

MINUTES
HOUSE TRANSPORTATION & DEFENSE COMMITTEE

DATE: Tuesday, February 28, 2017

TIME: 1:30 P.M.

PLACE: Room EW40

MEMBERS: Chairman Palmer, Vice Chairman Shepherd, Representatives Gestrin, Hixon, Kauffman, Packer, Youngblood, McDonald, Dixon, Harris, Holtzclaw, Monks, DeMordaunt, Syme, King, Wintrow, Gannon

**ABSENT/
EXCUSED:** Representative(s) Packer

GUESTS: Nick Veldhouse, Idaho Association of Highway Districts; Roger Batt, Eric Wareham, Western Equipment Dealers; Argia Phillips, Batt Associates; Ramon Hobdey-Sanchez, Alan Frew, Idaho Transportation Department; Jeff Miles, LHTAC; Dennis Tanikuni, Idaho Farm Bureau; Elizabeth Criner, Far West Agribusiness Association; Teresa Molitor, David Catania, Justin Hoffman, Starship Technologies; Benjamin Kelly, Food Producers of Idaho; Julie Pipal, Idaho Trucking Association; Soona Lee, EROAD; Mitch Coats, Food Producers of Idaho

Chairman Palmer called the meeting to order at 1:30 P.M.

H 204: **Teresa Molitor**, representing Starship Technologies, presented **H 204**. This legislation defines "personal delivery device" and "personal delivery device operator." It provides an exception for personal delivery device in the definition of motor vehicle, and clarifies that personal delivery devices may operate on sidewalks. The legislation gives cities, counties, and highway districts the authority to adopt regulations for the safe operation of personal delivery devices. Finally, it adds a new section of code that lists requirements for and restrictions on personal delivery devices.

David Catania, Director of Government Affairs, Starship Technologies, displayed the personal delivery device to the committee. Mr. Catania stated the personal delivery device was created primarily for convenience. The personal delivery device has nine cameras and demonstrates situational awareness, taking 3,000 images per second to create 3D maps. The device is remotely operated by a person, 100% electric, and is meant to compete with eCommerce and human delivery services. Currently, the device delivers small packages, take-out food, and groceries, but may be adapted for other delivery purposes.

Mr. Catania stated Starship Technologies is seeking permission for their personal delivery devices to be used on public sidewalks and crosswalks.

In response to committee questions, **Mr. Catania** stated the personal delivery devices have a two-hour battery life which varies based on the incline it is operating on and the weight of the item(s) stored inside, which is usually about 20 lbs.

In response to committee questions, **Mr. Catania** stated the device does not have "dead zones," for it only travels in places that it has already mapped from cell phone towers. It will not go in an unmapped area for the device's own safety.

In response to committee questions, **Mr. Catania** stated that to use the personal delivery device as the delivery option, a customer would only need to order an item from their mobile phone and select Starship as their delivery option. The customer would then select a delivery time to ensure they are home at the time of delivery, "follow" the device to the delivery destination using tracking software. When the personal delivery device arrives with the product, the customer would "allow" or unlock the device using a personalized code belonging only to the customer to retrieve the product. The personal delivery device would then return to the van where it was docked. This process cuts out the use of large trucks entirely.

In response to committee questions, **Mr. Catania** stated there has been 3,200,000 human interactions with Starship's personal delivery devices, and there had only been positive and neutral responses from the public. There had not been any substantial negative feedback.

In response to committee questions, **Mr. Catania** stated Starship had worked hard to address concerns from law enforcement by providing each personal delivery device with a unique number, like a motor vehicle VIN number, to easily identify the device. Every device comes equipped with contact information to speak with a company representative.

In response to committee questions, **Mr. Catania** stated the personal delivery device helps those with mobility issues, under-served communities, and those in food deserts. The device seeks to clear delivery truck clogging in residential areas, reduce package theft, and provide cost-efficient, quick, and environmentally-friendly service in 10% of what it costs to use a standard shipping trucks. Starship Technologies respects the individual rules of jurisdiction and has worked with the varied health, safety, and welfare concerns of communities.

In response to committee questions, **Mr. Catania** stated the personal delivery device is mainly used for food delivery at this time.

In response to committee questions, **Mr. Catania** stated the devices are subject to city regulation, and that the cities in which the devices operate are permitted to regulate them. Each jurisdiction is to decide whether or not they will allow the device.

MOTION:

Rep. Monks made a motion to send **H 204** to the floor with a **DO PASS** recommendation.

In response to committee questions, **Mr. Catania** stated legislation regulating and defining the device and its parameters for operation are needed before it operates in the jurisdiction. The introduction of the personal delivery devices will be slow, small, and methodical. The locals can limit the amount of devices and where they will operate.

In response to committee questions, **Mr. Catania** stated the personal delivery devices will operate exclusively on sidewalks and crosswalks. An area will need to have sidewalks first if they would like these devices to operate there.

In response to committee questions, **Mr. Catania** stated the applications of the personal delivery device are limitless. In some countries, they are delivering prescription drugs.

In response to committee questions, **Ms. Molitor** stated there are a few very important elements to the bill, including: a definition of "personal delivery device" and "personal delivery device" operator, a definition of a motor vehicle (under which a personal delivery device would be exempt), a declaration stating that the personal delivery device can operate on a public sidewalk, and eight new subsections of Idaho Code. There has not been any negative feedback from local transportation governance.

In response to committee questions, **Mr. Catania** stated the device will switch over to manual automation by the operator if it senses it is being stolen or disrupted. The GPS will send the coordinates to the operator, who will speak over the device intercom and inform the perpetrator to stop. There has not yet been an instance of human vandalism of the personal delivery devices.

In response to committee questions, **Mr. Catania** stated Starship Technologies has a high value placed on privacy and lawfulness. The data stored on the personal delivery device is erased nightly, with only small amounts kept in case of an emergency. In an emergency situation, the device's camera switches from high resolution to low resolution and blurs human faces. Only a few highly trained personnel have access to the data in emergency situations. In one country where the device operates, Germany, Starship is subject to some of the strictest privacy laws in the world.

In response to committee questions, **Ms. Molitor** stated there had not been any overt support for the legislation by local transportation authorities.

VOTE ON MOTION:

Motion carried by voice vote. Rep. Monks will sponsor the bill on the floor.

S 1043:

Roger Batt, Western Equipment Dealers, presented **S 1043**. This legislation amends the definition of "implements of husbandry" as the agriculture industry understands this definition. It authorizes equipment dealers to be allowed to move implements of husbandry during daylight hours from farm to farm, to and from an auction house, and to and from a repair shop without having to have a permit to do so. There will be a negative fiscal impact to the Idaho Transportation Department totaling about \$54,250.00 through the passage of this legislation.

Mr. Batt clarified that there had been an amendment to **S 1043** in **RS 25078A1**. The amendment in **RS 25078A1** deletes line 20, page 3 of the printed bill, and inserts a new partial sentence. The original printed bill, line 20, page 3, stated "their designated agents, including without limitation, equipment deal-" and now states "their designated agents, or equipment deal-."

Mr. Batt stated on page 1 of **S 1043** under the definition of "implements of husbandry," the phrase "when being incidentally operated" had been struck out because it allowed an interpretation under this definition that implements of husbandry, including planters, swathers, plows, hay balers, etc, are only defined as implements of husbandry only when they are being transported from one farm to another. These implements are implements whether they are in use or sitting idle. The language has been changed to clarify that the definition of "implements of husbandry" is not based solely on the activity of transporting the equipment.

Mr. Batt stated the current regulations for the transport of implements of husbandry create an inconvenience for equipment dealers who must first obtain a permit from the Idaho Transportation Department. Mr. Batt stated obtaining permits at night, on weekends, and on holidays, creates significant problems for the agricultural industry. The legislation contains an emergency clause.

In response to committee questions, **Mr. Batt** stated the legislation would exempt only equipment dealers from the permitting process.

In response to committee questions, **Mr. Batt** stated the permitting process is an onerous one, as many equipment dealers cannot reach ITD to obtain a permit when it is required. This solution provides convenience to the equipment dealers, as they can move the implements of husbandry more freely.

In response to committee questions, **Mr. Batt** stated implements of husbandry would still need to be adorned with a flag(s) or "flagged" to indicate a hazard on the roadway.

MOTION: **Rep. Hixon** made a motion to send **S 1043** to **General Orders**.

Alan Frew, Department of Motor Vehicles Administrator, Idaho Transportation Department, spoke **in opposition** to **S 1043**, stating if these vehicles are no longer required to operate under an overlegal permit, they are also not subject to all of the restrictions that overlegal permitted vehicles must follow. They would not be required to have specified lights, signs, and flags, two-way radio communications, escort vehicles, and they would not be notified of areas with lane width restrictions due to construction. During the summer or harvest months, ITD prefers to have good communication with the drivers of these loads, which can be up to 16 and 24 feet wide. This legislation may limit communication between the equipment dealers and ITD regarding lane restrictions, height clearances, and other safety matters.

In response to committee questions, **Mr. Frew** stated the term "overlegal" refers to the width of a vehicle, not the height or to weight.

In response to committee questions, **Mr. Frew** stated the ITD has taken steps in order to make the permitting process for equipment dealers easier. To help mitigate the hassle, there are representatives on standby with 24-hour cell phone access, and the permit supervisor's phone number is provided if no one answers the regular permitting phone line.

In response to committee questions, **Mr. Frew** stated the time to obtain a permit in an emergency varies on certain factors, such as the vehicle width, whether they are travelling at night, or travelling in a construction zone. In this case, the local traffic engineer would need to identify the restrictions on the path of travel at that time. At most, it should only take a couple of hours.

In response to committee questions, **Mr. Frew** stated even those without a permit can still go to the ITD website for travel and construction information. The ITD website has a map during construction season that assists truck owners and operators to know what the width restrictions are. This map is updated continually.

In response to committee questions, **Mr. Frew** stated the exemption for implements of husbandry equipment dealers applies during daylight hours only.

Dennis Tanikuni, Assistant Director of Government Affairs, Idaho Farm Bureau, spoke **in support** to **S 1043**, stating the legislation is important because those in agriculture cannot have any kind delay occur, especially during harvest season, where the wait could be extremely costly to the operator.

Elizabeth Criner, Far West Agribusiness Association, spoke **in support** to **S 1043**. Ms. Criner stated that many of the referenced implements of husbandry are leased, creating even shorter time frames for completing tasks, and thus no time for permitting. This legislation will benefit agribusiness retailers.

Benjamin Kelly, Food Producers of Idaho, spoke **in support** to **S 1043**, stating the legislation is extremely important and that the association is in favor.

VOTE ON MOTION: **Motion carried by voice vote. Rep. Moyle** will sponsor the bill on the floor.

RS 25373: **Rep. Dixon** presented **RS 25373**. This is a Concurrent Resolution to reject the entire pending rule found in **Docket No. 11-1301-1603** from the Idaho State Police, Motor Carrier Rules.

MOTION: **Rep. Harris** made a motion to introduce **RS 25373** and recommend it be sent to the Second Reading Calendar. **Rep. Wintrow** requested to be recorded as voting **NAY**. **Rep Dixon** will sponsor the bill on the floor.

MOTION: **Rep. Syme** made a motion to approve the minutes of the February 16 and 20, 2017 meetings. **Motion carried by voice vote.**

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 2:27 P.M.

Representative Palmer
Chair

Jasmine Platt
Secretary