

Dear Senators OKUNIEWICZ, Den Hartog, Rabe, and  
Representatives PALMER, Mitchell, Gannon:

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

IDAPA 39.03.65 - Rules Governing Traffic Minute Entries (ZBR Chapter Rewrite) - Proposed Rule  
(Docket No. 39-0365-2401).

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 12/03/2024. 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 12/31/2024.

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.



**Terri Kondeff**  
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:** Division Manager - Matt Drake

**DATE:** November 13, 2024

**SUBJECT:** Idaho Transportation Department

IDAPA 39.03.65 - Rules Governing Traffic Minute Entries (ZBR Chapter Rewrite) - Proposed Rule (Docket No. 39-0365-2401)

#### Summary and Stated Reasons for the Rule

The Idaho Transportation Department submits Notice of Rulemaking regarding Rules Governing Traffic Minute Entries. The Department notes that this is a Zero-Based Regulation (“ZBR”) chapter rewrite. The Department states that the edits contained in this rulemaking remove minor provisions that are no longer applicable.

#### Negotiated Rulemaking / Fiscal Impact

Negotiated rulemaking was conducted. There is no anticipated fiscal impact.

#### Statutory Authority

The rulemaking appears authorized pursuant to Sections 49-201 and 49-202, Idaho Code.

cc: Idaho Transportation Department  
Brendan Floyd

#### \*\*\* PLEASE NOTE \*\*\*

Per the Idaho Constitution, all administrative rules may 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.

Paul Headlee, Deputy Director    Matt Drake, Manager    Keith Bybee, Manager    April Renfro, Manager    Norma Clark, Manager  
Legislative Services Office    Research & Legislation    Budget & Policy Analysis    Legislative Audits    Information Technology

Statehouse, P.O. Box 83720  
Boise, Idaho 83720-0054

Tel: 208-334-2475  
legislature.idaho.gov

## IDAPA 39 – IDAHO TRANSPORTATION DEPARTMENT

### 39.03.65 – RULES GOVERNING TRAFFIC MINUTE ENTRIES

#### DOCKET NO. 39-0365-2401 (ZBR CHAPTER REWRITE)

#### 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 49-201(1) and 49-202(22), 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 16, 2024.

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

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

This rule establishes the procedures for making traffic minute entries regulating speed zoning, parking, traffic control devices, and the selective exclusion of traffic on the State Highway System. This rule was reviewed in accordance with the agency's Zero-Based Regulation review schedule. The proposed edits remove minor provisions that are no longer applicable.

**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 in the July 3, 2024, Idaho Administrative Bulletin, [Vol. 24-7, pages 273-274](#).

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

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Brendan Floyd at 208-334-8474.

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 23, 2024.

DATED this 30th day of August, 2024.

Brendan Floyd  
Policy Specialist  
Idaho Transportation Department  
11331 W. Chinden Blvd.  
Boise, ID 83714  
208-334-8474  
[Brendan.floyd@itd.idaho.gov](mailto:Brendan.floyd@itd.idaho.gov)

**THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 39-0365-2401**  
**(ZBR Chapter Rewrite)**

**39.03.65 – RULES GOVERNING TRAFFIC MINUTE ENTRIES**

**000. LEGAL AUTHORITY.**

This rule adopted under the authority of Sections 49-201 and 49-202, Idaho Code. (3-31-22)

**001. ~~TITLE AND SCOPE~~PURPOSE.**

This rule ~~is titled IDAPA 39.03.65, "Rules Governing Traffic Minute Entries," and~~ establishes the procedures for making Traffic Minute Entries regulating speed zoning, parking, traffic control devices, and the selective exclusion of traffic on the State Highway System. (3-31-22)(    )

**002. -- 009. (RESERVED)**

**010. DEFINITIONS.**

**01. Traffic Minute Entries.** Official entries made to Department records regulating traffic on the State Highway System. (3-31-22)

**011. -- 099. (RESERVED)**

**100. GENERAL PROVISIONS.**

**01. Preparation.** Traffic Minute Entries (except for temporary speed zones ~~and flashing beacons with warning signs~~) ~~shall~~ will be prepared by the Traffic Section for approval by the Department Director, State Highway Administrator, or the Chief of Highway Operations. (3-31-22)(    )

**02. Requests.** Each request for a Traffic Minute Entry ~~shall~~ will indicate: (3-31-22)(    )

**a.** The location regulated by the Traffic Minute Entry; (3-31-22)

**b.** The basis for the request; and (3-31-22)

**c.** Traffic and engineering study of operational characteristics and observations that support the Traffic Minute Entry. (3-31-22)

**03. Temporary Regulations.** Temporary traffic regulations for construction or maintenance zones ~~and flashing beacons with warning signs~~ ~~shall~~ will be initiated, monitored, corrected, and deleted by written approval of the appropriate District Engineer. (3-31-22)(    )

**04. Unresolved Differences.** Traffic Minute Entry worksheets regulating traffic on the State Highway System within incorporated cities should have the concurrence of the appropriate local officials. Unresolved differences regarding Traffic Minute Entries ~~shall~~ will be documented by the Traffic Section and presented to the Transportation Board for resolution. (3-31-22)(    )

**101. -- 199. (RESERVED)**

**200. REQUIRED ENTRIES.**

Traffic Minute Entries ~~shall~~ will be made for the following types of traffic regulations on the State Highway System: (3-31-22)(    )

- 01. Limits.** (3-31-22)
  - a. Permanent speed limits. (3-31-22)
  - b. Bridge limits (allowable gross loads). (3-31-22)
- 02. Parking.** (3-31-22)
  - a. Rural parking restrictions. (3-31-22)
  - b. Approval of angle parking on state highways through cities. (3-31-22)
- 03. Traffic Control.** (3-31-22)
  - ~~a. Traffic control signals and flashing intersection beacons at locations where there are no cooperative agreements between ITD and local authorities. (3-31-22)~~
  - ~~b. Flashing beacons with warning signs approved by District Engineer. (3-31-22)~~
  - ~~c. Exceptions to placing stop signs at passively protected railroad crossings. (3-31-22)~~
  - ~~d. Selective exclusion of vehicles on controlled-access highways. (3-31-22)~~
- 04. Other Entries.** Temporary construction, maintenance, and emergency regulations approved by the District Engineer. (3-31-22)

**201. -- 299. (RESERVED)**

**300. PARKING ON STATE HIGHWAYS WITHIN CITIES.**

Parking prohibitions and regulations on the State Highway System within incorporated cities ~~shall~~ will be approved by the city and the ITD Traffic Section and ~~shall~~ will be covered by a local ordinance unless provided for by a cooperative maintenance or construction agreement. Unresolved differences between incorporated cities and ITD ~~shall~~ will be presented to the Transportation Board for final resolution. (3-31-22)( )

**301. -- 999. (RESERVED)**