

**AMENDED AGENDA #1**  
**SENATE TRANSPORTATION COMMITTEE**  
**1:30 P.M.**  
**Room WW53**  
**Tuesday, January 15, 2019**

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<b>Welcome</b>	Introduction of new Committee Members.	<b>Chairman Brackett</b>
<b>Committee Page</b>	Introduction of Committee Page <b>Isaac Lee</b> of Rigby, Idaho.	<b>Chairman Brackett</b>
<b>Administrative Rules</b>	Distribution of 2019 Administrative Rules Book and brief overview of the review process.	<b>Vice Chairman Crabtree</b>
<b>Budget Briefing</b>	Overview of the Legislative Budget Book (LBB) section specific to transportation.	<b>Paul Headlee</b> , Division Manager, LSO Budget and Policy; <b>Christine Otto</b> , Transportation Budget and Policy Analyst

***If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Brackett  
Vice Chairman Crabtree  
Sen Winder  
Sen Den Hartog  
Sen Lodge

Sen Rice  
Sen Burtenshaw  
Sen Buckner-Webb  
Sen Nelson

COMMITTEE SECRETARY

Gaye Bennett  
Room: WW33  
Phone: 332-1332  
email: stran@senate.idaho.gov

MINUTES  
**SENATE TRANSPORTATION COMMITTEE**

**DATE:** Tuesday, January 15, 2019

**TIME:** 1:30 P.M.

**PLACE:** Room WW53

**MEMBERS PRESENT:** Chairman Brackett, Vice Chairman Crabtree, Senators Winder, Den Hartog, Lodge, Rice, Burtenshaw, Buckner-Webb, and Nelson

**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.

**CONVENE:** **Chairman Brackett** convened the first meeting of the Senate Transportation Committee (Committee) at 1:30 p.m. by welcoming the Members and asking each to introduce themselves.

**PAGE INTRODUCTION:** **Chairman Brackett** invited the Committee Page, Isaac Lee of Rigby, Idaho, to take the podium and introduce himself to the Committee.

**Mr. Lee** said he was a senior at Rigby High School who applied to be a Senate page because he had a friend who was also applying and his friend's father was his teacher. He enjoys rugby and has travelled internationally; he especially enjoyed his time in Thailand where he would like to return some day. **Mr. Lee** plans on serving a two-year mission after graduating high school, and although he does not know where he will go to college or what he will major in, his father is a physician and medicine has always been a career he has entertained, but he is open to other options. **Mr. Lee** said he would stand for questions.

**Chairman Brackett** thanked Mr. Lee and Senator Burtenshaw for sponsoring Mr. Lee.

**ADMINISTRATIVE RULES:** **Chairman Brackett** told the Committee that Administrative Rules would be overseen by the Committee's Vice Chairman. He asked Vice Chairman Crabtree to share the review procedures with the Committee.

**Vice Chairman Crabtree** referred the Committee to the Administrative Rules book before them. There were 35 Administrative Rules that the Committee would be reviewing over two meetings. The first review would take place on January 22nd and would consider five stand-alone rules, of which one is a State Tax Commission (STC) rule and four are Idaho Transportation Department (ITD) rules. The second review would take place on January 29th and be comprised of the remaining 30 ITD "repeal and replace" rules. There are eight rules that will be replacing 22 repeal rules for the Committee to consider. He concluded by referring to a spreadsheet distributed with the rules book that summarized which rules would appear on the agendas for those two dates. **Vice Chairman Crabtree** said he would stand for questions; there were no questions for the Vice Chairman. **Chairman Brackett** thanked the Vice Chairman for his work with STC and ITD in the rules review process.

**BUDGET  
BRIEFING:**

**Chairman Brackett** welcomed Paul Headlee, Legislative Services Office (LSO) Budget and Policy Division Manager, and Christine Otto, LSO Transportation Budget and Policy Analyst, and asked them to present an overview of the legislative budget with specific attention to transportation. **Chairman Brackett** encouraged the Committee to ask questions as the presenters went through their handouts.

**Mr. Headlee** said that this year LSO was coordinating an effort, promoted by leadership, to offer Committees budget briefings in order to increase their understanding and familiarity with the budgeting process. Today's presentation will be in two parts: 1.) a higher statewide view of the budget that consists of large budget items included in most agency budgets; and 2.) laying the foundation for understanding the concepts in the transportation divisions' budgets; the budgets are also provided in a side-by-side format sheet containing the Governor's recommendation.

**Mr. Headlee** went through the summary of the Legislative Budget Book (LBB) handout, which is the primary reference document used by the Joint Finance and Appropriations Committee (JFAC) in setting the Idaho State Budget each year. *(NOTE: The LBB handout is part of the permanent Committee book that will be on-file in the Legislative Services Library at the end of the Legislative Session.)*

**Mr. Headlee** continued that Section I of the document contains statewide summary reports, charts, graphs, and historical tables. Section II provides a detailed description of 20 executive agencies' budget requests, the Governor's budget recommendations, seven Constitutional officers' budgets, the Judicial branch budget, and the Legislative branch budget; all in a single, inclusive document. **Mr. Headlee** briefly went through each page of the summary LBB and stood for questions; there were no questions for Mr. Headlee.

**Chairman Brackett** thanked Mr. Headlee and invited Ms. Otto to begin her presentation on the transportation budget.

**Ms. Otto** said that ITD has four divisions and six budgeted programs: 1.) Transportation Services, which consists of Administration, Capital Facilities, and Aeronautics; 2.) Motor Vehicles; 3.) Highway Operations; and 4.) Contract Construction and Right-of-Way Acquisition.

Administration, under Transportation Services, develops long-range budgetary plans and legislation, operates information systems, provides employee services, financial services and facilities management, and coordinates research activities. Capital Facilities, under Transportation Services, administers the design, building, and maintenance of department facilities. Finally, Aeronautics under Transportation Services, assists Idaho jurisdictions in developing their airports and back-country air strips, and operates and maintains the State's air fleet.

The Department of Motor Vehicles (DMV) manages driver's licenses, vehicle registrations, license plates, and vehicle titles.

The Highway Operations Division directs statewide highway maintenance functions and directs highway improvements. It administers federal aid safety improvement projects and safety tasks, and protects highways from oversized and overweight vehicles, and dangerous usage. It also manages federal transit grant programs and encourages coordinating transportation services. Finally, it develops projects to improve State and local highway systems to save lives, and it coordinates transportation research efforts.

The final division, Contract Construction and Right-of-Way Acquisition accounts for the necessary funds for highway construction projects that maintain and improve the State's highway system.

The 2015 federal Fixing America's Surface Transportation Act (FAST) was a five-year law (expiring in 2020) that increased most of Idaho's highway, transit, and safety program by providing federal funding at a two-percent increase per year following the initial five-percent increase in federal funding when FAST was enacted. In addition to distributing federal highway funding through a formula program, FAST also created a new national highway freight program that requires states to establish a freight plan by streamlining environmental review and permitting processes, thereby expediting project delivery. FAST also included increases in public transportation funding, expanded public-private investment and partnerships, and allowed more state control in safety programs.

**Ms. Otto** continued her presentation with ITD's Highway Operations Division budget. She concluded by walking the Committee through each page of the hand-out, including the side-by-side department request versus the Governor's recommendation; she stood for questions.

**DISCUSSION:**

**Senator Winder** asked if there was any update with the problems DMV had been having with its software and vendor issues. **Ms. Otto** deferred the question to Mollie McCarty, ITD Governmental Affairs Manager. **Ms. McCarty** said the vendor they have been working with for more than two years was having problems with their software not coordinating with DMV's systems. This caused outages which made people have to wait in line for long periods of time. In some cases, DMV was not even able to complete their transactions. In August, DMV was moved off the vendor's mainframe, which required learning a new system. It was a very difficult and challenging time. DMV was then able to disconnect from real-time transactions with their vendor, which basically solved the problems that needed immediate attention. The information was sent to the vendor at the end of the business day when the vendor could perform the transactions, and the licenses would then be mailed to the customer. Since that time, DMV's systems have been stable, but there was a backlog. Now the wait times are about the same as they were prior to the technology issues. However, due to exponential population growth, wait times continue to be a concern in highly populated counties.

**Ms. McCarty** concluded that there had not been a change to the five-dollar Sheriff's fee, which, in many cases, does not cover their administrative costs. **Senator Winder** recommended that ITD convene a working group together with the counties with higher populations to find a better way to provide service to the public. He understood the Sheriffs' concern about recovering their costs, and concluded that this is a growing problem that will not be going away any time soon.

**Chairman Brackett** also questioned the sufficiency of the number of DMV locations within counties. **Ms. McCarty** said DMV has been communicating with the county Sheriffs who are conveying wide variations in the amount of time it takes to provide service to customers. **Senator Winder** added that parking is also a problem and it is a bigger problem than is being recognized at this time. **Ms. McCarty** concluded by stating that DMV owes a debt of gratitude to the Sheriffs for the work they have done, but DMV also knows that more work needs to be done.

**Chairman Brackett** asked how the transportation budget accounted for the surplus eliminator. **Ms. Otto** said it was under the title "Supplementals" and is listed as the "Strategic Initiatives Program Fund." The amount of \$62 million includes interest on an expected \$60 million.

**Chairman Brackett** asked what gave ITD the expectation of receiving that amount. **Ms. Otto** said it came from the Division of Financial Management's (DFM) revenue forecast.

**Chairman Brackett** and **Senator Winder** both praised Mr. Headlee and his staff for their efforts to provide these briefings to legislative committees. The presentations set a good tone between the Standing Committees' and JFAC's work.

**ADJOURNED:** With no further business before the Committee, **Chairman Brackett** adjourned the meeting at 2:44 p.m.

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Senator Brackett  
Chair

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Gaye Bennett  
Secretary

AGENDA  
**SENATE TRANSPORTATION COMMITTEE**  
1:30 P.M.  
Room WW53  
Thursday, January 17, 2019

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<b>Presentation</b>	Pacific NorthWest Economic Region (PNWER) — Transportation and Infrastructure Briefing	<b>Larry Doke,</b> Saskatchewan Minister of Government Relations and PNWER President  <b>Matt Morrison,</b> PNWER Chief Executive Officer
<b>Presentation</b>	2018 Local Strategic Initiative Program Report	<b>Laila Kral,</b> PE, Deputy Administrator, Local Highway Technical Assistance Council (LHTAC)

***If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Brackett	Sen Rice
Vice Chairman Crabtree	Sen Burtenshaw
Sen Winder	Sen Buckner-Webb
Sen Den Hartog	Sen Nelson
Sen Lodge	

COMMITTEE SECRETARY

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MINUTES  
**SENATE TRANSPORTATION COMMITTEE**

**DATE:** Thursday, January 17, 2019  
**TIME:** 1:30 P.M.  
**PLACE:** Room WW53  
**MEMBERS PRESENT:** Chairman Brackett, Vice Chairman Crabtree, Senators Den Hartog, Lodge, Rice, Burtenshaw, Buckner-Webb, and Nelson  
**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:** **Chairman Brackett** convened the meeting of the Senate Transportation Committee (Committee) at 1:33 p.m. He welcomed the Pacific NorthWest Economic Region (PNWER) members to the Committee. **Chairman Brackett** continued that unfortunately, Senator Winder, the co-chair of PNWER's Transportation and Infrastructure Working Group, had an outside commitment and was unable to personally welcome PNWER's members.

**PRESENTATION:** **PNWER's Transportation and Infrastructure Briefing — Chairman Brackett** invited Larry Doke, Saskatchewan Minister of Government Relations and PNWER's President, to begin the briefing.

**Mr. Doke** said he was a member of the Saskatchewan, Canada legislature and is honored to be in Idaho's Capitol building with his colleagues. He offered that Matt Morrison, PNWER's Chief Executive Officer, would be presenting PNWER's transportation and infrastructure report. **Mr. Doke** has been meeting new members of the Legislature; their Boise visit has been very productive.

**Chairman Brackett** thanked Mr. Doke and invited Mr. Morrison to present PNWER's report.

**Mr. Morrison** began by stating that Idaho, along with the other states and provinces in the region, chartered PNWER in 1991. Their mission is to increase the economic well-being and quality of life for all citizens of the region, while maintaining and enhancing our natural environment. They do this by: 1.) working to coordinate provincial and state policies throughout the region; 2.) identifying and promoting "models of success;" 3.) serving as a conduit to exchange information; 4.) promoting greater regional collaboration; 5.) finding ways to enhance the competitiveness of the region in both domestic and international markets; and 6.) leveraging regional influence in Ottawa and Washington, D.C.

PNWER's Transportation and Infrastructure Working Group, co-chaired by Senator Winder, is dedicated to improving the infrastructure of our major corridors and gateways, with a special interest on border infrastructure. The group's key issues are: 1.) market access and rail infrastructure; 2.) oil train safety and safety in the Salish Sea; 3.) Autonomous, Connected, Electric, Shared (ACES) vehicles; 4.) infrastructure finance; 5.) permit reform; 6.) Cascadia Innovation Corridor — high speed rail and harbor-to-harbor air service; and 7.) truck size and weight harmonization. More information on this group, including past presentations and reports, can be found on PNWER's website.

**Mr. Morrison** continued that PNWER has been working with Senator Winder and the Idaho Transportation Department (ITD) for several years on an issue of particular importance to Idaho — the size and weight of trucks. The PNWER region, and in particular Idaho, is very dependent on trucking to move goods to market. He described the differences in truck size and weights allowed in each PNWER state. There are barriers to transporting goods across the PNWER jurisdictions. With the mismatch of weight and size standards, a patchwork regulatory quilt is created across the region and is a significant drag on the potential profits of commodity producers. PNWER is working with ITD to identify high volume destinations and appropriate routes for harmonization opportunities, but there are other harmonization issues that need to be addressed as well, such as flags, escorts, lights, and signs.

When it comes to rail infrastructure, PNWER supports Sandpoint's junction connector as part of the Great Northern corridor, and its five-state rail caucus that is focused on passenger and freight issues. In addition, PNWER has been working on ACES vehicles that will impact the driver workforce, electric grid, productivity, and safety. They want the Northwest to be an ACES leader and leverage the economic benefits of new technology. PNWER facilitates information by sharing between innovators, the traditional private sector, and legislators. New business leaders are emerging in the ACES field including TELSA, Google, and UBER; ACES has attracted start-up entrepreneurs as well as mature businesses. ACES benefits include: 1.) reduced congestion; 2.) increased safety; 3.) lower cost of transportation; 4.) convenience; 5.) environmental friendliness; and 6.) accessibility.

**Mr. Morrison** moved on to discuss innovative infrastructure financing. Traditional funding mechanisms for large-scale infrastructure and transportation projects are challenged by the absence of resources to explore innovative procurement methods. PNWER is working to ensure any new federal infrastructure package accounts for the specific circumstances of rural states. PNWER's Innovative Infrastructure Finance Taskforce promotes best practices for public/private infrastructure financing. Canadian experts in public/private partnerships share lessons learned with U.S. legislators and other stakeholders at PNWER conferences, webinars, and tours of infrastructure networks. Public/private partnerships in Canada are applied through common contract law and have been expanded to 280 infrastructure projects nationwide.

The Fixing America's Surface Transportation (FAST) Act of 2015 authorized a \$12 million competitive grant program through a regional infrastructure demonstration program. PNWER is working with Congressional leadership to secure funding appropriation for a demonstration program. Projects for funding could include: 1.) rail (freight and passenger); 2.) highways; 3.) utilities; 4.) telecommunications; 5.) water; and 6.) unmanned aerial vehicles (drones).

**Mr. Morrison** concluded by inviting the Committee to attend PNWER's Annual Summit in July in Saskatoon, Saskatchewan. Discussion and collaboration will focus on infrastructure finance, market access, and autonomous vehicles. They want to feature the issues important to Idaho.

**DISCUSSION:**

**Mr. Morrison** responded to questions from **Senator Burtenshaw**, **Chairman Brackett**, and **Senator Nelson** regarding: standard truck weight and axle weight distribution across PNWER's member states; the status of the Sandpoint junction rail connector; and how rural communities react to urban broadband issues.

**Chairman Brackett** thanked PNWER for their update on important issues that continue to need lots of attention and collaboration.



**PRESENTATION:** **2018 Local Strategic Initiative Program Report — Chairman Brackett** invited Laila Kral, Deputy Administrator of the Local Highway Technical Assistance Council (LHTAC), to begin her presentation.

**Ms. Kral** said the Local Strategic Initiative Program (LSIP) was created in 2015 and is often referred to as the surplus eliminator. At that time, 50 percent of the funds went into the Budget Stabilization Fund (or rainy day fund) and 50 percent went to ITD for transportation projects. In 2017, of the 50 percent of the LSIP funds that had previously gone just to ITD, the law was amended so that local highway jurisdictions received 40 percent of that 50 percent and ITD received 60 percent of that 50 percent. LHTAC grants project awards for the funds going to the local jurisdictions. To receive these funds, a project must be for the maintenance of existing facilities and not for expansion or new projects. 2019 will be the last year funding will be available. Also, it was agreed that a portion of the funds could be used for child pedestrian safety.

For developing the program application, LHTAC worked with their council to create the application and areas that should be scored (i.e., safety, mobility, commerce, bid ready — ready to go within 90 days, and community impact). Applications are open to every local agency (highway district, city, county, rural, and urban), and they are scored by members of LHTAC council and staff, with the top project from each of ITD's geographical districts guaranteed to be funded.

For calendar year 2018, there was \$11 million available — \$10.2 million for projects for local jurisdictions and \$800,000 for child pedestrian safety projects. The maximum grant amount that an applicant could request was \$1 million. There were no matching funds required, but the applicants had to take responsibility for the project (i.e., bid, manage, and fully document their project). They were responsible for every aspect of the project once they received the funds. The application clearly states what are eligible and ineligible uses for the funds. In an attempt to get the word out about the available funding, LHTAC presented at conferences, association meetings, regional transportation meetings, and through email, newsletter, and their website. At 11 workshops statewide, LHTAC had over 270 attendees.

They received 79 applications requesting over \$52 million in grants, with the individual requests ranging from \$52,000 to \$1 million. Of those, LHTAC awarded funding for 17 projects that totaled \$10.2 million, with the awards ranging from \$110,000 to \$1 million. The funding agreements were sent on February 20, 2018 and all projects had to be completed by December 6, 2018. **Ms. Kral** shared information on seven of those successful projects: 1.) Post Falls Highway District received \$1 million; 2.) Benewah County received \$494,000; 3.) City of Moscow received \$477,450; 4.) City of Cascade received \$600,000; 5.) Hagerman and Gooding Highway Districts received \$710,000 and \$605,000, respectively; 6.) City of Grace received \$290,672; and 7.) City of Blackfoot received \$441,485.

**Ms. Kral** concluded by confirming that for 2019, LHTAC had received 92 applications requesting \$69.8 million that were scored, ranked, and approved on January 9, 2019.

**Chairman Brackett** thanked Ms. Kral for her presentation and added that the program had been very successful.

**ADJOURNED:** With no further business before the Committee, **Chairman Brackett** adjourned the meeting at 2:46 p.m.

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Senator Brackett  
Chair

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Gaye Bennett  
Secretary



*Pacific NorthWest  
Economic Region*

# *Transportation & Infrastructure Briefing*

Idaho Senate Transportation Committee | Jan 17, 2019



*Pacific NorthWest  
Economic Region*

PNWER is a statutory, public-private partnership chartered in 1991 by the U.S. States of Alaska, Washington, Idaho, Montana, Oregon and the Canadian Provinces of British Columbia, Alberta, Saskatchewan and the Yukon and Northwest Territories.

The Region has a GDP of over \$1 Trillion, with a population of 24.4 Million people, making it the 13<sup>th</sup> Largest Economy in the world



Most of you are familiar with PNWER but I know we have a few new folks who may not yet be involved with our work. Idaho along with the other states and provinces in the region chartered PNWER in 1991. Our mission is to increase the economic well-being and quality of life for all citizens of the region, while maintaining and enhancing our natural environment. We do this by

- Working to Coordinate provincial and state policies throughout the region
- Identifying and promoting "models of success"
- Serving as a conduit to exchange information.
- Promoting greater regional collaboration
- Finding ways to enhance the competitiveness of the region in both domestic and international markets
- Leveraging regional influence in Ottawa and Washington D.C.

# Transportation and Infrastructure Working Group

Dedicated to improving the infrastructure of our major corridors and gateways, with a special interest on border infrastructure.

*Co-chairs: Senator Chuck Winder, Idaho and Bruce Agnew, Director, Cascadia Center*



The Transportation and Infrastructure Working Group is dedicated to improve the infrastructure of our major corridors and gateways, with a special interest on border infrastructure. The co-chairs are Senator Chuck Winder, Idaho and Bruce Agnew, Director, Cascadia Center.

# Key Issues

Market Access & Rail Infrastructure

Oil Train Safety & Safety in the Salish Sea

Autonomous, Connected, Electric, Shared Vehicles

Infrastructure Finance

Permit Reform

Cascadia Innovation Corridor – High Speed Rail & Harbor to Harbour Air Service

Truck Size & Weight Harmonization



Key issues include:

Market Access & Rail Infrastructure

Oil Train Safety & Safety in the Salish Sea

Autonomous, Connected, Electric, Shared Vehicles

Infrastructure Finance

Permit Reform

Cascadia Innovation Corridor – High Speed Rail & Harbor to Harbour Air Service

Truck Size & Weight Harmonization

Unfortunately, we don't have time today to review each of our working areas but you can find past presentations or reports at [www.pnwer.org](http://www.pnwer.org) or please let me know and I will connect you with further details.



*Pacific NorthWest  
Economic Region*

# *Truck Size and Weights*

Of particular importance to Idaho is the truck size and weight issue which PNWER has been working with Sen. Chuck Winder and the Idaho Transportation Department (Mollie McCarthy and Jeff Marker) on for several years.

## Producer Economics

- Many commodities from the PNWER region are both fungible and priced on a national or world market.
- Producer pays the freight cost either directly or it is deducted from the proceeds.



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The PNWER region, and in particular Idaho, is very dependent on trucking to move goods to market. Many commodities from the PNWER region are both fungible and priced on a national or world market. Producer pays the freight cost either directly or it is deducted from the proceeds.





# PNWER Barriers

→ Not OK to transit

→ OK to transit



Differing truck size and weight measures is a significant drag on the potential profits of commodity producers.

This slide addresses the jurisdiction's most efficient vehicles only.

The map shows the barriers to transport across the PNWER jurisdictions. As you can see the mismatch of weight and size standards creates a patchwork regulatory quilt across the region. Differing truck size and weight measures is a significant drag on the potential profits of commodity producers.

## Recommendations

- Identify high volume destinations and appropriate routes for harmonization opportunities.
- Address “other” harmonization issues...flags, escorts, lights, signs.



## Next Steps

- Convene discussions and information sharing with NW Transportation Committee Chairs
- Engage private sector
- Seek federal support
- Present at 2019 Western Association of State Highway and Transportation Officials (WASHTO) Annual Conference.

PNEER is working with ITD recommends identifying high volume destinations and appropriate routes for harmonization opportunities. Other harmonization issues need to be addressed “other” harmonization issues...flags, escorts, lights, signs.

Moving forward, PNWER will convene discussions and information sharing with NW Transportation Committee Chairs. We will engage the private sector for their feedback and potentially seek federal support for a research project.

PNWER seeks to present at 2019 Western Association of State Highway and Transportation Officials (WASHTO) Annual Conference. We look to engage our partners across the region on this issue.



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Economic Region*

# *Market Access and Rail Infrastructure*

# PNWER Supports

Sandpoint Junction Connector as part of the Great Northern Corridor  
Enhanced investments in Asia Pacific Gateway and Trade Corridor  
Five-state PNWER Rail Caucus to focus on Passenger and Freight Issues



## **PNWER supports:**

**Sandpoint Junction Connector as part of the Great Northern Corridor  
Enhanced investments in Asia Pacific Gateway and Trade Corridor  
Five-state PNWER Rail Caucus to focus on Passenger and Freight Issues**



*Pacific NorthWest  
Economic Region*

## *Automated, Electric, Connected, Shared Vehicles*

There are four powerful trends coming together to transform transportation and vehicles: Autonomous, Connected, Electric and Shared – ACES. An ACES world promises to catalyze a new transportation future that reduces congestion, limits traffic accidents, cleans up our air and water, and enhances social equity by reducing the costs of personal mobility. ACES will also revolutionize the supply chain logistics world of marine, surface and air transportation while electrification offers new business opportunities for our bi-national region's utilities.

## Automated, Electric, Connected, Shared Vehicles

- ACES: Rapid technological advances with implications on driver workforce, electric grid, productivity, and safety
- PNWER facilitates information – sharing between innovators, traditional private sector, and legislators
- We are working to prepare the NW to be an ACES leader and leverage the economic benefits of new tech

**PNWER has been working on ACES issues for several years. ACES stands for the Automated, Electric, Connected, Shared Vehicles and will impact the driver workforce, electric grid, productivity, and safety .**

**We are working to prepare the NW to be an ACES leader and leverage the economic benefits of new tech**

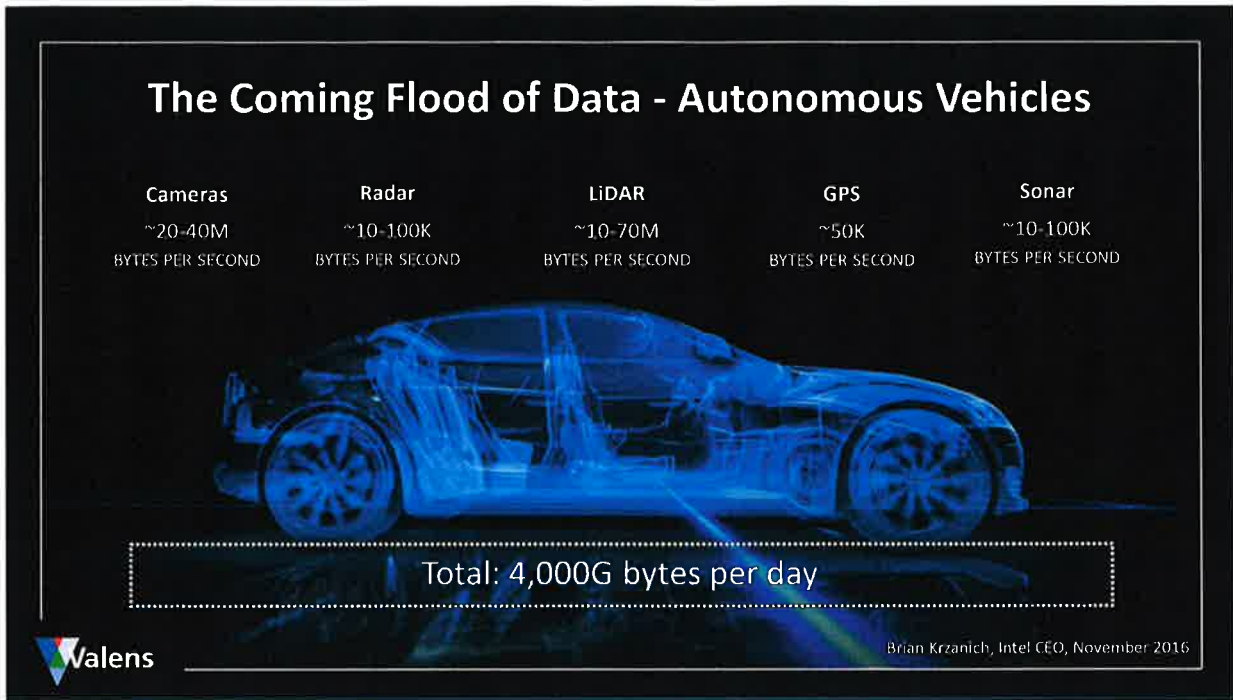
**PNWER facilitates information – sharing between innovators, traditional private sector, and legislators**

# Industry Inflection Point



New business leaders are emerging in the ACES field including TELSAs, Google, UBER. ACES has attracted start-up entrepreneurs and mature businesses. This information is provided by INRIX.





This image diagrams a simplified example of an autonomous vehicle. The vehicle will be intaking and processing thousands of bytes of data.

## PACCAR Level 4 Demonstrator



- ACES technology has significant implications for the trucking industry.
- Improve safety through lane departure technology, platooning, and automatic braking.

ACES technology has significant implications for the trucking industry. In the last year, PACCAR has participated with several technology companies to build level 4 vehicles. Earlier this year we began the development our own level 4 autonomous truck with an advanced level of sensors, software and redundant systems. Our target is to have this truck ready for use on public roads by 4Q2019. Emerging technology could significantly improve safety.

# Data Mining the Smart City

We leverage a connected network of IoT sensors, devices, cars and drivers



The wealth of Internet of Things sensors, devices, and cars will improve our cities. Smart Cities will ease congestion and improve livability. PNWER will explore the benefits and policy issues around Smart Cities at the Economic Leadership Forum in Seattle this November. We hope you can attend.

## Benefits of ACES

- ✓ Reduced Congestion
- ✓ Increased Safety
- ✓ Lower Cost of Transportation
- ✓ More Convenient
- ✓ More Environmentally Friendly
- ✓ More Accessible



INRIX

Benefits of ACES include:

- Reduced Congestion
- Increased Safety
- Lower Cost of Transportation
- More Convenient
- More Environmentally Friendly
- More Accessible

## PNWER's Role

- 2018 Spokane Summit: Forum with Idaho Transportation Department, PACCAR, Forth Mobility Network, Avista
- 2019 Saskatoon Summit in July:
  - AL/CAN/Hwy 97 Corridor: Collaboration on smart cities, electrification, highway maintenance, fiber optics and buried energy transmission lines.
- 2019 Seattle Economic Leadership Forum in November:
  - Smart cities, ACES

PNWER has been working on ACES for several years.

2018 Spokane Summit featured a forum with the Idaho Transportation Department, industry partners PACCAR, electric vehicle advocacy group Forth Mobility Network, and the utility Avista. The session was broadcast and was a great opportunity for legislators to hear from industry on emerging opportunities.

2019 Saskatoon Summit in July will include a track on the Alaska – Canada/ Highway 97 Corridor. This route is a opportunity to bind smart cities, electrification, highway maintenance, fiber optics and buried energy transmission lines.

2019 Seattle Economic Leadership Forum in November will feature a program on smart cities and the latest updates in ACES.



*Pacific NorthWest  
Economic Region*

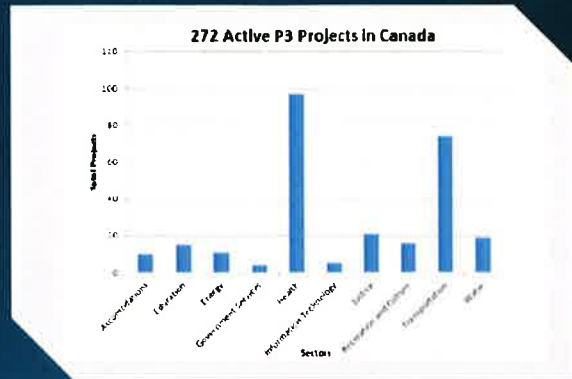
# *Innovative Infrastructure Finance*

# Innovative Infrastructure Finance

Traditional funding mechanisms for large-scale infrastructure and transportation projects are challenged by the absence of resources to explore innovative procurement methods.

The *Innovative Infrastructure Finance Taskforce* promotes best practices for public-private infrastructure financing

- Public private partnerships in Canada are applied through common contract law and have been expanded to 280 infrastructure projects (\$90 Billion) nationwide.
- Canadian experts in public-private partnerships share lessons learned with U.S. legislators and other stakeholders at PNWER conferences, webinars and tours of infrastructure networks.
- Example: Canada Line connecting downtown Vancouver to Vancouver BC Airport



Traditional funding mechanisms for large-scale infrastructure and transportation projects are challenged by the absence of resources to explore innovative procurement methods. PNWER is working to ensure any new federal infrastructure package accounts for the specific circumstances of rural states.

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- Canadian experts in public-private partnerships share lessons learned with U.S. legislators and other stakeholders at PNWER conferences, webinars and tours of infrastructure networks
- Public private partnerships in Canada are applied through common contract law and have been expanded to 280 infrastructure projects (\$90 Billion) nationwide.
  - Example: Canada Line connecting downtown Vancouver to Vancouver BC Airport

## Federal Engagement

FAST Act of 2015 – Sec. 1441 authorized \$12 Million competitive grant program for **Regional Infrastructure Accelerator Demonstration Program**

PNWER is currently working with Congressional leadership to secure funding appropriation for Demonstration Program and any future infrastructure programs address rural areas and small states infrastructure needs.

Demonstration Center Objectives:

- Assist states and municipalities in accessing existing funding sources
- Provide a 'Center of Excellence' to enable states to assess potential of innovative financing for proposed projects
- Support the alignment of multi-state regulations for cross border infrastructure projects
- Support the streamlining of regulatory environment
- Promote bi-lateral, multi-state and multi-use corridors

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# Regional Infrastructure Accelerator Demonstration Program

Sample projects –

- Rail (freight and passenger)
- Highway
- Utilities
- Telecommunications
- Water
- Unmanned Aerial Vehicles (drones)



Sample projects include:

- Rail (freight and passenger)
- Highway
- Utilities
- Telecommunications
- Water
- Unmanned Aerial Vehicles (drones)

## PNWER Annual Summit | July 21—25, 2019 | Saskatoon, Saskatchewan

Join more than 550 legislators, business leaders, academics and local government representatives in Saskatoon, Saskatchewan for four days of in-depth work sessions, high-level networking and enlightening keynote speeches as we confront major regional economic challenges. More information at [www.pnwer.org/2019-summit](http://www.pnwer.org/2019-summit).



We invite all of you to join us at the PNWER Annual Summit this July in Saskatoon for a significant discussion and collaboration opportunity on infrastructure finance, market access, and autonomous vehicles. We want to feature the issues important to Idaho. Please let us know how we can assist you in your priorities.

# CONTACT

Contact:

PNWER

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206 443-7723

Working Group Co-chair

Bruce Agnew

Cascadia Center

[bagnew@discovery.org](mailto:bagnew@discovery.org)



Visit us at [www.pnwer.org](http://www.pnwer.org), join our mailing list or follow us at [@PNWER](https://twitter.com/PNWER)

All legislators are members of PNWER. Please let us know if you would like further information on our work. You can reach us at:

Contact:

PNWER

Matt Morrison

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206 443-7723

Working Group Co-chair

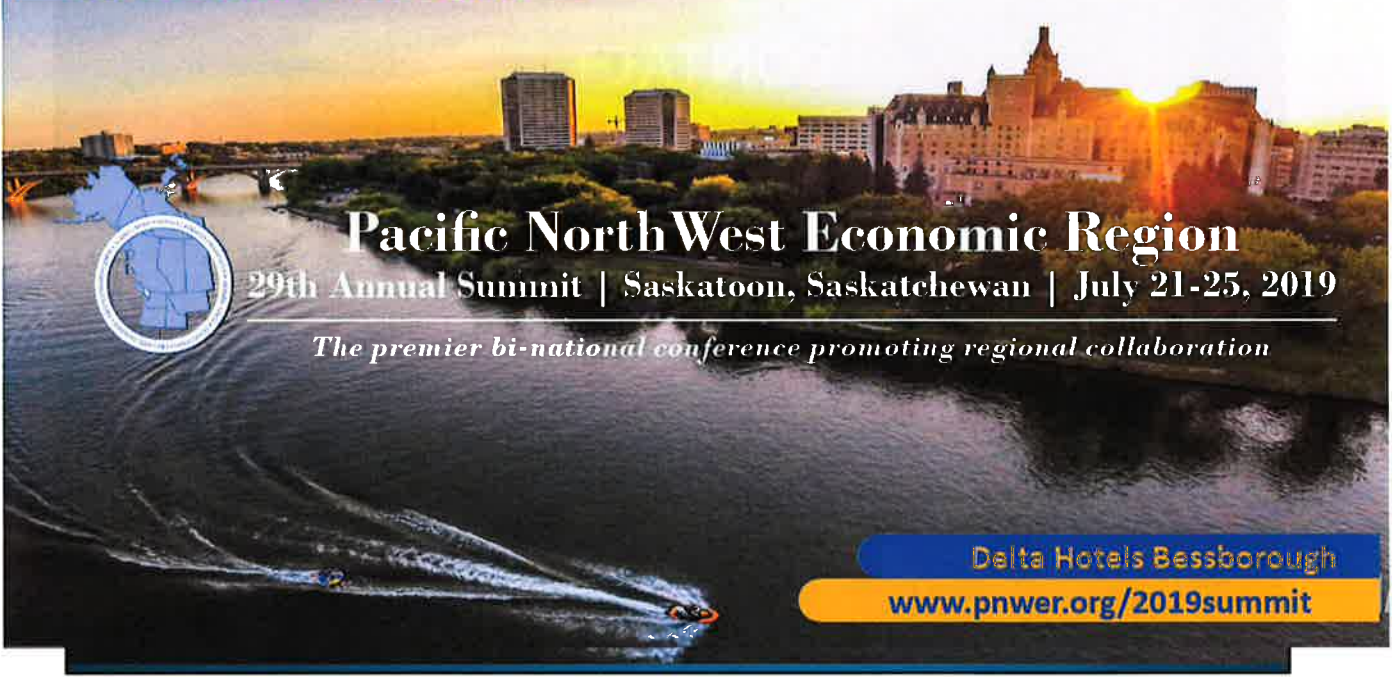
Bruce Agnew

Cascadia Center

[bagnew@discovery.org](mailto:bagnew@discovery.org)

Pacific North West Economic Region Annual Summit

July 21-25, 2019 - Saskatoon, SK



# Pacific North West Economic Region

29th Annual Summit | Saskatoon, Saskatchewan | July 21-25, 2019

*The premier bi-national conference promoting regional collaboration*

Delta Hotels Bessborough

[www.pnwer.org/2019summit](http://www.pnwer.org/2019summit)

I encourage all of you to become involved in PNWER and any of our working groups. I also would like to personally invite you to Saskatoon for the PNWER Annual Summit in July where transportation will be a primary focus of the meeting.

City of American Falls

# LOCAL STRATEGIC INITIATIVES (LSI)

## LHTAC

Laila Kral, P.E.  
Deputy Administrator



## BACKGROUND

### Created in 2015 – “Surplus Eliminator”

- 50% surplus to “rainy day fund”
- 50% surplus to Idaho Transportation Department (ITD) – Strategic Initiatives (SI) Program

### Amended in 2017 – IC 40-719 to include Local Highway Jurisdictions (LHJ)

- Transportation funds split 60% to ITD, 40% to LHJs
  - Strategic Initiatives Program Fund (SIPF)
- Local share administered through LHTAC for “projects”
- Maintenance projects
- 2 year sunset – last year of funding
- Portion of funds to Children Pedestrian Safety





## PROGRAM/APPLICATION DEVELOPMENT

- All Local Highway Jurisdictions Eligible to Apply
- Scoring Areas
  - Safety
  - Mobility
  - Commerce
  - "Bid Ready" ~90 days
  - Community Impact
- Scored by Members of LHTAC Council & Staff
- Top Project from each ITD District Funded

### Local Strategic Initiatives Program: 2018 Application

Idaho Local Highway Jurisdictions  
 Submittal Deadline: December 21, 2017 MST



Local Highway Technical Assistance Council  
 3380 Grass Street  
 Boise, Idaho 83703  
 208-344-0565 / 1-800-259-6841  
 Fax: 208-344-0789  
[www.lhtac.org](http://www.lhtac.org)



## FUNDING GUIDELINES AND USE

Approximate \$10.2M for Local SI (\$800K towards Children Pedestrian Safety)

Maximum grant – \$1M

No match required

- LHTAC administers project – bidding, contracting, documentation etc.

### Eligible uses

- Hire contractor
- Engineering fees (design, bid support, and inspection), limited to 10% (roads) or 20% (bridges)

### Ineligible uses

- Cannot be used to reimburse the LHTAC – salaries, equipment or previously expended funds
- Cannot be used for Federal project match, public outreach, etc.







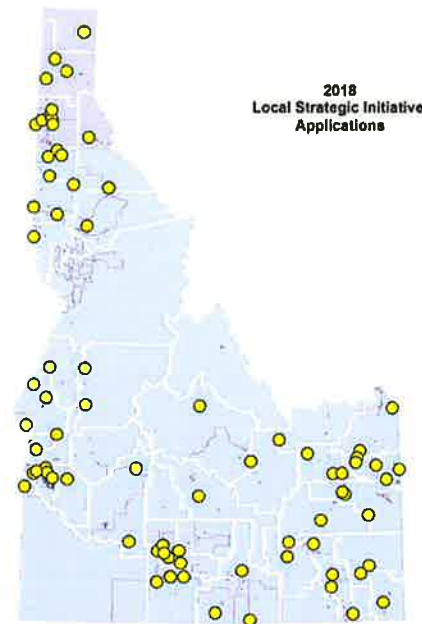
## OUTREACH/EDUCATION

- 11 Workshops Statewide, 270+ Attendees
- Presented at Conferences/Association Meetings
  - AIC, IAC, IAHD, IACERS and Idaho-APWA
- Presented at Regional Transportation Meetings
- LHTAC – Emails, Newsletter, Website
- Partner Associations

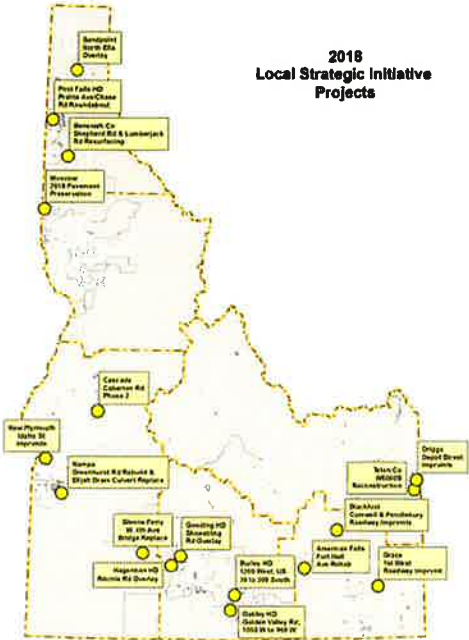


## 2018 LSI APPLICATIONS

- 79 Applications
- \$52M+ in grant requests
- Amounts requested varied
  - \$52k-\$1M








**2018  
Local Strategic Initiative  
Projects**


## 2018 LSI PROJECTS AWARDED

- 17 Projects Funded
- \$10.2M Awarded
- Each ITD District Represented
- Jurisdictions of all Sizes, Types
- Awards Varied
  - \$110k-\$1M
- Agreements sent February 20, 2018
- All Projects Completed by December 6, 2018




## POST FALLS HIGHWAY DISTRICT


Constructed roundabout at Prairie Ave/Chase Rd to accommodate trucks and improve safety - Post Falls Highway District invested their own funds for design  
**Total Cost \$1,024,680 — Grant \$1,000,000**



Before



After





## BENEWAH COUNTY

Resurfaced Shepherd Rd & Lumberjack Rd with a chip seal; added edgeline markings and delineators to improve safety

**Total Cost \$505,390 — Grant \$494,000**



Before

After



## CITY OF MOSCOW

Applied slurry seal to approximately 26 miles of city streets to extend the useful life of the pavement

**Total Cost \$493,151 — Grant \$477,450**



Before

After





## CITY OF CASCADE

Paved 0.3 miles of Cabarton Rd including adding base stabilization  
**Total Cost \$631,083 — Grant \$600,000**



## HAGERMAN AND GOODING HIGHWAY DISTRICTS

Milled existing deteriorating pavement & overlaid 2 miles/ea with 3" of asphalt



Hagerman HD - Richie Road  
**Total Cost \$716,668 — Grant \$710,000**

Gooding HD - Shoe String Road  
**Total Cost \$674,182 — Grant \$605,000**







## CITY OF GRACE

Rehabilitated and paved 1<sup>st</sup> West and 1<sup>st</sup> North (accessing County Fairgrounds);  
added drainage improvements and ADA Ramps

**Total Cost \$290,672 — Grant \$291,000 (Returned Funds — Final Project Cost \$290,672)**



Before

After

## CITY OF BLACKFOOT

Improved safety by realigning the intersection of Judicial St & Cromwell Ln; pavement  
rehabilitation and widening of Cromwell Ln

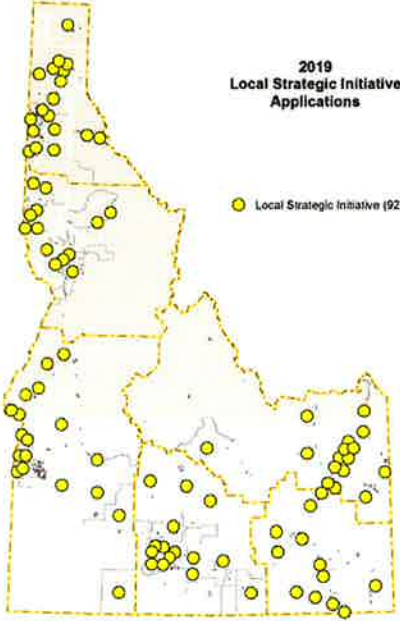
**Total Cost \$618,406 — Grant \$441,485**



Before

After






**2019  
Local Strategic Initiative  
Applications**

● Local Strategic Initiative (92)

## 2019 LSI APPLICATIONS

- 92 Applications Received
- \$69.8M Requested
- Scored by Council/Staff
- Scores/Rankings approved by Council 1/9/19



# ADVOCATE. SUPPORT. TRAIN.

Provide the best and most efficient assistance to every local highway jurisdiction in Idaho

Laila Kral, P.E.  
Deputy Administrator  
[LKRAL@LHTAC.org](mailto:LKRAL@LHTAC.org)

[www.LHTAC.org](http://www.LHTAC.org)  
3330 Grace Street, Boise, ID 83703





**Oakley Highway District**

4 miles of the busiest road in our highway district was falling apart. We have qualified for a Federal Aid Grant of \$1,000,000 to overlay the 4 miles, but ground penetrating radar revealed that there was almost no base under the existing asphalt. The cost to fix the road rose from \$1,000,000 to \$4,000,000. We applied for and received a Strategic Initiative Grant of \$976,000. By adding in every spare nickel, the district had we were able to rebuild 1 1/2 miles of the 4. The new road is beautiful. Complements are hard to come by in this line of work, but the community has been enthusiastic about this project. Without the Strategic Initiative program, Oakley Highway would never have been able to fund the rebuilding of this road. Our Highway District needs to pave, or rebuild and repave 73 miles of road. Our yearly budget is under \$900,000. It takes all that to maintain the 250 miles we are responsible for. No \$\$ left over for reconstruction or new asphalt on very busy gravel roads.

Please accept my Sincere Thanks for the Strategic Initiative Program. I hope the State is able to continue with it. It has made a positive difference to the transportation system in Oakley.

Weston Hawkes, Director, Oakley Highway District

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**City of Nampa**

Good afternoon,

Recently the Local Highway Technical Assistance Council (LHTAC) and the City held a ribbon cutting for the Greenhurst /Elijah Drain Rebuild (Southside-Marcum Lane) project, completed in October 2018. Nampa secured a \$1 million dollar Local Strategic Initiatives Program grant (Surplus Eliminator) through LHTAC and the Idaho Transportation Department (ITD) to construct the project. In 2017 (prior to receiving the grant) the project was cancelled due to local funding limitations. The Strategic Initiatives grant allowed the much-needed project to move forward and be constructed in 2018.

Jeff Barnes, Deputy Public Works Director, City of Nampa

Mayor Kling added, *"The City of Nampa faces a \$20 million annual funding gap for transportation. We are very thankful for the \$1 million grant received through the Local Highway Technical Assistance Council for the Elijah Drain project on one of Nampa's major roadways. Our accessibility to local, state and federal grant dollars is imperative to bridging the funding gap we face each year."*

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**City of Moscow**

The Local Strategic Initiatives Program had an enormously beneficial impact on our Pavement Management Program in 2018. Through the LSIP grant, we were able to execute the largest single surface treatment project in the history of the City with almost \$500,000 in slurry seal. The City has worked diligently to make each dollar go as far as possible for street maintenance, but, as you are aware, local street funding is a huge challenge. The ability to solicit funds for cost-effective surface treatments through this grant was wonderful. Rather than a high-dollar, limited impact project, we were able to treat many miles of street, and keep with our philosophy of keeping our good roads good.

We appreciate all that you do with LHTAC, and hope to see more opportunities for grant monies to be used for maintenance procedures.

Tyler M. Palmer, MPA, Deputy Director - Operations, City of Moscow

---

**Post Falls Highway District**

Without the LSI program the District would not have been able to complete the roundabout for another year. It takes a while to save a \$1,000,000. I was at a local traffic safety infrastructure meeting today where there were representatives from most of the local law enforcement agencies. Kootenai County Sheriff's office made the comment that with the roundabout in-place it has virtually eliminated crashes at that intersection. One other comment would be that the LSI program goes directly to the jurisdiction and is not wrapped in the "red tape" or burdened with the onerous requirements of federal aid.

My thoughts,

Kelly Brownsberger, Road Supervisor, Post Falls Highway District





# 2019 Local Strategic Initiatives Application Rankings

1/10/2019

The scores and rankings were approved by the LHTAC Executive Council on 01/09/2019. The following list represents the applications received ranked by score and the requested amount. Awards will not be issued until the Idaho Legislature appropriates funding.

LSI #	ITD Dist	Local Sponsor	Description	Total Score	Grant Request
LSI 23	1	City of Coeur d' Alene	Atlas/Industrial Signal and Atlas Trail Gap Project	459.5	\$804,500
LSI 29	1	City of Priest River	Priest River Downtown Revitalization	451.5	\$1,000,000
LSI 08	1	Independent Hwy Dist	Schweitzer Mountain Rd Overlays Project	450.5	\$1,000,000
LSI 14	6	City of Rexburg	Seventh South Reconstruction	441.0	\$740,000
LSI 17	4	City of Rupert	City of Rupert 2019 Chip Seal Project	440.5	\$1,000,000
LSI 09	1	Bonner County	Squaw Valley & Grouse Creek Bridge Repairs	440.0	\$250,000
LSI 53	2	Clearwater County	Upper Fords Creek Rd Safety & Pavement Improvement	433.5	\$1,000,000
LSI 18	3	Mountain Home Hwy Dist	Simco Road Rehabilitation, Phase 4	433.0	\$1,000,000
LSI 73	4	Hillsdale Hwy Dist	Crestview Road Paving - Phase V; 100 N to County Line	427.5	\$1,000,000
LSI 86	5	Power County Hwy Dist	Lamb Weston Rd Improvements	426.5	\$1,000,000
LSI 32	6	Madison County	2000W/2000N Intersection Improvement (roundabout)	424.0	\$953,000
LSI 21	1	City of Kootenai	McGhee Road Cement Treated Base Project	423.5	\$240,000
LSI 89	6	City of Idaho Falls	Science Center Dr; Jefferson to Blvd	423.0	\$849,000
LSI 49	6	Fremont County	Red Road Rehabilitation	422.0	\$1,000,000
LSI 55	6	Lost River Hwy Dist	Trail Creek Rd Rehabilitation Project	422.0	\$1,000,000
LSI 62	3	Golden Gate Hwy Dist #3	Culvert Rehabilitation Project	422.0	\$933,688
LSI 11	1	Boundary County	Tobe Way & Plato Dr. Improvements	420.5	\$660,000
LSI 39	6	City of Ammon	Sunnyside Road/Ammon Road Signal	419.5	\$697,000
LSI 26	4	Jerome Hwy Dist	100 South Rd Reconstruction Project	418.0	\$1,000,000
LSI 37	3	City of Weiser	Galloway Rd & ADA Improvements	416.0	\$879,000
LSI 43	4	Murtaugh Hwy Dist	Golden Valley Rd; 1500 W to 1400W	416.0	\$999,951
LSI 60	2	City of Genesee	City of Genesee, Cedar Street Rehabilitation	416.0	\$195,000
LSI 66	4	Wendell Hwy Dist	2950 South Road Overlay	414.5	\$1,000,000
LSI 82	6	Bonneville County	45th West; 65th South to 46th South	414.5	\$997,097
LSI 25	1	Shoshone County Rd & Brg	Marble Creek Bridge Deck Rehabilitation	413.5	\$200,000
LSI 51	2	Keuterville Hwy Dist	Joint Gravel Rd Rehabilitation Project; Keuterville& Fenn Hwy Dist	413.5	\$1,000,000
LSI 78	4	West Point Hwy Dist	1500 East Road Rehabilitation - Phase I; 2590 S. Rd To 3200 S Rd	413.5	\$1,000,000
LSI 75	4	Filer Hwy Dist	3700 North Road Rehabilitation Phase I; 2300 E Rd to Hwy Dist limits	413.0	\$891,400
LSI 04	2	City of Lewiston	Main Street Overlay	412.5	\$1,000,000
LSI 54	6	City of Victor	City of Victor Baseline Rd Overlay Project	408.0	\$695,995
LSI 69	1	City of Ponderay	Mcneaney Road Improvements	406.5	\$700,000
LSI 07	2	City of Lapwai	Willow Ave Renovation Project	406.0	\$628,964
LSI 91	5	City of Shelley	Fir Street Improvements	406.0	\$1,000,000
LSI 56	6	City of Newdale	City of Newdale - Truck Route BST	405.5	\$90,000
LSI 33	2	Evergreen Hwy Dist	Winchester Grade Road - CRABS & BST	405.0	\$1,000,000
LSI 72	4	Camas County Rd & Brg	Soldier Creek Road Rehabilitation, Freegold Rd to Ski Resort	405.0	\$1,000,000
LSI 90	5	City of Aberdeen	Fremont Ave Improvements	404.0	\$510,000
LSI 50	5	City of Franklin	City of Franklin Rd Improvement Project	403.5	\$600,000
LSI 45	1	City of St. Maries	College Avenue Revitalization	402.5	\$507,727
LSI 30	4	Shoshone Hwy Dist	Millard Rd	401.5	\$1,000,000
LSI 81	3	Glenns Ferry Hwy Dist	Pine-Featherville Safety Improvements	401.5	\$850,000
LSI 92	5	Bingham County	Wolverine Road Overlay	401.5	\$1,000,000
LSI 76	4	Buhl Hwy Dist	1000 E & 4100 N Overlay	401.0	\$1,000,000
LSI 59	1	Eastside Hwy Dist	Yellowstone Trail Rd Improvements (CdA Lake Dr to Bonnel Rd)	399.5	\$895,400
LSI 52	5	Bear Lake County	St. Charles Creek Bridge	399.0	\$751,000
LSI 34	3	Notus Parma Hwy Dist #2	Boise River Road Rehabilitation - Rodeo Ln to Hwy 95	397.0	\$870,000
LSI 88	6	City of Rigby	Annis Highway Roadway Improvements	396.5	\$1,000,000





# 2019 Local Strategic Initiatives Application Rankings

1/10/2019

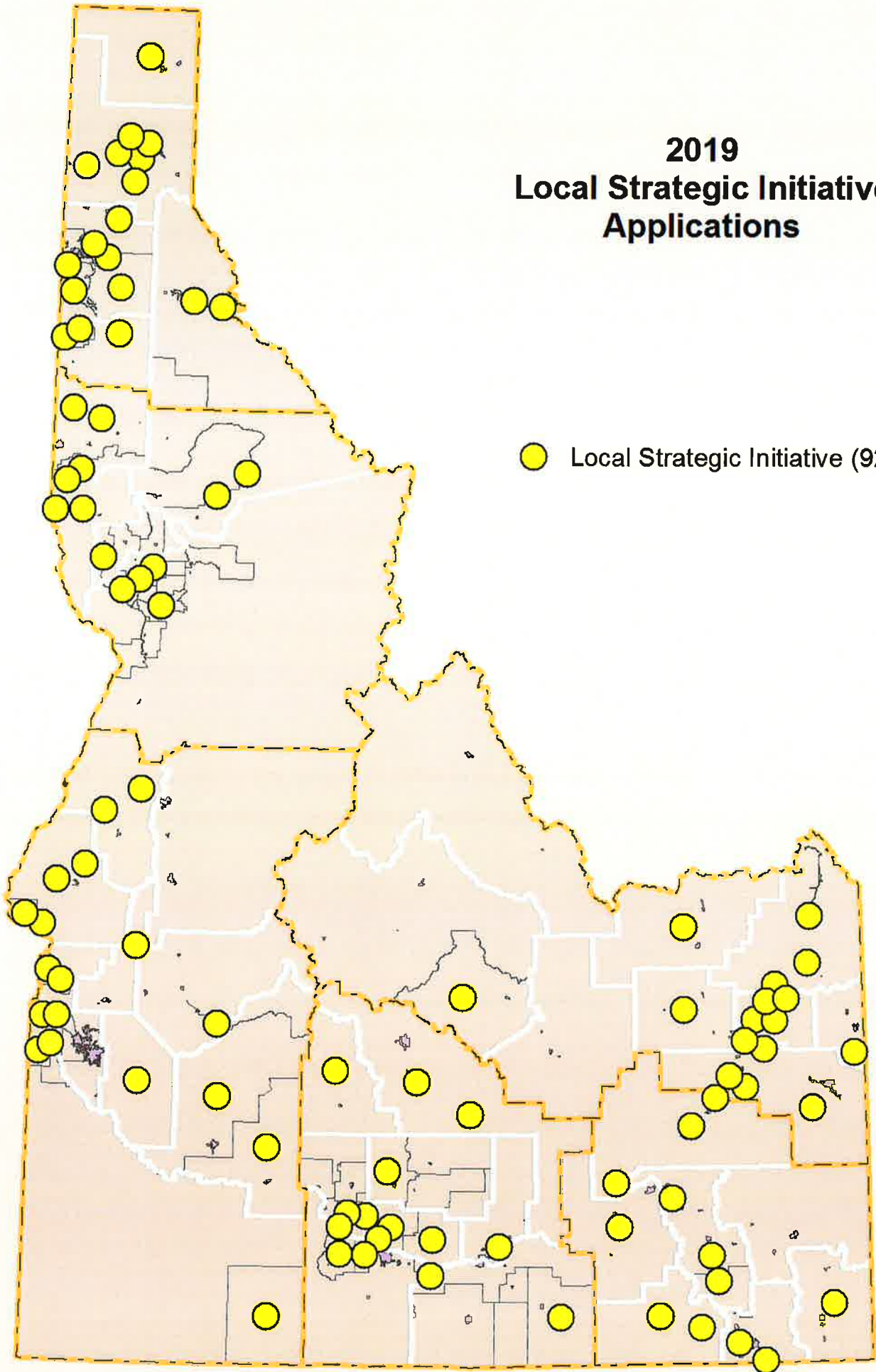
LSI #	ITD Dist	Local Sponsor	Description	Total Score	Grant Request
LSI 87	3	Adams County Rd & Brg	Adams County Road Preservations	396.0	\$1,000,000
LSI 28	5	City of Pocatello	Bridges Rehabilitation and Intersection Safety Improvement	395.5	\$1,000,000
LSI 24	1	City of Dalton Gardens	Wilbur Traffic Circles	393.5	\$198,100
LSI 35	2	Greencreek Hwy Dist	Greencreek & Ferdinand Highway Dist Seal Coat Rd Project	392.5	\$942,400
LSI 48	1	City of Hayden	Honeysuckle Ave & Ramsey Rd Roundabout Improvement	391.5	\$1,000,000
LSI 40	3	Washington County	Cove Road Pavement Upgrades	388.5	\$1,000,000
LSI 36	2	City of Cottonwood	City of Cottonwood Seal Coat Rd Project	387.5	\$400,845
LSI 83	3	Gem County	Mill Road Bridge Replacement	387.5	\$690,733
LSI 57	1	City of Dover	Dover Systemic Paving	387.0	\$518,000
LSI 70	5	City of Malad	City of Malad 1st W Roadway Improvements	384.5	\$600,000
LSI 05	5	City of Arimo	School Street Resurfacing	384.0	\$139,000
LSI 42	5	City of Downey	Fairgrounds Area Chip Seals	384.0	\$123,500
LSI 03	3	City of Cambridge	2nd Street Improvements	382.5	\$175,000
LSI 06	4	City of Wendell	East Main - Street, Curb, Gutter & Sidewalk Replacement	382.5	\$519,000
LSI 84	4	City of Bellevue	Pine Street Reconstruction	382.0	\$937,600
LSI 47	6	Clark County	A2 Hwy Clark County	381.0	\$1,000,000
LSI 63	3	Three Creek Hwy Dist	Three Creek Road	380.5	\$1,000,000
LSI 46	1	City of Mullan	5th Street Bridge Rehabilitation	378.5	\$404,000
LSI 65	1	Worley Hwy Dist	Bennion Road & Finnebott Rd Intersection Safety Project	378.0	\$1,000,000
LSI 38	2	Plummer Gateway Hwy Dist	2019 Minaloosa Doubleshot Chip Seal	375.0	\$146,000
LSI 71	3	Weiser Valley Hwy Dist	WVHD 2019 Chip Seals	372.5	\$1,000,000
LSI 02	6	City of St. Anthony	W 7th South Reconstruction	370.0	\$565,960
LSI 67	4	Blaine County	Indian Creek Road Improvements Project	367.5	\$999,800
LSI 85	5	Oneida County	Old Highway 37: Phase II	366.0	\$1,000,000
LSI 77	3	City of New Meadows	City of New Meadows 2019 Roadway & Sidewalk Improvements	364.5	\$613,052
LSI 74	4	Raft River Hwy Dist	Pierce Lane: Phase II	362.0	\$1,000,000
LSI 80	3	City of Potlatch	Potlatch 2019 Paving Project	360.0	\$685,939
LSI 27	6	City of Ririe	Improvements to 1st West st , that remain unimproved	358.5	\$273,600
LSI 10	2	City of Pierce	Canal Street Pavement Improvement	357.5	\$463,750
LSI 44	4	City of Jerome	North Date Street	355.5	\$1,000,000
LSI 20	3	Ada County Hwy Dist	Orchard Access Road Rehabilitation	353.0	\$800,000
LSI 64	3	City of Fruitland	NW 16th Steet @ Pennsylvania Ave	351.5	\$1,000,000
LSI 16	2	South Latah County Hwy Dist	Cow Creek Rd & Morscheck Rd Intersection Improvement Project	347.5	\$120,044
LSI 58	1	City of Plummer	City of Plummer Paving Project	336.0	\$1,000,000
LSI 68	6	Jefferson County Rd & Brg	Jefferson County Bridge Deck Overlays	335.5	\$343,668
LSI 15	2	North Latah County Hwy Dist	Asphalt Maintenance 2019	327.5	\$985,000
LSI 61	2	Grangeville Hwy Dist	Fish Hatchery Road Improvement	325.5	\$920,000
LSI 19	3	City of Parma	Parma Bates Ave Rebuild	321.0	\$198,000
LSI 12	1	Lakes Hwy Dist	Bunco Road US95 to Nunn Rd	318.0	\$1,000,000
LSI 31	6	City of Ashton	City of Ashton Street Rehabilitation project	311.5	\$950,000
LSI 13	3	City of Idaho City	Idaho City - Main & Elk Creek	303.5	\$1,000,000
LSI 22	5	City of Dayton	City of Dayton Bike Lane & Chip Seal Project	284.0	\$359,000
LSI 01	3	Homedale Hwy Dist	Cemetary Road Re-Construction	239.0	\$1,000,000
LSI 41	6	City of Sugar City	Sugar City - Railroad Ave - 3rd South Improvement	0.0	\$383,000
LSI 79	3	City of New Plymouth	Southwest Ave - from Plymouth Ave to West city limits on N side	0.0	\$1,000,000

**TOTAL REQUEST \$69,843,713**



# 2019 Local Strategic Initiative Applications

● Local Strategic Initiative (92)





AGENDA  
**SENATE TRANSPORTATION COMMITTEE**  
**1:30 P.M.**  
**Room WW53**  
**Tuesday, January 22, 2019**

SUBJECT	DESCRIPTION	PRESENTER
Review	<u><b>ADMINISTRATIVE RULES</b></u> All Pending Rules	<b>Vice Chairman Crabtree</b>
<b>Docket No.</b> <a href="#"><u>35-0105-1801</u></a>	<u>IDAHO STATE TAX COMMISSION:</u> Idaho Motor Fuels Tax Administrative Rules	<b>Tom Shaner</b> , Tax Policy Manager, Idaho State Tax Commission
<b>Docket No.</b> <a href="#"><u>39-0246-1801</u></a>	<u>IDAHO TRANSPORTATION DEPARTMENT (ITD):</u> Rules Governing Temporary Motor Vehicle Registration Permit	<b>Brendan Floyd</b> , Department of Motor Vehicles Program Specialist, ITD
<b>Docket No.</b> <a href="#"><u>39-0261-1801</u></a>	<u>ITD:</u> Rules Governing License Plates for Governmental Agencies and Taxing Districts	<b>Chris Fisher</b> , Department of Motor Vehicles Program Specialist, ITD
<b>Docket No.</b> <a href="#"><u>39-0341-1801</u></a>	<u>ITD:</u> Rules Governing Traffic Control Devices	<b>Ramon Hobdey-Sanchez</b> , Governmental Affairs Program Specialist, ITD
<b>Docket No.</b> <a href="#"><u>39-0348-1801</u></a>	<u>ITD:</u> Rules Governing Routes Exempt From Local Plans and Ordinances	<b>Ramon Hobdey-Sanchez</b> , Governmental Affairs Program Specialist, ITD

***Committee Members Reminder:***

*Please bring your Administrative Rules Book to the meeting.*

***If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Brackett  
 Vice Chairman Crabtree  
 Sen Winder  
 Sen Den Hartog

Sen Rice  
 Sen Burtenshaw  
 Sen Buckner-Webb  
 Sen Nelson

COMMITTEE SECRETARY

Gaye Bennett  
 Room: WW33  
 Phone: 332-1332  
 email: stran@senate.idaho.gov

Sen Lodge

MINUTES  
**SENATE TRANSPORTATION COMMITTEE**

**DATE:** Tuesday, January 22, 2019

**TIME:** 1:30 P.M.

**PLACE:** Room WW53

**MEMBERS PRESENT:** Vice Chairman Crabtree, Senators Winder, Den Hartog, Lodge, Rice, Burtenshaw, Buckner-Webb, and Nelson

**ABSENT/ EXCUSED:** Chairman Brackett

**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:** **Vice Chairman Crabtree** convened the meeting of the Senate Transportation Committee (Committee) at 1:30 p.m. by welcoming Committee members and guests to the meeting; he announced that Chairman Brackett had an excused absence from today's meeting. He explained that the Committee would be reviewing five pending IDAPA Administrative Rules, of which one was a State Tax Commission (STC) rule and four were Idaho Transportation Department (ITD) rules.

**DOCKET NO. 35-0105-1801** **Vice Chairman Crabtree** invited Tom Shaner, STC Tax Policy Manager, to present this docket.

**IDAHO MOTOR FUELS TAX ADMINISTRATION RULES:** **Mr. Shaner** said this rule is being amended to clearly define which vehicles can use dyed diesel, according to Idaho Code § 63-2425. An example of the clarification is the replacement of "low sulfur" and "ultra low sulfur" fuel with the word "diesel." Mr. Shaner stood for questions.

**MOTION:** **Senator Buckner-Webb** moved to adopt **Docket No. 35-0105-1801**. **Senator Burtenshaw** seconded the motion.

**DISCUSSION:** **Senator Rice** said the language is confusing because it references the usage to the Internal Revenue Code (IRC) while at the same time being allowed under state law; he questioned whether they should be under state law and not federal law. **Mr. Shaner** answered that the fuels tax rules originated in the IRC and the State references the IRC to the Idaho Code; they are in both. **Senator Rice** asked if they were the same and identical. **Mr. Shaner** said he believed they were. **Senator Rice** added that the state collects both state and federal highway taxes, but the federal taxes are based on federal rules and state highway taxes are based on state law. He suggested this change made the language more confusing than before.

**Senator Winder** said, having served on the Idaho Transportation Board (ITB) for many years, this is one of the more confusing areas for the collection and distribution of funds collected. The IRC works on international and national agreements as well as state laws, and although it has shortcomings, he believes it should be approved.

The motion passed by **voice vote**.

**DOCKET NO. 39-0246-1801** **Vice Chairman Crabtree** invited Brendan Floyd, ITD Department of Motor Vehicles (DMV) Program Specialist, to present this docket.

## **RULES GOVERNING TEMPORARY MOTOR VEHICLE REGISTRATION**

**PERMIT: Mr. Floyd** said the intent of this proposed rule change, as shown in Idaho Code § 101, is to allow dealers of commercial vehicles, trailers, and semi-trailers to issue temporary registration permits to out-of-state customers; currently the rule prohibits this allowance. Temporary registration permits are issued when an individual from another state buys a vehicle from a dealer in Idaho. The dealer can issue this type of permit to the buyer so the buyer has something conspicuous to display on the purchased vehicle to drive it back to their state of residence. Car and truck dealers are currently permitted to do this, but commercial and trailer dealers are not. This rule enables all dealers to issue these. **Mr. Floyd** stood for questions; there were no questions.

### **MOTION:**

**Senator Den Hartog** moved to adopt **Docket No. 39-0246-1801**. **Senator Nelson** seconded the motion. The motion passed by **voice vote**.

### **DOCKET NO. 39-0261-1801**

**Vice Chairman Crabtree** invited Chris Fisher, ITD DMV Program Specialist, to present this docket.

## **RULES GOVERNING LICENSE PLATES FOR GOVERNMENTAL AGENCIES**

**AND TAXING DISTRICTS: Ms. Fisher** said the purpose for this rule change is to support last year's legislation that amended Idaho Code § 49-443B(2) dealing with County Sheriffs' desire to remove all references in Idaho Code to "Sheriff's Department" and replace those words with "Sheriff's Office." A County Sheriff is an elected official holding an office. A consequential purpose was to change the Sheriffs' license plate designator from "SD" to "SO". The "Exempt Plate Designators" list in Idaho Code was changed to reflect this one change. It replaced the license plate designator "SD" with "SO" and changed the description to "Sheriff's Office." Since the prefix on the physical license plate was changed by the law, the Sheriffs were issued new license plates with the "SO" designator. The change aligns the rule with Idaho Code and will become final and effective at the end of this Legislative Session. **Ms. Fisher** stood for questions; there were no questions.

### **MOTION:**

**Senator Nelson** moved to adopt **Docket No. 39-0261-1801**. **Senator Den Hartog** seconded the motion. The motion passed by **voice vote**.

### **DOCKET NO. 39-0341-1801**

**Vice Chairman Crabtree** invited Ramon Hobdey-Sanchez, ITD Governmental Affairs Program Specialist, to present this docket.

## **RULES GOVERNING TRAFFIC CONTROL DEVICES: Mr. Hobdey-Sanchez**

said the majority of the modifications to this rule are deletions of language related to the IdaShield sign found at railroad crossings across the state. It is a sign attached to the post of the standard railroad cross-buck signs seen at rail crossings. The sign is approximately three feet tall and is wrapped around the edge of the signpost with 45-degree wings. In the 1990s, ITD received permission from the Federal Highway Administration (FHWA) to experiment with the usage of this sign at passive highway/railroad grade crossings. The experiment was now complete and, in accordance with the experiment and agreement, IdaShield signs are no longer permitted to be replaced or installed. Therefore, reference to the sign in rule is being stricken. **Mr. Hobdey-Sanchez** stood for questions.

### **DISCUSSION:**

**Senator Winder** said that IdaShield had been brought forward when he was on the ITB; he asked what kind of records ITD had kept of the data collected and whether ITD was planning on removing the signs. **Mr. Hobdey-Sanchez** said that Union Pacific Railroad kept records in the 1990s from the first few years of operation of the program, but reports were inconclusive as to the program's effectiveness. The railroads are changing the signs that will be removed as the railroad gets to each crossing.



**Senator Winder** added that the program was initiated because of the poor markings at rural railroad crossings, especially at night when there were more accidents. It had been touted as a great safety measure which is the information the ITB had received. He continued that unless the replacement signs are better, we may find the same safety issues that existed 25 years prior. **Mr. Hobdey-Sanchez** said that ITD asked to extend the program, but the request was denied. **Senator Winder** said he would like to know if the new signs will be as reflective during the night as the IdaShield signs had been; he would like to see a design of the new signs. **Mr. Hobdey-Sanchez** said he would follow up and send his findings to the Committee.

**MOTION:** **Senator Winder** moved to adopt **Docket No. 39-0341-1801**. **Senator Den Hartog** seconded the motion. The motion passed by **voice vote**.

**DOCKET NO. 39-0348-1801** **Vice Chairman Crabtree** invited Ramon Hobdey-Sanchez to continue with the next docket.

**RULES GOVERNING ROUTES EXEMPT FROM LOCAL PLANS AND ORDINANCES:** **Mr. Hobdey-Sanchez** said this is a simple change removing reference to a proper name. ITD's Geographic Information System (GIS) team has been migrating off ITD's computer system's mainframe, making the reference to the GIS system unnecessary. The information is still being tracked and logged, and remains available to the public. **Mr. Hobdey-Sanchez** stood for questions; there were no questions.

**MOTION:** **Senator Nelson** moved to adopt **Docket No. 39-0348-1801**. **Senator Rice** seconded the motion. The motion passed by **voice vote**.

**ADJOURNED:** With no further business before the Committee, **Vice Chairman Crabtree** adjourned the meeting at 2:34 p.m.

---

Vice Chairman Crabtree  
Chair

---

Gaye Bennett  
Secretary

JOINT AGENDA  
**SENATE TRANSPORTATION COMMITTEE  
AND  
HOUSE TRANSPORTATION & DEFENSE COMMITTEE**  
1:30 P.M.  
Lincoln Auditorium (WW02)  
Thursday, January 24, 2019

SUBJECT	DESCRIPTION	PRESENTER
Presentation	Idaho Transportation Department (ITD)  <i>"Transportation in a Rapidly Growing State"</i>	<b>Brian Ness,</b> ITD Director

***If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Brackett

Vice Chairman Crabtree

Sen Winder

Sen Den Hartog

Sen Lodge

Sen Rice

Sen Burtenshaw

Sen Buckner-Webb

Sen Nelson

COMMITTEE SECRETARY

Gaye Bennett

Room: WW33

Phone: 332-1332

email: [stran@senate.idaho.gov](mailto:stran@senate.idaho.gov)

MINUTES  
JOINT MEETING  
**SENATE TRANSPORTATION COMMITTEE**  
**HOUSE TRANSPORTATION & DEFENSE COMMITTEE**

**DATE:** Thursday, January 24, 2019

**TIME:** 1:30 P.M.

**PLACE:** Lincoln Auditorium (WW02)

**MEMBERS PRESENT:** Chairman Brackett, Vice Chairman Crabtree, Senators Winder, Den Hartog, Lodge, Burtenshaw, Buckner-Webb, and Nelson  
Chairman Palmer, Vice Chairman Shepherd, Representatives Gestrin, Kauffman, Youngblood, Dixon, Harris, Monks, DeMordaunt, Syme, Blanksma, Addis, Ricks, Wintrow, Gannon, and Davis(Thea)

**ABSENT/ EXCUSED:** Senator Rice, Representatives Holtzclaw and Rubel

**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 Brackett** called the joint meeting of the Senate Transportation Committee and the House Transportation and Defense Committee (Committees) to order at 1:33 p.m.

**PRESENTATION:** **Chairman Brackett** invited Brian Ness, Idaho Transportation Department (ITD) Director, to present "Transportation in a Rapidly Growing State."  
**Director Ness** said there were three topics he would be addressing: 1.) the typical civil service model versus the ITD model for operating government; 2.) transportation funding; and 3.) Idaho's rapid population growth.  
According to **Director Ness**, government agencies need to serve the citizens and not themselves. ITD has focused on improving commerce and operations. It has been very successful and ITD's work is being copied by other state agencies. Specifically, ITD has: 1.) developed ways to break down bureaucracy; 2.) provided government services at a lower cost allowing ITD to respond quickly to the needs of their customers; and 3.) facilitated commerce by choosing road and bridge projects most likely to create economic opportunity and increase safety. He explained how ITD has become a model of efficiency in government service and has changed the compensation model from years of service to a performance based model. This has reduced bureaucracy and increased morale while providing a better service to the public.  
ITD has an annual funding shortfall for which the Legislature has taken three actions to provide ongoing revenue. Those actions are: 1.) in 2014, the Idaho Legislature provided \$4.7 million of the cigarette tax to use toward the annual Grant Anticipation Revenue Vehicle (GARVEE) debt service; 2.) in 2015, the Legislature provided an additional \$109 million for highway maintenance by increasing fuel taxes and vehicle registrations, the first revenue increase for road and bridge maintenance in 20 years; and 3.) in 2017, the Legislature provided \$22.6 million for congestion mitigation. In addition to these ongoing funds, the Legislature provided one-time funding by allocating half of the State's General Fund surplus to transportation at the end of each of the last four years. This source of revenue is scheduled to expire in May unless the sunset clause is extended. These ongoing and one-time increases help battle Idaho's aging

infrastructure, but with 50 percent of the State's bridges aging beyond their design life of 50 years, ITD cannot replace bridges fast enough.

Finally, Idaho is one of the fastest-growing states in the union. ITD does not have the funding needed to address the increasing safety and capacity issues on Idaho's highways caused by this growth. In the last five years, Idaho's population has grown by 5.5 percent and the number of licensed drivers has grown by 7 percent, or 80,000 additional drivers. The Governor's budget recommendation for ITD provides nearly \$794 million in Fiscal Year 2020. Idaho's transportation system will require alternative forms of funding before then. Idaho is currently participating in a federally funded pilot program with Washington, Oregon, and British Columbia to see if a road-usage charge might be an option. Alternate sources of revenue may become more important to Idaho in the future as car manufacturers increase their investments in autonomous vehicles, most of which will be powered by electricity instead of petroleum products. **Director Ness** thanked the Committees and stood for questions.

**DISCUSSION:**

Committee Members discussed and asked for more clarity on issues including: funding; reduction in bureaucracy in serving the public; length of lines at the Department of Motor Vehicles (DMV) offices in highly populated counties; praising the ease of truck registrations; the Star Card designation for the federal REAL ID program requirements; interaction with Idaho's Department of Administration regarding technology contracts; the pilot program with Washington, Oregon, and British Columbia; ITD's headquarters in Shoshone; expansion of the interstate at Karcher Road in Nampa; and the implementation of High Occupancy Vehicle (HOV) lanes. The members asking these questions were: **Representative Kauffman, Senator Den Hartog, Senator Winder, Senator Burtenshaw, Representative Wintrow, Chairman Brackett, Representative Blanksma, Representative Syme, Representative Gestrin, Representative Gannon, and Representative Thea** (replacing Representative Davis for the day). **Director Ness** and **Mollie McCarty**, ITD Director of Governmental Affairs, adequately and satisfactorily responded to all questions.

**Chairman Brackett** thanked Director Ness and recognized Jerry Whitehead, Chairman of the Idaho Transportation Board, who was seated in the audience.

**ADJOURNED:**

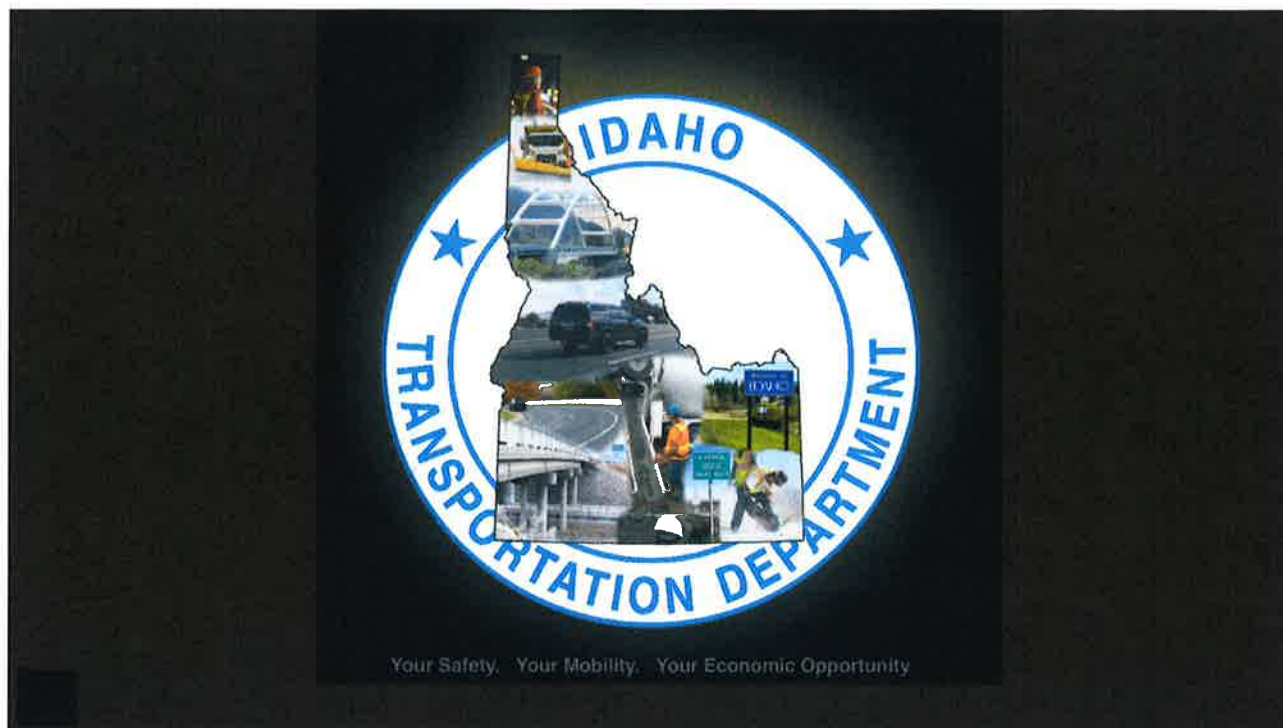
With no further business before the Committees, **Chairman Brackett** adjourned the joint meeting at 2:22 p.m.

---

Senator Brackett  
Chair

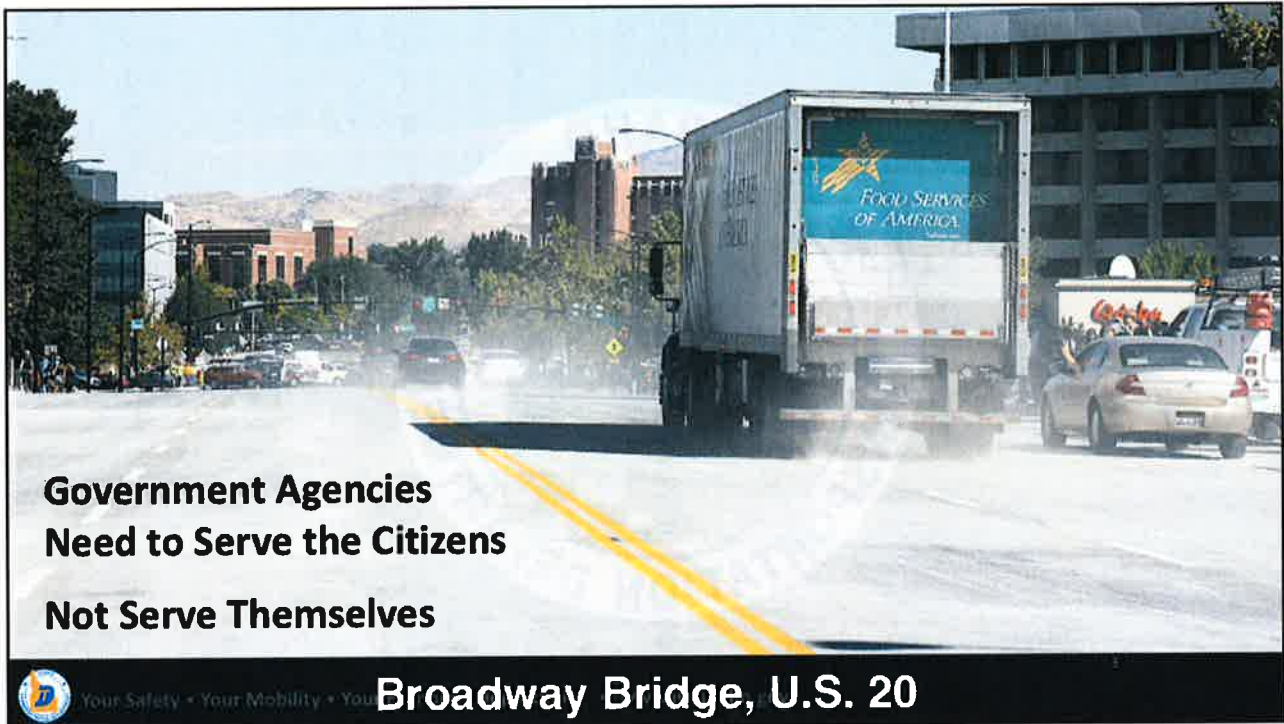
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Gaye Bennett  
Secretary

A photograph of a long, straight asphalt road with a double yellow line in the center, receding into the distance under a clear sky. The road is flanked by dry grass and trees.

**Today's Topics:**


- Typical Civil Service Model vs. ITD Model
- Transportation Funding
- Rapid Growth




## What we are doing at ITD

**Breaking Down  
the Bureaucracy**

**Providing Government  
at a Lower Cost**



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# What we are doing at ITD

Facilitating Commerce

Prioritizing the Economic Impacts of Road and Bridge Projects



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# 1960s Civil Service Model



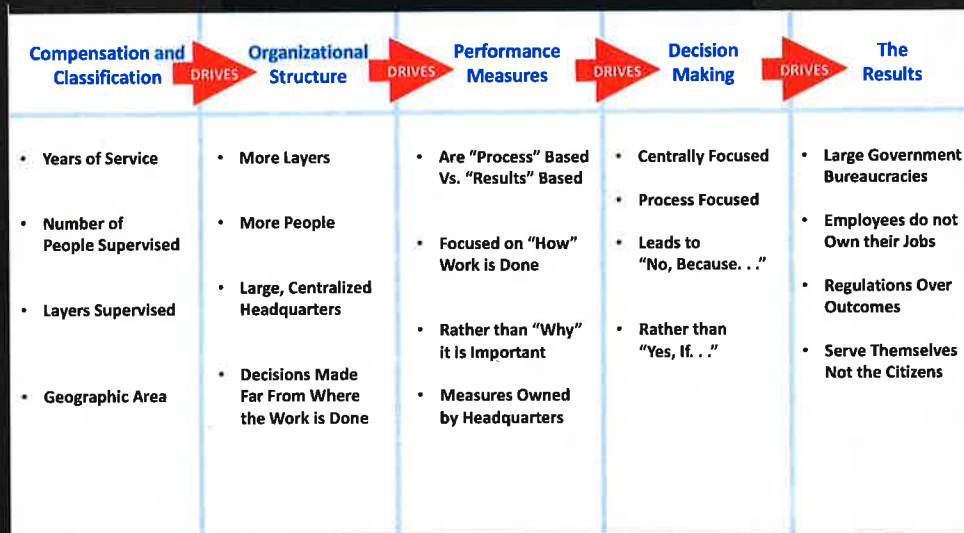
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# The 1960s Model — Layers of Management



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## 1960s Civil Service Model



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# A More Efficient Model



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# The ITD Model



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## Annual Funding Shortfall

	Maintenance	Safety and Capacity	Total
<b>Task Force Finding (2010)</b>	<b>\$262.0</b>	<b>\$281.0</b>	<b>\$543.0</b>



## Annual Funding Shortfall

	Maintenance	Safety and Capacity	Total
<b>Task Force Finding (2010)</b>	<b>\$262.0</b>	<b>\$281.0</b>	<b>\$543.0</b>
2014 Cigarette Tax	-	\$4.7	\$4.7



## Annual Funding Shortfall

	Maintenance	Safety and Capacity	Total
<b>Task Force Finding (2010)</b>	<b>\$262.0</b>	<b>\$281.0</b>	<b>\$543.0</b>
2014 Cigarette Tax	-	\$4.7	\$4.7
2015 Revenue Increase	109.0	-	109.0



## Annual Funding Shortfall

	Maintenance	Safety and Capacity	Total
<b>Task Force Finding (2010)</b>	<b>\$262.0</b>	<b>\$281.0</b>	<b>\$543.0</b>
2014 Cigarette Tax	-	\$4.7	\$4.7
2015 Revenue Increase	109.0	-	109.0
2017 Congestion Mitigation	-	\$22.6	\$22.6
<b>Total Ongoing Revenue Authorized</b>	<b>\$109.0</b>	<b>\$27.3</b>	<b>\$136.3</b>



## Annual Funding Shortfall

	Maintenance	Safety and Capacity	Total
Task Force Finding (2010)	\$262.0	\$281.0	\$543.0
2014 Cigarette Tax*	-	\$4.7	\$4.7
2015 Revenue Increase**	109.0	-	109.0
2017 Congestion Mitigation***	-	\$22.6	\$22.6
<b>Total Ongoing Revenue Authorized</b>	<b>\$109.0</b>	<b>\$27.3</b>	<b>\$136.3</b>
<b>Remaining Annual Shortfall</b>	<b>\$153.0</b>	<b>\$253.7</b>	<b>\$406.7</b>



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## General Fund Surplus



General Fund Surplus  
Transportation Funding  
Expires in May



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### State-System Bridges More Than 50 Years Old (FY18 Forecast)



**By 2021, half of ITD's 1,840 bridges will be beyond their design life of 50 to 60 years.**





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## Five-Year Growth Rates

	 <b>Idaho Population</b>	 <b>Licensed Drivers</b>
	<b>5.5%</b>	<b>7.0%</b>
<b>2018</b>	1.72 Million	1.23 Million
<b>2014</b>	1.63 Million	1.15 Million

Source: U.S. Census Bureau



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VIDEO LIVE SHOWS

### Idaho the fastest-growing state by population, US Census Bureau estimates

By VERONICA STRACQUALURSI and ERICA Y. KING  
Dec 23, 2015, 4:31 PM ET

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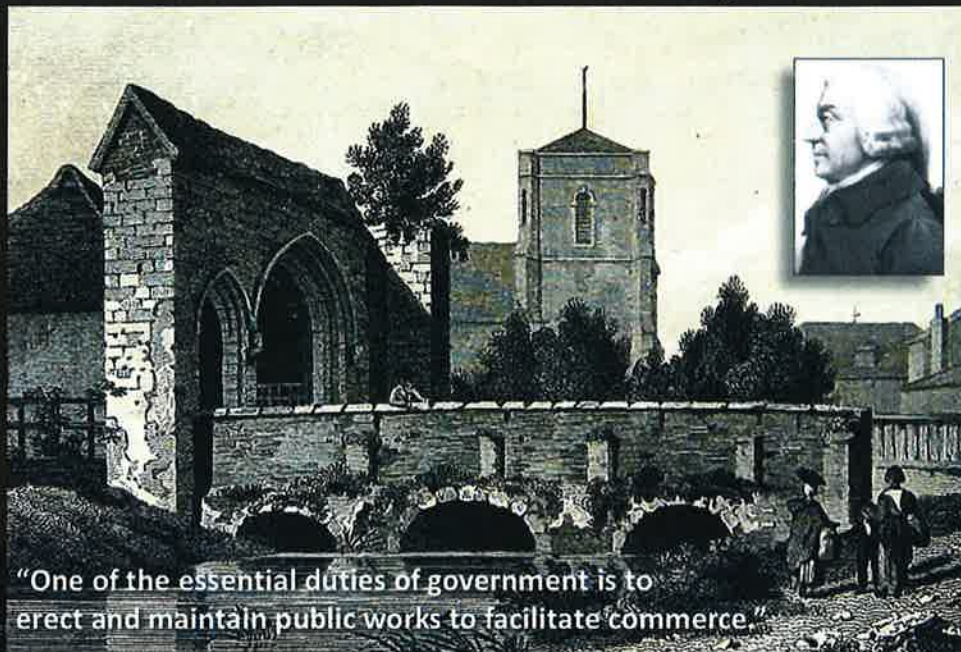


Idaho is the fastest growing state overall in U.S., Census Bureau estimates.



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## Adam Smith — *The Wealth of Nations*



Your Safety

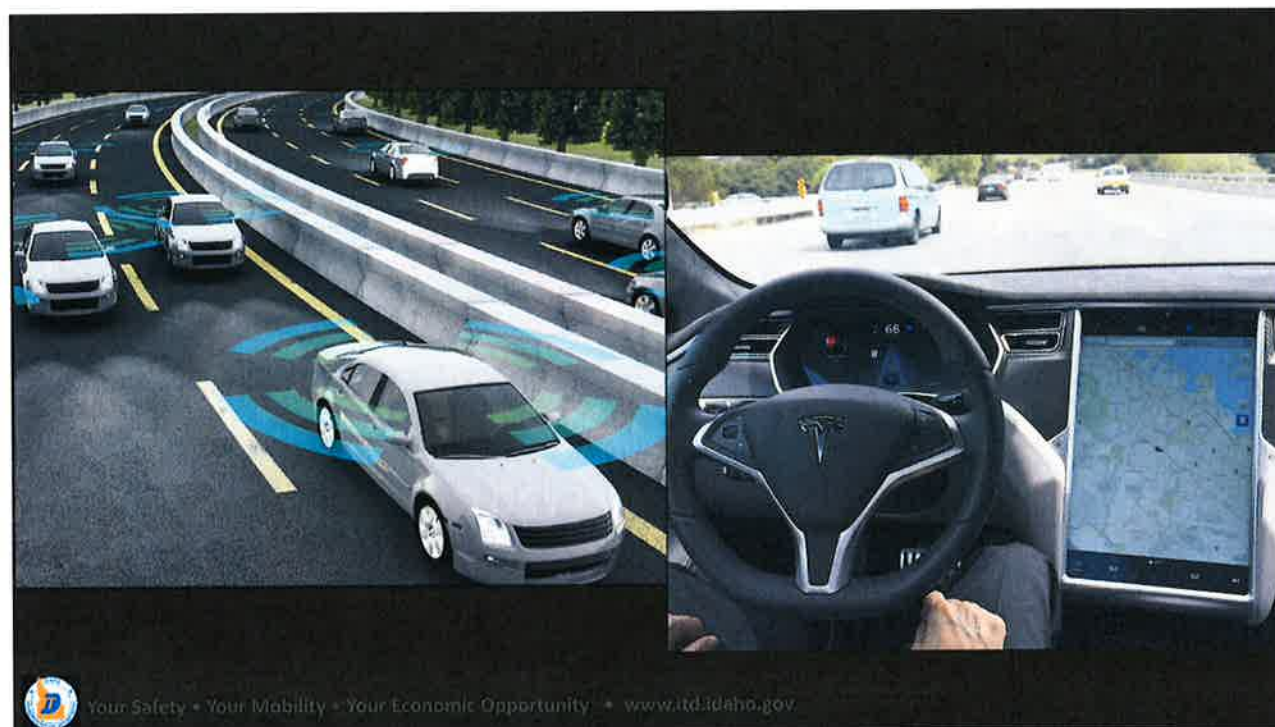
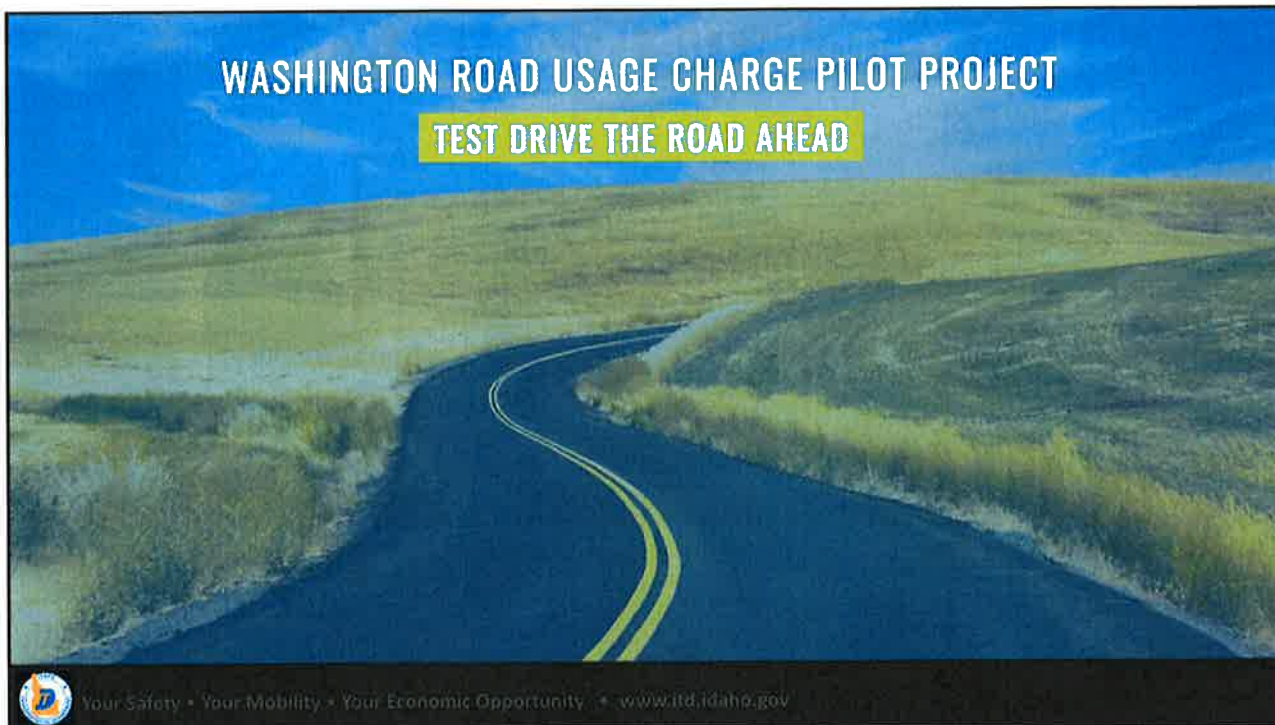
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FY20 Governor's  
Recommendation  
**\$793.8 Million**



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## ITD's Key Success Factors



- Streamlined organizational structure
- Strong Culture of innovation
- Focus on Customer Needs



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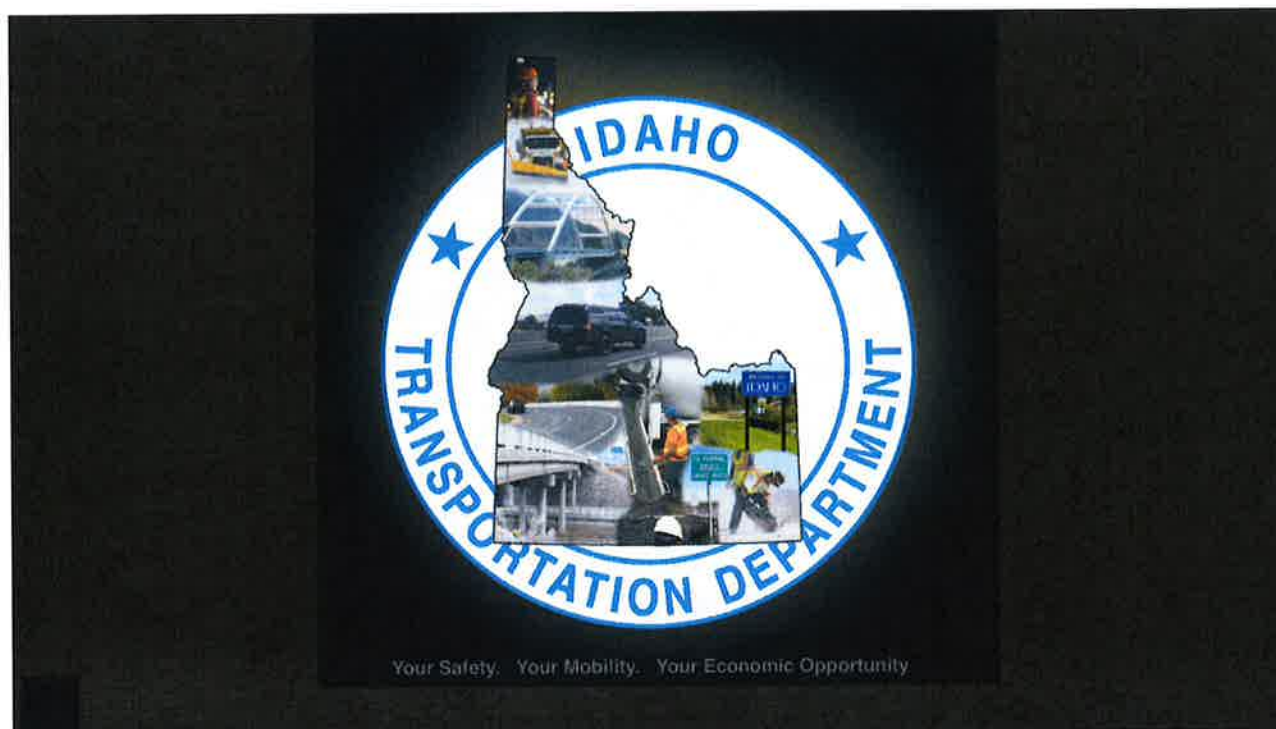
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**Adam Smith**  
*"The Wealth of Nations"*



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AGENDA  
**SENATE TRANSPORTATION COMMITTEE**  
**1:30 P.M.**  
**Room WW53**  
**Tuesday, January 29, 2019**

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<b>Review</b>	Idaho Transportation Department (ITD) & Department of Motor Vehicles (DMV): IDAPA Administrative Rules	<b>Vice Chairman Crabtree</b>
<b>Docket Numbers:</b>	<b>"ITD CMV Permit Rule Consolidation"</b> (8 Proposed IDAPA Rules Replacing 22 IDAPA Rules to be Repealed)	
<a href="#"><u>39-0301-1802</u></a>	New Pending Rule: Rules Governing Definitions Regarding Special Permits	<b>Ramon Hobdey-Sanchez</b> , ITD Governmental Affairs Program Specialist; <b>Lance Green</b> , DMV Program Specialist
<a href="#"><u>39-0302-1801</u></a>	New Pending Rule: Rules Governing Movement of Disabled Vehicles	<b>Ramon Hobdey-Sanchez</b> , ITD; <b>Lance Green</b> , DMV
<a href="#"><u>39-0303-1801</u></a>	New Fee Rule: Rules Governing Special Permits — General Conditions and Requirements	<b>Ramon Hobdey-Sanchez</b> , ITD; <b>Lance Green</b> , DMV
<a href="#"><u>39-0304-1802</u></a>	New Pending Rule: Rules Governing Special Permits — Overweight Non-Reducible	<b>Ramon Hobdey-Sanchez</b> , ITD; <b>Lance Green</b> , DMV
<a href="#"><u>39-0305-1802</u></a>	New Pending Rule: Rules Governing Special Permits — Oversize Non-Reducible	<b>Ramon Hobdey-Sanchez</b> , ITD; <b>Lance Green</b> , DMV
<a href="#"><u>39-0306-1802</u></a>	New Pending Rule: Rules Governing Special Permits for Extra-Length/Excess Weight, Up to 129,000 Pound Vehicle Combinations	<b>Ramon Hobdey-Sanchez</b> , ITD; <b>Lance Green</b> , DMV
<a href="#"><u>39-0307-1802</u></a>	New Pending Rule: Rules Governing Special Permits for Reducible Loads	<b>Ramon Hobdey-Sanchez</b> , ITD; <b>Lance Green</b> , DMV
<a href="#"><u>39-0308-1801</u></a>	New Pending Rule: Rules Governing Self-Propelled Snowplows	<b>Ramon Hobdey-Sanchez</b> , ITD; <b>Lance Green</b> , DMV

**Docket  
Numbers to be  
Repealed:**

[39-0301-1801](#) [39-0304-1801](#) [39-0305-1801](#)  
[39-0306-1801](#) [39-0307-1801](#) [39-0309-1801](#)  
[39-0310-1801](#) [39-0311-1801](#) [39-0312-1801](#)  
[39-0313-1801](#) [39-0314-1801](#) [39-0315-1801](#)  
[39-0316-1801](#) [39-0317-1801](#) [39-0318-1801](#)  
[39-0319-1801](#) [39-0320-1801](#) [39-0321-1801](#)  
[39-0322-1801](#) [39-0323-1801](#) [39-0324-1801](#)  
[39-0325-1801](#)

**Ramon  
Hobdey-Sanchez,  
ITD**

**COMMITTEE MEMBERS:**

*Please bring your Administrative Rules Review  
Book (black binder) and ITD's CMV Permit Rule  
Consolidation booklet (white cover).*

***If you have written testimony, please provide a copy of it along with the  
name of the person or organization responsible to the committee secretary  
to ensure accuracy of records.***

**COMMITTEE MEMBERS**

Chairman Brackett

Vice Chairman Crabtree

Sen Winder

Sen Den Hartog

Sen Lodge

Sen Rice

Sen Burtenshaw

Sen Rohn(Buckner-Webb)

Sen Nelson

**COMMITTEE SECRETARY**

Gaye Bennett

Room: WW33

Phone: 332-1332

email: [stran@senate.idaho.gov](mailto:stran@senate.idaho.gov)

MINUTES  
**SENATE TRANSPORTATION COMMITTEE**

**DATE:** Tuesday, January 29, 2019

**TIME:** 1:30 P.M.

**PLACE:** Room WW53

**MEMBERS PRESENT:** Chairman Brackett, Vice Chairman Crabtree, Senators Winder, Den Hartog, Lodge, Rice, Burtenshaw, Rohn(Buckner-Webb), and Nelson

**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 Brackett** convened the meeting of the Senate Transportation Committee (Committee) at 1:31 p.m. He welcomed Senator Rohn who was substituting for Senator Buckner-Webb for the week.

**PASSED THE GAVEL:** Chairman Brackett passed the gavel to Vice Chairman Crabtree.

**REVIEW:** **Vice Chairman Crabtree** said the Committee would review eight dockets representing either new or consolidated rules within the Idaho Transportation Department (ITD); they would be reviewed first before the Committee would consider repealing 22 dockets that were no longer relevant to the work of ITD. **Vice Chairman Crabtree** invited Ramon Hobdey-Sanchez, ITD's Government Affairs Program Specialist, to present the rules review process.

**Mr. Hobdey-Sanchez** stated he and Lance Green, ITD's Department of Motor Vehicles (DMV) Program Specialist and subject matter expert, would go through the results of a large scale negotiated rulemaking and administrative rule consolidation process that took place last year. They would present eight cohesive rule dockets that deal with the issuance of annual Commercial Motor Vehicles (CMV) permits.

SCR 130 (2018) directed ITD to initiate negotiated rulemaking in an effort to consolidate existing administrative rules regarding annual permits for the movement of CMVs and/or loads on Idaho's roadways. Last April, ITD began the negotiated rulemaking process and started communicating with interested stakeholders and industry; stakeholders included: loggers, the agricultural community, AAA, the construction industry, the Idaho Trucking Association, the Trucking Advisory Council, and local jurisdictions. The end result was eight consolidated permits that bring efficiencies and streamline the process for customers and industry; the effective date for all these rules is July 1, 2019. Before beginning individual docket reviews, **Mr. Hobdey-Sanchez** said he would stand for questions regarding the process.

**DISCUSSION:** **Senator Rice** cited places where the term "overlegal" was still being used. He said that definitions should just be in code and not in rule. He suggested that ITD inform the Legislature where there isn't a definition in code. **Mr. Hobdey-Sanchez** said that it was an oversight and is an example of the vastness of the consolidation process.

**Vice Chairman Crabtree** asked how the Committee should proceed given this oversight. **Mr. Hobdey-Sanchez** suggested doing a clean-up next year and moving forward with the rules review now.

**Senator Rice** suggested taking it out of the rule and striking the definition.

**Senator Nelson** said that the Committee was charged with approving the changes and therefore should move forward by approving the rule.

**Senator Winder** offered that as long as the word is in a numbered section, it can be struck.

**Vice Chairman Crabtree** decided to move forward with the process and invited Mr. Green to present the eight consolidated rules.

**DOCKET NO.  
39-0301-1802**

**RULES GOVERNING DEFINITIONS REGARDING SPECIAL PERMITS: Mr. Green** said that in order to agree with industry consensus, all references to the word "overlegal" have been replaced with the word "special." This new rule duplicates the previous rule 39.03.01, with the only changes clarifying the definition of "non-reducible load" to conform to federal definitions and the definition of "long combination vehicles."

**MOTION:**

**Senator Den Hartog** moved to adopt **Docket No. 39-0301-1802**, with the exception of striking the definition of the word "overlegal" where needed. **Senator Burtenshaw** seconded the motion. The motion passed by **voice vote**.

**DOCKET NO.  
39-0302-1801**

**RULES GOVERNING MOVEMENT OF DISABLED VEHICLES: Mr. Green** said that this docket deals with the safety requirements and standards for movement of a disabled vehicle, and the use of an annual permit for such movements. The height allowed in the permit is increased from 14 feet 6 inches to 15 feet in order to be more uniform with height standards of other permitted loads.

**DISCUSSION:**

**Senator Burtenshaw** asked if most overpasses accommodate that increase in height. **Mr. Green** replied that they did.

**MOTION:**

**Senator Burtenshaw** moved to adopt **Docket No. 39-0302-1801**. **Chairman Brackett** seconded the motion. The motion passed by **voice vote**.

**DOCKET NO.  
39-0303-1801**

**RULES GOVERNING SPECIAL PERMITS — GENERAL CONDITIONS AND REQUIREMENTS: Mr. Green** said this rule incorporates all the general information or standardized practices that occur for all permitted moves across the State of Idaho. As a part of this rule's consolidation, ITD heard industry concerns over ITD's definition of hazardous travel conditions, and presented industry with two options for the definition of hazardous travel. The new definition of hazardous travel conditions is included in this rule along with a new fee schedule for permits. The cost of permits did not exceed an increase of \$5 for single trip permits, annual permits increased up to \$2, and administrative costs were neutral. However, the annual extra-length/excess weight for a 129,000 pound permit is a combination of three permits that were \$103, but are now only \$45. Due to new permits software annual permits ordered online will no longer include a \$5 discount.

**DISCUSSION:**

**Senator Nelson** asked why several overweight/oversized permits went down in price. **Mr. Green** said the savings reflects the reduction in the amount of administrative time it takes to issue the permit. **Senator Nelson** asked why the \$45 permits were not cheaper to process. **Mr. Green** said the \$45 permits are for an annual permit and the \$33 permits are for one-time travel.

**Senator Winder** asked what a dromedary tractor was as it appears in the rule. **Mr. Green** said it is a box, deck, or plate mounted behind the cab and forward of the fifth wheel on the frame of the power unit of a truck.

**Chairman Brackett** asked why the District 4 office in Shoshone had been closed. **Mr. Green** said the staff would be working out of the Cotterell Port of Entry office for District 4; customers in Shoshone could either go to Cotterell or get their permits online.

**MOTION:** **Senator Nelson** moved to adopt **Docket No. 39-0303-1801**. **Senator Winder** seconded the motion. The motion passed by **voice vote**.

**DOCKET NO. 39-0304-1802** **RULES GOVERNING SPECIAL PERMITS — OVERWEIGHT NON-REDUCIBLE:** **Mr. Green** gave an example of a non-reducible load as being any attempt to reduce the load that would make it unable to perform its function or reduce the value of the product. This docket deals with non-reducible loads that are being moved in an overweight manner. There are some edits, but the rule is adopted directly from the old rule.

**DISCUSSION:** **Senator Burtenshaw** asked if cattle would be an example of a non-reducible load. **Mr. Green** said it would be considered a reducible load as individual cattle can be removed from the load.

**MOTION:** **Senator Den Hartog** moved to adopt **Docket No. 39-0304-1802**. **Senator Lodge** seconded the motion. The motion passed by **voice vote**.

**DOCKET NO. 39-0305-1802** **RULES GOVERNING SPECIAL PERMITS — OVERSIZE NON-REDUCIBLE:** **Mr. Green** said that this docket is a direct carry over from the old rule with some changes that were brought up by industry and stakeholders. Signs are added on loads over 75 feet in length. This change is for greater safety along windy routes throughout Idaho as a way to warn oncoming traffic. This change also puts Idaho in harmony with neighboring states. The docket also deals with pilot cars. With input from the Northwest Pilot Cars Association, the changes to pilot car requirements deal with the weight of a pilot car vehicle. This language was added for safety so that vehicles on the road don't confuse the pilot vehicle as the vehicle transporting the load. Finally, there is list of the required equipment that must be found in a pilot car for safety purposes.

**MOTION:** **Senator Burtenshaw** moved to adopt **Docket No. 39-0305-1802**. **Senator Nelson** seconded the motion. The motion passed by **voice vote**.

**DOCKET NO. 39-0306-1802** **RULES GOVERNING SPECIAL PERMITS FOR EXTRA-LENGTH/EXCESS WEIGHT, UP TO 129,000 POUND VEHICLE COMBINATIONS:** **Mr. Green** said that this docket is a combination of two existing rules. Three permits — extra length permit, excess weight permit, and up to 129,000 pound truck permit — are combined into one. These permits are for reducible loads. An example of a reducible load would be hauling sugar beets, hauling cattle, or hauling lumber. The amount that is being hauled can be reduced without destroying or devaluing the load.

**DISCUSSION:** **Senator Rohn** wanted to know if the annual permits for overweight and oversized loads were being repealed. **Mr. Green** explained that this rule replaces rules that will be repealed. **Senator Rohn** further asked if a shipper conducting multiple loads needed a permit. **Mr. Green** said that multiple reducible loads requires an annual permit; single trip permits are for one-time loads with no expected down time.

**MOTION:** **Senator Burtenshaw** moved to adopt **Docket No. 39-0306-1802**. **Senator Den Hartog** seconded the motion. The motion passed by **voice vote**.

**DOCKET NO. 39-0307-1802** **RULES GOVERNING SPECIAL PERMITS FOR REDUCIBLE LOADS:** **Mr. Green** said this docket deals with the size of reducible loads. Examples of reducible loads include hay bales, round hay bales, or kiln lumber. The change in this docket is an increase in the allowed height of the reducible loads, from 14 feet 6 inches to 15 feet. The reason for the change is to make height uniformity consistent across all special permits.

**DISCUSSION:** **Chairman Brackett** stated that round bales can be measured in height, but the edges protrude in non-measurable ways. **Mr. Green** said that is an example of reducible loads in width and height — combined here in a single rule instead of two or three rules. **Chairman Brackett** argued that round bales don't work like that when placed side-by-side; they hang over the sides of the flat bed. **Mr. Green** claimed this rule gives extended width, the same for loads of kiln lumber.

**MOTION:** **Senator Nelson** moved to adopt **Docket No. 39-0307-1802**. **Senator Den Hartog** seconded the motion. The motion passed by **voice vote**.

**DOCKET NO. 39-0308-1801** **RULES GOVERNING SELF-PROPELLED SNOWPLOWS:** **Mr. Green** said this is a simple consolidation. The only notable change is that amber colored flags are added to the list of acceptable flagging for snow plows.

**MOTION:** **Senator Burtenshaw** moved to adopt **Docket No. 39-0308-1801**. **Senator Lodge** seconded the motion. The motion passed by **voice vote**.

**22 DOCKETS TO BE REPEALED:** **Mr. Hobdey-Sanchez** said that the eight dockets just presented and adopted either replaced or were consolidated from 22 dockets that are now obsolete. He asked the Committee to consider repealing the 22 dockets that were no longer relevant to the work of ITD.

**MOTION:** **Senator Den Hartog** moved that effective July 1, 2019, the Committee adopt repealing, in their entirety, the following: **Docket Nos. enumerated under IDAPA 39, Title 03, and all ending in —1801: 39.03.01, 39.03.04, 39.03.05, 39.03.06, 39.03.07, 39.03.09, 39.03.10, 39.03.11, 39.03.12, 39.03.13, 39.03.14, 39.03.15, 39.03.16, 39.03.17, 39.03.18, 39.03.19, 39.03.20, 39.03.21, 39.03.22, 39.03.23, 39.03.24, and 39.03.25**. **Senator Winder** seconded the motion. The motion passed by **voice vote**.

**PASSED THE GAVEL:** Vice Chairman Crabtree passed the gavel back to Chairman Brackett.

**Chairman Brackett** thanked Vice Chairman Crabtree for his work to fulfill the Committee's Administrative Rules requirements.

**ADJOURNED:** With no further business before the Committee, **Chairman Brackett** adjourned the meeting at 2:24 p.m.

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Senator Brackett  
Chair

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Gaye Bennett  
Secretary



AGENDA  
**SENATE TRANSPORTATION COMMITTEE**  
1:30 P.M.  
Room WW53  
Thursday, January 31, 2019

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#"><u>RS26672</u></a>	Allows local highway districts to sell their surplus personal and real property without holding a public hearing as long as the property's value does not exceed \$10,000.	<b>Senator Harris</b>
<a href="#"><u>H 2</u></a>	Ensures the safe transportation of saw logs from the point of origin to final delivery at the sawmill.	<b>Vice Chairman Crabtree</b>

***If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Brackett

Vice Chairman Crabtree

Sen Winder

Sen Den Hartog

Sen Lodge

Sen Rice

Sen Burtenshaw

Sen Rohn(Buckner-Webb)

Sen Nelson

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MINUTES  
**SENATE TRANSPORTATION COMMITTEE**

**DATE:** Thursday, January 31, 2019

**TIME:** 1:30 P.M.

**PLACE:** Room WW53

**MEMBERS PRESENT:** Chairman Brackett, Vice Chairman Crabtree, Senators Winder, Den Hartog, Lodge, Rice, Burtenshaw, and Nelson

**ABSENT/ EXCUSED:** Senator Buckner-Webb

**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 Brackett** convened the meeting of the Senate Transportation Committee (Committee) at 1:31 p.m.

**RS 26672** **Chairman Brackett** invited Senator Harris to present **RS 26672**.

**Senator Harris** said the intent of the legislation is to amend Idaho Code § 40-1309 to increase the threshold value of surplus property owned by local highway districts. It allow them to sell this property without holding a public hearing as long as the value is not over \$10,000; the current threshold is set at \$5,000. It was last amended in 2003, but with inflation and the time value of money, it is time to update the code. A similar bill was heard and passed last year regarding fire districts. **Senator Harris** stood for questions; there were no questions.

**MOTION:** **Senator Nelson** moved to send **RS 26672** to print. **Senator Burtenshaw** seconded the motion. The motion passed by **voice vote**.

**H 2** **Chairman Brackett** invited Vice Chairman Crabtree to present **H 2**.

**Vice Chairman Crabtree** said this legislation gives the Idaho State Police (ISP) and the Idaho Transportation Department's (ITD) Ports of Entry (POE) authority to enforce the State Logging Safety Rules for logging trucks on Idaho highways. It ensures the safe transportation of saw logs from the point of origin to the final delivery point at the saw mill. It has been determined the current safety rules do not apply on Idaho's highways. This would allow for safely loaded and secured logs on the State's highways.

**Vice Chairman Crabtree** continued that two sections of Title 67 Idaho Code were being changed. In Idaho Code § 67-2601A, ISP and ITD are added as enforcement authorities. Idaho Code § 67-2901B adds language allowing ISP and POEs to enforce the Idaho State Logging Safety rules for logging trucks on the highways. He concluded by stating that logging truck drivers who follow the rules that have existed since the 1950s will see no noticeable impact in their operations. **Vice Chairman Crabtree** said he would stand for questions.

**DISCUSSION:** **Senator Rice** stated his concern about the confusing language regarding safety inspections on the public highway or performing safety training programs on the highways; he asked if conducting classes on the highway was the intent of legislation. **Vice Chairman Crabtree** said he interpreted the wording differently. **Senator Rice** continued by citing another example of misleading language, allowing highways or other locations to be closed for any violation on a truck; he asked if that was the intent of the legislation. **Vice Chairman Crabtree** said safety authorities are currently doing their inspections at logging sites. This legislation would allow them to also conduct inspections on highways, mostly at POEs. Plus, this legislation adds new inspecting agencies (i.e., ISP and ITD). There is nothing new in terms of whether they can stop logging operations; the primary difference is the additional locations for inspections.

**Senator Den Hartog** asked if there were already allocated funds for safety training programs. If so, she wanted to know if they came from a dedicated source and not the General Fund. **Vice Chairman Crabtree** said that these programs would be rolled into existing safety programs within ITD.

**Senator Nelson** wanted to know why both ISP and ITD are given authority in this legislation. **Vice Chairman Crabtree** said they currently have existing authority to enforce laws. ITD's POEs are separate from ISP and they both needed the same authority.

**Senator Rice** said the bill intends to do some good things. Changes were made in four places; the third and fourth changes do what is intended, but the first and second changes are put into the bill in a way that doesn't do what is intended. As a result, the language needs to be changed to clearly reflect intent.

**MOTION:** **Senator Rice** moved to send **H 2** to the 14th Order of Business for possible amendment. **Senator Den Hartog** seconded the motion.

**DISCUSSION:** **Senator Winder** agreed that the wording is awkward, but asked the sponsor to clarify what the wording intended to convey. **Vice Chairman Crabtree** said he believes the legislation simply adds enforcement authority on the public highways that already exists off the public highways. The language may be cumbersome, but he believes the intent is the same.

**Senator Winder** tried to simply state the issue with the wording. **Senator Rice** said the problem for him is that while 'on the highways' does apply to ISP and ITD, because of the wording it gives them the authority to do all the other things as long as it's on the highway. If the intent is to add the agencies to the enforcement, they need to be added differently for it to be clear. He believes the language could be interpreted wrong and the Legislature will need to bring it back to be fixed anyway. He would work with the sponsors to get the language fixed.

**Chairman Brackett** called on Shawn Keough, with the Associated Logging Contractors of Idaho, who worked on this bill to offer clarification. **Ms. Keough** said her association supports this bill and it had a hand in drafting the bill. She said the intent was as Senator Rice had suggested to allow a set of rules for logging trucks. The bill was drafted by Deputy Attorney Generals at ISP and the Division of Building Safety, plus the House of Representatives did some editing before printing the RS. The intent is to ensure logging trucks are operating safely on the highways. She would welcome working to clarify the language.

**Senator Nelson** asked about the second clause that states: "may issue an order to immediately stop the work or close the facility;" he asked if there was an infraction on the highway whether the legislation authorized the authorities to stop work in the woods. **Ms. Keough** said with the new language removed, it is exactly the authority that exists today, and has existed in Idaho — that an unsafe workplace can be shut down. It also pertains to shutting down unsafe logging sites or unsafe logging shops, but to date that option has not had to be used. The language may be less than clear about how POEs or ISP may enforce unsafe situations. **Senator Nelson** wanted to know if it was the intent of ISP or the Idaho Transportation Board (ITB) to shut down the logging site or the shop. **Ms. Keough** said he is correct that it was not their intent and, consequently, she agrees with Senator Rice.

**Senator Burtenshaw** asked if it could be worded better or if industry supports the language as is. **Ms. Keough** stated she supports this bill and worked with ISP, the Division of Building Safety, the POEs, and ITD in crafting the bill. The Deputy Attorney Generals provided the idea for the language.

**SUBSTITUTE MOTION:**

**Senator Burtenshaw** moved to accept **H 2** as drafted. The motion failed for lack of a second.

**DISCUSSION:**

**Chairman Brackett** invited Gordon Bates, Work Director for Wilder's Golden Gate Highway District #3, to offer his expertise on the subject.

**Mr. Bates** said the first item mentioned by Senator Rice, on highways and education, indicates some of the weight and over-height rules deal with obstructing the highways while parked. He agrees with the language changes being proposed; it could be worded better based on his experience.

**VOTE ON ORIGINAL MOTION:**

The motion to send **H 2** to the 14th Order of Business for possible amendment passed by **voice vote**.

**Chairman Brackett** said Vice Chairman Crabtree would work with Senator Rice and others on possible amendments; he would also carry the bill on the Senate floor.

Before adjourning, **Chairman Brackett** noted that Senator Buckner-Webb had an excused absence because of a flight delay.

**ADJOURNED:**

With no further business before the Committee, **Chairman Brackett** adjourned the meeting at 1:59 p.m.

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Senator Brackett  
Chair

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Gaye Bennett  
Secretary

AGENDA  
**SENATE TRANSPORTATION COMMITTEE**  
**1:30 P.M.**  
**Room WW53**  
**Tuesday, February 05, 2019**

SUBJECT	DESCRIPTION	PRESENTER
<b>Minutes</b>	Approval of Minutes of January 15, 2019	<b>Senator Winder and Senator Den Hartog</b>
<a href="#"><u>S 1046</u></a>	Allows local highway districts to sell their surplus personal and real property without holding a public hearing as long as the property's value does not exceed \$10,000.	<b>Senator Harris</b>
<a href="#"><u>RS26758</u></a>	Amends current law to implement a cost per mile user fee for vehicles weighing between 60,001 and 130,000 pounds. <i>(short chart)</i>	<b>Chairman Brackett</b>
<a href="#"><u>RS26759C1</u></a>	Amends current law to implement a cost per mile user fee for vehicles weighing between 60,001 and 130,000 pounds. <i>(long chart)</i>	<b>Chairman Brackett</b>

***If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Brackett	Sen Rice
Vice Chairman Crabtree	Sen Burtenshaw
Sen Winder	Sen Buckner-Webb
Sen Den Hartog	Sen Nelson
Sen Lodge	

COMMITTEE SECRETARY

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MINUTES  
**SENATE TRANSPORTATION COMMITTEE**

**DATE:** Tuesday, February 05, 2019

**TIME:** 1:30 P.M.

**PLACE:** Room WW53

**MEMBERS PRESENT:** Chairman Brackett, Vice Chairman Crabtree, Senators Winder, Den Hartog, Burtenshaw, Buckner-Webb, and Nelson

**ABSENT/ EXCUSED:** Senators Lodge and Rice

**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 Brackett** convened the meeting of the Senate Transportation Committee (Committee) at 1:30 p.m.

**MINUTES:** **Senator Den Hartog** moved to approve the Minutes of January 15, 2019. **Senator Winder** seconded the motion. The motion passed by **voice vote**.

**S 1046** **Chairman Brackett** invited Senator Harris to present **S 1046**.  
**Senator Harris** said this legislation increases the threshold of the value of personal and real property owned by local highway districts that can be sold without prior public notice from \$5,000 to \$10,000. The statute was last updated in 2003, and making this change has no fiscal impact on the General Fund. He said Gordon Bates, Director of the Golden State Highway District #3 in Wilder, was available for any technical questions the Committee might have. **Senator Harris** stood for questions.

**DISCUSSION:** **Senator Den Hartog** asked for an example of what would constitute the type of property affected by this change. **Senator Harris** suggested an old dump truck or sand truck with a market value of less than \$10,000.

**MOTION:** **Senator Nelson** moved to send **S 1046** to the floor with a **do pass** recommendation. **Senator Winder** seconded the motion. The motion passed by **voice vote**. Senator Harris would carry the bill on the Senate floor.

**RS 26758**  
**RS 26759C1** **Chairman Brackett** said he was prepared to present **RS 26758** and **RS 26759C1**, but a motion was called for by the Committee.

**MOTION:** **Senator Winder** moved to send **RS 26758** and **RS 26759C1** to print. **Senator Buckner-Webb** seconded the motion. The motion passed by **voice vote**.

**ADJOURNED:** With no further business before the Committee, **Chairman Brackett** adjourned the meeting at 1:37 p.m.

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Senator Brackett  
Chair

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Gaye Bennett  
Secretary

AGENDA  
**SENATE TRANSPORTATION COMMITTEE**  
**1:30 P.M.**  
**Room WW53**  
**Thursday, February 07, 2019**

SUBJECT	DESCRIPTION	PRESENTER
<a href="#"><u>RS26782</u></a>	Extends the sunset clause on the current budget stabilization fund and the strategic initiatives program fund.	<b>Senator Den Hartog</b>
<a href="#"><u>RS26786</u></a>	Addresses safety concerns associated with distracted driving crashes.	<b>Senator Rice</b>
<a href="#"><u>RS26755</u></a>	Amends the Transportation Expansion and Congestion Mitigation (TECM) program to provide for a bonding mechanism for the funds already received.	<b>Chairman Brackett</b>
<a href="#"><u>RS26800</u></a>	Amends current law to implement a cost per mile user fee for vehicles weighing between 60,001 and 130,000 pounds. ( <i>short chart</i> )	<b>Chairman Brackett</b>
<a href="#"><u>RS26801</u></a>	Amends current law to implement a cost per mile user fee for vehicles weighing between 60,001 and 130,000 pounds. ( <i>long chart</i> )	<b>Chairman Brackett</b>

***If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Brackett	Sen Rice
Vice Chairman Crabtree	Sen Burtenshaw
Sen Winder	Sen Buckner-Webb
Sen Den Hartog	Sen Nelson
Sen Lodge	

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MINUTES  
**SENATE TRANSPORTATION COMMITTEE**

**DATE:** Thursday, February 07, 2019  
**TIME:** 1:30 P.M.  
**PLACE:** Room WW53  
**MEMBERS PRESENT:** Chairman Brackett, Vice Chairman Crabtree, Senators Winder, Den Hartog, Lodge, Rice, Burtenshaw, and Nelson  
**ABSENT/ EXCUSED:** Senator Buckner-Webb  
**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 Brackett** convened the meeting of the Senate Transportation Committee (Committee) at 1:31 p.m.  
**RS 26782**  
**RS 26786**  
**RS 26755**  
**RS 26800**  
**RS 26801**  
**MOTION:** **Senator Winder** moved that **RS 26782, RS 26786, RS 26755, RS 26800, and RS 26801** be sent to print. **Senator Rice** seconded the motion.  
**DISCUSSION:** Before calling for a vote, **Chairman Brackett** stated he wanted to explain why **RS 26800** and **RS 26801** were on the agenda when the Committee had sent similar legislation to print at the last Committee meeting. He continued that he, and not Legislative Services Office (LSO), had made a drafting error that required the legislation be updated with new RS numbers.  
**VOTE ON MOTION:** The motion passed by a **voice vote**.  
**ADJOURNED:** With no further business before the Committee, **Chairman Brackett** adjourned the meeting at 1:34 p.m.

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Senator Brackett  
Chair

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Gaye Bennett  
Secretary



AGENDA  
**SENATE TRANSPORTATION COMMITTEE**  
**1:30 P.M.**  
**Room WW53**  
**Tuesday, February 12, 2019**

SUBJECT	DESCRIPTION	PRESENTER
<b>Handout</b>	E-Bike Demo Day at the Idaho Capitol flyer and invitation from People for Bikes.	<b>Chairman Brackett</b>
<b>Minutes</b>	Approve the Minutes of Tuesday, January 22, 2019.	<b>Senator Lodge and Senator Rice</b>
	Approve the Minutes of Thursday, January 24, 2019.	<b>Senator Buckner-Webb and Senator Nelson</b>
	Approve the Minutes of Tuesday, February 5, 2019.	<b>Vice Chairman Crabtree and Senator Burtenshaw</b>
<b>Page Graduation</b>	Graduation of the Senate Transportation Committee page for the first half of the Legislative Session, <b>Isaac Lee</b> of Rigby, Idaho.	<b>Chairman Brackett</b>
<b><u><a href="#">S 1064</a></u></b>	Addresses safety concerns associated with distracted driving crashes.	<b>Senator Rice</b>

***If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Brackett	Sen Rice
Vice Chairman Crabtree	Sen Burtenshaw
Sen Winder	Sen Buckner-Webb
Sen Den Hartog	Sen Nelson
Sen Lodge	

COMMITTEE SECRETARY

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MINUTES  
**SENATE TRANSPORTATION COMMITTEE**

**DATE:** Tuesday, February 12, 2019

**TIME:** 1:30 P.M.

**PLACE:** Room WW53

**MEMBERS PRESENT:** Chairman Brackett, Vice Chairman Crabtree, Senators Winder, Lodge, Rice, Burtenshaw, Buckner-Webb, and Nelson

**ABSENT/ EXCUSED:** Senator Den Hartog

**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 Brackett** convened the meeting of the Senate Transportation Committee (Committee) at 1:32 p.m.

**HANDOUT:** **Chairman Brackett** invited John Foster of Kestrel West to present information on behalf of *People for Bikes* about a bill currently before the House Transportation and Defense Committee.

**Mr. Foster** said that **H 76** would provide clarity on how local governments should regulate electric bicycles in their communities. He wanted to inform the Committee that there would be an Electric Bike (E-Bike) demonstration at the Capitol on February 13, 2019 and encouraged the Committee members to attend. Attendees would have an opportunity to ride the bikes and have any questions about the bikes answered by industry experts. **Mr. Foster** referred to a handout in the Committee packets that provided useful information on E-Bikes.

**MINUTES APPROVAL:** **Senator Lodge** moved to approve the Minutes of January 22, 2019. **Senator Rice** seconded the motion. The motion passed by **voice vote**.

**Senator Buckner-Webb** moved to approve the Minutes of January 24, 2019. **Senator Nelson** seconded the motion. The motion passed by **voice vote**.

**Vice Chairman Crabtree** moved to approve the Minutes of February 5, 2019. **Senator Burtenshaw** seconded the motion. The motion passed by **voice vote**.

**PAGE GRADUATION:** **Chairman Brackett** shared that Committee page, Isaac Lee from Rigby, was the grandson of Idaho State Senator Robert Lee who served three terms in the Senate. He was the first chairman of the Water Resource Board and was well respected in the Idaho Senate. **Chairman Brackett** invited Mr. Lee to stand for questions.

**Senator Winder** asked what impact being a page had on him. **Mr. Lee** realized that Senators are real people dealing with real problems. He had not considered it before, but thought he could become a Senator because it is a position that is challenging. To prepare himself for a future career, he plans on going on a mission after high school and then on to college.

**Chairman Brackett** asked if he planned to run for higher office. **Mr. Lee** said he didn't see that in his immediate future. Being a Senator is more for an ambitious person fulfilling their desire to serve; he wants to focus on time with his family, but perhaps he might pursue it later in his life.

**Vice Chairman Crabtree** asked what his career plans were. **Mr. Lee** said his father and all his uncles are physicians, so that has been a focus of his, but he's keeping his options open.

**Chairman Brackett** thanked him for his service and presented him with letters and gifts from the Committee.

**S 1064**

**Chairman Brackett** invited Senator Rice to present **S 1064**.

**Senator Rice** explained that **S 1064** deals with the use of mobile electronic devices while driving. It is different from last year's legislation in the definitional section and it addresses handheld devices that are not part of the design of the vehicle. He highlighted a few examples of devices not designed for hands-free use, such as phones, laptops, tablets, etc. There are some clear exceptions in this bill to using these devices, including for emergencies, law enforcement, using GPS in hands-free mode, prescription communication medical devices, and quick one-touch phone numbers. There is a prohibition for bus drivers, especially when students are on the bus, and for drivers using headphones in both ears.

There is a graduated fine structure, and the fines double if there is an accident when using handheld devices. If a driver gets three or more citations in a year, a judge can suspend the driver's license for up to 90 days. For continuity, it offers a statewide standard and eliminates local ordinances.

**Senator Rice** believes that the right to travel is inherent when driving our roads. That freedom to travel can only be used when there are good, common sense rules governing how we use roads. As the size and complexity of roads increases, distractions also increase, making the issue of safe travel more important. That basic right is the primary focus of this type of legislation. Senator Rice stood for questions.

**DISCUSSION:**

**Chairman Brackett** thought our current laws already covered distracted driving. **Senator Rice** said that inattentive driving is currently covered, but distracted driving is not. Inattentive driving is only considered once a driver has committed another driving violation, such as speeding. **S 1064** makes distracted driving a primary offense.

**Senator Burtenshaw** applauded Senator Rice for bringing this legislation, but he was concerned about not being able to wear headphones or earphones while driving. **Senator Rice** said there were many noises while driving that drivers need to be alerted to, such as emergency vehicles and train crossings. The devices can be worn as long as one ear is left uncovered. **Senator Burtenshaw** asked if that applied to music devices. **Senator Rice** said **S 1064** does not address specific devices.

**Senator Buckner-Webb** asked what law enforcement thought about **S 1064**. **Senator Rice** said he had not specifically spoken with law enforcement, but he knows they are concerned about safety on the roads and this bill addresses safety while driving.

**TESTIMONY:**

**Fred Birnbaum**, Vice President of the Idaho Freedom Foundation, testified in opposition to **S 1064**. Testifying in support of **S 1064** were: **Michael Kane** representing Property Casualty Insurers and the Idaho Sheriff's Association; **Matthew Conde**, Public Affairs Director of AAA Idaho; **Woody Richards** representing Allstate Insurance Company, Liberty Mutual Insurance, and State Farm Insurance; **Bob Van Arnem**, a private citizen; and **Jeff Neumeyer**, General Counsel of United Heritage Insurance.

**CLOSING  
REMARKS:**

**Senator Rice** said we live in an age of rapidly changing technology. It is time to address these changes and the availability of hands-free technology that did not exist just ten years ago. **S 1064** protects an Idaho driver's right to travel safely on our roadways without being subject to distracted drivers taking away that right. He asked the Committee to send **S 1064** to the floor with a do pass recommendation.

**Chairman Brackett** thanked Senator Rice and those who testified.

**MOTION:**

**Senator Rice** moved to send **S 1064** to the floor with a **do pass** recommendation. **Senator Lodge** seconded the motion. The motion passed by **voice vote**. **Vice Chairman Crabtree** and **Senator Burtenshaw** asked that they be recorded as voting nay. **Senator Rice** said he would carry the bill on the Senate floor.

**ADJOURNED:**

With no further business before the Committee, **Chairman Brackett** adjourned the meeting at 2:50 p.m.

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Senator Brackett  
Chair

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Gaye Bennett  
Secretary

JOINT AGENDA  
**SENATE TRANSPORTATION COMMITTEE  
AND  
HOUSE ENVIRONMENT, ENERGY & TECHNOLOGY COMMITTEE**  
1:30 P.M.  
Lincoln Auditorium (WW02)  
Thursday, February 14, 2019

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<b>Presentation</b>	"Electric Vehicles and Idaho's Future"	<b>John Chatburn</b> , Office of Energy and Mineral Resources (OEMR)  <b>Jen Visser</b> , Idaho Power Company  <b>Elli Brown</b> , Idaho National Laboratory (INL)

**PLEASE NOTE:**

*These electric vehicles will be on display in the front of the Capitol from 11:00 a.m. to 4:00 p.m. on February 14th.*

***If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Brackett	Sen Rice
Vice Chairman Crabtree	Sen Burtenshaw
Sen Winder	Sen Buckner-Webb
Sen Den Hartog	Sen Nelson
Sen Lodge	

COMMITTEE SECRETARY

Gaye Bennett  
Room: WW33  
Phone: 332-1332  
email: stran@senate.idaho.gov

MINUTES  
JOINT MEETING  
**SENATE TRANSPORTATION COMMITTEE**  
**HOUSE ENVIRONMENT, ENERGY & TECHNOLOGY COMMITTEE**

**DATE:** Thursday, February 14, 2019

**TIME:** 1:30 P.M.

**PLACE:** Lincoln Auditorium (WW02)

**MEMBERS PRESENT:** Chairman Brackett, Vice Chairman Crabtree, Senators Winder, Den Hartog, Lodge, Rice, Buckner-Webb, and Nelson  
Chairman Vander Woude, Representatives Anderson, Anderst, Horman, Moon, Scott, Ehardt, Furniss, Hartgen, Lickley, Raybould, Young, Smith, Chew, Ellis, and Mason

**ABSENT/ EXCUSED:** Senator Burtenshaw, House Vice Chairman Amador, and Representative Armstrong

**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 Brackett** convened the joint meeting of the Senate Transportation Committee and the House Environment, Energy and Technology Committee (Committees) at 1:34 p.m. He said that House Chairman Vander Woude was presenting in another committee and would be joining the meeting shortly.

**PRESENTATION:** **Electric Vehicles and Idaho's Future** — **Chairman Brackett** invited John Chatburn, Administrator of the Governor's Office of Energy and Mineral Resources (OEMR); Jennifer Visser, Director of Government Affairs for Idaho Power; and Elli Brown, Policy and Outreach Specialist for the Idaho National Laboratory (INL) to begin their presentation.

**OFFICE OF ENERGY & MINERAL RESOURCES PRESENTATION:** **Mr. Chatburn** said that OEMR is part of the Office of the Governor because of a Memorandum of Understanding (MOU) that former Governor Otter signed with seven other western states — Arizona, Colorado, Montana, Nevada, New Mexico, Utah, and Wyoming. They are commonly referred to as the Regional Electric Vehicle West states. They voluntarily collaborate when a member builds major highways and interstate infrastructure to accommodate electric vehicles, trying to prevent electric highways that don't connect at the border.

**Mr. Chatburn** touched on the agreement reached between the U.S. and Volkswagen over the company's emission cheating devices. Idaho can request about \$17 million of the Volkswagen Settlement funds to use toward mitigating emissions in Idaho: 15 percent for light-duty alternative fuel infrastructure; 85 percent for replacement of heavy-duty vehicles with all-electric vehicles and heavy-duty charging infrastructure. The Electric Vehicle Supply Equipment (EVSE) program is Idaho's light-duty alternative fuel infrastructure program, with plans to create fast charging stations on Idaho highways and interstates. He listed the proposed alternative fuels corridors for EVSE throughout the state.

**Mr. Chatburn** concluded his presentation by sharing there were currently five stations operating in Idaho along Interstate 84 in Boise, Mountain Home, Heyburn, Chubbuck, and Idaho Falls.

**IDAHO POWER  
PRESENTATION:**

**Ms. Visser** began by claiming everyone present were Idaho Power customers. She talked about Idaho Power's customer focus and trends within their industry regarding electric vehicles, decarbonization, and battery storage. She discussed the different needs among the regions of Idaho — Southern Idaho, the Treasure Valley, Central Idaho, and North Idaho.

**Ms. Visser** continued by stating that activity around electric vehicles have received a lot of attention on social media and in the press. She picked up on Mr. Chatburn's discussion about the proposed charging locations to be developed in Idaho with the Volkswagen Settlement money. She said there are a total of 29 proposed locations that will be developed over three phases and showed a map of their locations — there are nine locations in Phase 1, twelve locations in Phase 2, and eight locations in Phase 3. She closed by quoting a study done by INL that said: "Idaho's premium fees for electric vehicles and plug-in hybrids are set too high. They unfairly penalize electric vehicle and plug-in hybrid owners, charging them nearly double a fair fuel tax."

**IDAHO NATIONAL  
LABORATORY  
PRESENTATION:**

**Ms. Brown** apologized that INL's advanced electric vehicle experts were not available for this presentation. She referred to the handout entitled "Idaho Researchers Help Electrify Yellowstone to Glacier Road Trip" as giving an overview and insight into what their experts do for INL, which is available on their website. Their experts provide unbiased, real world information accumulated from their government and industry partners.

**DISCUSSION:**

The presenters fully responded to questions and offered to deliver more information to the following members of the Committees: Senate Chairman Brackett, Senate Vice Chairman Crabtree, Senator Nelson, Representative Mason, Senator Winder, Representative Moon, Senator Rice, Representative Anderst, Representative Scott, Representative Ehardt, House Chairman Vander Woude, Representative Chew, and Senator Den Hartog.

The subjects of discussion included: cost of projects; tracking charging stations; inquiries of future charging station locations; whether the State would buildup the highway network similar to surrounding states; content of the MOU; charging time of vehicles; weather's effect on batteries; retrofitting vehicles to electric power; rapid changes in technology affecting budgets for future charging stations; tax incentives and the federal government offering more incentives; the effect on public utilities by increasing electric vehicles; efficient electric trucks; cost to an individual charging their vehicle; free charging stations in parking garages and Costco; sponsored tours of INL's alternative vehicles lab; the status of an awareness outreach effort to communities; request for updated information on fees charged by the State; local chargers located at gas stations; and opportunities available to go back to considering registration fees.

**ADJOURNED:**

**Chairman Brackett** adjourned the meeting of the Senate Transportation Committee at 2:29 p.m. **House Chairman Vander Woude** asked his committee to stay in order to conduct the business of graduating their page.

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Senator Brackett  
Chair

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Gaye Bennett  
Secretary

AGENDA  
**SENATE TRANSPORTATION COMMITTEE**  
1:30 P.M.  
Room WW53  
Tuesday, February 19, 2019

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#"><u>H 45</u></a>	Legislation to reduce the apprenticeship training hour requirement to qualify for a license as a driving business instructor from 60 hours to 30 hours of classroom instruction.	<b>Kelley Packer and Rob McQuade</b> , Bureau of Occupational Licenses
<b>Minutes</b>	Approve the Minutes of February 7, 2019.	<b>Vice Chairman Crabtree and Senator Winder</b>
<b>Page Introduction</b>	Welcome to new Committee Page <b>Makenna Moore</b> of Mountain Home, Idaho.	<b>Chairman Brackett</b>
<a href="#"><u>S 1065</u></a>	Amends the Transportation Expansion and Congestion Mitigation (TECM) program to provide for a bonding mechanism for the funds already received.	<b>Chairman Brackett</b>

***If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Brackett  
Vice Chairman Crabtree  
Sen Winder  
Sen Den Hartog  
Sen Lodge

Sen Rice  
Sen Burtenshaw  
Sen Buckner-Webb  
Sen Nelson

COMMITTEE SECRETARY

Gaye Bennett  
Room: WW33  
Phone: 332-1332  
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MINUTES  
**SENATE TRANSPORTATION COMMITTEE**

**DATE:** Tuesday, February 19, 2019

**TIME:** 1:30 P.M.

**PLACE:** Room WW53

**MEMBERS PRESENT:** Chairman Brackett, Vice Chairman Crabtree, Senators Winder, Den Hartog, Lodge, Rice, Buckner-Webb, and Nelson

**ABSENT/ EXCUSED:** Senator Burtenshaw

**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 Brackett** convened the meeting of the Senate Transportation Committee (Committee) at 1:33 p.m.

**H 45** **Chairman Brackett** invited Kelley Packer, Bureau Chief of the Bureau of Occupational Licenses, to present **H 45**.

**Ms. Packer** thanked the Committee for hearing **H 45**. She deferred presenting the bill to Roger Hales, Administrative Attorney for the Bureau of Occupational Licenses and representing the Idaho State Driving Businesses Licensure Board (Board).

**Mr. Hales** said that **H 45** is consistent with the Governor's mandate to reduce barriers, streamline licensure, and increase employment opportunities. It reduces the number of apprenticeship training hours required to qualify for a driving instructor license, by reducing the classroom instruction from 60 hours to 30 hours. It also reduces the behind-the-wheel training from 108 hours to 16 hours. The Board conducted a survey of states with similar licensures and determined it was appropriate to reduce the hours because Idaho's barrier was too high. They did not believe the reduction in hours would affect an instructor's minimum competency to teach students how to drive safely. Students, between the ages of 14-and-one-half and 17, have to qualify individually once they are through their driving school's program. The Board requested an emergency clause to allow early implementation in order to accommodate the student application process. **Mr. Hales** concluded by requesting **H 45** be sent to the floor with a do pass recommendation.

**DISCUSSION:** **Senator Den Hartog** asked if the reduction from 108 to 16 hours was consistent with the Board's findings from other states. **Mr. Hales** replied the Board conducted the survey; it is made up of licensed business owners. They determined that it was appropriate to reduce the hours. He added that the State of Utah requires 50 total hours.

**Senator Nelson** asked if there was data that shows Idaho won't have a reduction in safety because we've reduced the training requirement. **Mr. Hales** was not aware of any hard data that indicates one way or the other. The Board, which is made up of licensed business owners, teaches this and believes that based on their experience, there would be no adverse impact. **Senator Nelson** said the surrounding states — Montana, Utah, Oregon — all require more training than what **H 45** provides. **Mr. Hales** said he didn't have specific data as the Board performed the survey, but they reviewed other states' requirements and concluded they were comfortable with this reduction.

**Ms. Packer** intervened in the response to Senator Nelson's question by stating that on May, 2015 the Board received a document that summarized the requirements of all 50 states. She had looked specifically at Oregon, Montana, and Utah because of information from a third party that matched Senator Nelson's question. She found that Montana has repealed their statute and there are currently no requirements for instruction hours, as of May 2015. Oregon did the same for both instruction and behind-the-wheel training. Utah requires 50 hours, as previously stated. Training actually goes from no hours for some states up to hundreds of hours, which is why the Board took a look at what is required in Idaho and brought this legislation forward. She concluded by offering to forward the document to the Committee.

**Senator Buckner-Webb** asked if the other states have a minimum age for taking driving instruction. **Mr. Hales** said that to be an instructor, a person has to be at least 21 years old. **Senator Buckner-Webb** asked if this was for adults or children. **Mr. Hales** said the program specifically deals with students between 14-and-one-half and 17.

**Senator Lodge** asked Mr. Hales to repeat the statement about ages for students. **Mr. Hales** said this program licenses private business instructors who teach driving to students between 14-and-one-half and 17 years of age. It is similar to the public school system program that is typically held in a public school setting. Whereas, a potential client can contract with a public business for student driver instruction training. It is through that private business where this legislation comes into play. **Senator Lodge** wanted clarity on the purpose of the bill as to whether the hours are for the instructor in order to teach or for the student to be trained. **Mr. Hales** said to be an instructor for a private business requires a private license that meets certain qualifications — 21 years of age, high school completion, valid drivers license, satisfactory driving record, finger print background check, and a medical certificate — and then the apprenticeship training program to become a licensed driver training instructor needs to be completed. This bill reduces the training hours in the apprenticeship program for those instructors; it does not affect the students' training to be drivers.

**TESTIMONY:**

Lisa Brady, a special guest at drivers education instructing classes around the Treasure Valley and instructor of a bicycle-pedestrian education series for all driver education instructors in the State of Idaho, asked to testify against the bill.

**Ms. Brady** said reducing the number of hours instructors are required to complete so that they are equivalent to the number of hours students are required to complete is a big deal. She also contends there is no sense in dropping the behind-the-wheel hours from 108 hours to 16 hours when students are required to have just half that number of hours behind-the-wheel. The statistics in Idaho in 2017 show that males between the ages of 16 and 24 are overrepresented in fatal crashes. Traffic fatalities are the leading cause of youth death across the nation. This cannot be taken lightly. With the population growth in Idaho, traffic on Idaho roads is more serious than can be imagined. She has chosen to take a stand because she is in the classroom teaching the bicycle-pedestrian part. This vulnerable road user group needs to have drivers who are trained better so that those who do not drive a car will be as safe as anyone else on the roads.

**Vice Chairman Crabtree** asked if there were outcome assessments or evaluations of how these training instructors perform when fewer hours are required. **Ms. Brady** said she would need to do some research, but she believed the statistics on the roadway could reveal an answer.

**Senator Nelson** said he was not familiar with the training curriculum, but wondered what would be cut out by reducing the hours. **Ms. Brady** said that would be a question for the state driver education director.

**CLOSING  
REMARKS:**

**Mr. Hales** said that these student drivers still have to meet the requirements and pass the test to get their driver's license. He does not believe there is a study indicating that reducing an instructor's training hours has an effect on young drivers. **H 45** only affects the driving instructors and not the student drivers.

**MOTION:**

**Senator Den Hartog** moved to send **H 45** to the floor with a **do pass** recommendation. The motion died for lack of a second.

**MINUTES  
APPROVAL:**

**Vice Chairman Crabtree** moved to approve the Minutes of February 7, 2019. **Senator Winder** seconded the motion. The motion passed by **voice vote**.

**PAGE  
INTRODUCTION:**

**Chairman Brackett** welcomed Makenna Moore of Mountain Home and invited her to take the podium to introduce herself and stand for questions.

**Ms. Moore** said she is a senior at Mountain Home High School in Mountain Home. She is the captain of her high school's varsity tennis team, and she likes rock climbing, hiking, and most outdoor activities. She also enjoys art, and she was responsible for an art piece in one of the Alleyways Artwork of Mountain Home projects for her high school.

**Chairman Brackett** asked what her plans were after high school. **Ms. Moore** said she is planning to go to the University of Idaho in Moscow and study natural resources. She hopes to be either a game warden or a fire ecologist.

**Vice Chairman Crabtree** asked how she became a page this session. **Ms. Moore** said it was a very cool opportunity for a small town student like herself. She has few opportunities to do things in the city and thought she would enjoy it.

**Senator Winder** said that Mountain Home is a metropolitan center compared to Three Creeks where Chairman Brackett is from, so she should not think of herself as a small town student. He wanted to know how she became interested in being a game warden. **Ms. Moore** said she and her father enjoy hunting and fishing.

**PASSED THE  
GAVEL:**

Chairman Brackett passed the gavel to Vice Chairman Crabtree.

**S 1065**

**Vice Chairman Crabtree** invited Chairman Brackett to present **S 1065**.

**Chairman Brackett** said the purpose of this legislation is to provide another alternative for funding our transportation infrastructure. Idaho is one of the fastest-growing states in the nation. With this growth comes increased burdens on our transportation system, such as congestion and increased traffic. **S 1065** was written to help address those needs. It amends the Transportation Expansion and Congestion Mitigation (TECM) program found in Idaho Code § 40-720 to provide for a bonding mechanism for the funds already received in that section.

Currently under Idaho Code § 40-720, the Idaho Transportation Department (ITD) is tasked to evaluate projects based on mitigation of traffic times, improvement to the traffic flow, and mitigation of traffic congestion. Once the evaluation is completed by ITD, the Idaho Transportation Board (ITB) selects the projects. The current law allows TECM funds to finance projects. This legislation provides a financing mechanism using the Idaho Housing and Finance Association (IHFA) to issue bonds secured by TECM funds to finance projects approved by the ITB. This proposed legislation also states that the ITB shall take into consideration the mitigation of traffic congestion caused by the establishment of Idaho's campus in the Chinden campus in west Boise. If the state helped contribute to the congestion because of the campus, then the state should help fix it.

Finally, **S 1065** specifies that the 1 percent sales tax used to fund TECM, but not less than \$15 million, is continually appropriated to the TECM fund for the ability to support and finance TECM projects. The ITB will have the ability to bond approximately \$150 million for new transportation projects depending on the unenumerated amounts in the TECM fund. The bonding mechanism does not require a tax increase because the TECM fund already receives 1 percent of the sales tax, which is more than the minimum of \$15 million provided for in **S 1065**. **Chairman Brackett** went through the bill explaining it section by section.

**DISCUSSION:**

**Senator Winder** asked if the ITB would consider the mitigation of traffic on at the state's Chinden campus a priority project. **Chairman Brackett** said ITB reviews and prioritizes traffic congestion wherever it occurs throughout the state. Chinden is only one example of where traffic is already somewhat congested, and as development increases in that area and state employees move out to the campus, it will be even more congested. But it is to be evaluated by ITD with recommendations to the ITB, where the final decisions will be made.

**Senator Nelson** asked what has typically been 1 percent of the sales tax in the last few years. **Chairman Brackett** said that last year there was \$15.7 million and it fluctuates up to about \$17 million. **Senator Nelson** asked if the bill establishes a new floor. **Chairman Brackett** said if the sales tax goes below \$15 million it could create a safety minimum that would go into the fund. **Senator Nelson** said he understands this is to safeguard the bonds so we can get a better rate on the bonds because we've established that floor. **Chairman Brackett** said Senator Nelson was correct, but the State of Idaho and their sales tax enjoys a very favorable bond rating. This secures that there will be a minimum of that amount deposited.

**Senator Den Hartog** asked what the anticipated improvements were around the state campus on Chinden in Boise. **Chairman Brackett** replied that western Ada County is rapidly growing with new subdivisions and new businesses. Improvements would include building out Chinden Boulevard, State Highway 20-26, to be five lanes in order to move more traffic. But it's not just Chinden Boulevard; to the north is State Highway 44, State Street, which would also be built out to five lanes. Longer term plans would be to build out State Highway 16 to the interstate. ITD needs to preserve some of the rights-of-way for the interchange on Chinden up to the interstate, which will be the expensive one. It is better to start on it now rather than waiting until it becomes a real traffic problem in five years.

**TESTIMONY:**

Jeremy Chou, representing the American Council of Engineering Companies, testified in support of **S 1059**.

**Mr. Chou** said that the Idaho Association of Commerce and Industry (IACI) also supports this bill. He said there was one question he wanted to address with respect to the Chinden campus. By statute, ITB has to take into consideration the mitigation of traffic congestion at the Chinden campus. Once they consider it, however, the ITB prioritizes all the projects statewide. In October, 2018, ITB came forward with a resolution that prioritized TECM projects, and Chinden was among the many projects listed. This bill expedites high priority projects and, by doing so, saves the state money.

**DISCUSSION:**

**Senator Den Hartog** asked if he knew what the current outstanding debt on Idaho's Grant Anticipation Revenue Vehicle (GARVEE) bonds were. **Mr. Chou** did not know but deferred to an ITD representative in the audience who said it was \$56 million.

**CLOSING REMARKS:** **Chairman Brackett** told the Committee that instead of being limited to doing approximately \$15 million in roadway projects each year, **S 1065** allows ITD to construct projects now and use the 1 percent sales tax revenue stream to make the bond debt service and principle payments.

**DISCUSSION:** **Senator Rice** said he has concerns that there are insufficient funds for Idaho's roadways. This was partially addressed a few years ago. Bonds tie up funds for a long time, and the total amount in any one year doesn't fund many projects. In a period when we are not addressing the overall need in a sufficient way, it is prudent with small funds like this bill proposes to go ahead and make the best difference possible in the use of those funds. He believes **S 1065** does that.

**MOTION:** **Senator Rice** moved to send **S 1065** to the floor with a **do pass** recommendation. **Senator Lodge** seconded the motion.

**DISCUSSION:** **Senator Winder** offered that when looking at the \$15 million and the \$150 million total at the cost of money at 5 percent, it seems to equal more than \$150 million. If the total \$15 million in debt service doesn't need to be tied up, then there may be other options as ITD moves through the process. The cost of money should be very favorable.

**VOICE VOTE ON MOTION:** The motion to send **S 1065** to the floor with a do pass recommendation passed by **voice vote**. Chairman Brackett will carry the bill on the Senate floor.

**PASSED THE GAVEL:** Vice Chairman Crabtree passed the gavel back to Chairman Brackett.

**ADJOURNED:** With no further business before the Committee, **Chairman Brackett** adjourned the meeting at 2:26 p.m.

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Senator Brackett  
Chair

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Gaye Bennett  
Secretary

AGENDA  
**SENATE TRANSPORTATION COMMITTEE**  
**1:30 P.M.**  
**Room WW53**  
**Tuesday, February 26, 2019**

SUBJECT	DESCRIPTION	PRESENTER
<b>Minutes</b>	Approve the Minutes of Thursday, January 31, 2019.	<b>Senator Den Hartog and Senator Rice</b>
<a href="#"><u>H 105</u></a>	Creates a "Pet Friendly" license plate. The proceeds will be used to assist low-income Idaho families with the cost of neutering their pets.	<b>Hy Kloc</b>
<a href="#"><u>H 89</u></a>	Part of a national effort to designate a single route across America as the "Medal of Honor Highway." Idaho's Highway 20 is designated as the targeted national route.	<b>Representative Syme</b>
<a href="#"><u>H 76</u></a>	Establishes a framework for how cities, counties, and the State regulate the use of electric bicycles ("E-bikes").	<b>Representative Ricks</b>
<a href="#"><u>S 1131</u></a>	Deters injuries/fatalities at school bus stops by increasing fines for offending drivers.	<b>Mary Symms, Symms-Pollot &amp; Associates Paul Arnett, Cascade Student Transportation (CST) Operation Manager Louis Young, CST Area Safety Director</b>

***If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Brackett	Sen Rice
Vice Chairman Crabtree	Sen Burtenshaw
Sen Winder	Sen Buckner-Webb
Sen Den Hartog	Sen Nelson
Sen Lodge	

COMMITTEE SECRETARY

Gaye Bennett  
Room: WW33  
Phone: 332-1332  
email: stran@senate.idaho.gov

MINUTES  
**SENATE TRANSPORTATION COMMITTEE**

**DATE:** Tuesday, February 26, 2019

**TIME:** 1:30 P.M.

**PLACE:** Room WW53

**MEMBERS PRESENT:** Chairman Brackett, Vice Chairman Crabtree, Senators Winder, Den Hartog, Lodge, Rice, Burtenshaw, Buckner-Webb, and Nelson

**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 Brackett** convened the meeting of the Senate Transportation Committee (Committee) at 1:31 p.m.

**MINUTES:** **Senator Den Hartog** moved to approve the Minutes of January 31, 2019. **Senator Winder** seconded the motion. The motion passed by **voice vote**.

**H 105** **Chairman Brackett** invited Hy Kloc, Boise former State Representative, to present **H 105** to the Committee.

**Mr. Kloc** said that he was representing homeless dogs and cats in Idaho, and the people who can't or don't want to take care of them. According to the American Veterinary Medical Association, Idaho has the highest percentage of dog owners in the United States, and is in the top 10 states nationally for cat ownership. Idaho loves its pets, but there are some startling facts about the pet population: 1 unspayed female dog and her offspring can produce 67,000 dogs in 6 years, and 1 unspayed female cat and her offspring can produce 420,715 cats in 7 years. **Mr. Kloc** said that something needs to be done, and **H 105** is the "Idaho Pet Friendly" license plate, from which the generated funds will be used to help alleviate some of the pet overpopulation problem. The Idaho Humane Society has volunteered to hold the proceeds from the sale of this license plate in a restricted account in their Pet Lovers Fund. The funds will be disbursed through an independent committee to veterinarians, shelters, and rescues throughout Idaho to assist with spay and neuter efforts. This will help decrease pet overpopulation, provide financial relief to public and private animal shelters, and improve the quality of life for pets in low income households.

**DISCUSSION:** **Senator Buckner-Webb** said that although she does not own a pet, she appreciates hearing about this effort to help with the overpopulation of pets throughout Idaho. **Mr. Kloc** said it is their hope to help rural communities where the police are often charged with "dog catcher" duties, and these funds could help relieve some of those responsibilities.

**Senator Lodge** said she appreciated the care and concern for these creatures, but she wanted to know how small communities where there are no shelters or animal control officers will know about this program. **Mr. Kloc** said there will be an educational aspect to this program that will include making as many entities as they can identify aware of the program.

**MOTION:** **Senator Burtenshaw** moved to send **H 105** to the floor with a **do pass** recommendation. **Senator Buckner-Webb** seconded the motion.

**TESTIMONY:** The following people testified in support of **H 105: Beth Stokes**, who works for the Cats Meow, Inc., a cat rescue in Emmett; **Darlene Junghans**, President of the Cats Meow, Inc., a cat rescue in Emmett; **Gordon Petrie**, Mayor of the City of Emmett; **Lisa Becker**, who works for the Cats Meow, Inc., a cat rescue in Emmett; and **Anna Wellington**, a former Idaho Fish and Game employee, who had identified feral cats as an endangered species. No one testified against the bill.

**DISCUSSION:** **Senator Den Hartog** asked why his intent to help serve rural communities was not part of the drafted legislation. **Mr. Kloc** said that the Pet Lovers Fund designated committee will have bylaws that will refer to rural community outreach.

**Senator Lodge** reminded Mr. Kloc and those that testified that in order to have the funds to provide the services they shared, they would need to sell the license plates, and if enough license plates are not sold, the license plate will no longer be available for sale. Selling the license plates are mandatory to keep their program viable. **Senator Lodge** said she would vote for **H 105** because it deals with an issue that the state is not addressing.

**Chairman Brackett** said getting to this point in their efforts was the easy part; the burden is on their organization to sell the license plates.

**VOICE VOTE:** The motion to send **H 105** to the floor with a **do pass** recommendation passed by **voice vote**. Senator Burtenshaw will carry the bill on the Senate floor.

**H 89** **Chairman Brackett** invited Representative Syme to present **H 89** to the Committee.

**Representative Syme** stated that the Committee had some distinguished guests in the audience whom had received the Purple Heart for their military service. They are the finest individuals our nation has to offer, and he is proud to be a member of the group.

**Representative Syme** continued that **H 89** is being brought by the Idaho Military Order of the Purple Heart, and it's part of a national effort to create a single route across America to become a reminder of those whose service to the nation was so remarkable that they received the nation's highest military award, the Medal of Honor. Highway 20 is designated as that highway, which stretches from Newport, Oregon to Boston, Massachusetts. Idaho's portion of the highway begins near Parma and ends at the Idaho state line with Montana at West Yellowstone. That road will be known as the Idaho Medal of Honor Highway, honoring current and future Medal of Honor recipients. The cost for this designation is in creating and installing signs along Highway 20 indicating the new name of the highway. The funds will come from existing dedicated funds as determined by the Idaho Transportation Board. **Representative Syme** asked for a do pass recommendation from the Committee.

**DISCUSSION:** **Senator Rice** said that Thomas Croft Neibaur, who served in the Army in France during World War I, was Idaho's first soldier to be awarded the Medal of Honor. He came from Sugar City, Idaho, which Highway 20 runs through.

**MOTION:** **Senator Rice** moved to send **H 89** to the floor with a **do pass** recommendation. **Senator Lodge** seconded the motion.

**TESTIMONY:** **Gayle Alvarez**, Medal of Honor Historian with the Idaho Military History Museum located at Gowen Field in Boise, and **Phil Hawkins**, retired Army Command Sergeant Major who is with the Idaho Military Order of the Purple Heart and worked at the Veterans Home for 27 years, offered compelling testimony supporting **H 89**.



**DISCUSSION:** **Senator Winder** thanked Mr. Hawkins for his service, and commended and thanked him for all he does for the veterans of this state.

**Senator Lodge** said she wanted her vote to be in honor of her godfather and uncle, Technical Sergeant Lawrence Francis Nalley, who is still MIA (missing in action). She had recently found out where his plane went down in the Adriatic Sea. Other remains of the wreckage were found, but the pilot, the radio operator, and the flight engineer still have not been found.

**VOICE VOTE:** The motion to send **H 89** to the floor with a **do pass** recommendation passed by **voice vote**. **Senator Lee** said she would be honored to carry the bill on the Senate floor.

**H 76** **Chairman Brackett** invited Representative Ricks to present **H 76** to the Committee.

**Representative Ricks** said that this legislation identifies and regulates electric assisted bikes by creating a new category in Idaho Code (Idaho Code § 49-106(1)). These bicycles utilize small electronic motors to provide a boost to the rider on hills or flat roads where extra speed is desired. They are called "E-bikes" and have all the features common to regular bicycles. They are becoming increasingly popular on Idaho roads, paths, and trails. The bill creates three categories of E-bikes: Class 1, which only provides assistance while pedaling and stops when the bike reaches 20 miles per hour (MPH); Class 2, which is equipped with a motor to propel the bike and stops when the bike reaches 20 MPH; and Class 3, which only provides assistance while pedaling and stops when the bike reaches 28 MPH. The bikes can be ridden anywhere unless local jurisdictions prohibit their use. **Representative Ricks** closed by telling the Committee that **H 76** was unanimously approved by the House committee and also on the House floor.

**MOTION:** **Senator Nelson** moved to send **H 76** to the floor with a **do pass** recommendation. **Senator Den Hartog** seconded the motion. The motion passed by **voice vote**. Senator Nelson will carry the bill on the Senate floor.

**S 1131** **Chairman Brackett** invited Mary Symms from Meridian, and a bus driver for Cascade Student Transportation (CST), to present **S 1131** to the Committee.

**Ms. Symms** said that CST is the school bus contractor for the West Ada School District. She transports children between the ages of 4 and 21 to 55 schools within the district, covering 382 square miles of roads. CST's 250 buses make 8,500 bus stops and transport 13,000 students daily. Safety of children is CST's number one priority.

With significant population growth and distracted driving in the Treasure Valley, there is an increase in drivers illegally passing stopped school buses. CST estimates 3 to 5 percent of bus stops within the school district witness violations daily, putting students at risk of injury. There are three factors that can be attributed to these violations: 1.) drivers are not obeying the law; 2.) violators are not being identified; and 3.) the law is not being enforced.

CST has a process for violators, which is basically getting the license plate number and a description of the vehicle and the driver. Affidavits from the bus drivers are submitted to law enforcement, who receive two to three affidavits per week and follow up with a citation, in most incidents. In the last six months, CST has filed 72 affidavits for stop-arm violations. Gathering the required information is difficult when a bus driver also has the responsibility of keeping their students safe.

**S 1131** significantly increases the fine for offending drivers. **Ms. Symms** concluded by saying the state must get drivers to stop when a school bus raises its stop-arm. Drivers' behavior needs to change so that students do not get hit or killed while boarding or leaving a school bus.

**DISCUSSION:**

**Vice Chairman Crabtree** asked if Ms. Symms had evidence that when enforced in small towns, behavior changes and there are fewer violations. **Ms. Symms** said that cameras attached to school buses show that compliance increases, and when fines are increased and enforced, the behavior stops. **Vice Chairman Crabtree** believes that in small towns, enforcement would be difficult and the fine amounts are prohibitive. **Ms. Symms** replied that they realize it is a significant change and could be a problem, but it is the only clear way to educate the public that drivers need to stay focused when they are driving.

**Senator Lodge** said she had noticed just that morning a school bus that was pulled to the side of the road with no arm-stop out, but had flashing yellow lights. She wondered what would have been the proper way to handle that situation.

**Ms. Symms** deferred the response to **Paul Arnett**, CST Operations Manager, who said that Senator Lodge should have slowed down and then driven safely around the school bus. Red flashing lights and the stop-arm extended indicate that drivers behind and in front need to stop and wait until the stop-arm is retracted.

**Senator Den Hartog** said that Ms. Symms had indicated that the current law is not being enforced. She wanted to know if that was a function of law enforcement not being available at the time of the infraction. She understood how difficult a task it is to expect bus drivers to care for the safety of school children, be able to write down license plate numbers, and be able to describe drivers and their vehicles all simultaneously. **Mr. Arnett** said it is extremely difficult for a bus driver to maintain security of the transfer of students and identify violating vehicles and their drivers as they go speeding by. The fact that there are so few violations being reported is simply because they cannot catch them all, nor can the police be at every place they need to be at the time of a violation. It is almost an impossibility. The difficulty is that the problems need to be identified and solutions need to be found rather than creating more difficulty as we move forward.

**Senator Nelson** first thanked each of them for making our students more safe. The bill only addresses the fines and not enforcement. He inquired if this bill fixes the right problem, or if more should be done on the enforcement side rather than just raising the fine. **Mr. Arnett** said this bill is a reaction rather than a complete solution to the problem. Law enforcement agencies across Idaho are all supportive of being able to help identify these drivers so that they can enforce the law. The difficulty is in the ability to have all the right individuals on the roads at the same time that the buses are travelling. They are hoping to have stop-arm cameras that will be fixed to all school buses. That will enhance their ability to identify those individuals who are breaking the law.

**TESTIMONY:**

Ms. Symms showed a brief video to the Committee graphically demonstrating driver violations when school buses stop, with their stop-arm in place, to load and unload students.

**Mr. Arnett** testified that CST has the privilege of providing transportation for the students of Idaho's largest school district, West Ada School District in Meridian. Based on the video shown, he believes the worth of an Idaho student is priceless. He continued by stating that the increase in traffic flows and the mounting evidence that a tragedy can occur at any moment. The increasing danger is in the failure on the part of distracted drivers to even notice the flashing red lights of a school bus. Statistically, drivers who are cited for a stop-arm violation seldom repeat the offense. **Mr. Arnett** said that raising the fine for being convicted of a stop-arm violation from the current \$100 minimum to a new minimum of \$500 sends a message to all drivers in the state of Idaho. The increase to the second and third offenses' fines are \$750 and \$1,000, respectively. While steep, they are in keeping with surrounding states, some of which have also placed criminal misdemeanor charges on violators. He thanked the Committee and asked for a do pass recommendation.

**Louis Young**, CST Area Safety Director, testified in support of the bill, and briefly stated that discipline in the area of school buses stopping and children's safety needs to be a priority.

**DISCUSSION:** **Senator Winder** said he appreciated the testimony and the comments from the Committee. There are better ways, but this is one way to deal with the safety of our students. Raising fines to this significant level will help the public realize the significance of the crime. He is hopeful the courts would not deem them excessive.

**MOTION:** **Senator Winder** moved to send **S 1131** to the floor with a **do pass** recommendation. The motion died for lack of a second.

**DISCUSSION:** **Senator Rice** commented that he appreciated the bill being brought forward, and the Legislature needs to work on finding a good, effective solution. Hopefully, this is not the end of the discussion.

**Senator Lodge** said that she believes the fines are too high right now, especially in some of the rural areas. She thinks a public relations campaign and/or educational program needs to be developed to remind people that they are supposed to stop. She thought perhaps \$250 would be a better first step, and go up from there. It is just too big of an increase at this time.

**MOTION:** **Senator Den Hartog** moved to send **S 1131** to the 14th Order of Business for possible amendment. **Senator Lodge** seconded the motion.

**DISCUSSION:** **Senator Den Hartog** said that she agrees with Senator Lodge and would like to set a more conducive and reasonable range of fines. She thought perhaps \$250, \$500, and \$750 would be worth considering. She wanted to discuss with other Committee members the range of other fines already set in Idaho Code. If the bill sponsors are willing, she would like to take a look at it.

**VOICE VOTE:** The motion to send **S 1131** to the 14th Order of Business for possible amendment passed by **voice vote**. Senator Winder will carry the bill on the Senate floor.

**ADJOURNED:** With no further business before the Committee, **Chairman Brackett** adjourned the meeting at 3:02 p.m.

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Senator Brackett  
Chair

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Gaye Bennett  
Secretary

AGENDA  
**SENATE TRANSPORTATION COMMITTEE**  
**1:30 P.M.**  
**Room WW53**  
**Thursday, February 28, 2019**

SUBJECT	DESCRIPTION	PRESENTER
<a href="#"><u>H 90</u></a>	Increases maximum width for All Terrain Vehicles (ATV) and Utility Type Vehicles (UTV).	<b>Representative Monks and Stephen Thomas</b> , Hawley Troxell
<a href="#"><u>H 24</u></a>	Modifies definition of UTV to remove weight limits.	<b>Vice Chairman Crabtree</b>
<a href="#"><u>H 74</u></a>	Changes to statutes regarding recreational and off-road vehicles and activities.	<b>Representative Gestrin and David Claiborne</b> , Idaho State ATV Association
<a href="#"><u>H 75</u></a>	Imposes a \$12 sticker fee for nonresidents for the off-road activities of Off Highway Vehicles (OHV).	<b>Representative Gestrin and David Claiborne</b> , Idaho State ATV Association

***If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Brackett

Vice Chairman Crabtree

Sen Winder

Sen Den Hartog

Sen Lodge

Sen Rice

Sen Burtenshaw

Sen Buckner-Webb

Sen Nelson

COMMITTEE SECRETARY

Gaye Bennett

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MINUTES  
**SENATE TRANSPORTATION COMMITTEE**

**DATE:** Thursday, February 28, 2019

**TIME:** 1:30 P.M.

**PLACE:** Room WW53

**MEMBERS PRESENT:** Chairman Brackett, Vice Chairman Crabtree, Senators Winder, Den Hartog, Lodge, Burtenshaw, and Nelson

**ABSENT/ EXCUSED:** Senators Rice and Buckner-Webb

**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 Brackett** convened the meeting of the Senate Transportation Committee (Committee) at 1:31 p.m. He declared that today was "ATV Day" in the Committee as all four bills on the agenda deal with various types of off-road vehicles.

**H 90** **Chairman Brackett** invited Representative Monks to present **H 90** to the Committee.

**Representative Monks** said he would give opening remarks and yield the rest of his time to Steve Thomas, a Boise attorney representing Polaris Industries, Inc.

**Representative Monks** said that one thing **H 90** addresses is the weight limits of All Terrain Vehicles (ATV), but so does **H 24**, which is also on today's agenda. **H 90** also deals with increasing the width of an ATV from 50 inches to 55 inches, and a Utility Type Vehicle (UTV) from 74 inches to 80 inches. The distinct difference of an ATV versus a UTV is that ATVs are usually single-rider units and open air-type systems, whereas a UTV is usually a side-by-side type of vehicle. The reason that the bill increases the width is because wider is safer. He used the example of Yamaha's Rhino UTV, which was the first one to have a sports side-by-side machine. They suffered from accidents and large law suits that took many years to resolve. There was a recall on the Rhinos to widen the wheel base to make them a safer, more stable product. The same stability can be said for ATVs by widening the wheel base. There are even spacer kits owners can buy that extend the wheel base. **H 90** allows manufacturers to produce ATVs and UTVs with the wider wheel base built in. The potential ramifications are that the trail system in the United States Forest Service (USFS) are limited to 50 inches wide, but that does not impact this legislation. Those that have equipment wider than 50 inches cannot ride on those trails. **Representative Monks** does not believe that stickers are needed to indicate where an ATV or UTV can be ridden. An operator simply needs to know the rules of the roads and trails. He turned the continuation of the presentation over to Mr. Thomas before needing to return to the House floor where they were currently in session.

**Mr. Thomas** said that Polaris is one of the leading U.S. manufacturers of off-road vehicles. It continues to improve its products by making them more capable, stable, and safe; adding width is one of the best ways to do that. Idaho is one of the best states in the nation for riding these vehicles. **H 90** only adds five inches of width to the definition of ATV and six inches to the definition of UTV. The weight issue is discussed in **H 24** that had been printed and passed unanimously in the House before **H 90**. **H 90** simply follows its lead with the weight of these vehicles. This bill does not attempt to change Idaho Code as to where it is legal to ride. Industry is aware of the USFS limitations as to width established in 2005; this bill does not attempt to amend federal law. He referred to a 2016 handout that he provided to each Committee member displaying a side-by-side comparison of different makes and models of ATVs. There is a category called "50 Inch Trail-Legal UTVs." Users and industry are aware of the 50 inch requirement of the USFS trails system. He shared information regarding where to ride and pertinent rules that are on both the USFS website and the Idaho Department of Parks and Recreation (IDP&R) website. He thanked the Committee and asked for their do pass recommendation.

**DISCUSSION:**

**Senator Nelson** asked if the width change would only apply to UTVs. **Mr. Thomas** said they are really two different styles of products in terms of appearance and functionality. The manufacturer has a duty to their customers and to their share holders not to make products in violation of state law, and that is why they want to go wider, safer, and more stable. **Senator Nelson** asked if, from a legal point of view, they would qualify as UTVs. **Mr. Thomas** said it is a matter of interpretation of code that dates back to 2003. **Senator Nelson** commented that in his research he tried to find where the USFS 50 inch trail width originated. It is not obvious to him where it came from, and he is concerned that the public will not know it's illegal to take a 55 inch vehicle out on a USFS trail. **Mr. Thomas** said that in the Federal Register, dated November 9, 2005, is where the 50 inch width restriction began. He said that Representative Ricks, during discussion in the House transportation committee, said that where he rides on federal lands there are two fence posts with the maximum width posted on the front of the trail; the posts are exactly 50 inches apart. **Senator Nelson** said he did not believe the USFS has a standard of placing those posts 50 inches apart. **Mr. Thomas** replied that there are provisions in the Code of Federal Regulations, Title 36, stating that each federal forest has the obligation to identify the places you can ride legally, and they design those with discretion on a forest-by-forest basis.

**TESTIMONY:**

**Andy Brunelle**, Capital City Coordinator of the USFS, said that Mr. Thomas was correct that every national forest annually publishes an updated motor vehicle use map that describes and shows which trails are open for vehicles according to width. The 50 inch width has been on the books as federal regulation since 2005. The forest maps are distributed at numerous posting points in order for people to have the information readily available. The information is also online.

**Jonathan Oppenheimer**, Government Relations Director for the Idaho Conservation League (ICL), voiced his concerns with **H 90**. Increasing the legal width of ATVs for sale in Idaho will lead to confusion relative to expectations that they will be suitable on ATV trails. Idaho's lands, the federal Bureau of Land Management's lands, and the USFS's lands are limited to machines that are 50 inches and less. ICL does not have concerns with the portion of this bill dealing with UTVs because they are largely limited and travel on backcountry roads that are designed for full sized vehicles. There could be increased citations and trail damage from larger machines, which would cause more problems in the long run. He recommended that **H 90** be sent to the amending order to address the concerns or ask an interim committee to take up these issues.

**Bill Jones**, who lives in Boise and has been riding ATVs since 1964, said he was on the committee that designed the use of ATVs and helped define the difference between ATVs and UTVs. In 2005, their study came up with weight limits, wheel base widths, and steering capability. A UTV is steered with a steering wheel with a bench seat; an ATV is steered with handle bars with a single seat, unless built specifically for two people riding on a saddle. This definition has worked well in Idaho. **Mr. Jones** said that he started the Idaho ATV Association in 1992 to keep the trails open for various vehicles, including motor cycles, horsemen, foot traffic, ATVs, and UTVs. He believes this bill is mainly to make money for manufacturers. There are already enough different ATVs and UTVs. He and trail groups clean about 138 miles of trails each year. The trails are set to be 50 to 55 inches wide, and on some USFS trails they set the posts exactly 50 inches apart. The trails are designed for a 55 inch wheelbase turn, and turning is very dangerous. He said that saying the width is for safety is ridiculous. Safety depends on the person operating the vehicle. These bigger machines do not belong on the USFS trails.

**MOTION:** **Senator Burtenshaw** moved to send **H 90** to the floor with a **do pass** recommendation. **Senator Winder** seconded the motion.

**DISCUSSION:** **Senator Nelson** said he is concerned that there will be a problem downstream when people come back asking to widen the trails, or there will be trail violations that need fixing. Also, none of the outdoor groups have voiced their support of this bill. It seems to be a one-interest bill.

**VOICE VOTE:** The motion to send **H 90** to the floor with a **do pass** recommendation passed by **voice vote**. **Senator Den Hartog** and **Senator Nelson** asked to be recorded as voting nay. Senator Burtenshaw will carry the bill on the Senate floor.

**H 24** **Chairman Brackett** invited Vice Chairman Crabtree to present **H 24** to the Committee.

**DISCUSSION:** **Senator Den Hartog** said that, in her understanding of the two bills, it looks like if **H 90** passes, then **H 24** is unnecessary. She would like Vice Chairman Crabtree to clarify, since it looks like they are both addressing the machine weight issue in the same way.

**Vice Chairman Crabtree** said it is his understanding that **H 24** passed the House before **H 90**, but **H 90** has not passed the entire Senate, so he encouraged the Committee to move forward with **H 24**.

**Chairman Brackett** encouraged Vice Chairman Crabtree to proceed with his presentation stating that a determination may need to be done at some point, but for now, **H 24** is before the Committee for consideration.

**Vice Chairman Crabtree** said the point of **H 24** is to eliminate the weight restrictions on UTVs. There is currently a 2,000 pound weight limit that this bill removes. UTVs are off road vehicles licensed for designated and restricted use on Idaho roads. Typical UTVs come in a range of models, but UTVs are becoming more capable and are available with extra passenger capacity, winches, larger bumpers, fertilizer and water tanks, and more interior features. These features have increased the weight of these vehicles, which necessitates the change referenced in this bill. No other section of the UTV code is being changed, including the minimum weight and the width. There is also no change to where these vehicles are legally operated. The Idaho Transportation Department (ITD), IDP&R, and numerous sportsmen groups have signed off on this bill, and there is no known opposition to it. This simply keeps up with industry technology and allows users to register their UTVs. He urged the Committee to send the bill to the floor with a do pass recommendation.

**DISCUSSION:** **Senator Winder** said he doesn't own any of these vehicles and is not familiar with what owners do with them, but from the information given on **H 90**, it appears the maximum weight is about 1,500 pounds. He's concerned with damages to trails and wanted to know if this would allow a gross vehicle weight of 4,000 pounds. **Vice Chairman Crabtree** said the tires on these vehicles are soft and distribute weight differently than hard tires on other vehicles, which makes the road/trail damage minimal.

**TESTIMONY:** **David Claiborne** with Sawtooth Law Offices and representing the Idaho Recreation Council, said that Representative Addis, who sponsored the bill on the House side, asked him to address that question. They are not concerned with lifting the weight limit on UTVs because there are other provisions in Idaho Code that restrict weight on certain trails that they are not changing. He used groomed snowmobile trails as an example as not being affected by this bill. UTVs operate on USFS roads designed for automobile traffic because there are few trails designed for these UTVs. Consequently, they are not concerned about increased resource damage from a heavier machine. The subtlety between **H 24** and **H 90** is that **H 90** deals with width and weight, and **H 24** only deals with weight. If **H 90** passes on the floor, then **H 24** does not need to be considered, and if **H 90** failed, they would hope **H 24** would be considered.

**MOTION:** **Senator Den Hartog** moved to send **H 24** to the floor with a **do pass** recommendation. **Senator Winder** seconded the motion. The motion passed by **voice vote**. Vice Chairman Crabtree will carry the bill on the Senate floor.

**H 74** **Chairman Brackett** invited Representative Gestrin to present **H 74** to the Committee.

**Representative Gestrin** said the bill is long and makes numerous technical changes. He explained how the revenue from fines are distributed, of which 90 percent goes to the local Sheriff and is their incentive to enforce the ATV rules. The 10 percent balance is distributed as such: 18 percent of the 10 percent goes to the Peace Officers Standards and Training (POST) fund and 82 percent of the 10 percent goes to Idaho's General Fund. One of the technical changes is to change the various names of the vehicles (ATV, UTV, motor bikes, etc.) to simply "off-road vehicle" throughout the bill. In the past, only the titled owner could purchase a pay-to-play sticker — not to be confused with titling and registration; now someone can be designated to purchase the sticker. If there is an off-road vehicle accident that occurs off-road and only the owner's machine is damaged, the accident does not have to be reported. There is also a new fee of \$22.50, which is double the old fee, for rental machines that are currently used more frequently than personal machines. It allows Motor Bike Account (MBA) monies to be used to purchase public recreation access to private lands. The MBA was created 35 years ago when motor bikes were the only off-road vehicles, hence the name of the account. A minimum amount goes into the account to help maintain the trails and parking lots for the off-road vehicle users. The MBA will not be renamed. Finally, there is the ability to purchase a two-year sticker for off-road vehicles and snowmobiles.



**TESTIMONY:** **Tammy Kolsky**, who manages the IDP&R Recreational Registration Unit (RRU) testified in support of the bill. **H 74** supports the appropriate and intended use of dedicated funds, ensures cost efficient administration, and reduces unnecessary burdens placed on users. The RRU program issues validation stickers and distributes the funds to recreation programs and snow groomers in order to maintain recreational areas. They issue about 200,000 stickers annually to snowmobilers and off-road vehicle owners. The 2002 system has outdated programming that needs to be replaced. Some of their retail vendors use hand-entered triplicate forms collecting unsecure personal data. IDP&R is in the process of modernizing the software and processes. **H 74** would allow IDP&R to issue stickers to either the owner or an applicant, instead of just to the owner. That change alone will save IDP&R program funds that can be used for trail maintenance. In short, this bill will make recreational opportunities in Idaho function far more quickly and efficiently.

**DISCUSSION:** **Senator Den Hartog** asked if Ms. Kolsky could guide her to the section in the bill that referenced the ability to use MBA to purchase public access to private lands. **Ms. Kolsky** deferred the question to David Claycomb, IDP&R Bureau Chief. **Mr. Claycomb** said the section is in Idaho Code, Title 67, Chapter 71 that identifies the intended and allowed uses of the MBA. It broadly allows for the expenditure of those funds for anything that benefits motorized use. Leasing and acquisition of private land are two of the things that have taken place in North Idaho and in other locations approved by the Attorney General's office. The fund has been audited many times. **Senator Den Hartog** indicated she was looking for the location in the legislation, but it appears Idaho already has a mechanism in place to purchase those easements. She wanted to know that by making the change here, we are not creating a new revenue mechanism. **Mr. Claycomb** said that was correct; this does not affect the legislation whatsoever in terms of private land access, but there are changes with the stickers to access private land.

**MOTION:** **Senator Nelson** moved to send **H 74** to the floor with a **do pass** recommendation. **Senator Den Hartog** seconded the motion. The motion passed by **voice vote**. **Vice Chairman Crabtree** asked that his vote be recorded as nay. Senator Nelson will carry the bill on the Senate floor.

**H 75** **Chairman Brackett** invited Representative Gestrin to present **H 75** to the Committee.

**Representative Gestrin** said that in-state off-road vehicle users asked for legislation to charge out-of-state users a fee to use Idaho's trails, with the funds going into the MBA. That is what **H 75** does. The fee that in-state users pay to access and utilize Idaho's public trails has never changed. The money from their fees goes into maintenance of the trails. There have been two changes, but not to the MBA. Originally the fee was \$10, but there was an addition of a \$1 fee that goes to the Idaho Department of Lands for access, and a \$1 fee that goes to the Sheriffs to help with enforcement. As requested by the organized users in Idaho, **H 75** begins charging a fee for out-of-state riders that ride on Idaho trails and park in Idaho parking lots. Out-of-state riders are currently enjoying their recreational experiences on our trails for free. According to the USFS, Idaho has over 8,000 miles of trails, and other states have far fewer — the total for all the USFS trails in Idaho's surrounding states is only 11,000 miles. The push-back this bill is getting is because of reciprocity understandings with other states, but just today, Utah took final action to charge out-of-state users a fee of \$30 to use their trails. **H 75** is only asking for a \$12 fee to our out-of-state users. The money will be distributed from the MBA in the same manner it has been for the in-state users' fees.

- DISCUSSION:** **Senator Nelson** asked what the in-state fee was. **Representative Gestrin** answered that the in-state fee was \$12.
- TESTIMONY:** The following individuals testified in support of **H 75**: **Steve Huffman**, past President and current board member of the ATV/UTV Trail Riders Association in Boise; **Vaughn Killeen**, Idaho Sheriffs Association; **Bill Jones**, founder of the Idaho ATV Association; **David Claycomb**, IDP&R Bureau Chief; **Shay White** with the Idaho Recreation Council; **David Claiborne**, with Sawtooth Law Offices and President of the Idaho ATV Association; and **Rusty Faircloth** with the Mountain Home ATV Club. There was no testimony against **H 75**.
- DISCUSSION:** **Senator Den Hartog** asked Mr. Claycomb how easy it was for out-of-state users to purchase these stickers. **Mr. Claycomb** replied there were 350 vendors throughout Idaho that carry the stickers, in addition to each county's Department of Motor Vehicles' offices. **Senator Den Hartog** asked if there were currently or in the planning stages of intending to offer online purchasing. **Mr. Claycomb** deferred the questions to **Ms. Kolsky** who said that IDP&R does sell nonresident stickers online.
- MOTION:** **Vice Chairman Crabtree** moved to send **H 75** to the floor with a **do pass** recommendation. **Senator Lodge** seconded the motion. The motion passed by **voice vote**. Senator Rice will carry the bill on the Senate floor.
- ADJOURNED:** With no further business before the Committee, **Chairman Brackett** adjourned the meeting at 2:55 p.m.

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Senator Brackett  
Chair

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Gaye Bennett  
Secretary

AGENDA  
**SENATE TRANSPORTATION COMMITTEE**  
1:30 P.M.  
Room WW53  
Tuesday, March 05, 2019

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#"><u>H 88</u></a>	Changes to funding the Idaho State Police receives from the gas tax.	<b>Representative Palmer</b>
<a href="#"><u>H 106</u></a>	Changes to the "Slow Down, Move Over" law to extend emergency vehicle safety provisions to other, specified vehicles.	<b>Representative McCrostie</b>
<a href="#"><u>H 126</u></a>	Changes to the size of warning flags used on loads exceeding legal length and width on Idaho highways in order to be in compliance with federal regulations and those of neighboring states.	<b>Representative Kauffman</b>
<a href="#"><u>HJM 6</u></a>	Establishes the need for local input as it relates to highway safety, highway improvements, and human/wildlife interactions.	<b>Representative Raymond</b>

***If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Brackett

Vice Chairman Crabtree

Sen Winder

Sen Den Hartog

Sen Lodge

Sen Rice

Sen Burtenshaw

Sen Buckner-Webb

Sen Nelson

COMMITTEE SECRETARY

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MINUTES  
**SENATE TRANSPORTATION COMMITTEE**

**DATE:** Tuesday, March 05, 2019

**TIME:** 1:30 P.M.

**PLACE:** Room WW53

**MEMBERS PRESENT:** Chairman Brackett, Vice Chairman Crabtree, Senators Winder, Den Hartog, Lodge, Rice, Burtenshaw, Buckner-Webb, and Nelson

**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 Brackett** convened the meeting of the Senate Transportation Committee (Committee) at 1:31 p.m.

**H 88** **Chairman Brackett** invited Representative Palmer, Chairman of the House Transportation and Defense Committee, to present **H 88** to the Committee.

**Representative Palmer** said that over the next five years, the Idaho State Police (ISP) appropriation from the gas tax will be redirected to the General Fund for the Highway Distribution Account (HDA). **H 88** has no effect this fiscal year, but it will begin next year by reducing ISP's gas tax appropriation by 1 percent per year for five years. Those dollars will be directed to transportation funding. It will put approximately \$17 million into transportation and those dollars will be backfilled with the General Funds over that spread of time.

**DISCUSSION:** **Senator Nelson** asked how much money 5 percent of the gas tax totaled annually. **Representative Palmer** said it amounts to between \$17 and \$18 million, but it varies each year.

**Senator Lodge** asked if the money will be backfilled into ISP as part of their public safety on the public roads responsibilities. **Representative Palmer** said this legislation does not address that issue specifically, but the House Joint Finance and Appropriations Committee (JFAC) Chairman has stated in committee and on the House floor that it would be his priority to move General Fund money around in order to be able to do just that, since it will be spread out over five years. **Senator Lodge** said she was concerned about that amount of money being replaced by the General Fund, because it has been her experience as she drives the roads of Idaho, that ISP is already stretched thin with a limited number of officers. She asked if there were additional assurances besides what the House JFAC Chairman has said. **Representative Palmer** said it has been talked about several times where the funds might be found. ISP's budget is about \$70 million and this is a small portion of it. ISP performs many functions to keep Idaho safe, but the only thing the gas tax funds can be used for is patrol. If the Legislature can fill this decrease with General Fund money, ISP would be able to use their entire budget where they deem necessary. Currently, this gas tax money is locked only for patrol. **Senator Lodge** commented that she did not like the word "if" because safety on the roads is one of her top priorities.

**Chairman Brackett** commented that he had thought there would be a 60/40 split with the additional fund placed in the HDA, but the bill indicates 39.5 percent and 40.5 percent for the local jurisdictions' share. He asked Representative Palmer to explain those percentages. **Representative Palmer** agreed with Chairman Brackett's point on the percentages and would provide an answer as to why the percentages are not the traditional 60/40 split.

**TESTIMONY:** The following people testified in support of **H 88**: **Nick Veldhouse**, Executive Director of the Idaho Association of Highway Districts; **Wayne Hammon**, Chief Executive Officer of the Idaho Associated General Contractors; and **Jeremy Chou**, representing the American Council of Engineering Companies of Idaho and the Idaho Association of Commerce and Industry. No one testified in opposition to **H 88**. There were no questions from the Committee for those who testified.

**DISCUSSION:** **Senator Rice** commented that he looked at the percentages in the bill. It appears to him that it was adjusted by .5 percentage both for the local jurisdictions and for the State's share instead of the traditional 60/40 split (60 percent to the state and 40 percent to the local jurisdictions). It would be easily corrected by amending the bill.

**MOTION:** **Senator Rice** moved to send **H 88** to the 14th Order of Business for possible amendment. **Vice Chairman Crabtree** seconded the motion.

**DISCUSSION:** **Senator Winder** asked Representative Palmer to share his opinion of the motion. **Representative Palmer** understood the change and thought it would satisfy the concerns.

**Senator Den Hartog** thanked Representative Palmer for bringing this bill to the Legislature. She said that making this change over a period of five years was a responsible strategy, and she also said that everyone wants ISP's budget to be whole.

**VOICE VOTE:** The motion to send **H 88** to the 14th Order of Business for possible amendment passed by **voice vote**. Senator Rice will work on the amendment and Chairman Brackett will carry the bill on the Senate floor.

**H 106** **Chairman Brackett** invited Representative McCrostie to present **H 106** to the Committee.

**Representative McCrostie** said that **H 106** amends Idaho's "slow down, move over" law to extend the emergency vehicle safety protections to tow trucks, highway and utility maintenance vehicles, and passenger vehicles that are stationary and displaying their flashing lights. The current "slow down, move over" law requires that if a police car is parked with its lights flashing and rendering aid to another vehicle, drivers must slow down below the speed limit and move to the adjacent lane prudently. The problem is that other emergency vehicles, such as tow trucks and utility maintenance vehicles, are also involved in these emergency situations. If the police leave the scene of these emergencies, then other vehicles driving on the roadways are no longer required to slow down and move over. This bill will make these other emergency vehicles part of the "slow down, move over" law. He concluded by asking for a do pass recommendation from the Committee.

**DISCUSSION:** **Senator Rice** asked how **H 106** would treat private vehicles parked on the side of the road with their hazard lights turned on, when the owner has left it to get help. **Representative McCrostie** said the standard is for a passing driver to act reasonably and prudently. If the parked vehicle is unattended, the driver on the highway does not know that there is no driver with the parked vehicle. Once the flashing lights no longer operate, then the "slow down, move over" law would no longer apply.

**Vice Chairman Crabtree** asked how drivers passing on the highway and not moving over would be caught if law enforcement has left the emergency. He also wanted to know if there was data from other states showing how this change would save lives. **Representative McCrostie** said he did not have the data on the outcomes from other states that have enacted this law. He also said that enforcing **H 106** without law enforcement present might be a challenge, but he surmised that it would be similar to the way catching violators currently works, perhaps by radioing another officer to convey the information about a violator.

**TESTIMONY:** **Fred Birnbaum**, Vice President of the Idaho Freedom Foundation, testified in opposition to **H 106**. The following individuals testified in support of **H 106**: **Rick Burlingame**, District 3 Director of the Idaho Towing Association and part owner of Boise Valley Towing; **Matthew Conde**, Public Affairs Director for AAA Idaho; and **Sarah Biggers**, Legal Director of the Idaho Towing Association and owner of Crossroads Towing in Nampa.

**DISCUSSION:** **Senator Nelson** asked Mr. Conde how this legislation would affect AAA's members. **Mr. Conde** said that a towing operator would naturally know how to assess and operate through an emergency situation on the highway, but the average driver would generally have difficulty navigating an emergency situation on a fast-moving interstate.

**Senator Rice** commented that he thought about the different circumstances raised during the presentation and testimony. He had some concerns with stranded motorists being included in this legislation. Highway maintenance vehicles already had the means to clear lanes, but he thought that **H 106** needed to be amended to just add tow trucks to the "slow down, move over" law.

**MOTION:** **Senator Rice** moved to send **H 106** to the 14th Order of Business for possible amendment. **Senator Den Hartog** seconded the motion.

**CONCLUDING REMARKS:** **Representative McCrostie** said he appreciates the motion and will respect the will of the Committee. He advocated, however, that highway and utility maintenance vehicles be included in any amendment as well. Many stakeholders, including Avista and Rocky Mountain Power, support and believe that utility workers need the protection and should be included.

**DISCUSSION:** **Senator Den Hartog** asked if Representative McCrostie thought it would be advantageous just to remove abandoned vehicles from the bill. **Representative McCrostie** appreciated the thoughts and said it was a consideration they would strongly consider.

**Senator Nelson** thought that it's important to protect the safety of passengers of stationary vehicles. As he balances the safety aspect with the inconvenience of slowing down traffic, he tends to agree with the safety option. He would favor keeping that language in the bill.

**SUBSTITUTE MOTION:** **Senator Nelson** moved to send **H 106** to the floor with a **do pass** recommendation. **Senator Winder** seconded the motion. **Chairman Brackett** called for a roll call vote. **Senators Winder, Burtenshaw, Buckner-Webb, and Nelson** voted aye. **Chairman Brackett, Vice Chairman Crabtree, Senators Den Hartog, Lodge, and Rice** voted nay. The motion failed.

**VOICE VOTE  
ON ORIGINAL  
MOTION:**

The motion to send **H 106** to the 14th Order of Business for possible amendment passed by **voice vote**. Senator Rice will carry the bill on the Senate floor.

**H 126**

**Chairman Brackett** invited Representative Kauffman to present **H 126** to the Committee.

**Representative Kauffman** stated that **H 126** is a very simple bill that pertains to oversized loads. Idaho Code says that a truck can use 18 inch by 18 inch flags for the front of a vehicle and 12 inch by 12 inch flags on the back. In order to conform to an Idaho Administrative Code rule, align with the Federal Motor Carrier Safety Regulations and the requirements of surrounding states, **H 126** changes the size of red or florescent orange flags hung at the end of an oversized load on a vehicle to be a minimum of 18 inches by 18 inches. **Representative Kauffman** concluded by asking for a do pass recommendation.

**MOTION:**

**Senator Lodge** moved to send **H 126** to the floor with a **do pass** recommendation. **Senator Rice** seconded the motion. The motion passed by **voice vote**. Senator Lodge will carry the bill on the Senate floor.

**HJM 6**

**Chairman Brackett** invited Representative Raymond to present **HJM 6** to the Committee.

**Representative Raymond** said the purpose of this joint memorial is to establish the need for local and stakeholder involvement as it relates to highway safety, highway improvements, and vehicle/wildlife interactions when the National Environment Policy Act (NEPA) process becomes involved in publicly funded projects.

This memorial has been brought because of an issue being processed in eastern Idaho. The Idaho Transportation Department (ITD) proposed a highway improvement project on Highway 20 near the State border with Montana. The proposal triggered a threshold where the NEPA process kicked-in. That process is meant to allow everyone involved to have a voice in the process and in the project.

Several people had ideas about how the project, that included several wildlife crossings and the associated fencing with those crossings, should look. As the project progressed and local government leaders and local citizens became involved, it was determined that a more conservative approach could be taken to resolve the issues between wildlife and vehicle interactions and collisions. NEPA, the Federal Lands Policy Management Act, and other federal and state laws created a very big umbrella to include all stakeholders that required local cooperation. All the agencies working on the same project, however, displayed limited coordination with the distribution of updates and other important information. That was the impetus for this memorial.

**Representative Raymond** closed by stating the memorial basically asked that stakeholders be fully informed whenever wildlife crossings and infrastructure are proposed as an option for transportation projects, and that ITD be given clear guidance to that effect.

**DISCUSSION:**

**Senator Winder** asked if these were above or below grade crossings.

**Representative Raymond** said that in this particular case, they were over grade crossings.

**Chairman Brackett** asked if he was advocating for local participation or no wildlife crossings. **Representative Raymond** said he was advocating for local participation.

**MOTION:** **Senator Burtenshaw** moved to send **HJM 6** to the floor with a **do pass** recommendation. **Senator Winder** seconded the motion. The motion passed by **voice vote**. Senator Burtenshaw will carry the bill on the Senate floor.

**ADJOURNED:** With no further business before the Committee, **Chairman Brackett** adjourned the meeting at 2:38 p.m.

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Senator Brackett  
Chair

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Gaye Bennett  
Secretary



AGENDA  
**SENATE TRANSPORTATION COMMITTEE**  
1:30 P.M.  
Room WW53  
Thursday, March 07, 2019

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<b>Minutes</b>	Approval of Minutes of January 29, 2019.	<b>Senator Lodge and Senator Nelson</b>
<a href="#"><u>H 107</u></a>	Increases the sales tax distribution to the Transportation Expansion and Congestion Mitigation (TECM) program.	<b>Representative Palmer</b>
<b>Presentation</b>	<i>Connected Transportation</i>	<b>John Foster, Kestrel West</b>

***If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Brackett	Sen Rice
Vice Chairman Crabtree	Sen Burtenshaw
Sen Winder	Sen Buckner-Webb
Sen Den Hartog	Sen Nelson
Sen Lodge	

COMMITTEE SECRETARY

Gaye Bennett  
Room: WW33  
Phone: 332-1332  
email: stran@senate.idaho.gov

MINUTES  
**SENATE TRANSPORTATION COMMITTEE**

**DATE:** Thursday, March 07, 2019

**TIME:** 1:30 P.M.

**PLACE:** Room WW53

**MEMBERS PRESENT:** Chairman Brackett, Vice Chairman Crabtree, Senators Winder, Den Hartog, Rice, Burtenshaw, Buckner-Webb, and Nelson

**ABSENT/ EXCUSED:** Senator Lodge

**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 Brackett** convened the meeting of the Senate Transportation Committee (Committee) at 1:34 p.m. He announced it was photo day for Senate committees. He apologized that Committee members would be leaving and returning as their photo schedules dictated. He asked for understanding from presenters and the audience, and that no disrespect was intended.

**MINUTES APPROVAL:** **Senator Nelson** moved to approve the Minutes of January 29, 2019. **Senator Rice** seconded the motion. The motion passed by **voice vote**.

**H 107** **Chairman Brackett** invited Representative Palmer, Chairman of the House Transportation and Defense Committee, to present **H 107**.

**Representative Palmer** said there is only one change in this bill, it is on the last page, and it increases the distribution to the Transportation Expansion and Congestion Mitigation (TECM) program from 1 percent of sales tax collections to 2 percent.

As the Committee knows, there is a shortfall in transportation funding. This bill would add approximately \$17.5 million into the TECM fund. This would be new money to help with the increasing transportation needs, partially as a result of the population growth that Idaho is experiencing. As of last month, the growth in the sales tax was ahead by \$75 million. This bill asks for just \$17.5 million of that total. Since it would be considered new money, it is not being taken away from any other budget, and the budget line is below the distribution to the cities and counties. The federal government has indicated they would like states to use nontraditional funds for transportation projects, and because the sales tax is considered a nontraditional fund, Idaho may get additional federal funding, too. Last year the Idaho Transportation Department (ITD) turned the \$15.7 million in sale tax revenue into about \$105.7 million — a \$90 million boost from the federal government. He thinks it is important to use nontraditional General Funds for roads, as roads are the basis of economic growth.

**DISCUSSION:** **Chairman Brackett** asked Mollie McCarty, ITD's Governmental Affairs Manager, to expand on how Idaho qualified for the federal Infrastructure for Rebuilding America (INFRA) grant program that Representative Palmer mentioned in his presentation. **Ms. McCarty** said that the Trump Administration wants states to look more creatively, innovatively, and at nontraditional funding as a way to fund transportation. The pledge of funding from the state plays a big part in the amount of federal funds received. ITD used the TECM program funds as its pledge in a INFRA grant application, which was successful. **Chairman Brackett** asked if Grant Anticipation Revenue Vehicle (GARVEE) funding was considered nontraditional. **Ms. McCarty** said that GARVEE is counted as federal funds, and does not qualify for INFRA grant application purposes.

**MOTION:** **Senator Rice** moved to send **H 107** to the floor with a **do pass** recommendation. **Senator Den Hartog** seconded the motion.

**DISCUSSION:** **Senator Nelson** asked Ms. McCarty if a mileage tax on vehicles could be considered a nontraditional fund source for INFRA grants. **Ms. McCarty** said there is no state currently doing that and she was unsure whether a mileage tax would qualify as it would likely be a replacement for the fuel tax. For trucks, it would be replacing the registration fee, but again she was unsure if it could be considered nontraditional.

**Senator Nelson** asked Representative Palmer if his understanding was correct that TECM funds go only to ITD projects, which sidesteps funding local jurisdictions' projects. In his Legislative District, ITD has some roads, but the vast majority of roadways are maintained by the local highway district. He questioned why funds to local jurisdictions is not part of **H 107**. **Representative Palmer** said Senator Nelson was correct that TECM funds go just to ITD. When **H 107** was being drafted, there were other distributions going to local jurisdictions. Consequently, **H 107** is a continuation of the traditional distribution of the TECM sales tax share.

**Senator Winder** requested the Committee go at ease until he returns from a scheduled Committee photo.

**COMMITTEE AT EASE:** With Committee members coming and going because of the committee photos schedule, **Chairman Brackett** called the meeting at ease until a quorum could be reestablished.

**RECONVENED:** **Chairman Brackett** reconvened the Committee meeting at 1:49 p.m.

**DISCUSSION:** **Representative Palmer** shared a brief recap of **H 107** to the returning Committee members.

**Senator Burtenshaw** asked if the additional sales tax would be a transfer just like other TECM funding, and if it would be used for bonding purposes. **Representative Palmer** said it would be a transfer into the TECM fund. Other legislation being considered this session does discuss using the funds for the debt service on bonds with an annual minimum of \$15 million from the sales tax revenue. This bill does not address the use of the funds for bonding purposes. **Senator Burtenshaw** said his concern is the amount of money being transferred out of the sales tax fund before it would go into the General Fund. **Representative Palmer** said the \$15.7 million is already built into the base, just the new money this legislation addresses would be the issue.

**Vice Chairman Crabtree** asked if he had a sense of which department budget should be shorted in order to give transportation this additional 1 percent of sales tax revenue. **Representative Palmer** said this is already in the Joint Finance and Appropriations Committee's (JFAC) Green Sheet. **Vice Chairman Crabtree** asked if this is a one-time expenditure. **Representative Palmer** answered that it is not a one-time expenditure. Once it is built into the budget it is ongoing.

**Senator Nelson** said he was becoming uncomfortable with transferring money out of the General Fund for transportation when an increase to the fuel tax, a registration fee increase, or a mileage tax on heavy vehicles would come from highway users. He asked Representative Palmer his thoughts on using user fees to fund transportation. **Representative Palmer** said he believes this is a user fee. The sale of used cars alone generates over \$400 million collected in sales tax revenue, and this bill only takes out \$17.5 million. That doesn't include parts, accessories, or any other transportation related items where sales tax is charged. **Senator Nelson** said he thought it could possibly be considered an indirect user fee. A fuel tax directly accounts for usage of the roads.

**Senator Winder** commented that even though there are people who drive vehicles and pay for our roads, every citizen uses them. Examples he gave of non-vehicle users who do not pay direct user fees are: bicyclists and people who use ambulance services. He believes there is a nexus between General Funds and Idaho's roads, and this bill asks for a small amount of General Fund dollars.

**TESTIMONY:**

**Jeremy Chou**, representing the American Council of Engineering Companies (ACEC), supports **H 107**. He said that the 1 percent of the sales tax is new money because as the economy improves, sales tax revenues increase. If the other TECM legislation before the Legislature this session were to pass, the Idaho Transportation Board (ITB) would choose which projects to fund, and whether or not to do bonding. That bill talks about the availability of unencumbered funds. There is a \$15 million minimum in that bill and anything above that can be used as determined by ITB. The shortfall for transportation ranges from \$262 million to more than \$300 million per year. The funds **H 107** is requesting is a drop-in-the-bucket to that amount of need. Idaho is number one for growth in the country at 2.5 percent. As technology evolves, we can expect changes in the number of electric autos using the roads, in delivery services surrounding consumer goods, and more bicycles and scooters using the roads. That means more congestion and more traffic-related usage issues. **Mr. Chou** concluded that he too believes there is a nexus between the sales tax and the use of the roads.

**Dave Butzier**, a transportation engineer at AECOM—Boise and representing ACEC of Idaho, said he supports the bill. **H 107** helps with needed transportation funding, but it is not the overall solution to Idaho's transportation funding shortfall.

**SUBSTITUTE MOTION:**

**Senator Nelson** moved to send **H 107** to the 14th Order of Business for possible amendment. **Senator Burtenshaw** seconded the motion.

**DISCUSSION:**

**Senator Rice** said he opposes the substitute motion without knowing what amendments are intended. This is ITD's portion of the sales tax that **H 107** wants to put on the state's roads. It's not the local jurisdiction's portion which receives other funding. This is an important thing to do as Idaho is significantly behind on funding our roads. The roads are important to Idaho's economic growth. The additional sales tax percentage comes out of Idaho's additional growth. It is time to take a serious look at how far behind Idaho is when it comes to funding roads. Plus, this source will get additional federal tax dollars as demonstrated with the INFRA grant program.

**Senator Winder** said he appreciates the concern for JFAC and the money, but this is a policy issue. He supports the original motion. He does not think it does any good to send it to the 14th Order of Business without knowing what the goal is. He has always been against sending legislation to the 14th Order just to kill a bill.

**Senator Nelson** said he called for the substitute motion in order to amend the legislation so that there will be a 60/40 split of the funds between ITD, for state projects, and local jurisdictions, for local projects. That would allow local jurisdictions to use their funds as matching funds to build local projects.

**Vice Chairman Crabtree** commented that there needs to be a broader strategic view of transportation funding, because these battles over limited dollars really don't meet the needs of the transportation shortfall. He represents the largest Legislative District and county in the state, where funds are difficult to find for roads; for that reason he will be supporting the substitute motion.

**VOTE ON  
SUBSTITUTE  
MOTION:**

**Chairman Brackett** called for a roll call vote on the substitute motion to send **H 107** to the 14th Order of Business for possible amendment. **Chairman Brackett, Vice Chairman Crabtree, Senators Burtenshaw, Buckner-Webb, and Nelson** voted aye. **Senators Winder, Den Hartog, and Rice** voted nay. The motion passed.

**PASSED THE  
GAVEL:**

Chairman Brackett passed the gavel to Vice Chairman Crabtree.

**PRESENTATION:**

**Vice Chairman Crabtree** invited John Foster of Kestrel West to begin his presentation on *Connected Transportation*.

**Mr. Foster** said that we all care about lowering our overall transportation costs, and the discussion today is relative to future discussions in this Committee and with JFAC. Connected transportation is an interesting topic that is also important to some of his clients: IBM, Cisco, and T-Mobile. IBM cares about analytics, Cisco cares about networks, and T-Mobile cares about building out connectivity. He began by showing a short video that detailed and explained the subject of his presentation.

He reviewed the incremental changes in transportation over the years, such as the horse and buggy being replaced by the car, the interstate highway system was started in 1956, and Google's self-driving car in 2009. When disruptive technology comes along, changes happen quickly. He demonstrated that statement by showing a photo of New York City's 5th Avenue on Easter morning in 1900 with one car among multiple horse and buggies on the road. Just thirteen years later on 5th Avenue on Easter 1913, there were multiple cars and only one horse and buggy. Transportation is in that same transformation now.

Traditional transportation trends are getting people to and from places efficiently and can be enumerated as: 1.) mobility, with a focus on the physical connections between modes; 2.) single-occupant cars and households with more than one vehicle; 3.) mitigating congestion and problems with too many vehicles; 4.) traffic volume sensors to track how many vehicles are on the road; and 5.) resurfacing pavement to make sure roads can handle the volume. Then there are digital transportation trends: 1.) access, with a focus on opportunities to interact with data; 2.) shared mobility via Transportation Network Companies; 3.) a vehicle as a sensor, serving as a part of the system rather than just as a user; 4.) laying fiber as part of all construction projects, such as "Dig Once" laws; 5.) "Internet of Things," meaning placing more demand on the system; and 6.) Edge and Fog Computing making it easier to process data.

Today's disruptions are digital, and agencies will need to adapt. Uber, Lyft, Bird, and other companies are changing the way we think about transportation. Major car manufacturers are completely rethinking their definition of an automobile because transportation solutions no longer require people to operate vehicles. It is all about networks. **Mr. Foster** went through a flow chart showing how sensors, signs, and systems between roadways and vehicles are becoming part of the interactive design of moving transportation. As an example, he described the steps of an "intelligent intersection" as: 1.) the vehicle as a sensor; 2.) traffic signal prioritization and preemption; 3.) pedestrian tracking, preemption, and safety; 4.) incident response optimization; and 5.) secured connections for traffic signal communications and programming. A "connected corridor" would include the following technology: 1.) the vehicle as a sensor; 2.) automation of road weather; 3.) info dynamic message sign automation; 4.) fiber-optic acoustics for real-time traffic monitoring; 5.) ramp monitoring and metering; and 6.) incident response optimization. Technology will unlock data to improve safety and planning by: 1.) developing actionable insights from data; 2.) connecting vehicles to data; and 3.) the connectivity will reduce response time and/or respond in real-time. He concluded by challenging the Committee to consider these new opportunities in terms of spending and policy when building out Idaho's transportation system so the public can access these ideas.

**DISCUSSION:**

**Senator Burtenshaw** asked what the devices planted in our roads would look like. **Mr. Foster** said technology has evolved so much; he used the example of the cell phone that has more power and processes more data than the computer of just a few years ago. Road sensors can easily be embedded in reflectors on the white lane lines of roads. The sensors can be for weather, for monitoring traffic flows, or other technological things; the sensors can be connected to a network built by ITD for a small geographical area or a cellular network that is broader. All three wireless providers are rolling out connectivity that will serve rural communities much better.

**Vice Chairman Crabtree** commented that his son lives in Seattle and owns a Tesla. Much of what Mr. Foster talked about is already happening in bigger communities. He asked if the technological changes would affect rural communities, too. **Mr. Foster** said that Idaho is a little behind technologically because we don't have a lot of infrastructure, but he sees that as an opportunity. Many communities have spent substantial amounts of money on technology that quickly became out of date. Idaho can build-out a much more modern design. There is something called Edge Computing. In an old system, data would be collected that would go back through a network to a centralized system where it would be processed and utilized for something else. Technology has increased so much that it doesn't always have to go to a central system. Teslas can talk to each other and they share data directly, so a centralized network is not needed. In Idaho, there is great potential for new technological opportunities.

**RECOGNITION:**

**Vice Chairman Crabtree** announced that Senator Buckner-Webb had been recognized as *Woman of the Year* by the Idaho Business Review and had received the award at an event the previous evening.

**ADJOURNED:**

With no further business before the Committee, **Vice Chairman Crabtree** adjourned the meeting at 2:32 p.m.

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Senator Brackett  
Chair

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Gaye Bennett  
Secretary

AGENDA  
**SENATE TRANSPORTATION COMMITTEE**  
**1:00 P.M.**  
**Room WW53**  
**Tuesday, March 12, 2019**

**PLEASE NOTE NEW COMMITTEE START TIME**

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<b>Gubernatorial Appointment</b>	Appointment of <b>Robert Hoff</b> of Idaho Falls to the Idaho Transportation Board to commence on February 26, 2019 and expire on January 31, 2020.	<b>Introduction by:</b> <b>Jerry Whitehead</b> , Chairman of the Idaho Transportation Board
<b>Gubernatorial Appointment</b>	Reappointment of <b>Mark H. Sweeney</b> of Lewiston to the State Aeronautics Advisory Board to commence on January 31, 2019 and expire on January 31, 2024.	<b>Introduction by:</b> <b>Mike Pape</b> , Administrator of ITD's Division of Aeronautics
<a href="#"><u>H 167</u></a>	Allows trucks weighing up to 129,000 pounds gross weight to operate on certain State highways.	<b>Roy Eiguren</b> , Eiguren Ellis
<a href="#"><u>H 168</u></a>	Establishes new processes and fees for ITD and local transportation jurisdictions to designate routes and issue permits for trucks weighing up to 129,000 pounds gross weight to access roadways within those jurisdictions.	<b>Roy Eiguren</b> , Eiguren Ellis

***If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Brackett

Vice Chairman Crabtree

Sen Winder

Sen Den Hartog

Sen Lodge

Sen Rice

Sen Burtenshaw

Sen Buckner-Webb

Sen Nelson

COMMITTEE SECRETARY

Gaye Bennett

Room: WW33

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MINUTES  
**SENATE TRANSPORTATION COMMITTEE**

**DATE:** Tuesday, March 12, 2019

**TIME:** 1:00 P.M.

**PLACE:** Room WW53

**MEMBERS PRESENT:** Chairman Brackett, Vice Chairman Crabtree, Senators Winder, Den Hartog, Lodge, Rice, Buckner-Webb, and Nelson

**ABSENT/ EXCUSED:** Senator Burtenshaw

**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 Brackett** convened the meeting of the Senate Transportation Committee (Committee) at 1:07 p.m.

**GUBERNATORIAL APPOINTMENT:** **Chairman Brackett** welcomed Jerry Whitehead, Chairman of the Idaho Transportation Board (ITB), and invited him to introduce Robert Hoff to the Committee.

**Mr. Whitehead** thanked the Committee for taking up the consideration of Robert "Bob" Hoff to fulfill the vacancy left by Lee Gagner in ITB's District 6. Although there is only a year left in Mr. Gagner's term, **Mr. Whitehead** said he was pleased to add Mr. Hoff and his experience from serving on the Idaho Transportation Department's (ITD) Aeronautics Advisory Board to the ITB's roster. **Mr. Whitehead** asked that the Committee welcome Robert Hoff.

**Mr. Hoff** said he was born and raised in Idaho Falls where he graduated from high school. He attended Idaho State College Technical School in their Airframe and Engine Maintenance program where he graduated with an aircraft mechanics license in 1961. In 1984 he started Aero Mark, Inc., an aviation business, with his brother. They merged with Red Baron Aviation in 1988, and in 1997 he bought his brother out of the business. Aero Mark, Inc. continues to operate as one of Idaho's premier Fixed Base Operators (FBO), and the business has also become an airplane dealership. **Mr. Hoff** concluded by saying he has had the privilege of sitting on multiple boards and has received various honors.

**DISCUSSION:** **Senator Den Hartog** thanked Mr. Hoff for his willingness to serve, and asked him what ITB's goals should be for the Idaho Transportation Department (ITD) over the next five years. **Mr. Hoff** said that public and employee safety is the number one objective for the ITB. It is important that ITD continue its efficient operations.

**Chairman Brackett** asked if he had an update on the Targhee Pass. **Mr. Hoff** said that he drives through the pass occasionally, but he does not have specific information on the road itself.

**Senator Winder** commented that he was glad Mr. Hoff was willing to serve as he is a great addition to the ITB.

**Chairman Brackett** thanked Mr. Hoff and told him the Committee would vote on his appointment at their next meeting.

**GUBERNATORIAL REAPPOINTMENT:** **Chairman Brackett** welcomed Mike Pape, Administrator of ITD's Division of Aeronautics, and invited him to introduce Mark Sweeney to the Committee.



**Mr. Pape** said that it was his pleasure to introduce Mark Sweeney, who is the son of Bruce and Marilyn Sweeney. His father was a former legislator, ITB member, Air Force pilot, and famous University of Idaho track star (the 1956 Olympic trials). Mr. Sweeney has been serving on the Division of Aeronautics Advisory Board for two and a half terms. He is a professional pilot and a flight instructor. **Mr. Pape** asked that the Committee welcome Mark Sweeney.

**Mr. Sweeney** said he was a corporate pilot for Schweitzer Engineering Laboratories out of the Moscow-Pullman Airport. He has been flying jets for 18 years and has more than 12,000 hours of flight experience. He has really enjoyed serving on the Aeronautics Advisory Board. There are great people serving on it and the aeronautics staff is great to work with. He concluded by saying it has been a privilege to serve the State of Idaho, the aeronautics staff, and the other advisory board members.

**DISCUSSION:** **Senator Winder** thanked Mr. Sweeney for continuing his service. He asked him to talk about all the changes at Schweitzer Aviation over the 18 years he has worked there. **Mr. Sweeney** said the company has hired 15 pilots and they fly four Citations, manufactured by Cessna, that they fly all over the world. He said that Schweitzer Engineering is a worldwide operation with its primary offices in Pullman, Washington.

**Senator Buckner-Webb** asked what he saw as Idaho's aviation needs.

**Mr. Sweeney** thought that zoning protection for airports in urban areas from encroachment of housing projects was a very important concern. The backcountry airstrips are an Idaho jewel, but there is constant pressure to maintain access to them. He said there is a pilot shortage and he thought Idaho needed an aviation school. Maintaining Idaho's airports is important because of the economic impact to our state. **Senator Buckner-Webb** wondered if there is an impetus to make our airports larger, using the Sun Valley airport as an example. **Mr. Sweeney** said that Sun Valley's airport is in a cramped location and noise is also an issue. To move or expand an airport requires a huge economic commitment, but tourism is important to Idaho's economy.

**TESTIMONY:** **Chairman Brackett** recognized Roger Sorensen, Chairman of the Idaho Aeronautics Advisory Board, to testify in favor of the reappointment of Mr. Sweeney.

**Mr. Sorensen** said he met Mr. Sweeney from getting to know his father, who would attend some of the advisory board's meetings. He said that Mr. Sweeney has exhibited many of his father's traits: civic minded, courteous, well spoken, honest in his dealings, and has a genuine concern for the people his decisions and actions affect. Mr. Sweeney is well acquainted with the federal aviation regulations for pilots, aircraft, and airports. He concluded by saying he considered Mr. Sweeney a very valuable member of the advisory board.

**DISCUSSION:** **Senator Den Hartog** said she appreciated the experience and expertise this nominee brings to the advisory board. She told Mr. Sorensen that his testimony was greatly appreciated.

**Chairman Brackett** thanked Mr. Sweeney and Mr. Sorenson, and explained that the vote on Mr. Sweeney's reappointment would be taken at the next Committee meeting.

**H 167 & H 168** **Chairman Brackett** invited Roy Eiguren, representing Amalgamated Sugar, to present **H 167** and **H 168**.

**Mr. Eiguren** said he would present the bills together. **H 167** is a consensus bill drafted by ITD and industry stakeholders. It eliminates obsolete language from Idaho Code related to the 129,000 gross vehicle weight (GVW) truck pilot project. As background, he said that in 1991, Congress enacted the Intermodal Surface Transportation Efficiency Act, which froze truck weights on the entire interstate highway system at the limits they were on June 1, 1991. Idaho's weight limit at that time was 105,000 GVW, but Montana, Wyoming, Utah, and Nevada were at 129,000 GVW. In 1998, the Idaho Legislature allowed two routes on state highways to accept vehicles weighing over 105,000 GVW. In 2003, the Idaho Legislature created a 16-route pilot project to test the effect of increasing the legal truck weights to 129,000 GVW on state highways. Over the next four years, the pilot project grew to 35 routes. In 2014, the pilot project ended and ITD was granted the ability to set routes on state highways.

**H 168** is a true collaboration effort drafted by industry stakeholders that included: Ada County Highway District, Amalgamated Sugar, Association of Idaho Cities, Idaho Association of Counties, Idaho Association of Highway Districts, and the Idaho Trucking Association. Technical assistance was provided by ITD and the Local Highway Technical Assistance Council (LHTAC). **H 168** helps Idaho shippers solve issues that arise when trucks between 105,000 GVW and 129,000 GVW need to access highways and streets under local jurisdictions. It provides local control so that local jurisdictions make the decisions, and it provides an industry-funded solution that will help shippers move freight and continue to contribute to Idaho's economy.

**Mr. Eiguren** concluded saying the legislation becomes effective on July 1, 2019 and there is a two-year sunset clause because the stakeholders wanted to make sure it works. He asked the Committee to send **H 167** and **H 168** to the floor with a do pass recommendation.

**DISCUSSION:** **Senator Nelson** asked if a local highway district opened some routes but there were other routes they did not open up, would there be an appeal process to reconsider the unopened routes. **Mr. Eiguren** replied that Senator Nelson was correct, in that each route is separately handled.

**Chairman Brackett** thanked Mr. Eiguren and told him he deserved the credit for doing the heavy lifting on these bills.

**MOTION:** **Vice Chairman Crabtree** moved to send **H 167** and **H 168** to the floor with a **do pass** recommendation. **Senator Den Hartog** seconded the motion. The motion passed by **voice vote**. **Vice Chairman Crabtree** offered to carry both bills on the Senate floor.

**AWARD PRESENTATION:** **Chairman Brackett** announced there was one more item before adjourning. He invited Rick Waitley, representing Idaho Agriculture in the Classroom, to take the podium.

**Mr. Waitley** said it was his privilege to recognize a member of the Committee as the recipient of this year's Ag Advocate Award. He presented the award to Senator Jim Rice and thanked the Committee for allowing him to present it.

**ADJOURNED:** With no further business before the Committee, **Chairman Brackett** adjourned the meeting at 1:46 p.m.

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Senator Brackett  
Chair

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Gaye Bennett  
Secretary

AGENDA  
**SENATE TRANSPORTATION COMMITTEE**  
**1:00 P.M.**  
**Room WW53**  
**Thursday, March 14, 2019**

PLEASE NOTE NEW COMMITTEE START TIME

SUBJECT	DESCRIPTION	PRESENTER
<a href="#"><u>S 1126</u></a>	Extends the sunset clause on the surplus eliminator and places a \$100 million cap with a 50/50 split between the Strategic Initiatives Fund programs and the Budget Stabilization Fund.	<b>Chairman Brackett</b>
<b>Minutes</b>	Approve Minutes of Thursday, January 17, 2019.	<b>Senator Burtenshaw and Senator Buckner-Webb</b>
	Approve Minutes of Thursday, February 14, 2019.	<b>Vice Chairman Crabtree and Senator Winder</b>
<b>Vote on Gubernatorial Appointments</b>	To appoint <b>Robert Hoff</b> of Idaho Falls to the Idaho Transportation Board from February 26, 2019 to January 31, 2020.	<b>Chairman Brackett</b>
	To reappoint <b>Mark H. Sweeney</b> of Lewiston to the State Aeronautics Advisory Board from January 31, 2019 to January 31, 2024.	
<a href="#"><u>S 1175</u></a>	Designates a "Too Great For Hate" specialty license plate.	<b>Senator Buckner-Webb</b>

***If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Brackett	Sen Rice
Vice Chairman Crabtree	Sen Burtenshaw
Sen Winder	Sen Buckner-Webb
Sen Den Hartog	Sen Nelson
Sen Lodge	

COMMITTEE SECRETARY

Gaye Bennett  
Room: WW33  
Phone: 332-1332  
email: stran@senate.idaho.gov

MINUTES  
**SENATE TRANSPORTATION COMMITTEE**

**DATE:** Thursday, March 14, 2019

**TIME:** 1:00 P.M.

**PLACE:** Room WW53

**MEMBERS PRESENT:** Chairman Brackett, Vice Chairman Crabtree, Senators Winder, Den Hartog, Lodge, Rice, Buckner-Webb, and Nelson

**ABSENT/ EXCUSED:** Senator Burtenshaw

**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 Brackett** convened the meeting of the Senate Transportation Committee (Committee) at 1:04 p.m. He commented that he had to present a bill in the House Transportation and Defense Committee at 1:30 p.m.

**PASSED THE GAVEL:** Chairman Brackett passed the gavel to Vice Chairman Crabtree.

**S 1126** **Vice Chairman Crabtree** invited Chairman Brackett to present **S 1126**.  
**Chairman Brackett** said that **S 1126** extends the sunset clause on the surplus eliminator for five years; it is currently set to end on May 30, 2019. He explained how and why the surplus eliminator was created in 2015 and extended in 2017. Originally the funds were split 50/50 between the Strategic Initiatives Fund (these funds went only to the Idaho Transportation Department (ITD) for projects) and the Budget Stabilization Fund, or the rainy day fund. In 2017, the 50 percent that went to the Strategic Initiatives Fund was split so that 60 percent went to ITD and 40 percent went to local jurisdictions managed by the Local Highway Technical Assistance Council (LHTAC). This legislation includes a new addition to the distribution formula: It places a \$100 million cap on the total amount that can go into the surplus eliminator. Therefore, **S 1126** continues the 50/50 split between the Strategic Initiatives Fund programs and the Budget Stabilization Fund, but only up to \$50 million per fiscal year for each fund. **Chairman Brackett** concluded by stating that last year was the first year the surplus eliminator exceeded \$100 million.

**MOTION:** **Senator Rice** moved to send **S 1126** to the floor with a **do pass** recommendation. **Senator Winder** seconded the motion. The motion passed by **voice vote**. Chairman Brackett will carry the bill on the Senate floor.

**MINUTES APPROVAL:** **Senator Buckner-Webb** moved to approve the Minutes of January 17, 2019. **Senator Den Hartog** seconded the motion. The motion passed by **voice vote**.  
**Senator Winder** moved to approve the Minutes of February 14, 2019. **Vice Chairman Crabtree** seconded the motion. The motion passed by **voice vote**.

**VOTE ON GUBERNATORIAL APPOINTMENT:** **Senator Winder** reminded the Committee that Robert Hoff was filling the vacancy created on the Idaho Transportation Board's (ITB) District 6 by Lee Gagner of Idaho Falls. He personally knew Mr. Hoff and his wife and thought he would make an excellent addition to the ITB.

**MOTION:** **Senator Winder** moved to send the Gubernatorial appointment of Robert "Bob" Hoff to the ITB to the floor with the recommendation that it be confirmed by the Senate. **Senator Lodge** seconded the motion. The motion passed by **voice vote**. Senator Mortimer will carry the appointment on the floor.

**VOTE ON GUBERNATORIAL APPOINTMENT:** **Senator Winder** said that Mark Sweeney is the son of Bruce Sweeney of Lewiston who served in the Idaho Legislature and was a member of the ITB. This was a reappointment to the State Aeronautics Advisory Board for Mr. Sweeney.

**MOTION:** **Senator Nelson** moved to send the Gubernatorial reappointment of Mark H. Sweeney to the State Aeronautics Advisory Board to the floor with the recommendation that it be confirmed by the Senate. **Senator Winder** seconded the motion. The motion passed by **voice vote**. Senator Johnson will carry the appointment on the floor.

**S 1175** **Vice Chairman Crabtree** invited Senator Buckner-Webb to present **S 1175**.

**Senator Buckner-Webb** said that proceeds from this license plate, "Too Great For Hate," will sustain and expand the educational programming at the Idaho Anne Frank Memorial located in Boise. The Idaho Human Rights Education Center was constructed and dedicated as the Anne Frank Human Rights Memorial in 2002 as a testament to the human spirit. The license plate will help dispel the myth that Idaho is a place of intolerance. **Senator Buckner-Webb** concluded by listing how the proceeds would be used: 1.) support docent training; 2.) create a fund for schools needing assistance to pay for buses to bring students to the Idaho Anne Frank Memorial; 3.) maintain and expand solar audio technology for self-guided tours; 4.) expand the "History of Human Rights in Idaho" video series; 5.) provide free annual training for Idaho school teachers; 6.) create a fund to ship the portable exhibit of the Idaho Anne Frank Memorial to Idaho communities; 7.) provide classroom resources designed to include the Idaho Anne Frank Memorial's message; 8.) establish an annual free "lunch and learn" summer series; and 9.) establish an annual community program recognizing young writers from throughout Idaho.

**DISCUSSION:** **Senator Winder** commented that Idaho is a unique state and Boise is a unique community. Idaho celebrates electing the first Jewish governor west of the Mississippi River, and it was one of the first states to support women's suffrage. Anne Frank has touched millions throughout the world, and Boise was one of the first communities to create a human rights memorial to honor her.

**Senator Lodge** asked if there was still a requirement that a minimum of 1,000 specialty license plates need to be sold annually for the plate to continue to be available to customers. **Senator Winder** indicated that was correct and some specialty license plates have been eliminated because they did not meet that threshold.

**Senator Buckner-Webb** reminded the Committee that this is not just for Boise, but it is a statewide license plate to help all Idahoans come together and eradicate hate.

**MOTION:** **Senator Nelson** moved to send **S 1175** to the floor with a **do pass** recommendation. **Senator Winder** seconded the motion. The motion passed by **voice vote**. Senator Buckner-Webb will carry the bill on the Senate floor.

**ADJOURNED:** With no further business before the Committee, **Vice Chairman Crabtree** adjourned the meeting at 1:26 p.m.

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Senator Brackett  
Chair

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Gaye Bennett  
Secretary

AGENDA  
**SENATE TRANSPORTATION COMMITTEE**  
**1:00 P.M.**  
**Room WW53**  
**Tuesday, March 19, 2019**

PLEASE NOTE MEETING START TIME OF 1:00 P.M.

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#"><u>S 1201</u></a>	Revisions to the Highway Distribution Account formula.	<b>Chairman Brackett</b>
<b>Gubernatorial Appointment</b>	The appointment of <b>James R. Thompson</b> of Sandpoint to the Idaho Transportation Board for a term commencing on January 31, 2019 and ending on January 31, 2025.	Introduced by: <b>Jerry Whitehead</b> , Chairman of the Idaho Transportation Board
<a href="#"><u>H 208</u></a>	To remove provisions regarding railroad crossings.	<b>Representative Monks</b>

***If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Brackett

Vice Chairman Crabtree

Sen Winder

Sen Den Hartog

Sen Lodge

Sen Rice

Sen Burtenshaw

Sen Buckner-Webb

Sen Nelson

COMMITTEE SECRETARY

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MINUTES  
**SENATE TRANSPORTATION COMMITTEE**

**DATE:** Tuesday, March 19, 2019

**TIME:** 1:00 P.M.

**PLACE:** Room WW53

**MEMBERS PRESENT:** Chairman Brackett, Vice Chairman Crabtree, Senators Winder, Den Hartog, Lodge, Rice, Mathias(Buckner-Webb), and Nelson

**ABSENT/ EXCUSED:** Senator Burtenshaw

**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 Brackett** convened the meeting of the Senate Transportation Committee (Committee) at 1:03 p.m.

**PASSED THE GAVEL:** Chairman Brackett passed the gavel to Vice Chairman Crabtree

**S 1201** **Vice Chairman Crabtree** invited Chairman Brackett to present **S 1201**.  
**Chairman Brackett** said the purpose of **S 1201** is to transition the Idaho State Police (ISP) off funding from the Highway Distribution Account (HDA). Currently, ISP receives 5 percent of that account which is approximately \$17 million. ISP's total budget is approximately \$75 million. That transition will be achieved over a five-year period starting in Fiscal Year (FY) 2021 by reducing ISP's share of the HDA by 1 percent each year through FY2025. It is anticipated that ISP's General Fund appropriation would be increased to off-set the reduction from HDA. **Chairman Brackett** concluded by summarizing that the current distribution of HDA is 38 percent to the local units of government for roads and highways, 57 percent to the State Highway Account, and 5 percent to the Law Enforcement Account. With the passage of **S 1201**, the new distribution after the five-year phase-in will be 60 percent to the State Highway Account and 40 percent to local highway jurisdictions.

**DISCUSSION:** **Senator Lodge** asked Vice Chairman Crabtree, since he sits on the Joint Finance and Appropriations Committee (JFAC), where the replacement funding will come from. **Vice Chairman Crabtree** replied that they have ways to deal with funding issues, and that 32 other states currently fund transportation from their general funds. **Senator Lodge** said her concern was safety on the roads and she was torn between two important issues.

**MOTION:** **Senator Rice** moved to send **S 1201** to the floor with a **do pass** recommendation. **Senator Den Hartog** seconded the motion.

**DISCUSSION:** **Senator Den Hartog** commented that this was a very thoughtful way for ISP to go through the transition. ISP gets most of its funding through the General Fund and JFAC has ways to find the funding.

**Senator Nelson** said he struggles with this vote because he sees the dire needs for funds to improve Idaho's transportation infrastructure, and he is unsure how he will vote on the floor. He passed out and explained a handout listing 21 states that fund transportation from their general fund. His conclusion was that Idaho is sitting on the average and there are many needs to consider. He questioned whether this would be reversible. **Vice Chairman Crabtree** said that the information he received from the Legislative Services Office (LSO) was that there were 36 states using general funds to support transportation.

**Senator Rice** reminded the Committee that every legislature can reverse the acts of previous legislatures. These actions are not set in stone, but no matter how many ISP officers the state has, if the state doesn't fix the roads and address congestion, then the patrol function of ISP will be defeated. He agreed that there is no disagreement that ISP needed to be properly funded.

**Senator Winder** remarked that, unfortunately, this has become a debate between ISP, the Idaho Transportation Department (ITD), and supporting law enforcement. This is not about the job ISP is doing and no one is trying to cut their budget. The amount of money involved is very small when compared to the total state budget. **Senator Winder** said he would continue to help find funding for ISP for as long as he is in the legislature.

**VOICE VOTE:** The motion to send **S 1201** to the floor with a **do pass** recommendation passed by **voice vote**. **Senator Nelson** asked to be recorded as voting nay.

**GUBERNATORIAL APPOINTMENT:** **Vice Chairman Crabtree** invited Jerry Whitehead, Chairman of the Idaho Transportation Board (ITB), to introduce gubernatorial appointee James Thompson of Sandpoint to the Committee.

**Mr. Whitehead** said he was before the Committee to introduce a new member of the ITB from District 1. Jim Thompson left Idaho after graduating from the University of Idaho. He built a career and a business as a civil engineer before returning to Idaho. He was happy to introduce him to the Committee and welcomed him to the ITB.

**Mr. Thompson** began by saying he was from Sandpoint and was the oldest of seven children, all of whom moved to Sandpoint from North Dakota in 1957. He has a bachelor's degree in Civil Engineering and is a licensed engineer in Idaho and California. His career was in heavy civil construction — building docks, bridges, and deep underground shoring. The business he owned was a diving company that did underwater pipelines. He and his wife retired and moved back to his family's farm west of Sandpoint.

**DISCUSSION:** **Senator Den Hartog** thanked Mr. Thompson and noticed he lived on Helen Thompson Road and wondered if it was named after his mother. **Mr. Thompson** said it was named after her and her photo is in the Capitol as she was the National Mother of the Year in 1980. She raised seven children after his father died in 1960. **Senator Den Hartog** commented on Mr. Thompson's resume and experience that will serve the ITB well. She wanted to know what drew him to this appointment. **Mr. Thompson** said friends who had served in similar capacities encouraged him to apply.

**Senator Winder** thanked Mr. Thompson for coming to Boise for this confirmation hearing. Having served the ITB, **Senator Winder** said Mr. Thompson would get a great sense of accomplishment from the position.

**Vice Chairman Crabtree** thanked Mr. Thompson and told him the Committee would vote on his appointment at the next meeting.

**H 208** **Vice Chairman Crabtree** invited Mike Brassey, representing Union Pacific Railroad, to present **H 208**, as Representative Monks was unavailable to present.



**Mr. Brassey** said this legislation relates to the requirements for traffic control devices at railroad crossing. It allows the state and local jurisdictions to erect stop signs only where they are needed and requires railroads to install yield signs at at-grade railroad crossings where there are no stop signs.

The use of these railroad traffic devices are contained in the National Manual on Uniform Traffic Control Devices (Manual). In 2009, the Manual and industry practice were changed to reflect a new best practice recommendation for railroad crossing signs. Earlier this Legislative Session, the Committee approved an ITD Administrative Rule eliminating the requirement to add new IdaShield Signs to the posts of the crossbuck signs at railroad crossings. This action made it practical for railroads to comply with the requirements of the Manual. By eliminating the IdaShield Signs, space is provided on the crossbuck post for the railroads to install yield signs.

**Mr. Brassey** concluded by stating that passing **H 208** will result in safer railroad crossings than is in existing law, and it is fiscally sound. He asked the Committee to send **H 208** to the floor with a do pass recommendation.

**DISCUSSION:** **Senator Nelson** asked if the Manual is referenced in Idaho Code. **Mr. Brassey** said it is referenced in Idaho Code, but in another section that is not part of this legislation.

**MOTION:** **Senator Den Hartog** moved to send **H 208** to the floor with a **do pass** recommendation. **Senator Winder** seconded the motion. The motion passed by **voice vote**. **Senator Den Hartog** offered to carry the bill on the Senate floor.

**WELCOME:** **Vice Chairman Crabtree** welcomed Senator Mathias to the Committee, who is replacing Senator Buckner-Webb for the remainder of this Legislative Session.

**ADJOURNED:** With no further business before the Committee, **Vice Chairman Crabtree** adjourned the meeting at 1:46 p.m.

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Senator Brackett  
Chair

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Gaye Bennett  
Secretary

AGENDA  
**SENATE TRANSPORTATION COMMITTEE**  
1:00 P.M.  
Room WW53  
Thursday, March 21, 2019

PLEASE NOTE START TIME OF 1:00 P.M.

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#"><u>H 179aa</u></a>	Adds certain requirements to Idaho Code § 49-1234 for an online insurance verification system with motor vehicle registrations.	<b>Representative Furniss</b>
<b>Vote on Gubernatorial Appointment</b>	To appoint <b>James R. Thompson</b> of Sandpoint to the Idaho Transportation Board from January 31, 2019 to January 31, 2025.	<b>Chairman Brackett</b>
<b>Minutes</b>	Approve the Minutes of Tuesday, February 12, 2019.  Approve the Minutes of Thursday, March 14, 2019.	
<b>Page Graduation</b>	Farewell to Committee Page <b>Makenna Moore</b> of Mountain Home.	<b>Chairman Brackett</b>

***If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Brackett	Sen Rice
Vice Chairman Crabtree	Sen Burtenshaw
Sen Winder	Sen Mathias(Buckner-Webb)
Sen Den Hartog	Sen Nelson

COMMITTEE SECRETARY

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Sen Lodge

MINUTES  
**SENATE TRANSPORTATION COMMITTEE**

**DATE:** Thursday, March 21, 2019

**TIME:** 1:00 P.M.

**PLACE:** Room WW53

**MEMBERS PRESENT:** Chairman Brackett, Vice Chairman Crabtree, Senators Winder, Den Hartog, Lodge, Rice, Burtenshaw, Mathias(Buckner-Webb), and Nelson

**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 Brackett** convened the meeting of the Senate Transportation Committee (Committee) at 1:03 p.m.

**H 179AA** **Chairman Brackett** invited Representative Furniss to present **H 179aa**.

**Representative Furniss** said that this legislation came from the National Association of Insurance and Financial Advisors (NAIFA) because people are driving without insurance. Idaho law requires a driver to have insurance in order to operate a vehicle on Idaho roads. **H 179aa** matches the Vehicle Identification Number (VIN) with insurance policies. There is currently an existing portal that matches them up, so the Idaho State Police (ISP) or the Idaho Transportation Department (ITD) can pull up the registration and see if there is insurance on the vehicle. Currently, the only time insurance coverage is checked for liability insurance is when the driver gets a ticket or there is an accident, which is too late to discover whether a vehicle is covered by insurance. ISP issues 1,000 tickets per month for vehicles without liability insurance.

**H 179aa** is coming to the legislative process late because it has been tested by looking at the error rates over the past three months to make sure there are good results in matching vehicles with insurance. During the process they have worked with ITD, the Department of Motor Vehicles (DMV), the House Speaker, the Director of the Idaho Department of Insurance, and many attorneys to ensure issues and concerns were being addressed. After running matches through the vehicle registration portal the first time, they discovered that 365,000 vehicles were not insured. Some were new vehicles, vehicles in transition between registration date and insurance date, or vehicles being sold. The next month they ran the program again, and there were only 150,000 uninsured vehicles. This bill requires that the portal refresh each month, and then it will check VIN numbers with insurance policies; this will be repeated every month.

If a vehicle is uninsured, a warning notification will be sent indicating the vehicle is uninsured and giving the owner 30 days to provide proof of insurance. There is also an opportunity for people to opt-in on e-mail notifications, which saves ITD money, and there are some other exceptions. The program won't go into operation until January, 2020. There are 43 other states that verify insurance coverage at the time of registration. **Representative Furniss** concluded by asking the Committee to send this bill to the Senate floor with a do pass recommendation.

**DISCUSSION:** **Senator Rice** asked how many of the 1,000 tickets are dismissed because the driver shows proof of insurance at the court hearing. **Representative Furniss** said these are not warnings, they are actually tickets. **Senator Rice** said many actual tickets given out are dismissed in court because the driver just didn't have the proof of insurance at the time the ticket was issued. He wanted to know how many tickets were dismissed because the vehicle was actually insured. **Representative Furniss** said these were actually paid tickets and insurance proof was not presented.

**Senator Burtenshaw** asked about reinsuring a vehicle that had not been on the street for a period of time, and wondered if reinstatement notifications would automatically go to the DMV or if the owner needed to call DMV. **Representative Furniss** replied that when insurance is suspended, a notice is sent. The owner needs to call DMV and explain why the insurance was suspended (for example, a specialty vehicle only driven a specific time of the year). Every month the VIN number will be matched with insurance policies, and there is possibly a one-month lag, but it will show that your vehicle is no longer suspended.

**Chairman Brackett** asked if a driver was ticketed for speeding whether it is no longer necessary to carry a proof of insurance because the officer can check it online. **Representative Furniss** said the proof of insurance would still need to be shown.

**Senator Winder** asked if the driver didn't have proof, could the officer look it up so that the driver would not be fined for that part of the violation. **Representative Furniss** said they could look it up, but they do not have to. That question is beyond the scope of this bill.

**TESTIMONY:** The following people testified in support of **H 179aa**: **Woody Richards**, representing Allstate Insurance Company, American Family Insurance Company, and Farm Bureau Mutual Insurance Company; **John Mackey**, representing United Heritage Financial Group of Meridian; and **Mike Brassey**, representing State Farm Insurance.

Questions from the Committee came from **Vice Chairman Crabtree**, **Senator Nelson**, and **Senator Rice**. Responses to their questions were deferred to **Alberta Gonzales**, Director of DMV at ITD, who offered the following information with regard to the Fiscal Note: 1.) costs in the beginning will be high because the status of the vehicles are unknown; 2.) some changes to the mainframe will need to take place; 3.) postage costs from sending out notices is the highest initial cost, but it will go down as the program moves forward; and 4.) initially, temporary employees will be utilized, and the three full-time employees, or FTEs, are consider a downstream expense.

**MOTION:** **Senator Winder** moved to send **H 179aa** to the floor with a **do pass** recommendation. **Senator Burtenshaw** seconded the motion. The motion passed by **voice vote**. Chairman Brackett will carry the bill on the Senate floor.

**VOTE ON GUBERNATORIAL APPOINTMENT:** **Senator Nelson** moved to send the Gubernatorial appointment of James R. Thompson to the Idaho Transportation Board to the floor with the recommendation that he be confirmed by the Senate. **Senator Winder** seconded the motion. The motion passed by **voice vote**. Senator Woodward will carry the appointment on the Senate floor.

**MINUTES APPROVAL:** **Vice Chairman Crabtree** moved to approve the Minutes of February 12, 2019. **Senator Lodge** seconded the motion. The motion passed by **voice vote**.

**Senator Lodge** moved to approve the Minutes of March 14, 2019. **Vice Chairman Crabtree** seconded the motion. The motion passed by **voice vote**.

**PAGE  
GRADUATION:**

**Chairman Brackett** asked Committee Page Makenna Moore to step into the well to receive letters and gifts from the Committee. He commented on the great help she offered the Committee during her time as a page. **Chairman Brackett** invited Ms. Moore to take the podium and respond to questions.

**Chairman Brackett** asked for her thoughts about the time she has served the Committee. **Ms. Moore** said she had a great time and was glad she had the opportunity to be a page. She said that she was very nervous at first, but the previous Committee page assured her the Committee members were kind, real people. She was able to relax after that and has enjoyed every minute of her time as a page.

**Senator Winder** conveyed that she had done an excellent job while here. He commented that initially this page class was the most quiet he could remember, but after the first week their personalities began to come out. He told her he hoped she enjoyed her time during this Legislative Session, and wondered what her plans were after she graduated from high school. **Ms. Moore** said she has been accepted at the University of Idaho and plans to study natural resources. She does not know exactly what she wants to become, but she would like to work with the Forest Service or as a game warden.

**ADJOURNED:**

With no further business before the Committee, **Chairman Brackett** adjourned the meeting at 1:42 p.m.

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Senator Brackett  
Chair

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Gaye Bennett  
Secretary

**AMENDED AGENDA #1**  
**SENATE TRANSPORTATION COMMITTEE**  
**1:00 P.M.**  
**Room WW53**  
**Wednesday, April 03, 2019**

**NOTE: CHANGE TO TODAY AT 1:00 PM**

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#"><u>S 1126aaH</u></a>	Whether to concur with the House amendment.	<b>Representative Joe Palmer</b> , Chairman of the House Transportation and Defense Committee

***If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Brackett

Vice Chairman Crabtree

Sen Winder

Sen Den Hartog

Sen Lodge

Sen Rice

Sen Burtenshaw

Sen McCoy(Buckner-Webb)

Sen Nelson

COMMITTEE SECRETARY

Gaye Bennett

Room: WW33

Phone: 332-1332

email: stran@senate.idaho.gov

MINUTES  
**SENATE TRANSPORTATION COMMITTEE**

**DATE:** Wednesday, April 03, 2019

**TIME:** 1:00 P.M.

**PLACE:** Room WW53

**MEMBERS PRESENT:** Chairman Brackett, Vice Chairman Crabtree, Senators Winder, Den Hartog, Lodge, Rice, Burtenshaw, McCoy(Buckner-Webb), and Nelson

**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 Brackett** convened this special meeting of the Senate Transportation Committee (Committee) to order at 1:03 p.m. He told the Committee and those in the audience that today's meeting would be to review the changes made by the House to **S 1126**, and to either concur with the House amendments or to not concur with them. Generally, public testimony is not taken, but it will be an option if time permits.

**S 1126aaH** **Chairman Brackett** said that when this bill passed the Senate, it had extended the sunset clause on the surplus eliminator, contained a \$100 million annual cap with \$50 million going to the Budget Stabilization Fund and \$50 million to the Strategic Initiatives Fund, and it contained a 60/40 split between the Idaho Transportation Department's (ITD) share at 60 percent and the local jurisdictions' share at 40 percent that are administered by the Local Highway Technical Assistance Council (LHTAC). Upon receiving the bill, the House amended and passed it back to the Senate for consideration. It is those amendments that the Committee will review today. With that background, **Chairman Brackett** invited Representative Joe Palmer, Chairman of the House Transportation and Defense Committee, to present **S 1126aaH** to the Committee.

**Representative Palmer** said he would give a broad overview of what this bill does and then have Keith Bybee, Deputy Division Manager for the Budget and Policy Division of the Legislative Services Office, give more section-by-section details of the bill.

**Representative Palmer** said that depending on how it's looked at, this bill is either extremely complicated or extremely simple. He has always liked the idea of an endowment-type system for transportation funding, and living off the interest instead of having to go after the principal all the time. The problem is having a corpus of funds available in order to start an endowment. The idea was to use the Budget Stabilization Fund, and keep it available for the purpose that it was designed — for an emergency or a downturn in the economy. Those ideas created this bill. By still using the surplus eliminator, a great program for putting money into transportation, it keeps the funds flowing into the endowment. There are some changes with the disbursement of the funds, but the main part is that we will have an endowment fund. He then deferred to Mr. Bybee to go through the bill.



**Chairman Brackett** said the Statement of Purpose really does a good step-by-step job of laying out the amendment. He gave Mr. Bybee tremendous latitude in presenting the amendment to the Committee. **Senator Winder** thanked the Chairman for that latitude. He would like Mr. Bybee to walk the Committee through the sections of the bill and would like to know how each section affects both the fiscal aspect and the policy aspect.

**Mr. Bybee** began by saying **S 1126aaH** creates an endowment from our rainy day fund by transferring two-thirds of the current balance in the Budget Stabilization Fund, or \$272 million, into a new fund called the Economic Reserve and Investment Fund (ERIF). It shall be invested in the same way that other endowments are invested, such as the Millennium Fund and the Veterans Recognition Fund. Section 1 of the bill is where the ERIF is funded from three sources: 1.) the Budget Stabilization Fund; 2.) transferring the remaining \$40,000 in the Economic Recovery and Reserve Fund — funds from the cigarette tax captured during the remodel of the State Capitol; and 3.) the surplus eliminator.

Distribution to the strategic initiatives program will be 5 percent of the fair market value of the most recent 12 months from the past 24 months. This is an average of an average to help stabilize those gains and losses that happen in the market or in the surplus eliminator. A key component of the ERIF is the surplus eliminator, the feeder section of the endowed portion of the fund. The distribution is independent of market earnings on the fair market value of the investment. This will develop and grow a program that will have an ongoing revenue stream that will grow over time. Currently, the Building Stabilization Fund goes into the Permanent Building Fund. That has changed so that the main liquid savings account retains its interest moving forward. In order to keep the Permanent Building Fund whole, there is an amendment to the sales tax distribution formula that increases the statutory amount from \$5 million to \$10 million.

The final piece of the bill is how the new strategic initiatives program distribution will work. It maintains the component of local grants set out by LHTAC, but also allows a provision for any single countywide highway district to opt out of that process. That opt-out period will last for two years. The way they would opt out is they would give notice to LHTAC and then they could receive the proportional amount, same as the Highway Distribution Account formula in revenues that goes to strategic initiatives for those two years. Before moving through the bill section by section, **Mr. Bybee** offered to answer any questions from his broad overview of the bill that he had just given.

**DISCUSSION:**

**Chairman Brackett** asked Mr. Bybee to explain the child protection program in the bill. **Mr. Bybee** said the Safe Routes to School portion of the bill is now an off-the-top amount from strategic initiatives, which means it is going to be \$2 million or 4.5 percent of the distribution, whichever is greater. The remaining monies will be split 60/40 for the transportation strategic initiatives program and LHTAC for local grants.

**Senator Rice** asked if the Fiscal Note's stated total impact on the General Fund in 2020 and 2021 was the estimated surplus eliminator amounts or if it was new money. **Mr. Bybee** responded that the amount is more due to the timing when the State distributes money into the Budget Stabilization Fund. As an example, in a year when growth is 4 to 5 percent, and under the current statute the revenue growth would be measured year-over-year, then the following fiscal year that amount would be distributed into the Budget Stabilization Fund for quarterly payments. In this bill and in the surplus eliminator language, the timing is sped up so that earning revenues means savings are occurring at the same time. At the end of the bill there is a lot of clean-up language and striking of session law and statutory law because the Budget Stabilization Fund language got tangled up over the years, but the distributions are accounted for on Joint Finance and Appropriation Committee's (JFAC) green sheets. **Senator Rice** asked if the new fund that starts in 2021 could eat into the corpus of the endowment when the State has down years. **Mr. Bybee** said the answer is no, because the conservative number is set so low.

**Mr. Bybee** went through the bill section-by-section, explaining where the specific items of his previous overview occurred, and responding to questions from the Committee along the way. He concluded his walkthrough by stating that the end of the bill deals with Session Law language that, over the years, had developed eight different versions of the surplus eliminator and the Budget Stabilization Fund. It had become somewhat convoluted which is why the enacting clause of **S 1126aaH** is set at June 1, 2019; a clear distance from the sunset of the surplus eliminator in May.

#### **DISCUSSION:**

Questions and comments from Committee members and responses from Mr. Bybee and Representative Palmer during the section-by-section overview included:

**Chairman Brackett** asked if the interest earned on the fund would stay in the fund. **Mr. Bybee** replied that any earnings stay in the fund.

**Senator Den Hartog** said that the current Budget Stabilization Fund earns very little interest because of how liquid it has to be. She wanted to know what the rate of return could be in the ERIF as opposed to what it currently is. **Mr. Bybee** said that currently the Budget Stabilization Fund is invested in the idle pool with the Office of State Treasurer. The idle pool is invested in very low risk financial vehicles that are tagged to the prime rate as set by the Federal Reserve, and in the past three years, the interest rate has been less than 1 percent.

**Senator Nelson** asked why the delay with using the first 12 months of the preceding 24 months and not just the last 12 months. **Mr. Bybee** said it is the current language used in the Millennium Fund. The principle behind that is to even out the averages; if there are losses in the first few months then there is a chance to catch up. **Senator Nelson** commented that he thought averaging over the 24 months instead of going back a full year would be just as sufficient, but he understood that consistency with the Millennium Fund is important.

**Chairman Brackett** asked if Mr. Bybee could confirm his calculation that the General Fund revenue for the year is about \$3.7 billion, and 1.5 percent of that would be about \$50 or \$55 million. **Mr. Bybee** said the Chairman's calculations were correct.

**Senator Nelson** asked about the meaning of the section of the bill dealing with single countywide highway districts, that says "or by agreement." **Mr. Bybee** said there is currently a single countywide highway district that is established to collect property taxes and has an agreement with the cities within that county highway district to distribute their share of funding. This is language from ITD to cover that scenario that allows the full distribution rather than the apportionment due to the countywide highway district. **Senator Nelson** asked why that specific agreement isn't referenced in the legislation. **Mr. Bybee** deferred that question to Dave Tolman, ITD's Controller. **Mr. Tolman** said the section talks about the distribution of funds to cities, counties, or highway districts. Currently, the single countywide highway district for that section doesn't do that in that specific code section, so ITD recommended that the language be added so that the money they are currently receiving — which includes all the monies that would go to the six cities within that highway district — would get funding through the local Highway Distribution Account. It's similar to what is already in existence. **Senator Nelson** said he understood that there is a side agreement for Ada County, but asked what protections the Legislature has that by adding this language, it doesn't adversely change the intent of the legislation. **Mr. Tolman** didn't have an answer for that question.

**Chairman Brackett** asked about section 6 on the last page of the bill which refers to H 312 (2015) being repealed. The legislation distributed money for roadway maintenance purposes and asked if that provision was also repealed. **Mr. Bybee** said it only refers to the Budget Stabilization Fund in that section and would not affect the provision the Chairman was referring to.

**Senator Nelson** asked if the funds for the carve-out for a single countywide highway district — which he believed was referring to Ada County — could be used in an unlimited way. He believes that goes beyond the intent of the strategic initiatives fund with regard to significant problems throughout the State. **Mr. Bybee** deferred that question to Representative Palmer for a response. **Representative Palmer** said there is more than just one countywide highway district, and generally those highway districts are bigger and have the mechanisms in place to make those decisions. The opinions of House lawmakers on this particular issue as to whether any or all proposals should go through LHTAC was thoroughly considered and this was the language that everyone agreed on. The larger countywide highway districts could do what they needed, and the others need options for more funding. Each highway district has unique priorities that this bill attempts to help them address and, hopefully, achieve their goals. **Senator Nelson** asked where the other countywide highway districts were located. **Representative Palmer** said there were several, more than just one or two, but he did not have his list with him. They function differently. Ada County Highway District is the only one operated by elected countywide commissioners, other countywide highway districts are operated by their county commissioners. **Senator Nelson** remarked that if the others are operated by their county commissioners then it appears they would not qualify under this language. The language says "provided, however, a single countywide highway district;" he asked if that included all of them or just the single one in Ada County. **Representative Palmer** said he believes it would include any countywide highway district.

**Senator Rice** asked if there was someone from ITD or from the highway district who could answer the question about how many countywide highway districts there are in Idaho. There was no one who could provide that information.

**Chairman Brackett** asked if the countywide highway districts are limited to using the funds for maintenance or can they be used at their discretion. **Representative Palmer** said it was their intention to use the same formula as the strategic initiatives program outlines. **Chairman Brackett** said then they would be for maintenance. **Representative Palmer** agreed.

**TESTIMONY:** **Chairman Brackett** offered that before taking a motion there was still time to hear public testimony, although no one had signed up to testify. He asked if anyone had comments with regards to the amended bill that they would like to share with the Committee.

**Mollie McCarty**, ITD's Government Affairs Manager, offered a piece of information that she thought may be helpful to the Committee. She assured the Committee that for the single countywide highway district's language in the bill, ITD had legal counsel review the language and is confident that the concern Senator Nelson raised would not be a problem. There is also existing language in another statute that says "for a single countywide highway district, the cities' monies within that highway district shall be paid to the county auditor for that highway district." ITD does not believe there should be concern with the distribution of those funds.

**Chairman Brackett** asked that the record show no one else came forward to present public testimony.

**MOTION:** **Senator Den Hartog** moved that the Committee **concur** with the House amendments to **S 1126**. **Senator Winder** seconded the motion.

**DISCUSSION:** **Senator Rice** said he wished he had time to look at and study this bill. He had hoped to look at the single countywide highway district issue and the growth over time on the endowment fund. These are complex amendments; however, they are also pretty straightforward. He was comfortable with the growth and distribution aspects of ERIF, and it should help move away from bonding as the main way to fund highway projects. The single countywide highway district piece is interesting, but he doesn't see a way to opt in and opt out for them. The opt in is for future years, and then they're stuck for two years. The smaller highway districts do need the funding opportunities, so he will be supporting the motion.

**VOICE VOTE:** The motion to concur with the House amendment to **S 1126** passed by **voice vote**. **Chairman Brackett** asked that the record show it was a unanimous voice vote, and said he would carry the bill on the Senate floor.

**ADJOURNED:** With no further business before the Committee, **Chairman Brackett** adjourned the meeting at 1:53 p.m.

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Senator Brackett  
Chair

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Gaye Bennett  
Secretary