



TRANSPORTATION INTERIM COMMITTEE

68th Montana Legislature

SENATE MEMBERS

Mike Fox
Theresa Manzella
Barry Usher
Shelley Vance

HOUSE MEMBERS

Denise Baum
Scot Kerns
Denley Loge
Zack Wirth

COMMITTEE STAFF

Joe Carroll - Attorney
Sara Hess - Research Analyst
Daniel Rosenberg - Secretary

MINUTES LOG

July 13, 2023
Capitol Building 102
Helena, Montana

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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MEMBERS PRESENT:

Sen. Theresa Manzella, Chair (R)
Rep. Denise Baum, Vice Chair (D)
Sen. Mike Fox (D)
Rep. Scot Kerns (R)
Rep. Denley Loge (R)
Sen. Barry Usher (R)
Sen. Shelley Vance (R)
Rep. Zack Wirth (R)

MEMBERS EXCUSED:

MEMBERS ABSENT:

STAFF PRESENT:

Joe Carroll, Attorney
Sara Hess, Research Analyst
Daniel Rosenberg, Secretary

AGENDA ([Attachment 1](#))

VISITORS' LIST

COMMITTEE ACTION

CALL TO ORDER/ROLL CALL

09:34:31 Sen. Theresa Manzella-R, Acting Chair, called the meeting to order at 9:34 AM.
The committee secretary took roll.

Introduction of committee members and staff

09:36:24 Rep. Kerns
09:36:33 Rep. Baum
09:36:53 Sen. Usher
09:37:36 Joe Carroll, Attorney, Legislative Services Legal Office
09:37:59 Rep. Wirth
09:38:35 Sen. Vance
09:39:34 Rep. Loge
09:40:35 Daniel Rosenberg, Secretary, Legislative Services Division (LSD)
09:40:55 Sara Hess, Research Analyst, LSD
09:41:36 Sen. Manzella
09:42:47 Sen. Fox

ADMINISTRATIVE MATTERS – Sara Hess, LSD

Staff roles and responsibilities

09:43:26 Sara Hess
09:47:07 Joe Carroll
09:48:39 Daniel Rosenberg

Summary of 2023 Transportation Legislation

09:48:43 Sara Hess ([Exhibit 1](#))

Committee budget and website overview

09:50:16 Sara Hess

Committee Questions/ Discussion

09:54:32 Rep. Baum asked about the status of the meeting minutes for session committees.

Committee budget and website overview

09:56:30 Sara Hess continued the presentation.

OVERVIEW AND ADOPTION OF COMMITTEE RULES – Sara Hess, Research Analyst

09:57:15 Sara Hess ([Exhibit 2](#)) ([Exhibit 3](#))

Committee Questions/ Discussion

10:05:13 Sen. Manzella asked about using email or texting for communicating proxy votes.
10:05:57 Sen. Usher
10:06:34 Sen. Vance
10:07:16 Rep. Loge

MOTION

10:08:05 Sen. Vance introduced a motion to amend the rules to allow proxies in cases of emergency and the proxy would be written documentation sent via email or mail to the Chair and Secretary of the Transportation Interim Committee.

Discussion on the Motion

10:08:59 Sen. Usher asked to amend the motion from "Chair and Secretary" to "Chair or Secretary".
10:09:46 Sen. Vance agreed to the amendment.
10:11:10 Rep. Baum
10:11:32 Sen. Vance

VOTE

10:12:10 The motion passed unanimously.

Committee Questions/ Discussion

10:12:21 Sara Hess
10:12:45 Joe Carroll
10:13:08 Sara Hess
10:14:27 Rep. Kerns asked about the language used in the section of the rules concerning public comment.

MOTION

10:16:30 Rep. Kerns made a motion to add the words "opportunity for" to the public comment section of the rules.

Discussion on the Motion

10:17:21 Sen. Usher
10:19:00 Rep. Kerns further explained his motion.
10:19:55 Sen. Usher
10:20:15 Sen. Vance asked Joe Carroll for legal comment on this issue.
10:21:53 Rep. Loge

VOTE

10:22:38 The motion did not pass.

ADMINISTRATIVE RULE REVIEW – Joe Carroll, Legislative Attorney

10:22:57 Joe Carroll ([Exhibit 4](#))

Committee Questions/ Discussion

10:30:00 Sen. Vance asked Joe Carroll about the formal and informal objection process.

10:31:11 Sen. Manzella asked about the location of rule proposals.

10:32:02 Sen. Usher asked about the timing of submitting objections to the two rules currently in front of the committee.

10:33:44 Sen. Manzella asked the committee if action should be taken to review the two rules currently in front of the committee.

10:35:16 Sen. Usher asked about the number of rule proposals between the previous and current interim.

10:36:23 Rep. Loge

10:36:43 Sen. Vance

10:37:49 Sen. Manzella spoke about the need for the committee to review administrative rules asked Joe Carroll how the committee could review the two current rule proposals.

10:39:41 Rep. Baum asked how the committee rule review process would affect the implementation of the current rules.

10:41:02 Malcom Long, Director, Montana Department of Transportation (DOT)

10:43:46 Sen. Usher

10:44:02 Rep. Loge

10:44:57 Sen. Manzella

10:45:45 Sara Hess

10:46:06 Joe Carroll

10:46:36 Sen. Manzella asked the committee to consider the two options for reviewing the current rule proposals.

MOTION

10:47:12 Rep. Wirth made a motion to set dates for the committee review the proposed rules and email the chair if a member wishes to object.

Discussion on the Motion

10:48:00 Joe Carroll provided the relevant adoption dates for the new rules.

10:48:52 Sen. Usher amended the motion to say Aug 1 for rule 18-193 and Aug 20 for rule 18-192.

10:49:44 Rep. Wirth agreed to the amendment.

10:50:15 Sara Hess restated the motion to not file an informal objection today. Joe Carroll will send out the rules to the committee members via email for review, and for the committee to send objections to the Chair by Aug 1 for 18-193 and Aug 20 for 18-192.

VOTE

10:51:11 The motion passed unanimously.

Committee Questions/ Discussion

10:51:33 Sen. Usher

10:52:17 Sara Hess

INTRODUCTION AND OVERVIEW OF DEPARTMENT OF TRANSPORTATION

10:53:23 Malcolm Long, DOT ([Exhibit 5](#))

Committee Questions/ Discussion

11:04:04 Sen. Manzella about bridge inspections for Federal, State and County roads.

11:06:38 Rep. Loge

TRANSPORTATION COMMISSION

11:07:27 Loran Frazier, Chair, Transportation Commission

Committee Questions/ Discussion

11:09:42 Sen. Usher asked about SB 452.

11:10:54 Rep. Loge asked for an overview of the speed study process.

11:13:37 Sen. Manzella

11:14:50 Rep. Baum asked how often the Transportation Commission meets.

BOARD OF AERONAUTICS

11:15:56 Bill Lepper, Chair, Montana Board of Aeronautics

Committee Questions/ Discussion

11:20:37 Rep. Loge asked about the effects new funding legislation had on Montana aeronautics.

11:23:07 Sen. Usher

INTRODUCTION AND OVERVIEW OF MOTOR VEHICLE DIVISION

11:24:20 Laurie Bakri, Administrator, Motor Vehicle Division, Department of Justice ([Exhibit 6](#))

Committee Questions/ Discussion

11:37:03 Sen. Manzella asked about the ELDT rules.

INTRODUCTION AND OVERVIEW OF DEPARTMENT OF ENVIRONMENTAL QUALITY

11:39:35 Chris Dorrington, Director, Department of Environmental Quality (DEQ)

Committee Questions/ Discussion

11:43:22 Rep. Loge asked about the NEVI program and federal guidelines.

11:44:23 Ben Brouwer, Supervisor of the Energy Planning Section, DEQ

11:45:33 Sen. Manzella asked about process for legislators contacting DEQ.

11:48:29 Sara Hess

ELECTION OF PRESIDING OFFICER AND VICE PRESIDING OFFICER

11:49:15 Sen. Manzella opened the floor to nominations for the committee officers.

MOTION

11:49:48 Sen. Usher made a motion to nominate Sen. Manzella as Chair.

Discussion on the Motion

11:50:26 Rep. Loge seconded the nomination for Sen. Manzella.

VOTE

11:51:34 The motion passed unanimously.

MOTION

11:51:55 Sen. Usher nominated Rep. Baum as Vice Chair.

Discussion on the Motion

11:52:56 Rep. Baum accepted the nomination.

VOTE

11:53:28 The motion passed unanimously.

RECESS

11:53:54 Reconvened at 13:02:02

INTRODUCTION AND REVIEW OF INTERIM WORK PLAN OPTIONS

13:02:30 Sara Hess ([Exhibit 7](#))

Committee Questions/ Discussion

13:04:10 Sen. Usher commented on corrections needed in the contact information on the work plan.

13:04:36 Rep. Loge

13:05:00 Rep. Wirth

Introduction and Review of Interim Work Plan Options

13:06:50 Sara Hess continued the presentation. ([see Exhibit 7](#))

13:11:40 Joe Carroll

Committee Questions/ Discussion

13:14:19 Sen. Usher asked about ballot initiative deadlines.

13:15:07 Sen. Vance asked about the ballot initiative process and SB 93.

Introduction and Review of Interim Work Plan Options

13:17:59 Sara Hess continued the presentation. ([see Exhibit 7](#))

Committee Questions/ Discussion

13:26:54 Joe Carroll commented on SB 93.

13:27:35 Sen. Vance commented on the difficulty of evaluating and voting on member topics during the current meeting.

13:29:35 Rep. Kerns asked about the total FTE allotment if all member topics were selected.

13:34:31 Rep. Loge

13:35:41 Sen. Usher

Introduction and Review of Interim Work Plan Options

13:37:19 Sara Hess continued the presentation. ([see Exhibit 7](#))

Member topic introductions

13:39:36 Rep. Kerns- HJ 15: Study on Shared Use Paths
13:42:04 Rep. Loge - SJ 20: Eligibility Criteria for Memorial Highways
13:43:13 Rep. Kerns - HJ 16: Traffic Incidents Involving Bicycles and Motor Vehicles
13:45:35 Rep. Loge - CDL Requirements
13:46:32 Sen. Usher - CDL Requirements
13:48:18 Rep. Baum - Federal and Regional Passenger Rail Initiatives

Committee Questions/ Discussion

13:51:50 Rep. Kerns asked about the thought behind the Regional Passenger Rail initiative.
13:53:32 Rep. Wirth

Member topic introductions

13:54:10 Sen. Usher - Electric Vehicle Fire Response and Safety

Committee Questions/ Discussion

13:56:08 Rep. Loge spoke about expanding the topic to include safety of disposal of electric vehicles.

Member topic introductions

13:56:45 Sen. Usher - Autonomous Vehicle Regulations and Safety
13:57:52 Rep. Loge - Autonomous Vehicle Regulations and Safety
13:59:34 Sen. Manzella - Highway Safety
14:00:53 Rep. Loge - Highway Safety
14:03:02 Rep. Wirth - Highway Safety
14:04:05 Sen. Fox - Highway Safety
14:05:26 Sen. Vance - Highway Safety
14:07:09 Sara Hess
14:07:51 Rep. Kerns

Public Comment on the work plan and matters within the jurisdiction of the TIC not included on the agenda

14:08:30 Logan Smith, Executive Director, Bike Walk Montana
14:11:24 Christine Hultin

Member topic introductions

14:13:40 Rep. Loge - Revising point of fuel taxation
14:14:09 Sen. Vance - MDT use of alternative project delivery methods
14:16:53 Rep. Loge - Electric vehicle fees, taxes, and infrastructure development
14:18:34 Rep. Loge - Development of the SAFER account

14:19:46 Sara Hess - Highway maintenance plans and funding
14:21:14 Sen. Vance - Billboard repair and replacement
14:23:24 Rep. Loge - Billboard repair and replacement
14:24:44 Sen. Usher commented on the member topics for TIC discussion.
14:26:26 Sen. Manzella
14:27:10 Rep. Kerns
14:28:11 Rep. Loge
14:29:01 Sen. Vance commented on committee statutory responsibilities.

INTRODUCTION OF DECISION MATRIX – Sara Hess, Research Analyst

14:30:28 Sara Hess ([Exhibit 8](#))

MOTION

14:33:21 Sen. Usher made a motion to approve the statutory duties FTE allocation.

Discussion on the Motion

14:33:54 Sara Hess
14:35:05 Rep. Baum
14:36:22 Sen. Manzella asked to amend the motion to change the FTE allocation for Monitor DOJ MVD activities from .03 to .05 and the FTE allocation for ballot initiatives from .01 to 0.
14:37:32 Sen. Usher agreed to the amendment and then amended the FTE allotment for required reports to .001.
14:38:17 Sara Hess restated the motion with the requested amendments.
14:38:58 Sen. Manzella

VOTE

14:39:31 The motion passed unanimously.

Committee Questions/ Discussion

14:39:57 Sen. Usher
14:40:57 Rep. Loge
14:41:52 Rep. Baum
14:42:43 Sen. Usher
14:43:24 Sara Hess
14:44:13 Sen. Vance

MOTION

14:45:10 Sen. Usher made a motion to combine the HJ 15 and HJ 16 studies and allot .3 FTE.

Discussion on the Motion

14:46:26 Rep. Kerns asked to amend the motion to allot FTE .35.
14:48:00 Sen. Vance

14:48:36 Sen. Usher agreed to the amendment.
14:48:58 Sen. Manzella
14:50:09 Sen. Usher
14:51:11 Rep. Loge

VOTE

14:52:13 Carried 7 - 1 by voice vote with Sen. Vance, voting no.

Committee Questions/ Discussion

14:52:19 Sen. Manzella

MOTION

14:53:18 Rep. Loge moved to allot .01 FTE to Memorial Highway Criteria.

Discussion on the Motion

14:53:42 Sen. Usher

VOTE

14:54:23 The motion passed unanimously.

Committee Questions/ Discussion

14:54:30 Sen. Manzella
14:54:55 Rep. Wirth
14:55:47 Rep. Kerns asked whether combining the CDL Requirements and AV regulations topics was reasonable.

MOTION

14:58:11 Sen. Usher made a motion to allocate .15 FTE to CDL requirements.

VOTE

14:59:28 The motion passed unanimously.

MOTION

14:59:40 Rep. Baum made a motion to allocate .10 FTE to Federal and regional passenger rail requirements.

Discussion on the Motion

15:00:50 Rep. Loge

VOTE

15:02:48 The motion did not pass.

Committee Questions/ Discussion

15:02:55 Sen. Manzella

MOTION

15:03:06 Rep. Baum made a motion to allocate .025 to passenger rail.

Discussion on the Motion

15:03:43 Sen. Usher

VOTE

15:05:08 The motion passed unanimously.

MOTION

15:05:20 Sen. Usher moved to allocate .15 to electric vehicle and fire response and safety.

VOTE

15:06:22 The motion passed unanimously.

MOTION

15:06:37 Rep. Loge made a motion to allocate .15 FTE to AV regulations.

Discussion on the Motion

15:07:20 Rep. Kerns asked to amend the motion to allot .15 FTE for Highway Safety.

15:09:06 Sara Hess

VOTE

15:09:33 The motion passed unanimously.

Adopt meeting dates

15:09:59 Sara Hess

15:10:34 Sen. Manzella

MOTION

15:11:05 Sen. Manzella made a motion to have the next TIC meeting on Sep 13th.

VOTE

15:11:17 The motion passed unanimously.

ADJOURNMENT

Adjournment: 15:11:24