

Negotiated Rulemaking Meeting Minutes – July 16, 2024 - 1:00-3:00 p.m. (MST)

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

Rules Under Review –

Rule	Description	Reason for Review
39.03.41	Rules Governing Traffic Control Devices	Need to review in order to be in compliance with the federal MUTCD manual
39.03.60	Rules Governing Outdoor Advertising, Accident Memorials, and Other Official Signs	Mandatory ZBR Review
39.03.65	Rules Governing Traffic Minute Entries	Mandatory ZBR Review

Attendees:

Brendan Floyd – Idaho Transportation Department (ITD) Administrative Rules Coordinator
Colby Cameron – Idaho Transportation Department (ITD) Governmental Affairs Manager
Ryan Lancaster – Idaho Transportation Department (ITD) Standards and Work Zone Safety Engineer
Justin Pond – Idaho Transportation Department (ITD) Right of Way Program Manager (Remote)
Greg Laragan – MUTCD Manual Consultant (former ITD Assistant Chief Engineer)
Lance Sayers – Associations of Idaho Cities (AIC) Policy Analyst
Lance Johnson – Federal Highway Administration (FHWA)
Josh Saak – Ada County Highway District (ACHD)
Kelly Packer – Association of Idaho Cities (AIC) Executive Director (Remote)
Stephen Lewis – Michael Baker International (Remote)
Michelle McDonald – Ardurra (Remote)
Bailey Woolf – Benn Brocksome and Associates (Remote)

Summary:

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

From 1:08 p.m. to 1:13 p.m. – Brendan Floyd described the rule edits, explaining that two rules are under review due to the governor’s Zero-Based Regulation (ZBR) effort and one rule is a standalone review. The ZBR rules cover outdoor advertising, accident memorials, and other official signs, and traffic minutes entries, and the standalone rule covers traffic control devices related the federal Manual on Uniform Traffic Control Devices, commonly known as the MUTCD. Floyd stated that the emphasis while reviewing these rules was to eliminate unnecessary language and terms already defined in statute. Floyd stated that ITD would be available to discuss the rules until 3 o’clock and asked if there were any questions before ITD went over the rules.

Floyd explained the rule edits to 39.03.60, which covers Rules Governing Outdoor Advertising, Accident Memorials, and Other Official Signs. He stated that aside from some minor wordsmithing edits, the only things ITD is proposing to remove from this rule are definitions that are already prescribed

pretty much verbatim in statute. This has been the practice for several years and is encouraged through ITD's ZBR review process. Floyd asked if there were any questions. There were none.

Floyd continued with rule 39.03.65, which covers traffic minute entries. Floyd stated that edits to this rule were minor. ITD has proposed to remove the majority of the traffic control section, section 03 on page 2. The first two provisions (a and b) ITD does not perform traffic minute entries for, and subsection c is no longer applicable because stop signs are no longer the primary option at railroad crossings. Floyd asked if there were any questions. There were none.

Floyd stated that Greg Laragan would provide a summary of edits to rule 39.03.41, covering the MUTCD.

From 1:13 p.m. to 1:30 p.m. – Greg Laragan presented a slideshow summary of the changes to rule 39.03.41. **Note:** This slideshow is available on [ITD's Administrative Rule Page](#). Upon concluding the presentation, Laragan noted that Idaho's two national committee members, Stephen Lewis and Ryan Lancaster, were involved in reviewing the changes to a rule

At 1:32 p.m. – Josh Saak asked if some of the material that is currently not relevant to Idaho could be reconstituted or placed in the manual for guidance if those provisions became relevant to Idaho at some point. Laragan responded, explaining that the change would be straightforward and only one section would need to be removed. Lancaster added that ITD would have plenty of notice for any changes that would constitute the need for ITD to change the manual. Floyd added that ITD is compelled to review the rules periodically, so even if a legislative change didn't prompt a review, the compelled review requirement would spark discussion amongst those affected by the manual.

At 1:36 p.m. – Floyd asked if there were any other questions. There were none. He stated that the meeting would remain open until 3:00 p.m., but he would mute the room. He asked for any questions or comments to be placed in the group chat.

At: 1:49 p.m. – After the meeting was muted, Lance Johnson asked about when the state would need a letter from FHWA, affirming the state's substantial conformance with the MUTCD manual. Floyd responded, stating that ideally the department would get a letter by October.

At 3:00 p.m. – The meeting concluded.