

# Trucking Advisory Council

MINUTES APRIL 7<sup>TH</sup>, 2016

9:00-11:00 PM MST

AERONAUTICS CONFERENCE ROOM

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| <b>BOARD ATTENDEES</b>   | John Pocock, Chairman<br>Mike Kempel<br>Kevin Iverson<br>Bill Stellmon (Phone)   |
| <b>LIAISON ATTENDEES</b> | Reymundo Rodriguez, ITD<br>Alan Frew, ITD<br>Pat Carr, ITD<br>Ed Pemble, ITD<br>Jeff Marker, ITD<br>Gustavo Salazar, ITD<br>Debra Hall, ITD<br>Ramon Hobdey-Sanchez, ITD<br>Ryan Lancaster, ITD<br>Renee' Becker Johnson, ITD<br>Lt. Tim Horn, ISP<br>Rich York, FMCSA<br>Carla Pape, ISTC                                   |
| <b>OTHER ATTENDEES</b>   | Jerry Whitehead, Western Trailer<br>Alan Ginkel, Idaho Trucking Association<br>Shelly Nelsen, Amalgamated Sugar<br>Stacey Satterlee, Idaho Grain<br>Jerry Deckard, Capitol West<br>Paul Kearsley, Scott Fulcher Trucking<br>Dan Rice, Phone<br>Holly Suit, Access Idaho<br>Rich Steckler, Access Idaho<br>Matt, Access Idaho |

## Agenda topics

APPROVAL OF THE MINUTES

CHAIRMAN JOHN POCOCK

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| <b>** MOTION</b> | The Council accepted the minutes from the December 2015 meetings. (Motion: Kevin Iverson/Mike Kempel seconded passed unanimously. |
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FREIGHT PLAN AND 129K STATUS

JEFFREY MARKER - ITD

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| <b>Discussion</b> | <p>Jeffrey Marker, the Freight Program Manager at ITD introduced himself to the TAC and provided a presentation on Idaho Freight Program. Focused on ITD Mission – “Your Safety, Your Mobility, Your Economic Opportunity.” Data Driven Inputs to Idaho Transportation Investment Plan (ITIP)</p> <p>Highlights Mr. Marker presented to the TAC Board:</p> <p><b>Statewide Freight Strategic Plan</b><br/>Plan 60% complete</p> <ul style="list-style-type: none"> <li>• Relationship to Idaho's Economy – Complete</li> <li>• Network, Safety, Policy Analysis – Complete</li> <li>• 5/10/20 Year Infrastructure Improvement Plans – In progress</li> <li>• Performance Measures</li> </ul> <p>Developing</p> <ul style="list-style-type: none"> <li>• Critical Urban Freight Corridors</li> <li>• Critical Rural Freight Corridors</li> </ul> <p>FASTLANE Grants</p> <ul style="list-style-type: none"> <li>• I-84; “Franklin to Franklin”</li> <li>• US-95</li> </ul> <p><b>129K Pound Trucking</b></p> <ul style="list-style-type: none"> <li>• Interstate Approved             <ul style="list-style-type: none"> <li>◦ Negotiated Rulemaking</li> </ul> </li> <li>• Board Actions</li> </ul> |
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|  | <ul style="list-style-type: none"> <li>• Seven Requests in Process</li> </ul>  |
|  | Mr. Kempel asked if there was an exemption for a break down, Mr. Rodriguez stated there is a federal code that allows 1 mile safe access for food, lodging and repair.   |
|  | Chairman Pocock suggested Idaho poll the surrounding states to see how they handle 129K. Mr. Whitehead stated the department has begun research of surrounding states to see how they handle it. Information received from the surrounding states detail slight differences in permitting and safety requirements. |
|  | Contact Mr. Marker to help identify corridors that may need identified.  |

POE ROVER SITE STATUS

RYAN LANCASTER - ITD

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| <b>DISCUSSION</b> | Ryan Lancaster, P.E. PTOE, ITD Design/Traffic Services reported that the assessments of the Roving POE sites are near completion and he is developing a "general guidance on safe set-ups," and that the next step will be to create the "needs list" of potential improvements to the sites based on the general guidance. He reported that they are about half way through he tasks and will present the final results at the next Trucking Advisory Council in three months. |
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LEGISLATIVE & REGULATORY UPDATE



ED PEMBLE & REYMUNDO RODRIGUEZ, ITD

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| <b>DISCUSSION</b> | Ed Pemble discussed Driver Legislative and Regulatory Updates   |
|                   | Proposed Rule Federal Register March 7, 2016 – <ul style="list-style-type: none"> <li>• Applying for an initial CDL</li> <li>• An upgrade of their CDL</li> <li>• Hazmat, passenger, school bus endorsement</li> </ul>  |
|                   | Instruction Permit <ul style="list-style-type: none"> <li>• Provided by an entity that meets minimum qualification for training providers; and</li> <li>• Covers the required curriculum</li> <li>• Includes theory and BTW components</li> <li>• Curricula types: Core training (A or B), Endorsement training, and refresher training.</li> <li>• BTW requirements vary based on curricula type.</li> </ul>   |
|                   | Providers <ul style="list-style-type: none"> <li>• Must be listed on FMCSA proposed training provider registry</li> <li>• Must electronically submit training certificates for students that have completed the curricula and have demonstrated proficiency in operating a CMV.</li> </ul>  |
|                   | Implementation <ul style="list-style-type: none"> <li>• Three years after the date final rule is published.</li> <li>• States would need to pass enabling legislation.</li> </ul>   |
|                   | FMCSA Standards: Application for Exemption, ITD <ul style="list-style-type: none"> <li>• Posted in the Federal Register March 9, 2016</li> <li>• Comments were due April 8, 2016</li> <li>• Requests exemption from bonding requirement for CDL Skills testers.</li> </ul>  |
|                   | Real ID <ul style="list-style-type: none"> <li>• HB 513</li> <li>• Lifts Idaho's statutory moratorium on implementing REAL ID</li> <li>• Effective July 1,2016</li> </ul>   |
|                   | FMCSA National Registry II <ul style="list-style-type: none"> <li>• Includes new requirements for certified medical examiners performing medical examinations for commercial drivers, and requirements for state driver licensing agencies</li> <li>• Provides benefits for CDL drivers and Trucking Companies</li> <li>• Medical Examiners must use the electronic forms MCSA-5875 (long form) and MCSA -5876 (short form) beginning June 22, 2018.</li> <li>• If the date is not extended, beginning June 22, 2018, paper Medical Certificate forms will no longer need to be submitted by drivers to the DMV.</li> </ul> |
|                   | Medical Certificate Changes <ul style="list-style-type: none"> <li>• Medical Examiners must use the electronic forms MCSA-5875 (long form) and MCSA -5876 (short form) beginning June 22, 2018.</li> <li>• If the date is not extended, beginning June 22, 2018, paper Medical Certificate forms will no longer need to be submitted by drivers to the DMV.</li> </ul>  |
|                   | Mr. Rodriguez discussed SB1229, HB472 and SB1261:   |
|                   | SB1229<br>Currently Idaho Code 49-1001(1)(c) states that vehicles may operate with reducible loads at gross weight greater than 105,500 pounds but not exceeding 129,000 pounds on non-interstate highways in accordance with the provisions of Idaho Code 49-1004 provided such vehicles are in compliance with the weight formula specified in Idaho Code 49-1001(1). This proposed legislation if passed, implements Section 127 of Title 23, United States Code, contained in the Consolidated Appropriation Act of 2016. This Act provided legal   |

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|  | <p>authority for the state of Idaho to allow and permit vehicle combinations with a gross vehicle weight of 129,000 pounds or less on Idaho's interstate highway system. The proposed legislation creates a new Idaho Code 49-1004B which deems the interstate system as detailed in 49-1001(1)(c), Idaho Code as a non-interstate system which shall consist of I-15, I-84, I-86, I-90 and I-184. It also identifies these interstate highways for the purposes of section 49-1004(4) as a "designated route."</p> <p>Link - <a href="http://www.legislature.idaho.gov/legislation/2016/S1229.htm">http://www.legislature.idaho.gov/legislation/2016/S1229.htm</a></p>  |
|  | <p>HB472</p> <p>Amended existing law to provide that the Idaho Transportation Department shall provide new plates bearing the same number or, if requested by the owner, the next available number, as it applies to certain vehicles for purposes of specified provisions of law.</p>   |
|  | <p>SB1261</p> <p>With the recent passing of the Fixing America's Surface Transportation Act (FAST), it allows stinger steered auto transporters a legal length of 80 feet and increased their legal overhang from 7 feet combined to 10 feet combined (front overhang limit of 4 feet and a rear overhang limit of 6 feet). Currently Idaho Code 49-1010 states that stinger steered automobile transporters have a legal length limit of 75 feet with a combined legal overhang limit of 7 feet. This bill once approved will modify Idaho Code to be compliant with Federal Code on legal length of a stinger steered automobile transporter with the proper front and rear legal overhang. Also this bill clarifies the legal overhang limit for boat transporters from 7 feet combined to 3 feet front and 4 feet rear overhang.</p> <p>Link - <a href="http://www.legislature.idaho.gov/legislation/2016/S1261.htm">http://www.legislature.idaho.gov/legislation/2016/S1261.htm</a></p> |
|  | <p><i>Update – SB1229, HB472 &amp; SB1261 were passed and became effective July 1<sup>st</sup>, 2016</i></p>   |

DRIVER RECORD DASHBOARD

HOLLY SUIT, ACCESS IDAHO

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| <b>DISCUSSION</b> | <p>Holly Suit of Access Idaho demoed the Driver Record Dashboard for the group. DRD online demo: <a href="http://www.idaho.gov/demo/driver_dash/">http://www.idaho.gov/demo/driver_dash/</a></p>   |
|                   | <div style="display: flex; justify-content: space-around; align-items: center;"> <div style="text-align: center;">  <p>2016DriverRecordDas<br/>hboardOne-Sheet.pdf</p> </div> <div style="text-align: center;">  <p>DRD_04072016_tac.p<br/>ptx</p> </div> </div> |

NEGOTIATED RULE MAKING

RAMON HOBDEY SANCHEZ, ITD

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| <b>DISCUSSION</b> | <p>Ramon Hobdey Sanchez from ITD discussed Negotiated Rule Making.</p>   |
|                   | <p><b>What is negotiated rulemaking?</b></p> <ul style="list-style-type: none"> <li>• An informal and flexible process</li> <li>• Allows all interested &amp; affected parties/entities to participate in rulemaking process</li> <li>• Idaho Administrative Procedures Act (IAPA) requires state agencies to engage in negotiated rulemaking whenever feasible <ul style="list-style-type: none"> <li>○ Determining feasibility <ul style="list-style-type: none"> <li>▪ Is there a need for temporary rulemaking?</li> <li>▪ What is the nature of the change being proposed?</li> <li>▪ Are the affected parties easy to identify?</li> <li>▪ Are the affected parties likely to reach a consensus on a proposed rule?</li> </ul> </li> <li>○ Agency's determination of feasibility is not subject to judicial review, however, it is subject to legislative scrutiny</li> </ul> </li> </ul> <p><b>What are the advantages of negotiated rulemaking?</b></p> <ul style="list-style-type: none"> <li>• Negotiating the content of the rule text before it is published in the Administrative Bulletin can save time and money because, in many instances, the discrepancies in the amendments or potential problems can be resolved before committing additional resources to the rulemaking.</li> <li>• Improves the substance of proposed rules by drawing upon shared information, expertise, and technical abilities possessed by the affected persons.</li> <li>• Expedites formal rulemaking.</li> <li>• Lessens the likelihood that affected persons will resist enforcement or challenge the rules in court.</li> <li>• Public and industry constituents are generally more satisfied with the outcome if included in the process in the beginning rather than at the end; or not at all.</li> <li>• Negotiated rulemaking meetings allow for interactive discussions on the subject matter between the parties in an attempt to reach consensus.</li> </ul> <p><b>Why negotiated rulemaking now?</b></p> <ul style="list-style-type: none"> <li>• Changing atmosphere at the statehouse...many new legislators <ul style="list-style-type: none"> <li>○ Emphasis being made on using this process</li> <li>○ Legislators view this process as a very important step in the formulation of proposed rules</li> </ul> </li> </ul> |

- Strongly encouraged by the Governor's Office and the Division of Financial Management
- Will improve process/ease of presenting rules during the legislative session

**ITD Rulemaking Page** - <http://itd.idaho.gov/rulemaking/default.htm>

TIME AND DATES FOR FUTURE MEETINGS

CHAIRMAN JOHN POCOCK

**DISCUSSION**

The next TAC meeting will be held June 23<sup>rd</sup> at the ITD Aeronautics Conference room. *Update – Meeting was not held and instead rescheduled for September 21<sup>st</sup> at the ITD Aeronautics Conference room.*

**FUTURE  
AGENDA ITEMS**

129K Status – Jeff Marker  
POE Rover Site Status – Ryan Lancaster