

MINUTES
SENATE TRANSPORTATION COMMITTEE

DATE: Tuesday, February 06, 2024

TIME: 1:30 P.M.

PLACE: Room WW53

MEMBERS PRESENT: Chairman Okuniewicz, Vice Chairman Den Hartog, Senators Winder, Hart, Toews, Trakel, Rabe

ABSENT/ EXCUSED: Senators Carlson, Just

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.

S 1258 **Related to Public Rights-of-way. Senator Herndon** highlighted **S 1258** which addressed public rights of way accessing public lands and waters and focused on the process of the abandoning of these access points by county commissions and highway districts. **Senator Herndon** stated the legislation proposed that before abandoning access, a replacement must be provided to ensure continued public access. Additionally, he said the bill prohibited the use of eminent domain during replacement, safeguarding private property rights and that the intent was to preserve access to public lands and waters, preventing potential loss of use due to abandonment.

DISCUSSION: **Senator Winder** stated while eminent domain is a tool that allowed the government to acquire private property for public use, it was often considered a drastic measure that was contentious and could result in legal battles over fair compensation. **Senator Winder** asked why would this tool be taken away. **Senator Herndon** responded that the worry was that if the legislation mandated replacement access, local government might opt for the easier route of using eminent domain to acquire the necessary property, potentially infringing on private property rights.

TESTIMONY: Jennifer Arn represented herself and testified in favor of **S 1258**. **Ms. Arn** shared a personal experience which involved the vacation of a road that negatively affected public access to a public Lake. **Ms. Arn** suggested that the legislation would provide clearer parameters for developers and commissioners, preventing similar disputes in the future and, that **S 1258** would make it more of a challenge to vacate rights-of-ways and would ensure better protection for public access to lands and waters in Idaho.

DISCUSSION: In conclusion, **Senator Herndon** stated the legislation would require the access be substantially similar and in scope of use, but it intentionally did not specify the exact location, allowing flexibility for counties and highway districts while aiming to prevent situations where individuals had to drive long distances to access public areas.

Senator Rabe asked if there were no other option, but to exercise eminent domain where the county would need to vacate a public right-of-way, what would happen? **Senator Herndon** responded that the legislation does not apply to all government rights of way, but specifically targeted those that accessed public lands and waters. **Senator Rabe** expressed concern about the potential absence of eminent domain as a backup for counties when they were creating rights of way to public lands and waters. **Senator Herndon** stated Idaho was growing and there were limited access points to public resources now. Counties would need to know the totality of the law in making decisions. **Senator Rabe** concluded she would like to hear more from counties and the workability from their end before supporting **S 1258**. **Senator Winder** voiced in support of **S 1258**.

MOTION: **Senator Toews** moved to send **S 1258** to the floor with a **do pass** recommendation. **Senator Trakel** seconded the motion. The motion carried by **voice vote**.

RS 31140C1 **Related to Temporary Vehicle Registration Permits.** **Senator Trakel** explained the objective was to enable a 30-day temporary registration for vehicle sales. This approach aimed to prevent individuals from going through the process of registering vehicles and obtaining plates, only to discard them at a later date.

MOTION: **Senator Winder** moved to send **RS 31140C1** to print. **Senator Toews** seconded the motion. The motion carried by **voice vote**.

ADJOURNED: There being no further business at this time, **Chairman Okuniewicz** adjourned the meeting at 1:56 p.m.

Senator Okuniewicz
Chair

Alicia Fowler-Rynearson
Secretary