

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

**COMMITTEE ON TRANSPORTATION**

Minutes of Meeting  
Thursday, January 23, 2014  
House Hearing Room 3 -- 9:00 a.m.

Chairman Fann called the meeting to order at 9:01 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**

HB2027 – DP (6-0-0-0)  
HB2111 – HELD

HB2114 – NOT ASSIGNED

**INTRODUCTION OF MEMBERS AND STAFF**

Chairman Fann asked the Members to introduce themselves:

Ms. Steele, District 9  
Mrs. Barton, District 6  
Ms. Fann, Chairman, District 1  
Mr. Borrelli, Vice-Chairman, District 5  
Mr. Escamilla, District 4  
Mr. Gray, District 21

Justin Riches, Majority Research Analyst, introduced the staff:

Justin Riches, Majority Research Analyst  
Neil Fowler, Majority Research Intern  
Mark Bogart, Democratic Policy Advisor  
Natalie Lamé, Democratic Staff Intern  
Catherine Gullett, Page  
Carissa Cortez, Page  
Abby Selvey, Committee Secretary

## **CONSIDERATION OF BILLS**

### **HB2111 – commercial driver licenses – HELD**

Chairman Fann announced that HB2111 will be held.

### **HB2114 – ADOT; land acquisition; conveyances; relocation – NOT ASSIGNED**

Chairman Fann announced that HB2114 was not assigned to the Committee.

### **HB2027 – golf carts; NEVs; passing; driving – DO PASS**

Justin Riches, Majority Research Analyst, advised that HB2027 allows persons to drive a golf cart or Neighborhood Electric Vehicle (NEV) on a paved shoulder that is adjacent to a roadway, or as close as practicable, to the right-hand edge of a roadway in an age-restricted community located in an unincorporated area within Maricopa County (Attachment 1). This legislation only applies to senior living communities in Sun City, Sun City West and Sun Lakes and clarifies that a vehicle may pass a golf cart or NEV without switching to the opposite lane if it is safe to do so.

Representative Debbie Lesko, sponsor, explained that HB2027 will resolve a safety issue and only apply to the senior communities in unincorporated sectors of Maricopa County. She related that the legislation clarifies law so that golf cart drivers can continue to operate their golf carts as they have done since 1960 when Sun City was formed. The bill clarifies that golf cart drivers can drive on the right side of the road if it is safe to do so to and allow faster vehicles to safely pass.

Mrs. Lesko explained that some of the roads in Sun City are posted at 35 miles per hour (mph) and golf carts can only legally drive 25 mph. The roads in the Sun City areas were purposely developed much wider than a standard road to accommodate golf carts and vehicles. It is common courtesy for a golf cart driver to move to the right and onto a paved shoulder to allow a faster vehicle to pass in the same lane.

Mrs. Lesko advised that last summer, golf cart drivers in Sun City started receiving traffic tickets for crossing the white line. The Maricopa County Department of Transportation (MCDOT) interprets the law as being an acceptable practice for golf carts but the Maricopa County Sheriff's Office does not. She related that stakeholder meetings resulted in the creation of HB2027 and encouraged Members to support the bill.

William Eisert, representing self, testified in support of HB2027, stating that golf carts have been part of the landscape since the inception of Sun City. He said that many people drive through the retirement communities with a different agenda than a retired person and do not want to follow a golf cart doing 25 mph in a 35 mph zone. This bill simply clarifies roadway etiquette and ensures the safety of the golf cart operator.

Jim Powell, representing self, testified in favor of HB2027, stating that one of the reasons he bought his retirement home in Sun City was to be able to drive his golf cart to the many golf courses, the local store and the doctor's office. He explained that this can be done safely by driving on the right side of the road and allowing faster vehicles to pass in the same lane.

Del Webb planned the Sun City communities to have much wider roads to accommodate golf cart transportation. Mr. Powell related that vehicles started passing other vehicles to the right and, in response, MCDOT decided to put in painted shoulders to resolve the issue. On these streets, golf cart operators are forced to drive to the left of the painted shoulder and out into the main travel lane, which is a very dangerous place to be. He said that with the change, clarifying language is necessary to allow golf cart operators to drive on the painted shoulder.

James Stark, representing self and Sun City Home Owners Association, testified in favor of HB2027, advising the Committee of the nine golf courses located in an eight-mile area. He said that in a retirement community, golf carts are an important means of transportation. Retired persons give up their vehicles and use their golf carts to visit friends, go to the store or see their doctors. With the change in traffic, many people simply drive through Sun City to get to their destination and have limited patience with the elderly driving golf carts. Forcing golf cart operators into the main line of traffic is dangerous for everyone and is a major safety concern in the community. According to a recent poll, the Sun City community overwhelmingly supports HB2027.

Chairman Fann inquired if Mr. Stark was the person responsible for the hundreds of emails being sent to Members urging support for HB2027. Mr. Stark replied in the affirmative.

John Merkel, representing self and Sun City West Property Owners and Residents Association, testified in support of HB2027. He stated that many residents rely on golf carts for their everyday transportation needs and reiterated the concern of forcing golf cart operators into the main flow of traffic. Mr. Merkel stated that he believes state traffic laws should not encourage or force drivers to operate vehicles in an unsafe manner; HB2027 will improve traffic flow and reduce instances of road rage. In response to questions, Mr. Merkel explained that this legislation is limited to Sun City, Sun City West and the Sun Lakes communities and an educational program will be implemented if passed.

Discussion ensued relating to golf cart regulations, community education and conflicting interpretations of current law.

Vice-Chairman Borrelli announced the names of those who signed up as neutral on HB2027 but did not speak:

Miryam Gutier-Elm, representing self

Vice-Chairman Borrelli announced the names of those who signed up in support of HB2027 but did not speak:

Rip Wilson, Maricopa County

Pete Granucci, representing self

John MacIntyre, representing self

Scott Isham, Chief Of Staff, Maricopa County District #4

Clint Hickman, representing self

Meghaen Dell'Artino, Recreation Centers of Sun City, Inc.

**Vice-Chairman Borrelli moved that HB2027 do pass. The motion carried by a roll call vote of 6-0-0-0 (Attachment 2).**

## **PRESENTATION BY COUNTY SUPERVISORS**

Todd Madeska, Director of Legislative Affairs, Arizona County Supervisors Association, provided opening remarks, stating that for the past several years, roadway funds have been swept to fund other areas of the state budget. He related that county roads are in disrepair and urged the Committee to reinstate funding. Mr. Madeska introduced Byron Jaspers, Public Works Director, Yavapai County; Steven Latoski, Public Works Director, Mojave County; and David Tenney, Supervisor, Navajo County.

Byron Jaspers, Public Works Director, Yavapai County, provided a handout detailing Yavapai County Roadway Conditions (Attachment 3) and reviewed the following information:

- System overview
- Pavement life and preservation strategies
- Roadways - overall condition
- Maintenance funding priorities
- Historical and primitive roadways
- Pavement preservation and deterioration cost differences
- Budget shortfalls

Mr. Jaspers stated that over the years, Yavapai County experienced funding cuts which resulted in declining roadway conditions. He referred to Attachment 3, Pages 5 through 8 displaying images of the poor conditions and urged for a budget restoration to improve the quality of the transportation system in Yavapai County.

Mr. Escamilla commented on the importance of returning the Highway User Revenue Fund (HURF) monies to the counties.

Ms. Steele questioned if the restoration of HURF funding will be sufficient to restore the roadways. Mr. Jaspers responded that everything helps; the funding will not bring the system back but it will slow the decline. Ms. Steele commented that if the state does not address the issue soon then the problem is only going to get worse and cost a great deal more to repair. Mr. Jaspers agreed.

Chairman Fann provided an example on how the reduced HURF funding has affected state roadways. She said that last year, emergency funding was needed to repair a major bridge over Hell's Canyon on U.S. Route 89A. It had deteriorated to the point where there was a large hole completely through the bridge.

Steven Latoski, Public Works Director, Mohave County, provided a handout outlining some of the missed opportunities for roadway improvements and maintenance due to the lack of HURF funding (Attachment 4). He briefed the Committee on the financial needs of Mohave County to maintain its road system to good industry practice and stated that 80 percent of the 308-mile Mohave County regional road network has reached or surpassed its pavement service life. Mr. Latoski stressed the importance of maintaining roadways to provide for the health, safety and welfare of county citizens and road users. He said that poor rural road conditions drive fatal crash rates to levels substantially higher than state averages; for example, the highway from

Kingman to Dolan Springs experiences a fatal crash rate three times the rate of the Arizona fatal crash average. A properly maintained road system promotes mobility, access and creates less vehicle wear-and-tear which benefits citizens, emergency service providers, school transportation and businesses. Mr. Latoski stated that current funding levels only allow the county to execute three percent of its acclaimed Capital Pavement Preservation Program annually and urged Members to restore funding.

In response to a question, Mr. Latoski reiterated that traffic deaths are three times the rate of the Arizona fatal crash average on the highway from Kingman to Dolan Springs.

Mrs. Barton remarked that the fatal crash rate is unacceptable. Chairman Fann agreed.

David Tenney, Supervisor, Navajo County Board of Supervisors, spoke on the importance of reinstating HURF funding. He said that now is the time to address the damages incurred while neglecting the system. Navajo County's infrastructure is being held together by a skeletal work force and an aging fleet of equipment that has done all it can do. Mr. Tenney said that over the last six years, HURF monies have been abridged due to shifts to the Department of Public Safety (DPS), reduced gas sales and the population growth funding formula. Many cost reduction measures have been put in place and roadway maintenance has been significantly reduced. Prior to the HURF sweeps, Navajo County did 13.6 miles of overlay maintenance a year, putting the county on a 25-year cycle to maintain all of its roadways. Presently, the overlay maintenance is 5 miles annually and the county is now on a 68-year cycle for maintenance. Mr. Tenney stated that the county is literally losing ground every day. The new maintenance schedules will result in certain road failures and exorbitant replacement costs. He said that a full restoration of HURF funds will be a good start though additional funds will be necessary. Mr. Tenney expressed the importance of finding a statewide solution for transportation funding.

Mrs. Barton commented on rural Arizona's transportation needs and explained the hazards of driving on the poorly maintained roadways, i.e. potholes, no striping and deteriorating edges along the shoulder. She stated that in the past, funding has been shifted to have DPS patrols in rural Arizona; now is the time to find a balance between maintaining roadways and public safety.

Ms. Steele related that she recently learned a main access section of U.S. Route 89A near Page, Arizona buckled and collapsed causing severe travel restrictions and safety hazards. She said that the transportation issue is beyond a concern, it demands attention. Mr. Tenney agreed and stated that the issues need to be prioritized and addressed. Ms. Steele remarked that the state cannot grow economically unless there is a decent transportation infrastructure. Mr. Tenney concurred.

Chairman Fann advised that the state is not even funding the main arterial highways let alone having a plan B in place. She explained that the federal government had to step in when U.S. Route 89A collapsed near Page, Arizona to assist in finding an alternate route for those affected.

Mr. Borelli informed the Committee that rural Arizona roadways carry the burden of getting goods and services to Phoenix. He said that for every dollar spent on transportation infrastructure, the state makes three.

Without objection, the meeting adjourned at 10:35 a.m.

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Abby Selvey, Committee Secretary  
January 29, 2014

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