

House Transportation & Defense Committee

Minutes
2005



MINUTES

HOUSE TRANSPORTATION AND DEFENSE COMMITTEE

DATE: January 12, 2005

TIME: 2:00 p.m.

PLACE: Room 412

MEMBERS: Chairman Wood, Vice Chairman Roberts, Representatives McKague, Smith(24), Bedke, Cannon, Skippen, Wills, Moyle, Hart, Nonini, Shepherd (2), Mitchell, Ringo

**ABSENT/
EXCUSED:** None

GUESTS: Lance Giles, Governor's office; Denise Brennan, Idaho Automobile Dealers Association.

Chairman Wood called the meeting to order at 2:03 p.m.

Chairman Wood introduced the secretary, page, and the new members. She also introduced guests Lance Giles and Denise Brennan.

Chairman Wood asked if the committee would like to continue receiving their minute books now that the minutes can be accessed on the internet. Pamm will also be giving everyone a disk of their minutes at the end of session. Representatives Skippen, Moyle, Ringo, Wills, and Bedke said they would rather not have the book. The secretary will put a copy of the minutes in each folder every meeting so they can be approved. The secretary will keep minute books for the library, secretary, and those requesting them.

Chairman Wood also asked if the committee would still like the reminder agendas on their desk the day before the meeting. Everyone agreed that they would still like to have them.

Chairman Wood appointed two sub-committees to review the rules. The sub-committee reviewing ITD Rules will be Rep. Roberts, chairman; Rep. Hart, Rep. Nonini, and Rep. Shepherd. The sub-committee reviewing the State Tax Commission Rules will be Rep. Smith, chairman; Rep. McKague, Rep. Cannon, Rep. Wills, and Rep. Mitchell.

ADJOURN: With no further business to come before the committee, the meeting was adjourned at 2:25 p.m.

Representative JoAn Wood
Chairman

Shani Murray
Secretary

MINUTES

HOUSE & SENATE JOINT TRANSPORTATION AND DEFENSE COMMITTEE

DATE: January 18, 2005

TIME: 1:30 p.m.

PLACE: Room 412

MEMBERS: Chairman Wood, Vice Chairman Roberts, Representatives McKague, Smith(24), Bedke, Cannon, Skippen, Wills, Moyle, Hart, Nonini, Shepherd (2), Mitchell, Ringo

Chairman Brandt, Vice Chairman McGee, Senators Keough, Geddes, Little, McKenzie, Noble, Marley, Longhorst.

**ABSENT/
EXCUSED:** Rep. Smith (24), Rep. Bedke, and Rep. Mitchell

GUESTS: **See attached sign in sheet and presenters highlighted below.**

Chairman Wood called the meeting to order at 1:40 p.m.

Chairman Wood introduced Chairman Brandt and welcomed the Senators. She then introduced Byron Keely from the Local Highway Technical Assistance Council (LHTAC)

Mr. Keely, Deputy Administrator, stated that LHTAC was created by the legislature in 1994, under Title 40, Chapter 24. The mission of the council is to assist the Local Highway Jurisdictions (LHJ) with utilizing the available resources for maintenance and construction of Idaho's local highway system in the most efficient and effective operation possible.

Mr. Keely said there are 12 council members and 6 full time staff members. He gave a brief overview of the authority of the Council. He also said that they have given reports to the legislature with the reports given in 1997 and 1999 being of most interest.

LHTAC publishes a number of publications for Local Highway Jurisdiction and also puts out a number of joint publications. He stated that there are three upcoming publications and studies: 1) Engineering study for LHJ's traffic control devices (this takes into account stop signs, etc.), 2) Weight restrictions due to frost breakup, and 3) manual for establishing speed zones and speed limits.

LHTAC also does education and training for the Local Highway Jurisdictions as well as doing Local Highway conditions and needs assessment. He stated that the last time a major study was done on highways was in 1995.

Other project LHTAC oversees are

- Provide project selection and administration
- Local Federal-aid incentive program/STP Urban & Rural
- Local Rural Highway investment program
- Local Federal-aid bridge program
- Asset Management project
- Intergovernmental Relations
 - State of Idaho
 - Federal
- Tribal Governments and Bureau of Indian Affairs

There are 288 Local Highway Jurisdictions with 191 cities, cities have jurisdiction in all but one county. There are 33 counties, 21 exclusively county; 12 are county and highway district administration. There are 64 highway districts is 23 counties; 11 are exclusively highway district administration; 12 are county and highway district administration.

Our local highway system is made up of roads, bridges and railroad crossings. Current mileage as of 2003 is 33,250. This figure is indicated by "centerline mileage" of a 2-lane road. A 4-lane road would be calculated as 2 centerline miles. About 5,366 miles are eligible for Federal-aid. As of 2003 there were a total of 2,283 LHJ bridges. Of bridges over 20 feet, approximately 4,955,830 square feet of bridge surface, of this 7% is considered deficient. Over 20 foot, 172 qualify for replacement. There are 1,275 LHJ railroad crossings. Crossings continue to be eliminated; however, less as a result of rail line abandonment than as an elimination of at-grade crossings which is good for safety.

Mr. Keely also talked about city mileage and showed tables comparing 1990 mileage to 2003. These tables indicate that the local system is growing and changing in response to population and economic growth. In 1990 total mileage in the LHJ was 29,228 and in 2003 it grew 4,022 miles to 33,250. That is about a 13% increase in total mileage and a 33% increase in federal-aid eligible mileage. There has been a steady increase in VMT—that is a measure of use—approximately 46% of all VMT is on the local road system.

Speaking about revenue and expenditures, Mr. Keely showed a table and said that these tables come from the Annual Road and Street Financial Report. LHJ's annually submit this to the State Controller. Most Highway User Revenue (HUR) funding for LHJ is from the Highway Distribution Account. Local Highway Jurisdictions receive 38% of this fund. There are "carry over" funds which are obligated for construction (46%), maintenance and operations carryover (30%), and contingency or emergency funds (23%). Of the funds on hand, 69% is current revenue; and all of that was spent in 2003.

Cost Responsibility indicates how LHJ is doing in funding their highway system. HUR Funds are far below the 70% indicated in the model. This increase in HUR is primarily from the 1996 increase. Since 1995 Non-HUR funds—decreased relative to HUR. In recent analysis by LHTAC there has been a decline in HUR revenue—mainly in rural areas.

Reporting on expenditures, Mr. Keely said that administrative costs had gone down from 1995 to 2003. This is due to better reporting and

increased efficiency. In construction and rehabilitation there was an increase from 41% in 1995 to 42.9% in 2003 due to increased revenue. Maintenance increased to 46.8%.

Some of the challenges for LHJ's include: Revenue is unbalanced as not enough is coming from user revenues (Regis, fuel, title); LHJ's growing mileage in the last 10 years and population growth has increased the need to retrofit and expand existing highway facilities; and dealing with rural to urban migration and generational turnover has increased the need for trained personnel.

The future challenges are to preserve the system; upgrade for safety and performance; and training for local elected officials.

Answering a question regarding long term planning, Mr. Keely stated that most projects look as far as twenty years out for analysis of road system use, but most capital improvement activities are 5 to 10 years.

A question was asked about total mileage and if these were new miles of road. Mr. Keely said that they are typically new miles and occur mostly in subdivisions.

There was a concern about the expenditures for maintenance activities and how it has doubled from 1995 to 2003. Mr. Keely said that some areas of the state, typically rural areas, are in a crisis mode and this may mean laying people off.

Chairman Wood thanked Mr. Keely and said it was nice to know that local jurisdictions can come to LHTAC for help in applying for federal-aid.

ADJOURN:

There being no further business to come before the committee the meeting was adjourned at 2:40 p.m.

Representative JoAn Wood
Chairman

Shani Murray
Secretary

Senator Skip Brandt
Co-Chairman

MINUTES
**HOUSE TRANSPORTATION AND DEFENSE COMMITTEE
SUBCOMMITTEE ON TAX RULES**

DATE: January 18, 2005

TIME: 1:00 p.m.

PLACE: Room 412

MEMBERS: Subcommittee Chairman Smith (24), Representatives McKague, Cannon, Wills, Mitchell

**ABSENT/
EXCUSED:** Representative Mitchell

GUESTS: **See attached sign in sheet and presenters highlighted below.**

Subcommittee Chairman Smith (24) called the meeting to order at 1:05 p.m.

He introduced Randy Nilson, State Tax Commission, who presented the rules.

Docket # **Rule 000** Legal Authority
35-0105-0401 **Rule 002** Written Interpretations
Rule 003 Administrative Appeals
Rule 004 Public Records

These rules are being amended to correct references to Idaho Code sections that were renumbered in previous years.

MOTION: Rep. Cannon made a motion to recommend that Docket # 35-0105-0401 Rules 000 to 004 be approved by the full committee . Motion approved unanimously.

Docket # **Rule 005** - Office, Office Hours, Street and Mailing Addresses, Phone and Facsimile Numbers and E-mail Address.
35-0105-0401

This rule is being amended to add the State Tax Commission's Web site address and to update the Tax Commission's Taxpayer Services' e-mail address.

MOTION: Rep. McKague made a motion to recommend that Docket # 35-0105-0401-Rule 005 be approved by the full committee. Motion approved unanimously.

Docket # **Rule 140** - Deductions.
35-0105-0401

This rule is being amended to remove outdated 1998 effective date language for motor fuel distributors. The law was there for auditing purposes.

MOTION: Rep. Wills made a motion to recommend that Docket # 35-0105-0401 -

Rule 140 be approved by the full committee. Motion approved unanimously.

**Docket #
35-0105-0401**

Rule 292 - Calculation of Refunds for Nontaxable Uses of Motor Fuels in Motor Vehicles.

House Bill 684, 2004, has amended Section 63-2401 and 63-2423, Idaho Code, to not allow special fuels consumed while idling as an activity eligible for a special fuels tax refund. This Rule is being amended to comply with that change.

MOTION:

Rep. Will made a motion to recommend that Docket # 35-0105-0401 - Rule 292 be approved by the full committee. Motion approved unanimously.

**Docket #
35-0105-0401**

Rule 420 - Documentation for IFTA Licensee Reporting and Special Fuels Users Claiming Nontaxable Use of Special Fuels in a Motor Vehicle.

This rule is being amended to remove record keeping that is no longer required because the quarterly mileage tax collected by the ITD was repealed.

MOTION:

Rep. Cannon made a motion to recommend that Docket # 35-0105-0401- Rule 420 be approved by the full committee. Motion approved unanimously.

Mr. Randy Nilson suggest that at this time we skip to Rule #'s 500, 501 and 510 as there were some questions on Rule 421 which could take more time.

**Docket #
35-0105-0401**

Rule 500 Idaho Clean Water Trust Fund Transfer Fee

Rule 501 Petroleum Transfer Fee

Rule 510 Application and Reporting of the Petroleum Transfer Fee

These Rules are being amended to correct references to Idaho Code sections that were renumbered in previous years.

Rep. McKague asked for clarification regarding the 1cent transfer fee.

Mr. Nilson stated that they have not been collecting the 1 cent since Oct. 1, 1999. When the fund got to \$3 million the collections stopped. When it drops below a certain amount then the 1 cent will be reinstated.

Rep. Smith asked if there is a court history.

Mr. Ted Spangler stated that the fee was originally enacted with the idea it would be put in the clean water trust fund. It provided insurance reserves for people who own underground storage tanks. There was a court case that found this was against the law which required fuel taxes to be used in the highway fund. It was then put in the trust fund with 80% to highways and 20% into the fund. There was a threshold set and when the fund falls below this threshold the rule is reinstated. It is controlled by existing statute and the rule merely implements it.

MOTION: Rep. Wills made a motion to recommend that Docket # 35-0105-0401 Rules 500, 501 and 510 be approved by the full committee. Motion approved unanimously.

Docket # **35-0105-0401** **Rule 421** Documentation for Idaho International Registration Plan and Full Fee Registrants.

House Bill 474, 2003, has amended Section 49-202 and 49-439, Idaho Code, to give the Tax Commission the authority to conduct audits of motor vehicle registration applications for the Transportation Department. Rule 421 is a new rule needed to set out the record keeping requirements for certain registrants of motor vehicles in Idaho.

MOTION: Rep. Wills made a motion to recommend that Docket # 35-0105-0401 - Rule 421 be approved by the full committee. Motion approved unanimously.

ADJOURN: Chairman Smith adjourned the meeting at 1:35 p.m.

Representative Leon Smith
Subcommittee Chairman

Shani Murray
Secretary

MINUTES

**HOUSE TRANSPORTATION AND DEFENSE COMMITTEE
SUBCOMMITTEE ON ITD RULES**

DATE: January 18, 2005

TIME: Upon adjournment of regular committee meeting

PLACE: Room 412

MEMBERS: Subcommittee Chairman Roberts, Representatives Hart, Nonini, Shepherd (2)

**ABSENT/
EXCUSED:** None

GUESTS: **See attached sign in sheet and presenters highlighted below.**

Subcommittee Chairman Roberts called the meeting to order at 2:50 p.m.

**Docket #
39-0306-0401** **Alan Frew**, Idaho Transportation Port of Entry Manager, presented this Pending Rule. Allowable vehicle size: This change allows awnings to be excluded when measuring the overall width of recreational vehicles.

MOTION: Rep. Shepherd made a motion to recommend that Docket # 39-0306-0401 be approved by the full committee. Motion approved unanimously.

**Docket #
39-0311-0401** **Alan Frew**, also presented this Pending Rule. Over legal permittee responsibility and travel restrictions. Due to ever increasing traffic volumes on the interstate highways, this rule is being modified to restrict over-width permitted vehicles from operating on certain sections of interstate highways during the hours of high-commuter traffic (6:30 to 8:30 a.m. and 4:00 to 6:00 p.m.). There is a minimal impact to industry since they are already subject to high commuter traffic restrictions on non-interstate state highways. This rule does not affect Implements of Husbandry.

A concern of the committee was restricting certain areas of the state. Mr. Frew gave Twin Falls as an example explaining that this area was starting to have heavy commuter traffic and may eventually need to have this restriction implemented in their area.

Mr. Frew said that Riggins could be another area to have some restrictions at times of heavy construction. They would like the ability to restrict at those times.

Rep. Nonini asked if Implements of Husbandry included mining and logging equipment. **Regina Phipps**, ITD Port of Entry, said that Implements of Husbandry is strictly for farm use, and logging equipment would not be exempt.

Rep. Nonini's concerns were that Implements of Husbandry only addresses farm equipment. His legislative district and surrounding areas have logging and mining equipment being transported on a regular basis. This rule change does not address the logging and mining equipment that

might need to be transported. Also, because of the different time zone in Northern Idaho, this rule would make it even more difficult for those logging operations. Those operations would either have to shut down operations early in the afternoon or stay in the woods until well after dark.

When asked about trucks coming from other states, Mr. Frew said that they would have the restrictions written on the face of their permit. He said they have sent out letters to all the different associations. He also said they have support from the Idaho Manufactured Housing industry.

It was asked why in Paragraph 7 the wording was changed to "permitted". Mr. Frew said that permitted more narrowly defines and is a more exclusive term.

Dennis Tanikuni, Idaho Farm Bureau, said that the Farm Bureau has some concerns with this rule.

Paul Pusey, Idaho Manufactured Housing Association, spoke in favor of the Rule.

MOTION: Rep. Nonini made a motion to recommend that Docket #39-0311-0401 in its entirety be rejected by the full committee . Motion approved unanimously.

**Docket #
39-0341-0401** Lance Johnson, ITD Traffic and Highway Safety Manager, presented this Rule: Traffic Control Devices. Adopting, by incorporation by reference, the most recent publication of the MUTCD, including Revision One, dated July 21, 2004, with specified exceptions, as noted in the rule-making. All changes and exceptions have been reviewed and approved by FHWA, ACHD, and LHTAC. The exceptions are necessary to bring the MUTCD into conformance with Idaho Code, correct errors and accommodate the operations of the department and local transportation agencies. However, unlike previous years, the exceptions are not substantive but necessary due primarily to formatting changes in the 2003 MUTCD.

MOTION: Rep. Nonini made a motion to recommend that Docket #39-0341-0401 be approved by the full committee. Motion approved unanimously.

**Docket #
39-0241-0401** **Ed Pemble**, ITD Driver Services Manager, presented this Temporary Rule. Provisions applicable to fees for services. This rule allowed bulk sale of the driver record database (more than 925,000 records). Concerns related to privacy and re-dissemination of personal information made continuation of bulk sale of driver records questionable. The rule change removes the provision for bulk sale of driver records. Individual record access to driver information would continue to be available to authorized requestors as provided in Section 49-203, Idaho Code.

A question about who buys these records was asked. Mr. Pemble stated that employers and insurance companies are two examples, but they would be asking for a specific record not the entire database.

MOTION: Rep. Hart made a motion to recommend that Docket # 39-0241-0401 be approved by the full committee. Motion approved unanimously.

Docket #
39-0317-0401

Alan Frew, ITD Port of Entry Manager, presented this Temporary Rule. Permits for Manufactured Homes, Modular Buildings and Office Trailers. This rulemaking removes the restriction on the depth of eaves on manufactured homes and office trailers being towed and on manufactured homes, modular buildings or offices being hauled, as long as the eighteen foot maximum overall width limitation is not exceeded. This results in a positive and immediate economic impact on the industry in being able to contract to build manufactured homes that meet subdivision requirements for the depth of eaves. The previously set eave depth placed an unnecessary restriction on the transport of these structures which inhibited their sale and delivery.

Paul Pusey, Idaho Manufactured Homes Association, stated that his association is in favor of this rule.

MOTION: Rep. Nonini made a motion to recommend that Docket # 39-0317-0401 be approved by the full committee. Motion approved unanimously.

ADJOURN: The meeting was adjourned at 3:50 p.m.

Representative Ken Roberts
Subcommittee Chairman

Shani Murray
Secretary

MINUTES

SENATE and HOUSE TRANSPORTATION COMMITTEES JOINT MEETING

DATE: Thursday, January 20, 2005

TIME: 1:35 p.m.

PLACE: Room 328

MEMBERS PRESENT: **Senate:** Chairman Brandt, Vice Chairman McGee, Senators Keough, Geddes, Little, McKenzie, Marley, and Langhorst

House: Chairman Wood, Vice Chairman Roberts, Representatives McKague, Smith(24) Bedke, Cannon, Skippen, Wills, Moyle, Hart, Nonini, Shepherd(2), Mitchell, and Ringo

**MEMBERS ABSENT/
EXCUSED:** Senator Noble

This joint educational meeting, presented by the Idaho Transportation Department (ITD), is to provide information about the department's programs and projects and to update both the Senate Transportation Committee and the House Transportation and Defense Committee. The meeting was conducted by both Chairman Brandt and Chairman Wood.

GUESTS: ITD presenters, and see the attached sign-in sheets.

Idaho Transportation Board Chairman Charles (Chuck) L. Winder, outlined the ITD's power point presentation explaining topics such as who we are and what we do, transportation in Idaho, federal reauthorization, sources and uses of funds, and a budget overview would be presented today.

Mr. Winder introduced other ITD board members present, as well as the scheduled presenters. ITD board members are John McHugh, District 1, Post Falls; Vice Chairman Jack Combo, District 6, Idaho Falls; Monte McClure, District 3, Meridian; Gary Blick, District 4, Castelford; and John Combo, District 6, Idaho Falls. Board members absent today are Bruce Sweeney, District 2, Lewiston; and Neil Miller, District 5, Pocatello. Mr. Miller is being reappointed by Governor Kempthorne. [Hearing scheduled with the Senate Transportation Committee on Thursday, February 3, 2005].

The ITD executive team members were introduced: Director David Ekern; Planning/Programming Deputy Director Charles Rountree; Administration Division Administrator Susan Simmons; Aeronautics Division Administrator Bob Martin; Highway Division Acting Chief Engineer Steve Hutchinson; Motor Vehicle Division Administrator Pamela Lowe; Public Transportation Division Administrator Larry Falkner; and, Office of Budget, Policy and Intergovernmental Relations Manager Julie Pipal.

Division of Aeronautics - Aeronautics Division Administrator Bob Martin introduced members of the Board of Aeronautics: Roger Sorensen, Soda Springs; Kathy Poston, McCall; Bob Hoff, Idaho Falls, and two absent members are Scott Patrick, Boise, and Ralph Stout of Lewiston.

The Division's focus areas are:

- Encourage development of commercial and general aviation.
- Support improvement of airports and air navigation facilities.
- Promote safety in aviation.

Mr. Martin discussed the focus areas of the division such as encouraging development of commercial and general aviation, support improvement of airports and air navigation facilities, promote safety in aviation.

The division supports airport planning and development planning, safety development, matching funds, and supporting Idaho's economy. This area has great economic development value for the state. Our focus is in attracting additional air services in promoting community support for small airports, and encouraging continuation of back-country airstrips.

We also support improvements of airports and their navigation facilities. This responsibility is both safety and economic development related. Our focus is safe aircraft operations, and developing facilities that will attract visitors and businesses into Idaho. In addition, we promote safety in aviation.

Airport Planning and Development is our largest program. During the life of the federal program, we expect \$100 million in federal money to be directed to Idaho's airports which are eligible for federal funding. Additional money from the state's aeronautics fund is used to help communities with their match requirement. The state currently furnishes one-half of the local match-requirement.

The division also funds up to 90 percent of airport projects for those airports that are not eligible for federal funding. In addition, technical assistance is offered for airport planning and safety projects and development projects.

Our objective is having landing and support facilities in our communities that attract both corporate aircraft and businesses that use aviation. Studies show that airports and aviation related businesses contribute a significant benefit to our economy, with an estimated annual output of \$1.5 billion and 27,000 jobs. Many non aviation businesses rely on Idaho's airports to support and extend their activities such as airline travel, charting aircraft, moving customers, moving supplies using express and cargo services.

A recent study of Idaho's businesses indicates that in addition to the 27,000 aviation related jobs previously mention, and there are more than 30,000 additional jobs in Idaho that in some way benefit directly from the

operations of our airports. Idaho has seven commercial airports, 31 general aviation airports, 30 community airports, and 125 private airports, 30 state-managed airstrips, 26 Forest Service airstrips, and six private airstrips. The division provides workshops on aviation safety and education, and relies heavily on volunteer groups for airstrip maintenance.

Chairman Wood asked about upcoming legislation related to search and rescue operations. Mr. Martin explained the legislation transfers the responsibilities of supervision and coordination of Search and Rescue to the Bureau of Homeland Security. The Bureau of Homeland Security coordinate with local areas for emergency services.

Representative Mitchell asked about two airports - what is the status of offer of land at Sun Valley for that airstrip change, and what is planned as it relates to the future development of Tamarack. Mr. Martin explained a group of people is studying that issue, and has focused on three locations they plan to study further. Those areas include the borders of Lincoln County and Camas County. There has recently been surface improvement to the airstrip at Cascade.

Senator Geddes asked about the struggle with federal agencies regarding our back country airports. Is this improving or how are we managing those airports at this time? Mr. Martin explained those are some of the Forest Services airstrips, and a lot of progress has been made in that area. A recent meeting was held with the Forest Service, and they stated they realize those airstrips are not going away and they need to pay attention to them.

Division of Highways - Acting Chief Engineer Steve Hutchinson presented an outline about the division's operations. He reported he is representing the 1,300 plus men and women working in the division. Our primary responsibility is 5,000 centerline miles and 1,752 bridges that are part of the system.

There are many more needs than available funds in dealing with the governments' services; therefore, the Division of Highway has prioritized focus areas. These priorities are:

- Safety
- Operations
- Preservation
- Rehabilitation, and
- Improvements

Highway Safety - safety is included in all we do. We use various tools to determine how best to respond to the roadway. These identify high accident locations, prioritize railroad crossing treatments (high accident potential), and make appropriate changes to a facility to enhance safety. We administer a community grant program to modify drivers' behavior, all in order to reduce the facility and injury rate on Idaho's highways.

Operations - well know activities include snow and ice control, drainage

maintenance to preserve the roadbed, signing and striping to assist motorists in safely and using highways. In addition, Operations include providing traveler information about road conditions, and placing road signs around the state.

Incident Management - places an important safety and mobility role by clearing crashes and related congestion more quickly.

Preservation - protects the initial investment of the transportation system and extends its useful life. There are many types of maintenance activities performed to meet this goal. Preservation includes patching, pothole filling, cracks sealing, seal coats, bridge and drainage maintenance, and thin overlays.

Rehabilitation and Improvements - rehabilitation and improvements to our highways are part of the capital improvement program. There are 800 plus projects in the five-year program that are in various stages of development. These range from planning and environmental studies to major reconstruction and new interchanges. Last fiscal year, the division awarded 124 construction projects, as well as perform quality assurance on those contracts.

Highways are only one of the modes of transportation provided to the people of Idaho and the nation, such as travel on public transportation, bicycles and pedestrian facilities, access to the Port of Lewiston, commercial airports, and other recreational facilities throughout the state.

The division has set certain goals to measure our success in product delivery and community acceptance, which means that those who live, drive, and work along the highway is agreeable that the facility meets the expectations set through the public involvement process. Other measures include environmental compatibility, sound engineering, and are on time and within budget.

Division of Public Transportation - Public Transportation Division Administrator Larry Falkner introduced Public Transportation Advisory Council Vice Chairman General Jim Brooks.

Mr. Falkner outlined the activities of the division, and how they look toward the future for public transportation in Idaho. Public transportation in Idaho is provided by local agencies, either local government or nonprofit agencies. The state does not directly operate transit services, so we rely on partnerships with agencies within your communities where we are able to provide funds from the Federal Transit Administration. Our primary focus is to administer federal transit administration grant funds available to Idaho. These include the elderly and persons with disabilities, rural public transportation, statewide planning, and the consolidated planning grant for the metropolitan planning organization.

There is increasing emphasis nationally on fiscal responsibility. We are working to make sure that publicly funded providers are recording their fully allocated costs associated with contracting. The division sponsored

financial management training to help train providers on federal requirements.

This past year we saw changes in the U.S. Department of Transportation, where there is increasing emphasis on bus safety and security. We are working in Idaho to develop individual system plans to address emergency preparedness, using national experts to help us with the training and planning development. Public transportation works in communities where agencies, governments, and local groups support having services available such as interagency working groups, coordination projects, and United-We-Ride projects.

Growing Access to Services - The census survey shows that an estimated 16,000 Idaho households have no access to vehicles, and must rely on others for transportation. We continue working with local leaders, elected officials, and providers to identify transit dependent populations and the services needed to provide access to jobs, child care, and basic shopping for those relying on public transportation.

Census numbers show that Idaho's senior population increased 25% from years 1990 to 2000. This number is expected to grow to 350,000 by year 2020. These seniors may come to rely on public transportation for medical appointments, senior centers, and shopping. We are focusing on this group and the Department of Transportation has committed funding to wheelchair accessible vehicles, throughout the state, to help meet the transportation needs of those no longer able to drive. Commuter services are working to establish car-pool matching and van-pool services.

Division of Motor Vehicles - Motor Vehicle Division Administrator Pamela Lowe presented an overview about the focus areas of the division including driver licensing and identification, vehicle registration, title issuance, dealer licensing, motor carrier/truck registration, and mileage audits. Also, the Port of Entry weigh stations. The division strives to improve our services, serving our customers more conveniently, streamlining business processes, and making each customer's experience positive.

Ms. Lowe outlined upcoming proposed rule-changes for manufactured homes, modular buildings, and office trailers that relate to the restrictions on depth of eaves.

Also outlined was the process of electronic title affidavits, a published newsletter to the auto dealerships, *The Idaho Dealer's News*, the email version that goes to Idaho's trucking industry. The division's web site, trucking.idaho.gov, is for commercial drivers, and an audio version of the driver's manual is online.

Senator Brandt asked about mailing follow-up notices for expired drivers licenses, such as when a driver is eligible to renew their license by mail, they are sent a renewal notice. Is notification of expiring licenses followed-up with additional notices?

Ms. Lowe explained she is new to the job, and learning additional things

daily, but she believes notification is mailed only once. She will check and get the information to Senator Brandt.

Representative Bedke, District 27, asked is the drivers' manual printed in another language other than standard English? What is the additional cost of printing the manual in another language? Ms. Lowe explained the manual is printed in English and Spanish, but she is unaware of the cost. She will send Representative Bedke the fiscal data.

Division of Administration - Administrator Susan Simmons explained the division provides the guidance, oversight, and administrative services to all areas of the Department of Transportation. This includes direct service to individual employees, all levels of management, and the Board of Transportation. The division's goal is to provide a proactive, efficient, safe, healthy work environment through a variety of services.

There are five main focus areas: employee services, business and support management, information technology, financial services, and facilities' management. The division works in partnership with Idaho State Police, we maintain and continually refine a telecommunication network which connects to all 44 counties in Idaho. The main focus of this network is to deliver motor vehicle services, along with a statewide law enforcement system, that is accessed 24-7 by all local police and sheriffs' departments. We further collaborate with other state agencies who have a need for communication services in these county locations. Currently, entity partners include judicial, the secretary of state offices, tax commission, and juvenile corrections. We also partner with the Ada County Highway District for communication needs throughout the valley.

The division also houses the financial services section for the Department of Transportation. This section provides the accounting for all the dollars received into or spent by the Department. This includes the federal aid billing process for recovery of federal funds which makes up more than 50% of the Department's revenue. Financial services ensure timely payments for contractors and supplies. In addition, we produce a biweekly payroll for 1,800 plus employees. We ensure financial accountability to continually review and update internal controls and procedures.

Another area of emphasis within the Department and within the division is the business and support management. This section, among its other services, performs all the purchasing functions of ITD. We purchase and distribute all the vehicle licenses to all the county outlets as well as other supplies and services needed by ITD. Business and Management Support also develops and distributes all the board's and administrative policies and manuals for ITD.

Facilities Management - this section is responsible for maintaining buildings across the state. Over the last several years, we have concentrated on upgrading sand-sheds. It is now time to begin examining the aging structures that house our employees throughout the state. We are researching alternative ways to modernize facilities in order to provide ITD employees with safe and environmental friendly work places. A study

is currently in process at all district sites to determine where it may be feasibility for ITD and Idaho State Police to share buildings, technology and other services.

Senator Brandt requested a list of the aging facilities as discussed. Ms. Simmons will send a list of ITD facilities. [Facility information at <http://itd.idaho.gov/planning/gis/maps/StateMaps/Buildings.pdf>]

Representative Mitchell asked about the success of the department's satellite emergency telephone system. Is anything being done in the near future to take care of the White Bird to the New Meadows Valley, a dead air space? Ms. Simmons explained ITD was experimenting with systems for the U.S.12 area, and will continue to experiment with different types to try to find the best solution to the problem.

Representative Roberts asked about the ITD budget and how the 2% CEC increase from last session was distributed throughout the department. He requested a breakdown of how the salaries and revenue sharing were disbursed within the department. Ms. Simmons will send a breakdown of merit increases to him.

Representative Ringo asked about ITD technology support being contracted or does ITD have their own employees? Ms. Simmons explained ITD is in the process of evaluating when it is best to use the outsourcing within our technology.

Division of Transportation Planning and Programming - Deputy Director and Chief Planning Division Administrator Charlie Rountree explained the basic for success in an efficient transportation system begins with planning. The Planning and Program Division directs the statewide planning program and research process that includes data collection, analysis and programing of investments to support a sufficient transportation system. Our core focus areas, the divisions manage programs for air quality improvement, transportation enhancement, and scenic byways. These are all beneficial to local communities, the economy, and quality of life.

We develop transportation plans and programs such as the statewide transportation improvement program. This program represents the involvement of many partners who contribute to transportation within Idaho including citizens, highway districts, counties, cities, and other public entities.

We work closely and assist metropolitan planning organizations and other local jurisdictions as they develop transportation plans to meet their future transportation needs.

The division uses an extensive traffic accounting system to provide information to planners, designers, and others who need traffic account information. We also do traffic forecasting.

We also measure pavement conditions around the state annually on every mile of road that is operated by the state transportation department to identify which sections require the greatest need. Decisions on highway investments are based on objective, reliable, and consistent information. Geographic information tools are used to produce maps and analysis to assist our decision-makers, and we are developing means to make this data online on the Web, to make us more efficient in answering questions and data requests we get.

The office of Transportation Investments provides the department and the public with a reliable five-year schedule for development and implementation of transportation projects which utilize transportation funds.

Idaho's highways, all jurisdictions, have 38,250 centerline miles, 289 agencies responsible for roads, and 14.4 billion vehicle miles are traveled annually. The state highway system has 5,000 centerline miles, 1,752 bridges, and eight billion vehicles' miles are traveled annually.

Other transportation facilities in the state are the Port of Lewiston and the major rail providers as well as the short-line operators for rails. The annual vehicle miles of travel have grown more than 47 percent since 1990. The fuel index figure is the gallons of fuel consumed in Idaho is up 45 percent since 1990 which indicates a growing use of transportation.

The aeronautics system has 249 airports, 56 back-country airstrips, 530 commercial flights per week in six commercial airports.

The public transportation system has 10 fixed transit routes, more than 100 vehicles are used in van-pool services, with more than five million passenger boardings annually.

Mr. Rountree presented a brief update of what ITD knows is going on with reauthorization of the Federal Transportation Bill. The 108th Congress adjourned last year and they did not pass a federal transportation act. The reauthorization of T21 died. Both the House and Senate Transportation Committees did come to some agreement in the final hours about a budget level for consideration and that was \$300 billion for a six-year bill, and that compares to a \$218 billion which was part of the T21 bill which has been extended and we are working under right now.

The 109th Congress we anticipate in the first quarter will be introducing reauthorization bills which we think will begin showing up in committees in late February. We continue to be optimistic even though we do not see delivery.

Some things that have happened nationally as it relates to reauthorization, last year the Congressional Budget Office was looking at a potential reduction in their estimate of revenues coming into the federal trust fund, but as a result of the Tax Refund Act of 2004, which transferred the 2.5 cent gas tax on ethanol to the general fund and repealed the 5.2 cents a gallon ethanol tax exemption, putting those monies into the federal highway trust account. This has resulted in an increase in revenues coming into the trust fund in anticipation of some \$24 billion or

more within the next six years. We are looking at something in the range of a 25 percent increase over a T21 federal bill.

Representative McKague asked about public transportation boardings, how many million and where did most of those occur - in what part of the state? Mr. Rountree reported the number is five billion people (boardings) in Idaho. Mr. Rountree will send additional information relating to statewide locations where boardings occur.

Senator McGee asked about the anticipated amount for the federal reauthorization increase in percentage. Mr. Rountree explained the bills left from last year were about \$300 billion for a six-year bill. We anticipate we will see similar numbers, but we have not heard anything from Congress to change that and that would result in about a 25 percent increase over T21.

Representative Roberts asked questions about projects currently on the five-year plan. In dealing with a change in the way we may fund highway projects in the state of Idaho, specifically through the grant application or anticipation of revenue vehicle bonds, how many projects in the state of Idaho would be ready to be funded through that type of funding source that indeed was approved by the Legislature this year? Mr. Rountree asked for clarification - is the question "how many would be ready this year or how many could be included in the program?"

Representative Roberts wanted to know how many projects would be ready to go, if the funding was made available. How long it may take to get additional projects online? Mr. Rountree explained we anticipate that if the GARVEE bonding program is in place, which would run for a minimum of nine years. In terms of what could be ready, we would anticipate issuing bonds to fund projects in 2006 with projects going into construction in year 2007, and that would ramp-up over that nine-year period, specifically the number of projects in the first couple of years we would probably be looking at two or three projects. The rest would then have to be developed.

Representative Roberts asked, in addition to programing, does that include environmental studies and alternate route studies that are required for the environment? Mr. Rountree explained that is correct. We program funds and projects to handle project development, costs which would be environmental, engineering, right-of-way, and actual construction.

Representative Roberts questioned about full-time positions (FTP) needed within ITD to handle the influx of \$1.6 billion capital construction projects - do we have any estimation of how many additional staff will be needed to implement these? Mr. Rountree reported it is our anticipation, at this point in time, if that program was in place we would get projects developed into construction with our current staff. We fully recognize that with the number of lane-miles that would be added to the system, there would be additional requirements for maintenance, equipment and full-time employees.

Representative Roberts clarified his understanding that, at this time, there is no need for additional staff to implement new funds for road projects funded through the GARVEE bonds, is that correct? Mr. Rountree reported that is what we expect utilizing consulting forces and an outsourcing a good share of the work, but not an increase in our staff level.

Representative Roberts asked, that, at this time, if you use consulting, could you put a number on that. Mr. Rountree responded, no.

Senator Brandt informed the committee members that we will have hearings on the GARVEE issue. In requesting the information presented today, we did not ask for any detail information pertaining to that aspect. We will have further hearings on this subject.

Representative Nonini, District 5, asked about how the department addresses congestion at State Highway 41 and Seltice Way, and addressed his concerns relating to Highway 41 and Interstate 90 intersections. He asked for an explanation pertaining to the planning that went into developing the project. He realizes there has been rapid growth in the area, and it is a very congested area. It is very frustrating to use that intersection. He asked, can you speak to the planning and the department's opinion on where the situation currently is? Mr. Rountree explained he is not involved in this level of planning. The type of planning Representative Nonini is talking about is project designing planning, and he cannot speak to the engineering involved in that particular interchange. He will discuss this question with Chief Engineer Steve Hutchinson and contact Representative Nonini later.

Chairman Wood asked if truck registrations are now revenue neutral? Ms. Lowe will address the revenue neutral figure and contact Representation Wood later.

Idaho Transportation Department Director David Ekern briefly presented an overview of the ITD budget that will be presented to JFAC (Joint Finance-Appropriations Committee) on February 11, 2005. The budget is built around three themes that have been consistent between the Board, the Legislature, and the Governor's State-of-the-State address over the last several years.

- 1) A recognition the state's economy is strong and we believe, as characterized in the Governor's State of the State, is poised for some great opportunities.
- 2) Agencies, like ours, need to focus their investments in support of the economy and to improve our infrastructure to make that economic growth happen.
- 3) We shape our proposals that we bring before the Legislature to ensure we improve services without increasing taxes.

These themes are the themes that the executive team and department staff use as we put together our proposals for consideration in advancing Transportation and are again reflected in this year's budget request.

Transportation in Idaho is an important business and we intend to approach it from that perspective. This year will generate revenues of \$760 million across all levels of government. (See a chart, pg #618 of power points - Attachment #1)

Representative Bedke asked about funding sources for construction enhancement. Senior Budget Analyst Joel Drake explained the fund sources for program enhancements are dedicated, federal, and local funds.

Other Idaho Transportation Department data relating to the FY06 Governor's recommendation, total FY06 transportation revenue sources (\$760.6 million), revenue forecast, FY06 budget request, and FY06 projected outputs for ITD will be maintained in the Senate Transportation Committee office, room 432, until the end of the first regular session of the 58th Idaho Legislature. (See Attachment #1).

ADJOURNED: There being no further business to come before the committees, the meeting was adjourned at 2:40 p.m.

Senator Skip Brandt
Chairman

Representative JoAn Wood
Chairman

Betty Osborn, Senate Secretary

MINUTES

HOUSE TRANSPORTATION AND DEFENSE COMMITTEE

DATE: January 24, 2005

TIME: 1:30 p.m.

PLACE: Room 412

MEMBERS: Chairman Wood, Vice Chairman Roberts, Representatives McKague, Smith(24), Bedke, Cannon, Skippen, Wills, Moyle, Hart, Nonini, Shepherd (2), Ringo

**ABSENT/
EXCUSED:** Representative Mitchell

GUESTS: **See attached sign in sheet and presenters highlighted below.**

Chairman Wood called the meeting to order at 1:35 p.m.

MOTION: Rep. Smith made a motion to accept the minutes of January 18, 2005, as written. **Motion approved.**

Rep. Smith made a motion to accept the tax rules subcommittee minutes of January 18, 2005, as written. **Motion approved.**

MOTION: Rep. Ringo made a motion to accept the minutes of January 12, 2005, as written. **Motion approved.**

MOTION: Rep. Nonini made a motion to accept the Idaho Transportation Department rules subcommittee minutes of January 18, 2005, as written. **Motion approved.**

MOTION: Rep. Nonini made a motion to accept as written the following Pending Rules:
Docket # 39-0306-0401
Docket # 39-0341-0401
and Temporary Rules:
Docket # 39-0241-0401
Docket # 39-0317-0401.
Motion approved.

The recommendation by the rules subcommittee was to reject Docket # 39-0311-0401. There were two main concerns of the subcommittee. First, the rule talks of Implements of Husbandry which refers only to farm equipment. The concern was that this doesn't take into account the districts up north which have primarily logging and mining equipment. Second, the rule does not take into account that North Idaho is in a different time zone. Other concerns were the spring thaw in northern Idaho which leaves a small window when work can actually be done so at those times this rule would greatly restrict the mining and logging industry. It was also felt that the ten areas which were already

identified in the existing rule were sufficient and not necessary to include the whole state.

Mr. Alan Frew, Idaho Transportation Department Port of Entry Permitting Manager, stated that the new rule would include all State highways as well as Interstate highways which is where most of the congestion occurs. Since the old rule only applied to non-Interstate highways the easiest way was to apply this rule to all state/Interstate highways and leave it to the discretion of the Idaho Transportation Department Board to which areas it would be applied. He said that the rule has been in effect since November and that they haven't received any comments positive or negative.

MOTION: Rep. Hart made a motion to approve Docket # 39-0311-0401 with the **exception** of Subsection 200.06.

Motion approved with Rep. Ringo voting nay.

Rep. Smith stated that since the Tax Rules Subcommittee's recommendation to the full committee was to approve the rules, we could do that today and have it out of the way. Chairman Wood agreed.

MOTION: Rep. Smith made a motion to accept the following Tax Rules:

Docket # 35-0105-0401 Rules 000, 002, 003, and 004

Docket # 35-0105-0401 Rule 005

Docket # 35-0105-0401 Rule 140

Docket # 35-0105-0401 Rule 292

Docket # 35-0105-0401 Rule 420

Docket # 35-0105-0401 Rule 421

Docket # 35-0105-0401 Rules 500, 501, and 510

Motion approved.

RS14397

Mr. Bob Martin, Idaho Transportation Department Aeronautics Division Administrator, presented RS14397. This legislation transfers certain direction and supervision responsibilities for aerial search and rescue from the Division of Aeronautics to the Bureau of Homeland Security. This does not remove the Division of Aeronautics totally from the search and rescue for missing aircraft and airmen as the Division retains the responsibility for conducting the technical aspects of aerial search and rescue and coordinating those activities with the Bureau of Homeland Security and local resources. This legislation is intended to align notification and coordination procedures with that of other natural and manmade emergencies. The benefit is that it would enable both state and local resources to use a system they routinely work with in responding to emergencies.

MOTION: Rep. Cannon made a motion to introduce RS14397 to print.

Motion approved.

RS14420C1

Mr. Bill Statham, Idaho Transportation Department, Project Manager, Airport Planning and Development Section, presented RS14420C1. This legislation would amend Sections 21-101, 21-106, 21-501 to 21-506, 21-505A, 21-515 to 21-517, and 21-701 Idaho Code, to revise the definition of "airport" and "airport hazard" and related language to clarify and bring these definitions into conformity with Federal definitions and regulations. The proposed amendments would also create uniformity in aviation

airspace obstruction management by bringing Idaho Code into compliance with Federal Aviation Administration obstruction evaluation standards as required in Section 21-111 (b) of the Idaho Code. Changing the definition of "airport hazard" to "aviation hazard" will include those hazards not in the immediate vicinity of an airport.

The current definitions of airport, and the use of undefined related popular terms, promote confusion in the law. Some of the popular terms include: aviation fields, airfield, intermediate landing fields, landing fields, landing area, airstrip, and landing strip. These terms are properly included under "airport."

Having State and Federal standards parallel each other will eliminate redundant and/or conflicting rulings by the State and the FAA concerning aviation hazards (structures). The State should have enforcement authority to regulate aviation hazards because the FAA does not have that authority through federal law.

MOTION: Rep. Smith made a motion to introduce RS14420C1 to print.
Motion approved.

ADJOURN: There being no further business to come before the committee the meeting was adjourned at 2:33 p.m.

Representative JoAn Wood
Chairman

Shani Murray
Secretary

MINUTES

HOUSE TRANSPORTATION AND DEFENSE COMMITTEE

DATE: January 26, 2005

TIME: 1:30 p.m.

PLACE: Room 412

MEMBERS: Chairman Wood, Vice Chairman Roberts, Representatives McKague, Smith(24), Bedke, Cannon, Skippen, Wills, Moyle, Hart, Nonini, Shepherd (2), Mitchell, Ringo

**ABSENT/
EXCUSED:** None

GUESTS: **See attached sign in sheet and presenters highlighted below.**

Chairman Wood called the meeting to order at 1:30 p.m.

MOTION: Rep. Bedke made a motion to accept the minutes of January 24, 2005, as written. **Motion approved.**

RS14422 **Mr. Dan John, Idaho State Tax Commission**, presented RS14422. Section 1 of the bill repeals Section 63-2406A, Idaho Code, relating to an incentive for electronic filing of fuel distributor's tax reports. The incentive expired on December 31, 2003, therefore the section is no longer needed. Section 2 of the bill amends Section 63-2421, Idaho Code, to correct an error. The change clarifies that vehicles from other jurisdictions are covered by the same fuel use tax provisions that apply to motor vehicles licensed or required to be licensed in Idaho.

MOTION: Rep. Bedke made a motion to introduce RS14422 to print and send it to the second reading calendar. **Motion approved.**
Rep. Bedke will be the floor sponsor.

RS14442C1 **Mr. Lance Johnson**, Idaho Transportation Department Traffic Engineer, presented RS14442C1. This proposed work zone reform legislation makes three primary changes to the existing statute; it replaces the term "Construction Danger Zone" with "Work Zone," it doubles the penalties for speeding in appropriately designated "Work Zones", and includes a definition of "Work Zone."

Mr. Johnson stated that there are three reasons for the proposed change:

- 1) To address a legal interpretation that without specific signing stating "Construction Danger Zone" the reduced speed limit and enhanced penalties for speeding in work zones is not enforceable.
- 2) To conform to the Manual on Uniform Traffic Control Devices (MUTCD). Signing using the term "Construction Danger Zone" is not found in the MUTCD nor is the term used in the Manual. Therefore, signs with this message may be misunderstood by motorists.
- 3) To adopt the "Work Zone" term would allow the department and other highway agencies to retain their existing construction maintenance

signage.

The proposed change would change the penalty structure by doubling the fines. A table describing the change in the fines was shown (see attached table).

Mr. Johnson also described what constitutes a "Work Zone" and what must be in place for speeding penalties to apply. 1) The work zone must be signed appropriately, 2) The speed limit must be reduced, and 3) A sign must be placed warning of the double penalty.

MOTION: Rep. Smith made a motion to introduce RS14442C1 to print.

Discussion followed regarding signs being put up way before the actual construction begins and drivers not slowing down because of the absence of the construction workers. It was felt that the signs should be placed where the construction is and not twenty miles from where the construction begins. Mr. Johnson said that there are three different signs 1)work ahead 2) reduce speed 3)fines are increased. Another concern was raised about the length of time contractors leave the signs up both before and after the project comes to a close.

There was concern that if the work zone fines doubled would the court costs also double. Mr. Johnson said he assumed not, but would get back to the committee.

The motion on the table is to introduce RS14442C1 to print. **Motion approved.**

RS14464C1 **Mr. Greg Laragan**, Idaho Transportation Department Assistant Chief Engineer, presented RS14464C1. This legislation would amend Title 49, Idaho Code, to require motorists to move their vehicles from the roadway when involved in minor accidents and would free them from any liability for doing so. It also allows law enforcement officers and transportation department employees to require and assist in the removal of inoperable vehicles, cargo, and debris resulting from minor accidents when the removal results in improved safety and convenience for travelers on the highway, and frees them from any liability for doing so. This bill only applies to divided, controlled access highways or interstate highways of the state highway system.

This legislation is to help get traffic flowing normally as soon as possible after non-injury accidents to reduce motorists inconvenience and minimize secondary accidents. The current requirements for accident investigations are not changed.

MOTION: Rep. Smith made a motion to introduce RS14464C1 to print. **Motion approved.**

RS14456 **Mr. Alan Frew**, Idaho Transportation Department Port of Entry Manager, presented RS14456. This legislation will amend Sections 40-510 and 511, Idaho Code, to further clarify those vehicles required to stop at ports of entry for inspection/weighing and when authorized employees of the

Idaho Transportation Department may stop vehicles that bypass ports of entry or checking station. The legislation will also amend Section 49-434A, Idaho Code, to provide consistent penalties for commercial motor vehicles that fail to register. It will also amend 49-1010, Idaho Code, to harmonize Idaho law with federal regulations regarding dromedary tractor/trailer combinations transporting munitions for the U.S. Department of Defense and regional standards for measuring rear overhang.

Mr. Frew said there should be an increase in revenue to the state with this legislation by providing consistent penalties for registration violations which will encourage greater motor carrier compliance.

There were questions regarding empty trucks being required to stop at Ports of Entry. Mr. Frew said that they have no desire to weight empty trucks, but just do a cursory check.

A concern of the committee was that this legislation is dealing with more than one issue and amending two titles of code. They felt this needed to be addressed before more action is taken on the RS.

MOTION: Rep. Roberts made a motion to hold RS14456 in committee.

SUBSTITUTE MOTION: Rep. Smith made a substitute motion to hold in time certain RS14456 until February 8. **Motion approved.**

RS14449C1 **Mr. Ed Pemble**, Idaho Transportation Department Driver Services Manager, presented RS14449C1. This legislation will implement new federal requirements for commercial driver licensing brought about by the Motor Carrier Safety Improvement Act (MCSIA) of 1999 and bring Idaho into conformance with federal regulations. State implementation of subsequent federal regulations is required no later than September 30, 2005. If not implemented by September 30, 2005, there will be no further increase in FMCSA grant funding to the Motor Carrier Safety Assistance Program and permanent loss of federal aid highway funds; 5% the first year (approximately 6.6 million) and 10% in subsequent years (approximately 13.2 million)

A new "S" endorsement was created for school bus drivers, requiring new endorsement skills and knowledge tests and application changes. These changes were designed to enhance highway safety by ensuring that commercial motor vehicles are operated by safe drivers.

For CDL drivers, certain convictions are a consideration for determining disqualification from CMV operation, regardless of the type of vehicle being driven when the violation occurred. Two new disqualifications are being added as required by 49-CFR-383 for the following convictions: Driving a CMV while the CDL is suspended, revoked, cancelled or disqualified as a result of prior CMV violations; and causing a fatality through the negligent operation of a CMV including but not limited to the crimes of motor vehicle manslaughter, homicide by motor vehicle and negligent homicide.

There was a question from the committee regarding the cost to the school district and to the bus drivers in regards to this new "S" endorsement. Mr.

Pemble said that the new cost would be \$3.00 plus the

original cost which is \$11.50 for a total of \$14.50. It would be up to each individual school district who pays for the fee.

There was concern from the committee that these federal mandates are making it difficult for people to get CDL's, and whether the drivers from both Canada and Mexico were held to the same standards as our drivers are held to, and that our drivers aren't held to a higher standard when driving into their countries.

MOTION: Rep. Smith made a motion to introduce RS14449C1 to print. **Motion approved.**

RS14650 **Rep. Moyle**, presented RS14650. This legislation provides protection to recreational vehicle owners under Idaho' "Lemon Law" when they are unable to get their recreational vehicle adequately repaired by the manufacturer.

MOTION: Rep. Mitchell made a motion to introduce RS14650 to print. **Motion approved.**

RS14499 **Rep. Skippen**, presented RS14499. This legislation will establish a sub-account of the search and rescue fund administered by the Idaho State Police to provide a perpetual fund to defray costs of search and rescue operations which are conducted by a county sheriff's office to assist or recover lost individuals riding snowmobiles. The current \$20.00 fee to number a snowmobile will be increased to \$21.00 with the additional \$1 going to fund the account. Once the fund account reaches \$30,000.00, the excess of the funds collected will be set aside in equal parts for the training sub-account of the search and rescue fund and for the Department of Parks and Recreation for the purpose of snowmobile trail groomer replacement.

Sandra Mitchell, Idaho Snowmobile Association, stated that this increase in fees was voted on by the people who snowmobile to help pay for the costs of finding lost snowmobilers.

MOTION: Rep. Ringo made a motion to introduce RS14499 to print. **Motion approved.**

ADJOURN: There being no further business to come before the committee the meeting was adjourned at 2:55 p.m.

Representative JoAn Wood
Chairman

Shani Murray
Secretary

MINUTES

HOUSE TRANSPORTATION AND DEFENSE COMMITTEE

DATE: February 2, 2005

TIME: 1:30 p.m.

PLACE: Room 412

MEMBERS: Chairman Wood, Vice Chairman Roberts, Representatives McKague, Smith(24), Bedke, Cannon, Skippen, Wills, Moyle, Hart, Nonini, Shepherd (2), Mitchell, Ringo

**ABSENT/
EXCUSED:** Representative Bedke

GUESTS: **See attached sign in sheet and presenters highlighted below.**

Chairman Wood called the meeting to order at 1:30 p.m.

Chairman Wood stated that she would like to have everyone here at 1:30 p.m. so that we can start the meetings on time.

MOTION: **Rep. Ringo** made a motion to accept the minutes of January 26, 2005, as written. **Motion approved.**

Chairman Wood turned the gavel over to Vice Chairman Roberts.

RS14501 **Rep. Wood** presented RS14501. This legislation is to prevent further expansion of the special license plate program beyond its present status as described in Idaho Code, Chapter 4, Title 29. Rep. Wood stated that we now have 54 different license plates and the assessors are finding it difficult to display all these plates. She did explain that there are two license plate bills coming from the Senate and she had told them that she would hold this bill until after those are heard by the committee. She also said that the Idaho Transportation Department has had 300 requests for new special license plates.

MOTION: **Rep. Wills** made a motion to introduce RS14501 to print.

A question was asked whether law enforcement has an opinion on this bill. Rep. Wood deferred to Rep. Wills who said that he doesn't know of any officer that likes all the different plates.

After a question about the number of different plates sold, Rep. Wood said that she would have printed information showing how many are sold and the status of these plates when we hear the bill in committee.

A voice vote was taken on the motion to introduce RS14501 to print. **Motion approved.** Rep. Ringo voted nay.

RS14789 **Rep. Wood** presented RS14789. Rep. Wood stated that the Parks and Recreation Department came to her with this legislation which is seeking an agreement with the Idaho Transportation Department on legal

crossings of all-terrain vehicles and motorcycles over state highways on designated trail routes. The Idaho Transportation Board may designate sections of state highways over which all-terrain vehicles and motorcycles, not registered under this Chapter 4, may cross.

There were questions regarding whether this legislation would affect snowmobiles and ATVs. Rep. Wood said that it would not affect snowmobiles, and it would not affect ATVs which are used for agriculture. It was also asked what defines a section. **Julie Pipal**, Idaho Transportation Department, said that the department worked closely with Parks and Rec. to look at specific sections that would connect trails, but that sections were not defined. Rep. Wood said it would be connecting one end of the trail to another end and this might mean going through areas such as a borrow pit.

MOTION: **Rep. Mitchell** made a motion to introduce RS14789 to print. **Motion approved.**

Vice Chairman Roberts returned the gavel to Chairman Wood. She stated that if anyone is aware of any legislation, they need to get it to the secretary as we have to hear all RS's by February 10.

ADJOURN: There being no further business to come before the committee the meeting was adjourned at 1:45.

Representative JoAn Wood
Chairman

Shani Murray
Secretary

MINUTES

HOUSE TRANSPORTATION AND DEFENSE COMMITTEE

DATE: February 8, 2005

TIME: 1:30 p.m.

PLACE: Room 412

MEMBERS: Chairman Wood, Vice Chairman Roberts, Representatives McKague, Smith(24), Bedke, Cannon, Skippen, Wills, Moyle, Hart, Nonini, Shepherd (2), Mitchell, Ringo

**ABSENT/
EXCUSED:** Representative Wills

GUESTS: **See attached sign in sheet and presenters highlighted below.**

Chairman Wood called the meeting to order at 1:30 p.m.

MOTION: Rep. Ringo made a motion to accept the minutes of February 2, 2005, as written. **Motion approved by voice vote.**

RS14832 **Rep. Roberts** presented RS14832. This concurrent resolution would reject a pending rule of the Idaho Transportation Department governing overlegal permittee responsibility and travel. This resolution would, if adopted by both houses, prevent the agency rule from going into effect.

MOTION: **Rep. McKague**, made a motion to introduce RS14832 to print. **Motion approved by voice vote.**

H52 **Rep. Roberts** stated that it is the departments request that we hold HB52 in committee.

MOTION: **Rep. Smith** made a motion to hold H52 in committee. **Motion approved by voice vote.**

RS14842 **Rep. Roberts** presented RS14842. This legislation will replace H52. RS14842 will remove the term "Construction Danger Zone" and replace it with "Work Zone." Unlike H52 which would have doubled the fine for work zone violations, this legislation will keep the fine at \$50.00.

MOTION: **Rep. Smith** made a motion to introduce RS14842. **Motion approved by voice vote.**

RS14829 **Chairman Wood** turned the gavel to Vice Chairman Roberts and then presented RS14829. She stated that this legislation is to correct an error in the pilot project for permits for overweight or oversize loads. It was designated 5 miles south and should have been 2 ½ miles north in Bonneville County. This legislation will correct that mistake.

MOTION: **Rep. Nonini** made a motion to introduce RS14829. **Motion approved by voice vote.**

RS14835 **Rep. Wood** presented RS14835. This legislation amends Idaho Code 49-1901 to conform with a change in by-laws regulating the Multi-State Highway Transportation Agreement (MHTA) of eleven western states. This legislation would provide for two votes from each state in the “cooperating committee” with the Senate Chairman of Transportation and the House Chairman of Transportation or their “designated representatives” as voting members. Rep. Wood stated that at this time Idaho only has one vote and this would bring us into line with the other states who have two votes. This amends state statute adopted in Idaho Code, Chapter 1 of Sessions Laws of 1975.

MOTION: **Rep. Shepherd** made a motion to introduce RS14835 to print. **Motion approved by voice vote.**

Vice Chairman Roberts returned the gavel to Chairman Wood.

RS14456 **Mr. Alan Frew**, Idaho Transportation Department Port of Entry Manager, stated that the committee had a problem with RS14456 when it was heard on January 26, 2005, and the committee felt it should be three different RS's. The department is asking that RS14456 be returned to sponsor.

MOTION: **Rep. Cannon** made a motion that RS14456 be returned to sponsor. **Motion approved by voice vote.**

H39 **Mr. Bob Martin**, Idaho Transportation Department Aeronautics Administrator, presented H39. This legislation transfers certain direction and supervision responsibilities for aerial Search and Rescue (SAR) from the Division of Aeronautics to the Bureau of Homeland Security (BHS). This transfer does not remove the Division of Aeronautics totally from SAR for missing aircraft and airmen as the Division retains the responsibility for conducting the technical aspects of aerial SAR and coordinating those activities with the BHS and local resources. This legislation does transfer some notification and oversight responsibility to the BHS. The benefit of this transfer is that it would enable both state and local resources to use a system they routinely work within responding to emergencies. Currently there is the BHS system which is well developed and understood by emergency responders and a second used infrequently by the ITD Division of Aeronautics for SAR of missing aircraft.

Mr. Martin said there is a \$12 fee collected from pilot registration and that if those fees are not used up then they will go to pilot safety programs.

There was a question from the committee whether this has anything to do with the bill regarding snowmobile rescue. Mr. Martin said no that this has nothing to do with that legislation.

It was questioned whether using this \$12 fee for safety programs and department expenses would eventually run into a shortage of money for search and rescue. Mr. Martin said that it is currently used for staff and certain volunteer expenses and the money has never been exhausted. They feel that safety programs are a better way to utilize the money, and they have other funds that they can utilize if needed. Answering a question about how much money has accumulated in the fund, Mr. Martin said he didn't have those figures, but would get them for the committee.

MOTION: **Rep. Ringo** made a motion to send H39 to the floor with a do pass recommendation. **Motion approved by voice vote.**

H40 **Mr. Bill Statham**, Idaho Transportation Department Division of Aeronautics Project Manager, presented H40. This legislation amends existing law to clarify aeronautics terminology by expanding the definition of airport, changing the definition of airport hazards to aviation hazards, changing the term obstruction to hazard, and removing the specific reference to one hundred fifty feet above the ground of water level. These amendments correct current definitions to conform to Federal Enactments, Rules, and Regulations as called for in Idaho Code. The proposed definition of airport clearly states that an airport is public owned and open for public use. The term airport hazard does not include potential hazard located between airports and as such does not conform to Federal Enactments, Rules, and Regulations. The term obstruction is undefined and can be replaced by hazard, which is used in a consistent manner throughout this bill. Idaho regulates objects higher than 150 feet above the ground whereas the Federal Aviation Administration (FAA) regulates objects higher than 200 feet above the ground between airports. The FAA regulates objects shorter than 200 feet near airports whereas Idaho Code does not address hazards below 150 feet. The removal of the 150 foot limit will allow the analysis of potential hazards near airports below the 150 foot level.

There was some concern by some members of the committee that this legislation would impact structures that are already in place. Mr. Statham said that some of these might be grand fathered in. Mr. Martin said that the 200 feet actually lessens the restrictions. This language is to conform with the Federal language.

MOTION: **Rep. Hart** made a motion to hold H40 in committee.

SUBSTITUTE MOTION: **Rep. Roberts** made a substitute motion to hold H40 in time certain until February 16.

AMENDED SUBSTITUTE MOTION: **Rep. Skippen** made a amended substitute motion to send H40 to the floor with a do pass recommendation.

A roll call vote was taken on the amended substitute motion:
Voting AYE: Chairman Wood, Representatives Smith, Bedke, Cannon, Skippen, Ringo, and Mitchell.
Voting NAY: Vice Chairman Roberts, Representatives McKague, Nonini, Hart, Shepherd.

The motion was approved 7 Aye 5 Nay and will be sent to the floor with a do pass recommendation.

H53 **Mr. Greg Laragan**, Idaho Transportation Department Assistant Chief Engineer of Operations, presented H53. This legislation would amend Title 49, Idaho Code, to require motorists to move their vehicles from the roadway when involved in minor accidents and would free them from any liability for doing so. This would apply only to interstate highways and controlled access highways on the state highway system. This legislation is intended to help get traffic flowing normally as soon as possible after

non-injury accidents to reduce motorist inconvenience and minimize secondary accidents. It also authorizes peace officers or transportation department employees to require removal of vehicles, cargo, or debris caused by a motor vehicle accident. This protects peace officers or transportation department employees or others acting under their direction from liability for damage resulting from reasonable removal efforts.

MOTION: **Rep. Smith** made a motion to send H53 to the floor with a do pass recommendation. **Motion approved by voice vote.**

PRESENTATION Chairman Wood introduced **Mr. Chuck Winder**, Chairman of the Board of Directors for Idaho Transportation Department, who introduced the Governor's "Vision of Connecting Idaho." The committee was given a copy of "Connecting Idaho" which explains the GARVEE program and projects it will cover. He said that GARVEE Bonding: does not require a tax increase; does not require a pledge from the State; comes out of a dedicated trust fund; and no general funds will be used to accomplish this program.

There are 13 projects ear marked for bonding with GARVEE bonds. These projects are I-84 to South Emmett (25 miles, \$157 million); South Emmett to Mesa (80 miles, \$157 million); St. Anthony to Ashton (14 miles, \$31 million); McCammon to Soda Springs (13 miles, \$187 million); Timmerman to Ketchum (26 miles, \$105 million); Caldwell to Meridian (15 miles, \$231 million); Orchard to Isaacs Canyon (9 miles, \$343 million); Twin Falls Alternate Route and New Snake River Crossing (14 miles, \$184 million); SH-1 to Canadian Border (15 miles, \$31 million); Garwood to Sagle (29 miles, \$157 million); Worley to Setters (6 miles, \$22 million); Thorn creek Rd. To Moscow (7 miles, \$18 million); and Smokey Boulder to Hazard Creek, N. of New Meadows (5 miles; \$19 million). That would be a total of 258 miles with a total investment of \$1.6 billion.

Replying to questions, **Mr. Steve Hutchison**, Idaho Transportation Department Acting Chief Engineer, stated that the road from Emmett to Mesa does go over the mountain, but there is no guarantee that it will be four lanes.

In response to a question regarding JFAC and whether projects could be stopped, Mr. Winder stated that the Idaho Transportation Department would come to the legislature each year and specifically state the projects and amount of money being bonded. It would have to pass both houses. He stated that they want the legislature to have oversight.

In answer to committee questions, Mr. Winder said that the bonds are expected to last nine years, with a portion being retired each year to allow for annual adjustments. Once the bonds are issued, a request will be made for a portion of them to be a continuing appropriation. He also said that if Idaho stops receiving federal money the state would not be obligated for repayment of the bonds. Protecting bond holders by insuring the bonds is being studied.

The question was asked that even if we are not obligated for payment if we lose federal funding, wouldn't we have a moral obligation to repay

these bonds. Mr. Winder said yes. Each year we will need to analyze the interest rates, etc. to see if we need to insure the bonds.

Regarding insuring GARVEE bonds, **Mr. Gerald Hunter**, Idaho Housing Finance Association, said that the bonds are investment grade with no insurance which makes them an A rating; if the bonds are insured then they would go to a AAA rating. There are higher interest rates with A ratings and lower with AAA. He said that bond insurance would cover both principle and interest with these bonds. Mr. Winder said hey anticipate that the first bond could be issued in about a year.

Mr. Winder said that a \$1.6 billion project today would be \$6 billion if we wait. A question from the committee asked if this doesn't put pressure on the Idaho Transportation Department Board to get projects completed, and what projects get completed and which don't.

Mr. Winder introduced **Mr. Dave Ekern**, Idaho Transportation Department Director. He said that the "Foundations for Use" for GARVEE Bonding are: Maintaining system condition at current levels; maintaining the current five-year construction program; All projects must be included in Statewide Transportation Improvement Program (STIP); all improvements are designed to last 40+ years; all projects are developed in accordance with state and federal laws and rules; projects will be sized to accommodate Idaho contractors; bonding will not raise taxes; and staffing will not be increased to deliver the GARVEE bonded projects.

In regards to the portion that says staffing will not be increased, a question on how this large of a project can be completed without increasing staff, Mr. Ekern said that increasing maintenance staff and equipment could be incremental but not for this project. Cross-training employees is a possibility.

Mr. Ekern said that the bonding does have some assumptions: 10% state participation in interest, underwriting fees, and state match; 4.75% interest rate; 3.3% estimated annual growth rate in federal revenues; 0% estimated annual growth rate in state revenues; each bond will be paid over an 18-year period; bond state portion of project costs; \$58.7 million annual commitment of funding for preservation of existing systems; \$65.2 million annual commitment of funding for local system and non-system; first bond anticipated in January 2006; final bond to be issued 2014; and final debt-service payment in 2032.

Mr. Ekern was asked if the bonding included railroads and shipping. Mr. Ekern said that it deals with aeronautics and public transportation components, but it does not include railroads.

Regarding the \$58.7 million for preservation, it was felt by the committee that this was an inflated amount and that it (the chart) shows a decreased amount of surface overlay during the course of the period. It was thought that this should be expanding. Mr. Ekern said that there is a significant amount of state funds available which is uncommitted money that could be used for this.

Mr. Ekern showed a graph that explained how bonding could pay for itself. Over the 18-year period, bonding with GARVEE bonds on a \$100 million

project, cost with inflation and financing the cost would be \$177.9 million. That same cost without bonding would be \$237.2 million, or a difference of \$59.3 million.

There were a number of questions from the committee regarding how they arrived at their inflation rate. The department was asked to furnish the committee with a white paper explaining this.

Referring to the gray area on the chart provided, it was asked if the bonds would be used for this time only and not beyond. Mr. Ekern stated that there is a specific set of corridors and the dollar amount. We have estimated it be completed in 9 years. If there are a variety of factors then those projects in those corridors could be stopped. If everything falls into place, then these are the dollars and years. Mr. Ekern stated, under my understanding, if Highway 20 could not be delivered for any reason, we could not take the money and transfer it to another project.

A statement by the committee was that we are being asked to make a decision and those parameters need to be secure enough so that we can make a decision. Mr. Ekern said that they have put boundaries around the projects. There are those kinds of projections and circumstances that might change. Mr. Ekern told the committee that there would not be any projects beyond these 13 projects. Mr. Winder said that if they have a \$100 million project and they didn't issue bonds, then there is not a limit; but if the project can't be built the bonds won't be issued. It was asked if this is no limit in the amount of bonding? Mr. Winder said if there is a specific project removed from the list of 13 projects then the overall bonds would be reduced. He said that they would have to come back and get approval from the legislature. He stated that they are asking for bonding authority to do eligible projects with constraints.

Chairman Wood told the committee that if they still had questions, to put them in writing and give them to Julie Pipal, Idaho Transportation Department.

ADJOURN:

There being no further business to come before the committee the meeting was adjourned at 4:43 p.m.

Representative JoAn Wood
Chairman

Shani Murray
Secretary

MINUTES

HOUSE TRANSPORTATION AND DEFENSE COMMITTEE

DATE: February 10, 2005

TIME: 1:30 p.m.

PLACE: Room 412

MEMBERS: Chairman Wood, Vice Chairman Roberts, Representatives McKague, Smith(24), Bedke, Cannon, Skippen, Wills, Moyle, Hart, Nonini, Shepherd (2), Mitchell, Ringo

**ABSENT/
EXCUSED:** None

GUESTS: **See attached sign in sheet and presenters highlighted below.**

Chairman Wood called the meeting to order at 1:33 p.m.

S1002 Chairman Wood stated that S1002 is to be transferred to the Education Committee.

MOTION: **Rep. Smith** made a motion to refer S1002 to the Education Committee.
Motion approved by voice vote.

RS14546C1 **Rep. Martinez**, presented RS14546C1. This legislation deals with the gas tax distribution formula, specifically as the funds flow to cities. It would assure that when revenues appropriated from the Highway Distribution account, which goes to cities, meets or exceeds the previous fiscal year's revenue that base amount will be preserved and the excess will be distributed through the normal formula.

Currently the distribution to cities is based on percent of population growth. Some areas of the state are growing faster than others. This can result in some cities, while growing, receiving fewer funds over time because other cities have grown more quickly and have a larger percentage.

From 2001 to 2003, 104 cities gained population; 167 had a reduction in their population percent; and 72 gained population and also had a reduction in population percent. Compared to FY 2000, in FY 2004 140 cities lost revenue. This trend will continue as long as Idaho continues to urbanize.

MOTION: **Rep. Mitchell** made a motion to introduce RS14546C1.

There was a request that Rep. Martinez let the committee know what the impact of distribution of funds to cities would be when the bill comes back to the committee.
Motion approved by voice vote.

RS14923 **Rep. Will** presented RS14923. This legislation came out of concern for the safety of emergency workers and patrolmen working on our highways.

New Section 49-624 deals with two different areas 1) if the driver is traveling on a highway with two or more lanes carrying traffic in the same direction; and 2) if the driver is traveling on a highway with one lane for each direction of travel.

There was a question that part in the bill that says "immediately reduce the speed of the vehicle and change lanes as soon as it is possible." It was felt that this might create more accident than it prevents. Rep. Wills answered that even now some people don't stop when they first see the lights and this puts the responsibility on the driver.

MOTION: **Rep. Skippen** made a motion to introduce RS14923.
Motion approved by voice vote. Vice Chairman Roberts voted Nay.

RS14961 **Mr. Bob Wells**, Lobbyist for Idaho AAA, presented RS14961. This legislation would change the current law requiring a child be in a safety restraint at age 4 and under/or 40 pounds to 6 years or younger. The weight requirement has been removed.

Responding to a question, Mr. Wells said that the reason for the change is to meet national standards. Studies show that children in safety restraints are safer.

There was also a question: what is the federal motor vehicle safety standard No. 213. Rep. Wills stated that Federal Safety Standard 213 sets standards for young people to be in safety seats and that this bill is simply complying with this.

MOTION: **Rep. Wills** made a motion to introduce RS14961.
Motion approved by voice vote. Vice Chairman Roberts voted Nay.

RS14766 **Rep. Leon Smith** presented RS14766. Rep. Smith said this legislation is not intended to preempt the Governor's GARVEE proposal, but rather to be seen as an alternative depending upon what happens to the Governor's proposal. Historically, he stated that he had reviewed some of the proposals that had come out of a meeting in late summer which Idaho Transportation Department held. He added language to the ITD proposed GARVEE bond bill and returned it to the Governor's office and ITD stating that he thought these additions would be more palatable to the legislature. This legislation considers one program at a time. After the Idaho Transportation Department Board okays the project it would be presented to the germane committees of the legislature. This legislation also limits bond life to 18 years and does not allow a bond extension or re-writes without germane committee approval. Rep. Smith said that GARVEE bonding is a tool for ITD but should be used with some restraint.

In response to a question about local authorities bonding, Rep. Smith said that this is one of the things modified from ITD's proposal. He said that to safeguard substantial jurisdictional interest at the local level it would take a two-thirds majority of any local governing body larger than three members, or by unanimous approval in the case of a three member governing body voting on a resolution or ordinance in support of GARVEE bond use for a transportation infrastructure project. He said local authority could use GARVEE bonds but few would have sufficient federal money flow to justify bonding.

MOTION: **Vice Chairman Roberts** made a motion to introduce RS14766.
Motion approved by voice vote.

RS14670 **Rep. Bilbao** presented RS14670. This legislation would expand the special motor vehicle license plate program to include the Basque Heritage License Plate. The money from the sale of these license plate would go to the Cenarrusa Center for Basque studies. The design and printing of this license plate will be paid by private donations. Rep. Bilbao introduced former Secretary of State **Pete Cenarrusa** who in turn introduced **Mrs. Cenarrusa** and **Julie Bengoechea**.

MOTION: **Rep. Mitchell** made a motion to introduce RS14670.
Motion approved by voice vote.

RS14960 **Rep. Smith** asked that **Mr. Alan Frew**, Idaho Transportation Department Port of Entry Manager, present RS14960. There has been some confusion in the courts regarding when vehicles must stop at weigh stations. This legislation will amend Section 40-511, Idaho Code, to further clarify those vehicles required to stop at ports of entry for inspection/weighing.

A concern of the committee dealt with harvest trucks having to stop both when they are full and when they are empty and the time that this takes them to get back to the fields.

It was asked why on Page 2, Line 23 of the bill the weight was changed from 18,000 pounds to 10,000 pounds. Mr. Frew said that this change was not in the original bill. He said that there are exceptions where they are required to stop with a maximum gross weight of 10,000 one of which would be carrying hazard materials.

MOTION: **Rep. Moyle** made a motion to introduce RS14960 after striking 10,000 pounds on Page 2, Line 23 and replacing 18,000 pounds.
Motion approved by voice vote. Representatives Hart and Roberts voted Nay.

RS14675 **Rep. Trail** presented RS14675. This legislation relates to motorcycle safety helmets; amending Section 49-666, Idaho Code, to provide that no person shall ride upon a motorcycle as operator or passenger, upon any highway, unless at all times when so operating or riding upon the vehicle he is wearing, as part of his motorcycle equipment, a protective safety helmet. Rep. Trail said that in the Fiscal Note is says no impact to the general fund; however, about 50% of those who ride without a helmet are not insured so this does have some financial impact.

MOTION: **Rep. Ringo** made a motion to introduce RS14675.

SUBSTITUTE MOTION: **Rep. McKague** made a substitute motion to return RS14675 to the sponsor.

A roll call vote was taken on the substitute motion:
Chairman Wood, Vice Chairman Roberts, Representatives McKague, Bedke, Moyle, Nonini, and Hart **voted Aye**.
Representatives Smith, Cannon, Ringo, Mitchell, and Shepherd **voted**

Nay.

Substitute motion to return RS14675 to sponsor passed 7 Aye 5 Nay.

RS14462C3

Mr. Greg Laragan, Idaho Transportation Department Assistant Chief Engineer for Operations, presented RS14462C3. This legislation amends Sections 49-104, 49-123 and 49-948, Idaho Code, to require tire chains on sections of highway that have been posted by the transportation department as requiring those devices due to hazardous driving conditions. This proposed law is intended to minimize the winter accident rate on mountain passes and thereby reduce associated traffic delays and disruption to snow removal efforts. This only applies to the interstate and state highway system.

MOTION:

Rep. Moyle made a motion to introduce RS14462C3.

Motion approved by voice vote. Representatives Nonini and Hart voted Nay.

RS14959

Vice Chairman Roberts asked that **Mr. Alan Frew**, ITD, present RS14959. This legislation amends Section 49-1010, Idaho Code, to conform Idaho law with federal regulations regarding dromedary tractor/trailer combinations transporting munitions for the U.S. Department of Defense and regional standards for measuring rear overhang.

MOTION:

Rep. Wills made a motion to introduce RS14959.

Motion approved by voice vote.

RS14963

Rep. Mitchell asked **Mr. Alan Frew**, ITD, to present RS14959. This legislation will amend Section 49-434A, Idaho Code, to provide consistent penalties for commercial motor vehicles that fail to register. Mr. Frew stated that they are trying to encourage those who are to register will register.

There was some concern from the committee that this would put a burden on the driver and not the owner of the vehicle. Mr. Frew stated that even though the citation is written to the operator the owner is responsible to get the vehicle registered and typically the driver will turn the citation over to the owner for payment. There was also concern about the penalty becoming a misdemeanor rather than an infraction. Mr. Frew said they are looking for compliance.

MOTION:

Rep. Mitchell made a motion to introduce RS14963.

**SUBSTITUTE
MOTION:**

Vice Chairman Roberts, made a motion to return RS14963 to sponsor. Roll call vote was called on the substitute motion:

Voting AYE: Chairman Wood, Vice Chairman Roberts, Representatives McKague, and Hart.

Voting NAY: Representatives Smith, Bedke, Wills, Moyle, Cannon, Nonini, Ringo, Mitchell, and Shepherd.

Motion failed 4 Aye - 9 Nay.

**VOTE ON
ORIGINAL
MOTION:**

Motion to introduce **RS14963** was approved by voice vote.

- RS14833** **Rep. Nonini** presented RS14833. This legislation will expand the requirement options of providing documentary evidence of vehicle ownership for vehicles, which are being held in inventory for resale, by licensed motor vehicle dealers.
- MOTION:** **Rep. Bedke** made a motion to introduce RS14833.
Motion approved by voice vote.
- RS14831** **Rep. Nonini** presented RS14831. The purpose of this legislation is to bring Idaho into line with all other jurisdictions practices relating to notification requirements placed upon a vehicle in which the odometer has been covered from kilometers to miles.
- MOTION:** **Rep. Moyle** made a motion to introduce RS14831.
Motion approved by voice vote.
- RS14889** **Rep. Nonini** presented RS14889. The purpose of this legislation is to allow Neighborhood Electric Vehicles to be licensed and titled for operation on certain public roads. Rep. Nonini said that these low-speed vehicles may be operated on streets that are posted 25 mph or less. The definition of a low-speed vehicle is a four-wheeled electric vehicle whose attainable speed is not greater than 25 miles per hour and which complies with the federal safety standards established in 49 C.F.R. 571.500.
- MOTION:** **Rep. Hart** made a motion to introduce RS14889.
Motion approved by voice vote.
- RS14817** **Rep. Nonini** presented RS14817. The purpose of this legislation is to require that licensed motor vehicle dealers provide the Idaho Transportation Department with a verification of existence of a business liability insurance policy for motor vehicle dealers.
- In the Fiscal Note it says one full time person at \$35,000 annually. Chairman Wood wondered why a full time person would be needed. **Amy Smith**, Idaho Transportation Department DMV Manager, stated that this is a new requirement for all dealers of which there are over 1600. These dealers will file this particular liability policy with the department. The department will have to keep up with any suspensions and process reinstatements. She also said that they do not have a computer program set up for this and that is where the one time programming estimate comes from.
- In response to a question Ms. Smith said that this amount was not in the budget presented to JFAC.
- It was felt by some that the \$100 reinstatement fee was not high enough and if it were higher dealers would not be as apt to let it lapse.
- MOTION:** **Rep. Mitchell** made a motion to introduce RS14817.
- SUBSTITUTE MOTION:** **Rep. Cannon** made a substitute motion to introduce RS14817 but on Page 1, Line 38 change \$100 to \$500 and change the SOP to reflect the change.

**WITHDRAW
MOTION:**

Rep. Mitchell withdrew his original motion in favor of the substitute motion.

**VOTE ON
SUBSTITUTE
MOTION:**

A roll call vote was taken on the substitute motion to introduce RS14817 after the changes suggested are made.

Voting AYE: Chairman Wood, Vice Chairman Roberts, Representatives Smith, Bedke, Wills, Moyle, Cannon, Nonini, Hart, Ringo, Mitchell, Shepherd.

Voting NAY:

Representative McKague

Motion approved 12 AYE - 1 NAY

RS14962

Rep. Bedke presented RS14962. This legislation adds a small number of additional routes in south-central Idaho to the Idaho pilot project program designed to test the use of 129,000 pound trucks on a limited number of state highways.

MOTION:

Vice Chairman Roberts made a motion to introduce RS14962.

Motion approved by voice vote. Rep. Ringo voted Nay.

Chairman Wood told the committee that the airport management would like to have the Senate and House Transportation committees tour the airport and have lunch with them on Tuesday, March 8. She asked the committee to look at their calendars and let her know if this is possible.

ADJOURN:

There being no further business to come before the committee the meeting was adjourned at 3:58 p.m.

Representative JoAn Wood
Chairman

Shani Murray
Secretary

MINUTES

HOUSE TRANSPORTATION AND DEFENSE COMMITTEE

DATE: February 14, 2005

TIME: 1:30 p.m.

PLACE: Room 412

MEMBERS: Chairman Wood, Vice Chairman Roberts, Representatives McKague, Smith(24), Bedke, Cannon, Skippen, Wills, Moyle, Hart, Nonini, Shepherd (2), Mitchell, Ringo

**ABSENT/
EXCUSED:** None

GUESTS: **See attached sign in sheet and presenters highlighted below.**

Chairman Wood called the meeting to order at 1:31 p.m.

H55 **Rep. Moyle** asked that H55 be held in time certain until February 22, 2005.

MOTION: **Rep. Ringo** made a motion to hold H55 in time certain until Tuesday, February 22, 2005.
Motion approved by voice vote.

H56 **Rep. Skippen** presented H56. She said that this legislation deals with snowmobilers choosing to increase their fees to defray the cost of search and rescue operations which are conducted by a county sheriff's office to assist or recover lost individuals riding snowmobiles.

MOTION: **Rep. Wills** made a motion to send H56 to the floor with a do pass recommendation. **Motion approved with a voice vote.**
Representatives Moyle and McKague voted Nay.

H68 **Mr. Dean Sangrey**, Department of Parks and Recreation, presented H68. Idaho Code currently defines "all terrain vehicles" (ATV's). Recreational vehicle manufacturers have started providing larger versions of ATV's, called UTV's. Because they do not meet the Idaho definition of an ATV they cannot be registered as an off-highway-vehicle (OHV) in Idaho. Similarly, the Idaho Transportation Department will not license them for use on public roadways as they do not meet all legal requirements for highway operation. This has created an untenable situation for an ever-increasing number of users, vendors and dealers. By creating a new class of OHV, Idaho Department of Parks and Recreation can provide a registration and a legal recreation opportunity on certain paved and unpaved state and federal roads for this type of vehicle.

A major concern of the committee was the definition of these UTV's. There is a definition for ATV's but the UTV's are wider and heavier. The bill reads that a UTV means any motor vehicle other than an ATV, motorbike, or snowmobile as defined in Section 67-7101, Idaho Code, designed for and capable of travel over unimproved terrain or unpaved

roads. Mr. Sangrey said that the UTV does not include golf carts, vehicles designed for the disabled or implements of husbandry. **Mr. Chuck Wells**, Supervisor for Idaho Department of Parks and Recreation, said that there has not been an established weight with the market changing so fast they haven't put a weight on the definition yet.

There was also a question about the exemption to those UTV's used for agriculture and snow removal purposes. Mr. Sangrey said that this is if they are used only on private land. The UTV's are to be used mainly for recreation and if they are used for this purpose and are not on private property they need to be registered. Right now these UTV's can't be licensed for road use and can't be registered for off road either as they don't fit the restrictions of an ATV. Mr. Sangrey said that they need to be able to register the UTV's.

After a question regarding licensing or registering **Amy Smith**, Idaho Transportation Department DMV Manager, said that there are two issues, vehicles such as Jeeps and Humvees must be plated for the road; utility type vehicles are for recreational use and must be registered.

In answer to a question regarding why the definition of ATV's was not expanded to fit the UTV's, Mr. Sangrey said that they felt it would be advantageous to have two different definitions as it would make it clearer.

The committee was still unclear about the definition of a UTV so **Mr. Bill Jones**, representing the ATV Association, passed out pictures of the different OHV so that the committee could get an idea of the differences. He said that he has seen the wheel base on a UTV as narrow as 52" and as wide as 62", and these won't fit on an ATV or motorcycle trail.

Lahsha Johnston, The Wilderness Society, spoke against the bill. She said that these vehicles should be registered and the open ended definition needs to be tightened.

Mr. Jones said that the definition could be set by weight, seating, steering wheel, wheel base, and tire pressure in the tires.

MOTION: **Rep. Mitchell** made a motion to hold H68 in time certain at the call of the chair, giving the department time to work on a definition for the bill.

Motion approved by voice vote.

HCR11 **Rep. Roberts**, presented HCR11. This concurrent resolution would reject a pending rule of the Idaho Transportation Department governing overlegal permittee responsibility and travel restrictions. The effect of this resolution, if adopted by both houses, would be to prevent the agency rule from going into effect.

MOTION: **Rep. Bedke**, made a motion to send HCR11 to the floor with a do pass recommendation.

Motion approved by voice vote. Rep. Ringo voted Nay.

H144 **Rep. Roberts**, presented H144. This legislation amends Sections 49-104, 49-124, and 49-657, Idaho Code, to remove the term "Construction

Danger Zone” and replace it with “Work Zone.” Replacing the term “Construction Danger Zone” with “Work Zone” will bring the signing into conformity with the Manual on Uniform Traffic Control Devices (MUTCD) and standards of the Idaho Transportation Department.

MOTION: **Rep. Smith** made a motion to send H144 to the floor with a do pass recommendation.
Motion approved by voice vote.

Chairman Wood turned the gavel to Vice Chairman Roberts; when he had to leave he turned the gavel to Rep. McKague.

H102 **Rep. Wood** presented H102. This legislation relates to the Department of Parks and Recreation seeking an agreement with the Idaho Transportation Department on legal crossings of all-terrain vehicles (ATV) and motorcycles over state highways on designated trail routes. Rep. Wood gave an example of a trail that connects to Bay Horse in Stanley which crosses a state highway. How do you do this and do it legally? This legislation would fix this.

MOTION: **Rep. Wills** made a motion to send H102 to the floor with a do pass recommendation.
Motion approved by voice vote.

H146 **Rep. Wood** presented H146. This legislation would correct a mistake on the 129,000 pound pilot project map. It was designated 5 miles south and should have been 2 ½ miles north in Bonneville County.

MOTION: **Rep. Bedke** made a motion to send H146 to the floor with a do pass recommendation.
Motion approved by voice vote.

ADJOURN: There being no further business to come before the committee the meeting was adjourned at 2:47 p.m.

Representative JoAn Wood
Chairman

Shani Murray
Secretary

MINUTES

HOUSE TRANSPORTATION AND DEFENSE COMMITTEE

DATE: February 16, 2005

TIME: 1:30 p.m.

PLACE: Room 412

MEMBERS: Chairman Wood, Vice Chairman Roberts, Representatives McKague, Smith(24), Bedke, Cannon, Skippen, Wills, Moyle, Hart, Nonini, Shepherd (2), Mitchell, Ringo

**ABSENT/
EXCUSED:** None

GUESTS: **See attached sign in sheet and presenters highlighted below.**

Chairman Wood called the meeting to order at 1:32 p.m.

MINUTES: **Rep. McKague** made a motion to accept the minutes of January 20, 2005, as written. **Motion approved by voice vote.**

Rep. Roberts made a motion to accept the minutes of February 8, 2005, as written. **Motion approved by voice vote.**

Rep. Shepherd made a motion to accept the minutes of February 10, 2005, as written. **Motion approved by voice vote.**

Rep. Bedke made a motion to accept the minutes of February 14, 2005, as written. **Motion approved by voice vote.**

Chairman Wood turned the gavel over to Vice Chairman Roberts.

H147 **Rep. Wood** presented H147. This legislation amends Idaho Code 49-1901 to conform with a change in by-laws regulating the Multi-State Highway Transportation Agreement (MHTA) of eleven western states. This amends state statute adopted in Idaho Code, Chapter 1 of Sessions Laws of 1975. This legislation would provide for two votes from each state in the "cooperating committee" with the Senate Chairman of Transportation and the House Chairman of Transportation or their "designated representatives" as voting members making Idaho laws equal with the eleven other states.

Mr. Skip Smyser, representing the Idaho Trucking Association, spoke in favor of this legislation. He stated that Idaho's continued participation in MHTA will benefit Idaho.

MOTION: **Rep. Skippen** made a motion to send H147 to the floor with a do pass recommendation.

In answer to a question, Rep. Wood stated that because we belong to MHTA doesn't mean this will leave us open for more routes for the pilot project 129,000 trucks as the laws of each state would determine what is

done.

There was a vote on the original motion to send H147 to the floor with a do pass recommendation. **Motion approved by voice vote.**

Vice Chairman Roberts returned the gavel to Chairman Wood.

H187

Rep. Bilbao presented H187. This legislation would expand the special motor vehicle license plate program to include the Basque Heritage License Plate. The money from the sale of these plates would go to the Cenarrusa Center for Basque studies. Rep. Bilbao said that this is a joint project from educators, business, and cultural groups from the Basque community and works with Boise's Basque Museum and Cultural Center. The design and printing of this license plate will be paid by private donations.

Ben Ysursa, Secretary of State, spoke in favor of the bill.

MOTION:

Rep. Mitchell made a motion to send H187 to the floor with a do pass recommendation.

There was a question from the committee asking if this plate was subject to the same conditions as all the other plates. **Julie Pipal**, Idaho Transportation Department, said that yes, it has to meet all the criteria.

There was a vote on the original motion to send H187 to the floor with a do pass recommendation. **Motion approved by voice vote. Representatives Moyle, Roberts, and Smith voted Nay.**

H184

Rep. Nonini presented H184. The purpose of this legislation is to bring Idaho in line with all other U.S. jurisdictions by eliminating the need for requiring disclosure of the conversion of a metric odometer to a mileage odometer for U.S. standards. Under current Idaho Code, 49-1629 has been interpreted to mean prior to an Idaho dealer selling a vehicle that previously registered distance traveled in kilometers be required to have an actual disclosure decal showing the previous kilometer reading be attached to the driver's door jamb. A majority of used vehicles that are brought to Idaho for resale come from other states and jurisdictions that do not have a similar requirement. The Idaho dealer purchasing these vehicles from a wholesale auction or consumer does not have any way to know that the odometer has been converted from metric to mileage units. This puts the dealer in a liability situation when selling to consumers, without the odometer disclosure, primarily because they were unaware of the odometer conversion.

There are no other states or federal laws that requires that a disclosure be attached to the vehicle when the odometer has been converted and the total distance (mileage) of the vehicle has not changed, just the instrument and way the mileage is collected. This bill does not change the requirement for a disclosure notice on the vehicle's driver door jam when the odometer has been repaired or replaced, and the total distance that the vehicle has traveled is unknown. This change would be beneficial in administering odometer disclosure laws and regulations to have a uniform set of standards and definitions nationwide.

MOTION: **Rep. Bedke** made a motion to send H184 to the floor with a do pass recommendation. **Motion approved by voice vote.**

H181 **Mr. Alan Frew**, Idaho Transportation Department Port of Entry Manager, presented H181. This legislation amends Section 49-1010, Idaho Code, to conform Idaho law with federal regulations regarding dromedary tractor/trailer combinations transporting munitions for the U.S. Department of Defense and regional standards for measuring rear overhang.

MOTION: **Rep. Smith** made a motion to send H181 to the floor with a do pass recommendation. **Motion approved by voice vote.**

H177 **Rep. Wills** made a motion that H177 be held in time certain until February 22, 2005. He said there needs to be some changes in the bill.

It was pointed out that in the code there is already a section that states people must drive reasonable and prudent and with this bill we will be making violators out of the public. Rep. Wills said that there have been encounters with people not stopping when they see a flashing light and causing rear end collisions and striking people who are on the side of the road of an accident. This bill is for clarity and safety. Chairman Wood stated that this bill was brought to them by the Idaho State Police, but that some items were left out.

SUBSTITUTE MOTION: **Vice Chairman Roberts** made a substitute motion to hold H177 in time certain at the call of the chair. **Motion approved by voice vote.**

ADJOURN: There being no further business to come before the committee the meeting was adjourned at 2:10 p.m.

Representative JoAn Wood
Chairman

Shani Murray
Secretary

MINUTES

HOUSE TRANSPORTATION AND DEFENSE COMMITTEE

DATE: February 18, 2005

TIME: 12:10 p.m.

PLACE: Room 412

MEMBERS: Chairman Wood, Vice Chairman Roberts, Representatives McKague, Smith(24), Bedke, Cannon, Skippen, Wills, Moyle, Hart, Nonini, Shepherd (2), Mitchell, Ringo

**ABSENT/
EXCUSED:** Representative Bedke

GUESTS: **See attached sign in sheet and presenters highlighted below.**

Chairman Wood called the meeting to order at 12:10 p.m.

MOTION: **Rep. Ringo** made a motion to accept the minutes of February 16, 2005, as written. **Motion approved by voice vote.**

H183 **Rep. Nonini** presented H183. This bill fixes an inconsistency in Idaho Code. The proposed amendment to 49-1616(j) will make Chapter 16, the Idaho Title and Salesman Licensing Act consistent with Chapter 5, the Idaho Title Act. Clarifying what is acceptable for selling vehicles, when the title may not be immediately available for a variety of reasons, but all other codes have been complied with.

In response to a committee question of what such an instance would be, Rep. Nonini stated one example would be when dealers take vehicles on trade from customers, titles are sometimes not available when the sale is made or the new consumer takes possession of the vehicle. This may be due to a prior lien holder holding the title to the vehicle that was traded in and not releasing it to the dealer until the previous owner's lien has been paid.

MOTION: **Rep. Smith** made a motion to send H183 to the floor with a do pass recommendation. **Motion approved by voice vote.**

H185 **Rep. Nonini** presented H185. This legislation deals with the operation of a low-speed vehicle on certain roadways. A low-speed vehicle may be operated only on streets where the posted speed limit is 25 miles per hour or less. A low-speed vehicle must be equipped with: headlights, brake lights, turn signal lights, tail lights, reflectors, parking brake, rearview and side mirrors, windshield, windshield wiper, speedometer, odometer, braking for each wheel; seat belts, and vehicle identification numbers. A low-speed vehicle must be registered and insured and must display a license plate. Any person operating a low-speed vehicle must have in his or her possession a valid drivers license.

A "low-speed vehicle" is any four-wheeled electric vehicle whose attainable speed is not greater than 25 miles per hour and which complies

with the federal safety standards established in 49 C.F.R. 571.500. 30 of the 50 states have adopted these standards in some shape or form. Those states neighboring Idaho which have adopted some type of legislation include: Washington, Oregon, Utah, and Nevada.

There was a question from the committee regarding the line in the bill that says "Operation of the Neighborhood electric vehicle on a state highway shall be allowed as provided in section 49-633, Idaho Code." **Ms. Denise Brennan**, Executive Director of the Idaho Automobile Dealers Association, stated that she had asked legislative services about using "state highways" and they told her that they felt that all roadways were covered by using "state highways."

There was a question whether this included golf carts. Ms. Brennan said that golf carts are not required to meet these standards.

Another question asked was why this just included electric cars and not gas powered cars.

MOTION: **Rep. Moyle** made a motion to send H185 to General Orders so that the confusion over "state highways" could be cleared up.

It was pointed out that the right wording should be "highways of the State."

There was confusion as to where these vehicles can go or where they can't go.

SUBSTITUTE MOTION: **Rep. Smith** made a substitute motion to hold H185 in time certain until February 24, 2005, so that it can be clarified where these vehicles can and can't go, and determine which wording regarding "state highways" should be used.

A vote was taken on the substitute motion. **Motion approved by voice vote. Rep. Skippen voted Nay.**

S1059 **Mr. Bill von Tagen**, from the Attorney General's office, presented S1059. This proposed legislation will amend Section 49-808 to clarify when motorists are required to signal. The statute requires motorists to signal when merging onto a highway or when leaving a highway. Mr. von Tagen stated that this legislation does not change the substance of the law, but that it clarifies it. He said that they were asked by the Court of Appeals to fix this section.

In a question from the committee regarding turning right in a right turn only lane would a driver still have been required to use a signal before this legislation. Mr. von Tagen said yes, that there was not a change to substantive law.

MOTION: **Vice Chairman Roberts** made a motion to send S1059 to the floor with a do pass recommendation. **Motion approved by voice vote.** Vice Chairman Roberts will carry the bill on the floor.

Chairman Wood introduced the new page, **Kristen Richter**

She also told the committee that there would not be a meeting on Tuesday, February 22, due to the Resource and Conservation hearings being held at BSU.

ADJOURN: There being no further business to come before the committee the meeting was adjourned at 12:50 p.m.

Representative JoAn Wood
Chairman

Shani Murray
Secretary

MINUTES

HOUSE TRANSPORTATION AND DEFENSE COMMITTEE

- DATE:** February 24, 2005
- TIME:** 1:30 p.m.
- PLACE:** Room 412
- MEMBERS:** Chairman Wood, Vice Chairman Roberts, Representatives McKague, Smith(24), Bedke, Cannon, Skippen, Wills, Moyle, Hart, Nonini, Shepherd (2), Mitchell, Ringo
- ABSENT/
EXCUSED:** Representative Wills
- GUESTS:** **See attached sign in sheet and presenters highlighted below.**
- Chairman Wood called the meeting to order at 1:32 p.m.
- MOTION:** **Rep. Hart** made a motion to accept the minutes of February 18, 2005, as written. **Motion approved by voice vote**
- H54** **Ed Pemble**, Idaho Transportation Department Driver Service Manager, presented H54. Code changes are being made to bring Idaho into conformance with federal regulations as required by the Motor Carrier Safety Improvement Act of 1999. These changes were designed to enhance highway safety by ensuring that commercial motor vehicles (CMV's) are operated by safe drivers.
- A new "S" endorsement is created for school bus drivers, requiring specialized skill tests, knowledge tests, and application changes.
- For CDL drivers, certain convictions are a consideration for determining disqualification from CMV operation, regardless of the type of vehicle being driven when the violation occurred: Operation of a motor vehicle while under the influence of alcohol or a controlled substance; Leaving the scene of an accident; refusal to submit to blood alcohol content testing; use of a motor vehicle in the commission of any felony involving the manufacture, distribution, or dispensing of a controlled substance, or possession of a controlled substance with the intent to manufacture, distribute, or dispense of such controlled substance; and reckless driving.
- There are two new disqualifications that are being added as required by 49-CFR-383: driving a CMV while the driver's CDL is suspended, revoked, cancelled or disqualified as a result of prior CMV violations; causing a fatality through the negligent operation of a CMV, including by not limited to the crimes of motor vehicle manslaughter, homicide by motor vehicle, and negligent homicide.
- If this legislation is not implemented it would mean no further increase in Federal Motor Carrier Safety Administration grant funding to the Motor Carrier Safety Assistance Program; permanent loss of federal aid highway

funds; substantial non-compliance can lead to decertification of Idaho's CDL program. If implemented the programming will be completed by transportation department staff programmers within existing budget constraints. The effective date is July 1, 2005.

There was a question whether the education department had given input on this bill and if it would cause a hardship on their bus drivers. Mr. Pemble said that they have seen the bill. In answer to another question Mr. Pemble stated the current testing for bus drivers is a "P" endorsement. He said that other states are already doing the "S" endorsement and this a uniformity required by all states.

Sergeant Jim Eavenson, Idaho State Police, spoke in favor of the bill. By supporting this legislation, you will show your continued support of safety on our highways by ensuring funding will not be withheld from our MCSAP grant program. This program has a budget of 1.2 million a year; has 26 employees, does CMV inspections which includes all nuclear waste loads shipped out from INL, CVS provides education and training, and works closely with many other safety oriented groups such as Multi-State Highway Transportation Agreement, American Association of Motor Vehicle Administrators, Commercial Vehicle Safety Alliance, and The Federal Motor Carrier Safety Agency (who disseminates the grant).

MOTION:

Rep. Cannon made a motion to send H54 to the floor with a do pass recommendation. **Motion approved by voice vote.** Chairman Wood voted Nay.

H68

Mr. Dean Sangrey, Idaho State Parks and Recreation Deputy Director, presented H68. Idaho Code currently defines "all terrain vehicles" (ATV's). Recreational vehicle manufacturers have started providing larger versions of ATV's, called UTV's. Because they do not meet the Idaho definition of an ATV they cannot be registered as an off-highway-vehicle (OHV) in Idaho. Similarly, the Idaho Transportation Department will not license them for use on public roadways as they do not meet all legal requirements for highway operation. This has created an untenable situation for an ever-increasing number of users, vendors and dealers. By creating a new class of OHV, Idaho Department of Parks and Recreation can provide a registration and a legal recreation opportunity on certain paved and unpaved state and federal roads for this type of vehicle. Mr. Sangrey stated that they have revised the start up costs from \$45,600 to \$7,000. He also said that they have an amendment that defines these UTV's

Mr. Johnnie Harris and Mr. Jim Kuln, spoke in favor of H68.

Mr. Bill Jones, President of the Idaho ATV Association, spoke in favor of H68. He said that they had come to a mutual agreement of the description of the UTV.

MOTION:

Rep. Mitchell made a motion to send H68 to the Amending Order with committee amendments attached and with the fiscal note changed from \$45,600 to \$7,000. **Motion approved by voice vote.**

H169

Rep. Martinez presented H169. This legislation relates to apportionment

of funds from the highway distribution account to local units of government. It amends Section 40-709, Idaho Code, to provide that cities shall receive no less money than they received in the previous fiscal year from the highway distribution account if revenues in the highway distribution account meet or exceed the previous fiscal year's revenues and to provide for surplus distribution.

Rep. Martinez said that there are cities that are not growing as rapidly as others and these cities are losing funding because of the current formula. He said that most funding goes to maintenance rather than construction.

It was felt by some on the committee that taking away from growing communities to give to those that aren't growing would not be a good policy. Also a concern of the committee was that if the consumption of fuel is less than it is now and this shrinks the fuel tax revenues then that would mean a drop in revenues to cities then this would mean cities that are growing would receive less.

MOTION: **Rep. Ringo** made a motion to send H169 to the floor with a do pass recommendation.

SUBSTITUTE MOTION: **Rep. Nonini** made a substitute motion to hold H169 in committee.

A question from the committee was if the formula talked about counted for inflation. **Byron Keely**, LHTAC Deputy Administrator, said that it does not.

A vote on the substitute motion to hold H169 in committee was taken.
Motion approved by division. 7 Aye 5 Nay.

H180 **Mr. Greg Laragan**, Assistant Chief Engineer for Operations at the Idaho Transportation Department, presented H180. This is a mandatory chain-up law. When vehicles, particularly trucks, lose traction and slide off the road on mountain passes, they don't just inconvenience themselves but they jeopardize the safety of others on the highway. This often results in the road being closed. This proposed legislation is intended to minimize the winter accident rate on mountain passes and thereby reduce associated traffic delays and disruption to snow removal. This legislation gives the Idaho Transportation Department the authority to establish requirements for tire chains based on the severity of the road conditions.

Mr. Skip Smyser, Idaho Trucking Association, said that his organization supports the concept of the bill but feels that it is poorly drafted.

Mr. Clay Handy, Motor Carrier Advisory Committee, said his committee had discussed and agreed with chain-up on mountain passes, but when the bill came back with all state roads included, their support was withdrawn. He said that his group is in favor of something that keeps the roads open.

Ms. Judy Bartlett, Idaho Farm Bureau, said that the bill either needs to be amended or returned to the sponsors, that it opens the state to liability.

Mr. Jerry Deckard, Associated Logging Contractors, said that common

sense can't be legislated. They agree with the concept, but it needs work.

When asked what kind of signs would be used, Mr. Laragan said to satisfy the law they would have electronic signs. He said that they know that in some areas they have work to do for pull-outs. He said that they have been good stewards before and they would be the same with this legislation.

It was suggested that the department take the bill back and get with those groups who have concerns then bring the bill back. It was also asked about the fiscal note which says there will be no impact, but what about signs, brochures etc. Mr. Laragan said that this is absorbed in the current budget.

MOTION: **Rep. Mitchell** made a motion to hold H180 in Time Certain at the call of the chair. **Motion approved by voice vote.**

H55 **Rep. Moyle** presented H55. This legislation provides protection to recreational vehicle owners under Idaho's Lemon Law when they are unable to get their recreational vehicle adequately repaired by the manufacturer.

Mr. Brad Dixon, attorney for RV Industry Association, spoke against the bill. He said this bill has far reaching consequences. He said the companies he represents have very good reputations in Idaho and they feel this is an answer looking for a problem.

When asked what a new warrantee covers, **Mr. Don Day**, representing the RV Industry, said that a 1 to 2 year warrantee covers from one end to the other. **Mr. Dixon** said that they are not aware of any states who have applied the "lemon law" to the whole RV.

Mr. Marvin Bedient, Extreme RV Service Manager, said he opposes this bill. He said his company takes pride in how they handle people.

Mr. Dwight Johnson, Administrator Department of Commerce and Labor, said that their job is to grow Idaho's business climate and they have concerns that H55 is a burden on a specific industry.

Mr. George Dillard, Legislative Representative for Idaho Good Sam Club, spoke in favor of the bill. Mr. Dillard said that the reason he is in favor of this legislation is that he and his wife have what they call their \$50,000 yard ornament. He said that after 70 days in the repair shop it was still broken.

MOTION: **Rep. Roberts** made a motion to send H55 to the floor with a do pass recommendation. **A division vote was taken 5 Yea 6 Nay.**

SUBSTITUTE MOTION: **Rep. Bedke** made a motion to hold H55 in committee. **Motion approved by voice vote.**

H185 **Rep. Nonini** made a motion to hold H185 in Time Certain until Monday, February 28, 2005. **Motion approved by voice vote.**

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 4:20 p.m.

Representative JoAn Wood
Chairman

Shani Murray
Secretary

MINUTES

HOUSE TRANSPORTATION AND DEFENSE COMMITTEE

- DATE:** February 28, 2005
- TIME:** 1:30 p.m.
- PLACE:** Room 412
- MEMBERS:** Chairman Wood, Vice Chairman Roberts, Representatives McKague, Smith(24), Bedke, Cannon, Skippen, Wills, Moyle, Hart, Nonini, Shepherd (2), Mitchell, Ringo
- ABSENT/
EXCUSED:** Representative Moyle
- GUESTS:** **See attached sign in sheet and presenters highlighted below.**
- Chairman Wood called the meeting to order at 1:31 p.m.
- MOTION:** **Representative Ringo** made a motion to accept the minutes of February 24, 2005, as written. **Motion approved by voice vote.**
- H193** **Mr. Alan Frew**, Port of Entry Manager Idaho Transportation Department, presented H193. This legislation will amend Section 40-511, Idaho Code, to further clarify those vehicles required to stop at ports of entry for inspection/weighing. It will also clarify that the referenced code sections under (2) (b) end at Section 512 and not Section 514 as currently listed. This legislation applies to any vehicle with a maximum gross weight or registered gross weight, or operated at a gross weight of twenty-six thousand one hundred pounds or more excepting those transporting livestock or placardable quantities of hazardous materials. This legislation will clear up some confusion in the courts regarding when vehicles must stop at weigh stations.
- In answer to a question, Mr. Frew stated that trucks are required to pull through the weigh station, and that they may not be weighted but they want to take a look at them. He said that currently they allow trucks which aren't loaded to move to a by pass lane and if they feel they need to pull them over then they can.
- MOTION:** **Representative Wills** made a motion to send H193 to the floor with a do pass recommendation.
- There was some confusion as to why they let some trucks go by the port of entry and other times they can just roll through. Mr. Frew gave a handout to the committee (Attachment #2) showing a new device that drivers carry in their trucks and when they approach a check station a screening system identifies the carrier and vehicle; it classifies the vehicle and weighs the vehicle. They now have these devices in the Lewiston check station and the East Boise check station.

The motion is to send H193 to the floor with a do pass recommendation.

Motion approved by voice vote. Representative Smith will carry the bill on the floor.

H182

Mr. Alan Frew also presented H182. This legislation will amend Section 49-434A, Idaho Code, to provide consistent penalties for commercial motor vehicles that fail to register. This bill will provide consistent penalties for registration violations and will encourage greater motor carrier compliance thereby allowing the department to collect revenues lost to noncompliance of registration laws. The Idaho Transportation Department estimates that this change will collect approximately \$400,000 annually from revenue owed for truck registrations.

In answer to a question about the drivers getting a ticket and not the owners, Mr. Frew stated that the drivers are always the ones that get the ticket because they can always find the drivers. He said that this bill is an attempt to encourage owners to properly register their vehicles. He also stated after a question, that they try to educate owners and drivers by issuing a warning, but after the 4th violation it becomes a fraudulent violation.

MOTION:

Representative Wills made a motion to send H182 to the floor with a do pass recommendation. **Motion approved by voice vote.** Representatives Wood, Hart, and McKague voted Nay. Representative Mitchell will carry the bill on the floor.

S1083

Mr. Leonard Hill, Right of Way Manager Idaho Transportation Department, presented S1083. The chief purpose of the amendment is to allow Idaho Transportation Department to sell surplus real property to local government entities for less than the appraised value. Presently surplus property is offered first to other government entities at the appraised price. If they don't elect to purchase the property it is offered to the public and sold to the highest bidder with a minimum bid established by the appraised value. An existing exception allows Idaho Transportation Department to transfer surplus property to other governmental entities at no cost if it will be used exclusively for transportation purpose.

In answer to a question about other communities being able to bid on this property, Mr. Hill said that they couldn't; it has to be in the local jurisdiction.

MOTION:

Representative Mitchell made a motion to send S1083 to the floor with a do pass recommendation. **Motion approved by voice vote.** Representative Shepherd will carry the bill on the floor.

H177

Representative Wills made a motion that H177 be held in committee. **Motion approved by voice vote.**

H186

Representative Bedke presented H186. This legislation adds a small number of additional routes in south-central Idaho to the Idaho pilot project program designed to test the use of 129,000 pound trucks on a limited number of state highways. Idaho's sugar beet industry has identified a small number of state highways in south-central Idaho that they would use if selected as test routes under the pilot project. There is also a concrete

and gravel company has identified one route that it can use in the Malad City area. Representative Bedke handed out a map which shows the location of the new routes. (Attachment #3).

Mr. Roy Eiguren, Attorney representing Amalgamated Sugar Company, stated that this bill would save truck trips which means dollars saved.

Mr. Brian Whipple, Transportation Manager Amalgamated Sugar Co., spoke in favor of this legislation. He stated that Amalgamated has been a supporter of the 129,000 pound gross limit since H623, the so called pilot project, was passed in 1998. This allowed them to test beets from the Sugar Loaf, Idaho, beet receiving station. The experience at Sugar Loaf was exactly what was envisioned by the test project and ultimately led to the expansion of roads in H395 which passed in 2003.

A question was asked of the Chairman whether there have been any results published on this pilot project. Chairman Wood asked **Mr. Frew** to answer the question. Mr. Frew said that the 2003 legislation requires three reports; 2007, 2010, and 2013. Mr. Whipple was asked if the committee could get a copy of Amalgamated Sugar's report and he said that he would furnish them a copy.

Mr. Dar Oberling, Idaho Grain Producers, stated that it's good anytime you can reduce the cost of trucking.

MOTION:

Vice Chairman Roberts made a motion to send H186 to the floor with a do pass recommendation.

Representative Ringo stated that her concern is that without results of the pilot project testing the impact on bridges, etc., it seems premature to add routes without information on how it's working. Mr. Frew informed the committee that the test requiring that bridges meet the Federal Standard of Bridge Formula B has been done on these routes. Also local government agreement is needed if there is an impact on local government connecting roads.

A vote was taken on the motion to send H186 to the floor with a do pass recommendation. **Motion approved by voice vote.** Representative Ringo asked to be recorded as voting Nay.

H185

Representative Nonini presented H185. This legislation allows the operation of a low-speed electric vehicle on certain roadways. A low-speed vehicle may be operated only on streets where the posted speed limit is 25 miles per hour or less. A low-speed vehicle must be equipped with: Headlights, brake lights, turn signal lights, tail lights, reflectors, parking brake, rearview and side mirrors, windshield, windshield wiper, speedometer, odometer, braking for each wheel; seat belts, and vehicle identification numbers. A low-speed vehicle must be registered and insured and must display a license plate. Any person operating a low-speed vehicle must have in his or her possession a valid driver's license.

There was still confusion among the committee regarding the word "state" highways. **Ms. Denise Brennan**, Idaho Automobile Dealers Association, said that she did have an amendment that would delete "state" on Page 6,

Line 25; Page 9, Line 9, 11, 14; in Line 16, 17, and 18.

MOTION: **Representative Bedke** made a motion to send H185 to General Orders with committee amendments attached. **Motion approved by voice vote.**

ADJOURN: There being no further business to come before the committee the meeting was adjourned at 3:05 p.m.

Representative JoAn Wood
Chairman

Shani Murray
Secretary

MINUTES

HOUSE TRANSPORTATION AND DEFENSE COMMITTEE

DATE: March 2, 2005

TIME: 2:30 p.m.

PLACE: Room 412

MEMBERS: Chairman Wood, Vice Chairman Roberts, Representatives McKague, Smith(24), Bedke, Cannon, Skippen, Wills, Moyle, Hart, Nonini, Shepherd (2), Mitchell, Ringo

**ABSENT/
EXCUSED:** None

GUESTS: **See attached sign in sheet and presenters highlighted below.**

Chairman Wood called the meeting to order at 2:31 p.m.

MOTION: **Representative Skippen** made a motion to accept the minutes of February 28, 2005, as written. **Motion approved by voice vote.**

H178 **Mr. Bob Wells**, AAA Idaho and the Child Safety Seat Coalition, presented H178. Mr. Wells stated that it is the Coalition's opinion that all children should be secured in an age-appropriate child restraint system. It increases the age from 4 to 6 years and removes the weight requirement. Education and the proper use of the seats is the key. Currently statewide there are a number of groups who teach the proper use of child safety restraint system.

Dr. Jerry Hirschfeld spoke in favor of the legislation. He said that motor vehicle crashes are the leading cause of death for children from 2 to 14 years old. There has been a slow decrease in fatalities in the last decade related to increased use of restraints. Age appropriate restraint plus rear seating provides the best protection for children in car crashes. Dr. Hirschfeld said that education and legislation (because education teaches and legislation enforces) are the two reasons this legislation should be passed.

Chairman Wood asked Dr. Hirschfeld why six year olds? And would he be coming back next year for the bill to include six to eight year olds? Dr. Hirschfeld replied that he would come back for anything that would save children's lives, and the federal law describes three to eight year olds as desirable.

Ms. Nancy Rush, Safe Kids Treasure Valley, spoke in favor of H178. She showed examples of two different child restraints and explained how each are used.

Ms. Lyn Darrington, Regence Blueshield of Idaho, said Regence Blueshield wanted to go on record as supporting this legislation.

A question asked why 6 year olds had to be in a safety restraint, but 40 pounds was stricken from the bill. **Patrolman Kyle Wills**, Boise Police Department, said that taking the weight restriction off simplified the bill; patrolmen don't carry a scale around with them. Replying to a question about size, Patrolman Wills said that you need to be 4 foot 9 inches and taller for a seat belt to fit you properly.

There was a question why the bill doesn't go up to 8 year olds. Mr. Bob Wells said that the federal standard is 8 years, 80 pounds and 4 feet 9 inches, but they didn't think they could get that through.

MOTION: **Representative Wills** made a motion to send H178 to the floor with a do pass recommendation.

Vice Chairman Roberts said he thought the key lies in personal responsibility and he feels the trouble with this legislation is that it is open-ended.

SUBSTITUTE MOTION: **Vice Chairman Roberts** made a substitute motion to hold H178 in committee.

A voice vote was taken on the substitute motion. A division was requested. 6 Aye 8 Nay. **Motion failed.**

ORIGINAL MOTION: A vote was taken on the original motion to send H178 to the floor with a do pass recommendation. **Motion approved by voice vote.** Representative Wills will carry the bill on the floor.

S1091 **Representative Rydalch** presented S1091. The purpose of this legislation is to promote Idaho as a science and technology state and generate funds for the Office of Science and Technology programs.

Representative Rydalch then introduced **Senator Bunderson**, co-sponsor of the bill. Senator Bunderson said that they have gotten a number of letters of support from CEO's of companies in Idaho. There is considerable interest in the science and technology business community to have their own license plate. He said that upon passage of this bill there would be a contest in the schools and industry for a license plate design. These would all conform with Idaho Transportation Department standards.

In response to a question, Senator Bunderson said that the funds from the license plates would be handled by the Advisory Council of the Office of Science and Technology.

Ms. Julie Howard, Office of Science and Technology, spoke in favor of the bill.

MOTION: **Representative Skippen** made a motion to send S1091 to the floor with a do pass recommendation. **Motion approved by voice vote.** Representatives Mitchell, Nonini, Roberts, Smith, and Wood voted Nay. Representative Rydalch will carry the bill on the floor

S1110 **Senator McGee** presented S1110. This bill amends Section 49-418A, Idaho Code, to expand the special motor vehicle college and university license plate program to include private colleges and universities. This would include Albertson College, Northwest Nazarene, and BYU Idaho.

Mr. Chuck Winder, Chairman of the Board of Directors of Idaho Transportation Department, and former student of the College of Idaho (now Albertson College) spoke in favor of the legislation.

S1110 **Representative Cannon**, made a motion to send S1110 to the floor with a do pass recommendation. **Motion approved by voice vote.** Representative McKague will carry the bill on the floor.

Chairman Wood explained to the committee that Speaker Newcomb has given the committee permission to be a privileged committee for the purpose of hearing RS15069.

RS15069 **Representative Smith** presented RS15069. Representative Smith explained that this bill is the same as H179 with three basic changes. 1) deletes local roads funding, 2) only the legislature, not the germane committee, can decide extension or rewriting of bonds or increase of bonds per project, 3) it will establish two accounts with the state treasurer; Capitol Project Fund and Debt Service Fund. It also clarifies that there can be more than one Garvee project at a time, defines Garvee, clarifies 20% limitation for federal highway funds, and requires the Idaho Transportation Board to report on July 1 all projects, funds, and certify that the 20% limit is not exceeded.

There was a question regarding the word "substantial." Representative Smith said that this is any project in the state that is too big a project to be funded in the STIP, or other projects brought by Idaho Transportation Department.

MOTION: **Representative Wills** made a motion to send for introduction RS15069.

Answering a question about projects that are eligible, Representative Smith said that any projects can be bonded as long as it has gone through STIP.

There was a question if right-of-way property could be purchased with this funding. Representative Smith said absolutely.

SUBSTITUTE MOTION: **Representative Skippen** made a motion to return RS15069 to the sponsor.

Speaking to her motion, Representative Skippen said that even with "substantial" it will still be up to the committees to decide and the committees are part of the political process. She said she feels the Idaho Transportation Board of Directors is still best to decide projects, as they have a statewide interest.

A voice vote was taken on the substitute motion to return RS15069 to sponsor. **Motion failed.**

ORIGINAL MOTION: A vote was taken on the original motion to send RS15069 for introduction.
Motion approved by voice vote.

H101 **Chairman Wood** stated that it has been pointed out to her that she has an error on her bill. She asked unanimous consent to hold H101 until Friday, March 4, 2005. **Approved.**

MOTION: **Representative Smith** made a motion to hold H179 in committee.
Motion approved by voice vote.

ADJOURN: There being no further business to come before the committee the meeting was adjourned at 3:58 p.m.

Representative JoAn Wood
Chairman

Shani Murray
Secretary

MINUTES

HOUSE TRANSPORTATION AND DEFENSE COMMITTEE

DATE: March 4, 2005

TIME: 12:43

PLACE: Room 412

MEMBERS: Chairman Wood, Vice Chairman Roberts, Representatives McKague, Smith(24), Bedke, Cannon, Skippen, Wills, Moyle, Hart, Nonini, Shepherd (2), Mitchell, Ringo

**ABSENT/
EXCUSED:** Representatives Moyle and Bedke

Chairman Wood called the meeting to order at 12:43 p.m.

MOTION: **Representative Wills** made a motion to accept the minutes of March 2, 2005, as written. **Motion approved by voice vote.**

H101 Chairman Wood presented H101. This legislation is to prevent further expansion of the special license plate program. Chairman Wood said that there are about 300 requests for more specialized plates coming. With the department only getting \$10 they are just breaking even.

Chairman Wood said that the bill needs an amendment because when it was written she had put 2005 on the bill and it needs to say 2006.

MOTION: **Representative Smith** made a motion to send H101 to general orders with committee amendments attached.

There was a discussion on the motion. **Representative Ringo** said that people, herself included, love their license plates and everyone should have the opportunity to have the license plate they love. She said that if the department is losing money the fee could be increased.

Representative Skippen said she would vote against the motion. She said that she hadn't heard any complaints from her county assessor about how many plates there are. **Representative Cannon** also spoke against the motion. He felt that we are discouraging people against rallying around things that are special.

Representative Wills spoke in favor of the motion. He said he knows that there are people out there with good interests, but this is beginning to look like a runaway train. He said that he has visited with counties and they are having a problem keeping up with the licenses; they don't have room to keep them all.

Chairman Wood said that the department has to buy the graphics for each new decal and they come on a big roll; if the plate doesn't sell enough the department is left with the remainder of decals and the roll of these are costly.

A roll call vote was called for on the motion to send H101 to general

orders with committee amendments attached.

Voting Aye: Chairman Wood, Vice Chairman Roberts, Representatives McKague, Smith, Wills, Nonini, Hart, and Shepherd.

Voting Nay: Representatives Cannon, Skippen, Ringo, and Mitchell.

Motion passed 8 Aye 4 Nay.

ADJOURN:

There being no further business to come before the committee the meeting was adjourned at 1:06 p.m.

Representative JoAn Wood
Chairman

Shani Murray
Secretary

MINUTES

HOUSE TRANSPORTATION AND DEFENSE COMMITTEE

DATE: March 8, 2005

TIME: 12:00 p.m.

PLACE: Room 412

MEMBERS: Chairman Wood, Vice Chairman Roberts, Representatives McKague, Smith(24), Bedke, Cannon, Skippen, Wills, Moyle, Hart, Nonini, Shepherd (2), Mitchell, Ringo

**ABSENT/
EXCUSED:** Representatives Skippen, Moyle, Bedke, and Wills

The House and Senate Transportation committees were given a tour of the Boise airport.

The tour started with lunch and a demonstration by the Canine Unit with **Officer Kirk York and "Beau." Mr. John Anderson**, Airport Director, gave a briefing on airport activities. He told of the importance of the airport to the area in terms of recreation, in moving value added products, and in civil defense. Mr. Anderson also outlined future projects.

The committees then toured the "behind the scenes" baggage area seeing the new state-of-the-art baggage security system. There was also a tour of the Air Traffic Control Tower. The tower now stands at 60 feet; the airport has in their plans to build a new tower that will stand 270 feet. This will then allow the traffic controllers to see every runway including the new third runway. The National Guard also utilizes the current and third runways.

ADJOURN: The committee returned to the capitol at 2:54 p.m.

Representative JoAn Wood
Chairman

Shani Murray
Secretary

MINUTES

HOUSE TRANSPORTATION AND DEFENSE COMMITTEE

- DATE:** March 10, 2005
- TIME:** 2:00 p.m.
- PLACE:** Room 412
- MEMBERS:** Chairman Wood, Vice Chairman Roberts, Representatives McKague, Smith(24), Bedke, Cannon, Skippen, Wills, Moyle, Hart, Nonini, Shepherd (2), Mitchell, Ringo
- ABSENT/
EXCUSED:** Representatives Wills and Cannon
- GUESTS:** **See attached sign in sheet and presenters highlighted below.**
- Chairman Wood called the meeting to order at 2:04 p.m.
- MOTION:** **Representative Ringo** made a motion to accept the minutes of March 4, 2005, as written; and to accept the minutes of March 8, 2005, with corrections. **Motion approved by voice vote.**
- S1084** **Senator Corder** presented S1084. The purpose of this legislation is to provide for placement of reflective devices on the front of trailers for easy identification by oncoming vehicles. Current statute does not address the reflective markings on the front of trailers under 3000 pounds GVW. Trailers such as snow mobile trailers are often pulled during conditions with less than optimum visibility. These reflective markings on the front of the vehicles would make them visible and reduce the opportunity for collision with on coming traffic. Senator Corder stated that this is simply a safety issue.
- MOTION:** **Representative Bedke** made a motion to send S1084 to the floor with a do pass recommendation. **Motion approved by voice vote.** Representative Wills will carry the bill on the floor.
- S1126** **Mr. Stuart Davis**, Executive Director Idaho Association of Highway Districts, presented S1126. He said that this is legislation that would take a law off the books. This bill would delete references in Title 40, Chapter 13 to open meetings. The reason for the deletion is that there is duplication in Idaho Code between this chapter and the more standard references in Title 67, Chapter 23.
- MOTION:** **Representative Skippen** made a motion to send S1126 to the floor with a do pass recommendation. **Motion approved by voice vote.** Representative Roberts will carry the bill on the floor.
- S1127** **Ms. Elizabeth Criner**, representing the Boise Airport, presented S1127. This legislation would amend Section 21-401 of the Idaho Code. The authority granted in this section of the code was established by the Legislature in 1929. At that time, an acreage limitation for airports was established at 640 acres. In 1937, the Legislature amended this same

section of code to increase the acreage limitation to 1,280 acres, where it has remained since. Aviation in Idaho has changed dramatically since 1937. In recognition of those changes and the current size and needs of airports in Idaho today, the proposed legislation would eliminate that acreage limit imposed in this statute. As Idaho continues to grow and develop, this proposed legislation is needed to respond to the changes and expansion of aviation services in our state.

MOTION: **Representative Mitchell** made a motion to send S1127 to the floor with a do pass recommendation. **Motion approved by voice vote.** Representative Hart will carry the bill on the floor.

S1081 **Mr. Gary Moles**, Acting Roadway Design Engineer for the Idaho Transportation Department, presented S1081. This legislation would amend Idaho Code 40-902 to provide that when a contracting agency allows bid documents to be submitted electronically, electronic bid bond with valid electronic signatures shall accompany the electronic bid documents. Idaho Code currently allows contracting agencies, at their discretion, to accept electronically submitted bids. In the case of State highway projects, however, bids must be accompanied by a bid security in the form of a cashier's check, certified check or (physical) bid bond. This legislation would allow for the acceptance of electronically submitted bid bonds and removes the only remaining roadblock to future implementation of electronic bidding on State highway projects.

MOTION: **Representative Mitchell** made a motion to send S1081 to the floor with a do pass recommendation. **Motion approved by voice vote.** Representative Mitchell will carry the bill on the floor.

H270 **Representative Trail** presented H270. This legislation relates to the elections of highway commissioners. It amends Section 40-1305, Idaho Code, to provide for the election of highway commissioners by subdistricts.

Representative Roberts stated that the issue is the powers of the highway district commissioners and their affect on the entire county. In a small district this type of representation would take away their accountability to the entire highway district.

Mr. Stuart Davis said that Ada County Highway District is different from the smaller counties which was a decision of the Legislature. He also said his group is neutral on the bill.

MOTION: **Representative Ringo** made a motion to send H270 to the floor with a do pass recommendation.

SUBSTITUTE MOTION: **Representative McKague** made a substitute motion to hold H270 in committee.

Discussing her motion, Representative McKague stated that Ada County Highway District is different from the rest of the state. This bill would not allow the people a vote.

Representative Moyle stated that he does support subdistricts, but that this bill does not do it. It needs to go to the voters to be solid.

A vote was taken on the substitute motion to Hold H270 in committee.
Motion approved by voice vote.

ADJOURN:

There being no further business to come before the committee the meeting was adjourned at 2:39 p.m.

Representative JoAn Wood
Chairman

Shani Murray
Secretary

MINUTES

HOUSE TRANSPORTATION AND DEFENSE COMMITTEE

DATE: March 14, 2005

TIME: 2:30

PLACE: Room 412

MEMBERS: Chairman Wood, Vice Chairman Roberts, Representatives McKague, Smith(24), Bedke, Cannon, Skippen, Wills, Moyle, Hart, Nonini, Shepherd (2), Mitchell, Ringo

**ABSENT/
EXCUSED:** Representatives Skippen and Moyle

GUESTS: **See attached sign in sheet and presenters highlighted below.**

MOTION: **Representative Ringo** made a motion to accept the minutes of March 10, 2005, as written. **Motion approved by voice vote.**

Chairman Wood welcomed Tina Jacobson who is substituting for Representative Hart for the next three days.

S1011 **Senator Broadsword** presented S1011. This amendment corrects the reference to Chapter 8. It amends Section 49-714, Idaho Code, to provide a correct code reference relating to rights and duties of persons operating human-powered vehicles or riding bicycles.

MOTION: **Representative Roberts** made a motion to send S1011 to the floor with a do pass recommendation. **Motion approved by voice vote.** Chairman Wood and Representatives Smith and McKague asked to be recorded as voting Nay. Representative Cannon will carry S1011 on the floor.

S1057a **Senator Broadsword** presented S1057a. The purpose of this amendment is to clarify when a vehicle must yield to a pedestrian who is utilizing a marked or unmarked crosswalk at an intersection. This bill will minimize the variety of interpretations by the courts by eliminating vague words and phrases and further defining who must stop and where they must stop.

There were a number of questions from the committee concerning the language of the bill. One thought was that this sends a message to pedestrians that motorists are going to stop which isn't always the case. It was also stated that common sense should come into play, and it was stated that common sense can't be legislated.

Captain Ben Wolfinger, Kootenai County Sheriff, spoke in favor of the bill. He stated that they are looking for consistency in the bill. He stated that this bill came about because of a number of pedestrian/car accidents, and it was felt that this new wording is needed to define what a pedestrian in a crosswalk is. Commenting on a question about why Paragraph 2 of the bill is not sufficient, Captain Wolfinger said that Paragraph 2 deals with pedestrians and the new language deals with the vehicle.

It was stated that if you have drivers that are being so careless they should be sighted for reckless driving. Captain Wolfinger said that the courts feel this is a yield infraction and reckless driving is overused.

Representative Roberts said he felt that the original language in the existing code handles these problems just fine.

MOTION: **Representative Roberts** made a motion to hold S1057a in committee. **Motion approved by voice vote.** Representatives Shepherd, Wills, and Cannon asked to be recorded as voting Nay.

S1131 **Senator Broadsword** presented S1131. This legislation clarifies that a bicyclist must stop at a red traffic light and yield to oncoming traffic. It does not change the current law regarding making a right-hand turn or making a left-hand turn onto a one-way street.

MOTION: **Representative Wills** made a motion to send S1131 to the floor with a do pass recommendation. **Motion approved by voice vote.** Chairman Wood and Representatives McKague and Nonini asked to be recorded as voting Nay. Representative Wills will carry S1131 on the floor.

SJM107 **Senator Burkett** presented SJM107. This legislation is a request to the Senate and House of Representatives of the United States and to Idaho's Congressional Delegation to increase the assistance given to families of fallen American soldiers. The memorial requests an increase of the death benefit for our fallen heroes, as well as the consideration of supplemental programs by Congress and the President to assist the families of American soldiers who make the supreme sacrifice to their state and nation.

Mr. Bob Finney representing the Veterans of Foreign Wars, spoke in favor of the bill.

MOTION: **Representative Roberts** made a motion to send SJM107 to the floor with a do pass recommendation. **Motion approved by voice vote.** Representative Shepherd will carry the bill on the floor.

H194 **Representative Nonini** made a motion to hold H194 in committee. **Motion approved by voice vote.**

ADJOURN: There being no further business to come before the committee the meeting was adjourned at 3:12 p.m.

Representative JoAn Wood
Chairman

Shani Murray
Secretary

MINUTES

HOUSE TRANSPORTATION AND DEFENSE COMMITTEE

DATE: March 16, 2005

TIME: 2:50 p.m.

PLACE: Room 412

MEMBERS: Chairman Wood, Vice Chairman Roberts, Representatives McKague, Smith(24), Bedke, Cannon, Skippen, Wills, Moyle, Hart, Nonini, Shepherd (2), Mitchell, Ringo

**ABSENT/
EXCUSED:** Tina Jacobson is substituting for Representative Hart.

GUESTS: **See attached sign in sheet and presenters highlighted below.**

Chairman Wood called the meeting to order at 2:50 p.m.

MOTION: **Representative McKague** made a motion to accept the minutes of March 14, 2005, as written. **Motion approved by voice vote.**

S1129 **Mr. Steve Frisbie**, Treasure Valley Trail Machine Association (TVTMA), presented S1129. This legislation removes from Idaho Code an existing correction factor to make Idaho noise abatement laws consistent with other states and the national standard recommended by the American Motorcycle Association. This legislation would revise the current Idaho Code, Title 67, Chapter 7125 to eliminate the error bounds of 3dB. Currently Idaho Code limits sound levels from OHVs to 96dB with a variance of 3dB for testing purposes.

Mr. Frisbee stated that off highway vehicle use has exploded in the last few years. The number of registered off-highway motorbikes and ATVs has increased from 16,916 in 1993 to 81,936 in 2003. This represents a 481% growth in just ten years, and the growth is expected to continue in the next few years. This results in more traffic on our trails and in our parking lots and campgrounds. Mr. Frisbie said that all recreation users must share the outdoors and respect each others rights, and one of these rights is a more quiet outdoor experience.

A question was asked if mufflers could be put on to help with the noise. Mr. Frisbie stated yes that there are two types of silencers. He said that manufacturers do manufacture to make motorcycles quieter.

It was also asked who the enforcing agency would be. **Mr. Chuck Wells**, Recreation Program Supervisor for Idaho Department of Parks and Recreation, said that Parks and Recreation work with law enforcement by providing them with sound testing equipment.

MOTION: **Representative Cannon** made a motion to send S1129 to the floor with a do pass recommendation. **Motion approved by voice vote.**

Representatives Jacobson and McKague asked to be recorded as voting

Nay. Chairman Wood will carry the bill on the floor.

S1130a

Mr. Steve Frisbie, Treasure Valley Trail Machine Association, presented S1130a. This legislation will extend the requirement to wear a safety helmet to persons under eighteen years of age who are operating or riding upon an all-terrain vehicle (ATV) or motorcycle. Mr. Frisbie stated that in 2003, three of the twelve ATV fatalities in Idaho were children under the age of 18. The Consumer Product Safety Commission shows that roughly 32% of national fatalities were operators 16 years of age and under, yet ATV operators under the age of 16 only constitute about 14% of the total number of ATV operators. It is felt that enacting this helmet law will help to prevent the death toll from rising.

Senator Langhorst spoke in favor of the bill. He stated that motorcyclists are free spirits, but he hopes that this is a helmet law that can be passed. He said that this bill has come to be known as "Murphy's Law."

When asked about the amendments, Senator Langhorst stated that the Farm Bureau raised objections to the bill so "implements of husbandry" was included. He said that the sponsors of the bill didn't feel that this hurt the bill, and that they feel the bill still speaks to the 95% of the accidents that they are trying to prevent.

Mr. Jim Norland, Elmore County Search and Rescue, spoke in favor of the bill.

Mrs. Cynde Nichols, mother, spoke in favor of the bill telling about the loss of her three year old son Murphy.

Mr. Chuck Wells, IDPR, spoke in favor of the bill. He said that during 2003 and 2004 they met with user groups and almost everyone felt this was a good bill.

A question was asked about the enforcement provisions and what happens to someone when found riding without a helmet. Senator Langhorst said this would fall under daily operations and that the people who are enforcing ATV and motorcycle laws will also enforce this.

Ms. Katie Whittier, Lobbyist ASUI, spoke in favor of the bill. She said that the U of I has lost 3 students recently; and although they are not minors, her group feels that starting a precedence at a young age would carry over into adulthood.

MOTION:

Representative Wills made a motion to send S1130a to the floor with a do pass recommendation. **Motion approved by voice vote.** Chairman Wood asked to be recorded as voting Nay. Representative Ringo will carry the bill on the floor.

S1179

Mr. Ron Shepard, State Department of Education and Coordinator for the Motorcycle Safety Program known as STAR, presented S1179. This legislation would increase the annual motorcycle registration to \$6 and has the support of motorcyclists throughout the state. The increase would allow the program to hire additional staff, rent physical training sites, and buy training motorcycles on a replacement schedule, as well as fund the

increasing costs to provide affordable training. The STAR program was created in 1996 and since then has grown almost 600 percent, or an average compounded rate of 22 percent per year with no increase in the base funding. Mr. Shepard stated that their expenses during the same period have increased by an average compounded rate of only 7 percent, which reflects the efficiencies and belt tightening that the program has experienced. In 2004, it cost the program an average of \$221 to train each student while the tuition is only \$75 for the 2 ½ day basic course. This training is required for those under 21 who wish to ride.

Mr. Shepard said that additional funding is desperately needed to meet the ever increasing demand, as well as allowing to keep the tuition at a reasonable level while allowing the program to expand to meet future needs.

It was asked if students were required to wear helmets in the training classes. Mr. Shepard said yes and that they provide helmets to those that can't afford them. He also said that they hope when the students leave the class they continue to wear them.

Another question asked was if this fee increase would be adequate. Mr. Shepard said that they anticipate never having to come back for more.

Mr. Chuc Coulter, with the Idaho Coalition for Motorcycle Safety (ICMS) spoke in favor of the bill. He stated that ICMS has been supporting Motorcycle safety for 20 years. He said that the STAR program has been so successful it has outgrown itself.

Colonel Dan Charboneau, Idaho State Police, spoke in favor of the bill. He gave his perspective on the STAR program.

Representative Bedke had a question about the way this bill's funds are distributed. **Ms. Julie Pipal**, Idaho Transportation Department, stated that this is the first time a fee has been imbedded in a registration and then put somewhere else. In answer to a question about the EMS, Ms. Pipal said that the EMS is different from this. She said that all registration fees go into the Highway Distribution Account and then are distributed; she said that they could fix this; the EMS model would work.

MOTION:

Representative Mitchell made a motion to send S1179 to the Amending Order with amendments to follow. Seconded by Chairman Wood. **Motion approved by voice vote.** Representative Mitchell will carry the bill on the floor.

S1080

Ms. Amy Smith, Vehicle Services Manager for the Idaho Transportation Department presented S1080. This legislation amends Section 49-450 and 49-450A, Idaho Code, to allow all costs associated with the production and distribution of license plates, including postage costs currently paid by the consumer, to be paid from the Plate Manufacturing Account. By Idaho Code, Idaho Transportation Department is required to implement a license plate reservation program every seven years. This legislation will allow the actual postage and packaging costs associated with the reservation program to be deposited in the plate manufacturing account, which is continuously appropriated. This action will alleviate the

need for Idaho Transportation Department to ask for additional spending authority to cover the actual costs paid to Correctional Industries for the packaging and distribution of plates under the plate reservation program. This legislation will allow the department to reduce its base budget by approximately \$41,700 which is currently used to pay for the clerical preparation and postage costs of mailing specialty plates.

MOTION: Representative Bedke made a motion to send S1080 to the floor with a do pass recommendation. **Motion approved by voice vote.** Representative Ringo will carry the bill on the floor.

H322 **Representative Moyle** presented H322. The original definition of "Gasohol" contemplated up to but no more than ten percent anhydrous ethanol blended with gasoline. With the advent of advanced technological design, some vehicles being produced today can run on eighty-five percent ethanol blends. Burning this fuel (E85) in vehicles designed for use of E85 provides greater environmental air quality benefits than vehicles burning the 10 percent ethanol blends. Increased production of E85 vehicles and use of E85 fuel will provide benefits to air quality. This legislation provides the same intent as originally drafted with the inclusion of E85 fuel being eligible to receive the same tax credit as 10 percent blended fuel.

MOTION: **Vice Chairman Roberts** made a motion to send H322 to the floor with a do pass recommendation with the corrected SOP. **Motion approved by voice vote.**

ADJOURN: There being no further business to come before the committee the meeting was adjourned at 4:23 p.m.

Representative JoAn Wood
Chairman

Shani Murray
Secretary

MINUTES

HOUSE TRANSPORTATION AND DEFENSE COMMITTEE

- DATE:** March 22, 2005
- TIME:** 2:30 p.m.
- PLACE:** Room 412
- MEMBERS:** Chairman Wood, Vice Chairman Roberts, Representatives McKague, Smith(24), Bedke, Cannon, Skippen, Wills, Moyle, Hart, Nonini, Shepherd (2), Mitchell, Ringo
- ABSENT/
EXCUSED:** Representatives Smith, Wills, Moyle, Skippen
- GUESTS:** **See attached sign in sheet and presenters highlighted below.**
- Chairman Wood** called the meeting to order at 3:26 p.m.
- MOTION:** **Representative Ringo** made a motion to accept the minutes of March 16, 2005, as written. **Motion approved by voice vote.**
- S1180** **Mr. Carl Bianchi**, Director, Legislative Services Office, presented S1180. The Special Capitol Restoration License Plates were created in 2001 to help fund the restoration of Idaho's Capitol. Since the renovation of the Capitol building has been delayed, there is a need to extend the duration of the special plate which was due to expire in 2006. This bill will not create a new license plate but extend the plate until 2012. Mr. Bianchi stated that the Capitol plates have been very popular with over 1,500 people a year contributing to the Capitol restoration effort by purchasing these plates. Sales of Special Capitol Restoration License Plates are producing over \$30,000 each year in dedicated funds that can be used for Capitol building repairs.
- MOTION:** **Representative Roberts** made a motion to send S1180 to the floor with a do pass recommendation.
- Representative Mitchell** asked if the funds go into the permanent building fund. Mr. Bianchi said that they go into the Income Account for the Capitol Commission.
- A vote was taken on the motion to send S1180 to the floor with a do pass recommendation. **Motion approved by voice vote.** Chairman Wood will carry the bill on the floor.
- S1189** **Mr. Greg Laragan**, Assistant Chief Engineer of Operations for Idaho Transportation Department, presented S1189. He stated that this is a "Highway Quick Clearance Law." This is intended to help get traffic flowing normally as soon as possible after non-injury accidents to reduce traffic congestion and minimize secondary accidents. Mr. Laragan said that there was a similar bill, H53, which had previously passed the house but was met with some concern in the Senate. By working with the Idaho State Police he said they feel those concerns have been addressed and

they believe this bill still provides the desired improvement to safety and congestion.

Responding to a question about drivers still being able to move their vehicle, Mr. Laragan said that in a non-injury accident and under the direction of the police officer the person is allowed to move the vehicle to the shoulder of the highway without occurring any additional liability.

MOTION: **Representative Cannon** made a motion to send S1189 to the floor with a do pass recommendation. **Motion approved by voice vote.** Representative Cannon will carry the bill on the floor.

Chairman Wood stated that action needs to be taken on H180. She said that the Governor's Motor Carrier Advisory Committee had a problem with the bill. She also said that **Ms. Julie Pipal**, Idaho Transportation Department, has been working with all those interested in the bill to try and get language agreeable to all. Ms. Pipal stated that they would be bring another bill next year.

MOTION: **Representative Bedke** made a motion to hold H180 in committee. **Motion approved by voice vote.**

Chairman Wood said that the next meeting would be at the call of the Chair.

ADJOURN: There being no further business to come before the committee the meeting was adjourned at 3:40 p.m.

Representative JoAn Wood
Chairman

Shani Murray
Secretary

MINUTES

HOUSE TRANSPORTATION AND DEFENSE COMMITTEE

DATE: March 30, 2005

TIME: 1:30 p.m.

PLACE: Room 412

MEMBERS: Chairman Wood, Vice Chairman Roberts, Representatives McKague, Smith(24), Bedke, Cannon, Skippen, Wills, Moyle, Hart, Nonini, Shepherd (2), Mitchell, Ringo

**ABSENT/
EXCUSED:** None

GUESTS: **See attached sign in sheet and presenters highlighted below.**

Chairman Wood called the meeting to order at 1:35 p.m.

MOTION: **Representative Ringo** made a motion to accept the minutes of March 22, 2005, as written. **Motion approved by voice vote.**

S1183 **Representative Skippen** presented S1183. This legislation authorizes the Idaho Transportation Board to use federal-aid highway funds to pay the principal, interest, and other debt service costs incurred from bonds issued by the State to finance a specified list of eligible highway projects (GARVEE - Grant Anticipation Revenue Vehicle Bonds). The Board may select and designate specific transportation projects to be funded with bond proceeds from a list of thirteen eligible projects.

Representative Skippen said that Idaho is one of the nation's fastest growing states and that she would like the committee to envision Idaho in 10, 20, or 30 years from now if we don't accelerate the building of the projects listed in S1183. She said that without a funding mechanism we may not see some of these in our lifetime. Representative Skippen said that County Commissioners, City Councils, and Chambers from all areas are on record as wanting this legislation. She went on to say that we entrust the Idaho Transportation Department and their Board to manage a huge budget, maintain our highway system, and to plan for our future needs. They are here today to tell us why we need GARVEE. Representative Skippen introduced Chairman Winder.

Mr. Chuck Winder, Chairman of the Board of Directors for the Idaho Transportation Department, stated he has been Director of the Board at Idaho Transportation Department for 10 years. He told of the strengths of each of the six board members and stated that these members can be trusted with GARVEE in the future. Mr. Winder said that S1183 leaves control of GARVEE in the hands of the Board to decide what projects are done, when, and how much. The ITD Board is accountable for about a half a billion dollars a year. Over the next 9 to 10 years the Board will

manage and be responsible for almost 5 billion dollars. He stated that the

Board "may" use GARVEE with additional oversight by JFAC where each year they would have to bring a line item separated from the other construction items. JFAC can limit or say no. The Board, on an annual basis, will have to present to the department a program which would be advanced to the Governor's office and to JFAC and the Legislature.

Mr. Winder said the concern of some is that the Feds may stop paying highway dollars and the default would come back against the taxpayers of Idaho. He said in the private sector there are non-recourse loans, which means that the person signing the loan is not personally accountable. This is the same type of financing used in GARVEE.

This is not an authorization to spend 1.6 billion dollars. The Board has to approve an annual program then bring it back to JFAC. Mr. Winder said they would like the opportunity to manage the program. He stated that the best thing about GARVEE is it does not require the faith and credit of the state of Idaho. It will not impact the credit rating of the State.

Mr. Winder said another concern that has been voiced is that these projects get special approval; he said this is not correct because they have to go through the public process and be included in the State Transportation Improvement Plan (STIP) and also part of the National Environmental Policy Act (NEPA) process.

Mr. Dave Ekern, Director, Idaho Transportation Department, gave a brief overview of the elements of S1183. S1183 modifies Idaho Code, Titles 40 and 67. The bill modifies Title 40 regarding the powers and duties of the Idaho Transportation Board and the financing of transportation projects. It modifies Title 67 regarding the powers and duties of the Idaho Housing and Finance Association. This allows a mechanism for the Idaho Transportation Board, upon approval of the legislature, to use a funding instrument called GARVEE to finance the significant transportation projects. The bill identifies a list of 13 projects that may be funded through this tool. The bill establishes two special funds in legislation which will assure accurate accounting of the debt service payments for the projects and the project payments that go out to the contractors and consultants from the program. The GARVEE Debt Service Fund will receive all the funds necessary to pay debt on the bond and the GARVEE Project Fund will be used to pay contractors and consultants for work on the project.

The bill amends code to allow the Idaho Housing and Finance Association the authority to issue the bond and to act as trustee for the receipt of bond proceeds and the payment of debt service to the bond holders. The language in the bill establishes a continuous appropriation for federal highway dollars only when an appropriation is approved for the continuous payment of the debt service and principle payments.

Mr. Ekern said that there are two approaches used in managing bonding. A percentage of debt service or a limitation on total investment and/or an annual review and oversight. These will be found in various places throughout the bill, and he pointed these out to the committee. He also

gave the steps in the bill that implement GARVEE bonding. There are key check points in the system. There are controls placed on the department

by the Transportation Board. Conditions placed are: 1) maintain the system conditions at current levels, 2) not to erode current construction programs, 3) all projects must be included in the STIP, 4) all projects that are proposed are projects with long term significance and last as major construction or reconstruction, 5) all projects must follow the same federal requirements that are now followed, 6) manage the program so that it does not eliminate Idaho contractors from competition, 7) will not use this element of the program to raise taxes, and 8) deliver the program within the current staffing.

Mr. Gerald Hunter, Director, Idaho Housing and Finance Agency, spoke on the roll that Idaho Housing and Finance will play in GARVEE bonding. He gave a brief background of IHFA. He said that they are not engaging in the decision making in respect to transportation issues, but they receive the appropriate authorization to access the capital markets and once those are in place they then do so by bringing the proceeds of the bond issuance back and making that money available to the Department of Transportation to facilitate the program.

Mr. Hunter said that there are some basic authorization steps for IHFA: 1) The Idaho Transportation Board approves the process of going forward, 2) the Transportation Board certifies that sufficient funds are available to meet the debt service requirement, 3) a financing agreement then is entered into between IHFA and Idaho Transportation Department. The Idaho Housing Finance Board would also have to approve the bond issue, and there would be a thorough rating agency review, and they have to have at least an A rating. Two other tests have to be met and those are a legal review and the bonds actually be purchased by investors. When these bonds are sold there are clear statements that these bonds will not be obligations to the State.

Replying to a question, Mr. Hunter said that IHFA is an organization set up by State Statute and is not part of the state system, and their employees are not state employees. He said the Bond Bank exists in the State Treasurer's office, and he would defer to legal counsel to say if the Bond Bank would be able to do the same thing with GARVEE.

A concern of some on the committee was if Idaho were to default would this affect Idaho's good name. Mr. Hunter said that if Idaho defaulted it would be a national problem not just Idaho's; he said that if IHFA does their job well it would be okay.

Another concern of the committee was that there are no caps put in the bill. Mr. Winder said they are not asking for an unlimited amount of money; they will come back each year with a specific program that has to be approved by the Board, by the Governor, by JFAC, and by the Legislature. They feel that there are safeguards in the bill and a cap is not necessary.

A question was asked about the State's match. Mr. Winder said that the match is roughly a 10% match, but it could be in the 7% to 8% range, and

the other portion of the projected 10% could be interest cost and costs of issuing bonds. That money would be included in the bond issue and would be paid back overtime.

Those speaking in favor of the legislation were:

Mr. Skip Smyser, Lawyer representing the Idaho Trucking Association; **Mr. Steve Siddoway**, City of Meridian Transportation Coordinator; **Mr. Terry Amos**, Meridian Chamber of Commerce; **Mr. Shawn Barigar**, President/CEO Twin Falls Chamber of Commerce; **Mr. Jim Kempton**, Chairman, Idaho Transportation Department Forum on Transportation Investment; **Ms. Nancy Merrill**, Mayor of Eagle; **Ms. Nancy Vannorsdel**, President/CEO Boise Metro Chamber of Commerce; **Mr. Steve Johnson**, Executive Director, Idaho Grain; **Mr. Dwight Johnson**, Deputy Director Idaho Commerce and Labor; **Mr. Steve Ahrens**, President IACI; **Mr. Jerry Deckard**, Consultant, ACHD, PGI, and ALC; **Mr. Scott Ellsworth**, Chairman Idaho Highway Users; **Mr. Steve West**, Centro/Old Castle; **Mr. Dave Butzier**, National Director ACEC of Idaho; **Mr. Michael Gifford**, Executive Director Idaho AGC; **Mr. Rick Waitley**, Lobbyist, Food Producers of Idaho; **Ms. Jane Gorsuch**, Vice President Idaho Affairs, Intermountain Forest Association; **Mr. Neil Colwell**, Lobbyist Avista Corporation; **Mr. David Bennion**, Engineer with Consulting Engineer.

Those speaking in opposition to the legislation were:

Mr. David Dudley, Roadkill Coalition, spoke in opposition to the bill; **Ms. Katy Flanagan**, Roadkill Coalition, spoke in opposition to the bill; **Mr. Jon Barrett**, Co-Executive Director, Idaho Smart Growth; **Mr. Vern Alleman**, spoke in opposition to the bill.

Representative Skippen in her wrap up stated that the Idaho Transportation Department knows a lot about the projects that are listed in the bill, and S1183 is the way we are going to get our transportation system to get us to our future.

Representative Smith, stated that in his other life he was a registered engineer in three different states and spent several years on bridge and highway designs and traffic studies. He stated that he spent 7 ½ years on the Idaho Transportation Board part of that as Chairman. He said he has a disagreement with ITD on this bill. Representative Smith talked about all the STIP projects that are awaiting completion in the regular course of doing business. He feels if we lop a giant sum of money for debt service for GARVEE bonds this STIP is going to be reduced in size substantially. He stated some of the projects in the 13 projects in S1183 are good projects; some of them are already in the STIP.

He then discussed the ADT (Average Daily Traffic). He said that ITD uses ADT for a planning tool. This has been used as a planning tool to determine where roads are needed. To consider a four-lane highway 6000 ADT has always been the rule in Idaho and other states.

Representative Smith stated that the Indian Valley cutoff has two roads carrying traffic, H55 and H95, and the average ADT from Weiser going north to New Meadows is about 2000 ADT. Banks to Donnelly is about 3000 ADT. These are a long way from where we need a four-lane highway. Indian Valley cutoff would take some traffic from each highway,

but not enough to justify the project.

Representative Smith said he had concerns about the estimating done on projects and issuing bonds with no ceiling, but he said the thing that bothers him the most is the financing. There is \$170 million debt service that will last 12 years. This comes from the part of the budget that is State and Federal funding for contract construction and right-of-way acquisitions and the total is about \$270 million. In the budget for next year, there is \$50 million for State and \$227 million for Federal or \$277 million (which is still guess work at this point). How do you maintain the current construction levels if you take \$170 million out for debt service for 10 to 12 years? This only leaves \$100 million annually to build roads. They are adding 700+ lane miles and eventually it will need maintenance. Right now 1 out of every 5 miles is rated a deficient pavement.

Representative Smith said he likes the GARVEE concept and has a GARVEE bond bill with sideboards which doesn't restrict the projects. He said that good legislation is the answer here and S1183 isn't it.

Representative Skippen asked if there were any other reasons besides ADTs that are looked at to determine four-lane roads. Representative Smith said yes. Representative Skippen then stated that many cars drive H55 and would that number of cars equate to number of cars on a straight highway. Representative Smith said that 6000 ATD is widely used in Idaho. It was then asked if the ADTs were figured Friday to Sunday, would that number go up. Representative Smith said the number he quoted is an average.

Responding to a question, Mr. Winder said if they can't get projects federally approved, they will be back to the legislature to see if they want another project. It was asked why put 13 projects in at all? Mr. Winder said that from conversations and directions they received and from talking with the public and the legislators, they were wanting to know how the Board was going to use the money. Mr. Winder was asked if they could come back to the legislature and substitute a project that isn't on the list, and he said yes.

Vice Chairman Roberts said he had a telephone conversation with his County Commissioners and they urged him to support S1183. He asked Mr. Winder about his comment regarding the road that goes through Indian Valley up over West Mountain to connect with Highway 55. Vice Chairman Roberts said his commissioners are under the impression that if this bill passes, that road will be built. He wondered how he can assure them that it will be built. Mr. Winder said he can not say that any road will be built; they will have to go through the process.

A discussion regarding the 10% match ensued. Answering a question on the match, Mr. Winder stated that because the legislation provides for

annual appropriations of the matching money we have been told that is not an obligation for the State to pay back, because it is annually appropriated by the legislature. There was a concern that this is not constitutional. Mr. Hunter stated that when bonds are issued they are only pledged to those bonds that are from Federal highway dollars. There are no State dollars pledged to them. The State needs to make that

match in order to maintain its agreement with the Federal government to continue to see those dollars come forward. So it is built into the statute the opportunity to make that choice, but it is not set up as an obligation.

Chairman Wood stated that the Bill is properly before the committee.

MOTION: **Representative Bedke** made a motion to send S1183 to the floor with a do pass recommendation.

SUBSTITUTE MOTION: **Vice Chairman Roberts** made a substitute motion to hold S1183 in committee.

Vice Chairman Roberts speaking to his motion, said that this is a large issue and not an easy decision. He said many other states have caps and percent used in bond indebtedness. He said there is another bill that supports GARVEE, but puts in a 20% cap and removes the 13 projects.

AMENDED SUBSTITUTE MOTION: **Representative Skippen** made an amended substitute motion to send S1183 to General Orders.

There were questions about what the amendment would be. Representative Skippen said following the last sentence on Page 3, Line 6, add "should the request for bonding authority be approved, a sum equivalent to no more than 30% of all federal surface transportation funds received annually from the United States government shall be appropriated."

Many on the committee were uneasy about sending the bill to the floor as it could be amended by anyone in any way.

SUBSTITUTE MOTION AMENDED: Vice Chairman Roberts amended his substitute motion to say "hold in committee in Time Certain at the call of the Chair."

VOTE ON THE AMENDED SUBSTITUTE MOTION: A roll call vote was taken on the amended substitute motion to send S1183 to General Orders

Voting AYE: Representatives Bedke, Wills, Skippen, Nonini, Ringo, and Shepherd.

Voting NAY: Chairman Wood, Vice Chairman Roberts, Representatives McKague, Smith, Moyle, Cannon, Hart, Ringo, Mitchell.

AYE 6 - NAY 8. **Motion failed.**

VOTE ON THE SUBSTITUTE MOTION: A roll call vote was taken on the substitute motion to hold S1183 in committee in Time Certain at the call of the Chair.

Voting AYE: Chairman Wood, Vice Chairman Roberts, Representatives McKague, Smith, Moyle, Cannon, Hart, Ringo, Mitchell.

Voting NAY: Representatives Bedke, Wills, Skippen, Nonini, Shepherd.

AYE 9 - NAY 5. **Motion passed.**

ADJOURN:

There being no further business to come before the committee the meeting was adjourned at 6:30 p.m.

Representative JoAn Wood
Chairman

Shani Murray
Secretary

MINUTES

HOUSE TRANSPORTATION AND DEFENSE COMMITTEE

DATE: April 5, 2005

TIME: 4:00 p.m.

PLACE: Room 412

MEMBERS: Chairman Wood, Vice Chairman Roberts, Representatives McKague, Smith(24), Bedke, Cannon, Skippen, Wills, Moyle, Hart, Nonini, Shepherd (2), Mitchell, Ringo

**ABSENT/
EXCUSED:** None

GUESTS: **See attached sign in sheet and presenters highlighted below.**

Chairman Wood called the meeting to order at 4:03 p.m.

MOTION: **Representative Smith** made a motion to accept the minutes of March 30, 2005, as written. **Motion approved by voice vote.**

S1183 **Representative Skippen** presented S1183. She stated that we have heard all there is to hear about the GARVEE bill, and that they can handle the amendments to the bill.

Chairman Wood stated that the amendments have been agreed to by the Governor's staff and the committee.

Vice Chairman Roberts presented the amendments. He said that there are two amendments RS15121A5 and RS15121A9.

Vice Chairman Roberts said RS15121A5 amends Section 3 of S1183 which would authorize the Idaho Transportation Board to replace a listed GARVEE bond project with another project or projects if the Idaho Transportation Board deems one of the listed projects ineligible.

Representative Smith asked, if for the record, someone from the Governor's office would sign off on this. **Mr. Brian Whitlock** said that the Governor is comfortable with this language.

In answer to a question from **Representative Hart** about the process, **Mr. Chuck Winder**, Idaho Transportation Board Chairman, said that the process is well spelled out in the STIP and NEPA procedures. He said that they would treat these projects just like any project, and they would have to go through STIP and NEPA as well.

Vice Chairman Roberts presented RS15121A9. This amendment to Section 3 would require the Idaho Transportation Board to limit or "cap" the annual total cumulative debt service and other bond-related expenses for GARVEE bonds. The annual cumulative debt service limits or "caps"

on the use of federal highway funds would be the following:

FY 2007: 20%

FY 2008: 20%

FY 2009: 20%

FY 2010: 20%

FY 2011: 30%

Beginning in fiscal year 2012, the thirty percent annual cumulative debt service limit may be exceeded, but only with legislative approval. The amendment to Section 10 of S1183 would prohibit the Idaho Housing and Finance Association from issuing GARVEE bonds unless the Idaho Transportation Board has certified that the annual total cumulative debt service and other bond-related expenses do not exceed the annual debt service cap.

Representative Smith again asked that the Governor's office sign off on this amendment. **Mr. Whitlock** stated that they do sign off on this amendment as well.

There was still concern from the committee the state could find themselves in trouble with this funding. **Representative Hart** was concerned that the state could end up with multiple unfinished and over budget projects and Idaho Transportation Department would then come to the Legislature and ask for the cap to be raised. Mr. Winder stated that was the reason for the 20% for four years to see how the bonding works. Mr. Winder said their budgeting process would avoid such a situation. He stated that sometimes the projects will not be approved to spend federal dollars, but with this process they can manage this to minimize this risk. Mr. Winder said they do not have the authority to bond without coming to the legislature through the appropriations process. In this bill it requires them to describe the funds that they are going to use (GARVEE). He said that they will do a report by July of each year and the annual report given to the Germaine committees will contain this report.

Representative Cannon asked if the Board is sure that the caps will not jeopardize the GARVEE projects. Mr. Winder said they feel this compromise will give the committee the comfort and that the board can deliver.

MOTION:

Vice Chairman Roberts made a motion to send S1183 to the General Orders with amendments attached. Representative Skippen seconded the motion.

Representative Bedke said that he supports the amendments. He said he was afraid that the caps would take away the annual scrutiny. He said that each legislator needs to be on top of this each and every year as it is a departure from historic state procedure.

Representative Cannon wanted assurance from the Idaho Transportation Board that if a project is deemed ineligible that another project would be implemented. Mr. Winder said that the way the amendments are it would give them some flexibility. Eligibility will be determined by the federal government and environmental process. He said the language in this bill gives them this opportunity. Representative Cannon asked for clarification regarding the term "ineligible." He received

assurance that if future growth in certain areas occurred, the growth could be addressed by a GARVEE bond. Mr. Winder further made the point that at the discretion of the board, future growth could be addressed by altering the list of approved projects.

Representative Ringo said this is an exciting concept and she commends the process.

Vice Chairman Roberts said his motion to go to General Orders does not mean that the committee is bound to vote for the bill on the floor.

VOTE ON THE MOTION:

A vote was taken on the motion to send S1183 to the Amending Order with amendments attached. **Motion unanimously approved by voice vote.** Chairman Wood and Vice Chairman Roberts will carry the amendments on the floor; Representative Skippen will carry the bill on the floor.

ADJOURN:

Chairman Wood thanked the Page, Kristen Richter, and the Secretary, Shani Murray and presented each with a gift.

There being no further business, the committee did sine die at 4:43 p.m.

Representative JoAn Wood
Chairman

Shani Murray
Secretary