

IDAHO TRANSPORTATION DEPARTMENT'S
NEGOTIATED RULE MAKING HEARING
REGARDING COMMERCIAL MOTOR VEHICLE PERMITS

MODERATOR: RAMON HOBDEY-SANCHEZ

MAY 23, 2018

3:00 P.M. - 8:00 P.M.

TRANSCRIBED BY:

JEFF LAMAR, C.S.R. No. 640

Notary Public

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1 THE MODERATOR: All right. Good afternoon,
 2 everyone. My name is Ramon Hobdey-Sanchez. I'm in the
 3 Office of Governmental Affairs here at the Idaho
 4 Transportation Department. I want to welcome you to
 5 our negotiated rule making regarding commercial motor
 6 vehicle permits and the movement of loads and
 7 combinations.
 8 This afternoon I'm accompanied by Lisa
 9 Hoag. She'll be keeping track of all the questions and
 10 suggestions that we hear throughout the evening, and
 11 also two subject matter experts, Craig Roberts and
 12 Lance Green, are available to answer questions and
 13 address any concerns in terms of the consolidation
 14 process up to this point.
 15 As many of you know, ITD has been really
 16 focused on efficiency and effectiveness and innovation
 17 over the past several years. And although we're not
 18 necessarily breaking down any innovative doors today, I
 19 do want to give a shout-out to all of our district
 20 members. We have points of contact spread throughout
 21 the entire state. So all six districts geographically
 22 are represented. And so we're doing a simulcast
 23 videoconference to provide as much opportunity for
 24 stakeholder engagement and for interested parties to
 25 have an opportunity to participate. So big things for

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1 point of contacts in the IT services as well. This is
 2 definitely a big lift for them.
 3 Before we get started, let me set the stage
 4 a little bit for where we are in terms of what we've
 5 accomplished to this point. Last -- last fall -- last
 6 fall we were contacted by segments of the industry and
 7 were asked -- and were asked if we would consider
 8 streamlining or consolidating our permits. It goes in
 9 line with a current project we are working on, which is
 10 a brand-new permitting system. And Mr. Lance Green is
 11 going to touch on that shortly.
 12 After we had those discussions with several
 13 stakeholders, they continued their efforts on the
 14 legislative front. In this past Senate session there
 15 was Senate Concurrent Resolution 130, which essentially
 16 directed the Department to initiate this negotiated
 17 rule making and consolidation of permits and their
 18 associated rules.
 19 So we have Senate Concurrent Resolution 130
 20 was the essential directive. And since the legislature
 21 adjourned, in the interim we have, predominantly DMV
 22 staff, has taken 22 administrative rules relating to
 23 permitting and condensed those down to eight. So those
 24 are the eight rules that we have posted as our drafts,
 25 the first drafts.

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1 We also have 15 annual permits that were
 2 condensed into six. Specifically on our rule making
 3 web page, I'm hoping that people took a chance to look
 4 at the educational materials, several documents
 5 particularly, the permit types document, rule
 6 consolidation chart, and permit price chart really give
 7 you an overview of the changes and the consolidation
 8 efforts that have taken place over the last several
 9 weeks.
 10 But that being said, the Department
 11 acknowledges we may not have gotten it perfectly right
 12 on the first try out of the gate, so we're hoping that
 13 we get good engagement, not only at today's meeting,
 14 but comments and suggestions can be submitted via
 15 e-mail, phone, or snail mail all the way through
 16 June 15th of this year.
 17 I'm not sure that we have too many people
 18 at this point, but moving forward what I'll do is I'll
 19 start in District 1, just cycle through all of the
 20 districts. If there's people that are in attendance
 21 that would like to make comments or ask questions of
 22 our experts, we'll make ourselves available.
 23 I don't see any reason to have any kind of
 24 a time restraint. The five hours, it does seem
 25 lengthy. And the purpose of that was designed so we

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1 could try to capture as many possible stakeholders as
 2 we could, and so just wanted to provide a wide open
 3 opportunity. So again, that being said, please feel
 4 free to come and go as you leave and desire. I'll go
 5 ahead and run through these similar comments a couple
 6 times throughout the evening, and we'll also have a
 7 couple breaks as well.
 8 A couple more things before I turn it over
 9 to Lance here: Our goal here is to receive comments,
 10 suggestions, engage with all the stakeholders in the
 11 industry in terms of what changes have been made, and
 12 then we'll take the next week or so after to analyze
 13 those comments and suggestions, see where we can make
 14 modifications to the draft rules. If modifications
 15 can't be made, then we'll have official ITD responses,
 16 and both of those will be published prior to the
 17 June 13th meeting, where we'll basically go through a
 18 similar exercise again.
 19 I think that's about all I have to get us
 20 started. I'm going to go ahead and let Lance speak
 21 real quickly to our permitting system. We're in the
 22 process of obtaining a new permitting system. And
 23 though it's not directly related to the rule making, it
 24 does -- it does tangentially connect.
 25 And so, Lance, if you wouldn't mind just

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1 saying a couple comments about the new permitting
 2 system we're going to have and kind of how you see the
 3 rule making fitting in with that.
 4 MR. GREEN: Thank you, Ramon.
 5 So we have currently been working to obtain
 6 a new permitting system, [unintelligible] permitting
 7 system. We have asked Pro Miles and are working with
 8 them currently in order to get a new permitting system
 9 in place. Our goal date is to have this in place by
 10 August of 2019. That's what we're striving for and
 11 trying to get that.
 12 Currently if you try to order a single trip
 13 permit or anything with the current system you need to
 14 wait until business hours in order to order those
 15 permits. However, with the new permitting system, this
 16 would allow a 24-hour accessibility for whenever you
 17 needed a permit of overdimensional size or weight.
 18 The system not only is available, it also
 19 will automatically route you from point A to point B,
 20 your destinations, based upon the vehicle weight and
 21 dimensions, as well as current road restrictions, such
 22 as construction or hazards.
 23 The system also will submit notifications
 24 to the permit holders of up-to-date travel restrictions
 25 and reroute accordingly. Basically, if you order a

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1 permit today and you start driving on it this morning
 2 and then at two o'clock this afternoon there was a
 3 construction restriction that popped up, you're
 4 driving, you're not able to check to find out, this
 5 will automatically notify you that there is an issue
 6 with your route and will notify you to pull over and
 7 then will then reroute you accordingly. So it's a very
 8 intuitive system and much better than what we currently
 9 have.
 10 The system also will allow you -- all us as
 11 ITD to track the road use volumes, to apply appropriate
 12 funds to the roads -- to specific roads for the road
 13 use. All in all this system is night and day compared
 14 to what we currently have and will allow us with our
 15 new -- with our proposed rules and our proposed changes
 16 to meet all the requirements as far as for the new
 17 permit types that we're asking for as far as
 18 consolidating into one permit and also for more single
 19 trip permits. So [unintelligible].
 20 THE MODERATOR: Thank you, Lance. Appreciate
 21 that.
 22 So again, this effort was initiated on
 23 several different fronts, but you can see from the
 24 Department's perspective it's really good timing with
 25 the purchase of this new, dynamic permitting system

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1 that we'll have next summer.
 2 So with that, I'm going to go ahead and
 3 toss it up to District 1. Ms. Saucer [phonetic], do
 4 you guys have anyone present that would like to kick it
 5 off in terms of suggestions or questions?
 6 MS. SAUCER: Yes, we do. I have Nancy over
 7 here, and I'll let her introduce herself. But she has
 8 comments.
 9 MS. NAGY: Hello, everybody. My name is Nancy
 10 Nagy. I am the vice president in the Northwest Pilot
 11 Car Association. We are a four-state association that
 12 covers Idaho, Montana, Oregon, and Washington. Our
 13 mission: Simply to bring professionalism to the pilot
 14 car industry for the safety of the public hoping to
 15 reduce number of accidents.
 16 We do work with local, state, and federal
 17 agencies on current compliance rules already in force
 18 and addressing issues that we might have in the future
 19 that we feel might add safety.
 20 Lance, I believe I sent you a list of some
 21 errors I found.
 22 Did you get those?
 23 MR. GREEN: Yes, we did.
 24 MS. NAGY: Okay. I did find one more I'd like
 25 to bring up. To note, it's in IDAPA 39, Title 3,

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1 Chapter 3, Rule 730 on speed restrictions. "Restricted
 2 zones will be marked by red and yellow markers." These
 3 markers in all the years that I've been here piloting
 4 have always been red and green. And they're also
 5 stated red and green in Rule 770. No. 2 defines those
 6 markers as being red to obey the speed restriction for
 7 the spring brake up limits and green being -- allowing
 8 you to resume normal travel speed on that highway.
 9 So can you -- are you still using yellow
 10 markers, or should that be changed to be consistent and
 11 make it understandable?
 12 MR. GREEN: We aren't looking at making any
 13 changes to that. We will look at it and make sure that
 14 it's consistent because --
 15 MS. NAGY: Okay. Yeah.
 16 MR. GREEN: -- that was one thing that we must
 17 [unintelligible].
 18 MS. NAGY: It does cause confusion amongst
 19 people who are traveling. That's something -- we get a
 20 lot of transporting companies that already have a hard
 21 time understanding what the red marker is and what
 22 they're supposed to do. So I just thought, you know,
 23 if they read the rules, they might want to have
 24 consistency there so it's understandable.
 25 When reviewing the additions only that you

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1 sent out in the proposed consolidation of rules, that
2 would be IDAPA 39, Title 3, Chapter 5, Rule 400 under
3 "Pilot Escort Vehicles," No. 1 you did add the "loads
4 over 16 feet." First and foremost, thank you for doing
5 that, so there's now clarification of rule. The
6 definition definitely reads clearly. We have no issues
7 with that.

8 However, we would like to propose something
9 to you to take into account when the pilot escort is
10 needed. Right now under the national electric safety
11 codes the lowest possible conducting line only has to
12 be 15 foot, 5 inches. That's on roads, streets, any
13 other area subject to truck travel.

14 So our concern there is that we'd like to
15 address changing the rule, if possible, to 15 --
16 anything over 15 feet for the requirement of a pilot
17 escort vehicle. The reasons being to comply with the
18 current 15'5" rule by the National Electrical Safety
19 Code standards for all overhead line clearances.

20 Our poles are set when we're out piloting a
21 load, so you understand, generally 6 inches above the
22 load being escorted. At a load that's 15 feet, our
23 poles are already at a height to which we will possibly
24 tap or strike an overhead line. That's good and all.
25 We can provide the advanced warning to the driver of

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1 the escorting load.

2 Here in North -- on Northwest Boulevard in
3 Coeur d'Alene, which is our overheight route, we
4 currently have lines there that are 16 feet at their
5 lowest.

6 Under the annual permit currently in Idaho,
7 they can run up to 15 foot 6 high without having any
8 escort, period. So you guys allow up to 15 foot 6 to
9 travel on their own with no pilot escort. After that,
10 they have to have a single trip, which means they can
11 run 15'7" to 15 -- or to 16 feet under a single trip
12 permit without a pilot escort. That leaves all that --
13 those inches in between to be tapping those lines.
14 They're traveling on their own. They're not required
15 to have any advanced warning in front of them to tell
16 them where to be so that they can avoid striking the
17 line.

18 It may sound like such a small issue, but
19 those lines that are on those poles are shared by other
20 companies. So whether it's a fiber optic, a
21 television, you know, cable line is irrelevant
22 considering that the power lines can be above that, as
23 long as they're 40 inches separated and above, which
24 the power companies do use a minimum of 16 to 18 feet.
25 The concern is that when you hit a line that that will

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1 bring down possibly a pole or another line with it,
2 which imposes a lot of dangers.

3 So our association is proposing, as you
4 change the rule within here, to be consistent across
5 the board with 15 feet of travel for your time to
6 travel seven days up to that height that you consider
7 the need for a pilot escort. After 15 feet, at a
8 minimum requirement, at least for pilot escort, being
9 changed to at least 15 -- anything over 15'6", and we'd
10 like you to take that into consideration for safety.

11 Right now it's pretty much at the
12 discretion of the transporting companies if they feel
13 there's a need to have a pole car. I do have a couple
14 companies that have contacted me. This last Friday I
15 brought one into downtown Coeur d'Alene. Honestly, it
16 was not deliverable. So therefore, I had parked him on
17 the high route and went and pre-ran this route just to
18 make sure. Because I live here, I was aware that
19 that's probably a bad area to be taking this load this
20 height. It was only 15 feet, 1 inch. Doesn't sound
21 very tall, but it was for where it was going, between
22 Third and Fourth Street off of Sherman Avenue.

23 In running that, I determined there was no
24 way this load's deliverable, so the driver and I ended
25 up having to bring it back onto the interstate

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1 eastbound off of Fourth Street, and we were able to --
2 I pre-ran and cleared the bridges there, clearly marked
3 at 15'1" and 15'2" and delivered it to the Mobil
4 station.

5 So had I not been there, had they not
6 called for that pole car, you know, it could have been
7 pretty messy down there. And so right now it's kind of
8 at their own discretion. And we're seeing a lot of
9 this happen.

10 So what we'd like to take into
11 consideration for safety that we have a lot of lines
12 throughout our areas, and that 15 foot 5 rule on those
13 lines is for primary and secondary highways. So that
14 means that that lowest conducting line only has to be
15 15 foot, 5 inches.

16 Some places are trying to do underground
17 lines and cables. But really and truly when they
18 replace lines, they're replacing them at that new
19 minimum height that's their requirement. That's all
20 they're required to do.

21 Are there any questions on that?

22 THE MODERATOR: This is Ramon, Nancy. First of
23 all, thank you for your time this afternoon and for
24 showing up to make your comments.

25 We know -- we did with the heads-up you

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1 gave us that there was going to be some issues
2 regarding the pilot cars. And it's stakeholders like
3 yourself helping identify what we may have missed in
4 terms of consistency. So I really appreciate that as
5 well. I don't have any comments at this point.
6 Lance or Craig?
7 Yes, no questions at this time. But again,
8 thank you for your input, Nancy. We've got it
9 documented here. And when we review these drafts,
10 we'll see what changes we can make.
11 MS. NAGY: Okay. Could I propose one other
12 thing that our members would like to propose to you?
13 THE MODERATOR: Absolutely. Feel free.
14 MS. NAGY: Okay. We have discussed this before,
15 and it's come up quite often. Our association and its
16 members would like to request certification for the
17 State of Idaho, meaning that we would like to have a
18 requirement in place for pilot escorts to be trained in
19 order to perform the duties that they're performing.
20 We work under spontaneous conditions during
21 travel, vehicles broke down on the side of the roadway,
22 officers on the side of the road, accidents,
23 pedestrians traveling that we're traveling around,
24 other instances of which we have to safely get this
25 load around this.

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1 These situations require emergency flagging
2 as we go, which Idaho does require the equipment to be
3 carried to perform flagging duties. However, they're
4 not requiring any training in order to perform the
5 flagging duties.
6 Under Rule 39, Title 3, Chapter 4,
7 Rule 100, No. 5, it has the requirement for an ATSSA
8 certified flag person to conduct traffic control plans
9 with their oversize loads that exceed by 20 feet wide,
10 150 feet long. That identifies the role of any traffic
11 control personnel and pilot escorts on that load, which
12 complies with Idaho's current rule that you guys have
13 in place. You do accept ATSSA certified flag training,
14 and have reciprocity with Montana, Oregon, Utah, and
15 Washington currently.
16 So your rule there states that and is in
17 compliance with what you expect. However, there's a
18 large difference between the -- that flag training that
19 you're accepting and what we're doing spontaneously on
20 the road with loads. There's -- they're trained
21 differently.
22 I just went out last night to Bonners
23 Ferry. And what you guys accept is a traffic control
24 supervisor per se in those zones to do these traffic
25 control plans. When I went out there and did the

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1 measurements and was checking on all this, I spoke with
2 that traffic control supervisor. The first question he
3 asked me is "Will you fit with that load that you're
4 going to bring?"
5 And I said, "What do you think?"
6 And he said, "Well, I know what the
7 measurements are."
8 My point is that really and truly the scope
9 of what we do on a daily basis is so different than
10 them that they rely on us. So when we're out there
11 with these people we're doing traffic control on these
12 loads, we don't have a problem with that, because for
13 safety we do in areas needed advanced warning signs
14 before people get into an -- I mean we're traveling
15 through corners and stuff. Those loads need to come
16 through by themselves. People need to, especially with
17 our increased population and more traffic, and you can
18 figure that if people are traveling 60 miles an hour on
19 a highway -- or 60 mile limit, they're maybe going 70.
20 They need to have some advanced warning. We understand
21 that. We're trying to prevent rear-end crashes and
22 whatever else we can.
23 However, when we go out there with these
24 people and have the traffic control, most of the time
25 we're actually the ones that are providing you that

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1 traffic control plan and doing the work for that,
2 because they really and truly don't understand oversize
3 load movement. So we need to look at that. That is
4 one of our reasons for the requirement of certification
5 of a pilot. You guys are asking for us to perform flag
6 duties, but there is no training requirement in order
7 to do that.
8 These flagging situations -- oh, sorry.
9 Does someone have a question?
10 THE MODERATOR: No. Go ahead.
11 MS. NAGY: Okay. These flagging situations
12 occur regularly in our business, almost daily, at least
13 weekly. And they're getting more necessary with the
14 increased population, so you understand. The pilot
15 escort's first and foremost duty is the safety of the
16 traveling public, regardless of who they are and how
17 they're driving, whether they're reckless or not.
18 That's our duty.
19 An untrained pilot will tell you that the
20 responsibility is to protect the oversize load. It's
21 completely wrong. You can protect the oversize load by
22 first and foremost taking care of the public traveling
23 around you. It doesn't matter what we feel about the
24 traffic and the people. We're not able to form an
25 opinion. Just like a peace officer, we have to protect

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1 those people.
 2 The liability upon your state is greater
 3 due to the requirement that you do -- that you require
 4 a private escort, you require them to do these duties,
 5 but there is no standards existing for any training and
 6 very minimal direction. So we're concerned with the
 7 people that are traveling around us.
 8 There are also no insurance requirements.
 9 We're not asking for insurance requirements. But just
 10 to clarify to you, that I own my own business operating
 11 out of Coeur d'Alene, and I am piloting for hire. In
 12 doing that I have commercial auto coverage on my
 13 vehicle. And that is the manner which it needs to be
 14 done. So I am covered, and that protects you, the
 15 State, that protects the people traveling around us,
 16 and the transporting company should be at fault for
 17 something.
 18 Most of the people in our association, all
 19 the members of our association, have the proper
 20 insurance coverage. People who are not trained don't
 21 realize that they're not covered. If they should get,
 22 you know, killed out there, you know, do an improper
 23 flagging because they don't understand how to do it,
 24 they're not even covered under a personal auto policy.
 25 You know, especially with an oversized load sign and

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1 lights attached to the top of their vehicle, their
 2 insurance will not cover them. So that's another
 3 reason we're asking for certification.
 4 We've gained a larger population. This
 5 growth is not going to decrease. I feel like it's --
 6 you know, we're going to increase. Idaho's a beautiful
 7 place to live. More people are coming here. We expect
 8 that population to go up.
 9 A trained pilot knows how to check for the
 10 rules in each state that they travel in. Most of the
 11 pilots that we've come across aren't even aware of the
 12 rules that you guys are discussing today, that they
 13 exist. They feel because there's no certification
 14 requirement that there's no rules that come along with
 15 it. And there are rules that go -- that go with it,
 16 definitely.
 17 In proposing this rule, we feel that there
 18 should be exemptions within the rule if you do this.
 19 And one of them would be your farm-to-farm movements.
 20 We don't feel that if it's somebody's own equipment
 21 that they should have to be a certified pilot escort to
 22 move it. So we do feel there should be exemptions.
 23 If you would consider this and if the state
 24 would accept it, we ask for the requirement of a
 25 certified pilot escort operator to be age of 18 years

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1 of age. Under Rule 39, Title 3, Chapter 5, under the
 2 pilot escort vehicle equipment, you list a valid
 3 driver's license. We would ask that the age be on
 4 there raised to 18 years of age. And as a reminder,
 5 people now that aren't certified underage and then out
 6 in a situation where they might have to flag traffic
 7 really can't get out of their vehicles legally if
 8 they're 16 or 17. They're not legally supposed to be
 9 out of their vehicle, let alone they may not have
 10 training. If they don't have training, they may not
 11 know where to be and where to place themselves so that
 12 they're safe. But then again, the State asks for them
 13 to perform those duties if that should happen. So we'd
 14 like you to take that into account.
 15 One thing we've been seeing is people
 16 driving down the road sticking their stop signs out the
 17 window as they're driving. These pilot escorts are
 18 doing that. That kind of goes against -- there's a
 19 best practices guidelines for pilot escorts. When
 20 you're driving along at 60, 70 miles an hour, you're
 21 not expecting to see a sign sticking out a window. And
 22 that by no way, shape, or form -- really and truly, I
 23 don't think it's going to slow down traffic. It's
 24 barely visible. So we're just concerned for -- you
 25 know, people moving around these loads and that, that

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1 this is some of the things that -- issues that we're
 2 facing.
 3 One thing about a certified pilot escort,
 4 they're required to recertify every so often. So I
 5 recertify every four years. I guess people are
 6 Washington certified; we certify every three. That
 7 requires you to get added training, to get up to snuff
 8 on any of the new rules and the laws for all these
 9 states.
 10 And I discussed before and we've tossed it
 11 around our association, Idaho already accepts and has
 12 reciprocity for your ATSSA flagger training with
 13 Montana, Oregon, Washington, and Utah. Washington and
 14 Utah are our closest states that provide certified
 15 pilot escort training. If you accept it, their program
 16 as far as -- both their programs of reciprocity, that
 17 still allows us to have that flexibility, because we as
 18 an association, we encourage young people to start this
 19 industry. We in no way, shape, or form are
 20 discriminating against anybody that's underage.
 21 However, we'd like to see them safe. We'd
 22 like -- you know, we feel if we're going to ask them to
 23 flag, they really legally can't be out there. And
 24 we're trying to at the same time protect you, the
 25 State, from that liability should something occur. So

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1 understand, you know, what we're asking here. But you
 2 would still have flexibility to have -- you know, if
 3 that pilot does want to have a passenger with them,
 4 train somebody else -- you know, there's a lot of
 5 flexibility within it, as well as Washington does have
 6 an exemption rule on farm equipment and husbandry
 7 equipment and reciprocating with them. You could
 8 accept that as well. You can also write exemptions or
 9 add to that stuff within your own rules.

10 In closing, I want to thank you for
 11 allowing me to speak today on behalf of our
 12 association, and we thank you very much for the changes
 13 that you did add to some of the pilot car stuff that we
 14 have already asked you for. Thank you for your time
 15 today.

16 THE MODERATOR: Well, thank you, Nancy. Same to
 17 you. Appreciate you getting us kickstarted off this
 18 afternoon.

19 A couple quick comments: I really
 20 appreciate the focus on safety. That's a main piece of
 21 our mission here at ITD. And also the connection with
 22 other states. Truck harmonization plays a big role in
 23 some of our internal initiatives as well. So we'll
 24 take that under advisement.

25 It's also a good opportunity for me,

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1 though, to mention, one of the challenges we'll have, I
 2 think, throughout this whole negotiated rule making is
 3 walking this line of what the scope is. The Senate
 4 Concurrent Resolution 130 does a pretty good job of
 5 identifying what the scope of the rule making is,
 6 keeping it to the consolidation and streamlining of
 7 permits.

8 So it's -- at this point I think it will
 9 probably be up to the Department and the stakeholders
 10 that we have engaged with us on whether we can make any
 11 significant substantive changes. But I think it's the
 12 perfect opportunity. These rules are open. And so
 13 since we are taking a deeper dive, I think it's the
 14 perfect time to bring your concerns and comments to the
 15 table. So thanks again for representing the pilot car
 16 industry. I know that they play a real big role in the
 17 trucking industry.

18 MS. NAGY: Yeah. Thank you.

19 MS. SAUCER: Okay. And that's it for
 20 District 1.

21 THE MODERATOR: All right. Thank you, Megan.

22 MS. SAUCER: Yep.

23 THE MODERATOR: I'll go ahead and move down to
 24 District 2. Do we have any individuals in District 2
 25 that would like to ask questions, comment on the draft

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1 rules?

2 DORREL: Ramon, this is Dorrel in District 2.

3 We have no one here at this time to provide any report.

4 THE MODERATOR: All right. Thanks, Dorrel.

5 Appreciate that.

6 I'll move down to District 4. Jessica, do
 7 we have any participants in your district?

8 JESSICA: Sorry. I need to get a bit closer to
 9 the microphone.

10 No, at this point we do not have anybody in
 11 District 4.

12 THE MODERATOR: All right. Great. Thank you.

13 Moving on over to District 5, do we have
 14 any participants in District 5 this afternoon?

15 I don't see anyone at the table.

16 And/or District 6, anyone in District 6
 17 wanting to make comments or ask questions?

18 UNIDENTIFIED SPEAKER: At this time there is no
 19 one in District 6. Thank you.

20 THE MODERATOR: Thank you very much.

21 So we will loop back here to headquarters.
 22 We've got a couple individuals in the audience. I'm
 23 not sure if anyone's interested in making any comments
 24 at this time, asking any questions, but we are
 25 available to assist in that realm. And we'll stand by

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1 from now going forward.

2 Do we have anyone at headquarters?

3 Please, come on up, yeah, to the podium
 4 here. And if you could please just identify yourself
 5 and who you represent.

6 MR. CONDE: Hi. My name is Matthew Conde. I'm
 7 here on behalf of AAA Idaho. And I would confess that
 8 this is not my strong suit, so I'm here seeking clarity
 9 that's probably easily available to you guys. But in
 10 reading some of this stuff, I just wanted to ask a few
 11 questions, just make sure I understand what's going on.
 12 So I'll just kind of hop through real quick and just
 13 raise a few things, and you can kind of go from there.

14 So in 39, Title 3, Chapter 1, this is
 15 definition No. 32 on page 3, the definition of
 16 nonreducible, and in looking at this definition,
 17 obviously it's expanded quite a bit. There was a
 18 one-line statement and now there's several
 19 qualifications there.

20 And the first question I had was is
 21 something nonreducible by being any of these three
 22 things? Because I see an "or" at the end of B. So is
 23 it -- is it A or B or C, or is it A and B or C?

24 THE MODERATOR: Thanks, Matthew.
 25 Lance? Craig?

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1 MR. ROBERTS: Sure. I'll answer that question.
2 So yes, it is an "or." It's A, B, or C. So and the
3 reason that we added those A, B's, and C's are
4 generally we got those from the fed. That is how they
5 define nonreducible versus reducible. And so that's
6 why we incorporated those in. We were running into
7 some -- just from speaking with the public on a regular
8 basis, we get that question all the time. Am I
9 reducible or nonreducible? So we added into the
10 definition to provide clarity to our customer base.
11 MR. CONDE: Thank you.
12 So continuing to explore this definition
13 just for a second, if we look at, for example -- well,
14 let's just say -- let's just say A here, so something
15 that would compromise the intended use of the vehicle.
16 So for example, the vehicle has a weight capacity of
17 129K, and one would say that that's its intended
18 purpose, it was built to perform that job. So by this
19 definition we're saying that any load that a 129K
20 vehicle would haul could be perceived as nonreducible
21 based on the fact that it would be destroying the value
22 of the load or the vehicle? Because the -- I'm
23 assuming -- I'm interpreting this -- and I may be
24 wrong, but I'm interpreting this to mean that the
25 economic value or the benefit of the vehicle is to haul

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1 as much as it can, as you would want to do. And I'm
2 trying to figure out if that makes every load that it
3 wants to haul nonreducible.
4 MR. ROBERTS: So when we're speaking about
5 reducible and nonreducible, we're speaking about the
6 load itself. So potatoes, for example, are reducible.
7 Gravel, propane is all reducible. We can reduce the
8 size of it.
9 A nonreducible load would have an
10 excavator, a dump truck, a silo, things along those
11 lines. The key term there is "essential component."
12 So if we have -- you're moving your bulldozer, you
13 could take the blade off of your bulldozer and now be
14 less wide or less heavy. This would reduce your size
15 and dimension or weight. However, once your bulldozer
16 arrived to its construction zone, it cannot perform its
17 essential function. And so as such, we want you to
18 move with your blade instead of making a second trip or
19 anything along those lines.
20 So we're not talking about the vehicle
21 itself, the vehicle and the trailer and everything else
22 being reducible and nonreducible and that weight.
23 We're talking about the load and how we define the
24 load.
25 Does that offer clarification, or am I

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1 misinterpreting your question?
2 MR. CONDE: No, that's helpful. I just think
3 that for a -- for a layman looking at this, I think
4 that there's some possibility of clarifying that just a
5 hair, because I could read this to mean that we're
6 talking about the value of the vehicle, because it says
7 here the intended use of the vehicle. And to me that
8 implies that if I have a vehicle that's capable of
9 doing a certain thing, i.e., carrying a long load or a
10 heavy load or whatever it might be, that I could make
11 the argument that I'm suffering harm in the value of my
12 vehicle by reducing my load.
13 MR. ROBERTS: So -- and so I guess my question
14 for clarification here, if we put the word instead of
15 "vehicle" but "load" instead, would that offer
16 clarification for you, in that we're speaking of the
17 value of the load?
18 MR. CONDE: Yeah. Yeah, that would make it
19 much, much easier.
20 MR. ROBERTS: Okay. Thank you.
21 MR. CONDE: Yeah. Thank you.
22 So I'm just going to scoot through my notes
23 here real quick. This one was just a general lack of
24 knowledge on my part. But the change in height
25 restrictions from 14'6" to 15', was that also to align

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1 with federal?
2 MR. ROBERTS: So the reason that we did that is
3 because currently the 14'6" was what we had for
4 reducible loads. So we -- that was a concession we
5 made for kiln lumber, for hay bales, stuff like that,
6 items that could be reduced technically in height, but
7 you could get another extra bale on the top at 14'6".
8 We've allowed it up to 15 feet because
9 currently we have restrictions for nonreducible loads
10 that go up to 15'6" in height. And so this was just a
11 request kind of from industry just saying "Hey, can we
12 hold more?" And there doesn't seem to be any impact on
13 safety in allowing that increase by 6 inches. And so
14 this was a nod to industry in helping them in that way.
15 MR. CONDE: Okay. Thank you.
16 So heading over to -- I got to figure out
17 where I am here. So heading over to Title 3,
18 Chapter 3, and we'll go to page -- page 6. Just a
19 little bit of feedback here. You have a couple of
20 options for the hazardous travel conditions
21 restriction. And just to provide feedback on that,
22 we're definitely more interested in option one. And
23 there's a few reasons for that.
24 One that we looked at is well spoken in
25 subsection (a), which talks about public notice by any

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1 available means that a hazardous road condition exists.
2 And to me that -- the difference there is pretty
3 fundamental between that and section -- or option two
4 where it says, "available means that a hazardous road
5 condition exists for a special permitted vehicle or
6 load."
7 And in truth I think that it's better to
8 have a rule that engages when the road's declared
9 hazardous to anyone as opposed to say trying to parse
10 and determine for this particular permitted vehicle,
11 for this particular case that we're going to have to
12 act differently. I think that opens things up to
13 confusion. And I think it opens things up to -- from
14 an enforcement standpoint, I think it's difficult to
15 try to decide who's going to go through and who's not.
16 And it could lead to kind of gumming up the flow of
17 traffic for everybody if that's not a fairly
18 standardized thing. So I really appreciate that
19 concept on option one.
20 The one thing that I thought would be worth
21 considering adding on option one, if you look at D,
22 sub (4), "whenever a roadway becomes obstructed due to
23 snow, water, mud, rock, or other debris," and I just
24 wanted to make mention of considering and including a
25 phrase that also mentions "significant accident

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1 debris." So, you know, because it might not be
2 naturally occurring. It might be significant clutter
3 from an accident that's now tying up the road for a
4 considerable amount of time.
5 So I corresponded with Ramon. He was very
6 patient with me. And we talked a little bit about some
7 definitions and, you know, I try to understand
8 definitions and make sure I know what they mean. And
9 we had a situation where we are adding on page 7 of
10 that rule under "General," we're adding "reducible," so
11 it's "Reducible or nonreducible loads which exceed the
12 allowable weight through sizes."
13 And so, you know, in one section we have a
14 definition of "reducible," which I take to mean that it
15 can be broken down to a size that is within the
16 standard. It's going to be at the appropriate height
17 or weight or length or whatever it is to not require a
18 special permit, if that's a fair statement.
19 So I take "nonreducible" to mean the
20 opposite. That we -- as you said, that we reasonably
21 can't break it down, there's some reason that requires
22 us to have it be heavier or longer or whatever.
23 And to me the addition of this phrase
24 "reducible" here creates a third definition that I --
25 that I don't understand, because it appears to create

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1 two terms that are in conflict with each other: a
2 reducible, overweight vehicle.
3 And so to me, just as feedback for you
4 guys, it just seems like somehow reducible and
5 overweight are now coming into conflict with each other
6 because, from my layman's perspective, how can a
7 reducible load be overweight if by definition it isn't?
8 MR. ROBERTS: So I'll take that question. So
9 kind of just some clarification on that. 80,000 pounds
10 is the legal allowable weight in the state of Idaho.
11 We have to also maintain legal axle weights given to us
12 by the feds from formula B. We allow, as a state, for
13 you to haul a reducible -- so potatoes, gravel,
14 propane, stuff like that over that 80,000 pounds.
15 So -- however, we want to make sure that you're doing
16 it legally and safely and have the rules and understand
17 that you need to still meet formula B.
18 And for our 129K loads that -- or loads
19 that exceed 105,5- going up to 129K, they are
20 designated on specific routes even as to what they can
21 and cannot move. So it is reducible. So they could
22 technically make legal weight. However, we allow, for
23 the sake of industry and for the sake of economic
24 opportunity in the state, for them to exceed that legal
25 80,000 pounds.

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1 And so getting a special permit for this is
2 a necessity, because we want to make sure they're still
3 doing it in a safe manner, because that's still at the
4 end of the day what we're looking for, as well as for
5 the wear and tear it's doing on the road and stuff like
6 that, that we're not going over bridges that can't
7 handle those types of weights.
8 Does that help clarify the reducible
9 weight?
10 MR. CONDE: Yeah.
11 MR. ROBERTS: Okay.
12 MR. CONDE: See, I know if I ask you guys,
13 you're just going to tell me. So that's good. So
14 that's much -- that's very helpful. Thank you.
15 I did have a question on annual permits as
16 they exist today. Does the Department know on average
17 how many times an -- and I know this would be probably
18 difficult to know, but maybe you know, how many times a
19 particular vehicle invokes that permit? So in other
20 words, if I'm trying to compare the single-trip permits
21 that a person now would have to have, because my
22 understanding is the annual permits are going away to
23 an extent, then to see the revenue neutrality, do you
24 have kind of a sense of, you know, we know that we need
25 this many trips to bring back the price of this annual

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1 permit?
2 MR. GREEN: So the only annual that would
3 actually be going away would be for the annual
4 oversize, overweight.
5 MR. CONDE: Right.
6 MR. GREEN: The other annuals are still in
7 place.
8 MR. CONDE: Okay.
9 MR. GREEN: So currently -- and that has been
10 part of the calculation with our financial services and
11 then analysis is how many -- because there is no weight
12 currently to track how many of these trips we have, we
13 go by some of our port of entry observations to get a
14 guess basically on how many of these trips are actually
15 occurring with these annual permits.
16 So the number we used we thought was very
17 conservative as far as how many trips we have. We
18 actually think it's going to be a lot higher. But we
19 didn't want to put a price where it was going to hurt
20 it. And in the future after we have this in place for
21 a while, the prices could drop or they could rise,
22 based on actually knowing how many of those trips. But
23 right now we have no way of knowing how many actual
24 trips there are.
25 MR. CONDE: So the estimated number you used for

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1 this was --
2 MR. GREEN: Five times what we currently sell in
3 the annuals.
4 MR. CONDE: Okay. Thank you.
5 So in light of -- in light of this change,
6 does the Department have a -- do you have a plan like
7 in two or three years you've got a scheduled
8 revisitation of that to make that adjustment you were
9 mentioning, or is it just down the road as the
10 circumstance requires?
11 MR. GREEN: After this system is in place after
12 the first of the year, we're definitely looking at --
13 looking at those again, because we will have that
14 better guess on the number. We could be way off on
15 even the annuals that we aren't changing but just
16 consolidating, those may go way up or way down. So
17 we're definitely going to have to look at this every
18 year for the next couple years to see where we're at.
19 MR. CONDE: Okay. Great. I appreciate your
20 patience.
21 THE MODERATOR: No problem, Matthew. And if I
22 can, too, I'll expand on that a little bit. So again,
23 there was a consolidation of annual permits from 15 to
24 6. The one permit that went away was this oversize,
25 overweight, the annual. Now, single permits will still

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1 be available.
2 And a couple pieces of information in
3 regards to why we thought it would be a good idea to go
4 to only a single permit -- single trip permit for that
5 option: A big piece of it is the wear and tear on our
6 bridges.
7 As you alluded to, we can't track how many
8 trips these movements are actually making, and so we do
9 a regular bridge analysis. But when we don't have that
10 data, we don't know exactly what routes are being used
11 and what bridges are being crossed. So from that pure
12 statistical standpoint, it's good information to have.
13 Another one is these oversize, overweight
14 permits often have restrictions because of the size.
15 And so construction season's a big one. And we've been
16 dealing with this option for a long time. The trucking
17 industry is very familiar with how when construction
18 season comes a lot of their normal routes now have
19 different lane restriction widths. But they've been
20 operating on an annual permit, and so unless they're
21 constantly checking 511 -- and then even that, you
22 know, we make our mistakes. 511 is not perfect.
23 With a single trip permit, if that's the
24 way you're operating, then every time there's a change
25 on any kind of a designated route, then you'd be given

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1 notification. So it's our viewpoint that it would also
2 help commerce in terms of mobility and not running into
3 those construction snags that I know Lance has been
4 dealing with for several summers. And it's something
5 we've tried to get our arms around specifically in
6 terms of 511, but this change, in conjunction with our
7 new permitting system, would just be another way we can
8 kind of keep on top of things and make sure the
9 movements are going in the right direction and safely.
10 MR. CONDE: Well, I'll just close by saying, you
11 know, on behalf of AAA, we really appreciate the
12 Department's effort to gather this data and see where
13 we're at. We really appreciate the transparency that's
14 been involved, that the Department has gone through a
15 process, Ramon, giving us lots of advanced time to try
16 to decipher this thing and figure out what it means and
17 be able to come today to ask these questions and get a
18 little bit more clarity. So really appreciate the
19 Department's effort on that.
20 And of course the priority we all have of
21 let's keep the economic vitality and keep the safety
22 component and find the harmony for those two things.
23 So really appreciate that.
24 THE MODERATOR: Thank you, Matthew. Appreciate
25 your time as well.

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1 So moving on. Are there any -- I'll just
2 ask this blanket. Are there any districts, 1 through
3 6, that have any commenters available at this time?
4 UNIDENTIFIED SPEAKER: Not in District 1.
5 THE MODERATOR: I'm not seeing anyone
6 throughout.
7 UNIDENTIFIED SPEAKER: Nor in District 2.
8 JESSICA: We still don't have anyone here in
9 District 4.
10 THE MODERATOR: Okay. Thanks, Jessica.
11 So with that, I think it might -- unless
12 anyone in the audience wants to make any comments,
13 maybe a ten-minute break would be due. And we'll come
14 back five after 4:00 and see if anyone's available.
15 We'll take it from there, and obviously we'll be here
16 until eight o'clock. Thanks.
17 (Recess.)
18 THE MODERATOR: ...have anyone in headquarters
19 that's wanting to comment at this time. So I think the
20 plan going forward, we'll just stand by. We'll be on
21 call. Would appreciate the districts as well to do the
22 same. Let us know if you have anyone walking through
23 the doors.
24 You know, I think this is just a good
25 example of kind of what public outreach, public service

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1 is like. It's hard to predict what kind of turnout
2 we'll have. And so we just wanted to make sure we were
3 making ourself available for all the citizens out
4 there. Mr. Floyd, specifically you. And I think
5 across the state as well.
6 So with that, Eddy, and our
7 [unintelligible] of contract in the District, we'll go
8 ahead and just go on an extended break. When anyone
9 shows up or if we get more of a crowd here at
10 headquarters after the five o'clock hour, we may have
11 some additional remarks from us here at headquarters.
12 If there are no questions, we'll go ahead
13 and sign off for now, and we'll be in touch via text if
14 we need to. Thank you.
15 UNIDENTIFIED SPEAKER: Thank you.
16 (Recess.)
17 THE MODERATOR: I'll go ahead and officially
18 close the meeting for Wednesday, May 23rd. We were
19 available from 3:00 to 8:00 p.m. We had all of the
20 districts, including headquarters, available for public
21 comments. We had a couple commenters and a couple
22 observers. And special thanks to Megan, Megan,
23 Jessica, Dennis, Dorrel. Really appreciate your guys'
24 help.
25 And with that, we'll be in touch via

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1 e-mail, most likely doing the exact same thing on
2 June 13th. So please have that on your calendars as
3 well. Thanks a lot guys.
4 UNIDENTIFIED SPEAKER: Good night.
5 UNIDENTIFIED SPEAKER: Good night.
6 UNIDENTIFIED SPEAKER: Good night.
7 (End of hearing.)
8 -oOo-
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REPORTER'S CERTIFICATE

1
2
3 I, JEFF LaMAR, CSR No. 640, Certified Shorthand
4 Reporter, certify:
5 That the audio recording of the proceedings were
6 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 my
9 ability.
10 I further certify that I am not a relative or
11 employee of any attorney or party, nor am I financially
12 interested in the action.
13 IN WITNESS WHEREOF, I set my hand and seal this
14 4th day of June, 2018.
15
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25



JEFF LaMAR, CSR NO. 640
Notary Public
 Post Office Box 2636
 Boise, Idaho 83701-2636

My commission expires December 30, 2023

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