

MINUTES
SENATE TRANSPORTATION COMMITTEE

DATE: Tuesday, January 29, 2019

TIME: 1:30 P.M.

PLACE: Room WW53

MEMBERS PRESENT: Chairman Brackett, Vice Chairman Crabtree, Senators Winder, Den Hartog, Lodge, Rice, Burtenshaw, Rohn(Buckner-Webb), and Nelson

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** convened the meeting of the Senate Transportation Committee (Committee) at 1:31 p.m. He welcomed Senator Rohn who was substituting for Senator Buckner-Webb for the week.

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

REVIEW: **Vice Chairman Crabtree** said the Committee would review eight dockets representing either new or consolidated rules within the Idaho Transportation Department (ITD); they would be reviewed first before the Committee would consider repealing 22 dockets that were no longer relevant to the work of ITD. **Vice Chairman Crabtree** invited Ramon Hobdey-Sanchez, ITD's Government Affairs Program Specialist, to present the rules review process.

Mr. Hobdey-Sanchez stated he and Lance Green, ITD's Department of Motor Vehicles (DMV) Program Specialist and subject matter expert, would go through the results of a large scale negotiated rulemaking and administrative rule consolidation process that took place last year. They would present eight cohesive rule dockets that deal with the issuance of annual Commercial Motor Vehicles (CMV) permits.

SCR 130 (2018) directed ITD to initiate negotiated rulemaking in an effort to consolidate existing administrative rules regarding annual permits for the movement of CMVs and/or loads on Idaho's roadways. Last April, ITD began the negotiated rulemaking process and started communicating with interested stakeholders and industry; stakeholders included: loggers, the agricultural community, AAA, the construction industry, the Idaho Trucking Association, the Trucking Advisory Council, and local jurisdictions. The end result was eight consolidated permits that bring efficiencies and streamline the process for customers and industry; the effective date for all these rules is July 1, 2019. Before beginning individual docket reviews, **Mr. Hobdey-Sanchez** said he would stand for questions regarding the process.

DISCUSSION: **Senator Rice** cited places where the term "overlegal" was still being used. He said that definitions should just be in code and not in rule. He suggested that ITD inform the Legislature where there isn't a definition in code. **Mr. Hobdey-Sanchez** said that it was an oversight and is an example of the vastness of the consolidation process.

Vice Chairman Crabtree asked how the Committee should proceed given this oversight. **Mr. Hobdey-Sanchez** suggested doing a clean-up next year and moving forward with the rules review now.

Senator Rice suggested taking it out of the rule and striking the definition.

Senator Nelson said that the Committee was charged with approving the changes and therefore should move forward by approving the rule.

Senator Winder offered that as long as the word is in a numbered section, it can be struck.

Vice Chairman Crabtree decided to move forward with the process and invited Mr. Green to present the eight consolidated rules.

**DOCKET NO.
39-0301-1802**

RULES GOVERNING DEFINITIONS REGARDING SPECIAL PERMITS: Mr. Green said that in order to agree with industry consensus, all references to the word "overlegal" have been replaced with the word "special." This new rule duplicates the previous rule 39.03.01, with the only changes clarifying the definition of "non-reducible load" to conform to federal definitions and the definition of "long combination vehicles."

MOTION:

Senator Den Hartog moved to adopt **Docket No. 39-0301-1802**, with the exception of striking the definition of the word "overlegal" where needed. **Senator Burtenshaw** seconded the motion. The motion passed by **voice vote**.

**DOCKET NO.
39-0302-1801**

RULES GOVERNING MOVEMENT OF DISABLED VEHICLES: Mr. Green said that this docket deals with the safety requirements and standards for movement of a disabled vehicle, and the use of an annual permit for such movements. The height allowed in the permit is increased from 14 feet 6 inches to 15 feet in order to be more uniform with height standards of other permitted loads.

DISCUSSION:

Senator Burtenshaw asked if most overpasses accommodate that increase in height. **Mr. Green** replied that they did.

MOTION:

Senator Burtenshaw moved to adopt **Docket No. 39-0302-1801**. **Chairman Brackett** seconded the motion. The motion passed by **voice vote**.

**DOCKET NO.
39-0303-1801**

RULES GOVERNING SPECIAL PERMITS — GENERAL CONDITIONS AND REQUIREMENTS: Mr. Green said this rule incorporates all the general information or standardized practices that occur for all permitted moves across the State of Idaho. As a part of this rule's consolidation, ITD heard industry concerns over ITD's definition of hazardous travel conditions, and presented industry with two options for the definition of hazardous travel. The new definition of hazardous travel conditions is included in this rule along with a new fee schedule for permits. The cost of permits did not exceed an increase of \$5 for single trip permits, annual permits increased up to \$2, and administrative costs were neutral. However, the annual extra-length/excess weight for a 129,000 pound permit is a combination of three permits that were \$103, but are now only \$45. Due to new permits software annual permits ordered online will no longer include a \$5 discount.

DISCUSSION:

Senator Nelson asked why several overweight/oversized permits went down in price. **Mr. Green** said the savings reflects the reduction in the amount of administrative time it takes to issue the permit. **Senator Nelson** asked why the \$45 permits were not cheaper to process. **Mr. Green** said the \$45 permits are for an annual permit and the \$33 permits are for one-time travel.

Senator Winder asked what a dromedary tractor was as it appears in the rule. **Mr. Green** said it is a box, deck, or plate mounted behind the cab and forward of the fifth wheel on the frame of the power unit of a truck.

Chairman Brackett asked why the District 4 office in Shoshone had been closed. **Mr. Green** said the staff would be working out of the Cotterell Port of Entry office for District 4; customers in Shoshone could either go to Cotterell or get their permits online.

MOTION: **Senator Nelson** moved to adopt **Docket No. 39-0303-1801**. **Senator Winder** seconded the motion. The motion passed by **voice vote**.

DOCKET NO. 39-0304-1802 **RULES GOVERNING SPECIAL PERMITS — OVERWEIGHT**
NON-REDUCIBLE: **Mr. Green** gave an example of a non-reducible load as being any attempt to reduce the load that would make it unable to perform its function or reduce the value of the product. This docket deals with non-reducible loads that are being moved in an overweight manner. There are some edits, but the rule is adopted directly from the old rule.

DISCUSSION: **Senator Burtenshaw** asked if cattle would be an example of a non-reducible load. **Mr. Green** said it would be considered a reducible load as individual cattle can be removed from the load.

MOTION: **Senator Den Hartog** moved to adopt **Docket No. 39-0304-1802**. **Senator Lodge** seconded the motion. The motion passed by **voice vote**.

DOCKET NO. 39-0305-1802 **RULES GOVERNING SPECIAL PERMITS — OVERSIZE NON-REDUCIBLE:**
Mr. Green said that this docket is a direct carry over from the old rule with some changes that were brought up by industry and stakeholders. Signs are added on loads over 75 feet in length. This change is for greater safety along windy routes throughout Idaho as a way to warn oncoming traffic. This change also puts Idaho in harmony with neighboring states. The docket also deals with pilot cars. With input from the Northwest Pilot Cars Association, the changes to pilot car requirements deal with the weight of a pilot car vehicle. This language was added for safety so that vehicles on the road don't confuse the pilot vehicle as the vehicle transporting the load. Finally, there is list of the required equipment that must be found in a pilot car for safety purposes.

MOTION: **Senator Burtenshaw** moved to adopt **Docket No. 39-0305-1802**. **Senator Nelson** seconded the motion. The motion passed by **voice vote**.

DOCKET NO. 39-0306-1802 **RULES GOVERNING SPECIAL PERMITS FOR EXTRA-LENGTH/EXCESS WEIGHT, UP TO 129,000 POUND VEHICLE COMBINATIONS:** **Mr. Green** said that this docket is a combination of two existing rules. Three permits — extra length permit, excess weight permit, and up to 129,000 pound truck permit — are combined into one. These permits are for reducible loads. An example of a reducible load would be hauling sugar beets, hauling cattle, or hauling lumber. The amount that is being hauled can be reduced without destroying or devaluing the load.

DISCUSSION: **Senator Rohn** wanted to know if the annual permits for overweight and oversized loads were being repealed. **Mr. Green** explained that this rule replaces rules that will be repealed. **Senator Rohn** further asked if a shipper conducting multiple loads needed a permit. **Mr. Green** said that multiple reducible loads requires an annual permit; single trip permits are for one-time loads with no expected down time.

MOTION: **Senator Burtenshaw** moved to adopt **Docket No. 39-0306-1802**. **Senator Den Hartog** seconded the motion. The motion passed by **voice vote**.

DOCKET NO. 39-0307-1802 **RULES GOVERNING SPECIAL PERMITS FOR REDUCIBLE LOADS:** **Mr. Green** said this docket deals with the size of reducible loads. Examples of reducible loads include hay bales, round hay bales, or kiln lumber. The change in this docket is an increase in the allowed height of the reducible loads, from 14 feet 6 inches to 15 feet. The reason for the change is to make height uniformity consistent across all special permits.

DISCUSSION: **Chairman Brackett** stated that round bales can be measured in height, but the edges protrude in non-measurable ways. **Mr. Green** said that is an example of reducible loads in width and height — combined here in a single rule instead of two or three rules. **Chairman Brackett** argued that round bales don't work like that when placed side-by-side; they hang over the sides of the flat bed. **Mr. Green** claimed this rule gives extended width, the same for loads of kiln lumber.

MOTION: **Senator Nelson** moved to adopt **Docket No. 39-0307-1802**. **Senator Den Hartog** seconded the motion. The motion passed by **voice vote**.

DOCKET NO. 39-0308-1801 **RULES GOVERNING SELF-PROPELLED SNOWPLOWS:** **Mr. Green** said this is a simple consolidation. The only notable change is that amber colored flags are added to the list of acceptable flagging for snow plows.

MOTION: **Senator Burtenshaw** moved to adopt **Docket No. 39-0308-1801**. **Senator Lodge** seconded the motion. The motion passed by **voice vote**.

22 DOCKETS TO BE REPEALED: **Mr. Hobdey-Sanchez** said that the eight dockets just presented and adopted either replaced or were consolidated from 22 dockets that are now obsolete. He asked the Committee to consider repealing the 22 dockets that were no longer relevant to the work of ITD.

MOTION: **Senator Den Hartog** moved that effective July 1, 2019, the Committee adopt repealing, in their entirety, the following: **Docket Nos. enumerated under IDAPA 39, Title 03, and all ending in —1801: 39.03.01, 39.03.04, 39.03.05, 39.03.06, 39.03.07, 39.03.09, 39.03.10, 39.03.11, 39.03.12, 39.03.13, 39.03.14, 39.03.15, 39.03.16, 39.03.17, 39.03.18, 39.03.19, 39.03.20, 39.03.21, 39.03.22, 39.03.23, 39.03.24, and 39.03.25**. **Senator Winder** seconded the motion. The motion passed by **voice vote**.

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

Chairman Brackett thanked Vice Chairman Crabtree for his work to fulfill the Committee's Administrative Rules requirements.

ADJOURNED: With no further business before the Committee, **Chairman Brackett** adjourned the meeting at 2:24 p.m.

Senator Brackett
Chair

Gaye Bennett
Secretary