

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 53rd LEGISLATURE - REGULAR SESSION

COMMITTEE ON HIGHWAYS & TRANSPORTATION

Call to Order: By CHAIRMAN ROBERT CLARK, on February 12, 1993,
at 3:18 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: HB 565, HB 530, HB 533
Executive Action: HB 15, HB 172, HB 565

HEARING ON HB 565

Opening Statement by Sponsor:

REP. DIANA WYATT, HD 37, Great Falls, stated HB 565 is a bill to designate the Charlie Russell Trail from Great Falls to Lewistown. It will involve Highway 87 and Montana 200. This will support much economic growth and advocate for service support on highway improvements for this particular route.

Proponents' Testimony:

Nancy Korizek, Marketing Director, Travel Montana, Department of Commerce, stated the Department supports this bill and encourages the committee to do the same.

REP. PAT GALVIN, HD 40, Great Falls, said he would like to go on record in support of HB 565.

REP. BILL RYAN, HD 38, Great Falls, stated he would like to go on record in support of HB 565.

REP. VERN KELLER, HD 83, Fishtail, said he would like to go on record in support of HB 565.

Opponents' Testimony: None.

Closing by Sponsor:

REP. WYATT, closed by encouraging the committee's support.

HEARING ON HB 530Opening Statement by Sponsor:

REP. WILBUR SPRING, HD 77, Belgrade, stated HB 530 will allow the Department of Transportation to issue special permits for certain vehicle combinations. He also stated he would let the proponents further explain the bill.

Proponents' Testimony:

Jerry Noble, Great Falls, explained language to be deleted, indicating it was specifically language in the last two paragraphs dealing with certain types of equipment. EXHIBIT 1

David Galt, Administrator, Motor Carriers Service Division, Department of Transportation, stated this bill is the result of several pieces of legislation which have created a loophole in the system. In 1987 triple combinations were authorized to operate in Montana. In that legislation, triples were described as either a truck-trailer-trailer, or truck/tractor/semi-trailer with two more trailers behind. These triples are allowed on the interstates. At that time no one realized that certain commodity carriers in southwest Montana had been using truck-trailer-trailer combinations for fifteen years on primary and secondary highway systems. The highway department chose at that time not to address the situation. However, in 1990 the department received many phone calls regarding this situation. In the last session, legislation was passed which authorized only those carriers who were in operation prior to 1987 to continue operating truck-trailer-trailer combinations at 95 feet. This created a disadvantage to those operators who could not operate

this equipment. HB 530 would allow everyone to run these vehicles under the same conditions. These vehicles are not heavier or larger than any others operating now. EXHIBIT 1

Bill Ogle, Kenyon-Noble Ready Mix, Bozeman, stated they were one of the firms that applied for the use of truck-trailer-trailer combinations for hauling construction materials, primarily sand and gravel. The firm was "grandfathered" out of the bill last session and were told to cease hauling with these combinations. At the same time one of their largest competitors, who had operated for some fifteen years with this type of combination, continued operation in our market area, and in fact, expanded into our local area. Due to this disadvantage, we reduced our fleet to the size required by law and had a loss of approximately \$20,000. He requested the committee give HB 530 a do pass vote.

Ben Havdahl, Montana Motor Carriers' Association, stated the Association supports HB 530. EXHIBIT 2

Carl Switzer, Montana Contractors' Association, stated the Association would like to go on record in support of HB 530.

Opponents' Testimony:

John Manzer, Representative of the Teamsters Union, stated he is here to oppose HB 530 for the Teamsters. They believe that, by opening all roads to these vehicles, problems could be created. The concern of the union is the 95 foot limit on some roads. It creates a hazard on the road. He requested the committee to please look at this carefully and address this concern.

Questions From Committee Members and Responses:

REP. LARSON said he was concerned about the 95 foot configuration on primary and secondary highways. Mr. Galt stated he doesn't know about the safety on those highways.

REP. LARSON asked Mr. Ogle to explain any other operations which might use these combinations besides sand and gravel. Mr. Ogle stated he had seen units similar to these in the agriculture business, however, these are used primarily for sand and gravel.

REP. BARNETT stated, on page six of the bill, the portion to be deleted is the truck-trailer-trailer combinations can operate on designated routes only prior to 1987. He asked how the company person that moved into Mr. Ogle's area was able to operate. Mr. Galt stated that it was an error in judgement when the bill was drafted.

REP. BARNETT asked if Mr. Galt had ever considered having someone carry legislation to remove those people who were grandfathered in, rather than expanding in the direction requested. Mr. Galt stated that the department had not considered that particular legislation, however, this bill could be amended to do so.

REP. WINSLOW asked why we don't just run trains down the highway. There are some specific roads where these combinations are not acceptable and she asked Mr. Galt to make the department's position clear on this. Mr. Galt stated that the department's position is basically neutral, however, it would like to have the unfair business advantage removed. There are two ways to do that. These vehicles do not exceed any length currently on the roads. The position of the department would be to either allow these combinations to operate on all roads or take one more sentence out of the bill and prohibit these truck-trailer-trailers on the roads.

REP. LARSON asked if we pass this bill, aren't we opening this up to other tractor-trailer-trailer combinations. Mr. Galt replied yes. REP. LARSON also asked if this will affect the Integrated Service Transportation Efficiency Act (ISTEA) funding. Mr. Galt answered that he is not familiar with ISTEA funding, however, is familiar with that piece of ISTEA. What that piece of ISTEA did was to put a freeze on the configuration and size of trucks and prevent the state from allowing an increase of these vehicles after June 1, 1991. To the best of his knowledge they were not route specific, and this combination was in operation prior to ISTEA deadlines.

REP. MASON asked if Mr. Galt could explain the difference between pulling these two trailers with a truck versus pulling a semi-pup-pup combination, which one tracks better, and which one turns better. Mr. Galt stated that he could answer based on his experience not his engineering abilities, because he is not an engineer. A semi with a 53 foot lead trailer pulling a 20 foot pup trailer, would have poor traction and would require more distance to make the turn. EXHIBIT 1

REP. MASON asked if this combination would be safer on the secondary highways than the semi-trailer. Mr. Galt stated he could not answer that question because he has no accident data for this particular vehicle combination.

REP. ANDERSON asked Mr. Manzer if the Teamsters were concerned with safety, did he know of any particular accidents involving these vehicles. Mr. Manzer stated no, however, the limited operation of these vehicles involving our members raises the issue that driving on certain roads in Montana with a triple vehicle has disadvantages, i.e., problems moving in confined areas, especially on narrow roads. The longer the vehicle to be controlled, the greater the possibility for fishtailing.

REP. ANDERSON asked if these concerns were based on facts. Mr. Manzer replied no.

REP. VOGEL asked if, when triple trailers first came to Montana four years ago, didn't the Teamsters strongly oppose them for two reasons, safety and job security. Mr. Manzer replied that in 1986 the Teamsters supported triple trailers on interstate

highways and were concerned with the jobs that would be lost.

REP. VOGEL stated that about a year ago he checked the accident rate on triple trailers. At that time there had only been five accidents, none had any injuries, and all appeared to be the fault of the other driver. He asked if those numbers have changed since then. Col. Robert Griffith, Chief, Highway Patrol Division, Department of Justice, stated no, the picture is about the same.

REP. WINSLOW asked if there was a process for the public to come to the Department of Transportation to protest against triple trailers. Mr. Galt answered no.

REP. TASH asked if there were any feelings about amending this bill to eliminate the title and the inclusion upon all highways. REP SPRING stated as far as he is concerned no.

REP. TASH asked Mr. Noble what his feelings would be on amending this bill. Mr. Noble replied this is a sand and gravel carrier and very few of these operate off the interstate.

REP. LARSON asked what is the length of a standard tractor-trailer configuration. Mr. Galt answered up to 95 feet.

REP. LARSON stated he was concerned with these long vehicles on narrow highways, especially when you are trying to pass and one is coming toward you. He asked Col. Griffith if he thought the safety record is applicable to secondary and primary highways. Col. Griffith replied, probably not.

REP. VOGEL asked if Mr. Manzer had any idea how many jobs would be lost if this bill were to become law. Mr. Manzer stated he had no idea.

Closing by Sponsor:

REP. SPRING, in closing, stated that on the safety issue there were no statistics provided. The grandfather clause is causing an unfair situation for haulers who are not able to use these triple combinations. Those present have done a good job explaining this bill. Trucking is a highly competitive business and if a company can save a nickel it helps. He urged the committee give this bill a do pass recommendation without amendments.

HEARING ON HB 533

Opening Statement by Sponsor:

REP. ERVIN DAVIS, HD 53, Charlo, stated that HB 533 is introduced on behalf his constituents. The bill states that habitual motor vehicle offender conviction points accumulated while driving

under a commercial motor vehicle operator's endorsement do not apply to any other license or endorsement. It also provides that points accumulated while driving under all other licenses and endorsements combined apply to each of those licenses and endorsements but do not apply to a commercial motor vehicle operator's endorsement.

Proponents' Testimony:

Homer Seibert, Ronan, holder of a Commercial Drivers License (CDL), said he does not have a problem with the point system and anyone who is reckless enough or unconcerned enough to accumulate 30 points should be penalized. Currently, if a person is holding a CDL and receives a Driving Under the Influence (DUI) in his personal vehicle, it goes on their Montana driving record. In a commercial capacity a person would be driving thousands of miles a year and in my 47 years of driving commercially, I never received a ticket or any violation in a commercial vehicle. He said he does not feel that this is a fair condition that your personal record goes on your CDL.

Opponents' Testimony:

Ron Ashabraner, State Farm Insurance, said State Farm opposes HB 533. In order to continue an effective underwriting program, the insurer must preserve the right to place applicants and insurers in groups according to the probability of accident involvement. Careful drivers expect careless drivers to pay for insurance. All drivers are subject to some risk of having an accident. The risk varies on how they use their cars and other factors. In a recent study in the state of Iowa, two-thirds of the highway drivers received no traffic tickets and nearly 84% were not involved in accidents in a five-year period. It was found that a strong correlation existed between the number of tickets received and the likelihood of an accident. The study showed that among drivers who had no traffic tickets, fewer than 10% had a traffic accident; for those who had two or three convictions, the accident rate was 33%; and for those with four or more tickets the accident rate was 49%. The passage of HB 533 would serve to subsidize the careless driver at the expense of the careful driver.

Peter Funk, Assistant Attorney General, Motor Vehicle Division, Montana Department of Justice, said that his agency accumulates driver points and takes away driver's licenses when people have reached a certain point total and number of convictions. The department believes it is virtually incomprehensible that a persons driving record and driving behavior, given the fact that they are in the occupation of driving commercial motor vehicles, would be separate.

Dean Roberts, Department of Transportation, Motor Vehicle Division, said this bill is bad public policy. The legislative intent of the habitual offender law is to establish criteria and

procedures for dealing with persons who have demonstrated their apparent indifference for the safety and welfare of others, and disrespect for the laws of this state and it's political subdivisions. If there is an accident due to negligence, and through the investigation it is discovered the driver had already lost one license, the public would be outraged. He urged the committee to kill this bill before it kills other people.

Questions From Committee Members and Responses:

REP. WHALEN said it was his understanding that the bill only applies to points. Mr. Roberts replied that is correct.

REP. WHALEN stated if you get a DUI you loose your license anyway. He asked if possibly the bill could be amended not to include DUI. Mr. Roberts said the sanctions for trucks are much more severe and don't have anything to do with the habitual offender points. Most of the time when you are talking about habitual offenders you are talking about DUI's.

REP. LARSON asked Mr. Ashabraner if he would have the ability to separate the violations between commercial vehicles and personal vehicles. Mr. Ashabraner replied that the company runs a motor vehicle record check and the reports have a coding on them which our people in underwriting know how to read. There is probably a way to distinguish between commercial and personal vehicles, however, he is unsure of how to do it.

Closing by Sponsor:

REP. DAVIS stated, in closing, that this issue appears to need more discussion and believes any committee action should be postponed until additional information is received. He requested the committee look at the intent of the bill and perhaps, after the additional information is received, it could be amended.

EXECUTIVE ACTION ON HB 15

Motion/Vote: REP. LARSON MOVED HB 15 BE TABLED. Motion CARRIED unanimously.

EXECUTIVE ACTION ON HB 172

Motion/Vote: REP. HANSON MOVED HB 172 BE TABLED. Motion CARRIED unanimously.

EXECUTIVE ACTION ON HB 565

Motion: REPRESENTATIVE STANFORD MOVED HB 565 DO PASS. Motion CARRIED unanimously.

FURTHER DISCUSSION ON HB 530

REP. MASON stated that triples have more stability than some of

the trucks on the road now.

REP. LARSON said he is concerned with triples on the primary and secondary highways. There would be a safety problem and damage to the roads. We could possibly amend this bill.

REP. ANDERSON stated we should pass this bill without amendments. If we allow triple trailers there would be fewer trips and the safety factor would go down. He indicated there are no weight violations with these vehicles and are no recorded safety problems.

REP. TASH stated he opposes HB 530 because safety is a big concern.

REP. VOGEL said that all semi drivers run over curbs and signs. He feels that jobs will be lost and the Teamsters Union is trying to cover up that fact with the safety factor. He suggests a do pass on this bill.

REP. WINSLOW stated that she has a orphan highway in her district that coal haulers use. There have been several complaints filed because it is unsafe and damages the road.

REP. STANFORD stated these roads weren't designed for trucks they were designed for the citizens. Passing these triple-trailer combinations is difficult and unsafe.

REP. WINSLOW stated this is a serious issue and the primary and secondary roads would be at risk to these large combinations. There is a fairness issue which must be addressed. She suggested an amendment to strike section 7 and make it fair to the competitors.

REP. MASON stated he is against REP. WINSLOW'S suggestion to strike section 7 because it will put people out of work.

CHAIRMAN CLARK stated that if a driver breaks the 55 mile per hour speed limit two times the truck is parked. He also said that he is not happy about these trucks. It frightens him to put these on our highways.

CHAIRMAN CLARK suggested the committee hold executive action on this bill until further information is received.

ADJOURNMENT

Adjournment:

Robert C. Clark

ROBERT C. CLARK, Chair

Kimberlee Greenough

KIMBERLEE GREENOUGH, Secretary

by Shirley Herwin

RC/kg

HOUSE OF REPRESENTATIVES
HIGHWAYS AND TRANSPORTATION COMMITTEE

ROLL CALL

DATE Feb. 12, 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

February 15, 1993

Page 1 of 1

Mr. Speaker: We, the committee on Highways and Transportation report that House Bill 565 (first reading copy -- white) do pass and be placed on consent calendar.

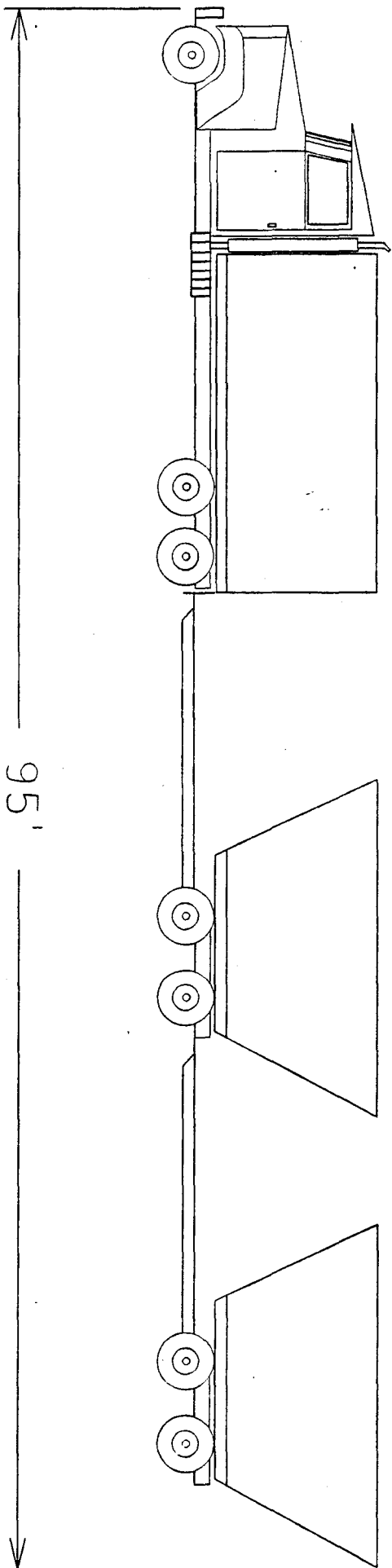
Signed: Robert C. Clark
Robert C. Clark, Chair

Committee Vote:
Yes 14, No 3.

3710346C.FRR

TRUCK - TRAILER - TRAILER

EXHIBIT
DATE 2-12-93
HB 5:00



Statement to House Highways and Transportation Committee
HB 530 - Date submitted: February 12, 1993
Ben Havdahl, Montana Motor Carriers Association

Mr. Chairman. Members of the Committee. For the record I am Ben Havdahl, representing the Montana Motor Carriers Association. MMCA has some 440 motor carrier members including several ready mix, sand and gravel haulers.

MMCA supports the passage of HB 530. The policy of the Association is for the continued support of allowing legally permitted vehicle combinations to operate on our highways when they compliance with existing size and weight statutes.

The situation being addressed in HB 530 is a result of the action by the 1991 Legislature creating a "monopoly", if you will" for operation of a truck trailer, trailer vehicle combination. The particular combination is a unique one in that its use has been limited to the transportation of gravel.

Under SB297 in the last session, only those carriers operating the particular combination of a truck, trailer, trailer under 95 feet overall length prior to July 1, 1987.

The purpose of SB 297 proposed by the Department of Highways, was to limit the operation of that particular vehicle combination.

The passage of SB 297 gave an unfair economic advantage to those sand and gravel haulers that met the "time test" in that bill.

For those carriers, not operating the equipment prior to July 1, 1987 who are attempting to compete with those granted the permitting privilege, they are finding that cannot do so and want fair and equal treatment.

These carriers trying to compete are limited to a truck and one trailer combination while the selected few carriers have the advantage of operating a truck and two trailers. Obviously there is a significant economic advantage.

I do not feel that the Legislature intended to create a situation that has caused an economic disadvantage among carriers that are competing with each other.

MMCA supports HB 530 to rectify the unfair policy passed by this body under SB 297. Thank you.

HOUSE OF REPRESENTATIVES
VISITOR'S REGISTER

House Highway COMMITTEE BILL NO. HB 530, 533, 534
DATE 2-12-93 SPONSOR(S) Wyatt, Spring
PLEASE PRINT PLEASE PRINT PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
²⁰³⁻⁵⁴⁴⁻⁵⁶ H. Homer Seibert Ranch, MO	H.B. 533	✓	
JERRY Noble	HB 530	✓	
Dean Roberts - motor Vehicle Division	HB 533		✓
BILL OGLE 1104 N. ROUSE RD.	KENYON-NOBLE HB 530	✓	
R. Robinson	State Farm Ins 533		✓
Peter Fumb	Dept of Justice HB 533		✓
Jim ELLIS	L & C County		✓
Ben Howard	MT Motor Carriers Assn	HB 530 ✓	
DAVE GALT	MDT HB 530 New Area		
Greg Van Housen	State Farm Ins. Co. HB 533		✓
Nancy Korizek	Travel Promotion, DEPT 505	✓	
John Manzer	Teamsters HB 530	HB 530 ✓	

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