

Dear Senators BRACKETT, Nonini, 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 39.03.03 - Rules Governing Special Permits – General Conditions and Requirements (New
Chapter, Fee Rule) - Proposed Rule (Docket No. 39-0303-1801).

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 10/26/2018. 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 11/27/2018.

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 Research Analyst - Matt Drake

DATE: October 09, 2018

SUBJECT: Idaho Transportation Department

IDAPA 39.03.03 - Rules Governing Special Permits -- General Conditions and Requirements (New Chapter, Fee Rule) - Proposed Rule (Docket No. 39-0303-1801)

Summary and Stated Reasons for the Rule

The Idaho Transportation Department submits notice of proposed rulemaking at IDAPA 39.03.03 -- Rules Governing Special Permits - General Conditions and Requirements (Fee Rule). Pursuant to Senate Concurrent Resolution No. 130 of 2018, the Legislature requested that the department conduct rulemaking to streamline the commercial motor vehicle annual permit system. As part of the requested rulemaking, the department was asked to consolidate existing annual permits for vehicles that exceed legal size and weight. Accordingly, the proposed rule provides a consolidated schedule of permit fees. The Department states that the majority of fees are reduced or will remain the same under the consolidation, minimizing impact on users. The department states that the new fee prices will keep the special permit fees revenue neutral. The fee consolidation allows use of a new automated permitting system that will reduce the department's administrative costs. The rule also addresses matters pertaining to permitted vehicles and permitted loads, such as safety inspections, lighting, and flagging requirements. The new chapter also addresses the responsibilities of permittees as well as size and weight restrictions.

Negotiated Rulemaking / Fiscal Impact

Negotiated rulemaking was conducted. There is no fiscal impact. Pursuant to Senate Concurrent Resolution No. 130 of 2018, the department conducted a fee cost study to ensure that the program is revenue neutral and that adjusted fees only cover administrative costs.

Statutory Authority

The rulemaking is authorized pursuant to Senate Concurrent Resolution No. 130 of 2018 as well as 40-312, 49-201, 49-1001, 49-1004, and 49-1005, Idaho Code.

cc: Idaho Transportation Department
Ramon Hobdey-Sanchez

Kristin Ford, Manager
Research & Legislation

Paul Headlee, Manager
Budget & Policy Analysis

April Renfro, Manager
Legislative Audits

Glenn Harris, Manager
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Statehouse, P.O. Box 83720
Boise, Idaho 83720-0054

Tel: 208-334-2475
www.legislature.idaho.gov

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

Per the Idaho Constitution, all administrative rules must 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

39.03.03 – RULES GOVERNING SPECIAL PERMITS – GENERAL CONDITIONS AND REQUIREMENTS

DOCKET NO. 39-0303-1801 (NEW CHAPTER, FEE RULE)

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 and 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 17, 2018.

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:

Per the Idaho Transportation Department's commercial motor vehicle permit consolidation rulemaking, as directed by the 2018 Idaho Legislature in **Senate Concurrent Resolution 130**, this administrative rule provides the general safety conditions and travel requirements for special permitted vehicles and/or loads. This rule also provides the issuing authority to the Department and local highway jurisdictions and the administrative fees imposed by the Department for various special permits. This rule also provides the permittee general responsibilities when operating under any special permit. For additional information, please visit: <https://itd.idaho.gov/rulemaking>.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: This rule contains the fees associated with commercial motor vehicles and/or loads and combinations that require a special permit. As a part of this negotiated rulemaking and permit consolidation, the Department conducted a fee cost study to ensure that the program is revenue neutral and only covers administrative costs. A fee chart can be found here: <https://itd.idaho.gov/wp-content/uploads/2018/05/Permit-Price-List.pdf>.

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 under Docket No. 39-0300-1801 in the May 2, 2018, Idaho Administrative Bulletin, **Vol. 18-5, pages 145-146**.

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 Ramón Hobdey-Sánchez, Governmental Affairs Program Specialist, at (208) 334-8810 or email at ramon.hobdey-sanchez@itd.idaho.gov

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 October 24, 2018.

DATED this 30th Day of August, 2018.

Ramón S. Hobdey-Sánchez
Governmental Affairs Program Specialist
Idaho Transportation Department

3311 W. State St. – PO Box 7129
Boise ID 83707-1129
Phone: (208) 334-8810

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 39-0303-1801
(New Chapter, Fee Rule)

IDAPA 39
TITLE 03
CHAPTER 03

39.03.03 – RULES GOVERNING SPECIAL PERMITS –
GENERAL CONDITIONS AND REQUIREMENTS

000. LEGAL AUTHORITY.

This rule, governing the movement of vehicles or loads that are in excess of the sizes or weights allowed by Sections 49-1001, 49-1002 or 49-1010, Idaho Code, is adopted under the authority of Sections 40-312, 49-201, 49-1001, 49-1004, and 49-1005 Idaho Code. ()

001. TITLE AND SCOPE.

01. Title. This rule shall be cited as IDAPA 39.03.03, “Rules Governing Special Permits – General Conditions and Requirements,” IDAPA 39, Title 03, Chapter 03. ()

02. Scope. This rule states the general conditions and requirements for special permits. ()

002. WRITTEN INTERPRETATIONS.

There are no written interpretations for this chapter. ()

003. ADMINISTRATIVE APPEALS.

Administrative appeals under this chapter shall be governed by the rules of administrative procedure of the attorney general, IDAPA 04.11.01, “Idaho Rules of Administrative Procedure of the Attorney General.” ()

004. INCORPORATION BY REFERENCE.

There are no documents incorporated by reference in this chapter. ()

005. OFFICE – OFFICE HOURS – MAILING AND STREET ADDRESS – PHONE NUMBERS.

01. Street and Mailing Address. The Idaho Transportation Department maintains a central office in Boise at 3311 W. State Street with a mailing address of PO Box 7129, Boise, ID 83707-1129. ()

02. Office Hours. Daily office hours are 7:30 a.m. to 5:00 p.m. except Saturday, Sunday, and state holidays. ()

03. Telephone and FAX Numbers. The central office may be contacted during office hours by phone at 208-334-8420, 1-800-622-7133, or by fax at 208-334-8419. ()

006. PUBLIC RECORDS ACT COMPLIANCE.

All records associated with this chapter are subject to and in compliance with the Idaho Public Records Act, as set forth in Title 74, Chapter 1, Idaho Code. ()

007. – 009. (RESERVED)

010. DEFINITIONS.

Refer to IDAPA 39.03.01, “Rules Governing Definitions Regarding Special Permits,” for definitions of the terms used in this rule. ()

01. Loaded Truck. A truck or truck combination equipped with VLS axles shall be considered to be hauling a load when VLS axles need to be fully deployed to reduce loads on fixed axles and groups of axles that would otherwise exceed legally prescribed weight limits as set forth in Section 49-1001, Idaho Code. ()

011. – 049. (RESERVED)

050. SAFETY INSPECTION REQUIREMENTS FOR PERMITTED VEHICLES AND/OR LOADS.

01. Inspections. All vehicles, tractors, trailers, and dolly converters operating under the authority of a special permit issued by the Department must have a valid annual inspection at the time a permit is issued. The inspection shall be completed in compliance with 49 CFR Part 396.17. ()

02. Inspectors. Inspectors completing required annual inspections shall meet the certifications requirement in 49 CFR 396.19 and brake inspector qualification in 49 CFR 396.25. ()

03. Drivers. All drivers shall meet the special training requirements for Longer Combination Vehicles as outlined in 49 CFR Part 380. ()

04. Motor Carriers. By applying for a special permit, motor carriers self-certify that they have performed inspections as set forth in 49 CFR Part 396.17. ()

05. Exemption. Oversize vehicles and/or loads operating under an exemption outlined in Section 67-2901B (2), Idaho Code, are exempt from this safety inspection requirement. ()

051. – 059. (RESERVED)

060. BRAKES.

Brakes shall 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. ()

061. – 069. (RESERVED)

070. LIGHTING REQUIREMENTS FOR LOADS TRAVELING AFTER DARK.

Those over dimensional vehicles and/or loads traveling during hours of darkness shall be required to display lights to mark the extremities of the vehicle and/or loads and shall be in addition to those clearance lights required on legal size vehicles when traveling at night. ()

01. Standards for Lights on Oversize Vehicles and/or Loads. ()

a. Lights are required on those vehicles traveling sunset to sunrise. ()

b. The lights must be visible from a minimum of five hundred (500) feet. ()

c. The lights may be flashing or steady burning. ()

d. The color of the lights shall be as follows: ()

i. Lights visible from the front of the oversized vehicle and/or loads and the extremities in the middle or near the front of the oversized vehicle and/or load shall be amber. ()

ii. Lights visible from the back of the oversized vehicle and/or load and the extremities near the back of the oversized vehicle and/or load shall be red. ()

02. Standards for Lights on Rear Overhang. Lights are required when rear overhang exceeds the end of the trailer by four (4') feet or more. ()

a. If the overhang is two (2') feet wide or less, only one (1) light is required on the end of the overhang. ()

b. If the overhang is over two (2') feet wide, two (2) lights are required on the end of the overhang to show the maximum width of the overhang. ()

071. – 079. (RESERVED)

080. FLAGGING REQUIREMENTS FOR OVERSIZE VEHICLES AND/OR LOADS.

Warning flags for oversize vehicles and/or loads, excluding extra-length vehicle combinations, shall be marked by warning flags meeting the following: ()

01. Warning Flags. Warning flags are required on all overwidth vehicles and/or loads, and when the rear overhang exceeds the end of the trailer by four (4') feet or more. ()

02. Size. Minimum size of flags is eighteen (18") inches by eighteen (18") inches. ()

03. Color. Red or fluorescent orange. ()

04. Placement of Flags. On overwidth vehicles and/or loads flags shall be placed at the four (4) corners and/or extremities of the vehicle and/or load as follows: ()

a. Front. Fastened to each front corner of the oversized vehicle and/or load if it exceeds legal width. ()

b. Rear. Fastened to each rear corner of the oversized vehicle and/or load if it exceeds legal width. ()

c. Side. Fastened to mark any extremity, when extremity is wider than the front or the rear of the vehicle and/or load. ()

d. Overhang. If the overhang is two (2') feet wide or less, only one (1) flag is required on the end of the overhang. If the overhang is over two (2') feet wide, two (2) flags are required on the end of the overhang to show the maximum width of the overhang. ()

081. – 089. (RESERVED)

090. SIGN REQUIREMENTS FOR VEHICLES COMBINATIONS INCLUSIVE OF LOAD.

Refer to IDAPA39.03.05, "Rules Governing Special Permits – Oversize Non-Reducible," for conditions in this rule. ()

091. –099. (RESERVED)

100. RESPONSIBILITY OF ISSUING AUTHORITY.

01. Primary Concerns. The primary concern of the Department, in the issuance of special permits, shall be the safety and convenience of the general public and the preservation of the highway system. ()

02. Permit Issuance. The Department shall, in each case, predicate the issuance of a special permit on a reasonable determination of the necessity and feasibility of the proposed movement. ()

101. –199. (RESERVED)

200. AUTHORITY TO ISSUE PERMITS.

The authority to issue permits on state highways is described in Subsection 200.01. Subsection 200.02 describes the Department’s authority to issue special permits on local jurisdiction highways pursuant to an agreement between the Department and the local highway jurisdictions. ()

01. Special Permit. The special permit authority of the Department shall cover travel on state highways only and special permits issued by the Department shall be valid only on completed sections of state highway, described on the permit by route number or otherwise. The right to use county highways or city streets is neither granted nor implied. The special permit authority of the Department shall include those sections of state highways within corporate limits of cities and towns, but will not include sections of state highways intersecting with local highways, when travel is occurring on the local highway(s). Contractors hauling loads within the limits of state highway construction projects do not require special permits, but the loads must comply with the weight limits specified in the state highway contract. ()

02. Authority. Special permit authority agreed to by the Department and local highway jurisdiction shall include travel on the local jurisdiction’s highways under the rules of this title, IDAPA 39.03.03, “Rules Governing Special Permits – General Conditions and Requirements.” ()

201. – 299. (RESERVED)

300. OFFICES FOR ISSUANCE OF SPECIAL PERMITS.

The Department shall maintain a centralized special permit office at the Department Headquarters, making permits available electronically at the following listed office and Ports of Entry throughout the State. Permits will be available Monday through Friday, state holidays excluded, from 7:30 a.m. to 5 p.m. Mountain Time. Special permits can also be obtained online at id.idaho.gov or by phone. ()

- 01. Headquarters.**
Idaho Transportation Department
Special Permit Office
P.O. Box 7129
3311 West State Street
Boise, Idaho 83707-1129
(208) 334-8420 ()
- 02. Huetter Port of Entry, District One.**
Mile Post 8.5 I-90
Coeur d’Alene, Idaho 838145
(208) 769-1551 ()
- 03. Lewiston Port of Entry, District Two.**
33443 US Hwy 95
Lewiston, Idaho 83501-0837
(208) 799-4824 ()
- 04. East Boise Port of Entry, District Three.**
Mile Post 66.5 I-84 EB
Boise, Idaho 83634
(208) 334-3272 ()
- 05. Cotterell Port of Entry, District Four.**
Mile Post 229 I-84 EB
Cotterell, Idaho 8323
(208) 349-5650 ()
- 06. Inkom Port of Entry, District Five.**
Mile Post 59 I-15 NB
Inkom, Idaho 83245
(208) 775-3322 ()

- 07. Sage Junction Port of Entry, District Six.**
2452 E 1500 N
Terreton, Idaho 83450
(208) 228-3636 ()

301. – 399. (RESERVED)

400. INSURANCE OR BOND FOR EXTRAORDINARY HAZARD.

Evidence of insurance or the posting of a bond shall be required when necessary because of loads creating an extraordinary hazard to the traveling public or to protect the public investment when a load presents an extraordinary hazard to the highway system. In such cases of extraordinary hazard to the roadway or structures, the Department may require the posting of a cash bond in such amount as to cover the maximum damage that could be expected to occur to the highway with the permittee also required to reimburse the Department for any engineering required to ascertain the extent of damages, if any, occurring to the roadway during the movement of the excessive load. ()

401. – 449. (RESERVED)

450. RESPONSIBILITY OF PERMITTEE.

01. General Responsibilities. The permittee shall determine and declare the gross weight, distribution of weight, and the dimensions of the vehicle and load and shall submit all other required information before issuance of the permit. The acceptance of a special permit by the permittee is his agreement that the vehicle and load covered by the permit can and will be moved in compliance with the terms and limitations set forth in the permit. When a permit has been accepted by the permittee, such action shall be deemed an unequivocal assurance that he has complied, or will comply with all operating, licensing, and financial responsibility requirements. ()

02. Permit to Be Carried in Vehicle. ()

a. The special permit must be carried or available electronically in the vehicle to which it refers during the time of movement and shall upon demand be delivered for inspection to any peace officer or authorized agent of the Idaho Transportation Board or any officer or employee charged with the care and protection of the public highways. ()

b. When the route of the permitted vehicle will not pass in the vicinity of a state operated transceiver station, the applicant may complete Form ITD-216, APPLICATION FOR SPECIAL PERMIT NUMBER, and provide pertinent information by telephone to the special permit office. If the special permit office approves the application, a special permit number will be assigned to complete the Form ITD-216. Form ITD-216 will serve as evidence of intent to obtain the special permit and will be honored by law enforcement subject to the officer checking with the special permit office. The applicant must qualify for this procedure by obtaining a permit fee account number. The special permit office will complete the Special Permit Form ITD-216 and charge the fee to the applicant's permit fee account number. ()

03. Certification Load Is Non-Reducible. Upon application, the permittee must certify that steps have been taken to reduce the dimensions, the weight of vehicle, or the load, or all three, concerned in the permit to legal limitations or, if that is impractical, to reduce the excess to a minimum. ()

04. Basic Limitations Shall Not Be Exceeded. Special permits shall not be issued for vehicles or loads in excess of the maximum limitations of size or weight or that otherwise exceed the limitations for loads as set forth in these rules unless exception is made by the Transportation Board, or as otherwise provided herein. ()

05. Hazardous Travel Conditions Restrictions. Extreme caution in the operation of a special-permitted vehicle shall be exercised when hazardous conditions exist. The driver of a permitted vehicle is responsible for checking the conditions of the permitted route before travel. The movement of vehicles or loads operating on valid permits shall automatically become invalid en route when: ()

- a.** The Idaho Transportation Department, Idaho State Police, or other law enforcement office

determines and provides public notice by any available means that a hazardous road condition exists. ()

b. The driver reasonably knows that hazardous road conditions exist along route. ()

c. Whenever a road is marked “Difficult” on 511 or as having a hazardous condition. ()

d. Hazardous road conditions may include, but are not limited to: ()

i. Loss of traction on roadways due to ice, snow, frost, excessive water, or mud; ()

ii. Whenever a roadway is under conditions of wind over forty (40) mph; ()

iii. Visibility is less than five hundred (500) feet due to snow, rain, smoke, dust, or fog; ()

iv. Whenever a roadway becomes obstructed due to snow, water, mud, rocks, or other debris; or ()

v. Whenever a roadway is subject to a natural disaster or emergency. ()

06. Delaying Movement. Enforcement personnel responsible for any section of highway shall carry out enforcement action for violations involving special permit operations and may delay movements. ()

451. – 499. (RESERVED)

500. ALLOWABLE TOLERANCE, LEGAL OR PERMITTED SIZE LIMITS.

01. Determination of Vehicular Dimensions. Determination of vehicular length and/or width as defined by Idaho Code or by Board rule shall be exclusive of those external devices or appurtenances whose function is related to safe and efficient operation. ()

02. Appurtenances. Rearview mirrors, turn signal lamps, splash and spray suppressant devices; awnings on recreational vehicles, load induced tire bulge, and other noncargo carrying appurtenances shall be excluded from the calculation of allowable width. Front mounted refrigeration units, energy conservation devices, bolsters, mechanical fastening devices, hydraulic lift gates, external front mounted side curtain rollers, and other noncargo carrying appurtenances or devices shall be excluded from a determination of allowable length. ()

03. Other Appurtenances. Other appurtenances not listed above may not extend beyond three (3) inches on each side or end of a vehicle or load. Other appurtenances may include, but shall not be limited to, clearance lights, door handles, handholds, window fasteners, door and window trim, moldings, and load securement devices. ()

501. – 509. (RESERVED)

510. DROMEDARY TRACTORS.

A truck tractor containing a dromedary box, deck, or plate in legal operation on or before December 1, 1982, shall be authorized to continue to operate, notwithstanding its cargo carrying capacity, throughout its useful life. Proof of such legal operation on December 1, 1982, shall rest upon the operator of the equipment. ()

511. – 519. (RESERVED)

520. LOAD OVERHANG.

The overhang or extension of a load shall not extend beyond the limits as set forth in Section 49-1010, Idaho Code. ()

521. – 599. (RESERVED)

600. GENERAL.

A special permit, in writing, shall be required for any movement on any completed section of highway under the

jurisdiction of the Department by any vehicle or vehicles with reducible or non-reducible loads that exceed the allowable weights or sizes established in Sections 49-1001, 49-1002 and 49-1010, Idaho Code. ()

601. – 619. (RESERVED)

620. COMPLIANCE WITH OTHER LAWS AND ORDINANCES.

The special permit will be effective only insofar as the Department has authority for its issue and does not release the permittee from complying with other existing laws, local ordinances or resolutions which may govern the movement. ()

621. – 629. (RESERVED)

630. WAIVER OF LIMITATIONS FOR EMERGENCY MOVEMENTS.

Notwithstanding other provisions of these rules, the Idaho Transportation Board may waive existing permit policy limitations in the event of an emergency, subject to such limitations or special requirements as the Board may impose. ()

01. Military Emergency Affecting National Security. Any movement by or for a military or other government agency which is in excess of permit policy maximum limits of weight or size or which is otherwise outside established rules must be certified as a military necessity involving national security before receiving any special consideration to provide any waiver of normal permit rules. Certification of military necessity must be made by an official designated as having such authority by the Department of Defense Directory, issued by the Office of the Chief of Transportation, Department of Army. All applications for military emergency movements must be channeled through the Special Permit Office, Idaho Transportation Department. ()

02. Emergencies Endangering the Public Health, Safety, or Welfare Including but Not Limited to Fire, Flood, or Earthquake. During an emergency endangering the public health, safety or welfare, there may be an urgent and immediate need for equipment and it will not be in the public interest to require that a special permit be in the vehicle prior to an over legal movement. Verbal approval to proceed without a special permit in the vehicle may be obtained from the Special Permit Office or an Idaho Port-of-Entry. Once the emergency movement is completed, formal application for a Special Permit must be submitted to the Special Permit Office. ()

03. Emergency Movement of Implements of Husbandry. It shall be considered an emergency when an implement of husbandry being operated on an official state holiday or a weekend breaks down and a dealer brings replacement equipment to the farmer that exceeds legal height, length, and weight. Verbal approval to proceed without a special permit in the vehicle may be obtained from the Special Permit on-call staff. That verbal authorization may include escort vehicle requirements based on the route of travel and dimensions of load. Once the emergency movement is completed, the permittee shall make formal application for a permit to the Special Permit Office on the first working day after the occurrence. ()

04. Economic Emergencies. When a circumstance occurs in which an economic hardship is expected to result due to the application of existing rules or limitations, the Transportation Board may consider a petition for the temporary waiver of those rules or limitations which are perceived as being the cause of such economic hardship. ()

631. – 699. (RESERVED)

700. SPRING BREAKUP SEASON TYPE OF LOAD RESTRICTIONS.

Depending upon the type of road construction, the amount of moisture, temperature conditions, and severity of frost heaves and breakup, routes or sections of routes will be posted for restricted loadings to one (1) of the following categories as required to protect the roadway and in the interests of public safety: ()

- 01. Legal Weight. Maximum of legal allowable weight; ()
- 02. 16,000 Pounds. Maximum of sixteen thousand (16,000) pounds on any axle; ()
- 03. 14,000 Pounds. Maximum of fourteen thousand (14,000) pounds on any axle; and ()

04. 12,000 Pounds. Maximum of twelve thousand (12,000) pounds on any axle. ()

701. – 709. (RESERVED)

710. WEIGHT LIMITS BASED ON TIRE SIZES.

In administering load limits based on tire sizes or width of tires, credit for tubed tires will be based on the manufacturer's width marked on the tire; for example, a ten point zero-zero by twenty-four (10.00 x 24) tire will be given credit for ten (10") inches of tire width. Tubeless tires will be given credit for the width of the conventional tubed tires that they replace. ()

711. – 719. (RESERVED)

720. WIDTH LIMITATION ON TWO LANE ROAD.

A spring breakup weight restriction to less than legal weight shall automatically place a restriction on width allowed by special permit. On any section of highway restricted to less than legal weight, the maximum width by special permit shall be restricted to twelve feet six (12'6") inches during the period of the weight restriction. ()

721. – 729. (RESERVED)

730. SPEED RESTRICTIONS.

On those sections of highways which are posted for a maximum of legal loads, or to less than legal loads, trucks and buses with a gross weight of ten thousand (10,000) pounds or more will be restricted in critical areas to a maximum speed of thirty (30) miles per hour. Restricted speed zones will be marked by red and green markers. A red marker will mean speed is restricted to thirty (30) miles per hour and a green marker will mean that legal speed may be resumed. These markers will generally be attached to existing highway sign posts and when properly used will afford protection to the highway subgrade and surface as well as speeding the flow of traffic. ()

731. – 739. (RESERVED)

740. SPECIAL PERMIT POLICY DURING SPRING BREAKUP.

01. Suspended Weight Limits. Normal overweight special permit limits will be suspended on all highways in the area when seasonal load and speed restrictions are imposed. ()

02. Weight Restrictions. Spring breakup weight restrictions are primarily concerned with limiting the weight imposed on the highway by individual axles rather than the total gross weight of vehicles or vehicle combination. It will therefore be permissible to issue special permits that exceed legal allowable total gross load for a vehicle combination subject to these conditions: ()

a. Minimum tire width is ten (10") inches or larger. ()

b. Maximum axle weight on single axle having two (2) single wheels shall not exceed ten thousand (10,000) pounds. ()

c. Maximum axle weight on single axle having four (4) or more tires shall not exceed fourteen thousand (14,000) pounds. ()

d. Permits for nonreducible loads only. ()

741. – 749. (RESERVED)

750. LEGAL WEIGHT LIMITS MAINTAINED ON CERTAIN HIGHWAYS.

The policy of the Department will be to maintain legal load limits on the Interstate highway system and arterials serving through state traffic or connecting major terminals, unless conditions are such that severe breakup will result. ()

751. – 759. (RESERVED)

760. ENFORCEMENT OF POSTED WEIGHT AND/OR SPEED RESTRICTIONS.

The Districts will sign and mark affected state highways the day before the weight and/or speed restrictions are in effect. The weight and/or speed restrictions will be enforced the day after the Districts sign and mark a state highway. ()

761. – 769. (RESERVED)

770. TEMPORARY SUSPENSION OF POSTED WEIGHT AND SPEED RESTRICTIONS.

01. Why Required. Spring breakup restrictions are required because of a seasonal characteristic in which freeze/thaw cycles occur, making the roadway unstable and reducing its load-bearing capability. The load-bearing capacity may be temporarily restored by a freeze-up of the pavement after a section has been posted for load and speed restrictions. ()

02. Temporary Waiver of Spring Breakup. District Engineers may provide a temporary waiver of the spring breakup restrictions by posting GREEN markers on the speed limit signs, and on other signs, if appropriate, within a section of highway posted for reduced loads. ()

771. – 779. (RESERVED)

780. SPECIAL ALLOWANCES FOR EMERGENCY AND CRITICAL SERVICE VEHICLES.

District Engineers may allow exceptions to the spring breakup weight restrictions for emergency and critical service vehicle(s), ie. fire trucks, heating fuel trucks, and other such service vehicles that are critical to the health and safety of the public. Documentation of special allowance shall be in writing from the District Engineer and must be carried in the vehicle. ()

781. – 799. (RESERVED)

800. SPECIAL PERMIT FEES COSTS TO BE BORNE BY PERMITTEE.

The movement of oversize or overweight vehicles or vehicles with special loads is a privilege not accorded every user of the highway. Administrative cost incurred in the processing, issuance and enforcement of special permits shall be borne by such permittees and not by the general traveling public through expenditure of highway user funds. Special permits issued for non-reducible, overweight vehicles and/or loads will be charged a road use fee as set forth in Section 49-1004(2), Idaho Code. Tax supported agencies are required to obtain special permits if their loads exceed the sizes or weights stated in Idaho Code, but they are exempt from paying fees for the permits. ()

801. – 909. (RESERVED)

910. PAYMENT OF SPECIAL PERMIT FEES.

01. Payment of Fees. The Idaho Constitution prohibits the state from extending credit to any individual, corporation, municipality, or association. Permit fees are collectible at the time of issuance. ()

02. Refund. Permit fees are not refundable once they have been processed into the Department's accounting system, unless the permittee contacts the Special Permit Office no more than two (2) working days (during office hours) following the start date of the special permit or the Department issued the special permit in error. ()

03. Permit Costs. Special permit fees listed below are intended to cover cost of administration and are subject to periodic change depending on costs incurred in processing, issuance, and enforcement of special permit rules. ()

04. Current Schedule of Fees. Periodic changes to the fee schedule will be subject to legislative review and approval procedures in accordance with Chapter 52, Title 67, Idaho Code, Administrative Procedure Act. ()

- a. Oversize only, single trip, thirty dollars (\$30). ()
 - b. Oversize only, two (2) trips, thirty six dollars (\$36). ()
 - c. Oversize single trip exceeding sixteen (16') feet wide, or sixteen (16') feet high or one hundred ten (110') feet long, thirty-three dollars (\$33). ()
 - d. Reducible Loads, annual, twelve (12) consecutive months: Cylindrical hay bales, two (2) wide, Multiple width loads of kiln stacked lumber, reducible loads, up to and including fifteen (15') feet high, Disabled Vehicle, forty-five dollars (\$45). ()
 - e. Oversize Non-Reducible, annual, twelve (12) consecutive months: Manufactured homes, modular building and office trailers; Farm tractors exceeding nine (9') feet width on Interstate and implements of husbandry; Oversize/Overweight Snowplow; Multiple width loads of crane booms; Multiple width loads of conveyer units; East port/Canadian Weight; forty five dollars (\$45). ()
 - f. Extra Length/Weight (reducible) annual, twelve (12) consecutive months, authority to exceed eighty thousand (80,000) lbs. on reducible loads up to one hundred twenty nine thousand (129,000) pounds, or exceeding the length limits imposed in Section 49-1010, Idaho Code, forty five dollars (\$45). ()
 - g. Overweight/Oversize or Overweight only (non-reducible) single trip, thirty-three dollars (\$33). ()
 - h. Overweight/Oversize or Overweight only (non-reducible), two (2) trips, thirty-three dollars (\$33). ()
 - i. Overweight/Oversize (non-reducible) single trip, exceeding sixteen (16') feet wide, or sixteen (16') feet high or one hundred ten (110') feet long, thirty- three dollars (\$33). ()
 - j. Overweight/Oversize (non-reducible) two (2) trips within seven (7) days, exceeding sixteen (16') feet wide, or sixteen (16') feet high or one hundred ten (110') feet long, thirty-three dollars (\$33). ()
 - k. Overweight/Oversize (non-reducible) annual permit fee for twelve (12) consecutive months, one hundred twenty-eight dollars (\$128). ()
 - l. Fee for reissuance or transfers, fifteen dollars (\$15). ()
 - m. Annual special permits purchased online will be five dollars (\$5) less than the listed price. ()
- 05. Additional Fees.** The Department may require reimbursement of actual costs incurred for extraordinary services provided, incidental and necessary to the planning and/or movement of loads that require a special permit moving under the requirements of a traffic control plan. ()

911. – 949. (RESERVED)

950. REVOCATION OF PERMIT FOR NON-COMPLIANCE WITH THE LIMITATIONS OR PROVISIONS OF THE PERMIT.

- 01. Disqualification of Permits.** The permit shall become invalid and the cited vehicle may be disqualified for reissuance of permits if convicted of the following: ()
- a. The vehicle combination does not satisfy the requirements of Federal Motor Carrier Safety Regulations Part 393. ()
 - b. The vehicle combination violates permitting conditions (other than weight) for the following: ()

- i. Failure to travel on Extra Length or Up to 129,000 Pound designated routes. ()
- ii. Failure to properly display required flags and/or signs. ()
- iii. Failure to provide required number of pilot cars and/or proper placement. ()
- iv. Failure to provide required lighting for travel during hours of darkness. ()
- v. Failure to travel during the hours of operation as specified on the permit. ()
- vi. Failure to comply with wind velocity requirements when moving manufactured housing, office trailers, and modular buildings. ()
- vii. Failure to comply when travel conditions become hazardous. Hazardous conditions include, but are not limited to, ice, snow or frost; or when visibility is restricted to less than five hundred (500) feet. ()
- c. The vehicle combination violates weight limits under Section 49-1001 (1)(2) and (9), Idaho Code. ()
 - i. Violating weight limits for single, tandem, tridem, quad, or other type axle groups by more than fifteen percent (15%). ()
 - ii. Violating gross or bridge weight allowances by more than seven percent (7%). ()
- d. The motor carrier has violated an Out-of-Service order by the Federal Motor Carrier Safety Administration as described in Part 386 (386.73) of the Federal Motor Carrier Safety Regulations. ()

02. Permit Revocation Process. A copy of the judgment of conviction from the court and the special permit authorizing operation must be provided to the Permit Office by enforcement personnel. Paperwork will be reviewed for compliance with the provisions of this rule and, if met, notification will be sent to the company informing them of the pending revocation that will occur within ten (10) days of the letter being issued. ()

03. Disqualification Periods. When a permit has become invalid, the vehicle identified on the invalidated permit may be disqualified for reapplication for permit for a period of thirty (30) days after the first violation, for a period of six (6) months after the second violation, and for a period of one (1) year after the third violation. ()

04. Penalties. In addition to revocation of permits as authorized in this rule, the permittee shall be subject to all applicable penalties provided by law with regard to the provisions violated. ()

951. – 979. (RESERVED)

980. PERMITTEE RESPONSIBLE FOR INJURY TO PERSONS OR PROPERTY.

The permittee shall assume all responsibility for injury to persons or damage to public or private property caused directly or indirectly by the transportation of a vehicle or vehicle and load under special permit; and he shall hold harmless the Department and all its officers, agents, employees, and servants from all suits, claims, damages or proceedings, of any kind, as a direct or indirect result of the transportation of the vehicle or vehicle with a load that requires a special permit. ()

981. – 999. (RESERVED)

PROPOSED RULE COST/BENEFIT ANALYSIS

Section 67-5223(3), Idaho Code, requires the preparation of an economic impact statement for all proposed rules imposing or increasing fees or charges. This cost/benefit analysis, which must be filed with the proposed rule, must include the reasonably estimated costs to the agency to implement the rule and the reasonably estimated costs to be borne by citizens, or the private sector, or both.

Department or Agency: Idaho Transportation Department

Agency Contact: Craig Roberts **Phone:** 208.334.8292

Date: 09/20/2018

IDAPA, Chapter and Title Number and Chapter Name:

39.03.03 Rules Governing Special Permits – General Conditions and Requirements

Fee Rule Status: **Proposed** **Temporary**

Rulemaking Docket Number: 39-0303-1801

STATEMENT OF ECONOMIC IMPACT:

[Senate Concurrent Resolution No. 130 \(2018\)](#) requested that the Idaho Transportation Department (ITD) work with the trucking industry on consolidating and streamlining commercial motor vehicle permits for loads and/or combinations over legal weight and dimensions. The goal was to help reduce the industry's burden of having to attain multiple permits per vehicle as well as ITD's administrative burden.

Currently, IDAPA [39.03.21.200.03](#) requires that the overlegal (special) permit fees cover the costs associated with the administration of the permits and states that the fees are subject to periodic change in order to ensure the program remains revenue neutral.

A financial analysis was conducted by ITD using numbers projected for the new consolidated annual permits. These numbers were based on historical data of the current permit fees and quantities. The new fees took into account the new automated permitting system, which will be available by approximately mid-2019. This system will help reduce ITD's administrative costs due to the efficiencies within the new permitting system.

The results of the analysis indicate that the majority of the new consolidated annual permit fees will be reduced or will remain the same. These numbers indicate that the new prices will keep the overlegal (special) permit fees revenue neutral. After implementation of the new rules, consolidated permits and new permitting system, further financial analysis will be conducted each year for the next two years to confirm a revenue neutral program.

Proposed New Permits	Cost Estimate of Proposed Permit	Current Permits Covered under Proposed Permits	Current Cost of Permit
Oversize Non-Reducible Permit	\$45	<ol style="list-style-type: none"> 1. Oversize 2. Implements of husbandry 3. Mobile or modular homes 4. Multiple conveyors side-by-side 	<ol style="list-style-type: none"> 1. \$43 2. \$43 3. \$43 4. \$43
Extra-Length/Excess Weight Up to 129,000lb Vehicle Combinations	\$45	<ol style="list-style-type: none"> 1. Excess weight only 2. Extra length only 3. Extra length/excess weight 4. 129K vehicle combo 	<ol style="list-style-type: none"> 1. \$43 2. \$43 3. \$53 4. \$50
Reducible Loads Permit	\$45	<ol style="list-style-type: none"> 1. Annual round hay bales 2. Kiln lumber stacks 3. Annual permit for excess height reducible 	<ol style="list-style-type: none"> 1. \$43 2. \$43
East Port/Canadian Weight	\$45	Annual East port/Canadian Weight	\$43
Disabled Vehicle Permit	\$45	Annual Emergency Removal of Disabled Vehicles	\$43
Snowplow Permit	\$45	<ol style="list-style-type: none"> 1. Annual Oversize Snowplow 2. Annual Oversize/Overweight Snowplow 	<ol style="list-style-type: none"> 1. \$43 2. \$43
Overweight/ Oversize Annual Permit	\$128 plus quarterly mileage reports	Annual Oversize/Overweight	\$128 plus quarterly mileage reports
Hardship Annual Permit	\$45	Annual Hardship Permit	\$43
Annual Electronic Issuance/ Renewal	-\$5	When new software is implemented, Annual Permits completed online will receive a discount	N/A
Overweight/ Oversize Non-Reducible Permit, single trip	\$33 plus road use fees	Single Trip Permit	\$71
Overweight/ Oversize Non-Reducible Permit, two (2)trips	\$33 plus road use fees	Two Trip Permit	\$81
Oversize only, single trip	\$33	Single Trip Permit	\$28
Oversize only, two (2) trips	\$36	Two Trip Permit	\$33

Oversize, single trip, exceeding sixteen (16) feet wide or sixteen (16) feet high or one hundred ten (110) feet long	\$33	Single Trip Permit	\$71
Oversize only, two (2) trips within seven (7) days, exceeding sixteen (16) feet wide or sixteen (16) feet high or one hundred ten (110) feet long	\$33	Two Trip Permit	\$89
Overweight/ Oversize, single trip, exceeding sixteen (16) feet wide or sixteen (16) feet high or one hundred ten (110) feet long	\$33 plus road use fees	Single Trip Permit	\$103
Overweigh/Over size, two (2) trips, exceeding sixteen (16) feet wide or sixteen (16) feet high or one hundred ten (110) feet long	\$33 plus road use fees	Two Trip Permit	\$116
Off Route Permit	\$28	Single Trip (No Change)	\$28
Fee for reissuance or transfers	\$15	No Change	\$15