

MINUTES
SENATE TRANSPORTATION COMMITTEE

DATE: Thursday, February 18, 2016

TIME: 1:30 P.M.

PLACE: Room WW53

MEMBERS PRESENT: Chairman Brackett, Vice Chairman Hagedorn, Senators Keough, Winder, Nonini, Vick, Den Hartog and Lacey

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** convened the meeting of the Senate Transportation Committee (Committee) at 1:31 p.m.

RS 24543 **Chairman Brackett** welcomed Michael Kane, representing AAA of Idaho, to the Committee and asked him to present **RS 24543**.

Mr. Kane said that the purpose of this legislation is to treat the use of wireless cellphones while driving the same way that texting is currently enforced, as an infraction. The bill addresses safety concerns associated with the significant portion of distracted driving crashes, now associated with 24 percent of all fatal crashes and 30 percent of all serious injury crashes in Idaho, according to the American Insurance Association. The legislation defines enforcement and retains conditions under which cell phone communication while driving would be allowed. **Mr. Kane** thanked the Committee and stood for questions.

Chairman Brackett commented that it was past the time for the Committee to print an RS so **Mr. Kane** was asking for unanimous consent from the Committee to ask the Senate State Affairs Committee to print the RS.

Senator Keough asked why this legislation was being brought before the Committee past the deadline for printing. **Mr. Kane** said that it took him time to go over different drafts of the legislation before bringing it to the Chairman for consideration.

UNANIMOUS CONSENT: **Senator Winder** asked for unanimous consent to send **RS 24543** to the Senate State Affairs Committee to print. **Senator Vick** objected. The unanimous consent failed.

Senator Winder asked if Senator Vick would prefer sending it to the Senate Judiciary and Rules Committee. **Senator Vick** thought it was too late in the session to start a discussion about a significant piece of legislation.

Chairman Brackett thanked **Mr. Kane** and reminded him that it took three years of discussion on texting before legislation was successful. He expected legislation on cellular phone use while driving would be similar.

VOTE ON GUBERNATORIAL APPOINTMENT: **Chairman Brackett** reminded the Committee that at the February 16, 2016, meeting they had heard from Daniel Scott of McCall, Idaho, who had been reappointed by the Governor to serve a five-year term on the Idaho Aeronautics Board. A motion to approve the reappointment would be in order.

MOTION: **Senator Winder** moved to approve the reappointment of Daniel Scott to the Idaho Aeronautics Board commencing January 31, 2016, and expiring January 31, 2021. **Senator Keough** seconded the motion. The motion passed by **voice vote**. **Senator Winder** volunteered to carry Mr. Scott's appointment on the floor.

GUBERNATORIAL APPOINTMENT: **Chairman Brackett** welcomed Jerry Whitehead, Chairman of the Idaho Transportation Board (ITB), to the Committee and asked him to introduce Janice B. Vassar, of Lewiston, Idaho, who was being reappointed to the ITB to serve a six-year term commencing February 1, 2016, and expiring January 31, 2022.

Mr. Whitehead thanked the Committee and said it was his pleasure to serve as the chairman of the ITB. In addition to him, the ITB consists of three Republicans and three Democrats. Ms. Vassar brings a unique perspective to the board as a former city manager of Lewiston. She offers insight into local affairs and because of her knowledge of the Port of Lewiston, she also gives controversial information on loads. He welcomed Ms. Vassar to the Committee.

Ms. Vassar thanked Mr. Whitehead, Chairman Brackett and the Committee. She said she had served one term on the ITB and was pleased to have been asked by the Governor to serve a second. **Ms. Vassar** offered to answer any questions the Committee had regarding her reappointment.

Senator Den Hartog asked Ms. Vassar if there were any particular projects she was interested in continuing to work on, or what was crucial to her for the next six years. **Ms. Vassar** said she thought the ITB was headed in the right direction. She appreciated the efficiency that was occurring throughout the Idaho Transportation Department's (ITD) various divisions and the increased efficiency even with their reduction in personnel.

Senator Winder asked what she thought were the issues facing the ITD and the ITB around the State. **Ms. Vassar** said there are a number of challenges, but she thought the Legislature was generous with the revenue increases last year. ITD is facing changes in personnel and the additional funding is only earmarked for roads and aging infrastructure. It is ITD's goal to build the best transportation department in the country. There were no further questions.

TESTIMONY: **Chairman Brackett** welcomed Senator Johnson, who was also from Lewiston. He had signed up to testify in support of Ms. Vassar's reappointment. **Senator Johnson** said that it takes six people to do the work of one when talking about Jan Vassar. She is a very hard worker. **Senator Johnson** said he has worked with her on issues locally and has found her well informed and easy to work with. She was the first woman to be appointed to the ITB. She replaced Bruce Sweeney who had served on the ITB for many years. **Senator Johnson** closed by asking for the Committee's support of her reappointment.

Chairman Brackett thanked Mr. Whitehead, Ms. Vassar and Senator Johnson. He reminded the Committee that the vote on Ms. Vassar's reappointment would be scheduled for the next Committee meeting.

**PAGE
RECOGNITION:**

Chairman Brackett asked Committee page, Hannah Sturtevant, of Meridian, Idaho, and a senior at Rocky Mountain High School, to come up to the Committee dais to receive a letter of gratitude from the Committee, a letter of recommendation from the Chairman and parting gifts from the Committee. One of her gifts was a novelty Idaho license plate picture frame. **Chairman Brackett** jokingly commented that the Committee has had license plate bills in the past and he was certain Ms. Sturtevant would know where to place that plate on her vehicle. **Chairman Brackett** said that Ms. Sturtevant had been an asset to the Committee and a hard worker. As a member of the Mayor of Meridian's Youth Advisory Council she had worked diligently with her fellow council members on **S 1312**, which, coincidentally, was on the Committee's agenda. After opening her gifts, **Chairman Brackett** asked Ms. Sturtevant to take the podium and address the Committee.

Ms. Sturtevant said that being a Senate page and serving in the Committee had exceeded her expectations. The experience had convinced her that she wants to serve in a public office and will work toward that goal as she heads off to college. At the beginning of her Senate experience, she planned to attend Boise State University in the fall; but she was now considering applying to the University of Idaho in Moscow, Idaho, as well. She was hoping to qualify for enough financial assistance to cover the additional expense of not living at home. **Ms. Sturtevant** thanked the Committee, Senator Winder, her sponsor, and offered to stand for questions.

Senator Winder expressed how proud he was of her. He had not previously acknowledged her involvement in the Mayor's Youth Advisory Council and wished her well as she was about to graduate from high school and move on to college where he knew she would find success. **Chairman Brackett** concurred that Senator Winder had made a good choice in his sponsorship of Ms. Sturtevant.

Senator Den Hartog said the Committee hadn't yet had the privilege of having any specialty license plate legislation so far this session, but there are many already existing specialty plates available to Ms. Sturtevant in the State of Idaho that she could choose to display on her vehicle. **Senator Den Hartog** also wished her well. There were no further comments.

**PAGE
WELCOME:**

Chairman Brackett thanked Ms. Sturtevant and welcomed the Committee's new page, Logan Snell, of Boise, Idaho, and a senior at Boise High School, and asked him to take the podium.

Mr. Snell said he is not an Idaho native. He has lived in Idaho for about three years, having moved here with his mother from Florida. His father lives in the Seattle, Washington, area. **Mr. Snell** said he lives in Legislative District 19 and was being sponsored by Committee member Senator Buckner-Webb. He had worked on a campaign before, and enjoys politics and is really looking forward to working in the Senate. He said he would be happy to answer any questions.

Chairman Brackett asked him where he was planning on attending college following high school graduation. **Mr. Snell** said he is excited about attending the University of Idaho. As an alum himself, **Chairman Brackett** thought Mr. Snell had made an excellent choice.

Senator Winder asked where in Florida Mr. Snell had lived. **Mr. Snell** said he was from Naples, which was located on the Gulf of Mexico in southwest Florida. **Senator Winder** welcomed Mr. Snell to Idaho. There were no further comments or questions.

S 1311

Chairman Brackett thanked Mr. Snell for doing such a great job before the Committee on short notice; he then asked Senator Keough to present **S 1311**.

Senator Keough said this legislation strikes the additional registration fee imposed on hybrid vehicles by last year's transportation funding legislation. If passed, **S 1311** will reduce registration fees by about \$1 million to the Highway Distribution Account (HDA), which would be split by a reduction of \$600,000 to ITD and \$400,000 to local highway jurisdictions. **Senator Keough** said that the findings of the Governor's Task Force had shown that hybrid vehicles received better mileage per gallon of gasoline burned than what had come to be the case. It was those original findings that justified increasing the registration fee to be fair for funding roadway use. But further work and hearing from people across Idaho who own hybrids have shown that they get the same gas mileage that gas-efficient vehicles get. In the interest of equitable taxation, it became clear the fee was not fair. **S 1311** also carves out an oversight on Neighborhood Electric Vehicles (NEVs), such as golf carts, that are not legally driven on streets. They should not be impacted by requiring a registration fee. **Senator Keough** said she would stand for questions.

Chairman Brackett wanted clarity on the definition of a hybrid as to whether they were plugged into a grid or they generate their own electricity. **Senator Keough** said the current definition speaks to hybrid vehicles that operate on both traditional fuel and generated fuel; she did not have other conclusive information regarding his question.

TESTIMONY:

Chairman Brackett asked if there was anyone present in the audience who had addition information they could share with the Committee.

Chairman Brackett recognized **Stuart Davis**, Executive Director of the Idaho Association of Highway Districts, who said that in 2008, the Governor wanted to do something with hybrids. They ended up being classified under four types, with the difference being between plug-ins and gasoline internal-combustion hybrids. Last year's legislation did not address the differences.

Chairman Brackett recognized **Amy Smith**, ITD's Vehicle Services Manager, who said that when last year's legislation was implemented there was no way of knowing how "hybrid" a vehicle was. There are different variations that are identified differently by their manufacturer. ITD does not have any way of telling which type of hybrid gets better mileage, so all vehicles identified as hybrids by their manufacturer are coded as a hybrid and, therefore, they are required to pay the \$75 registration fee.

Senator Winder asked how much revenue ITD would lose if this legislation became law. **Ms. Smith** replied \$1 million less into the HDA. **Senator Winder** disclosed that he personally registers two hybrid vehicles and declared, based on that, he had a conflict of interest.

Chairman Brackett noted that last year the fiscal impact had been estimated at \$640,000 and this legislation indicates it has increased to \$1 million. **Senator Keough** said that many people have purchased these vehicles, which has resulted in the high level of complaints that legislators have received from their constituents regarding this issue.

Senator Winder was not familiar with how the \$75 fee was established.

Chairman Brackett remembered that it had originally been set at \$100 in the House. **Mr. Davis** recalled that the formula was based on a British thermal unit (BTU) equivalent that was converted into kilowatts then calculated at three levels of \$75, \$100 and \$150.

Senator Keough added that ITD estimated there would be a minor cost to unprogram the hybrid fee from the vehicle registration system that would amount to approximately \$4,000.

Senator Lacey said the high registration fee on hybrids is difficult to explain and he has received many calls regarding it; he would like it taken off license plate registration.

MOTION:

Senator Lacey moved to send **S 1311** to the floor with a **do pass** recommendation. **Senator Den Hartog** seconded the motion.

Senator Den Hartog said she understands the problem with this license plate registration issue imposed during the transportation funding debate last year, but she is disappointed with the \$1 million reduction to the HDA. The Committee needs to look at other funding options for transportation.

The motion passed by **voice vote**. Senator Keough will carry the bill on the floor.

S 1312

Chairman Brackett thanked Senator Keough and asked Senator Winder to present **S 1312**.

Senator Winder said that **S 1312** came from the efforts of the Mayor of Meridian's Youth Advisory Council to work on issues that impact young people in Meridian. They had worked on texting while driving year after year and finally successfully helped get legislation through the Legislature. They were also responsible for finally removing some of the objections with seatbelt legislation. This bill represents that effort and is designed to work with youth 17 years of age and younger. Members of the Mayor's Youth Advisory Council are in the Committee to present testimony about their findings in support of this bill.

Senator Winder said he was looking forward to hearing their presentations and stood for questions, but there were none.

Chairman Brackett thanked Senator Winder and said there were a number of people who had signed up to testify about this legislation.

TESTIMONY:

Fred Birnbaum, Vice President of the Idaho Freedom Foundation, testified in opposition to the bill. He said he supports wearing seatbelts and that when he was in high school in the 1970s he had a friend who died because he chose not to wear his seatbelt. **Mr. Birnbaum** said the problem with this bill is on page 2, lines 22 to 26; he paraphrased the section and continued that if a driver appears to be under 18 years of age they could be stopped. He believes that not only is that going to be difficult to determine, but it is very confusing. He understands the intent is that the result would be a primary offense for the juvenile and a secondary offense for the adult, but he believes it will be hard to enforce. **Mr. Birnbaum** concluded by stating he does not believe the legislation should pass; there were no questions from the Committee.

TESTIMONY:

Julie DeLorenzo, from Boise, said that, while she is a member of the ITB she was testifying in support of the bill as an Idaho citizen. She thanked the Mayor's Youth Advisory Council for bringing this issue forward to protect themselves and their peers. It proves that people can make a difference and can convince others through logic and research that they can save lives. There are too many deaths on Idaho's highways. **Ms. DeLorenzo** recalled a personal experience involving a friend of her son who was in a car rollover and did not survive because he was not wearing a seatbelt. She concluded by stating that she supported these young people; there were no questions from the Committee.

TESTIMONY: **Sheri Rogers**, who is the founder of Buckler Up for Bobby that is dedicated to the promotion of driver and passenger safety and seatbelt use to reduce fatalities and serious injuries related to motor vehicle crashes, testified in support of the bill. **Ms. Rogers** is a registered nurse and the mother of a 16-year-old who was killed in a car crash in the Boise foothills because he was not wearing his seatbelt. She said that the medical costs of the long-term medical care of these types of accidents is staggering. **Ms. Rogers** worked with Chairman Palmer of the House Transportation and Defense Committee and the Mayor's Youth Advisory Council on seatbelt legislation. She said her son was a straight-A student who made dumb choices. She concluded her testimony by talking about current law that does not require stopping drivers for not wearing their seatbelts; there were no questions from the Committee.

TESTIMONY: The Honorable **Tammy DeWeerd**, Mayor of the City of Meridian, testified in support of **S 1312**. **Mayor DeWeerd** said she was proud and honored to work with the young leaders in her city that brought forth this legislation and reinforced their commitment to saving lives. She has spent many hours since she first became mayor in 2004 with the members of her youth council and with legislators representing the four Legislative Districts that encompass the City of Meridian's boundaries. Those legislators have been very helpful to these youth leaders. This legislation is important because receiving a \$45 citation means a violator has to inform their parents and that act by itself makes a difference in behavior. **Mayor DeWeerd** concluded by telling the Committee how pleased she was to have the Committee's page, Hannah Sturtevant, as a member of her Youth Advisory Council; there were no questions for the mayor.

TESTIMONY: Following Mayor DeWeerd's testimony, four members of the Mayor's Youth Advisory Council testified in favor of the legislation citing: 1. examples of tragedies that have affected other Idaho communities and families; 2. current Idaho law regarding seatbelts, helmets and other related traffic issues; 3. rational reasoning and peace of mind to parents and friends that would come with passage of this legislation; and 4. the personal experiences from the child of a law enforcement officer and someone who has survived being ejected from an automobile in an accident. Those Youth Advisory Council members were: Cheyenne Quilter, member and chair of the City of Meridian's Government Affairs Committee; Tanna Krumm; John Gonzales; and Lance Baumgartner, member of the City of Meridian's Commission for Transportation Planning and Project Development.

Chairman Brackett thanked everyone who had attended the hearing and testified on this legislation; he turned to the Committee for any additional comments or action on the bill.

MOTION: **Vice Chairman Hagedorn** moved to send **S 1312** to the 14th Order for amendment. **Senator Winder** seconded the motion.

Senator Winder commented that there are items that need clarifying in the bill including the sunset clause and the pilot program. In addition, the second offense for anyone over the age of 18 years needs to be addressed.

Senator Lacey said that the reference to Idaho Code § 49-673 at the top of page 1 and again at the bottom of page 2 seem to be identical. **Senator Winder** did not believe they were, but agreed they needed to be looked at.

Senator Den Hartog said she had the same concern as Senator Lacey. She went on to compliment the students who did their homework, took the advice they received and went around the State collecting information. She acknowledged their work and complimented the Mayor's Youth Advisory Council on the peer-to-peer information they gathered, saying it was powerful.

The motion passed by **voice vote**. **Senator Winder** wanted to carry his bill on the floor.

ADJOURNED: With no further business before the Committee, **Chairman Brackett** adjourned the meeting at 2:57 p.m.

Senator Brackett
Chair

Gaye Bennett
Secretary