

Dear Senators BRACKETT, Hagedorn, Buckner-Webb, and
Representatives PALMER, Shepherd, King:

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

IDAPA 39.03.15 - Rules Governing Excess Weight Permits for Reducible Loads - Proposed Rule
(Docket No. 39-0315-1601).

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 10/18/2016. 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 11/15/2016.

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 334-4834, 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: Deputy Division Manager - Katharine Gerrity

DATE: September 30, 2016

SUBJECT: Idaho Transportation Department

IDAPA 39.03.15 - Rules Governing Excess Weight Permits for Reducible Loads - Proposed Rule (Docket No. 39-0315-1601)

The Idaho Transportation Department submits notice of proposed rule at IDAPA 39.03.15 - Rules Governing Excess Weight Permits for Reducible Loads. According to the department, the purpose of the rule is to address truck permitting and 129,000 pound commercial motor vehicles on the state's Interstate system following enactment of SB 1229 during the 2016 legislative session. The department notes that the rule also proposes to establish a statewide permitting system. The department indicates that to promote intrastate surface transportation safety, intermodal commerce, law enforcement efficiencies and reduced administrative costs to local highway jurisdictions, commercial vehicle combinations in excess of 80,000 pounds will be permitted by ITD on local highways when a local highway jurisdiction authority has agreed to participate in the department's permitting process.

The department states that negotiated rulemaking was conducted. The rulemaking appears to be authorized pursuant to section 40-312, Idaho Code.

cc: Idaho Transportation Department
Ramon Hobdey-Sanchez

IDAPA 39 - IDAHO TRANSPORTATION DEPARTMENT

39.03.15 - RULES GOVERNING EXCESS WEIGHT PERMITS FOR REDUCIBLE LOADS

DOCKET NO. 39-0315-1601

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. This action is authorized pursuant to Section 40-312, 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 September 21, 2016.

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:

The modifications to this rule address truck permitting and 129,000 lb commercial motor vehicles (129K trucks) on the state's Interstate system. With the Idaho legislature's passage of SB1229 (2016), 129K trucks are now able to use the Interstates as they are now 129K designated routes. SB1229 was brought forward after the passage of the Federal Omnibus Appropriations Bill for FY16 in December 2015. SB1229 created a new section in code: §49-1004B, Idaho Code.

Furthermore, this rule proposes to establish a statewide permitting system. To promote intrastate surface transportation safety, intermodal commerce, law enforcement efficiencies and reduced administrative costs to local highway jurisdictions, commercial vehicle combinations in excess of eighty thousand (80,000) pounds will be permitted by the Idaho Transportation Department's Division of Motor Vehicles on local highways when a local highway jurisdiction authority has agreed to participate in the Department's permitting 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. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the May 2016 Idaho Administrative Bulletin, [volume 16-5, pages 68-69](#).

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 Reymundo Rodriguez, Motor Carrier Manager, at (208) 334-8699.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 26, 2016.

DATED this 8th day of September, 2016.

Ramón S. Hobdey-Sánchez, Governmental Affairs Program Specialist
Idaho Transportation Department,
3311 W State Street
PO 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. 39-0315-1601
(Only Those Sections With Amendments Are Shown.)

001. TITLE AND SCOPE.

01. Title. This rule shall be cited as IDAPA 39.03.15, "Rules Governing Excess Weight Permits for Reducible Loads," IDAPA 39, Title 03, Chapter 15. (3-20-14)

02. Scope. This rule authorizes the issuance of special permits which allow vehicle combinations to operate in excess of eighty thousand (80,000) pounds when hauling reducible loads on the Interstate and non-interstate and local highway systems if legal axle weight limits are not exceeded. To promote intrastate surface transportation safety, intermodal commerce, law enforcement efficiencies and reduced administrative costs to local highway jurisdictions, commercial vehicle combinations in excess of eighty thousand (80,000) pounds will be permitted by the Idaho Transportation Department's Division of Motor Vehicles on local highways when a local highway jurisdiction authority has agreed to participate in the Department's permitting process. ~~(3-20-14)~~(____)

(BREAK IN CONTINUITY OF SECTIONS)

100. GENERAL REQUIREMENTS AND CONDITIONS.

01. Weights Allowed on Interstate. The Federal Highway Amendment Act of 1974 established allowable legal weight limits on Interstate System Highways at twenty thousand (20,000) pounds on single axles, thirty-four thousand (34,000) pounds on tandems, and total gross loads not exceeding eighty thousand (80,000) pounds. (3-20-14)

02. Weights Allowed on Non-Interstate Highways. Allowable legal weight limits on non-interstate highways are set at twenty thousand (20,000) pounds on single axles, thirty-seven thousand eight hundred (37,800) pounds on tandems, and total gross loads not exceeding eighty thousand (80,000) pounds. (3-20-14)

03. Permit Types to Exceed Eighty Thousand Pounds Gross Weight. Permits will be issued for vehicle combinations operating on Interstate and non-interstate highways 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) pounds per tandem, and not to exceed the weight limit for any group of two (2) or more consecutive axles established by Section 49-1001, Idaho Code. (3-20-14)

a. Excess Weight Permit - gross weight limited to one hundred five thousand five hundred (105,500) pounds on interstate, ~~and~~ non-interstate and local highways when the appropriate local highway jurisdictional authority has agreed to participate in the Department's permitting process. ~~(3-20-14)~~(____)

b. Extra Length/Excess Weight Permit - gross weight limited to one hundred five thousand five hundred (105,500) pounds on interstate, ~~and~~ non-interstate and local highways and length limited to those specified in IDAPA 39.03.22, "Rules Governing Overlegal Permits for Extra Length, Excess Weight and Up to 129,000 Pound Vehicle Combinations." Except that no vehicle combination weighing more than one hundred five thousand five hundred (105,500) pounds shall operate on local highways contrary to the provisions of section 49-1004A, Idaho Code, IDAPA 39.03.22 and IDAPA 39.03.15.100.03.c. ~~(3-20-14)~~(____)

c. Up to One Hundred Twenty-Nine Thousand (129,000) Pounds - gross weight not to exceed one hundred twenty-nine thousand (129,000) pounds on designated ~~highways~~ routes, as specified in Section 49-1004 and Section 49-1004B, Idaho Code, and length limited to those specified in IDAPA 39.03.22, "Rules Governing Overlegal Permits for Extra Length, Excess Weight and Up to 129,000 Pound Vehicle Combinations." ~~(3-20-14)~~(____)