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INTRODUCED BY B.H. Bandat ^{House} BILL NO. 466
Eck Carney
Swanson

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING A LOCAL GOVERNMENT TO SELECT AN ENGINEER FROM AN APPROVED LIST TO CONDUCT AN ENGINEERING AND TRAFFIC INVESTIGATION; REQUIRING THE ENGINEER TO SUBMIT A REPORT TO THE TRANSPORTATION COMMISSION; REQUIRING THE COMMISSION TO ACT ON THE FINDINGS WITHIN 120 DAYS; AND AMENDING SECTION 61-8-309, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 61-8-309, MCA, is amended to read:

"61-8-309. Establishment of special speed zones. (1) (a) If the ~~department of transportation~~ commission determines upon the basis of an engineering and traffic investigation that a speed limit set by 61-8-303 is greater or less than is reasonable or safe under the conditions found to exist at an intersection, curve, dangerous location, or any other part of a highway under its jurisdiction, the commission may set a reasonable and safe special speed limit at that location.

(b) If a local authority requests the department of transportation or an engineer, as provided in subsection (1)(c)(i), to conduct an engineering and traffic investigation based on the belief that a speed limit ~~on a highway under the department's jurisdiction~~ set pursuant to this part is greater than is reasonable or safe, the commission may not increase the speed limit under consideration as a result of the investigation.

(c) (i) A local authority may request that an engineering and traffic investigation be completed by a licensed professional engineer selected from a list compiled and approved by a committee as provided in subsection (1)(c)(ii).

(ii) A committee containing two department of transportation staff appointed by the director and four representatives of associations whose membership comprises cities, towns, and counties shall review credentials submitted by licensed professional engineers and shall determine who appears on the list of individuals authorized to conduct engineering and traffic investigations for local governments. The list must be completed by October 1, 1997, and must be updated every 2 years.

(iii) Upon completion of an engineering and traffic investigation conducted for a local government,

1 the department of transportation or the engineer shall submit a report to the commission with findings and
2 recommendations. The commission shall decide on an appropriate speed limit based on the traffic
3 investigation within 120 days from the date the report is submitted.

4 (2) The department of transportation shall erect and maintain appropriate signs giving notice of
5 these special limits. When they are erected, the limits are effective at that part at all times or at other times
6 that the commission sets.

7 (3) The authority of the commission under this section includes the authority to set reduced
8 nighttime speed limits on curves and other dangerous locations.

9 (4) This section does not authorize the commission to set a statewide speed limit."

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-END-

STATE OF MONTANA - FISCAL NOTE

Fiscal Note for HB0466, as introduced

DESCRIPTION OF PROPOSED LEGISLATION:

An act allowing a local government to select an engineer from an approved list to conduct an engineering and traffic investigation; requiring the engineer to submit a report to the Transportation Commission; requiring the commission to act on the findings within 120 days.

ASSUMPTIONS:


1. Current law requires local authorities to request the Montana Department of Transportation (MDT) to conduct engineering and traffic investigations at those locations where it has been identified that the speed limit is less than safe or reasonable. The Traffic Commission then may set a reasonable and safe special speed limit for those locations where the engineering study by MDT determines the unsafe or unreasonable conditions to exist.
2. This proposal would allow local authorities to request the engineering study from either MDT or an engineer selected from an approved list of engineers. The report from MDT or the selected engineer would be submitted to the Traffic Commission, and the Commission would have 120 days to decide on an appropriate speed limit.
3. This proposal establishes a committee, two members from MDT and four members from associations representing cities, towns, and counties, that will review the credentials submitted by licensed engineers to determine who will be on the approved list.
4. It is assumed the cost of any speed zone studies requested by a local government will be the responsibility of the local government.
5. Each year a few speed zone studies currently accomplished by the MDT will now be done by an engineer hired by the local government.
6. Extra staff time will be required to administer the new program. It is assumed the department will have the responsibility to organize and maintain the records for the new committee.
7. It is assumed the department will be responsible for reviewing studies ensuring compliance with engineering practice.
8. It is estimated the department will perform 2 to 5 fewer speed zone studies per year. Each study costs the MDT between \$3,000 and \$6,000 if performed by in-house staff. The cost savings would be approximately \$16,000 per year. It is estimated about 80% would be personnel services and 20% would be operating expenses. The new administrative duties are estimated to require about 0.50 FTE of staff time. Staff involved would most likely be an engineering manager and a staff engineer. (0.50 FTE x \$36,108 salary x 1.30 overhead = \$23,470 annually) These expenditures are not related to federal aid projects.

FISCAL IMPACT:

	<u>FY98</u>	<u>FY99</u>
	<u>Difference</u>	<u>Difference</u>
<u>Expenditures:</u>		
Personal Services	\$10,670	\$10,670
Operating Expenditures	<u>(3,200)</u>	<u>(3,200)</u>
Total	\$7,470	\$7,470
 <u>Funding:</u>		
State Special Revenue (02422)	\$7,470	\$7,470

EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES:

The bill is not clear as to who will fund the study if the county were to request an engineer to do it. If the county is to fund as presumed in the assumptions, then there will be an impact approximately comparable to the costs to MDT.

 2-12-97
 DAVE LEWIS, BUDGET DIRECTOR DATE
 Office of Budget and Program Planning

 BEVERLY BARNHART, PRIMARY SPONSOR DATE

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14 commission determines upon the basis of an engineering and traffic investigation that a speed limit set by
15 61-8-303 is greater or less than is reasonable or safe under the conditions found to exist at an intersection,
16 curve, dangerous location, or any other part of a highway under its jurisdiction, the commission may set
17 a reasonable and safe special speed limit at that location.

18 (b) If a local authority requests the department of transportation or an engineer, as provided in
19 subsection (1)(c)(i), to conduct an engineering and traffic investigation based on the belief that a speed limit
20 on a highway under the department's jurisdiction set pursuant to this part **ON A HIGHWAY UNDER THE**
21 **DEPARTMENT'S JURISDICTION** is greater than is reasonable or safe, the commission may not increase the
22 speed limit under consideration as a result of the investigation.

23 (c) (i) A local authority may request AT ITS OWN EXPENSE that an engineering and traffic
24 investigation be completed by a licensed professional engineer selected from a list compiled and approved
25 by a committee as provided in subsection (1)(c)(ii).

26 (ii) A committee containing two department of transportation staff appointed by the director and
27 ~~four~~ TWO representatives of associations whose membership comprises cities, towns, and counties, AS
28 AUTHORIZED BY 7-5-2141 AND 7-5-4141, shall review credentials submitted by licensed professional
29 engineers and shall determine who appears on the list of individuals authorized to conduct engineering and
30 traffic investigations for local governments. The list must be completed by October 1, 1997, and must be

1 updated every 2 years.

2 (iii) Upon completion of an engineering and traffic investigation conducted for a local government,
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4 recommendations. The commission shall decide on an appropriate speed limit based on the traffic
5 investigation within 120 days from the date the ~~report~~ INVESTIGATION is submitted TO THE
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7 (2) The department of transportation shall erect and maintain appropriate signs giving notice of
8 these special limits. When they are erected, the limits are effective at that part at all times or at other times
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10 (3) The authority of the commission under this section includes the authority to set reduced
11 nighttime speed limits on curves and other dangerous locations.

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