

MINUTES
SENATE TRANSPORTATION COMMITTEE

DATE: Tuesday, January 31, 2017

TIME: 1:30 P.M.

PLACE: Room WW53

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

ABSENT/ EXCUSED: Senator Keough

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 1:30 p.m.

MINUTES APPROVAL: **Senator Winder** moved that the Minutes of January 19, 2017 be approved. **Senator Buckner-Webb** seconded the motion. The motion passed by **voice vote**.

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

ADMINISTRATIVE RULES: **Vice Chairman Nonini** invited Ramon Hobdey-Sanchez, Idaho Transportation Department's (ITD) Government Affairs Program Specialist, to present the five ITD Administrative Rules before the Committee.

DOCKET NO. 39-0306-1601 **Rules Governing Allowable Vehicle Size: Ensures congruency with the FAST Act and 2016 Senate Bill 1261 to establish permissible load overhang.** **Mr. Hobdey-Sanchez** said the changes to this rule were made to ensure congruency between 2015's federal Fixing America's Surface Transportation (FAST) Act and S 1261 (2016) that established permissible load overhang. The specific details of this rule are in Idaho Code § 49-1010. For efficiency and to avoid confusion, ITD has referenced the pertinent Idaho Code section in this administrative rule. **Mr. Hobdey-Sanchez** concluded by stating that Idaho Code allows for the following load overhangs: front of boat transporter no more than three feet; rear of boat transporter no more than four feet; front of auto transporter no more than four feet; and rear of auto transporter no more than six feet.

MOTION: **Senator Hagedorn** made a motion to accept **Docket No. 39-0306-1601**. **Senator Buckner-Webb** seconded the motion. The motion passed by **voice vote**.

DOCKET NO. 39-0312-1601 **Rules Governing Safety Requirements of Overlegal Permits: Addresses vehicle inspections, driver training, and brakes.** **Mr. Hobdey-Sanchez** said that the Idaho State Police (ISP) suggested that federal regulations be specifically referenced when identifying owner inspections, driver training, and brake systems.

Periodic vehicle inspections fall under federal regulation 49 CFR Part 396.17, to wit: 1.) every commercial vehicle must be inspected; 2.) motor carriers must inspect all commercial motor vehicles (CMV) subject to their control; 3.) motor carriers cannot use a CMV unless an inspection is passed at least once in 12 months; 4.) motor carriers may perform the required annual inspection; as a self-inspection; 5.) motor carriers may use the services of others if qualified inspectors are employed; 6.) CMVs passing inspection performed by any state government or equivalent jurisdiction also meets the requirement; 7.) motor carriers are responsible to ensure all parts/accessories are intended for use in interstate commerce; and 8.) failure to properly perform annual inspections shall cause motor carriers to be subject to a penalty.

Inspector qualifications fall under federal regulation 49 CFR Part 396.19, to wit: 1.) individuals performing inspections must understand all inspection criteria, must have mastered the areas being inspected, and must be capable of performing an inspection based on experience and training; and 2.) motor carriers must retain evidence of an individual's qualifications to be an inspector.

Special training requirements fall under federal regulation 49 CFR Part 380, to wit: 1.) a driver operating a licensed commercial vehicle (LCV) shall successfully complete a driver training program; 2.) a driver must pass knowledge and skills tests; and 3.) an LCV training program requires knowing the different qualifications for handling double and/or triple motor vehicle combinations.

Mr. Hobdey-Sanchez concluded by adding the rule modification also requires that brakes meet the Federal Motor Carrier Safety Administration Regulations and the brakes be maintained at the Federal Motor Vehicle Safety Standards No. 121 in effect at the time the vehicle was manufactured.

Senator Hagedorn was concerned that there was no date associated with the version of federal regulations being approved. He pointed out that without a date, changes can occur at the federal level in the future and because there was no date of the version of federal regulations inserted in Idaho regulations, Idaho would be obligated to enforce any changes to those federal regulations. He recommended that in future rules when incorporating federal regulations by reference, a date of the version being incorporated be included in the Administrative Rule. **Mr. Hobdey-Sanchez** thanked Senator Hagedorn for bringing this oversight to his attention.

MOTION:

Senator Den Hartog made a motion to accept **Docket No. 39-0312-1601**. **Senator Harris** seconded the motion. The motion passed by **voice vote**.

**DOCKET NO.
39-0315-1601**

Rules Governing Excess Weight Permits for Reducible Loads: Establishes a statewide permitting system by addressing trucks and 129,000 pound commercial motor vehicles. **Mr. Hobdey-Sanchez** said this rule promotes a statewide truck permitting system and addresses 129,000 pound CMVs used on the State's Interstate System, as passed last year in S 1229 (2016). In order to promote intrastate surface transportation safety, intermodal commerce, law enforcement efficiencies, and reduced administrative costs, commercial vehicle combinations in excess of 80,000 pounds will be permitted on local highways when a local highway jurisdiction has agreed to participate in ITD's permitting process.

Senator Harris pointed out the rule states that no vehicle combination weighing more than 105,500 pounds shall operate on local highways. He wanted to know how this would affect hay haulers as their trucks weigh-in at 106,000 pounds. **Mr. Hobdey-Sanchez** replied it would only affect hay haulers if their local jurisdiction wanted to participate in the permitting system.

Senator Hagedorn was curious about permitting 129,000 pound trucks on the Interstate Connector (I-84) that is maintained and operated by ITD up to where I-84 ends and a local highway jurisdiction begins. **Mr. Hobdey-Sanchez** said this rule in no way affects local highway jurisdictions.

MOTION: **Senator Hagedorn** made a motion to accept **Docket No. 39-0315-1601**. **Senator Lodge** seconded the motion. The motion passed by **voice vote**.

DOCKET NO. 39-0322-1601 **Rules Governing Overlegal Permits for Extra-Length, Excess Weight, and Up to 129,000 Pound Vehicle Combinations: Commercial motor vehicle brakes must meet and be maintained to federal standards in effect at the time it was manufactured.** **Mr. Hobdey-Sanchez** said the changes address CMV brakes. Brakes on all CMVs must meet and be maintained to the Federal Motor Vehicle Safety Standards No. 121 in effect at the time the CMV was manufactured. It included new language addressing driver training requirements in accordance with 49 CFR Part 380. This rule also deals with reducible loads exceeding 80,000 pounds. In conclusion, **Mr. Hobdey-Sanchez** pointed out that because Idaho designated Interstate Highways as 129,000 pound truck routes, this rule includes ITD's modified permit maps reflecting the addition of these "Black-Coded Routes".

MOTION: **Senator Buckner-Webb** made a motion to accept **Docket No. 39-0322-1601**. **Senator Winder** seconded the motion. The motion passed by **voice vote**.

DOCKET NO. 39-0323-1601 **Rules Governing Revocation of Overlegal Permits: Revocation of a permit for non-compliance if the motor carrier violated a federal out-of-service order.** **Mr. Hobdey-Sanchez** said this rule addresses instances in which a permit can be revoked for non-compliance if the motor carrier has violated an out-of-service order under the Federal Motor Carrier Safety Administration Regulations.

MOTION: **Senator Harris** made a motion to accept **Docket No. 39-0323-1601**. **Senator Den Hartog** seconded the motion. The motion passed by **voice vote**.

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

ADJOURNED: With no further business before the Committee, **Chairman Brackett** adjourned the meeting at 1:59 p.m.

Senator Brackett
Chair

Gaye Bennett
Secretary