

AGENDA  
**SENATE TRANSPORTATION COMMITTEE**  
**1:30 P.M.**  
**Room WW53**  
**Tuesday, January 15, 2013**

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<b>OPENING REMARKS</b>	Welcome and Introductions  – Presentation by Committee Page <b>Jessica Kennedy</b> of Lewisville	<b>Chairman Brackett</b>
<b>PROCESS</b>	Process the Senate Transportation Committee will undertake in reviewing Administrative Rules.	<b>Vice Chairman Johnson</b>
<a href="#"><u>RS21672C1</u></a>	Changes requirements for notification, public hearing and appeal when a State highway is relinquished to a local jurisdiction.	<b>Tom Cole</b> , ITD Chief Engineer
<a href="#"><u>RS21673</u></a>	Amends Idaho Code to stagger vehicle registrations year-to-year and coordinates with the DMV Modernization effort.	<b>Christine Fisher</b> , ITD Registration Program
<a href="#"><u>RS21700</u></a>	Allows ITD to eliminate the salvage certificate and utilize the certificate of title for salvage vehicle ownership.	<b>Barry Takeuchi</b> , ITD Titles Program Specialist

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Brackett  
Vice Chairman Johnson  
Sen Keough  
Sen Winder  
Sen Rice

Sen Nonini  
Sen Hagedorn  
Sen Bock  
Sen Buckner-Webb

COMMITTEE SECRETARY

Gaye Bennett  
Room: WW33  
Phone: 332-1332  
email: stran@senate.idaho.gov

MINUTES  
**SENATE TRANSPORTATION COMMITTEE**

**DATE:** Tuesday, January 15, 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 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. The Chairman asked the secretary to take a silent roll; the Chairman announced there was a quorum.

**Chairman Brackett** welcomed everyone to the Committee. He introduced himself and made remarks about his background with transportation, including that he had served as the Vice Chairman of the Committee the past two sessions. He then asked each Committee Member to introduce themselves.

**INTRODUCTIONS:** **Senator Buckner-Webb** said she was raised in Boise and briefly spoke about her work when the legislature is not in session. **Senator Nonini** said he was from Coeur d'Alene, gave his background, and said he was glad to be a member of the Senate Transportation Committee. **Senator Rice** said he was from Caldwell, District 10, and that he had served on the Committee during the last legislative session; he was glad to be back. **Senator Keough** said she was from the most northern part of Idaho representing District 1; she too was happy to be back on the Committee. **Vice Chairman Johnson** said he represented District 6 (Nez Perce and Lewis counties) and that he was new to the Committee and liked the idea of working with Members with whom he had not previously worked. **Chairman Brackett** commented that he was pleased to have **Vice Chairman Johnson** as his Vice Chairman. **Senator Winder** represents District 20 and is very familiar with transportation issues through his professional work outside the legislature. **Senator Hagedorn** is from District 14 and had served three terms on the House Transportation and Defense Committee; he is happy to be on the Senate Transportation Committee. **Senator Bock** represents District 16 which encompasses Northwest Boise and Garden City; this is his fourth term in the legislature, third term in the Senate, and his first opportunity to serve on the Senate Transportation Committee.

**Committee Secretary Gaye Bennett** said this was her third year serving on the Senate Transportation Committee; she was glad to be back. **Committee Page Jessica Kennedy** of Lewisville, Idaho, introduced herself. She noted that Lewisville is between Rexburg and Idaho Falls in Southwest Idaho. She has been involved in backstage work for school plays and enjoys managing. She wants to pursue political science in college and is excited about being a Senate Page.

**PASSING OF  
GAVEL:**

**Chairman Brackett** thanked the Members for their comments. The Chairman turned the meeting over to **Vice Chairman Johnson** to discuss the Committee's process for reviewing Administrative Rules. The Vice Chairman began his overview by stating that he had assigned specific rules to Members of the Committee. The Committee would hear the rules at Thursday's Committee meeting. The Committee will go through each docket with rule topic experts from the Idaho Transportation Department (ITD) and the Idaho State Police (ISP). These experts will be at Thursday's hearing to present each docket and respond to any questions posed by Committee Members. There were no questions from the Committee regarding the process. The Vice Chairman turned the meeting back to **Chairman Brackett**.

**RS 21672C1:**

**Chairman Brackett** thanked **Vice Chairman Johnson** for his oversight work on the Committee's Administrative Rules. The Chairman began the RS review process by calling on **Tom Cole**, ITD's Chief Engineer, to present RS 21672C1.

**Mr. Cole** stated that this was cleanup legislation to eliminate inconsistencies between sections in Idaho Code related to the relinquishment of State highways to local jurisdictions. Idaho Code requires the Idaho Transportation Board (ITD Board) to advise the affected jurisdictions of this change, and requires ITD Board to "seek consent" from local jurisdictions prior to changing jurisdiction from the State to a local jurisdiction. This legislation would defer transferring back to the previous requirement. **Mr. Cole** stood for questions.

**Senator Nonini** stated that Coeur d'Alene was dealing with this issue on a section of the old highway, Lake Shore Drive, and wanted to know if this legislation would help with that process. **Mr. Cole** said it affects that highway and multiple other locations throughout the State. He cited examples of how the interaction would take place.

**Senator Bock** commented on the fact that there is a lot of Code sections deleted in this legislation. Given this is a print hearing he did not need a response now, but would request an explanation of what was deleted if and when the bill comes up for a hearing.

**MOTION:**

**Senator Hagedorn** offered a motion to print RS 21672C1. **Senator Keough** seconded the motion. The motion passed by a unanimous voice vote.

**RS 21673:**

**Christine Fisher**, ITD Registration Program Specialist, stated that this legislation deals with staggered vehicle registrations. It requests amendment of Idaho Code to allow for additional staggered registration for certain additional passenger-car registrations. It also allows for those vehicles issued annual registrations to be issued staggered registrations and clarifies the difference between annual and staggered registrations. Annual registrations all expire on December 31st of each year, and staggered registrations expire throughout the year depending on the original registration date. One result will be more equitable registration fees charged for certain categories of vehicles; she used motorcycle registration as an example. This will also even out the work load by reducing large influxes at the beginning and end of the calendar year; work would be spread out through the year. **Ms. Fisher** stood for questions.

**Senator Hagedorn** wondered if this legislation would impact ATVs and UTVs. **Ms. Fisher** stated that it would only affect those vehicles that have no other agencies involved in registration, like Idaho Parks and Recreation. Motor homes were another example of vehicles that would not be subject to staggered registration. **Senator Hagedorn** asked what the roadblocks were that will prevent other vehicles from being included. **Ms. Fisher** said one roadblock is the many decals that exist. Print-on-demand decals could be considered, but those with preprinted stickers and decals enforced by another agency are left out of staggered registration. She again used Idaho Parks and Recreation as an example.

**Senator Winder** stated that he had heard from representatives of Idaho Parks and Recreation that they are trying to get ATV registration under ITD's jurisdiction. **Ms. Fisher** said ITD has been working very closely with Idaho Parks and Recreation on reviewing and giving advice on the package being proposed. She suggested that things could change when and if that legislation passes. RS 21673 was written under current statutes. There were no further questions from the Committee.

**MOTION:** **Senator Keough** offered a motion to print RS 21673. **Senator Rice** seconded the motion. The motion passed by a unanimous voice vote.

**RS 21700:** **Barry Takeuchi**, ITD Titles Program Specialist, said this legislation deals with salvage certificates. It would allow ITD to gain efficiencies by eliminating the usage of the salvage certificate and utilizing the regular specific title for all vehicle ownership. The salvage title would carry a conspicuous salvage designation. It provides for a single inventory creating efficiencies. Salvage titles would only be issued by ITD. Currently insurance companies and salvage pools issue those; under this legislation they would be sending ITD applications for salvage certificates. There would also be changes in security and control of ownership and timelines of the recording of a salvage vehicle issuance. **Mr. Takeuchi** stood for questions. There were no questions from the Committee.

**MOTION:** **Senator Keough** offered a motion to print RS 21700. **Senator Winder** seconded the motion. The motion passed by a unanimous voice vote.

**ADJOURNMENT:** **Chairman Brackett** asked for comments from the floor; being none, the Chairman adjourned the meeting at 1:53 p.m.

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Senator Brackett  
Chairman

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Gaye Bennett  
Secretary

AGENDA  
**SENATE TRANSPORTATION COMMITTEE**  
**1:30 P.M.**  
**Room WW53**  
**Thursday, January 17, 2013**

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<b>PRESENTATION</b>	Pacific Northwest Economic Region (PNWER) briefing on the Council's Transportation Working Group. PNWER's Idaho Council created by Executive Order No. 2012-07.	<b>Matt Morrison</b> , PNWER Executive Director and the <b>Honorable Lyle Stewart</b> , Minister of Agriculture, Province of Saskatchewan

**ADMINISTRATIVE RULES**

**PENDING DOCKET**

[11-1301-1201](#)

Rules Governing Motor Carriers

**SENATOR RICE**  
**Lt. Jim Eavenson**, ISP

[39-0212-1201](#)

Rules Governing Issuing Certificates of Title and Bonded Certificates of Title

**Barry Takeuchi**, ITD Titles Program Specialist

[39-0260-1201](#)

Rules Governing License Plate Provisions

**Christine Fisher**, ITD Registration Program Specialist

**SENATOR NONINI**

[39-0261-1201](#)

Rules Governing License Plates for Governmental Agencies and Taxing Districts

**Christine Fisher**, ITD Registration Program Specialist

[39-0271-1201](#)

Rules Governing Driver's License Violation Point System

**Ed Pemble**, ITD Driver Services Manager

**SENATOR BUCKNER-WEBB**

[39-0304-1201](#)

Rules Governing Movement of Disabled Vehicles

**Regina Phipps**, ITD Vehicle Size and Weight Specialist

[39-0310-1201](#)

Rules Governing When an Overlegal Permit is Required

**Regina Phipps**, ITD Vehicle Size and Weight Specialist

[39-0341-1201](#)

Rules Governing Traffic Control Devices

**Ethan Griffiths**, ITD Traffic Services Principal Technician

**SENATOR HAGEDORN**

[39-0402-1201](#)

Rules Governing Marking of Hazards to Air Flight

**Bill Statham**, ITD Aeronautics Division Administrator

**PENDING FEE  
DOCKET**

[39-0342-1201](#)

Rules Governing Highway Right-of-Way;  
Encroachments on State Right-of-Way

**SENATOR NONINI**

**Greg Laragan**, ITD  
Highway Operations  
Engineer

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

**COMMITTEE MEMBERS**

Chairman Brackett

Vice Chairman Johnson

Sen Keough

Sen Winder

Sen Rice

Sen Nonini

Sen Hagedorn

Sen Bock

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MINUTES  
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**ABSENT/ 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.

**CONVENED:** **Chairman Brackett** called the meeting to order at 1:36 p.m. and asked the secretary to take a silent roll; there was a quorum present.

**PRESENTATION:** **Chairman Brackett** welcomed Senator McKenzie and members of the Pacific Northwest Economic Region (PNWER) to the Committee. PNWER is a public/private partnership dedicated to encouraging global economic competitiveness and preserving the region's natural environment. **Senator McKenzie** spoke briefly about the mission of PNWER, the members of the organization visiting the Capitol, and those present in the Committee. PNWER represents five Northwest States and five Canadian Northwest Provinces; they are in the process of visiting each of those regions. Senator McKenzie is one of Idaho's representatives and a Vice President of PNWER. PNWER's Transportation Working Group was here to present their work to the Committee.

**Senator McKenzie** introduced Matt Morrison, PNWER's Executive Director. **Chairman Brackett** welcomed Mr. Morrison to the Committee.

**Mr. Morrison** began by stating it was great to be in Idaho's new Capitol building. PNWER provides great opportunities for Idaho as it sits at the crossroads among the other PNWER states and provinces where products produced in all regions will travel through Idaho. The Canadian National (CN) and the Burlington Northern Santa Fe (BNSF) rail lines will be connected creating efficiencies in rail transport. The future of the region is changing; they are looking at transportation corridors and applaud the Idaho Transportation Department's (ITD) ten-year plan. They are developing a primer for transportation so that new legislators understand all aspects of transportation including financing. They are aligning regulatory systems, and integrating varying size and weights as defined and used by various jurisdictions.

Natural gas is inexpensive in the region. PNWER is looking at developing natural gas piping and fueling stations for long and short haul trucks. Natural gas is clean energy, more efficient, does not need to be refined, and saves nearly 40 percent in fuel costs. He concluded by stating the PNWER team in Boise would be meeting with ITD on Friday. Before **Mr. Morrison** stood for questions, he asked if Colin Smith, past-President of Engineers Canada, and PNWER representative from British Columbia, could make a few remarks. **Chairman Brackett** welcomed Mr. Smith to the Committee.

**Mr. Smith** said that economics is Mr. Morrison's expertise, and his is trade. Canada is a 'Buy American' place. **Mr. Smith** wants to expand that trade by promoting U.S./Canada collaborations. He is co-chair of PNWER's Trade Working Group. He encouraged the members of the Committee to bring issues to the table; it is enormously powerful to resolve issues with policy makers. As an actively involved member of the Professional Engineers of British Columbia, he applauded Idaho's work to keep its engineers updated.

**Chairman Brackett** thanked them both for their presentations, and asked the Committee if they had questions.

**Senator Hagedorn** asked where the CN and the BNSF rail lines would be connected. **Mr. Morrison** said it would be at a Class 1 location in Montana; PNWER needs to work on the rail system.

**Chairman Brackett** asked if railway choke points had been identified. **Mr. Morrison** said that BNSF is looking at their upgrades and that he had not heard from Union Pacific. He said the Port of Lewiston is a vital transport example for the regional economy; it has lots of potential and is being used more and more.

**Vice Chairman Johnson** thanked **Mr. Morrison** for mentioning the Port of Lewiston where he had served on the Commission. The Vice Chairman noticed the short-line rail to the tri-cities was not on PNWER's map and stated there was a lot of potential with it. **Mr. Morrison** agreed by stating that one barge equals 200 trucks.

**RULES REVIEW:**

**Chairman Brackett** thanked the PNWER delegation for their report to the Senate Transportation Committee. He moved on to reviewing Administrative Rules before the Committee, and turned the meeting over to Vice Chairman Johnson.

**Vice Chairman Johnson** thanked the Chairman, and asked Lieutenant Jim Eavenson of the Idaho State Police (ISP) to address the first docket item on the agenda.

**DOCKET NO.  
11-1301-1201**

**Lieutenant Eavenson** stated that this rule change updates the "Incorporation by Reference" of the Code of Federal Regulations pertaining to the commercial federal regulations governing commercial motor vehicles and, specifically, hours of service and the restricted use of hand held devices. Copies of State law were included in the Committee's packets. This rule updates the Motor Carrier Safety Rules to those adopted on March 1, 2012; the changes include texting and hand held cell phones. **Lieutenant Eavenson** stood for questions.

**Senator Keough** asked the Lieutenant to briefly comment on which operations this reference applies; she wanted to know what these regulations covered and if there are exemptions. **Lieutenant Eavenson** referred Senator Keough to Section 19 on page 4 of the Administrative Rules book. **Senator Keough** thanked Lieutenant Eavenson and asked if he would meet with her to discuss who this affects.

**Vice Chairman Johnson** asked if there were any public comments regarding this rule. **Lieutenant Eavenson** stated there were no negative comments and no public hearing was held. There were no further questions from the Committee.

**MOTION:**

**Senator Winder** said he appreciates **Lieutenant Eavenson's** willingness to provide information and meet with **Senator Keough**. **Senator Winder** moved that **Docket No. 11-1301-1201** be approved by the Committee. **Senator Buckner-Webb** seconded the motion. With no further discussion, the Committee unanimously approved the docket by a **voice vote**.

**Vice Chairman Johnson** recognized **Chairman Brackett** who welcomed Kevin Cook of PNWER to the Committee.

**DOCKET NO.  
39-0212-1201**

**Vice Chairman Johnson** welcomed Barry Takeuchi, ITD's Titles Program Specialist, to the Committee to present the next docket item.

**Mr. Takeuchi** stated that this proposal aligns a bonded title's brand expiration date with the bond's expiration date, thereby eliminating customer issues that may occur due to the bond expiring prior to the brand's expiration date. Subsequently, with the bonded title brand expiring at the same time as the bond, there is the concern that the owner may apply for the bonded title just before the bond expires. This proposal requires that the owner obtain a bond rider if more than 90 days has passed since the bond was obtained, thereby providing a significant amount of time for the bonded title to be on public record for the protection of any prior owner or lien holder who still has an interest and is trying to locate the vehicle. **Mr. Takeuchi** stood for questions.

**Senator Hagedorn** referred to page 10 of the Administrative Rules book and asked why original documentation was required for the body and cab of a vehicle as opposed to an engine block. **Mr. Takeuchi** replied that a vehicle is identified by the Vehicle Identification Number (VIN) which is located on the body and cab of the vehicle. There were no further questions from the Committee.

**MOTION:**

**Senator Hagedorn** moved that **Docket No. 39-0212-1201** be approved by the Committee. **Senator Keough** seconded the motion. With no further discussion, the Committee unanimously approved the docket by a **voice vote**.

**DOCKET NO.  
39-0260-1201**

**Vice Chairman Johnson** welcomed Christine Fisher, ITD's Registration Program Specialist, to the Committee to present the next docket item.

**Ms. Fisher** stated that this rule provides procedural requirements for the implementation of program changes established in statute, through Senate Bill 1243, enacted in 2012. It adopts specific provisions for prequalification and application procedures for specialty license plate programs, as outlined in statute. It also provides for duplicate use of a letter/number combination on a larger (passenger vehicle) plate and a smaller (motorcycle) plate and eliminates the 45-day limitation on a proof of registration receipt, in keeping with the improved plate production and delivery process. She stated that there were no public comments submitted on the rule; the exception to this rule is Military plates. **Ms. Fisher** stood for questions.

**Senator Rice** asked what ITD would do if the legislature passed legislation authorizing a specialty license plate without first going through ITD's process. **Ms. Fisher** said it would need to meet the same requirements that any request for a specialty license plate would need. **Senator Rice** wanted to confirm that ITD thought a specialty plate enacted as legislation was the same as one requested from the public. **Ms. Fisher** deferred to her supervisor, Amy Smith, Vehicle Services Manager, to respond to the question. **Ms. Smith** explained the changes from the old process to the new process. Legislation creating specialty license plates would go through the new process, which is based on last year's enacted legislation; unless it were to be repealed. **Senator Rice** asked if it would be reasonable to come back to the Committee with the results from the process before going forward. **Ms. Smith** said that to comply with Idaho Code, ITD determines the prequalification of a request.

**Senator Nonini** asked what the process was for those who have a specialty plate. **Ms. Smith** said that six months before ITD discontinues selling the plate, they notify the registered contact of their intentions to discontinue sales. ITD also notifies those who have purchased the plate that it is being discontinued; when their license expires, they will need to get different plates.

**Senator Hagedorn** asked about prequalification as outlined on page 17, Section 2, and annual reports in Section 4; he wanted to know if that was required by older plates as well. **Ms. Smith** said it applied to all specialty plates except for Military plates because they are exempt. There were no further questions from the Committee.

**MOTION:**

**Senator Hagedorn** moved that **Docket No. 39-0260-1201** be approved by the Committee. **Senator Keough** seconded the motion. Before a vote was called, there was a substitute motion to reject the docket.

**SUBSTITUTE MOTION:**

**Senator Rice** moved that **Docket No. 39-0260-1201** be rejected by the Committee. **Senator Nonini** seconded the substitute motion. There was discussion on the substitute motion.

**Senator Rice** said he had looked at the statute and the proposed rule. He believes the process could be interpreted to require going to the legislature before moving forward. The way the rule is currently written, it removes future legislators from passing statutes to issue specialty license plates. Restraining actions of the legislature violates the State Constitution. The solution is to reject the rule as written and ask ITD to submit a new rule requiring ITD to bring requests to the legislature first.

**Senator Bock** asked how the rule fared in the House of Representatives. **Ms. Fisher** said the House had approved the rule.

**Senator Rice** said he had been approached by a Member of the House committee to reject the rule as they were looking at it again.

**Senator Winder** said he was having difficulty finding the language to which **Senator Rice** was referring. He commented that last year's law contemplated a reduction in specialty plates and not future legislative actions.

**Senator Rice** said that the statute does not refer to future legislation. The rule purports to limit future legislators; the statute does not.

**Senator Hagedorn** mentioned that 49-402d, Section 2, *Idaho Code*, says that any specialty license plate 'shall'; or, according to statute, in order to be considered, these things 'shall' be done. The legislature needs to correct the statute before ITD can correct the rule.

**Senator Bock** commented, in response to Senator Hagedorn, that legislative authority cannot be restricted in that way. The legislature can override legislative acts; it cannot be restrained in the way Senator Hagedorn suggested.

**Senator Hagedorn** agreed that the legislature can change statute, but rules are written by what current statute says (i.e., the consideration shall meet the following criteria). The legislature needs to adjust the statute so that ITD can adjust the rule. The process is: legislation is passed, and rules are written based on statute.

**Senator Bock** said the conflict is that the executive branch cannot limit what the legislature does. Any rule to underwrite what the legislature can do is unconstitutional.

**Senator Rice** suggested that it was unwise to accept a rule that is unconstitutional on its face.

**Senator Winder** offered that ITD was not limiting the Legislature as much as last year's legislation on specialty license plates has limited the Legislature. Specialty license plates were getting out-of-hand. We limited the Legislature because we believed the process had to be limited, but it does not preclude future legislation.

**Senator Bock** suggested it would be an easy fix if the rule limited its authority, but that is not the case.

**Senator Rice** agreed that the language does not purport to limit legislation; today's Legislature cannot limit tomorrow's legislators.

**Senator Hagedorn** said that this rule does not limit nor does it trump statute; nor does it limit bringing future legislation. Legislators are not limited by a rule to do whatever they want to do.

**Senator Rice** commented that ITD said they would reject a specialty license plate passed in the Legislature; he suggests the Committee reject the rule and fix the statute.

**Senator Winder** asked if the Committee could hold the rule and get input from the Attorney General's office.

**Senator Bock** concurred with Senator Winder; suggested the rule could be taken up at the next meeting.

**Senator Rice** suggested the Committee also confer with the House committee. There was no further discussion.

**AMENDED  
SUBSTITUTE  
MOTION:**

**Senator Keough** offered an amended substitute motion that **Docket No. 39-0260-1201** be held in Committee at the call of the Chair. **Senator Winder** seconded the amended substitute motion. **Senator Hagedorn** commented that ITD may be encumbered to prepare a temporary rule to meet the concerns of the Committee. **Senator Winder** suggested that was the reason to offer the amended substitute motion. With no further discussion, the amended substitute motion was approved by a unanimous **voice vote**.

**Senator Winder** thanked the members of the Committee for allowing this docket to receive further consideration.

**DOCKET NO.  
39-0261-1201**

**Vice Chairman Johnson** asked Ms. Fisher to present the next docket item.

**Ms. Fisher** stated that this rule is needed to create equity for those agencies eligible for exempt vehicle registration. One program is currently exempt from any payment, with all costs subsidized by ITD. This rulemaking will make the application process and registration cost consistent for all exempt license plates. It adds provisions specific to the undercover plate program. It also adds standard language required by the Office of Administrative Rules (Sections 002 through 006). In order to provide sufficient time for implementation and budget considerations (if the pending rule is approved by the legislature) it would become effective July 1, 2013. Prior to creating this rule, the process was handled in varying ways. The rule allows ITD to recover its administrative costs. There were no public comments made on this change. With that, **Ms. Fisher** stood for questions.

**Senator Winder** asked if federal license plates were exempt given the effective date, and therefore if the rule only applied to State and local plates. **Ms. Fisher** said that State, federal, out-of-state, and local plates would all be impacted. Those with later fiscal year endings would benefit from an earlier notification. **Senator Winder** asked why ITD did not engage in negotiated rulemaking given the many jurisdictions impacted; and how did ITD come to mutually agreed upon negotiations without it. **Ms. Fisher** said ITD did confer with ISP because they had the majority of the undercover license plates; they agreed with the rule. **Senator Winder** asked who in ITD decides whether to have negotiated rulemaking. **Ms. Fisher** deferred to Ms. Smith to respond to the question. **Ms. Smith** said ITD goes through a process and determines how to proceed based on answers to the questions posed. ITD's objective is to recoup administrative costs incurred, not to impose a new fee. **Senator Winder** again asked why negotiated rulemaking was not used and who at ITD makes that decision. **Ms. Smith** said it comes from the administrative staff. **Senator Winder** and **Vice Chairman Johnson** asked that the information being asked be provided to the Committee. There were no further questions from the Committee.

**MOTION:**

**Senator Nonini** moved that **Docket No. 39-0261-1201** be approved by the Committee. **Senator Winder** seconded the motion. With no further discussion, the Committee unanimously approved the docket by a **voice vote**.

Given the time, **Vice Chairman Johnson** suggested the remaining agenda items be taken up at the next Committee meeting. The Vice Chairman turned the meeting back to Chairman Brackett.

**ADJOURNED:**

**Chairman Brackett** noted that the Committee would submit a letter to the Attorney General requesting input on **Docket No. 39-0260-1201**. He stated that the remaining dockets on today's agenda would be taken up at the next meeting of the Committee. With no further business before the Committee, the Chairman adjourned the meeting at 2:56 p.m.

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Senator Brackett  
Chairman

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Gaye Bennett  
Secretary

AGENDA  
**SENATE TRANSPORTATION COMMITTEE**  
**1:30 P.M.**  
**Room WW53**  
**Tuesday, January 22, 2013**

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<b>MINUTES</b>	Approve Minutes of Tuesday, January 15, 2013, meeting.	<b>Senator Keough and Senator Hagedorn</b>
<b>ADMINISTRATIVE RULES</b>	Continue review of Administrative Rules as follows:	<b>Vice Chairman Johnson</b>
<a href="#"><u>39-0342-1201</u></a>	<u>Pending Fee Docket</u> : Rules Governing Highway Right-of-Way; Encroachments on State Right-of-Way	<b>Greg Laragan</b> , ITD Highway Operations Engineer
<a href="#"><u>39-0271-1201</u></a>	<u>Pending Docket</u> : Rules Governing Driver's License Violation Point System	<b>Ed Pemble</b> , ITD Driver Services Manager
<a href="#"><u>39-0304-1201</u></a>	<u>Pending Docket</u> : Rules Governing Movement of Disabled Vehicles	<b>Reymundo Rodriguez</b> , ITD Motor Vehicle Services Manager
<a href="#"><u>39-0310-1201</u></a>	<u>Pending Docket</u> : Rules Governing When an Overlegal Permit is Required	<b>Reymundo Rodriguez</b> , ITD Motor Vehicle Services Manager
<a href="#"><u>39-0341-1201</u></a>	<u>Pending Docket</u> : Rules Governing Traffic Control Devices	<b>Ethan Griffiths</b> , ITD Traffic Services Principal Technician
<a href="#"><u>39-0402-1201</u></a>	<u>Pending Docket</u> : Rules Governing Marking of Hazards to Air Flight	<b>Bill Statham</b> , ITD Aeronautics Division Administrator
<a href="#"><u>39-0260-1201</u></a>	<u>Pending Docket</u> : Rules Governing License Plate Provisions	<b>Christine Fisher</b> , ITD Registration Program Specialist

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Brackett	Sen Nonini
Vice Chairman Johnson	Sen Hagedorn
Sen Keough	Sen Bock
Sen Winder	Sen Buckner-Webb
Sen Rice	

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MINUTES  
**SENATE TRANSPORTATION COMMITTEE**

- DATE:** Tuesday, January 22, 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 (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; there was a quorum present.
- MINUTES:** **Chairman Brackett** welcomed everyone to the Committee. First on the agenda were the minutes from the January 15 meeting of the Committee. The **Chairman** recognized Senator Keough.
- MOTION:** **Senator Keough** said she had reviewed the minutes. She moved that the minutes of the Committee's January 15 meeting be approved. **Senator Hagedorn** seconded the motion. There was no discussion on the motion; the Committee unanimously approved the motion by a **voice vote**.
- RULES REVIEW:** **Chairman Brackett** asked Committee members to be aware there may be a joint committee meeting with the House Transportation and Defense Committee on Tuesday, February 12 at the Ada County Highway District (ACHD). Vans would be available at 1:00 p.m. to transport all committee members to ACHD. Members would be returned to the Capitol by 3:00 p.m. With that, the **Chairman** turned the meeting over to Vice Chairman Johnson to continue reviewing the Administrative Rules before the Committee.
- DOCKET NO. 39-0342-1201** **Vice Chairman Johnson** welcomed Greg Laragan, ITD Highway Operations Engineer, to the Committee to present the rule.
- Mr. Laragan** stated that this rule is in response to concerns raised by legislators, property developers and the private sector to find a means to reduce or minimize restrictions associated with access management. The rule clarifies and simplifies the permit appeal process, renames and redefines the highway types and access types, places more authority with district engineers, and restructures the fee schedule based on proposed land use.
- Mr. Laragan** said a temporary rule was written in order to create greater economic opportunity and development for private property owners and developers by providing greater access to property along state highways. This is property that might otherwise have less development potential due to inadequate access. The rule helps limit potential conflicts between development and safety by requiring adequate mitigation of development impacts. The temporary rule became effective on October 1, 2012; was amended on December 12, 2012; and is the same as the temporary rule in effect. If approved, the rule will become effective at the end of the legislative session.

This is a fee rule that has no negative fiscal impact on the general fund. The existing fee schedule has been restructured to recognize categories of land use as opposed to categories of approaches and encroachments. A cost/benefit analysis indicates that if right-of-way encroachment permits issued in Fiscal Year 2012 had been issued under the new fee schedule, the result would have been a revenue reduction of approximately \$1,750 or 4.2 percent, based on the issuance of nearly 800 permits statewide.

Negotiated rulemaking was not conducted because the temporary and proposed rule reflects the recommendations of the Access Management Committee established by the Idaho Transportation Department's (ITD) director in January 2011. The Access Management Committee consists of representatives from the legislature, the development community, departmental staff, and land use planning entities. **Mr. Laragan** participated in several meetings but was not a member of the committee. Senator Winder and Senator Hagedorn (former-Representative Hagedorn representing the House) were both members of the Access Management Committee. There were no public comments on this rule. With that, **Mr. Laragan** stood for questions.

**Senator Bock** asked Mr. Laragan to explain the purpose of the rule. **Mr. Laragan** said the rule is about access to state highway right-of-ways; when individuals want access to highways or want to change their access. The rule is the result of committee recommendations; it cuts three weeks out of the administrative process. New sections were added and several were deleted. District engineer requirements for traffic impacts have been modified, including deleting references to metric measurements. Fee schedules were simplified; a cost/benefit analysis showed a reduction in revenue. A copy of the analysis is included in the Administrative Rules book.

**Senator Rice** asked about the reference to "change of use" on page 18. **Mr. Laragan** used an example to explain the wording, i.e., if the land's use had previously been for residential and the new owner wanted to change it to commercial use.

**Senator Nonini** asked if the current owner could apply for a "change of use." **Mr. Laragan** responded that a current owner could change the use of the access as well.

**Senator Keough** asked about the exceptions listed on page 25, Section e, and wanted to know whether the engineer or the applicant makes the call on exceptions. **Mr. Laragan** said that at this stage, the district engineer made the determination.

As a follow-up to Senator Keough's question, **Senator Winder** commented that, as he understood it, the applicant has to provide a benefit analysis.

**MOTION:**

**Senator Winder** thanked ITD for dealing with this problem that has been evident for many years. There has been no way available to deal with property transitions from agricultural use to commercial or residential use. He commended ITD for their great effort to meet the needs of the public. With that, **Senator Winder** moved that **Docket No. 39-0342-1201** be approved by the Committee. The motion was seconded by **Senator Buckner-Webb**. With no further discussion, the Committee unanimously approved the docket by a **voice vote**.

**DOCKET NO.  
39-0271-1201**

**Vice Chairman Johnson** invited Ed Pemble, ITD's Driver Services Manager, to present the rule.

**Mr. Pemble** stated that last year's bill, S 1274, made texting while driving a moving violation; a violation not subject to points. ITD received two public comments opposing the exemption of points in texting violations. This rule deals with how violation points are assessed.

The new section in Idaho Code directs ITD to establish a violation point count system for various moving traffic violations and infractions. This rule implements the system and provides information and guidance to the public and those drivers impacted by violation points. The rule updates the standard required language, updates the "Point Count List" with specific violations, and acknowledges the point exemption to certain violations, such as texting. **Mr. Pemble** stood for questions.

**MOTION:** With no questions from the Committee, **Senator Nonini** moved that **Docket No. 39-0271-1201** be approved by the Committee. The motion was seconded by **Senator Rice**. With no further discussion, the Committee unanimously approved the docket by a **voice vote**.

**DOCKET NO. 39-0304-1201 & DOCKET NO. 39-0310-1201** **Vice Chairman Johnson** welcomed Reymundo Rodriguez, ITD's Motor Vehicle Services Manager, to the Committee. The **Vice Chairman** asked if Mr. Rodriguez wanted the Committee to consider **Dockets 39-0304-1201** and **39-0310-1201** together. The rules deal with the movement of disabled vehicles by tow trucks. **Mr. Rodriguez** said that he did want the Committee to consider the rules together. Language was stricken from 39-0310 to create 39-0304, a new rule. ITD handled the rules in this manner to eliminate confusion.

**Mr. Rodriguez** said that 39-0304 addresses the movement of vehicles by tow trucks. Language has been updated for better organization and to provide clarity. Industry needs are broader than what would be appropriate in the existing rule, which addresses when overlegal permits are required. The guidance for movement of disabled vehicles was originally established in a section of this rule that primarily addressed the waiver of permit policy restrictions in emergency situations; it was very limited in scope. The new rule provides great authority for the industry since their role in providing service to a disabled vehicle is not always related to an emergency. There are frequently many other elements to consider in the movement of transporting specialized equipment and loads.

**Mr. Rodriguez** said, with regard to 39-0310, that at the request of the towing companies and the Idaho Trucking Association, ITD proposed changes that will remove guidelines related to the movement of disabled vehicles from this rule and move them to a new rule, 39-0304. It will centralize the role, responsibility, and authority of tow trucks and wreckers in the movement of disabled vehicles. Two additional changes have been made to this rule: (1) relating to office hours, and (2) relating to emergency movement of implements of husbandry.

Rule 39-0310, along with its companion 39-0304, confers a benefit on the industry by creating a new rule that will better meet industry needs. With that **Mr. Rodriguez** stood for questions.

**MOTION:** With no questions from the Committee, **Senator Rice** moved that **Docket No. 39-00304-1201** be approved by the Committee. The motion was seconded by **Senator Winder**. With no further discussion, the Committee unanimously approved the docket by a **voice vote**.

**MOTION:** With no questions from the Committee, **Senator Winder** moved that **Docket No. 39-0310-1201** be approved by the Committee. The motion was seconded by **Chairman Brackett**. With no further discussion, the Committee unanimously approved the docket by a **voice vote**.

**Docket No. 39-0341-1201** **Vice Chairman Johnson** welcomed Ethan Griffiths, ITD's Traffic Services Principle Technician, to the Committee to present this rule.

**Mr. Griffiths** said that the most recently revised edition of the "Manual on Uniform Traffic Control Devices" (MUTCD), revised in 2009, established certain requirements for sign replacement, including deadlines. In response to concerns from those impacted, the Federal Highways Administration (FHWA) opted to extend or eliminate certain requirements for sign replacement, depending on the sign classification. Immediate adoption of the rule confirms those changes for state and local jurisdictions throughout Idaho. **Mr. Griffiths** said there were no public comments received on this rule; if approved, it will become effective at the end of the legislative session. This is only the sixth time ITD has come to the legislature requesting adoption of MUTCD. With that, **Mr. Griffiths** stood for questions.

**Vice Chairman Johnson** asked if the manual includes new reflective standards that haven't been addressed before, like safety at schools. **Mr. Griffiths** said it does and it will benefit the travelling public. The manual maintains standards and suggests either extending or upgrading signs if needed. **Vice Chairman Johnson** asked if it creates a physical impact to the state. **Mr. Griffiths** said it actually reduces it. There were no further questions from the Committee.

**MOTION:**

**Chairman Brackett** moved that **Docket No. 39-0341-1201** be approved by the Committee. The motion was seconded by **Senator Winder**. With no further discussion, the Committee unanimously approved the docket by a **voice vote**.

**DOCKET NO.  
39-0402-1201**

**Vice Chairman Johnson** welcomed Bill Statham, ITD's Aeronautics Division Administrator, to the Committee to present this rule.

**Mr. Statham** said this rule was updated to comply with H 511, as amended, from the 2012 legislative session. The rule establishes standards for lighting and marking guyed towers that are more than 50 feet in height (which have not been regulated by the Federal Aviation Administration (FAA) since 1969) to ensure the safety of pilots. The rule also adds definitions for key terms and updates, and clarifies existing requirements. It adds new requirements associated with the dimensions, design, color and lighting of guyed towers along with deadlines for implementation established in the bill. In addition, it identifies exemptions for power poles or structures owned and operated by an electric supplier as defined in Section 61-331A(4), Idaho Code, for any structure with the primary purpose of supporting telecommunications equipment, or for the military.

**Mr. Statham** said this rule has no fiscal impact on the state. The public comments received were of a technical nature; these issues were addressed. ITD is charged with identifying hazards and ensuring implementation is compatible with FAA rulings and jurisdictions. The rule takes effect at the end of the legislative session. With that, **Mr. Statham** stood for questions.

**Senator Nonini** commented that he was aware of last year's House bill brought forward by Representative Batt.

**Vice Chairman Johnson** said he had received concerns from ham radio operators; they wanted an explanation as to how ITD determines a hazard exists. **Mr. Statham** stated that ITD had also heard from ham radio operators. He believes it would take a legislative change to exempt this group. Ham radio operators are associated more with urban areas, and their towers have generally not been a problem. He speculated that the organization may bring legislation later this session.

**Senator Winder** offered that, as he understands it, they are trying to deal with the issue, but most ham radio towers are not guyed. The bill was not intended to focus on this group, but if they have a guyed tower over 50 feet, they should take precautions. He mentioned the hazard example the National Guard presented at the hearing last year.

**MOTION:** With no further questions, **Senator Winder** moved that **Docket No. 39-0402-1201** be approved by the Committee. The motion was seconded by **Senator Rice**. With no further discussion, the Committee unanimously approved the docket by a **voice vote**.

**DOCKET NO. 39-0260-1201** **Vice Chairman Johnson** welcomed Christine Fisher, ITD's Registration Program Specialist, back to the Committee to readdress this rule.

**Ms. Fisher** asked if the Committee wanted her to re-present the rule that was discussed at the last meeting of the Committee. **Senator Winder** stated the Committee had already heard her presentation and had asked many questions. **Senator Winder** asked if the Committee could hear from Senator Rice for an update.

**Senator Rice** stated that the Chairman sent the Attorney General (AG) a request for input on the rule; Committee members were sent the AG's response. The letter did not offer guidance on the constitutionality of the rule. **Senator Rice** suggested the Committee reject the rule and make the statute's intent clearer.

**Senator Winder** reminded the Committee that in the last hearing there was concern that the rule restricted future legislators; he suggested that there was not a restriction on legislative ability to act. Additionally, the rule could be less controversial. **Senator Winder** recommended the Committee adopt the rule and give instruction to ITD on how to deal with Committee concerns; then bring a new rule in the next session.

**Senator Keough** reminded the Committee that they are charged with either accepting or rejecting the rule before them.

**Senator Winder** agreed with Senator Keough, and suggested that it is within the members' ability to ask ITD to address the Committee's concerns with a future rule.

**Senator Rice** said it sets a bad precedence; he believes legislative intent should be spelled out regarding constitutional issues.

**Senator Winder** offered that by rejecting the rule, ITD is put in a difficult place when dealing with specialty license plates. If the intent of last year's bill was to reduce specialty license plates, falling under the old rules would not accomplish that objective. He believes it is better to adopt the rule than reject it.

**Senator Bock** apologized to Ms. Fisher for being in the middle of this discussion. He agreed with Senator Rice's approach and believes the right way to proceed is to amend the statute.

**Senator Winder** asked Ms. Fisher what would happen if the rule is rejected based on the legislation. **Ms. Fisher** deferred to Amy Smith, ITD's Vehicle Services Manager. **Ms. Smith** said that if the rule is rejected entirely, ITD would fall back to the statute as written in Idaho Code.

**Senator Bock** said that Idaho Code states the only way to add specialty plates is through legislation; this creates a conundrum, but statute should reflect the intent of the legislature.

**MOTION:** **Senator Rice** thanked ITD for their work on this issue. **Senator Rice** moved that **Docket No. 39-0260-1201** be rejected by the Committee. The motion was seconded by **Senator Bock**. Discussion followed.

**Senator Winder** asked what the impact would be and if ITD could administer current code without the rule. **Ms. Smith** said existing code offers "ideas" not "details." She suggested they could go through the process and then notify the Committee for guidance; ITD can move forward.

**SUBSTITUTE  
MOTION:**

**Senator Winder** suggested that not passing the rule opens up issues for ITD. He made a substitute motion to approve **Docket No. 39-0260-1201** as submitted. The substitute motion was seconded by **Chairman Brackett**. With no further discussion, a majority of the Committee rejected the substitute motion by a **voice vote**.

**VOTE ON  
ORIGINAL  
MOTION:**

**Vice Chairman Johnson** called for a vote on the original motion. With no further discussion, a majority of the Committee rejected **Docket No. 39-0260-1201** by a **voice vote**.

**ADJOURNED:**

**Vice Chairman Johnson** turned the meeting back to the Chairman. **Chairman Brackett** thanked the Vice Chairman for his work on the transportation Administrative Rules. With no further business before the Committee, **Chairman Brackett** adjourned the meeting at 2:30 p.m.

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Senator Brackett  
Chairman

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Gaye Bennett  
Secretary

JOINT  
**SENATE TRANSPORTATION COMMITTEE  
AND  
HOUSE TRANSPORTATION & DEFENSE COMMITTEE**  
1:30 P.M.  
Auditorium WW02  
Thursday, January 24, 2013

SUBJECT	DESCRIPTION	PRESENTER
<b>PRESENTATION</b>	The Idaho Transportation Department's Annual Update to the House and Senate Transportation Committees	<b>Brian Ness</b> , Director, Idaho Transportation Department

*(Please note the meeting is being held in the Auditorium WW02.)*

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Brackett  
Vice Chairman Johnson  
Sen Keough  
Sen Winder  
Sen Rice

Sen Nonini  
Sen Hagedorn  
Sen Bock  
Sen Buckner-Webb

COMMITTEE SECRETARY

Gaye Bennett  
Room: WW33  
Phone: 332-1332  
email: [stran@senate.idaho.gov](mailto:stran@senate.idaho.gov)

MINUTES  
JOINT MEETING  
**SENATE TRANSPORTATION COMMITTEE**  
**HOUSE TRANSPORTATION & DEFENSE COMMITTEE**

**DATE:** Thursday, January 24, 2013

**TIME:** 1:30 P.M.

**PLACE:** WW02 (Auditorium)

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

Chairman Palmer, Vice Chairman Shepherd, Representatives Wood, Wills, Bateman, Henderson, Denney, Gestrin, Gibbs, Hixon, Kauffman, Packer, Patterson, Youngblood, Ringo, King and Gannon

**ABSENT/ EXCUSED:** Representative(s) Wills and Henderson

**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 joint meeting of the Senate and House transportation committees to order at 1:35 p.m. He asked the secretaries to take silent roles. There was a quorum present. **Chairman Brackett** welcomed committee members and those in attendance to the meeting. He introduced Chairman Palmer of the House Transportation and Defense Committee.

**Chairman Brackett** said he was looking forward to the presentation by Brian Ness, Director of the Idaho Transportation Department (ITD). The **Chairman** made a brief announcement that there were committee photos scheduled for Senate members throughout the day and apologized in advance that Senate committee members may be coming and going to accommodate the schedule. Before asking Director Ness to begin his presentation, **Chairman Brackett** welcomed Idaho Transportation Board member, Julie DeLorenzo, to the hearing and asked if she would like to make a statement.

**Ms. DeLorenzo** thanked the committees for arranging today's joint session. She said that Idaho Transportation Board Chairman Jerry Whitehead sends his apologies for not being able to attend today's hearing. She was very pleased with the work ITD has accomplished under the leadership of ITD Director Brian Ness. **Ms. DeLorenzo** was pleased to be in attendance; and with that, she turned the meeting over to Director Ness.

**PRESENTATION:** **Director Ness** thanked Ms. DeLorenzo and Chairman Whitehead for their service to Idaho and ITD. He added that the Idaho Transportation Board members work very well together to make the best decisions for the state of Idaho; and to make ITD the best transportation department in the country. The **Director** also thanked the Governor's office and the two committee chairmen for their direction and service. He mentioned that the chairmen meet with him every over week. The **Director** then gave an overview of the topics he would cover in today's presentation.

**Director Ness** began with reviewing ITD's Fiscal Year 2014 budget request. ITD receives no money from the state's general fund. Their total budget request is just over \$550 million. Through the new federal transportation bill Idaho received \$25.5 million less in federal funds for highway uses. Even with that reduction, 86 percent of our budget is dedicated to the road for operations, maintenance and contract construction. They have kept administrative and overhead costs to a minimum. The Office of Performance Evaluations (OPE) audit was closed in November and accepted by the Joint Legislative Oversight Committee. The report commended ITD for acting swiftly and aggressively to address the audit recommendations. There were no legislative audit findings for ITD for the second year in a row.

The primary reason the budget is reduced from last year is MAP-21, the new federal transportation bill passed last fall. This two-year bill expires in September 2014. On October 1, 2014 either it will be extended or a new federal bill will be passed. There is a \$12 billion annual shortfall nationwide to the Highway Trust Fund. It is currently being supplemented from the federal general fund. Either Congress will need to raise additional transportation revenue or reduce funds going to the states. If additional revenue is not raised, Idaho could see its share of federal revenue cut by as much as \$100 million.

**Director Ness** discussed ITD's strategic plan and how it is being used to target transportation funding. To invest funding efficiently and effectively while delivering the best customer service possible, ITD developed a new mission and strategic plan in November 2011. Each of the plan's three goals has measurable performance indicators that were developed to support ITD's mission. The plan affects the entire organization, even into division and district business plans and individual employee performance plans. ITD changed from a "staggered" employee performance review system in which employees were evaluated on their anniversary date, to employees being reviewed on a common date. Employee performance reviews now support the goals of the strategic plan. The plan also aligns with the beginning of each fiscal year.

The **Director** discussed the strategic plan's goals and accomplishments. First goal is to have the safest transportation system possible. He cited many achievements in this area. The second goal is to provide a mobility-focused transportation system that drives economic opportunity. This goal moves ITD in a new direction by focusing on Governor Otter's "Project 60" goals first, and then making transportation system investment decisions to drive those goals. It is a major cultural shift for ITD that distinguishes them from the rest of the transportation departments in the country. ITD is working closely with the departments of Commerce, Labor, and Agriculture to develop tools to measure and maximize the impacts of their investments. The **Director** discussed the many milestone projects and accomplishments throughout the state that ITD completed in 2012.

The third goal is to become the best organization by continually developing employees and implementing innovative business practices. ITD changed its organizational culture to accomplish this goal. Following nontraditional employee surveying, ITD held a Leadership Summit. Approximately 200 employees attended that first summit in August 2012. It emphasized how employees at all levels must assume leadership roles to deliver the best customer service. The **Director** realigned the organization last year by: (1) reducing nine layers of management and supervision to five; (2) eliminating 62 positions that only supervised one employee; (3) eleven administrative positions were eliminated or redefined; (4) forty-seven duplicate positions were eliminated; and (5) the average span of control for each supervisor was increased from an average of three employees to between eight and ten. The realignment generated \$5.7 million in savings the first year and another \$7 million in the second year. He explained how the savings were used.

**Director Ness** then moved on to the Idaho Freight Study finalized in December 2012. ITD and its partners in agriculture, natural resources and the shipping industries, as well as state, local and federal agencies. They all worked together over 12 months to identify how to improve the movement of freight in Idaho. The final report lists six recommendations that ITD is committed to implement.

By implementing the strategic plan, ITD is being recognized as national leader in innovative practices. The **Director** listed the many national recognitions ITD has received. He presented a video and offered further examples of savings, revenue enhancements, bridge needs, and pavement needs that ITD is addressing.

For this year, ITD will continue to focus on implementing their strategic plan and measuring the results. They will review current and future performance measures for the opportunity to transform them from "lag to lead" measures. **Director Ness** concluded by stating he is confident that through the vision and direction of the governor, legislature, transportation board and the hard work of their employees, ITD will reach its goal of being the best transportation department in the country. The **Director** stood for questions.

**Representative Ringo** asked about ITD's 2014 budget request and why it focuses on the federal debt service on federal funds received. She asked how would reductions play-out in the future. **Director Ness** said that the \$80 million in Grant Anticipation Revenue Vehicle (GARVEE) funds was part of last year's legislative appropriation, which was generated by savings. There is no addition to the debt, but if federal funding increases, then the debt would be lower. ITD needs to plan for that possibility and watch what is being used towards bridges. **Representative Ringo** changed topics and asked what the legislature could expect in the future from ITD with regard to a revenue plan. **Director Ness** said ITD was focused on educating the legislature on how transportation is funded, but a discussion on revenue does have to occur in the future – i.e., what are the funding priorities; as time passes there are fewer areas where savings can be realized; and where should the limited resources be used to produce the best possible result.

**Vice Chairman Johnson** asked approximately how many passenger miles are driven annually in Idaho; and how might limiting weight load enhance Idaho's economy. **Director Ness** offered to get back to the committees with the number of passenger miles driven per year. He said there are many factors that go into weight and height restrictions. Given transportation is a key factor in Idaho's economy, ITD looks at what might be impeding productivity. He used forest products as an example of weight restrictions that could reduce the number of trucks, but have the same weight load on bridges. Another example was at the Port of Lewiston where ITD is improving conditions in order to get trucks to and from the port. ITD has shifted to thinking externally in order to focus on Idaho's economy.

**Representative Wood** commented how pleased she is with the improvements at ITD under Director Ness; she appreciates the thorough presentation. The Director has proved that he meant what he said he would do when he became ITD's director.

**Senator Rice** asked how ITD collaborates with the Department of Commerce when looking at economic impact. **Director Ness** said ITD and Commerce meet quarterly to keep abreast of economic activities, like when a new business is contemplating moving to Idaho (examples: Chobani Yogurt and the overpass near the hospital in Pocatello). ITD is getting better at shifting and reacting to opportunities in advance, which will make Idaho more attractive to businesses who are considering relocating.

**Representative King** asked if ITD could provide a pie-chart showing spending on maintenance, bridges, administration, and the amount actually going into roadways. **Director Ness** didn't have that chart with him, but he stated that administrative overhead is under five percent. Ninety-five percent of the budget goes into road projects or maintenance on the road. ITD takes care of the current system in place before new projects can be done (examples: bridges and economic opportunities). With the number of height and width restrictions, it will take seven years to achieve roadway standards.

**Senator Nonini** asked what the State Tax Anticipated Revenue (STAR) balance is with the State Tax Commission. **Director Ness** said he would follow-up with that information.

**Senator Hagedorn** concurred with Representative Wood; he added that the difference before Director Ness came to ITD and now is a 180 degree change for the better. The Senator stated that funds currently come from "donee" states taxes, and he wanted to know how changes to this funding format would impact ITD. **Director Ness** agreed that Idaho is a "donee" state. Transportation is not just important within Idaho but also with neighboring states and the entire system. He said he was concerned that the federal plan is only a two-year plan. The **Director** had recently been to Washington, DC meeting with the Idaho Congressional Delegation expressing his concern. **Senator Hagedorn** asked what the implications would be if we lost \$100 million in federal funding. **Director Ness** said it would totally change ITD's strategy from big construction jobs to a "what do we do with what we have" scenario. Everything would be accelerated and they would hold projects together as best they could. Possible changes included restricting GARVEE projects and shifting highway funds into bridges.

**Senator Keough** asked if the Director could update the committees on the Idaho bridges affected. **Director Ness** said any effect would be minimal and offered that ITD would provide an updated list to committee members following the meeting.

**Representative Wood** asked if the members of the transportation committees could help ITD in any way, perhaps with local jurisdictions. **Director Ness** suggested they could keep the local jurisdictions updated on the impact projects would have. He said communication is key and ITD is working hard to ensure that local jurisdictions have the information they need.

With no further questions, **Director Ness** concluded his remarks by thanking the committee chairmen and members.

**ADJOURNED:**

**Chairman Brackett** thanked Director Ness for his overview of ITD. He asked the audience if there were any questions for the committees; there were none. **Director Ness**, in response to an earlier question from Vice Chairman Johnson, stated he had just learned there were 15 billion vehicle miles traveled on Idaho's highways last year. **Chairman Brackett** thanked the Director, both committees, and Chairman Palmer. He adjourned the meeting at 2:35 p.m.

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Senator Brackett  
Chairman

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Gaye Bennett  
Secretary

**AMENDED AGENDA #1**  
**SENATE TRANSPORTATION COMMITTEE**  
**1:30 P.M.**  
**Room WW53**  
**Tuesday, January 29, 2013**

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<b>MINUTES</b>	Approve minutes of the Thursday, January 17, 2013 committee meeting.	<b>Senator Rice and Senator Bock</b>
<a href="#"><u>RS21705C1</u></a>	Honors Idaho Veterans by formally recognizing their service on their state drivers' license or identification card.	<b>Senator Hagedorn</b>
<a href="#"><u>RS21715</u></a>	Amends Idaho Code to update the definition of "Motorbike" to keep up with changing technologies.	<b>Senator Hagedorn</b>
<a href="#"><u>RS21738C1</u></a>	Amends Idaho Code to revise the definition of "Veteran."	<b>Senator Hagedorn</b>
<a href="#"><u>S 1006</u></a>	Changes requirements for notification, public hearing and appeal when a state highway is relinquished to a local jurisdiction.	<b>Tom Cole</b> , ITD Chief Engineer
<a href="#"><u>S 1007</u></a>	Amends Idaho Code to stagger vehicle registrations year-to-year and coordinates with the DMV Modernization effort.	<b>Christine Fisher</b> , ITD Registration Program
<a href="#"><u>S 1008</u></a>	Allows ITD to eliminate the salvage certificate and utilize the certificate of title for salvage vehicle ownership.	<b>Barry Takeuchi</b> , ITD Titles Program Specialist

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Brackett	Sen Nonini
Vice Chairman Johnson	Sen Hagedorn
Sen Keough	Sen Bock
Sen Winder	Sen Buckner-Webb
Sen Rice	

COMMITTEE SECRETARY

Gaye Bennett  
Room: WW33  
Phone: 332-1332  
email: stran@senate.idaho.gov

MINUTES  
**SENATE TRANSPORTATION COMMITTEE**

- DATE:** Tuesday, January 29, 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 the secretary took a silent roll. With a quorum present, the **Chairman** moved to the first item on the agenda.
- MINUTES:** **Chairman Brackett** asked if there was a motion to approve the minutes of the January 17 Committee meeting.
- MOTION:** **Senator Bock** moved that the minutes of the January 17 meeting be approved. **Senator Rice** seconded the motion. With no discussion, the motion carried by unanimous **voice vote**.
- RS 21705C1:** **Chairman Brackett** asked Senator Hagedorn to present **RS 21705C1**. **Senator Hagedorn** said the legislation seeks to honor Idaho veterans and formally recognize their service by allowing the Division of Motor Vehicles (DMV) to add information to state drivers' licenses or identification cards signifying the holder's status as a veteran. The bill will also allow DMV to share demographic data with the Idaho Division of Veterans Services (IDVS), which will help develop a more in-depth understanding of who Idaho veterans are and how IDVS can serve them better, especially by helping veterans receive more of their earned benefits. The fiscal impact of this legislation is a \$50,000 one-time spending authority from IDVS for contractor costs at the DMV to make necessary system changes for the card designation. **Senator Hagedorn** stood for questions.
- Senator Bock** offered a comment thanking Senator Hagedorn for bringing the legislation forward; he would have introduced it if Senator Hagedorn had not.
- As a veteran, **Senator Winder** also thanked Senator Hagedorn, and asked if this would open up the possibility of a specialty license plate. **Senator Hagedorn** said there was already such a plate available. **Senator Winder** clarified by using veteran nurses as an example of possible license plate requests. **Senator Hagedorn** indicated he was not aware of additional request, but thought it would be the right thing to do.
- MOTION:** With no further questions, **Senator Keough** moved to print **RS 21705C1**. **Senator Bock** seconded the motion. The motion carried by unanimous **voice vote**.
- RS 21715** **Chairman Brackett** asked **Senator Hagedorn** to present **RS 21715**, which amends Idaho Code § 49-114, by revising the definition of a "motorcycle" to reflect changing technologies and to make technical corrections. The updated definition will encompass motorbikes that utilize stabilizing wheels. There is no fiscal impact to the general fund. **Senator Hagedorn** reviewed in detail the changes on lines 15 through 18 and explained the rationale behind the revisions; he stood for questions.

**MOTION:** With no questions, **Senator Bock** moved to print **RS 21715**. **Senator Winder** seconded the motion. The motion carried by unanimous **voice vote**.

**RS 21738C1** **Chairman Brackett** asked **Senator Hagedorn** to present **RS 21738C1**, which amends Idaho Code § 65-502, to revise the definition of "veteran." Currently the definition of a veteran, as defined in § 65-502, requires a person to have served on active duty in the armed forces during a war or in a combat zone. The current definition of "veteran" under Idaho Code alienates many who have served, but may not have served in what is considered a war or combat zone as defined by the federal government under U.S. Code. The revision strikes out the requirement to have served in a war or combat zone. The legislation recognizes those who have served at least 180 days in the military and have honorable discharges as being veterans. **Senator Hagedorn** reviewed the revisions beginning with line 41 on page two through page three and stood for questions.

**Senator Rice** asked if a soldier who went through boot camp, got sent into combat and was wounded, but only served 170 days before being sent home would qualify as a veteran under this legislation. **Senator Hagedorn** said that he would not qualify, but the scenario's possibility is very rare.

**Vice Chairman Johnson** asked if this new definition would change any other statutes dealing with the responsibility of the state towards veterans. **Senator Hagedorn** responded that the sole purpose of the change is to help veterans find employment.

**Senator Bock** asked if disabled veteran groups were supportive of this legislation. **Senator Hagedorn** said he had worked with as many veteran groups as he could. The Division of Veteran Affairs has vetted this across the state and have received no negative feedback.

**Chairman Brackett** asked if serving in the national guard or the reserves would qualify an individual as a veteran. **Senator Hagedorn** answered that it would if the individual had served in active duty and had an honorable discharge. **Chairman Brackett** asked for clarification for someone who had joined the national guard, served in the guard, and returned home. **Senator Hagedorn** said he would get that information for the Chairman. **Chairman Brackett** remarked that the American Legion considers national guard members to be veterans.

**Senator Rice** wanted to insure that this did not conflict with federal code. **Senator Hagedorn** indicated there is no specific list of combat zones.

**Senator Bock** said he would like to hear from a broad range of veteran organizations to insure that this change is accepted. **Senator Hagedorn** said it was his intention to send the bill out to all veteran groups for comment.

**MOTION:** With no further questions, **Senator Rice** moved to print **RS 21738C1**. **Senator Buckner-Webb** seconded the motion. The motion carried by unanimous **voice vote**. **Chairman Brackett** asked **Senator Hagedorn** to be prepared at the bill's hearing with responses to the Committee's questions.

**S 1006** **Chairman Brackett** welcomed Mr. Tom Cole, Idaho Transportation Department (ITD) Chief Engineer, who presented **S 1006**. **Mr. Cole** explained that portions of Idaho Code, § 40-310 and § 40-203B, are inconsistent in how they relate to relinquishing state routes to local jurisdictions. He said this legislation deletes the portion of § 40-310 that refers to requirements for notification, public hearing and appeal, because they do not apply when a highway can only be relinquished by consent of the recipient. He also pointed out the public hearing provisions were outdated and would be eliminated. **Mr. Cole** stood for questions.

**Senator Keough** asked if the public inquiries response time period had been eliminated. **Mr. Cole** said it had been eliminated, but it exists in other policies approved by ITD, like those pertaining to holding public hearings.

**Senator Nonini** asked what the length of time was before property has to be relinquished. **Mr. Cole** said that it depends on the circumstance. A normal time frame is two to three years, but there are no limitations and, therefore, it could take longer. **Senator Nonini** wanted to know the steps in the process. **Mr. Cole** said it includes negotiations (a very important part) and maintenance issues (i.e., slide areas). Problems with either could prolong the process. **Senator Nonini** offered an example of a court case in Coeur d'Alene that ITD lost; it then went to the Supreme Court. He wanted to know the effect on the owners of the relinquished property. **Mr. Cole** said that ITD only relinquishes what is needed. There were no further questions for Mr. Cole.

**Chairman Brackett** welcomed the Valley View High School Future Farmers of America to the Committee before inviting and welcoming Mr. Steve Price, General Council for the Ada County Highway District (ACHD), who presented testimony in favor of the bill.

**MOTION:** With no additional testimony or questions, **Senator Hagedorn** moved that **S 1006** be sent to **14th order** for amendment. **Senator Nonini** seconded the motion. The motion carried by unanimous **voice vote**. **Senator Hagedorn** will carry the bill on the Senate floor.

**S 1007** **Chairman Brackett** called Ms. Christine Fisher, ITD Registration Program, to the podium to present **S 1007** relating to Motor Vehicle Registration. The legislation will amend Idaho Code, § 49-402, § 49402A and § 49-434, by adding language relating to staggered registration; and providing an effective date. **Ms. Fisher** explained that when the codes were created, ITD used preprinted expiration date decals to authenticate the license plates. Certain sections of code did not provide for prorating; therefore, the customer would pay for a whole year and receive only the remaining months left in the year (i.e., an applicant files for motorcycle registration in October, pays the full fee, and the registration expires at the end of December of the same year). This system also creates a heavy workload surge at the end of the year for the counties and services for registrations that expire at the same time. With this revision, a vehicle registered on June 1, which would previously have expired December 31, will now remain in effect until May 31 of the following year. **Ms. Fisher** stood for questions.

**Senator Nonini** asked about the fiscal note that lists a \$40,000 loss to the Skills Training Advantage for Riders (STAR) program, a motorcycle safety program, and wanted to know what the STAR program presently receives annually. **Ms. Fisher** did not have the amount at hand, but indicated the difference lies in the fact that motorcycles will no longer be paying the full annualized registration amount. **Ms. Fisher** deferred Senator Nonini's question to Mollie McCarty, ITD's Government Affairs Program Manager. **Ms. McCarty** offered to provide the data, but thought it was a 15 to 20 percent change. **Senator Nonini** asked if that percentage change represented the \$40,000 loss. **Ms. McCarty** said she thought it did.

**Senator Bock** asked if the revenue loss was a one-year phenomenon. **Ms. McCarty** said it would be on-going because there are about 20 percent new motorcycle registrations each year.

**Senator Hagedorn** asked what was the current growth rate in motorcycle registrations in Idaho. **Ms. McCarty** did not have that information with her, but would provide it to the Senator.

**Vice Chairman Johnson** asked why the effective date was not until July 1, 2014. **Ms. Fisher** said that it coincided with the schedule of the vendor updating ITD's system. **Vice Chairman Johnson** asked if it could be implemented sooner. **Ms. Fisher** responded that there was a set time-line in which new programs were implemented; there are new programs ahead of this one. The date reflects a date that ITD knows they will be able to implement this program. There were no further questions for Ms. Fisher.

**Chairman Brackett** invited Michelle Adette of the Motorcycle Riders Association to testify on **S 1007**. Her testimony was in support of the bill. There were no questions for Ms. Adette.

**Senator Nonini** asked that ITD provide him with a breakdown of the amount of dollars the STAR program would lose annually from this legislative change. **Chairman Brackett** asked Ms. McCarty to provide that data to the Committee.

**MOTION:**

With no further questions or testimony, **Senator Bock** moved to send **S 1007** to the floor with a **do pass** recommendation. **Senator Rice** seconded the motion. The motion carried by unanimous **voice vote**. **Senator Bock** will carry the bill on the Senate floor.

**S 1008**

**Chairman Brackett** welcomed Mr. Barry Takeuchi, ITD Titles Program Specialist, to present **S 1008**. **Mr. Takeuchi** said **S 1008** amends Idaho Code § 49-524, relating to motor vehicle salvage certificates and salvage pools to provide for the submission of applications for salvage certificates by insurance companies and salvage pools. It provides for ITD to issue salvage certificates with the notation, "theft recovery." **Mr. Takeuchi** explained that this legislation will allow the department to gain efficiencies by eliminating usage of the salvage certificate form and utilizing the certificate of title form for salvage vehicle ownership. To accomplish the change, salvage titles will be issued solely by ITD, and they will store and secure all certificates of title. Insurance companies and salvage pools that currently issue salvage certificates will forward the prior ownership document with an application for salvage title to ITD, who will then issue the salvage title.

**Mr. Takeuchi** said the legislation would: (1) increase security of the stock of blank ownership documents; (2) improve the timeliness of recordation; and (3) improve the quality and consistency of salvage titles. He said the bill would result in a reduction of approximately \$7,000 in annual revenue, because the current salvage certificate fee of \$15.00 for salvage vehicles would be replaced by the certificate of title fee which is \$14.00. **Mr. Takeuchi** stood for questions.

**Senator Rice** asked where definitions of "salvage" could be found in Idaho Code. **Mr. Takeuchi** said it was located in Section 49-123(o), Idaho Code. There were no further questions for Mr. Takeuchi.

**MOTION:**

With no further questions or testimony, **Senator Bock** moved to send **S 1008** to the floor with a **do pass** recommendation. **Vice Chairman Johnson** seconded the motion. The motion carried by unanimous **voice vote**. **Senator Buckner-Webb** will carry the bill on the Senate floor.

**ADJOURNED:**

With no further business before the Committee, **Chairman Brackett** adjourned the meeting at 2:46 p.m.

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Senator Brackett  
Chairman

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Gaye Bennett  
Secretary

AGENDA  
**SENATE TRANSPORTATION COMMITTEE**  
**1:30 P.M.**  
**Room WW53**  
**Thursday, January 31, 2013**

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<b>GUBERNATORIAL APPOINTMENT</b>	The appointment of <b>Charles "Chip" A. Kemper</b> of Idaho Falls to the Aeronautics Advisory Board to serve a term commencing January 31, 2013 and expiring January 31, 2018.	<u>INTRODUCTION OF MR. KEMPER:</u> <b>Michael Pape</b> , Administrator of the Idaho Division of Aeronautics
<a href="#"><u>RS21697</u></a>	Requires anyone applying for a wholesale dealer license to complete an ITD-approved 4-hour education program developed and offered by the Idaho Independent Automobile Dealers Association.	<b>Senator Winder</b>
<a href="#"><u>RS21844</u></a>	Encourages the Idaho Department of Commerce, in collaboration with stakeholders, to apply to be one of six FAA unmanned aircraft system test sites.	<b>Senator Winder</b>
<a href="#"><u>RS21845</u></a>	Establishes restrictions in gathering evidence or other information through the use of a drone or other unmanned aircraft.	<b>Senator Winder</b>
<a href="#"><u>RS21846</u></a>	Local authorities may alter or establish certain speed limits, and minimum speed limits may be established.	<b>Senator Winder</b>

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Brackett	Sen Nonini
Vice Chairman Johnson	Sen Hagedorn
Sen Keough	Sen Bock
Sen Winder	Sen Buckner-Webb
Sen Rice	

COMMITTEE SECRETARY

Gaye Bennett  
Room: WW33  
Phone: 332-1332  
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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.

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Senator Brackett  
Chairman

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Gaye Bennett  
Secretary

**AMENDED AGENDA #1**  
**SENATE TRANSPORTATION COMMITTEE**  
**1:30 P.M.**  
**Room WW53**  
**Tuesday, February 05, 2013**

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<b>GUBERNATORIAL APPOINTMENT</b>	The appointment of <b>R. James Coleman</b> of Coeur d'Alene to the Idaho Transportation Board to serve a term commencing January 31, 2013 and expiring on January 31, 2019.	<u>INTRODUCTION OF MR. COLEMAN:</u> <b>Jerry Whitehead</b> , Idaho Transportation Board Chairman
<b>VOTE ON GUBERNATORIAL APPOINTMENT</b>	Vote on the appointment of <b>Charles "Chip" A. Kemper</b> of Idaho Falls to the Aeronautics Advisory Board. Hearing was held on January 31, 2013.	
<b>MINUTES</b>	Approve the minutes of the Tuesday, January 22, 2013 Committee meeting.	<b>Senator Winder</b> and <b>Senator Nonini</b>
<a href="#"><u>S 1043</u></a>	Honors Idaho Veterans by formally recognizing their service on their state drivers' license or identification card.	<b>Tamara Mackenthun</b> , Deputy Administrator, Idaho Division of Veterans Services
<a href="#"><u>S 1044</u></a>	Amends Idaho Code to update the definition of "Motorbike" to keep up with changing technologies.	<b>Senator Hagedorn</b>

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Brackett	Sen Nonini
Vice Chairman Johnson	Sen Hagedorn
Sen Keough	Sen Bock
Sen Winder	Sen Buckner-Webb
Sen Rice	

COMMITTEE SECRETARY

Gaye Bennett  
Room: WW33  
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MINUTES  
**SENATE TRANSPORTATION COMMITTEE**

**DATE:** Tuesday, February 05, 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** welcomed everyone to the hearing.

**GUBERNATORIAL APPOINTMENT:** **Chairman Brackett** welcomed Jerry Whitehead, Chairman of the Idaho Transportation Board (Board), to the Committee, and asked him to introduce R. James Coleman who is under consideration for reappointment to the Board.

**Mr. Whitehead** thanked the Chairman and the Committee and introduced **Mr. Coleman** who took the podium to present a brief introductory background of his experience. He is a graduate of Boise High School. He is a wastewater environmental engineer and has built a career with J-U-B Engineers. He has worked in their offices in Nampa, Twin Falls and Coeur d'Alene, where he currently lives. He went on to discuss his years of experience in the transportation field and his first appointment to the Board by Governor Otter when the Idaho Transportation Department (ITD) was having problems. **Mr. Coleman** stood for questions.

A question-and-answer period ensued from **Senator Buckner-Webb** who knew Mr. Coleman in high school, **Senator Winder** who thanked Mr. Coleman for his willingness to serve on the Board for a second term, **Senator Keough** who enjoyed working with Mr. Coleman in North Idaho, **Senator Nonini** who expressed Mr. Coleman's positive reputation in Coeur d'Alene, **Senator Johnson** who was concerned about road and bridges issues, and **Senator Hagedorn** who thanked Mr. Coleman for "stepping up." In response to their questions, **Mr. Coleman** offered his position on safety versus maintenance costs, heavy truck safety, user fees, administrative fees and other revenue sources. **Chairman Brackett** thanked Mr. Coleman for his comments and insight, and reminded the Committee members that the vote on Mr. Coleman's appointment would occur at the next meeting of the Committee.

**GUBERNATORIAL APPOINTMENT:** **Chairman Brackett** addressed the next item of business, which was a vote on the appointment of Charles "Chip" A. Kemper of Idaho Falls to the Aeronautics Advisory Board. The hearing on this appointment was held on January 31, 2013.

**MOTION:** **Senator Hagedorn** moved that the committee recommend the appointment of Charles "Chip" A. Kemper to the Aeronautics Advisory Board be approved by the Senate. **Senator Bock** seconded the motion. The motion carried by unanimous **voice vote**. **Chairman Brackett** will carry the appointment on the Senate floor.

**MINUTES:** **Chairman Brackett** addressed the next item of business, which was approval of minutes of the January 22, 2013 Committee meeting.

**MOTION:** **Senator Winder** moved that the minutes of January 22, 2013 be accepted. **Senator Nonini** seconded the motion. The motion carried by unanimous **voice vote**.

**S 1043** **Chairman Brackett** welcomed Ms. Tamara Mackenthun, Idaho Division of Veterans Services' (IDVS) Deputy Administrator, to the podium to present **S 1043**. **Ms. Mackenthun** said the purpose of **S 1043** is to offer Idaho veterans the option to include the word "veteran" on their driver's license or identification card. She said the intention of this legislation is to formally recognize a veteran's service with this designation, especially Vietnam veterans for whom any level of recognition is important. The legislation would also: (1) identify veterans who might not know they are eligible for IDVS benefits, including medical services; (2) potentially reduce the need for state-funded benefits for these veterans, particularly for Medicaid benefits; and, (3) gain a better understanding of who Idaho veterans are and how we can serve them better. **Ms. Mackenthun** said the legislation is a convenient means of providing proof of a veteran's status and will ensure that veterans receive any special services available, such as employment, merchants, law enforcement and first responders. **Ms. Mackenthun** stood for questions.

**TESTIMONY:** **Chairman Brackett** recognized testimony from **Eric Danielson**, who said he was speaking as a private citizen. He is a medically retired Army Flight Medical Non-Commissioned Officer (NCO), and is currently a Senate intern. He spoke in support of **S 1043**, emphasizing that the ability for veterans to be identified in this way would save lives. There were no questions for Mr. Danielson. **Chairman Brackett** thanked Mr. Danielson for his testimony.

**MOTION:** With no further testimony or questions, **Senator Hagedorn** moved to send **S 1043** to the floor with a **do pass** recommendation. **Senator Bock** seconded the motion. The motion carried by unanimous **voice vote**. **Senator Hagedorn** will carry the bill on the floor.

**S 1044** **Chairman Brackett** asked **Senator Hagedorn** to present **S 1044**, who said this bill amends Idaho Code § 49-1114 by revising the definition of "motorcycle" to reflect changing technologies. **Senator Hagedorn** asked Marieann Christman, representing various motorbike groups, to the podium to explain the rationale for this legislation. He identified Ms. Christman as the original author of the bill.

**TESTIMONY:** **Ms. Christman** gave a special thank you to Senator Hagedorn for his sponsorship of this legislation. As a motorbike rider herself, Ms. Christman represents many motorbike riders using our roadways. She encourages the passage of **S 1044** because this updated definition encompasses motorbikes that utilize attached stabilizing wheels. She said the benefit is primarily for those who want a safer and more economical means of transportation. She specifically identified "baby-boomers" and handicapped individuals as groups who could benefit from this legislation. **Ms. Christman** said the stabilizing wheels provide higher visibility, greater safety, fewer accidents and more stability. By not legalizing such vehicles, she feels the current law is discriminatory. **Ms. Christman** stood for questions.

**Senator Bock** asked if ITD has weighed in on this legislation. **Ms. Christmas** said that ITD had given her a very positive response.

**Senator Hagedorn** asked if ITD was planning to testify. **Ms. Christman** said ITD had no concerns with the proposal as written and would not be testifying. There were no further questions for Ms. Christman.

**Chairman Brackett** thanked Ms. Christman for her testimony and called for a motion on the bill.

**MOTION:**

**Senator Rice** moved to send **S 1044** to the floor with a **do pass** recommendation. **Senator Hagedorn** seconded the motion. The motion carried by unanimous **voice vote**. **Senator Hagedorn** will carry the bill on the floor.

**ADJOURNED:**

There being no further business to come before the Committee, **Chairman Brackett** adjourned the meeting at 2:22 p.m.

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Senator Brackett  
Chairman

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Gaye Bennett  
Secretary

AGENDA  
**SENATE TRANSPORTATION COMMITTEE**  
**1:30 P.M.**  
**Room WW53**  
**Thursday, February 07, 2013**

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<b>COMMENTS</b>	Update on Transportation Committee issues and events.	<b>Chairman Brackett</b>
<b>VOTE ON GUBERNATORIAL APPOINTMENT</b>	Vote on the appointment of <b>R. James Coleman</b> of Coeur d'Alene to the Idaho Transportation Board. Hearing was held on February 5, 2013.	
<a href="#"><u>RS21902</u></a>	Amends Idaho Code to exempt Citizen Band (CB) and amateur radio towers from being lighted, marked, and painted.	<b>Senator Heider</b>
<a href="#"><u>RS21863</u></a>	Provides that 129,000 pound configured trucks can continue to operate on the 35 specified routes.	<b>Roy Eiguren,</b> Arkoosh Eiguren
<a href="#"><u>RS21922C3</u></a>	Provides that the authority having jurisdiction over its road may designate routes for loads up to 129,000 pounds by using the criteria established by ITD.	<b>Jim Riley,</b> Coeur d'Alene
<a href="#"><u>RS21951</u></a>	Concurrent Resolution to continue and facilitate a statewide Freight Transportation Task Force.	<b>John Watts,</b> Veritas Advisors
<a href="#"><u>RS21958</u></a>	Establishes restrictions in gathering evidence or other information through the use of a drone or other unmanned aircraft.	<b>Senator Winder</b>
<a href="#"><u>H 19</u></a>	Repeals Section 21-115, Idaho Code, relating to State designation of airports.	<b>Mike Pape,</b> Administrator of the Idaho Division of Aeronautics
<a href="#"><u>H 21</u></a>	Requires non-primary National Plan of Integrated Airport Systems airports to submit pre-application information and obtain ITD approval before submitting a request for federal grant funding.	<b>Bill Statham,</b> Idaho Division of Aeronautics

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Brackett	Sen Nonini
Vice Chairman Johnson	Sen Hagedorn
Sen Keough	Sen Bock
Sen Winder	Sen Buckner-Webb
Sen Rice	

COMMITTEE SECRETARY

Gaye Bennett  
Room: WW33  
Phone: 332-1332  
email: stran@senate.idaho.gov

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.

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Senator Brackett  
Chairman

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Gaye Bennett  
Secretary

**AMENDED AGENDA #1**  
**SENATE TRANSPORTATION COMMITTEE**  
**1:15 P.M.**  
**Room WW53**  
**Monday, February 11, 2013**

**SPECIAL MEETING OF THE COMMITTEE**

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#"><u>RS21964</u></a>	Creates a "volunteer EMS" license plate.	<b>Senator Nuxoll</b>
<a href="#"><u>RS21966C1</u></a>	Specialty license plate owners would be able to keep their plates even if the program is discontinued due to low sales.	<b>Senator Vick</b>
<a href="#"><u>RS21837</u></a>	Promotes the issuance of non-expiring trailer/semi-trailer registrations and improves customer service.	<b>Senator Hagedorn</b>
<a href="#"><u>RS22001</u></a>	Provides that road construction not block access or unreasonably divert traffic from businesses.	<b>Senator Rice</b>
<a href="#"><u>RS22016</u></a>	Concurrent Resolution to continue and facilitate a statewide Freight Transportation Task Force.	<b>John Watts</b> , Veritas Advisors

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Brackett  
Vice Chairman Johnson  
Sen Keough  
Sen Winder  
Sen Rice

Sen Nonini  
Sen Hagedorn  
Sen Bock  
Sen Buckner-Webb

COMMITTEE SECRETARY

Gaye Bennett  
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MINUTES  
**SENATE TRANSPORTATION COMMITTEE**

**DATE:** Monday, February 11, 2013

**TIME:** 1:15 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 1:15 p.m. and asked the secretary to take a silent roll. With a quorum present, the **Chairman** welcomed the Committee members and the audience to a special hearing of the Committee. The **Chairman** explained that today, February 11, is the last date that RSs can be referred for printing from a standing committees. Following today, only privileged committees can recommend RSs to print. Therefore, today's Committee meeting will take up RSs germane to transportation issues. With that explanation, the **Chairman** welcomed Senator Nuxoll to the Committee and asked her to present **RS 21964**.

**RS 21964** **Senator Nuxoll** introduced **RS 21964**, which amends Chapter 4, Title 49, Idaho Code, by adding a new Section 49-4290M to establish the Idaho Volunteer Emergency Medical Service (EMS) license plate program.

**Senator Nuxoll** reviewed the language contained in **RS 21964** and associated Statement of Purpose, which stipulates the license plate would be available only to active current volunteers who serve on licensed EMS units in Idaho. The plate represents a way to recognize and honor the service volunteer EMS providers in their communities. The fiscal impact is expected to be approximately \$3,000 that will be borne by the EMS Fund. **Senator Nuxoll** concluded by saying that the details of the bill have been worked out with the Idaho Transportation Department (ITD). She stood for questions.

**Vice Chairman Johnson** asked where the funding would come from to set up the program. **Senator Nuxoll** said the \$3,000 would come from the EMS Fund.

**MOTION:** **Senator Hagedorn** moved to print **RS 21964**. **Senator Nonini** seconded the motion.

**SUBSTITUTE MOTION:** **Senator Bock** moved to return **RS 21964** to the sponsor. The motion was seconded by **Senator Buckner-Webb**. **Senator Bock** said that specialty license plates are getting out of hand and a new one does not need to be added. With no further discussion, the **Chairman** called for a vote on the substitute motion. The substitute motion failed by **voice vote**.

**VOTE ON ORIGINAL MOTION:** The **Chairman** called for a vote on the original motion, which carried by majority **voice vote**.

**RS 21966C1** **Senator Vick** introduced **RS 21966C1**, amending Idaho Code § 49-443, to establish provisions relating to the use of specialty license plates. **Senator Vick** said the proposed legislation would allow owners to use their specialty plates for a period of seven years from the date of issuance, even if the specialty license plate program is discontinued during that period. If the program is discontinued, registration fees received thereafter would be deposited into the state highway account at ITD. **Senator Vick** stood for questions.

**MOTION:** With no questions or discussion, **Senator Nonini** moved to print **RS 21966C1**. **Senator Rice** seconded the motion. The motion carried by majority **voice vote**.

**RS 21837** **Senator Hagedorn** introduced **RS 21837**, which proposes an amendment to Idaho Code § 49-434 to allow Idaho-based trailer manufacturers to purchase trailer and semi-trailer registrations from ITD, and to allow annual registrations to foreign-based purchasers. **Senator Hagedorn** said the registration fee could be applied to a non-expiring registration if the customer acquires a title for the vehicle and applies for registration within one year. The proposed amendment lowers the non-expiring registration fee from \$105 to \$99. It was estimated there would be an ongoing net annual change of \$50,000. **Senator Hagedorn** stood for questions.

**Senator Nonini** asked if this was similar to legislation in the House two years ago. **Senator Hagedorn** said there was similar legislation that passed both the House and the Senate, and a national trailer plate is now permanent. There were no further questions.

**MOTION:** **Senator Winder** moved to print **RS 21837**. **Vice Chairman Johnson** seconded the motion. The motion carried by unanimous **voice vote**.

**RS 22001** **Senator Rice** introduced **RS 22001**, which reduces the negative impact on businesses of long-term roadway construction projects. It requires that construction, maintenance and/or repair shall be performed around the clock (24-hours per day, Monday through Saturday) if a construction project prevents access to businesses for a period greater than seven days. It further discusses projects that diverts traffic more than 150 feet away from the normal access to the business. Access blockage can have a severe economic impact on local businesses. **Senator Rice** stood for questions.

**MOTION:** **Senator Winder** moved to print **RS 22001**. **Senator Nonini** seconded the motion. The motion carried by unanimous **voice vote**.

**RS 22016** **Chairman Brackett** welcomed John Watts of Veritas Advisors to the Committee and asked him to present **RS 22016**. **Mr. Watts** called attention to changes in paragraph two of **RS 22016**, proposed as a Senate Concurrent Resolution (SCR). The basis for **RS 22016** came from **Mr. Watts'** previous legislation that had been heard and printed by the Committee, **SCR 111**. As stated in the Statement of Purpose, he said the proposed legislation creates a coordinated freight shipping plan throughout Idaho to further economic development and movement of goods. The legislation directs ITD, the Department of Commerce and the Department of Agriculture to work with transportation stakeholders to conduct a study of Idaho's freight transportation system, routes, facilities and future needs. In addition, the legislation requires an inventory be made of the present freight system, recommended linkages, coordination between ground, rail, water and air modalities, stakeholder collaboration and infrastructure development, along with funding recommendations. In short, it provides for pulling together a team and working out a process in order to do what is best for transportation in the state of Idaho. **Mr. Watts** stood for questions.

**Senator Hagedorn** thanked Mr. Watts for bringing the proposal back to the Committee with changes, but expressed concern with the paragraph beginning on line fifteen, page two, which he said would require a great many man-hours of record keeping. He wanted to know where the funding would come from. **Mr. Watts** said funds are available through the Ready-Fit Program and referenced a bill that had transferred money to ITD. He also stated he believed the Idaho Department of Agriculture had up to \$40,000 available for this type of study. **Senator Hagedorn** asked if this was a way to match a program to how available funds can be used. **Mr. Watts** said it was not. This is an effort to get the horse before the cart. Idaho needs the ability to point to a plan that will help Idaho business. There are funds available and there are efforts already moving forward. During a full hearing, the Idaho Department of Agriculture can answer questions about the financial impact.

**Senator Rice** asked which entities are not already at the table. He asked if ITD is being required to identify specific, as well as general shipping needs of every producer of commodities in the entire state. **Mr. Watts** said it is hoped that ITD will be able to get everyone to the table and actively involved. As for tracking, all types of shippers are needed to be involved, including ground, rail, water and air. He said ITD is accustomed to tracking things of this type. There were no further questions for Mr. Watts.

**MOTION:** **Senator Hagedorn** moved to send **RS 22016** to print and returned to the Committee. **Senator Keough** seconded the motion. The motion carried by a majority **voice vote**.

**ADJOURNED:** There being no further business to come before the Committee, **Chairman Brackett** adjourned the meeting at 1:45 p.m.

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Senator Brackett  
Chairman

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Gaye Bennett  
Secretary

**AMENDED AGENDA #1**  
**SENATE TRANSPORTATION COMMITTEE**  
**1:30 P.M.**  
**Room WW53**  
**Tuesday, February 12, 2013**

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<b>COMMENT</b>	Farewell to <b>Jessica Kennedy</b> , Senate Transportation Committee Page.	<b>Senator Brackett</b>
<a href="#"><u>S 1050</u></a>	Requires anyone applying for a wholesale dealer license to complete an ITD-approved 4-hour education program developed and offered by the Idaho State Independent Automobile Dealers Association.	<b>Rex Green</b> , Idaho State Independent Automobile Dealers Association
<a href="#"><u>H 39</u></a>	Provides statutory authority for initial and subsequent license fees for recreation vehicles.	<b>Tamara Humiston</b> , Idaho Department of Parks and Recreation
<a href="#"><u>H 41</u></a>	Clarifies when visually impaired individuals are considered competent to drive a motor vehicle.	<b>Angela Jones</b> , Idaho Commission for the Blind and Visually Impaired
<a href="#"><u>H 85</u></a>	Provides for filling a board vacancy for single county-wide highway districts.	<b>Jerry Deckard</b> , CapitolWest Public Policy Group

**Adjourn early to allow Committee members to view the 129,000 pound load limit truck on display on the East side of the Capitol.**  
(Located on 6th Street between State and Jefferson Streets.)

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Brackett	Sen Nonini
Vice Chairman Johnson	Sen Hagedorn
Sen Keough	Sen Bock
Sen Winder	Sen Buckner-Webb
Sen Rice	

COMMITTEE SECRETARY

Gaye Bennett  
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MINUTES  
**SENATE TRANSPORTATION COMMITTEE**

**DATE:** Tuesday, February 12, 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** turned to the first item on the agenda.

**FAREWELL TO SENATE PAGE:** **Chairman Brackett** said that this week marked the midway point in the legislative session, and it was time to say goodbye to Committee Page, Jessica Kennedy of Lewisville. He went on to state that Ms. Kennedy had been a very good Page for the Committee. He then presented her with letters from the Committee and a Senate watch memorializing her experience. He asked her to make a few remarks.

**Ms. Kennedy** thanked the Committee saying she had learned a lot from the experience and would miss being part of the legislative process. She is looking forward to graduating from high school and going on to college at BYU-Idaho in Rexburg.

**S 1050** **Chairman Brackett** welcomed Rex Green, Legislative Advisor to the Idaho State Independent Automobile Dealers Association, to the Committee and asked him to present **S 1050**.

**Mr. Green** presented background information relating to wholesale dealer's licensing requirements and the rationale for the amendment. **S 1050** amends Idaho Code § 49-1637 by revising provisions relating to education requirements of applicants for a wholesale dealer's license by requiring anyone who applies for such license must complete a four-hour education program developed and offered by the Idaho Independent Automobile Dealers Association and approved by the Idaho Transportation Department (ITD).

**Mr. Green** explained that when the Automotive Dealer Continuing Education requirements were enacted in 2004, the sponsors felt there would be limited application to wholesale-only dealers and focused on retail dealers and consumer related issues. Since that time, continuing education topics have expanded to subjects of which all dealers should be aware. Consequently, a task force commissioned by the Governor's Motor Vehicle Dealer Advisory Board examined wholesale-only licensing requirements and recommended that wholesale dealers attend both pre-licensing and continuing education classes to remain current on changing laws. **Mr. Green** said it makes sense to have new dealer applicants, both wholesale and retail, take the full pre-licensing class and the test so as to be fully prepared. **Mr. Green** stood for questions.

**Chairman Brackett** thanked Mr. Green for his presentation and, since there were no questions or additional testimony, he called for a motion.

**MOTION:** **Senator Hagedorn** moved to send **S 1050** to the Senate floor with a **do pass** recommendation. **Senator Buckner-Webb** seconded the motion. The motion carried by unanimous **voice vote**. **Senator Winder** will carry the bill on the Senate floor.

**H 39** **Chairman Brackett** welcomed Tamara Humiston of the Idaho Department of Parks and Recreation to the Committee and asked her to present **H 39**. **Ms. Humiston** reviewed the legislation, which amends Idaho Code § 49-445. It provides statutory authority for initial license fees of recreation vehicles to be prorated on a monthly basis for new owners, with subsequent renewals of annual licenses requiring annual fees regardless of the registration date. **Ms. Humiston** said there would be no fiscal impact to the Idaho Department of Parks and Recreation's registration funds because the prorated process has been in practice for years. **Ms. Huiston** stood for questions.

**Senator Keough** asked if this bill creates a statute that meets current practice. **Ms. Humiston** responded that the Senator was correct. With no further questions, **Chairman Brackett** called for a motion.

**MOTION:** **Senator Buckner-Webb** moved to send **H 39** to the Senate floor with a **do pass** recommendation. **Senator Keough** seconded the motion. The motion carried by unanimous **voice vote**. **Senator Buckner-Webb** will carry the bill on the Senate floor.

**H 41** **Chairman Brackett** welcomed Angela Jones, Administrator of the Idaho Commission for the Blind and Visually Impaired (Commission), to the Committee and asked her to present **H 41**. **Ms. Jones** reviewed the legislation, which amends Idaho Code § 49-326 to clarify when visually impaired individuals are considered competent to drive a motor vehicle by the use of assistive devices. **Ms. Jones** said this legislation provides allowances for individuals who may technically qualify for tax, welfare or other benefits or exemptions for the blind. Such individuals must meet a minimum visual acuity of 20/40 standards in at least one eye as certified by a licensed ophthalmologist or optometrist. All other driving qualifications and requirements must also be met. **Ms. Jones** stood for questions.

**Senator Rice** asked for greater detail relative to the bioptic device; what it does and how it works. **Ms. Jones** passed an optic device among the Committee members so they could examine them. She deferred the Senator Rice's question to Dr. Dwight Hansen, Rigby optometrist who works with the Commission and fits patients with bioptic devices, for technical clarification. **Dr. Hansen** referred the Committee to Ms. Jones' presentation slides (part of the permanent files of today's meeting), and described the graphic elements of how the device enlarges images for the visually impaired driver. **Senator Rice** asked if there were studies that address driving safety issues for individuals using bioptic devices. **Dr. Hansen** referred him to a website that defines magnification standards and regulations and contains data for some states. There is no data for Idaho. **Senator Rice** questioned the acuity on the part of the attached telescope, or carrier. He was concerned that there is no standard in the bill addressing the size of the telescope versus the lens.

A lengthy question-and-answer period ensued. **Senator Bock, Vice Chairman Johnson, Senator Rice, Senator Hagedorn and Senator Buckner-Webb** posed questions relative to possible conflict in allowing legally blind individuals to drive while receiving benefits, safety and accident issues, magnification standards, acuity of telescopic capabilities, night driving limitations, testing, and training. **Dr. Hansen** said that he practices in Idaho, Utah and Wyoming; only Wyoming has standards on the dimensions of the telescopic add-on, or carrier. Idaho currently does not have magnification standards. With regard to night driving limitations, **Dr. Hansen** said it would depend on a doctor's recommendations. He said the testing criteria is the same as it is for normal-sighted drivers. **Dr. Hansen** closed by stating there were between 200 and 250 Idaho drivers using bioptic devices.

**TESTIMONY:**

**Fred Riggers** of Boise testified in support of bioptic devices. He said that fifteen years ago the bioptic device improved his vision well enough to be able to drive. It allowed him to drive to work and to enjoy hunting. His peripheral vision continued to deteriorate which changed his ability to drive. There were no questions for Mr. Riggers.

**Ms. Jones** closed her presentation by stating her belief that there was neither a safety issue nor a legal conflict in allowing legally blind individuals the opportunity to drive with the aid of assistive devices. She thanked the Committee and asked for approval of **H 41**. With no further testimony or questions, **Chairman Brackett** called for a motion.

**MOTION:**

**Vice Chairman Johnson** moved to send **H 41** 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 85**

**Chairman Brackett** welcomed Jerry Deckard of the CapitolWest Public Policy Group to the Committee and asked him to present **H 85**. **Mr. Deckard**, representing the Ada County Highway District (ACHD), said **H 85** amends chapter 14, title 40, Idaho Code, by adding a new section 40-1404B. The legislation establishes provisions that make it possible to fill a vacancy on a highway district board for single county-wide highway districts. It specifies that the appointment will be in writing, properly filed, with provisions that the appointed individual is granted certain rights and powers and is subject to certain liabilities, duties and obligations. **Mr. Deckard** said this bill was brought forward because, until last year, there had never been a vacancy on the ACHD Commission. When one occurred, they realized there were no provisions in statute to deal with a vacancy. **Mr. Deckard** stood for questions.

**Senator Rice** asked why the Governor could not make the appointment. **Mr. Deckard** said it is a five-member board with unique circumstances, and the Attorney General recommended changing the statute.

**Senator Hagedorn** asked if the language contained in the new section is analogous with language used in similar circumstances. **Mr. Deckard** replied that the same or similar language has been used in several other board-of-commissioners appointments. There were no further questions for Mr. Deckard.

**MOTION:**

**Senator Hagedorn** moved to send **H 85** to the floor with a **do pass** recommendation. **Senator Nonini** seconded the motion. The motion carried by majority **voice vote**. **Senator Rice** asked to be recorded as voting against the motion. **Senator Hagedorn** will carry the bill on the Senate floor.

**ADJOURNED:** Before adjourning the meeting, **Chairman Brackett** reminded the Committee that he was making a presentation on transportation issues before the Joint Finance-Appropriations Committee on Friday, February 15. He asked the members to send him their comments and suggestions to include in his remarks. With no further business before the Committee, the **Chairman** adjourned the meeting at 2:30 p.m.

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Senator Brackett  
Chairman

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Gaye Bennett  
Secretary

AGENDA  
**SENATE TRANSPORTATION COMMITTEE**  
**1:00 P.M.**  
**Offsite Meeting**  
**Thursday, February 14, 2013**

**SPECIAL START TIME**

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<b>PRESENTATION</b>	Ada County Highway District update at their offices.  <i>(Vans depart Capitol on Jefferson Street at 1:00 p.m.)</i>	<b>Col. Bruce Wong,</b> ACHD Director

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Brackett  
Vice Chairman Johnson  
Sen Keough  
Sen Winder  
Sen Rice

Sen Nonini  
Sen Hagedorn  
Sen Bock  
Sen Buckner-Webb

COMMITTEE SECRETARY

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MINUTES  
**SENATE TRANSPORTATION COMMITTEE**

**DATE:** Thursday, February 14, 2013

**TIME:** 1:00 P.M.

**PLACE:** Offsite Meeting

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

**ABSENT/ EXCUSED:** Senators Rice, Nonini and Bock

**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:** This meeting of the Senate Transportation Committee (Committee) convened at 1:30 p.m. in the offices of the Ada County Highway District (ACHD) located at 3775 Adams Street in Garden City, Idaho. The members of the Committee departed the State Capitol at 1:00 p.m. and were transported by ACHD vans to the meeting site. Members of the House Transportation and Defense Committee were also in attendance. A full listing of attendees was provided by ACHD and is part of the permanent record.

**PRESENTATION:** The meeting was conducted by Colonel Bruce Wong, ACHD Director. **Mr. Wong** presented historical and current information about ACHD and highway districts across the state. His full presentation is part of the permanent record. **Mr. Wong** and his executive staff stood for questions.

**Chairman Brackett, Senator Hagedorn and Senator Buckner-Webb** asked budgetary and clarification questions of Mr. Wong based on his presentation. There were also questions from House members.

Following the presentation, **Mr. Wong** directed the members on a brief walking tour of the ACHD facilities and equipment.

**ADJOURNED:** The tour was completed and the meeting adjourned at 2:30 p.m. Members were transported by van back to the State Capitol.

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Senator Brackett  
Chairman

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Gaye Bennett  
Secretary

**AMENDED AGENDA #1**  
**SENATE TRANSPORTATION COMMITTEE**  
**1:30 P.M.**  
**Room WW53**  
**Tuesday, February 19, 2013**

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<b>WELCOME</b>	New Transportation Committee Page, <b>Robin Crotteau</b> , a Senior at Timberline High School in Boise.	<b>Chairman Brackett</b>
<b>MINUTES</b>	Approval of the minutes of the Thursday, January 24, 2013, Committee meeting.	<b>Vice Chairman Johnson</b> and <b>Senator Buckner-Webb</b>
<b><u>Unanimous Consent</u></b> to Send <b><u>RS22002</u></b> to Senate State Affairs Committee for Print	Provides that the authority having jurisdiction over its roads may designate routes for loads up to 129,000 pounds by using the criteria established by ITD.	<b>Mr. Jim Riley</b> , Riley and Associates, LLC
<b><u>S 1065</u></b>	Amends Idaho Code to exempt Citizen Band (CB) and amateur radio towers from being lighted, marked, and painted.	<b>Senator Heider</b>
<b><u>S 1083</u></b>	Enables specialty license plate owners to keep their plates even if the program is discontinued.	<b>Senator Vick</b>
<b><u>S1081</u></b>	Promotes the issuance of non-expiring trailer/semi-trailer registrations and improves customer service.	<b>Senator Hagedorn</b>
<b><u>S1084</u></b>	Provides remedies for road construction that blocks access or unreasonably diverts traffic from businesses.	<b>Senator Rice</b>

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Brackett  
Vice Chairman Johnson  
Sen Keough  
Sen Winder  
Sen Rice

Sen Nonini  
Sen Hagedorn  
Sen Bock  
Sen Buckner-Webb

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MINUTES  
**SENATE TRANSPORTATION COMMITTEE**

**DATE:** Tuesday, February 19, 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, **Chairman Brackett** welcomed new Senate Page, Robin Crotteau, to the Committee and asked her to introduce herself.

**INTRODUCTION:** **Ms. Crotteau** said she was a 17 year old senior from Timberline High School in Boise. She was one of fraternal triplets that include a sister and a brother. She enjoys cross country running and rock climbing; and is a member of the debate team. This year the national debate topic is on transportation. She is very familiar with port authority issues. **Ms. Crotteau** stood for questions.

**Senator Winder** welcomed Ms. Crotteau to the Senate. He told her to enjoy her time here as six weeks goes by quickly. He then asked what her plans were beyond high school. **Ms. Crotteau** said she graduates in May and plans to go to college where her interests are outdoor programs and political science. She is looking at liberal arts colleges in Maine and Iowa.

**MINUTES:** The **Chairman** asked for a motion on the minutes of the January 24 meeting of the Committee.

**MOTION:** **Vice Chairman Johnson** moved that the minutes of the January 24 meeting of the Senate Transportation Committee be approved. **Senator Keough** seconded the motion. The motion carried by unanimous **voice vote**.

**RS 22002** **Chairman Brackett** said that this RS is a streamlined version of **S 1066**, dealing with an extension of the 129,000 pound truck routes, that the Committee had previously had printed. He said that his intent was to get unanimous consent from the Committee to send it to the Senate State Affairs Committee, a privileged committee, to be printed and returned to the Senate Transportation Committee for a hearing.

**UNANIMOUS CONSENT:** **Senator Rice** asked for unanimous consent to send **RS 22002** to the Senate State Affairs Committee for printing. **Senator Keough** objected.

**MOTION:** **Senator Rice** moved that **RS 22002** be sent to the Senate State Affairs Committee for printing and returned to the Senate Transportation Committee for a hearing. **Vice Chairman Johnson** seconded the motion. **Chairman Brackett** asked for discussion.

**Senator Keough** submitted a letter stating that she had a potential conflict of interest through her private sector employment with the Associated Logging Contractors and her legislative district has many logging industry representatives. **Senator Keough** explained her objection to the legislation.

**Chairman Brackett** thanked Senator Keough and said her objection was duly noted. The **Chairman** called for a vote on the motion. The motion carried by a majority **voice vote**. **Senator Keough** asked to be recorded as voting against the motion.

**S 1081**

**Chairman Brackett** announced that he was reordering the bills on today's agenda to accommodate Senator Hagedorn who has a scheduling conflict. Following Senator Hagedorn's presentation, the **Chairman** would take up the other bills as they appear on today's agenda. With that, **Chairman Brackett** asked Senator Hagedorn to present **S 1081**.

**Senator Hagedorn** gave a brief history of **S 1081**. Three years ago the North America Trailer Plate was created. It is a permanent trailer plate that requires a one time purchase of \$105, it can be purchased anywhere in the United States, and the vehicle is registered in Idaho. This was created to accommodate large fleets from large companies that travel over many states, like Walmart. Other states liked the idea and created their own permanent trailer plates, i.e. Illinois for the United Parcel Service fleet. The program has netted \$500,000 per year for the Idaho Transportation Department (ITD), but there are now marketing challenges because of the competing states. This bill reduces the one time fee from \$105 to \$99 for marketing reasons. On page 2, line 22, it allows Idaho trailer manufacturers to purchase a one year plate for \$15 to move a trailer to a final destination. The buyer can then purchase the permanent plate in the state where the trailer will reside. The state of Maine charges a \$30 one year fee; **S 1081** competes with Maine. The new owner also has the option to buy the permanent plate in their residence state, or buy a reduced Idaho plate for \$85. **Senator Hagedorn** was not certain on how much market share would be captured; he stood for questions.

**Senator Bock** asked if ITD had been consulted in creating this legislation. **Senator Hagedorn** confirmed that ITD was involved.

**MOTION:**

With no further questions or discussion, **Senator Rice** moved that **S 1081** be sent to the Senate floor with a **do pass** recommendation. **Senator Winder** seconded the motion. The motion carried by unanimous **voice vote**. **Senator Hagedorn** will carry the bill on the Senate floor.

**S 1065**

**Chairman Brackett** welcomed Senator Heider to the Committee and asked him to present **S 1065**. **Senator Heider** said this bill provides an exception to last year's legislation dealing with lighting on guyed towers over 50 feet tall, H 511. **S 1065** specifically exempts citizen band (CB) operators and all other amateur towers. He said there is no way to know how many towers are affected, which is why this legislation legitimately amends last year's bill. **Senator Heider** urged the bill's passage and stood for questions. There were no questions for Senator Heider.

**TESTIMONY:**

**Rex Green** of Idaho Radio Amateurs testified in favor of **S 1065**. He said his organization represents 6,000 licensed amateur radio owners in Idaho. He commended Senator Heider on this legislation, and stood for questions. There were no questions for Mr. Green.

**MOTION:**

**Vice Chairman Johnson** moved that **S 1065** be sent to the Senate floor with a **do pass** recommendation. **Senator Buckner-Webb** seconded the motion. The motion carried by unanimous **voice vote**. **Senator Heider** will carry the bill on the Senate floor.

**S 1083**

**Chairman Brackett** welcomed Senator Vick to the Committee and asked him to present **S 1083**. **Senator Vick** said he has heard from many constituents whose specialty license plates were being retired by ITD because of a lack of sales. These individuals wish to keep their plates through the life of the plate. This bill addresses their concerns and simply allows them to keep their license plates for up to seven years, the useful life of a license plate according to ITD. There is an emergency clause so that people who have received a letter from ITD indicating their plates would need to be replaced can continue to use them. **Senator Vick** stood for questions.

**Vice Chairman Johnson** thanked Senator Vick for making the fiscal impact clear and asked whether other plates would qualify under this bill's emergency clause in Section 2. **Senator Vick** said this only applies to plates that are currently viable; those who no longer have valid plates do not qualify. There were no further questions.

**MOTION:**

**Senator Keough** moved that **S 1083** be sent to the Senate floor with a **do pass** recommendation. **Senator Buckner-Webb** seconded the motion. The motion carried by unanimous **voice vote**. **Senator Vick** will carry the bill on the Senate floor.

**S 1084**

**Chairman Brackett** asked Senator Rice to present **S 1084**.

**UNANIMOUS  
CONSENT:**

**Senator Rice** asked the Committee for unanimous consent that **S 1084** be held in Committee at the call of the Chair. He said he had been approached by interested parties to make changes to the legislation and would like to work on the bill before conducting a hearing. There was no objection.

**ADJOURNED:**

With no further business before the Committee, **Chairman Brackett** adjourned the meeting at 2:05 p.m.

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Senator Brackett  
Chairman

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Gaye Bennett  
Secretary

**AMENDED AGENDA #1**  
**SENATE TRANSPORTATION COMMITTEE**  
**1:30 P.M.**  
**Room WW53**  
**Thursday, February 21, 2013**

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<b>DUE TO THE SENATE FLOOR SCHEDULE, TODAY'S TRANSPORTATION COMMITTEE HEARING HAS BEEN CANCELLED</b>		

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Brackett  
Vice Chairman Johnson  
Sen Keough  
Sen Winder  
Sen Rice

Sen Nonini  
Sen Hagedorn  
Sen Bock  
Sen Buckner-Webb

COMMITTEE SECRETARY

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MINUTES  
**SENATE TRANSPORTATION COMMITTEE**

**DATE:** Thursday, February 21, 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.

**CANCELLATION OF MEETING:** Due to the Senate floor schedule, today's meeting of the Senate Transportation Committee (Committee) was cancelled. All members of the Committee were present on the Senate floor for debate on the Health Insurance Exchange legislation (S 1042).  
The items listed on today's Committee agenda will be rescheduled for Tuesday, February 26, 2013.

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Senator Brackett  
Chairman

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Gaye Bennett  
Secretary

AGENDA  
**SENATE TRANSPORTATION COMMITTEE**  
**1:30 P.M.**  
**Room WW53**  
**Tuesday, February 26, 2013**

SUBJECT	DESCRIPTION	PRESENTER
<a href="#"><u>S 1082</u></a>	Creates a "Volunteer EMS" specialty license plate.	<b>Senator Nuxoll</b>
<a href="#"><u>H 66</u></a>	Removes the Department of Agriculture from monitoring the state's railroads, and maintains ITD's role of providing state railroad information to the interagency working group.	<b>Laura Johnson,</b> Idaho Department of Agriculture
<b>DISTRIBUTION</b>	As required by Section 40-2404, Idaho Code, the <b>Local Highway Technical Assistance Council</b> has provided the Transportation Committee with copies of its 2012 Annual Report.	<b>Chairman Brackett</b>
<b>PRESENTATION</b>	Update from the Community Planning Association (COMPASS).	<b>Matt Stoll,</b> COMPASS Executive Director
<b>PRESENTATION</b>	Update from the Community Transportation Association of Idaho (CTAI).	<b>Heather Wheeler,</b> CTAI Executive Director

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Brackett	Sen Nonini
Vice Chairman Johnson	Sen Hagedorn
Sen Keough	Sen Bock
Sen Winder	Sen Buckner-Webb
Sen Rice	

COMMITTEE SECRETARY

Gaye Bennett  
Room: WW33  
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MINUTES  
**SENATE TRANSPORTATION COMMITTEE**

**DATE:** Tuesday, February 26, 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 1:35 p.m. and asked the secretary to take a silent role. With a quorum present, the **Chairman** welcomed Senator Nuxoll to the Committee and asked her to present **S 1082**.

**S 1082** **Senator Nuxoll** thanked Chairman Brackett and said that **S 1082** creates an Emergency Medical Services (EMS) volunteer specialty license plate. The Idaho EMS is on a cliff same as the fiscal budget. The average age of volunteer EMS providers and the number of volunteers continue to put volunteer units in jeopardy. As part of a recruitment/retention project, EMS thought that volunteers' time and personal cost should be recognized and rewarded. This special license plate is being offered as recognition of the individual's commitment to their community. Volunteers comprise fifty-three percent of Idaho EMS providers. The plate would only be available to volunteers or compensated volunteers where less than ten percent of their annual income comes from their EMS service. There is no additional cost annually over the cost of a standard plate for EMS volunteers. The number of EMS volunteers in Idaho has declined from 2,688 in 2002 to 2,135 in 2012. Many communities, including Grangeville, Cottonwood, Riggins and Kooskia, have two ambulances each, which would make the annual cost for paid EMS providers well over \$300,000 per ambulance. Counties are required to provide EMS services and are fiscally dependent on volunteers.

**Senator Nuxoll** continued that the cost to become a volunteer EMS (not including travel and time) includes a \$60 background check, a \$70 testing fee, books costing approximately \$100, and over 150 hours of training. Once they become a volunteer, they need to commit additional time for training in order to keep their license. EMS believes that this specialty license plate is a proactive approach to support this essential and required community service. Without it, volunteer service could be dropped and county commissioners would have to increase taxes and create ambulance-taxing districts to address the expense of this vital and required public service.

**Senator Nuxoll** introduced Wayne Denny, Idaho Department of Health and Welfare's EMS Director. She said that Mr. Denny had worked out the plate's costs with the Idaho Transportation Department (ITD) and came up with a cost per volunteer, per plate of \$13. **Senator Nuxoll** suggested that Mr. Denny could answer questions about the volunteer program and the specialty license plate. She also told the Committee that Bill Spencer, an EMS volunteer in Grangeville, was on the telephone listening to the hearing and was willing to testify. **Senator Nuxoll** thanked the Committee and ended her testimony by saying that this is a meaningful way to recognize these volunteers for the good work they do. With that, **Senator Nuxoll** stood for questions. The Committee members had no questions for the Senator but asked questions of Mr. Denny.

After reading through section 3, lines 27 through 33, **Senator Rice** said it appeared there was no registration fee except for the first year of the plate. **Mr. Denny** said that to keep costs low, there would be no fee above the regular licensing fee, which ITD okayed.

**Chairman Brackett** asked if the \$13 cost was to cover administrative fees. **Mr. Denny** said it paid for ITD's staff to run the program.

**Vice Chairman Johnson** asked how this differed from other specialty license plates. **Mr. Denny** said they conducted a series of town meetings last summer in rural communities that have EMS volunteer programs. The results showed the number of EMS volunteers were down and recruiting strategy became a topic for discussion. Recognition, which reflects appreciation, was something frequently brought up because EMS volunteers feel under-appreciated. Many times they drive their private vehicles to scenes; a specialty EMS volunteer license plate would give them recognition as being part of a team. **Vice Chairman Johnson** asked if there were other specialty plates that had a similar fee structure. **Mr. Denny** said that a similar plate is the national guard plate, but it has no fee attached; the Corvette owners plate was an example of most specialty plates that have higher fees attached. From a fee perspective, the EMS volunteer plate is in-between those two. Both of these examples brought plates forward to support a program or fund a grant. A higher fee for the EMS volunteer plate was not appropriate because these volunteers already pay to be on the team. There were no further questions for Mr. Denny.

**Senator Keough** asked Amy Smith, ITD's Vehicle Services Manager, what makes this plate different from other specialty license plates. **Ms. Smith** said that an individual has to qualify to have it issued to them (similar to the national guard plate); it doesn't generate any revenue for other programs; and, the purchaser only pays a registration fee.

**Chairman Brackett** asked about the \$3,000 expense to the license plate program mentioned in the fiscal note. **Ms. Smith** said that amount is what it costs ITD to administer the program.

**Vice Chairman Johnson** asked if that expense includes the cost for the sample plate. **Ms. Smith** said it did. **Vice Chairman Johnson** asked if it costs \$3,000 to set up the program, would there be additional expenses for the sample plate. **Ms. Smith** said they sell lots of sample plates to various interests and collectors around the world and, therefore, there is no additional fee required.

**Senator Hagedorn** asked if there was mechanism to get the plate back if an EMS volunteer leaves the position. **Ms. Smith** said that when they renew their plates they need to prove they are still an EMS volunteer. ITD could also receive letters from EMS when there is a change in status.

**Senator Keough** asked if there are other plates where "status" is needed for identification to purchase a plate. **Ms. Smith** cited examples of other plates where a form of identification is required; some only require identification when they first apply. There were no further questions for Ms. Smith.

**TESTIMONY:**

**Bill Spencer**, EMS at Syringa Hospital in Grangeville, was connected by speaker phone and made a statement. He gave his background as an EMS and explained how difficult it is to find volunteers in rural areas. **Mr. Spencer** confirmed what Mr. Denny had shared earlier. He concluded by stating that any help to promote the program and secure volunteers would be very helpful. There were no questions for Mr. Spencer.

**MOTION:**

**Chairman Brackett** called for a motion. **Senator Hagedorn** moved that **S 1082** be sent to the Senate floor with a **do pass** recommendation. **Senator Keough** seconded the motion. **Chairman Brackett** asked if there was any discussion.

**SUBSTITUTE MOTION:**

**Senator Bock** said that every specialty license plate is for a good cause, but the list is growing long. He said that he must honor his commitment to never vote for any specialty license plate legislation. With that, **Senator Bock** moved that **S 1082** be held in Committee. **Senator Buckner-Webb** seconded the motion. The substitute motion **failed** by voice vote.

**VOTE ON ORIGINAL MOTION:**

**Chairman Brackett** called for a vote on the original motion. The motion carried by majority **voice vote**. **Senator Bock** and **Senator Buckner-Webb** asked that their "no" votes be recorded. **Senator Nuxoll** will carry the bill on the Senate floor.

**H 66**

**Chairman Brackett** welcomed Laura Johnson of the Idaho Department of Agriculture and the Idaho Rural Economic Development and Integrated Freight Transportation (REDIFIT) loan program to the Committee and asked her to present **H 66**.

**Ms. Johnson** gave background about how the REDIFIT program came to the Idaho Department of Agriculture. REDIFIT was transferred to the Idaho Department of Agriculture in 2007 from the Idaho Department of Commerce and Labor in order to engage a working group and set up the program. During the transfer, the name "Idaho Department of Agriculture" was inserted in statutes intended for monitoring railroads. This was an oversight and outside the scope of the mission of the Idaho Department of Agriculture; it should be redirected to ITD. **H 66** does that. The Interagency Working Group remains at the Idaho Department of Agriculture, but ITD will advise the working group on their programs. **Ms. Johnson** stood for questions.

**Senator Hagedorn** referred to page 1, line 44, and asked why this language remained in the bill. **Ms. Johnson** said it was an oversight.

**Senator Winder** suggested that an amendment should be prepared to clean up the statute and make this technical correction.

**MOTION:**

**Senator Keough** moved to send **H 66** to the 14th Order for amendment. **Senator Rice** seconded the motion. The motion carried by unanimous **voice vote**. **Senator Keough** will carry the bill on the Senate floor.

Before moving on to presentations, **Chairman Brackett** asked the Committee to make note of the 2012 annual report of the Local Highway Technical Assistance Council in their packets. This update was provided by the council in accordance with their statutory obligation under section 40-2404, Idaho Code. **Chairman Brackett** then welcomed Julie DeLorenzo to the Committee. **Ms. DeLorenzo** is a member of the Idaho Transportation Board, she thanked the Chairman, and commented that it was a pleasure to be at today's hearing.

**PRESENTATION:** **Chairman Brackett** welcomed Matt Stoll, Executive Director of Community Planning Association of Southwest Idaho (COMPASS), to the Committee. **Mr. Stoll** presented an update on the Metropolitan Planning Organizations (MPO) in Idaho. **Mr. Stoll** emphasized that MPOs play a key role in transportation planning and investment in Idaho. He further described what MPOs are, why they exist, what they do and where they are located in Idaho. He then went on to outline the long-range plan for Idaho, the inputs attributed to the plan and how well the state's MPOs and ITD worked together. He briefly talked about the new federal transportation law, Moving Ahead for Progress in the 21st Century (MAP-21), that was signed into law on July 6, 2012. He concluded by describing the challenges facing MPOs. Mr. Stoll's complete presentation is part of the permanent record on file in the Committee's office. **Mr. Stoll** stood for questions.

**Senator Winder** thanked Mr. Stoll for his thorough presentation. **Senator Winder** made a comment about the matching of every dollar invested and said that it needs to be a consistent number. **Mr. Stoll** agreed and said they were working with ITD on calculating that. On the public transportation side, money is being left on the table because there are few matching funds.

**Senator Nonini** suggested that cities crossing state lines like Lewiston/Clarkston and Coeur d'Alene/Spokane need to work together. He asked about the air quality issue of Spokane's bad air that is affecting Coeur d'Alene. **Mr. Stoll** said there are two separate issues: Spokane and Kootenai. The analysis does not show a significant air quality issue from Spokane to the Coeur d'Alene area. **Senator Nonini** asked what role do gravel roads play in air quality planning. **Mr. Stoll** said that once there is a determination of a non-attainment area then measurable data can be collected for analysis. He was not familiar with any issues in North Idaho, but he did offer examples of similar situations in Ada County. **Senator Nonini** commented that in North Idaho the Department of Environmental Quality wanted to include air quality equipment in their budget for North Idaho, but because of the problem with the air in Washington state it was not done.

**Senator Hagedorn** asked if the local MPO stretched into Canyon County. **Mr. Stoll** said that the non-attainment area is in northern Ada County for carbon monoxide, but COMPASS extends into Ada and Canyon counties. There were no further questions for Mr. Stoll.

**PRESENTATION:** **Chairman Brackett** thanked Mr. Stoll for his update to the Committee and welcomed Heather Wheeler, Executive Director of the Community Transportation Association of Idaho (CTAI), to give an update on CTAI activity.

**Mr. Wheeler** proceeded to review Idaho's coordinated transportation system and structure, she covered highlights from 2012, shared prior year's services by district, identified some of the impacts that the increased transportation options provide, gave an overview for this year and next, and concluded with volunteer opportunities at CTAI. Ms. Wheeler's complete presentation documents are part of the permanent record on file in the Committee office. **Ms. Wheeler** stood for questions.

**Vice Chairman Johnson** asked what role other forms of transportation, like bicycles, play in CTAI's plan. **Ms. Wheeler** said that today's presentation was about public transportation, but there are studies on bicycles like the Transportation Alternatives Program, or TAP, that hasn't been released yet. **Vice Chairman Johnson** commented that as communities prepare transportation plans, these types of projects should be kept in mind. **Ms. Wheeler** said that district managers are looking at all of this; she used the community of Challis, Idaho, as an example of considering alternative transportation options. There were no further questions for Ms. Wheeler.

**ADJOURNED:** **Chairman Brackett** thanked Ms. Wheeler for her presentation. With no further business before the Committee, **Chairman Brackett** adjourned the meeting at 2:45 p.m.

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Senator Brackett  
Chairman

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Gaye Bennett  
Secretary

AGENDA  
**SENATE TRANSPORTATION COMMITTEE**  
1:30 P.M.  
Room WW53  
Thursday, February 28, 2013

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<b>MINUTES</b>	Adopt minutes of the Thursday, January 31, 2013, Senate Transportation Committee meeting.	<b>Senator Keough</b> and <b>Senator Winder</b>
<a href="#"><u>S 1064</u></a>	Statutorily removes the sunset clause on the 129,000 pound trucks pilot project and provides that those trucks can continue to operate on the 35 specified routes of the pilot project.	<b>Roy Eiguren</b> , Arkoosh Eiguren PLLC
<a href="#"><u>S 1117</u></a>	Provides that the authority having jurisdiction over its roads may designate routes for loads up to 129,000 pounds by using criteria based on integrity engineering standards and public safety established by ITD.	<b>Jim Riley</b> , Riley and Associates LLC

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Brackett  
Vice Chairman Johnson  
Sen Keough  
Sen Winder  
Sen Rice

Sen Nonini  
Sen Hagedorn  
Sen Bock  
Sen Buckner-Webb

COMMITTEE SECRETARY

Gaye Bennett  
Room: WW33  
Phone: 332-1332  
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MINUTES  
**SENATE TRANSPORTATION COMMITTEE**

**DATE:** Thursday, February 28, 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, **Chairman Brackett** moved to the first item on the agenda and called for a motion on the minutes of the January 31 meeting.

**MOTION:** **Senator Winder** moved that the minutes of the January 31 Committee meeting be approved. **Senator Keough** seconded the motion. The motion carried by unanimous **voice vote**.

**Chairman Brackett** outlined the process by which today's hearing would be conducted. First, the **Chairman** brought the Committee's attention to the Attorney General's opinion letter in their packets regarding the 129,000 pound load truck issues. He said that a Deputy Attorney General is present to answer questions, if necessary. Second, the Committee will hear a policy analysis of the two bills (**S 1064** and **S 1117**) from Scott Stokes, Chief Deputy Director at the Idaho Transportation Department (ITD). Third, **S 1064** will be presented by Roy Eiguren of Arkoosh Eiguren PLLC. Fourth, **S 1117** (this bill's predecessor, S 1066, is being held in Committee) will be presented by Jim Riley of Riley and Associates LLC. As we move through the presentations, Committee members will have an opportunity to ask questions. Fifth, we will hear testimony from those signed up to testify, pro and con on both bills. Because of the time constraint, testimony will be limited to three minutes each. Committee members will be given an opportunity to ask questions of those testifying. Finally, **Chairman Brackett** said he would ask for motions on each bill, first **S 1064** and then **S 1117**, at the end of the hearing.

**PRESENTATION:** **Chairman Brackett** welcomed Mr. Stokes to the Committee and asked him to give a policy analysis from ITD's perspective on the two bills before the Committee. **Mr. Stokes** gave an overview of how ITD views the bills with regards to trucks hauling up to 129,000 pounds on Idaho roadways. He said that ITD has done studies on how they would make recommendations to designate new routes; they would look at the accumulated data from the pilot program's designated routes. There are two primary criteria: safety and integrity of the infrastructure. Analysis does exist for bridges and local highway systems. There are "rating" systems and criteria for measuring stress limits, off-tracking requirements and load restrictions. ITD would then make recommendations to the Idaho Transportation Board (Board), as has been the procedure in the past. **Mr. Stokes** stood for questions.

**Chairman Brackett** thanked Mr. Stokes and mentioned to the Committee that in their packets ITD had provided a document containing frequently asked questions on this topic, with ITD's responses to each. The **Chairman** asked for questions from the Committee for Mr. Stokes.

**Senator Keough** asked what legal authority ITD has to ensure that their established criteria is followed by local jurisdictions. **Mr. Stokes** cited ITD's size and weight requirements that they enforce. With regard to routes, **Mr. Stokes** was not aware of any authority stipulating that local jurisdictions have to follow ITD criteria.

**Senator Nonini** referred to a map in Committee packets that Senator Keough had provided. He said he had heard that ITD had a red route map. **Mr. Stokes** said Senator Keough's map was the red route map. **Senator Nonini** asked if the routes in red on her map would be granted heavy truck status or was there other criteria. **Mr. Stokes** said that ITD recommends criteria to consider routes, but the Board makes the ultimate decision. They would not recommend a route with a lesser criteria, but they look at other criteria as well. **Senator Nonini** asked if consideration is given to the extra weight, tires, brakes, etc., so that the weight on the roadway is more evenly distributed. He wanted to know what the true message was; he used the following as examples: more or less damage to the roads, and longer or less time to stop. **Mr. Stokes** said that the "bridge formula" is nationally accepted; as load weight increases, load on the axles reduces so there is less pressure on each axle. Damage to pavement is due to weight and the repetitive nature of motion. Reduction in weight on axles does not have a negative effect on roadways. There were no further questions for Mr. Stokes.

For clarification purposes, **Senator Keough** asked the Chairman about the Committee procedure today and if the Committee would vote on the first bill, **S 1064**, before moving on to **S 1117**. **Chairman Brackett** responded that both bills would be presented, then public testimony, and finally the vote on the bills, in the order they were presented. **Senator Keough** asked if that meant people would be testifying on both bills at the same time. **Chairman Brackett** confirmed that testimony on both bills would occur following presentation of both bills.

#### **S 1064**

**Chairman Brackett** welcomed Roy Eiguren to the Committee and asked him to present **S 1064**. **Mr. Eiguren** said he was representing the Right Truck for Idaho Coalition. He said the coalition is made up of 50 members and trade associations; a list of their members is included in the Committee's packets. He said he would present the basics about the bill and then defer the rest of his time to two others, representing Amalgamated Sugar and US Ecology Idaho, who would present observations based on experience with the heavy load truck pilot project.

**Mr. Eiguren** said that for years shippers and the trucking industry have asked the legislature to increase the maximum allowable gross vehicle weights on state highways to provide for more efficient trucks carrying larger loads. In 2003, H 395 established a "pilot project" program to test for a ten-year period specially configured trucks weighing up to 129,000 pounds gross vehicle weight on 35 state highway routes in southern Idaho. These trucks have greater braking capability and more axles, resulting in fewer pounds per square inch per tire. As required in H 395, reports were to be completed at three-year intervals; the final report was presented to the legislature this past January. This final report stated that "ITD did not observe any significant effect on pavements, bridges or roadway safety." In addition, several companies reported substantial economic benefits associated with the pilot project. **Mr. Eiguren** concluded that H 395 contained a "sunset" clause that would end the pilot project program on June 30, 2013. **S 1064** removes the "sunset" clause contained in the original legislation and codifies the 35 pilot project routes in Idaho Code. **Mr. Eiguren** deferred the remainder of his time to his co-presenters: Bryan Whipple, Vice President of Operations/Logistic for Amalgamated Sugar; and Terry Geis, General Manager of US Ecology Idaho. **Chairman Brackett** welcomed both gentlemen to the Committee.

**Mr. Whipple** said he has been with Amalgamated Sugar for 34 years and in their transportation department for the past 29 years. They have plants in Nampa, Twin Falls and Paul, Idaho. The 129,000 pound pilot project has been a success for Amalgamated Sugar. His company added the designated routes to their plant shipments and they were able to move 1.3 million tons more on those routes. Not only did their larger trucks save wear-and-tear on the highways, but they were able to use less diesel fuel. He said that Amalgamated Sugar estimates they have saved \$2.5 million over the ten-year life of the project. There were no questions for Mr. Whipple.

**Mr. Geis** said the US Ecology Idaho facility is located in Grand View, Idaho; 70 miles southeast of Boise. They treat and dispose of hazardous waste, non-hazardous industrial wastes and low-activity radioactive material. They handle intermodal containers by truck or rail, and transfer waste not suitable for land disposal. Seventy-five percent of their material arrives by rail and gets transported by truck. Participating in the heavy truck pilot project has impacted the safety of the roads by reducing the number of trips by 75,000 since 2004. These trucks' larger load capacity has reduced their carbon footprint. US Ecology Idaho estimates that they have had a six percent reduction in the number of truck trips per year, resulting in a cost reduction of about \$80,000 per year. There were no questions for Mr. Geis.

**Mr. Eiguren** closed by stating none of the reports over the ten years of the pilot project, including the final report, have indicated any negative comments about these trucks or the routes they travel on. He encouraged a "do pass" recommendation for **S 1064**. There was no further discussion or questions on **S 1064**.

**S 1117**

**Chairman Brackett** welcomed Jim Riley to the Committee and asked him to present **S 1117**. **Mr. Riley** said he was representing the Idaho Forest Group of Coeur d'Alene. **S 1117** authorizes local highway jurisdictions (the city, county or highway district) to allow higher capacity heavy trucks to travel on roadways the jurisdiction determines can handle the increased loads. **Mr. Riley** applauds the study done by Mr. Eiguren and others of the ten-year pilot project showing the impact these trucks have on roads and highway safety; they can operate and not harm public safety. The study showed that heavier trucks in southern Idaho have brought great economic and cost-saving opportunities for Idaho commerce. It said that properly configured higher capacity trucks can be operated on roads without compromising public safety. **Mr. Riley's** client wants those same opportunities to be available to all regions of Idaho. **S 1117** is an evolution of his previous bill, S 1066, which was in conflict with S 1064. This new bill, **S 1117**, is a companion bill to S 1064.

**Senator Bock** asked what the conflict between S 1066 and **S 1117** was and how it was resolved. **Mr. Riley** said the conflict was more with the way the legislation was put together. It was a comprehensive bill that combined S 1064 and **S 1117**. To avoid conflict, he withdrew S 1066 and redrafted the language to isolate what was not in S 1064, thereby creating **S 1117**.

**Mr. Riley** continued his presentation. **S 1117** goes beyond the pilot routes in S 1064 to allow all Idaho businesses and communities to take advantage of the technology. ITD and all authorized local jurisdictions are given the ability to set standards and criteria that need to be met before a route is designated for 129,000 pound truck loads. Also included is public participation before routes are designated. The Idaho Department of Commerce will be working with ITD once new routes are designated; there are a diverse set of statewide interests. **Mr. Riley** listed the companies and industries that support this legislation. This bill is about opportunities, expansion of businesses and economic growth. **S 1117** allows a fair process for all concerned and gives authority to the experts at ITD. This is an innovative approach that allows the public and private sectors to work together. **Mr. Riley** stood for questions.

**Vice Chairman Johnson** asked Mr. Riley to restate his comment about public notices and meetings on potential new routes. **Mr. Riley** said that the bill establishes a careful process of notification to stakeholders on any newly proposed routes.

**Senator Keough** asked where that was located in the legislation. **Mr. Riley** said that ITD and local jurisdictions are required under paragraph 2 to report to their board and governing bodies. **Senator Keough** asked about ITD establishing engineering criteria and wanted to know what would happen if local jurisdictions disagree with that criteria. **Mr. Riley** said that the entity with jurisdiction over the roadway makes the final decision whether a route qualifies or not. **Senator Keough** referred to line 16 and wanted to know if local jurisdictions had to use ITD criteria. **Mr. Riley** said it was just the opposite; if local jurisdictions decide to designate a route they can, but don't have to, use ITD criteria. **Senator Keough** challenged **S 1117's** fiscal note. **Mr. Riley** said that the Idaho Department of Commerce is specific about only using grant funds for their part in the bill, and ITD is not funded through the state general fund. He suggested that ITD could offer additional insights.

**Chairman Brackett** referred to Joint Rule 18 in the Rules of the Senate and said the fiscal note may have to be adjusted.

**UNANIMOUS  
CONSENT:**

**Senator Keough** said she officially challenged **S 1117's** fiscal note and called for unanimous consent to hold the bill. **Senator Rice** questioned whether a change to a "fiscal note" warranted holding legislation. **Senator Nonini** objected to the request.

**MOTION:**

**Senator Rice** moved that **S 1117's** fiscal note be updated. **Senator Buckner-Webb** seconded the motion. The motion passed by majority **voice vote**. **Senator Nonini** asked to be recorded as voting "nay."

**Senator Winder** stated that the motion does not hinder the presentation and discussion of **S 1117** that was currently before the Committee. **Chairman Brackett** told Mr. Riley that in the event **S 1117** is moved out of Committee, a revised fiscal note would be needed before it would be sent to the Senate floor. There were no further comments or questions for Mr. Riley.

**Senator Winder** said he had a question for Mr. Stokes of ITD. He asked Mr. Stokes what the differences between the soil conditions in northern Idaho and southern Idaho were and if there was more of a problem in the north. **Mr. Stokes** said that he has knowledge of soil variations from his work as an engineer in Coeur d'Alene for eleven years. He said there is a lot of variation in the soil around the state because of the geographical differences. He said that north of Coeur d'Alene the soil is much more sandy. There were no further questions for Mr. Stokes.

**Senator Nonini** saw Jeff Sayer, Idaho's Department of Commerce Director, and Alan Frew, ITD's Motor Vehicles Division Administrator, in the hearing room and asked if they would be willing to respond to an inquiry. They both said they would.

**Senator Nonini** asked Mr. Sayer what the cost to the Idaho Department of Commerce would be if **S 1117** became law. **Mr. Sayer** said the role of the Department of Commerce is to be Idaho's designated champion to lure new industries to the state and to stimulate economic growth. He was not aware his department would require any additional funds or staff to enforce the legislation.

**Senator Keough** referred to lines 28 and 29 and wanted to know if the Department of Commerce had the resources and staff to conduct a study on existing routes in Idaho. **Mr. Sayer** said they do, but the difficult part is determining how expansive such a study would be; certainly they could provide initial support.

**Senator Nonini** asked Mr. Frew if **S 1117** became law would ITD need an increase in their dedicated funds. **Mr. Frew** said ITD knows Idaho roads and no additional funds would be required.

**Senator Keough** asked if ITD could perform an analysis on local roadways or would they gather information from local highway districts, counties and cities. **Mr. Frew** said that ITD would work in conjunction with local jurisdictions who have the authority over roadways; he anticipates that they know their local roadways.

**Senator Hagedorn** asked how ITD provides permits for the large trucks in the pilot project. **Mr. Frew** said they charge an additional \$50 permit fee for the pilot project routes. There would continue to be a fee on those routes for trucks carrying up to 129,000 pounds. He referred the Senator to the fee chart in his packet.

**Senator Buckner-Webb** asked about safety issues with those big trucks on narrow roads during inclement weather. **Mr. Frew** said that in general, the big trucks have considerable experience monitoring extra length combination trailers with their non-reduceable loads. These trucks are long and straight and like long and straight roads. He explained where the longer combination trucks operate. **Senator Buckner-Webb** commented that there is no economic value to off-loading trailers. There were no further questions for Mr. Sayer or Mr. Frew.

#### TESTIMONY:

**Chairman Brackett** reminded those wishing to testify about the rules he had set out at the beginning of the meeting, and began calling people to testify.

The following individuals testified in favor of both **S 1064** and **S 1117**: **Gary Halverson** who is Glanbia Foods' Transportation Manager and **Jeremy Pisca** who represented the Potlatch Corporation and the Idaho Beer and Wine Association.

Only **Dave Carlson** of the American Automobile Association Idaho testified against both bills.

The following individuals testified in favor of **S 1064**: **Dennis Tanikuni** of the Idaho Farm Bureau, **Skip Smyser** who represented the Idaho Trucking Association, and **Stuart Davis** who is the Idaho Association of Highway Districts' Executive Director.

Other than **Mr. Carlson**, no one testified against **S 1064**. **Mike Brassey** who represented Union Pacific Railroad had no position on **S 1064**.

The following individuals testified in favor of **S 1117**: **Matt Van Vleet** of Clearwater Paper in Lewiston, **Jeremy Chou** representing Riley and Associates, **Brent Olmstead** representing the Idaho Milk Producers, **Bernard Toy Smith** of Darigold in Twin Falls and the Northwest Dairy Association, and **Scott Atkison** of the Idaho Forest Group.

The following individuals testified against **S 1117**: **Paul Randy Curlless** who is the Mayor of Dover, **Mike Brassey** who represented Union Pacific Railroad, **Phil Lampert** who is a Benewah County Commissioner, **Bruce Mills** of the Ada County Highway District, **Steve Thomas** of the BNSF Railway Company, **Stuart Davis** who is the Idaho Association of Highway Districts' Executive Director, and **Jerry Deckard** who represented the Associated Logging Contractors.

**Dennis Tanekuni** of the Idaho Farm Bureau and **Skip Smyser**, representing the Idaho Trucking Association, testified they had no position on **S 1117**.

**Vice Chairman Johnson, Senator Buckner-Webb, Senator Bock, Senator Winder, Senator Hagedorn, Senator Nonini** and **Senator Keough** questioned many of those testifying. Their concerns and clarification requests are encompassed in the following inquiries: whether companies would be willing to pay for roadway improvements on designated routes; would designating more routes increase or decrease the number of trucks on the roadways; would companies be willing to pay to retrofit trucks; the location of companies supporting **S 1117**; comments on the fact that Idaho has no north and south interstate system; the sponsorship of the anti-**S 1117** ads in North Idaho; testifiers' position on the "other" bill to which they were not testifying; whether local authorities have the resources and knowledge necessary to designate new routes; whether companies use rail or trucks for hauling and how passage of these bills will affect that; the fiscal impact on local highway districts; and why loggers and lumber companies are not together on these bills.

Following Brent Olmstead's testimony on behalf of the Idaho Milk Producers in favor of **S 1117**, **Senator Keough** read from a letter that the Idaho Milk Producers had written when the pilot program was being considered ten years prior. She quoted from the letter: "...at no time in the future will they seek new routes." **Mr. Olmstead** replied that no milk producers would support new North Idaho routes, but they support the expansion of routes that **S 1117** provides.

**MOTION:**

With testimony concluded, **Chairman Brackett** asked the Committee for a motion on **S 1064**. **Senator Winder** said that the pilot program had been successful and those routes should be permanent. With that said, he moved that **S 1064** be sent to the Senate floor with a **do pass** recommendation. **Senator Bock** seconded the motion. The **Chairman** asked if there was any discussion.

**Senator Hagedorn** asked what the process would be if both bills are passed by the Committee. **Chairman Brackett** said that the bills are not in conflict and actually complement each other.

**Senator Keough** commended the Right Truck for Idaho Coalition for the work they did. Skip Smyser and Roy Eiguren built a coalition and communicated with their members and affected communities. That is the correct right way to develop long-term policy.

With no further questions or comments, **Chairman Brackett** called for a vote. The motion carried by unanimous **voice vote**. **Chairman Brackett** will carry the bill on the Senate floor.

**Chairman Brackett** asked the Committee for a motion on **S 1117**.

**Senator Nonini** had a question for Alan Frew of ITD. He wanted to know if **S 1117** would go through the rulemaking process at ITD if it becomes law. **Mr. Frew** said that ITD has broad rulemaking authority; they can promulgate rules for transportation of vehicles on Idaho's highways.

**MOTION:**

**Senator Nonini** said that, depending on who is testifying, the scales tip back and forth on both sides of the bill; he will support **S 1117**. With that said, **Senator Nonini** moved that **S 1117** be sent to the Senate floor with a **do pass** recommendation. **Vice Chairman Johnson** seconded the motion. **Chairman Brackett** asked if there was any discussion.

**Senator Keough** declared she had a conflict of interest but was planning on voting.

**Senator Rice** said that the opinions shared today were good "lawyering" but the Committee didn't hear from any engineers. When it comes to analysis of routes, ITD engineers are the experts and this bill assigns ITD as support for local jurisdictions.

**Senator Bock** said it concerns him that the Committee heard testimony opposing the bill from North Idaho people; he will oppose the bill.

**Senator Keough** reemphasized the testimony from people who live in North Idaho and have concerns about **S 1117**. ITD and the Department of Commerce come before the legislature and complain about needing more money and more staff, but they want to take on this new responsibility; it sounds contradictory. She concluded by saying there would be conflicts if this bill passes.

**Senator Nonini** said that he has served on the transportation committee in both the House and the Senate. Maybe six or seven years ago he would have opposed this bill because of the problems within ITD, but for the past two years ITD has turned the corner. He has confidence in ITD that they can manage this project.

**Vice Chairman Johnson** supports those comments. This bill gives local jurisdictions the authority to make decisions that will most benefit their communities. He likes the public comment portion of this bill as a way to get input to address local issues. He then revisited the tables dealing with who pays for these roads. It could take up to five years to get the first new route designated. He supports the bill.

With no further discussion or comments, **Chairman Brackett** called for a **roll call vote** on the motion. The motion carried by a vote of five "aye" votes (**Chairman Brackett, Vice Chairman Johnson, Senator Rice, Senator Nonini** and **Senator Hagedorn**) and four "nay" votes (**Senator Keough, Senator Winder, Senator Bock** and **Senator Buckner-Webb**). **Chairman Brackett** will carry the bill on the Senate floor.

**ADJOURNED:**

**Chairman Brackett** thanked the Committee and everyone in the audience. With no further business before the Committee, **Chairman Brackett** adjourned the meeting at 4:15 p.m.

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Senator Brackett  
Chairman

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Gaye Bennett  
Secretary

AGENDA  
**SENATE TRANSPORTATION COMMITTEE**  
**1:30 P.M.**  
**Room WW53**  
**Tuesday, March 05, 2013**

SUBJECT	DESCRIPTION	PRESENTER
<b>MINUTES</b>	Approve the Senate Transportation Committee minutes for:  <div style="text-align: center;">Tuesday, January 29, 2013</div> <div style="text-align: center;">Thursday, February 14, 2013</div>	<b>Senator Hagedorn and Senator Buckner-Webb</b>  <b>Senator Hagedorn and Senator Buckner-Webb</b>
<a href="#"><u>H 168</u></a>	States that motor carrier transportation contract provisions are against the public policy of the state and are void and unenforceable.	<b>Jason Kreizenbeck</b> , on behalf of the Idaho Trucking Association
<a href="#"><u>H 167</u></a>	Creates a consumer asset recovery fund requiring all licensed dealers to contribute to a fund solely funded by dealers as part of their annual licensing fee.	<b>Trent Wright</b> , on behalf of the Idaho Automobile Dealers Association
<a href="#"><u>HCR 7</u></a>	Affirms that the House and the Senate rejected <b>Docket No. 39-0260-1201</b> , ITD Rules Governing License Plate Provisions.	<b>Representative Hixon</b>
<a href="#"><u>H 169</u></a>	Clarifies that legislation regarding specialty license plates is not subject to rejection or approval by ITD.	<b>Representative Hixon</b>

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Brackett	Sen Nonini
Vice Chairman Johnson	Sen Hagedorn
Sen Keough	Sen Bock
Sen Winder	Sen Buckner-Webb
Sen Rice	

COMMITTEE SECRETARY

Gaye Bennett  
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MINUTES  
**SENATE TRANSPORTATION COMMITTEE**

**DATE:** Tuesday, March 05, 2013

**TIME:** 1:30 P.M.

**PLACE:** Room WW53

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

**ABSENT/ EXCUSED:** Senator Nonini

**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 1:35 p.m. and asked the secretary to take a silent roll. With a quorum present, the **Chairman** moved down the agenda to **H 168**.

**H 168** **Chairman Brackett** welcomed Jason Kreizenbeck, representing the Idaho Trucking Association, to the Committee and asked him to present **H 168**. **Mr. Kreizenbeck** said that **H 168** voids contractual requirements limited to transportation contracts. It prevent provisions in motor carrier transportation contracts that indemnifies a shipper from liability for loss and damages resulting from negligence. He said that under current law, a trailer could be loaded in such a way that would damage the load. Some shipments are pre-loaded and the carrier merely ships the pre-loaded trailer. Further, such motor carrier transportation contract provisions are against the public policy of the state and are, therefore, void and unenforceable. Similar legislation has been passed in thirty-seven other states. **Mr. Kreizenbeck** requested the remainder of his time be given to Jason Andrus of Doug Andrus Distributing in Idaho Falls. **Chairman Brackett** welcomed Mr. Andrus to the Committee.

**TESTIMONY:** **Mr. Andrus** said that his family business, Doug Andrus Distributing, has been around for seventy-five years. He also serves as the Chairman of the Board of the Idaho Trucking Association and supports **H 168** for two reasons: (1) It is unfair that liability clauses are required to be put in their contracts because they are not responsible, nor do they supervise, the loading of shipments. They drop empty trailers at a sight and pick up loaded trailers for shipping, making it impossible to examine the load and assume liability for the load. And, (2) it is difficult to negotiate removing a clause from a contract. **Mr. Andrus** stood for questions.

**Senator Bock** asked about the types of shipper contracts and the products being shipped. **Mr. Andrus** said it affects any shipper shipping any type of product. **Senator Bock** asked if the contract clause was part of a pre-written contract form. **Mr. Andrus** said he did not know where the language originated, but many different sized shippers use this language in their contracts. **Mr. Kreizenbeck** said this is a nation wide concern.

**Senator Buckner-Webb** commented that having been a purchasing manager, some of these contracts have been in practice for a long time.

**MOTION:** With no further questions or comments, **Senator Buckner-Webb** moved that **H 168** be sent to the Senate floor with a **do pass** recommendation. **Senator Rice** seconded the motion. The motion carried by unanimous **voice vote**. **Senator Buckner-Webb** will carry the bill on the Senate floor.

**Chairman Brackett** welcomed Trent Wright, Executive Vice President of the Idaho Automobile Dealers Association, to the Committee and asked him to present **H 167**. **Mr. Wright** said this legislation is shared with the Idaho State Independent Automobile Dealers Association and actually began in this Committee with a call to raise industry standards. **H 167** provides for an Idaho Consumer Asset Recovery Fund that will increase the level of consumer protection for the buyer by 250 percent. It replaces the current dealer surety bond of \$20,000 with coverage for a consumer of up to \$50,000 when a dealer commits a fraud (e.g., not providing a title, fails to disclose prior salvage or incorrect odometer reading). Under current law there is a claim limit of \$20,000; under this legislation that cap per dealer is \$120,000 for multiple consumer claims. New dealers would be required to secure a \$20,000 bond, for a period of time, as well as participate in the new fund. The fund receives its funding from motor vehicle dealers and has no fiscal impact to taxpayers. Dealers will pay a predetermined fee until the fund reaches a limit of \$2 million. **H 167** needs an amendment to change lines 20 and 21 to delete the designee by the Attorney General because his office has a representative on the fund board. **Mr. Wright** asked the Committee to send **H 167** to the 14th Order for amendment, presented the Committee with a copy of the proposed amendment and stood for questions.

**Senator Bock** asked if the bill increases the amount of the surety bond, and if so, how is the money distributed. **Mr. Wright** said that all existing surety bonds will drop off entirely. Starting in the fall of 2013, an estimated \$400 will be added to their dealers' license that will be placed in the fund. This is a more effective way to keep costs lower.

**Vice Chairman Johnson** asked about language on page 5, lines 11 through 14, dealing with prorated claims. He wanted to know if it referred to the bonds that the fund replaces. **Mr. Wright** said there are lots of moving parts and that new dealers will be required to contribute to the fund and also maintain a \$20,000 bond for the first 36 months they're in business. **Vice Chairman Johnson** asked where the money originates for the fund. **Mr. Wright** said that as licenses are renewed portions of those dollars will accumulate into the fund beginning on July 1, 2013. **Vice Chairman Johnson** asked what the total would be at the end of the first year. **Mr. Wright** said it would be between \$265,000 and \$275,000 based on the historic number of dealer licenses in Idaho. **Vice Chairman Johnson** asked what the logic was of keeping a new dealer out if they pay for their license. **Mr. Wright** said that all licensed dealers contribute to the fund, but new dealers also have to carry a \$20,000 bond for their first three years. **Vice Chairman Johnson** asked if the first three years was an initiation. **Mr. Wright** said this requirement helps automobile dealer associations to uphold better standards for the industry. There are many used car dealers coming into the industry and this ensures they meet all the requirements to be successful. This is another tool to help police their industry. **Vice Chairman Johnson** asked when the legislation would take effect. **Mr. Wright** said there are two phases. The first phase begins on July 1, 2013. The second phase begins on July 1, 2014 when the legislation is fully implemented and consumers can file claims against the fund.

**Senator Keough** referred to page 2, line 36, and asked if the money goes through the legislative appropriations process. **Mr. Wright** said going through that process was never discussed. He said there is a one-time dedicated \$16,000 from the Idaho Transportation Department (ITD) for set up.

**Senator Hagedorn** asked what is the cost of a \$20,000 surety bond. **Mr. Wright** said it was different for different dealers. For new car dealers it usually ranges between \$250 and \$350; it can be more for used car dealers. **Senator Hagedorn** asked if this cost was part of a dealers annual budget. **Mr. Wright** said it is in their annual budget. There were no further questions for Mr. Wright.

**TESTIMONY:** **Rex Green** of the Idaho State Independent Automobile Dealers Association spoke in support of the bill. He said there is no fiscal impact to taxpayers and that when the fund reaches the \$2 million mark, the fund board could reexamine the contribution amount. **Mr. Green** stood for questions.

**Vice Chairman Johnson** referred to page 4, section 6 under "Payment and Claims," and asked if a claim amount was annual; the bill didn't specify. **Mr. Green** said the intent is that there is a lifetime maximum amount of \$50,000 per claimant, and a maximum amount of \$120,000 per dealer.

**Senator Bock** asked where the word "lifetime" appears in the bill. **Mr. Green** deferred to Bob Petersen who represents the advisory board. There were no further questions for Mr. Green.

**Bob Petersen**, appointed by the Governor to the Motor Vehicle Dealer Advisory Board, testified that this bill has been a long time in the making. A dealer's surety bond can put small dealers out of business. His dealership has been in business for thirty-eight years, but starting out in today's world, his father would never have been successful. This bill fixes the surety bond issue and is a consumer-oriented bill; dealers cannot bring claims against other dealers. **Mr. Petersen** stood for questions.

**Senator Bock** asked where the \$20,000 surety bond was referenced in the bill. **Mr. Petersen** said it was in section 49-1608d, Idaho Code, on page 3, line 41. There were no further questions for Mr. Petersen.

**Grant Petersen** of Bronco Motors testified that as a long time member of the Motor Vehicle Dealer Advisory Board he has dealt with the challenges of providing coverage for consumers. Dealers have talked about raising the bond amount, but that puts small dealerships out of business. This bill creates something similar to the State Insurance Fund; it allows dealers to take care of their own industry. In this bill, both small and large dealerships are served, and it keeps money in Idaho by taking care of defrauded consumers. There were no questions for Mr. Petersen.

**Mr. Wright** delivered closing remarks by stating that **H 167** is a strong piece of legislation and requests a "yes" vote. He said that if a claim goes through and there is a payout against the surety bond or the fund, the dealer has to repay the amount of the claim before their license is renewed. Mr. Wright stood for questions.

**Vice Chairman Johnson** offered a question about claims after a dealer is in business for only six months. **Mr. Wright** said that they follow the letter-of-the-law and if a claim is upheld in court then the dealer is back to ground zero.

**Senator Bock** said that section 49-1608, Idaho Code, only protects against fraud and wanted to know what type of fraud warrants a claim. **Mr. Wright** said it could be as simple as an odometer reading or a dealer could be selling extended warranties and pocketing the money. There were no further questions for Mr. Wright.

**MOTION:** **Senator Hagedorn** moved to send **H 167** to the 14th Order for amendment. **Senator Bock** seconded the motion. With no further discussion, the motion carried by unanimous **voice vote**. **Senator Hagedorn** will carry the bill on the Senate floor.

**HCR 7** **Chairman Brackett** welcomed Representative Hixon to the Committee and asked him to present **HCR 7**. **Representative Hixon** said that the House, as well as the Senate, had rejected an ITD Administrative Rule, Docket No. 39-0260-1201 Rules Governing License Plate Provisions, because committee members did not like the language and agreed it needed a legislative fix. As required, this concurrent resolution acknowledges that the Administrative Rule was rejected. There were no questions for Representative Hixon.

**MOTION:** **Senator Rice** moved that **HCR 7** be sent to the Senate floor with a **do pass** recommendation. **Senator Keough** seconded the motion. The motion carried by unanimous **voice vote**. **Senator Rice** will carry the resolution on the Senate floor.

**H 169** **Representative Hixon** said that **H 169** is the fix to the problem found in Administrative Rule, Docket No. 39-0260-1201 Rules Governing License Plate Provisions. It amends Idaho Code to reflect that requests for specialty license plates are not subject to approval or rejection by ITD. Under the rule, ITD had the power to veto specialty license plate requests. **H 169** states that those bringing forth a plate still have to follow the process, but the legislature can circumvent the process and approve specialty license plates. He and Representative Wood worked on this legislation. Page 2, lines 19 through 22, discusses how to handle denials. There were no questions for Representative Hixon.

**MOTION:** **Vice Chairman Johnson** moved that **H 169** be sent to the Senate floor with a **do pass** recommendation. **Senator Rice** seconded the motion. The motion carried by unanimous **voice vote**. **Senator Rice** will carry the bill on the Senate floor.

**MINUTES:** **Chairman Brackett** called for a motion on the minutes of the January 29 meeting. **Senator Buckner-Webb** moved that the minutes of the January 29 meeting be approved. **Senator Keough** seconded the motion. The motion carried by unanimous **voice vote**.

**Chairman Brackett** called for a motion on the minutes of the February 14 meeting. **Senator Hagedorn** moved that the minutes of the February 14 meeting be approved. **Senator Buckner-Webb** seconded the motion. The motion carried by unanimous **voice vote**.

**ADJOURNED:** With no further business before the Committee, **Chairman Brackett** adjourned the meeting at 2:45 p.m.

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Senator Brackett  
Chairman

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Gaye Bennett  
Secretary

AGENDA  
**SENATE TRANSPORTATION COMMITTEE**  
1:30 P.M.  
Room WW53  
Thursday, March 07, 2013

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<b>MINUTES</b>	Approve minutes of the Senate Transportation Committee meeting held on Tuesday, February 5, 2013.	<b>Senator Rice</b> and <b>Senator Nonini</b>
<a href="#"><u>HCR 8</u></a>	States legislative findings and recognizes achievements of the Idaho Transportation Department (ITD).	<b>Chairman Joe Palmer</b> , House Transportation and Defense Committee
<a href="#"><u>H 118</u></a>	Requires that aircraft in Idaho be registered with ITD, and increases aircraft registration fees.	<b>Mike Pape</b> , ITD's Administrator of the Division of Aeronautics
<a href="#"><u>H 117</u></a>	Amends the definition of "Aircraft" to clarify its use in Title 21, Idaho Code.	<b>Mike Pape</b> , ITD's Administrator of the Division of Aeronautics
<a href="#"><u>H 41</u></a>	Clarifies when visually impaired individuals are considered competent to drive a motor vehicle.	<b>Angela Jones</b> , Idaho Commission for the Blind and Visually Impaired

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Brackett	Sen Nonini
Vice Chairman Johnson	Sen Hagedorn
Sen Keough	Sen Bock
Sen Winder	Sen Buckner-Webb
Sen Rice	

COMMITTEE SECRETARY

Gaye Bennett  
Room: WW33  
Phone: 332-1332  
email: stran@senate.idaho.gov

MINUTES  
**SENATE TRANSPORTATION COMMITTEE**

**DATE:** Thursday, March 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.

**CONVENE:** **Chairman Brackett** called the meeting to order at 1:35 p.m. and asked the secretary to take a silent role. With a quorum present, the **Chairman** called for a motion on the Committee minutes of February 5.

**MOTION:** **Senator Rice** moved that the Committee approve the minutes of the Tuesday, February 5, 2013 meeting. **Vice Chairman Johnson** seconded the motion. The motion carried by unanimous **voice vote**.

**H 118** With Chairman Palmer unavailable to present **HCR 8**, **Chairman Brackett** went to the next item on the agenda and welcomed Mike Pape, Idaho Transportation Department's (ITD) Administrator of the Division of Aeronautics, to the Committee and asked him to present **H 118**.

**Mr. Pape** began by stating that ITD supports **H 118**. The bill increases aircraft registration fees. As background he said that there had not been an increase in these fees since 1990; the fee increase would go from one-cent to three-cents per pound of aircraft weight and would generate about \$167,000 annually. Funding has been strained over the past five years and this will help recoup some of that lost revenue. **Mr. Pape** explained that ITD's aeronautics division has had to make many cuts to meet lower budgets. The revenue generated by this bill would be used to fund those aeronautics programs strained because of revenue shortfalls, e.g. pilot safety programs, search and rescue training, backcountry airport maintenance, and agricultural and weed abatement programs. He discussed Idaho airport maintenance needs, especially the 31 operating backcountry airports that are frequently used by recreation, firefighting, and private aircraft. **Mr. Pape** stood for questions.

**Senator Hagedorn** asked if an owner has to be a resident of Idaho to register their airplane in Idaho and how that fared with other states. **Mr. Pape** said that if an airplane is hangered in Idaho, it is registered in Idaho. One does not have to be a resident of Idaho to have an airplane hangered here. He explained the differences among states and said Idaho was at the lower end.

**Senator Bock** asked how we might be able to get more aircrafts registered in Idaho and if there were federal rules that hindered such an effort. **Mr. Pape** said that airlines are exempt from requiring an Idaho license, however, their participation use rate is high. Private owners must register their aircraft or be charged with personal property tax, which is higher.

**Vice Chairman Johnson** wanted to know if the state owned the backcountry airstrips. **Mr. Pape** said that some are owned by the Division of Aeronautics, some by the Department of Lands and some by communities. **Vice Chairman Johnson** asked if ITD charges the Forest Service to use backcountry airstrips for fighting fires. **Mr. Pape** said they are given permission to use the airstrips at no charge, but if they cause damage to the airstrips, they pay for the repairs. **Vice Chairman Johnson** asked if community airstrips charge the Forest Service. **Mr. Pape** said he was not aware of a landing fee for the Forest Service. **Vice Chairman Johnson** said he was trying to find possible sources of revenue for the aeronautics division and asked about the charter fee for state-owned aircraft. **Mr. Pape** said that ITD owns and operates three aircrafts (one was a gift from the military). There is a scheduled fee increase for the hourly charter rate that will bring the rate closer to private charter rates.

**Senator Winder** asked if the federal government charged for use of airports located on their land. **Mr. Pape** said they did not. There were no further questions for Mr. Pape.

**TESTIMONY:** **Bill Miller**, former Administrator of ITD's Division of Aeronautics (from 1988 to 1992), said that he now works in the government affairs office of the Idaho Aviation Association and is testifying on behalf of the association's 1,000 members in support of **H 118**. His board unanimously supports both **H 118** and **H 117**; maintaining the airstrips will be of great benefit to pilots and to communities. There were no questions for Mr. Miller.

**Mary Cordova**, Administrator of the city of Payette, testified on behalf of their small airport in support of **H 118**. As their community grows, they look to ITD's Division of Aeronautics to help maintain their airport. This is the first year the city of Payette has had to use property taxes to maintain their airport. There are potentially new industries interested in the region around Payette and their airport is receiving more use. There were no questions for Ms. Cordova.

**MOTION:** **Chairman Brackett** called for a motion. **Senator Hagedorn** moved that **H 118** be sent to the Senate floor with a **do pass** recommendation. **Senator Bock** seconded the motion.

**Senator Winder** applauds the tradition and history of backcountry airports that are important to hunting, fishing and firefighting. Outside of Alaska, Idaho has the best backcountry airstrips in the country. He also commended the flying community for their support.

The motion carried by unanimous **voice vote**. **Senator Winder** will carry the bill on the Senate floor.

**H 117** **Mr. Pape** returned to the podium to present **H 117**, and said that this bill repeals the requirement in Idaho Code (section 21-114) that pilots register with ITD. It is an administrative burden to ITD because the Federal Aviation Administration (FAA) currently maintains the main source of information about Idaho pilots. The \$6 per year registration fee is not worth the cost to ITD. This change will reduce ITD's budget by approximately \$13,500 annually. This is a housekeeping bill and helps in ITD's efforts to cleanup Idaho statutes. **Mr. Pape** stood for questions.

**Senator Keough** directed Mr. Pape to page 3, lines 21 through 24, and asked how this section on aerial search falls under "housekeeping." **Mr. Pape** said it is "housekeeping" because this requirement falls under the Department of Homeland Security. It has been moved out of this section and moved into another area. There were no further questions for Mr. Pape.

**TESTIMONY:** **Bill Miller** stated that **H 117** was approved when his association's board met in January and they support the bill. There were no questions for Mr. Miller.

**MOTION:** **Senator Bock** moved to send **H 117** to the Senate floor with a **do pass** recommendation. **Senator Winder** seconded the motion. The motion carried by unanimous **voice vote**. **Senator Hagedorn** will carry the bill on the Senate floor.

**HCR 8** In Chairman Palmer's absence because of the House schedule, **Senator Winder** presented **HCR 8** which praises and acknowledges the great strides that ITD has accomplished over the past three years in getting out of a difficult situation. There were no questions for Senator Winder.

**MOTION:** **Senator Winder** moved that **HCR 8** be sent to the Senate floor with a **do pass** recommendation. **Senator Hagedorn** seconded the motion. The motion carried by unanimous **voice vote**. **Chairman Brackett** will carry **HCR 8** on the Senate floor.

**H 41** **Chairman Brackett** began the discussion by recapping the history of **H 41** which had previously been in Committee on February 13 and, at that meeting, was sent to the Senate floor with a do pass recommendation. On February 20 the Senate sent the bill to the 14th Order for amendment and by unanimous consent it was returned to Committee. Today we will rehear the bill for further consideration. Vice Chairman Johnson carried the bill on the Senate floor, so **Chairman Brackett** asked the Vice Chairman to present **H 41** and any new developments.

**Vice Chairman Johnson** relayed the discussions and meetings he had participated in to prepare for today's Committee meeting. He and the stakeholders are better informed. The first bioptic device drivers were in California in 1971; bioptic device drivers have been in Idaho for twenty years and we currently have about 400 statewide. He had asked for data on vehicle accident rates of bioptic device users, but it is not tracked. The primary issue is the presumptive clause that affects those claiming a tax deduction while carrying a valid driver's license; an inconsistency in the law. The presumptive clause makes it more difficult to police this situation and should be removed. The **Vice Chairman** said that if bioptic device users are required to choose between the tax exemption or driving, they far prefer to be able to drive. Driving allows them to lead independent, productive lives and provide for their families. There were no questions for Vice Chairman Johnson.

**Chairman Brackett** thanked the Vice Chairman and said there were a number of individuals who had come to testify on this bill. Because of a time constraint, the **Chairman** said he would limit testimony to two minutes per person. However, he wanted Angela Jones, the Administrator of the Idaho Commission for the Blind and Visually Impaired, who presented the bill the first time the Committee heard it, to have extra time for her remarks.

**Ms. Jones** went through the packets she had prepared and distributed to each member of the Committee. Those packets are on file as part of the permanent record in the Committee office. She said that in 2020, one-in-twenty people over the age of 65 will be diagnosed with the eye disease, macular degeneration. These bioptic devices will be needed by those afflicted individuals. The Idaho Commission for the Blind and Visually Impaired worked with ITD in developing **H 41** and the commission supports the bill. **Ms. Jones** stood for questions.

**Senator Keough** thanked Ms. Jones for the packets and asked her to briefly summarize the information. **Ms. Jones** said that there are 40 states where individuals use bioptic devices to drive; Idaho's restrictions rank in the middle of those states.

**Senator Bock** asked why ITD was neutral on this issue. **Ms. Jones** read a letter from Alan Frew, ITD's Administrator of their Motor Vehicles Division, that she had placed in the Committee member's packets. It states that ITD would prepare agency sponsored legislation with an emergency clause effective upon the Governor's signature; ITD indicated they would be supportive. She continued that the commission and ITD agreed on this legislation. **Senator Bock** commented that he would be more comfortable if ITD had taken a position on **H 41**.

**TESTIMONY:**

There were individuals from around southern Idaho who came to the Capitol to offer testimony in support of **H 41**. Most had personal knowledge, use or had used bioptic devices to qualify for an Idaho driver's license. They stated how the ability to drive offered them and their families economic security. Without the ability to utilize these devices, many would have to leave their jobs and rely on financial assistance to support their families. Most were very passionate about the freedom these devices gave them and their families; they felt they were less of a burden to their friends, neighbors and families. They expressed that if given a choice between a tax deduction and the ability to drive, they would choose having the ability to drive. Many had vision conditions that would not always allow them to qualify for driving, but they wanted to be able to continue driving for as long as they passed the annual required visual examination. All stood for questions when their testimony was complete.

Those testifying in support of **H 41** were: **Candy Harris** of Caldwell; **Travis Beck** and his wife **Amber Beck** of Eastern Idaho; **Craig Fredericksen** and his wife **Betty Fredericksen** of Gooding; **Tyler Williams** and his wife **Katy Williams** of Pocatello; and **Tony Bridges** who has lived in Idaho for 30 years.

**Senator Hagedorn, Senator Bock, Senator Rice** and **Vice Chairman Johnson** asked questions of the individuals testifying that included issues of public safety; the annual vision testing requirements and how much the bioptic device corrects their vision; what being able to drive meant to their daily lives; and what economic hardships they might incur if they were no longer able to drive.

**Greg Berry**, retired law enforcement, is a former state-certified skills test provider. He stated that of those he certified, there was never an accident where bioptic devices were implicated. Personally, he was a bioptic device driver for two years.

In conclusion, **Ms. Jones** stated that these drivers received a letter from ITD indicating that their driver's licenses would be revoked, which is why this bill was drafted. She stated that the optometrist who had testified in the previous hearing was in the Committee and ready to answer more questions; Mr. Berry is a former police officer who is here to respond to the Committee's questions. The bottom line is that these individuals need to continue to work and be productive citizens and not lose their driver's licenses. There was no further testimony or questions.

For clarification, **Senator Hagedorn** said that the Idaho State Tax Commission brought to the attention of ITD the issue of individuals who were claiming a tax credit for being blind also had valid driver's licenses, which is why ITD sent the notification letters to bioptic device users. He said that **H 41** needs an amendment to allow the continuation of the system through July 30, 2014 in order to give the stakeholders one year to work out corrective language. That way no one will lose their license.

**MOTION:**

**Senator Hagedorn** moved to send **H 41** to the 14th Order for amendment. **Senator Bock** seconded the motion.

**SUBSTITUTE MOTION:**

**Senator Bock** then offered a substitute motion to hold **H 41** over until the next meeting of the Committee on Tuesday, March 12. **Senator Buckner-Webb** seconded the substitute motion.

**Senator Bock** said that this would offer the Committee members time to further discuss the issues and do some wordsmithing.

The substitute motion carried by majority **voice vote**, thereby killing the original motion.

**ADJOURNED:** With no further business before the Committee, **Chairman Brackett** adjourned the meeting at 3:05 p.m.

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Senator Brackett  
Chairman

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Gaye Bennett  
Secretary

AGENDA  
**SENATE TRANSPORTATION COMMITTEE**  
1:30 P.M.  
Room WW53  
Tuesday, March 12, 2013

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#"><u>H 41</u></a>	<b>Continuation of the Committee discussion from the March 7 hearing.</b> The bill clarifies when visually impaired individuals are considered competent to drive a motor vehicle. Allowance is made for those who technically qualify for tax, welfare or other benefits or exemptions for the blind. Technical corrects are also included.	<b>Angela Jones</b> , Idaho Commission for the Blind and Visually Impaired
<a href="#"><u>H 217</u></a>	Specifies that the primary liability in cases of death or damages of drivers of vehicles loaned for temporary use without charge lies with the operator; the vehicle's owner's coverage shall be secondary.	<b>Trent Wright</b> , Idaho Automobile Dealers Association
<a href="#"><u>H 170</u></a>	Allows local highway jurisdictions to perform market value estimates on property subject to eminent domain in the same manner as the Idaho Transportation Department.	<b>Steve Price</b> , Ada County Highway District

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Brackett

Vice Chairman Johnson

Sen Keough

Sen Winder

Sen Rice

Sen Nonini

Sen Hagedorn

Sen Bock

Sen Buckner-Webb

COMMITTEE SECRETARY

Gaye Bennett

Room: WW33

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MINUTES  
**SENATE TRANSPORTATION COMMITTEE**

**DATE:** Tuesday, March 12, 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 1:35 p.m. and asked the secretary to take a silent roll. With a quorum present, the **Chairman** took up the Committee discussion on **H 41** that began at the end of the March 7 meeting. The **Chairman** turned the meeting over to Vice Chairman Johnson, who had carried the bill on the Senate floor previously, to conclude the discussion.

**H 41** **Vice Chairman Johnson** said that the Committee has taken a lot of time learning about bioptic devices and the issues presented in **H 41**. After meetings and discussions outside the Committee, an agreement on the current language in the bill had been reached. It is agreed that any additional changes to these statutes should occur in the next legislative session. The **Vice Chairman** said that, based on those discussions, he is convinced the bill should be passed, and he appreciates the efforts of all involved. He asked if there were any comments or questions from the Committee.

**Senator Rice** thought the discussions that had taken place brought the Committee to a better understanding of the changes that should be pursued in the next legislative session. He said the Committee members need to take time to meet to further discuss bioptics. **Senator Rice** said he would support the bill.

**Senator Bock** said that the potential harm to those using bioptic lenses could be catastrophic if this bill does not pass. He agreed that this issue should be revisited in the next legislative session. There were no further comments or discussion.

**MOTION:** **Vice Chairman Johnson** moved that **H 41** be sent to the Senate floor with a **do pass** recommendation. **Senator Bock** seconded the motion. The motion carried by unanimous **voice vote**. **Vice Chairman Johnson** will carry the bill on the Senate floor.

**Vice Chairman Johnson** turned the Committee meeting back to Chairman Brackett.

**H 217** **Chairman Brackett** welcomed Trent Wright, Executive Vice President of the Idaho Automobile Dealers Association, to the Committee and asked him to present **H 217**.

**Mr. Wright** said that **H 217** amends existing law to revise provisions relating to the negligent operation of a loaned vehicle. He explained that this refers to loaner vehicles given to consumers by dealerships for use while their vehicle is being serviced. The bill deals with where the liability lies if the consumer drives negligently and damages the vehicle. Paying for insurance liability policies has become a problem for dealers. **H 217** specifies that if a vehicle is loaned for temporary use without charge and is operated in a negligent manner, the primary liability coverage shall be the operator's insurance, with the dealer's insurance being secondary. He said there were dealers present in the hearing willing to testify.

**Mr. Wright** indicated that an amendment has been drafted by stakeholder consensus to add specific language in sections 3 and 5; section 11 encapsulates the additions. He distributed copies of the proposed amendment. With that, **Mr. Wright** stood for questions.

**Senator Winder** brought attention to the second-to-the-last line in the amendment and said the language dealing with "death or injury" was not a problem.

**Senator Bock** asked if consumers test driving cars at a dealership needed to show proof of insurance. **Mr. Wright** didn't know of a specific rule or requirement, but as a best-practice consumers need to show proof of insurance and the dealer takes a copy of their driver's license. **Senator Bock** asked how the new language would handle an operator who has an accident. **Mr. Wright** said that if a dealership allows one of their vehicles to be given to a consumer, and they've done so without checking if the consumer has insurance or if the consumer has liability only, then any damage becomes the responsibility of the dealer.

**Senator Nonini** asked if someone from the insurance industry was giving testimony. **Chairman Brackett** said that several had signed up to do so.

**Vice Chairman Johnson** said it appears that the amendment (page 2, lines 36 and 37) contains the same language as the bill, and he read that section of the bill. **Mr. Wright** said the language is there to address issues between states, like Lewiston, Idaho and Clarkston, Washington. He suggested that perhaps some of the insurance industry lobbyists present could add more clarification. There were no further questions for Mr. Wright.

**TESTIMONY:**

**Woody Richards**, representing Farm Bureau Mutual Insurance Company, Allstate and other insurance companies, said that his clients' goals matched those of the automobile dealers and they support the legislation. **Mr. Richards** stood for questions.

**Senator Nonini** asked if there were issues of concern with cross-state insurance coverage. **Mr. Richards** said that liability coverage is basically the same in every state. Even if you have insurance from another state you can drive in Idaho.

**Senator Nonini** asked if there was concern about costs of transferring risk back to Idaho policies. **Mr. Richards** said this scenario happens rarely and would be considered an unusual circumstance; there is no significant effect.

**Senator Bock** asked what the degree of change is by adding the amendment. **Mr. Richards** said that it means the primary coverage comes from dealers. There were no further questions for Mr. Richards.

**Phil Barber** and **Lyn Darrington** were in the audience representing Farmers Insurance and State Farm Insurance, respectively. Each stood and stated that they had no additional comments and they supported the legislation. There were no questions for Mr. Barber or Ms. Darrington.

**Don Anderson** of Lyle Pearson Company in Boise responded to inquiries about how this legislation would work in day-to-day dealership operation. Insurance and large vehicle inventory expenses are focused on the movement of their vehicles. In order for costs to remain low, dealers are forced to choose high deductibles (e.g., \$25,000 and above). Loaning autos has become the highest risk area. A dealer can control employees who take loaner autos, but customers cannot be controlled and a dealer doesn't know who will actually be driving the auto. Customer expectations have grown, plus, as good business practice, dealers provide autos for various charity and community purposes. **Mr. Anderson** stood for questions.

**Senator Nonini** asked if premiums had gone up drastically. **Mr. Anderson** said that there has been a twenty percent increase even though they have not had large claims; the industry is getting tighter in this regard. There were no further questions for Mr. Anderson.

**Grant Petersen** of Bronco Motors in Boise explained the similarities and differences in the process dealerships use with loaner cars and with demonstration cars. When a prospective buyer wants to take a car out on a demonstration drive, a sales person always accompanies the vehicle operator. A demonstration permit is usually completed and a copy of the operator's driver's license is made; this is also considered a "permission slip." Loaner cars are given to customers whose cars are being serviced in some fashion; proof of insurance and copy of license of the driver of the loaner car is taken. In cases where there is damage to the vehicle, the dealership's insurance is primary and the individual driver's insurance is secondary in Idaho, which is unusual. There are no contractual agreements in either case. There are only three major insurance carriers in the United States that provide insurance to dealers. Dealers also loan vehicles to state colleges throughout Idaho. This legislation cleans up the dealer liability issue and places common sense in the law. **Mr. Petersen** stood for questions.

**Senator Bock** asked if this bill was broad enough to cover liability issues for dealers and non-dealers. **Mr. Petersen** said that covering non-dealers was not the intent of the bill. He deferred to Mr. Wright for clarification. There were no further questions for Mr. Petersen.

**Mr. Wright** said the dealer associations have worked with the insurance companies and this legislation is specific to "loaned vehicles" only. There is clear cut language in place. For consumers, not much will change; most sign loaner agreements all the time. This has been under consideration for a long time; he asked the Committee to support the bill and send it to the 14th Order for amendment. **Senator Bock** was satisfied with that explanation.

**MOTION:**

With no further discussion or questions, **Chairman Brackett** called for a motion. **Senator Hagedorn** moved to send **H 217** to the 14th Order for amendment. **Vice Chairman Johnson** seconded the motion. The motion carried by unanimous **voice vote**. **Senator Hagedorn** will carry the bill on the Senate floor.

**H 170**

**Chairman Brackett** welcomed Steve Price, General Counsel for the Ada County Highway District (ACHD), to the Committee and asked him to present **H 170**.

**Mr. Price** began with background on the issue of the bill. Annually, highway districts purchase millions of dollars of surplus property; ACHD spends about \$500,000 annually for roughly 500 small parcels of land. With each parcel, ACHD spends between \$2,000 and \$3,000 on appraisals to purchase property that in many cases has a value less than that amount. There are certain "exemptions" available under the Appraisers Act. For example, the Idaho Transportation Department (ITD) received an exemption for requiring an appraisal for surplus and eminent domain property whose value is \$10,000 or less. If the owner of the property does not agree, they still have the right to have an appraisal done. As a cost savings measure, highway districts are asking for that same privilege through this legislation. **Mr. Price** stood for questions.

**Senator Rice** asked what the average cost of a simple appraisal was. **Mr. Price** said that it depends on the number of parcels, but generally it is \$2,000. For clarification purposes, **Senator Rice** asked that if a parcel is valued at less than \$10,000 and everyone agrees that it is valued at less than \$10,000, an appraiser would still charge \$2,000. **Mr. Price** replied that the Senator was correct, because an appraiser has to go through many steps to get to a square footage price. The effort required to appraise a small parcel of land is the same effort needed to appraise larger parcels. There were no further questions for Mr. Price.

**MOTION:** **Vice Chairman Johnson** moved to send **H 170** to the Senate floor with a **do pass** recommendation. **Senator Keough** seconded the motion. The motion passed by unanimous **voice vote**. **Senator Bock** will carry the bill on the Senate floor.

**ADJOURNED:** With no further business before the Committee, **Chairman Brackett** adjourned the meeting at 2:22 p.m.

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Senator Brackett  
Chairman

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Gaye Bennett  
Secretary

**AMENDED AGENDA #2**  
**SENATE TRANSPORTATION COMMITTEE**  
**1:30 P.M.**  
**Room WW53**  
**Thursday, March 14, 2013**

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#"><u>H 216</u></a>	Exempts facilities used by federal power marketing agencies from the standards for lighting and marking of guyed towers above 50 feet.	<b>John Williams,</b> Bonneville Power Administration
<b>MINUTES</b>	Approve minutes of the February 7, 2013 meeting.	<b>Vice Chairman Johnson and Senator Bock</b>
	Approve minutes of the February 11, 2013 meeting.	<b>Senator Keough and Senator Winder</b>
<b>UNANIMOUS CONSENT TO SEND TO STATE AFFAIRS COMMITTEE FOR PRINT: RS 22170C1</b>	Establishes reciprocal procedures allowing ITD and similar authorities in contiguous states to collect fees for services.	<b>Chairman Brackett</b>

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Brackett  
Vice Chairman Johnson  
Sen Keough  
Sen Winder  
Sen Rice

Sen Nonini  
Sen Hagedorn  
Sen Bock  
Sen Buckner-Webb

COMMITTEE SECRETARY

Gaye Bennett  
Room: WW33  
Phone: 332-1332  
email: stran@senate.idaho.gov

MINUTES  
**SENATE TRANSPORTATION COMMITTEE**

**DATE:** Thursday, March 14, 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 1:35 p.m. and asked the secretary to take a silent roll. With a quorum present, **Chairman Brackett** welcomed John Williams of Bonneville Power Administration (BPA) to the Committee and asked him to present **H 216**.

**H 216** **Mr. Williams** began by presenting historical facts about BPA being a federal marketing agency of electricity throughout the Northwest. It is a nonprofit organization that pays debt service to the United States Treasury. BPA owns seventy-five percent of the electricity transmission lines in the Northwest which provides electricity to communities throughout the region. There are twenty-five public utility districts in Idaho that use BPA power. H 511, from the 2012 legislative session, established standards for lighting and marking of guyed towers above fifty feet in height. That bill exempted towers owned by utilities, however, BPA is not considered a transmission utility under Idaho Code. **H 216** includes BPA specifically as being exempt under last year's legislation. **Mr. Williams** stood for questions.

**Senator Bock** wanted to know if BPA is governed by federal law that would exempt it from some state laws. **Mr. Williams** said that BPA is regulated through federal statutes, but this issue falls under Federal Aviation Administration (FAA) regulations. **Senator Bock** suggested FAA guidelines may preclude Idaho from regulating guyed towers. **Mr. Williams** said that BPA is seeking the same exemption Idaho Power Company has under last year's legislation.

**Senator Rice** asked if BPA owned the towers they use in Idaho or if they rent them from another owner. **Mr. Williams** said that both occur; they utilize other electric utilities' facilities, but they also manage facilities that wheels electric power along transmission lines. There were no further questions for **Mr. Williams**.

**MOTION:** **Senator Keough** moved that **H 216** be sent to the Senate floor with a **do pass** recommendation. **Senator Buckner-Webb** seconded the motion. There being no discussion, the motion carried by unanimous **voice vote**. **Senator Keough** will carry the bill on the Senate floor.

**MINUTES:** **Chairman Brackett** called for a motion on the minutes of the February 7 meeting. **Vice Chairman Johnson** moved that the minutes of the February 7 meeting be approved. **Senator Bock** seconded the motion. The motion carried by unanimous **voice vote**.

**Chairman Brackett** called for a motion on the minutes of the February 11 meeting. **Senator Keough** moved that the minutes of the February 11 meeting be approved. **Senator Winder** seconded the motion. The motion carried by unanimous **voice vote**.

**UNANIMOUS  
CONSENT:**

**Chairman Brackett** asked the Committee for unanimous consent to send **RS 22170C1** to the Senate State Affairs Committee for printing. He explained that the legislation would benefit the residents of the Duck Valley Indian Reservation. There was no objection.

**ADJOURNED:**

There being no further business before the Committee, **Chairman Brackett** adjourned the meeting at 1:40 p.m.

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Senator Brackett  
Chairman

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Gaye Bennett  
Secretary

AGENDA  
**SENATE TRANSPORTATION COMMITTEE**  
1:30 P.M.  
Room WW53  
Tuesday, March 19, 2013

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<b>MINUTES</b>	Approve minutes of the February 19, 2013 meeting.	<b>Senator Rice and Senator Nonini</b>
<a href="#"><u>S 1179</u></a>	Establishes reciprocal procedures allowing ITD and similar authorities in contiguous states to collect fees for services.	<b>Chairman Brackett</b>
<a href="#"><u>H 171aa</u></a>	Limits a county or highway district's liability resulting from an unauthorized encroachment in public right-of-ways.	<b>Steve Price, Ada County Highway District</b>

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Brackett	Sen Nonini
Vice Chairman Johnson	Sen Hagedorn
Sen Keough	Sen Bock
Sen Winder	Sen Buckner-Webb
Sen Rice	

COMMITTEE SECRETARY

Gaye Bennett  
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MINUTES  
**SENATE TRANSPORTATION COMMITTEE**

**DATE:** Tuesday, March 19, 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 1:35 p.m. and asked the secretary to take a silent roll. With a quorum present, **Chairman Brackett** brought up the "save the date" flyer in today's Committee packets. The event is a legislative meet-and-greet to be held on October 24 in Boise hosted by Idaho Women in Transportation's Treasure Valley Chapter. An email with more details will be sent this summer.

**MINUTES:** **Chairman Brackett** called for a motion on the minutes of the February 19 meeting. **Senator Rice** moved that the minutes of the February 19 meeting be approved. **Senator Nonini** seconded the motion. The motion carried by unanimous **voice vote**.

**S 1179** **Chairman Brackett** turned the meeting over to Vice Chairman Johnson so that he could present **S 1179**. **Vice Chairman Johnson** told Chairman Brackett the Committee was ready to hear the bill whenever he was ready to present.

**Chairman Brackett** said that **S 1179** is legislation that enables the Idaho Transportation Department (ITD) and similar agencies in contiguous states to enter into joint power agreements in order to obtain Idaho driver's licenses, vehicle titles and registrations. He referred to page 2, lines 14 through 23. This legislation was brought forward to put into statute this long-standing process for residents of the Duck Valley Indian Reservation, where half the reservation is located in Nevada and half in Idaho. If this bill is not enacted, those residents in the Nevada half will need to travel all the way to Elko, Nevada, a considerable distance, to receive these services. Mountain Home, Idaho is much closer for both the Idaho and Nevada reservation residents. The **Chairman** said there is a new section 49-244, Idaho Code, that says for the purposes of these services, they would be considered Idaho residents. He concluded by commenting that the "fiscal note" shows there is no impact to the general fund. He said that, in fact, there would be a positive impact to the general fund as these residents would shop in Idaho which would result in increases in sales tax which affects the general fund. **Chairman Brackett** stood for questions.

**Senator Nonini** asked if there were other areas of the state that could be affected by this bill. **Chairman Brackett** said that potentially the Nez Perce Indian Reservation and the Coeur d'Alene Indian Reservation could utilize the process outlined in this legislation. It is not limited to the Duck Valley Indian Reservation.

**Senator Bock** asked how ITD would implement the mechanics of this legislation. **Chairman Brackett** deferred that response to Alan Frew, ITD's Motor Vehicles Administrator. There were no further questions for Chairman Brackett.

**Mr. Frew** asked to provide some context and reason for this legislation before answering Senator Bock's question. ITD was approached nineteen years ago by the tribes at the Duck Valley Indian Reservation about providing the same services this bill outlines. The tribes argued that because of sovereign nation status, they are free to choose between Idaho or Nevada for residency; half the reservation lies in Idaho and half in Nevada. For the past nineteen years, Idaho has provided these services to those residents. After receiving the Attorney General's opinion, ITD notified the tribal chairman that the practice had to be discontinued. The mechanism that makes this work is that ITD will approach the state of Nevada to develop a reciprocity arrangement so that Idaho driver's licenses could be issued in Nevada and vice-versa. Residents of the Duck Valley Indian Reservation who live on the Nevada side could go to Mountain Home to receive their licenses; they would leave with a temporary license that is good for a forty-five day period of time; their permanent Nevada license would be mailed before the forty-five days are up.

**Senator Hagedorn** asked how this might impact other reservations like the Nez Perce or the Coeur d'Alene tribes. **Mr. Frew** said he was not aware of a need, but if a need arises they would go through the same procedures with the states of Washington and Oregon. **Senator Hagedorn** said he was concerned with vehicle titles and how they would be handled. **Mr. Frew** said that ITD has provided these services for nineteen years without complications and they would approach their counterparts in Oregon and Washington to make similar reciprocity arrangements. There were no further questions for Mr. Frew.

In closing, **Mr. Frew** said that while this is not a single purpose bill, the Duck Valley Indian Reservation would greatly benefit from being able to continue these services.

**TESTIMONY:**

**Vice Chairman Johnson** welcomed Chairman Terry Gibson of the Shoshone-Paiute Tribes on the Duck Valley Indian Reservation to the Committee to testify on **S 1179**.

**Chairman Gibson** began by thanking Chairman Brackett and Mr. Frew for their work on this very important issue to his people. The Shoshone-Paiute Tribes have entered into many agreements with the state of Idaho: state brand inspection for livestock purchased and sold in Idaho; Department of Corrections and the parole board; juvenile corrections agreement through the federal Indian Child Welfare Act; implementing the Adam Walsh Child Protection and Safety Act through the state sex offenders office; and federal block grants that work with the state. The Tribe prefers to do their shopping, get their healthcare services, and do their banking in Idaho. They help maintain Idaho's Highway 51 and participate in Life Flight. Many on the reservation are elderly and not being able to keep the current motor vehicle services would cause them great hardship. The tribes support and appreciate the state of Idaho and consider it their homeland. He concluded by asking the Committee to pass **S 1179**. **Chairman Gibson** stood for questions.

**Senator Hagedorn** said he was concerned about unintended consequences to other tribes in Idaho whose borders extended into Washington and Oregon. **Chairman Gibson** said that **S 1179** would give those tribes a choice. He speaks with the other tribe leaders regularly and this issue has never been discussed; he doesn't see that it would be a problem.

**Senator Bock** asked about the relationship the tribes in Duck Valley have with the tribe in McDermott, Nevada. **Chairman Gibson** said that following the Bannock Wars many families were broken up and moved to McDermott and Fort Hall and Duck Valley. Although many tribe members have family at these other locations, this bill does not affect the McDermott tribe. There were no further questions for Chairman Gibson.

**MOTION:** With no further discussion, **Senator Buckner-Webb** moved to send **S 1179** to the Senate floor with a **do pass** recommendation. **Senator Winder** seconded the motion. The motion carried by unanimous **voice vote**.

**Vice Chairman** turned the meeting back to **Chairman Brackett** who thanked Chairman Gibson and the Committee. He introduced Lisa Jim who works closely with Chairman Gibson. **Chairman Brackett** also welcomed Steve Price, General Counsel to the Ada County Highway District (ACHD), to the Committee and asked him to present **H 171aa**.

**H 171AA** **Mr. Price** said this was an important piece of legislation for county and local highway districts. It deals with encroachments on right-of-ways along highways, and explores issues that have been raised in the past. There were three incidents in the recent past that became high profile examples of why this legislation is needed: (1) the death of an assistant principal at Mountain View High School in Meridian; (2) the collapse of a downtown Boise sidewalk to an underground vault, where fortunately no one was injured; and, (3) a child was choking from an obstruction and the Emergency Medical Services (EMS) team could not get through an unmarked fence blocking the roadway and the detour around it detained them by another nine minutes. **Mr. Price** explained how these incidents could have been helped or prevented if this legislation had been law. This bill requires removal of obstructions in public right of ways. Liability incurs if the owner has knowledge of an obstruction and does nothing. **Mr. Price** stood for questions.

**Senator Nonini** asked how the sidewalk claim was resolved. **Mr. Price** The owner of the property contacted ACHD and it was resolved through settlement; there was no liability protection under the law. **Senator Nonini** asked if someone had died would there have been a settlement. **Mr. Price** said that they would likely have gone through a tort claim and insurance.

**Senator Bock** referred to page 2, lines 2 through 6, stating that the owner or person controlling the encroachment has five-days to respond to a notice of encroachment. He wanted to know what would happen if the encroachment causes harm during the waiting period. **Mr. Price** said that if an encroachment is unsafe, ACHD has a mandatory obligation to remove the obstruction without notice; no five-day wait applies. **Senator Bock** referred to page 2, lines 12 through 20 regarding "reasonable care." It seems inconsistent that only the highway district does not assume liability. **Mr. Price** said the intent is to limit responsibility to standard of care. **Senator Bock** asked if negligent standard applies. **Mr. Price** said it did.

**Senator Hagedorn** asked if a tree branch encroaches over a stop sign, would the responsible party be able to remove the tree branch or would they have to cut down the entire tree. **Mr. Price** said only the encroachment in the public right-of-way would need to be removed. There were no further questions for Mr. Price.

**TESTIMONY:** **Chairman Brackett** welcomed Barbara Jordan of the Idaho Trial Lawyers Association (ITLA) to the Committee.

**Ms. Jordan** said that ITLA agrees with the highway districts in part and they are not opposed to the bill in general, but they do have concerns. She listed those concerns as: (1) the House amendment made the bill better, but ITLA's concerns were not addressed; (2) highway districts already have protection under the Tort Act; (3) the language in the bill is confusing; (4) another concern is that highway districts determine what is safe and what is not safe; and, (5) the change to section 4 needs to be more specific as to whether the owner knew about an encroachment and did not resolve it or didn't know about the encroachment.

**Ms. Jordan** continued that courts should be determining some of these issues because the language in the bill makes the issues very complex. The highway districts do not seem interested in correcting the language. **Ms. Jordan** asked the Committee to either hold the bill in Committee and work out the language issues, or send it to the 14th Order where the language can be fixed. She ended by saying she was accompanied to the hearing by a trial lawyer who could respond to questions. There were no questions for Ms. Jordan.

**MOTION:** **Senator Bock** moved that **H 171aa** be sent to the 14th Order for amendment. **Senator Buckner-Webb** seconded the motion. **Chairman Brackett** asked if there was any discussion on the motion.

**SUBSTITUTE MOTION:** **Senator Hagedorn** commented that he did not believe there was a problem with the bill, and moved that **H 171aa** be sent to the Senate floor with a **do pass** recommendation. **Senator Rice** seconded the motion. **Chairman Brackett** asked if there was any discussion on the substitute motion.

**Vice Chairman Johnson** had questions for John Kormanik, a trial lawyer, representing ITLA. The **Vice Chairman** asked whether the phrase "county highway district shall not be liable to encroachment" is "strict" or "ordinary" negligence. **Mr. Kormanik** said that was the issue with the statute as written. If that phrase is unclear to the Senator, it becomes a good reason why the bill should be amended. He said the legislation should be written in clean and plain language. He believes the passage deals with ordinary negligence, but by using strict liability, it becomes unclear. **Vice Chairman Johnson** wanted to know why the word "liability" is the same in the original bill and in ITLA's amendment. **Mr. Kormanik** said it was "reasonable care" liability.

**Senator Rice** described the three different types of encroachments in the bill. He commented that there are many things for which highway districts should not be held liable. There was no further discussion.

**VOTE ON THE SUBSTITUTE MOTION:** **Chairman Brackett** called for a vote on the substitute motion which passed by majority **voice vote**. **Senator Bock** and **Senator Buckner-Webb** asked to be recorded as voting "no" on the motion. **Senator Rice** will carry the bill on the Senate floor. **Chairman Brackett** said that with the passage of the substitute motion, the original motion died.

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

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Senator Brackett  
Chairman

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Gaye Bennett  
Secretary

AGENDA  
**SENATE TRANSPORTATION COMMITTEE**  
**1:00 P.M.**  
**Room WW02 (Auditorium)**  
**Tuesday, March 26, 2013**

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<b>MINUTES</b>	Approve the minutes of the February 12 meeting.	<b>Senator Hagedorn and Senator Buckner-Webb</b>
	Approve the minutes of the March 5 meeting.	<b>Vice Chairman Johnson and Senator Bock</b>
	Approve the minutes of the March 12 meeting.	<b>Senator Rice and Senator Nonini</b>
	Approve the minutes of the March 14 meeting.	<b>Senator Keough and Senator Winder</b>
	Approve the minutes of the March 19 meeting.	<b>Vice Chairman Johnson and Senator Rice</b>
<b>COMMITTEE PAGE</b>	Recognition of the work of Committee Page <b>Robin Crotteau</b> of Timberline High School in Boise.	<b>Chairman Brackett</b>
<a href="#"><u>H 322</u></a>	Allows ITD and local highway jurisdictions to designate routes for vehicles of up to 129,000 pounds.	<b>Stuart Davis</b> , Idaho Association of Highway Districts
<a href="#"><u>H 290</u></a>	Provides that vehicles owned and operated by a farmer or his agent may be operated on a highway up to 2,000 pounds in excess of any axle, bridge or gross vehicle weight limit.	<b>Senator Guthrie</b>
<a href="#"><u>H 321</u></a>	Amends several statutory provisions to address the issues raised by the Right-of-Way Task Force. It represents a collaborative resolution to stakeholders' interests.	<b>Representative Loertscher</b>
<a href="#"><u>H 279</u></a>	Clarifies laws relating to the registration of boats, snowmobiles and off-highway vehicles.	<b>Representative Gestrin</b>

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Brackett	Sen Nonini
Vice Chairman Johnson	Sen Hagedorn
Sen Keough	Sen Bock
Sen Winder	Sen Buckner-Webb
Sen Rice	

COMMITTEE SECRETARY

Gaye Bennett  
Room: WW33  
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MINUTES  
**SENATE TRANSPORTATION COMMITTEE**

**DATE:** Tuesday, March 26, 2013

**TIME:** 1:00 P.M.

**PLACE:** Room WW02 (Lincoln Auditorium)

**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 1:05 p.m. and asked the secretary to take a silent roll. With a quorum present, **Chairman Brackett** explained the Committee had a full agenda today and that he would jump around the agenda to accommodate the schedules of some presenters. **Chairman Brackett** welcomed Representative Loertscher to the Committee and asked him to present **H 321**.

**H 321** **Representative Loertscher** began by stating that under House Rule 38 he is disclosing that this legislation could impact properties in which he has an interest, and that there is a typographical error on page 6, line 9 that has been corrected. This bill is a culmination of a year of efforts to deal with pertinent road issues and the Idaho Code. This bill addresses several issues arising from the testimony and discussion before this Committee during last year's legislative session relating to H 628aa. Last year this Committee formed an Interim Task Force that included members of the House and Senate to further study these issues. On October 1, 2012, the Right-of-Way Task Force convened and accepted extensive testimony from several stakeholders and the public. **H 321** amends several statutory provisions to address the issues raised with the Right-of-Way Task Force and also represents a collaborative resolution of the stakeholders' interests. It protects private property rights, and ensures adequate public right-of-ways for transportation and utility entities. This bill applies to any and all existing and future highways and public right-of-ways, and it includes an emergency clause because of the year delay in legislation and the immediate need to provide clarity regarding the status or abandonment of highways and public right-of-ways. **Representative Loertscher** went through the bill page by page and stood for questions.

**Senator Rice** asked what private groups (he used the Idaho Food Producers as an example) thought about this bill. **Representative Loertscher** said they supported this bill. There were no further questions for Representative Loertscher.

**TESTIMONY:** **Dennis Tanikuni**, Assistant Director of Governmental Affairs for the Idaho Farm Bureau Federation, said that the Idaho Farm Bureau supports **H 321** and confirmed that the Idaho Food Producers support it as well. There were no questions for Mr. Tanikuni.

**Stuart Davis**, Executive Director of the Idaho Association of Highway Districts, and **Rich Hahn** of Idaho Power and **Will Hart**, Executive Director of the Idaho Consumer Owned Utilities Association, all testified that they and their organizations support **H 321**. There were no questions from the Committee.

**MOTION:** **Chairman Brackett** called for a motion. **Senator Keough** moved that **H 321** be sent to the Senate floor with a **do pass** recommendation. **Senator Hagedorn** seconded the motion. The motion carried by unanimous **voice vote**. **Chairman Brackett** will carry the bill on the Senate floor.

**H 322** **Chairman Brackett** welcomed Stuart Davis, Executive Director of the Idaho Association of Highway Districts, back to the podium and asked him to present **H 322**. **Mr. Davis** said this is a trailer bill to S 1117, the bill that allows the Idaho Transportation Department (ITD) and local highway jurisdictions to designate routes for vehicles weighing of up to 129,000 pounds. **H 322** clarifies that the designation of highways by an authority having jurisdiction over those highways is a discretionary act of the governing board of that jurisdiction. It confirms that an authority having jurisdiction may place limitations on a designation of a particular route or may withdraw a designation if circumstances warrant. It also confirms that a local jurisdiction will publish notice and hold a hearing before designating a route. This bill alleviates the concerns his organization and others had with S 1117. There were no questions of Mr. Davis.

**TESTIMONY:** **Michael Kane**, representing the Idaho Association of Counties, and **Ken McClure**, representing the Idaho Forest Group and the Idaho Milk Producers, testified in support of **H 322**. There were no questions from the Committee.

**MOTION:** **Chairman Brackett** called for a motion. **Senator Nonini** thanked all the stakeholders who worked together to make this bill happen. He said that this bill passed the House unanimously. With that, **Senator Nonini** moved that **H 322** be sent to the Senate floor with a **do pass** recommendation. **Vice Chairman Johnson** seconded the motion. The motion carried by unanimous **voice vote**. **Senator Nonini** will carry the bill on the Senate floor.

**H 290** **Chairman Brackett** welcomed Senator Guthrie to the Committee and asked him to present **H 290**. **Senator Guthrie** said this bill allows vehicles, owned and operated by a farmer or his agent, to be operated on a highway with up to 2,000 pounds in excess of any axle, bridge or gross vehicle weight limit. Current practice of loading farm commodities in rural Idaho can be a challenge. Often a producer must use air gauges or best-guess estimates to ensure the gross and axle load weight being transported is legal. Commodities can vary with respect to pounds per bushel, and bulk loads tend to shift during transport. This legislation would allow some latitude to compensate for those shipping realities. **Senator Guthrie** shared his personal experience in these situations and stood for questions.

**Senator Rice** asked if there was information on the effect higher weight limits would have. **Senator Guthrie** said it is an issue that can be addressed during the next session. **Senator Rice** asked if the Senator had considered reducing fines instead of increasing weight limits. **Senator Guthrie** said that option had not been raised.

**Senator Hagedorn** asked if the weight increase was on each axle. **Senator Guthrie** said 2,000 pounds is the total amount, it is not 2,000 on each axle. **Senator Hagedorn** said the bill reads: "in excess of any axle."

**Senator Buckner-Webb** asked what happens if the weight becomes considerable. **Senator Guthrie** said the even payload on trucks is 80,000 pounds; with a ten percent load shift axle weight can change. It doesn't elevate the weight per axle to the point of becoming a safety issue. There were no further questions for Senator Guthrie.

**TESTIMONY:** **Dennis Tanikuni** of the Idaho Farm Bureau Federation testified in favor of **H 290**. He said this bill benefits their members throughout Idaho and affects all commodities, e.g., grain, potatoes, beets. He explained that the smaller the commodity, the greater the shift in transit. He said that corps do not convert to cash until they're in the truck. The bill needs clarifications next year and the Idaho Farm Bureau Federation will be happy to address the concerns. **Mr. Tanikuni** stood for questions.

**Senator Rice** asked if there was any reason they might achieve an extra 2,000 pounds and get to a higher load limit. **Mr. Tanikuni** did not agree with the Senator's premise and gave reasons (like atmospheric changes) and examples why weights might change.

**Senator Bock** asked if grain was hauled on two-trailer trucks. **Mr. Tanikuni** said that some were. **Senator Bock** asked how many cubic yards does 2,000 pounds represent. **Mr. Tanikuni** described how small the volume of 2,000 pounds is when talking about grains, for example. **Senator Bock** asked about other crops. **Mr. Tanikuni** said he didn't want to guess because it is harder to verbally describe the volume of larger commodities.

**MOTION:** **Senator Hagedorn** commented that a ton of hay will take up a different sized space than other commodities. It absolutely depends on the commodity being hauled. With that, **Senator Hagedorn** moved that **H 290** be sent to the Senate floor with a **do pass** recommendation. **Senator Keough** seconded the motion. The motion carried by **voice vote**. **Senator Guthrie** will carry the bill on the Senate floor.

**H 279** **Chairman Brackett** welcomed Representative Gestrin to the Committee and asked him to present **H 279**. **Representative Gestrin** quoted from **H 279**'s statement of purpose: "The purpose of the act is to clarify Idaho laws relating to the registration of boats, snowmobiles and off-highway vehicles. The amendments set forth in this act clarify that ITD has no obligation to index registrations of vehicles operated off of Idaho's highway systems, and likewise that the Idaho Department of Parks and Recreation has no obligation to share information it collects relative to the registration of boats, snowmobiles and off-highway vehicles with ITD."

**Representative Gestrin** said this registration system was created to build an infrastructure and make it customer user-friendly. The Department of Motor Vehicles (DMV) at ITD is closed on Fridays and the weekends, so those using Idaho forests for recreation would have to wait to register sometime during business hours on Monday through Thursday.

Registration was created by the outdoor recreation groups as a tax on themselves to fund recreation on public lands. If snowmobilers or motorcyclists only operate on private land they don't have to register their equipment. These funds are what keep Idaho's snow paths groomed and trails maintained. Thirty years ago, ITD collected these funds and the recreation groups requested that it be moved to the Idaho Department of Parks and Recreation. **Representative Gestrin** concluded by stating that **H 279** passed the House by a 56 to 9 vote; he stood for questions.

**Senator Rice** asked how this bill would affect recreationists from neighboring states who use our forests but aren't registered. **Representative Gestrin** said it doesn't affect them because they are required to purchase a use sticker at the trails and other public lands they want to use. There are booths set at trails to sell stickers; these booths would need to remain in place if ITD takes over this responsibility.

**Senator Hagedorn** asked if there was a reason for bringing this legislation now. **Representative Gestrin** said that the Idaho Department of Parks and Recreation had brought a bill earlier this session to transfer the responsibility to ITD. That bill is being held in the House Transportation and Defense Committee because recreationists said they want to continue to work with the Idaho Department of Parks and Recreation and not ITD. This group is willing to increase the fee up to fifteen percent as an attempt to make clear that the sticker is not connected to titling recreation equipment. There were no further questions for Representative Gestrin.

**TESTIMONY:**

Because of time constraints, **Chairman Brackett** asked that those wishing to testify limit their testimony to two minutes. He called on Sandra Mitchell, Executive Director of the Idaho Recreation Council, and said she would be given extra time for her testimony. He asked if she wanted to testify first or do a wrap-up at the end. **Ms. Mitchell** said she would prefer to wrap-up the testimony.

The following individuals testified in support of **H 279**: **Larry Laxon** of the Valley County Snow Groomers, **Jim Kulm** of the Idaho Recreation Council, **Ron Platt** of the Donnelly Snowmobile Club, **Haden Claiborne** who is President of the Idaho Utility-Type Vehicles and Past President of the Boise All-Terrain Vehicles Trail Riders, **Chuck Wells** of the Idaho Snow Sports Association and the Camas County Snowmobilers Association, **Harold Johnson** of Filer who is the President of the Idaho Snow Sports Association, **Tamara Cikaitoga** who is the Fremont County Parks and Recreation Director, **David Claiborne** of the Idaho State All-Terrain Vehicle Association and **Barney Skogerson** of Boise.

Only **Chris Goetz**, Clearwater County Sheriff and member of the Idaho Sheriff's Association, testified in opposition to **H 279**.

**Vice Chairman Johnson** and **Senator Hagedorn** had questions for those testifying that dealt with the process of selling and distributing stickers and the issues over transferring the registration responsibility to ITD.

**Chairman Brackett** invited Sandra Mitchell to deliver closing remarks. **Ms. Mitchell** said that the Idaho Recreation Council, of which she is Executive Director, is an organization composed of clubs, associations and individuals from all parts of the state with a desire to preserve recreation opportunities for future generations. Our members include owner/recreationists of 4-by-4s, all-terrain vehicles, horse-back riders, dirt motorcyclists, mountain bikers, motorized and non-motorized boaters, rock-hounds, recreational vehicles, utility-type vehicles, back country aviators and snowmobilers.

**Ms. Mitchell** said her remarks would be brief because it is a simple issue. (1) The motorized recreationists chose to tax themselves, to pool that money and invest it in building the infrastructure needed for their motorized sports. The program is managed by the Recreation Department within the Idaho Department of Parks and Recreation. It is funded entirely by registration funds and federal and state gas tax funds. Recreation receives no state general fund money. (2) The registration program is the method used to collect the funds. It was never intended to be a means of proving ownership or as a tool in law enforcement. She isn't aware of any recreationist who cares if other departments use their information. (3) Recreationists give their money and they get a sticker. Registration funds combined with gas taxes have built an infrastructure that brings visitors by the thousands to Idaho and as a result recreation has become an important component in the economic stability of rural Idaho. (4) Since the registration program was moved from ITD to the Idaho Department of Parks and Recreation has flourished, because it is managed by recreation professionals who have a vested interest in it being successful. They understand that registrations must be accessible to the public. The vendor program is critical to the success of the registration program. (5) The off-highway vehicles community is not resistant to change (she used how frequently

their equipment changes as an example). Idaho is still has many places where access to the world-wide-web isn't possible; these remote places are often where people recreate. They will embrace the change when online registration anywhere in Idaho is available. (6) The registration program managed by Idaho Department of Parks and Recreation is effective, efficient and economical. Up to fifteen percent of each registration fee can be used to administer the program. It has only used around twelve percent, making around \$250,000 available for maintenance of public recreation land each year. The program isn't perfect, but it is a program in need of laser surgery not amputation. In conclusion, she asked the Committee to keep the registration program that is paid for by the users for the benefit of the users in the Idaho Department of Parks and Recreation where it is well-managed. There were no questions for Ms. Mitchell.

**Senator Hagedorn** saw Amy Smith, ITD's Vehicle Services Manager, in the audience and asked if she would yield for questions. She agreed. **Senator Hagedorn** asked if there was a requirement in Idaho Code or an administrative rule stating that ITD must begin processing registrations of off-road vehicles and incorporate them into ITD's system. **Ms. Smith** said that, as the Committee knows, ITD is getting ready to replace their system and with passenger vehicle registrations there are certain information requirements. Idaho Department of Parks and Recreation doesn't have the authorization to collect from vendors; they are sending "unclean" data. **Senator Hagedorn** narrowed the focus to off-road vehicles and private equipment, and wanted to know how they would be managed given they are titled but not currently registered. **Ms. Smith** said she could not speak to off-road vehicles but explained how passenger vehicles are handled. She said that off-road vehicles were not in her bailiwick. There were no further questions for Ms. Smith.

**MOTION:**

**Senator Hagedorn** said there are challenges but doesn't think changes should be made at this time. He suggested getting stakeholders together over the summer to discuss solutions. With that, **Senator Hagedorn** moved to hold **H 279** in Committee and let the issues be worked out. **Senator Buckner-Webb** seconded the motion. **Chairman Brackett** asked if there was any discussion.

**Senator Bock** agreed with Senator Hagedorn and said given the situation, this was a good solution.

**Senator Winder** said there was some merit in holding the bill, but if there is an issue he would like to hear from the director of the Idaho Department of Parks and Recreation. Director Nancy Merrill came to the podium. **Senator Winder** asked if this bill eliminates a problem. **Ms. Merrill** said it did not fix problems because the Attorney General does require the registration. Going back to where we were is doable. **Senator Winder** asked if there was a mandatory July 1 deadline to have a system in place and if that will be a problem. **Ms. Merrill** said they need better information from the counties. After July 1 they will no longer be sending the information in a triplicate format as has been done in the past. The Idaho Department of Parks and Recreation will need to find a new way. There were no further questions for Ms. Merrill.

**SUBSTITUTE MOTION:**

**Senator Winder** moved to send **H 279** to the floor with a **do pass** recommendation. **Senator Keough** seconded the motion. **Chairman Brackett** asked if there was any discussion.

**Senator Hagedorn** said there were concerns with the use of registration that might create some concerns that don't need to be created. If we can get everyone together then perhaps a solution can be found. This substitute motion would take the process backwards and he will vote "no" on the substitute motion.

**Chairman Brackett** called for a vote on the substitute motion. The substitute motion **failed by voice vote**. **Senator Winder** and **Senator Keough** asked to be recorded as voting "aye."

**VOTE ON ORIGINAL MOTION:**

**Chairman Brackett** called for a vote on the original motion. The original motion carried by majority **voice vote**. **Senator Winder** and **Senator Keough** asked to be recorded as voting "nay."

**MINUTES:**

**Senator Keough** moved that the minutes of the Committee meetings on February 12, March 5, March 12, March 14 and March 19 be approved. **Senator Buckner-Webb** seconded the motion. The motion carried by unanimous **voice vote**.

**Chairman Brackett** said that today was the last scheduled meeting of the Committee, future minutes approval will be done by the buck-slip process. Any future meetings of the Committee will be at the call-of-the-chair.

**PAGE:**

**Chairman Brackett** invited Robin Crotteau, Senate Transportation Committee Page for the second half of the legislative session, to come to the podium. The **Chairman** commented on what a delight it was to have Ms. Crotteau as the Committee's Page. She had even drafted a concurrent page resolution. He presented her with a parting gift from the Committee and asked her to share her impressions and experience.

**Ms. Crotteau** said she enjoyed seeing people testify and become involved in the work being done by the Committee. She especially enjoyed the "big truck" debate and the significant number of members of the public who participated in that hearing. She indicated there had been discussion among the Senate Pages about issues facing each committee and she had shared that transportation was important. She then told the Committee that upon graduation from Timberline High School in Boise later this spring, she was looking at going to college in either Iowa or Ohio. She had just been accepted to Grinnell College in Iowa. **Ms. Crotteau** concluded by thanking the Committee for a great experience.

**Chairman Brackett** agreed with Ms. Crotteau and confirmed how important transportation is to our state and our economy.

**Senator Winder** commented, knowing Ms. Crotteau enjoys rock climbing, that she would find no rock climbing in Iowa. **Ms. Crotteau** assured the Senator that inside rock-climbing-walls were available at Grinnell.

**Senator Bock** asked what she would do if she were accepted at Oberlin College in Ohio. **Ms. Crotteau** said that it was her mother's alma mater. A lot depends on financial aid packages offered, but both are excellent schools. There were no further questions for Ms. Crotteau.

**ADJOURNED:**

With no further business before the Committee, **Chairman Brackett** adjourned the meeting at 2:42 p.m.

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Senator Brackett  
Chairman

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Gaye Bennett  
Secretary