

MINUTES

MONTANA SENATE 53rd LEGISLATURE - REGULAR SESSION

COMMITTEE ON HIGHWAYS & TRANSPORTATION

Call to Order: By Senator Cecil Weeding, Chair, on March 2, 1993, at 3:02 p.m.

ROLL CALL

Members Present:

Sen. Cecil Weeding, Chair (D)
Sen. Betty Bruski-Maus, Vice Chair (D)
Sen. John Harp (R)
Sen. Francis Koehnke (D)
Sen. Doc Rea (D)
Sen. Spook Stang (D)
Sen. Chuck Swysgood (R)
Sen. Henry McClernan (D)
Sen. Daryl Toews (R)
Sen. Larry Tveit (R)

Members Excused: None.

Members Absent: None.

Staff Present: Tom Gomez, Legislative Council
Beth Satre, Committee Secretary

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

Committee Business Summary:

Hearing: HB 256, SB 417, HB 281, HB 294
Executive Action: None.

Committee Business:

CHAIRMAN WEEDING introduced **Tom Gomez**, the Committee's new legislative researcher. **Tom Gomez** distributed copies of his abbreviated resume (Exhibit #1) and gave a brief synopsis of his experience as a legislative researcher.

HEARING ON HOUSE BILL 256

Opening Statement by Sponsor:

Rep. Toole, House District 60, explained HB 256 arose out of phone call he had received from a disabled Pearl Harbor veteran attempting to take advantage of the disabled veteran plate provision enacted in 1991. According to **Rep. Toole**, this veteran could get the disabled veteran plate but not a Pearl Harbor plate

for the same price. Rep. Toole stated HB 256 would address this discrepancy and allow a disabled veteran to receive any other special military license plate besides the disabled plate for the disabled fee of \$5. He said HB 256 is necessary because of a 1991 mistake and asked the Committee to correct that mistake.

Proponents' Testimony:

Dean Roberts, Motor-Vehicle Division, Department of Justice, voiced the support of his department for HB 256.

Tony Cumming, American Legion of Montana, stated his organization's support of HB 256.

George Posten, United Veterans Committee of Montana, spoke in support of HB 256.

Dick Baumberger, Disabled American Veterans, strongly urged the Committee's support of HB 256.

Opponents' Testimony: None.

Informational Testimony: None.

Questions From Committee Members and Responses:

SEN. REA asked how the plates would be numbered. **Dean Roberts** explained different insignias go on each series of plate and each set of plates is numbered differently.

SEN. STANG asked if there was a reason for some plates costing more than others. He cited the example of plate fees going to the veteran cemetery. **Dean Roberts** responded that certain military plates did have special fees attached to them and assured **SEN. STANG** HB 256 would not affect those funds. He explained that 100% disabled veterans can purchase only the disabled vet plate (DVP) for \$5 even though some disabled veterans might prefer to have a different military-related plate. **Dean Roberts** stated HB 256 would allow disabled veterans to elect the series of military plates they prefer. He emphasized disabled veterans are still required to pay any special fee associated with the type of plate they chose. He cited the example of the army veteran plate to illustrate the fee system. He explained a 100% disabled veteran would pay \$5 in lieu of the \$2 plate fee plus taxes.

CHAIRMAN WEEDING asked if HB 256 would allow a disabled veteran to license more than one vehicle at the \$5 fee. **Dean Roberts** replied under HB 256 disabled veterans could chose which military-related plate they want for that \$5 plus the fee of the plate. He stated disabled veterans receive that discount on only one vehicle; any other vehicles disabled veterans have are presently licensed at full cost. He assured the Committee HB 256 would not change that situation. **CHAIRMAN WEEDING** asked whether

HB 256 would allow disabled veterans to use their DAV privilege to buy any military-related plate. **Dean Roberts** replied yes, the statute clearly stipulates the DAV privilege can only be used on one vehicle.

Closing by Sponsor:

Rep. Toole said this was HB 256's first Committee hearing where any questions were asked and stated he was glad the exact effect of HB 256 had been clarified.

HEARING ON SENATE BILL 417

Opening Statement by Sponsor:

SENATOR WEEDING stated SB 417 was requested by the Montana Department of Transportation (DOT) and would establish a process for writing off bad debts on motor fuels in certain cases. He explained that during the 1991 transfer of the Motor-Fuels Division from the Department of Revenue to DOT in 1991, an important portion of the authority to account for bad debts had remained in the Department of Revenue. He stated SB 417 would provide the legal clarification DOT requires to facilitate the writing-off and/or collection of fuel debts. He said SB 417 deals with both gasoline and motor fuel and has a rule-making provision for DOT to adopt the necessary rules for the administration of fuel debts.

Proponents' Testimony:

William Salisbury, Administrator Administration Division, DOT, summarized written testimony (Exhibit #2) and offered one amendment to SB 417 (Exhibit #3). He stated SB 417 is essentially a housekeeping measure necessitated by the 1991 creation of the DOT, which would allow DOT to write-off bad debts. **Mr. Salisbury** said he had reviewed the program established by the 1991 legislature and discovered the legislative intent did not address DOT becoming involved in bad debt and credit transactions where the money refunded back to distributors was negligible. He explained DOT had processed refunds for \$5 and claims for as little as \$3.59, amounts that are not cost-effective. He said the industry had not yet inundated DOT with such checks, but emphasized that exists as a great possibility. He assured the Committee SB 417 would neither affect industry wants nor change legislative intent.

Ronna Alexanders, Montana Petroleum Marketers Association (MPM), said the members of her organization are the wholesalers and distributors of petroleum in Montana. She explained MPM has about 100 members, 60 of whom are the licensed distributors and would be affected by SB 417. She stated the law was initially passed in the 1989 session and the intent then was neither to allow small amounts of credits nor to create extra work for DOT. She expressed MPM's support of SB 417 with the amendment DOT had offered (Exhibit #3). She said SB 417 would "create a more workable situation for everyone".

Opponents' Testimony: None.

Informational Testimony: None.

Questions From Committee Members and Responses:

SEN. STANG asked if "\$200" was the amount of the tax or the amount of the transaction. William Salisbury replied the \$200 represented the tax liability.

SEN. STANG verified there was currently no limit on these transactions, and that meant a \$20 check could be turned in and DOT would have to provide a refund. William Salisbury replied affirmatively and added the lowest check DOT had received was for \$3.59.

Closing by Sponsor:

SEN. WEEDING closed.

HEARING ON HOUSE BILL 281

Opening Statement by Sponsor:

Rep. Grady, House District 47, read from written testimony which presented the main provisions of HB 281 (Exhibit #4).

Proponents' Testimony:

Ken Hoovestal, Montana Snowmobile Association, distributed copies of testimony which detailed all the provisions in HB 281 (Exhibit #5). He stated HB 281 arose due to a concern that the MCA section addressing snowmobilers had not been reviewed since the 1970s even though the sport has substantially changed during those years. He stated the Montana Snowmobile Association Board of Directors, the Snowmobile Advisory Committee from DOT, the Montana Snowmobile Association, the Department of Fish Wildlife & Parks and the Department of Justice decided it was time to review the entire act and make the necessary changes. He prefaced his explanation of HB 281 by clarifying the difference between a snowmobile certificate of ownership and snowmobile registration. According to Mr. Hoovestal a snowmobile certificate of ownership is equivalent to the title of a car; a snowmobile registration or decal fee is the same as the license plate of a car. He then reviewed and explained the information in his written testimony (Exhibit #5).

Dennis Ogle, President, Montana Snowmobile Association read from written testimony (Exhibit #6).

Arnold Olsen, Administer, State Parks Division, Department of Fish, Wildlife & Parks, read from written testimony (Exhibit #7).

Opponents' Testimony:

Russell Hill, Montana Trial Lawyers Association (MTLA), stated MTLA's opposition to HB 281 was fragile and limited and involved HB 281's liability provision. He prefaced his comments by saying MTLA did not oppose HB 281 when it was heard in the House, since the language in HB 281 there seemed fairly non-substantive.

Russell Hill stated a MTLA member alerted him to the fact that HB 281 would make a substantive change in liability. As **Mr. Hill** explained, a snowmobiler assumes the entire risk while snowmobiling under current law, but the new language in HB 281 would change a snowmobiler's liability from a strict liability to a comparative negligence. He illustrated this change with an example of a snowmobiler who is going too fast in poor visibility and hits a skier. Since poor visibility is a risk inherent to snowmobiling, **Mr. Hill** stated under current law that snowmobiler would be liable to the skier on the trail even if the skier were at some fault for not getting out of the way. He stated HB 281 would make it necessary to apportion the fault and the skier's negligence would then become a factor deducting from the snowmobiler's liability. According to **Mr. Hill**, however, the situation could arise in which a snowmobiler who had either been drinking or was under the influence of drugs and hits a tree while swerving to miss a skier could recover damages from the skier for not getting out of the way because DUI is not classified as an inherent risk of snowmobiling.

Informational Testimony: None.

Questions From Committee Members and Responses:

SEN. TVEIT asked why HB 281 would strike the word "death" from the current statute. **Ken Hooverstal** replied "death" might be included in the definition of "serious injury" and thus might be redundant. He said **Pat Melby** was the person who could answer the specific legalities of the HB 281, and offered to ask **Pat Melby** about the reason for striking the word "death". He stated he did not agree with the MTLA's "conjectures" as to potential liability problems HB 281's language might present in the future.

CHAIRMAN WEEDING asked **Mr. Hooverstal** to supply the Committee with a legal opinion on the removal of the word "death" from the statute.

SEN. KOEHNKE asked why the provision giving federal officers the authority to enforce DUI laws on snowmobilers was removed from HB 281. **Ken Hooverstal** replied the House Committee had removed that portion from HB 281, because some representatives expressed the concern that a federal agent or forest service ranger who did not approve of the sport could use the extension of DUI and alcohol testing standards onto the trail system to harass snowmobilers. According to **Mr. Hooverstal**, the argument was made that game wardens and forrest service personnel cannot stay certified to administer DUI tests and could use minor alcohol consumption as a pretence to haul a snowmobiler down the mountain to a sheriff's office. He stated the House committee had decided the current

departmental ordinance had functioned for a long time and that this was a minor issue since there has only been four DUIs in eight years.

SEN. TOEWS asked for an explanation of the logic behind HB 281's provisions for reporting accidents. **Ken Hooverstal** explained his organization tries to keep records of snowmobile safety. He said HB 281 is designed for instances when at least two machines are involved in an accident. He stated the logic behind the provision is to extend the accident reporting which takes place on roads and highways onto snowmobile trails; HB 281 would help the sport prove its relative safety.

SEN. TOEWS asked if **Mr. Hooverstal** thought the increase in fees was still appropriate even if the money were "de-earmarked". **Ken Hooverstal** responded yes.

SEN. MCCLERNAN asked if a legal definition of "snowmobile" existed and if it included big mobile passenger track-vehicles. **Ken Hooverstal** replied it did not. He stated a snowmobile was statutorily defined as a vehicle that was "48 inches wide, steered with skis, and powered by track". He said the original intent was to clearly define the snowmobile from any of the bigger snow-machines, any wheeled vehicles, or any other entity.

SEN. REA asked if other states like Idaho require out-of-state permits. **Ken Hooverstal** responded HB 281 specifically deals with unregistered non-resident snowmobiles. He said Montana currently has reciprocity with Idaho so if snowmobiles are registered in Idaho they can be ridden in Montana and vice versa. He stated the issue here are snowmobiles from states that do not register snowmobiles. He noted that a permitting process would make it possible to legally ride them in Montana. He added the exceptions in HB 281 are restricted to racing vehicles that come to Montana to participate in an organized event.

CHAIRMAN WEEDING voiced concern about potential problems with HB 281's definition of public and private land. He stated in his district almost everyone could claim they rode solely on private land and be exempted. He asked **Ken Hooverstal** to respond. **Ken Hooverstal** responded the stipulation that registration is not required for snowmobiles ridden on private land is part of the current law. He explained the reference to "private land" had originally been included in the law because the Legislature's agricultural contingency had argued the snowmobiles they used for winter feeding should be placed in the same category as their tractors. **Mr. Hooverstal** said the inclusion of "private land" had been "passed by the legislature not over our objections, but not by our request"; HB 281's original draft would have required snowmobile registration on both private and public lands. He stated the current version of HB 281 represents an attempt to extend some of the legal restrictions currently in place on roads to the established snowmobile trail system. He said those trail

systems may or may not cross private land, but assured the Committee that no part of a trail system is established without an easement from the proper authorities.

CHAIRMAN WEEDING asked **Ken Hooverstal** to clarify the reference to private land on page 3. **Ken Hooverstal** stated under current law a snowmobile ridden only on private lands must be neither titled nor registered. He explained HB 281 would make it mandatory for everyone to have a title for their snowmobile but not to register their vehicles annually. **CHAIRMAN WEEDING** responded he often saw snowmobilers riding on private land to chase predators and recreate. He stated those snowmobilers would fall under the exemption even though their use is recreational and they are not riding on land they own. **Ken Hooverstal** replied if snowmobilers are riding on private land without permission they are trespassing.

SEN. STANG stated he might have a problem with the immediate effective date in HB 281. He explained he had received complaints about snowmobile and motorcycle registration and titling from people who would buy these vehicles and have no warning the law is about to change. He stated some people may buy a snowmobile with cash from someone who is moving and not realize they need a title in order to register and ride their snowmobiles. **Ken Hooverstal** replied he could see the possibility of **SEN. STANG's** scenario. He said HB 281 assumes that if an individual purchased a snowmobile, they would be certain to get a bill of sale.

SEN. STANG stated the public should be informed of any change in the law before it happens. He expressed his preference for an October 1, 1993 effective date so people would have plenty of time to adjust and do the necessary paperwork. **Ken Hooverstal** replied his organization intended to immediately put that information in its newspaper and send it to all club members. He said he realized not all snowmobilers were club members, but the various snowmobiling clubs intended to inform as many people as possible.

SEN. STANG asked **Russell Hill** to restate his objections to section 11 in "simpler terms". **Russell Hill** replied he would try. He stated the current statute reads "a snowmobiler assumes the risk and all legal responsibility for death or injury to himself or other persons or property that results from risks inherent in the sport of snowmobiling". He explained currently when a snowmobile accident causes injury or property damage, the snowmobiler pays. Referring to the scenario he had sketched out in his opposing statements, he added it did not matter if the skier could have perhaps gotten out of the way. **Mr. Hill** stated that under the language in HB 281, a snowmobiler would be liable only to the extent that the injury or damage results from risks inherent in the sport.

Mr. Hill admitted he was not sure MTLA found comparative negligence problematic. He emphasized, however, that HB 281 would change the current statute. According to Mr. Hill, Pat Melby had agreed the language in HB 281 would introduce some element of comparative negligence into the MCA sections applicable to snowmobiling. Mr. Hill reiterated the comparative negligence might not in itself be bad, but added the Committee should be aware of the potential consequences, especially in the case of HB 281 which is trying to "crack down on drinking".

SEN. STANG asked how this section would differ from the skiers liability section. Russell Hill replied he was not familiar enough with the two sections to venture a comparison. He noted, however, that Pat Melby had patterned HB 281 on the skier liability sections.

CHAIRMAN WEEDING asked if landowners would be partially liable if they allowed snowmobilers to ride on their land and somebody got hurt. Russell Hill said he was not sure but thought landowners would fit the definition of a "snowmobile area operator" and as such would be protected by the gross negligence standard. He stated HB 281 would not have any direct effect concerning this issue, but would make achieving "snowmobile area operator" status more important.

CHAIRMAN WEEDING said he was unsure if Russell Hill had understood the question. He stated he was referring to instances when somebody calls to ask for permission to hunt predators and 15-20 snowmobiles arrive, rip and tear in every direction, tip over and run into things. He asked if the landowner would be responsible if one of those snowmobilers were injured. Russell Hill said he did not believe so. He stated MCA 23-2-652, which would not be affected by HB 281, defines the term "snowmobile area operator". According to Mr. Hill landowners are included in that definition. He emphasized the change in liability is relevant only when third parties like skiers are involved.

CHAIRMAN WEEDING asked Ken Hooverstal to comment on this issue. Ken Hooverstal stated the snowmobile organizations did not request HB 281 in an attempt to go beyond the scope of their sport. He stated HB 281 was an effort to diminish the responsibilities of landowners when their land is a part of the trail system. According to Mr. Hooverstal, HB 281 would categorize the trail system, Fish Wildlife & Parks, and all landowners as "snowmobile area operators" and thus would "relieve them of a lot of the liability and put the responsibility back on the snowmobilers' shoulders". He stated when a snowmobiler rides onto private property which was not involved in the trail systems without permission they would be trespassing and, even if they were injured, the landowner would not be liable for any injury which took place under those circumstances.

CHAIRMAN WEEDING asked if landowners would be liable if they had given permission to ride on their land. Ken Hooverstal replied

the landowner would then be exempt from liability. **Dennis Ogle** stated the Recreational Usage Act stipulates that private landowners are exempt from liability unless they charge a fee. He said if landowners charge a fee the question about liability could arise, but reiterated the private landowner would not be liable if no fee was charged.

Closing by Sponsor:

Rep. Grady apologized for not being prepared to answer the questions **Russell Hill** had raised. He stated was informed of the problem only two hours before the hearing and had not had a chance to discuss the issue with **Pat Melby**. He assured the Committee that **Ken Hoovestal** would work with the committee members to clarify this matter. He said he believed HB 281 was designed to enable snowmobilers to discipline themselves and take more responsibility for their actions. He stated he could not understand the reasoning behind MTLA's concerns.

Rep. Grady voiced his support for snowmobile registration. He stated registration would make it possible to identify the owners of snowmobile being ridden on private land without permission. In speaking to a point brought up by **CHAIRMAN WEEDING**, **Rep. Grady** stated snowmobilers may use private and county roads which are closed to traffic due to winter snow.

Rep. Grady stated there have been substantial changes in the sport and available machinery since the statutes regarding snowmobiles had been updated. According to **Rep. Grady** snowmobiles can now reach 100 mph and although their average weight is 500 lbs., they can weigh as much as 1000 lbs. He stated snowmobilers should discipline themselves. He expressed his support for the portions of HB 281 dealing with alcohol consumption and remarked he had no problem with the House amendment divesting forest service personnel and game wardens of the authority to enforce DUI standards on the trails. He stated other legislation had been passed which would give these people more authority to help enforce the law. **Rep. Grady** also spoke to the possible change in the effective date **SEN. STANG** had proposed. Although he had not yet conferred with **Ken Hoovestal**, **Rep. Grady** said he did not see "any real problem" in delaying the effective date until October 1, 1993. He stated his main concern was that the new laws be in place prior to the start of next year's snowmobile season. He said the date **SEN. STANG** had proposed would provide plenty of time to inform the public of the changes.

Rep. Grady concluded by saying the economic impact of snowmobiling in Montana amounted to \$15 million in 1988. He stated snowmobiling is becoming a big industry in Montana and it is time the laws pertaining to snowmobiles were updated to reflect more accurately the current standards and situations of the sport.

HEARING ON HOUSE BILL 294Opening Statement by Sponsor:

Rep. Larson, House District 65, stated HB 294 would revise the vehicle load limits allowed on single axle tires. He explained there is a nation-wide move toward a "super single" highway tire configuration on large trucks, which involves a large 15 inch tire on each side of an axle. He stated this leaves only 12 inches per tire bearing the weight of the load on the highways. He stated DOT is concerned about the rutting properties of this heavy traction tire on Montana's highways. **Rep. Larson** said the House Highways and Transportation Committee heard HB 294 and had no problems with the bill, but HB 294 was amended on the floor of the House. He told the Committee those amendments made reference to a section of the law that was repealed in HB 294 and explained that as a result HB 294 was not in good shape. He apologized for the current state of HB 294.

Proponents' Testimony:

Dave Galt, Administrator, Motor-Carrier Division, DOT, spoke from written testimony (Exhibit #8) and presented an amendment which would correct the problem created by the House amendments (Exhibit #8a).

Opponents' Testimony:

Ben Havdahl, Montana Motor Carriers Association (MMCA), stated he was present to speak in opposition to "the bill that does not exist". He said MMCA had testified on HB 294 in the House and stated his organization does not oppose the basic concept of HB 294; MMCA recognizes that some restriction on weight has to be in place. With those remarks, **Mr. Havdahl** spoke from written testimony (Exhibit #9). In the course of his comments, **Mr. Havdahl** proposed an amendment which would allow any company needing to change their current equipment until January 1, 1996 to comply with the changes HB 294 would introduce (Exhibit #9a). He stated this would ameliorate hardships faced by current carriers who have already invested in the configurations HB 294 would make illegal.

Informational Testimony: None.

Questions From Committee Members and Responses:

SEN. STANG referred to the diagram **Ben Havdahl** had supplied with his testimony (Exhibit #3). He stated that diagram showed two trucks with the same tire/axle configuration, but with units of different length units. He asked **Dave Galt** if the bridge formula would apply and what effect it would have. **Dave Galt** replied the lower unit was 3 feet longer than the upper unit. Using the bridge formula, he stated the extra length would allow that unit to haul approximately 1800 lbs. more than the shorter unit. He explained the critical element on both of the depicted units was the inches of tire width and the 500 lb. application. He stated the lower vehicle would be 1000 lbs. overweight on the back trailer if HB 294 were passed.

SEN. STANG asked if DOT would rather have the allowable weight increased to 550 lbs./tire inch or have the affected companies receive an extra year to comply with the changes HB 294 would introduce. **Dave Galt** replied DOT would prefer giving the industry an extra year to comply with the law and leaving the allowable weight at 500 lbs. He added the amendment proposed by **Ben Havdahl** was very good, since it would give "all existing equipment after passage of approval" that extra time, but would not allow any new equipment to enter the market. **Dave Galt** said that language would serve to notify carriers that changing to this kind of configuration would not be cost effective.

SEN. BRUSKI-MAUS, referring to the diagram (Exhibit #3), asked how a liquid could be heavier at one end of a trailer than at the other end of a trailer. **Dave Galt** responded most of the liquid in such vehicles are not baffled so the load equals out as it travels. He concluded that the equipment's tare weight, however, is probably heavier on one end than on the other.

SEN. REA asked **Dave Galt** to clarify what meaning of the lbs./inch tire width. **Dave Galt** responded before Montana enacted an Inch Tire Width Law, the law allowed 20,000 lbs. on a single axle and 34,000 lbs. on a tandem axle. **Dave Galt** stated there was also a bridge formula which allowed a vehicles like those in **Ben Havdahl's** diagram to haul 120,000 lbs. He explained that law referred to "axles" so each section of those vehicles in the diagram could haul 34,000 lbs. irregardless of whether it had 4, 8 or 16 tires since an axle is defined as "two wheels with a connecting bar". **Dave Galt** said in the early 1980s DOT proposed the 600 lb. Inch Tire Width Law because some carriers were hauling the same weight on axles with fewer tires, a practice which was causing rutting in the roads. He explained that under the current 600 lbs./inch tire width a 10 inch tire can haul 6,000 lbs. He emphasized that DOT has studies which substantiate that 600 lbs. still allows for the application of single tires which produces excessive road rutting.

SEN. MCCLERNAN asked what "weight per inch tire width" would provide for little or no road damage. **Dave Galt** responded DOT was of the opinion that 450 lbs. was the break-even point. **James Walther, Materials Bureau Chief, DOT**, introduced himself as a materials engineer and said surfacing design, research, pavement analysis, pavement management, are included in his duties. He stated **SEN. MCCLERNAN's** question was a difficult and complex one largely because of problems with nomenclature. He stated he believed the current allowable 600 lbs./inch tire width and was a nominal figure because the unit used in pavement design is equivalent single axle load (exal) has no direct equivalent per inch of tire width.

Mr. Walther's emphasized that the studies directly comparing the fairly wide "super single" tires with the dual set-up show the "super single" tires are currently causing about 2.5-2.8 times the amount of damage as the standard dual set-up has in years

past. Because this is a new phenomenon, he acknowledged the studies and information available are limited. He stated, however, Montana's pavements were not designed to handle single tires because 15-20 years ago when the pavement was designed and the current laws and regulations were established nobody was using the single tire configuration.

SEN. MCCLERNAN asked **James Walther** to verify that one tire 14 inches wide does more damage than two tires seven inches wide when they are carrying the same load. **James Walther** replied the two tires will not generally be only seven inches wide, but typically ten inches wide. He explained the dual tire set-up gives not only 20 inches of tire width, but the two ten inch tires are also spaced apart. According to **Mr. Walther** this configuration gives a full deflection base which is quite a bit wider than the "super single" tire's concentration of 14 inches in one single path. He restated the fact that although the "super single" tires are fairly wide, the most recent study shows they are already causing 2.5-2.8 times more damage than dual configurations. He stated these calculations did not take into consideration the possibility of having dual applications reduced to one tire which would result in a ten inch tire. He explained that the width of "ten inch tires" on the pavement is actually less than their name would imply. He stated the load is very concentrated and DOT is extremely concerned about the amount of damage single tire configurations are doing.

SEN. SWYSGOOD asked if DOT could statistically prove that the "super single" tires were actually causing the rutting. He stated in his area the highways are rutted and there are no carriers operating with a single tire configuration. He wondered how much of the rutting could be attributed to poor road construction instead of the equipment driving on the highways.

Tom Barnett, Administrator, Highways Division, DOT, stated the Texas study, which DOT primarily referred to, was a practical study which compared the effects of dual and single tires on in place pavement. He drew diagrams to clarify the different amount of pressure per width of tire inches that dual and single configurations exert upon the asphalt. He stated a 10-inch tandem axle cannot come close to the currently allowed 600 lbs./inch tire width because they are limited to 34,000 lbs. per axle. He explained a tandem axle with eight ten-inch tires on it puts a stress of 531 lbs./inch width on the pavement, because a 10-inch tire only puts eight inches on the pavement. He explained a 16-inch "super single" tire puts 12 inches on the pavement and if one allows 450 lbs./inch tire width the "super single" would exert 600 lbs./inch width of stress on the pavement. If carriers can carry 500 lbs./ per inch width the stress on the pavement increases to 667 lbs. He concluded this simple calculation shows single tire configurations are more damaging than the dual-wheel tandem axle configuration.

SEN. SWYSGOOD replied he was not arguing about the amount of pressure and weight exerted on an inch of tire, because that can be proven conclusively through the formulas **Tom Barnett** had just presented. He questioned instead the application of a test conducted in Texas to Montana's highways since Texas has different climate conditions and road construction than Montana. He stated Michigan has no gross load limit at all and the roads in Michigan are in good condition. He reiterated he was not certain the Texas tests conclusively prove that single tire configurations have caused the damage to the Montana's highways. He asked if HB 294 became law would DOT request a reduction in the allowable weight for dual configurations at some future date.

Tom Barnett responded rutting is a nation-wide problem. He stated the Texas study is comparable to Montana because Montana and Texas have comparable pavement temperatures in the summer since the rutting problem occurs during warm not cold weather. He said pavements approach 140 degrees Fahrenheit during the summer.

SEN. SWYSGOOD asked **Dave Galt** if HB 294 were enacted would the allowable weight for dual configurations would be reduced in the future. **Dave Galt** replied the 34,000 lbs. limit is a standard set by federal regulations, and stated he did not believe that could be changed. He added that under HB 294 a dual configured truck with eight ten inch tires would be allowed 5,000 lbs. per tire. He calculated under the allowable weight per tire inch, that a truck could theoretically carry 40,000 lbs. He stated the typical dual configured truck would be unaffected by HB 294 because they are already limited to 34,000 lbs.

CHAIRMAN WEEDING verified that the 34,000 lbs. would limit the load before the 500 lbs./inch tire width would. **Dave Galt** responded affirmatively.

SEN. MCCLERNAN asked **Ben Havdahl** to clarify the advantage motor carriers would see in the single tire configuration. **Ben Havdahl** stated it was a possible economic advantage because removing one tire would reduce the tare-weight, or empty weight, of the vehicle. He explained the reduction in tare-weight could be replaced with a payload.

SEN. REA asked **James Walthers** if new materials were available that could better address the problem of rutting. **James Walthers** replied all states, especially Montana and other western states, are doing many things to address rutting problems. He said DOT has been fighting to keep up with the status quo without any increasing outside stresses on the pavement. He stated DOT has begun changing gradations in the aggregates that it uses. He explained only a certain number of aggregates are available and in eastern Montana there is a tremendous problem with materials because aggregates are simply unavailable and extremely expensive. He said DOT has begun using 100% crushed material, which has also driven up the cost of paving. He stated that 80%

of the material out of some pits in eastern Montana is rejected in order to get enough good aggregate to meet industry standards.

Mr. Walthers explained DOT was experimenting not only with aggregates but also with various asphalts. He said DOT currently has many test asphalts out, and is trying different methods and different grades of asphalt, harder asphalts for example. He said Montana has an extremely wide climate range which results in pavement temperatures exceeding 145 degrees Fahrenheit in the summertime and -30 to -40 in the wintertime. According to **Mr. Walthers**, harder asphalts may resist rutting but are not able to tolerate the cold temperatures in Montana. As a result, he stated, DOT is currently experimenting with polymer modified asphalts liked co-blocked polymers, plastics, and even styrenes. **Mr. Walthers** informed the Committee the attempts he had outlined to "just stay even with where we are today" take place at great cost to the taxpayers, since the cost of modified asphalt is about 3.5 times that of unmodified asphalt. He stated using modified asphalt is not a single answer, but needs to be done in combination with changing the gradations.

Mr. Walthers presented the Committee with some approximate costs which assumed nothing was done to restrict the use of "super single" tires. He explained these figures were based on the assumption that 20% of the trucks traveling in Montana might go to "super single" tires. He stated currently DOT spends about \$84 million per year just to keep pavement in service, but with the added damage "super single" tires cause, that cost could increase by \$46 million per year in ten years. He explained that pavements are currently designed to last about 20 years. With the additional damage caused by "super single" configurations, however, he was of the opinion that pavement would last only 15 years; a 25% reduction in pavement life. He emphasized these were not definitive figures, but the tests used to arrive at them did not even address single tire configurations instead of "super single". He concluded DOT is continually exploring various avenues of upgrading pavements and addressing road rutting.

SEN. TVEIT asked if HB 294 would allow a load of 28,800 lbs. on single configurations. **Dave Galt** replied that with a 16-inch tire with 450 lbs./inch tire width on a tandem axle a single configuration could haul 28,800 lbs, and at 500 lbs./inch tire width, 32,000 lbs. would be allowable. **SEN. TVEIT** asked about the current load limit on single configurations. **Dave Galt** responded a single axle with 2 tires could currently carry 16,000 lbs. per axle with two 16-inch super tires on an axle.

SEN. SWYSGOOD asked **Dave Galt** why the amendment offered would strike section 4. **Dave Galt** responded everything after section 3 had been struck because MCA 61-10-105 had been taken out of the statute and all the additional statutes had to be altered to correctly reflect that change. He explained the amendment he had offered (Exhibit #8a) would replace MCA 61-10-105 and make the

other pages of HB 294 meaningless. He emphasized that MCA 61-10-105 needed to be put back into HB 294.

SEN. SWYSGOOD stated HB 294 would not have much left in it. **Dave Galt** responded HB 294 would not have much left in volume, but a lot left in substance. **SEN. SWYSGOOD** commented there would be "a lot left in cost to the industry". **Dave Galt** responded DOT was neither trying to nor going to attack carriers who are currently running "super single" configurations. He explained a lot of vehicles with this configuration are already limited by the bridge formula. He stated DOT does not want to see the numbers of single configurations expanding.

CHAIRMAN WEEDING noted that section 2 would be the only thing left in HB 294, but since that section contains the weight limits DOT would achieve their primary goal.

SEN. SWYSGOOD asked about the current width of "super single" tires. **Dave Galt** replied the industry uses 14, 15, 16 inch and perhaps 17 1/2 inch tires. He said the standard size used by all the chip trucks is the 16 inch tire.

SEN. REA asked **Rep. Larson** if he would be satisfied if the Committee left section 1 and 2 in HB 294 and accepted the amendment proposed by **Mr. Havdahl**. **Rep. Larson** replied he had no problems with the proposed amendments. He stated his primary interest was assuring DOT enough latitude to restrict the expansion of the use of the single configuration. He stated he was amenable to delaying the effective date to reduce the costs to those carriers who would be directly affected by HB 294.

Closing by Sponsor:

Rep. Larson stated HB 294 would directly affect relatively few carriers and the change in the effective date would allow those carrier to minimize the impacts on their businesses. He said "it did not take a rocket scientist" to look at the figures presented by DOT to understand the incredible amount of weight on those single tires and how that configuration can damage the highways. He stated a person only has to drive Highway 12 to the Garrison junction and on into Drummond where the chip trucks run four times a day to see that damage. He stated the water sits on the highway and when it freezes it also can cause a safety hazard.

SEN. STANG agreed to carry HB 294 on the Senate floor.

SENATE HIGHWAYS & TRANSPORTATION COMMITTEE

March 2, 1993

Page 16 of 16

ADJOURNMENT

Adjournment: 4:44 p.m.



SENATOR CECIL WEEDING, Chair



BETH E. SATRE, Secretary

CW/bes

ROLL CALL

SENATE COMMITTEE HIGHWAYS & TRANSPORTATION DATE March 2, 1973

[illegible]

FO8

Attach to each day's minutes

TOM GOMEZ
Legislative Researcher
Montana Legislative Council

SENATE HIGHWAYS
EXHIBIT NO. 1
DATE March 2, 1993
BILL NO. N/A.

Education:

B.A., political science, Stanford University (1977).

University of Washington, School of Law, (1977-78).

Experience:

8 ½ years as a legislative researcher with the Montana Legislative Council.

Staffed the House Human Services and Aging Committee (1985-86), the House Highways and Transportation Committee (1985), the House Agriculture Committee (1986-87), the Senate Public Health and Welfare Committee (1989-Present), and the Senate Labor and Employment Relations Committee (1987-91).

Worked as staff for the Interim Subcommittee on the Economic Problems of Agriculture (1985-86), the Interim Subcommittee on Welfare Reform (1987-88), and the Interim Subcommittee on Adult and Juvenile Detention (1989-1990).

Also served as staff to the Subcommittee on the Job Training Partnership Act (1990-1992), and the Montana Districting and Apportionment Commission (1991-1992).

Other experience:

Congressional intern in the U.S. Senate (1975) and the U.S. House of Representatives (1976).

Legal intern, Evergreen Legal Services, Seattle, Washington (1978).

Associate in Education, High School Equivalency Program, Department of Education, Washington State University (1979-80).

Personal background:

Born and raised in Billings, Montana. Father worked 35 ½ years as an oil worker at the Conoco Oil Refinery. Mother worked 24 years as a nurse's aide at St. Vincent's Hospital. Married. Wife's name is June. Have one child age 7 whose name is Elisia.

Date: March 2, 1993

SENATE HIGHWAYS

EXHIBIT NO. 2

DATE MARCH 2, 1993

BILL NO. SB 417

Senate Bill 417

SUBMITTED BY: WILLIAM SALISBURY, ADMINISTRATOR
ADMINISTRATION DIVISION
MONTANA DEPARTMENT OF TRANSPORTATION

"AN ACT REVISING THE BAD DEBT CREDIT ALLOWANCE ON GASOLINE AND SPECIAL FUEL TAXES PAYABLE TO THE DEPARTMENT OF TRANSPORTATION; AUTHORIZING THE DEPARTMENT TO WRITE OFF THE COLLECTION OF A TAX, PENALTY, OR INTEREST DUE WHENEVER THE DEPARTMENT DETERMINES THAT IT IS NOT COST-EFFECTIVE TO ATTEMPT TO COLLECT THE TAX, PENALTY, OR INTEREST".

Amends current statutes 15-70-221 and 15-70-328 to reduce the State's financial liability covering bad debt credit allowance of gasoline distributor's and special fuel dealers by adding eligibility requirements. Effective upon passage and approval.

The Montana Department of Transportation appears before this committee to offer our support for Senate Bill 417.

This amends current statutes 15-70-221, MCA, and 15-70-328, MCA, to reduce the state's financial liabilities concerning bad-debt credit allowance for gasoline distributors and special fuel dealers by adding eligibility requirements. Gasoline distributors and special fuel dealers are bound by law to remit the collected tax to the State; however, in some cases, when the distributor or dealer doesn't receive payment by the customer for many reasons, the State is obliged to relieve the dealer or distributor of the tax due. Certain minuses of the bad debt credit allowance exist:

- Forgiving a debt in which neither the tax nor the amount of the sale is collected, yet the tax refund is requested by the debtor.
- Fuel dealers requesting a bad-debt credit for individual NSF checks received for individual fuel purchases.
- Re-issuance of credit to non-creditable accounts, ultimately leading to further future losses.
- Failure by gasoline distributors and special fuel dealers to forward taxes collected on payment schedules remitted by debtors until after the final payment has been made.

To eliminate these abuses Senate Bill 417 states:

- Fuel dealers are entitled to a credit for tax that's paid to the department on those sales of fuel with a tax liability of \$200.00 or greater;
- Fuel dealers are entitled to a credit for tax paid to the department on those sales of fuel for which the distributor has not forgiven any liability;
- Fuel dealers may not declare accounts of the purchaser more than once during a three-year period;
- Any amount collected by the fuel dealer on the accounts declared worthless must be prorated with the tax due.

Also, as a result of the creation of the Montana Department of Transportation, some of the components of the Motor Fuels Tax Division of the Montana Department of Revenue didn't transfer to the Montana Department of Transportation, but remained as part of the Montana Department of Revenue. The ability to write-off negligible debts was one of these components. Senate Bill 417 would allow the Montana Department of Transportation to write-off negligible debt collection.

The Montana Department of Transportation urges this committee to give this proposal a do-pass recommendation.

SENATE HIGHWAYS

EXHIBIT NO. 3

DATE MARCH 2, 1993

BILL NO. SB 417

March 2, 1993

Subject: Amendments to Senate Bill 417

Submitted by: William Salisbury, Administrator
Administration Division
Department of Transportation

Montana Department of Transportation amendments to Senate Bill 417 are as follows:

(1) STRIKE AND INSERT

- | | |
|----------------|-------------------|
| 1. P.3, line 7 | strike: "\$1,000" |
| | insert: "\$200" |
| 2. P.5, line 2 | strike: "\$1,000" |
| | insert: "\$200" |

SENATE HIGHWAYS

EXHIBIT NO. 4

DATE MARCH 2, 1993

BILL NO. HB 281

HB 281

Other than wording and language changes by the codifiers, the following are the key provisions of HB 281.

- * Requires all snowmobiles sold after the effective date of this bill to be titled. Will use the same procedures as for motor vehicles. This will not require registration or registration decals for snowmobiles used strictly on private land.
- * Provides easier methods to prove ownership for purposes of titling and registration.
- * Increases the registration decal fee from \$2.00 to \$5.00 to provide more money for enforcement of laws and for the trail program.
- * Exempts specific racing snowmobiles from registration and titling.
- * Increases the fine for non-registration of snowmobiles used on public land.
- * Provides a special registration option for antique snowmobiles.

HB 281

Testimony presented by
Montana Snowmobile Association
before the
Senate Highways and Transportation Committee 3/2/93

Page 1, Line 19 Through Page 2, Line 17: Updates the language regarding the procedure for the reporting of stolen and recovered snowmobiles as requested by the Department of Justice.

Page 2, Line 21 and Line 25 and Page 3, Lines 1 through 3: Requires a certificate of ownership (title) on all snowmobiles purchased after the effective date of this act. This does not require annual registration (decal or license) on snowmobiles used only on private lands.

Reason 1: A required certificate of ownership would factually identify the number of snowmobiles owned by Montana residents. Montana's appropriation from the National Recreational Trails Act is, in part, based upon the number of off-highway vehicles (including snowmobiles). In the past we have only been able to use the number of registered snowmobiles since this is the only number we could document. If figures from the Montana Motor Vehicle Division are accurate, an increase in the number of documented snowmobiles in Montana could increase our annual federal appropriation.

Reason 2: Will establish a paper trail that will assist law enforcement agencies in identifying and recovering stolen snowmobiles.

Reason 3: Provides a means to identify the owner of a snowmobile that has trespassed or has been abandoned after damage to private property has occurred.

Page 3, Lines 20 through 24. Provides additional methods to prove ownership when a snowmobile is sold.

Reason 1: It has been difficult to prove ownership for snowmobiles where registration or titling has not been required. Presently, snowmobiles operated only on private lands, ranchers and farmers primarily, are not required to be titled or registered.

Page 9, Lines 25 and Page 10, Lines 1 and 2. Exempts non-resident racing snowmobiles from the use permit. (Refers to definition on page 22, New Section 13.)

Page 11, Line 15. Changes the decal fee from \$2.00 to \$5.00 to increase funding for enforcement and the trails program.

Page 12, Lines 15 and 16. The increase in decal fee is divided in the same manner as the existing law.

Reason 1: Provides additional funding for enforcement of the provisions of this act (fiscal report indicates approximately an additional \$22,500).

Reason 2: Provides additional funding for Montana's snowmobile trail system (fiscal report indicates approximately an additional \$22,500).

Page 14, Lines 12 through 19. Includes our trails system in the unlawful operation provisions of this Act.

Page 14, Lines 20 through 24. Clarifies that speed limits posted for motor vehicles do not apply to snowmobiles when the road or trail is closed or impassable to wheeled vehicles.

Page 14, Line 25 and Page 15, Lines 1 through 3. Provides updated and standardized alcohol concentration standards (refers to Pages 21 and 22, New Section 12).

Page 17, Lines 8 through 10. Extends the permitting process to events held on water (frozen or unfrozen).

Page 17, Lines 12 through 14. Removes sound levels for permitted competitive events.

Page 17 and 18, Section 8. Extends accident reporting requirements for our trails system and increases the dollar amount for reporting from \$100 to \$750. Also establishes accident reporting requirements where property damage, personal injury or fatality occurs.

Page 18, Lines 4 through 8. Removes enforcement limitations of Department officers. *Broadening enforcement capabilities*

Page 19, Lines 5 and 6. Extends enforcement authority to state park rangers within state parks.

Page 19, Lines 14 through 16. Increases the fine for operating on public lands without current registration to five times the fee in lieu of tax (consistent with current boating law). The current fee in lieu of tax, paid upon registration, is 15 dollars for snowmobiles four years or older and 22 dollars if less than four years old.

Page 20, Lines 11 through 21. Updates the language defining the snowmobilers assumption of responsibility.

Page 21, New Section 12. Updates the language defining alcohol standards and testing procedures (this same language has been in the boating laws for the past eight years).

Page 22, New Section 13. exempts snowmobiles built or used exclusively for sanctioned, competitive events from titling or registration.

Page 22, 23 and 24, New Section 14. Provides a special registration option for snowmobiles over twenty-five years old when used as a collector's item, and limits their usage (similar to antique automobiles).

Page 25, Lines 3 through 7. Exempts officers or agents of federal land management agencies from enforcement authority on our trails of alcohol content and testing (DUI) as defined on pages 21 and 22, New Section 12. This amendment was added in the House committee by Representatives concerned with excessive enforcement.

Page 25, Line 8 and 9. New Section 16. An effective date upon passage and approval is desirable so the enforcement and safety changes will apply to the balance of this season and competitive events held this summer.

EXHIBIT 5
DATE 3/2/93
HB 281

March 2, 1993

SENATE HIGHWAYS

EXHIBIT NO. 6

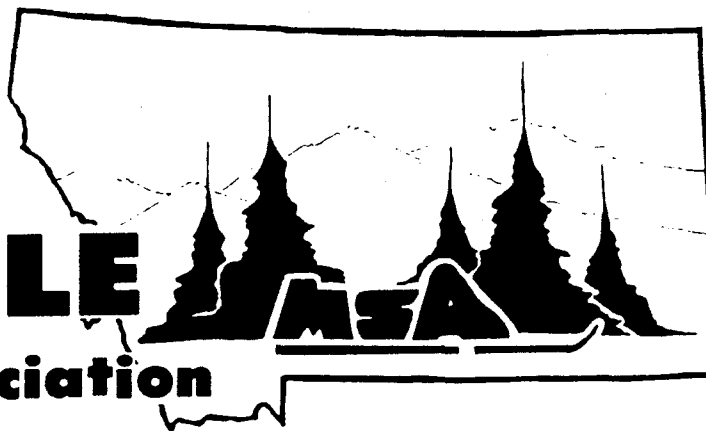
DATE MARCH 2, 1993

BILL NO. HB 281

Montana

SNOWMOBILE

Association



My name is Dennis Ogle, I am president of the Montana Snowmobile Association. I appreciate the opportunity to testify here this afternoon.

This year marks the 20th anniversary of the Montana Snowmobile Association. There have been few changes to the snowmobile law during this time. However, there have been considerable changes in snowmobiles and land use privileges the past 20 years.

The proposed changes to the snowmobile law will keep continuity with other, newer outdoor recreation sports as well as keep the snowmobile program in context with today's requirements.

SENATE HIGHWAYS

EXHIBIT NO. 7

DATE MARCH 2, 1993

BILL NO. HB 281

HB 281

March 2, 1993

Testimony presented by Arnold Olsen, Dept. of Fish, Wildlife & Parks before the Senate Highways and Transportation Committee

The department works closely with the Montana Snowmobile Association to provide winter recreation opportunities. The provisions of HB 281 will help us provide better services to the public, improve snowmobiling in Montana and posture our state to receive additional federal trail funds. The increased fees will help provide additional law enforcement and improved trails. Therefore we support this bill.

The House amended the bill to exclude officers of federal land management agencies from enforcement of DUI standards. Ninety percent of our funded snowmobile trails in Montana are on federal lands. Although federal agents spend very little time enforcing state snowmobile laws, state and local officers also have limited time to enforce these laws.

SENATE HIGHWAYS

EXHIBIT NO. 8

DATE March 2, 1993

BILL NO. HB 294

HOUSE BILL 294

SPONSORED BY: REP. LARSON

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

DATE: March 2, 1993: For Senate Hearing

THE DEPARTMENT OF TRANSPORTATION HAS REQUESTED THIS BILL WHICH IS DESIGNED TO LIMIT THE APPLICATION OF SINGLE TIRES ON HEAVY VEHICLES.

VEHICLE WEIGHT IN MONTANA IS LIMITED IN SEVERAL WAYS.

1. SINGLE AXLES ARE LIMITED TO 20,000 POUNDS
2. TANDEM AXLES ARE LIMITED TO 34,000 POUNDS
3. GROSS WEIGHT IS LIMITED BY THE BRIDGE FORMULA WHICH LOOKS AT THE NUMBER AXLES AND THE DISTANCE BETWEEN THEM.
4. AND FINALLY 600 POUNDS PER INCH OF TIRE WIDTH.

IN RECENT YEARS IN THE WESTERN UNITED STATES WE HAVE SEEN AN INCREASE IN THE USE OF SINGLE WIDE BASE TIRES. RECENT STUDIES BY THE FEDERAL HIGHWAY ADMINISTRATION AND THE TEXAS DEPARTMENT OF TRANSPORTATION INDICATE THAT SINGLE TIRES ARE A MAJOR CONTRIBUTOR TO HIGHWAY RUTTING. HB 294 WAS INTRODUCED TO LIMIT THE PROLIFERATION OF WIDE BASE TIRES AND RESTRICT THE PRACTICE OF REMOVING THE OUTSIDE TIRE ON DUAL TIRE AXLES. AS ORIGINALLY INTRODUCED THIS BILL CONTAINED SEVERAL MEASURES AIMED TOWARD THOSE GOALS, THE MAJOR CHANGE WAS DROPPING THE MAXIMUM ALLOWED WEIGHT PER INCH OF TIRE TO 450 POUNDS.

MANY CHIP TRUCKS USE FOUR AXLE TRAILERS EQUIPPED WITH SINGLE WIDE BASE TIRES. BECAUSE OF BRIDGE FORMULA CONSTRAINTS THESE TRAILERS

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

WHAT HB 294 DOES EFFECT:

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

HB 294 WAS AMENDED ON THE HOUSE FLOOR. THE AMENDMENT REMOVED MOST OF THE PROPOSED LANGUAGE FROM THE ORIGINAL BILL AND RAISED THE LIMIT FROM 450 POUNDS TO 500 POUNDS PER INCH OF TIRE WIDTH. HOWEVER, MDT'S ORIGINAL BILL REPEALED SECTION 61-10-105. THE AMENDED VERSION MADE REFERENCE TO 61-10-105 BUT DID REMOVE THE REPEALING SECTION. WHAT WE NOW HAVE IS A BILL THAT MAKES REFERENCE TO A SECTION THAT WILL NOT EXIST UNLESS WE AMEND THIS BILL TO PUT SECTION 61-10-105 BACK IN TO STATUTE. (Exhibit "B")

IF WE AMEND THE REPEALER OUT OF THIS BILL AND REPLACE 61-10-105 IN STATUTE THE DEPARTMENT WILL SUPPORT HB294. WHILE IT IS NOT AS RESTRICTIVE AS WE BELIEVE IS NECESSARY THIS BILL DOES PROVIDE ADDITIONAL PROTECTION FOR OUR HIGHWAYS. ANY FURTHER AMENDMENTS TO THIS BILL WOULD SERIOUSLY UNDERMINE OUR EFFORTS TO REDUCE THE RUTTING PROBLEM.

TOM BARNARD, ADMINISTRATOR OF MDT'S HIGHWAY DIVISION, AND JIM

WALTHER, CHIEF OF THE MATERIALS BUREAU ARE HERE TO ANSWER ANY OF
YOUR QUESTIONS REGARDING THE IMPACT ON OUR HIGHWAYS.

THANK YOU

8
DATE 3/2/93
HB 294

Amendments to House Bill No. 294
Third Reading Copy

Requested by Representative Larson
For the Committee on Highways

Prepared by Valencia Lane
February 5, 1993

SENATE HIGHWAYS

EXHIBIT NO. 8aDATE 3/2/93BILL NO. HB 294

1. Title, line 8.

Strike: "SECTIONS 61-10-101,"

Insert: "SECTION"

2. Title, lines 8 through 11.

Following: "61-10-107," on line 8

Strike: remainder of line 8 through "61-10-105," on line 11

3. Page 1, lines 15 through 22.

Strike: section 1 in its entirety

Renumber: subsequent sections

4. Page 4, line 8 through page 26, line 16.

Strike: sections 3 through 16 in their entirety

Renumber: subsequent section

Statement to Senate Highways and Transportation Committee
HB - 294 - Date submitted March 2, 1993
by Ben Havdahl, Executive Vice President
Montana Motor Carriers Association

SENATE HIGHWAYS

EXHIBIT NO. 9

DATE 3/2/93

BILL NO. HB 294

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

MMCA is appearing as an opponent on HB 294, not because we are opposed to what HB 294 is trying to accomplish, but to offer suggestions to modify the bill.

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

The bill was amended to remove the requirement for singling only wide base tires on axles carrying over 10,000 pounds and increased the weight per inch of tire width from 450 to 500. Those amendments were helpful and are in line with recommendations of WASHTO for the 17 western states which was established at 500 pounds per inch of tire width. Also the effective date was changed to January 1, 1995.

However there still remains somewhat of a problem with the bill in a limited application for a small number of carriers. Certain motor carriers have converted trailer equipment to single tires and have done so making the capital investment in complete compliance with the existing statutory standard for tire width. *But would change & cause some economic hardship.*

The practice of using single tires, primarily on trailers by a for hire motor carrier in the State, is not a common or widespread practice. Some carriers hauling dry and wet bulky commodities such as wood chips and petroleum are using single tires.

Some of those have switched to the wide based tires ranging in size from 14 to 16 and 1/2 inch tires. Others are using standard 10 inch and 11 inch single tires together on tandem axles.

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

At 500 pounds per inch of tire width, the liquid asphalt unit in the sketch with single tires on the second trailer would not be effected because the axles on the second trailer are exactly 10,000 pounds each which would be the maximum weight allowed under the 500 inch per tire width standard.

However, the gasoline unit's second trailer would be precluded from using single standard tires because of being over the 10,000 pound exemption by just a few hundred pounds, 100 on the first axle and 800 on the second. This unit would have to have duels placed on the axles or switch to an eleven inch tire.

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

If a requirement to change equipment is approved under this bill, MMCA would respectfully suggest that the bill be amended to provide time for existing equipment to get into compliance. We suggest that after the effective date, existing equipment be allowed to come into compliance by January 1, 1996.

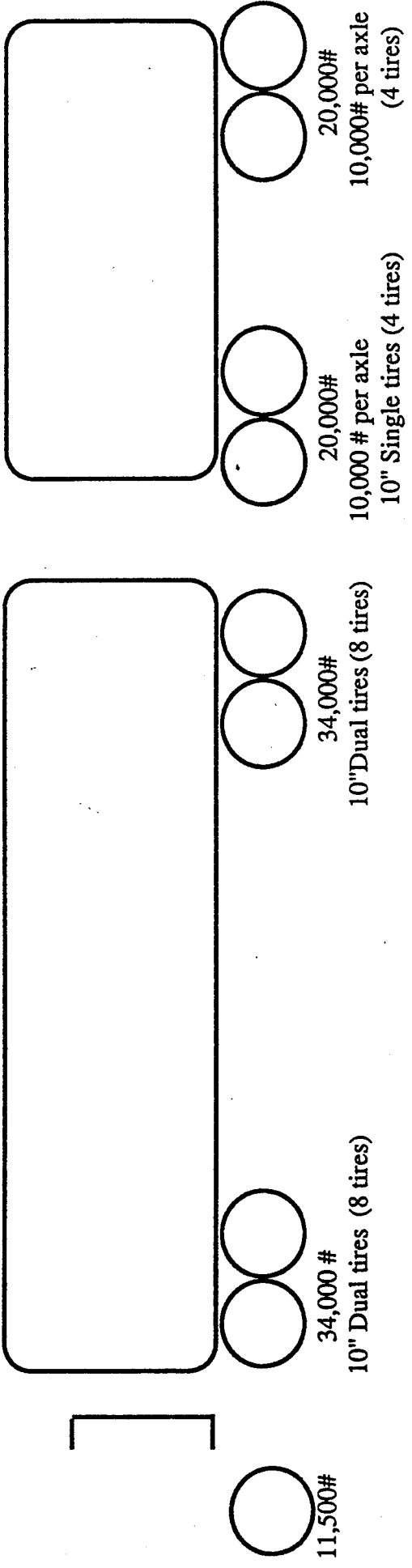
Thank you.

EXHIBIT 9

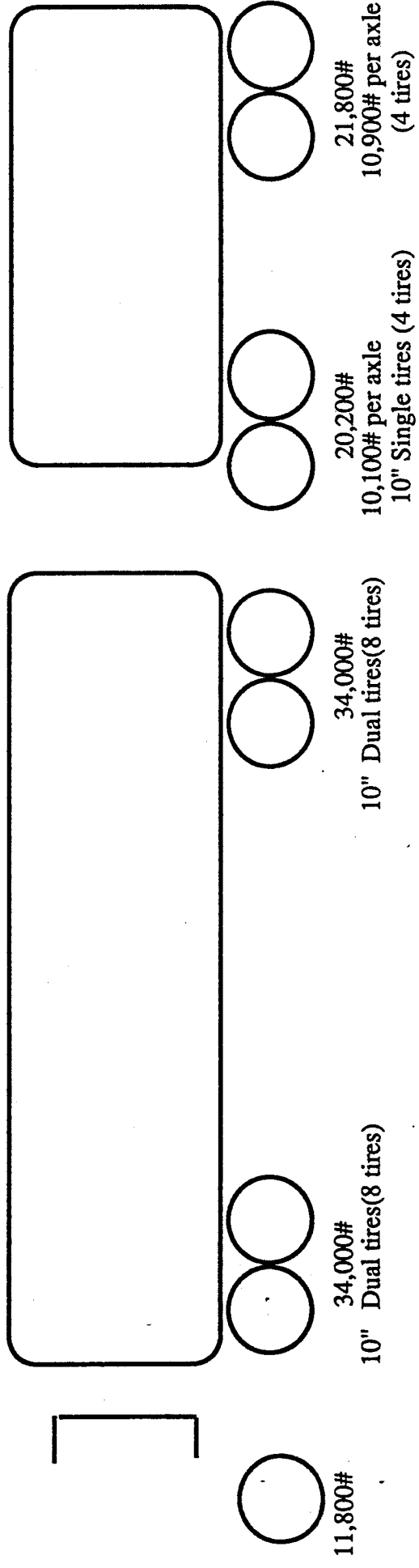
DATE 3/2/93

WB 294

Liquid Asphalt Units 91feet 8 1/2inches overall length



Gasoline Units 94 feet 11 1/2 inches overall length



Amendments to House Bill No. 294 SENATE HIGHWAYS
Third Reading Copy (BLUE)
March 2, 1993

EXHIBIT NO. 9a
DATE 3/2/93
BILL NO. HB 294

1. Page 26, line 15.

Following: line 14

Insert: "NEW SECTION. Section 18. All existing equipment after passage and approval of (this act) must be in compliance by January 1, 1996."

DATE March 2, 1993

SENATE COMMITTEE ON Highways & Transportation

BILLS BEING HEARD TODAY: SB 417, HB 256, HB 281, HB 294

Name	Representing	Bill No.	Check One	
			Support	Oppose
Don Roberts	Dept of Justice MVD	256	X	
Ben Hardden	MT Motor Carriers	294		X Amend
Dick Bumbarger	Disabled Am Veterans	256	X	
Tony Cummins	AMERICAN LEGION	256	X	
George Poston	United Veterans Co.	256	X	
HAL MANSON	AMERICAN LEGION	256	X	
DAVE GALT	MDT	294	X	
Ronna Alexander	MT. Petroleum ^{Marketers}	SB 417	X	as amended
James A. Walther	MDT	HB 294	X	
Russell B Hill	Mont Pulpers	HB 281		✓

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY