

MINUTES
SENATE TRANSPORTATION COMMITTEE

- DATE:** Thursday, February 23, 2012
- TIME:** 1:30 P.M.
- PLACE:** Room WW53
- MEMBERS PRESENT:** Chairman Hammond, Vice Chairman Brackett, Senators Keough, Corder, Winder, Bair, and Bilyeu
- ABSENT/ EXCUSED:** Senator Werk 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 1:29 p.m. and asked the secretary to take a silent roll. With a quorum present, the Chairman asked for a motion on the minutes from the February 2nd meeting.
- MINUTES:** **Senator Keough** moved that the minutes of the Thursday, February 2, 2012, meeting be approved. **Senator Bilyeu** seconded the motion. The motion passed by a unanimous voice vote.
- SPEED LIMIT STUDY LETTER TO ITD:** **Chairman Hammond** told the Committee that a draft copy of his letter to Brian Ness, Director of the Idaho Transportation Department (ITD), requesting ITD convene a study group on speed differentials on Idaho's roadways was in their packets. He requested they review the letter and provide their comments or suggestions to him by the end of the day.
- RS21102:** **Senator Keough** asked why these RS's were just coming before the Committee. **Chairman Hammond** said he would have the sponsors address that inquiry. **Senator Winder** explained that RS21102, regarding access, had been worked on throughout the session and the previous summer to gain consensus. The group had decided to deal with their concerns on access through the rulemaking process. This RS is a piece of the puzzle that he feels is important and got tied up in that process.
- Senator Winder** asked for unanimous consent that RS21102 be sent to the State Affairs Committee for printing and returned to the Transportation Committee for a full hearing. With procedural discussion on the request, the Chairman asked if there were any objections to the request. With no objection, it was so ordered.
- RS21314:** Stuart Davis, Executive Director, Idaho Association of Highway Districts, explained that outlying highway districts have issues when trying to dispose of personal property no longer useful to the district. Other districts have issues dealing with small parcels of property, this legislation tries to combine those two issues to solve the problem. Mr. Davis stated he was unaware of opposition to the bill and did not believe it was controversial and stood for questions.

Senator Corder asked for unanimous consent to send RS21314 to the Judiciary and Rules Committee for printing and to be returned to the Transportation Committee for a full hearing. With no objection, it was so ordered.

RS21317:

Stuart Davis presented RS21317. It deals with title forwarding processes for validation and abandonment for quiet title action. This does not diminish land owner rights, but asks them to go through the process.

Senator Corder asked for unanimous consent to send RS21317 to the Judiciary and Rules Committee for printing and to be returned to the Transportation Committee for a full hearing. With no objection, it was so ordered.

S1319:

Michael Kane, representing Property and Casualty Insurance Association of America, presented S1319, dealing with the certificate of proof of liability insurance carried in vehicles. This bill would allow drivers to produce proof of insurance in print or in electronic form. He noted that in Idaho last year, 66,000 "no proof of insurance" tickets were issued, and 47,000 of those were dismissed, primarily because people had insurance but did not have the printed document. Mr. Kane deferred his time to Alex Hagley.

Alex Hagley, of Property Casualty Insurance Association of America, explained that S1319 would allow insured drivers to show proof of insurance through electronic means. He noted the 47,000 tickets issued and dismissed every year is a waste of time, whereas allowing the driver to show an electronic copy would prove they were in compliance with State law. Mr. Hagley also stated this will help cut back on fraud of cancelling a policy but retaining the proof of insurance card because the electronic means would indicate cancellation, as well as cutting down on printing costs for insurance companies.

QUESTIONS:

Chairman Hammond asked if it would be the motorist's choice if they had the card or carried proof electronically. Mr Hagley indicated it would still be the choice of the individual.

Senator Bair asked about the term "acceptable" on line 22, and who determines what "is" or "is not" acceptable. Mr. Hagley indicated that because of changing technology they did not want to limit the legislation to cellular phones, so the language was left ambiguous. **Chairman Hammond** offered that the certificate of proof was not ambiguous, simply the device that could be used to view it. **Senator Bair** continued asking about an electronic format and if it is legally binding. He wanted to know how an officer would know the origin of the document. Mr. Kane indicated that a PDF format, like those accepted in federal courts, would be the acceptable form. **Senator Bair** continued asking how an officer would be able to determine the document was not falsified. Mr. Kane suggested that concern could happen in either electronic or printed documents. The officer could take the device to verify. He also made note of other legislation coming through the House of Representatives that deals with online verification. Mr. Hagley suggested that a printed copy would be easier to falsify.

MOTION:

Senator Keough moved to send S1319 to the floor with a do-pass recommendation. The motion was seconded by **Senator Bilyeu**. The motion passed by a unanimous voice vote. **Senator Keough** will carry the bill on the Senate floor.

S1317: **Senator Winder** presented S1317 dealing with designations of routes and corridors for GARVEE funding. This legislation strikes language on lines 25 and 28-30 for projects that are incomplected or ineligible for GARVEE funding. They do not want to eliminate eligibility for certain segments and proposes that S1317 be sent to the 14th order for amendment to eliminate the strikeouts relating to the designation of the corridors on page 1 line 24 through page 2 line 2. **Senator Winder** said this bill also adds definitions of Statewide projects for bridges and allows unspent dollars, and potential additional savings, to be used for those projects. This does not authorize spending, but simply cleans up the language and allows financing of critical projects.

TESTIMONY: Robert Simonson, City of Meridian, testified in support of the legislation. He said it adds tools to make improvements to those bridges that are out-of-date. There were no questions for Mr. Simonson.

QUESTIONS: **Senator Bilyeu** asked if this took away the authority of the Idaho Transportation Board. **Senator Winder** indicated this simply adds a definition to allow the ITD Board, at their discretion and pending availability of funding, to include critical bridges using funding available in authorized GARVEE projects. This allows a broader definition of use of funds already authorized. **Senator Bilyeu** asked if GARVEE funds currently could not be used on bridge projects. **Senator Winder** indicated funds could only be used if they fit within the definition of the corridors already in legislation. This legislation provides a Statewide definition for bridges that would be considered critical, and also allows projects outside the original corridor designation of the original project areas. ITD has not brought this program forward as they were waiting for final numbers for federal dollars.

Senator Bair asked about the revenue stream from federal dollars, and expressed concern with coming forward with new projects before those dollars were definitive, in which case this legislation might be too early. **Senator Winder** stated that this does not authorize funding, it simply allows the Board to use this option, if they so choose, this does not require them to use funds. **Senator Bair** indicated that his concern was that by putting this in statute, it would force the appropriation. **Senator Winder** stated that was not the intent, this simply allows for consideration in the future.

Senator Corder remarked that this was not indicated as one of the legislative priorities of ITD or of the Governor's office. He asked for the source of the legislation. **Senator Winder** said that he and former Senator, **Senator McGee**, had brought it forward, but discussions had been taking place for over a year. **Senator Winder** stated this allows flexibility for ITD to determine the priorities, rather than waiting for specific funds. **Senator Corder** indicated the original list was specific. The legislature knew exact funds and where to spend them. This grants statewide authority, eliminating that goal. **Senator Winder** stated that was not what this bill is trying to accomplish. It just allows the Board to decide the highest priorities.

Chairman Hammond said the past few years the legislature made an active decision to let the Board decide how they would move forward with GARVEE projects to eliminate the political aspect of project decisions. **Senator Corder** stated he believed this legislation would be a significant expansion on the original intent of the GARVEE funding bills. **Senator Winder** stated the legislation provides limited authority to the Board to put the money where they deem it is necessary.

Senator Bilyeu asked if the federal transportation bill contained special appropriations for bridges. **Senator Winder** indicated that S1317 had nothing to do with the categories of funding that would be authorized in the federal legislation.

Senator Keough asked if the statement of purpose would be revised if this legislation went to the amending order. **Senator Winder** indicated it would. **Senator Keough** stated there were critical bridge and funding issues, and she was not opposed to using bonding authority this way.

MOTION: **Senator Keough** moved to send S1317 to the amending order. The motion was seconded by **Vice Chairman Brackett**. With no discussion on the motion, it passed by a voice vote with three dissenting votes cast by **Senator Bair**, **Senator Bilyeu** and **Senator Corder**.

PRESENTATION: David Doeringsfeld, Port of Lewiston Manager, discussed the dry land port legislation, H557, and stated their support of it for the economic development benefits of port districts. Determination of extending funds is dependent on creating jobs, and they work in intermodal transportation, economic development, and international trade. Mr. Doeringsfeld went further to discuss intermodal operations, dealing with river, rail and roads. He indicated the district was county-wide and included business and industrial parks, as well as a capital improvement project to expand the port to more barges, improve efficiency and productivity, and provide safer working environments. They hope to begin construction of the project in July, 2013.

Mr. Doeringsfeld provided information on oversize equipment coming into Port Lewiston heading to Billings, Montana, and discussed the delays and adjustments to the project and the impact on roads, the environment, and the controversy surrounding the issue. He went further to discuss the issues hindering economic development: location of rail and needed improvements to Highways 12 and 95, which are the only highways used to access the Port of Lewiston. Mr. Doeringsfeld stood for questions.

QUESTIONS: **Senator Keough** commented on the challenges with rail travel along the north-south corridor. Mr. Doeringsfeld added that the entire north panhandle was a geographical and travel challenge.

Senator Bilyeu asked if there should be any kind of litmus test as to what is being transported. Mr. Doeringsfeld indicated ITD has the expertise on deciding those cargoes. Some of the controversy surrounding the latest project, having to do with the type of load, could delay a project to its detriment. **Senator Bilyeu** stated that delays about possible load spills are not frivolous, as it is important to keep the environment protected. Mr. Doeringsfeld agreed with the Senator on the need for safety. **Chairman Hammond** reminded the Committee that the recent loads did not contain hazardous materials.

ADJOURNMENT: **Chairman Hammond** thanked Mr. Doeringsfeld for updating the Committee on the activities and concerns at the Port of Lewiston. With no further business before the Committee, **Chairman Hammond** adjourned the meeting at 2:26 p.m.

Senator Hammond
Chairman

Gaye Bennett
Secretary

Erin Bennett
Transcriber