

MINUTES
SENATE TRANSPORTATION COMMITTEE

DATE: Tuesday, January 21, 2014

TIME: 1:30 P.M.

PLACE: Room WW53

MEMBERS PRESENT: Chairman Brackett, Vice Chairman Johnson, Senators Keough, Winder, Nonini, Hagedorn, Bock and Buckner-Webb

ABSENT/ EXCUSED: Senator Rice

NOTE: The sign-in sheet, testimonies and other related materials will be retained with the minutes in the committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.

CONVENED: **Chairman Brackett** called the Senate Transportation Committee (Committee) to order at 1:35 p.m., and asked the secretary to take a silent roll. **Chairman Brackett** said that Senator Rice was excused from today's meeting. With a majority present, **Chairman Brackett** welcomed Senator Heider to the Committee and asked him to present **RS 22559**.

RS 22559: **Senator Heider** thanked the Chairman and prefaced his presentation by saying that he was bringing this bill forward because he had been a pilot in the United States Air Force during the Vietnam War. This legislation was brought to his attention by an Oregon state representative who was responsible for getting Interstate 84 (I-84) named the 'Vietnam Veteran Memorial Highway' as it travels through Oregon to the Idaho border. As a veteran of that war, **Senator Heider** decided he wanted to continue that naming as I-84 travels from the Oregon border through Idaho to the Utah border. The costs involved with maintaining the highway will be borne by veterans organizations. Costs for constructing and installing signs along I-84 will be the responsibility of the Idaho Transportation Department (ITD). Those costs have not yet been determined, but will be available if the Committee moves forward with it. **Senator Heider** thanked the Committee and stood for questions. There were no questions for Senator Heider.

MOTION: **Chairman Brackett** thanked Senator Heider and asked the Committee for a motion. **Senator Hagedorn** moved that **RS 22559** be sent to the Senate floor for printing. **Senator Winder** seconded the motion. The motion passed by a unanimous **voice vote**. **Chairman Brackett** suggested to Senator Heider that he may want to stay and listen to the scheduled presentation being offered by a member of the Idaho Transportation Coalition.

MINUTES: **Chairman Brackett** asked the Committee for a motion regarding the Minutes of the January 9 Committee meeting.

MOTION: Having reviewed the Minutes, **Senator Hagedorn** moved that the Committee approve the Minutes of the January 9 meeting. **Senator Buckner-Webb** seconded the motion. The motioned passed by a unanimous **voice vote**.

PRESENTATION: **Chairman Brackett** welcomed Dave Butzier, Program Manager for URS Corporation in Boise, and invited him to begin his presentation on the life span of Idaho's infrastructure. **Mr. Butzier** thanked the Chairman and the Committee and said that he was a licensed civil engineer responsible for oversight of URS Corporation's GARVEE (Grant Anticipation Revenue Vehicles Bond Program) projects. He has 35 years of experience and has been working in Idaho since 1987.

Roads and bridges form a network of systems that need nurturing. If too much time passes without attention, maintenance becomes difficult and expensive.

Bridges fall into two categories: structurally deficient and functionally obsolete. Bridges were designed to remain functional for 50 years. Many bridges in Idaho are 60 to 80 years old. Structurally deficient bridges are those in poor condition that are unable to carry significant loads. Functionally obsolete bridges have insufficient roadway width, insufficient horizontal or vertical clearances, or have poor approach to roadways.

Trucks do cause wear and tear on roads, but daily traffic volume on heavily used routes also reduce a roadway's life span. Many of Idaho's roads and bridges were not built for the rapid population growth Idaho has experienced. As a result, in some cases, the life span is lower than it could have been.

Today, engineers have techniques to extend the life span of roadways and to better plan new roadways. Construction involves high-tech planning and engineering as engineers have learned from the past which helps them design roadways to last into the future. But even new roads will eventually wear out.

The interstate highway system began in the 1960s as a result of a major initiative to improve our country's national defense and promote its interstate commerce. This is a major reason that many of our bridges are reaching the 50 years old mark. They have served their communities well until growth exceeded their capacity.

Before the "Flying Y" was built in the Boise valley, roadways were in terrible shape and the freeway was narrow. The expansion and improvement has made a big difference. Planning ahead can dramatically increase the life span of roads and bridges. By planning and spending money now, we can prevent future costs. Improved freeway access can increase development dramatically. **Mr. Butzier** cited many examples of planned projects, both highway improvements and commerce expansion, that have and will improve the I-84 corridor. He concluded his presentation by citing other examples in communities throughout Idaho. **Mr. Butzier** thanked the Chairman and stood for questions. There were no questions for Mr. Butzier.

GAVEL PASSING: **Chairman Brackett** thanked Mr. Butzier and passed the gavel to Vice Chairman Johnson so the Committee could review ITD administrative rules.

ADMINISTRATIVE RULES: **Vice Chairman Johnson** thanked the Chairman and said the Committee would review rules pertaining to the overlegal load legislation taken up during the last legislative session. Having said that, **Vice Chairman Johnson** welcomed Regina Phipps, ITD's Vehicle Size and Weight Specialist, to the Committee and asked her to present the administrative rules before the Committee.

DOCKET NO. 39-0312-1301 **Ms. Phipps** thanked the Vice Chairman and said that the changes to this rule start on page 31, with changes on page 33, of the Committee's rule book. During the public comment period, no hearings were requested or comments received. The rule reflects the following changes that were made at the request of industry: (1) allows for flashing as well as non-flashing lights for the movement of oversize loads after dark; (2) changes the minimum dimensions allowed for oversize load signs for towing units and pilot cars; and (3) clarifies the size and/or length of vehicle combinations allowed to travel in a convoy. **Ms. Phipps** offered to go through the rule in greater detail and stood for questions. There were no questions for Ms. Phipps.

MOTION:

Vice Chairman Johnson thanked Ms. Phipps and asked the Committee for a motion. **Senator Keough** moved that the Committee approve **Docket No. 39-0312-1301**. **Senator Winder** seconded the motion. **Senator Keough** thanked ITD for their responsiveness to inquiries regarding the heavy load truck issue. With no further discussion, **Vice Chairman Johnson** called for a vote. The motion passed by unanimous **voice vote**.

Ms. Phipps said that the remaining four rules before the Committee were due to the passage of S 1064, S 1117 and H 322 in the 2013 Legislative Session. S 1064 removed the sunset clause on heavy load trucks and made the 10 year pilot project's 35 routes in Southern Idaho, listed in Idaho Code §49-1004 permanent for carrying loads up to 129,000 pounds. S 1117 provided that the authority having jurisdiction over its roads may designate routes for loads up to 129,000 pounds by using criteria based on road and bridge structural integrity, engineering standards and public safety established by ITD. H 322 clarified that nothing in this section shall limit the exclusive jurisdiction of a local authority in its discretion to decline to designate, or to revoke, or to modify an existing designation, or to place limits upon a highway within its jurisdiction. It also confirmed that a local jurisdiction will publish notice and conduct a public hearing concerning proposed designations. These four rules were presented to the Idaho Transportation Board in June of 2013. They were approved and staff was directed to proceed with rulemaking.

In September 2013, ITD met with the leadership of the Idaho Association of Highway Districts, the Local Highway Technical Assistance Council, cities, counties, and an informational letter was sent to all county commissioners. In October 2013, ITD conducted six hearings throughout the State on the rule changes. The hearings were publicized by news media and paid advertisements throughout the State. A total of 92 people attended the hearings, the largest being 32 attendees in Lewiston. ITD received testimony from almost 100 individuals.

**DOCKET NO.
39-0315-1301:**

Ms. Phipps said that the changes to this rule start on page 38, with changes on page 40, of the Committee's rule book. It requires excess weight permits for travel on non-interstate highways. It harmonizes the requirements for vehicles traveling above 80,000 pounds with reducible loads on interstate and non-interstate routes to be permitted. It clarifies: (1) that excess weight permit requirements apply to reducible loads; (2) the allowable weight limits on each highway; and (3) the permit types required for travel on each highway. **Ms. Phipps** offered to go through the rule in greater detail and stood for questions. There were no questions for Ms. Phipps.

MOTION:

Vice Chairman Johnson thanked Ms. Phipps and asked the Committee for a motion. **Senator Keough** moved that the Committee approve **Docket No. 39-0315-1301**. **Senator Winder** seconded the motion. The motion passed by unanimous **voice vote**.

**DOCKET NO.
39-0322-1301:**

Ms. Phipps said that the changes to this rule start on page 43, with changes on page 46, of the Committee's rule book. This rule clarifies: (1) the vehicle combinations that are governed under this rule; and (2) that non-interstate routes only will allow loads above 105,500 pounds up to 129,000 pounds. It specifies the operating requirements on designated routes authorized up to 129,000 pounds, and modifies the order of the information in the rule for better flow and understanding of requirements. **Ms. Phipps** offered to go through the rule in greater detail and stood for questions.

Senator Keough referred to text on page 50, 02 Power Unit, regarding changing 15 miles per hour under normal operating conditions to 20 miles per hour. In the next rule, that same language exists, but the speed listed in that rule has not been changed. She wanted to know why it had not been changed. **Ms. Phipps** said that the change in this rule will override the language in the next rule. In the rulemaking process, a change only needs to be done once for it to affect anywhere the language appears. **Senator Keough** thanked Ms. Phipps for the explanation. There were no further questions.

MOTION:

Vice Chairman Johnson thanked Ms. Phipps and asked the Committee for a motion. **Chairman Brackett** moved that the Committee approve **Docket No. 39-0322-1301**. **Senator Keough** seconded the motion. The motion passed by unanimous **voice vote**.

**DOCKET NO.
39-0322-1302:**

Ms. Phipps said that the changes to this rule are on page 56 of the Committee's rule book. The following revisions were made to this proposed rule based on public comment: (1) it instructs a requestor that they must forward the request form to adjacent local jurisdictions as well as to ITD; (2) it defines the engineering and safety criteria utilized by ITD when reviewing requested routes; and the criteria shall include assessment of pavement and bridges to allow legal tire, axle and gross weight limits, and route off-track requirements which includes road width and curvature; and additional consideration shall be given to traffic volumes and other safety factors; (3) it identifies the possible actions (proceed to a hearing, reject or request additional information) by the Idaho Transportation Board subcommittee after reviewing the report from ITD's chief engineer; and (4) it includes verbiage stating that hearings are conducted in ITD's districts where the requested routes are located, which is pursuant to the Idaho Administrative Procedures Act, Idaho Code, Title 76, Chapter 52. **Ms. Phipps** offered to go through the rule in greater detail and stood for questions.

Senator Keough referenced page 57, at 04a where ITD defers to local jurisdictions. She thanked ITD for taking local jurisdictions' considerations into account, but wanted to know the process for those who go directly to ITD. **Ms. Phipps** said the form directs individuals to their local jurisdictions, and they need to check the box indicating they have done so. If ITD receives the form without that box checked it will be returned. There were no further questions.

MOTION:

Vice Chairman Johnson thanked Ms. Phipps and asked the Committee for a motion. **Senator Hagedorn** moved that the Committee approve **Docket No. 39-0322-1302**. **Senator Buckner-Webb** seconded the motion. The motion passed by unanimous **voice vote**.

**DOCKET NO.
39-0323-1301:**

Ms. Phipps said that the changes to this rule start on page 62, with changes on page 64, of the Committee's rule book. She said that this rule specifies permit violations that will result in revocation of an overlegal permit and the process when convicted. **Ms. Phipps** offered to go through the rule in greater detail and stood for questions.

Senator Hagedorn asked if there was discussion regarding setting the maximum weight at 15 percent as stated on page 66, at 'c.' **Ms. Phipps** said this only applies to axles and gave examples of loads per axle and that the gross weight could not be more than 15 percent over that.

Senator Keough asked why ITD would give any tolerance level. **Ms. Phipps** said it was not a 'tolerance level' because the owner can be cited and their permit would be revoked if they continually met this excessive load limit. **Senator Keough** asked if this percentage was consistent with other sections in Idaho Code. **Ms. Phipps** said it was somewhat consistent with Idaho Code where 7 percent and 15 percent are referenced. There were no further questions.

MOTION: **Vice Chairman Johnson** thanked Ms. Phipps and asked the Committee for a motion. **Senator Hagedorn** moved that the Committee approve **Docket No. 39-0323-1301**. **Senator Bock** seconded the motion. The motion passed by unanimous **voice vote**.

Vice Chairman Johnson suggested that it would be beneficial to the Committee if ITD would provide an update on this program next year and address how public concerns had been handled. **Ms. Phipps** said she would be happy to report back to the Committee in the next legislative session.

GAVEL PASSING: **Vice Chairman Johnson** thanked Ms. Phipps and passed the gavel back to Chairman Brackett.

ADJOURNED: **Chairman Brackett** thanked Ms. Phipps and said he had the opportunity to attend ITD's hearing in Twin Falls on these rules. He was impressed with the work and process ITD had undertaken. **Chairman Brackett** said that with the exception of one rule on roadway rest areas that will be taken up at a future meeting, this completed the Committee's review of administrative rules. **Chairman Brackett** adjourned the meeting at 2:17 p.m.

Senator Brackett
Chair

Gaye Bennett
Secretary