

A PUBLICATION BY THE IDAHO ASSOCIATION OF HIGHWAY DISTRICTS

IDAHO ROADS MAGAZINE



IAHD

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Using Road Projects to Rebound Idaho

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2020 LEGISLATIVE SESSION

Idaho's 2020 Legislative Session saw numerous bills related to transportation and local taxing districts. Key pieces of legislation are detailed below along with the final bill outcome. All bills that were signed into law are effective as of July 1, 2020.

HOUSE BILL 309

This legislation creates a source of transportation funding for State and Local roads while saving additional moneys for times of State revenue shortfalls or major disasters. In part, it creates an Economic Reserve and Investment Fund (ERIF) for the purpose of providing moneys for: a) The Strategic Initiatives Program b) meeting General Fund revenue shortfalls or c) meeting expenses incurred as the result of a major disaster declared by the Governor.

Result: Held in the Transportation and Defense Committee

HOUSE BILL 325A

This legislation increases the distribution to the Transportation Expansion and Mitigation program from 1% of sales tax collections to 2% of sales tax collections. The amendment would split the full 2% between the State (60%) and the locals (40%). Of the local share, a bridge maintenance and replacement program would be established and administered by the Idaho Transportation Department.

Result: Vetoed by Gov. Little

4

HOUSE BILL 334

Idaho Code Section 63-2412 dedicates \$100,000 annually from the state gas tax for a local bridge inspection account. This legislation increases funding for the local bridge inspection account to \$175,000 annually to ensure FHWA match requirements.

RESULT: LAW

HOUSE BILL 354

Certain taxing districts set their annual budgets not to exceed an increase of 3% of the prior year's budget plus factors for growth. If a taxing district chooses to set a budget of less than 3% of the prior year's budget plus factors for growth, then this bill requires the taxing district to explicitly reserve, through a public resolution, the unused portions in order to allow the recovery of the reserved amount in a subsequent year.

RESULT: LAW

HOUSE BILL 409A

This legislation freezes the property tax portion of a taxing district's budget for one year, with the exception of school taxing districts. The bill was amended to cap budget growth at 4% for the

subsequent three years.

Result: Failed on the Senate Floor

HOUSE BILL 445

This legislation clarifies all contracts for construction management must include a guaranteed maximum price at the time of contract. This legislation also clarifies and distinguishes the difference between professional advisement services provided by a construction management representative as separate from construction for fee services provided by a construction manager general contractor.

Result: Referred to the Commerce & Human Resources Committee

HOUSE BILL 446

This legislation clarifies that a public agency or political subdivision is not limited to maintaining a list of three persons or entities when engaging in a selection process. The legislation also makes it clear that fees, costs, and rates must be disclosed and considered for the basis of selection and negotiation of contracts for professional services. The legislation also clarifies that the selection process for professional services should be made on the basis of objective and measurable scoring – not just preference ranking.

Result: Referred to the Commerce & Human Resources Committee

HOUSE BILL 583

As it relates to whistleblower claims, this legislation provides a cap for non-economic damages pursuant to 6-1603 (1). There is no cap for economic damages.

RESULT: LAW

HOUSE BILL 587

This legislation prevents an urban renewal district from taking a highway district's increment without the highway district's approval, unless the local governing body that created the revenue allocation area has responsibility for the maintenance of roads or highways.

RESULT: LAW

HOUSE BILL 608

This proposed legislation provides a mechanism for governmental agencies to receive a rebate for sales and use taxes that are sometimes collected and paid on road materials used in construction, repair or replacements of highways, streets, roads, and or alleys. Currently sales and or use taxes are collected differently on road materials depending upon who owns the vehicles that are placing the road materials on the ground. Consequently, monies that are set aside for transportation are being funneled off and deposited into the general fund. This legislation will help to ensure that monies designated for transportation get used for transportation

Result: Held in the Transportation and Defense Committee

HOUSE BILL 623

This legislation brings back the "surplus eliminator" mechanism for directing end-of-year surplus funds to the budget stabilization fund and the highway distribution account.

Result: Held at desk

SENATE BILL 1379

This legislation provides a practical method for using existing law enforcement and Idaho Transportation Department resources to inspect commercial vehicles for dyed fuel in specified circumstances. The proposal also defines and sets violations and civil penalties for violations under the act and provides specific exceptions to its applicability.

RESULT: LAW





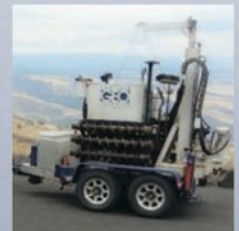
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THE BUDGETING ROAD AHEAD

BY NICK VELDHUSE, IAHD EXECUTIVE DIRECTOR



The Idaho Association of Highway Districts has received a number of inquiries from local highway jurisdictions and other transportation stakeholders over the past several months concerning potential budget shortfalls due to the spread of the COVID-19. That's important to note is that there is no single data point to peg against when constructing your jurisdiction's annual budget. What we'll attempt to do in this article is provide a number of different data sets for your consideration as we continue to work towards zeroing-in on the overall impacts to Idaho's infrastructure.

WHAT'S GOING ON NATIONALLY?

Nationally, the fuel demand statistics have been dreadful. According to Rystad Energy, a leading global energy consultant, US road fuel demand was down 37% in April. Roughly 4.2 million barrels per day (bpd) was removed from US road fuel demand in April, while the decline was 1.3 million bpd for jet fuel and 1 million bpd for all other fuels.

This drop-in demand has led to significant decreases in mobility throughout the United States. For instance, according to Google's Community Mobility Report, there has been a nearly catastrophic decrease in mobility:

- Retail & Recreation (restaurants, libraries, movie theatre's, etc.) mobility – down 42%
- Grocery and Pharmacy mobility – down 16%
- Transit Station mobility – down 48%
- Workplace Mobility – down 36%

WHAT'S GOING ON IN IDAHO?

On May 5th, representatives of the Idaho Association of Highway Districts, the Idaho Association of Counties, and the Association of Idaho Cities met with representatives of the Idaho Transportation Department to discuss various Highway Distribution Account budget-forecasting models. Given Governor Little's Stay at Home order (March 25th), the delay in distributor fuel tax reporting, and vehicle registration extensions, ITD projects a 4th quarter year-over-year reduction of 11%. This equates to a total quarterly (May-June collections) loss of highway user fees of -\$12.7 million.

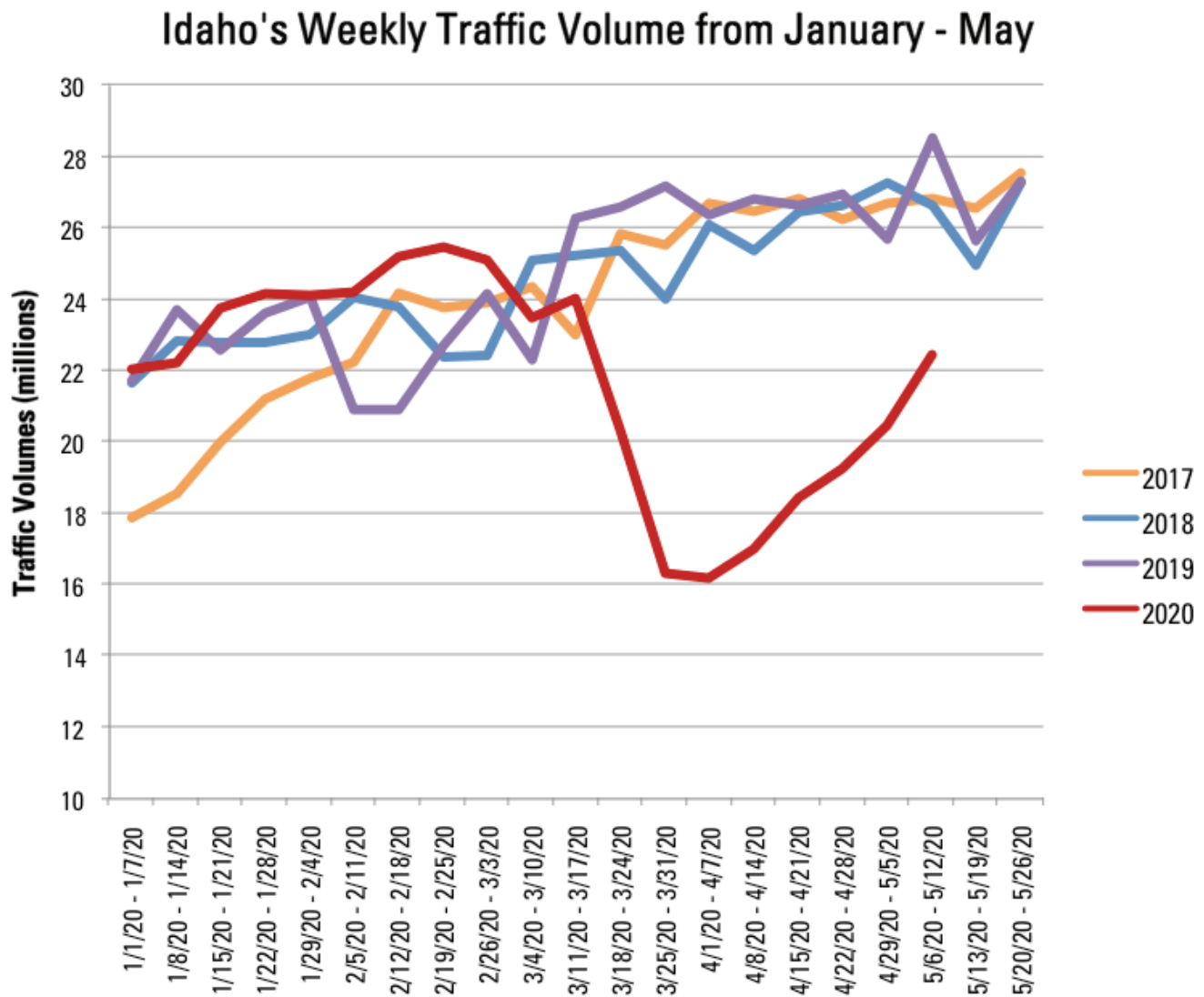
ITD also recommends local highway jurisdictions prepare scenarios considering 10%, 15%, and 20% reductions to the HDA portion of your FY2021 budget. The variance of 10% - 20% FY21 budget reductions will likely be further clarified as we approach the end of July and more data on fuel tax collections, traffic congestion, consumer confidence, and vehicle registrations are gathered.

HOW IS FUEL TAX COLLECTED IN IDAHO?

Contrary to popular opinion, fuel tax is collected at the transfer station and not the gas pump, which is what makes forecasting... interesting. In other words, fuel distributors are responsible for remitting the fuel tax dollars to the Idaho State Tax Commission, not retail outlets such as Maverik, Jackson's, Stinker, etc. See [Idaho Code § 63-2403](#).

Why does this matter? There are significantly fewer distributors than there are retailers, which allow the fuel tax collection process to be performed at a more efficient rate. The Idaho State Tax Commission provides a monthly Comparative Statement that allows users to track the fluctuations within the fuel tax. Let's suppose a highway jurisdiction abides by the recommended 11% budget cut for the 4th quarter or 2020. The tool provided by the Tax Commission will give you a better understanding of where the state is in terms of tax collections as opposed to waiting for the quarterly distribution. The monthly comparative statement should be used as another valuable tool for your jurisdiction to better plan for impending budgeting results, both good and bad.

For scale, here's an excellent representation of urban center traffic flows throughout the state of Idaho:



This graphic is an excellent example of what you can expect to see when tracking monthly motor fuel receipts on the Tax Commission's site.

Idaho State Tax Commission
 Comparative Statement of Receipts and Distributions
 For the Period from March 1, 2020 to March 31, 2020

Source	Month Of	Month Of	Change		Fiscal 2019	Fiscal 2020	Change	
	03/31/19	03/31/20	Dollars	%	Year-To-Date	Year-To-Date	Dollars	%
Motor Fuels Receipts								
Special Fuel	6,529,996.11	7,631,821.76	1,101,825.65	16.87	79,515,823.18	82,553,717.40	3,037,894.22	3.82
Gasoline Tax	18,163,765.56	14,414,256.36	-3,749,509.20	-20.64	194,365,201.86	194,943,857.77	578,655.91	0.30
Aviation Fuel	191,723.64	153,517.14	-38,206.50	-19.93	2,106,209.63	2,012,643.37	-93,566.26	-4.44
Transfer Fee	920,440.77	771,294.42	-149,146.35	-16.20	9,759,825.16	9,823,673.48	63,848.32	0.65
Fuels Distribution Fund	197,376.23	-389,268.86	-586,645.09	-297.22	-2,641,880.85	-1,059,096.00	1,582,784.85	-59.91
Motor Fuel Registration	1,318.00	5,916.50	4,598.50	348.90	49,922.75	68,882.61	18,959.86	37.98
Gross Collections	26,004,620.31	22,587,537.32	-3,417,082.99	-13.14	283,155,101.73	288,343,678.63	5,188,576.90	1.83

WILL THERE BE A NEW NORMAL?

Three aspects of mobility are likely to have the most significant long-term effect on transportation: public transport, shared mobility, and teleworking.

It's almost certainly too early to tell what effects these components will have on the overall transportation and mobility ecosystem. It's also very likely that these three components could be interconnected. For instance, the recent layoffs at Uber, Lyft, and Airbnb could act as an accelerant to remote teleworking. Likewise, a decrease in shared mobility could lead to an increase in public transportation.

Unfortunately, none of us have a crystal ball, which would be a very handy tool as we get back to work building and maintaining Idaho's infrastructure while trying to balance against the impacts to our transportation budgets. Yet, as with every crisis comes opportunity. And as consumer confidence continues to grow, all transportation stakeholders can encourage passengers back into their vehicles, back into public transportation, and back to work.





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THE IMPORTANCE OF LOCAL INFRASTRUCTURE WHEN EMERGING FROM THE EFFECTS OF THE COVID-19 PANDEMIC

By Jeff Miles, P.E., LHTAC Administrator



Throughout the 2020 Covid-19 pandemic transportation has been an essential service in Idaho. Its operation was critical to getting past this challenge.

As a large rural state our economy is not only related to quality streets and highways, it is the pivotal element. The local roadway system is the basis of that network. The facts are clear, our Idaho economy is based upon getting our agriculture, manufactured goods and raw materials to market, and conversely to bring in the tools, equipment and supplies that makes our economic engine work. About ninety six percent of the businesses and agriculture in Idaho are on the local system. Most homes are served by city streets and local roads. The importance of the local network is undeniable.

While government support is important to keep impacted families fed and to try to sustain businesses, it has been proven time and time again that investing in infrastructure will pay America back many times the

original investment. As the great depression of 1927 lagged on, the Civilian Conservation Corps (CCC) put Americans back to work in the mid 30's while building infrastructure that in some cases still survives today. Much timelier was the 2008 Stimulus program that Idaho greatly utilized. This program was implemented immediately with many necessary improvements that put our construction and engineering industry back to work while improving the infrastructure system of many local agencies.

A stimulus package of local roadway construction will put people to work, bring dollars to all Idaho communities and prepare us; not only to recover from this, but to prosper for years to come. Each dollar spent on a street or highway project is circulated many times through the local area as workers buy groceries and go to restaurants, they purchase fuel for equipment, and it buys supplies and tools to convert rock, gravel, asphalt and steel into needed roads and bridges. Although discussions of an infrastructure stimulus package continue, there is no decision yet.

What we can do is try to find advantages with what has happened. It is important to note that based on the Idaho Transportation Department's predictions, income for your next Highway Distribution Account payment in July will approximately be 11% lower. This is primarily from reduced

fuel purchases. Income tax receipts and sales taxes have slumped. When making decisions on what, if any, work can remain in your budget, it is important to note that asphalt prices have dropped dramatically as well. When considering what heavy maintenance you may do this summer after adjusting budgets, the lower asphalt costs may help if you are able to keep maintenance projects in the budget.

Even before the pandemic the local system struggled to accommodate industries drive to make transporting goods from Idaho economical. Idaho's transportation industry needs to make 129,000-pound trucks usable on the local network to drive down the cost of shipping and make Idaho products more attractive in the national and international market. With almost half of our local road bridges reaching 50 years of age soon, much of the system cannot accommodate this need.

With more and more local bridges requiring load posting, it becomes a roadblock to commerce. You can invest in minor maintenance of your bridges, small bridges and culverts with manpower you have available and minor materials purchase. Please review your small bridge inventory, which you can now review on the LHTAC website. One example of achievable maintenance would be cleaning bridge beam seats and top of abutments, as well as culvert cleaning, which will extend the life of your existing structures. For your currently posted bridges, contact LHTAC so we can review the structures and see if there are low-cost improvements or minor maintenance that can

reduce or remove the load posting.

Narrow or rough local roads concern local officials when they consider allowing larger trucks; further delaying those the shippers thus preventing the economy from rebounding. Widening, repairing and improving these roadways will not only help commerce, it reduces roadway deaths and injuries from accidents. Infrastructure stimulus projects will also reduce the costs to maintain all the vehicles we own, from large trucks to passenger cars through lower repair costs.

Our Federal and state legislators know Idaho is ready to go back to work. It's good to share that infrastructure projects are a time-tested method to fuel that effort. LHTAC stands with you to have Idaho's local transportation network lead the way in rebounding Idaho's economy.

Jeff Miles began working in highway construction in college on the survey crew at Idaho State University. As a Professional Engineer, Jeff led a successful 33-year career with Idaho Transportation Department. In 2011 he joined LHTAC as the Deputy Administrator and later became the Administrator.



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MAINTAINING A WELLNESS ROUTINE DURING STRESSFUL TIMES

By Megan Smith, III-A Health Coach



2020 HAS STARTED OUT AS A YEAR OF UNKNOWNNS DUE TO COVID-19, WHICH HAS LED TO HEIGHTENED STRESS AND ANXIETY FOR MANY. Long exposure to chronic stress is proven to wreak havoc on your mind, body, and overall health. In times of a viral pandemic we need our health the most! Being able to cope and manage stress helps sustain a healthier immune system, which is invaluable. During stressful times, it is unfortunately quite common that our wellness routines go out the door. We skip workouts, eat highly palatable foods, and skimp on sleep, when in actuality, these are some of the only things that can be in your control right now, and are some of the best thing you can do for your mind and body when unplanned stressors hit. Implementing the following stress reduction techniques and wellness practices can help change your body's response to stress.

DEVELOP A NEW ROUTINE:

Routines create a sense of normalcy, safety, and help keep us on track with healthy lifestyle habits. Make sure your routine includes drinking water first thing in the morning and throughout the day, consistent mealtimes and bedtimes, taking breaks during the workday, incorporating at least 30 minutes of activity or exercise into your day (most days of the week), and getting fresh air. With fresh air comes vitamin D, a critical nutrient for good health! If you are struggling on getting into a new routine while working from home, work on slowly incorporating some of these tips and keep in mind, this isn't going to happen overnight.

SLEEP HYGIENE:

Sleep is paramount for health and aiming for 7-8 hours of sleep per night is recommended. The term "sleep hygiene" refers to creating a healthy bedtime routine. Ways to better your sleep hygiene might include:

- Make the room you sleep in as dark, cool, and quiet as possible.
- Maintain the same sleep and wake times day to day.
- Limit the exposure to bright backlights from devices or computers an hour before bed.
- Avoid eating a large meal or drinking alcohol at least 3 hours before bed.
- Pass on the caffeine after 2pm.
- A daily dose of fresh air and natural light is also great for maintaining regular rhythms.

Unable to resolve your worries or concerns before bedtime? Try keeping a journal next to your bed and write down what is on your mind and then set it aside for tomorrow. Nearly everyone has an occasional sleepless night, but if you still have trouble sleeping after improving your sleep hygiene, contact your doctor to help you get the sleep you need.

DON'T FORGET TO STAY POSITIVE, LAUGH DAILY, AND CONNECT WITH FRIENDS AND LOVED ONES, EVEN IF IT IS VIA VIDEO CALL.

MANAGE STRESS:

First, limit overexposure to the news.

During times of crisis, stay informed from reliable sources (like the [Centers for Disease Control](#) or the [State of Idaho's COVID-19 website](#)), but try not to overindulge in the media as that can heighten anxiety. To manage your stress, start with the basics such as:

- Get organized
- Set priorities and delegate tasks
- Consider lowering your expectations of yourself and others during these times
- Meditation, yoga, or even a few minutes of deep breathing can ease anxiety
 - New to meditation or yoga? Try the ["Calm" website](#) (or app) for a free guided meditation or [Yoga with Adriene](#) for some free yoga videos to follow.

BOOST IMMUNITY:

A strong immune system is invaluable and every day we make lifestyle and nutrition choices that greatly impact its effectiveness. First and foremost, protect yourself and those around you with good hand hygiene, cover coughs and sneezes, avoid sick individuals and touching your face. Also:

- Sleep can make or break your immune system. Studies show that after consecutive sleepless nights, the risk of catching a cold is four-times more likely.
- Fuel your immune system with fresh fruits (especially berries), lots of vegetables (anything green, mushrooms, bell peppers, tomatoes, etc.), whole grains, low-fat or non-fat dairy like plain yogurt or cottage cheese, nuts and seeds (especially walnuts), and lean proteins, beans, and oily fish (like salmon).
- Avoid overeating by spreading out your meals and calories, and also try to minimize your intake of processed foods, sweets, sugary beverages, and fatty red meats.
- Stay hydrated, drink green or matcha tea, and limit caffeine and alcohol.
- MOVE, MOVE, MOVE! Aim for 30-60 minutes of activity or exercise most days of the week. This can be a brisk walk or jog, at-home-workouts, a hike or bike ride, and deep cleaning or yard work count, too! You can break this up into 10-minute

increments if needed. Choose something you enjoy and do it most days of the week. Try scheduling and tracking your activity or have a family member join for accountability.

- Enjoy Idaho's great outdoors! We live in such a beautiful state, and studies show that getting out in mother nature can uplift your mood and boost your immunity.

TRY THIS IMMUNE BOOSTING SALAD:



Start with a bed of a mixed greens, or spinach and kale mix, add chopped red bell peppers and red onions, sliced avocado, and a handful of blueberries and walnuts. Top it with a lean protein or healthy fat (grilled chicken, salmon, or beans), and an olive oil-based dressing.

WHAT'S IN YOUR CONTROL:

When looking at basic wellness, keep in mind that the amount of water you are drinking, the foods you are eating, the exercise or activity you are incorporating, the amount of sleep you are getting, and the de-stressing you are practicing are almost all in your control. Is there room for improvement? Always! Is this new routine going to happen overnight? Definitely not! Take a look at your health and wellness routine, write down a few weekly goals that are reachable and sustainable, and take control. Now, more than ever, is a time to focus on our daily wellness to help manage stress, anxiety, and boost our immune systems to stay healthy.

Megan Smith, Health Coach for Idaho Independent Intergovernmental Authority (III-A), has her degree in Kinesiology from Boise State and over 12 years of experience in the Health and Wellness industry. She's passionate about helping others spark their motivation to reach health goals and develop a sustainable wellness routine.



Idaho Independent Intergovernmental Authority (III-A) is a self-funded health benefits trust of Idaho public entities.

Learn more at [iii-a.org](#)

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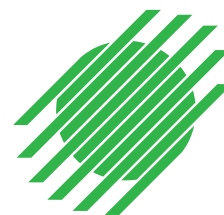
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SPEAKING WITH IDAHO'S CONGRESSMEN

Amid the COVID-19 pandemic, the IAHD spoke with three of Idaho's federal delegates from April 13 - 24, to discuss a possible infrastructure relief package and future funding mechanisms for transportation. Here is what our delegation had to say:



Should local highway jurisdictions expect some sort of federal relief due to the coronavirus?

Senator Risch: For over three years, there has been a long time conversation in congress regarding transportation funding. All 535 members of congress agree 100% that we need to do something for transportation. Yet, no one knows how to fund transportation. However, I believe there will be a relief package in the coming bills to aid transportation, likely in phase 4 or 5.

Representative Simpson: That is one the thing I know the president is very excited to try and work on, an infrastructure bill in general... He's looking, the last I understood, at a \$2 trillion bill... There has been a strong feeling in congress that we need to do a major infrastructure bill. Everyone wants to do one, but the question is, "How are we going to pay for it?"

Representative Fulcher: There is a lot of dialogue on a transportation bill... it is high on the president's list. The good news is that I think it is going to happen and it is going to be significant in scale. The bad news is that it is all debt money because the federal government doesn't have it either... I think the revenue stream coming into you is going to be stunted significantly for a while... I don't know if you have a lot of choice but to scale back.

If there is relief, is there some sort of mechanism either in the language of the bill or the rules that would fairly distribute transportation funding between the state and the locals?

Senator Risch: Things are happening so fast that there hasn't been time to work out the finer details. We are simply providing the money to the states. Right now, the complexity is going through my mind. It is easy to divide between the state and locals. However, to divvy the local portion between all government agencies is difficult. It should be left up to the local experts.

Representative Simpson: In my perception, when you get off state highways and the interstate and you get into cities, and into counties and highway districts, stuff like that, that's the real challenge of the road needs and stuff. I'm very focused. I'm trying to make sure those dollars don't just stay at the state level. That they get down to the local units of governments; to the highway districts and to the counties and other units of government so that they get these resources that are necessary.

Representative Fulcher: The relief money has been distributed at the state level and the state disperses it from there. We (Idaho's delegation) will try to carry that through and have some influence on the way any potential relief is structured so that it goes as directly to the locals as we can possibly make happen.

There has been a lot of conversations and peer reviewed articles about transportation infrastructure spending as a way to stimulate the economy. Has there been discussion among your colleagues in terms of transportation funding potentially re-stimulating the economy?

Representative Simpson: When we had the economic turn down in 2008; they talked about shovel ready projects. However, they found out that there are not all that many shovel ready construction projects. But a lot of the construction projects are ready to go, I'm sure that we could spend those dollars wisely in addressing the needs out there... if we can keep those projects going they will be good for the economy and good for the American people.

Representative Fulcher: Every day. The advantage, of course, is that you are enabling your economy to heal in the process because it's the skeleton. It's the bones... So I think there is a reasonable argument to be made there. I think it will happen. I don't know exactly how soon, but I do believe that it will happen. However, just so there are no illusions, the mechanism to pay for it is debt.

Can you speak to Personal Protective Equipment (PPE) and the shortfall of necessities for essential service providers?

Representative Simpson: I think as a result of this, we are going to see a lot of that manufacturing come back to the United States... The president has used the Defense Production Act to switch a couple of companies to produce ventilators and those kinds of things but also into the PPEs and we've got some really good companies- 3M and some others that have put manufacturing of PPEs as a high priority. But the demand that is out there is amazing and so we are focused on trying to make sure we have those. It is important that when we have that manufacturing capability that we get it to the people who actually need it.

Representative Fulcher: I don't think it's going to be an issue for much longer. There are a number of initiatives under way. For example, more US entities are coming in on the production side to increase PPE supplies.

Andrew Neill (Rep. Fulcher's Legislative Director): The bottom line is, fewer people have to go into a hospital. Pick up both what the Congressman said on the production side as well as what we see with continuing mitigation and all of the outreach we see locally with Idaho companies, there will be enough.

There is going to be a new normal in business and in schooling following the COVID-19 pandemic, which will likely lead to a reduction in gas tax again as well as potentially sales tax income. Has there been any discussion on the long-term impacts of transportation due to the virus?

Senator Risch: There needs to be talk about how we are going to change the overall gas tax. Every day it gets less and less fair to collect tax at the gas pump, which stimulates a bigger conversation about a long-term funding mechanism for transportation infrastructure.

Representative Simpson: The challenge is this; we are putting more and more pressure on automobile manufactures to get more gas mileage out of a car... and you are seeing more electric cars on the road that aren't paying any gas tax, or hybrids. We have to find and think of a different way [to pay for transportation infrastructure]. It has to be on an on going basis. Even if we did pass a \$2 trillion infrastructure bill... that doesn't address the ongoing need that's going to still occur. This is something that we are going to have to invest in. So, I am interested in finding how we can fund infrastructure in general and maintain it.

Representative Fulcher: The behaviors are going to change, probably for a while. Things will look a lot different, I think, when all of this is over. Some how, some way, you are going to be asked to do a lot more with a lot less. To try and tell you anything else is frankly not being honest with you.

That said, I do think there are positive things. There will be efficiencies that come out of it. There are going to be issues that will be brought to the forefront. We have a chicken and egg deal. We can either invest even at the risk of taking on more debt to do it. Or not have the infrastructure, not have the skeleton, to build the body around it so we can prosper again.



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Rehabilitation, replacement and repair of these CMPs without shutting down major highways or impeding traffic, such as Highway 55, is a planning nightmare. Traditional open cut methods require public disruption, traffic diversions and road closures, which are mostly not an option on some of the highway systems in Idaho. Open cut methods also cost astronomically more than trenchless techniques. Titan averages 30%-40% savings by eliminating traditional open-cut excavation.



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IDAHO'S TRANSPORTATION SYSTEM AND INFRASTRUCTURE ARE VITAL TO THE STATE'S ECONOMY

BY LANTZ MCGINNIS-BROWN, GABE OSTERHOUT, EMILY PAPE, AND VANESSA CROSSGROVE FRY WITH THE IDAHO POLICY INSTITUTE



TRANSPORTATION INFRASTRUCTURE

CAN SPUR RESPONSIBLE GROWTH IN EMPLOYMENT, JOB CREATION, BUSINESS RETENTION, AND PROPERTY DEVELOPMENT. HOWEVER, IDAHO, LIKE MANY STATES, IS FACING CRITICAL ISSUES IN ITS TRANSPORTATION SYSTEM.

In 2010 a task force appointed by Governor C.L. Butch Otter, and led by then Lieutenant Governor Brad Little, began addressing the state's transportation infrastructure issues. In 2011 the group released a report, *Modernizing Transportation Funding in Idaho*. Much has changed since this report was published, including

revenue enhancements provided by the legislature and significant population growth in the state's urbanized areas. These changes have spurred a diverse group of transportation stakeholders to come together with the goal of re-examining the state of Idaho's transportation infrastructure.

THE GROUP IS SPECIFICALLY INTERESTED IN ANSWERING THE FOLLOWING QUESTIONS:

1. What is the state of transportation infrastructure in Idaho?
2. What has changed since the Governor's Task Force reported on the issue in 2011?
3. What policy alternatives are available to improve transportation infrastructure in Idaho?

To answer these questions the group contracted with Idaho Policy Institute (IPI). Created in 2016, IPI strives to provide unbiased research for decision makers to assist them in

addressing the difficult decisions of the day. IPI's research has helped government leaders across the state navigate change and forge strong directions for Idaho's communities.

FOUR MAIN TASKS HELPED IPI ANSWER THE RESEARCH QUESTIONS

TASK 1: QUALITATIVE STAKEHOLDER ANALYSIS OF FUNDING DISTRIBUTION SYSTEMS IPI conducted interviews with key stakeholders in Idaho's transportation system, including members of the Local Highway Technical Assistance Council, Idaho Transportation Department leadership, and others. These interviews focused on stakeholder attitudes regarding community needs and funding prioritization. Stakeholders also shared quantitative information regarding annual revenues and expenses. Iterative meetings with stakeholders allowed IPI to collect feedback throughout the research process.

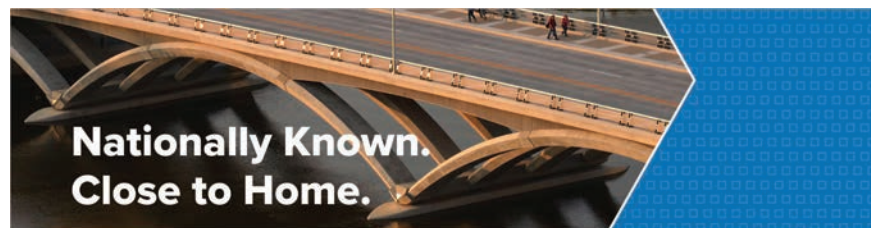
TASK 2: EVALUATE IDAHO'S TRANSPORTATION INFRASTRUCTURE IPI conducted an updated assessment of Idaho's transportation infrastructure, as well as the systems, challenges and funding gaps that affect its health. This assessment includes road and bridge infrastructure as well as the infrastructure for public transportation, bicycles and pedestrians.

TASK 3: POLICY ANALYSIS OF FUNDING ALTERNATIVES IPI examined alternative funding policies including best practices used in other states.

TASK 4: FINAL REPORTING
Now IPI is preparing its final reporting which includes:

1. An interactive online map that serves as a tool to indicate what different states have done to address infrastructure needs, including policy alternatives.
2. An interactive financial modeling tool that can be utilized by decision makers to determine what policy alternatives can be employed to help address current gaps in funding in both the local and state transportation systems.
3. A final report answering the initial research questions to be presented in June 2020 to transportation stakeholders across the state.

IPI has found that poor revenue sustainability (i.e., declining gas tax revenues, flat rates not accounting for inflation, etc.), and escalating debt service will continue to hinder Idaho's ability to maintain its transportation infrastructure in a state of good repair. This includes not only roads and bridges, but also its public transportation systems and bicycle and pedestrian infrastructure. Ultimately, without adequate investment in its transportation system, Idaho's economy and its people will be negatively impacted. By engaging Idaho residents and key transportation stakeholders regarding this issue and offering policy alternatives Idaho can move toward determining the revenue and financing sources best equipped to support the state's transportation infrastructure. This effort is critical to Idaho's future economic competitiveness and vitality.



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2020-2021 IAHD SCHOLARSHIP RECIPIENTS

The IAHD Scholarship Fund is proud to announce 17 exemplary students will be receiving a \$1,000 scholarship towards their tuition at an Idaho institution for the 2020 –2021 academic year. The academic achievements, work ethics, and community involvement each recipient has displayed are commendable. Not only do these young women and men aspire to pave a bright future for themselves but also for their communities.



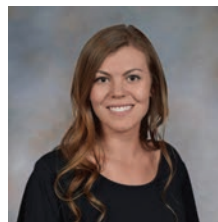
KYLIE CHURCHILL



RACHEL DAVIS



BRAYDEN DECKER



KENDRA DUCLOS



SELMA FAIRLEY



AARON GOECKNER



MADISON HOWE



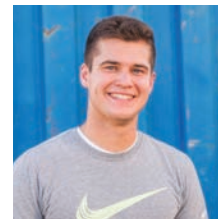
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MEGAN PEDROW



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BRETT TAGGART



ABIGAIL TROXEL



MADISON VAN GELDER



ABBIE WALDORF



KAYANNA ZAMORA

THE 2020 – 2021 IAHD SCHOLARSHIP RECIPIENTS ARE:



KYLIE CHURCHILL

Kylie is pursuing a degree in Occupational Therapy at Idaho State University. Kylie is motivated by serving others and hopes to use her degree to aid her patients and provide the knowledge and assistance needed to make a difference in their lives.

RACHEL DAVIS

Rachel is pursuing a degree in Nursing at Northwest Nazarene University. As a longtime volunteer, she is driven by seeing the joy that her acts of kindness can bring to others. Rachel is excited to use this passion to provide the best possible care for patients and their families.

BRAYDEN DECKER

Brayden will be attending Boise State University in the fall as a freshman pursuing a degree in Business Finance. He hopes to leverage his degree along with his determination to eventually open his own business and ultimately give back to the community.

KENDRA DUCLOS

Kendra is pursuing a degree in Crop Science at the University of Idaho. She is well aware that agricultural practices are constantly improving and wants to be on the cutting edge of these changes in order to help improve the farming practices and new technologies in her community.

SELMA FAIRLEY

Selma is pursuing a degree in Molecular Biology and Biotechnology at the University of Idaho and aspires to become a children's doctor. By doing so, she believes she can become a role model for the young patients and exemplify that they can accomplish anything by working hard.

AARON GOECKNER

Aaron is pursuing a degree in Civil Engineering at the University of Idaho. He believes that deep down, everyone has an ultimate goal as their driving force. His ultimate goal is to have the ability to give back to his school, family, friends, and his community.

MADISON HOWE

Madison is pursuing a degree in General Business from North Idaho College. Passionate about accounting, Madison wants to give back to the community by helping her future clients thrive while continuing her volunteer work.

MYLEE MEYERS

Mylee is pursuing a degree in Exercise Health Science at the University of Idaho. She hopes to follow her passion by becoming an Occupational Therapist to help those who have suffered life-altering events to grow and heal.

MADISON PEDROW

Madison will be attending the College of Southern Idaho in the fall to pursue a degree in Exercise Science to become a Physical Therapist. She aspires to help those who become injured or sick to work their way back to enjoying a fulfilling life.

MEGAN PEDROW

Megan will be attending the College of Southern Idaho in the fall to pursue a degree in Elementary Education. She is looking forward to becoming a teacher who will inspire a new generation of leaders.

PORTER ROBERTSON

Porter is pursuing a degree in Business Management at Bingham Young University- Idaho. Porter maintains a mindset that hardships are an opportunity for growth. With this perspective and a desire to help others, he is confident that he can influence those around him for the better.

SYDNEY SMYER

Sydney is pursuing a degree in Radiographic Science at Idaho State University. Intrigued by the medical field, Sydney is excited to aid healthcare teams to provide the best possible care by diagnosing patients through medical imaging.

BRETT TAGGART

Brett is pursuing a degree in Mechanical Engineering at the University of Idaho. With fond memories of working on heavy equipment with his father, Brett is excited to further his passion and fascination for machinery through his career path.

ABIGAIL TROXEL

Abigail is pursuing a degree in Accounting at Lewis-Clark State College. Her strong work ethic and drive to succeed has led her to find her passion for accounting. Upon graduation, she is excited to accept a standing job offer at a local accounting firm to serve the Parma community.

MADISON VAN GELDER

Madison is pursuing a degree in Biology at Lewis-Clark State College. After overcoming two major surgeries, Madison saw an opportunity to help others achieve obstacles that she experienced. Therefore, she hopes to become a Physician Assistant to help individuals maintain a healthy lifestyle.

ABBIE WALDORF

Abbie is pursuing a degree in Nursing from Nightingale College. After graduating, she plans to gain practical experience while working in the hospital setting. In the long run, she hopes to obtain a Master's degree to teach nursing courses.

KAYANNA ZAMORA

Kayanna is pursuing a degree in Spanish for Health Care at Idaho State University to become a Bilingual Nurse Practitioner. She hopes to use her degree to travel around the world to assist doctors and Spanish-speaking patients.

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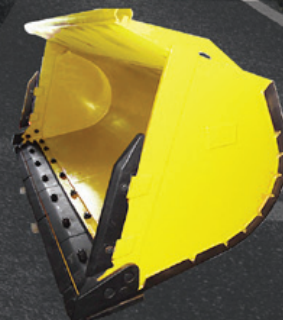
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PAVEMENT MAINTENANCE

BY BRENT JENNINGS, P.E., JENNINGS CONSULTING, INC.

A GOOD ROADWAY DEPENDS ON GOOD DESIGN, CONSTRUCTION, AND MAINTENANCE.

ROADWAY PAVEMENTS ARE A LARGE INVESTMENT THAT MUST BE EFFECTIVELY MANAGED. THE AMERICAN ASSOCIATION OF STATE HIGHWAY TRANSPORTATION OFFICIALS (AASHTO) STATES "PAVEMENT MANAGEMENT ENCOMPASSES ALL THE ACTIVITIES INVOLVED IN THE PLANNING, DESIGN, CONSTRUCTION, MAINTENANCE, EVALUATION, AND REHABILITATION OF THE PAVEMENT PORTION OF A PUBLIC WORKS PROGRAM."

Pavements can be thought of as a "hat" for the ground as they keep water out of gravel base layers. It is important to keep these base layers and the original ground dry, especially where the ground is soft and doesn't drain well. Over time pavements will deteriorate due to the environmental elements (precipitation, sun exposure, etc.) and traffic usage.

In the past, and without some kind of pavement management system, roadways got maintained either by "worst first" or prioritized through some political process. Worst first usually resulted in allowing the roadway to deteriorate to the point of complete failure and then rebuild it. Over time it was proven that neither worst first or the political process provided the most efficient way for pavement management and the expenditure of taxpayer dollars.

Research has shown that over time it is far less expensive to keep a road in good condition than it is to rebuild it once it has deteriorated beyond repair. This is why pavement management systems place the priority on preventive maintenance of roads in good condition, rather than reconstructing roads that are in a poor condition. In terms of lifetime cost and long term pavement conditions, this will result in better roadway system performance. Highway districts that concentrate on rebuilding and restoring their bad roads often find that by the time they've repaired them all, the roads that were in good condition have severely deteriorated.



Figure A

Pavement conditions can be rated using a number of rating systems, but the most popular is the Pavement Condition Index (PCI) that was developed by the Army Corps of Engineers. The PCI rates a pavement on a scale of 0 to 100. This graphic gives a general idea of the rating numbers. Figure A gives a general idea of the rating numbers.

If the PCI vs Time and Traffic were plotted, the curve would look like Figure B.

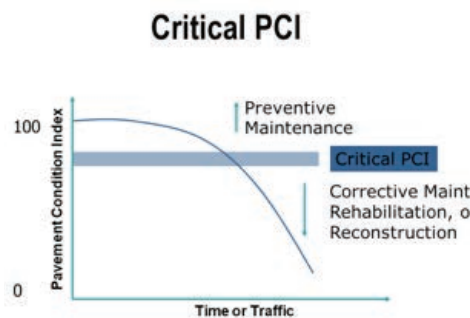


Figure B

As time and traffic usage increase the pavement will deteriorate and this deterioration does not happen on a straight line or linear basis. When the critical PCI number is reached, pavements rated below this critical number deteriorate

rapidly and more expensive corrective measures such as rehabilitation or reconstruction is needed. The key is keep the PCI high by performing routine preventative maintenance on a scheduled basis. Determination of pavement condition is critical in order to track deterioration and make good investment choices. In order to determine and manage pavement condition, a Pavement Management System needs to be created and implemented. A benefit of a Pavement Management System (PMS) is to inventory roadways in order to make the determination of whether a preservation activity will or will not be cost effective. One of the reports provided by a PMS is a list of all roads in such poor condition that a preservation activity will not be cost effective, and that these roads need to be reconstructed. These roads need an in-depth engineering analysis to determine what should be done to improve the road. If reconstruction is needed, funds must be located, usually from state and federal sources.

The use of a PMS to determine if a preservation project is cost effective does not prevent the roadway agency from doing non-cost effective preservation projects. If it is determined that a preservation activity will be done, for whatever reason, that project will be done. The PMS provides an engineering reason for not doing the project, such that the pavement is in such poor condition that pavement preservation will not last and is not cost effective. This may seem backward, but at times it is best to "let the pavement go" and reconstruct rather than throw preventative maintenance money "down a rat hole."

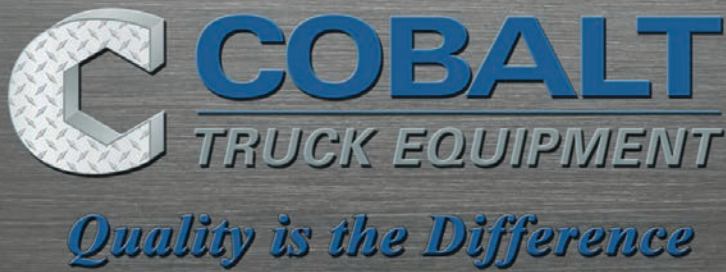
A GOOD PMS ALLOWS YOU TO:

- Select the appropriate roads (right road).
- Select the appropriate treatment (right treatment).
- Choose the correct timing (right time).

With an effective preventive maintenance program the long term costs will be lower versus delayed rehabilitation/construction costs. When preventative maintenance is applied, the pavement remains in good condition. Applying the right treatment to the right pavement at the right time is critical for success and a PMS process is essential to make this happen.

Roadway agencies may contact the Local Highway Technical Assistance Council for more information and assistance in planning and implementing an effective pavement maintenance program.

Brent Jennings, P.E. worked at the Idaho Transportation Department (ITD) for 31 years and retired in May 2015 as Director of the Office of Highway Safety. During his time at ITD Brent worked in highway construction administration and in highway traffic safety. Currently Brent is the principal of Jennings Consulting, LLC and performs consultant services nationwide for highway traffic safety and construction engineering management organizations.



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HIGHWAYS CREATED BY ROAD PETITIONS

BY DAVID E. WYNKOOP, ATTORNEY AT LAW



The Idaho Supreme Court recently clarified and reaffirmed Idaho law relating to the creation of public highways by road petition. In *Trunnell v. Fergel*, Idaho's highest court held that an unopened, unmaintained public right-of-way created in 1908 remains a dedicated public right-of-way, even though a buyer purchased the land with no knowledge of the right-of-way.

Creation of public highways by the road petition process was common in Idaho in the late 1800's and early 1900's. If property owners wanted a new road, they petitioned the county or highway district commissioners. The commissioners appointed viewers to research the proposed right-of-way and investigate the need for the road. The commissioners received the viewers' report, and if they agreed with the findings, declared the proposed right-of-way to be a public highway. The right-of-way was then recorded in a county road book kept in the county recorder's office.

There is usually no issue if the road was opened and maintained. However, if the road was never opened or maintained there had been some question whether the right-of-way retained its status as an unopened public right-of-way; particularly as against a buyer who purchased land with no knowledge of the road petition.

In the *Trunnell* case, County Road 32 was declared to be a public road in 1908 by the Bonner County Board of Commissioners. The declaration was based upon a road petition presented to the County. The road petition was entered into Bonner County's Road Book. County Road 32 was not maintained at public expense. In 1991, Fergel bought ten acres of land to build a home. Fergel had no knowledge of County Road 32. When she bought her property she observed "two wheel tracks" which ran north-south along the eastern edge of her property eventually reaching Trunnell's property. Trunnell purchased his property in 2001 and got into a dispute with Fergel whether he could use the two wheel track on

Fergel's property. Litigation ensued.

The trial court held in favor of Fergel. The lower court ruled that because Fergel bought her land with no knowledge of County Road 32, she purchased her land free and clear of the County Road 32 right-of-way. The Idaho Supreme Court reversed, holding that County Road 32 remained a public right-of-way since it was validly created by the road petition statutes and had not been formally vacated by the County pursuant to Idaho Code Section 40-203(1). There can be no informal abandonment of a public road based upon the lack of opening or maintenance of the road.

The courts had to decide between the two competing legal principles. Generally, a buyer of land purchases the land free of any encumbrances if the buyer has no actual or constructive knowledge of the encumbrance. Constructive knowledge is imputed





to the buyer if documentation of the encumbrance is recorded in the records of the county recorder.

The problem is that county and title company employees are not always aware of the road petitions or the county road books. It is not uncommon for a property buyer to purchase a title report which fails to reference the public right-of-way created by a road petition. Fergel argued that because she was not actually aware of the road petition when she purchased her land, she took her land free from the public right-of-way. The more difficult issue is whether Fergel had constructive knowledge of County Road 32 based upon the road petition and/or the county road book. Fergel produced testimony from a title company manager that a prudent person would not know to search for the road petition or the county road book. Apparently, Fergel purchased a title report which did not disclose the County Road 32 right-of-way. The Supreme Court rejected Fergel's arguments, holding that since County Road 32 was properly created and was not formally vacated, it remained a public right-of-way.

LESSONS LEARNED

1. Highway agencies should locate the applicable road petitions and road books and make copies. These documents should be located in the county recorder's or assessor's records but may have been placed in cold storage. County employees may not be aware of the significance of the documents. There is a risk that they could be disposed of.
2. Identify the road petition rights-of-way on your official map. If a right-of-way has never been opened or maintained, identify it on the map as an unopened public right-of-way.
3. Consider re-recording the road petitions in the county recorder's records to improve the odds that county and title company employees are made aware of the road petitions.
4. If a road is to be widened or relocated, check to see whether the new location is the subject of a road petition.

The importance of road petitions can be demonstrated with an example. An Idaho local highway agency decided to re-locate and widen a collector road. The agency purchased title reports and appraisals and

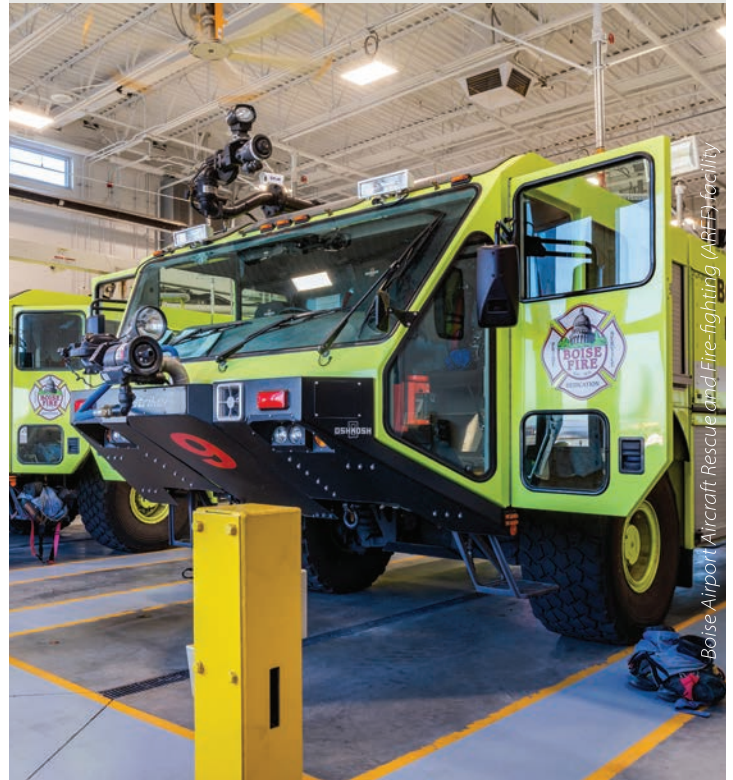
began right-of-way acquisition negotiations with the appropriate land owners. Several of the land owners hired an attorney and demanded payments far in excess of the appraised valuation. Further research found a road petition from 1907, which overlapped with the location of the new road.

After a copy of the road petition and the Trunnell case was supplied to the property owners' attorney, his clients quickly settled for a reasonable amount. The taxpayers were saved many tens of thousands of dollars because the road petition was located.

Idaho courts have treated road petition rights-of-way as dedicated public rights-of-way. This puts roads created by petition in the same category as roads created by subdivision plat. Such roads cannot be adversely possessed. Even if the road was never opened or maintained by a public agency, it remains a public right-of-way unless and until the statutory vacation procedures are followed.

David E. Wynkoop has actively practiced as an Idaho attorney for 40 years. He represents numerous Idaho local highway agencies as well as the Local Highway Technical Assistance Council. Mr. Wynkoop is a partner in the firm of SHERER & WYNKOOP, LLP, 730 N. Main St., Meridian, Idaho 83642, phone 208-887-4800.

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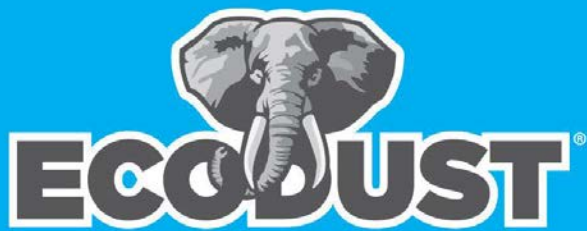


The finest in intelligent warning devices for Idaho's roadways

Traffic Safety Supply Company

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CONTROL DUST RESPONSIBLY



Responsible dust control from Clear Lakes Products.

ECODUST is the ecologically- and economically-friendly alternative to calcium chloride and magnesium dust control. ECODUST may be used as a complete replacement, or used in conjunction with magnesium to lower salt levels and reduce overall costs.

FEATURES

- Alternative to Magnesium and Calcium Chloride
- Salt-Free
- No Soil or Salt Build-up
- Biodegradable
- Easy To Use
- Economical
- Eco-Friendly
- Non-Corrosive
- Non-Toxic
- Reliable

BENEFITS

- Apply with your own trucks
- Reduced equipment maintenance and repair costs
- Improved working conditions for crews
- Increased productivity
- Increased visibility
- Reduced liabilities
- Reduced water usage
- Fewer complaints from the public

Contact us for a consultation on how ECODUST can help you control your dust issues.

CALL 
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clearlakesproducts.com

