

Dear Senators BRACKETT, Johnson, Bock, and
Representatives PALMER, Shepherd, Ringo:

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

IDAPA 39.03.15 - Rules Pertaining To The Rules Governing Interstate Excess Weight Permits
(Docket No. 39-0315-1301);

IDAPA 39.03.22 - Rules Pertaining To The Rules Governing Overlegal Permits for Extra-Length
Vehicle Combinations - SB 1064 (Docket No. 39-0322-1301);

IDAPA 39.03.22 - Rules Pertaining To The Rules Governing Overlegal Permits for Extra-Length
Vehicle Combinations - SB 1117 (Docket No. 39-0322-1302);

IDAPA 39.03.23 - Rules Pertaining To The Rules Governing Revocation of Overlegal Permits
(Docket No. 39-0323-1301).

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 10/08/2013. 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 11/05/2013.

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: Deputy Division Manager - Eric Milstead

DATE: September 19, 2013

SUBJECT: Idaho Transportation Department

IDAPA 39.03.15 - Rules Pertaining To The Rules Governing Interstate Excess Weight Permits (Docket No. 39-0315-1301)

IDAPA 39.03.22 - Rules Pertaining To The Rules Governing Overlegal Permits for Extra-Length Vehicle Combinations - SB 1064 (Docket No. 39-0322-1301)

IDAPA 39.03.22 - Rules Pertaining To The Rules Governing Overlegal Permits for Extra-Length Vehicle Combinations - SB 1117 (Docket No. 39-0322-1302)

IDAPA 39.03.23 - Rules Pertaining To The Rules Governing Revocation of Overlegal Permits (Docket No. 39-0323-1301)

1. IDAPA 39.03.15 - Rules Pertaining To The Rules Governing Interstate Excess Weight Permits (Docket No. 39-0315-1301)

The Idaho Transportation Department submits notice of temporary and proposed rulemaking at IDAPA 39.03.15 -- Rules Governing Interstate Excess Weight Permits (Docket No. 39-0315-1301). (ANALYST NOTE: All four dockets discussed in this memorandum are related to the passage of 2013 legislation that revised statutory provisions dealing with weight permits. The 2013 legislation includes Senate Bills 1064 and 1117 and House Bill 322. Senate Bill 1064 codified the routes designed in the 129,000 Pilot Project while Senate Bill 1117 and House Bill 322 authorized jurisdictions to consider additional routes for vehicle combinations up to 129,000 pounds when certain criteria has been met).

The department notes that this temporary and proposed rule is necessary to reflect changes in the three bills passed during the 2013 Legislative Session. The changes in those bills revised the process relating to the designation of routes for loads of up to 129,000 pounds.

The temporary and proposed rule includes new provisions governing weights allowed on non-Interstate highways (Section 100.02) and also includes new provisions relating permit types exceeding 80,000 pounds, including provisions governing excess weight permits limited to 105,500 pounds; extra length/excess weight permits and permits for weight up to 129,000 pounds (Section 100.03.a. through c.).

The agency notes that negotiated rulemaking was not conducted because changes to the rule were required due to the passage of the three pieces of legislation noted earlier. The department notes, however, that

Mike Nugent, Manager
Research & Legislation

Cathy Holland-Smith, Manager
Budget & Policy Analysis

April Renfro, Manager
Legislative Audits

Glenn Harris, Manager
Information Technology

the temporary and proposed rule is the result of a collaborative effort which included members of the state Transportation Board, departmental staff, Idaho State Police staff, and representatives from the Idaho Trucking Advisory Council, the Department of Commerce, the Local Highway Technical Assistance Council and others.

The effective date of the temporary rule was July 1, 2013.

The department's temporary and proposed rule appears to be authorized pursuant to sections 40-312, 49-1004 and 67-5226, Idaho Code.

2. IDAPA 39.03.22 - Rules Governing Overlegal Permits for Extra-Length Vehicle Combinations - SB 1064 (Docket No. 39-0322-1301)

The Idaho Transportation Department submits notice of temporary and proposed rulemaking at IDAPA 39.03.22 -- Rules Governing Overlegal Permits for Extra-Length Vehicle Combinations. Similarly to the immediately previous docket discussed in the memo, the department notes that the revisions found in this temporary and proposed rule reflect changes stemming from legislation passed during the 2013 Session, specifically Senate Bill 1064 and House Bill 322. Those two bills revised the process for the designation of routes for and permitting of loads of up to 129,000 pounds. Also, the department notes that the sequence of provisions has been revised to provide better clarity of the rule's content.

The principle revisions found in the temporary and proposed rulemaking include clarification as to the vehicle combinations governed by the rule; provides that only non-interstate routes may allow weights between 105,500 and 129,000 pounds; and also specifies certain operating requirements on designated routes.

Like the rule in the previously discussed docket, the department states that while negotiated rulemaking was not conducted, the rule in this docket is the result of a collaborative effort by representatives from a number of groups, including the Board of Transportation, staff from both ITD and ISP, and representative from the Local Highway Technical Assistance Council, the state Department of Commerce and the Idaho Trucking Advisory Council.

The effective date of the temporary rule was July 1, 2013.

The department's temporary and proposed rule appears to be authorized pursuant to sections 40-312 and 67-5226, Idaho Code.

3. IDAPA 39.03.22 - Rules Governing Overlegal Permits for Extra-Length Vehicle Combinations - SB 1117 (Docket No. 39-0322-1302)

The Idaho Transportation Department submits notice of proposed rulemaking at IDAPA 39.03.22 -- Rules Governing Overlegal Permits for Extra-Length Vehicle Combinations. The department notes that the proposed rule implements the provisions of Senate Bill 1117 and includes an administrative procedure to add routes for certain vehicle combinations--those up to 129,000 pounds. The proposed rule includes new provisions governing the review and analysis of applications for such permits as well as provisions governing public hearings and appeals. (See, Rule Section 200.04). The rule also includes the reordering of certain provisions to help clarify the rule.

The department's proposed rule appears to be authorized pursuant to section 40-312, Idaho Code.

4. IDAPA 39.03.23 - Rules Pertaining To The Rules Governing Revocation of Overlegal Permits (Docket No. 39-0323-1301).

The Idaho Transportation Department submits notice of temporary and proposed rulemaking at IDAPA 39.03.23 -- Rules Governing Revocation of Overlegal Permits. Consistent with the other dockets discussed in this memorandum, the temporary and proposed rule implements various provisions of the three pieces of legis-

lation passed during the 2013 Session. simply, the temporary and proposed rule revises and adds to provisions governing the revocation of permits for non-compliance with permit limitations and provides new language governing the revocation process.

The effective date of the temporary rule was July 1, 2013.

The department's temporary and proposed rule appears to be authorized pursuant to sections 40-312, 49-1004 and 67-5226, Idaho Code.

cc: Idaho Transportation Department
Lori Garza & Regina Phipps

IDAPA 39 - IDAHO TRANSPORTATION DEPARTMENT
39.03.15 - RULES GOVERNING INTERSTATE EXCESS WEIGHT PERMITS
DOCKET NO. 39-0315-1301
NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rule is July 1, 2013.

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 August 21, 2013.

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:

Amendments to Idaho Code in Senate Bills 1064 and 1117 and House Bill 322 have altered the process for the designation of routes for loads of up to 129,000 pounds. Those amendments require updates to IDAPA 39.03.15 as well as 39.03.22.

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

This rulemaking is necessary for compliance with changes in House Bill 1064, Senate Bill 1117, and House Bill 322 from the 2013 Legislative Session.

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

There are no fees being 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 RULE-MAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because changes to this rule were necessary to comply with Senate Bill 1064, which codified the routes designated in the 129,000 Pound Pilot Project, and Senate Bill 1117 and House Bill 322, which authorize jurisdictions to consider additional routes for vehicle combinations up to 129,000 Pounds when specified criteria has been met. Changes to all rules associated with these legislative actions were developed by a sub-committee, led by Idaho Transportation Board Member Jim Kempton, and members appointed by the Board Chairman Jerry Whitehead, which included additional Board Members, ITD staff, ISP staff, and representatives from the Department of Commerce, Idaho Trucking Advisory Council, the Local Highway Technical Assistance Council, and other participants, as needed.

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 temporary and proposed rule, contact Regina Phipps, Vehicle Size and 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 August 28, 2013.

DATED this 28th day of June, 2013.

Lori Garza, Office of Governmental Affairs
Idaho Transportation Department
3311 W State St, PO Box 7129
Boise ID 83707-1129
Phone - 208-334-8810 / FAX - 208-332-4107
lori.garza@itd.idaho.gov

**THE FOLLOWING IS THE TEMPORARY RULE AND TEXT OF THE PROPOSED RULE
FOR DOCKET NO. 39-0315-1301**

**IDAPA 39
TITLE 03
CHAPTER 15**

39.03.15 - RULES GOVERNING ~~INTERSTATE~~ EXCESS WEIGHT PERMITS FOR REDUCIBLE LOADS

000. LEGAL AUTHORITY.

This rule, governing vehicles operating on the Interstate and non-interstate highway system in excess of eighty thousand (80,000) pounds, is adopted under the authority of Sections 40-312 and 49-1004, Idaho Code.

~~(10-2-89)~~(7-1-13)T

001. TITLE AND SCOPE.

01. Title. This rule shall be cited as IDAPA 39.03.15, "Rules Governing Excess Weight Permits for Reducible Loads," IDAPA 39, Title 03, Chapter 15. (7-1-13)T

02. Scope. This rule authorizes the issuance of special permits which allow vehicle combinations to operate in excess of eighty thousand (80,000) pounds when hauling reducible loads on the Interstate and non-interstate highway system if legal axle weight limits are not exceeded. ~~(10-2-89)~~(7-1-13)T

002. WRITTEN INTERPRETATIONS.

There are no written interpretations for this chapter. (7-1-13)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." (7-1-13)T

004. INCORPORATION BY REFERENCE.

There are no documents incorporated by reference in this chapter. (7-1-13)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. (7-1-13)T

02. Office Hours. Daily office hours are 7:30 a.m. to 5 p.m. except Saturday, Sunday and state holidays. (7-1-13)T

03. Telephone and Fax Numbers. The central office may be contacted during office hours by phone at 208-334-8420, 1-800-662-7133 or by fax at 334-8419. (7-1-13)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. (7-1-13)T

0027. -- 009. (RESERVED)

(BREAK IN CONTINUITY OF SECTIONS)

100. GENERAL REQUIREMENTS AND CONDITIONS.

01. Weights Allowed on Interstate. The Federal Highway Amendment Act of 1974 established allowable legal weight limits on Interstate System Highways at twenty thousand (20,000) pounds on single axles, thirty-four thousand (34,000) pounds on tandems, and ~~formula weights for~~ total gross loads not exceeding eighty thousand (80,000) pounds. ~~(10-2-89)~~(7-1-13)T

02. Weights Allowed on Non-Interstate Highways. Allowable legal weight limits on non-interstate highways are set at twenty thousand (20,000) pounds on single axles, thirty-seven thousand eight hundred (37,800) pounds on tandems, and total gross loads not exceeding eighty thousand (80,000) pounds. (7-1-13)T

023. Permits Types to Exceed Eighty Thousand Pounds Gross Weight. ~~Excess weight p~~Permits will be issued for vehicle combinations operating on Interstate ~~Routes~~ and non-interstate highways with total gross loads exceeding eighty thousand (80,000) pounds but not to exceed twenty thousand (20,000) per single axle, thirty-four thousand (34,000) pounds per tandem, and not to exceed the weight limit for any group of two (2) or more consecutive axles established by Section 49-1001, Idaho Code. ~~Combination excess weight and extra length permits are available.~~ ~~(1-3-92)~~(7-1-13)T

a. Excess Weight Permit - gross weight limited to one hundred five thousand five hundred (105,500) pounds on interstate and non-interstate highways. (7-1-13)T

b. Extra Length/Excess Weight Permit - gross weight limited to one hundred five thousand five hundred (105,500) pounds on interstate and non-interstate highways and length limited to those specified in IDAPA 39.03.22, "Rules Governing Overlegal Permits for Extra Length, Excess Weight and Up to 129,000 Pound Vehicle Combinations." (7-1-13)T

c. Up to One Hundred Twenty-Nine Thousand (129,000) Pounds - gross weight not to exceed one hundred twenty-nine thousand (129,000) pounds on designated highways and length limited to those specified in IDAPA 39.03.22, "Rules Governing Overlegal Permits for Extra Length, Excess Weight and Up to 129,000 Pound Vehicle Combinations." (7-1-13)T

IDAPA 39 - IDAHO TRANSPORTATION DEPARTMENT

**39.03.22 - RULES GOVERNING OVERLEGAL PERMITS
FOR EXTRA-LENGTH VEHICLE COMBINATIONS**

DOCKET NO. 39-0322-1301

NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rule is July 1, 2013.

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, Idaho Code.

PUBLIC HEARING SCHEDULE: A public hearing concerning this rulemaking will be held as follows:

Monday, October 7, 2013, 4:00 to 7:00 p.m. Local Time	
Red Lion Hotel 1555 Pocatello Creek Road Pocatello, ID 83201	Shilo Inn Suites 780 Lindsay Boulevard Idaho Falls, ID 83402

Wednesday, October 9, 2013, 4:00 to 7:00 p.m. Local Time	
Best Western Plus Coeur d'Alene Inn 506 W. Appleway Avenue Coeur d'Alene, ID 83814	Red Lion Hotel 621 21st Street Lewiston, ID 83501

Wednesday, October 16, 2013, 4:00 to 7:00 p.m. Local Time
Best Western Plus Twin Falls Hotel 1377 Blue Lakes Boulevard Twin Falls, Idaho 83301

Thursday, October 17, 2013, 4:00 to 7:00 p.m. Local Time
Red Lion Hotel 1800 Fairview Avenue Boise, Idaho 83702

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:

Amendments to Idaho Code in Senate Bill 1064 have codified the designation of specified routes for loads up to 129,000 pounds. Amendments to Idaho Code in Senate Bill 1117 and House Bill 322 have altered the process for the further designation of routes for and permitting of loads of up to 129,000 pounds. Those amendments require updates to this rule, among others to implement this practice.

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

This rulemaking implements the provisions of Senate Bill 1064 and provides continuity of motor carrier operations. It provides clarification regarding the vehicle combinations governed under this rule, clarifies that only non-interstate routes will allow weights above 105,500 pounds up to 129,000 pounds, and specifies the operating requirements on designated routes, authorized for up to 129,000 pounds. The order of the information in the rule has been modified for better flow and understanding of the requirements.

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

There are no fees being 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 RULE-MAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because changes to this rule necessary to comply with Senate Bill 1064, which codified the routes designated in the 129,000 Pound Pilot Project, and Senate Bill 1117 and House Bill 322, which authorize jurisdictions to consider additional routes for vehicle combinations up to 129,000 pounds when specified criteria has been met. Changes to all rules associated with these legislative actions were developed by a sub-committee, led by Idaho Transportation Board Member Jim Kempton, and members appointed by the Board Chairman Jerry Whitehead, which included additional Board Members, ITD staff, ISP staff, and representatives from the Department of Commerce, Idaho Trucking Advisory Council, the Local Highway Technical Assistance Council, and other participants, as needed.

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 temporary and proposed rule, contact Regina Phipps, Vehicle Size and 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 August 28, 2013.

DATED this 8th day of July, 2012.

Lori Garza, Office of Governmental Affairs
Idaho Transportation Department
3311 W State St, PO Box 7129
Boise ID 83707-1129
Phone - 208-334-8810 / FAX - 208-332-4107
lori.garza@itd.idaho.gov

**THE FOLLOWING IS THE TEMPORARY RULE AND TEXT OF THE PROPOSED RULE
FOR DOCKET NO. 39-0322-1301**

IDAPA 39
TITLE 03
CHAPTER 22

39.03.22 - RULES GOVERNING OVERLEGAL PERMITS FOR
EXTRA-LENGTH, EXCESS WEIGHT, AND UP TO 129,000 POUND VEHICLE COMBINATIONS

001. TITLE AND SCOPE.

01. **Title.** This rule shall be cited as IDAPA 39.03.22, "Rules Governing Overlegal Permits for Extra-Length, Excess Weight, and Up to 129,000 Pound Vehicle Combinations," IDAPA 39, Title 03, Chapter 22. ~~(3-22-00)~~(7-1-13)T

02. **Scope.** This rule states the requirements and routes for extra-length, excess weight and up to one hundred twenty-nine thousand (129,000) pound vehicle combinations. ~~(3-22-00)~~(7-1-13)T

(BREAK IN CONTINUITY OF SECTIONS)

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. (3-20-04)

02. **Office Hours.** Daily office hours are 7:30 a.m. to 5 p.m. except Saturday, Sunday and state holidays. (4-7-11)

03. **Telephone and Fax Numbers.** The central office may be contacted during office hours by phone at 208-334-8420, 1-800-662-7133 or by fax at 334-8419. ~~(3-20-04)~~(7-1-13)T

(BREAK IN CONTINUITY OF SECTIONS)

100. DESIGNATED ROUTES FOR EXTRA LENGTH VEHICLE COMBINATIONS CARRYING UP TO ONE HUNDRED FIVE THOUSAND FIVE HUNDRED POUNDS SHALL BE DESIGNATED IN FOUR CATEGORIES.

The ~~e~~"Extra Length Map" listing the designated routes for vehicles operating up to one hundred five thousand five hundred (105,500) pounds is available at the Idaho Transportation Department offices. This map is not the same as the "Designated Routes Up to 129,000 Pound Map" listed in Section 200. ~~(10-2-89)~~(7-1-13)T

01. **Blue-Coded Routes.** Routes for combinations not exceeding ninety-five (95) feet in overall length including load overhang (blue-coded routes). A vehicle combination operating on routes designated for up to ninety-five (95) feet shall be designed and assembled in a manner whereby its maximum off-tracking will not exceed five point five zero (5.50) feet on a one hundred sixty-five (165) foot radius when computed. (7-1-13)T

02. **Red-Coded Routes.** Routes for combinations of vehicles not exceeding one hundred fifteen (115) feet in overall length including load overhang (red-coded routes). A vehicle combination operating on routes designated for up to one hundred fifteen (115) feet shall be designed and assembled in a manner whereby its maximum off-tracking will not exceed six point five zero (6.50) feet on a one hundred sixty-five (165) foot radius

when computed.

(7-1-13)T

03. Black-Coded Routes. Interstate system routes and specified interchanges providing access to approved breakdown areas located in close proximity to the Interstate system (black-coded routes). A vehicle combination operating on routes in this category shall be designed and assembled in such a manner that its off-tracking may exceed six point five zero (6.50) feet but shall not exceed eight point seventy-five (8.75) feet when computed. Specified interchanges providing access to approved breakdown areas are required to be used by combinations that exceed six point five zero (6.50) feet off-tracking. The specified interchanges will be authorized for either combinations in excess of six point five zero (6.50) feet off-tracking, but not in excess of seven (7) feet off-tracking, or for combinations in excess of seven (7) feet off-tracking but not in excess of eight point seventy-five (8.75) feet off-tracking.

(7-1-13)T

04. Green-Coded Routes. Selected state highway routes (green coded routes) for operation of a vehicle combination whereby its maximum off-tracking will not exceed three (3) feet on a one hundred sixty-five (165) foot radius when computed, and its overall length including load overhang does not exceed eighty-five (85) feet. Route approval shall be subject to analysis of pavement condition, bridge capacity, safety considerations, pavement width, curvature, traffic volumes and traffic operations.

(7-1-13)T

101. -- 199. (RESERVED)

[Previously codified Section 200 is being moved and renumbered to Section 300]

~~4200. PILOT PROJECT TO EXCEED ONE HUNDRED FIVE THOUSAND, FIVE HUNDRED POUNDS DESIGNATED ROUTES FOR VEHICLE COMBINATIONS UP TO ONE HUNDRED TWENTY-NINE THOUSAND POUNDS.~~

In addition to the ~~previously stated~~ requirements ~~that must be met~~ listed in Sections 300 and 400, vehicles combinations operating ~~at weights in excess of one hundred five thousand five hundred (105,500) up to one hundred twenty-nine thousand (129,000)~~ pounds, must ~~also~~ meet the following requirements: ~~(3-22-00)(7-1-13)T~~

01. Brakes. All axles ~~must~~ shall be equipped with brakes ~~that meet the Federal Motor Carrier Safety Regulations.~~ ~~(3-22-00)(7-1-13)T~~

02. Permits. Permits will be vehicle specific and will ~~list the axle spacings, number of axles and the gross weight. The state issued permit must be displayed in the lower right hand corner of the windshield~~ be in addition to any extra length and excess weight permit for operation of vehicle combinations at weights up to one hundred five thousand five hundred (105,500) pounds. ~~(3-20-04)(7-1-13)T~~

03. Trip Logs Designated Routes. ~~Trip logs will be required to be submitted quarterly in a standard format and submitted electronically with the following information:~~ All designated state approved routes for vehicle combinations to operate at weights above one hundred five thousand five hundred (105,500) pounds will be identified on the "Designated Routes Up to 129,000 Pound Map" which is available at the Idaho Transportation Department. ~~(3-20-04)(7-1-13)T~~

a. ~~Each trip must be listed (a trip is defined as each way unladen or laden);~~ Routes for combinations of vehicles not exceeding one hundred fifteen (115) feet in overall length including load overhang (magenta-coded routes). A vehicle combination operating on routes designated for up to one hundred fifteen (115) feet shall be designed and assembled in a manner whereby its maximum off-tracking will not exceed six point five zero (6.50) feet on a one hundred sixty-five (165) foot radius when computed. ~~(3-22-00)(7-1-13)T~~

~~b. Date trip occurred;~~ ~~(3-22-00)~~

~~c. Origin;~~ ~~(3-22-00)~~

~~d. Destination;~~ ~~(3-22-00)~~

~~e. Route (list each highway traveled);~~ ~~(3-20-04)~~

~~f. Gross weight of vehicle configuration (unladen or laden); and (3-20-04)~~

~~g. Unit number. (3-20-04)~~

~~04. Failure to Comply. The motor carrier's failure to submit trip logs quarterly, as required by Subsection 400.03, will result in the revocation of all pilot project permits issued to the carrier. Upon submission of all delinquent trip logs, new permits may be issued. (3-20-04)~~

201. -- 299. (RESERVED)

[Previously codified Section 300 is being moved and renumbered to Section 400]

2300. CONDITIONS AND OPERATING REQUIREMENTS FOR EXTRA-LENGTH, EXCESS WEIGHT, AND UP TO 129,000 POUND VEHICLE COMBINATIONS.

Extra-length All vehicle combinations shall be subject to the following conditions, limitations, and requirements: ~~(10-2-89)(7-1-13)T~~

01. Extra-Length Vehicle Combinations Cargo Carrying Units. Vehicle combinations operating with an overall length in excess of the limits imposed in Section 49-1010, Idaho Code, shall consist of not more than four (4) units, shall not exceed one hundred fifteen (115) feet overall and no such vehicle combination shall include more than three (3) cargo units except that a full truck and full trailer may have an overall length in excess of seventy-five (75) feet but not in excess of eighty-five (85) feet including load overhang. ~~(3-20-04)(7-1-13)T~~

~~02. Routes for Extra-Length Operations. Shall be designated in four (4) categories: (9-4-91)~~

~~a. Routes for combinations not exceeding ninety-five (95) feet in overall length including load overhang (blue-coded routes). An extra-length combination operating on routes designated for ninety-five (95) foot combinations shall be designed and assembled in a manner whereby its maximum off tracking will not exceed five point five zero (5.50) feet on a one hundred sixty-five (165) foot radius when computed by the equation developed by Western Highway Institute (WHI) for computation of maximum vehicular off track. (4-7-11)~~

~~b. Routes for combinations of vehicles not exceeding one hundred fifteen (115) feet in overall length including load overhang (red-coded routes). An extra-length combination operating on routes designated for one hundred fifteen (115) foot combinations shall be designed and assembled in a manner whereby its maximum off-tracking will not exceed six point five zero (6.50) feet on a one hundred sixty-five (165) foot radius when computed by the WHI equation referred to above. (3-20-04)~~

~~c. Interstate system routes and specified interchanges providing access to approved breakdown areas located in close proximity to the Interstate system (black-coded routes). An extra-length combination operating on routes in this category shall be designed and assembled in such a manner that its off tracking may exceed six point five zero (6.50) feet but shall not exceed eight point seventy five (8.75) feet when computed by the WHI equation referred to above. Specified interchanges providing access to approved breakdown areas are required to be used by combinations that exceed six point five zero (6.50) feet off tracking. The specified interchanges will be authorized for either combinations in excess of six point five zero (6.50) feet off tracking, but not in excess of seven (7) feet off tracking, or for combinations in excess of seven (7) feet off tracking but not in excess of eight point seventy five (8.75) feet off tracking. (3-22-00)~~

~~d. Selected state highway routes (green-coded routes) for operation of an extra-length combination whereby its maximum off tracking will not exceed three (3) feet on a one hundred sixty five (165) foot radius when computed by the WHI equation and its overall length including load overhang does not exceed eighty five (85) feet. Route approval shall be subject to analysis of pavement condition, bridge capacity, safety considerations, pavement width, curvature, traffic volumes and traffic operations. (8-25-94)~~

032. Power Unit. The power unit of *extra-length all vehicle* combinations shall have adequate power and traction to maintain a minimum of ~~fifteen~~ **twenty** ~~(1520)~~ miles per hour under normal operating conditions on any

up-grade over which the combination is operated. (10-2-89)

043. Connecting Devices. Fifth wheel, drawbar, and other coupling devices shall be as specified by Federal Motor Carrier Safety Regulations, Part 393. (4-7-11)

054. ~~Weather Hazardous Travel Conditions~~ Restrictions. Extreme caution in the operation of ~~an extra length permitted~~ vehicle combinations shall be exercised when hazardous conditions ~~such as those caused by snow, ice, sleet, fog, mist, rain, dust, or smoke adversely affect visibility or traction exist~~. ~~Speed shall be reduced when such conditions exist. When conditions become sufficiently dangerous, the company or the operator shall discontinue operations and operations shall not be resumed until the extra length vehicle combination can be safely operated. The state may restrict or prohibit operations during periods when in the state's judgment traffic, weather, or other safety conditions make such operations unsafe or inadvisable.~~ The movement of overlegal vehicles and/or loads by overlegal permit shall be prohibited and otherwise valid permits shall automatically become invalid en route when travel conditions become hazardous. Hazardous conditions include, but are not limited to, ice, snow or frost; or when visibility is restricted to less than five hundred (500) feet. (~~8-25-94~~)(7-1-13)T

065. Trailer Weight Sequence. In any extra-length combination, the respective loading of any trailer shall not be substantially greater than the weight of any trailer located ahead of it in the vehicle combination. (Substantially greater shall be defined as more than four thousand (4,000) pounds heavier.) (10-2-89)

076. Operating Restrictions. Operators of all vehicle combinations governed by this rule shall comply with the following operating restrictions: (8-25-94)

a. A minimum distance of five hundred (500) feet shall be maintained between combinations of vehicles except when overtaking and passing. (10-2-89)

b. Except when passing another vehicle traveling in the same direction, the combination shall be driven so as to remain at all times on the right hand side of the centerline of a two (2) lane, two (2) way highway, or on the right hand side of a lane stripe or marker of a highway of four (4) or more lanes. (1-1-90)

c. Be in compliance with all Federal Motor Carrier Safety Regulations. (3-22-00)

087. Insurance Requirements. Every vehicle combination operated under this rule shall be covered by insurance of not less than five hundred thousand dollars (\$500,000) combined single limit. The permittee or driver of the permitted vehicle combination shall carry in the vehicle evidence of insurance written by an authorized insurer to certify that insurance in this minimum amount is currently in force. (~~8-25-94~~)(7-1-13)T

098. Tire Limitations. Single axles on extra length vehicle combinations shall be equipped with four (4) tires except on the steering axle, or variable load suspension axles (VLS-lift axles), unless equipped with fifteen (15) inch wide or wider single tires. Multiple axle configurations may be equipped with single tires on each of the axles as long as the pounds-per-inch width of tire does not exceed ~~the limits as listed in Section 49-1002, Idaho Code~~ six hundred (600) pounds, the manufacturers rating or legal weights whichever is less. (~~5-8-09~~)(7-1-13)T

09. Brakes. Brakes shall meet the Federal Motor Carrier Safety Regulations. (7-1-13)T

301. -- 399. (RESERVED)

[Previously codified Section 400 is being moved and renumbered to Section 200]

3400. OVERLEGAL PERMITS FOR OPERATIONS OF EXTRA-LENGTH, OPERATIONS EXCESS WEIGHT, AND UP TO 129,000 POUND VEHICLE COMBINATIONS.

01. Permit Attachments. All vehicles in extra length operation shall be allowed to travel under the authority of overlegal permits issued to the power unit. A copy of this rule shall accompany and shall be a part of all annual extra-length, excess weight, and up to 129,000 pound permits. An allowable gross loads table shall accompany and be referred to on the face of the permit. ~~Extra length o~~Operations shall be valid only on routes of the

state highway system designated for such purposes as set forth on the ~~e~~“~~Extra Length color-coded m~~Map” of designated routes, or the “Designated Routes Up to 129,000 Pound Map.” which shall accompany the permit, and is available at the overlegal permit office; and ports of entry, ~~and highway district offices.~~ Combination extra-length and excess weight permits are available. ~~(3-22-00)~~(7-1-13)T

02. Permit Requirements and Special Requirements. Permits issued for operations of extra-length, excess weight, and up to 129,000 pound vehicle combinations shall be subject to the general requirements of Section ~~23~~00, ~~Conditions and Requirements For Extra Length,~~ and to the following special conditions. ~~(8-25-94)~~(7-1-13)T

a. The operator of any extra-length, excess weight, and up to 129,000 pound vehicle combination, ~~(except triples combinations)~~ shall complete the Off-Track Computation Form to provide internal dimensions of the combination and computation of off-track as evidence of compliance with maximum off-track requirements specified for the designated route being traveled. The completed Off-Track Computation Form, when required, shall be available for inspection by enforcement officers with the permit for the extra-length vehicle combination. When the Off-Track Computation Form is required, permit shall be invalid until the form is completed and available for inspection. ~~(3-20-04)~~(7-1-13)T

b. ~~Extra-length p~~Permits shall become automatically invalid subject to conditions cited in IDAPA 39.03.23, “Rules Governing Revocation of Special Permits.” ~~(3-22-00)~~(7-1-13)T

03. Exceeding Allowed Length and/or Off-Track Limitations. Extra-length, excess weight, and up to 129,000 pound vehicle combinations apprehended for exceeding allowed length and/or off-track limitations as set forth in this rule shall be subject to the following course of action: ~~(8-25-94)~~(7-1-13)T

a. The vehicle combination will be escorted by the apprehending officer to the first safe parking location; and (8-25-94)

b. The driver of the extra-length vehicle combination will be issued a single trip, one (1) day permit via a specified route to the nearest permitted route. The condition of this permit shall require an advance pilot/escort vehicle to escort the extra-length vehicle combination, and the pilot/escort vehicle shall meet the pilot/escort vehicle requirements as set forth in IDAPA 39.03.12, “Rules Governing Safety Requirements of Overlegal Permits.” ~~(3-22-00)~~(7-1-13)T

IDAPA 39 - IDAHO TRANSPORTATION DEPARTMENT

39.03.22 - RULES GOVERNING OVERLEGAL PERMITS FOR EXTRA-LENGTH VEHICLE COMBINATIONS

DOCKET NO. 39-0322-1302

NOTICE OF RULEMAKING - PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has proposed rulemaking procedures. The action is authorized pursuant to Section 40-312, Idaho Code.

PUBLIC HEARING SCHEDULE: A public hearing concerning this rulemaking will be held as follows:

Monday, October 7, 2013, 4:00 to 7:00 p.m. Local Time	
Red Lion Hotel 1555 Pocatello Creek Road Pocatello, ID 83201	Shilo Inn Suites 780 Lindsay Boulevard Idaho Falls, ID 83402

Wednesday, October 9, 2013, 4:00 to 7:00 p.m. Local Time	
Best Western Plus Coeur d'Alene Inn 506 W. Appleway Avenue Coeur d'Alene, ID 83814	Red Lion Hotel 621 21st Street Lewiston, ID 83501

Wednesday, October 16, 2013, 4:00 to 7:00 p.m. Local Time	
Best Western Plus Twin Falls Hotel 1377 Blue Lakes Boulevard Twin Falls, Idaho 83301	

Thursday, October 17, 2013, 4:00 to 7:00 p.m. Local Time	
Red Lion Hotel 1800 Fairview Avenue Boise, Idaho 83702	

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 rule-making:

This rulemaking implements the provisions of Senate Bill 1117. It provides for an administrative process to add designated routes for vehicle combinations up to 129,000 pounds, including the application, review and analysis, determination, public hearing and appeals. The rule also re-orders information in the rule for improved flow and understanding requirements.

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

There are no fees being 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 resulting from this rulemaking:

There is no fiscal impact to the state general fund.

NEGOTIATED RULE-MAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because changes to this rule were necessary to comply with Senate Bill 1064, which codified the routes designated in the 129,000 Pound Pilot Project, and Senate Bill 1117 and House Bill 322, which authorize jurisdictions to consider additional routes for vehicle combinations up to 129,000 pounds when specified criteria has been met. That criteria, based on national standards for engineering and vehicle configuration is not subject to negotiation. Changes to all rules associated with these legislative actions were developed by a sub-committee, led by Idaho Transportation Board Member Jim Kempton, and members appointed by the Board Chairman Jerry Whitehead, which included additional Board Members, ITD staff, ISP staff, and representatives from the Department of Commerce, Idaho Trucking Advisory Council, the Local Highway Technical Assistance Council, and other participants, as needed.

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, contact Regina Phipps, Vehicle Size and Weight Specialist, 334-8418.

Anyone may submit written comments regarding this proposed rule-making. All written comments must be directed to the undersigned and must be delivered on or before September 11, 2013.

DATED this 8th day of July, 2011.

Lori Garza, Office of Governmental Affairs
Idaho Transportation Department
3311 W State St, PO Box 7129
Boise ID 83707-1129
Phone - 208-334-8810 / FAX - 208-332-4107
lori.garza@itd.idaho.gov

THE FOLLOWING IS THE TEXT OF THE PROPOSED RULE FOR DOCKET NO. 39-0322-1302

000. LEGAL AUTHORITY.

This rule, governing the movement of vehicles which are in excess of the sizes allowed by 49-1004, ~~49-1004A~~, and 49-1010, is adopted under the authority of Section 40-312, Idaho Code. ~~(47-H)()~~

(BREAK IN CONTINUITY OF SECTIONS)

[Codified Section 200 is being moved and renumbered to proposed Section 300]

4200. PILOT PROJECT TO EXCEED ONE HUNDRED FIVE THOUSAND, FIVE HUNDRED POUNDS UP TO ONE HUNDRED TWENTY-NINE THOUSAND POUNDS.

In addition to the previously stated requirements that must be met, vehicles operating at weights in excess of one hundred five thousand five hundred (105,500) pounds, must also meet the following requirements: (3-22-00)

- 01. **Brakes.** All axles must be equipped with brakes. (3-22-00)
- 02. **Permits.** Permits will be vehicle specific and will list the axle spacings, number of axles and the gross weight. The state issued permit must be displayed in the lower right hand corner of the windshield. (3-20-04)

03. **Trip Logs Designated Routes.** ~~Trip logs will be required to be submitted quarterly in a standard format and submitted electronically with the following information:~~ All designated state approved routes for vehicle combinations to operate at weights above one hundred five thousand five hundred (105,500) pounds will be identified on the "Designated Routes Up to 129,000 Pound Map" which is available at the Idaho Transportation Department. (3-20-04)()

a. ~~Each trip must be listed (a trip is defined as each way unladen or laden);~~ Routes for combinations of vehicles not exceeding one hundred fifteen (115) feet in overall length including load overhang (magenta-coded routes). A vehicle combination operating on routes designated for up to one hundred fifteen (115) feet shall be designed and assembled in a manner whereby its maximum off-tracking will not exceed six point five zero (6.50) feet on a one hundred sixty-five (165) foot radius when computed. (3-22-00)()

b. ~~Date trip occurred;~~ Routes for combinations not exceeding ninety-five (95) feet in overall length including load overhang (brown-coded routes). A vehicle combination operating on routes designated for up to ninety-five (95) feet shall be designed and assembled in a manner whereby its maximum off-tracking will not exceed five point five zero (5.50) feet on a one hundred sixty-five (165) foot radius when computed. (3-22-00)()

c. ~~Origin;~~ Routes for combinations operating on non-state maintained highways (orange-coded routes). Local jurisdictions adding, modifying or deleting non-state maintained routes for vehicle combinations operating up to one hundred twenty-nine thousand (129,000) pounds shall provide the route information to the department. (3-22-00)()

~~d. Destination;~~ (3-22-00)

~~e. Route (list each highway traveled);~~ (3-20-04)

~~f. Gross weight of vehicle configuration (unladen or laden); and~~ (3-20-04)

~~g. Unit number.~~ (3-20-04)

04. ~~Failure to Comply. The motor carrier's failure to submit trip logs quarterly, as required by Subsection 400.03, will result in the revocation of all pilot project permits issued to the carrier. Upon submission of all delinquent trip logs, new permits may be issued.~~ Requests for Adding Idaho Transportation Department Maintained Non-Interstate Routes. Routes not currently designated to operate at up to one hundred twenty-nine thousand (129,000) pounds may be added as follows: (3-20-04)()

a. Request Form Submission. The request form (ITD form number 4886) will be completed and submitted to the Idaho Transportation Department Office of the Chief Engineer by the requestor. ()

b. Request Review/Analysis Process. ()

i. Once submitted, the request will be reviewed for completeness and the department's analysis will be completed for engineering and safety criteria. ()

ii. Once the analysis is completed, the request will be submitted to the Chief Engineer, who will report to the Idaho Transportation Board Sub-committee. ()

iii. The Idaho Transportation Board Sub-committee will make a recommendation to the Idaho Transportation Board based upon the department's analysis. ()

iv. If the Idaho Transportation Board Sub-committee recommends approval and the Idaho Transportation Board concurs, the Board shall instruct the Chief Engineer to schedule a hearing in the district(s) where the requested route is located. ()

v. The Chief Engineer or designee will conduct the hearing(s) and make a determination after the hearing(s) are held. Following the determination, the Chief Engineer will issue Findings and a Preliminary Order, hereafter referred to as Preliminary Order. ()

vi. The Department will notify the requestor of the Chief Engineer's Preliminary Order and post to the Idaho Transportation Department Web site. ()

vii. An appeal of the Preliminary Order may be made pursuant to the Idaho Administrative Procedures Act, Title 67, Chapter 52, Idaho Code. The appeal shall be made to the Director of the Idaho Transportation Department. ()

c. Local Highways Approved for Travel Up to 129,000 pounds. Local routes will be added or removed on the "Designated Routes Up to 129,000 Pound Map" when information and approval is provided to the Department by the local jurisdiction having authority over the local route. ()

201. -- 299. (RESERVED)

[Codified Section 300 is being moved and renumbered to proposed Section 400]

300. CONDITIONS AND REQUIREMENTS FOR EXTRA-LENGTH.

Extra-length vehicle combinations shall be subject to the following conditions, limitations, and requirements: (10-2-89)

01. Extra-Length Vehicle Combinations. Vehicle combinations operating with an overall length in excess of the limits imposed in Section 49-1010, Idaho Code, shall consist of not more than four (4) units, shall not exceed one hundred fifteen (115) feet overall and no such vehicle combination shall include more than three (3) cargo units except that a full truck and full trailer may have an overall length in excess of seventy-five (75) feet but not in excess of eighty-five (85) feet including load overhang. (3-20-04)

02. Routes for Extra-Length Operations. Shall be designated in four (4) categories: (9-4-91)

a. Routes for combinations not exceeding ninety-five (95) feet in overall length including load overhang (blue-coded routes). An extra-length combination operating on routes designated for ninety-five (95) foot combinations shall be designed and assembled in a manner whereby its maximum off-tracking will not exceed five point five zero (5.50) feet on a one hundred sixty-five (165) foot radius when computed by the equation developed by Western Highway Institute (WHI) for computation of maximum vehicular off-track. (4-7-11)

b. Routes for combinations of vehicles not exceeding one hundred fifteen (115) feet in overall length including load overhang (red-coded routes). An extra-length combination operating on routes designated for one hundred fifteen (115) foot combinations shall be designed and assembled in a manner whereby its maximum off-tracking will not exceed six point five zero (6.50) feet on a one hundred sixty-five (165) foot radius when computed by the WHI equation referred to above. (3-20-04)

c. Interstate system routes and specified interchanges providing access to approved breakdown areas located in close proximity to the Interstate system (black-coded routes). An extra-length combination operating on routes in this category shall be designed and assembled in such a manner that its off-tracking may exceed six point five zero (6.50) feet but shall not exceed eight point seventy-five (8.75) feet when computed by the WHI equation referred to above. Specified interchanges providing access to approved breakdown areas are required to be used by combinations that exceed six point five zero (6.50) feet off-tracking. The specified interchanges will be authorized for either combinations in excess of six point five zero (6.50) feet off-tracking, but not in excess of seven (7) feet off-tracking, or for combinations in excess of seven (7) feet off-tracking but not in excess of eight point seventy-five

(8.75) feet off-tracking. (3-22-00)

d. Selected state highway routes (green coded routes) for operation of an extra-length combination whereby its maximum off-tracking will not exceed three (3) feet on a one hundred sixty-five (165) foot radius when computed by the WHI equation and its overall length including load overhang does not exceed eighty-five (85) feet. Route approval shall be subject to analysis of pavement condition, bridge capacity, safety considerations, pavement width, curvature, traffic volumes and traffic operations. (8-25-94)

03. Power Unit. The power unit of extra-length combinations shall have adequate power and traction to maintain a minimum of fifteen (15) miles per hour under normal operating conditions on any up-grade over which the combination is operated. (10-2-89)

04. Connecting Devices. Fifth wheel, drawbar, and other coupling devices shall be as specified by Federal Motor Carrier Safety Regulations, Part 393. (4-7-11)

05. Weather Restrictions. Extreme caution in the operation of an extra length vehicle combination shall be exercised when hazardous conditions such as those caused by snow, ice, sleet, fog, mist, rain, dust, or smoke adversely affect visibility or traction. Speed shall be reduced when such conditions exist. When conditions become sufficiently dangerous, the company or the operator shall discontinue operations and operations shall not be resumed until the extra length vehicle combination can be safely operated. The state may restrict or prohibit operations during periods when in the state's judgment traffic, weather, or other safety conditions make such operations unsafe or inadvisable. (8-25-94)

06. Trailer Weight Sequence. In any extra-length combination, the respective loading of any trailer shall not be substantially greater than the weight of any trailer located ahead of it in the vehicle combination. (Substantially greater shall be defined as more than four thousand (4,000) pounds heavier.) (10-2-89)

07. Operating Restrictions. Operators of all vehicle combinations governed by this rule shall comply with the following operating restrictions: (8-25-94)

a. A minimum distance of five hundred (500) feet shall be maintained between combinations of vehicles except when overtaking and passing. (10-2-89)

b. Except when passing another vehicle traveling in the same direction, the combination shall be driven so as to remain at all times on the right hand side of the centerline of a two (2) lane, two (2) way highway, or on the right hand side of a lane stripe or marker of a highway of four (4) or more lanes. (1-1-90)

c. Be in compliance with all Federal Motor Carrier Safety Regulations. (3-22-00)

08. Insurance Requirements. Every combination operated under this rule shall be covered by insurance of not less than five hundred thousand dollars (\$500,000) combined single limit. The permittee or driver of the permitted vehicle combination shall carry in the vehicle evidence of insurance written by an authorized insurer to certify that insurance in this minimum amount is currently in force. (8-25-94)

09. Tire Limitations. Single axles on extra-length vehicle combinations shall be equipped with four (4) tires except on the steering axle, or variable load suspension axles (VLS-lift axles), unless equipped with fifteen (15) inch wide or wider single tires. Multiple axle configurations may be equipped with single tires on each of the axles as long as the pounds-per-inch width of tire does not exceed the limits as listed in Section 49-1002, Idaho Code. (5-8-09)

301. -- 399. (RESERVED)

[Codified Section 400 is being moved and renumbered to proposed Section 200]

~~3~~400. OVERLEGAL PERMITS FOR EXTRA-LENGTH OPERATIONS.

01. Permit Attachments. All vehicles in extra-length operation shall be allowed to travel under the authority of overlegal permits issued to the power unit. A copy of this rule shall accompany and shall be a part of all annual extra-length permits. An allowable gross loads table shall accompany and be referred to on the face of the permit. Extra-length operations shall be valid only on routes of the state highway system designated for such purposes as set forth on the extra length color coded map of designated routes which shall accompany the permit, and is available at the overlegal permit office, ports of entry, and highway district offices. Combination extra-length and excess weight permits are available. (3-22-00)

02. Permit Requirements and Special Requirements. Permits issued for operations of extra-length combinations shall be subject to the general requirements of Section 200, Conditions and Requirements For Extra-Length, and to the following special conditions. (8-25-94)

a. The operator of any extra-length combination, (except triples combinations) shall complete the Off-Track Computation Form to provide internal dimensions of the combination and computation of off-track as evidence of compliance with maximum off-track requirements specified for the designated route being traveled. The completed Off-Track Computation Form, when required, shall be available for inspection by enforcement officers with the permit for the extra-length vehicle combination. When the off-track computation form is required, permit shall be invalid until the form is completed and available for inspection. (3-20-04)

b. Extra-length permits shall become automatically invalid subject to conditions cited in IDAPA 39.03.23, "Rules Governing Revocation of Special Permits." (3-22-00)

03. Exceeding Allowed Length and/or Off-Track Limitations. Extra-length vehicle combinations apprehended for exceeding allowed length and/or off-track limitations as set forth in this rule shall be subject to the following course of action: (8-25-94)

a. The vehicle combination will be escorted by the apprehending officer to the first safe parking location; and (8-25-94)

b. The driver of the extra length vehicle combination will be issued a single trip, one (1) day permit via a specified route to the nearest permitted route. The condition of this permit shall require an advance pilot/escort vehicle to escort the extra-length vehicle combination, and the pilot/escort vehicle shall meet the pilot/escort vehicle requirements as set forth in IDAPA 39.03.12, "Rules Governing Safety Requirements of Overlegal Permits." (3-22-00)

IDAPA 39 - IDAHO TRANSPORTATION DEPARTMENT
39.03.23 - RULES GOVERNING REVOCATION OF OVERLEGAL PERMITS
DOCKET NO. 39-0323-1301
NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rule is July 1, 2013.

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 August 21, 2013.

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:

Amendments to Idaho Code in Senate Bills 1064 and 1117, and House Bill 322 have altered the process for the permitting of loads of up to 129,000 pounds. Those amendments require updates to IDAPA 39.03.23 to specify permit violations that will result in the revocation of an over legal permit and the revocation process.

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

This rulemaking implements the provisions of Senate Bill 1064 and provides continuity of motor carrier operations. Boiler plate language required by the Office of Administrative Rules has been inserted and other updates are included to make the rule consistent with current practice.

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

There are no fees being 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 RULE-MAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because changes to this rule were necessary to comply with Senate Bill 1064, which codified the routes designated in the 129,000 Pound Pilot Project, and Senate Bill 1117 and House Bill 322, which authorize jurisdictions to consider additional routes for vehicle combinations up to 129, 000 pounds when specified criteria has been met. Changes to all rules associated with these legislative actions were developed by a sub-committee, led by Idaho Transportation Board Member Jim Kempton, and members appointed by the Board Chairman Jerry Whitehead, which included additional Board Members, ITD staff, ISP staff, and representatives from the Department of Commerce, Idaho Trucking Advisory Council, the Local Highway Technical Assistance Council, and other participants, as needed.

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 temporary and proposed rule, contact Regina Phipps, Vehicle Size and 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 August 28, 2013.

DATED this 8th day of July, 2012.

Lori Garza, Office of Governmental Affairs
Idaho Transportation Department
3311 W State St, PO Box 7129
Boise ID 83707-1129
Phone - 208-334-8810 / FAX - 208-332-4107
lori.garza@itd.idaho.gov

**THE FOLLOWING IS THE TEMPORARY RULE AND TEXT OF THE PROPOSED RULE
FOR DOCKET NO. 39-0323-1301**

**IDAPA 39
TITLE 03
CHAPTER 23**

39.03.23 - RULES GOVERNING REVOCATION OF ~~SPECIAL~~ OVERLEGAL PERMITS

001. TITLE AND SCOPE.

01. Title. This rule shall be cited as IDAPA 39.03.23, "Rules Governing Revocation of Overlegal Permits, IDAPA 39. Title 03, Chapter 23. (7-1-13)T

02. Scope. This rule identifies the circumstances when a permit can be revoked. ~~(10-2-89)~~(7-1-13)T

002. WRITTEN INTERPRETATIONS.

There are no written interpretations for this chapter. (7-1-13)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." (7-1-13)T

004. INCORPORATION BY REFERENCE.

There are no documents incorporated by reference in this chapter. (7-1-13)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. (7-1-13)T

02. Office Hours. Daily office hours are 7:30 a.m. to 5 p.m. except Saturday, Sunday and state holidays. (7-1-13)T

03. Telephone and Fax Numbers. The central office may be contacted during office hours by phone at 208-334-8420, 1-800-662-7133 or by fax at 334-8419. (7-1-13)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. (7-1-13)T

~~007.~~ -- 009. (RESERVED)

(BREAK IN CONTINUITY OF SECTIONS)

100. REVOCATION OF PERMIT FOR ~~UNSAFE EQUIPMENT, FOR MOVING VIOLATIONS, OR~~ NON-COMPLIANCE WITH THE LIMITATIONS OR PROVISIONS OF THE PERMIT.

01. ~~Invalidation and~~ Disqualification of Permits. The *special* permit shall become invalid and the cited vehicle may be disqualified for reissuance of *special* permits if **convicted of the following:** ~~(10-2-89)~~(7-1-13)T

a. The vehicle combination does not satisfy the requirements of Federal Motor Carrier Safety Regulations Part 393. ~~The permit may be restored to the permittee when repairs or corrections are made to the satisfaction of the inspecting officer.~~ (8-25-94)(7-1-13)T

b. ~~The permittee is apprehended exceeding size or weight limits or other provisions specified on the permit.~~ **The vehicle combination violates permitting conditions (other than weight) for the following:** ~~(10-2-89)~~(7-1-13)T

i. Failure to travel on Extra Length or Up to 129,000 Pound designated routes. (7-1-13)T

ii. Failure to properly display required flags and/or signs. (7-1-13)T

iii. Failure to provide required number of pilot cars and/or proper placement. (7-1-13)T

iv. Failure to provide required lighting for travel during hours of darkness. (7-1-13)T

v. Failure to travel during the hours of operation as specified on the permit. (7-1-13)T

vi. Failure to comply with wind velocity requirements when moving manufactured housing, office trailers and modular buildings. (7-1-13)T

vii. Failure to comply when travel conditions become hazardous. Hazardous conditions include, but are not limited to, ice, snow or frost; or when visibility is restricted to less than five hundred (500) feet. (7-1-13)T

c. ~~The permittee is convicted of violation of size or weight limits (Sections 49-1001 and 49-1010, Idaho Code), of posted speed limits, or of any speed limit specified on the permit, or in violation of any of the following traffic regulations: reckless or inattentive driving, illegal passing or illegal turning movements. Forfeiture of bail shall be treated the same as a conviction for the purpose of this section.~~ **The vehicle combination violates weight limits under Section 49-1001 (1)(2) & (9), Idaho Code.** ~~(10-2-89)~~(7-1-13)T

i. Violating weight limits for single, tandem, tridem, quad, or other type axle groups by more than fifteen percent (15%). (7-1-13)T

ii. Violating gross or bridge weight allowances by more than seven percent (7%). (7-1-13)T

d. ~~The permittee is apprehended during transportation of a manufactured home or office trailer on it's own axles when wind velocity exceeds twenty (20) miles per hour.~~ (8-25-94)

~~e. The permittee is apprehended while transporting a manufactured home, modular building or office trailer not in compliance with registration or property tax requirements of Section 49-422, Idaho Code. (8-25-94)~~

~~f. The permittee, in the case of manufactured home, modular building and office trailer transporters or extra-length operators, is not able to provide proof of insurance. Reissuance of the permit may be accomplished by providing satisfactory evidence of insurance to the P.O.E. or other enforcement officer. (8-25-94)~~

~~g. The operator of an extra-length vehicle combination demonstrates non-compliance with Rule 39.03.22, Subsection 200.05, resulting in a spin-out or other loss of traction or control during hazardous road and weather conditions. (12-26-90)~~

~~h. The permitted extra-length vehicle combination is apprehended on state highways not designated for extra-length operations. (10-2-89)~~

02. Confiscation of Permits Revocation Process. ~~When a special permit has become invalid because of non-compliance with the limits and provisions on the face of the permit, the apprehending officer may confiscate the permit, and if so, must forward it to the Vehicle Size and Weight Specialist. The movement shall not proceed until a new permit is obtained unless directed by the officer in order to protect the public interest. An exception will allow the officer, in the case of non-compliance with weight distribution as established on the permit, to honor the permit if the permittee can make loading adjustments to satisfy the requirements of the permit. A copy of the judgment of conviction from the court and the overlegal permit authorizing operation must be provided to the Permit Office by enforcement personnel. Paperwork will be reviewed for compliance with the provisions of this rule and, if met, notification will be sent to the company informing them of the pending revocation that will occur within ten (10) days of the letter being issued. (8-25-94)(7-1-13)T~~

03. Disqualification Periods. ~~When a permit has become invalid, the vehicle identified on the~~ ~~confiscated~~ invalidated permit may be disqualified for reapplication for permit for a period of thirty (30) days after the first violation, for a period of six (6) months after the second violation, and for a period of one (1) year after the third violation. ~~(10-2-89)(7-1-13)T~~

04. Penalties. In addition to revocation of permits as authorized in this rule, the permittee shall be subject to all applicable penalties provided by law with regard to the provisions violated. (8-25-94)