

MINUTES
HOUSE TRANSPORTATION & DEFENSE COMMITTEE

DATE: Wednesday, March 08, 2023

TIME: 1:30 P.M.

PLACE: Room EW40

MEMBERS: Chairman Palmer, Vice Chairman Mitchell, Representatives Dixon(1), Holtzclaw, Monks, Blanksma, Manwaring, Shepherd, Crane(12), Handy, Hill, Lanting, Miller, Petzke, Yamamoto, Gannon, Burns

**ABSENT/
EXCUSED:** Representative(s) Crane(12)

GUESTS: The sign-in sheet will be retained in the committee secretary's office; following the end of session the sign-in sheet will be filed with the minutes in the Legislative Library.

Chairman Palmer called the meeting to order at 1:34pm.

MOTION: **Rep. Burns** made a motion to approve the minutes of the February 28, 2023 meeting. **Motion carried by voice vote.**

S 1010: **Senator Herndon**, District 1, stated this legislation is a subtle change to **Idaho Code, Section 49-639**, removing on line 15, "wherever sufficient area for a safe turnout exists" and replacing that phrase with "at the next available location where it is safe and reasonable for the vehicle to be pulled over in order to permit the following vehicles to pass. The driver would not violate this section if he had not, during the time when three or more vehicles are formed in line behind his vehicle, passed a designated turnout or location where it would be safe and reasonable for the vehicle to be pulled over." He explained, by adding the word reasonable, it allows drivers leeway in what is deemed reasonable to them based on the vehicle being driven and the road conditions.

In response to a committee question regarding what was the prior threshold for a violation, **Senator Herndon** replied, this change would give a ticketed driver a stronger case, based on reasonableness, to challenge the ticket, and allow a judge to decide if it was reasonable and then use his discretion to dismiss the ticket.

MOTION: **Rep. Shepherd** made a motion to send **S 1010** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Scott** will sponsor the bill on the floor.

S 1064: **Rep. Holtzclaw**, District 20, stated this legislation updates the Electronic Vehicle Credential Program, which was passed by the Legislature in 2021, allowing dealers to issue a 45-day temporary registration to anyone who files electronically for their registration at the time of purchase. This allows time for the Idaho Transportation Department (ITD) to collect all fees before issuance of the title and registration.

MOTION: **Rep. Blanksma** made a motion to send **S 1064** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Holtzclaw** will sponsor the bill on the floor.

H 271: **Rep. Holtzclaw**, District 20, stated if there are overgrown trees or bushes in a public right of way blocking business signs, currently, the business owner must contact ITD, or their local highway district, city, or county and pay for them to trim the vegetation to clear the view. He indicated, this process has proven costly and hasn't been completed in a timely manner, so this legislation will allow a business owner to apply and pay for a landscape control permit to take care of the trimming themselves following established trimming guidelines, which are based on the size of the trees or bushes and their location within the public right of way.

Cody Swander, representing the city of Nampa; **Curtis Masood**, representing Canyon Outdoor Media; **Steve Schops**, representing the city of Eagle; **Jonathan Oppenheimer**, representing Idaho Conservation League; and **Hollie Conde**, representing Conservation Voters of Idaho all spoke **in opposition** to **H 271**. The common themes of testimony acknowledged most cities already have procedures in place to manage tree and shrub trimming and other landscaping needs, the role trees play in energy conservation, and they expressed concern trees will be removed rather than just trimmed.

Matthew Perkins, representing Idaho Department of Lands, declared the Department would not be taking a position on the bill, but he did want to present information to the committee. He stated, as part of the Department's mission, they developed the Idaho Forest Action Plan, which is a statewide assessment of rural and urban forest resources. This plan also outlines a statewide strategy for managing resources and recognizes urban forests are dynamic ecosystems that provide much needed environmental services by cleaning air and water, controlling stormwater, and conserving energy. He concluded, this legislation does not support the objectives outlined in the Department's Forest Action Plan.

MOTION: **Rep. Blanksma** made a motion to **HOLD H 271** in committee subject to call of the chair.

Rep. Holtzclaw stood to close and yielded the podium to **Louis Spiker**.

Louis Spiker, attorney with Johnson May, representing Canyon Outdoor Media, stated his clients have been working with the city of Nampa for over a year regarding lawfully placed business signs, which have limited visibility due to trees planted after the signs were installed. He continued, the goal of this bill would be to allow uniform objective standards throughout the state.

Committee discussion was held. There was concern and confusion regarding whether this legislation applied to residential areas and if the real issues were limited more to the city of Nampa than statewide. Comments suggested most cities already have procedures in place to address vegetation trimming and landscaping in public areas.

SUBSTITUTE MOTION: **Rep. Shepherd** made a substitute motion to send **H 271** to the floor with a **DO PASS** recommendation, stating this is a pro-business effort and believes there should be a larger discussion on the House Floor.

UNANIMOUS CONSENT REQUEST: After committee discussion on the substitute motion, **Rep. Shepherd** made a unanimous consent request to withdraw his substitute motion. There being no objection, the request was granted.

VOTE ON ORIGINAL MOTION: **Chairman Palmer** called for a vote on the original motion to **HOLD H 271** in committee subject to call of the chair. **Motion carried by voice vote.**

H 237: **Rep. Blanksma**, District 8, stated this legislation seeks to clarify funding provided for highway projects is used for their intended purpose. She explained, all highway-user revenues accruing to state highway accounts and all ad valorem levies accrued shall be spent in support of the operations, administration, maintenance, construction, and development of bridges and highways that benefit primarily motor vehicles in the local highway jurisdictions.

MOTION: **Rep. Dixon (1)** made a motion to send **H 237** to the floor with a **DO PASS** recommendation.

Nina Pienaar and **Molly Garner**, representing Boise Bicycle Project; **Jacob Miller**, representing COMPASS; **Cynthia Gibson**, representing Idaho Walk Bike Alliance; **Kathy Griesmyer**, representing City of Boise; and **David Cannamela**, representing himself all spoke **in opposition** to **H 237**. Comments suggest this bill fails to address the segment of Idaho's population that doesn't drive or own vehicles and too much emphasis is being placed on motor vehicles at the expense of bicycle lanes and pedestrian safety.

Laila Kral, Local Highway Technical Assistance Council (LHTAC), answered a committee question on how funding programs work with state and federal funding sources for alternative transportation projects. She explained there is a funding formula, which requires a local match of 7.34%, to local agencies across the state, with approximately \$9 million per year available for alternative transportation projects. She clarified, these are "use it or lose it" funds, so any money not spent is returned to the federal highways program.

Rep. Blanksma stood and closed, stating this legislation is not exclusive to motor vehicles, rather just clarifying funding for highway projects must be used primarily for motor vehicles. She clarified, if bicycle lanes are part of the overall project plan, then it is acceptable to use this funding for bicycle lanes. Additionally, she indicated there are other funding sources geared specifically towards alternative travel and pedestrian safety.

SUBSTITUTE MOTION: After committee discussion expressing concerns over funding sources and limitations to what projects can actually be accomplished, **Rep. Lanting** made a substitute motion to send **H 237** to General Orders to clarify the funding language.

VOTE ON SUBSTITUTE MOTION: **Chairman Palmer** called for a vote on the substitute motion. **Motion failed by voice vote.**

VOTE ON ORIGINAL MOTION: **Chairman Palmer** called for a vote on the original motion. **Motion carried by voice vote. Reps. Gannon and Lanting** requested they be recorded as voting **NAY. Rep. Blanksma** will sponsor the bill on the floor.

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 2:46pm.

Representative Palmer
Chair

Tracey McDonnell
Secretary