

MINUTES
SENATE TRANSPORTATION COMMITTEE

DATE: Tuesday, February 19, 2019

TIME: 1:30 P.M.

PLACE: Room WW53

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

ABSENT/ EXCUSED: Senator Burtenshaw

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 45 **Chairman Brackett** invited Kelley Packer, Bureau Chief of the Bureau of Occupational Licenses, to present **H 45**.

Ms. Packer thanked the Committee for hearing **H 45**. She deferred presenting the bill to Roger Hales, Administrative Attorney for the Bureau of Occupational Licenses and representing the Idaho State Driving Businesses Licensure Board (Board).

Mr. Hales said that **H 45** is consistent with the Governor's mandate to reduce barriers, streamline licensure, and increase employment opportunities. It reduces the number of apprenticeship training hours required to qualify for a driving instructor license, by reducing the classroom instruction from 60 hours to 30 hours. It also reduces the behind-the-wheel training from 108 hours to 16 hours. The Board conducted a survey of states with similar licensures and determined it was appropriate to reduce the hours because Idaho's barrier was too high. They did not believe the reduction in hours would affect an instructor's minimum competency to teach students how to drive safely. Students, between the ages of 14-and-one-half and 17, have to qualify individually once they are through their driving school's program. The Board requested an emergency clause to allow early implementation in order to accommodate the student application process. **Mr. Hales** concluded by requesting **H 45** be sent to the floor with a do pass recommendation.

DISCUSSION: **Senator Den Hartog** asked if the reduction from 108 to 16 hours was consistent with the Board's findings from other states. **Mr. Hales** replied the Board conducted the survey; it is made up of licensed business owners. They determined that it was appropriate to reduce the hours. He added that the State of Utah requires 50 total hours.

Senator Nelson asked if there was data that shows Idaho won't have a reduction in safety because we've reduced the training requirement. **Mr. Hales** was not aware of any hard data that indicates one way or the other. The Board, which is made up of licensed business owners, teaches this and believes that based on their experience, there would be no adverse impact. **Senator Nelson** said the surrounding states — Montana, Utah, Oregon — all require more training than what **H 45** provides. **Mr. Hales** said he didn't have specific data as the Board performed the survey, but they reviewed other states' requirements and concluded they were comfortable with this reduction.

Ms. Packer intervened in the response to Senator Nelson's question by stating that on May, 2015 the Board received a document that summarized the requirements of all 50 states. She had looked specifically at Oregon, Montana, and Utah because of information from a third party that matched Senator Nelson's question. She found that Montana has repealed their statute and there are currently no requirements for instruction hours, as of May 2015. Oregon did the same for both instruction and behind-the-wheel training. Utah requires 50 hours, as previously stated. Training actually goes from no hours for some states up to hundreds of hours, which is why the Board took a look at what is required in Idaho and brought this legislation forward. She concluded by offering to forward the document to the Committee.

Senator Buckner-Webb asked if the other states have a minimum age for taking driving instruction. **Mr. Hales** said that to be an instructor, a person has to be at least 21 years old. **Senator Buckner-Webb** asked if this was for adults or children. **Mr. Hales** said the program specifically deals with students between 14-and-one-half and 17.

Senator Lodge asked Mr. Hales to repeat the statement about ages for students. **Mr. Hales** said this program licenses private business instructors who teach driving to students between 14-and-one-half and 17 years of age. It is similar to the public school system program that is typically held in a public school setting. Whereas, a potential client can contract with a public business for student driver instruction training. It is through that private business where this legislation comes into play. **Senator Lodge** wanted clarity on the purpose of the bill as to whether the hours are for the instructor in order to teach or for the student to be trained. **Mr. Hales** said to be an instructor for a private business requires a private license that meets certain qualifications — 21 years of age, high school completion, valid drivers license, satisfactory driving record, finger print background check, and a medical certificate — and then the apprenticeship training program to become a licensed driver training instructor needs to be completed. This bill reduces the training hours in the apprenticeship program for those instructors; it does not affect the students' training to be drivers.

TESTIMONY:

Lisa Brady, a special guest at drivers education instructing classes around the Treasure Valley and instructor of a bicycle-pedestrian education series for all driver education instructors in the State of Idaho, asked to testify against the bill.

Ms. Brady said reducing the number of hours instructors are required to complete so that they are equivalent to the number of hours students are required to complete is a big deal. She also contends there is no sense in dropping the behind-the-wheel hours from 108 hours to 16 hours when students are required to have just half that number of hours behind-the-wheel. The statistics in Idaho in 2017 show that males between the ages of 16 and 24 are overrepresented in fatal crashes. Traffic fatalities are the leading cause of youth death across the nation. This cannot be taken lightly. With the population growth in Idaho, traffic on Idaho roads is more serious than can be imagined. She has chosen to take a stand because she is in the classroom teaching the bicycle-pedestrian part. This vulnerable road user group needs to have drivers who are trained better so that those who do not drive a car will be as safe as anyone else on the roads.

Vice Chairman Crabtree asked if there were outcome assessments or evaluations of how these training instructors perform when fewer hours are required. **Ms. Brady** said she would need to do some research, but she believed the statistics on the roadway could reveal an answer.

Senator Nelson said he was not familiar with the training curriculum, but wondered what would be cut out by reducing the hours. **Ms. Brady** said that would be a question for the state driver education director.

**CLOSING
REMARKS:**

Mr. Hales said that these student drivers still have to meet the requirements and pass the test to get their driver's license. He does not believe there is a study indicating that reducing an instructor's training hours has an effect on young drivers. **H 45** only affects the driving instructors and not the student drivers.

MOTION:

Senator Den Hartog moved to send **H 45** to the floor with a **do pass** recommendation. The motion died for lack of a second.

**MINUTES
APPROVAL:**

Vice Chairman Crabtree moved to approve the Minutes of February 7, 2019. **Senator Winder** seconded the motion. The motion passed by **voice vote**.

**PAGE
INTRODUCTION:**

Chairman Brackett welcomed Makenna Moore of Mountain Home and invited her to take the podium to introduce herself and stand for questions.

Ms. Moore said she is a senior at Mountain Home High School in Mountain Home. She is the captain of her high school's varsity tennis team, and she likes rock climbing, hiking, and most outdoor activities. She also enjoys art, and she was responsible for an art piece in one of the Alleyways Artwork of Mountain Home projects for her high school.

Chairman Brackett asked what her plans were after high school. **Ms. Moore** said she is planning to go to the University of Idaho in Moscow and study natural resources. She hopes to be either a game warden or a fire ecologist.

Vice Chairman Crabtree asked how she became a page this session. **Ms. Moore** said it was a very cool opportunity for a small town student like herself. She has few opportunities to do things in the city and thought she would enjoy it.

Senator Winder said that Mountain Home is a metropolitan center compared to Three Creeks where Chairman Brackett is from, so she should not think of herself as a small town student. He wanted to know how she became interested in being a game warden. **Ms. Moore** said she and her father enjoy hunting and fishing.

**PASSED THE
GAVEL:**

Chairman Brackett passed the gavel to Vice Chairman Crabtree.

S 1065

Vice Chairman Crabtree invited Chairman Brackett to present **S 1065**.

Chairman Brackett said the purpose of this legislation is to provide another alternative for funding our transportation infrastructure. Idaho is one of the fastest-growing states in the nation. With this growth comes increased burdens on our transportation system, such as congestion and increased traffic. **S 1065** was written to help address those needs. It amends the Transportation Expansion and Congestion Mitigation (TECM) program found in Idaho Code § 40-720 to provide for a bonding mechanism for the funds already received in that section.

Currently under Idaho Code § 40-720, the Idaho Transportation Department (ITD) is tasked to evaluate projects based on mitigation of traffic times, improvement to the traffic flow, and mitigation of traffic congestion. Once the evaluation is completed by ITD, the Idaho Transportation Board (ITB) selects the projects. The current law allows TECM funds to finance projects. This legislation provides a financing mechanism using the Idaho Housing and Finance Association (IHFA) to issue bonds secured by TECM funds to finance projects approved by the ITB. This proposed legislation also states that the ITB shall take into consideration the mitigation of traffic congestion caused by the establishment of Idaho's campus in the Chinden campus in west Boise. If the state helped contribute to the congestion because of the campus, then the state should help fix it.

Finally, **S 1065** specifies that the 1 percent sales tax used to fund TECM, but not less than \$15 million, is continually appropriated to the TECM fund for the ability to support and finance TECM projects. The ITB will have the ability to bond approximately \$150 million for new transportation projects depending on the unenumerated amounts in the TECM fund. The bonding mechanism does not require a tax increase because the TECM fund already receives 1 percent of the sales tax, which is more than the minimum of \$15 million provided for in **S 1065**. **Chairman Brackett** went through the bill explaining it section by section.

DISCUSSION:

Senator Winder asked if the ITB would consider the mitigation of traffic on at the state's Chinden campus a priority project. **Chairman Brackett** said ITB reviews and prioritizes traffic congestion wherever it occurs throughout the state. Chinden is only one example of where traffic is already somewhat congested, and as development increases in that area and state employees move out to the campus, it will be even more congested. But it is to be evaluated by ITD with recommendations to the ITB, where the final decisions will be made.

Senator Nelson asked what has typically been 1 percent of the sales tax in the last few years. **Chairman Brackett** said that last year there was \$15.7 million and it fluctuates up to about \$17 million. **Senator Nelson** asked if the bill establishes a new floor. **Chairman Brackett** said if the sales tax goes below \$15 million it could create a safety minimum that would go into the fund. **Senator Nelson** said he understands this is to safeguard the bonds so we can get a better rate on the bonds because we've established that floor. **Chairman Brackett** said Senator Nelson was correct, but the State of Idaho and their sales tax enjoys a very favorable bond rating. This secures that there will be a minimum of that amount deposited.

Senator Den Hartog asked what the anticipated improvements were around the state campus on Chinden in Boise. **Chairman Brackett** replied that western Ada County is rapidly growing with new subdivisions and new businesses. Improvements would include building out Chinden Boulevard, State Highway 20-26, to be five lanes in order to move more traffic. But it's not just Chinden Boulevard; to the north is State Highway 44, State Street, which would also be built out to five lanes. Longer term plans would be to build out State Highway 16 to the interstate. ITD needs to preserve some of the rights-of-way for the interchange on Chinden up to the interstate, which will be the expensive one. It is better to start on it now rather than waiting until it becomes a real traffic problem in five years.

TESTIMONY:

Jeremy Chou, representing the American Council of Engineering Companies, testified in support of **S 1059**.

Mr. Chou said that the Idaho Association of Commerce and Industry (IACI) also supports this bill. He said there was one question he wanted to address with respect to the Chinden campus. By statute, ITB has to take into consideration the mitigation of traffic congestion at the Chinden campus. Once they consider it, however, the ITB prioritizes all the projects statewide. In October, 2018, ITB came forward with a resolution that prioritized TECM projects, and Chinden was among the many projects listed. This bill expedites high priority projects and, by doing so, saves the state money.

DISCUSSION:

Senator Den Hartog asked if he knew what the current outstanding debt on Idaho's Grant Anticipation Revenue Vehicle (GARVEE) bonds were. **Mr. Chou** did not know but deferred to an ITD representative in the audience who said it was \$56 million.

CLOSING REMARKS: **Chairman Brackett** told the Committee that instead of being limited to doing approximately \$15 million in roadway projects each year, **S 1065** allows ITD to construct projects now and use the 1 percent sales tax revenue stream to make the bond debt service and principle payments.

DISCUSSION: **Senator Rice** said he has concerns that there are insufficient funds for Idaho's roadways. This was partially addressed a few years ago. Bonds tie up funds for a long time, and the total amount in any one year doesn't fund many projects. In a period when we are not addressing the overall need in a sufficient way, it is prudent with small funds like this bill proposes to go ahead and make the best difference possible in the use of those funds. He believes **S 1065** does that.

MOTION: **Senator Rice** moved to send **S 1065** to the floor with a **do pass** recommendation. **Senator Lodge** seconded the motion.

DISCUSSION: **Senator Winder** offered that when looking at the \$15 million and the \$150 million total at the cost of money at 5 percent, it seems to equal more than \$150 million. If the total \$15 million in debt service doesn't need to be tied up, then there may be other options as ITD moves through the process. The cost of money should be very favorable.

VOICE VOTE ON MOTION: The motion to send **S 1065** to the floor with a do pass recommendation passed by **voice vote**. Chairman Brackett will carry the bill on the Senate floor.

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

ADJOURNED: With no further business before the Committee, **Chairman Brackett** adjourned the meeting at 2:26 p.m.

Senator Brackett
Chair

Gaye Bennett
Secretary