

**MINUTES OF THE
TRANSPORTATION INTERIM COMMITTEE**

Wednesday, November 14, 2007 – 2:00 p.m. – Room W015 House Building

Members Present:

Rep. Todd E. Kiser, House Chair
Sen. Carlene M. Walker, Senate Chair
Sen. Scott K. Jenkins
Sen. Kevin T. VanTassell
Rep. Stephen D. Clark
Rep. Bradley M. Daw
Rep. Ben C. Ferry
Rep. Richard A. Greenwood
Rep. Lynn N. Hemingway
Rep. Kory M. Holdaway
Rep. Fred R. Hunsaker
Rep. Brad King
Rep. Ronda Rudd Menlove
Rep. Paul A. Neuenschwander
Rep. LaWanna Lou Shurtliff

Members Excused:

Sen. Sheldon L. Killpack
Sen. Ed Mayne
Rep. Mark W. Walker

Staff Present:

Mr. Mark B. Steinagel, Policy Analyst
Ms. Shannon C. Halverson, Associate General Counsel
Ms. Tracey Fredman, Legislative Secretary

Note: A list of others present, a copy of related materials, and an audio recording of the meeting can be found at www.le.utah.gov.

1. Committee Business

Chair Kiser called the meeting to order at 2:08 p.m.

MOTION: Rep. Kiser moved to approve the minutes of the October 17, 2007 meeting. The motion passed unanimously. Sen. Jenkins, Rep. Clark, Rep. Greenwood, Rep. Hemingway, and Rep. Holdaway were absent for the vote.

2. East-West Corridor Study Update (HB 108)

Mr. Carlos Braceras, Deputy Director, UDOT (Utah Department of Transportation) distributed and presented "HB108 Transportation Study."

3. Draft Legislation "Transportation Administrative Rules - Criminal and Civil Penalty Amendments"

Ms. Halverson introduced 2008 General Session draft legislation, "Transportation Administrative Rules – Criminal and Civil Penalty Amendments."

MOTION: Sen. Walker moved to recommend 2008 General Session draft legislation, "Transportation Administrative Rules – Criminal and Civil Penalty Amendments" as a committee bill with guidance to the Administrative Rules Review Committee that if it wants to do an overall omnibus bill that would be fine. The motion passed unanimously. Sen. VanTassell, Rep. Clark, and Rep. Menlove were absent for the vote.

4. Draft Legislation "Designation of State Highways Amendments"

Mr. Steinagel reviewed "Highway Jurisdictional Transfers – Reporting Requirements" and distributed an updated version of 2008 General Session draft legislation, "Designation of State Highways Amendments."

Ms. Linda Hull, Director, Legislative Government Affairs, UDOT, distributed and reviewed "Status of Proposed Additions to or Deletions From the State Highway System Annual Report to the Transportation Interim Committee" and discussed provisions in the legislation.

MOTION: Sen. Walker moved to recommend 2008 General Session draft legislation, "Designation of State Highways Amendments" as a committee bill. The motion passed unanimously. Rep. Ferry and Rep. Holdaway were absent for the vote.

5. Draft Legislation "Penalties for Failing to Secure a Load or Littering on Highway"

Rep. Jones presented photographs and a short video clip while introducing the background of the legislation.

Ms. Hull summarized the provisions of 2008 General Session draft legislation, "Penalties for Failing to Secure a Load or Littering on Highways."

MOTION: Sen. VanTassell moved to recommend 2008 General Session draft legislation, "Penalties for Failing to Secure a Load or Littering on Highways" as a committee bill with amendments to be made by staff to limit it to a three-year look back period for a second or subsequent violation. The motion passed unanimously. Rep. Holdaway was absent for the vote.

Further explanation was given by Rep. Ferry as to what the Administrative Rules Review Committee was asking of the interim committees with regard to criminal and civil penalties written in administrative rule. Chair Kiser asked that the Committee have the opportunity to vote on the legislation (see agenda item 3) again.

MOTION: Sen. Walker moved to recommend 2008 General Session draft legislation, "Transportation Administrative Rules – Criminal and Civil Penalty Amendments" as a committee bill with guidance to the Administrative Rules Review Committee that if it wants to do an overall omnibus bill that would include the provisions of this legislation, that would be fine. The motion passed unanimously. Sen. Jenkins and Rep. Holdaway were absent for the vote.

6. Draft Legislation "Confidentiality of Reports to Driver License Division"

Sen. Allen M. Christensen introduced 2008 General Session draft legislation, "Confidentiality of Reports to Driver License Division."

Ms. Kim Gibb, Bureau Chief, Driver License Division, distributed "Department of Public Safety Driver License Division Form for the Purpose of Reporting Drivers Who May Be Unsafe to Drive" and spoke in favor of the draft.

Mr. Wally Wintle, Public Safety Bureau Chief, Driver License Division, responded to questions from the Committee.

MOTION: Rep. Menlove moved to recommend 2008 General Session draft legislation, "Confidentiality of Reports to Driver License Division" as a committee bill. The motion passed with Sen. Jenkins voting in opposition. Rep. Holdaway and Rep. Greenwood were absent for the vote.

7. Draft Legislation "Clean Fuel Vehicles and HOV Lane Access"

Mr. Steinagel distributed a letter from the Utah State Tax Commission to the committee chairs dated November 13, 2007 and 2008 General Session draft legislation, "Clean Fuel Special Group License Plate Amendments."

Ms. Hull commented on the provisions of the draft.

MOTION: Rep. Ferry moved to recommend 2008 General Session draft legislation, "Clean Fuel Special Group License Plate Amendments" as a committee bill. The motion passed unanimously with Sen. Jenkins, Rep. Clark, Rep. Greenwood, Rep. Holdaway, and Rep. Hunsaker absent for the vote.

8. Draft Legislation "Motorcycle License and Endorsement Amendments"

Staff distributed 2008 General Session draft legislation, "Motorcycle License and Endorsement Amendments." Rep. Neuenschwander reviewed provisions of the legislation.

Mr. Kurt Stromberg, Driver License Program Coordinator, Driver License Division, responded to questions from the Committee.

Mr. Eric Stine, ABATE (American Bikers Aimed Toward Education of Utah), spoke in support of the draft.

Mr. Brent Henry, citizen, commented on the age requirement in the draft.

Mr. Wayne Jones, former Executive Director, Utah Powersport Dealer Association (the association was dissolved in January 2007), commented on motorcycle education programs.

MOTION: Rep. Ferry moved to delete from line 524, "55 and replace it with "60". The motion passed with Sen. Walker and Rep. Greenwood voting in opposition. Rep. Clark and Rep. Hemingway were absent for the vote.

Mr. David Tim, CEO, ABATE, said it is not necessary to own a motorcycle before taking an education course.

Chair Kiser distributed proposed amendments to the draft which removes any restrictions of persons over the age of 19.

MOTION: Rep. Kiser moved to recommend the amendments to 2008 General Session draft legislation, "Motorcycle License and Endorsement Amendments." The motion passed with Rep. Neuenschwander and Rep. Shurtliff voting in opposition. Rep. Clark, Rep. Greenwood, Rep. Hemingway and Rep. Holdaway were absent for the vote.

MOTION: Rep. Ferry moved to recommend 2008 General Session draft legislation, "Motorcycle License and Endorsement Amendments" including the amendments previously approved.

SUBSTITUTE MOTION: Sen. Jenkins moved to recommend 2008 General Session draft legislation, "Motorcycle License and Endorsement Amendments" amending the age from 19 to 18. The motion failed with Sen. Jenkins and Rep. Menlove voting in support. Rep. Clark, Rep. Hemingway, and Rep. Holdaway were absent for the vote.

The Committee voted on the original motion which passed unanimously. Rep. Clark, Rep. Hemingway, and Rep. Holdaway were absent for the vote.

9. REAL ID Act of 2005

Staff distributed "Homeland Security Retreats From Facets of 'Real ID'"

Ms. Nanette Rolfe, Director, Driver License Division, reported that the final rules regarding the REAL ID Act have not yet been received. She said it is possible that the implementation of this Act may be moved back to a future date.

10. Other Items / Adjourn

MOTION: Sen. Jenkins moved to adjourn the meeting. The motion passed unanimously. Rep. Clark, Rep. Hemingway, and Rep. Holdaway were absent for the vote.

Chair Kiser adjourned the meeting at 4:37 p.m.