

MINUTES
SENATE TRANSPORTATION COMMITTEE

DATE: Thursday, February 06, 2014

TIME: 1:30 P.M.

PLACE: Room WW53

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

ABSENT/ EXCUSED: Senator Bock

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 of the Senate Transportation Committee (Committee) to order at 1:35 p.m. and asked the secretary to take a silent roll. With a quorum present, **Chairman Brackett** welcomed everyone to the Committee and asked Chandler Duncan of the Economic Development Research Group (EDR Group) in Boston to begin his presentation on behalf of the Idaho Transportation Coalition. His presentation was titled 'Link Between Infrastructure and Development'.

PRESENTATION: **Mr. Duncan** introduced himself and began his presentation on the role of transportation and its effect on Idaho's economy. Mr. Duncan's full presentation can be accessed by [clicking here](#). At the end of his presentation, **Mr. Duncan** thanked the Committee and said he would stand for questions.

Chairman Brackett thanked Mr. Duncan and mentioned that the Community Planning Association of Southwest Idaho (COMPASS) was sponsoring a presentation by Mr. Duncan that evening in Boise that was open to the public. If interested, please contact Ken Burgess of Veritas Advisors.

Senator Nonini said he appreciated the presentation and asked specifically about how heavy trucks, like the 129,000 pound load trailers, help the North Idaho economy, especially in the lumber products industry. **Mr. Duncan** said that higher capacity vehicles carrying freight reduces the land cost of the product. He said it is good for the economy as long as roadway designs can accommodate the vehicles. **Senator Nonini** referenced Mr. Duncan's comments about public/private partnerships in transportation development. The Senator was curious about State Transportation Assistance Revolving Fund (STAR) loans financing and, as an example, used Cabela's store in North Idaho. Cabela's had brought the STAR Fund transportation financing concept to the Legislature. The agreement was that Cabela's would develop an overpass with an expectation of a 60 percent recovery of their costs. **Mr. Duncan** said he was not familiar with the STAR Fund program, but agreed that the concept could be productive to roadway development. **Senator Nonini** asked if he could contact Mr. Duncan directly with questions. **Mr. Duncan** welcomed his future inquiries.

Senator Hagedorn also appreciated Mr. Duncan's presentation and asked how Idaho's 5 to 7 percent flow-through traffic compares with other states. **Mr. Duncan** said that it was a great question but that the information had not all been captured. They are working with the Idaho Transportation Department (ITD) and COMPASS to develop a plan to collect that data.

Senator Winder said that our funding priorities include maintaining our highway system and wanted to know what the cost is to the motoring public between well maintained and not-so-well maintained roadways. **Mr. Duncan** said it was an unsung area of questioning. He has looked at the costs highways and bridges impose on goods sold abroad. These goods are not priced correctly because they do not reflect deteriorating roadways. When roadways are not preserved, it imposes a per-mile cost for vehicles that travel over those highways, which increases the cost of goods traveling outside of Idaho. These costs are passed along to the Idaho consumer. If the carrier has to absorb those costs, then the carrier will pass that cost on to the consumer. In addition to the price of goods, deteriorating highways also affect the size of markets. Unsafe bridges is another area influencing economic growth. When bridges are not safe for heavy trucks, the effect on the economy is the opposite. The weight restrictions imposed means the trade-off is to use smaller vehicles. Or, if bridges are closed entirely, then the length of a detour and travel time affects costs. Reliability of when goods arrive at their destination comes into question. The longer the route, the less reliable the delivery time becomes and a buffer to accommodate the additional waiting time needs to be built in to when goods are received. **Senator Winder** asked if **Mr. Duncan** could provide documentation showing the cost to drivers in these scenarios. **Mr. Duncan** said he could provide the analysis based on the data. Minnesota has done an analysis.

Chairman Brackett asked if there were any studies on the cost of damaged goods. **Mr. Duncan** said he did not know of any information specifically on damaged goods, but the Minnesota study may have information on breakage. He added that safety has been studied.

Senator Nonini asked if industries have disappeared in some states because their transportation infrastructure had not been maintained. **Mr. Duncan** said he knew of national information where industries have disappeared but was not familiar with information by state. The information does not result in massive unemployment, but that jobs are not being created.

Vice Chairman Johnson asked what role liquid natural gas (LNG) might play. **Mr. Duncan** said he had not done extensive research on this issue. There were no further questions for **Mr. Duncan**.

Chairman Brackett thanked **Mr. Duncan** for spending time with the Committee. **Senator Winder** requested that **Mr. Duncan's** biography and contact information be sent to Committee members. **Ken Burgess** of Veritas Advisors said he would facilitate that request and reminded the Committee of **Mr. Duncan's** evening presentation before COMPASS.

RS 22770:

Chairman Brackett welcomed **Stuart Davis** of the Idaho Association of Highway Districts to the Committee and asked him to present **RS 22770**. **Mr. Davis** said this bill amends the process involved when transferring from one government entity to another real property valued at less than \$10,000. This legislation will help lower priced properties avoid the rigorous process in place for higher valued real property. **Mr. Davis** said he would bring examples of situations at a full hearing of the bill. **Mr. Davis** said he would stand for questions, but there were none.

MOTION:

Senator Nonini moved to print **RS 22770**. **Senator Keough** seconded the motion. The motion passed by unanimous **voice vote**.

RS 22771: **Mr. Davis** remained at the podium and presented **RS 22771** by stating that page 2, section 9 of **RS 22771** adds language allowing notices to be received by hand delivery. He said that in many cases, individuals cannot be reached by certified mail. This legislation accepts a signature at time of delivery as proof that the notice was received. **Mr. Davis** said he would stand for questions, but there were none.

MOTION: **Senator Rice** moved to print **RS 22771**. **Senator Nonini** seconded the motion. The motion passed by unanimous **voice vote**.

RS 22788: **Chairman Brackett** thanked Mr. Davis and welcomed Ed Pemble of ITD to the Committee and asked him to present the next four items on the Committee's agenda. **Mr. Pemble** introduced himself and said that these four pieces of legislation are the result of the full Senate's review of **S 1208** and **S 1209**. It was determined that each of those bills addressed too broad of subject areas and needed to be divided into legislation addressing individual topics. The result are these four RSs before the Committee.

Mr. Pemble said that **RS 22788** offers a number of customer service enhancements. Statutory flexibility has been added allowing ITD to authorize issuance of a Class D driver training permit. If the applicant does not have all required documentation available upon application for the driver training permit, ITD may still approve a permit to be issued so the applicant can enter a driver training course. Any outstanding documentation can be gathered upon completion of the supervised instruction period so as not to delay or interfere with driver training. In addition, flexibility has been added to allow either a parent or guardian or a person authorized by a parent or guardian to attest to the applicant's fulfillment of requirements. **Mr. Pemble** said he would stand for questions, but there were none.

MOTION: **Senator Keough** moved to print **RS 22788**. **Vice Chairman Johnson** seconded the motion. The motion passed by a unanimous **voice vote**.

RS 22789: **Mr. Pemble** said that the primary purpose of **RS 22789** is to update the tank vehicle definition to meet national standards and then cross reference the tank vehicle driver's license endorsement to that new definition. The effective date is July 8, 2014 in keeping with federal regulations. If the legislation should fail, the fiscal impact would result in a loss of highway funding for noncompliance with Federal Motor Carrier Safety Administration program requirements. **Mr. Pemble** said he would stand for questions, but there were none.

MOTION: **Senator Keough** moved to print **RS 22789**. **Senator Rice** seconded the motion.

SUBSTITUTE MOTION: **Senator Hagedorn** offered a substitute motion. He moved that **RS 22789** be sent to print and remain on the Senate floor with a **do pass** recommendation. **Chairman Brackett** inquired about the procedure and asked for a second in order to discuss the motion. The motion died for **lack of a second**.

VOTE ON ORIGINAL MOTION: **Chairman Brackett** called for a vote on the original motion. The original motion passed by a unanimous **voice vote**.

RS 22790:

Mr. Pemble said the primary purpose of this legislation is to implement new Commercial Driver's License (CDL) and Commercial Learner's Permit (CLP) standards, associated knowledge and skills testing standards. The legislation also provides similar standards for noncommercial (Class D) instruction permits and motorcycle instruction permits for consistency across driver programs. It provides definitions and a maximum validity period of 180 days for a CLP, a Class D instruction permit and a motorcycle endorsement instruction permit. It also allows one renewal without having to retake the knowledge test. The effective date of July 8, 2014 complies with federal programs. The \$20,000 fiscal impact is for vendor software development, but if the legislation fails the fiscal impact could be considerably more as it would result in a loss of highway funding for noncompliance with the Federal Motor Carrier Safety Administration CDL program requirements. **Mr. Pemble** said he would stand for questions, but there were none.

MOTION:

Senator Nonini moved to print **RS 22790**. **Senator Keough** seconded the motion.

SUBSTITUTE MOTION:

Senator Hagedorn offered a substitute motion. He moved that **RS 22790** be sent to print and remain on the Senate floor with a **do pass** recommendation. **Senator Winder** said that for the sake of hearing Senator Hagedorn's explanation of the motion he would second the motion.

Senator Hagedorn said that the Committee had already held a hearing to discuss the issues raised in this legislation. It was brought back to the Committee as a procedural measure because of the action taken on the Senate floor. He believed the Committee did not have to rehear testimony on this legislation; that it could be presented on the Senate floor under a do-pass recommendation as the previous bill had received.

Senator Keough commented that she was unaware of a procedure within the Senate to accomplish what Senator Hagedorn was attempting to do. She believed there was a mechanism in the House of Representatives, however.

Chairman Brackett requested that the Committee secretary make an inquiry as to the validity of Senator Hagedorn's motion with the Senate's Parliamentarian, the Secretary of the Senate. The Committee Secretary was dismissed from the hearing in order to follow-up with the Secretary of the Senate.

SUBSTITUTE MOTION WITHDRAWN:

Upon returning, Committee Secretary **Gaye Bennett** stated that according to the Secretary of the Senate's knowledge, there was not a mechanism to achieve the process Senator Hagedorn's motion suggested. **Senator Hagedorn** thanked the Committee and withdrew his substitute motion.

VOTE ON ORIGINAL MOTION:

Chairman Brackett called for a vote on the original motion. The motion passed by a unanimous **voice vote**.

RS 22798:

Mr. Pemble said this legislation authorizes driver license and identification card extensions, similar to military extensions, for Idahoans who are working for the United States government in a foreign country. The same provisions are also available to immediate family members who have accompanied their family member to the foreign country. Reference to the existing \$10 extension fee found in Idaho Code §49-306 has been added for clarity. **Mr. Pemble** said he would stand for questions.

Vice Chairman Johnson asked Mr. Pemble to please expand on the fees. He said that after the original bill was presented on the Senate floor there were questions about the fees because they were cross-referenced in one section but not in the other. **Mr. Pemble** said that the fee references have been added throughout the legislation. There were no further questions for Mr. Pemble.

MOTION: **Senator Winder** moved to print **RS 22798**. **Senator Rice** seconded the motion. The motion passed by a unanimous **voice vote**.

PASSING OF THE GAVEL: Chairman Brackett passed the gavel over to Vice Chairman Johnson so that he could present **RS 22809**.

RS 22809: **Chairman Brackett** said this legislation allows counties or highway districts to detach a portion of their highway system to another jurisdiction when the commissioners of both jurisdictions approve the request. He said there are problems across the State that will be resolved by this legislation. **Chairman Brackett** said he would stand for questions, but there were none.

MOTION: **Vice Chairman Johnson** asked the Committee for a motion. **Senator Nonini** moved to print **RS 22809**. **Senator Winder** seconded the motion. The motion passed by a unanimous **voice vote**.

PASSING OF THE GAVEL: Vice Chairman Johnson passed the gavel back to Chairman Brackett.

ADJOURNED: With no further business before the Committee, **Chairman Brackett** adjourned the meeting at 2:38 p.m.

Senator Brackett
Chair

Gaye Bennett
Secretary