

MINUTES
HOUSE TRANSPORTATION & DEFENSE COMMITTEE

DATE: Wednesday, March 12, 2014

TIME: 1:30 PM or Upon Adjournment

PLACE: Room EW40

MEMBERS: Chairman Palmer, Vice Chairman Shepherd, Representative(s) Wood(35), Wills, Bateman, Henderson, Denney, Gestrin, Gibbs, Hixon, Kauffman, Packer, Youngblood, McDonald, Ringo, King, Gannon

**ABSENT/
EXCUSED:** None

GUESTS: Stu Davis, IAHD; Steve Price, ACHD

Chairman Palmer called the meeting to order at 2:46 p.m.

MOTION: **Rep. Hixon** made a motion to approve the minutes of the March 6 and 10, 2014 meetings. **Motion carried by voice vote.**

H 619: **Sen. Brackett** stated this legislation provides a petition process for political subdivisions of the State to ask for assistance for a portion of highway not being maintained by the responsible jurisdiction. This legislation adds section 40-709A. He gave the example of a highway being maintained by a county for the first 28 miles and the next 50 miles is maintained by a highway district. The highway was closed during a winter storm because the county decided not to maintain the first 28 miles, yet the highway district did maintain the next 50 miles of road to the township.

Sen. Brackett explained the jurisdiction which is affected by the non-maintained portion of highway would be able to submit a petition for assistance to the Idaho Transportation Department and its Board. Findings of fact must be met as per section 40-709A. The first criteria is the highway or any portion of the highway is the only practical access to a city, town or residential area. If the ITD Board grants the petition during a public noticed hearing and ITD maintains the section in question, the actual cost by ITD will be deducted from the noncompliant jurisdiction's next payment of highway distribution funds by the State Controller, and remitted to ITD for the work performed.

In answer to the Committee's questions, **Sen. Brackett** stated each government entity charged with maintaining roads receives funding from the Highway Distribution Account, which the money comes from the fuel and vehicle taxes paid, no federal funding is involved. An appeals process was not included in this legislation as the hearing would provide opportunity for rebuttal.

Stuart Davis, Idaho Association of Highway Districts (IAHD), stated IAHD supports this legislation as it is creating a mechanism when a single road access to a community is involved.

Steve Price, General Counsel for Ada County Highway District, the ACHD supports this legislation. In answer to the Committee's question regarding 'historical maintenance' this would be a finding of fact through the hearing process with the ITD Board.

MOTION: **Rep. Youngblood** made a motion to send **H 619** to the floor with a **DO PASS** recommendation

Sen. Brackett concluded that other sections of Code address when one highway district can detach roads from its system and another highway district can take it over. He stated in this case the monies collected for that portion of roadway would go with the road. He urged the Committee to remember the key is if the road is the only access to a developed area. It is only applicable if it is shown that public health and safety is jeopardized.

**VOTE ON
MOTION:**

Motion carried by voice vote. Reps. Shepherd, Wood(35), Denney, Gestrin, Hixon, and McDonald requested that they be recorded as voting **NAY**. **Rep. Wills** will sponsor the bill on the floor.

ADJOURN:

There being no further business to come before the committee, the meeting was adjourned at 4:01 p.m.

Representative Palmer
Chair

Linda Mott
Secretary