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Director

Legislative Services Office

Idaho State Legislature

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MEMORANDUM

TO: Senators BRACKETT, Crabtree, Buckner-Webb and,
Representatives PALMER, Shepherd, Wintrow

FROM: Matt Drake - Legislative Drafting Attorney

DATE: July 10, 2019

SUBJECT: Temporary Rule

IDAPA 39.03.06 - Rules Governing Special Permits for Extra-Length/Excess Weight, Up to 129,000
Pound Vehicle Combinations - Adoption of Temporary Rule - Docket No. 39-0306-1901

We are forwarding this temporary rule to you for your information only. No analysis was done by LSO. This rule is posted on our web site. If you have any questions, please call Matt Drake at the Legislative Services Office at (208) 334-4834. Thank you.

Attachment: Temporary Rule

Kristin Ford, Manager
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IDAPA 39 – IDAHO TRANSPORTATION DEPARTMENT

39.03.06 – RULES GOVERNING SPECIAL PERMITS FOR EXTRA-LENGTH/EXCESS WEIGHT, UP TO 129,000 POUND VEHICLE COMBINATIONS

DOCKET NO. 39-0306-1901

NOTICE OF RULEMAKING – ADOPTION OF TEMPORARY RULE

EFFECTIVE DATE: The effective date of the temporary rule is July 1, 2019.

AUTHORITY: In compliance with Section 67-5226, Idaho Code, notice is hereby given this agency has adopted a temporary rule. The action is authorized pursuant to Sections 40-312 & 49-201, Idaho Code and Sections 49-1004, 49-1004A and 49-1010, Idaho Code.

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule:

This rule change will eliminate specifically referenced route colors within rule and allow the Department to create and modify maps more efficiently. It also decreases the number of attachments for permit holders and removes the requirement for rule to be updated each time a route color is changed. These changes will reduce confusion and make it easier for stakeholders and customers by enabling the streamlining of documents to a single source and it will eliminate the need for multiple attachments for permit carriers. This consolidation effort is in alignment with the Governor's Red Tape Reduction Act, because it removes unnecessary language within administrative rule.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section 67-5226(1)(c), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

These rule changes add clarity to the 129,000 lb. truck route request hearing process, benefiting route applicants and Department customers by clarifying the appeals process for denied route applications. Additionally, the removal of reference to the colored routes ensures consistency with the Department's new online permitting system which goes live on July 1, 2019.

FEE SUMMARY: Pursuant to Section 67-5226(2), the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger and the fee is described herein: N/A

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the temporary rule, please contact Lance Green, Permits Program Specialist, at (208) 334-8427.

Dated this 7th day of June, 2019.

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THE FOLLOWING IS THE TEXT OF THE TEMPORARY RULE FOR DOCKET NO. 39-0306-1901
(Only Those Sections With Amendments Are Shown.)

~~051. – 099.~~ (RESERVED)

~~100. DESIGNATED ROUTES FOR EXTRA LENGTH VEHICLE COMBINATIONS CARRYING UP TO ONE HUNDRED FIVE THOUSAND FIVE HUNDRED (105,500) POUNDS SHALL BE DESIGNATED IN FOUR CATEGORIES.~~

~~The “Extra Length Map” listing the designated routes for vehicles operating up to one hundred five thousand five hundred (105,500) pounds is available at the Idaho Transportation Department offices. This map is not the same as the “Designated Routes Up to 129,000 Pound Map” listed in Section 200 of these rules. (7-1-19)~~

~~01. **Blue Coded Routes.** Routes for combinations not exceeding ninety five (95) feet in overall length including load overhang (blue coded routes). A vehicle combination operating on routes designated for up to ninety five (95) feet shall be designed and assembled in a manner whereby its maximum off tracking will not exceed five point five zero (5.50) feet on a one hundred sixty five (165) foot radius when computed. (7-1-19)~~

~~02. **Red Coded Routes.** Routes for combinations of vehicles not exceeding one hundred fifteen (115) feet in overall length including load overhang (red coded routes). A vehicle combination operating on routes designated for up to one hundred fifteen (115) feet shall be designed and assembled in a manner whereby its maximum off tracking will not exceed six point five zero (6.50) feet on a one hundred sixty five (165) foot radius when computed. (7-1-19)~~

~~03. **Black Coded Routes.** Interstate system routes and specified interchanges providing access to approved breakdown areas located in close proximity to the Interstate system (black coded routes). A vehicle combination operating on routes in this category shall be designed and assembled in such a manner that its off tracking may exceed six point five zero (6.50) feet but shall not exceed eight point seventy five (8.75) feet when computed. Specified interchanges providing access to approved breakdown areas are required to be used by combinations that exceed six point five zero (6.50) feet off tracking. The specified interchanges will be authorized for either combinations in excess of six point five zero (6.50) feet off tracking, but not in excess of seven (7) feet off tracking, or for combinations in excess of seven (7) feet off tracking but not in excess of eight point seventy five (8.75) feet off tracking. (7-1-19)~~

~~04. **Green Coded Routes.** Selected state highway routes (green coded routes) for operation of a vehicle combination whereby its maximum off tracking will not exceed three (3) feet on a one hundred sixty five (165) foot radius when computed, and its overall length including load overhang does not exceed eighty five (85) feet. Route approval shall be subject to analysis of pavement condition, bridge capacity, safety considerations, pavement width, curvature, traffic volumes, and traffic operations. (7-1-19)~~

~~101.—199.~~ (RESERVED)

200. DESIGNATED ROUTES FOR EXTRA LENGTH VEHICLE COMBINATIONS UP TO ONE HUNDRED TWENTY-NINE THOUSAND (129,000) POUNDS.

In addition to the requirements listed in Sections 300 and 400, vehicle combinations operating up to one hundred twenty-nine thousand (129,000) pounds, must meet the following requirements: ~~(7-1-19)~~**(7-1-19)T**

01. Brakes. All axles shall be equipped with brakes that meet the Federal Motor Carrier Safety Regulations and shall be maintained to the Federal Motor Vehicle Safety Standards No. 121 in effect at the time the commercial motor vehicle was manufactured. (7-1-19)

02. Designated Routes for Vehicle Lengths. All designated state approved routes for vehicle combinations to operate at designated lengths are identified on the “Designated Extra Length Excess Weight up to

129,000 Pound Map” which is available at the Idaho Transportation Department.

(7-1-19)T

023. Designated Routes for Vehicle Weight. All designated state approved routes for vehicle combinations to operate at weights above one hundred five thousand five hundred (105,500) pounds will be identified on the “Designated Routes Extra Length Excess Weight up to 129,000 Pound Map” which is available at the Idaho Transportation Department. (7-1-19)(7-1-19)T

~~a. **Black Coded Routes.** Interstate system routes and specified interchanges providing access to approved breakdown areas located in close proximity to the Interstate system (black coded routes). A vehicle combination operating on routes in this category shall be designed and assembled in such a manner that its off-tracking may exceed six point five zero (6.50) feet but shall not exceed eight point seven five (8.75) feet when computed. Specified interchanges providing access to approved breakdown areas are required to be used by combinations that exceed six point five zero (6.50) feet off-tracking. The specified interchanges will be authorized for either combinations in excess of six point five zero (6.50) feet off-tracking, but not in excess of seven (7) feet off-tracking, or for combinations in excess of seven (7) feet off-tracking but not in excess of eight point seven five (8.75) feet off-tracking.~~ (7-1-19)

~~b. **Magenta Coded Routes.** Routes for combinations of vehicles not exceeding one hundred fifteen (115) feet in overall length including load overhang (magenta coded routes). A vehicle combination operating on routes designated for up to one hundred fifteen (115) feet shall be designed and assembled in a manner whereby its maximum off-tracking will not exceed six point five zero (6.50) feet on a one hundred sixty five (165) foot radius when computed.~~ (7-1-19)

~~c. **Brown Coded Routes.** Routes for combinations not exceeding ninety five (95) feet in overall length including load overhang (brown coded routes). A vehicle combination operating on routes designated for up to ninety five (95) feet shall be designed and assembled in a manner whereby its maximum off-tracking will not exceed five point five zero (5.50) feet on a one hundred sixty five (165) foot radius when computed.~~ (7-1-19)

~~d. **Routes for combinations operating on non state maintained highways (orange coded routes).** Local jurisdictions adding, modifying or deleting non state maintained routes for vehicle combinations operating up to one hundred twenty nine thousand (129,000) pounds shall provide the route information to the Department.~~ (7-1-19)

034. Requests for Adding Idaho Transportation Department Maintained Non-Interstate Routes. Routes not currently designated to operate at up to one hundred twenty-nine thousand (129,000) pounds may be added as follows: (7-1-19)

a. Request Form Submission. The request form (ITD form number 4886) will be completed and submitted to the Idaho Transportation Department Office of the Chief Engineer by the requestor. The requestor will forward the form to the adjacent local jurisdictions. (7-1-19)

b. Request Review/Analysis Process. (7-1-19)

i. Once submitted, the request will be reviewed for completeness and the department’s analysis will be completed for engineering and safety criteria. The criteria shall include assessment of pavement and bridges to allow legal tire, axle, and gross weight limits as per Section 49-1001 and 49-1002, Idaho Code, and route off-track requirements which includes road width and curvature. Additional consideration shall be given to traffic volumes and other safety factors. (7-1-19)

ii. Once the analysis is completed, the request will be submitted to the Chief Engineer, who will report to the Idaho Transportation Board Sub-committee. (7-1-19)

iii. The Idaho Transportation Board Sub-committee will make a recommendation (~~proceed to hearing~~ approve, reject, or request additional information) to the Idaho Transportation Board based upon the Department's analysis. (7-1-19)(7-1-19)T

iv. If the Idaho Transportation Board recommends ~~that the request proceed to hearing~~ approval or

denial, it shall instruct the Chief Engineer to ~~schedule a hearing in the district(s) where the requested route is located~~ issue a letter of determination. An adverse person may contest the letter of determination and request a hearing. The hearing will be conducted pursuant to the Idaho Administrative Procedures Act, Title 67, Chapter 52, Idaho Code.

~~(7-1-19)~~(7-1-19)T

v. The Chief Engineer or designee will conduct the hearing(s) and make a determination after the hearing(s) are held. Following the determination, the Chief Engineer will issue Findings and a Preliminary Order, hereafter referred to as Preliminary Order. (7-1-19)

vi. The Department will notify the requestor of the Chief Engineer's Preliminary Order and post to the Idaho Transportation Department Web site. (7-1-19)

vii. An appeal of the Preliminary Order may be made pursuant to the Idaho Administrative Procedures Act, Title 67, Chapter 52, Idaho Code. The appeal shall be made to the Director of the Idaho Transportation Department. (7-1-19)

c. Local Highways Approved for Travel Up to 129,000 Pounds. Local routes will be added or removed on the "Designated Routes Up to 129,000 Pound Map" when information and approval is provided to the Department by the local jurisdiction having authority over the local route. (7-1-19)