

MINUTES
SENATE TRANSPORTATION COMMITTEE

DATE: Tuesday, January 22, 2019

TIME: 1:30 P.M.

PLACE: Room WW53

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

ABSENT/ EXCUSED: Chairman Brackett

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

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

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

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

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

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

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

The motion passed by **voice vote**.

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

RULES GOVERNING TEMPORARY MOTOR VEHICLE REGISTRATION

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

MOTION:

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

DOCKET NO. 39-0261-1801

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

RULES GOVERNING LICENSE PLATES FOR GOVERNMENTAL AGENCIES

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

MOTION:

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

DOCKET NO. 39-0341-1801

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

RULES GOVERNING TRAFFIC CONTROL DEVICES: Mr. Hobdey-Sanchez

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

DISCUSSION:

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

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

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

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

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

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

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

Vice Chairman Crabtree
Chair

Gaye Bennett
Secretary