



Transportation Interim Committee

66th Montana Legislature

SENATE MEMBERS

CARLIE BOLAND
DIANE SANDS
GORDON (GORDY) VANCE
JEFF WELBORN

HOUSE MEMBERS

ROSS FITZGERALD
DENLEY LOGE
ANDREA OLSEN
MARK SWEENEY

COMMITTEE STAFF

JOSEPH CARROLL, Staff Attorney
BRI NORDHAGEN, Secretary
SONJA NOWAKOWSKI, Research Director

MINUTES LOG

July 9, 2019
Room 137, Capitol Building
Helena, Montana

Please note: This document is a Minutes Log and provides a notation 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 record 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 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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COMMITTEE MEMBERS PRESENT

SEN. CARLIE BOLAND
SEN. DIANE SANDS, Vice Chair
SEN. GORDON (GORDY) VANCE, Chair
SEN. JEFF WELBORN

REP. ROSS FITZGERALD
REP. DENLEY LOGE
REP. ANDREA OLSEN
REP. MARK SWEENEY

COMMITTEE MEMBERS EXCUSED

STAFF PRESENT

SONJA NOWAKOWSKI, Research Director
JOSEPH CARROLL, Staff Attorney
BRI NORDHAGEN, Secretary

VISITORS' LIST ([Attachment 1](#))

AGENDA ([Attachment 2](#))

COMMITTEE ACTIONS

- Voted Sen. Vance as Chair and Sen. Sands as Vice Chair for the Transportation Interim Committee.
- Agreed to adopt a work plan in September.
- Voted on dates throughout the interim for committee meetings.
- Adopted Interim Committee Rules - including proxy's and simple majority.

CALL TO ORDER AND ROLL CALL

09:03:55 Sen. Sands called the meeting to order. The committee secretary took roll.
([Attachment 3](#))

Introduction of Committee Members

09:04:34 Sen. Sands introduced committee members and staff.

ADMINISTRATIVE MATTERS

09:13:57 Sen. Sands

Interim Committee Overview

09:15:18 Ms. Nowakowski

Purpose of the TIC and Statutory Duties

09:16:25 Ms. Nowakowski

Questions from the Committee

09:29:08 Sen. Boland asked whether the preferred method to receive information was regarding both packets and communication.

09:29:44 Sen. Sands asked if they wanted public comment turned in on a piece by piece basis or as a whole when the committee met during their next meeting.

Committee Discussion

09:33:12 Sen. Vance discussed the administrative rule issue.

09:35:04 Sen. Sands stated Joe Carroll (staff attorney) would look into the rules of compliance.

09:37:01 Sen. Vance stated whatever the majority had a preference on is what they would go with.

Adoption of the Interim Committee Rules

09:37:49 Sen. Sands discussed proxy voting and whether they wanted to go with proxies or not.

Motion

09:39:21 Sen. Boland moved to accept proxies during the interim committee.

Vote

09:39:29 The motion to accept proxies during the interim passed on a roll call vote.

Motion

09:39:40 Sen. Boland moved to adopt the interim committee rules as a whole.

Vote

09:39:53 The motion to adopt the interim committee rules as a whole passed on a roll call vote.

ELECTION OF THE TIC PRESIDING OFFICER AND VICE-PRESIDING OFFICER

09:40:08 Sen. Boland nominated Sen. Vance for Chairman.

Motion

09:40:30 Sen. Welborn called question.

Vote

09:40:39 The motion to elect Sen. Vance as Chairman passed on a roll call vote.

Other followup

09:41:03 Sen. Boland nominated Sen. Sands for Vice Chair.

09:41:11 Sen. Vance called question.

Vote

09:41:15 The motion to elect Sen. Sands as Vice Chair passed on a roll call vote.

INTRODUCTION AND REVIEW OF INTERIM WORK PLAN OPTIONS

09:44:42 Ms. Nowakowski introduced the interim work plan document and options.

Work Plan Option Matrix Introduction

09:45:16 Ms. Nowakowski introduced the work plan matrix and other tools.

Questions from the Committee

09:54:15 Sen. Boland asked Ms. Nowakowski if the .85 was per meeting or collectively as a whole for the entire interim.

INTRODUCTION TO SJ 28

10:00:04 Sen. Sands gave an introduction on SJ 28 regarding traffic safety.

Committee Discussion

10:02:42 Rep. Loge indicated he would like to study autonomous vehicles.

10:03:40 Sen. Vance requested more research to be done on the states who have adopted autonomous vehicles.

10:03:52 Sen. Boland asked to look into electric bicycles/scooters and how will they share the sidewalks with pedestrians.

10:05:10 Sen. Vance asked Sen. Boland if she had materials from a conference she attended that she could get to Ms. Nowokowski before the next meeting.

10:05:40 Sen. Sands asked about getting more information on future based technologies.

10:06:18 Sen. Boland mentioned research being done regarding the difficulty of producing enough electricity for new technologies.

Public Comment

10:07:14 Shyla Patera, Independent Living Specialist, North Central Independent Living Services, Inc.

10:09:45 Douglas Habermann, Bike Walk Montana

10:11:04 Mike Tooley, Director for Montana Department of Transportation

INTRODUCTION TO HJ 34

10:11:47 Rep. Olsen gave an introduction on HJ 34 regarding passenger transportation.
([Exhibit 1](#)) ([Exhibit 2](#)) ([Exhibit 3](#)) ([Exhibit 4](#)) ([Exhibit 5](#)) ([Exhibit 6](#))

Questions from the Committee

10:19:29 Sen. Sands asked Rep. Olsen if she attended a conference in Have on passenger transportation.

Public Comment

10:22:19 Paul Pacini, Helena resident ([Exhibit 7](#)) ([Exhibit 8](#))

10:25:51 Shyla Patera, NCIL

10:28:59 Doug Haberman, BWMT.

INTRODUCTION TO HJ 45

10:30:36 Rep. Loge gave an introduction on HJ 45 regarding bicycle and pedestrian paths.

Questions from the Committee

10:33:01 Sen. Sands asked about federal highway funding streams and how much more funding would be available if certain laws or regulations were in place in Montana.

Public Comment

10:34:17 Shyla Patera, NCIL
10:38:21 Doug Habberman, BWMT

DEPARTMENT OF TRANSPORTATION OVERVIEW - Mike Tooley, Director MDT

10:41:19

Questions from the Committee

11:07:15 Sen. Sands asked if Director Tooley could talk about the annual conference coming up in October, and what the value of that would be to the committee.
11:09:18 Rep. Olsen asked Director Tooley what the time line was for the conference.
11:10:20 Sen. Vance asked Director Tooley how long the track was that MT owned, and asked who owned the rest of the track in the state.

TRANSPORTATION COMMISSION - Barb Skelton, Chair of MT Transportation

Commission

11:11:54

Questions from the Committee

11:13:53 Sen. Sands asked Director Tooley if they had broad statutory authority to adopt plans/expend funds. Sen. Sands also asked at what point did items need to go to the legislature for approval or confirmation.

Followup

11:19:10 Sen. Sands asked Ms. Skelton how many times the commission met and if the committee could get a schedule for those meetings.

BOARD OF AERONAUTICS - Tricia McKenna, Chair, MDT

11:20:51

Questions from the Committee

11:24:44 Sen. Vance asked Ms. McKenna about their meeting schedule.

ADMINISTRATIVE RULE REVIEW - Joe Carroll, Introduction

11:25:17

Questions from the Committee

11:28:12 none

Other Business/Instructions to Staff

11:30:10 Sen. Sands asked Ms. Nowakowski if she had accommodated the transportation department meeting changes into the calendar.
11:32:19 Rep. Olsen asked Ms. Nowakowski if the September 10th meeting could be moved.
11:33:52 Rep. Olsen discussed finding another date between September 10th or October 8th, that wasn't on a Tuesday or Thursday.
11:35:11 Ms. Nowakowski said she would follow up regarding changing the meeting to September 16th.

11:35:57 Sen. Vance discussed the Department of Livestock being ran by the Board of Livestock.

11:36:26 Sen. Sands discussed state reorganization regarding boards and departments.

11:37:20 Sen. Sands suggested if anyone was interested in why we have the structures we do in state government, they read the article in the MT Magazine of Western History which is also online.

11:38:22 Sen. Vance opened the floor for questions on the work plan.

11:39:61 Sen. Sands mentioned prioritizing topics for interim committees.

11:41:00 Sen. Vance seconded what Sen. Sands said regarding prioritizing issues in a work plan.

11:41:52 Rep. Loge said he would like contractor representation regarding bidding, structure and design incorporated into the work plan.

11:42:24 Rep. Olsen inquired whether they were planning to be at the transportation safety conference and if so requested the committee not duplicate material.

11:44:00 Rep. Olsen said it would be important for committee members to be at the conference.

11:44:32 Sen. Sands mentioned the committee budget. She also said if members attend as a committee it would have to be a public meeting and a public notice would be needed.

11:45:24 Sen. Vance asked Director Tooley if it would be possible to report back to the committee with a presentation regarding what was covered in the conference.

11:46:44 Rep. Olsen

11:58:59 **LUNCH**

MDT MAINTENANCE/FUNDING PERFORMANCE AUDITS - James Sutcliffe and Jeremy Verhasset, LAD

13:01:57 Jeremy Verhasset, Performance auditor, LAD

13:09:26 James Sutcliffe, Performance auditor, LAD ([Exhibit 9](#))

Questions from the Committee

13:16:24 Sen. Vance asked Mr. Sutcliffe how often they do audits for DOT..

13::17:04 Sen. Vance asked Mr. Sutcliffe how often they generate the list from which they review top priorities to audit.

13:17:34 Rep. Loge asked Mr. Verhasset what merit based raises were given.

13:18:55 Sen. Sands asked Mr. Verhasset how the policy and rules interplayed together and would they need an adoption of a rule to implement the audits.

13:20:28 Sen. Sands asked Mr. Carroll if there was a requirement in state law about when something has to be a rule versus policy and procedure.

13:21:01 Sen. Sands followed up with a question to Mr. Carroll about what type of authority the transportation department has.

ADDITIONAL WORK PLAN QUESTIONS/DISCUSSION

13:22:21 Sen. Sands mentioned the committee always has place on the agenda for public comment on items not on the agenda.

- 13:23:07 Ms. Nowakowski discussed the member identified issues to be discussed during the interim. The focus of discussion will be on the three studies: SJR 28 (Traffic Safety), HJR 45 (Bicycle and Pedestrian Paths) and HJR 34 (Passenger Transportation).
- 13:23:55 Ms. Nowakowski asked a follow up question to Sen. Sands for clarification on autonomous vehicles, and whether that would be a part of SJ 28 or a separate item.
- 13:24:23 Rep. Loge stated that autonomous and electric cars needed to be discussed specifically.
- 13:25:03 Sen. Boland stated her concern regarding electric bikes/scooters on sidewalks, and certain requirements regarding speed limits etc.
- 13:25:48 Sen. Vance stated he would prioritize the electric vehicle over the autonomous one as they are already in use.
- 13:26:42 Sen. Sands stated a panel could be used to discuss concerns over issues.
- 13:27:25 Sen. Vance asked to get any concerns or issues for the work plan to Ms. Nowakowski.

PUBLIC COMMENT ON MATTERS WITHIN THE JURISDICTION OF THE TIC NOT INCLUDED IN THE AGENDA

- 13:27:28 John Iverson, AAA NCNU ([Exhibit 10](#))
- 13:28:56 Sen. Vance asked Mr. Iverson about the resources AAA had and what that entailed in clarification.

OTHER BUSINESS/INSTRUCTIONS TO STAFF

- 13:29:16 Sen. Boland mentioned a lot of what she heard at the Colorado conference will also be available through NCSL.
- 13:29:54 Sen. Sands followed up in regards to Sen. Boland, and asked if would they be able as a committee to see the information and even demonstrations..
- 13:30:46 Sen. Sands discussed the standards they wanted to achieve.
- 13:33:30 Sen. Vance said they could have continued discussions on the review of standards throughout the interim.

Adoption of Calendar

- 13:36:09 Sen. Vance discussed finalizing the work plan.

Motion

- 13:37:11 Sen. Sands moved to adopt meeting dates.

Vote

- 13:37:25 The motion to adopt the calendar passed with a roll call vote.

Other Instructions

- 13:38:05 Sen. Vance stated it would be better to work in smaller groups. He asked if the sponsors of the studies would be willing to get together with interest groups and get their information to the committee.
- 13:40:28 Rep. Olsen discussed bike paths and the rules both bikes and cars abide by in further looking into the study.

13:43:54 Sen. Vance asked if members would be willing on their own time to get stakeholders for their studies.

13:44:12 Rep. Loge discussed his resolution in raising awareness regarding money coming in from bike versus car users to state roads.

13:44:47 Sen. Sands followed up with Rep. Loge and mentioned the Federal Highway Safety Plan and the conference the DOT puts on annually.

13:45:26 Rep. Olsen discussed HJ 34 and how she would be more than willing to find stakeholders but asked how she would be able to go about raising money.

13:47:52 Sen. Vance stated they had the whole interim to get packets/information together so if they needed more time they had it.

13:48:00 Ms. Nowakowski stated their committee budget was set by the Legislature and the Legislative Council. The committee is to operate within the budget. If they needed more money they could go before the Legislative Council and request more.

13:48:43 Sen. Vance asked Rep. Olsen if she was inquiring about obtaining funds from outside sources.

13:48:57 Rep. Olsen asked Ms. Nowakowski if they could work with other organizations to gather funds for a subcommittee.

13:50:46 Rep. Olsen asked Ms. Nowakowski if they organized a public meeting and rented a space/provided coffee would another organization be allowed to provide those things.

13:53:30 Sen. Sands discussed details in whether the previously mentioned scenario from Rep. Olsen was an official meeting of the legislature and thus needed to be publicly noticed or not.

13:55:12 Rep. Sweeney asked if there was a possibility to switch the Southern Route through Amtrak.

13:58:31 Sen. Sands stated constituent money can be used for anything they wanted, especially going to meetings that they would not be reimbursed for.

13:58:58 Sen. Boland confirmed that the meetings had to be regarding legislative business.

13:59:11 Sen. Sands discussed the memorial highway issue.

14:00:43 Ms. Nowakowski emailed two legal memos to committee members, one regarding public meetings and the other on meeting gifts/funding. ([Exhibit 11](#)) ([Exhibit 12](#))

14:02:31 Sen. Vance asked Ms. Nowakowski to get information regarding autonomous vehicles in 29 states, and they would get organized from there.

14:05:13 Rep. Olsen asked Sen. Vance if they would be able to do presentations during the next meetings after having met with stakeholders.

14:06:37 Ms. Nowakowski cautioned against using the term subcommittees as then they would need to give public notice. Members are meeting with individuals on their own time, not as subcommittees.

14:08:43 Sen. Vance discussed the importance of prioritizing the committee's time in looking at issues.

14:09:18 Sen. Sands discussed the importance of using staff as they have numerous resources.

14:09:47 Sen. Vance stated they would get an agenda decided for September and send the info to the committee.

14:10:56 Rep. Olsen stated if anyone was interested in railway transportation (or

knew of someone interested) to get a hold of her.

ADJOURNMENT

14:11:19 With no further business before the committee, Sen. Vance adjourned the meeting at 2:11pm.

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