

MINUTES
SENATE TRANSPORTATION COMMITTEE

DATE: Tuesday, March 18, 2014

TIME: 9:00 A.M.

PLACE: Room WW53

MEMBERS PRESENT: Chairman Brackett, Vice Chairman Johnson, Senators Keough, Winder, Rice, Nonini, Tucker(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 special meeting of the Senate Transportation Committee (Committee) to order at 9:05 a.m. and asked the secretary to take a silent role. With a quorum present, **Chairman Brackett** welcomed all in attendance to the Committee. With the Legislative Session coming to an end and this being the Committee's last meeting, **Chairman Brackett** wanted to share some announcements.

First, **Chairman Brackett** welcomed Senator Dave Tucker, who was temporarily replacing Senator Hagedorn while he tended to a family illness. **Chairman Brackett** asked Senator Tucker to introduce himself. **Senator Tucker** said he was from Meridian and had filled-in for Senator Hagedorn when he was a member of the House. He said he believed Senator Hagedorn would return on Wednesday because the Senator's mother was recovering nicely from her surgery. **Senator Tucker** closed by saying he enjoyed being in the Legislature. **Chairman Brackett** thanked Senator Tucker for his willingness to serve.

Second, **Chairman Brackett** said that the Committee Secretary would buckslip the last few sets of the Minutes of Committee meetings.

And third, **Chairman Brackett** asked Committee members to stay for a few minutes following today's hearing in order to have a photo taken with the Committee's Page.

GAVEL PASSING: Chairman Brackett passed the gavel to Vice Chairman Johnson so that he could go to the podium and present **H 619a**. **Vice Chairman Johnson** asked Chairman Brackett to present his bill.

H 619: **Chairman Brackett** said that **H 619a** is a follow-up bill after the failure of **S 1360** in the Senate. **Chairman Brackett** said he had listened to the objections that were raised and has changed the original bill to reflect those concerns. First was local control. He has removed the ability of 25 citizens to petition. It now requires a locally elected board to submit the petition to be considered. It takes local control to even begin the process. Further, this bill would be implemented through rulemaking which is a very public process and Administrative Rules must be approved by the Legislature. The Legislature is made up of locally elected members. There are many safeguards through locally elected officials.

The second change is that the subject highway or relevant portion provides the only practical access to a city, town or other developed area. This really narrows the bill down to situations where, if maintenance is not done on the only practical access, public health and safety is jeopardized.

The third change is that the bill has been limited to only historic maintenance that has been provided to allow safe motorist access.

There is one other provision in the bill that will help counties and local highway districts better serve the public. That is Section 9, which allows counties or local highway districts to expend funds outside of their jurisdictional boundaries (an example would be Bogus Basin Road in Ada and Boise counties).

Chairman Brackett thanked the Committee and said he was not going to go through the bill line-by-line. He referred to a colored map provided in the Committee members' packets that shows that the road in question has one mile in Ada County, 29 miles in Boise County, and 38 miles in Elmore County. Boise County gets about \$83,000 from the Highway Distribution Account for their 29 miles of maintenance. Also in the Committee members' packet is a letter from the Atlanta Highway District that includes the public notice from Boise County indicating they would no longer be maintaining that road. This is what brought this issue to a head and became very worrisome for the residents of Atlanta, Idaho. **Chairman Brackett** said that he had facilitated meetings in the Capitol Building to get this problem resolved in both the short-term and the long-term. The short-term solution was to get the road snow-plowed in order to get through the winter. The long-term solution is this legislation which would allow the Boise County section of the road to be detached and maintained through another source as determined by the Idaho Transportation Board.

Chairman Brackett pointed out that in addition to the Atlanta Highway District letter in their packet, there is a letter of support from Elmore County, an email of support from Ada County, and a letter from Boise County not supporting this bill. **Chairman Brackett** said he would stand for questions.

Senator Nonini asked who the legislators were that represent this area.

Chairman Brackett said the portion of the road in Boise County was in Legislative District 8 which is represented by Senator Thayn, Representative Gestrin and Representative Barrett. There were no further questions for Chairman Brackett.

TESTIMONY:

Vice Chairman Johnson thanked Chairman Brackett and said there were a few people who indicated they wanted to testify about this bill. **Vice Chairman Johnson** asked Bud Corbus, Elmore County Commissioner, to take the podium

Mr. Corbus said that he supports this bill. He said he thought it was very important for the people living in small communities to know they have an avenue to take care of their lives and have access to get what they need. **Mr. Corbus** said he would stand for questions.

Senator Rice thanked Mr. Corbus for testifying and asked him when he had first heard about the plans to stop the maintenance on this road. **Mr. Corbus** said that he read the notice in their newspaper that the road was going to be closed. There was no phone call, just the notice saying the road would be shut down.

Senator Rice asked if Elmore County has had to fund maintaining this road in the meantime. **Mr. Corbus** said they had a verbal agreement in November with Boise County. Elmore County was to spend \$10,000 to take care of the snow and then pay the additional maintenance monthly as the billings came in. The agreement has since been denied by Boise County. There were no further questions for Mr. Corbus.

Vice Chairman Johnson thanked Mr. Corbus and asked Steve Price, Legal Counsel for the Ada County Highway District (ACHD), to present his testimony.

Mr. Price said that ACHD favors this bill and that he had no additional information to share other than what Chairman Brackett had already presented. **Mr. Price** said he would stand for questions.

Senator Rice asked how important was this bill to ACHD in order to fulfill its contracts. **Mr. Price** said that it was important, which is why he is testifying. ACHD does not have the statutory authority to spend funds outside of their jurisdiction. Bogus Basin Road in Ada and Boise counties is their biggest concern, but they cannot spend more to maintain that road than what they receive from Boise County. **Senator Rice** asked if the fiscal responsibility would come from Ada County or from the State if they were not able to maintain Bogus Basin Road. **Mr. Price** said he did not know, but there is a lot of traffic on the road during the winter, which this year resulted in a fatality. ACHD could maintain this road year round with the bill's funding options. There were no further questions for Mr. Price.

Vice Chairman Johnson thanked Mr. Price and asked Stuart Davis, Executive Director of the Idaho Association of Highway Districts, to present his testimony.

Mr. Davis said that **H 619a** is a lesson in tenacity for he and Chairman Brackett. They are trying to provide a safety mechanism for motorists to travel Idaho's roads. **Mr. Davis** said he would stand for questions, but there were none.

Vice Chairman Johnson thanked Mr. Davis and asked Chairman Brackett if he wanted to make a closing statement.

Chairman Brackett said that this is a better bill than the one the Committee had considered earlier. It provides for local control, as only locally elected boards can file a petition. It narrows its application to be used if it is the only practical access to a city, town or developed area, and then only for maintenance that has been provided historically. Public health and safety must be in jeopardy before a petition could be considered. **Chairman Brackett** urged the Committee's support for **H 619a**.

Vice Chairman Johnson thanked Chairman Brackett and asked the Committee for a motion.

MOTION:

Senator Nonini moved that **H 619a** be sent to the floor with a **do pass** recommendation. **Senator Rice** seconded the bill. The motion passed by a unanimous **voice vote**. **Chairman Brackett** said he would carry the bill on the Senate floor.

GAVEL PASSING:

Following the vote, Vice Chairman Johnson passed the gavel back to Chairman Brackett.

ADJOURNED:

With no further business before the Committee, **Chairman Brackett** adjourned the meeting at 9:32 a.m.

Senator Brackett
Chair

Gaye Bennett
Secretary