

DISTRICT ONE TOUR AND REGULAR MEETING
OF THE IDAHO TRANSPORTATION BOARD

July 27-28, 2016

The Idaho Transportation Board met at 7:30 AM on Wednesday, July 27, 2016 in Coeur d'Alene, Idaho. The following principals were present:

Jerry Whitehead, Chairman
Lee Gagner, Vice Chairman – District 6
Janice B. Vassar, Member – District 2
Julie DeLorenzo, Member – District 3
Jim Kempton, Member – District 4
Dwight Horsch, Member – District 5
Brian W. Ness, Director
Scott Stokes, Chief Deputy
Larry Allen, Lead Deputy Attorney General
Sue S. Higgins, Executive Assistant and Secretary to the Board

District 1 Tour. The Board traveled north on US-95. District 1 Engineer (DE) Damon Allen reported that ITD was recently awarded a \$5.1 million federal grant for the US-95 North Corridor Access Improvement project, in partnership with Kootenai Metropolitan Planning Organization. A number of accesses will be closed and several intersections improved, increasing safety and traffic flow.

In Athol, the Board toured the Chilco Mill and heard about some of the business's transportation issues. The Board traveled to Empire Airlines in Hayden where it learned about the company's drone activities and toured the facility where aircraft are inspected and repaired.

The Board traveled local roads to the Kootenai Technical Education Center in Rathdrum. It toured the facility and learned about the various technical programs offered to high school juniors and seniors.

The Board returned to Coeur d'Alene on local roads and SH-53 and SH-41.

WHEREUPON, the tour ended at 2:15 PM.

July 28, 2016

The Board convened at 8:00 AM on Thursday, July 28, 2016 at the District 1 Office, Coeur d'Alene, Idaho. All members were present except Jim Coleman, District 1.

Board Minutes. Member DeLorenzo made a motion to approve the minutes of the regular Board meeting held on June 15-16, 2016 as submitted. Member Vassar seconded the motion and it passed unopposed.

Board Meeting Dates. The following meeting dates and locations were scheduled:
August 17-18, 2016 – District 6
September 27-28, 2016 – District 4
October 19-20, 2016 – Boise

Consent Items. Vice Chairman Gagner made a motion, seconded by Member Vassar, and passed unopposed, to approve the following resolution:

RES. NO. WHEREAS, consent calendar items are to be routine, non-controversial, self-
ITB16-27 explanatory items that can be approved in one motion; and

WHEREAS, Idaho Transportation Board members have the prerogative to remove items from the consent calendar for questions or discussion.

NOW THEREFORE BE IT RESOLVED, that the Board approves the addition of the State FY16 On-the-Job Training/Supportive Services Heavy Equipment Operator and Commercial Driver's License training; a cost increase to State, Meridian Maintenance Yard Replacement Facilities; adjustments to the Transportation Alternatives Program FY16 Urban/Rural Program; the addition of SH-52, Washington Avenue Railroad Crossing, Emmett to FY16; the advance of STC-6786, 5000 South; US-20 to Archer Lyman Highway to FY16; an increase to the Off System, Grange Avenue Union Pacific Railroad Crossing project, Post Falls; the Ora Bridge, Fremont County - HDR extension; and contract awards.

1) Add State FY16 On-the-Job Training/Supportive Services Heavy Equipment Operator and Commercial Driver's License (CDL) Training to the Statewide Transportation Improvement Program (STIP). The Department applied for and was awarded a Federal Highway Administration (FHWA) grant for Ladders of Opportunity Initiative for Heavy Equipment Operator and CDL training and certification. The main goal of this grant is to provide training to underrepresented groups and after graduation, to help fill employment opportunities with local contractors. The \$198,076 grant will fund a five-week program that includes activities such as marketing, recruitment, classroom training, job fairs, and placement activities. Staff also requested approval to amend the STIP.

2) Cost Increase to State, Meridian Maintenance Yard Replacement Facilities. The Meridian maintenance yard was displaced by the I-84, Meridian Interchange reconstruction project. The District has been working to identify a new location for the maintenance yard. The District estimates \$1.5 million is needed to purchase the land. It requested an increase to the FY17 State, Meridian Maintenance Yard Replacement Facilities project, key #19772 of \$1.5 million in State Funds and to amend the STIP.

3) Adjustments to the Transportation Alternatives Program (TAP) – Urban/Rural. The City of New Plymouth requests delaying the \$125,000 off system, Horseshoe Park Pathway project, key #18580, from FY16 to FY17. The following sponsors request the removal of their projects: City of Ketchum, SH-75 South, Sun Valley Road and East Avenue Bulb-outs, key #18759, \$53,000; City of Hazelton, off system, Middleton Avenue Sidewalk, key #18937, \$75,000; and City of Mountain Home, SMA-8043, North 18th East Street Sidewalk and Ditch

Pipe, key #19032, \$43,000. Unused funding due to these actions will be redistributed by the TAP Manager per Administrative Policy 5081. Staff also requests approval to amend the STIP.

4) Add SH-52, Washington Avenue Railroad Crossing, Emmett to FY16. This \$200,000 railroad crossing safety improvement project on SH-52, Washington Avenue, will make upgrades to insulated concrete planking and LED lights. ITD's funding will cover the materials for the project while Idaho Northern Pacific Railroad will install the improvement features. The funds are available through the unobligated balance in the Safety-Federal Rail Program. Staff also requests approval to amend the STIP.

5) Advance STC-6786, 5000 South; US-20 to Archer Lyman Highway to FY16. Madison County requests the advancement of the \$2.3 million STC-6786, 5000 South; US-20 to Archer Lyman Highway project, key #11681, from FY18 to FY16. The funds to cover the project advancement are available through the unobligated balance in the Surface Transportation Program – Local Rural Program along with cost savings from the East Oneida Street project. Staff requests that this project be advanced and that the STIP be amended accordingly.

6) Increase Budget on Off System, Grange Avenue Union Pacific Railroad Crossing, Post Falls. An increase of \$240,000 is being requested on the FY17 off system, Grange Avenue Union Pacific Railroad Crossing project, key #19498. The project will install gates, signals, and advance warning signs, and replace the crossing surface with insulated concrete planking. The funds are available through the unobligated balance in the State Rail Program. The Kootenai Metropolitan Planning Organization is expected to modify its Transportation Improvement Program at its August 11 meeting. Staff requests this budget increase and to amend the STIP.

7) Ora Bridge, Fremont County – HDR Extension. Staff requests approval to exceed the \$1,000,000 limit for consultant work on the Ora Bridge Project, Fremont County, key #12122. In 2010, HDR was selected to perform engineering design services for the replacement of the bridge on East 1300 North. The environmental document was approved in 2013 and included a No-Effects statement. In November 2015, FHWA raised questions regarding the right-of-way environmental re-evaluation and the No-Effects on the Ute Ladies Tresses endangered species. HDR had completed surveys in the project area for the Ute Ladies Tresses. FHWA required additional studies and requested the Ute Ladies Tresses specialist be hired to perform these studies. The current value of HDR's contract is \$1,024,800. The additional services are estimated to cost \$13,000.

8) Contract Awards for Approval. The low bids on the following projects were more than ten percent over the engineer's estimate, requiring justification. The main difference between the engineer's estimate and low bid on key #13868 – Intersection Mullan Avenue and Idaho Street, Post Falls, District 1, was in the Traffic Signal Installation. The items included in this bid item were sole source, so must be used. There are no discrepancies showing this bid is irregular. The City of Post Falls and Local Highway Technical Assistance Council (LHTAC) recommend awarding the contract: Low bidder: Thorco, Inc. - \$138,350.

In analyzing the bids on key #13892 – Webb Ridge Road; Webb Road to Flat Iron Road, District 2, no one thing triggered the higher bids. Based on the contractor location, it appears that proximity to the job site might be the difference. There are no discrepancies showing this bid is

irregular. Nez Perce County and LHTAC recommend awarding the contract: Low bidder: Frank Gurney Inc. - \$41,113.

Informational Items. 1) Annual Report of Activities to the Board of Examiners. ITD did not submit any requests to the Board of Examiners for FY16.

2) State FY16 Financial Statements. Revenues to the State Highway Account from all sources were ahead of projections by 4% at the end of May. Of that total, receipts from the Highway Distribution Account and Fuel/Registration were ahead of forecast by 5.5% or \$12.1 million. State revenues to the State Aeronautics Fund were ahead of projections by 21.2% or \$437,000. Expenditures were within planned budgets. Personnel costs had a savings of \$11.1 million or 10.2% due to vacancies and timing between a position becoming vacant and being filled. Expenditures in Contract Construction were below last year for the time period July 1 through May 31 by 5%.

The balance of the long term investments was \$109.5 million at the end of May. These funds are obligated against construction projects and encumbrances. This investment amount and the \$95 million in cash are the largest combined cash/investments balance as of the end of May in any of the previous four years. Factors contributing to this include reduced construction payouts, personnel savings, the new revenue approved by the Legislature in 2015, and revenue coming in ahead of the forecast in both FY15 and FY16. Expenditures for GARVEE projects through May exceeded \$18 million. The final amount of bond proceeds has been paid out on authorized project expenses and the final accounting transactions for the GARVEE projects fund were completed in June.

3) Monthly Reporting of Federal Formula Program Funding through June. Idaho's FY16 obligation authority is \$270.9 million. This corresponds to \$267.8 million with match after a reduction for indirect costs. Idaho received its full year of \$289.8 million formula apportionments from the Fixing America's Surface Transportation Act. Obligation authority is 93.5% of apportionments. Of the \$267.8 million allotted, \$84.2 million in funding remains.

4) Non-Construction Professional Service Contracts Issued by Business and Support Management (BSM). The BSM Section processed one professional service agreement for \$102,525 during the previous month.

5) Contract Awards and Advertisements. Key #13945 – FY17 District 3 Bridge Deck Life Extension. Low bidder: Cannon Builders, Inc. - \$1,074,911.

The list of projects currently being advertised was provided.

6) Professional Services Agreements and Term Agreement Work Tasks Report. From May 31 through June 30, 32 new professional services agreements and work tasks were processed, totaling \$2,827,011. One supplemental agreement to an existing professional services agreement was processed during this period in the amount of \$11,800.

7) Mid-Year Additions to the Idaho Transportation Investment Program. Staff added projects to the State Program so FY16 money could be obligated and development work could

begin, allowing these projects to meet delivery schedules for their proposed construction years. The projects were proposed in the draft FY17-21 ITIP. The projects and the FY16 Preliminary Staff Engineering or Preliminary Consultant Engineering costs are key #19810, SH-21, Rockfall Mitigation, Milepost 36-105, \$10,000; key #19814, I-84, Karcher Interchange Improvements, \$10,000; key #19808, SH-78, FY17 Owyhee County Sealcoats, \$10,000; key #19809, SH-51, Nevada State Line to Junction SH-78, \$10,000; key #19815, US-91, Junction SH-34 to North 8th West, \$110,000; key #19816, US-91, Shelley City Limits, \$100,000; key #19811, FY18 District 6 Ballast Stabilization, \$400,000; key #19812, FY19 District 6 Ballast Stabilization, \$250,000; and key #19813, SH-33, Henry's Fork Snake River Bridge to US-20, \$220,000.

8) Administrative and Legal Settlements of Right of Way Acquisitions. From January 1 through June 30, 2016, the Right of Way Section processed 28 parcels. Of those, 15 parcels had administrative settlements totaling \$225,313. There were no legal settlements during this time.

Director's Report. Director Ness thanked District 1 for its hospitality. He reported on his recent employee visits in the District and its innovations. He mentioned various awards and commendations the Department received, including the Western Association of State Highway and Transportation Officials' (WASHTO) America's Choice Award for the District 5 South Valley Connector project and the GARVEE Program. He also mentioned that the SH-14 landslide and US-20, Broadway Bridge projects are proceeding well.

Chief Human Resources Officer Brenda Williams provided an update on the WASHTO Emerging Leaders Program. All 18 WASHTO states pledged support for Director Ness to sponsor the program for three years.

The Division of Aeronautics has completed standard operating procedures for the Stanley Airport, according to Chief Deputy Stokes. He expressed concern with the increasing fatalities on Idaho's roadways and nationally. The Department is implementing a new program to display safety messages on dynamic message signs. He also mentioned that a recent National Transportation Institute survey found that highway safety is a major concern of Americans.

Chief Operations Officer (COO) Jim Carpenter said the preliminary right-of-way plans for the US-95, Thorn Creek to Moscow project are expected to be submitted this week. The US-20, Thornton Interchange project is a little over budget, but is on schedule. The US-95, Council Alternate Route project is also running over budget, but is ahead of schedule. The US-20, Broadway Bridge project should be completed in early September. It is also over budget at this time. The SH-14 landslide cleanup is ahead of schedule. The additional projects funded with the 2015 revenue increase and Surplus Eliminator are progressing well. ITD should receive approximately \$11 million in FY16 general fund surplus revenue for the Strategic Initiative Fund. The Department has approximately \$26 million in projects ready to be funded with that revenue. To date, 23 of the Department's 107 FY17 projects are ready for advertisement. The winter serious injury and fatal crashes have been decreasing the past couple of years in spite of an increase in vehicle miles traveled. In conclusion, COO Carpenter said the horizontal career path for the transportation technician series appears to be successful. He is proud of the employees' efforts on the mobility metrics.

Member Vassar congratulated COO Carpenter and staff for their winter maintenance efforts, resulting in fewer fatal and serious injury crashes.

In response to Member Horsch's question on the reasons for the major projects' cost overruns, COO Carpenter said there are a variety of causes, including unexpected material was found at the US-20, Thornton Interchange site that required removal. A number of other projects are currently under budget, so overall, he believes the construction budget is on schedule.

The Director's entire report can be viewed at <http://itd.idaho.gov/Board/report.htm>.

Delegation – Bonner County Area Transportation Team (BCATT). BCATT Chairman Glen Bailey provided background on the Team, created to address the County's transportation issues. He thanked the Board for visiting District 1 and the District employees for their valuable partnership. He also noted LHTAC's assistance. BCATT recently created an Urban Area Cabinet to address the municipalities' transportation needs. The Team is learning about 129,000 pound truck issues and is working with LHTAC on the permitting process. It is also working closer with utilities to coordinate projects. He thanked the Board for the numerous improvements to the area's transportation system, particularly to US-95. He believes the projects are saving lives, and he encouraged the Board to continue improving the major north-south route.

Chairman Whitehead thanked BCATT Chairman Bailey for his comments.

Delegation – Bonner County Road and Bridge. Don Hutson, Bonner County Road and Bridge Supervisor, said the County is responsible for approximately 700 miles. He commended the great relationship the County has with ITD and thanked the Board for the improvements to US-95. He was recently asked to serve on the LHTAC Technology Transfer Center (T2) Board. He expressed appreciation for the T2's Road Master Program, which he believes is very valuable.

Chairman Whitehead thanked Mr. Hutson for his remarks.

Delegation – City of Sandpoint. Sandpoint Mayor Shelby Rognstad thanked the Board for visiting northern Idaho. He expressed appreciation for numerous improvements that have been made to the transportation system in the area. He also acknowledged LHTAC's assistance. The Urban Area Cabinet is in the process of updating the 2005 Urban Plan, as there have been numerous changes to the area's transportation system. He encouraged the Board to identify additional Surface Transportation Program funding for municipalities. He also requested improvements to the US-95 and Lake Shore Drive intersection near the Long Bridge.

Chairman Whitehead thanked Mayor Rognstad for his remarks.

Delegation – City of Ponderay. Ponderay Mayor Steve Geiger thanked the Board for its time, for visiting District 1, and for the improvements that have been made to the transportation system. He believes some recent projects, specifically the Sandpoint Byway and widening to Kootenai Cutoff, have added value to the community. Ponderay is working with the City of Sandpoint on improvements to Schweitzer Cutoff Road. He encouraged the Board to address

improvements to US-2 and SH-200, and added that the Urban Area Cabinet is working on prioritizing the transportation needs.

Chairman Whitehead thanked Mayor Geiger for his comments.

Delegation – City of Kootenai. Kootenai Mayor Nancy Lewis thanked the Board for its time. The community has concerns with SH-200 traffic, particularly the truck traffic. She also noted that small communities need a better source of transportation funding.

Chairman Whitehead thanked Mayor Lewis for her comments.

Delegation – City of Dover. Dover Mayor Annie Shaha said the community is pleased with the new US-2, Dover Bridge; however, it has created challenges, especially with the bike/pedestrian pathway. District 1 has been a valuable partner and is addressing some of the identified concerns, such as striping the eastbound path. She thanked the Board for its service and committed to working collaboratively on the area's transportation issues.

Chairman Whitehead thanked Mayor Shaha for her remarks.

Delegation – Selkirks-Pend Oreille Transit (SPOT). Carol Kunzeman thanked the Board for its time. She summarized SPOT's history and the growth it has experienced the past five years. The transit service averages between 2,000 and 2,500 riders per month. Efforts are underway to expand service to the region.

The Board thanked Ms. Kunzeman for the informative report and commended SPOT for its grass roots effort and the valuable service it is providing.

Delegation – Boundary County Road and Bridge. Boundary County Road and Bridge Supervisor Clint Kimball emphasized the importance of safety. He said it is difficult for the County's small Road and Bridge Department to keep up with the area's needs. It is focusing on spending its limited funds wisely. He thanked the Board for improvements to US-95 and said he wants to partner with ITD on transportation issues. He expressed concern with a steel truss county bridge that is often hit by over-height vehicles. ITD's Port of Entry crews and Idaho State Police have provided some assistance and conducted truck inspections near the bridge, which resulted in numerous citations and out of service orders.

Member Kempton asked if the County issues truck permits. Mr. Kimball replied that it relies on ITD for permitting. Noting the height restrictions on the bridge, Member Kempton asked why the County does not issue permits so it can control the trucks that legally travel on the bridge. Mr. Kimball responded that he has been in his position for less than a year. He is not familiar with the history, but believes there are concerns with the County's limited resources to issue and enforce permits.

Member Horsch questioned the liability of the trucks that hit the structure. Mr. Kimball said citations are issued occasionally and sometimes the truck's insurance company is billed for damages.

Chairman Whitehead thanked Mr. Kimball for his comments.

Delegation – City of Bonners Ferry. Bonners Ferry Mayor David Sims thanked the Board for improvements to US-95 and for the projects in Bonners Ferry that are included in the draft STIP, which should improve safety and economic opportunities. He also commended District 1 for its outreach and partnership.

Chairman Whitehead thanked Mayor Sims for his comments.

Delegation – City of Athol. Athol Mayor Bob Wachter thanked the Board for visiting northern Idaho and for the improvements to US-95. He would like to partner with ITD on improvements to SH-54.

Chairman Whitehead thanked Mayor Wachter for his remarks.

Delegation – City of Kellogg. Kellogg Mayor Mac Pooler said the City is investing in its infrastructure. He thanked District 1 for its assistance and the good working relationship. This is his final year as LHTAC Chairman. He expressed appreciation for the Council and its assistance to small communities.

Chairman Whitehead thanked Mayor Pooler for his service to the City of Kellogg and LHTAC.

Delegation – Shoshone County. Shoshone County Commissioner Jay Huber thanked the Board for its time, for visiting District 1, and for its service to the state. He also expressed appreciation for LHTAC's assistance. Funding transit is a challenge since the match requirement increased. A County team meets on a regular basis to coordinate issues and stay informed on activities.

Chairman Whitehead thanked Commissioner Huber for the report.

Delegation – Benewah County. Benewah County Commissioner Phil Lambert thanked the Board for the numerous transportation projects in the region. He said improvements are also needed on SH-3 and to the railroad underpass on SH-5. He expressed frustration with the delay on the SH-5 bridge project near Plummer, which was started in March 2015 and has not been completed yet. In conclusion, he said he does not believe the northern Idaho roads can handle 129,000 pound trucks due to safety, maintenance, and enforcement issues.

Chairman Whitehead thanked Commissioner Lambert for his comments.

Adopt-A-Highway Presentation (AAH) and Operation Wildflower Overview. DE Allen thanked the Happy Family Women's Club for participating in the AAH Program. He recognized the group for picking up litter since 2005, providing a valuable service to the state. He also commended the group for participating in the Operation Wildflower Program.

Robin Karsann, AAH Coordinator, summarized the AAH Program. The District's 230 volunteer organizations logged 3,235 hours picking up 111,825 pounds of litter from January 1

through June 30, 2016. The groups saved ITD \$73,500. AAH groups are being encouraged to participate in the Operation Wildflower Program. Wildflowers along highways improve safety because the flowers decrease highway hypnosis and provide a visual stimulation, provide economic benefits because of the beautification of the area, provide agricultural benefits due to pollination, and decrease maintenance costs.

Chairman Whitehead thanked the Happy Family Women's Club for its valuable service and Ms. Karsann for the summary on those important programs.

Delegation – Valencia Wetlands Trust. Donna Collier, Managing Partner, Valencia Wetlands Trust, provided an overview on the wetlands banking program and several parcels that have been rehabilitated in District 1. It fulfilled the wetlands banking requirements for the US-95, Garwood to Sagle project. Some of the offsets that are available from Valencia Wetlands Trust include flood attenuation, long- and short-term surface water storage, sediment stabilization, and habitat for federally listed or proposed threatened or endangered plants or animals. Valencia Wetlands Trust also assumes the legal liability, acquires the necessary permits, meets FHWA mandates for the use of wetland banks, and offers performance based contracts for specific projects.

Chairman Whitehead thanked Ms. Collier for the overview on Valencia Wetlands Trust.

Delegation – Great Northern Corridor Coalition. Ron Pate, Director - Rail, Freight, and Ports Division, Washington Department of Transportation, said the Great Northern Corridor Coalition's focus is on the freight infrastructure from Chicago, Illinois to Pacific Ocean ports in Washington and Oregon via Wisconsin, Minnesota, North Dakota, Montana, and Idaho. Although the main focus of the corridor is the rail network, other infrastructure such as highways and ports are also crucial components. Some of its goals are to enhance economic vitality and global competitiveness, support efficiencies to reduce transportation carbon footprint, support freight compatible land use development along the corridor, and encourage optimal modal freight movement. The Coalition also helps identify major needs and establish priorities.

Chairman Whitehead thanked Mr. Pate for the information on the Coalition.

Toward Zero Deaths Awards. Communication Manager Vince Trimboli congratulated Boundary County for having zero traffic fatalities in 2015. He thanked ITD's partners for their efforts to address highway safety. Both Idaho State Police and Boundary County commended the various partners involved in this highway safety accomplishment.

Executive Session on Personnel and Legal Issues. Member Vassar made a motion to meet in executive session at 11:55 AM to discuss personnel and legal issues as authorized in Idaho Code Section 74-206, (b), (d), and (f). Member Horsch seconded the motion and it passed 4-0 by individual roll call vote. Although Member DeLorenzo was not present for the vote, she attended the executive session.

Discussions were held on personnel and legal matters.

The Board came out of executive session at 1:55 PM.

District 1 Report. DE Allen reported on some of the District's performance metrics. It delivered 19 of the planned 23 FY16 projects on time. Eighty-three percent of the pavement is in good condition, exceeding the goal of 82%. Seventy-one percent of the bridges are in good condition, which is below the goal of 80%. The winter mobility goal of 60% was exceeded, as the District's roads were not significantly impeded 87% of the time.

The District is partnering with Kootenai Metropolitan Planning Organization on the US-95, North Corridor Access Improvement project. It is working with the Kootenai Health Medical Center on improvements to the US-95 and Ironwood intersection; the City of Sandpoint on reconfiguring traffic on US-2; and the City of Coeur d'Alene on the Coeur d'Alene Lake Drive master plan. He summarized some of the District's innovations such as the de-icing tank coupler, stainless steel truck plates, and sliding girder installer. He also mentioned efforts to implement the 2020 workforce plan and to improve the organizational culture.

The Board commended DE Allen and his staff for their accomplishments and the excellent relationships they have established with the Department's various partners.

Dealer Advisory Board (DAB) Legislative Idea for 2017. DAB Member Bobby Petersen said the DAB is concerned with individuals that have been convicted of violations as a dealer but are issued salesman licenses. After receiving salesman licenses, they have family members or friends establish dealerships and then employ them as salesmen; however, they generally run the dealership and commit similar violations, which can harm the public and financial institutions. DAB Member Petersen presented a legislative idea to address this concern.

Chairman Whitehead thanked DAB Member Petersen for the proposal and said the Board will take it under advisement. He also asked staff to review the concept.

Update on Road User Charges and the Western Road User Charge Consortium. Transportation Legislation Policy Specialist (TLPS) Matt Moore said states are continuing to explore alternative funding mechanisms. The gas tax is growing less fair and is resulting in less revenue as vehicles become more fuel efficient. One approach is to tax a vehicle based on the number of miles it is driven. A number of states are studying road user charges, either through a pilot project or by examining the feasibility of an alternative funding source. Idaho is part of a consortium that was established to build public sector institutional knowledge and develop expertise for the potential of mileage-based road usage charging. Idaho is monitoring the activities, but is not actively exploring a road user charge system.

Chairman Whitehead thanked TLPS Moore for the informative update.

Truck Permitting Negotiated Rules. Ramon Hobdey-Sanchez, Governmental Affairs Program Specialist (GAPS) said a negotiated rulemaking meeting was held at the end of June on the five draft rules the Board advanced at its regular June meeting. This resulted in several changes to the draft rules the Board advanced at its June 16 meeting. Some of those rules had options for the Board to consider.

Member Kempton made a motion to revise the language in the rules that addressed braking systems to state "no vehicle or vehicle combinations shall operate with mixed brake

systems between tractor and trailers.” Member Vassar seconded the motion and it passed unopposed.

GAPS Hobdey-Sanchez said no changes are proposed for IDAPA 39.03.06, Rules Governing Allowable Vehicle Size. He presented three options for IDAPA 39.03.12, Rules Governing Safety Requirements of Overlegal Permits.

Member Kempton made a motion to proceed with option 2, which includes the restriction of mixed brake systems. Member Vassar seconded the motion and it passed unanimously.

Three options for IDAPA 39.03.15, Rules Governing Excess Weight Permits for Reducible Loads were presented.

Member Kempton made a motion to adopt option 1, retaining an opt-out clause for the local permitting process. Member Vassar seconded the motion. Member Kempton believes this option promotes interstate safety, interstate commerce, law enforcement, and efficiency. He said in discussing this option with local road officials, they cited cost as the main reason why they don't issue permits. They don't have the staff to issue permits or coordinate with law enforcement. He believes issuing permits should be a consistent process from jurisdiction to jurisdiction, which would promote intrastate commerce. He also referenced this morning's discussion with the Boundary County Road and Bridge Supervisor, who stated that it does not issue permits because of the cost and law enforcement issues.

The motion passed unopposed.

Three revisions to IDAPA 39.03.22, Rules Governing Overlegal Permits for Extra-Length, Excess Weight, and Up to 129,000 Pound Vehicle Combinations were presented.

Member Kempton made a motion to approve option 2, with restriction of mixed brake systems. Member Horsch seconded the motion. Member Horsch believes restricting mixed brake systems will enhance safety. As a truck driver, he knows the dangers of vehicle configurations that have mixed brake systems between the tractor and trailers.

The motion passed unanimously.

GAPS Hobdey-Sanchez said a revision was made to IDAPA 39.03.23, Rules Governing Revocation of Overlegal Permits since the draft was presented to the Board last month. Language was added to clarify that out-of-service orders relate to Part 386 of the Federal Motor Carrier Safety Regulations.

Member Kempton made a motion to accept the revision to IDAPA 39.03.23. Vice Chairman Gagner seconded the motion and it passed unopposed.

Member Kempton made a motion, seconded by Member Vassar, and passed unanimously, to approve the following resolution:

RES. NO. WHEREAS, the Office of the Governor of Idaho has requested that the Idaho
ITB16-28 Transportation Board and Idaho Transportation Department initiate the negotiated
rulemaking process concerning permitting for commercial motor vehicles; and

WHEREAS, the Board, at the June 16, 2016 Board meeting reviewed the truck
permitting draft rules for advancement in the negotiated rulemaking process; and

WHEREAS, for the five draft rules, staff held a negotiated rulemaking meeting on
June 29 and had an open public comment period from June 16-July 8, 2016; and

WHEREAS, staff has presented draft rules based on comments submitted via the
negotiated rulemaking process.

NOW THEREFORE BE IT RESOLVED, that the Board directs staff to proceed to
the formal proposed rulemaking process and advance the following proposed
rules:

39.03.06 deals with allowable length and overhang;

39.03.12 deals with inspections and brake requirements: option 2 with restriction
of mixed brake systems;

39.03.15 deals with 129,000 pound harmonization on the interstates and truck
permitting: option 1 retaining the opt-out language;

39.03.22 deals with brakes and driver qualifications/requirements: option 2 with
restriction of mixed brake systems; and

39.03.23 deals with revocation of permits due to Out-of-Service by Federal Motor
Carrier Safety Administration.

Policy Introduction. Russ Rivera, Civil Rights Contract Compliance Officer, said a new
Board Policy, #4083 Title VI/Nondiscrimination Policy, was developed due to an FHWA
review. A corresponding administrative policy was also created.

Member Kempton made a motion to approve Board Policy 4083 Title
VI/Nondiscrimination Policy. Member Vassar seconded the motion and it passed unopposed.

Member Kempton made a motion to accept Administrative Policy 5083 Title
VI/Nondiscrimination Policy. Member Vassar seconded the motion and it passed unopposed.

2017 Proposed Legislative Ideas. Mollie McCarty, Governmental Affairs Manager
(GAM), said the proposal to seek National Environmental Protection Act sovereign immunity
will not be pursued this year. Staff intends to draft legislation to increase the license plate fee to
\$3.75 and clean-up some expired special plate programs. It is also pursuing increasing the
Commercial Drivers' License (CDL) skill testing fee to \$100 or to apply a market-based fee
increase. Last month the Board suggested reviewing all fees at this time. GAM McCarty reported
that the Department reviews all of its fees every five years. It reports its findings to the

legislature to ensure the Department is recovering its costs. The Department is in the middle of that five-year cycle, so opted to not review all of the fees at this time. However, she believes this may be an opportune time to also increase the motorcycle skills testing fee in conjunction with the CDL skills testing fee.

The consensus of the Board was to pursue a market-driven fee increase for both the CDL skills test and motorcycle skills test and to proceed with legislation on the license plate program concept.

WHEREUPON, the Idaho Transportation Board's regular monthly meeting officially adjourned at 3:35 PM.

signed

JERRY WHITEHEAD, Chairman
Idaho Transportation Board

Read and Approved
August 18, 2016
Rigby, Idaho