

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 39.03.08 - Rules Governing Self-Propelled Snowplows (New Chapter) - Proposed Rule
(Docket No. 39-0308-1801);

IDAPA 39.03.24 - Rules Governing Self-Propelled Snowplows (Chapter Repeal) - Proposed Rule
(Docket No. 39-0324-1801);

IDAPA 39.03.25 - Rules Governing Lights on Snow Removal Equipment (Chapter Repeal) -
Proposed Rule (Docket No. 39-0325-1801).

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 Drafting Attorney - Matt Drake

DATE: October 23, 2018

SUBJECT: Idaho Transportation Department

IDAPA 39.03.08 - Rules Governing Self-Propelled Snowplows (New Chapter) - Proposed Rule (Docket No. 39-0308-1801)

IDAPA 39.03.24 - Rules Governing Self-Propelled Snowplows (Chapter Repeal) - Proposed Rule (Docket No. 39-0324-1801)

IDAPA 39.03.25 - Rules Governing Lights on Snow Removal Equipment (Chapter Repeal) - Proposed Rule (Docket No. 39-0325-1801)

1. IDAPA 39.03.08 - Rules Governing Self-Propelled Snowplows (New Chapter)

Summary and Stated Reasons for the Rule

The Idaho Transportation Department submits notice of proposed rulemaking at IDAPA 39.03.08. The Department states that the rulemaking responds to Senate Concurrent Resolution 130 of 2018 regarding commercial motor vehicle permit consolidation. Docket No. 39-0308-1801 adds the eighth chapter of the replacement rules. It provides the regulations and safety requirements for overwidth, overweight, and overwide/overweight snowplows operating under special permits. The rule sets forth general conditions, establishes warning flag requirements, provides lighting and reflector requirements, and sets forth other visibility requirements.

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 39.03.24 - Rules Governing Self-Propelled Snowplows (Chapter Repeal)

Summary and Stated Reasons for the Rule

The Idaho Transportation Department submits notice of proposed rulemaking at IDAPA 39.03.24. Docket No. 39-0324-1801 repeals the existing rule in its entirety so that a replacement rule may be promulgated.

Kristin Ford, Manager
Research & Legislation

Paul Headlee, Manager
Budget & Policy Analysis

April Renfro, Manager
Legislative Audits

Glenn Harris, Manager
Information Technology

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 39.03.25 - Rules Governing Lights on Snow Removal Equipment (Chapter Repeal)

Summary and Stated Reasons for the Rule

The Idaho Transportation Department submits notice of proposed rulemaking at IDAPA 39.03.25. Docket No. 39-0325-1801 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
39.03.08 – RULES GOVERNING SELF-PROPELLED SNOWPLOWS
DOCKET NO. 39-0308-1801 (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 the regulations, safety requirements and standardizes the lighting systems for overwidth and/or overweight snowplows operating under special permits. 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. 39-0308-1801
(New Chapter)

IDAPA 39
TITLE 03
CHAPTER 08

39.03.08 – RULES GOVERNING SELF-PROPELLED SNOWPLOWS

000. LEGAL AUTHORITY.

The rule is adopted under authority of Sections 40-312, 49-929, and 49-1004, Idaho Code. ()

001. TITLE AND SCOPE.

01. Title. This rule shall be cited as IDAPA 39.03.08, “Rules Governing Self-Propelled Snowplows,” IDAPA 39, Title 03, Chapter 08. ()

02. Scope. Self-propelled snowplows cannot comply with the safety requirements as other oversize loads due to the nature of their operation. Therefore, this rule is promulgated to state the regulations, safety, and standardizes the lighting systems for overwidth self-propelled snowplows operating under special permit authority. These specifications and standards supersede Administrative Policy A-05-26 (dated 6-23-82) and Board Policy B-05-26 (dated 6-16-82). The self-propelled snowplows will be permitted at the rates listed in Rule 39.03.03, “Rules Governing Special Permit – General Conditions and Requirements,” for 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 5:00 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.

In addition to the definitions set forth in IDAPA 39.03.01, “Rules Governing Definitions Regarding Special Permits,” the following terms are used in this rule. ()

01. Snow Removal Equipment. Any private or publicly-owned vehicle classified as a motorized vehicle as defined in Section 49-123, Idaho Code, that has been equipped with snow removal equipment and is being used for snow removal on any public highway. ()

011. – 099. (RESERVED)

100. CONDITIONS AND REQUIREMENTS FOR OPERATION OF SELF-PROPELLED SNOWPLOWS ON THE STATE HIGHWAY SYSTEM.

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

02. No Pilot/Escort Vehicles Required. Self-propelled snowplows utilized to clear roads, streets, and other locations of snow or debris may operate with no escort vehicles required twenty-four (24) hours a day, seven (7) days a week, including holidays. ()

03. Warning Flags. An eighteen (18”) inch by eighteen (18”) inch red or fluorescent orange flag shall be mounted near the extremities of the blade if it exceeds eight feet six inches (8’6”) inches in width. ()

04. Clearance Light or Reflector Requirements. When operating during hours of darkness, a clearance light or a clearance reflector that meets the specifications listed in Sections 49-910 and 49-911, Idaho Code, shall be mounted near the extremities of the blade if the blade exceeds eight feet six inches (8’6”) inches in width. ()

05. Headlamps, Turn Signals, and Flashing Lights. Headlamps, turn signals, and flashing lights shall be mounted on snow removal equipment at sufficient height to clear all snow removal apparatus. ()

06. Visibility Requirements. Flashing identification lights on snow removal equipment must be amber or red colored, and mounted on the cab or truck bed. They shall be mounted so as to be visible from the front, amber only in color, and rear, red or amber in color, regardless of vehicle configuration, for example, when the truck bed is raised. Flashing lights shall be visible from a distance of not less than one thousand (1,000’) feet in normal sunlight, and not less than two thousand five hundred (2,500’) feet under average visibility conditions at night. ()

07. Lights to Meet Idaho Code Requirements. Tail lamps, stop lamps, and clearance lamps on snow removal equipment must meet standards specified in Idaho Code. ()

101. – 999. (RESERVED)

IDAPA 39 – IDAHO TRANSPORTATION DEPARTMENT
39.03.24 – RULES GOVERNING SELF-PROPELLED SNOWPLOWS
DOCKET NO. 39-0324-1801 (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
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Idaho Transportation Department
3311 W. State St. – PO Box 7129
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Phone: (208) 334-8810
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IDAPA 39.03.24 IS BEING REPEALED IN ITS ENTIRETY

IDAPA 39 – IDAHO TRANSPORTATION DEPARTMENT
39.03.25 – RULES GOVERNING LIGHTS ON SNOW REMOVAL EQUIPMENT
DOCKET NO. 39-0325-1801 (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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DATED this 28th Day of August, 2018.

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IDAPA 39.03.25 IS BEING REPEALED IN ITS ENTIRETY