

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 39.03.02 - Rules Governing Movement of Disabled Vehicles (New Chapter) - Proposed  
Rule (Docket No. 39-0302-1801);

IDAPA 39.03.04 - Rules Governing Movement of Disabled Vehicles (Chapter Repeal) - Proposed  
Rule (Docket No. 39-0304-1801).

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 11/09/2018. 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 12/11/2018.

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 23, 2018

**SUBJECT:** Idaho Transportation Department

IDAPA 39.03.02 - Rules Governing Movement of Disabled Vehicles (New Chapter) - Proposed Rule (Docket No. 39-0302-1801)

IDAPA 39.03.04 - Rules Governing Movement of Disabled Vehicles (Chapter Repeal) - Proposed Rule (Docket No. 39-0304-1801)

#### **1. IDAPA 39.03.02 - Rules Governing Movement of Disabled Vehicles (New Chapter)**

##### **Summary and Stated Reasons for the Rule**

The Idaho Transportation Department submits notice of proposed rulemaking at IDAPA 39.03.02. The Department states that the rulemaking responds to Senate Concurrent Resolution 130 of 2018 regarding commercial motor vehicle permit consolidation. Docket No. 39-0302-1801 is the second chapter of the replacement rules. It addresses the safety conditions, weight limits, and time of travel requirements for the movement of disabled vehicles by special permit.

##### **Negotiated Rulemaking / Fiscal Impact**

The Department states that negotiated rulemaking was conducted. There is no fiscal impact.

##### **Statutory Authority**

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

#### **2. IDAPA 39.03.04 - Rules Governing Movement of Disabled Vehicles (Chapter Repeal)**

##### **Summary and Stated Reasons for the Rule**

The Idaho Transportation Department submits notice of proposed rulemaking at IDAPA 39.03.04. Docket No. 39-0304-1801 repeals the existing rule in its entirety so that the replacement rules discussed above may be promulgated.

##### **Negotiated Rulemaking / Fiscal Impact**

The Department states that negotiated rulemaking was conducted. There is no fiscal impact.

Kristin Ford, Manager  
Research & Legislation

Paul Headlee, Manager  
Budget & Policy Analysis

April Renfro, Manager  
Legislative Audits

Glenn Harris, Manager  
Information Technology

**Statutory Authority**

The rulemaking appears to be 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 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**  
**39.03.02 – RULES GOVERNING MOVEMENT OF DISABLED VEHICLES**  
**DOCKET NO. 39-0302-1801 (NEW CHAPTER)**  
**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 safety conditions, weight limits and time of travel requirements for the movement of disabled vehicles by 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: There are no fees being imposed or increased with this rulemaking.

**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.

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  
[ramon.hobdey-sanchez@itd.idaho.gov](mailto:ramon.hobdey-sanchez@itd.idaho.gov)

**THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 39-0302-1801**  
**(New Chapter)**

**IDAPA 39**  
**TITLE 03**  
**CHAPTER 02**

**39.03.02 – RULES GOVERNING MOVEMENT OF DISABLED VEHICLES**

**000. LEGAL AUTHORITY.**

This rule, governing the movement of disabled vehicles allowed by Sections 49-1001, 49-1002 or 49-1010, Idaho Code, is adopted under the authority of Sections 40-312 and 49-1004, Idaho Code. ( )

**001. TITLE AND SCOPE.**

**01. Title.** This rule shall be cited as IDAPA 39.03.02, “Rules Governing Movement of Disabled Vehicles,” IDAPA 39, Title 03, Chapter 02. ( )

**02. Scope.** This rule provides the requirements for the movement of disabled vehicles. ( )

**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 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. ( )

**011. – 099. (RESERVED)**

**100. GENERAL.**

Refer to IDAPA 39.03.03, "Rules Governing Special Permits – General Conditions and Requirements," for conditions required for the issuance of special permits. ( )

**101. – 199. (RESERVED)**

**200. REMOVAL OF DISABLED VEHICLES.**

Annual Disabled Vehicle permits will be issued to heavy duty wrecker trucks or other vehicles used for the removal and secondary movement of disabled trucks and/or trailers or combinations and their unladen return, subject to the following rules: ( )

**01. Permitted Vehicle.** The permitted vehicle involved in the removal of disabled vehicles shall be the proper class of vehicle and shall have adequate gross vehicle weight and traction to control the combination of wrecker and attached vehicles, and shall provide brakes to the trailer axles and stop signal and clearance lights to such towed disabled vehicle or vehicle combinations. ( )

**02. Loaded Weight.** Loaded weight of the permitted vehicle's drive axle(s) will be permitted up to the basic allowable unit weight as shown on the current Idaho Transportation Department Route Capacity Map for the corresponding colored route, unless the highway route is posted with a weight restriction. The current Route Capacity Map is maintained by the Special Permit Office and is available to the public from the Special Permit Office at the address listed in rule 39.03.03, and Idaho Ports of Entry or on line at [itd.idaho.gov](http://itd.idaho.gov). Length of the combination will be limited to the legal or permitted length of the disabled combination plus forty-five (45') feet. Width will be limited to ten (10') feet or to the permitted width of the permitted disabled over-width vehicle/load. All VLS axles must be fully deployed when exceeding legal axle weights. ( )

**a.** Disabled Vehicle and Snowplow permits involving overweight loadings will be available at the following levels: ( )

**i.** Red Routes – The red routes contain posted bridges and require approval or analysis from the Department. A vehicle configuration may be issued an annual Disabled Vehicle and Snowplow permit for travel on red routes, upon completion of an analysis verifying the requested weights are acceptable. The annual permit will be issued for a specific vehicle configuration, operating on a specific route, at specific weights. All information will be listed on the annual permit and will be subject to revocation at such time the vehicle configuration changes (such as axle spacings), the approved weights change, or a bridge rating changes. ( )

**ii.** Yellow Routes – The yellow overweight level is based on a single axle loading of twenty-two thousand five hundred (22,500) pounds, a tandem axle loading of thirty-eight thousand (38,000) pounds, and a tridem axle loading of forty-eight thousand (48,000) pounds or the equivalent loading as determined by spacings and number of axles and computed by applying the formula  $W = 560 ((LN/N-1) + 12N + 36)$ . ( )

**iii.** Orange Routes – The orange overweight level is based on a single axle loading of twenty-four thousand (24,000) pounds, a tandem axle loading of forty-one thousand (41,000) pounds, and a tridem axle loading of fifty-one thousand five hundred (51,500) pounds or the equivalent loading as determined by spacings and number of axles and computed by applying the formula  $W = 600 ((LN/N-1) + 12N + 36)$ . ( )

**iv.** Green Routes – The green overweight level is based on a single axle loading of twenty-five thousand five hundred (25,500) pounds, a tandem axle loading of forty-three thousand five hundred (43,500) pounds and a tridem axle loading of fifty-four thousand five hundred (54,500) pounds or the equivalent loading as determined by spacings and number of axles and computed by applying the formula  $W = 640 ((LN/N-1) + 12N + 36)$ . ( )

**v.** Blue Routes – The blue overweight level is based on a single axle loading of twenty-seven thousand (27,000) pounds, a tandem axle loading of forty-six thousand (46,000) pounds, and a tridem axle loading of fifty-seven thousand five hundred (57,500) pounds or the equivalent loading as determined by spacings and number of axles and computed by applying the formula  $W = 675 ((LN/N-1) + 12N + 36)$ . ( )

vi. Purple Routes – The purple overweight level is based on a single axle loading of thirty thousand (30,000) pounds, a tandem axle loading of fifty-one thousand five hundred (51,500) pounds, and a tridem axle loading of sixty-four thousand five hundred (64,500) pounds or the equivalent loading as determined by spacings and number of axles and computed by applying the formula  $W = 755 ((LN/N-1) + 12N + 36)$ . ( )

vii. Black Routes – The black overweight level is based on a single axle loading of thirty-three thousand (33,000) pounds, a tandem axle loading of fifty-six thousand (56,000) pounds, and a tridem axle loading of seventy thousand five hundred (70,500) pounds or the equivalent loading as determined by spacings and number of axles and computed by applying the formula  $W = 825 ((LN/N-1) + 12N + 36)$ . ( )

viii. Vehicles or loads exceeding the axle weights, groups of axle weights, or total gross weights allowed on any of the overweight levels must operate by single trip permit only. ( )

ix. Weight Formula. “W” is the maximum weight in pounds (to the nearest five hundred (500) pounds) carried on any group of two (2) or more consecutive axles. “L” is the distance in feet between the extremes of any group of two (2) or more consecutive axles, “N” is the number of axles under consideration and “F” is the load factor most appropriate based on the most critical bridge on the highway route. ( )

b. The maximum overweight levels shall not exceed eight hundred (800) pounds per inch width of tire nor the maximum weights authorized by IDAPA 39.03.04, “Rules Governing Special Permits – Overweight Non-Reducible,” Subsection.08. ( )

c. Disabled Vehicle and Snowplow permits shall become invalid subject to the conditions of IDAPA 39.03.03, “Rules Governing Special Permits – General Conditions and Requirements.” ( )

**03. Time of Travel Restrictions.** Time of travel restrictions shall be waived during the first movement of the disabled vehicle or vehicle combinations when necessary to clear the travel way. Disabled vehicles that are overwidth and moving at night shall be required to operate in accordance with the lighting requirements as listed in IDAPA 39.03.03, “Rules Governing Special Permits – General Conditions and Requirements.” A front pilot vehicle will be required when disabled vehicle exceeding ten (10’) feet wide are moved at night. ( )

**04. First Movement.** First movement of disabled vehicles will be authorized from the point at which the vehicle or vehicle combination were disabled to a location (i.e. towing company, repair or company facility) where it can be safely secured. Secondary movements of disabled vehicles that have been separated shall be covered by the disabled vehicles permit as long as the weight/size limits as listed in Subsection 200.02 of this rule are not exceeded. ( )

a. First Movement of disabled vehicle or vehicle combination shall be defined as follows: point of original disablement to a location where it can safely secured (i.e. towing company, repair or company facility). ( )

b. Secondary Movement of disabled vehicles shall be defined as follows: a single vehicle or combination of disabled vehicles that have been separated into single vehicles and are moving from other than the original point of disablement. ( )

**05. Annual Disabled Vehicle Permit.** The permitted vehicle involved in the removal of a disabled vehicle shall be allowed (under annual disabled vehicle permit) to tow a functional replacement vehicle to the point of disablement, to replace the disabled vehicle. ( )

**06. Height Restrictions.** The disabled vehicle height shall not exceed the height of fifteen (15’) feet on the first movement. ( )

**300. 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. ( )

**301.–999. (RESERVED)**

**IDAPA 39 – IDAHO TRANSPORTATION DEPARTMENT**  
**39.03.04 – RULES GOVERNING MOVEMENT OF DISABLED VEHICLES**  
**DOCKET NO. 39-0304-1801 (CHAPTER REPEAL)**  
**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 is being repealed and replaced. 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: 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 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.

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 28th 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  
[ramon.hobdey-sanchez@itd.idaho.gov](mailto:ramon.hobdey-sanchez@itd.idaho.gov)

**IDAPA 39.03.04 IS BEING REPEALED IN ITS ENTIRETY**