

Dear Senators HAMMOND, Brackett, Werk, and  
Representatives PALMER, Ellsworth, Ringo:

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

IDAPA 39.03.04 - Rules Pertaining To The Rules Governing Movement of Disabled Vehicles  
(Docket No. 39-0304-1201);

IDAPA 39.03.10 - Rules Pertaining To The Rules Governing When An Overlegal Permit is Required  
(Docket No. 39-0310-1201);

IDAPA 39.03.41 - Rules Pertaining To The Rules Governing Traffic Control Devices (Docket No.  
39-0341-1201).

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 10/09/2012. 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 11/06/2012.

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 334-4845, or send a written request to the address on the  
memorandum attached below.



Jeff Youtz  
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:** Principal Legislative Research Analyst - Eric Milstead

**DATE:** September 19, 2012

**SUBJECT:** Idaho Transportation Department

IDAPA 39.03.04 - Rules Pertaining To The Rules Governing Movement of Disabled Vehicles (Docket No. 39-0304-1201)

IDAPA 39.03.10 - Rules Pertaining To The Rules Governing When An Overlegal Permit is Required (Docket No. 39-0310-1201)

IDAPA 39.03.41 - Rules Pertaining To The Rules Governing Traffic Control Devices (Docket No. 39-0341-1201)

1. The Idaho Transportation Department has submitted temporary and proposed rulemaking at IDAPA 39.03.04 - Rules Governing Movement of Disabled Vehicles (Docket No. 39-0304-1201). The temporary and proposed rule in this docket replaces language (discussed in the docket immediately following this one) that dealt with the emergency removal of disabled vehicles. This temporary and proposed rule provides fuller guidance and clarity to the industry relating to the movement of disabled vehicles. The temporary and proposed rule includes provisions dealing with the removal of disabled vehicles and also deals with loaded weight of permitted vehicles; time of travel restrictions; movement of disabled vehicles; and hazardous travel condition restrictions.

The temporary rule took effect on August 1, 2012.

The temporary and proposed rule appears authorized pursuant to sections 40-312 and 49-1004, Idaho Code.

2. The Idaho Transportation Department has submitted temporary and proposed rulemaking at IDAPA 39.03.10 - Rules Governing When An Overlegal Permit is Required (Docket No. 39-0310-1201). This docket is related to the docket discussed immediately above. This temporary and proposed rule eliminates certain provisions relating to the movement of disabled vehicles. The subject matter of those provisions-- the towing and/or removal of disabled vehicles -- now appear in the temporary and proposed rule noted in the docket discussed immediately above (Docket No. 39-0304-1201).

The temporary rule took effect on August 1, 2012.

The temporary and proposed rule appears authorized pursuant to sections 40-312 and 49-1004, Idaho Code.

Mike Nugent Manager  
Research & Legislation

Cathy Holland-Smith, Manager  
Budget & Policy Analysis

April Renfro, Manager  
Legislative Audits

Glenn Harris, Manager  
Information Technology

3. The Idaho Transportation Department has submitted temporary and proposed rulemaking at IDAPA 39.03.41 - Rules Pertaining To The Rules Governing Traffic Control Devices (Docket No. 39-0341-1201). This temporary and proposed rule incorporates by reference the 2009 edition of the Manual on Uniform Traffic Control Devices for Streets and Highways (MUTCD). That full document exceeds 2,000 pages and consequently, is adopted by reference. The temporary and proposed rule reflects certain changes that the Federal Highway Administration (FHWA) has allowed that extend or eliminate certain requirements for sign replacement. The temporary and proposed rule reflects FHWA changes relating to state and local jurisdiction throughout the state, which will result in a delayed implementation in certain instances.

The temporary and proposed rule appears authorized pursuant to Section 40-312, Idaho Code.

cc: Idaho Transportation Department

Linda L. Emry, Rules Coordinator, & Regina Phipps & Carl Main

**IDAPA 39 - IDAHO TRANSPORTATION DEPARTMENT**  
**39.03.04 - RULES GOVERNING MOVEMENT OF DISABLED VEHICLES**  
**DOCKET NO. 39-0304-1201 (NEW CHAPTER)**  
**NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE**

**EFFECTIVE DATE:** The effective date of the temporary rule is August 1, 2012.

**AUTHORITY:** In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rule-making procedures have been initiated. The action is authorized pursuant to Section(s) 40-312 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 September 19, 2012.

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 the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rule-making:

Sections of existing rule, IDAPA 39.03.10.300.05.a. through 300.05.e., "Rules Governing When an Overlegal Permit Is Required," have been removed and used as the basis for a new rule, IDAPA 39.03.04, "Rules Governing Movement of Disabled Vehicles," to address the movement of vehicles by tow trucks. Language has been updated for better organization and to provide clarity. Industry needs are simply broader than what would be appropriate in the existing rule, 39.03.10, which addresses when overlegal permits are required. The guidance for movement of disabled vehicles was originally established in a section of this rule which primarily addresses the waiver of permit policy restrictions in emergency situations and was very limited in scope. The new rule provides greater clarity and authority for the industry since their role in providing service to a disabled vehicle is not always related to an emergency and there are frequently many other elements to consider in the movement of specialized equipment and the loads they may have been transporting.

**TEMPORARY RULE JUSTIFICATION:** Pursuant to Sections 67-5226(1)(c), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

At the request of the towing companies and the Idaho Trucking Association, the department has proposed changes that will clarify the role, responsibility and authority of tow trucks and wreckers in the removal of disabled vehicles. Confers a benefit.

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased: There is no fee or charge associated 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: There is no fiscal impact to the state general fund nor to the department or to the industry.

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because the rulemaking is simple in nature. Language was removed from an existing rule and used as the basis for a new rule to meet the needs of the towing industry.

**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: No materials are incorporated by reference.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the temporary and proposed rule, contact Regina Phipps, Vehicle Size & Weight Specialist, 334-8418.

Anyone may submit written comments regarding the proposed rule-making. All written comments must be directed to the undersigned and must be delivered on or before September 26, 2012.

DATED this 3rd day of August, 2012.

Linda L. Emry  
Office of Governmental Affairs  
Idaho Transportation Department

[linda.emry@itd.idaho.gov](mailto:linda.emry@itd.idaho.gov)  
Phone - 208-334-8810 / FAX - 208-332-4107  
3311 W State St, PO Box 7129, Boise ID 83707-1129

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**THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 39-0304-1201**

**IDAPA 39**  
**TITLE 03**  
**CHAPTER 04**

**39.03.04 - 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. (8-1-12)T

**001. TITLE AND SCOPE.**

**01. Title.** This rule shall be cited as IDAPA 39.03.04, "Rules Governing Movement of Disabled Vehicles," IDAPA 39, Title 03, Chapter 04. (8-1-12)T

**02. Scope.** This rule provides the requirements for the movement of disabled vehicles. (8-1-12)T

**002. WRITTEN INTERPRETATIONS.**

There are no written interpretations for this chapter. (8-1-12)T

**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." (8-1-12)T

**004. INCORPORATION BY REFERENCE.**

There are no documents incorporated by reference in this chapter. (8-1-12)T

**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. (8-1-12)T

**02. Office Hours.** Daily office hours are 7:30 a.m. to 5 p.m. except Saturday, Sunday and state holidays. (8-1-12)T

**03. Telephone and Fax Numbers.** The central office may be contacted during office hours by phone at 208-334-8420 or by fax at 334-8419. (8-1-12)T

**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 Sections 9-337 through 9-350, Idaho Code. (8-1-12)T

**007. -- 009. (RESERVED)**

**010. DEFINITIONS.**

Refer to IDAPA 39.03.01, "Rules Governing Definitions," for definitions of the terms used in this rule. (8-1-12)T

**011. -- 099. (RESERVED)**

**100. GENERAL.**

An overlegal 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 which exceed the allowable weights or sizes established in Sections 49-1001, 49-1002 or 49-1010, Idaho Code. (8-1-12)T

**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: (8-1-12)T

**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. (8-1-12)T

**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 Overlegal Permit Office and is available to the public from the Overlegal Permit Office at the address listed in Section 005 of this rule, and Idaho Ports of Entry or on line at [http://itd.idaho.gov/dmv/poe/documents/route\\_cap2.pdf](http://itd.idaho.gov/dmv/poe/documents/route_cap2.pdf). 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. (8-1-12)T

**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 39.03.12, "Rules Governing Safety Requirements of Overlegal Permits." A front pilot vehicle will be required when disabled vehicle exceeding ten (10) feet wide are moved at night. (8-1-12)T

**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. (8-1-12)T

**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). (8-1-12)T

**b.** Secondary Movement of disabled vehicles shall be defined as follows: a single vehicle or combination of disabled vehicles that have been separated into to single vehicles and are moving from other than the original point of disablement. (8-1-12)T

**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. (8-1-12)T

**300. HAZARDOUS TRAVEL CONDITIONS RESTRICTIONS.**

Extreme caution in the operation of permitted vehicle combinations shall be exercised when hazardous conditions exist. The movement of overlegal vehicles and/or loads by overlegal permit shall be prohibited and otherwise valid permits shall automatically become invalid enroute when travel conditions become hazardous due to ice, snow or frost; when visibility is restricted to less than five hundred (500) feet by fog, dust, smoke or smog or other atmospheric conditions. (8-1-12)T

**301. -- 999. (RESERVED)**

## IDAPA 39 - IDAHO TRANSPORTATION DEPARTMENT

### 39.03.10 - RULES GOVERNING WHEN AN OVERLEGAL PERMIT IS REQUIRED

DOCKET NO. 39-0310-1201

#### NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE

**EFFECTIVE DATE:** The effective date of the temporary rule is August 1, 2012.

**AUTHORITY:** In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rule-making procedures have been initiated. The action is authorized pursuant to Sections 40-312 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 September 19, 2012.

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 the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rule-making:

At the request of the towing companies and the Idaho Trucking Association, the department has proposed changes that will remove guidelines related to the movement of disabled vehicles from this rule and move them to a new rule, 39.03.04, that will centralize the role, responsibility, and authority of tow trucks and wreckers in the movement of disabled vehicles. Two additional changes have been made to this rule, relating to office hours in Section 005.02 and to emergency movement of implements of husbandry in Section 300.03.

**TEMPORARY RULE JUSTIFICATION:** Pursuant to Sections 67-5226(1)(c), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

This rulemaking, along with the companion Docket 39-0304-1201, confers a benefit on the industry by creating a new rule that will better meet their needs.

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

There is no fee or charge associated 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:

There is no fiscal impact on the state general fund.

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because the rulemaking is simple in nature and proposed at the request of industry.

**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:

No materials are incorporated by reference.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the temporary and proposed rule, contact Regina Phipps, Vehicle Size & Weight Specialist, 334-8418.

Anyone may submit written comments regarding the proposed rule-making. All written comments must be directed to the undersigned and must be delivered on or before September 26, 2012.



DATED this 3rd day of August, 2012.

Linda L. Emry  
Office of Governmental Affairs  
Idaho Transportation Department

[linda.emry@itd.idaho.gov](mailto:linda.emry@itd.idaho.gov)  
Phone - 208-334-8810 / FAX - 208-332-4107  
3311 W State St, PO Box 7129, Boise ID 83707-1129

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**THE FOLLOWING IS THE TEMPORARY RULE & PROPOSED TEXT  
OF DOCKET NO. 39-0310-1201**

**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. (4-2-08)

**02. Office Hours.** Daily office hours are 7:30 a.m. to 5 p.m. Mountain Time except Saturday, Sunday and state holidays. ~~(4-2-08)~~(8-1-12)T

**03. Telephone and Fax Numbers.** The central office may be contacted during office hours by phone at 208-334-8420 or by fax at 334-8419. (4-2-08)

**(BREAK IN CONTINUITY OF SECTIONS)**

**300. 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. (8-25-94)

**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 Vehicle Size and Weight Specialist, Idaho Transportation Department. (8-25-94)

**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 an overlegal permit be in the vehicle prior to an over legal movement. Verbal approval to proceed without an overlegal permit in the vehicle may be obtained from the Overlegal Permit Office or an Idaho Port-of-Entry. Once the emergency movement is completed, formal application for an Overlegal Permit must be submitted to the Overlegal Permit Office. (4-2-08)

**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 (the Overlegal Permit Office is closed on weekends and holidays - for hours of Permit Office operation see IDAPA 39.03.09, "Rules Governing Overlegal Permits-General Conditions and Requirements") breaks down and ~~needs to be taken to a dealer for immediate repair, or~~ a dealer brings replacement equipment to the farmer that exceeds the annual permit maximum width of fourteen (14) feet - six (6) inches. Verbal approval to proceed without an overlegal permit in the vehicle may

be obtained from an Idaho Port of Entry. That verbal authorization will include escort vehicle requirements based on the route of travel and width of load. Once the emergency movement is completed, the permittee shall make formal application for a permit to the Overlegal Permit Office on the first working day after the occurrence.

(4-2-08)(8-1-12)T

**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. (8-25-94)

~~**05. Emergency Removal of Disabled Vehicles.** Annual Disabled Vehicle permits will be issued to heavy duty wrecker trucks or other vehicles used for the emergency removal and secondary movement of disabled trucks and/or trailers or combinations and their unladen return, subject to the following rules: (4-2-08)~~

~~**a.** The permitted vehicle involved in the removal of disabled vehicles shall have adequate 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 vehicles. (12-26-90)~~

~~**b.** 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 Overlegal Permit Office and is available to the public from the Overlegal Permit Office and Idaho Ports of Entry. 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 a permitted disabled over width vehicle/load. (4-2-08)~~

~~**c.** Time of travel restrictions shall be waived during the emergency movement of the disabled vehicles when necessary to clear the travel way. (4-2-08)~~

~~**d.** Emergency movement of disabled vehicles will be authorized from the point at which the vehicles were disabled to the nearest appropriate site having facilities for separation of vehicle combinations into single units unless by nature of the load it presents a hazard to the public (i.e. hazardous materials as defined by CFR 49) due to cargo security. In this event, the emergency movement shall be allowed to be transported to the nearest location where the cargo 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 Paragraph 300.05.b. of this rule are not exceeded. Secondary movements of disabled vehicles that are overwidth and moving at night shall be required to operate in accordance with the lighting requirements as listed in IDAPA 39.03.12, "Rules Governing Safety Requirements of Overlegal Permits." (4-2-08)~~

~~**e.** The permitted vehicle involved in the removal of a disabled vehicle shall be allowed (under annual disabled vehicle permit) to tow a non disabled vehicle to the point of disablement, to replace the disabled vehicle. (4-5-00)~~

**06.5. Emergency Movements After Dark or Weekends.** Any overwidth load moving after dark or on weekends on a red coded route of the Pilot/Escort Vehicle and Travel Time Requirements Map must be preceded by an escort vehicle displaying a rotating or flashing amber light to warn other traffic of the presence of the hazard. Any overwidth load moving after dark on black coded routes, if width exceeds ten (10) feet, must also be preceded by such a pilot/escort vehicle. All overwidth loads moved after dark shall have the extreme dimensions marked by lights as required by IDAPA 39.03.12, "Rules Governing Safety Requirements For Overlegal Permits." Self-propelled vehicles utilized to clear the travelway of snow or debris are exempt from the provisions listed in this Subsection. (4-2-08)

# IDAPA 39 - IDAHO TRANSPORTATION DEPARTMENT

## 39.03.41 - RULES GOVERNING TRAFFIC CONTROL DEVICES

### DOCKET NO. 39-0341-1201

#### NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE

**EFFECTIVE DATE:** The effective date of the temporary rule is July 20, 2012.

**AUTHORITY:** In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rule-making procedures have been initiated. The action is authorized pursuant to Section 40-312(1), 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 19, 2012.

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 the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rule-making:

The recently revised 2009 Edition of the Manual on Uniform Traffic Control Devices, established certain requirements for sign replacement, including deadlines. In response to concerns from those impacted, FHWA opted to extend or eliminate certain requirements for sign replacement, depending on the sign classification. Immediate adoption of the rule confirms those changes for state and local jurisdictions throughout the state, which results in a delayed implementation and delayed fiscal impact.

**TEMPORARY RULE JUSTIFICATION:** Pursuant to Sections 67-5226(1)(b) and (c), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

This rulemaking adopts the most recent version of the MUTCD, including Revisions 1 and 2. Revision 1 contains new definitions for engineering judgment with are consistent with the previously adopted conforming addition allowing us to strike the conforming addition from this rule. The purpose of Revision 2 is to revise certain information relating to target compliance dates for traffic control devices. The final rule revises Table I-2 of the MUTCD by eliminating the compliance dates for 46 items (8 that had already expired and 38 that had future compliance dates) and extends and/or revises the dates for 4 items. The target compliance dates for 8 items that are deemed to be of critical safety importance will remain in effect. In addition, this final rule adds a new Option statement exempting existing historic street name signs within a locally identified historic district from the Standards and Guidance of Section 2D.43 regarding street sign color, letter size, and other design features, including retroreflectivity. Consistent with Executive Order 13563, and in particular its emphasis on burden-reduction and on retrospective analysis of existing rules, the changes adopted are intended to reduce the costs and impacts of compliance dates on State and local highway agencies and to streamline and simplify the information.

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased: There are no fees or charges imposed or increased by 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: There is no fiscal impact to the state general fund.

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because this rulemaking is based on a federal compliance issue which also confers a benefit to users.

Federal requirements in this rule were approved by the 2012 Legislature. Requirements for sign replacement have been extended or eliminated depending on the sign classification, resulting in a delayed implementation and delayed fiscal impact to users.

**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:

This rulemaking incorporates by reference the 2009 edition of the Manual on Uniform Traffic Control Devices for Streets and Highways, including Revisions 1 and 2, with an effective date of June 13, 2012, with conforming additions as specified in Section 004 of the rule. The full document exceeds two-thousand pages and would not be practical to adopt in its entirety.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the temporary and proposed rule, contact Carl Main, Traffic Services Engineer, 334-8558.

Anyone may submit written comments regarding the proposed rule-making. All written comments must be directed to the undersigned and must be delivered on or before September 26, 2012.

DATED this 3rd day of August, 2012.

Linda L. Emry  
Office of Governmental Affairs  
Idaho Transportation Department

[linda.emry@itd.idaho.gov](mailto:linda.emry@itd.idaho.gov)  
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**THE FOLLOWING IS THE TEMPORARY RULE & PROPOSED TEXT  
OF DOCKET NO. 39-0341-1201**

**004. INCORPORATION BY REFERENCE.**

The “Manual on Uniform Traffic Control Devices for Streets and Highways” is published by the Federal Highway Administration of the U.S. Department of Transportation. The 2009 edition including revisions 1 and 2 of the Manual with an effective date of January June 15<sup>3</sup>, 2010<sup>2</sup>, is hereby incorporated by reference and made a part of the Rules of the Idaho Transportation Department. The following conforming additions to the Manual are adopted by the Idaho Transportation Board: (3-29-12)(7-20-12)T

*01- Section 1A.09, Engineering Study and Engineering Judgment. Page 4—replace the section in its entirety with Section 1A.09, page 1A-3 as published in the 2003 MUTCD, to read as follows:*

~~**“Standard:**  
*This Manual describes the application of traffic control devices, but shall not be a legal requirement for their installation.*~~

~~**Guidance:**  
*The decision to use a particular device at a particular location should be made on the basis of either an engineering study or the application of engineering judgment. Thus, while this Manual provides Standards, Guidance, and Options for design and application of traffic control devices, this Manual should not be considered a substitute for engineering judgment.*~~

~~*Engineering judgment should be exercised in the selection and application of traffic control devices, as well as in the location and design of the roads and streets that the devices complement. Jurisdictions with responsibility for traffic control that do not have engineers on their staffs should seek engineering assistance from others, such as the State transportation agency, their County, a nearby large City, or a traffic engineering consultant.*~~

(3-29-12)

**021.** **Section 1A.11, Relation to Other Documents.** On page 7 - in the first paragraph under Standard, change the paragraph to read as follows: To the extent that they are incorporated by specific reference, the latest editions of the following publications, or those editions specifically noted, shall be a part of this Manual: “Standard Highway Signs and Markings” book, the Idaho Transportation Department (ITD) Sign Chart; and “Color Specifications for Retroreflective Sign and Pavement Marking Materials” (appendix to subpart F of Part 655 of Title 23 of the Code of Federal Regulations). Add the following as the first sentence of the “Support” statement: Idaho Transportation Department Sign Chart includes all signs approved for use on a highway under the jurisdiction of the Idaho Transportation Department, their sign number designations and a cross reference index for comparison of all MUTCD approved signs and those included on the Idaho Transportation Department sign chart. (3-29-12)

**03.** **~~Section 1A.13, Definitions of Words and Phrases in this Manual.~~**

~~On page 10, modify the definition of A. Standard to read as follows:-~~

~~**Standard**— a statement of required, mandatory, or specifically prohibitive practice regarding a traffic control device. All Standard statements are labeled, and the text appears in bold type. The verb “shall” is typically used. The verbs “should” and “may” are not used in Standard statements. Standard statements are sometimes modified by Options.~~

~~On page 14, replace definition 64, Engineering Judgment, with the definition 25, Engineering Judgment, as published in the 2003 MUTCD on page 1A-11:~~

~~**Engineering Judgment**— the evaluation of available pertinent information, and the application of appropriate principles, Standards, Guidance, and practices as contained in this Manual and other sources, for the purpose of deciding upon the applicability, design, operation, or installation of a traffic control device. Engineering judgment shall be exercised by an engineer, or by an individual working under the supervision of an engineer, through the application of procedures and criteria established by the engineer. Documentation of engineering judgment is not required.~~

~~On page 14, replace definition 65, Engineering Study, with the definition 26, Engineering Study, as published in the 2003 MUTCD on page 1A-11:~~

~~**Engineering Study**— the comprehensive analysis and evaluation of available pertinent information, and the application of appropriate principles, Standards, Guidance, and practices as contained in this Manual and other sources, for the purpose of deciding upon the applicability, design, operation, or installation of a traffic control device. An engineering study shall be performed by an engineer, or by an individual working under the supervision of an engineer, through the application of procedures and criteria established by the engineer. An engineering study shall be documented.~~

(3-29-12)

**042.** **Section 2C.48, Traffic Signal Signs (W25-1, W25-2).** On page 128 - delete the section in its entirety, and Figure 2C-9. Intersection Warning Signs and Plaques, on page 127, remove the W25-1 and W25-2 signs from the figure. (3-29-12)

**053.** **Section 2C.63, Object Marker Design and Placement Height.** (7-20-12)T

**a.** On page 134 - make the following changes to allow alternate methods of marker construction and additional types of markers:

Support:

Type 1, 2, 3, 5 and 6 object markers are used to mark obstructions within or adjacent to the roadway, Type 4 object markers are used to mark the end of a roadway, Type 5 for Rail-grade Crossings and Type 6 for Truck Escape Ramps.

Standard:

When used, object markers (see Figure 2C-13) shall not have a border and shall consist of an arrangement of one (1) or more of the following types:

~~a.~~ Type 1 - either a diamond-shaped sign, at least eighteen (18) inches on a side, consisting of either a yellow (OM1-1) or black (OM1-2) sign with nine (9) yellow retroreflective devices, each with a minimum diameter of three (3) inches, mounted symmetrically on the sign, or an all-yellow retroreflective sign (OM1-3) or a marker consisting of a rigid substrate sheeted with yellow retroreflective sheeting screen printed to display nine (9) yellow retroreflective circles, each with a minimum diameter of three (3) inches, arranged symmetrically on a black (OM1-2) diamond shaped panel eighteen (18) inches or more on a side; or an all-yellow retroreflective diamond shaped panel (OM1-3) of the same size. [\(3-29-12\)](#)

~~b.~~ Type 2 - either a marker (OM2-1V or OM2-1H) consisting of three (3) yellow retroreflective devices, each with a minimum diameter of three (3) inches, arranged either horizontally or vertically on a white sign measuring at least six (6) inches by twelve (12) inches; or an all-yellow horizontal or vertical retroreflective sign (OM2-2V or OM2-2H), measuring at least six (6) inches by twelve (12) inches; or a marker (OM2-1V or OM2-1H) consisting of a rigid substrate sheeted with white retroreflective sheeting and displaying three (3) yellow circles of retroreflective sheeting, each with a minimum diameter of three (3) inches, arranged either horizontally or vertically on a white panel measuring at least six (6) inches by twelve (12) inches; or on an all-yellow horizontal or vertical retroreflective panel (OM2-2V or OM2-2H), sheeted with retroreflective sheeting measuring at least six (6) inches by twelve (12) inches. [\(3-29-12\)](#)

~~c.~~ Type 3 - a striped marker, twelve (12) inches by thirty-six (36) inches, consisting of a rigid substrate sheeted with yellow retroreflective sheeting screen printed to display a vertical rectangle with alternating black stripes and retroreflective yellow stripes sloping downward at an angle of forty-five (45) degrees toward the side of the obstruction on which traffic is to pass. The minimum width of the yellow and black stripes shall be three (3) inches. [\(3-29-12\)](#)

~~d.~~ Type 4 - a diamond-shaped sign, at least eighteen (18) inches on a side, consisting of either a red (OM4-1) or black (OM4-2) sign with nine (9) red retroreflective devices, each with a minimum diameter of three (3) inches, mounted symmetrically on the sign, or an all-red retroreflective sign (OM4-3). [\(3-29-12\)](#)

~~e.~~ Type 5 - add a category for Type 5 object markers to read as follows: a striped markerto be used for marking of Highway-Rail Grade or Highway-Light Rail Transit Grade crossings ONLY. The marker is to be thirty-three (33) inches by thirty-eight (38) inches, consisting of a vertical rectangle with two (2), eleven point five (11.5) inch side wings and an eight point five (8.5) inch center section which are formed by bending the panel from top to bottom at a forty-five (45) degree angle away from approaching traffic. The rigid substrate panel is sheeted on both sides with white diamond grade prismatic retroreflective sheeting and has reflective chrome stripes and red transparent ink stripes applied to the side wings sloping downward from the top outer corners at an angle of forty-five (45) degrees toward the center of the marker where they meet corresponding stripes which have been placed at a ninety (90) degree angle across the center section of the marker, except on the back of the marker which shall have the center section unsheeted and on the areas of the bends which shall have a point seventy-five (.75) inch wide strip from top to bottom left unsheeted. The stripes shall meet the following dimensions: chrome stripes shall be one point five (1.5) inches and red stripes shall be five point five (5.5) inches. [\(3-29-12\)](#)

**f.** Type 6 - add a category for Type 6 object markers to read as follows: a striped marker, twelve (12) inches by thirty-six (36) inches, consisting of a vertical rectangle with alternating white and retroreflective red stripes sloping downward at an angle of forty-five (45) degrees toward the side of the obstruction on which traffic is to pass, to be used for entrance to Truck Escape Ramps ONLY. The minimum width of the white and red stripes shall be three (3) inches. Red retroreflective stripes shall meet the minimum requirements of sheeting.

(7-20-12)T

**b.** On page 134 ~~U~~under “Support:” add the following revised paragraph 2:

Type 3 and Type 6 object markers with stripes that begin at the upper right side and slope downward to the lower left side are designated as right object markers (OM3-R) or (OM6-R). Object markers with stripes that begin at the upper left side and slope downward to the lower right side are designated as left object markers (OM3-L) or (OM6-L).

~~Under “Support:” add the following as paragraph 3:~~

~~The Type 5 object marker, known in Idaho as OM-5 (IdaShield), shall be placed below the Highway-Rail Grade or Highway-Light Rail Transit Grade crossing Crossbuck Sign Assembly on the right hand side of the roadway on each approach to a crossing where automatic signal warning devices do not exist. The bottom of the shield should be twenty-four (24) inches above the top of the rail and shall not be more than thirty-six (36) inches above the ground.~~

(7-20-12)T

**c.** On page 134 ~~U~~under “Guidance:” add the following as paragraph 3 to read as follows:

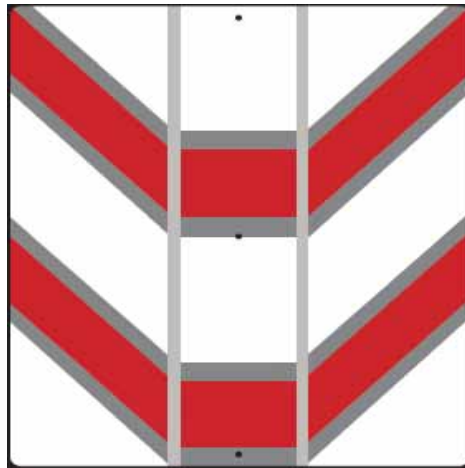
The Type 5 object marker, known in Idaho as OM-5 (IdaShield), ~~shall~~ **should** be placed below the Highway-Rail Grade or Highway-Light Rail Transit Grade crossing Crossbuck Sign Assembly on the right hand side of the roadway on each approach to a crossing where automatic signal warning devices do not exist. The bottom of the shield should be twenty-four (24) inches above the top of the rail and shall not be more than thirty-six (36) inches above the ground.

~~(3-29-12)~~(7-20-12)T

**gd.** On page 135, Figure 2C-13, Object Markers - add a Type 5 and Type 6 Object Marker category to the figure which shall include an example of an OM-5 object marker known in Idaho as IdaShield and the OM-6 object marker known as the Idaho Truck Escape Ramp marker:

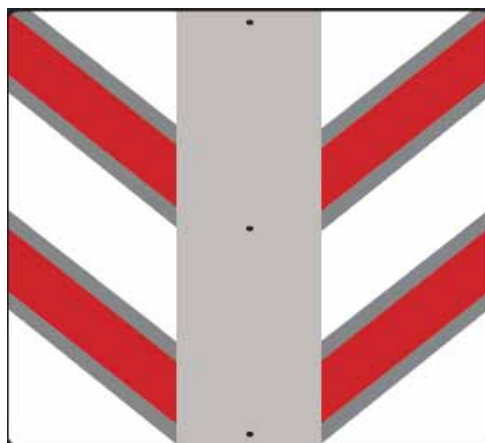
**Type 5 Object Markers**  
**OM-5 (IdaShield)**

**FRONT**



**Type 5 Object Markers**  
**OM-5 (IdaShield)**

**BACK**





Type 6 Object Markers  
OM-6 (Truck Escape Ramp)



(3-29-12)

**064.** Section 2D.43, Street Name Signs (D3-1 or D3-1a).

(3-29-12)

a. On page 162, change the second sentence of the fourteenth paragraph under the Standard statement to read as follows: The color of the legend and border shall contrast with the background color of the sign.”

(3-29-12)

b. On page 162, change the fifteenth paragraph under the Option statement to read as follows: The border may not be omitted from a street name sign if used on the State Highway System or related roadways.

(3-29-12)

**075.** Section 2E.31, Interchange Exit Numbering. On page 212, in the fourth sentence under “Standard” revise the sentence to read as follows: “The exit number plaque (E1-5P) (see Figure 2E-22) shall be thirty-six (36) inches in height and shall include the word “EXIT” along with the appropriate exit number.”

(3-29-12)

**086.** Section 4D.04, Meaning of Vehicular Signal Indications. On page 451- in the second paragraph of Item C.1, substitute the following for the first sentence: “Except when a sign is in place prohibiting a turn on steady circular red signal or a RED ARROW signal indication is displayed, vehicular traffic facing a steady CIRCULAR RED signal indication may turn right or turn left from a one-way or two-way highway into a one-way street, after stopping in conformance with the provisions of the Idaho Vehicle Code.”

(3-29-12)

**097.** Section 4L.03, Warning Beacon. On page 524 - in the second paragraph under “Standard,” add the following as a second sentence to read as follows: “The beacon shall not be included within the border of the sign or marker.”

(3-29-12)

**108.** Figure 5C.1, Horizontal Alignment and Intersection Warning Signs and Plaques and Object Markers on Low-Volume Roads. On page 536, add a Type 5 Object Marker OM-5 (IdaShield) and a Type 6 Object Marker OM-6 (Truck Escape Ramp).

(3-29-12)

**H09.** Section 5F.04, STOP and YIELD Signs (R1-1, R1-2). On page 543, delete “and YIELD” from the title and insert the following paragraph as the third paragraph under “Standard”: “Under Idaho law, wherever a highway crosses one (1) or more railroads at grade, the Department or local authorities within their respective jurisdictions, shall place and maintain stop signs, directing vehicular traffic approaching the crossing to come to a full stop prior to entering the crossing at all railroad crossings where electric or mechanical warning signals do not exist. Placement of these stop signs shall be mandatory except when, in the determination of the Department or local authorities, the existence of stop signs at a given crossing would constitute a greater hazard than their absence, based on a recognized engineering study.”

(3-29-12)

**120.** Table 7B.1, School Area Sign and Plaque Sizes. On page 733, remove S4-2P, “When Children

Are Present.” (3-29-12)

**131.** **Figure 7B.1, School Area Signs.** On page 735, remove figure S4-2P. (3-29-12)

**142.** **Section 7B.15, School Speed Limit Assembly (S4-1P, S4-2P, S4-3P, S4-4P, S4-6P, S5-1).** (3-29-12)

**a.** On page 742, remove S4-2P in the title; and (3-29-12)

**b.** On page 743, in the second paragraph under “Standard” remove the S4-2P and in the third paragraph under “Option” add the following as a fourth sentence to read as follows: “The lenses of the Speed Limit Sign Beacon shall not be positioned within the face of the School Speed Limit (S5-1) sign.” (3-29-12)

**153.** **Section 8A.03, Use of Standard Devices, Systems, and Practices at Highway-LRT Grade Crossings.** On page 748, under “Standard” add the following statement as a second sentence to read as follows: “Per Section 49-202(25), Idaho Code, “Wherever a highway crosses one (1) or more railroads at grade, the Department or local authorities within their respective jurisdictions, shall place and maintain stop signs, directing vehicular traffic approaching the crossing to come to a full stop prior to entering the crossing at all railroad crossings where electric or mechanical warning signals do not exist. Placement of these stop signs shall be mandatory except when, in the determination of the public highway agencies, the existence of stop signs at a given crossing would constitute a greater hazard than their absence, based on a recognized engineering study.” (3-29-12)

**164.** **Figure 8B.3, Crossbuck Assembly with a YIELD or STOP Sign on a Separate Sign Support (Sheet 1 of 2).** Delete figure in its entirety. (3-29-12)

**175.** **Figure 8B.3, Crossbuck Assembly with a YIELD or STOP Sign on a Separate Sign Support (Sheet 2 of 2).** Delete “YIELD or” from the title of the figure. Change Note 1 to read as follows: “Per Section 49-202(25), Idaho Code, “Wherever a highway crosses one (1) or more railroads at grade, the Department or local authorities within their respective jurisdictions, shall place and maintain stop signs, directing vehicular traffic approaching the crossing to come to a full stop prior to entering the crossing at all railroad crossings where electric or mechanical warning signals do not exist. Placement of these stop signs shall be mandatory except when, in the determination of the public highway agencies, the existence of stop signs at a given crossing would constitute a greater hazard than their absence, based on a recognized engineering study.”” (3-29-12)

**186.** **Section 8B.04, Crossbuck Assemblies with YIELD or STOP Signs at Passive Grade Crossings.** On pages 754,757 and 758, delete “YIELD or” from the title and modify the Section to read as follows:

**Standard:**  
A grade crossing Crossbuck Assembly shall consist of a Crossbuck (R15-1) sign, and a Number of Tracks (R15-2P) plaque if two (2) or more tracks are present, that complies with the provisions of Section 8B.03, and shall have a STOP (R1-1) sign installed on the same support, as pursuant to the following requirement: “Per Section 49-202(25), Idaho Code, “Wherever a highway crosses one (1) or more railroads at grade, the Department or local authorities within their respective jurisdictions, shall place and maintain stop signs, directing vehicular traffic approaching the crossing to come to a full stop prior to entering the crossing at all railroad crossings where electric or mechanical warning signals do not exist. Placement of these stop signs shall be mandatory except when, in the determination of the public highway agencies, the existence of stop signs at a given crossing would constitute a greater hazard than their absence, based on a recognized engineering study.””

At all public highway-rail grade crossings that are not equipped with the active traffic control systems that are described in Chapter 8C, except crossings where road users are directed by an authorized person on the ground to not enter the crossing at all times that an approaching train is about to occupy the crossing, a Crossbuck Assembly shall be installed on the right-hand side of the highway on each approach to the highway-rail grade crossing.

If a Crossbuck sign is used on a highway approach to a public highway-LRT grade crossing that is not equipped with the active traffic control systems that are described in Chapter 8C, a Crossbuck Assembly shall be installed on the right-hand side of the highway on each approach to the highway-LRT grade crossing.

Where restricted sight distance or unfavorable highway geometry exists on an approach to a grade crossing that has a Crossbuck Assembly, or where there is a one-way multi-lane approach, an additional Crossbuck Assembly shall be installed on the left-hand side of the highway.

**Guidance:**

The use of STOP signs at passive grade crossings should be placed in accordance with Idaho law.

**Support:**

Sections 8A.02 and 8A.03 contain information regarding the responsibilities of the highway agency and the railroad company or LRT agency regarding the selection, design, and operation of traffic control devices placed at grade crossings.

**Option:**

When a STOP sign is installed for a Crossbuck Assembly at a grade crossing, it may be installed on the same support as the Crossbuck sign or it may be installed on a separate support at a point where the highway vehicle is to stop, or as near to that point as practical, but in either case, the STOP sign is considered to be a part of the Crossbuck Assembly.

**Standard:**

When a STOP sign is installed on an existing Crossbuck sign support, the minimum height, measured vertically from the bottom of the STOP sign to the top of the curb, or in the absence of curb, measured vertically from the bottom of the STOP sign to the elevation of the near edge of the traveled way, shall be four (4) feet (see Figure 8B-2).

If a Crossbuck Assembly is installed on a new sign support (see Figure 8B-2) or if the STOP sign is installed on a separate support (see Figure 8B-3), the minimum height, measured vertically from the bottom of the STOP sign to the top of the curb, or in the absence of curb, measured vertically from the bottom of the STOP sign to the elevation of the near edge of the traveled way, shall be seven (7) feet if the Crossbuck Assembly is installed in an area where parking or pedestrian movements are likely to occur.

**Guidance:**

If a STOP sign is installed for a Crossbuck Assembly at a grade crossing on a separate support than the Crossbuck sign (see Figure 8B-3), the STOP sign should be placed at a point where the highway vehicle is to stop, or as near that point as practical, but no closer than fifteen (15) feet measured perpendicular from the nearest rail.

**Support:**

Certain commercial motor vehicles and school buses are required to stop at all grade crossings in accordance with 49 CFR 392.10.

The meaning of a Crossbuck Assembly that includes a STOP sign is that a road user approaching the grade crossing must come to a full and complete stop not less than fifteen (15) feet short of the nearest rail, and remain stopped while the road user determines if there is rail traffic either occupying the crossing or approaching and in such close proximity to the crossing that the road user must yield the right-of-way to rail traffic. The road user is permitted to proceed when it is safe to cross.

**Standard:**

**A vertical strip of retroreflective white material, not less than two (2) inches in width, shall be used on each Crossbuck support at passive grade crossings for the full length of the back of the support from the Crossbuck sign or Number of Tracks plaque to within two (2) feet above the ground, except as provided in Paragraph 16.**

(3-29-12)

**197. Section 8B.05, STOP (R1-1) Or YIELD (R1-2) Signs without Crossbuck Signs at Highway-LRT Grade Crossings.** On page 758, delete “Or YIELD (R1-2)” from the title and delete the Guidance Statement, retaining the Standard and insert the following paragraph as the first paragraph under Standard: “Per Section 49-202(25), Idaho Code, “Wherever a highway crosses one (1) or more railroads at grade, the Department or local authorities within their respective jurisdictions, shall place and maintain stop signs, directing vehicular traffic approaching the crossing to come to a full stop prior to entering the crossing at all railroad crossings where electric or mechanical warning signals do not exist. Placement of these stop signs shall be mandatory except when, in the determination of the public highway agencies, the existence of stop signs at a given crossing would constitute a greater hazard than their absence, based on a recognized engineering study.”” (3-29-12)

**2018. Section 8B.07, EXEMPT Highway-Rail Grade Crossing Plaques (R15-3P, W10-1aP).**

(3-29-12)

**a.** On page 759 - add the following paragraph titled as: “Standard: All EXEMPT (R15-3) signs placed at a highway-rail grade crossing, shall require train crews to flag the crossing and stop all vehicular traffic prior to allowing any railroad equipment to enter the crossing. Placement of an EXEMPT (R15-3) sign shall require a written agreement between the railroad company and the agency having jurisdiction over the highway which requires both parties to comply with the proper procedures for placement of EXEMPT signs at Highway-Rail Grade Crossings. A copy of all agreements shall be forwarded to the Idaho Transportation Department Highway-Rail Safety Coordinator.” (3-29-12)

**b.** Retain the “Option” statement and modify the “Support” statement on page 760 to read as follows: Support: These supplemental signs inform drivers of vehicles carrying passengers for hire, school buses carrying students, or vehicles carrying hazardous materials that a stop is not required at certain designated highway-rail grade crossings. (5-1-10)

**219. Section 8B.09, DO NOT STOP ON TRACKS Sign (R8-8).** On page 760, change the second paragraph of the Guidance statement to read as follows:

When a STOP sign is installed at a location, including at a circular intersection, that is downstream from the grade crossing such that highway vehicle queues are likely to extend beyond the tracks, a DO NOT STOP ON TRACKS sign (R8-8) should be used.

(3-29-12)

**220. Section 8B.16, Divided Highway with Light Rail Transit Crossing Signs (R15-7 Series).** On page 762, change the second sentence of the first paragraph of the Option statement to read as follows: The sign shall be mounted separately. (3-29-12)

**231. Section 8B.18, Emergency Notification Sign (I-13).** On page 763, change the second paragraph of the Guidance statement to read as follows: Emergency Notification signs should be oriented so as to face highway vehicles at the grade crossing or on the traveled way near the grade crossing. (3-29-12)

**242. Section 8C.09, Traffic Control Signals at or Near Highway-Rail Grade Crossings.** On page 777, in the fourth paragraph titled “Standard,” replace “if applicable” with “if justified by an engineering study,” at the end of the final sentence in the paragraph. (3-29-12)