

MINUTES
SENATE TRANSPORTATION COMMITTEE

DATE:	Thursday, January 19, 2017
TIME:	1:30 P.M.
PLACE:	Room WW53
MEMBERS PRESENT:	Chairman Brackett, Vice Chairman Nonini, Senators Keough, Winder, Hagedorn, Den Hartog, Lodge, Harris, and Buckner-Webb
ABSENT/EXCUSED:	None
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 meeting of the Senate Transportation Committee (Committee) to order at 1:32 p.m. Chairman Brackett said that today's meeting would review the Idaho State Police (ISP) Administrative Rules. Vice Chairman Nonini would act as chairman for rules review.
PASSED THE GAVEL:	Chairman Brackett passed the gavel to Vice Chairman Nonini.
ADMINISTRATIVE RULES:	Vice Chairman Nonini said the Committee would hear three ISP rules and all three would be presented by Captain Tim Horn of ISP's Commercial Vehicle Safety Unit.
DOCKET NO. 11-1301-1601	THE MOTOR CARRIER RULES: Captain Horn began by saying that Idaho adopted this rule last year. During that process it was pointed out that the Idaho Code section pertaining to transporting hazardous material violations should have been listed in the rule. Idaho Code § 49-2212 says that every time there is a change in federal regulations, Idaho adopts those changes. This section should have been referenced in the rule.
MOTION:	Senator Hagedorn moved that Docket No. 11-1301-1601 be adopted. The motion was seconded by Senator Buckner-Webb . The motion passed by unanimous voice vote .
DOCKET NO. 11-1301-1602	THE MOTOR CARRIER RULES: Captain Horn said this rule has to do with long combination vehicles (LCV). ISP adopts the Federal Motor Carrier Safety Regulations (FMCSR) by reference, but it has not adopted 49 CFR § 380 that identifies the special training requirements for the safe operation of LCVs. An LCV is a combination of a tractor and two or three trailers requiring a more skilled driver for safe operation. Other than completing a written exam, Idaho currently has no driver training requirements to receive an LCV endorsement. Once the written exam is completed, the Idaho commercial driver's license (CDL) holder receives an LCV endorsement and can begin driving LCVs with no behind-the-wheel driver training. Now that Idaho's over-legal weight permit limits are up to 129,000 pounds, there will be an increase in LCVs. Therefore, adoption of this federal section would assist in the safe operation of LCVs on Idaho roadways by ensuring drivers have sufficient training with a qualified instructor before being released to operate LCVs. This will affect most over-legal permits issued by the Idaho Transportation Department (ITD).

Captain Horn continued by explaining that this rule effects drivers who want to operate an LCV and carriers who want to employ LCV drivers. To be certified a driver must pass a written skills test and a behind-the-wheel test administered by a certified instructor. There is no timeframe for the course, but the following topics must be covered: orientation, basic operation, safe operating practices, advanced operation, and non-driving activities.

There are requirements to qualify as a certified instructor, which includes having certified motor vehicle driving experience for at least two years. A carrier can have an instructor in their own company as long as they meet the two-year requirement. There is a grandfather clause, but a driver would have had to meet the test qualifications in 2005 in order to utilize it. **Captain Horn** concluded that ISP just wants people to get the training they need to drive these big trucks.

Senator Buckner-Webb asked if she understood correctly that a driver does not need a prescribed number of hours of experience before they can operate a double or triple LCV. **Captain Horn** confirmed she was correct.

Senator Den Hartog wanted to know if the classes were currently being offered around the State or if classes were still in the planning stage. **Captain Horn** said that driving schools were currently conducting classes. Carriers have said they would not allow new drivers behind the wheel of their LCVs without appropriate training. **Senator Den Hartog** noted the narrow grandfather clause qualifications Captain Horn mentioned in his presentation and concluded there was no effective clause, and therefore, existing drivers must get certified. **Captain Horn** said she was correct that essentially there was no grandfather clause.

Vice Chairman Nonini welcomed Ramon Hobdey-Sanchez, ITD's Government Affairs Program Specialist, to testify. **Mr. Hobdey-Sanchez** informed the Committee that ITD worked closely with ISP during ITD's extensive negotiated rule process in mid-2016. In two of ITD's rules they specifically referenced 49 CFR § 380 and heard no opposition to this federal code reference.

MOTION:

Senator Hagedorn moved that Docket No. 11-1301-1602 be adopted. The motion was seconded by **Senator Den Hartog**. The motion passed by unanimous **voice vote**.

DOCKET NO.
11-1301-1603

THE MOTOR CARRIER RULES: **Captain Horn** said this pending rule adopts a federal mandate, but there are no changes for drivers or carriers who meet the current exemptions under records of duty status (RODS), as listed in 49 CFR § 395 and in Idaho Code § 67-2901B(2). The Idaho Trucking Association supports this rule.

Under §395, commercial vehicle drivers are required to keep track of their RODS by logging any changes in a paper log book or in an electronic logging device (ELD). Unfortunately, paper log books have provided opportunities to falsely record longer driving hours. An ELD helps prevent filing false reports by synchronizing with the vehicle's engine. An ELD automatically records a driver's driving time and other aspects of the driver's hours-of-service records.

The rule is intended to help create a safer work environment for drivers by making it easier and faster to accurately track, manage, and share RODS data. There are three phase-in periods toward being fully compliant: 1.) "Awareness and Transition" which began on February 16, 2016 and runs through December 18, 2017; 2.) "Phased-In Compliance" beginning on December 18, 2017 and ending December 16, 2019; and 3.) "Full Compliance" which begins after December 16, 2019.

Captain Horn concluded that if this rule is rejected, Idaho interstate carriers would have to either comply on their own or be in violation when leaving Idaho, which could result in a disruption of commerce. Also, because Idaho would not be in compliance with federal regulation, it could potentially cause a reduction in federal funding.

Senator Harris commented that some Idahoans are concerned that ELDs are harming their sleeping habits and, therefore, hurting their schedules. **Captain Horn** replied that an ELD is no different than a paper log book. When a driver stops to refuel or to have a meal, they are off-duty which can be manually indicated on the device. However, a driver is given only one opportunity to go into the ELD later to change the log. **Senator Harris** asked if ELDs sync with engines in 2000 and newer vehicles. **Captain Horn** confirmed his statement. However, under those circumstances an ELD would be plugged into the engine control module (ECM) and operate in the same way as it would in a newer syncing vehicles.

Senator Hagedorn asked if there was any push-back in transitioning to ELDs. **Captain Horn** said there were no comments when they were first released, but he has heard comments from other states. He continued that an ELD is no different than a paper log book but it tracks a driver's time more accurately.

Senator Den Hartog asked if drivers who keep their engines running while they sleep have to manually correct the reading on an ELD. **Captain Horn** said they simply push the button on the ELD to move the reading into sleeper mode during that time.

MOTION: **Senator Hagedorn** moved that Docket No. 11-1301-1603 be adopted. The motion was seconded by **Senator Keough**. The motion passed by **voice vote**. **Senator Harris** asked to be recorded as voting nay.

PASSED THE GAVEL: Vice Chairman Nonini passed the gavel back to Chairman Brackett.

ADJOURNED: With no further business before the Committee, **Chairman Brackett** adjourned the meeting at 2:09 p.m.

Senator Brackett
Chair

Gaye Bennett
Secretary