



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 3, 2021
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.

Access to an electronic copy of these minutes and the audio or video recording is provided from the Legislative Branch home page at <https://leg.mt.gov>. From the home page, select the "Committees" drop-down menu at the top, then select Administrative or Interim, and the appropriate committee. The written minute's log can be located by expanding the accordion menu for the date of the meeting. Links to the audio/video files can be located by selecting the Video/Audio button on the same page, then the "past/current recordings" button. From there, use the calendar to select the date of the meeting you wish to view/listen to. The written Minutes Log, along with links to the audio and video recordings, is listed by meeting date on the interim committee's web page. Each of the Exhibits is linked and can be viewed by clicking on the Exhibit of interest. All Exhibits are public information and may be printed. Please contact the Legislative Services Division at 406-444-3064 for more information.

MEMBERS PRESENT:

Sen. Gordon Vance, Vice Presiding Officer (R)
Sen. Diane Sands, Presiding Officer (D)
Sen. Mike Fox (D)
Rep. Denley Loge (R)
Rep. Neil Duram (R)
Rep. Whiteman Pena (D)
Rep. Dave Fern (D)

MEMBERS EXCUSED:

Sen. Duane Ankney (R)

MEMBERS ABSENT:

STAFF PRESENT:

Toni Henneman, Research Analyst
Joe Carroll, Attorney
Bri Nordhagen, Secretary

AGENDA (Attachment 1)

VISITORS' LIST (Attachment 2)

COMMITTEE ACTION

CALL TO ORDER/ROLL CALL

10:03:06 Presiding Officer Sands called the meeting to order at 10:03 a.m. The Committee Secretary took roll. **(Attachment 3)** Sen. Ankney was excused.

Meeting Overview

10:05:19 Research Analyst Toni Henneman, Legislative Services Division commenced her presentation by reviewing the Draft Work Plan **(Exhibit 1)**, Matrix **(Exhibit 2)**, and Anatomy of a Study Overview **(Exhibit 3)**.

Ballot Initiative Requirement Memo (Tab 1)

10:11:40 Joe Carroll, Staff Attorney, gave a presentation on Ms. Aldrich's memo regarding Interim Review of Ballot Issues **(Exhibit 4)**.
10:14:11 Sen. Sands asked if this amendment is going to be adopted by legislators.
10:15:12 Rep. Duram asked if there was a limit on the number of meetings the committee can meet.

Motion

10:16:12 Rep. Loge moved to adopt the amendment to the Transportation Interim Committee's rules to address the ballot issue review timeline.

Roll Call Vote

10:17:12 The motion passed unanimously on a roll call vote with Sen. Ankney voting aye by proxy.

Bike Safety Topic (Tab 2)

10:18:17 Ms. Henneman reviewed the 2019-2020 Interim Materials HJ 45 handout **(Exhibit 5)**, the 2017 Report Card **(Exhibit 6)**, the 2019 Report **(Exhibit 7)**, House Joint Resolution #45 **(Exhibit 8)**.
10:24:05 Rep. Loge discussed and referred to HJR 45.
10:29:29 Sen. Ankney joined the discussion.

Public Comment

None.

Questions from the Committee

10:30:38 Sen. Vance asked Rep. Loge if the idea of registering the bicycles in terms of funding goes anywhere.
10:34:25 Rep. Duram discussed his concerns regarding bike safety in his district.
10:36:57 Carol Strizich, Multimodal Planning Bureau Chief of Department of Transportation, gave a presentation on the activities of her division.
10:39:11 Rep. Fern asked Ms. Strizich if they were currently interviewing for the Bicycle and Pedestrian Coordinator position.

- 10:40:06 Rep. Loge asked Ms. Strizich if she could put together the amount of funding that would be required to widen the shoulders of the roads and the maintenance costs of the sidewalks/bicycle passage.
- 10:42:46 Sen. Sands asked Rep. Duram if his involvement in the schools was required around the State from other troopers to prevent and deal with safety issues.

Memorial Highways (Tab 3)

- 10:45:48 Ms. Henneman began her overview of the "ORPA Memorial Highways Timeline" handout ([Exhibit 9](#)), the Memorial Highway Map ([Exhibit 10](#)), the "Memorial and Commemorative Signing" handout ([Exhibit 11](#)).
- 10:51:11 Rep. Loge agreed that it was important Memorial Highways and questioned the map requirements.

Questions from the Committee

- 10:54:42 Sen. Sands asked Ed Ereth, Bureau Chief of Montana Department of Transportation about the content and technical parts of the maps, what other States are doing differently and other ways to add or identify these Memorial Highways on maps.
- 10:59:00 Rep. Fern requested Mr. Ereth an update on physical maps versus digital apps and more integer information to better designate spaces of Memorial Highways and historical spots, in general.
- 11:09:30 Sen. Sands asked Mr. Jon Swartz, Administrator Maintenance Division for the Department of Transportation about signage content, language information, and the options that might help resolve these issues.
- 11:12:27 Rep. Whiteman Pina asked Mr. Schwartz about the title and how his department identifies the designations/signs to be added.
- 11:14:59 Sen. Sands asked if there were code distinctions between interstate highways, secondary roads, and state highways versus federal.
- 11:15:27 Rep. Loge expressed concern about the funding and budget program.
- 11:16:15 Sen. Sands asked about the average cost of the signs and thanked him for the work.
- 11:17:33 Sen. Vance asked for clarification from Mr. Schwartz on federal requirements and funding for highways.

Public Comment

- 11:19:08 Sen. Sands drew attention to Sen. Ankney about the funding policies and process to enhance bicycle safety issues.
- 11:22:33 Rep. Fern drew the committee's attention by asking if there were barriers that restrict the flexibility of the Federal/State funding programs to progress with projects like the sidewalk, pedestrian, or path projects.

BREAK (reconvened at 11:35 a.m.)

Billboard Regulations (Tab 4)

- 11:35:08 Ms. Henneman briefed about the Statute Summary of Billboard Regulations handout ([Exhibit 12](#)).
- 11:42:19 Rep. Fern discussed this matter in detail.
- 11:45:09 Sen. Sands asked if Rep. Fern had spoken to interested parties, stakeholders' groups, to pursue something around this topic.

Public Comment

- 11:46:29 Kelly Lynch, Deputy Director Legal Counsel for the Montana League of Cities and Towns.
- 11:47:43 Sen. Sands asked Ms. Lynch whether there is a national uniform code regarding billboards. She asked whether we follow best practices like other states and whether we follow compliance rules like everyone else.

Questions from the Committee

- 11:50:38 Rep. Duram alleged that there are regulations that prevent offensive language on billboards. He asked if they are approved or disapproved by the Montana Department of Transportation or by local boards.
- 11:52:20 Sen. Sands expressed concern about the medical/recreational marijuana advertisement on signs.
- 11:53:15 Rep. Fern asked Ms. Lynch if she knew the intent of not putting billboards on highways and if that definition is the same as it was in 1971.

LUNCH (reconvene at 1:04 p.m.)

State Jurisdiction within Reservation Boundaries

- 13:04:10 Mr. Joe Carroll gave a summary of the report "Tribal Jurisdiction on Non-Tribal Within Reservations" and highlighted the legal research update ([Exhibit 13](#)).
- 13:06:02 Derek Werner discussed the MT Highway Patrol Tribal Liaison report.
- 13:08:52 Rep. Loge asked Mr. Werner if they need different laws and regulations on Tribal Roads because of pedestrian traffic and if there is something the committee could put a push on or concern along that line.
- 13:11:40 Rep. Whiteman Pena asked Mr. Werner for clarification stopping native Americans on the reservations if there are violations.
- 13:39:35 Ms. Henneman reviewed the handout "Road Maintenance and Construction in Indian Country" ([Exhibit 14](#)).

Questions from the Committee

None.

Public Comment

- 13:46:52 Duane Williams, Montana Trucking Association of Montana.

Airports & Aviation Fuel Update

- 13:52:15 Ms. Henneman discussed the report, "HB 661 (2019 – Chances to Aeronautics)" ([Exhibit 15](#)) and HB 661 ([Exhibit 16](#)).
- 13:52:58 Tim Conway, Aeronautic Division Administrator, gave a summary of the impact of HB 661 and an update of the Aeronautics Operating Account and Grant Program ([Exhibit 17](#)).

Questions from the Committee

- 14:04:06 Rep. Loge asked how many new airlines have come to Montana since the bill passed.
- 14:13:06 Rep. Whiteman Pena raised the issue of a small airport in Custer and asked if it could be expanded for passenger services.
- 14:15:55 Chelsea Rayfield, Management Program Analyst, provided a brief overview of the performance at the Legislative Audit Division.

- 14:21:06 Sen. Sands asked what audits have been conducted in the Transportation Committee in the last 10-years.
- 14:22:07 According to Rep. Loge, if an audit is requested and the results are not what was expected, what is the process for appealing the results?

Public Comment

None

Agency Update - DOJ Motor Vehicle Division

- 14:28:48 Laurie Bakrie, Administrator of Motor Vehicles Division, updated members on the national aluminum shortage ([Exhibit 18](#)).

Questions from the Committee

- 14:34:47 Sen. Sands asked about the purpose of the VIN Inspections.
- 14:36:35 Rep. Duram asked why aluminum is used if there could be another product like steel or plastic that would suffice for the long term.
- 14:37:29 Sen. Ankney asked, "Why can you not use the same plate if you are registering a new vehicle at the same county as your old one?"
- 14:39:48 Rep. Whiteman Pena explained that in South Dakota when a vehicle is sold, the plates stay with the vehicle. She suggested keeping the plates in the car or making their stickers.
- 14:41:10 According to Rep. Duram, license plates should be removed or redone every five years. Does your agency have the authority to suspend that requirement or do we need to find another solution?
- 14:49:44 Rep. Duram asked, "what assurances do we have that John Does is the one who is applying for the license renewal?"
- 14:51:40 Rep. Whiteman Pena questioned the status of a bill passed for the online license renewal test. "Has it been implemented yet?"
- 14:53:40 Sen. Ankney asked if there is still a need for authorized agents to administer the driver's license exam as well as do titles and registrations. "Would you consider expanding that to rural areas such as Rosebud and Custer County?"
- 14:57:21 Ms. Bakrie continued her presentation.
- 15:03:18 Rep. Fern asked if there was an indication of what the cost might be about what changes would need to be made based on customer demand and inquired how much money is spent on the process of discovery with the consultants.
- 15:06:19 Rep. Loge is wondering if the Motor Vehicle Division is keeping up with requests for Commercial Driving License tests and test sites.

Office of Public Instruction

- 15:10:09 State Superintendent Elsie Arntzen reviewed the bills that were passed last session: HB 207, HB 267, HB 300, and safety transportation regulations for schools.
- 15:11:30 Jake Griffith, Chief Legal Counsel for the Office of Public Instruction, presented two bills relating to transportation: HB 267 and HB 300.

Questions from the Committee

- 15:18:40 Sen. Sands asked Superintendent Arntzen if schools teach bicycle safety curriculum to children.

Rule Review

Joe Carroll begins his overview of the Rules Review handout ([Exhibit 19](#)).

Questions from the Committee

15:29:04 Rep. Loge is referencing the recent regulation passes to allow hydro hygiene and communication cables along the highways.

15:29:41 Rep. Duram questioned Mr. Carroll's definition of roadway, wondering what the purpose is for changing it.

Public Comment

None.

RECESS

15:32:46 Sen. Sands recessed the meeting at 3:32 p.m., to reconvene at 8:30 a.m. on November 4, 2021.