

MINUTES
SENATE TRANSPORTATION COMMITTEE

DATE: Thursday, January 31, 2013

TIME: 1:30 P.M.

PLACE: Room WW53

MEMBERS PRESENT: Chairman Brackett, Vice Chairman Johnson, Senators Keough, Winder, Rice, Nonini, Hagedorn, Bock and Buckner-Webb

ABSENT/ EXCUSED:

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

CONVENED: **Chairman Brackett** called the meeting to order at 1:30 p.m. and asked the secretary to take a silent roll; there was a quorum present.

GUBERNATORIAL APPOINTMENT: **Chairman Brackett** welcomed Michael Pape, Administrator of the Idaho Division of Aeronautics of the Idaho Transportation Department (ITD), to the Senate Transportation Committee (Committee). **Mr. Pape** said he was pleased to introduce Charles "Chip" A. Kemper of Idaho Falls who had been reappointed by the Governor to serve another term on the Aeronautics Advisory Board (Board). Mr. Kemper has served on the Board for the past two-and-a-half years and this new term commences on January 31, 2013 and expires on January 31, 2018. **Mr. Pape** also said that Mr. Kemper's experience with fighting forest fires was invaluable to the Board. With that, he turned the podium over to Mr. Kemper.

Chairman Brackett welcomed Mr. Kemper to the Committee. **Mr. Kemper** thanked the Committee; and he thanked the Governor for his reappointment to the Board. **Mr. Kemper** said he graduated college in 1986. He flew 13,000 hours as an air transport pilot. He is currently the president and owner of an air transport service located in Rigby, Idaho; he has been associated with this business since 1977. He is the dealer for Air Tractor Aircraft in the Northwest United States, North and South Dakota, and all of Canada; he is one of seven dealers in South America. **Mr. Kemper** concluded his remarks and stood for questions.

Senator Keough asked Mr. Kemper to share his thoughts on the Board's challenges and his approach to solving them. **Mr. Kemper** said the number one concern is fiscally related: aircraft fuel sales are down; airlines are running fewer flights; and budgets are declining. He is very impressed with how the aeronautics division is handling this issue. They are not wasting money; he believes there is more than one way to solve a problem.

Senator Winder asked Mr. Kemper to talk about importance of back country air strips. **Mr. Kempber** said that back country air strips are critically important to Idaho. Next to Alaska, Idaho has the most access to its back country through air strips. Access to these areas during the fire season is very important.

Senator Hagedorn appreciates Mr. Kemper's service to the Board. He asked, with regard to resources, where are the challenges, i.e. registration of air crafts and fuel taxes; and where would Mr. Kemper go if these did not improve. **Mr. Kemper** said that the Board is emphasizing projects at airports that receive federal matching dollars; for every dollar Idaho contributes, the project receives \$19 from the federal government. This is their number one leverage during difficult economic times; smaller communities are helped. These funds help keep smaller airstrips open. There were no further questions from the Committee.

Chairman Brackett thanked Mr. Kemper for appearing before the Committee. He said the Committee would vote on his appointment at its next meeting.

RS 21697

Chairman Brackett asked Senator Winder to present **RS 21697** to the Committee.

Senator Winder said that **RS 21697** was brought forward by the Idaho State Independent Automobile Dealers Association (ISIADA); he deferred to Mr. Rex Green, ISIADA's Legislative Liaison, to present the legislation. **Chairman Brackett** welcomed Mr. Green to the Committee.

Mr. Green said this legislation levels the field between retail and wholesale dealers. Currently, Idaho dealers are required to take an eight-hour pre-license classroom course before they are qualified to apply for a dealers license. Plus they have an annual four-hour continuing education requirement. There are a number of federal laws that pertain to all dealers. As a result of the Governor's task force, wholesale and retail agencies agreed that all dealers should go to the same training. **Mr. Green** then offered some examples of why wholesalers need the same education as retailers. **Mr. Green** stood for questions.

MOTION:

With no questions from the Committee, **Senator Keough** moved that the Committee send **RS 21697** to be printed. The motion was seconded by **Senator Hagedorn**. The motion carried by unanimous **voice vote**.

RS 21844

Chairman Brackett asked Senator Winder to present **RS 21844**. **Senator Winder** said this was one of two related RS's. He offered a brief history. A year ago residents, former Air Force officers, in his legislative district came to him to discuss an idea for developing an industry in the area that would create jobs. In the Air Force they had flown conventional and unmanned aircraft all over the world. They had great insights as to the application of unmanned aircraft in agriculture, forest fire fighting, delivery of emergency services when weather conditions don't warrant risking the pilot, and lots of potential use for unmanned aircraft in the future. There will likely be unmanned cargo freight aircraft in the future that fly around the world.

Idaho is in a unique position because of location and resources we already have. The retired officers felt this was an ideal area. For the past year, they have been working with the Idaho National Laboratory (INL) in Idaho Falls. INL has developed many different types of sensors for all types of applications.

Idaho universities and the Idaho Department of Commerce have formed an informal coalition. This RS is a Senate Concurrent Resolution to encourage them to move forward with applying to become one of six Federal Aviation Administration unmanned aircraft system test sites in the United States.

The next RS relates to privacy issues that this industry could cause. It deals with the legalities from a privacy perspective, and the implications and fear associated with gathering information. **Senator Winder** stood for questions.

Senator Keough wanted to know the funds source from the fiscal note stating that there was a required one-time cost of \$25,000. **Senator Winder** said the amount was already in the Department of Commerce's budget to help facilitate the process.

MOTION: With no further questions from the Committee, **Senator Hagedorn** moved that the Committee send **RS 21844** to be printed. The motion was seconded by **Senator Buckner-Webb**. The motion carried by unanimous **voice vote**.

RS 21845 **Senator Winder** said that, unless there were questions, he had nothing to add about **RS 21845** that he had not already said in his presentation for the previous RS. There were no questions from the Committee.

MOTION: **Senator Buckner-Webb** moved that the Committee send **RS 21845** to be printed. The motion was seconded by **Senator Rice**. The motion carried by unanimous **voice vote**.

RS 21846 **Chairman Brackett** asked Senator Winder to present **RS 21846**. **Senator Winder** said that last year the legislature changed what had been done six years previously, when local jurisdictions were allowed to establish speed limits on state highways. The primary reason for changing that law was because, in some cases, those speed limits were set with arbitrary, capricious and unreasonable criteria. They didn't use or follow speed studies or traffic engineering standards for establishing speeds.

This legislation has nothing to do with changing how speed limits are set on state highways. This has to do with authorities that have jurisdiction over establishing speed limits on local roadways. As an example, in Ada County this will not impact the city because the Ada County Highway District (ACHD) establishes speed limits on local roadways and they already use speed studies. Jurisdictions that have not done speed study analysis and have arbitrarily set their standards will be required to do a speed study similar to what the Idaho Transportation Department (ITD) does.

Local jurisdictions still have authority over certain things given to them by ordinances. This will be one way to ensure that if a jurisdiction is going to establish a speed limit, they need to do it with engineering standards and base it on a speed study. **Senator Winder** stood for questions.

Senator Rice asked if this would impact communities with "20 mile-per-hour unless otherwise posted" signs. He wanted to know if studies would have to be conducted on every street, or how would this affect other speed limits. **Senator Winder** said the main purpose of this is on the main roadways, but it would require some type of study. Likely they wouldn't have to study every road.

Senator Keough asked what the cost would be for small communities. She was concerned that for rural communities the cost and requirements could be very cumbersome. **Senator Winder** agreed that this is a concern. Traffic citations being issued in a closed circuit is also a concern; for example: when a city council establishes a potentiality arbitrary speed limit; when city law enforcement is enforcing the law; and, in some cases, when city magistrates penalize violators of the law. Some citizens feel these situations are too much of a closed circuit and they want a standard to be established. **Senator Keough** asked about the financial impact on small communities. This could be a huge impact on very small budgets. **Senator Winder** agrees and looks forward to working with local authorities to develop a better system. He believes it is an issue that needs to be discussed whether it is passed or not. It is an issue worthy of the debate.

Senator Nonini asked if his understanding that this did not apply to state highways was correct. **Senator Winder** said that he was correct.

Senator Buckner-Webb asked if Senator Winder has talked with small communities that may be impacted by this legislation. **Senator Winder** said he hasn't had any direct discussions, but individuals from small communities have approached him with concern.

Senator Bock asked if there had been legislation similar to this before. **Senator Winder** said that there had been discussions last year with regard to state highways, and the law was changed. Those speed setting responsibilities were given back to ITD. There were no further questions.

MOTION:

Senator Hagedorn moved that the Committee send **RS 21846** to be printed. The motion was seconded by **Senator Winder**. The motion passed by a majority **voice vote**.

ADJOURNED:

Senator Keough asked if she could introduce someone attending the hearing. She said that rarely does she have constituents visit from the far North. She introduced and welcomed them to the Committee.

Senator Rice welcomed a member of the Caldwell City Council to the Committee.

Vice Chairman Johnson welcomed a Lewiston City Council member to the Committee, as well.

With no further business or introductions before the Committee, **Chairman Brackett** adjourned the meeting at 2:00 p.m.

Senator Brackett
Chairman

Gaye Bennett
Secretary