

MINUTES

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

COMMITTEE ON HIGHWAYS & TRANSPORTATION

Call to Order: By CHAIRMAN ROBERT CLARK, on February 10, 1993,
at 3:30 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: Rep. 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: SB 198
Executive Action: HB 233, SB 198

REQUEST FOR COMMITTEE BILL

CHAIRMAN CLARK stated there was a request for a committee bill
and asked Doug Abelin to explain the request.

Doug Abelin explained the request for a committee bill. EXHIBIT
1

HEARING ON SB 198Opening Statement by Sponsor:

SEN. CECIL WEEDING, Senate District 14, Jordan, stated SB 198 was requested by the Department of Transportation. SB 198 is an act revising the laws relating to the highway system and allocation of federal-aid highway funds by the Highway Commission. The new law has become necessary since we switched from the old highway funding program into the new Immobile Service Transportation and Efficiency Act (ISTEA) in 1991. Some sections of the old bill are no longer applicable and this bill will put the Department of Transportation into compliance.

Proponents' Testimony:

Jim Leck, Montana Department of Transportation, stated he recommends a Be Concurred In vote on SB 198.

Stephen C. Kologi, Montana Department of Transportation, stated the department needs to figure out how to divide this money on a project by project basis. The goal is to get by with as little change as possible.

REP. LARSON stated he supports SB 198.

Opponents' Testimony: None.

Informational Testimony: None.

Questions From Committee Members and Responses:

REP. VOGEL asked someone to clarify why the date is July 1, 1976 on this bill. Mr. Leck answered it is an existing law and is put in as a precaution.

REP. ENDY asked if this bill passed, would Montana receive more federal money. Mr. Leck stated no, this bill is a mechanism which describes the processes the commission must follow in allocating the federal aid funds which are received.

REP. ENDY stated his county commissioner told him not to pass any bills that were going to cost the counties money. Mr. Leck said that during the Senate meeting the counties sent word they were in favor of this bill.

REP. ENDY asked if the county can designate roads and are they allowed to receive more help from the state. This bill is not going to help the counties. Mr. Leck stated there is an existing law which states if there is a county road that needs funding the county can come to the commission and request a particular stretch of road be placed on the secondary system. Then it is up to the discretion of the highway commission.

REP. WINSLOW asked if Mr. Leck could explain the orphan plan. Mr. Leck stated the orphan plan is sections of road that are old pieces of primary road where the function was replaced by the interstate system. When the federal government froze the maintenance responsibility in 1977, the stated ended up with the responsibility on these particular pieces of road and which is why they were called orphan roads.

REP. WINSLOW asked how the orphan roads fit into this bill. Mr. Leck stated the orphan roads will be designated state highways.

REP. WINSLOW also asked how these orphan roads will receive maintenance. Mr. Leck replied the state already maintains them and cannot use federal aid funds on orphan roads.

REP. TASH asked if an orphan road can be designated a scenic highway. Mr. Kologi stated the roads being discussed are designated scenic highways by the forest service and are functionally classified as major collectors. The county could put it on the secondary system, but this would not create any more money for the counties.

REP. TASH also asked if there was anyway to prioritize these monies better. Mr. Kologi stated trying to get money on the right jobs, at the right time is a problem.

Closing by Sponsor:

SEN. WEEDING stated the Montana Motor Carriers are in favor of this bill and there were no opponents to the bill in the senate meeting. This is a good system, however, it is something that can be changed if there are problems in the future. He recommends a Be Concurred In vote on this bill.

EXECUTIVE ACTION ON HB 233

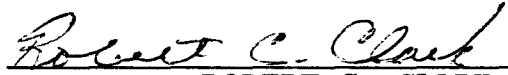
Motion/Vote: REP. VOGEL MOVED HB 233 DO PASS. Motion carried unanimously.

EXECUTIVE ACTION ON SB 198

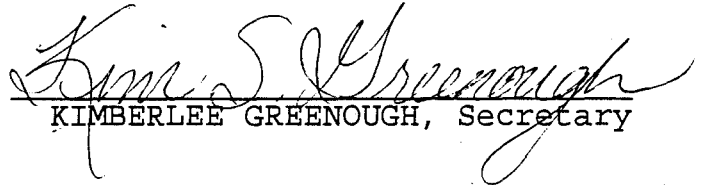
Motion/Vote: REP. MASON MOVED SB 198 BE CONCURRED IN. Motion carried unanimously.

ADJOURNMENT

Adjournment: 4:35 p.m.



ROBERT C. CLARK, Chair



KIMBERLEE GREENOUGH, Secretary

RC/kg

HOUSE OF REPRESENTATIVES
HIGHWAYS AND TRANSPORTATION COMMITTEE

ROLL CALL

DATE Feb. 10, 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	✓		

HOUSE STANDING COMMITTEE REPORT

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Mr. Speaker: We, the committee on Highways and Transportation
report that House Bill 233 (first reading copy -- white) do
pass .

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

Committee Vote:
Yes / No

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HOUSE STANDING COMMITTEE REPORT

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Mr. Speaker: We, the committee on Highways and Transportation report that Senate Bill 198 (third reading copy -- blue) be concurred in and be placed on consent calendar.

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

Carried by: Rep. Larson

EXHIBIT 1
DATE 2-10-93
HB Com. Bill

Section 1. To amend Montana code Title 61-8-111 to read:

"State Laws Applicable on Forest Development Roads, *Maintenance Level 3 or greater-Enforcement*

Forest Development Roads, *Maintenance Level 3 or greater*, within the state, whether or not they meet the definition of a public highway by the laws of this state, are subject to the traffic laws of this state, and the Montana Highway Patrol and county sheriffs of this state shall have jurisdiction thereon to investigate accidents and enforce Montana traffic laws.

Exceptions to this regulation for Off Highway Vehicle (OHV) use may be permitted at the discretion and determination of the United States Forest Service whenever the following conditions are met:

- (a) *the exception is authorized by the Forest Supervisor*
- (b) *the exception is properly signed*
- (c) *the OHV has a valid registration decal*
- (d) *the OHV and operation thereof complies with 36 CFR 261.13*
- (e) *unlicensed OHV operators must be accompanied by a licensed, responsible adult."*

Section 2 OHV CROSSINGS OF PUBLIC ROADS

An OHV may make a direct crossing of a public road whenever such crossing is necessary to get to another authorized area of operation. Such crossing shall be made at an angle of approximately 90 degrees to the direction of traffic at a place where no obstruction prevents a quick and safe crossing. The OHV shall make a complete stop before entering upon any part of the traffic way, and the operator shall yield the right-of-way to all oncoming traffic.

Section 3. OHV OPERATOR RESPONSIBILITIES

- (1) An OHV shall accept all legal responsibility for injury or damage of any kind to the extent that the injury or damage results from risks inherent in the sport of OHV use, and has the duty to regulate personal conduct at all times so that injury to self or other persons or property that results

from the risks inherent in the sport of OHV operation is avoided.

- (2) Risks inherent in the sport of OHV operation include variations in terrain, surface or subsurface conditions, crevices, ravines, streams, poor visibility, rocks, trees, other forms of forest growth or debris, and any other natural hazard.
- (3) An OHV operator is responsible for:
 - (a) knowing the range of the operator's ability to navigate any slope, trail, or area for OHV use within the limits of the operator's ability considering the conditions;
 - (b) maintaining control of speed and course at all times while operating the OHV;
 - (c) heeding all posted warnings; and
 - (d) refraining from acting in a manner that may cause or contribute to the injury of anyone.
- (4) The provisions of this section do not affect a products liability cause of action based upon the design or manufacture of OHV equipment or products or safety equipment used incidental to the operation of an OHV.

Section 4. EFFECTIVE DATE

This act is effective upon passage and approval.

Section 5. DEFINITIONS

"Maintenance Level" as defined in the United States Forest Service Handbook 7709.15, section 12.2.

HOUSE OF REPRESENTATIVES
VISITOR'S REGISTER

House Highways

COMMITTEE

BILL NO. 38198

DATE 2-10-93

SPONSOR(S) Senator Uledina

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

[illegible]

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