

MINUTES
SENATE TRANSPORTATION COMMITTEE

DATE: Tuesday, February 26, 2019

TIME: 1:30 P.M.

PLACE: Room WW53

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

ABSENT/ EXCUSED: None

NOTE: The sign-in sheet, testimonies and other related materials will be retained with the minutes in the committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

DISCUSSION:

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

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

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

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

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

TESTIMONY:

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

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

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

- DISCUSSION:** **Senator Winder** said he appreciated the testimony and the comments from the Committee. There are better ways, but this is one way to deal with the safety of our students. Raising fines to this significant level will help the public realize the significance of the crime. He is hopeful the courts would not deem them excessive.
- MOTION:** **Senator Winder** moved to send **S 1131** to the floor with a **do pass** recommendation. The motion died for lack of a second.
- DISCUSSION:** **Senator Rice** commented that he appreciated the bill being brought forward, and the Legislature needs to work on finding a good, effective solution. Hopefully, this is not the end of the discussion.
- Senator Lodge** said that she believes the fines are too high right now, especially in some of the rural areas. She thinks a public relations campaign and/or educational program needs to be developed to remind people that they are supposed to stop. She thought perhaps \$250 would be a better first step, and go up from there. It is just too big of an increase at this time.
- MOTION:** **Senator Den Hartog** moved to send **S 1131** to the 14th Order of Business for possible amendment. **Senator Lodge** seconded the motion.
- DISCUSSION:** **Senator Den Hartog** said that she agrees with Senator Lodge and would like to set a more conducive and reasonable range of fines. She thought perhaps \$250, \$500, and \$750 would be worth considering. She wanted to discuss with other Committee members the range of other fines already set in Idaho Code. If the bill sponsors are willing, she would like to take a look at it.
- VOICE VOTE:** The motion to send **S 1131** to the 14th Order of Business for possible amendment passed by **voice vote**. Senator Winder will carry the bill on the Senate floor.
- ADJOURNED:** With no further business before the Committee, **Chairman Brackett** adjourned the meeting at 3:02 p.m.

Senator Brackett
Chair

Gaye Bennett
Secretary