

Montana State Legislature

2015 SESSION

ADDITIONAL DOCUMENTS

Business Page

[Signed by Chairman]

Roll Call

Standing Committee Reports

Tabled Bills

Fiscal Reports

Rolls Call Votes

Proxy Forms

Visitor Registrations

***Any other documents, which were submitted after the committee hearing has ended and/or was submitted late [within 48 hours], regarding information in the committee hearing.**

***Witness Statements that were not presented as exhibits.**

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2015 Legislative

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BUSINESS REPORT

**MONTANA SENATE
64th LEGISLATURE - REGULAR SESSION**

SENATE HIGHWAYS AND TRANSPORTATION COMMITTEE

Date: Thursday, February 12, 2015
Place: Capitol

Time: 3:00 PM
Room: 405

BILLS and RESOLUTIONS HEARD:

HB 295 - Revise law for signage warning drivers of a school bus stop ahead - Rep. Carolyn Pease-Lopez

SB 278 - Revise pedestrian laws - Sen. Christine Kaufmann

SB 290 - Apply private motor carrier safety standards to certain publicly owned vehicles - Sen. Jim Keane

SB 296 - Reduce time period vehicle may be abandoned before removal - Sen. Elsie Arntzen

SB 297 - Prohibit third party dispatch related to tow-trucks - Sen. Elsie Arntzen

EXECUTIVE ACTION TAKEN:

Comments:

Presentation by Rob Eaton, director, Amtrak Government Affairs



SEN. Elsie Arntzen, Chair

MONTANA STATE SENATE
 ROLL CALL
 HIGHWAYS AND
 TRANSPORTATION
 COMMITTEE

DATE: 2-12-2015 2015

NAME	PRESENT	ABSENT/ EXCUSED
Chairman Arntzen	✓	
Vice Chair Vance	✓	
Senator Whitford	✓	
Senator Barrett	✓	
Senator Brown	✓	
Senator Buttrey	✓	
Senator Kaufmann	✓	
Senator Malek	✓	
Senator Sales	✓	
Senator Sands	✓	
Senator Taylor	✓	
Senator Thomas	.	✓

MONTANA STATE SENATE
Visitors Register
SENATE HIGHWAYS AND TRANSPORTATION COMMITTEE

Thursday, February 12, 2015

SB 297 - Prohibit third party dispatch related to tow-trucks

Sponsor: **Sen. Elsie Arntzen**

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Name	Representing	Support	Oppose	Info
Bob Gilbert	M.T.T.A	X		
TERRY Morrison	MTA	X		
GARY Becker	DOJ - MHP	X		
Joanne Blaton	Billings Towing	X		
Dannis Frownfelter	Kalispell Tower	X		
SCOTT WALTER	IRON HORSE TOWING - MISSOULA	X		
Lori Tribble	Tim's Diesel & Auto Repair	X		
John Richard	Red Wreck	X		
Tim Dassenberg	MTA	X		

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

MONTANA STATE SENATE
Visitors Register
SENATE HIGHWAYS AND TRANSPORTATION COMMITTEE

Thursday, February 12, 2015

SB 290 - Apply private motor carrier safety standards to certain publicly owned vehicles

Sponsor: **Sen. Jim Keane**

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Name	Representing	Support	Oppose	Info
Bob Gilbert	MSBCA	X		
Sandy Youngbauer	Fergus County		X	
LEONARD LUNDBY	MONTANA FIRE ALLIANCE		X	
Duane Williams	MDT- MCS			+
Spok Skun	MEM	X		

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

MONTANA STATE SENATE
Visitors Register
SENATE HIGHWAYS AND TRANSPORTATION COMMITTEE

Thursday, February 12, 2015

HB 295 - Revise law for signage warning drivers of a school bus stop ahead

Sponsor: Rep. Carolyn Pease-Lopez

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PLEASE PRINT

Name	Representing	Support	Oppose	Info
Bob Gilbert	MSGCA	X		
Dwain Kallert	MDT			X
Kirk Miller	SAM	X		

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

Date: 2-12-2015Bill No. SB 278

AARP Montana
30 W. 14th Street
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Helena, MT 59601

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F 406-441-2225
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www.aarp.org/mt



February 12th, 2015

To: Senate Highways and Transportation Committee

From: Jane Amdahl, AARP Montana Volunteer Advocate

Re: Support SB 278, "Revise pedestrian laws"

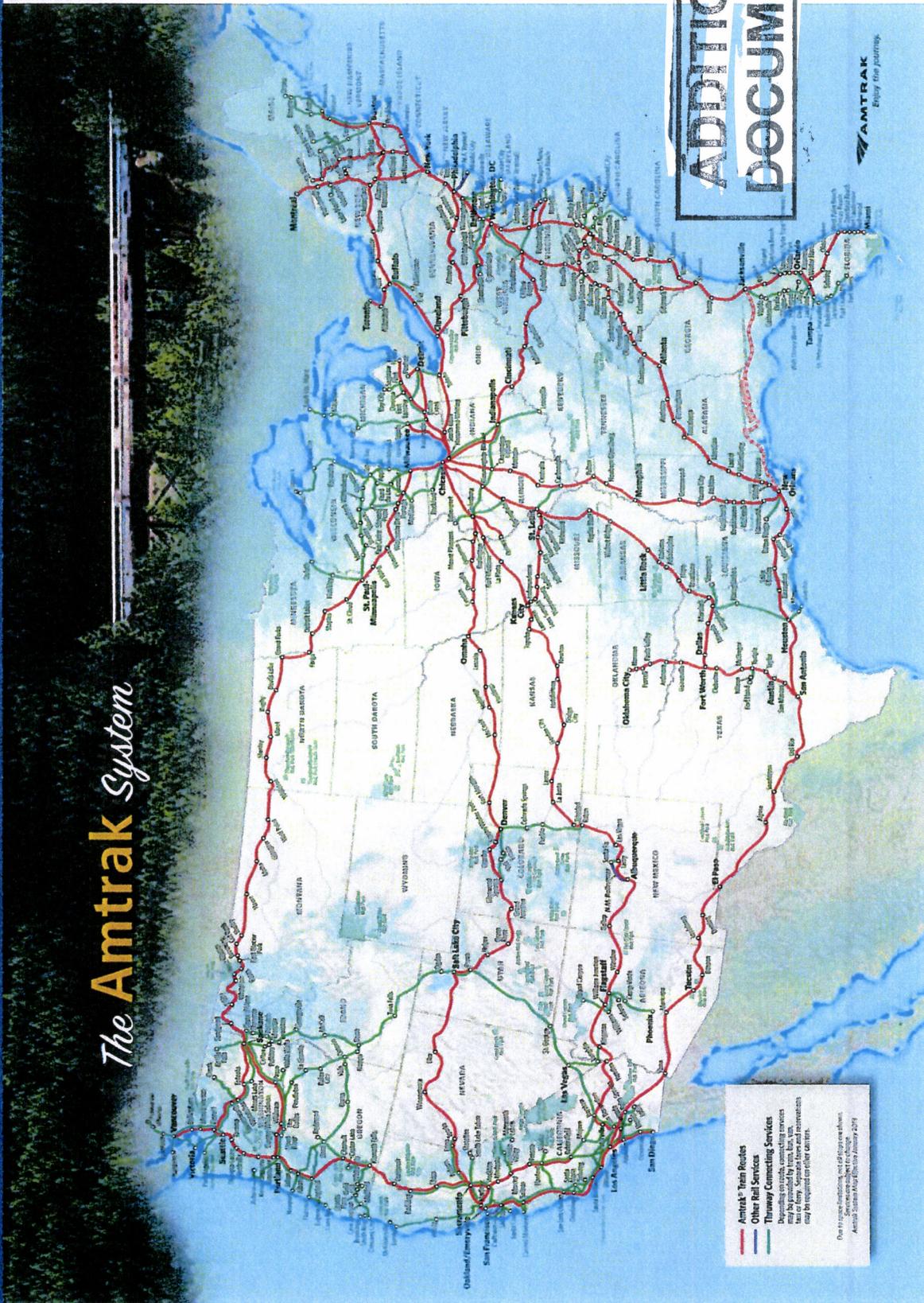
Mr. Chairman and members of the committee, for the record my name is Jane Amdahl and I am a volunteer advocate of AARP Montana, an organization which represents approximately 150,000 members in this state. We urge this committee to approve Senate Bill 278 to clarify for Montanans the terms in which they are required to stop and allow a pedestrian to cross a roadway.

As we all know, trying to cross a busy street is especially difficult because individuals have no way of safely and lawfully encouraging traffic to allow a pedestrian the right of way. This issue especially affects older adults who sometimes must wait an extended period of time in harsh conditions for traffic to cease. AARP would like to thank Senator Kaufmann for introducing this bill to improve this law and affirm the pedestrian's legal right of way.

I appreciate your time today and urge a do pass on SB 278. Thank you.

Amtrak: America's Railroad

The Amtrak System



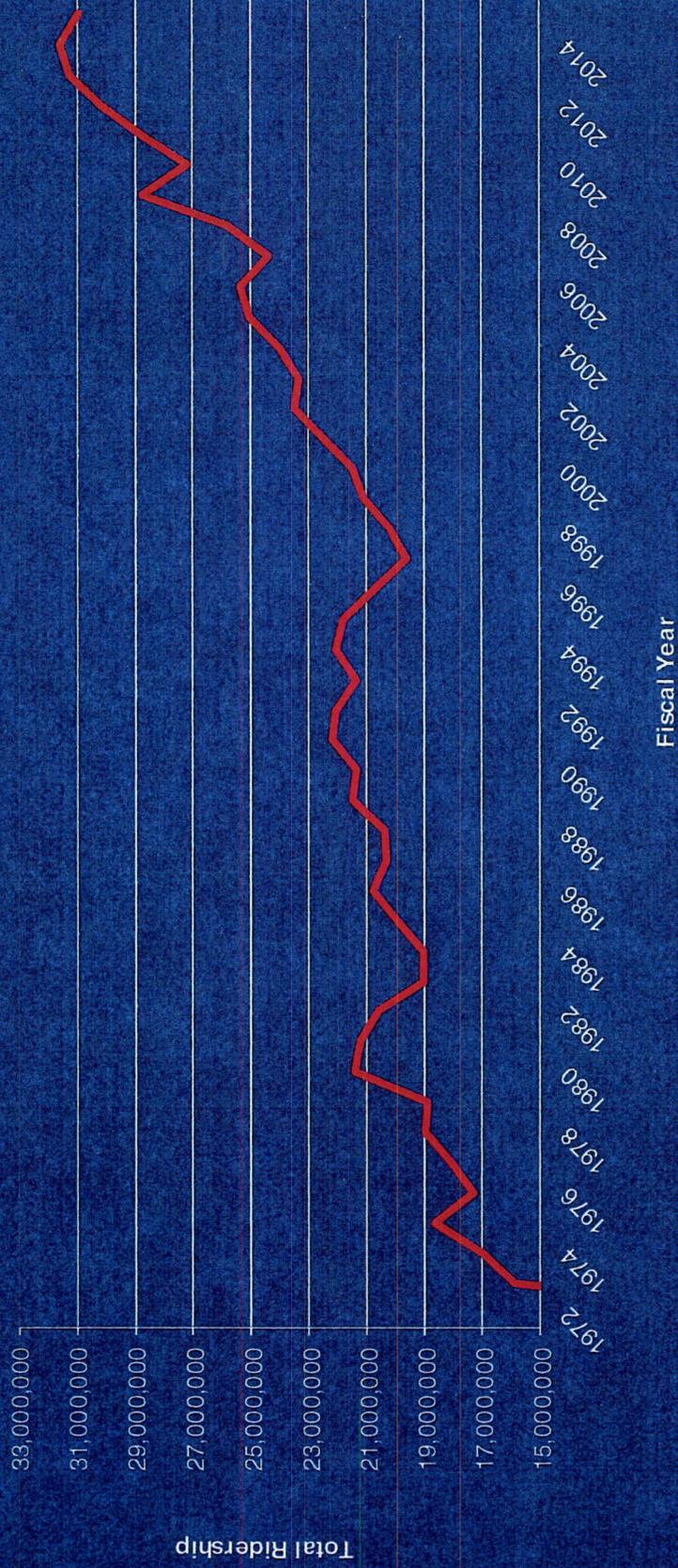
**ADDITIONAL
DOCUMENTS**

Amtrak Government Affairs

Ten annual ridership records in twelve years



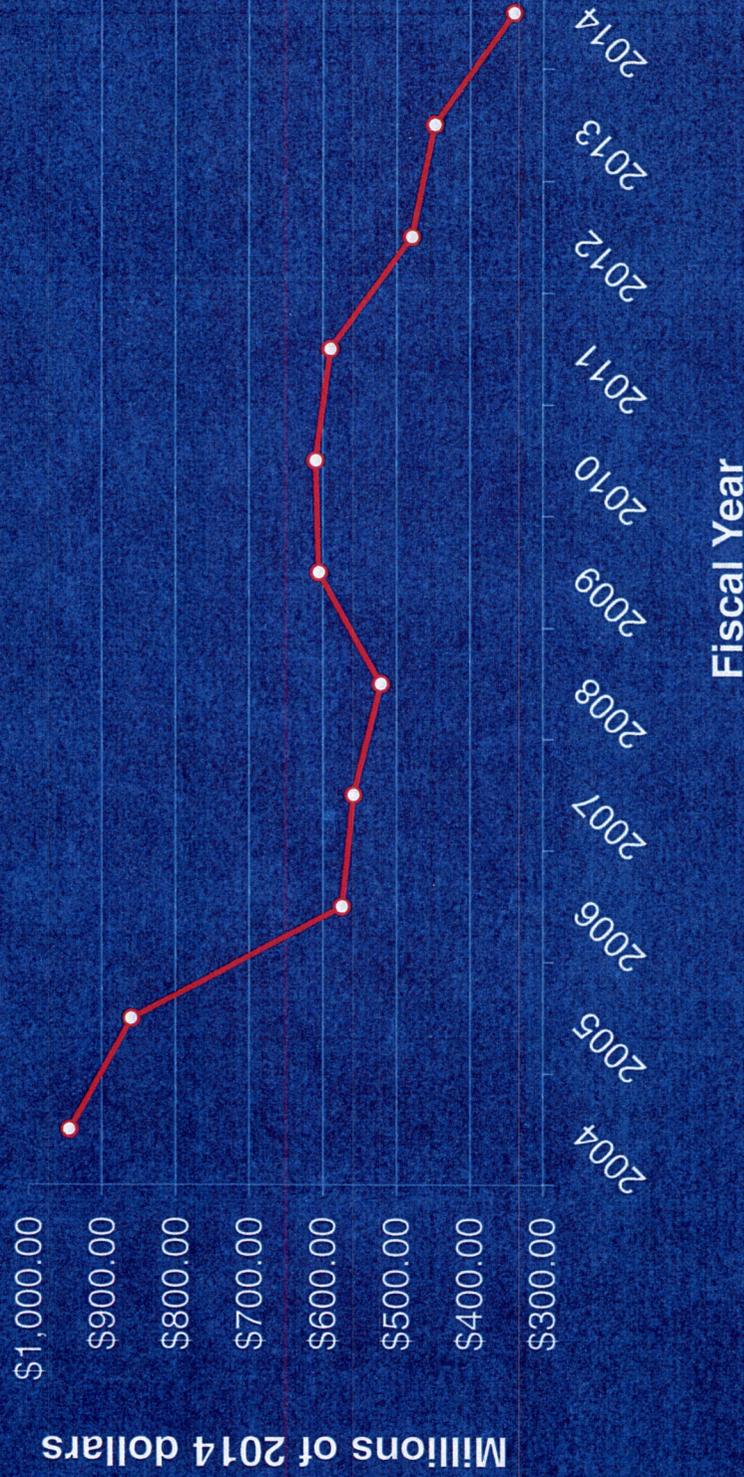
Amtrak Total Ridership, 1972-2014



Federal subsidies are down



Amtrak Operating Funding Level, 2004-Present

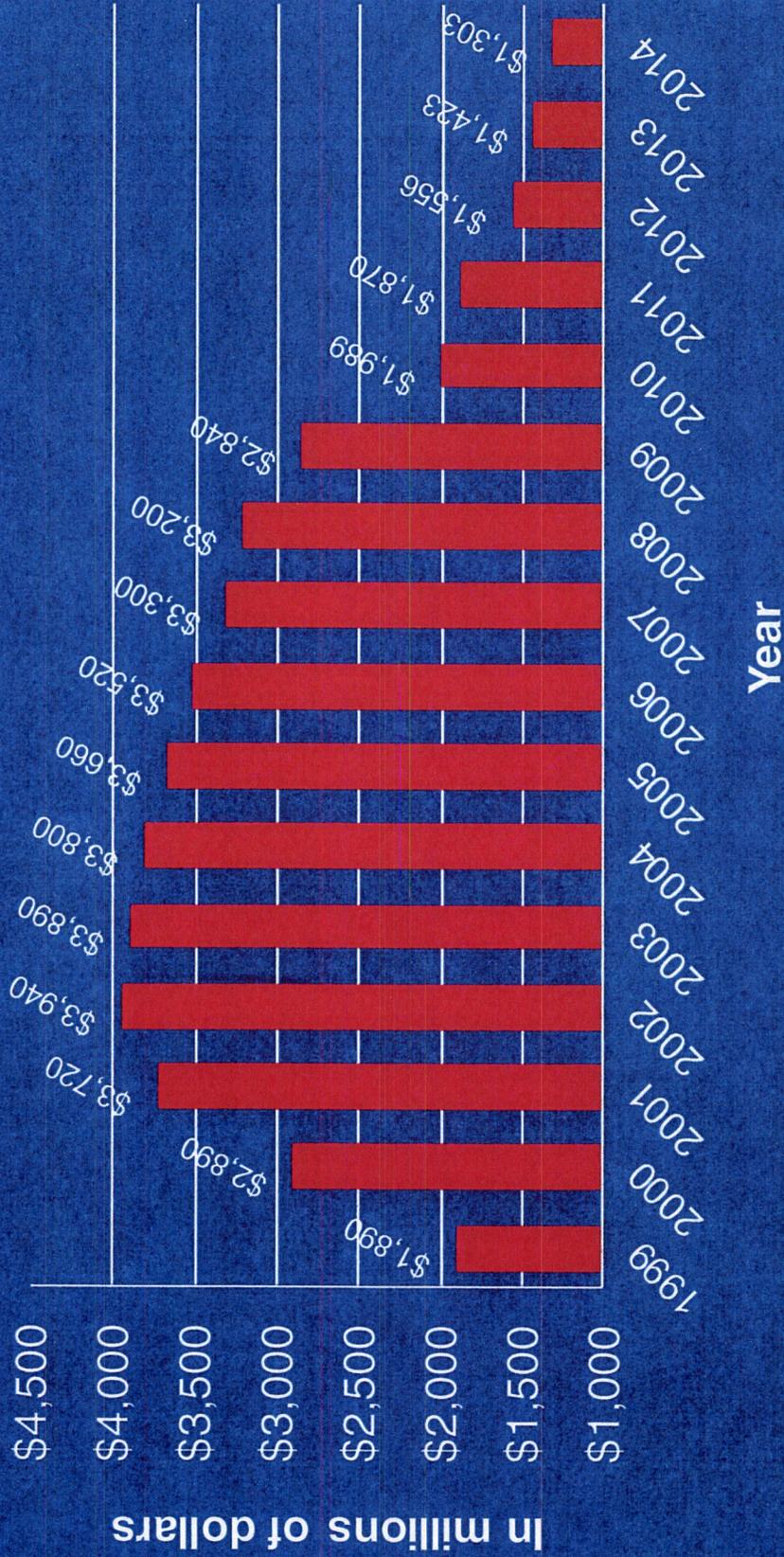


In real terms, value of 2014 operating grant was less than half of 2004

Debt is down



Amtrak Corporate Debt

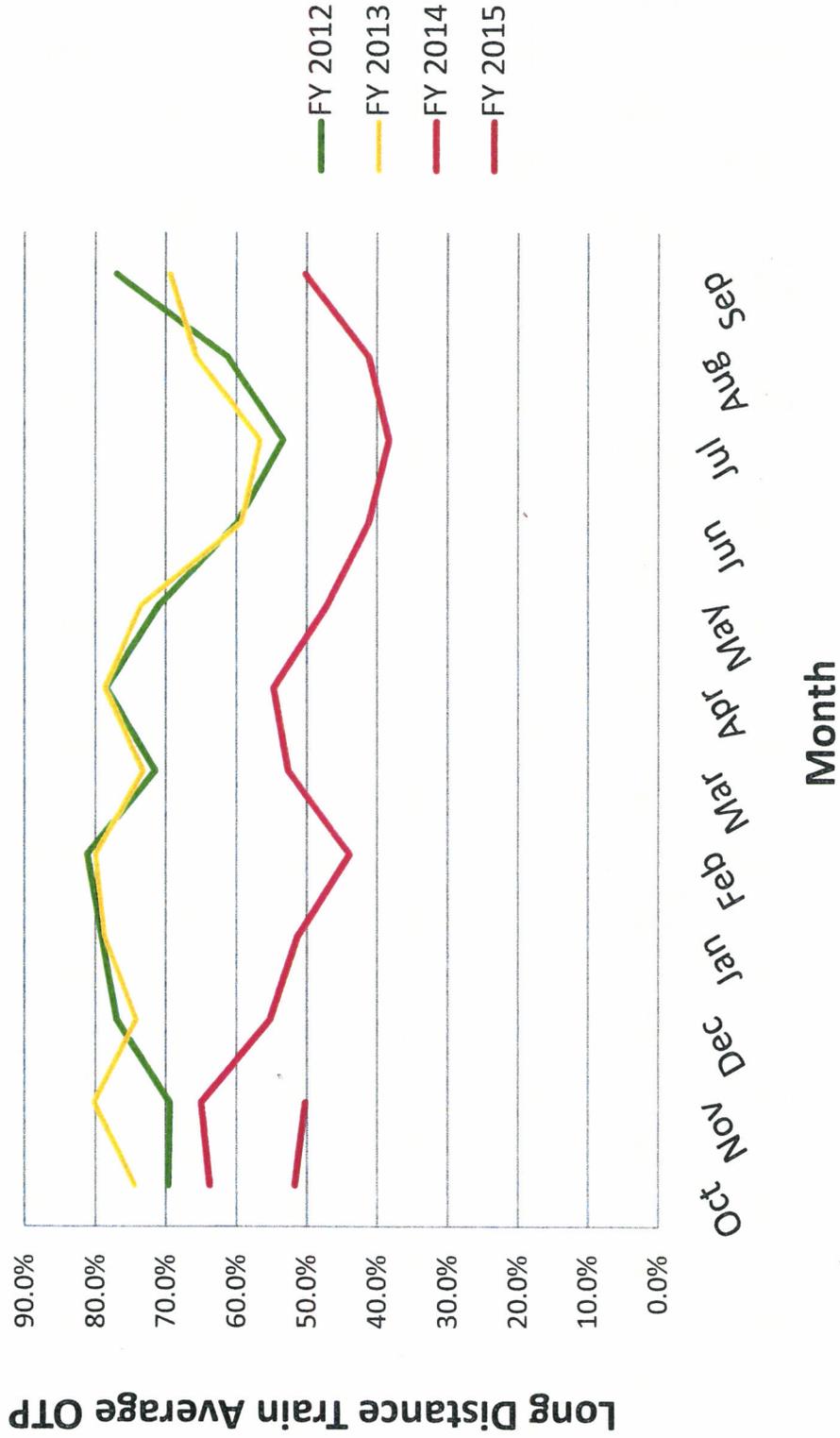


Total indebtedness is less than half of the 2002 level

Problems with OTP are a serious challenge

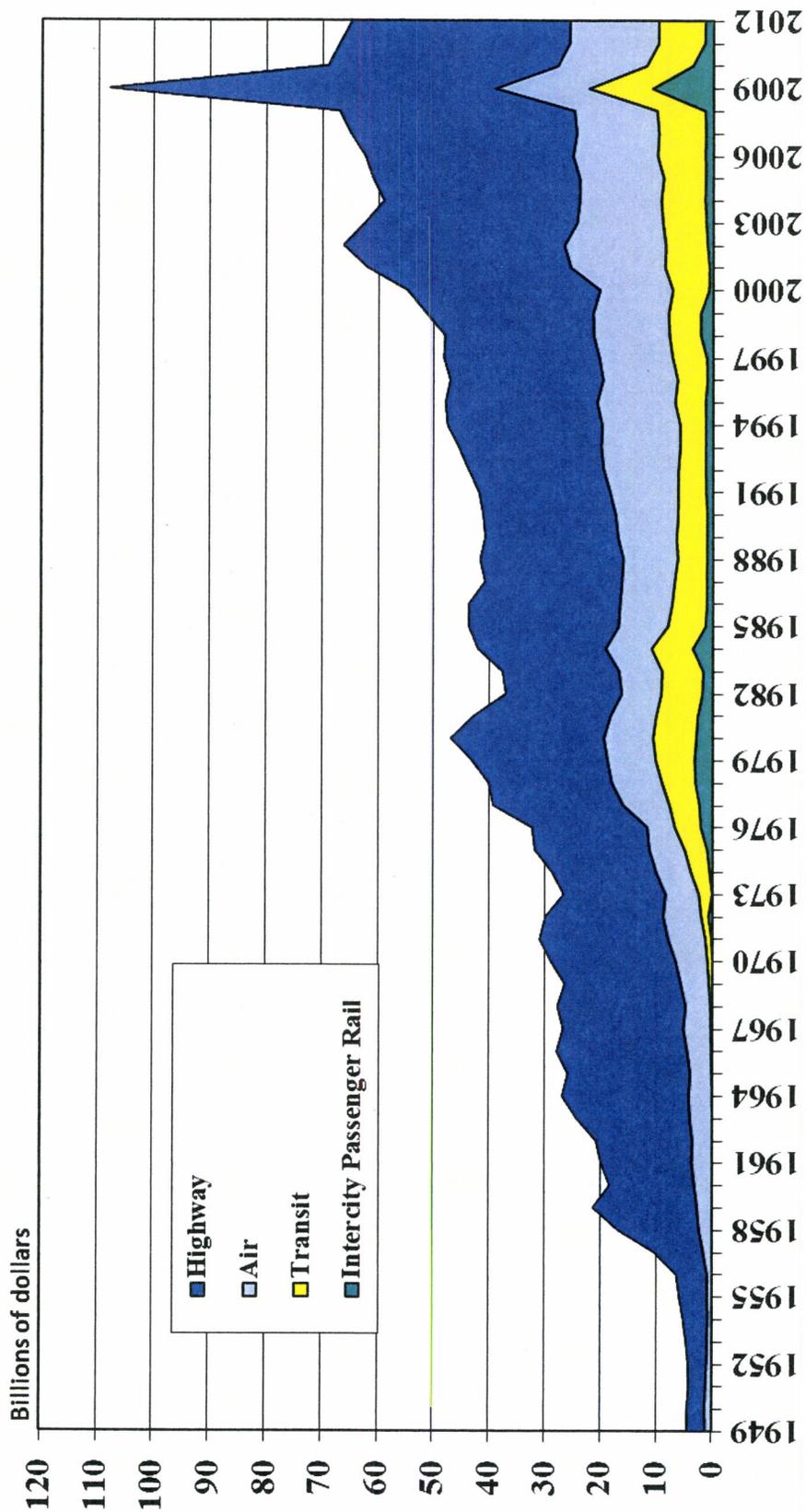


Long Distance On-Time Performance by month, FY12-14





Federal transportation investment by mode, 1949-2012





Amtrak Fact Sheet, Fiscal Year 2014 State of Montana

Amtrak Service & Ridership

Amtrak operates one daily long-distance train through Montana, the *Empire Builder* (Chicago-Minneapolis/St. Paul-Havre-Glacier Park-Seattle/Portland).

During FY14 Amtrak served the following Montana locations:

<u>City</u>	<u>Boardings + Alightings</u>
<u>Browning (winter only)</u>	1,784
<u>Cut Bank</u>	2,353
<u>East Glacier (summer only)</u>	11,952
<u>Essex</u>	2,920
<u>Glasgow</u>	3,967
<u>Havre</u>	11,343
<u>Libby</u>	5,416
<u>Malta</u>	3,165
<u>Shelby</u>	11,984
<u>West Glacier</u>	5,013
<u>Whitefish</u>	52,012
<u>Wolf Point</u>	6,301
Total Montana Station Usage:	118,210

(down 20.5% from FY13)

Procurement/Contracts

Amtrak spent \$505,239 on goods and services in Montana in FY14.

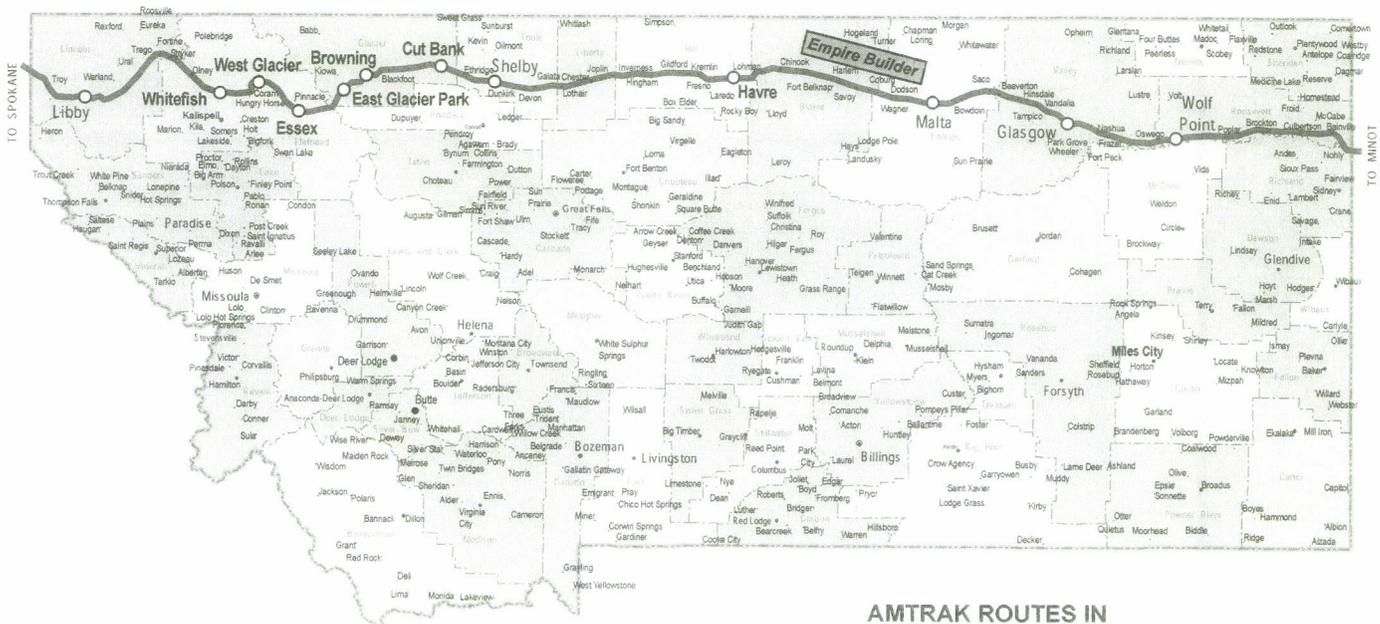
Employment

At the end of FY14, Amtrak employed 45 Montana residents. Total wages of Amtrak employees living in Montana were \$4,818,156 during FY14.

Stations

- **Browning:** In 2012, Amtrak built a 110-foot concrete platform and a walkway ramp, platform lighting system, wheel-chair lift enclosure, and handicap parking stalls. The drainage system at the station was also improved. In 2014, Amtrak installed a new, enclosed, heated shelter. The old depot structure was removed by BNSF Railway.

- **Essex:** Amtrak has applied stimulus funding to its Mobility First program, with the goal of increasing the number of stations that comply with the Americans with Disabilities Act. In Essex, home to the Izaak Walton Inn, this program allowed for construction in 2011 of a brand-new, 190-foot, concrete platform, with a hydronic snow melt system. The platform has a mechanized lift to aid in the boarding and detraining of Amtrak passengers. In 2012, Amtrak added a vehicular ramp along with fence guard railing and a platform lighting system.
- **Libby:** Amtrak designed and built a 550-foot concrete platform and handicap parking stalls, walkway ramp, wheel-chair lift enclosure, and a platform lighting system.

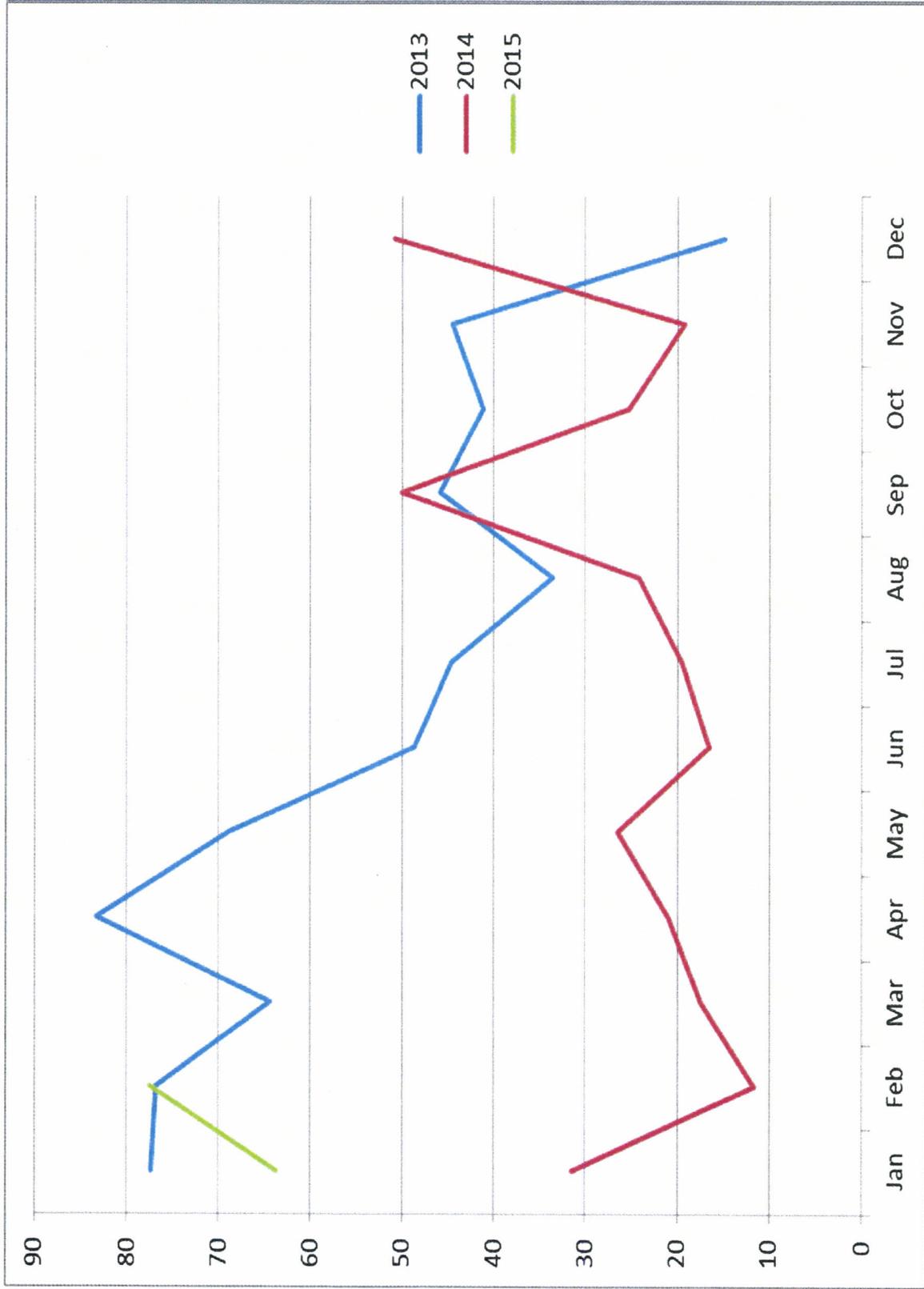


AMTRAK ROUTES IN MONTANA

TRACK OWNERSHIP			
	Amtrak		NS
	UP		CP
	BNSF		CN
	CSX		Other

--Amtrak Government Affairs, summer 2011

Amtrak: America's Railroad - Empire Builder Endpoint On-Time performance



Recent OTP

Dec: 50.8%
 Jan 1-11: 63.6%
 Jan 12-31: 77.5%
 Jan: 72.6%



Pennsylvania Towing Companies Battle AutoReturn in State Capitol

Just as the tide irreversibly turned against the Confederacy in 1863 at Gettysburg, so might the tide have turned against third-party police dispatcher AutoReturn last month in nearby Harrisburg.

On its website (www.autoreturn.com), San Francisco-based AutoReturn (AR) bills itself as “a Third Party Administrator for law enforcement towing management and logistics.” Boasting a high-tech, automated dispatching system – and, perhaps more importantly, promising to relieve law enforcement officials from the often unpleasant task of administering their own towing dispatch programs – AR contracts with municipalities to handle all of their towing dispatch. Any existing towing programs, for example, a rotation call system or zone contracts, are necessarily eliminated.

Then, with its exclusive contract in hand, AR reaches out to the local towing firms – the same firms that formerly had direct deals with their local police agency – and offers them an opportunity to continue as police towing providers for AR. It claims to have dispatched more than one million police tow calls over the last ten years in the half-dozen cities in which it operates.

In December last year, the Pennsylvania State Police (PSP) initiated a pilot program with AR in the western PSP barracks. It is AR’s first venture with a state-wide police agency. Under the program, PSP trooper calls for towing service are transferred to AR’s California dispatch center, which, in turn, dispatches the closest available AR contractor to the scene. Unlike its model in other jurisdictions, AR

allows the PSP contractors to continue charging their normal towing fees but it assesses a \$22.50 dispatch fee per call that is added to the tow bill and paid by the consumer or insurance company when the vehicle is retrieved from impound.

However, most of the competent towing firms in western Pennsylvania, who have served the PSP for decades, have refused to sign-up with AR. In order to fulfill its PSP contract, AR has resorted to utilizing many substandard towing firms with limited experience and inadequate facilities and equipment. Of the 43 towing companies serving the PSP through the third-party dispatcher AR only 22 have prior PSP experience. Response time and service has suffered.

On May 14, 2014, the Pennsylvania House Committee on Emergency Preparedness convened a special meeting in the ornate Caucus Room at the state capitol to discuss PSP’s new contract with AR. The testimony was divided into five separate panels of stakeholders: the PSP, AutoReturn, the Pennsylvania Towing Association (PTA), tow operators from the pilot project areas, and the Towing and Recovery Association of America (TRAA).

A standing-room-only crowd of about 150 Commonwealth tow operators was in attendance.

PSP Lt. Colonel Bivens began the hearing by stating that one of PSP’s primary motivations for transferring its towing dispatch to a third-party was to eliminate the PSP’s involvement in “dispute resolution,” i.e., consumer complaints about towing services and tower-vs-tower disputes. He also indicated that the PSP

hopes to avoid the payment of millions of dollars in legal expenses and court awards it has incurred in defending tow company lawsuits.

Several committee members were disturbed by the “backdoor” nature of the AR-PSP contract and criticized the PSP for failing to involve the Pennsylvania towing industry in the development of the pilot program. An overriding concern of many committee members was whether there was a need for a California-based third-party dispatch service when local dispatch (911) centers were readily available.

John Wicker, CEO and co-founder of AutoReturn, told the committee that AR only provided “logistical” services and that AR’s goals were “minimizing response times, allowing troopers to return to patrol duties faster, and decreasing the administrative burdens surrounding the towing program.” He offered a computer-generated graphic purporting to show response times on the 1,003 tows that have been dispatched thus far under the pilot program. He assured the committee that AR is not a towing company: “We do not own a single tow truck ... We are not a tow operator and we don’t compete with tow operators.” Wicker also angrily attacked the boycotting tow operators of southwest Pennsylvania, accusing them of “hysteria” and “prosecuting a campaign of misinformation” against AR.

But, under pointed questioning from committee members, Wicker’s account of a dispatch utopia quickly unraveled. He admitted that there had been service issues due to lack of qualified vendors in some areas. He also acknowledged that, to date, AR had failed to engage the towing industry in any discussion about its program. Although he promised that AR would never go into competition with the Pennsylvania towing industry – for example, by operating tow trucks or storage yards – it was

revealed that AR has, in fact, done so in other jurisdictions. Committee Chairman Stephen Barrar repeatedly questioned why AR charges a \$22.50 dispatch fee when the local 911 centers provide the same service for less than \$2.00 per call. Wicker frequently dodged direct questions and was chastised by one committee member for his arrogant attitude towards the towing industry.

Wicker was accompanied at the witness table by two presumably satisfied AR contractors who appeared in support of the PSP program. But, upon questioning, they turned out to have very little experience with police towing. When one admitted that he had not previously been qualified to serve the PSP but was now a PSP-AR tow service provider, chuckles could be heard throughout the chamber.

The towing industry was ably represented. PTA President Ron Bressler spoke about the personal sacrifices of tow operators, the dangers they face every day, and the respect the industry deserves. John Glass, president of the New Jersey towing association and TRAA board member, gave a national perspective on the issue. Dan Donald (Moore's Auto Wrecking), Mark McConnell (McConnell's Sunoco),

John Malinski (Malinski Towing) and Dave Norris (D&D Salvage) were also panelists. But it was Eddie Whiteman (Eddie's Collectibles) and Curt Hovis (Hovis Truck Service) who really exposed the fallacies of the AR program.

Whiteman, whose towing company serves as an AR contractor in Erie, used eye-opening photographs of the facilities of some of AR's new tow vendors to demonstrate how the standards for PSP towing service providers were being compromised. He also referenced AR's own documentation to highlight recent delays in response times. He pointed out how the intervention of a third party in the dispatching process hinders critical communications between the towing operator and on-site law enforcement about conditions at the scene.

Hovis said that revenue loss was not an issue since AR's \$22.50 dispatch fee was passed on to the consumer, but he emphasized the importance of trust and public safety. He gave examples of how AR has used unscrupulous tactics to coerce tow companies to participate in the plan. His data also revealed instances in which accident response time had doubled under the AR system. Delays of mere seconds in response

time can result in tragedy at the scene, Hovis said.

In a closing remark, Norris told the committee that police towing and recovery work requires special training, experience and equipment. He said that turning the PSP towing over to AR's new network of unqualified tow companies "was like turning the responsibilities of the State Police over to local constables." That poignant comment resonated with the committee.

At the conclusion of the 5½ hour emotionally-charged hearing, it is fair to say that AutoReturn's PSP pilot program was largely discredited. Where it goes from here remains to be seen. The PSP is under the purview of the governor, not the legislature; however, the governor will no doubt take note of what occurred at the May 15 hearing. There are also legal matters to be investigated, including whether the PSP has statutory authority to assign its tow dispatching responsibilities and whether it violated the Pennsylvania Administrative Procedures Act by implementing the program without public comment and hearing. In any event, it is clear that AutoReturn can no longer ignore the industry that it has depended upon for its past success.

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Pennsylvania State Police Terminates Agreement with AutoReturn

Nov 13th, 2014 | By [Editorial Staff](#) | Category: [Spotlight](#)



News is spreading across the industry that the Pennsylvania State Police (PSP) has terminated its agreement with California-based third-party police dispatch service AutoReturn. The controversial dispatch service contracts with municipalities to take over dispatching functions, contracting with local towers who are placed on an AutoReturn rotation list.

In a letter to Ronald Bressler, president of the Pennsylvania Towing Association, PSP Deputy Commissioner of Operation wrote that the AutoReturn pilot program is discontinued effective November 12, 2014.

"The Pennsylvania Towing Association was very involved in voicing tower's concerns in the pilot process," Bressler says. "We will be meeting with the Pennsylvania State Police about what discontinuation of the program means to towers in Pennsylvania, and we look forward to working with the PSP in the future."

The PSP initiated the AutoReturn pilot program in 2013. The AutoReturn pilot program provided dispatch service for PSP emergency calls on state roads and Interstate 80, a news report said, with its own list of towing vendors. The program was originally intended to become statewide.

In May 2014, the Pennsylvania House Committee on Emergency Preparedness held a special meeting at the state capitol to assess the PSP contract with AutoReturn and testimony was heard from the PSP, AutoReturn, the Pennsylvania Towing Association, tow operators in the pilot project areas and the Towing and Recovery Association of America. A *Tow Times* magazine Legaleze Special Report (June 2014 issue) noted towing industry concerns and issues addressed at the meeting — including decreased PSP towing service provider standards, increased PSP response time and diminished service.

In a news report published in the *Pennsylvania Business Daily*, State Sen. Scott E. Hutchinson, was quoted: "This is a good and appropriate decision by the State Police. There were serious public safety issues and credibility concerns regarding the vendor. There was almost universal opposition to this dispatching service. Local tow operators opposed it and raised a number of concerns about the company's business practices. This was an experiment that simply did not work."

Watch for more coverage of the termination of the agreement between AutoReturn and the Pennsylvania Highway Patrol on [towtimes.com](#) and *Tow Times* magazine.