

MINUTES
SENATE TRANSPORTATION COMMITTEE

DATE: Thursday, March 02, 2017

TIME: 1:30 P.M.

PLACE: Room WW53

MEMBERS PRESENT: Chairman Brackett, Vice Chairman Nonini, Senators Keough, Winder, Hagedorn, Den Hartog, Lodge, Harris, 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** convened the meeting of the Senate Transportation Committee (Committee) at 1:32 p.m.

PASSED THE GAVEL: Chairman Brackett passed the gavel to Vice Chairman Nonini.

RS 25432 **A Concurrent Resolution to comply with legislative intent in 2015's H312 to undertake and complete a study of vehicle registration and operating fees. Vice Chairman Nonini** invited Chairman Brackett to present **RS 25432**.

UNANIMOUS CONSENT: **Chairman Brackett** said this resolution will fulfill the intent of the 2015 Legislature to study possible transportation revenue avenues. He asked for Unanimous Consent to send **RS 25432** to the Senate Judiciary and Rules Committee in order for it to be printed. There was no objection.

PASSED THE GAVEL: Vice Chairman Nonini returned the gavel to Chairman Brackett.

S 1130 **Discourages the practice commonly referred to as "Rolling Coal" as it is a health issue and a public safety hazard. Chairman Brackett** noted that **RS 25390**, which became **S 1130**, was printed via a Unanimous Consent buckslip of all Committee members sending the RS to the Senate State Affairs Committee for print. He invited Senator Stennett to present **S 1130**.

Senator Stennett stated this legislation prohibits "coal rolling", the practice of modifying a diesel engine in order to emit a large amount of exhaust, possibly including the removal of a particular filter. **Senator Stennett** stated this practice is both a public safety and a public health issue. She noted the Idaho State Police (ISP) had noticed an increasing amount of this activity, but the statute does not currently have enough "teeth" to allow them to penalize offenders. This would prohibit release of significant quantities of soot, smoke, or other particulate emissions while operating a moving vehicle, or modifying diesel vehicles to produce more of these emissions. Penalties would be a misdemeanor if occurring while operating a moving vehicle, or an infraction if the vehicle is stopped at a stop light. **Senator Stennett** noted she would like this legislation to be sent to the 14th order for amending.

Senator Hagedorn asked how "significant quantities" was defined in the legislation. **Senator Stennett** stated some had concerns about old diesel trucks, but noted this amount of emission is much larger than normal, and incidents like this are purposefully done and involve modified vehicles. She also noted that ISP was able to differentiate between the two with ease. **Senator Hagedorn** gave an example of his vehicle and asked how an officer would differentiate between a coal rolling vehicle and his older diesel truck. **Senator Stennett** stated ISP was aware of how older vehicles can have larger emissions when towing, but also can tell the difference between modified vehicles and older diesel vehicles.

Senator Harris asked if the ISP had any method of enforcing this now. **Senator Stennett** stated right now it was treated as a non-moving violation, which was an infraction, but it was easier to emit while moving, so adding the misdemeanor while moving would help ISP.

Senator Den Hartog stated she shared Senator Hagedorn's concerns about the definition of "significant quantities." **Senator Stennett** stated she would be open to looking for other language.

TESTIMONY:

Tyrel Stevenson, testifying as a private citizen, stated he was concerned with language about vehicle modifications that add power but also result in higher emissions levels. **Mr. Stevenson** noted he was a diesel modification enthusiast.

Frank Leone, General Manager of Georgia Cycles, testified in support of the bill. **Mr. Leone** stated these vehicles can startle riders and cause injuries, and the smoke can obstruct visibility. He noted many of his workers and customers have complained about this issue, and the practice negatively affects his business.

Lisa Brady, Board President of the Treasure Valley Cycling Alliance and Director of the Safe Routes to School program in Boise, spoke in favor of the bill. **Ms. Brady** noted she uses videos about coal rolling in driver's education classes to show the danger of the practice. She stated the startling effect of the practice can create accidents and is dangerous for cyclists.

Senator Winder asked if Senator Stennett had clarified the language about whether people or vehicles were responsible. **Senator Stennett** stated that language would need to reflect the will of the person emitting the vehicle as well as the vehicle doing the actual emitting, and it would go to the amending order for that.

Senator Hagedorn asked about which penalties would be assessed in certain situations. **Senator Stennett** clarified when each type of penalty would be assessed.

MOTION:

Senator Lodge moved to send **S 1130** to the 14th order for possible amendment. **Senator Den Hartog** seconded the motion. The motion carried by **voice vote**. Senator Stennett will carry the bill on the Senate floor.

GUBERNATORIAL APPOINTMENT:

Appoints John D. Blakley of Nampa, Idaho to the Aeronautics Advisory Board commencing February 10, 2017 and expiring January 31, 2022.

Chairman Brackett invited Mike Pape, Administrator of the Idaho Division of Aeronautics, to introduce Mr. Blakley to the Committee.

Mr. Pape clarified the duties of the Aeronautics Advisory Board, including making sure the needs of stakeholders were met, and spoke about the importance of aeronautics in Idaho given the sometimes difficult geography of the State.

Mr. Pape stated Mr. Blakley was a 35 year commercial pilot and co-owner of AvCenter Incorporated at several airports in Idaho.

John Blakley, owner of AvCenter Incorporated, stated he was approaching his 25th anniversary of making his living flying airplanes. AvCenter also owns McCall Aviation and he stated he works with anything from single-engine Cessna's to business jets. They pride themselves on their aviation history, and they fly ambulance and fire fighting operations as well as commercial flights. **Mr. Blakley** stated they have a broad perspective on aeronautics in Idaho.

Senator Winder stated the importance of the Aeronautics Advisory Board from both a fiscal and an economic standpoint to the State and asked what kind of increases in aviation might be occurring in Idaho. **Mr. Blakley** stated from his experience more people are flying the backcountry. Also, the aviation environment in Idaho has become popular nationwide. It has greatly expanded recently because there are some issues with the number of people accessing Idaho. He thought some controls might need to be considered. **Mr. Blakley** said there is interest and foundational funding to address some of these issues, because aviation will continue to grow.

Senator Hagedorn asked about Mr. Blakley's party affiliation, which had changed recently. **Mr. Blakley** stated he mistakenly wrote down the wrong affiliation because he was not sure.

Chairman Brackett thanked Mr. Blakley for his willingness to serve the State of Idaho and noted a vote on his appointment would take place at the next meeting of the Committee.

S 1121

Creates a fund for the Safe Routes to School Healthy Kids Program within the Local Highway Technical Assistance Council (LHTAC). **Chairman Brackett** noted that **RS 25294C1**, which became **S 1121**, was printed via a Unanimous Consent buckslip of all Committee members sending the RS to the Senate Judiciary and Rules Committee for print. He invited Cynthia Gibson, Executive Director of the Idaho Walk/Bike Alliance, to present **S 1121**.

Ms. Gibson stated **S 1121** intends to establish a Safe Routes to School Healthy Kids program by reducing traffic related injuries and fatalities, and increasing opportunities for daily activities by increasing access and reducing disease by promoting a healthy lifestyle. This will create safer infrastructure and promote healthier living. **Ms. Gibson** stated there are five components: 1.) infrastructure, such as sidewalks and paths; 2.) law enforcement, to make sure motorists and bicyclists ensure traffic laws; 3.) education, to instruct pedestrians where and how to walk; 4.) bicycle instruction, so children can learn how to ride a bike safely and learn the proper hand signals, and encouraging activities to build a familiarity with infrastructure; and 5.) evaluation, to document trends and attitudes as the program is implemented and to make ongoing improvements. **Ms. Gibson** stated this legislation would improve community engagement and economic opportunity, and help students learn by getting them active on the way to school.

Senator Harris asked Ms. Gibson to explain how the plan would be funded. **Ms. Gibson** stated this bill was strictly a policy bill and this was the first step in the process; she stated the funding would be looked for later.

Senator Den Hartog asked why non-infrastructure projects were included in the policy bill. **Ms. Gibson** stated they wanted to provide as much information as possible to give a complete overview of the project, and the non-infrastructure projects were a big part of the program.

Senator Hagedorn voiced his concern with a portion of the bill directing all unobligated moneys into the fund. **Ms. Gibson** stated she would reword that portion of the bill.

TESTIMONY:

Senator Johnson came to testify in support of the bill, stating he had worked with Ms. Gibson on the bill and noted he prefers walking over driving. He stated both kids and the elderly should be considered when moving forward, and both benefit from walking and biking as modes of transportation. **Senator Johnson** said creating the fund was an important first step to begin doing positive things.

Senator Den Hartog stated roads and highways are primarily user fee system, and asked if user fees would be considered for this project as well. **Senator Johnson** said localities could consider a bike fee option and there are federal dollars that could be appropriated towards this project. He stated he is not a fan of using General Fund dollars for transportation but would be open to using General Fund moneys for alternative modes of transportation.

Erin Bennett, Government Relations Director for the American Heart and American Stroke Associations, testified in support of the bill. She noted far fewer children walk or bike to school, from 47 percent to 13 percent since the 1960s. This bill would help children reach the 60 minutes of minimum recommended activity per day. She noted healthier kids become healthier adults, and exercise helps increase education outcomes. She urged the Committee to pass **S 1121**.

Senator Den Hartog asked Ms. Bennett if she had any insight on why so many fewer children walk to school. **Ms. Bennett** said fewer people are engaged in communities and some people do not trust their neighbors. Parents tend to be busy and want to get kids to school as fast as possible rather than organizing methods to walk kids to school.

Lisa Brady, Director of the Treasure Valley YMCA Safe Routes to School Program in Boise, stated they are an educational encouragement and evaluation program. The program has been operating since 2007, and they educated more than 11,000 students last year. **Ms. Brady** stated many school districts are also interested in this program. She said they are teaching the proper way to use crosswalks and bike, and said one of the biggest barriers was schools' reluctance to find out why kids aren't walking. She asked the Committee to pass the bill as it was very important to her.

Senator Harris asked if there was an increase in use in areas where the program was active. **Ms. Brady** stated there is an increase depending on the season and circumstances. She stated the location of the school was very important and noted greater success occurred in neighborhoods closer to the schools. She noted schools are not required to pass that information along, so instead they mostly conduct visual observation.

Scot Oliver, Executive Director of Idaho Smart Growth, a statewide nonprofit that provides education and training on a variety of community issues, stated his organization has been involved with Safe Routes to School for many years. He informed the Committee of a pamphlet he had available explaining the benefits of the program. **Mr. Oliver** noted that these programs don't just benefit schoolchildren, but they also provide benefits like improved access for pedestrians and bikers, which attracts businesses and creates higher economic growth. **Mr. Oliver** hoped the Committee would send this bill along with a "do pass" recommendation.

Francoise Cleveland, Associate State Director of Advocacy for AARP Idaho, spoke in support of **S 1121** on behalf of the State's AARP members. **Ms. Cleveland** noted that if crosswalks are safe for kids, they are also safe for the elderly. She noted pedestrian fatality rates increase as age increases, and many older adults have difficulty getting around in a similar way as children. She urged the Committee to create infrastructure such as benches, sidewalks and emergency communication equipment along the roads; she reaffirmed her support for **S 1121**.

Matthew Conde, speaking on behalf of AAA Idaho, noted that AAA and their School Safety Patrol program has been involved in getting kids to school safely for decades by teaching personal responsibility and safety habits to young children. **Mr. Conde** presented a photo of a safety patrol member from the 1930s and stated improved pedestrian infrastructure helps improve healthy outcomes for children and people of all ages.

Ken Burgess, representing COMPASS, the Community Planning Association of Southwest Idaho, stated COMPASS supported this bill. COMPASS does comprehensive transportation planning, not just roads and public transportation but pedestrian aspects as well. He reiterated COMPASS supports the bill and hopes the Committee will move it forward.

Joe Wyatt, a resident of Boise, stated his son Maximo was hit riding his bike home from school. He presented the helmet Maximo was wearing at the time, which was badly damaged. **Mr. Wyatt** noted he and his wife frequently commute to work and would ride their bikes home with Maximo from school. **Mr. Wyatt** related the tale where a van hit Max, dragged him for 40 feet, and he was pinned under it. Eventually they were able to get help and lift the van, but Max almost died at the scene. Maximo is still alive, but has deep physical and psychological scars from the accident. Max had to receive skin grafts from the motor burns on his chest. **Mr. Wyatt** said he hoped nobody would go through the same traumas as Max and his family. It took a year for Mr. Wyatt to be able to become active in his community again.

Chairman Brackett thanked Mr. Wyatt and expressed his sincere condolences on behalf of the Committee.

Senator Winder also thanked Mr. Wyatt and asked how Max was doing now, noting the media had been reporting on his progress. **Mr. Wyatt** stated Maximo was doing better but still would not ride his bicycle.

Courtney Wyatt, Maximo's mother, thanked the Committee for the opportunity to testify. At the time of the accident Ms. Wyatt was in the mountains, and she expressed her gratefulness that she was able to be picked up by helicopter immediately. She detailed Max's injury and stated he was in the hospital for two and a half months after the accident. **Ms. Wyatt** also explained the long recovery process Max had to go through, and stated they were grateful to be able to advocate on behalf of Max and others. She stated the Safe Routes to School program is having an impact and has the potential to have an even bigger impact. She noted Max's accident led to changes in the test to the driver's license examination. **Ms. Wyatt** urged the Committee to help make changes to protect more of Idaho's children.

Senator Buckner-Webb thanked the Wyatts for coming and presenting and making the issue real for those on the Committee. She stated they had touched her heart.

Frank Leone, General Manager of Georgia Cycles and Fitness, to testify in favor of **S 1121**. He stated that parents are concerned about children walking to school because of the lack of safe routes. He stated his organization supports the work of the Safe Routes to School program.

Jimmy Hallyburton, Executive Director and Founder of the Boise Bicycle Project, came to testify in support of the bill. He noted the Boise Bicycle Project has donated 5,000 bicycles to the community and expressed his support for the Wyatts and those who still choose to walk or bike to school. He noted many kids do not have other transportation options and must walk or bike to school. Whether routes are safe or not, they must make that journey. **Mr. Hallyburton** expressed his support for Ms. Brady and everyone else that came to testify in favor of the bill.

**CLOSING
REMARKS:**

Ms. Gibson noted many children are not meeting the requirement of 60 minutes of physical activity; walking to and from school would make up most of that. She also stated that if infrastructure is put in place and education is given, there could be up to a 43% increase in pedestrians, according to several studies, including one from Active Living Research. **Ms. Gibson** also noted more elderly people are aging in their homes and having a safe walking infrastructure would allow them to maintain their mobility and independence. She noted that although this is only a policy bill, it is an important first step in fixing a problem that has developed over a long period of time. **Ms. Gibson** asked the Committee to give the bill a "do pass" recommendation.

Senator Hagedorn corrected an earlier statement he had made regarding funding, noting it would only apply to unallocated money in this particular fund created by this legislation.

MOTION:

Senator Hagedorn moved to send **S 1121** to the floor with a **do pass** recommendation. **Senator Buckner-Webb** seconded the motion. The motion passed by **voice vote**. Chairman Brackett will carry the bill on the Senate floor.

ADJOURNED:

With no further business before the Committee, **Chairman Brackett** adjourned the meeting at 2:55 p.m.

Senator Brackett
Chair

David Bujarski for

Gaye Bennett, Secretary