

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 39.03.16 - Rules Pertaining To The Rules Governing Oversize Permits for Non-Reducible Vehicles and/or Loads (Docket No. 39-0316-1401).

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 07/09/2014. 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 08/06/2014.

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 334-4834, 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: June 19, 2014

SUBJECT: Idaho Transportation Department

IDAPA 39.03.16 - Rules Pertaining To The Rules Governing Oversize Permits for Non-Reducible Vehicles and/or Loads (Docket No. 39-0316-1401)

The Idaho Transportation Department has submitted temporary and proposed rulemaking at IDAPA 39.03.16 -- Rules Governing Oversize Permits for Non-Reducible Vehicles and/or Loads. The temporary and proposed rule establishes provisions governing overlegal permits regarding the transportation of kiln lumber stacks of a certain size for transport on designated highways. The agency notes that the temporary and proposed rule does not apply to the transport of oversize manufactured homes or office trailers.

The agency states that negotiated rulemaking was not conducted because the new rule is necessary to allow industry to haul certain sized kiln lumber stacks on State Highway 3.

It appears that the temporary and proposed rule is authorized pursuant to section 67-5226 and 49-1004, Idaho Code.

cc: Idaho Transportation Department
Lori Garza

IDAPA 39 - IDAHO TRANSPORTATION DEPARTMENT

39.03.16 - RULES GOVERNING OVERSIZE PERMITS FOR NON-REDUCIBLE VEHICLES AND/OR LOADS

DOCKET NO. 39-0316-1401

NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rule is May 1, 2014.

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 49-1004 and 49-1010, Idaho Code, adopted under Section 49-201, 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 June 18, 2014.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

This rule states the maximum sizes allowed by overlegal permit. It does not apply to the transport of oversize manufactured homes or office trailers (see IDPA 39.03.17, Rules Governing Permits for Manufactured Homes, Modular Buildings, and Office Trailers). Creation of a new permit to allow the transportation of kiln lumber stacks on a ½ mile of State Highway 3 at a width in excess of 8 feet 6 inches. This will allow industry to haul kiln lumber stacks on State Highway 3 in excess of the allowed 8 feet 6 inches and not to exceed 9 feet 3 inches under an annual overlegal permit.

TEMPORARY RULE JUSTIFICATION: Pursuant to Sections 67-5226(1) (c), Idaho Code, this rule provides a conferring benefit by allowing industry to haul kiln lumber stacks on a ½ mile of State Highway 3 in excess of the allowed 8 feet 6 inches and not to exceed 9 feet 3 inches under an annual overlegal permit.

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 allow industry to haul kiln lumber stacks on State Highway 3 in excess of the allowed 8 feet 6 inches and not to exceed 9 feet 3 inches under and annual overlegal permit.

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: NA

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 June 25, 2014.

DATED this 15th day of May, 2014.

Lori Garza, Office of Governmental Affairs
Idaho Transportation Department
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Phone – 208-334-8810 / FAX – 208-332-4107
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**THE FOLLOWING IS THE TEMPORARY RULE AND THE PROPOSED TEXT
OF DOCKET NO. 39-0316-1401
(Only those Sections being amended are shown.)**

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

01. Cylindrical Hay Bales. Overlegal permits may be issued for overwidth transportation of cylindrical hay bales, produced by balers having bale chambers which may be five (5) feet or more in width. Such bales may be loaded two (2) bales wide and two (2) bales high. Hauling vehicles eligible for permit for this purpose shall be legal size vehicles registered for travel on public highways. Operation of such overwidth loads shall be subject to the same time of travel and other safety requirements as other overwidth loads having a similar width. This type of operation is intended as an option to the use of farm tractors hauling such loads on size-exempt implement of husbandry vehicles. Maximum width of such loads without tolerance may not exceed eleven (11) feet six (6) inches.
(4-5-00)

02. Reducible Height Loads. Overlegal permits may be issued to allow the transportation of reducible loads in excess of fourteen (14) feet high but not in excess of fourteen (14) feet nine (9) inches high on designated highways. The vehicle height must not exceed fourteen (14) feet. A map listing the vertical clearances is available at the Idaho Transportation Department Permit Office and online at <http://www.itd.idaho.gov/dmv/poe/poe.htm>.
(3-29-12)

03. Kiln Lumber Stacks. Overlegal permits may be issued to allow the transportation of specifically produced kiln lumber stacks in excess of eight (8) feet six (6) inches wide but not in excess of nine (9) feet three (3) inches wide on designated highways. Each kiln lumber stack shall be considered a single non-reducible unit and may be hauled two (2) stacks wide and two (2) stacks high. Hauling vehicles eligible for permit for this purpose shall be legal size vehicles registered for travel on public highways. Operations of such overwidth loads shall be subject to the same time of travel restrictions and other safety requirements as other overwidth loads having a similar width.
(5-1-14)T