Trucking Advisory Council
MINUTES APRIL 7TH, 2016 9:00-11:00 PM MST AERONAUTICS CONFERENCE ROOM

BOARD ATTENDEES
John Pocock, Chairman
Mike Kempel
Kevin Iverson
Bill Stellmon (Phone)

LIAISON ATTENDEES
Reymundo Rodriguez, ITD
Alan Frew, ITD
Pat Carr, ITD
Ed Pembie, ITD
Jeff Marker, ITD
Gustavo Salazar, ITD
Debra Hall, ITD
Ramon Hobday-Sanchez, ITD
Ryan Lancaster, ITD
Renee’ Becker Johnson, ITD
Lt. Tim Horn, ISP
Rich York, FMCSA
Carla Pape, ISTC

OTHER ATTENDEES
Jerry Whitehead, Western Trailer
Alan Ginkel, Idaho Trucking Association
Shelly Nelsen, Amalgamated Sugar
Stacey Satterlee, Idaho Grain
Jerry Deckard, Capitol West
Paul Kearsley, Scott Fulcher Trucking
Dan Rice, Phone
Holly Suit, Access Idaho
Rich Steckler, Access Idaho
Matt, Access Idaho

Agenda topics

APPROVAL OF THE MINUTES

CHAIRMAN JOHN POCOCK

** MOTION
The Council accepted the minutes from the December 2015 meetings. (Motion: Kevin Iverson/Mike Kempel seconded passed unanimously.

FREIGHT PLAN AND 129K STATUS
JEFFREY MARKER - ITD

Discussion
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)

Highlights Mr. Marker presented to the TAC Board:

Statewide Freight Strategic Plan
Plan 60% complete
- Relationship to Idaho’s Economy - Complete
- Network, Safety, Policy Analysis - Complete
- 5/10/20 Year Infrastructure Improvement Plans - In progress
- Performance Measures

Developing
- Critical Urban Freight Corridors
- Critical Rural Freight Corridors

FASTLANE Grants
- I-84; “Franklin to Franklin”
- US-95

129K Pound Trucking
- Interstate Approved
  - Negotiated Rulemaking
- Board Actions

1
• Seven Requests in Process

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

DISCUSSION

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.

LEGISLATIVE & REGULATORY UPDATE

ED PEMBLE & REYMUNDO RODRIGUEZ, ITD

DISCUSSION

Ed Pemble discussed Driver Legislative and Regulatory Updates

Proposed Rule Federal Register March 7, 2016 –

• Applying for an initial CDL
• An upgrade of their CDL
• Hazmat, passenger, school bus endorsement

Instruction Permit

• Provided by an entity that meets minimum qualification for training providers; and
• Covers the required curriculum
• Includes theory and BTW components
• Curricula types: Core training (A or B), Endorsement training, and refresher training.
• BTW requirements vary based on curricula type.

Providers

• Must be listed on FMCSA proposed training provider registry
• Must electronically submit training certificates for students that have completed the curricula and have demonstrated proficiency in operating a CMV.

Implementation

• Three years after the date final rule is published.
• States would need to pass enabling legislation.

FMCSA Standards: Application for Exemption, ITD

• Posted in the Federal Register March 9, 2016
• Comments were due April 8, 2016
• Requests exemption from bonding requirement for CDL Skills testers.

Real ID

• HB 513
• Lifts Idaho’s statutory moratorium on implementing REAL ID
• Effective July 1, 2016

FMCSA National Registry II

• Includes new requirements for certified medical examiners performing medical examinations for commercial drivers, and requirements for state driver licensing agencies
• Provides benefits for CDL drivers and Trucking Companies
• Medical Examiners must use the electronic forms MCSA-5875 (long form) and MCSA -5876 (short form) beginning June 22, 2018.
• 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.

Medical Certificate Changes

• Medical Examiners must use the electronic forms MCSA-5875 (long form) and MCSA -5876 (short form) beginning June 22, 2018.
• 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.

Mr. Rodriguez discussed SB1229, HB472 and SB1261:

SB1229
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
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."


HB472
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.

SB1261
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.


Update - SB1229, HB472 & SB1261 were passed and became effective July 1st, 2016

DRIVER RECORD DASHBOARD

Holly Suit of Access Idaho demoed the Driver Record Dashboard for the group. DRD online demo: [http://www.idaho.gov/demo/driver_dash/](http://www.idaho.gov/demo/driver_dash/)

NEGOTIATED RULE MAKING

Ramon Hobdey Sanchez from ITD discussed Negotiated Rule Making.

**What is negotiated rulemaking?**
- An informal and flexible process
- Allows all interested & affected parties/entities to participate in rulemaking process
- Idaho Administrative Procedures Act (IAPA) requires state agencies to engage in negotiated rulemaking whenever feasible
  - Determining feasibility
    - Is there a need for temporary rulemaking?
    - What is the nature of the change being proposed?
    - Are the affected parties easy to identify?
    - Are the affected parties likely to reach a consensus on a proposed rule?
  - Agency's determination of feasibility is not subject to judicial review, however, it is subject to legislative scrutiny

**What are the advantages of negotiated rulemaking?**
- 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.
- Improves the substance of proposed rules by drawing upon shared information, expertise, and technical abilities possessed by the affected persons.
- Expedites formal rulemaking.
- Lessens the likelihood that affected persons will resist enforcement or challenge the rules in court.
- 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.
- Negotiated rulemaking meetings allow for interactive discussions on the subject matter between the parties in an attempt to reach consensus.

**Why negotiated rulemaking now?**
- Changing atmosphere at the statehouse...many new legislators
  - Emphasis being made on using this process
  - Legislators view this process as a very important step in the formulation of proposed rules
• Strongly encouraged by the Governor’s Office and the Division of Financial Management
• Will improve process/ease of presenting rules during the legislative session


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<tr>
<th>TIME AND DATES FOR FUTURE MEETINGS</th>
<th>CHAIRMAN JOHN POCOCK</th>
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<tr>
<td>DISCUSSION</td>
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<td>The next TAC meeting will be held June 23rd at the ITD Aeronautics Conference room. <strong>Update – Meeting was not held and instead rescheduled for September 21st at the ITD Aeronautics Conference room.</strong></td>
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