

ARIZONA STATE SENATE

48TH LEGISLATURE SECOND REGULAR SESSION

MINUTES OF COMMITTEE ON TRANSPORTATION

DATE: February 12, 2008 **TIME:** 1:30 p.m. **ROOM:** SHR 3

CHAIRMAN: Senator Gould **VICE CHAIRMAN:** Senator Gorman

ANALYST: Ryan DeMenna **INTERN:** Perla Rojas

**COMMITTEE
SECRETARY:** Bill Ritz

ATTENDANCE

BILLS

<u>Committee Members</u>	<u>Pr</u>	<u>Ab</u>	<u>Ex</u>	<u>Bill Number</u>	<u>Disposition</u>
Senator Blendu	X			SB 1080	HELD
Senator Rios	X			SB 1455	DP
Senator Soltero	X			SB 1468	DP
Senator Gorman, Vice Chairman	X			SB 1470	DP
Senator Gould, Chairman	X			SB 1473	DPA
				SCR 1032	DPA
				SCR 1033	DP

Chairman Gould called the meeting to order at 1:34 p.m., and attendance was taken.

APPROVAL OF MINUTES

Senator Gould moved the minutes of February 5, 2008 be approved. Without objection, the minutes were approved as distributed.

CONSIDERATION OF BILLS

SB 1080 – operating under the influence; watercraft – HELD

Amber O'Dell, Public Safety and Human Services Research Analyst, explained SB 1080 and answered questions posed by the Committee members.

Jennifer Martin, Commissioner, Arizona Game and Fish, testified in support of SB 1080 and answered questions posed by the Committee members.

Senator Linda Gray, bill sponsor, further explained SB 1080 and answered questions posed by the Committee members.

Don Isaacson, Arizona Licensed Beverage Association, testified in opposition to SB 1080.

Alberto Gutier, representing self, testified in support of SB 1080 and answered questions posed by the Committee members.

Steve Barclay, Beer and Wine Distributors of Arizona, testified in opposition to SB 1080 and answered questions posed by the Committee members.

Joe Rodriguez, Captain, Maricopa County Sheriff's Office, testified in support of SB 1080 and answered questions posed by the Committee members.

Senator Gould announced SB 1080 would be HELD.

SB 1455 – sponsored highway safety signs – DO PASS

Ryan DeMenna, Transportation Research Analyst, explained SB 1455.

Kevin Biesty, Legislative Liaison, Arizona Department of Transportation, answered questions posed by the Committee members.

Senator Gould, bill sponsor, further explained SB 1455 and answered questions posed by the Committee members.

Senator Gorman moved SB 1455 be returned with a DO PASS recommendation. The motion CARRIED with a roll call vote of 3-2-0 (Attachment 1).

In explanation of his vote, Senator Soltero stated "I am really concerned about the wording here that requires the director and I am really concerned about what exactly we are doing here. How does this affect all those logo signs? I am not too enthused by the requirement part and I will have to vote 'No'."

SB 1468 – ADOT continuation; five years – DO PASS

Perla Rojas, Transportation Research Intern, explained SB 1468.

Kevin Biesty, Legislative Liaison, Arizona Department of Transportation, testified in opposition to SB 1468 and answered questions posed by the Committee members.

Senator Gorman moved SB 1468 be returned with a DO PASS recommendation.

Senator Soltero moved the following substitute verbal amendment:

“Page 1, line 8, extend the time from 2013 to 2018”

Senator Soltero’s motion FAILED.

The motion CARRIED with a roll call vote of 3-2-0 (Attachment 2).

In explanation of her vote, Senator Rios stated “I don’t see the sense in requiring another additional costly audit on an agency that has had a favorable audit and has been recommended for a ten year extension by the Committee. I think it is a huge waste of government money and I think the issue has been raised that if we have any questions or problems in the future we can ask for a report. I think this is unnecessary and I vote ‘No’.”

In explanation of his vote, Senator Soltero stated “I too remember the vote in the Committee to extend the Department of Transportation for ten years and it was almost unanimous. For the same reasons Senator Rios explained, ADOT was given a very good review after the audit. Things were going well, no problems, nobody complained, nobody brought up any situations in which they felt the Department should be continued for a lesser amount of time than ten years. Also, we just heard audits require, apparently, a couple of years to accomplish. Personally, every time I have had to contact the Department of Transportation on any issue they have been very accommodating and solved the problems very quickly. For those reasons I will have to vote ‘No’.”

SB 1470 – photo radar; prohibition on highways – DO PASS

Perla Rojas, Transportation Research Intern, explained SB 1470.

Robert Ticer, Lieutenant, Arizona Department of Public Safety, testified in opposition to SB 1470 and answered questions posed by the Committee members.

**Senator Gorman moved SB 1470 be returned with a DO PASS recommendation.
The motion CARRIED with a roll call vote of 3-2-0 (Attachment 3).**

In explanation of her vote, Senator Rios stated “This hearing is surreal to me. I think the fact of the matter is if you don’t break the law you won’t get a ticket. Photo radar citations are not just issued, people earn them. We have studies that now show that photo radar will reduce speeds people are going, it reduces the number of crashes, and it saves lives. Folks know that there are speed limits, we have speed limits for public safety reasons. Yes, we would love to have a police officer on every corner and DPS everywhere we could, I am very supportive of law enforcement. The fact of the matter is it is too costly and we heard Lieutenant Ticer say this

enables our highway patrol to focus their time on more serious law enforcement issues as opposed to people who just want to speed. For all those reasons I vote 'No'."

In explanation of his vote, Senator Soltero stated "As we heard, apparently, photo radar cameras are helping to bring safety to our highways and I am for safety on our highways so I vote 'No'."

In explanation of her vote, Senator Gorman stated "I don't have a problem with catching people breaking the law but as I said earlier I believe that there are situations, one, being the calibration is out. I have been a victim of that, so they don't always catch people speeding sometimes they catch people if they happen to drive by when the calibration was wrong. Second, those tickets can affect much of your home economics like the cost of your insurance. You could lose your license before you even get your first notification in the mail because your license can be gone with just a few of these. If you drive past the same one everyday and it is out of calibration you could end up in court battling just to keep your license. The third one is in terms of affecting behavior. I believe getting stopped by an officer immediately affects your behavior. I think people generally drive slower for a long period of time after they have been stopped for a variety of reasons that I don't think I need to explain. When the notice doesn't come for weeks after the behavior I don't think that same adjustment behavior takes place and I would like to see officers stopping people and discussing the safety of driving on the road in a safe manner. Since many of these are not being put up with the signs, I understand that the two that you have now are operating differently than the pre-existing ones around the state, but because I don't believe all drivers are forewarned and speed limits are not always appropriate for the area, sometimes there are speed traps where speed can be dropped down and then come back up and that is right where they put their radar. So, for all these reasons I am going to vote 'Yes'."

SCR 1032 – requirement on highways; photo radar – DO PASS AMENDED

Perla Rojas, Transportation Research Intern, explained SCR 1032 and the 2-line Gould amendment dated 2/8/08 at 1:57 p.m. (Attachment A).

Senator Gorman moved SCR 1032 be returned with a DO PASS recommendation.

Senator Gorman moved the the 2-line Gould amendment dated 2/8/08 at 1:57 p.m. The motion CARRIED by voice vote.

Senator Gorman moved SCR 1032 be returned with an AS AMENDED, DO PASS, recommendation. The motion CARRIED with a roll call vote of 3-2-0 (Attachment 4).

In explanation of his vote, Senator Blendu stated "I think Senator Gorman pointed out something else that is very important and it is when things go wrong one of my yardsticks has been how easy is it for the ordinary citizen to fix it when the arm of government presses on him. What you find out is if a camera is calibrated wrong no one is responsible. You need to go to court and prove your case and in traffic court you are always guilty until proven innocent. I would like to see before this goes to the ballot that if the vendor's machine is not working right, not calibrated right, that they are responsible for time lost and attorney's fees for going to court and I vote 'Aye'."

SCR 1033 – speeding citations; photo enforcement systems – DO PASS

Ryan DeMenna, Transportation Research Analyst, explained SCR 1033 and answered questions posed by the Committee members.

Senator Gorman moved SCR 1033 be returned with a DO PASS recommendation. The motion CARRIED with a roll call vote of 3-2-0 (Attachment 5).

In explanation of his vote, Senator Soltero stated “Since I think that if this is put in front of the voters everybody is going to be totally confused about what this says and we won’t get an accurate vote. I vote ‘No’.”

In explanation of her vote, Senator Gorman stated “I think what he is trying to do is to bring science back to the setting of the speeds so it makes sense. I am not sure that when I read the bill it is exactly what I would gather from it but I am going to vote ‘Yes’ and maybe we can work together to clean up the bill so it is more clear.”

SB 1473 – logo sign programs; ADOT – DO PASS AMENDED

Ryan DeMenna, Transportation Research Analyst, explained SB 1473.

Kevin Biesty, Legislative Liaison, Arizona Department of Transportation, testified in support of SB 1473 and answered questions posed by the Committee members.

Senator Gorman moved the following verbal amendment to SB 1473 (Attachment B):

Page 1, line 30, after “programs” strike the remainder of the line

strike line 31

line 32, strike “THE NEEDS OF THE ADVERTISER.”

strike lines 35 and 36

line 35, insert “THE DEPARTMENT MAY ENTER INTO A COST SHARING AGREEMENT WITH THE THIRD PARTY”

The motion CARRIED by voice vote.

Senator Gorman moved SB 1473 be returned with an AS AMENDED, DO PASS, recommendation. The motion CARRIED with a roll call vote of 5-0-0 (Attachment 6).

There being no further business, the meeting was adjourned at 3:13 p.m.

Respectfully submitted,

Bill Ritz
Committee Secretary

(Audio recordings and attachments on file in the Secretary of Senate's Office/Resource Center, Room 115. Audio archives are available at <http://www.azsenate.gov>).