192		X
Alvin E. Housell	Self	192		X
Tommy Tollerison	TOLLERSON LOGGING	192		X
Ed Reeser	Ed Reeser Trucking	192		X
Ernie Torrey	Torrey Trucking	192		X
Harold V. Barker	Byramid Mountain Lumber, Inc.			X
Bru Noble	Stoltze - Conner	192		X
Harvey Christofferson	Christofferson INC	192		X
Ray Anderson		192		X
Harry Hobegg	SELF	192		X
Freel Fisher	Fisher Trucking	192		X
George C. Hauld	Hauld Trucking	192		X
Dean Vaught	Vaught Trucking	192		X
Floyd McCubbins	Stoltze Land & Lbr.	192		X
John Bowditch	Private Land owner	192		X

(PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY)

DATE 21 March 91

COMMITTEE ON Highways and Transportation

VISITORS' REGISTER

[illegible]

(Please leave prepared statement with Secretary)