

MINUTES
SENATE TRANSPORTATION COMMITTEE

DATE: Thursday, February 07, 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 (Committee) 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. With a quorum present, the **Chairman** presented a number of announcements regarding the Committee's schedule. Of particular interest was to remind members that Monday, February 11 marked the last day that RS's could be sent to print from the Committee. The **Chairman** suggested that a special Committee meeting could be held to allow those RS's currently in Committee to be heard at a print hearing.

VOTE ON GUBERNATORIAL APPOINTMENT: **Chairman Brackett** called for a vote on the appointment of R. James Coleman of Coeur d'Alene to the Idaho Transportation Board. He reminded the Committee that the hearing on Mr. Coleman was held on February 5, 2013.

MOTION: **Senator Nonini** moved that the Committee recommend the appointment of R. James Coleman to the Idaho Transportation Board be approved by the Senate. **Senator Rice** seconded the motion. The motion carried by unanimous **voice vote**. **Senator Nonini** will carry the appointment on the Senate floor.

RS 21902 **Chairman Brackett** welcomed Senator Heider to present **RS 21902**. **Senator Heider** said this legislation amends Idaho Code § 515A to include citizens band (CB) radio and amateur radio towers in structures exempt from standards for guyed towers.

Senator Heider said that when Idaho Code § 515A was adopted during the last session of the legislature, the wording did not include exemption for amateur radio towers. While most amateur radio operators live in urban areas, some live in more rural communities and have 50 foot and taller towers. He referred the Committee to page 2, line 8 of **RS 21902**, which adds the phrase, "including citizens band (CB) radio towers and all other amateur radio towers." He said this is a very simple change that will enable individuals to continue to enjoy their hobbies. **Senator Heider** stood for questions.

MOTION: With no questions or discussion, **Senator Buckner-Webb** moved that **RS 21902** be sent to print. **Senator Keough** seconded the motion. The motion carried by unanimous **voice vote**.

RS 21863

Chairman Brackett welcomed **Roy Eiguren** of Arkoosh-Eiguren to present **RS 21863**, which he said provides for overweight or oversize loads and amends Idaho Code § 49-1004 to remove reference to a pilot project. This legislation also repeals Section 3, Chapter 315, 2003 Session Laws, relating to reports to the legislature and a sunset provision.

Mr. Eiguren said he was representing the "Right Truck for Idaho," a 70 member coalition, and went on to explain the genesis of the legislation. In 2003 the Idaho Legislature enacted a ten-year pilot project – that sunsets on July 1, 2013 – to test the effect of increasing the legal truck weight limits on a number of state highways in southern Idaho. Trucks were configured to increase gross weights from 105,000 pounds to 129,000 pounds on 16 routes specified in the legislation. In 2005 and 2007, an additional 19 routes were added, totaling 35 specific routes in the pilot project. A final report was made to the legislature in January 2013. The report states it "did not observe any significant effect of the 129,000 pound pilot project trucks on pavements, bridges or roadway safety." In addition, project participants have reported substantial economic benefits associated with the pilot project. **Mr. Eiguren** said **RS 21863** statutorily removes the sunset clause and provides that 129,000 pound configured trucks can continue to operate on the 35 specified routes.

Chairman Brackett asked if the Committee had any questions or comments; there being none, he called for a motion.

MOTION:

Senator Hagedorn moved that **RS 21863** be sent to print. **Senator Rice** seconded the motion. The motion carried by unanimous **voice vote**.

RS 21922C3

Chairman Brackett welcomed Jim Riley of Coeur d'Alene to present **RS 21922C3**. **Mr. Riley** stated he represents the Idaho Forest Group and explained the reasons for this legislation, which builds upon **RS 21863**, heard and approved previously. He called attention to changes that will allow routes not listed in Idaho Code § 49-1004 (4) to apply for an annual special permit authorizing travel to be issued by the authority with jurisdiction over a roadway. This special permit would enable these routes to utilize the same type of permit currently issued on designated roadways for the benefit of all of Idaho's communities. He said the Idaho Transportation Department (ITD) will analyze the safety of these routes and report their findings. **Mr. Riley** stood for questions.

Senator Winder said that he had friends on both sides of this issue. He hoped that, through cooperation and working together, a solution could be reached that would be the best approach for Idaho and commerce.

Vice Chairman Johnson asked Reymundo Rodriguez, ITD's Motor Carrier Services Manager, how the loads tables are determined and if they are being adjusted. **Mr. Rodriguez** said that, based on vehicle registration, fees go up as the load weight increases. **Vice Chairman Johnson** asked if the fee increase is linear.

Senator Bock reminded the Committee that this is a print hearing and that testimony should be saved for the hearing. **Chairman Brackett** thanked Senator Bock and asked the Committee for a motion.

MOTION:

Senator Nonini moved that **RS 21922C3** be sent to print. **Vice Chairman Johnson** seconded the motion. The motion carried by unanimous **voice vote**.

RS 21951

Chairman Brackett welcomed John Watts of Veritas Advisors to present **RS 21951**. **Mr. Watts** said he represents Watco Transportation Services; he proceeded to thoroughly review the concurrent resolution legislation in detail. It focuses on creating an efficient and coordinated freight shipping plan throughout Idaho to further economic development and movement of goods and commodities. Specifically, he said **RS 21951** directs ITD, the Idaho Department of Commerce and the Idaho Department of Agriculture to work together with transportation stakeholders to form an advisory committee for the study of Idaho's freight transportation system, routes, facilities and current and future needs by establishing a consistent and rigorous data collection and analysis protocol. That committee would recommend policies to implement its findings. **Mr. Watts** emphasized the importance of identifying specific and general shipping needs to receive and deliver freight in a timely and efficient manner. He expressed the importance of creating a process to assess and recommend specific policies in order to generate freight shipping opportunities. **Mr. Watts** stood for questions.

Senator Rice asked why a resolution was required. **Mr. Watts** said this resolution furthers discussions that the two previous RSs bring forward, specifically about infrastructure identification.

Senator Nonini questioned the Statement of Purpose suggesting that a study would have a fiscal impact on ITD. **Mr. Watts** believed that ITD had access to federal funds available specifically for planning purposes. **Senator Nonini** asked what funds are currently available for this program. **Mr. Watts** said there were funds within the Idaho Department of Agriculture, but there was no one present from the Department of Agriculture to confirm that funding was available. **Chairman Brackett** said the question could be answered during the hearing.

Senator Bock asked a point-of-order question about procedures when printing a concurrent resolution. **Chairman Brackett** explained the process.

MOTION:

Senator Keough said she wanted to hear this resolution along with the previous two pieces of legislation and moved that **RS 21951** be sent to print and returned to the Committee for a hearing. **Senator Winder** seconded the motion.

SUBSTITUTE MOTION:

Senator Rice made a substitute motion to return **RS 21951** to the sponsor. The motion died for lack of a second.

Senator Hagedorn, Senator Bock, Senator Rice and Senator Keough discussed the process for returning a concurrent resolution to Committee. Following their discussion, **Chairman Brackett** called for a vote on the original motion.

VOTE:

The original motion carried by unanimous **voice vote**.

RS 21958

Chairman Brackett invited **Senator Winder** to present **RS 21958**, which he said amends Idaho Code § 21-201, *et. seq.*, by adding four new sections (Idaho Code §§ 21-213 through 21-216). These new sections establish restrictions in gathering evidence or other information through the use of a drone or other unmanned aircraft. Except for law enforcement agencies under exigent circumstances, the changes require consent from property owners before unmanned aircraft can conduct surveillance. Also, aggrieved parties in civil actions may obtain all appropriate relief to prevent or remedy a violation and no information obtained in violation of this act may be admissible as evidence in a criminal proceeding. **Senator Winder** reviewed the features of **RS 21958** and explained the rationale for the legislation. **Senator Winder** stood for questions.

Senator Bock asked whether this was a redraft of previously heard legislation. **Senator Winder** said that it replaces **S 1051** which will be held in Committee. With no further questions, **Chairman Brackett** called for a motion.

MOTION:

Senator Hagedorn moved that **RS 21958** be sent to print. **Senator Rice** seconded the motion. The motion carried by unanimous **voice vote**.

H 19

With Mike Pape, Administrator of ITD's Division of Aeronautics, unavailable for today's hearing, **Chairman Brackett** welcomed **Bill Statham**, who oversees Airport Development in ITD's Division of Aeronautics, to the Committee and invited him to present **H 19**, which he said repeals Idaho Code § 21-115 relating to state designation of airports. **Mr. Statham** reviewed the rationale for the legislation. He said the existing statute that requires sponsors of proposed airports obtain approval from ITD is no longer of value and simply adds an administrative burden to airport sponsors. He pointed out these applications are already carefully reviewed for approval by the Federal Aviation Administration (FAA) and local land use authorities. Additionally, ITD's Division of Aeronautics conducts airport inspections for the FAA; an airport must meet federal safety minimum requirements to be listed as a public airport. **Mr. Statham** closed his presentation by emphasizing that repeal of Idaho Code § 21-115 would reduce the no-value-added administrative requirements for local airport sponsors. **Mr. Statham** stood for questions.

Vice Chairman Johnson asked how many airport designation requests has ITD received in the past and what do they estimate they will receive in the future. **Mr. Statham** said there have been none since 1988, because it is a duplication of the FAA's process.

MOTION:

Vice Chairman Johnson moved that **H 19** be sent to the floor with a **do pass** recommendation. **Senator Keough** seconded the motion. The motion carried by unanimous **voice vote**. **Vice Chairman Johnson** will carry the bill on the Senate floor.

H 21

Chairman Brackett invited Mr. Statham to present **H 21**. **Mr. Statham** said the legislation will amend Idaho Cod, § 21-105 and § 21-105(d), which currently requires that National Plan of Integrated Airport Systems (NPIAS) airports submit pre-application information and obtain ITD approval prior to submitting a request for federal grant funding. **Mr. Statham** said the elimination of this requirement would simplify the application process for both the state and the airport owner. He pointed out that while ITD does generally share in the local match for federal airport aid grants, the state's share is completely discretionary at the determination of the Idaho Transportation Board. The award of a federal grant does not obligate the state to provide funding. **Mr. Statham** closed by reiterating that the requirement for airport sponsors to provide a pre-application request to ITD is an unnecessary administrative requirement and should be removed. **Mr. Statham** stood for questions.

MOTION:

With no questions or discussion, **Senator Keough** moved that **H 21** be sent to the Senate floor with a **do pass** recommendation. **Senator Hagedorn** seconded the motion. The motion carried by unanimous **voice vote**. **Senator Rice** will carry the bill on the Senate floor.

ADJOURNED:

There being no further business to come before the Committee, **Chairman Brackett** adjourned the meeting at 2:35 p.m.

Senator Brackett
Chairman

Gaye Bennett
Secretary