

Dear Senators BRACKETT, Nonini, Buckner-Webb, and
Representatives PALMER, Shepherd, King:

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

IDAPA 39.03.04 - Rules Governing Special Permits – Overweight Non-Reducible (New Chapter) -
Proposed Rule (Docket No. 39-0304-1802);

IDAPA 39.03.05 - Rules Governing Variable Load Suspension Axles (Chapter Repeal) - Proposed
Rule (Docket No. 39-0305-1801);

IDAPA 39.03.05 - Rules Governing Special Permits – Oversize Non-Reducible (New Chapter) -
Proposed Rule (Docket No. 39-0305-1802).

Pursuant to Section 67-454, Idaho Code, a meeting on the enclosed rules may be called by the
cochairmen or by two (2) or more members of the subcommittee giving oral or written notice to Research
and Legislation no later than fourteen (14) days after receipt of the rules' analysis from Legislative
Services. The final date to call a meeting on the enclosed rules is no later than 11/09/2018. If a meeting is
called, the subcommittee must hold the meeting within forty-two (42) days of receipt of the rules' analysis
from Legislative Services. The final date to hold a meeting on the enclosed rules is 12/11/2018.

The germane joint subcommittee may request a statement of economic impact with respect to a
proposed rule by notifying Research and Legislation. There is no time limit on requesting this statement,
and it may be requested whether or not a meeting on the proposed rule is called or after a meeting has
been held.

To notify Research and Legislation, call 334-4854, or send a written request to the address on the
memorandum attached below.



Eric Milstead
Director

Legislative Services Office

Idaho State Legislature

Serving Idaho's Citizen Legislature

MEMORANDUM

TO: Rules Review Subcommittee of the Senate Transportation Committee and the House Transportation & Defense Committee

FROM: Legislative Research Analyst - Matt Drake

DATE: October 23, 2018

SUBJECT: Idaho Transportation Department

IDAPA 39.03.04 - Rules Governing Special Permits -- Overweight Non-Reducible (New Chapter) - Proposed Rule (Docket No. 39-0304-1802)

IDAPA 39.03.05 - Rules Governing Variable Load Suspension Axles (Chapter Repeal) - Proposed Rule (Docket No. 39-0305-1801)

IDAPA 39.03.05 - Rules Governing Special Permits -- Oversize Non-Reducible (New Chapter) - Proposed Rule (Docket No. 39-0305-1802)

1. IDAPA 39.03.04 - Rules Governing Special Permits - Overweight Non-Reducible (New Chapter)

Summary and Stated Reasons for the Rule

The Idaho Transportation Department submits notice of proposed rulemaking at IDAPA 39.03.04. The Department states that the rulemaking responds to Senate Concurrent Resolution 130 of 2018 regarding commercial motor vehicle permit consolidation. Docket No. 39-0304-1802 is the fourth chapter of the replacement rules. It contains specific safety conditions and travel requirements for the movement of overweight non-reducible permitted vehicles and loads. This rule also provides analysis procedures utilized by the Department in the issuance of special permits to vehicles and loads that exceed various bridge ratings.

Negotiated Rulemaking / Fiscal Impact

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

Statutory Authority

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

2. IDAPA 39.03.05 - Rules Governing Variable Load Suspension Axles (Chapter Repeal)

Summary and Stated Reasons for the Rule

The Idaho Transportation Department submits notice of proposed rulemaking at IDAPA 39.03.05. Docket No. 39-0305-1801 repeals Chapter 5 in its entirety so that new rules may be promulgated.

Negotiated Rulemaking / Fiscal Impact

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

Kristin Ford, Manager
Research & Legislation

Paul Headlee, Manager
Budget & Policy Analysis

April Renfro, Manager
Legislative Audits

Glenn Harris, Manager
Information Technology

Statutory Authority

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

3. IDAPA 39.03.05 - Rules Governing Special Permits - Oversize Non-Reducible (New Chapter)

Summary and Stated Reasons for the Rule

The Idaho Transportation Department submits notice of proposed rulemaking at IDAPA 39.03.05. Docket No. 39-0305-1802 is the fifth chapter of the replacement rules. It contains specific safety conditions and travel requirements in the movement of oversize, non-reducible (size only) permitted vehicles and loads. It also provides specific safety requirements for escort vehicles in the movement of oversize vehicles and loads.

Negotiated Rulemaking / Fiscal Impact

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

Statutory Authority

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

cc: Idaho Transportation Department
Ramon Hobdey-Sanchez

***** PLEASE NOTE *****

Per the Idaho Constitution, all administrative rules must be reviewed by the Legislature during the next legislative session. The Legislature has 3 options with this rulemaking docket: **1)** Approve the docket in its entirety; **2)** Reject the docket in its entirety; or **3)** Reject the docket in part.

IDAPA 39 – IDAHO TRANSPORTATION DEPARTMENT

39.03.04 – RULES GOVERNING SPECIAL PERMITS – OVERWEIGHT NON-REDUCIBLE

DOCKET NO. 39-0304-1802 (NEW CHAPTER)

NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections 40-312, 49-201 and 49-1004, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 17, 2018.

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

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

Per the Idaho Transportation Department's commercial motor vehicle permit consolidation negotiated rulemaking, as directed by the 2018 Idaho Legislature in [Senate Concurrent Resolution 130](#), this administrative rule provides specific safety conditions and travel requirements for the movement of overweight non reducible permitted vehicles and/or loads. This rule also provides the analysis procedures utilized by the Department in the issuance of special permits to vehicles and/or loads that exceed various bridge ratings. For additional information, please visit: <https://itd.idaho.gov/rulemaking/>.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: There are no fees being imposed or increased with this rulemaking.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: N/A

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules – Negotiated Rulemaking was published under Docket No. 39-0300-1801 in the May 2, 2018, Idaho Administrative Bulletin, [Vol. 18-5, pages 145-146](#).

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: N/A

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, please contact Ramón Hobdey-Sánchez, Governmental Affairs Program Specialist, at (208) 334-8810.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 24, 2018.

DATED this 30th Day of August, 2018.

Ramón S. Hobdey-Sánchez
Governmental Affairs Program Specialist
Idaho Transportation Department
3311 W. State St. – PO Box 7129
Boise ID 83707-1129
Phone: (208) 334-8810
ramon.hobdey-sanchez@itd.idaho.gov

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 39-0304-1802
(New Chapter)

IDAPA 39
TITLE 03
CHAPTER 04

39.03.04 – RULES GOVERNING SPECIAL PERMITS – OVERWEIGHT NON-REDUCIBLE

000. LEGAL AUTHORITY.

This rule, governing the movement of vehicles or loads which are in excess of the sizes or weights allowed by Sections 49-1001, 49-1002 or 49-1010, Idaho Code, is adopted under the authority of Sections 40-312 and 49-1004, Idaho Code. ()

001. TITLE AND SCOPE.

01. Title. This rule shall be cited as IDAPA 39.03.04, “Rules Governing Special Permits – Overweight Non-Reducible,” IDAPA 39, Title 03, Chapter 04. ()

02. Scope. This rule states the responsibility of the permittee, the travel restrictions, and maximum weight authorized for special loads. ()

002. WRITTEN INTERPRETATIONS.

There are no written interpretations for this chapter. ()

003. ADMINISTRATIVE APPEALS.

Administrative appeals under this chapter shall be governed by the rules of administrative procedure of the attorney general, IDAPA 04.11.01, “Idaho Rules of Administrative Procedure of the Attorney General.” ()

004. INCORPORATION BY REFERENCE.

There are no documents incorporated by reference in this chapter. ()

005. OFFICE – OFFICE HOURS – MAILING AND STREET ADDRESS – PHONE NUMBERS.

01. Street and Mailing Address. The Idaho Transportation Department maintains a central office in Boise at 3311 W. State Street with a mailing address of PO Box 7129, Boise, ID 83707-1129. ()

02. Office Hours. Daily office hours are 7:30 a.m. to 5:00 p.m. except Saturday, Sunday, and state holidays. ()

03. Telephone and FAX Numbers. The central office may be contacted during office hours by phone at 208-334-8420, 1-800-622-7133, or by fax at 208-334-8419. ()

006. PUBLIC RECORDS ACT COMPLIANCE.

All records associated with this chapter are subject to and in compliance with the Idaho Public Records Act, as set forth in Title 74, Chapter 1, Idaho Code. ()

007. – 009. (RESERVED)

010. DEFINITIONS.

Refer to IDAPA 39.03.01, “Rules Governing Definitions,” for definitions of the terms used in this rule. ()

011. GENERAL RULES AND CONDITIONS.

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

012. – 099. (RESERVED)

100. RESPONSIBILITY OF PERMITTEE.

01. General Responsibilities. The permittee shall determine and declare the gross weight, distribution of weight, and the dimensions of the vehicle and load and shall submit all other required information before issuance of the permit. The acceptance of a special permit by the permittee is his agreement that the vehicle and load covered by the permit can and will be moved in compliance with the terms and limitations set forth in the permit. When a permit has been accepted by the permittee, such action shall be deemed an unequivocal assurance that he has complied, or will comply with all operating, licensing, and financial responsibility requirements. ()

02. Permit to Be Carried in Vehicle. Refer to IDAPA 39.03.03, “Rules Governing Special Permits – General Conditions and Requirements,” for conditions required for the issuance of special permits. ()

03. Certification Load is Non-Reducible. Refer to IDAPA 39.03.03, “Rules Governing Special Permits – General Conditions and Requirements,” for conditions required for the issuance of special permits. ()

04. Basic Limitations Shall not be Exceeded. Refer to IDAPA 39.03.03, “Rules Governing Special Permits – General Conditions and Requirements,” for conditions required for the issuance of special permits. ()

05. Movement, Traffic Control Plans, Loading, Parking on State Highways. ()

a. The movement of special loads shall be made in such a way that the traveled way will remain open as often as feasibly possible and to provide for frequent passing of vehicles traveling in the same direction. In order to achieve this, a traffic control plan is required to be submitted when operating on two (2) lane highways and exceeding the following dimensions: ()

i. Width exceeds twenty (20) feet. ()

ii. Length exceeds one hundred fifty (150) feet. ()

b. The traffic control plan shall be prepared by a licensed engineer or an American Traffic Safety Services Association (ATSSA) certified traffic control supervisor and include the following information: ()

i. Locations and mileposts of where the vehicle/load can pull over to allow for traffic relief; ()

ii. How pilot cars and traffic control personnel will be utilized; ()

iii. Identification of any railroad tracks being crossed and the emergency contact number for the governing entity; and ()

iv. Procedure for allowing emergency vehicles to navigate around the vehicle/load when necessary. ()

c. The permitted vehicle shall not be loaded, unloaded, or parked upon any State highway, except for emergencies, without the specific permission or by direction of the Department or policing agency having jurisdiction over such highway. ()

d. Overwidth Hauling Vehicles, Restrictions. Refer to IDAPA 09.03.05 “Rules for Governing Special Permits – Oversize Non-Reducible.” ()

06. Application for Special Permits. ()

a. How To Apply. The Special Permit Form ITD-217 becomes a valid application when signed by the Permittee. A separate application Form ITD-217C may be completed by the applicant from which the necessary information may be transferred to the permit by the permit writer. Such applications on Form ITD-217C will usually be received through Ports of Entry and applications may also be accepted by letter or by telephone provided all pertinent and necessary information is submitted. ()

b. Information To Be Furnished By Applicant. Any application for a special permit shall provide for the submittal of all pertinent information required to establish the necessity of the proposed movement and the requisite to an engineering determination of the feasibility of the proposed movement. The following information shall be furnished: ()

- i. Name. Name of owner, operator, or lessee of vehicle or vehicles concerned. ()
- ii. Description of Load. Manufacturer, model number, etc. ()
- iii. Identification of Vehicles. License number, if registered, otherwise serial number, unit number. ()
- iv. Weight. Licensed capacity of vehicles subject to registration, if overweight is involved. ()
- v. Axles. Number of axles, spacing between axles, number and size of tires. ()
- vi. Gross Weight. Gross weight, distribution of weight, overall dimensions. ()
- vii. Route. Point of origin and destination, preferred route by road number. ()
- viii. Start Date. Date of movement and days required. ()
- ix. If House Trailer. License number if privately owned, serial number if caravan permit. ()
- x. Insurance. Evidence of insurance, if required. ()
- xi. Necessity. Necessity for movement. ()
- xii. Special Instructions. Special instructions regarding address to which permit is to be sent and any other pertinent information. ()
- xiii. Signature. Signature of applicant. ()
- xiv. Registration. Any vehicle hauling or towing non-reducible loads subject to registration is not required to register for the maximum legal weight it can haul to be eligible for an overweight permit. Farm tractors, off road equipment, etc., are exempt from registration but are not exempt from weight limitations. ()
- xv. Overweight Permit Requirements. Overweight permits will be issued for non-reducible vehicles and/or loads that exceed legal axle weights and/or eighty thousand (80,000) pounds, with weight reduced to a practical minimum, except that a permit may be issued for a machine with an accessory and loaded separately on the transporting vehicle. Vehicles hauling overweight loads will be required to have five (5) or more axles to qualify for an overweight permit. Self-propelled vocational vehicles or vehicles towing overweight loads may have less than five (5) axles to qualify for an overweight permit. ()
- xvi. Variable Load Suspension Axle Requirements. Any vehicle which is equipped with variable load suspension axles (lift axles) transporting overweight loads shall have lift axles fully deployed when adjacent axles exceed legal axle weights. ()
- xvii. Maximum Tire Weights. The maximum overweight levels shall not exceed eight hundred (800)

pounds per inch width of tire. ()

xviii. **Single Axle Weight Restriction.** When a single axle or steer axle is over thirty five thousand (35,000) pounds, bridge approval shall be required. ()

xix. **Hauling Equipment in Excess of Ten Feet.** Special overwidth hauling vehicles exceeding ten (10) feet in width will be permitted, and may be required, in the hauling of excessively heavy loads to improve the lateral distribution of weight, or when a combination of weight, width, or height makes extra width in the hauling vehicle desirable in the public interest. The use of such vehicles more than ten (10) feet in width shall be restricted to loads requiring an overwidth hauling vehicle and the backhaul permit shall be for the unladen vehicle. ()

101. – 199. (RESERVED)

200. TIME OF TRAVEL RESTRICTIONS FOR SPECIAL LOADS.

Oversize loads may be transported on Idaho Highways subject to the following conditions: ()

01. Red-Coded Routes. Daylight travel until 2 p.m. on Friday or the day before a holiday, no Saturday, no Sunday. Due to low traffic volumes on these routes early in the mornings of Saturday and Sunday, single trip permits may be issued for dawn to 8 a.m. If the movement is not completed by 8 a.m. the permittee will be required to safely park and not proceed until the next day. ()

02. Black-Coded Routes. Loads not in excess of ten (10) feet wide, one hundred (100) feet long or fifteen (15) feet high may travel twenty-four (24) hours per day, seven (7) days per week; loads in excess of ten (10) feet wide, one hundred (100) feet long, or fifteen (15) feet high may travel daylight hours seven (7) days per week. ()

03. Interstate. Loads not in excess of ten (10) feet wide, one hundred and twenty (120) feet long or fifteen (15) feet high may travel twenty-four (24) hours per day, seven (7) days per week; loads in excess of ten (10) feet wide, one hundred and twenty (120) feet long, or fifteen (15) feet high may travel daylight hours, seven (7) days per week. ()

04. Nez Perce – Clearwater Forest Safety and Travel Requirements. As per a Federal Court decision, the United States Forest Service has the duty to regulate oversize loads traveling through the Nez Perce – Clearwater Forest (US 12 from milepost 74 to 174). ()

a. The Forest Service has issued the following written criteria to determine which “oversize” loads will be subject to Forest Service review: ()

i. Load exceeds sixteen (16) feet wide, one hundred and fifty thousand pounds (150,000 lbs.), and/or one hundred and fifty (150) feet in length. ()

ii. Load movement requires longer than twelve (12) hours to travel through the designated mileposts. ()

iii. Load movement requires physical modification of the roadway or adjacent vegetation to facilitate passage beyond normal highway maintenance. ()

b. For those loads meeting any of the criteria in Paragraph 200.04.a.i. through 200.04.a.iii. of this rule, there will be additional safety requirements for the movement of such loads on US 12 from milepost 74 to 174. These additional safety requirements include, at a minimum, the following: ()

i. Ambulances and possible law enforcement escorts to ensure public safety. ()

ii. Safety lighting will be addressed so as to not create a safety hazard to the traveling public. ()

iii. Loads cannot utilize turnouts, which are designated for recreational vehicles for non-emergency parking. ()

iv. Time of travel will be determined based on traffic volume and best interest of the public. Night time movement may be required and/or movement may be restricted during holidays or weekends. ()

v. Loads require a vehicle safety inspection by the Idaho State Police or equivalent agency of another jurisdiction prior to issuance of a permit. ()

vi. ITD shall monitor the loads as they travel the highway and ensure only one (1) load shall operate on this section of highway at any one time. ()

05. Additional Restrictions. ()

a. Red-Coded Routes – No travel for any load after 2 p.m. on the day preceding a holiday or holiday weekend. A holiday weekend occurs as three (3) consecutive days, when a designated holiday occurs on a Friday or Monday, or when the designated holiday occurs on a Saturday or Sunday, in which case the preceding Friday or the following Monday shall be included in such three (3) day holiday weekend. Travel may be resumed at dawn on the day following the holiday or holiday weekend. ()

b. Black-Coded Routes and Interstate Routes – Loads in excess of ten (10) feet wide, one hundred (100) feet long, or fifteen (15) feet high may not travel after 4:00 p.m. on the day preceding a holiday. Travel may be resumed at dawn on the day following the holiday. ()

c. The following days are designated as holidays: ()

i. New Year’s Day; ()

ii. Memorial Day; ()

iii. Independence Day; ()

iv. Labor Day; ()

v. Thanksgiving; and ()

vi. Christmas. ()

d. Additional restrictions relating to movement of buildings and houses are: ()

i. Excessively Oversize Loads. Excessively oversize loads shall be restricted to the time of day, or day of the week, when traffic interference will be at a minimum. ()

ii. Buildings. Time of travel of loads in the building size category shall be restricted to the time of day and/or day of the week, when traffic interference will be at a minimum. ()

iii. Early Morning Moves. In metropolitan areas and in certain other cases where a serious disruption of traffic would otherwise be unavoidable, the movement of excessively oversize buildings may be permitted, at the discretion of the District Engineer, between 2 a.m. and daybreak to avoid traffic congestion. ()

e. Other time of travel restrictions may be noted on the permit due to special circumstances. ()

f. Overlength restrictions. Oversize vehicles operating under authority of a special permit which exceed seven (7) feet of front overhang, on any vehicle in the combination, are restricted to daylight travel only on two (2) lane, two (2) way highways. ()

06. Hours of Darkness. Hours are defined as extending from sunset to sunrise or at any other time when visibility is restricted to less than five hundred (500) feet. ()

07. Heavy Commuter Traffic Restrictions. ()

a. The movement of oversize permitted vehicles or loads which are in excess of thirteen (13) feet in width may be prohibited from movement on highways on all state and interstate routes at times of heavy commuter traffic within one (1) mile of the city limits of the following cities: ()

- i. Boise; ()
- ii. Caldwell; ()
- iii. Coeur d’Alene; ()
- iv. Eagle; ()
- v. Emmett; ()
- vi. Idaho Falls; ()
- vii. Meridian; ()
- viii. Middleton; ()
- ix. Nampa; ()
- x. Pocatello; ()
- xi. Star; ()
- xii. Twin Falls; ()
- xiii. Garden City; and ()
- xiv. Chubbuck. ()

b. Authorized oversize permitted vehicles operating during hours of heavy commuter traffic shall be restricted to the furthest right hand lane. Emergency movement of vehicles/loads responding to imminent hazards to persons or property shall be exempt from the provisions of Section 200. Unless otherwise defined on the permit, the times of heavy commuter traffic shall be considered to be 6:30 a.m. to 8:30 a.m., and 4 p.m. to 6 p.m. Monday through Friday except as noted under Holiday restrictions. Restrictions to the operation of oversize permitted vehicles and/or loads during times of heavy commuter traffic shall appear either on the face of the permit or in the attachments for annual permits. ()

08. Hazardous Travel Conditions Restrictions. Refer to IDAPA 39.03.03, “Rules Governing Special Permits – General Conditions and Requirements,” for limitations on travel during hazardous conditions. ()

09. Delaying Movement. Enforcement personnel responsible for any section of highway shall carry out enforcement action for violations involving special permit operations and may delay movements. ()

10. Map Resources. The Pilot/Escort Vehicle and Travel Time Requirement Map available at the Idaho Transportation Department Special Permit Office, and Ports of Entry. ()

11. Additional District Approval and Allowance for Approval Time. District approval will be obtained by the Special Permit office and may require up to twenty-four (24) working hours. District approval is required when vehicles or loads exceed: ()

- a.** Sixteen (16) feet wide on red coded routes; ()

- b. Eighteen (18) feet wide on black coded routes and interstate highways; ()
- c. Sixteen (16) feet high on any route; or ()
- d. One hundred twenty (120) feet long on any route. ()

300. MAXIMUM OVERWEIGHT LEVELS FOR ANNUAL OVERWEIGHT/OVERSIZE PERMITS.

01. Allowable Gross Vehicle Weight. The gross vehicle weight allowable by overweight permit is subject to the seasonal stability of the roadway and the capacity of the structures on the route of travel. For the purpose of issuing special permits, seven (7) levels of overweight are established, based on the weight formula of $W = 500((LN/N-1) + 12N + 36)$ and routes for carrying the various levels of overweight are designated by color coding. The Weight Formula (“W”) is the maximum weight in pounds (to the nearest five hundred (500) pounds) carried on any group of two (2) or more consecutive axles. “L” is the distance in feet between the extremes of any group of two (2) or more consecutive axles, “N” is the number of axles under consideration. The load factor based on the most critical bridge on the highway route will also be used in determining allowable weights. ()

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

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

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

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

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

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

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

02. Vehicles or Loads Exceeding Annual Permitted Weights. Vehicles or loads exceeding the axle

weights, groups of axle weights, or total gross weights allowed on any of the overweight levels described in Subsection 300.01 of this rule must operate by single trip permits only if approved. ()

301. – 399. (RESERVED)

400. OVERWEIGHT PERMITS REQUIRING BRIDGE ANALYSIS.

Requests to transport vehicles and/or loads at weights in excess of the weights allowed on a routine basis will require, at a minimum, an additional review and approval from the special permit office and may require an engineering analysis when structures are involved on the route(s) to be traveled. The Department may waive the requirement for engineering analysis provided sufficient prior analyses for similar loadings have been performed by the Department for the involved structures. The following information may be requested, to be provided to the special permit office when an engineering analysis is required: ()

01. Drawing of Vehicle. A schematic drawing or other specific information with regard to placement of axles, distance between axles and/or wheels, and distribution of gross weight on axles and/or wheels. ()

401. – 499. (RESERVED)

500. BRIDGE ANALYSIS CRITERIA AND TIME FRAMES.

The Department may take up to five (5) business days for an analysis on a vehicle or vehicle combination not in excess of two hundred fifty thousand (250,000) pounds and up to ten (10) business days for an analysis on a vehicle or vehicle combination over two hundred fifty thousand (250,000) pounds. Up to ten (10) business days will also be used for the review process of an analysis done by a third party. The following criteria will be used to determine bridge analysis work and whether it is to be completed by the Department or a qualified and pre-approved third party. If a third party is required, the applicant is responsible for finding, initiating and paying for the cost of that analysis. ()

01. Vehicle Combinations in Excess of Eight Hundred Thousand (800,000) Pounds. Vehicle combinations in excess of eight hundred thousand (800,000) pounds will be required to have a third party complete the bridge analysis. The analysis will then be reviewed by the Department for final approval or denial. ()

02. Preliminary Information or Bid Work. When a permit request is placed and paid for, the Department will complete the analysis, otherwise a third party will be required to complete the bridge analysis. An analysis completed by a third party may be used when a permit request is made and it will be reviewed by the Department for final approval or denial. ()

03. Overweight Permit Requests with Multiple Configurations. Requests made to analyze multiple vehicle configurations for a specific route to determine which vehicle combination will be approved requires the analysis to be completed by a third party. The analysis will then be reviewed by the Department for final approval or denial. ()

04. Overweight Permit Requests with Multiple Routes. Requests made to analyze multiple routes for a specific vehicle combination in order to determine which route will be approved requires the analysis to be completed by a third party. The analysis will then be reviewed by the Department for final approval or denial. ()

05. Extenuating Circumstances. The Department may under extenuating circumstances require that a bridge analysis be completed by a third party. ()

501. – 599. (RESERVED)

600. SPECIAL PERMITS FOR SELF PROPELLED VEHICLES.

Permitted overweight/oversize self-propelled vocational vehicles (such as cranes, loaders, motor graders, drills) may haul or tow a motorized vehicle provided that the motorized vehicle or combination of vehicles being towed (trailer and motorized vehicle) does not exceed eight thousand (8,000) pounds and the motorized vehicle is used solely for return trip after delivery of the permitted vehicle. ()

601. – 999. (RESERVED)

IDAPA 39 – IDAHO TRANSPORTATION DEPARTMENT
39.03.05 – RULE GOVERNING VARIABLE LOAD SUSPENSION AXLES
DOCKET NO. 39-0305-1801 (CHAPTER REPEAL)
NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections 40-312, 49-201 and 49-1004, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 17, 2018.

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

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

Per the Idaho Transportation Department's commercial motor vehicle permit consolidation rulemaking, as directed by the 2018 Idaho Legislature in **Senate Concurrent Resolution 130**, this administrative rule is being repealed and replaced. For additional information, please visit: <https://itd.idaho.gov/rulemaking/>.

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

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: N/A

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules – Negotiated Rulemaking was published under Docket No. 39-0300-1801 in the May 2, 2018, Idaho Administrative Bulletin, **Vol. 18-5, pages 145-146**.

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: N/A

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, please contact Ramón Hobdey-Sánchez, Governmental Affairs Program Specialist, at (208) 334-8810.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 24, 2018.

DATED this 28th Day of August, 2018.

Ramón S. Hobdey-Sánchez
Governmental Affairs Program Specialist
Idaho Transportation Department
3311 W. State St. – PO Box 7129
Boise ID 83707-1129
Phone: (208) 334-8810
ramon.hobdey-sanchez@itd.idaho.gov

IDAPA 39.03.05 IS BEING REPEALED IN ITS ENTIRETY

IDAPA 39 – IDAHO TRANSPORTATION DEPARTMENT

39.03.05 – RULES GOVERNING SPECIAL PERMITS – OVERSIZE NON-REDUCIBLE

DOCKET NO. 39-0305-1802 (NEW CHAPTER)

NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections 40-312, 49-201 and 49-1004, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 17, 2018.

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

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

Per the Idaho Transportation Department's commercial motor vehicle permit consolidation rulemaking, as directed by the 2018 Idaho Legislature in **Senate Concurrent Resolution 130**, this administrative rule provides specific safety conditions and travel requirements in the movement of non-reducible (size only) permitted vehicles and/or loads. This rule also provides specific safety requirements for escort vehicles in the movement of oversize vehicles and/or loads. For additional information, please visit: <https://itd.idaho.gov/rulemaking/>.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: There are no fees being imposed or increased with this rulemaking.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: N/A

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules – Negotiated Rulemaking was published under Docket No. 39-0300-1801 in the May 2, 2018, Idaho Administrative Bulletin, **Vol. 18-5, pages 145-146**.

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: N/A

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, please contact Ramón Hobdey-Sánchez, Governmental Affairs Program Specialist, at (208) 334-8810.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 24, 2018.

DATED this 30th Day of August, 2018.

Ramón S. Hobdey-Sánchez
Governmental Affairs Program Specialist
Idaho Transportation Department
3311 W. State St. – PO Box 7129
Boise ID 83707-1129
Phone: (208) 334-8810
ramon.hobdey-sanchez@itd.idaho.gov

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 39-0305-1802
(New Chapter)

IDAPA 39
TITLE 03
CHAPTER 05

39.03.05 – RULES GOVERNING SPECIAL PERMITS – OVERSIZE NON-REDUCIBLE

000. LEGAL AUTHORITY.

This rule, governing the movement of vehicles or loads that are in excess of the sizes allowed by Sections 49-940, 49-1001, 49-1002, 49-1004, or 49-1010, Idaho Code, is adopted under the authority of Section 49-201 and 49-312, Idaho Code. ()

001. TITLE AND SCOPE.

01. Title. This rule shall be cited as IDAPA 39.03.05, “Rules Governing Special Permits – Oversize Non-Reducible,” IDAPA 39, Title 03, Chapter 05. ()

02. Scope. This rule states the requirements for the movement of oversize loads. ()

002. WRITTEN INTERPRETATIONS.

There are no written interpretations for this chapter. ()

003. ADMINISTRATIVE APPEALS.

Administrative appeals under this chapter shall be governed by the rules of administrative procedure of the attorney general, IDAPA 04.11.01, “Idaho Rules of Administrative Procedure of the Attorney General.” ()

004. INCORPORATION BY REFERENCE.

There are no documents incorporated by reference in this chapter. ()

005. OFFICE – OFFICE HOURS – MAILING AND STREET ADDRESS – PHONE NUMBERS.

01. Street And Mailing Address. The Idaho Transportation Department maintains a central office in Boise at 3311 W. State Street with a mailing address of PO Box 7129, Boise, ID 83707-1129. ()

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

03. Telephone and Fax Numbers. The central office may be contacted during office hours by phone at 208-334-8420, 1-800-622-7133, or by fax at 208-334-8419. ()

006. PUBLIC RECORDS ACT COMPLIANCE.

All records associated with this chapter are subject to and in compliance with the Idaho Public Records Act, as set forth in Title 74, Chapter 1, Idaho Code. ()

007. – 009. (RESERVED)

010. DEFINITIONS.

Refer to IDAPA 39.03.01, “Rules Governing Definitions Regarding Special Permits,” for definitions of the terms used in this rule. ()

011. – 049. (RESERVED)

050. SAFETY INSPECTION REQUIREMENTS FOR OVERSIZE VEHICLES AND/OR LOADS.

Refer to IDAPA 39.03.03, “Rules Governing Special Permits – General Conditions and Requirements,” for conditions required in this rule. ()

051. – 059. (RESERVED)

060. BRAKES.

Refer to IDAPA 39.03.03, “Rules Governing Special Permits – General Conditions and Requirements,” for conditions required in this rule. ()

061. – 069. (RESERVED)

070. GENERAL OVERSIZE LIMITATIONS.

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

02. Practical Minimum Dimension of Load. Oversize loads shall be reduced to a practical minimum dimension. Except where noted below, permits will not be issued to exceed legal size if the load is more than one (1) unit in width, height, or length that results in them exceeding legal overhang. Additionally, permits shall not be utilized for multiple unit loads that may be re-positioned to meet legal dimensions established in Section 49-1010, Idaho Code. ()

03. Overwidth Loads on Single or Double Trailers. Non-reducible loads may be transported on double trailer combinations not exceeding seventy-five (75’) feet combination length and single trailers not exceeding fifty-three (53’) feet exclusive of load overhang. ()

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

05. Oversize. Special permits may be issued for continuous operation to haul or transport nonreducible loads having specified maximum oversize dimensions provided such permits for multiple trips can maintain the same measure of protection to highway facilities and to the traveling public as is provided by single trip permits. ()

a. Permits for continuous operation, oversize only. ()

i. Permits for continuous operation shall be issued to one (1) specified power unit. The permittee may tow various units with the specified power unit, either as towaway vehicles or as trailers hauling oversize loads. Oversize loads shall be nonreducible in width, length, or height. In the case of specially constructed equipment, mounted on a towed vehicle, or if the towed vehicle is only hauling an oversize but not overweight load, the permit may be issued to the towed vehicle. ()

ii. Maximum size of loads or vehicles transported under authority of an annual oversize for black and interstate routes shall be limited to a width of sixteen (16’) feet, a height of fifteen feet six inches (15’6”), and to a combination length of one hundred ten (110’) feet including load overhang. Annual oversize permits for red coded routes shall be limited to a width of twelve feet six inches (12’6”). A current Pilot/Escort Vehicle and Travel Time Requirements Map shall accompany such permits for extended operations and shall be considered to be a part of the permit. ()

06. Passing Lane Must Be Provided. Except for short movements in urban areas, and on routes having very low Average Daily Traffic (ADT), permits will not be issued for a load of such dimension that

continuous passage of opposing traffic and frequent passing of following traffic cannot be maintained. Ten (10') feet or more of travelway should be provided for passage of traffic unless there are frequent turnouts, intersections, etc., to provide relief of accumulated traffic to the rear. ()

07. Hazardous Travel Conditions Restrictions. Refer to IDAPA 39.03.03, "Rules Governing Special Permits – General Conditions and Requirements," for limitations on travel during hazardous conditions. ()

071. – 079. (RESERVED)

080. OVERWIDTH HAULING VEHICLES, RESTRICTIONS.

01. Width of Hauling Equipment. Special permits may be issued for up to ten (10') foot wide trailers hauling non-reducible loads smaller than ten (10') feet wide. The permit issued for oversize loads being hauled on oversize equipment will be valid for the unladen movement and the laden movement, which shall not include commodities either to or from the point of loading or unloading of the oversize load. ()

02. Load Dimensions. Any load exceeding the dimensions of the trailer shall be non-reducible in size. ()

03. Hauling Equipment in Excess of Ten Feet. Special overwidth hauling vehicles exceeding ten (10') feet in width will be permitted, and may be required, in the hauling of excessively heavy loads to improve the lateral distribution of weight, or when a combination of weight, width, or height makes extra width in the hauling vehicle desirable in the public interest. The use of such vehicles more than ten (10') feet in width shall be restricted to loads requiring an overwidth hauling vehicle and the backhaul permit shall be for the unladen vehicle. ()

04. Buildings. Buildings that are too wide to be safely transported on legal-width hauling vehicles shall be moved either on house moving dollies or on trailers that can be reduced to legal width for unladen travel. ()

081. – 089. (RESERVED)

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

091. – 099. (RESERVED)

100. LIGHTING REQUIREMENTS FOR OVERSIZE VEHICLES AND/OR LOADS TRAVELING AFTER DARK.

Refer to IDAPA 39.03.03, "Rules Governing Special Permits – General Conditions and Requirements," for conditions in this rule. ()

101. – 199. (RESERVED)

200. FLAGGING REQUIREMENTS FOR OVERSIZE VEHICLES AND/OR LOADS.

Refer to IDAPA 39.03.03, "Rules Governing Special Permits – General Conditions and Requirements," for conditions in this rule. ()

201. – 299. (RESERVED)

300. SIGNING REQUIREMENTS OF TOWING VEHICLES, OVERSIZE VEHICLES AND/OR LOADS.

Oversize load signs shall meet the following specifications: ()

01. Dimensions. A minimum of twelve (12") inches high by five (5') feet wide and eight (8") inch high letters, one (1") inch stroke width and black letters on yellow background. ()

02. Displaying Signs. Signs shall be displayed on: ()

- a. The front or the roof top of the towing vehicle and the rear of the oversize load; or ()
- b. The front and back or the roof top of self-propelled oversize vehicles. ()

03. When Signs Are Required. Oversize load signs shall be required on all vehicles and/or loads exceeding legal width or vehicle combinations inclusive of loads that exceed seventy five (75') feet. Signs shall not be displayed when the vehicle is empty and of legal dimensions. ()

301. – 399. (RESERVED)

400. PILOT/ESCORT VEHICLES.

Pilot/escort vehicle(s) shall be furnished by the permittee and shall be either passenger car(s), truck(s), or vehicles authorized by the Special Permit Office, however shall not exceed sixteen (16,000) pounds. The truck(s) used as pilot/escort vehicle(s) shall not be loaded in such a manner as to cause confusion to the public as to which vehicle is the one under escort. Vehicles towing trailers shall not qualify as pilot/escort vehicles. ()

01. Loads Over Sixteen Feet High. Height poles are required in the front of the pilot/escort vehicles leading all loads over sixteen (16') feet high with a non-metallic height pole deployed. ()

401. PILOT/ESCORT VEHICLE SIGN REQUIREMENTS.

01. Oversize Load Signs. All pilot/escort vehicles while escorting an oversize load shall display a sign on the roof top of the vehicle having the words OVERSIZE LOAD. Such signs shall not be displayed and shall be considered illegal except when the pilot/escort vehicle is actually piloting/escorting an oversize load. ()

02. Dimensions. Twelve (12") inches high by five (5') feet wide and eight (8") inch high letters, one (1") inch stroke width, and black letters on yellow background. ()

402. PILOT/ESCORT VEHICLE LIGHTING REQUIREMENTS.

01. Multiple Lights. Flashing or rotating amber lights displayed on the pilot/escort vehicle shall be mounted at each end of the required OVERSIZE LOAD sign above the roofline of the vehicle and be visible from the front, rear, and sides of the pilot/escort vehicle. These lights shall meet the minimum standards outlined under oversize vehicle and/or load lighting requirements and shall be on at all times during escorting movements. ()

02. Single Light. As an alternate, a pilot/escort vehicle may display one (1) rotating or flashing amber beacon visible from a minimum of five hundred (500') feet, mounted above the roofline and visible from the front, and rear, and sides of the pilot/escort vehicle. The light shall be on at all times during escorting movements. ()

03. Light Bars. Light bars, when in use shall display amber colored lights meeting the minimum visibility requirements, found in IDAPA 39.03.03, "Rules Governing Special Permits – General Conditions and Requirements," Section 070. ()

04. Pilot/Escort Lights On During Movement of Escorted Load. The pilot/escort vehicle's headlights and taillights shall be on while escorting the permitted load. ()

403. PILOT/ESCORT VEHICLE EQUIPMENT.

01. Required Equipment to be Carried in a Pilot/Escort Vehicle. A pilot/escort vehicle shall carry the following items of equipment when piloting/escorting an over dimensional vehicle and/or load. ()

- a. Standard eighteen (18") inch STOP and SLOW paddle sign. ()
- b. Three (3) bi-directional emergency reflective triangles. ()
- c. A minimum of one (1) five (5) pound B, C, fire extinguisher. ()

d. An ANSI Class 2 or 3 safety vest, shirt, or jacket either orange or yellow, which must be worn by the operator when working out of the vehicle during daylight hours. An ANSI Class3 safety vest, shirt or jacket either orange or yellow, which must be worn by the operator when working out of the vehicle during nighttime hours. ()

e. Two (2) spare oversize load signs for escorted loads meeting the size requirements of Section 300 of these rules. ()

f. Non-conductive non-destructive height pole with a flexible tip on the front of the pilot/escort vehicle for determining vertical clearances (when required). ()

g. Valid drivers license. ()

h. Two-Way Radio. ()

i. Hardhat. ()

j. Flashlight (operable). ()

k. First Aid Kit. ()

02. Two-Way Radio. On all movements requiring a pilot/escort vehicle, both the towing unit and the pilot/escort vehicle(s) shall be equipped with two-way radio equipment licensed under Federal Communications Commission regulations adequate to provide reliable voice communication between the drivers thereof at all times during the movement of the piloted/escorted vehicle and/or load. Transmitting and receiving capabilities of the radio equipment used shall be adequate to provide the required communication over a minimum distance of one-half (1/2) mile separation under conditions normally encountered along the proposed route. ()

404. PILOT/ESCORT VEHICLE PLACEMENT.

01. Front Pilot/Escort Vehicle. The movement of an oversize vehicle and/or load may be preceded by a pilot/escort vehicle on those sections of highway where the vehicle and/or load cannot travel within its proper travelway lane. ()

02. Rear Pilot/Escort Vehicle. As authorized by Section 49-940, Idaho Code, when the width of a load obstructs the driver's view to the rear so they cannot see two hundred (200') feet behind them, a rear escort shall be required to accompany the oversize load and to communicate with the driver of the permitted load concerning impeded overtaking traffic for the purpose of providing passing opportunity. ()

03. Advance Pilot/Escort Vehicle. A third pilot/escort vehicle may be required when the load is of such extreme dimensions for the route of travel as to require holding opposing traffic at turnouts and intersections to provide for passage of the load. ()

04. First Movement from the Forest. A pilot/escort vehicle is not required on the first movement from the forest of tree-length logs or poles if the overall length does not exceed one hundred ten (110') feet. Secondary movements must comply with the requirements stated on the Pilot/Escort Vehicle and Travel Time Requirements map. ()

05. Spacing. Approximately one thousand (1,000') feet shall be maintained in rural areas between the piloting/escorting vehicle and any oversize load. This spacing may be reduced in urban areas when necessary to provide traffic control for turning movements. ()

405. – 499. (RESERVED)

500. TIME OF TRAVEL RESTRICTIONS FOR SPECIAL LOADS.

Refer to IDAPA 39.03.04, "Rules Governing Special Permits – Overweight Non-Reducible," for conditions required in this rule. ()

501. – 549. (RESERVED)

550. MOVEMENT, TRAFFIC CONTROL PLANS, LOADING, PARKING ON STATE HIGHWAYS.

Refer to IDAPA 39.03.04, “Rules Governing Special Permits – Overweight Non-Reducible,” for conditions required in this rule. ()

01. Additional District Approval and Allowance for Approval Time. District approval will be obtained by the Special Permit office and may require up to twenty-four (24) working hours. District approval is required when vehicles or loads exceed: ()

- a. Sixteen (16’) feet wide on red coded routes; ()
- b. Eighteen (18’) feet wide on black coded routes and interstate highways; ()
- c. Sixteen (16’) feet high on any route; or ()
- d. One hundred twenty (120’) feet long on any route. ()

551. – 599. (RESERVED)

600. OVERWIDTH PERMITS FOR IMPLEMENTS OF HUSBANDRY.

01. Farm Tractors on Interstate Highways. Farm tractors transported on Interstate Highways are required to have special permit authority if width exceeds nine (9’) feet. A farm tractor when attached to an implement of husbandry or when drawing an implement of husbandry shall be construed to be an implement of husbandry and is not required to have a permit. Farmers, equipment dealers, or custom operators may be issued single trip or annual permits under this rule for transportation of farm tractors, having a width in excess of nine (9’) feet to or from a farm involving Interstate Highway travel. The transportation of farm tractors or implements of husbandry for hire, or not being transported from one farm operation to another, is a common-carrier operation. Exemptions from legal width limitation do not apply to common-carrier operations. Farm tractors or implements of husbandry hauled for hire, or used in the furtherance of a business (not to include farming operations), are subject to the same special permit regulations as other oversize loads when the width of the load exceeds legal-width limitations, and must operate under oversize permits. ()

02. Other Than Farm to Farm. Implements of husbandry exceeding eight feet six inches (8’6”) in width being transported other than from one (1) farm operation to another farm operation shall require special permits except when the farmer or their designated agents, including without limitation, equipment dealers transporting implements of husbandry and equipment for the purpose of: ()

- a. The repair or maintenance of such implements of husbandry and equipment when traveling to or from a farm to a repair or maintenance facility during daylight hours; or ()
- b. The purchase, sale, lease or rental of such implements of husbandry or equipment when traveling between a farm and a dealership, auction house, or other facility during daylight hours. ()

03. Farm Permits. Single trip permits must be ordered at the permit office. Annual permits will be issued to towing units or to self-propelled farm tractors or towed units, or blanket permits may be issued to an Idaho domicile applicant without vehicle identification. Such blanket permits may be transferred from one (1) vehicle to another vehicle but shall be valid only when the permit is with the overwidth vehicle and/or load. A photocopy of the permit is valid, provided that the Pilot/Escort Vehicle and Travel Time Requirements Map and Vertical Clearance of Structures Map furnished by the Idaho Transportation Department are included. Such annual permits for implements of husbandry or farm tractors are subject to the same maximum dimensions, travel time exclusions, and safety requirements as other overwidth annual permits and are valid for continuous travel for twelve (12) consecutive months. ()

04. Overwidth Farm Trailers. Trailers or semi-trailers exceeding eight feet six inches (8’ 6”) wide,

but not wider than the implement of husbandry, used for the transportation of implements of husbandry to or from a farm for agricultural operations, shall be exempt from special permitting requirements. This exemption does not apply to trailers or semi-trailers used in common carrier operations, hauling for hire or used in the furtherance of a business (not to include farming operations). ()

a. Exempt trailers, as listed above, may not be used to haul implements of husbandry that are narrower than the overwidth trailer. ()

b. Empty trailers, as listed above, being used to pick up or drop off an implement of husbandry from a farm to a farm are also exempt and must be reduced to a practical minimum dimension (i.e. dropping side extensions). ()

601. – 699. (RESERVED)

700. MANUFACTURED HOMES, MODULAR BUILDINGS, AND OFFICE TRAILERS.

01. Registration and Licensing Requirements. All manufactured homes moved on their own axles on any public highway are required to be licensed, permanently or temporarily, with the exception of, new manufactured homes, being transported either prior to first sale at retail or to the initial setup location of the original purchaser. The manufactured home registration (if required) and general property tax receipt shall be made available for inspection upon demand of any enforcement officer. ()

02. Insurance Requirements. The permittee or the driver of the vehicle hauling or towing overwidth manufactured homes, modular buildings, and office trailers shall be required to carry evidence of general liability insurance in the permitted vehicle written by a company licensed in Idaho showing coverage in the minimum amounts of three hundred thousand dollars (\$300,000) when hauling permittee's own manufactured home. When hauling for hire permittee must carry a minimum amount of seven hundred and fifty thousand dollars (\$750,000) insurance coverage, and have proper authority. ()

03. Manufactured Homes, Modular Buildings, and Office Trailers Being Towed on Their Own Axles. ()

a. Connection Device. Shall meet the requirements of Federal Motor Carrier Safety Regulations, 49 CFR part 393. ()

b. Length. Not in excess of eighty (80') feet including tongue. ()

c. Width. Shall be limited to a maximum of sixteen (16') feet at the base and shall not exceed eighteen (18') feet overall width including the eaves, except on a case-by-case basis as approved by the Department. All movements with a base width in excess of sixteen (16') feet and an overall width in excess of eighteen (18') feet must submit a written request for movement of these units prior to being manufactured and a traffic control plan may also be required with the submission. Prior approval for the movement must be granted before a special permit is issued. Determination of manufactured home, modular building, or office trailer width shall be exclusive of such appurtenances as clearance lights, door handles, window fasteners, door and window trim, moldings and load securement devices up to but not in excess of three (3") inches on each side of load. ()

d. Eaves. No restrictions on eaves as long as the eighteen (18') feet maximum overall width limitation is not exceeded, or for those movements approved by the Department on a case-by-case basis. ()

e. Weight. The maximum allowable load for any vehicle tire operated on any public highway shall be in accordance with Code of Federal Regulations, Title 24, Chapter 20, Office of Assistant Secretary for Housing - Federal Housing Commissioner, Department of Housing and Urban Development, Part 3280, Subpart J, (CFR Title 24). ()

f. Running Gear Assembly – General. The entire system (frame, drawbar, and coupling mechanism, running gear assembly including brake systems, axles and lights) shall be in accordance with CFR Title 24, for the year the manufactured home was built. In addition thereto, all tires used in transportation of manufactured homes

under this category shall be in accordance with Federal Motor Carrier Safety Regulations, part 393. ()

g. Construction. Construction shall be in accordance with CFR Title 24, for the year the manufactured home was built. ()

h. Axles. All axles shall be in accordance with CFR Title 24, for the year the manufactured home was built, except that sixteen (16) foot wide (at the base) manufactured homes shall be required to have a minimum of four (4) axles. ()

i. Brakes. Brakes shall be in accordance with CFR Title 24, for the year the manufactured home was built, except that sixteen (16) foot wide (at the base) manufactured homes shall be required to have brakes on a minimum of three (3) axles. ()

j. Lights. The unit shall have stop lights, turn signals, and tail lights that meet the requirements of Federal Motor Carrier Safety Regulations, part 393. ()

k. Safety Chains. Two (2) safety chains shall be used, one (1) each on right and left sides of, but separate from, the coupling mechanism connecting the tow vehicle and the manufactured home while in transit. Chain shall be three-eighths (3/8) inch diameter steel. Chains shall be strongly fastened at each end to connect the tow vehicle and manufactured home and assure that in the event of a coupling failure the manufactured home will track behind the tow vehicle. ()

04. Vehicles for Towing/Hauling Manufactured Homes, Modular Buildings, and Office Trailers. ()

a. Towing Vehicle. Tow vehicles for manufactured homes, modular buildings, and office trailers shall comply with the following minimum requirements:

Manufactured Homes and Office Trailers Width	Tire Width	Drive Axle Tire Rating	Min. Unladen Weight	Rear Axle Rating
Over 8 feet to 10 feet	7.00 inches	6 Ply	6,000#	None
Over 10 feet to 12 feet	8.00 inches	8 Ply	8,000#	15,000#
Over 12 feet	8.25 inches	10 Ply	12,000#	15,000#

b. Brakes. Shall be in accordance with Federal Motor Carrier Safety Regulations part 393. ()

c. Rear Axle. Towing vehicle shall have a minimum of a single axle with dual mounted tires. ()

d. Connection Device. Shall meet the requirements of Federal Motor Carrier Safety Regulations, part 393. ()

e. Horsepower Requirement. When towing/hauling a manufactured home, modular building, or office trailer a minimum speed of twenty-five (25) mph must be maintained. ()

f. Operator Requirements. Operators of vehicles towing manufactured homes, modular buildings and office trailers over ten (10') feet wide at the base shall have a class A or B Commercial Driver's License (CDL) as appropriate. ()

g. Speed Limit Requirements. Vehicles towing manufactured homes or office trailers on their own axles shall be limited to a maximum of sixty (60) miles per hour. ()

05. Manufactured Home, Modular Building, Or Office Trailer Being Hauled. ()

a. Length. Not in excess of eighty (80') feet. ()

b. Width. Not in excess of sixteen (16') feet at the base and eighteen (18') feet overall, except on a case-by-case basis as approved by the Department. All movements with a base width in excess of sixteen (16') feet and an overall width in excess of eighteen (18') feet must submit a written request for movement of these units prior to being manufactured and a traffic control plan may also be required with the submission. Prior approval for the movement must be granted before a special permit is issued. ()

c. Eaves. No restrictions on eaves as long as the eighteen (18') foot maximum overall width limitation is not exceeded, or for those movements approved by the department on a case-by-case basis. ()

701. – 729. (RESERVED)

730. HAULING EQUIPMENT FOR A MANUFACTURED HOME, MODULAR BUILDING, OR OFFICE TRAILER.

01. Hauling Equipment. Vehicles used to haul manufactured homes, modular buildings, and office trailers shall be combinations designed to meet the requirements of Federal Motor Carrier Safety Regulations for vehicles engaged in interstate commerce. Such vehicles shall be of structural capacity to safely accommodate the loading at all times. ()

02. Lights. The unit shall have stop lights, turn signals, and tail lights that meet the requirements of Federal Motor Carrier Safety Regulations, part 393. ()

03. Securing Loads. A minimum of four (4) steel, three fourths (3/4") inch diameter bolts will be used to directly connect the main support members of the modular building, manufactured home, or office trailer to the support frame of moving equipment. Two (2) bolts each shall be located not less than twelve (12') feet from the forward and rear ends of the modular building, manufactured home or office trailer. Each of the four (4) bolts shall be at least four (4') feet apart. Equivalent methods of fastening, such as chains or binders, may be used as alternatives. ()

731. – 749. (RESERVED)

750. GENERAL PROVISIONS – MANUFACTURED HOMES, MODULAR BUILDINGS, AND OFFICE TRAILER.

01. Paneling of Open Sides of Multi-Section Modular Buildings, Manufactured Homes, or Office Trailers. Shall be rigid material, or six (6) mil plastic sheathing (or stronger) backed by a grillwork to prevent billowing and fully enclose open sides of section in transit. ()

02. Interior Loading. If the manufactured home, modular building, or office trailer is to transport furnishings or other loose objects, they shall be secured in position for safe travel. ()

03. Construction. Modular buildings shall be constructed in accordance with the Uniform Building Code as applies to design and construction requirements that will affect overall structural strength and roadability. Manufactured homes and office trailers shall be constructed in accordance with Federal HUD Manufactured Home Construction and Safety Standards. ()

751. – 799. (RESERVED)

800. RELOCATION OF BUILDING OR HOUSES – GENERAL REQUIREMENTS.

01. Buildings Exceeding Sixteen Feet Wide. Special permits for the transportation of buildings or houses having a basic width in excess of sixteen (16') feet shall be limited to the relocation of previously used buildings. The transportation of new, centrally manufactured houses, buildings, building sections, mobile or modular homes, etc., may be denied special permits if the width at the base is in excess of sixteen (16') feet. ()

02. Requirements for Permit. The requirements of each permit for relocation of a used building or house shall depend on the dimensions of the load as well as a consideration of the width and alignment of the roadway, passing opportunity for the traveling public, vertical or horizontal clearance of bridges or other structures along the route of travel, and traffic volumes. ()

03. Additional Restrictions Relating to Movement of Buildings and Houses: ()

a. Excessively Oversize Loads. Excessively oversize loads shall be restricted to the time of day, or day of the week, when traffic interference will be at a minimum. ()

b. Buildings. Time of travel of loads in the building size category shall be restricted to the time of day and/or day of the week when traffic interference will be at a minimum. ()

c. Early Morning Moves. In metropolitan areas and in certain other cases where a serious disruption of traffic would otherwise be unavoidable, the movement of excessively oversize buildings may be permitted, at the discretion of the District Engineer, between 2 a.m. and daybreak to avoid traffic congestion. ()

d. Overlength restrictions. Oversize vehicles operating under authority of a special permit that exceed seven (7') feet of front overhang, on any vehicle in the combination, are restricted to daylight travel only on two-lane, two-way highways. ()

e. Other time of travel restrictions may be noted on the permit due to special circumstances. ()

801. – 849. (RESERVED)

850. VERTICAL CLEARANCE REQUIREMENTS.

01. Permit for Over height. The issuance of any permit for movement of over height loads will be subject to the vertical clearance of any structure involved along the route of travel. The Department may require a minimum of twenty-four (24) working hours to allow for the proposed route to be evaluated and approved or denied. ()

02. Overhead Traffic Signals. Any movement of a building, or other over height load, having a loaded height of sixteen feet six inches (16'6") or more may require advance notice if overhead traffic signals are involved in the route. ()

03. Overhead Power Lines. Carriers whose load/vehicle combinations exceed seventeen (17') feet high must contact local utility company(s) for approval and assistance with power lines. ()

851. – 869. (RESERVED)

870. INSURANCE AND BONDING REQUIREMENTS.

01. Insurance. The permittee when hauling buildings fourteen (14') feet or more in width shall be required to carry evidence of insurance in the permitted vehicle in the same minimum amounts as is required for those permits issued for the movement of overwidth manufactured homes. Minimum requirements are three hundred thousand dollars (\$300,000) combined single limit, (when hauling permittee's own building) and seven hundred fifty thousand dollars (\$750,000) when hauling for hire. ()

02. Permittee Responsibility. The permittee shall be responsible for the protection of sign-posts, guideposts, delineators, and may be required to post bond to cover the costs of repairs or replacements of such facilities. ()

03. Bond Requirements. When an expense to the state can be presumed in providing clearance for an over height load, or for repair of signposts or other such facilities, a cash bond based on estimated costs to the State may be required before issuance of such permit. Any part of the cash bond in excess of material costs, labor, and equipment rental will be returned to the permittee after the actual costs to the State have been determined and

deducted. ()

871. – 879. (RESERVED)

880. FEES.

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

881. – 889. (RESERVED)

890. APPLICATION FOR PERMIT.

Refer to IDAPA 39.03.04, “Rules Governing Special Permits – Overweight Non-Reducible,” for conditions required for the issuance of special permits. ()

891. – 899. (RESERVED)

900. CONVOY OF OVERSIZE LOADS.

01. Convoying Oversize Loads. Oversize loads that individually would require a pilot/escort vehicle, except overwidth manufactured homes, office trailers, and modular buildings, may be permitted to travel in convoy with pilot/escort vehicles in front of and behind the convoy, but such convoys shall not exceed four (4) oversize loads or vehicles between pilot/escort vehicles. Maximum width of units in a convoy shall be limited to fourteen (14’) feet wide on black-coded routes of the Pilot/Escort Vehicle and Travel Time Requirements Map and to twelve feet six inches (12’6”) on red-coded routes of the Pilot/Escort Vehicle and Travel Time Requirements Map. Oversize loads that do not individually require a pilot/escort vehicle may travel in convoy without pilot/escort vehicles. Maximum length of units in a convoy shall be limited to one hundred (100’) feet on black-coded routes and seventy five (75’) feet on red-coded routes of the pilot/escort vehicle and travel time requirements map and one hundred twenty (120’) feet on the interstate system. ()

02. Convoying Manufactured Homes, Office Trailers, and Modular Buildings. No convoy of overwidth manufactured homes, modular buildings, or office trailers shall include more than two (2) units between two (2) piloting/escorting vehicles. On those routes where pilot/escort vehicles are required in front and to the rear of an overwidth manufactured home or office trailer, two (2) units may travel in convoy between such piloting/escorting vehicles. On routes requiring only a front pilot/escort vehicle, the manufactured home or office trailer mover may have the option of convoying two (2) units between front and rear pilots/escorts. At no time shall more than one (1) manufactured home or office trailer be piloted/escorted by one (1) pilot/escort vehicle. Maximum width of units in a convoy shall be limited to fourteen (14’) feet wide on black-coded routes and to ten (10’) feet wide on red-coded routes of the Pilot/Escort Vehicle and Travel Time Requirements Map. Minimum spacing of approximately one thousand (1,000’) feet shall be maintained between all units in a convoy except when a pilot/escort is required to control traffic in turning movements. Maximum length of units in a convoy shall be limited to one hundred (100’) feet on black-coded routes and seventy five (75’) feet on red-coded routes of the Pilot/Escort Vehicle and Travel Time Requirements Map and one hundred twenty (120’) feet on the interstate system. ()

901. – 999. (RESERVED)