

ARIZONA HOUSE OF REPRESENTATIVES
Fifty-first Legislature – First Regular Session

COMMITTEE ON TRANSPORTATION

Minutes of Meeting
Thursday, February 21, 2013
House Hearing Room 3 -- 9:00 a.m.

Chairman Fann called the meeting to order at 9:03 a.m. and attendance was noted by the secretary.

Members Present

Mrs. Barton
Mr. Escamilla

Mr. Gray
Ms. Steele

Mr. Borrelli, Vice-Chairman
Ms. Fann, Chairman

Members Absent

None

Committee Action

HB2184 – DPA S/E (6-0-0-0)
HB2186 – DPA S/E (6-0-0-0)
HB2188 – DPA S/E (6-0-0-0)
HB2292 – DP (5-1-0-0)

HB2298 – DISCUSSED AND HELD
HB2373 – DPA S/E (6-0-0-0)
HB2504 – ~~DP~~ FAILED (1-5-0-0)
HB2579 – ~~DP~~ FAILED (2-4-0-0)

CONSIDERATION OF BILLS

HB2298 – license plate issuance; expiration; design – DISCUSSED AND HELD

Chairman Fann informed the Members that this will be an information-only hearing.

Justin Riches, Majority Research Analyst, explained that HB2298 specifies that, beginning January 1, 2015, license plates will expire after eight years and it requires the Arizona Department of Transportation (ADOT) to change the design and color of license plates at least every eight years (Attachment 1).

Tom Dorn, 3M, appeared in support of HB2298 and explained the reasons for reissuing license plates (Attachment 2):

- license plates degrade over time
- Arizona has not reissued license plates since 1998
- requests received from law enforcement for better reflectivity and readability of the license plates

Mr. Dorn stressed that reissuing license plates will protect law enforcement, promote Arizona, and collect revenue for the state.

Chairman Fann, sponsor, stated that safe plates and registration are important and she urged the Members to discuss this issue with police and motor vehicle offices in the districts.

Vice-Chairman Borrelli announced the names of those who signed up in opposition to HB2298 but did not speak:

Ralene Whitmer, Legislative Liaison, Arizona Department of Transportation

HB2186 – off-premises vehicle sales; technical correction – DO PASS AMENDED S/E
S/E: vehicle length; vehicle towing; exceptions

Vice-Chairman Borrelli moved that HB2186 do pass.

Vice-Chairman Borrelli moved that the Fann five-page strike-everything amendment to HB2186 dated 02/13/2013 (Attachment 3) be adopted.

Jacob Meshke, Majority Intern, explained that the proposed strike-everything amendment to HB2186 specifies the acceptable length of a truck-semitrailer combination and defines *drawbar* (Attachment 4).

Wendy Briggs, Arizona Trucking Association, testified in favor of the strike-everything amendment to HB2186 and she explained that this legislation deals with a specific type of truck-semitrailer combination that hauls aggregate. Arizona has limitations on the length of a drawbar, which is not used in this specific type of vehicle, but the vehicles do have a long piece of exposed trailer frame which exceeds the drawbar specified length. This legislation defines *drawbar* in a manner that distinguishes it from the piece of exposed trailer frame on the truck-semitrailer combination vehicle.

Ms. Briggs addressed Members' questions about impact on agricultural equipment and cross-economic activity.

Vice-Chairman Borrelli announced the names of those who signed up in support of HB2186 but did not speak:

Kyle Wilkes, Empire

Tony Bradley, President and CEO, Arizona Trucking Association

Question was called on the motion that the Fann five-page strike-everything amendment to HB2186 dated 02/13/2013 (Attachment 3) be adopted. The motion carried.

Vice-Chairman Borrelli moved that HB2186 as amended do pass. The motion carried by a roll call vote of 6-0-0-0 (Attachment 5).

HB2188 – technical correction; state buildings; defibrillators - DO PASS AMENDED S/E
S/E: procurement; construction manager at risk

Vice-Chairman Borrelli moved that HB2188 do pass.

Vice-Chairman Borrelli moved that the Fann 21-page strike-everything amendment to HB2188 dated 2/15/13 (Attachment 6) be adopted.

Jacob Meshke, Majority Intern, explained that the proposed strike-everything amendment to HB2188 provides a two-step competition process for procurements of agents that are cities or separate legal entities (Attachment 7).

Jeff Gray, Legislative Liaison, City of Phoenix, explained his support for the legislation which is a consensus product of many months of stakeholder meetings and provides alternative delivery methods for public works projects. These projects are limited to horizontal projects by a city with a population of 1,000,000 or a separate legal entity (e.g. Phoenix and Valley Metro); the authority will end after 2018.

Ms. Steele asked if the horizontal projects include roadways; Mr. Gray answered in the negative, adding that this is for transit projects such as light rail.

Vice-Chairman Borrelli announced the names of those who signed up in support of HB2188 but did not speak:

Amanda McGennis, Vice President, Arizona Chapter Associated General Contractors
Rene Guillen, Legislative Associate, League of Arizona Cities and Towns
Mark Minter, Executive Director, Arizona Builders' Alliance
Jenna Goad, Intergovernmental Programs Administrator, City of Glendale
Scott Butler, City of Mesa
John Farry, Valley Metro

Chairman Fann, sponsor, pointed out that the concept of "construction manager at risk" will be an asset to the state, cities and towns. Some projects simply cannot be bid because of the complexity and the necessity to coordinate all the elements. The construction manager at risk allows the contractor to make decisions to implement the basic design and intent of the agent in an efficient and economical fashion.

Chairman Fann addressed Members' questions, explaining that sometimes the low bid is not the best bid. Coordination of all aspects of the project and response to unknown issues must be given over to the construction manager. She stated that this concept is not new or untested as she used it for over a decade when she was a mayor; in each case the construction manager at risk projects saved money.

Question was called on the motion that the Fann 21-page strike-everything amendment to HB2188 dated 2/15/13 (Attachment 6) be adopted. The motion carried.

Vice-Chairman Borrelli moved that HB2188 as amended do pass. The motion carried by a roll call vote of 6-0-0-0 (Attachment 8).

HB2579 – photo radar prohibition – DO PASS FAILED

Vice-Chairman Borrelli moved that HB2579 do pass.

Justin Riches, Majority Research Analyst, explained that HB2579 repeals statutes relating to photo enforcement systems (Attachment 9).

Representative Warren Petersen, sponsor, explained that the purpose of HB2579 is to repeal all red light and speeding cameras in Arizona. He stated that photo radar does not always make traffic intersections safer, according to many police departments; drivers slam on their brakes when they see the cameras. Mr. Petersen stated that the program is controversial and that often the ticketing is unfair; it is more of a fundraiser than a safety aspect. He added that 14 states have already outlawed such programs.

Shawn Dow, representing self, appeared in support of HB2579 and cited 50 studies from around the country showing that cameras increase accidents. He suggested increasing the yellow light time by one second to improve safety at intersections. He stated that the Legislature put these laws in place and must be the entity to repeal them.

Vice-Chairman Borrelli read into the record the following comments written by Jason Novack, representing self: "Hello, I wish to have someone read my comments here in support of HB2579 because I will not be able to attend. My name is Jason Novack a registered voter and taxpayer of the state of Arizona. Photo radar has littered Arizona streets and highways for the past 5 years approximately. These tax collecting machines were never researched to my knowledge and despite studys evidencing that these ticket/surveillance machines cause harm to the public, city and state governments (with the exception of Governor Brewer) have continued to allow them to further litter our streets. Photo radar is dangerous in that it causes people to slam on their brakes and make poor decisions entering intersections for FEAR that they will be ticketed. Further more Photo radar and other electronic surveillance equipment being used deprive the citizens of this state their constitutional right to privacy and their constitutional right to be free of unreasonable search and seizure. 24 hour surveillance of citizens by these Photo scam machines by way of an ever increasing taxing government (city, county, or state) is unconscionable. A vote for HB2579 is a vote for Arizona and for Freedom and Liberty. Please vote for HB2579. [sic]"

Kim Dyer, Civilian for Liberty, Former Senate Intern and Private Lobby, representing self, stated her support for HB2579.

Ryan Denke, representing self, appeared in support of HB2579. He stated that photo enforcement causes an increase in accidents and is actually "for profit" law enforcement.

John Wintersteen, representing self, testified against HB2579. He stated that he was the Police Chief in Paradise Valley and that the issue here is safety on community streets and roads. He stressed that each community needs the authority to configure its own public safety needs and technology.

In response to Mr. Gray's question, Mr. Wintersteen stated that he has statistics that show a one-third reduction in accidents after the red light cameras were installed.

Mr. Escamilla relayed information from an Auditor General's report stating that more research is needed, but that early results point to increased safety on the roadways as a result of the cameras.

In response to Ms. Steele's question, Mr. Wintersteen stated that most of the time the photo radar program was not a money-maker but law enforcement never had a goal related to revenue, only goals relating to reducing collisions.

Stan Barnes, American Traffic Solutions, explained his opposition to HB2579. He urged the Members to be skeptical about testimony because there is no swearing in or fact checking. He took issue with the earlier statement that the Legislature created this program and that it is the duty of the Legislature to end it; he said "that did not happen". Cities decided, on their own, to use this system for the safety of their citizens. When challenged, those decisions were found by the courts to be within the power of the cities. The Legislature approved a photo enforcement system only once to put cameras on the state freeway system.

Mr. Barnes stated that the system has been shown to be safe and to work; the cities made their decisions based on facts and logic. He said that, after the cameras went on the freeway system, the politics of the issue "blew up" and the issue of the cameras being a revenue source emerged. He stressed that there was no issue when the cameras were only at the city level.

Mr. Barnes stated that the vast majority of Arizonans support photo enforcement, particularly red light enforcement. He added that older drivers show increased support because the cameras bring safety to the roadways.

Mr. Barnes listed three reasons to be opposed to this bill:

- photo radar changes driver behavior at intersections and near school zones
- local control must be preserved
- it is a regressive bill, e.g., there may be new technology that law enforcement will not be able to use if HB2579 passes

Discussion ensued regarding the history of this program on city streets and state highways. Mr. Escamilla related his experience as the mayor of a small city which considered installing photo radar in an intersection with heavy traffic; this would free up the small law enforcement office for other duties and also enhance public safety. Mr. Escamilla stressed the importance of each city making its own decisions.

Brian Tassinari, Lobbyist, Redflex, testified against HB2579 and distributed information to the Members (Attachment 10) which reflected the work of traffic engineers who made recommendations based on collected data that demonstrated that photo radar works. He cautioned the Members about using anecdotal evidence rather than statistical evidence. He described the anecdotal example of a police car on the side of the road which inhibits speeders but is not seen as a cause of accidents. He stressed that this is a local issue that should be dealt with by local officials.

Joseph Bonacci, Traffic Program Coordinator, Mesa Police Department, stated his opposition to HB2579:

- speed zones in school areas are extremely important for the safety of children

- cameras do reduce automobile speeds
- red light statistics gathered since 2008 from 30 intersections showed a decrease in accidents of 31 percent, a decrease of speed-related crashes of 52 percent, and a decrease of 92 percent in angle-related crashes

Ross Trumble, representing self, stated he is in favor of HB2579 because the cameras create havoc on the roads. He spoke to the issue of equal protection, stating that the cameras are an unfair use of a system of law enforcement.

Ryan Peters, Intergovernmental Programs Administrator, League of Arizona Cities and Towns, explained his opposition to HB2579 stressing that local municipalities should decide whether or not to use photo radar.

Vice-Chairman Borrelli announced the names of those who signed up in support of HB2579 but did not speak:

Mike Waters, representing self
 Annette Freeman, representing self
 Terrance Traylor, representing self
 Dave Kopp, Manager, Arizona Citizens Defense League
 Jim Delton, representing self
 B. Kruse, representing self
 Billy Larson, representing self

Vice-Chairman Borrelli announced the names of those who signed up in opposition to HB2579 but did not speak:

Don Isaacson, State Farm Insurance; Fraternal Order of Police
 Amber Wakeman, Intergovernmental and Public Relations Manager, City of El Mirage
 Thomas Parker, Arizona Fraternal Order of Police
 Norman Moore, Fraternal Order of Police; State Farm Insurance
 John Thomas, Arizona Association of Chiefs of Police
 Stuart Goodman, AAA Arizona
 Ryan Judy, Deputy Town Manager, Town of Prescott Valley
 Ryan Harper, Triadvocates; City of Sierra Vista
 Scott Butler, City of Mesa
 Jennifer Bonnett, representing self
 Patrice Kraus, Intergovernmental Affairs Coordinator, City of Chandler
 Adriana Martinez, Intergovernmental Relations Coordinator, City of Tucson
 Gretchen Conger, Government Relations, Arizona Chamber of Commerce and Industry

Vice-Chairman Borrelli commented that, although he does not favor photo radar, he found the police testimony compelling. Ms. Steele explained that she has received many emails stating that those who break traffic laws should pay the price and that local control is important. Mr. Gray urged the Members to pass this through to the entire body for consideration.

Question was called on the motion that HB2579 do pass. The motion failed by a roll call vote of 2-4-0-0 (Attachment 11).

HB2292 – photo radar citations; service times – DO PASS

Vice-Chairman Borrelli moved that HB2292 do pass.

Justin Riches, Majority Research Analyst, explained that HB2292 requires a traffic ticket and complaint resulting from a photo enforcement system to be served between 9:00 a.m. and 5:00 p.m. (Attachment 12).

Representative Steve Smith, sponsor, explained that HB2292 stipulates a reasonable window of time during which process servers can serve a ticket. He stated that statute is currently silent on any time frames.

Ms. Steele asked why this is limited to just photo radar tickets rather than all types of tickets, and said that if an exception is made for photo radar then the Legislature may be forced to look at other conditions such as divorce. Mr. Escamilla asked if this is micromanaging the process servers.

Chairman Fann suggested amending the time frame to 9:00 a.m. to 7:00 p.m. or 9:00 a.m. to 8:00 p.m. so that citizens are not served at work.

Mr. Riches informed the Members of the correct procedures for verbal amendments and for Floor amendments.

Ryan Denke, representing self, appeared in support of HB2292, recounting stories about process serving interfering in a citizen's workplace, sometimes even to loss of a job.

Stan Barnes, American Traffic Solutions, stated his opposition to HB2292. He urged the Members to keep in mind that process serving is not specified by photo radar; process serving is the way that the Arizona judicial system works. Mr. Barnes concurred with Representative Smith that process serving is intrusive.

Brian Tassinari, Lobbyist, Redflex, testified against HB2292 because it singles out photo radar tickets when there is a whole host of civil actions that require process servers and perhaps should be looked at also. He reminded the Members that the recipient of a photo radar ticket does have the opportunity to pay the fine and prevent the visit by a process server.

David Pickron, representing self, appeared in opposition to HB2292. He explained that he owns process serving companies and the Arizona Rules for Civil Procedure do not have any time limits, allowing professional process servers to make their decisions. He stated that the time limit specified in HB2292 will cause confusion and he assured Members that most process serving, as an internal policy, stops at 9:00 p.m. Mr. Pickron added that process serving is a private business and the Legislature should not be telling a private business when it can and cannot work. He reminded the Members that the recipients of tickets choose not to respond, which results in their being served.

Vice-Chairman Borrelli announced the names of those who signed up in support of HB2292 but did not speak:

Billy Larson, representing self

Vice-Chairman Borrelli announced the names of those who signed up in opposition to HB2292 but did not speak:

John Thomas, Arizona Association of Chiefs of Police

Patrice Kraus, Intergovernmental Affairs Coordinator, City of Chandler

Ryan Peters, Intergovernmental Programs Administrator, League of Arizona Cities and Towns

Question was called on the motion that HB2292 do pass. The motion carried by a roll call vote of 5-1-0-0 (Attachment 13).

HB2504 – immobilization; impoundment of vehicles. – DO PASS FAILED

Vice-Chairman Borrelli moved that HB2504 do pass.

Jacob Meshke, Majority Intern, explained that HB2504 modifies the procedural requirements relating to the immobilization and impoundment of a vehicle, and clarifies language in relation to towing and storage fees (Attachment 14).

Representative Steve Smith, sponsor, explained that HB2504 is intended to close a loophole in statute and keep Arizona drivers safe.

Richard Hyde, representing self, expressed his support for HB2504, identifying himself as the Vehicle Impound Coordinator for the City of Peoria. He explained that this bill will close a loophole so that owners or lien holders are the only people who can get a vehicle out before the 30-day impoundment period and avoid the penalties.

In response to Mr. Escamilla's questions, Mr. Hyde explained that the administrative fees go to the impoundment agencies and that this legislation applies only to vehicles impounded for driving-under-the-influence (DUI) violations.

Vice-Chairman Borrelli announced the names of those who signed up in support of HB2504 but did not speak:

Gretchen Jacobs, Attorney, Arizona Law Enforcement Towing Administrators Association

Question was called on the motion that HB2504 do pass. The motion failed by a roll call vote of 1-5-0-0 (Attachment 15).

HB2184 – technical correction; public roadways – DO PASS AMENDED S/E
S/E: gross weight fees; exceptions

Vice-Chairman Borrelli moved that HB2184 do pass.

Vice-Chairman Borrelli moved that the Fann three-page strike-everything amendment to HB2184 dated 2/19/13 (Attachment 16) be adopted.

Jacob Meshke, Majority Intern, explained that the proposed strike-everything amendment to HB2184 specifies that gross weight fees do not apply to a single vehicle or combination of

vehicles operated by a person affiliated with an farm or ranch and used on an incidental basis for farming or ranching-related purposes (Attachment 17).

Jay Kaprosy, Senior Government Relations Advisor, United Dairymen of Arizona, explained his support for the legislation which will allow the use of a personal vehicle for work on a ranch; he added that these circumstances rarely occur.

Vice-Chairman Borrelli announced the names of those who signed up in support of HB2184 but did not speak:

Joe Sigg, Arizona Farm Bureau

Jason Barraza, Associate Director, United Dairymen of Arizona

Question was called on the motion that the Fann three-page strike-everything amendment to HB2184 dated 2/19/13 (Attachment 16) be adopted. The motion carried.

Vice-Chairman Borrelli moved that HB2184 as amended do pass. The motion carried by a roll call vote of 6-0-0-0 (Attachment 18).

HB2373 – technical correction; traffic violations – DO PASS AMENDED S/E
S/E: railroad crossing; safety

Vice-Chairman Borrelli moved that HB2373 do pass.

Vice-Chairman Borrelli moved that the Fann two-page strike-everything amendment to HB2373 dated 02/11/2013 (Attachment 19) be adopted.

Justin Riches, Majority Research Analyst, explained that the proposed strike-everything amendment to HB2373 modifies statutes relating to drivers of a motor vehicle and pedestrians proceeding through railroad crossings (Attachment 20).

Richard Travis, Union Pacific Railroad, explained his support for the legislation, which will make railroad crossings safer by stipulating:

- that no U-turns are allowed at a railroad crossing
- that if the railroad gates are down, pedestrians must avoid that area
- that vehicles cannot go around railroad gates or arms
- how vehicles can proceed safely if the railroad gates or arms are broken

Mr. Travis added that this legislation mirrors legislation already in place in Utah and will create a regional safety approach to railroad crossings.

Chairman Fann conveyed a message of concern from Bas Aja, Arizona Cattlemen's Association, that broad legislation may adversely affect the agricultural industry. She requested that Mr. Travis contact Mr. Aja to clarify his concern that might require a Floor amendment.

Question was called on the motion that the Fann two-page strike-everything amendment to HB2373 dated 02/11/2013 (Attachment 19) be adopted. The motion carried.

Vice-Chairman Borrelli moved that HB2373 as amended do pass. The motion carried by a roll call vote of 6-0-0-0 (Attachment 21).

Without objection, the meeting adjourned at 11:59 a.m.

Jane Dooley, Committee Secretary
April 1, 2013

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