

## **MINUTES**

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

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

**Call to Order:** By CHAIRMAN ROBERT CLARK, on February 17, 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:** Valencia Lane, Legislative Council  
John McMaster, Legislative Council  
Kimberlee Greenough, Committee Secretary

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

**Committee Business Summary:**

Hearing: HB 310, HB 572, HB 606  
Executive Action: HB 530, HB 541, HB 310, HB 606, HB 572

#### **HEARING ON HB 310**

**Opening Statement by Sponsor:**

REP. KARYL WINSLOW, HD 97, Billings, stated HB 310 covers several  
areas in the state that have a problem with large vehicle size.  
The purpose of the bill is to allow the Department of

Transportation to restrict vehicle operation and protect the safety of the traveling public. She also stated she would like to amend the bill. EXHIBITS 1, 2, 3, 4, 5, and 6.

**Proponents' Testimony:**

Kel Spangler, Superintendent of Schools, Shepherd, stated he supports HB 310 for the safety of our children who board and depart from school buses daily. Currently 75 children ride the bus on an eight mile stretch of Highway 312 where these oversized vehicles travel. He feels this problem is state-wide and not just on Highway 312.

Dave Galt, Administrator of Motor Carrier Services Division, Department of Transportation, stated he urges the committee's support for HB 310. He would like to amend the bill to clarify some controversy that surrounds this bill. EXHIBIT 1

Tom Barnard, Administrator, Highways Division, Department of Transportation, stated the Department needs the ability to limit the height, length, and width of vehicles on some sections of our highways for safety reasons. Some of these vehicles cannot stay in the limits on specific routes. We need to act quickly because this is a big problem.

Glenna Wortman-Obie, Manager of Public Relations and Safety, AAA Montana, spoke in favor of HB 310. EXHIBIT 8

**Opponents' Testimony:**

Ben Havdahl, Montana Motor Carriers' Association, spoke against HB 310. EXHIBIT 7

REP. ALVIN ELLIS, HD 84, Red Lodge, stated he was neither in favor of nor against HB 310.

Bob Stephens, Montana Grain Growers' Association, stated the Association opposes HB 310. This bill would be devastating for the haulers of grain during harvest time. Crops need to be harvested and hauled in a timely manner.

Jim Mockler, Montana Coal Council, stated we haul coal all over the state. The Department should not be able to limit the times coal haulers of can operate their trucks. There is no record of a single unit being involved with a school bus or children. This bill would be devastating to the producers of coal and anyone else who hauls on these roads.

Don Allen, Montana Wood Products Association, stated the possibility of limiting these trucks across the state would side-track rules and laws that are already in place. Our Association is strongly opposed to HB 310.

**Informational Testimony:** None.

Questions From Committee Members and Responses:

REP. VOGEL asked if AAA Montana was in support of HB 310 and if this bill would include the fifth-wheel recreational vehicles. Glenna Wortman-Obie stated yes, because these extended vehicles are unsafe and need to be restricted.

REP. VOGEL asked how are the rules made and how many rules are made without anyone showing up for the public hearings. Mr. Galt stated the rules are made during public meetings. He stated the meetings in which he has been involved, the public did show up for the meetings.

REP. ANDERSON asked if we imposed these restrictions would it take the highways off the federal system. Tom Barnard stated if you did impose these restrictions you would need to get approval from the Federal Highway Administration.

REP. ANDERSON asked if it was possible that, by passing this legislation, Montana would be jeopardizing the funding for these highways. Mr. Barnard said no.

REP. CLARK asked if this was already covered. Mr. Galt stated we can restrict vehicles that have permits but not the ones that do not have a permit.

REP. CLARK asked how will this affect the recreational vehicles. Mr. Galt stated this could affect those recreational vehicles which are excessive in length.

REP. MASON asked if on the Looking Glass Road where it is falling apart, it is due to poor construction of the road. Mr. Barnard stated no, it is due to unstable soil and, in addition it is not built for large vehicles.

REP. BARNETT asked if someone could explain the taxing structure and the fuel tax on these trucks that could be used to fund our highways. Mr. Barnard stated these routes are unsafe.

REP. ANDERSON asked if we can limit these vehicles as far as the federal government is concerned. Mr. Galt stated that, in order to restrict a road on the national network of highways, we would have to petition the Federal Highway Administration and have that road removed from the national network. In order to do that we would have to show a need and public safety.

REP. VOGEL asked if the trucks hauling coal by the Shepherd area was a good reason to remove this road from the national system. Mr. Galt stated that in itself would not be a good reason; it would be necessary to look at the whole situation.

Closing by Sponsor:

REP. WINSLOW thanked the committee for their time and stated it

was never her intention to close a highway and that is not the purpose of HB 310. This would not give the Department of Transportation the authority to over-regulate. The Department needs the rulemaking authority.

#### HEARING ON HB 572

##### Opening Statement by Sponsor:

REP. PATRICK GALVIN, HD 40, Great Falls, stated HB 572 is being introduced at the request of the Department of Transportation. HB 572 is an act revising the fees for overweight vehicle permits. Trucks carrying loads that cannot be reduced are required to get an overweight permit. This bill would revise those fees.

##### Proponents' Testimony:

Dave Galt, Montana Department of Transportation, stated he supports HB 572. EXHIBITS 9, 10, and 11

Carl Schweitzer, Montana Contractors Association, stated he supports the concept but does not support the increased fees.

Opponents' Testimony: None.

Informational Testimony: None.

Questions From Committee Members and Responses: None.

##### Closing by Sponsor:

REP. GALVIN thanked the committee for a fair hearing.

#### HEARING ON HB 606

##### Opening Statement by Sponsor:

REP. ALVIN ELLIS, HD 84, Red Lodge, stated HB 606 is an act requesting the Montana Department of Transportation to change the rules regarding hay-grinders. This bill will allow hay-grinders to travel on Montana Highways on holidays, after dark, and to travel on the interstate system at 65 miles per hour. These grinders are required to have lighting and are well marked for traffic. The grinders are used to travel from one ranch to another and do not spend a lot of time on the roads. There are only two commercial grinders in the state. These grinders require eight feet nine inches of road when the narrowest paved road is ten feet wide.

**Proponents' Testimony:**

Chester Faust, C & B Hay-grinders, allowed the committee to view a video tape he brought to show a hay-grinder going down the road. He stated there is no obstruction of on coming traffic. There is no problem passing semi-trucks. He stated it is safe compared to some of the loads you can't see around that are on the highways now. He stated he has never had an accident traveling with the hay-grinders. Right now we are restricted and cannot travel on six of our busiest days.

Jay Leachman, rancher, Bozeman, stated it is a burden to the ranchers having these hay-grinders restricted. We need to get our crops ground in a timely manner. With these restrictions it is impossible at times to accomplish. The grinding season is limited and with these restrictions it is a large burden.

REP. MARIAN HANSON, HD 100, Ashland, spoke in favor of HB 606.

**Opponents' Testimony:**

Col. Bob Griffith, Montana Highway Patrol, stated his only problem with HB 606 would be the traveling at night. He feels that these oversized vehicles could be confusing to those traveling at night.

Dave Galt, Administrator of Motor Carriers Services Division, Montana Department of Transportation, spoke against HB 606. EXHIBITS 12, 13, and 15.

**Informational Testimony:** None.

**Questions From Committee Members and Responses:**

REP. TASH asked if there were any questions about the "red route" time limits. Mr. Faust stated the only question he would have would be the road coming to Helena because it is excessively wide.

REP. TASH asked if the weekend restriction was too much of a problem. Mr. Faust stated no.

REP. VOGEL asked about lifting the speed restriction. Col. Griffith stated he would not see a problem lifting the speed restriction if they were traveling during daytime hours.

REP. RYAN asked how many hay-grinders are operating in the state. Mr. Faust stated he has four, and there are two or three other commercial operators. There are several individual ranchers that have there own grinders.

REP. BARNETT asked if all the hay-grinders Mr. Faust owns are the one's you can see around. Would we be opening the avenue to the grinders that can't be seen around. Mr. Faust stated he

currently has grinders you can see around. He said he could not speak to other grinders.

REP. VOGEL asked what the definition of a hay-grinder is, for the purpose of this statute. REP. ELLIS stated the definition should include commercial. He also stated he doesn't believe that there is a definition of a hay-grinder.

REP. VOGEL stated the way it is written in HB 606 a hay-grinder is anything of any size that grinds hay. REP. ELLIS stated that all of the machines made in recent years are like those seen on Mr. Faust's video shown earlier. The non-commercial grinders are also easy to see around.

REP. VOGEL asked if REP. ELLIS would insure that all future hay-grinders are not any larger than the one's mentioned. REP. ELLIS stated he could not make any assurances.

REP. MASON asked if the Department would have a problem with the grinders hauling on holidays. Mr. Galt stated no, but he would like to see the traffic shifts we have on the holidays.

REP. ANDERSON asked if the committee amends this so they could not travel at night would the Department have a problem with this bill. Mr. Galt replied, no.

REP. VOGEL stated he does not have a problem with Mr. Faust's hay-grinder. His concern would be the other grinders out there. He asked if there could be a definition of a hay-grinder put in HB 606. Mr. Galt stated he feels there could be a definition of a hay-grinder, but is not able to write one.

REP. RYAN asked if it would be easier to address the configuration of these grinders. Mr. Galt stated if you don't address the particular size you could open it up to anything and feels that you would have to define a hay-grinder.

REP. STANFORD stated he feels this could be a good bill if the two groups could get together and work something out. Mr. Faust stated the manufacturers limit the size of these grinders.

REP. VOGEL asked if the state of Montana said a hay-grinder can travel these roads and we do not give a size, would that hay-grinder be built larger. Mr. Faust stated there is no reason for these grinders to be built any larger; they are as big as needed.

REP. HANSON asked if the committee passes this bill out due to time constraints, could we have a guarantee that when it gets to the Senate you would have the kinks ironed out. REP. ELLIS said he would be happy to work with someone to get the definition and measurements into the bill.

REP. CLARK asked if the manufacturers made a light kit for these grinders. Mr. Faust stated no, we would have to install lights

on the flair of the grinder. Lights are already installed on the rest of the grinder.

REP. GALVIN stated he noticed the conveyor belt extended out from the grinder and asked if there was anyway it could be broken down at all. Mr. Faust stated they do fold in half.

Closing by Sponsor:

REP. ELLIS stated some of those "red route" roads are quit wide and the grinders should be able to travel on some of those roads. He feels the weekends should be opened up also. These grinding machines are expensive and their time is limited. The time needs to be better utilized to save both the hauler and renter money.

EXECUTIVE ACTION ON HB 530

Motion: REP. MASON MOVED HB 530 DO PASS.

Discussion: REP. CLARK stated there was a question the other day when we heard this bill if this would jeopardize the ISTEAFunding. There are people here to discuss this question with us.

Dave Galt, Montana Department of Transportation, presented written testimony. EXHIBITS 16, 17, 18, and 22

Jim Becker, Montana Department of Transportation, stated the truck-trailer-trailer combination is approved and the ISTEAFunding would not be jeopardized by this bill.

REP. ENDY asked about the two mile access provision. REP. CLARK stated it is from the interstate to their home terminal.

REP. GALVIN stated he went back two years to the original meeting on these trucks and ran copies of the minutes. He asked if Mr. Ogle could go beyond the designated routes. EXHIBIT 14 Mr. Galt stated he is not allowed to go beyond these designated routes.

REP. GALVIN asked if A.M. Wells is allowed to go beyond these designated routes. Dave Galt stated A.M. Wells is the only company that is allowed to operate beyond designated routes. They have taken advantage of the situation and moved into other company's areas of operation.

REP. GALVIN stated we restricted these vehicles because of the safety factor. At that time they did not have brakes on the two trailers.

REP. MASON asked if we would strike line 23, page 5, paragraph 7, would this put it back into the Department of Transportation's hands for permits. Mr. Galt said yes.

REP. WHALEN asked how we got to this point. Mr. Galt stated prior to 1987 these vehicles were allowed to run on any road in the state. In 1987 the legislature passed the triple trailer authorization. In 1991 this bill allowed only the talc contracts to operate off the interstate. This person then took advantage of his situation.

REP. CLARK asked if we would strike sub-section 7 out of the bill it would solve the problem. Mr. Galt said yes.

REP. MASON asked what happens if we kill this bill. Mr. Galt stated then you would have one carrier that can expand and leave the other haulers with a disadvantage.

REP. LARSON asked if we would strike sub-section 7, how would the Department of Transportation permit the grain-cutters. Mr. Galt stated he does not permit grain-cutters. He also stated he would probably have to give them one year of lead time.

Motion/Vote: REP. WHALEN MOVED TO AMEND HB 530. Motion carried with REPS. ANDERSON, TASH, HANSON, KELLER, BARNETT, and CHAIRMAN CLARK voting no.

Discussion:

REP. HANSON stated she would like to speak against the proposed amendment since it would eliminate all of the combine combinations.

REP. CLARK stated the only difference between the combines and the talc haulers is the combines have headers where they can be pulled by a truck and talc haulers can't.

REP. TASH stated he would speak in favor of the amendment because of the abuse of the current hauler who was exempt from the previous bill.

REP. BARNETT spoke in favor of the amendment. He also asked if we could have a special permit for combines. Mr. Galt stated it would need to be written into the bill.

REP. ENDY spoke in favor of the amendment. He also asked why can't we penalize the person who abused his right. REP. CLARK stated we trusted that hauler to not take advantage of his privileges. It is our fault for trusting him.

REP. ANDERSON asked if we could have this amendment, because it is completely different from the title of the bill. Mr. McMaster stated he doesn't feel we could.

REP. WHALEN asked if, as long as we are dealing with the same area of law, it is allowed. Mr. McMaster answered yes, if we are within the subject of the bill expressed in the title of the bill.



REP. WHALEN asked if the purpose of the bill would have to come from the title or from the testimony. Mr. McMaster stated the first thing the courts look at is the title of the bill and then the body of the bill.

REP. WHALEN stated the intent of the bill is to solve the problem. Mr. McMaster stated he feels there is a good argument for the amendment.

REP. LARSON asked if we could introduce a committee bill after transmittal. Mr. McMaster stated no.

REP. VOGEL stated every time we amend a bill we change it's purpose.

REP. MASON asked if this vehicle configuration would be legal at a shorter length. Mr. Galt said he didn't know.

REP. MASON asked if we could amend the bill to put in a permit process. Mr. McMaster stated yes.

Motion/Vote: REP. VOGEL MADE A SUBSTITUTE MOTION HB 530 BE TABLED. Motion failed.

Discussion:

REP. LARSON asked if the Highway Department has the authority to issue special permits. Mr. Baker stated yes.

REP. ANDERSON asked how we currently allow these combines to travel. Mr. Galt stated they have to send an affidavit and follow certain rules.

REP. ANDERSON stated we have put people out of business.

REP. LARSON stated he would like to offer an amendment that allows the Department of Transportation to issue special permits for grain haulers. Mr. McMaster stated the Department already has that authority. Jim Leck stated that under current law the Department already has the authority to issue these permits. Mr. McMaster stated we would need to amend the bill to allow grain-haulers off the interstate system.

REP. LARSON stated the concept of the amendment would give the authority to the Department of Transportation to issue these special permits for travel off the interstate. This amendment would be for the secondary systems.

REP. TASH stated wouldn't this amendment just replace what we just took out of the bill.

REP. LARSON stated he would like to add a grandfather clause to be effective for two years. He stated he would like this to be on a case-by-case basis.

REP. WINSLOW asked if we are opening ourselves up for some legal problems. If we grant a permit in one instance and not one for another it could cause problems.

REP. VOGEL stated we can't single people out.

REP. WHALEN stated there is no effective date on this bill so that would give them six months to get things taken care of. He also would like to add an amendment to allow custom combines to have a permit off the interstate.

Motion/Vote: REP. WHALEN MOVED TO AMEND HB 530. Motion carried unanimously. EXHIBIT 23

Vote: HB 530 DO PASS AS AMENDED. Motion carried with REP. ANDERSON voting no.

EXECUTIVE ACTION ON HB 541

Motion: REP. WHALEN MOVED HB 541 DO PASS.

Discussion:

REP. WHALEN stated he would like to amend HB 541. EXHIBITS 19 and 21

Motion/Vote: REP. WHALEN MOVED TO AMEND HB 541. Motion carried unanimously.

Discussion:

REP. CLARK stated this bill circumvents Interstate 105.

REP. ANDERSON stated the reason these lines were abandoned was because they were not profitable.

REP. RYAN stated voter approval is met throughout the bill. The sponsor does not have any intention to subsidize these railroads.

Motion/Vote: REP. RYAN MOVED TO AMEND HB 541. Motion carried unanimously.

Motion/Vote: REP. WHALEN MOVED HB 541 DO PASS AS AMENDED. Motion failed with REPS. VOGEL, KELLER, HANSON, WINSLOW, BARNETT, MASON, ANDERSON and TASH voting no.

Motion/Vote: MOTION WAS MADE THAT HB 541 BE TABLED. Motion carried with REPS. RYAN, WHALEN, STANFORD, ENDY, and GALVIN voting no.

EXECUTIVE ACTION ON HB 310

Motion: REP. WINSLOW MOVED HB 310 DO PASS.

Discussion:

REP. WINSLOW said that two weeks ago negotiations started in her area. She stated this bill was not against the trucking industry.

REP. MASON stated he was against HB 310. This bill would be hard on the beet growers and the loggers.

REP. WINSLOW stated the beet haulers use the interstate.

Motion/Vote: REP. LARSON MADE A SUBSTITUTE MOTION THAT HB 310 BE TABLED. Motion carried with REPS. WINSLOW, WHALEN and KELLER voting no.

EXECUTIVE ACTION ON HB 606

Motion: REP. MASON MOVED HB 606 DO PASS.

Discussion:

REP. HANSON stated she would like to amend HB 606. EXHIBIT 24

REP. VOGEL said we do not have a definition for hay-grinder.

Motion/Vote: REP. VOGEL MADE A SUBSTITUTE MOTION HB 606 BE TABLED. Motion failed with REPS. GALVIN, VOGEL, WHALEN, WINSLOW and CHAIRMAN CLARK voting yes.

Motion/Vote: REP. HANSON MOVED HB 606 BE AMENDED. Motion carried with REPS. GALVIN, REP. VOGEL and MASON voting no.

Discussion:

REP. VOGEL stated we need to define a commercial hay-grinder.

Motion/Vote: REP. MASON MOVED TO AMEND HB 606. Motion carried with REP. HANSON voting no. EXHIBIT 24

Discussion:

REP. WHALEN asked if we could have permits for the holidays.

REP. ELLIS stated this would not create a problem for them to travel on holidays. It is affecting three holidays.

Vote: HB 606 DO PASS AS AMENDED. Motion carried unanimously.

EXECUTIVE ACTION ON HB 572

Motion: REP. LARSON MOVED HB 572 DO PASS.

Discussion: None.

Motion/Vote: Question was called. Voice vote was taken.

Vote: HB 572 DO PASS. Motion CARRIED with REP. HANSON AND REP. ANDERSON voting no.

HOUSE HIGHWAYS & TRANSPORTATION COMMITTEE

February 17, 1993

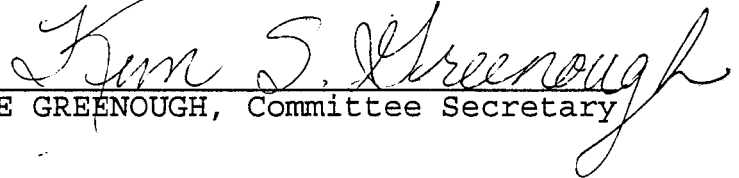
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ADJOURNMENT

Adjournment: 6:25 p.m.



ROBERT C. CLARK, Chair



KIMBERLEE GREENOUGH, Committee Secretary

RC/kg

**HOUSE OF REPRESENTATIVES**  
**HIGHWAYS AND TRANSPORTATION** COMMITTEE

**ROLL CALL**

**DATE**

2-17-93

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 REPORT ON BILL WITHDRAWN FROM STANDING COMMITTEE

February 20, 1993

Page 1 of 3

Mr. Speaker: Pursuant to House Rule 30-40(4), it is hereby reported that House Bill 541 (first reading copy -- white) is withdrawn from your committee on Highways and Transportation, with committee amendments as adopted, for consideration on second reading.

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

The amendments adopted by the committee read as follows:

1. Title, line 4.  
Following: "COUNTY"  
Insert: "OR GROUP OF COUNTIES"
2. Title, line 6.  
Following: "MILLS"  
Insert: ", WITH VOTER APPROVAL,"
3. Title, line 8.  
Following: " ; "  
Insert: "PLACING RAIL AUTHORITIES UNDER THE JURISDICTION OF THE  
PUBLIC SERVICE COMMISSION;"
4. Title, line 9.  
Strike: "SECTION"  
Insert: "SECTIONS"  
Following: "15-10-412"  
Insert: "AND 69-14-101"
5. Page 1, line 23.  
Strike: "local"  
Insert: "abandoned"
6. Page 7, line 4.  
Following: "(1)"  
Strike: "The"  
Insert: "Within the boundaries of the authority, the"

7. Page 8, line 12.

Following: "limitation"

Strike: "-- collection of tax"

Following: "."

Strike: "(1)"

8. Page 8, line 15.

Strike: "The"

Insert: "Upon approval by the electorate, the"

9. Page 8, line 19.

Strike: "(2)"

10. Page 8, line 22.

Following: "authority."

Insert: "NEW SECTION. Section 13. Election required to impose mill levy. (1) Before the levy provided for in [section 12] may be made, the question must be submitted to a vote of the people at the next regular school election held in accordance with 20-3-304 or by mail ballot election as provided by Title 13, chapter 19, in the following form:

"Shall there be a levy of (specify number, not to exceed 6) mills upon the taxable property of the (specify rail authority) necessary to raise the sum of (specify the approximate amount to be raised by the tax levy) for the purpose of (specify purpose for which the levy is made)?

[ ] FOR the tax levy.

[ ] AGAINST the tax levy.

(2) Notice of the election, clearly stating the amount and the purpose of the levy, must be given and the election must be held and conducted and the returns must be made in the manner prescribed by law for the submission of questions to the electors under the general election laws.

NEW SECTION. Section 14. Collection of tax and disposition of funds. (1)"  
Renumber: subsequent sections

11. Page 8, line 25.

Strike: "(3)"

Insert: "(2)"

12. Page 1, lines 13 and 15.

Page 2, lines 5 and 14.

Page 5, line 7.

Page 6, lines 6, 12, 16, and 25.



Page 7, line 10.  
Page 9, line 3.  
Page 11, lines 6, 12, and 22.  
Page 12, line 6.  
Page 19, lines 16 and 18.  
Strike: "17"  
Insert: "19"

13. Page 19, line 4.  
Strike: "17"  
Insert: "19"

14. Page 19, line 15.  
Following: line 14  
Insert: "Section 21. Section 69-14-101, MCA, is amended to read:  
"69-14-101. Definitions. Unless the context requires  
otherwise, in this chapter the following definitions apply:  
(1) "Paralleling" means the situation where the main tracks  
of parallel lines of railroad or railway are not more than 2,000  
feet apart when measured from center to center.  
(2) "Railroad" means a corporation, company, or individual  
owning or operating a railroad in whole or in part in this state.  
The term also includes express companies, ~~and~~ sleeping-car  
companies, and a railroad authority established under [sections 1  
through 19].  
(3) "Transportation" includes instrumentalities of shipment  
or carriage."  
Renumber: subsequent sections

HOUSE STANDING COMMITTEE REPORT

February 18, 1993

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Mr. Speaker: We, the committee on Highways and Transportation  
report that House Bill 572 (first reading copy -- white) do  
pass .

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

HOUSE STANDING COMMITTEE REPORT

February 18, 1993

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Mr. Speaker: We, the committee on Highways and Transportation report that House Bill 530 (first reading copy -- white) do pass as amended .

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

And, that such amendments read:

1. Title, line 5.  
Strike: "ANY"

2. Title, line 6.  
Following: "VEHICLE"  
Strike: "COMBINATION"  
Insert: "COMBINATIONS THAT ARE OPERATED BY CUSTOM COMBINERS AND  
THAT ARE"

3. Page 5, line 24.  
Following: "combinations"  
Strike: "consisting"  
Insert: "that are operated by custom combiners and that consist"

-END-

HOUSE STANDING COMMITTEE REPORT

February 18, 1993

Page 1 of 2

Mr. Speaker: We, the committee on Highways and Transportation report that House Bill 606 (first reading copy -- white) do pass as amended .

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

And, that such amendments read:

1. Title, line 5.  
Following: "TO"  
Insert: "COMMERCIAL"

2. Page 2, line 19.  
Following: "to a"  
Insert: "commercial"

3. Page 2, line 20.  
Following: "highway"  
Insert: "during daylight hours"

4. Page 2, line 22.  
Following: "of the"  
Insert: "commercial"  
Following: "A"  
Insert: "commercial"

5. Page 2, line 24.  
Following: "If the"  
Insert: "commercial"

6. Page 3, line 2.  
Following: "of the"  
Insert: "commercial"

7. Page 3, line 3.  
Following: "the"  
Insert: "commercial"

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2. Page 3, line 5.  
Following: "of a"  
Insert: "commercial"

9. Page 3, line 7.  
Following: "is"  
Strike: "not"

10. Page 3, line 8.  
Following: "of a"  
Insert: "commercial"

--END--

RL 2/18/93  
2:35  
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EXHIBIT 1  
DATE 2-17-93  
HB 310

DEPARTMENT OF TRANSPORTATION'S AMENDMENTS TO HB0310

Title, Line 7

Following: "size and"  
Strike: "the number of trips"

Following: "size and"  
Insert: "hours of operation"

Title, Line 8

Following: "operated on a"  
Insert: "specific"

Page 4, Line 9  
Following: "traveling on a"  
Insert: "specific"

Page 4, Line 9  
Following: "highway"  
Strike: ";"  
Insert: "utilizing the administrative rule process;"

Page 4, Line 10  
Following: "(b)"  
Strike: "the number of trips that may be operated on a  
public highway."  
Insert: "hours of operation."

EX-115-2  
DATE 2-17-93  
H. 310

February 15, 1993

Rep. Karyl Winslow  
Capitol Station  
Helena, Mt. 59620

Dear Karyl:

I am in full support of your proposal to limit coal trucks operating on highway 312 and 87 during normal school bus hours in the morning and afternoon.

These roads are very narrow and heavily traveled by cars commuting to work in addition to the School Bus routes. The coal trucks are large and require a longer stopping distance because of their gross weight, causing an additional hazard for our children on these School Bus routes.

I can find many supporters in the Shepherd and Huntley Area s to help back this proposal if you need them.

Thank you.

Sincerely,

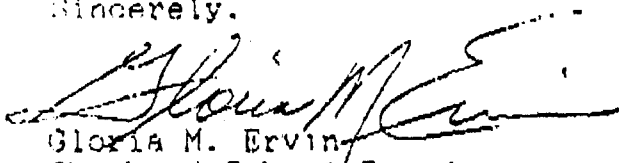
  
Gloria M. Ervin  
Shepherd School Board  
Vice-chairman

EXHIBIT 2  
DATE 2-17-93  
HB 310



## Shepherd Public Schools

7842 Shepherd Road  
P.O. Box 8  
Shepherd, Montana 59079

FAX Phone 373-5284

Calvin L. Spangler  
Superintendent  
Phone 373-5461

Karen Cook  
Business Manager / Clerk  
Phone 373-5421

Kirk Miller  
High School Principal  
Phone 373-5229

Gary DeGeary  
Jr. High Principal / AD  
Phone 373-5273

Ralph Thayer  
Elementary Principal  
Phone 373-5518

February 15, 1993

Rep. Karyl Winslow  
State Capital  
Helena, Montana 59601

Dear Rep. Winslow:

I write this letter for the safety and concern I have for the children riding the buses on Highway 312 and 87. It is very important that these children are transported safely to and from school.

Already there are numerous trucks and traffic on these roads, and additional large trucks would only add to this already heavy traffic. Our bus routes are designed to only board and unload on the safe side of the road, but this is not always possible. Therefore, I oppose any additional travel on these roads during bus scheduled time.

You must realize that these children have no shoulder or any walkway on these highways. The barrow pits are often full of snow, and cannot be traveled. This only leaves walking down this narrow roadway. Trucks have blown children into the barrow pits and our bus children have already had many near misses.

I am concerned that these trucks could not slow and stop at the many places necessary, as we transport over 75 children from these highways. Please do not allow these large coal haulers to travel these roadways when the children are either loading or unloading from the school buses.

Thank you for your help and consideration concerning the safety of our children.

Sincerely,

Sharon Wolske  
School Board Chairperson  
School District #37



EXHIBIT 4  
DATE 2-17-93  
HB 310

February 17, 1993

Representative Karyl Winslow  
Capitol Station  
Helena, MT 59620

RE: HB 310

Dear Representative Winslow:

I am writing this letter to formally express my support of HB 310 and ask that my written testimony be presented at the committee hearing at 3:00 p.m. this afternoon.

As a resident of Huntley, Montana, I travel Highway 312 East many times a week in the course of personal and business errands. This road is already overcrowded with local traffic. There are 158 approaches onto Highway 312 East from the Roundup turnoff to the Huntley turnoff. My concern for the local residents and the school children is of paramount interest.

I experienced, along with hundreds of other residents, a situation during the spring and summer of 1990 which created a heavy load of truck traffic on this road. Meridian Minerals was trucking coal from Roundup to Huntley and during that time period there were numerous conflicts with school buses and at least one accident with a truck which I witnessed.

The already substandard condition of this road also deteriorated rapidly during the heavy use period by the trucks. Since this road is an "orphan plant," it has been impossible to obtain funds to help in making repairs and providing for its maintenance.

The new language as proposed in HB 310 will be helpful in regulating and controlling the problems I have listed above. Again, I fully support this bill and hope the committee will consider my testimony before making their decision in this matter.

Sincerely,

*Jackie Stearns*

Jackie Stearns  
P.O. Box 84  
Huntley, MT 59037

EXHIBIT 2  
DATE 2-17-93  
HB 310

SHEPHERD BOOSTER CLUB, SHEPHERD, MT 59079

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To Whom It May Concern:

February 15, 1993

We write to you with the safety of our children in mind. The Meridan Oil Company will be using Highway 312 in the course of their business. The heavy truck traffic on this road will increase the danger for our children boarding and unboarding the school bus on a daily basis. Highway 312 is already a very busy highway, we ask of you to consider delaying or rescheduling the trucks around bus pick-up and delivery times. It is not our intention to deter Meridan from completing their daily business functions. We feel the safety of everyone's children should be the foremost important factor in this matter. Any and all help from you would be greatly appreciated.

Respectfully,  
President

*Donja Sustin*

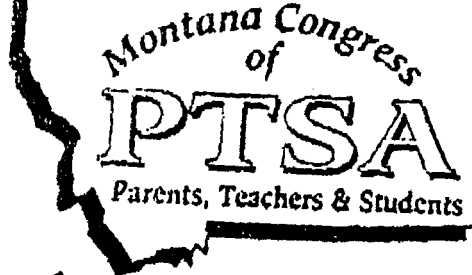


EXHIBIT 6  
DATE 2-17-93  
NR 310

TO: REPRESENTATIVE KARYL WINSLOW  
DISTRICT 97  
HELENA, MONTANA

DEAR REP. WINSLOW:

I AM WRITING TO YOU ON BEHALF OF SHEPHERD PARENT, TEACHER, STUDENT ASSOCIATION (PTSA) IN REFERENCE TO THE SIZE AND NUMBER OF COAL TRUCKS SCHEDULED TO TRAVEL ON HIGHWAYS 87 AND 312. WE HAVE GREAT CONCERN OVER THE ABILITY OF THESE HEAVY TRUCKS TO OPERATE SAFELY WHEN OUR CHILDREN ARE BEING PICK-UP AND DROPPED OFF OUR SCHOOL BUSES. OUR CHILDREN NEED TO KNOW THAT WE ARE PROVIDING THEM A SAFE ENVIRONMENT FOR THEM TO GET TO AND FROM SCHOOL.

STUDIES BY THE STATE OF MONTANA REVEAL THAT TRAFFIC HAS INCREASED FROM 4800 VEHICLES TO OVER 1200 VEHICLES PER DAY IN THE LAST 4 YEARS. THIRTEEN WRECKS HAVE BEEN REPORTED IN FRONT OF OUR PLACE RESTAURANT AT 6832 HIGHWAY 312 IN THE LAST 4 YEARS.

THE COUNTRY FARE DAY CARE AND PRESCHOOL, LOCATED AT 664 HIGHWAY 312, PROVIDES CARE FOR BETWEEN 40 AND 50 CHILDREN EACH DAY. AN AVERAGE OF 30 PARENTS STOP IN TWICE A DAY AT APPROXIMATELY THE SAME TIME THE SCHOOL BUSES STOP. LARRA BERENS, OWNER OF COUNTRY FARE REPORTS A MINIMUM OF 2 WRECKS PER YEAR IN HER SEVEN YEARS OF BUSINESS THERE. HER PEAK HOURS ARE BETWEEN 7:00 - 9:00 AM AND BETWEEN 3:30 AND 5:30 PM. ALSO, PICK-UPS FOR PRE-SCHOOLERS IS BETWEEN 11:00 AND 12:00.

HIGHWAY 312 ALREADY HAS MORE TRAFFIC THAN IT CAN SAFELY ACCOMMODATE. WE URGE YOU TO KEEP OUR BUS ROUTES FREE FROM THE ADDED DANGER THESE HEAVY TRUCKS WILL CAUSE. OUR CONCERN IS FOR THE HEALTH, SAFETY, AND WELL-BEING OF OUR CHILDREN.

SINCERELY,

CURT FINNICHUM  
LEGISLATIVE CHAIRMAN  
SHEPHERD PTSA

Statement to House Highways and Transportation Committee  
HB 310 - Date submitted: February 17, 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 is opposed to HB 310. We have reviewed the proposed amendments by the DOT and our position has not changed on the bill with the proposed amendments.

We are aware of the problem that Rep. Winslow has presented to the committee and we sympathize with her concern regarding the safety of school children or anyone else. However, HB 310 goes far beyond just the control of the particular vehicle combination that is slated to transport coal into the Huntley area along a route that is in the vicinity of schools and school bus operations.

The vehicle combination that is of concern to Rep. Winslow will operate under special permit issued by the DOT. A copy of the vehicle sketch involved is attached to this statement (white). The present law already grants the DOT the power to restrict the operation of the vehicle combination under the terms of the permit.

HB 310 will allow the DOT to have authority to restrict the length, width, and height of any "statutory" vehicle that operates on all public highways in the State "for the purpose of protecting the safety of the traveling public". The phrase is very broad and all inclusive and is not defined in the bill.

MMCA is concerned for the public safety and we support the continued authority for enforcement of all vehicle operations including speed, school buses and others by local county enforcement authorities and the Highway Patrol.

The committee should understand that under Montana law under 61-10-104, establishes statutory lengths that vehicle combinations can legally operate on all our highways in the State as well as on all highways in all other states that are part of the national highway network system. If you will refer to the sketch attached to this statement (green).

The two basic "statutory" vehicles, are a combination of a truck tractor and a semi trailer not exceeding 53 feet in length and a truck tractor and two trailers not exceeding 28 and one half feet each. These vehicles pay their GVW fees and operate on all routes.

All combinations exceeding 75 feet have to operate under a permit. If you look at the sketch on (yellow paper), you can see examples of vehicles that now operate under permit.

Under Federal Statute, Title 23, U SC 141, Section 411, which was passed as the Surface Transportation Assistance Act of 1982, very specifically precludes a State from restricting the vehicle length limitation on "statutory" vehicles. A copy of the Federal Statute is in the addendum to this statement.

Also HB 310, in our view, amends an inappropriate statute in Section 61-10-128. The law proposed to be amended was established to give the DOT or a local road authority by ordinance authorization to set weight limitations and speed limits for statutory vehicles as well as other vehicles when the highway will be damaged or destroyed by deterioration due to climatic conditions usually during the spring thaw when road surface conditions can be vulnerable to weights.

The statute requires the routes to be posted with required signs showing the weight limits. It has nothing to do with length, width and height restrictions. Those standards are set out in other sections of the law.

As has been mentioned, the HB 310's sponsor, Rep. Winslow, wants to limit vehicles transporting coal by restricting the number of trips and operational time of day.

For economic reasons, motor carrier transportation of coal is limited and when used, the vehicle combinations transporting coal operate under special permits.

Restrictions can be enforced by the DOT under current law which can restrict hours, trips, size, speed etc. by the Motor Carrier Services Division of the Montana DOT . Ample statutory authority to regulate the operation of a vehicle under the provisions of the permit.

Rep. Winslow expressed concern to me that because these permits are issued somewhat routinely, that the controls might not be all that effective. It is true that permits for the more standard longer combination vehicles are issued somewhat routinely. However that does not change the fact that the statutory authority is in the statute and the Department can require any permitted operation to abide by the terms of the permit.

The operation of permitted vehicles is fairly routine and the Department's experience, I would guess, has been that there has not been any problems. Therefore restrictions in the permit are not all that common.

That fact is borne out by other motor carrier's experience. One company, Trans Systems of Great Falls has been operating this exact type of equipment in rural areas for 20 or 25 years hauling 200 loads in a 24 hour day through small towns in eastern Montana. I am told they have never experienced problems because of a cooperative effort made with local authorities.

Also coal is being transported into the Sidney Fairview area for power generation in similar vehicles and from information we have there have been no problems.

The permitting authority law is very specific in its application and reads in part as follows with added underlining:

"61-10-122. **Discretion of issuer—conditions.** The department of transportation or local authority may issue or withhold a special permit at its discretion or, if the permit is issued, limit the number of trips or establish seasonal or other time limitations within which the vehicle, combination of vehicles, load, object, or other thing described may be operated on the public highways indicated, or otherwise limit or prescribe conditions of operation of the vehicle, combination of vehicles, load, object, or other thing when necessary to assure against damage to the road foundation, surfaces, or structures or safety of traffic, and may require an undertaking or other security considered necessary to compensate for injury to a roadway or road structure."

Other proposals to restrict or ban trucks on specific routes have been rejected by this body. For example in the last session, HB 680 would have banned or restricted trucks over 26,000 pounds on State Highway 35 between Polson and Big Fork. This committee in that session tabled the bill.

Also as we understand it, the DOT has suggested an amendment to modify the restrictions in HB 310, authorizing the Department to limit length, width and height on "specific" public highways utilizing the administrative rule making process.

In our view the amendments do not change the situation. In fact they may even complicate the enforcement. Given rule making authority to restrict length, width and height of vehicles, the Department could be inundated with requests to restrict trucks. We therefore, oppose the amendment.

Mr. Chairman, MMCA would strongly urge a do not pass of this bill. Thank you.

EXHIBIT 7  
DATE 2/17/93  
HB 310

ADDENDUM TO STATEMENT ON HB 310  
Montana Motor Carriers Association

**Public Law 97 424 - Title 23 USC 141, SEC. 411.** (a) No State shall establish, maintain, or enforce any regulation of commerce which imposes a vehicle length limitation of less than forty-eight feet on the length of the semitrailer unit operating in a truck tractor-semitrailer combination, and of less than twenty-eight feet on the length of any semitrailer or trailer operating in a truck tractor-semitrailer-trailer combination, on any segment of the National System of Interstate and Defense Highways and those classes of qualifying Federal-aid Primary System highways as designated by the Secretary, pursuant to subsection (e) of this section.

(b) Length limitations established, maintained, or enforced by the States under subsection (a) of this section shall apply solely to the semitrailer or trailer or trailers and not to a truck tractor. No State shall establish, maintain, or enforce any regulation of commerce which imposes an overall length limitation on commercial motor vehicles operating in truck-tractor semitrailer or truck tractor semitrailer, trailer combinations. No State shall establish, maintain, or enforce any regulation of commerce which has the effect of prohibiting the use of trailers or semitrailers of such dimensions as those that were in actual and lawful use in such State on December 1, 1982. No State shall establish, maintain, or enforce any regulation of commerce which has the effect of prohibiting the use of existing trailers or semitrailers, of up to twenty-eight and one-half feet in length, in a truck tractor semitrailer-trailer combination if those trailers or semitrailers were actually and lawfully operating on December 1, 1982, within a sixty-five-foot overall length limit in any State.

397 SIZE—WEIGHT—LOAD 61-10-104

**61-10-104. Length—definitions.** (1) A single truck, bus, or any self-propelled vehicle, unladen or with load, may not have an overall length, inclusive of front and rear bumpers, in excess of 45 feet.

(2) (a) When used in a truck tractor-semitrailer combination, the semitrailer may not exceed 53 feet in length, excluding those portions not designed to carry a load, except as provided by 61-10124. When used in a truck tractor-semitrailer-trailer or a truck tractor-semitrailer-semitrailer combination, the semitrailer and trailer or the two semitrailers may not exceed 28 1/2 feet each in length, excluding those portions not designed to carry a load, except as provided by 61-10-124. Truck tractor-semitrailer, truck tractor semitrailer-trailer, and truck tractor-semitrailer-semitrailer combinations are not subject to a combination length limit.

(c) All other combinations of vehicles may not have a combination length in excess of 75 feet, except as provided by 61-10-124. If the combination consists of more than two units, the rear units of the combination must be equipped with breakaway brakes.

ADDENDUM TO STATEMENT ON HB 310  
Montana Motor Carriers Association

**Public Law 97 424 - Title 23 USC 141, SEC. 411.** (a) No State shall establish, maintain, or enforce any regulation of commerce which imposes a vehicle length limitation of less than forty-eight feet on the length of the semitrailer unit operating in a truck tractor-semitrailer combination, and of less than twenty-eight feet on the length of any semitrailer or trailer operating in a truck tractor-semitrailer-trailer combination, on any segment of the National System of Interstate and Defense Highways and those classes of qualifying Federal-aid Primary System highways as designated by the Secretary, pursuant to subsection (e) of this section.

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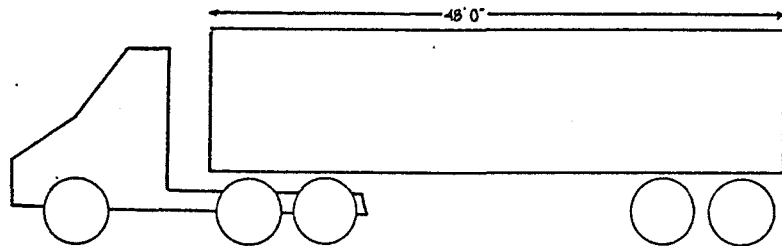
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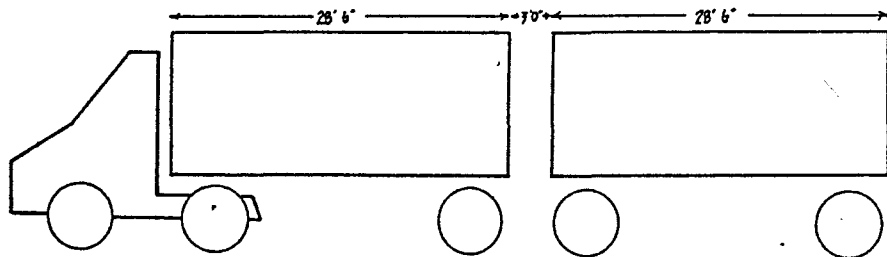
30 Cu. Yd. Pail  
J. L. Olson

# Effect of Federal Highway Improvement Act, 1982 STATE RESTRICTION TRUCK LENGTH

- Not Less Than 48 feet For Semitrailer In A  
Truck Tractor Semitrailer Combination
- Not Less Than 28½ feet For A Semitrailer In A  
Truck Tractor Semitrailer-Semitrailer Combination



Truck Tractor-Semitrailer Combination



Truck Tractor-Semitrailer-Semitrailer Combination

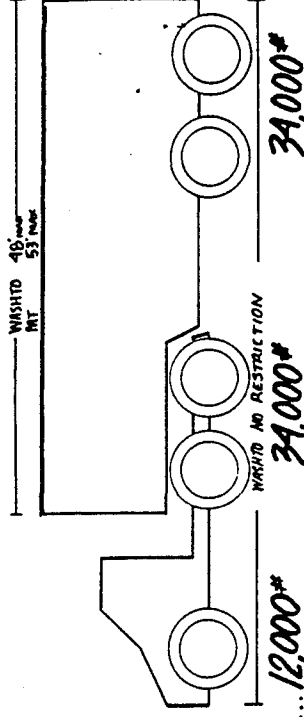
*\* VEHICLES IN EXCESS OF 75' FEET OVERALL LENGTH  
OPERATE UNDER A SPECIAL PERMIT*

DATE 2/17/93

HB 310

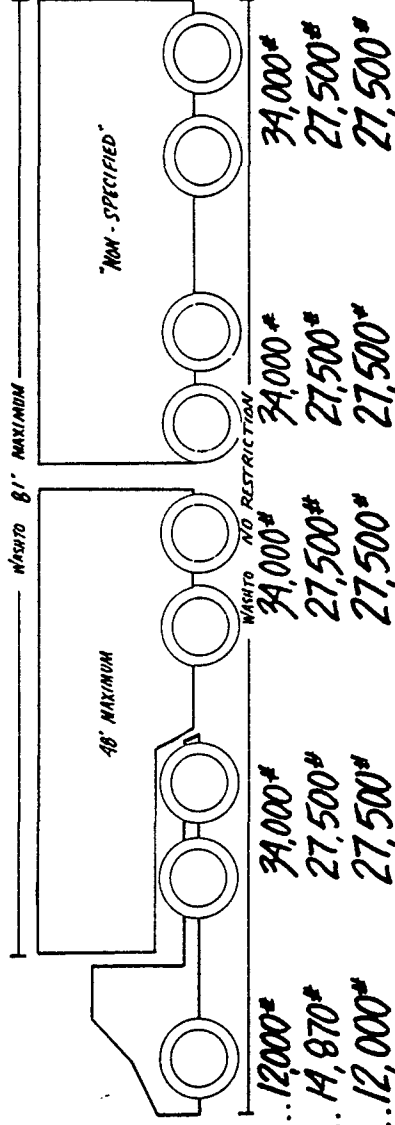
## STANDARD 5-AXLE SEMI TRAILER

## TRUCK LENGTH &amp; WEIGHT STANDARDS



AXLE MAXIMUM.....

## ROCKY MOUNTAIN DOUBLE

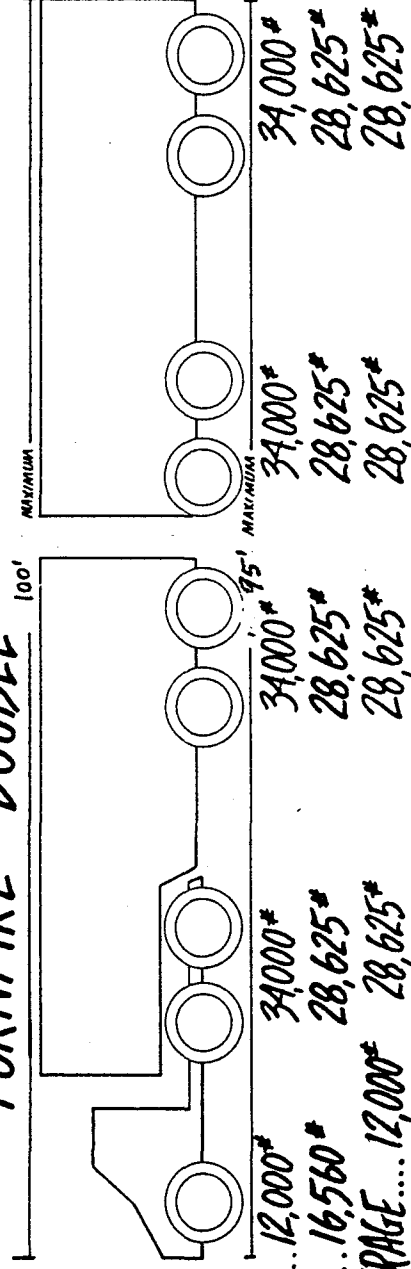


AXLE MAXIMUM.....

FORMULA B ALLOWED.....

PRACTICAL WEIGHT AVERAGE.....

## TURNPIKE DOUBLE



AXLE MAXIMUM.....

FORMULA B ALLOWED.....

PRACTICAL WEIGHT AVERAGE.....

12,000# 34,000# 34,000# 34,000# 34,000#

16,560# 28,625# 28,625# 28,625# 28,625#

12,000# 28,625# 28,625# 28,625# 28,625#

34,000# 34,000# 34,000# 34,000# 34,000#

28,625# 28,625# 28,625# 28,625# 28,625#

28,625# 28,625# 28,625# 28,625# 28,625#

148,000#

131,060#

126,500#

EXHIBIT 8  
DATE 2-17-93  
HB 310

Testimony Before House Highways Committee  
RE: HB 310

Mr. Chairman, members of the committee, my name is Glenna Wortman-Obie, manager of public relations and safety for AAA Montana. I am here to speak as a proponent of HB 310. I think it is important, sometimes, to remember the reasons that we build and maintain highways and roadways. For commerce certainly. To move goods and provide services, but on a more basic level, to provide a means for people to travel from one place to another. Sometimes, this basic reason for highways conflicts with the needs of commerce. In addition, when we are talking about commerce, let's not forget the importance of tourism for our state's economy. I think we can all co-exist on our highways, but when conflicts arise they must be managed. As a representative of the private motorist, AAA Montana is willing to give the Department of Transportation the tools to manage some of those conflicts. HB 310 is such a tool. We urge your adoption of HB 310 with the suggested ammendment~~s~~.

*Locking Glass*  
*Bear tooth*

HB 572

Sponsor: Rep. Galvin

EXHIBIT

DATE

HB

9

2-17-93

572

Testimony By: Dave Galt, Administrator MCS

Date: 2-17-93

The Department appears before this committee today to urge support for HB 572. In 1988-89 the department was audited by the Legislative Auditor. One of the findings of that audit was that the Department should review the laws regarding over weight permit fees and propose a more equitable method of accessing those fees. Under the present statute the over weight permit fee is set only by the number of miles in the trip. For example, if a truck 2000 pounds over weight pays a fee of \$50.00 to cross the state. If the same truck is 50,000 pounds over weight the fee is still \$50.00.

After the audit, we contracted MSU to study this problem and give us a fee structure based on weight and miles. This fee structure had to be comparable with our neighboring states, and encourage heavy loads to use equipment with as many axles as possible.

This proposed legislation is a result of MSU's study. The fees charged represent what it costs to highway tax payers for the damage done to the road by a given overweight. Yes these fees are high, in fact they are higher than our neighboring states. But

this fee does encourage over weight vehicle operators to use the largest equipment possible and therefore minimize highway damage.

I have two handouts that show what this bill does to overweight permits in terms of dollars. One handout looks at specific permits, shows the current fee, the proposed fee, and fees for the same trip in our neighboring states.

Dr. Stevens from MSU is here to answer any questions that you may have about the study and its findings.

Thank you.

EXHIBIT 10  
DATE 2-17-93  
HB 572

IDAHO 02/11/93 HB0572

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=====
*****
PERMIT   AXLE   TOTAL   PERMIT   IDAHO   WASHINGTON
NUMBER   WEIGHTS  MILES   FEES     FEES     FEES
=====
```

402087	12,500				
	51,750				
	80,000				
	80,000				
	80,000				
GROSS WEIGHT	304,250	130/150	\$455.00	\$368.00	\$420.00
359287	30,000				
	50,000				
GROSS WEIGHT	80,000	355/375	\$210.00	\$24.00	\$79.00
359286	12,000				
	44,000				
	48,000				
GROSS WEIGHT	104,000	658/675	\$472.50	\$32.00	\$331.00
359356	10,000				
	40,000				
	40,000				
GROSS WEIGHT	90,000	302/325	\$136.50	\$18.00	\$46.00
359129	12,500				
	50,000				
	20,000				
	63,800				
GROSS WEIGHT	146,300	33/50	\$42.00	\$40.00	\$102.00
359366	18,000				
	46,000				
GROSS WEIGHT	64,000	546/550	\$231.00	\$21.00	\$116.00
359340	12,000				
	50,000				
	30,000				
	30,000				
GROSS WEIGHT	122,000	342/350	\$196.00	\$30.00	\$367.50

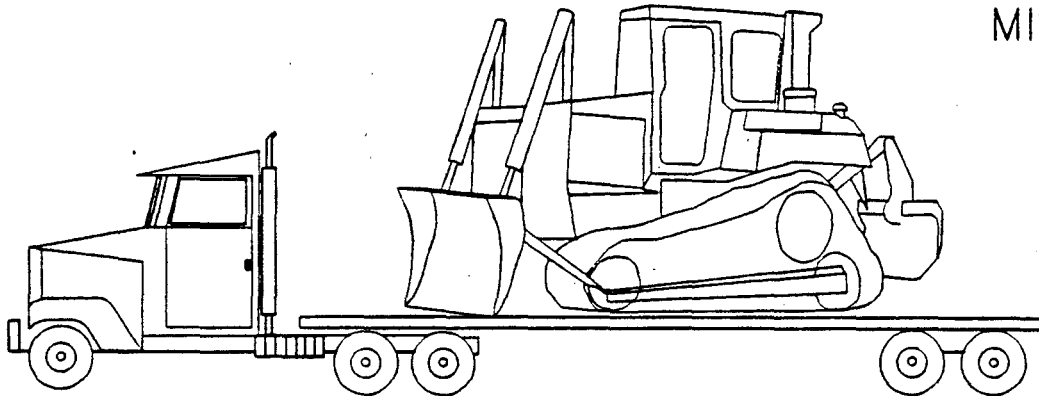
PROPOSED CHANGES IN  
OVERWEIGHT PERMITS FEES

EXHIBIT 11  
DATE 2-17-93  
HB 572

MILEAGE: 500 mi

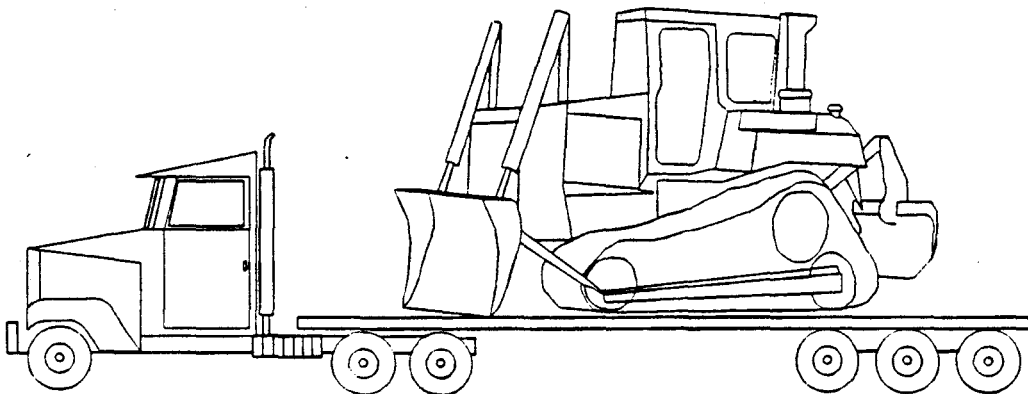
PERMIT FEES:  
OLD NEW

\$50 \$280



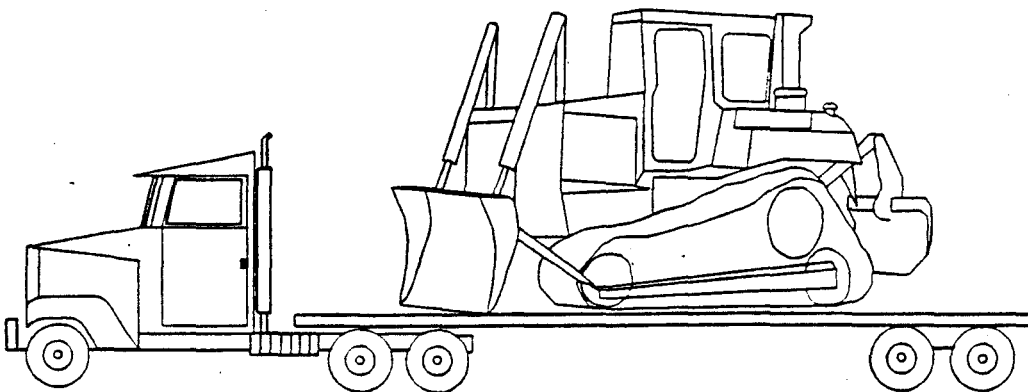
1. 12,000 38,000 50,000  
-0- 4,000 16,000

\$50 \$210



2. 12,000 38,000 50,000  
-0- 4,000 8,000

\$50 \$70



3. 12,000 34,000 36,000  
-0- -0- 2,000



HB 606

Sponsor: Rep. Ellis

EXHIBIT 12  
DATE 2-17-93  
HB 606

Testimony By: Dave Galt, Administrator MCS

Date 2-17-93

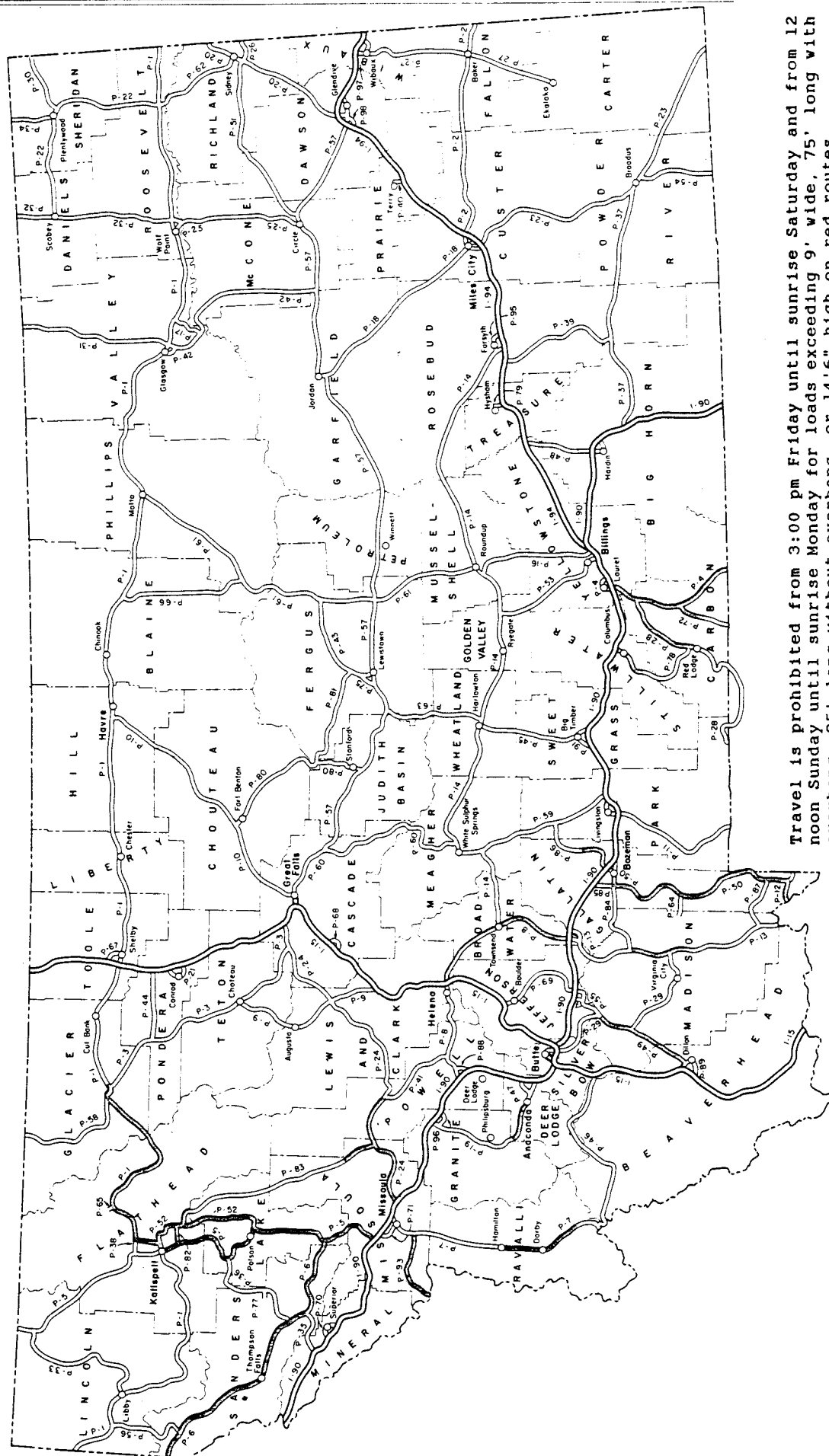
The Department of Transportation has serious concerns with this bill because it allows travel for hay grinders up to 11 and a half feet wide during the hours of darkness. We have always been extremely cautious when we have been confronted with allowing over-width vehicles to operate at night.

Looking through the statutes one can see that the legislature has also been concerned with night time travel of over-width vehicles. Look at subsection 2 in this bill. This law does not apply to implements of husbandry moved during daylight hours. In another section we have special provisions for haystack movers, again these vehicles are not allowed travel at night.

I would like to read a short report from the MDT statistics section.

The department urges this committee to give this bill a do not pass recommendation.

**TRIED ROUTE RESTRICTIONS FOR TRAVEL.**



Travel is prohibited from 3:00 pm Friday until sunrise Saturday and from 12 noon Sunday until sunrise Monday for loads exceeding 9' wide, 75' long with overhang, 95' long without overhang, or 14'6" high on red routes.

Travel is prohibited from 3:00 pm Friday until sunrise Monday for loads exceeding 16' wide, 120' long, or 16' high on red routes.

DATE 2/17/93

HB 530

March 13, 1991

Page 3 of 16

units. He said they have put on about 15 million miles without an accident involving these triple units. Approximately 13 million of these miles were on highway U.S. 287, which is one of the oldest highways in the state. If they were forced to discontinue the use of these units, it would cause a severe financial burden. It would cost \$40,000 per unit or \$640,000 to convert to a truck-dolly semi-trailer unit drawing number two. Which would be about 10% less efficient, and in his opinion, would not be as safe. This 10% loss in legal payload would result in a \$125,000 loss in annual revenue. If they don't make the capital investment of buying the trailers, and dropped one trailer, their efficiency would have a decrease of about 25%. This would result in an annual revenue loss of approximately \$330,000. He felt that their units were inadvertently dropped in the passage of the triple's bill. EXHIBIT 2 and EXHIBIT 3

Bill Carrier, Cyprus Industrial Minerals, said they own and operate three mines and one mill in Montana. Cyprus Industries is the world's largest producer of talc ore and finished talc products. Cyprus Industries employs 175 people within the state. A.M. Welles is the sole contractor providing transportation services for talc ore from the mines to the mill in Three Forks. Welles has been able to be a competitively priced service, due to the specific equipment configuration that were purchased and operated. Welles has legally operated this equipment since 1974. If Welles is prohibited from operating this existing fleet of trucks, Welles income would be greatly decreased due to reduced tonnage haul per trip or a major capital expenditure made to purchase the equipment needed to haul the present tonnage. Either situation would require cost recovery in the form of higher freight rates passed on to Cyprus. Cyprus establishes pricing to their customers based on the accumulation of costs throughout all phases of operation and production. Any cost increases to Cyprus for which they have no control, would be passed on to the customers. Higher costs would place Cyprus at a competitive disadvantage to other out-of-state producers. Any loss in business would result in the loss of Montana jobs. The accident frequency of Welles' fleet of equipment, especially the truck trailer-trailer combination, provides further evidence that these units are safe and an economical means for enhancing Montana's competitive position in that national and worldwide market place. EXHIBIT 4

Stuart Doggett, Montana Mining Association, supported SB 297.

Opponents' Testimony: None

Questions From Committee Members:

REP. LARSON asked if this bill only applies for the four firms in Montana. SEN. NOBLE said there are four firms that have these configuration of units. He said in reading further into the bill, if the truck trailer-trailer would have been taken out of the law to allow the four firms to operate, this bill wouldn't be

EXHIBIT 14  
DATE 2-17-93  
HB 530

needed, but it was after the cut-off date and the title would have had to be changed and it was too late. He said it will have to wait until the next time to do it. REP. LARSON said if these truck-trailer-trailers were taken out of the bill, they can be replaced under the terms of this bill. SEN. NOBLE said the equipment can be replaced under the terms of this bill, but the operations are limited to the routes that had been banned previous to 1987.

CHAIRMAN STANG asked if these configurations are the same as the Rocky Mountain doubles. Mr. Havdahl said no. The Rocky Mountain double is a tractor trailer-trailer. The configuration in this bill and as he understands, it is a truck-body, when two trailers are hooked together. He said these units are about 95 feet, smaller than the triples that are 110 feet.

REP. GALVIN asked if these units stay on their designated routes or do they run on the interstates. SEN. NOBLE said they do run some on the interstate. REP. GALVIN asked if these routes will be expanded. SEN. NOBLE said no. The units are bound to their designated routes they had prior to 1987.

REP. ELLIS asked if this bill just deals with configuration and not with weight. SEN. NOBLE said that is correct.

CHAIRMAN STANG asked how does the weight configuration on these trailers differ from the triple trailers. The argument regarding the triple trailers was the fact that they actually handled less weight per trailer than doubles or longer trailers. How does the GVW division look at the weight configuration and the potential damage to the roads with these trailers. Mr. Gilmore said they are all evaluated under the bridge formula. The weight allowed is established that way. These trailers aren't as long as the triples, they are a short box and the triples are allowed to 110 feet, these are a maximum of 95 feet. The tongue length on these are greater than the triples. CHAIRMAN STANG asked if the GVW has looked at a different way of doing this without taking truck trailer-trailer out, and without restricting their routes to certain places in case a mine might be developed elsewhere. Mr. Gilmore said that currently, there are ways they could haul as much of a load as the trailer-trailer units haul. The problem is, these people have invested money and are into this type of system. It would be a great capital expenditure to change.

Closing by Sponsor:

SEN. NOBLE said that Dave Galt from the GVW division testified in the Senate Committee, and he does not have a problem with this bill. He said that Mr. Galt helped him in drafting the bill because GVW is tired of writing special permits. He said this is a very expensive situation for these four firms to change over. Their safety record is good and they employ a number of people in Montana. He urged the committee to concur on SB 297.

Montana Department of Transportation  
Helena, Montana 59620

EXHIBIT 15  
DATE 2-17-93  
HB 6066

Memorandum

To: David A. Galt, Administrator  
Motor Carrier Services Division

From: Rick D. Rogne, Supervisor  
Statistics Section

*R. Rogne*

Date: February 16, 1993

Subject: Highway Lane Width

As per your request, following are some highway statistics concerning mileage of surfaced roadway width on our primary and secondary highway systems.

806 miles of our primary highway system has a surfaced roadway width less than 24 feet. Of this mileage, 621 miles are 22 feet or less and 252 miles are 20 feet or less.

401 miles of our paved secondary roads have a surfaced roadway width less than 24 feet. Of this mileage, 289 miles are 22 feet or less and 119 miles are 20 feet or less.

In the past we have equated lane widths by dividing the surfaced roadway width by two.

RR:1.hlw

14  
2-1792  
530  
by an official abstract of the record of the individual for who it is submitted. Drivers of tandem trailer combinations are required to prove to the MTA a minimum of 5 years of tractor trailer driving experience.

#### Speed Regulations

Tandem trailer combinations shall comply with the existing speed regulations for trucks and shall be subject to the rigid enforcement of the 55 miles per hour speed limit, or any lower speed limit posted due to adverse weather or road conditions for such vehicles on the turnpike.

#### Distance Between Vehicles

A minimum distance of 500 feet, or approximately two delineator spaces, shall be maintained under normal conditions between a tandem trailer combination and a vehicle traveling in front of it in the same travel lane, except when passing occurs.

#### Passing

A tandem trailer unit may pass another vehicle traveling in the same direction only if the speed differential will allow the tandem trailer unit to complete the maneuver and return to the normal driving lane within a distance of 1 mile.

#### Turnpike Regulations

Except as noted herein, and in the Tandem Trailer Permit, all rules and regulations governing the use and occupancy of the turnpike shall apply to the operation of tandem trailer combinations on the turnpike.

#### Miscellaneous Powers

The MTA may revoke or temporarily suspend at will any permit issued for the operation of tandem combinations on the turnpike, at its sole discretion, in whole or in part, if the MTA shall temporarily suspend tandem trailer operations at any time for any reason, including reasons of inclement weather, reconstruction or other conditions, the instructions of the MTA and of the Massachusetts State Police shall be complied with immediately.

#### Makeup-Breakup Areas

Tandem trailer units shall be assembled and disassembled only in special makeup-breakup areas designated for this purpose by the MTA; no combination consisting of a truck tractor, first semitrailer and dolly, with or without a second semitrailer, shall exit from the turnpike into a publicly maintained highway within the Commonwealth of Massachusetts, except where other laws or local regulations permit.

Routes: I-90 from Boston to New York Line.  
Legal Citations: Massachusetts Turnpike Authority (MTA) Rules and Regulations 730 CMR 4.00.

State: Mississippi.

Combination: Tractor-semitrailer-trailer (Each trailer is 30 feet or less in length).

Length of the Cargo Carrying Units: 65 feet (estimated).

Operational Conditions: None.

Routes: All Interstate routes. All U.S. numbered routes. All State numbered routes.

Legal Citations: Sec. 63-5-19, Para. (3) MS Code, 1972.

State: Missouri.

Combination: Rocky Mountain Double.  
Length of the Cargo Carrying Units: 102 feet.

Operational Units: Annual blanket over-dimension permits are issued to allow travel moving to terminals which involves travel on Interstate, primary and secondary routes with an overall length not to exceed 120 feet. The permit fee is per power unit. The permits carry routine permit restrictions, but do not address driver qualifications or any other restrictions not included in the rules and regulations for all permitted movement.

Routes: All National Network routes in Missouri within a 20-mile band from the Oklahoma and Kansas borders.

Legal Citations: § 304.200 Revised Statutes of Missouri 1990.

State: Missouri.

Combination: Turnpike Double.

Length of the Cargo Carrying Units: 109 feet.

Operational Conditions: Same as for Missouri Rocky Mountain Doubles.

Routes: Same as for Missouri Rocky Mountain Doubles.

Legal Citations: Same as for Missouri Rocky Mountain Doubles.

State: Missouri.

Combination: Triple.

Length of the Cargo Carrying Units: 100 feet.

Operational Conditions: Same as for Missouri Rocky Mountain Doubles.

Routes: Same as for Missouri Rocky Mountain Doubles.

Legal Citations: Same as for Missouri Rocky Mountain Doubles.

State: Montana.

Combination: Rocky Mountain Double.

Length of the Cargo Carrying Units: 81 feet.

Operational Conditions: Vehicle combinations must conform to posted speed limits. Vehicle combinations may operate 24 hours a day, 7 days a week on all highways. Operations are restricted during adverse weather conditions, when such operation affects the safety of the traveling public.

Routes: All National Network routes except US 87 from milepost 79.3 to milepost 82.5.

Legal Citations: 61-10-124 MCA; 61-10-121 MCA; ARM 18.8.569.

State: Montana.

Combination: Turnpike Double.

Length of the Cargo Carrying Units: 90 feet.

Operational Conditions: "Turnpike Doubles" with a 100-foot overall length are limited to the Interstate System plus a 2-mile access provision to and from the Interstate. On all other highways "Turnpike Doubles" are limited to a 95-foot overall length. All "Turnpike Doubles" are restricted to the posted speed limits and cannot operate during adverse weather conditions if such travel affects the safety of the public.

Routes: All National Network routes except US 87 from milepost 79.3 to milepost 82.5.

Legal Citations: 61-10-124(4) MCA; 61-10-121 MCA.

State: Montana.

Combination: Triple.

Length of the Cargo Carrying Units: 100 feet.

Operational Conditions: Triple units are allowed only on routes that are part of the

Interstate System. "Triples" are granted a 2-mile access provision off the Interstate for services or loading. Provisions may be granted at the discretion of the Administrator of the Motor Services Division for access beyond the 2-mile radius of the Interstate.

Triple operations are subject to a variety of equipment specifications. In addition, drivers of triple vehicle combinations are required to be certified. The certification process includes an actual road test under all types of driving conditions familiar to Montana.

Routes: Triples may operate on the following National Network routes. The entire length of Interstate routes 15, 90, 94 plus the 2-mile access provision discussed under "Operational Conditions."

Legal Citations: 61-10-124(6) MCA, ARM 18.8.517; 61-10-146(12) MCA, ARM 18.8.518; 61-10-121 MCA.

State: Montana.

Combination: Truck-trailer-trailer.

Length of the Cargo Carrying Units: 103 feet.

Operational Conditions: Maximum overall dimensions for truck-trailer-trailer combinations are as follows:

- 110-foot overall length on the Interstate, only with a conventional truck, with a 2-mile access provision.
- 105-foot overall length on the Interstate, only with a cab-over-engine truck, with a 2-mile access provision.
- 95-foot overall length on two-lane highways.

Routes: All National Network routes except US 87 from milepost 79.3 to milepost 82.5.

Legal Citations: 61-10-124 MCA; 61-10-121 MCA; ARM 18-8-509.

State: Nebraska.

Combination: Rocky Mountain Double.

Length of the Cargo Carrying Units: 85 feet.

Double trailers not exceeding a total length of 65 feet may travel without restriction as to route or as to relative trailer dimension. Double trailers over 65 feet may travel empty, but only with permits subject to the limitations set forth in the Rules and Regulations of the State of Nebraska Department of Roads.

Operational Conditions: Permits, for which a fee is charged, are required for operation on the Interstate and Defense Highway System only. Axle weight limits are 20,000 pounds for single axle and 34,000 pounds for tandem axle. Lift axles, which may be raised or lowered from within the vehicle or which have controls that may be reached from within the vehicle, and dummy axles will be disregarded in determining lawful weight.

- No wheel of a vehicle or trailer equipped with pneumatic, solid rubber or cushion tires shall carry a gross load in excess of 10,000 pounds on any road or highway nor shall any axle carry a gross load in excess of 20,000 pounds on any road or highway.
- No group of two or more consecutive axles shall carry a load in pounds in excess of the value given in the following table corresponding to the distance in feet between the extreme axles of the group, measured longitudinally to the nearest foot, except that the maximum load carried on any group of two or more axles shall not

16  
DATE 2/17/93  
HB 530

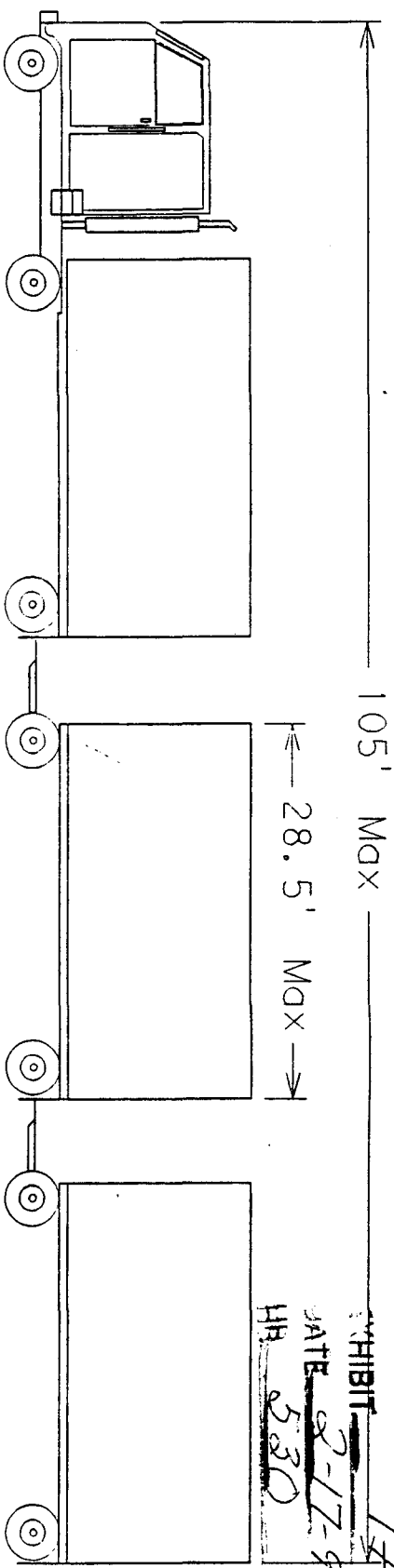


EXHIBIT 17  
 DATE 2-17-93  
 HH 530

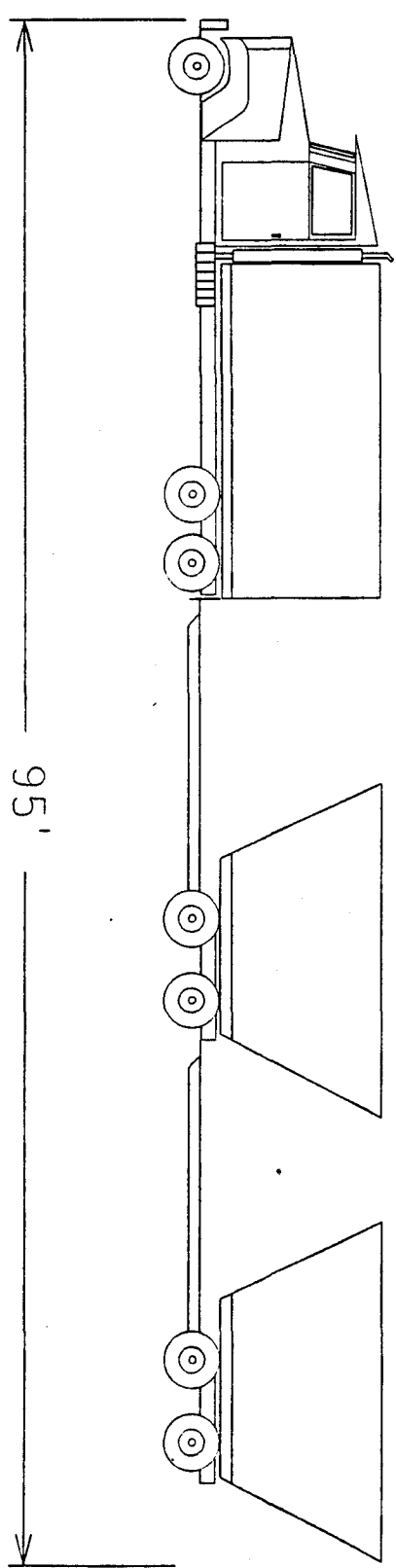
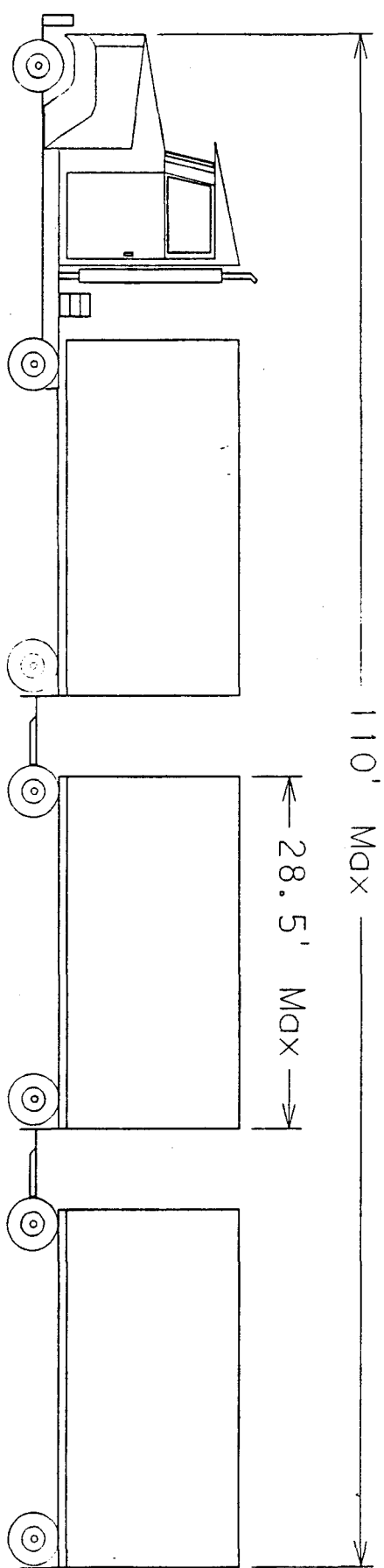
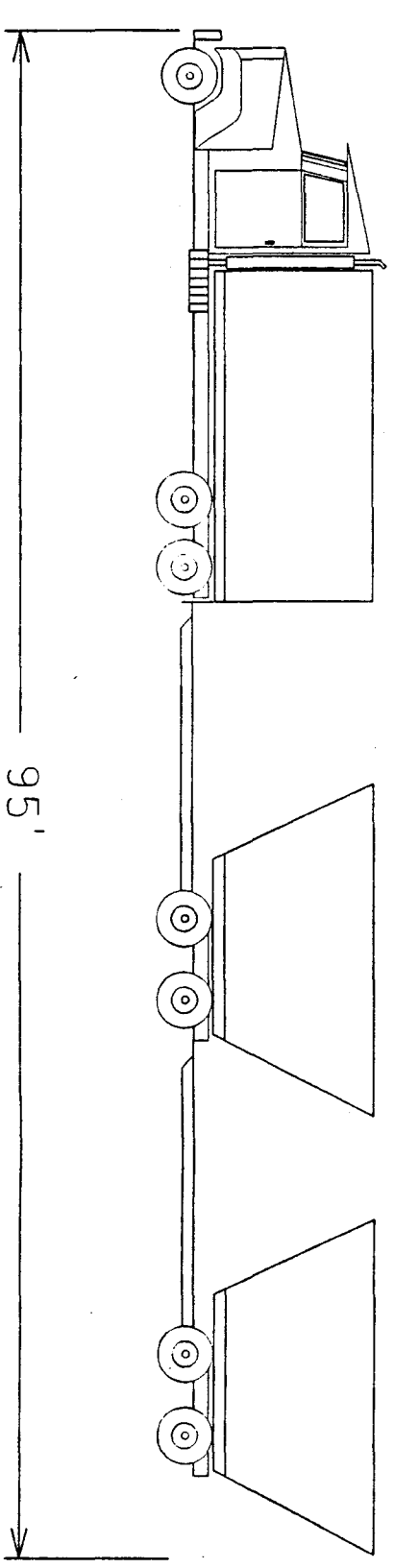
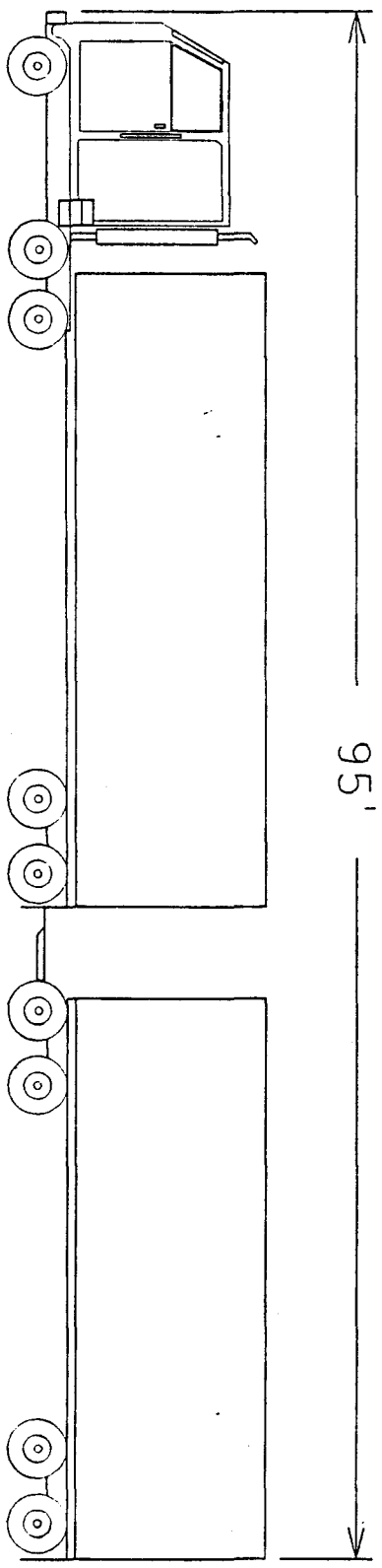
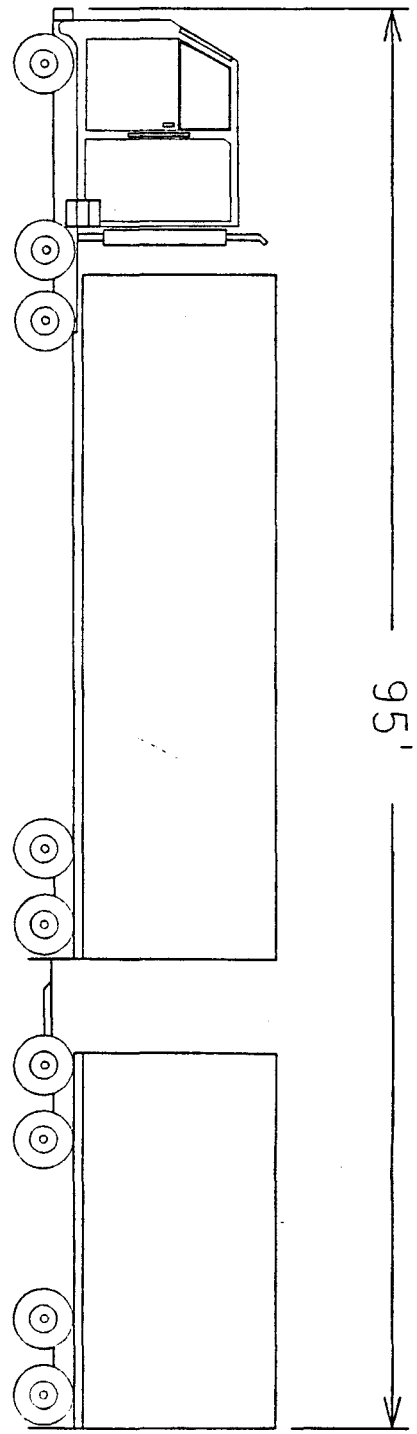


EXHIBIT 18  
DATE 2-17-93  
HB 530





Amendments to House Bill No. 541  
First Reading Copy

Requested by Representative Whalen  
For the Committee on Highways and Transportation

Prepared by Greg Petesch  
February 17, 1993

EXHIBIT 19  
DATE 2-17-93  
HB 541

1. Title, line 4.

Following: "COUNTY"

Insert: "OR GROUP OF COUNTIES"

2. Title, line 8.

Following: " ; "

Insert: "PLACING RAIL AUTHORITIES UNDER THE JURISDICTION OF THE  
PUBLIC SERVICE COMMISSION; "

3. Title, line 9.

Strike: "SECTION"

Insert: "SECTIONS"

Following: "15-10-412"

Insert: "AND 69-14-101"

4. Page 19, line 15.

Following: line 14

Insert: "Section 19. Section 69-14-101, MCA, is amended to read:

"69-14-101. Definitions. Unless the context requires  
otherwise, in this chapter the following definitions apply:

(1) "Paralleling" means the situation where the main tracks  
of parallel lines of railroad or railway are not more than 2,000  
feet apart when measured from center to center.

(2) "Railroad" means a corporation, company, or individual  
owning or operating a railroad in whole or in part in this state.  
The term also includes express companies, and sleeping-car  
companies, and a railroad authority established under [sections 1  
through 17].

(3) "Transportation" includes instrumentalities of shipment  
or carriage. " "

Renumber: subsequent sections

Amendments to House Bill No. 541  
First Reading Copy

EXHIBIT 20  
DATE 2-17-93  
HB 541

Requested by Representative Linda Nelson  
For the Committee on Highways and Transportation

Prepared by Connie Erickson  
February 17, 1993

1. Title, line 6.

Following: "MILLS"

Insert: ",WITH VOTER APPROVAL,"

2. Page 1, line 23.

Strike: "local"

Insert: "abandoned"

3. Page 7, line 4.

Following: "(1)"

Strike: "The"

Insert: "Within the boundaries of the authority, the"

4. Page 8, line 12.

Following: "limitation"

Strike: "-- collection of tax"

Following: "."

Strike: "(1)"

5. Page 8, line 15.

Strike: "The"

Insert: "Upon approval by the electorate, the"

6. Page 8, line 19.

Strike: "(2)"

7. Page 8, line 22.

Following: "authority."

Insert: "NEW SECTION. Section 13. Election required to impose mill levy. (1) Before the levy provided for in [section 12] may be made, the question must be submitted to a vote of the people at the next regular school election held in accordance with 20-3-304 or by mail ballot election as provided by Title 13, chapter 19, in the following form:

"Shall there be a levy of (specify number, not to exceed 6) mills upon the taxable property of the (specify rail

(OVER)

authority) necessary to raise the sum of (specify the approximate amount to be raised by the tax levy) for the purpose of (specify purpose for which the levy is made)?

[ ] FOR the tax levy.

[ ] AGAINST the tax levy."

(2) Notice of the election, clearly stating the amount and the purpose of the levy, must be given and the election must be held and conducted and the returns must be made in the manner prescribed by law for the submission of questions to the electors under the general election laws.

NEW SECTION. Section 14. Collection of tax and disposition of funds. (1)"  
Renumber: subsequent sections

8. Page 8, line 25.

Strike: "(3)"

Insert: "(2)"

9. Page 1, lines 13 and 15.

Page 2, lines 5 and 14.

Page 5, line 7.

Page 6, lines 6, 12, 16, and 25.

Page 7, line 10.

Page 9, line 3.

Page 11, lines 6, 12, and 22.

Page 12, line 6.

Page 19, lines 16 and 18.

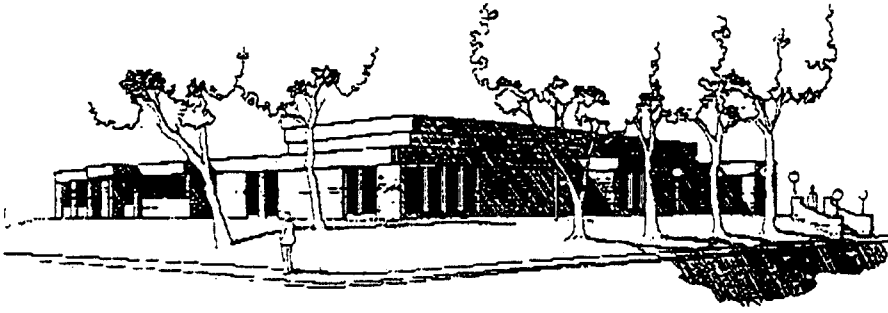
Strike: "17"

Insert: "19"

10. Page 19, line 4.

Strike: "17"

Insert: "19"



# Valley County

501 Court Square  
Glasgow, Montana 59230Phone: (406) 228-8221  
FAX: (406) 228-9027

## MEMO

TO: REPRESENTATIVE DARYL TOEWS  
FROM: VALLEY COUNTY COMMISSIONERS  
DATE: FEBRUARY 16, 1993  
RE: HB 541 - RAILROAD AUTHORITY

We ask you to support HB 541.

It seems to be the trend of the railroad companies to discontinue rail service first in one community and then another. We realize this is a unique bill because at the present time there are only approximately twenty counties throughout Montana that have or may have an abandoned railroad. However, if there were one in the County such as we have in Valley County, the Commissioners could establish a Railroad Authority on the recommendation of the people. This would preserve the rail service to a community or an entire county.

The good point of this bill is that a county could have a joint resolution with a neighboring county or counties to expand the rail service. The boundaries can be expanded or property can be exempt.

At the present time there is no law allowing for a Rail Authority, and we feel one is needed.

Post-It™ brand fax transmittal memo 7671 # of pages > 1

To <i>Rep. Daryl Tows</i>	From <i>Commissioners</i>
Co.	Co. <i>Valley County</i>
Dept.	Phone #
Fax # <i>444-4057</i>	Fax # <i>228-9027</i>

EXHIBIT 22  
DATE 2-17-93  
HB 530

HB 530; SPONSORED BY: REP. SPRING

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

DATE: FEBRUARY 12, 1993

This bill is a result of a series of legislation that has 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 a tractor, semi-trailer, trailer, trailer. The 1987 triples law authorized these vehicles only on the interstate highway network. At that time nobody realized that certain commodity carriers in southwest Montana had been using truck, trailer, trailer combinations for 15 years on the primary and secondary highway systems. The Highway Department Director at that time chose to leave it alone and let these carriers continue to operate.

In 1989 I started to receive several requests to authorize other carriers for this combination off the interstate system. I could not authorize those requests. In the fall of 1990, I wrote to the carriers who were using these combinations off the interstate system and told them we needed to get the problem corrected in the 1991 session or discontinue the operation.

In the last session, legislation was passed that authorized only those carriers who were in operation prior to 1987 to continue to operate. Affidavits were required from those carriers showing what routes they operated on prior to 1987. One carrier submitted an affidavit that showed prior operation on half the roads in the state. As soon as the 1991 session was over this carrier expanded his operation into other areas, creating a disadvantage for carriers who could not operate such equipment. Our current laws have created an unfair condition that needs to be addressed.

Rep. Spring's proposal would allow everybody the opportunity to run these vehicles under the same conditions. These vehicles are no heavier than other types of vehicle configurations currently in use. These vehicles are no larger than other vehicle configurations that operate on our highways. Since these vehicles are such a small segment of the total truck population I can not determine if they have a high accident rating. In 1991 a carrier with these vehicles stated that they have been very safe, I can only assume that is correct.

copy of  
testimony  
received

Amendments to House Bill No. 530  
First Reading Copy

EXHIBIT 23  
DATE 2-17-93  
HB 530

For the Committee on Highways

Prepared by Valencia Lane  
February 18, 1993

1. Title, line 5.

Strike: "ANY"

2. Title, line 6.

Following: "VEHICLE"

Strike: "COMBINATION"

Insert: "COMBINATIONS THAT ARE OPERATED BY CUSTOM COMBINERS AND  
THAT ARE"

3. Page 5, line 24.

Following: "combinations"

Strike: "consisting"

Insert: "that are operated by custom combiners and that consist"

Amendments to House Bill No. 606  
First Reading Copy

For the Committee on Highways

Prepared by Valencia Lane  
February 18, 1993

1. Title, line 5.  
Following: "TO"  
Insert: "COMMERCIAL"
2. Page 2, line 19.  
Following: "to a"  
Insert: "commercial"
3. Page 2, line 20.  
Following: "highway"  
Insert: "during daylight hours"
4. Page 2, line 22.  
Following: "of the"  
Insert: "commercial"  
Following: "A"  
Insert: "commercial"
5. Page 2, line 24.  
Following: "If the"  
Insert: "commercial"
6. Page 3, line 2.  
Following: "of the"  
Insert: "commercial"
7. Page 3, line 3.  
Following: "the"  
Insert: "commercial"
8. Page 3, line 5.  
Following: "of a"  
Insert: "commercial"
9. Page 3, line 7.  
Following: "is"  
Strike: "not"
10. Page 3, line 8.  
Following: "of a"  
Insert: "commercial"

EXHIBIT 25  
DATE 2-17-93  
HB 541

Amendments to House Bill No. 541  
First Reading Copy

For the Committee on Highways

Prepared by Valencia Lane  
February 20, 1993

1. Title, line 4.  
Following: "COUNTY"  
Insert: "OR GROUP OF COUNTIES"
2. Title, line 6.  
Following: "MILLS"  
Insert: ", WITH VOTER APPROVAL,"
3. Title, line 8.  
Following: " ; "  
Insert: "PLACING RAIL AUTHORITIES UNDER THE JURISDICTION OF THE  
PUBLIC SERVICE COMMISSION;"
4. Title, line 9.  
Strike: "SECTION"  
Insert: "SECTIONS"  
Following: "15-10-412"  
Insert: "AND 69-14-101"
5. Page 1, line 23.  
Strike: "local"  
Insert: "abandoned"
6. Page 7, line 4.  
Following: "(1)"  
Strike: "The"  
Insert: "Within the boundaries of the authority, the"
7. Page 8, line 12.  
Following: "limitation"  
Strike: "-- collection of tax"  
Following: "."  
Strike: "(1)"
8. Page 8, line 15.  
Strike: "The"  
Insert: "Upon approval by the electorate, the"
9. Page 8, line 19.  
Strike: "(2)"
10. Page 8, line 22.  
Following: "authority."  
Insert: "NEW SECTION. Section 13. Election required to impose  
mill levy. (1) Before the levy provided for in [section  
12] may be made, the question must be submitted to a vote of



the people at the next regular school election held in accordance with 20-3-304 or by mail ballot election as provided by Title 13, chapter 19, in the following form:

"Shall there be a levy of (specify number, not to exceed 6) mills upon the taxable property of the (specify rail authority) necessary to raise the sum of (specify the approximate amount to be raised by the tax levy) for the purpose of (specify purpose for which the levy is made)?

[] FOR the tax levy.

[] AGAINST the tax levy.

(2) Notice of the election, clearly stating the amount and the purpose of the levy, must be given and the election must be held and conducted and the returns must be made in the manner prescribed by law for the submission of questions to the electors under the general election laws.

NEW SECTION. Section 14. Collection of tax and disposition of funds. (1)"

Renumber: subsequent sections

11. Page 8, line 25.

Strike: "(3)"

Insert: "(2)"

12. Page 1, lines 13 and 15.

Page 2, lines 5 and 14.

Page 5, line 7.

Page 6, lines 6, 12, 16, and 25.

Page 7, line 10.

Page 9, line 3.

Page 11, lines 6, 12, and 22.

Page 12, line 6.

Page 19, lines 16 and 18.

Strike: "17"

Insert: "19"

13. Page 19, line 4.

Strike: "17"

Insert: "19"

14. Page 19, line 15.

Following: line 14

Insert: "Section 21. Section 69-14-101, MCA, is amended to read:

"69-14-101. Definitions. Unless the context requires otherwise, in this chapter the following definitions apply:

(1) "Paralleling" means the situation where the main tracks of parallel lines of railroad or railway are not more than 2,000 feet apart when measured from center to center.

(2) "Railroad" means a corporation, company, or individual owning or operating a railroad in whole or in part in this state. The term also includes express companies, and sleeping-car companies, and a railroad authority established under [sections 1

through 19].

(3) "Transportation" includes instrumentalities of shipment or carriage.""

Renumber: subsequent sections

EXHIBIT 25  
DATE 2/17/93  
HB 541

HOUSE OF REPRESENTATIVES  
VISITOR'S REGISTER

Highways

COMMITTEE

BILL NO. HB310, HB572  
HB600

DATE 2-17-93

SPONSOR(S) Winslow, Galvin, Ellis

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
<u>Herb M. Robbins</u>	<u>M.V.D. Corp HB310</u>		<input checked="" type="checkbox"/>
<u>Jerry Stephens</u>	<u>Montana State Univ</u>	<u>HB572</u>	<input type="checkbox"/>
<u>Dave GALT</u>	<u>Mont. Dept. Trans</u>	<u>HB 572</u> <u>HB310</u>	<u>HB600</u>
<u>Tom Barnard</u>	<u>Mont Dept of Trans</u>	<u>HB310</u>	
<u>Ben Hardaway</u>	<u>mont motor carriers</u>		<u>HB310</u> <input checked="" type="checkbox"/>
<u>Glenn W. Winters - Obie</u>	<u>AAA Montana</u>	<u>HB310</u> <del>HB310</del>	
<u>Paladichuk</u>	<u>MDU HB310</u>	<u>HB310</u>	<input checked="" type="checkbox"/>
<u>Gordon Morris</u>	<u>MACo</u>	<u>HB572</u>	<input checked="" type="checkbox"/>
<u>Chet Fausel</u>	<u>CAB Hwy. Grantee</u>		
<u>REX MANUEL</u>	<u>CENEX Pet. Div.</u>		<u>HB310</u>
<u>Jim Mockler</u>	<u>MT. Coal/Can. Co.</u>		<u>HB310</u>
<u>Dore Allen</u>	<u>MT. Wood Products Assoc</u>		<u>HB310</u>
<u>Bob Stephens</u>	<u>mt. Grain Growers Assn</u>		<u>310</u> <input checked="" type="checkbox"/>

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