

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 39.03.07 - Rules Governing Restricted Routes for Semitrailers (Chapter Repeal) - Proposed  
Rule (Docket No. 39-0307-1801);

IDAPA 39.03.07 - Rules Governing Special Permits for Reducible Loads (New Chapter) - Proposed  
Rule (Docket No. 39-0307-1802).

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 Drafting Attorney - Matt Drake

**DATE:** October 23, 2018

**SUBJECT:** Idaho Transportation Department

IDAPA 39.03.07 - Rules Governing Restricted Routes for Semitrailers (Chapter Repeal) - Proposed Rule (Docket No. 39-0307-1801)

IDAPA 39.03.07 - Rules Governing Special Permits for Reducible Loads (New Chapter) - Proposed Rule (Docket No. 39-0307-1802)

#### **1. IDAPA 39.03.07 - Rules Governing Restricted Routes for Semitrailers (Chapter Repeal)**

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

The Idaho Transportation Department submits notice of proposed rulemaking at IDAPA 39.03.07. The Department states that the rulemaking responds to Senate Concurrent Resolution 130 of 2018 regarding commercial motor vehicle permit consolidation. Docket No. 39-0307-1801 repeals the existing rule in its entirety so that a replacement rule may be promulgated.

##### **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 39.03.07 - Rules Governing Special Permits for Reducible Loads (New Chapter)**

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

The Idaho Transportation Department submits notice of proposed rulemaking at IDAPA 39.03.07. Docket No. 39-0307-1802 is the seventh chapter of the replacement rules. It provides the maximum sizes allowed by special permits for specific Department-approved reducible loads. Permit types addressed by the rules include loads of cylindrical hay bales, reducible height loads, and kiln lumber stacks.

##### **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**  
**39.03.07 – RULES GOVERNING RESTRICTED ROUTES FOR SEMITRAILERS**  
**DOCKET NO. 39-0307-1801 (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 39.03.07 IS BEING REPEALED IN ITS ENTIRETY**

## IDAPA 39 – IDAHO TRANSPORTATION DEPARTMENT

### 39.03.07 – RULES GOVERNING SPECIAL PERMITS FOR REDUCIBLE LOADS

#### DOCKET NO. 39-0307-1802 (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 maximum sizes allowed by special permits for specific Department approved reducible loads. 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. 39-0307-1802**  
**(New Chapter)**

**IDAPA 39**  
**TITLE 03**  
**CHAPTER 07**

**39.03.07 – RULES GOVERNING SPECIAL PERMITS FOR REDUCIBLE LOADS**

**000. LEGAL AUTHORITY.**

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

**001. TITLE AND SCOPE.**

**01. Title.** This rule shall be cited as IDAPA 39.03.07, “Rules Governing Special Permits for Reducible Loads,” IDAPA 39, Title 03, Chapter 07. ( )

**02. Scope.** This rule states the maximum sizes allowed by special permit for reducible loads. ( )

**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. ( )

**011. – 099. (RESERVED)**

**100. GENERAL REQUIREMENTS.**

Refer to IDAPA 39.03.05, "Rules Governing Special Permits – Oversize Non-Reducible," for conditions required for the issuance of special permits. ( )

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

**02. Overwidth Overhang.** Overwidth loads shall distribute overhang to the sides of the trailer as evenly as possible. ( )

**101. – 199. (RESERVED)**

**200. PERMITS FOR MULTIPLE-WIDTH OR MULTIPLE-HEIGHT LOADING.**

**01. Cylindrical Hay Bales.** Special permits may be issued for overwidth transportation of cylindrical hay bales, produced by balers having bale chambers which may be five (5') feet or more in width. Such bales may be loaded two (2) bales wide and two (2) bales high. Hauling vehicles eligible for permit for this purpose shall be legal size vehicles registered for travel on public highways. Operation of such overwidth loads shall be subject to the same time of travel and other safety requirements as other overwidth loads having a similar width, see IDAPA 39.03.04, "Rules Governing Special Permits – Overweight Non-Reducible." This type of operation is intended as an option to the use of farm tractors hauling such loads on size-exempt implement of husbandry vehicles. Maximum width of such loads without tolerance may not exceed eleven feet six inches (11'6"). ( )

**02. Reducible Height Loads.** Special permits may be issued to allow the transportation of reducible loads in excess of fourteen (14') feet high but not in excess of fifteen (15') feet high on designated highways. The vehicle height must not exceed fourteen (14') feet. A map listing the vertical clearances is available at the Idaho Transportation Department Special Permit Office and online at [itd.idaho.gov](http://itd.idaho.gov). ( )

**03. Kiln Lumber Stacks.** Special permits may be issued to allow the transportation of specifically produced kiln lumber stacks in excess of eight feet six inches (8'6") wide but not in excess of nine feet three inches (9'3") wide on designated highways. Each kiln lumber stack shall be considered a single non-reducible unit and may be hauled two (2) stacks wide and two (2) stacks high. Hauling vehicles eligible for permit for this purpose shall be legal size vehicles registered for travel on public highways. Operations of such overwidth loads shall be subject to the same type of travel restrictions and other safety requirements as other overwidth loads having a similar width, see IDAPA 39.03.04, "Rules Governing Special Permits – Overweight Non-Reducible." ( )

**201. – 999. (RESERVED)**