

In the Matter of the Applications for the)
Designation of 129,000 Pound Route on)
Idaho State Highway 79.)
)
Case No. 201901SH79)

LETTER OF DETERMINATION

The Idaho Transportation Department received an application requesting that this section of Idaho State Highway 79 be designated as routes in which transports weighing up to 129,000 pounds are allowed. Specifically, the application sought the designation of Idaho State Highway 79 from milepost M.P. 0.00 to M.P. 0.23. The application was submitted to the Idaho Transportation Department (ITD) pursuant to Idaho Code section 49-1004A

The staff at ITD District 4, the Division of Motor Vehicles, Highways Bridge Section and the Office of Highway Safety evaluated the proposed route applying the criteria set forth in the administrative rules that implement the statute. See IDAPA 39.03.22.200.04. Staff found the proposed route satisfied engineering and safety standards set forth in the rule. I received the information from staff and recommended that the matter proceed to a public hearing.

In March, 2020, public hearings were noticed and conducted in both Wendell, ID and Twin Falls, ID, on March 4 and 5, 2020 where written and verbal testimony was received. Idaho Transportation Board Member Jim Kempton presided over the hearing in Wendell, ID and Twin Falls, ID. Following a thirty-day period, the time for submitting written comment closed.

The Board Sub-Committee held an open meeting on April 16, 2020. At that meeting I recommended approval of the proposed route. The Sub-Committee considered staff's analysis, my recommendation, the testimony received at the public hearing and the written comments submitted. The Sub-Committee voted to recommend approval of the proposed route to the full Idaho Transportation Board.

The Board Sub-Committee and my representative presented this matter to the Idaho Transportation Board at its regularly scheduled meeting of May 21, 2020. The Board received the submitted application, maps of the proposed route and Staff's evaluation of the proposed route. The Board also received transcripts of the testimony submitted at the public hearing and the written comments received by Staff. The Board accepted the recommendations to approve the route and adopted a resolution during the meeting, directing me to process a Letter of Determination approving the route for weights of up to 129,000 pounds.

THEREFORE, it is now DETERMINED that the application identified above are hereby APPROVED and the requested route is designated as route in which vehicles combinations of up to 129,000 pounds may operate with a permit.

This Letter of Determination is an administrative action of the Idaho Transportation Department and will become a final agency action unless an appeal or pleading is filed with me within fourteen (14) calendar days from the date of service indicated below. The right to file an appeal or pleading is set forth in title 67, chapter 52, Idaho Code and IDAPA 04.11.01, referred to as the Idaho Rules of Administrative Procedure of the Attorney General.

Dated this 21 day of May, 2020.

BLAKE RINDLISBACHER
Chief Engineer
Idaho Transportation Department

CERTIFICATE OF SERVICE

I hereby certify that on this ____ day of May, 2020, a copy of the within and foregoing LETTER OF DETERMINATION was served by sending the same by United States mail, postage prepaid, in an envelope addressed to:

IDAHO MILK TRANSPORT
ATTN: GENE BRICE
P.O. BOX 1185
BURLEY, ID 83318