

MINUTES
SENATE TRANSPORTATION COMMITTEE

DATE: Thursday, February 27, 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, 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: **Senator Burtenshaw** moved to approve the Minutes of Tuesday, January 28, 2020. **Senator Nelson** seconded the motion. The motion passed by **voice vote**.

Vice Chairman Crabtree moved to approve the Minutes of Tuesday, February 4, 2020. **Senator Rice** seconded the motion. The motion passed by **voice vote**.

Chairman Brackett announced **H 410** would be heard first.

H 410

Representative Monks, District 22, said that currently if you have Idaho license plates, you are required to change those plates every seven years regardless of the condition of those plates. Plates also have to be replaced if they ever become illegible or damaged no matter the amount of time the owner has possessed them. In addition, there are some specialty plates for trailers that can be held longer than seven years under Idaho Code. Some plates available last five years or ten years. There's also some lifetime plates you can purchase for vehicles or for utility trailers. He thought it odd that Idaho allows some ten-year plates or lifetime plates on the one hand, and then on the other hand some plates need to be replaced every seven years. He explained that basically, the manufacturer's warranty on license plates only guarantees them for five years. However, the American Association of Motor Vehicle Administrator's model language for states recommend plates should be replaced within a ten-year period. This bill gets Idaho up to the top of that period. It is very important to note that Idaho is not alone as Florida, Iowa, and Michigan are all at the ten-year limit. Representative Monks yielded some of his time to his co-sponsor, **Representative Gannon**, District 17, who shared some history of license plates in Idaho and actually brought samples of older plates..

TESTIMONY:

Murphy Olmstead, representing the Idaho Sheriff's Association and 3M Company, said the sheriffs oppose the bill as it is considered a serious safety burden for law enforcement. It may appear to be a cost savings to customers, but it does not fully account for the cost of public safety. Dents and other wear and tear are common in Idaho, including deterioration due to salts placed on roads in the winter. Reflectivity is crucial and after five years, the 3M reflective film quality decreases. He said that Idaho's bordering states require less than ten years renewal; he cited Montana that has a five-year renewal requirement and Wyoming that has a seven-year renewal. The long term effects need to be looked at more closely.

DISCUSSION: **Senator Den Hartog** noted that 3M has developed many innovative products relating to roadside signage and roadway strips offering longevity of more than five years—their current warranty on license plates. **Mr. Olmstead** replied warranties vary with specific products.

Senator Nelson asked what the manufacturer's warranty covered. **Mr. Olmstead** replied the deterioration of the reflectability of the film on the license plates recede after five years. **Senator Nelson** asked what the terms of the warranty were. **Mr. Olmstead** deferred to the 3M representative in the audience, Kyle Kovar, Government Services for 3M Corporation.

TESTIMONY: **Mr. Kovar** said that 3M opposes the bill, saying that license plates are the most effective tool to identify people, both day and night. He said that 50 percent of reflectability is reduced in years one through five of a license plate's life. He said it was important to maintain Idaho's seven year life cycle.

DISCUSSION: In response to Senator Nelson's question about the terms of a warranty, **Mr. Kovar** said that the five-year warranty is based on two factors, the reflectability and the adhesive that adheres the film to the plate.

Senators Den Hartog and **Winder** asked Mr. Kovar about specific 3M products and the durability, longevity, and warranties associated with those products. **Mr. Kovar** said the marking durable tape has a four-year warranty that takes into consideration winter road salting. He added that the materials used in their products determines the length of warranty, and that reflectability on license plates at nighttime is important.

Representative Monks said this bill is not about cost savings to customers, it is about convenience of not having to replace licenses plates every seven years. Plate owners will continue to be required to get their plates replaced if they become damaged or illegible. The majority of states allow their license plates to last until they become damaged. Even Michigan, whose winters are much harsher than Idaho's winters, allow replacement every ten years. There are some issues with the fiscal note that can be addressed separately.

MOTION: **Senator Den Hartog** moved to send **H 410** to the floor with a **do pass** recommendation. **Senator Rice** seconded the motion. The motion passed by **voice vote**. **Chairman Brackett** asked the bill's sponsor to fix the language in the fiscal note. **Senator Den Hartog** offered to carry the bill on the Senate floor.

S 1312 **Ken Burgess**, representing Community Planning Association of Southwest Idaho (COMPASS), introduced **S 1312** by stating that like most metropolitan planning organizations, COMPASS generates a 20-year long-range plan for transportation planning within its region that is updated every four years. This bill seeks to remove some restrictions in current law regarding the consideration of the establishment of high occupancy vehicle (HOV) lanes, also known as carpool lanes, in Idaho. It's one tool to manage and mitigate against congestion and to move traffic through faster. Since 2009, Idaho Code has allowed the ability to designate HOV lanes. The law lays out who can be eligible to utilize HOV lanes. He then read from current Idaho Code: *"The provisions of this section shall apply only in counties with a population less than 25,000 according to the most recent census within the state of Idaho, and where such county includes a resort city authorized to approve certain non-property taxes pursuant to Idaho Code § 54-1044."* He then explained that the current law is very limiting when the state's growth is predicted in counties exceeding 25,000 people, in particular Ada and Canyon Counties. This bill strikes that limiting language and frees up resources to pay for long-term studies that can include the consideration of other possibilities, such as HOV lanes. The Ada County Highway District (ACHD) has

concerns that the bill would allow the Idaho Transportation Department (ITD) to have jurisdiction over local roads, and their concerns need to be addressed.

DISCUSSION: **Senators Rice, Burtenshaw, and Den Hartog** were concerned about the liability and cost of a study to determine the viability of HOV lanes in Idaho. It was asked if it wouldn't make more sense to study HOV lanes first and then change Idaho Code if warranted. Another concern was how HOV lanes would work, whether they would add lanes or convert existing lanes. **Mr. Burgess** ultimately deferred to Matt Stoll, Executive Director of COMPASS.

Mr. Stoll said that getting required environmental documents from the National Environmental Policy Act (NEPA) is not an option when the tools for congestion mitigation (e.g., HOV lanes) within the project area are not legal in the state. Once a request for environmental documents is made, the engineers and other department staff are going to be looking at all the tools available to mitigate congestion, and if state law prohibits looking at options like HOV lanes, then the project will be evaluated based on what is legally available. Funds for an HOV lane evaluation will not be made available because they are not legal in Idaho in the areas where they could be effective.

TESTIMONY: **Lane Triplet**, Government Relations for the Idaho Coalition for Motorcycle Safety, supported the bill from a safety perspective. **Austin Walkins**, with the Idaho Conservation League, supported the bill from an air quality perspective.

MOTION: **Senator Burtenshaw** moved to send **S 1312** to the 14th Order of Business for possible amendment. **Senator Buckner-Webb** seconded the motion.

DISCUSSION: **Senator Rice** commented that he was not comfortable with just an amendment. He thinks the issue needs to be studied more before the Legislature acts, and will oppose the motion for that reason.

VOICE VOTE: The motion to send **S 1312** to the 14th Order of Business for possible amendment passed by **voice vote**. **Senators Den Hartog and Rice** asked to be recorded as voting nay. Senator Lodge will carry the bill on the Senate floor.

ADJOURNED: With no further business before the Committee, **Chairman Brackett** adjourned the meeting at 2:36 p.m.

Senator Brackett
Chair

Gaye Bennett
Secretary