

Trucking Advisory Council

MINUTES SEPTEMBER 21ST, 2016

9:00-12:00 PM MST

AERONAUTICS CONFERENCE ROOM

BOARD ATTENDEES	John Pocock, Chairman Tony Black Kevin Iverson Mike Kempel Frank Buell (Phone) Bill Stellmon (Phone) Heath Treasure (Phone)
LIAISON ATTENDEES	Reymundo Rodriguez, ITD Alan Frew, ITD Greg Deveraux, ITD Erik Lawson, ITD Jeff Marker, ITD (Phone) John Tomlinson, ITD Ramon Hobdey-Sanchez, ITD Ryan Lancaster, ITD Sonna Lynn Fernandez, ITD Renee' Becker Johnson, ITD Lori Porreca, FMCSA Sergeant Colin Bonner, ISP Kevin Davis, ISTC
OTHER ATTENDEES	

Agenda topics

APPROVAL OF THE MINUTES

CHAIRMAN JOHN POCOCK

** MOTION	The Council accepted the minutes from the April 2016 meeting. (Motion: Mike Kempel / Kevin Iverson seconded passed unanimously.
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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 <ul style="list-style-type: none"> • Plan 95% Complete • Finalizing 5-Year “Fiscally Constrained” Project List • Continuing Critical Rural and Urban Freight Corridor Development • Awarded FASTLANE Grant for US-95 in Coeur d’Alene 129K Pound Trucking <ul style="list-style-type: none"> • US-30 Request – Subcommittee • New Evaluation Process – Focus on the difference between 80K/105.5K/129K • 17 Requests Under Evaluation (expecting 5 more from Idaho Forest Group)
	Chairman Pocock asked if more than one company makes a request will it influence the evaluation process. Mr. Marker stated No, the first request will be the request that is evaluated and any others will be returned to the party that submitted the request. The requests will be listed on the website: http://itd.idaho.gov/freight/?target=129000-lbs-route-requests and this should eliminate duplicate requests.
	Chairman Pocock asked Mr. Kempel's question from the April meeting, 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.
	Mr. Marker stated that one delay was the fact that while going through negotiated rule making the subcommittee and transportation board decided to put a hold on all pending requests until they were at a point where there wouldn't be any significant impact on the operations.
	Mr. Rodriguez explained to the group that funding from the FastAct will allow ITD to obtain a new Overlegal Permitting system. It will allow customers to obtain annual and single trip permits 24/7, currently the system will only allow annual permits online and all single trip requests have to be acquired from the permit office.

	<p>There is also a possibility of obtaining a Motor Carrier system at the same time. Demonstrations were done last week and there were 5 vendors that could provide either a permitting system and/or motor carrier registration system.</p> <p>Mr. Marker also stated License Plate Readers (LPR) will be installed in Lewiston and in 2017 they will be installed at East Boise POE. This will increase trucking mobility and allow a bypass without a transponder in the vehicle.</p>
	<p>Mr. Iverson asked what kind of a time frame can be expected for the 129K requests. Mr. Marker stated his goal is that ITD to complete the analysis within 2 weeks. But there are other requirements that will make the actual process from start to finish take as much as 2-3 months. Here is a listing of the process & procedures:</p> <p style="text-align: center;">Process</p> <ol style="list-style-type: none"> 1. <u>Request Form Submission:</u> Request Form 4886 will be completed and submitted to the Idaho Transportation Department Office of the Chief Engineer by the requestor (applicant). The applicant will forward to the adjacent (contiguous) local jurisdictions in accordance with guidance on ITD Form 4886. 2. <u>Review / Analysis:</u> Following submission of ITD Form 4886, the request will be reviewed for completeness. If is incomplete, it will be returned to the applicant with an explanation for returning the form. If the form is complete, the department's analysis for engineering and safety criteria will commence. Analysis criteria shall include assessment of pavement and bridges to allow legal tire, axle, and gross weight limits as per section 49-1001 and 49-1002, Idaho Code, and route off-track requirements which includes road width and curvature. Additional consideration shall be given to traffic volumes and other safety factors. 3. <u>Public Hearing:</u> Once the analysis is complete, the Chief Engineer will finalize a report on the application. If the report is favorable toward the application, a hearing will be scheduled to gather public testimony. A summary of the Chief Engineer's report will be provided to the Subcommittee member who will conduct the hearing. The summary report will also be posted on the ITD 129,000 Pound Truck Route website. If more than one route has been requested in a district, one hearing may be held to gather testimony on all of the routes in that district. If the report is not favorable toward the application, the Chief Engineer will present his findings to the 129,000 Pound Truck Route Subcommittee for its consideration. 4. <u>Chief Engineer's Recommendation to the Idaho Transportation Board Subcommittee:</u> The Office of the Chief Engineer will present findings and relevant information to the 129,000 Pound Truck Route Subcommittee along with a recommendation to approve or reject the application based on a completed review of engineering and safety criteria. 5. <u>Subcommittee Meeting:</u> Subcommittee meetings will be open meetings without additional public testimony; however, comments received up until the published closing date will be considered and specifically addressed by a responsible member of the Subcommittee and/or ITD staff where required. The Chief Engineer will present the analysis of the route(s) and a recommendation for Subcommittee action. After discussions, if the report is favorable, the voting Subcommittee members shall vote on a motion to hold the request for additional information or recommend the full Board reject or approve the application. The recommendation will be provided to the Idaho Transportation Board at the first available meeting scheduled by the Chairman of the Board. Minutes of Subcommittee meetings will be taken and posted on the ITD 129,000 Pound Truck Route website. 6. <u>Idaho Transportation Board Meeting:</u> The 129,000 Pound Truck Route Subcommittee will make a recommendation (options include, but are not limited to, hold the request for additional information or proceed to a public hearing if the Chief Engineer's analysis was unfavorable or recommend the full Board reject or approve the application) to the Idaho Transportation Board based upon the department's analysis. 7. If the Idaho Transportation Board rejects or approves the Subcommittee's recommendation to either approve or deny the request, the Office of the Chief Engineer will prepare a Letter of Determination. The Letter of Determination will be sent to the requester and posted on the ITD 129,000 Pound Truck Route website. Either decision may be appealed. If no action is taken, the decision becomes final 14 days after the Letter of Determination is posted

MARKET DRIVEN CDL LEGISLATION


ERIK LAWSON - ITD

<p>DISCUSSION</p>	<p>NEW IDs / NEW VENDOR</p> <ul style="list-style-type: none"> • Rollout October / November; • Increased security; Color and OVI Butterfly • Not REAL or Enhanced <p>CDL TESTER TABLETS</p> <ul style="list-style-type: none"> • Project nearly complete; rollout as soon as possible
	<p>CDL TESTER BONDING</p>

	<ul style="list-style-type: none"> • 383.75(v) Require the third party tester to initiate and maintain a bond in an amount determined by the State to be sufficient to pay for re-testing drivers in the event that the third party or one or more of its examiners is involved in fraudulent activities related to conducting skills testing of applicants for a CDL. Exception: A third party tester that is a government entity is not required to maintain a bond. • 2015: Applied for exemption / extension • 2016: Denied – Action plan due to remedy
	<p>CDL TESTER FEE INCREASE</p> <ul style="list-style-type: none"> • MOLLIE: “several CDL skills testers approached legislators last session about the current \$60 fee being inadequate. Legislators were receptive, and Rep. Jason Monks proposed legislation to allow the testers to set their own fee. Concerns were raised that allowing the testers to set their own fee might allow some to overcharge in rural areas, and the bill died in committee. Since then, ITD has been discussing the possibility of carrying a proposal. To continue the idea of a market driven approach, preferred by our Board and several House Transportation Committee members - but also address concerns about overcharging – ITD is considering a proposal with a \$200 cap.”
**Motion	TAC moved to make a recommendation to raise tester fees to a flat rate of \$120.00. Mr. Rodriguez relayed to Ramon Hobdey Sanchez and he will relay to Mollie McCarty.

BICYCLE SAFETY DISCUSSION

JOHN TOMLINSON

DISCUSSION	<p>Chairman Pocock stated he has seen 3 near death collisions in the last few years. On the way to the TAC meeting the Chairman revisited a site where he personally saw a bicyclist almost get hit by a vehicle near an S curve with minimum shoulders. The vehicle had to slam on the brakes as the bicyclist was unseen due to the road geography. Bicyclists often ride in the road where there are no shoulders and they do not have any idea that there are trucks behind him. Trucks swerve and slam on their brakes leaving skids and causing a dangerous situation for the bicyclist and the vehicle.</p> <p>John Tomlinson presented to the group the following:</p>  <p>Bicycle Info.pdf</p> <p>and stated the following:</p> <ul style="list-style-type: none"> • Nearly 25,000 crashes in 2015 total crashes. • 286 bike accidents in 2015 which is down 3% in bike incidents, nearly every 30.7 hours one accident happens. • 96% of the time there is an injury - 36 serious injuries were reported in 2015. • The Bicycle Route Analysis Map shows where the shoulder widths are statewide highways. • Traffic laws – every person has the rights to use the road even the bicyclists – what do we do to make it the safest possible is the issue. • Brian Shea, Senior Transportation Plan that runs the bike program for ITD gets calls daily to ask where they should travel. He tries to encourage them to use the bigger well identifiable routes to enhance the safety of their trip. But there are more experienced riders that will choose the route of their choice which are more scenic. <p>Mr. Black asked if there are no shoulders or unsafe widths to the right shoulder, what are they supposed to do and Mr. Tomlinson stated that Mr. Shea encourages riders to utilize their experience level. If they have less experience, he encourages them to travel on routes with a wider shoulder route. By law, if there is no shoulder then the rider is allowed to ride in the middle of the lane.</p> <p>Mr. Tomlinson asked what we can do to better inform people of the safety issues.</p> <p>Mr. Black stated that there are signs that say no trucks – why not the same thing for the bicyclists? If it is unsafe, take the bicyclist off the road as he doesn't want to ever see an accident.</p> <p>One of the options is to get the rider to the safest places to ride. Do we want to push the riders to the interstate because it does have a wide shoulder was a question that was posed. Mr. Tomlinson stated that Idaho does allow bikes on the interstate and it does have wide shoulders but again, riders want to take scenic routes.</p> <p>Mr. Rodriguez stated this is a political hot topic and there was a highly charged debate. Stakeholders want safety as well as alternatives. We could make modifications but it may not be easy. It is an educational discussion. Maybe more safety training is needed but we need to realize that this is a sensitive subject.</p> <p>It was stated that bicyclists have more political power than the truckers. Mr. Hobdey Sanchez stated code says that anyone has the right to contact their local legislator to change Idaho Code. Again, this is a sensitive issue as the biking industry is a big tourist industry (North Idaho). The state cannot make changes to local roads as ITD cannot dictate what the locals do on their roads.</p>
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Chairman is concerned that the speed differential of a moving vehicle and a bicyclist is high and the bicyclist will always lose in a collision between the two.

Who pays for the addition of shoulders on all the state routes? Why can't we build separated bike routes? It would be cheaper to add bike paths than to add shoulders. Maybe ITD should consider this.

A question was posed that if a bicyclist has every right to the road – are they paying any taxes to maintain that road? At this time the bike does not have to be registered. If they want equal traffic rights, they should pay for it too! They need to pay their fair share was a sentiment expressed by TAC members.

Mr. Tomlinson

- Pure data – all the bike crashes are happening in urban areas near driveways and intersections.
- NHS rehabilitation the area needs to consider other modes of transportation. That means we have to consider all other types. Federal standards say that they are looking to accommodate all modes of travel.
- ITD policy promotes all modes of transportation.
- Map – there are 3 national routes in Idaho mostly in North ID. Mr. Shea gets calls daily to ask where they should ride. Tourism is huge to this area along the National Bike Routes. There are several events in Idaho that have impact on the tourism in Idaho. It is ever increasing.
- Oregon and Montana said that they are also seeing a lot of bike Trips and day trips.

The TAC asked if there is any data to support the map that detailed an increase of bicyclist on these routes. Mr. Tomlinson will check with Mr. Shea and send the number of bicyclist users on state and federal routes to Renee' and she will distribute.

Mr. Tomlinson stated the fact that we have national routes which encourages bicyclists to visit Idaho. Changes to any code would be a hot topic that may not have support of the legislature.

There is a push to get more routes identified and advertised to the bicyclists.

Mr. Tomlinson stated ITD encourages accommodations for all types of transportation and bikers. There was a 5 year old boy who was severely injured recently and that accident brought a very strong interest from Governor Otter. The DMV driver test now has guaranteed 2 questions on each drivers exam. Governor Otter has proclaimed May as Idaho Bicyclist/Pedestrian Awareness Month.

There is a difference between those that ride in the communities compared to those that ride state routes.

Mr. Tomlinson stated yes, most of the accidents are in urban areas. Mr. Tomlinson will get the numbers to the committee. Separated by US hwy vs. Federal Hwy and City vs. County

Mr. Black asked if any new construction requires ITD to add new bicycle lanes. Mr. Tomlinson stated no, they consider it, but it is not mandatory. Mr. Black stated maybe it should be.

Chairman Pocock asked if riding double or triple at shoulder width is allowed. No, there are rules and it should be single file.

Mr. Iverson asked if there are any stats on citations given to bicyclist. Can we ask law enforcement for this information? Isn't it the rule that the biker has to obey the same rules as the driver? What is the biker's responsibility to be safe? Mr. Tomlinson stated it is the biker's responsibility to abide by the proper laws and rules of the road.

Mr. Rodriguez stated page 5-6 does outline what a bicyclist is required to do. The riders must also practice safe operation of their bicycle. A comment was made that possibly bicyclists should also be tested in order to get a license.

Chairman Pocock stated that a rural road with hills with a 50 mph limit does not have enough room for everyone. The Council feels that there should be a consideration to make changes made to the law to enhance safety for the bicyclists.

Mr. Rodriguez stated we could bring this up to the annual report to the Board. Possibly an official TAC letter to the board recommending a modification to Idaho Code or requesting addition of warning signs placed the highway to enhance safety.

Mr. Black stated the bicyclists have been very vocal and now the truckers need to be vocal too as it is viewed as a high safety issues.







Mr. Kempel suggested that maybe a public service announcement detailing what a person (vehicle/bicyclist) should do in certain traffic situations to ensure safety? The bicyclist wants us to give them consideration, and possibly they should also be aware from the trucker's point of view and how their bike impacts the trucks ride.

<p>Chairman Pocock stated maybe there should a bicyclist should have an endorsement on their license like other modes of transportation?</p> <p>Ms. Poccera stated there is transportation education – learn the rules of the road for all mode, there is not sufficient education now for bike/pedestrian travel/safety. All users don't know all the road rules especially kids.</p> <p>Any changes to the code would be through the Board and any legislative changes must go through them. Need formal written statement to the Board as well as be part of the Annual Report the Chairman presents. TAC feels that there should be common sense recommendations that bikers should not be on a route that has non shoulder. Mr. Rodriguez will work with Mr. Tomlinson and Mr. Shea to create a statement on behalf of the TAC.</p>		
ACTION ITEMS	PERSON RESPONSIBLE	DEADLINE
Need formal written statement to the Board as well as be part of the Annual Report. Make common sense recommendations that bikers should not be on a route that has non shoulder. Mr. Rodriguez will work with Mr. Tomlinson and Mr. Shea to create a statement on behalf of the TAC.	Chairman Pocock, Reymundo Rodriguez and Brian Shea	
<p>Statistics:</p> <ul style="list-style-type: none"> • Number of bicyclist users on state and federal routes • Accidents separated by US Hwy vs. Federal Hwy and City vs. County • Stats on citations given to bicyclist 	John Tomlinson	

NEGOTIATED RULE MAKING

RAMON HOBDEY SANCHEZ, ITD

DISCUSSION	<p>Ramon Hobdey Sanchez from ITD discussed Negotiated Rule Making.</p> <p>What is negotiated rulemaking?</p> <ul style="list-style-type: none"> • 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 <ul style="list-style-type: none"> ○ Determining feasibility <ul style="list-style-type: none"> ▪ 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 <p>What are the advantages of negotiated rulemaking?</p> <ul style="list-style-type: none"> • 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. <p>Why negotiated rulemaking now?</p> <ul style="list-style-type: none"> • Changing atmosphere at the statehouse...many new legislators <ul style="list-style-type: none"> ○ 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 <p>ITD Rulemaking Page - http://itd.idaho.gov/rulemaking/</p>
	<p>The following were discussed:</p>

	 Proposed Rule 39.03.06.pdf	 Proposed Rule 39.03.12.pdf	 Proposed Rule 39.03.22.pdf	 Proposed Rule 39.03.23.pdf	 Proposed Rule 39_03_11.pdf
	 39_03_15 Opt-In Option (submitted).pdf				

Time and dates for future meetings

Discussion	The next TAC meeting will be held December 14 and the TAC will meet with ITD Board at the ITD Headquarters Building located at 3311 W State Street in Room 209 for lunch. Chairman Pocock encouraged each member to physically attend and represent their district.
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FUTURE AGENDA ITEMS	Hazardous Conditions requirements in Administrative Rules concerning permitted vehicles.
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DRAFT