

Transportation Interim Committee (TIC)

September 16

2019-20

To plan its work and establish goals, the TIC will map out its priorities. The work plan can provide an outline of what the TIC will work on throughout the interim and how much effort will be placed on each subject. It should provide guidance to the committee over the next 15 months and serve as a blueprint for the interim.

Draft Work
Plan for
2019-20
Interim

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Introduction

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

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

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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 likely will focus on the study topics it has been assigned 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.

The Legislative Council assigned the Committee three studies in the form of joint study resolutions ranked by legislators. The Committee was assigned House Joint Resolution No. 34, a study of passenger transportation, House Joint Resolution No. 45, a study of bicycle and pedestrian paths, and Senate Joint Resolution No. 28, a study of traffic safety systems and policies.

The TIC establishes its work plan at the beginning of the interim. The primary constraint limiting the study agenda for the interim is the number of issues that can be effectively addressed within the available time and resources of the committee members and its staff.

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. Timetables for each major study will be included in the work plan. 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.

DRAFT

Potential Work Plan Topics

Study Resolutions assigned to the TIC by the Legislative Council

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

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

Background: As Montana’s population grows and ages, demand for public transportation is expected to increase. This study could explore opportunities to revive passenger rail service, and further utilize air and bus services. The study also could include an analysis of passenger service as an economic development tool. Rail passenger infrastructure exists in Montana, for example, but there would be a cost to revitalizing that infrastructure. The study could include a review of existing rail service, including Amtrak’s Empire Builder.

Option A	Option B	Option C	Option D
<p>.60 FTE (Rail, Bus, Air, Expanded Focus)</p> <ul style="list-style-type: none"> ◦ Option B ◦ Full analysis of rail, air and bus in other states – May 2020 ◦ Visit site – May 2020 ◦ Create subcommittee -- Ongoing ◦ Quantify Montana specific costs and benefits – May 2020 <p>Deliverables:</p> <ul style="list-style-type: none"> ◦ Interim report – July 2020 ◦ Legislation 	<p>.30 FTE (Rail, Bus Focus)</p> <ul style="list-style-type: none"> ◦ Option C ◦ Multiple panel discussions from stakeholders – January, March, and July agenda items ◦ Analysis of economic impacts – May 2020 ◦ Limited analysis of rail and bus – March 2020 ◦ Review of state role in advocating for public transportation – March 2020 <p>Deliverables:</p> <ul style="list-style-type: none"> ◦ White paper – May 2020 and July 2020 ◦ Legislation 	<p>.10 FTE (Rail Focus)</p> <ul style="list-style-type: none"> ◦ Panel discussion with MPRS – March 2020 ◦ Engage rail stakeholders in analysis and information gathering ◦ Summary of existing studies ◦ Public hearing to accept testimony – January 2020 <p>Deliverables:</p> <ul style="list-style-type: none"> ◦ Summary of costs and benefits – July 2020 ◦ Summary of public comment ◦ Legislation 	<p>No Action</p>

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 also may include a review of the economic impacts of bicycle and pedestrian paths, and existing and future funding opportunities. Share the Road is included in MDT’s Vision Zero, moving toward zero deaths and zero injuries on Montana’s roads.

Option A	Option B	Option C	Option D
	<p>.25 FTE</p> <ul style="list-style-type: none"> ◦ Option C ◦ Evaluate efforts in neighboring Western states – May 2020 ◦ Analysis of options to further the implementation of paths in Montana – March 2020 ◦ Additional Analysis of shared pathways issues – May 2020 <p>Deliverables:</p> <ul style="list-style-type: none"> ◦ White paper – July 2020 ◦ Legislation 	<p>.15 FTE</p> <ul style="list-style-type: none"> ◦ Review how Montana uses and promotes pathways – January 2020 ◦ Review financial contributions for paths – March 2020 ◦ Panel with stakeholders to solicit suggestions for further contributions and shared pathways – March 2020 <p>Deliverables:</p> <ul style="list-style-type: none"> ◦ Summary of findings – July 2020 ◦ Legislation 	<p>No Action</p>

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 of emphasis: education, enforcement, engineering, and emergency medical response. This study would 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 would include a wide range of stakeholders, and provide for committee review and discussion of citizen engagement and policy effectiveness.

Option A	Option B	Option C	Option D
<p>.50 FTE</p> <ul style="list-style-type: none"> ◦ Option B ◦ Expand analysis to include in-depth look at all four aspects of Vision Zero -- Ongoing ◦ Review methods in other states -- January 2020 ◦ Analysis of adaptive driving technologies and costs/benefits-- May 2020 <p>Deliverables:</p> <ul style="list-style-type: none"> ◦ Interim report ◦ Legislation 	<p>.30 FTE</p> <ul style="list-style-type: none"> ◦ Option C ◦ Multiple agenda items – January, March, and May ◦ Analysis of current highway safety plan – March 2020 ◦ Overview of adaptive driving technologies – May 2020 <p>Deliverables:</p> <ul style="list-style-type: none"> ◦ White paper – July 2020 ◦ Legislation 	<p>.15 FTE</p> <ul style="list-style-type: none"> ◦ Panel discussion with stakeholders – January 2020 ◦ Engage stakeholders in safety focus – November 2019 and January ◦ Summary of recommendations for future traffic safety matters – January 2020 <p>Deliverables:</p> <ul style="list-style-type: none"> ◦ Summary – July 2020 ◦ Legislation 	<p>No Action</p>

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.

Statutory Duties and Obligations	
Review Administrative Rules	0.02 FTE <ul style="list-style-type: none">◦ Staff provides TIC copies of notices for the adoption of rules on certain TIC subjects (Bi-monthly)◦ Committee requests that it be copied on notification letters that the MDT and DOJ MVD is sending to legislators who were primary sponsors of laws that the agency is now promulgating rules for
Review Agency Legislation	0.005 FTE <ul style="list-style-type: none">◦ Committee reviews proposals from the MDT and DOJ MVD and decides if staff should draft legislation for preintroduction – July 2020

Review TIC Future Status	0.005 FTE ◦ Committee reviews TIC efforts and provides report to 67 th Legislature on continuation of stand-alone committee – September 2020	
Monitor MDT activities	0.05 FTE ◦ Monitor or investigate broad aspects of MDT programs	0.02 FTE ◦ Monitor or investigate specific aspects of programs, if TIC chooses -- Ongoing
Monitor DOJ MVD activities	0.05 FTE ◦ Monitor or investigate broad aspects of DOJ programs	0.02 FTE ◦ Monitor or investigate specific aspects of programs, if TIC chooses -- Ongoing
Statutory Duties and Obligations		
Review Biodiesel reports	0.002 FTE ◦ Committee reviews biodiesel refund reports and decides if any changes, in terms of legislation should be proposed to the 2021 Legislature	
Review Motor Fuel Tax Cooperative Agreements	0.002 FTE ◦ Committee reviews motor fuel tax cooperative agreement reports and decides if any comments are needed or if changes in legislation should be proposed to the 2021 Legislature	
Review MDT Alternative Project Delivery Contracting	0.002 FTE ◦ Committee reviews MDT benefit analysis of alternative project delivery contracting in comparison to other contracting processes and provides comments	
Review MDT Enforcement Authority	0.002 FTE ◦ Reviews 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	

Additional Topics for Potential 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.

Option A	Option B	Option C	Option D
<p>.35 FTE</p> <ul style="list-style-type: none"> ◦ Option B ◦ Multiple staff reports on subject ◦ Multiple presentations ◦ In-depth review of subject ◦ Possible subcommittee effort <p>Deliverables:</p> <ul style="list-style-type: none"> ◦ White paper – July 2020 ◦ Legislation 	<p>.15 FTE</p> <ul style="list-style-type: none"> ◦ Option C ◦ History and overview of applicable statutes – March 2020 ◦ Staff interviews with additional stakeholders -- Ongoing ◦ Additional staff research -- Ongoing ◦ Legal review of specific subjects – May 2020 ◦ Multiple panels <p>Deliverables:</p> <ul style="list-style-type: none"> ◦ Staff report – July 2020 ◦ Legislation 	<p>.05 FTE</p> <ul style="list-style-type: none"> ◦ Staff summary of other states – Sept. 2019 ◦ Panel discussion on technology – Sept. 2019 ◦ Bibliography of related materials including court cases and related studies – January 2020 ◦ Panel discussion on safety issues – January 2020 <p>Deliverables:</p> <ul style="list-style-type: none"> ◦ Summary with options – Early 2020 ◦ Legislation 	<p>No Action</p>

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 electricity supply markets and related regulation. States are also addressing consumer demand for convenient charging stations. More than 16,000 charging stations now exist in the U.S., more than half of which have been built since 2015. In addition to electric cars, Montana communities are also grappling with increased use of electric bikes and scooters on Montana’s roadways and paths.

Option A	Option B	Option C	Option D
<p>.35 FTE</p> <ul style="list-style-type: none"> ◦ Option B ◦ Multiple staff reports on subject ◦ Multiple presentations ◦ In-depth review of subject ◦ Possible subcommittee effort <p>Deliverables:</p> <ul style="list-style-type: none"> ◦ White paper – July 2020 ◦ Legislation 	<p>.15 FTE</p> <ul style="list-style-type: none"> ◦ Option C ◦ History and overview of applicable statutes – March 2020 ◦ Staff interviews with additional stakeholders -- Ongoing ◦ Additional staff research -- Ongoing ◦ Legal review of specific subjects – May 2020 ◦ Multiple panels <p>Deliverables:</p> <ul style="list-style-type: none"> ◦ Staff report – July 2020 ◦ Legislation 	<p>.10 FTE</p> <ul style="list-style-type: none"> ◦ Staff summary of electronic bikes and scooters MT laws and other states – Sept. 2019/Jan. 2020 ◦ Staff summary of fuel tax issues/options – March 2020 ◦ Staff summary of utility/supply issues – March 2020 ◦ Stakeholder Panel – March 2020 <p>Deliverables:</p> <ul style="list-style-type: none"> ◦ Summary of options – Early 2020 ◦ Legislation 	<p>No Action</p>

3. Road Construction in Montana

Authority: Suggested by Representative Loge

Background: Using TranPlanMT, Montana's statewide transportation plan and a Performance Programming Process (often referred to as P3), the Transportation Commission and the Montana Department of Transportation determine the most cost-effective distribution of federal and state funding to highway systems and improvement categories. MDT's district administrators propose projects, based on public input, that conform to these overall funding distribution decisions. The public also has an opportunity to comment on proposed projects through the annual Statewide Transportation Improvement Program (STIP). The annual STIP identifies proposed transportation capital and operating projects for the next five years. The private construction industry also is a critical participant in this complex process.

Option A	Option B	Option C	Option D
<p>.35 FTE</p> <ul style="list-style-type: none"> ◦ Option B ◦ Multiple staff reports on subject ◦ Multiple presentations ◦ In-depth review of subject ◦ Possible subcommittee effort <p>Deliverables:</p> <ul style="list-style-type: none"> ◦ White paper – July 2020 ◦ Legislation 	<p>.15 FTE</p> <ul style="list-style-type: none"> ◦ Option C ◦ History and overview of applicable statutes – March 2020 ◦ Staff interviews with additional stakeholders -- Ongoing ◦ Additional staff research on Transportation Commission role – March 2020 ◦ Legal review of specific subjects – May 2020 ◦ Multiple panels <p>Deliverables:</p> <ul style="list-style-type: none"> ◦ Staff report ◦ Legislation 	<p>.10 FTE</p> <ul style="list-style-type: none"> ◦ Stakeholder panel – Nov. 2019 ◦ Agency presentations with review of MDT and Transportation Commission role ◦ Bibliography of related materials including audits, including court cases ◦ Additional presentation based on November information – March 2020 <p>Deliverables:</p> <ul style="list-style-type: none"> ◦ Summary with potential recommendations ◦ Legislation 	<p>No Action</p>

Draft 2019-2020 TIC Work Plan Timeline

This draft timeline provides a framework so the TIC can complete its work on time. It is subject to review and final approval by the TIC.

Sept. 16, 2019	TIC Meeting. Adoption of detailed work plans for each selected study or topic. Monday
Nov. 1, 2019	TIC Meeting (TENTATIVE). Follow-up Comprehensive Transportation Safety Meeting.
January 13, 2020	TIC Meeting. Monday
March 23, 2020	TIC Meeting. If public comment is desired on a TIC report, the contents of the <i>draft</i> report should be determined by this date. Monday
May 20, 2020	TIC Meeting. 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. Wednesday
July 20, 2020	TIC Meeting. Decision on recommendations, any proposed legislation, final report contents. Monday
September 11, 2020	TIC Meeting. Final approval of recommendations, reports, proposed legislation. Select bill sponsors. Develop strategy. Review agency bill draft requests. Friday