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## **TRANSPORTATION INTERIM COMMITTEE**

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### **67th Montana Legislature**

#### **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**

September 11, 2020

8:59 AM

Rm 172 and Via Zoom Conference Call

Please note: This document is a Minutes Log and provides annotation of the time elapsed between the beginning of the meeting and the time at which the item was presented or discussed, a motion was made, or a vote was taken. The narrative presented here is provided only as a guide to the audio or video recording of the meeting. The official discussion, motion, or vote is available on the audio or video archive of this meeting. The Legislature does not prepare a transcript of the meeting activities. The time designation may be used to locate the referenced discussion on the audio or video recording of this meeting.

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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

**(Attachment 1) (Attachment 2)**

**Committee Business Summary**

- **The committee approved the drafting and pre introduction of the bill requests presented by MDT and MVD.**
- **Approved a committee bill. PD001 to update the REAL-ID Act to go before the 2021 Legislature for consideration**
- **The committee approved sending a letter to Montana's Congressional delegation to encourage a federal long-term extension of FAST Act funding ([Exhibit 1](#))**
- **The committee approved an HJ 45: Shared-Use Paths Report**

**Call to Order – Roll Call**

09:00:28 Chairman Gordon Vance called the Transportation Interim Committee to order. The committee secretary took roll.

**MVD updates, COVID – 19 Impacts, Agency Legislative Proposals, REAL ID**

09:01:16 Sarah Garcia, Director at the Montana Motor Vehicle Division (MVD), began her overview of the department's updates and provided the "Department of Justice Motor Vehicle Division 2021 Legislation" and "Responses to COVID-19" handouts. ([Exhibit 2](#)) ([Exhibit 3](#))

09:09:34 Sonja Nowakowski, Research Director, Legislative Services Division (LSD), began her overview of the agency bill process and the "LSD and OBPP Procedures for Interim Committee Review, Request, and Drafting of Agency Legislation" handout. ([Exhibit 4](#))

**Questions and discussion from the committee**

09:12:32 Sen. Sands commended Ms. Garcia on her easy to read summation of a departments request for legislation. Sen. Sands asked Chair Vance if he wanted a motion now to allow the drafting of the bills to go forward, or if he wanted to hold it until the end of the day.

09:14:23 Rep. Olsen asked Ms. Garcia about potentially waiving any penalties for people past the 120 days. Rep. Olson asked if something could be done to make that process more efficient.

### **Motion**

09:17:00 Sen. Sands made a motion the Transportation Interim Committee support the agency bill draft request going forward to the staff for drafting.

### **Vote**

09:17:13 The motion to support the agency bill draft passed 8-0 on a roll call vote.  
**(Attachment 3)**

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

09:17:45 Chair Vance asked Ms. Garcia to answer Rep. Olsen's question regarding penalties after 120 days.

09:19:18 Sen. Welborn asked Ms. Garcia about the 11-month deadline for online renewal of vehicle registrations, and whether that changed the renewal deadline.

09:21:20 Sen. Boland asked Ms. Garcia about registering a vehicle for new license plates, and whether the date that was on there included the 120 days from when it was purchased or whether it was it beyond that date.

09:23:49 Sen. Sands stated the MVD would be looking for sponsors, and if committee members had any interest in these topics, to let the department know they would want to be a sponsor.

### **MVD updates continued:**

09:25:00 Ms. Nowakowski began her review of the REAL-ID legislation "bill draft PD 0001 – An act revising state compliance with the federal REAL ID Act of 2005..." handout. **(Exhibit 5)**

09:26:24 Michele Snowberger, General Counsel for Motor Vehicles Division, stated her department appreciated the collaboration they've had with the committee, and she believed the bill was good policy and had no issues with any of the proposals.

### **Motion**

09:27:21 Sen. Sands made a motion the committee move forward bill draft PD 0001 as a committee bill.

### **Vote**

09:27:39 The motion to move forward bill draft PD 0001 passed 6-2 on a roll call vote with Sen. Vance and Sen. Welborn voting no. **(Attachment 4)**

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

09:28:14 Chair Vance asked the committee if anyone would like to carry the bill, with Sen. Sands agreeing to do so.

09:28:52 Chair Vance asked Dir. Mike Tooley what the condition of the construction was between Townsend and Three Forks, Montana.

### **DOT updates – COVID – 19 Impacts. Agency Legislative Proposals**

09:28:43 Mike Tooley, Director of the Montana Department of Transportation (MDT), began his overview of the departments COVID – 19 updates, status on current issues as well as reviewed the “MDT Legislative Proposals 2021” handout. **(Exhibit 6)**

#### **Questions from the committee**

09:38:05 Sen. Sands asked Dir. Tooley if it would be helpful if the committee sent a letter urging the congressional delegation to look at a long-term extension of the FAST Act versus a 3-month extension.

#### **Motion**

09:39:57 Sen. Sands made a motion for the committee to draft a letter with Dir. Tooley’s assistance to the congressional delegation, encouraging them to look at a long-term extension for funding of that program.

#### **Vote**

09:40:24 Chair Vance asked if there was any opposition to Sen. Sand's idea. Hearing no objection, the motion passed unanimously.

#### **Questions from the committee**

09:42:44 Sen. Sands asked Dir. Tooley if the state needed to make changes to comply with federal REAL-ID laws.

09:43:32 Sen. Boland asked Dir. Tooley if they had a cost regarding the green and blue lights on snow removal equipment. Sen. Boland asked Dir. Tooley about raising the violation fine from \$250 to \$750, and how they would get the word out to the truckers regarding the increase.

#### **Motion**

09:46:47 Rep. Loge made a motion to move the bill requests forward for the Montana Department of Transportation for drafting and pre introduction.

#### **Vote**

09:46:59 The motion to move the bill draft requests from the MDT forward passed 8-0 on a roll call vote. **(Attachment 5)**

### **DOT Required Reports – Motor Fuel Tax Cooperative Agreements. Special Fuel Inspections (61-10-154(8). MCA & 15-70-450. MCA)**

09:47:33 Ms. Nowakowski gave a brief overview of the reports from the DOT to be covered in depth by Dir. Tooley and his staff as well as the letter sent from the Revenue Interim Committee handout regarding the biodiesel report. **(Exhibit 7)**

09:49:51 Dir. Tooley reviewed the tribal revenue sharing agreements particularly pertaining to expirations.

09:51:42 Kevin Christensen, Chief Operating Officer, DOT, gave an overview of the bridge project over the Clark River by Trout Creek and stated it was ahead of schedule. Mr. Christensen discussed the Salmon Lake and Johnson Lane interchange projects.

09:53:22 Brad Marten, Chief Administrator for Motor Carrier Services, DOT, gave an overview on the department’s fuel inspections for the year and reviewed updates related to COVID – 19, as well as providing an overview of the “Montana Department of Transportation Report on and Dyed Diesel Fuel Enforcement and

Biodiesel Refund Submitted to the Revenue and Transportation Interim Committee 2020". ([Exhibit 8](#)) ([Exhibit 9](#))

Questions and discussion from the committee

- 09:55:31 Rep. Loge stated he had heard citizens appreciated that the DOT didn't extend the closure on the Trout Creek job.
- 09:56:12 Sen. Sands asked Dir. Tooley about the Reserve Street Bridge in Missoula, and the concern with the homeless population and potential fires under the bridge. The issue falls under the department's jurisdiction. Sen. Sands stated this was an issue that needed to be investigated, as it could potentially be a problem in the future, and she wanted to let the committee know about that specific situation.
- 10:01:21 Rep. Fitzgerald asked Mr. Marten about the number of violations around the state specifically regarding commercial grain trucks hauling on secondary roads. Rep. Fitzgerald asked Dir. Tooley about right-of-way appraisals, and whether there had been any review of appraisals in the rural areas.

**Aeronautics and Airports – COVID – 19 Impacts**

- 10:05:31 Tim Conway, Administrator of Aeronautics, DOT, began his review of the impacts of COVID -19 in the department, and presented the "Montana Airport Commercial Passenger Traffic" handout. ([Exhibit 10](#))

Questions and discussion from the committee

- 10:11:56 Sen. Sands asked Mr. Conway if the CARES Act grant money could help more of the secondary/smaller facilities, and whether that money was being used for those purposes.
- 10:16:14 Rep. Loge asked Mr. Conway about the registration of airplanes and asked why that fee was going up. Rep. Loge asked Mr. Conway if he had the percentage of smaller or bigger planes. Rep. Loge asked Mr. Conway if the registration fees were coming on bigger planes.

**Public Comment on REAL – ID, MVD and DOT updates, and Aeronautics and Airports**

- 10:20:09 Shyla Patera, North Central Independent Living Services ([Exhibit 11](#))
- 10:25:36 David Smith, Executive Director of the Montana Contractors Association

**HJ 45: Bicycle and Pedestrian Pathways**

- 10:27:15 Ms. Nowakowski began her presentation on the draft final report HJ 45: Path to the Future? A look at bicycle and pedestrian path planning and funding" handout. ([Exhibit 12](#))

Discussion from the committee

- 10:29:27 Rep. Loge stated there was a meeting with the MDT to proceed further with this study and to try and have MDT set up work sessions focused on identifying potential funding mechanisms for shared used paths. Rep. Loge stated he requested there be two Representatives from the House, representatives from the ADA community, Bike Walk Montana, Motor Carriers Services, a bicycle shop, the City of Missoula, a County Commissioner and an insurance agent on the MDT work group.
- 10:32:01 Sen. Sands stated she thought it was a good idea to include eastern Montana in the mix, and that creating special MDT work group that worked in depth on a topic like this was very helpful.

### **Motion**

10:34:44 Sen. Sands moved the committee adopt the HJ:45 report with any edits by Ms. Nowakowski.

### **Committee discussion**

10:34:56 Chair Vance stated he agreed with adopting the report and to let Ms. Nowakowski do the edits to reflect the new bicycle coordinator with DOT and the information from Rep. Loge and Dir. Tooley.

### **Vote**

10:35:30 The motion to adopt the HJ:45 report with Ms. Nowakowski's edits passed unanimously on a voice vote.

### **Rural Transit in Montana**

10:35:50 David Jacobs, Transit Section Supervisor, MDT, gave an update on rural transit in Montana, what services are currently available for the transit dependent in the state, and reviewed the "Montana Public Transit Systems" and "Transportation Interim Committee Transit Overview & Follow-up 9/11/2020" handouts. **(Exhibit 13) (Exhibit 14)**

### **Public comment**

10:41:58 Shyla Patera, North Central Independent Living Services

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

10:45:03 Rep. Loge asked Mr. Jacobs who monitors the private operation of transit vehicles, and if there were guidelines that came, either state or federal, on personal operation, or if that was a local level decision. Rep. Loge asked Mr. Jacobs if the guidelines were strict and about options for filing a complaint.

10:47:19 Sen. Sands requested Mr. Jacob's send his report in written form to the committee. Sen. Sands asked Mr. Jacobs what the revenue funding streams were, if it was a special revenue account, if there was any source of state funding or if the department was considering any additional requests for funding in the upcoming session.

10:49:53 Chair Vance asked Mr. Jacobs if he could get the information Sen. Sands requested to the committee in a hard copy form.

10:50:07 Rep. Olsen asked Mr. Jacobs if he would be willing to add what was planned regarding any expansion they might be requesting from Congress regarding rural transit as well as looking into the Big Sky passenger rail movement and opening that southern line throughout the state. Rep. Olsen asked Dir. Tooley what he would need from the committee to make sure the state was an active partner in this rail activity in order to get the federal funds the state would need.

10:58:52 Chair Vance asked Dir. Tooley if it would be accurate to say the rail through the state of Montana was controlled by the federal authorities.

### **Administrative Rule Review**

11:01:20 Joe Carroll, staff Attorney, LSD, stated there were no new rules for the Transportation Interim Committee to review, and he would keep the committee informed of any rules that did come up between now and the session. **(Exhibit 15)**

### **Administrative Matters**

11:01:57 Ms. Nowakowski reviewed the Transportation Interim Committee administrative matters, public comment submitted, “The Interim: Is it what you want?” and the letter from the committee to Montana's Congressional Delegation regarding rail crossing safety handouts. **(Exhibit 16) (Exhibit 17) (Exhibit 18)**

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

11:20:30 Sen. Sands thanked the staff for all their work on the new committee and getting the 5-session summary information out to legislators.

11:21:53 Chair Vance stated he agreed with Sen. Sands in that the 5-session summaries would be beneficial to members of the legislature.

11:22:30 Rep. Loge asked Ms. Nowakowski if there was any waybill drafters could alert legislators of similar bill requests, so work wasn't duplicated unnecessarily.

11:24:10 Chair Vance asked Dir. Tooley and Sarah Garcia of the MDT if they could share what their thoughts were on the committee remaining in place for next interim and moving forward.

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

11:26:01 Shyla Patera, North Central Independent Living Services

### **Lunch** (Reconvened at 12:29:24)

11:27:19

### **SJ 28: Traffic Safety Systems and Policy Vision Zero – Where are we today?**

12:29:30 Dir. Tooley began his review of SJ: 28 and the “HB 92 Update - Vision Zero policy” handout. **(Exhibit 19)**

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

12:43:19 Sen. Sands asked Dir. Tooley about collisions with animals and the current engineering going on in certain places to create under/overpasses. Sen. Sands asked Dir. Tooley about any statutes that create a barrier and how this could be addressed.

12:47:33 Chair Vance asked Dir. Tooley if he could have Lynn Zanto of DOT send further information to Ms. Nowakowski to then pass to the committee.

12:47:44 Rep. Loge asked Dir. Tooley if he was aware Mineral County had a wildlife crossing map created by citizens and wildlife biologists in the area regarding animal migration paths which was used in planning of subdivisions and highway building. Rep. Loge stated possibly getting insurance companies involved to assist in funding of the roads for heavy animal traffic areas, as it could help prevent cost in claim expenses.

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

12:49:46 Jason Mohr, Research Analyst, LSD, reviewed SJ 28: Study of traffic safety laws and reviewed the “5-session Summary” handout. **(Exhibit 20)**

12:53:12 Dir. Tooley began his review of the history of seatbelt laws in Montana.

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

13:00:48 Sen. Sands asked Dir. Tooley if the child restraint law was not compliant with certain national recommendations, and if so, could he get the committee information on that. She said she would be interested in carrying a bill to get up to the national standards in terms of child restraint.

**SJ 28: Traffic Safety Systems and Policy. continued: public comment on SJ 28**

13:02:41 Shyla Patera, North Central Independent Living Services

Questions and discussion from the committee

13:04:48 Rep. Loge stated there would be legislation coming up on school bus safety.

13:05:19 Chair Vance asked for clarification

**Adjournment**

13:10:26 Chair Vance adjourned the Transportation Interim Committee at 1:10 pm.