

MINUTES

MONTANA SENATE 53rd LEGISLATURE - REGULAR SESSION

COMMITTEE ON HIGHWAYS & TRANSPORTATION

Call to Order: By Senator Cecil Weeding, Chair, on March 31, 1993, at 7:40 a.m.

ROLL CALL

Members Present:

Sen. Cecil Weeding, Chair (D)
Sen. Betty Bruski-Maus, Vice Chair (D)
Sen. Doc Rea (D)
Sen. Chuck Swysgood (R)
Sen. Henry McClernan (D)
Sen. Larry Tveit (R)

Members Excused: Sen. Toews, Sen. Harp, Sen. Stang

Members Absent: Sen. Koehnke

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: None
Executive Action: HB 233

EXECUTIVE ACTION ON HOUSE BILL 233

Motion/Vote:

SEN. SWYSGOOD moved THE COMMITTEE RECONSIDER ITS ACTION TO TABLE HB 233. The MOTION CARRIED UNANIMOUSLY.

Discussion:

SEN. SWYSGOOD said Rep. Benedict had requested that the Committee reconsider HB 233. **SEN. SWYSGOOD** stated he did not believe HB 233 would put an end to incidents like the one which had prompted the bill. He said, however, he had agreed to make the attempt to pull HB 233 off of the Committee table and amend it to meet the Committee's favor because many people would like to see HB 233 adopted.

Discussion:

SEN. SWYSGOOD stated the one concern he had with HB 233 was its potential effect on the continuous right turn on red after stop currently allowed motorists at traffic signals. He said HB 233, in its current form, would make that traffic maneuver illegal as soon as a pedestrian stepped off the curb on the other side of the street. **SEN. SWYSGOOD** introduced an amendment **Rep. Benedict** had suggested which would allow "that when a vehicle is stopped in a marked crosswalk or an unmarked crosswalk at an intersection the driver of the vehicle may make a right hand turn if the pedestrian is in the opposite half of the roadway and is not in danger" (Exhibit #1). He explained the amendment would allow the law to remain the same with regard to the continuous right turn after red.

Motion:

SEN. SWYSGOOD moved TO AMEND HB 233 (Exhibit #1).

Discussion:

SEN. TVEIT asked what would happen if a pedestrian was in the motorist's lane of traffic when the motorist wanted to turn right after stopping at a red light. **SEN. SWYSGOOD** replied that if a pedestrian was in the motorist's lane, that motorist would not be able to make the right turn until the pedestrian was safely out of that lane of traffic.

SEN. TVEIT said the motorist cannot make that turn when a pedestrian is in the crosswalk. **SEN. SWYSGOOD** said that traffic maneuver would not be possible under current law.

SEN. TVEIT stated under HB 233, if a pedestrian stepped off the curb, the motorist could not make a right turn until the pedestrian was across the street. **SEN. SWYSGOOD** said the amendment he had introduced would solve that problem; it would allow motorists to make a continuous right turn when the pedestrian is not in their lane of traffic.

SEN. BRUSKI-MAUS asked if using the phrase "if the pedestrian were not in his lane of traffic" instead of "if the pedestrian is in the opposite half of the roadway" were preferable. **SEN. SWYSGOOD** said the amendment would keep the law applying to right turns on red consistent with current law.

SEN. REA said HB 233 would require motorists in both lanes to remain stopped until the pedestrian was completely across the roadway. He stated HB 233 could create quite a problem at crosswalks like the crosswalk across Montana Avenue by Helena High School. He explained that crosswalk is long and, at busy times, cars end up being backed up "clear down to malfunction junction".

SEN. TVEIT said if the lights over the crosswalk are flashing, current law requires that all motorist stop until the crosswalk

is clear. **SEN. REA** stated cars now proceed down Montana Avenue as soon as the pedestrians have crossed the median.

SEN. SWYSGOOD said there is a school crosswalk in Dillon which students use when they change classes and go from one school building to the other. He explained that under current law, even though that crosswalk is on a four-lane highway, all motorists are required to stop and wait until that crosswalk is empty. He stated HB 233 would give motorists more latitude than they have under the current law.

CHAIRMAN WEEDING expressed his agreement with **SEN. SWYSGOOD**. In response to **SEN. REA's** concern about the crosswalk by Helena High School, **CHAIRMAN WEEDING** said he thought a separate traffic rule would apply in such situations.

SEN. SWYSGOOD said he did not think HB 233 could address or correct these problems. He stated, however, he did not think HB 233 would make such a situation any different.

CHAIRMAN WEEDING agreed with **SEN. SWYSGOOD** that HB 233 did not address situations involving school crosswalks.

SEN. BRUSKI-MAUS said if the language in the amendment would refer to the "lane of traffic", the time that motorists would be required to wait would be reduced considerably.

SEN. SWYSGOOD said the language in HB 233 reads "the driver of a vehicle shall yield the right of way, slowing down or stopping". He stated a motorist would not have to stop, "if need be to so yield to a pedestrian crossing the roadway within a marked crosswalk or within an unmarked crosswalk intersection". He stated the words "when a pedestrian is upon the half of the roadway upon which the vehicle is traveling or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger" were stricken.

CHAIRMAN WEEDING said HB 233 would actually give motorists a little more latitude while urging caution. **SEN. SWYSGOOD** agreed with **CHAIRMAN WEEDING**.

CHAIRMAN WEEDING stated he thought the amendment **SEN. SWYSGOOD** had presented resolved the issue of the continuous right turn. He added he did not think HB 233 had any other problems.

Vote:

The AMENDMENT CARRIED UNANIMOUSLY

Motion/Vote:

SEN. SWYSGOOD moved HB 233 BE CONCURRED IN AS AMENDED. The MOTION CARRIED UNANIMOUSLY. The Committee decided that either **SEN. RYE** or **SEN. HALLIGAN** will carry HB 233 on the Senate floor.


SENATE HIGHWAYS & TRANSPORTATION COMMITTEE

March 31, 1993

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ADJOURNMENT

Adjournment: 7:55 a.m.



SENATOR CECIL WEEDING, Chair



BETH E. SATRE, Secretary

CW/bes

ROLL CALL

SENATE COMMITTEE HIGHWAYS & TRANSPORT. DATE MARCH 31, 1993

[illegible]

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Attach to each day's minutes

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
March 31, 1993

MR. PRESIDENT:

We, your committee on Highways and Transportation having had under consideration House Bill No. 233 (third reading copy -- blue), respectfully report that House Bill No. 233 be amended as follows and as so amended be concurred in.

Signed: Cecil Weeding
Senator Cecil Weeding, Chair

That such amendments read:

1. Page 1, line 14.

Strike: "When"

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

2. Page 2, line 3.

Following: line 2

Insert: "(b) When a vehicle is stopped at a marked crosswalk or at an unmarked crosswalk at an intersection, the driver of a vehicle may make a right-hand turn if the pedestrian is in the opposite half of the roadway and is not in danger."

-END-

AM Amd. Coord.
IN Sec. of Senate

Hall
Senator Carrying Bill

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EXHIBIT 1
DATE 3/31/93
HB 233

1. Page 1, line 14.

Strike: "When"

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

2. Page 2, line 3.

Following: line 2

Insert: "(b) When a vehicle is stopped at a marked crosswalk or at an unmarked crosswalk at an intersection, the driver of a vehicle may make a right-hand turn if the pedestrian is in the opposite half of the roadway and is not in danger."