



WELCOME PACKET & DRAFT WORK PLAN

TRANSPORTATION
INTERIM COMMITTEE
2023-2024

For Committee Review and
Discussion July 2023

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INTRODUCTION & PURPOSE

PURPOSE OF DRAFT WORK PLAN

This draft work plan provides guidance for the Transportation Interim Committee (TIC) for the next 15 months. The main purpose of the work plan is to outline the topics that the TIC may choose to investigate and the possible approaches the committee may take to meet its goals. The draft work plan includes tools to help the committee determine its level of involvement in its interim study assignments and its agency monitoring duties.

Once adopted, the committee's work plan serves as the blueprint for the committee's activities over the interim. The final work plan reflects the committee's priorities, as indicated by the amount of time the committee decides to spend on each of its tasks. Staff uses the work plan to undertake research and arrange presentations related to the committee's studies and duties. Stakeholders and other members of the public use the plan to track various study topics and other items of interest.

The work plan is intended to be a fluid document, subject to change during the interim as questions arise and committee decisions are made.

HISTORY OF TRANSPORTATION INTERIM COMMITTEE

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 2023-2024 interim, the TIC likely will focus on study topics requested by committee members 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).

The Legislative Council did not assign any study resolutions to the TIC for the 2023-2024 interim.

COMMITTEE DECISION POINT

Using the information in this work plan and the accompanying work plan decision matrix, the committee must discuss and vote on how much time to allocate to various study topics and statutory duties. The committee can choose to study a few topics in great depth, or many topics on a surface level. Final work plan may be decided at the September meeting.

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:

<https://leg.mt.gov/committees/interim/tic/>

COMMITTEE DECISION POINT

The committee may vote to adopt the legislative rules, including whether to allow the use of proxy votes. According to the rules, proxy votes are discouraged but allowed in written form. Historically the TIC has allowed proxy votes if a member submits a proxy in writing to the Chair and staff prior to the missed meeting.

ADMINISTRATIVE RULE REVIEW

TIC's assigned legislative attorney reviews each of the assigned agencies' proposed new administrative rules or amendments to rules. As part of this rule-review process, legal staff notifies TIC members of any concerns about an agency's compliance with the Montana Administrative Procedures Act (MAPA).

Interim committees may not prevent a rule or proposed amendment to a rule from being adopted, but a committee may object to the rule or amendment. If the majority of committee members object to the rule, the agency is notified, and the committee then addresses the rule at its next meeting. An objection may prevent a rule from being adopted for 6 months, during which time the agency may (but is not required to) withdraw or revise its proposed rule or rule change, or the committee may withdraw its objection.

COMMITTEE DECISION POINT

By law, each committee meeting agenda must include an item for administrative rule review. However, it is up to the committee to ask for a formal presentation of each administrative rule review memorandum, or have a discussion only if committee members have questions or concerns.

STATUTORY DUTIES

The TIC draws its statutory responsibilities from five sources:

I. Source/authority: [5-5-215, MCA](#). General duties of all interim committees.

[5-5-233, MCA](#) Transportation Interim Committee

5-5-233. Transportation Interim Committee. The transportation interim committee has administrative rule review, draft legislation review, program evaluation, and monitoring functions for the department of transportation, the motor vehicle 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. The review and authorization process is not an endorsement by the TIC of the agency proposals.
4. **REVIEW PROPOSED STATEWIDE INITIATIVES** ¹ within the committee's subject area and vote to either support or not support the placement of the text of a proposed statewide initiative on the ballot.
5. **COMPLETE ADDITIONAL STATUTORY DUTIES** including reviewing certain biodiesel tax refunds, cooperative agreements related to motor fuel taxes, alternative project delivery contracts, and MDT enforcement.
6. **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.

¹ [SB 93](#), passed by the 68th Legislature, defines "statewide initiative" as a constitutional initiative, a constitutional convention initiative, or a statutory initiative.

7. **(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.
8. **(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. The biodiesel must be produced entirely from ingredients produced in Montana.

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: [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.

ADDITIONAL DUTIES ADDED DURING THE 68TH SESSION

DOJ MVD REPORT ON DRIVER'S LICENSE RENEWAL KIOSKS

The Legislature passed [HB 664](#), which directs DOJ MVD to study the feasibility and use of driver's license renewal kiosks in Montana and report findings to the TIC by September 2024.

REVISED STATUTORY DUTIES *FOLLOWING THE 68TH LEGISLATURE*

COMMITTEE LEGISLATION

An interim committee may by vote request 4 bill drafts on a partisan basis (only members from one party vote), and an unlimited number of bill drafts on a bipartisan basis (members from more than one party vote).²

² This change was established in [SB 176](#) from the 68th Legislature.

REVIEW PROPOSED STATEWIDE INITIATIVES

The TIC is required to review proposed statewide initiatives that relate to its subject area. The 68th Legislature enacted [Senate Bill 93](#) (SB 93) to clarify and revise the review process enacted in [House Bill 651](#) (HB 651) in 2021. The revised law provides that a statewide initiative includes a constitutional initiative, a constitutional convention initiative, or a statutory initiative.

Section 13 of SB 93 requires the interim committee to hold a public hearing on a statewide initiative referred to the committee by the executive director of the Legislative Services Division. The committee then votes to either support or not support the placement of the proposed statewide initiative on the ballot. The petition used to gather signatures to place the statewide initiative on the ballot must include the interim committee vote. SB 93 applies to statewide initiatives submitted to the secretary of state after May 19, 2023.

The review process may result in additional committee meetings because the committee vote must be submitted to the secretary of state no later than 14 days after receipt of the final text of the statewide initiative. A complaint was filed May 26, 2023, in Lewis and Clark County District Court challenging SB 93, which may also alter the committee's work depending on the findings of the Court.

INTERIM STUDY PROCESS

An interim study typically involves information gathering, issue identification, and recommendations.



PHASE ONE: GATHER INFORMATION

The first phase of the study is carried out over the first few meetings of the interim, when the Committee:

- reviews staff research papers and other informational materials on study topics;
- hears presentations by people with experience and expertise on various aspects of the study topics; and
- takes public comment from interested parties, who may offer specific study-related suggestions.

PHASE TWO: IDENTIFY ISSUES & NARROW FOCUS

In the second phase, the Committee spends a meeting or two narrowing the focus of the study. Members identify topics or questions they'd like to analyze further. This phase helps members concentrate on the issues they consider to be of the greatest importance and obtain any additional information needed to make final recommendations.

PHASE THREE: ANALYZE & IDENTIFY OPTIONS FOR ACTION

During the third stage, members review and decide on options for action. Potential solutions, including legislation, are usually reviewed and refined at multiple meetings before the Committee takes final action.

PHASE FOUR: FINALIZE FINDINGS, RECOMMENDATIONS, & DELIVERABLES

By the end of the interim, the committee should finalize a set of findings and recommendations and complete any deliverables including a final report and possibly committee legislation for the next legislative session.

SUGGESTED MEMBER TOPICS

HJ 15: STUDY ON SHARED USE PATHS

SUGGESTED BY REP. KERNS

DIED AFTER BEING TRANSMITTED TO 2ND HOUSE

The [HJ 15](#) study resolution was requested by Bike Walk Montana and is intended to build on the findings of the HJ 45 (2019) study³, with a focus on the potential development of new shared-use path routes in the state, and possible funding sources to support this infrastructure.

TASKS LISTED IN STUDY RESOLUTION

- Evaluate the potential economic and social impact, cost, and feasibility of establishing new shared-use path routes in the state;
- Review and assess the connectivity of existing and potential shared-use paths in the state, including those needed to develop a route across the state as part of the Great American Rail Trail;
- Identify funding options for developing and maintaining shared-use paths, including state and federal funding sources, and compare Montana funding strategies to other states, regions, or localities;
- Review policies that govern and inhibit shared-use path development and maintenance;
- Engage the public and consult relevant stakeholders regarding shared-use path needs; and
- Identify areas in which state agencies could improve and support shared-use path development.

Option A	Option B	Option C	Option D
.30 FTE	.15 FTE	.10 FTE	No action
All of option B Analysis of feasibility and cost of constructing and maintaining new paths in MT Staff paper(s) on topics identified by TIC Multiple stakeholder panels on topics identified by TIC	All of option C Updated analysis of funding models and shared use path infrastructure in other states Staff review of statutes and legislation governing shared use paths	Review research and final report from 2019-2020 interim Review of updates to MDT's shared use paths inventory and maintenance plan, if any. Analysis of possible new funding sources Panel discussion and/ or stakeholder presentation	

³ HJ 45 Final Report, 2019-2020 Transportation Interim Committee.

<https://leg.mt.gov/content/Committees/Interim/2019-2020/Transportation/Committee-Topics/HJR45/FinalEditedReport-HJ45-Bikes.pdf>

SJ 20: ELIGIBILITY CRITERIA FOR MEMORIAL HIGHWAYS

SUGGESTED BY REP. LOGE

DIED AFTER BEING TRANSMITTED TO 2ND HOUSE

Montana has more than 30 roadways designated as memorial highways, a number that has been increasing with each legislative session. Currently, nothing in statute provides criteria for a memorial highway such as designating the type of action or historical event that can be memorialized or the number or location of memorial highways. The committee may explore whether establishing parameters and eligibility criteria for future memorial highways may be beneficial.

TASKS LISTED IN STUDY RESOLUTION

- Review the most recent map of memorial highways and other special designations in the state
- Examine appropriate guidelines and qualifications for designating memorial highways, including but not limited to eligibility criteria regarding who may be honored; and
- Propose legislation to clarify the study's findings, if appropriate.

Option B .05 FTE	Option C .01 FTE	Option D No action
All of option C Examine memorial highway criteria used in other states, if any. Public comment from various areas of the state to determine possible criteria	Review of memorial highway map and existing research Discussion with MDT and other stakeholders as requested by TIC	

HJ 16: TRAFFIC INCIDENTS INVOLVING BICYCLES AND MOTOR VEHICLES

SPONSOR: REP. KERNS

DIED ON THIRD READING IN FIRST HOUSE

According to the Montana Department of Transportation, 10 bicyclists have been killed in the state since 2017. Many Montana residents and visitors choose bicycles as a primary mode of transportation and recreation, and individuals that do so may be at risk of harm when sharing the road with motorists. Bicycle safety legislation has been a recurring topic for the past legislatures, and the TIC may choose to study the circumstances surrounding traffic incidents involving both bicycles and motor vehicles in order to better understand the issue of bicycle safety in the state.

TASKS LISTED IN STUDY RESOLUTION

- Examine data on traffic incidents in the last 5 years for which police reports were generated
- Examine circumstances of these incidents, including contributing factors and trends
- Identify areas of law that promote or inhibit bicycle safety on public highways.

**Staff Note: Compiling narrative details for each documented incident may require staff to survey all law enforcement agencies across the state and possibly rely on those authorities to compile data that may not be shareable. This project warrants a higher FTE allocation, which is reflected in Option A.*

Option A*	Option B	Option C	Option D
.40 FTE	.20 FTE	.10 FTE	No action
All of option B Staff survey of local law enforcement agencies in MT to collect data, if shareable Staff papers and analysis of data Roundtable on possible legislation, if wanted.	All of option C Analysis of data samples from select communities Public comment from various areas of the state to assess bicycle safety issues	Review of annual traffic safety report and existing data Panel discussion, including MDT and Highway Patrol Review of current bicycle statutes and areas of law that promote or inhibit bicycle safety	

CDL REQUIREMENTS

SEN. USHER, REP. LOGE

Background: (1 OF 2) Commercial driver's license (CDL) holders are held to a higher standard of knowledge and skill than non-commercial driver's license holders, evidenced by the amount of testing and regulation required for states to issue CDLs.⁴ These enhanced requirements only apply to certain motor vehicles engaged in active commercial use. Individuals operating trucks, motorhomes, and other large vehicles for personal use may do so without a CDL, even if the vehicle would otherwise qualify as a commercial motor vehicle by factors such as GVW. The TIC may choose to consider the safety and economic implications of increased CDL requirements within the state.

SEN. VANCE, REP. KERNS, SEN. MANZELLA

(2 OF 2) Additionally, the 68th Legislature passed [SB 47](#) and [HB 904](#), both of which revised the requirements for obtaining a CDL and brought Montana into compliance with federal law. These bills

⁴ Federal Motor Carrier Safety Administration (FMCSA), Commercial Driver's License Program.
<https://www.fmcsa.dot.gov/registration/commercial-drivers-license>

direct the MDT to develop and implement free entry-level CDL training in each of the transportation districts and require the DOJ MVD to adopt rules for checking certain applicant records before issuing or renewing CDLs. Both agencies will be engaged in rulemaking throughout the beginning of the interim, and the TIC may wish to monitor this process.

Option A .25 FTE	Option B .15 FTE	Option C .05 FTE	Option D No action
All of option B Analysis of safety and economic implications of increased CDL requirements and/or incentives for businesses	All of option C Multiple stakeholder panels Comparative analysis of other states' CDL requirements, if different from federal Research into other states' incentives for commercial businesses requiring CDLs, if any	Monitor implementation of relevant legislation from 2023 session Panel discussion Overview of relevant MT statutes and federal regulations	

FEDERAL AND REGIONAL PASSENGER RAIL INITIATIVES

REP. BAUM

Background: Passenger rail service throughout southern Montana largely ceased with the discontinuation of Amtrak's North Coast Hiawatha train route in 1979. Twelve Amtrak stations currently exist in northern, mostly rural Montana, connecting few major population centers. Organizations like Big Sky Passenger Rail Authority have the goal of establishing inter-city, long distance passenger rail service throughout southern Montana to connect communities and expand options for passenger transportation. Big Sky Rail recently submitted a proposal to the Federal Railroad Administration's Corridor Identification and Development Program that, if chosen, may establish a passenger rail route to connect some of Montana's largest cities.⁵ The TIC may choose to examine this and other potential funding sources for expanding passenger rail service in Montana.

Option B .10 FTE	Option C .05 FTE	Option D No action
Multiple stakeholder panels Analysis of other states' passenger rail initiatives and funding	History and overview of relevant statutes and policies Panel with Big Sky Rail and MDT	

⁵ Big Sky Passenger Rail Authority, March 28, 2023 [press release](#).

ELECTRIC VEHICLE FIRE RESPONSE AND SAFETY

SEN. USHER

Background: As electric vehicle (EV) use grows, fires from the vehicles' high voltage, lithium-ion batteries could pose significant safety risk to drivers, passengers, and first responders. A study of EV crashes and battery fires by the National Transportation Safety Board (NTSB) revealed inadequacies in emergency response guidelines and gaps in federal safety standards as some of the critical safety risks for emergency responders.⁶ [SB 412](#) was introduced but did not ultimately pass in the 68th legislative session. The bill sought to require electric vehicles sold within the state to display a warning indicating that fumes from a vehicle fire are hazardous. The committee may choose to study the safety and emergency response measures related to electric vehicle fires.

Option B .15 FTE	Option C .10 FTE	Option D No action
All of option C Additional panel or presentation from emergency responders Comparative analysis of other states' safety laws related to EVs, if any.	Panel discussion or expert presentation on EV battery fires and safety risks Staff paper on lithium-ion batteries in EVs and associated risks Review of relevant national news stories	

AUTONOMOUS VEHICLE REGULATIONS AND SAFETY

SEN. USHER, REP. LOGE

Background: The 2021-2022 TIC was assigned [HJ 10](#), a study of autonomous vehicle use. [HB 339](#) was introduced in the 68th legislative session as a result of this study but died in the process. Montana currently has no regulations for AV use, testing, or liability within the state. The committee may choose to review the findings of the 21-22 TIC and consider legislation to address AV regulation and promote safety within the state.

Option B .15 FTE	Option C .05 FTE	Option D No action
All of option C Review of recent federal guidance on autonomous vehicle regulation, if any Comparative analysis of AV regulation in other states, if any	Review research and findings of 2021-2022 TIC Review of relevant legislation from 2023 session Panel discussion	

⁶ National Transportation Safety Board (NTSB), Safety Risks to Emergency Responders from Lithium-Ion Battery Fires. <https://www.nts.gov/safety/safety-studies/Pages/HWY19SP002.aspx>

Additional panels on topics identified by the committee		
Roundtable on possible legislation, if wanted		

HIGHWAY SAFETY

SEN. MANZELLA, REP. LOGE

Background: (1 OF 2) The intersection of Highway 93 and Bell Crossing has grown dangerous with increased traffic flow, resulting in increased crashes and fatalities. The committee may choose to study the merits, cost, and feasibility of constructing roundabouts or traffic lights at this intersection and others like it which may be dangerous for Montana travelers.

(2 OF 2) Additionally, the TIC discussed safety issues related to Highway 212 and possible legislative solutions during the 2021-2022 interim. The committee may choose to review existing research and consider legislation to address highway safety in this area.

Option B	Option C	Option D
.15 FTE	.05 FTE	No action
<ul style="list-style-type: none"> ° Option C ° Analysis of other high traffic areas and measures taken to mitigate fatalities ° Cost analysis of possible mitigation projects (i.e. roundabouts, traffic lights, etc). 	<ul style="list-style-type: none"> Panel discussion Review of previous TIC study materials on highway safety, Highway 212 Gather information and public comment from areas of concern to the TIC 	

MEMBER SUGGESTED AGENDA ITEMS FOR TIC DISCUSSION

- Revising point of fuel taxation (HB 46)
- MDT use of alternative project delivery methods (SB 57)
- Electric vehicle fees, taxes, and infrastructure development (HB 55, HB 60)
- Development of the SAFER Account
- Highway maintenance plans and funding
- Implementation of CARS system
- Driver's license renewal procedures and efficiency
- Hydrogen fuel taxes and infrastructure development (HB 823)
- Billboard repair and replacement
- Highway right-of-way impermanent encroachments (HB 198)

DRAFT 23-24 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.

July 13, 2023 (TH)	TIC Meeting - Helena <ul style="list-style-type: none"> Interim work plan prioritization and TIC organizational meeting. Selection of topics.
September 13, 2023 (W)	TIC Meeting - Helena <ul style="list-style-type: none"> Adoption of detailed work plans for each selected topic Start studies and continue agency oversight
January 31, 2024 (W)	TIC Meeting - Helena <ul style="list-style-type: none"> Continue studies and agency oversight
March 13, 2024 (W)	TIC Meeting - Helena <ul style="list-style-type: none"> Continue studies and agency oversight
May 8, 2024 (W)	TIC Meeting - Helena <ul style="list-style-type: none"> Continue studies and agency oversight Revise/review draft study documents Revise recommendations, proposed legislation
July 10, 2024 (W)	TIC Meeting - Helena <ul style="list-style-type: none"> Revise/review draft study documents Revise recommendations, proposed legislation Authorize agency bill draft requests
September 4, 2024 (W)	Final TIC Meeting - Helena <ul style="list-style-type: none"> Final approval of recommendations, reports, legislation Select bill sponsors Authorize agency bill draft requests

DECISION MATRIX

THE DRAFT DECISION MATRIX

The attached TIC Work Plan Decision Matrix is a way to look at the topics side by side and review time allocations to each topic. It is used in conjunction with this draft work plan.

INSTRUCTIONS

1. Review the potential topics, including assigned studies, statutory duties, and any member-suggested topics presented with this work plan or suggested during the committee's work session.
2. Prioritize the topics you want the TIC to focus on this interim.
3. Select the FTE you wish to allocate to each of the topics in which you're interested. The proposed FTE and corresponding level of study may be adjusted by the TIC. **The total allocation available is 1.0 FTE.** The options you chose should add up to no more than 1.0 FTE. Use the draft decision matrix to assist you with this process.