

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 39.03.14 - Rules Governing Policy During Spring Breakup Season (Chapter Repeal) -  
Proposed Rule (Docket No. 39-0314-1801);

IDAPA 39.03.15 - Rules Governing Excess Weight Permits for Reducible Loads (Chapter Repeal) -  
Proposed Rule (Docket No. 39-0315-1801);

IDAPA 39.03.16 - Rules Governing Oversize Permits for Non-Reducible Vehicles and/or Loads  
(Chapter Repeal) - Proposed Rule (Docket No. 39-0316-1801);

IDAPA 39.03.17 - Rules Governing Permits for Manufactured Homes, Modular Buildings, and  
Office Trailers (Chapter Repeal) - Proposed Rule (Docket No. 39-0317-1801);

IDAPA 39.03.18 - Rules Governing Overlegal Permits for Relocation of Buildings or Houses  
(Chapter Repeal) - Proposed Rule (Docket No. 39-0318-1801).

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 11/13/2018. 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 12/12/2018.

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 24, 2018

**SUBJECT:** Idaho Transportation Department

IDAPA 39.03.14 - Rules Governing Policy During Spring Breakup Season (Chapter Repeal) - Proposed Rule (Docket No. 39-0314-1801)

IDAPA 39.03.15 - Rules Governing Excess Weight Permits for Reducible Loads (Chapter Repeal) - Proposed Rule (Docket No. 39-0315-1801)

IDAPA 39.03.16 - Rules Governing Oversize Permits for Non-Reducible Vehicles and/or Loads (Chapter Repeal) - Proposed Rule (Docket No. 39-0316-1801)

IDAPA 39.03.17 - Rules Governing Permits for Manufactured Homes, Modular Buildings, and Office Trailers (Chapter Repeal) - Proposed Rule (Docket No. 39-0317-1801)

IDAPA 39.03.18 - Rules Governing Overlegal Permits for Relocation of Buildings or Houses (Chapter Repeal) - Proposed Rule (Docket No. 39-0318-1801)

#### **1. IDAPA 39.03.14 - Rules Governing Policy During Spring Breakup Season (Chapter Repeal)**

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

The Idaho Transportation Department submits notice of proposed rulemaking at IDAPA 39.03.14. The Department states that the rulemaking responds to Senate Concurrent Resolution 130 of 2018 regarding commercial motor vehicle permit consolidation. Docket No. 39-0314-1801 repeals the existing rule in its entirety so that a replacement rule may be promulgated.

##### **Negotiated Rulemaking / Fiscal Impact**

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

##### **Statutory Authority**

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

#### **2. IDAPA 39.03.15 - Rules Governing Excess Weight Permits for Reducible Loads (Chapter Repeal)**

Kristin Ford, Manager  
Research & Legislation

Paul Headlee, Manager  
Budget & Policy Analysis

April Renfro, Manager  
Legislative Audits

Glenn Harris, Manager  
Information Technology

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

The Idaho Transportation Department submits notice of proposed rulemaking at IDAPA 39.03.15. The Department states that the rulemaking responds to Senate Concurrent Resolution 130 of 2018 regarding commercial motor vehicle permit consolidation. Docket No. 39-0315-1801 repeals the existing rule in its entirety so that a replacement rule may be promulgated.

### **Negotiated Rulemaking / Fiscal Impact**

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

### **Statutory Authority**

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

## **3. IDAPA 39.03.16 - Rules Governing Oversize Permits for Non-Reducible Vehicles and/or Loads (Chapter Repeal)**

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

The Idaho Transportation Department submits notice of proposed rulemaking at IDAPA 39.03.16. The Department states that the rulemaking responds to Senate Concurrent Resolution 130 of 2018 regarding commercial motor vehicle permit consolidation. Docket No. 39-0316-1801 repeals the existing rule in its entirety so that a replacement rule may be promulgated.

### **Negotiated Rulemaking / Fiscal Impact**

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

### **Statutory Authority**

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

## **4. IDAPA 39.03.17 - Rules Governing Permits for Manufactured Homes, Modular Buildings, and Office Trailers (Chapter Repeal)**

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

The Idaho Transportation Department submits notice of proposed rulemaking at IDAPA 39.03.17. The Department states that the rulemaking responds to Senate Concurrent Resolution 130 of 2018 regarding commercial motor vehicle permit consolidation. Docket No. 39-0317-1801 repeals the existing rule in its entirety so that a replacement rule may be promulgated.

### **Negotiated Rulemaking / Fiscal Impact**

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

### **Statutory Authority**

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

## **5. IDAPA 39.03.18 - Rules Governing Overlegal Permits for Relocation of Buildings or Houses (Chapter Repeal)**

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

The Idaho Transportation Department submits notice of proposed rulemaking at IDAPA 39.03.18. The Department states that the rulemaking responds to Senate Concurrent Resolution 130 of 2018 regarding com-

mercial motor vehicle permit consolidation. Docket No. 39-0318-1801 repeals the existing rule in its entirety so that a replacement rule may be promulgated.

**Negotiated Rulemaking / Fiscal Impact**

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

**Statutory Authority**

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

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

### 39.03.14 – RULES GOVERNING POLICY DURING SPRING BREAKUP SEASON

#### DOCKET NO. 39-0314-1801 (CHAPTER REPEAL)

#### NOTICE OF RULEMAKING – PROPOSED RULE

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

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

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

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

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

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

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

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

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

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

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

DATED this 28th Day of August, 2018.

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

**IDAPA 39.03.14 IS BEING REPEALED IN ITS ENTIRETY**

## IDAPA 39 – IDAHO TRANSPORTATION DEPARTMENT

### 39.03.15 – RULES GOVERNING EXCESS WEIGHT PERMITS FOR REDUCIBLE LOADS

#### DOCKET NO. 39-0315-1801 (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.

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**IDAPA 39.03.15 IS BEING REPEALED IN ITS ENTIRETY**

## IDAPA 39 – IDAHO TRANSPORTATION DEPARTMENT

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

#### DOCKET NO. 39-0316-1801 (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

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**IDAPA 39.03.16 IS BEING REPEALED IN ITS ENTIRETY**

**IDAPA 39 – IDAHO TRANSPORTATION DEPARTMENT**  
**39.03.17 – RULES GOVERNING PERMITS FOR MANUFACTURED HOMES,**  
**MODULAR BUILDINGS, AND OFFICE TRAILERS**  
**DOCKET NO. 39-0317-1801 (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.

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**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**.

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**IDAPA 39.03.17 IS BEING REPEALED IN ITS ENTIRETY**



## IDAPA 39 – IDAHO TRANSPORTATION DEPARTMENT

### 39.03.18 – RULES GOVERNING OVERLEGAL PERMITS FOR RELOCATION OF BUILDINGS OR HOUSES

DOCKET NO. 39-0318-1801 (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.

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**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.

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**IDAPA 39.03.18 IS BEING REPEALED IN ITS ENTIRETY**