

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 39.02.22 - Rules Governing Registration and Permit Fee Administration and Temporary  
Vehicle Clearance for Carriers - Proposed Rule (Docket No. 39-0222-2301);

IDAPA 39.03.01 - Rules Governing Definitions Regarding Special Permits (ZBR Chapter Rewrite,  
Fee Rule) - Proposed Rule (Docket No. 39-0301-2301);

IDAPA 39.03.02 - Rules Governing Movement of Disabled Vehicles (ZBR Chapter Repeal) -  
Proposed Rule (Docket No. 39-0302-2301);

IDAPA 39.03.03 - Rules Governing Special Permits - General Conditions and Requirements (ZBR  
Chapter Repeal) - Proposed Rule (Docket No. 39-0303-2301);

IDAPA 39.03.04 - Rules Governing Special Permits - Overweight Non-Reducible (ZBR Chapter  
Repeal) - Proposed Rule (Docket No. 39-0304-2301);

IDAPA 39.03.05 - Rules Governing Special Permits - Oversize Non-Reducible (ZBR Chapter  
Repeal) - Proposed Rule (Docket No. 39-0305-2301);

IDAPA 39.03.06 - Rules Governing Special Permits for Extra-Length/Excess Weight, up to 129,000  
Pound Vehicle Combinations (ZBR Chapter Repeal) - Proposed Rule (Docket No.  
39-0306-2301);

IDAPA 39.03.07 - Rules Governing Special Permits for Reducible Loads (ZBR Chapter Repeal) -  
Proposed Rule (Docket No. 39-0307-2301).

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 12/08/2023. 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 01/05/2024.

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 14, 2023

**SUBJECT:** Idaho Transportation Department

IDAPA 39.02.22 - Rules Governing Registration and Permit Fee Administration and Temporary Vehicle Clearance for Carriers - Proposed Rule (Docket No. 39-0222-2301)

IDAPA 39.03.01 - Rules Governing Definitions Regarding Special Permits (ZBR Chapter Rewrite, Fee Rule) - Proposed Rule (Docket No. 39-0301-2301)

IDAPA 39.03.02 - Rules Governing Movement of Disabled Vehicles (ZBR Chapter Repeal) - Proposed Rule (Docket No. 39-0302-2301)

IDAPA 39.03.03 - Rules Governing Special Permits - General Conditions and Requirements (ZBR Chapter Repeal) - Proposed Rule (Docket No. 39-0303-2301)

IDAPA 39.03.04 - Rules Governing Special Permits - Overweight Non-Reducible (ZBR Chapter Repeal) - Proposed Rule (Docket No. 39-0304-2301)

IDAPA 39.03.05 - Rules Governing Special Permits - Oversize Non-Reducible (ZBR Chapter Repeal) - Proposed Rule (Docket No. 39-0305-2301)

IDAPA 39.03.06 - Rules Governing Special Permits for Extra-Length/Excess Weight, up to 129,000 Pound Vehicle Combinations (ZBR Chapter Repeal) - Proposed Rule (Docket No. 39-0306-2301)

IDAPA 39.03.07 - Rules Governing Special Permits for Reducible Loads (ZBR Chapter Repeal) - Proposed Rule (Docket No. 39-0307-2301)

**IDAPA 39.02.22 - Rules Governing Registration and Permit Fee Administration and Temporary Vehicle Clearance for Carriers - Proposed Rule (Docket No. 39-0222-2301)**

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

The Idaho Transportation Department submits Notice of Rulemaking via Docket No. 39-0222-2301. The Department states that the overall purpose of the proposed changes are to combine relevant rules. This proposed rule removes section 100 and 101 and moves them to IDAPA 39.03.01.

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

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

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

### **Statutory Authority**

This rulemaking appears to be within the statutory authority granted to the Department in Sections 40-312 and 49-201, Idaho Code.

### **IDAPA 39.03.01 - Rules Governing Definitions Regarding Special Permits (ZBR Chapter Rewrite, Fee Rule) - Proposed Rule (Docket No. 39-0301-2301)**

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

The Idaho Transportation Department submits Notice of Rulemaking via Docket No. 39-0301-2301. The Department states that the purpose of the proposed changes are to remove several rules and combine them into a single rule. Specifically, IDAPA 39.03.01, 39.03.02, 39.03.03, 39.03.04, 39.03.05, 39.03.06, and 39.03.07 are being combined into this rule. Accordingly, there are a significant number of changes that appear. Additionally, it appears that the substance of some of the rules being added have been changed from their original form. These changes appear to be consistent with the nature of other ZBR rewrites. The Department states that IDAPA 39.03.03, which is being consolidated into this rule, is a fee rule. However, the fee in question is imposed by statute and does not appear to be affected by the rule consolidation.

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

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

### **Statutory Authority**

This rulemaking appears to be within the statutory authority granted to the Department in Sections 40-312, 49-201, 49-1001, 49-1002, 49-1004, 49-1005, and 49-1010 Idaho Code.

### **IDAPA IDAPA 39.03.02 - Rules Governing Movement of Disabled Vehicles (ZBR Chapter Repeal) - Proposed Rule (Docket No. 39-0302-2301)**

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

The Idaho Transportation Department submits Notice of Rulemaking via Docket No. 39-0302-2301. The Department states that the current rule chapter is being repealed and consolidated into IDAPA 39.03.01 as described above.

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

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

### **Statutory Authority**

This rulemaking appears to be within the statutory authority granted to the Department in Sections 40-312 and 49-201, Idaho Code.

### **IDAPA 39.03.03 - Rules Governing Special Permits - General Conditions and Requirements (ZBR Chapter Repeal) - Proposed Rule (Docket No. 39-0303-2301)**

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

The Idaho Transportation Department submits Notice of Rulemaking via Docket No. 39-0303-2301. The Department states that the current rule chapter is being repealed and consolidated into IDAPA 39.03.01 as described above.

**Negotiated Rulemaking / Fiscal Impact**

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

**Statutory Authority**

This rulemaking appears to be within the statutory authority granted to the Department in Sections 40-312 and 49-201, Idaho Code.

**IDAPA 39.03.04 - Rules Governing Special Permits - Overweight Non-Reducible (ZBR Chapter Repeal) - Proposed Rule (Docket No. 39-0304-2301)**

**Summary and Stated Reasons for the Rule**

The Idaho Transportation Department submits Notice of Rulemaking via Docket No. 39-0304-2301. The Department states that the current rule chapter is being repealed and consolidated into IDAPA 39.03.01 as described above.

**Negotiated Rulemaking / Fiscal Impact**

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

**Statutory Authority**

This rulemaking appears to be within the statutory authority granted to the Department in Sections 40-312 and 49-201, Idaho Code.

**IDAPA 39.03.05 - Rules Governing Special Permits - Oversize Non-Reducible (ZBR Chapter Repeal) - Proposed Rule (Docket No. 39-0305-2301)**

**Summary and Stated Reasons for the Rule**

The Idaho Transportation Department submits Notice of Rulemaking via Docket No. 39-0305-2301. The Department states that the current rule chapter is being repealed and consolidated into IDAPA 39.03.01 as described above.

**Negotiated Rulemaking / Fiscal Impact**

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

**Statutory Authority**

This rulemaking appears to be within the statutory authority granted to the Department in Sections 40-312 and 49-201, Idaho Code.

**IDAPA 39.03.06 - Rules Governing Special Permits for Extra-Length/Excess Weight, up to 129,000 Pound Vehicle Combinations (ZBR Chapter Repeal) - Proposed Rule (Docket No. 39-0306-2301)**

**Summary and Stated Reasons for the Rule**

The Idaho Transportation Department submits Notice of Rulemaking via Docket No. 39-0306-2301. The Department states that the current rule chapter is being repealed and consolidated into IDAPA 39.03.01 as described above.

**Negotiated Rulemaking / Fiscal Impact**

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

**Statutory Authority**

This rulemaking appears to be within the statutory authority granted to the Department in Sections 40-312 and 49-201, Idaho Code.

**IDAPA 39.03.07 - Rules Governing Special Permits for Reducible Loads (ZBR Chapter Repeal) - Proposed Rule (Docket No. 39-0307-2301)**

**Summary and Stated Reasons for the Rule**

The Idaho Transportation Department submits Notice of Rulemaking via Docket No. 39-0307-2301. The Department states that the current rule chapter is being repealed and consolidated into IDAPA 39.03.01 as described above.

**Negotiated Rulemaking / Fiscal Impact**

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

**Statutory Authority**

This rulemaking appears to be within the statutory authority granted to the Department in Sections 40-312 and 49-201, 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.

## IDAPA 39 – IDAHO TRANSPORTATION DEPARTMENT

### 39.02.22 – RULES GOVERNING REGISTRATION AND PERMIT FEE ADMINISTRATION AND TEMPORARY VEHICLE CLEARANCE FOR CARRIERS

DOCKET NO. 39-0222-2301

#### 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 and 49-201, Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 18, 2023.

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:

The only purpose for opening this rule, which was reviewed under the ZBR schedule in 2022, is to remove sections 100 and 101 to include them in the more relevant special permit combination rule, where the department is seeking to combine the following into a single rule: 39.03.01, 39.03.02, 39.03.03, 39.03.04, 39.03.05, 39.03.06, and 39.03.07.

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased: This rule chapter sets forth provisions for installment payments for commercial vehicle registration, establishes a \$40 dollar reinstatement fee for suspended accounts and vehicle registrations, and a \$20 NSF fee. However, there is no fee or charge impacted as a result of 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 in the July 5, 2023, Idaho Administrative Bulletin, [Vol. 23-7, pages 104-105](#).

**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 25, 2023.

DATED this 1st Day of September 2023.

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. 39-0222-2301**  
**(Only Those Sections With Amendments Are Shown.)**

**010. DEFINITIONS.**

- 01. Combination of Vehicles.** A tractor or truck tractor and one (1) or more trailers and/or semitrailers. (3-28-23)
- 02. Nonsufficient Funds (NSF).** NSF will be the abbreviation as it pertains to checks written on personal and/or business checking accounts without sufficient funds to cover the check, for payment to the department. (3-28-23)
- 03. Non-Reducible Load.** Defined in IDAPA 39.03.01, Rules Governing Definitions Regarding Special Permits. (3-28-23)
- ~~**04. Quarterly Report.** The form for registrants to report the laden miles traveled on Idaho highways during the preceding three (3) months when transporting non-reducible vehicles/loads under annual overweight/oversize permits. (3-28-23)~~
- 054. Revocation of Registration.** The termination of a registrant's vehicle registrations and authority to operate on Idaho highways for failure to comply with requirements specified by the Department and Idaho Code. (3-28-23)
- 065. Registrant.** A person, firm, or corporation in whose name a vehicle or vehicles are registered, with an Idaho account number assigned by the department. (3-28-23)
- 076. Road Use Fee.** The fee per mile paid for non-reducible vehicles or combinations of vehicles hauling non-reducible loads. The fees are based on the number of axles on the vehicle or combination of vehicles and the total gross weight, in addition to the registration fee. (3-28-23)
- 087. Suspension of Registration.** The temporary withdrawal of a registrant's vehicle registrations and authority to operate on Idaho highways for failure to comply with requirements specified by the Department and Idaho Code. (3-28-23)

~~**011.—099. (RESERVED)**~~

~~**100. QUARTERLY ROAD USE FEE REPORTS FOR ANNUAL OVERWEIGHT PERMITS.**~~

~~To comply with Section 49-1001, Idaho Code, the customer will make quarterly reports of laden only mileage to the department for the movements of non-reducible vehicle/loads, at the appropriate permitted weight level of the annual special permits. These fees are in addition to the registration fees. Mileage and road use fees for single trip special permits are calculated and collected at the time of issuance and are not reported quarterly. (3-28-23)~~

~~**101. QUARTERLY ROAD USE FEE REPORTING.**~~

~~**01. Quarterly Reporting Forms Issued.** The department will generate an online quarterly report form for each valid annual special permit issued to them. (3-28-23)~~

~~**02. Use of Quarterly Reporting Form.** The customer will report each quarter's information on the Department's form with all requested information completed on or before the specified due date, even when reporting zero (0) miles traveled. (3-28-23)~~

~~**a.** If the customer does not receive a quarterly report form or report their information online, it is the customer's responsibility to notify the Department allowing adequate time to submit the report before the due date. (3-28-23)~~



- ~~b. Any report transmitted through the US Postal Service is considered filed and received by the department on the date shown by the post office cancellation mark stamped on the envelope or wrapper containing the report. A postage meter cancellation is not considered as a post office cancellation mark. (3-28-23)~~
- ~~e. If the quarterly report form due date falls on a Saturday, Sunday, or legal holiday, the due date will be extended to the next business day. (3-28-23)~~
- ~~d. Quarterly reports not submitted will result in the account being suspended. (3-28-23)~~

~~102~~011. -- 199. (RESERVED)

# PROPOSED RULE COST/BENEFIT ANALYSIS

Section 67-5223(3), Idaho Code, requires the preparation of an economic impact statement for all proposed rules imposing or increasing fees or charges. This cost/benefit analysis, which must be filed with the proposed rule, must include the reasonably estimated costs to the agency to implement the rule and the reasonably estimated costs to be borne by citizens, or the private sector, or both.

**Department or Agency:** Idaho Transportation Department \_\_\_\_\_

**Agency Contact:** Brendan Floyd \_\_\_\_\_ **Phone:** 208-334-8474 \_\_\_\_\_

**Date:** 8/7/23 \_\_\_\_\_

**IDAPA, Chapter and Title Number and Chapter Name:**

39.02.22 Rules Governing Registration And Permit Fee Administration And Temporary Vehicle Clearance For Carriers

**Fee Rule Status:** X \_\_\_\_\_ **Proposed** \_\_\_\_\_ **Temporary**

**Rulemaking Docket Number:** 39-0222-2301

## STATEMENT OF ECONOMIC IMPACT:

The fees imposed through this rule result in minimal economic impact for the department and its customers. This rule sets forth provisions for installment payments for commercial vehicle registration, establishes a \$40 dollar reinstatement fee for suspended accounts and vehicle registrations, and a \$20 NSF fee.

**IDAPA 39 – IDAHO TRANSPORTATION DEPARTMENT**  
**39.03.01 – RULES GOVERNING DEFINITIONS REGARDING SPECIAL PERMITS**  
**DOCKET NO. 39-0301-2301 (ZBR CHAPTER REWRITE, FEE RULE)**  
**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 and 49-201, Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 18, 2023.

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:

In line with the governor’s [Zero-Based Regulation Executive Order](#), the department is seeking to combine the following commercial vehicle permits rules into a single rule: 39.03.01, 39.03.02, 39.03.03, 39.03.04, 39.03.05, 39.03.06, and 39.03.07. The proposed new title for this single rule is “39.03.01 - Rules Governing Special Permits.” The department proposes a complete repeal of 39.03.02, 39.03.03, 39.03.04, 39.03.05, 39.03.06, and 39.03.07.

Current rule 39.03.01 provides definitions regarding special vehicle permits.

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased: Of these combined rules, only 39.03.03 – Rules Governing Special Permits, is a fee rule. This rule provides that certain permits will impose a road use fee, as set forth through Section 49-1004(2), Idaho Code, and includes a schedule of permit fees through current section 39.03.03.910.04.

**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 5, 2023, Idaho Administrative Bulletin, [Vol. 23-7, pages 104-105](#).

**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 25, 2023.

DATED this 1st Day of September, 2023.

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. 39-0301-2301**  
**(ZBR Chapter Rewrite)**

**39.03.01 – RULES GOVERNING ~~DEFINITIONS REGARDING~~ SPECIAL PERMITS**

**~~000. LEGAL AUTHORITY.~~**

~~This rule is adopted under the authority of Section 40-312, Idaho Code. (3-31-22)~~

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

~~**01. Title.** This rule is titled IDAPA 39.03.01, “Rules Governing Definitions Regarding Special Permits,” IDAPA 39, Title 03, Chapter 01. (3-31-22)~~

~~**02. Scope.** This rule gives the definitions for terms used in rules in IDAPA 39, Title 03 regarding special permitting. (3-31-22)~~

**~~002.—009. (RESERVED)~~**

**~~010. DEFINITIONS.~~**

~~**01. Accessories.** Additional parts of the single item load that have been removed to reduce width, length or height. (3-31-22)~~

~~**02. Administrative Cost.** The government’s cost of processing, issuing and enforcing a permit. (3-31-22)~~

~~**03. Analysis.** A mathematical study of a vehicle or combination of vehicles and the stress they cause over bridges or specific sections of highways conducted by a professional engineer. (3-31-22)~~

~~**04. Annual.** Twelve (12) consecutive months. (3-31-22)~~

~~**05. Automobile Transporter.** See Section 49-102, Idaho Code. (3-31-22)~~

~~**06. Base Width.** The measurement below the eaves of a manufactured home, modular building, or office trailer. (3-31-22)~~

~~**07. Boat Transporter.** See Section 49-103, Idaho Code. (3-31-22)~~

~~**08. Cargo Unit.** A full truck, a semi-trailer, a full trailer, or a semi-trailer converted to a full trailer by means of a dolly or a converter gear mounting a fifth wheel. A dromedary tractor equipped with conventional fifth wheel, not stinger steered, is excluded from the definition of a cargo unit. (3-31-22)~~

~~**09. Convoy.** A group of two (2) or more motor vehicles traveling together for protection or convenience. (3-31-22)~~

~~**10. Department.** Idaho Transportation Department. (3-31-22)~~

~~**11. Designated Agent.** An employee or relative of the farmer. (3-31-22)~~

~~**12. Disabled Vehicle.** A vehicle unable to complete transportation under its own power. (3-31-22)~~

~~**13. Dromedary Tractor.** See Section 49-105, Idaho Code. (3-31-22)~~

- ~~14. **Economic Hardship.** The loss of a substantial amount of money caused by economic changes. (3-31-22)~~
- ~~15. **Emergency Movement.** A vehicle or vehicle combination hauling a load traveling to the site of an emergency for the purpose of aiding in eliminating the emergency. (3-31-22)~~
- ~~16. **Escort Vehicle.** See Pilot Vehicle. (3-31-22)~~
- ~~17. **Excess Weight.** Vehicle combinations hauling reducible loads operating on any highway with total gross loads exceeding eighty thousand (80,000) pounds but not to exceed twenty thousand (20,000) per single axle, thirty four thousand (34,000) per tandem, not to exceed the weight limit for any group of two (2) or more consecutive axles established by Section 49-1001, Idaho Code, and for the front steer axle not to exceed the manufacturer's load rating per tire or the load rating of the axle or twenty thousand (20,000) pounds per axle; whichever is less. The maximum allowable load for all other vehicle tires shall not exceed six hundred (600) pounds per inch width of tire for vehicles manufactured after July 1, 1987, or not to exceed eight hundred (800) pounds per inch width of tire for vehicles manufactured prior to that date as established by Section 49-1002, Idaho Code. (3-31-22)~~
- ~~18. **Extra Length.** Any vehicle combination in excess of the legal limits, but not more than one hundred fifteen (115') feet as established in Section 49-1010, Idaho Code, that normally haul reducible loads. (3-31-22)~~
- ~~19. **Extra Ordinary Hazard.** Any situation where the traveling public's safety or the capacity of the highway system is endangered. (3-31-22)~~
- ~~20. **Farm Tractor.** See Section 49-107, Idaho Code. (3-31-22)~~
- ~~21. **Gross Vehicle Weight.** See Section 49-108, Idaho Code. (3-31-22)~~
- ~~22. **Heavily Loaded.** Exceeding legal weight or hauling a load that obstructs the driver's view. (3-31-22)~~
- ~~23. **Heavy Duty Wrecker Truck.** A motor vehicle designed and used primarily for towing disabled vehicles. (3-31-22)~~
- ~~24. **Height.** The total vertical dimension of a vehicle above the ground surface including any load and load-holding device thereon. (3-31-22)~~
- ~~25. **Implement of Husbandry.** See Section 49-110, Idaho Code. (3-31-22)~~
- ~~26. **Incidentally Operated.** See Section 49-110, Idaho Code. (3-31-22)~~
- ~~27. **Legal.** In compliance with the Idaho Code on size and weight. (3-31-22)~~
- ~~28. **Length.** The total longitudinal dimension of a single vehicle, a trailer, or a semi-trailer. Length of a trailer or semi-trailer is measured from the front of the cargo-carrying unit to its rear, exclusive of all overhang and any appurtenances listed in IDAPA 39.03.03, "Rules Governing Special Permits—General Conditions and Requirements." (3-31-22)~~
- ~~29. **Light Truck.** See Section 49-121, Idaho Code. (3-31-22)~~
- ~~30. **Longer Combination Vehicle (LCV).** Any combination of a truck tractor and two (2) or more trailers or semi-trailers that operate on the National System of Interstate and Defense Highways with a gross vehicle weight (GVW) greater than thirty six thousand two hundred eighty-eight (36,288) kilograms (eighty thousand (80,000) pounds). (3-31-22)~~
- ~~31. **Manufactured Home.** A structure, constructed according to HUD/FHA mobile home construction~~

~~and safety standards, transportable in one (1) or more sections, that, in the traveling mode, is eight (8') body feet or more in width or is forty (40') body feet or more in length, or when erected on site, is three hundred twenty (320) or more square feet, and that is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein, except that such term includes any structure that meets all the requirements of this subsection except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the secretary of housing and urban development and complies with the standards established under 42 U.S.C. 5401 et seq. Similarly constructed vehicles used permanently or temporarily for offices, advertising, sales, display or promotion of merchandise or services are included in this definition. (3-31-22)~~

~~**32. Mobile Home.** A structure similar to a manufactured home, but built to a state mobile home code that existed prior to the Federal Manufactured Housing and Safety Standards Act (HUD Code) dated June 15, 1975. (3-31-22)~~

~~**33. Modular Buildings.** A facility designed as a building or building section that is constructed to standards contained in the Uniform Building Code (UBC), adopted by Section 39-4109, Idaho Code. (3-31-22)~~

~~**34. Non-Reducible.** Any load or vehicle exceeding applicable length or weight limits that, if separated into smaller loads or vehicles, would: (3-31-22)~~

~~**a.** Compromise the intended use of the vehicle, i.e., make it unable to perform the function for which it was intended; (3-31-22)~~

~~**b.** Destroy the value of the load or vehicle, i.e., make it unusable for its intended purpose; or (3-31-22)~~

~~**e.** Require more than eight (8) work hours to dismantle using appropriate equipment. The applicant for a nondivisible load permit has the burden of proof of establishing the number of work hours required to dismantle the load. (3-31-22)~~

~~**35. Off-Tracking.** The difference in the path of the first inside front wheel and of the last inside rear wheel as a vehicle negotiates a curve. (3-31-22)~~

~~**36. Office Trailer.** See definition of Manufactured Homes. (3-31-22)~~

~~**37. Overall Combination Length.** The total length of a combination of vehicles, i.e. truck tractor-semitrailer-trailer combination, measured from front bumper of the motor vehicle to the back bumper or rear extremity of the last trailer including the connecting tongue(s). (3-31-22)~~

~~**38. Overall Length.** The total length of a combination of vehicles, i.e. truck tractor-semitrailer-trailer combination, measured from front bumper of the motor vehicle to the back bumper or rear extremity of the last trailer including the connecting tongue(s) plus any load overhang. (3-31-22)~~

~~**39. Overdimensional.** Any vehicle or load in excess of the limits established in Section 49-1010, Idaho Code. (3-31-22)~~

~~**40. Overhang.** The distance from the end of the vehicle to the end of its load. (3-31-22)~~

~~**41. Overheight.** A vehicle or load in excess of the limits established in Section 49-1010, Idaho Code. (3-31-22)~~

~~**42. Overlength.** Any load non-reducible in length being hauled or towed that is in excess of the limits established in Section 49-1010, Idaho Code. (3-31-22)~~

~~**43. Oversize.** A vehicle or load in excess of the limits established in Section 49-1010, Idaho Code. (3-31-22)~~

- ~~44. **Overweight.** A single vehicle or a vehicle combination hauling or towing a non-reducible load whose weight is in excess of eighty thousand (80,000) pounds and/or legal axle weights. (3-31-22)~~
- ~~45. **Overwidth.** A vehicle or load in excess of the limits established in Section 49-1010, Idaho Code. (3-31-22)~~
- ~~46. **Pilot Vehicle.** Passenger cars or trucks equipped as specified in IDAPA 39.03.05, "Rules Governing Special Permits—Oversize Non-Reducible." (3-31-22)~~
- ~~47. **Reducible Load.** A single item or multiple items for transport that could reasonably be repositioned so that the load conforms to legal size and weight dimensions. The determination of ability to reduce the load primarily depends on the intended disposition of the contents of the load upon delivery to its destination (i.e. made into smaller pieces). (3-31-22)~~
- ~~48. **Single Axle.** An assembly of two (2) or more wheels whose centers are in one (1) transverse vertical plane or may be included between two (2) parallel transverse planes forty (40") inches apart extending across the full width of the vehicle. (3-31-22)~~
- ~~49. **Snowplow.** A device intended for the use of removing snow or ice from road surfaces. (3-31-22)~~
- ~~50. **Special Permit.** A permit issued by the Idaho Transportation Department that authorizes the movement of vehicles or loads on the state highway system in excess of the sizes and weights allowed by Sections 49-1001, 49-1002, or 49-1010, Idaho Code. (3-31-22)~~
- ~~51. **Steering Axle.** The axle or axles on the front of a motor vehicle that are activated by the operator to directly accomplish guidance or steering of the motor vehicle and/or combination of vehicles. (3-31-22)~~
- ~~52. **Stinger-Steered.** A truck-tractor-semi-trailer combination where the kingpin is located five (5) feet or more to the rear of the centroid of the rear axle(s). (3-31-22)~~
- ~~53. **Tandem Axle.** Any two (2) axles whose centers are more than forty (40") inches but not more than ninety-six (96") inches apart and are individually attached to and/or articulated from a common attachment to the vehicle including a connecting mechanism designed to equalize the load between axles. (3-31-22)~~
- ~~54. **Tridem Axle.** Any three (3) consecutive axles whose extreme centers are not more than one hundred forty-four (144") inches apart, and are individually attached to and/or articulated from a common attachment to the vehicle including a connecting mechanism designed to equalize the load between axles. (3-31-22)~~
- ~~55. **Variable Load Suspension Axle.** See Section 49-123, Idaho Code. (3-31-22)~~
- ~~56. **Vocational Vehicle.** A vehicle specifically designed to enable the operator to perform specific tasks none of which are primarily for the purpose of transporting loads. Cranes, loaders, scrapers, motor graders, and drill rigs are examples of vocational vehicles. (3-31-22)~~
- ~~57. **Width.** The total outside transverse dimension of a vehicle including any load or load-holding devices thereon, but excluding any appurtenances listed in IDAPA 39.03.03, "Rules Governing Special Permits—General Conditions and Requirements." (3-31-22)~~
- ~~011—999. (RESERVED)~~

**39.03.01 – RULES GOVERNING SPECIAL PERMITS**

**000. LEGAL AUTHORITY.**

This rule is adopted under the authority of Sections 49-201, 40-312, 49-1001, 49-1002, 49-1004, 49-1005 and 49-1010 Idaho Code. ( )

**001. PURPOSE.**

This rule governs the conditions for issuing special permits. ( )

**003. – 009. (RESERVED)**

**010. DEFINITIONS.**

**01. Analysis.** A mathematical study of a vehicle or combination of vehicles and the stress they cause over bridges or specific sections of highways conducted by a professional engineer. ( )

**02. Annual.** Twelve (12) consecutive months. ( )

**03. Appurtenances.** Rearview mirrors turn signal lamps, splash and spray suppressant devices, awnings on recreational vehicles, load-induced tire bulge, and other non-cargo carrying appurtenances are excluded from the calculation of allowable width. Front-mounted refrigeration units, energy conservation devices, bolsters, mechanical fastening devices, hydraulic lift gates, external front-mounted side curtain rollers, and other non-cargo carrying appurtenances or devices will be excluded from determining allowable length. ( )

**a.** Other appurtenances not listed above are limited to extending three (3) inches on each side or end of a vehicle or load. Other appurtenances may include, but not be limited to, clearance lights, door handles, handholds, window fasteners, door and window trim, moldings, and load securement devices. ( )

**04. Cargo-Carrying Unit.** Any portion of a commercial motor vehicle combination (other than a truck tractor) used for carrying cargo, including a trailer, semitrailer, or the cargo-carrying section of a single-unit truck. The length of the cargo-carrying commercial motor vehicle with two or more such units is measured from the front of the first unit to the rear of the last (including the connecting devices between the units). ( )

**05. Convoy.** A group of two (2) or more motor vehicles traveling together for protection or convenience. ( )

**06. Disabled Vehicle.** A vehicle unable to complete transportation under its own power. ( )

**07. Divisible Load.** Referred to in Title 49, Idaho Code as Reducible. Single or multiple items for transport could reasonably be repositioned so the load conforms to legal size and weight dimensions. Determining the ability to reduce the load primarily depends on the intended disposition of the contents of the load upon delivery to its destination (i.e., made into smaller pieces). ( )

**08. Emergency Movement.** A vehicle or vehicle combination hauling a load traveling to the site of an emergency for the purpose of aiding in eliminating the emergency. ( )

**09. Height.** The total vertical dimension of a vehicle above the ground surface, including any load and load-holding device thereon. ( )

**10. Legal.** In compliance with the Idaho Code on size and weight. ( )

**11. Length.** The total longitudinal dimension of a single vehicle, a trailer, or a semi-trailer. The length of a trailer or semi-trailer is measured from the front of the cargo-carrying unit to its rear, exclusive of all overhang and any appurtenances. ( )

**12. Longer Combination Vehicle (LCV).** Any combination of a truck-tractor and two (2) or more trailers or semi-trailers that operate on the National System of Interstate and Defense Highways with a gross vehicle weight (GVW) greater than thirty-six thousand two hundred eighty-eight (36,288) kilograms (eighty thousand (80,000) pounds). ( )

**13. Modular Buildings.** A facility designed as a building or building section constructed to standards contained in the Uniform Building Code (UBC), adopted by Section 39-4109, Idaho Code. ( )



14. **Non-Divisible.** Referred to in Title 49, Idaho Code as Non-Reducible. Any load or vehicle exceeding applicable length or weight limits that, if separated into smaller loads or vehicles, would: ( )

a. **Compromise the intended use of the vehicle, i.e., make it unable to perform the function for which it was intended; or** ( )

b. **Destroy the value of the load or vehicle, i.e., make it unusable for its intended purpose; or** ( )

c. **Require more than eight (8) work hours to dismantle using appropriate equipment. The applicant for a non-divisible load permit has the burden of proof of establishing the number of work hours required to dismantle the load.** ( )

15. **Off-Track.** The difference in the path of the first inside front wheel and of the last inside rear wheel as a vehicle negotiates a curve. ( )

16. **Overall Length.** The total length of a combination of vehicles, i.e. truck tractor-semitrailer-trailer combination, measured from front bumper of the motor vehicle to the back bumper or rear extremity of the last trailer including the connecting tongue(s) plus any load overhang. ( )

17. **Oversize.** A vehicle or load in excess of the limits established in Section 49-1010, Idaho Code. ( )

18. **Overweight.** A single vehicle or a vehicle combination hauling or towing a load whose weight is in excess of eighty thousand (80,000) pounds and/or legal axle weights. ( )

19. **Single Axle.** An assembly of two (2) or more wheels whose centers are in one (1) transverse vertical plane or may be included between two (2) parallel transverse planes forty inches (40") apart extending across the full width of the vehicle. ( )

20. **Snowplow.** A device intended to remove snow or ice from road surfaces. ( )

21. **Special Permit.** A permit issued by the Idaho Transportation Department that authorizes the movement of vehicles or loads on the state highway system in excess of the sizes and weights allowed by Sections 49-1001, 49-1002, or 49-1010, Idaho Code. ( )

22. **State Roadways.** A collective term referring roadways under the purview of the department, which include United States federal interstate and defense highways, State Highways, and any other local roads covered under an agreement with the department. ( )

23. **Steer Axle.** The axle or axles on the front of a motor vehicle are activated by the operator to directly accomplish guidance or steering of the motor vehicle and/or combination of vehicles. ( )

24. **Tandem Axle.** Any two (2) axles whose centers are more than forty inches (40") but not more than ninety-six inches (96") apart and are individually attached to and/or articulated from a common attachment to the vehicle, including a connecting mechanism designed to equalize the load between axles. ( )

25. **Tridem Axle.** Any three (3) consecutive axles whose extreme centers are not more than one hundred forty-four inches (144") apart, and are individually attached to and/or articulated from a common attachment to the vehicle, including a connecting mechanism designed to equalize the load between axles. ( )

26. **Vocational Vehicle.** A vehicle specifically designed to enable the operator to perform specific tasks, none of which are primarily to transport loads. Cranes, loaders, scrapers, motor graders, and drill rigs are examples of vocational vehicles. ( )

27. **Width.** The total outside transverse dimension of a vehicle, including any load or load-holding devices thereon, excludes any appurtenances. ( )

**28. Wrecker Truck.** A motor vehicle designed and used primarily for towing disabled vehicles ( )

**011. – 099. (RESERVED)**

**Subchapter A – General Permit Provisions**

**100. DEPARTMENT AUTHORITY AND RESPONSIBILITY.**

**01. Primary Concern.** The Department’s primary concern, in the issuance of special permits, will be the safety and conveyance of the general public and the preservation of the highway infrastructure. ( )

**02. Permit Issuance.** The Department will, in each case, predicate the issuance of a special permit on a reasonable determination of the necessity and feasibility of the proposed movement. Permits will be issued to specific vehicles. ( )

**03. Special Permit.** The special permit authority of the Department will cover travel on state roadways only, unless the Department has an existing agreement under subsection 004 of this rule. Special permits issued by the Department will be valid only on completed sections of state roadways, as described on the permit by route number or otherwise. The right to use county highways or city streets is neither granted nor implied. The special permit authority of the Department will include those sections of state roadways within corporate limits of cities and towns. Still, it will not include sections of state roadways intersecting with local highways, when travel is occurring on the local highway(s). Additionally, it will not release the permittee from complying with other existing laws, local ordinances, or resolutions which may also govern their movement. Contractors hauling loads within the limits of state highway construction projects do not require special permits, but the loads must comply with the weight limits specified in the state highway contract. ( )

**04. Offices For Issuance Of Special Permits.** The Department will make access to permits available electronically, over the phone, and in person at Ports of Entry, as practicable. ( )

**101. LOCAL HIGHWAY JURISDICTION AUTHORITY.**

Local Highway Jurisdictions. At their discretion, a Local Highway Jurisdiction may enter into an agreement with the Department to allow for the issuance of special permit to include travel on that local jurisdiction controlled highways. ( )

**102. PERMITTEE RESPONSIBILITY.**

**01. General Responsibilities.** The permittee will determine and declare the gross weight, distribution of weight, and the dimensions of the vehicle and load and submit all other required information before issuance of the permit. Accepting 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 will be deemed an unequivocal assurance that he has complied, or will comply with all operating, licensing, and financial responsibility requirements. ( )

**02. Application for Special Permits.** Applications can be completed Online, at Ports of Entry, or with the Commercial Vehicle Services. ( )

**a.** An application must be submitted for all special permits. Applicants must provide all the information requested by the department to assist in the determination of the necessity of the proposed movement and the need for an engineering determination of the feasibility of the proposed movement. ( )

**03. Permit to Be Carried in Vehicle.** The special permit must be carried or available electronically in the vehicle to which it refers during the time of movement and, upon demand, be delivered for inspection to any peace officer or authorized agent of the Idaho Transportation Board or any officer or employee charged with the care and protection of the public highways. ( )

**04. Basic Limitations Will Not Be Exceeded.** Special permits will not be issued for vehicles or loads in excess of the maximum limitations of size or weight, or that otherwise exceed the limitations for loads as set forth in these rules unless an exception is made by the Transportation Board, or as otherwise provided herein. ( )

**05. Insurance For Extraordinary Hazards.** Evidence of insurance is required when necessary because loads create an extraordinary hazard to the traveling public or to protect the public investment when a load presents an extraordinary hazard to the highway system. In such cases of extraordinary hazard to the roadway or structures, the Department may require insurance in such amount as to cover the maximum damage that could be expected to occur to the highway, with the permittee also required to reimburse the Department for any engineering required to ascertain the extent of damages, if any, occurring to the roadway during the movement of the excessive load. ( )

**06. Hazardous Travel Conditions Restrictions.** Extreme caution in the operation of a special-permitted vehicle will be exercised when hazardous conditions exist. The driver of a permitted vehicle is responsible for checking the conditions of the permitted route before travel. The movement of vehicles or loads operating on valid permits will automatically become invalid en route when: ( )

**a.** The Idaho Transportation Department, Idaho State Police, or other law enforcement office determines and provides public notice by any available means that a hazardous road condition exists. ( )

**b.** The driver reasonably knows that hazardous road conditions exist along route. ( )

**c.** Whenever a road is marked “Difficult” on 511 or as having a hazardous condition. ( )

**d.** Hazardous road conditions may include, but are not limited to: ( )

**i.** Loss of traction on roadways due to ice, snow, frost, excessive water, or mud; ( )

**ii.** Whenever a roadway is under conditions of wind over forty (40) mph; ( )

**iii.** Visibility is less than five hundred (500) feet due to snow, rain, smoke, dust, or fog; ( )

**iv.** Whenever a roadway becomes obstructed due to snow, water, mud, rocks, or other debris; or ( )

**v.** Whenever a roadway is subject to a natural disaster or emergency. ( )

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

**103. SAFETY INSPECTION REQUIREMENTS FOR PERMITTED VEHICLES AND/OR LOADS.**

**01. Inspections.** All vehicles, tractors, trailers, and dolly converters operating under the authority of a special permit issued by the Department must have a valid annual inspection when a permit is issued. The inspection will be completed in compliance with 49 CFR Part 396.17 and any other applicable Federal Motor Carrier Safety Administration regulations. ( )

**02. Inspectors.** Inspectors completing required annual inspections will meet the certifications requirement in 49 CFR 396.19 and brake inspector qualification in 49 CFR 396.25. ( )

**03. Drivers.** All drivers will meet the special training requirements for Longer Combination Vehicles as outlined in 49 CFR Part 380. ( )

**04. Motor Carriers.** By applying for a special permit, motor carriers self-certify that they have performed inspections as set forth in 49 CFR Part 396.17. ( )

**05. Exemption.** Oversize vehicles and/or loads operating under an exemption outlined in Section 67-

2901B (2), Idaho Code, are exempt from this safety inspection requirement. ( )

**104. EQUIPMENT REQUIREMENTS FOR PERMITTED VEHICLES.**

**01. Brakes.** Brakes will meet the Federal Motor Carrier Safety Regulations and be maintained to the Federal Motor Vehicle Safety Standards No. 121 in effect when the commercial motor vehicle was manufactured. ( )

**02. Lighting For Loads Traveling In Low Visibility.** Those over-width vehicles and/or loads traveling thirty (30) minutes after sunset to thirty (30) minutes before sunrise or when general visibility is less than five hundred (500) feet will be required to display lights to mark the vehicle and/or load extremities. These lights are in addition to the clearance lights required on legal-size vehicles when traveling at night. ( )

**a.** The lights may be flashing or steady burning. ( )

**b.** Lights visible from the front of the oversize vehicle and/or loads and the extremities in the middle or near the front of the oversized vehicle and/or load will be amber. ( )

**c.** Lights visible from the back of the over-width vehicle and/or load and the extremities near the back of the oversized vehicle and/or load will be red. ( )

**03. Lights on Rear Overhang.** Lights are required when the rear overhang exceeds the end of the trailer by four (4) feet or more to show the maximum width of the overhang. Overhang lighting should be as follows: ( )

**a.** If the overhang is two feet (2') wide or less, only one (1) light is required on the end of the overhang. ( )

**b.** If the overhang is over two feet (2') wide, two (2) lights are required on the end of the overhang. ( )

**04. Flagging For Overhang On Vehicles Or Loads.** Warning flags are required on all over-width vehicles and/or loads, and when the rear overhang exceeds the end of the trailer by four feet (4') or more. Warning flags must: ( )

**a.** Have a minimum size of eighteen inches (18") by eighteen inches (18"); and ( )

**b.** Be red or fluorescent orange in color. ( )

**c.** If the overhang is two feet (2') wide or less, only one (1) flag is required on the end of the overhang. If the overhang is over two feet (2') wide, two (2) flags are required on the end of the overhang to show the maximum width of the overhang. ( )

**05. Signing.** Oversize load signs will be required on all vehicles and/or loads exceeding legal width. Signs will not be displayed when the vehicle is empty and of legal dimensions. Signs will meet the following requirements: ( )

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

**b.** Signs will be displayed on the front or the roof top of the towing vehicle and the rear of the oversize load, or on the front and back or the roof top of self-propelled oversize vehicles. ( )

**06. Axles.** All axle types adjacent to an axle grouping, which exceeds the applicable weight allowance in Section 49-1001 or 49-1004, Idaho Code, must be fully deployed while operating on State roadways. ( )

**105. WAIVER OF LIMITATIONS FOR EMERGENCY MOVEMENTS.**

**01. Board Authority.** Notwithstanding other provisions of this rules, the Idaho Transportation Board may waive existing permit policy limitations in an emergency, subject to such limitations or special requirements as the Board may impose. ( )

**02. Military Emergency Affecting National Security.** Any movement by or for a military or other government agency which is in excess of permit policy maximum limits of weight or size or which is otherwise outside established rules must be certified as a military necessity involving national security before receiving any special consideration to provide any waiver of normal permit rules. Certification of military necessity must be made by an official designated as having such authority by the Department of Defense Directory, issued by the Office of the Chief of Transportation, Department of Army. All applications for military emergency movements must be channeled through the Commercial Vehicle Services within the Department. ( )

**03. Emergencies Endangering the Public Health, Safety, or Welfare, Including but Not Limited to Fire, Flood, or Earthquake.** During an emergency endangering public health, safety, or welfare, there may be an urgent and immediate need for equipment. It will not be in the public interest to require a special permit to be in the vehicle before an oversize movement. Verbal approval to proceed without a special permit in the vehicle may be obtained from the Commercial Vehicle Services or an Idaho Port-of-Entry. Once the emergency movement is completed, a formal application for a special permit must be submitted to Commercial Vehicle Services. ( )

**04. Emergency Movement of Implements of Husbandry.** It will be considered an emergency when an implement of husbandry being operated on an official state holiday or a weekend breaks down and a dealer brings replacement equipment to the farmer that exceeds legal height, length, and weight. Verbal approval to proceed without a special permit in the vehicle may be obtained from Commercial Vehicle Service on-call staff. That verbal authorization may include escort vehicle requirements based on the travel route and the load's dimensions. Once the emergency movement is completed, the permittee will formally apply for a permit with Commercial Vehicle Services on the first working day after the occurrence. ( )

**05. Economic Emergencies.** When a circumstance occurs in which an economic hardship is expected to result due to the application of existing rules or limitations, the Transportation Board may consider a petition for the temporary waiver of those rules or limitations which are perceived as being the cause of such economic hardship. ( )

**106. SPRING BREAKUP SEASON LOAD RESTRICTIONS.**

**01. Authority.** The Department will have the authority to impose restrictions on sections of State roadways in order to ensure the safe travel for the citizens of Idaho and to protect the infrastructure of the state during periods of severe spring breakup. The Department, as much as practicable, will maintain standard load limits on these roads unless conditions are such that severe breakup will result. ( )

**02. Spring Breakup Restrictions.** Depending upon the type of road construction, stability of the roadway, reduction in load bearing capacity, the amount of moisture, temperature conditions, and severity of frost heaves and breakup, routes or sections of routes may have restrictions applied by the department. A freeze-up of the pavement may temporarily restore the load-bearing capacity after a section has been posted for load and speed restrictions. ( )

**03. Maximum Weight Restriction.** The possible restrictions on maximum weight may be one (1) of the following: ( )

**a.** Sixteen thousand (16,000) pounds on any axle; or ( )

**b.** Fourteen thousand (14,000) pounds on any axle; or ( )

**c.** Twelve thousand (12,000) pounds on any axle. ( )

**04. Weight Limits Based On Tire Sizes.** In administering load limits based on tire sizes or width of tires, credit for tubed tires will be based on the manufacturer's width marked on the tire; for example, a ten-point

zero-zero by twenty-four (10.00 x 24) tire will be given credit for ten inches (10") of tire width. Tubeless tires will be credited for the width of the conventional tubed tires they replace. ( )

**05. Width Restrictions.** When a weight restriction is applied under Subsection 106.02 of this section it will automatically restrict the width allowed by a special permit on two lane road. On any two (2) lane section of state roadways restricted to less than legal weight, the maximum width by the special permit will be restricted to twelve feet six inches (12'6") during the weight restriction period. ( )

**06. Speed Restrictions.** When a weight restriction is applied under Subsection 106.02 of this section it will automatically restrict the speed of some vehicles. Trucks and buses with a gross weight of ten thousand (10,000) pounds or more will be restricted in critical areas to a maximum speed of thirty (30) miles per hour. Red and green markers will mark restricted speed zones. A red marker will mean speed is restricted to thirty (30) miles per hour, and a green marker will mean that legal speed may be resumed. These markers will generally be attached to existing highway signposts and, when properly used, will afford protection to the highway subgrade and surface and speed traffic flow. ( )

**07. Suspended Weight Limits.** Normal overweight special permit limits may be suspended on all highways in the areas where spring breakup restriction are in force. ( )

**08. Weight Restrictions.** The department is authorized to issue special permits to overweight vehicles in areas with spring breakup restrictions as long as all of the following conditions are met: ( )

**a.** Minimum tire width on all tires is ten inches (10") or larger, and; ( )

**b.** Maximum axle weight on any single axle having two (2) single wheels will not exceed ten thousand (10,000) pounds, and; ( )

**c.** Maximum axle weight on any single axle having four (4) or more tires will not exceed fourteen thousand (14,000) pounds, and; ( )

**d.** Permit is being requested for a non-divisible loads. ( )

**09. Temporary Waiver of Spring Breakup Restrictions.** The department may temporarily waive the spring breakup restrictions by posting GREEN markers on the speed limit signs and other signs, if appropriate, within a section of the highway posted with restrictions. This may occur in the event that a freeze-up of the pavement may temporarily restore the load-bearing capacity after a section has been posted for load and speed restrictions or for other circumstances. ( )

**10. Spring Breakup Restriction Waivers.** The department may allow exceptions to the spring breakup weight restrictions for emergency and critical service vehicle(s), i.e. fire trucks, heating fuel trucks, and other such service vehicles that are critical to the health and safety of the public. Documentation of special allowance will be in writing from the department and must be carried in the vehicle. ( )

**11. Restriction Signage.** The department will sign and mark affected state highways the day before the weight and/or speed restrictions are in effect. The weight and/or speed restrictions will be enforced the day after signs and marks are posted. ( )

**107. PERMITTING FEES AND COSTS.**

**01. Special Permit Fees To Be Borne By Permittee.** The movement of oversize or overweight vehicles or vehicles with special loads is a privilege not afforded to every highway user. The administrative cost incurred in the processing, issuing, and enforcing of special permits will be borne by such permittees and not by the general traveling public through the expenditure of highway user funds. Special permits issued for non-divisible, overweight vehicles and/or loads will be charged a road use fee as set forth in Section 49-1004(2), Idaho Code. Tax-supported agencies are required to obtain special permits if their loads exceed the sizes or weights stated in Idaho Code, but they are exempt from paying fees for the permits. ( )

- 02. Payment of Fees.** Permit fees are due at the time of issuance. ( )
- 03. Refund.** Permit fees are not refundable once they have been processed into the Department's accounting system unless the permittee contacts Commercial Vehicle Services no more than two (2) working days (during office hours) following the start date of the special permit or the Department issued the special permit in error. ( )
- 04. Permit Costs.** Special permit fees listed below are intended to cover the administration cost and are subject to periodic change depending on costs incurred in processing, issuance, and enforcement of special permit rules. ( )
- 05. Current Schedule of Fees.** ( )
- a. Following Permits are thirty dollars (\$30):** ( )
- i. Oversize only, single trip.** ( )
- b. Following Permits are thirty-three dollars (\$33):** ( )
- i. Overweight/Oversize or Overweight (non-divisible) single trip.** ( )
- c. Following Permits are forty-five (\$45):** ( )
- i. Annual Divisible Loads;** ( )
- ii. Cylindrical hay bales, two (2) wide;** ( )
- iii. Multiple width loads of kiln stacked lumber;** ( )
- iv. Divisible loads, up to and including fifteen feet (15') high;** ( )
- v. Disabled Vehicle;** ( )
- vi. East port/Canadian Weight;** ( )
- vii. Economic Emergency Waiver;** ( )
- viii. Oversize (non- divisible) including, but not limited to, annual Manufactured homes, modular buildings, and office trailers permits, farm tractors exceeding nine feet (9') width on Interstate and implements of husbandry, Snowplow, multiple width loads of crane booms, and multiple width loads of conveyor units;** ( )
- ix. Extra Length/Weight annual, authority to exceed eighty thousand (80,000) lbs. with divisible loads up to one hundred twenty-nine thousand (129,000) pounds, or exceeding the length limits imposed in Section 49-1010, Idaho Code, forty-five dollars (\$45).** ( )
- d. Following permits are one hundred twenty-eight dollars (\$128):** ( )
- i. Overweight/Oversize (non-divisible) annual.** ( )
- e. Reissuance or transfers of a permit is fifteen dollars (\$15).** ( )
- 06. Online Discount.** Annual special permits purchased online will be five dollars (\$5) less than the listed price in Subsection 107.05 of this section. ( )
- 07. Additional Fees.** The Department may require reimbursement of actual costs incurred for extraordinary services provided, incidental and necessary to the planning and/or movement of loads that require a special permit moving under the requirements of a traffic control plan. ( )



**108. REVOCATION OF PERMIT FOR NON-COMPLIANCE WITH PROVISIONS OF THE PERMIT.**

**01. Disqualification of Permits.** Any issued permit will become invalid, and the cited vehicle may be disqualified from reissuance of permits if convicted of the following: ( )

**a.** The vehicle combination does not satisfy the requirements of Federal Motor Carrier Safety Regulations Part 393. ( )

**b.** The vehicle violates permitting conditions (other than weight) for the following: ( )

**i.** Failure to travel on Extra Length or Up to 129,000 Pound designated routes. ( )

**ii.** Failure to properly display flags and/or signs. ( )

**iii.** Failure to provide the correct number of pilot cars and/or proper placement. ( )

**iv.** Failure to provide lighting for travel during hours of darkness. ( )

**v.** Failure to travel during the hours of operation as specified on the permit. ( )

**vi.** Failure to comply with wind velocity requirements when moving manufactured housing, office trailers, and modular buildings. ( )

**vii.** Failure to comply with 511 advisories for hazardous travel conditions. ( )

**c.** The vehicle violates weight limits under Section 49-1001(1), (2), and (9), Idaho Code, as follows: ( )

**i.** Single, tandem, tridem, quad, or other axle groups weight is more than fifteen percent (15%) over. ( )

**ii.** Gross or bridge weight is more than seven percent (7%) over. ( )

**d.** The motor carrier has violated an Out-of-Service order by the Federal Motor Carrier Safety Administration as described in Part 386 (386.73) of the Federal Motor Carrier Safety Regulations. ( )

**02. Permit Revocation Process.** A copy of the judgment of conviction from the court and the special permit authorizing operation must be provided to Commercial Vehicle Services by enforcement personnel. Paperwork will be reviewed for compliance with the provisions of this rule, and, if met, notification will be sent to the company informing them of the pending revocation that will occur within ten (10) days of the letter being issued. ( )

**03. Disqualification Periods.** When a permit has become invalid, the vehicle identified on the invalidated permit may be disqualified for reapplication for a permit for a period of thirty (30) days after the first violation, for a period of six (6) months after the second violation, and for a period of one (1) year after the third violation. ( )

**04. Penalties.** In addition to revocation of permits as authorized in this rule, the permittee will be subject to all applicable penalties provided by law with regard to the provisions violated. ( )

**109. RESPONSIBLE FOR INJURY TO PERSONS OR PROPERTY.**

The permittee will assume all responsibility for injury to persons or damage to public or private property caused directly or indirectly by the transportation of a vehicle or vehicle and load under special permit; and will hold harmless the Department and all its officers, agents, employees, and servants from all suits, claims, damages or proceedings, of any kind, as a direct or indirect result of the transportation of the vehicle or vehicle with a load that requires a special permit. ( )



**110. – 199. (RESERVED)**

**Subchapter B – Divisible Load Permits**

**200. GENERAL WEIGHT REQUIREMENTS AND CONDITIONS.**

**01. Permit Types to Exceed Eighty Thousand Pounds Gross Weight.** Permits will be issued for vehicle combinations operating on Interstate and national network highways with total gross loads exceeding eighty thousand (80,000) pounds but not to exceed twenty thousand (20,000) per single axle, thirty-four thousand (34,000) pounds per tandem, and not to exceed the weight limit for any group of two (2) or more consecutive axles established by Section 49-1001, Idaho Code. ( )

**a. Extra Length/Excess Weight Permit Up to One Hundred Twenty-Nine Thousand (129,000) Pounds.** Except that, no vehicle combination weighing more than one hundred five thousand five hundred (105,500) pounds will operate on local highways contrary to the provisions of Section 49-1004A, Idaho Code, and this rule. ( )

**b. Extra Length/Excess Weight Permit Up to One Hundred Twenty-Nine Thousand (129,000) Pounds.** Gross weight not to exceed one hundred twenty-nine thousand (129,000) pounds on designated routes, as specified in Section 49-1004 and Section 49-1004B, Idaho Code. ( )

**201. DESIGNATED ROUTES FOR EXTRA-LENGTH VEHICLE COMBINATIONS UP TO ONE HUNDRED TWENTY-NINE THOUSAND (129,000) POUNDS.**

**01. Designated Routes for Vehicle Lengths and Weights.** All designated state-approved routes for vehicle combinations to operate at lengths and weights above one hundred five thousand five hundred (105,500) pounds will be identified on the “Designated Extra Length Excess Weight up to 129,000 Pound Map” which is available online and Ports of Entry. ( )

**02. Requests To Add Routes.** Routes not currently designated to operate at up to one hundred twenty-nine thousand (129,000) pounds and maintained under the purview of the department may be requested to be added. The request process is as follows: ( )

**a. Requestor will complete the request form (ITD 4886) and submit the completed form to the Idaho Transportation Department Office of the Chief Engineer. The requestor will forward the form to the adjacent local jurisdictions.** ( )

**b. Once submitted, the request will be reviewed for completeness and the department will complete an analysis for engineering and safety criteria. The criteria will include an assessment of pavement and bridges to allow legal tire, axle, and gross weight limits as per Section 49-1001 and 49-1002, Idaho Code, and route off-track requirements, including road width and curvature. Additional consideration will be given to traffic volumes and other safety factors.** ( )

**c. Once the analysis is completed, the request will be submitted to the Chief Engineer, who will report to the Idaho Transportation Board Sub-committee.** ( )

**d. The Idaho Transportation Board Sub-committee will make a recommendation (approve, reject, or request additional information) to the Idaho Transportation Board based on the Department's analysis.** ( )

**e. If the Idaho Transportation Board recommends approval or denial, it will instruct the Chief Engineer to issue a letter of determination. An adverse person may contest the letter of determination and request a hearing. The hearing will be conducted pursuant to the Idaho Administrative Procedures Act, Title 67, Chapter 52, Idaho Code.** ( )

**f. The Chief Engineer or designee will conduct the hearing(s) and make a determination after the hearing(s) are held. Following the determination, the Chief Engineer will issue Findings and a Preliminary Order, hereafter referred to as Preliminary Order.** ( )

**g.** The Department will notify the requestor of the Chief Engineer’s Preliminary Order and post to the Idaho Transportation Department Web site. ( )

**h.** An appeal of the Preliminary Order may be made pursuant to the Idaho Administrative Procedures Act, Title 67, Chapter 52, Idaho Code. The appeal will be made to the Director of the Idaho Transportation Department. ( )

**03. Local Highways Approved Routes.** Local routes will be added or removed on the “Designated Routes Up to 129,000 Pound Map” when information and approval is provided to the Department by the local jurisdiction having authority over the local route. ( )

**202. OPERATING REQUIREMENTS FOR EXTRA-LENGTH/EXCESS WEIGHT PERMITS UP TO ONE HUNDRED TWENTY-NINE THOUSAND (129,000) POUNDS VEHICLE COMBINATIONS.**  
All vehicle combinations will be subject to the following conditions, limitations, and requirements: ( )

**01. Cargo Carrying Units.** Vehicle combinations operating with an overall length in excess of the limits imposed in Section 49-1010, Idaho Code, will consist of not more than four (4) units, will not exceed one hundred fifteen (115) feet overall, and no such vehicle combination will include more than three (3) cargo units except that a full truck and full trailer may have an overall length in excess of seventy-five (75) feet but not in excess of eighty-five (85) feet including load overhang. ( )

**02. Power Unit.** The power unit of all vehicle combinations will have adequate power and traction to maintain a minimum of twenty (20) miles per hour under normal operating conditions on any up-grade over which the combination is operated. ( )

**03. Connecting Devices.** Fifth wheel, drawbar, and other coupling devices will be as specified by Federal Motor Carrier Safety Regulations, Part 393. ( )

**04. Trailer Weight Sequence.** In any extra-length combination, the respective loading of any trailer will not be substantially greater than the weight of any trailer located ahead of it in the vehicle combination. (Substantially greater will be defined as more than four thousand (4,000) pounds heavier.) ( )

**05. Operating Restrictions.** Operators of all vehicle combinations governed by this rule will comply with the following operating restrictions: ( )

**a.** A minimum distance of five hundred (500) feet will be maintained between combinations of vehicles except when overtaking and passing. ( )

**b.** Except when passing another vehicle traveling in the same direction, the combination will be driven so as to remain at all times on the right hand side of the centerline of a two (2) lane, two (2) way highway, or on the right hand side of a lane stripe or marker of a highway of four (4) or more lanes. ( )

**203. SPECIAL PERMITS FOR OPERATIONS OF EXTRA-LENGTH/EXCESS WEIGHT PERMIT UP TO ONE HUNDRED TWENTY-NINE THOUSAND (129,000) POUNDS VEHICLE COMBINATIONS.**

**01. Permit Attachments.** All vehicles in operation are allowed to travel under the authority of special permits issued to the power unit. A copy of the rule, and gross loads tables will accompany and be part of all annual extra-length/excess weight, up to one hundred twenty-nine thousand (129,000) pound permits. Operations are valid only on routes of the state highway system designated for such purposes as set forth on the “Extra Length Map” or the “Designated Routes Up to 129,000 Pound Map,” which will accompany the permit. ( )

**a.** The operator of any extra-length, excess weight, and up to one hundred twenty-nine thousand (129,000) pound vehicle combination will complete the Idaho Off-Track Computation Form to provide internal dimensions of the combination and computation of off-track as evidence of compliance with maximum off-track requirements specified for the designated route being traveled. The completed Idaho Off-Track Computation Form, when required, will be available for inspection by enforcement officers with the permit for the vehicle combination.

When the Idaho Off-Track Computation Form is required, the permit will be invalid until the form is completed and available for inspection. ( )

**02. Exceeding Allowed Length and/or Idaho Off-Track Limitations.** Extra-length/excess weight permit up to one hundred twenty-nine thousand (129,000) pound vehicle combinations apprehended for exceeding allowed length and/or off-track limitations as set forth in this rule is subject to the following course of action: ( )

**a.** The vehicle combination will be escorted by the officer to the first safe parking location; and ( )

**b.** The driver of the vehicle combination will be issued a single trip, one (1) day permit via a specified route to the nearest permitted route. The condition of this permit will require an advance pilot/escort vehicle to escort the vehicle combination, and the pilot/escort vehicle will meet the pilot/escort vehicle requirements. ( )

**204. PERMITS FOR MULTIPLE-WIDTH OR MULTIPLE-HEIGHT LOADING.**

**01. Cylindrical Hay Bales.** Special permits may be issued for overwidth transportation of cylindrical hay bales that may be loaded two (2) bales wide and two (2) bales high not exceeding eleven feet six inches (11'6") wide. Hauling vehicles may not exceed sixty eight feet (68') of trailers, including connecting tongue or eighty feet (80') overall length. Operation of such overwidth loads will be subject to the same time of travel and other safety requirements of non-divisible overwidth loads. ( )

**02. Divisible Height Loads.** Special permits may be issued to allow the transportation of divisible loads in excess of fourteen (14') feet high but not in excess of fifteen (15') feet high on designated highways. The vehicle height must not exceed fourteen (14') feet. A vertical clearance map is available at the Port of Entry and online. ( )

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

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

**205. – 299. (RESERVED)**

**Subchapter C – Non-Divisible Load Permits**

**300. RESPONSIBILITY OF THE PERMITTEE.**

**01. Certification Load Is Non-Divisible.** Upon application, the permittee must certify that steps have been taken to reduce the dimensions, weight, and/or load, involved in the movement. ( )

**02. Required Stops.** All oversize vehicles are required to stop at all POE sites for inspection. ( )

**03. Map Resources.** The Pilot/Escort Vehicle Travel and Vertical Clearance of Structures Map available online and Ports of Entry. ( )

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

**05. Registration.** Any vehicle hauling or towing non-divisible 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 not from weight limitations. ( )

**06. Overweight Permit Requirements.** Overweight permits will be issued for non-divisible 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, which is a part that can be removed 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. ( )

**a. 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 this rule must operate by approved single trip permit. ( )

**07. Maximum Tire Weights.** The maximum overweight levels will not exceed eight hundred (800) pounds per inch width of tire. ( )

**08. Protection of Facilities.** The permittee will be responsible for the protection of signposts, guideposts, delineators, and may be required to post bond to cover the costs of repairs or replacements of such facilities. ( )

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

**a. Width exceeds eighteen (18) feet; or** ( )

**b. Length exceeds one hundred fifty (150) feet; or** ( )

**c. Height exceeds sixteen (16) feet.** ( )

**10. Traffic Control Plan Preparation.** The traffic control plan will be prepared by a licensed engineer or an American Traffic Safety Services Association (ATSSA) certified traffic control supervisor and include the following information: ( )

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

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

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

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

**11. Bridge Analysis.** After the completion of district approval and/or bridge analysis, additional traffic control plans may be required. The Department may require traffic control plans based on route and load considerations. ( )

**12. Loading And Parking on State Highway.** The permitted vehicle will not be loaded, unloaded, or parked upon any State roadway, except for emergencies, without the specific permission or by direction of the Department or policing agency having jurisdiction over such highway. ( )

**301. OVERWIDTH HAULING VEHICLES, RESTRICTIONS.**

**01. Width of Hauling Equipment.** Special permits may be issued for trailers up to ten feet (10') wide

hauling non-divisible loads smaller than the trailer. The issued permit will be valid for the laden and unladen movement. ( )

**02. Load Dimensions.** Any load exceeding the dimensions of the trailer will be non-divisible 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 will be restricted to loads requiring an overwidth hauling vehicle and the backhaul permit will be for the unladen vehicle. ( )

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

**302. 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 sixteen feet six inches (16'6") feet high must contact local utility company(s) for approval and assistance with power lines. ( )

**303. INSURANCE AND BONDING REQUIREMENTS.**

**01. Insurance.** The permittee when hauling buildings fourteen feet (14') or more in width will be required to carry evidence of insurance in the permitted vehicle in the same minimum amounts as is necessary 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. 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. ( )

**304. 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 will not exceed four (4) oversize loads or vehicles between pilot/escort vehicles. Maximum width of units in a convoy will be limited to fourteen (14') feet wide on black-coded routes of the Pilot/Escort Vehicle Travel and Vertical Clearance of Structures Map and to twelve feet six inches (12'6") on red-coded routes of the Pilot/Escort Vehicle Travel and Vertical Clearance of Structures 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 will 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 Travel and Vertical Clearance of Structures 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 will 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 will 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 will 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 Travel and Vertical Clearance of Structures Map. Minimum spacing of approximately one thousand (1,000') feet will be maintained between all units in a convoy except when a pilot/escort is necessary to control traffic in turning movements. Maximum length of units in a convoy will 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 Travel and Vertical Clearance of Structures Map and one hundred twenty (120') feet on the interstate. ( )

**305. TIME OF TRAVEL RESTRICTIONS FOR OVERSIZE LOADS.**

**01. Red-Coded Routes.** Daylight travel until 2 p.m. on Friday or the day before a holiday, as identified in Subsection 305.04 of this section, no travel is allowed on Saturday or Sunday. Single-trip permits may allow travel during different time periods. Travel may resume at sunrise on Monday or the day following a holiday. ( )

**02. Black-Coded Routes.** Loads not over twelve (12) feet wide, one hundred twenty (120) feet long, and fifteen (15) feet high may travel twenty-four (24) hours per day, seven (7) days per week. Loads in excess of any of the preceding dimensions are required to follow the Pilot/Escort Vehicle Travel and Vertical Clearance of Structures Map restrictions and are limited to traveling before 4:00 p.m. on the day preceding a holiday. Travel may be resumed at sunrise on the day following the holiday. ( )

**03. Interstate.** Loads not over twelve (12) 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; otherwise, follow the Pilot/Escort Vehicle Travel and Vertical Clearance of Structures Map for restrictions. ( )

**04. Holidays.** The following days are designated as holidays: ( )

**a.** New Year's Day; ( )

**b.** Memorial Day; ( )

**c.** Independence Day; ( )

**d.** Labor Day; ( )

**e.** Thanksgiving; and ( )

**f.** Christmas. ( )

**05. Movement of Buildings.** Excessively oversize loads may have additional restrictions to time of travel applied. At the discretion of the Department, movement of loads may be approved between 2 a.m. and sunrise to avoid traffic issues. ( )

**06. Special Circumstances.** Other time of travel restrictions may be noted on the permit due to special circumstances. ( )

**07. Overlength Restrictions.** Oversize vehicles operating under the authority of a special permit that exceeds 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. ( )

**08. Heavy Commuter Traffic Restrictions.** The movement of oversize permitted vehicles or loads which are more than thirteen (13) feet in width are prohibited from movement on State Roadways at times of heavy commuter traffic. Unless otherwise defined on the permit, the times of heavy commuter traffic will be 6:00 a.m. to

9:00 a.m., and 4 p.m. to 6:30 p.m. local time, 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 will appear either on the face of the permit or in the attachments for annual permits. The location of heavy commuter occurs at the identified mile posts or within one (1) mile of the city limits of the following cities: ( )

**a.** Boise valley - I-84, MP 26 to MP 59; ( )

**b.** Coeur d'Alene – I-90, MP 0 to MP 17; ( )

**c.** Eagle; ( )

**d.** Emmett; ( )

**e.** Garden City; ( )

**f.** Idaho Falls – I-15 MP 115 to MP 121; ( )

**g.** Middleton; ( )

**h.** Pocatello valley – I-15 MP 67 to MP 74 and I-15B MP 0 to MP 5.5 and I-86 MP 58 to MP 63 and US-30 MP 331 to MP 336 and US 91 MP 100 to MP 103 and US 91 MP 77 to MP 82; ( )

**i.** Star; and ( )

**j.** Twin Falls - US 93 MP 41 to MP 53. ( )

**09.** **Heavy Commuter Lane Restriction.** Authorized oversize permitted vehicles operating during hours of heavy commuter traffic will be restricted to the furthest right-hand lane. ( )

**10.** **Emergency Vehicles.** Emergency movement of vehicles/loads responding to imminent hazards to persons or property will be exempt from the provisions of this section. ( )

**11.** **Additional Department Approval and Allowance for Approval Time.** Department approval may require up to twenty-four (24) working hours. Additional Department approval is required when vehicles or loads exceed. ( )

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

**b.** Eighteen (18) feet wide on interstate highways; ( )

**c.** Sixteen (16) feet high on any route; or ( )

**d.** One hundred twenty (120) feet long on any route other than the interstate; ( )

**e.** One hundred fifty (150) feet long on the interstate. ( )

**306. PILOT/ESCORT VEHICLES.**

**01.** **Vehicle Requirements.** Pilot/escort vehicle(s) will be furnished by the permittee and will be either passenger car(s), truck(s), or vehicles authorized by the Commercial Vehicle Services Office, however, will not exceed sixteen (16,000) pounds. The truck(s) used as pilot/escort vehicle(s) will 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 will not qualify as pilot/escort vehicles. ( )

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



**03. Single Trip and Annual Permits.** A pilot car is required for a single trip any time it is so stated in the escort section or restriction section of the permit. Annual Permit holders will require a pilot car in accordance with the Pilot/Escort Vehicle Travel and Vertical Clearance of Structures Map in relation to their size and route. ( )

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

**05. 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. ( )

**06. Oversize Load Lights.** Flashing or rotating amber lights must be displayed on the pilot/escort vehicle at each end of the necessary 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 will meet the minimum standards outlined in section 7 of this rule and will always be on during escorting movements. ( )

**07. Single Light.** As an alternative to subsection 6 of this section, 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 will always be on during escorting movements. ( )

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

**09. Required Equipment to be Carried in a Pilot/Escort Vehicle.** A pilot/escort vehicle will carry the following items of equipment in operable and good working condition 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 will 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 will 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 driver's license. ( )

**h.** Two-Way Radio. ( )

**i.** Hardhat. ( )

**j.** Flashlight. ( )

**k.** First Aid Kit. ( )

**10. Two-Way Radio.** On all movements necessitating a pilot/escort vehicle, both the towing unit and



the pilot/escort vehicle(s) will be equipped with two-way radio equipment licensed under Federal Communications Commission regulations adequate to always provide reliable voice communication between the drivers thereof during the movement of the piloted/escorted vehicle and/or load. Transmitting and receiving capabilities of the radio equipment used will 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. ( )

**11. 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 travel way lane. ( )

**12. 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 will be necessary 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. ( )

**13. 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. ( )

**14. 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. ( )

**15. Spacing.** Approximately one thousand (1,000') feet will 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. ( )

**307. NEZ PERCE – CLEARWATER FOREST SAFETY AND TRAVEL REQUIREMENTS.**

**01. Forest Service Oversight.** Pursuant to 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). The Forest Service has issued the following written criteria to determine which "oversize" loads will be subject to Forest Service review: ( )

**a.** 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. ( )

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

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

**02. Additional Safety Requirements.** For loads meeting any of the criteria this section 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: ( )

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

**b.** Safety lighting will be addressed to not create a safety hazard to the traveling public. ( )

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

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

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

f. The department will monitor the loads as they travel the highway and ensure only one (1) load will operate on this section of highway at any one time. ( )

**308. 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. ( )

**02. 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. ( )

**03. 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 the number of axles and computed by applying the formula  $W = 560 ((LN/N-1) + 12N + 36)$ . ( )

**04. 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 the number of axles and computed by applying the formula  $W = 600 ((LN/N-1) + 12N + 36)$ . ( )

**05. 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 the number of axles and computed by applying the formula  $W = 640 ((LN/N-1) + 12N + 36)$ . ( )

**06. 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 the number of axles and computed by applying the formula  $W = 675 ((LN/N-1) + 12N + 36)$ . ( )

**07. 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 the number of axles and computed by applying the formula  $W = 755 ((LN/N-1) + 12N + 36)$ . ( )

**08. 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 the number of axles and computed by applying the formula  $W = 825 ((LN/N-1) + 12N + 36)$ . ( )

**309. 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. ( )

**310. QUARTERLY ROAD USE FEE REPORTS FOR ANNUAL OVERWEIGHT PERMITS.**

**01. Quarterly Reporting.** To comply with Section 49-1001, Idaho Code, permittees must make quarterly reports of laden only mileage to the department for the movements of non-divisible vehicle/loads, at the appropriate permitted weight level of the annual special permits. These fees are in addition to the registration fees. Mileage and road use fees for single trip special permits are calculated and collected at the time of issuance and are not reported quarterly. Reporting is required as follows: ( )

**a.** The department will generate an online quarterly report form for each valid annual special permit issued. ( )

**b.** The permittee must report each quarter's information on the department's form with all requested information completed on or before the specified due date even when reporting zero (0) miles traveled. ( )

**c.** If the customer does not receive a quarterly report form or report their information online, it is the customer's responsibility to notify the department allowing adequate time to submit the report before the due date. ( )

**d.** Any report transmitted through the US Postal Service is considered filed and received by the department on the date shown by the post office cancellation mark stamped on the envelope or wrapper containing the report. A postage meter cancellation is not considered as a post office cancellation mark. ( )

**e.** If the quarterly report form due date falls on a Saturday, Sunday, or a federally recognized holiday, the due date will be extended to the next business day. ( )

**f.** If a quarterly report is not submitted the account will be suspended. ( )

**311. OVERSIZE LOADS.**

**01. Continuous Operation.** Special permits may be issued for continuous operation to haul or transport non-divisible 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 to be issued for oversize loads only. ( )

**b.** Permits for continuous operation will be issued to one (1) specified power unit. The permittee may tow various units with the specified power unit, either as towaway vehicles or trailers, hauling oversized loads. Oversize loads will be non-divisible 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. ( )

**c.** Maximum size of loads or vehicles transported under the authority of an annual oversize for black and interstate routes will 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 twenty (120') feet including load overhang. Annual oversize permits for red-coded routes will be limited to a width of twelve feet six inches (12'6"). A current Pilot/Escort Vehicle Travel and Vertical Clearance of Structures Map will accompany such permits for extended operations and is considered part of the permit. ( )

**d.** Divisible weight permits can be used in conjunction with non-divisible oversize permits if the weights do not exceed in Section 49-1001, Idaho Code, and the length does not exceed multiple Overwidth loads on single or double trailers. ( )

i. Multiple Overwidth Loads on Single or Double Trailers. Multiple non-divisible loads may be transported on double trailer combinations not exceeding eighty (80') feet combination length and single trailers not exceeding fifty-three (53') feet exclusive of load overhang. ( )

**312. 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 will be construed to be an implement of husbandry and no permit is necessary. 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 require a special permit to move, except for the following situations: ( )

a. The implement is being moved from one (1) farm operation to another farm operation. ( )

b. A farmer, employee or relative of the owner of the implement, or equipment dealer is transporting implements of husbandry or equipment for the purpose of: ( )

i. 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 ( )

ii. 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.** 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 will 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 Travel 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. ( )

**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, will 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). ( )

**313. REMOVAL OF DISABLED VEHICLES.**

**01. Permits Issued.** Annual Disabled Vehicle permits will be issued to wrecker trucks or other vehicles

used for the removal, including the first and secondary movement of disabled vehicles and their unladen return. ( )

**02. Permitted Vehicle.** The permitted vehicle involved in the removal of disabled vehicles will be the proper class of vehicle and will have adequate gross vehicle weight and traction to control the combination of wrecker and attached disabled vehicles, and will provide brakes to the trailer axles and stop signal and clearance lights to such towed disabled vehicle. ( )

**03. Loaded Weight.** Loaded weight of the permitted vehicle's drive axle(s) will be permitted up to the basic allowable unit weight as shown on the current Idaho Transportation Department Route Capacity Map for the corresponding-colored route, unless the state roadways route is posted with a weight restriction. The current Route Capacity Map is available to the public online. Length of the combination will be limited to the legal or permitted length of the disabled combination plus forty-five (45') feet. Width will be limited to ten (10') feet or to the permitted width of the permitted disabled over-width vehicle/load. All axles must be fully deployed when exceeding adjacent legal axle weights. ( )

**a.** Disabled Vehicle and Snowplow permits involving overweight loadings will be available at the following levels: ( )

**i.** Red Routes – The red routes contain posted bridges and require approval or analysis from the Department. A vehicle configuration may be issued an annual Disabled Vehicle and Snowplow permit for travel on red routes, 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 as the vehicle configuration changes (such as axle spacings), the approved weights change, or a bridge rating changes. ( )

**ii.** 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 the number of axles and computed by applying the formula  $W = 560 ((LN/N-1) + 12N + 36)$ . ( )

**iii.** Orange Routes – The 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  $W = 600 ((LN/N-1) + 12N + 36)$ . ( )

**iv.** 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  $W = 640 ((LN/N-1) + 12N + 36)$ . ( )

**v.** Blue Routes – The 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  $W = 675 ((LN/N-1) + 12N + 36)$ . ( )

**vi.** 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  $W = 755 ((LN/N-1) + 12N + 36)$ . ( )

**vii.** 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  $W = 825 ((LN/N-1) + 12N + 36)$ . ( )

viii. 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 and “F” is the load factor most appropriate based on the most critical bridge on the highway route. ( )

b. The maximum overweight levels will not exceed eight hundred (800) pounds per inch width of tire nor the maximum weights authorized. ( )

04. Time of Travel Restrictions. Time of travel restrictions will be waived during the first movement of the disabled vehicle when necessary to clear the travel way. Disabled vehicles that are oversize and moving at night will be required to operate in accordance with the lighting requirements as listed in Section 007 of this rule. A front pilot/escort vehicle will be required when disabled vehicles exceeding ten (10’) feet wide and is being moved at night. ( )

05. First Movement. A disabled vehicle permit will cover the wrecker for the first movement of a disabled vehicle from the point at which the disabled vehicle became disabled to a location (i.e. towing company, repair, or company facility) where it can be safely secured. ( )

06. Secondary Movement. A disabled vehicle permit will cover a wrecker for secondary movements of disabled vehicles as long as any vehicle combinations have been separated and the wrecker plus the portion of the disabled vehicle do not exceed allowable weight or size limits. ( )

07. Replacement Vehicle. The permitted vehicle involved in the removal of a disabled vehicle will be allowed to tow a functional replacement vehicle to the point of disablement, to replace the disabled vehicle. ( )

08. Height Restrictions. The disabled vehicle height will not exceed the height of fifteen (15’) feet on the first movement. ( )

**314. MANUFACTURED HOMES, MODULAR BUILDINGS, AND OFFICE TRAILERS.**

01. Registration and Licensing Requirements. All manufactured homes moved on their own axles on any state roadways are 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 will 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 will 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 will carry a minimum amount of seven hundred and fifty thousand dollars (\$750,000) insurance coverage and have proper authority. ( )

03. Paneling of Open Sides. Paneling must be rigid material, or six (6) mil plastic sheathing (or stronger) backed by a grillwork to prevent billowing and fully enclose open sides of sections in transit. ( )

04. Interior Loading. If furnishings or other loose objects are being transported within the unit, they must be secured in a position safe for traveling. ( )

05. Construction. Modular buildings will 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 will be constructed in accordance with Federal HUD Manufactured Home Construction and Safety Standards. ( )

06. Towed On Own Axles. Manufactured Homes, Modular Buildings, and Office Trailers being towed on their own axles must have the following requirements: ( )

- a.** Connection Device must be in compliance with Federal Motor Carrier Safety Regulations, 49 CFR part 393. ( )
- b.** Length cannot exceed eighty (80') feet including tongue. ( )
- c.** Width will be limited to a maximum of sixteen (16') feet at the base and will not exceed eighteen (18') feet overall width including the eaves. ( )
- d.** The maximum allowable load for any vehicle tire operated on any public highway will 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). ( )
- e.** Running gear assembly, the entire system including frame, drawbar, and coupling mechanism, brake systems, axles, and lights, will be in compliance with CFR Title 24 for the year the manufactured home was built. In addition, all tires and lights used in transportation of manufactured homes under this category will be in compliance with Federal Motor Carrier Safety Regulations, part 393. ( )
- f.** Sixteen (16) foot wide (at the base) manufactured homes will be required to have a minimum of four (4) axles. ( )
- g.** Sixteen (16) foot wide (at the base) manufactured homes will be required to have brakes on a minimum of three (3) axles. ( )
- h.** The unit will have stop lights, turn signals, and taillights. ( )
- i.** Safety Chains. Two (2) safety chains will 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 will be three-eighths (3/8) inch diameter steel. Chains will 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. ( )

**07. Tow Vehicles.** Tow vehicles for manufactured homes, modular buildings, and office trailers will comply with the following minimum requirements:

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

- a.** Brakes will be in compliance with Federal Motor Carrier Safety Regulations part 393. ( )
- b.** Rear axle will have a minimum of a single axle with dual mounted tires. ( )
- c.** Connection Device will be in compliance with Federal Motor Carrier Safety Regulations, part 393. ( )
- d.** Must be able to maintain a minimum speed of twenty-five (25) mph. ( )



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

f. When towing manufactured homes, modular buildings, or office trailers on their own axles will be limited to a maximum of sixty (60) miles per hour. ( )

08. **Load Size.** Manufactured home, modular building, or office trailer loads will be limited to the following dimensions: ( )

a. Length cannot exceed eighty (80') feet. ( )

b. Width at the base of building cannot exceed sixteen (16') feet. ( )

c. Eaves cannot exceed eighteen (18') feet. ( )

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

a. The unit will have stop lights, turn signals, and taillights that meet the requirements of Federal Motor Carrier Safety Regulations, part 393. ( )

10. **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 will 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 will be at least four (4') feet apart. Equivalent methods of fastening, such as chains or binders, may be used as alternatives. ( )

**315. OVERWEIGHT PERMITS REQUIRING BRIDGE ANALYSIS.**

01. **Department 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 Department 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. 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 may be requested when an engineering analysis is required. ( )

02. **Single Axle Weight Restriction.** Bridge approval is required when a single axle or steer axle is over thirty-five thousand (35,000) pounds. ( )

**316. BRIDGE ANALYSIS CRITERIA AND TIME FRAMES.**

01. **Timelines.** The Department may take up to three (3) 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. ( )

02. **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. ( )



**03. 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. ( )

**04. 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. ( )

**05. 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. ( )

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

**317. – 999. (RESERVED)**

# PROPOSED RULE COST/BENEFIT ANALYSIS

Section 67-5223(3), Idaho Code, requires the preparation of an economic impact statement for all proposed rules imposing or increasing fees or charges. This cost/benefit analysis, which must be filed with the proposed rule, must include the reasonably estimated costs to the agency to implement the rule and the reasonably estimated costs to be borne by citizens, or the private sector, or both.

**Department or Agency:** Idaho Transportation Department \_\_\_\_\_

**Agency Contact:** Brendan Floyd \_\_\_\_\_ **Phone:** 208-334-8474 \_\_\_\_\_

**Date:** 8/7/23 \_\_\_\_\_

**IDAPA, Chapter and Title Number and Chapter Name:**

39.03.01 – Rules Governing Special Permits \_\_\_\_\_

**Fee Rule Status:** X \_\_\_\_\_ **Proposed** \_\_\_\_\_ **Temporary**

**Rulemaking Docket Number:** 39-0301-2301

## STATEMENT OF ECONOMIC IMPACT:

Current rule 39.03.03, which the department intends to combine with 39.03.01, 39.03.02, 39.03.04, 39.03.05, 39.03.06, and 39.03.07, provides that certain permits will impose a road use fee, as set forth through Section 49-1004(2), Idaho Code, and includes a schedule of permit fees through current section 39.03.03.910.04. These fees do not pose an economic impact.

**IDAPA 39 – IDAHO TRANSPORTATION DEPARTMENT**  
**39.03.02 – RULES GOVERNING MOVEMENT OF DISABLED VEHICLES**  
**DOCKET NO. 39-0302-2301 (ZBR 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 and 49-201, Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 18, 2023.

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:

In line with the governor’s [Zero-Based Regulation Executive Order](#), the department is seeking to combine the following commercial vehicle permits rules into a single rule: 39.03.01, 39.03.02, 39.03.03, 39.03.04, 39.03.05, 39.03.06, and 39.03.07. The proposed new title for this single rule is “39.03.01 - Rules Governing Special Permits.” The department proposes a complete repeal of 39.03.02, 39.03.03, 39.03.04, 39.03.05, 39.03.06, and 39.03.07.

Current rule 39.03.02 prescribes eligibility and conditions for wrecker-type vehicles to obtain special permits allowing for the removal of disabled vehicles.

**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 5, 2023, Idaho Administrative Bulletin, [Vol. 23-7, pages 104-105](#).

**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 25, 2023.

DATED this 1st Day of September 2023.

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)

**IDAPA 39.03.02 IS BEING REPEALED IN ITS ENTIRETY**

## IDAPA 39 – IDAHO TRANSPORTATION DEPARTMENT

### 39.03.03 – RULES GOVERNING SPECIAL PERMITS – GENERAL CONDITIONS AND REQUIREMENTS

#### DOCKET NO. 39-0303-2301 (ZBR 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 and 49-201, Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 18, 2023.

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:

In line with the governor's [Zero-Based Regulation Executive Order](#), the department is seeking to combine the following commercial vehicle permits rules into a single rule: 39.03.01, 39.03.02, 39.03.03, 39.03.04, 39.03.05, 39.03.06, and 39.03.07. The proposed new title for this single rule is "39.03.01 - Rules Governing Special Permits." The department proposes a complete repeal of 39.03.02, 39.03.03, 39.03.04, 39.03.05, 39.03.06, and 39.03.07.

Current rule 39.03.03 sets forth vehicle lighting and flagging requirements, issuance authority, permittee responsibilities, and various other permit conditions and requirements in addition to the permit fee schedule describe below.

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased: Current rule 39.03.03 provides that certain permits will impose a road use fee, as set forth through Section 49-1004(2), Idaho Code, and includes a schedule of permit fees through current section 39.03.03.910.04.

**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 5, 2023, Idaho Administrative Bulletin, [Vol. 23-7, pages 104-105](#).

**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 25, 2023.

DATED this 1st Day of September, 2023.

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)

**IDAPA 39.03.03 IS BEING REPEALED IN ITS ENTIRETY**

## IDAPA 39 – IDAHO TRANSPORTATION DEPARTMENT

### 39.03.04 – RULES GOVERNING SPECIAL PERMITS – OVERWEIGHT NON-REDUCIBLE

#### DOCKET NO. 39-0304-2301 (ZBR 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 and 49-201, Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 18, 2023.

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:

In line with the governor's [Zero-Based Regulation Executive Order](#), the department is seeking to combine the following commercial vehicle permits rules into a single rule: 39.03.01, 39.03.02, 39.03.03, 39.03.04, 39.03.05, 39.03.06, and 39.03.07. The proposed new title for this single rule is "39.03.01 - Rules Governing Special Permits." The department proposes a complete repeal of 39.03.02, 39.03.03, 39.03.04, 39.03.05, 39.03.06, and 39.03.07.

Current rule 39.03.04 sets forth conditions and requirements for vehicles or loads which are in excess of the sizes or weights allowed by Sections 49-1001, 49-1002 or 49-1010, Idaho Code.

**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 5, 2023, Idaho Administrative Bulletin, [Vol. 23-7, pages 104-105](#).

**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 25, 2023.

DATED this 1st Day of September, 2023.

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)

**IDAPA 39.03.04 IS BEING REPEALED IN ITS ENTIRETY**



## IDAPA 39 – IDAHO TRANSPORTATION DEPARTMENT

### 39.03.05 – RULES GOVERNING SPECIAL PERMITS – OVERSIZE NON-REDUCIBLE

#### DOCKET NO. 39-0305-2301 (ZBR 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 and 49-201, Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 18, 2023.

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:

In line with the governor's [Zero-Based Regulation Executive Order](#), the department is seeking to combine the following commercial vehicle permits rules into a single rule: 39.03.01, 39.03.02, 39.03.03, 39.03.04, 39.03.05, 39.03.06, and 39.03.07. The proposed new title for this single rule is "39.03.01 - Rules Governing Special Permits." The department proposes a complete repeal of 39.03.02, 39.03.03, 39.03.04, 39.03.05, 39.03.06, and 39.03.07.

Current rule 39.03.05 sets forth conditions and requirements for vehicles or loads that exceed sizes allowed by Sections 49-940, 49-1001, 49-1002, 49-1004, or 49-1010, Idaho Code.

**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 5, 2023, Idaho Administrative Bulletin, [Vol. 23-7, pages 104-105](#).

**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 25, 2023.

DATED this 1st Day of September, 2023.

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)

**IDAPA 39.03.05 IS BEING REPEALED IN ITS ENTIRETY**

## IDAPA 39 – IDAHO TRANSPORTATION DEPARTMENT

### 39.03.06 – RULES GOVERNING SPECIAL PERMITS FOR EXTRA-LENGTH/EXCESS WEIGHT, UP TO 129,000 POUND VEHICLE COMBINATIONS

#### DOCKET NO. 39-0306-2301 (ZBR 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 and 49-201, Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 18, 2023.

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:

In line with the governor's [Zero-Based Regulation Executive Order](#), the department is seeking to combine the following commercial vehicle permits rules into a single rule: 39.03.01, 39.03.02, 39.03.03, 39.03.04, 39.03.05, 39.03.06, and 39.03.07. The proposed new title for this single rule is "39.03.01 - Rules Governing Special Permits." The department proposes a complete repeal of 39.03.02, 39.03.03, 39.03.04, 39.03.05, 39.03.06, and 39.03.07.

Current rule 39.03.06 sets forth conditions and requirements for the movement of vehicles which are in excess of eighty thousand (80,000) pounds and the sizes allowed by 49-1004, 49-1004A, and 49-1010, Idaho Code.

**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 5, 2023, Idaho Administrative Bulletin, [Vol. 23-7, pages 104-105](#).

**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 25, 2023.

DATED this 1st Day of September, 2023.

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)

**IDAPA 39.03.06 IS BEING REPEALED IN ITS ENTIRETY**

## IDAPA 39 – IDAHO TRANSPORTATION DEPARTMENT

### 39.03.07 – RULES GOVERNING SPECIAL PERMITS FOR REDUCIBLE LOADS

#### DOCKET NO. 39-0307-2301 (ZBR 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 and 49-201, Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 18, 2023.

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:

In line with the governor's [Zero-Based Regulation Executive Order](#), the department is seeking to combine the following commercial vehicle permits rules into a single rule: 39.03.01, 39.03.02, 39.03.03, 39.03.04, 39.03.05, 39.03.06, and 39.03.07. The proposed new title for this single rule is "39.03.01 - Rules Governing Special Permits." The department proposes a complete repeal of 39.03.02, 39.03.03, 39.03.04, 39.03.05, 39.03.06, and 39.03.07.

Current rule 39.03.07 sets forth conditions and requirements the movement of vehicles and/or loads that are in excess of the sizes allowed by Sections 49-1004 and 49-1010, Idaho Code.

**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 5, 2023, Idaho Administrative Bulletin, [Vol. 23-7, pages 104-105](#).

**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 25, 2023.

DATED this 1st Day of September, 2023.

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)

**IDAPA 39.03.07 IS BEING REPEALED IN ITS ENTIRETY**