



PO BOX 201706  
Helena, MT 59620-1706  
(406) 444-3064  
FAX (406) 444-3036

## TRANSPORTATION INTERIM COMMITTEE

### 67th Montana Legislature

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#### SENATE MEMBERS

Carlie Boland  
Diane Sands  
Gordon Vance  
Jeffrey Welborn

#### HOUSE MEMBERS

Ross Fitzgerald  
Denley Loge  
Andrea Olsen  
Mark Sweeney

#### COMMITTEE STAFF

Joe Carroll - Attorney  
Bri Nordhagen - Secretary  
Sonja Nowakowski -  
Research Director

### MINUTES LOG

June 22, 2020

9:00 AM

Zoom

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### ROLL CALL

#### Members Present:

Sen. Gordon Vance, Chair (R)  
Sen. Diane Sands, Vice Chair (D)  
Sen. Carlie Boland (D)  
Rep. Ross Fitzgerald (R)  
Rep. Denley Loge (R)  
Rep. Andrea Olsen (D)  
Rep. Mark Sweeney (D)  
Sen. Jeffrey Welborn (R)

#### Members Excused:

## **Members Absent:**

## **Staff Present:**

Joe Carroll, Attorney  
Bri Nordhagen, Secretary  
Sonja Nowakowski, Research  
Director

## **Committee Business Summary**

- **The committee voted to draft a REAL-ID cleanup bill, PD001, and put it out for public comment.**
- **The committee reached a general consensus that for HJ 45, the bicycle and pedestrian path study, that stakeholders should continue to work together on the issue.**
- **The committee voted to write a letter to Montana's congressional delegation and encourage increased support for railroad crossings and safety.**

## **Call to Order – Roll Call**

09:00:01 Chairman Gordon Vance called the Transportation Interim Committee to order. The committee secretary took roll.

## **MVD updates, COVID - 19 Impacts, REAL-ID, and Specialty License Plates**

09:01:45 Director Sarah Garcia, Motor Vehicle Division (MVD) director, gave an update on the COVID-19 crisis. [\(Exhibit 1\)](#)

09:16:18 Joan Loehr, I Bureau Chief, gave an overview of the specialty license plates implementation.

## **Questions and discussion from the committee**

09:18:01 Rep. Loge asked Ms. Garcia if she had an estimate of how many people were driving without of state plates, and if she projected there would be an increase in Montana state driver's license plates later.

09:20:23 Sen. Welborn stated his concerns related to processing for licensing that dealers raised earlier. He said those concerns had been addressed, and he felt the MVD was moving forward proactively.

09:21:21 Sen. Sands asked Ms. Garcia about financial and operational impacts and the permanent innovations as a result of the way they were now delivering services. Sen. Sands asked about the budget for the next budget cycle, and how those impacts were balancing out. Sen. Sands asked Ms. Garcia if she had considered accessing the COVID funds available through the Governor's Office to help offset some of those financial impacts, particularly in terms of operational costs.

## **MVD updates, COVID - 19 Impacts, REAL-ID, and Specialty License Plates (continued)**

09:30:13 Michelle Snowberger, General Counsel for the MVD, gave an update on progress related to the Montana REAL-ID and PD 0001. [\(Exhibit 2\)](#) [\(Exhibit 3\)](#)

## **Questions and discussion from the committee**

- 9:34:12 Sen. Boland asked Ms. Snowberger about military members who didn't have a REAL-ID yet at Malmstrom Air Force Base, and whether they would still be able to use their government ID's to get into the base. Sen. Boland asked Ms. Snowberger about union representatives being able to get on base with their regular driver's licenses, and if that would be an issue.
- 09:36:50 Sen. Sands stated a concern regarding access for people being called for jury duty and federal court who don't have a passport, or the REAL-ID. Sen. Sands asked Ms. Snowberger what reasons would be acceptable for fees to be waived in receiving an identification card. Sen. Sands asked Ms. Snowberger if she felt the bill draft covered everything necessary for the upcoming worksession.
- 09:42:21 Chairman Vance asked Sen. Sands what her thoughts were on moving this bill forward, or if the committee should wait to see what other agencies were bringing forward.

### **Motion**

- 09:45:56 Sen. Sands made a motion for the committee to ask staff to draft the bill for public comment at the next meeting.

### **Committee discussion**

- 09:46:13 Rep. Olson asked if the committee could reschedule the meeting that had been missed and that way public comment could be received and reviewed before making these changes for the bill to be moved forward. Rep. Olson asked Sen. Vance if the committee could use a Google poll to schedule meetings in the future.
- 09:48:09 Sen. Sands asked if there was any fiscal impact on the bill regarding the fee waivers that the committee should be made aware of.

### **Motion**

- 09:49:52 Sen. Sands moved the committee move the bill forward for drafting as a committee bill and put the bill out for public comment

### **Vote**

- 09:50:14 Motion to approve PD001 to go out for public comment passed 8-0 on a voice vote.

### **Committee discussion**

- 09:52:14 Rep. Fitzgerald stated he had received complaints regarding the lines and waiting periods for vehicle registration. Rep. Fitzgerald asked Ms. Garcia if there were currently any studies, or a plan to explore options for improving the online registration renewals system.

### **DOT updates, COVID – 19 Impacts, updated STIP, and Gas Tax Updates**

- 09:56:54 Mike Tooley, Director, Montana Department of Transportation (MDT), began his overview of COVID-19 impacts and the updated Statewide Transportation Improvement Plan (STIP). [\(Exhibit 4\)](#) [\(Exhibit 5\)](#)
- 10:05:37 Mike Flynn (DOT), Chief Financial Officer, began his overview of the fuel tax update presentation. [\(Exhibit 6\)](#)

### **Questions and discussion from the committee**

- 10:11:29 Rep. Fitzgerald asked Mr. Flynn if there was enough surplus that the reductions wouldn't put the federal match in jeopardy.

- 10:12:33 Sen. Sands asked Dir. Tooley about the aeronautics division, the aviation fuel tax, and asked if the committee could get a report on what's happening in regard to the COVID-19 crisis.
- 10:15:01 Chairman Vance asked Dir. Tooley if, financially, the department would be able to get the construction from Townsend to the freeway to be cleaned up sooner rather than later. Chairman Vance asked Dir. Tooley about the "chronic wasting disease" (CWD) issue as it related to roadkill, and if the department would be involved in putting together some sort of program to approach that issue. Chairman Vance asked Dir. Tooley if he had any thoughts on the CWD issue, or if he could get the committee further information moving forward at the next meeting.
- 10:16:57 Rep. Loge asked Dir. Tooley if there was a problem in inspections, or a lack of training for inspectors working on the bridges in Saint Regis. Rep. Loge asked Dir. Tooley if he had heard the same complaint of work being done over and over each year. Rep. Loge stated he has heard suggestions that MDT focus on getting all of one or two bridges fixed rather than construction spread out year after year and the same shutdown.
- 10:21:19 Rep. Olsen stated she enjoyed watching the work on the Russel Street Bridge in Missoula and thanked the DOT for their work.

#### **Public Comment on REAL-ID, MVD and DOT updates**

- 10:23:27 Shyla Patera - North Central Independent Living Services, Black Eagle, MT

#### **HJ 45: Bicycle and Pedestrian Pathways**

- 10:26:36 Sonja Nowakowski, Research Director, Legislative Services Division (LSD) began her review of HJ 45: Bicycle and Pedestrian Pathways. [\(Exhibit7\)](#)

#### **Public comment**

- 10:29:39 Doug Habermann - Executive Director, Bike Walk Montana

#### **Questions and discussion from the committee**

- 10:35:25 Rep. Loge stated he was trying to seek out financial solutions from the biking community regarding HJ 45: Bicycle and Pedestrian Pathways, and stated it would be a good idea to have an advisory committee. Rep. Loge asked Dir. Tooley if he had any thoughts on filling the bicycle pedestrian coordinator position soon. Rep. Loge asked Dir. Tooley if there were still some gray areas regarding bike/walk trails areas, and which state agencies deal with maintenance and future projects. Rep. Loge asked Dir. Tooley if he knew the balance of the optional fee on vehicle registration funds, and if there were plans in the works, or guidelines, on how that money should be spent. Rep. Loge asked Dir. Tooley if he felt an advisory committee would be a good idea when the bicycle and pedestrian coordinator position was filled.
- 10:42:55 Rep. Olson asked Dir. Tooley why the federal highway funding didn't already include some way of building a better infrastructure for bike safety, as there are now so many people using the roads, and if there was something he saw that the committee could do to support a commitment to rural infrastructure.
- 10:49:43 Sen. Vance asked Rep. Loge what his thoughts were about proceeding from here given the lack of funding that was available, and if he would consider putting together an advisory committee.

- 10:50:02 Rep. Loge stated the need for a diverse advisory group, for the bicycle pedestrian position to be filled, and suggested a potential voluntary bicycle registration fee.
- 10:52:19 Sen. Vance stated Dir. Tooley was in the process of trying to fill the bicycle pedestrian coordinator position and suggested the advisory committee be voluntary.
- 10:53:34 Ms. Nowakowski stated staff would need direction regarding the advisory committee and whether that would be through the MDT or through the Legislature.
- 10:54:40 Rep. Loge stated he could come back to the next meeting with more direction regarding the advisory committee and its makeup, but it would likely be through the MDT. There was general consensus that stakeholders would continue working together.
- 10:57:46 Sen. Vance asked Dir. Tooley if it would be feasible for himself, Mr. Habermann and Rep. Loge to get together and figure out if there's a direction to take separate from legislative action while still moving things forward.
- 10:58:48 Sen. Welborn asked Dir. Tooley if any of the states use general fund money for development. Sen. Welborn asked Dir. Tooley if there was a boiler plate where a certain percentage of funds goes to bike walk paths, as a percentage of their budget for general transportation. Sen. Welborn asked Dir. Tooley if there was a way of doing a cost analysis of what the committee may be looking at in Montana, based on what the budget is. Sen. Welborn asked Dir. Tooley if any other states were using driven fees to finance projects. Sen. Welborn asked Dir. Tooley if there was any way to require users to use those paths and to stay off the highways.

### **SJ 28: Traffic Safety Systems and Policy**

- 11:08:09 Mr. Jason Mohr, Research Analyst, LSD, began his overview on SJ 28: "A study of traffic safety systems and policy". [\(Exhibit 8\)](#)
- 11:12:13 Dir. Tooley began his presentation on rural road safety.
- 11:16:19 Gabe Priebe, Traffic and Safety Bureau Chief, Dwane Kailey, and Trisha Berk of MDT gave a brief overview regarding SJ 28.
- 11:17:35 Jon Swartz, Maintenance Administrator, MDT gave a brief overview regarding ongoing updates to the travel information system.

### **Public comment on SJ 28**

- 11:22:00 none

### **Questions and discussion from the committee**

- 11:22:17 Sen. Sands stated the importance of research done regarding traffic safety in rural areas and finding out the different needs between people who are daily drivers on those roads, versus people visiting and tourists. Sen. Sands stated the significance related to issues of education regarding the enforcement of laws pertaining to speed, alcohol, and seatbelts. Sen. Sands asked Dir. Tooley if changing the speed limit would potentially decrease fatalities on rural Montana roads.
- 11:28:13 Rep. Loge asked Dir. Tooley if when they are conducting reviews if they were also looking at the passing and no passing zones.
- 11:30:27 Sen. Vance stated a large portion of the problem is getting people to behave and follow the current driving rules.

### **Administrative Rule Review**

11:31:40 Joe Carroll, staff attorney, LSD, began his overview of the administrative rule review memo regarding updating existing rules for commercial vehicle safety and for MDT and the Department of Administration's employee grievance procedures. [\(Exhibit 9\)](#)

### **Questions and discussion from the committee**

11:32:37 Sen. Vance asked Mr. Carroll what the grievance procedure is currently relative to the changes being made. Sen. Vance asked Mr. Carroll if this was not a rule being proposed by the MDT, but instead a rule from the Department of Administration (DOA).

### **Administrative Matters**

11:34:10 Sen. Vance and the committee discussed potential upcoming meeting dates for July and September. A handout related to the bicycle fee was also noted [\(Exhibit 10\)](#)

### **LUNCH (reconvened at 1:00 pm)**

### **Electric Vehicles (Connectivity and Fuel Tax)**

13:01:23 Trevor Graff, research analyst, LSD, began his overview regarding electric vehicle fuel tax impacts, and the state's current action in working with the deployment of electric transportation. [\(Exhibit 11\)](#)

13:07:05 Mr. Flynn, MDT, began his review of the fuel tax modeling presentation. [\(Exhibit 12\)](#)

13:23:19 Kyla Maki, Montana Energy Office, Department of Environmental Quality, began her presentation regarding electric vehicle programs. [\(Exhibit 13\)](#)

### **Questions and discussion from the committee**

13:41:56 Sen. Sands asked Mr. Graff if the funds in his report were dedicated to any particular purpose or if the funds go into the general fund for highways. Sen. Sands asked Ms. Maki if it's correct that funds have been put in for charging stations from a state fund.

13:45:01 Rep. Loge stated he had a bill proposed last session that had an altered structure for the different types of hybrids and plugins and the impacts of figuring the average impacts of miles driven in relation to fees. Rep. Loge asked Ms. Maki if there was any thought in putting charging stations in rest areas.

13:47:00 Sen. Vance voiced concern regarding security in having vehicles charging stations at rest areas.

13:47:10 Sen. Welborn asked Ms. Maki if a person charging an electric vehicle at a station is charged for electricity or if there is a meter on the electricity.

### **Rail Crossing Safety and Signage**

13:48:53 Sen. Sands began her introduction to rail crossing safety and signage.

13:52:04 Matt Jones, BNSF, began his presentation regarding crossingsafety.

13:53:10 Paul Cristina, Director, BSNF, began his presentation regarding grade crossing safety and public projects. [\(Exhibit 14\)](#)

14:02:27 Ross Lane, Vice President of corporate relations, Montana Rail Link (MRL), began his presentation regarding crossing safety. Nick Staley, Public Works Engineer, MRL, was also on the call.

14:08:44 Carol Strizich, Bureau Chief at MDT, began her presentation. Jon Althoff, Program Manager at MDT was also on the call.

#### Questions and discussion from the committee

14:12:39 Rep. Olson asked Mr. Cristina if grant money was for more than rail safety and crossings, and if it was also for increasing potential transportation networks across the state. Rep. Olson asked Mr. Cristina if there had been efforts to increase the funding for passenger rail to start increasing rural transportation, and if he was supportive of those efforts. Rep. Olson asked Mr. Cristina if he could help the committee better understand how the state could participate with the rail industry in Montana regarding passenger travel.

14:27:33 Sen. Sands stated her concern with the safety issue related to existing crossings and asked whether there was an opportunity for additional funding. She asked if the committee could potentially write a letter of support for funding to Montana's congressional delegation.

14:29:28 Chairman Vance asked Mr. Jones if in the past the committee had been in contact with his department regarding the feasibility of passenger rail service in Montana. Sen. Vance asked Mr. Jones if he's aware of efforts being made by different communities and counties in trying to move forward with Amtrak regarding the potential to establish passenger service.

14:31:19 Rep. Loge stated he agreed with Sen. Sands on the safety issue regarding locals who cross the tracks, and that it is an issue that needs to be addressed.

#### Motion

14:32:29 Sen. Sands moved the committee draft a letter to Montana's congressional delegation in support of increased funding regarding rail crossing and rail safety.

#### Vote

14:32:35 The motion to draft a letter to the congressional delegation passed 8-0 on a voice vote.

#### Public Comment on matters in TIC jurisdiction. not on agenda

14:35:20 none

#### ADJOURNMENT

14:35:27 Chairman Vance adjourned the Transportation Interim Committee meeting at 2:35 pm.