



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

March 22, 2022
Room 152 and Zoom
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. Dave Fern (D)
Sen. Mike Fox (D)
Rep. Denley Loge (R)
Rep. Rynalea Whiteman Pena (R)

MEMBERS EXCUSED:

Rep. Neil Duram (R)

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

09:02:04 Sen. Diane Sands-D called the meeting to order at 9:02 AM. The committee secretary took roll.

MEETING OVERVIEW

AUTONOMOUS VEHICLE DECISION MAKING AND TRADE SECRETS- JOE CARROLL- LSD

09:05:14 Mr. Carroll reviewed the Autonomous Trade Secrets Memo. ([Exhibit 1](#))

09:07:45 Sen. Sands asked if there has been litigation in other states.

09:08:08 Mr. Carroll answered.

QUESTIONS FROM THE COMMITTEE

AGENCY UPDATE- MONTANA DEPARTMENT OF TRANSPORTATION

09:09:13 Director Malcom Long, MDT provided an agency update. ([Exhibit 2](#))

09:15:28 Rep. Whiteman Pena has arrived.

QUESTIONS FROM THE COMMITTEE

09:22:45 Sen. Ankney asked about the Hardin South project.

09:23:06 Director Long provided an explanation on the Hardin South project.

09:23:24 Sen. Vance asked about an update for progress on admin rule for pipeline along 1-15.

09:23:51 Long gave an update on the admin rule.

09:25:13 Sen. Vance thanked Long for recognizing legislative intent.

09:25:26 Sen. Vance asked if the department is considering making exceptions for residency.

09:26:29 Director Long explained the department is looking at options such as remote sites and teleworking.

09:28:49 Sen. Vance thanked Director Long for looking into options.

09:28:56 Sen. Sands commended the department for working with community agencies for housing.

09:30:17 Sen. Sands asked about salary increases for workers and if there will be a request for increase in salary to alleviate issues.

09:30:45 Director Long stated that the department will be requesting salary increases to address the pay gap.

09:32:53 Sen. Sands commended Missoula department staff for networking.

09:33:06 Rep. Fern asked about long-term solutions for trail upkeep and to confirm if there has been a new hire for Coordinator for Pedestrian and Bike Transportation position.

09:34:10 Director Long confirmed the new hire and stated they can join a meeting and Billings has bought vehicles for plowing bike paths.

09:37:02 Rep. Fern asked if the state is restricted on participating on maintenance on the trails.

09:37:29 Director Long stated he was unsure and would defer to the planning director.

09:37:46 Rob Stapley, MDT confirmed the new hire, stated there are no state maintenance restrictions and that there are a lack of resources to address this.

09:38:50 Rep. Fern stated that the new hire should brainstorm ways to have uniform contracts instead of mixed results contracts.

09:39:31 Rep. Loge asked Director Long if department is prepared to accommodate Severdomes in secondary roads.

09:40:23 Director Long stated the department is prepared.

09:41:14 Rep. Loge asked for progress on permacurves

09:42:06 Director Long provided an update for permacurves.

09:42:41 Sen. Sands asked about staffing and budget for planning and expanding and if there is a need for add legislation to streamline processes.

09:44:04 Director Long stated the department is addressing staffing and that legislation is needed to complete the project.

09:48:44 Sen. Sands requested a panel on pilot projects.

09:49:38 Director Long thanked Sen. Sands for the idea and stated that conversations still need to happen.

09:51:09 Sen. Sands asked if there is a second package of pilot projects.

09:51:26 Director Long stated the department would like to work on logistics of projects.

09:53:37 Sen. Sands outlined topic requests for a panel for the next meeting.

09:55:18 Sen. Sands states this funding is unprecedented and requested assistance with deciding who is on the panel.

09:56:35 Director Long obliged

**HIGHWAY SPEED, SAFETY AND CONSTRUCTION WITHIN RESERVATION BOUNDAIRES
MOTOR CARRIERS SERVICES MDT- BRAD MARTEN- MDT**

9:57:32 Brad Marten, MDT presented on Motor Carrier Services.

QUESTIONS FROM THE COMMITTEE

10:02:31 Rep. Whiteman-Pena thanked the department for the work on 212 highway safety and report and asked what would need to be done to give Motor Carrier Services authority to write speeding tickets.

10:04:07 Mr. Marten explained authority is stated in state law and legislation would be required to expand authority.

10:04:36 Rep. Whiteman-Pena attested to danger of highway 212 and requested more Motor Carrier Services, Highway Patrol and the authority for Motor Carrier Services to write speeding tickets.

10:06:04 Mr. Marten stated all roads are reviewed and that a recent accident on highway 212 is being investigated.

CONSTRUCTION AND SPEED STUDIES WITHIN RESERVATION BOUNDARIES- DUSTIN ROUSE- MDT

10:06:45 Dustin Rouse, MDT presented. ([Exhibit 3](#)) ([Exhibit 4](#))

TRANSPORTATION COMMISSION- LORAN FRAZIER, CHAIR

10:32:41 Loran Frazier, Transportation Commission presented.

QUESTIONS FROM THE COMMITTEE

- 10:36:09 Sen. Ankney stated there has not been enough attention on highway 212.
- 10:38:11 Rep. Whiteman-Pena agreed with Sen. Ankney and stated there needs to be input from Tribal Governments. Rep. Whiteman-Pena shared experiences with other MT highways.
- 10:44:25 Rep. Fern asked Mr. Brown and the committee if more research into safety barriers and feedback could be done.
- 10:45:39 Mr. Brown confirmed.
- 10:45:44 Sen. Sands asked what the causes of the issues are and requested data for the next meeting.
- 10:46:28 Rep. Loge thanked Mr. Fraizer for his work.
- 10:47:08 Mr. Fraizer stated he appreciated personal perspectives on the issue.
- 10:48:04 Rep. Fern asked if clusters of impaired drivers are tracked and the response to the data.
- 10:49:04 Sen. Sands discussed areas of concerns with accidents
- 10:50:11 Sen. Sands asked Mr. Rouse about two priority items to address 212.
- 10:50:24 Mr. Rouse stated improving enforcement and data collection, expanding education and marketing
- 10:53:31 Sen. Sands asked Rouse if he has access to accident reports and how the reports are used.
- 10:55:27 Sen. Ankney stated there should be 4 lanes for highway 212.
- 10:57:23 Sen. Sands stated the goal for this committee is specific plans to address issues and asked what role the legislature can have in this process.
- 10:57:51 Rep. Whiteman-Pena commented that community members around highway 212 were happy when commercial vehicles did not have access to the highway.

PUBLIC COMMENT

- 10:59:01 Dwayne Williams- Executive Director, Montana Trucking Association provided a testimony.
- 11:02:44 Sen. Sands requested Mr. Brown have DOT safety staff in a committee meeting to discuss resources and Highway Patrol enforcement issues.
- 11:03:06 Mr. Brown confirmed this request.
- 11:03:12 Sen. Whiteman-Pena requested panel members drive on highway 212.
- 11:04:51 Sen. Vance requested to wrap up additional staff directives.

ADDITIONAL DIRECTIVES TO STAFF

- 11:05:32 Sen. Vance reviewed directives with Mr. Brown
- 11:06:30 Mr. Brown confirmed directives with Sen. Sands.

INFRASTRUCTURE INVESTMENT AND JOBS ACT

UPDATE- DIRECTOR MACK LONG- MDOT

- 11:09:53 Director Mack Long, MDOT provided an update.

UPDATE- DIRECTOR DORRINGTON- DEQ

- 11:14:10 Director Cory Dorrington, DEQ provided an update.

QUESTIONS FROM THE COMMITTEE

- 11:17:19 Sen. Ankney asked Director Dorrington if there were no mandates how much emphasis would be put on EV charging stations.
- 11:18:08 Director Dorrington stated there are criteria to follow with projects.
- 11:19:03 Sen. Vance asked Director Dorrington how do charging station users pay for the service.
- 11:19:17 Director Dorrington stated it is dictated by contract winner to set up rate
- 11:19:56 Dan Lloyd- State Energy at DEQ stated private companies own and operate charging stations properties.
- 11:21:12 Sen. Vance asked Mr. Lloyd about the timeline for charging stations.
- 11:21:19 Mr. Lloyd stated the funding is available for 5 federal fiscal years.
- 11:21:47 Sen. Vance asked about the timeline for stations being completed.
- 11:22:16 Mr. Lloyd stated there is a timeline, within 6-7 construction will have taken place
- 11:23:16 Sen. Ankney asked Mr. Lloyd if funding has been provided for charging stations.
- 11:23:47 Mr. Lloyd confirmed and that 1 million dollars has been awarded for charging stations.
- 11:24:40 Sen. Ankney stated there are charging stations in Lima and Miles City.
- 11:25:08 Sen. Sands referred to the EV report.
- 11:25:25 Rep. Loge asked Director Long if there is consideration of having stations on state property.
- 11:26:14 Director Long stated it can be considered.
- 11:27:22 Rep. Loge asked Director Long if safety money can be used for updating guard rails
- 11:28:00 Director Long project 1-15, looking at statewide in safety money, discretionary money
- 11:32:27 Sen. Sands asked Director Long for a list of formulas and discretionary program funds.
- 11:34:07 Director Long deferred to the department CFO.
- 11:34:33 Larry Flynn- CFO of MDOT, explained the budgetary process at the department.
- 11:37:52 Sen. Sands requested to have a discussion about revenue with both parties.
- 11:38:12 Sen. Vance asked for clarification on public-private partnerships.
- 11:38:56 Director Dorrington provided clarification on public and private partnerships and that using state funding will be avoided.
- 11:39:55 Sen. Vance asked Director Long if a station on state property how using state funding will be avoided.
- 11:40:39 Director Long explained leasing on Montana state property.
- 11:43:07 Sen. Vance requested results of charging stations being on state property be addressed in the upcoming panel.
- 11:43:34 Sen. Sands asked Mr. Lloyd about charging stations in rural areas and reservations.
- 11:44:49 Mr. Lloyd stated existing charging stations are private investments and location was based on demand.
- 11:47:05 Sen. Sands asked Mr. Lloyd if there a way to prioritize businesses to incentivize placing charging stations in rural areas.
- 11:48:21 Mr. Lloyd stated this is possible.
- 11:50:22 Sen. Sands asked if there is potential for corridor 200 in year 3.

- 11:50:28 Mr. Lloyd stated there has been indication that interstate corridors should be focused on and highways are eligible.
- 11:51:02 Sen. Sands asked Director Dorrington asked about coordinating interim committees and how these committees work together.
- 11:51:59 Director Dorrington explained committee involvements.
- 11:54:54 Director Dorrington recommended getting Local Government involved.
- 11:55:11 Sen. Vance asked Sen. Sands about directives to the staff and the committee work session.

LUNCH (Reconvene at 13:02:27)

- 13:02:53 Sen. Vance gave an update on ongoing conversation with Governor's office.

ELECTRIC VEHICLES

UTAH AND ROAD USER FEES- CAMERON KERGAYE,UTAH DOT(Exhibit

- 5)** 13:05:23 Cameron Kergaye, Utah DOT presented.

QUESTIONS FROM THE COMMITTEE

- 13:20:07 Rep. Fern asked Mr. Kergaye about the vision to have all vehicles under RUC in the 2030s.
- 13:20:43 Mr. Kergaye explained the program goal of being under RUC in 2032.
- 13:22:11 Rep. Fern asked Mr. Kergaye about the dual system of EV and gasoline vehicles.
- 13:22:48 Mr. Kergaye stated it takes 15-20 years to turn over the fleet and the trend of hybrid and EVs is significant
- 13:25:35 Sen. Sands stated the issues of taxation and fees will be addressed at the next meeting.

ECONOMICS OF CHARGING STATIONS- DAN LLOYD- DEQ

- 13:26:22 Dan Lloyd, DEQ presented. (Exhibit 6)

PLANNING FOR ELECTRIC VEHICLES- DAVID KACK- WESTERN TRANSPORTATION INSTITUTE

- 13:30:27 David Knack, Western Transportation Institute presented. (Exhibit 7)
Note: Exhibit 7 is a PowerPoint presentation and can be viewed at 13:30:27.

ELECTRIC VEHICLES AND MONTANA HIGHWAYS- KATY CALLON, LFD

- 13:47:17 Katy Callon, LFD presented. (Exhibit 8)

PUBLIC COMMENT

- 14:01:39 John MacDonald- Alliance for Automotive Innovation provided a testimony.

QUESTIONS FROM THE COMMITTEE

None

AGENCY UPDATE- DOJ MOTOR VEHICLE DIVISION

ADMINISTRATOR UPDATE- LAURIE BAKRIE, MVD ADMINISTRATOR

- 14:06:17 Laurie Bakrie, MVD presented.

QUESTIONS FROM THE COMMITTEE

None

MDT ANNUAL SAFETY MEETING SUMMARY

MONTANA DEPARTMENT OF TRANSPORTATION- PAM LENGVE-DAVIS

14:15:53 Pam Lengve, MDOT presented. ([Exhibit 9](#))

QUESTIONS FROM THE COMMITTEE

- 14:27:08 Sen. Sands asked Ms. Bakrie about funds for safety and for an explanation on safety funding in infrastructure bill.
- 14:27:50 Ms. Bakrie stated the department does has counter measures and is looking at how to address issues proactively.
- 14:28:15 Sen. Sands asked Director Long to talk about safety money.
- 14:28:36 Director Long stated issues are behavioral based and that due to shifts from federal partners this can start to be addressed.
- 14:30:07 Sen. Ankney shared story about company mandate for seatbelts.
- 14:30:52 Sen. Sands stated that employers could make seatbelt usage a condition of employment.
- 14:31:16 Sen. Ankney discussed employers with seatbelt mandates.
- 14:31:46 Rep. Loge asked Ms. Bakrie about repeat DUIs and asked for ideas to minimize them.
- 14:32:29 Ms. Bakrie stated needs for treatment, tougher laws, 24/7 testing, and wheel locks.
- 14:33:41 Sen. Sands detailed solutions provided by the Governor, including treatment court.
- 14:34:59 Sen. Sands requested to continue the conversation around the safety money bill and requested Director Long explain how the safety money bill will be used.
- 14:35:13 Director Long requested to defer to Mr. Stapley
- 14:35:57 Mr. Stapley explained two safety budgets.
- 14:37:30 Sen. Sands asked Mr. Stapley about EMS services and how to maximize EMS abilities.
- 14:38:15 Mr. Stapley shared ideas from Director Long about EMS resources.

PUBLIC COMMENT ON ANY ITEM IN TIC'S SUBJECT MATTER JURISDICTION

14:39:59 David Smith- Montana Contractor's Association provided a testimony. ([Exhibit 10](#))

COMMITTEE WORK SESSION

14:48:39 Sen. Loge brought up having a discussion about billboards.

ADJOURNMENT

14:49:00 Sen. Sands adjourned the meeting at 14:49.