

Negotiated Rulemaking Meeting Minutes – June 14, 2023 - 1:00-4:00 p.m. (MST)

11331 W. Chinden Boulevard, Building 8 | Boise, ID 83714
American Falls Conference Room (Remote Through Microsoft Teams)

Rules Under Review -

| Rule | Description | Reason for Review |
|----------|---|----------------------|
| 39.03.40 | Rules Governing Junkyards and Dumps | ZBR Scheduled Review |
| 39.03.42 | Rules Governing Highway Right-of-Way Encroachments on State Rights-of-Way | ZBR Scheduled Review |
| 39.03.48 | Rules Governing Routes Exempt From Local Plans and Ordinances | ZBR Scheduled Review |
| 39.03.50 | Rules Governing Safety Rest Areas | ZBR Scheduled Review |
| 39.04.01 | Rules Governing Aeronautics and Aviation | ZBR Scheduled Review |

Attendees:

Brendan Floyd – Idaho Transportation Department (ITD) Administrative Rules Coordinator
Cathy Ford – Idaho Transportation Department (ITD) Highways Construction and Operations
Jennifer Schildgen – Idaho Transportation Department (ITD) Aeronautics
Steve Spoor – Idaho Transportation Department (ITD) Highways Construction and Operations (remote)
Justin Ruen – Association of Idaho Cities (AIC) (remote)
Bailey Woolf – Benn Brocksome & Associates (BB&A) (remote)
Margaret Major – Division of Financial Management (DFM) (remote)

Summary:

At 1:06 p.m. - The meeting began with Idaho Transportation Department employee and attendee introductions.

From 1:06 p.m. to 1:08 p.m. - Brendan Floyd described the rule edits, explaining the rules are under review due to the governor’s Zero-Based Regulation (ZBR) effort. Floyd stated that the emphasis while reviewing these rules was to eliminate unnecessary language and terms already defined in statute.

At 1:08 p.m. - Justin Ruen asked the following question through the meeting’s remote chat function.

“Could you discuss the changes in the aviation rules striking the matching provisions?”

Jennifer Schildgen responded, stating the section was entirely unenforceable and, therefore, should be removed.

Between about 1:10 and 1:20 p.m. - Brendan Floyd asked if there were any more questions from the group. As there were no additional questions at the time, Floyd stated he would pause the meeting and stand by if there were additional questions or attendees who arrived. Margaret Major logged into the meeting during this period, and Floyd provided a brief summary of what had already occurred in the meeting.

At 1:21p.m. - Justin Ruen asked the following question through the meeting's remote chat function.

"Could you also discuss the rule exempting local plans and ordinances and provide a summary of the purpose and intent of that."

Initially, Brendan Floyd stated that he may need to present this question to a subject matter expert. After reviewing an email on the topic, he responded that the intent of the rule was to ensure local highway jurisdictions gained concurrence from ITD prior to modifying the state transportation system or enacting local plans or ordinances that may impact the state transportation system.

At 4:00 pm. - The meeting concluded.