

MINUTES
SENATE TRANSPORTATION COMMITTEE

- DATE:** Thursday, February 02, 2012
- TIME:** 1:30 P.M.
- PLACE:** Room WW53
- MEMBERS PRESENT:** Chairman Hammond, Vice Chairman Brackett, Senators Keough, McGee, Corder, Winder, Bair, Werk, and Bilyeu
- ABSENT/ EXCUSED:** all present
- 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** convened the meeting at 1:35 p.m., and asked the secretary to take a silent roll. He noted that the first order of business was to vote on the appointment of Colleen Marie Back to the Aeronautics Advisory Board that was heard at the last Committee meeting.
- VOTE ON GUBERNATORIAL APPOINTMENT:** **Senator Bilyeu** stated how impressed she was by Ms. Back and moved to approve her nomination and send it to the Senate floor. **Senator Keough** seconded the motion. **Senator Werk** reiterated his concern regarding Ms. Back's political affiliation listed as 'independent,' and stated she was very qualified. With no further discussion, the Committee unanimously approved the motion by a voice vote. **Chairman Hammond** asked **Senator Bilyeu** to carry the appointment on the Senate floor.
- RS20994C1:** In the temporary absence of **Vice Chairman Brackett**, **Chairman Hammond** turned the gavel over to **Senator Keough** in order to present his legislation. **Senator Keough** asked the Chairman to present RS20994C1 to the Committee. **Chairman Hammond** stated that RS20994C1 simply corrects a current challenge for instructors having to find available property to train clients learning to ride motorcycles or other off-road vehicles. The challenge comes from the property owners with regard to the liability they incur as a result of having them on their property. In particular this applies to motorcycle training due to the amount of land needed to set out a proper training course for students to practice on in order to show efficiency in handling a motorcycle. There is also training needed for other off-road vehicles. The Chairman stood for questions.
- MOTION:** With no further discussion or questions, **Senator Keough** asked the Committee for a motion. **Senator McGee** moved that RS20994C1 be sent to print. **Senator Bilyeu** seconded the motion. The motion passed by a unanimous voice vote.
- S1229:** **Senator Keough** asked **Chairman Hammond** to present S1229 to the Committee. While the Chairman took the podium for presenting S1229, **Senator Keough** noted the Committee's packets included correspondence received by the Chairman supporting and opposing S1229. She reminded the audience that there was a sign-up sheet for those wishing to testify.

Chairman Hammond said this legislation is the result of a call from other Senators. Safety is the primary issue of this legislation. Safety is enhanced when all traffic flows at a common speed; not in the context of trucks vs. cars, but in overall safety. The recent presentation by the Michigan State Police on speed regulation data confirmed that changes to uniform speed limits enhanced safety. The information provided was based upon proven data; it wasn't an opinion, it wasn't just beliefs, it was actual data of how changes in speed limits, mostly based upon the 85th percentile rule, actually enhanced safety. He referred to the example of the six-lane highway in Detroit where the speed limit had been 55 miles per hour (MPH); when it was raised to 65 MPH, a much higher level of compliance and a much lower crash rate were achieved. That is contrary to what most believe which is that lower speed limits enhance safety. The problem with lower speed limits is that they often create a level of frustration that creates a less safe environment for those travelling the road. It's really unlikely that common speeds can be achieved, due to the fact that most trucks have speed limiters. Companies that have installed speed limiters have calculated – based upon the load, the length of the truck, the number of axles, etc. – what the most efficient speed is for their trucks. In addition, some drivers will choose to drive a speed lower than the maximum speed allowed. Plus we have the free-will of all drivers who drive a speed that they wish to drive. Common speeds for all vehicles is a challenge. If the gap can be closed between different speeds, a higher level of safety will be achieved. **Chairman Hammond** indicated that he had received a number of letters and testimony about S1229. Most were in favor, but there was also compelling testimony opposing this bill. He referred to the article each Committee member has in their packet from today's Idaho Statesman on speed limits. The conversation on removing the differential on speed limits is a correct one to consider. The issue is not essential for Idaho, but it should be considered. Data is available on each side of this issue. The Chairman stood for questions.

QUESTIONS:

Senator Werk asked what exactly the bill does with regard to an urban and a non-urban area. **Chairman Hammond** said the bill erases and eliminates any differential between cars and trucks; there is only a differential on four-lane highways. **Senator Werk** asked if increasing speed limits on heavier trucks would increase road damage. **Chairman Hammond** suggested that was a question for the Idaho Transportation Department (ITD). **Senator Werk** understood that the Michigan State Police said the speed limit should be set based on the comfort level of drivers. **Chairman Hammond** said there are two different issues: (1) higher speeds don't necessarily result in a lower level of safety and often result in a higher level of safety due to that 85th percentile rule; and (2) the Chairman has specifically asked the Michigan State Police about differential speed limits in some States and the response was that Michigan was not there yet, but they are trying to change that. Michigan is moving toward equalizing their speed limits.

Senator Keough asked if this bill would result in a change in practice because of conservation and technology improvements in vehicles, and/or company policies in place on fleet speed limits. **Chairman Hammond** said that was true to some degree. There are still many trucks on the road driving faster than the posted speed limit; they would likely get a higher level of compliance if there wasn't a differential in speeds. There were no further questions for the Chairman.

TESTIMONY:

Ms. Deborah Johnson, General Manager of Scott Fulcher Trucking in Caldwell; she is originally from Michigan. Ms. Johnson agrees with **Chairman Hammond** that there is a real danger in dual speeds on the freeway; their trucks have been rear-ended many times. But, trucks go slower because they are engineered that way. There will always be a gap between the speed at which cars and trucks are capable of achieving. Ms. Johnson made reference to a recent tragic accident where a car did not realize a truck was slowing down on a steep grade and the driver of the car ran into the back of the truck and was killed. Education could be a solution. Another factor is economics. A third of Ms. Johnson's budget goes to fuel; managing fuel is critical when running on a narrow profit margin. From a safety perspective, under-inflated tires are dangerous at higher speeds. She does not feel changing speed limits is safe. There were no questions for Ms. Johnson.

Mr. Scott Robertson lives in Meridian and is at the hearing as a concerned citizen. There are a number of trucks that have limiters that will keep them from travelling faster. If the speed limit is increased, more trucks will be in the left lane passing other trucks; he cited Wyoming and Utah as examples. Air quality will be affected because at faster speeds, there are more particulates released into the air. This raises health concerns. He believes there is also a safety issue. Mr. Robertson stood for questions. **Senator Werk** asked about weaving in traffic. If there are trucks on the road going 75 MPH and other trucks with limiters going 68 MPH, he believes there will be trucks at different speeds in all lanes of traffic, weaving in and out. Mr. Robertson said that has been his observation on his many road trips outside of Idaho.

Mr. Russell Buschert, a concerned citizen, presented the Committee with a handout. At 65 MPH, a truck with no aerodynamic treatment requires 264 horsepower. For every 35 horsepower, 1.5 gallons more fuel is needed per hour. This is why trucking companies are setting their speed at 62 MPH. For independent truck drivers, the higher the speed, the more fuel will be used. There is no conclusive study on safety and speed. Double the speed, and the stopping distance for a truck is quadrupled. There were no questions for Mr. Buschert.

Mr. Stuart Davis, representing the Idaho Association of Highway Districts, spoke to a personal experience he had recently when returning from Twin Falls. He and his wife were behind two trucks going up a steep grade; one truck was weaving as it tried to pass. A truck cannot pass another truck if they're both travelling at 65 MPH. We need to give trucks the ability to pass another truck and not break the law by having to speed to do it. That is why he is supporting this bill. His Board supports changing the speed limit for trucks, because it will help with safety. Forty-two States in the United States do not have a bifurcated system. Mr. Davis is not aware of any data that conclusively shows, one way or the other, that it is safer. It is not speed that kills, it is deceleration. With trucks, the axle-rate pounds-per-square-inch spread over a number of axles, is 36,500 pounds per axle. When you increase the speed, you're increasing the axle rate of those trucks. At least we are not mandating that you have to drive 75 MPH or at any speed. Mr. Davis was one of the writers of the original change-in-speed-limits bill, but cannot remember why the differential was inserted. Mr. Davis stood for questions. **Senator Werk** asked if Mr. Davis was representing the Idaho Association of Highway Districts or himself. Mr. Davis said he was representing the Association. They voted in January to support this issue before there was a bill.

Senator Keough asked if there were others wishing to testify. **Senator Werk** asked if questions could be directed to ITD. Mr. Greg Laragan, Assistant Chief Engineer—Operations at ITD, took the podium. **Senator Werk** asked for more information about the Idaho study done some time ago about the differential speed limits between trucks and cars. Mr. Laragan said he was not aware of that study. However, between 1996 and 1998 the truck speed and the vehicle speed was 75 MPH on the rural interstates. Before that it was 65 MPH for both, and before that, under the National Maximum Speed Limit, it was 55 MPH. In 1998, it was changed to 65 MPH for trucks. **Senator Werk** asked why that occurred in 1998. Mr. Laragan did not know the answer to that question. **Senator Werk** asked if higher speed limits did more damage to roadways. Mr. Laragan was not prepared to answer that specific question, but previously the Senator had put it in the context of 129,000 pound loads. That weight is not allowed on the interstates, they are restricted to 80,000 pound loads. **Senator Werk** asked who sets the speed limits on the roadways. Mr. Laragan said the Idaho Transportation Board has the authority to set speed limits on the State highway system within the statutory maximum limits that are set in Idaho Code. Mr. Laragan explained the specific speeds within Idaho Code.

Senator Corder thought there may have been a study done right after that change to observe and determine what the effect of the change was. He recalls that the findings were inconclusive. Mr. Laragan confirmed that a study was done at the University of Idaho before the differential speed was put into place. He did not recall there was anything in the study about wear on paved roadways; it was focused on changes in speed limits. He has copies of that study available for distribution if requested. **Senator Corder** recalled that as well. There were no further questions.

**CLOSING
REMARKS:**

Chairman Hammond offered brief closing remarks. He wanted to remind those members most familiar with the Treasure Valley, that there is another interstate in Idaho. The speed limit, except for a short section, is 70 MPH or 65 MPH on Interstate 90 in North Idaho. S1229 was brought forward to try to enhance safety. The Chairman will accept the recommendations of the Committee whichever way it decides, but he thought it was important to hear a discussion on the issue.

MOTION:

Senator Bair moved to send S1229 to the floor with a do-pass recommendation. **Senator Corder** seconded the motion.

DISCUSSION:

Senator Werk stated that he appreciates the testimony and the bill, but is undecided at this point. **Senator Winder** stated that this issue has faced the Legislature and the Idaho Transportation Board for many years since the federal government lifted speed restrictions. He has received information that falls into two categories: (1) the independent trucking community; and (2) the larger trucking entities and the general public that are travelling Idaho's roadways. If the largest fleets will still maintain slower speed limits, nothing will be accomplished by passing this legislation. The general public travelling in smaller vehicles are uncomfortable with faster speeds. There are unspoken rules of speed limits, there is the posted speed and there is the speed at which law enforcement will allow you to drive without giving out tickets. There may be a few people who benefit from this change, but the vast majority would not benefit. **Senator Winder** concluded by stating he would not support the motion.

SUBSTITUTE MOTION:

Senator McGee offered a substitute motion that S1229 be held in Committee. **Senator Winder** seconded the motion. **Senator McGee** added that this is his eighth year on the Committee and this issue has come up before. The Senator has seen lots of evidence and expert testimony presented and sometimes its conflicting testimony. There is no clear conclusion that can be drawn. It is important policy, but there needs to be more of a consensus that its the right thing to do from a safety perspective.

DISCUSSION:

Senator Corder spoke in opposition to the substitute motion. The Senator was very impressed by the Michigan State Police and it has forced him to change some of his predisposed notions. It was clear that people will drive at the speeds they are comfortable with, regardless. Adjusting speeds do not guarantee you will achieve the impact you're hoping to gain. He would like to lower the speed of cars down to trucks; it is the most logical, but it will never be done because it's not practical. The next best thing is to let people do what they will do; they will drive comfortably. In this case, trucking businesses in this State will run at what works best for their business. **Senator Corder** is convinced it doesn't hurt anyone to change the speed limit. There will always be a few that will take advantage at first. It is self-regulating. There was no further discussion.

VOTE ON SUBSTITUTE MOTION:

Senator Keough asked the secretary to take a roll call vote on the substitute motion. The substitute motion to hold S1229 in Committee passed by a 5 to 4 vote. The ayes were: **Senator Keough, Senator McGee, Senator Winder, Senator Werk,** and **Senator Bilyeu**; the nays were: **Chairman Hammond, Vice Chairman Brackett, Senator Corder,** and **Senator Bair.**

ADJOURNMENT:

Senator Keough turned the gavel back to **Chairman Hammond.** The Chairman thanked **Senator Keough** for her handling of the Committee's business today. With no further business before the Committee, the Chairman adjourned the meeting at 2:36 p.m.

Senator Hammond
Chairman

Gaye Bennett
Secretary