



TRANSPORTATION INTERIM COMMITTEE

68th 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

September 20, 2022
Room 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. Diane Sands, Chair (D)
Sen. Gordon Vance, Vice Chair (R)
Sen. Duane Ankney (R)
Rep. Neil Duram (R)
Rep. Dave Fern (D)
Sen. Mike Fox (D)
Rep. Denley Loge (R)
Rep. Rynalea Whiteman Pena (R)

MEMBERS EXCUSED:

MEMBERS ABSENT:

STAFF PRESENT:

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

AGENDA ([Attachment 1](#))

VISITORS' LIST ([Attachment 2](#))

COMMITTEE ACTION

CALL TO ORDER/ROLL CALL

09:02:01 Sen. Diane Sands-D called the meeting to order at 9:02 AM. The committee secretary took roll.

MEETING OVERVIEW

09:02:57 Travis Brown, Committee Staff

AGENCY UPDATE – MDT

09:04:43 Malcom Long, Director, Montana Department of Transportation ([Exhibit 1](#))

Questions from the Committee

09:13:12 Sen. Vance asked Mr. Long about the rule for SB 352.
09:14:11 Jason Gilliam responded.
09:15:04 Sen. Sands asked Mr. Gilliam about sponsor involvement in drafting.
09:15:57 Sen. Vance asked Mr. Long for an update on the outdoor advertisement rules.
09:16:45 Sen. Vance asked for the timeline of the outdoor advertisement rule.
09:17:57 Sen. Vance asked Mr. Long about developing stakeholders.
09:19:24 Rep. Loge requested to be a stakeholder in the issue.
09:19:53 Sen. Sands requested MDT work with Sen. Fern in bill drafting.
09:20:03 Rep. Loge asked Mr. Long about safety projects.
09:21:45 Sen. Sands asked Mr. Long about the agency budget requests and if these requests include staff.
09:23:40 Sen. Sands asked Mr. Long if work on DOT buildings are included in the budget request.
09:24:15 Larry Flynn responded.
09:25:12 Sen. Sands asked Mr. Long about project prioritization.
09:29:02 Sen. Sands asked Mr. Long about MDT spending authority and Project Zero.
09:31:04 Sen. Sands encouraged the committee to attend the Project Zero conference.
09:32:00 Sen. Ankney asked Mr. Long about safety planning on Highway 212.
09:36:41 Sen. Sands asked Mr. Long about the timeline for the Highway 212 project.
09:38:15 Sen. Sands recommended Project Zero review reservation highway safety.
09:40:27 Rep. Whiteman-Pena commented on reservation highway safety.

Legislative Concepts

09:42:50 Mr. Long
09:43:39 Sen. Sands commented on the drafting process.

AGENCY UPDATE - DOJ MOTOR VEHICLE DIVISION

09:45:16 Laurie Bakri, Administrator, Motor Vehicle Division ([Exhibit 2](#))
09:53:28 James Quinlivan, Business Analyst, Motor Vehicle Division

INFRASTRUCTURE INVESTMENT AND JOBS ACT

10:05:22 Mr. Flynn

Questions from the Committee

10:08:50 Sen. Sands commented on the scope of the IJJA.

10:09:41 Sen. Sands reported on the Great Northwest Passenger Rail conference to the committee.

ELECTRIC VEHICLES

10:13:16 Mr. Brown ([Exhibit 3](#))

FEDERAL HIGHWAY ADMIRATION PROPOSED RULES SUMMARY - DEQ

10:19:37 Dan Lloyd, Bureau Chief, Energy Bureau at Department of Environmental Quality ([Exhibit 4](#))

Questions from the Committee

10:24:13 Sen. Sands asked Mr. Lloyd about shall provisions and collaboration with other states.

10:25:25 Rep. Loge asked Mr. Lloyd about collaboration with the DOT.

10:26:08 Sen. Sands commented on the collaboration of the two agencies and provided recommendations for the upcoming session.

DRAFT LEGISLATION

10:29:07 Joe Carroll, Committee Staff ([Exhibit 5](#))

Questions from the Committee

10:31:13 Sen. Fox asked Mr. Carroll about consideration of Canadian traffic in this bill draft.

10:32:06 Rep. Loge commented on the bill.

10:33:02 Sen. Sands asked Rep. Loge if he would like to move this bill forward.

10:33:21 Rep. Duram commented on the bill.

10:34:28 Sen. Ankney commented on the bill and made a recommendation for the administration of the bill.

10:36:48 Rep. Loge commented on the topic.

10:37:35 Sen. Sands commented on the bill draft.

10:38:03 Rep. Whiteman-Pena seconded Rep. Loge's comment.

Public Comment*

10:38:59 Lloyd Flynn, DEQ

Draft Legislation

10:40:10 Mr. Brown ([Exhibit 6](#))

Questions from the Committee

10:41:08 Rep. Loge made recommendations for PD003 and requested to amend figures within the bill. ([Exhibit 7](#))

10:45:30 Sen. Vance commented on the PD003 bill draft.

10:46:20 Rep. Duram commented on the PD003 bill draft.

10:47:20 Sen. Sands commented on the PD003 bill draft.

Public Comment*

10:48:28 Thadd Kurowski, Tesla
10:54:25 Josh Fisher, Alliance of Automotive Innovation
10:56:56 M. Justin Ackley, ChargePoint
10:58:03 Larry Flynn, DEQ
10:59:52 Duane Williams, Montana Trucking Association

Questions from the Committee

11:00:27 Sen. Ankney commented on additional funding sources for highway funding.
11:01:53 Rep. Whiteman-Pena commented on the topic.

Motion:

11:03:27 Rep. Loge moved to amend version 2 of PD003 to unladen gross weight and the recommended fee structure.

Vote:

11:03:27 Carried unanimously by voice vote. Rep. Fern did not vote.

Questions from the Committee

11:04:11 Rep. Duram commented on amendments to PD003.
11:04:52 Rep. Duram requested Rep. Loge explain reasoning for using the term "curb weight".
11:06:23 Rep. Duram asked Mr. Carroll if the term "curb weight" is used in the MCA.
11:07:06 Rep. Whiteman-Pena commented on the terms "curb weight" and "GVW".
11:09:18 Rep. Loge commented on terms used in the bill.

Motion:

11:10:44 Rep. Loge moved to adopt PD0003 as amended.

Vote:

11:10:44 Carried unanimously by voice vote. Rep. Fern did not vote.

Questions from the Committee

11:11:16 Rep. Loge stated he would carry the bill.
11:11:25 The committee did not move to adopt PD00024.

Draft Legislation

11:12:17 Mr. Brown ([Exhibit 8](#))

Public Comment*

11:14:21 Josh Fisher, Alliance of Automotive Innovation
11:16:22 Thadd Kurowski, Tesla
11:18:31 M. Justin Ackley, ChargePoint
11:22:31 Larry Flynn, DEQ
11:26:46 Chris Puyear, Northwestern Energy

Questions from the Committee

- 11:28:38 Rep. Duram asked Mr. Kurowski about Tesla battery capacity and kilowatt hours.
- 11:31:52 Rep. Duram asked Mr. Kurowski about timing of an EV receiving kilowatt hour.
- 11:33:10 Rep. Duram asked about average kilowatt hours.
- 11:36:07 Rep. Loge commented on the effective date in the bill draft.

Motion:

- 11:37:11 Rep. Loge moved to adopt PD0007 with the amendment of the effective date moving to Jan 1, 2025.

Vote:

- 11:37:11 Carried unanimously by voice vote. Rep. Fern did not vote.

Questions from the Committee

- 11:38:27 Sen. Sands asked Rep. Loge about carrying the bill in session.

Committee Work Session

- 11:38:55 Mr. Brown presented on the draft report.

Motion:

- 11:40:04 Rep. Loge moved to adopt the draft report.

Vote:

- 11:40:04 Carried unanimously by voice vote.

Rule Review/Committee Notice Bill

- 11:40:25 Mr. Carroll ([Exhibit 9](#)) ([Exhibit 10](#)) ([Exhibit 11](#))

Motion:

- 11:44:28 Rep. Duram moved to adopt the amendments on PD0029.

Vote:

- 11:44:28 Carried unanimously by voice vote. Rep. Fern did not vote.

Questions from the Committee

- 11:45:17 Rep. Duram volunteered to carry the bill.

Required Reports/Tribal Gas Tax Agreements

- 11:45:51 Mr. Flynn ([Exhibit 12](#)) ([Exhibit 13](#))

Questions from the Committee

- 11:56:36 Rep. Loge commented on the presentation.
- 11:56:48 Rep. Whiteman-Pena asked Mr. Flynn to explain the phrase "living on the reservation" within the agreement document.
- 11:57:45 Rep. Whiteman-Pena commented on the topic regarding Highway 212.

Public Comment* on any item in TIC's subject matter jurisdiction

None.

Committee Work Session

- 11:58:40 Sen. Sands provided an explanation of the committee's next steps.

Motion:

- 11:59:34 Rep. Loge motioned to allow DOT to draft legislation.

Vote:

11:59:34 Carried unanimously by voice vote. Rep. Fern did not vote.

Autonomous Vehicle Final Report

12:00:14 Mr. Brown ([Exhibit 14](#))

Questions from the Committee

12:00:56 Rep. Duram provided a statement on the Autonomous Vehicle Report.

12:01:34 Mr. Brown

12:02:22 Mr. Carroll

Motion:

12:02:42 Rep. Duram moved to adopt the Autonomous Vehicle Final Report.

Vote:

12:02:42 Carried unanimously by voice vote.

Questions from the Committee

12:03:35 Sen. Sands made a recommendation on pursuing the issue discussed.

12:03:45 Rep. Loge commented on addressing the issue raised by Rep. Duram.

12:04:36 Rep. Duram commented on civil versus criminal responsibility.

12:05:35 Sen. Sands asked Mr. Carroll about current statute about driver liability.

12:08:59 Sen. Sands adjourned the meeting at 12:08 PM.

ADJOURNMENT

12:08:59 Sen. Sands adjourned the meeting at 12:08 PM.