

MINUTES
HOUSE TRANSPORTATION & DEFENSE COMMITTEE
DIXON SUBCOMMITTEE
Rules

DATE: Thursday, January 26, 2017

TIME: 1:30 P.M.

PLACE: Room EW40

MEMBERS: Chairman Dixon, Representatives Gannon, Harris, DeMordaunt, Syme

**ABSENT/
EXCUSED:** None

GUESTS: Don Williams, Tax Policy Specialist, Idaho State Tax Commission; Alan Frew, Division of Motor Vehicles Administrator, Idaho Transportation Department; Doreen Warren, Public Information Director, Idaho State Tax Commission; Matthew Conde, AAA; Suzanne Budge, SBS Associates LLC; David Doeringsfeld, General Manager, Port of Lewiston; Ramon Hobdey-Sanchez, Governmental Affairs Program Specialist, Idaho Transportation Department

Chairman Dixon called the meeting to order at 1:31 PM.

DOCKET NO. 35-0105-1601: **Don Williams**, Tax Policy Specialist, Idaho State Tax Commission, presented **Docket No. 35-0105-1601**, Idaho Motor Fuels Tax Administrative Rules. This Rule proposes amendments to the following: Motor Fuels Tax Rule 003 to add additional references to appeal rights and for clarity, Motor Fuels Tax Rule 004 to update the incorporated references, Motor Tax Fuels 140 to be deleted and subsections 140.01 and 140.04 merged with Rule 130, Motor Fuels Tax Rule 311 to reference Idaho Code section 63-2470, and Motor Fuels Tax Rule 400 to eliminate references to the gaseous fuel decal.

MOTION: **Rep. Syme** made a motion to recommend the full committee approve **Docket No. 35-0105-1601. Motion carried by voice vote.**

DOCKET NO. 35-0105-1602: **Don Williams**, Tax Policy Specialist, Idaho State Tax Commission, presented **Docket No. 35-0105-1602**, Idaho Motor Fuels Tax Administrative Rules. This Rule proposes amendments to Motor Fuels Tax Rule 130, including: deleting Subsection 130.04, titled Supplemental Reports, and the removal of dated material. In addition, Motor Tax Fuels 140 will be deleted and subsections 140.01 and 140.04 merged with Rule 130.

MOTION: **Rep. Syme** made a motion to recommend the full committee approve **Docket No. 35-0105-1602. Motion carried by voice vote.**

DOCKET NO. 39-0311-1601: **Alan Frew**, Division of Motor Vehicles Administrator, Idaho Transportation Department, presented **Docket No. 39-0311-1601**. The modifications being made to this Rule address truck permitting for non-reducible, oversized loads traveling on U.S. 12 in northern Idaho, between milepost 74 and milepost 174. Specifically, loads that fall under one of the following criteria: 1) exceeds sixteen (16) feet wide and/or one hundred and fifty (150) feet in length; 2) load movement requires longer than twelve (12) hours to travel through the designated mileposts; or 3) load movement requires physical modification of the roadway or adjacent vegetation to facilitate passage beyond normal highway maintenance. As per a Federal Court decision, the United States Forest Service has the duty to regulate oversize loads traveling through the Nez Perce – Clearwater Forest (US 12 from milepost 74 to 174). The Forest Service has issued the following written criteria to determine which "oversize" loads will be subject to Forest Service review: load exceeds sixteen (16)

feet wide, and/or one hundred and fifty (150) feet in length, load movement requires longer than twelve (12) hours to travel through the designated mileposts, and load movement requires physical modification of the roadway or adjacent vegetation to facilitate passage beyond normal highway maintenance. These additional safety requirements include, at a minimum, the following: ambulances and possible law enforcement escorts to ensure public safety, safety lighting will be addressed so as to not create a safety hazard to the traveling public, loads cannot utilize turnouts - which are designated for recreational vehicles for non-emergency parking, time of travel will be determined based on traffic volume and best interest of the public, night time movement may be required and/or movement may be restricted during holidays or weekends, loads require a vehicle safety inspection by the Idaho State Police or equivalent agency of another jurisdiction prior to issuance of a permit. ITD shall monitor the loads as they travel the highway and ensure only one (1) load shall operate on this section of highway at any one time.

In response to Committee questions, **Mr. Frew** stated the Forest Service developed the criteria that ITD has adopted. The ITD is attempting to put the Department, the taxpayers, and commerce in the best possible situation for when the unresolved litigation - a jurisdictional conflict stalled for three years in the 9th Circuit Court of Appeals - ends.

In response to Committee questions, **Mr. Frew** stated that Forest Service did not have the jurisdiction to permit. ITD will be issuing the permits and sending a copy of the permits to the Forest Service for their approval.

David Doeringsfeld, General Manager, Port of Lewiston, spoke in favor of **Docket No. 39-0311-1601**, stating that the administrative rule change, in combination with the additional safety requirements therein, will benefit the public by aligning the Idaho Transportation Department (ITD) overlegal permit requirements with criteria set forth by the U.S. Forest Service (USFS), and that the inability to ship oversized shipments on U.S. Highway 12 has had a negative impact on the Port of Lewiston and the economy of north central Idaho.

- MOTION:** **Rep. Harris** made a motion to recommend the full committee approve **Docket No. 39-0311-1601. Motion carried by voice vote.**
- MOTION:** **Rep. Gannon** made a motion to approve the Subcommittee minutes of the January 18th and January 20th, 2017 meetings. **Motion carried by voice vote.**
- ADJOURN:** There being no further business to come before the committee, the meeting was adjourned at 2:08 PM.

Representative Dixon
Chair

Jasmine Platt
Secretary