

AMENDED AGENDA #1
SENATE TRANSPORTATION COMMITTEE
1:30 P.M.
Room WW53
Thursday, January 14, 2016

SUBJECT	DESCRIPTION	PRESENTER
Introductions	Welcome back and introduction of Committee Page Hannah Sturtevant , a senior at Rocky Mountain High School in Meridian.	Chairman Brackett
Report Distribution	ITD's annual assessment detailing how it collected additional funds, how they were spent, and its ongoing maintenance needs. The report is required in 2015's legislation H312aaS,aaS and was distributed via email on January 11, 2016.	Chairman Brackett
Transportation Administrative Rules	Distribution of and process for reviewing Committee Administrative Rules.	Vice Chairman Hagedorn
Presentation	Status briefing on local highway jurisdictions and implementation of H312aaS,aaS.	Stuart Davis , Idaho Association of Highway Districts Seth Grigg , Association of Idaho Cities Caitlin Rusche , Idaho Association of Counties Jeff Miles , Local Highway Technical Assistance Council

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 Vick
Vice Chairman Hagedorn	Sen Den Hartog
Sen Keough	Sen Buckner-Webb
Sen Winder	Sen Lacey
Sen Nonini	

COMMITTEE SECRETARY

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

MINUTES
SENATE TRANSPORTATION COMMITTEE

DATE: Thursday, January 14, 2016

TIME: 1:30 P.M.

PLACE: Room WW53

MEMBERS PRESENT: Chairman Brackett, Vice Chairman Hagedorn, Senators Keough, Winder, Nonini, Vick, Den Hartog and Lacey

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 1:30 p.m.

INTRODUCTIONS: **Chairman Brackett** thanked the Committee's former Vice Chairman, Senator Nonini, for his past leadership on the Committee, and welcomed the new Vice Chairman, Senator Hagedorn.

Chairman Brackett welcomed Committee Page Hannah Sturtevant and asked her to take the podium and introduce herself. **Miss Sturtevant** thanked Chairman Brackett and said that she is a senior at Rocky Mountain High School in Meridian. She has been taking photography classes in school the past four years and has started her own photography business complete with a website. Following graduation she plans on attending Boise State University, where she will major in business and minor in political science. She thanked Chairman Brackett and the Committee for the opportunity to serve in the Idaho Senate this year.

REPORT DISTRIBUTION: **Chairman Brackett** explained that the Idaho Transportation Department (ITD) had emailed each Committee member a copy of ITD's assessment detailing how they collected additional funds, how those funds were spent, and their ongoing maintenance needs. The assessment is compliant with the requirements of 2015 H 312aaS,aaS that addressed the need to increase transportation funding for local jurisdictions by raising registration fees and motor fuel taxes.

ADMINISTRATIVE RULES: **Chairman Brackett** asked Vice Chairman Hagedorn to explain the Committee's process for reviewing administrative rules.

Vice Chairman Hagedorn referred Committee members to the administrative rules book located on their desks. He noted the pending rules in need of review: one from the Idaho State Police (ISP); three from the Idaho State Tax Commission; and nine from ITD, in addition to one ITD fee rule. **Vice Chairman Hagedorn** said the administrative rules process would be to review various rules at as many as three Committee hearings. **Vice Chairman Hagedorn** asked that Committee members read and contact the departments directly for clarification.

Chairman Brackett thanked Vice Chairman Hagedorn for overseeing the Committee's administrative rules. **Chairman Brackett** asked Committee members to work with Vice Chairman Hagedorn during the review process. He indicated the rules are important and need to be reviewed in a timely fashion.

PRESENTATION: **Chairman Brackett** welcomed Stuart Davis, Executive Director of the Idaho Association of Highway Districts (IAHD), Seth Grigg of the Association of Idaho Cities (AIC), Caitlin Rusche of the Idaho Association of Counties (IAC) and Jeff Miles of the Local Highway Technical Assistance Council (LHTAC). He asked them to present the work they have done to implement 2015 H 312aaS,aaS.

Mr. Davis thanked the Committee and indicated he would make the presentation on behalf of IAHD, AIC and IAC; Mr. Miles would present LHTAC's update.

Mr. Davis explained that he was going to touch on the local jurisdictions, all of which are grateful for the revenue stream provided through 2015 H 312aaS,aaS.

Mr. Davis said he had not understood how important and impactful this legislation would be to local highway entities at the time he and Wayne Hammon, CEO of the Idaho Association of General Contractors, worked on its enactment.

Idaho has 289 highway jurisdictions that encompass 192 cities covering 6,000 miles of roads; 33 counties covering 14,700 miles of roads; 64 highway districts covering 12,300 miles of roads; and 2,375 bridges. The local system is funded through property taxes, user fees, and federal dollars.

The implementation of 2015 H 312aaS,aaS has yielded a 30 percent increase in funding to local highway jurisdictions from the Highway Distribution Account (HDA). The 2015 legislation mandated that these funds be spent on roadway maintenance or new projects. The legislation included a change in the annual reporting form to show how much money had been spent. The information is posted on the economic research page on ITD's website. Extensive outreach and education programs are part of the legislative requirements.

Mr. Davis turned to the long-term aspects of 2015 H 312aaS,aaS and noted the many public projects currently going on. There is a renewed spirit of cooperation between agencies, especially with multi-agency planning, and an ease on a statewide level of reporting transportation expenditures. Citizens are playing a critical role in project planning through outreach, an approach modeled after the Ada County Highway District (ACHD). Because of specific data and information being collected, requesting future funding for expenditures will be easier with this new accounting system.

Mr. Davis concluded by stating that local highway jurisdictions are eager to move forward with the new funding and to incorporate the 2015 H 312aaS,aaS models into their budgeting processes. Continued education and outreach is a big step in solving transportation problems by keeping the public better informed of the progress being made and the issues that are still out there. **Mr. Davis** thanked the Committee and stood for questions.

Chairman Brackett thanked Mr. Davis and called for questions from the Committee.

Senator Vick asked if there was a website to which he could direct constituents with questions on licensing. **Mr. Davis** said he would send him the web address of the page detailing how funds are spent. Information is listed by jurisdiction and indicates exactly how much property tax is being spent. **Senator Vick** asked if the website showed projects located near citizens' homes. **Mr. Davis** said that ITD projects are listed by location, but he was not certain whether projects of other local jurisdictions were listed that way. **Chairman Brackett** offered that his impression was that all jurisdictions report information, including local jurisdictions. He believed that information would flow through LHTAC. **Mr. Davis** added that the Committee would be pleased to learn how much has been done.

Senator Lacey thought these funds were intended for maintenance only and not for new projects; he asked if that was correct. **Chairman Brackett** thought Senator Lacey was correct in that the funds were directed to maintenance, but there was some flexibility. **Mr. Davis** said that 2015 H 312aaS,aaS funds were for maintenance and projects. He said that in future presentations he would retract the impression that the funds were for new projects. He said contracts were not defined. He read from the bill about replacement projects. **Chairman Brackett** thanked Senator Lacey for bringing this up. There is some flexibility, but the focus is on repair and replacement.

Senator Hagedorn said that they were on a good path with 289 transportation jurisdictions. He asked if any small jurisdictions participated. **Mr. Davis** said small communities generally partner with neighboring jurisdictions to reduce planning costs. Many highway districts and counties have to work together. Fortunately, education has taken place over the last few years thanks to LHTAC.

Senator Hagedorn wanted to know if local jurisdictions consolidate five-year plans similar to ITD's Statewide Transportation Improvement Program (STIP). **Mr. Davis** responded that LHTAC prepares local jurisdictions' transportation plans. They are available from the jurisdictions. Some larger jurisdictions have placed them online. **Chairman Brackett** asked if LHTAC was the clearing house for those plans. **Mr. Davis** said that was correct and added that jurisdictions can't get federal funds for projects in Idaho without a transportation plan. There were no further questions for Mr. Davis.

PRESENTATION: **Chairman Brackett** thanked Mr. Davis and invited Jeff Miles, Administrator of LHTAC, to take the podium.

Mr. Miles said he had been with LHTAC for five years and had previously worked for ITD. He explained that the LHTAC handouts in the Committee packets included LHTAC's report on 2015 H 312aaS,aaS and a list of the new revenue for local highway entities as a result of last year's legislation. There has only been one disbursement at this time, in the first quarter, and the amounts are much less than had been requested.

First quarter disbursement was \$3.68 million. Future annual disbursements to local highway jurisdictions is estimated at \$35.8 million. The 2011 Governor's Task Force reported that \$262 million, of which \$107 million are earmarked for local jurisdictions, was needed for "operation, preservation and restoration" of Idaho's current transportation infrastructure. The \$35.8 million falls far short of the \$107 million specified for maintenance of the local system.

Mr. Miles continued by explaining that each local entity must provide their program data based on a specific timetable. Education and training is the key to the program's success. There have been 12 workshops held throughout the state. Presentations were made at association conferences and meetings. Webinars and individual outreach programs were also made available. LHTAC has reached 149 individual jurisdictions just through in-person outreach. **Mr. Miles** thanked the Committee and stood for questions.

Chairman Brackett thanked Mr. Miles for his presentation and called for questions from the Committee. There were no questions for Mr. Miles.

ADJOURNED: With no other business before the Committee, **Chairman Brackett** adjourned the meeting at 2:08 p.m.

Senator Brackett
Chair

Gaye Bennett
Secretary

AGENDA
SENATE TRANSPORTATION COMMITTEE
1:30 P.M.
Room WW53
Tuesday, January 19, 2016

SUBJECT	DESCRIPTION	PRESENTER
Administrative Rules	Review of all three Idaho State Tax Commission and five of the Idaho Transportation Department (ITD) Administrative Rules	Vice Chairman Hagedorn
Docket No. 35-0105-1501	<u>PENDING RULE</u> : Idaho Motor Fuels Tax Administrative Rules	Michael Chakarun, Idaho State Tax Commission
Docket No. 35-0105-1502	<u>PENDING RULE</u> : Idaho Motor Fuels Tax Administrative Rules	Michael Chakarun, Idaho State Tax Commission
Docket No. 35-0105-1503	<u>PENDING RULE</u> : Idaho Motor Fuels Tax Administrative Rules	Michael Chakarun, Idaho State Tax Commission
Docket No. 39-0203-1501	<u>PENDING RULE</u> : Rules Governing Vehicle Dealer's Principal Place of Business	Amy Smith, ITD's Vehicle Services Manager
Docket No. 39-0222-1501	<u>PENDING RULE</u> : Rules Governing Registration and Permit Fee Administration	Reymundo Rodriguez, ITD's Commercial Vehicle Services Manager
Docket No. 39-0226-1501	<u>FEE RULE</u> : Rules Governing Temporary Vehicle Clearance for Carriers	Reymundo Rodriguez, ITD's Commercial Vehicle Services Manager
Docket No. 39-0301-1501	<u>PENDING RULE</u> : Rules Governing Definitions Regarding Overlegal Permits	Reymundo Rodriguez, ITD's Commercial Vehicle Services Manager
Docket No. 39-0313-1501	<u>PENDING RULE</u> : Rules Governing Overweight Permits	Reymundo Rodriguez, ITD's Commercial Vehicle Services Manager

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 Vick
Vice Chairman Hagedorn	Sen Den Hartog
Sen Keough	Sen Buckner-Webb
Sen Winder	Sen Lacey

COMMITTEE SECRETARY

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

Sen Nonini

MINUTES
SENATE TRANSPORTATION COMMITTEE

DATE: Tuesday, January 19, 2016

TIME: 1:30 P.M.

PLACE: Room WW53

MEMBERS PRESENT: Chairman Brackett, Vice Chairman Hagedorn, Senators Keough, Nonini, Vick, Den Hartog, Buckner-Webb and Lacey

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 1:32 p.m.

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

ADMINISTRATIVE RULES: **Vice Chairman Hagedorn** told the Committee they would be hearing all three of the Idaho State Tax Commission's (STC) administrative rules and the first five of the Idaho Transportation Department's (ITD) administrative rules. Following presentation of each rule, Committee members would be able to ask questions before considering a motion to either accept, reject or partially reject the rule.

DOCKET NO. 35-0105-1501 **Vice Chairman Hagedorn** welcomed Michael Chakarun, Tax Policy Manager for STC, who would present all three of STC's rules.

Mr. Chakarun said this rule provides the method used by STC to apply the motor fuel tax rate to gaseous special fuels required by Idaho Code § 63-2424(1). The current rule gives the conversion factor and resulting tax based on the motor fuel tax rate of 25 cents per gallon. The rule is being changed to remove the specific tax rate and add the formula to compute the fuel tax on gaseous special fuels.

H 312aaS,aaS, passed in the 2015 Legislative Session, addressed the need to increase transportation funding for local jurisdictions by raising registration fees and motor fuels taxes. Section 4 of that bill amends the motor fuels tax rate from 25 cents per gallon to 32 cents per gallon, which became effective on July 1, 2015. Idaho Code § 63-2424(1) requires that the STC provide by rulemaking a method to convert the motor fuel tax so that it can be applied to gaseous special fuels. **Mr. Chakarun** stood for questions, but there were none.

Vice Chairman Hagedorn called for a motion on the rule.

MOTION: **Senator Lacey** moved to accept **Docket No. 35-0105-1501**. **Senator Keough** seconded the motion. The motion passed by **voice vote**.

DOCKET NO. 35-0105-1502 **Mr. Chakarun** said that Motor Fuels Tax Rule 280, Refund to Consumers for Nontaxable Uses of Motor Fuels, will be deleted effective January 1, 2017 because of redundant language. The Motor Fuels Tax Rule 422, Documentation for Idaho Full-Fee Registrants, will become effective on July 1, 2016. Tax Rule 422 is a negotiated rule in this docket; STC went through a negotiation process with the Idaho Farm Bureau. **Mr. Chakarun** stood for questions.

Senator Den Hartog asked what language was redundant and whether the exact same language appeared in more than one tax rule. **Mr. Chakarun** deferred the question to Don Williams, STC's Tax Policy Specialist. **Mr. Williams** said that Motor Fuels Tax Rule 250, Section 6, states that everyone claiming a fuels tax refund must use an Idaho Form 75. Rule 280 was deleted because it had identical language. There were no further questions from the Committee.

Vice Chairman Hagedorn called for a motion on the rule.

MOTION:

Senator Nonini moved to accept **Docket No. 35-0105-1502**. **Senator Buckner-Webb** seconded the motion. The motion passed by **voice vote**.

**DOCKET NO.
35-0105-1503**

Mr. Chakarun said this docket changes five tax rules.

(1) Motor Fuels Tax Rule 004, Incorporation by Reference. This rule change will update the incorporated references and move the reference to Administrative and Enforcement Rule 110 from Rule 510.

(2) Motor Fuels Tax Rule 115, When the Gasoline Tax Rate Increases, Use Conversion Factor to Adjust Annual Gaseous Fuels Permit Fees. This rule will be deleted. 2015 H 132aaS,aaS eliminated the gaseous fuels permit program and the rule is no longer required.

(3) Motor Fuels Tax Rule 132, Licensed Gaseous Fuel Distributor's Reports. The portions of the rule that refer to the gaseous fuels permit or gaseous fuels decal will be deleted. H132aaS,aaS eliminated the gaseous fuels permit program. The gaseous fuels distributor record-keeping instructions for the gaseous fuels permit program are no longer required.

(4) Motor Fuels Tax Rule 410, Adoption of International Fuels Tax Agreement. This rule will be deleted. When the International Fuels Tax Agreement was incorporated into Rule 004, this rule became unnecessary.

(5) Motor Fuels Tax Rule 510, Application and Reporting of the Petroleum Transfer Fee. Paragraph 7 of this section is reworded because the limited distributors' license was added in 2015 in Idaho Code § 63-2427C. Paragraph 10 of this section is being deleted because Administrative and Enforcement Rule 110 is referenced incorrectly.

Mr. Chakarun stood for questions, but there were none.

Vice Chairman Hagedorn called for a motion on the rule.

MOTION:

Senator Buckner-Webb moved to accept **Docket No. 35-0105-1503**. **Senator Lacey** seconded the motion. The motion passed by **voice vote**.

Vice Chairman Hagedorn thanked Mr. Chakarun and Mr. Williams and asked Amy Smith, ITD's Vehicle Services Manager, to present the next docket.

**DOCKET NO.
39-0203-1501**

Ms. Smith thanked Vice Chairman Hagedorn and said this rule is pending and has gone through the negotiated rulemaking process. The amendments to this rule essentially eliminate the minimum number of hours that an Idaho licensed vehicle dealer must be open to the public for contact.

The minimum number of business hours was added through the administrative rule process during the 2015 Legislative Session to further clarify Idaho Code § 49-117's definition of principal place of business requirements. It stated that a dealership must be open so the public can contact the dealer or their salesmen at all reasonable times.

Although the rule passed, there was discussion with ITD and an agreement was reached. ITD would remove these changes through the negotiated rulemaking process. All of Idaho's licensed vehicle dealers were notified of the proposed changes and given an opportunity to participate in a public hearing, or to send comments to ITD.

ITD held the public hearing via a conference call presentation on June 24, 2015, with one participant. ITD received comments via email, phone and letters prior to and after the hearing; they were mainly from Idaho dealers. A total of 21 comments were received; 15 supported the change, 5 thought it shouldn't be changed and one requested more information.

The proposed rule removes the minimum number of hours that a licensed dealer or wholesale dealer must be opened for licensing purposes. The rule still requires that the dealer report business hours to ITD on the dealer's license application.

With legislative approval, this rule will become final and effective at the end of this Legislative Session. **Ms. Smith** stood for questions.

Senator Vick asked if the process allowed a dealer to change their hours of operation during the year. **Ms. Smith** confirmed there was an agreed-upon process in which the dealer simply reports the change in their hours of operation to ITD. **Senator Vick** thanked ITD for going through the negotiation process. He thought the result was a huge improvement. There were no further questions from the Committee.

Vice Chairman Hagedorn called for a motion on the rule.

MOTION:

Senator Vick moved to accept **Docket No. 39-0203-1501**. **Senator Den Hartog** seconded the motion. The motion passed by **voice vote**.

Vice Chairman Hagedorn thanked Ms. Smith and invited Reymundo Rodriguez, ITD's Commercial Vehicle Services Manager, to present the next four ITD administrative rules.

**DOCKET NO.
39-0222-1501**

Mr. Rodriguez said that as part of its modernization efforts, ITD instituted a new point-of-sale system. The new system no longer allows for customers to order credentials without payment at the time of the transaction. The old process allowing customers to be billed on a monthly basis for credentials has been eliminated. The new system allows customers to have escrow accounts whose funds can be utilized as needed. With these changes, the administrative rule governing the process needed to be modified to provide clarity. The proposed modifications accomplish five things:

- (1) Clarify the quarterly reporting of road use fees in accordance with Idaho Code § 49-439(7). A customer failing to provide the necessary reports can be suspended.
- (2) Provide flexibility to refund money for temporary permits and registration fees if eligible.
- (3) Eliminate delinquent billing processes to match new requirements of payment before credentials are sent.
- (4) Eliminate fee account billing processes because they are no longer available with the successful implementation of the new point-of-sale system, and escrow accounts are now available.
- (5) Clarify that unpaid amounts owed to ITD may be sent to a collection agency.

No hearings were requested or comments received. The Idaho Transportation Board (ITB) approved these modifications in August 2015. The rule has the support of the Trucking Advisory Council. **Mr. Rodriguez** stood for questions.

Senator Lacey asked if Section 703, Requirements for Collection, on page 34 was consistent with what was previously said about payment being made up front. **Mr. Rodriguez** responded that some customers pay by check so the reference to external collection agencies needs to be in the rule for cases where checks are returned for insufficient funds.

Senator Keough asked if there was a timeframe before turning accounts over to a collection agency. **Mr. Rodriguez** said there were three notices sent 15 days apart before accounts were turned for collection. **Senator Keough** asked if that timeframe was made clear to the customer when they submitted paperwork. **Mr. Rodriguez** confirmed that it was clear.

Senator Keough asked if a temporary trip permit was transferable to other vehicles. **Mr. Rodriguez** answered that one permit per vehicle is issued. The language allows for extensions of the permit or for issuing another permit for extenuating circumstances. There were no further questions from the Committee.

Vice Chairman Hagedorn called for a motion on the rule.

MOTION:

Senator Lacey moved to accept **Docket No. 39-0222-1501**. **Senator Nonini** seconded the motion. The motion passed by **voice vote**.

**DOCKET NO.
39-0226-1501**

Mr. Rodriguez said that the proposed modifications in this pending fee rule align with Idaho Code § 49-202(m). In 2009, the Idaho Legislature passed H 334 in which the Legislature made changes to statutory ITD fees. ITD failed to modify the rule at that time. It contained one fee.

The Legislature amended Idaho Code § 49-202, which details what fees ITD can collect. Idaho Code § 49-202(m) specifically changed the fee charged for issuing letters of temporary vehicle clearance to Idaho-based motor carriers from \$10 to \$18. That change directly impacted this rule, requiring a rule modification. The fee change became effective January 1, 2010.

No hearings were requested or comments received regarding this rule. ITB approved these modifications in July 2015. The rule has the support of the Trucking Advisory Council. **Mr. Rodriguez** stood for questions.

Vice Chairman Hagedorn asked if the fee had already been in place. **Mr. Rodriguez** confirmed that it had. **Vice Chairman Hagedorn** asked about the many changes to the fee rule on page 5. **Mr. Rodriguez** said those changes were made to conform to other rules, but the fee change from \$10 to \$18 was located on page 7. There were no further questions from the Committee.

Vice Chairman Hagedorn called for a motion on the rule.

MOTION:

Senator Keough moved to accept **Docket No. 39-0226-1501**. **Senator Lacey** seconded the motion. The motion passed by **voice vote**.

**DOCKET NO.
39-0301-1501**

Mr. Rodriguez said this modification is necessary to keep ITD in compliance with the passage of 2015 H 70. The bill required a change to the definition of excess weight. It also changed the steer axle tire limitation restrictions needed to match those restrictions presently under Idaho Code. The legislation allowed more flexibility in the amount of weight carried on the steer axles only. Prior to passage of 2015 H 70, the axles were restricted to 600 pounds per inch width of tire or the manufacturer's load rating, whichever was less. Currently the steer axle may not exceed the manufacturer's load rating per tire, or the load rating of the axle, or 20,000 pounds per axle, whichever is less.

No hearings were requested or comments received regarding this rule. ITB approved the modifications in July 2015. The rule has the support of the Trucking Advisory Council. **Mr. Rodriguez** stood for questions

Senator Hagedorn asked about the Idaho Code reference stated in Section 40 under Definitions referring to Overlegal Permit. **Mr. Rodriguez** said that Section 47 defined a Special Permit, but it was deleted because the definition of an Overlegal Permit was the same as a Special Permit.

Senator Lacey asked what the definition of Overlegal Permit was. **Mr. Rodriguez** said it was any vehicle that presented a load that was over the legal limits in weight or dimensions. **Senator Lacey** asked if a pilot car had to accompany an oversized load. **Mr. Rodriguez** said that language was contained in another rule under safety.

Senator Buckner-Webb asked what was the maximum amount allowed to be considered overlegal. **Mr. Rodriguez** said there were limits, but they vary based on the roadway routes requested for the permit. Some roadways have limitations based on infrastructure. **Senator Buckner-Webb** asked if there are limits on repeated trips. **Mr. Rodriguez** said there are limits for single trips. There were no further questions from the Committee.

Vice Chairman Hagedorn called for a motion on the rule.

MOTION:

Senator Nonini moved to accept **Docket No. 39-0301-1501**. **Senator Keough** seconded the motion. The motion passed by **voice vote**.

**DOCKET NO.
39-0313-1501**

Mr. Rodriguez said this rule pertains to the requirements and procedures of overweight permitted vehicles. These are for vehicles and/or loads that are non-reducible in nature, such as vehicles hauling a dozer or transformer. When these vehicle combinations exceed a certain weight limit (axles or overall gross weight) for the route that they are requesting, ITD submits detailed information to their Bridge Section for analysis of that vehicle over the highway route's infrastructure. The proposed modifications are necessary because ITD has determined that the current rule governing bridge analysis is antiquated and inadequate. With current staffing levels and the increased number of overweight vehicles traveling within and through the state, ITD needs more realistic guidelines for the completion of a bridge analysis request. Other modifications in this docket provide clarification as to whether ITD staff or a third party will be required to complete the analysis. A bridge analysis is required to protect ITD's infrastructure and the safety of the traveling public. ITD has been using similar guidelines in these bridge analysis requests for some time, making this modification familiar to the industry.

This rule underwent negotiated rulemaking; a public meeting in the form of a webinar/conference call was held on July 16, 2015. Two comments were received; one in favor and the other a general inquiry. ITB approved these modifications in August 2015. The rule has the support of the Trucking Advisory Council. **Mr. Rodriguez** stood for questions, but there were none.

Vice Chairman Hagedorn called for a motion on the rule.

MOTION:

Senator Lacey moved to accept **Docket No. 39-0313-1501**. **Senator Buckner-Webb** seconded the motion. The motion passed by **voice vote**.

**PASSED THE
GAVEL:**

Vice Chairman Hagedorn returned the gavel to Chairman Brackett.

Chairman Brackett thanked Vice Chairman Hagedorn for his work in the administrative rules process.

ADJOURNED: With no further business before the Committee, **Chairman Brackett** adjourned the meeting at 2:10 p.m.

Senator Brackett
Chair

Gaye Bennett
Secretary

AGENDA
SENATE TRANSPORTATION COMMITTEE
1:30 P.M.
Room WW53
Thursday, January 21, 2016

SUBJECT	DESCRIPTION	PRESENTER
Presentation	Pacific NorthWest Economic Region (PNWER): "INFRASTRUCTURE FINANCE TASKFORCE"	Matt Morrison, Director of PNWER
Presentation	<u>Enhanced Enforcement of Fuel Tax Law</u> <i>Options to Reduce Use of Untaxed Motor Fuel on Idaho Roads and Highways</i>	Ken Roberts, Chairman of the Idaho State Tax Commission

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 Hagedorn
Sen Keough
Sen Winder
Sen Nonini

Sen Vick
Sen Den Hartog
Sen Buckner-Webb
Sen Lacey

COMMITTEE SECRETARY

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

MINUTES
SENATE TRANSPORTATION COMMITTEE

DATE: Thursday, January 21, 2016

TIME: 1:30 P.M.

PLACE: Room WW53

MEMBERS PRESENT: Chairman Brackett, Vice Chairman Hagedorn, Senators Keough, Winder, Nonini, Vick, Den Hartog, Buckner-Webb and Lacey

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 1:35 p.m. **Chairman Brackett** welcomed Matt Morrison, Executive Director of the Pacific NorthWest Economic Region (PNWER), to the Committee and asked him to begin his presentation.

PRESENTATION: **Mr. Morrison** thanked the Committee and said he had a short presentation, after which he would ask Senator McKenzie, President of PNWER, to make a few remarks before standing for questions. PNWER is a statutory public/private nonprofit created in 1991 by the states of Alaska, Idaho, Oregon, Montana and Washington and the Canadian provinces of British Columbia, Alberta, Saskatchewan and the Yukon and Northwest Territories. Its mission is to increase the economic well-being and quality of life for all citizens of the region, while maintaining and enhancing the region's natural environment.

Mr. Morrison began by stating that there is an increasing interest in recognizing that the region's infrastructure is aging. It's not just roads and bridges; all of the region's infrastructure is in great need of upgrading and replacement. Infrastructure financing is the problem, but some regions have implemented private/public partnerships, also known as P3s. Alternative methods of financing help share the burden of development across users, and in many cases projects finish on time and under budget.

PNWER has created an Infrastructure Finance Task Force that will work to explore financing options, identify possible financial options in each state and share best practices from Canada's successful projects. The task force's goals are: (1) establish a regional advisory task force; (2) develop an inventory of resources; and (3) identify a legal framework for infrastructure funding in each jurisdiction.

The task force will pursue federal funding through the U.S. Department of Transportation's Regional Infrastructure Accelerator program. PNWER is offering a webinar series to educate and share case studies. The webinars will begin in early February.

PNWER is looking at each state and province for the latest information on needs and financing. Another piece being explored is whether to establish a regional program that identifies available regional experts. They are developing field visits to successful projects to assess how their specific public/private relationship works together for cross border savings. PNWER has been working with Brian Ness, Director of the Idaho Transportation Department (ITD), and Jerry Whitehead, Chairman of the Idaho Transportation Board (ITB). **Mr. Morrison** introduced Senator McKenzie.

Senator McKenzie asked the Committee to keep in mind the time Idaho funded projects with Grant Anticipation Revenue Vehicle (GARVEE) bonds, tax-exempt federal debt financing tools. GARVEE bonds were used to fund very large projects, but the program has not been reauthorized by Congress. **Senator McKenzie** gave examples of how public/private financing, with an emphasis on Canadian projects, has been successful at significant savings. **Senator McKenzie** said that Senator Winder was chair of PNWER's transportation committee; they were recently in Washington, D.C., where they met with members of the Pacific Northwest's Congressional delegation. He concluded by stating that ITD will be part of the February 9 webinar. **Senator McKenzie** said that he and Mr. Morrison would stand for questions.

Chairman Brackett thanked Senator McKenzie and shared that the Senate was very pleased that he was the Chairman of PNWER this year.

Senator Winder commented that he appreciated the opportunity to serve as the co-chair of PNWER's transportation committee. As states are strapped for money to fund infrastructure projects, P3s are a great alternative funding opportunity. **Senator Winder** used Micron's facility expansion during President Clinton's administration as an example of their benefit to Idaho. That project was completed in one year rather than the longer time it takes when utilizing only public funds. Pipeline capacity is an interesting issue for P3s as well. Determining how to build a cooperation agreement regionally is being addressed by PNWER. ITD has been asked to be PNWER's point organization on some issues. **Senator Winder** offered his thanks and congratulations to Senator McKenzie for making P3s his specialty while chairing PNWER.

Chairman Brackett added that he appreciated the good briefing on oil transport by rail at the summer PNWER transportation meeting. Although construction of the pipeline is currently blocked, oil still needs to be transported. He also liked learning that the main interstate infrastructure projects were being completed. **Senator McKenzie** addressed the safety challenges for transporting oil. **Mr. Morrison** added that Idaho is located at the crossroads of the oil transportation issue and is the centerpiece for the region.

In conclusion, **Chairman Brackett** shared that with Congressional approval, Idaho is considering opening up its interstate system to trucks weighing 129,000 pounds or less.

Chairman Brackett thanked Senator McKenzie and Mr. Morrison and invited Ken Roberts, Chairman of the Idaho State Tax Commission (STC), to the Committee to begin his presentation on Enhancement of Dyed Fuel Enforcement.

PRESENTATION: **Mr. Roberts** thanked all the agencies that helped STC prepare this study, including ITD, the Idaho State Police (ISP) and the Idaho Department of Agriculture (IDA). Individuals representing those agencies were present at the hearing and prepared to answer questions that pertain to their input.

H 312aaS,aaS, passed and enacted in 2015, is the reason STC undertook the analysis of dyed diesel fuel in Idaho. **Mr. Roberts** read the section of the legislation addressing dyed diesel, to wit: It is the intent of the Legislature that ISP and STC shall, no later than the first day of the 2016 Legislative Session, provide recommendations to the two legislative transportation committees on greater enforcement of the prohibition of dyed fuel and other untaxed fuel use on Idaho roads and highways. **Mr. Roberts** said this presentation of the report fulfills that requirement.

Mr. Roberts explained that dyed diesel is fuel marked with red dye to show it is exempt from fuel taxes. Idaho adopted federal requirements for using red dye in 1995. Dyed diesel fuels can be used in equipment for nontaxable purposes such as farming, mining and logging. Also state and federal government vehicles such as school buses and highway department vehicles can use dyed diesel. Sales tax may apply on dyed diesel.

It is illegal to use dyed diesel in vehicles on Idaho highways unless the vehicle is exempt. Those using dyed diesel in non-exempt vehicles are not paying taxes: 24.4 cents in federal tax and 32 cent in state tax per gallon. One 10,000-gallon tanker load of diesel pays \$3,200 in tax to the state of Idaho. The problem when dyed diesel is used illegally is the loss in tax revenue. In 2006, with a dyed diesel enforcement program in place, Montana estimated a revenue loss of 16 percent. If Idaho is losing a similar amount, in fiscal year 2015 Idaho would have lost \$11.4 million. **Mr. Roberts** talked about the enforcement programs in Washington and Montana and the ways to deter illegal use.

Current Idaho enforcement activities include: (1) STC audits some licensed consumers to ensure dyed diesel is not used illegally; (2) STC makes assessments when Idaho residents notify them of violations; and (3) ISP may cite violators under specific circumstances. **Mr. Roberts** went through nine options on how Idaho might improve enforcement. He concluded by recommending the state allow inspection of main vehicle supply tanks. **Mr. Roberts** went through the survey results shown on page 25 of the report. He added that the results from the exercise on page 6 would be an indicator of whether Idaho would be able to enhance its enforcement of dyed diesel use. (A copy of the report is part of the permanent record on file in the Legislative Services Library.) **Mr. Roberts** thanked the Committee and stood for questions.

Chairman Brackett commented on the Montana study with the suggestion that Idaho could be losing more than \$11 million in tax revenue. The Governor's Task Force suggested that number was between \$8 million and \$9 million. He shared a letter regarding convenience stores in Payette and how their dyed diesel sales were not being monitored during the day, resulting in tracking problems.

Senator Lacey asked if there was a different type of diesel in the late 1980s and if there were enforcements in place then. **Mr. Roberts** deferred the question to Don Williams, STC's Tax Policy Specialist. **Mr. Williams** said the federal government began dying diesel red in 1993; Idaho adopted the federal program in 1995. There is no state enforcement; the Internal Revenue Service (IRS) focuses on terminals and not individual violators.

Chairman Brackett asked whether probable cause or consent was a better enforcement model. **Mr. Williams** said that Montana used probable cause, meaning they need a reason to investigate. Texas uses consent.

Senator Hagedorn asked what dipping a tank meant. **Mr. Williams** deferred to Captain Tim Horn of ISP's Commercial Vehicle Safety Unit. **Captain Horn** said that a large straw-like tube is placed in the tank, a finger is placed over the end and the liquid is checked for red coloring. The process takes about one minute. **Senator Hagedorn** asked if a determination could be made if red dyed diesel had ever been used in a vehicle. **Captain Horn** said that the fuel filter would show if red dye had ever been used. He said that Washington has the best laws for enforcing dyed diesel violations. If the fuel measures two parts per million or over of red dye, then the vehicle is in violation of the law.

Senator Winder asked if there had been past programs where vehicle tanks at ports of entry were checked. **Captain Horn** replied that there have not. **Senator Winder** said that when he was a freshman legislator, he was told that a dyed diesel violation incurred a \$1,000 fine. He wanted to know why this was not being enforced. **Mr. Williams** referred to the chart on page 22 in the report showing that in 18 years, STC has collected \$76,223.16 for 157 violations. **Senator Winder** asked if there were collection reports for ports of entry. **Mr. Williams** replied that the only reporting is from the sources listed on the chart. **Chairman Brackett** added that the penalty doubled the fine, but it was not enforced.

Senator Vick asked for a definition of the resource titled "observation" on the chart. **Mr. Williams** was unsure but later shared that these are reports made by Idaho residents who observed licensed dyed diesel purchasers who were using the fuel for non-exempt purposes. Of the 43 reported, 29 were not pursued after investigation; the remaining 14 were issued a Notice of Deficiency Determination (NODD), which can be appealed.

Vice Chairman Hagedorn followed up with Captain Horn on whether there were states that did not use a machine to measure the parts per million of red dye in diesel and if measuring revealed more incidences of violation than visual observation did. **Captain Horn** said states that used measuring equipment generally were not able to utilize the equipment throughout the entire state. Those regions without the equipment used the visual methodology of observing if the fuel looked red; if so, they were in violation of the law.

Chairman Brackett commented that Montana has had an effective program for many years, and Nevada's program is more recent. He asked Captain Horn to share his views of these two programs. **Captain Horn** said that Montana has an excellent program. Nevada's program was lacking because of the way the law was written, allowing them to stop commercial vehicles only. He described an accident in which red dyed fuel poured out of the personal vehicle involved. With that incident, they started stopping all vehicles, but the law only affected commercial vehicles. The state was being sued so the program was completely stopped. They are doing away with enforcing dyed diesel violations even though they have the measuring equipment. **Captain Horn** continued that Montana's program was like Washington's, which in his opinion is the best program. He does not recommend stopping every vehicle. All states utilize the skills of the state police, who have the ability to inspect all vehicles that use diesel fuel. In Montana, there has to be a primary offense in order to inspect for dyed diesel; the improper use of dyed diesel is a secondary offense. After stopping a vehicle for a primary offense, state police can ask to check for dyed diesel. If the driver refuses, then a \$1,000 fine is imposed. If they do not refuse, the officer takes a sample of the fuel that is sent to the tax commission for evaluation. He indicated that once Montana started testing vehicles, motorists stopped using dyed diesel in non-authorized vehicles.

Chairman Brackett asked if a statutory change in Idaho law would align Idaho with Washington's program. **Captain Horn** said it would. Washington has the best, safest and easiest program. Idaho's laws do not allow ISP to dip tanks. Idaho also has exempt commodities, which would have to change if inspections were allowed. As an example, he said that dyed diesel licensed farmers sometimes confuse farm vehicles with personal use vehicles. **Chairman Brackett** said that many farmers have two tanks, one for dyed diesel fuel and one for highway fuel, and they are careful to use each properly.

Chairman Brackett asked if states check vehicle tanks at ports of entry. **Captain Horn** said that all ports in Washington are run by their state police who are all trained to dip for dyed diesel. The state's tax commission pays the state policemen's wages to have that expertise. Some of the funding comes from the federal government. Completed violation forms are sent to their tax commission. **Chairman Brackett** asked if that was the case with roving ports. **Captain Horn** said it was.

Senator Nonini asked if dipping occurred at North Idaho ports. **Captain Horn** said testing takes place for interstate trucks, not intrastate trucks at Washington ports in Idaho.

Senator Winder wondered if there was any discussion or data from Washington showing any increase in revenue once enforcement began. He wanted to know the impact enforcement had and if it justified costs to other departments. **Captain Horn** said there had been an impact. He said enforcement and violations were high at a 2:1 ratio. Peoples' behavior changed when they knew they might get caught for driving on dyed diesel and possibly face a \$1,000 fine.

Chairman Brackett thanked Mr. Roberts, Mr. Williams and Captain Horn for their input. He said once this presentation was made to the members of the House Transportation and Defense Committee, he hoped to get the members together to move forward with legislation.

ADJOURNED: With no further business before the Committee, **Chairman Brackett** adjourned the meeting at 3:00 p.m.

Senator Brackett
Chair

Gaye Bennett
Secretary

AGENDA
SENATE TRANSPORTATION COMMITTEE
1:30 P.M.
Room WW53
Tuesday, January 26, 2016

SUBJECT	DESCRIPTION	PRESENTER
Introduction	Introduction of presenter.	Jerry Whitehead, Chairman of the Idaho Transportation Board
Presentation	IDAHO TRANSPORTATION DEPARTMENT Annual Presentation to the Senate Transportation Committee	Brian Ness, Director of the Idaho Transportation Department

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 Hagedorn
Sen Keough
Sen Winder
Sen Nonini

Sen Vick
Sen Den Hartog
Sen Buckner-Webb
Sen Lacey

COMMITTEE SECRETARY

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

MINUTES
SENATE TRANSPORTATION COMMITTEE

DATE: Tuesday, January 26, 2016

TIME: 1:30 P.M.

PLACE: Room WW53

MEMBERS PRESENT: Chairman Brackett, Vice Chairman Hagedorn, Senators Keough, Nonini, Vick, Den Hartog, Buckner-Webb and Lacey

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 1:35 p.m.

PRESENTATION: **Chairman Brackett** welcomed Jerry Whitehead, Chairman of the Idaho Transportation Board (ITB), to the Committee and asked him to introduce Brian Ness, Director of the Idaho Transportation Department (ITD), who would be presenting ITD's annual report to the Committee.

Mr. Whitehead thanked the Committee and said that the ITB and ITD work well together thanks to the leadership of Mr. Ness. With the revenue enhancement provided by the passage of 2015 H 312aaS,aaS, ITD has been very productive in addressing highway maintenance concerns. **Mr. Whitehead** said the ITB appreciated the work the Committee undertook to make transportation financing a priority in 2015. **Mr. Whitehead** indicated he would stand for any questions once Mr. Ness completed his report.

Chairman Brackett thanked Mr. Whitehead and welcomed Mr. Ness to take the podium.

Mr. Ness thanked the Committee and the ITB for challenging ITD to become the best transportation department in the country.

Mr. Ness said this was the beginning of his seventh Legislative Session. When he arrived at ITD in 2010, he implemented a plan that reflected his philosophy about government becoming more efficient by serving the citizens of Idaho and not the employees of ITD. That plan is now completed. Significant improvements at ITD have created tens of millions of dollars in savings and has improved their ability to invest in road and bridge projects.

Those improvements will be included in his review of the Governor's fiscal year (FY) 2017 budget and the FY 2016 supplemental appropriation recommendations. His presentation would also address ITD's major 2015 highlights and their five-year strategic plan along with investments being made with the new revenue from 2015 H 312aaS,aaS, which is already being put to work. The FY 2017 budget recommendation includes an adjustment for new revenue and federal reauthorization. The base amount is \$576.4 million, with just under 1,700 full-time positions.

The Fixing America's Surface Transportation Act (FAST) is a new five-year federal law that expires in 2020. With its passage, **Mr. Ness** said ITD can engage in long-term planning and no longer have to plan based on short-term extensions of the previous bill. FAST provides an initial 5 percent bump. After the first year, FAST has an increase for inflation of about 2 percent for most of Idaho's highway, transit and safety funding. It also increases flexibility in how the funds can be used. FAST streamlines the environmental review and permitting processes. It increases public transportation funding; expands public-private investment and partnerships; and allows more state control in safety programs. FAST provides fiscal stability for Idaho's federal funding and improves our ability to plan for the future.

Mr. Ness identified five items in ITD's supplemental funding recommendation for FY 2016. First is the ongoing spending authority for \$15.8 million from FAST. The next two items are related to the 2015 revenue increases. One is an ongoing adjustment that totals \$50 million, and the other is a one-time spending adjustment of \$54.7 million for the Strategic Initiatives Program Fund. Both are awaiting legislative approval. The fourth item is a request for \$40 million in ongoing spending authority for federal construction payouts. The final item is a request for one-time authorization to make accounting adjustments that will allow ITD to transfer costs as the federal Grant Anticipation Revenue Vehicle (GARVEE) program is closed out. Total FY 2016 supplemental appropriation recommendation is \$160.5 million.

ITD is requesting a reduction of 20 positions in FY 2017. ITD has proven they can provide improved services with fewer employees. Employee performance levels have increased because the focus has been on results and outcomes rather than on process.

Mr. Ness explained that in 2015 ITD received the first revenue increase in nearly 20 years. The new legislation provided ITD and local jurisdictions with an ongoing \$96.7 million from increases in fuel taxes and vehicle registration fees. ITD had 27 projects ready to bid shortly after the Governor signed the bill into law. Many of those projects have broken ground and will be completed in 2016; the rest are already completed.

The Legislature also provided ITD with half of the General Fund surplus at the end of FY 2015 and FY 2016. The General Fund surplus will be placed in the new Strategic Initiative Program Fund. It can only be used for maintenance projects, which must compete for funding based on their return on investment. In December 2015, the ITB selected 17 projects to be funded with the \$54 million in the fund. That makes a total of 44 projects funded in the first year of the revenue increase.

ITD completed several other projects in 2015, including the new bridge on the north side of Cascade on Highway 55. They also replaced the Enterprise bridge on U.S. 26, near Ririe. Construction on Idaho's largest interchange at Meridian on I-84 is now complete. It was the state's final GARVEE project.

The GARVEE transportation program was the largest infrastructure program of any kind in Idaho history. It allowed ITD to build large, vitally needed projects now, rather than wait 20 to 30 years for adequate funding. ITD delivered those projects safely, on time and under budget. The GARVEE program transformed some of Idaho's most important transportation corridors, improved safety and reduced congestion. It allowed the regular construction program to continue unaffected across the state, and it won national awards for excellence. **Mr. Ness** discussed some of the award-winning projects, as well as ITD operations, engineering and employee awards. ITD is leading the way in excellence and outstanding project design. Many of their innovations are being used as models for other states and countries.

Mr. Ness explained that ITD's goal is to establish a 2020 vision and a strong succession plan. Half of ITD's current workforce will reach retirement age within five years. They are in the process of determining how best to fill, or not fill, the impending vacancies. They are developing a staffing plan for the next quarter century because transportation departments have operated the same way since the interstate highway system was built under President Eisenhower in the 1950s. A new generation took over in the 1980s, but the ways of operating and staffing transportation departments remained the same.

Technology is constantly improving, and ITD must stay up-to-date if they are to be successful and effective. **Mr. Ness** mentioned snowplows as an example of how ITD employees used technology to improve the percent of time highways are clear of snow and ice during storms. Prior to implementation of this new program, the highways were clear 28 percent of the time during storms; now they are clear 77 percent of the time during storms.

Mr. Ness said that an example of how ITD attracts and retains great employees was their Horizontal Career Paths pilot program. It ties maintenance worker pay rates directly to employee job performance. Employee performance is based on skills and abilities in four categories: (1) time demonstrating proficiency; (2) training; (3) testing; and (4) team performance. The teams are measured on the results the public actually sees and benefits from. If the team does not meet its performance goal, no member of the team can advance to the next pay level. In the program's first year, 70 percent of the staff met the requirements to move up to the next step. Next year they plan to add one or two additional job classifications to the pilot program.

The final two goals of ITD's new strategic direction are both tied to funding. First, ITD will invest its state money wisely for maximum return on investment by selecting and prioritizing projects based on three measures: (1) safety; (2) mobility; and (3) economic growth and opportunity. Passage of the FAST Act has stabilized ITD's federal funding for the next five years. The last goal was tied to federal funding and involved partnerships with (1) western states to provide seamless transportation systems, and (2) with national organizations to ensure Idaho maintains a share of federal revenue. **Mr. Ness** thanked the Committee and stood for questions.

Senator Lacey asked what Idaho could expect in funds through the FAST Act. **Mr. Ness** suggested a combined federal funding total of \$44 million.

Vice Chairman Hagedorn asked for clarification on the one-time legislative authorization request for \$1.5 million. **Mr. Ness** said the funds are needed to make adjustments from one account to another. **Vice Chairman Hagedorn** asked if ITD was going to take advantage of low oil prices by locking in futures prices for asphalt. **Mr. Ness** said ITD works through contractors and he was not aware of any futures buying. **Vice Chairman Hagedorn** wanted an update on Real ID. **Mr. Ness** replied ITD's Department of Motor Vehicles (DMV) cost changes are moving forward and will require legislative approval. **Vice Chairman Hagedorn** asked if ITD was bringing a proposal or if they were waiting for the Legislature to act. **Mr. Ness** said ITD was waiting for the Legislature. **Chairman Brackett** offered that the House Transportation and Defense Committee was looking at bringing forward a bill for consideration.

Senator Nonini commented that the Senate Finance Committee and Co-Chair of the Joint Finance and Appropriations Committee (JFAC) is from North Idaho, and she is also a member of this Committee. Real ID is an important issue in North Idaho. He continued, saying that they were proud to be members of this Committee because of all the changes since Mr. Ness has taken the helm of ITD. He then asked if there was a list of the road and bridge projects being funded through 2015 H 312aaS,aaS. **Mr. Ness** said that they have pulled projects forward that have fallen behind so there was no formal list of projects.

Senator Vick inquired about the spending authority for the Horizontal Career Paths pilot program Mr. Ness discussed in his presentation. **Mr. Ness** said that JFAC keeps funding in the budget for innovations like this pilot program. Employees can only move up to the top if the entire team is successful. The pay level remains below the market value of the employees. **Senator Vick** applauded the innovation and inquired about how it was working and if there were bonuses for success. He asked whether the program retains the spending authority at the current level or does it increase each year. **Mr. Ness** said the two-thirds of the savings goes to the employees and one-third goes into roads. JFAC's 3 percent seed funds go into the project. If there is any money left over at the end of the year, it goes into the roads.

Senator Keough said she saw a photo on Facebook showing elk licking salt off of roads on Highway 57 in Priest Lake; traffic was backed up behind the elk. At least two logging trucks have had accidents and their loads released because of these types of incidents. She said there were studies of the risks of salt mixes on highways during winter and wanted the status of ITD's salt use. **Mr. Ness** said that ITD is still in the process of studying the issue. In North Idaho, ITD is testing the amount of salt used on the roads and has temporarily removed it from the inclement-weather road mix. In keeping with the way ITD conducts business, instead of measuring the process they are measuring the results. It is likely there will be a reduction in salt, but salt will probably always be part of the formula. More thorough findings for North Idaho will be available at the end of the winter. **Senator Keough** said she looked forward to hearing some of those results. She said near Riggins they were using less salt and were substituting sand and gravel instead. **Mr. Ness** said ITD was in the third year for measuring salt and they should have some statewide answers by the end of the year.

Vice Chairman Hagedorn commented that he echoed Senator Nonini's remarks about being a member of the Committee. Before Mr. Ness became ITD's director, it was difficult to be a member of this Committee; there was mistrust between the Committee and ITD. Mr. Ness has made an incredible change. He also applauded the great drone video of all the bridges in the presentation, and asked if ITD was pre-inspecting bridges with drones before spending money. **Mr. Ness** said there was a committee led by district engineers to perform bridge inspections. He added that a lot more information from drones and technology is working to ITD's benefit.

Chairman Brackett thanked **Mr. Ness** for an excellent presentation. He added that the response at JFAC was equally productive and complimentary to the work he has done at ITD. It was very well received. **Mr. Ness** thanked the Chairman.

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

Senator Brackett
Chair

Gaye Bennett
Secretary

AGENDA
SENATE TRANSPORTATION COMMITTEE
1:30 P.M.
Room WW53
Thursday, January 28, 2016

SUBJECT	DESCRIPTION	PRESENTER
Minutes	Approve the Minutes of the January 14 meeting.	Senator Nonini and Senator Lacey
<u>RS24301</u>	Provides the legal authority to allow vehicle combinations with a gross vehicle weight of 129,000 pounds or less on Idaho's interstate highway system.	Chairman Brackett
<u>RS24240</u>	Removes the Idaho State Police from the Highway Distribution Account funding formula effective July 1, 2016.	Senator Den Hartog
<u>RS24184</u>	Removes the requirement for a front license plate on vehicles except for tractor trucks and wreckers.	Senator Patrick
Introduction	Introduce the presenter.	Kent Goldthorpe, President of the Ada County Highway District Commission
Presentation	ADA COUNTY HIGHWAY DISTRICT Report to the Senate Transportation Committee	Bruce Wong, Director of the Ada County Highway District

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 Vick
Vice Chairman Hagedorn	Sen Den Hartog
Sen Keough	Sen Buckner-Webb
Sen Winder	Sen Lacey
Sen Nonini	

COMMITTEE SECRETARY

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

MINUTES
SENATE TRANSPORTATION COMMITTEE

DATE: Thursday, January 28, 2016

TIME: 1:30 P.M.

PLACE: Room WW53

MEMBERS PRESENT: Chairman Brackett, Vice Chairman Hagedorn, Senators Keough, Winder, Nonini, Vick, Den Hartog and Lacey

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 1:30 p.m.

MINUTES APPROVAL: **Senator Lacey** moved to approve the Minutes of the January 14, 2016, meeting. **Vice Chairman Hagedorn** seconded the motion. The motion passed by **voice vote**.

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

RS 24301 **Vice Chairman Hagedorn** asked Chairman Brackett to present **RS 24301**. **Chairman Brackett** said this legislation authorized 129,000-pound-load trucks to operate on Idaho's Interstate Highway System. It aligns state law with the federal legislation that passed Congress in December 2015 that lifted the prohibition on these heavy trucks from operating on Idaho's Interstate Highway System. **Chairman Brackett** urged the Committee to have this RS printed and stood for questions. There were no questions.

MOTION: **Senator Lacey** moved to print **RS 24301**. **Senator Den Hartog** seconded the motion. The motion passed by **voice vote**.

PASSED THE GAVEL: Vice Chairman Hagedorn returned the gavel to Chairman Brackett.

RS 24240 **Chairman Brackett** thanked Vice Chairman Hagedorn and asked Senator Den Hartog to present the next RS.

Senator Den Hartog said the increased transportation revenue concept in **RS 24240** was considered in last year's transportation funding legislation 2015 H 312aaS,aaS, but it did not make it into the final version of that legislation. **RS 24240** removes the Idaho State Police's (ISP) 5 percent distribution of revenue collected for the Highway Distribution Account (HDA) formula effective July 1, 2016. **Senator Den Hartog** said the tax on fuel should all go to the Idaho Transportation Department (ITD). She asked for the Committee's support to send **RS 24240** to print and stood for questions, but there were none.

MOTION: **Vice Chairman Hagedorn** moved to print **RS 24240**. **Senator Vick** seconded the motion. The motion passed by **voice vote**.

RS 24184 **Chairman Brackett** thanked Senator Den Hartog and welcomed Senator Patrick to the Committee and asked him to present his RS.

Senator Patrick said that this legislation removes the requirement of needing a front license plate on automobiles. Many manufacturers no longer provide an insert space on the front of new vehicles for license plates, and 20 states do not require front license plates by law. Idaho does not require front plates on motorcycles, dealer cars and some other off-road vehicles. **Senator Patrick** thinks it is simpler to not require them on any vehicles. He thanked the Committee and stood for questions.

Vice Chairman Hagedorn was concerned with the fiscal note. He thought that the savings of not having to mail two license plates should be reflected. **Senator Patrick** said that the cost reduction would be passed on to the consumer. He would look at the fiscal note and work with ITD to accurately reflect costs savings. There were no further questions.

MOTION: **Senator Vick** moved to print **RS 24184**. **Senator Den Hartog** seconded the motion. The motion passed by **voice vote**.

INTRODUCTION: **Chairman Brackett** thanked Senator Patrick and welcomed Kent Goldthorpe, President of the Ada County Highway District (ACHD) Board of Commissioners, to the Committee and asked him to introduce today's presenter.

Mr. Goldthorpe thanked the Committee and said he was relatively new to ACHD and was currently serving as the 2016 President of the ACHD Board of Commissioners. He recognized two other ACHD Board Commissioners, ACHD's Director Bruce Wong and members of Mr. Wong's staff who were in the audience. He said that ACHD is grateful for their community partnerships, including the one with the Idaho Legislature. He said that Mr. Wong would share information about ACHD's stewardship of the funds the State of Idaho had entrusted to them and their vision for the future of ACHD. He concluded by saying that he would speak briefly to the Committee following Mr. Wong's presentation.

PRESENTATION: **Chairman Brackett** thanked Mr. Goldthorpe and welcomed Mr. Wong to make his presentation on ACHD to the Committee.

Mr. Wong thanked the Committee for doing a great job last year in providing funding for highways. ACHD's mission is to drive quality transportation for all of Ada County. He said he was accompanied by experts from his staff who could clarify any claims he or the commissioners make during the course of the presentation. He would briefly touch on ACHD history, what happened in 2015, the current state of ACHD in 2016 and their plans moving forward.

ACHD was established in 1971 and is governed by a five-member elected Board of Commissions that is responsible for more than \$3 billion in assets and 331.5 full-time employees. They support six cities and more than 436,000 customers in Ada County. ACHD maintains more than 4,783 total lane-miles of roadways, 764 bridges, 428 traffic signals, 338 cameras and the Traffic Management Center. It owns and operates a headquarters building, two major industrial centers, a fleet of 420 vehicles and heavy equipment valued at \$25 million, several gravel pits, the Commuterride public transit system, a laboratory and the largest storm water drain system in Idaho.

Mr. Wong continued to the next topic by stating that 2015 was a very good year for ACHD. They met many of their goals and received awards for some of the best roads for a metropolitan area in the country and for administrative excellence. Safety, injuries and costs were down, while savings were up. ACHD grew its Commuterride public transit system participation by 16 percent and they implemented \$1.3 million in safe sidewalk improvements.

For 2016, ACHD is expecting no increase in property tax certification or in new growth tax revenue. The additional funds from 2015 H312aaS,aaS in 2016 will be used for roadway and bridge maintenance. It is estimated to be \$5.5 million in additional revenue in fiscal year 2016 and \$6.4 million in additional revenue in fiscal year 2017. That amount will remain the same in each year moving forward.

Mr. Wong talked about the challenges the future holds for ACHD. The growth planned for Ada County and the Treasure Valley is significant and has a huge impact on ACHD's responsibility to maintain the roadway system and manage congestion. ACHD is basically projecting adding another Boise to Ada County over the next 20 years. ACHD will need to steadily-increase revenue to maintain the system. In 2015, ACHD added nearly 68 lane miles to its system. This means longer commutes and reduced air quality. As the system grows, the need to enhance the ACHD system to manage the traffic congestion increases.

Mr. Wong concluded by talking about various jurisdictions and projects within the ACHD system. **Mr. Wong** thanked the Committee and offered to answer any questions after Mr. Goldthorpe concluded his closing remarks.

Mr. Goldthorpe mentioned Mr. Wong's earlier remarks about the challenges facing ACHD regarding increases in demands and limited resources. He offered projections from the Community Planning Association of Southwest Idaho (COMPASS) that showed population in the Treasure Valley doubling while anticipated growth in available transportation infrastructure remaining limited to unchanged. He was particularly focused on the city of Meridian Department of Parks and Recreation where he served as a commissioner. He spoke of a large project to establish a greenbelt pathway either within or alongside the railroad right-of-way. He went into great detail about efforts to establish this project by working with various community partners and cited examples of what other cities had accomplished. He asked if the Legislature and the Committee in particular would consider becoming a partner on this project in the form of providing a letter of support for Meridian's project. **Mr. Goldthorpe** thanked the Committee for their consideration and stood for questions.

Senator Den Hartog said that the Local Highway Technical Assistance Council (LHTAC) had consolidated some highway districts and asked if there was a role for consolidation within Ada County. She said she had overhead and equipment costs in mind. **Mr. Goldthorpe** said he could show her what the consolidation in Ada County has done to form ACHD and how it might work from a technical aspect. **Mr. Wong** said that what works in Ada County doesn't always work in other counties. Those counties need to make those decisions.

Vice Chairman Hagedorn observed from briefly perusing ACHD's website that the cost of maintenance per mile was \$8,000 this year, whereas last year it was more than twice that at \$16,000 per mile and he wanted to know why. **Mr. Wong** said it was a factor of Mother Nature and the new chip-seal program. Last year the weather was far worse and they used some procedures last year that they discovered didn't need to be done. There were no further questions.

Chairman Brackett thanked Mr. Goldthorpe and Mr. Wong for their very enlightening presentation to the Committee.

ADJOURNED:

With no further business before the Committee, **Chairman Brackett** adjourned the meeting at 2:15 p.m.

Senator Brackett
Chair

Gaye Bennett
Secretary

AMENDED AGENDA #1
SENATE TRANSPORTATION COMMITTEE
1:30 P.M.
Room WW53
Tuesday, February 02, 2016

SUBJECT	DESCRIPTION	PRESENTER
Minutes	Approve the Minutes of the January 19 meeting.	Vice Chairman Hagedorn and Senator Den Hartog
<u>RS24027</u>	Removes current language in Idaho Code stating specific reasons a Director of the Idaho Transportation Department (ITD) may be terminated.	Jerry Whitehead, Chairman of the Idaho Transportation Board
<u>RS24134</u>	Terms of determining the value of property to be taken in eminent domain.	Senator Winder
<u>S 1229</u>	Legal authority for the state of Idaho to allow vehicle combination loads of 129,000 pounds or less on Idaho's interstate highway system.	Chairman Brackett
Administrative Rules	Review of the one Idaho State Police and the five remaining ITD Administrative Rules	Vice Chairman Hagedorn
Docket No. <u>11-1301-1501</u>	The Motor Carrier Rules	Major Bill Reese, Idaho State Police
Docket No. <u>39-0316-1501</u>	Rules Governing Oversize Permits for Non-Reducible Vehicles and/or Loads	Reymundo Rodriguez, ITD's Commercial Vehicle Services Manager
Docket No. <u>39-0317-1501</u>	Rules Governing Permits for Manufactured Homes, Modular Buildings, and Office Trailers	Reymundo Rodriguez, ITD's Commercial Vehicle Services Manager
Docket No. <u>39-0319-1501</u>	Rules Governing Annual Overlegal Permits	Reymundo Rodriguez, ITD's Commercial Vehicle Services Manager
Docket No. <u>39-0321-1501</u>	Rules Governing Overlegal Permit Fees	Reymundo Rodriguez, ITD's Commercial Vehicle Services Manager
Docket No. <u>39-0322-1501</u>	Rules Governing Overlegal Permits for Extra-Length, Excess Weight, and Up to 129,000 Pound Vehicle Combinations	Reymundo Rodriguez, ITD's Commercial Vehicle Services Manager

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 Hagedorn

Sen Keough

Sen Winder

Sen Nonini

Sen Vick

Sen Den Hartog

Sen Buckner-Webb

Sen Lacey

COMMITTEE SECRETARY

Gaye Bennett

Room: WW33

Phone: 332-1332

email: stran@senate.idaho.gov

MINUTES
SENATE TRANSPORTATION COMMITTEE

DATE: Tuesday, February 02, 2016

TIME: 1:30 P.M.

PLACE: Room WW53

MEMBERS PRESENT: Chairman Brackett, Vice Chairman Hagedorn, Senators Keough, Winder, Nonini, Vick, Den Hartog, Buckner-Webb and Lacey

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 1:30 p.m.

MINUTES APPROVAL: **Vice Chairman Hagedorn** moved that the Minutes of the January 19 meeting be approved. **Senator Den Hartog** seconded the motion. The motion passed by **voice vote**.

RS 24027 **Chairman Brackett** invited Jerry Whitehead, Chairman of the Idaho Transportation Board (ITB), to the podium to present **RS 24027**. **Mr. Whitehead** said this RS removes language in Idaho Code that states the bases for the removal of an Idaho Transportation Department (ITD) executive director. The new language clarifies that the executive director is an at-will employee who serves at the pleasure of the ITB. This is brought forward to help future boards avoid issues the current board faced a few years ago. The current director is well liked, effective and would not be affected by this change. **Mr. Whitehead** said he would stand for questions, but there were none.

MOTION: **Senator Keough** moved to send **RS 24027** to print. **Senator Vick** seconded the motion. The motion passed by **voice vote**.

RS 24134 **Chairman Brackett** thanked Mr. Whitehead and invited Senator Winder to present **RS 24134**. **Senator Winder** said this RS deals with eminent domain. During project planning where government entities must acquire property for the correct accommodation of a project, sometimes those public decisions include determining the value of the property at the time interest in the property is shown, which can set standards that courts follow. This legislation's purpose provides that the value of the property to be acquired, or condemned, may not include an increase or decrease in value based on the project's proposed use of the property. **Senator Winder** said he would stand for questions.

Senator Lacey thought this language was already in Idaho Code where it says the value of the property as of the day that they decide to do condemnation, Idaho Code § 7-711. **Senator Winder** said he was correct, but this RS provides standards across all judicial districts throughout the state and would give a more consistent standard for protecting the rights of individuals and establishing fair market values.

Senator Vick asked if Senator Winder would explain section 2(c) of his RS referring to preliminary action in anticipation of condemnation proceedings. **Senator Winder** said that this refers to a third-party jurisdiction changing the rules unintentionally, and sometimes intentionally. As an example he said that cities deal with planning and zoning issues or annexations that have impact, or in this case a condemning agency. This legislation keeps the playing field even across the state. There were no further questions.

MOTION:

Vice Chairman Hagedorn moved to send **RS 24134** to print. **Senator Buckner-Webb** seconded the motion. The motion passed by **voice vote**.

PASSED THE GAVEL:

Chairman Brackett passed the gavel to Vice Chairman Hagedorn.

S 1229

Vice Chairman Hagedorn invited Chairman Brackett to present **S 1229**. **Chairman Brackett** said this legislation aligns the State of Idaho with federal legislation passed by Congress in December 2015. It lifted the prohibition on 129,000-pound-gross-weight vehicles operating on Idaho's Interstate Highway System.

Chairman Brackett continued that during the 2013 session, the Idaho Legislature approved legislation to make the 129,000-pound pilot routes on Idaho's Interstate Highway System permanent and also allowed these heavy trucks on select routes as authorized by the local highway jurisdiction that has authority on a requested route. The final step to fully implement this effort required Congressional authorization allowing 129,000-pound vehicles to operate on the Interstate Highway System in the State of Idaho subject to state approval. The federal legislation was enacted on December 18, 2015. The purpose of **S 1229** is to align Idaho law in a new section, Idaho Code § 49-1004B, following the recently passed federal legislation. **Chairman Brackett** offered to stand for questions, but there were none from the Committee.

Vice Chairman Hagedorn said that some people had signed up to testify. He called on Gary Halverson of Glanbia Foods, Inc., in Twin Falls and asked him to take the podium. **Mr. Halverson** said he was testifying in favor of the bill for both safety and economic benefits. He said this legislation will make his company more competitive with companies in neighboring states. There were no questions for Mr. Halverson.

Vice Chairman Hagedorn called on others who had signed up to testify on **S 1229**:

Dennis Tanikuni of the Idaho Farm Bureau testified in favor of the bill and said the Idaho Farm Bureau has supported 129,000- pound-load trucks since 2003. There were no questions for Mr. Tanikuni.

Skip Smyser said he was representing the Idaho Trucking Association in support of this legislation. There were no questions for Mr. Smyser.

Dave Carlson of AAA of Idaho (AAA) said he represented the 120,000 Idaho members of AAA who did not support this legislation. **Mr. Carlson** said the federal legislation that Chairman Brackett mentioned in his presentation was one section inserted in the massive federal legislation, H.R. 2029, known as the Consolidated Appropriations Act of 2016 and drew little attention in federal law. AAA nationally has had a 30-year fight with the trucking industry over heavy trucks for safety reasons. They have concerns with the 4 percent increase in fatalities with large trucks. Congress had concerns as late as last summer; aging infrastructure is a primary concern.

Mr. Carlson listed the states that do not allow the 129,000-pound-load trucks. He had attended a transportation safety meeting in North Idaho about certain routes. He suggested the Committee look at the issues that were raised at that meeting. He said the trucking industry said that only their best drivers would be driving these heavy trucks. He believes this policy declaration is relative to existing concerns.

Mr. Carlson said that AAA has problems with the 129,000-pound-load trucks on highways. AAA recommends that **S 1229** include sidebars for funding for safety issues, data for miles traveled and other information. Idaho should have a clear understanding on speed limit reduction with a bigger range of vehicles on the highways. **Mr. Carlson** stood for questions, but there were none.

MOTION: **Senator Nonini** moved that **S 1229** be sent to the Senate floor with a **do pass** recommendation. **Senator Vick** seconded the motion.

CONFLICT OF INTEREST: Before the vote was called, **Senator Keough** stated for the record that she has a conflict of interest with this bill as her employer is involved with the use of heavier trucks. She thanked both sides for presenting the issues on heavier trucks, and asked Chairman Brackett and ITD to initiate a negotiated rulemaking process discussion on the issue.

VOTE: The motion passed by **voice vote**. **Chairman Brackett** said he would carry the bill on the Senate floor.

ADMINISTRATIVE RULES: **Vice Chairman Hagedorn** said the Committee would be reviewing the remaining administrative rules presented at the beginning of this Legislative Session. They include one pending rule from the Idaho State Police (ISP) and five pending rules from ITD. **Vice Chairman Hagedorn** welcomed Major Bill Reese of ISP and asked him to present the first docket.

DOCKET NO. 11-1301-1501 **Major Reese** said this rule was not written in the correct format for incorporating by reference. It referred to a document from 1998-1999 when ISP handled administrative rules for the Idaho Public Utilities Commission. **Major Reese** met with Vice Chairman Hagedorn and Dennis Stevenson, Administrative Rules Coordinator, to discuss their concern over this problem. It was decided that since Idaho Code has not changed and the date of the incorporated document had not changed, the rule should not change. ISP asked that this docket be approved and they would initiate a temporary rule as an agreed-upon solution. **Major Reese** offered to stand for questions.

Vice Chairman Hagedorn agreed that this had been confusing. He thanked both Major Reese and Mr. Stevenson for meeting and developing a solution of a temporary rule. There were no questions from the Committee.

MOTION: **Senator Lacey** moved to accept **Docket No. 11-1301-1501**. **Senator Keough** seconded the motion. The motion passed by **voice vote**.

DOCKET NO. 39-0316-1501 **Vice Chairman Hagedorn** thanked Major Reese and asked Reymundo Rodriguez, ITD's Commercial Vehicle Services Manager, to the podium to present the last five administrative rules.

Mr. Rodriguez said that the proposed modifications in this docket are necessary in order to provide efficiency for motor carriers by allowing them to haul more than one non-reducible item on a 53-foot trailer on certain routes. ITD is responding to industry changes as the 53-foot trailer is now the standard length for trailers. The proposed rule changes will: 1. clarify which types of loads will be permitted as non-reducible and may be hauled on 53-foot trailers on the majority of Idaho routes; 2. clarify that vehicles hauling reducible-height loads must be of legal dimensions for the highways; and 3. remove language pertaining to self-issuance of permits for customers with fee accounts as these fee accounts were eliminated after implementation of the new point-of-sale system that allows escrow accounts. No hearings were requested or comments received. ITB approved these modifications in July; the docket has the support of the Trucking Advisory Council. **Mr. Rodriguez** said he would stand for questions, but there were none.

MOTION:

Senator Nonini moved to accept **Docket No. 39-0316-1501**. **Senator Lacey** seconded the motion. The motion passed by **voice vote**.

**DOCKET NO.
39-0317-1501**

Mr. Rodriguez said ITD was approached by industry to allow the movement of overwidth loads without the issuance of a permit similar to the exemption allowed to farmers moving implements of husbandry. ITD is committed to safety as a main priority in the movement of overlegal vehicles and/or loads but understands the need for mobility and economic opportunity. After researching the issue, ITD concluded that the annual oversize permits can accommodate a greater width than the current width of 14 feet, 6 inches, and still ensure the safety of movement of those oversized vehicles and/or loads. The proposed modifications in this docket are to allow the movement for industry to transport loads up to 16 feet wide by annual permit rather than having to purchase a single-trip permit as currently required for wider loads. Other modifications to this rule pertain to insertion of proper descriptive names. No hearing was requested or comments received. ITB approved the modifications in August; the docket has the support of the Trucking Advisory Council. **Mr. Rodriguez** said he would stand for questions.

Senator Lacey asked why office trailers were removed from that section 100.

Mr. Rodriguez said they were taken out of that section because ITD doesn't have safety oversight for licensing those specific size and width limitations.

Senator Lacey asked if there was a licensing requirement for an office trailer as it moves down a highway. **Mr. Rodriguez** said typically the paperwork has been done through the county, so it was removed from this section.

Senator Nonini referred to the bottom of page 53, section 08, regarding speed limit requirements. He pointed out that modular buildings were removed but office trailers were left in and asked if they had a speed limit restriction. **Mr. Rodriguez** responded they fall under the common maximum speed of 60 miles per hour. There were no further questions.

MOTION:

Senator Vick moved to accept **Docket No. 39-0317-1501**. **Senator Nonini** seconded the motion. The motion passed by **voice vote**.

**DOCKET NO.
39-0319-1501**

Mr. Rodriguez said this request is also made by industry to allow greater width on annual oversize permits. As in the prior docket, this one deals with manufactured homes, modular buildings and office trailers. It also deals with overlegal loads of equipment. The proposed modifications allow the movement for industry to transport loads up to 16 feet wide by annual permit rather than having to purchase a single trip permit as is currently required. Industry representatives asked ITD to increase the allowable load widths that could be transported utilizing an annual permit that limited these movements to a width of 14 feet, 6 inches. This change ensures the rule is aligned with the previous docket. No hearings were requested or comments received. ITB approved these modifications in July; the docket has the support of the Trucking Advisory Council. **Mr. Rodriguez** said he would stand for questions.

Senator Nonini referred to the middle of page 58, section 005, regarding Public Records Acts compliance and wanted to know the purpose of this section. **Mr. Rodriguez** said this was added to be consistent with the previous docket. There were no further questions.

MOTION:

Senator Den Hartog moved to accept **Docket No. 39-0319-1501**. **Senator Vick** seconded the motion. The motion passed by **voice vote**.

**DOCKET NO.
39-0321-1501**

Mr. Rodriguez said the proposed modifications are to remove the option of "fee accounts" for the monthly charging and payment of overlegal permit fees. ITD's modernization efforts have brought forward a new point-of-sale system that allows a carrier the option of establishing an escrow account for payment of overlegal permit fees. Elimination of the fee-account process streamlines business processes and is more effective and efficient. This is needed to make the rules consistent with the processes used under the new cash-drawer system.

Mr. Rodriguez continued that other modifications in this docket identify multiple width loads of kiln-stacked lumber that may be transported as a non-reducible load on an annual oversize permit. This is only for a specific designated portion to ensure that the lumber industry in St. Maries, Idaho, could move their product in a safe and efficient manner. No hearings were requested or comments received. ITB approved these modifications in August; the docket has the support of the Trucking Advisory Council. **Mr. Rodriguez** said he would stand for questions, but there were none.

MOTION:

Senator Nonini moved to accept **Docket No. 39-0321-1501**. **Senator Den Hartog** seconded the motion.

CONFLICT OF INTEREST:

Before the vote was called, **Senator Keough** stated for the record that she has a conflict of interest with this docket as her employer is involved in the lumber industry.

VOTE:

The motion passed by **voice vote**.

**DOCKET NO.
39-0322-1501**

Mr. Rodriguez said the docket's proposed modifications are necessary so that ITD is in compliance with the passage of 2015 H 70. That bill required steer axle tire limitation restrictions match those currently in Idaho Code. The legislation allowed more flexibility in the amount of weight carried on the steer axles only. Prior to the legislation, the axles were restricted to 600 pounds per inch-width of tire or the manufacturer's load rating, whichever was less. Now the steer axle may not exceed the manufacturer's load rating per tire, the load rating of the axle or 20,000 pounds per axle, whichever is less. No hearings were requested or comments received. ITB approved the modifications in July; the docket has the support of the Trucking Advisory Council. **Mr. Rodriguez** said he would stand for questions, but there were none.

MOTION: **Senator Nonini** moved to accept **Docket No. 39-0322-1501**. **Senator Lacey** seconded the motion. The motion passed by **voice vote**.

PASSED THE GAVEL: Vice Chairman Hagedorn returned the gavel to Chairman Brackett.

ADJOURNED: **Chairman Brackett** thanked Vice Chairman Hagedorn for an efficient rule review process and for a job well done. With no further business before the Committee, **Chairman Brackett** adjourned the meeting at 2:26 p.m.

Senator Brackett
Chair

Gaye Bennett
Secretary

AGENDA
SENATE TRANSPORTATION COMMITTEE
1:30 P.M.
Room WW53
Thursday, February 04, 2016

SUBJECT	DESCRIPTION	PRESENTER
<u>RS24308</u>	Implements the federal Fixing America's Surface Transportation (FAST) Act.	Chairman Brackett
<u>RS24180C1</u>	Finances certain right-of-way highway transportation projects through bonding authority use.	Senator Winder
<u>RS24284</u>	Clarifies through amendment the Idaho Motor Vehicle Services Contract Act with regards to consideration of contracts of service or of insurance.	Roy Eiguren, Eiguren Ellis
<u>S 1230</u>	Removes the Idaho State Police from the Highway Distribution Account funding formula effective July 1, 2016.	Senator Den Hartog

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 Hagedorn
Sen Keough
Sen Winder
Sen Nonini

Sen Vick
Sen Den Hartog
Sen Buckner-Webb
Sen Lacey

COMMITTEE SECRETARY

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

MINUTES
SENATE TRANSPORTATION COMMITTEE

DATE: Thursday, February 04, 2016

TIME: 1:30 P.M.

PLACE: Room WW53

MEMBERS PRESENT: Chairman Brackett, Vice Chairman Hagedorn, Senators Keough, Winder, Vick, Den Hartog, Buckner-Webb and Lacey

ABSENT/ EXCUSED: Senator Nonini

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.

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

RS 24308 **Vice Chairman Hagedorn** invited Chairman Brackett to present **RS 24308**.
Chairman Brackett said that this legislation implements the surface transportation portion of the federal Fixing America's Surface Transportation (FAST) Act. It provides legal authority for the State of Idaho to allow a stinger-steered automobile transporter a vehicle length limitation of 80 feet. It also imposes a front overhang of less than 4 feet and a rear overhang of less than 6 feet. Currently, Idaho Code § 49-1010 allows a stinger-steered automobile transporter a vehicle length limitation of 75 feet and a combined front and rear overhang of 7 feet. This legislation will provide more continuity with changes in the industry. **Chairman Brackett** said he would stand for questions.

MOTION: **Senator Winder** moved to print **RS 24308**. **Senator Den Hartog** seconded the motion. The motion passed by **voice vote**.

PASSED THE GAVEL: Vice Chairman Hagedorn returned the gavel to Chairman Brackett.

RS 24180C1 **Chairman Brackett** thanked Vice Chairman Hagedorn and asked Senator Winder to present **RS 24180C1**.
Senator Winder said he brought this legislation as a way to finance certain rights-of-way for already vetted highway projects around the State by utilizing the bonding authority of the federal Grant Anticipation Revenue Vehicle (GARVEE) program for up to \$100 million. The funds can only be used to finance acquisition of right-of-way property for future projects and not for actual construction. The projects would be selected at the discretion of the Idaho Transportation Board (ITB). **Senator Winder** said he would stand for questions.

Senator Lacey wanted to know what amount of funding was still available to Idaho in GARVEE bonds. **Senator Winder** estimated it was somewhere between \$150 million and \$190 million. **Senator Lacey** asked why Senator Winder had limited the RS to \$100 million. **Senator Winder** said that he would like to see it all used for Idaho's highways, but it has not been the rule of the legislature. This is a way to keep some of it for rights-of-way and to be able to authorize bonds at the right time as directed by ITB. Because of the use of GARVEE bonds in the past, some believe there is GARVEE fatigue in the Legislature. He personally believes the outcomes from their use have been extremely beneficial to the transportation system in Idaho. Part of the reason there is so much money still available is because of the efficiency the Idaho Transportation Department (ITD) has demonstrated in their use in the past. **Senator Winder** agrees with Senator Lacey's sentiments but does not believe increasing the amount of GARVEE funds for use would be acceptable to the Legislature.

MOTION:

Vice Chairman Hagedorn moved to print **RS 24180C1**. **Senator Keough** seconded the motion.

Senator Vick asked that before the Committee vote he wanted to know the process for determining projects for consideration. **Senator Winder** said he would ask ITD to testify at the hearing of the bill on the process they would go through to advance a project for consideration. **Chairman Brackett** agreed that the Committee would expect ITD to provide that information.

The motion passed by **voice vote**.

RS 24284

Chairman Brackett thanked Senator Winder and welcomed Roy Eiguren to the Committee to present **RS 24284**.

Mr. Eiguren, of Eiguren Ellis Public Policy Firm, said he was before the Committee representing his client, Reimbursement Services Company, that has business operations in all 50 states. They provide commercial motor vehicle fleet management and reimbursement services to clients throughout the United States, including Idaho. This legislation amends the Idaho Motor Vehicle Services Contract Act to clarify that incidental repairs and maintenance made within a service contract can be an agreement between an employer and their employee(s) and should not necessarily be regulated. **Mr. Eiguren** asked the Committee to print this RS and he stood for questions.

MOTION:

Senator Lacey moved to print **RS 24284**. **Senator Winder** seconded the motion. The motion passed by **voice vote**.

S 1230

Chairman Brackett thanked Mr. Eiguren and asked Senator Den Hartog to present **S 1230**.

Senator Den Hartog said that even with last year's passage of the upkeep and maintenance legislation 2015 H 312aaS,aaS there was still a short fall of \$155 million in transportation funding. **S 1230** removes the 5 percent distribution that the Idaho State Police (ISP) receives from the Highway Distribution Account (HDA) formula as part of their dedicated annual funding. This totals approximately \$16.7 million. The funds were originally to be used by ISP when they administered licensing and vehicle registration. That function now falls under the Department of Motor Vehicles (DMV), which is part of ITD, and has for many years. The HDA collects and distributes highway users' revenue from taxes, fees and registrations according to the provisions set forth in Idaho Code § 40-701. The net revenue in the HDA is then distributed accordingly to the State Highway Fund, the Local Highway Distribution Fund and ISP. **Senator Den Hartog** said she would stand for questions.

Senator Lacey commented that the \$16.7 million represents 21 percent of ISP's budget. At this late date there would be no guarantee that the reduction of funds could be found in the General Fund this fiscal year. **Senator Lacey** asked if Senator Den Hartog had considered where this budget shortfall might come from. **Senator Den Hartog** said she is aware of the facts; if this legislation passes it would impact the Governor's recommendation for ISP's budget, but she was not certain his budget would be fulfilled with or without this legislation. She also speculated that the Idaho House of Representatives may be sending some tax relief bills. **Senator Den Hartog** said she does not support a 21 percent decrease in ISP's budget and hopes that the Joint Finance and Appropriations Committee (JFAC) will find a way to fill the gap.

Vice Chairman Hagedorn offered that this is policy-setting legislation. If the Committee decides this is the appropriate use of the HDA funds, then it is JFAC's responsibility to follow that decision. He concurs with Senator Den Hartog and JFAC should decide how to shift funds to abide by this new policy.

Chairman Brackett agreed that this is a policy-making Committee, but he made the point that not all policy is funded, especially in the first year.

Senator Lacey asked if the Co-Chairman of JFAC, who sits on this Committee, would comment on this subject.

Senator Keough said she agreed with Vice Chairman Hagedorn that this is a policy-making Committee and agrees with Chairman Brackett that many policies are not funded. There would be no guarantee that the ISP would receive all or even part of the funds they would lose this next fiscal year. There could be an argument made that safety issues may move them up higher on the priority list, but the Governor has already given his priorities to JFAC and that is a long list of priorities.

With no further questions from the Committee, **Chairman Brackett** invited others from the audience to testify.

Senator Lacey suggested that the Committee might benefit from hearing from ISP if there was anyone in the audience who could offer insight on the impact this bill would have on ISP's workforce and budget.

TESTIMONY:

Chairman Brackett asked if Colonel Ralph Powell of ISP would offer comments on the bill. **Colonel Powell** responded to the two-part question: (1) their Police Allocation Manual (PAM) study indicates they need 90 troopers before they could get 24-hour coverage on each of the highways in each of the six districts in the State; and (2) losing the 21 percent of their budget from HDA funds that are dedicated to the Patrol Division means at least three-quarters or more of that division would not be funded. There were no further questions for Colonel Powell.

MOTION:

Senator Vick moved to send **S 1230** to the floor with a **do pass** recommendation. **Senator Winder** seconded the motion.

Senator Winder said he does not want ISP to lose that amount of funding. If this bill passes the Senate and gets sent to the House, they are currently sitting on funding bills and would not act on this bill until funding decisions on education and other issues are agreed upon. Then they would deal with a bill that cuts ISP's budget. ISP needs more and better funding, and more officers on the roads. ISP funding has needed changing since HDA was first created.

Vice Chairman Hagedorn said he supports the bill and has confidence in the process. He had commitments last year to education and they were able to find the funding; he is confident that will happen this year with ISP. They have given up a lot and were the first to say they would do more with less. We need to allow the priorities to bubble up and let the process work.

Senator Buckner-Webb sees an alternative and agrees with Vice Chairman Hagedorn. ISP needs more funding and she does not support the motion.

The motion passed by **voice vote**. **Senators Keough, Buckner-Webb and Lacey** asked to be recorded as voting against the motion.

ADJOURNED:

Before adjourning, **Chairman Brackett** directed the Committee to a flyer in their Committee packet from the Community Planning Association of Southwest Idaho (COMPASS) regarding a meeting that evening at which special guest speaker, Mayor Mick Cornett of Oklahoma City, Oklahoma, was going to discuss local option sales tax and how it can affect infrastructure planning. With no further business before the Committee, **Chairman Brackett** adjourned the meeting at 2:10 p.m.

Senator Brackett
Chair

Gaye Bennett
Secretary

AMENDED AGENDA #1
SENATE TRANSPORTATION COMMITTEE
1:30 P.M.
Room WW53
Tuesday, February 09, 2016

SUBJECT	DESCRIPTION	PRESENTER
<u>RS24162</u>	Changes the requirement for certain automobiles not manufactured to hold a front license plate.	Senator Patrick
<u>S 1246</u>	Removes current language in Idaho Code stating specific reasons the director of the Idaho Transportation Department may be terminated.	Jerry Whitehead, Chairman of the Idaho Transportation Board
<u>S 1261</u>	Implements federal FAST Act provisions relating to certain vehicle lengths and overhangs and extension of loads.	Chairman Brackett
<u>S 1263</u>	Authorizes GARVEE bonding to finance certain highway transportation projects' rights-of-way.	Senator Winder
<u>RS24339</u>	Establishes an online insurance verification system relating to motor vehicle insurance coverage.	Robert Compan, Farmers Insurance Group

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 Hagedorn
Sen Keough
Sen Winder
Sen Nonini

Sen Vick
Sen Den Hartog
Sen Buckner-Webb
Sen Lacey

COMMITTEE SECRETARY

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

MINUTES
SENATE TRANSPORTATION COMMITTEE

DATE: Tuesday, February 09, 2016

TIME: 1:30 P.M.

PLACE: Room WW53

MEMBERS PRESENT: Chairman Brackett, Vice Chairman Hagedorn, Senators Keough, Winder, Nonini, Vick, Den Hartog, Buckner-Webb and Lacey

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 1:35 p.m.

RS 24162 **Chairman Brackett** welcomed Senator Patrick to the Committee and asked him to present **RS 24162**.

Senator Patrick said this legislation exempts new automobiles manufactured without the cutout to hold a front license plate from having to display a front license plate. **Senator Patrick** said he would stand for questions.

Senator Den Hartog wondered if he wanted this legislation to replace legislation he had brought previously. **Senator Patrick** said he was redoing the fiscal note on the previous legislation and that he wanted to do both, so he was doing both.

Senator Buckner-Webb asked if law enforcement had an opinion of this legislation. **Senator Patrick** said they had commented that this could potentially interfere with their ability to find stolen vehicles, but in most cases the front plates have already been removed from stolen cars. In general, law enforcement does not like the bill.

Senator Nonini asked if it was pretty easy to determine if a car had been originally manufactured without a bracket for a front license plate. He wanted to know if there was a list of cars manufactured that way or what group made that determination. **Senator Patrick** said that if you have a car that old, you could qualify for an "old-timer plate" and law enforcement would recognize that you had one. There were no further questions for Senator Patrick.

MOTION: **Vice Chairman Hagedorn** moved to send **RS 24162** to print. **Senator Vick** seconded the motion. The motion passed by **voice vote**.

S 1246 **Chairman Brackett** thanked Senator Patrick and announced that Jerry Whitehead, Chairman of the Idaho Transportation Board (ITB), was running late so the Committee would move to the next agenda item and come back to **S 1246**.

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

S 1261 **Vice Chairman Hagedorn** invited Chairman Brackett to present **S 1261**.

Chairman Brackett said **S 1261** implements part of the federal Fixing American Surface Transportation (FAST) Act. This bill amends Idaho Code § 49-1010 to change the legal length of a stinger-steered automobile transporter from the current length of 75 feet to 80 feet. The FAST Act also modifies the allowed overhang for automobile transporter combinations. The current statute is being modified from a combined 7-foot overhang limit, front and rear combined, to match the new overhang limits of 4 feet for the front overhang and 6 feet for the rear overhang for a total of 10 feet. It also clarifies the overhang lengths for boat transportation combinations of 3 feet for a front overhang and 4 feet for a rear overhang.

Chairman Brackett continued that **S 1261** aligns State statute with the new federal regulations in the FAST Act. Industry pushed for this change. The auto-hauler industry wishes to utilize these combinations nationally for moving automobiles, but also for the movement of general commodities and cargo. It provides for flexibility to allow trucks to back-haul with cargo other than automobiles. This will result in more productive and efficient transportation of goods and commodities, which will lead to more economic opportunities. It allows industry to reduce the excessive empty miles that the auto transport industry currently experiences. **Chairman Brackett** said he would stand for questions, but there were none.

MOTION:

Senator Keough moved to send **S 1261** to the floor with a **do pass** recommendation. **Senator Winder** seconded the motion. The motion passed by **voice vote**. **Chairman Brackett** said he would carry the bill on the floor.

**PASSED THE
GAVEL:**

Vice Chairman Hagedorn returned the gavel to Chairman Brackett.

S 1263

Chairman Brackett thanked Vice Chairman Hagedorn and asked Senator Winder to present **S 1263**.

Senator Winder said he had considered bringing this legislation for the last couple of years. There is an ongoing need for funding in the State transportation system, and when the need was not solved last year he decided to go ahead with a federal Grant Anticipation Revenue Vehicle (GARVEE) bonding bill this session. **S 1263** is a way to spend some of the authorized funds still available to Idaho. It allows up to \$100 million for GARVEE funded rights-of-way for the original corridors listed in Idaho Code. It does not require ITB to do anything. It is just a tool for them to use to acquire rights-of-way. In **Senator Winder's** opinion, it is easier to buy property when it is available at a lower rate than it is to wait for an unknown future rate. It is simple and easy for ITB to administer and they are not required to spend a dime. He said that all sideboards are still in play. If there is an important right-of-way to acquire, this gives the ITB the ability to do that. GARVEE has given the State of Idaho opportunities to avoid fatalities across the State. **Senator Winder** listed a number of improvements on Idaho's roadway systems made possible because of GARVEE funding. He concluded by simply saying that GARVEE provided safe roads. **Senator Winder** said he would stand for questions.

Senator Lacey asked why it was tied to the purchase of rights-of-way only and wouldn't it be a better use of the funds if applied to building new roads. **Senator Winder** said it probably would be, but this enables the Idaho Transportation Department (ITD) to be protected from the cost of rights-of-way so they can use construction funds for construction. When considering long-term planning needs, rights-of-way are essential.

TESTIMONY:

Senator Vick asked about the list of original corridors in Idaho Code and wanted to know how ITD decides which projects would be prioritized. **Senator Winder** offered that Blake Rindlisbacher, ITD's District 6 Engineer, would be able to answer his questions. **Mr. Rindlisbacher** said that ITD takes many factors into consideration including whether the project would get a return on investment capitalization. Several GARVEE projects benefitted from a significant reduction in fatalities because safety is one of the factors ITD would be looking for. **Senator Vick** asked if ITD works off a fatality reduction list currently. **Mr. Rindlisbacher** said ITD has a five-year projects funding plan for building bridges, restorations, enhancing mobility, economic stability and determining wise use of funding. **Senator Vick** asked if there was a list where rights-of-way might be acquired. **Mr. Rindlisbacher** said there was not a potential list for them. They would look at the thirteen corridors, of which seven would be potential candidates for this legislation. They would look at opportunities at those corridors and present them to ITB.

Chairman Brackett asked what would be a list of factors for a good return on investment. **Mr. Rindlisbacher** suggested the following: 1. keeping roads in good condition; 2. strategic goals; and 3. safety (i.e., looking at a route's history of crashes to plan improvements to reduce fatalities). GARVEE was great for significantly reducing fatalities. He suggested picking a strategy that would help eliminate fatalities. **Chairman Brackett** asked if safety could result in economic opportunity. **Mr. Rindlisbacher** said that economic opportunity can be compromised if trucks are too long to navigate current roadways; improving roads would make travel easier. The same would occur for oversized or overlegal loads. Congestion affects mobility and slows travel time. Envision being stuck going up a steep grade passing a truck, another factor that affects economic opportunity.

Senator Den Hartog asked if the return on investment would need to be changed when purchasing rights-of-way. **Mr. Rindlisbacher** said he did not know how to make that calculation. Purchasing a right-of-way will not move ITD to building roads and currently there is not a model for calculating that. He said they are not opposed to it, but they don't currently do it so it does not affect return on investment.

TESTIMONY:

Senator Vick offered that the Legislature had a bill to work on bridges and roads using GARVEE funds a few years ago, so as a new priority how would this work? **Senator Winder** asked if someone from ITD could respond. **Mollie McCarty**, ITD's Governmental Affairs Manager, offered that Senator Hagedorn sponsored that legislation two or three Legislative Sessions ago, but it was not successful. She was unclear what Senator Vick was asking about as far as ITD priorities either from a legislative or ITB perspective. If it is the latter, she said Mr. Rindlisbacher gave some perspective on that with regard to return on investment. ITD would not be in a position to comment on the legislative perspective. The inquiry was not pursued further.

TESTIMONY:

Senator Winder asked if Dave Tolman, ITD's Administrator of its Division of Administration, could tell the Committee how much money is being spent to retire the debt on the existing GARVEE bonds. **Mr. Tolman** replied that the current annual debt service for this fiscal year is just over \$58 million; because of refinancing two series of bonds, next year that amount drops to \$57.4 million annually. **Senator Winder** said that under the original GARVEE bill there was a sideboard of restrictions on the percentage of the federal funds that could be used to retire GARVEE debt. He wanted to know how much of the current fund could be used and how much of the new funds are going to be dedicated to debt service. **Mr. Tolman** answered that the statutory limit in the enabling legislation for GARVEE was 30 percent of ITD's federal funds. Currently, ITD's at 21 percent of its federal obligation authority. Once the FAST Act gets up to the full amount of what the FAST Act is intended to do, ITD would be at about 19 percent. As the FAST Act grows, ITD's percentage drops because its debt service is relatively stable. **Senator Winder** asked how much money is remaining as a potential gap between what is remaining as committed and bonded versus the \$998 million of the original GARVEE authorization. **Mr. Tolman** responded that the amount of bonding authority granted by the Legislature to date was given in six different transactions over the prior years for a total of \$840 million; that amount plus interest earned on the bond proceeds as ITD was spending it down provided \$857.5 million in projects funding. The \$998 million was a budget submitted by ITD, but they were able to come in under that budget. The only real legislative limit is the 30 percent of federal funds. If that 30 percent were to be met, debt service could rise to \$90 million annually and, depending on interest rates, the capacity would be whatever ITD could finance debt at in the future; it could be in excess of \$100 million. **Senator Winder** said that concluded his questions.

MOTION:

Vice Chairman Hagedorn moved to send **S 1263** to the floor with a **do pass** recommendation. **Senator Keough** seconded the motion.

Senator Lacey commented that he has a problem with the State purchasing property just to sit on it until the State can afford to build on it in the future. Meanwhile the State is paying on it as it sits there.

Vice Chairman Hagedorn explained that this bill gives ITB a tool they don't currently have that they can use or leave alone. They don't now have a chance to pick up a piece of property that may become available. This provides them the latitude to make that decision. The Committee relies on them to make really good decisions and he, for one, trusts their decisions. **Vice Chairman Hagedorn** believes that providing ITB with this tool is a good decision.

Senator Winder said he agreed with Senator Lacey that it's too bad not to have an ongoing GARVEE program that includes construction, but there is not the will in the Legislature to move forward with that. **Senator Winder** is confident ITB will use the tool wisely.

Senator Den Hartog noted that according to the fiscal note, \$250,000 is required for ITD to administer these funds. She asked if this was above and beyond ITD's current budget. **Senator Winder** responded that the sponsor came up with an amount of what it might cost to staff a person and some support. It will likely be significantly less than this number. It is dedicated funds and will have some impact. They will not be hiring new staff, but it will cost them some money.

The motion passed by **voice vote**. **Senator Vick** asked to be recorded as voting against the motion. **Senator Winder** offered to carry the bill on the floor.

S 1246

Chairman Brackett thanked Senator Winder. With Jerry Whitehead in Committee, **Chairman Brackett** asked him to present **S 1246**.

Mr. Whitehead apologized for not being available earlier and said that ITD's director is an employee of ITB. This legislation clarifies that point. It removes current language in Idaho Code § 40-503 that states specific reasons a director of ITD may be terminated. Eliminating that language clarifies that the director is an at-will employee who serves at the pleasure of ITB. It will apply to future directors and does not affect the current director who is doing an excellent job. The changes in wording are consistent with the wording in other state departments. **Mr. Whitehead** thanked the Committee and stood for questions.

Vice Chairman Hagedorn asked if the current language complicated litigation issues that the State faced with the previous ITD director, and would this legislation solve that from occurring again? **Mr. Whitehead** answered that those words caused problems and cost a lot of money. This bill will eliminate that.

Senator Nonini asked what the State's former counsel thought of this change. **Mr. Whitehead** said their counsel thought removing the language was a good thing. He continued that a response had been given to Senator Burgoyne right afterwards and had the language not been in code, the court would have ruled otherwise. **Senator Nonini** asked if someone from the Attorney General's office was going to testify. **Chairman Brackett** answered that was not going to happen.

Senator Winder commented that having served as Chairman of ITB, these types of issues were discussed and the board members were told that the director served at the pleasure of the board. When the problem arose, it came back to that claim, but it turned out to not be the case. The director should be independent from the administrative and legislative branches of government.

MOTION: **Senator Winder** moved to send **S 1246** to the floor with a **do pass** recommendation. **Vice Chairman Hagedorn** seconded the motion. The motion passed by **voice vote**. **Vice Chairman Hagedorn** offered to carry the bill on the floor.

RS 24339 **Chairman Brackett** thanked Mr. Whitehead and asked Robert Compan of the Farmers Insurance Group Companies to present **RS 24339**.

Mr. Compan said legislation had been passed in 2012 to address the uninsured motorist population in Idaho and to develop a method of transferring information electronically from insurance companies to law enforcement. In this RS, Idaho Code § 49-1234 establishes an online insurance verification system relating to motor vehicle insurance coverage. This bill clarifies records and information available for verification and adds a new section in Idaho Code § 41-1338. **Mr. Compan** asked the Committee to send this RS to print and stood for questions.

Vice Chairman Hagedorn asked if the Idaho Department of Insurance had been involved in drafting this legislation. **Mr. Compan** said they had. There were no other questions for Mr. Compan.

MOTION: **Senator Nonini** moved to send **RS 24339** to print. **Senator Vick** seconded the motion. The motion passed by **voice vote**.

ADJOURNED: Before adjournment, **Chairman Brackett** recognized ITB member Julie DeLorenzo. With no further business before the Committee, **Chairman Brackett** adjourned the meeting at 2:25 p.m.

Senator Brackett
Chair

Gaye Bennett
Secretary

AMENDED AGENDA #1
SENATE TRANSPORTATION COMMITTEE
1:30 P.M.
Room WW53
Thursday, February 11, 2016

SUBJECT	DESCRIPTION	PRESENTER
<u>H 385</u>	Surviving spouses of American veterans specialty license plate.	Representative Chaney
<u>S 1262</u>	Clarifies that a "driver reimbursement program" that provides incidental repairs and maintenance to a motor vehicle shall not be regulated as a motor vehicle service contract or insurance.	Roy Eiguren, Eiguren Ellis
<u>RS24444</u>	Provides a fee exception for electric vehicles and removes fee provisions regarding hybrid vehicles.	Senator Keough
<u>RS24483C1</u>	Allows law enforcement to test for dyed diesel fuel in diesel powered motor vehicles in Idaho.	Chairman Brackett
<u>RS24498</u>	Annual permits for overweight or oversize loads on special routes.	Stuart Davis, Idaho Association of Highway Districts
<u>RS24375</u>	Establishes provisions for issuance of a warning period and beginning of a citation period regarding safety restraint use.	Senator Winder
Minutes	Approve the Minutes of the January 21 meeting.	Senator Keough and Senator Buckner-Webb
	Approve the Minutes of the January 26 meeting.	Senator Winder and Senator Vick

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 Vick
Vice Chairman Hagedorn	Sen Den Hartog
Sen Keough	Sen Buckner-Webb
Sen Winder	Sen Lacey

COMMITTEE SECRETARY

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

Sen Nonini

MINUTES
SENATE TRANSPORTATION COMMITTEE

DATE: Thursday, February 11, 2016

TIME: 1:30 P.M.

PLACE: Room WW53

MEMBERS PRESENT: Chairman Brackett, Vice Chairman Hagedorn, Senators Keough, Winder, Nonini, Vick, Den Hartog, Buckner-Webb and Lacey

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 1:32 p.m.

H 385 **Chairman Brackett** welcomed Representative Chaney to the Committee and asked him to present **H 385**.

Representative Chaney said that the bill expands the veteran specialty license plate under Idaho Code § 49-418 by allowing a surviving spouse to continue displaying the license plate following the death of the veteran owner of the plate. Currently, a surviving spouse must relinquish the plate upon the death of the plate owner. This opens up the opportunity to honor the service of their spouse as long as they meet the federal definition of a surviving spouse.

Representative Chaney shared the story of a disabled veteran whose spouse was heartbroken that she would lose the license plate after her husband died. This bill will help acknowledge the trauma many families have gone through and allow them to honor their spouses. **Representative Chaney** stood for questions, but there were none.

TESTIMONY: **Chairman Brackett** thanked Representative Chaney and noted that Daniel D. Pugmire, of the Idaho Veterans Council, had signed up to testify. He welcomed Mr. Pugmire to the Committee.

Mr. Pugmire said he was from Caldwell, Idaho, and that this legislation was very important to him and his wife. He said he was a struggling veteran who came back from the service with a lot of issues. He was able to get the help and resources that he needed from his community and has gotten back on his feet. However, he suffers from seizures and traumatic brain injury (TBI), which have resulted in a prognosis of a significantly reduced life expectancy. This bill is very important to him; it will allow his wife to honor his service to our country after his death. It is also important to his extended family, some of whom were also present in the Committee meeting. **Mr. Pugmire** ended his testimony by thanking the Committee for considering this legislation.

Vice Chairman Hagedorn said that Mr. Pugmire and his family are a great example of the support networks that help service members and their families during deployment and when service members return home. **Vice Chairman Hagedorn** thanked Representatives Chaney and Youngblood for bringing this legislation forward.

MOTION: **Senator Nonini** moved to send **H 385** to the floor with a **do pass** recommendation. **Vice Chairman Hagedorn** seconded the motion. The motion passed by **voice vote**. **Vice Chairman Hagedorn** said he would be honored to carry the bill on the floor.

S 1262 **Chairman Brackett** thanked Mr. Pugmire for his service and for his testimony; he welcomed Roy Eiguren, of Ellis Eiguren Public Policy Firm, to the Committee and asked him to present **S 1262**.

Mr. Eiguren said he was appearing before the Committee on behalf of his client, Reimbursement Services Company, that operates in 50 states providing motor vehicle fleet management services to clients throughout the country, including in Idaho. He said that Jim Burlison, a regulatory law attorney with the Meenan Law Firm of Tallahassee, Florida, was present to testify on **S 1262**.

This legislation deals with the protection of consumers, which in this case are employees using the company's new program involving maintenance, repairs and depreciation on managing their fleet of vehicles. Because they are employees, the program does not need to be regulated as it is based on a consensual contract relationship between an employer and its employees. In Idaho, potential regulation falls within either the insurance code or the motor vehicle service contract act. The Attorney General's (AG) office has determined it does not fall under the insurance code; **Mr. Eiguren** referenced a letter from the AG's office in each Committee member's packet. It is unclear whether the program would come within the scope of the Idaho Motor Vehicle Service Contract Law. **S 1262** deals with clarifying those concerns. **Mr. Eiguren** thanked the Committee and yielded to Mr. Burlison.

TESTIMONY: **Mr. Burlison** described Reimbursement Services Company's new program as fleet management for companies who need a service to keep their fleets of vehicles maintained and repaired. Their clients are Fortune 1,000 Companies who own commodity-type vehicles; 90 percent of the vehicles are corporate trucks and sedans. There is an Internal Revenue Service (IRS) tax break component covering depreciation and reimbursement. The program is optional to employees who get reimbursement at lower rates and complimentary maintenance. **Mr. Burlison** reiterated what Mr. Eiguren had stated about this program not being subject to the Idaho insurance code and stood for questions, but there were none

MOTION: **Vice Chairman Hagedorn** moved to send **S 1262** to the floor with a **do pass** recommendation. **Senator Lacey** seconded the motion. The motion passed by **voice vote**. **Senator Lacey** volunteered to carry the bill on the floor.

RS 24444 **Chairman Brackett** thanked Mr. Eiguren and Mr. Burlison and invited Senator Keough to present the next RS.

Senator Keough said after last year's challenge of trying to find funding for roads at the local level, she did not think the topic would be revisited so soon. **RS 24444** removes the hybrid vehicle registration fee and clarifies the Neighborhood Electric Vehicles (NEV) registration fee. She said she and many other legislators had heard from their constituents who own these vehicles; they were concerned about the extra fee charged when they went to register their vehicles this year. **Senator Keough** said that the findings from the Governor's Task Force had been that hybrids ran more miles on less gas, which justified raising the registration fees on these vehicles to pay the cost of running the vehicles down the roads—a cost that is also paid in fuel taxes. After reviewing new data, the conclusion was that the mileage these vehicles get per gallon of gasoline does not justify the increase in the registration fees. This legislation remedies that. **Senator Keough** thanked the Committee and stood for questions.

Senator Vick asked if golf carts are considered neighborhood vehicles. **Senator Keough** was uncertain but thought those requiring license plates were neighborhood vehicles. **Senator Vick** asked if there was a definition of NEFs. **Senator Keough** said there was and it was included in the RS.

Vice Chairman Hagedorn explained that NEFs were defined long ago and since then the vehicles have been identified under restricted vehicle code with annual fees ranging from \$3 to \$10. He suggested that removing the electric vehicle code could be an option worth considering in the future.

MOTION: **Senator Nonini** moved to send **RS 24444** to print. **Senator Vick** seconded the motion.

Chairman Brackett recalled that 2015 H 312aaS,aaS placed the fiscal impact for hybrid and electric vehicles around \$120,000. The fiscal note on this RS has the net loss at approximately \$1 million. He wanted to know why there was such a significant difference. **Senator Keough** said she was also surprised, but according to the Idaho Transportation Department (ITD), the amount had grown that much just in the last ten months since last year's bill was passed.

The motion passed by **voice vote**.

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

RS 24483C1 **Vice Chairman Hagedorn** asked Chairman Brackett to present his RS.

Chairman Brackett said this legislation allows diesel-powered motor vehicles in the State of Idaho to be subject to inspection for dyed diesel fuel under the following circumstances: 1. when requested by any law enforcement officer at a fixed or portable check station; and 2. when requested by any law enforcement officer as a secondary action when the operator of the motor vehicle has been detained for a suspected violation of another law. **Chairman Brackett** further stated that this RS does not create a dyed-diesel enforcement program, and any costs associated with it would be dependent on the size and scope of a program that may be developed if this legislation became law. **Chairman Brackett** said he would stand for questions from the Committee, but there were none.

MOTION: **Senator Winder** moved to send **RS 24483C1** to print. **Senator Nonini** seconded the motion. The motion passed by **voice vote**.

PASSED THE GAVEL: Vice Chairman Hagedorn returned the gavel to Chairman Brackett.

RS 24498 **Chairman Brackett** thanked Vice Chairman Hagedorn. **Chairman Brackett** said that the sponsor of **RS 24498**, Stuart Davis, Executive Director of the Idaho Association of Highway Districts, came to him right before the Committee convened, stating that he was pulling the RS from consideration at this time.

RS 24375 **Chairman Brackett** asked Senator Winder to present **RS 24375**.

Senator Winder said he brought this legislation on behalf of the Mayor's Youth Advisory Council for the City of Meridian. The texting issue brought before the Committee a few years ago was a prime example of the supportive nature of this group towards issues facing today's youth. Another issue of interest to these youths, and the focus of this RS, is the use of safety restraints while driving. **RS 24375** deals with a three-year program beginning July 1, 2016, and continuing through June 30, 2019, initiating requirements for wearing safety restraints for drivers and passengers under the age of 18. The first year is a test program where warnings rather than citations will be issued. **Senator Winder** said he would stand for questions, but there were none.

MOTION: Vice Chairman Hagedorn moved to send **RS 24375** to print. **Senator Den Hartog** seconded the motion. The motion passed by **voice vote**.

MINUTES APPROVAL: **Senator Keough** moved that the Minutes of January 21, 2016, be approved. **Senator Buckner-Webb** seconded the motion. The motion passed by **voice vote**.

Senator Vick moved that the Minutes of January 26, 2016, be approved. **Senator Winder** seconded the motion. The motion passed by **voice vote**.

ADJOURNED: With no further business before the Committee, **Chairman Brackett** adjourned the meeting at 2:09 p.m.

Senator Brackett
Chair

Gaye Bennett
Secretary

AGENDA
SENATE TRANSPORTATION COMMITTEE
1:30 P.M.
Room WW53
Tuesday, February 16, 2016

SUBJECT	DESCRIPTION	PRESENTER
<u>S 1228</u>	Changes to the requirement of placing a license plate on the front of a vehicle except for tractor trucks and wreckers.	Senator Patrick
Introduction	Introduce Gubernatorial Appointee	Mike Pape, Administrator of the Idaho Division of Aeronautics
Gubernatorial Appointment	Re-appointment to the Aeronautics Advisory Board commencing January 31, 2016 and expiring January 31, 2021.	Daniel Scott, President of Shore Lodge Whitetail LLC
<u>S 1283</u>	Establishes an online insurance verification system relating to motor vehicle insurance coverage.	Robert Compan, Farmers Insurance Group

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 Vick
Vice Chairman Hagedorn	Sen Den Hartog
Sen Keough	Sen Buckner-Webb
Sen Winder	Sen Lacey
Sen Nonini	

COMMITTEE SECRETARY

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

MINUTES
SENATE TRANSPORTATION COMMITTEE

DATE: Tuesday, February 16, 2016
TIME: 1:30 P.M.
PLACE: Room WW53
MEMBERS PRESENT: Chairman Brackett, Vice Chairman Hagedorn, Senators Keough, Winder, Nonini, Vick, Den Hartog, Buckner-Webb and Lacey
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: **Vice Chairman Hagedorn** explained that Chairman Brackett was presenting a bill in another committee and convened the meeting of the Senate Transportation Committee (Committee) at 1:31 p.m.

S 1228 **Vice Chairman Hagedorn** welcomed Senator Patrick to the Committee and asked him to present **S 1228**.

Senator Patrick began by stating that **S 1228** removes the front license plate from all Idaho vehicles except diesel tractor trucks, wreckers and other already exempted vehicles, like old-timers and European manufactured cars. Many know which vehicles are exempted, but it is sometimes difficult for law enforcement agencies. There are already 20 states that don't require front license plates. He listed some of those states. **Senator Patrick** passed around models of various sleek-bodied cars that had no space for a front plate; he asked where would someone put a plate on these cars? Vehicles are not manufactured the way that they used to be. There are many Idahoans who have purchased these new cars who have asked him to bring this legislation forward. **Senator Patrick** says that he supports the Idaho State Police (ISP) on many issues, but he knows they do not support him on this issue. He thanked the Committee for hearing **S 1228** and stood for questions.

Senator Buckner-Webb was concerned about ISP being able to easily identify stolen vehicles as they are whizzing down the highway without a visible front license plate.

Senator Lacey commented that a rear license plate on a pickup truck hauling a trailer would not be visible at all from the back, but his inquiry was regarding how Senator Patrick had arrived at the amount disclosed in the fiscal note. **Senator Patrick** said the General Fund would not be affected, and the estimated savings to Idahoans who license vehicles came directly from the Idaho Transportation Department (ITD). **Senator Lacey** thought the State of Idaho might be liable to a contractual fine if they did not produce a certain number of license plates annually. **Senator Patrick** agreed, but said they would be using less material. He suggested when negotiating contracts in the future, savings would be realized, even though they would not be reflected at this time.

Vice Chairman Hagedorn asked if the savings go to the Highway Distribution Account (HDA) and not to the General Fund. **Senator Patrick** agreed with the statement. **Vice Chairman Hagedorn** asked if Idaho produces license plates for states other than Idaho. **Senator Patrick** assumed that other states could contract with us but did not know if they currently did.

Senator Den Hartog asked when the current contract would be ready for renegotiations. **Senator Patrick** did not know, but thought the contract the State was currently under was fairly new.

TESTIMONY: **Vice Chairman Hagedorn** said there were a number of people who had signed up to testify.

Jonathan Parker, of Holland and Hart and representing Idaho Autobody Craftsman Association, said they supported the bill from the time Senator Patrick first introduced it. **Mr. Parker** said he would answer questions, but there were none.

TESTIMONY: **Fred Birnbaum**, of the Idaho Freedom Foundation, said **S 1228** benefits Idahoans and he supports the bill. It has pass-through savings to citizens who receive infractions for not having a front license plate on their vehicle. In particular, he pointed out people who had car-bras that covered their front licenses and were, therefore, ticketed. He concluded by stating that 20 states, mostly eastern states, don't require front license plates. **Mr. Birnbaum** said he would stand for questions.

Senator Winder asked what 3M's penalty was if their product was not used on the face of each license plate. **Mr. Birnbaum** was uncertain, but **Senator Patrick** said it was de minimis to Idaho as the cost was offset by other states.

TESTIMONY: **Major Steve Richardson**, who has served in ISP's communication centers in Coeur d'Alene and Meridian, spoke in opposition to the bill because of safety issues. For citizens reporting problems on roadways via their cell phones, front license plates are the primary identifiers available to them. As examples, he shared the following problems regularly reported by citizens: DUIs, motorist assistance, traffic issues, road rage, traffic stoppage, crash investigations, potential assaults and kidnapping. **Maj. Richardson** said that in the Oklahoma City bombing case, which occurred early in the morning, the perpetrator of the crime was caught because of a missing license plate. He concluded by stating that the front license plate is an excellent tool for citizens and for law enforcement. **Maj. Richardson** stood for questions.

Senator Nonini asked if there was any middle-ground for ISP; would those automobiles manufactured without places for a front license plate be okay without a plate, but others that have the plate holder require having one? **Maj. Richardson** said that situation would confuse and complicate matters. In addition, the video equipment in law enforcement vehicles records the activities of what is taking place in the back seat of the automobile and can sometimes capture a vehicles' front license plates when they are operating behind a law enforcement vehicle. The preserved video is an ongoing continuous loop.

Vice Chairman Hagedorn asked if that video system has the capability of recording the back of a vehicle operating in front of a law enforcement vehicle. **Maj. Richardson** said the purpose of the equipment is to record activities of prisoners riding in the back seat of the vehicle, so the answer to the question is no.

Senator Winder asked how many other states allow one license plate. **Maj. Richardson** said there were 19 States that allow one plate only. Two of them, Arizona and New Mexico, are in the Western United States. **Senator Winder** asked if there was ever a time in Idaho when only one plate was required. **Maj. Richardson** said there had not been in the timeframe he has been in the State; classic plates only require one.

Senator Vick wanted to know how law enforcement in states that only require one plate are affected from the perspective of being able to do their job. **Maj. Richardson** thought that Mr. McCraw, who has come here from Arizona, one of the states that requires only one plate, can add insight into that question. Personally, **Maj. Richardson** said he had not made inquiries with other one-plate states regarding this issue.

TESTIMONY:

Officer Kyle Wills, of the Idaho Chief of Police Association and the Boise Police Association, spoke in opposition to the bill specifically with regard to the amber alert system or trying to locate any vehicle through the dispatch system or surveillance system. As an example, when there is a theft inside a convenience store, vehicles captured on surveillance video show, as they pull up to the store front, their front license plate. Also, the front license plate is the most reflective portion of the vehicle at night as a vehicle comes towards a patrol car. It is difficult to determine if a vehicle has a bracket or not. **Officer Wills** concluded by requesting that **S 1228** be held in Committee; he stood for questions.

Vice Chairman Hagedorn asked if law enforcement's job would be easier if the law stated license plates needed to be displayed on the sides of a vehicle as well as the front and back. **Officer Wills** didn't know if that would make law enforcement's job easier.

PASSED THE GAVEL:

Vice Chairman Hagedorn returned the gavel to Chairman Brackett when he arrived in Committee.

TESTIMONY:

Captain Victor McCraw, formerly with the Arizona Department of Public Safety and currently the Division Administrator of the Idaho Peace Officer Standards and Training, spoke in opposition to the bill from a fraud perspective. He said that since states have gone from stamped license plates to flat license plates, the ease in noticing characters has diminished significantly. In his opinion, making that change on Idaho's license plates was a mistake.

Capt. McCraw said that trailers and bicycle racks are obstructions to identifying license plates on back bumpers, and when that is the only license plate available, then there is a problem. In Arizona, he transitioned from a two-plate requirement to a one-plate requirement. Without requiring that front plate, some people started making novelty plates at home and placed them in the empty front location, which added to the confusion. **Capt. McCraw** said he would stand for questions, but there were none.

CLOSING REMARKS:

Senator Patrick clarified that there were 20 states that allow display of one license plate on their vehicles, with Wyoming being the most recent. This is a national movement now that vehicles are being manufactured differently. Things are changing, there are already cars with license plates from other states requiring one plate that are driving on our roads, living in our communities and operating in Idaho. Our officers are already dealing with a mixed bag. **Senator Patrick** concluded by thanking the Committee and saying he would appreciate a yes vote on this legislation.

Senator Winder had been asked by Senator Buckner-Webb, before she had to leave Committee, to request that **S 1228** be held in Committee so that she had an opportunity to vote.

Senator Lacey also suggested that the bill be held and wondered what the legislation would do to vehicles that did have front plate holders or to those with two plates.

Vice Chairman Hagedorn said that he has cars with one plate and cars with two plates and he gets stopped when driving either of them.

MOTION: **Vice Chairman Hagedorn** moved to send **S 1228** to the floor with a **do pass** recommendation. **Senator Vick** seconded the motion. **Chairman Brackett** called for a **roll call** vote. **Senators Hagedorn, Vick, Den Hartog** and **Brackett** voted aye; **Senators Keough, Winder, Nonini** and **Lacey** voted nay. There was one absent. The motion **failed**.

GUBERNATORIAL APPOINTMENT: **Chairman Brackett** thanked Senator Patrick and welcomed Mike Pape, Administrator of the Idaho Division of Aeronautics (IDA) at ITD, to introduce the Governor's appointee to Idaho's Aeronautics Advisory Board.

Mr. Pape thanked the Committee and said that the Aeronautics Advisory Board is made up of five individuals that come from communities throughout the State of Idaho. **Mr. Pape** said Daniel Scott was the President and General Manager of Shore Lodge Whitetail LLC in McCall, Idaho. Mr. Scott had served two 5-year terms on the advisory board and had been an excellent member. It was his pleasure to introduce him to the Committee.

Mr. Scott thanked the Committee and said that in addition to Shore Lodge Whitetail, he owned Salmon Air with locations in both McCall and Salmon, Idaho. He had proudly served on the aeronautics board for ten years and was pleased to be asked to serve another term. **Mr. Scott** said he was happy to answer any questions the Committee had regarding the advisory board or his reappointment.

Senator Winder said he was glad Mr. Scott was willing to serve longer and spend more time on the board. **Senator Winder** asked the status of the relationship between the backcountry airstrips and the United States Forest Service (USFS). **Mr. Scott** said that IDA airstrips not located in wilderness areas had a strong relationship with the USFS, while those in wilderness areas were more contentious. He added that the situation in Big Creek, one of Idaho's premier backcountry airstrip destinations, remains contentious and hasn't gotten much better in the 12 years he's been involved.

Senator Winder asked what issues or projects the board was currently undertaking. **Mr. Scott** said the State has gotten more discretionary funding from Federal Aviation Administration (FAA) grants. The State spends about \$300,000 to \$400,000 each year for gravel for runways. The State helps out as much as it can to support the federal match. There were no further questions.

Chairman Brackett thanked Mr. Scott for addressing the Committee and for his willingness to serve another term on the Idaho Aeronautics Advisory Board. **Chairman Brackett** said the Committee would vote on his appointment at the next Committee meeting.

S 1283 **Chairman Brackett** invited Robert Compan, of the Farmers Insurance Group Companies, to the Committee and asked him to present **S 1283**.

Mr. Compan said that his former Farmers Insurance colleague, Paul Jackson, had championed legislation passed in 2012 to address the uninsured motorist population in Idaho and to develop a method of transferring information electronically from insurance companies to law enforcement. They had been approached by ITD to take care of some data outliers in order to enhance Idaho Department of Insurance code for companies not doing business in the State. This will help identify them with regulated bodies that had not complied with the insurance codes. **S 1283** establishes an online insurance verification system relating to motor vehicle insurance coverage. This bill clarifies records and information available for verification by adding a new section, Idaho Code § 41-1338. The bill's language has been vetted, making it a much better piece of legislation. It accomplishes what ITD wanted. **Mr. Compan** stood for questions.

Senator Lacey asked if ITD checks to see if an individual has insurance. **Mr. Compan** said that when a person registers a vehicle with the State of Idaho there is an electronic tripping system that indicates whether the person does or does not have insurance.

Chairman Brackett commented that he gets questions frequently about uninsured drivers and this bill has teeth in its new section.

TESTIMONY:

Woody Richards, Boise attorney representing various insurance companies, and **Phil Barber**, representing the American Insurance Association, said they would gladly testify in favor of the bill if it was required.

Vice Chairman Hagedorn had a question for Alan Frew, ITD's Motor Vehicles Administrator. **Vice Chairman Hagedorn** wanted to know if ITD's Department of Motor Vehicles' database system was now updated and ready for this new program. **Mr. Frew** replied they were and that the program was operational and working in conjunction with the Idaho Law Enforcement Telecommunications System (ILETS). He explained that when a vehicle is pulled over, the system is authorized and shows if the vehicle has insurance when its license plate is run.

Chairman Brackett asked how up to date the system was. **Mr. Frew** answered that most insurance companies are updated monthly, but Farmers Insurance is updated daily.

MOTION:

Vice Chairman Hagedorn moved to send **S 1283** to the floor with a **do pass** recommendation. **Senator Lacey** seconded the motion. The motion passed by **voice vote**. **Vice Chairman Hagedorn** volunteered to carry the bill on the floor.

ADJOURNED:

With no further business before the Committee, **Chairman Brackett** adjourned the meeting at 2:37 p.m.

Senator Brackett
Chair

Gaye Bennett
Secretary

AGENDA
SENATE TRANSPORTATION COMMITTEE
1:30 P.M.
Room WW53
Thursday, February 18, 2016

SUBJECT	DESCRIPTION	PRESENTER
<u>RS24543</u> Request Unanimous Consent to Print in State Affairs Committee	This legislation treats the use of wireless cell phones behind-the-wheel as an infraction.	Michael Kane , AAA Idaho
Vote on Gubernatorial Appointment	Re-Appointment of Daniel Scott of McCall, Idaho, to the Aeronautics Advisory Board commencing January 31, 2016 and expiring January 31, 2021.	Chairman Brackett
Introduction	Introduce Gubernatorial Appointee.	Jerry Whitehead , Chairman of the Idaho Transportation Board
Gubernatorial Appointment	Re-Appointment to the Idaho Transportation Board commencing February 1, 2016 and expiring January 31, 2022.	Janice B. Vassar of Lewiston, Idaho
Page Farewell	Thank you to Hannah Sturtevant of Meridian, Idaho, who served as Committee Page for the first half of this Legislative Session.	Chairman Brackett
Page Welcome	Welcome to Logan Snell of Boise, Idaho, who will serve as Committee Page for the second half of this Legislative Session.	Chairman Brackett
<u>S 1311</u>	Eliminates additional fees imposed on Hybrid and Neighborhood Electric Vehicles when registering them in Idaho.	Senator Keough
<u>S 1312</u>	Creates a test safety restraint program for a period of three years from July 1, 2016 through June 30, 2019.	Senator Winder

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 Hagedorn
Sen Keough
Sen Winder

Sen Vick
Sen Den Hartog
Sen Buckner-Webb
Sen Lacey

COMMITTEE SECRETARY

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

Sen Nonini

MINUTES
SENATE TRANSPORTATION COMMITTEE

DATE: Thursday, February 18, 2016

TIME: 1:30 P.M.

PLACE: Room WW53

MEMBERS PRESENT: Chairman Brackett, Vice Chairman Hagedorn, Senators Keough, Winder, Nonini, Vick, Den Hartog and Lacey

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 24543 **Chairman Brackett** welcomed Michael Kane, representing AAA of Idaho, to the Committee and asked him to present **RS 24543**.

Mr. Kane said that the purpose of this legislation is to treat the use of wireless cellphones while driving the same way that texting is currently enforced, as an infraction. The bill addresses safety concerns associated with the significant portion of distracted driving crashes, now associated with 24 percent of all fatal crashes and 30 percent of all serious injury crashes in Idaho, according to the American Insurance Association. The legislation defines enforcement and retains conditions under which cell phone communication while driving would be allowed. **Mr. Kane** thanked the Committee and stood for questions.

Chairman Brackett commented that it was past the time for the Committee to print an RS so **Mr. Kane** was asking for unanimous consent from the Committee to ask the Senate State Affairs Committee to print the RS.

Senator Keough asked why this legislation was being brought before the Committee past the deadline for printing. **Mr. Kane** said that it took him time to go over different drafts of the legislation before bringing it to the Chairman for consideration.

UNANIMOUS CONSENT: **Senator Winder** asked for unanimous consent to send **RS 24543** to the Senate State Affairs Committee to print. **Senator Vick** objected. The unanimous consent failed.

Senator Winder asked if Senator Vick would prefer sending it to the Senate Judiciary and Rules Committee. **Senator Vick** thought it was too late in the session to start a discussion about a significant piece of legislation.

Chairman Brackett thanked Mr. Kane and reminded him that it took three years of discussion on texting before legislation was successful. He expected legislation on cellular phone use while driving would be similar.

VOTE ON GUBERNATORIAL APPOINTMENT: **Chairman Brackett** reminded the Committee that at the February 16, 2016, meeting they had heard from Daniel Scott of McCall, Idaho, who had been reappointed by the Governor to serve a five-year term on the Idaho Aeronautics Board. A motion to approve the reappointment would be in order.

MOTION: **Senator Winder** moved to approve the reappointment of Daniel Scott to the Idaho Aeronautics Board commencing January 31, 2016, and expiring January 31, 2021. **Senator Keough** seconded the motion. The motion passed by **voice vote**. **Senator Winder** volunteered to carry Mr. Scott's appointment on the floor.

GUBERNATORIAL APPOINTMENT: **Chairman Brackett** welcomed Jerry Whitehead, Chairman of the Idaho Transportation Board (ITB), to the Committee and asked him to introduce Janice B. Vassar, of Lewiston, Idaho, who was being reappointed to the ITB to serve a six-year term commencing February 1, 2016, and expiring January 31, 2022.

Mr. Whitehead thanked the Committee and said it was his pleasure to serve as the chairman of the ITB. In addition to him, the ITB consists of three Republicans and three Democrats. Ms. Vassar brings a unique perspective to the board as a former city manager of Lewiston. She offers insight into local affairs and because of her knowledge of the Port of Lewiston, she also gives controversial information on loads. He welcomed Ms. Vassar to the Committee.

Ms. Vassar thanked Mr. Whitehead, Chairman Brackett and the Committee. She said she had served one term on the ITB and was pleased to have been asked by the Governor to serve a second. **Ms. Vassar** offered to answer any questions the Committee had regarding her reappointment.

Senator Den Hartog asked Ms. Vassar if there were any particular projects she was interested in continuing to work on, or what was crucial to her for the next six years. **Ms. Vassar** said she thought the ITB was headed in the right direction. She appreciated the efficiency that was occurring throughout the Idaho Transportation Department's (ITD) various divisions and the increased efficiency even with their reduction in personnel.

Senator Winder asked what she thought were the issues facing the ITD and the ITB around the State. **Ms. Vassar** said there are a number of challenges, but she thought the Legislature was generous with the revenue increases last year. ITD is facing changes in personnel and the additional funding is only earmarked for roads and aging infrastructure. It is ITD's goal to build the best transportation department in the country. There were no further questions.

TESTIMONY: **Chairman Brackett** welcomed Senator Johnson, who was also from Lewiston. He had signed up to testify in support of Ms. Vassar's reappointment. **Senator Johnson** said that it takes six people to do the work of one when talking about Jan Vassar. She is a very hard worker. **Senator Johnson** said he has worked with her on issues locally and has found her well informed and easy to work with. She was the first woman to be appointed to the ITB. She replaced Bruce Sweeney who had served on the ITB for many years. **Senator Johnson** closed by asking for the Committee's support of her reappointment.

Chairman Brackett thanked Mr. Whitehead, Ms. Vassar and Senator Johnson. He reminded the Committee that the vote on Ms. Vassar's reappointment would be scheduled for the next Committee meeting.

**PAGE
RECOGNITION:**

Chairman Brackett asked Committee page, Hannah Sturtevant, of Meridian, Idaho, and a senior at Rocky Mountain High School, to come up to the Committee dais to receive a letter of gratitude from the Committee, a letter of recommendation from the Chairman and parting gifts from the Committee. One of her gifts was a novelty Idaho license plate picture frame. **Chairman Brackett** jokingly commented that the Committee has had license plate bills in the past and he was certain Ms. Sturtevant would know where to place that plate on her vehicle. **Chairman Brackett** said that Ms. Sturtevant had been an asset to the Committee and a hard worker. As a member of the Mayor of Meridian's Youth Advisory Council she had worked diligently with her fellow council members on **S 1312**, which, coincidentally, was on the Committee's agenda. After opening her gifts, **Chairman Brackett** asked Ms. Sturtevant to take the podium and address the Committee.

Ms. Sturtevant said that being a Senate page and serving in the Committee had exceeded her expectations. The experience had convinced her that she wants to serve in a public office and will work toward that goal as she heads off to college. At the beginning of her Senate experience, she planned to attend Boise State University in the fall; but she was now considering applying to the University of Idaho in Moscow, Idaho, as well. She was hoping to qualify for enough financial assistance to cover the additional expense of not living at home. **Ms. Sturtevant** thanked the Committee, Senator Winder, her sponsor, and offered to stand for questions.

Senator Winder expressed how proud he was of her. He had not previously acknowledged her involvement in the Mayor's Youth Advisory Council and wished her well as she was about to graduate from high school and move on to college where he knew she would find success. **Chairman Brackett** concurred that Senator Winder had made a good choice in his sponsorship of Ms. Sturtevant.

Senator Den Hartog said the Committee hadn't yet had the privilege of having any specialty license plate legislation so far this session, but there are many already existing specialty plates available to Ms. Sturtevant in the State of Idaho that she could choose to display on her vehicle. **Senator Den Hartog** also wished her well. There were no further comments.

**PAGE
WELCOME:**

Chairman Brackett thanked Ms. Sturtevant and welcomed the Committee's new page, Logan Snell, of Boise, Idaho, and a senior at Boise High School, and asked him to take the podium.

Mr. Snell said he is not an Idaho native. He has lived in Idaho for about three years, having moved here with his mother from Florida. His father lives in the Seattle, Washington, area. **Mr. Snell** said he lives in Legislative District 19 and was being sponsored by Committee member Senator Buckner-Webb. He had worked on a campaign before, and enjoys politics and is really looking forward to working in the Senate. He said he would be happy to answer any questions.

Chairman Brackett asked him where he was planning on attending college following high school graduation. **Mr. Snell** said he is excited about attending the University of Idaho. As an alum himself, **Chairman Brackett** thought Mr. Snell had made an excellent choice.

Senator Winder asked where in Florida Mr. Snell had lived. **Mr. Snell** said he was from Naples, which was located on the Gulf of Mexico in southwest Florida. **Senator Winder** welcomed Mr. Snell to Idaho. There were no further comments or questions.

S 1311

Chairman Brackett thanked Mr. Snell for doing such a great job before the Committee on short notice; he then asked Senator Keough to present **S 1311**.

Senator Keough said this legislation strikes the additional registration fee imposed on hybrid vehicles by last year's transportation funding legislation. If passed, **S 1311** will reduce registration fees by about \$1 million to the Highway Distribution Account (HDA), which would be split by a reduction of \$600,000 to ITD and \$400,000 to local highway jurisdictions. **Senator Keough** said that the findings of the Governor's Task Force had shown that hybrid vehicles received better mileage per gallon of gasoline burned than what had come to be the case. It was those original findings that justified increasing the registration fee to be fair for funding roadway use. But further work and hearing from people across Idaho who own hybrids have shown that they get the same gas mileage that gas-efficient vehicles get. In the interest of equitable taxation, it became clear the fee was not fair. **S 1311** also carves out an oversight on Neighborhood Electric Vehicles (NEVs), such as golf carts, that are not legally driven on streets. They should not be impacted by requiring a registration fee. **Senator Keough** said she would stand for questions.

Chairman Brackett wanted clarity on the definition of a hybrid as to whether they were plugged into a grid or they generate their own electricity. **Senator Keough** said the current definition speaks to hybrid vehicles that operate on both traditional fuel and generated fuel; she did not have other conclusive information regarding his question.

TESTIMONY:

Chairman Brackett asked if there was anyone present in the audience who had addition information they could share with the Committee.

Chairman Brackett recognized **Stuart Davis**, Executive Director of the Idaho Association of Highway Districts, who said that in 2008, the Governor wanted to do something with hybrids. They ended up being classified under four types, with the difference being between plug-ins and gasoline internal-combustion hybrids. Last year's legislation did not address the differences.

Chairman Brackett recognized **Amy Smith**, ITD's Vehicle Services Manager, who said that when last year's legislation was implemented there was no way of knowing how "hybrid" a vehicle was. There are different variations that are identified differently by their manufacturer. ITD does not have any way of telling which type of hybrid gets better mileage, so all vehicles identified as hybrids by their manufacturer are coded as a hybrid and, therefore, they are required to pay the \$75 registration fee.

Senator Winder asked how much revenue ITD would lose if this legislation became law. **Ms. Smith** replied \$1 million less into the HDA. **Senator Winder** disclosed that he personally registers two hybrid vehicles and declared, based on that, he had a conflict of interest.

Chairman Brackett noted that last year the fiscal impact had been estimated at \$640,000 and this legislation indicates it has increased to \$1 million. **Senator Keough** said that many people have purchased these vehicles, which has resulted in the high level of complaints that legislators have received from their constituents regarding this issue.

Senator Winder was not familiar with how the \$75 fee was established.

Chairman Brackett remembered that it had originally been set at \$100 in the House. **Mr. Davis** recalled that the formula was based on a British thermal unit (BTU) equivalent that was converted into kilowatts then calculated at three levels of \$75, \$100 and \$150.

Senator Keough added that ITD estimated there would be a minor cost to unprogram the hybrid fee from the vehicle registration system that would amount to approximately \$4,000.

Senator Lacey said the high registration fee on hybrids is difficult to explain and he has received many calls regarding it; he would like it taken off license plate registration.

MOTION:

Senator Lacey moved to send **S 1311** to the floor with a **do pass** recommendation. **Senator Den Hartog** seconded the motion.

Senator Den Hartog said she understands the problem with this license plate registration issue imposed during the transportation funding debate last year, but she is disappointed with the \$1 million reduction to the HDA. The Committee needs to look at other funding options for transportation.

The motion passed by **voice vote**. Senator Keough will carry the bill on the floor.

S 1312

Chairman Brackett thanked Senator Keough and asked Senator Winder to present **S 1312**.

Senator Winder said that **S 1312** came from the efforts of the Mayor of Meridian's Youth Advisory Council to work on issues that impact young people in Meridian. They had worked on texting while driving year after year and finally successfully helped get legislation through the Legislature. They were also responsible for finally removing some of the objections with seatbelt legislation. This bill represents that effort and is designed to work with youth 17 years of age and younger. Members of the Mayor's Youth Advisory Council are in the Committee to present testimony about their findings in support of this bill.

Senator Winder said he was looking forward to hearing their presentations and stood for questions, but there were none.

Chairman Brackett thanked Senator Winder and said there were a number of people who had signed up to testify about this legislation.

TESTIMONY:

Fred Birnbaum, Vice President of the Idaho Freedom Foundation, testified in opposition to the bill. He said he supports wearing seatbelts and that when he was in high school in the 1970s he had a friend who died because he chose not to wear his seatbelt. **Mr. Birnbaum** said the problem with this bill is on page 2, lines 22 to 26; he paraphrased the section and continued that if a driver appears to be under 18 years of age they could be stopped. He believes that not only is that going to be difficult to determine, but it is very confusing. He understands the intent is that the result would be a primary offense for the juvenile and a secondary offense for the adult, but he believes it will be hard to enforce. **Mr. Birnbaum** concluded by stating he does not believe the legislation should pass; there were no questions from the Committee.

TESTIMONY:

Julie DeLorenzo, from Boise, said that, while she is a member of the ITB she was testifying in support of the bill as an Idaho citizen. She thanked the Mayor's Youth Advisory Council for bringing this issue forward to protect themselves and their peers. It proves that people can make a difference and can convince others through logic and research that they can save lives. There are too many deaths on Idaho's highways. **Ms. DeLorenzo** recalled a personal experience involving a friend of her son who was in a car rollover and did not survive because he was not wearing a seatbelt. She concluded by stating that she supported these young people; there were no questions from the Committee.

TESTIMONY: **Sheri Rogers**, who is the founder of Buckler Up for Bobby that is dedicated to the promotion of driver and passenger safety and seatbelt use to reduce fatalities and serious injuries related to motor vehicle crashes, testified in support of the bill. **Ms. Rogers** is a registered nurse and the mother of a 16-year-old who was killed in a car crash in the Boise foothills because he was not wearing his seatbelt. She said that the medical costs of the long-term medical care of these types of accidents is staggering. **Ms. Rogers** worked with Chairman Palmer of the House Transportation and Defense Committee and the Mayor's Youth Advisory Council on seatbelt legislation. She said her son was a straight-A student who made dumb choices. She concluded her testimony by talking about current law that does not require stopping drivers for not wearing their seatbelts; there were no questions from the Committee.

TESTIMONY: The Honorable **Tammy DeWeerd**, Mayor of the City of Meridian, testified in support of **S 1312**. **Mayor DeWeerd** said she was proud and honored to work with the young leaders in her city that brought forth this legislation and reinforced their commitment to saving lives. She has spent many hours since she first became mayor in 2004 with the members of her youth council and with legislators representing the four Legislative Districts that encompass the City of Meridian's boundaries. Those legislators have been very helpful to these youth leaders. This legislation is important because receiving a \$45 citation means a violator has to inform their parents and that act by itself makes a difference in behavior. **Mayor DeWeerd** concluded by telling the Committee how pleased she was to have the Committee's page, Hannah Sturtevant, as a member of her Youth Advisory Council; there were no questions for the mayor.

TESTIMONY: Following Mayor DeWeerd's testimony, four members of the Mayor's Youth Advisory Council testified in favor of the legislation citing: 1. examples of tragedies that have affected other Idaho communities and families; 2. current Idaho law regarding seatbelts, helmets and other related traffic issues; 3. rational reasoning and peace of mind to parents and friends that would come with passage of this legislation; and 4. the personal experiences from the child of a law enforcement officer and someone who has survived being ejected from an automobile in an accident. Those Youth Advisory Council members were: Cheyenne Quilter, member and chair of the City of Meridian's Government Affairs Committee; Tanna Krumm; John Gonzales; and Lance Baumgartner, member of the City of Meridian's Commission for Transportation Planning and Project Development.

Chairman Brackett thanked everyone who had attended the hearing and testified on this legislation; he turned to the Committee for any additional comments or action on the bill.

MOTION: **Vice Chairman Hagedorn** moved to send **S 1312** to the 14th Order for amendment. **Senator Winder** seconded the motion.

Senator Winder commented that there are items that need clarifying in the bill including the sunset clause and the pilot program. In addition, the second offense for anyone over the age of 18 years needs to be addressed.

Senator Lacey said that the reference to Idaho Code § 49-673 at the top of page 1 and again at the bottom of page 2 seem to be identical. **Senator Winder** did not believe they were, but agreed they needed to be looked at.

Senator Den Hartog said she had the same concern as Senator Lacey. She went on to compliment the students who did their homework, took the advice they received and went around the State collecting information. She acknowledged their work and complimented the Mayor's Youth Advisory Council on the peer-to-peer information they gathered, saying it was powerful.

The motion passed by **voice vote**. **Senator Winder** wanted to carry his bill on the floor.

ADJOURNED: With no further business before the Committee, **Chairman Brackett** adjourned the meeting at 2:57 p.m.

Senator Brackett
Chair

Gaye Bennett
Secretary

AGENDA
SENATE TRANSPORTATION COMMITTEE
1:30 P.M.
Room WW53
Tuesday, March 01, 2016

SUBJECT	DESCRIPTION	PRESENTER
<u>H 472</u>	Allows commercial vehicles to get new license plates bearing the same number or, if requested, the next available number.	Representative Caroline Nilsson Troy
<u>H 471</u>	Revises violations and penalty provisions relating to recreational activities. Sets infraction fines for recreation violations at \$100.	David Claiborne, Idaho Recreation Council
Vote on Gubernatorial Appointment	Re-Appointment of Janice B. Vassar of Lewiston, Idaho, to the Idaho Transportation Board commencing February 1, 2016 and expiring January 31, 2022.	Chairman Brackett
Minutes Approval	Minutes of the Thursday, January 28, 2016 meeting.	Vice Chairman Hagedorn and Senator Nonini
	Minutes of the Tuesday, February 2, 2016 meeting.	Senator Winder and Senator Lacey
	Minutes of the Thursday, February 4, 2016 meeting.	Senator Keough and Senator Den Hartog

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 Hagedorn
Sen Keough
Sen Winder

Sen Vick
Sen Den Hartog
Sen Buckner-Webb
Sen Lacey

COMMITTEE SECRETARY

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

Sen Nonini

MINUTES
SENATE TRANSPORTATION COMMITTEE

DATE: Tuesday, March 01, 2016

TIME: 1:30 P.M.

PLACE: Room WW53

MEMBERS PRESENT: Chairman Brackett, Vice Chairman Hagedorn, Senators Keough, Winder, Nonini, Vick, Den Hartog, Buckner-Webb and Lacey

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 1:32 p.m.

H 472 **Chairman Brackett** welcomed Representative Caroline Nilsson Troy to the Committee and asked her to present **H 472**.

Representative Troy began by reassuring Senator Nonini that this was not a specialty license plate bill. This legislation came from a small trucking company in her home district, Legislative District 5. The owner had just renewed license plates for his commercial vehicles. It took him many hours of paperwork to complete all the different permits in the various states his vehicles travel through.

Almost every permit in every state ties their permits to their license plate; this includes trip permits, oversize permits, overweight permits, fast passes and fuel tax. The 38,000 Idaho trucks on the roads must renew their license plates every seven years. At present, it's not possible for them to keep their current license plate number.

Representative Troy said that originally she thought the issue could be resolved by simply changing seven words, but after the Idaho Transportation Department (ITD) reviewed her draft, additional clarification was added so owners could request different license plate numbers.

The fiscal impact of \$16,000 enables the computer program at ITD to be updated. **Representative Troy** concluded by stating that in addition to the co-sponsors already listed online, Senator Mark Harris had been added; she stood for questions.

Vice Chairman Hagedorn asked if this applies to the lifelong license plate system. **Representative Troy** said that it did. There were no further questions.

MOTION: **Senator Vick** moved to send **H 472** to the floor with a **do pass** recommendation. **Senator Nonini** seconded the motion. The motion passed by **voice vote**. **Chairman Brackett** said that Senator Johnson offered to carry the bill on the floor.

H 471 **Chairman Brackett** thanked Representative Troy and welcomed David Claiborne, of the Idaho Recreation Council, to the Committee and asked him to present **H 471**.

Mr. Claiborne said that he was presenting **H 471** at Representative Gestrin's request. The changes in the bill address three issues: 1. it consolidates two penalty provisions regarding snowmobiles into one section and fixes the infraction fine at \$100; 2. it allows the money in the Off-Road Motor Vehicle Fund to be used for acquiring long-term licenses and permanent easements for public recreation activity and access to public and private lands; and 3. it allows law enforcement personnel discretion to enforce rules (mostly regarding purchasing stickers) that were adopted by ITD relating to off-highway and snowmobile recreation.

Mr. Claiborne said the motorcycle account was used for motorcycle education, grant funding, permits, land and new terms to purchase easements and licenses. They want to use the funds to acquire long-term recreational rights to the land and not to follow whoever owns the land. He thanked the Committee and stood for questions.

Senator Vick wanted to know the reasoning behind removing the flexibility and fine. **Mr. Claiborne** said the wording in Idaho Code was awkward and people were not purchasing renewal licensing stickers; they thought setting a fixed amount would encourage people to purchase the stickers. **Senator Vick** asked if the new language on page 2 was standard and not broad and out of the ordinary; he wanted to be reassured it was not unusual. **Mr. Claiborne** said he could not speak to it being common, but the language is similar to Idaho Code § 67-7129 and was copied to make sure it could be enforceable.

Vice Chairman Hagedorn asked what licenses were being changed in line 27 on page 1 where it talks about easements licenses and permits. **Mr. Claiborne** said that the license ended when the ownership of the land changed, but with an easement the license remains with the land no matter the owner. There were no further questions.

MOTION:

Vice Chairman Hagedorn moved to send **H 471** to the floor with a **do pass** recommendation. **Senator Lacey** seconded the motion. The motion passed by **voice vote**. **Vice Chairman Hagedorn** volunteered to carry the bill on the floor.

GUBERNATORIAL APPOINTMENT:

Chairman Brackett thanked Mr. Claiborne and reminded the Committee that at the last meeting of the Committee, they had heard from Janice B. Vassar of Lewiston, Idaho, whom the Governor had reappointed to serve a six-year term on the Idaho Transportation Board (ITB) commencing February 1, 2016, and expiring January 31, 2022.

MOTION:

Senator Winder moved to approve the reappointment of **Janice B. Vassar** to the ITB. **Vice Chairman Hagedorn** seconded the motion. The motion was approved by **voice vote**. **Chairman Brackett** said that Senator Johnson offered to carry the reappointment on the floor.

MINUTES APPROVAL:

Vice Chairman Hagedorn moved to approve the Minutes of the January 28, 2016, meeting. **Senator Nonini** seconded the motion. The motion passed by **voice vote**.

Senator Winder moved to approve the Minutes of the February 2, 2016, meeting. **Senator Lacey** seconded the motion. The motion passed by **voice vote**.

Senator Keough moved to approve the Minutes of the February 4, 2016, meeting. **Senator Den Hartog** seconded the motion. The motion passed by **voice vote**.

ADJOURNED:

Prior to adjournment, **Senator Buckner-Webb** informed the Committee that ITB member Julie DeLorenzo's husband had passed away over the weekend.

With no further business before the Committee, **Chairman Brackett** thanked Senator Buckner-Webb and adjourned the meeting at 1:50 p.m.

Senator Brackett
Chair

Gaye Bennett
Secretary

AGENDA
SENATE TRANSPORTATION COMMITTEE
1:30 P.M.
Room WW53
Thursday, March 03, 2016

SUBJECT	DESCRIPTION	PRESENTER
H 343	Clarifies the distribution of tax revenue imposed on certain special fuels.	Chairman Joe Palmer
Minutes Approval	Approve the Minutes of the February 9, 2016 meeting.	Senator Vick and Senator Buckner-Webb

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 Hagedorn
Sen Keough
Sen Winder
Sen Nonini

Sen Vick
Sen Den Hartog
Sen Buckner-Webb
Sen Lacey

COMMITTEE SECRETARY

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

MINUTES
SENATE TRANSPORTATION COMMITTEE

DATE: Thursday, March 03, 2016

TIME: 1:30 P.M.

PLACE: Room WW53

MEMBERS PRESENT: Chairman Brackett, Vice Chairman Hagedorn, Senators Winder, Nonini, Vick, Den Hartog and Buckner-Webb

ABSENT/ EXCUSED: Senators Keough and Lacey

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 343 **Chairman Brackett** welcomed Representative Joe Palmer, Chairman of the House Transportation and Defense Committee, to the Committee and asked him to present **H 343**.

Chairman Palmer said that last year in 2015 H 312aaS,aaS, 7 cents was added to the gas tax. The plan was that those funds were to go to transportation funding only. There was one portion that specifies special fuels, which is propane, and that did not get designated to go to just transportation. The error was caught late. This bill fixes that problem and brings \$140,000 more into transportation funding. **Chairman Palmer** thanked the Committee and said he would take questions, but there were none.

MOTION: **Vice Chairman Hagedorn** moved to send **H 343** to the floor with a **do pass** recommendation. **Senator Den Hartog** seconded the motion. The motion passed by **voice vote**. **Chairman Brackett** offered to carry the bill on the floor.

MINUTES APPROVAL: **Senator Buckner-Webb** moved to approve the Minutes of the February 9, 2016, meeting. **Senator Vick** seconded the motion. The motion passed by **voice vote**.

ADJOURNED: With no further business before the Committee, **Chairman Brackett** adjourned the meeting at 1:40 p.m.

Senator Brackett
Chair

Gaye Bennett
Secretary

AGENDA
SENATE TRANSPORTATION COMMITTEE
1:30 P.M.
Room WW53
Thursday, March 10, 2016

SUBJECT	DESCRIPTION	PRESENTER
<u>H 513aa</u>	Legislation to lift the moratorium in Idaho on the implementation of the federal Real ID Act of 2005.	Chairman Joe Palmer
Minutes Approval	Approve the Minutes of the Thursday, February 11, 2016, meeting.	Senator Winder and Vice Chairman Hagedorn
	Approve the Minutes of the Thursday, March 3, 2016, meeting	Senator Nonini and Senator Vick

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 Hagedorn
Sen Keough
Sen Winder
Sen Nonini

Sen Vick
Sen Den Hartog
Sen Buckner-Webb
Sen Lacey

COMMITTEE SECRETARY

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

MINUTES
SENATE TRANSPORTATION COMMITTEE

DATE: Thursday, March 10, 2016

TIME: 1:30 P.M.

PLACE: Room WW53

MEMBERS PRESENT: Chairman Brackett, Vice Chairman Hagedorn, Senators Keough, Winder, Nonini, Vick, Den Hartog, Buckner-Webb and Lacey

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 1:32 p.m. He said that Committee Page Logan Snell was unavailable; filling in for him would be Cardston Stanford of Rexburg, Idaho, who is currently serving as the Committee Page for the Senate Judiciary and Rules Committee. **Chairman Brackett** welcomed Mr. Stanford and thanked him for helping out.

H 513AA **Chairman Brackett** welcomed Representative Joe Palmer, Chairman of the House Transportation and Defense Committee, and asked him to present **H 513aa**. **Chairman Palmer** said that this legislation will make Idaho Real ID compliant and keep its citizens protected, safe and comfortable as the State deals with driver's license and identification card (ID) information. When the federal Real ID Act of 2005 first came out, Idaho placed a moratorium on it and decided not to allow that legislation to affect the State. He said Idahoans don't like the idea of the federal government looking over their shoulders. There was also a concern that Real ID licenses would have chips that could literally track where you were. But one of the biggest reasons Idaho placed a moratorium on the federal legislation was that the cost of implementing the program was very expensive.

Chairman Palmer continued that over the past seven years, the Idaho Transportation Department (ITD) has been able to get extensions with regard to implementing the Real ID Act. Idaho is now at the point where it can no longer get extensions.

Because of the modernization of the Department of Motor Vehicles (DMV), Idaho driver's licenses are now considered as secure as those required by Real ID. He made it clear that the federal government was not telling Idaho that it has to comply with Real ID, the federal government does have jurisdiction over certain properties like military bases and security at airports and other facilities. For the federal government, it's all about security. ITD has done a great job of improving Idaho's licenses through modernization. In fact, the new driver's licenses are made in a secure location and are very hard to copy. The only thing left to make them Real ID compliant is for individuals to back up their driver's license with a certified copy of their birth certificate. Checks will then be run on the documents to verify the identify of the individual.

Chairman Palmer said that **H 513aa**, before it was amended in the House, lifted Idaho's moratorium by recognizing the Real ID Act of 2005. The bill was sent to the amending order to place a few more protections on it. **Chairman Palmer** said that he would answer questions regarding the original bill, but questions regarding the amendments should be directed to the amendments' author, Representative Sage Dixon who was in the Committee as well.

Chairman Brackett asked the Committee if there were any questions of Chairman Palmer before he had to leave for a prior commitment.

DISCUSSION:

Senator Winder asked if repealing the moratorium language of the bill conflicts with some of the amended language. **Chairman Palmer** said that it is a circular discussion, but he believes that even with the amendments, the bill is still directing ITD to get Idaho to a point to be Real ID compliant. **Chairman Palmer** said he understood the concern. **Senator Winder** thanked Chairman Palmer for his insight and for his hard work on the legislation.

Senator Nonini said it was his understanding that if Idaho were not compliant with Real ID, a traveller would need a passport to get through airports. He wanted to know how that would apply to military bases and the Idaho National Laboratory (INL). **Chairman Palmer** said he believes the same would apply although not all bases are the same. Guard bases have different rules. **Senator Nonini** asked about INL. **Chairman Palmer** said he has been told they would accept a passport.

Senator Winder asked about page 1, lines 36 to 38, regarding grant money. Sometimes ITD receives grant money and perhaps some of that grant money could be used for these types of activities. He wanted to know if there was discussion on the House side about concerns that this language could hinder funding for implementing ITD modernization for Real ID. **Chairman Palmer** deferred to **Representative Dixon**, who said the question was raised on the House floor and any grants in compliance with the Real ID Act would be acceptable; line 37 and 38 refers back to paragraph (a), or back to line 22.

Senator Winder read line 39, subsection (3), and said it infers to do something in current law located elsewhere in Idaho Code that didn't get amended or repealed in this legislation and then there is the moratorium that prohibits ITD from doing anything with regards to Real ID. In his opinion, this appears to be a conflict; he asked Representative Dixon if he had suggested changes to the amended bill to resolve what he identified as structural problems. **Representative Dixon** said those concerns did not come up with ITD or with the Department of Homeland Security (DHS) when he proposed the amendments. He said that his intent was that in subsection (a) that requirement was being met. He, therefore, had no answer to repealing the moratorium question Senator Winder had. **Senator Winder** said it seems like it could be okay structurally, but with the moratorium out there stating they can't do anything, there is a clear conflict. **Senator Winder** said he would like Representative Dixon's help in dealing with the problem. **Representative Dixon** said he would be happy to help.

Senator Keough had a question for Senator Winder. **Senator Keough** asked where else the moratorium language appeared other than on page 1, lines 30 to 35, which are being struck in this bill. **Senator Winder** said it is in existing law that is located elsewhere in Idaho Code. **Senator Keough** thanked Senator Winder and Chairman Brackett. **Chairman Brackett** asked Representative Dixon if he had additional comments. **Representative Dixon** said he did not at this time before he digs a little deeper. He was amending what was before him.

Senator Buckner-Webb asked what DHS was threatening if Idaho is not Real ID compliant. **Representative Dixon** said it is his understanding Idahoans will not be able to travel by air using driver's licenses as identification cards, and employees or citizens will not be allowed onto the INL site. **Senator Buckner-Webb** asked if DHS has threatened action for noncompliance. **Representative Dixon** said he believes it has been an ongoing discussion. **Senator Buckner-Webb** asked what specific requirement does Idaho need to become compliant. **Representative Dixon** said the language in subsection (a) came directly from ITD; it was their suggestion of how to cover Idaho for the final required pieces.

Chairman Brackett asked about **H 513aa's** Statement of Purpose; he believes what was attached to the original bill is also attached to this amended bill. It states that this bill will lift the moratorium on Real ID; **Chairman Brackett** said he is not clear the moratorium is lifted by the amended bill. **Representative Dixon** said they are trying to get the final waiver without doing harm to Idaho citizens or businesses, complying with Title II. That is what he heard in his committee and in his discussions with ITD. That seemed to be the critical portion that needed to be implemented in order to move forward. What is stricken on page 1, in lines 30 to 35, addresses removing that moratorium. **Chairman Brackett** asked about perhaps narrowing that a little to address Title II in the Statement of Purpose. **Representative Dixon** said he would be happy on working on this further to get to that point, but he received no feedback in that direction.

Vice Chairman Hagedorn commented that he does not remember all that happening ten years ago, but he does recall the moratorium. He directed attention to page 1, lines 19 to 21, stating that in his recollection those were the words the Legislature used in 2007 that directed ITD to not implement anything with Real ID.

There were no further questions for Representative Dixon. **Chairman Brackett** thanked Representative Dixon and said that there were a number of people who had signed up to testify.

TESTIMONY:

John Watts, with Veritas Advisors and representing the Idaho Chamber Alliance (ICA), testified in favor of the bill. **Mr. Watts** said that the ICA represents 20 major chambers of commerce in the State of Idaho, including those in Boise, Coeur d'Alene, Moscow, Lewiston, Pocatello and Idaho Falls. There is a letter of support from the Greater Idaho Falls Chamber of Commerce in each Committee member's packet. Real ID is all about commerce. The ICA supported the bill in its original form as well as some of the added amendments; it does not have a strong position on the changes to page 1, lines 36 to 38. ICA wants to protect Idaho citizens so their driver's licenses will be acceptable at airports as well as at military and federal facilities. Although they support the bill, they are concerned it could be overly amended. **Mr. Watts** thanked the Committee and offered to stand for questions, but there were none.

TESTIMONY:

Kathy Griesmyer, Public Policy Strategist for the American Civil Liberties Union (ACLU) of Idaho, testified in opposition to the bill. **Ms. Griesmyer** said that they oppose enactment of this legislation because of privacy concerns regarding the private information of individuals being scanned and stored in a national database. It is the collection of private information that they object to as it creates a one-stop shop for identity thieves. They suggest a compromise to alleviate concerns and protect security concerns of individuals. She offered language changes on page 1, in lines 19 to 22. **Ms. Griesmyer** thanked the Committee and stood for questions.

Senator Vick asked if the language was amended as suggested, would Idaho's driver's licenses be compliant for use at airports and federal facilities. **Ms. Griesmyer** said it was her understanding that DHS is not asking that the information be scanned and stored; they want IDs that cannot be copied or forged. That is their primary concern. If that threshold is met, then they should be satisfied. There were no further questions for Ms. Griesmyer.

DISCUSSION:

Senator Nonini asked if someone from ITD was going to speak to the Real ID issue. **Chairman Brackett** asked if there was anyone from ITD willing to yield to questions. Mollie McCarty, ITD's Government Affairs Program Manager, took the podium to address questions from the Committee.

Senator Nonini said he has had problems with Real ID for some time. He wanted reassurance that the federal authorities would not get access to personal information and asked how the new driver's licenses will differ from the current ones. **Ms. McCarty** said the information requested from individuals is not going into a national database, but there is information the authorities will have access to, like birth certificates, social security numbers and photo IDs as well. **Senator Nonini** asked for a specific list of all things that would be required to get a driver's license. **Ms. McCarty** deferred the question to Amy Kearns, ITD's Driver Services Manager. **Ms. Kearns** said that for people getting a license for the first time, they will need to present a certified birth certificate (for minors, parents must provide documentation) and proof of Idaho residency – copy or document of legal residency, like a visa or passport. **Senator Nonini** asked if that was all that is needed for Idaho to comply with the Real ID Act. **Ms. Kearns** said once Idaho is in compliance, when a person is renewing their driver's license they will have to provide the documentation again.

Senator Den Hartog asked if a citizen's ID is verified at the time they apply for a driver's license, why is ITD scanning and storing the documents. **Ms. Kearns** said that ITD reviews the information collected from their offices across the State – all the documents that are scanned – and an internal audit is done. Information is randomly pulled to verify the information is correct. If it was not done correctly, notifications are sent; the reviewers check for fraud. Security and fraud prevention is what the Real ID Act is all about. Information and documents are stored, but information is not shared with other states, other agencies or with the federal government.

Senator Buckner-Webb said she understood that under Title II copies of the documents were acceptable; is ITD mandated or does ITD select to make copies? **Ms. Kearns** said she could not really answer that question; she was not certain it was currently mandated.

Senator Vick asked if Idaho would be in compliance with Real ID with the amendments recommended by the ACLU. **Ms. Kearns** said they would put Idaho out of compliance with Real ID because of the issue regarding retaining of documents; paper copies must be retained for seven years and digital records a minimum of ten years. **Senator Vick** commented that ITD has been collecting and storing documents since 2001; DMV implemented changes that make it very difficult to duplicate Idaho driver's licenses. He wanted to know what else needed to occur in order for Idaho to be in compliance. **Ms. Kearns** said that preventing fraud and increasing security are the primary ideas behind Real ID. There are specific things needed in order to be in complete compliance: (a) mark the license as Real ID compliant or non-compliant; (b) submit a plan to conduct remote compliance re-issuance; (c) submit the final certification package to DHS stating that Idaho is in compliance with the Real ID Act; and (d) collect and re-verify documentation of new and renewal driver's licenses.

Senator Winder asked if **H 513aa** meets the requirements needed for Idaho to be in compliance with the Real ID Act. **Ms. Kearns** deferred the question to **Ms. McCarty**. **Ms. McCarty** said ITD had conferred with the House and coordinated with DHS. In order to be in compliance, in section 2(a) either the words "and associated regulations" needed to be added or the word "security" in line 22 needed to be stricken, but because if neither happened there could be a problem with being in compliance. **Senator Winder** continued by asking if lines 30 to 35 lifted the moratorium or not. **Ms. McCarty** said that ITD saw that language as lifting the moratorium.

Senator Den Hartog asked if customers are aware that the documents they provide DMV to scan when they apply for or renew their driver's licence are being stored. **Ms. McCarty** said she was not sure there was a discussion going on about how long the information was being stored. **Senator Den Hartog** asked if her understanding was correct that the only physical change still needed to be Real ID compliant is marking the driver's license. **Ms. McCarty** responded that it was, along with submitting the required information and documents.

Vice Chairman Hagedorn commented that we currently don't have Real ID. He personally has received a high-security clearance because of his military status and yet there are regular reports of cyber clearance problems in the military and other government agencies. He wanted to know what Idaho can do to keep this personal information from getting into the hands of cyber hackers. **Ms. McCarty** said ITD is always working on that problem. **Ms. Kearns** said ITD does its best to keep information secure; ITD's data management team has to go through security and finger print ID checks. **Vice Chairman Hagedorn** asked where the information was kept. **Ms. Kearns** said some license information is kept in secure places as required by Idaho Code. **Vice Chairman Hagedorn** asked if individuals who do not want a Real ID-compliant driver's license would have the option to have their information kept in a database. **Ms. Kearns** said if it is decided to offer that as an option, then the additional information would not need to be provided.

Senator Vick asked if ITD would offer both Real ID-compliant and non-compliant driver's licenses. **Ms. Kearns** said first the Legislature needs to decide on Real ID before ITD could move forward with that type of decision. **Senator Vick** asked if Idaho becomes Real ID compliant, will everyone have to get a new driver's license. **Ms. Kearns** said that a Real ID-compliant driver's license would be required to get into federal facilities and on airplanes. **Senator Vick** asked if Idaho would have to share in a national database. **Ms. Kearns** responded no.

Senator Nonini asked if Idahoans would have to pay for a new driver's license even if our current license had not yet expired. **Ms. Kearns** said that the answer to that question is not known at this time. **Senator Nonini** argued that the Committee needed to know the answer to questions like that. **Ms. Kearns** said that is a decision that can't be made until the policy decision of lifting the moratorium has been made.

Senator Winder asked if his understanding was correct that until the policy changes, which would occur by passing this bill, ITD is still authorized to issue driver's licenses as they currently issue licenses. **Ms. Kearns** deferred the question to Alan Frew, ITD's Motor Vehicle Administrator. **Mr. Frew** responded by saying that in the future, once a policy decision had been made by the Legislature, ITD would not be prohibited from issuing both Real ID-compliant and non-compliant driver's licenses.

Senator Den Hartog asked if Idaho is lifting the moratorium because ITD can no longer get extensions. **Ms. McCarty** said Idaho will not get another extension renewal once the current extension expires in October 2016. **Senator Den Hartog** asked if those citizens who have provided a certified birth certificate for their current driver's license have to renew. **Ms. McCarty** indicated that they would have to renew. **Senator Den Hartog** made an observation that any amendment offered to **H 513aa** should clearly state that Idaho does not want personal information provided for driver's licenses shared with other departments or with the federal government. It should be made clear to applicants the options they have, including for those who don't want a Real ID-compliant license. **Ms. McCarty** offered to keep in mind that things could happen that could have other, unforeseen impacts. **Ms. Kearns** wanted to make it clear that Idaho already shares information with other states, including name, date of birth and other information for verification purposes. There was no further discussion or questions.

MOTION: **Senator Nonini** moved to hold **H 513aa** in Committee at the call of the Chair. **Senator Den Hartog** seconded the motion.

SUBSTITUTE MOTION: **Vice Chairman Hagedorn** moved to send **H 513aa** to the 14th Order for amendment. **Senator Winder** seconded the motion.

Senator Vick said he would like to see drafts of the amendments, discuss them in Committee where members can get answers and have time to review them. He thought it would have been nice for the Committee to discuss the original bill before it had been amended in the House.

Senator Winder stated that he was in a quandary. Until the moratorium is lifted, ITD is in handcuffs. They can't discuss or develop policies because of existing law, so how can the Committee get acceptable answers? He believes the Committee needs to get through the process and move on; ITD suggested that striking the word "security" in this bill would make Idaho Real ID compliant.

Senator Nonini said he did not want to kill the bill, but he was frustrated that it was the end of the session and the end of the Committee meeting and this was an important decision. He felt more time was needed.

VOTE ON SUBSTITUTE MOTION: **Chairman Brackett** called for a **roll call vote** on the substitute motion. **Senators Brackett, Hagedorn, Winder, Buckner-Webb and Lacey** voted aye; **Senators Keough, Nonini, Vick and Den Hartog** voted nay. The substitute motion **passed**.

ADJOURNED: Having used the allotted Committee time on **H 513aa** and with another committee waiting to use the hearing room, **Chairman Brackett** said all remaining agenda items would be held over to the next Committee meeting. **Chairman Brackett** adjourned the meeting at 3:02 p.m.

Senator Brackett
Chair

Gaye Bennett
Secretary

AGENDA
SENATE TRANSPORTATION COMMITTEE
1:00 P.M.
Room WW53
Tuesday, March 15, 2016

NOTE TIME CHANGE

SUBJECT	DESCRIPTION	PRESENTER
Minutes Approval	Approve the Minutes of the Thursday, February 11, 2016, meeting.	Vice Chairman Hagedorn and Senator Winder
	Approve the Minutes of the Tuesday, March 1, 2016, meeting.	Senator Keough and Senator Buckner-Webb
	Approve the Minutes of the Thursday, March 3, 2016, meeting	Senator Nonini and Senator Vick
Page Recognition	Recognizing the work of Committee Page Logan Snell , a senior at Boise High School, during the second half of this Legislative Session.	Chairman Brackett
<u>H 536</u>	Appointment of a judge to judicial review of county road or highway district decisions.	Representative Thomas Loertscher
<u>H 553</u>	Certain off highway vehicles may travel on state highways within and around city limits as long as speed limits are 45 mph or less.	Representative Terry Gestrin

**FUTURE MEETINGS WILL BE AT THE
CALL OF THE CHAIR**

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 Vick
Vice Chairman Hagedorn	Sen Den Hartog
Sen Keough	Sen Buckner-Webb
Sen Winder	Sen Lacey
Sen Nonini	

COMMITTEE SECRETARY

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

MINUTES
SENATE TRANSPORTATION COMMITTEE

DATE: Tuesday, March 15, 2016
TIME: 1:00 P.M.
PLACE: Room WW53
MEMBERS PRESENT: Chairman Brackett, Vice Chairman Hagedorn, Senators Winder, Vick, Den Hartog and Lacey
ABSENT/ EXCUSED: Senators Keough, Nonini 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 1:07 p.m. **Chairman Brackett** announced that Representative Loertscher had another commitment so the agenda would be rearranged to hear **H 536** first, followed by **H 553**. **Chairman Brackett** welcomed Representative Loertscher to the Committee and asked him to present **H 536**.

H 536 **Representative Loertscher** said this was follow-through for property owners. **H 536** relates to judicial review of county roads or highway district decisions and amends Idaho Code § 40-208. This affords that either party in a proceeding or action may request the appointment of a judge to preside over the proceeding who is not a resident of the county where the property or roadway exists. This primarily applies to counties and does not apply to the Idaho Transportation Department (ITD). **Representative Loertscher** said that he discussed this with the clerks and staff at the Idaho Supreme Court, where no concerns or problems were raised. Rules within the court system will be addressed if this legislation passes. **Representative Loertscher** thanked the Committee and stood for questions.

Senator Lacey asked who appoints the judge. **Representative Loertscher** said this is not judge shopping. The judge is appointed by the administrative judge already available.

Senator Winder asked if the lack of time limits for the appointment of a new judge or for making a ruling could hurt the process. **Representative Loertscher** didn't think so, but he did think there were two ways to hurt the process, one was 'for cause' and the just because a party wanted to. He said that 'for cause' is difficult and could end up even less favorable. This is an opportunity to remove any bias by appointing a judge who is not connected to the county operation. **Senator Winder** questioned the length of time it would take to go through the process, and whether it put a burden on the county or on the process. **Representative Loertscher** said that once the judge was assigned, the information would be before the judge and before all parties and a decision could be made. If there is a problem, they could recuse themselves.

Chairman Brackett asked if either party could make the request. **Representative Loertscher** said that any judge can be removed for cause, which is the only opportunity a property owner has because court rules assign the jurisdictional judge; either party could request a new judge. This clarifies a new option.

Senator Lacey said there is a 28-day review after the filing of the final decision. There is no time period in choosing a new judge; could this be a delaying tactic for a longer time period? **Representative Loertscher** said that scheduling is at the mercy of the court; there is no guarantee when a new judge would be scheduled. This is just one added layer of protection to alleviate any bias on the part of the county or the highway district.

MOTION:

Senator Den Hartog moved that **H 536** be sent to the floor with a **do pass** recommendation. **Senator Vick** seconded the motion. The motion passed by **voice vote**. **Chairman Brackett** offered to carry the bill on the floor.

H 553

Chairman Brackett thanked Representative Loertscher and asked Representative Gestrin to present **H 553**.

Representative Gestrin said that he had brought a bill last year; it makes it possible for off-highway vehicles (OHVs) to cross State highways at certain speed limits. **H 553** changes that and allows OHVs to travel on State highways within city limits and within one-mile beyond the city limit as long as the speed limit is 45 miles per hour (mph) or less. **Representative Gestrin** said he had discussed and worked the details out with engineers at ITD. He concluded by stating that one additional thing was added this year: the Idaho Transportation Board (ITB) or any local road authorities will be able to restrict or close crossings as needed for public safety considerations. **Representative Gestrin** thanked the Committee and stood for questions, but there were none.

MOTION:

Vice Chairman Hagedorn moved to send **H 553** to the floor with a **do pass** recommendation. **Senator Lacey** seconded the motion.

TESTIMONY:

Chairman Brackett said that before the Committee votes on the motion, David Claiborne, an attorney representing the Idaho State All-Terrain Vehicle Association, Inc. (ISATVA), had signed up to testify in favor of the bill.

Mr. Clairborne thanked the Committee and said he had asked that a report from the University of Idaho Extension entitled "Economic Importance of Off-Highway Vehicle Recreation: An Analysis of Idaho Counties" be included in their packets. His organization hoped that the Committee would send **H 553** to the floor with a **do pass** recommendation. There were no questions for Mr. Claiborne.

The motion passed by **voice vote**. **Vice Chairman Hagedorn** offered to carry the bill on the floor.

**MINUTES
APPROVAL:**

Vice Chairman Hagedorn moved to approve the Minutes of the February 11, 2016, meeting. **Senator Winder** seconded the motion. The motion passed by **voice vote**.

Senator Lacey moved to approve the Minutes of the March 1, 2016, meeting. **Senator Winder** seconded the motion. The motion passed by **voice vote**.

Senator Vick moved to approve the Minutes of the March 3, 2016, meeting. **Vice Chairman Hagedorn** seconded the motion. The motion passed by **voice vote**.

**PAGE
RECOGNITION:**

Chairman Brackett stated this could likely be the Committee's last meeting of this Legislative Session. As such, the Committee wanted to recognize the good work of the Committee's page during the second half of the session, Logan Snell, a senior at Boise High School in Boise, Idaho. **Chairman Brackett** presented Mr. Snell with a letter of gratitude for his service from the Committee members, a letter of recommendation from Chairman Brackett and gifts from the Committee; he then asked Mr. Snell to take the podium.

Chairman Brackett recalled the first day of Mr. Snell's service to the Committee. Chairman Brackett had a commitment to participate in a panel discussion at Boise State University's (BSU) Student Union Building and he was running late. He asked Mr. Snell if he would accompany him, drop him off, then park his rather large pick-up truck in an automobile-sized parking space in the parking garage near the Student Union Building. The only problem was that being an avid University of Idaho Vandals fan, **Chairman Brackett** said his truck was covered in Vandal's memorabilia. **Chairman Brackett** concluded the story by stating that Mr. Snell had "done well!"

Chairman Brackett asked Mr. Snell what serving as a Senate page was like.

Mr. Snell thanked Chairman Brackett and the Committee and said that he enjoyed serving as a page for the Committee. He also clarified that Chairman Brackett's truck could be better characterized as a small monster truck. He continued that he also enjoyed working on the floor and watching the action. He said that watching Senators vote "no" on legislation and then calling their colleagues to tell them they did a good job gave him a different perspective on politics.

Senator Winder asked what his plans were once he graduated from high school.

Mr. Snell said he was going to the University of Idaho where he planned to major in Political Science and minor in Computer Science.

Chairman Brackett said he was glad to know that he's going to the University of Idaho. He said that BSU would be a good challenge as well, but the University of Idaho was a worthy choice. He again thanked Mr. Snell and wished him the best of luck in his future endeavors.

ADJOURNED:

With no further business before the Committee, **Chairman Brackett** adjourned the meeting at 1:30 p.m.

Senator Brackett
Chair

Gaye Bennett
Secretary