

IDAHO TRANSPORTATION DEPARTMENT'S
NEGOTIATED RULEMAKING HEARING
REGARDING PERMITTED TRUCKS IN IDAHO

MODERATOR: STEPHEN BYWATER

May 25, 2016

3:30 p.m. - 7:30 p.m.

REPORTED BY:

KAMRA TOALSON, CSR No. 756

Notary Public

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1 MR. BYWATER: Is my mic on? Excellent.
2 Welcome to the Idaho Transportation Department's
3 Negotiated Rulemaking Hearing regarding the rules
4 governing the permitting process and safety
5 requirements for loads that are required to operate
6 using a permit.
7 My name is Steve Bywater, and I will be the
8 moderator for today's hearing. We thank you for your
9 interest and participation. ITD has initiated this
10 process at the request of Governor Otter, the Idaho
11 Legislature, and the Idaho Transportation Board.
12 The areas of emphasis outlined by the
13 Governor and the Transportation Board are, number
14 one, safety, including things like driver
15 qualifications and equipment requirements; number
16 two, regional harmonization; number three, improving
17 the permitting process; and, number four, improving
18 customer service.
19 We are seeking suggestions, comments, and
20 concerns regarding potential improvements to the
21 rules governing the permitting process and safety
22 requirements for loads that are required to operate
23 with a permit. Any new rules or changes to existing
24 rules could apply to any vehicle or load that
25 requires a permit to operate on Idaho's state

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1 highways and the interstate.
2 At this point in the process, ITD is not
3 presenting, endorsing, or recommending any specific
4 rule changes. However, if ITD determines that an
5 administrative rule change is desired and feasible,
6 we will then initiate a proposed rulemaking process.
7 In that process, all interested stakeholders and the
8 public would have an opportunity to review any draft
9 rule changes before another public hearing, which
10 would likely be held in June. The public and all
11 interested stakeholders would be able to comment on
12 the proposed changes to the rules before they go to
13 the Idaho Transportation Board and to the Idaho
14 Legislature for approval.
15 For the procedure for today's hearing,
16 we're going to be receiving comments today through
17 the WebEx program by telephone and through in-person
18 appearances at the ITD district offices around the
19 state. This hearing will run from 3:30 p.m. until
20 7:30 p.m. mountain daylight time.
21 As you login or call in by telephone, your
22 device will be muted upon entry into the system.
23 Please do not attempt to unmute your device on your
24 own, as that could lead to static and feedback on the
25 system.

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1 We will be rotating the opportunity to
2 comment among all of those waiting, and we will
3 unmute the device or the microphone of one person at
4 a time. Once your device is unmuted, you will hear a
5 double beep. I will then ask you to identify
6 yourself for the record and to state who you
7 represent. You will then be able to make your
8 comments on the subject of the hearing.
9 If any of you find that your schedule does
10 not permit you to remain on the line until we reach
11 you in the cue, please consider filling out a comment
12 sheet which can be found at the ITD website by
13 clicking on the blue rulemaking box on the right.
14 Everyone may be benefit from visiting that rulemaking
15 page on the website since you will find educational
16 materials, as well as the comments from other
17 interested persons there.
18 For those of you that do not wish to
19 comment but have questions of the department
20 regarding the process or the rules, we would ask that
21 you contact Adam Rush, the ITD public involvement
22 coordinator, whose telephone number is 208-334-8119.
23 Mr. Rush will be available throughout the hearing.
24 If the line is busy, please leave a message and Adam
25 will get back to you.

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1 Let's begin the hearing now then by taking
2 some comments from the districts. It does look like
3 in Coeur D'Alene we have an individual that is ready
4 to comment.
5 Sir, could you please state your name, tell
6 us who you represent, and then proceed with your
7 comments.
8 MR. BOEH: Yes. Thank you. My name is Bob
9 Boeh. I'm Vice President of Government Affairs for
10 Idaho Forest Group.
11 Idaho Forest Group has five lumber
12 manufacturing facilities in Northern Idaho, and we're
13 the largest lumber manufacturer in Idaho and in the
14 top 15 in the United States. We move about 600
15 million board feet of logs on the state's highways,
16 and we also move about 400 million board feet of
17 lumber.
18 Safety is a priority for IFG. All of our
19 operations we have safety requirements. We don't own
20 any trucks of our own. We do all third-party
21 contracting. Our contracts require the contractors
22 comply with all state and federal laws.
23 Our business needs efficient and effective
24 trucking to be able to compete with our competitors
25 in Canada, as well as in adjoining states. We've

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1 utilized 129,000 pounds since October of 2014. The
2 route that we've operated on is Grangeville to
3 Spalding. We've moved approximately a little over
4 2,000 loads on that route since October of 2014, and
5 our contractor, Baker Trucking, has not had any
6 issues or incidents during that period of time.
7 So, we -- we feel that the safety
8 requirements that are already in existence pretty
9 well provide for safe travel on our highways. If
10 there are any safety issues that come up, we think
11 that the department should get specific examples of
12 what the -- what the safety issues are, not just
13 hearsay, but have some actual facts and data so that
14 then we can work on those, and we stand ready to work
15 with the department to correct any deficiencies that
16 come about.
17 There's been lots of studies in the state,
18 the pilot programs. Adjoining states have done
19 safety studies. Canada has safety studies. There's
20 lots of information available. And we assume that
21 the State will review all that, as well as the
22 comments that are received. And we're ready to
23 participate however we can in this rulemaking. And
24 that concludes my remarks. Thank you very much.
25 MR. BYWATER: Thank you very much, sir. We

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1 appreciate those comments. Thank you for your
2 interest. I would encourage you to consider
3 listening to other commenters as they proceed.
4 Let's move over to District -- let's move
5 over to District 5. It looks like we have a couple
6 of commenters there.
7 Sir, could you please state your name, tell
8 us who you represent, and then you can proceed with
9 your comments.
10 MR. CLARK: Yeah, hi. My name is Pete
11 Clark. I'm with Staker Parson out of Ogden, Utah.
12 We do bring some material by using the old pilot for
13 Highway 89, 91, up into the Preston area. And it's
14 been -- it's been a great process for us, also using
15 Highway 30 with the old pilot program, and we'd just
16 encourage that we continue on with this process.
17 And I really was more expecting to find out
18 more information and when we would be going to I-15
19 opening up, and so I really don't have a whole bunch
20 of comments other than I support that we move forward
21 with this and appreciate the chance to talk.
22 MR. BYWATER: Thank you, sir. We
23 appreciate that.
24 There's another gentleman there, but we're
25 going to rotate around to another district before we

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1 get back to Pocatello again, so please be patient,
2 sir.
3 Let's talk to District 6, which is Poca --
4 excuse me, Rigby.
5 Sir, could you identify yourself for the
6 record, and tell us who you represent.
7 (No response.)
8 MR. BYWATER: District 6, can you hear me?
9 (No response.)
10 MR. BYWATER: Okay. That's --
11 UNIDENTIFIED SPEAKER: One second.
12 MR. BYWATER: Oh, excellent. Thank you,
13 sir. Could you please identify yourself by name, and
14 tell us who you represent.
15 MR. ANDRUS: Okay. My name is Jason
16 Andrus. I represent Doug Andrus Distributing in
17 Idaho Falls, Idaho.
18 I submitted written comments, so I won't
19 say much more other than we do support keeping the
20 current process in place and just applying that to
21 the interstates. We also share the concerns of
22 everyone that we pay close attention to safety, and I
23 think our industry does a good job at that, and we're
24 in favor of anything that further promotes safety.
25 But I don't have any other comments other than what

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1 I've already submitted written.
2 MR. BYWATER: Thank you, Jason. We did
3 receive your written comments, and they are in the
4 record. We really appreciate you doing that.
5 Just, I'll remind everybody that's
6 listening in that the comment period for submitting
7 any additional written comments remains open after
8 this hearing for another week. The comment period
9 will not close until the 31st at midnight. So, if
10 you have anything else you want to submit in writing,
11 please feel free to do so.
12 Let's -- let's move here to the auditorium
13 here at ITD headquarters. Is there anyone present at
14 this point in time that would like to make comments?
15 If so, if I could get you to stand at the podium so
16 that we can have your comments recorded, I'd
17 appreciate it.
18 How are you today, sir?
19 MR. RICE: Great. How are you?
20 MR. BYWATER: Good. Could you state your
21 name, and tell us who you represent.
22 MR. RICE: My name is Dan Rice. I'm the
23 Chairman of the Board of Transystems. You might know
24 us as the sugar beet carrier in Idaho.
25 MR. BYWATER: Okay.

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1 MR. RICE: Thank you for having this open
2 process. It may seem sometimes slow, but it's very
3 valuable to our industry and to the public, I
4 believe.
5 By background, Transystems has about 165
6 trucks in Idaho and about 450 employees. In addition
7 to trucking, we also have a manufacturing facility in
8 Burley where we build trailers for ourselves.
9 We are familiar with the 129 loads. We've
10 been involved in this since the start. We've been
11 hauling in Idaho at those weights for 12 years. In
12 the past eight years we've hauled right at 168,000
13 loads at 129 in Idaho. We operate similar vehicles,
14 both configuration and weight, in the surrounding
15 states of Montana, Wyoming, Nevada, and Utah.
16 Indeed, we've operated 129,000-pound units. We were
17 the first ones in the United States and did so
18 starting in the late sixties. Now, we are pretty
19 familiar with those configurations.
20 I recognize that -- and I appreciate safety
21 is a real issue. In looking at driver
22 qualifications, those standards are well established
23 by federal code, and they are increased standards
24 over the basic CDL when you get up into the higher
25 weight vehicles with multiple trailers. We don't

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1 think that's broken.
2 Private carriers also have, as in our case,
3 additional training for large vehicles. When it
4 comes to equipment, equipment standards are also
5 established by federal agencies. And, indeed, the
6 equipment standards are higher for larger vehicles.
7 And they're not a simple list of your vehicle has to
8 have A, B, and C. They're performance-based
9 standards, so you can have A, B, and C, but you still
10 have to meet the performance standards for braking.
11 We like those kinds of standards.
12 All of our equipment is subject to an
13 annual inspection by a certified inspector, and
14 that's each truck and each trailer. So, the
15 inspection process is well in place, and it's done
16 again to the federal standards.
17 From a research point of view, Idaho stands
18 out in the United States as having done the very best
19 research there is -- it's current, it was lengthy, it
20 was ten years -- and was very careful to examine not
21 just all trucks but the larger combination trucks.
22 Frequently, other research just lumps all trucks.
23 So, I think between Idaho's research, the testimony
24 in the Idaho Legislature, the testimony in the U.S.
25 Congress, that the safety issue has been addressed,

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1 and it's been given the right priority.
2 Now, permitting is a little bit more easy
3 to address. Idaho has a great permitting system.
4 It's for these overly [unintelligible] vehicles.
5 It's simple. You get the permit, and you go on. It
6 doesn't seem to me that modifying that permit system
7 based on truck size, I don't see what we get from it,
8 so I'm sort of from the group that the permitting
9 system isn't broken and, therefore, doesn't need
10 another fix.
11 To summarize, I don't see the need for
12 additional rules. We have safe operations. And not
13 just Transystems. All the ones -- all the big
14 carriers have safe operations. And the permit issue
15 is kind of moot. So, I -- and, again, I appreciate
16 the opportunity to speak with you, and I appreciate
17 that you have this system to make this process in the
18 open. Thank you.
19 MR. BYWATER: Thank you, sir. Appreciate
20 your time in being here and appreciate your comments.
21 Let's go next to the telephone. Caller,
22 could you please state your name, and tell us who you
23 represent.
24 (No response.)
25 MR. BYWATER: Caller, can you hear me?

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1 (No response.)
2 MR. BYWATER: Okay. Let's try -- let's try
3 WebEx.
4 Caller, could you please state your name,
5 and tell us who you represent.
6 (No response.)
7 MR. BYWATER: Caller, can you hear me?
8 MR. KINDER: Yes. This is Wayne Kinder
9 with Associated Food Stores out of Farr West, Utah.
10 Last year we ran -- last year we ran
11 approximately 14 million miles. About 12 million of
12 that, those miles, were in some sort of doubled or
13 oversized, overweight, configuration. 3 million of
14 those -- 3.7 million of those miles were on Idaho
15 roads, and the majority of those miles, about
16 90 percent, were in Rocky Mountain Doubles
17 configuration, not unlike what the -- our beet driver
18 said.
19 We, too, are -- have ran all those miles
20 safely up to and including that 129,000-pound
21 threshold in the State of Utah, Arizona, Nevada,
22 without incident. So, we -- we will reiterate what's
23 been said multiple times already, that the -- the
24 FMCSA, the federal DOT, does already have rules in
25 place governing the extra training, extra

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1 requirements and whatnot for supersets or oversize,
2 overweight loads. And we feel those -- those have --
3 not only making us safe, but do quantify the safety
4 issues that everybody is going to be concerned with.
5 We are very much looking forward to being
6 able to utilize up to 129,000 pounds in Idaho. Our
7 retailers, we service about 280 stores in Idaho from
8 the Grangeville area all the way through the I-15,
9 I-84 corridors up Highway 20 up -- to essentially
10 everywhere. And we are very much looking forward to
11 being able to pass on the cost savings, the benefits
12 associated with running more cube, more weight on
13 those roads and passing that onto our retailers and
14 Idaho's local communities.
15 So, once again, we applaud the efforts. We
16 look forward to more information. We will -- we plan
17 on continuing to run our stellar safety record, and
18 we're here to support in any way we can.
19 MR. BYWATER: Thank you, Wayne. We
20 appreciate you being available and attending today
21 and your comments.
22 I want to remind folks that are calling in
23 on the telephones and on WebEx that once your device
24 is unmuted you will hear a double beep, and then I
25 will ask you to identify yourself for the record and

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1 to state who you represent, and then you'll be able
2 to make your comments on the subject of the hearing.
3 We don't want to miss anyone, so please -- please
4 bear with us.
5 Let's go to District -- to Pocatello. Do
6 we have another commenter in Pocatello?
7 Sir, could you state your name, and tell us
8 you represent.
9 MR. PACK: Lavell Pack with HK Contractors
10 out of Idaho Falls, Idaho.
11 MR. BYWATER: Thank you, sir.
12 MR. PACK: We're very interested in getting
13 this Interstate 129 going. A lot of our jobs we have
14 not been able to use it, because we had the issue
15 with hitting the interstate and then getting to the
16 state highway, so we're very much in favor of this
17 going through and wishing it was today versus six
18 weeks, two months from now. So, thank you.
19 MR. BYWATER: Thank you, sir. Appreciate
20 those comments and you being in attendance here
21 today.
22 Let's see. Do we have another commenter in
23 Rigby? I see a person on the screen.
24 Sir, are you interested in making some
25 comments? Looks like he is. Good afternoon, sir.

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1 MR. WALRATH: My name is Dave Walrath. I'm
2 the public works administrator for Jefferson County
3 here in Rigby, and I'm also a task force member for
4 the local route identifying team that's currently
5 trying to develop a process for doing so. I'm not
6 really here to advocate or not advocate a
7 129,000-pound route system. Just more gathering
8 information for our next meeting.
9 MR. BYWATER: Excellent. Thank you, sir.
10 Appreciate your --
11 MR. WALRATH: Thank you.
12 MR. BYWATER: Go ahead.
13 MR. WALRATH: Appreciate it.
14 MR. BYWATER: If -- as the hearing
15 continues, if something comes up and you want to make
16 comments, don't hesitate to do so, okay?
17 MR. WALRATH: Will do. Thank you.
18 MR. BYWATER: Thank you. Let's go back to
19 the auditorium here. We have a number of people
20 present. Do we have anyone else who would like to
21 make some comments here in the headquarters
22 auditorium at this time?
23 Sir, thank you.
24 MR. WHIPPLE: Thank you.
25 MR. BYWATER: Could you tell us your name

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1 and who you represent.
2 MR. WHIPPLE: Yes. My name is Bryan
3 Whipple, and I am with the Amalgamated Sugar Company.
4 And we have been using the 129 for quite some time.
5 In fact, we've been doing this for probably 18 or
6 20 years seeing it progress, etcetera.
7 We are representing Amalgamated Snake River
8 Sugar Company, and we have about 780 members with
9 three refineries in Idaho, one in Paul, one in Twin
10 Falls, one in Nampa. And we move in about 7 million
11 tons of beets to the factories to process during that
12 period of time.
13 Like I said, we've been here since the
14 beginning. 1998 was the first approved pilot project
15 out of Sugarloaf, Idaho. And over the last 18 years,
16 we think we've proven the safety, the economic
17 benefits of this legislation. And we were able to
18 expand that project until 2013 when we had the
19 authorization for more state roads and were able to
20 expand a little bit.
21 We're quite thrilled to have the 129 on the
22 interstate like the other gentleman was mentioning.
23 The interstates are the key to link, you know, all
24 the state routes together.
25 With the 7 million tons that we have, we

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1 move about 200,000 loads of sugar beets from the
2 piling grounds to the factories. Of that, we're
3 probably only moving 20 percent in the 129,000-pound
4 trucks, and it's because of the interstate. So,
5 20 percent, 129 at 80 percent, standard 105's, we
6 think that this is going to flip-flop over the next
7 few years and that 80 percent will go to 129's. And
8 if we are able to do that, we'll go down by about
9 35,000 loads per year.

10 Over our 150-day campaign, you'll see 240
11 less trucks on the road. This is made possible by
12 the implementation of the 129,000-pound trucks. And
13 we firmly believe that the safest truck is a truck
14 that is not on the road. And by doing this, we will
15 have less trucks on the road.

16 We take safety very seriously, whether that
17 be in the factories or by our third-party
18 transportation suppliers, and we do monitor their --
19 the safety records. And we have seen no increased
20 safety risks or increased incidents as a result of
21 the use of the 129,000-pound trucks, as Mr. Rice has
22 told us.

23 The existing permitting process has been,
24 and will continue to be, sufficient to ensure the
25 safety of our shipments. We've come a long way since

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1 1998. Both the pilot project and use on interstate
2 and highways over the last 18 years has proven that
3 129's are safe and create no extra risks on the
4 roadway. That was something that was acknowledged in
5 Governor Otter's letter to the ITD in 2014.

6 We do not believe that any additional
7 safety regulations are necessary and that they would
8 only create an additional burden on their shippers
9 and the trucking industry. And those are my
10 comments.

11 MR. BYWATER: Thank you, sir.
12 MR. WHIPPLE: Thank you.
13 MR. BYWATER: We appreciate that.

14 And for those of you that have just joined
15 us midstream here, I want to remind you that we are
16 involved in taking testimony in an Idaho
17 Transportation Department Negotiated Rulemaking
18 Hearing regarding rules governing the permitting
19 process and safety requirements for loads that are
20 required to operate under a permit.

21 My name's Steve Bywater, and I'm the
22 moderator for today's hearing. We're receiving
23 comments through the WebEx program by telephone and
24 through in-person appearances at ITD offices around
25 the state.

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1 I want to also state that at this point in
2 the process ITD is not presenting, endorsing, or
3 recommending any specific rule changes. However, if
4 the department does decide that an administrative
5 rule change is desired and feasible, it will initiate
6 the proposed rulemaking process, and in that process
7 all interested stakeholders in the public would have
8 an opportunity to review any draft rule before
9 another public hearing, which would likely be held in
10 June.

11 The public and all interested stakeholders
12 would be able to comment on the proposed changes to
13 the rules before they go to the Idaho Transportation
14 Board and the legislature for approval.

15 We're rotating the opportunity to comment
16 among all those waiting around the state. And we
17 will unmute the device or microphone of one person at
18 a time.

19 Let's take a telephone caller. Caller,
20 could you identify yourself by your name, and tell us
21 who you represent.

22 (No response.)
23 MR. BYWATER: Caller, can you hear me?
24 (No response.)
25 MR. BYWATER: Okay. Looking at the

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1 district offices, we -- I don't see anybody new. In
2 District 4, in Shoshone, do we have a person there
3 that's interested in making any comments?

4 UNIDENTIFIED SPEAKER: Not right now at the
5 time. Thank you.

6 MR. BYWATER: Thank you. I didn't want to
7 put you on the spot, but I didn't want to leave you
8 out, either.

9 So, here in headquarters, do we have anyone
10 else that's appearing today that would like to
11 testify?

12 Excellent. How are you today?
13 MS. LYONS: I'm great. How are you?
14 MR. BYWATER: Good. Could you state your
15 name, and tell us who you represent.

16 MS. LYONS: Absolutely. I'm McKenzie
17 Lyons. I am with The Right Truck for Idaho
18 Coalition.

19 MR. BYWATER: Good to see you and meet you
20 in person, McKenzie.

21 MS. LYONS: Absolutely. Thank you.
22 MR. BYWATER: Yeah. Go ahead with your
23 comments.

24 MS. LYONS: Well, and thank you for the
25 opportunity to speak with you today. We did submit a

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1 formal letter this morning, and I believe that after
2 this we may also provide some additional comments in
3 writing, as well.
4 MR. BYWATER: Very good.
5 MS. LYONS: The Right Truck for Idaho
6 Coalition formed over a decade ago as a voice for
7 industry across the state. Our coalition is made up
8 of local businesses, grocery stores, food producers,
9 grain and timber haulers, the dairy industry and many
10 others. Specifically, we have advocated for the
11 introduction of 129,000-pound trucks on specific and
12 appropriate routes in Idaho as a safe and economical
13 and efficient transportation option.
14 As a whole, as a coalition, we recognize
15 that safety must be our top priority, and it is. The
16 companies that work within our coalition work hard to
17 ensure that our equipment, our training, our
18 following of the rules and regulations, as they are
19 laid out, and our operations prioritize safety, and
20 we definitely see the department as a partner in this
21 effort.
22 To answer the question very simply that is
23 at hand today, no, we don't see that any changes are
24 necessary to improve safety or operations on the road
25 today. The current system promotes and ensures

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1 safety, and we also believe that the current process
2 and requirements can easily, and should be easily,
3 carried over into the implementation of Senate Bill
4 1229 for the implementation of 129 trucks onto the
5 interstate.
6 In that regard, we would also direct the
7 department to review the letter that we submitted
8 from the ITD highway safety manager to the Idaho
9 congressional delegation in 2013 where they concluded
10 that allowing heavier trucks on Idaho's interstate
11 system enhances highway safety by eliminating
12 intersection points of conflict and reducing the
13 potential of collisions. And we would also point, as
14 well, to the department's own study from 2013
15 evaluating the ten-year pilot project for
16 129,000-pound trucks on specific roads which
17 concluded that the department found no negative
18 impact on safety pavement or roadways.
19 And as I think you will hear and see in the
20 record of letters that have been provided up to this
21 point, our members -- our members, excuse me, and
22 many users throughout the state can report through
23 their own data and their own experiences firsthand
24 that the system is working and that it's ensuring
25 that all motorists are safe through the current

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1 regulations and that, again, changes are necessary.
2 So, therefore, we would thank you for your
3 time today. We will certainly be engaged in this
4 process and look forward to many of the next steps.
5 So, thank you.
6 MR. BYWATER: Thank you very much. Let's
7 check -- let's check the telephone callers again.
8 Caller, can you hear me?
9 MS. GRASSFIELD: Yes.
10 MR. BYWATER: Caller, could you please
11 identify yourself by your name, and tell us who you
12 represent.
13 MS. GRASSFIELD: Yes, my name is Kelly
14 Grassfield. I'm with the Idaho Associates and
15 Accounting. We did submit a formal letter this
16 morning, but we just want to say we do have a few
17 concerns of what may come forward, but I'll leave
18 that to the formal letter. I want to thank you for
19 the opportunity to participate in this process.
20 MR. BYWATER: Very good. Thank you. So, I
21 wasn't able to hear you too clearly. Did you say
22 that you did submit something in writing this
23 morning?
24 MS. GRASSFIELD: Yes. We did.
25 MR. BYWATER: Excellent. Appreciate that

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1 very much. Appreciate your participation.
2 MS. GRASSFIELD: Thank you.
3 MR. BYWATER: Let's go to the WebEx. Do we
4 have a WebEx caller? Caller, can you hear me?
5 (No response.)
6 MR. BYWATER: Caller, can you hear me?
7 (No response.)
8 MR. BYWATER: Okay. Let's go back to the
9 auditorium here in ITD headquarters. Is there anyone
10 else who would like to speak?
11 Yes, sir. Please come forward to the
12 podium.
13 MR. DAVIS: Good afternoon, Mr. Bywater.
14 My name is Stuart Davis. I'm the Executive Director
15 of the Idaho Association of Highway Districts. I
16 represent 64 of the highway districts in the state
17 with a little over 13,000 miles of highway now, and
18 about 83 percent of the population of this state
19 resides within the highway district.
20 I will be very brief. It's an unusual
21 procedure for me to be commenting on a rule that
22 hasn't been made yet. And so we will try to
23 accommodate as we go forward on this process. And I
24 appreciate ITD taking the time to go through this
25 step of gathering the information.

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1 I have four very quick points I'd like to
2 make. The first one is that any system or rule or a
3 statute has to be coupled with an understanding of
4 the locals, ITD, and the truckers on obtaining these
5 permits. My goal for the last 15 years is to put
6 together a single point process in which a
7 permit committee would go to ITD and would get a
8 single permit that would go statewide for all the
9 local jurisdictions. Mr. Frew and I have been
10 working on that for the last couple of years. But
11 there needs to be better communication between the
12 trucking industry and the locals on where these
13 trucks are running.
14 The second thing I'd ask you to do is to
15 consider the safety of these trucks in the more rural
16 areas. I think that's critical. I realize that the
17 axles and the brakes and everything make everything
18 pencil out great on paper, but you cannot escape that
19 mass equals force times acceleration of those heavier
20 trucks under climatic conditions that are not
21 favorable to running around.
22 The third point is I would love to see
23 whatever rules we come out of this point with is
24 somehow backed up by an appropriate statute rather
25 than the rule, and I say that because the local

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1 entities of government are not as equipped to deal
2 with this rulemaking process as we are statutes.
3 Rules are very, very hard for us to comply with, and
4 they are very hard for us to find. My first
5 experience in 30 years of doing this was last week
6 when I was trying to get ready for this, and it just
7 dawned on me that locals are relatively unable to
8 comply with the rules that we make.
9 And the last thing that I'd ask you to do
10 and to take into consideration is the overall
11 relationship of moving freight around in this country
12 and in this state and what that means to the economic
13 development of this state. I have heard many people,
14 Mr. Riley and Roy Garrin, in particular, talk about
15 the amount of freight that's moved around in this
16 state and how they can be competitive. We want to
17 see that competitive edge given to the truckers, but
18 we'd also like to see it with a safe and efficient
19 highway route, as well. I appreciate your time,
20 Mr. Bywater, and I thank you very much.
21 MR. BYWATER: Thank you, Stuart.
22 Appreciate you being here. Appreciate your interest.
23 Okay. We'll try to take another call.
24 Caller, can you hear me?
25 MR. MATT: Yes, I can.

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1 MR. BYWATER: Excellent. Could you please
2 state your name, and tell us who you represent.
3 MR. MATT: Yes. Thank you, Mr. Bywater.
4 This is Roger Matt, and I'm representing the Western
5 Equipment Dealer's Association, and our association's
6 Vice President of our northwest region has sent in
7 written comments on our behalf of our farm equipment
8 dealers.
9 Our association has not been advocating for
10 any new rules or to say that they need to be
11 established, but if it is agreed upon by all the
12 parties involved that we do move forward, we would
13 like to definitely have a stake in the game, and then
14 we would ask that our written comments be taken into
15 consideration with respect to regional harmonization
16 and the improvement of the permitting process that is
17 outlined in our letter.
18 MR. BYWATER: Excellent. Thank you, Roger.
19 Is there anything else you'd like to say?
20 MR. MATT: No, thank you. I just -- we
21 just appreciate being involved and want to listen to
22 what everybody else has to say, but thanks for
23 letting us be involved.
24 MR. BYWATER: Very good. Thanks. Thanks a
25 lot.

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1 Okay. Let's go to a WebEx caller now.
2 Caller, can you hear me?
3 (No response.)
4 MR. BYWATER: Caller, could you please
5 state your name, and tell us who you represent.
6 (No response.)
7 MR. BYWATER: Okay. Let's go back -- come
8 back here to the headquarters auditorium.
9 Is there anyone else present that would
10 like to speak at the hearing at this time?
11 (No response.)
12 MR. BYWATER: Okay. I don't see any takers
13 right now.
14 I remind you all that you can change your
15 mind at any time.
16 Let's go to the telephone. Caller, can you
17 hear me?
18 (No response.)
19 MR. BYWATER: Caller, could you please
20 state your name.
21 (No response.)
22 MR. BYWATER: Okay. Okay. Caller, can you
23 hear me?
24 (No response.)
25 MR. BYWATER: Caller, could you state your

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1 name, and tell us who you represent.
2 (No response.)
3 MR. BYWATER: Okay. I don't see anyone --
4 let's just talk to District 1. District 1. Is there
5 anyone in District 1 that I don't see on the camera
6 but that would like to make some comments at this
7 point in time up in Coeur D'Alene?
8 (No response.)
9 MR. BYWATER: District 2. Is there anyone
10 in Lewiston that would like to make some comments at
11 this time from the District 2 office?
12 (No response.)
13 MR. BYWATER: Okay. District 4 in
14 Shoshone, is there anyone present that would like to
15 make some comments at this time?
16 MR. IVERSON: Yes, I think we do. Hang on
17 just one second.
18 MR. BYWATER: Thank you. Good afternoon,
19 sir.
20 MR. IVERSON: Good afternoon. My name is
21 Kevin Iverson. I work -- I'm Vice President and
22 general manager for Transystems, and I'm probably
23 going to mimic a lot of what Dan Rice probably said
24 earlier and also Brian Whipple from Amalgamated, but
25 I'm the guy that's in charge of hauling all those 7

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1 million ton of beets across the State of Idaho. And,
2 again, working for Transystems, one of our biggest
3 core values is safety, and we wouldn't do anything if
4 it wasn't safe.
5 You know, you talk about the safest truck
6 out there is the one that's not on the road. And
7 when you haul beets at 129 versus 105, you can
8 take -- we equate it to hours on the road. And when
9 you talk about the difference in hours, there's
10 71,000 hours less exposure out on the road running at
11 129 versus 105. And that would equate to one truck
12 running 24 hours a day, seven days a week, for
13 8.1 years. So, that's the amount of traffic you
14 would take off the roads by hauling these at 129.
15 And, in my opinion -- in our opinion, it's the safest
16 way to haul these beets.
17 Again, harmonization. Again, states
18 surrounding us are at 129, and I'm sure Amalgamated
19 is probably at a disadvantage selling sugar just
20 because of different freight weights coming out of
21 Wyoming and neighboring states.
22 And as far as the permitting processes, we
23 feel that the permit process is good now. Why change
24 it? And, again, customer satisfaction. Again, we
25 can provide a better service and a more economical

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1 service to our growers and our customer at
2 Amalgamated Sugar. So, we are for the 129, of
3 course. And thank you for letting me make my
4 comments.
5 MR. BYWATER: Thank you, Kevin. Appreciate
6 those comments, and appreciate you taking the time to
7 come in and comment for us.
8 District 5, Pocatello. Do we have anyone
9 else who would like to comment at this point in time?
10 (No response.)
11 MR. BYWATER: How about Rigby, District 6?
12 Is there anyone else there that would like to comment
13 at this point in time?
14 (No response.)
15 MR. BYWATER: Okay. Unless we have a
16 caller on the telephone, I'm going to take a break
17 for a few minutes and give people a chance to
18 circulate. Let's take a five-minute break or a
19 seven-minute break and commence again at 4:20. Thank
20 you all for your participation.
21 (A break was taken.)
22 MR. BYWATER: Okay. Let's get started
23 again. It's 4:20. I appreciate your patience with
24 us. For those of you that have just joined us, I
25 want to welcome you to the continuation of the Idaho

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1 Transportation Department's Negotiated Rulemaking
2 Hearing regarding the rules governing the permitting
3 process and safety requirements for loads that are
4 required to operate under a permit.
5 My name is Steve Bywater, and I am the
6 moderator for today's hearing. We're receiving
7 comments through the WebEx program, by telephone, and
8 through in-person appearances at the ITD offices
9 around the state. The hearing comment lines will
10 remain open until 7:30 p.m. this evening.
11 I want to remind you that as you login on
12 the WebEx or the call-in -- or call in by telephone,
13 your device is muted upon entering into the system.
14 Please don't attempt to unmute the device on your
15 own. Once your device is unmuted you will hear a
16 distinct double beep. That indicates that you are
17 now unmuted and online and we'll be looking forward
18 to hearing from you.
19 We're rotating the opportunity to comment
20 among those waiting around the state, and we will
21 unmute the device or microphone of one person at a
22 time. I'll remind you once again, if you find that
23 your schedule doesn't permit you to remain on the
24 line until we reach you in the cue, please consider
25 filling out a comment sheet which can be found at the

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1 ITD website on the blue rulemaking box on the right.
2 So, let's -- let's get started again at
3 this point in time. Let's -- do we have a -- how
4 many callers do we have?
5 Let's take a caller, and we'll --
6 (Background music and advertisement
7 playing.)
8 MR. BYWATER: Caller, if you have heard a
9 double beep, can you tell me your name and your --
10 who you represent.
11 (No response.)
12 MR. BYWATER: Sounded like we had some
13 over -- caller, can you hear me?
14 (Background music and advertisement
15 playing.)
16 MR. BYWATER: Caller, can you hear me?
17 (No response.)
18 MR. BYWATER: Okay. Let's go to -- let's
19 go to a WebEx person.
20 Hello. Could you state your name, and tell
21 us who you represent.
22 (No response.)
23 MR. BYWATER: If you heard a double beep,
24 that means your device is unmuted and you can speak
25 now.

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1 (No response.)
2 MR. BYWATER: I think your name is Brad.
3 Hello, Brad?
4 (No response.)
5 MR. BYWATER: Okay. Let's go back here to
6 the headquarters auditorium. Anybody who would like
7 to speak now? We have a gentleman who would.
8 Thank you, sir. Can you tell us your name
9 and who you represent.
10 MR. DUFFIN: Yes, sir. I'm Mark Duffin,
11 and I'm Executive Director of the Idaho Sugarbeet
12 Growers Association.
13 And we have submitted written comments, but
14 I'd also appreciate this chance to make some public
15 comments, and a lot of -- much of what I've said has
16 been covered, but there are a couple of points from
17 the growers' perspective that we would like to make.
18 MR. BYWATER: Excellent. Thank you for
19 coming.
20 MR. DUFFIN: You know, as has been said,
21 there's some over 700 to 800 farm families that grow
22 sugar beets in the state, and the safe and efficient
23 transport of our commodity from our receiving
24 stations and factory are very important to our farm
25 families, you know, but safety is also very

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1 important, because those families, you know, their
2 kids and their neighbors are on those roads with
3 those trucks, and so we are very aware of the safety
4 issues, and they are important to us.
5 We are in strong support of Senate Bill
6 1229 extending the 129,000 pound trucks to the
7 interstate highways for the reasons that have been
8 mentioned. It just makes sense to reduce the number
9 of hauls to get those -- that commodity to the
10 factories and from the factories efficiently, and the
11 safety records have been well established in the
12 studies that have been done, and so we're very
13 comfortable with that, and we also like the concept
14 of uniformity with the surrounding states.
15 We feel that rulemaking for Senate Bill
16 1229 should be very simple, straightforward and
17 timely. That -- that's -- the process is in place,
18 and it can be done quite simply from our perspective,
19 and we'd like to see that done.
20 Also, upon reviewing the rules that were
21 noted in your notice governing over-legal permits, we
22 didn't see any glaring deficiency of those rules. It
23 seemed like we were able to properly enforce the
24 rules that were there that would meet -- pretty much
25 meet the needs for safety. But monitoring and --

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1 monitoring and enforcing those rules is important,
2 but we are also aware, that we mentioned in our
3 written comments, that if there are [unintelligible]
4 that come forward through this serving process, it
5 will make the rulemaking and permitting process more
6 efficient and effective and smoothly, but that's
7 something that we would like to see done and have no
8 problem with, but would probably take a separate
9 rulemaking procedure -- process away from the --
10 separate from the 129,000-pound implementation,
11 because we -- I do kind of like the idea of a
12 permitting process, because it makes it easier for
13 the trucks to have a one-stop shop and to get that
14 permitting done, and there may be some ways that that
15 can be more efficient and effective.
16 So, with that, we appreciate, again, the
17 chance to make some comments.
18 MR. BYWATER: Thank you, sir. Appreciate
19 your written comments and your comments here today.
20 Thank you very much.
21 We will take another telephone caller.
22 Caller, if you just heard a distinct double beep,
23 that means your device has been unmuted. Could you
24 please state your name, and tell us who you
25 represent.

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1 (No response.)
2 MR. BYWATER: Caller, can you hear me?
3 (No response.)
4 MR. BYWATER: Okay. Let's try a WebEx
5 caller. Caller, if you just heard a distinct double
6 beep, that means that your device is unmuted. Can
7 you please state your name, and tell us who you
8 represent.
9 (No response.)
10 MR. BYWATER: Okay. Caller, can you hear
11 me?
12 (No response.)
13 MR. BYWATER: All right. Not having much
14 luck with that today. Let's just go around, cycle
15 through the districts again, and make sure we're not
16 missing anyone there.
17 In Coeur D'Alene, is there anyone present
18 that would like to make comments?
19 (No response.)
20 MR. BYWATER: Excuse me. In District 2,
21 Lewiston, is there anyone present there that would
22 like to make some comments today?
23 (No response.)
24 MR. BYWATER: In District 4, is there
25 anyone present there?

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1 UNIDENTIFIED SPEAKER: No, not at this
2 time. Thank you.
3 MR. BYWATER: Thank you.
4 In District 5, in Pocatello, is there
5 anyone present that would like to make comments?
6 UNIDENTIFIED SPEAKER: There's nobody extra
7 here, just the same two of us listening in.
8 MR. BYWATER: Thank you. I appreciate you
9 staying and listening. Thank you.
10 District 6, Rigby, anyone present there
11 that hasn't had a chance to comment that would like
12 to do so?
13 UNIDENTIFIED SPEAKER: Not at this time.
14 Thank you.
15 MR. BYWATER: Thank you very much.
16 Okay. Back to the headquarters auditorium.
17 Is there anyone else here present that would like to
18 make comments at this time?
19 (No response.)
20 MR. BYWATER: Okay. Let's try the
21 telephone again. Caller, if you just heard a
22 distinct double beep, that means your device is
23 unmuted. Could you please state your name, and tell
24 us who you represent.
25 MR. KINZER: Hi, Mr. Bywater. My name is

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1 Cameron Kinzer, and I work with the Right Truck for
2 Idaho Coalition, and I'm just listening in.
3 MR. BYWATER: Thank you, Cameron. I'm glad
4 you're -- glad to know you're out there. Thank you.
5 MR. KINZER: Thank you.
6 MR. BYWATER: Let's move to the next
7 caller. Caller, if you just heard a distinct double
8 beep, that means your device is unmuted.
9 Could you please state your name and who
10 you represent.
11 (No response.)
12 MR. BYWATER: Caller, can you hear me?
13 (No response.)
14 MR. BYWATER: Okay. Let's try the WebEx.
15 Do we have anyone on WebEx?
16 (No response.)
17 MR. BYWATER: No? Okay. Anyone else here
18 in headquarters today that would like to testify at
19 this point?
20 That -- if not, then I think we are going
21 to take another break and give people a chance to
22 circulate a little bit, and maybe some new folks will
23 come online.
24 So let's take a ten-minute break. We'll
25 reconvene at 4:40. Thank you.

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1 (A break was taken.)
2 MR. BYWATER: There's a District 2 guy.
3 There's at least some movement there.
4 UNIDENTIFIED SPEAKER: Yeah.
5 MR. BYWATER: That tiny little room.
6 That's...
7 Okay. Let's get started again. Thank you
8 all for being present. I want to apologize for those
9 of you who have heard this, but for the new folks
10 that have joined us on the line, I'd like to welcome
11 you to the Idaho Transportation Department's
12 Negotiated Rulemaking Hearing regarding the rules
13 governing the permitting process and safety
14 requirements for loads that are required to operate
15 using a permit.
16 My name is Steve Bywater, and I will be the
17 moderator for today's hearing. We thank you for your
18 interest and participation.
19 ITD has initiated this process at the
20 request of Governor Otter, the Idaho Legislature, and
21 the Idaho Transportation Board. The areas of
22 emphasis outlined by the governor and the
23 Transportation Board are, number one, safety,
24 including things like driver qualifications and
25 equipment requirements; two, regional harmonization;

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1 three, improving the permitting process; and, four,
2 improving customer service.
3 We are seeking suggestions, comments, and
4 concerns regarding potential improvements to the
5 permitting process and safety requirements for loads
6 that are required to operate with a permit. Any new
7 rules or changes to existing rules could apply to any
8 vehicle or load that requires a permit to operate on
9 the state highways and the interstate.
10 At this point in the process ITD is not
11 presenting, endorsing, or recommending any specific
12 rule changes. However, if ITD determines that an
13 administrative rule change is feasible and desirable,
14 it will initiate a proposed rulemaking process. In
15 that process, all interested stakeholders and the
16 public would have an opportunity to review any draft
17 rule changes before another public hearing, which
18 would likely be held in June.
19 The public and all interested stakeholders
20 would be able to comment on the proposed changes to
21 the rules before they go to the Idaho Transportation
22 Board and the legislature for approval.
23 We're receiving comments today through the
24 WebEx program, by telephone, and through in-person
25 appearances, and the hearing will run until 4:30 p.m.

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1 As you login or call in by telephone, your
2 device will be muted. Please don't attempt to unmute
3 your device on your own, because that could lead to
4 feedback in the system. Once your device is unmuted,
5 you will hear a distinct double beep. I will then
6 ask you to identify yourself for the record and to
7 state who you represent. You will then be able to
8 make your comments on the subject of the hearing, and
9 we will be rotating the opportunity to comment among
10 all those waiting, and we will unmute the device or
11 microphone of one person at a time.
12 Finally, a reminder that if your schedule
13 does not permit you to remain on the line until we
14 reach you in the cue, please consider filling out a
15 comment sheet which can be found at the ITD website
16 by clicking on the blue rulemaking box on the right.
17 If you do not wish to comment but have questions for
18 the department regarding the process or the rules, we
19 would ask that you contact Adam Rush, the ITD public
20 involvement coordinator, at 208-334-8119. Mr. Rush
21 will be available throughout the hearing, and if the
22 line is busy when you call him, please leave a
23 message and he'll call you back.
24 Let's begin now with District 2. District
25 2, is there -- in Lewiston, is there anyone that

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1 would like to make a comment at this time?
2 UNIDENTIFIED SPEAKER: Mr. Bywater, there's
3 three or four of us in here. We're just listening
4 very intently. Thank you very much.
5 MR. BYWATER: Okay. But nobody that would
6 like to make a comment?
7 UNIDENTIFIED SPEAKER: No. No, sir, not at
8 this time.
9 MR. BYWATER: Thank you. Appreciate you
10 being present.
11 District 4 in Shoshone, is there anyone in
12 Shoshone that would like to make a comment at this
13 time?
14 UNIDENTIFIED SPEAKER: Not at this time.
15 Thank you.
16 MR. BYWATER: Excellent. Thank you, sir.
17 Let's go to the auditorium here. Is there
18 anyone present at this point in time who would like
19 to make a comment here in the auditorium?
20 Sir, please come forward to the podium so
21 that your comments can be on the record. Thank you
22 for participating.
23 Can you state your name, and tell us who
24 you represent.
25 MR. MCEVOY: I'm commissioner for Canyon

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1 District -- Canyon Highway District 4. My name is
2 John McEvoy. My background a little bit. I'm -- one
3 of the reasons I got on the Highway Commission is
4 because I've been around working in the gravel
5 business and running a fleet of semis.
6 And some of these rules started coming up,
7 and they were wanting to start treating the 129's
8 different than the others. I can see a can of worms
9 that's gigantic you'd be opening up, because I,
10 myself, have five semis that have 48-foot singles
11 that drive around almost exclusively on county roads.
12 If we start worrying about off-tracking and
13 getting picky with things, you're going to shut most
14 of the farmers down. Almost all the farmers have
15 went to the old dry axle that places like Simplot and
16 Ore-Ida used to use. They've got the 7- and 8-axle
17 trucks now, but we've cannibalized all those older
18 ones. And, actually, they're -- they are the worst
19 truck out there as far as off-tracking.
20 Well, 129, for safety reasons, has got more
21 axles on the ground, so there's less weight per
22 square inch, got more brake. I've driven both, my
23 tri-axles, and I've driven the 106 maxi-trains, which
24 is a 42 and a 24. They've got more rubber on the
25 road in relation to what you're hauling.

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1 And the biggest thing I think about is if
2 we're going to make any changes, 129's are just
3 another -- we didn't change the rule book when a 106
4 came along. Why do we want to do it when a 129? 129
5 has to meet far more stringent regulations than a
6 farm truck does. And I guess, why would we mess with
7 something that is more or less work?
8 The only thing I can see from being a
9 highway commissioner standpoint, it would not be a
10 bad idea, I don't think, to save us all time, because
11 like all the years I ran in Canyon County, I don't
12 have a problem saying, I know of no one that's ever
13 bought an over-legal permit from the county. We buy
14 one from the state because we're overweight.
15 Anything that's over 80,000 has to get an over-legal
16 permit.
17 We buy an annual permit, we run all over
18 the state, and we don't look back. The only map we
19 have to guide us on that is a state highway map. It
20 would be nice if we had a map that the highway
21 district gave that when I go buy a permit and I say,
22 well, I'm going to be running mostly in Ada and
23 Canyon and Owyhee and Weiser Counties, shove a map in
24 the folder that has the routes that they would rather
25 I drive on.

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1 You know, some loads, you know, we have to
2 go where the route isn't. I mean, we've got a mile
3 and a half or two miles that they allow us to be off
4 of a designated path to unload already in the rules,
5 and so I think we've got to be real careful that we
6 could go out there and start getting hung up on --
7 because these trucks are 129's. I see no problem --
8 in fact, physically, they're probably more stable
9 than a 106. Because of the amount of rubber they
10 have to put them -- and every time you have a set of
11 tandems, they always track straighter than single
12 axles do. And it's got tandems all over the place,
13 whereas the 106 has a lot of single axles under it,
14 which can actually be the opposite effect on a 106.
15 On that 24, you can have 20,000 on each single axle,
16 which actually gets the metal to road.
17 So, you -- there's just -- I just look at
18 it, we go out here and say, well, these 129's have
19 got to buy a permit in every county or they can't
20 run. Somebody's going to sue somebody, because
21 there's ten times as many of us running around out
22 there on county roads that are over legal that aren't
23 permitted. And there's no provision for us to even
24 do it right. I mean, am I going to go to every
25 county that one of my trucks happens to be in and buy

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1 permits for all of my trucks? No. I need to -- I
2 need to have it like it is right now in Ada County.
3 I also move houses sometimes. I want a
4 permit in Ada County. I call the State. They issue
5 the permit. I tell them the designated route. Ada
6 County has a map that says, well, he can pull this
7 size load on these roads. I send that information to
8 the State and say, well, this is the route I'm going
9 to haul that house on. They approve or disapprove.
10 65 bucks, and it's done. And I'm legal, and
11 everybody's happy, and it works.
12 And so if we really are going to change
13 anything, getting it -- our highway district's
14 already been looking at providing maps. Because of
15 the extensive maps we had, it won't be that hard for
16 us to come up with routes that will be more conducive
17 to the bigger trucks. Otherwise --
18 MR. BYWATER: Okay.
19 MR. MCEVOY: -- just spread it out like it
20 is. I mean, it's just -- they're just -- 129's are
21 just another truck, a bigger version, and they're
22 more economical.
23 I mean, why are we all running 48 footers
24 instead of 42? Because we can haul more load. And
25 in the competition as a trucker, you can't even stay

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1 in business with a 42. Because the rates are so low,
2 you can't even make money with a 42. You've got to
3 have -- and you'll see it with the 106's and the
4 129's. It will just get so the littler trucks can't
5 compete anymore, because those guys can do it for
6 less. Thank you.
7 MR. BYWATER: Thank you, sir. Appreciate
8 you being here and appreciate those comments.
9 Let's go to the telephone now. We'll open
10 up the lines of one caller.
11 Caller, you should have just heard two
12 distinct beeps. If so, could you please identify
13 yourself by your name, and tell us who you represent.
14 (No response.)
15 MR. BYWATER: Caller, did you hear two
16 distinct beeps?
17 (No response.)
18 MR. BYWATER: Okay. Let's try another --
19 let's try another phone call. Okay. We just opened
20 the line for another caller.
21 Caller, could you identify yourself by your
22 name and who you represent.
23 (No response.)
24 MR. BYWATER: Caller? Can you hear me?
25 (No response.)

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1 MR. BYWATER: Okay. One more. Let's try
2 one more. I think we have a lot of individuals that
3 are listening in that are not wanting to comment, but
4 we'll try one more.
5 Okay. The line is now open for another
6 caller. You should have heard two distinct beeps.
7 Caller, if you could identify yourself by
8 your name, and tell us who you represent.
9 UNIDENTIFIED SPEAKER: Yeah. I heard two
10 beeps, but I'm just listening. Thank you.
11 MR. BYWATER: Excellent. Thank you, sir.
12 Thanks for letting me know that.
13 Okay. Is there anyone else here in the
14 headquarters auditorium that would like to speak at
15 this time?
16 Jerry, thank you. Come on down.
17 MR. DECKARD: Thank you, Mr. Bywater. My
18 name is Jerry Deckard, and I represent CapitolWest
19 Public Policy Group, as well as Associated Logging
20 Contractors.
21 I've heard a lot this afternoon about
22 trucks and their safety, and I think that's a
23 critical element. What we haven't heard about is the
24 safety considerations that are involved with our
25 roads and highways and their conditions.

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1 I think if we're going to approve
2 transportation routes for what we'll call large
3 oversized loads, we need to talk about passing lanes,
4 turnout areas, runaway truck ramps, shoulder widths
5 that are adequate, weather safety warnings, sight
6 distance for safety, particularly for seeing far
7 enough to be able to stop a truck, and I think the
8 critical element that I would bring to your attention
9 that we need to consider is geography. Geography is
10 a critical consideration when we start talking about
11 running large oversized loads.
12 I think it's telling that I've heard,
13 during this hearing today, about eleven to one people
14 operating in Southern Idaho, and that's why I bring
15 to your attention geography, because it's
16 significantly different in Northern Idaho.
17 And with that, Mr. Bywater, I appreciate
18 you taking your time.
19 MR. BYWATER: Thank you, Mr. Deckard, and I
20 appreciate these comments and your written comments
21 that you previously submitted. Thank you.
22 Is there anyone else in the auditorium here
23 at this time that would like to speak?
24 (No response.)
25 MR. BYWATER: I don't -- we don't have any

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1 callers on the line, and I'm going to go through the
2 districts quickly and just make sure we're not
3 missing someone.
4 District 1 in Coeur D'Alene, is there
5 anyone there that would like to make some comments?
6 (No response.)
7 MR. BYWATER: District 2 in Lewiston, is
8 there anyone THAT that like to make some comments?
9 MR. BERCHOFF: Yes, sir. We have a
10 speaker.
11 MR. BYWATER: Excellent. Sir, could you
12 please identify yourself. Tell us your name and who
13 you represent.
14 MR. BERCHOFF: My name is Wally Berchoff,
15 and I'm with ABC Transport.
16 MR. BYWATER: Thank you, Wally.
17 MR. BERCHOFF: Thank you. Appreciate the
18 opportunity to speak. We have filed numerous
19 comments on this, especially a recent comment on
20 May 24th, and I will not add to that.
21 Going onto a couple of things, and one
22 thing is our comments are related to the safety of
23 facing a job for the roads in Northern Idaho, which
24 gets back to Mr. Deckard's comment. That's primarily
25 our concern. I've listened, too, throughout this

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1 process to comments from some of Southern Idaho. We
2 don't dispute the safety of those roads in Southern
3 Idaho and especially the safety of the interstates.
4 In my mind, the sooner the interstates
5 could be approved for 129, the better it would be for
6 those that are hauling down in Southern Idaho and in
7 certain places even in Northern Idaho,
8 [unintelligible] if it works with the maps with other
9 states. We have an issue, though, that Oregon and
10 Washington have not approved this, and it's unlikely
11 that they will.
12 So, our geography in Northern Idaho is
13 definitely different even than Southern Idaho just
14 with that fact, and we're not going to connect states
15 that show human beings that they're going to change
16 their laws and increase the weights.
17 Our biggest concern is that -- and I have
18 stated this for three years, including when I
19 testified in front of the legislature in Grangeville.
20 If you cannot see far enough ahead to stop, you
21 create a very dangerous situation. And many of these
22 roads in Northern Idaho, you cannot stop in time, and
23 there is scientific data to support that that we have
24 provided in our testimony.
25 Also, as a trucking company, I have a

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1 concern that companies will be forced to try to -- in
2 order to stay competitive, to be hauling on that road
3 that they shouldn't. Either they know they shouldn't
4 be hauling on it, but because of the competition they
5 feel that they have to. And I think that would be a
6 direct result of some of these folks that you have in
7 Northern Idaho that have a question [unintelligible].
8 At some point in time in the very near
9 future ABC Transport will be hauling a 129,000-pound
10 load. We want to make sure that at the time that we
11 do that we are on those roads that are safe both for
12 drivers and the public.
13 The only other comment I have, compared to
14 all the comments that have been made, with the
15 exception of I think maybe one, these are not drivers
16 that are driving these vehicles. These are
17 companies, lobbyists, different people that have good
18 intentions in making known their safety concerns.
19 The people that are driving the roads are the
20 commercial drivers. At least in our actions for our
21 company, that is what's driving our response.
22 We gave our drivers the position last fall,
23 do you want us to fight? Do you have a concern? The
24 answer came back that they do not want these roads or
25 these loads in our area that don't -- which impede

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1 their safety. That is why we are pushing so hard
2 that some of these roads in Northern Idaho are not
3 safe.
4 And, primarily, it reverts back to stopping
5 distance required, being able to see far enough ahead
6 so they can stop and avoid an obstacle in the roadway
7 that is unforeseen going around the corner or a prior
8 corner of a roadway [unintelligible]. But with the
9 shoulders, and then also as Mr. Deckard mentioned,
10 passing lanes are very important on these steep,
11 windy, mountainous roads in basic traffic that causes
12 a hazard to trucks that we all experience, and that
13 creates a big safety concern in the public for
14 drivers.
15 MR. BYWATER: Thank you, Wally. Appreciate
16 your written comments and your oral comments here
17 today very much.
18 Let's try District 4 in Shoshone. Is there
19 anyone present there now at this point in time that
20 would like to make some comments?
21 UNIDENTIFIED SPEAKER: No, not at this
22 time. Thank you.
23 MR. BYWATER: Thank you. Let's go over to
24 Pocatello to District 5. Is there anyone there
25 that's interested in making comments at this point in

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1 time?
2 (No response.)
3 MR. BYWATER: Okay. Let's go to District 6
4 in Rigby. Is there anyone in Rigby at this point in
5 time that would like to make some comments?
6 UNIDENTIFIED SPEAKER: Not at this time.
7 Thank you.
8 MR. BYWATER: Thank you. Back to the
9 auditorium in headquarters. Is there anyone else
10 here that would like to make any comments on the
11 record at this point in time? Do we have any
12 callers?
13 UNIDENTIFIED SPEAKER: We have no callers
14 and no WebEx.
15 MR. BYWATER: No callers and no WebEx.
16 Okay. Let's take another break until ten minutes --
17 UNIDENTIFIED SPEAKER: We just got a WebEx.
18 MR. BYWATER: Oh, we just got a WebEx
19 caller. So, let's try that.
20 Hello? WebEx caller, if you can hear me,
21 if you heard two distinct beeps, that means your
22 device has been unmuted.
23 Could you identify yourself by your name,
24 and tell us who you represent.
25 (No response.)

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1 MR. BYWATER: If you can hear me and you
2 don't want to comment, just say so, please.
3 (No response.)
4 MR. BYWATER: Okay. Let's take a break
5 then. It's 5:02. Let's start up again at 5:10.
6 Thank you.
7 (A break was taken.)
8 MR. BYWATER: We're on the record now.
9 Welcome back. For those of you that have just joined
10 us, I want to remind or let you know that this is the
11 Idaho Transportation Department's Negotiated
12 Rulemaking Hearing regarding the rules governing the
13 permitting process and safety requirements for loads
14 that are required to operate under a permit.
15 My name is Steve Bywater, and I'm the
16 moderator for today's hearings. We're receiving
17 comments through the WebEx program, by telephone, and
18 through in-person appearances at the ITD offices
19 around the state.
20 If you happen to be in an ITD office in one
21 of the cities around the state and would like to make
22 some comments, if you could sit in the chair near the
23 sign, the district sign, that will help us know that
24 you're there. And I just don't want someone to get
25 left out, so if you could let us know that you're

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1 there, we'll make sure that we get to you.
2 We're going to rotate the opportunity to
3 comment among all those waiting around the state, and
4 we will unmute the device or microphone of one person
5 at a time.
6 I also want to remind you that if your
7 schedule doesn't permit you to remain online until we
8 reach you, which doesn't seem to be a problem so far
9 in the hearing, you can go to the ITD website and
10 click on the blue rulemaking box and fill out a
11 comment sheet.
12 Also, if you don't want to comment but you
13 wish to make or to ask some questions regarding the
14 process or the rules, we'd ask you to contact
15 Mr. Adam Rush, the ITD public involvement
16 coordinator, at 208-334-8119. Mr. Rush will be
17 available throughout the hearing.
18 At this point in time, I'm going to go
19 through the districts again. I've seen some movement
20 in the different locations, so I'm going to start up
21 in Coeur D'Alene in District 1.
22 Is there anyone in District 1 that would
23 like to make some comments at this point in time?
24 (No response.)
25 MR. BYWATER: Okay. Let's go to District

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1 2.
2 UNIDENTIFIED SPEAKER: We're still here in
3 District 2. We're just listening.
4 MR. BYWATER: Okay. And no one there, new,
5 that would like to make any comments at this point in
6 time?
7 UNIDENTIFIED SPEAKER: No, sir, not at this
8 time.
9 MR. BYWATER: Thank you. So, in District
10 4, we have an individual, it looks like.
11 Sir, would you mind identifying yourself.
12 Give us your name, and tell us who you represent.
13 MR. HALVERSON: Thank you, Mr. Bywater. My
14 name is Gary Halverson, and I represent Glanbia
15 Foods. I've already submitted written comments, so
16 I'll try to keep this brief. As previously
17 mentioned, hundreds and thousands of 129,000-pound
18 loads safely operated in the State of Idaho over the
19 past decade. Carriers in Idaho, we pride ourselves
20 on being some of the safest fleets in the nation.
21 In the written comments provided by AAA,
22 they provided a snapshot of the FMCSA thresholds for
23 safety and the number of fleets that were over that
24 threshold, and in Idaho there were 7.9 percent of the
25 fleets that were over the FMCSA safety threshold, and

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1 that number is 17 percent below the national average
2 of 9.5. We do operate safe fleets in Idaho, and we
3 do pride ourselves on our safe fleets.
4 The interstates are the safest roads we
5 have. They are single-direction travel. They have
6 great shoulders, great sight distance, and they're
7 the safest roads we have, and they have the most
8 opportunities for inspections, monitoring weights,
9 and things like that.
10 A quick example of our current system. If
11 you're going to take a 129,000-pound load from Alta
12 to Twin Falls, you travel on state highways. You
13 travel right behind the port of entry bypassing it.
14 You travel through Declo, Burley, Murtaugh, Hansen,
15 Kimberly, and then Twin Falls.
16 By putting these 129,000-pound trucks on
17 the freeway system, we bypass many of these small
18 towns. We put our trucks on the best roads we have.
19 We drive through the ports, we monitor the weights,
20 we have the inspection opportunities.
21 The FMCSA already has established standards
22 for hours of service, driver medical cards,
23 electronic logging devices, pre- and post-trip
24 inspections, brakes, lights, and many other equipment
25 and driver safety requirements. These requirements

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1 are updated by FMCSA as new technology and new
2 equipment becomes available.
3 We believe that if Idaho follows the FMCSA
4 standards rather than setting our own standards, we
5 will always have the most up-to-date requirements for
6 safety. We also believe that the current
7 105,000-pound permitting system works, and it works
8 well. The only change we see that needs to happen
9 would be changing the wording from 105,000 pounds to
10 129,000 pounds.
11 So, thank you for this opportunity to
12 provide comments.
13 MR. BYWATER: Thank you, Gary. Thank you
14 for being here today and for your written comments,
15 as well. Appreciate that.
16 MR. HALVERSON: Thank you.
17 MR. BYWATER: Okay. Let's take -- let's
18 just check in District 5. Is there anyone in the
19 hearing room in District 5 that would like to make
20 comments?
21 (No response.)
22 MR. BYWATER: All right. District 6 in
23 Rigby, is there anyone in the hearing room in Rigby
24 that would like to make comments?
25 UNIDENTIFIED SPEAKER: Not at this time.

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1 Thank you.
2 MR. BYWATER: Thank you very much.
3 Appreciate you being there to monitor for us.
4 Let's come back how to the headquarters
5 auditorium. We have a few people still in
6 attendance. Is anyone present that would like to
7 make comments at this point in time?
8 (No response.)
9 MR. BYWATER: Okay. Let's go -- do we have
10 anyone on the telephone lines?
11 [Unintelligible]
12 MR. BYWATER: Let's try.
13 UNIDENTIFIED SPEAKER: Okay. Let's try
14 Ernie.
15 MR. BYWATER: Hello? Is there anyone on
16 the line that can hear me that would like to make a
17 comment at this point in time?
18 (No response.)
19 MR. BYWATER: All right. Let's try the
20 other line.
21 Hello? If you just heard two distinct
22 beeps, that means your line is unmuted. Is there
23 anyone present on that line that would like to make a
24 comment at this point in time?
25 (No response.)

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1 MR. BYWATER: It doesn't sound like it.
2 One more.
3 Okay. If you just heard two distinct
4 beeps, your line is unmuted. Is there anyone present
5 that would like to make comments at this time on that
6 line?
7 UNIDENTIFIED SPEAKER: Just listening. No
8 comments. Thank you.
9 MR. BYWATER: Thank you very much.
10 UNIDENTIFIED SPEAKER: You've got one more.
11 MR. BYWATER: Hello? If you heard just --
12 if you just heard two distinct beeps, that means your
13 line is unmuted. Is there anyone that would like to
14 make a comment on this line at this time?
15 (No response.)
16 MR. BYWATER: Doesn't sound like it. Okay.
17 Do we have any WebEx callers?
18 (No response.)
19 MR. BYWATER: Okay. Districts, I don't see
20 anyone present, so let's -- let's take another short
21 break, just -- let's see. 5:18. Let's take a break
22 until 5:25, and then we'll make another round to see
23 if we have any new participants.
24 (A break was taken.)
25 MR. BYWATER: Should we wait for the slide

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1 again?
2 UNIDENTIFIED SPEAKER: Somebody's
3 wandering.
4 MR. BYWATER: Somebody's on?
5 UNIDENTIFIED SPEAKER: Yeah. We've got two
6 right now.
7 MR. BYWATER: We have two?
8 UNIDENTIFIED SPEAKER: Yeah.
9 MR. BYWATER: Good enough. Okay. Welcome
10 back. For those of you that may have just joined us,
11 we want to welcome you to the Idaho Transportation
12 Department's Negotiated Rulemaking Hearing regarding
13 the rules governing the permitting process and safety
14 requirements for loads that are required to operate
15 under a permit.
16 My name is Steve Bywater, and I am the
17 moderator for today's hearing. For those of you who
18 have heard this before, I apologize, but we want to
19 make sure everybody is up to date on what we're
20 doing.
21 Again, we are receiving comments through
22 the WebEx program, by telephone, and through
23 in-person appearances at the ITD offices around the
24 state. The hearing comment lines will remain open
25 until 7:30 p.m. this evening.

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1 I want to remind you that as you login to
2 WebEx or call in by telephone, your device is muted
3 upon entry into the system. Please do not attempt to
4 unmute your device on your own. Once your device is
5 unmuted, you will hear a double beep, and then I will
6 give you an opportunity to identify yourself and to
7 make your comments.
8 We're rotating the opportunity to comment
9 among all those waiting around the state, and we will
10 unmute the device or microphone of one person at a
11 time.
12 Let's go at this time to the telephone. I
13 believe we have a caller on the telephone.
14 Hello? Could you identify yourself. Tell
15 us your name and who you represent. If you just --
16 MR. SMITH: My name is Lance Smith. I
17 represent El Pack. I've just -- just called into
18 hear what the people are saying.
19 MR. BYWATER: Okay. So, you don't have any
20 comments to make at this point in time?
21 MR. SMITH: That is correct.
22 MR. BYWATER: All right. Thank you for
23 letting me know that you can hear us. And if at any
24 point in time you decide that you do want to make a
25 comment, just sign off and dial back in, and we'll

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1 get you back in the rotation. Thank you.
2 Do we have another caller or WebEx?
3 UNIDENTIFIED SPEAKER: WebEx.
4 MR. BYWATER: Do we have a person on WebEx
5 that would like to make a comment at this time?
6 MR. SANCHEZ: Yes. This is Ernie Sanchez,
7 and my brother has a trucking business in Blackfoot,
8 Idaho, and he asked me to monitor this rulemaking
9 process. And I have no comment.
10 MR. BYWATER: Excellent. Thank you for
11 being present, Ernie. We appreciate you --
12 MR. SANCHEZ: Okay.
13 MR. BYWATER: We appreciate your listening
14 in, and I'll tell you the same thing I told the last
15 caller. If anything changes, you hear something that
16 you would like to respond to or make a comment on,
17 just hang up and call back in.
18 MR. SANCHEZ: All right.
19 MR. BYWATER: Thank you. Back to the
20 auditorium at headquarters. Is there anyone else
21 here that would like to make a comment at this point
22 in time?
23 (No response.)
24 MR. BYWATER: It doesn't look like it.
25 Let's circulate through the districts and just make

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1 sure we're not missing anybody there.
2 District 1, Coeur D'Alene, is there anyone
3 in the hearing room that would like to make a
4 comment?
5 (No response.)
6 MR. BYWATER: All right. District 2,
7 Lewiston, anyone new there that would like to make a
8 comment at this point in time?
9 UNIDENTIFIED SPEAKER: No, sir. Thank you.
10 MR. BYWATER: Thank you. District 4,
11 Shoshone, is there anyone in that hearing room that
12 would like to make a comment at this time?
13 UNIDENTIFIED SPEAKER: Not at this time.
14 Thank you.
15 MR. BYWATER: Thank you. District 5,
16 Pocatello, is there anyone present in that hearing
17 room that would like to make a comment at this point
18 in time?
19 UNIDENTIFIED SPEAKER: No comments at this
20 time.
21 MR. BYWATER: Thank you. Let's move up
22 then to Rigby, District 6. Anyone present in the
23 hearing room in District 6 that would like to make a
24 comment?
25 UNIDENTIFIED SPEAKER: Not at this time.

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1 Thank you.
2 MR. BYWATER: Thank you. Okay. Do we have
3 any callers on the line?
4 UNIDENTIFIED SPEAKER: We do not.
5 MR. BYWATER: Okay. No WebEx?
6 UNIDENTIFIED SPEAKER: No.
7 MR. BYWATER: Okay. We'll take a break
8 again. Start up again at 20 minutes to 6:00.
9 (A break was taken.)
10 MR. BYWATER: Good afternoon. I'd like to
11 welcome you to the Idaho Transportation Department's
12 Negotiated Rulemaking Hearing regarding the rules
13 governing the permitting process and safety
14 requirements for loads that are required to operate
15 using a permit.
16 My name is Steve Bywater, and I will be the
17 moderator for today's hearing. We thank you for your
18 interest and participation. For those of you that
19 have already heard this introduction, I apologize for
20 the new callers on the line or the new commenters
21 that are appearing at the districts.
22 We want you to know that at this point in
23 the process ITD is not presenting, endorsing, or
24 recommending any specific rule changes. However, if
25 the department determines that an administrative rule

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1 change is desired and feasible, it will initiate a
2 proposed rulemaking process. In that process, all
3 interested stakeholders and the public would have an
4 opportunity to review any draft rule changes before
5 another public hearing, which would likely be held in
6 June.
7 The public and all interested stakeholders
8 would be able to comment on the proposed changes to
9 the rules before they go to the Idaho Transportation
10 Board and the Idaho Legislature for approval.
11 At the hearing today, we are receiving
12 comments through the WebEx program, by telephone, and
13 through in-person appearances at the ITD district
14 offices around the state. The hearing will run until
15 7:30 p.m. this evening.
16 As you login to WebEx or call in by phone,
17 your device will be muted upon entry into the system.
18 Please do not attempt to unmute your device on your
19 own. We'll be rotating the opportunity to comment
20 among all those waiting, and we will unmute the
21 device or microphone of one person at a time.
22 Once your device is unmuted, we will -- you
23 will hear a distinct double beep. I will then ask
24 you to identify yourself for the record and to state
25 who you represent. You will then be able to make

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1 your comments on the subject of the hearing.
2 For those of you that do not wish to
3 comment but have questions for ITD regarding the
4 process or the rules, we would ask that you contact
5 Adam Rush, the ITD public involvement coordinator, at
6 208-334-8119. Mr. Rush will be available throughout
7 the hearing. If his line is busy when you call,
8 please leave a message, and he'll get back to you.
9 We do have a caller on WebEx at this time.
10 Hello? If you just heard two distinct
11 beeps, that means your line is unmuted. If you could
12 identify yourself by stating your name and who you
13 represent, we'd appreciate that.
14 (Background noise.)
15 MR. BYWATER: Caller, we're having trouble
16 hearing you right now. Could you get closer to your
17 device? Is there any way to speak closer to the
18 microphone?
19 (No response.)
20 MR. BYWATER: I think we're going to come
21 back to you. We're going to mute your line and come
22 back to you. Hopefully we can get a more clear
23 connection.
24 Let's try another WebEx caller. Do we have
25 any other callers on the line?

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1 UNIDENTIFIED SPEAKER: No.
2 MR. BYWATER: Okay. Let's take a look out
3 at the districts. District 1, are there any new
4 people in attendance that would like to testify at
5 this point in time or make comments?
6 UNIDENTIFIED SPEAKER: No, sir.
7 MR. BYWATER: Thank you. District 2,
8 Lewiston, is there anyone new in the hearing room
9 that would like to make comments?
10 UNIDENTIFIED SPEAKER: No, sir.
11 MR. BYWATER: Thank you. District 4,
12 Shoshone, is there anyone present in the hearing room
13 that would like to make comments at this time?
14 UNIDENTIFIED SPEAKER: Not at this time.
15 Thank you.
16 MR. BYWATER: Thank you. District 5,
17 Pocatello, is there anyone new in the hearing room
18 that would like to make comments at this time?
19 UNIDENTIFIED SPEAKER: Not at this time.
20 Thank you.
21 MR. BYWATER: Thank you. District 6,
22 Rigby, is there anyone new in the hearing room at
23 this time?
24 UNIDENTIFIED SPEAKER: Not at this time.
25 Thank you.

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1 MR. BYWATER: Thank you very much. Back to
2 the ITD headquarters auditorium. Is there anyone
3 present at this time that would like to make comments
4 for the record?
5 (No response.)
6 MR. BYWATER: It does not appear so at this
7 point in time.
8 Do we have any callers on the line?
9 UNIDENTIFIED SPEAKER: We do not.
10 MR. BYWATER: Do we have anyone on WebEx?
11 UNIDENTIFIED SPEAKER: We do not.
12 MR. BYWATER: Okay. Well, I think what
13 we'll do then is we'll take a 15-minute break and
14 then start up again at 6:05.
15 (A break was taken.)
16 MR. BYWATER: Okay. Welcome back. For
17 those of you that may have just joined us, I want to
18 welcome you to the Idaho Transportation Department's
19 Negotiated Rulemaking Hearing regarding rules
20 governing the permitting process and safety
21 requirements for loads that are required to operate
22 under a permit.
23 Excuse me. My name is Steve Bywater, and I
24 am the moderator for today's hearing. We are
25 receiving comments through the WebEx program, by

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1 telephone, and through in-person appearances at the
2 ITD offices around the state. The hearing comment
3 lines will be open until 7:30 p.m. mountain time.
4 I want to remind you that as you login to
5 WebEx or call in by telephone, your device is muted
6 upon entry into the system. Please do not attempt to
7 unmute your device on your own. Once your device is
8 unmuted, you will hear a double beep, and then I will
9 ask you to state your name and who you represent, and
10 you will be free to make your comments. We are
11 rotating the opportunity to comment among all of
12 those waiting around the state, and we will unmute
13 the device or microphone of one person at a time.
14 I also want to remind you at this point,
15 once again, that if you find that your schedule
16 doesn't permit you to remain on the line until we
17 reach you in the cue, please consider filling out a
18 comment sheet which can be found at the ITD website
19 by clicking on the blue rulemaking box on the right.
20 If you happen to be in attendance and have
21 a question for ITD regarding the process of the rules
22 and do not want to make a comment, we would ask you
23 to contact Mr. Adam Rush, the ITD public involvement
24 coordinator. His phone number is 208-334-8119, and
25 he will be available throughout the hearing. At the

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1 present time, we do not have a backup in the calls.
2 Do we have anyone on the telephone lines or
3 the WebEx?
4 UNIDENTIFIED SPEAKER: We do not.
5 MR. BYWATER: So, we're going to cycle
6 through the districts again and make sure we're not
7 missing anyone there.
8 District 1, is there anyone present that
9 would like to comment?
10 UNIDENTIFIED SPEAKER: No, sir.
11 MR. BYWATER: Thank you. District 2,
12 Lewiston, is there anyone present there that would
13 like to comment?
14 UNIDENTIFIED SPEAKER: Yes, we're present,
15 and we have no comment at this time.
16 MR. BYWATER: Thank you very much.
17 District 4, Shoshone, is there anyone present that
18 would like to comment at this time?
19 UNIDENTIFIED SPEAKER: Not at this time.
20 MR. BYWATER: Thank you. District 5,
21 Pocatello, is there anyone present that would like to
22 comment at this time?
23 UNIDENTIFIED SPEAKER: Not at this time.
24 MR. BYWATER: Thank you. District 6,
25 Rigby, is there anyone present there that would like

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1 to comment at this time?
2 UNIDENTIFIED SPEAKER: Not at this time.
3 Thank you.
4 MR. BYWATER: Okay. Back to the
5 headquarters auditorium. Is there anyone present in
6 the audience here at the headquarters auditorium that
7 would like to make a comment at this time?
8 (No response.)
9 MR. BYWATER: It does not look like it. Do
10 we have any callers on the line now?
11 UNIDENTIFIED SPEAKER: We do not.
12 MR. BYWATER: Okay. Well, I think we've
13 cycled through all the lines and outlets for making
14 comments. I think we'll take another break then. We
15 will reconvene at 6:25. Thank you.
16 (A break was taken.)
17 MR. BYWATER: Okay. We're back on the
18 record now. We've just finished another break. For
19 those of you that may have just joined us, we want to
20 welcome you to the Idaho Transportation Department's
21 Negotiated Rulemaking Hearing regarding the rules
22 governing the permitting process and safety
23 requirements for loads that are required to operate
24 under a permit.
25 My name is Steve Bywater, and I'm the

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1 moderator for today's hearing. We are receiving
2 comments through the WebEx program, by telephone, and
3 through in-person appearances at ITD offices around
4 the state, and the hearing comment lines will remain
5 open until 7:30 p.m.
6 We have not had an overwhelming number of
7 callers recently, so we should be able to get to
8 anyone that is wanting to call in and comment or sign
9 in on WebEx shortly after the login to the system.
10 And I want to check with the districts.
11 I've been kind of watching the screens for
12 each of the districts. I haven't seen any movement
13 there, but I don't want to miss anyone, so I'm just
14 going to quickly rotate through the districts to see
15 if anyone new has appeared that would like to make a
16 comment.
17 District 1, is there anyone there that
18 would like to comment at this time?
19 UNIDENTIFIED SPEAKER: No, sir.
20 MR. BYWATER: Thank you. District 2, is
21 there anyone there that would like to comment at this
22 time?
23 UNIDENTIFIED SPEAKER: No, sir.
24 MR. BYWATER: Thank you. District 4,
25 Shoshone, is there anyone there that would like to

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1 comment at this time?
2 UNIDENTIFIED SPEAKER: No, not at this
3 time.
4 MR. BYWATER: Okay. District 5, is there
5 anyone there that would like to comment at this time?
6 UNIDENTIFIED SPEAKER: Not at this time.
7 MR. BYWATER: Thank you. And District 6,
8 Rigby, is there anyone there in the hearing room that
9 would like to comment at this time?
10 UNIDENTIFIED SPEAKER: Not at this time.
11 Thank you.
12 MR. BYWATER: Very good. I think we do
13 have one person that would like to comment here in
14 the headquarters auditorium.
15 Sir, thank you for your interest. Could
16 you identify yourself and the company you represent.
17 MR. LOTT: My name's Andrew Lott. I'm the
18 president of Arlo Lott Trucking out of Jerome, Idaho.
19 Thank you, Mr. Bywater. I have also given written
20 comments.
21 MR. BYWATER: Yes.
22 MR. LOTT: I would like to just express a
23 few items that I think that we need to be aware of.
24 Number one is we've been through this process before,
25 not necessarily the negotiated rulemaking, but when

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1 -- in the mid seventies when the weight was raised to
2 105-5, the same process took place. There wasn't any
3 rulemaking with it, but it's what's led our industry
4 to where we are today as being a standard.
5 Now, going forward, raising that from 105-5
6 to 129,000, what we're doing, we feel, is adding a
7 little bit of weight, some axles, and we're still
8 following inside of the guidelines that have been set
9 such as inner bridge, off track and total length of
10 the vehicle.
11 You know, these formulas that were provided
12 to us by the predecessors that got the 105-5 going,
13 we feel that they've done a very good job. We know
14 that it's been regulated by the Idaho State Police.
15 We fall within the guidelines of the federal motor
16 carrier guidelines, and so everything that's been set
17 forth for us to go to 129, it falls right in with
18 what's taken place early on. We feel that safety is
19 being handled efficiently and that the requirements
20 to go to 129 fit all the requirements.
21 One thing that I wanted to add, and this
22 really relates to the interstate system, we've been
23 running these longer combination vehicles for quite
24 some time through the pilot project. Our company has
25 been participating in that, and it's been a great

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1 success, and we have the data that shows that the
2 success rate has been very good.
3 One of the things that took place, though,
4 in the pilot project is, is that it didn't allow us
5 to get onto the interstate system, so we've been
6 navigating these little municipalities and these
7 little narrow -- and when I say "narrow," there's a
8 few that aren't quite as wide as the interstate
9 system, but we've been traveling state highways now
10 and proving that this works. Now, as we go forth to
11 try and open up the interstate system, we feel that
12 this is -- this is going to be a very good thing for
13 Idaho, both for shippers, carriers, and the State of
14 Idaho.
15 In going down the interstate system with
16 the LCV's at hand to participate in this, it's just a
17 much safer device for us now to get commodities where
18 we need to instead of, again, navigating the small
19 roads.
20 With that, one last comment, too, and that
21 is, is that we talk about the geography in the
22 northern section of the state. And, primarily, I
23 just want to address the interstate system, that we
24 as a carrier, we've been -- we've been running the
25 northern side of -- or the northern section of Idaho

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1 since 1971. We've run Mack CLCV's running 105, 5,000
2 -- or 105,500 since its inception, and the current
3 regulations have been -- have worked very, very well,
4 and so we feel that what's in place is adequate.
5 You know, the State of Idaho, through all
6 of its participating carriers and in law enforcement,
7 I think that we have found that we've proven
8 ourselves to be stewards of handling the excess
9 weight.
10 And with that, I would like to thank you
11 and appreciate your time.
12 MR. BYWATER: Thank you. Thank you for
13 both your written comments and your oral comments
14 here today and for your patience in waiting for an
15 opportunity to provide your comments.
16 Is there anyone else in the auditorium that
17 would like to make any comments?
18 (No response.)
19 MR. BYWATER: Okay. Do we have any callers
20 that have been added to the line?
21 UNIDENTIFIED SPEAKER: We do not.
22 MR. BYWATER: Okay. It's 6:30. We've gone
23 through the rotation. I think we'll take another
24 break, a 15-minute break. We'll pick it up again at
25 quarter to 7:00. Thank you.

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1 (A break was taken.)
2 MR. BYWATER: Okay. Welcome back. For
3 those of you that may have just joined us, we want to
4 welcome you to the Idaho Transportation Department's
5 Negotiated Rulemaking Hearing regarding the rules
6 governing the permitting process and safety
7 requirements for loads that are required to operate
8 under a permit.
9 My name is Steve Bywater, and I am the
10 moderator for today's hearing. We are receiving
11 comments through the WebEx program, by telephone, and
12 through in-person appearances at the ITD offices
13 around the state. And the hearing comment lines will
14 be open until 7:30 p.m.
15 We have not had an overwhelming number of
16 calls in the last few minutes, so if you do call in
17 now, you should be able to get -- we should be able
18 to get to you fairly quickly. When you do call in,
19 your device is muted upon entry into the system.
20 Please do not attempt to unmute your device on your
21 own.
22 I did notice on the screen earlier that we
23 had an individual in District 6 standing at the
24 podium for a few minutes or for a minute or so.
25 Is there someone in District 6 that would

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1 like to make some comments at this point in time?
2 UNIDENTIFIED SPEAKER: No, thank you.
3 MR. BYWATER: Okay. Thank you. Let's go
4 back to District 1, then, up in Coeur D'Alene. Is
5 there anyone in District 1 that would like to make
6 comments at this time?
7 UNIDENTIFIED SPEAKER: No, sir.
8 MR. BYWATER: Thank you. Thank you for
9 staying with us there. Let's move to District 2 in
10 Lewiston. Is there anyone in Lewiston that would
11 like to make comments at this time?
12 UNIDENTIFIED SPEAKER: No, sir. We have no
13 comment.
14 MR. BYWATER: Thank you. District 4,
15 Shoshone, is there anyone present that would like to
16 make comments at this time?
17 UNIDENTIFIED SPEAKER: No. There's no one
18 present here.
19 MR. BYWATER: Thank you. District 5,
20 Pocatello, is there anyone present that would like to
21 make comments?
22 UNIDENTIFIED SPEAKER: Not at this time.
23 MR. BYWATER: Thank you. And we already
24 talked to District 6, so do we have any callers at
25 this time?

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1 UNIDENTIFIED SPEAKER: We do not.
2 MR. BYWATER: Okay. Is there anyone in the
3 auditorium here at headquarters that would like to
4 make some comments?
5 (No response.)
6 MR. BYWATER: I guess not. Anyone on
7 WebEx?
8 UNIDENTIFIED SPEAKER: No, there is not.
9 MR. BYWATER: Okay. Well, once again,
10 then, we're going to take a break. We'll close the
11 hearing down -- or not close the hearing down. We'll
12 just take a break for -- until 7:00. We'll check
13 back at seven and see if there is anyone interested
14 at that time in making comments.
15 (A break was taken.)
16 MR. BYWATER: Welcome back. We will now
17 resume the hearing. For those of you that may have
18 just joined us, we want to welcome you to the Idaho
19 Transportation Department's Negotiated Rulemaking
20 Hearing regarding the rules governing the permitting
21 process and safety requirements for loads that are
22 required to operate under a permit.
23 My name is Steve Bywater and I am the
24 moderator for today's hearing. We're receiving
25 comments through the WebEx program, by telephone, and

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1 through in-person appearances at the ITD offices
2 around the state. The hearing comment lines will
3 remain open until 7:30 p.m. We are rotating the
4 opportunity to comment among all those waiting around
5 the state, and we will unmute the device or
6 microphone of one person at a time.
7 I'd like to start with the districts.
8 District 5, is there someone in your hearing room
9 that would like to make comments?
10 UNIDENTIFIED SPEAKER: No, there isn't.
11 MR. BYWATER: Okay. District 6 in Rigby,
12 is there anyone in your hearing room that would like
13 to make comments?
14 UNIDENTIFIED SPEAKER: Not at this time.
15 Thank you.
16 MR. BYWATER: Thank you. District 4,
17 Shoshone, anyone in your hearing room that would like
18 to make comments at this time?
19 UNIDENTIFIED SPEAKER: Not at this time.
20 Thank you.
21 MR. BYWATER: Okay. District 2, anyone
22 present in the hearing room that would like to make
23 comments?
24 UNIDENTIFIED SPEAKER: We're present, sir,
25 and no comments.

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1 MR. BYWATER: Thank you. And District 1,
2 Coeur D'Alene, is there anyone in your hearing room
3 that would like to make comments?
4 UNIDENTIFIED SPEAKER: No, sir.
5 MR. BYWATER: Thank you. Okay. Do we have
6 any callers on WebEx?
7 UNIDENTIFIED SPEAKER: We do not.
8 MR. BYWATER: Callers at this time? Is
9 there anyone in the auditorium here at headquarters
10 that would like to make comments at this time?
11 (No response.)
12 MR. BYWATER: It does not appear so. We
13 will now take a break until 7:15 and check again to
14 see if there's anyone interested in making comments.
15 Thank you.
16 (A break was taken.)
17 MR. BYWATER: Welcome back. For those of
18 you that may have just joined us, we want to welcome
19 you to the Idaho Transportation Department's
20 Negotiated Rulemaking Hearing regarding the rules
21 governing the permitting process and the safety
22 requirements for loads that are required to operate
23 under a permit.
24 My name is Steve Bywater, and I'm the
25 moderator for today's hearing. We have been

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1 receiving comments through the WebEx program, by
2 telephone, and through in-person appearances at the
3 ITD offices around the state. The hearing comment
4 lines will be open until 7:30 p.m. mountain time.
5 I want to remind you that as you login to
6 WebEx or call in by telephone, your device is muted
7 upon entry into the system. Please do not attempt to
8 unmute your device on your own. We've been rotating
9 the opportunity to comment among all those waiting
10 around the state, and we just need to cycle through
11 the districts again and the headquarters, as well as
12 check the lines and the WebEx program to see if we
13 have any individuals ready to make comments at this
14 point in time.
15 So, let's start with District 1. District
16 1, is there anyone present that would like to make a
17 comment at this time?
18 UNIDENTIFIED SPEAKER: No, sir.
19 MR. BYWATER: Thank you. District 2,
20 Lewiston, is there anyone present that would like to
21 make a comment at this time?
22 UNIDENTIFIED SPEAKER: No comment.
23 MR. BYWATER: Thank you. District 4,
24 Shoshone, is there anyone present that would like to
25 make a comment at this time?

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1 UNIDENTIFIED SPEAKER: Not at this time.
2 Thank you.
3 MR. BYWATER: Thank you. District 5,
4 Pocatello, is there anyone present there that would
5 like to make a comment at this time?
6 (No response.)
7 MR. BYWATER: It does not look like there
8 is anybody. District 6, Rigby, is there anyone
9 present there that would like to make a comment at
10 this time?
11 UNIDENTIFIED SPEAKER: Not at this time.
12 MR. BYWATER: Very good. Thank you. Here
13 in ITD headquarters in Boise, anyone present in the
14 auditorium that would like to make a comment at this
15 time?
16 (No response.)
17 MR. BYWATER: All right. Thank you. It
18 does not appear that there is. Do we have any
19 callers on the line?
20 UNIDENTIFIED SPEAKER: We do not.
21 MR. BYWATER: Okay. Anyone signed into
22 WebEx?
23 UNIDENTIFIED SPEAKER: We do not.
24 MR. BYWATER: Okay. We'll take our final
25 break at this time. We'll sign back on at about 7:28

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1 to see -- make one last check and see if there's
2 anyone interested in commenting before we close the
3 hearing. Thank you.
4 (A break was taken.)
5 MR. BYWATER: I think the District 5 guy
6 gave up.
7 UNIDENTIFIED SPEAKER: Want me to unmute
8 those two?
9 MR. BYWATER: Okay. Welcome back. We're
10 nearing the end of the hearing. If there's anyone on
11 the line that would still like to comment, I will
12 remind you that this is the Idaho Transportation
13 Department's, excuse me, Negotiated Rulemaking
14 Hearing regarding the rules governing the permitting
15 process and safety requirements for loads that are
16 required to operate under a permit.
17 My name is Steve Bywater, and I am the
18 moderator for today's hearing. We are about to close
19 the hearing down. I want to cycle through the
20 districts one more time.
21 I see a very patient gentleman sitting
22 there in District 1 in Coeur D'Alene who's been with
23 us the whole time. Sir, is there anyone there that
24 would like to comment?
25 (No response.)

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1 MR. BYWATER: Sorry, we couldn't hear you.
2 (No response.)
3 MR. BYWATER: Apparently, we can't -- we've
4 lost the audio from District 1, but I'm assuming
5 there is no one there, so we'll move to District 2.
6 Is there anyone in District 2 that would
7 like to comment at this point in time?
8 (No response.)
9 MR. BYWATER: No one there. District 4,
10 Shoshone, anyone present that would like to comment?
11 (No response.)
12 MR. BYWATER: I think we might have lost
13 the audio feed from all districts. District 5, there
14 was no one there last time. I haven't seen any
15 change. District 6, can you hear me?
16 (No response.)
17 MR. BYWATER: Okay. I -- since we can't
18 hear you, we won't be able to take comments if there
19 were somebody, and there is no one there. So, we do
20 have a couple of callers on the line, and I'm going
21 to try to give them one more chance.
22 Caller, can you hear me?
23 (No response.)
24 MR. BYWATER: We are going to close the
25 hearing down now. We appreciate your attendance and

1 listening in. If there's anything you'd like to say,
2 this is the opportunity. If not, we're going to mute
3 the line and shut it down. Thank you.

4 Oh, we have one WebEx person?

5 UNIDENTIFIED SPEAKER: Yes.

6 MR. BYWATER: We have one last WebEx
7 caller. This will be the last opportunity to make
8 comments. Is there anyone there that would like to
9 make comments at this point in time?

10 MR. KINZER: Hey, Mr. Bywater. It's still
11 Cameron Kinzer, and I'm still just listening in. I
12 just heard the double beep, so I thought I'd let you
13 know.

14 MR. BYWATER: Excellent. Cameron, thank
15 you. You're a trooper to stay on the line through
16 everything. I appreciate your input. We're going to
17 shut the line down now, so you're free to go get
18 dinner.

19 MR. KINZER: All right. Thank you.

20 MR. BYWATER: Thank you, sir. Okay.
21 Anyone here in the auditorium?

22 (No response.)

23 MR. BYWATER: Does not look like it. So,
24 we'll call this hearing. It's 7:30. We'll call this
25 hearing officially to a close and close the record.

1 Thank you. Gentlemen, thanks for being here.
2 (The hearing was concluded.)

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1 REPORTER'S CERTIFICATE

2
3 I, KAMRA TOALSON, CSR No. 756, Certified
4 Shorthand Reporter, certify:

5 That the audio recording of the proceedings
6 were transcribed by me or under my direction.

7 That the foregoing is a true and correct
8 transcription of all testimony given, to the best of
9 my ability.

10 I further certify that I am not a relative or
11 employee of any attorney or party, nor am I
12 financially interested in the action.

13 In witness whereof, I set my hand and seal this
14 1st day of June, 2016.

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KAMRA TOALSON, CSR NO. 756
Notary Public
Post Office Box 2636
Boise, Idaho 83701-2636
My commission expires May 23, 2018

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