

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 59th LEGISLATURE - REGULAR SESSION

JOINT APPROPRIATIONS SUBCOMMITTEE ON LONG RANGE PLANNING

Call to Order: By **CHAIRMAN JACK WELLS**, on January 11, 2005 at 8:05 A.M., in Room 350 Capitol.

ROLL CALL

Members Present:

Rep. Jack Wells, Chairman (R)
Sen. John Brueggeman (R)
Sen. Mike Cooney (D)
Rep. Ralph L. Lenhart (D)
Sen. Jon Tester (D)
Rep. John E. Witt (R)

Members Excused: Sen. Bob Keenan (R)

Members Absent: Rep. Carol C. Juneau (D)

Staff Present: Laura Dillon, Committee Secretary
Catherine Duncan, Legislative Branch
Amy Carlson, OBPP

Please Note. These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing & Date Posted: HB 11, 1/11/2005
Executive Action:

Reference book is: Governor's Budget, State of Montana, Treasure State Endowment Program, Fiscal Years 2006-2007, Volume 5.

CHAIRMAN WELLS called the meeting to order and went over hearing protocol for the audience members. He then opened the hearing on HB 11.

HEARING ON HB 11

Powell County Project #13 Page 92

Jim Edgcomb, Department of Commerce, Treasure State Endowment Program (TSEP), stated that this project was to replace three bridges and the full amount, \$158,348 had been recommended.

Proponents' Testimony:

Dwight O'Hara, Powell County Commissioner, stated that the county has hired ENTRANCO engineering as an outside consulting firm for the preliminary engineering. Mr. O'Hara said that a five-mill increase had already been approved by the voters of Powell County for bridge replacement and repair. He stated that several bridges in the county are in need of repair and one bridge has actually begun to collapse. Mr. O'Hara is concerned that the county will be faced with numerous unusable bridges if something isn't done to help.

Dan McCauley, ENTRANCO, testified that one bridge is so damaged TSEP emergency funds have already been used to construct a temporary Bailey Bridge at the site. Another bridge that is on a key commerce route is close to collapse. Both of these bridges will be replaced by open-bottomed aluminum box culverts and the county is willing to provide their own construction workers in an effort to cut costs.

Mr. McCauley said that the third bridge will be replaced by a bridge offered to the county under the Federal Adopt a Bridge Program. The existing foundations are of good enough quality to hold the new bridge.

SEN. DAVE LEWIS, SD 42, went on record in support of the project.

Opponents' Testimony: none

Questions from Committee Members and Responses:

SEN. TESTER asked if the engineer could explain the open-bottomed aluminum box culverts.

Mr. McCauley replied that it is a large-span culvert made of aluminum with no bottom and a footing on each side. These culverts can span up to 25 feet. The open-bottom aluminum box culverts are typically used in situations where large-scale construction machinery is not available. This makes them ideal for county construction teams.

SEN. TESTER asked how big the culverts for Powell County would be.

Mr. McCauley replied that in this instance, the culverts would range around 20 feet long and five to six feet tall.

SEN. TESTER asked how using these culverts saved money.

Mr. McCauley answered that though there is not a big price difference in culverts versus traditional bridges, the culverts are cheaper in the long run because the county can use their own construction workers to assemble them.

Beaverhead County Project #25 Page 154

Mr. Edgcomb said this project would replace one bridge and has been recommended for the full grant amount of \$84,886.

Proponents' Testimony:

Richard Miller, Beaverhead Road Manager told the committee that serves the Lima Dam and the north side of the Centennial Valley. Commuters would be forced to take a 60-mile detour if this bridge were to fail. There are a number of ranches that haul livestock and hay across the bridge regularly. The bridge is made of wood and continues to sustain cracking. The bridge deck has already had to be replaced, and was overtopped in a recent flood. The county would like to widen the bridge to around 25 feet. It is currently only 16 feet wide.

{Tape: 1; Side: A; Approx. Time Counter: 0 - 11.5}

Mr. Miller said that public funds have already been spent on bridge improvement and the county would be grateful for TSEP funds.

Garth Haugland, Beaverhead County Commissioner stated that Lima citizens have voiced concern over the current condition of the bridge at recent city council meetings.

Jim Scoles, Beaverhead County Project Engineer told the committee that there are 130 bridge structures in the county and 30 are

considered structurally deficient. Beaverhead County currently has the highest area of deficient bridges of any county in the state. A capital improvement plan has been formulated by the county for replacing their deficient bridges over time with TSEP funds. The bridges will be replaced with three-sided concrete box culverts. These are similar to the aluminum culverts and were chosen because the county is close to a concrete provider in Idaho Falls.

{Tape: 1; Side: A; Approx. Time Counter: 11.5 - 16.3}

Opponents' Testimony: none

Questions from Committee Members and Responses: none

Madison County Project #5 Page 45

Mr. Edgcomb said the full amount of funding in the amount of \$179,911 had been recommended for this project to replace six bridges in Madison County.

Proponents' Testimony:

Frank Nelson, Madison County Commissioner, thanked the legislature for its dispersal of TSEP grants to the county. Many cities in Madison County have benefitted from projects funded by TSEP. The commissioner said that without TSEP funds, these six bridges could not be replaced.

Mr. McCauley stated that Madison County planned to do as much construction as possible with their own people. The six bridges will be replaced with three open-bottomed aluminum culverts, two large-diameter culverts, and one concrete box culvert. By using culverts, the county is able to provide their own construction team.

REP. DIANE RICE, HD 71, went on record to support the bridge projects in Madison County.

Opponents' Testimony: none

Questions from Committee Members and Responses: none

{Tape: 1; Side: A; Approx. Time Counter: 16.3 - 21.9}

Missoula County Project #32 Page 187

Mr. Edgcomb said that the full amount of \$275,172 had been recommended for this project to replace two bridges.

Proponents' Testimony:

Joe Jedrykowski, Missoula County Engineer, told the committee Missoula County has 149 bridges and this is the first time they have requested a TSEP grant. The county is asking for a TSEP loan because they have a number of deteriorated bridges and are unable to pay for them all. The county hired an outside consulting firm to help them identify the bridges that most urgently needed attention.

Mr. Jedrykowski said the La Valle Creek Bridge is located on a gravel county road that connects two secondary highways. The bridge has become a heavily traveled route in past years due to the westward expansion of the City of Missoula. The bridge currently sees traffic of 150 vehicles per day and there are plans for another subdivision to be constructed in its vicinity. The bridge was built in the 1950's and had substantial maintenance done during the 1970's. Mr. Jedrykowski feels that the bridge is now beyond maintenance. The bridge has been posted at reduced loading, but the county suspects big trucks have been using the bridge anyway.

Mr. Jedrykowski said that under the proposed project, a steel or concrete arch culvert will replace the La Valle Creek Bridge. The bridge would be widened from about 20 feet to 40 feet.

Mr. Jedrykowski went on to discuss the Finley Creek Bridge. He said that although the bridge does not serve many homes, it is necessary for access to the highway system. Problems will be created if the bridge closed. The alternate route is barely passable and the county would be left with even greater costs in trying to maintain the alternate road.

Mr. Jedrykowski said the bridge is wooden and some of the beams have started to rot. The bridge was narrowed to a one lane to keep cars away from the areas of rot. The proposal is for this bridge to be replaced by an open-bottomed concrete or steel cross culvert.

{Tape: 1; Side: A; Approx. Time Counter: 21.9 - 30.1}

Mr. Scoles said that the project is expected to go well. The community has done a good job of inspecting and maintaining their structures over the years.

Opponents' Testimony: none

Questions from Committee Members and Responses: none

Sweetgrass County Project #11 Page 81

Mr. Edgcomb said that the full amount of \$144,989 had been recommended for this project to replace three bridges.

Proponents' Testimony:

Lloyd Berg, Sweetgrass County Commissioner, said the community had previously used TSEP funds to build two bridges and replace one bridge with a culvert. The three bridges to be replaced this time were chosen after a capital improvements plan was done. They would like to replace two of the bridges with culverts, and the other with a new bridge.

Mr. Berg said the bridges are in poor condition, and a fire truck had cracked parts of a bridge when it drove over. One of the bridges is too narrow and has a very dangerous alignment. Replacing this bridge with a culvert will help make it safer.

{Tape: 1; Side: B; Approx. Time Counter: 0 - 5.9}

Mr. McCauley stated that the bridges consisted of two timber structures and one concrete bridge. The concrete bridge is in poor structural condition and this is compounded by it being dangerously situated. Replacing the concrete bridge with a culvert would allow for proper alignment and take care of the concerning safety issues.

Mr. McCauley said the timber bridges were also in poor condition and one of them would also be replaced by a culvert. These culverts will allow for water flow and can also be utilized as stock crossings. The last bridge will be replaced by a steel and concrete structure.

Opponents' Testimony: none

Questions from Committee Members and Responses:

REP. WITT asked **Elaine Allestad, Sweetgrass County Commissioner,** if the county still utilized bridge levies and she replied that they did.

REP. WITT asked why TSEP funds have increasingly been used for bridges.

Ms. Allestad replied that TSEP funds allow counties the opportunity to do a capital improvement plan, which helps them be able to plan ahead financially.

REP. WELLS asked Mr. McCauley what steps were taken to repair the bridge that the fire truck had damaged.

Mr. McCauley answered that the truck broke parts of the timber deck, and those parts were replaced. Because of this, the bridge is posted at a lower load and emergency vehicles are forced to use an alternate route.

{Tape: 1; Side: B; Approx. Time Counter: 5.9 - 10.4}

Stillwater County Project #7 Page 60

Mr. Edgcomb introduced the project, which will replace seven bridges. The project is recommended to receive the full amount of \$399,853.

Proponents' Testimony:

Jack Knorr, Stillwater County Superintendent of Roads and Bridges said that the county lists the highest mill levy for bridges allowable by law. The county uses the local vehicle option tax to help pay for bridges and all of their maintenance is done by local forces. Mr. Knorr then read his written statement (Exhibit 1) to the committee, supporting the use of TSEP funds for the bridge projects.

EXHIBIT(jlh07a01)

Mr. McCauley told the committee that three of the bridges would be replaced with large steel concrete bridges and the other four bridges would be replaced with large diameter culverts. These culverts will be constructed using county resources to save money.

{Tape: 1; Side: B; Approx. Time Counter: 10.4 - 14.9}

Opponents' Testimony: none

Questions from Committee Members and Responses:

CHAIRMAN WELLS asked if he was correct to assume that culverts go in the same direction as the stream and the road goes over the culvert.

Mr. McCauley answered that this was correct. He said culverts are used because there are fewer limitations on the angle they must be placed from the road than there are with traditional bridges. Culverts also present fewer erosion problems than bridges.

REP. LENHART asked what the life expectancy of a culvert was.

Mr. McCauley answered that the structures can last up to 75 years, but this may be shortened to around 50 years because of differences in soil.

{Tape: 1; Side: B; Approx. Time Counter: 14.9 - 17.7}

Mr. Edgcomb told the chairman that he thought the meeting should break since they were running ahead of schedule and people wishing to testify may not have showed up yet.

CHAIRMAN WELLS indicated that the meeting should recess until 9:00 A.M.

Crow Agency Project #17 Page 115

Mr. Edgcomb introduced the Crow Agency project, which will provide sewer improvements. TSEP has recommended the full grant of \$500,000 contingent upon two conditions:

- 1) that the tribe form a utility to manage the waste water facility, and
- 2) that the tribe re-evaluate the population projections upon which the size of the system outflow pipe is based.

TSEP does not feel that these projections are accurate, and putting in too large a pipe could be harmful for the system.

Proponents' Testimony:

John Doyle, Big Horn County Commissioner, spoke about the Crow Agency project. This project is the first of four phases and will replace an interceptor line in the waste water system. The current line does not adequately address the needs for the town. The town is currently in the process of acquiring land for a waste-water lagoon.

Mr. Doyle stated the line is necessary before any further economic development can be done in the town. They will be unable to continue with construction of a new grocery store until the line is completed.

Mr. Doyle said there are discrepancies in the population estimates for Crow Agency because they have expanded the city boundaries to include the new rest area that the Department of Transportation is building near I-90. Also, the town of Crow has a large floating population because it is the center and capital of the Crow Tribe.

{Tape: 1; Side: B; Approx. Time Counter: 17.7 - 23}

Opponents' Testimony: none

Questions from Committee Members and Responses:

REP. WITT asked what the tribe used as their engineering source.

Mr. Doyle responded that they had done their preliminary engineering through an outside consulting firm and representatives from the firm had not made it to the meeting yet.

Mr. Doyle continued that Crow Agency has enacted an ordinance to establish a utility to manage the system.

CHAIRMAN WELLS asked if the community was conforming to the two conditions placed on it by the TSEP program.

Mr. Doyle said all of the legislation to create a utility has been passed and enacted. This process is going slower than usual because the town has a mix of federal and state government agencies. Their requirements must also be considered in the organization of this project.

CHAIRMAN WELLS asked how the community was responding to the second condition regarding the size of the outflow pipe.

Mr. Doyle stated that a larger pipe has been proposed to accommodate use from the Little Big Horn Battlefield and interstate traffic, in addition to local needs.

REP. LENHART asked if the committee would have the opportunity to hear the engineering testimony if they should arrive later.

CHAIRMAN WELLS said that the committee may be adjourned if and when the engineers do arrive, but he would have no objections to reconvening if it were necessary.

Due to the committee being significantly ahead of schedule, **CHAIRMAN WELLS** advised the committee to take a short recess before hearing further projects.

The hearing resumed 9:45 A.M.

{Tape: 1; Side: B; Approx. Time Counter: 23 - 29}

Glacier County Project #15 Page 103

Mr. Edgcomb said that the full amount of \$500 was recommended for the Glacier County Project. The money will be used to replace one bridge.

Proponents' Testimony:

John Tubbs, Department of Natural Resources and Conservation

(DNRC), told the committee that the Glacier County Project was a portion of the St. Mary's project, which would be presented in more detail at a later hearing. The bridge will replace an existing bridge that has served its purpose as both a county access bridge and natural resources structure. The bridge has two syphons on one side which carry the entire water supply for the Milk River. The other side of the bridge serves as vehicle access.

Mr. Tubbs said the bridge was identified as a high priority when the Bureau of Reclamation noted the bridge as the third most critical link that could fail in the system that provides water for the Milk River. There is concern that the bridge does not have the capacity to handle traffic with one side loaded with water. The supports at the top of the bridge have been damaged by big truck traffic. Many people rely on the Milk River Basin to provide water for drinking and irrigation and the results of this bridge failing would be catastrophic. The county is actively pursuing a federal dollar match for the grant in this project.

{Tape: 2; Side: A; Approx. Time Counter: 0 - 1.9}

Doug Kaerker, Hill County Commissioner, went on record in support of this project. He said the Glacier County Project is important to the citizens of the other counties who rely on the water from the Milk River.

Mr. McCauley stated that the bridge was unique in that it carries traffic on one side and syphons on the other. The load of the syphons when full exceed the traffic load limit. The bridge is nearly 90 years old and is at the end of its service. There is concern that the syphons may fail, and the bridge shakes when driven over. Many of the syphons have already begun to leak.

Mr. McCauley said that the bridge is an integral part of the larger St. Mary's Project and must be replaced before the project can move forward. The new bridge will be a two span concrete structure and will be placed just south of the existing bridge so that traffic can continue to utilize the route. Because of its historical value, the old bridge will remain intact as long as it is functional for pedestrian traffic.

{Tape: 2; Side: A; Approx. Time Counter: 1.6 - 6.7}

Opponents' Testimony: none

Questions from Committee Members and Responses: none

Mineral County Project #14 Page 98

Mr. Edgcomb presented the Mineral County Project, which will replace one bridge. The project has been recommended for the full amount of \$80,090.

Proponents' Testimony:

Judy Stang, Mineral County Commissioner, said the bridge has had to be patched several times and the county is currently using a temporary Bailey Bridge over the existing bridge. Emergency vehicles cannot use the bridge. Mineral County is prepared to match all funds granted by TSEP.

Mr. McCauley told the committee that the bridge has an emergency cover already and has a low sufficiency rating of only 15. The bridge has been posted at a weight of two tons, which means it can only accommodate passenger cars or small trucks. The bridge is the worst of the TSEP bridges he has done preliminary engineering for.

Mr. McCauley continued that the new bridge will be a precast concrete structure. The new bridge will not be full width because of the limited amount of traffic it receives.

{Tape: 2; Side: A; Approx. Time Counter: 6.7 - 10.7}

Opponents' Testimony: none

Questions from Committee Members and Responses: none

Yellowstone County Project #34 Page 196

Mr. Edgcomb said the full amount of \$500,000 had been recommended for this project, which would replace one bridge.

Proponents' Testimony:

Jim Reno, Yellowstone County Commissioner, said the bridge was built in 1937 and is 16 feet wide with no guard rails. The bridge is in a developing area and is a safety concern for a number of the residents. They would like to replace the bridge with a 30-foot-wide structure that can withstand up to 32 tons. In the 1980's, the land around the bridge was bought by the county so that the bridge could be widened to improve vehicle visibility and safety.

{Tape: 2; Side: A; Approx. Time Counter: 10.7 - 13.7}

Bill O'Keefe, Yellowstone Project Engineer testified that the roads to the bridge have been maintained, but the area around the bridge is characterized by a steep blind corner. Some emergency service vehicles refuse to use the bridge.

Mr. O'Keefe said the project would include a half-mile road location, which is being paid for by the county. The new bridge will be a concrete structure and should last at least 100 years. The area around the bridge is developing quickly and is expected to part of the city of Billings within 20 years. Mr. O'Keefe felt this project could have the highest amount of economic impact of any project he has been involved with.

Mike Black, Yellowstone Project Engineer, said the bridge was very old and had a sufficiency rating of only 49. The bridge is located on a school bus route and is a concern to the residents who use it. The bridge is narrow and provides poor sight distance. Emergency services to this area have been limited by the bridge.

Bob Niles, Yellowstone County Public Works Director, reiterated the safety concerns that had been expressed in the previous testimony.

{Tape: 2; Side: A; Approx. Time Counter: 13.7 - 19.4}

Opponents' Testimony: none

Questions from Committee Members and Responses: none

Shelby Project #45 Page 248

Mr. Edgcomb said this project was for improvements of the water and sewer system in the town of Shelby. The project has been recommended for the full amount of \$250,000, provided there are sufficient funds.

Proponents' Testimony:

Chuck Hanson, Shelby Project Engineer, stated that he had done the preliminary engineering report for the project and would be able to answer questions. He stated that the town of Shelby is seeing steady growth and needs long term water improvements to accommodate this. The new system will give the town a more consistent source for water and they will be able to move the water that is within the existing well field to the town.

Opponents' Testimony: none

Questions from Committee Members and Responses: none

{Tape: 2; Side: A; Approx. Time Counter: 19.4 - 21.8}

Rudyard Project #2 Page 31

Mr. Edgcomb introduced the Rudyard water and sewer project. The project funding is being recommended at \$524,503 which is \$82,553 more than requested. TSEP has recommended the increase because the applicant meets all of the hardship requirements and still maintains rates well within the target range.

Proponents' Testimony:

Rick Pester, Rudyard Water and Sewer District Board of Directors, described the current sewer system and a clay tiled structure. The sewer has been in service over fifty years and the life expectancy of a clay tiled system averages only thirty. The lagoons for the system are all still in good condition, but the city infrastructure is creating public health concerns.

Mr. Pester stated that the sewer backs up regularly, filling the resident's basements and has ruined three homes by flooding them with sewage. Many of the pipes in the system are broken, and there are usually around 25 backups per year. System failure presents other health concerns because citizens usually resort to

throwing buckets of sewage out into the street when there is a backup.

{Tape: 2; Side: A; Approx. Time Counter: 21.8 - 25.8}

Mr. Pester said the community would also like to update the lift station, as it has nearly been condemned by the Department of Environmental Quality (DEQ). Rudyard is a low to middle income community and could not afford the high rates it would take to pay for maintenance or repair of the system. With TSEP funds, the Rudyard Project could start this spring.

Annmarie Robinson, Bearpaw Development, said the Rudyard Project is as fiscally prudent as possible, and takes into account the high rates already being paid by many.

Doug Kaerker, Hill County Commissioner, stated his support for the Rudyard Project.

Craig Pozega, ENTRANCO, told the committee that he was the engineer hired by Rudyard for the preliminary engineering report, and would be available for questions.

Opponents' Testimony: none.

Questions from Committee Members and Responses:

CHAIRMAN WELLS asked for clarification of the current monthly rates Rudyard citizens are paying for water and sewer.

Mr. Pester answered that his rates in the summer are around \$100 and this number is likely to increase when the Rocky Boy System comes onto their system.

CHAIRMAN WELLS asked Mr. Pester if he thought the community would be able to afford the high rates.

Mr. Pester said the community had no choice at this point. They are hoping to utilize the TSEP grant and other outside funding sources to keep this rate down.

CHAIRMAN WELLS asked Mr. Edgcomb if this was why the recommended grant amount had been increased.

Mr. Edgcomb replied that it was one of the reasons. They are hoping an increase in TSEP grant dollars will eliminate the need for a community loan, thus alleviating some of the high water and sewer rates.

CHAIRMAN WELLS thanked the audience for their testimony and adjourned the meeting.

{Tape: 2; Side: B; Approx. Time Counter: 0 - 8.2}

ADJOURNMENT

Adjournment: 10:25 A.M.

REP. JACK WELLS, Chairman

LAURA DILLON, Secretary

JW/LD

Additional Exhibits:

EXHIBIT ([j1h07aad0.PDF](#))