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Deborah Brae Tanner

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NO MARGIN FOR ERROR: DRIVING THE EAST SHORE OF FLATHEAD LAKE

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No Margin for Error: Driving the East Shore of Flathead Lake

Chairperson: Nadia White

Controversy currently surrounds truck traffic on the east shore of Flathead Lake, Highway 35. The design, age and surrounding geography of the road contribute to the controversy, and trucks carrying hazardous materials have exacerbated the situation.

A trucking accident near Polson, Montana, in April 2008 in which almost 6,400 gallons of fuel was spilled has reinvigorated the debate. The Montana Department of Transportation, trucking companies, residents and the Confederated Salish and Kootenai Tribes have sought a resolution. This project will examine the dangers to motorists, residents and the environmental integrity of Flathead Lake, as well as the proposed solutions.

## TABLE OF CONTENTS

Evaluating the Risks: An Overview	Page 1
Sharing the Risks and the Road: Rerouting Trucks	Page 8
Minimizing the Risks: The Role of Personal Responsibility	Page 15
Protecting the Environment: Trucks, Population and Pollutants	Page 20
What's Next on Highway 35?	Page 26

## “EVALUATING THE RISKS: AN OVERVIEW”

The sound of a brook trickling down the eastern slope of the mountain into a pool next to the highway is disrupted by the rumbling in the distance, getting closer and louder. Just inches from the water, a logging truck whizzes by, and modern reality slaps the breeze.

This asphalt ribbon in Western Montana hugs the slope of the Mission Mountains and provides the only artery for modern life on the eastern shore of Flathead Lake. Resting just feet from the water in places, Highway 35 offers no margin for error. Its age and geography make traveling it a risk, jeopardizing lives, homes and the water quality of the lake itself.

Tight curves and long, shoulderless stretches increase the chance of injury or loss on the road, leading to years of controversy between residents who live along this narrow, mountainous, rural highway and the truckers who share the road with them. Evaluating the risks trucks pose is the first step in easing tensions and resolving the conflicts between the two groups. In order to determine if truck traffic should be restricted or diverted to the lake’s west shore, state policymakers must separate perceptions from reality and analyze the data. But, data is not the only reality for those who live on the highways around Flathead Lake.

For more than 20 years, one east shore resident, George Guth, has been exposed to the risks of sharing Highway 35 with trucks. As a 20-year volunteer fire fighter, he has dealt with the consequences of accidents involving trucks in ways most people never do. He answered a call in April 2008 for an accident just a quarter of a mile off Highway 35 near his home on Finley Point Road. A tanker truck full of fuel and pulling a second trailer had swerved, causing the trailer, or “pup,” to overturn and spill more than 6,000 gallons of fuel into the barrow pit next to the highway.

Five families, Guth’s neighbors, were evacuated from their homes because invasive cleanup efforts made living conditions unbearable. In an effort to retrieve the fuel that had soaked into the ground, cleanup crews dug numerous wells on residents’ property. Workers

installed loud industrial filters near the water's edge to protect Flathead Lake from any fuel migrating underground toward the lake.

“I want to see restrictions on these trucks driving Highway 35,” Guth said. His opinions are shared by other east shore residents who believe that Highway 35 is not only more dangerous to drive than the west shore, Highway 93, but also more dangerous because of trucks. They want large trucks to be rerouted to the wider and more modern Highway 93.

“Semis should be restricted,” Guth said. “All big trucks should take Highway 93. They don't need to come down this road.” As a commercial truck driver for 29 years, Guth knows that truckers face the hazards of the road as well. He drives a propane truck, making deliveries off Highways 35 and 93 around Flathead Lake, and he believes exceptions must be made for trucks making deliveries to residents.

Harry Hyatt has lived on the east shore since 1980. He feels that Highway 93, which was widened in places, is more accommodating to trucks. “There are risks we shouldn't be taking with these trucks, and most trucks take 35, not 93,” he said. “The west side has two to three lanes, three to four feet wider. It has better conditions than the east shore.”

Highway 35 is an old road with narrow lanes and shoulders, Hyatt said. “The trucks are wide and long and potentially barely getting by.” He also feels that trucks pulling second trailers appear to be unstable.

Hyatt, who owns a cherry orchard on the east shore, saw an accident near mile marker 19 on that road in 2008 during picking season. A gasoline truck ran into the back of a migrant worker's truck. No one was hurt and no fuel spilled, he said, but the ingredients for a human and environmental disaster were present.

In addition to east shore residents, many people who live in the Flathead Valley to the north of the lake also use the road. Since 1904, three generations of Neil Hanson's family have lived in the Flathead Valley. Hanson runs Hanson Trucking, the family business, in

Columbia Falls. His trucks drive Highway 35 daily. Most pull a second trailer, hauling wood chips and resin for one of the area's largest employers, Plum Creek Timber. Hanson feels, as do many truckers and trucking company owners, that residents who want trucks traveling Highway 35 restricted or rerouted to Highway 93 don't have all the facts about the roads and the risks.

Trucking companies prefer the Highway 35 route around the lake because it is shorter, flatter and cheaper to drive than Highway 93, the west shore route. According to Montana Department of Transportation studies from the past year, Highway 93 from Polson to Columbia Falls is 13.4 miles longer than Highway 35 and takes 29 minutes more to drive. Hanson estimated the longer route would cost his company an additional \$200,000 in fuel and wages per year, as most of his trucks currently make two trips per day on Highway 35.

Although he is concerned about the costs, Hanson's main objection is that he doesn't want more restrictions on his trucks. Permits, licensing and insurance regulations are already in place and are strictly enforced by the state, he said. "The trucking industry is the second most regulated industry after the airline industry," Hanson said.

Truckers are required to do pre-inspections of their trucks and trailers and to weigh in before departing with a load. Drivers' logs are time stamped when they leave for a run and when they arrive at their destination. Restrictions on their hours of driving, as well as their average speed, are recorded and maintained for auditing by the state. Hanson said that insurance companies annually evaluate the driving records of his employees and these additional steps are sufficient to ensure that those driving his trucks are safe.

Jim Lynch understands the conflicts between the two sides. Until five years ago when he became the director of the MDT, Lynch lived in Kalispell, on the north end of the lake, and owned a family construction business, which included trucks.

"I had a commercial driver's license, and I've driven both roads," he said. Although his job is now in Helena, Lynch has a home in Kalispell and still drives those same roads

around the lake. He is aware of the passionate feelings that east shore residents have regarding trucks on Highway 35. “My drivers took 93 as a courtesy to my customers,” he said.

After the April 2008 fuel spill near Finley Point, Lynch held two public meetings, one on the south shore, and one on the north shore, to discuss the facts and hear the opinions of residents and truckers.

“Probably half of the people in the room in both public meetings know me by my first name,” he said, as many in attendance were Lynch’s former customers and neighbors.

However, in his new role with the MDT, Lynch must determine if truck traffic should be restricted on Highway 35 or rerouted to Highway 93, as many east shore residents have requested. Yet, he must remain objective and base his decisions on data collected by his engineers, not public opinion.

“There are a lot of ill-conceived perceptions out there,” Lynch said. “I want to make decisions that will be supported by the overall community, but education of the public is a piece missing from this whole process.”

Some east shore residents who have lived on Highway 35 for 20 years or more feel that traffic, along with the population, has increased in that time. Yet, MDT studies from 2003 to 2007 show the number of small trucks driving around the lake decreased during those years, and the number of large trucks remained about the same.

Analyzing crash statistics helps the state to evaluate the risks on both roads. More passenger vehicles crashed on Highway 35 than on Highway 93, according to MDT data collected from 2003 to 2007. Yet, the number of crashes involving trucks dropped on both highways from 2002 to 2006.

According to Lynch, who held another public meeting in Somers in November 2009, crash statistics are the lowest in seven years on Highway 35 and the lowest in six years on Highway 93, showing that both highways around the lake are safer today than in recent years.

Highway 93 has more traffic overall and more cars than Highway 35, but more large and small trucks drive Highway 35. Yet, the number of truck crashes are approximately the same on both roads, indicating that Highway 35 is safer for trucks to drive.

The perception that Highway 35 is more dangerous for trucks could be attributed to the severity of crashes that occur, such as the one involving the fuel spill near Finley Point. Yet, MDT data from 2003 to 2007 regarding fatalities, injuries and property damage shows Highway 93 to be a more risky drive, even without rerouting trucks from Highway 35.

Like Hyatt, there are those on the east shore who want to ban trucks pulling second trailers, or “pups,” from Highway 35 because they increase the risks for accidents. Data supports their argument. From 2003 to 2007, MDT recorded that 75 percent of trucks on Highway 35 that crashed were pulling second trailers. On Highway 93 during this same period, 68 percent of the trucks that crashed had trailers, and on rural roads statewide, 77 percent of the truck crashes involved trailers. Statistically speaking, trucks with trailers are a greater risk on any road in Montana.

Since the April 2008 crash involving fuel on the east shore highway, residents on both shores are aware of the environmental risks posed by trucks. Although the fuel spilled into the ditch next to the highway and not into the lake itself, many east shore residents feel because many miles of Highway 35 run close to the water, contamination of the lake from hazardous materials is more likely than on Highway 93. Highway 35 has almost 13 miles of road within 150 feet of the lake, more than double that of Highway 93, which has almost 6.5 miles near the water.

Even if truck traffic were restricted, total volume would only decrease by about half, as 43 percent of the trucks driving Highway 35 are making deliveries to residents, according to the MDT, and more than half of the truck traffic on Highway 93 is headed for local deliveries. Five propane distributors serve customers around the lake, making residential stops to refuel 90 percent of their customers, Lynch said. However, Guth, who drives a propane truck, estimates that nine companies are delivering propane along both highways around Flathead Lake.

Hanson said he already analyzes the environmental risks of each route his trucks take. He points out that risks to the lake are also present on Highway 93, which is not simply close to the lake in some spots, but directly over it, as all vehicles cross the bridge coming out of Polson.

Environmental hazards exist on many roads in Montana, not just Highway 35. On a large state map hanging in Lynch's office, he points out that most roads in the state were originally built along rivers and waterways, or in the case of lakes, around them.

Barry Stang, the executive vice president of the Montana Motor Carriers Association, grew up along the St. Regis and Clark Fork rivers in Western Montana, where he saw accidents happen regularly on Interstate 90. Environmental risks exist on any road that follows a body of water, he said.

The presence and beauty of Flathead Lake is the reason most people live in the communities around the water, in spite of the risks. The lake draws tourists, jobs and industry, but the quality of life makes people stay.

Kim Bauer, second generation Lake County resident, grew up in Charlo and Ronan. Twenty years ago, she moved to Polson on the south end of Flathead Lake, where her grandchildren are now growing up.

“My three brothers are truck drivers, but they have families and want to be safe. We all go up 93,” Bauer said. “We tell out-of-state friends to drive 93. Highway 35 is scenic. Drive it when you want to gawk. Highway 93 is commercial. It’s faster. Drive it when you want to get somewhere in a hurry.”

Living in Polson where Highways 93 and 35 meet, Bauer can chose which road to drive when driving around the lake. She doesn’t worry about data or public opinion, but bases her decision on a lifetime of experience.

“One night — I think it was early spring — I was on my way home from Kalispell, and I took Highway 35. Before I got to Bigfork, the weather changed. The road turned bad, just like that. It was raining, wet and slick. I turned around and went back all the way through Kalispell and down 93.”

## “SHARING THE RISKS AND THE ROAD: REROUTING TRUCKS”

The still, blue expanse of water peeks through snow-draped firs. On a clear, crisp February day, driving north on the east shore highway of Flathead Lake is breathtaking. With no other cars or trucks on the road and no summer tourists in RVs, the pace is leisurely, and the noise of the city fades into memory. Suddenly, the road sharply curves right around the mountain, and the element of fear returns, creeping as ominously close as the double-yellow lines on the pavement.

Residents on this narrow, mountainous highway in Western Montana, Highway 35, live with that element of fear every day. Risks are built into the geography and the road, its age and design. The competition for space and margin for safety make sharing the road hazardous.

Sharing the narrow road with big trucks instills fear in many of the residents. Big, long trucks with 18 wheels, and trucks pulling trailers 95 feet long seem out of place on this scenic, rural road where many residents moved years ago to forget the stresses of modern life. Yet, the goods delivered by trucks are needed by those same residents, including fuel, propane and hazardous materials, creating a risk to the environment and the safety of those traveling the highway.

Many east shore residents want some trucks rerouted to Highway 93, the west shore, which is wider in places and more accommodating to big trucks. Yet, rerouting the trucks means rerouting the risks and the fear.

One east shore resident, Alice Erb, is afraid of what might happen next time a truck veers off the road. She and her husband live on Highway 35 near the site of three of the four high-profile crashes involving trucks, between mile markers four and six near Finley Point. “We live very close to the highway. When it happens again, it could hit our tank (propane tank) and make our house explode,” she said.

Her fear is legitimate. The most recent wreck happened in October 2009 and involved a truck hauling wood chips, one of several that drive Highway 35 daily. According to reports, it went off the road near Finley Point. The driver, who was injured but survived, was ejected from the cab before it rolled over and burst into flames 30 feet high. A resident who heard the screeching tires and crash pulled the injured driver clear of the wreckage.

As the community focuses on the possibility of a similar accident, shifting the risks to Highway 93 won't be so easy. "I would guess the prevailing sentiment is that we don't want more truck traffic on our road," said Greg Schoh, a resident of Lakeside, a town on the west shore. "An increase in truck traffic (on Highway 93) would be risky because there are more towns," he said. "I can appreciate the feelings of east shore residents. These are dangerous issues."

He believes that limiting (second) trailers or the length of trucks would be beneficial in decreasing risks. "Improvements can be made," Schoh said.

Some east shore residents would agree that restrictions on truck length would help matters. "My major beef is with pup trailers," Erb said. "This road is too narrow for trucks with trailers. They are unforgiving," she said. Erb believes regaining control when veering off the road would be harder for a truck pulling the extra rig.

Residents of the lakeshore highways aren't the only ones afraid. Trucking company owners in Flathead County have been affected by the current economy that has devastated the wood products industry. According to the Western Wood Products Association, mills and their customers have seen five straight years of losses, dropping the demand for lumber to the lowest point in modern U.S. history, half of what it was in 2005.

In a trickle effect, the trucking companies in Flathead County that transport products from Plum Creek Timber, one of Flathead County's largest employers, have been affected by the mill's layoffs, curtailed shifts and closed plants in Western Montana.

One east shore resident who spoke at last year's public meeting in Polson said that any additional expenses trucking companies incurred taking the longer route down Highway 93 could be passed on to customers. "We can't pass on expenses to our customers," said Carol Jump of Jump Trucking, a family business operating in Kalispell for more than 50 years. "One of our biggest customers, Smurfit-Stone Container in Missoula, is in bankruptcy. How do you pass on expenses to them?"

The cutbacks of mills receiving products from Flathead County loggers are industry wide. Rates for timber have been sliced so low, Jump said, that her profits are impacted dramatically, factoring in the costs of transporting them to places like Missoula.

Jump and her husband were the owners of the truck hauling wood chips that wrecked in October 2009 on Highway 35. She said that the transportation of their products to Missoula, almost 150 miles one way, represents their largest expense, as well as their greatest risk.

The Montana Department of Transportation spent the last 18 months evaluating the risks posed by trucks driving Highway 35 and said improvements can be made to make the road safer, like adding guard rails and eliminating passing in many places.

However, Erb said she's owned her home on Highway 35 since 1966, and improvements to the highway don't always work. "Guard rails might stop a car," she said, "but not a heck of a lot will stop a huge truck." Improvements are made every five to six years, she said, which basically means repaving, creating more hazards for those entering the highway from a driveway. "That means the road is seven to 10 inches higher. Repaving adds to the height of the road and makes getting out of your driveway even harder, especially in winter when there's ice and snow" Erb said. "You have to back up and get a running start to get onto the road and pull out into traffic," she said.

Delineator posts, just like guardrails, are to give cars and trucks a reflective guide, showing the edge of the road every fifth of a mile, Erb said, but they are covered when it

snows. “We adopted this section of the highway from mile marker four to mile marker six. When you get down in the weeds, we found delineator posts. Cars plough over posts and keep going. Snowplows also knock them down,” she said.

Both highways around Flathead Lake in Western Montana make for close quarters, as they are winding roads, with many access points, sloping shorelines and in close proximity to homes and businesses, but each highway has its own risks.

Highway 35 on the east shore is one road that was not built to accommodate modern traffic or the trucks driving the roads today. Hand-built with horse-drawn scrapers and graders almost 100 years ago, from 1913 to 1914, by convict laborers, Highway 35 cost a mere \$31,825 to construct. The highway retains the same alignment established before WWI, with few upgrades. According to Jim Lynch, MDT director, Highway 35 is one of two roads in the state (the other being Highway 191 in Gallatin County) that cannot be altered, due to the surrounding mountainous terrain and its proximity to the lakeshore.

Although Highway 93 has been widened and modernized, it is longer and steeper than Highway 35 in several places. On a bridge coming out of the town of Polson, the highway passes directly over the lake, emphasizing environmental threats posed by trucks and cars. Highway 93 plows through a scattering of small towns - Polson, Big Arm, Elmo, Dayton, Rollins, Lakeside and Somers — finally running through the middle of the largest town on the north shore, Kalispell. With more opportunity for impact, it is, statistically speaking, an even more dangerous drive.

Truckers take risks too, and they have their own opinions of the risks on each road. Although residents living on Highway 93 or Highway 35 are keenly aware of the risks on their own shore, Mike Cain has been driving both roads for 28 years as a professional truck driver, 18 for Hanson Trucking in Columbia Falls and 10 for Plum Creek Timber. Cain said Highway 93 is less desirable to drive for truckers, for a number of reasons. “I would rather drive Highway 35 every day of the week than 93,” Cain said. “You have to drive through all those towns and right down through the middle of Kalispell,” he said of the west shore road.

The difference in allowable speed between trucks and cars creates a hazard on Highway 93, said Cain, who has only had one speeding ticket in all his years as a driver. “That’s one speeding ticket in my whole life,” Cain said. The speed limit on most of Highway 93 is 70 for cars and 60 for trucks, so cars are always passing trucks, but on Highway 35, the speed limit is 50 for all vehicles, he said. “You just have to pay attention,” said Cain. “If I drive 50, I have no trouble on 35.”

The west shore is steeper in more places, Cain said, and in winter, a trucker has to chain up his tires several times to safely drive those inclines. As chained tires require lower speeds, the chains have to be installed and removed repeatedly along Highway 93.

Since he began driving for a living, Cain has driven wood products, resin, logs, gasoline, cows and swinging beef, some with second trailers, or “pups” and some without. He said that all loads handle differently, including ones with second trailers, but he believes that safety on any road is all in paying attention.

However, not all truckers prefer driving 35 to 93. Mike Shima, who has lived in Polson for all of his 55 years, drives both roads delivering gravel and cement for Knife River. “Highway 35 is a tougher road to drive. It is narrow, winding and slow. I drive these highways in a car and a truck, and I don’t drive 35 unless I have to,” he said. “The road itself is the problem.”

Truck driver Dave Morrison has looked at the risks of driving both roads as a new business owner of Go Mo Natural headquartered in Missoula. In his years as a professional driver, he has frequently driven both highways around Flathead Lake and feels that they are comparable in terms of safety, provided speed limits are observed, roads are sanded in winter and road conditions are okay.

Even if professional drivers don't agree which road poses the greater risks, three realities cannot be ignored by motorists or truckers: the lake, the terrain and the population growth in the area.

The first is the reality of the lake itself. Flathead Lake is the largest natural freshwater lake west of the Mississippi River, with over 160 miles of shoreline. It is also the biggest geographic obstacle to reaching Glacier National Park and the town of Kalispell, as well as three ski resorts and numerous small towns on the north shore.

Motorists and truckers heading north from Interstate 90, which runs through Missoula, have two options when they drive Highway 93 and reach the southern tip of Flathead Lake. They can continue on 93 up the west shore or take the east shore route up Highway 35.

Secondly, the terrain makes both roads risky to drive. The west and east shore highways around the lake are curving and, in many places, approach within 150 yards of the edge of the lake. Both roads have numerous outlets and driveways, including access roads with limited visibility used by trucks and machinery to reach farms and commercial lots. Steep grades are also present on both highways in places.

The tremendous population growth around the lake has intensified the conflict. Headwaters Economics, a non-profit group working with the Bureau of Land Management, maintains a profile of the area's population on their Web site. According to their numbers, Lake County to the south grew by 95 percent from 1970 to 2006, and Flathead County on the north grew 113 percent during the same period. The Web site for Kalispell, the largest city north of the lake, claims it grew 44 percent since 2000.

According to Barry Stang, executive vice president of the Montana Motor Carriers Association, 90 percent of the goods in Montana move by truck. Trucks will continue to be a part of the landscape, as people need what trucks deliver: jobs, industry, commerce, goods and services.

Erb believes that restrictions or rerouting have not already occurred because the powerful trucking lobby, and not the residents, has the ear of the state. “This whole thing is deep in the pocket of the trucking industry,” she said.

Schoh participated in a focus group created by the MDT in late 2008. The group, made up of east and west shore residents and truckers, watched a representative sampling of video shot by MDT of truckers driving the section of Highway 35 around the lake. Schoh said that there was a polarity in the group. “Both sides have their issues,” he said.

He also felt that the research done during the past year by the MDT showed that Highway 35 could be safely driven by truckers obeying the law. “Outright banning is not warranted,” Schoh said. “You’d have to have scientific research to back that up.”

There’s been a concerted effort by residents on the east shore to reroute, Schoh said. “Those of us on this side never even considered banning, as this is a U.S. highway, and we can’t do that,” he said.

Erb thinks everyone living around the lake has the classic syndrome when it comes to the risks posed by trucks, “NIMBY – not in my back yard.”

## “MINIMIZING THE RISKS: THE ROLE OF PERSONAL RESPONSIBILITY”

Driving north down a hill toward the town of Polson on Highway 93, state trooper Jim Sanderson rounds a turn, and Flathead Lake comes into full view. The beauty of the scene can easily distract a newcomer, but Sanderson sees an accident waiting to happen on the opposite side of the highway. He turns on his blue lights and siren, and in a minute he's crossed the median and pulled onto the shoulder of the road.

Construction debris is spread across both lanes of the highway, but because of the curve in the road, motorists driving south out of Polson may not see it. On this windy day, a dump truck carrying mostly shingles and boards lost the tarp covering its load, and the driver is scurrying to collect his spilled load. Sanderson and the trucker work for five or six minutes in silence moving debris out of harm's way before he approaches the driver to cite him.

Truckers and their loads are at the heart of an ongoing controversy in the area around Flathead Lake in Western Montana. To minimize risks that trucks pose on the older, narrow east shore road, Highway 35, many lakeshore residents have petitioned the state for restrictions on trucks. But, do the risks begin with the vehicles, the road or what happens behind the wheel?

Eighty percent of Sanderson's calls are traffic related, and preventing accidents and minimizing risks is part of his job. “Three-fourths of your job is just being present,” said Sanderson, who patrols both highways around Flathead Lake and others spread into four counties. “The goal is to have people actively choose to obey.” Yet, law enforcement doesn't eliminate the risks, and the consequences of irresponsible driving can be deadly.

Flathead County, which extends into northern half of Flathead Lake, is the number one county in the state for fatalities, according to the Montana Highway Patrol Annual Report. Sanderson has investigated many accidents involving deaths since he was hired as a trooper more than eight years ago.

The highways of Western Montana are Sanderson's workplace, so careless driving puts his life at risk, too. According to Sanderson, in the history of the Montana Highway Patrol, seven troopers have been killed on the job, five of whom were dispatched out of Kalispell in Flathead County on the north side of the lake. From October 2007 to March 2009, three troopers dispatched out of Kalispell died in traffic-related accidents, and all three were friends of Sanderson. The moment you re-evaluate your job is when a trooper gets killed, he said. "It hits home when it happens to a friend."

In her job processing speeding tickets at the county courthouse in Polson, Cindi Guth is more aware of speeding than most drivers on Highway 35. "Driving too fast and passing are the biggest problems on 35," she said. An east shore resident for 20 years, she drives Highway 35 to work every day, and she has a pretty strong opinion about where much of the fault lies.

"Seventy percent of the people I complain about are from Flathead County," she said. I've honestly thought about writing an editorial to the Daily Interlake asking public schools if they've taught their students numbers because people in Flathead County don't seem to know that five-oh means 50 miles per hour."

Guth believes truckers are big violators of the speed limit on Highway 35 because they are so comfortable driving that road every day, but citation information maintained by the highway patrol is based on counties, not sections of the highway, according to highway patrol Sgt. Roy Christensen.

Christensen, a Montana Highway Patrol trooper working in the area's district headquarters in Kalispell, said that east shore residents have been calling about trucks speeding on Highway 35 since he's been in his job, for 14 years. "I'm not saying they don't, but, realistically, truck drivers obey the laws best because they have more to lose," Christensen said. Drivers who are cited often for violations can lose their jobs, he said.

Neil Hanson of Hanson Trucking in Columbia Falls has 22 drivers working for him, most of whom drive Highway 35. Hanson and his brother periodically check their drivers' speed with radar guns and train new drivers to work alongside veterans, requiring a peer review. Drivers with bad records would be terminated, he said, as they could affect insurance rates or customer relationships. "If residents see my drivers speeding, they can call me and report them. Our company's name and phone number are on the door of every truck," Hanson said.

However, Sanderson believes careless driving, not speed is the biggest issue in wrecks. He was the lead investigator on a fuel truck crash on Highway 35 near Finley Point in April 2008, as well as a truck crash that occurred a few weeks later on Highway 35 involving a truck transporting nursery supplies.

In April 2009, a big truck carrying dry cement crashed on the east shore highway, and in October 2009 a chip truck crashed near Finley Point. All four daytime wrecks were single-vehicle accidents. All drivers were charged with careless driving, except the cement truck driver who stated that he swerved to miss a deer. Although the accidents were high-profile incidents, they do not indicate that the risks are increasing on 35, Sanderson said, but the wrecks reinvigorated the objections of those who want trucks restricted from driving the east shore.

"The wrecks near Finley Point had nothing to do with speed. The drivers were cited for careless driving," he said. "They could be characterized as inattentive drivers."

"The only commonality in these crashes is driver error and that they happened in close proximity to each other," said Sgt. Randy Owens, Sanderson's boss. According to Owens, "careless driving" can be defined as "failure to drive in a careful and prudent manner." The truck drivers in these four crashes failed to keep their trucks between the lines, he said, and once outside the lines, there is little room to correct on Highway 35 because of the narrow shoulders.

As opposed to careless driving, reckless driving, said Owens, is where a driver purposely and knowingly failed to keep truck on road, and this could include driving more than 15 miles per hour over the posted speed limit. Most wrecks occur, he said, because drivers are not paying attention to their driving, but to everything else.

According to Owens, only one percent of the speeding tickets and one percent of the warnings issued in the first half of 2009 by the Polson detachment of the highway patrol troopers were issued to truckers.

The narrow, mountain-hugging Highway 35 makes driving more difficult, but it also makes Sanderson's job of enforcement harder. "Highway 35 is not a modernly-designed highway," he said. "There are no shoulders and few guardrails on 35 which means caution is needed in driving the road." Sanderson has had to follow drivers for miles sometimes to get to a spot where they can safely be stopped, he said. Answering a call takes longer on Highway 35 or Highway 93 if he's in another location, simply because he has to drive around the lake.

Impatience is the source of many problems on Highway 35, said Kim Bauer, a Polson resident. "Tailgating, being in too big a hurry, can cause accidents," she said. "If you want to pass, drive Highway 93."

Don Schwennesen has lived for 29 years in a house just yards from Highway 35 near Bigfork. His own near miss with a fuel truck on that road was due to the impatience of the truck driver who passed another car and then his. The Town Pump truck was pulling a second trailer, just like the one that overturned in April 2008. "I thought we were all done for," he said.

In 1994, his next-door neighbor was driving a school bus and had a near miss with a truck on Highway 35, which also fueled Schwennesen's desire to have trucks carrying hazardous materials and wide loads rerouted to Highway 93.

Albert Reed, a driver for Hanson Trucking, said that most motorists don't drive around trucks responsibly and increase risks on the road for all drivers. "They think that a heavy truck handles just like their car," he said.

Trucks need more room to stop, Reed said, especially when carrying a heavy load. Reed has had drivers pass him, only to slow down and turn right. Cars also pull in front of him at stoplights, reducing the distance he has to stop and requiring him to be on high alert to be able to respond in time.

Reed has driven both highways around the lake but doesn't feel Highway 35 is any more dangerous than other roads. "As drivers, we face the same hazards on each road every day. There is no margin for error on any road," Reed said. Highway 35 is more narrow than most and hasn't been updated, Reed said, but, more motorists drive Highway 93, and with the west shore road passing through several small towns, truckers have more encounters with cars.

As a commercial driver, he has also driven wide loads, heavy equipment and construction materials in all kinds of weather. Reed said that the load does not change the personal responsibility for the driver. "Anything that happens when I leave the yard, I'm responsible for," he said.

As a new trucking company owner, Dave Morrison said he is concerned about safety and profit. But, as a commercial truck driver most of his adult years, Morrison always sees safety from a driver's perspective. He is licensed with all endorsements, able to drive a 158,000-pound tractor-trailer. He has driven over-sized loads wider than 12 feet and hauled lumber, produce, sulfuric acid, wood residuals and machinery.

However, the greatest risk, Morrison said, is not the road or the load. "Good, attentive drivers always feel the greatest risk is the other guy."

## “PROTECTING THE ENVIRONMENT: TRUCKS, POPULATION AND POLLUTANTS”

Long before there was a state called Montana, Flathead Lake’s lapping waters and the rippling sounds of its tributaries were heard by the ancestors of tribal people living in the area now located on the Flathead Indian Reservation.

“I’ve lived here all my life,” Rich Janssen said. “You want to leave a place better than it was when you came. To do that you have to go above and beyond.” Motivated by a generational connection to the land and water, he serves as the division manager for Environmental Protection for the Confederated Salish and Kootenai Tribes.

His resolve was tested on April 2, 2008, by a fuel truck traveling Highway 35, the east shore of the lake that spilled part of its load. The driver swerved, and the truck’s second trailer, a “pup,” overturned, spilling almost 6,400 gallons of fuel into the barrow pit next to the highway near Finley Point on the reservation.

Steve Stanley, coordinator for the Lake County Office of Emergency Management, was a first-responder on the scene, just a 10-minute drive from his office in Polson on the southern tip of the lake. “When I arrived at the scene about ten minutes after I got the call, there was no fuel. It had all soaked into the ground,” Stanley said. “It was the most unusual fuel spill I’ve ever seen.”

Janssen and others in the tribes monitored the cleanup effort daily, as crews began the search for fuel migrating underground downhill toward the lake. “Whatever enters the lake is an issue for the tribes. The lake is part of the reservation,” said Mike Durglo, a water regulatory specialist for the tribes.

Both Highways 35 and 93 around the southern part of Flathead Lake are on the northern section of the reservation and inside Lake County, with Flathead County encompassing the northern part of the lake. The state has the right-of-way for the highways,

so only the state can restrict the transport of hazardous materials, Durglo said, and the tribes get involved when contaminants enter the water.

Stanley said that most spills he deals with involving fuel are cleaned up within two weeks, but the cleanup effort for the one in 2008 is ongoing. More than a year later, only 2,000 to 3,000 gallons of fuel that soaked into the ground have been recovered, according to Donna Inman, an environmental scientist with the Environmental Protection Agency in Denver, Colo.

Keller Transport, the company that contracted the fuel truck, resumed the cost of cleanup once the \$5 million in insurance money was expended, said Inman, who is also responsible for enforcing the EPA's cleanup order.

The Montana Department of Transportation has spent more than a year conducting engineering studies to determine if the narrow east shore highway can accommodate large trucks. Many east shore residents have petitioned the state to require trucks, especially those transporting hazardous materials, to take the longer, steeper route down the west shore, Highway 93.

Since last April, three other trucks, none transporting hazardous materials, were involved in accidents on the east shore. Two of those crashed near Finley Point, the site of the fuel spill. These additional wrecks have intensified the controversy over trucks, especially those pulling trailers, that travel the two highways around Flathead Lake.

Many east shore residents feel that the risk of environmental disaster is greater on Highway 35, as the road has twice as many miles within 150 feet of the water as Highway 93. Yet the MDT announced at a November 2009 public meeting in Somers that trucks will not be rerouted. Their extensive research has proven that all configurations of trucks can maneuver the east shore road and stay within the lines, provided that the posted speed limit is obeyed.

“The threat isn’t truck traffic or hydrocarbon spills,” Stanley said. “It’s irresponsible parties. Our transportation system is remarkable. We hear about the nasty events, but we forget how much stuff we move on highways every day.”

Stanley said that not all of the risks posed by hazardous materials traveling on the highways are obvious. The trucks that make him nervous are the ones carrying “mixed loads,” commonly traveling the state’s highways, like general delivery trucks described in his response guidebook.

“They aren’t required to have a placard,” he said. “When a truck like that overturns, chemicals mix and take on completely different properties. If a truck is carrying a specific load, like propane, there’s a protocol to follow.”

Stanley said that a sign on a truck reading “mixed load,” is very dangerous for first responders. They don’t know what they will find when they approach, what kind of gas is emitted or how combustible its spilled contents are.

Durglo said that checking the water quality of the lake for petroleum-based pollutants in a site-specific spill like the one at Finley Point is important, but effective monitoring must be broader. He said that the EPA determines the standards for lake-wide pollution levels.

EPA data have shown the leading threat to water quality of the lake is polluted runoff, according to Flathead Lakers, a community watch group formed in 1958 and a tribal partner in environmental protection. Pollution, like the water itself, flows downhill, said Durglo, and that is what drives the tribes’ concern about contaminants in the Flathead basin.

The EPA ranks farms and cities as the major sources of polluted runoff. Agriculture in the area contributes pesticides, nutrients from fertilizers, sediment from soil erosion, and bacteria and nutrients from manure. Urban and suburban areas around the lake contribute pesticides and fertilizers used on lawns and gardens. Streets and parking lots accumulate gasoline, lead, oil and grease, which flow into the lake following heavy rains.

“What you don’t read about in the papers is the daily pollution going into the lake,” said Steve Stanley, director of the Office of Emergency Management for Lake County, two-thirds of which is on the reservation. “Go to the Walmart parking lot and look at all the sheen from oil leaks. That all goes into the lake,” Stanley said.

The tribes spend more than \$10 million a year to protect and enhance natural resources and land management and maintain strict environmental standards for air and water quality. To expand the scope of this effort, they support a partnership with the Flathead Lake Biological Station, a field research and teaching facility for the University of Montana. Founded in 1899 as the “Sentinel of the Lake” by Morton J. Elrod, a professor at the University of Montana, the station is located on Highway 35 near the edge of the reservation.

Researchers there create databases of water quality indicators, which contribute to decisions made by state and local agencies, including the tribes. For example, research at the station prompted the state to construct advanced wastewater plants in the towns of Kalispell, Bigfork, Whitefish and Columbia Falls around the lake.

Since 1977 when the EPA funded an initiative to monitor water quality year-round, Flathead Lake Biological Station shows the water quality has been steadily declining. Two blooms of pollution algae have appeared in the lake, one in 1983 and one in 1993. “We don’t monitor hazardous materials per se. We monitor the lake’s ability to grow algae due to pollution runoff of nitrogen and phosphorus,” said Jim Craft, research specialist at the station.

One threat to water quality comes from a natural source, non-native species of plants and fish, according to Clint Folden, wetlands conservation coordinator for the tribes.

Folden said flowering rush growing around the lake is a good example, as it crowds out native vegetation around the shoreline and has the potential to engulf Polson Bay. The

plant has been measured at 22 feet from the subsurface to the water surface and does not need oxygen from the surface to grow, as many other native plants like cattails do.

Scientists from the Salish Kootenai College, the University of Montana and the tribes are working together through a grant to eliminate flowering rush, Folden said. He said that working closely with the biological station and other agencies is important to meeting tribal conservation goals.

“Compared to all other lakes, Flathead is very clean. But, it’s not all what it seems to be, either,” Folden said. Mercury has been detected in the high mountain streams (and traced through the water cycle to China). Mercury is present in runoff, he said. “Women of childbearing age can’t eat more than one fish from the lake because of the mercury content,” said Folden, who used to be a fish biologist.

The risks to the environment need to be analyzed in the context of an ever-increasing population in the two counties that encompass the lake. Stanley believes the increased population has brought an increase in pollutants from several sources.

An increase in residents around the lake also increases the delivery of propane used to heat homes. Forty-three percent of the trucks on the east shore are delivering products to homes and businesses on that highway, and more than half of the trucks on Highway 93 are making local deliveries along the lake, according to the MDT.

Stanley has another environmental concern. Five-gallon tanks of gas are being poured into boats on the lake by the increasing number of boaters. “There are only three marinas that have gas pumps,” he said. “Most boats are filled out of five-gallon jugs. You think about pouring that into a boat when the water’s choppy. You probably spill a quart, and that goes into the lake.”

Stanley, who is 53, said Flathead Lake has changed in his lifetime. He moved onto the west shore of Flathead Lake as a child when his family bought a house in 1960 near

Polson off Highway 93. “I remember when we could drink water from the lake, but I wouldn’t do it now,” he said.

“The lake has sustained the tribes for so long, that, as a whole, we have a passion about it,” Folden said. “I decided to go back to school in midlife because I wanted to make a difference. That’s why I’m in the field I am.” Trying to contend with invasive species that threaten the lake can be discouraging. “You can’t get up to this sort of thing every day if you’re not committed and have a natural tie,” he said.

In fact, being outside around the lake is the best part of his job. Folden said that his previous field work as a fish biologist gave him a chance to go into the high country and see what the area used to look like before all the people and pollution, which offers him hope. “One elder told me once that if you take care of the mountains, the rest will take care of itself,” he said.

For most in the tribes, conservation is not just about the past or the present, but the future. “We think long term about how what we do affects the generations to come,” Durglo said, “to the seventh generation.”

## “WHAT’S NEXT ON HIGHWAY 35?”

It’s after 4 a.m. when Mike Cain climbs into the cab of his truck for his daily run from Columbia Falls to Missoula and back. “My alarm goes off at two, and I’m at work by 2:45,” Cain said. He doesn’t mind the early hours because there’s not as much traffic on Highway 35, as he heads south around Flathead Lake.

Cain has been driving the two roads around this lake in Western Montana for 28 years and knows every pothole, curve and mailbox. He drives a 124,000-pound two-trailer rig they call a “Rocky Mountain Double,” one of the longest on the road — 95 feet — but he doesn’t feel the extra length is a problem. Cain has no problem keeping the big rig between the yellow lines, but he knows that many residents living on the east shore want his truck off their road.

Keeping this controversy between residents and truckers in the ever-narrowing lanes of popular opinion is the job of Jim Lynch, director of the Montana Department of Transportation. Although risks will remain on Highway 35, Lynch and other policymakers must look to the future and influence what happens next. Resolving conflict, analyzing risk and implementing change are the first steps to improving the future for residents and truckers that share the road.

Since April 2008, four high-profile wrecks involving trucks on Highway 35 have turned up the heat on MDT to provide leadership and increase safety on the east shore road. Many east shore residents want large trucks restricted and rerouted to Highway 93, the west shore.

Lynch considered the input of residents, truckers and trucking company owners in two public meetings he held in June 2008. Installing reader boards for drivers telling them what they might encounter on Highway 35 and putting data recorders and GPS stamps in trucks were recommended. One resident proposed adding rumble strips to the center and edge of the road, while another said the state should give tax breaks for trucking companies

willing to take the alternate route up Highway 93. In desperation, a resident even suggested fuel and hazardous materials be transported by train or ferried across the lake on boats.

“Large loads should be redirected to 93. There should be no doubles (trucks with double trailers) and no through traffic,” said Don Schwennesen, one resident whose house sits just yards from Highway 35 near the town of Bigfork. He said that truck traffic has increased dramatically since he moved there almost 30 years ago, and he believes trucks increase the risks of driving that road. “No additional law is needed. The state has authority to redirect the traffic,” Schwennesen said.

Lynch responded to one resident who suggested widening the highway itself. “There is no room to expand and not enough money to spend if we did,” he said, admitting that Montana doesn’t have the revenue to meet all the highway needs in the state.

At a follow-up public meeting held in November 2009, Lynch reported his findings of the past 18 months, along with data collected by his engineers. They filmed all types of vehicles and trucks driving the 34 miles of Highway 35 from Polson to Bigfork to determine if all could stay within the lanes. “What we found was that trucks that were driving the speed limit could drive within the lines, even those with trailers,” Lynch said.

The MDT installed a satellite scale near Polson, which was used to randomly check weights and permits of trucks driving Highway 35. Shifts for troopers at the location vary but run seven days a week, increasing to three shifts midweek when traffic is heaviest.

Lynch also obtained funding for an additional enforcement vehicle, a special unit that monitors trucks and other vehicles traveling the east shore road. According to Lt. Mike Reddick of the Montana Highway Patrol, crash prevention is the main goal of those in the special unit. “They report to us and can give tickets,” he said. They can also pull over any driver, check paperwork, and do a physical inspection of the truck.

MDT engineers conducted a speed study of vehicles on Highway 35 and determined that 85 percent of all vehicles were clocked between 47 mph and 57 mph. “I was surprised to see how closely trucks and cars were matched,” Lynch said.

MDT analyzed the Swan River Bridge at Bigfork. Built in 1954, the bridge is 220 feet long and 28 feet wide, which is considered narrow for the traffic volumes, but it meets minimum standards to remain in place. Montana currently has 1,158 bridges with a width of 28 feet or less that carry truck traffic.

The pavement analysis by the MDT showed the thickness of Highway 35 ranges from 5.4 inches at mile post 12 to 14.4 inches at mile post 22. Alligator cracking and aging requires frequent maintenance, according to the MDT. The roadway is smooth between mile post 4 and 26, but roughest between mile post 26 and 32. Yet, they concluded that Highway 35 is structurally capable of carrying truck traffic.

Many east shore residents were not convinced by the data that Highway 35 can handle truck traffic adequately. James Gates, one east shore resident, pointed out that the damage caused by trucks that wreck is more severe than that caused by cars. He estimated that the April 2008 fuel spill caused over \$10 million in damage. “That’s a lot of car wrecks.”

“Highway 35 is not more unsafe for trucks than it is for cars,” said Carol Jump, owner of the truck that wrecked in October 2009. The whole focus of residents, Jump said, seems to be on the one accident (fuel spill in April 2008), not on safety or the inability of the road surface to handle the traffic.

Truck drivers being irresponsible is not the point, Jump said, as her driver was one of her company’s safest. She feels that the overlays on the pavement create a hazard because the narrow shoulders leave no room for error. Her driver didn’t wreck because he was exceeding the speed limit. Yet, he was cited for careless driving because his back tire hit the

soft shoulder. She believes that a guardrail, which wouldn't stop a truck that was speeding would have helped her driver stay on the road until he could have brought the truck to a stop.

Pete Thelen, a senior project coordinator for the MDT, explains the roads do not get narrower when the MDT repaves. "We are required by law to meet specifications on the width of the lanes. They are still going to be 12 feet from the center line to the fog line," he said. However, he said that the shoulders, which are already narrow, less than a foot in places, become narrower when a road is repaved. The tire of a heavy truck would sink into the soft shoulder and allow little room for the driver to correct.

Chris Ricciardi has been an east shore resident for 17 years. He didn't attend the public meeting, but he has a perspective that includes more personal risks than most in his role as Finley Point fire chief. As the incident commander on the April 2008 fuel spill, Ricciardi is aware of the potential consequences of accidents involving trucks. He spent nine hours directing the activities of multiple agencies at the scene. "If the fuel truck had exploded or caught fire, most of my family would have been at ground zero," he said, as four of his sons are also volunteer fire fighters with the Finley Point station.

"We respond to more accidents than hazardous spills or fires," Ricciardi said. "It's about a 70-30 ratio of traffic accidents to other calls."

Owner of "Ricciardi's Italian Seafood House" near Finley Point, he said that he sees trucks speed past his windows all the time. Although he has accepted the risks trucks pose as part of life around the lake, he doesn't like them (the risks), and he is in favor of restrictions for trucks driving Highway 35. "Trucks are essential to my business. I don't want to have to drive to town to get my groceries, but I don't want trucks driving through to come down this road," he said.

In addition to rerouting wide loads, eliminating passing zones, adding guard rails and a pull out near mile post seven, Lynch proposed a joint effort by the community to improve safety on Highway 35.

Lynch held two meetings with trucking company owners and truckers in which a plan was forged to involve truckers and residents in a road watch community, similar to a neighborhood watch. “As far as I know there is nothing like this in the U.S.,” Lynch said.

Although there are still some details to be worked out, three aspects of the program jumped to the forefront. First, truckers and the Motor Carrier Services division of the state will use radar enforcement to identify aggressive drivers, both motorists and truck drivers. Truckers using Highways 93 and 35 will get additional training on how to handle the special aspects of those roads. The MDT will host an 800 number posted on signs on both highways to gather information on what’s happening and report license numbers of violators to law enforcement.

“The beauty of this program is that most driving on this road is by local drivers,” Lynch said. “If we were serious about keeping Highway 35 safe, we would all participate. Let’s really make a difference and save people’s lives on 93 and 35.”