

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.

Senator Brackett
Chair

Gaye Bennett
Secretary