

MINUTES

MONTANA SENATE 53rd LEGISLATURE - REGULAR SESSION

COMMITTEE ON HIGHWAYS & TRANSPORTATION

Call to Order: By Senator Cecil Weeding, Chair, on January 19, 1993, at 1:07 p.m.

ROLL CALL

Members Present:

Sen. Cecil Weeding, Chair (D)
Sen. Betty Bruski-Maus, Vice Chair (D)
Sen. John Harp (R)
Sen. Francis Koehnke (D)
Sen. Doc Rea (D)
Sen. Spook Stang (D)
Sen. Chuck Swysgood (R)
Sen. Henry McClernan (D)
Sen. Daryl Toews (R)
Sen. Larry Tveit (R)

Members Excused: None.

Members Absent: None.

Staff Present: Dave Bohyer, Legislative Council
Beth Satre, Committee Secretary

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

Committee Business Summary:

Hearing: SB 133, SB 135
Executive Action: SB 133, SB 135

HEARING ON SB 133

Opening Statement by Sponsor:

SEN. HERTEL, Senate District 15, stated SB 133 is a simple bill designed to enforce the 35 mph speed limit inside posted construction zones. **SEN. HERTEL** cited MCA 61-8-303 2(b) which established a 35 mph speed limit on highways under construction or repair or on highways being surveyed. According to **SEN. HERTEL**, there have been problems especially with construction workers not obeying the posted limits. This situation is complicated by the fact that the Highway patrol does not have the authority to enforce construction workers to abide by the speed limit. **SEN. HERTEL** stated SB 133 would add the sentence "A person operating or driving a motor vehicle engaged in work on a

highway under construction or repair shall obey the speed limit established in subsection 2(b). **SEN. HERTEL** referred to SB 133 as housecleaning bill; a measure that needs to put in order so we can travel safely on Montana's highways.

Proponents' Testimony:

Tom Barnard, Administrator Highways Division, Department of Transportation (DOT) read from written testimony that he submitted for the record (Exhibit #1).

Carl Schweitzer, Montana Contractor's Association, expressed the Montana Contractor's Association's support of SB 133.

Opponents' Testimony: None.

Informational Testimony: None.

Questions From Committee Members and Responses:

SEN. HARP asked if it would be more effective if DOT withheld a percentage of the contractor's retainer if the posted speed limits were violated. **Tom Barnard** stated that withholding funds from contractors is not as simple as it may appear. In fact in the kinds of situations addressed by SB 133, DOT does not have the authority to withhold funds.

SEN. HARP asked if the violations occur on actual highway projects or actual construction sites. **Tom Barnard** replied violations generally occur on highway construction projects.

CHAIRMAN WEEDING asked if he had correctly understood that the 35 mph speed limit would apply only within the designated construction zone. **Tom Barnard** stated the speed limit would only apply within the work zone where the 35 mph speed limits are posted.

SEN. TVEIT felt that the phrase "on a highway under construction or repair or on highway being surveyed" was ambiguous. When a highway was being surveyed the entire highway could be blocked. He asked if the DOT had rules that limited the distance where a 35 mph speed limit could be posted. **Tom Barnard** replied that DOT had given survey crews specific rules which limit the distance posted as a 35 mph work zone.

SEN. MCCLERNAN stated that the speed limit set in the law may be altered by the Highway Commission. He asked why the Highway Commission could not establish the speed limit asked for in SB 133. **Tom Barnard** explained that the speed zones the Montana Highway Commission are authorized to set are general speed zones, for example a 35 mph speed limit in a city.

Closing by Sponsor:

SEN. HERTEL stated that SB 133 is necessary to enhance public

safety within construction sites on Montana's Highways.

HEARING ON SENATE BILL 135

Opening Statement by Sponsor:

SEN. KEN MESAROS stated he was carrying SB 135 which addresses the use of caution and yellow lights in street intersections for DOT. Presently the law states it is illegal for a vehicle "to enter or be crossing" an intersection when the light turns red. According to **SEN. MESAROS** the intent of SB 135 is to amend the existing code to no longer make it a violation for a vehicle to be in an intersection when the light turns red. SB 135 is designed to eliminate potential unavoidable violations, and is consistent with recommendations found in Federal Highways Administration manuals and publications of the National Committee On Uniform Traffic Laws and Ordinances. **SEN. MESAROS** mentioned SB 135 would alter the existing code in one more way. It would substitute the word "pedestrian" for "he" in this section of the law.

Proponents' Testimony:

Tom Barnard, Administrator, Highways Division, DOT stated SB 135 is necessary because of the manner traffic signals are designed. Thirty years ago the current law was appropriate, but today it is not. He then read from written testimony (Exhibit #2).

Opponents' Testimony: None.

Informational Testimony: None.

Questions From Committee Members and Responses:

SEN. TVEIT asked **Tom Barnard** to clarify what SB 135 would accomplish. **Tom Barnard** replied DOT was trying to make it legal for a vehicle to be in the intersection when it turns red. SB 135 would make it illegal to enter the intersection but not illegal to be in the intersection.

CHAIRMAN WEEDING asked if the intent of SB 135 was to facilitate the left turn. **Tom Barnard** replied that SB 135 has two purposes. The first is to accommodate left turns. He explained that when an intersection has a low volume of left turns, putting a separate left turn phase in the traffic light would not be a good idea. The reason is that the light cycle takes more time and causes delays or back ups in the traffic. Instead, those left-turning vehicles should be encouraged to wait until the light turns yellow, to pull out in the intersection and wait for the traffic to stop and then to make the left turn during the all-red phase. The second purpose of SB 135 is so a vehicle proceeding straight through the intersection can enter on the yellow and complete their movement during the all-red.

SEN. KOEHNKE asked if all lights, even the older ones, are

currently set that way. **Tom Barnard** stated that to his knowledge all lights are now set that way. Those lights that might not be would be signals in cities off of the Federal Aid System. He assured **SEN. KOEHNKE** that would be investigated and taken care of prior to SB 135 going into effect.

SEN. TVEIT requested clarification as to the definition of a "signal". **Tom Barnard** introduced **Don Dusek, State Traffic Engineer**, who stated his belief that a traffic signal is the complete unit of all of the various colors facing all approaches. If a particular color signal is meant, that is so indicated.

Tom Barnard stated that section 1 of the current law is helpful to define the terms. It refers to traffic control signals but legends are defined as red, yellow, green.

SEN. REA asked what the legal situation is of a vehicle second in line to make a left turn if the driver has also edged into the intersection. **Tom Barnard** replied that if SB 135 is passed that vehicle's movement would be legal as long as the vehicle was already in the intersection before the signal turned red.

Closing by Sponsor:

SEN. MESAROS stated that SB 135 would eliminate the potential for unavoidable traffic violation and facilitate left hand turns as well as the flow of traffic. He did not feel that SB 135 would pose any increased hazard to motorists whatsoever.

EXECUTIVE ACTION ON SENATE BILL 133

Motion/Vote:

SEN. HARP moved SB 133 DO PASS and the motion CARRIED UNANIMOUSLY.

EXECUTIVE ACTION ON SENATE BILL 135

Motion/Vote:

SEN. TVEIT moved SB 135 DO PASS and the motion CARRIED UNANIMOUSLY.

ADJOURNMENT

Adjournment: 1:37 p.m.



SENATOR CECIL WEEDING, Chair



BETH E. SATRE, Secretary

CW/bes

ROLL CALL

SENATE COMMITTEE HIGHWAYS & TRANSPORTATION DATE JAN. 19, 1993

NAME	PRESENT	ABSENT	EXCUSED
SEN. CECIL WEEDING, CHAIR	X		
SEN. BETTY BRUSKI-MAUS, VICE-CHAIR	X		
SEN. JOHN HARP	X		
SEN. FRANCIS KOEHNKE	X		
SEN. HENRY McCLENNAN	X		
SEN. JACK "DOC" REA	X		
SEN. BARRY "SPOOK" STANG	X		
SEN. CHARLES "CHUCK" SWYSGOOD	X		
SEN. DARYL TOEWS	X		
SEN. LARRY TVEIT	X		

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
January 19, 1993

MR. PRESIDENT:

We, your committee on Highways and Transportation having had under consideration Senate Bill No. 133 (first reading copy -- white), respectfully report that Senate Bill No. 133 do pass.

Signed: Cecil Weeding
Senator Cecil Weeding, Chair

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
January 19, 1993

MR. PRESIDENT:

We, your committee on Highways and Transportation having had under consideration Senate Bill No. 135 (first reading copy -- white), respectfully report that Senate Bill No. 135 do pass.

Signed: Cecil Weeding
Senator Cecil Weeding, Chair

Testimony on
Senate Bill 133

by:

Thomas J. Barnard
Administrator, Highways Division
Montana Department of Transportation

SENATE HIGHWAYS

EXHIBIT NO. 1

DATE JAN. 19, 1993

BILL NO. SB 133

SB 133 would amend Section 61-8-303, MCA, so as to require persons driving motor vehicles working on highways under construction or repair to obey the speed limit of 35 mph.

This amendment is necessary because of the provisions of Section 61-8-106, MCA. Subsection (2) of that section states:

Unless specifically made applicable, the provisions of this chapter, except those contained in Part 5 of Chapter 8 shall not apply to persons, teams, motor vehicles, and other equipment while actually engaged in work upon the surface of a highway but shall apply to such persons and vehicles when traveling to and from such work.

Obviously there are some travel laws that motor vehicles working on highways should not be required to obey. For example, there are many times when they have to run on the wrong side of the highway if operating in a closed lane.

Under current law hauling units can legally operate at speeds exceeding those of the general public. This creates an undue hazard to the general public. Hauling units are allowed, and in some cases even encouraged, to overtake and pass private vehicles in work zones.

Limiting the operation of all vehicles within a posted work zone to the posted speeds will enhance public safety.

This bill would merely require motor vehicles that are working on highways to obey the 35 mph speed limit if operating in a posted area with the general traveling public.

Testimony on Senate Bill 135

by

Thomas J. Barnard
Administrator, Highways Division
Montana Department of Transportation

SENATE HIGHWAYS

EXHIBIT NO. 2

DATE JAN. 19, 1993

BILL NO. SB 135

The proposed legislation involves modification of subsection (a) of section (2) of article 61-8-207 MCA which addresses the required driver response to the display of yellow following the green traffic signal indication. The existing code requires the following driver response when facing a yellow:

"Vehicular traffic facing the signal is thereby warned that red or "Stop" signal will be exhibited immediately thereafter and such vehicular traffic shall not enter or be crossing the intersection when the red or "Stop" signal is exhibited."

The existing code's prohibition on vehicular traffic crossing the intersection at any time when the traffic signal indication is red creates a situation where the driver has a high potential for unintentional violation. It is very common for the driver to legally enter the intersection on yellow and then have the traffic signal display change to red while completing the crossing, placing them in violation. The yellow or caution displayed is intended to warn the driver that there is a pending change from the green (Go) to the red (stop) condition. When yellow is displayed to the drivers a decision must be made. They must judge their relative distance from the intersection and travel speed to decide whether to stop or proceed through. Only a slight error in judgement will place them in violation.

It is the intent of this legislation to amend this portion of the code to no longer include "or be crossing" in section (2) subsection (b) and eliminate that potential unavoidable violation. This amendment is consistent with recommended practice found in both the Federal Highway Administration's "Manual on Uniform Traffic Control Devices" and the National Committee on Uniform Traffic Laws and Ordinances' "Uniform Vehicle Code and Model Traffic Ordinance".

To improve the efficiency of signalized intersections, which have a low volume of left turns, signals are designed to accommodate the left turns during the yellow phase. Often this results in vehicles not clearing the intersection prior to the display of the red indication while having legally entered the intersection on yellow. This is in violation of current law but is a safe maneuver that is encouraged.

This amendment to the traffic law will not present any increase in hazard to the motorist. The present practice used to provide for

Testimony SB 135 Cont.

the change from the green (Go) display to the red (Stop) display is to use the yellow (Caution) display to warn the drivers of the pending change and allow them to come to a comfortable stop or pass through the intersection. To guarantee that traffic has cleared the intersection area before releasing conflicting traffic flow the yellow display is commonly followed by an interval displaying red (Stop) to all of the intersecting approaches at the same time. This allows the clearing of the intersection before any new green (Go) display is initiated.

DATE JAN 19, 1993

SENATE COMMITTEE ON Highways & Transportation

BILLS BEING HEARD TODAY: SB 133, SB 135

Name	Representing	Bill No.	Check One	
			Support	Oppose
Tom Barnard	Dept. of Transportation	133	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Tom Barnard	" " "	135	<input checked="" type="checkbox"/>	<input type="checkbox"/>
DON DUSEK	" " "	135	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Carl Schweitzer	Mont Contractors' Assoc	133	<input checked="" type="checkbox"/>	<input type="checkbox"/>

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY