

AGENDA
SENATE TRANSPORTATION COMMITTEE
1:30 P.M.
Room WW53
Thursday, January 09, 2014

SUBJECT	DESCRIPTION	PRESENTER
Introductions	Welcome Members and Committee Page Samantha Clay of Eagle	Chairman Brackett
Administrative Rules by Docket Number	Assignment of 2014 Administrative Rules for Review at the Next Senate Transportation Committee Meeting (Tuesday, January 14, 2014)	Vice Chairman Johnson
<u>35-0105-1301</u>	Motor Fuels Tax Administrative Rules	
<u>39-0260-1301</u>	Rules Governing License Plates	
<u>39-0271-1301</u>	Rules Governing Driver's License Violation Point System	
<u>39-0312-1301</u>	Rules Governing Safety Requirements of Overlegal Permits	
<u>39-0315-1301</u>	Rules Governing Interstate Excess Weight Permits	
<u>39-0322-1301</u>	Rules Governing Overlegal Permits for Extra-Length Vehicle Combinations	
<u>39-0322-1302</u>	Rules Governing Overlegal Permits for Extra-Length Vehicle Combinations	
<u>39-0323-1301</u>	Rules Governing Revocation of Overlegal Permits	
<u>39-0350-1301</u>	Rules Governing Safety Rest Areas	
<u>39-0402-1301</u>	Rules Governing Marking of Hazards to Air Flight	
<u>39-0404-1301</u>	Rules Governing Idaho Airport Aid Program	
Presentation	Explanation of Presentations at Future Committee Meetings. Today's Topic: Bridges.	Wayne Hammon, Idaho Associated General Contractors

COMMITTEE MEMBERS

Chairman Brackett
Vice Chairman Johnson
Sen Keough
Sen Winder
Sen Rice

Sen Nonini(Nonini)
Sen Hagedorn
Sen Bock
Sen Buckner-Webb

COMMITTEE SECRETARY

Gaye Bennett
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Phone: 332-1332
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MINUTES
SENATE TRANSPORTATION COMMITTEE

DATE: Thursday, January 09, 2014

TIME: 1:30 P.M.

PLACE: Room WW53

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

ABSENT/ EXCUSED: Senator Rice

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 first meeting of the Senate Transportation Committee (Committee) to order at 1:35 p.m., and asked the secretary to take a silent roll.

INTRODUCTIONS: With a quorum present, **Chairman Brackett** began the meeting by welcoming everyone and asking each member and staff present to introduce themselves for the benefit of Senator Cathyanne Nonini. She is replacing Senator Bob Nonini as he recovers from an illness. **Chairman Brackett** then introduced the Committee's Senate Page, **Samantha Clay** of Eagle, who said she will be with the Committee for the first half of the legislative session. **Ms. Clay** shared that she is a senior at Eagle High School and plans to attend either the University of Arizona or Brigham Young University following high school graduation. She wants to study either speech pathology or government. She is glad to be assigned to the Senate Transportation Committee.

ADMINISTRATIVE RULES: **Chairman Brackett** asked Vice Chairman Johnson to discuss the process for reviewing transportation administrative rules. **Vice Chairman Johnson** told the Committee they would be reviewing eleven pending rules at the Tuesday, January 14 meeting of the Committee. There is one Idaho State Tax Commission (ISTC) pending rule and ten Idaho Transportation Department (ITD) pending rules. **Vice Chairman Johnson** asked for volunteers to review each docket before the January 14 meeting; and offered each an opportunity to receive a paper copy of the dockets, or they could view the rules online.

The following docket assignments were made by **Vice Chairman Johnson**: Senator Hagedorn will review docket 35-0105-1301; Senator Buckner-Webb will review dockets 39-0260-1301 and 39-0271-1301; Vice Chairman Johnson and Senator Keough will review dockets 39-0312-1301, 39-0315-1301, 39-0322-1301, 39-0322-1302 and 39-0323-1301; Senator Nonini will review docket 39-0350-1301; and Senator Winder will review dockets 39-0402-1301 and 39-0404-1301.

Chairman Brackett thanked the Vice Chairman for taking on this responsibility. **Chairman Brackett** further explained that in the Committee's packets was a list of ITD staff who would present each docket. These individuals could be contacted to answer any questions regarding the Committee members' assigned dockets.

PRESENTATION: **Chairman Brackett** welcomed Wayne Hammon, Executive Director of the Idaho Association of General Contractors, to the Committee and asked him to take the podium. Before beginning his presentation, **Mr. Hammon** explained that the Idaho Transportation Coalition is a working group of organizations and individuals committed to supporting the maintenance and growth of Idaho's system of roads and bridges. In conjunction with the Senate and House Transportation Committee Chairs, the working group devised a plan to present updates on transportation issues at Committee meetings. A tentative list of topics and presenters was included in the Committee's packets. Each presentation will last no longer than ten minutes, including time for questions. **Mr. Hammon** said that today's topic was bridges, and referenced the copy of his presentation slides in each Committee members' packet.

Mr. Hammon stated that the average age of a replaced bridge in Idaho is 59 years. Over the past three years, the state has replaced 8 to 12 bridges per year. There are about 397 Idaho bridges in need of replacement. At the current rate of replacement, it would take 100 years to replace them all.

Every community has a bridge in need of repair or improvement. The concern is not that the bridges will fall down, it is ensuring that they are structurally sound to accommodate the needs of their communities. Maintenance is critical if bridges are to last well into the future. ITD has been strategic and smart with its spending. Aging bridges have been replaced with modern, safe alternatives; and work has been done to keep load limits from having to be decreased.

Functionally deficient bridges are a bigger problem than the already identified decaying ones. As bridges age, load limits are decreased, which impacts commerce. Without safe bridges to keep transportation running smoothly, trucks are forced to go miles out of their way. Detours cost both time and money, and not having adequate access is detrimental to small, rural communities and their residents' livelihoods is directly impacted.

Improving bridges helps people and towns connect in ways that would otherwise not happen. Bridges are critical connections within the statewide transportation system. When bridges are healthy, the system is healthy. Idaho can be a leader in the transportation industry as it moves toward heavier loads and bigger trucks. With safe, strong bridges, Idaho can attract more commerce and keep our communities connected. **Mr. Hammon** thanked the Committee and stood for questions.

Senator Nonini asked Mr. Hammon to identify the bridges depicted in his presentation. **Mr. Hammon** listed them as located in Loman, Twin Falls, Riggins, Dover and Boise.

Senator Hagedorn asked if there was an economic impact study done prior and since the bridge in Dover, Idaho had its weight restructuring work done. **Mr. Hammon** said he was not aware of any study, but knew others in the audience could address that question following the Committee meeting.

Senator Winder asked for the internet address for the Idaho Transportation Coalition. **Mr. Hammon** gave that address as: www.idahotransportationcoalition.com.

Vice Chairman Johnson asked if the average replacement of bridges stated as 59 years was also the average age of bridges in Idaho. **Mr. Hammon** said that was not the case. **Vice Chairman Johnson** asked for clarification about maintaining bridges in small, rural communities. **Mr. Hammon** said that Idaho has many highway jurisdictions that have ownership over Idaho's bridges. ITD collects that information for the state, and the Idaho Association of Highway Districts will address local roads at a future Committee meeting. **Vice Chairman Johnson** asked for examples of the work performed by ITD on Idaho bridges to maintain heavier loads. **Mr. Hammon** said that Dave Butzier of URS Corporation will address the topic of the life-span of a bridge and what happens when bridges are and are not maintained at a future Committee meeting. There were no further questions.

ADJOURNED:

Chairman Brackett thanked Mr. Hammon and said he was looking forward to future presentations. **Chairman Brackett** adjourned the meeting at 2:05 p.m.

Senator Brackett
Chairman

Gaye Bennett
Secretary

AGENDA
SENATE TRANSPORTATION COMMITTEE
1:30 P.M.
Room WW53
Tuesday, January 14, 2014

SUBJECT	DESCRIPTION	PRESENTER
<u>RS22355</u>	Changes to specific design references on three existing wildlife specialty license plates.	Sharon Kiefer , Idaho Department of Fish and Game
<u>RS22424</u>	Implements new Commercial Driver's License Testing and Commercial Learner's Permit standards.	Ed Pemble , Idaho Transportation Department
<u>RS22444</u>	Makes provisions for driver license and identification card extensions to federal employees working abroad and their immediate families.	Ed Pemble , Idaho Transportation Department
Review of Pending Administrative Rules		
Docket No. <u>35-0105-1301</u>	Assigned to Senator Hagedorn: Motor Fuels Tax Administrative Rules	Don Williams , Tax Policy Specialist, Idaho State Tax Commission
Docket No. <u>39-0260-1301</u>	Assigned to Senator Buckner-Webb: Rules Governing License Plates	Chris Fisher , Idaho Transportation Department
Docket No. <u>39-0271-1301</u>	Assigned to Senator Buckner-Webb: Rules Governing Driver's License Violation Point System	Amy Kearns , Idaho Transportation Department
Docket No. <u>39-0350-1301</u>	Assigned to Senator Nonini: Rules Governing Safety Rest Areas	Cathy Ford , Idaho Transportation Department
Docket No. <u>39-0402-1301</u>	Assigned to Senator Winder: Rules Governing Marking of Hazards to Air Flight	Bill Statham , Idaho Transportation Department
Docket No. <u>39-0404-1301</u>	Assigned to Senator Winder: Rules Governing Idaho Airport Aid Program	Bill Statham , Idaho Transportation Department

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Chairman Brackett	Sen Nonini(Nonini)
Vice Chairman Johnson	Sen Hagedorn
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Sen Winder	Sen Buckner-Webb
Sen Rice	

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

**ABSENT/
EXCUSED:**

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** convened the meeting of the Senate Transportation Committee (Committee) at 1:33 p.m. with a welcome to all in attendance. He asked the secretary to take a silent roll. With a quorum present, **Chairman Brackett** explained that the Committee would not hold a meeting on Thursday because of the Justice Reinvestment in Idaho Joint Legislative Briefing that was scheduled in the Lincoln Auditorium during the Committee's regular meeting time. He continued that Senator Lodge and Representative Wills, in conjunction with the Council of State Governments Justice Center, had organized this briefing that welcomed all legislators and interested stakeholders to attend. **Chairman Brackett** encouraged Committee members to attend.

RS22355: **Chairman Brackett** next turned to the agenda and welcomed **Sharon Kiefer** of the Idaho Department of Fish and Game (Department) who began by introducing herself and said she was before the Committee to request that **RS22355** be printed. **Ms. Keifer** said the legislation amends Idaho Code that refers to three speciality license plates of which the Department has oversight. As currently written, flexibility and marketing of the plates is limited because of design restrictions. The Department wants to modify the law to broaden the plates' marketability and the public's interest in purchasing them. Fees collected from the sale of these plates are distributed to the wildlife funds within the Department and to Idaho State Parks and Recreation. There has been a reduction in sales. The term 'elk' becomes 'mammal' and 'cutthroat' becomes 'fish.' There are no other changes. The Department's third plate's Idaho Code language for birds already allows for flexibility in design. The Idaho Mountain Bluebird plate has been altered over the years. **Ms. Kiefer** said she would stand for questions.

Senator Hagedorn asked for an explanation of why the Department believes changing the statute from 'elk' to 'mammal' and not changing the license plate will improve marketing. **Ms. Keifer** said that changing the statute will provide more opportunities to change design of the current license plate, as well as depict other animals.

Senator Rice asked if that could be accomplished by simply using the third license plate. **Ms. Keifer** agreed that the 'bluebird' license plate language was not species specific. The Department has been able to make design changes on the 'bluebird' license plate over the years. People like change and revenue is declining in the purchase of specialty license plates. The Department believes changing the statute will allow for more flexibility. She added that there will be a public process before changes in Department-sponsored license plates occur.

Senator Bock asked if the 'elk' plate would continue to be produced. **Ms. Keifer** said that because of the process involved, she would prefer to respond to this line of questioning at a full Committee hearing once the legislation has been printed.

Vice Chairman Johnson added that he believed the question was whether the 'elk' license plate would continue to be issued. **Ms. Keifer** said that the Department can only have three license plate designs at any time. This rule change would allow the Department to alter the design of the original license plates.

Senator Nonini asked whether the Cutthroat Trout license plate was chosen because the cutthroat is the state fish. **Ms. Keifer** confirmed that is why it was chosen for the license plate. **Senator Nonini** suggested that the cutthroat represents the State of Idaho to people who see it on a license plate, and any other fish would not. **Ms. Keifer** said that this legislation meets the results of the process the Department conducted.

MOTION:

Before calling for a motion, **Chairman Brackett** asked if anyone in the audience wanted to comment on **RS22355**. There being no one, **Chairman Brackett** recognized **Senator Keough** who moved that **RS22355** be sent to the Senate floor for printing. **Senator Winder** seconded the motion. The motion passed by **voice vote**.

RS22424:

Chairman Brackett thanked Ms. Keifer and asked **Ed Pemble**, of the Idaho Transportation Department (ITD), to take the podium and present **RS22424**, where he proceeded to introduce himself to the Committee.

Mr. Pemble said that **RS22424** adds new driver's license and testing standards that comply with federal requirements. These changes improve safety and training to the current program. The legislation includes definition changes such as people with learners permits will now be able to renew their permits once before needing to take a new knowledge test, and driving permits for motorized cycles will now be consistent across all programs. In addition, some of the new language benefits the Idaho State Police. If passed, this legislation would become effective on July 8, 2014, in keeping with federal compliance requirements. The fiscal impact is a result of required updates to ITD's computer programming. **Mr. Pemble** said he would stand for questions.

Senator Rice asked whether the definition of tanks transporting any liquid on page 12 of the legislation would include liquids like soft drinks. **Mr. Pemble** said that was not the intent and deferred his response to **Captain Bill Reese** of the Idaho State Police Safety Division who said the language does not apply to contained liquid but to bulk liquid being transported.

Chairman Brackett asked if these changes are part of complying with federal regulations. **Mr. Pemble** confirmed that was correct, but stated that there are other issues included that are not part of federal compliance such as the changes to learner permits. He concluded by stating that ITD supports this legislation. There were no further questions.

MOTION:

Chairman Brackett thanked Mr. Pemble and Captain Reese and asked the Committee for a motion. **Senator Hagedorn** moved that **RS22424** be sent to the Senate floor for printing. **Senator Rice** seconded the motion. The motion passed by a unanimous **voice vote**.

RS22444:

Chairman Brackett asked Mr. Pemble to present **RS22444**. **Mr. Pemble** stated that this legislation is strictly customer service based and focuses on Idaho residents who are federal employees working abroad. It also applies to the immediate families of these employees. It mirrors the rules already in place that apply to members of the military serving abroad. The legislation allows ITD to have some flexibility when accepting identification documentation for drivers' training permits. There is frustration that currently exists with the requirement of certified copies of birth certificates instead of accepting a photocopy and for guardians appearing instead of parents when those parents have impairments. This legislation will alleviate some of that frustration. The changes offered in the legislation are procedural and do not cause additional costs to the state or to individuals. **Mr. Pemble** said he would stand for questions.

Senator Hagedorn said that he was familiar with some of the frustration from when he served in the military out-of-state and he had renewed an expired driver's license. He asked how drivers' licenses will become extended so that those serving abroad will receive new licenses. **Mr. Pemble** said that ITD had made changes to that process and is now sending out new cards. There were no further questions.

MOTION:

Chairman Brackett thanked Mr. Pemble and asked the Committee for a motion. **Senator Hagedorn** moved that **RS22444** be sent to the Senate floor for printing. **Senator Nonini** seconded the motion. The motion passed by a unanimous voice vote.

ADMINISTRATIVE RULES:

Chairman Brackett said the next business of the Committee was to take up the review of Administrative Rules. He turned the gavel over to Vice Chairman Johnson to conduct this portion of the agenda. **Vice Chairman Johnson** stated that the Committee would take up six Administrative Rules at today's meeting (one tax rule, and five transportation rules), and the remaining rules would appear on a future meeting agenda. **Vice Chairman Johnson** asked Don Williams of the Idaho State Tax Commission to come to the podium to discuss the fuels tax docket.

DOCKET NO. 35-0105-1301:

Mr. Williams went through this docket explaining the various sections. He stated that rules 110, 115 and 290 are not being promulgated and will remain codified.

Motor Fuels Tax rule 105 is being amended consistent with H 20 from the 2013 legislative session allowing the State Tax Commission to sell gaseous fuel decals. There are also changes to clarify records required for exempt sales at manned and unmanned pumps. This rule provides instruction for the licensed gaseous fuel distributor on how to complete its reports, maintain records and when it can sell exempt gaseous fuels.

Motor Fuels Tax rule 270 is being changed to clarify the records required for taxable and nontaxable use from a single storage tank when using the proration percentages provided in subsection (6)(a) or alternate percentages. This rule describes a valid receipt when the original can be replaced, how long the taxpayer must keep the receipts and alternative methods for claiming refunds.

Motor Fuels Tax rule 292 is being reviewed to determine if changes are required to the standard allowances for special fuels power take off (PTO). The review is required due to increased efficiency of special fuel engines. This rule defines nontaxable miles. It provides standard allowance rates when claiming refunds as a result of using PTO and auxiliary engines. It also provides instruction for International Fuel Tax Agreement (IFTA) licensees who want to claim refunds based on claims for other than nontaxable miles.

Motor Fuels Tax rule 410 is changed to cite the external source according to the Administrative Procedures Act. Section 63-2442A, Idaho Code, authorized the Idaho State Tax Commission to adopt IFTA. It previously incorporated the governing documents of this agreement but it did not follow the external source citation requirements of the Administrative Procedures Act. This rule adopts the agreements by reference.

Motor Fuels Tax rule 510 is changed to clarify when motor oils, other than new motor oils, are received in the state and subject to a transfer fee. Section 41-4909(7), Idaho Code, authorizes the Idaho State Tax Commission to assess a one cent (\$0.01) per gallon transfer fee on petroleum products that are sixty degrees Fahrenheit liquids, unless otherwise exempted. This rule adopts the transfer fee, and it outlines application and reporting. **Mr. Williams** said he would stand for questions.

Senator Hagedorn was concerned about calling 'intermediate storage facilities' 'permanent storage facilities' as written on page 14 under transfer fees for petroleum products, and he wanted to know if it was defined somewhere in the statute. **Mr. Williams** said it was defined in the Internal Revenue Service Code and went on to cite examples of such facilities in Boise. There were no further questions.

MOTION:

Vice Chairman Johnson thanked Mr. Williams and asked the Committee for a motion. **Senator Hagedorn** moved to approve **Docket No. 35-0105-1301**. **Senator Bock** seconded the motion. The motion passed by a unanimous **voice vote**.

**DOCKET NO.
39-0260-130**

Vice Chairman Johnson welcomed Christine Fisher of ITD to the Committee and asked her to present the next docket. **Ms. Fisher** introduced herself and said that the text of this rule begins on page 17 and ends on page 24. This rule has been adopted by ITD's Board. No public comments were received on this rulemaking. Upon legislative authorization, this rule will become final and effective at the end of this session. **Ms. Fisher** proceeded to briefly outline the rule changes.

The change was made to comply with S 1243 which became effective on July 1, 2012, and H 169 from the 2013 legislative session. The reason for the 2012 law change was to implement a set of requirements for initiating a new specialty license plate program, to place parameters around the prequalification and application for specialty license plate programs, and to rein in the proliferation of those programs. It is also intended to ensure greater accountability for the funds collected. Our original rule proposal to implement S 1243 was rejected in the 2013 legislative session, and subsequent to that rejection, HB 169 was passed. This law clarified that specialty license plate legislation may be passed before, during or after the requirements stipulated in S 1243 are met. With this change, potential plate sponsors have a much better idea of the interest level their proposed program might generate, and it saves some from going through the process only to have their program cancelled. There is now a requirement that those proposing new specialty license plates gather at least 250 signatures from Idahoans who would be willing to purchase the specialty license plate if implemented. The expected result is that ITD will not be required to cancel as many specialty license plate programs because the minimum sales requirement of at least 1,000 new or renewed registrations will more likely be met.

ITD has also incorporated minor language changes to align the law more closely with current practices, and to rename the 'forty-five day temporary' document to a 'proof of registration' document in order to more accurately describe the form issued when a license plate has been ordered from the manufacturer and the full registration fees have been paid by the applicant. Language was also added to make it clear that 'personalized license plate' messages on plates may not refer to gang or criminal affiliations, and ITD may utilize the expertise of law enforcement as a resource in determining if the affiliation exists. **Ms. Fisher** said she would stand for questions.

Senator Bock asked if reducing the number of applicants is a requirement to maintain plates. **Ms. Fisher** said the rule incorporates the qualifications needed to meet the requirements and stipulates when they need to be done.

Senator Keough noticed that on page 21, the fee was not refunded and asked if that was in last year's legislation. **Ms. Fisher** said that everything remained the same with regard to fees.

Senator Hagedorn said that on page 21 it states that the annual report goes to ITD and the legislative transportation committees for review, but he wanted to know if the public also gets the information. **Ms. Fisher** said that ITD gathers information from organizations to present to legislators but does not currently publish the information publicly.

Senator Bock asked if there were prequalification requirements in addition to requirements before, during and after the process of requesting a specialty license plate. **Ms. Fisher** said that last year's House legislation allows for signatures to be gathered after the due date. Interested parties can do this by collecting signatures and getting a legislator to submit them, but ITD cannot offer the plate for sale until all the requirements have been met.

MOTION:

Vice Chairman Johnson thanked Ms. Fisher and asked the Committee for a motion. **Senator Winder** moved to approve **Docket No. 39-0260-1301**. **Senator Keough** seconded the motion. The motion passed by a **voice vote**.

**DOCKET NO.
39-0350-1301**

Vice Chairman Johnson welcomed Cathy Ford of ITD to the Committee and asked her to present the next docket. **Ms. Ford** informed Vice Chairman Johnson that there was another docket before hers that had not yet been heard. **Vice Chairman Johnson** thanked her and asked if she would proceed and the Committee would go back to that docket when she was concluded. **Ms. Ford** introduced herself and said that this rule was presented and approved by ITD's Board. Upon legislative approval, it will become final and effective at the end of this legislative session. This rule prohibits the discharge of firearms at safety rest areas. ITD has posted signs prohibiting the unlawful discharge of firearms at these rest areas.

The 2008 Legislature passed SB 1441 that preempted the field of firearm regulation and prohibited state agencies from regulating firearms as this practice interfered with the Second Amendment to the U.S. Constitution. Section 18-3302J, Idaho Code, allows cities and counties to regulate the discharge of firearms within their boundaries; however, state agencies do not have this authority with the exception of universities and the Idaho Department of Fish and Game. As a result, this rule had to be amended. ITD was directed by the Idaho Attorney General to propose revisions. Rule 05 of Section 200 prohibits discharging of firearms or fireworks. In the revision, ITD recommends changes to prohibit discharging fireworks or any other incendiary devices.

There had been no changes or updates since this rule was adopted in 1990. In addition to this specific rule change, ITD is also recommending other minor changes that address other specific issues regarding the use of safety rest areas. They required that these areas are safe, secure and used as intended as well as clarify acceptable and unacceptable behavior including panhandling and skateboarding.

Signs displaying 'Safety Rest Area Rules' are displayed at each of our thirty rest area facilities. These signs have been modified to cover or remove the reference to firearms. Once approved, ITD will have new signs manufactured addressing all the safety rest area rule changes. **Ms. Ford** said she would stand for questions.

Senator Rice asked if taxis would be prohibited under this rule and referenced page 72. **Ms. Ford** said allowing safe passage for drivers of disabled vehicles requiring alternative transportation is not the intent of this rule and believes the need to call a taxi was allowed. **Senator Rice** asked if the reference to 'incendiary device' included road flares. **Ms. Ford** did not have specific information regarding road flares, but would look into that question if needed. **Senator Rice** indicated he wanted that information.

Senator Bock said he has serious concerns about section 200.04 on page 72. He stated that Judge Lodge had just struck down the panhandling ordinance in Boise as being an infraction of the U.S. Constitution's free speech amendment. **Senator Bock** believes this portion of the rule would be unconstitutional as well. **Ms. Ford** said that these rules were recommendations made through ITD's process. She said that the panhandling issue is new, and then explained why it was in the rule. **Senator Bock** said that he believed the issue went beyond the explanation. 'Begging' is equivalent to panhandling; asking for a donation is a free speech right, possibly hitchhiking is as well. **Senator Bock** asked Ms. Ford to consult with ITD over his concerns. **Ms. Ford** said she would ask ITD to address his concerns.

Senator Hagedorn referenced page 72, section 200.05, 'selling of any merchandise'. He has purchased soda at rest areas and wondered if that was exempt from this rule. **Ms. Ford** said that ITD has an agreement with the Commission for the Blind to provide this service. There were no further questions.

MOTION:

Vice Chairman Johnson thanked Ms. Ford and asked the Committee for a motion. **Senator Rice** moved to hold **Docket No. 39-0350-1301** in Committee for further review. **Senator Bock** seconded the motion. **Senator Keough** asked if the intent was to hold the rule for further investigation or to reject the rule. **Senator Rice** said his intent was to hold for further investigation rather than make a decision at this Committee meeting. With no further questions, **Vice Chairman Johnson** called for a vote. The motion passed by a unanimous **voice vote**.

**DOCKET NO.
39-0271-1301**

Vice Chairman Johnson welcomed Amy Kearns of ITD to the Committee and asked her to present the skipped docket. **Ms. Kearns** introduced herself and said that the text for this rule begins on page 27 of the review book. This rule was presented for modifications last year. During the 2013 legislative session, H 274, the Traffic Safety Education Program, was passed. It allowed new means of points removal from a driving record by attending a traffic safety education course offered by the arresting/citing officer when a driver is eligible for point removal. This proposed rule incorporates the provisions of that bill.

When the rule was presented to ITD's Board last summer, a highway engineer offered input regarding obsolete terminology, which has been incorporated in this rule. There was also input from Idaho State Police (ISP) regarding moving violations that were submitted by law enforcement to the court system but were not being transmitted from the court to ITD. Those moving violations are added to section 200 of the rule with the proposed point counts. These violations and their associated point counts appear on pages 28 and 29.

Last year the texting violation was listed as 'exempt' in section 200. That exempt statutory language is parallel to the language describing seat belt violations. ITD thought it appropriate to also note that exemption in section 200. **Ms. Kearns** said she would stand for questions, and introduced Captain Bill Reece of ISP who was available to provide clarification on any specific moving violations if needed. There were no questions for Ms. Kearns or Captain Reese.

MOTION:

Vice Chairman Johnson thanked Ms. Kearns and Captain Reese, and asked the Committee for a motion. **Senator Nonini** moved to approve **Docket No. 39-0271-1301**. **Senator Keough** seconded the motion. The motion passed by a unanimous **voice vote**.

**DOCKET NO.
39-0402-1301**

Vice Chairman Johnson welcomed Bill Statham of ITD's Division of Aeronautics to the Committee and asked him to present the next docket. **Mr. Statham** introduced herself and said that this rule was advertised in the Idaho Administrative Bulletin on October 2, 2013. No hearing was requested and no public comments were received. Industry representatives were not involved in the development of this rulemaking. Upon legislative approval, this rule will become final and effective at the end of this session.

This rule has been updated to comply with H 216 that exempted power marketing firms from lighting and marking guyed towers; and S 1065 that exempted amateur 'ham' and 'CB' radio towers from the requirement to light and mark their guyed towers. Both bills were passed during the 2013 legislative session.

These amendments do not create conflicts with ITD's program and do not create an undue amount of additional effort to administer. All changes to the rule are shown on page 78. The changes simply add the legislative language exempting the power marketing firms and the 'ham' and 'CB' radio towers from the lighting and marking requirements. **Mr. Statham** said he would stand for questions. There were no questions for Mr. Statham.

MOTION:

Vice Chairman Johnson thanked Mr. Statham and asked the Committee for a motion. **Chairman Brackett** moved to approve **Docket No. 39-0402-1301**. **Senator Hagedorn** seconded the motion. The motion passed by a unanimous **voice vote**.

**DOCKET NO.
39-39-0404-1301**

Vice Chairman Johnson asked Mr. Statham to present the next docket. **Mr. Statham** said that this rule was advertised in the Idaho Administrative Bulletin on October 2, 2013. No hearing was requested, and no public comments were received. Industry representatives were not involved in the development of this rulemaking. Upon legislative approval, this rule will become final and effective at the end of this session.

This rule has been updated to comply with legislative amendments dating from the 2005 Legislature in H 40 to new funding procedures for the airport grant program that was approved by the Aeronautics Advisory Board (AAB) in May, 2013.

Changes to the rule begin on page 83 with definitions for Airport Service Area Population and Adjusted Service Area Population that are needed to understand how the match rate is set for a community airport. The next change is in the section title; the order of the numbered items reflects the priorities stated in the new procedures. The priorities have been reordered and have not been changed from the previous version of the rule. On page 84, the change reflects that the Idaho Airport Aid Program cannot afford to provide 100 percent of the cost for a new airport or 90 percent of the cost for airport maintenance projects. The next change is that the AAB determined that the population of a town was not representative statewide and elected to calculate population on a service area basis. The service area population is defined as everyone within a thirty-minute drive of the airport.

Final changes appear on page 86 in section 300.04. The language from H 40, enacted in 2005, is incorporated into the rule. It states that the elements needed to provide protection of the airport, its operations, its neighbors near the airport, and ITD's investment of public funds is reflected in Idaho Code, Federal Aviation Administration (FAA) orders, and FAA and State grant assurances.

These rule changes will help Idaho's public airports by providing a uniform project prioritization method and a uniform annual allocation method for grant funds. **Mr. Statham** said he would stand for questions.

Senator Rice asked about the 'thirty minutes' determination instead of using number of miles. **Mr. Statham** said the use of drive time to-and-from local airports makes it consistent with federal statutes. There were no further questions.

MOTION:

Vice Chairman Johnson thanked Mr. Statham and asked the Committee for a motion. **Mr. Hagedorn** moved to approve **Docket No. 39-0404-1301**. **Senator Keough** seconded the motion. The motion passed by a unanimous **voice vote**.

ADJOURNED:

With the review of Administrative Rules complete, **Vice Chairman Johnson** thanked the Committee and passed the gavel back to Chairman Brackett. **Chairman Brackett** also thanked the Committee and the presenters. With no other business before the Committee, **Chairman Brackett** adjourned the meeting at 2:56 p.m.

Senator Brackett
Chair

Gaye Bennett
Secretary

AGENDA
SENATE TRANSPORTATION COMMITTEE
1:30 P.M.
Lincoln Auditorium (WW02)
Thursday, January 16, 2014

SUBJECT	DESCRIPTION	PRESENTER
Presentation	<u>JUSTICE REINVESTMENT IN IDAHO</u> Senator Lodge and Representative Wills invite legislators and interested stakeholders to a Joint Legislative Briefing in the Lincoln Auditorium (WW02). Chairman Brackett encourages Transportation Committee members to attend. This Joint Legislative Briefing replaces the Transportation Committee's regularly scheduled meeting.	The Council of State Governments Justice Center

COMMITTEE MEMBERS

Chairman Brackett
Vice Chairman Johnson
Sen Keough
Sen Winder
Sen Rice

Sen Nonini(Nonini)
Sen Hagedorn
Sen Bock
Sen Buckner-Webb

COMMITTEE SECRETARY

Gaye Bennett
Room: WW33
Phone: 332-1332
email: stran@senate.idaho.gov

MINUTES
SENATE TRANSPORTATION COMMITTEE

DATE: Thursday, January 16, 2014

TIME: 1:30 P.M.

PLACE: Lincoln Auditorium (WW02)

MEMBERS PRESENT: All Senate Transportation Committee members were encouraged to attend the 'Justice Reinvestment in Idaho' legislative briefing.

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.

PRESENTATION: At the January 14 meeting of the Senate Transportation Committee (Committee), **Chairman Brackett** encouraged all Committee members to attend the joint legislative briefing on 'Justice Reinvestment in Idaho' hosted by the Senate and House Judiciary and Rules Committees. It would be held on January 16 in the Lincoln Auditorium (WW02) during the Committee's regularly scheduled time period.

The presentation would address Idaho's key criminal justice challenges. Since June 2013, the Council of State Governments Justice Center has been working on justice reinvestment, a data-driven approach to reduce spending on corrections and to reinvest those savings in strategies to increase public safety. In addition to the presentation by the Council of State Governments Justice Center, a report detailing the comprehensive analysis would be distributed.

Consequently, there was no regular meeting of the Committee on January 16, and no roll of Committee members' attendance was taken. However, Senator Buckner-Webb sent Chairman Brackett a letter asking to be excused from attending meetings on January 16.

Because there was no official Committee meeting, this document serves as the record of the Committee's activities on January 16, 2014 at 1:30 p.m.

Senator Brackett
Chair

Gaye Bennett
Secretary

AGENDA
SENATE TRANSPORTATION COMMITTEE
1:30 P.M.
Room WW53
Tuesday, January 21, 2014

SUBJECT	DESCRIPTION	PRESENTER
<u>RS22559</u>	Extends the Vietnam Veteran Memorial Highway from Oregon I-84 through Idaho up to its entering Utah.	Senator Heider
Minutes	Approve minutes of the January 9 Senate Transportation Committee meeting.	Senators Hagedorn and Buckner-Webb
Presentation	The Lifespan of Infrastructure	Dave Butzier, URS Corporation
REVIEW OF PENDING ADMINISTRATIVE RULES		Vice Chairman Johnson
<u>39-0312-1301</u>	Assigned to Vice Chairman Johnson and Senator Keough: Rules Governing Safety Requirements of Overlegal Permits	Regina Phipps, ITD
<u>39-0315-1301</u>	Assigned to Vice Chairman Johnson and Senator Keough: Rules Governing Interstate Excess Weight Permits	Regina Phipps, ITD
<u>39-0322-1301</u>	Assigned to Vice Chairman Johnson and Senator Keough: Rules Governing Overlegal Permits for Extra-Length Vehicle Combinations	Regina Phipps, ITD
<u>39-0322-1302</u>	Assigned to Vice Chairman Johnson and Senator Keough: Rules Governing Overlegal Permits for Extra-Length Vehicle Combinations	Regina Phipps, ITD
<u>39-0323-1301</u>	Assigned to Vice Chairman Johnson and Senator Keough: Rules Governing Revocation of Overlegal Permits	Regina Phipps, ITD

COMMITTEE MEMBERS

Chairman Brackett	Sen Nonini(Nonini)
Vice Chairman Johnson	Sen Hagedorn
Sen Keough	Sen Bock
Sen Winder	Sen Buckner-Webb
Sen Rice	

COMMITTEE SECRETARY

Gaye Bennett
Room: WW33
Phone: 332-1332
email: stran@senate.idaho.gov

MINUTES
SENATE TRANSPORTATION COMMITTEE

DATE: Tuesday, January 21, 2014

TIME: 1:30 P.M.

PLACE: Room WW53

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

ABSENT/ EXCUSED: Senator Rice

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 Senate Transportation Committee (Committee) to order at 1:35 p.m., and asked the secretary to take a silent roll. **Chairman Brackett** said that Senator Rice was excused from today's meeting. With a majority present, **Chairman Brackett** welcomed Senator Heider to the Committee and asked him to present **RS 22559**.

RS 22559: **Senator Heider** thanked the Chairman and prefaced his presentation by saying that he was bringing this bill forward because he had been a pilot in the United States Air Force during the Vietnam War. This legislation was brought to his attention by an Oregon state representative who was responsible for getting Interstate 84 (I-84) named the 'Vietnam Veteran Memorial Highway' as it travels through Oregon to the Idaho border. As a veteran of that war, **Senator Heider** decided he wanted to continue that naming as I-84 travels from the Oregon border through Idaho to the Utah border. The costs involved with maintaining the highway will be borne by veterans organizations. Costs for constructing and installing signs along I-84 will be the responsibility of the Idaho Transportation Department (ITD). Those costs have not yet been determined, but will be available if the Committee moves forward with it. **Senator Heider** thanked the Committee and stood for questions. There were no questions for Senator Heider.

MOTION: **Chairman Brackett** thanked Senator Heider and asked the Committee for a motion. **Senator Hagedorn** moved that **RS 22559** be sent to the Senate floor for printing. **Senator Winder** seconded the motion. The motion passed by a unanimous **voice vote**. **Chairman Brackett** suggested to Senator Heider that he may want to stay and listen to the scheduled presentation being offered by a member of the Idaho Transportation Coalition.

MINUTES: **Chairman Brackett** asked the Committee for a motion regarding the Minutes of the January 9 Committee meeting.

MOTION: Having reviewed the Minutes, **Senator Hagedorn** moved that the Committee approve the Minutes of the January 9 meeting. **Senator Buckner-Webb** seconded the motion. The motioned passed by a unanimous **voice vote**.

PRESENTATION: **Chairman Brackett** welcomed Dave Butzier, Program Manager for URS Corporation in Boise, and invited him to begin his presentation on the life span of Idaho's infrastructure. **Mr. Butzier** thanked the Chairman and the Committee and said that he was a licensed civil engineer responsible for oversight of URS Corporation's GARVEE (Grant Anticipation Revenue Vehicles Bond Program) projects. He has 35 years of experience and has been working in Idaho since 1987.

Roads and bridges form a network of systems that need nurturing. If too much time passes without attention, maintenance becomes difficult and expensive.

Bridges fall into two categories: structurally deficient and functionally obsolete. Bridges were designed to remain functional for 50 years. Many bridges in Idaho are 60 to 80 years old. Structurally deficient bridges are those in poor condition that are unable to carry significant loads. Functionally obsolete bridges have insufficient roadway width, insufficient horizontal or vertical clearances, or have poor approach to roadways.

Trucks do cause wear and tear on roads, but daily traffic volume on heavily used routes also reduce a roadway's life span. Many of Idaho's roads and bridges were not built for the rapid population growth Idaho has experienced. As a result, in some cases, the life span is lower than it could have been.

Today, engineers have techniques to extend the life span of roadways and to better plan new roadways. Construction involves high-tech planning and engineering as engineers have learned from the past which helps them design roadways to last into the future. But even new roads will eventually wear out.

The interstate highway system began in the 1960s as a result of a major initiative to improve our country's national defense and promote its interstate commerce. This is a major reason that many of our bridges are reaching the 50 years old mark. They have served their communities well until growth exceeded their capacity.

Before the "Flying Y" was built in the Boise valley, roadways were in terrible shape and the freeway was narrow. The expansion and improvement has made a big difference. Planning ahead can dramatically increase the life span of roads and bridges. By planning and spending money now, we can prevent future costs. Improved freeway access can increase development dramatically. **Mr. Butzier** cited many examples of planned projects, both highway improvements and commerce expansion, that have and will improve the I-84 corridor. He concluded his presentation by citing other examples in communities throughout Idaho. **Mr. Butzier** thanked the Chairman and stood for questions. There were no questions for Mr. Butzier.

GAVEL PASSING: **Chairman Brackett** thanked Mr. Butzier and passed the gavel to Vice Chairman Johnson so the Committee could review ITD administrative rules.

ADMINISTRATIVE RULES: **Vice Chairman Johnson** thanked the Chairman and said the Committee would review rules pertaining to the overlegal load legislation taken up during the last legislative session. Having said that, **Vice Chairman Johnson** welcomed Regina Phipps, ITD's Vehicle Size and Weight Specialist, to the Committee and asked her to present the administrative rules before the Committee.

DOCKET NO. 39-0312-1301 **Ms. Phipps** thanked the Vice Chairman and said that the changes to this rule start on page 31, with changes on page 33, of the Committee's rule book. During the public comment period, no hearings were requested or comments received. The rule reflects the following changes that were made at the request of industry: (1) allows for flashing as well as non-flashing lights for the movement of oversize loads after dark; (2) changes the minimum dimensions allowed for oversize load signs for towing units and pilot cars; and (3) clarifies the size and/or length of vehicle combinations allowed to travel in a convoy. **Ms. Phipps** offered to go through the rule in greater detail and stood for questions. There were no questions for Ms. Phipps.

MOTION:

Vice Chairman Johnson thanked Ms. Phipps and asked the Committee for a motion. **Senator Keough** moved that the Committee approve **Docket No. 39-0312-1301**. **Senator Winder** seconded the motion. **Senator Keough** thanked ITD for their responsiveness to inquiries regarding the heavy load truck issue. With no further discussion, **Vice Chairman Johnson** called for a vote. The motion passed by unanimous **voice vote**.

Ms. Phipps said that the remaining four rules before the Committee were due to the passage of S 1064, S 1117 and H 322 in the 2013 Legislative Session. S 1064 removed the sunset clause on heavy load trucks and made the 10 year pilot project's 35 routes in Southern Idaho, listed in Idaho Code §49-1004 permanent for carrying loads up to 129,000 pounds. S 1117 provided that the authority having jurisdiction over its roads may designate routes for loads up to 129,000 pounds by using criteria based on road and bridge structural integrity, engineering standards and public safety established by ITD. H 322 clarified that nothing in this section shall limit the exclusive jurisdiction of a local authority in its discretion to decline to designate, or to revoke, or to modify an existing designation, or to place limits upon a highway within its jurisdiction. It also confirmed that a local jurisdiction will publish notice and conduct a public hearing concerning proposed designations. These four rules were presented to the Idaho Transportation Board in June of 2013. They were approved and staff was directed to proceed with rulemaking.

In September 2013, ITD met with the leadership of the Idaho Association of Highway Districts, the Local Highway Technical Assistance Council, cities, counties, and an informational letter was sent to all county commissioners. In October 2013, ITD conducted six hearings throughout the State on the rule changes. The hearings were publicized by news media and paid advertisements throughout the State. A total of 92 people attended the hearings, the largest being 32 attendees in Lewiston. ITD received testimony from almost 100 individuals.

**DOCKET NO.
39-0315-1301:**

Ms. Phipps said that the changes to this rule start on page 38, with changes on page 40, of the Committee's rule book. It requires excess weight permits for travel on non-interstate highways. It harmonizes the requirements for vehicles traveling above 80,000 pounds with reducible loads on interstate and non-interstate routes to be permitted. It clarifies: (1) that excess weight permit requirements apply to reducible loads; (2) the allowable weight limits on each highway; and (3) the permit types required for travel on each highway. **Ms. Phipps** offered to go through the rule in greater detail and stood for questions. There were no questions for Ms. Phipps.

MOTION:

Vice Chairman Johnson thanked Ms. Phipps and asked the Committee for a motion. **Senator Keough** moved that the Committee approve **Docket No. 39-0315-1301**. **Senator Winder** seconded the motion. The motion passed by unanimous **voice vote**.

**DOCKET NO.
39-0322-1301:**

Ms. Phipps said that the changes to this rule start on page 43, with changes on page 46, of the Committee's rule book. This rule clarifies: (1) the vehicle combinations that are governed under this rule; and (2) that non-interstate routes only will allow loads above 105,500 pounds up to 129,000 pounds. It specifies the operating requirements on designated routes authorized up to 129,000 pounds, and modifies the order of the information in the rule for better flow and understanding of requirements. **Ms. Phipps** offered to go through the rule in greater detail and stood for questions.

Senator Keough referred to text on page 50, 02 Power Unit, regarding changing 15 miles per hour under normal operating conditions to 20 miles per hour. In the next rule, that same language exists, but the speed listed in that rule has not been changed. She wanted to know why it had not been changed. **Ms. Phipps** said that the change in this rule will override the language in the next rule. In the rulemaking process, a change only needs to be done once for it to affect anywhere the language appears. **Senator Keough** thanked Ms. Phipps for the explanation. There were no further questions.

MOTION:

Vice Chairman Johnson thanked Ms. Phipps and asked the Committee for a motion. **Chairman Brackett** moved that the Committee approve **Docket No. 39-0322-1301**. **Senator Keough** seconded the motion. The motion passed by unanimous **voice vote**.

**DOCKET NO.
39-0322-1302:**

Ms. Phipps said that the changes to this rule are on page 56 of the Committee's rule book. The following revisions were made to this proposed rule based on public comment: (1) it instructs a requestor that they must forward the request form to adjacent local jurisdictions as well as to ITD; (2) it defines the engineering and safety criteria utilized by ITD when reviewing requested routes; and the criteria shall include assessment of pavement and bridges to allow legal tire, axle and gross weight limits, and route off-track requirements which includes road width and curvature; and additional consideration shall be given to traffic volumes and other safety factors; (3) it identifies the possible actions (proceed to a hearing, reject or request additional information) by the Idaho Transportation Board subcommittee after reviewing the report from ITD's chief engineer; and (4) it includes verbiage stating that hearings are conducted in ITD's districts where the requested routes are located, which is pursuant to the Idaho Administrative Procedures Act, Idaho Code, Title 76, Chapter 52. **Ms. Phipps** offered to go through the rule in greater detail and stood for questions.

Senator Keough referenced page 57, at 04a where ITD defers to local jurisdictions. She thanked ITD for taking local jurisdictions' considerations into account, but wanted to know the process for those who go directly to ITD. **Ms. Phipps** said the form directs individuals to their local jurisdictions, and they need to check the box indicating they have done so. If ITD receives the form without that box checked it will be returned. There were no further questions.

MOTION:

Vice Chairman Johnson thanked Ms. Phipps and asked the Committee for a motion. **Senator Hagedorn** moved that the Committee approve **Docket No. 39-0322-1302**. **Senator Buckner-Webb** seconded the motion. The motion passed by unanimous **voice vote**.

**DOCKET NO.
39-0323-1301:**

Ms. Phipps said that the changes to this rule start on page 62, with changes on page 64, of the Committee's rule book. She said that this rule specifies permit violations that will result in revocation of an overlegal permit and the process when convicted. **Ms. Phipps** offered to go through the rule in greater detail and stood for questions.

Senator Hagedorn asked if there was discussion regarding setting the maximum weight at 15 percent as stated on page 66, at 'c.' **Ms. Phipps** said this only applies to axles and gave examples of loads per axle and that the gross weight could not be more than 15 percent over that.

Senator Keough asked why ITD would give any tolerance level. **Ms. Phipps** said it was not a 'tolerance level' because the owner can be cited and their permit would be revoked if they continually met this excessive load limit. **Senator Keough** asked if this percentage was consistent with other sections in Idaho Code. **Ms. Phipps** said it was somewhat consistent with Idaho Code where 7 percent and 15 percent are referenced. There were no further questions.

MOTION: **Vice Chairman Johnson** thanked Ms. Phipps and asked the Committee for a motion. **Senator Hagedorn** moved that the Committee approve **Docket No. 39-0323-1301**. **Senator Bock** seconded the motion. The motion passed by unanimous **voice vote**.

Vice Chairman Johnson suggested that it would be beneficial to the Committee if ITD would provide an update on this program next year and address how public concerns had been handled. **Ms. Phipps** said she would be happy to report back to the Committee in the next legislative session.

GAVEL PASSING: **Vice Chairman Johnson** thanked Ms. Phipps and passed the gavel back to Chairman Brackett.

ADJOURNED: **Chairman Brackett** thanked Ms. Phipps and said he had the opportunity to attend ITD's hearing in Twin Falls on these rules. He was impressed with the work and process ITD had undertaken. **Chairman Brackett** said that with the exception of one rule on roadway rest areas that will be taken up at a future meeting, this completed the Committee's review of administrative rules. **Chairman Brackett** adjourned the meeting at 2:17 p.m.

Senator Brackett
Chair

Gaye Bennett
Secretary

AGENDA
SENATE TRANSPORTATION COMMITTEE
1:30 P.M.
Room WW53
Thursday, January 23, 2014

SUBJECT	DESCRIPTION	PRESENTER
Minutes	Approve minutes of the January 14, 2014, Senate Transportation Committee meeting.	Senators Winder and Bock
Presentation	Idaho Transportation Coalition: "Safety on Idaho Roads"	Scott Stokes, ITD
<u>S 1208</u>	Implements new commercial driver's license testing and commercial learner's permit standards needed to assure compliance with federal regulations.	Ed Pemble, ITD
<u>S 1209</u>	Makes provisions for driver's license and identification card extensions to employees of the federal government, and their immediate family, working abroad.	Ed Pemble, ITD

COMMITTEE MEMBERS

Chairman Brackett
Vice Chairman Johnson
Sen Keough
Sen Winder
Sen Rice

Sen Nonini
Sen Hagedorn
Sen Bock
Sen Buckner-Webb

COMMITTEE SECRETARY

Gaye Bennett
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MINUTES
SENATE TRANSPORTATION COMMITTEE

DATE: Thursday, January 23, 2014

TIME: 1:30 P.M.

PLACE: Room WW53

MEMBERS PRESENT: Chairman Brackett, Vice Chairman Johnson, Senators Keough, Winder, Rice, Nonini, Hagedorn, Bock and 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** call the Senate Transportation Committee (Committee) to order at 1:30 p.m. and asked the secretary to take a silent roll. With a quorum present, **Chairman Brackett** welcomed all in attendance to the meeting.

MINUTES: **Chairman Brackett** asked the Committee for a motion on the Minutes of the January 14 Committee meeting.

MOTION: **Senator Bock** said he had reviewed the January 14 Minutes and made a motion to approve the January 14 Minutes as presented. **Senator Winder** seconded the motion. The motion passed by a unanimous **voice vote**.

PRESENTATION: **Chairman Brackett** welcomed Scott Stokes, Chief Deputy Director of the Idaho Transportation Department (ITD), to the Committee to make a presentation on 'Safety on Idaho Roads' as part of the educational program offered by the Idaho Transportation Coalition. **Mr. Stokes** thanked the Chairman and Committee for the opportunity to present an update on some of ITD's highway safety activities, and the positive results they are showing.

In December of 2011, ITD adopted a new strategic plan that emphasized safety, mobility and economic opportunity. Since then, ITD has had significant success in their focus on safety. They have received national awards on their innovative approach to safety. No matter what needs to be done to maintain Idaho roads, ITD's primary goal is safety. Their efforts also improve mobility and economic opportunity, but this presentation is focused on safety.

All of ITD's infrastructure projects and maintenance activities are designed to reduce crashes and save lives. Simple improvements like adding rumble strips or installing safer guardrails can make big differences. ITD is engaged in improving driver behavior. It is far less expensive to prevent a crash before it happens, than pay for it after it happens.

ITD works closely with local communities and law enforcement to reduce risky driving behaviors. They use a combination of infrastructure-related and behavior-related investments to prevent crashes and achieve their safety goals. Performance is measured. In January 2011, ITD introduced the 'ITD Dashboard' to improve transparency by letting the public track their progress. It has become a highly effective management tool. It allows them to know where they are succeeding, and where they need to place more effort.

Mr. Stokes said he was going to provide some statewide numbers on safety and compare them to some project specifics in the Grant Anticipation Revenue Vehicle (GARVEE) corridors. Between 2007 and 2012, statewide total traffic crashes were reduced by 18 percent. In the same period, fatalities and serious injuries were reduced by nearly 25 percent. This reduction is saving the lives of 80 Idahoans per year.

On a statewide basis, miles driven have been virtually flat since 2007, with increased traffic volumes in most of the GARVEE corridors. There have been a randomness of fatal crashes where driver behavior is key, making it clear that when ITD invests in safety, the return on the investment is dramatic. Idaho's GARVEE projects are a prime example of successful transportation investments. On average, the GARVEE corridors have seen a six percent increase in the miles driven on them annually. That is an additional 46 million miles being driven every year, just in these corridors. And, they are experiencing significantly fewer crashes than they did before construction; they are significantly outpacing the State average in crash reductions. **Mr. Stokes** discussed specific examples among the state's GARVEE projects.

ITD is looking at safety more from a corridor perspective than ever before. They are reviewing the State's most important corridors to see what they can do to improve safety, mobility, and the State's overall economy. ITD has pioneered, developed and implemented a 'Highway Safety Corridor Analysis Program' that is gaining attention. It won the 'National Roadway Safety Award' in 2013, presented by the Federal Highway Administration and the Roadway Safety Foundation. The award indicates that ITD is gaining national attention in the highway safety arena.

The highway-safety corridor system looks at each corridor and takes into account the causation of crashes, along with a variety of contributing circumstances. It then recommends specific remedies (from low cost to more aggressive treatments) to specifically align with the needs of that location. The process allows ITD to effectively leverage its limited funds to decrease fatality and crash rates. As funds become available, ITD can make better investments in corridor health that will bring mutual returns in safety, mobility and economic opportunity.

ITD estimates that the total societal cost of motor vehicle crashes in Idaho is \$2.3 billion per year. That amounts to a burden of over \$1,400 each for every man, woman and child in Idaho. If we could increase our transportation investments to reduce crashes by 25 percent, Idahoans could save over \$300 per year. Investing in transportation results in a high return on that investment. Idahoans are living the positive return on their investment in the GARVEE program.

ITD's transportation investments have an immediate and measurable impact on safety. Traffic crashes have been reduced by 18 percent statewide since 2007. Construction projects in the improved GARVEE corridors have reduced crashes up to 76 percent. That is a significant improvement over the statewide average, and it clearly indicates the value of investing in the transportation system. **Mr. Stokes** thanked the Chairman and the Committee and stood for questions.

Senator Bock asked if ITD could parse out those crashes that have an alcohol component. **Mr. Stokes** said that 40 percent of crashes involved alcohol.

Senator Bock asked if ITD had a position on reducing the blood alcohol level from .08 to .05. **Mr. Stokes** said that ITD was neutral on the issue. He knew that Judge Hicks was involved with a task force charged with studying the issue. **Senator Bock** asked if the task force had reached any conclusions on the impact such a drop would make. **Mr. Stokes** said he was unaware of any such findings.

Senator Winder said that learning of these reductions in fatalities help justify the criticism of GARVEE funds that occurred when Idaho began the program ten years ago. **Mr. Stokes** said that the benefits are visible and measurable in many areas, especially in safety and mobility given the increase in traffic volume. **Senator Winder** asked if the same type of information was available for all of Idaho's GARVEE corridors. **Mr. Stokes** said that the information was available but some of the segments were for shorter time periods, as a full 3 years of data is not available for all projects. He said ITD would be happy to share the information they have with the Committee.

Senator Hagedorn asked if it was correct that the total miles driven has remained flat except for the GARVEE corridors where there has been a six percent increase. He commented that more fuel taxes were spent on GARVEE projects, and wanted to know if the increase in traffic is only on GARVEE funded roadways. **Mr. Stokes** said that ITD invested funds well, it was thoughtful in establishing its processes and it chose projects correctly. Those choices have been followed by economic activity and growth. **Senator Hagedorn** asked how Idaho was doing with the move to more GIS (Geographic Information System) data and user interface with law enforcement. **Mr. Stokes** said GIS capabilities were downloadable and are in the process of becoming become even more automated. There were no further questions for Mr. Stokes.

S 1208

Chairman Brackett thanked Mr. Stokes for his presentation and welcomed Ed Pemble, ITD's Driver Services Manager, to the Committee and asked him to present **S 1208**. **Mr. Pemble** thanked the Chairman and stated that the primary purpose of this legislation is to implement new Commercial Driver's License (CDL) and Commercial Learner's Permit (CLP) standards, as well as 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 programs.

The specific provisions of the legislation are: (1) it provides definitions for the terms 'commercial learner's permit', 'non-domiciled commercial learner's permit', 'non-domiciled commercial driver's license' and 'tank vehicle'; (2) it provides a maximum validity period of 180 days for a CLP, a Class D instruction permit and a motorcycle endorsement instruction permit; (3) it allows one renewal of the CLP, Class D or motorcycle endorsement instruction permit without having to retake the knowledge test; (4) it provides that a CDL skills test can be scheduled beginning the fifteenth day following issuance of a CLP; (5) non-domiciled CDLs or CLPs may be issued to applicants who are residents of states with CDL programs decertified by the Federal Motor Carrier Safety Administration (FMCSA), which can occur if a state is not compliant with FMCSA regulations; (6) it provides legal presence and/or lawful permanent residency documentation requirements for CDL and CLP applicants (the documentation would only be needed if the person's driving record did not already have this documentation on file); (7) it provides an effective date of July 8, 2014, in keeping with the federal regulations; (8) the fiscal impact if the bill passes is approximately \$20,000 for vendor software development; and, (9) the fiscal impact if the bill fails is considerably more, as it would result in a loss of highway funding for noncompliance with FMCSA CDL program requirements. **Mr. Pemble** said that Captain Reese of the Idaho State Police was present to make a statement about **S 1208**; and that the Idaho Coalition for Motorcycle Safety was also present and available to answer questions from the Committee. With that, **Mr. Pemble** said he would stand for questions. There were no questions for Mr. Pemble.

Chairman Brackett welcomed Captain Reese and asked him to introduce himself before presenting his statement. **Captain Reese** said he was the Commander of the Commercial Vehicle Safety Division of the Idaho State Police.

Captain Reese distributed a fact sheet on tank enforcement and said that on March 9, 2011, FMCSA published a final rule in the Federal Register that changed the tank endorsement definition. The new definition went into effect on July 8, 2012, when FMCSA began enforcement of the new definition on interstate carriers. Many states adopted this updated definition and began immediate enforcement, while other states have since adopted the new definition and are enforcing it. Idaho needs to change the tank enforcement definition in Idaho Code to be consistent with neighboring states and FMCSA. This legislation will do that. **Captain Reese** then explained the specific changes to the definition, asked the Committee for a do-pass recommendation and stood for questions. There were no questions for Captain Reese.

MOTION:

Chairman Brackett thanked Mr. Pemble and Captain Reese, and asked if there were others in the audience who wished to make a statement. With no further testimony, **Chairman Brackett** asked the Committee for a vote. **Senator Hagedorn** moved that **S 1208** be sent to the Senate floor with a **do-pass** recommendation. **Vice Chairman Johnson** seconded the motion. The motion passed by a unanimous **voice vote**. **Senator Hagedorn** said he would carry the bill on the Senate floor.

S 1209:

Chairman Brackett asked Mr. Pemble to present **S 1209**. **Mr. Pemble** said that this legislation 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.

Statutory 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 and conditions applicable to the supervised instruction period. This will allow ITD to better serve driver's license applicants when parents or guardians have had other adult drivers work with their child through the supervised driving requirements. These persons authorized by the parent or guardian will be allowed to attest to the fulfillment of requirements. Examples of when this may be needed: (1) when neither parent or guardian drives and/or cannot accompany or observe the child during the supervised driving period; and (2) when neither parent or guardian can be present to sign the attestation required.

S 1209 authorizes driver's 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 the person in the foreign country.

Another provision is that the legislation reduces the waiting period between retaking skills and knowledge tests from three business days to three calendar days.

In conclusion, these changes are primarily procedural in nature and will not require any software changes to the Department of Motor Vehicle's automated systems. Consequently, there are no costs involved in implementing these changes. With that, **Mr. Pemble** said he would stand for questions.

Chairman Brackett commented that by changing the 'three business days' to 'three calendar days' ITD was effectively shortening the time period and asked what the consequences of that change would be. **Mr. Pemble** said that it would only simplify scheduling required knowledge tests. There were no further questions for Mr. Pemble.

MOTION:

Chairman Brackett thanked Mr. Pemble and asked the Committee for a motion. **Vice Chairman Johnson** moved that **S 1209** be sent to the Senate floor with a **do-pass** recommendation. **Senator Keough** seconded the motion. The motion passed by a unanimous **voice vote**. **Vice Chairman Johnson** said he would carry the bill on the Senate floor.

ADJOURNED:

With no further business before the Committee, **Chairman Brackett** adjourned the meeting at 2:10 p.m.

Senator Brackett
Chair

Gaye Bennett
Secretary

JOINT
**SENATE TRANSPORTATION COMMITTEE
AND
HOUSE TRANSPORTATION & DEFENSE COMMITTEE**
1:30 P.M.
Lincoln Auditorum (WW02)
Tuesday, January 28, 2014

SUBJECT	DESCRIPTION	PRESENTER
Presentation	Annual Presentation on the Idaho Department of Transportation to the Senate and House Transportation Committees	Brian Ness , Director, ITD

COMMITTEE MEMBERS

Chairman Brackett
Vice Chairman Johnson
Sen Keough
Sen Winder
Sen Rice

Sen Nonini
Sen Hagedorn
Sen Bock
Sen Buckner-Webb

COMMITTEE SECRETARY

Gaye Bennett
Room: WW33
Phone: 332-1332
email: stran@senate.idaho.gov

MINUTES
JOINT MEETING
SENATE TRANSPORTATION COMMITTEE
HOUSE TRANSPORTATION & DEFENSE COMMITTEE

DATE: Tuesday, January 28, 2014

TIME: 1:30 P.M.

PLACE: Lincoln Auditorum (WW02)

MEMBERS PRESENT: Chairman Brackett, Vice Chairman Johnson, Senators Keough, Rice, Nonini, Hagedorn and Bock
Chairman Palmer, Vice Chairman Shepherd, Representatives Wood, Wills, Henderson, Denney, Gestrin, Gibbs, Hixon, Kauffman, Packer, Youngblood, McDonald, Ringo, King and Gannon

ABSENT/ EXCUSED: Senators Winder and Buckner-Webb, and Representative Bateman

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** convened the joint meeting of the Senate Transportation Committee (Committee) and the House Transportation and Defense Committee at 1:30 p.m. by welcoming all in attendance to the meeting. He asked the secretaries to take a silent roll, and stated that Senators Winder and Buckner-Webb were excused from attendance. Before beginning today's presentation, **Chairman Brackett** turned to Representative Hixon to introduce a group in the audience. **Representative Hixon** welcomed students from the Syringa Middle School in Caldwell, Idaho to the meeting and invited all members to welcome them by waving.

PRESENTATION: **Chairman Brackett** welcomed Brian Ness, Director of the Idaho Transportation Department (ITD), to the meeting and asked him to proceed with his presentation. **Mr. Ness** thanked Chairman Brackett and Chairman Palmer and all the Committee members. He also thanked Jerry Whitehead, Chairman of the Idaho Transportation Board. **Mr. Ness** said that Mr. Whitehead and he share a common vision: to make ITD the best state transportation department in the country. He thanked the Governor and his staff for their support, and he introduced the new members of his executive team who bring a total of 104 years of knowledge of the transportation industry to ITD operations.

Mr. Ness said his presentation would focus on what ITD has accomplished during the past year and their goals for 2014. There are three parts: (1) an overview of the Governor's budget; (2) structural and cultural changes at ITD; and (3) looking ahead into 2014. **Mr. Ness** referenced the Governor's Fiscal Year 2015 budget recommendation in the presentation. He said that ITD has three sources of revenue: (1) state funds; (2) federal funds; and (3) other funds that include fees and local matching funds.

ITD receives no revenue from the State's General Fund; their total program funding, including federal GARVEE (Grant Anticipation Revenue Vehicle) payments, is \$576 million, of which 55 percent is from federal funds. ITD's budget shows that 86 percent of funding is dedicated to highways for operations, contract construction and GARVEE payments.

MAP-21 (Moving Ahead for Progress in the 21st Century Act) is a two-year federal transportation bill that expires in September 2014. On October 1, it may be extended by a continuing resolution or be replaced by new legislation. Under MAP-21, there is a \$12 billion annual shortfall to the federal Highway Trust Fund. Revenue from the federal general fund is currently making up the difference. To resolve the shortfall, Congress will need to either raise revenue, reduce funding to the States, or develop a combination of the two. The current bill reduced Idaho's federal funding by \$20 million per year. If Congress does not increase revenue, Idaho's federal funding could be cut by as much as an additional \$100 million annually. The future notwithstanding, with current funding ITD must be as efficient as possible, which makes ITD's organizational realignment important.

In order for ITD to become a more effective state agency, it was necessary to dramatically change the culture. ITD had been a department that valued 'process' more than it valued 'results'. To address this problem, it was necessary to significantly reduce the layers of bureaucracy at ITD which resulted in putting decision-making closer to where the work is being done or the operations are taking place. ITD now holds employees accountable for the results they achieve. Among the many benefits to realignment are: (1) it reduced 9 layers of supervision down to 5 layers; (2) it eliminated 62 supervisory positions that only supervised 1 employee; (3) it increased the span of control for supervisors from an average of 3 to between 8 and 10 employees; (4) it moved more people to the front lines and improved customer service; (5) and, because of realignment, each layer of ITD's organization has clearly defined roles.

The realignment put ITD in a good position to implement a department-wide strategic plan. The strength of ITD's strategic plan is in its simple and clear mission: safety, mobility and economic opportunity. ITD targets available funding to accomplish its mission and the goals of Governor Otter's 'Project 60' initiative which is to grow the State's economy to more than \$60 billion annually.

The plan moves through ITD's division and district business plans and into individual employee performance plans. Every person at ITD, including the director, has performance goals that are directly tied to the strategic plan. The plan is the road map to becoming the best state transportation department in the country, and it is producing excellent results.

The first item in ITD's mission statement is to have the safest transportation system possible. ITD's safety efforts fall into two categories: infrastructure and human behavior. On the behavior side, they are testing a shift in the type of messages used to influence drivers. In Blackfoot, Twin Falls and Lewiston, ITD has launched a safety program called 'Positive Community Norms'. This program combats impaired driving by engaging bystanders to intervene. If it is successful, ITD will implement it statewide. On the infrastructure side, ITD developed an award-winning 'Highway Safety Corridor Analysis Tool' to improve the way they prioritize safety projects in transportation corridors. They also implemented a winter maintenance system that has become a national and international model. It allows ITD to measure and improve the effectiveness of their winter maintenance efforts. ITD was the first transportation department in the world to do this, and they are now being asked to share their ideas with other states and nations (like the United Kingdom).

The second item focuses on mobility. Mr. Ness shared a recent improvement at ITD as an example. Drivers have been directed to slow down when driving through construction zones. In the past, traffic would travel at a reduced speed the entire length of a construction zone. Now, speeds are only reduced where the work is actually being done. This change is helping traffic and commerce move more efficiently, and it is improving safety in highway work zones.

The third part of ITD's mission addresses economic opportunity. By focusing on the Governor's 'Project 60' goals first, ITD is moving in the direction of making investment decisions for the transportation system that achieves those goals. This is a major cultural shift for ITD that distinguishes them from the rest of the transportation departments in the country. ITD is working closely with Idaho's Departments of Commerce, Labor and Agriculture to develop tools to measure and maximize the impacts of its investments. ITD was invited to share its unique approach at the 2013 Pacific Northwest Economic Region (PNWER) conference.

Through these changes, ITD has improved its credibility, efficiency and customer service. They are more transparent with taxpayers' money by holding everyone accountable for the results achieved. They have saved \$23 million in personnel costs in just 3 years, and they reduced full-time employees by 90 positions for a 5 percent reduction. If combined with the positions reduced last year, there are now 103.5 fewer full-time employees at ITD than there were before realignment. They have accomplished this while improving customer service and not going backwards in safety. ITD has closely examined how they do business and whether there were opportunities to continue doing things the same way, or if there was a more efficient way to accomplish their goals. Consequently, for every open position at ITD, three questions are asked: (1) does the position directly serve customers; (2) if not, does it support those who serve customers; and (3) is the most efficient work being done internally or externally?

By achieving their strategic goals, ITD has been recognized as a national and international leader. In 2013, Idaho won more President's Awards from the American Association of State Highway and Transportation Officials (AASHTO) than any other State. That is impressive given AASHTO has been in existence for 100 years. The 'Winter Performance Measuring System' received the prestigious Francis B. Frankoy Award for innovation, which came with a \$10,000 grant for Idaho engineering students. And, ITD also received two of the three National Roadway Safety Awards from the Federal Highway Administration. In total, ITD won 18 national awards and 19 state awards in 2013.

ITD's first focus in 2014 will be the continued implementation of the strategic plan. Their front-line employees and supervisors have done a remarkable job of making the connection between the plan and their daily work. Employees know how they are contributing to the strategic plan and are enthusiastic about the role they play. External partners reflect this enthusiasm, too. It is common to hear them quote ITD's mission of 'safety, mobility, and economic opportunity'. To be efficient, ITD's leadership team, supervisors and employees are focusing their time on the most important projects and initiatives that will support the strategic plan and serve their customers.

Improving project delivery and cash flow is another focus for 2014. This is important for five reasons: (1) it keeps the promises made to the citizens of Idaho; (2) it improves ITD's cash flow; (3) a more predictable project schedule allows contractors to plan potential business and work flow; (4) all these factors combine to increase the number of bidders, increase cost savings and potentially fund more projects with those savings; and (5) delivering projects on time provides a more stable job market.

ITD's workforce is also a 2014 focus because over the next five years, 50 percent of ITD's employees will be eligible for retirement. In 2013, 79 employees retired from ITD, with over 2,000 years of accumulated service and experience. Losing 50 percent of their staff gives ITD an opportunity to review the makeup of their workforce. Hiring decisions today will shape ITD for the next 25 years. ITD's future will have fewer employees, but they will have a higher skill set which will require competitive salaries.

Investing in Idaho's transportation system has tremendous benefits that touch and improve the lives of every citizen and business in Idaho. Investments in transportation reduce crashes, improve safety, grow the economy and put contractors back to work. They also create and sustain jobs across the State. Investment reduces the number of restricted bridges, as bridges are an impediment to the State's economy. ITD is working hard to replace as many as they can with their current funding.

The Governor's Task Force on Modernizing Transportation Funding In Idaho concluded that it will take an additional \$262 million annually to keep the existing system in its current condition. AASHTO studies show that for every \$1 invested today in maintaining good roads, \$6 to \$14 will not need to be paid later to repair or replace roads in bad condition. By deferring maintenance that can be done today at lower costs, a rapidly growing debt is being passed on to future generations. Having high quality roads and bridges is important. They save lives, improve mobility and attract new businesses. The transportation system is the engine of Idaho's economy, and it is ITD's job to keep that engine running smoothly. With that, **Mr. Ness** thanked the Chairmen and the Committees' members and stood for questions.

Chairman Brackett thanked Mr. Ness for his presentation and opened the meeting to questions from the Committees' members.

Representatives Wood, McDonald, Hixon, Kauffman and Ringo, in that order, delved into specifics about perspectives and information presented by the Director that included: (1) safety and the strategic plan; (2) the great improvements made to the State's highways, praising the Director's role in that accomplishment; (3) a restating of the benefits to the State from investing in transportation; (4) the reduction in the workforce; (5) relationships with local highway jurisdictions, specifically cities and counties; and (6) compensation issues and their competitiveness. **Mr. Ness** addressed each thoroughly and to the members' satisfaction.

Senators Hagedorn and Nonini, and **Chairman Brackett**, in that order, asked questions and made comments regarding aspects of the Director's presentation that included: (1) maintaining stability in the workforce given the competitiveness of transportation departments in neighboring states; (2) funding options for local jurisdictions; (3) status of the federal budget and the Highway Trust Fund; and (4) considering creative taxation away from a flat gas tax to a transportation related sales tax. **Mr. Ness** addressed each thoroughly and to the members' satisfaction.

ADJOURNED: Before adjourning the meeting, **Chairman Brackett** made a special acknowledgement of Representative Henderson's attendance after an illness. He then adjourned the meeting at 2:30 p.m.

Senator Brackett
Chair

Gaye Bennett
Secretary

AGENDA
SENATE TRANSPORTATION COMMITTEE
1:30 P.M.
Room WW53
Thursday, January 30, 2014

SUBJECT	DESCRIPTION	PRESENTER
<u>S 1227</u>	Extends the 'Vietnam Veterans Memorial Highway' naming designation of I-84 from the Oregon border through Idaho to the Utah border.	Senator Heider
<u>S 1207</u>	Makes changes to specific design references on three existing wildlife specialty license plates.	Sharon Kiefer , Idaho Department of Fish and Game

COMMITTEE MEMBERS

Chairman Brackett
Vice Chairman Johnson
Sen Keough
Sen Winder
Sen Rice

Sen Nonini
Sen Hagedorn
Sen Bock
Sen Buckner-Webb

COMMITTEE SECRETARY

Gaye Bennett
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MINUTES
SENATE TRANSPORTATION COMMITTEE

DATE: Thursday, January 30, 2014

TIME: 1:30 P.M.

PLACE: Room WW53

MEMBERS PRESENT: Chairman Brackett, Vice Chairman Johnson, Senators Keough, Winder, Rice, Nonini, Hagedorn, Bock and 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 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 meeting, saying that the Committee would review two bills, **S 1227** and **S 1207**. **Chairman Brackett** welcomed Senator Heider to the Committee and asked him to present **S 1227**.

S 1227 **Senator Heider** said it was a pleasure to stand before the Committee. On March 8, 1965, the first American combat troops, the 9th Marine Expeditionary Brigade, waded ashore at China Beach, north of Da Nang. That was the beginning of the Vietnam conflict, or the Vietnam War. Ten years later, the United States was withdrawing from that location. One year later, in 1976, it became the Socialist Republic of Vietnam. During those ten years of fighting in Vietnam, 58,000 American troops were killed, and 217 brave Idaho men and women were among those who gave their lives in that conflict. **Senator Heider** believes it is only fitting that as Idahoans we celebrate the lives of those who made the ultimate sacrifice to their country. **S 1227** renames Idaho Interstate Highway I-84, located from the Oregon border to the Utah border, as the Vietnam Veterans Memorial Highway. I-84 has already been so designated in the state of Oregon, from the center of Portland, where I-84 begins or ends, to the Idaho border. In North Idaho, we have Idaho's portion of the National Purple Heart Trail, Interstate Highway I-90 as it goes through Idaho. There are various veterans groups that would like to participate and co-fund this designation. In speaking with the Idaho Transportation Department (ITD), there have been various cost estimates for new highway signs if this legislation passes. Using North Idaho's Purple Heart Trail as an example, their four-foot by five-foot signs that are attached to existing sign posts cost \$580 each. To plant free-standing signs costs about \$12,000 each. Depending on the funding received, the smaller signs will likely be displayed. They will be painted and erected by ITD. With that, **Senator Heider** thanked the Chairman and the Committee, he asked the Committee to send **S 1227** to the Senate floor with a do-pass recommendation and offered to stand for questions.

Senator Rice asked if there were other highways in Idaho named for veterans of specific wars. **Senator Heider** said he did not know of any, except for that portion of Interstate Highway I-90 located in North Idaho that is Idaho's portion of the National Purple Heart Trail. There were no other questions for Senator Heider.

Chairman Brackett asked if anyone in the audience wanted to testify regarding **S 1227**. There being no one, **Chairman Brackett** asked for a motion from the Committee.

MOTION: **Senator Hagedorn** and **Senator Winder** both mentioned that they are veterans of the Vietnam War. **Senator Hagedorn** moved that **S 1227** be sent to the Senate floor with a **do-pass** recommendation. **Senator Winder** seconded the motion. The motion passed by a unanimous **voice vote**. **Senator Heider** said he would carry the bill on the Senate floor. Both **Senator Hagedorn** and **Senator Winder** offered their assistance during debate on the Senate floor.

S 1207: **Chairman Brackett** thanked Senator Heider and welcomed Sharon Kiefer, Deputy Director of the Idaho Department of Fish and Game (IDF&G), to the Committee. He asked her to present **S 1207** to the Committee for consideration.

Ms. Kiefer said that **S 1207** changes two words in Idaho Code §49-417, which governs and authorizes three Idaho wildlife specialty license plates. Two are currently specified as an elk plate and a cutthroat trout plate. Because these plates fund an important component of IDF&G's wildlife management program (the wildlife diversity program), IDF&G is trying to be forward thinking with their partner, the Idaho Fish and Wildlife Foundation, on how to best position the wildlife specialty license plate program to create a continued climate of strong interest and strong sales. IDF&G believes that the specific references to species of wildlife on the license plates limits opportunities for new designs and marketing.

Fiscal Year (FY) 2013 revenue from the sale of 52,581 transfers, renewals and new license plates was \$850,785 to the non-game trust account, \$22,363 to the Idaho Department of Agriculture livestock disease control fund, and \$14,257 to the Idaho Department of Parks and Recreation fund for non-motorized boating access.

S 1207 replaces the wording 'elk wildlife special plate' with 'mammal wildlife special plate' and replaces 'cutthroat wildlife special plate' with 'fish wildlife special plate'. There is no other change to the statutory framework of the wildlife specialty license plates. The idea for the change came from many stakeholders interested in non-game species (e.g., those not hunted, fished or trapped), including many hunters, anglers and trappers. These stakeholders understand the importance of upholding state management and precluding threats. The elk plate is currently the most popular followed by the third license plate depicting the bluebird.

Ms. Kiefer offered the following hypothetical example of the process a customer would go through to change the design of their specialty license plate: A new cutthroat trout design is created and approved, but the customer has an existing cutthroat license plate that is two years old. At year six of the customer's license plate life, the customer would be notified that their license plate needs to be replaced (statute requires replacement every seven years). The customer could either renew their plate, getting the new cutthroat design, or transfer to a different specialty wildlife license plate, such as the bluebird plate. The same time duration applies for any new design creation, IDF&G creates a brook trout design or a sturgeon design.

Ms. Kiefer assured the Committee that any new designs suggested by the Idaho Fish and Wildlife Foundation and/or IDF&G will be vetted by the Idaho Fish and Wildlife Foundation Board and the public, and the design must meet ITD approval. She also assured the Committee that no wildlife species currently used on specialty license plates will be considered.

Ms. Kiefer concluded that there would be no fiscal impact to the general fund. This revision is a step in creating opportunity to bolster revenue from wildlife specialty plates. It does not directly affect current revenue to the non-game set-aside account or other accounts that receive revenue from wildlife specialty license plates. **Ms. Kiefer** said she would stand for questions.

Senator Keough wanted to know if people who currently have an elk or cutthroat license plate, and if a new design is developed, would they be able to continue with their old design or would it be eliminated. **Ms. Kiefer** said that if the person owned the license for less than seven years they could renew it. If they had it over seven years and a new design had replaced their plate's design, then their plate design would no longer be available. **Senator Keough** asked if there was any marketing research as to whether overall sales would decline because familiar designs were no longer available. **Ms. Kiefer** said that market research would play a big role in the process of retiring existing designs and implementing new designs. Although sales of the current cutthroat trout design are declining, there would not be a change if research showed no economic benefit. **Senator Keough** asked who pays the design costs. **Ms. Kiefer** said the cost is borne by the sponsoring organization or group and not ITD. She introduced Ms. Christine Fisher of ITD for additional clarification. **Ms. Fisher** said that the minimum charge for specialty license plate programming costs is \$1,000 which is paid by the sponsoring organization or group.

Senator Nonini asked if it was correct that if a specialty license plate does not meet a certain sales amount, they would cease to be available. **Ms. Kiefer** said that they have to meet a certain number sold for three consecutive years, but it has never been an issue with IDF&G specialty license plates. **Senator Nonini** asked if that was because they depict an elk or a cutthroat trout and if it was a new species isn't there a possibility it would not meet required sales standards. **Ms. Kiefer** assured the Senator that they would not embark on a new design endeavor if they were not assured of an increase in revenue. **Senator Nonini** asked why IDF&G was not asking for changes for the bluebird specialty license plate. **Ms. Kiefer** said the bluebird plate statute is not linked to any specific bird or mammal. **Senator Nonini** asked if the bluebird plate could be eliminated. **Ms. Kiefer** said that it would not, but it could become a plate for another type of bird.

Chairman Brackett asked if changing the bluebird plate to a new category of animal would require a change in statute. **Ms. Kiefer** said that IDF&G has discretion with the bluebird plate, but the goal is to have their three plates represent one of each: a bird, a fish and a mammal.

Senator Hagedorn asked if there has been discussion about using an elk plate for fundraising purposes. **Ms. Kiefer** said there had not, but that this is the funding mechanism for game in Idaho. It is important in raising funds. **Senator Hagedorn** said that elk and cutthroat trout are game animals, but the money raised from sale of these plates does not benefit game enthusiasts. He wanted to know why non-game animals are not used to benefit non-game activities. **Ms. Kiefer** said that hunters like the plates, but they have not indicated an interest in restricting how the funds are used. **Senator Hagedorn** stated that he appreciates that nearly \$900,000 annually benefits non-game activities. He has concerns with using game plates for non-game trusts and believes the funds should be placed in another account. **Ms. Kiefer** said that it states on the advertisement for the plates where the money is going. The customer has to take responsibility for reading what the sale of these plates benefit.

Vice Chairman Johnson said he had read the Statement of Purpose and suggested that with so many sports teams named after animals (e.g., the Steelheads, the Idaho Stampede, the Boise Hawks) that perhaps specialty license plates depicting sports teams could boost revenue. **Ms. Kiefer** said that the specialty license plate revenue is linked with the sale of automobiles. During the peak of the recession, automobile sales declined and so did the sale of specialty license plates. Research shows that once a customer purchases their first specialty license plate, they generally stay with the same program. It is important to have plate designs that keep the interest of customers. It is IDF&G's hope to reach \$1 million in revenue with the flexibility in design **S 1207** offers. **Vice Chairman Johnson** commented that marketing and design is not inexpensive and asked how these costs were covered. **Ms. Kiefer** said that the Idaho Fish and Wildlife Foundation was the sponsoring nonprofit organization that would cover those costs. There were no further questions for Ms. Kiefer.

MOTION: With no others in attendance wishing to testify on this legislation, **Chairman Brackett** thanked Ms. Kiefer and asked the Committee for a motion. **Senator Hagedorn** moved to send **S 1207** to the amending order to add the word 'non-game' in front of the words 'mammal' and 'fish' for clarification purposes. There was no second for the motion. **Chairman Brackett** announced the motion had died in Committee for lack of a second.

MOTION: **Senator Bock** moved to hold **S 1207** in Committee. **Senator Rice** seconded the motion. The motion passed by a unanimous **voice vote**.

ADJOURNED: With no further business before the Committee, **Chairman Brackett** adjourned the meeting at 2:02 p.m.

Senator Brackett
Chair

Gaye Bennett
Secretary

AGENDA
SENATE TRANSPORTATION COMMITTEE
1:30 P.M.
Room WW53
Tuesday, February 04, 2014

SUBJECT	DESCRIPTION	PRESENTER
<u>RS22729</u>	Gives Idaho Transportation Board the ability to increase maximum speed limits on Idaho roadways based on national safety standards and current practices.	Senator Davis
<u>RS22680</u>	Requires counties and highway districts follow procedures when vacating a highway, public road or public right-of-way.	Seth Grigg , Idaho Association of Counties
<u>RS22750</u>	Extends existing highway district commissioners terms to six years and provides for an optional alternative election cycle.	Stuart Davis , Idaho Association of Highway Districts
<u>RS22765</u>	Amends Section 49-1001(10), Idaho Code, by inserting a two-thousand pound exception for vehicles of defined weight limits.	Vice Chairman Johnson
Minutes	Approve Minutes of the January 21, 2014 Committee meeting. Approve Minutes of the January 23, 2014 Committee meeting.	Chairman Brackett and Senator Nonini Vice Chairman Johnson and Senator Keough

COMMITTEE MEMBERS

Chairman Brackett
Vice Chairman Johnson
Sen Keough
Sen Winder
Sen Rice

Sen Nonini
Sen Hagedorn
Sen Bock
Sen Buckner-Webb

COMMITTEE SECRETARY

Gaye Bennett
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MINUTES
SENATE TRANSPORTATION COMMITTEE

DATE: Tuesday, February 04, 2014

TIME: 1:30 P.M.

PLACE: Room WW53

MEMBERS PRESENT: Chairman Brackett, Vice Chairman Johnson, Senators Keough, Winder, Rice, Nonini, Hagedorn, Bock and 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 1:32 p.m. and asked the secretary to take a silent roll. With a quorum present, **Chairman Brackett** welcomed everyone to this meeting of the Senate Transportation Committee (Committee); and he asked Senator Davis to take the podium in order to present **RS 22729**.

RS 22729: **Senator Davis** introduced himself and said that this legislation grants the Idaho Transportation Department (ITD) and the Idaho Transportation Board (Board) the right, in keeping with their regular review process, to increase speed limits on any identified stretch of Idaho's state and interstate highways. The maximum speed limit on any interstate highway can not exceed 80 miles per hour. **Senator Davis** went through the sections of the legislation explaining changes to existing law.

Senator Davis said that although it is not stated in the legislation, ITD does a periodic review of stretches of roadway they think might qualify to be remarked with signs changing speed limits. Nothing keeps ITD from performing this due-diligence, and this legislation allows them to continue their business practices as part of their normal course of responsibility. Therefore, this legislation does not impact ITD's budget. Given ITD's normal practices, changes to speed limits on Idaho roadways will not be immediately or predictably impacted by passage of this legislation. **Senator Davis** thanked the Chairman and the Committee and said he would stand for questions.

Senator Hagedorn asked whether ITD's roadway and traffic review would affect speed limit changes for the the 129,000 pound truck loads. He said that truck speeds are currently set at 65 miles per hour which falls within the differential for heavy trucks. He asked if this legislation would enable changes to heavy truck speed limits given the facts about differential speed limits for these trucks. **Senator Davis** said that the legislation does not set minimum speed limits. If a speed limit is already designated for safety reasons for heavy trucks, then nothing will change. This legislation allows ITD to present their roadway speed limit review to their board who will then make a final decision. Safety studies will help ITD make these decisions. Utah, where there is no differential for heavy trucks, still has trucks that are regulated with maximum speeds by their companies even if the roadway speed limit is higher. There has been no negative impact in the Utah case. There were no further questions for Senator Davis.

MOTION: **Senator Rice** moved that **RS 22729** be sent to the Senate floor for printing. **Senator Winder** seconded the motion. The motion passed by unanimous **voice vote**.

RS 22680: **Chairman Brackett** thanked Senator Davis and welcomed **Seth Grigg** of the Idaho Association of Counties who thanked the Chairman and said he was there to present **RS 22680**. **Mr. Grigg** said that this legislation deals with vacating public highway right-of-ways in platted subdivisions. Most highways are vacated using Title 40, Idaho Code, with the exception of platted subdivisions which are vacated under Title 50, Idaho Code. The Idaho Association of Counties is bringing this legislation forward at the request of the Bonner County Commissioners because they were having a problem with the process under Title 50, Idaho Code. That process is different than the process under Title 40, Idaho Code. The Idaho Attorney General's office said that there were conflicts within Title 50, Idaho Code, and that if Bonner County wanted to make these changes they needed to work through their governing association, which is the Idaho Association of Counties. **RS 22680** amends Idaho Code §40-204, Idaho Code, to allow a county or local highway district to be able to vacate roadways that are part of a subdivision under this section in Title 40, Idaho Code. Vacated roadways by private entities would continue to occur as specified in Title 50, Idaho Code. Sections 2 and 3 change Idaho Code references between Title 50 and Title 40. The legislation also adds 'Board of County Commissioners' as they had previously and erroneously been left off. With that, **Mr. Grigg** said he would stand for questions. There were no questions for Mr. Grigg.

MOTION: **Senator Hagedorn** moved that **RS 22680** be sent to the Senate floor for printing. **Senator Buckner-Webb** seconded the motion. The motion passed by unanimous **voice vote**.

RS 22750: **Chairman Brackett** thanked Mr. Grigg and welcomed **Stuart Davis** of the Idaho Association of Highway Districts to the Committee who thanked the Chairman and said he was there to present **RS 22750**. **Mr. Davis** asked the Committee to print this legislation in order to have the debate over whether to extend highway commissioners' term of office to six years at a full hearing of the printed bill. He said the legislation also contained a provision for an optional alternate election cycle. There are several highway districts where all three commissioners will be up for election in 2016. This legislation will change the term of office to six (6) years for each commissioner and those terms will be staggered. With that, **Mr. Davis** said he would stand for questions.

Senator Bock said that he was willing to wait until a full hearing for a response to his concerns with changing a highway commissioner's term of office from four years to six. He would like to hear the justification for the change.

MOTION: Because he wanted to hear the debate at a full hearing, **Senator Winder** moved that **RS 22750** be sent to the Senate floor for printing. **Senator Hagedorn** seconded the motion. The motion passed by unanimous **voice vote**.

RS 22765 **Chairman Brackett** thank Mr. Davis and asked Vice Chairman Johnson to present **RS 22765**. **Vice Chairman Johnson** said that **RS 22765** addresses a similar issue the Committee took up during last year's legislative session when it heard H 290. It was passed in both houses of the Legislature and was signed into law by the Governor. The issue in H 290 was an allowance for shifting axle weight loads on trucks carrying agricultural products. **RS 22765** would allow a 2,000 pound axle or gross weight allowance to trucks carrying solid waste. Solid waste contractors can travel over 100 miles in one day and go through various weather patterns that can change the weight load these trucks carry because refuse material is compacted within the truck. This legislation requests the same flexibility for this service that was given the agricultural industry last year. With that, **Vice Chairman Johnson** said he would stand for questions. There were no questions for Vice Chairman Johnson.

MOTION: **Senator Nonini** moved that **RS 22765** be sent to the Senate floor for printing. **Senator Keough** seconded the motion. The motion passed by unanimous **voice vote**.

MINUTES: **Chairman Brackett** thanked Vice Chairman Johnson. **Chairman Brackett** asked for motions on the Minutes presented to the Committee for review.

MOTION: **Senator Nonini** said he had read and reviewed the Minutes of the January 21 meeting of the Committee and moved that they be approved as presented. **Senator Winder** seconded the motion. The motion passed by unanimous **voice vote**.

Vice Chairman Johnson said he had read and reviewed the Minutes of the January 23 meeting of the Committee and moved that they be approved as presented. **Senator Keough** seconded the motion. The motion passed by unanimous **voice vote**.

ADJOURNED: With no further business before the Committee, **Chairman Brackett** adjourned the meeting at 1:52 p.m.

Senator Brackett
Chair

Gaye Bennett
Secretary

AGENDA
SENATE TRANSPORTATION COMMITTEE
1:30 P.M.
Room WW53
Thursday, February 06, 2014

SUBJECT	DESCRIPTION	PRESENTER
PRESENTATION	<u>Idaho Transportation Coalition: Link Between Infrastructure and Development</u>	Chandler Duncan, DR Group
<u>RS22770</u>	Requires the publication of notice of transfers of real or personal property between governmental entities.	Stuart Davis, Idaho Association of Highway Districts
<u>RS22771</u>	Improves a condemning authority's ability to provide a more efficient negotiation process for the purchase of a property owner's land.	Stuart Davis, Idaho Association of Highway Districts
<u>RS22788</u>	Makes minor changes to documentation requirements and testing for driver licensing.	Ed Pemble, Idaho Transportation Department
<u>RS22789</u>	Changes the definition of the tank endorsement and clarifies the tank vehicle definition in order to comply with federal regulations.	Ed Pemble, Idaho Transportation Department
<u>RS22790</u>	Implements new Commercial Driver's License Testing and Commercial Learner's Permit standards in order to comply with federal regulations.	Ed Pemble, Idaho Transportation Department
<u>RS22798</u>	Makes provisions for driver license and identification card extensions to federal employees working abroad and their immediate family members.	Ed Pemble, Idaho Transportation Department
<u>RS22809</u>	Allows a county or a highway district to detach all or part of its highway systems to be annexed by another county or highway district with approval of the Board of Commissioners of both jurisdictions.	Chairman Brackett

COMMITTEE MEMBERS

Chairman Brackett
Vice Chairman Johnson
Sen Keough
Sen Winder
Sen Rice

Sen Nonini
Sen Hagedorn
Sen Bock
Sen Buckner-Webb

COMMITTEE SECRETARY

Gaye Bennett
Room: WW33
Phone: 332-1332
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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

AGENDA
SENATE TRANSPORTATION COMMITTEE
1:00 p.m.
Room WW53
Monday, February 10, 2014

SPECIAL MEETING OF THE SENATE TRANSPORTATION COMMITTEE

SUBJECT	DESCRIPTION	PRESENTER
<u>RS22855</u>	Amends the Purple Heart specialty license plate to include an option to depict a wheelchair on the plate for those who qualify for the Purple Heart plate and are handicapped.	Senator Hagedorn

If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Brackett
Vice Chairman Johnson
Sen Keough
Sen Winder
Sen Rice

Sen Nonini
Sen Hagedorn
Sen Bock
Sen Buckner-Webb

COMMITTEE SECRETARY

Gaye Bennett
Room: WW33
Phone: 332-1332
email: stran@senate.idaho.gov

MINUTES
SENATE TRANSPORTATION COMMITTEE

DATE: Monday, February 10, 2014

TIME: 1:00 P.M.

PLACE: Room WW53

MEMBERS PRESENT: Chairman Brackett, Vice Chairman Johnson, Senators Keough, Winder, Rice, Nonini, Hagedorn, Bock and 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 special meeting of the Senate Transportation Committee (Committee) to order at 1:00 p.m. and asked the secretary to take a silent roll. With a quorum present, **Chairman Brackett** thanked the Committee members for adjusting their schedules in order to participate. He said the meeting should not take very long as the Committee had convened to hear one agenda item, **RS 22855**. He reminded the Committee that today was the last day that Standing Committees could print new legislation.

RS 22855: **Chairman Brackett** asked Senator Hagedorn to take the podium and present **RS 22855**. **Senator Hagedorn** said that this legislation comes from discussions with many military veterans who qualify for the Purple Heart specialty license plate but also carry a wheelchair placard in their cars. They asked if these two license plate designs could be combined into one license plate. He added that not all Purple Heart recipients qualify as disabled. **Senator Hagedorn** said he took this request to the Idaho Transportation Department (ITD), and they helped draft this legislation. With that, **Senator Hagedorn** said he would stand for questions.

Chairman Brackett reminded the Committee that this was a print hearing and if there were many questions, the members may want to wait for a full hearing of the bill.

Senator Bock raised a concern about some language in the Statement of Purpose (SOP), but said he was not opposed to the legislation. He reminded Senator Hagedorn that the term 'handicapped' had been replaced in statute as 'disability'. **Senator Hagedorn** apologized for the oversight and said he would ensure the SOP was changed to reflect the correct language. There were no further questions for Senator Hagedorn.

MOTION: **Senator Keough** moved that **RS 22855** be sent to the Senate floor for print. **Senator Nonini** seconded the motion. The motion passed by unanimous **voice vote**.

ADJOURNED: With no further business before the Committee, **Chairman Brackett** adjourned the meeting at 1:05 p.m.

Senator Brackett
Chair

Gaye Bennett
Secretary

AGENDA
SENATE TRANSPORTATION COMMITTEE
1:30 P.M.
Room WW53
Tuesday, February 11, 2014

SUBJECT	DESCRIPTION	PRESENTER
<u>S 1284</u>	Allows for an increased speed limit on highways if certain circumstances occur.	Senator Davis
<u>S 1286</u>	Revised weights that refuse/sanitation trucks may operate under on public highways.	Vice Chairman Johnson
<u>H 389</u>	Revises definitions and makes technical corrections to sections of Title 49 and Title 67, <u>Idaho Code</u> .	Amy Smith , Idaho Transportation Department
Docket No. <u>39-350-1301</u>	<u>Administrative Rules</u> : Rules Governing Safety Rest Areas	Vice Chairman Johnson
Minutes	Approve Minutes of the January 28, 2014 Committee meeting.	Senator Rice and Senator Hagedorn
	Approve Minutes of the January 30, 2014 Committee meeting.	Senator Keough and Senator Winder
	Approve Minutes of the February 4, 2014 Committee meeting.	Vice Chairman Johnson and Senator Nonini
Housekeeping	Distribution of Fiscal Year 2013 Annual Report of the Local Highway Technical Assistance Council (LHTAC) in accordance with <u>Idaho Code §40-2404</u> .	Chairman Brackett
	DMV Modernization Program annual report to the legislature as required in S 1134 of the 2009 Legislative Session.	Alan Frew , Idaho Transportation Department

COMMITTEE MEMBERS

Chairman Brackett	Sen Nonini
Vice Chairman Johnson	Sen Hagedorn
Sen Keough	Sen Bock
Sen Winder	Sen Buckner-Webb
Sen Rice	

COMMITTEE SECRETARY

Gaye Bennett
Room: WW33
Phone: 332-1332
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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.

Senator Brackett
Chair

Gaye Bennett
Secretary

AGENDA
SENATE TRANSPORTATION COMMITTEE
1:30 P.M.
Room WW53
Thursday, February 13, 2014

SUBJECT	DESCRIPTION	PRESENTER
Unanimous Consent to Send RS 22857C1 to the Senate State Affairs Committee for Print	Requests an extension that requires the Idaho Transportation Department (ITD) to provide an annual report to the Senate Transportation Committee on progress with system improvements to ITD's software operations.	Senator Goedde
<u>S 1283</u>	Amends <u>Idaho Code</u> to require that counties and highway districts follow certain procedures for vacating rights-of-way in platted subdivisions.	Seth Grigg , Idaho Association of Counties
Committee Page	Farewell to Committee Page Samantha Clay of Eagle and welcome to new Committee Page, Jayden Hjorth of Boise.	Chairman Brackett
Minutes	Approval of the Minutes of the February 10 special meeting.	Senator Nonini and Senator Hagedorn
Presentation	<u>Idaho Transportation Coalition</u> : Reports from the Front Lines - Highway Districts	David Lincoln , Golden Gate Highway District
<u>H 404</u>	Improves highway safety by amending Idaho's current repeat intoxicated driver law.	Amy Kearns , Idaho Transportation Department
<u>S 1339</u>	Modifies the Idaho Purple Heart License Plate to combine it with the disability placard in one specialty license plate for qualified purchasers, with options for cars and motorcycles.	Senator Hagedorn

COMMITTEE MEMBERS

Chairman Brackett	Sen Nonini
Vice Chairman Johnson	Sen Hagedorn
Sen Keough	Sen Bock
Sen Winder	Sen Buckner-Webb
Sen Rice	

COMMITTEE SECRETARY

Gaye Bennett
Room: WW33
Phone: 332-1332
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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.

Senator Brackett
Chair

Gaye Bennett
Secretary

AGENDA
SENATE TRANSPORTATION COMMITTEE
1:30 P.M.
Room WW53
Tuesday, February 18, 2014

SUBJECT	DESCRIPTION	PRESENTER
<u>S 1348</u>	Extension of requirement that ITD provide an annual report on progress with its software operations system improvements.	Senator Goedde
Gubernatorial Appointment	Appointment of Mark Sweeney of Lewiston, Idaho to the Aeronautics Advisory Board commencing January 31, 2014 and expiring January 31, 2019.	Mike Pape , Administrator, Idaho Division of Aeronautics, ITD
Unanimous Consent to print RS 22876 in Senate State Affairs Committee	Concurrent Resolution for rejecting portions of <u>Docket No. 39-0350-1301</u> Rules Governing Safety Rest Areas.	Chairman Brackett
Unanimous Consent to print RS 22929 in Senate State Affairs Committee	Creates a process for the Idaho Transportation Board to provide maintenance of a highway that is not being adequately maintained by a county or highway district.	Chairman Brackett
<u>S 1304</u>	Makes minor changes to documentation requirements and testing for driver licensing to improve customer service.	Ed Pemble, Idaho Transportation Department
<u>S 1305</u>	Changes the definition of the tank endorsement and clarify the tank vehicle definition to comply with federal regulations.	Ed Pemble, Idaho Transportation Department
<u>S 1306</u>	Implements new Commercial Driver's License Testing and Commercial Learner's Permit standards to assure compliance with federal regulations.	Ed Pemble, Idaho Transportation Department
<u>S 1307</u>	Makes provisions for driver license and identification card extensions to federal employees working abroad and their immediate family members.	Ed Pemble, Idaho Transportation Department

COMMITTEE MEMBERS

Chairman Brackett	Sen Nonini
Vice Chairman Johnson	Sen Hagedorn
Sen Keough	Sen Bock
Sen Winder	Sen Rohn(Buckner-Webb)
Sen Rice	

COMMITTEE SECRETARY

Gaye Bennett
Room: WW33
Phone: 332-1332
email: stran@senate.idaho.gov

MINUTES
SENATE TRANSPORTATION COMMITTEE

DATE: Tuesday, February 18, 2014

TIME: 1:30 P.M.

PLACE: Room WW53

MEMBERS PRESENT: Chairman Brackett, Vice Chairman Johnson, Senators Keough, Winder, Rice, Nonini, Hagedorn, Bock and 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 1:35 p.m. and asked the secretary to take a silent roll. With a quorum present, **Chairman Brackett** welcomed Senator Goedde to the Senate Transportation Committee (Committee) and asked him to present **S 1348**.

S 1348: **Senator Goedde** said that this bill 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 in **S 1348**. **Senator Goedde** said he would stand for questions, but there were none.

MOTION: **Senator Winder** moved to send **S 1348** to the floor with a **do pass** recommendation. **Senator Keough** seconded the motion. The motion passed by a unanimous **voice vote**. **Senator Goedde** said he would carry the bill on the Senate floor.

GUBERNATORIAL APPOINTMENT: **Chairman Brackett** said the Committee would hold the Gubernatorial Appointment of Mark Sweeney of Lewiston to the Aeronautics Advisory Board until Vice Chairman Johnson, also from Lewiston and presenting legislation in another Committee, could return. He wanted to be present to welcome Mr. Sweeney.

UNANIMOUS CONSENT TO PRINT RS 22876 AND RS 22929: **Chairman Brackett** told the Committee there were two RSs before them today whose sponsors were requesting Unanimous Consent to have them printed by the Senate State Affairs Committee.

REQUEST: **Senator Nonini** asked for unanimous consent to send **RS 22876** to the Senate State Affairs Committee for printing. With no objection, the request was **approved**.

REQUEST: **Senator Winder** asked for unanimous consent to send **RS 22929** to the Senate State Affairs Committee for printing. With no objection, the request was **approved**.

S 1304: **Chairman Brackett** welcomed Ed Pemble of ITD to the Committee to present **S 1304**, the first of four bills he was to present at this meeting. **Mr. Pemble** said this bill is a portion of **S 1209** that had been rejected on the Senate floor as having too many varying components. The description of **S 1304** has not changed since the print hearing. It is a customer service-based bill and is not the result of federal requirements. Its primary points are: (1) more flexible time frames for presenting documentation for driver's training; (2) flexibility in authorization by parents or designated guardians; and (3) a reduced waiting period for retaking skills and knowledge tests from three business days to three calendar days. **Mr. Pemble** said there was no cost involved with these changes and stood for questions, but there were none.

MOTION: **Senator Keough** moved to send **S 1304** to the Senate floor with a **do pass** recommendation. **Senator Nonini** seconded the motion. The motion passed by a unanimous **voice vote**. Vice Chairman Johnson was assigned to carry the bill on the Senate floor.

S 1305: **Mr. Pemble** said this bill is a portion of **S 1208** that had been rejected on the Senate floor as having too many varying components. **S 1305** satisfies federal requirements to change the definition of a tank vehicle and tank endorsements. There are advantages to the tank driver with the changes in this bill. There is no fiscal impact and no programming costs involved. **Mr. Pemble** said that he and Lt. Tim Horn of the Idaho State Police were available to answer any questions, but there were none.

MOTION: **Senator Keough** moved to send **S 1305** to the Senate floor with a **do pass** recommendation. **Senator Winder** seconded the motion. The motion passed by a unanimous **voice vote**. Vice Chairman Johnson was assigned to carry the bill on the Senate floor.

S 1306: **Mr. Pemble** said this bill is a portion of **S 1208** that had been rejected on the Senate floor as having too many varying components. This bill deals with Commercial Learner's Permits. The primary points are: (1) changes in terminology; (2) additional requirements resulting in safer roads; and (3) individuals not having to live in Idaho permanently. Legally, the language is more stringent between the terms 'lawful' and 'legal' presence. If this bill does not become law there is a considerable fiscal impact to the State. **Mr. Pemble** said he would stand for questions, but there were none.

MOTION: **Senator Winder** moved to send **S 1306** to the Senate floor with a **do pass** recommendation. **Senator Buckner-Webb** seconded the motion. The motion passed by a unanimous **voice vote**. Senator Hagedorn was assigned to carry the bill on the Senate floor.

S 1307: **Mr. Pemble** said this bill is a portion of **S 1209** that had been rejected on the Senate floor as having too many varying components. This bill allows federal employees working abroad, and their immediate families, to get extensions on the expiration of their driver's license or identification card. **Mr. Pemble** said he would stand for questions.

Senator Nonini asked why ITD did not broaden this bill to provide this service to general citizens. **Mr. Pemble** said that doing that strains the costs involved, and there would be less of an impact.

Senator Winder wanted to know where the fee provision was located in the bill. **Mr. Pemble** directed him to cross-reference with Idaho Code § 49-306, on page 6. There were no further questions for **Mr. Pemble**.

MOTION:

Senator Winder moved to send **S 1307** to the Senate floor with a **do pass** recommendation. **Senator Rice** seconded the motion. The motion passed by a unanimous **voice vote**. Senator Hagedorn was assigned to carry the bill on the Senate floor.

Senator Winder asked Mr. Pemble to provide the Committee with the number of civilian Idahoans this bill could affect. **Senator Bock** added that some federal employees could be outside Idaho for other reasons and would like a distinction between the situations, even those within the ranks. **Mr. Pemble** said he could get some information, but it would be an estimate because some employees do not have benefits allowing them to travel home.

GUBERNATORIAL APPOINTMENT:

Chairman Brackett welcomed Mike Pape, ITD's Administrator of the Idaho Division of Aeronautics, to the Committee and asked him to introduce Mr. Sweeney. **Mr. Pape** said there are five people who serve on the Aeronautics Advisory Board. He said that Mr. Sweeney is the son of a former legislator, Bruce Sweeney, and their family are long-time residents of Lewiston. Mr. Sweeney is a pilot and a consultant to flight operations. **Mr. Pape** said that he, personally, and the Aeronautics Advisory Board rely and depend on the great, professional advice Mr. Sweeney brings to the board. **Mr. Pape** said it was his pleasure to introduce Mr. Sweeney.

Chairman Brackett welcomed Mr. Sweeney to the Committee and asked him to share information about himself and what he brings to the Aeronautics Advisory Board.

Mr. Sweeney thanked the Chairman and the Committee and said that he has been flying since 1976. He is a licensed helicopter, multi-engine and single engine aircraft pilot. He works for Schweitzer Engineering Laboratories in Pullman, Washington. He is the only corporate pilot on the Aeronautics Advisory Board, but several of the members have experience. He has not been a commercial airline pilot. He said there are many airstrips, including those in the remote backcountry, in Idaho that need to be protected. He has a passion to protect those assets. **Mr. Sweeney** said he would be happy to stand for any questions.

Senator Bock asked what Schweitzer Engineering Laboratories does and how that relates to this position. **Mr. Sweeney** said that Schweitzer Engineering Laboratories makes electric power safer, more reliable, and more economical by designing, manufacturing, and supporting a complete line of products and services that range from generator and transmission protection to distribution automation and control systems. Beside their corporate headquarters in Pullman, they have a plant in Lewiston and offices in Boise, Chicago and Mexico. He flies their corporate aircraft that shuttles their people to these and other locations. **Senator Bock** asked how many employees they have in Idaho. **Mr. Sweeney** said there are 3,500 employees company-wide, with 2,000 of them working in Pullman, but he did not know how many work or live in Idaho.

Vice Chairman Johnson said that Schweitzer Engineering Laboratories contributes to Idaho's economy in many ways. **Vice Chairman Johnson** said he has known Mr. Sweeney for many years and knows his abilities well. The company he works for has very high standards and expectations of their employees. **Vice Chairman Johnson** said he had full confidence in Mr. Sweeney's abilities and qualifications to be on the Aeronautics Advisory Board. There were no further questions or comments.

Chairman Brackett thanked Mr. Sweeney for his willingness to serve and explained that the Committee would not vote on his nomination today, but the vote would be scheduled for a future meeting of the Committee.

Mr. Sweeney stated that it was a privilege to be before the Committee.

ADJOURNED:

With no further business before the Committee, **Chairman Brackett** adjourned the meeting at 2:35 p.m.

Senator Brackett
Chair

Gaye Bennett
Secretary

AGENDA
SENATE TRANSPORTATION COMMITTEE
1:30 P.M.
Room WW53
Thursday, February 20, 2014

SUBJECT	DESCRIPTION	PRESENTER
Gubernatorial Appointment	Appointment of Lee Gagner of Idaho Falls, Idaho to the Idaho Transportation Board commencing January 31, 2014 and expiring January 31, 2020.	Jerry Whitehead , Chairman, Idaho Transportation Board
Vote on Gubernatorial Appointment	Vote on appointment to the Aeronautics Advisory Board: Mark Sweeney of Lewiston, Idaho.	Chairman Brackett
Presentation	Idaho Transportation Coalition: Real World Examples from Real World Idahoans	Travis Jones , Idaho Grain Producers Association
<u>S 1302</u>	Provides for transfers of real or personal property with a certain value.	Stuart Davis , Idaho Association of Highway Districts
<u>S 1285</u>	Extends highway district commissioners term to 6 years, and provides for an optional alternative election cycle.	Stuart Davis , Idaho Association of Highway Districts

COMMITTEE MEMBERS

Chairman Brackett
Vice Chairman Johnson
Sen Keough
Sen Winder
Sen Rice

Sen Nonini
Sen Hagedorn
Sen Bock
Sen Buckner-Webb

COMMITTEE SECRETARY

Gaye Bennett
Room: WW33
Phone: 332-1332
email: stran@senate.idaho.gov

MINUTES
SENATE TRANSPORTATION COMMITTEE

DATE: Thursday, February 20, 2014

TIME: 1:30 P.M.

PLACE: Room WW53

MEMBERS PRESENT: Chairman Brackett, Vice Chairman Johnson, Senators Keough, Winder, Rice, Nonini, Hagedorn, Bock and 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 all in attendance to the Senate Transportation Committee (Committee) meeting. **Chairman Brackett** welcomed Jerry Whithead, Chairman of the Idaho Transportation Board, and asked him to introduce Lee Gagner who is being reappointed to the Idaho Transportation Board.

GUBERNATORIAL APPOINTMENT: **Mr. Whitehead** thanked the Chairman and the Committee and said it was his pleasure to introduce Lee Gagner. **Mr. Whitehead** began by stating that Mr. Gagner was a man who did not need an introduction. He has been a member of the Idaho Transportation Board (ITB) for six years. Members of the ITB have come to depend on him for his breadth of experience and insight. **Mr. Whitehead** said he was pleased to recommend the reappointment of Lee Gagner.

Chairman Brackett thanked Mr. Whitehead and welcomed Mr. Gagner to the podium. **Mr. Gagner** introduced himself as being a former businessman who lives in Idaho Falls. He represented that part of the State in the Legislature six years ago. He has operated many businesses over his career. As a member of the ITB, he has spent a lot of time on the business objectives of the Idaho Transportation Department (ITD). As a result, the ITB hired a good director and he's pleased to report that the work is getting done. **Mr. Gagner** thanked the Committee and said he would stand for questions.

Senator Keough thanked Mr. Gagner for his service and said it was great to have him on the ITB.

Senator Winder asked him to report on the Grant Anticipation Revenue Vehicle (GARVEE) funds and any improvements in crash safety reductions. **Senator Winder** said that when he sat on the ITB the 'Toward Zero Deaths' program was new to the State. He asked if that program was still in place, and wanted to know what the ITB and ITD were doing about it. **Mr. Gagner** said that logo is used on just about every piece of their advertising. Safety is the most important issue to work on. They sat through a two-hour session on impaired driving. ITD's Deputy Director Stokes makes this his primary objective and the number of highway deaths are down dramatically. They are looking at causes and determining what changes need to be made.

Senator Hagedorn thanked Mr. Gagner for his service and asked what in the last six years was ITD's greatest accomplishment and what does he see as the next great accomplishment. **Mr. Gagner** said that changing the culture at ITD was difficult but has been very successful. They have strong performance measures and they chose the right person to head ITD, and because of that there are good programs in place. As for the future, he sees two issues: (1) 50 percent of ITD's workforce will soon be of retirement age so they are working hard to put mentoring programs in place; and (2) on the financial level, they are trying to anticipate what will happen with deficits left by federal reauthorization. He has spoken to members of the Congressional delegation about the fear of a lack of federal funding, and the many issues regarding State funding. There were no further questions for Mr. Gagner.

Chairman Brackett thanked Mr. Gagner and explained that the Committee would vote on his appointment at a future Committee meeting.

**VOTE ON
GUBERNATORIAL
APPOINTMENT:**

Chairman Brackett asked the Committee to consider a motion to vote on the appointment of Mark Sweeney of Lewiston to the Aeronautics Advisory Board. The Committee had heard from Mr. Sweeney at the February 18 meeting.

MOTION:

Vice Chairman Johnson moved to send the gubernatorial appointment of Mark Sweeney to the Aeronautics Advisory Board to the floor with a recommendation that he be confirmed by the Senate. **Senator Bock** seconded the motion. The appointment was approved by a unanimous **voice vote**. **Vice Chairman Johnson** said he would carry the appointment on the Senate floor.

PRESENTATION:

Chairman Brackett welcomed Travis Jones, Executive Director of the Idaho Grain Producers Association, to the Committee and asked him to begin his presentation on behalf of the Idaho Transportation Coalition on 'Real World Examples from Real World Idahoans'.

Mr. Jones began by introducing himself and telling a story of Fremont County, Idaho. He said that it is remote and rural and that the number of cars and trucks on its roads increased by 30 percent from 1980 to 2001. There are 95 bridges and over 700 miles of roadways of which nearly half are unpaved and most are unimproved. Farmers grow barley, wheat and alfalfa, and raise cattle. They rely on good roads and bridges, especially during the harvest season. Any transportation delays can have a big impact on a farmer's bottom line.

Mr. Jones continued by describing a 50 year old, 20 foot wide concrete bridge over the Enterprise Canal that connects six farms by way of a dirt road. It is a narrow bridge that barely accommodates the width of modern farm equipment. Because of this, one of the girders was damaged which caused the bridge to be reduced to one lane. It made the passage of vehicles nearly impossible. Because the bridge had been neglected, the county closed the bridge permanently. The closure forced farmers to go three miles out of their way to keep operations going and get grain to market. Tractors and other farm implements were forced to use busy county roads instead of the quiet dirt roads. The result was long delays at harvest in 2013. There were no financial options for the county to repair or replace the bridge this fiscal year. It is high on the list for replacement in the next fiscal year. Their goal is to get it done before the next harvest season starts.

According to the county engineer, half of their bridges are 20 feet wide which is too narrow for modern use. The county can only afford to replace two bridges a year. When a problem arises it sets the schedule back, and there is always a danger of financial impacts. This scenario is occurring in rural counties all over Idaho. The small problems on rural roads and bridges have a big impact on Idaho's overall commerce and economy. Agriculture is the top driver of Idaho's economy and the State needs good roads and bridges to keep operations moving. **Mr. Jones** said he would stand for questions.

Senator Nonini asked Mr. Jones to share the cost of replacing Idaho's roadways. **Mr. Jones** said that he was more familiar with agriculture and suggested asking that question of the ITD representatives at the hearing. **Senator Nonini** asked for him to respond to his question from the agricultural industry perspective. **Mr. Jones** said that the Lewiston port alleviates some of their issues, but trucking product in Idaho is problematic.

Senator Hagedorn referred to the bridge mentioned in the presentation and asked when a bridge fails between fields whether that is a county or a highway district problem. **Mr. Jones** said that it is a county road, but the responsibility needs to be addressed by multi-jurisdictions that include the State, the local highway district and the county. **Senator Hagedorn** said that was a great example of what the Committee struggles with regarding getting crops to market. The struggle is: where and how to fund these issues, especially with local jurisdictions. **Mr. Jones** reminded Senator Hagedorn that where agriculture drives a community, farmers contribute by paying property taxes that help maintain roads.

Vice Chairman Johnson asked if the agricultural community has solutions to address the problems. **Mr. Jones** said the grain producers support an increase in the gas tax as long as it is done reasonably. He said that biodiesel fuel has gotten some interest in the House, but only a certain amount of biodiesel fuel can be used. He sees it as a quick and easy solution, but they would like to be in the legislative discussion over this issue. **Vice Chairman Johnson** asked his opinion on a tax increase on diesel fuel. **Mr. Jones** said that his board has not issued an opinion on that issue, but would likely agree if the money was used to improve roads.

Senator Keough asked if the grain producers members could pass extra costs along as a surcharge to buyers. **Mr. Jones** said they have no leverage and they cannot pass those costs along. He added that in Lewiston, the port charges a surcharge to grain producers that they must pay.

Chairman Brackett asked about Mr. Jones' seventh slide depicting 'Plant No. 17 Associated Seed Growers Inc. New Haven, Conn.' and wanted to know how that is connected to Idaho. **Mr. Jones** said he wasn't sure and that John Foster, co-founder of Kestrel West, had compiled the slides in his presentation. **Mr. Foster** took the podium and said that he was certain the building in the slide is in Fremont County, Idaho, but he would research the matter and share the source of the picture with the Chairman. There were no further questions for Mr. Jones or Mr. Foster.

S 1302:

Chairman Brackett thanked Mr. Jones and invited Stuart Davis, Executive Director of the Idaho Association of Highway Districts, to the podium to present **S 1302**.

Mr. Davis told the Committee that **S 1302** was a housekeeping bill that deals with the exchange of real and personal property between intergovernmental entities. Currently, property valued at less than \$10,000 needs to go through a long process that includes three public notices, which can cost as much as \$200 each. This is required only for transferring property from one government entity to another, no public notice is required to transfer property from a government entity to a private organization. This legislation discontinues that process for government to government transfers. **Mr. Davis** said he would stand for questions.

Senator Winder read from the bill and said that it did not make sense that there used to be no notice and now there was a requirement. **Mr. Davis** said that if the value of the property is less than \$10,000 a government entity can transfer that property to a private entity without notification. To give that same property to another government entity requires publishing three public notices in different newspapers. **Senator Winder** asked if the purpose of the public notification was for the public or to keep government honest because of previous abuses. **Mr. Davis** said that a board decides if there is surplus property for transferring. Idaho Code says that property under \$5,000 can be disposed of to private or public entities. **Mr. Davis** said that, currently, public entities are discouraged from selling their surplus property to other public entities because of the process.

Senator Bock wanted to know more about the history of this section and the rationale for it that has not yet been explained. **Mr. Davis** said this bill is the result of an action of the Ada County Highway District (ACHD) when they tried to transfer a truck to the Meridian School District. Since they were both government entities, both had to publish notices in three different newspapers. **Senator Bock** asked why this legislation was written this way and suggested there is an underlying issue. **Mr. Davis** said that when the Legislature consolidated bidding laws, some issues were incomplete. **S 1302** takes away the need for public notice for property valued at less than \$10,000. **Senator Bock** said that if there is a hodgepodge of statutes that need consolidating, then the Legislature should look at the whole quilt rather than make changes that could affect other issues. He suggested that there may be other statutes that could conflict with the 'less than \$10,000' property value clause. **Mr. Davis** said he was not aware of a conflicting issue.

Vice Chairman Johnson suggested that rather than change statute, the government entity should hold their property until it accumulates to a value more than \$10,000 and avoid piecemeal transfers. **Mr. Davis** said this bill is meant to reduce these small issues. Perhaps they could stack property beyond the \$10,000 value. It could streamline the operation. There were no further questions for Mr. Davis.

Senator Keough asked the Chairman if anyone had signed up to testify in favor of the bill who could address some of the concerns raised by Committee members. **Chairman Brackett** invited Roger Seiber of the CapitolWest Public Policy Group to take the podium. **Mr. Seiber** suggested that Steve Price, ACHD Chief Counsel, could offer some clarity and more details about the issues raised, but Mr. Price had stepped out of the meeting and was not immediately available.

MOTION:

Given the need for additional information, **Senator Winder** moved to hold **S 1302** in Committee at the call of the Chair. **Senator Buckner-Webb** seconded the motion.

Senator Bock said that if this bill is rescheduled, he would like to hear testimony about the unintended consequences of the legislation.

The motion to hold **S 1302** in Committee passed by a unanimous **voice vote**.

S 1285:

Chairman Brackett thanked Mr. Seiber and asked Mr. Davis to present **S 1285**.

Mr. Davis said that **S 1285** corrects problems outside of Ada County. This bill does not affect ACHD. It extends the existing highway district commissioners term of office to six years. Currently, highway district commissioners have staggered two and four year terms. There are cases where you can have three new commissioners with no experience. A six-year term was the only length that worked, one commissioner will be up for election every two years. **Mr. Davis** said there were commissioners in the audience to testify. The Idaho Association of Highway Districts Board voted to support this legislation. **Mr. Davis** said he would stand for questions.

Senator Nonini asked for an explanation of the optional alternative election mentioned in the bill's Statement of Purpose (SOP). He said that the language in the bill does not match the SOP, and he asked if nonelection years were part of the alternative election options. **Mr. Davis** said that if all three commissioners adopt the alternative option, then the election date changes to odd-numbered years but on the same date.

Senator Keough asked if this were adopted, would only one commissioner come up for election per cycle. **Mr. Davis** said that was correct, all but the ACHD commissioners' term would go to six years. The alternate option gives a means to implementing the eventual six-year term for each commissioner.

Senator Keough summarized that every highway district commissioner, except for ACHD, will face an election every third election cycles. **Mr. Davis** confirmed her statement.

Chairman Brackett asked Mr. Davis to explain the process if a highway district did not choose the alternative option. **Mr. Davis** said that if a highway district does not choose the alternative then they go through their regular election cycle, but all terms will be for six years.

Senator Bock asked if six-year terms were more desirable than the current system. **Mr. Davis** explained how difficult it is to get good candidates to run for these seats that have two or four year terms. It is easier to recruit candidates when they know they will have a six year term, and there is more continuity with the operations of the highway district.

Vice Chairman Johnson suggested that cycle two is the same as the election cycle for county commissioners and wanted to know if that system had been considered. **Mr. Davis** said it had not and that the change fits highway district commissioners. **Vice Chairman Johnson** wondered if under the alternate cycle option could a new commissioner could become chairman. **Mr. Davis** confirmed that it could happen. There were no further questions for Mr. Davis.

TESTIMONY:

Chairman Brackett thanked Mr. Davis, and called on those wishing to testify to take the podium. **Chairman Brackett** welcomed **Dave Burgess**, a Twin Falls Highway District Commissioner, who said that he had worked for the highway district for 35 years, retired and then decided to run for commissioner. He is very familiar with the highway district's issues. There are several problems with the current election system: (1) currently there is the possibility of having three new commissioners in two years; (2) with shorter terms some run for commissioner because of their own self-interest and a longer term would alleviate that; (3) it takes a while to learn what a highway district is and what a commissioner does, this would allow a longer time to develop that knowledge; and (4) in smaller districts' elections, voter turnout is generally low which means a candidate with less experience can easily be elected. **Mr. Burgess** said he would stand for questions.

Senator Hagedorn asked what occurs when a commissioner resigns. **Mr. Burgess** said that the remaining two commissioners appoint a replacement.

Vice Chairman Brackett asked if the appointment filled the remaining term of the commissioner who resigned. **Mr. Burgess** confirmed that was correct. There were no further questions for Mr. Burgess.

Chairman Brackett thanked Mr. Burgess and welcomed **Kevin Renfrow**, a South Latah Highway District Commissioner, who said he was in his third term as commissioner. He had defeated a commissioner who was on a two-year term cycle, another commissioner resigned and the clerk of the highway district died. **Mr. Renfrow** said he then became chairman even though he had very little experience and a new highway district clerk. It is easier to serve for a six-year term than to run every two years, and appointing someone for an empty seat is never a good solution. **Mr. Renfrow** said he would stand for questions.

Senator Nonini asked about the statement that he didn't have any experience. **Mr. Renfrow** said he had no political experience. **Senator Nonini** asked why he ran for commissioner. **Mr. Renfrow** said that he had always wanted to be a commissioner.

Chairman Brackett asked what Mr. Renfrow's highway district budget was. **Mr. Renfrow** said it was \$1.2 million. There were no further questions for Mr. Renfrow.

Chairman Brackett thanked Mr. Renfrow and welcomed **Rod Twete**, a Lakes Highway District Commissioner, who said that he was appointed to be a highway district commissioner, which meant their highway district had three new serving commissioners. He had worked at the highway district for over 30 years but was only familiar with the operations of the office. He said that there had been a disgruntled employee who was let go and ran for highway district commissioner and came close to winning. He supports a six-year term with one commissioner up for election every two years. **Mr. Twete** said he would stand for questions.

Senator Nonini commented that Mr. Twete, like himself, is from North Idaho. The Senator had received a call from Monty McGomery who supports **S 1285**. Mr. McGomery spent his career working in the trucking business. **Mr. Twete** said that Mr. McGomery continues to work in the trucking industry.

Chairman Brackett asked what his highway district budget was. **Mr. Twete** said it was \$6.4 million. He also said that the Post Falls Highway District has all three of their commissioners up for election.

Senator Hagedorn asked how much of his budget was state money and how much came from the highway district. **Mr. Twete** offered a general breakdown of their funding. There were no further questions for Mr. Twete. **Chairman Brackett** thanked Mr. Twete and asked the Committee for a motion.

MOTION:

Senator Bock said he was convinced by the testimony and moved that **S 1285** be sent to the floor with a **do pass** recommendation. **Senator Hagedorn** seconded the motion.

Senator Keough asked to explain her vote. She was not unsympathetic, but she pointed at the election of county commissioners and said she worried about putting up one person at a time. She called it a 'messy process'.

Senator Rice thought it was a weakness that every two years one highway district commissioner would be up for election, but this only happens if the highway district chooses the alternate form. He does not believe this bill addresses the problem identified, and it does not strike him as the way to do things. There was no further discussion.

Chairman Brackett called for a voice vote, but with uncertainty of the outcome he called for a roll call vote. The secretary called the roll. **Senators Brackett, Nonini, Hagedorn** and **Bock** voted aye. **Senators Johnson, Keough, Winder, Rice** and **Buckner-Webb** voted nay. The motion **failed**.

ADJOURNED:

With no further business before the Committee, **Chairman Brackett** adjourned the meeting at 2:50 p.m.

Senator Brackett
Chair

Gaye Bennett
Secretary

AGENDA
SENATE TRANSPORTATION COMMITTEE
1:30 P.M.
Room WW53
Tuesday, February 25, 2014

SUBJECT	DESCRIPTION	PRESENTER
Vote on Gubernatorial Appointment	Vote on appointment to the Idaho Transportation Board: Lee Gagner of Idaho Falls.	Chairman Brackett
Minutes	Approve Minutes of the February 6 meeting.	Senator Keough and Senator Buckner-Webb
<u>S 1285</u>	Extends highway district commissioners' term to 6 years.	Stuart Davis , Idaho Association of Highway Districts
<u>S 1360</u>	Creates a process for the Idaho Transportation Board to provide maintenance of a highway that is not being adequately maintained by a county or highway district.	Chairman Brackett
<u>H 403</u>	Establishes a specialty license plate that supports the 4-H Program in the State of Idaho.	Senator Patrick

If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Brackett
Vice Chairman Johnson
Sen Keough
Sen Winder
Sen Rice

Sen Nonini
Sen Hagedorn
Sen Bock
Sen Buckner-Webb

COMMITTEE SECRETARY

Gaye Bennett
Room: WW33
Phone: 332-1332
email: stran@senate.idaho.gov

MINUTES
SENATE TRANSPORTATION COMMITTEE

DATE: Tuesday, February 25, 2014

TIME: 1:30 P.M.

PLACE: Room WW53

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

VOTE ON GUBERNATORIAL APPOINTMENT: **Chairman Brackett** asked the Committee to consider a motion to vote on the appointment of Lee Gagner of Idaho Falls to the Idaho Transportation Board. The Committee had heard from Mr. Gagner at the February 20, 2014 meeting.

MOTION: **Senator Nonini** moved to send the gubernatorial appointment of Lee Gagner to the Idaho Transportation Board to the floor with a recommendation that he be confirmed by the Senate. **Senator Hagedorn** seconded the motion. The appointment was approved by a unanimous **voice vote**. **Chairman Brackett** said he would carry the appointment on the Senate floor.

MINUTES: **Chairman Brackett** asked the Committee to consider a motion to approve the Minutes of the February 6, 2014 meeting.

MOTION: **Senator Keough** moved to approve the Minutes of the February 6, 2014 Committee meeting. **Senator Buckner-Webb** seconded the motion. The motion passed by unanimous **voice vote**.

S 1285: **Chairman Brackett** said that the Committee had heard **S 1285** at a previous meeting where the 'do pass' recommendation failed on a roll call vote. Following that meeting, the interested parties met and the result was to amend the bill to remove the alternate election cycle option for highway district commissioners. **Chairman Brackett** invited Stuart Davis, Executive Director of the Idaho Association of Highway Districts, to discuss the proposed amendment. **Mr. Davis** explained the issues raised when the Committee had previously heard this bill and the remedy for those issues that an amendment would provide, including removing the alternate election cycle option. **Mr. Davis** said he would stand for questions.

Senator Bock wanted to know if he could review the amendment. **Chairman Brackett** said that the first order of business is to send the bill to the 14th Order. **Senator Bock** said that he thought there were three highway district commissioners, which meant that one would be up for election every two year so that none would be elected in the same year. **Mr. Davis** said that was exactly the case.

Senator Hagedorn asked how this bill would affect the Ada County Highway District (ACHD). **Mr. Davis** said that ACHD is a separate entity as shown in Idaho Code, Title 40, Chapter 14. All other highway districts fall under Chapter 13. There were no further questions for Mr. Davis.

MOTION: **Senator Winder** moved to send **S 1285** to the 14th Order for amendment. **Senator Nonini** seconded the motion.

Senator Bock said he thought this was a good idea that alleviated the possibility of two or more commissioners being removed at the same time. This is a good system for continuity.

Chairman Brackett called for a vote on the motion. The motion passed by a unanimous **voice vote**. **Chairman Brackett** said he would carry the bill on the Senate floor.

GAVEL PASSING: **Chairman Brackett** thanked Mr. Davis and passed the gavel to Vice Chairman Johnson. **Vice Chairman Johnson** invited Chairman Brackett to present **S 1360**.

S 1360: **Chairman Brackett** said that **S 1360** creates a process whereby the Idaho Transportation Board (ITB) may provide maintenance of a highway not being adequately maintained by a county or highway district. This legislation amends Idaho Code § 40-709 and adds a new § 40-709A. The new section outlines the process whereby the ITB could be petitioned if public safety, health or welfare could be endangered because the subject county or highway district is inappropriately and unreasonably failing to maintain a highway or portion thereof that it is obligated to maintain.

If the petition is granted, the Idaho Transportation Department (ITD) will perform the maintenance itself or it may contract with another political subdivision for the maintenance. In either case, the actual cost of maintenance shall be deducted from the funds that would otherwise have been allocated pursuant to Idaho Code § 40-709 to the county or highway district that failed to provide adequate maintenance.

Chairman Brackett went through the bill page by page explaining the essence of the legislation. **Chairman Brackett** said he would stand for questions.

Senator Bock asked Chairman Brackett to share some real life examples. **Chairman Brackett** said there is a particular example of a road that crosses between counties with the jurisdiction passing from a county to a highway district. The maintenance was not being done on the county portion of the road. Since this is the only access in or out of this community, it becomes a problem for emergency situations. **Senator Bock** asked if this affected Ada County. **Chairman Brackett** said that it would.

Senator Hagedorn said he likes the concept of this bill, but he asked if the maintenance is done by ITD would the cost be deducted by the State Controller, who would normally pay the highway district. He used a bridge over a service canal as an example. He thought it would be more logical for that highway district to go out of business rather than replace the bridge. **Chairman Brackett** said that example goes way beyond normal highway maintenance and falls outside of the realm of this legislation. **Senator Hagedorn** asked if this bill focused on maintenance as a safety issue only. He asked if the deductions from the Highway Distribution Account are taken once a year or are they taken out over time. **Chairman Brackett** said that there are both situations. This bill provides a process for petitioning the ITB and they make the determination. **Senator Hagedorn** asked if there was consideration of the transfer from the highway district to ITD with regard to safety and liability. **Chairman Brackett** said that would be a question for others who will be testifying.

Vice Chairman Johnson referred to page 4, line 14 where the ITB shall consider a request for termination and modification, and wanted to know if a county highway district is or is not ready to take over these responsibilities, how much time passes between the request and the ITB meeting to consider the request. **Chairman Brackett** referenced page 4, line 8 where it says the request is subject to a petition and once it is submitted, it is in the hands of the ITB for a decision. There were no further questions for Chairman Brackett. **Vice Chairman Johnson** asked him if he wanted to make a closing statement.

Chairman Brackett closed by saying that this legislation addresses the situation where adequate maintenance is not being done by a highway district or county, in spite of the fact that they are receiving funds from the Highway Distribution Account. There are many examples throughout the State where a highway goes through two or more jurisdictions. Historically, maintenance is performed through unofficial or official agreements such as a Memorandum of Understanding, but the counties and local highway districts have worked out maintenance agreements whereby the citizens are served.

TESTIMONY:

Vice Chairman Johnson invited Mollie McCarty of ITD to present testimony. **Ms. McCarty** said that ITD has reviewed the legislation, and they have no problem with it. Some of the issues being raised can be addressed in the rulemaking process where ITD can work out some of the details of the process. **Ms McCarty** said she would stand for questions.

Senator Bock said he just wanted to make sure that ITD supports this bill as it is written right now. There were no further questions for Ms. McCarty.

Vice Chairman Johnson thanked Ms. McCarty and invited Steve Price, Legal Council for the Ada County Highway District (ACHD), to present testimony. **Mr. Price** said that ACHD had reviewed the legislation and that they had helped draft it along with Stuart Davis of the Idaho Association of Highway Districts. He said it was well drafted. **Mr. Price** said that the ITB had enough discretion to make it work. **Mr. Price** said he would stand for questions.

Senator Hagedorn asked about the transfer of liability of maintaining another jurisdictions' responsibilities. **Mr. Price** said they could draft liability into statute making it part of the Tort Claim Act, but sometimes the best thing is to leave things to a common law liability.

Senator Nonini asked about Moon Pass in Shoshone County and whether it could be an issue for this legislation. **Mr. Price** said it was addressed in the bill on page 3, line 4, 'to that which has been historically done.' That will take care of the Moon Pass situation.

Vice Chairman Johnson thanked Mr. Price and invited Stuart Davis, Executive Director of the Idaho Association of Highway Districts, to present testimony. **Mr. Davis** said the bill simply creates an adequate way for residents whose main access road is not being maintained to get to hospitals and purchase groceries. This Committee confirms the members of the ITB, and they should be trusted to do the right thing. **Mr. Davis** said he would stand for questions, but there were none.

Chairman Brackett said that this is a tough but fair proposal that he hopes will never need to be used. **Vice Chairman Johnson** thanked Mr. Davis and Chairman Brackett and asked the Committee for a motion.

MOTION:

Senator Keough moved to send **S 1360** to the floor with a **do pass** recommendation. **Senator Hagedorn** seconded the motion.

Senator Keough asked if it was the intent of Chairman Brackett to send **S 1360** to the 14th Order for amending. **Chairman Brackett** said that his group does want the bill amended.

AMENDED MOTION:

Senator Keough moved to send **S 1360** to the 14th Order for amendment. **Senator Hagedorn** seconded the motion. The motion passed by a unanimous voice vote. **Chairman Brackett** said he would carry the bill on the Senate floor.

GAVEL PASSING:

Vice Chairman Johnson passed the gavel back to Chairman Brackett.

H 403:

Chairman Brackett welcomed Senator Patrick to the Committee and asked him to present **H 403**. **Senator Patrick** said that this amendment to Idaho Code establishes a specialty license plate that will support the 4-H program in Idaho. 4-H was started over 100 years ago when it became part of agricultural studies at land-grant universities.

This program will provide a specialty license plate option for people who wish to proudly note their association with 4-H clubs in Idaho while helping the historical youth education club thrive. The plate features the 4-H clover logo, and the monies from this plate will be managed by the University of Idaho Foundation Friends of 4-H Division. They will also be used across the State by 4-H programs, educational events, and training materials for youth and leaders in curriculum offerings that better prepare Idaho youth for future careers. **Senator Patrick** said he would stand for questions, but there were none.

TESTIMONY:

Chairman Brackett called on a number of people in attendance who had signed up to speak in favor of **H 403**. Each speaker told of a positive experience that they had while participating in a 4-H program, or that they were currently having in a 4-H program as either a participant or an administrator. The people who made presentations were: **Zach Asher** of Middleton; **Bobbi Hall** of Gem County; **Rebecca Nyce** of Emmett and Boise County; **Erin Root** of Vallivue High School in Caldwell; **Christina Schram** of Ada County; **Justine Nesbitt** who is 4-H's Idaho State Secretary; **Beth Carter** of Boise County; **Kristin Nesbitt** who is from Ada County and serves as the Vice President of Ada County 4-H Ambassadors; **Linda Webb** of Valley County who after 55 years in 4-H is the President of Idaho Friends of 4-H; and **Jim Wilson** of Coeur d'Alene who is an extension educator.

Chairman Brackett, Senator Rice, Senator Hagedorn and **Senator Nonini** asked questions of some of the speakers that dealt with the following areas of interest: whether the speaker would consider purchasing a 4-H plate; the favorite 4-H project of the speaker; the sources of funding for 4-H; and the speakers' current or past involvement with 4-H. There were no other questions for the speakers.

Chairman Brackett asked Senator Patrick to make a closing statement. **Senator Patrick** said the monies from the 4-H license plate sales will be managed by the University of Idaho Foundation's Friends of 4-H Fund. The University of Idaho is the State's land-grant university. 4-H will receive \$22.00 for the initial issuance of each plate and \$12.00 for each succeeding annual registration. Monies will be used to support 4-H youth programs throughout Idaho, such as the 'Know Your Government' program which costs each student \$200 to participate. The Friends of 4-H provides \$5,000 towards that program. The money from these license plates will help sponsor a lot of students. **H 403** has no fiscal impact on Idaho's General Fund. In conclusion, **Senator Patrick** thanked the Committee for hearing his bill.

Chairman Brackett thanked Senator Patrick and all the speakers and asked the Committee for a motion.

MOTION:

Senator Nonini moved to send **H 403** to the floor with a **do pass** recommendation. **Senator Hagedorn** seconded the bill. **Chairman Brackett** asked if there was any discussion.

Senator Rice said that normally he would vote against a license plate bill, but he had been in 4-H when he was six years old in California. He said it was a good learning experience. In addition, it was clear to **Senator Rice** that Senator Patrick had gone through the process to create a new license plate and had exceeded the process requirements.

Senator Hagedorn said that 4-H was a great quality program that the State can promote. Half of the monies from license purchases go back to the State as revenue. He said that this is an example of a great specialty license plate program.

With no further discussion, **Chairman Brackett** called for a vote. The motion passed by a **voice vote**. **Senator Bock** wished to be recorded as voting nay. **Senator Patrick** said he would carry the bill on the Senate floor.

ADJOURNED:

With no further business before the Committee, **Chairman Brackett** adjourned the meeting at 2:50 p.m.

Senator Brackett
Chair

Gaye Bennett
Secretary

AGENDA
SENATE TRANSPORTATION COMMITTEE
1:30 P.M.
Room WW53
Tuesday, March 04, 2014

SUBJECT	DESCRIPTION	PRESENTER
<u>HCR 44</u>	Affirms the rejection of portions of ITD Administration Rule Docket No. 39-0350-1301 .	Vice Chairman Johnson
Minutes	Approval of the Minutes of the February 11 meeting. Approval of the Minutes of the February 18 meeting.	Senator Rice and Senator Bock Vice Chairman Johnson and Senator Winder
<u>S 1302</u>	Provides for the conveyance or transfer between government entities of real or personal property valued at \$10,000 or less.	Steve Price , General Counsel, Ada County Highway District
<u>S 1303</u>	Improves a condemning authority's ability to provide a more efficient and customer friendly negotiation process for the purchase of a property owner's land.	Steve Price , General Counsel, Ada County Highway District
<u>S 1309</u>	Requires a public condemning authority utilizing eminent domain proceedings to compensate the property owner for expenses and fees related to defending themselves against such action.	Senator Winder

If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Brackett	Sen Nonini
Vice Chairman Johnson	Sen Hagedorn
Sen Keough	Sen Bock
Sen Winder	Sen Buckner-Webb
Sen Rice	

COMMITTEE SECRETARY

Gaye Bennett
Room: WW33
Phone: 332-1332
email: stran@senate.idaho.gov

MINUTES
SENATE TRANSPORTATION COMMITTEE

DATE: Tuesday, March 04, 2014

TIME: 1:30 P.M.

PLACE: Room WW53

MEMBERS PRESENT: Chairman Brackett, Vice Chairman Johnson, Senators Keough, Winder, Rice, Nonini, Hagedorn, Bock and 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 of the Senate Transportation Committee (Committee) to order at 1:33 p.m. and asked the secretary to take a silent role. With a quorum present, **Chairman Brackett** welcomed all in attendance and mentioned that the speed limit bill, heard at a previous Committee meeting, was currently being heard in the House Transportation and Defense Committee.

HCR 44: **Chairman Brackett** said that the Committee had one last task regarding Administrative Rules, and with that he asked Vice Chairman Johnson to present **HCR 44**. **Vice Chairman Johnson** reminded the Committee that they had previously rejected portions of **Docket No. 39-0350-1301**. This House Concurrent Resolution, which had already passed the House, was the formal concurrent rejection of that rule. **Vice Chairman Johnson** said he would stand for questions, but there were none.

MOTION: **Chairman Brackett** moved to accept **HCR 44** and send it to the floor with a **do pass** recommendation. **Senator Keough** seconded the motion. The motion carried by a unanimous **voice vote**. **Vice Chairman Johnson** said he would carry the resolution on the Senate floor.

MINUTES: **Chairman Brackett** told the Committee that there were two sets of Minutes before them for consideration.

MOTION: **Senator Bock** moved that the Committee approve the Minutes of the February 11 meeting. **Senator Rice** seconded the motion. The motion passed by unanimous **voice vote**.

MOTION: **Senator Winder** moved that the Committee approve the Minutes of the February 18 meeting. **Vice Chairman Johnson** seconded the motion. The motion passed by unanimous **voice vote**.

S 1302: **Chairman Brackett** welcomed Steve Price, General Counsel for the Ada County Highway District (ACHD), to the Committee and asked him to present **S 1302**. **Mr. Price** said that this bill had previously been considered by the Committee and deals with the transferring of assets valued at \$10,000 and less from one government entity to another government entity. He handed out an exhibit that answered some concerns voiced previously. **Mr. Price** said that property is held in trust, but sometimes a highway district needs to vacate, or get rid of property. A notice of hearing is required in order for the public to participate in disposing of property. Currently, no notice is required if the property is valued at less than \$5,000 as long as no highway district employee is interested or involved. **S 1302** allows for transferring property between government entities without a required public notice. Highway districts are looking for ways to be more efficient and to

cut costs. Such property as computers, pipes, etc. do not have a market where they can be sold. They are asking for a small exception to a rule. **Mr. Price** said he would stand for questions.

Senator Rice asked how much is spent on advertising this property. **Mr. Price** said that ACHD has spent an average over three years of \$120,000 with the *Idaho Statesman*. He said that between \$10,000 to \$15,000 of that is spent on property valued at \$10,000 or less.

MOTION: **Senator Nonini** moved to send **S 1302** to the floor with a **do pass** recommendation. **Senator Winder** seconded the motion.

Chairman Brackett asked about an amendment that Senator Rice had prepared to clarify the language on page 1, line 14 to change it from less than \$10,000 to include property valued at \$10,000. **Mr. Price** said that the Chairman was correct.

Senator Bock said he would like to make that change if Mr. Price was in agreement. **Mr. Price** said that clarifying the intent would be encouraged and asked that the bill be sent to the 14th Order for amendment.

SUBSTITUTE MOTION: **Senator Bock** moved that **S 1302** be sent to the 14th Order for amendment. **Senator Keough** seconded the motion. The substitute motion passed by a unanimous **voice vote**. **Senator Bock** said he would carry the bill on the Senate floor.

S 1303: **Chairman Brackett** asked Mr. Price to present **S 1303**. **Mr. Price** said this bill is about rights-of-way. ACHD, when acquiring a rights-of-way must provide information to the owner about their rights, known as a 'Summary of Rights.' Currently, statute requires that information must be certified and the owner must go to their post office to sign an acknowledgement of receipt of the information. This bill allows the owner to sign on the 'Summary of Rights' material that is handed out at the meeting rather than having to go through the certification process. **Mr. Price** said he would stand for questions.

Senator Winder said that an amendment has been written for this bill if the Committee sends it to the 14th Order.

TESTIMONY: **Chairman Brackett** asked Heather Cunningham to offer testimony on **S 1303**. **Ms. Cunningham** identified herself as a condemnation law attorney in private practice and said that she had no problem with this legislation as long as it was amended. She said that ACHD had to provide a large number of papers when condemning a property. To her satisfaction, the problem with the bill has been addressed and she is satisfied with the amendment. **Ms. Cunningham** said she would stand for questions, but there were none.

Chairman Brackett asked Senator Winder to explain the purpose of the amendment. **Senator Winder** said that it is a simple addition of adding the words 'on the form' after the word 'writing' on page 2, line 22.

MOTION: **Senator Winder** moved to send **S 1303** to the 14th Order for amendment. **Senator Keough** seconded the motion. The motion passed by a unanimous **voice vote**. **Senator Rice** said he would carry the bill on the Senate floor.

S 1309: **Chairman Brackett** thanked Mr. Price and asked **Senator Winder** to present **S 1309**, who said he would remain in his seat to make the presentation. **Senator Winder** said this bill addresses a simple concept of reimbursing a property owner for legal expenses incurred during the process of a government entity condemning their property. Currently, this is a cloudy issue and comes down to an issue of fairness. He said he had tried this legislation previously, but now he has an amendment. He asked that the Committee send **S 1309** to the 14th Order for amendment. **Senator Winder** said he would stand for questions.

Chairman Brackett asked Senator Winder to tell the Committee about the amendment. **Senator Winder** said that it shows that the owner may be reimbursed in a timely manner during the condemnation process. It allows them to be reimbursed for fees they incurred in order to continue with legal and engineering needs as they go through this process. He has run this by the attorneys at ACHD and they support it.

Senator Keough asked if she could review the amendment. **Senator Winder** said that normally amendments are not shared in Committee, but he would accommodate her if she liked. **Senator Keough** said she appreciated his willingness to share the amendment.

TESTIMONY:

Chairman Brackett asked Mr. Price to offer testimony on **S 1309**. **Mr. Price** said that ACHD worked with Senator Winder and other interested parties, including property rights attorneys. They recognized there was a problem and that the balance of compensation should be changed. This amendment addresses that problem and ACHD supports the amendment. **Mr. Price** said he would stand for questions, but there were none.

Chairman Brackett asked Ms. Cunningham to offer testimony on **S 1309**. **Ms. Cunningham** said there have been many cases where there have been lots of changes where the property owner has to bear the cost. This bill alleviates that problem. **Ms. Cunningham** said she would be happy to answer questions on any of the issues that have been raised, but there were no questions.

CONFLICT OF INTEREST:

Senator Winder said that from time-to-time he is asked to appear as an expert witness on these issues, and that he could benefit in the future from this legislation. He wanted to disclose this possible conflict of interest for the record.

MOTION:

Senator Rice moved to send **S 1309** to the 14th Order for amendment. **Senator Winder** seconded the motion. The motion passed by a unanimous **voice vote**. **Senator Keough** said she would carry the bill on the Senate floor.

ADJOURNED:

With no further business before the Committee, **Chairman Brackett** adjourned the meeting at 2:05 p.m.

Senator Brackett
Chair

Gaye Bennett
Secretary

AGENDA
SENATE TRANSPORTATION COMMITTEE
1:30 P.M.
Room WW53
Thursday, March 06, 2014

SUBJECT	DESCRIPTION	PRESENTER
Presentation	<u>Idaho Transportation Coalition: Impact of Infrastructure on Idaho Commerce</u>	Jeff Sayer , Director, Idaho Department of Commerce
<u>H 493</u>	Provides for an allowable excess load weight provision of 2,000 pounds for the accumulation of mud, snow, water or other such substances.	Jerry Deckard , CapitolWest Public Policy Group

If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Brackett
Vice Chairman Johnson
Sen Keough
Sen Winder
Sen Rice

Sen Nonini
Sen Hagedorn
Sen Bock
Sen Buckner-Webb

COMMITTEE SECRETARY

Gaye Bennett
Room: WW33
Phone: 332-1332
email: stran@senate.idaho.gov

MINUTES
SENATE TRANSPORTATION COMMITTEE

DATE: Thursday, March 06, 2014

TIME: 1:30 P.M.

PLACE: Room WW53

MEMBERS PRESENT: Chairman Brackett, Vice Chairman Johnson, Senators Keough, Winder, Rice, Nonini, Hagedorn, Bock and 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 of the Senate Transportation Committee (Committee) to order at 1:35 p.m. and asked the secretary to take a silent role. With a quorum present, **Chairman Brackett** welcomed all in attendance to the Committee and invited Jeff Sayer, Director of the Idaho Department of Commerce, to make a presentation on behalf of the Idaho Transportation Coalition on the 'Impact of Infrastructure on Idaho Commerce.'

PRESENTATION: **Mr. Sayer** began by saying that he has spent so much time on tax policy this session that it is a pleasure to talk about two other priorities that are critical to Idaho's future economic growth; that is workforce and infrastructure. He spent the morning with the Workforce Development Council who in partnership with the Education Department and the Department of Labor are coming together to develop pipelines of talent for Idaho's industries. Today he will concentrate on reinforcing the importance of investing in infrastructure.

Infrastructure is a broad umbrella that incorporates many components: roads and bridges, sewer and water, broadband and air travel. These are only a few of the needs Idaho has, but he understands that this Committee is focused on Idaho's transportation needs. They need to be looked at and paid attention to, and he appreciates the Committee's efforts.

Companies that relocate to Idaho automatically have a transportation disadvantage. He used a company that recently relocated to the Magic Valley as an example. He said that in this company's financial analysis prior to relocating to Idaho, they had choices that had far more robust transportation mechanisms. They said that they looked at the whole economic picture and Idaho did have higher transportation costs than the other location, which was Utah that has a huge number of transportation options. This company chose Idaho because overall it provided more opportunities because of lower energy and labor costs. If we are going to grow our State economically, we need to address transportation issues.

Mr. Sayer sited another example of a company that chose Idaho over Washington and they had a similar analysis. Their transportation costs were 20 percent higher than they would have been in Washington. These are real issues that need to be addressed.

Idaho is seeing a lot of growth in the Magic Valley which is being encouraged, but that area is scrambling to keep up with the roads and bridges maintenance that has come with all this new traffic. He is excited about this new growth, but the reality is that these counties and cities are having a difficult time keeping up. Growth comes with a cost and it is something the State needs to address. It does not matter what the industry is, Idaho needs to address maintaining its infrastructure.

Mr. Sayer shared a story of a partnership with the Idaho Transportation Department (ITD) on Nunhems Seeds in Parma. They wanted to expand their facilities and bring more research and production jobs and make Idaho a bigger presence in their company's footprint. They said they could not expand their facility if they could not fix an issue they had with a turnout lane. They were concerned for their employees' safety because of the heavy traffic on a nearby state highway. The discussion went on for a year and they said that this lane was the factor keeping them from expanding. Finally, the Department of Commerce, ITD and Nunhems Seeds sat down to develop a solution. Commerce and Nunhems were willing to provide funds toward a solution and ITD said that with those resources they could move it up on their priority list and get the job done. This reinforced the needs for these kinds of investments. **Mr. Sayer** said he would stand for questions.

Senator Hagedorn asked how the management team is working now that the extension has been completed for Numhems Seeds. **Mr. Sayer** said that by working together to change that turnout lane, it opened up a discussion about growth.

Senator Nonini wanted details about why the company chose Idaho over Washington. **Mr. Sayer** said that they chose Idaho even though it would mean a 20 percent increase in their transportation costs. It is important for Idaho to bring those costs down. **Senator Nonini** spoke about a freeway interchange in his district that Cabela's wanted to fix. With available funding at a minimum for these types of improvements, Cabela's brought the concept of State Transportation Assistance Revolving Fund (STAR) financing to Idaho to help finance the project they needed in place in order to locate in North Idaho. He wanted to know why companies decide to come to Idaho even with higher transportation costs. **Mr. Sayer** said that Idaho is competitive as his two examples indicated. These companies do everything they can to keep their costs lower because they have a lot of retail costs. Transportation is an inherent problem with merchandise delivery.

Chairman Brackett asked if there were more factors than the 20 percent increase in transportation costs. **Mr. Sayer** said he is not an expert, but there are small things Idaho is doing like expanding their load limits on trucks which helps companies lower their costs. **Chairman Brackett** asked that he share those factors as they come up with the Committee so they can help find solutions.

Senator Rice said that bundling issues among state government departments is important in looking at the big picture and where the State can reduce its disadvantages. **Mr. Sayer** said it was exciting to be part of the solution.

Senator Winder said that some of the disadvantages are that population tends to center along the coast. **Mr. Sayer** said that there are all sorts of factors that add costs, and any way to improve that would be beneficial. There were no further questions for Mr. Sayer.

H 493:

Chairman Brackett thanked Mr. Sayer for his presentation and asked Jerry Deckard of CapitolWest Public Policy Group to present **H 493**. **Mr. Deckard** said that he had sat through meetings to exempt mud and other debris from load weights on trucks. He mentioned the recent legislation exempting axel load weights for garbage trucks. **H 493** is a solution for the buildup of debris on trucks travelling through inclement weather where load weights will be forgiven as long as the axel limitations are not exceeded. He would like the Committee to send **H 493** to the 14th Order for amendment. Although he represents log haulers, the way the bill is written, it does not meet the needs of logging trucks. Also, there is no language saying that the overweight forgiveness is not to be included in the payload of the vehicle. The excess weight is for debris. There are two amendments that will remedy that situation so that the bill focuses on snow and ice. Without this language, drivers need to stop their vehicles before weighing and remove chunks of the debris. **Mr. Deckard** said he would stand for questions.

CONFLICT OF INTEREST:

Senator Keough said that because she works for the Associated Logging Contractors she could have a conflict of interest. She wanted the record to reflect that potential conflict.

Vice Chairman Johnson said that Mr. Deckard's testimony is to send **H 493** to the 14th Order for amending Idaho Code § 49-1001 and § 49-1008, but there are three subsections in § 49-1001 with tables of different weights. He wanted to know how he was going to make the changes. **Mr. Deckard** said that the amendment says 'notwithstanding of those provisions, there is the excess weight of the material.' **Vice Chairman Johnson** asked if that meant weights would be raised to 81,000 pounds from 79,000 pounds. **Mr. Deckard** said that was not correct. **Vice Chairman Johnson** used the example of a load weight of 78,500 pounds and if you add 1,500 pounds on the scale, the load weight would be over. **Mr. Deckard** said that was not correct. **Vice Chairman Johnson** asked that if ITD understood this would not apply to weight load. **Mr. Deckard** said he had spoken with ITD that morning.

Senator Bock asked how the weight of the debris was determined. **Mr. Deckard** said the only way was to chip the debris off and place it on the scale. If it is overweight, however, it would be picked up from the time it was loaded so the weight of the debris could be measured by the scale weight minus the load weight. There were no further questions for Mr. Deckard.

MOTION:

Senator Winder moved that **H 493** be sent to the 14th Order for amendment. **Senator Hagedorn** seconded the motion.

Senator Winder asked Mr. Deckard if he had his amendments ready to go. **Mr. Deckard** confirmed that he did. **Senator Winder** said that if the Committee vote sends this bill to the 14th Order, the amendments need to go to the Secretary of the Senate today. **Mr. Deckard** said he understood.

Chairman Brackett called for a vote on the motion. The motion passed by a **voice vote**. **Senator Hagedorn** said he would carry the bill on the Senate floor.

ADJOURNED:

With no other business before the Committee, **Chairman Brackett** adjourned the meeting at 2:04 p.m.

Senator Brackett
Chair

Gaye Bennett
Secretary

AGENDA
SENATE TRANSPORTATION COMMITTEE
1:30 P.M.
Room WW53
Tuesday, March 11, 2014

SUBJECT	DESCRIPTION	PRESENTER
Minutes	Approve the Minutes of the February 13 meeting.	Senator Keough and Senator Hagedorn
<u>H 491</u>	Amends the definition of a snowmobile from under 1,000 pounds to under 2,000 pounds. Counties are given the option to allow ATVs and snowmobiles over 1,000 pounds to operate on groomed snowmobile trails.	David Claiborne, President, Idaho State ATV Association
Presentation	<u>National Institute for Advanced Transportation Technology Center (NIATT): Transportation Research at the University of Idaho and Its Impact on the State</u>	Dr. Larry Stauffer, Dean, University of Idaho College of Engineering

If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Brackett

Vice Chairman Johnson

Sen Keough

Sen Winder

Sen Rice

Sen Nonini

Sen Hagedorn

Sen Bock

Sen Buckner-Webb

COMMITTEE SECRETARY

Gaye Bennett

Room: WW33

Phone: 332-1332

email: stran@senate.idaho.gov

MINUTES
SENATE TRANSPORTATION COMMITTEE

DATE: Tuesday, March 11, 2014

TIME: 1:30 P.M.

PLACE: Room WW53

MEMBERS PRESENT: Chairman Brackett, Vice Chairman Johnson, Senators Keough, Winder, Rice, Nonini, Hagedorn, Bock and 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 of the Senate Transportation Committee (Committee) to order at 1:35 p.m. and asked the secretary to take a silent role. **Chairman Brackett** welcomed all in attendance to the Committee.

MINUTES: **Chairman Brackett** said that the first order of business was to approve the Minutes of the February 13, 2014 meeting.

MOTION: **Senator Keough** moved that the Minutes of the February 13, 2014 meeting be approved. **Senator Hagedorn** seconded the motion. The motion passed by unanimous **voice vote**.

H 491: **Chairman Brackett** welcomed David Claiborne, President of the Idaho State ATV Association, to the Committee and asked him to present **H 491**. **Mr. Claiborne** said that this bill amends the definition of a snowmobile by increasing its weight from 'under 1,000 pounds' to 'under 2,000 pounds.' The weight is increased by allowing tracks to be added to the snowmobile. Counties have the option to let snowmobiles with tracks operate on their groomed trails. **Mr. Claiborne** said he would stand for questions.

Senator Bock said he was curious as to why these are used on trails and what changes they made to the snowmobile. **Mr. Claiborne** said that people put tracks on snowmobiles to access remote cabins. By using side-by-sides they can carry more people and camping necessities into their cabins.

Vice Chairman Johnson asked if counties wanted to issue permits for this additional weight. **Mr. Claiborne** said that counties control these trails and keep them clear. **Vice Chairman Johnson** asked Mr. Claiborne to expand on the weight restrictions given that wider tracks would evenly distribute the weight. **Mr. Claiborne** said that the increased weight changed the snowmobile's classification. There were no further questions for Mr. Claiborne.

MOTION: **Senator Hagedorn** moved that **H 491** be sent to the floor with a **do pass** recommendation. **Senator Bock** seconded the motion. The motion passed by a unanimous **voice vote**. **Senator Hagedorn** said he would carry the bill on the Senate floor.

PRESENTATION: **Chairman Brackett** thanked Mr. Claiborne and welcomed Dr. Larry Stauffer, Dean of the College of Engineering at the University of Idaho, to the Committee and asked him to come to the podium to tell the Committee about the National Institute for Advanced Transportation Technology. **Dr. Stauffer** said his presentation was titled 'Transportation Research at the University of Idaho and Its Impact on the State.' As background, **Dr. Stauffer** said he had moved to Idaho in 1979 where he worked at the Idaho National Laboratory in Idaho Falls and then spent 15 years in Boise where he ran the graduate program for the College of Engineering.

The College of Engineering has 2,000 students and has a \$15 million budget. They have three campuses around the State: Moscow (the main campus); Boise (graduate programs); and Idaho Falls (graduate programs and industrial technology). They also have an online Engineering Outreach Program mostly for graduate degrees and certificate programs. The College of Engineering has received many awards, they have many Merit Scholars and 40 percent of their students have a 3.8 grade point average (GPA) or higher.

The College of Engineering has four research centers: (1) Center for Secure and Dependable Systems; (2) Center for Ecohydraulics; (3) Idaho Space Grant Consortium; and (4) National Institute for Advanced Transportation Technology (NIATT), which he said was going to be the main topic of his presentation.

There are four primary areas the NIATT center focuses on: (1) traffic operations and control; (2) clean vehicle technology; (3) engine and combustion development; and (4) applied research for the Idaho Transportation Department (ITD). The ITD/University of Idaho (UI) cooperative has a long standing partnership. It addresses ITD's short-term and long-term research needs. It is funded primarily through State Planning and Research (SPR) funds, and covers all areas of ITD programs (safety, operation, pavements, bridges, maintenance and others).

Workforce development and education includes workshops, seminars and training manuals as components in most projects. There is a Technical Advisory Committee that develops projects that include federal, state and local officials, and the College of Engineering collaborates with ITD in several senior design projects. One of those projects is to improve the safety and efficiency of transportation systems, like safety at signaled intersections during inclement weather conditions for a real-time weather responsive system. Project examples include the city of Moscow integrated traffic signal system, potential safety effects of lane width and shoulder width on two-lane rural state highways, evaluation of the impacts of differential speed limits on interstate highways, potential crash reduction benefits of safety improvement projects based on Idaho's crash data, improving passing lane safety and efficiency, and evaluation of safety impacts of the IdaShield signs at Idaho railroad crossing.

The partnership with ITD also improves critical infrastructure operation and management like developing bridge rating factors for the Perrine Bridge over the Snake River Canyon in Twin Falls. In addition, there are the improvements and research on pavement design, management and monitoring systems. They investigate how bridge deck design methodologies address crack control, native plants for roadside vegetation and rock fall hazard classification mitigation.

NIATT also has a regional partnership. It is part of the United States Department of Transportation's (USDOT) region 10 University Transportation Center led by the University of Washington. Those research projects that address Idaho and regional needs include: (1) educating teenage drivers about the dangers of distracted driving; (2) developing a performance based asset management tool for rural freight mobility in the Pacific Northwest; and (3) the production of renewable biodiesel fuel from biologically based feed stocks.

There is work done by other states with outcomes implemented in Idaho, like the passing lane safety and efficiency project funded by Alaska' Department of Transportation with field testing and implementation in Idaho.

Nationally, NIATT leads one of ten USDOT Tier-1 University Transportation Centers that focuses on environmental sustainability of transportation operations. The potential implementations in Idaho are action-based control parameters to reduce vehicle emissions and fuel consumption at isolated intersections in small and medium sized cities.

Having the NIATT center at the UI provides many opportunities, such as: (1) world class multidisciplinary research teams; (2) effective regional and national partnerships with leading research institutions; (3) workforce development involving undergraduate and graduate students in Idaho-focused research; and (4) partnerships with industry to commercialize research outcomes. There are also challenges like needed investment in research infrastructure and needed expansion of faculty and staff capabilities. **Dr. Stauffer** thanked the Committee and said he would be happy to answer any questions.

Chairman Brackett asked what brought NIATT to the UI College of Engineering. **Dr. Stauffer** said that the initial earmarked funding came through Idaho's United States Senator Steve Symms' efforts to establish the center back in the early 1990's. The UI has supported it since then through funds from research grants through the University Transportation Centers program.

Senator Winder asked what the annual budget was. **Dr. Stauffer** said that it depends, but it balances between \$5 and \$6 million per year. **Senator Winder** asked how many advanced transportation centers there were in the United States. **Dr. Stauffer** said he was not sure, but that every state has some kind of transportation center with different levels of expertise. **Senator Winder** asked about the Perrine Bridge and asked if the research indicated what the lifespan of the bridge was. **Dr. Stauffer** said he would get that information to the Committee. It was built in the 1970s and the lifespan changes as the use changes

Chairman Brackett said that last year the Committee approved the 129,000 pound load truck routes. He wanted to know if the route over the Perrine Bridge was nominated, would ITD ask NIATT to do the research or would ITD perform that research in-house. **Dr. Stauffer** said ITD issues proposals on their projects. NIATT could perform this research but they would need to have the expertise. Washington State has done some work for ITD because they have a larger capacity.

Senator Hagedorn said that 50 percent of ITD's engineers are approaching retirement age, is there an effort to get new ITD employees from the UI College of Engineering. **Dr. Stauffer** said he has met with ITD's human resources on that very issue, and 40 percent of their entire workforce is retirement eligible, but without competitive salaries it is difficult to make someone take a position. The College of Engineering's students maintain a good relationship and make connections by working on ITD projects. Another option is companies partnering in the education process to create a pathway. ITD recognizes the importance of relationships and what it means to work at ITD. But salaries are lower than what graduates can get from other employers. Firms like the skills students develop at ITD and then they hire them away.

Vice Chairman Johnson asked Dr. Stauffer to share examples of ITD-UI cooperative research projects. **Dr. Stauffer** said the long-term projects focus on pavements and their future. They test material and how it behaves over time. The Asphalt Conference brings in experts from all over the country who share their research. Operational issues are more long-term, especially with national operations. Another example is traffic simulations on intersections and how the data collected may be utilized in the future. **Vice Chairman Johnson** asked if the Asphalt Conference was on mixed design and if there was any new information that may be of interest to the Committee. **Dr. Stauffer** said he would be happy to report to the Committee on any new developments.

Senator Winder asked if hybrid vehicle development at the UI was still an active program. **Dr. Stauffer** said it was and that one project that was using rape seeds was the feed stock for making biodiesel. They also work on noise pollution with snowmobiles in areas like Yellowstone National Park. There were no further questions for Dr. Stauffer.

Chairman Brackett thanked Dr. Stauffer for taking the time to present at today's Committee. He invited Dr. Stauffer to share future developments that may be useful to the Committee's work.

ADJOURNED:

With no further business before the Committee, **Chairman Brackett** adjourned the meeting at 2:15 p.m.

Senator Brackett
Chair

Gaye Bennett
Secretary

AMENDED AGENDA #1
SENATE TRANSPORTATION COMMITTEE
1:30 P.M.
Room WW53
Thursday, March 13, 2014

SUBJECT	DESCRIPTION	PRESENTER
Senate Page	Thank You to Senate Transportation Committee Page Jayden Hjorth of Boise.	Chairman Brackett
<u>H 492</u>	Ensures uniformity in Idaho Code with regard to stickers and certificates issued to off-highway vehicles by the Idaho Department of Parks and Recreation.	David Claiborne , President, Idaho State ATV Association

If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Brackett
Vice Chairman Johnson
Sen Keough
Sen Winder
Sen Rice

Sen Nonini
Sen Hagedorn
Sen Bock
Sen Buckner-Webb

COMMITTEE SECRETARY

Gaye Bennett
Room: WW33
Phone: 332-1332
email: stran@senate.idaho.gov

MINUTES
SENATE TRANSPORTATION COMMITTEE

DATE: Thursday, March 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 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 of the Senate Transportation Committee (Committee) to order at 1:33 p.m. and asked the secretary to take a silent role. **Chairman Brackett** welcomed all in attendance to the Committee.

SENATE PAGE: **Chairman Brackett** invited the Committee's Senate Page, Jayden Hjorth of Boise, to come to the front so he could present her with gifts from the Committee for her good work as the Committee's Senate Page. Following the presentation of gifts and letters of appreciation and recommendation, **Chairman Brackett** asked Ms. Hjorth to take the podium to talk about her experience and to answer a few questions. He asked her what she had learned from her Page experience and what her plans were for the future.

Ms. Hjorth said she had learned a lot during her weeks at the Legislature. She learned that creating and moving legislation is very stressful, something that people outside the Legislature do not see. She learned a lot about the Capitol building. As for her future plans, she will be 19 when she graduates from high school and plans on going on an LDS mission. Following that she will begin her college career at Boise State University where she will focus on core classes before moving on to Hawaii Pacific University where she will pursue a career in athletic training. **Ms. Hjorth** said she would stand for questions.

Senator Buckner-Webb commented that she hoped Ms. Hjorth would come back to Idaho when her education was completed.

Senator Rice asked if she had taken the quiz on United State history offered by Jack Lyman with the Idaho Mining Association. **Ms. Hjorth** said she had not. **Senator Rice** encouraged her to do so. There were no further questions for Ms. Hjorth.

H 492: **Chairman Brackett** thanked Ms. Hjorth and asked David Claiborne, President of the Idaho State ATV Association, to present **H 492**. **Mr. Claiborne** said that **H 492** had passed the House. He referred to a handout in the Committee's packets describing the 'pay to play' concept of licensing and tagging requirements when purchasing off-highway vehicles (OHV). The bill clarifies Idaho Code making it consistent on documents for owners of OHVs. He listed the various items they receive which includes a license, a sticker and a brochure. The 'Certificate of Number' sticker is required in order to use trails and roads. The fees go to maintain and groom the trails. The 'Certificate of Title' is also listed as 'title.' With boats, the fee is not prorated, but an owner pays for a full year license no matter when the certificate is purchased. All the stakeholders agreed on this issue. **Mr. Claiborne** said he would stand for questions.

Senator Bock said he supported the bill but asked if there were amendments. **Mr. Claiborne** said he understood there were some amendments.

Vice Chairman Johnson asked where in the legislation does it refer to the fee and the fine. **Mr. Claiborne** said it was on page 9, line 18. There were no further questions for Mr. Claiborne.

DISCUSSION:

Chairman Brackett said that he wanted to thank all involved – constituents, outdoor recreationists and the Idaho Department of Parks and Recreation (IDP&R) – for all their hard work to try to work through this issue. Last summer's task force made a lot of progress, but still came up a little bit short. **H 492** was presented, but there are still two concerns: (1) it is not consistent throughout the different sections of Idaho Code; and (2) it is incomplete in some areas.

Chairman Brackett said he is preparing an amendment that will address the inconsistent and incomplete issues, which he hopes will take care of the concerns. He believes these amendments will just further the recreationist effort and, at-the-end-of-the-day, can be a win-win for everyone. With this amendment, he believes the bill can move forward addressing some of the real challenges. He asked the Committee to send **H 492** to the 14th Order for possible amendment.

To address the inconsistent issue, the amendment uses the term 'Certificate of Number' across the board for boats, ATVs and snowmobiles which provides consistency. Currently, the terms 'Certificate of Number,' 'Certificate of Registrations' and 'Registration Number' are used in different Idaho Code sections. By using 'Certificate of Number' it does provide consistency and uniformity and should help eliminate confusion. 'Certificate of Number' was chosen because it is the term used in federal statute in the United State Coast Guard Code.

To address the incomplete issue, there were seven code sections that were not included in the original bill and they will be amended in a similar fashion to those that are in the original bill. **Chairman Brackett** said he would stand for questions, but there were none.

Senator Hagedorn thanked the members of the task force who met over the past summer to study this issue and worked together to find a solution.

MOTION:

Senator Hagedorn made a motion to send **H 492** to the 14th Order for amendment. **Senator Buckner-Webb** seconded the motion.

DISCUSSION:

Senator Rice said he had one additional concern with changing the prorated boat fee to an annual fee. He said that in the last Legislative Session they had enacted the exact opposite ruling and he was concerned. **Senator Hagedorn** said that was for on-road motorcycles and it did not address ATVs or UTVs. They are registered in January. The advocates for this bill agreed on this fee structure for boats.

Chairman Brackett asked if they did agree on this. **Senator Hagedorn** said they wanted them all to be consistent.

Senator Rice said that if they want to be consistent, they should pay for what they use. He said they did it for RVs and he thinks it is the right thing to do. **Senator Hagedorn** said he agreed, but that the users want this. They are working with two data systems, that of the IDP&R and that of the Idaho Transportation Department (ITD). It is much easier when the same task is being entered in the same way in each. Until the two systems are merged, they do not allow inconsistencies. To upgrade the systems would be costly.

Senator Bock said these are separate policy issues then what this bill addresses. He suggested it should be an issue for the next Legislative Session. He has received many emails about this issue, and the Committee needs to move forward.

Senator Hagedorn said that the task force did not address how to move forward in making the software system utilize stickers. IDP&R's software has limitations. This will be an ongoing issue over the summer that can be addressed in the future.

Senator Winder said that the Senate would be going to the Amending Order in the morning and asked if there was enough time to prepare the amendment.

Chairman Brackett confirmed the amendment would be ready in time.

VOTE ON THE MOTION:

With no further discussion, **Chairman Brackett** called for a vote on the motion to send **H 492** to the 14th Order for amendment. The motion passed with a unanimous **voice vote**. **Chairman Brackett** said he would carry the bill on the Senate floor.

ADJOURNED:

With no further business before the Committee, **Chairman Brackett** adjourned the meeting at 1:50 p.m.

Senator Brackett
Chair

Gaye Bennett
Secretary

AGENDA
SENATE TRANSPORTATION COMMITTEE
9:00 A.M.
Room WW53
Tuesday, March 18, 2014

SUBJECT	DESCRIPTION	PRESENTER
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NOTE MEETING TIME IS 9:00 A.M.

[H 619a](#)

Creates a process for a locally elected county or highway district board to petition the Idaho Transportation Board if historic maintenance is not being done and public health and safety is being jeopardized.

Chairman Brackett

If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Brackett
Vice Chairman Johnson
Sen Keough
Sen Winder
Sen Rice

Sen Nonini
Sen Hagedorn
Sen Bock
Sen Buckner-Webb

COMMITTEE SECRETARY

Gaye Bennett
Room: WW33
Phone: 332-1332
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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