



# Transportation Interim Committee (TIC)

January 13

**2019-20**

To plan its work and establish goals, the TIC mapped out its priorities. The work plan provides an outline of what the TIC will work on throughout the interim and how much effort will be placed on each subject. It provides guidance to the committee over the next year and serves as a blueprint for the interim.

**Work Plan  
for 2019-20  
Interim**

## Contents

Introduction .....	1
Committee Procedures and Public Participation .....	1
Members and Staff .....	2
How the TIC Plans its Work .....	2
Work Plan Topics .....	3
1. House Joint Resolution No. 34: Study Passenger Transportation.....	3
2. House Joint Resolution No. 45: Study Bicycle and Pedestrian Paths .....	3
3. Senate Joint Resolution No. 28: Study Traffic Safety Systems and Policies ...	3
Statutory Duties and Obligations .....	4
Additional Topics for TIC Study .....	5
1. Autonomous Vehicles.....	5
2. Electric Vehicles: Scooters, bikes, and cars.....	5
3. Emerging Issues .....	6
2019-2020 TIC Work Plan Timeline .....	6
2019-2020 TIC Work Plan Calendar.....	7

## Introduction

This is the work plan for the Transportation Interim Committee (TIC) for the 2019-2020 interim. Included you will find:

- A description of work plan topics and plans to address those topics.
- A work plan timeline and calendar.

## Committee Procedures and Public Participation

The TIC will operate under the Rules, Procedures, and Guidelines for Interim Committees adopted by the Legislative Council. As required by law, 10-day advance public notice will be given for all meetings and the public will be given an opportunity to comment on any matter that is within the jurisdiction of the committee. The Presiding Officer may establish time limits for public comment, if necessary. Interested persons may be added to the mailing list by visiting the TIC website. By visiting the website, interested persons also may sign up for electronic meeting notifications. Agendas, memos, links and other information can be found on the TIC website: [www.leg.mt.gov/tic](http://www.leg.mt.gov/tic).

## Members and Staff

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## How the TIC Plans its Work

The 2019 Legislature passed and approved Senate Bill No. 226 establishing a Transportation Interim Committee. Historically, transportation matters were combined with revenue and tax policy and under the authority of the Revenue and Transportation Interim Committee. The Senate Highways and Transportation Standing Committee requested SB 226, and Senator Gordon Vance carried the bill. He stated in his testimony that it was important to split the subjects into separate committees to ensure that transportation, including the Montana Department of Transportation (MDT), receives the attention it deserves.

For the 2019-2020 interim, the TIC will focus on issues outlined in this plan, while maintaining oversight of programs and rulemaking activities of the Montana Department of Transportation and the Motor Vehicles Division of the Department of Justice (DOJ MVD). It will be asked to report back to the 2021 Legislature on whether a separate transportation committee should continue.

This 2019-2020 Work Plan sets priorities and outlines how and where the TIC will spend its limited time and resources. The work plan sets out a strategy for fulfilling the TIC's responsibilities throughout the 2019-2020 interim.

The work plan is a blueprint for the interim. The TIC Work Plan Decision Matrix, a separate document, is a way to look at topics side by side and review time allocations to each topic.

## Work Plan Topics

### 1. House Joint Resolution No. 34: Study Passenger Transportation

#### **Legislative Poll Rank: #19 of 27 – Representative Andrea Olsen**

**Background:** The Transportation Interim Committee collected public comment on passenger rail service during its July 2019 and September 2019 meetings but agreed not to pursue the study. The committee reviewed the 2010 State Rail Plan and invited the Department of Transportation to discuss the plan. The committee agreed, although the decision was not unanimous, that the information included in the 2010 State Rail Plan is sufficient, and that operational and financial challenges associated with accommodating expanded passenger rail service would be difficult to overcome.

**Workplan:** The committee opted to dedicate its resources to other topics for the interim and sent the Legislative Council a letter outlining its decision.

### 2. House Joint Resolution No. 45: Study Bicycle and Pedestrian Paths

#### **Legislative Poll Rank: #25 of 27-- Representative Denley Loge**

**Background:** Both bicycling and walking play an integral role in Montana's transportation system. The purpose of this study is to explore how bicycle and pedestrian paths are used in Montana and safety implications. The study will include a discussion of the economic impacts of bicycle and pedestrian paths, and existing and future funding opportunities.

**Workplan:** The committee dedicated **.25 FTE** to the topic. The study will include a review of financial contributions and stakeholder panel discussions. An analysis of bike and pedestrian path funding and opportunities in other Western States also will be completed.

### 3. Senate Joint Resolution No. 28: Study Traffic Safety Systems and Policies

#### **Legislative Poll Rank: #21 of 27 -- Senator Diane Sands**

**Background:** In May 2014, MDT announced its Vision Zero initiative, a multipronged effort with the goal of eliminating deaths and injuries on Montana highways. Vision Zero includes four areas: education, enforcement, engineering, and emergency medical response.

**Workplan:** The committee devoted the largest portion of its time, **.30 FTE**, to a study of traffic safety and related Montana policies. This study will include an analysis of data related to the current highway safety plan adopted by the MDT, including infrastructure and policy components. Work conducted in conjunction with the study will include a wide range of stakeholders, and provide for committee review and discussion of citizen engagement and policy effectiveness. A discussion of adaptive driving technologies also will be included in the committee's work.

## Statutory Duties and Obligations

The TIC draws its statutory responsibilities from five sources:

**I. Source/authority:** 5-5-215, MCA. General duties of all interim committees.  
SB 226 (Chapter 163, Laws of 2019) TIC oversight

"The Transportation Interim Committee has administrative rule review, draft legislation review, program evaluation, and monitoring functions for the Department of Transportation, the Motor Vehicles Division of the Department of Justice, and the entities attached to the Department of Transportation for administrative purposes."

### **As applied to the TIC, statutes require the committee to:**

1. **Conduct interim studies** as assigned. The committee may recommend to the Legislative Council that a study be assigned to another committee or not be conducted.
2. **Review administrative rules** of the Department of Transportation and the Motor Vehicles Division of the Department of Justice.
3. **Review legislation** proposed by MDT or the DOJ MVD. Bills requested by an individual member of the Legislature are not subject to this requirement.
4. **Complete additional statutory duties** including reviewing certain biodiesel tax refunds, cooperative agreements related to motor fuel taxes, alternative project delivery contracts, and MDT enforcement.
5. **Monitor the operation of the MDT and DOJ MVD** with specific attention to the following:
  - a. identification of issues likely to require future legislative attention;
  - b. opportunities to improve existing law through the analysis of problems; and
  - c. experiences of Montana's citizens with the operation of the agency that may be amenable to improvement through legislative action.
6. **(Committee driven):** Prepare bills and resolutions that, in the Committee's opinion, the welfare of the state may require for presentation to the next regular session.
7. **(Committee driven):** Compile, analyze, and furnish information bearing upon the Committee's assignment and relevant to existing or prospective legislation that the Committee determines to be pertinent to the adequate completion of its work.

**II. Source/authority:** 15-70-433(7), MCA.

Requires the MDT to report biennially on the number and type of taxpayers claiming the refund (1 cent a gallon for retailers or 2 cents a gallon for distributors) of biodiesel sold, the total amount of the refund claimed, and the department's cost associated with administering the refund.

**III. Source/authority:** 15-70-450, MCA.

Requires MDT to report the status of motor fuel tax cooperative agreement negotiations with the state's Indian tribes. The reports will be provided as needed after negotiations are complete and before the final agreement is submitted to the Attorney General for approval.

**IV. Source/authority:** 60-2-119, MCA.

Requires MDT to provide a benefit analysis of alternative project delivery contracting in comparison to other contracting processes authorized in [60-2-111](#).

**V. Source/authority:** 61-10-154(8), MCA

Requires MDT to report biennially on enforcement of MDT's authority to stop and inspect, if probable cause exists, diesel-powered vehicles to determine compliance with provisions of the special fuels use tax law and impacts of enforcement on the state special revenue fund.

The committee dedicated **.163 FTE** to completing its statutory duties as required in law. The committee will complete its assigned tasks, and bolstered its monitoring of MDT activities to include a review of road construction in Montana and how road construction projects are prioritized and paid for over time. The additional analysis will include a closer look at the role of Montana's Transportation Commission. Panel discussions are expected to cover road construction enforcement and safety and road construction bidding and building.

## Additional Topics for TIC Study

### 1. Autonomous Vehicles

**Authority:** Suggested by Senator Sands

**Background:** As automated driving systems (ADS) or self-driving vehicles hit the local streets, state lawmakers across the nation are tackling complex legislation to encourage new technology and to properly regulate it. Lawmakers are not only examining opportunities for the testing of the technology but also for the use of ADS by the public. According to the National Conference of State Legislatures, legislators and governors in 29 states passed legislation or signed executive orders related to automated driving systems.

**Workplan:** The committee dedicated about **.002 FTE** to this topic, which was largely covered through presentations and background reports presented in September 2019.

### 2. Electric Vehicles: Scooters, bikes, and cars

**Authority:** Suggested by Senator Boland (and others)

**Background:** Across the U.S., the use of electricity to fuel the transportation sector continues to grow. As EV adoption increases, more and more states are looking at the fees collected for use of the roads as well as related regulation. In addition to electric cars, Montana communities are also grappling with increased use of electric bikes and scooters on Montana's roadways and paths.

**Workplan:** The committee will spend about **.05 FTE** on the subject, largely with a focus on the issue of electronic bikes and scooters in Montana. Local governments will be important to the discussion. The committee also indicated it would like to review issues related to Montana's fuel tax as these technologies develop.

### 3. Emerging Issues

**Workplan:** The committee agreed to keep about **.1 FTE** open and available for topics that rise to the top throughout the interim.

### 2019-2020 TIC Work Plan Timeline

This timeline provides a framework so the TIC can complete its work on time. It is subject to change by the TIC.

Sept. 16, 2019	<b>TIC Meeting.</b> Adoption of detailed work.
January 13, 2020	<b>TIC Meeting.</b>
March 23, 2020	<b>TIC Meeting.</b> If public comment is desired on a TIC report, the contents of the <i>draft</i> report should be determined by this date.
May 20-21, 2020	<b>TIC Meeting.</b> Last date to suggest revisions to a <i>draft</i> document if a 30-day public comment period is desired. Comments received from the public will be compiled by staff and distributed to the TIC 1-2 weeks before the July meeting.
July 20, 2020	<b>TIC Meeting.</b> Decision on recommendations, any proposed legislation, final report contents.
September 11, 2020	<b>TIC Meeting.</b> Final approval of recommendations, reports, proposed legislation. Select bill sponsors. Develop strategy. Review agency bill draft requests.

## 2019-2020 TIC Work Plan Calendar

Date	Activities	Tasks/Policy Decisions
July 9, 2019	<ul style="list-style-type: none"> <li>&gt;Organizational</li>   <li>&gt;Agency Monitoring</li>   <li>&gt;Studies</li>   <li>&gt;Statutory Duties</li>   <li>&gt;Other Issues</li> </ul>	<ul style="list-style-type: none"> <li>◇ Elect officers</li> <li>◇ Review work plan</li> <li>◇ Review, adopt calendar</li>   <li>◇ DOT intro</li> <li>◇ Transportation Commission intro</li> <li>◇ Board of Aeronautics intro</li>   <li>◇ Introduction to studies</li> <li>◇ Stakeholder input</li>   <li>◇ Rulemaking update</li>   <li>◇ Maintenance/funding performance audits</li> </ul>
Date	Activities	Tasks/Policy Decisions
September 16, 2019	<ul style="list-style-type: none"> <li>&gt;Organizational</li>   <li>&gt;Agency Monitoring</li>   <li>&gt;Studies</li>   <li>&gt;Statutory Duties</li>   <li>&gt;Other Issues</li> </ul>	<ul style="list-style-type: none"> <li>◇ Adopt work plan</li> <li>◇ Review budget</li>   <li>◇ DOJ MVD intro</li> <li>◇ Real ID update and review</li> <li>◇ Rulemaking update</li>   <li><b>HJ 34: Passenger Transportation</b></li> <li>◇ State Rail Plan review</li>   <li>◇ Rulemaking update</li>   <li>◇ Autonomous vehicles</li> <li>◇ Electric bikes intro</li> </ul>
Date	Activity	Tasks/Policy Decisions
January 13, 2020	<ul style="list-style-type: none"> <li>&gt;Agency Monitoring</li>         <li>&gt;Studies</li> </ul>	<ul style="list-style-type: none"> <li>◇ Updates from MVD</li> <li>◇ Real ID bill draft</li> <li>◇ Staff background info on road construction</li>   <li><b>SJ 28: Safety</b></li> <li>◇ Panel discussions</li> <li>◇ Summary from annual Transport. Safety Program</li> <li>◇ Staff overview of Comprehensive Safety Plan</li> <li><b>HJ 45: Bike/Ped Paths</b></li> </ul>



	<ul style="list-style-type: none"> <li>➤ Studies</li> <li>➤ Statutory Duties</li> <li>➤ Other Issues</li> </ul>	<ul style="list-style-type: none"> <li>◇ Review of path use and promotion in MT</li> <li>◇ Stakeholder discussion</li> <li>◇ MDT Biodiesel reports</li> <li>◇ Rulemaking update</li> <li>◇ Accessibility panel discussion</li> <li>◇ Electric bike panel discussion</li> <li>◇ De-icer benefits and costs</li> </ul>
Date	Activity	Tasks/Policy Decisions
March 23, 2020	<ul style="list-style-type: none"> <li>➤ Agency Monitoring</li> <li>➤ Studies</li> <li>➤ Statutory Duties</li> <li>➤ Other Issues</li> </ul>	<ul style="list-style-type: none"> <li>◇ Updates from DOT</li> <li>◇ Updates from MVD</li> <li>◇ Stakeholder panel on road construction -- Bidding</li> <li><b>SJ 28: Safety</b> <ul style="list-style-type: none"> <li>◇ Panel discussions</li> <li>◇ Transportation Commission focus</li> <li>◇ Additional analysis of Comprehensive Safety Plan</li> </ul> </li> <li><b>HJ 45: Bike/Ped Paths</b> <ul style="list-style-type: none"> <li>◇ Staff report on financial contributions of MT paths</li> <li>◇ Panel focused on financial contribution</li> <li>◇ Staff report on actions in neighboring Western states</li> </ul> </li> <li>◇ Rulemaking update</li> <li>◇ MDT alternative project delivery contracting</li> <li>◇ Accessibility panel discussion</li> <li>◇ Licensing requirements for large recreational vehicles</li> </ul>
Date	Activity	Tasks/Policy Decisions
May 20, 2020	➤ Agency Monitoring	◇ Updates from DOT

	<ul style="list-style-type: none"> <li>&gt;Studies</li>   <li>&gt;Statutory Duties</li>   <li>&gt;Other Issues</li> </ul>	<ul style="list-style-type: none"> <li>◇ Updates from MVD</li> <li>◇ Stakeholder panel on road construction – enforcement and safety</li>   <li><b>SJ 28: Safety</b></li> <li>◇ Adaptive driving technologies review and report</li> <li>◇ Review draft report</li> <li>◇ Discussion of findings and recommendations</li>   <li><b>HJ 45: Bike/Ped Paths</b></li> <li>◇ Additional analysis of shared paths</li> <li>◇ Review white paper</li> <li>◇ Discussion of findings and recommendations</li>   <li>◇ Rulemaking update</li> <li>◇ Motor fuel tax cooperative agreements report</li>   <li>◇ Accessibility panel discussion</li> <li>◇ Electric vehicles: Fuel tax impacts</li> </ul>
Date	Activity	Tasks/Policy Decisions
July 20, 2020	<ul style="list-style-type: none"> <li>&gt;Agency Monitoring</li>   <li>&gt;Studies</li>   <li>&gt;Statutory Duties</li> </ul>	<ul style="list-style-type: none"> <li>◇ Updates from DOT</li> <li>◇ Updates from MVD</li>   <li><b>SJ 28: Safety</b></li> <li>◇ Findings and recommendations</li> <li>◇ Proposed draft legislation</li> <li>◇ Public comment</li>   <li><b>HJ 45: Bike/Ped Paths</b></li> <li>◇ Findings and recommendations</li> <li>◇ Proposed draft legislation</li> <li>◇ Public comment</li>   <li>◇ Rulemaking update</li> <li>◇ MDT enforcement authority report</li> </ul>

	<ul style="list-style-type: none"> <li>➤ Other Issues</li> </ul>	<ul style="list-style-type: none"> <li>◇ Review MVD and MDT draft legislative proposals</li> <li>◇ Accessibility summary and discussion of recommendations</li> <li>◇ Update on electric bikes/scooters</li> </ul>
<b>Date</b>	<b>Activity</b>	<b>Tasks/Policy Decisions</b>
September 11, 2020	<ul style="list-style-type: none"> <li>➤ Agency Monitoring</li> <li>➤ Studies</li> <li>➤ Statutory Duties</li> <li>➤ Other Issues</li> </ul>	<ul style="list-style-type: none"> <li>◇ Updates from DOT</li> <li>◇ Updates from MVD</li> <li><b>SJ 28: Safety</b> <ul style="list-style-type: none"> <li>◇ Finalize report</li> <li>◇ Finalize legislation</li> </ul> </li> <li><b>HJ 45: Bike/Ped Paths</b> <ul style="list-style-type: none"> <li>◇ Finalize legislation</li> </ul> </li> <li>◇ Rulemaking update</li> <li>◇ Review TIC future status</li> <li>◇ Selection of bill sponsors</li> <li>◇ Strategy development</li> </ul>