

**MINUTES OF THE SENATE  
TRANSPORTATION & PUBLIC UTILITIES & TECHNOLOGY  
STANDING COMMITTEE  
TUESDAY, FEBRUARY 1, 2005, 3:00 P.M.  
ROOM W020, WEST OFFICE BUILDING  
STATE CAPITOL COMPLEX**

Members Present: Sen. Sheldon Killpack, Chair  
Sen. Curtis Bramble  
Sen. Scott Jenkins  
Sen. Carlene Walker  
Sen. Karen Hale  
Sen. Ed Mayne

Staff Present: Rich North, Policy Analyst  
Karen Allred, Secretary

Public Speakers Present: Brent Gardner, Executive Director, Utah Association of Counties  
John Nord, Executive Director, Utah Department of Transportation  
Chuck Chapel, Executive Director, Wasatch Front Regional Council  
Lincoln Shurtz, Utah League of Cities and Towns  
Russell Skousen, Executive Director, Department of Commerce  
Rich Thorn, President, CEO, Association of General Contractors  
Colonel Scott Duncan, Superintendent, Utah Highway Patrol  
Duane Braegger, President, Tramcor Corporation  
Carlos Braceras, Deputy Director, Utah Department of Transportation  
Fraser Nelson, Disability Law Center

A list of visitors and a copy of handouts are filed with the committee minutes.

Committee Chair Killpack called the meeting to order at 8:15 a.m.

**MOTION:** Sen. Walker moved to approve the minutes of January 26, 2005.

The motion passed unanimously with Sen. Hale and Sen. Mayne absent for the vote.

**1. S.B. 25 Transportation Amendments and Highway Jurisdictional Transfer Task Force (C. Walker)**

**MOTION:** Sen. Walker moved to adopt **1st Sub. S.B. 25**.

The motion passed unanimously with Sen. Hale and Sen. Mayne absent for the vote.

The following amendments were distributed:

1. *Page 16, Lines 469 through 474:*

469           (1) ~~{(a)}~~ The Transportation Commission, in consultation with the  
department **and the metropolitan planning organizations as defined in Section 72-1-208.5**, shall  
470 develop a written prioritization process for the prioritization of new transportation  
capacity  
471 projects that are or will be part of the state highway system under Chapter 4, Part 1, State  
472 Highways.  
473           ~~{(b) The department shall consult with metropolitan planning organizations  
as defined~~  
474 **in Section 72-1-208.5 in the development provided under Subsection (1)(a).**}

2. *Page 17, Lines 501 through 506:*

501           (2) Prior to finalizing priorities and funding levels of projects in the state  
transportation  
502 system, the commission shall conduct public hearings at locations around the state and  
accept  
503 public comments on:  
504           (a) the written prioritization process; ~~{and}~~  
505           (b) the merits of ~~{major}~~ new transportation **capacity** projects that will be  
prioritized under this  
506 section ~~{.}~~ **; and**  
**(c) the merits of new transportation capacity projects as recommended by a  
consensus of local elected officials participating in a metropolitan planning  
organization as defined in Section 72-1-208.5.**

3. *Page 19, Lines 554 through 555:*

554           (e) "minor collector road" or " ~~{major}~~ **minor** collector street" has the  
same meaning as provided  
555 under the Federal Highway Administration Functional Classification Guidelines;

4. Page 25, Line 758:

758 transportation systems. =

(6) The task force shall meet no more than eight times from April through November.

(7) The task force shall make a final report, including any proposed legislation, to the Transportation Interim Committee before November 30, 2005.

**MOTION:** Sen. Walker moved to adopt the amendments.

The motion passed unanimously with Sen. Hale and Sen. Mayne absent for the vote.

Brent Gardner, Executive Director, Utah Association of Counties; John Nord, Executive Director, Utah Department of Transportation; Chuck Chapel, Executive Director, Wasatch Front Regional Council; and Lincoln Shurtz, Utah League of Cities and Towns, spoke in support of the bill.

**MOTION :** Sen. Walker moved to pass **1st. Sub. S.B. 25** out favorably as amended.

The motion passed unanimously.

2. **S.B. 51 New Motor Vehicle Franchise Act Amendments** (D. Eastman)

Sen. Eastman explained the bill assisted by Russell Skousen, Executive Director, Department of Commerce.

The following amendments were distributed:

1. Page 8, Lines 224 through 229:

224 (ii) if the order modifies or rejects a finding of fact in a recommendation from the  
225 advisory board, shall be made on the basis of information learned from the executive  
director's:

226 (A) personal attendance at the hearing; **or**

227 (B) review of the record developed at the hearing {~~or~~} =

228 {~~(C) consultation with the executive director's designee under Subsection~~

229 ~~13-14-103(1)(a), who attended the adjudicative proceeding.~~}

2. Page 10, Lines 279 through 284:

279 (1) (a) A person may commence an adjudicative proceeding in accordance with this  
280 chapter and with Title 63, Chapter 46b, Administrative Procedures Act to:  
281 (i) remedy a violation of this chapter; ~~[or]~~  
282 (ii) obtain approval of an act regulated by this chapter~~[-]; or~~  
283 (iii) obtain ~~{a}~~ any determination that this chapter specifically authorizes  
that person to  
284 request.

3. *Page 15, Line 439:*

439 (ff) subject to ~~{Subsection}~~ Subsections (7) through (9) , discriminate  
against a franchisee in the state in favor of

**MOTION:** Sen. Mayne moved to adopt the amendments.

The motion passed unanimously with Sen. Bramble absent for the vote.

**MOTION:** Sen. Walker moved to pass the bill out favorably as amended.

The motion passed unanimously with Sen. Bramble absent for the vote.

**3. S.B. 134 Powersport Vehicle Franchise Act (D. Eastman)**

Sen. Eastman explained the bill.

The following amendments were distributed:

1. *Page 7, Lines 208 through 213:*

208 (ii) if the order modifies or rejects a finding of fact in a recommendation from the  
209 advisory board, shall be made on the basis of information learned from the executive  
director's:  
210 (A) personal attendance at the hearing; or  
211 (B) review of the record developed at the hearing ~~{or}~~ .  
212 ~~{(C) consultation with the executive director's designee under Subsection~~  
213 ~~13-14-103(1)(a), who attended the adjudicative proceeding.~~

2. *Page 9, Lines 263 through 267:*

263 (1) (a) A person may commence an adjudicative proceeding in accordance with this  
264 chapter and with Title 63, Chapter 46b, Administrative Procedures Act, to:  
265 (i) remedy a violation of this chapter; [~~or~~]  
266 (ii) obtain approval of an act regulated by this chapter[-]; or  
267 (iii) obtain any determination **that** this chapter specifically authorizes that  
person to request.

**MOTION:** Sen. Mayne moved to adopt the amendments:

The motion passed unanimously with Sen. Bramble absent for the vote.

**MOTION:** Sen. Hale moved to pass the bill out favorably as amended.

The motion passed unanimously with Sen. Bramble absent for the vote.

**4. S.B. 144 Motor Vehicle Stops at Port-of-entry (P. Knudson)**

Sen. Walker presented the bill.

Rich Thorn, President, CEO, Association of General Contractors, spoke in support of the bill.

Sen. Knudson further explained the bill.

Colonel Scott Duncan, Superintendent, Utah Highway Patrol, answered questions from the committee.

Duane Braeggr, President, Tramcor Corporation, spoke in support of the bill.

**MOTION:** Sen. Walker moved to pass the bill out favorably.

The motion passed unanimously with Sen. Bramble and Sen. Hale absent for the vote.

**5. S.C.R. 5 Resolution Approving Settlement of Lawsuit (P. Knudson)**

Sen. Knudson explained the bill.

Carlos Braceras, Deputy Director, Utah Department of Transportation, and Fraser Nelson, Disability Center, spoke in support of the bill.

**MOTION:** Sen. Mayne moved to pass the bill out favorably.

The motion passed unanimously with Sen. Bramble and Sen. Hale absent for the vote.

**MOTION:** Sen. Walker moved to adjourn.

The motion passed unanimously at 4:15 p.m.

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Sen. Sheldon L. Killpack, Committee Chair