

ARIZONA HOUSE OF REPRESENTATIVES
Fiftieth Legislature – Second Regular Session

COMMITTEE ON TRANSPORTATION

Minutes of Meeting
Thursday, January 26, 2012
House Hearing Room 3 -- 9:00 a.m.

Chairman Williams called the meeting to order at 9:06 a.m. and roll call was taken by the secretary.

Members Present

Mrs. Burges
Ms. Fann
Mr. Farley

Ms. Hobbs
Mrs. McLain
Mr. Meyer

Mr. Weiers, JP
Mr. Gray, Vice-Chairman
Mr. Williams, Chairman

Members Absent

None

Committee Action

HB2061 - DP (7-0-0-1)
HB2062 - DP (6-0-0-2)
HB2211 - DP (6-2-0-0)

HB2477 - DP (6-0-0-2)
HB2512 - DPA (6-2-0-0)
HB2543 - HELD AT REQUEST OF SPONSOR

INTRODUCTION OF MEMBERS AND STAFF

Chairman Williams introduced the Staff: Justin Riches, Majority Research Analyst; Tom Kwon, Majority Intern; Mark Bogart, Democratic Senior Economist/Policy Advisor; Katie Adler, Democratic Intern. During the meeting, Anadela Hogan and Ben Scheel, Pages, introduced themselves.

Chairman Williams stated that this session the Members will be discussing funding of highway systems, the Arizona Department of Transportation's bond rating diminishment and possible restoration of the Highway User Revenue Fund (HURF).

PRESENTATIONS

Becky Hill, representing Arizona Transit Association (AzTA), indicated that an in-depth presentation will be provided on transit in general, as well as the economic development impact of the loss of Local Transportation Assistance Funds (LTAF) I and II, which were repealed in the 2010 budget. She noted that the Members were provided with the details of the last distribution of LTAF for every jurisdiction in the state (Attachment 1).

Ron Barnes, President, Arizona Transit Association (AzTA), provided a PowerPoint presentation (Attachment 2, pages 1-8), indicating that transit is one of the components of a multimodal transportation system consisting of highways, roads, buses, shuttles, rail and air travel. Transit allows those without a car to find and retain work and provides daily trips to universities, community colleges and schools. Para-Transit provides specialized Americans with Disabilities Act services to seniors and the disabled, generally via van and shuttle service. He discussed the role of transit in economic development by attracting businesses, conferences and other services.

He addressed transportation funding, noting that Arizona repealed its transit source from lottery revenues (LTAF) in 2010. LTAF II funding for Maricopa County was restored by court order, but communities in the other 14 counties did not have LTAF funding restored. He reviewed the impact of the loss of LTAF funding, overall operations and public support of transit.

George Caria, Board Member, Arizona Transit Association (AzTA); Deputy Director, Department of Transportation, City of Tucson, provided an overview of the Sun Tran system in Tucson, including fleet facts, ridership and rider demographics, pointing out that 80 percent of the riders have no vehicle (Attachment 2, Pages 8 and 9). He added that Sun Tran is unique in that it is one of few systems still operated by a city; the City of Tucson contributes about \$40 million per year. LTAF funding was anticipated but repealed, so combined with reduced HURF funding, the City has had to make necessary adjustments, which was done without cutting services. LTAF funding is extremely important to the operating fund of the transit system.

Mr. Barnes related that the success of the state and local communities is dependent on everyone having access to jobs, education, health care and all that public transportation provides. Arizona is one of five states that currently do not contribute to public transportation, but he hopes the community can be educated as to its value and importance in order to change that.

Kevin Adam, Rural Transportation Advocacy Council, related that roads and transit are two parts of transportation infrastructure necessary to move people, goods, materials and products safely, reliably and efficiently. There is a different focus on priorities in urban versus rural areas where the major issue is mobility of the poor, elderly and disabled. The Arizona Department of Transportation (ADOT) recently completed a 25-year long-range transportation update. One of the findings was that from 2002 to 2007, there was a 48 percent increase in transit ridership statewide; in 2008 alone, there was another 9 percent increase. There is a growing demand for transit services, and those numbers are likely impacted by availability of services; therefore, there would probably be even more ridership if more services were available. In 2010, 13 percent of Arizonans were over the age of 65; in 20 years, it is anticipated that number will increase from 13 to 22 percent. It will be necessary to address their mobility needs.

He indicated that much of the LTAF I funding for counties outside Maricopa and Pima counties was used for local roads, so the repeal of LTAF accompanied by a local HURF sweep of \$100 million last year, preceded by two years of \$60 million each year, enormously impacted local roads. Regarding maintenance specifically, there is the issue of safety and wear and tear on vehicles, and if maintenance needs are not addressed adequately, it is more costly for replacement construction. The repeal of LTAF impacted local roads as well as transit, particularly in rural areas.

Discussion ensued about the following:

- whether public transit is a social service or an economic development service
- impact of the repeal of LTAF on jobs directly and indirectly
- HB2208 - local transportation assistance fund; restoration
- subsidies for transit
- the portion of the Sun Tran bus fleet propelled by compressed natural gas versus diesel (price, wear and tear, mileage)
- educating the public about the cost and benefit of public transit
- Sun Tran ridership in Oro Valley

A brochure was provided to the Members about the AzTA (Attachment 3).

CONSIDERATION OF BILLS

HB2211 - bicycles; yield at stop signs - DO PASS

Justin Riches, Majority Research Analyst, explained that HB2211 specifies that a rider of a bicycle may yield at a stop sign (Attachment 4).

Vice-Chairman Gray moved that HB2211 do pass.

Representative Daniel Patterson, co-sponsor, said this is a common sense bill to make Arizona the best place to ride a bicycle because of the benefits to a person's health from cycling and to air quality.

Chairman Williams, sponsor, stated that there is a large cycling population in northwest Pima County and a bicycle event is held annually in Tucson, so this issue is of economic importance to the community. Perhaps a compromise is possible by allowing local jurisdictions to decide whether or not to adopt this concept.

Representative Patterson related that the State of Idaho has had this law for a long time and did not experience higher accident rates as a result; however, he is willing to consider amendments.

Chairman Williams said another issue brought up by the public safety community and an editorial writer at *The Arizona Republic* is the contradiction of telling children to stop at a stop sign but allowing adults to cruise through the sign.

Representative Patterson noted that there will be a public education component to the bill that cycling advocates will undertake to make sure people understand the law, but it does not apply to anyone younger than age 16.

Sterling Baer, President, Not One More; Member, Coalition of Arizona Cyclists, spoke in favor of HB2211. He stated that Coalition members constantly teach about safety and obeying the rules of the road, always reminding cyclists to stop at stop signs because it is the law; however, it is often an inconvenience, such as early in the morning when there is not a single car on the road. It would be much easier for a cyclist, instead of stopping completely and flipping out of their

shoes, to roll slightly through the stop sign as if it were a yield sign. The bicycle is an increasing alternative mode of transportation, especially with the price of fuel, and it is becoming a significant outlet for recreation and tourism. He added that many people are hit by cars and injured because this cannot currently be done.

JD Dockstader, Assistant Director, Parks and Recreation, City of Mesa, representing self, spoke in favor of HB2211. He stated that he is an avid cyclist, and in his profession, with the growing concern about obesity and the rising cost of health care, there is a large focus on promoting the sport of cycling. This is a safety issue, not only for vehicles, but also for cyclists. In response to questions, he explained that when cyclists are riding in groups, starts and stops tend to be the most dangerous points along the route. The intent is not to remove common sense, but for cyclists to make a decision for their own safety, such as at 5:00 a.m. at a rural four-way stop where it is possible to see miles down the road. He indicated that cyclists receive tickets more often than people would expect.

Mr. Meyer remarked that he is a cyclist and he was hit twice by a car; neither incident was his fault. There is a disincentive to ride through stop signs without looking because it is painful to get hit. With current technology, bicyclists are clipped into the bike and have to clip out in order to stop. He related that he rides with a group twice a week on a steep slope, and it is difficult for everyone to stop. Police cars park where the cyclists cannot see them and the group he rides with has been pulled over multiple times and given tickets when no one else was on the road.

Mr. Baer noted that many cyclists are ticketed. In fact, he recently talked to a woman who was pulled over at a three-way stop with no vehicles around, although she was not ticketed. Many groups experience the same situation as Mr. Meyer.

Chairman Williams indicated that he will request statistics from the Arizona Department of Transportation (ADOT) on citations given to bicyclists for going through red lights.

Mr. Meyer commented that some cyclists do not slow down at all and should receive tickets. Statistics on cyclists who ride through stop signs may not be as useful as statistics on those who were ticketed for rolling through at one or two miles per hour.

Mr. Weiers submitted that the age of the cyclist could be difficult to determine, especially if he/she is wearing a helmet. He asked if this is a secondary or primary offense.

Mr. Riches advised that it is a primary offense.

Paul Layton, representing self, spoke in favor of HB2211. He said he is a bicycle commuter and father of four children. He submitted that children follow an adult's example to a point, but also do their own thing; therefore, he would prefer that children are shown how to safely proceed through a stop sign rather than ignore it and not stop and look for traffic. He stated that he commutes from Mesa to South Phoenix and there are two or three stop signs per block. If he has on a backpack carrying a laptop and clothes, he can slow down to eight miles per hour without a problem, but slowing to a complete stop makes it difficult to get going again. There could be between 30 and 60 stop signs on his commute, which is lot of stopping, especially if there is no other traffic. He submitted that bike commuting is part of the solution to the problems that are faced in Maricopa County and other places in the state in terms of health.

Vice-Chairman Gray announced the names of those who signed up in support of HB2211 but did not speak:

Dara Schulenberg, representing self
Brandee Lepak, owner, Global Bikes
James Lucas, Brumbys Cycling; Phoenix Metro Bicycle Club
Penny Allee Taylor, representing self
Sandy Bahr, Conservation Director, Sierra Club - Grand Canyon Chapter
Sheryl Keeme, representing self
Kevin Kellis, representing self
Matt Spencer, Red Mountain Brumbys
Dee Scott, Not One More
Robert Verhaaren, representing self

Vice-Chairman Gray announced the names of those who signed up as neutral on HB2211 but did not speak:

Gene Holmerud, Cycling Director, Rail Safety Access

Ms. Fann commented that it could be difficult for the driver of a vehicle to determine the age of a bicyclist and whether he/she will stop. Many drivers may not know about the specifics of the law, which could result in lawsuits. Also, any driver would find it difficult to cope with hitting a bicyclist no matter whose fault it was. She questioned if there is a better way to accomplish this by changing current laws or posting signs requiring drivers to yield to bicyclists so there is no age requirement.

Ms. Hobbs surmised that the law would still require whoever has the right of way to be yielded to, so the driver would not have to guess if the bicyclist will stop.

Chairman Williams asked Mr. Riches to work with Representative Patterson to accumulate data from Idaho and statistics from ADOT for a three- to four-year period on citations given to bicyclists riding through stop signs.

Question was called on the motion that HB2211 do pass. The motion carried by a roll call vote of 6-2-0-0 (Attachment 5).

HB2061 - HELP advisory committee; repeal - DO PASS

Vice-Chairman Gray moved that HB2061 do pass.

Tom Kwon, Majority Intern, explained that HB2061 repeals the Highway Expansion and Extension Program (HELP) Advisory Committee (Attachment 6).

Representative Kate Brophy McGee, sponsor, related that she has made it a goal to repeal or remove conflicting, redundant or unnecessary statutes. It was brought to her attention that the HELP Advisory Committee accomplished its original responsibility and the rest of the tasks have been absorbed by the State Transportation Board and the Arizona Department of Transportation (ADOT); therefore, the Committee is no longer needed.

Vice-Chairman Gray announced the names of those who signed up in support of HB2061 but did not speak:

Kevin Biesty, Legislative Liaison, ADOT

Question was called on the motion that HB2061 do pass. The motion carried by a roll call vote of 7-0-0-1 (Attachment 7).

HB2062 - in God we trust plates - DO PASS

Vice-Chairman Gray moved that HB2062 do pass.

Justin Riches, Majority Research Analyst, explained that HB2062 repeals a duplicative version of statute pertaining to In God We Trust Special License Plates (Attachment 8).

Representative Kate Brophy McGee, sponsor, related that there are two statutes for In God We Trust Special License Plates; this bill simply removes a duplicate statute.

Kevin Biesty, Legislative Liaison, Arizona Department of Transportation (ADOT), in support of HB2062, stated that the bill removes the duplicate statute. One statute requires the charity to be an Arizona-based, not-for-profit and the other requires it to be a not-for-profit; this bill removes the statute relating to not-for-profit. There will be no impact to the organization that proposed the special license plate, which he agreed to contact.

Vice-Chairman Gray announced the names of those who signed up in opposition to HB2062 but did not speak:

George Reiners, representing self

Vice-Chairman Gray remarked that someone against the bill commented about how no one trusts in God anymore. Perhaps there should be clarification so people realize the bill does not eliminate the plate completely.

Mr. Biesty reiterated that the bill does not repeal the In God We Trust Special License Plate, which was previously approved and is ready to go.

Chairman Williams noted that this special license plate was also added to the Centennial Special License Plate bill to ensure passage, hence, it was added to two bills.

Question was called on the motion that HB2062 do pass. The motion carried by a roll call vote of 6-0-0-2 (Attachment 9).

HB2477 - vehicle equipment; inspections; farm implements - DO PASS

Vice-Chairman Gray moved that HB2477 do pass.

Tom Kwon, Majority Intern, explained that HB2477 exempts vehicles used for farming and husbandry from equipment requirements (Attachment 10).

Representative Heather Carter, sponsor, stated that drivers of farm implements are being ticketed for being unsafe due to lack of head lights or tail lights which are physically impossible to install. When cases are taken to court, the drivers lose because language in the statute is ambiguous. She added that she will continue to work with the Arizona Department of Transportation (ADOT) and the Department of Public Safety to ensure that an overly lenient regulation is not created, but the problem is addressed.

Vice-Chairman Gray announced the names of those who signed up as neutral on HB2477 but did not speak:

Kevin Biesty, Legislative Liaison, ADOT

Vice-Chairman Gray announced the names of those who signed up in support of HB2477 but did not speak:

Robert Shuler, Western Growers

Shelly Tunis, Attorney, Yuma Fresh Vegetable Association

Joe Sigg, Lobbyist, Arizona Farm Bureau

Philip Bashaw, Arizona Farm Bureau Federation; Arizona Farm Bureau

Patrick Bray, Deputy Director of Government Affairs, Arizona Cattlemen's Association

James Hamilton, representing self

Amanda McGennis, Senior Vice President, Arizona Chapter Associated General Contractors

Vice-Chairman Gray announced the names of those who signed up in opposition to HB2477 but did not speak and read the written comment:

Seth Apfel, representing self: *This is too broadly permissive; I would support reducing regulations related to farm equipment. However, they still should be subject to exhaust requirements (for environmental protection) and should not be permitted on roadways, particularly if exempt from safety requirements such as head lights and tail lights.*

Question was called on the motion that HB2477 do pass. The motion carried by a roll call vote of 6-0-0-2 (Attachment 11).

HB2543 - traffic control signs; state highways - HELD AT REQUEST OF SPONSOR

Chairman Williams announced that HB2543 will be held at the request of the sponsor.

HB2512 - texting while driving; prohibition.. - DO PASS AMENDED

Vice-Chairman Gray moved that HB2512 do pass.

Justin Riches, Majority Research Analyst, explained that HB2512 prohibits texting while driving (Attachment 12).

Vice-Chairman Gray moved that the Williams seven-line amendment to HB2512 dated 1/24/12 (Attachment 13) be adopted.

Mr. Riches explained that the amendment specifies that manually writing, sending or reading a written message does not include the pressing of a button to initiate or terminate the operation of

any hands-free or voice-operated technology, and exempts a device that is physically or electronically integrated into the vehicle (Attachment 13).

Ms. Fann questioned how a police officer can tell if someone is reading text or a phone number. Mr. Farley said he believes that language does not apply to the time on the road for the policeman to decide, but in front of the city court when the driver challenges the citation.

Mr. Riches advised that the bill makes driving while texting a primary offense.

Representative Steve Urie, sponsor, related that the cities of Tucson and Phoenix adopted “no driving while texting” ordinances, which are being considered by other municipalities. The state needs to set a precedent statewide; otherwise, visitors and citizens will not know if they are in or out of compliance while driving from one municipality to another.

In response to a question, Chairman Williams said that since the law was enacted in the City of Phoenix three years ago, a total of 55 citations were issued, although he does not know how many people were actually held responsible.

Mr. Weiers asked if he would be fined \$200 if someone hit him while he is texting and it is not his fault. Representative Urie answered that if he was stationary, he would not be at fault. If he was driving while texting and hit someone else, he would be cited for the accident.

Mr. Riches, in response to a question, advised that texting while driving is a primary offense in the City of Phoenix.

Vice-Chairman Gray assumed the Chair.

Mr. Farley pointed out that the City of Phoenix passively enforces the ordinance. In other states where texting while driving has been banned, there has been active enforcement, along with education, which has been effective in reducing traffic accidents and fatalities. The educational aspect is necessary as well as the law.

Stuart Goodman, AAA Arizona, stated that texting while driving is bad driving behavior. An argument against the bill is that there are a variety of distractions that are almost impossible for government to manage and monitor; however, a Virginia Tech study in 2009 shows the varying degrees of distractions. Talking on a cell phone or to a passenger increases the chances of a crash or near-crash incident by 1.3 times; text messaging increases the chances by 23.2 times. It is such an egregious action compared to others that exist. He said 35 states enacted similar legislation. Enforcement, education and compliance are important, and making a law that prohibits texting while driving increases self-compliance. The focus of AAA is not on how many tickets are issued, but rather changing the nature of behavior.

Mr. Goodman, in response to Mr. Weiers’ question, noted that the language on page 1, lines 18 through 20, stipulates that the bill does not apply to a person who operates a vehicle that is not in motion and not in a lane of traffic, and to a person in a lane of traffic if the vehicle is not in motion due to a traffic control device or sign. The intent is to prohibit texting by a driver whose car is in motion.

In response to a question, Mr. Goodman advised of several other bills relating to this subject, all of which will work well together. Discussion followed about the different bills. Mr. Goodman clarified that the bill applies to reading or sending emails.

Chairman Williams remarked that meetings were held around the state where texting came up. He recalled how the driving under the influence laws were developed around the country and said he anticipates the same thing will occur with texting while driving because it is becoming a problem on the nation's highways, as well as in Arizona. As technology improves, non-handheld devices will likely evolve. Law enforcement needs tools to protect citizens and some adjustments may be necessary as the bills are heard.

Ms. Hobbs noted that a person entering a phone number to call someone is excluded and questioned if that is not as dangerous as texting. Mr. Goodman responded that the impetus of the bill is to address texting only so provisions are included to allow the use of a phone or to select a phone number, which is permissible for voice communication. Those are distractions and a problem, but not nearly as significant or dangerous as texting.

Vice-Chairman Gray announced the names of those who signed up in support of HB2512 but did not speak:

Lanny Hair, Executive Vice President, Independent Insurance Agents & Brokers of Arizona
Jennifer Bonnett, The Arizona Public Health Association
James Mann, Arizona Fraternal Order of Police
Thomas Parker, Arizona Fraternal Order of Police
Don Isaacson, Arizona Fraternal Order of Police; State Farm Insurance
Norman Moore, Attorney, Fraternal Order of Police; State Farm Insurance
Joseph Abate, Counsel, AT&T
Karlene Wenz, Government Affairs Specialist, Property and Casualty Insurers Association of America
David Childers, Lobbyist, Liberty Mutual Group; Property Casualty Insurers
Knox Kimberly, Lobbyist, Alliance of Automobile Manufacturers
Susan Cannata, Attorney, Arizona Academy of Family Physicians
Seth Apfel, representing self
J. Michael Low, Attorney, American Family Insurance; Allstate Insurance
Jerry Fuentes, President, AT&T Arizona

Vice-Chairman Gray announced the names of those who signed up in opposition to HB2512 but did not speak:

Dave Kopp, Manager, Arizona Citizens Defense League, Inc.
John Wentling, Vice President, Arizona Citizens Defense League, Inc.

Dale Wiebusch, League of Arizona Cities and Towns, neutral on HB2512, advised that he is willing to look at the possibility of the bill superseding local ordinances. A small handful of cities and towns currently have ordinances prohibiting this activity, but if there is any consternation, he is willing to discuss potential conflicts.

Mr. Farley remarked that having been involved in the passage of the ordinances in the cities of Phoenix and Tucson, the sponsors of both indicated to him that the only reason it was done was because there is not an overall state law, which he believes they would support.

Question was called on the motion that the Williams seven-line amendment to HB2512 dated 1/24/12 (Attachment 13) be adopted. The motion carried.

Vice-Chairman Gray moved that HB2512 as amended do pass. The motion carried by a roll call vote of 6-2-0-0 (Attachment 14).

Without objection, the meeting adjourned at 12:04 p.m.

Linda Taylor, Committee Secretary
February 6, 2012

(Original minutes, attachments and audio on file in the Chief Clerk's Office; video archives available at <http://www.azleg.gov>)