

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

The Legislative Services Office, Research and Legislation, has received the enclosed rules of
the Idaho Transportation Department:

IDAPA 39.03.01 - Rules Governing Definitions Regarding Special Permits - Proposed Rule (Docket
No. 39-0301-1901);

IDAPA 39.03.05 - Rules Governing Special Permits – Oversize Non-Reducible - Proposed Rule
(Docket No. 39-0305-1901);

IDAPA 39.03.06 - Rules Governing Special Permits for Extra-Length/Excess Weight, Up to 129,000
Pound Vehicle Combinations - Proposed Rule (Docket No. 39-0306-1902).

Pursuant to Section 67-454, Idaho Code, a meeting on the enclosed rules may be called by the
cochairmen or by two (2) or more members of the subcommittee giving oral or written notice to Research
and Legislation no later than fourteen (14) days after receipt of the rules' analysis from Legislative
Services. The final date to call a meeting on the enclosed rules is no later than 11/22/2019. If a meeting is
called, the subcommittee must hold the meeting within forty-two (42) days of receipt of the rules' analysis
from Legislative Services. The final date to hold a meeting on the enclosed rules is 12/23/2019.

The germane joint subcommittee may request a statement of economic impact with respect to a
proposed rule by notifying Research and Legislation. There is no time limit on requesting this statement,
and it may be requested whether or not a meeting on the proposed rule is called or after a meeting has
been held.

To notify Research and Legislation, call 334-4854, or send a written request to the address on the
memorandum attached below.



Eric Milstead
Director

Legislative Services Office

Idaho State Legislature

Serving Idaho's Citizen Legislature

MEMORANDUM

TO: Rules Review Subcommittee of the Senate Transportation Committee and the House Transportation & Defense Committee

FROM: Legislative Drafting Attorney - Matt Drake

DATE: November 04, 2019

SUBJECT: Idaho Transportation Department

IDAPA 39.03.01 - Rules Governing Definitions Regarding Special Permits - Proposed Rule (Docket No. 39-0301-1901)

IDAPA 39.03.05 - Rules Governing Special Permits -- Oversize Non-Reducible - Proposed Rule (Docket No. 39-0305-1901)

IDAPA 39.03.06 - Rules Governing Special Permits for Extra-Length/Excess Weight, Up to 129,000 Pound Vehicle Combinations - Proposed Rule (Docket No. 39-0306-1902)

I. Docket No. 39-0301-1901

Summary and Stated Reasons for the Rule

The proposed rule adds definitions for "disabled vehicle," "overhang," and "snowplow." The department states that the new definitions added by the rule are necessary to add clarity for stakeholders.

Negotiated Rulemaking / Fiscal Impact

Negotiated rulemaking was conducted. There is no fiscal impact.

Statutory Authority

The rulemaking appears authorized pursuant to sections 40-312, 49-201, and 49-1004, Idaho Code.

II. Docket No. 39-0305-1901

Summary and Stated Reasons for the Rule

The proposed rule provides for multiple overwide loads on single or double trailers. The rule clarifies load allowances for standard fifty-three-foot trailers and longer trailers for oversize, non-reducible loads. The department states that these clarifications are necessary to indicate that multiple overwide items, such as generators, transformers, and surge tanks, may be moved on a single trailer.

Negotiated Rulemaking / Fiscal Impact

Negotiated rulemaking was conducted. There is no fiscal impact.

Statutory Authority

Kristin Ford, Manager
Research & Legislation

Paul Headlee, Manager
Budget & Policy Analysis

April Renfro, Manager
Legislative Audits

Glenn Harris, Manager
Information Technology

The rulemaking appears authorized pursuant to sections 40-312, 49-201, and 49-1004, Idaho Code.

III. Docket No. 39-0306-1902

Summary and Stated Reasons for the Rule

The proposed rule eliminates color coded heavy and oversized truck routes and allows the department to create new maps clearly indicating allowed routes for such vehicles. The department states that the rule change will result in maps that are easier to read. The department also states that the removal of various color coded routes will streamline the permitting process and make compliance simpler. The proposed rule also adds language to clarify the process to be used when a stakeholder requests that a new route be added.

Negotiated Rulemaking / Fiscal Impact

Negotiated rulemaking was conducted. There is no fiscal impact.

Statutory Authority

The rulemaking appears authorized pursuant to sections 40-312, 49-201, and 49-1004, Idaho Code.

cc: Idaho Transportation Department
Ramon Hobdey-Sanchez

***** PLEASE NOTE *****

Per the Idaho Constitution, all administrative rules may be reviewed by the Legislature during the next legislative session. The Legislature has 3 options with this rulemaking docket: **1)** Approve the docket in its entirety; **2)** Reject the docket in its entirety; or **3)** Reject the docket in part.

IDAPA 39 – IDAHO TRANSPORTATION DEPARTMENT
39.03.01 – RULES GOVERNING DEFINITIONS REGARDING SPECIAL PERMITS
DOCKET NO. 39-0301-1901
NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections 40-312 & 49-201, Idaho Code and Section 49-1004, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 16, 2019.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

This rule change defines in definitions what a disabled vehicle is, what a snowplow is, and how overhang is measured. These new definitions will add clarity for Department stakeholders and customers.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: N/A

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: N/A

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted under Docket Number 39-0300-1901OM. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the July 3, 2019, Idaho Administrative Bulletin, [Vol. 19-7, pages 265-266](#).

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: N/A

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

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before Wednesday, October 23, 2019.

Dated this 29th day of August, 2019.

Ramón Hobdey-Sánchez
Governmental Affairs Project Manager
Idaho Transportation Department
3311 W. State Street
P.O. Box 7129
Boise, ID 83707-1129
Phone: (208) 334-8810
ramon.hobdey-sanchez@itd.idaho.gov

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 39-0301-1901
(Only Those Sections With Amendments Are Shown.)

010. DEFINITIONS.

- 01. Accessories.** Additional parts of the single item load that have been removed to reduce width, length or height. (7-1-19)
- 02. Administrative Cost.** The government's cost of processing, issuing and enforcing a permit. (7-1-19)
- 03. Analysis.** A mathematical study of a vehicle or combination of vehicles and the stress they cause over bridges or specific sections of highways conducted by a professional engineer. (7-1-19)
- 04. Annual.** Twelve (12) consecutive months. (7-1-19)
- 05. Automobile Transporter.** See Section 49-102, Idaho Code. (7-1-19)
- 06. Base Width.** The measurement below the eaves of a manufactured home, modular building, or office trailer. (7-1-19)
- 07. Boat Transporter.** See Section 49-103, Idaho Code. (7-1-19)
- 08. Cargo Unit.** A full truck, a semi-trailer, a full trailer, or a semi-trailer converted to a full trailer by means of a dolly or a converter gear mounting a fifth wheel. A dromedary tractor equipped with conventional fifth wheel, not stinger steered, ~~shall be~~ **is** excluded from the definition of a cargo unit. (7-1-19)()
- 09. Convoy.** A group of two (2) or more motor vehicles traveling together for protection or convenience. (7-1-19)
- 10. Department.** Idaho Transportation Department. (7-1-19)
- 11. Designated Agent.** An employee or relative of the farmer. (7-1-19)
- 12. Disabled Vehicle.** A vehicle unable to complete transportation under its own power. ()
- ~~123.~~ **Dromedary Tractor.** See Section 49-105, Idaho Code. (7-1-19)
- ~~134.~~ **Economic Hardship.** The loss of a substantial amount of money caused by economic changes. (7-1-19)
- ~~145.~~ **Emergency Movement.** A vehicle or vehicle combination hauling a load traveling to the site of an emergency for the purpose of aiding in eliminating the emergency. (7-1-19)
- ~~156.~~ **Escort Vehicle.** See Pilot Vehicle. (7-1-19)
- ~~167.~~ **Excess Weight.** Vehicle combinations hauling reducible loads operating on any highway with total gross loads exceeding eighty thousand (80,000) pounds but not to exceed twenty thousand (20,000) per single axle, thirty-four thousand (34,000) per tandem, not to exceed the weight limit for any group of two (2) or more consecutive axles established by Section 49-1001, Idaho Code, and for the front steer axle not to exceed the manufacturer's load rating per tire or the load rating of the axle or twenty thousand (20,000) pounds per axle; whichever is less. The maximum allowable load for all other vehicle tires shall not exceed six hundred (600) pounds per inch width of tire

for vehicles manufactured after July 1, 1987, or not to exceed eight hundred (800) pounds per inch width of tire for vehicles manufactured prior to that date as established by Section 49-1002, Idaho Code. (7-1-19)

~~178.~~ **Extra-Length.** Any vehicle combination in excess of the legal limits, but not more than one hundred fifteen (115') feet as established in Section 49-1010, Idaho Code, that normally haul reducible loads. (7-1-19)

~~189.~~ **Extra-Ordinary Hazard.** Any situation where the traveling public's safety or the capacity of the highway system is endangered. (7-1-19)

~~1920.~~ **Farm Tractor.** See Section 49-107, Idaho Code. (7-1-19)

~~201.~~ **Gross Vehicle Weight.** See Section 49-108, Idaho Code. (7-1-19)

~~212.~~ **Heavily Loaded.** Exceeding legal weight or hauling a load that obstructs the driver's view. (7-1-19)

~~223.~~ **Heavy Duty Wrecker Truck.** A motor vehicle designed and used primarily for towing disabled vehicles. (7-1-19)

~~234.~~ **Height.** The total vertical dimension of a vehicle above the ground surface including any load and load-holding device thereon. (7-1-19)

~~245.~~ **Implement of Husbandry.** See Section 49-110, Idaho Code. (7-1-19)

~~256.~~ **Incidentally Operated.** See Section 49-110, Idaho Code. (7-1-19)

~~267.~~ **Legal.** In compliance with the Idaho Code on size and weight. (7-1-19)

~~278.~~ **Length.** The total longitudinal dimension of a single vehicle, a trailer, or a semi-trailer. Length of a trailer or semi-trailer is measured from the front of the cargo-carrying unit to its rear, exclusive of all overhang and any appurtenances listed in IDAPA 39.03.03, "Rules Governing Special Permits – General Conditions and Requirements." (7-1-19)

~~289.~~ **Light Truck.** See Section 49-121, Idaho Code. (7-1-19)

~~2930.~~ **Longer Combination Vehicle (LCV).** Any combination of a truck-tractor and two (2) or more trailers or semi-trailers that operate on the National System of Interstate and Defense Highways with a gross vehicle weight (GVW) greater than thirty-six thousand two hundred eighty-eight (36,288) kilograms (eighty thousand (80,000) pounds). (7-1-19)

~~301.~~ **Manufactured Home.** A structure, constructed according to HUD/FHA mobile home construction and safety standards, transportable in one (1) or more sections, that, in the traveling mode, is eight (8') body feet or more in width or is forty (40') body feet or more in length, or when erected on site, is three hundred twenty (320) or more square feet, and that is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein, except that such term *shall* includes any structure that meets all the requirements of this subsection except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the secretary of housing and urban development and complies with the standards established under 42 U.S.C. 5401 et seq. Similarly constructed vehicles used permanently or temporarily for offices, advertising, sales, display or promotion of merchandise or services are included in this definition. (~~7-1-19~~) ()

~~312.~~ **Mobile Home.** A structure similar to a manufactured home, but built to a state mobile home code that existed prior to the Federal Manufactured Housing and Safety Standards Act (HUD Code) dated June 15, 1975. (7-1-19)

~~323.~~ **Modular Buildings.** A facility designed as a building or building section that is constructed to

standards contained in the Uniform Building Code (UBC), adopted by Section 39-4109, Idaho Code. (7-1-19)

334. Non-Reducible. Any load or vehicle exceeding applicable length or weight limits that, if separated into smaller loads or vehicles, would: (7-1-19)

a. Compromise the intended use of the vehicle, i.e., make it unable to perform the function for which it was intended; (7-1-19)

b. Destroy the value of the load or vehicle, i.e., make it unusable for its intended purpose; or (7-1-19)

c. Require more than eight (8) work hours to dismantle using appropriate equipment. The applicant for a nondivisible load permit has the burden of proof of establishing the number of work hours required to dismantle the load. (7-1-19)

345. Off-Tracking. The difference in the path of the first inside front wheel and of the last inside rear wheel as a vehicle negotiates a curve. (7-1-19)

356. Office Trailer. See definition of Manufactured Homes. (7-1-19)

367. Overall Combination Length. The total length of a combination of vehicles, i.e. truck tractor-semitrailer-trailer combination, measured from front bumper of the motor vehicle to the back bumper or rear extremity of the last trailer including the connecting tongue(s). (7-1-19)

378. Overall Length. The total length of a combination of vehicles, i.e. truck tractor-semitrailer-trailer combination, measured from front bumper of the motor vehicle to the back bumper or rear extremity of the last trailer including the connecting tongue(s) plus any load overhang. (7-1-19)

389. Overdimensional. Any vehicle or load in excess of the limits established in Section 49-1010, Idaho Code. (7-1-19)

40. Overhang. The distance from the end of the vehicle to the end of its load. ()

3941. Overheight. A vehicle or load in excess of the limits established in Section 49-1010, Idaho Code. (7-1-19)

402. Overlength. Any load non-reducible in length being hauled or towed that is in excess of the limits established in Section 49-1010, Idaho Code. (7-1-19)

413. Oversize. A vehicle or load in excess of the limits established in Section 49-1010, Idaho Code. (7-1-19)

424. Overweight. A single vehicle or a vehicle combination hauling or towing a non-reducible load whose weight is in excess of eighty thousand (80,000) pounds and/or legal axle weights. (7-1-19)

435. Overwidth. A vehicle or load in excess of the limits established in Section 49-1010, Idaho Code. (7-1-19)

446. Pilot Vehicle. Passenger cars or trucks equipped as specified in IDAPA 39.03.05, "Rules Governing Special Permits – Oversize Non-Reducible." (7-1-19)

457. Reducible Load. A single item or multiple items for transport that could reasonably be repositioned so that the load conforms to legal size and weight dimensions. The determination of ability to reduce the load primarily depends on the intended disposition of the contents of the load upon delivery to its destination (i.e. made into smaller pieces). (7-1-19)

468. Single Axle. An assembly of two (2) or more wheels whose centers are in one (1) transverse vertical plane or may be included between two (2) parallel transverse planes forty (40") inches apart extending across

the full width of the vehicle. (7-1-19)

49. **Snowplow.** A device intended for the use of removing snow or ice from road surfaces. ()

4750. **Special Permit.** A permit issued by the Idaho Transportation Department that authorizes the movement of vehicles or loads on the state highway system in excess of the sizes and weights allowed by Sections 49-1001, 49-1002, or 49-1010, Idaho Code. (7-1-19)

4851. **Steering Axle.** The axle or axles on the front of a motor vehicle that are activated by the operator to directly accomplish guidance or steering of the motor vehicle and/or combination of vehicles. (7-1-19)

4952. **Stinger-Steered.** A truck-tractor semi-trailer combination where the kingpin is located five (5) feet or more to the rear of the centroid of the rear axle(s). (7-1-19)

503. **Tandem Axle.** Any two (2) axles whose centers are more than forty (40") inches but not more than ninety-six (96") inches apart and are individually attached to and/or articulated from a common attachment to the vehicle including a connecting mechanism designed to equalize the load between axles. (7-1-19)

514. **Tridem Axle.** Any three (3) consecutive axles whose extreme centers are not more than one hundred forty-four (144") inches apart, and are individually attached to and/or articulated from a common attachment to the vehicle including a connecting mechanism designed to equalize the load between axles. (7-1-19)

525. **Variable Load Suspension Axle.** See Section 49-123, Idaho Code. (7-1-19)

536. **Vocational Vehicle.** A vehicle specifically designed to enable the operator to perform specific tasks none of which are primarily for the purpose of transporting loads. Cranes, loaders, scrapers, motor graders, and drill rigs are examples of vocational vehicles. (7-1-19)

547. **Width.** The total outside transverse dimension of a vehicle including any load or load-holding devices thereon, but excluding any appurtenances listed in IDAPA 39.03.03, "Rules Governing Special Permits – General Conditions and Requirements." (7-1-19)

IDAPA 39 – IDAHO TRANSPORTATION DEPARTMENT

39.03.05 – RULES GOVERNING SPECIAL PERMITS – OVERSIZE NON-REDUCIBLE

DOCKET NO. 39-0305-1901

NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections 40-312 & 49-201, Idaho Code, and Section 49-1004, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 16, 2019.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

This rule change clarifies load allowances for standard 53 foot trailers and longer trailers for oversize non-reducible loads for drivers and carriers. Without the addition of the word “multiple” to Subsection 070.03, the law could be read to mean that a load cannot be moved on any trailer bigger than 53’ long. In practicality, that does not work, because generators, transformers, surge tanks, etc. are moved on 70’ to 100’ long trailers due the securement needs of the load.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: N/A

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: N/A

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted under Docket Number 39-0300-1901OM. The Notice of Intent to Promulgate Rules – Negotiated Rulemaking was published in the July 3, 2019, Idaho Administrative Bulletin, [Vol. 19-7 pages 265-266](#).

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: N/A

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

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before Wednesday, October 23, 2019.

Dated this 29th day of August, 2019.

Ramón Hobdey-Sánchez
Governmental Affairs Project Manager
Idaho Transportation Department
3311 W. State Street
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Boise, ID 83707-1129
Phone: (208) 334-8810
ramon.hobdey-sanchez@itd.idaho.gov

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 39-0305-1901
(Only Those Sections With Amendments Are Shown.)

070. GENERAL OVERSIZE LIMITATIONS.

01. **Maximum Dimensions Allowed.** The maximum dimensions of oversize vehicles or oversize loads ~~shall~~ depends on the character of the route to be traveled: width of roadway, alignment and sight distance, vertical or horizontal clearance, and traffic volume. (7-1-19)()

02. **Practical Minimum Dimension of Load.** Oversize loads shall be reduced to a practical minimum dimension. Except where noted below, permits will not be issued to exceed legal size if the load is more than one (1) unit in width, height, or length that results in them exceeding legal overhang. Additionally, permits shall not be utilized for multiple unit loads that may be re-positioned to meet legal dimensions established in Section 49-1010, Idaho Code. (7-1-19)

03. **Multiple Overwidth Loads on Single or Double Trailers.** Multiple ~~Non~~non-reducible loads may be transported on double trailer combinations not exceeding seventy-five (75') feet combination length and single trailers not exceeding fifty-three (53') feet exclusive of load overhang. (7-1-19)()

04. **Overwidth Overhang.** Overwidth loads shall distribute overhang to the sides of the trailer as evenly as possible. (7-1-19)

05. **Oversize.** Special permits may be issued for continuous operation to haul or transport nonreducible loads having specified maximum oversize dimensions provided such permits for multiple trips can maintain the same measure of protection to highway facilities and to the traveling public as is provided by single trip permits. (7-1-19)

a. Permits for continuous operation, oversize only. (7-1-19)

i. Permits for continuous operation shall be issued to one (1) specified power unit. The permittee may tow various units with the specified power unit, either as towaway vehicles or as trailers hauling oversize loads. Oversize loads shall be nonreducible in width, length, or height. In the case of specially constructed equipment, mounted on a towed vehicle, or if the towed vehicle is only hauling an oversize but not overweight load, the permit may be issued to the towed vehicle. (7-1-19)

ii. Maximum size of loads or vehicles transported under authority of an annual oversize for black and interstate routes shall be limited to a width of sixteen (16') feet, a height of fifteen feet six inches (15'6"), and to a combination length of one hundred ten (110') feet including load overhang. Annual oversize permits for red coded routes shall be limited to a width of twelve feet six inches (12'6"). A current Pilot/Escort Vehicle and Travel Time Requirements Map shall accompany such permits for extended operations and ~~shall be~~ is considered to be a part of the permit. (7-1-19)()

06. **Passing Lane Must Be Provided.** Except for short movements in urban areas, and on routes having very low Average Daily Traffic (ADT), permits will not be issued for a load of such dimension that continuous passage of opposing traffic and frequent passing of following traffic cannot be maintained. Ten (10') feet or more of travelway should be provided for passage of traffic unless there are frequent turnouts, intersections, etc., to provide relief of accumulated traffic to the rear. (7-1-19)

07. **Hazardous Travel Conditions Restrictions.** Refer to IDAPA 39.03.03, "Rules Governing Special Permits – General Conditions and Requirements," for limitations on travel during hazardous conditions. (7-1-19)

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. 39-0306-1902

NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections 40-312 & 49-201, Idaho Code, and Section 49-1004, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 16, 2019.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

This rule change eliminates specifically referenced colors and allows the Department to create maps that are easier to read. 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 will eliminate the need for multiple attachments for permit carriers. There was also language modified to bring clarity to the 129,000 pound route request process.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: N/A

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: N/A

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted under Docket Number 39-0300-1901OM. The Notice of Intent to Promulgate Rules – Negotiated Rulemaking was published in the July 3, 2019, Idaho Administrative Bulletin, [Vol. 19-7, pages 265-266](#).

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: N/A

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

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before Wednesday, October 23, 2019.

Dated this 29th day of August, 2019.

Ramón Hobdey-Sánchez
Governmental Affairs Project Manager
Idaho Transportation Department
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THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 39-0306-1902
(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)~~()

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. ()

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)()

~~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)()

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)()

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)