

MINUTES
HOUSE TRANSPORTATION & DEFENSE COMMITTEE

- DATE:** Thursday, March 14, 2013
- TIME:** 1:30 pm or Upon Adjournment
- PLACE:** Room EW40
- MEMBERS:** Chairman Palmer, Vice Chairman Shepherd, Representatives Wood(35), Wills, Bateman, Henderson, Denney, Gestrin, Gibbs, Hixon, Kauffman, Packer, Patterson, Youngblood, Ringo, King, Gannon
- ABSENT/
EXCUSED:** Rep. Wills and Rep. Ringo
- GUESTS:** The sign in sheet will be retained with the minutes in the committee secretary's office until the end of session. Following the end of session, the sign-in sheet will be filed with the minutes in the Legislative Services Library.
- Chairman Palmer** called the meeting to order at 2:59 p.m.
- MOTION:** **Rep. Hixon** made a motion to approve the minutes of March 12, 2013. **Motion carried by voice vote.**
- H 279:** **Rep. Gestrin** presented **H 279**. He said this legislation is needed to clarify that the Idaho Transportation Department (ITD) has no obligation to index registrations of off road vehicles and, likewise, the Idaho Department of Parks and Recreation (IDPR) has no obligation to share information collected relative to off road vehicles with ITD. He said recreational registration was brought forward by the recreation community to improve revenue. He said the registration program was never intended to be a means for ownership validation, it is a self imposed tax intended to fund the building and maintenance of recreational infrastructure. He said that since it is now required to title recreational vehicles, it is appropriate to have ITD manage this process. He said there are no general or park funds involved. He said IDPR may share information with ITD but it is not required to do so. He explained that registration and titling are two completely difference functions.
- David Claiborne**, Idaho ATV Association, **Tom Glass**, Idaho Recreation Council, **Harold Johnson**, Idaho State Snowmobile Association, **Becky Johnstone**, Backcountry Recreation Club, **Gordon Cruickshank**, Valley County Commissioner, **Chuck Wells**, Camas County/ISSA, **Tamara Cikaitoga**, Fremont County, **Haden Claiborne**, Idaho UTV, and **Sandra Mitchell**, Idaho Recreation Council, testified **in support** of **H 279**. They spoke about how vital the snowmobile trails are to the 6-7 months of winter economy in Northern Idaho and how the construction and maintenance of these trails are funded by the registration fees for off road vehicles. They noted the lack of internet access in rural Idaho and how that would pose a problem with the DMV's online registration process.
- Nancy Merrill**, Idaho Department of Parks and Recreation (IDPR) testified **in opposition** to **H 279**. She noted that without a shared database it will be difficult to send renewal notices or conduct surveys and sharing databases will ensure that IDPR's records are correct. She said that shifting the registration responsibility to the Idaho Transportation Department (ITD) will ensure that the sales taxes are appropriately collected. The proposed legislation would require IDPR to set up a new system in order to continue registering off road vehicles which would cost approximately one million dollars. She talked about the Attorney General's opinion that IDPR is required to share information with ITD.

Rep. Gestrin made closing statements, expressing the need to respond to customers and remember that what is done in government is not always for agency convenience.

MOTION: **Rep. Shepherd** made a motion to send **H 279** to the floor with a **DO PASS** recommendation.

SUBSTITUTE MOTION: **Rep. King** made a substitute motion to **HOLD H 279** in committee.

ROLL CALL VOTE ON SUBSTITUTE MOTION: Roll call vote was requested on the substitute motion. **Substitute Motion failed by a vote of 2 AYE, 13 NAY, 2 ABSENT/EXCUSED. Voting in favor of the motion: Reps. King and Gannon. Voting in opposition to the motion: Reps. Shepherd, Wood, Bateman, Henderson, Denney, Gestrin, Gibbs, Hixon, Kauffman, Packer, Patterson, Youngblood, and Palmer. Reps. Wills and Ringo were absent/excused.**

VOTE ON ORIGINAL MOTION: **Chairman Palmer** called for a vote on the original motion to send **H 279** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Rep. King** requested to be recorded as voting **NAY. Rep. Gestrin** will sponsor the bill on the floor.

S 1117: **Jim Riley**, Riley and Associates, presented **S 1117**. This legislation will allow trucks to carry loads up to 129,000 pounds, promoting interstate commerce as many of Idaho's neighboring states have higher truck weight limits. He said this bill provides that the authority having jurisdiction over its roads may designate routes for loads up to 129,000 pounds by using the criteria based on road and bridge structural integrity engineering standards and public safety standards established by the Idaho Transportation Department (ITD). He said increased freight efficiency is essential in order to remain competitive with adjacent states. He said that the words "may" and "shall" are carefully constructed to allow local jurisdiction the discretion to qualify the routes. He said if local jurisdictions do qualify the route, they cannot pick and choose to whom they issue a permit.

In response to questions, **Mr. Riley** said it is generally recognized that automobiles are paying slightly more and operators of heavy trucks are paying slightly less relating to maintenance of the roads. He said the fee schedule is allocated to the larger and heavier the truck, the higher the price of the permit.

He said there are over 300 highway jurisdictions in the State of Idaho and the jurisdiction of the roads are very clear. Whichever jurisdiction has responsibility for the road are the ones who have authority to make the permission. He said that the concept here is that people wanted to ensure that there were legitimate professional standards that could be used to evaluate these roads. This legislation allows local jurisdiction to look at the general standard.

In response to questions, **Scott Stokes**, Idaho Transportation Department (ITD), said state highways are state jurisdiction regardless of the city or county it runs through. The counties would make the decision on county routes and the state would make the decision on state routes.

In response to questions, **Mr. Riley** said before a decision is made, there would have to be a public hearing with notice of the same well in advance, and all information would be available under the Sunshine Laws of the state.

Tony Smith, Idaho Cooperative Council and Northwest Dairy Association, **Robert Bay**, Idaho Forest Group, **Gary Halverson**, Glanbia Foods, **Mark Benson**, Potlatch Corp., and **Brent Olmstead**, Milk Producers of Idaho, testified in support of **S 1117**.

Those testifying **in support** of **S 1117** said companies would be able to move finished products to market faster and more cost effectively. They said that Idaho Transportation Department (ITD) has found no significant impact of heavier trucks on the roadways. They said that neighboring states all have these currently weights in place. They said that everything purchased and sold must move on wheels due to perishability. Milk being transferred out of Idaho costs more, currently, simply because of the weight of the trucks. The only thing that producers can do to stay ahead of the curve is to become more efficient and this bill allows producers to do that. They said by opening new routes in the State of Idaho, producers will be able to open more routes at a federal level. They explained that Commercial Drivers License (CDL) drivers must follow state regulations and conduct pre-trip inspections twice a day to keep their equipment in safe working order. This bill will have a positive impact on the agricultural, dairy and forestry industries in Idaho.

Gordon L. Cruickshank, Valley County Commissioner, **Stephen F. Freiburger**, Paragon Consulting, Inc./IAND, **Stan Leach**, Clearwater County Commissioner, **Stuart Davis**, Idaho Association of Highways, **John Watts**, Watco Companies, **Wally Burchak**, KBC Transport, and **Steve Thomas**, Moffat Thomas, BNSF Railway testified **in opposition** to **S 1117**.

Those testifying **in opposition** to **S 1117** noted that the local jurisdictions are already struggling to keep up with road maintenance and adding heavier trucks will only increase the need for maintenance, resulting in reducing more services or adding more financial burden on the tax payers. They brought up the issue of payment for analysis on the potential new routes and noted that they can barely fund keeping the roads plowed during winter. They also noted that this legislation might work in Southern Idaho where the roads are straight and flat, but would be a significant traffic and safety issue in Northern Idaho. They talked about the danger of pulling a heavy load on steep grade with only two driving axles. **Mr. Freiburger** talked about how heavier trucks will have a more significant impact on thin pavement (local roads) than thick pavement (state highways). He gave examples of damage done to roads due to over loading.

In response to questions, **Mr. Freiburger** said the roads need to be designed for the loads, or have the financial infrastructure in place to recoup the costs of repair that will be necessary after trafficking heavy loads for which the roads were not designed. He said that the Idaho Transportation Department (ITD) does not have experience with low volume local roads and what the impact to those roads would be after heavy load traffic. He said a significant amount of the local road system was built prior to present engineering and many of those roads are over 100 years old. As such, there is not sufficient information on the older roads to be able to analyze them appropriately. He said that it does not take very many heavy loads to reduce the life of the pavement by 5-10 years.

In response to questions, **Commissioner Leach** said, in his opinion, the road system, in its current condition, cannot support this time of heavy load traffic safely. He believes traffic will bottleneck where there is no passing lines and trucks will have an increased risk of spinning out and rolling back into cars piled up behind them.

Mr. Davis showed core samples from a highway and a local road which demonstrated significant difference in thickness. He voiced concern that this legislation fails to lay out any study standards and noted that independent engineering studies can say whatever they wish. He noted that he was unable to find one study that has been done on the effect of these heavy loads on thinner pavement local roads.

In response to questions, **Mr. Davis** said that **S 1117** says if the route can hold the weight, the road jurisdiction shall grant the permit and he is concerned that there would be no local control over the study. He said that this bill does not give authority to charge for the studies.

In response to questions, **Mr. Stokes** said the word "board" in the bill refers to the Idaho Transportation Board (ITB) and the word "department" refers to Idaho Transportation Department (ITD).

Mr. Watts said if **S 1117** is passed, this state will continue to operate without a vision, without a plan, without coordination and without linkages from one county to another. He said what is needed are connections between roads and trains.

Mr. Burchak, KBC Transport, spoke about his experience operating a trucking company and his former experience as a Commercial Drivers License driver. He said that he feels the additional weight and extra trailer will pose a serious safety risk to both the truck drivers and general public. He said none of his drivers would even consider pulling that kind of weight and additional trailer. He spoke about the wind dangers and how easy it already is to flip a truck with two trailers and that the added weight and third trailer will only increase this risk.

Mr. Thomas said this bill creates an uneven playing field between trucking and railways. He said the economic reality of this bill is to further subsidize shipping to trucking over railways.

Chairman Palmer noted the late hour and the six remaining testimonies. He said that the debate/testimony on **S 1117** would continue at the next committee meeting on March 18, 2012.

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 7:12 p.m.

Representative Palmer
Chair

Danelle Heath
Secretary