



## TRANSPORTATION INTERIM COMMITTEE 67th Montana Legislature

### SENATE MEMBERS

Duane Ankney  
Mike Fox  
Diane Sands  
Gordon Vance

### HOUSE MEMBERS

Neil Duram  
Dave Fern  
Denley Loge  
Rynalea Whiteman Pena

### COMMITTEE STAFF

Travis Brown - Research Analyst  
Joe Carroll - Attorney  
Alexis Newcomer - Secretary

# MINUTES LOG

May 19, 2022

Room 102 and Zoom  
Helena, Montana

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### **MEMBERS PRESENT:**

Sen. Diane Sands, Chair (D)  
Sen. Gordon Vance, Vice Chair (R)  
Sen. Duane Ankney (R)  
Sen. Mike Fox (D)  
Rep. Denley Loge (R)

### **MEMBERS PRESENT VIA ZOOM**

Rep. Neil Duram (R)  
Rep. Dave Fern (D)  
Rep. Rynalea Whiteman Pena (R)

### **STAFF PRESENT:**

Travis Brown, Research Analyst  
Joe Carroll, Attorney  
Fong Hom, Secretary

## **AGENDA (Attachment 1)**

## **VISITORS' LIST (Attachment 2)**

## **COMMITTEE ACTION**

### **CALL TO ORDER/ROLL CALL**

09:01:55 Sen. Diane Sands called the meeting to order at 9:01 a.m. The committee secretary called roll. **(Attachment 3)**

## **MEETING OVERVIEW**

### **Review 2021-2022 Draft TIC Workplan Timeline**

09:03:47 Travis Brown, Staff Researcher, gave an overview of the Proposed Work Plan Timeline. **(Exhibit 1)** Mr. Brown discussed committee and agency bill drafts.

## **AGENCY UPDATE – MONTANA DEPARTMENT OF TRANSPORTATION**

### **Director Update**

09:07:03 Malcolm Long, Director, Montana Department of Transportation, gave an update on the following:  
09:11:29 FFY 2022 Awards and Planned lettings **(Exhibit 2)**;  
09:11:56 CARES II Funding; and  
09:16:18 the MDT Infrastructure Investment and Jobs Act (IIJA) funding.

### **Questions from the Committee of Director Long**

09:18:32 Rep. Loge asked about the cost savings to the taxpayers on the Design Bill.  
09:20:00 Sen. Vance asked about Initiative 191 and what impacts it might have on the department.  
09:24:26 Sen. Fox asked the Director if there are more information regarding Initiative 191 that he could pass on to his constituents. Director Long referred that question to Dustin Rouse, MDT.  
09:25:16 Dustin Rouse, Chief Engineer, MDT, said that he can bring the latest study on Initiative 191 to the next meeting.  
09:26:13 Sen. Sands discussed eliminating useless boards and commissions and urged the director to look through the agency's boards and commissions to see if there is any board of commission that could be eliminated.  
09:28:06 Sen. Sands discussed the requirement for government to government consultations. She asked if there has been any consultations with the Crow and the Northern Cheyenne Tribes.  
09:33:53 Sen. Sands asked the director to address the MDT's commitment of putting resources in finding safety solutions for Highway 212.  
09:37:46 Rep. Loge commented on the speed studies.  
09:38:49 Sen. Ankney commented on the need for highway safety on Highway 212 near Ashland.  
09:40:23 Rep. Fern asked if Director Long can provide an update on Highway 83 that has poor pavement conditions.  
09:44:02 Rep. Duram discussed seatbelt use being the primary issue that is causing fatalities in Montana. He asked if the committee would be interested in receiving the number of fatalities that are seatbelt related.  
09:45:55 Rep. Whiteman Pena commented on the need for safety on Highway 212.

- 09:52:46 Rep. Loge asked if the director could get together with the Department of Natural Resources and Conservation to set up with the Forest Service to do small timber sales instead of paying out so much money. Is the director finding any cooperation with DNRC.
- 09:54:55 Sen. Ankney wanted to emphasize that fatal accidents on Highway 212 between Busby and Lane Deer occur because of the passing lane.
- 09:55:44 Director Long responded.
- 09:57:49 Sen. Sands thanked the director for the good work from the Department of Transportation.

**HIGHWAY SPEED, SAFETY AND CONSTRUCTION WITHIN RESERVATION BOUNDARIES  
Extending Ticketing Authority to Motor Carrier Service and MHP**

- 10:00:33 Joe Carroll, Staff Attorney, discussed the memo regarding Authority of MHP and MCS to reach cross-deputization agreements. [\(Exhibit 3\)](#)

**Questions from the Committee**

- 10:01:05 Sen. Sands asked about the status with negotiations with the Crow and Northern Cheyenne tribes.

**Highway 212 Crash Statistics**

- 10:03:43 Dustin Rouse, Chief Engineer, MDT, distributed and discussed 2017-2021 crash data on US 212 [\(Exhibit 4\)](#), and the Level of Service of Safety [\(Exhibit 5\)](#).

**Cross Deputization Agreements– Captain Derek Werner - MHP**

- 10:20:17 Captain Derek Werner, Montana Highway Patrol, discussed the Cooperative Agreements between the Montana Highway Patrol and the Blackfeet Reservation, the Assiniboine and Sioux Tribes of the Fort Peck Reservation, the City of Wolf Point, and the City of Poplar. [\(Exhibit 6\)](#)

**Highway Safety Improvement Program – Dustin Rouse, MDT**

- 10:25:11 Mr. Rouse gave a presentation on the Highway Safety Improvement Program. [\(Exhibit 7\)](#)

**Questions from the Committee**

- 10:37:48 Rep. Fern asked Mr. Rouse about a repeat offender law that you're getting money in for the Highway Safety Improvement Program. He requested that Mr. Rouse provide more information on the repeat offender law.

**National Center for Rural Road Safety – Jamie Sullivan, Director**

- 10:42:23 Ms. Sullivan gave an overview of the National Center for Rural Road Safety.

**Public Comment**

- 10:50:58 Duane Williams, Executive Director, Montana Trucking Association

**Questions from the Committee**

- 10:53:07 Rep. Loge asked Mr. Rouse about the variable speed allowance criteria for interstate highways.
- 10:56:30 Rep. Sands asked if the highway safety plans broken down by district so that legislators can get a highway safety plan for their district.

## **INFRASTRUCTURE INVESTMENT AND JOBS ACT**

### **Update – Larry Flynn and Rob Stapley**

10:58:30 Larry Flynn, Chief Financial Officer, Department of Transportation, provided an update on the Infrastructure Investment and Jobs Act (IIJA). [\(Exhibit 8\)](#)

### **Questions from the Committee of Mr. Flynn**

11:08:34 Sen. Sands asked if the projects listed in the *Newsline* based on new funding.

11:09:14 Rep. Fern asked Mr. Flynn if you are awarded with discretionary grant that he referred to, do we have enough in reserves to pay the match necessary to be the recipient of such a grant. He asked if the committee be kept up-to-date as we go into our July meeting as to ideas and discussions at the executive level regarding stable funding.

## **ADMINISTRATIVE RULE REVIEW**

11:14:43 Joe Carroll, Legal Staff, gave an update on MAR Notice No. 18-188. [\(Exhibit 9\)](#)

### **Questions from the Committee**

11:16:00 Sen. Vance asked about MAR Notice 18-187.

### **Public Comment**

11:16:59 Duane Williams, Executive Director, Montana Trucking Association

### **Discussion/Questions on Rule Review**

11:19:19 Sen. Sands and Sen. Vance explained the Administrative Rule Review process.

11:21:57 Rep. Loge commented on exceptions from the trucking organizations.

11:22:55 Sen. Vance asked if Rep. Loge wanted the committee to informally object to MAR Notice 18-188.

11:24:14 Brad Martin, Administrator for Motor Carriers Services, commented.

11:25:10 Rep. Loge asked Mr. Martin about the inconsistencies that the truckers are bringing up.

11:26:10 Mr. Martin responded.

## **ELECTRIC VEHICLES**

### **Liability Issues with Charging Stations on State Land**

11:28:54 Mr. Carroll gave a presentation on his memo regarding Charging Stations Liability. [\(Exhibit 10\)](#)

### **Cost of Charging Stations on State Land**

11:32:21 Dan Lloyd, Bureau Chief of the Energy Bureau, Department of Environmental Quality [\(Exhibit 11\)](#)

### **Discussion/Questions from the Committee**

11:39:56 Sen. Sands asked Mr. Lloyd to comment on expanding charging stations on state property.

11:41:40 Sen. Vance asked Mr. Lloyd if charging stations that are on state-owned property available to the public and not to state employees.

11:41:50 Sen. Sands asked Mr. Lloyd if the Department of Environmental Quality will have a discussion on the National Electric Vehicle Infrastructure (NEVI) plan in August.

- 11:43:06 Sen. Vance said that this committee would appreciate seeing a timeline or schedule of hearings.
- 11:43:26 Sen. Sands asked that Mr. Lloyd send the final draft of the NEVI plan to the committee for public comment at the July meeting.
- 11:44:20 Rep. Fern asked Mr. Lloyd about funding that would be available through the settlement to equip the level 3 chargers.

#### **Discussion on rescheduling the July meeting**

- 11:48:43 Sen. Vance asked Sen. Sands if the committee could discuss changing the meeting date in July.
- 11:49:12 The committee discussed agenda items for the July meeting. Rep. Loge wanted the Public Service Commission (PSC) to address re-metering as it relates to the charging stations for EVs.

#### **Motion**

- 11:55:50 Sen. Vance moved that staff draft a bill regarding registration, taxation of electric vehicles, and a bill draft regarding the operation and taxation of charging stations.

#### **Discussion on the Motion**

- 11:56:12 Rep. Fern asked if Mr. Brown should be instructed to send a formal letter on behalf of this committee to the PSC expressing interest in their opinion re-metering.
- 11:56:43 Sen. Sands asked Mr. Carroll if a formal letter is needed or could he handle this himself.
- 11:57:27 Mr. Carroll responded.

#### **Vote**

- 11:57:34 The motion passed unanimously by voice vote.

#### **LUNCH BREAK (reconvened at 1:00 p.m.)**

- 13:03:31 The committee discussed the July meeting date and decided that July 7, 2022, would work for all members of the committee.

#### **ALTERNATIVE PROJECT DELIVERY CONTRACTS/PILOT PROGRAMS**

##### **Montana Department of Transportation**

- 13:06:15 Malcolm Long, Director, Montana Department of Transportation, gave a presentation on the Alternative Project Delivery Contracts. [\(Exhibit 12\)](#)
- 13:09:19 Jake Goettle, MDT Construction Engineer, gave an update on the Construction Manager/General Contractor [\(Exhibit 13\)](#) and the CM/GC Alternative Delivery Process Program Modifications & Benefits Received [\(Exhibit 14\)](#).

##### **Century Companies**

- 13:21:18 Aaron Golik, President, Century Companies

##### **Dick Anderson Construction**

- 13:26:43 Kyle Kastelitz, Vice President, Civil Division, Dick Anderson Construction

### **Questions from the Committee**

- 13:29:09 Sen. Vance asked Mr. Golik about his testimony that he thought the process could use some tweaking on behalf of the department.
- 13:31:38 Sen. Vance asked Director Long if this is a process that he is amenable to and could he work with Mr. Golik to straighten out any misunderstandings that seem to be in existence.
- 13:34:46 Rep. Fern asked Director Long he anticipates either updating rules or recommending changes in statutes to make sure that there is language that is very clear to the bidders.

### **AGENCY UPDATE - MOTOR VEHICLE DIVISION, DEPARTMENT OF JUSTICE**

#### **Administrator Update**

- 13:42:49 Laurie Bakrie, Administrator, Motor Vehicle Division, Department of Justice  
([Exhibit 15](#))

### **Questions from the Committee**

- 13:54:11 Rep. Loge asked Ms. Bakrie about licensing camp trailers or park model homes.
- 13:57:01 Sen. Sands asked Ms. Bakrie about the vehicle service staff.
- 13:58:13 Rep. Fern asked Ms. Bakrie to copy him on any findings that deals with licensing camp trailers or park model homes.

### **KEEPING MONTANA MOVING FORWARD**

#### **Progress and Challenges in Achieving a 21st Century Transportation System – Dave Smith, Montana Contractors Association**

- 14:00:04 Dave Smith, Montana Contractors Association ([Exhibit 16](#))

### **Questions from the Committee**

- 14:12:50 Rep. Loge asked Mr. Smith about the cost per mile damage to a road by weight.  
Sen. Vance asked Mr. Smith to get that information to the committee before its July 7<sup>th</sup> meeting.

### **GENERAL PUBLIC COMMENT**

- 14:13:21 Courtney McKinney, Policy Advisor with Tesla, said they do not oppose electric vehicle fees to compensate for loss state gas tax revenue.
- 14:16:21 Bridger Mahlum told the committee that he is now with Government Affairs, Charter Communications.

### **Motion**

- 14:17:23 Rep. Loge moved to send a letter to the Public Service Commission requesting that they find a way to charge energy through the charging stations for electric vehicles, to address the issue of re-metering of electricity, and to respond in writing before the Transportation Interim Committee's July meeting.

### **Discussion on the Motion**

- 14:19:00 Rep. Fern agreed with the motion but would like to invite a representative from the PSC to come and present.

### **Vote**

- 14:21:23 The motion passed unanimously by voice vote of those present.

**COMMITTEE WORK SESSION**

14:22:16 Sen. Sands summarized what had happened at the meeting. Sen. Vance discussed that the July 7 meeting will be dealing with electric vehicle issues. Rep. Fern asked about statutory work on the electric vehicle fee that would be ready for review in July.

**ADJOURNMENT**

14:25:17 Sen. Sands adjourned the meeting 2:25 p.m.