

MINUTES
SENATE TRANSPORTATION COMMITTEE

DATE: Tuesday, February 21, 2023

TIME: 1:30 P.M.

PLACE: Room WW53

MEMBERS PRESENT: Chairman Okuniewicz, Vice Chair Den Hartog, Senators Winder, Hart, Carlson, Toews, Trakel, Rabe, and Just

**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 Okuniewicz** called the meeting of the Senate Transportation Committee (Committee) to order at 1:30 p.m.

INTRODUCTION: New Page: Cassandra Spencer. Ms. Spencer introduced herself to the Committee. She had learned about the page program last year during a home school project and was excited to be here.

In response to Committee questions, **Ms. Spencer** provided details of attending college in the fall and that her senate sponsor was Regina Bair, whom retired last year.

MINUTES APPROVAL: **Senator Trakel** moved to approve the Minutes of January 26, 2023. **Senator Just** seconded the motion. The motion passed by **voice vote**.

MINUTES APPROVAL: **Senator Hart** moved to approve the Minutes of February 9, 2023. **Senator Rabe** seconded the motion. The motion passed by **voice vote**.

S 1053 TRANSPORTATION - Amends existing law to remove a certain exemption regarding the securing of loads on a public highway. **Senator Just** stated drivers of dump trucks and trailers were not required to cover their loads if they were working on a highway project of any kind. The statute as written offered an out for those who may not want to invest in a tarp system. If the load was six inches below the edge of the bed, leaving six inches of freeboard, a tarp was not required. The proposal would not change that, it simply removed the exemption for trucks working on highway projects.

In response to Committee questions, **Senator Just** stated he had some proposed changes but the wording was still being worked out. He relayed that there had been some studies but he was unsure at what speed gravel would fly off of a dump truck and that changing speed limits to account for this was another way to go but may not be the best choice.

TESTIMONY IN OPPOSITION: The following testified in opposition to **S 1053**: Frank McClintick, Nampa Highway District Number 1; Luis Lasuen, Director, Mountain Home Highway District; Seth Grigg, Executive Director, Idaho Association of Counties; Nick Veldhouse, Idaho Association of Highway Districts
Issues and concerns that were addressed included:

- Cost of installing tarp systems was expensive.
- Replacement of tarps would be necessary every 2-4 years.
- This mandate is unfunded which would take from existing road funds.
- The additional time to tarp and un-tarp loads would lengthen the time of the project and the cost.

TESTIMONY IN FAVOR: Testifying in favor of **S 1053** was Kelly Packer, Association of Idaho Cities.

MOTION: **Senator Trakel** moved to send **S 1053** to the 14th Order of Business for possible amendment. **Senator Rabe** seconded the motion.

DISCUSSION: **Senator Carlson** stated she would vote no because this bill was not good for highway districts. **Vice Chair Den Hartog** stated she would vote to send the bill to the 14th Order of Business but that did not mean she would vote to approve.

VOICE VOTE: The motion passed by **voice vote**. **Senator Carlson** asked to be recorded as voting nay.

H 10 **TRANSPORTATION - Repeals existing law relating to an obsolete provision regarding the American Trucking Association Settlement Fund.** **Josh Scholer**, Division of Financial Management, explained the bill removed code that was obsolete as the program had ended. He stated there had not been any money in the fund for 17 years. The Idaho Transportation Department (ITD) had no issue removing the obsolete code.

MOTION: **Vice Chair Den Hartog** moved to send **H 10** to the floor with a **do pass** recommendation. **Senator Winder** seconded the motion. The motion passed by **voice vote**.

H 85 **COUNTIES - Amends existing law to provide for the same county services administrative fee for all title transactions.** **Representative Petzke** relayed that ITD had upgraded software in their effort to make services available online. The Department of Motor Vehicles (DMV) had seen a decrease in revenue due to the online services. He stated **H 85** allowed local assessors to set fees in order to increase revenue and maintain their ability to offer in person services. **Representative Petzke** explained that rather than setting a statewide fee each local assessor would set the fee based on their expenses. He stated it would be illegal for the assessors to set the fee higher than what would be needed to provide the service.

MOTION: **Senator Rabe** moved to send **H 85** to the floor with a **do pass** recommendation. **Vice Chair Den Hartog** seconded the motion.

DISCUSSION: **Vice Chair Den Hartog** relayed that ITD and the assessors had been discussing the issues for a while. The other option would be to set the fee in state code but different counties had different fee needs.

VOICE VOTE: The motion passed by **voice vote**.

H 87

TRANSPORTATION - Amends existing law to limit funding regarding the Transportation Expansion and Congestion Mitigation Fund to the expansion of travel lanes and congestion mitigation. Representative Dixon stated the legislation clarified funding spent within the Transportation Expansion and Congestion Mitigation Program (TECM). It would be limited to projects focused on expansion of travel lanes and congestion mitigation. He relayed that if there were bike paths or sidewalks needed in the road project they could be included in the project but the funds could not be used for those items on their own.

In response to Committee questions **Representative Dixon** stated they had seen potential and actual money being spent on items the fund was not intended for which was why the clarification was being made. Crosswalks, pedestrian lights, and bicycle lanes would be covered under the fund if they were part of the congestion mitigation plan. He relayed they would not be covered as a project on their own.

TESTIMONY IN OPPOSITION:

Patrick Riceci, Idaho Walk Bike Alliance, stated he opposed the bill as it would prohibit counties, highway districts, and cities from using TECM money for any projects other than those directly related to automobiles. **Margaret Dibble** relayed she opposed the bill as the money would only benefit motorized vehicles and needed to provide for other access such as walking and biking. **Cynthia Gibson**, Idaho Walk Bike Alliance, testified in opposition to the bill. She felt the terminology "primarily used for motor vehicle infrastructure" would be interpreted as only for motor vehicle infrastructure.

Representative Dixon closed by stating this bill was intended to clarify the intent that was missing in the original funding bill.

MOTION:

Senator Toews moved to send **H 87** to the floor with a **do pass** recommendation. **Vice Chair Den Hartog** seconded the motion.

DISCUSSION:

Senator Rabe was going to vote no as she felt it needed more follow-up and language. She relayed her concern about money going mostly to roads and not to other things. **Senator Trakel** stated that what he voted in committee did not necessarily reflect his vote on the floor. **Senator Winder** clarified that road projects had to consider biking and walking paths. He stated he was going to support the motion. **Senator Just** stated he was opposed because as a society we thought the solution was to add another lane. **Vice Chair Den Hartog** explained that the portion of funds was small in terms of the money that was received as a whole.

VOICE VOTE:

The motion passed by **voice vote**. **Senators Rabe, and Just** asked to be recorded as voting nay.

ADJOURNED:

There being no further business at this time, **Chairman Okuniewicz** adjourned the meeting at 2:19 p.m.

Senator Okuniewicz
Chair

Lena Amoah
Secretary