

## **MINUTES**

### **MONTANA HOUSE OF REPRESENTATIVES 53rd LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON HIGHWAYS & TRANSPORTATION**

**Call to Order:** By CHAIRMAN ROBERT CLARK, on February 1, 1993, at 3:00 p.m.

#### **ROLL CALL**

##### **Members Present:**

Rep. Bob Clark, Chairman (R)  
Rep. Karyl Winslow, Vice Chairman (R)  
Rep. Shiell Anderson (R)  
Rep. Joe Barnett (R)  
Rep. Bill Endy (D)  
Rep. Pat Galvin (D)  
Rep. Marian Hanson (R)  
Rep. Vern Keller (R)  
Rep. Don Larson (D)  
Rep. Gary Mason (R)  
Rep. Bill Ryan (D)  
Rep. Wayne Stanford (D)  
Rep. Bill Tash (R)  
Rep. Randy Vogel (R)  
Rep. Tim Whalen (D)

**Members Excused:** David Ewer (D)

**Members Absent:** None

**Staff Present:** Valencia Lane, Legislative Council  
Kimberlee Greenough, Committee Secretary

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

##### **Committee Business Summary:**

Hearing: HB 294, HB 337, SB 135  
Executive Action: SB 135, HB 337, HB 294

#### **HEARING ON HB 294**

##### **Opening Statement by Sponsor:**

REP. DON LARSON, HD 65, Seeley Lake, stated HB 294 is a bill requested by the Department of Transportation. The intent of the bill is to reduce the allowable maximum weight on axles equipped with single tires. The reason for developing this legislation is highway safety and preserving our highways.

**Proponents' Testimony:**

David Galt, Motor Carrier Services Division, Department of Transportation spoke in favor of HB 294. EXHIBIT 1 He also stated the department wishes to amend this bill. EXHIBIT 2

James A. Walther, Department of Transportation stated that he is in favor of HB 294. There are three studies which have been done on the stress factor on highways. He said that the stress on the pavement is due to temperature and weight. We have to focus our attention on the weight. One study indicates wide-base single tires are significantly more damaging to pavement than dual tires; wide-base singles tires are 2.8 times more damaging.

Carl Schweitzer, Montana Contractors Association, stated that one of the concerns with HB 294 is the timing. The amendments take care of the Association's concern and will give members of the Association time enough to take care of capital investments and meet the requirements of this bill.

Glenna Wortman-Obie, Public Relations and Safety Director, AAA Montana Auto Club, stated that she has reviewed this legislation with the national association and they see nothing that would pose any threat to Montana's motorist if this bill is enacted. She stated the Montana AAA supports this legislation.

**Opponents' Testimony:**

Ben Havdahl, Montana Motor Carriers Association stated the Association opposes HB 294. EXHIBIT 3

Jim Dixon, Dixon Brothers, Inc., Wyoming, stated that he opposes this bill. He indicated it is poor timing for the bill because of so many other things going on; increased fuel taxes; workers' compensation rates increasing, and other employee benefits; there are too many expenses now. It would cost approximately \$4,800 to retrofit each trailer. He also stated that there are some safety aspects to this bill and requested the committee consider these aspects during their deliberations.

**Questions From Committee Members and Responses:**

REP. VOGEL asked if Mr. Galt could tell him, beyond a shadow of a doubt, if these are the trucks that cause the rutting. Mr. Galt said he could not, however the department does feel that single tires contribute heavily to the rutting problem.

REP. GALVIN asked Mr. Galt to explain Mr. Dixon's statement about the road showing different rutting patterns. Mr. Galt stated he could not explain those things but there are people present who can. Mr. Walther explained there are many different sections of highway and many projects for testing. Also, there are different conditions for different sections of highways with temperature and conditions varying from area to area.

REP. GALVIN asked for an explanation for the trailer swinging one way or the other and jackknifing. Mr. Walther said he was not qualified to answer that question. He indicated there is a large safety concern with rutted pavements, especially when wet.

REP. TASH asked Mr. Dixon if, with his experience in trucking in two states, he saw any substantial differences in load restrictions. He also asked if the roads were better in Wyoming than Montana. Mr. Dixon stated that all of the states have a problem with rutting and doesn't believe one states' roads are better than another.

REP. GALVIN asked if, before single tires, there was a rutting problem similar to what is happening now. Mr. Barnard replied yes, and it is getting worse.

REP. ANDERSON asked how they came up with the figure 450 rather than 500 pounds per inch. Mr. Galt stated there were two studies done and originally it was 508 pounds per tire inch, however, 500 pounds per tire inch is too high.

REP. VOGEL asked about the effective date. Mr. Galt stated he would like to amend the bill to make the effective date January 1, 1995. EXHIBIT 2

REP. ENDY asked if buses contribute to the rutting problem. Mr. Galt stated that buses are usually not overweight and, therefore not a problem.

Closing by Sponsor:

REP. LARSON said that in Montana any gas tax raises approximately \$5 million. Montana is the fourth largest state in the United States with many miles of highway to maintain. Therefore, we need to purchase the best possible paving materials and do as much as possible about the things that deteriorate our highways. He thanked the committee for its time and recommended a do pass vote on HB 294.

HEARING ON HB 337

Opening Statement by Sponsor:

REP. DAVE BROWN, HD 72, Butte, stated that HB 337 creates, for a fee, a temporary use permit for off-highway vehicles for out-of-state users. People have come to him and said that they could not get permits for non-resident friends. This bill will allow non-resident individuals to get a temporary permit for off-road vehicles. REP. BROWN also stated that the bill needed to have amendments. The money earned from these fees would go to the enforcement, with 50% going to education for off-highway vehicles.

Proponents' Testimony:

Linda Ellison, Montana Trail Vehicle Riders Association, stated the Association is in favor of this bill. EXHIBIT 5

Doug Abelin, Montana Trail Vehicles Association, stated that this is a good bill which has merit and recommends a do pass vote.

Opponents' Testimony: None.

Questions From Committee Members and Responses:

REP. ENDY asked how long the temporary use permit would be. Ms. Ellison stated the temporary permit for snowmobiles is 30 days in length. The reason for the calendar year is for convenience so they will not have to make several stops.

REP. LARSON stated if a Montana boater took his boat to Idaho a sticker would need to be purchased before the boat is put in the water. Ms. Ellison replied that boats were not considered off-road vehicles.

REP. VOGEL asked how much money would be raised from this bill. REP. BROWN answered that the department estimated \$3,000 would be raised. He, however, believes it will be more like \$1,500 to \$2,000.

REP. VOGEL, noting that 50% of the fine will be used for off-road education, asked who would administer the education. REP. BROWN stated Fish, Wildlife, and Parks will administer it under the trail program established two years ago.

REP. VOGEL asked if the other 50% would go to enforcement. REP. BROWN stated yes, it would help cover costs.

CHAIRMAN CLARK asked where people are going to get these forms. Mr. Walker answered it would be from Fish, Wildlife and Parks game wardens.

Closing by Sponsor:

REP. BROWN, in closing, stated the bill is fairly straightforward and he would appreciate serious consideration by the committee.

HEARING ON SB 135Opening Statement by Sponsor:

SEN. KENNETH MESAROS, SD 21 Cascade, stated that SB 135 is straightforward, dealing with intersection left-hand turns. Current law states if you are in the center of an intersection when the light turns red you are in violation. This bill will delete this language from the statutes and will facilitate those who have been caught in an intersection attempting a left-hand

turn when the light turns red. It is a very simple change in the law.

Proponents' Testimony:

Tom Barnard, Department of Transportation, stated the Department is in favor of SB 135. EXHIBITS 6 AND 7

Opponents' Testimony: None.

Questions From Committee Members and Responses:

REP. GALVIN stated that he walks in the crosswalk while traffic is turning and has nearly been hit a half dozen times. Mr. Barnard stated that the pedestrian has the right-of-way.

REP. GALVIN stated that in the bill the pedestrian may not enter until the pedestrian can do so safely, without interfering with any vehicular traffic. Mr. Barnard stated he is not sure of the background behind that line of the bill. If a pedestrian is in a marked crosswalk or at an unmarked intersection, the pedestrian has the right-of-way.

Closing by Sponsor:

SEN. MESAROS stated that this is a simple bill and urged the committee's favorable consideration.

RECOMMENDATION FOR COMMITTEE BILL

Motion: REP. VOGEL MOVED FOR A COMMITTEE BILL.

Discussion: CHAIRMAN CLARK explained the petition. EXHIBIT 8

Vote: Motion CARRIED unanimously.

EXECUTIVE ACTION ON SB 135

Motion/Vote: REP. MOVED SB 135 BE CONCURRED IN. Motion CARRIED unanimously.

EXECUTIVE ACTION ON HB 337

Motion: REP. WHALEN MOVED HB 337 DO PASS.

Motion/Vote: REP. VOGEL MOVED TO ADOPT THE AMENDMENTS. Motion CARRIED unanimously. EXHIBIT 9

Motion/Vote: REP. STANFORD MOVED HB 337 DO PASS AS AMENDED. Motion CARRIED unanimously.

EXECUTIVE ACTION ON HB 294

Motion: REP. LARSON MOVED HB 294 DO PASS.

**Motion/Vote:** REP. LARSON MOVED TO ADOPT THE AMENDMENTS. EXHIBIT 2 Motion CARRIED unanimously.

**Discussion:** Ms. Lane explained the Montana Motor Carriers' Association amendments. The amendments would increase the pounds per square inch limit to 500 pounds instead of 450 pounds.

CHAIRMAN CLARK questioned the 500 pounds instead of the 450 pounds per square inch of tire. Mr. Galt responded that the department would prefer 450 pounds per square inch.

REP. LARSON stated that the whole point of the legislation is to get away from the tracking on the highways; to discourage single tire usage.

REP. VOGEL stated that he is not convinced single tires are causing the problem. He said there has always been a rutting problem and always will be. Many of the problems are caused by the type of paving materials used. He stated that the steering axle in front has 600 pounds per inch.

REP. WHALEN said that in southeastern Montana the only material the highway department has to work with is SCORIA. The popcorn seal put on top of it is to help wear and tear. He stated that he is not in favor of the 500 pounds per square inch.

REP. ANDERSON asked if the chip trucks were causing much of the single tire rutting damage. Mr. Galt stated that chip trucks are below the 450 pounds per square inch.

REP. GALVIN said that according to the highway department single tires rut twice as bad as duals in various tests. The rutting problem is worse than it used to be.

**Motion/Vote:** REP. VOGEL MADE A SUBSTITUTE MOTION TO ADOPT THE MONTANA MOTOR CARRIERS' AMENDMENTS. Motion FAILED with CHAIRMAN CLARK, REPS. VOGEL, ANDERSON, and TASH voting yes.

**Motion/Vote:** REP. WHALEN MOVED HB 294 DO PASS AS AMENDED. Motion CARRIED with CHAIRMAN CLARK, REPS. VOGEL, ANDERSON, and TASH voting no.

ADJOURNMENT

Adjournment: 4:45 p.m.

Robert C. Clark  
ROBERT C. CLARK, Chairman

Kim S. Greenough  
KIMBERLEE GREENOUGH, Secretary  
*by Shirley Herrin*

RC/kg

HOUSE OF REPRESENTATIVES  
HIGHWAYS AND TRANSPORTATION COMMITTEE

ROLL CALL

DATE

Feb. 1, 1993

| NAME                            | PRESENT | ABSENT | EXCUSED |
|---------------------------------|---------|--------|---------|
| REP. KARYL WINSLOW - VICE CHAIR | ✓       |        |         |
| REP. SHIELL ANDERSON            | ✓       |        |         |
| REP. JOE BARNETT                | ✓       |        |         |
| REP. BILL ENDY                  | ✓       |        |         |
| REP. DAVID EWER                 |         |        | ✓       |
| REP. PAT GALVIN - VICE CHAIR    | ✓       |        |         |
| REP. MARIAN HANSON              | ✓       |        |         |
| REP. VERN KELLER                | ✓       |        |         |
| REP. DON LARSON                 | ✓       |        |         |
| REP. GARY MASON                 | ✓       |        |         |
| REP. BILL RYAN                  | ✓       |        |         |
| REP. WAYNE STANFORD             | ✓       |        |         |
| REP. BILL TASH                  | ✓       |        |         |
| REP. RANDY VOGEL                | ✓       |        |         |
| REP. TIM WHALEN                 | ✓       |        |         |
| CHAIR BOB CLARK                 | ✓       |        |         |
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|                                 |         |        |         |



HOUSE STANDING COMMITTEE REPORT

February 2, 1993

Page 1 of 1

Mr. Speaker: We, the committee on Highways and Transportation report that House Bill 294 (first reading copy -- white) do pass as amended .

Signed: Robert C. Clark  
Robert C. Clark, Chair

And, that such amendments read:

1. Title, line 11.

Strike: "AND"

Following: second "MCA"

Insert: "; AND PROVIDING A DELAYED EFFECTIVE DATE"

2. Page 26, line 14.

Following: line 13

Insert: "NEW SECTION. Section 17. Effective date. [This act] is effective January 1, 1995."

-END-

Committee Vote:  
Yes 11, No 1.

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HOUSE STANDING COMMITTEE REPORT

February 2, 1993

Page 1 of 1

Mr. Speaker: We, the committee on Highways and Transportation report that House Bill 337 (first reading copy -- white) do pass as amended .

Signed: Robert C. Clark  
Robert C. Clark, Chair

And, that such amendments read:

1. Page 1, line 20.

Strike: "justice"

Insert: "fish, wildlife, and parks"

2. Page 2, line 23.

Following: "\$100."

Insert: "All fines collected under this section must be transmitted to the state treasurer, who shall deposit the money in the account created under 23-2-804(3). Fifty percent of this money and the interest earned on it must be used for off-highway vehicle safety and education. The remaining 50% of the money and the interest earned on it must be used for enforcement."

-END-

Committee Vote:  
Yes ☐ No ☐

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HOUSE STANDING COMMITTEE REPORT

February 2, 1993

Page 1 of 1

Mr. Speaker: We, the committee on Highways and Transportation report that Senate Bill 135 (third reading copy -- blue) be concurred in .

Signed: Robert C. Clark  
Robert C. Clark, Chair

Carried by: Rep. Wiseman

EXHIBIT 1

DATE 2-1-93

#B 294

HOUSE BILL 294

SPONSORED BY: REP. LARSON

TESTIMONY SUBMITTED BY: DAVID A. GALT, ADMINISTRATOR  
MOTOR CARRIER SERVICES DIVISION

DATE: FEBRUARY 1, 1993

I APPEAR BEFORE YOUR COMMITTEE TO URGE SUPPORT FOR HOUSE BILL 294. THE DEPARTMENT OF TRANSPORTATION HAS REQUESTED THIS BILL WHICH IS DESIGNED TO LIMIT THE APPLICATION OF SINGLE TIRES ON HEAVY VEHICLES.

VEHICLE WEIGHT IN MONTANA IS LIMITED IN SEVERAL WAYS.

1. SINGLE AXLES ARE LIMITED TO 20,000 POUNDS
2. TANDEM AXLES ARE LIMITED TO 34,000 POUNDS
3. GROSS WEIGHT IS LIMITED BY THE BRIDGE FORMULA WHICH LOOKS AT THE NUMBER AXLES AND THE DISTANCE BETWEEN THEM
4. NO TIRE CAN EXCEED 600 POUNDS PER INCH OF TIRE WIDTH.

HOUSE BILL 294 DOES NOT EFFECT THE FIRST THREE WEIGHT CONTROLS I JUST MENTIONED. WHAT HOUSE BILL 294 DOES IS REQUIRE THAT ANY AXLE OVER 10,000 POUNDS BE EQUIPPED WITH 4 TIRES. IN LIEU OF FOUR TIRES A CARRIER MAY CHOOSE TO USE SINGLE WIDE BASE TIRES AND THE INCH OF TIRE WIDTH IS LIMITED TO 450 POUNDS.

SINGLE TIRES ARE CURRENTLY IN USE IN SEVERAL APPLICATIONS. MANY TRUCKS UTILIZE EXTRA AXLES TO INCREASE THEIR OVERALL WEIGHT. MOST OF THESE AXLES USE SINGLE TIRES BUT ARE UNDER 10,000 POUNDS GROSS WEIGHT... THESE WOULD NOT BE EFFECTED. MANY CHIP TRUCKS USE FOUR AXLE TRAILERS EQUIPPED WITH SINGLE WIDE BASE TIRES. BECAUSE OF BRIDGE FORMULA CONSTRAINTS THESE TRAILERS WOULD NOT BE EFFECTED

BY HOUSE BILL 294. MANY CARRIERS USE THREE AXLE TRAILERS EQUIPPED WITH SINGLE TIRES. HOUSE BILL 294 WOULD NOT EFFECT THESE EITHER, IF THEY USED AT LEAST A 16 INCH SINGLE TIRE

**WHAT HB 294 DOES EFFECT:**

SOME CARRIERS HAVE ELECTED TO SINGLE OUT DUAL TIRE AXLES TO REDUCE THEIR TARE WEIGHT AND INCREASE THEIR PAYLOAD. MOST OF THESE CARRIERS WILL BE REQUIRED TO REPLACE THE TIRES THEY REMOVED OR UTILIZE WIDE BASE SINGLE TIRES. A FEW CARRIERS HAVE ELECTED TO USE SINGLE TIRES ON SINGLE AXLES ON PUP TRAILERS. WE DO NOT BELIEVE THIS IS A SAFE PRACTICE AND THIS BILL WILL SEVERELY LIMIT THAT USE.

SEVERAL OF OUR NEIGHBORING STATES HAVE SEEN A HUGH INCREASE IN THE APPLICATION OF SINGLE TIRES. TESTS HAVE INDICATED THAT SINGLE TIRES CAUSE SEVERAL TIMES THE ROAD DAMAGE THAT DUAL TIRES CAUSE. THIS BILL WILL FORCE A FEW CARRIERS TO MODIFY THEIR EQUIPMENT BUT WILL CONTINUE TO ALLOW MUCH OF THE SPECIAL EQUIPMENT CURRENTLY IN OPERATION. MONTANA HAS NOT YET EXPERIENCED THE INCREASE IN USE OF SINGLE TIRES IN TANDEM AND SINGLE TIRES. WE HOPE TO PASS THIS LEGISLATION BEFORE THEIR USE IS WIDESPREAD AND INDUSTRY'S COST OF CONVERSION IS TOO GREAT.

THIS IS A CONTROVERSIAL ISSUE BECAUSE WE ARE REDUCING AN ALLOWED WEIGHT LIMIT. RATHER THAN THROW TO MANY NUMBERS AT YOU I WILL CONCLUDE MY TESTIMONY. PLEASE CONSIDER THE FOLLOWING TESTIMONY VERY CAREFULLY AND THE DEPARTMENT WOULD BE GLAD TO ANSWER ANY OF YOUR QUESTIONS.

HB 294-1-93 2

DEPARTMENT OF TRANSPORTATION'S AMENDMENTS TO HB0294

Title, Line 11,

Following: "61-10-210, HCA;"

Strike: "and"

Following: "61-10-105, HCA.

Strike: "."

Insert: ", "

Following: ", "

Insert: "and providing an effective date."

Page 26, Line 14,

NEW SECTION. Section 17. Effective date. [This act] is effective January 1, 1995.

Statement to House Highways and Transportation Committee  
HB - 294 - Date submitted February 1, 1993  
by Ben Havdahl, Executive Vice President  
Montana Motor Carriers Association

Mr. Chairman. Members of the Committee. For the record I am Ben Havdahl representing the Montana Motor Carriers Association.

MMCA is appearing as an opponent on HB 294, not because we are opposed to what HB 294 is trying to accomplish, but to offer suggestions to modify the bill. We support reasonable controls against potential abusive practices that could result in highway pavement damage. MMCA stated its policy to this Committee supporting protection against possible highway damage from illegal weights in testimony on the HB 41, the "seed potato" bill.

We do feel, however, that the control proposed in HB 294 is restrictive and goes beyond what has been determined by other western states to be reasonably necessary to control the problem.

As you have heard, HB 294 would require all axles in a truck combination carrying over 10,000 pounds, to have four tires, with the exception of the steering axle on the vehicle. It does provide for use of "single" tires if they are wide based tires with a nominal width of 14 inches or more, however the gross weight that can be carried on each tire, cannot exceed 450 pounds per inch of tire width.

MMCA's problem with the bill is with the changing of the 600 pound standard that has been law in Montana for many years, to the more restrictive 450 pounds per inch of tire width. The change is in effect a 25% more restrictive standard that could result in the lessening of a gross weight payload a particular configuration will be allowed to carry. The bottom line would be negatively affected for a given carrier.

Certain motor carriers have converted trailer equipment to single tires and have done so making the capital investment in complete compliance with the existing statutory standard for tire width. The practice of using single tires, primarily on trailers by a for hire motor carrier in the State, is not a common or widespread practice. Some carriers hauling dry and wet bulky commodities such as wood chips and petroleum are using single tires. Some of those have switched to the wide based tires ranging in size from 14 to 16 and 1/2 inch tires. Others are using standard 10 inch and 11 inch single tires together on tandem axles.

The requirement for changing would have an additional negative economic impact on those carriers. The current draft of the bill would make it effective October 1, 1993, requiring an unreasonable time frame and would make conversion of equipment difficult and costly. MMCA would support an amendment establishing the latest possible effective date.

The standard established for single tire usage by a special sub-committee of the Western Association of Highways and Transportation Officials (WASHTO) is 500 pounds. The WASHTO committee, seeking to adopt a guide for uniform laws and regulations governing truck size and weight in 17 western states, approved a recommendation establishing the tire standard at 500 pounds per inch of tire width at its December, 1992 meeting.

Montana is a member of that study committee and has recognized the uniformity effort by adopting in the 1991 Legislative session, all the WASHTO uniformity standards except this one. Why Montana feels compelled to set a more restrictive standard when the 16 other states involved in achieving uniformity, agree on 500 pounds, is a question we don't have an answer to. We are especially concerned when the more restrictive standard imposes undue economic difficulties.

We have attached to this statement the page dealing with the tire width recommendation from WASHTO's "Guide for Uniform Laws and Regulations Governing Truck Size and Weight Among WASHTO States." As you can see, the original standard proposed and the explanation for its proposal is stated. The final number of 500 pounds was adopted as a WASHTO recommendation.

MMCA would respectfully urge the committee to adopt an amendment that would extend the effective date of HB 294 to January 1, 1996 and that the 450 pounds per inch of tire width standard be amended to 500 pounds per inch as currently recommended by WASHTO's uniformity committee.

Mr. Jim Dixon, Dixon Brothers Inc., a bulk petroleum transporter with extensive operations in Montana, is here to testify on HB 294. I would cite his operation as an example of the inequity that HB 294 will create in its actual application. The attached sketch pictures two combinations that transport liquid petroleum products, one liquid asphalt the other gasoline.

Under HB 294 an axle load of 10,000 pounds or less is not precluded from having single standard tires. The liquid asphalt unit in the sketch with single tires on the second trailer could be exempt because the axles on the second trailer are exactly 10,000 pounds each. However, the gasoline unit's second trailer would be precluded from using single standard tires because of being over the 10,000 pound exemption by just a few hundred pounds, 100 on the first axle and 800 on the second.

The example points out the practical problem in the application of HB 294. About half the fleet of trucks would be exempt and the other half would be precluded from operating as they are now operating.

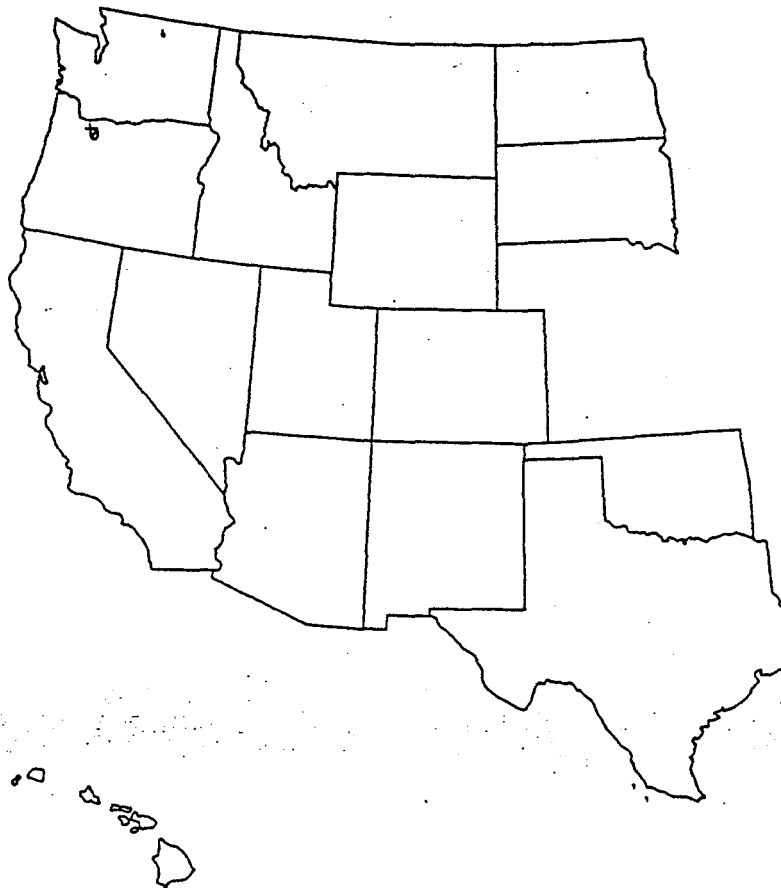
Thank you.



GUIDE FOR UNIFORM LAWS AND  
REGULATIONS GOVERNING TRUCK  
SIZE AND WEIGHT AMONG THE  
WASHTO STATES



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ALASKA  
ARIZONA  
CALIFORNIA  
COLORADO  
HAWAII  
IDAHO  
MONTANA  
NEVADA  
NEW MEXICO  
NORTH DAKOTA  
OKLAHOMA  
OREGON  
SOUTH DAKOTA  
TEXAS  
UTAH  
WASHINGTON  
WYOMING

Approved by WASHTO Policy Committee.

April 6, 1990

EXHIBIT 3  
DATE 2/1/93  
HB 294

## 2.05 MAXIMUM WEIGHTS

### 2.05.1

The maximum load per tire measured by pounds per inch of tire width shall be:

|                 |           |
|-----------------|-----------|
| Steering Axle   | 600 lb/in |
| All other Axles | 508 lb/in |

*The recommended 508 lb./in. of tire width for axles other than steering axles is based on a commonly used metric wide base single tire size of 425/65R22.5, which at 508 lb./in. of rated width (425 mm = 16.73 inches) allows tandem axle weights of approximately 34,000 lbs.*

*The 508 lb./in. reflects the growing concern about industry's gradual conversion to super single tires. An even greater concern is caused by some operators that have converted to single tire axles by removing the inside wheel of dual wheel axles (singled-out duals) without conversion to wide base tires.*

*These recommended values for individual tire loads are intended to address the problem of extensive rutting which is occurring in asphaltic concrete (AC) pavements regionwide. However, more research into the causes and prevention of severe rutting of AC pavements is needed.*

### 2.05.2

Axle and Gross Weights: The maximum single axle weight shall be 20,000 pounds. The maximum tandem axle weight shall be 34,000 pounds. The maximum gross weight of a vehicle or combination of vehicles computed in accordance with 2.05.3, shall be 80,000 pounds.

### 2.05.3

Axle Group Weights: The total gross weight in pounds imposed on the highway by any group of two or more consecutive axles on a vehicle or combination of vehicles, shall not exceed the values computed by federal bridge formula "B" as follows:

$$W = 500 ((LN/N-1)+12N+36)$$

Where: W = Maximum weight in pounds carried on any group of two or more axles computed to the nearest 500 pounds.

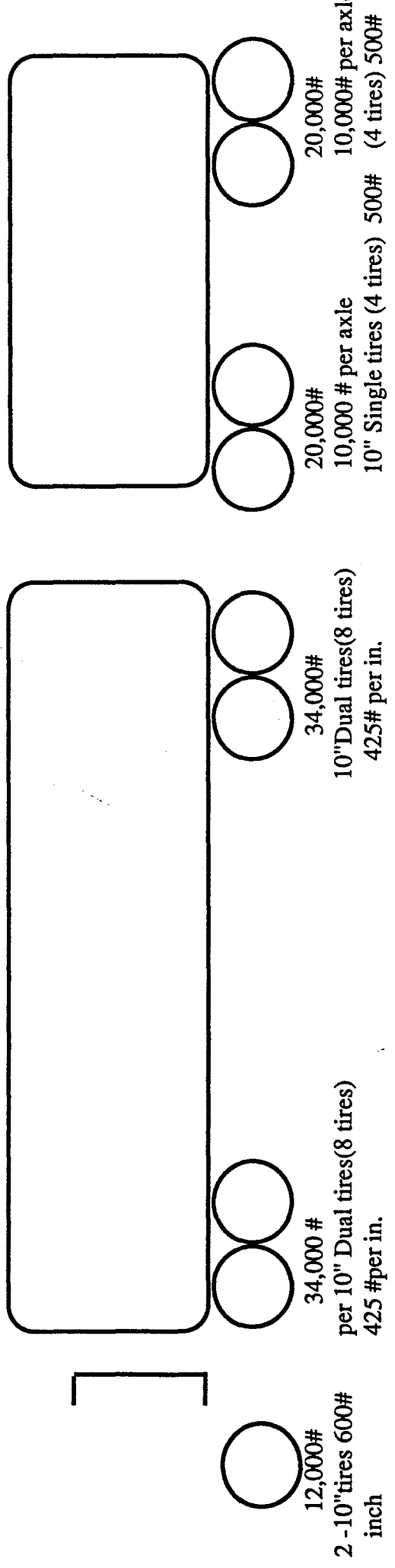
L = Distance in feet between the extremities of any group of two or more consecutive axles.

N = Number of axles in the group under consideration.

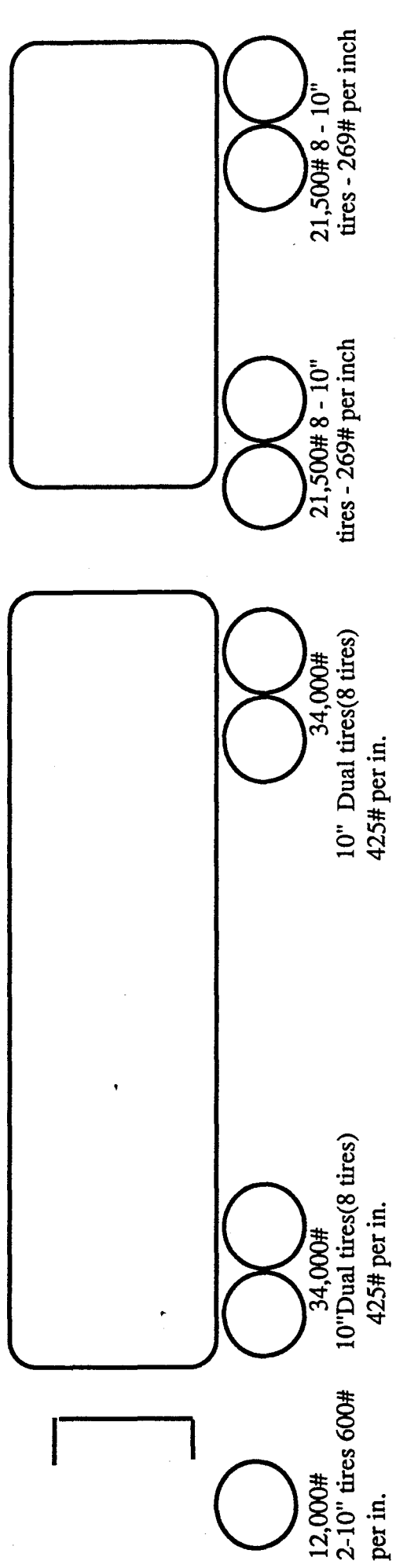
Exceptions to the axle group weights specified above which are federally mandated should be provided for by individual state code.

DATE 2-1-93  
HB 294

**Liquid Asphalt Units 91feet 8 1/2inches overall length 120,000# Gross Weight**



**Liquid Asphalt Units 91 feet 8 1/2 inches overall length 123,000# Gross Weight**



## MONTANA TRAIL VEHICLE RIDERS ASSN.

Linda Y. Ellison                      Land Use Coordinator  
3301 W. Babcock                      Bozeman, MT 59715  
(406) 587-4505

February 1, 1993

### Testimony

Before the House Highways Committee  
Regarding  
House Bill 337

MTVRA is a member supported non-profit organization working to provide recreation opportunities for trail motorcycle and all-terrain vehicle owners in Montana.

Mr. Chairman, the intent of this legislation is to plug a hole in the current statute. That is not to say that this is a bandaaid measure, for there is an important omission that needs to be addressed.

The current law states that "all OHVs used for recreation on public lands must be registered." That is interpreted to mean that: if a non-resident vehicle is not registered or licensed in it's home state, to qualify for our 30 day exemption, it needs to be registered in Montana, and the problem is that we have not provided a mechanism by which to accomplish that.

Thirteen states do not have registration programs, including our neighbors, Wyoming and S. Dakota. Many of these machines find their way to Montana during the hunting season as well as during our normal riding season, particularly from Wyoming.

Few are the courthouses that are open on the weekend, and not many riders travel with machine titles, or other proofs of purchase readily available.

This legislation provides the necessary documentation and at the descretion of the department, local vendors available at more appropriate times. Please note the amendment, p. 1, line 20. This was a proofing error on my part, resulting from unclear instructions to the drafter. The department of Fish, Wildlife, and Parks should be the authority rather than Justice in order to utilize their license vendors.

I would ask you to note the seeming discrepancy between the title and our request that the permit be valid for the calendar year: p. 2, line 7. This is a technical convenience provided the department which would allow them to cut administrative costs by using the

same non-resident sticker as they issue for the snowmobile program, with a checkoff box to denote the difference.

There is really no accurate way to estimate the number of non-resident machines that will be affected by this legislation. We do know that this will not be a big money maker item. We set the decal price at the same rate Montana riders "pay into" the program. It is not our intent to gouge anyone's pocketbook, only to have everyone pay a fairshare and to make the system user friendly.

The sole intent is to create a mechanism by which unregistered non-resident riders can comply with Montana law.

Testimony on Senate Bill 135

by

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

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.

Bob Walker

EXHIBIT 7  
DATE 2-1-93  
SB 337

Bill No. HB 337

Description of Proposed Legislation:

A bill, which adds two new Sections to Title 23, Chapter 2, Part 8, Off-Highway Vehicles, which creates a nonresident temporary-use permit for off-highway vehicles and provides for a fee.

Assumptions:

1) The Fish, Wildlife and Parks Enforcement Division has written 12 citations for nonresident non-registration since 1987. However, they estimate as many as 100 warnings per year have been communicated to violators.

2) The U. S. Forest Service, Region 1 Office has not kept records identifying the number of citations written or warnings given for off-highway vehicle nonresident non-registration but estimates no less than 50 warnings per year on each national forest in Montana for a total of 500.

Fiscal Impact:

Minimum income per year from nonresident off-highway permits should be \$3,000.

Affect on County or Other Local Revenue or Expenditures:

No writing fee is included in this bill. Therefore, those locations prescribed by the Department of Justice to issue these permits will absorb the administrative costs of issuing permits.

Long Range Effects of Proposed Legislation:

Continued income to Montana of no less than \$3,000 per year and an unknown quantity from increased tourism from nonresident off-highway vehicle riders.

Technical or Mechanical Defects or Conflicts With Existing Legislation:

Brown  
and  
Smith  
New Section 1 (6) establishes a fine for failure to display the permit but does not identify to which account or for what purposes these fees are to be used. To coincide with 23-2-807, the bill should include, "All fines collected under this section must be transmitted to the state treasurer, who shall deposit the money in the account created under 23-2-804(3). Fifty percent of this money and the interest earned on it must be used for off-highway vehicle safety and education. The remaining 50% of the money and the interest earned on it must be used for enforcement."



*Samuel  
Resolution  
Dennis*

*Bob Clark: 1-30-93  
I would like to handle his  
resolution introduced thru  
Highways Commission.*

*Thanks  
Pat*

PETITION FOR HIGHWAY DESIGNATION

EXHIBIT 8

DATE 2-1-93

request for Comm.  
EBell

WHEREAS CHARLES MARION RUSSELL, pre-eminent western artist, is celebrated for his historic portrayals of the west, and having strong ties to the Judith Basin of Central Montana, the setting for many of his paintings; where he spent his early cowboy-artist days with Jake Hoover; joined in the Judith Basin round-ups; and colorfully captured the western epic with paintings of buffalos and native americans, mountain men, Stanford and Utica, and the cattle round-ups;

Whereas there is a growing interest and fascination with western history both nationally and internationally, and US 87 crosses the heart of Judith Basin and Russell country, connecting the CM Russell Museum in Great Falls with historic Lewistown, providing outstanding opportunities to experience the west as it is now and as it was;

Whereas there is significant local interest in preserving and interpreting the rich history of this area and in developing responsible tourism to help diversify local economies and provide satisfying experiences for our visitors;

Whereas there are numerous attractions of interest to local residents and visitors alike including museums in Utica, Stanford, Belt, Lewistown and Great Falls, expansive vistas of the country Russell so well portrayed, Square Butte, background of several Russell paintings, Hoover Cabin, Russell Point, Yogo Town, the white wolf in Stanford, et al;

Amendments to House Bill No. 337  
First Reading Copy

For the Committee on Highways

Prepared by Valencia Lane  
February 1, 1993

EXHIBIT  
DATE 2-1-93  
HB 337

1. Page 1, line 20.

Strike: "justice"

Insert: "fish, wildlife, and parks"

2. Page 2, line 23.

Following: "\$100."

Insert: "All fines collected under this section must be transmitted to the state treasurer, who shall deposit the money in the account created under 23-2-804(3). Fifty percent of this money and the interest earned on it must be used for off-highway vehicle safety and education. The remaining 50% of the money and the interest earned on it must be used for enforcement."

Amendments to House Bill No. 294  
First Reading Copy

For the Committee on Highways

Prepared by Valencia Lane  
February 1, 1993

EXHIBIT 10  
DATE 2-1-93  
SB 294

1. Title, line 11.

Strike: "AND"

Following: second "MCA"

Insert: "; AND PROVIDING A DELAYED EFFECTIVE DATE"

2. Page 26, line 14.

Following: line 13

Insert: "NEW SECTION. Section 17. {standard} Effective date.

[This act] is effective January 1, 1995."

HOUSE OF REPRESENTATIVES  
VISITOR'S REGISTER

SB135

Highway

COMMITTEE

BILL NO.

HB294 &

DATE 2-1-93

SPONSOR(S) Rep. Larson, Rep. Brown

HB337

Sen. Mesaros

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

| NAME AND ADDRESS      | REPRESENTING                       | SUPPORT | OPPOSE |
|-----------------------|------------------------------------|---------|--------|
| DAVID GALT            | MDT HB294                          | ✓       |        |
| DAVE BROWN            | State Rep. - sponsor HB337         | ✓       |        |
| Carl Schweitzer       | Mont Cond Assoc                    | ✓ HB294 |        |
| Jinda Ellison         | MT Trail Vehicle Riders Assn HB337 | ✓       |        |
| Pat Enloe             | Capital Trail Vehicle Assn         | ✓       |        |
| James A. Walther      | MDT HB294                          | ✓       |        |
| Lyn Dixon             | Dixon Bros Inc                     |         | Amey ✓ |
| Ben Hardson           | Mont Motor Carriers Assn           |         | Amey ✓ |
| Doug Abelen           | MT TRAIL VEHICLES ASSN HB337       | ✓       |        |
| Bob Walker            | FW + P HB337                       | ✓       |        |
| Glenna Wortman - Obie | HB294                              | ✓       |        |
| Tom Bernard           | Mont. Dept. of Transp. SB135       | ✓       |        |
|                       |                                    |         |        |
|                       |                                    |         |        |

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