



## EDITORIAL: Oil companies know courts better than the courts do

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(Source: Lewiston Morning Tribune, Idaho)By The Lewiston Morning Tribune, Idaho

Oct. 20--Imperial [Oil](#), which is owned mostly by ExxonMobil, shipped eight of its oversized containers up the Columbia and Snake rivers to Lewiston last week.

The company has yet to secure Idaho's permission to move those up U.S. Highway 12 to the Montana state line and ultimately to the Kearl Oil Sands project near Alberta, Canada.

That's after ConocoPhillips moved four megaloads up river to Lewiston in anticipation of a state permit. This equipment is headed to the company's refinery at Billings, Mont. Before the loads could make it up U.S. 12 however, Second District Judge John Bradbury issued an injunction. The case is pending before the Idaho Supreme Court.

Even earlier, they were paying utilities, such as Avista and Idaho County Light and Power, to realign power lines. That clears obstacles in the path of the 30-foot- tall trucks.

Although some widening of U.S. 12 was part of Idaho's long-range transportation improvement plan, Imperial paid for the graveling and leveling of nine turnoffs along the route. The shipments will pull over into these and other turnouts every 15 minutes to permit traffic to proceed.

And as Rep. Wendy Jaquet, D-Ketchum, noted Friday, the Idaho Board of Examiners in March voted to accept Imperial's payment for the use of Idaho State Police troopers who will escort the megaloads to the Montana line.

All of this without a permit in hand.

Premonition or prudent preparation?

Sure, these companies had a reasonable expectation that Idaho's Transportation Department would issue the permits. It's in ITD's DNA to accommodate the transportation of goods and services.

It has already permitted 200 oversized loads along U.S. 12 in the past decade. Of course, never has it encountered loads as wide -- 24 feet -- as long -- 210 feet -- as heavy -- 290 tons -- or as many -- more than 200 in the course of one year -- in one package.

ITD views these applications through an engineering prism. Are the loads configured in such a way as to minimize pounds per square inch on the pavement and the bridges? Can the shipments be pulled off safely and without imposing an undue hardship on traffic?

It doesn't evaluate whether the shipments pose an environmental hazard. It doesn't consider how they alter the scenic byway status of the highway or impede the tourism-based economy of the region. In fact, the process isn't all that different, whether the state is processing a single permit for one oversized load or evaluating a series of permits for a string of megaloads.

And once a permit is granted, the shipper has five days to use it.

That tells you why ConocoPhillips moved its equipment to Lewiston as the ITD permit was clearing channels. Once it got a green light -- and the company had every expectation of getting permission -- it had to proceed.

If that explains ConocoPhillips moving ahead last summer, it does not answer why Imperial Oil would spend money transporting equipment worth millions of dollars to Lewiston before the Supreme Court ruled.

You may be able to predict what a transportation department with a predisposition toward trucking and a limited scope will do. But the courts?

Why would Imperial Oil make this kind of a bet before the Supreme Court has ruled?

Saturday, a group of protesters offered one answer.

"It appears (Imperial is) trying to force the issue and put pressure on the Supreme Court and the state with this bullying tactic," said Gary Macfarlane, eco-system defense director for the Friends of the Clearwater.

Or maybe Imperial's lawyers know something about the law or the Idaho judiciary.

Either way, somebody at Imperial is awfully confident here. -- M.T.

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