

In the Matter of the Application for the)
Designation of 129,000 Pound Route on)
State Highway 38)
Case No. 201701SH38)

LETTER OF DETERMINATION

The Idaho Transportation Department received an application requesting that a section of State Highway 38 be designated as a route in which transports weighing up to 129,000 pounds would be allowed. Specifically, the application sought the designation of State Highway 38 from milepost 0.0 to milepost 23.44. This letter applies to the section of highway from milepost 0.0 to milepost 0.69 and milepost 1.33 to milepost 23.44. The section of State Highway 38 from milepost 0.69 to milepost 1.33 was previously approved for 129,000 pound truck operations under a separate evaluation. The application was submitted to ITD pursuant to Idaho Code section 49-1004A.

The staff at ITD District 5 and the staff at the Department of Motor Vehicles, Bridge Section, the Office of Highway Safety, and Materials Section of ITD Headquarters 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.

A public hearing was noticed and conducted in Pocatello on August 31, 2017 where written and verbal testimony were received. Idaho Transportation Board Member Horsch presided over the hearing. Following a thirty-day period, the time for submitting written comment closed.

The Board Sub-Committee held an open meeting on October 11, 2017. At that meeting I recommended approval on 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 November 16, 2017. The Board received the submitted application, map 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 is hereby APPROVED and the requested route is designated as a route in which vehicle 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) 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 22nd day of November 2017.



BLAKE A. RINDLISBACHER, P. E.
Acting Chief Engineer
Idaho Transportation Department

CERTIFICATE OF SERVICE

I hereby certify that on this 22nd day of November 2017, 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:

MID CRYSTAL FARMS
3747 Mid Crystal Road
Arbon, ID 83212

