

MINUTES

**MONTANA HOUSE OF REPRESENTATIVES
54th LEGISLATURE - REGULAR SESSION**

COMMITTEE ON HIGHWAYS & TRANSPORTATION

Call to Order: By **CHAIRMAN SHIELL ANDERSON**, on March 10, 1995,
at 3:45 p.m.

ROLL CALL

Members Present:

Rep. Shiell Anderson, Chairman (R)
Rep. Rick Jore, Vice Chairman (Majority) (R)
Rep. Patrick G. Galvin, Vice Chairman (Minority) (D)
Rep. Joe Barnett (R)
Rep. Matt Brainard (R)
Rep. Robert C. Clark (R)
Rep. Charles R. Devaney (R)
Rep. Marian W. Hanson (R)
Rep. Don Larson (D)
Rep. Rod Marshall (R)
Rep. Linda McCulloch (D)
Rep. Daniel W. McGee (R)
Rep. Jeanette S. McKee (R)
Rep. Dore Schwinden (D)
Rep. Roger Somerville (R)
Rep. Joe Tropila (D)

Members Excused: Rep. Bill Ryan

Members Absent: Rep. Jack Wells

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

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

Committee Business Summary:

Hearing: SB 251
SB 283
SB 294

Executive Action: SB 86 Do Concur
SB 281 Do Concur
SB 294 Do Concur
SB 283 Do Concur

{Tape: 1; Side: A; Approx. Counter: 009; Comments: None.}

HEARING ON SB 251

Opening Statement by Sponsor:

SEN. CHARLES SWYSGOOD, Senate District 17, Dillon, stated that SB 251 will not change any existing energy policies. There was a group formed for this and they had put in a lot of hours on this bill.

Proponents' Testimony:

Jerry Noble, Chairman Environmental Quality Council, Great Falls, reported that the council had put in over 4000 hours on this issue and an average of 70 people attended these meetings. There was a diverse group of people on the council who have come to an agreement, which is in front of the committee in SB 251. SEE EXHIBIT 1.

Marv Dye, Director, Montana Department of Transportation, stated that the Department has been involved in this process from the beginning and they support SB 251 as amended.

Mark Simonich, Director, Montana Department of Natural Resources and Conservation, stated that the Department supports SB 251. He also reported that the Department of Transportation and the Department of Natural Resources worked together on this project and agree to work on other projects together in the future.

Maureen Cleary-Schwinden, W.I.F.E., Women Involved in Farm Economics, stated that they are in favor of SB 251. She stated that these alternative markets for grain growers helps their business tremendously.

Bob Stephens, Montana Grain Growers, spoke in favor of SB 251.

Bob Gilbert, Member of Quality Council, stated that he had spent the last interim working with the people involved with this bill. He stated that he felt this was a good compromise for all concerned.

Sue Akey, AAA Montana, stated that they worked on this also and felt it was a valid movement. She urged the committee's support for SB 251.

Mary Allen, Don Allen and Associates, spoke in support of SB 251. SEE EXHIBIT 4.

Opponents' Testimony: None

Informational Testimony: None

Questions From Committee Members and Responses:

REP. CHARLES DEVANEY asked someone to explain the language on line 15, section 2, page 2.

Pat Sandon, Administrator, Planning Division, Montana Department of Transportation, stated that it would encourage the use of environmentally-friendly travel, with such issues as fuel, balance of transportation, air quality problems and promotion of pedestrian activities.

REP. DON LARSON asked if the state of Montana passed a national energy policy. SEN. CHARLES SWYSGOOD replied he was unsure.

REP. DON LARSON asked how the State would coordinate with the federal policy. SEN. CHARLES SWYSGOOD replied that they would do what is best for the state of Montana.

REP. MATT BRAINARD asked if there was any talk about transporting goods out of the State. SEN. CHARLES SWYSGOOD replied that this bill would open the doors for discussion on that subject.

Closing by Sponsor:

SEN. CHARLES SWYSGOOD stated a lot of people worked long and hard on this bill because of the implication around energy efficiency.

{Tape: 1; Side: A; Approx. Counter: 565; Comments: None.}

HEARING ON SB 283**Opening Statement by Sponsor:**

SEN. REINY JABS, Senate District 3, Hardin, stated that SB 283 would ease the burden on log carriers in eastern Montana. He also said that when a bill passed last session it was to benefit western Montana not eastern Montana. SB 283 would change one word on line 4, page 2 to allow trucks to purchase a term permit. This would only allow one truck and one trailer and still keep the western Montana trucks in compliance.

Proponents' Testimony:

Dave Galt, Administrator, Motor Services Division, Montana Department of Transportation, stated that the concern last session was the type of log trucks in western Montana not the type of trucks in eastern Montana. He had shown the committee a diagram verifying the difference between the trailers as defined in statute.

Cary Hegreberg, Executive Vice President, Montana Wood Products Association, stated that the members of his association are in support of this bill. This bill will clean up a problem that occurred the last legislative session.

REP. MARIAN HANSON, House District 1, Ashland, stated that these trucks mentioned in SB 283 run through her district. This will clear up the problems that occurred in the eastern part of the state.

Ben Havdahl, Montana Motor Carriers Association, stated that his association is in favor of SB 283.

Opponents' Testimony: None

Informational Testimony: None

Questions From Committee Members and Responses:

REP. PAT GALVIN asked if the opponents wanted to designate a certain area in the state that the mentioned trailers would be allowed. Cary Hegreberg replied no, that current language in statute will cover that.

Closing by Sponsor:

SEN. REINY JABS stated that SB 283 will put these said combinations on the same status of a truck and trailer combination.

HEARING ON SB 294

Opening Statement by Sponsor:

SEN. ARNIE MOHL, Senate District 39, Kalispell, stated that SB 294 will correct a problem that is occurring around the state. SEE EXHIBIT 2.

Proponents' Testimony:

Pam Langley, Executive Director, Montana AgriBusiness Association, stated that their association represents the fertilizer companies. SEE EXHIBIT 3.

Dave Galt, Administrator, Motor Carriers Service Division, Montana Department of Transportation, stated that SB 294 will correct the problem that has been occurring and the Department of Transportation supports SB 294.

Brenda Nordland, Montana Department of Justice, stated that SB 294 treats everyone fairly.

Opponents' Testimony: None

Informational Testimony: None

Questions From Committee Members and Responses:

REP. JOE TROPILA said they have had several bills in the committee that would exempt certain vehicles, etc. He asked why the committee doesn't exempt everyone. Dave Galt replied that the State of Montana has to keep the federal government happy.

Closing by Sponsor:

SEN. ARNIE MOHL thanked the committee for the good hearing and urged the committee's support for SB 294.

{Tape: 1; Side: B; Approx. Counter: 220; Comments: None.}

EXECUTIVE ACTION ON SB 86

Motion: REP. CHARLES DEVANEY MOVED SB 86 BE CONCURRED IN.

Discussion:

REP. MATT BRAINARD stated that "it looks like there will be no more stage coaches full of gold."

REP. MARIAN HANSON reported that when this bill came in front of this committee, the amount was a lesser amount. She expressed that she felt the \$500,000 was a large amount of money.

CHAIRMAN SHIELL ANDERSON stated that SB 86 would make the electronic funds transfer permissive, but not necessary. REP. CHARLES DEVANEY agreed with CHAIRMAN SHIELL ANDERSON.

Vote: The question was called. A voice vote was taken. Motion CARRIED unanimously.

EXECUTIVE ACTION ON SB 281

Motion: REP. JEANETTE MCKEE MOVED SB 281 BE CONCURRED IN.

Discussion:

REP. DANIEL MCGEE stated that he feels that these long vehicles are extremely hazardous.

REP. ROGER SOMERVILLE stated that in his district he has a lot of "chip trucks." This bill would help the wood chip industry. He also stated that the wood chip trucks are light.

REP. MATT BRAINARD stated that the four foot jump is not a significant jump.

REP. PAT GALVIN stated that he felt that SB 281 only pertained to cranes. REP. DORE SCHWINDEN said to his recollection SB 281 also included wood chip trucks because they are light.

Vote: The question was called. A voice vote was taken. Motion CARRIED unanimously.

EXECUTIVE ACTION ON SB 294

Motion: REP. PAT GALVIN MOVED SB 294 BE CONCURRED IN.

Discussion: None

Vote: The question was called. A voice vote was taken. Motion CARRIED unanimously.

EXECUTIVE ACTION ON SB 283

Motion: REP. MARIAN HANSON MOVED SB 283 BE CONCURRED IN.

Discussion:


REP. ROGER SOMERVILLE asked if SB 283 would allow these haulers to extend there vehicles. REP. MARIAN HANSON replied no, this bill would only put them into compliance.

REP. ROGER SOMERVILLE asked if the logs would be the same length as the trailers. REP. MARIAN HANSON replied yes, the logs would be the same length of the trailers.

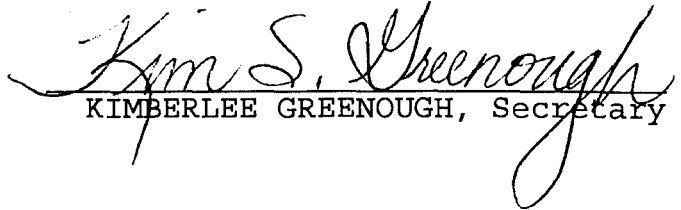
Vote: The question was called. A voice vote was taken. Motion CARRIED unanimously.

ADJOURNMENT

Adjournment: 4:32 p.m.



REP. SHIELL ANDERSON, Chairman



KIMBERLEE GREENOUGH, Secretary

SA/ksg

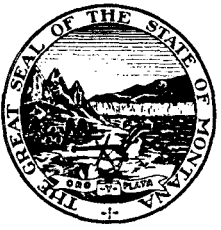
HOUSE OF REPRESENTATIVES

Highways

ROLL CALL

DATE March 10, 1995

NAME	PRESENT	ABSENT	EXCUSED
Rep. Shiell Anderson, Chairman	✓		
Rep. Rick Jore, Vice Chairman, Majority	✓		
Rep. Pat Galvin, Vice Chairman, Minority	✓		
Rep. Joe Barnett	✓		
Rep. Matt Brainard	✓		
Rep. Bob Clark	✓		
Rep. Charles Devaney	✓		
Rep. Marian Hanson	✓		
Rep. Don Larson	✓		
Rep. Rod Marshall	✓		
Rep. Linda McCulloch	✓		
Rep. Daniel McGee	✓		
Rep. Jeanette McKee	✓		
Rep. Bill Ryan			✓
Rep. Dore Schwinden	✓		
Rep. Roger Somerville	✓		
Rep. Joe Tropila	✓		
Rep. Jack Wells	✓		



The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

Pat -

Would you vote me in
Highways - I want to watch the
girls play Volleyball.

Vote ^{to} reconsider Spooks Speeding
me
bill if it come.

Bill



HOUSE STANDING COMMITTEE REPORT

March 11, 1995

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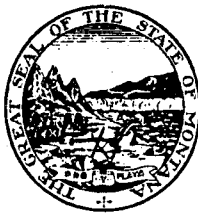
Mr. Speaker: We, the committee on **Highways and Transportation** report that **Senate Bill 281** (third reading copy -- blue) be concurred in.

Signed: *Shiell W. Anderson*
Shiell Anderson, Chair

Carried by: Rep. Larson

Committee Vote:
Yes 18, No 0.

570741SC.Hbk



HOUSE STANDING COMMITTEE REPORT

March 11, 1995

Page 1 of 1

Mr. Speaker: We, the committee on **Highways and Transportation** report that **Senate Bill 294** (third reading copy -- blue) be concurred in.

Signed: Shiell W. Anderson
Shiell Anderson, Chair

Carried by: Rep. Somerville

Committee Vote:
Yes 18, No 0.

570742SC.Hbk



HOUSE STANDING COMMITTEE REPORT

March 11, 1995

Page 1 of 1

Mr. Speaker: We, the committee on Highways and Transportation report that Senate Bill 283 (third reading copy -- blue) be concurred in.

Signed: Shiell W. Anderson
Shiell Anderson, Chair

Carried by: Rep. H. S. Hanson

Committee Vote:
Yes 18, No 0.

570745SC.Hbk



HOUSE STANDING COMMITTEE REPORT

March 11, 1995

Page 1 of 1

Mr. Speaker: We, the committee on **Highways and Transportation** report that **Senate Bill 86** (third reading copy -- blue) be concurred in.

Signed: *Shiell W. Anderson*
Shiell Anderson, Chair

Carried by: Rep. Jore

Committee Vote:
Yes 18, No 0.

570738SC.HBK

EXHIBIT 1
DATE 3-10-95
SB 251

ENVIRONMENTAL QUALITY COUNCIL
TRANSPORTATION ENERGY COLLABORATIVE
FINAL REPORT

Submitted by
Department of Natural Resources and Conservation

December 20, 1994

SUMMARY

The Transportation Energy Collaborative sponsored by the Environmental Quality Council (EQC) developed recommendations on a general transportation energy policy, a goal statement for the state's alternative fuel policies and programs, and a list of policies to guide implementation of that alternative fuel policy goal.

RECOMMENDED POLICIES

General Policy

It is the transportation energy policy of the State of Montana to promote actions that encourage the conservation of energy through the environmentally responsible management and planning of efficient transportation systems. This policy further recognizes that energy conservation must be balanced with the state's interest in establishing and preserving and maintaining a safe, efficient transportation system which equitably meets the mobility needs of Montana's citizens and connects them to the nation's economy.

Goal statement of the state alternative fuel policy

The state encourages the use of alternative fuels and fuel blends to the extent that doing so produces environmental benefits to citizens of Montana.

Implementing Policies

- A. All policies and programs should have in-state benefits.
- B. Policies and programs should be coordinated among the affected agencies.
- C. The state recognizes incentives as a temporary tool to implement the alternative fuel policy. Recipients should develop a plan, including an educational component, to phase out the incentive.
 - Consider incentives to the production, retail and consumer level.
 - There should be a logical link between revenue sources and incentives.

-- Encourage the use of self-sufficient markets.

D. Any state alternative fuel program should have measurable benefits that are communicated to the public.

E. The state and local governments should be encouraged to set an example with their vehicle fleets in the use of alternative fuels and fuel blends.

F. Consistent with Policies A-E above, encourage production of alternative fuels and fuel blends.

BACKGROUND AND HISTORY

On January 28, 1994, the Environmental Quality Council authorized the formation of a Transportation Energy Collaborative. This collaborative grew out of 1) changes in federal policies on clean air, transportation and energy, 2) executive branch interest in transportation demand management, and 3) legislative interest in formulating a state energy policy.

Federal legislation

The passage of the federal Clean Air Act Amendments of 1990 (CAAA-90), the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) and the Energy Policy Act of 1992 (EPACT) highlighted Montana's lack of a transportation energy policy. The CAAA-90 requires, as a condition for continued funding, that federally-funded highway projects conform with applicable state implementation plans (SIP) for air quality remediation in areas that do not meet federal ambient air quality standards. Many of the potential solutions for air quality problems involve increased energy efficiency. ISTEA, among other things, encourages the development of alternatives to the use of single occupancy vehicles. Use of these alternatives can lead to a more energy efficient system. ISTEA also requires the state transportation planning process consider 23 factors, including any energy use goals and objectives, connections between modal facilities, and other activities that relate directly or implicitly to increased energy efficiency. Finally, EPACT promotes the increased use of alternative fuel vehicles, for reasons of both energy security and reduction of environmental impact.

Executive branch

As part of his budget for the stripper well oil overcharge funds, Governor Racicot proposed a program dealing with transportation demand management¹ (TDM) and alternative fuels. This program grew out of suggestions submitted to the Office of Budget and Program Planning (OBPP) in October, 1992, by the Energy Division, Department of Natural Resources and Conservation (DNRC), and the Rail and Transit Division (now part of the Transportation Planning Division), Montana Department of Transportation (MDT). DNRC's proposal addressed both TDM and alternative fuels; MDT's proposal focused on TDM. At OBPP's suggestion, these two proposals were combined into one proposal and incorporated in House Bill 10. That bill established a "cooperative program between the departments to promote transportation demand management and to foster expanded use of alternative fuels."

Legislature

The 1993 Legislature adopted an Energy Policy Goal Statement for Montana (Senate Bill 225, codified as MCA Sec. 90-4-1001 et seq.). This goal statement was developed by a collaborative study group established by House Joint Resolution 31 (1991). It is now the policy of the State of Montana

"to promote energy conservation, production, and consumption of a reliable and efficient mix of energy sources that represent the least social, environmental, and economic costs and the greatest long-term benefits to Montana citizens."

The legislature recognized that the specifics of the policy would be developed incrementally. It directed the EQC to work on specific components through a "consensus process" undertaken by "a working group composed of representatives of the parties with a stake" in the issue.

The study group that developed the energy policy goal statement had initially suggested studying three energy policy development topics, including motor vehicles/transportation; however, these were postponed pending identification of necessary funding and staffing resources. Though HB10 was introduced prior to the adoption of the Energy Policy Goal Statement, several

¹Transportation demand management (TDM) strategies are programs designed to maximize the people-moving capability of the transportation system by increasing the number of persons in a vehicle, or by influencing the time of, or need to, travel. TDM strategies cover a wide range of activities, including carpooling, provision for bicyclists and pedestrians, urban design to minimize the need to travel, and telecommuting.

legislators suggested it might be the means of continuing the development of a policy on transportation energy. DNRC, in cooperation with MDT, submitted a proposal to EQC to that end. This was the proposal that EQC adopted on January 28, 1994.

Purpose of the collaborative

The purpose of the collaborative process was to develop a transportation energy policy for Montana. At a general level, this policy would provide guidance to MDT, DNRC, and any other relevant agencies, including local governments, in carrying out their responsibilities under state and federal law. More immediately, this collaborative also would make specific recommendations to MDT and the three urbanized area Metropolitan Planning Organizations to assist in their transportation planning processes.

The transportation sector accounts for about one-third of the energy consumed in Montana, and the vast majority of all the petroleum products consumed. In Montana, more money is spent getting down the road than in building the road. The amount all drivers, public and private, spend this year in Montana for gasoline and diesel will be about twice that spent on road construction, maintenance, and operation. As a related policy concern, changes in energy use, whether for reasons of increasing vehicle efficiency, government mandate, or supply disruption, affect the amount of fuel taxes collected. Since fuel taxes are one of the largest accounts in state collections, second only to income tax, changes in energy use can have major fiscal implications.

There was and is a growing appreciation that energy, transportation, and environmental issues often are different aspects of the same problem. For instance, ISTEA requires the states to at least consider state or local energy use goals, objectives, programs or requirements in their transportation planning. However, the rationale for a state transportation energy policy should go deeper than any single piece of federal legislation. And neither ISTEA nor the CAAA-90 in fact demands that states have such a policy. Instead, it was conditions in Montana itself that pointed to the need for a conscious and coherent state policy on transportation energy:

- 1) Energy supply disruptions do happen and the public has held state government responsible for mitigating their impact.
- 2) The health of the environment and the ability of the state to comply with state and federal air quality laws such as the Clean Air Act are affected significantly by the use of transportation energy.

- 3) If cost-effective transportation demand management strategies can be defined for Montana, the state may be able to avoid or delay costly highway system improvements.
- 4) The cost of transportation energy is a significant component of many goods shipped in or out of Montana.

Operation of the collaborative

The collaborative was established by inviting a wide range of Montanans. Suggestions of people to invite were made by DNRC and MDT; additional names were suggested at the first meeting of the collaborative. Over 70 people were contacted directly; others inquired or attended based on word-of-mouth. The collaborative held eight meetings between March 2 and December 7. Average attendance was 33 (high - 42, low - 24). In all, 79 people signed attendance sheets at various meetings (Appendix 1); a few more attended occasionally without signing in. Paul Sihler, EQC staff, facilitated the first meeting. A competitive solicitation for facilitators resulted in EQC hiring Gerald Mueller, Consensus Associates, to serve at all subsequent meetings.

The collaborative developed a set of ground rules (Appendix 2). These rules addressed how the collaborative was to proceed and how it would make recommendations. In particular, all participants agreed that all decisions would be made by consensus. Because the collaborative was intended to be a forum for frank and open discussions, detailed minutes of the proceedings were not kept. A list of those organizations that had members signed in attendance at meetings where consensus decisions were reached is in Appendix 3.

Following consultation with MDT, DNRC had recommended to EQC that the collaborative focus on transportation demand management and alternative fuels. Then, based on specific issues considered under the first two points, the collaborative could try to set a general policy direction on transportation energy use. However, once established, the members of the collaborative began to debate among themselves which direction to take.

In general, the first meetings dealt with the issues of how broad transportation energy policy should be, on how it differed from transportation policy, on how any energy/transportation policy should be developed, and on how the work of the collaborative should relate to MDT's efforts to prepare the long-range transportation plan required by the federal government. The collaborative eventually decided to start with general transportation energy policy. Tentative agreement was reached at the third meeting, the statement was modified slightly at the fourth meeting, and that version was reaffirmed at the eighth and last meeting.

The collaborative then agreed to take up the issue of alternative fuels, followed by transportation demand management, to the extent time allowed. Both a goal statement for the alternative fuel policy and a list of implementing policies were agreed upon. A goal statement was adopted at the seventh meeting and reaffirmed, with slight grammatical changes, at the eighth meeting. The implementing policies were adopted at the eighth meeting.

Little time was available to discuss TDM prior to the Legislature's convening. Several members thought the collaborative should be continued in some form so that TDM could be considered. MDT offered to host a conference in May to discuss technical issues surrounding TDM in Montana. The conference would be open to anybody from the collaborative who was interested. Exactly what if any state policy might be needed on TDM would be clearer then, as both DNRC and MDT would have started their TDM programs by that time.

Throughout the collaborative, MDT provided regular briefings on its work on TRANPLAN 21, the long-range plan required by ISTEPA. Early in the collaborative, MDT had requested that the group serve as a focus group to provide input on topics believed to be of interest to the collaborative. Some collaborative members eventually provided formal comments as individuals. However, the collaborative as a whole agreed not to attempt to develop consensus recommendations to MDT.

The collaborative adjourned following its December 7 meeting.

TRANSPORTATION ENERGY COLLABORATIVE

EXHIBIT 1
DATE 3-10-95
SB 251

ABELIN, Patricia	MDT-Highway Commission
ABERCROMBIE, Gail	MT Petroleum Association
AKEY, Sue	AAA Montana
ALEXANDER, Ronna	MT Petroleum Marketers
ALLEN, Don	Montanans for NHS
ANDERS, Cindy	MDT
ANDERSON, Jerome	
BABCOCK, Tim	EPAC
BALL, Shirley	EPAC
BELL, Wally	DOT
BENNITT, Gretchen	MT Air Quality Bureau
BLACKWOOD, Clint	Travel Montana
BURCHETT, Dave	MT PSC
CARTWRIGHT, Paul	DNRC, Energy Division
CHOC, Wesley	AAA Montana
CLEARY-SCHWINDEN, Maureen	W.I.F.E.
COLE, Mark	Port of Shelby
CRICK, Linda	AAA Montana
CURRIE, Jim	MDT
DAILEY, Jerry	MT Citizens Freight Rate Association
DAVIS, Alan	DNRC
DeHAAN, Roger	Highway 93 Coalition
DELANO, John	BNRR
DYE, Marvin	MDT
FOGARTY, Bill	Port of Montana
FORSETH, T. R.	MT Highway Commission
FRANTZ, Bob	DNRC, Energy Division
GILBERT, Bob	Citizen
GLANCEY, Jim	Brimm Energy
HARRINGTON, Henry	Missoula Bike Pedestrian Advisory Board
HAVDAHL, Ben	Montana Motor Carrier Association
HUYS, Marcia	Citizens for a Better Flathead

ISLAM, Sam	Missoula Office of Community Development
JACKOLA, Chris	EPAC
JAMISON, Van	DNRC
JONES, Cedron	TAWSE, MEIC, MAC
KEIM, Pat	Burlington Northern
KRESS, Mike	Missoula MPO
LARSON, Marla	DNRC, Energy Division
LUDWIG, Alan	ISD, Telecommunications
MCCARTHY, Colleen	Helena City Commission Policy & Development
McDUFF, Roy	DOT
MALEE, Con	MPC
MARTIN, Randy	DOE Denver Support Office
MILLER, Dave	Federal Highway Admin.
MUELLER, Gerald	Collaborative Facilitator
NIELSON, Linda	EPAC
NIELSON, Mary	W.I.F.E.
NOBLE, Jerry	EQC
O'DONNELL, John	MPC
OTZINGER, Sandy	MT Association of Counties
OWEN, David	MT Chamber of Commerce
PALADICHUK, Jim	MDU
PAUL, George	Montana Grain Growers
PETERSON, Vernon	MT Association of Counties
RANGEL, Ben	Great Falls MPO
RAUCH, Mary	CTEP/Gallatin Co
REICHERT, Paul	AERO
ROSE, David	DYE Mgt. Group
ROWE, Mary	Gallatin County Planner
SAINDON, Patricia	MDT-Trans. Plan Div.
SCHMIDT, Deborah	EQC
SCHWEITZER, Carl	Montana Contractors Association
SIHLER, Paul	EQC
SIMONICH, Mark	DNRC

SMITH, Ed	MT Highway Commission
STEVENS, Bob	National Association of Railroad Passengers
STRAEHL, Sandy	MDT
SWENSON, Keith G.	Designer/Planner
TERRY, Howard	Three Rivers CDC
THIELMAN, Deanna	Eagle Transit
TVEIT, Larry	State Senator, Sidney
WOSEPEKA, Moe	Rocky Mountain Trade Corridor
WHITE, Jim	Dept. of Administration ISD
WILLIAMS, John	Bicycle Federation of America
WILLIS, Gary	MPC
ZARNDT, Robert	MT Local Government Energy Office
ZUROFF, Fran	Farmer-Rancher
ZUROFF, Wanda	W.I.F.E.

APPENDIX C
GROUND RULES

EXHIBIT 1
DATE 3-10-95
SB 251

ENVIRONMENTAL QUALITY COUNCIL
TRANSPORTATION ENERGY COLLABORATIVE
August 4, 1994

I. Purpose

- A. The purpose of the Environmental Quality Council (EQC) Transportation Energy Collaborative (Collaborative) is to:
1. Develop and present to the EQC policy statements addressing energy as it relates to transportation;
 2. Develop strategies to implement the policy statements; and
 3. Provide input regarding energy to the Montana Department of Transportation's transportation planning process, TransPlan 21.

II. Decision Rule

- A. All participants in the Collaborative are committed to seeking consensus in the development of policy statements. Commitment to seeking consensus means that individual participants are committed to:
1. Express candidly their interests or concerns in the issues considered in developing the policy statement and implementation strategies;
 2. Listen respectfully to and seek to understand the interests and concerns expressed by other members;
 3. Search creatively for opportunities to address all interests and concerns;
 4. Explore fully all issues before forming conclusions; and
 5. Forego characterizing to the media or in other public meetings the interests and concerns of other members.
- B. Seeking consensus does not mean that members are expected to compromise their values or adopt positions adverse to their interests.
- C. Any transportation energy policy goal statement or policy statement recommended to the EQC must be adopted by consensus; that is, all Collaborative participants must agree to the statement.
- D. The consensus recommendations adopted by the Collaborative shall be supported by all participants before the EQC and the legislature as a non-amendable package.
- E. Policy implementation strategies need not be supported by consensus; instead, in the final report to the EQC they will be listed together with amount of support, e.g. consensus or majority, within the Collaborative for them. Minority views will also be listed.
- F. No agreement within the Collaborative will be sought about input into TransPlan 21.

III. Participation in the Collaborative

- A. Prior to August 5, 1994 participation in the Collaborative as a consensus maker is open to anyone, except that only one representative of any given group at a time may participate in Collaborative decisions.
 - 1. Alternates may participate in Collaborative meetings; however, participants are expected to keep their alternates informed about Collaborative deliberations.
- B. After August 4, 1994, new participants may be added by consensus of the Collaborative. New participants must agree to abide by the existing ground rules.
- C. Continuity of participation is important to the Collaborative's progress, therefore:
 - 1. Participation in all meetings is required; however, with an absence excused by the Collaborative Facilitator, a participant can participate via written submittal; and
 - 2. Two unexcused absences, and one loses his or her participation in consensus-making.
- D. An individual can represent more than one organization; however, he or she has only one vote, not the number of votes corresponding to the number of organizations represented.

IV. Media Contacts

- A. Contacts with the media on behalf of the Collaborative shall be made only by its Chairman and shall be limited to describing the Collaborative's purpose, process, and issues under discussion unless otherwise directed by a consensus of the Collaborative.
- B. Individual Collaborative participants are free to respond to media inquiries if they clarify that they speak only as an individual and not on behalf of the Collaborative, except they may not attributive statements to others or characterize the positions of others.

V. Meeting Minutes

- A. The Collaborative Facilitator will draft and distribute summary minutes of meetings that capture decisions and key elements of the meeting discussions.
- B. The minutes from each meeting will be approved by the Collaborative at the next meeting.

EQC TRANSPORTATION COLLABORATIVE:
Attendees when policies were discussed

This table lists those organizations that had members signed in attendance at the meetings where the transportation energy policy (Column 1), the alternative fuel policy (Column 2), and implementing policies for the alternative fuel policy (Column 3) were considered.

	1	2	3
AAA Montana	x	x	x
AERO	x	x	x
BNRR	x		
Citizens for a Better Flathead	x	x	
DNRC	x	x	x
Eagle Transit	x		
EPAC	x	x	x
Gallatin County Planning	x		
Bob Gilbert	x	x	x
Great Falls MPO	x	x	x
Helena City Commission	x	x	x
ISD, DoA	x		
Missoula Bike Ped Advisory Board	x		
Missoula Office of Community Development	x	x	x
MT Association of Counties	x	x	
MT Citizens Freight Rate Association	x	x	x
MT Contractors Association	x		
MDU	x	x	x
MDT	x	x	x
MT Grain Growers	x	x	x
MT Highway Commission	x	x	x
MT Petroleum Association	x	x	x
MPC	x	x	x
Montanans for NHS	x	x	x
National Association of Railroad Passengers	x	x	
Port of Shelby	x		
Keith Swenson	x		
TAWSE, MEIC, MAC	x	x	x
Three Rivers CDC	x		
Travel Montana, DoC	x		
WIFE	x	x	x

- 1 - General policy: Tentatively adopted May 11, reaffirmed June 28 with minor changes, reaffirmed again December 7.
- 2 - Alternative fuels policy: Tentatively adopted October 20, reaffirmed with minor changes December 7.
- 3 - Implementing policies: Affirmed December 7. (A preliminary list was discussed October 20.)

APPENDIX C
GROUND RULES

EXHIBIT 2
DATE 3-10-95
SB 294

ENVIRONMENTAL QUALITY COUNCIL
TRANSPORTATION ENERGY COLLABORATIVE
August 4, 1994

I. Purpose

- A. The purpose of the Environmental Quality Council (EQC) Transportation Energy Collaborative (Collaborative) is to:
1. Develop and present to the EQC policy statements addressing energy as it relates to transportation;
 2. Develop strategies to implement the policy statements; and
 3. Provide input regarding energy to the Montana Department of Transportation's transportation planning process, TransPlan 21.

II. Decision Rule

- A. All participants in the Collaborative are committed to seeking consensus in the development of policy statements. Commitment to seeking consensus means that individual participants are committed to:
1. Express candidly their interests or concerns in the issues considered in developing the policy statement and implementation strategies;
 2. Listen respectfully to and seek to understand the interests and concerns expressed by other members;
 3. Search creatively for opportunities to address all interests and concerns;
 4. Explore fully all issues before forming conclusions; and
 5. Forego characterizing to the media or in other public meetings the interests and concerns of other members.
- B. Seeking consensus does not mean that members are expected to compromise their values or adopt positions adverse to their interests.
- C. Any transportation energy policy goal statement or policy statement recommended to the EQC must be adopted by consensus; that is, all Collaborative participants must agree to the statement.
- D. The consensus recommendations adopted by the Collaborative shall be supported by all participants before the EQC and the legislature as a non-amendable package.
- E. Policy implementation strategies need not be supported by consensus; instead, in the final report to the EQC they will be listed together with amount of support, e.g. consensus or majority, within the Collaborative for them. Minority views will also be listed.
- F. No agreement within the Collaborative will be sought about input into TransPlan 21.

III. Participation in the Collaborative

- A. Prior to August 5, 1994 participation in the Collaborative as a consensus maker is open to anyone, except that only one representative of any given group at a time may participate in Collaborative decisions.
 - 1. Alternates may participate in Collaborative meetings; however, participants are expected to keep their alternates informed about Collaborative deliberations.
- B. After August 4, 1994, new participants may be added by consensus of the Collaborative. New participants must agree to abide by the existing ground rules.
- C. Continuity of participation is important to the Collaborative's progress, therefore:
 - 1. Participation in all meetings is required; however, with an absence excused by the Collaborative Facilitator, a participant can participate via written submittal; and
 - 2. Two unexcused absences, and one loses his or her participation in consensus-making.
- D. An individual can represent more than one organization; however, he or she has only one vote, not the number of votes corresponding to the number of organizations represented.

IV. Media Contacts

- A. Contacts with the media on behalf of the Collaborative shall be made only by its Chairman and shall be limited to describing the Collaborative's purpose, process, and issues under discussion unless otherwise directed by a consensus of the Collaborative.
- B. Individual Collaborative participants are free to respond to media inquiries if they clarify that they speak only as an individual and not on behalf of the Collaborative, except they may not attributive statements to others or characterize the positions of others.

V. Meeting Minutes

- A. The Collaborative Facilitator will draft and distribute summary minutes of meetings that capture decisions and key elements of the meeting discussions.
- B. The minutes from each meeting will be approved by the Collaborative at the next meeting.

TRANSPORTATION ENERGY COLLABORATIVE

ABELIN, Patricia	MDT-Highway Commission
ABERCROMBIE, Gail	MT Petroleum Association
AKEY, Sue	AAA Montana
ALEXANDER, Ronna	MT Petroleum Marketers
ALLEN, Don	Montanans for NHS
ANDERS, Cindy	MDT
ANDERSON, Jerome	
BABCOCK, Tim	EPAC
BALL, Shirley	EPAC
BELL, Wally	DOT
BENNITT, Gretchen	MT Air Quality Bureau
BLACKWOOD, Clint	Travel Montana
BURCHETT, Dave	MT PSC
CARTWRIGHT, Paul	DNRC, Energy Division
CHOC, Wesley	AAA Montana
CLEARY-SCHWINDEN, Maureen	W.I.F.E.
COLE, Mark	Port of Shelby
CRICK, Linda	AAA Montana
CURRIE, Jim	MDT
DAILEY, Jerry	MT Citizens Freight Rate Association
DAVIS, Alan	DNRC
DeHAAN, Roger	Highway 93 Coalition
DELANO, John	BNRR
DYE, Marvin	MDT
FOGARTY, Bill	Port of Montana
FORSETH, T. R.	MT Highway Commission
FRANTZ, Bob	DNRC, Energy Division
GILBERT, Bob	Citizen
GLANCEY, Jim	Brimm Energy
HARRINGTON, Henry	Missoula Bike Pedestrian Advisory Board
HAVDAHL, Ben	Montana Motor Carrier Association
HUYS, Marcia	Citizens for a Better Flathead

ISLAM, Sam	Missoula Office of Community Development
JACKOLA, Chris	EPAC
JAMISON, Van	DNRC
JONES, Cedron	TAWSE, MEIC, MAC
KEIM, Pat	Burlington Northern
KRESS, Mike	Missoula MPO
LARSON, Marla	DNRC, Energy Division
LUDWIG, Alan	ISD, Telecommunications
MCCARTHY, Colleen	Helena City Commission Policy & Development
MCDUFF, Roy	DOT
MALEE, Con	MPC
MARTIN, Randy	DOE Denver Support Office
MILLER, Dave	Federal Highway Admin.
MUELLER, Gerald	Collaborative Facilitator
NIELSON, Linda	EPAC
NIELSON, Mary	W.I.F.E.
NOBLE, Jerry	EQC
O'DONNELL, John	MPC
OTZINGER, Sandy	MT Association of Counties
OWEN, David	MT Chamber of Commerce
PALADICHUK, Jim	MDU
PAUL, George	Montana Grain Growers
PETERSON, Vernon	MT Association of Counties
RANGEL, Ben	Great Falls MPO
RAUCH, Mary	CTEP/Gallatin Co
REICHERT, Paul	AERO
ROSE, David	DYE Mgt. Group
ROWE, Mary	Gallatin County Planner
SAINDON, Patricia	MDT-Trans. Plan Div.
SCHMIDT, Deborah	EQC
SCHWEITZER, Carl	Montana Contractors Association
SIHLER, Paul	EQC
SIMONICH, Mark	DNRC

EXHIBIT 2
DATE 3-10-95
SB 294

SMITH, Ed	MT Highway Commission
STEVENS, Bob	National Association of Railroad Passengers
STRAEHL, Sandy	MDT
SWENSON, Keith G.	Designer/Planner
TERRY, Howard	Three Rivers CDC
THIELMAN, Deanna	Eagle Transit
TVEIT, Larry	State Senator, Sidney
WOSEPEKA, Moe	Rocky Mountain Trade Corridor
WHITE, Jim	Dept. of Administration ISD
WILLIAMS, John	Bicycle Federation of America
WILLIS, Gary	MPC
ZARNDT, Robert	MT Local Government Energy Office
ZUROFF, Fran	Farmer-Rancher
ZUROFF, Wanda	W.I.F.E.



EXHIBIT 3
DATE 3-10-95
SB 294

SB294 Fertilizer Spreader Bill
Sen. Arnie Mohl, Sponsor

The Montana Agricultural Business Association supports SB294 which makes all fertilizer spreader equipment SM vehicles for registration and licensing purposes only. It does not exempt them from any safety requirements or the commercial drivers license. That is the reason for the separate paragraph and the two sections of law referenced in that paragraph in Section 1 of this legislation.

This legislation was prompted not by monetary considerations but by a frustration among fertilizer dealers and applicators with the confusion in licensing requirements for spreader equipment. Now, how it is licensed depends on:

- whether it is a truck or trailer
- whether it is empty or full as it travels to the field the first trip in the morning.
- whether it is on a truck or tractor chassis
- whether it has large floater tires or regular tires

The members of the Montana Agricultural Business Association Transportation Committee worked out this legislation with the Montana Departments of Transportation and Justice in meetings this past year.

Three other important notes:

1. If this equipment were owned by a farmer, it would be an implement of husbandry just like a tractor. And, in some other states, this equipment is an implement of husbandry. However, officials in the Montana Departments of Transportation and Justice preferred we not do that in Montana.
2. To license all fertilizer spreader equipment at 35% GVW as spreader trucks now are supposed to be licensed is not at all practical. Those spreader "trucks" that are built on a tractor chassis do not come with titles needed to obtain a license. Some dealers have spent hours and hours and been stymied in trying to get a title--and those spreader "trucks" already are being categorized as SM equipment. So, the common category of SM equipment was agreed on.
3. The fertilizer tender trucks--those that go back and forth on highway to refill spreader equipment are not included in this legislation. They are licensed with full GVW fees as any commercial truck traveling down the state's highways.

This bill also eliminates a conflict in state law. Currently, state law says fertilizer spreader trailers are SM equipment in Section 1 of this bill, and it says they are to be licensed with 35 per cent GVW fees in Section 2 of this bill. References to

fertilizer spreader trailers in both sections are eliminated and replaced by the new language in Section 1.

The GVW fees that will be reduced go to the Motor Carrier Services Division. In the Senate, both Dave Galt, the Motor Carrier Services division administrator in the Montana Department of Transportation and Brenda Nordland, Department of Justice attorney, testified for this legislation.

We respectfully ask that you pass this legislation.

EQ NO. 470
EVISION 0

FEB 16 1995
3:17 PM

MONTANA SENATE
54th LEGISLATURE
1995 REGULAR SESSION

SB 294
MOHL
ORDER OF BUSINESS:9
DO PASS

PRESIDING: BROWN

50 YEAS 0 NAYS 0 NOT VOTING 0 EXCUSED 0 PAIRED

Y	AKLESTAD	Y	HARP
Y	BAER	Y	HERTEL
Y	BARTLETT	Y	HOLDEN
Y	BECK	Y	JABS
Y	BENEDICT	Y	JACOBSON
Y	BISHOP	Y	JENKINS
Y	BROOKE	Y	JERGESON
Y	BURNETT	Y	KEATING
Y	CHRISTIAENS	Y	KLAMPE
Y	COLE	Y	LYNCH
Y	CRIPPEN	Y	MESAROS
Y	CRISMORE	Y	MILLER
Y	DEVLIN	Y	MOHL
Y	DOHERTY	Y	NELSON
Y	ECK	Y	PIPINICH
Y	EMERSON	Y	SPRAGUE
Y	ESTRADA	Y	STANG
Y	FORRESTER	Y	SWYSGOOD
Y	FOSTER	Y	TOEWS
Y	FRANKLIN	Y	TVEIT
Y	GAGE	Y	VANVALKENBURG
Y	GROSFIELD	Y	WATERMAN
Y	HALLIGAN	Y	WELDON
Y	HARDING	Y	WILSON
Y	HARGROVE	Y	BROWN

Y=YEA N=NAY E=EXCUSED A=ABSTAIN -=NOT VOTING
YP=PAIRED YEA NP=PAIRED NAY Y*=CENTRAL YEA N*=CENTRAL NAY

EXHIBIT 4
DATE 3-10-95
SB 251

TESTIMONY ON SB 251
BEFORE HOUSE HIGHWAYS & TRANSPORTATION COMMITTEE
MARCH 10, 1995

Mr. Chairman, Members of the Committee:

For the record, my name is Mary Allen, speaking on behalf of Don Allen & Associates. Don served last year as a member of the Transportation-Energy collaborative working group, representing Montanans for the National Highway System.

The working group had some difficulty in getting focused, but once it did, the resulting product before you represents a successful effort on the part of the wide array of stake holders who participated.

I hope you will give SB 251 a "do pass".

HOUSE OF REPRESENTATIVES
VISITOR'S REGISTER

Highways & Trans. COMMITTEE BILL NO. SB283, SB294
DATE 3-10-95 SPONSOR(S) Sen. Gable, Sen. Mohr, Sen. Durkin
PLEASE PRINT PLEASE PRINT PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Pam Langley	Montana Agribusiness Assn.	SB 294 ✓	
Bill Allen	MT Audubon	SB 251 ✓	
Sue Akey	AAA Montana	SB 251 ✓	
Bob Stephens	Int Grain Growers	SB 251 ✓	
Cary Hegreberg	MT Wood Prod.	SB 283	
Ben Hardman	MT Motor Carriers Assn	SB 283	
Dave GALT	MDT	SB 283 294	
MARV DYE	MDT	251 ✓	
MARK Simonich	DNRC	SB 251 X	
Pat Culver, Jr	DNRC	SB 251	
Maureen Clay-Schwindt	WIFE-	SB 251 X	
Brenda Nordlund	DOJ	SB 294 X	
Mary Allen	Don Allen & Assoc.	SB 251	
Bob Gilbert	SELF-Member	SB 251 X	

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