

**MINUTES OF THE
TRANSPORTATION INTERIM COMMITTEE**
Wednesday, May 23, 2001 – 2:00 p.m. – Room 405 State Capitol

Members Present:

Sen. David H. Steele,
Senate Chair
Rep. Joseph G. Murray,
House Chair
Sen. Dan R. Eastman
Sen. Karen Hale
Sen. Peter C. Knudson
Sen. Ed Mayne
Sen. Carlene M. Walker
Rep. Gerry A. Adair
Rep. Don E. Bush
Rep. Stephen D. Clark
Rep. Marda Dillree
Rep. Neil A. Hansen
Rep. David L. Hogue
Rep. Kory M. Holdaway
Rep. Brad King
Rep. Karen W. Morgan
Rep. Max W. Young

Members Absent:

None

Staff Present:

Mr. Benjamin N. Christensen,
Research Analyst
Ms. Cherylann S. Felt,
Associate General Counsel
Ms. Junie G. Anderson,
Legislative Secretary

Note: A list of others present and a copy of materials distributed in the meeting are on file in the Office of Legislative Research and General Counsel.

1. Committee Business

Chair Steele called the meeting to order at 2:19 p.m.

MOTION: Rep. Adair moved to approve the minutes of the April 18, 2001 meeting. The motion passed unanimously, with Sen. Mayne, Sen. Walker, Rep. Hansen, and Rep. Hogue absent for the vote.

2. Legacy Parkway Update

Mr. John Njord, Utah Department of Transportation (UDOT), updated the committee on changes within the department. He announced that Mr. Thomas Warne will resign from UDOT, effective June 26, 2001, and Mr. Njord will assume Mr. Warne's position as Executive Director at that time. Mr. Carlos Braceras will assume Mr. Njord's position as Deputy Director of the department.

Mr. Njord also said that the department has selected a design/build contractor for the project on the Legacy Parkway, which means that there is a consortium of contractors. The lead firm in the consortium is Fluor-Daniel. Fluor-Daniel has teamed with Ames Constructors and Ed Kraemer and Sons. He said other design firms will help with the design.

Mr. Byron Parker, UDOT, showed a video on the history and scope of the Legacy Parkway. He distributed a graphic chart "Davis County's 2020 Shared Solution" and a fact sheet "History of the Legacy Parkway Project," which included: "40 Years of Evolution for Legacy Parkway," "Frequently Asked Questions About the Legacy Parkway Project," and "Construction Schedule."

3. Attorneys' Fees in Disputed Eminent Domain Cases

Mr. Njord briefed the committee on the impact of attorneys' fees on the state when litigation is used when the state acquires property. He said paying attorneys' fees in the cases of condemnation will have a significant impact on the department's program and its ability to deliver transportation facilities.

Mr. Lyle McMillan, UDOT, distributed a handout "UDOT's Process Is Fair" and discussed the process used by the department when property must be condemned to build any transportation facility. He explained that the process followed by the department for acquiring properties is fair to both the property owner and the state.

Mr. Craig Call, State Ombudsman, Department of Natural Resources, distributed handouts "When should legal fees be paid in an eminent domain action?" and "Attorney's fees For Property Owners In Eminent Domain – State By State" and discussed the handouts.

Mr. Gary Crane, Layton City, distributed a handout "Attorney's Fees In Disputed Eminent Domain Cases Municipal Concerns" and discussed it with committee members. He said many issues in disputed eminent domain cases can be resolved by alternative dispute resolution and more should be done to use alternative dispute resolution.

Ms. Felt distributed a handout "Attorneys' Fees in Disputed Eminent Domain Cases," which included questions for the committee and policy options, and explained the issues.

Mr. Randall Allen, attorney, commented on the issue.

4. Internet Renewal of Motor Vehicle Registration and Driver License

Mr. Rodney Marrelli, State Tax Commission, discussed an Internet printout "Renewal Express" that was mailed to committee members prior to the meeting. He explained the process

for, and the fees associated with, renewal of vehicle registration over the Internet. He said the program has been successful and has received rave reviews. He distributed a handout "Cost vs. Convenience – Better Service Options vs. Time in Line" and explained the outlined estimated costs.

He suggested that the extra \$4 fee for electronic renewal be omitted to encourage more use of the service, and provided some options for eliminating the fee, including a direct appropriation to cover the fee, raising the registration fee for everyone, or raising the registration fee and offering a discount to those who use renewal by mail or the Internet to register their vehicle. He also explained that \$1 of the fee goes to eUtah to setup and maintain the service on the Internet, and the remaining \$3 is the average fee banks charge for using a credit card in the transaction.

Ms. Judy Hamaker Mann, Driver License Division, explained the process for Internet renewal of the driver license and issues involved with the use of an electronic, digital signature. She said the Driver License Division does not currently provide for Internet renewals. She noted that even though a \$3 discount is given for renewal by mail, only ten percent of the state's drivers use the mail-in method. She also said many people will renew a car registration but are hesitant to renew a driver license because of privacy issues associated with the driver license. She said the division is very concerned over fraudulent identification issues.

Dr. Phillip J. Windley, Chief Information Officer, Governor's Office, said his office has put together a working group to study fee issues for online services, as well as digital signature issues. He indicated that he was optimistic that the state can provide more services via the Internet for the convenience of the public and to save state resources.

5. Other Committee Business

6. Adjourn

MOTION: Sen. Eastman moved to adjourn the meeting. The motion passed unanimously at 4:24 p.m. Sen. Mayne, Rep. Hansen, and Rep. Hogue were absent for the vote.

