

**MINUTES OF THE
TRANSPORTATION INTERIM COMMITTEE**

Wednesday, November 16, 2011 – 2:00 p.m. – Room 25 House Building

Members Present:

Sen. Kevin T. Van Tassell, Senate Chair
Rep. Bradley M. Daw, House Chair
Sen. Scott K. Jenkins
Sen. Karen Mayne
Sen. Daniel W. Thatcher
Rep. Stewart Barlow
Rep. Rebecca P. Edwards
Rep. Janice M. Fisher
Rep. Stephen G. Handy
Rep. Lynn N. Hemingway
Rep. Todd E. Kiser
Rep. Bradley G. Last

Rep. Carol Spackman Moss
Rep. Val L. Peterson
Rep. Kraig Powell
Rep. Kenneth W. Sumsion

Members Absent:

Sen. Peter C. Knudson
Rep. Holly J. Richardson

Staff Present:

Mr. Leif G. Elder, 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 Daw called the meeting to order at 2:28 p.m.

MOTION: Sen. Thatcher moved to approve the minutes of the October 19, 2011 meeting. The motion passed unanimously. Sen. Jenkins, Rep. Kiser, Rep. Peterson, and Rep. Sumsion were absent for the vote.

2. 2012 General Session Draft Legislation, "State Highway System Modifications"

Committee staff distributed 2012 General Session draft legislation, "State Highway System Modifications" (2012FL-0528/004).

Ms. Linda Hull, Director, Legislative and Government Affairs, Utah Department of Transportation (UDOT), briefed committee members on modifications made through the provisions of the legislation.

MOTION: Sen. Van Tassell moved to recommend 2012 General Session draft legislation, "State Highway Modifications" (2012FL-0528/004) as a committee bill. The motion passed unanimously. Sen. Jenkins, Rep. Kiser, Rep. Peterson, and Rep. Sumsion were absent for the vote.

3. 2012 General Session Draft Legislation, "Transportation Corridor Preservation Revolving Loan Fund Amendments"

Ms. Hull referred committee members to 2012 General Session draft legislation, "Transportation Corridor Preservation Revolving Loan Fund Amendments" (2012FL-0160/002), which was distributed in the mailing packet. She reviewed the contributions made by former Representative Marda Dillree towards the creation of the Transportation Corridor Preservation Revolving Loan Fund, and the ways in which UDOT has been making use of the fund. Ms. Hull explained that the legislation changes the name of the fund to the Marda Dillree Corridor Preservation Fund.

MOTION: Sen. Mayne moved to recommend 2012 General Session draft legislation, "Transportation Corridor Preservation Revolving Loan Fund Amendments" (2012FL-0160/002), as a committee bill. The

motion passed unanimously. Sen. Jenkins, Rep. Kiser, Rep. Peterson, and Rep. Sumsion were absent for the vote.

4. 2012 General Session Draft Legislation, "Concurrent Resolution Supporting Establishment of a Fund for Assistance to Families of Fallen Officers"

Sen. Van Tassell introduced 2012 General Session draft legislation, "Concurrent Resolution Supporting Establishment of a Fund for Assistance to Families of Fallen Officers" (2012FL-0314/005), which was distributed by staff.

Mr. Tore Steen, Chairman and Founder, Utah 1033 Foundation, commented on the background and formation of the foundation, which provides financial support to the families of fallen law enforcement officers in Utah and educational scholarships for the children of any Utah law enforcement officer.

MOTION: Sen. Jenkins moved to recommend 2012 General Session draft legislation, "Concurrent Resolution Supporting Establishment of a Fund for Assistance to Families of Fallen Officers" (2012FL-0314/005), as a committee bill. The motion passed unanimously. Rep. Kiser, Rep. Last, Rep. Peterson, and Rep. Sumsion were absent for the vote.

5. 2012 General Session Draft Legislation, "Disposition of Realigned Highway Revisions"

Sen. Adams introduced 2012 General Session draft legislation, "Disposition of Realigned Highway Revisions" (2012FL-0419/003), which was distributed in the mailing packet.

Ms. Hull discussed the provisions of the legislation and responded to committee members' questions.

MOTION: Sen. Van Tassell moved to recommend 2012 General Session draft legislation, "Disposition of Realigned Highway Revisions" (2012FL-0419/003), as a committee bill. The motion passed unanimously. Rep. Kiser, Rep. Peterson, and Rep. Sumsion were absent for the vote.

6. 2012 General Session Draft Legislation, "Driver License Emergency Contact Database"

Rep. Marie Poulson discussed the background and provisions of 2012 General Session draft legislation, "Driver License Emergency Contact Database" (2012FL-0242/005), which was distributed in the mailing packet.

Ms. Nannette Rolfe, Director, Utah Driver License Division, addressed the ways in which the Driver License Division would implement the provisions of the legislation, and how it will be accessed by law enforcement.

Rep. Edwards spoke in favor of the legislation.

Assistant Chief Paul Brenneman, Cottonwood Heights Police Department, said the Cottonwood Heights Police Department is in support of the legislation. He said that in an emergency, the database would provide contact information immediately.

Sergeant Matt Spillman, Utah Highway Patrol, spoke to the value of accessing emergency contact information expeditiously.

MOTION: Rep. Fisher moved to recommend 2012 General Session draft legislation, "Driver License Emergency Contact Database" (2012FL-0242/005), as a committee bill. The motion passed unanimously. Rep. Last and Rep. Peterson were absent for the vote.

7. 2012 General Session Draft Legislation, "Off-highway Vehicles Amendments"

Sen. Ralph Okerlund introduced 2012 General Session draft legislation, "Off-highway Vehicles Amendments" (2012FL-0242/005), which was distributed in the mailing packet.

Mr. Fred Hayes, Deputy Director, Division of Parks and Recreation, presented the background and provisions of the legislation and responded to committee members' questions.

MOTION: Sen. Jenkins moved to amend 2012 General Session draft legislation, "Off-highway Vehicles Amendments" (2012FL-0242/005), as follows: Page 1, Line 29 delete "\$25" and insert "\$30". The motion failed with Sen. Jenkins, Sen. Mayne, Sen. Thatcher, Sen. Van Tassell, Rep. Barlow, Rep. Edwards, Rep. Handy, and Rep. Kiser voting in favor. Rep. Last, Rep. Peterson, and Rep. Sumsion were absent for the vote.

Committee discussion followed.

MOTION: Sen. Van Tassell moved to recommend 2012 General Session draft legislation, "Off-highway Vehicles Amendments" (2012FL-0242/005), as a committee bill. The motion passed unanimously. Rep. Last and Rep. Sumsion were absent for the vote.

8. DUI Lab Testing

Mr. Elder introduced the issue and noted that Driving Under the Influence lab test results sometimes take longer to reach the appropriate agencies than what would be optimal.

Ms. Teresa Garrett, Division Director, Disease Control and Prevention, Department of Health, distributed "DUI Testing Process Flow," and introduced Ms. Gambrelli Layco.

Ms. Gambrelli Layco, Director, Bureau of Toxicology, Department of Health, described some of the reasons test results may be delayed and therefore not made available prior to a DUI driver license hearing.

Ms. Kim Gibb, Bureau Chief, Driver License Division, offered suggestions to assist the Department of Health to better meet the needs of agencies who rely on their services.

No action was taken on this item.

9. Driver Education

Ms. Halverson distributed and reviewed "Driver Education Requirements for Persons 18 and Over" and "Utah Private Driver Education Requirements." A letter from Brian Moss, A-1 Driving School, was also distributed to the Committee. Ms. Halverson noted that all states require testing of competent driving skills, but most states do not require a driver education course for persons 18 and over.

Mr. Chris Caras, Driver Services Bureau Chief, Driver License Division, stated that driver education requirements vary greatly from state to state. Mr. Caras also said there are no studies for people 18 and over which provide statistics regarding the benefits of a driver education program.

Mr. Alberto Diaz, Revolution Driving Instruction, discussed reasons he believes driver education is necessary in Utah.

Mr. Dave Creer, Executive Director, Utah Trucking Association, spoke to the importance of driver education.

Mr. Ken Clark, citizen, requested that committee members consider changing Utah law to allow persons over 18 years of age to obtain a driver license without completing a driver education course.

No action was taken on this item.

10. Other Items / Adjourn

Sen. Van Tassell introduced Mr. Neldon B. Jones, citizen, and asked committee members to look at "Confirm Right for Defendants of Speeding Charges to Prove that They Were Driving Reasonably," "Provide Practical Criterion to Determine Violation of 41-6a-701 Duty to Operate Vehicle on Right Side of Roadway," and "Apply Following Distance Regulation to all Vehicles at Any Speed," which were prepared by Mr. Jones and distributed by staff. Sen. Van Tassell said that the handouts introduce three items that Mr. Jones would like the Committee to consider, but due to a lack of time, a discussion would not be possible.

MOTION: At 5:00 p.m., Rep. Edwards moved to adjourn the meeting at 5:20 p.m. to allow Mr. Neldon Jones time to speak. The motion passed unanimously. Sen. Mayne, Sen. Thatcher, Rep. Hemingway, Rep. Kiser, Rep. Last, Rep. Powell, and Rep. Sumsion were absent for the vote.

Mr. Jones reviewed the handout and commented briefly on safety issues related to the speed of vehicles on roadways. He cited Utah Code Sections 41-6a-607, 41-6a-701, and 41-6a-711, and provided suggestions for revisions to those sections.

Due to the lack of time, this item was not discussed further.

Chair Daw adjourned the meeting at 5:20 p.m.