

MINUTES
SENATE TRANSPORTATION COMMITTEE

DATE: Tuesday, January 21, 2020

TIME: 1:30 P.M.

PLACE: Room WW53

MEMBERS PRESENT: Chairman Brackett, Vice Chairman Crabtree, Senators Winder, Den Hartog, Lodge, Rice, Burtenshaw, Buckner-Webb, and Nelson

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: With a quorum present, **Chairman Brackett** convened the meeting of the Senate Transportation Committee (Committee) at 1:32 p.m.

MINUTES APPROVAL: **Vice Chairman Crabtree** moved to approve the Minutes of January 9, 2020. **Senator Den Hartog** seconded the motion. The motion passed by **voice vote**.

GUBERNATORIAL APPOINTMENT: **Chairman Brackett** welcomed William H. Moad II to the Committee; he was appointed as chairman of the Idaho Transportation Board (ITB) commencing May 21, 2019 and serving at the pleasure of the Governor. **Chairman Brackett** asked him to introduce himself, stating the Committee would vote on his appointment at a future meeting.

Mr. Moad gave a brief history of himself as being a native Idahoan, raised on a farm in Nampa. His career included working at car dealerships, as a truck driver, and as a heavy equipment operator building roads, before beginning his 37 year career at J.R. Simplot Company. He worked his way up from a member of the cowboy crew to J.R. Simplot's Director of Transportation. He mentioned he had been an Eagle Scout as a youth, and concluded that he looked forward to his assignment as Chairman of ITB as well as having the opportunity to work with the Committee.

DISCUSSION: Being also from Caldwell, **Senator Rice** asked when Mr. Moad had been the President of the Caldwell Night Rodeo. **Mr. Moad** said it was in 2008 when he was also chair of the Idaho Trucking Association.

Senator Winder asked what Mr. Moad's goals were as ITB chairman. **Mr. Moad** replied the Idaho Transportation Department (ITD) was doing exceptionally great work, but he needs to understand what cities are planning so that highway projects can be better coordinated. With the ITB meeting in each ITD district of the state, it will give him an opportunity to meet with local jurisdictions to develop a master plan in order to save money on coordinated projects.

Given the restraints of never having enough money for transportation, **Senator Den Hartog** asked what Mr. Moad saw as the biggest challenges and opportunities over the next five years. **Mr. Moad** said that employees are the number one issue, but ITD is doing a good job of figuring that out. Great solutions are coming from the innovative ideas of ITD's employees, who need to become comfortable in presenting those ideas to the ITB.

Senator Lodge asked about alternate access roads for subdivisions built along Highway 55 that currently have only one main entrance onto the highway. **Mr. Moad** said county planning and zoning commissions are responsible, and ITD only manages the projects. **Senator Lodge** followed-up with asking when Interstate 84's (I-84) extension to Franklin Road would be completed. **Mr. Moad** replied in five to eight years, because two bridges needed to be addressed before completion.

Vice Chairman Crabtree and **Mr. Moad** discussed the "cost per mile" model relative to technological advances, which reduce fuel tax collections. **Mr. Moad** concluded that the state may need to consider some different revenue mechanisms like implementing a use tax.

Mr. Nelson asked **Mr. Moad's** thoughts on a funding deficit for transportation maintenance and the safety effect it has on rural Idaho for maintaining roads. **Mr. Moad** suggested that local jurisdictions need to work in cooperation with other entities; he used Highway 20/26 as an example of ending up with a better roadway by utilizing cooperative alternatives.

S 1230

Brian Goeke, ITD's Department of Motor Vehicles (DMV) Policy Manager, said that **S 1230** establishes a pathway to reinstatement of a Commercial Driver's License (CDL) for those who have received a lifetime disqualification. Currently, when a CDL holder is convicted of certain offenses, federal statute requires the state to suspend their CDL privileges. After a second offense, this disqualification can be extended to a lifetime removal from holding a CDL. Recently, the Federal Motor Carrier Safety Administration (FMCSA) has adopted rules that allow states the ability to reinstate a CDL after ten years have elapsed for those banned from holding a CDL. This bill helps outline Idaho's path to reinstatement. He explained the conditions that have to be met in order for a driver to apply for reinstatement. If a driver meets all those conditions, then their lifetime disqualification can be lifted. ITD anticipates this legislation will allow 250 drivers to be reinstated currently, and 100 more each subsequent year.

DISCUSSION:

Senators Rice, Nelson, and Den Hartog voiced concern on how ITD would verify the requirement that some sort of rehabilitation had occurred before reinstatement could be considered. They also wanted to understand the causes of a lifetime suspension. **Mr. Goeke** replied the federal government had determined that to be disqualified there needs to have been a major conviction of a serious offense, like driving under the influence (DUI), excessive speeding, or reckless driving. The only verbiage regarding rehabilitation in the FMCSA rules for a former CDL holder after the ten year time period is that the applicant must currently hold a valid driver's license. **Mr. Goeke** also said that the Idaho program was modeled after three other states, making **S 1230** standard legislation for reinstatement of CDLs.

Chairman Brackett commented that it appeared to be a reinstatement with a rigorous application process. **Mr. Goeke** agreed and noted that ITD had added other requirements.

TESTIMONY:

Matt Conde, Director of AAA Idaho, recommended that **S 1230** be sent to the 14th Order for amending because the seriousness of the crimes committed should have a bearing on the reinstatement of a CDL. He gave examples of a significant lack of judgement by two operators of 18-wheel trucks. He had talked to ITD and they seemed to agree it would be feasible to fix.

DISCUSSION:

Senator Burtenshaw asked how many years after being disqualified did **Mr. Conde** believe would be appropriate for reinstatement. **Mr. Conde** replied that for a crime such as vehicular manslaughter, the lifetime disqualification should remain in place.

Senator Rice commented that he was not comfortable with **S 1230** as it is currently written, especially with regards to certain crimes. He did not see whether being incarcerated during the ten year period had been considered. He could not immediately see a solution to the issues he and others had raised.

MOTION: **Senator Rice** moved to hold **S 1230** in Committee subject to the call of the Chair. **Senator Den Hartog** seconded the motion.

DISCUSSION: **Mr. Goeke** said that Senator Rice's points were well taken. ITD brought this legislation because there is a shortage of CDL drivers in Idaho and in the country. **Senator Rice** commented he does not intend for this bill to be held permanently.

VOICE VOTE: The motion to hold **S 1230** in Committee subject to the call of the Chair passed by **voice vote**.

S 1231 **Mr. Goeke** said this bill allows commercial vehicle registrations to be carried either electronically or in paper form. It also eliminates the need for a sticker on the license plate of about 55,000 large commercial vehicles. These two changes benefit industry by eliminating a need to mail documents and to apply stickers to each truck that may be in various locations around the state or the country.

MOTION: **Vice Chairman Crabtree** moved to send **S 1231** to the floor with a **do pass** recommendation. **Senator Burtenshaw** seconded the motion. The motion passed by **voice vote**. **Senator Crabtree** offered to carry the bill on the Senate floor.

ADJOURNED: With no further business before the Committee, **Chairman Brackett** adjourned the meeting at 2:18 p.m.

Senator Brackett
Chair

Gaye Bennett
Secretary