

MINUTES
SENATE TRANSPORTATION COMMITTEE

DATE: Tuesday, March 01, 2022

TIME: 1:30 P.M.

PLACE: Room WW53

MEMBERS PRESENT: Chair Den Hartog, Vice Chairman Woodward, Senators Lodge, Rice, Vick, Crabtree, Nelson, and Wintrow

ABSENT/ EXCUSED: Senator Winder

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: **Chair Den Hartog** called the meeting of the Senate Transportation Committee (Committee) to order at 1:30 P.M.

MINUTES APPROVAL: **Senator Woodward** moved to approve the Minutes of February 10, 2022. **Senator Crabtree** seconded the motion. The motion passed by **voice vote**.

Senator Wintrow moved to approve the Minutes of February 15, 2022. **Senator Crabtree** seconded the motion. The motion passed by **voice vote**.

S 1307 **MOTOR VEHICLES - Amends existing law to provide that a motor vehicle shall not be required to display a front license plate.** **Senator Jim Patrick** introduced the proposed update estimated to save the people of Idaho over \$2 million. He observed that 20 states had no front plate requirements for personal vehicles. **Senator Patrick** pointed out that modern cars did not have a place to attach front license plates. Meeting the requirement left the need for application methods such as direct drilling into bumpers causing costly damage to vehicles.

TESTIMONY: **Sergeant Bryan Lovell** Bonneville County Sheriff's Office, and President, Idaho Fraternal Order of Police, testified in opposition to the bill. He stated that removing the front license plate would also remove up to 50 percent of a witness' opportunity to gather and supply crucial details in an emergency (Attachment 1).

Lieutenant Ray Talbot Canyon County Sheriff's Office, and Idaho Sheriff's Association, testified in opposition to the bill. He deemed a front plate an invaluable tool for identification in hit and runs due to their odds of being dropped at the scene when the bumper was damaged (Attachment 2).

Cynthia Gibson, Executive Director, Idaho Walk Bike Alliance, testified in opposition to the bill. She stated the removal of the only plate visible to pedestrians attempting to navigate intersections would not improve their safety.

Lieutenant Colonel Sheldon Kelley, former Deputy Director, Idaho State Police, testified in opposition to the bill. He noted a recent increase in vehicles without front plates due to DMV backlog and the problems it created for local law enforcement.

Rex Chandler, former President of local Porsche Club, testified in support of the bill. He stated member assessment showed many chose not to attach a front plate due to costly damage to vehicles.

Senator Crabtree stated personal success with using 3M tape to secure a license plate to a truck bumper and asked if members of the car club had considered the same option. **Mr. Chandler** noted that in large trucks the application surface would be flat, versus on a sports car with a highly molded bumper. He expressed concern in those situations.

Senator Nelson inquired if Mr. Chandler was familiar with how license plates were attached to Porsches in Germany where they were created. **Mr. Chandler** said he could not comment as German plates were very different in shape.

Written testimony supplied by Kathy Griesmyer, Government Affairs Director, City of Boise (Attachment 3).

**CLOSING
COMMENTS:**

Senator Patrick referenced a recent instance where he was hit as a pedestrian in a crosswalk. He noted his personal experience and stated that despite the head-on collision, he never thought to look for a plate on the front end of the vehicle. **Senator Patrick** concluded by stating he did not see the need for a front license plate.

MOTION:

Senator Vick moved to send **S 1307** to the floor with a **do pass** recommendation. **Senator Rice** seconded the motion. The motion failed.

**PASSED THE
GAVEL:**

Chair Den Hartog passed the gavel to Vice Chairman Woodward.

**DOCKET NO.
39-0343-2102:**

Rules Governing Utilities on State Highway Right-of-Way (New Chapter, Fee Rule) – Proposed Rule. **Ramón Hobdey-Sánchez**, Governmental Affairs Project Manager, Idaho Transportation Department (ITD), introduced context for the 2021 rulemaking changes. He emphasized the policy changes related to small wireless facilities and utility accommodation. He also specified a need for future modifications to address the fixed broadband elements of these rulemakings (Attachment 4).

Robert Beachler, Broadband Program Manager, ITD. Provided a brief overview and highlighted the changes provided policy and guidance regarding how ITD accommodated utilities within the right-of-way. Based on federal guidance on accommodation, ITD was requesting **Docket No. 39-0343-2102** be changed to a fee rule. The recommendation would allow adoption of Federal Communications Commission (FCC) declaratory ruling 18-133 for small wireless facility fee structures.

Senator Crabtree requested clarity on what the obtained money would be used for. **Mr. Beachler** responded that these units would be co-located on State facilities so the fees would be used to offset the costs of assessing attachment and any supporting utilities necessary for accommodation. He pointed out this was typically handled in either a cost recovery model, or the FCC's presumptive fee structure with an estimated average permitting cost. ITD decided to default to the FCC structure for simplicity and accepted standardization across industry stakeholders and trade associations.

Senator Woodward asked if ITD would be writing a full contract for each vendor, and if the locations were recorded in facility drawings. **Mr. Beachler** outlined the proposed process of a state level master licensing agreement for each provider. He stated specific permitting would be implemented at district level. He reported the department was working to develop advanced mapping which would allow for more detailed tracking.

Senator Rice inquired as to how fees were determined to be appropriate and if they would be reassessed each year. **Mr. Beachler** admitted ITD would need to take an active role in fee assessment and modification as program development progressed. He stated adoption of the FCC fee structure was based on simplicity of the accounting process as opposed to a more burdensome cost recovery method.

Mr. Hobdey-Sánchez emphasized the fee structure was initially negotiated with the industry. It was accepted that this was the standard fee structure and while other methods did exist they could complicate the process. **Senator Rice** requested further clarification on why an annual recurring fee was deemed necessary beyond the initial inspection. **Mr. Beachler** explained recurring fees allowed for reinspection and would offset future repair or replacement costs.

Jason Verduzco, Director of Public Policy and Government Affairs, Verizon, took the podium to confirm industry backing of the fee structure. He affirmed that it was a standard expectation to pay local municipalities or Departments of Transportation for any encumbrances incurred through future use of existing facilities. **Senator Rice** asked if it could be likened to paying rent. **Mr. Verduzco** acknowledged that could be one way to phrase it.

Senator Woodward shared personal observations from time spent on the board of an electric cooperative. He explained that resources were needed to coordinate utilities on power poles and in the event of road realignment where the power pole placement would be shifted. He asserted time and costs were associated with additional infrastructure and carry-over.

- MOTION:** **Senator Nelson** moved to approve **Docket No. 39-0343-2102**. **Senator Wintrow** seconded the motion.
- DISCUSSION:** **Senator Vick** observed the lack of an 'F' at end of the docket number and asked if it would need to be reheard. **Senator Lodge**, as the senior Committee member, recommended to attempt passage and see what happened.
- VOICE VOTE:** The motion to approve **Docket No. 39-0343-2102** passed by **voice vote**. **Senators Rice** and **Vick** requested they be recorded as voting nay.
- ADJOURNED:** There being no further business at this time, **Vice Chairman Woodward** adjourned the meeting at 2:14 P.M.

Senator Den Hartog
Chair

Cara Beyenka
Secretary