

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 53rd LEGISLATURE - REGULAR SESSION

COMMITTEE ON HIGHWAYS & TRANSPORTATION

Call to Order: By CHAIRMAN ROBERT CLARK, on February 15, 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: Rep. David Ewer (D)

Members Absent: None.

Staff Present: Connie Erickson, Legislative Council
Kimberlee Greenough, Committee Secretary

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

Committee Business Summary:

Hearing: HB 478, HB 541, HJR 10
Executive Action: HB 533, HB 336, HJR 10, HB 478

HEARING ON HB 478

Opening Statement by Sponsor:

REP. HOWARD TOOLE, HD 60, Missoula, presented HB 478 which was a general revision of the handicapped parking law. There are four main provisions of the bill: 1. It is not a violation of

littering laws to place a notice on vehicles unlawfully occupying handicapped parking spaces. 2. Decals stating penalties will be placed on handicapped parking signs. 3. Permanent handicapped permits will no longer be given out. A time limit of four years will be placed on new permits. 4. The amount of the fines will be increased from \$50 to \$100 for a private vehicle and \$200 for a commercial vehicle.

Proponents' Testimony:

Michael Regner, Advocacy Coordinator, Summit Independent Living Center, Missoula, and State Vice President, State-Wide Coalition of Montanans Concerned with Disabilities, said he had worked with REP. TOOLE in developing the provisions of the bill. He noted the bill would help eliminate problems that had occurred with enforcement of the law regarding handicapped parking. He discussed a Kansas study which found that handicapped parking signs which listed the possible fine had a substantial deterrent effect. He justified the increase in fines mentioning the difficulty with commercial vehicles parking in these spaces. He also explained the need to designate notices as non-littering. Because of the present city ordinances in Missoula, it is now illegal to put a reminder note on a vehicle unlawfully parked in a handicapped space because it is considered littering. He noted that a four-year renewal requirement for the handicapped permit would cut down on abuse of the system.

Paul Peterson, Medicaid Advisory Council, and Chairman, Robert Johnson Foundation Project Advisory Council, endorsed the four-year renewable permits because permits had been stolen in the past. He advocated the increased fines and the warning decals. He said the use of handicapped parking spaces was especially important in winter when lots were snow-filled and ice-covered. He testified to the wide-spread violations by delivery trucks.

LaDonna Fowler, Summit, supported the bill noting its impact on both the handicapped and elderly population.

Dean Roberts, Administrator, Montana Motor Vehicle Division, distributed EXHIBIT 1 which was a copy of the application for a license plate for a handicapped person. He supported the bill with one reservation. He explained that currently, temporary handicapped permits were issued upon the recommendation of a physician. That portion of the bill which had originally given authority to the division to issue temporary permits had been omitted and he asked that it be inserted into the new bill as an amendment.

Randy Johnson, Great Falls, supported the bill and gave his personal perspective from the standpoint of a person with a handicapped relative.

Questions From Committee Members and Responses:

REP. RANDY VOGEL said he had considered introducing a similar bill but would have included private parking lots such as K-Mart or Wal-Mart which are not patrolled frequently. He asked if it would be acceptable to the sponsor to amend the bill to allow the security personnel of private businesses to issue tickets to those illegally parked in handicapped spaces. REP. TOOLE answered that he did not feel such an amendment would be necessary, although he felt it was a good idea. He noted that section three of the bill applied to both private and public property. REP. VOGEL said it was a violation to park in a handicapped space on a private lot without a permit, but the lots were not frequently patrolled by police. He wanted the private security officers to be allowed to write tickets. REP. TOOLE commented that if the committee would like to add that to the bill, he would not be opposed. Mr. Regner said he believed REP. VOGEL's suggestion was a good one.

REP. MARION HANSON asked if it were possible to allow commercial vehicles to use the handicapped parking spaces at night (10 p.m. to 6 a.m.). REP. TOOLE said the law applies 24 hours. He said that allowing commercial vehicles to use the spaces at certain times might present logistical difficulties.

REP. PAT GALVIN asked if there was presently a particular staff person (FTE) who issued the handicapped permits. Mr. Roberts replied no and explained the division wanted the applicability of the four-year renewable license be upon passage so that no additional FTEs would be involved. REP. GALVIN asked why it would cost \$40,000 according to the fiscal note. Mr. Roberts replied that if the four-year renewable license were implemented for all handicapped licenses rather than just for new applications, someone would need to be hired to identify and contact people who had purchased handicapped licenses in the past.

Mr. Peterson responded to an earlier question from REP. HANSON saying disabled people do attend activities between 10 p.m. and 6 a.m. such as performances, restaurants and sports activities.

CHAIRMAN BOB CLARK inquired as to the cost of the decals. Mr. Roberts said that a private operation was going to provide the decals to businesses. Mr. Regner said that another option was to have the state print the decals and sell them to businesses. A third option would be to raise the application fee to cover the cost of the decals.

CHAIRMAN CLARK requested more information concerning the disposition of fines. REP. TOOLE explained that presently the fines would be treated the same as other misdemeanor fines. He said there had been discussion about having some or all of the fine revenue made available to the disabled community, but this was not currently in the bill. CHAIRMAN CLARK said a certain

amount of the fine revenue did make it to the general fund, especially the surcharge. REP. VOGEL explained that if the fines occurred in the county, half of the fine is kept by the Justice of the Peace Court, and the other half is sent to the state. If the fine occurs in the city, then the entire fine is held by the city court. The surcharge would not pertain to this case unless someone wanted to fight one of the fines.

Closing by Sponsor:

REP. TOOLE reiterated the appropriateness of the bill and reminded the committee that if option A of the fiscal note were adopted, language needed to be added to the bill. An amendment was also in order to preserve the ability of the motor vehicle division to issue temporary permits.

HEARING ON HB 541

Opening Statement by Sponsor:

REP. LINDA NELSON, HD 19, Medicine Lake, said the bill authorized counties to create rail authorities for the purpose of preserving rail service. The language in the bill was new and came from Minnesota law, Montana urban transportation law, and the port authority law. She then read the bill explaining various sections which were new or complex. She said there was no fiscal note connected to the bill.

Proponents' Testimony:

Mary Nielsen, Executive Secretary, Association for Branch Line Equality, presented written testimony in support of the bill, EXHIBIT 2, noting the bill would allow counties to work together to keep the heavy traffic on the rails on their branch lines, and give small communities a chance to help themselves. She said it would cost the state nothing.

Robert Fouhy, Representative, County Commissioners of Daniels County, presented written testimony in support of the bill reiterating many of the points made by Ms. Nielsen. EXHIBIT 3

Gordon Kampen, County Commissioner, Sheridan County, stated that there were two main means of transportation in the county, roads and the railroad. He noted that 48 miles of rail had already been lost. He said if more rail lines were lost it would soon become impossible to maintain roads due to increased traffic. The counties need the capacity to ship by rail and the present bill helped the counties maintain the presence of rail service.

Randy Johnson, Executive Vice President, Montana Grain Growers Association, spoke in support of the bill, noting that it would enable counties to form short lines if that became necessary and

would help maintain rail service to small communities.

Questions From Committee Members and Responses:

REP. GALVIN asked if the Canadian wheat farmers travel on the highway to the elevators and if that increased traffic caused roads to breakup in the spring. REP. NELSON responded in the affirmative.

REP. VOGEL asked if section three of page two gave county commissioners the authority to create six-mill levies for this purpose. REP. NELSON said it did, but she was agreeable to having the issue voted on by the residents and amending the bill accordingly. REP. VOGEL asked if this gave the authority for eminent domain. REP. NELSON explained that the eminent domain would not involve taking property from someone else such as Burlington Northern; but could involve taking possession of abandoned property such as the railroad tracks. REP. VOGEL addressed a question to Pat Keim who had not testified. He asked Mr. Keim for his position on the section of the bill concerning eminent domain. Mr. Keim responded that his company had not yet taken a position on the bill.

REP. TIM WHALEN asked the section of the bill which specifically gave a county or regional rail authority permission to take over abandoned property of a railroad company. REP. NELSON noted it was in subsection three of section ten. REP. WHALEN asked Leo Barry if there was something in this bill or in other statutes which allowed these authorities to maintain interchanges with Burlington Northern and Rail Link. Mr. Barry, attorney, for Burlington Northern, said there were statutes which regulate interchanges between railroads. The bill creates a rail authority and the statutes would apply to it.

REP. SHIELL ANDERSON asked if the intent of the bill was to have the rail authorities operate the rail lines. REP. NELSON replied that the bill would allow the rail authority to find a short-line operator. It would not run the railway itself. REP. ANDERSON asked if the millage would be used to keep the right-of-way open and maintain the railroad. REP. NELSON said that a six-mill levy would not generate much money, and that it would be used for the search for a short line operator, for the paper work involved, etc. REP. ANDERSON asked if the branch lines were being closed because they were operating at a loss. Mr. Keim replied yes.

REP. VOGEL asked if the bill allowed the county to operate a railroad if they chose to do so. He referred to section ten, subsection one. REP. NELSON concurred. REP. VOGEL requested more information on I-105. REP. NELSON explained that the bill contained an exemption for I-105 since currently commissioners could not levy the extra tax.

REP. VERN KELLER requested information on the maintenance of the railways. Mr. Keim said he did not have the figures with him and

could not comply with the request.

CHAIRMAN CLARK asked if passenger traffic had to be mentioned in the bill on line 24 of page one. REP. NELSON said this part of the bill was taken from existing language in the Montana urban transportation law. She said the intent was not to run a passenger train. REP. BARNETT asked if the opposition to the bill focused on breaking of I-105 rather than on the maintaining of rail lines. REP. NELSON stated that the intent of the bill was not to break I-105, there simply was not another way to establish rail authorities without creating the exemption.

Closing by Sponsor:

REP. NELSON presented a letter of support from the Roosevelt County commissioners. EXHIBIT 4 She said the bill would not buy a railroad, nor would it obligate the state for any money to buy a railroad. The bill is intended to help counties find short-line operators to keep rail lines open. Keeping the rail lines open decreased the amount of heavy traffic on highways.

HEARING ON HJR 10

Opening Statement by Sponsor:

REP. BOB GERVAIS, HD 9, Browning, explained that HJR 10 is a resolution asking the Canadian government to keep the entry at Carway open 16 hours a day. He said the American entry station was already staying open 16 hours per day.

Proponents' Testimony:

REP. MARY LOU PETERSON, HD 1, Eureka, said that as trade between Montana and Canada increases, it will be to Montana's advantage to ease the flow of movement across the border. This bill is a formal request to the Canadians and she supports its passage.

Steve Kologi, Department of Transportation, said his department is in favor of HJR 10. EXHIBIT 5

Questions From Committee Members and Responses:

REP. LARSON asked if the Canadian government wanted to restrict the flow of traffic across the border to decrease shopping in the U.S. by Canadians. REP. GERVAIS said the province of Alberta supported the measure, however, the Canadian government was not supplying funding. He said there was a great deal of flow across the border due to school activities.

REP. BARNETT referred to the suggested additional wording for the

bill from the department of highways and asked if this was the most appropriate place for it. Mr. Kologi answered that he suggested the wording to help the cause of the highway department; however, it did send the Canadians the message that Montana thinks enough of the route to propose it as part of the national highway system.

CHAIRMAN CLARK asked REP. GERVAIS if he would oppose the committee also sending the resolution to the U.S. government because of the new language to be added. REP. GERVAIS said he did not oppose the new language. Ms. Lane said language could be included in the bill directing the secretary of state to send the resolution to whomever the committee wished to send it.

Closing by Sponsor:

REP. GERVAIS thanked the committee for their time and attention.

EXECUTIVE ACTION ON HB 533

Motion: REP. WHALEN MOVED HB 533 DO PASS.

Discussion: CHAIRMAN CLARK distributed written testimony from Ron Ashabraner of State Farm Insurance Company who opposed the bill. In the testimony Mr. Ashabraner stated he had discovered that there had never been a study done in Montana similar to those mentioned in his testimony. Studies in other states indicated that those persons receiving traffic citations were more likely to be in traffic accidents. EXHIBIT 6

REP. MASON said he had a problem with the bill because it was sending the wrong message. REP. ANDERSON said the bill was based on an unjust and bad policy. A person who operates a truck would not lose his commercial driver's license if he were convicted of a DUI while driving his personal vehicle. This was unfair since people who get traffic citations do get into more accidents according to statistical evidence. The bill provided a special privilege for a small group of people.

CHAIRMAN CLARK clarified that the bill covered all traffic violations, not just DUIs. He said that 30 points on a driver's license will result in its loss for three years.

REP. LARSON spoke in favor of the bill noting that the violation history of the driver would still be available on computer. The result of the bill would mean more work for the insurance companies in policing their commercial drivers. It shouldn't shift the premiums to good drivers.

REP. VOGEL read from the bill noting that points on a particular license would not count against another type of license the

person holds. He said the intent seemed to be to beat the system whose purpose was to preserve public safety. He opposed the bill.

REP. ENDY asked how the points were accumulated. REP. VOGEL answered that most moving violations in a city such as running a stop sign was two points; DUI-10 points; and reckless driving was five points. He noted that one could have three reckless driving citations and still be only halfway to the 30 points. Normal drivers were not harmed by the point system.

REP. WAYNE STANFORD asked if the point system was stricter for those with commercial licenses. CHAIRMAN CLARK said that two moving violations on a commercial license in one year will cause its removal; one could still drive a personal vehicle but not a commercial one and the class A rating was removed. The moving violations would have to occur while the person was driving a commercial vehicle in order to lose that license.

CHAIRMAN CLARK spoke against the bill saying that if one does the crime, one does the time. Commercial drivers should abide by the laws the same as everyone else.

Motion: REP. WHALEN moved the following amendment to HB 533 on page two, line six: "points accumulated while driving under a commercial vehicle operator's endorsement except for those obtained as a result of a dui conviction not apply to any other license".

REP. BILL TASH spoke against the amendment saying that the purpose of the bill was to allow drivers to keep their commercial licenses even though they were careless while driving their personal vehicles. He said he believed the bill itself was bad.

Motion/Vote: REP. KARYL WINSLOW MADE A SUBSTITUTE MOTION TO TABLE HB 533. The motion carried 12 to 4 with REPS. WHALEN, STANFORD, ENDY and RYAN opposed.

EXECUTIVE ACTION ON HB 336

Motion: REP. BARNETT MOVED HB 336 DO PASS.

Discussion: REP. STANFORD asked if SB 153 had passed the senate. CHAIRMAN CLARK said yes, however it was not scheduled for a hearing in the house until after transmittal. REP. WHALEN asked what would happen if both the senate and the house passed HB 336 and the house also passed SB 153. Ms. Lane explained there would be no problem as long as the language was identical in the two sections which were amended. REP. WHALEN supported the motion.

REP. TASH asked if there was anything in HB 336 that did something which the senate bill did not. Ms. Lane said no.

Vote: HB 336 DO PASS. Motion carried unanimously.

EXECUTIVE ACTION ON HJR 10

Motion: REP. MASON MOVED HJR 10 DO PASS.

Motion/Vote: REP. VOGEL moved the amendment suggested by mr. Kologi, and also to direct the secretary of state to send copies of hjr 10 to the united states secretary of transportation. EXHIBIT 7 Motion carried 14 to 2 with REPS. ANDERSON and BARNETT opposed.

Motion/Vote: REP. MASON MOVED HJR 10 DO PASS AS AMENDED. Motion carried unanimously.

EXECUTIVE ACTION ON HB 478

Motion: REP. VOGEL HB 478 DO PASS.

Discussion: REP. HANSON noted that the bill would need to be amended to state the effective date. Ms. Lane explained that the department wanted to "grandfather in" existing permits to save money. The four-year limitation would only apply to permits issued after the effective date of the bill. She suggested wording for the bill. EXHIBIT 8.

Motion/Vote: REP. KELLER made a substitute motion to amend HB 478 as proposed in exhibit 8. Motion carried unanimously.

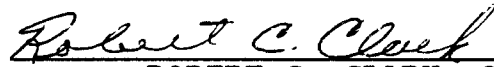
Ms. Lane explained that Mr. Roberts requested language be added to the bill allowing the division to issue temporary handicapped permits.

Motion/Vote: REP. MASON made a substitute motion to amend HB 478. EXHIBIT 8. The motion carried unanimously.

Motion/Vote: REP. VOGEL MOVED HB 478 DO PASS AS AMENDED. The motion carried unanimously.

ADJOURNMENT

Adjournment: 5:15 p.m.



ROBERT C. CLARK, Chairman



KIMBERLEE GREENOUGH, Secretary

RC/kg

HOUSE OF REPRESENTATIVES
HIGHWAYS AND TRANSPORTATION COMMITTEE

ROLL CALL

DATE Feb. 15, 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 16, 1993

Page 1 of 1

Mr. Speaker: We, the committee on Highways and Transportation report that House Bill 478 (first reading copy -- white) do pass as amended .

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

And, that such amendments read:

1. Title, lines 8 and 9.

Following: "LIMITING" on line 8

Strike: remainder of line 8 through "PERMIT" on line 9

Insert: "NEW PERMITS"

2. Page 5, line 4.

Strike: "A"

Insert: "(1) Except as provided in subsection (2), a"

Following: "on:"

Insert: "on the occurrence of either of the following:"

3. Page 5, line 6.

Following: "physician"

Insert: "(a)"

4. Page 5, line 9.

Following: "exists."

Insert: "(b) certification by a physician that the permittee's physical handicap impairing mobility no longer exists.

(2) A permit issued before October 1, 1993, expires

on:

(a) the death of the permittee; or

(b) certification by a physician that the permittee's physical handicap impairing mobility no longer exists."

--END--

HOUSE STANDING COMMITTEE REPORT

February 16, 1993

Page 1 of 1

Mr. Speaker: We, the committee on Highways and Transportation report that House Joint Resolution 10 (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 24.

Following: line 23

Insert: "WHEREAS, the Montana Department of Transportation is proposing to the Federal Highway Administration that U.S. Highway 89 north of Browning, Montana, be included as part of the National Highway System; and"

2. Page 3, line 4.

Following: second "Service,"

Insert: "the United States Department of Transportation,"

Committee Vote:
Yes , No .

391053SC.Hss

HOUSE STANDING COMMITTEE REPORT

February 16, 1993

Page 1 of 1

Mr. Speaker: We, the committee on Highways and Transportation
report that House Bill 336 (first reading copy -- white) do
pass .

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

Committee Vote:
Yes 14, No 2.

381051SC.Fss

STATE OF MONTANA

DATE

2-15-93

HB

478

APPLICATION FOR SPECIAL PARKING PERMIT OR
LICENSE PLATES FOR A PHYSICALLY HANDICAPPED PERSON**Section 49-4-301 MCA, Special Parking Permits**

The Title and Registration Bureau, Department of Justice, shall issue a special parking permit to a person who:

- (a) has a permanent physical handicap; or
- (b) has a temporary physical handicap that impairs his driving ability or his mobility when not in a motor vehicle to such an extent that he needs to be driven by another person to a destination

A handicapped person may obtain a permit for each vehicle owned by them, excluding commercial vehicles.

The permit may be used in any vehicle in which the permit holder is riding.

Section 61-3-445 MCA, Special License Plates

A motor vehicle owner and resident of this state who is eligible to receive a special parking permit under (a) above may be issued license plates bearing a representation of a wheelchair and three or four consecutive numbers.

The permit shall be prominently displayed in the windshield of the vehicle when the parking privilege is being used by the handicapped person in a vehicle other than the one to which his special license plates are affixed.

Permits expire on the recovery or death of a permittee.

PERMIT FEE \$1.00: Mail with application to the Title and Registration Bureau, 925 Main, Deer Lodge, Montana, 59722

If a permit is lost or mutilated, a replacement may be obtained upon written request and a fee of \$1.00

The special license plates shall be affixed to the vehicle.

Special license plates must be applied for at the county treasurer's office of the county of residence.

If the applicant is applying for special plates and permit, the applicant must first obtain the plates from the county treasurer and then forward this application and \$1.00 to the Title and Registration Bureau to obtain the permit.

If the applicant is applying for only the special plates, the county treasurer shall forward this application to the Registrar's Bureau.

A LICENSED PHYSICIAN MUST COMPLETE THE CERTIFICATION ON THE REVERSE SIDE DESCRIBING THE EXTENT OF THE DISABILITY.

Permit No. _____

Name of Applicant: _____

Address: _____ City or Town: _____

Mailing Address: _____ Zip Code: _____

I am applying for: Special Permit ☐ Special License Plates ☐ Both ☐

Number of permits requested ☐ Replacement Permit ☐

PHYSICIAN'S CERTIFICATION

Name of Applicant: _____

In my opinion, the applicant's mobility is ☐ is not ☐ impaired when not in a motor vehicle.

The disability is: Permanent ☐

Temporary ☐ The applicant would require a parking permit until the
end of _____
Month Year

Nature and extent of disability: _____

I hereby certify that the information given above is true and correct to the best of my knowledge and belief.

Dated this _____ day of _____, 19 _____

PHYSICIAN'S NAME (please type)

PHYSICIAN'S SIGNATURE

ADDRESS

BEFORE THE HOUSE HIGHWAYS & TRANSPORTATION COMMITTEE

HB 541

FEB.15th 1993

EXHIBIT 2
DATE 2-15-93
HB 541

FOR THE RECORD, MY NAME IS MARY NIELSEN, OF PLENTYWOOD.

I AM HERE TO ADDRESS THIS BILL ON BEHALF OF ABLE, THE ASSOCIATION FOR BRANCH LINE EQUALITY.

ABLE SUPPORTS HB 541. I AM THE EXECUTIVE SECRETARY OF THE BRANCH LINE ORGANIZATION, ~~AND~~ HAVE BEEN SINCE ITS INCEPTION IN 1982. I ALSO SERVED AS STATE AND NATIONAL TRANSPORTATION CHMN FOR WIFE FOR 14 YEARS, AND AM A MEMBER OF THE ADVISORY COUNCIL TO THE DEPT. OF TRANSPORTATION IN MONTANA.

WE BELIEVE THIS BILL TO BE A MEANS OF ALLOWING COUNTIES AND COMMUNITIES TO HELP THEMSELVES. IT WILL COST THE STATE NOTHING.

IF INFORMATION FROM THE RAIL INDUSTRY IS TO BE BELIEVED, WE ARE IN DANGER OF LOSING MANY MILES OF BRANCH LINES IN THE STATE. THERE ARE OVER 500 MILES OF THEM IN MONTANA. MAJOR RAILROADS SEEM TO BE LEANING TOWARD BEING MAIN LINE CARRIERS, LEAVING THE BRANCH LINE SERVICE TO EITHER SHORT LINE OPERATORS OR POSSIBLY ABANDONING THEM. HOWEVER, WE PREFER TO KEEP THE BN SERVING THEM IF POSSIBLE, BUT IN ORDER TO REMAIN COMPETITIVE, WE NEED 1/RATES WHICH ALLOW US TO BE COMPETITIVE WITH THE MAIN LINE, AND 2/RAIL CARS.

IN 1983, THE CONGRESS OF THE U.S. HEARD THE STATEMENT "COMPETITION BRINGS LOW RATES, IMPROVED SERVICE, MAXIMUM EFFICIENCY AND ADEQUACY OF EQUIPMENT ...THE ABSENCE OF COMEPTITION ALWAYS LEADS TO THE OPPRESSION OF THE PUBMIC". Sen. Mark Andrews of N.D. made that statement because his state WAS IN DANGER OF LOSING 350 MILES OF BRANCH LINES AT THAT TIME.

ABOUT 93% OF MONTANAS RAIL TRAFFIC WAS HANDLED BY THE BN AT THAT TIME, AND IT IS LIKELY THAT THAT FIGURE IS STILL PRETTY CLOSE TO BEING ACCURATE NOW.

UNFORTUNATELY, WE ARE IN NEED OF MORE EXPERTISE IN THE RAIL DIVISION_ SO I DID NOT KNOW HOW TO FIND OUT IF THAT FIGURE REMAINS ACCURATE.

BECAUSE THE RAIL DIVISION HAS BEEN DECIMATED, THERE IS VERY LITTLE SUPPPORT FOR THE EFFORTS OF SMALL SHIPPERS WHO DO NOT WANT TO HAUL GRAIN TO THE MAIN LINE. WHO WANT TO KEEP THEIR SMALL COMMUNITIES INTACT. WHO UNDERSTAND THAT IT IS BETTER TO KEEP THE HEAVY TRAFFIC ON THE RAILS AND OFF OF THE R.OADS. FOR THOSE WHO ARE INTERESTED, AND WE ALL SHOULD BE, A 400hp TRUCK CAN HAUL A 25ton PAYLOAD USING ONE GALLOWOF FUEL FOR EVERY 4-5 MILES. BUT A TRAIN CAN HAUL AN 1867ton PAYLOAD USING ABOUT 3.1GALLONS PER MILE. THAT MEANS THAT TRUCKS HAVE A 100-125 ton PER GALLON RATIO TO A RATIO OF 604ton MILES PER GALLON ON THE RAILS. PLUS ALL THE DAMAGE TO OUR ROADS.

THE WHOLE REASON FOR THIS BILL IS TO ALLOW COUNTIES TO WORK TOGETHER TO KEEP THE HEAVY TRAFFIC ON THE RAILS ON THEIR BRANCH LINES, AND GIVE THE COMMUNITIES ~~THEMSELVES~~ A CHANCE TO HELP THEMSELVES.

THE ORIGINAL VERSION OF THE ISTAE LAW - INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT OF 1992- HAD WITHIN IT SOME FUNDING FOR THIS SORT OF SITUATION, - TO ASSIST BRANCH LINES WITH PROBLEMS IN AREAS WHERE IT WAS DEEMED NECESSARY.

UNFORTUNATELY, IN ITS FINAL VERSION THAT PORTION WAS OMITTED, ALTHOUGH FUNDING WAS MADE AVAILABLE FOR WALKWAYS AND BICYCLE PATHS ETC.ETC.

UNDER THE LAW, THE RAILROADS CAN ADJUST WEIR RATES TO REMAIN COMPETITIVE IN AREAS WHERE THERE IS COMPETITION. IN OUR STATE, THEY ADJUST THEM TO BRING THE TRAFFIC TO THE MAIN LINE. AND FOR MANY, THAT MEANS AN ADDITIONA MILEAGE OF 50 MILES OR MORE. ADDITIONAL TIME, AND ADDITIONAL EXPENSE. BUT, THE GRAIN IS NOT GOING TO MOVE UNTIL THAT RAILROAD MOVES IT IN MOST INSTAN CES.

THE BAINVILLE TO OPHEIM BRANCH LINE WHICH IS THE AREA THAT ABLE IS CONCERNED WITH, RECENTLY LOST THE 48 MILES FROM SCOBEE TO OPHEIM IN SPITE OF THE FACT THAT THE COMMUNITIES INVOLVED TRIED TO HELP THEMSELVES BY RAISING ENOUGH MONEY, AND WRITING ENOUGH PROTESTS, TO GET AN ICC ADMINISTRATIVE LAW JUDGE TO A HEARING IN OPHEIM. HIS RULING IN THEIR FAVOR WAS OVERTURNED BY THE ICC, AND THE APPELLATE COURT UPHELD THAT RULING. NOW FARMERS OF THAT AREA HAVE AT LEAST ANOTHER 50 MILES TO TRAVEL TO A RAILROAD. IN ADDITION TO THAT, THE ROADS ARE BEING TRAVELLED BY MANY HEAVY TRUCKS CARRYING THOUSANDS OF BUSHELS OF FROZEN AND DETERIORATED GRAIN OVER THE ROADS OF FOUR COUNTIES TO REACH TERMINALS ON THE MAIN LINE.

IF WE GET AN EARLY THAW BEFORE THAT TRAFFIC CEASES, ROADS OF THE AREA WILL REALLY BE IN BAD SHAPE. THE HIGHWAY DEPARTMENT COULD NOT HAVE ANTICIPATED SUCH A HEAVY INFLUX OF TRAFFIC BECAUSE OF THE FREE TRADE AGREEMENT BUT IT COULD MEAN SERIOUS PROBLEMS FOR THOSE COUNTIES.

THIS BILL IS JUST TO SIMPLIFY THE LAW SO THAT RESIDENTS WHO ARE TROUBLED BY THE POSSIBILITY OF LOSING THEIR BRANCHLINE CAN SUPPORT THEIR COUNTY COMMISSIONERS AS THEY TRY TO HELP BY FORMING A RAIL AUTHORITY WHICH COULD ACT IN COORDINATION WITH THE STATE RAIL DIVISION IN AN EFFORT TO PRESERVE RAIL SERVICE.

WE CARE DEEPLY ABOUT OUR ROADS AND OUR SMALL TOWNS, AND THIS BILL MAY BE HELPFUL TO BOTH.

WE ASK YOUR SUPPORT OF HB541.

DANIELS COUNTY

SCOBEEY, MONTANA 59263

DATE 2-15-93
541

BEFORE THE HOUSE HIGHWAYS AND TRANSPORTATION COMMITTEE HOUSE BILL 541

February 15th, 1993

My name is Robert Fouhy and I am here to speak in favor of House Bill 541. I am representing the County Commissioners of Daniels County, who would very much like to be here themselves, but Commissioner Nieskens just returned to Scobey from Helena, and all of them have to be down here for a MACO meeting next week. The distance involved is about 1000 miles round trip.

Daniels, Valley, Sheridan and Roosevelt counties discussed the possibility of forming a Rail Authority last year because of our fear of losing a 148 mile branch line which serves all of our counties.

Presently, the State laws do not address the problems which are being realized because of rail abandonments. The State Rail Division advised us to organize under the portion of the Law which refers to an Urban Transit Authority. HB 541 is adapted from the Minnesota law, which has been helpful in that state.

It is a simple law, meant to make it possible for local counties and those involved with situations such as abandonments to try to help themselves. Any financing involved would be strictly up to the local voters.

Daniels County did try to get the voters to allow us to form an Authority last year, but it was difficult to explain it, and the State law that we were using allowed the Authority to ask for up to 12 mills levy.

This is a County which is being adversely affected by two very serious problems. 1) We have more State Lands than any other county(?) therefore less tax base, and 2) the ICC have already allowed the abandonment of the 48 miles of rail line from Scobey to Opheim. And Burlington Northern is our largest taxpayer. Peerless School District, rated one of the highest academically in the State, is especially threatened. Some students there already have to travel 25 miles to get to the school, and if this school is closed, they will have to travel another 20 miles to Scobey School.

Three years ago, the residents of the area fought hard to protect their roads and their schools by protesting the abandonment procedure with their money for legal assistance. Earlier farmers of the area paid for the line to be brought up from Scobey to Opheim in 1925, but now, because the ICC overruled the Administrative Law Court Judge who held a hearing in Opheim, the line is abandoned.

Daniels County and its neighboring counties need to be able to continue to try and help themselves, and the Rail Authority is one way that it may be possible to do it.

We want to try anything to keep service on our rails, and off of our long roads. Farmers at Opheim (in Valley County) have to haul grain 50 miles in either direction to get to rail service. Presently, a great deal of heavy traffic is moving over our roads from Canada down to Wolf Point with grain.

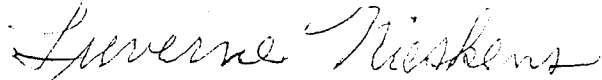
We believe that when people try to help themselves, it is up to the counties and the State to help in any way it can, and that is why this County is most supportive of keeping a Rail Division that has staff with expertise to assist with these problems.

We urge your support of this Bill - it will cost the State nothing, but will allow efforts to be made on the local level.

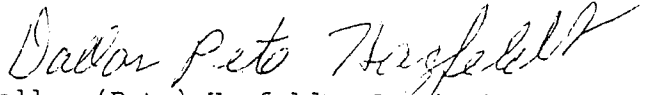
BOARD OF COUNTY COMMISSIONERS
Daniels County, Montana



C. William Tande, Chairman



Luverne Nieskens, Commissioner



Dallas (Pete) Hagfeldt, Commissioner

TO ALL COUNTY COMMISSIONERS IN COUNTIES WHERE THERE IS A RAIL BRANCH LINE:

We recently lost our fight to keep service over the rails from Scobey to Opheim, a portion of the Bainville to Opheim line. Local producers and shippers supported the effort with funds and certified statements to the ICC. This resulted in a Judge holding hearings in Opheim two years ago. He ruled in our favor, taking into account the tremendous community support for keeping the traffic on the rails and off of our roads. Opheim shipments now have 50 miles to a rail terminal, either to Scobey or to the main line. This was a costly procedure!

Last year, the rates were changed by the BN to make it more profitable for the shippers to drive the distance--if you don't take their time into account! Or the road impact!

We are aware that the philosophy of the railroad is to get short line operators to acquire the branch lines, or they will be served without repairs until such time that they are abandoned; which is what happened to our line. It became too costly for them to rehabilitate it, which is why the ICC overruled our Judge, and allowed them to abandon it.

Our attorney then took the ruling to the 9th District Court of Appeals. They eventually upheld the ICC decision.

However, the effort made a lot of difference to the counties, because as long as the line was in place, the BN had to pay the taxes on it, so that we benefitted for two years.

The reason we are writing you is to tell you that we were helped in our efforts by the Rail Division (then in the DOC) staff. This staff was deliberately depleted during the past three years, and we are among those who are urging that it be reinstated because of the great benefits to the State.

That staff urged the four counties involved to form a Regional Rail Authority, which could be beneficial in assisting to keep rail service on the line. This was done under a section of the law which addressed an "Urban Transit Authority".

HB541 which is sponsored by Rep. Linda Nelson will address this, making it easier to form either a single county Rail Authority, or a Regional Rail Authority, which may be necessary where the line goes through more than one county. No funding is involved.

However, should it be necessary for the Authority to assist an operator with some funding in order to preserve the service, and the communities involved are supportive, the Authority can hold explanatory meetings, and then can assess up to 6 mills, which cannot be assessed without the approval of the voters.

We feel that this is a means for producers and shippers to help themselves. We need to keep rail service where possible in order to keep our roads from speedier deterioration.

When a branch line is abandoned, the railroad no longer has to pay taxes on it as an operating railroad. This has a severe effect on our county, and it could mean that many other counties will be similarly affected.

We urge your wholehearted support of the Rail Authority Bill.

NOTE: Approximately 20 counties contain a branch line, with 523 miles which belongs to Burlington Northern and 222 miles that Montana Rail Link controls.

EXHIBIT 3
DATE 2/15/93
HB 541



COUNTY OF ROOSEVELT
OFFICE OF
COUNTY COMMISSIONERS
WOLF POINT, MONTANA 59201

EXHIBIT 4DATE 2-15-93HB 541

TO: Representative Linda Nelson
House District 19

Re: House Bill 541

Linda,

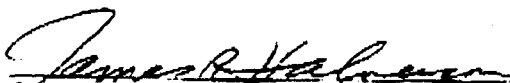
Sorry we will not be able to attend the hearing on H.B. 541, Monday, at 3:00 p.m., but we are in support of this legislation.

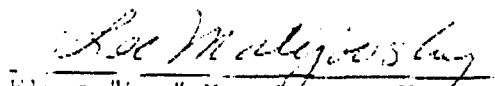
It has been brought to our attention that Burlington Northern is considering abandonment of the line from Bainville to Scobey.

This bill will allow us the option of keeping this line open through operation of a short line operator or possibly by other means.

We appreciate your efforts & support and ask the committees support.

Thank you,


James H. Halverson, Chairman


Elyse "Lee" Matejovsky, Member

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of pages >

To	Linda	From	Ross Co Comm
Co.		Co.	
Dept.		Phone #	
Fax #	444-4105	Fax #	653-2416

EXHIBIT 5
DATE 2-15-93
HB HJR 10

2-15-93
SCX

Testimony ~~HJR~~ 10

For the record, my name is Stephen C. Kologi. I am Deputy Director of the Montana Department of Transportation.

The Department supports House Joint Resolution #10. We have functionally classified US 89 north of Browning as a principal arterial and plan to submit it to the FHWA as a part of Montana's National Highway System.

We feel that ~~HJR~~ HJR 10 will help our argument that US 89 north of Browning should be made a part of the National Highway System.

Also, we would suggest adding the following words between line 23 and 24 on page 1.

WHEREAS, the Montana Department of Transportation is proposing to the Federal Highway Administration that US 89 north of Browning be included as a part of the National Highway System; and

Thank you for the opportunity to testify

Stephen C. Koberg

EXHIBIT 6
DATE 2-15-93
HB 533

TESTIMONY: HOUSE BILL 533
February 12, 1993

Mr. Chairman, Members of the Committee, for the record my name is Ron Ashabraner, and I stand before you today representing State Farm Insurance Company.

State Farm Insurance Companies insures approximately one third of the insured automobiles in the State of Montana insuring over 197,000 automobiles in the State of Montana.

We stand in opposition to House Bill 533. State Farm's underwriting principles are a substantial factor in the company's ability to market a higher quality insurance product at a competitive price, while maintaining financial stability and profitability.

In order to continue an effective underwriting program, the insurer must preserve its rights to place applicants and insureds in groups according to the probability of accident involvement.

This necessarily involves the freedom of the insurer to exclude certain individuals and classes of high risk drivers, both as new writings and renewals, from its preferred rate levels.

Essential elements of a successful underwriting program are access to relevant data and the freedom to act upon that data in a reasonable manner.

A basic insurance principle states that premium rates should not be inadequate, excessive, or unfairly discriminatory.

Within this criteria, the function of an automobile insurance underwriter is to decide who will be insured, at what price under the available rating structure.

The degree to which the performance of this function is successful is of interest not only to insurance companies, but also to their individual policyholders. Careful drivers expect careless drivers to pay more for their insurance.

All drivers are subject to some risk of having an accident. How that risk varies depends on how they use their car and other exposure factors. However, some drivers are involved in far more accidents than those who are similarly exposed.

They make up a small but very costly group of "accident repeaters".

Testimony: House Bill 533
February 12, 1993
Page 3

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HB 533

Under House Bill 533 these accident repeaters will be shielded from the financial consequence of their poor driving, and losses they cause will be shifted to all drivers.

In a recent study in the State of Iowa, two thirds of Iowa drivers received no traffic tickets and nearly 84% were not involved in an accident over the last five years. It was found that a strong correlation between the number of tickets received and the likelihood of an accident existed.

Among those with no traffic offenses, fewer than 10% had a traffic accident. But among those with two or three convictions, the accident rate was 33%. Of those with four or more traffic convictions, 49% had at least one crash.

There are definite relationships between the number of traffic convictions and future crash risks. In a California study, it was found that California drivers with no convictions on public record in a three year period, had two crashes per 100 drivers in the subsequent six months, compared with 3.3 crashes per 100 drivers among those with one conviction. Drivers with two convictions averaged 4.2 accidents and drivers with three

accidents or more, averaged 5.2 accidents for the six month period.

The careful drivers of the State of Montana expect the careless drivers to pay more for their insurance, as the careless driver is the driver who is impacting and causing a significant portion of the monies paid for the settlement of property damage and bodily injury claims and House Bill 533 would serve to subsidize the careless driver at the expense of the careful drivers.

I would like to take this opportunity to thank you for allowing me to appear before you today.

IOWA DEPARTMENT OF TRANSPORTATION

TO OFFICE: Driver Service

DATE: April 19, 1988

ATTENTION: Marianne Mickelson

REF. NO.:

FROM: Kay Thede

OFFICE: Driver Safety & Improvement

SUBJECT: Sample of Licensed Driver Records-Update

Two samples of licensed drivers were selected April 14, 1988, to identify the percent of drivers with no convictions, suspensions, revocations, or accidents on driving records for five-year and twelve-month periods.

This study replicated studies conducted in 1986 and 1987; a Statistical Analysis System (SAS) program systematically selected every 81st licensed driver from the master driver license file. Moving convictions (e.g. speed, failure to stop at traffic signals, failure to yield, etc.) and non-moving convictions (e.g. faulty equipment, no driver license, nonuse of safety belt, etc.) were included in the total number of convictions.

During the five-year period, 60.2% of drivers in the sample did not have any convictions, suspensions, revocations, or accidents on their record.

In the one-year sample, 84.6% of the drivers had no convictions, accidents, suspensions, or revocations.

FIVE-YEAR TIME PERIOD -- January 1, 1983-December 31, 1987

A systematic sample of 30,598 licensed drivers was selected from more than two million records on the master file.

During the five-year period, 60.2% of the drivers had no convictions, suspensions, revocations, or accidents. In addition:

- 83.7% had no accidents
- 66.8% had no convictions
- 1.9% had been coded for driver improvement school
- 2.8% had at least one suspension
- 2.5% had at least one revocation
- 2.2% had at least one hearing
- 1.2% had at least one interview

Of those sample drivers with no convictions, 9.1% had at least one accident; 33% of drivers with two or three convictions had at least one accident; and 49% of drivers with four or more convictions had at least one accident.

TWELVE-MONTH PERIOD -- July 1, 1986-June 30, 1987

A systematic sample of 26,841 licensed drivers was selected from more than two million records on the master file. Records which had expired prior to 1986 were not included.

During this period, 84.6% of the sampled drivers had no convictions, suspensions, revocations, or accidents. In addition:

- 87.5% had no convictions
- 95.9% had no accidents
- .4% were coded for driver improvement school
- .7% had at least one suspension
- .7% had at least one revocation
- .4% had at least one hearing
- .3% had at least one interview

Of drivers with no convictions, 2.8% had at least one accident; of drivers with one or two convictions, 13.1% had one or more accidents; and drivers with three or more convictions, 21.9% had at least one accident.

SUMMARY

Five-year driver samples from the last three years have shown consistent results: an average of 60.2% of drivers have no convictions, suspensions, revocations, or accidents. (60.2% in this study compared to 60.4% in 1987, and 59.9% in the 1986 study)

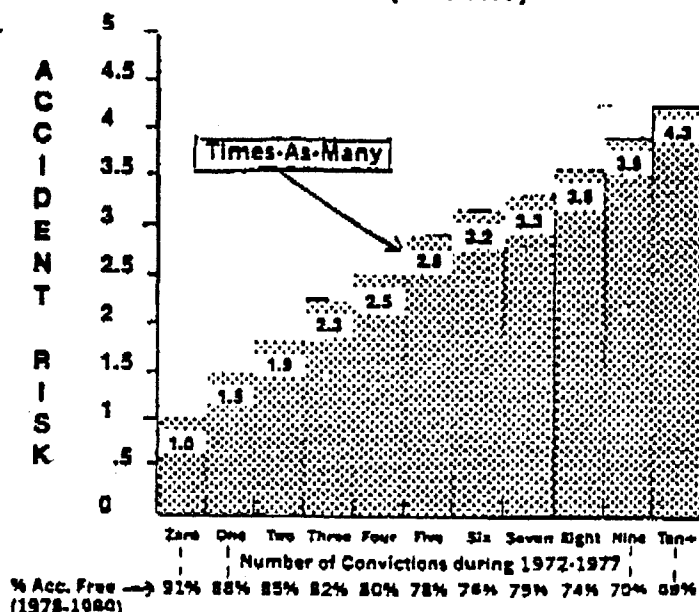
The twelve-month samples have shown a slight, but steady, decrease in the percent of drivers with no convictions, suspensions, revocations, and accidents: 84.6% in this study, 85.2% in the 1987 study and 86.5% in the 1986 study. This corresponds to a small increase in the percent of sampled drivers with convictions:

Twelve-month sample ending in June	1985	1986	1987
no convictions	89.3%	88.4%	87.5%
one conviction	8.4%	9.2%	9.6%
two convictions	1.6%	1.8%	2.0%
three or more	.7%	.6%	.9%

The increase in percent of drivers with convictions is consistent with results of a previous study (completed in January 1988) which compared the number of moving convictions during a ten-and-one-half month period before the special status speed law with a similar time period after the law. The post-law time period (which ended May 11, 1987), found a 3.7% increase in the number of licensed drivers with MOVING convictions. Non-moving convictions were not included in the prior study.

The relationship between traffic convictions and accidents has been a subject of general interest for many years. The best way to answer the question posed by the title of this article is to refer to actual observations. The figure below presents proportional increases in accidents with increases in prior convictions, obtained from the 1983 Driver Record Study, which analyzed data going back many years. It shows accident risk in 1978 through 1980 as a function of convictions during the previous 6 years—1972 through 1977.

The Relationship Between Accidents (1978-1980) and Convictions (1972-1977)



Accident risk is defined as the number of accident involvements per driver in a particular conviction group (for example, those having two convictions), divided by the number of accident involvements per driver in the group of drivers having no convictions. This gives a "times as many" relationship—that is, a group of drivers with several convictions may have, say, 4 times as many accident involvements as a group of drivers having no convictions. The accident risk of the no-conviction group will always, by definition, be 1.

Clearly, the data indicate that the more traffic convictions drivers have accumulated during a given period of time, the more likely they are to be involved in an accident in the future. The "times as many" relationship should not be interpreted to mean that one can accurately predict the number of accidents any individual driver will have from the number of convictions he or she has accumulated. The reason for this is that, as explained above, the times-as-many relationship refers to the relative risk of a group of drivers, not individuals, and there is a wide variation in accident involvement rates within each group. For example, 69% of the drivers with ten convictions in the six years 1972 through 1977 were accident-free during the next three years (1978-80). Thus, knowing that a driver had accumulated ten convictions would not permit a very accurate estimation of that driver's future accident involvement; but we can conclude that, as a group, such drivers are much more likely to be accident-involved than are drivers with no convictions. In fact, the "times as many" index shows that

drivers with ten convictions in six years have 4.3 times as many accidents in the next three years as do drivers with no convictions. Thus, we have solid "actuarial" evidence that traffic convictions are associated with increased accident risk. To provide a concrete analogy, the situation is similar to the known relationship between lung cancer and cigarette smoking. Presumably, those who smoke have a much greater chance of getting lung cancer, but the chances of any given smoker contracting lung cancer are low.

What are the implications of these relationships for Driver Record? The most obvious one is that they provide strong support for the negligent operator point system, which triggers license control actions based on the driver's point count.

The table below shows the accident times-as-many index for negligent operators, selected on the basis of three-year point count criteria, compared to drivers with zero points during that period. (Drivers with eight or more points in three years are defined as prima facie neg-ops by 12810 V.C.)

Table 1

Subsequent Three-Year Accident Rates of Point-Free and Prima Facie Negligent Operators: Three-Year Point Count Criteria

PRIOR THREE-YEAR RECORD	% OF POPULATION	% ACCIDENT-FREE	MEAN ACCIDENTS PER 100 DRIVERS	TIMES AS MANY
0 points	61.9%	91.3%	9.3	1.0
Neg-Ops (8 or more points)	0.53%	68.1%	40.2	4.3
All Drivers	100%	88.5%	12.9	—

Since point counts are based primarily on moving traffic violations, these relationships are very similar to those shown in the figure. The table shows that drivers meeting the prima facie neg-op definition have a future accident rate that is more than four times that of drivers with clean records. This increase in risk clearly supports the need for intervention, and is consistent with sound risk management policy. At the same time, these data illustrate that the neg-op program is not the "silver bullet" that will "solve" the state's traffic accident problem (unfortunately the nature of accidents is such that a single cause does not exist). To understand the limitations of the negligent operator point system as a method of preventing accidents, note from the table that only 0.53% of the driving population meet the three-year neg-op point count criterion and that 68% of these highly deviant drivers are still accident-free in the subsequent three-year period. (Use of the complete 12-24-36-month neg-op definition increases this percentage to just 0.86%.) The great bulk of the accidents therefore involve drivers below the neg-op point threshold, primarily because there are so many more of them.

To have a dramatic impact on California's total accident problem, it is necessary to evolve techniques which impact a large proportion of the driving population. Recognition of this limitation, however, does not obviate the need and justification for countermeasures directed at the neg-ops.

advisory advisory advisory

TRAFFIC CONVICTION DISMISSALS RECEIVED DISTORT OFFENDERS' RECORDS; JAN 02 1990 HIDE FUTURE CRASH RISK

EDWIN WOOLEY

California's Department of Insurance has issued new regulations under which insurance companies must determine rates for passenger cars. Under these rules, the driving records of insured drivers *must* be the single factor with the largest influence on premiums charged. This raises the issue of the extent to which driving records that are available to the public can be used to predict future crash risk.

The findings of a 1987 California Department of Motor Vehicles study provide detailed information on this issue, showing that the state of California's system of penalizing drivers for violations and crashes has built into it a method for hiding drivers' future crash risk.

One In Seven Convictions Dismissed

About 1,000,000 traffic convictions were removed from public driving records in 1988 under California's traffic violator school program, according to the California Department of Motor Vehicles. This amounts to dismissing 14 percent of all traffic citations issued in the state that year.

(California law allows judges to give accused traffic violators the option of attending violator school in return for having the charges dropped. A person who takes such a course is assessed no points for the violation, and the violation is removed from the driver's public record. Points for a second violation may also be removed by attending violator school but, this time, the dismissal appears on the driver's public record. One point is entered on the driving record for each routine moving-violation conviction. One point is entered for each crash for which a driver is deemed responsible. More points are charged for serious offenses such as driving under the influence of alcohol or drugs.)

The 1987 study concludes that "the policy of dismissing traffic citations [in return for attending violator school] distorts . . . and reduces the ability to predict, or calibrate, the future accident expectancies of

Number 7
January 1990

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The Insurance Institute for Highway Safety and the Highway Loss Data Institute are independent, nonprofit public service organizations that identify, develop, and evaluate ways to reduce the losses — deaths, injuries, and property damage — resulting from crashes on the nation's highways. Their work is wholly supported by the American Insurance Highway Safety Association, the American Insurers Highway Safety Alliance, the National Association of Independent Insurers Safety Association, and several individual insurance companies.

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DATE 2/15/93
HB 533

drivers. This, of course, should not be surprising since the masking of traffic convictions necessarily results in a driving record that less accurately reflects a driver's 'true record' . . . any understatement of an offender's conviction record results in an underestimate of the offender's [future] accident risk."

Dismissals in return for attending violator school are reported only to the Department of Motor Vehicles for research purposes. They may not be reported to anyone or any agency other than the courts, according to California law. Many drivers' true records are thus hidden, and insurers may misclassify them for ratings purposes.

"Many insurance companies graduate premiums based, in part, on a driver's conviction record. The avoidance of convictions . . . results in [some] drivers underpaying their 'fair share' and could ultimately result in [other] drivers paying higher premiums," the Department of Motor Vehicles report says.

Effectiveness of Violator School Questioned

The schools drivers attend in order to have convictions removed from their records don't work. With names like Laff 'n Learn, Lunch 'n Learn, and LA Singles Traffic School, much of the instruction may be secondary to entertainment.

According to the Department of Motor Vehicles study, there's no evidence the schools have "any impact on traffic accidents . . . only a 10 percent reduction in convictions for the first subsequent six months — an effect almost identical to that produced by a simple warning letter." The study also says completion of traffic violator school is "associated with increased subsequent accident frequency."

As a result, officials at California's Department of Motor Vehicles have recommended legislation "to abolish or greatly restrict" such schools. Yet hundreds of traffic violator schools are still operating in California.

Violation Records Predict Future Crash Involvement

There are relationships between the number of traffic convictions and future crash risk. Among all California drivers, those with no convictions on public record in a three-year period (1983-85) had 2.0 crashes per 100 drivers in the subsequent six months, compared with 3.3 crashes per 100 drivers among those with one conviction. But drivers who completed traffic violator school and had no convictions on their public records were even more likely to crash in the subsequent six months (4.8 crashes per 100 drivers) than the average driver with two convictions on public record (4.2 crashes per 100 drivers).

These comparisons and other information in this Advisory are from the 1987 California Department of Motor Vehicles report, "Traffic Violator School Dismissals," by Michael A. Gebers, Helen N. Tashima, and William C. Marsh. See also "Basic California Traffic Conviction and Accident Record Facts" by Gebers and Raymond C. Peck, published by the California Department of Motor Vehicles in 1987.

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LB 533

Relationship Between Driving Records and Future Crash Likelihood

Convictions on public record (1983-85)	Crashes per 100 drivers 6 mo. (1986)	
		Drivers who completed violator school
		Average for all drivers
0	4.8	2.0
1	5.4	3.3
2	6.7	4.2
3+	7.7	5.2

a d v i s o r y

a d v i s o r y

a d v i s o r y

DRIVERS' CRASH, VIOLATION RECORDS PREDICT FUTURE CRASH INVOLVEMENT

As a group, drivers who have traffic law violations or crashes on their driving records have much higher subsequent crash involvement rates than drivers with clean driving records. This is the principal finding of the California Department of Motor Vehicles' latest analysis of the driving records of more than 160,000 licensed drivers in that state during 1980-82.

The report's findings "provide some support for the practice of graduating auto insurance premiums based on the driving record," according to the authors. "Traffic conviction frequency is a more valid actuarial risk factor than prior accident frequency, and the sum of the two is better than either alone."

California drivers involved in two crashes during a three-year period have 2.3 times as many crashes in the next three years as drivers with no prior crashes. Drivers with eight or more points on their licenses in a three-year period have 4.1 times as many crashes in the next three years as drivers with no points. Similar patterns have been reported for drivers in North Carolina as well as for Maryland and Washington State drivers involved in fatal crashes.

In California, crashes and violations are represented as points on drivers' licenses. One point is entered on the driving record for each routine moving-violation conviction. One point is entered for each crash for which the driver is deemed responsible. More points are charged for serious offenses such as driving under the influence of alcohol or drugs. A California driver who has accumulated four or more license points in one year, six or more in two years, or eight or more points in three years is termed a "negligent operator." Drivers classified as negligent during a two-year

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August 1988

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period (i.e., six or more points on their licenses) represent less than one percent of all drivers licensed in California, but they are involved in six percent of all crashes. Drivers with two or more crashes in a three-year period represent two percent of all drivers licensed in California, but they are involved in about seven percent of all crashes.

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Most Drivers Have Clean Records . . .

Most of California's licensed drivers aren't negligent. They have very good records, according to the report. Sixty-three percent of them don't have any points charged against their licenses. Sixty-eight percent of them have no record of driving offenses during a given three-year period. And 87 percent have no record of crash involvement during a three-year period.

But . . .

Many Californians' driving may not be as error-free as their records indicate. More than 25 percent of those who get tickets for traffic violations choose to complete eight hours of classroom instruction in order to get points removed from their licenses. The problem is, the classes probably don't make people drive more safely. With names like Laff 'n Learn, Lunch 'n Learn, and LA Singles Traffic School, much of the instruction has become secondary to amusement.

Officials at California's Department of Motor Vehicles have "no illusions about the efficacy of sending traffic violators to school. Reviewing traffic laws is not going to change the hard core traffic violator's modus operandi." Yet the schools proliferate — there are more than 300 of them across the state — and 800,000 Californians attend them every year in order to keep traffic violations off their driving records.

No Silver Bullet

Despite the clear overrepresentation of repeat offenders in crashes, the authors of the California report caution that "it would be incorrect to conclude that the majority of accidents are caused by a small number of 'accident-prone' drivers or that individual accident involvement can be predicted with a high degree of precision. The majority of accidents in any time period involve drivers with average or good prior driving records."

A third of all crashes in any given year in California involve drivers with no points at all on their licenses. Two-thirds involve drivers who have no crashes recorded during the preceding three years. Thus, the report concludes, selective targeting of negligent drivers "can never constitute a 'silver bullet' through which the majority of all accidents can be prevented."

For further information, see "Basic California Traffic Conviction and Accident Record Facts" by Michael A. Gerbers and Raymond C. Peck, California Department of Motor Vehicles, Research and Development Section (December 1987).

Relationship Between Driving Records and Subsequent Crash Likelihood

Prior 3 yrs 1977-79	Subsequent 3 yrs 1980-82
Number of crashes on driving record	Times as likely to crash
0	1.0
1	1.7
2	2.3
3	3.2
4+	3.8

Number of points on driving record	Times as likely to crash
0	1.0
1	1.5
2	1.9
3	2.3
4	2.7
5	2.9
6	3.6
7	3.6
8+	4.1

Number of convictions on driving record	Times as likely to crash
0	1.0
1	1.7
2	2.2
3	2.6
4	3.1
5	3.5
6	4.0
7	4.4
8	4.9
9	5.0
10	5.3
11	5.5
12+	6.9

Amendments to House Joint Resolution No. 10
First Reading Copy

For the Committee on Highways

Prepared by Valencia Lane
February 16, 1993

1. Page 1, line 24.

Following: line 23

Insert: "WHEREAS, the Montana Department of Transportation is proposing to the Federal Highway Administration that U.S. Highway 89 north of Browning, Montana, be included as part of the National Highway System; and"

2. Page 3, line 4.

Following: second "Service,"

Insert: "the United States Department of Transportation,"

Amendments to House Bill No. 478
First Reading Copy

For the Committee on Highways

Prepared by Valencia Lane
February 16, 1993

1. Title, lines 8 and 9.

Following: "LIMITING" on line 8

Strike: remainder of line 8 through "PERMIT" on line 9

Insert: "NEW PERMITS"

2. Page 5, line 4.

Strike: "A"

Insert: "(1) Except as provided in subsection (2), a"

Following: "~~on:~~"

Insert: "on the occurrence of either of the following:"

3. Page 5, line 6.

Following: "~~physician~~"

Insert: "(a)"

4. Page 5, line 9.

Following: "exists."

Insert: "(b) certification by a physician that the permittee's
physical handicap impairing mobility no longer exists.

(2) A permit issued before October 1, 1993, expires
on:

(a) the death of the permittee; or

(b) certification by a physician that the permittee's
physical handicap impairing mobility no longer exists."

HOUSE OF REPRESENTATIVES
VISITOR'S REGISTER

HIGHWAY & TRANSPORTATION COMMITTEE

BILL NO. HB478 & HB54
HJR10

DATE 2-15-93 SPONSOR(S) _____

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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
<u>* PRINT *</u>			
<u>Ernest R Foutby</u>	<u>Daniels County</u>	<u>X</u>	
<u>HELEN FOUTBY-PEARLESS</u>	<u>DANIELS COUNTY</u>	<u>X</u>	
<u>MAXINE HOMER</u>	<u>self + spouse</u>	<u>X</u>	
<u>Stephen C. Kologi</u>	<u>Mont Dept of Trans</u>	<u>HJR10</u>	
<u>Mary Nielson</u>	<u>A.B.L.E</u>	<u>H 541</u>	
<u>Gordon C. Kampen</u>	<u>Sheridan County</u>	<u>541</u>	
<u>DEAN Roberts</u>	<u>Dept Justice, MVD</u>	<u>478</u>	
<u>Randy Johnson</u>	<u>MT. Grain Growers Assn</u>	<u>541</u>	
<u>ML PETERSON HD#1</u>			

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