

MINUTES
HOUSE TRANSPORTATION & DEFENSE COMMITTEE

DATE: Monday, March 12, 2012

TIME: 1:30 P.M. or Upon Adjournment of the House

PLACE: Room EW40

MEMBERS: Chairman Palmer, Vice Chairman Ellsworth, Representative(s) Wood(35), Smith(24), Bedke, Wills, Hart, Nonini, Hagedorn, Bateman, Henderson, Nessel, Ringo, King, Killen

**ABSENT/
EXCUSED:** Rep. Killen

GUESTS: Guy Bliesner, Idaho School District #93; Laura Lantz, and Stuart Davis, Idaho Association of Highway Districts (IAHD); Kurt Holzer, Attorney; Mike Munger, Boise School District; Pete Ritter, Boise Police; Dave Goins, Idaho News Service; Roger Seiber, Ada County Highway District (ACHD); Jerry Deckard, (ACHD) and Association of Logging Contractors; Rep. Erik Simpson, District 32; Jess Harrison, Idaho School Boards Association (ISBA); Janet Orndorff, Boise Public Schools; Josephine O'Connor and Maureen Gresham, Idaho Transportation Department (ITD); Holly Koole, Idaho Prosecuting Attorney

Chairman Palmer called the meeting to order at 2:45 P.M.

S 1356: **Mr. Stuart Davis**, Executive Director, of Idaho Association of Highway Districts, presented **S 1356**. He said this bill seeks to bridge the gap between large and small highway districts. When smaller districts have a surplus, disposal is simple. In large districts, such as Ada County, there are land parcels of real and personal property that must be surplus. Mr. Davis said existing code outlines the requirements for surplus property. The district must set sale time, publish a notice and set the agenda. All interested parties have the opportunity to testify. If the property is declared surplus and someone has testified against that ruling, the person can appeal the decision in District Court.

The committee asked if an adjacent property owner has first option for right of refusal in order to buy the property. **Mr. Davis** said that is the current process and is Idaho Code.

Rep. Nonini made a motion to send **H 1356** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Ringo** asked to be recorded as voting **NAY**. **Rep. Nonini** will sponsor the bill on the floor.

H 623: **Rep. Thompson** presented **H 623**. Statute 49 Idaho Code gives school bus drivers the right to report vehicles that violate the school bus stop sign. This bill extends that same authority to school crossing guards. The guards have 72 hours to give the report to a peace officer. The report includes license plate number and a description of the vehicle. Rep. Thompson also noted that once the report is turned in, the officer has 72 hours to follow through with an investigation. The crossing guards must be 21 years of age or older. The fines for violation are not less than \$100 and not more than \$500.

Guy Bliesner, School District 93, and **Mike Munger**, Boise School District Safety and Security Specialist, spoke **in favor** of **H 623**. Idaho Code 49-1424 delineates a bus stop sign violation. Bus legislation was put into statute as a deterrent. The infraction does not go against a violator's driver's license. There have been 64 bus stop violations in the past year in Idaho.

The committee noted that Idaho already has a law in place for these kinds of traffic violations. The committee also asked about training requirements for the crossing guards in order for them to be able to care for the children while also noting license plate numbers and descriptions of vehicles. **Mr. Bliesner** said there are no training requirements but the school districts do train crossing guards. **Mr. Munger** noted they can be employees, contract personnel and volunteers. He said the school is liable in all cases. The committee said there was a difference between a bus driver who operates the door and can control the children, and the crossing guard who has less control over the children and who could run out when a car is going through the cross walk. The committee asked what the infraction could entail for the violator. **Holly Koole**, Idaho Prosecuting Attorney, said the police would call for an investigation; if an infraction is issued and the violator did not pay, there could be a court trial. The committee noted that if the statute does not specifically indicate the violation is an infraction, there is the possibility of it being a misdemeanor, in which case, six months jail time could result. The committee believed that this bill would place large responsibilities on the crossing guards.

MOTION: **Rep. Nonini** made a motion to **HOLD H 623** in committee. **Motion carried by voice vote.** **Rep. Bateman** asked to be recorded as a **NAY**.

H 586: **Rep. Lacey** presented **H 586**, which he said ensures safety of non motorized bikes, pedestrians, wheel chairs, and horses. It provides that cars allow three feet as they pass a non-motorized mode of transportation. Most of the issues are on rural roads where the road is not as wide nor well marked. There is a requirement for non-motorized modi to stay as far right as possible. This bill puts some of the responsibility onto the runners, horses and bikes. **Rep. Lacey** said when a car passes another car the requirement is to leave six feet. **Rep. Lacey** said, today, 12% of traffic is bike traffic.

The committee asked about the requirement for bikes to be as far right as possible. This regulation was found in Idaho Code 49-717, which states non-motorized modes shall ride as close as practical to the right side. The committee asked about the statement, "when overtaking a person shall not make a right turn." **Rep. Lacey** said the intent is, if it is safe, you can turn right in front of the non-motorized vehicle.

Kurt Holzer and **Rep. Simpson** spoke in favor of **H 586**. **Mr. Holzer** is a representative to Idaho from USA Cycling. He spoke as an attorney and as a cyclist. He believes this is the most balanced approach for regulating rules of the road, as there has been misunderstanding between cyclists, runners and cars. He explained the bill has three basic parts: first, a requirement for a car to give the non-motorized person, three feet to pass; second, a step-aside requirement. This means that a cyclist, if he is obstructing the road and there are three or more cars behind him, must step aside. As it is today, the cyclist can stay in the road and impede traffic. And third, this bill makes it legal for cars to pass that runner or cyclist as long as it is safe. This helps the trucker on rural roads who can see way ahead and can legally cross the double yellow line to pass. **Mr. Holzer** said this bill balances both obligations and rights for users of the road. **Rep. Simpson** said he has biked across the United States and once had a car intentionally brush past him. **Rep. Simpson** believes the existing statute is not clear on what is reasonable and prudent, but motorists will be able to understand a three foot regulation.

The committee asked about the current regulations for riding two or three abreast. **Mr. Holzer** said riders can ride two abreast if it does not impede the flow of traffic. For clarification of this, **Officer Ritter**, Deputy Chief of Operations, Boise Police, stated that two years ago, after three cyclist fatalities, Boise organized a committee to propose an ordinance clarifying the two abreast rule. Since then Boise has not had any fatalities. The total accident rate is down 10% from three years ago.

Jerry Deckard, Association of Logging Contractors, spoke in **opposition** to **H 586**. Mr. Deckard said the bill assumes a trucker is able to give a biker or equestrian three feet of space. Loggers operate on rural roads that are very narrow with barely enough room to pass another truck, let alone a truck and a non-motorized vehicle. Mr. Deckard said truck drivers are careful but drive at 50 mph on rural roads.

**ORIGINAL
MOTION:**

Rep. Smith made a motion to send **H 586** to the floor with a **DO PASS** recommendation.

Discussion on the motion ensued. The committee said this bill educates the public on what is safe. The committee stated there are good parts to this bill, but some clarification is needed.

**SUBSTITUTE
MOTION:**

Rep. Hagedorn made a substitute motion to send **H 586** to General Orders. **Rep. Bedke** seconded the motion.

**ROLL CALL
VOTE ON
SUBSTITUTE
MOTION;**

Chairman Palmer called for a roll call vote sending **H 586** to General Orders. **Motion carried by a vote of 8 AYE and 4 NAY, 3 Absent/Excused. Voting in favor of the motion: Reps. Palmer, Ellsworth, Bedke, Hart, Nonini, Hagedorn, Henderson, and Nettet. Voting in opposition to the motion: Reps. Smith (24), Bateman, Ringo, and King. Rep. Killen, Rep. Wills, and Rep. Wood (35) were absent/excused. Rep. Lacey** will sponsor the bill on the floor.

ADJOURN:

There being no further business before the committee, the meeting was adjourned at 4:25 P.M.

Representative Palmer
Chair

Jane Clark
Secretary