

MINUTES  
**SENATE TRANSPORTATION COMMITTEE**

**DATE:** Thursday, February 13, 2014

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

**PLACE:** Room WW53

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

**ABSENT/  
EXCUSED:** None

**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 1:33 p.m. and asked the secretary to take a silent roll. With a quorum present, **Chairman Brackett** welcomed everyone to the Senate Transportation Committee (Committee) meeting and asked Senator Goedde to present **RS 22857C1**.

**RS 22857C1:** **Senator Goedde** said that this legislation extends a sunset clause for three years, until June 30, 2017, and requires the Idaho Transportation Department (ITD) to provide an annual report on the progress their Department of Motor Vehicles (DMV) is making on updating their automated system. In 2003, the Legislature repealed an ITD reporting requirement that could no longer be fulfilled by their existing software. That requirement was statutorily reinstated in 2009 with a sunset for the requirement of June 30, 2014. The system improvements are still not able to do a cross-reference of information which is the reason for extending the requirement statutorily. **Senator Goedde** said he would stand for questions.

**Senator Winder** asked why Senator Goedde had drafted this legislation. **Senator Goedde** said that in 2009 he had the legislation drafted to reinstate the reporting requirement which is now due to expire in 2014.

**Senator Keough** pointed out that there was a typographical error in the Statement of Purpose. **Senator Goedde** thanked the Senator for bringing it to his attention. There were no further questions.

**REQUEST:** **Senator Keough** asked for unanimous consent to send **RS 22857C1** to the Senate State Affairs Committee for printing. With no objection, the request was **approved**.

**S 1283:** **Chairman Brackett** welcomed Seth Grigg of the Idaho Association of Counties to the Committee and asked him to present **S 1283**. **Mr. Grigg** said that Clare Marley, Bonner County Planning Director, and Steve Price, General Counsel to the Ada County Highway District (ACHD), were with him today to make presentations on **S 1283**. Before asking Ms. Marley to speak, **Mr. Grigg** summarized the bill by stating that his legislation amends Idaho Code §§ 40-203, 50-1306(a) and 50-1317 to require that counties and highway districts follow the procedures set forth under Idaho Code Title 40 rather than Title 50 when vacating a highway, public road or public rights-of-way that are part of a platted subdivision. There is also some clarification and code reference corrections in Title 50 that are included in this bill. With that, **Mr. Grigg** turned to Ms. Marley to present background on this bill and give examples.

**Ms. Marley** introduced herself as the Bonner County Planner located in Sandpoint, Idaho. During her career, he has vacated property under both Title 40 and Title 50. There are problems with using the procedures under Title 50 for vacating public property in platted subdivisions, which is why they are asking to allow Title 40 procedures to be used in these instances. There is ambiguity in Title 50, for example, the difference in the number of days required for notification. In order to avoid conflict, they use the greater number of days requirement. The time needed before a decision can be made is the most difficult requirement. If there is no objection within the subdivision, then vacating can proceed. To vacate a property where an objection has been filed, the property owner needs the signatures of two-thirds of those in the subdivision on a petition not objecting to the request. Or they need to get the person objecting to remove their objection. There is no requirement to state what the objection is or even to identify themselves. An opinion from the Attorney General was requested. The opinion said that the language was unclear. The Attorney General suggested holding a hearing even though the law states that a hearing should be called after signatures are filed. Bonner County worked with the Idaho Association of Counties on procedures and they all ended up agreeing that operating under Title 40 would simplify things. **Ms. Marley** asked the Committee to recommend passage of **S 1283**. **Ms. Marley** said he would stand for questions.

**Senator Bock** asked for an example of when these issues arise and which title should be used and administered. As an example, **Ms. Marley** said there is a homeowner in Priest Lake who wanted to change the location of the dock on his property to accommodate construction of a building. There was an objection, and because there are so few residents within the subdivision, he was unable to get the two-thirds signatures required to hold a hearing. The land owner didn't know who objected or what their objection was. **Senator Bock** wanted to know why a land owner would need to vacate property in the first place. **Ms. Marley** said there are various reasons to apply: to vacate a road, to vacate a planned road that has never been built and to vacate property in order to relocate a road.

**Senator Hagedorn** asked how the changes would impact rights-of-way for power, water, sewer and other things associated with roadway construction. **Ms. Marley** said that it helps because Title 50 is silent to them.

**Chairman Brackett** asked whether there are also changes to Title 50 since this bill makes changes to Title 40. **Ms. Marley** said that the objections about the process were in Title 40, so the bill takes language out of Title 50 and adds it to Title 40. There were no further questions for Ms. Marley.

**Mr. Grigg** made closing remarks saying that Chapter 13 in Title 50 has problems that some cities have been working on for many years that can be addressed in the future. As a starting point, they wanted to address issues with rights-of-way in platted subdivisions. After **S 1283** was printed, some stakeholders raised concerns about page 3 of the bill. He requested the Committee send the bill to the 14th Order for amending.

**Chairman Brackett** thanked Mr. Grigg and said that Steve Price of ACHD had signed up to testify. **Mr. Price** said that the description of the previous presenters was accurate and that ACHD supports the bill. **Mr. Price** said he would stand for questions.

**Senator Bock** asked why the bill deletes 'highway district'. **Mr. Price** said that highway districts only have jurisdiction over private rights-of-way and no jurisdiction over public rights-of-way.

**Senator Winder** commented that there are other amendments for consideration not addressed today. There were no further questions or comments.

- MOTION:** **Senator Keough** moved to send **S 1283** to the 14th Order for amendment. **Senator Bock** seconded the motion. The motion passed by a unanimous **voice vote**. **Senator Keough** said she would carry the bill on the Senate floor.
- INTRODUCTION:** **Chairman Brackett** welcomed Senator Troy Rohn to the Committee. He had been sworn in to replace Senator Buckner-Webb while she focused on her health. **Senator Rohn(Buckner-Webb)** said it was a pleasure to be with the Committee and that he expected Senator Buckner-Webb to return the following week. **Senator Rohn(Buckner-Webb)** said that he was a professor in the Biology Department at Boise State University and that he sits on the Boise School District's Board of Trustees.
- SENATE PAGES:** **Chairman Brackett** told the Committee that today marked the Committee's Senate Page, Samantha Clay's last day with the Committee. He thanked her for her service, presented her with letters and gifts from the Committee, and asked her to share some highlights of her experience in the Senate. **Ms. Clay** said she enjoyed being a Senate Page and working in the Senate Transportation Committee. Based on her experience, she has decided she wants to become an attorney and be involved in politics. She ended by thanking the Committee. **Chairman Brackett** told her that it was important to have goals and also to have the flexibility to change those goals if needed. He wished her the best of luck. The Committee members applauded her good work for the Committee.
- Chairman Brackett** welcomed the Committee's new Senate Page, Jayden Hjorth of Boise and asked her to introduce herself. **Ms. Hjorth** said she was a senior at Mountain View High School and was very excited to be a Page. **Chairman Brackett** said he and the Committee looked forward to working with her.
- MOTION ON MINUTES:** **Chairman Brackett** asked the Committee to consider a motion on the Minutes of the February 10 meeting. **Senator Nonini** moved that the Minutes of February 10 be approved. **Senator Hagedorn** seconded the motion. The motion passed by unanimous **voice vote**.
- PRESENTATION:** **Chairman Brackett** said that we were continuing our education on transportation issues in Idaho and welcomed David Lincoln of the Golden Gate Highway District in Wilder, Idaho to present today's Idaho Transportation Coalition discussion on 'Reports from the Front Lines: Highway Districts'. **Mr. Lincoln** said he was the president of the Idaho Association of Highway Districts and has worked in his current Commissioner position with the Golden Gate Highway District for 26 years. He grew up in Wilder and was very familiar with the highway district's 120 bridges and crossings. He is also the president of the Western Alliance for Economic Development and a member of the Wilder Economic Development Council.
- Mr. Lincoln** began the presentation by saying that local highway districts are on the front lines each day in the battle to maintain Idaho's network of roads. They are committed to their communities and do their work in a fiscally responsible way. He demonstrated rural highway districts' commitment with an example of a recently failed culvert in Canyon County. This example highlights both the decaying state of Idaho's local roads and the important role local highway districts play as first responders. They do a good job of keeping the system usable, but stopping the decay is becoming more and more difficult.

Despite the diversity in Idaho's climates and terrain, highway districts share common roadway issues and problems. Local roads and bridges beyond the main highways are in a state of triage throughout the State. Many roads are in need of major repairs, not just maintenance. Road maintenance has come a long way from the days when farmers would pool money to pay for road oil to keep the dust down. Now many roads and bridges are at the end of their life span and need to be replaced. In some cases, there are new, more cost-efficient ways to deal with replacement needs. In other cases, highway districts work with partners to accomplish their needs.

As the economic recession dropped property values and tightened tax revenue, county governments have had to cut their budgets. Highway districts have done a good job of doing more with less, but continued limited funding is having a toll on Idaho's roads. In order to keep them from falling into disrepair, their best roads are their priorities. Collaboration is another method of working together to keep roadways safe. On these collaboration projects, costs and equipment are shared. This can be a key solution to moving forward given reduced resources.

**Mr. Lincoln** concluded by stating that local highway districts are most responsible for the roads Idahoan's use every day. They do more with less and are willing to share their knowledge on the State's transportation challenges and opportunities.

**Mr. Lincoln** thanked the Committee and said he would stand for questions.

**Senator Rohn(Buckner-Webb)** asked if there were two or three commissioners elected to a highway district, and he wanted to know the length of their term in office. **Mr. Lincoln** said that the Ada County Highway District is the only highway district in the State with five commissioners, all the other 63 highway districts have three commissioners each. Their term of office is set in Idaho Code.

**Senator Hagedorn** asked what portion of a highway district's budget comes from the State. **Mr. Lincoln** said that half of their budget comes from property taxes and half comes from the State, but it varies among districts.

**Senator Rice** asked for a rough estimate of the condition of Idaho's roads, whether we're doing well or falling behind. **Mr. Lincoln** said that it varies with each jurisdiction, but in his highway district in Canyon County, 40 percent of the roads are falling behind. He added that at their current repair rate, it will take 33 years to repair them all. There were no further questions for Mr. Lincoln.

**H 404:**

**Chairman Brackett** thanked Mr. Lincoln and welcomed Amy Kearns of ITD's Drivers' Records Section and asked her to present **H 404**. **Ms. Kearns** said that in July 2012 federal repeat intoxicated driver requirements changed under the provisions of Moving Ahead for Progress in the 21st Century (MAP-21). Under the provisions of MAP-21, the State of Idaho is no longer in compliance with the federal repeat intoxicated driver or repeat offender requirements as per 23 U.S.C. § 164. The National Highway Traffic Safety Institute (NHTSA) and the Federal Highway Administration (FHWA) sent a letter to the State of Idaho stating that it is out of compliance with both the Mandatory License Suspension and the Assessment and Treatment sections of MAP-21. **H 404** seeks to correct or amend Idaho's current laws in order to comply with federal regulations. The statutory changes in this legislation are simple ones, and if enacted, these changes will bring the State of Idaho back into compliance with federal regulations.

First, under the provisions of MAP-21, repeat offenders must receive either a minimum one-year hard/absolute driving suspension or, if restricted driving privileges are granted, they must drive only vehicles that have an ignition interlock system installed in them for a period of at least one year. Idaho's current laws do subject a repeat offender to the mandatory one year hard/absolute driving suspension and they do allow for restricted driving privileges if the offender is in a DUI/Drug Court and has an ignition interlock system installed in all vehicles that they are operating. However, Idaho does not state how long the ignition interlock system must be installed in the repeat offenders' vehicle(s). Therefore, this bill adds the minimum time period of one year to the sections of code where restricted driving privileges are allowed for repeat offenders.

Secondly, under MAP-21, the courts must require a mandatory assessment or evaluation of alcohol use and/or abuse by a repeat offender in order to determine and impose an appropriate course of treatment. Currently, a court may waive this evaluation if they have a pre-sentence investigation report issued within 12 months preceding sentencing. As such, some repeat offenders may not receive a true or accurate assessment of their degree of alcohol use and/or abuse. On page 18, line 3 is a change to allow a court to waive the requirement of an alcohol evaluation only if it is an offender's first violation of the Driving Under the Influence (DUI) laws.

This legislation also defines the term 'repeat offender', corrects inconsistencies with verbiage in Idaho Code between the use of 'ignition interlock device' and 'ignition interlock system' and establishes a standard calibration setting for which an ignition interlock system is to be set. With that, **Ms. Kearns** said she would stand for questions.

**Senator Rice** said he noticed that the fiscal note restores how funds will be allocated and wanted to know if there had been a problem. **Ms. Kearns** said that since Idaho is out of compliance, the federal government has sanctioned Idaho. They have not taken the \$6 million away, but they have taken away Idaho's authority on how to use those funds. Idaho is restricted to use those funds for highway safety and not for highway repairs. Passage of this bill allows Idaho to regain the authority to spend those funds as they have in the past.

**Vice Chairman Johnson** asked if new changes to MAP-21 are expected. **Ms. Kearns** said that ITD is meeting current requirements of MAP-21, but she is unaware of any new changes that may add to MAP-21. They are, however, pushing for harsher penalties on ignition locks for first time offenders. **Vice Chairman Johnson** asked what it meant that ignition interlock systems have to be state approved. **Ms. Kearns** said it included different calibrations and other things to ensure they work properly. Providers of the locks have to go through ITD's safety department. Seven ignition interlock providers have been approved by the State. Idaho wants to insure they meet the requirements. **Vice Chairman Johnson** asked if the locks' calibration standard needs to be reevaluated throughout the year. **Ms. Kearns** said the locks are initially set at a standard level. A report is required every 30 to 60 days by way of data being downloaded that determines whether the device has been compromised. **Vice Chairman Johnson** asked **Ms. Kearns** to provide a report on this procedure. He wanted to know if, when an individual blows into the device and it locks, they can try again. **Ms. Kearns** said that they can try again after five minutes have passed, but that is not enough time to change the results. There are new enhancements now that include cameras in the car to ensure that someone else is not blowing into the device, and even fingerprint identification is available. **Vice Chairman Johnson** asked if the statute requires locks on each vehicle the individual owns and operates. **Ms. Kearns** said that Idaho Code requirements are consistent with the standards set by MAP-21.

**Senator Hagedorn** questioned page 19, line 46 that states the cutoff for ignition locks is .025 while Idaho Code states .08. He wanted to know why .025 was the standard. **Ms. Kearns** said it is the standard that Idaho has used since 1998. It is a nationally recognized value. Statistics show that by the time a driver reaches .04 or .05, they are impaired. This level helps curb and change drinking behavior. **Senator Hagedorn** asked Ms. Kearns to provide him with historical statistics and information on this standard as it may be considered too low of a setting. **Ms. Kearns** said she would look into how it became the national standard. There were no further questions for Ms. Kearns.

**TESTIMONY:** **Chairman Brackett** thanked Ms. Kearns and welcomed the Vice Chairman of the Idaho Transportation Board (ITB), Julie DeLorenzo, to the Committee. Since Ms DeLorenzo had signed up to testify, **Chairman Brackett** invited her to take the podium.

**Ms. DeLorenzo** thanked the Chairman and the Committee and said that ITB had approved **H 404** because it speaks to ITD's mission statement of safety and economic opportunity. She said she was personally in favor of the bill, and told the Committee about her family's own experience with alcohol-related auto crashes. Her sister is an alcoholic and struggles with the disease. She has been in three auto crashes, has received four DUI citations, and her health is ruined as she suffers with a permanent head injury and seizures. **Ms. DeLorenzo's** parents have been told they will likely outlive their youngest child. It was only last year that her sister was issued her first required ignition lock judgement. **Ms. DeLorenzo** said she would stand for questions, but there were none.

With no further testimony, **Chairman Brackett** thanked Ms. DeLorenzo and asked the Committee for a motion.

**MOTION:** **Vice Chairman Johnson** moved that **H 440** 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.

**S 1339:** **Chairman Brackett** asked Senator Hagedorn to present **S 1339**. **Senator Hagedorn** said that this is a simple request to combine two license plates, the Purple Heart license plate and the disabled placard. He handed out copies of what the plate would look like. He said that page 2 contains the language allowing this plate to act as two plates, both of which require the owner to have qualifying conditions in order to receive the plates. **Senator Hagedorn** said he would stand for questions.

**Senator Keough** asked about the new section on pages 2 and 3, line 49. **Senator Hagedorn** said that allows the plates to be issued for motorcycles. There were no further questions.

**MOTION:** **Senator Winder** moved that **S 1339** be sent to the floor with a **do pass** recommendation. **Senator Hagedorn** seconded the motion. The motion passed by a unanimous **voice vote**. **Senator Hagedorn** said he would carry the bill on the Senate floor.

**ADJOURNED:** With no further business before the Committee, **Chairman Brackett** adjourned the meeting at 2:40 p.m.

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Senator Brackett  
Chair

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Gaye Bennett  
Secretary