

MINUTES  
**SENATE TRANSPORTATION COMMITTEE**

**DATE:** Tuesday, January 31, 2012

**TIME:** 1:30 P.M.

**PLACE:** Room WW53

**MEMBERS PRESENT:** Chairman Hammond, Vice Chairman Brackett, Senators Keough, McGee, Corder, Bair, Werk, and Bilyeu

**ABSENT/ EXCUSED:** Senator Winder was excused

**NOTE:** The sign-in sheet, testimonies, and other related materials will be retained with the minutes in the Committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.

**CONVENE:** **Chairman Hammond** called the meeting to order at 1:30 p.m. and asked the secretary to take a silent roll. With a quorum present, **Chairman Hammond** welcomed John DeThomas, Administrator of the Aeronautics Division of the Idaho Transportation Department (ITD), to introduce gubernatorial appointment candidate, Colleen Marie Back of Boise.

**GUBERNATORIAL APPOINTMENT:** Mr. DeThomas explained that Ms. Back has been nominated by the Governor to the Aeronautics Advisory Board. Her term commences on January 31, 2012 and ends on January 31, 2017. Ms. Back is the Vice President of National Sales for the parent company of Western Aircraft, a major employer in Boise. She is extremely active in many community efforts. For example, as the Vice President for the Aviation Foundation she has been vital to funding efforts and in providing volunteer labor for a new facility at the State operated airport in Garden Valley. She frequently volunteers to perform maintenance on State airstrips in the back-country of Idaho. Her business knowledge, aviation experience, and energy have been instrumental with airstrip advisory boards around the State. **Chairman Hammond** thanked Mr. DeThomas and welcomed Ms. Back to the Committee.

Ms. Back thanked the Committee and expressed how pleased she was to be asked to serve on the Aeronautics Advisory Board. She was raised near Cleveland, Ohio; graduated with honors from Xavier University in Cincinnati. She had a rewarding 15-year career with Proctor and Gamble in finance and business management and sales management. The by-product of that was that she moved frequently along the East Coast, but wanted to live in the Mountain West. She moved to Colorado and began a new career in business aviation; that led her to Idaho where she wants to stay because of Idaho's many attributes. She believes in contributing to community. She spent her first three years in Idaho serving on the Idaho Aviation Foundation Board and is now its Vice President. It raises money and distributes funds to projects that help improve Idaho's unique back-country airstrips and its smaller community airports. The Garden Valley project was a joint-venture done with the State Commission on Aeronautics. In 2006, she founded a mountain club called Idaho Mountain Recreation to help people enjoy the outdoors responsibly.

Ms. Back thinks her background in business management and in aviation specifically will be helpful to serving on the Aeronautics Advisory Board. In her present job as Vice President of Sales for a national aircraft services company, she understands how important aviation is to Congress and in getting things done. With due respect to the importance of the worldwide web, nothing builds more relationships more quickly than being able to look that important-to-your-business person in the eye and shake their hand. Only aviation can make morning meetings in North Idaho and afternoon meetings in Southwest Idaho happen.

Aviation feeds the soul of many. Idaho is nirvana for back-country pilots. Ms. Back has an instrument rated aviation license and owns a Cessna 182. She longed to fly in the back-country when she was still in Ohio, and has taken advantage of this dream now that she lives in Idaho. She is a frequent user of Idaho's many airstrips as a means to enjoying the outdoors. She looks forward to serving on the advisory board.

**QUESTIONS:**

**Chairman Hammond** thanked Ms. Back for her well prepared presentation and asked the Committee for questions.

**Senator McGee** commented on Ms Back's impressive background and noted on her application that she declared her political party affiliation as 'independent.' The Senator then asked for more information on her national aviation association and what her role has been with that organization. Ms. Back said that the parent company of Western Aircraft are members of the National Business Aviation Association (NBAA). It is a large organization that does training, advocacy, and supports business operators throughout the country and the world. They use it for employee training, professional development, and attracting business by working with all the other members of NBAA.

**Senator Bilyeu** said Ms. Back would be a welcomed addition to the advisory board. She asked her to elaborate on the Garden Valley project. Ms. Back explained it was a joint venture project between the State Division of Aeronautics, the Idaho Aviation Association, and the Idaho Aviation Foundation. The Foundation can provide funds, but it doesn't have labor resources. The Idaho Aviation Association does have labor resources. Years ago, the State identified Garden Valley as a good place to invest in infrastructure, and it's a popular place among pilots for day trips. The Foundation set aside money last year to support this project and then worked with the State, who took on certain goals. **Senator Bilyeu** asked what the difference is in sales management between Proctor and Gamble and her current industry of aviation. Ms. Back said she wanted to apply the techniques she learned at the world's largest advertiser and apply them to her new career in aviation sales.

**Chairman Hammond** thanked Ms. Back and explained the Committee will not take a vote today, but will take up her nomination at the next Committee hearing.

**Senator Werk** pointed out that the parameters in statute state that no more than three members shall at any time belong to the same political party. He further stated that, in Idaho, 'independent' is not a political party.

Before moving on to the next agenda item, **Chairman Hammond** introduced the current Chairman of the Idaho Transportation Board, Darrell Manning and the in-coming Chairman, Jerry Whitehead. He welcomed them to the Committee and thanked them for attending today's hearing.

**MOTION ON MINUTES:**

**Senator Corder** moved to approve the minutes of Tuesday, January 17, 2012, as presented. The motion was seconded by **Senator Bilyeu**. The Committee approved the minutes by a unanimous voice vote.

**Senator Werk** moved to approve the minutes of Thursday, January 19, 2012, as presented. The motion was seconded by **Senator Bilyeu**. The Committee approved the minutes by a unanimous voice vote.

**RS20993:** **Chairman Hammond** turned the gavel over to **Vice Chairman Brackett** in order to present his legislation. He also commented that **Senator Lodge** is a sponsor of the legislation. **Vice Chairman Brackett** invited **Chairman Hammond** to present his legislation.

**Chairman Hammond** said this legislation is before the Committee because of the growing concern among the public for an activity that ten-years ago did not even exist, and that is texting. It is fine to text, but it is not fine to text and drive at the same time. There have been several attempts in the past to pass texting legislation, but they have all gotten waylaid over issues of language and enforcement. The attempt of this bill is to make it very straightforward and simple to understand. The bill defines what texting is. The bill says that if you are driving and texting, it's an infraction; and if you are caught, you will be fined. It's that simple and straightforward. The Chairman stood for questions.

**QUESTIONS:** **Vice Chairman Brackett** thanked the Chairman and asked if there were questions from the Committee.

**Senator Bilyeu** agreed that this legislation is needed even though there are inattentive driving statutes in place. This bill sends a very strong message that texting is not to be allowed in Idaho while you're driving. But she questioned the Statement of Purpose's financial statement that this legislation does not affect the general fund. **Chairman Hammond** said there was no decrease in revenue from the general fund. The increase in revenue is minimal; most of the fines and fees go to the courts.

**MOTION:** **Senator McGee** complimented **Chairman Hammond** for his efforts on this issue. **Senator McGee** moved to print RS20993. The motion was seconded by **Senator Bilyeu**. The motion passed unanimously by a voice vote.

**S1243:** **Vice Chairman Brackett** asked **Chairman Hammond** to present S1243. The Chairman reminded the Committee members that he had presented a similar bill last year. The intent of the bill is to limit specialty license plates. There is a concern about the proliferation of specialty license plates. The main issue is the concern of government collecting monies for private entities. This bill would ensure that if a license plate is allowed, funds generated would go to a general public purpose instead of a private purpose. That insures that government is only collecting money for the good of the general public, and that there is an accountability for those funds collected. It is not appropriate for government to collect funds for charitable entities. This bill will limit and control the number of plates out there, which has been an expressed concern by law enforcement. With that, **Chairman Hammond** stood for questions.

**QUESTIONS:**

**Senator Bilyeu** commended the Chairman for bringing this bill forward. The Senator wanted someone from the Idaho Transportation Department (ITD) to tell the Committee how many plates we currently have that promote private organizations. Amy Smith, ITD's Vehicle Services Manager, said that the majority of current specialty plates promote private organizations. There are some, like the fishing and wildlife plates, that help government agencies. **Senator Bilyeu** asked where the funds for the peace officer's plate go. Ms. Smith said those funds go to the Peace Officers Memorial that helps with scholarships, fallen officers' families, and other programs. It is not a government program. **Senator Bilyeu** asked if that plate would have qualified if S1243 was part of statute. Ms. Smith did not believe it would have qualified. **Senator Bilyeu** asked about the military plate she brought forward last year for service in the Afghanistan and Iraq wars would have qualified. Ms. Smith said that the military plates fall under a different standard than the specialty plates program. Yes, it would have qualified.

**Senator Keough** asked if 'foundations supporting the interest of State or local government' in line 15 of page 4 was defined. **Chairman Hammond** said it is intentionally not defined to give flexibility to ITD to discern which plates qualify.

**Senator Corder** asked about the section that states 'governments' are allowed to be the benefactor of these programs. If we select 'government' to be the only benefactor we may be inviting criticism. **Chairman Hammond** said the best example of how this works is the wildlife plate. The Chairman purchases that plate to advance that cause. Directly, those funds go to the Wildlife Foundation, but indirectly those funds go to promote wildlife issues. The Chairman is comfortable with that because he knows where the funds are going and the purposes for which they are going. He sees it as providing a general good for the public. The Chairman does not believe that an appropriate function of government is to raise money for private clubs and foundations. This is not a disparagement of any of those clubs or their activities or their charitable purposes, but the line needs to be drawn between what is appropriate for government and what is not. He believes if the government is going to collect the funds, then government should be accountable for them. S1243 is the only way he can be assured that the government can be accountable for those funds. **Senator Corder** asked Ms. Smith if given what **Chairman Hammond** just described, if S1243 is passed, would such a wildlife plate qualify. Ms. Smith said that it would qualify because those funds go to the Idaho Fish and Game Department for specific purposes.

**Senator Bair** asked about page 4, line 16 and suggested the Idaho Code reference was incorrect. Ms. Smith said that the Idaho Code section referenced is a new section that will be added.

**Senator Keough** asked if this would be a new process for ITD to receive the application and ITD determining whether the license plate would go on to the legislature for approval. She wanted to know if this was the Chairman's intention and cited page 4, line 38, and page 5, line 18. **Chairman Hammond** said that his intent was more of a screening process. He believes that with the criteria outlined in the bill, it would help the Committee by having applications reviewed and screened.

**Senator McGee** asked Amy Smith of ITD how the process mentioned by **Senator Keough** would work. Ms. Smith stated that the process would begin with her department. If she had questions about an application, she could go to the Director. If an application was denied, that organization could appeal to the Director. **Senator McGee** asked if Ms. Smith's department could independently reject an application. Ms. Smith said that in S1243 there are provisions to develop Administrative Rules, and this could be an issue to look at while developing them. But those decisions are currently made at her level with vanity plates. **Senator McGee** asked if that was the case with determining what requests for vanity plates may be objectionable. Ms. Smith said that it was the case. **Senator McGee** wanted to be assured that if Ms. Smith rejected an application there would be an appeals process for the organization. Ms. Smith indicated that it would be the case.

**Senator Corder** asked for further clarification and referenced page 5, subparagraph 4. If ITD approves a completed application, it is then forwarded to the Chair of the germane Committee. There does not appear to be a timeline for this process; he also wanted to know if the Committee could not concur with ITD; and, what is the process for sending it back to ITD for final approval. Ms. Smith stated that page 5, subparagraph 4 assumes that ITD has already approved the application and moved it forward to the legislature. ITD would require more legislative approval before they moved forward on implementing the program. **Senator Corder** asked where it assumes that requirement in the bill. Ms. Smith directed the Senator to lines 18 and 19.

**MOTION:**

With no further questions or additional testimony, **Vice Chairman Brackett** asked the Committee for a motion. **Senator McGee** moved that S1243 be sent to the Senate floor with a do-pass recommendation. **Senator Werk** seconded the motion.

**Senator McGee** reminded the Committee that this issue has come before it many times in the past. One concern is the controversial license plate ideas showing up across the country. License plates should not be the place to express these types of ideas. **Chairman Hammond** has narrowed the scope of these types of license plates to the point that it is much more appropriate.

**Chairman Hammond** wrapped up his comments by reminding the Committee there have been other efforts to limit these types of license plates. The challenge with the limitation is where do you define what is and is not appropriate. The purpose of a license plate is to provide identification for a vehicle. The proliferation of many types of plates muddles that intent. Other States are experiencing requests for license plates addressing issues that are not appropriate. This bill will help Idaho avoid having to fight those same issues.

With no further discussion, **Vice Chairman Brackett** called for a vote on the motion. The motion passed by a voice vote with one dissenting vote.

**PRESENTATION:**

**Vice Chairman Brackett** returned the gavel to **Chairman Hammond**. The Chairman welcomed Matt Stoll, Executive Director of Community Planning Association (COMPASS), to give the Committee a report on the role of Metro Planning Organizations (MPO) in Idaho.

An MPO is a regional planning entity responsible for transportation planning and approval of U.S. Department of Transportation (DOT) funding for federally designated urbanized areas. They exist in population areas of over 50,000 people. There are five MPOs in Idaho: Kootenai MPO, Lewis-Clark Valley MPO, COMPASS in Southwest Idaho, Bannock Transportation Planning Organization, and Bonneville MPO. COMPASS is an urban area of over 200,000 in population which encompasses northern Ada County. This Transportation Management Area (TMA) is a special designation with enhanced rules.

MPOs exist to provide a forum that brings together all aspects of the regional transportation system in order to achieve a unified voice. They also provide coordination, collaboration, and collective decision-making on regional transportation system investments. They have been established through federal code under Title 23, U.S.C. Section 134(a)(2). It allows an urban area to receive federal transportation funds.

MPOs are governed by a Board of Directors primarily made up of elected officials from cities, counties, and highway districts. There are special members that come from universities, tribes, local transit authorities, and even ITD. In Idaho, MPOs planning areas encompass nearly 60% of Idaho's population and civilian jobs; there are over 800 lane miles of State roadways covered; and there are nearly 7,000 lane miles of local roadways covered. As the local authority, MPOs know local needs and resources, and they collaborate and cooperate with multiple agencies for the common good regionally and across the State.

MPOs develop regional transportation plans, both long-range (20+ years) and short-range (5 years). They prioritize and allocate U.S. DOT funds to address regional transportation needs, improve the local economy, and maintain or improve air quality.

Long-range plans predict travel growth based on future land use, and plan for future transportation programs and projects based on forecasts. They use fiscal constraints which means only projects with a reasonable chance of funding are included. Needed but unfunded projects can be listed in long-range plans. Long-range plans are based on realistic future scenarios, rigorous modeling (that includes variables like travel demand, population growth, economic growth, and air quality), data (from the census, traffic counts, population estimates and forecasts, and the Geographic Information System), and public input. Things considered when making long-range planning decisions include regional dialogue on a vision of the future, data and modeling results, necessities to accommodate future growth and travel demand, and fiscal realities.

Short-range plans are developed as follows: local agencies develop an initial list of potential projects for the next five years; projects are submitted to the MPO and must be consistent with the long-range transportation plan; and projects are prioritized based on preestablished criteria. Short-range plans must be fiscally constrained – their budget must balance; and regional Transportation Improvement Programs (TIP) and ITD's statewide plan must match within MPO boundaries. Agencies submitting projects must get public input initially and as the plan is put together by the MPO.

Challenges facing MPOs include potential changes in federal transportation legislation and air quality issues. MPOs play a key role in transportation planning and investment in Idaho. Mr. Stoll concluded by inviting the Committee to COMPASS's legislative reception scheduled for early February. Mr. Stoll stood for questions.

**QUESTIONS:** **Senator Corder** asked how much pressure is there regarding the risk associated with the Federal Highway Trust Fund. Mr. Stoll said he was an optimist but believes we should be able to control our own destiny. We should not be dependent upon the federal government to maintain highways. Existing Continuing Resolutions (CR) in Congress have been a benefit in Idaho. The Congressional Budget Office (CBO) indicates that we will exhaust our available dollars by 2013, which will be a problem for Idaho. There does not appear to be a desire at the federal level to deal with the gas tax this election cycle. That means we're into 2013 and the CRs are going to be problematic. If they try to deal with reauthorization now, it is more critical that Senator Crapo work on behalf of Idaho to ensure that State balances are maintained. Rural States in set-asides carry a lot of influence so we should be able to maintain that balance, or it could mean they put it off for two years. **Senator Corder** asked what the role of the MPOs would be with respect to increased revenues on the State level. Mr. Stoll said that COMPASS's role is to advocate for gas tax and, if it can be kept in Idaho, they can minimize the additional costs associated with the federal dollars and requirements and get a greater result. MPO's advocate for increased revenues at the State level. **Senator Corder** asked if there were plans for an aggressive campaign to advocate for increased State revenues. Mr. Stoll said they were working with their legislative consultants in preparing for the 2013 session. There were no further questions.

**ADJOURNMENT:** **Chairman Hammond** thanked Mr. Stoll for appearing before the Committee. With no further Committee business on the agenda, the Chairman adjourned the meeting at 2:42 p.m.

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Senator Hammond  
Chairman

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Gaye Bennett  
Secretary