

MINUTES
HOUSE TRANSPORTATION & DEFENSE COMMITTEE

DATE: Wednesday, February 26, 2025

TIME: 1:30 P.M. or Upon Adjournment

PLACE: Room EW40

MEMBERS: Chairman Palmer, Vice Chairman Mitchell, Representatives Holtzclaw, Monks, Shepherd, Crane(12), Handy, Hill, Petzke, Boyle, Clow, Harris, Mickelsen, Pohanka, Gannon, Green

**ABSENT/
EXCUSED:** Representative(s) Monks, Pohanka, Green

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 1:30pm.

Due to the absence of the bill sponsor for **H 300**, **Chairman Palmer** moved to the next agenda item.

H 101: **Rep. Rasor**, District 1, stated this legislation amends **Section 40-203, Idaho Code**, regarding abandonment of roads and public rights-of-ways. He stated, abandonment involves a lengthy process for a county or highway district to go through when a public road is being abandoned. When cases involve access to public lands or waters, this legislation adds to the process to require an alternate route be located and developed before abandonment is finalized. He clarified eminent domain nor condemnation can be used. This legislation will not impact current or pending road abandonments or vacations.

Cindy Bachman, Owyhee County Board of Commissioners and **Seth Grigg**, Idaho Association of Counties, spoke **in opposition** to **H 101**. They were of the opinion this is a "one size fits all" bill that doesn't work in all situations. The main concern is the mandatory replacement road for continuity of access to public lands or waters. They implied it is extremely difficult to work with the federal government agencies who own large portions of Idaho's lands in some counties, effectively freezing county decision making. They also implied the counties may not have the means to find alternate access due to land status or funding, or the inability to use condemnation or eminent domain, so feel their hands would be tied. Additionally, there is concern regarding infringement on private property owners' rights.

Nick Fasciano, Idaho Wildlife Federation, spoke **in support** of **H 101**. He was of the opinion access to public lands and waters for hunting and fishing is very important, and as the population continues to grow in Idaho, it becomes even more critical to maintain that access.

Committee members commented there seemed to be some confusion between the public road abandonment process and the RS2477 validation process; they are not the same thing. There was also committee discussion regarding why counties choose to close public access roads, the counties responsibilities to maintain public access roads, and who bears the costs.

Rep. Rasor stood and closed. He addressed the "one size fits all" statement by explaining when there's an issue that could impact any county across the state, a piece of legislation laying out a process becomes necessary. He stated the requirement to replace the access with a new road is to avoid the loss of existing access to public lands and waters, it is not about losing a road through public lands. He continued, county commissioners have the authority to require developers to provide access to public lands and waters, and a county can close county roads, but cannot abandon roads denying access to public lands and waters where access currently exists. By statute, public roads do not have to be maintained by the counties; travel is at the risk of the user. He concluded, the bottom line is to make sure the public has access to public lands and waters where access currently exists, and to not allow that access to be taken away without providing another access point.

MOTION: **Rep. Harris** made a motion to send **H 101** to the floor with a **DO PASS** recommendation.

ROLL CALL VOTE ON MOTION: A roll call vote was requested by **Rep. Boyle**. **Motion failed by a vote of 5 AYES, 8 NAYS, and 3 Absent/Excused**. **Voting in favor** of the motion: **Reps. Shepherd, Crane (12), Clow, Harris, and Gannon**. **Voting in opposition** to the motion: **Chairman Palmer, Reps. Mitchell, Holtzclaw, Handy, Hill, Petzke, Boyle, and Mickelsen**. **Reps. Monks, Pohanka, and Green were absent/excused**.

H 300: **Rep. Vander Woude**, District 22, stated this legislation updates and amends Idaho's Dig Once Policy by expanding its application from the Idaho Transportation Department (ITD) to include single county-wide highway districts to further encourage the cost-efficient, orderly, and coordinated expansion of broadband services. He stated, this would be accomplished by including installation of all broadband infrastructure during roadway construction and maintenance projects to minimize the number of times roadways must be cut during construction. He commented, before this legislation was drafted, there was a lot of discussion regarding microtrenching, but in the end, that option was not included in this legislation. Microtrenching is a much different technique, only digging down approximately six inches, and because of its size, doesn't allow other providers the opportunity to add in their infrastructure.

Committee discussion focused on microtrenching and clarifying the main goal of this legislation. **Rep. Vander Woude** explained, microtrenching was excluded because it appeared to be benefiting one provider. He stated, the current practice of digging trenches down 30-36 inches is much more costly than only having to go six inches, so believed it was best to not include microtrenching in this legislation. He commented, the main goal for this legislation is to allow all providers access to trenches during highway construction and maintenance projects in single county-wide highway districts, hence "dig once."

Amanda Moore, Sparklight, spoke **in support** of **H 300**. She stated Sparklight welcomes competition in all of their markets because it drives innovation and challenges all providers to be better. She emphasized competition should always take place on a level playing field, not unreasonably slanted in favor of one provider at the expense of another, so appreciates the exclusion of microtrenching in this legislation.

Ron Williams, Hawley Troxell, representing Idaho Cable Broadband Association, spoke **in support** of **H 300**. He stated in 2022, **H 640** passed, which fostered competition among broadband providers by creating a transparent, predictable, and streamlined process for allowing broadband providers access to state highways. It also prohibited ITD from discriminating, in favor or against, different broadband providers wanting access to state highways. Finally, he stated, it requires all broadband providers to follow the same "dig once" set of rules. He continued, **H 300** expands the "dig once" model to Ada County Highway District (ACHD) to follow these same practices. It would prohibit waivers to allow a provider to microtrench, rather than the current requirement to dig 30-36 inches deep. He remarked, providing special exceptions that would allow a single provider to cut costs and time by microtrenching undermines the investments all other broadband providers have already made in Ada County. He concluded, in **H 300**, ACHD would now have to be nondiscriminatory and competitively neutral, both prospectively and retrospectively.

MOTION: **Rep. Mickelsen** made a motion to send **H 300** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Gannon** requested to be recorded as voting **NAY.** **Rep. Vander Woude** will sponsor the bill on the floor.

ADJOURN: There being no further business to come before the committee, the meeting adjourned at 2:19pm.

Representative Palmer
Chair

Tracey McDonnell
Secretary