



## TRANSPORTATION INTERIM COMMITTEE 67th Montana Legislature

### SENATE MEMBERS

Carlie Boland  
Diane Sands  
Mark Sweeney  
Gordon Vance  
Jeffrey Welborn

### HOUSE MEMBERS

Ross Fitzgerald  
Denley Loge  
Andrea Olsen

### COMMITTEE STAFF

Joe Carroll - Attorney  
Bri Nordhagen - Secretary  
Sonja Nowakowski - Research Director

# MINUTES LOG

November 04, 2021

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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. Gordon Vance, Chair (R)  
Sen. Diane Sands, Vice-Chair (D)  
Sen. Carlie Boland (D)  
Rep. Ross Fitzgerald (R)  
Rep. Denley Loge (R)  
Rep. Andrea Olsen (D)  
Sen. Mark Sweeney (D)  
Sen. Jeffrey Welborn (R)

### **MEMBERS EXCUSED:**

### **MEMBERS ABSENT:**

### **STAFF PRESENT:**

Joe Carroll, Attorney  
Bri Nordhagen, Secretary  
Sonja Nowakowski, Research Director

## **AGENDA (Attachment 1)**

### **NO VISITORS' LIST**

### **COMMITTEE ACTION**

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

08:34:08 Presiding Officer Diane Sands called the second day of the meeting to order at 8:34 a.m. The committee secretary took roll.

#### **HJ10 – Study of Autonomous Vehicles**

08:34:27 Research Analyst Travis Brown provided a summary of HJ 10 “Study of Autonomous Vehicles” (**Exhibit 1**).

08:36:49 Ben Husch, National Conference of State Legislatures, discussed “Federal Policies on Automated Vehicles.”

08:56:26 King Gee, Director of Safety and Mobility for the American Association of State Highway and Transportation Officials (AASHTO), discussed state policies and principles. (**Exhibit 2**).

#### **Questions from the Committee**

09:14:15 Rep. Loge asked Mr. Gee about research done in other states, are there any safety regulations about animal activities along the highway?

09:15:36 Rep. Duram inquired Mr. Gee about external control options for autonomous vehicles.

09:17:29 Rep. Duram asked Mr. Husch to provide more details on potential solutions.

09:18:31 Rep. Fern asked Mr. Husch about dividing lines in the 2017 legislation and whether we should expect new federal or revised legislation that might work with the expected infrastructure bill.

09:22:57 Rep. Fern asked Mr. Husch for a minimum template of best practices or legislative action the state should take.

09:26:20 Rep. Duram requested advice on whether full automation, full non-automation, or no automation should be required.

#### **Public Comment**

09:27:32 Jacqueline Lenmark, Uniform Law Commission, (**Exhibit 3**).

09:31:05 John MacDonald, Alliance for Automotive Innovation.

09:33:16 Kathryn Marshall, Council to Safe Driving Coalition.

09:36:03 Libby Snyder, Legislator Council of Uniform Law Commission.

#### **Questions from the Committee** (continued)

09:37:00 Rep. Loge asked Dwayne Williams, Montana Trucking Administration, if there are any requests for platooning tests in Montana and if there are any updates in other areas.

09:38:55 Rep. Fern asked Ms. Snyder for an overview of other topics relevant to Montana where the Uniform Law Commission has served as a resource for setting statutes.

09:41:26 Sen. Sands responded to Rep. Fern's question.

09:42:01 Sen. Sands asked for Director Long's opinion on this matter.

09:46:04 Sen. Sands asked Director Long for clarification on verbiage used.

### **Agency Update – Montana Department of Transportation**

09:50:20 Malcolm Long, Director, Montana Department of Transportation (MDT), gave a brief overview of the agency's goals and objectives for FY 2021. ([Exhibit 4](#)).

### **Questions from the Committee**

- 10:06:00 Rep. Loge asked about funding details for wooden bridge maintenance and preservation.
- 10:09:31 Rep. Loge asked about receiving safety project priorities, accident statistics, school bus routes, and evaluations before an accident occurs.
- 10:12:08 Rep. Fern asked about the funding gap and what the capacity is for additional projects and expenditures.
- 10:16:53 Rep. Fern asked what Montana should expect if federal dollars are made available for the infrastructure bill and would the money come with any strings attached that might halt progress.
- 10:20:46 Sen. Sands gave her opinion about her experience with road issues between the Forest Service and the County.
- 10:21:46 Sen. Vance outlined his community's opinions on rest area projects and requested that the Director's team take a closer look at that process.
- 10:26:52 Sen. Vance raised concerns from constituents at the last meeting regarding people who might be unable to drive on the highway at night due to the highway paint lines.
- 10:30:57 Sen. Sands expressed appreciation for the collaborative efforts and programs.

### **Transportation Commission Projects**

- 10:33:10 Toni Henneman, the Research Analyst, discussed the Transportation Commission Projects.
- 10:34:38 Loran Frazier, Chair of the Transportation Commission, discussed the Commission's priority projects.

### **Public Comment**

- 10:38:10 Dwayne Williams, Montana Trucking Administration.
- 10:39:35 David Smith, Executive Director of the Montana Contractors Association.

### **Questions from the Committee**

- 10:43:24 Sen. Vance asked Mr. Frazier for his response.
- 10:44:20 Sen. Vance asked Mr. Long for his response.
- 10:46:07 Rep. Duram asked if Montana is on a level playing field with contractors from out of state, do out-of-state contractors comply with Montana worker's compensation laws, and do out-of-state contractors pay income tax on equipment used in Montana.
- 10:50:26 Rep. Fern inquired about the CMGCT system, which is used by other states, and if so, what are the requirements.
- 10:53:28 Rep. Loge commended the project.

### **Public Comment**

- 10:54:47 Rep. Loge asked Mr. Frazier about safety studies in communities.

- 10:57:02 Director Long, Montana Department of Transportation.  
10:58:32 Rep. Loge asked about safety studies on Highway 212 and speed studies in certain areas.  
11:01:11 Rep. Whiteman Pena addressed issues related to Highway 212.  
11:06:37 Director Long responded.  
11:07:33 Rep. Whiteman Pena asked about rumble strips along Highway 212.

### **Committee Work Session**

- 11:09:50 Sen. Sands discussed the proposed letter to the governor regarding license plate replacements, aluminum shortage, and the Governor's state of the emergency order. **(Exhibit 5)**  
11:11:10 Ms. Hennenman provided further information on the authority of the governor for an emergency order and replacement of the license plate.

### **Comments from the Committee**

- 11:12:20 Sen. Vance talked about his experience on the topic.

### **Motion**

- 11:13:12 Rep. Loge moved to send a letter from the Transportation Interim Committee to the Governor requesting that the Governor remove the requirement for strict compliance with the reissuance requirements until the supply of aluminum provides MCE the ability to manufacture license plates on a regular schedule.

### **Comments from the Committee**

- 11:14:06 Rep. Duram was concerned about the verbiage of emergency on the aluminum shortage.

### **Vote**

- 11:16:25 The motion passed unanimously by voice vote, 8-0.

### **Motion to Adopt the Work Plan**

- 11:16:53 Sen. Sands moved to adopt the final Work Plan.  
11:16:58 Ms. Hennenman provided an overview of the Work Plan. **(Exhibit 6)**

### **Comments from the Committee**

- 11:19:10 Sen. Vance stated his opinion about the Work Plan.  
11:19:49 Rep. Duram agreed with Sen. Vance.  
11:20:56 Rep. Loge concurred.  
11:21:42 Rep. Fern agreed with Rep. Loge and said he is committed to the plan.  
11:22:07 Sen. Vance noted that the work plan is a guide.  
11:22:30 Sen. Sands commented.  
11:23:00 Rep. Fern requested that the time for the study of autonomous vehicles be reassigned.

### **Vote**

- 11:23:19 The motion passed unanimously on a voice vote.

**Committee Work Session** (continued)

11:23:56 Ms. Henneman discussed electric vehicles fees.

**Comments from the Committee**

11:24:35 Sen. Vance addressed the issue of the electric vehicle.

11:25:27 Rep. Duram talked about the weight and efficiency of electric vehicles.

11:25:57 Rep. Loge agreed with Sen. Vance.

11:26:45 Rep. Fern pointed out the need for additional infrastructure for electric vehicles.

**Committee Work Session** (continued)

11:28:00 Ms. Henneman discussed the registration and licensing of bikes.

11:28:50 Committee discussion.

11:30:00 Toni addressed the Memorial Highway criteria options on the Work Plan.

11:30:38 Committee discussion.

11:31:13 Sen. Sands addressed the Reservation Boundary issue on the Work Plan.

11:31:30 Committee discussion.

11:32:52 Toni addressed highway construction within the reservation on the Work Plan.

11:33:18 Committee discussion.

11:34:32 Sen. Sands addressed Billboard Modernization.

11:34:49 Committee discussion.

11:36:35 Sen. Sands addressed Aviation Fuel Tax and related issues.

11:36:46 Committee discussion.

11:37:13 Sen. Sands addressed the Transportation Commission's statutory duties.

11:37:20 Committee discussion.

11:38:30 Sen. Sands discussed the update relative to ARPA and any other funding.

11:38:45 Committee discussion.

11:39:05 Statutory duties and obligations.

11:39:28 Committee discussion.

11:40:30 Agency review.

11:40:34 Committee discussion.

11:41:21 Review of proposed ballot initiatives.

11:41:38 Committee discussion

11:41:55 Sen. Sands stated that the Committee will continue to monitor the Department of Justice, Motor Vehicle Division, the Fuel Tax Corporate agreement, and discuss small Work Plan activities.

**Motion**

11:43:17 The motion passed unanimously on a voice vote.

**LUNCH** (reconvened at 12:34 p.m.)

**Electric Vehicles**

- 12:34:15 Sen. Sands and the Committee bid farewell to Researcher Analyst, Toni Henneman.
- 12:35:00 Sen. Sands introduced the review of other state policies and updates from Legislature Services.
- 12:35:28 Trevor Graff, Legislative Services Division gave a presentation on Electric Vehicles. **(Exhibit 7)**
- 12:44:17 Rep. Duram inquired about taxes on the utilities from the electrical meter.
- 12:45:20 Larry Flynn, Chief Financial Officer of the Montana Department of Transportation spoke about Motor Fuel Tax Modeling. **(Exhibit 8)**
- 13:14:50 Sen. Vance asked about why the department is underfunded and understaffed.
- 13:16:44 Rep. Fern requested a spreadsheet of other states' funding.
- 13:18:32 Rep. Loge requested a copy of the presentation and miles driven by classification of vehicle.
- 13:19:40 Rep. Duram asked for clarification on the charges compared in gas and electric vehicle.
- 13:20:52 Rep. Duram asked about tax collecting on electric meters.
- 13:22:14 Kyla Maki, Energy Bureau, Department of Environmental Quality, talked about electric vehicles in Montana, charging stations, and the Energy Bureau rules. **(Exhibit 10)**

**Questions from the Committee**

- 13:35:54 Sen. Vance asked how consumers pay for electricity at charging stations.
- 13:37:02 Rep. Fern asked about the future of having more charging stations vs. fuel pumps.

**Public Comments**

- 13:39:06 John MacDonald, Alliance for Automotive Innovation.
- 13:42:35 Rick Tempchin, Senior Advisor of Alliance for Transportation Electrification.

**Next Meeting Dates**

- 13:46:07 Sen. Sands provided the dates for the next meeting.

**ADJOURNMENT**

- 13:47:00 Sen. Sands adjourned the meeting at 1:47 p.m.