

MINUTES  
**SENATE TRANSPORTATION COMMITTEE**

**DATE:** Tuesday, February 11, 2014

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

**PLACE:** Room WW53

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

**ABSENT/ EXCUSED:** Senator Buckner-Webb

**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 1:32 p.m. and asked the secretary to take a silent roll. With a quorum present, **Chairman Brackett** welcomed all in attendance to the meeting and said the first item of business was **S 1284**. **Chairman Brackett** welcomed Senator Davis to the Committee and asked him to present the bill to the Committee.

**S 1284:** **Senator Davis** introduced himself and said that the bill before the Committee had not changed since the print hearing. He said the most important part of **S 1284** is that it sets speed limits, but unlike some states that set speed limits in statute, Idaho removes 'politics' by letting the Idaho Transportation Department (ITD) and the Idaho Transportation Board (Board) to make those decisions. When making those decisions, they consider the best information available along with many safety concerns for travelers. If and when **S 1284** becomes law, it will not mean that speeds will increase automatically; that will only occur if the data indicates it would be safe. **Senator Davis** requested that the Committee send **S 1284** to the Amending Order when considering a motion. He then used examples of speeds for trucks as a possible negative unintended consequence posed by the current language; he would like to correct that language. **Senator Davis** concluded by assuring the Committee that safety will be a paramount consideration when the Board makes speed limit changes. **Senator Davis** thanked the Committee and stood for questions.

**Senator Bock** asked if there was any conflict of interest in presenting this bill given the distance he travels during the legislative session. **Senator Davis** said he appreciated the question and assured the Senator that there was no conflict.

**Senator Hagedorn** said that he had concerns over the differential in truck speeds. He wanted to know why the speeds had been crossed through in lines 35 and 36 and that new language was added in lines 38 through 40 of the bill. **Senator Davis** said that this was the language that needed to be reconsidered in the Amending Order. He said he did not have an amendment in hand, but asked the Committee to allow him to change this section. There were no further questions for Senator Davis.

**TESTIMONY:**

**Chairman Brackett** asked Michael Kane, representing AAA Idaho, to offer his testimony on **S 1284**. **Mr. Kane** introduced himself and said that he agrees that **S 1284** needs to be sent to the Amending Order, in addition to other actions. According to page 1, lines 28 to 31, the intent of the bill is to have a traffic study conducted by ITD, and below that reference, speed limits on state highways could be increased. The bill does not address performing a study on these other highways as well. He suggested that the Committee consider extending the effective date for an extra year in order to have discussion on some of these concerns. He wanted to know the process that ITD would undergo to conduct traffic impact studies. He would like answers on the impact of impaired drivers, weather and other issues on increased speed limits. He suggested a public process that includes hearings so that the intent is clearly spelled out. **Mr. Kane** said he would stand for questions.

**Senator Hagedorn** said that line 28 says the bill 'may' go into effect if ITD completes its studies, and wanted to know when Mr. Kane wanted the legislation to go into effect. **Mr. Kane** asked that AAA Idaho be allowed to work with ITD for a year. They could engage in traffic studies during that time. **Senator Hagedorn** asked if he saw any impediments to enact the legislation this fall following a traffic study. **Mr. Kane** said that AAA Idaho believes their issues are significant, and suggested they would welcome working with ITD to get the legislation enacted. There were no further questions for Mr. Kane.

**MOTION:**

**Chairman Brackett** thanked Senator Davis and Mr. Kane and asked the Committee for a motion. **Senator Rice** moved that **S 1284** be returned to the **14th Order** for amendment. **Senator Winder** seconded the motion. The motion carried by a unanimous **voice vote**. **Senator Davis** said he would carry the bill on the Senate floor.

**S 1286:**

**Chairman Brackett** invited Vice Chairman Johnson to take the podium and present **S 1286**. **Vice Chairman Johnson** said that **S 1286** amends Idaho Code § 49-1001(10) by inserting a 2,000 pound exception for vehicle or vehicle combinations of any axle, bridge or gross vehicle weight limit. It eliminates the 24,000 pound single rear axle exceptions for similar conditions. Under the authority of city, county or state agencies, refuse and sanitation vehicles are challenged to collect and transport solid waste materials from residential and commercial customers to transfer stations and landfills; some of these vehicles must cover hundreds of miles per route in rural Idaho. Often the vehicle operator collects varying solid waste materials such as wood, concrete and even wet loads during inclement weather. These loads can cause an otherwise properly loaded vehicle to exceed an axle or gross vehicle weight limit unintentionally. This legislation remedies that unintentional situation. **Vice Chairman Johnson** told the Committee that he had Robert Simmons of Simmons Sanitation Service, a refuse contractor in Kamiah, Idaho, on the phone to present testimony.

**Chairman Brackett** welcomed **Mr. Simmons** who said that the hauling of solid waste is a specialized business. He explained the process involved and that his business relies on the expert judgement of his drivers to comply with truck weights. He said that there are high and low seasonal issues that vary the weight being carried, such as the Christmas season. Once waste is in the truck, the weight gets distributed differently and it is not always possible to have that weight distributed evenly over each axle. They are hired by local governments who need the service but whose residents want a low profile maintained in their neighborhoods for the service. If trucks need to dump their waste and return to finish a route, then their footprint within communities becomes an issue. This also drives up prices which are passed along to consumers, and in this case those consumers are also taxpayers. The job-specific equipment does not have the capability to move that weight around which is a problem for the industry.

**Mr. Simmons** thanked the Committee and said he would be happy to answer questions, but there were no questions for Mr. Simmons.

**Chairman Brackett** called on Geoff Schroeder, a Mountain Home City Councilman, who had signed up to give testimony. **Mr. Schroeder** said that just the night before, a request for a solid waste rate increase was presented to the Mountain Home City Council. The rate requested was a doubling increase based on the issues Mr. Simmons had raised. **Mr. Schroeder** confirmed that these costs are passed along to the taxpayer. **Mr. Schroeder** thanked the Committee and said he would be happy to answer questions, but there were no questions for Mr. Schroeder.

In closing, **Vice Chairman Johnson** said that rural North Idaho has some of the largest areas to cover on these routes. In Idaho County alone, refuse trucks can travel over 100 miles per route. Weather can play a big role in adding to the weight distribution problem. It is not practical for these trucks to travel back to their landfills to dump, then return to their route miles from the landfill. **Vice Chairman Johnson** asked for a do pass recommendation, and stood for questions.

**Senator Rice** asked about page 11, lines 30 to 33, and whether these vehicles could be operated up to the 2,000 pound added weight given bridge weight limits. He wanted to know if there were bridges with posted weight limits. **Vice Chairman Johnson** said there could be some limitations where bridge weight limits are not posted.

**Senator Keough** needed clarification on page 11, line 31. She wanted to know if it refers to bridge life. **Vice Chairman Johnson** deferred the question to Alan Frew of ITD. **Mr. Frew** said that it speaks to axle weight and bridge weight. Bridge weight is the weight distribution between axles. There were no further questions.

**MOTION:**

**Vice Chairman Johnson** moved that **S 1286** be sent to the floor with a **do pass** recommendation. **Senator Rice** seconded the motion. The motion passed by a unanimous **voice vote**. **Vice Chairman Johnson** said he would carry the bill on the Senate floor.

**H 389**

**Chairman Brackett** welcomed Amy Smith of ITD to the Committee and asked her to present **H 389**. **Ms. Smith** introduced herself and said that this bill is before the Committee for many reasons, and it is not as daunting as it appears. **H 389** was put together in an effort to make changes to Idaho Code that include current ITD business processes and practices. This bill helps align Idaho Code with those changes, and it also positions ITD to move forward with modernization of automated systems.

**H 389** benefits vehicle owners selling their vehicle who have lost their title and want to transfer ownership. ITD has created a way to perform these transactions in one step and collect only one title fee. There is some revenue loss to ITD and the counties, but the loss will be offset with another change that allows the counties or ITD to collect late title filing penalties for owners who fail to title or pay required sales tax.

This bill clarifies many definitions and clarifies vehicle conditions and brands by eliminating those brands that are no longer used. ITD will be allowed to utilize the ownership information it gathers. This will be used to note on a vehicle title whenever it has been branded which will help reduce title washing, a process where those possessing the title of the vehicle can 'shop' different states trying to get a clean, unbranded title that increases the vehicle's value. The bill eliminates old language, makes allowances for individuals who don't have a social security number to provide an individual taxpayer identification number, and it clarifies both the residence and mailing address, if different, that is required for titles and registrations.

It also eliminates old language relating to plate number reservations. Changes validate the use of red, white, and blue decals for use on license plates. It incorporates ITD's current exempt practice. It clarifies: (1) acceptable documents for titling a vehicle in Idaho; and (2) that a title record also includes the creation of an electronic ownership record in the new owner's name. It allows ITD or the counties to charge a \$20 late title filing penalty if it's been more than 30 days since the owner obtained the vehicle. It clarifies that the lien holder shall provide notice to ITD or by mail within 30 days of the cancellation or discharge of a lien or encumbrance.

On approval from the director of the Idaho Department of Parks and Recreation, two other changes were made: (1) deleting the term 'rowboats'; and (2) clarifying the definition of an all terrain vehicles (ATV) to be a recreational motor vehicle designed for or capable of traveling off developed roadways and highways. **Ms. Smith** said she would stand for questions.

**Senator Rice** inquired as to whether this bill may violate the single-subject rule of having too many issues within one piece of legislation. **Ms. Smith** answered that it was a 'clean-up' bill that covers vehicle titles and registrations as well as codes within the Idaho Department of Parks and Recreation. These are technical changes.

**Chairman Brackett** asked how many different subjects are held within **H 389**. **Ms. Smith** guessed there could be enough for up to 12 distinct bills.

**Senator Keough** said this has been a problem with other bills this session and it could be a problem. **Senator Bock** suggested the issue could be raised in another Committee.

**Senator Hagedorn** wondered why the legislation specifically addressed red, white and blue colors. **Ms. Smith** said they codify current practices and they are the only colors ITD is capable of using given their technology's ability. There were no further questions for Ms. Smith.

**MOTION:**

**Senator Hagedorn** moved that **H 389** be sent to the floor with a **do pass** recommendation. **Senator Bock** seconded the motion. The motion passed by **voice vote**. **Senator Rice** asked to be recorded as voting nay. **Senator Bock** said he would carry the bill on the Senate floor.

**DOCKET NO.  
39-350-1301:**

**Chairman Brackett** asked Vice Chairman Johnson to present the results of the Committee's earlier discussion on this ITD Administrative Rule. **Vice Chairman Johnson** said that because of an opinion provided by the Attorney General and feedback from other groups, portions of this rule needed to go back to ITD for reconsideration. Before proposing a motion to reject portions of this docket, **Vice Chairman Johnson** asked if the Committee had any questions.

**Senator Bock** asked where the rejected changes are in the docket. **Vice Chairman Johnson** said they were in Section 200, Subsections 04, 05 and 06. There were questions regarding the ability to accept donations, and about firearms and fireworks.

**Senator Keough** asked if the Committee was being asked to approve or reject the entire rule. **Vice Chairman Johnson** deferred the question to **Dennis Stevenson**, Idaho Administrative Rules Coordinator, who said that no amendments to the rule were being made. With rejecting the changes to these sections, all those amending changes currently incorporated within this docket for subsections 04, 05 and 06 will go away. He said there are two approaches being utilized: (1) the new language; and (2) the codified language.

**Senator Bock** asked if the House Transportation and Defense Committee had made similar changes. **Vice Chairman Johnson** said they had made the same changes being asked of this Committee. He added that there will be a Concurrent Resolution to address these changes that will originate in the House of Representatives.

**Chairman Brackett** noted that there was one person signed up to testify. **Monica Hopkins** of the American Civil Liberties Union (ACLU) said that given the discussion, she no longer needed to testify.

**MOTION:** **Vice Chairman Johnson** moved that the Committee approve **Docket No. 39-0350-1301** with the rejected exceptions of: (1) Subsection '04. Donations'; (2) Subsection '05. Soliciting'; and (3) the amended and codified rule of Subsection '06. Fireworks'. **Senator Bock** seconded the motion. The motion passed by a unanimous **voice vote**.

**MINUTES:** **Chairman Brackett** thanked Vice Chairman Johnson for his work on this session's Administrative Rules. **Chairman Brackett** asked the Committee to consider approving the Minutes of the January 28, January 30 and February 4 meetings.

**MOTION:** **Senator Rice** moved that the Minutes of January 28, 2014 be **approved**. **Senator Hagedorn** seconded the motion. The motion passed by a unanimous **voice vote**.

**MOTION:** **Senator Keough** moved that the Minutes of January 30, 2014 be **approved**. **Senator Winder** seconded the motion. The motion passed by a unanimous **voice vote**.

**MOTION:** **Vice Chairman Johnson** moved that the Minutes of February 4, 2014 be **approved**. **Senator Nonini** seconded the motion. The motion passed by a unanimous **voice vote**.

**HOUSEKEEPING:** **Chairman Brackett** said that there are two housekeeping items before the Committee. One is the distribution of the Local Highway Technical Assistance Council (LHTAC) annual report in accordance with Idaho Code §40-2404. **Chairman Brackett** recognized Lance Holmstrom, LHTAC Administrator, and asked him if he wanted to make a statement. **Mr. Holmstrom** thanked the Committee for their work on transportation issues and said he would be happy to answer any questions they have regarding the annual report. There were no questions for Mr. Holmstrom.

**Chairman Brackett** said the second housekeeping item was the distribution of the Department of Motor Vehicles (DMV) Modernization Program annual report. **Chairman Brackett** welcomed Alan Frew of ITD to the Committee and asked him to discuss the annual report. **Mr. Frew** said that each year ITD provides the Committee with an update of their modernization program. This year's report is late because of negotiations with 3M Corporation over their program contract. ITD decided to independently complete the implementation of the software with modifications that will work with ITD's other systems which will give ITD the greatest return on their investment. **Mr. Frew** said he would stand for questions.

**Senator Hagedorn** asked if ITD has plans to upgrade the current software. **Mr. Frew** said that would be difficult, but ITD does have plans to upgrade the mainframe system which will create a more functional system. They plan to close off the old system, but are cautious in order not to work at cross purposes. They have a great team of people working on this. **Senator Hagedorn** said his concern is that ten years from now, 3M Corporation will no longer be able to support the peripherals and the software will have to be upgraded. He wanted to know more about ITD's plan to keep their "Idaho" version updated. **Mr. Frew** said it is a Microsoft program that 3M Corporation was going to update but now ITD will upgrade it.

**Senator Rice** asked what the difference in costs were for ITD to upgrade the program versus what 3M Corporation would charge, and asked about the reliability of not having 3M Corporation do it. **Mr. Frew** said that because ITD will host and service it, the cost will be less. ITD will document the changes and will have a better understanding of the coding which will make it more reliable. **Senator Rice** asked if ITD was using outside contractors or state employees to update the coding. **Mr. Frew** said ITD was using a combination of the two and that they are documenting the process and reasoning at every step. **Senator Rice** said he would like to see, on an ongoing basis, ITD's costs compared to what 3M Corporation would have charged. **Mr. Frew** said he would make sure the Committee received that information. There were no further questions for Mr. Frew.

**ADJOURNED:**

In closing, **Chairman Brackett** told the Committee he would be testifying before JFAC on Thursday and encouraged Committee members to send him any transportation items they would like him to mention in his testimony. With no further business before the Committee, **Chairman Brackett** adjourned the meeting at 2:35 p.m.

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Senator Brackett  
Chair

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Gaye Bennett  
Secretary