

MINUTES
SENATE TRANSPORTATION COMMITTEE

DATE: Thursday, January 26, 2017

TIME: 1:30 P.M.

PLACE: Room WW53

MEMBERS PRESENT: Chairman Brackett, Vice Chairman Nonini, Senators Keough, Winder, Hagedorn, Den Hartog, Harris, and Buckner-Webb

ABSENT/ EXCUSED: Senator Lodge

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** convened the meeting of the Senate Transportation Committee (Committee) at 1:32 p.m. He shared that the Committee would be reviewing Administrative Rules.

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

ADMINISTRATIVE RULES: **Vice Chairman Nonini** said the Administrative Rules being heard were from the Idaho Transportation Department (ITD) and the Idaho State Tax Commission (ISTC). **Vice Chairman Nonini** invited Alan Frew, ITD's Administrator of the Department of Motor Vehicles (DMV), to present the first docket.

DOCKET NO. 39-0311-1601: **Rules Governing Overlegal Permittee Responsibility and Travel Restrictions: Addresses truck permitting for non-reducible, oversized loads traveling on U.S. 12 in northern Idaho. Mr. Frew** said this rule addresses truck overlegal permitting for non-reducible, oversized loads operating on a section of U.S. Highway 12 that runs through the Nez Perce-Clearwater Forest in North Idaho. A federal court decision ordered that the U.S. Forest Service (USFS) regulate certain oversize loads traveling on this section of the highway. USFS determined which oversize loads would be subject to their review based on the following criteria: 1.) loads more than 16 feet wide or 150 feet long; 2.) loads that take more than 12 hours to travel through that section of the highway; or 3.) loads requiring changes beyond routine maintenance to the roadway or adjacent vegetation in order to facilitate passage through that section of the highway.

USFS's criteria has forced companies to use longer routes in Idaho and other states, costing time, jobs, dollars, and efficiencies; it has negatively impacted the economic vitality of that region. Because these vehicles have been unable to travel on U.S. Highway 12, ITD has chosen to adopt USFS's written interim criteria placing the State in the best possible position to act once the federal litigation is resolved.

Mr. Frew added that ITD was proposing six changes focusing on additional safety requirements for overlegal loads on this section of U.S. Highway 12: 1.) ambulance and/or law enforcement escorts to ensure public safety; 2.) safety lighting on trucks; 3.) the loads cannot use turnouts designated for recreational vehicles for non-emergency parking; 4.) time of travel will be addressed; 5.) required safety inspection prior to issuing a permit; and 6.) limit travel to one load at a time on this section of highway. ITD brought this rule because U.S. Highway 12 has been effectively closed to certain "oversize" loads as a result of the federal court ruling.

In closing, **Mr. Frew** stated that the rule prohibits taking more than 12 hours to travel through this section of U.S. Highway 12 and prohibits road modifications without USFS consent. For loads exceeding the USFS criteria dimensions, ITD would offer a conditional permit addressing operational safety concerns. USFS still reviews ITD issued permits as required by the federal court. **Mr. Frew** concluded by stating that the rule addresses safety concerns expressed by the federal litigants.

Senator Hagedorn asked if U.S. Highway 12 existed because of a USFS easement or if it was on state-owned land. **Mr. Frew** replied that ITD had been granted an easement for U.S. Highway 12 to exist.

TESTIMONY:

Vice Chairman Nonini thanked Mr. Frew and invited David Doeringsfeld, General Manager of the Port of Lewiston, to testify.

Mr. Doeringsfeld testified in support of the rule change, stating it would benefit the public by aligning ITD's overlegal permit with USFS's criteria and provide additional safety requirements for oversized loads on U.S. Highway 12. He also confirmed that the inability to ship oversized goods on U.S. Highway 12 has had a negative impact on the Port of Lewiston and the economy of North Central Idaho. They are unable to contract with any shippers and/or manufacturers wanting to off-load cargo over 16-feet in width for transport on U.S. Highway 12. He concluded by urging the Committee to adopt the rule.

MOTION:

Senator Hagedorn moved that **Docket No. 39-0311-1601** be adopted. **Senator Den Hartog** seconded the motion. The motion passed by **voice vote**.

PASSED THE GAVEL:

Vice Chairman Nonini returned the gavel to Chairman Brackett.

MINUTES APPROVAL:

Vice Chairman Nonini moved to accept the Minutes of January 17, 2017. **Senator Winder** seconded the motion. The motion passed by **voice vote**.

PASSED THE GAVEL:

Chairman Brackett passed the gavel to Vice Chairman Nonini.

DOCKET NO. 35-0105-1601:

Vice Chairman Nonini welcomed Don Williams, Idaho State Tax Commission (ISTC) Tax Policy Specialist, and asked him to present the tax rules.

Idaho Motor Fuels Tax Administrative Rules: Changes to Rules 003, 004, 311, and 400. Rule 140 will be deleted with two of its subsections added to Rule 130. **Mr. Williams** began by stating that all the changes in the tax rules in this docket were not negotiated. He went through each of the five Motor Fuels Tax Rules changed by this docket.

Rule 003: This tax rule was changed to add statutory references and clarity.

Rule 004: These were housekeeping changes that include updating electronic filing of records and adopting the diesel gallon equivalent as specified in H 132 (2015).

Rule 140: This tax rule was deleted because of outdated language. Subsections 140.01 and 140.04 were moved to Rule 130 as described in the next docket.

Rule 311: This tax rule's governing documents for bonding licensees was updated. A reference was changed from an International Fuel Tax Agreement (IFTA) reference to Idaho Code § 63-2470, as mandated in H 43 (2015).

Rule 400: The title of this tax rule was shortened and references added for clarity. Any portions deleted were cited elsewhere. Subsection 1d and portions of Subsection 5 were deleted because they referenced the gaseous fuel decal which was eliminated in H 132 (2015).

MOTION: **Senator Harris** moved that **Docket No. 35-0105-1601** be adopted. **Senator Buckner-Webb** seconded the motion. The motion passed by **voice vote**.

DOCKET NO. 35-0105-1602: **Idaho Motor Fuels Tax Administrative Rules: Changes to Rules 130 and 140. Mr. Williams** said this rule was negotiated with industry. It explains fuel distributor reporting requirements and it removes outdated language. In subsection 4, the Supplemental Report was deleted because no one used it. In conclusion, he added that the rule also eliminated grammatical errors.

MOTION: **Senator Harris** moved that **Docket No. 35-0105-1602** be adopted. **Senator Keough** seconded the motion. The motion passed by **voice vote**.

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 2:08 p.m.

Senator Brackett
Chair

Gaye Bennett
Secretary