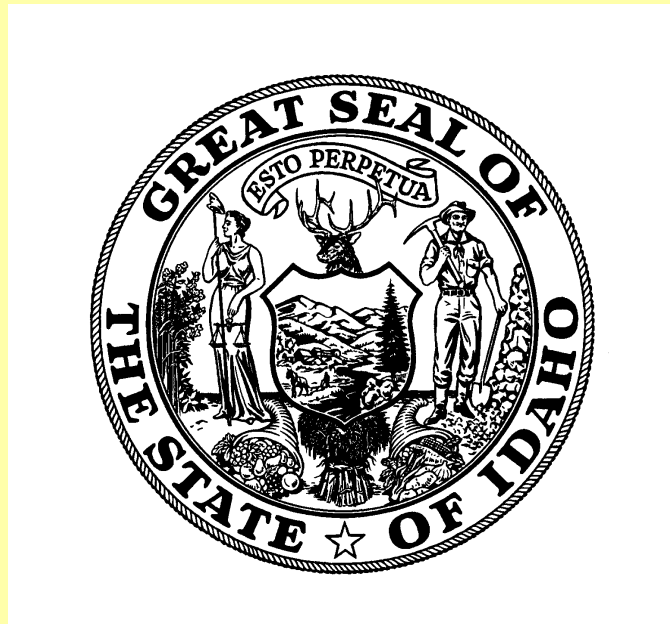


# **PENDING RULES**

## **COMMITTEE RULES**

### **REVIEW BOOK**

Submitted for Review Before  
**Senate Transportation Committee**  
67th Idaho Legislature  
Second Regular Session – 2024



*Prepared by:*

*Office of the Administrative Rules Coordinator  
Division of Financial Management*

*January 2024*

# SENATE TRANSPORTATION COMMITTEE

## ADMINISTRATIVE RULES REVIEW

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**IDAPA 11 – IDAHO STATE POLICE**  
**11.13.01 – THE MOTOR CARRIER RULES**  
**DOCKET NO. 11-1301-2301 (ZBR CHAPTER REWRITE)**  
**NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE**

[LINK: LSO Rules Analysis Memo](#)

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2024 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. The pending rule will become final and effective upon the adjournment, *sine die*, of the Second Regular Session of the Sixty-seventh Idaho Legislature after approval.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 67-2901A, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

In support of the Governor’s Red Tape Reduction Initiative and in accordance with the [Zero-Based Regulation E.O. 2020-01](#), the goal of this rulemaking is to make changes and modifications that remove obsolete language, eliminate unnecessary restrictions, and provide overall clarity.

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the September 6, 2023, Idaho Administrative Bulletin, [Vol.23-9, pages 27-35](#).

**FEE SUMMARY:** Pursuant to Section 67-5224(2)(d), Idaho Code, this pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking:

Not applicable to 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:

There is no fiscal impact associated with this rule making.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Captain Shawn Staley, (208) 884-7222, Email [shawn.staley@isp.idaho.gov](mailto:shawn.staley@isp.idaho.gov).

DATED this 3rd day of November, 2023.

Lt. Colonel Bill Gardiner  
Chief of Staff  
Idaho State Police  
700 S Stratford Drive  
Meridian ID 83642  
(208) 884-7004  
[Bill.gardiner@isp.idaho.gov](mailto:Bill.gardiner@isp.idaho.gov)

**THE FOLLOWING NOTICE PUBLISHED WITH THE 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 Section(s) 67-5220(1) AND 67-5220(2), Idaho Code, and 67-2901A.

**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 no later than September 20, 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 support of the Governor's Red Tape Reduction Initiative and in accordance with the [Zero-Based Regulation E.O. 2020-01](#), the goal of these rulemakings is to make changes and modifications that remove obsolete language, eliminate unnecessary restrictions, and provide overall clarity.

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

Not applicable.

**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 as a result of this rulemaking:

There is no fiscal impact associated with this rule making.

**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, [Volume 23-7 page 34](#) and public meetings were held as scheduled.

**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:

- 49 CFR subtitle B Chapter III, subchapter B- Federal Motor Carrier Safety Regulations; and 49 CFR subtitle B, chapter I, Subchapter C-Hazardous Materials Regulations.
- 40 CFR Part 262 and 49 CFR, Subtitle B, Chapter I, Parts 107, 171, 172, 173, 177, 178 and 180.
- 40 CFR 262: eCFR :: 40 CFR Part 262—Standards Applicable to Generators of Hazardous Waste
- 49 CFR Parts 107, 171, 172, 173, 177, 178 and 180: eCFR: 49 Chapter I – Pipeline and Hazardous Materials Safety Administration, Department of Transportation.
- Carrier Safety Requirements – 49 CFR Parts 356, Subtitle B, Chapter III, Subchapter B, Sections 365, 380, 382, 383, 385, 386, 387, 388 and 390 through 399.
- eCFR :: 49 CFR Chapter III Subchapter B –Federal Motor Carrier Safety Regulations.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Captain Shawn Staley, (208) 884-7222, Email [shawn.staley@isp.idaho.gov](mailto:shawn.staley@isp.idaho.gov).

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 September 27, 2023.

DATED this 21st day of July, 2023.

**THE FOLLOWING IS THE TEXT OF ZBR DOCKET NO. 11-1301-2301**

**11.13.01 – THE MOTOR CARRIER RULES**

**000. LEGAL AUTHORITY.**

Section 67-2901A, Idaho Code. ( )

**001. SCOPE.**

These rules apply to intrastate, and foreign motor carriers providing transportation of persons or property over Idaho highways by motor vehicles in the furtherance of their business or for hire. ( )

**002. INCORPORATION BY REFERENCE AND FEDERAL WAIVER.**

Amendments to the annual volumes are published in the Federal Register, pending their incorporation in the next annual volumes. Whenever a federal regulation is adopted by reference in these rules, subsequent recom compilations are also adopted by reference, but subsequent amendments are not. ( )

**01. Safety Fitness Procedures.** 49 CFR subtitle B, chapter III. ( )

**a.** 49 CFR, Subtitle B, Chapter III, Subchapter B: eCFR :: 49 CFR Chapter III Subchapter B -- Federal Motor Carrier Safety Regulations. ( )

**b.** 49 CFR, Subtitle B, Chapter I, Subchapter C: eCFR :: 49 CFR Chapter I Subchapter C -- Hazardous Materials Regulations. ( )

**02. Transportation of Hazardous Materials, Substances, and Wastes.** ( )

**a.** 40 CFR Part 262 and 49 CFR, Subtitle B, Chapter I, Parts 107, 171, 172, 173, 177, 178, and 180. ( )

**b.** 40 CFR 262: eCFR :: 40 CFR Part 262 -- Standards Applicable to Generators of Hazardous Waste. ( )

**c.** 49 CFR Parts 107, 171, 172, 173, 177, 178, and 180: eCFR : 49 CFR Chapter I -- Pipeline and Hazardous Materials Safety Administration, Department of Transportation. ( )

**03. Exemptions 1.** Whenever any of these federal regulations would otherwise exempt intrastate carriers from any of their requirements, the exemption does not apply to intrastate carriers who will remain subject to the same requirements. ( )

**04. Carrier Safety Requirements.** 49 CFR Parts 356, Subtitle B, Chapter III, Subchapter B, Sections 365, 380, 382, 383, 385, 386, 387, 388 and 390 through 399. ( )

**a.** Adopted codes available at: eCFR :: 49 CFR Chapter III Subchapter -- Federal Motor Carrier Safety Regulations. ( )

**05. Exemptions 2.** Whenever these federal regulations (except Section 391.11(b)(1)) would otherwise exempt intrastate carriers from any of their requirements, the exemption does not apply to intrastate carriers who will

remain subject to the same requirements. ( )

**06. Recognition of Federal Waivers.** Whenever a driver or carrier has applied to a federal agency and been granted a waiver from any of the requirements of these federal regulations incorporated by reference in these rules, the federal waiver will also be recognized under these rules. The Department reserves the authority to implement a waiver program and grant waivers on the state level for intrastate commercial motor vehicle drivers. ( )

**003. -- 007. (RESERVED)**

**008. FORMS.**  
The Idaho State Police Commercial Vehicle Safety Program Manager is authorized to produce and distribute forms and reports to carry out these rules. ( )

**009. RELIEF FROM REGULATIONS.**  
The Department may issue a declaration of emergency relieving intrastate carriers from the requirements of 49 CFR Parts 390 through 399 adopted by reference in Subsection 002.04. ( )

**010. DEFINITIONS.**  
In addition to the relevant definitions found in the regulations incorporated by reference the following definitions apply: ( )

**01. Department.** The Idaho State Police. ( )

**02. Interstate Carrier.** Any person owning or operating any motor vehicle in the state of Idaho or on the highways of the state of Idaho, in commerce between the States, or between the States and a foreign Nation, used or maintained for the transportation of persons or property. ( )

**03. Transportation.** Includes all vehicles operated by, for, or in the interest of any motor carrier irrespective of ownership or contract, express or implied, together with all services, facilities and property furnished, operated or controlled by any such carrier or carriers and used in the transportation of passengers and/or property in commerce in Idaho. ( )

**011. --018. (RESERVED)**

**019. CARRIER SAFETY REQUIREMENT EXEMPTIONS.**

**01. Intrastate Carriers.** Interstate carriers subject to both the incorporated federal rules and the safety authority of the Idaho State Police may hire drivers who are eighteen (18) years or older as set forth in Section 49-303, Idaho Code. ( )

**020. -- 999. (RESERVED)**

[Agency redlined courtesy copy]

### 11.13.01 – THE MOTOR CARRIER RULES

**000. LEGAL AUTHORITY.**  
~~These rules are promulgated pursuant to the authority granted to the Idaho State Police pursuant to~~ Section 67-2901A, Idaho Code. (3-23-22)( )

**001. SCOPE.**

These rules apply to intrastate, and foreign motor carriers ~~under the jurisdiction of the Idaho State Police and, when provided in the rule, to interstate or foreign carriers~~ providing transportation of persons or property over Idaho highways ~~of the state of Idaho~~ by motor vehicles in the furtherance of their business or for hire. (3-23-22)( )

**002. INCORPORATION BY REFERENCE AND FEDERAL WAIVER.**

~~In accordance with Section 67-5229, Idaho Code, the following sections of the Code of Federal Regulations, specifically 49 CFR, and 40 CFR are herein incorporated by reference:~~ Amendments to the annual volumes are published in the Federal Register, pending their incorporation in the next annual volumes. Whenever a federal regulation is adopted by reference in these rules, subsequent recom compilations are also adopted by reference, but subsequent amendments are not. (3-23-22)( )

**01. Safety Fitness Procedures** ~~(See Section 012).~~ Adoption of Federal Regulations, 49 CFR subtitle B, chapter III, ~~subchapter B~~ Federal Motor Carrier Safety Regulations; and 49 CFR subtitle B, chapter I, ~~subchapter C~~ Hazardous Materials Regulations. Amendments to the annual volumes are published in the Federal Register, pending their incorporation in the next annual volumes. Whenever a federal regulation is adopted by reference in these rules, subsequent recom compilations are also adopted by reference, but subsequent amendments are not. (3-23-22)( )

**a.** 49 CFR, Subtitle B, Chapter III, Subchapter B: eCFR :: 49 CFR Chapter III Subchapter B -- Federal Motor Carrier Safety Regulations. ( )

**b.** 49 CFR, Subtitle B, Chapter I, Subchapter C: eCFR :: 49 CFR Chapter I Subchapter C -- Hazardous Materials Regulations. ( )

**02. Transportation of Hazardous Materials, Substances, and Wastes** ~~(See Section 018).~~ Adoption of Federal Regulations. 40 CFR Part 262 and 49 CFR Parts 107, 171, 172, 173, 177, 178 and 180 are hereby adopted by reference. All interstate and foreign carriers and all intrastate carriers subject to the safety authority of the Idaho State Police while operating in Idaho that transport hazardous materials, substances or wastes listed in, defined by or regulated by 49 CFR Parts 107, 171, 172, 173, 177, 178 and 180 must comply with 49 CFR Parts 107, 171, 172, 173, 177, 178 and 180 applicable to motor carriers and their shippers, and the laws and rules of the state of Idaho. Whenever any of these federal regulations exempt intrastate carriers from any of their requirements, Section 018 removes that exemption and subjects intrastate carriers to the same requirements. The Department asserts its authority under Section 018, to the maximum extent allowed by Section 67-2901A, Idaho Code, Public Laws 89-670 and 89-170 (see 49 U.S.C. 502(e)(3)), 49 CFR Part 388. (3-23-22)( )

**a.** Version of Federal Regulations Adopted. Per Section 49-2212, Idaho Code, the federal regulations adopted by reference in Section 018 of these rules, are those contained in the compilations of 40 CFR Part 262 published in the Code of Federal Regulations volume dated July 1, 1998, and as subsequently recom piled, and those contained in the compilations of 49 CFR Parts 107, 171, 172, 173, 177, 178 and 180 published in the Code of Federal Regulations volume dated October 1, 1998, and as subsequently recom piled, and all amendments to these rules appearing in the Federal Registers. Amendments to the annual volumes are published in the Federal Register pending their incorporation in the next annual volumes. (3-23-22)

**a.** 40 CFR Part 262 and 49 CFR, Subtitle B, Chapter I, Parts 107, 171, 172, 173, 177, 178, and 180. ( )

**b.** 40 CFR 262: eCFR :: 40 CFR Part 262 -- Standards Applicable to Generators of Hazardous Waste. ( )

**c.** 49 CFR Parts 107, 171, 172, 173, 177, 178, and 180: eCFR : 49 CFR Chapter I -- Pipeline and Hazardous Materials Safety Administration, Department of Transportation. ( )

**03. Exemptions 1.** Whenever any of these federal regulations would otherwise exempt intrastate carriers from any of their requirements, the exemption does not apply to intrastate carriers who will remain subject to the same requirements. ( )

**034. Carrier Safety Requirements** ~~(See Rule 19).~~ Adoption of Federal Regulations 49 CFR Parts 356,



~~Subtitle B, Chapter III, Subchapter B, Sections 365, 380, 382, 383, 385, 386, 387, 388 and 390 through 399 are hereby adopted by reference. Whenever any one (1) of these federal regulations (except Section 391.11(b)(1)) exempts intrastate carriers from any of their requirements, the rule at Section 019, removes that exemption and subjects the intrastate carrier to the same requirements. The Department asserts its authority under Section 019 of these rules to the maximum extent allowed by Section 67-2901A, Idaho Code, Public Laws 89-679 and 89-170 (see 49 U.S.C. 502(e)(3)), 49 CFR Part 388. (3-23-22)( )~~

~~a. **Version of Federal Regulations Adopted.** The federal regulations adopted by reference in Section 019 of these rules, are those contained in the compilation of 49 CFR Parts 356, 365, 380, 382, 383, 385, 386, 387, 388, 390 through 399 published in the Code of Federal Regulations volumes dated October 15, 2020, and as subsequently recompiled, and all amendments to these rules appearing in the Federal Registers. Amendments to the annual volumes are published in the Federal Register pending their incorporation in the next annual volumes. (3-23-22)~~

~~a. **Adopted codes available at: eCFR :: 49 CFR Chapter III Subchapter -- Federal Motor Carrier Safety Regulations.** ( )~~

~~05. **Exemptions 2.** Whenever these federal regulations (except Section 391.11(b)(1)) would otherwise exempt intrastate carriers from any of their requirements, the exemption does not apply to intrastate carriers who will remain subject to the same requirements. ( )~~

~~04. **Availability of Incorporated Documents.** The 49 CFRs can be found on the Federal Motor Carrier Safety Administration website at www.fmcsa.dot.gov. (3-23-22)~~

~~06. **Recognition of Federal Waivers.** Whenever a driver or carrier has applied to a federal agency and been granted a waiver from any of the requirements of these federal regulations incorporated by reference in these rules, the federal waiver will also be recognized under these rules. The Department reserves the authority to implement a waiver program and grant waivers on the state level for intrastate commercial motor vehicle drivers. ( )~~

**003. -- 007. (RESERVED)**

**008. FORMS.**

The Idaho State Police Commercial Vehicle Safety Program Manager is authorized to produce and distribute forms and reports to carry out these rules. ( )

**009. RELIEF FROM REGULATIONS.**

The Department may issue a declaration of emergency relieving intrastate carriers from the requirements of 49 CFR Parts 390 through 399 adopted by reference in ~~Sub~~section 019 of these rules following the declaration of an emergency. ~~The maximum duration of the declaration of emergency, the particular rules in 49 CFR Parts 390 through 399 from which the carrier is relieved from complying, and all other aspects relieved from regulation are the same as provided in these Federal regulations 002.04. (3-23-22)( )~~

**010. DEFINITIONS.**

~~Whenever any term used in these rules is defined or referred to in the Idaho Code, that term takes its statutory definition in these rules. In addition to the relevant definitions found in the regulations incorporated by reference the following definitions apply: (3-23-22)( )~~

~~01. **Commercial Motor Vehicle (CMV).** Any self-propelled or towed motor vehicle used on a highway in interstate or intrastate commerce to transport passengers or property when the vehicle: (3-23-22)~~

~~a. Has a gross vehicle weight rating (GVWR) or gross combination weight rating (GCWR), or gross vehicle weight (GVW) or gross combination weight (GCW), of four thousand, five hundred thirty six kilograms (4,536 kg.), (ten thousand, one pounds (10,001 lbs.)) or more, whichever is greater; or (3-23-22)~~

~~b. Is designed or used to transport more than eight (8) passengers, including the driver, for compensation; or (3-23-22)~~

~~e.~~ Is designed or used to transport more than fifteen (15) passengers, including the driver, and is not used to transport passengers for compensation; or (3-23-22)

~~d.~~ Is used in transporting material found by the Secretary of Transportation to be hazardous under 49 U.S.C. 5103 and transported in a quantity requiring placarding under regulations prescribed by the Secretary under 49 CFR, Subtitle B, Chapter I, Subchapter C. (3-23-22)

**021. Department.** The Idaho State Police. ( )

**03. Highway.** Public roads, highways, and streets of the State. (3-23-22)

**042. Interstate Carrier.** Any person owning or operating any motor vehicle in the state of Idaho or on the highways of the state of Idaho, in commerce between the States, or between the States and a foreign Nation, used or maintained for the transportation of persons or property. ( )

~~05. Motor Carrier.~~ An individual, partnership, corporation or other legal entity engaged in the transportation by motor vehicle of persons or property in the furtherance of a business or for hire. (3-23-22)

~~06. Motor Vehicle.~~ Any vehicle, machine, tractor, trailer, or semitrailer propelled or drawn by mechanical power and used upon the highway in the transportation of passengers and/or property, but does not include any vehicle, locomotive, or car operated exclusively on a rail or rails. (3-23-22)

~~07. Person.~~ Any individual, firm, co-partnership, corporation, company, association, or joint stock association, and includes any trustee, receiver, assignee, or personal representative thereof. (3-23-22)

**083. Transportation.** Includes all vehicles operated by, for, or in the interest of any motor carrier irrespective of ownership or contract, express or implied, together with all services, facilities and property furnished, operated or controlled by any such carrier or carriers and used in the transportation of passengers and/or property in commerce in the state of Idaho. (3-23-22)( )

**011. --018. (RESERVED)**

**012. SAFETY FITNESS PROCEDURES.**

**01. Purpose and Scope.** (3-23-22)

~~a.~~ This section establishes procedures to determine the safety fitness of motor carriers, assign safety ratings, take remedial action when required and prohibit motor carriers receiving a safety rating of "unsatisfactory" from operating a commercial motor vehicle. (3-23-22)

~~i.~~ To provide transportation of hazardous materials for which vehicle placarding is required in accordance with 49 CFR Part 172, subpart F; or (3-23-22)

~~ii.~~ To transport more than fifteen (15) passengers, including the driver. (3-23-22)

~~b.~~ All provisions of Section 012 apply to all motor carriers subject to the requirement of this subchapter. (3-23-22)

**02. Definitions.** The following definitions apply to Section 012. (3-23-22)

~~a.~~ Applicable safety regulations or requirements. Means 49 CFR subtitle, chapter III, subchapter B- Federal Motor Carrier Safety Regulations; and 49 CFR subtitle B, chapter I, subchapter C- Hazardous Materials Regulations. Amendments to the annual volumes are published in the Federal Register, pending their incorporation in the next annual volumes. Whenever a federal regulation is adopted by reference in these rules, subsequent recom compilations are also adopted by reference, but subsequent amendments are not. (3-23-22)

- ~~**b.** Preventable accident on the part of a motor carrier. Means an accident that: (3-23-22)~~
- ~~i. Involved a commercial motor vehicle, and (3-23-22)~~
- ~~ii. Could have been averted but for an act, or failure to act, by the motor carrier or the driver. (3-23-22)~~
- ~~**e.** Reviews: (3-23-22)~~
- ~~i. Compliance review. An onsite examination of motor carrier operations, which may be at the carrier's place of business, including driver's hours of service, vehicle maintenance and inspection, driver qualifications, commercial driver's license requirements, financial responsibility, accidents, hazardous materials, and such other related safety and transportation records to determine safety fitness. (3-23-22)~~
- ~~(1) A compliance review may be conducted in response to a request to change a safety rating, to investigate potential violations of safety regulations by motor carriers, or to investigate complaints or other evidence of safety violations. (3-23-22)~~
- ~~(2) A compliance review may result in the initiation of an enforcement action. (3-23-22)~~
- ~~ii. Safety management controls. The systems, policies programs, practices, and procedures used by a motor carrier to ensure compliance with applicable safety and hazardous materials regulations which ensure the safe movement of products and passengers through the transportation system, and to reduce the risk of highway accidents and hazardous materials incidents resulting in fatalities, injuries, and property damage. (3-23-22)~~
- ~~**d.** Safety ratings: (3-23-22)~~
- ~~i. Satisfactory safety rating. A motor carrier has in place and functioning adequate safety management controls to meet the safety fitness standard prescribed in Subsection 012.03 of this rule. Safety management controls are adequate if they are appropriate for the size and type of operation of the particular motor carrier. (3-23-22)~~
- ~~ii. Conditional safety rating. A motor carrier does not have adequate safety management controls in place to ensure compliance with the safety fitness standard that could result in occurrences listed in Subsection 012.03 of this rule. (3-23-22)~~
- ~~iii. Unsatisfactory safety rating. A motor carrier does not have adequate safety management controls in place to ensure compliance with the safety fitness standard which has resulted in occurrences listed in Subsection 012.03 of this rule. (3-23-22)~~
- ~~iv. Unrated carrier. A safety rating has not been assigned to the motor carrier. (3-23-22)~~
- ~~**03. Safety Fitness Standard.** The satisfactory safety rating is based on the degree of compliance with the safety fitness standard for motor carriers. To meet the safety fitness standard, the motor carrier must demonstrate that it has adequate safety management controls in place, which function effectively to ensure acceptable compliance with applicable safety requirements to reduce the risk associated with: (3-23-22)~~
- ~~**a.** Commercial driver's license standards violations. (3-23-22)~~
- ~~**b.** Inadequate levels of financial responsibility. (3-23-22)~~
- ~~**e.** The use of unqualified drivers. (3-23-22)~~
- ~~**d.** Improper use and driving of motor vehicles. (3-23-22)~~
- ~~**e.** Unsafe vehicles operating on the highways. (3-23-22)~~

- ~~f.~~ Failure to maintain accident register and copies of accident reports. (3-23-22)
- ~~g.~~ The use of fatigued drivers. (3-23-22)
- ~~h.~~ Inadequate inspection, repair, and maintenance of vehicles. (3-23-22)
- ~~i.~~ Transportation of hazardous materials, driving and parking rule violations. (3-23-22)
- ~~j.~~ Violation of hazardous materials regulations. (3-23-22)
- ~~k.~~ Motor vehicle accidents and hazardous materials incidents. (3-23-22)

~~04. Factors to Be Considered in Determining a Safety Rating.~~ The factors to be considered in determining the safety fitness and assigning a safety rating include information from safety reviews, compliance reviews and any other data. The factors may include all or some of the following: (3-23-22)

- ~~a.~~ Adequacy of safety management controls. The adequacy of controls may be questioned if their degree of formalization or automation is found to be substantially below the norm for similar carriers. Violations, accidents or incidents substantially above the norm for similar carriers will be strong evidence that management controls are either inadequate or not functioning properly. (3-23-22)
- ~~b.~~ Frequency and severity of regulatory violations. (3-23-22)
- ~~c.~~ Frequency and severity of driver/vehicle regulatory violations identified in roadside inspections. (3-23-22)
- ~~d.~~ Number and frequency of out-of-service driver/vehicle violations. (3-23-22)
- ~~e.~~ Increase or decrease in similar types of regulatory violations discovered during safety or compliance reviews. (3-23-22)
- ~~f.~~ Frequency of accidents; hazardous materials incidents; accident rate per million miles; preventable accident rate per million miles; and other accident indicators; and whether these accident and incident indicators have improved or deteriorated over time. (3-23-22)
- ~~g.~~ The number and severity of violations of state safety rules, regulations, standards, and orders applicable to commercial motor vehicles and motor carrier safety that are compatible with Federal rules, regulations, standards and orders. (3-23-22)

~~05. Determination of Safety Fitness.~~ Following a compliance review of a motor carrier operation, the Idaho State Police Commercial Vehicle Safety Program Manager, using the factors prescribed in Subsection 012.04 of this rule, will determine whether the present operations of the motor carrier are consistent with the safety fitness standards set forth in Subsection 012.03 of this rule. (3-23-22)

~~06. Notification of a Safety Fitness Rating.~~ Following a compliance review, the Idaho State Police Commercial Vehicle Safety Program Manager will determine the safety fitness of a motor carrier and notify the motor carrier and the Department in writing. Notification will include a list of those items for which immediate corrective actions must be taken. (3-23-22)

~~07. Motor Carrier Certification.~~ Upon notification of violations cited in the compliance review and recommendations made to correct violations a motor carrier must certify to the Idaho State Police Commercial Vehicle Safety Program Manager, within thirty (30) days, whether all corrective actions identified by the safety review have been taken. Failure to certify or falsely certifying under Section 012 of this Chapter will be considered a reporting violation under Section 67-2901B(3), Idaho Code. (3-23-22)

~~013.—017. (RESERVED)~~

**018. ~~TRANSPORTATION OF HAZARDOUS MATERIALS, SUBSTANCES, AND WASTES.~~**

~~**01. Obligation of Familiarity with Rules.** All interstate and foreign carriers and all intrastate carriers subject to Section 018 that transport hazardous materials, substances or wastes listed in, defined by or regulated by 49 CFR Parts 107, 171, 172, 173, 177, 178 and 180 must obtain copies of these federal regulations and make them available to their drivers and other personnel handling hazardous materials, substances or wastes and must familiarize their drivers and other personnel handling hazardous materials, substances or wastes with any regulation pertaining to the particular material, substance or waste that is transported. The annual volumes of the CFRs may be obtained from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. Amendments to the annual volumes are published in the Federal Register, pending their incorporation in the next annual volumes. Failure to be familiar with these federal regulations adopted by reference is a violation of Section 018 of this Chapter for any carrier transporting such cargoes. The federal regulations adopted by reference in this Section 018 have the following subject matter: (3-23-22)~~

- ~~**a.** Part 107. Hazardous Materials Program Procedures. (3-23-22)~~
- ~~**b.** Part 171. General Information, Regulations and Definitions. (3-23-22)~~
- ~~**c.** Part 172. Hazardous Materials Table, special provisions, hazardous materials communications, emergency response information, and training requirements. (3-23-22)~~
- ~~**d.** Part 173. Shippers General Requirements for Shipments and Packaging. (3-23-22)~~
- ~~**e.** Parts 174-176. (Not adopted regulations for railroads, aircraft and vessels). (3-23-22)~~
- ~~**f.** Part 177. Carriage by Public Highway. (3-23-22)~~
- ~~**g.** Part 178. Specifications for packagings. (3-23-22)~~
- ~~**h.** Part 179. (Not adopted regulations for rail tanker cars). (3-23-22)~~
- ~~**i.** Part 180. Continuing Qualification and Maintenance of Packagings. (3-23-22)~~

~~**02. Recognition of Federal Waivers.** Whenever a carrier has applied to a federal agency and been granted a waiver of the packaging requirements of the federal regulations adopted in Subsection 018.01, the federal waiver will also be recognized under these rules. The Department will not administer a program to duplicate consideration or approval of federal waivers on the state level. (3-23-22)~~

~~**03. Hazardous Materials.** Means a substance or material that the Secretary of Transportation has determined is capable of posing an unreasonable risk to health, safety, and property when transported in commerce and has designated as hazardous under section 5103 of the Federal hazardous materials transportation law (49 U.S.C. 5103). The term includes hazardous substances, hazardous wastes, marine pollutants, elevated temperature materials, materials designated as hazardous in the Hazardous Materials Table (see 49 CFR 172.101), and materials that meet the defining criteria for hazard classes and divisions in Part 173 of Subchapter C of Title 49 of the Code of Federal Regulations. (3-23-22)~~

~~**04. Hazardous Substances.** Means a material, its mixtures or solutions, that is listed in the Appendix A to 49 CFR 172.101 and that is in a quantity in one (1) package that equals or exceeds the reportable quantity (RQ) listed in the Appendix A to 49 CFR 172.101. (3-23-22)~~

~~**05. Hazardous Waste.** Means any material that is subject to the Hazardous Waste Manifest requirements of the U.S. Environmental Protection Agency. See 40 CFR Part 262. (3-23-22)~~

**019. CARRIER SAFETY REQUIREMENTS EXEMPTIONS.**

- ~~**01. Adoption of Federal Regulations – Exceptions. (3-23-22)**~~

~~a. All interstate and foreign carriers and intrastate carriers, except those carriers listed in Subsection 019.01.b. of this rule, subject to the safety authority of the Idaho State Police while operating in Idaho that transport passengers or property, must comply with 49 CFR Parts 356, 365, 382, 383, 385, 387, 388 and 390 through 399, and the law and rules of the state of Idaho (except Part 391.11(b)(1) for intrastate carriers). (3-23-22)~~

~~b. Intrastate carriers operating commercial motor vehicles transporting property with a GVW, GVWR, GCW or GCWR greater than ten thousand (10,000) pounds and up to twenty-six thousand (26,000) pounds, subject to the authority of the Idaho State Police, must comply with 49 CFR Part 390 Subpart A, Part 391.15, Parts 392, 393, and Part 396.1, 396.3(a), (a)(1), and (a)(2), and 396.5 through 396.9 and the law and rules of the state of Idaho. All intrastate carriers transporting placardable quantities of hazardous material under 49 CFR Part 172, Subpart F and passengers, meeting the definition of a commercial motor vehicle, must comply with 49 CFR Parts 356, 365, 382, 383, 385, 387, 388 and 390 through 399, and the law and rules of the state of Idaho (except Part 391.11(b)(1) for intrastate carriers). (3-23-22)~~

~~e. The subject matter of 49 CFR 391.11(b)(1) is a twenty-one (21) year minimum age for drivers of commercial vehicles subject to federal safety regulation. Intrastate carriers subject to the safety authority of the Idaho State Police may hire drivers who are eighteen (18) years or older as set forth in Section 49-303, Idaho Code. (3-23-22)~~

~~**02. Obligation of Familiarity with Rules.** All interstate and foreign carriers and all intrastate carriers subject to Section 019, must obtain copies of the federal regulations adopted by reference in Subsection 019.01 of this rule, and make them available to their drivers and other personnel affected by the regulations. Failure to be familiar with these federal regulations adopted by reference is a violation of this Subsection 019.02 of this rule, for any carrier subject to those regulations. The federal regulations adopted by reference address the following subject matter: (3-23-22)~~

- ~~a. Part 356. Motor Carrier Routing Regulations. (3-23-22)~~
- ~~b. Part 365. Rules Governing Application for Operating Authority. (3-23-22)~~
- ~~e. Part 380. Longer Combination Vehicle (LCV) Driver Training and Driver Instructor Requirements. (3-23-22)~~
- ~~d. Part 382. Controlled Substance and Alcohol Use and Testing. (3-23-22)~~
- ~~e. Part 383. Commercial Driver's License Standards; Requirements and Penalties. (3-23-22)~~
- ~~f. Part 385. Safety Fitness Procedures. (3-23-22)~~
- ~~g. Part 386.71-84. Rules of Practice for Motor Carrier, Intermodal Equipment Provider, Broker, Freight Forwarder, and Hazardous Materials Proceedings. (3-23-22)~~
- ~~h. Part 387. Minimum Levels of Financial Responsibility. (3-23-22)~~
- ~~i. Part 388. Cooperative Agreements with States. (3-23-22)~~
- ~~j. Part 390. Federal Motor Carrier Safety Regulations: General. (3-23-22)~~
- ~~k. Part 391. Qualifications of Drivers. (3-23-22)~~
- ~~l. Part 392. Driving of Commercial Motor Vehicles. (3-23-22)~~
- ~~m. Part 393. Parts and Accessories Necessary for Safe Operation. (3-23-22)~~
- ~~n. Part 395. Hours of Service of Drivers. (3-23-22)~~
- ~~o. Part 396. Inspection, Repair and Maintenance. (3-23-22)~~

- ~~p.~~ Part 397. Transportation of Hazardous Materials; Driving and Parking Rules. (3-23-22)
- ~~q.~~ Part 398. Transportation of Migrant Workers. (3-23-22)
- ~~r.~~ Part 399. Employee Safety and Health Standards. (3-23-22)

~~03. **Recognition of Federal Waivers.** Whenever a driver or carrier has applied to a federal agency and been granted a waiver from any of the requirements of the federal regulations adopted in Subsection 019.01 of these rules, the federal waiver will also be recognized under these rules. The Department reserves the authority to implement a waiver program and grant waivers on the state level for intrastate commercial motor vehicle drivers. (3-23-22)~~

01. **Intrastate Carriers.** Interstate carriers subject to both the incorporated federal rules and the safety authority of the Idaho State Police may hire drivers who are eighteen (18) years or older as set forth in Section 49-303, Idaho Code. ( )

~~020. -- 02999. (RESERVED)~~

~~030. **INTERSTATE AND FOREIGN COMMERCE.**~~

~~Section 018 and 019 of these rules apply to motor carriers when engaged in interstate or foreign commerce in Idaho: (3-23-22)~~

~~031. **OBEDIENCE AND COMPLIANCE WITH RULES AND REGULATIONS.**~~

~~01. **Proof of Compliance Required.** Whenever requested by an employee of this Department whose duties include enforcement of any of these rules and regulations, all motor carriers and their agents or employees are required to demonstrate proof of compliance with these rules. (3-23-22)~~

~~02. **Sanctions.** The failure of any motor carrier to obey and comply with these rules is just and sufficient cause for imposition of the sanctions authorized by Title 67, Chapter 29, Idaho Code. (3-23-22)~~

~~032. — 999. (RESERVED)~~

## IDAPA 39 – IDAHO TRANSPORTATION DEPARTMENT

### 39.02.04 – RULES GOVERNING MANUFACTURER AND NEW VEHICLE DEALER HEARING FEES

#### DOCKET NO. 39-0204-2301 (ZBR CHAPTER REPEAL)

#### NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

[LINK: LSO Rules Analysis Memo](#)

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2024 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. The pending rule will become final and effective upon the adjournment, *sine die*, of the Second Regular Session of the Sixty-seventh Idaho Legislature after approval.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 40-312 and 49-201, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

The department is seeking to repeal this rule due to the passage of House Bill 128 in 2023. This rule prescribes the fees and refunds for department hearings concerning disputes between vehicle dealers and manufacturers. House Bill 128 changes the hearing process, rendering this Rule obsolete.

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 4, 2023, Idaho Administrative Bulletin, [Vol. 23-10, page 642](#).

**FEE SUMMARY:** Pursuant to Section 67-5224(2)(d), Idaho Code, this pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking: Does not apply to 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: N/A

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Brendan Floyd at 208-334-8474.

DATED this 9th day of November, 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 NOTICE PUBLISHED WITH THE 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 department is seeking to repeal this rule due to the passage of House Bill 128 in 2023. This rule prescribes the fees and refunds for department hearings concerning disputes between vehicle dealers and manufacturers. House Bill 128 changes the hearing process, rendering this Rule obsolete.

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased: This rule requires a vehicle dealer requesting a hearing to deposit a \$2,000 dollar filing fee with the department.

**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 May 3, 2023, Idaho Administrative Bulletin, [Vol. 23-5, pages 174-175](#).

**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.

**IDAPA 39.02.04 IS BEING REPEALED IN ITS ENTIRETY**

## 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 – ADOPTION OF PENDING RULE

[LINK: LSO Rules Analysis Memo](#)

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2024 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. The pending rule will become final and effective upon the adjournment, *sine die*, of the Second Regular Session of the Sixty-seventh Idaho Legislature after approval.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 40-312 and 49-201, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

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.

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 4, 2023, Idaho Administrative Bulletin, [Vol. 23-10, pages 643 through 645](#).

**FEE SUMMARY:** Pursuant to Section 67-5224(2)(d), Idaho Code, this pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking: Does not apply to 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: N/A

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Brendan Floyd at 208-334-8474.

DATED this 9th day of November, 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 NOTICE PUBLISHED WITH THE 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.

**THE FOLLOWING IS THE TEXT OF DOCKET NO. 39-0222-2301**

**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)

~~402~~011. -- 199. (RESERVED)

**IDAPA 39 – IDAHO TRANSPORTATION DEPARTMENT**  
**39.02.42 – RULES GOVERNING CONDITIONAL VEHICLE REGISTRATION**  
**WHEN PROOF OF OWNERSHIP IS INSUFFICIENT**  
**DOCKET NO. 39-0242-2301 (ZBR CHAPTER REWRITE)**  
**NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE**

[LINK: LSO Rules Analysis Memo](#)

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2024 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. The pending rule will become final and effective upon the adjournment, *sine die*, of the Second Regular Session of the Sixty-seventh Idaho Legislature after approval.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 40-312 and 49-201, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

39.02.42 addresses allowances for the department to issue temporary registration when ownership of a vehicle is unclear. The intent is to remove unnecessary language and combine the rule with conceptual similar rule - 39.02.46.

39.02.46 clarifies conditions when county offices and vehicle dealers may issue a temporary registration. The intent is to remove unnecessary language and combine the rule with a conceptually similar rule - 39.02.42.

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 4, 2023, Idaho Administrative Bulletin, [Vol. 23-10, pages 646 through 649](#).

**FEE SUMMARY:** Pursuant to Section 67-5224(2)(d), Idaho Code, this pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking: Does not apply to 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: N/A

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Brendan Floyd at 208-334-8474.

DATED this 9th day of November, 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 NOTICE PUBLISHED WITH THE 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:

39.02.42 addresses allowances for the department to issue temporary registration when ownership of a vehicle is unclear. The intent is to remove unnecessary language and combine the rule with conceptual similar rule - 39.02.46.

39.02.46 clarifies conditions when county offices and vehicle dealers may issue a temporary registration. The intent is to remove unnecessary language and combine the rule with a conceptually similar rule - 39.02.42.

**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 May 3, 2023, Idaho Administrative Bulletin, [Vol. 23-5, pages 174-175](#).

**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.

**THE FOLLOWING IS THE TEXT OF ZBR DOCKET NO. 39-0242-2301**

**39.02.42 – RULES GOVERNING CONDITIONAL VEHICLE REGISTRATION  
AND TEMPORARY REGISTRATION**

**000. LEGAL AUTHORITY.**

This rule is adopted under the authority of Sections 49-201, 49-444, 49-501, 49-507 and 49-523, Idaho Code. ( )

**001. PURPOSE.**

This rule governs conditional vehicle registration when proof of ownership is insufficient and issuance of thirty (30)-day temporary motor vehicle permits. ( )

**002. -- 099. (RESERVED)**

**100. CONDITIONAL REGISTRATION.**

**01. Issuance of Conditional Registration.** When all titling requirements cannot be completed but reasonable proof of ownership has been provided, conditional registration may be issued, for a one (1) year period without benefit of title or for up to a two (2) year period if purchased from a licensed Idaho vehicle dealer, by Idaho residents. ( )

**02. Applicant Responsibility.** By the expiration of the conditional registration period, the applicant must complete the titling requirements for the vehicle issued a conditional registration. The conditional registration will not be extended and no further registration (permanent or temporary) will be issued, until all the title requirements have been met. ( )

**03. Issuance to Recreational Vehicles.** Conditional registrations issued to recreational vehicles will expire in accordance with Section 49-445, Idaho Code, and will require the purchase of the recreational vehicle annual license pursuant to Section 49-444, Idaho Code. ( )

**04. Ineligible Vehicles.** Vehicles with altered VINs, vehicles confirmed as stolen, salvage vehicles that have not been retitled as rebuilt, wheel mounted equipment, commercial vehicles over twenty six thousand (26,000) pounds, and noncommercial or farm vehicles over sixty thousand (60,000) pounds are not eligible to be issued a conditional registration. ( )

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

**200. 30-DAY TEMPORARY REGISTRATION.**

**01. Issuance of 30 Day Temporary Registration.** County assessors, the Department, Licensed Idaho vehicle dealers, or agents of the Department may issue one thirty (30) day temporary registration to out-of-state residents who purchased a vehicle in Idaho and are transporting their newly purchased vehicle to their state of residence. ( )

**02. Ineligible Vehicles.** Vehicles with altered VINs, vehicles confirmed as stolen, salvage vehicles that have not been retitled as rebuilt, wheel mounted equipment, and vehicles or vehicle combinations, except motorhomes, over twenty six thousand (26,000) pounds are not eligible to be issued a 30 day temporary registration. ( )

**201. -- 999. (RESERVED)**



[Agency redlined courtesy copy]

**39.02.42 – RULES GOVERNING CONDITIONAL VEHICLE REGISTRATION  
WHEN PROOF OF OWNERSHIP IS INSUFFICIENT AND TEMPORARY REGISTRATION**

**000. LEGAL AUTHORITY.**

This rule is adopted under the authority of Sections 49-201, 49-444, 49-501, 49-507 and 49-523, Idaho Code. (3-31-22)( )

**001. TITLE AND SCOPE PURPOSE.**

**01. Title.** This rule is cited as IDAPA 39.02.42, “Rules Governing Conditional Vehicle Registration When Proof of Ownership is Insufficient” and issuance of thirty (30)-day temporary motor vehicle permits. (3-31-22)( )

**02. Scope.** The purpose of this rule establishes conditional vehicle registration when the applicant does not have sufficient proof of ownership. This rule provides operating privileges for a specific time period and does not apply to Idaho licensed dealers, non residents of Idaho; or owners and/or operators of non Idaho based commercial vehicles operated in interstate commerce under the various proportional registration plans or agreements with other states of which Idaho is a participant. (3-31-22)

**002. ADMINISTRATIVE APPEALS.**

Administrative appeals under this chapter are governed by the rules of administrative procedure of the attorney general, IDAPA 04.11.01, “Idaho Rules of Administrative Procedure of the Attorney General.” (3-31-22)

**003. -- 099. (RESERVED)**

**100. GENERAL PROVISIONS FOR INSUFFICIENT PROOF OF OWNERSHIP INCLUDES CONDITIONAL REGISTRATION.**

**01. Vehicle Record.** The vehicle for which record of ownership is unavailable; (3-31-22)

**02. Title.** The applicant does not have the title from the previous owner; (3-31-22)

**03. Release of Interest.** The previous owner of record has not released interest in the title; (3-31-22)

**04. Bill of Sale.** The possessor has the unreleased title but does not have a bill of sale to support transfer of ownership; (3-31-22)

**05. Vehicle Identification Number.** The title vehicle identification number (VIN) and the VIN on the vehicle do not match (except for obvious typographical errors); or (3-31-22)

**06. Documentation for Component Part.** Component parts of a homemade, reconstructed or specially constructed vehicle cannot be documented. (3-31-22)

**01. Issuance of Conditional Registration.** When all titling requirements cannot be completed but reasonable proof of ownership has been provided, conditional registration may be issued, for a one (1) year period without benefit of title or for up to a two (2) year period if purchased from a licensed Idaho vehicle dealer, by Idaho residents. ( )

**02. Applicant Responsibility.** By the expiration of the conditional registration period, the applicant must complete the titling requirements for the vehicle issued a conditional registration. The conditional registration will not be extended and no further registration (permanent or temporary) will be issued, until all the title

requirements have been met. ( )

**03. Issuance to Recreational Vehicles.** Conditional registrations issued to recreational vehicles will expire in accordance with Section 49-445, Idaho Code, and will require the purchase of the recreational vehicle annual license pursuant to Section 49-444, Idaho Code. ( )

**04. Ineligible Vehicles.** Vehicles with altered VINs, vehicles confirmed as stolen, salvage vehicles that have not been retitled as rebuilt, wheel mounted equipment, commercial vehicles over twenty six thousand (26,000) pounds, and noncommercial or farm vehicles over sixty thousand (60,000) pounds are not eligible to be issued a conditional registration. ( )

101. -- 199. (RESERVED)

200. **PROCEDURE 30-DAY TEMPORARY REGISTRATION.**

~~**01. Conditional Registration.** “Registration Only” (conditional registration until titling requirements are met) may be processed for a one (1) year period without benefit of title. “Registration Only” will not be issued on vehicles with altered VINs, vehicles confirmed as stolen or vehicles where there is a recorded and unpaid lien. (3-31-22)~~

~~**02. Conditional Registration Procedure.** “Registration Only” procedure is as follows: (3-31-22)~~

~~**a.** VIN Inspection: The vehicle must be inspected by an agent of the county assessor’s office or a city, county or state peace officer. The inspecting officer will verify the identification number and provide the applicant with a signed inspection form containing the vehicle description, other pertinent information and recommendations. If the VIN has been altered or is missing, the officer may ask for the assistance of a motor vehicle investigator before issuing the VIN inspection. (3-31-22)~~

~~**b.** Indemnifying Affidavit. The “Registration Only” applicant will complete an indemnifying affidavit explaining how and where the vehicle came into the applicant’s possession, and why proper documentation is not available. The indemnifying affidavit must be signed, and fully indemnify and save harmless the department. (3-31-22)~~

~~**c.** Registration of the Vehicle: The vehicle may be registered for one (1) year. The title block of the registration document will show “Reg-Only” in bold letters. The applicant must obtain adequate proof of ownership prior to the expiration of the registration period. The one (1) year “Registration Only” period will not be extended. (3-31-22)~~

~~**d.** The county will hold the VIN inspection and the indemnifying affidavit in file until the applicant complies with requirements in Subsection 200.04. (3-31-22)~~

~~**03. Applicant Responsibility.** By the expiration of the “Registration Only” period, the applicant must present a properly executed title and bill of sale for the vehicle or apply for a bonded or conditional title. (3-31-22)~~

~~**04. Action by the County Assessor.** When the applicant has complied with Subsection 200.03, the county assessor will pull the VIN inspection and indemnifying affidavit from their file; prepare an Application for Title; and submit the application form with the title, bill of sale, indemnifying affidavit and VIN inspection for title processing. (3-31-22)~~

~~**05. Proof of Ownership.** If the applicant cannot prove ownership within the one (1) year “Registration Only” period, no further registration (permanent or temporary) will be issued until after the title requirement is met. (3-31-22)~~

**01. Issuance of 30 Day Temporary Registration.** County assessors, the Department, Licensed Idaho vehicle dealers, or agents of the Department may issue one thirty (30) day temporary registration to out-of-state residents who purchased a vehicle in Idaho and are transporting their newly purchased vehicle to their state of residence. ( )

02. **Ineligible Vehicles.** Vehicles with altered VINs, vehicles confirmed as stolen, salvage vehicles that have not been retitled as rebuilt, wheel mounted equipment, and vehicles or vehicle combinations, except motorhomes, over twenty six thousand (26,000) pounds are not eligible to be issued a 30 day temporary registration. ( )

201. -- 999. (RESERVED)

## IDAPA 39 – IDAHO TRANSPORTATION DEPARTMENT

### 39.02.46 – RULES GOVERNING TEMPORARY MOTOR VEHICLE REGISTRATION PERMIT

#### DOCKET NO. 39-0246-2301 (ZBR CHAPTER REPEAL)

#### NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

[LINK: LSO Rules Analysis Memo](#)

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2024 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. The pending rule will become final and effective upon the adjournment, *sine die*, of the Second Regular Session of the Sixty-seventh Idaho Legislature after approval.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 40-312 and 49-201, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

39.02.46 clarifies conditions when county offices and vehicle dealers may issue a temporary registration. The intent is to remove unnecessary language and combine the rule with a conceptually similar rule, 39.02.42, thereby repealing 39.02.46.

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 4, 2023, Idaho Administrative Bulletin, [Vol. 23-10, page 650](#).

**FEE SUMMARY:** Pursuant to Section 67-5224(2)(d), Idaho Code, this pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking: Does not apply to 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: N/A

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Brendan Floyd at 208-334-8474.

DATED this 9th day of November, 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 NOTICE PUBLISHED WITH THE 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:

39.02.46 clarifies conditions when county offices and vehicle dealers may issue a temporary registration. The intent is to remove unnecessary language and combine the rule with a conceptually similar rule, 39.02.42, thereby repealing 39.02.46.

**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 May 3, 2023, Idaho Administrative Bulletin, [Vol. 23-5, pages 174-175](#).

**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.

**IDAPA 39.02.46 IS BEING REPEALED IN ITS ENTIRETY**

**IDAPA 39 – IDAHO TRANSPORTATION DEPARTMENT**  
**39.02.60 – RULES GOVERNING LICENSE PLATE PROVISIONS**  
**DOCKET NO. 39-0260-2301 (ZBR CHAPTER REWRITE, FEE RULE)**  
**NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE**

[LINK: LSO Rules Analysis Memo and Cost/Benefit Analysis \(CBA\)](#)

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2024 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. The pending rule will become final and effective upon the adjournment, *sine die*, of the Second Regular Session of the Sixty-seventh Idaho Legislature after approval.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 40-312 and 49-201, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

This rule addresses details concerning various license plate allowances, special plate program provisions, and plate numbering structures that are not explicitly expressed through statute but are nonetheless necessary for managing the department's license plate programs.

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 4, 2023, Idaho Administrative Bulletin, [Vol. 23-10, pages 651-663](#).

**FEE SUMMARY:** Pursuant to Section 67-5224(2)(d), Idaho Code, this pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking:

As authorized in Section 49-201(1), Idaho Code, the department imposes the following fees in this rulemaking, all of which remain unchanged from the current rule.

1. Dealer loaner plate fees (to match plate fees prescribed in 49-402, Idaho Code)
2. Transporter plate fees (\$15)
3. Custom vehicle plate fees (\$25 initial and \$15 annually)

Additionally, the rule requires that a plate and mailing fee be applied for the renewal of personalized plates when a customer requests new plates and establishes the requirement for state and federal agencies to reimburse that department “at cost” for exempt and undercover plates.

**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: N/A

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Brendan Floyd at 208-334-8474.

DATED this 9th day of November, 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 NOTICE PUBLISHED WITH THE 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:

This rule addresses details concerning various license plate allowances, special plate program provisions, and plate numbering structures that are not explicitly expressed through statute but are nonetheless necessary for managing the department's license plate programs.

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

This proposed rule does not contain any proposed fee change. The rule provides the following fees:

1. Dealer loaner plate fees (to match plate fees prescribed in 49-402, Idaho Code)
2. Transporter plate fees (\$15)
3. Custom vehicle plate fees (\$25 initial and \$15 annually)

Additionally, the rule requires that a plate and mailing fee be applied for the renewal of personalized plates when a customer requests new plates and establishes the requirement for state and federal agencies to reimburse that department "at cost" for exempt and undercover plates.

**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 May 3, 2023, Idaho Administrative Bulletin, [Vol. 23-5, pages 174-175](#).

**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.

**THE FOLLOWING IS THE TEXT OF ZBR DOCKET NO. 39-0260-2301**

**39.02.60 – RULES GOVERNING LICENSE PLATE PROVISIONS**

**000. LEGAL AUTHORITY.**

This rule, establishing the policies used to administer Idaho’s standard and specialized license plate programs, is adopted under the authority of Section 49-201, Idaho Code. ( )

**001. PURPOSE.**

**01. Scope.** This rule governs provisions for standard, specialty program, personalized plates, and special eligibility license plates. ( )

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

**010. DEFINITIONS.**

**01. Authorized Employees.** Authorized employee as used in this rule means any non-salesperson or employee who is paid compensation for a minimum of thirty (30) hours each week, and appears on the records of the employer as an employee for which social security, income tax, and all deductions required by law have been made. ( )

**02. Exempt License Plate.** Standard license plate issued to the entities described in Section 49-426(1), Idaho Code, which are exempt from payment of vehicle operating fees. ( )

**03. Exempt Personalized License Plate.** An exempt plate which identifies the agency by a unique identifier specified by the agency that does not conform to the standard exempt identifier listed in Section 400; a plate wherein the serial number portion represents inventory control numbers, badge numbers, radio call signs, or other unique lettering or numbering schemes developed by the requesting agency; plates that are lettered and/or numbered to indicate a person’s position in the hierarchy of an agency. ( )

**04. Furtherance or Pursuance of Business.** Furtherance or pursuance of business as used in this rule or in Section 49-1627, Idaho Code, means any lawful use of a dealer or loaner plate by an authorized employee of a dealership for the movement of a vehicle to be sold, repaired or transferred from one (1) location to another. ( )

**05. Leased or Rented Vehicles.** Leased or rented vehicles owned by the licensed dealer as used in Section 49-1627, Idaho Code, means vehicles titled in the name of the dealership which are leased or rented on a contractual basis to the public. ( )

**06. Undercover License Plate.** A standard license plate issued upon application to the Department from an exempt agency with law enforcement authority. Undercover license plates will be randomly issued by the Department, and appear as a standard county plate. ( )

**07. Vehicles Not Held in Stock.** Vehicles not held in stock for sale as used in Section 49-1627, Idaho Code, means vehicles titled in the name of the dealership or vehicles which cannot be titled or for which the dealership does not hold title. ( )

**08. Vehicles Sold.** Vehicles which have been sold as used in Section 49-1627, Idaho Code, means vehicles for which a dealer has a signed contract of sale or other vehicles not belonging to the dealership. ( )



**011. LICENSE PLATE PROVISIONS FOR ALL LICENSE PLATES.**

**01. Plate Numbering and Lettering.** The Idaho Transportation Department is authorized to assign unique plate letter/number spacing schemes and to use specific letter/number combination schemes as needed for the purpose of ensuring unique numbering systems for all license plate programs and to administer the provisions of this rule. ( )

**02. Plate Life Expiration Date.** License plates will be valid for the period described in 49-443 (2) and will expire on the last day of the month, consistent with the month of the registration expiration. ( )

**012. PROOF OF REGISTRATION FOR NEW, REPLACEMENT, OR REISSUED LICENSE PLATES.**

**01. Proof of Registration Document.** Upon receipt of payment for required registration and program fees, a proof of registration/plates on order document will be issued. This option will be used whenever license plates are manufactured after the registration transaction has been completed. The proof of registration receipt document will provide proof that the vehicle has been registered and fees have been paid, and the vehicle may be operated until new plates have been received by the registrant. ( )

**02. Placement of Proof of Registration Document.** The proof of registration receipt document will be displayed in the rear window or on the rear of the vehicle for which it is issued in a manner that is readily legible for a distance of twenty five (25) feet and will be legible throughout the duration of the permit. When issued to a convertible, motorcycle, or other vehicle in which it is not possible to display in the rear window, the proof of registration must be conspicuously displayed where the expiration date of the newly issued plate may be easily read at a distance of twenty five (25) feet, and where it is protected from exposure to weather conditions, which would render it illegible. ( )

**03. Issuance of Manually Completed Temporary Registrations When Automated System is Unavailable.** Upon receipt of payment for required registration and program fees, the department or its agent may issue a manual proof of registration on a department form in the event the automated system is unavailable. When the system resumes normal operation, the registration information will be entered in the system, and the registration form will be mailed to the registered applicant. The manual proof of registration form will be displayed in accordance with IDAPA 39.02.60.12.02. ( )

**013. -- 099. (RESERVED)**

**100. LICENSE PLATE PROVISIONS FOR STANDARD PLATES.**

**01. County Designations.** The county in which a vehicle is registered will be designated by a number and letter on license plates for passenger cars, pick-up trucks eight thousand (8,000) pounds and under gross weight, hearses, ambulances, wreckers, farm vehicles between eight thousand one (8,001) and sixty thousand (60,000) pounds gross weight, and recreational trailers. The county designators are as follows:

County Designations			
1A - Ada	2A - Adams	1B - Bannock	2B - Bear Lake
3B - Benewah	4B - Bingham	5B - Blaine	6B - Boise
7B - Bonner	8B - Bonneville	9B - Boundary	10B - Butte
1C - Camas	2C - Canyon	3C - Caribou	4C - Cassia
5C - Clark	6C - Clearwater	7C - Custer	E - Elmore
1F - Franklin	2F - Fremont	1G - Gem	2G - Gooding
I - Idaho	1J - Jefferson	2J - Jerome	K - Kootenai
1L - Latah	2L - Lemhi	3L - Lewis	4L - Lincoln
1M - Madison	2M - Minidoka	N - Nez Perce	1O - Oneida

County Designations			
2O - Owyhee	1P - Payette	2P - Power	S - Shoshone
1T - Teton	2T - Twin Falls	V - Valley	W - Washington

( )

**101. LICENSE PLATE PROVISIONS FOR RESTRICTED VEHICLE PLATES.**

The Department will produce these plates on demand. Idaho Department of Parks and Recreation has the authority to issue, manage and maintain records of these plates. The plate will not be valid without the registration sticker, issued pursuant to Section 67-7122, Idaho Code, affixed to the lower corner of the plate. Idaho restricted vehicle plates may not be personalized. ( )

**102. -- 149. (RESERVED)**

**150. VEHICLE DEALER AND MANUFACTURER LICENSE PLATES FORMATS.**

**01. Designation for Plates.** Plates issued to dealers will bear the designation “DLR” and plates issued to manufacturers will bear the designation “MFR”. The sequential license plate number will be a maximum of two (2) digits. ( )

**a.** If a dealer or manufacturer is issued more than ninety-nine (99) plates, an alpha character will be placed in the first position, followed by a number. ( )

**b.** The dealer or manufacturer number will be a maximum of four (4) digits. No dealer or manufacturer number may be preceded by a zero (0): Dealer number one (1), plate number one (1): 1-01; Dealer number one thousand one (1001), plate number one hundred (100): 1001-A1. ( )

**c.** Dealer restricted vehicle plates will display the abbreviation “DLR” within the lower left hand box labeled “Restricted Vehicle”. The dealer validation sticker will be displayed within the box labeled “Dealer Validation Sticker”. ( )

**151. VEHICLE DEALER LICENSE PLATES RESTRICTIONS.**

**01. Restrictions.** Restrictions on the use of manufacturer or dealer plates are provided for by Section 49-1627, Idaho Code. In addition, the following restrictions apply: ( )

**a.** The authorized employee must carry an identification card issued by the dealer. The identification card will contain the employee name, dealership, date of issue, dealer number and signature of an authorized representative of the dealership and the signature of the employee. This use will be limited to normal business hours unless the operator is in possession of a letter from the dealer listing the specific reason for the after-hour use. ( )

**b.** Vehicles displaying a dealer restricted vehicle plate are not required to display the Idaho Department of Parks and Recreation Off-highway registration to be valid, but are required to be validated in the same manner as are standard dealer plates and display the required annual validation sticker on the restricted plate. Use will be permitted pursuant to Section 49-426 (3) and (4), Idaho Code. ( )

**c.** A prospective purchaser will not have in his possession a vehicle belonging to a dealership after normal business hours without a letter of authority from the dealership. ( )

**152. VEHICLE DEALER LOANER PLATES.**

**01. Numbering.** Plates will be numbered from LAA001 to LZZ999. ( )

**02. Surrender of Plates.** If the dealership license becomes invalid, the dealer must surrender the registration and loaner plates that have been issued. There will be no refund of fees. ( )

**03. Vehicle Log.** Dealerships will maintain a vehicle log of each vehicle on which a loaner plate is displayed. The log will be available for inspection by any peace officer or agent of the Department and contain the information provided for by section 49-1628, Idaho Code. ( )

**04. Registration Card.** The authorized issuing entity will provide a registration card for each dealer loaner plate as provided for by section 49-421, Idaho Code. ( )

**05. Letter of Authorization.** Persons using the plate on loaner vehicles while waiting for their own vehicle to be repaired will have in their possession a letter of authorization or a document showing both the user and dealership name. The document or letter will be signed and dated by an authorized employee of the dealership. ( )

**06. Vehicle Use Donation for Civic and Charitable Events.** Licensed dealers may authorize the use of their loaner plates when donating the use of vehicles held in their inventory for civic or charitable events. Such time period will not exceed thirty (30) days. The dealer will provide a letter of authorization to be carried in the vehicle and proof of current liability insurance, as required by Chapter 12, Title 49, Idaho Code. ( )

**07. Fees.** The fees charged for dealer loaner plates will be the same as the fees required by Section 49-402, Idaho Code, for new vehicles, and will be in addition to the current Emergency Medical Service (EMS) and plate fees. Applicants for new loaner plates received after January 1 will be charged one-twelfth (1/12) the annual fee charged for a new vehicle for each month remaining in the licensing year, including the month of application. The annual EMS and plate fees are not prorated. ( )

**153. VEHICLE DEALER TRANSPORTER REGISTRATION AND PLATE.**

**01. Purpose.** Utility and boat trailers that weigh under two thousand (2,000) pounds unladen may be moved by a manufacturer, dealer, or an employee of either, or by a transporter service contracted by the vehicle's manufacturer or dealer upon registration and payment of an annual fifteen dollar (\$15) transporter plate fee to the department, or by purchase of a single trip permit. These plates may be used only on boat trailers and utility trailers for demonstration purposes, and may be used while laden for demonstration purposes. ( )

**02. Numbering of Plates.** Transporter plates will be numbered from PA1 TO PZ9999. Transporter plates are to be displayed on the rear of the trailer. ( )

**03. Renewal of Plates.** The transporter registration and plate are valid for one (1) year from January 1 through December 31 and may be renewed by use of a registration sticker showing the year of validation. ( )

**04. Use of Plates.** Transporter plates may be moved by registrants from one (1) utility or boat trailer weighing under two thousand (2,000) pounds unladen to another trailer meeting this criteria during the current registration period. Vehicles towing a laden trailer displaying a transporter plate are to be registered within the appropriate gross vehicle weight category for the combined load. ( )

**05. Possession of Registration.** When transporting a vehicle displaying a transporter plate, the operator of a towing vehicle will carry the transporter registration in the towing vehicle at all times. ( )

**06. Violations.** Violations of this section include: ( )

**a.** Display of a transporter plate on any vehicle not required to be registered under this Section; and ( )

**b.** Display of a transporter plate on a vehicle not lawfully under the control of the registration holder. ( )

**07. Penalties:** ( )

**a.** Violation of this section will be a misdemeanor as provided for by Section 49-236, Idaho Code; and

( )  
b. The plate and registration of anyone who displays a transporter plate other than provided for by this section may be canceled. ( )

**154. PROVISIONS FOR WRECKER PLATES.**

**01. Purpose.** Wrecker plates are for the exclusive use of businesses engaged in the towing of a wrecked, abandoned, salvaged, or disabled motorized vehicle. Plates will not be used on vehicles being repossessed. ( )

**02. Numbering of Plates.** Plates will be numbered as determined by the department and will display the abbreviation “WRKR” vertically on the left hand side of the plate. ( )

**03. Renewal of Plates.** The wrecker registration and plate are valid for one (1) year from January 1 through December 31 and may be renewed by use of a registration sticker showing the year of validation. ( )

**04. Use of Plates.** Plates are not to be displayed on the towing power unit vehicle nor are they to be used on a vehicle not being towed. Plates are to be displayed on the rear of the towed vehicle in such a manner as to be visible to vehicles approaching from the rear. Wrecker plates may be moved from one (1) towed motorized vehicle to another vehicle under the direct lawful control of the registration holder. ( )

**05. Possession of Registration.** When towing a motorized vehicle displaying a wrecker plate, the operator of the towing vehicle will carry the wrecker plate registration in the towing vehicle. ( )

**06. Acquisition/Renewal of Wrecker Plates.** Wrecker plates will be issued and renewed through the department by mail or by fax using an application and renewal process determined by the department. ( )

**155. PROVISIONS FOR SPECIAL LICENSE PLATE PROGRAM PREQUALIFICATION AND APPLICATION PROCEDURES.**

**01. Special License Plate Prequalification.** A Special Plate Program Application will be provided to each applicant, detailing the procedures for the prequalification and providing information regarding the steps required to successfully accomplish a special plate program. ( )

**02. Special License Plate Approved by the Legislature.** If a special license plate program is approved by the Idaho legislature, prior to production and sale of the special license plates, the sponsor will meet the requirements outlined in sections 49-402C & 49-402D, Idaho Code. ( )

**03. Submission to the Legislature.** For those Special License Plate Programs with enacting legislation that fail to meet the requirements of this Section, the Department will report such finding to the chairman of the Senate Transportation Committee and the chairman of the House Transportation and Defense Committee of the Idaho State Legislature, and will not proceed with production and sale of the special plates. ( )

**04. Annual Report.** An annual report form, designed and provided by the Department, will be made available to special license plate sponsors for all special license plate programs receiving revenue in existence or passed by the legislature on or prior to July 1, 2020. The report will require an accounting of revenues and expenditures associated with the funds collected for the special license plate program. ( )

**05. Appeals.** The appeals process will allow the applicant for a special license plate program to appeal the Department’s decision to deny the application (See Section 003 of this rule). The notice of the appeal will be sent in writing via mail, electronic mail or facsimile within twenty (20) days of the denial. ( )

**06. Cancellation of Plate Programs.** The Department will notify the plate program sponsor of the intent to cancel the program due to failure to provide an annual report or low plate sales volume. Sales volume is calculated by determining the number of current active plates for the plate program on file with the Department. ( )

i. The Department will notify current registrants of the special plate program of the cancellation, and advise the registrant may retain and renew the registration with the additional program fees, and retain the plates until the physical plates are required to be replaced, however replacement plates will not be available, due to loss or damage. ( )

ii. The portion of canceled special plate program fees no longer deposited with the nonprofit agency (who has filed a 501 (c) (3) federal income tax status) program sponsor will be deposited in the state highway account. ( )

iii. Upon mandatory replacement of physical plates as required by statute, the customer may choose another plate program or standard county plates at the customer's preference. ( )

iv. The Department will include in its annual report to the chairman of the Senate Transportation Committee and the chairman of the House Transportation and Defense Committee of the Idaho State Legislature any special plate programs that have been canceled during the preceding year. ( )

**156. -- 198. (RESERVED)**

**199. LICENSE PLATE PROVISIONS FOR SPECIAL PROGRAM AND PERSONALIZED PLATES FOR TRAILERS.**

Special program and personalized plates may be issued to trailers manufactured primarily for recreational vehicle uses. Such trailers will include camper, tent or fifth-wheel recreational trailers. Trailers with multiple uses such as utility, horse, or boat, with or without recreational vehicle facilities, will be excluded. ( )

**200. LICENSE PLATE PROVISIONS FOR SPECIAL PLATES.**

**01. Year of Manufacture Plates. ( )**

a. Vehicles manufactured up through 1974, excluding model years 1969, 1971, 1972, and 1973, but including and ending with model year 1974 are eligible for this program. ( )

b. The license plate must be in serviceable condition as originally manufactured, i.e., cannot be marred, bent, faded, or otherwise damaged to the point it is illegible. If the plate is repainted to bring it to a serviceable condition, the colors will match the original colors as closely as possible and will equal or exceed the original quality. The plate number cannot be a duplicate of a previously manufactured "year of manufacture" plate still in use. ( )

c. The application for use of the plate will include a statement signed by the applicant attesting that the applicant understands, if the plate use is approved, the plate does not have reflectorized material which meets the requirements of Section 49-443, Idaho Code. The responsibility for any accident or injury arising out of the possible consequence of not having this reflectorized safety feature on the license plate will be borne by the registrant. ( )

d. "Classic" or "Old Timer" plates may be used in conjunction with this revived plate at the option of the registrant. ( )

**02. Centennial License Plates.** Personalized and regular number plates are available in the centennial format. ( )

**03. Disabled Veteran License Plates.** Disabled veteran license plates may, upon the registrant's request, display the international disability symbol to ensure reciprocal parking privileges in all states and provinces. ( )

**04. Custom Vehicle License Plates.** The applicant shall pay the initial program fee of \$25 and the annual program fee of \$15. ( )

**201. PROVISIONS FOR LEGISLATIVE LICENSE PLATES.**

**01. Option to Apply.** Members of the Idaho Legislature have the option of applying to the Department for one (1) set of specially numbered license plates bearing the designation “HOUSE” or “SENATE.” ( )

**02. Numbering Assignment List.** Each year, the Department will request from the Speaker and Pro Tem a current list of license numbers assigned to all legislators. ( )

**202. PROVISIONS FOR PERSONALIZED LICENSE PLATES.**

**01. Character Limitations.** No special characters, or punctuation marks, may be used for personalized messages on license plates. ( )

**a.** The Department will determine how many characters are allowed on any given plate. ( )

**02. Issue of Personalized Plates.** Personalized plates may be issued to vehicles if no specific wording is required on the plate to identify the purpose for which the vehicle is registered. Personalized plates will not be issued if such plates would jeopardize the integrity of unique plate identification requirements. Examples include but are not limited to: ( )

**a.** Commercial vehicles registered under the International Registration Plan (IRP), because the designators PRP are required to be printed on the plate; ( )

**b.** Vehicles for which the designators “PRP” are required to be printed on the plate to identify the use; and ( )

**c.** Utility, horse, or enclosed car hauling trailers with RV facilities or boat trailers. ( )

**03. Specific Requests.** Requests for specific plate letters and/or numbers will be issued on a first come, first served basis. In the event of a request for the same plate by more than one (1) individual, the request with the earliest postmark, e-mail transmission time, fax transmission time, or data entry time will prevail. If the postmarks are the same, the date stamped upon arrival will prevail. Applications processed at county assessors’ offices will be considered valid when entered in the system. Telephone requests will not be accepted. ( )

**04. Lack of Current Plates.** When an applicant for personalized plates does not have current regular number plates: ( )

**a.** The Department may, upon payment of all required fees, issue a proof of registration document consistent with Section 012 of this rule. ( )

**05. Credits.** When personalized plates are issued before an applicant’s current registration is expired, credit will be given for unexpired registration fees only. ( )

**06. Renewing Plates.** The applicant will have the choice of renewing existing personalized plates with validation stickers or ordering a new set of plates at the time of renewal. If new plates are requested, a plate and mailing fee will be charged in addition to all other fees that are due. Personalized plates will be reissued in accordance with Section 49-443, Idaho Code. ( )

**07. Transfer of Plates.** When personalized plates are issued, the vehicle’s regular number plates may be transferred to another vehicle belonging to the owner. If registration credit is given from the regular number plates to the personalized, the regular number plate registration is canceled. ( )

**08. Acceptability of Plates Message.** Acceptability of the personalized license plate message and issuance, denial or cancellation will be determined by the Department based on the following criteria: ( )

**a.** The characters requested may not duplicate an existing combination in use on the same size plate or replicate an existing law enforcement plate combination. ( )

b. The message, in any language, may not carry a sexual connotation nor consist of a term that is considered to be one of obscenity, contempt, prejudice, hostility, insult, racial or ethnic degradation, or profanity, as defined by common internet and dictionary resources. ( )

i. The message may not refer to any of the following: bodily functions, bodily fluids, or intimate body parts; sexual preference or orientation; acts of violence; illegal substances or the use thereof. ( )

ii. The message may not represent a group that is commonly known to promote violence, illegal substances or illegal acts. ( )

c. The criteria in Paragraph 202.08.b. of this rule is not to be considered an exhaustive list. A compilation of words, terms or letter/number combinations gathered from the experience of Idaho and other states may also be used as a guide. The Department may also rely on information obtained from law enforcement agencies within or outside of Idaho. ( )

d. When a complaint is received from the public concerning an issued plate, the name of the complainant will not be recorded nor, if known, revealed. ( )

e. Final determination regarding applications for questionable messages or cancellation of issued plates will be made by the Division of Motor Vehicles. The determination process will include a first review by technical staff, followed by a second review by supervisory and management staff. An applicant does, however, have a right to a hearing on the decision. ( )

**09. Message Preferences.** Applicants may submit three (3) message preferences including the specific meaning of each. The first choice that is available and acceptable will be issued. If none of the preferences are available or acceptable, the applicant will be notified by return mail or email. ( )

**10. Recalled Plates.** Personalized plates may be recalled by the Department for the following reasons: ( )

a. Error in manufacturing; or ( )

b. Clerical error. ( )

c. Unacceptable personalized messages as outlined in Paragraph 202.08.b. of these rules. ( )

**11. Unexpired Fees.** If a set of personalized plates is recalled, the personalized plate program fee, will not be refunded but may be transferred to a new issue of personalized plates. ( )

**12. Expired Plates.** Personalized plates that have their registration expire will become immediately available for reissue to another applicant. There is no grace period. ( )

**203. PROVISIONS FOR FORMER PRISONER OF WAR (POW) LICENSE PLATES.**

**01. Eligible Person.** Any veteran who was a prisoner of war (POW) of an armed enemy of the United States during active service in the armed forces of the United States during the following recognized war periods may be eligible:

WORLD WAR II	December 7, 1941 to December 31, 1946
KOREAN WAR	June 27, 1950 to January 31, 1955
VIETNAM WAR	August 5, 1964 to May 7, 1975
USS PUEBLO	January 23, 1968 to December 23, 1968

PERSIAN GULF August 2, 1990 (Congress has not assigned an ending date.)

( )

**02. Certified Documentation.** Eligibility will be documented by a copy of the applicant's 53.55 or DD-214 Separation from Active Duty papers, or other specific documentation received from the Veterans Administration that certifies that the applicant was a prisoner of war during the recognized war periods stated above.

( )

**204. SURRENDER OF PLATES.**

Registered owners desiring to surrender their license plate numbers may do so at any time. Upon surrender, license plate numbers shall immediately become available to be issued by the system or, if personalized, applied for by another, upon application and payment of applicable plate, registration, and program fees.

( )

**205. -- 299. (RESERVED)**

**300. PROVISIONS FOR SAMPLE PLATES.**

Sample plates are issued at on the "Scenic Idaho/Famous Potatoes" red, white, and blue plate or Special Program License plates as follows:

( )

**01. Plate Size.** Plates carry the abbreviation SAMP in the lower right sticker box on both passenger car and motorcycle license plates.

( )

**02. Personalized Sample Plates.** Personalized Sample plates are issued on both plate sizes.

( )

**a.** The acceptability screening process used is the same as that used for regular personalized plate application.

( )

**b.** The Department will adopt written policy for the issuance of duplicate and replacement sample plates with personalized character combinations.

( )

**c.** The department may include other special license plate programs for sample plate sale, when not prohibited by code, or that would not cause a compromise of a special eligibility plate program.

( )

**03. Penalties.** There is a penalty for fictitious display of sample plates (Section 49-456, Idaho Code).

( )

**301. -- 399. (RESERVED)**

**SUBCHAPTER A – RULES GOVERNING LICENSE PLATES  
FOR GOVERNMENTAL AGENCIES AND TAXING DISTRICTS**

**400. STANDARD EXEMPT PLATE DESIGNATORS.**

The standard exempt license plate designators used to identify the agency, entity, or office will be assigned pursuant to Section 49-443B (2), Idaho Code.

( )

**401. ISSUING AGENCY.**

All exempt and undercover license plates will be issued by the Idaho Transportation Department upon receipt of a request from an authorized agency.

( )

**402. INFORMATION TO BE PROVIDED BY AN AUTHORIZED AGENCY.**

A request for exempt or undercover plates will contain:

( )

**01. Actual Name and Address.** The name and address of the requesting agency.

( )

**02. Vehicle Description.** The description of the vehicle(s) to be registered, including the year, the make, model, type, vehicle identification (VIN), color and title number, and truck weight if eight thousand one



pounds (8,001 lbs.) or more. ( )

**03. Fictitious Name and Address.** The name and address of the registrant to appear on the undercover plate registration, and title records of the Department. ( )

**04. Authorized Official.** The request must be signed by an authorized official of the authorized agency. ( )

**403. VEHICLE TITLING.**

**01. For Exempt Registration and License Plates.** If the vehicle is not titled, the title transaction will be initiated before requesting exempt plates. The control number from the title application may be used in lieu of the title number on the exempt plate request letter. ( )

**02. Undercover Vehicle Titling.** The actual name and address of the requesting agency, along with the fictitious name and address of the registrant will be provided directly to the Department on a completed application approved by the authorized official. ( )

**404. EXEMPT AND UNDERCOVER PLATE FEES.**

**01. Department Reimbursement.** State and federal agencies and taxing districts will reimburse the Department the cost of providing license plates. These costs will be determined by the cost of manufacture and the cost to the Department of processing the transaction. ( )

**02. Adjusted Fees.** Periodically, fees may be adjusted in accordance with changes in manufacturing costs, postage, employee costs and legislative mandate. ( )

**405. EXEMPT PLATE DISPLAY.**

Exempt license plates will be displayed in accordance with Section 49-428, Idaho Code. The designator “EX” will be provided with each exempt plate and be attached to the plate(s) in the space provided for this purpose. The department may have the EX designator printed in the appropriate space on the plate as an alternative to the sticker. ( )

**406. UNDERCOVER PLATE DISPLAY.**

Undercover license plates will be displayed in accordance with Section 49-428, Idaho Code. A pressure-sensitive sticker displaying an expiration date matching the plate number will be attached to the plate(s) in the space provided for this purpose. There will be no discerning markings to indicate that the plate or registration record is in undercover use. ( )

**407. ALTERNATIVE PLATES.**

If an authorized agency requests a specialized license plate format normally reserved for the general public, all the statutory special program fees for the plate will be paid, with the exception of the registration (operating) fee, in addition to the department administrative and plate manufacturing fees. Special eligibility plates will not be issued to exempt vehicles. “Special eligibility” requires the individual registrant to meet specific requirements for programs such as: Purple Heart, Disabled Veteran, Disability, Military Reservist, Former Prisoner of War, Congressional Medal of Honor, National Guard and Air National Guard, Radio Amateur, Pearl Harbor Survivor, and Legislative plates. ( )

**408. EXEMPT PLATE STATUS.**

**01. Non-Expiring Plates.** Exempt plates are non-expiring and require no annual renewal. ( )

**02. Transfer of Plates.** Exempt plates may be transferred between vehicles. If an exempt plate is transferred to another vehicle, a transfer request must be made to the Department. ( )

**03. Reissue of Plates.** Exempt plates will also be assessed personalization and program fees upon each reissuance. ( )

**409. UNDERCOVER PLATE STATUS.**

**01. Expiration of Plates.** Undercover license plates will expire annually or biennially based upon the application of the authorized agency. Registration status will appear as valid, until expiration date. Renewals must be made to the Department upon expiration of the undercover license plate. ( )

**02. Transfer of Plates.** Undercover license plates may be transferred between vehicles. If an undercover license plate is transferred to another vehicle, a transfer request must be made to the Department's Vehicle Services Section/Special Plates Unit. ( )

**03. Reissue of Plates.** Undercover plates will be reissued in accordance with Section 49-443(2), Idaho Code. ( )

**410. -- 999. (RESERVED)**

[Agency redlined courtesy copy]

**39.02.60 – RULES GOVERNING LICENSE PLATE PROVISIONS**

**000. LEGAL AUTHORITY.**

This rule, establishing the policies used to administer Idaho's standard and specialized license plate programs, is adopted under the authority of Section 49-201, Idaho Code. ( )

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

**01. ~~Title.~~ Title.** These rules are titled IDAPA 39.02.60 "Rules Governing License Plate Provisions." (3-21-22)

**02. ~~Scope.~~ Scope.** This rule governs ~~license plate~~ provisions for standard, ~~license plates not otherwise detailed in Title 49, Idaho Code, and provisions for all~~ specialty program ~~license plates~~, personalized plates, and special eligibility ~~license~~ plates. ~~Subchapter A further establishes provisions for administering the exempt and undercover license plate programs not otherwise detailed in Title 49, Chapter 4, Idaho Code.~~ (3-21-22)( )

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

**010. DEFINITIONS.**

**01. Authorized Employees.** Authorized employee as used in this rule means any non-salesperson or employee who is paid compensation for a minimum of thirty (30) hours each week, and appears on the records of the employer as an employee for which social security, income tax, and all deductions required by law have been made. ( )

**02. Exempt License Plate.** Standard license plate issued to the entities described in Section 49-426(1), Idaho Code, which are exempt from payment of vehicle operating fees. ( )

**03. Exempt Personalized License Plate.** An exempt plate which identifies the agency by a unique identifier specified by the agency that does not conform to the standard exempt identifier listed in Section 400; a plate wherein the serial number portion represents inventory control numbers, badge numbers, radio call signs, or other unique lettering or numbering schemes developed by the requesting agency; plates that are lettered and/or numbered to indicate a person's position in the hierarchy of an agency. ( )

**04. Furtherance or Pursuance of Business.** Furtherance or pursuance of business as used in this rule or in Section 49-1627, Idaho Code, means any lawful use of a dealer or loaner plate by an authorized employee of a dealership for the movement of a vehicle to be sold, repaired or transferred from one (1) location to another. ( )

**05. Leased or Rented Vehicles.** Leased or rented vehicles owned by the licensed dealer as used in Section 49-1627, Idaho Code, means vehicles titled in the name of the dealership which are leased or rented on a contractual basis to the public. ( )

**06. Undercover License Plate.** A standard license plate issued upon application to the Department from an exempt agency with law enforcement authority. Undercover license plates will be randomly issued by the Department, and appear as a standard county plate. ( )

**07. Vehicles Not Held in Stock.** Vehicles not held in stock for sale as used in Section 49-1627, Idaho Code, means vehicles titled in the name of the dealership or vehicles which cannot be titled or for which the dealership does not hold title. ( )

**08. Vehicles Sold.** Vehicles which have been sold as used in Section 49-1627, Idaho Code, means vehicles for which a dealer has a signed contract of sale or other vehicles not belonging to the dealership. ( )

**011. LICENSE PLATE PROVISIONS FOR ALL LICENSE PLATES.**

**01. Plate Numbering and Lettering.** The Idaho Transportation Department is authorized to assign unique plate letter/number spacing schemes and to use specific letter/number combination schemes as needed for the purpose of ensuring unique numbering systems for all license plate programs and to administer the provisions of this rule. ( )

**02. Plate Life Expiration Date.** License plates will be valid for the period described in 49-443 (2) and will expire on the last day of the month, consistent with the month of the registration expiration. ( )

**012. PROOF OF REGISTRATION FOR NEW, REPLACEMENT, OR REISSUED LICENSE PLATES.**

**01. Proof of Registration Document.** Upon receipt of payment for required registration and program fees, a proof of registration ~~receipt document may be issued, indicating "license~~ plates on order document will be issued.<sup>2</sup> This option will be used whenever license plates are manufactured after the registration transaction has been completed. The proof of registration receipt document will provide proof that the vehicle has been registered and fees have been paid, and the vehicle may be operated until new plates have been received by the registrant. ~~At the discretion of the Department, more than one (1) proof of registration may be issued, if needed, in order to manufacture license plates.~~ (3-21-22)( )

**02. Placement of Proof of Registration Document.** The proof of registration receipt document will be displayed in the rear window or on the rear of the vehicle for which it is issued in a manner that is readily legible for a distance of twenty five (25) feet and will be legible throughout the duration of the permit. When issued to a convertible, motorcycle, or other vehicle in which it is not possible to display in the rear window, the proof of registration must be conspicuously displayed where the expiration date of the newly issued plate may be easily read at a distance of twenty five (25) feet, and where it is protected from exposure to weather conditions, which would render it illegible. ( )

**03. Issuance of Manually Completed Temporary Registrations When Automated System is Unavailable.** Upon receipt of payment for required registration and program fees, the county department or its agent may issue a manual temporary proof of registration valid for thirty (30) days, through use of a temporary on a department form ~~provided by the Department,~~ in the event the automated system is unavailable. When the system resumes normal operation, the county office will enter such registration information will be entered in the system, and produce the registration form ~~and validation decals and will be mailed~~ to the registered applicant. The manual temporary proof of registration form will be displayed in accordance with IDAPA 39.02.60.12.02 ~~the rear window of the vehicle for which it is issued in a manner that is readily legible for a distance of twenty five (25) feet and will be legible throughout the duration of the permit.~~ When issued to a convertible, motorcycle, or other vehicle in which it is

~~not possible to display in the rear window, the temporary registration must be conspicuously displayed where the expiration date of the permit may be easily read at a distance of twenty five (25) feet, and where it is protected from exposure to weather conditions, which would render it illegible.~~ (3-21-22)( )

**013. -- 099. (RESERVED)**

**100. LICENSE PLATE PROVISIONS FOR STANDARD PLATES.**

**01. County Designations.** The county in which a vehicle is registered will be designated by a number and letter on license plates for passenger cars, pick-up trucks eight thousand (8,000) pounds and under gross weight, hearses, ambulances, wreckers, farm vehicles between eight thousand one (8,001) and sixty thousand (60,000) pounds gross weight, and recreational trailers. The county designators are as follows:

County Designations			
1A - Ada	2A - Adams	1B - Bannock	2B - Bear Lake
3B - Benewah	4B - Bingham	5B - Blaine	6B - Boise
7B - Bonner	8B - Bonneville	9B - Boundary	10B - Butte
1C - Camas	2C - Canyon	3C - Caribou	4C - Cassia
5C - Clark	6C - Clearwater	7C - Custer	E - Elmore
1F - Franklin	2F - Fremont	1G - Gem	2G - Gooding
I - Idaho	1J - Jefferson	2J - Jerome	K - Kootenai
1L - Latah	2L - Lemhi	3L - Lewis	4L - Lincoln
1M - Madison	2M - Minidoka	N - Nez Perce	1O - Oneida
2O - Owyhee	1P - Payette	2P - Power	S - Shoshone
1T - Teton	2T - Twin Falls	V - Valley	W - Washington

( )

**101. LICENSE PLATE PROVISIONS FOR RESTRICTED VEHICLE PLATES.**

The Department will ~~provide~~ **produce** these plates ~~to county DMV offices and to the Idaho Department of Parks and Recreation (if needed) on demand.~~ Idaho Department of Parks and Recreation has the authority to issue, manage and maintain records of these plates. The plate will not be valid without the registration sticker, issued pursuant to Section 67-7122, Idaho Code, affixed to the lower corner of the plate. Idaho restricted vehicle plates may not be personalized. (3-21-22)( )

**102. -- 149. (RESERVED)**

**150. VEHICLE DEALER AND MANUFACTURER LICENSE PLATES FORMATS.**

**01. Designation for Plates.** Plates issued to dealers will bear the designation “DLR” and plates issued to manufacturers will bear the designation “MFR”. The sequential license plate number will be a maximum of two (2) digits. ( )

**a.** If a dealer or manufacturer is issued more than ninety-nine (99) plates, an alpha character will be placed in the first position, followed by a number. ( )

**b.** The dealer or manufacturer number will be a maximum of four (4) digits. No dealer or manufacturer number may be preceded by a zero (0): Dealer number one (1), plate number one (1): 1-01; Dealer number one thousand one (1001), plate number one hundred (100): 1001-A1. ( )

**c.** Dealer restricted vehicle plates will display the abbreviation “DLR” within the lower left hand box

labeled “Restricted Vehicle”. The dealer validation sticker will be displayed within the box labeled “Dealer Validation Sticker”. ( )

**151. VEHICLE DEALER LICENSE PLATES RESTRICTIONS.**

**01. Restrictions.** Restrictions on the use of manufacturer or dealer plates are provided for by Section 49-1627, Idaho Code. In addition, the following restrictions apply: ( )

**a.** The authorized employee must carry an identification card issued by the dealer. The identification card will contain the employee name, dealership, date of issue, dealer number and signature of an authorized representative of the dealership and the signature of the employee. This use will be limited to normal business hours unless the operator is in possession of a letter from the dealer listing the specific reason for the after-hour use. ( )

**b.** Vehicles displaying a dealer restricted vehicle plate are not required to display the Idaho Department of Parks and Recreation Off-highway registration to be valid, but are required to be validated in the same manner as are standard dealer plates and display the required annual validation sticker on the restricted plate. Use will be permitted pursuant to Section 49-426 (3) and (4), Idaho Code. ( )

**c.** A prospective purchaser will not have in his possession a vehicle belonging to a dealership after normal business hours without a letter of authority from the dealership. ( )

**152. VEHICLE DEALER LOANER PLATES.**

**01. Numbering.** Plates will be numbered from LAA001 to LZZ999. ( )

**02. Surrender of Plates.** If the dealership license becomes invalid, the dealer must surrender the registration and loaner plates that have been issued. There will be no refund of fees. ( )

**03. Vehicle Log.** Dealerships will maintain a vehicle log of each vehicle on which a loaner plate is displayed. The log will be available for inspection by any peace officer or agent of the Department and contain the information provided for by section 49-1628, Idaho Code. ( )

**04. Registration Card.** The authorized issuing entity will provide a registration card for each dealer loaner plate as provided for by section 49-421, Idaho Code. ( )

**05. Letter of Authorization.** Persons using the plate on loaner vehicles while waiting for their own vehicle to be repaired will have in their possession a letter of authorization or a document showing both the user and dealership name. The document or letter will be signed and dated by an authorized employee of the dealership. ( )

**06. Vehicle Use Donation for Civic and Charitable Events.** Licensed dealers may authorize the use of their loaner plates when donating the use of vehicles held in their inventory for civic or charitable events. Such time period will not exceed thirty (30) days. The dealer will provide a letter of authorization to be carried in the vehicle and proof of current liability insurance, as required by Chapter 12, Title 49, Idaho Code. ( )

**07. Fees.** The fees charged for dealer loaner plates will be the same as the fees required by Section 49-402, Idaho Code, for new vehicles, and will be in addition to the current Emergency Medical Service (EMS) and plate fees. Applicants for new loaner plates received after January 1 will be charged one-twelfth (1/12) the annual fee charged for a new vehicle for each month remaining in the licensing year, including the month of application. The annual EMS and plate fees are not prorated. ( )

**153. VEHICLE DEALER TRANSPORTER REGISTRATION AND PLATE.**

**01. Purpose.** Utility and boat trailers that weigh under two thousand (2,000) pounds unladen may be moved by a manufacturer, dealer, or an employee of either, or by a transporter service contracted by the vehicle’s manufacturer or dealer upon registration and payment of an annual fifteen dollar (\$15) transporter plate fee to the

department, or by purchase of a single trip permit. These plates may be used only on boat trailers and utility trailers for demonstration purposes, and may be used while laden for demonstration purposes. ( )

**02. Numbering of Plates.** Transporter plates will be numbered from PA1 TO PZ9999. Transporter plates are to be displayed on the rear of the trailer. ( )

**03. Renewal of Plates.** The transporter registration and plate are valid for one (1) year from January 1 through December 31 and may be renewed by use of a registration sticker showing the year of validation. ( )

**04. Use of Plates.** Transporter plates may be moved by registrants from one (1) utility or boat trailer weighing under two thousand (2,000) pounds unladen to another trailer meeting this criteria during the current registration period. Vehicles towing a laden trailer displaying a transporter plate are to be registered within the appropriate gross vehicle weight category for the combined load. ( )

**05. Possession of Registration.** When transporting a vehicle displaying a transporter plate, the operator of a towing vehicle will carry the transporter registration in the towing vehicle at all times. ( )

**06. Violations.** Violations of this section include: ( )

**a.** Display of a transporter plate on any vehicle not required to be registered under this Section; and ( )

**b.** Display of a transporter plate on a vehicle not lawfully under the control of the registration holder. ( )

**07. Penalties:** ( )

**a.** Violation of this section will be a misdemeanor as provided for by Section 49-236, Idaho Code; and ( )

**b.** The plate and registration of anyone who displays a transporter plate other than provided for by this section may be canceled. ( )

**154. PROVISIONS FOR WRECKER PLATES.**

**01. Purpose.** Wrecker plates are for the exclusive use of businesses engaged in the towing of a wrecked, abandoned, salvaged, or disabled motorized vehicle. Plates will not be used on vehicles being repossessed. ( )

**02. Numbering of Plates.** Plates will be numbered as determined by the department and will display the abbreviation "WRKR" vertically on the left hand side of the plate. ( )

**03. Renewal of Plates.** The wrecker registration and plate are valid for one (1) year from January 1 through December 31 and may be renewed by use of a registration sticker showing the year of validation. ( )

**04. Use of Plates.** Plates are not to be displayed on the towing power unit vehicle nor are they to be used on a vehicle not being towed. Plates are to be displayed on the rear of the towed vehicle in such a manner as to be visible to vehicles approaching from the rear. Wrecker plates may be moved from one (1) towed motorized vehicle to another vehicle under the direct lawful control of the registration holder. ( )

**05. Possession of Registration.** When towing a motorized vehicle displaying a wrecker plate, the operator of the towing vehicle will carry the wrecker plate registration in the towing vehicle. ( )

**06. Acquisition/Renewal of Wrecker Plates.** Wrecker plates will be issued and renewed through the department by mail or by fax using an application and renewal process determined by the department. ( )

**155. PROVISIONS FOR SPECIAL LICENSE PLATE PROGRAM PREQUALIFICATION AND APPLICATION PROCEDURES.**

**01. Special License Plate Prequalification.** A Special License Plate Program Application will be provided to each applicant, detailing the procedures for the prequalification and providing information regarding the steps required to successfully accomplish a special license plate program. ( )

**02. Special License Plate Approved by the Legislature.** If a special license plate program is approved by the Idaho legislature, prior to production and sale of the special license plates, the sponsor will meet the requirements outlined in sections 49-402C & 49-402D, Idaho Code. ( )

**03. Submission to the Legislature.** For those Special License Plate Programs with enacting legislation that fail to meet the requirements of this Section, the Department will report such finding to the chairman of the Senate Transportation Committee and the chairman of the House Transportation and Defense Committee of the Idaho State Legislature, and will not proceed with production and sale of the special plates. ( )

**04. Annual Report.** An annual report form, designed and provided by the Department, will be made available to special license plate sponsors for all special license plate programs receiving revenue in existence or passed by the legislature on or prior to July 1, 2020. The report will require an accounting of revenues and expenditures associated with the funds collected for the special license plate program. ( )

**05. Appeals.** The appeals process will allow the applicant for a special license plate program to appeal the Department's decision to deny the application (See Section 003 of this rule). The notice of the appeal will be sent in writing via mail, electronic mail or facsimile within twenty (20) days of the denial. ( )

**06. Cancellation of Plate Programs.** The Department will notify the plate program sponsor ~~ninety (90) days prior to cancellation informing the sponsor~~ of the intent to cancel the program due to failure to provide an annual report or low plate sales volume. Sales volume is calculated by determining the number of current active plates for the plate program on file with the Department. ~~(3-21-22)~~( )

i. The Department will notify current registrants of the special plate program of the cancellation, and advise the registrant may retain and renew the registration with the additional program fees, and retain the plates until the physical plates are required to be replaced, however replacement plates will not be available, due to loss or damage. ( )

ii. The portion of canceled special plate program fees no longer deposited with the nonprofit agency (who has filed a 501 (c) (3) federal income tax status) program sponsor will be deposited in the state highway account. ( )

iii. Upon mandatory replacement of physical plates as required by statute, the customer may choose another plate program or standard county plates at the customer's preference. ( )

iv. The Department will include in its annual report to the chairman of the Senate Transportation Committee and the chairman of the House Transportation and Defense Committee of the Idaho State Legislature any special plate programs that have been canceled during the preceding year. ( )

**156. -- 198. (RESERVED)**

**199. LICENSE PLATE PROVISIONS FOR SPECIAL PROGRAM AND PERSONALIZED PLATES FOR TRAILERS.**

Special program and personalized plates may be issued to trailers manufactured primarily for recreational vehicle uses. Such trailers will include camper, tent or fifth-wheel recreational trailers. Trailers with multiple uses such as utility, horse, or boat, with or without recreational vehicle facilities, will be excluded. ( )

**200. LICENSE PLATE PROVISIONS FOR SPECIAL PLATES.**

**01. Year of Manufacture Plates.** ( )

a. Vehicles manufactured up through 1974, excluding model years 1969, 1971, 1972, and 1973, but including and ending with model year 1974 are eligible for this program. ( )

b. The license plate must be in serviceable condition as originally manufactured, i.e., cannot be marred, bent, faded, or otherwise damaged to the point it is illegible. If the plate is repainted to bring it to a serviceable condition, the colors will match the original colors as closely as possible and will equal or exceed the original quality. The plate number cannot be a duplicate of a previously manufactured “year of manufacture” plate still in use. ( )

c. The application for use of the plate will include a statement signed by the applicant attesting that the applicant understands, if the plate use is approved, the plate does not have reflectorized material which meets the requirements of Section 49-443, Idaho Code. The responsibility for any accident or injury arising out of the possible consequence of not having this reflectorized safety feature on the license plate will be borne by the registrant. ( )

d. “Classic” or “Old Timer” plates may be used in conjunction with this revived plate at the option of the registrant. ( )

**02. Centennial License Plates.** Personalized and regular number plates are available in the centennial format. ( )

**03. Disabled Veteran License Plates.** Disabled veteran license plates may, upon the registrant's request, display the international disability symbol to ensure reciprocal parking privileges in all states and provinces. ( )

**04. Custom Vehicle License Plates.** The applicant shall pay the initial program fee of \$25 and the annual program fee of \$15. ( )

## **201. PROVISIONS FOR LEGISLATIVE LICENSE PLATES.**

**01. Option to Apply.** Members of the Idaho Legislature have the option of applying to the Department for one (1) set of specially numbered license plates bearing the designation “HOUSE” or “SENATE.” ( )

**02. Numbering Assignment List.** Each year, the Department will request from the Speaker and Pro Tem a current list of license numbers assigned to all legislators. ( )

## **202. PROVISIONS FOR PERSONALIZED LICENSE PLATES.**

**01. ~~Special Characters or Marks~~ Limitations.** No special characters, or punctuation marks, may be used for personalized messages on license plates. (3-21-22)( )

**a.** ~~Up to seven (7) letters or any combination of seven (7) letters and numbers and spaces (no half spaces) may be used for personalized messages on eligible six inch by twelve inch (6” x 12”) license plates. The department will determine how many characters are allowed on any given plate.~~ (3-21-22)( )

**b.** ~~Up to six (6) letters or any combination of six (6) letters and numbers and spaces (no half spaces) may be used for personalized messages on four inch by seven inch (4” x 7”) motorcycle plates.~~ (3-21-22)

**c.** ~~Up to six (6) letters or any combination of six (6) letters and numbers and spaces (no half spaces) may be used for personalized messages on specialty program license plates.~~ (3-21-22)

**d.** ~~Disability six inch by twelve inch (6” x 12”) plates will display the international disability symbol followed by up to five (5) letters, numbers, and spaces in the personalized message. Disability four inch by seven inch (4” x 7”) motorcycle plates will display the international disability symbol followed by up to four (4) letters, numbers, and spaces (no half spaces) in the personalized message.~~ (3-21-22)



**02. Issue of Personalized Plates.** Personalized plates may be issued to vehicles if no specific wording is required on the plate to identify the purpose for which the vehicle is registered. Personalized plates will not be issued if such plates would jeopardize the integrity of unique plate identification requirements. Examples include but are not limited to: ( )

**a.** Commercial vehicles registered under the International Registration Plan (IRP), because the designators PRP are required to be printed on the plate; ( )

**b.** Vehicles for which the designators “PRP” are required to be printed on the plate to identify the use; and ( )

**c.** Utility, horse, or enclosed car hauling trailers with RV facilities or boat trailers. ( )

**03. Specific Requests.** Requests for specific plate letters and/or numbers will be issued on a first come, first served basis. In the event of a request for the same plate by more than one (1) individual, the request with the earliest postmark, e-mail transmission time, ~~or fax transmission time,~~ or data entry time will prevail. If the postmarks are the same, the date stamped upon arrival ~~at the Department~~ will prevail. Applications ~~submitted~~ processed at county assessors’ offices will be considered valid when ~~date stamped in by the Department~~ entered in the system. Telephone requests will not be accepted. (3-21-22)( )

**04. Lack of Current Plates.** When an applicant for personalized plates does not have current regular number plates: ( )

**a.** The Department may, upon payment of all required fees, issue a proof of registration document consistent with Section 012 of this rule. ( )

**05. Credits.** When personalized plates are issued before an applicant’s current registration is expired, credit will be given for unexpired registration fees only. ( )

**06. Renewing Plates.** The applicant will have the choice of renewing existing personalized plates with validation stickers or ordering a new set of plates at the time of renewal. If new plates are requested, ~~the a plate and mailing~~ fee will be charged in addition to all other fees that are due. Personalized plates will be reissued in accordance with Section 49-443, Idaho Code. (3-21-22)( )

**07. Transfer of Plates.** When personalized plates are issued, the vehicle’s regular number plates may be transferred to another vehicle belonging to the owner. If registration credit is given from the regular number plates to the personalized, the regular number plate registration is canceled. ( )

**08. Acceptability of Plates Message.** Acceptability of the personalized license plate message and issuance, denial or cancellation will be determined by the Department based on the following criteria: ( )

**a.** The ~~combination of numbers and letters~~ characters requested ~~or combinations of same~~ may not duplicate an existing combination in use, pursuant to Idaho Code on the same size plate or replicate an existing law enforcement plate combination. (3-21-22)( )

**b.** The message, in any language, may not carry a sexual connotation nor consist of a term that is considered to be one of obscenity, contempt, prejudice, hostility, insult, racial ~~degradation,~~ or ethnic degradation, or profanity, ~~or vulgarity,~~ as defined ~~in dictionaries of general use, including, but not limited to, Webster’s Unabridged Dictionary and the Harper & Row New Dictionary of American Slang~~ by common internet and dictionary resources. (3-21-22)( )

**i.** The message may not refer to any of the following: bodily functions, bodily fluids, or intimate body parts; sexual preference or orientation; acts of violence; illegal substances or the use thereof. ( )

**ii.** The message may not represent a ~~club, membership, or gang~~ group that is commonly known to promote violence, illegal substances or illegal acts. (3-21-22)( )

c. The criteria in Paragraph 202.08.b. of ~~these rules~~ this rule is not to be considered an exhaustive list. A compilation of ~~offensive or obscene~~ words, terms or letter/number combinations gathered from the experience of Idaho and other states may also be used as a guide. The Department may also rely on information obtained from law enforcement agencies within or outside of Idaho. (3-21-22)( )

d. When a complaint is received from the public concerning an issued plate, the name of the complainant will not be recorded nor, if known, revealed. ( )

e. Final determination regarding applications for questionable messages or cancellation of issued plates will be made by the Division of Motor Vehicles. The determination process will include a first review by technical staff, followed by a second review by supervisory and management staff. An applicant does, however, have a right to a hearing on the decision. ( )

**09. Message Preferences.** Applicants may submit three (3) message preferences including the specific meaning of each. The first choice that is available and acceptable will be issued. If none of the preferences are available or acceptable, the applicant will be notified by return mail or email. ( )

**10. Recalled Plates.** Personalized plates may be recalled by the Department for the following reasons: ( )

a. Error in manufacturing; or ( )

b. Clerical error. ( )

c. Unacceptable personalized messages as outlined in Paragraph 202.08.b. of these rules. ( )

**11. Unexpired Fees.** If a set of personalized plates is recalled, the personalized plate program fee, ~~unexpired portion of the registration fee, E.M.S. fee, plate fee, (if plates are returned to the Department), and all other applicable special plate fees,~~ will not be refunded ~~or~~ but may be transferred to a new issue of personalized plates. (3-21-22)( )

**12. Expired Plates.** Personalized plates that have their registration expire will become immediately available for reissue to another applicant. There is no grace period. ( )

**203. PROVISIONS FOR FORMER PRISONER OF WAR (POW) LICENSE PLATES.**

**01. Eligible Person.** Any veteran who was a prisoner of war (POW) of an armed enemy of the United States during active service in the armed forces of the United States during the following recognized war periods may be eligible:

<del>WORLD WAR I</del>	<del>April 6, 1917 to November 11, 1918</del>
WORLD WAR II	December 7, 1941 to December 31, 1946
KOREAN WAR	June 27, 1950 to January 31, 1955
VIETNAM WAR	August 5, 1964 to May 7, 1975
USS PUEBLO	January 23, 1968 to December 23, 1968
PERSIAN GULF	August 2, 1990 (Congress has not assigned an ending date.)

(3-21-22)( )

**02. Certified Documentation.** Eligibility will be documented by a copy of the applicant's 53.55 or DD-214 Separation from Active Duty papers, or other specific documentation received from the Veterans Administration that certifies that the applicant was a prisoner of war during the recognized war periods stated above. ( )

**204. SURRENDER OF PLATES.**

Registered owners desiring to surrender their license plate numbers may do so at any time. Upon surrender, license plate numbers shall immediately become available to be issued by the system or, if personalized, applied for use by another, upon application and payment of applicable plate, registration, and program fees. (3-21-22)( )

**205. -- 299. (RESERVED)**

**300. PROVISIONS FOR SAMPLE PLATES.**

Sample plates are issued at on the “Scenic Idaho/Famous Potatoes” red, white, and blue plate or Special Program License plates as follows: ( )

**01. Plate Size.** Plates carrying the word abbreviation SAMPLE in in the lower right sticker box on both passenger car size (six inches by twelve inches (6" x 12")) and motorcycle size (four inches by seven inches (4" x 7")) license plates. (3-21-22)( )

**02. Personalized Sample Plates.** Personalized Sample plates are issued on both plate sizes, passenger car with maximum of seven (7) characters and motorcycle size with a maximum of six (6). (3-21-22)( )

**a.** The applicant completes an Application for Personalized Sample License Plate Form. (3-21-22)

**ba.** The acceptability screening process used is the same as that used for regular personalized plate application. ( )

**eb.** The Department will adopt written policy for the issuance of duplicate and replacement sample plates with personalized character combinations. ( )

**ec.** The department may include other special license plate programs for sample plate sale, when not prohibited by code, or that would not cause a compromise of a special eligibility plate program. ( )

**03. Penalties.** There is a penalty for fictitious display of sample plates (Section 49-456, Idaho Code). ( )

**301. -- 399. (RESERVED)**

**SUBCHAPTER A – RULES GOVERNING LICENSE PLATES  
FOR GOVERNMENTAL AGENCIES AND TAXING DISTRICTS**

**400. STANDARD EXEMPT PLATE DESIGNATORS.**

The standard exempt license plate designators used to identify the agency, entity, or office will be assigned pursuant to Section 49-443B (2), Idaho Code. ( )

**401. ISSUING AGENCY.**

All exempt and undercover license plates will be issued by the Idaho Transportation Department upon receipt of a request from an authorized agency. ( )

**402. INFORMATION TO BE PROVIDED BY AN AUTHORIZED AGENCY.**

A request for exempt or undercover plates will contain: ( )

**01. Actual Name and Address.** The name and address of the requesting agency. ( )

**02. Vehicle Description.** The description of the vehicle(s) to be registered, including the year, the make, model, type, vehicle identification (VIN), color and title number, and truck weight if eight thousand one pounds (8,001 lbs.) or more. ( )

**03. Fictitious Name and Address.** The name and address of the registrant to appear on the undercover plate registration, and title records of the Department. ( )

**04. Authorized Official.** The request must be signed by an authorized official of the authorized

agency. ( )

**403. VEHICLE TITLING.**

**01. For Exempt Registration and License Plates.** If the vehicle is not titled, the title transaction will be ~~completed at the local county assessor's office~~ initiated before requesting exempt plates. The control number from the title application may be used in lieu of the title number on the exempt plate request letter. (3-21-22)( )

**02. Undercover Vehicle Titling.** The actual name and address of the requesting agency, along with the fictitious name and address of the registrant will be provided directly to the Department on a completed application approved by the authorized official. ( )

**404. EXEMPT AND UNDERCOVER PLATE FEES.**

**01. Department Reimbursement.** State and federal agencies and taxing districts will reimburse the Department the cost of providing license plates. These costs will be determined by the cost of manufacture and the cost to the Department of processing the transaction. ( )

**02. Adjusted Fees.** Periodically, fees may be adjusted in accordance with changes in manufacturing costs, postage, employee costs and legislative mandate. ( )

**405. EXEMPT PLATE DISPLAY.**

Exempt license plates will be displayed in accordance with Section 49-428, Idaho Code. ~~A pressure sensitive sticker with t~~The designator "EX" will be provided with each exempt plate and be attached to the plate(s) in the space provided for this purpose. The department may have the EX designator printed in the appropriate space on the plate as an alternative to the sticker. (3-21-22)( )

**406. UNDERCOVER PLATE DISPLAY.**

Undercover license plates will be displayed in accordance with Section 49-428, Idaho Code. A pressure-sensitive sticker displaying an expiration date matching the plate number will be attached to the plate(s) in the space provided for this purpose. There will be no discerning markings to indicate that the plate or registration record is in undercover use. ( )

**407. ALTERNATIVE PLATES.**

If an authorized agency requests a specialized license plate format normally reserved for the general public, all the statutory special program fees for the plate will be paid, with the exception of the registration (operating) fee, in addition to the department administrative and plate manufacturing fees. Special eligibility plates will not be issued to exempt vehicles. "Special eligibility" requires the individual registrant to meet specific requirements for programs such as: Purple Heart, Disabled Veteran, Disability, Military Reservist, Former Prisoner of War, Congressional Medal of Honor, National Guard and Air National Guard, Radio Amateur, Pearl Harbor Survivor, and Legislative plates. ( )

**408. EXEMPT PLATE STATUS.**

**01. Non-Expiring Plates.** Exempt plates are non-expiring and require no annual renewal. ( )

**02. Transfer of Plates.** Exempt plates may be transferred between vehicles. If an exempt plate is transferred to another vehicle, a transfer request must be made to the Department. ( )

**03. Reissue of Plates.** Exempt plates will also be assessed personalization and program fees upon each reissuance. ( )

**409. UNDERCOVER PLATE STATUS.**

**01. Expiration of Plates.** Undercover license plates will expire annually or biennially based upon the application of the authorized agency. Registration status will appear as valid, until expiration date. Renewals must be made to the Department upon expiration of the undercover license plate. ( )

**02. Transfer of Plates.** Undercover license plates may be transferred between vehicles. If an undercover license plate is transferred to another vehicle, a transfer request must be made to the Department's Vehicle Services Section/Special Plates Unit. ( )

**03. Reissue of Plates.** Undercover plates will be reissued in accordance with Section 49-443(2), Idaho Code. ( )

~~**04. Emission Testing of Undercover Vehicles.** Vehicles issued undercover license plates who list an address in a county or area of required emission testing will need to check with the emission authority to be exempted from the testing requirement, or test as a typical registered vehicle. (3-21-22)~~

**410. -- 999. (RESERVED)**

## IDAPA 39 – IDAHO TRANSPORTATION DEPARTMENT

### 39.02.76 – RULES GOVERNING DRIVER'S LICENSE AND IDENTIFICATION CARD RENEWAL-BY-MAIL AND ELECTRONIC RENEWAL AND REPLACEMENT PROCESSES

DOCKET NO. 39-0276-2301

#### NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

[LINK: LSO Rules Analysis Memo](#)

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2024 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. The pending rule will become final and effective upon the adjournment, *sine die*, of the Second Regular Session of the Sixty-seventh Idaho Legislature after approval.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 40-312 and 49-201, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

This rule prescribes the allowances for online driver's licenses renewals. Due to the passage of House Bill 9 during the 2023 legislative session, CDL holders are now allowed to renew their driver's licenses online. This has prompted the need to modify this rule to reflect the new allowance.

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the July 5, 2023, Idaho Administrative Bulletin, [Vol. 23-7, pages 100-103](#).

**FEE SUMMARY:** Pursuant to Section 67-5224(2)(d), Idaho Code, this pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking: Does not apply to 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: N/A

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Brendan Floyd at 208-334-8474.

DATED this 9th day of November, 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 NOTICE PUBLISHED WITH  
THE TEMPORARY AND PROPOSED RULE**

**EFFECTIVE DATE:** The effective date of the temporary rule is July 1, 2023.

**AUTHORITY:** In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rulemaking procedures have been initiated. 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 July 26, 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 the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

Proposed changes include allowing for commercial driver's license holders to renew their licenses online, the broadening of allowances to renew standard driver's license online, and eliminating unnecessary and overly-preceptive language.

**TEMPORARY RULE JUSTIFICATION:** Pursuant to Sections 67-5226(1)(b) and (c), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

The Idaho legislature passed H009 during the 2023 legislative session. This bill modified Section 49-319(10), Idaho Code, allowing for commercial driver's license (CDL) holders to renew their licenses online. In order to reflect this allowance in IDAPA 39.02.76, there is a need to establish a temporary rule to mirror the legislation's effective date (July 1, 2023). The broadening of overall online driver's license and identification card renewals confers a benefit to many Idahoans, and the proposed elimination of unnecessary language is in line with the Governor's Red Tape Reduction Act.

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

Not applicable.

**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:

There is no fiscal impact associated with this rulemaking.

**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 May 3, 2023, Idaho Administrative Bulletin, [Volume 23-5, pages 172-173](#).

**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:

There are no documents being incorporated by reference.

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

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before July 26, 2023.

DATED this 19th day of May, 2023.

THE FOLLOWING IS THE TEXT OF DOCKET NO. 39-0276-2301

**001. TITLE AND SCOPE PURPOSE.**

**01. Title.** ~~This rule is titled IDAPA 39.02.76, "Rules Governing Driver's License and Identification Card Renewal by Mail and Electronic Renewal and Replacement Processes".~~ (3-31-22)

**02. Scope.** ~~The purpose of this rule is to establish standards by which driver's licenses and identification cards may be renewed or replaced by mail or electronically for those individuals whose Idaho credentials are about to expire or requires replacement due to loss or mutilation. The renewal by mail and electronic systems are designed to reduce the length of waiting lines at county driver's license offices.~~ (3-31-22)( )

**002. WRITTEN INTERPRETATIONS.**

There are no written interpretations for this chapter. (3-31-22)

**003. -- 009. (RESERVED)**

**010. DEFINITIONS.**

**01. CDL.** Commercial Driver's License. (3-31-22)

**02. Class D Driver's License.** A license issued and valid for the operation of a motor vehicle that is not a commercial vehicle as defined in Section 49-123, Idaho Code. (3-31-22)

**03. Credential.** Any physical driver license or identification card issued by the department. (3-31-22)

**04. Expiration Date.** The date a credential expires. (3-31-22)

**05. Identification Card.** A card issued in accordance with Section 49-2444, Idaho Code. (3-31-22)

**06. Photo License.** A valid Idaho credential displaying a color photograph of the license holder. (3-31-22)

**002. -- 010. (RESERVED)**

**011. ELIGIBILITY FOR RENEWAL AND REPLACEMENT.**

**01. Eligibility.** ~~An applicant may renew a Class D driver's license or identification card by mail or electronically in lieu of renewing or replacing these credentials in person. Licenses or identification cards may be renewed by mail or electronically shall only be renewed once in an eight (8) year period, and have a four year validity period for four (4) or eight (8) years if an applicant meets the following criteria:~~ (3-31-22)( )

**a.** ~~The renewal expiration date does not exceed a period of sixteen (16) years from an applicant's most recent in-person renewal.~~ ( )



~~b.~~ For driver's licenses only, the renewal expiration date does not extend beyond an applicant's seventieth (70<sup>th</sup>) birthday. ( )

**02. License and Identification Card Renewal.** Driver's licenses and identification cards may not be renewed by mail or electronically for persons who: (3-31-22)( )

~~a.~~ Hold a driver's license with a "J" restriction (e.g. limited to a five (5) mile driving radius of residence, driving privileges limited to one (1) or two (2) counties, cannot drive without parent for a specified time period, etc.); (3-31-22)

~~ba.~~ Hold a CDL hazardous materials endorsement, unless the person is able to pass a department-approved electronic version of the required knowledge test; (3-31-22)( )

~~e.~~ Have changes in the information shown on their licenses, other than address changes; (3-31-22)

~~d.~~ Have any changes in physical, mental, and/or emotional condition, including vision, which may impair the ability to safely operate a motor vehicle; (3-31-22)

~~eb.~~ Have drivers' licenses or driving privileges which are suspended, revoked, canceled, denied, refused, or disqualified; (3-31-22)( )

~~f.~~ Are operating on department or court restricted driving permits; (3-31-22)

~~gc.~~ Are required Need to provide documentation proving lawful presence in the United States; (3-31-22)( )

~~hd.~~ Are not lawfully present in the United States; (3-31-22)

~~ie.~~ Have a driving record which has been marked for special handling (e.g., verification of identity or date of birth, possible fraud, etc.); (3-31-22)( )

~~jf.~~ Already have an existing extension; (3-31-22)

~~k.~~ Wish to add a motorcycle endorsement; (3-31-22)

~~l.~~ Are under twenty-one (21) years of age for purposes of renewal; (3-31-22)

~~m.~~ Are seventy (70) years of age or older for purposes of renewal; or (3-31-22)

~~ng.~~ Have been expired more than one (1) year twenty-five (25) months. (3-31-22)( )

**03. Identification Card Renewal.** Identification cards may not be renewed by mail or electronically for persons who: (3-31-22)

~~a.~~ Have changes in the information shown on their identification cards, other than address changes; (3-31-22)

~~b.~~ Have not been expired more than one (1) year; (3-31-22)

~~e.~~ Are required to provide documentation proving lawful presence in the United States; (3-31-22)

~~d.~~ Are not lawfully present in the United States; or (3-31-22)

~~e.~~ Have a canceled or surrendered status. (3-31-22)

**04. License and Identification Card Replacement.** Any driver's license, including a CDL, or identification card may be replaced by mail or electronically as long as the credential is not expired, and there are no

~~information changes other than address changes~~ and the status is otherwise valid. (3-31-22)(    )

**012. ~~RENEWAL OR REPLACEMENT ELECTRONICALLY OR BY MAIL PROCEDURES.~~**

**01. ~~Application Submission.~~** ~~Credential renewal by mail or electronic renewal or replacement applications will be processed when received by mail or electronically. Eligible persons may mail or electronically submit their renewal or replacement application to the department or the driver's license office in their county of residence, or deliver their application in person together with the renewal fee for the same class of credential, pursuant to Sections 49-306, and 49-2444, Idaho Code.~~ (3-31-22)

**02. ~~Updating Individual Records.~~** ~~The county driver's license office or the department will update individual records to reflect the new expiration year, if renewed, and the issue date of the new credential, within three (3) business days after receipt of the completed application form.~~ (3-31-22)

**03. ~~If Lost or Destroyed in Mail.~~** ~~If an individual's credential is lost or destroyed in the mail, a written statement detailing the loss or destruction may be mailed or hand-delivered to the applicant's county of residence or completed electronically. Upon receipt of the letter, the county or the department can issue a no charge replacement credential to the applicant.~~ (3-31-22)

**04. ~~Temporarily Residing Out of State.~~** ~~Individuals temporarily residing out of state may apply for a renewal by mail, electronic renewal, or an extension, but not both, in an eight (8) year period.~~ (3-31-22)

**013~~2~~. -- 999. (RESERVED)**

**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 – ADOPTION OF PENDING RULE**

[LINK: LSO Rules Analysis Memo and Cost/Benefit Analysis \(CBA\)](#)

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2024 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. The pending rule will become final and effective upon the adjournment, *sine die*, of the Second Regular Session of the Sixty-seventh Idaho Legislature after approval.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 40-312 and 49-201, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

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.

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 4, 2023, Idaho Administrative Bulletin, [Vol. 23-10, pages 664 - 694](#).

**FEE SUMMARY:** Pursuant to Section 67-5224(2)(d), Idaho Code, this pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking:

As authorized in Section 49-201(1), Idaho Code, the department imposes the following fees in this rulemaking, all of which remain unchanged from the current rule.

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: N/A

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Brendan Floyd at 208-334-8474.

DATED this 9th day of November, 2023.

Brendan Floyd  
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**THE FOLLOWING NOTICE PUBLISHED WITH THE 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.

**THE FOLLOWING IS THE TEXT OF ZBR DOCKET NO. 39-0301-2301**

**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. ( )

**002. – 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:

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

- ( )
- 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)**

[Agency redlined courtesy copy]

**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-Reduceable.** 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; (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-Reduceable." (3-31-22)~~
- ~~47. **Reduceable 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. ( )

#### **002.—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. REVOCAION 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 oversized 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>
Over 8 feet to 10 feet	7.00 inches	6 Ply	6,000#	None
Over 10 feet to 12 feet	8.00 inches	8 Ply	8,000#	15,000#
Over 12 feet	8.25 inches	10 Ply	12,000#	15,000#

- 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)**

**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 – ADOPTION OF PENDING RULE**

[LINK: LSO Rules Analysis Memo](#)

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2024 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. The pending rule will become final and effective upon the adjournment, *sine die*, of the Second Regular Session of the Sixty-seventh Idaho Legislature after approval.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 40-312 and 49-201, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

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.

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 4, 2023, Idaho Administrative Bulletin, [Vol. 23-10, page 695 through 696](#).

**FEE SUMMARY:** Pursuant to Section 67-5224(2)(d), Idaho Code, this pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking: Does not apply to 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: N/A

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Brendan Floyd at 208-334-8474.

DATED this 9th day of November, 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 NOTICE PUBLISHED WITH THE 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.

**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 – ADOPTION OF PENDING RULE

[LINK: LSO Rules Analysis Memo](#)

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2024 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. The pending rule will become final and effective upon the adjournment, *sine die*, of the Second Regular Session of the Sixty-seventh Idaho Legislature after approval.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 40-312 and 49-201, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

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.

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 4, 2023, Idaho Administrative Bulletin, [Vol. 23-10, pages 697 through 698](#).

**FEE SUMMARY:** Pursuant to Section 67-5224(2)(d), Idaho Code, this pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking: Does not apply to 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: N/A

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Brendan Floyd at 208-334-8474.

DATED this 9th day of November, 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 NOTICE PUBLISHED WITH THE 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.

**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 – ADOPTION OF PENDING RULE**

[LINK: LSO Rules Analysis Memo](#)

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2024 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. The pending rule will become final and effective upon the adjournment, *sine die*, of the Second Regular Session of the Sixty-seventh Idaho Legislature after approval.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 40-312 and 49-201, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

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.

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 4, 2023, Idaho Administrative Bulletin, [Vol. 23-10, page 699 through 700](#).

**FEE SUMMARY:** Pursuant to Section 67-5224(2)(d), Idaho Code, this pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking: Does not apply to 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: N/A

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Brendan Floyd at 208-334-8474.

DATED this 9th day of November, 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 NOTICE PUBLISHED WITH THE 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.

**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 – ADOPTION OF PENDING RULE

[LINK: LSO Rules Analysis Memo](#)

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2024 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. The pending rule will become final and effective upon the adjournment, *sine die*, of the Second Regular Session of the Sixty-seventh Idaho Legislature after approval.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 40-312 and 49-201, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

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.

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 4, 2023, Idaho Administrative Bulletin, [Vol. 23-10, pages 701 through 702](#).

**FEE SUMMARY:** Pursuant to Section 67-5224(2)(d), Idaho Code, this pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking: Does not apply to 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: N/A

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Brendan Floyd at 208-334-8474.

DATED this 9th day of November, 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 NOTICE PUBLISHED WITH THE 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.

**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 – ADOPTION OF PENDING RULE

[LINK: LSO Rules Analysis Memo](#)

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2024 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. The pending rule will become final and effective upon the adjournment, *sine die*, of the Second Regular Session of the Sixty-seventh Idaho Legislature after approval.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 40-312 and 49-201, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

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.

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 4, 2023, Idaho Administrative Bulletin, [Vol. 23-10, pages 703 through 704](#).

**FEE SUMMARY:** Pursuant to Section 67-5224(2)(d), Idaho Code, this pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking: Does not apply to 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: N/A

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Brendan Floyd at 208-334-8474.

DATED this 9th day of November, 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 NOTICE PUBLISHED WITH THE 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.

**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 – ADOPTION OF PENDING RULE

[LINK: LSO Rules Analysis Memo](#)

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2024 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. The pending rule will become final and effective upon the adjournment, *sine die*, of the Second Regular Session of the Sixty-seventh Idaho Legislature after approval.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 40-312 and 49-201, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

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.

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 4, 2023, Idaho Administrative Bulletin, [Vol. 23-10, pages 705 through 706](#).

**FEE SUMMARY:** Pursuant to Section 67-5224(2)(d), Idaho Code, this pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking: Does not apply to 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: N/A

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Brendan Floyd at 208-334-8474.

DATED this 9th day of November, 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 NOTICE PUBLISHED WITH THE 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.

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



**IDAPA 39 – IDAHO TRANSPORTATION DEPARTMENT**  
**39.03.08 – RULES GOVERNING SELF-PROPELLED SNOWPLOWS**  
**DOCKET NO. 39-0308-2301 (ZBR CHAPTER REWRITE)**  
**NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE**

[LINK: LSO Rules Analysis Memo](#)

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2024 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. The pending rule will become final and effective upon the adjournment, *sine die*, of the Second Regular Session of the Sixty-seventh Idaho Legislature after approval.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 40-312 and 49-201, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

This rule establishes visibility requirements for department-operated snowplows.

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 4, 2023, Idaho Administrative Bulletin, [Vol. 23-10, pages 707 through 709](#).

**FEE SUMMARY:** Pursuant to Section 67-5224(2)(d), Idaho Code, this pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking:

Does not apply to 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: N/A

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Brendan Floyd at 208-334-8474.

DATED this 9th day of November, 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 NOTICE PUBLISHED WITH THE 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:

This rule establishes visibility requirements for department-operated snowplows.

**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 May 3, 2023, Idaho Administrative Bulletin, [Vol. 23-5, pages 174-175](#).

**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.

**THE FOLLOWING IS THE TEXT OF ZBR DOCKET NO. 39-0308-2301**

**39.03.08 – RULES GOVERNING SELF-PROPELLED SNOWPLOWS**

**000. LEGAL AUTHORITY.**

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

**001. PURPOSE.**

This rule is promulgated to state the regulations, safety, and standardizes the lighting systems for overwidth self-propelled snowplows operating under special permit authority. ( )

**002. -- 099. (RESERVED)**

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

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

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

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

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

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

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

**101. – 999. (RESERVED)**

[Agency redlined courtesy copy]

**39.03.08 – RULES GOVERNING SELF-PROPELLED SNOWPLOWS**

**000. LEGAL AUTHORITY.**

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

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

~~01. Title.~~ This rule is titled IDAPA 39.03.08, “Rules Governing Self Propelled Snowplows,” IDAPA 39, Title 03, Chapter 08. (3-31-22)

~~02. Scope.~~ Self propelled snowplows cannot comply with the safety requirements as other oversize loads due to the nature of their operation. Therefore, ~~†~~This rule is promulgated to state the regulations, safety, and standardizes the lighting systems for overwidth self-propelled snowplows operating under special permit authority. These specifications and standards supersede Administrative Policy A-05-26 (dated 6-23-82) and Board Policy B-05-26 (dated 6-16-82). The self-propelled snowplows will be permitted at the rates listed in Rule 39.03.03, “Rules Governing Special Permit—General Conditions and Requirements,” for oversize loads. (3-31-22)(    )

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

**010. DEFINITIONS.**

In addition to the definitions set forth in IDAPA 39.03.01, “Rules Governing Definitions Regarding Special Permits,” the following terms are used in this rule. (3-31-22)

~~01. Snow Removal Equipment.~~ Any private or publicly owned vehicle classified as a motorized vehicle as defined in Section 49-123, Idaho Code, that has been equipped with snow removal equipment and is being used for snow removal on any public highway. (3-31-22)

~~011. -- 099. (RESERVED)~~

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

~~01. General Conditions.~~ Refer to IDAPA 39.03.03, “Rules for Governing Special Permits—General Conditions and Requirements,” for conditions required for the issuance of special permits. (3-31-22)

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

~~032.~~ **Warning Flags.** An eighteen (18”) inch by eighteen (18”) inch red or fluorescent orange flag ~~shall~~ will be mounted near the extremities of the blade if it exceeds eight feet six inches (8’6”) inches in width. (3-31-22)(    )

~~043.~~ **Clearance Light or Reflector Requirements.** When operating during hours of darkness, a clearance light or a clearance reflector that meets the specifications listed in Sections 49-910 and 49-911, Idaho Code, ~~shall~~ will be mounted near the extremities of the blade if the blade exceeds eight feet six inches (8’6”) inches in width. (3-31-22)(    )

~~054.~~ **Headlamps, Turn Signals, and Flashing Lights.** Headlamps, turn signals, and flashing lights ~~shall~~ will be mounted on snow removal equipment at sufficient height to clear all snow removal apparatus. (3-31-22)(    )

~~065.~~ **Visibility Requirements.** Flashing identification lights on snow removal equipment ~~must~~ will be amber or red colored, and mounted on the cab or truck bed. They ~~shall~~ will be mounted so as to be visible from the front, amber only in color, and rear, red or amber in color, regardless of vehicle configuration, for example, when the truck bed is raised. Flashing lights ~~shall~~ will be visible from a distance of not less than one thousand (1,000’) feet in normal sunlight, and not less than two thousand five hundred (2,500’) feet under average visibility conditions at night. (3-31-22)(    )

~~076.~~ **Lights to Meet Idaho Code Requirements.** Tail lamps, stop lamps, and clearance lamps on snow removal equipment ~~must~~ will meet standards specified in Idaho Code. (3-31-22)(    )

**101. – 999. (RESERVED)**

## IDAPA 39 – IDAHO TRANSPORTATION DEPARTMENT

### 39.03.40 – RULES GOVERNING JUNKYARDS AND DUMPS

#### DOCKET NO. 39-0340-2301 (ZBR CHAPTER REWRITE)

#### NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

[LINK: LSO Rules Analysis Memo](#)

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2024 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. The pending rule will become final and effective upon the adjournment, *sine die*, of the Second Regular Session of the Sixty-seventh Idaho Legislature after approval.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 40-312 and 49-201, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

This rule provides guidelines for the control of junkyards and dumps within one-thousand (1,000) feet of the nearest edge of the right-of-way for interstate, primary freeways, and primary highways of the state of Idaho pursuant to Chapters 1 and 19, Title 40, Idaho Code.

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 4, 2023, Idaho Administrative Bulletin, [Vol. 23-10, pages 710 through 715](#).

**FEE SUMMARY:** Pursuant to Section 67-5224(2)(d), Idaho Code, this pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking:

Does not apply to 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: N/A

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Brendan Floyd at 208-334-8474.

DATED this 9th day of November, 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 NOTICE PUBLISHED WITH THE 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:

This rule provides guidelines for the control of junkyards and dumps within one-thousand (1,000) feet of the nearest edge of the right-of-way for interstate, primary freeways, and primary highways of the state of Idaho pursuant to Chapters 1 and 19, Title 40, 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 June 7, 2023, Idaho Administrative Bulletin, [Vol. 23-6, pages 84-85](#).

**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.

**THE FOLLOWING IS THE TEXT OF ZBR DOCKET NO. 39-0340-2301**

**39.03.40 – RULES GOVERNING JUNKYARDS AND DUMPS**

**000. LEGAL AUTHORITY.**

Under authority of Sections 49-313(4), 40-1919, 40-1920, 40-1921, and 40-312, Idaho Code, the Idaho Transportation Board adopts the following rule governing junkyards and dumps. ( )

**001. PURPOSE.**

This rule provides guidelines for the control of junkyards and dumps within one thousand (1,000) feet of the nearest edge of the right-of-way for interstate, primary freeways and primary highways of the state of Idaho. ( )

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

**010. DEFINITIONS.**

**01. Abandoned Junkyard.** A junkyard that was operated as a business enterprise in the past, now existing with inventory, but without proprietorship or claim of ownership. The underlying fee title holder has no interest in the inventory. ( )

**02. Acceptable Fencing Materials.** Steel or other metals, durable woods, or other woods treated with a preservative or walls of masonry. ( )

**03. Acceptable Planting Materials.** Shrubs, trees, flowering plants and foliage. ( )

**04. Destroyed Junkyard.** A junkyard that was operated as a business enterprise in the past that has been partially or totally destroyed by act of God or other means; and where the proprietor is not presently buying or selling junk. ( )

**05. Discontinued Junkyard.** A junkyard that was operated as a business enterprise in the past and where the proprietor is retaining the inventory for the present, but is not actively engaged in buying or selling junk. ( )

**06. Industrial Activities.** Those permitted only in industrial zones, or in less restrictive zones by the nearest zoning authority within the State, except that none of the following will be considered industrial activities. ( )

**a.** Outdoor advertising structures. ( )

**b.** Forest, farms and ranches. ( )

**c.** Activities normally and regularly in operation less than three (3) months of the year. ( )

**d.** Transient or temporary activities. ( )

**e.** Activities not visible from the traffic lanes of the main traveled way. ( )

**f.** Activities more than three hundred (300) feet from the nearest edge of the main traveled way. ( )

**g.** Activities conducted in a building principally used as a residence. ( )

**h.** Railroad tracks, minor sidings and passenger depots. ( )

**i.** Junkyards, as defined in Section 136, Title 23, U.S.Code. ( )

**07. Junkyard.** A place of business which is maintained, used, or operated for storing, keeping, buying, or selling ten (10) or more wrecked, scrapped, ruined, or dismantled vehicles or other types of machines; or equivalent amounts of old scrap copper, brass, rope, rags, batteries, paper, trash, junk, rubber, debris, waste, iron, steel, and other old or scrap ferrous or non-ferrous material or any combination of the above. ( )

**08. Non-Conforming Junkyard.** One (1) which was lawfully established, but which does not comply with the provisions of state law or state regulations passed at a later date or which later fails to comply with state regulations due to changed conditions. Illegally established or maintained junkyards are not non-conforming junkyards. ( )

**09. Screening.** The use of any vegetative planting, fencing, ornamental wall of masonry, or other architectural treatment, earthen embankment, or a combination of any of these which will render invisible any deposit of junk from the main traveled way. ( )

**10. Unzoned Industrial Area.** The land occupied by the regularly used building, parking lot, storage or processing area of an industrial activity, and that land within one thousand (1,000) feet thereof which is: ( )

**a.** Located on the same side of the highway as the principal part of said activity. ( )

**b.** Not predominately used for residential or commercial purposes. ( )

**c.** Not zoned by state or local law, regulation or ordinance. ( )

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

**100. APPLICATIONS, LICENSES, AND PERMITS.**

**01. General.** ( )

**a.** A license or permit will be issued to any person for the operation of a junkyard or dump when such person has made application for and obtained approval for such license or permit on the form provided for that purpose by the Department. ( )

**b.** Any person operating a junkyard or dump will submit a basic plan for screening the same, together with his application, which will first be approved by the Department, before the installation of such screening and before a license or permit for the operation of such junkyard or dump will be issued. ( )

**c.** All junkyards and dumps requiring screening by the owner so as not to be visible from the roadway by motorists using the roadway will provide such screening, which may include shrubs, trees, flowering plants, foliage, fencing, buildings, or some other type of screening as will first have been approved by the Department. ( )

**d.** Every junkyard or dump will be operated and maintained in accordance with the plan for screening which has been approved by the Department for the issuance of the license or permit. Failure of any person to so operate or maintain said junkyard or dump will result in the revocation of the license or permit issued. ( )

**e.** Applications for junkyard licenses or dump permits may be secured at the Idaho Transportation Department, 11331 W Chinden Blvd, Boise, Idaho 83714, or at the following District offices: District One, 605 Prairie, Coeur d'Alene, Mailing address -- P.O. Box D, Coeur d'Alene, Idaho 83814; District Two, 26th and North and South Highway, Lewiston, Mailing address -- P.O. Box 837, Lewiston, Idaho 83501; District Three, 8150 Chinden Blvd., Boise, Mailing address -- P.O. Box 8028, Boise, Idaho 83707; District Four, 216 Date Street, Shoshone, Mailing address -- P.O. Box 2-A, Shoshone, Idaho 83352; District Five, 5151 South 5th, Pocatello, Mailing address -- P.O. Box 4700, Pocatello, Idaho 83201; District Six, 206 North Yellowstone, Rigby, Mailing address -- P.O. Box 97, Rigby, Idaho 83442. ( )

**02. Conformity.** ( )

**a.** A non-conforming junkyard may continue as long as it is not abandoned, destroyed or voluntarily discontinued. Once a junkyard is abandoned, destroyed or voluntarily discontinued for a period of six (6) months or more, it becomes subject to laws and rules of a new junkyard. ( )

**b.** Junkyards will be allowed in areas zoned industrial by local zoning ordinances, except that where such ordinances create several classes or zones of industrial use and one (1) or more classes or zones do not permit junkyards, local zoning will control. ( )

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

**200. SCREENING.**

**01. General Screening Requirements. ( )**

**a.** The screening will be located on the owner's land and not on any part of the highway right-of-way. ( )

**b.** The screen will be in place prior to the time the junk is deposited. ( )

**c.** At no time after the screen is established will the junk be stacked high enough to be visible above the screen. No junk will be placed outside of the screened areas or in the areas not covered by license. ( )

**02. Screening Plan. ( )**

**a.** The screening plan should provide a practical irrigation or watering system where necessary. ( )

**b.** The screening plan should provide a replacement and fertilization program. ( )

**c.** The screening plan should provide for landscaping that is relatively maintenance free. ( )

**d.** The screening plan can provide a living screen which may be used in conjunction with a fence or wall. ( )

**201. FENCES.**

**01. Location.** Fences must be located in such a manner as to not be hazardous to the traveling public. ( )

**02. Uniformity.** Construction will be uniform and no patch work type of construction will be permitted. ( )

**03. Painting.** Fences will be painted where the composition is such that painting is required. The paint used will be of such color so as to blend into the environs of the highway right-of-way. ( )

**04. Specifications.** Fences will be constructed as specified in Department's "Standard Drawings." ( )

**05. Strength.** Fences will be designed and constructed to withstand adverse wind pressures. ( )

**06. Gate Openings.** Fences will have gates that are kept closed except for ingress and egress of moving vehicles or have gateways so constructed to screen the inventory and operation from the highway user at all times. ( )

**07. Visibility.** Some of the types of fences acceptable to preclude "see through" are: ( )



- a. Chain link type with aluminum, steel, plastic or wooden slat inserts. ( )
- b. Wooden types of basket weave, palisade, louver, or other suitable design. ( )
- c. Wall of masonry including plain or ornamental concrete block, brick, stone or other suitable masonry material. ( )
- d. Any other design of fencing constructed of other materials may be submitted for consideration. ( )

**202. PLANTING MATERIALS.**

**01. Species.** Plant materials indicated on the plans will specify the common and botanical name of the plant materials used, the size at the time of planting and the spacing between plants. ( )

**02. Growth and Conformity.** Plant materials should be native to the area which grow to an appropriate height within a three (3) year period and are long-lived. The plantings should complement the existing highway and adjacent land use environmental condition. ( )

**03. Caretaking.** Plant material will be watered, cultivated, or mulched, and given any maintenance including spraying for insect control, to keep the planting material in a good healthy condition. ( )

**04. Replacement.** Dead plant material will be removed immediately and will be replaced during the next spring or fall planting season following death. The replacement plants will be at least as large as the initial planting. ( )

**203. EARTHEN EMBANKMENTS.**

Such as berms or mounds may be considered. ( )

**01. Conformity.** After grading, landscaping must be done to maintain a natural environmental appearance. ( )

**02. Mix.** May be used in conjunction with fences and plant materials. ( )

**204. -- 399. (RESERVED)**

**400. PENALTIES.**

Any person violating the provisions of this regulation or operating a junkyard without a license or a dump without a permit as provided for herein, will be subject to the penalties provided in Section 40-1926, Idaho Code. ( )

**401. -- 999. (RESERVED)**

[Agency redlined courtesy copy]

**39.03.40 – RULES GOVERNING JUNKYARDS AND DUMPS**

**000. LEGAL AUTHORITY.**

Under authority of Sections 49-313(4), 40-1919, 40-1920, 40-1921, and 40-312, Idaho Code. The Idaho Transportation Board adopts ~~this~~ the following rule ~~under the authority of Section 40-312, Idaho Code governing junkyards and dumps.~~ (3-31-22)( )

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

This rule ~~is titled IDAPA 39.03.40, "Rules Governing Junkyards and Dumps," and~~ provides guidelines for the control of junkyards and dumps within one thousand (1,000) feet of the nearest edge of the right-of-way for interstate, primary freeways and primary highways of the state of Idaho ~~pursuant to Chapters 1 and 19, Title 40, Idaho Code.~~  
(3-31-22)( )

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

**010. DEFINITIONS.**

**01. Abandoned Junkyard.** A junkyard that was operated as a business enterprise in the past, now existing with inventory, but without proprietorship or claim of ownership. The underlying fee title holder has no interest in the inventory. ( )

**02. Acceptable Fencing Materials.** Steel or other metals, durable woods, or other woods treated with a preservative or walls of masonry. ( )

**03. Acceptable Planting Materials.** Shrubs, trees, flowering plants and foliage. ( )

**04. Destroyed Junkyard.** A junkyard that was operated as a business enterprise in the past that has been partially or totally destroyed by act of God or other means; and where the proprietor is not presently buying or selling junk. ( )

**05. Discontinued Junkyard.** A junkyard that was operated as a business enterprise in the past and where the proprietor is retaining the inventory for the present, but is not actively engaged in buying or selling junk. ( )

**06. Industrial Activities.** Those permitted only in industrial zones, or in less restrictive zones by the nearest zoning authority within the State, except that none of the following ~~shall~~ will be considered industrial activities. (3-31-22)( )

**a.** Outdoor advertising structures. ( )

**b.** Forest, farms and ranches. ( )

**c.** Activities normally and regularly in operation less than three (3) months of the year. ( )

**d.** Transient or temporary activities. ( )

**e.** Activities not visible from the traffic lanes of the main traveled way. ( )

**f.** Activities more than three hundred (300) feet from the nearest edge of the main traveled way. ( )

**g.** Activities conducted in a building principally used as a residence. ( )

**h.** Railroad tracks, minor sidings and passenger depots. ( )

**i.** Junkyards, as defined in Section 136, Title 23, U.S.Code. ( )

**07. Junkyard.** A place of business which is maintained, used, or operated for storing, keeping, buying, or selling ten (10) or more wrecked, scrapped, ruined, or dismantled ~~motor~~ vehicles or other types of machines; or equivalent amounts of old scrap copper, brass, rope, rags, batteries, paper, trash, junk, rubber, debris, waste, iron, steel, and other old or scrap ferrous or non-ferrous material or any combination of the above. (3-31-22)( )

**08. Non-Conforming Junkyard.** One (1) which was lawfully established, but which does not comply with the provisions of state law or state regulations passed at a later date or which later fails to comply with state regulations due to changed conditions. ~~An example of changed conditions would be a junkyard lawfully in existence~~

~~in an area which at a later date becomes non-industrial and thus subject to control, or a junkyard established on a non-primary highway later upgraded to a primary highway.~~ Illegally established or maintained junkyards are not non-conforming junkyards. (3-31-22)( )

**09. Screening.** The use of any vegetative planting, fencing, ornamental wall of masonry, or other architectural treatment, earthen embankment, or a combination of any of these which will render invisible any deposit of junk from the main traveled way. ( )

**10. Unzoned Industrial Area.** The land occupied by the regularly used building, parking lot, storage or processing area of an industrial activity, and that land within one thousand (1,000) feet thereof which is: ( )

- a. Located on the same side of the highway as the principal part of said activity. ( )
- b. Not predominately used for residential or commercial purposes. ( )
- c. Not zoned by state or local law, regulation or ordinance. ( )

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

**100. APPLICATIONS, LICENSES, AND PERMITS.**

**01. General.** ( )

a. A license or permit ~~shall~~ will be issued to any person for the operation of a junkyard or dump when such person has made application for and obtained approval for such license or permit on the form provided for that purpose by the Department. (3-31-22)( )

b. Any person operating a junkyard or dump ~~shall~~ will submit a basic plan for screening the same, together with his application, which ~~shall~~ will first be approved by the Department, before the installation of such screening and before a license or permit for the operation of such junkyard or dump ~~shall~~ will be issued. (3-31-22)( )

c. All junkyards and dumps requiring screening by the owner so as not to be visible from the roadway by motorists using the roadway ~~shall~~ will provide such screening, which may include shrubs, trees, flowering plants, foliage, fencing, buildings, or some other type of screening as ~~shall~~ will first have been approved by the Department. (3-31-22)( )

d. Every junkyard or dump ~~shall~~ will be operated and maintained in accordance with the plan for screening which has been approved by the Department for the issuance of the license or permit. Failure of any person to so operate or maintain said junkyard or dump ~~shall~~ will result in the revocation of the license or permit issued. (3-31-22)( )

e. Applications for junkyard licenses or dump permits may be secured at the Idaho Transportation Department, ~~3311 West State Street, Boise, Idaho 83707~~ 11331 W Chinden Blvd, Boise, Idaho 83714, or at the following District offices: District One, 605 Prairie, Coeur d'Alene, Mailing address -- P.O. Box D, Coeur d'Alene, Idaho 83814; District Two, 26th and North and South Highway, Lewiston, Mailing address -- P.O. Box 837, Lewiston, Idaho 83501; District Three, 8150 Chinden Blvd., Boise, Mailing address -- P.O. Box 8028, Boise, Idaho 83707; District Four, 216 Date Street, Shoshone, Mailing address -- P.O. Box 2-A, Shoshone, Idaho 83352; District Five, 5151 South 5th, Pocatello, Mailing address -- P.O. Box 4700, Pocatello, Idaho 83201; District Six, 206 North Yellowstone, Rigby, Mailing address -- P.O. Box 97, Rigby, Idaho 83442. (3-31-22)( )

**02. Conformity.** ( )

a. A non-conforming junkyard may continue as long as it is not abandoned, destroyed or voluntarily discontinued. Once a junkyard is abandoned, destroyed or voluntarily discontinued for a period of six (6) months or more, it becomes subject to laws and rules of a new junkyard. ( )

b. Junkyards ~~shall~~ will be allowed in areas zoned industrial by local zoning ordinances, except that where such ordinances create several classes or zones of industrial use and one (1) or more classes or zones do not permit junkyards, local zoning ~~shall~~ will control. (3-31-22)( )

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

**200. SCREENING.**

**01. General Screening Requirements. ( )**

a. The screening ~~shall~~ will be located on the owner's land and not on any part of the highway right-of-way. (3-31-22)( )

b. The screen ~~shall~~ will be in place prior to the time the junk is deposited. (3-31-22)( )

c. At no time after the screen is established ~~shall~~ will the junk be stacked high enough to be visible above the screen. No junk ~~shall~~ will be placed outside of the screened areas or in the areas not covered by license. (3-31-22)( )

**02. Screening Plan. ( )**

a. The screening plan should provide a practical irrigation or watering system where necessary. ( )

b. The screening plan should provide a replacement and fertilization program. ( )

c. The screening plan should provide for landscaping that is relatively maintenance free. ( )

d. The screening plan can provide a living screen which may be used in conjunction with a fence or wall. ( )

**201. FENCES.**

**01. Location.** Fences must be located in such a manner as to not be hazardous to the traveling public. ( )

**02. Uniformity.** Construction ~~shall~~ will be uniform and no patch work type of construction ~~shall~~ will be permitted. (3-31-22)( )

**03. Required Painting.** Fences ~~shall~~ will be painted where the composition is such that painting is required. The paint used ~~shall~~ will be of such color so as to blend into the environs of the highway right-of-way. (3-31-22)( )

**04. Specifications.** Fences ~~shall~~ will be constructed as specified in Department's "Standard Drawings." (3-31-22)( )

**05. Strength.** Fences ~~shall~~ will be designed and constructed to withstand adverse wind pressures. (3-31-22)( )

**06. Gate Openings.** Fences ~~shall~~ will have gates that are kept closed except for ingress and egress of moving vehicles or have gateways so constructed to screen the inventory and operation from the highway user at all times. (3-31-22)( )

**07. Visibility.** Some of the types of fences acceptable to preclude "see through" are: ( )

- a. Chain link type with aluminum, steel, plastic or wooden slat inserts. ( )
- b. Wooden types of basket weave, palisade, louver, or other suitable design. ( )
- c. Wall of masonry including plain or ornamental concrete block, brick, stone or other suitable masonry material. ( )
- d. Any other design of fencing constructed of other materials may be submitted for consideration. ( )

**202. PLANTING MATERIALS.**

**01. Species.** Plant materials indicated on the plans ~~shall~~ will specify the common and botanical name of the plant materials used, the size at the time of planting and the spacing between plants. (3-31-22)( )

**02. Growth and Conformity.** Plant materials should be native to the area which grow to an appropriate height within a three (3) year period and are long-lived. The plantings should complement the existing highway and adjacent land use environmental condition. ( )

**03. Caretaking.** Plant material ~~shall~~ will be watered, cultivated, or mulched, and given any ~~required~~ maintenance including spraying for insect control, to keep the planting material in a good healthy condition. (3-31-22)( )

**04. Replacement.** Dead plant material will be removed immediately and ~~shall~~ will be replaced during the next spring or fall planting season following death. The replacement plants ~~shall~~ will be at least as large as the initial planting. (3-31-22)( )

**203. EARTHEN EMBANKMENTS.**

Such as berms or mounds may be considered. ( )

**01. Conformity.** After grading, landscaping must be done to maintain a natural environmental appearance. ( )

**02. Mix.** May be used in conjunction with fences and plant materials. ( )

**204. -- 299. (RESERVED)**

**~~300. ADMINISTRATIVE HEARINGS.~~**

~~Any person desiring an administrative hearing before the Idaho Transportation Board on any question involving this rule or any person desiring to appeal any administrative decision made by the Department of Transportation under this rule shall do so in accordance with the Department of Transportation's administrative procedure manual and as provided by law. (3-31-22)~~

**~~301.—399. (RESERVED)~~**

**400. PENALTIES.**

Any person violating the provisions of this regulation or operating a junkyard without a license or a dump without a permit as provided for herein, ~~shall~~ will be subject to the penalties provided in Section 40-1926, Idaho Code. (3-31-22)( )

**401. -- 999. (RESERVED)**

## IDAPA 39 – IDAHO TRANSPORTATION DEPARTMENT

### 39.03.42 – RULES GOVERNING HIGHWAY RIGHT-OF-WAY ENCROACHMENTS ON STATE RIGHTS-OF-WAY

DOCKET NO. 39-0342-2301 (ZBR CHAPTER REWRITE)

#### NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

[LINK: LSO Rules Analysis Memo](#)

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2024 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. The pending rule will become final and effective upon the adjournment, *sine die*, of the Second Regular Session of the Sixty-seventh Idaho Legislature after approval.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 40-312 and 49-201, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

This rule establishes standards and guidelines for encroachments on state highway rights-of-way. Statutes covering these provisions only set forth broad requirements for the department, which necessitates the establishment of specific provisions in Administrative Rule.

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 4, 2023, Idaho Administrative Bulletin, [Vol. 23-10, pages 716 through 739](#).

**FEE SUMMARY:** Pursuant to Section 67-5224(2)(d), Idaho Code, this pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking:

Does not apply to 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: N/A

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Brendan Floyd at 208-334-8474.

DATED this 9th day of November, 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 NOTICE PUBLISHED WITH THE 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:

This rule establishes standards and guidelines for encroachments on state highway rights-of-way. Statutes covering these provisions only set forth broad requirements for the department, which necessitates the establishment of specific provisions in Administrative Rule.

**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 June 7, 2023, Idaho Administrative Bulletin, [Vol. 23-6, pages 84-85](#).

**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.

**THE FOLLOWING IS THE TEXT OF ZBR DOCKET NO. 39-0342-2301**

**39.03.42 – RULES GOVERNING HIGHWAY RIGHT-OF-WAY  
ENCROACHMENTS ON STATE RIGHTS-OF-WAY**

**000. LEGAL AUTHORITY.**

The Idaho Transportation Board adopts this rule under the authority of Sections 40-310, and 40-312, and per the requirements of Sections 40-311, 40-313, 49-202(19), (23) and (28), and 49-221, Idaho Code. ( )

**001. PURPOSE.**

This rule establishes standards for encroachments on state highway rights-of-way. ( )

**002. ADMINISTRATIVE APPEAL.**

**01. Commencement.** Applicants may appeal denied permits, or permits granted with conditions that the applicant believes to be unreasonable, in writing to the Department’s District Engineer within thirty (30) days of receipt of written notification of the denial or grant of the permit. The appeal process commences on the date the Department’s District office receives written notification of appeal from the applicant. ( )

**02. Process Hold.** If at any time during the appeal process it is determined that insufficient documentation was submitted with the appeal, all parties will be notified that the appeal process is placed on hold until the necessary documentation is supplied. ( )

**03. Appeal Process.** The District will have thirty (30) working days to review the appeal. If the District Engineer does not rule on the appeal within the thirty (30) day period, the denial of the permit will be deemed overturned and the permit will be issued, or the contested permit conditions stricken. Notice of the decision of the District Engineer will be issued by certified mail within seven (7) days of the ruling. Otherwise, if the District Engineer does not overturn the original denial or strike the contested provisions from the permit, upon receipt of a written request from the applicant within twenty-one (21) days of the date of the denial of the appeal, it will be forwarded to the Department’s legal section to initiate an appeal to the Idaho Transportation Board. The appeal will be processed in accordance with the Idaho Administrative Procedure Act and IDAPA 04.11.01, “Idaho Rules of Administrative Procedure of the Attorney General.” ( )

**003. -- 009. (RESERVED)**

**010. DEFINITIONS.**

**01. Access.** The ability to enter or leave a public highway or highway right-of-way from an abutting private property or another public highway or public highway right-of-way. ( )

**02. ADT.** Average Daily Traffic. The total volume of traffic during a given time period in whole days greater than one (1) day and less than one (1) year divided by the number of days within that time period. ( )

**03. Applicant.** Agency, owner, or an authorized representative of the property owner, or utility facility applying for a permit to encroach within state highway rights-of-way. ( )

**04. Appraisal.** A written statement independently and impartially prepared by a qualified appraiser setting forth an opinion of monetary value for a specific property based on a specific use, as of a specific date, supported by the presentation and analysis of relevant market information. ( )

**05. Approach.** A connection between the outside edge of the shoulder or curb line and the abutting property at the highway right-of-way line, intended to provide access to and from said highway and the abutting property. An approach may include a driveway, alley, street, road or highway. ( )

**06. Approach Flare.** The approved radius connecting the edge of the approach to the edge of the highway. The term “approach radius” is interchangeable with “approach flare.” ( )



- 07. Approach Transition.** The area from the edge of an urban approach sloped to match the curb and border area elevations. The term “approach apron” is interchangeable with “approach transition.” ( )
- 08. Approach Skew Angle.** For all approaches, the angle of deflection between a line perpendicular to the highway centerline and the approach centerline. ( )
- 09. Approach Width.** The distance between the outside edges of the approach measured perpendicular to the approach centerline along the curb line or the edge of pavement, excluding flares, transitions and radii. ( )
- 10. Authorized Representative.** Any applicant, other than the property owner, having notarized written verification signed by the owner giving authorization to act on the owner’s behalf. ( )
- 11. Auxiliary Lane.** The portion of the roadway adjoining the traveled way used for speed change, turning, storage for turning, weaving, truck climbing, and other purposes supplementary to through-traffic movement. ( )
- 12. Border Area.** The area between the outside edge of the shoulder or back of curb and the highway right-of way line. ( )
- 13. Boulevard Approach.** A two-way approach intended for high ADT volumes of large commercial vehicles, having a maximum width of eighty-four (84) feet in which opposing traffic is separated by a raised four (4) foot wide non-traversable median. ( )
- 14. Capacity.** The maximum number of vehicles that can reasonably be expected to travel along a lane of a highway during a given time period under prevailing roadway and traffic conditions. ( )
- 15. Clear Zone.** An area outside the traveled way, auxiliary lanes and shoulders that is constructed and maintained as free from physical obstructions as practical, for use as a recovery area by errant vehicles. ( )
- 16. Commercial Approach.** An approach serving a business or businesses. ( )
- 17. Conduit.** A tube or trough for receiving and protecting utility-related structures including, but not limited to, electrical wires, fiber optic cable, and fluids. ( )
- 18. Construction.** The building of new facilities or the modification of existing facilities. Does not include maintenance. ( )
- 19. Corner Clearance.** The distance along the curb line or outside edge of the shoulder measured from the beginning or end of the intersecting roadway flare to the nearest edge of the adjacent approach, excluding flares or transitions. ( )
- 20. Distance Between Approaches.** The distance measured along the curb line or outside edge of the shoulder between the nearest edges of adjacent approaches, excluding the flares, transitions or radii. ( )
- 21. District Route.** A state highway that accommodates trips of limited mobility and provides high levels of access to communities, to include distributing trips to geographical areas and serving major commercial and industrial districts. District routes may provide intra-community continuity and connection, to include local bus routes, but should not be used to provide direct access to residential lots. ( )
- 22. Economic Opportunity.** Facilitate the increase in Idaho Gross Domestic Product, job creation, increased business, revenue; improve the efficiency in which goods are transported; and reduction in travel times for commuting, commerce, recreation, and tourism. ( )
- 23. Emergency.** Any unscheduled work required to correct or prevent a hazardous situation that poses an imminent threat to life or property. ( )

24. **Encroachment.** Any authorized or unauthorized use of highway right-of-way or the air space immediately above the highway right-of-way. ( )
25. **Encroachment Permit.** Written authorization from the Department to use state highway right-of-way or the airspace above it under the conditions set forth in the permit. ( )
26. **Expressway.** A segment of a highway designated by the Idaho Transportation Board for use as a through highway, with partially controlled access, accessible only at locations specified by the Idaho Transportation Department, and characterized by medians, limited at-grade intersections, and high speeds. An existing segment of state highway may only be designated as an expressway if payment is made to adjacent property owners for the restriction of existing access rights. ( )
27. **Fiber Optic Cable.** A cable containing one (1) or more glass or plastic fibers that has the ability to transmit light along its axis. ( )
28. **Field Approach.** An approach that serves only non-residential agricultural property, including farmyards. ( )
29. **Flare Tangent Distance.** The distance of the approach radius measured along the edge of pavement. ( )
30. **Freeway.** A segment of a highway designated by the Idaho Transportation Board for use as a through highway, with fully controlled access, accessible only by interchanges (ramps), and characterized by medians, grade separations at cross roads, and ramp connections for entrance to and exit from the traveled way. An existing non-Interstate segment of state highway may only be designated as a freeway if payment is made to adjacent property owners for the restriction of existing access rights. ( )
31. **Frontage Road.** A road auxiliary to and located to the side of the highway for service to abutting properties and adjacent areas for the purpose of controlling access to the highway. ( )
32. **Frontage Boundary Line.** A line perpendicular to the highway centerline that begins at the point of intersection of the abutting property line and the highway right-of-way line. ( )
33. **Full Control of Access.** Any section of a highway system where access is prohibited except for interchange connections. ( )
34. **Highway Right-of-Way.** Property used for highway purposes, open to the public, and under the jurisdiction of a government agency. Such property may be owned by the government agency in fee simple or be subject to an easement for highway purposes. ( )
35. **Imminent Threat.** Includes major traffic control deficiencies or safety situations that are likely to result in serious injury or loss of life. ( )
36. **Interstate Highway.** As identified by federal code, a segment of the Dwight D. Eisenhower National System of Interstate and Defense Highways consisting of an FHWA-approved freeway. ( )
37. **Joint-Use Approach.** An approach constructed at a common boundary between adjacent properties that abut the highway. A joint-use approach is equally owned and shared as common access by both property owners. ( )
38. **Loaded Payroll Rate.** A rate of compensation that includes hourly wages plus the associated employer overhead and benefit costs. ( )
39. **Local Highway Agency.** Any city, county, highway district or other local board or body having authority to enact regulations, resolutions, or ordinances relating to traffic on the highways, highway rights-of-way and streets within their respective jurisdiction. ( )

- 40. Local Road.** A city, county or highway district highway whose primary function is to provide access to adjacent properties. ( )
- 41. Median.** The portion of a divided highway or approach that separates opposing traveled ways. Medians may be raised, flush, or depressed relative to the roadway surface, and may be landscaped or paved. ( )
- 42. Median Opening.** A paved area bisecting opposite directions of a divided roadway that is designed to permit traffic to cross at least one (1) direction of travel. ( )
- 43. MUTCD.** The Manual on Uniform Traffic Control Devices for Streets and Highways, latest edition, as adopted by the Idaho Transportation Board in accordance with Section 49-201(3), Idaho Code. A manual written by the Federal Highway Administration that sets national minimum standards for signing, striping, and traffic control devices. ( )
- 44. Permittee.** Person or persons, utility facilities, and other agencies granted permission to encroach within the highway right-of-way for authorized purposes other than normal travel. ( )
- 45. Private Approach.** Every privately owned traveled way that is used for ingress to and egress from the highway right-of-way and an abutting property. ( )
- 46. Property Line Clearance.** The distance measured along the curb line or outside shoulder edge from the frontage boundary line to the nearest edge of the approach width, excluding flares, transitions and radii. ( )
- 47. Public Approach.** Any approach that serves the public without restriction and is maintained by a government agency. ( )
- 48. Regional Route.** A state highway that accommodates trips of moderate length with a lower level of mobility than a Statewide Route and that provides moderate access to communities, to include providing mobility for people and freight through and between communities and major activity centers of the region. ( )
- 49. Roadside.** Any area beyond the main traveled way that may or may not be within the highway right-of-way. ( )
- 50. Roadway.** That portion of a highway improved, designed, or ordinarily used for vehicular travel, exclusive of sidewalks, shoulders, berms and other portions of the rights-of-way. ( )
- 51. Rural.** State highway rights-of-way and right-of-way corridors outside the limits of Urban and Transitional areas. ( )
- 52. Setback.** The horizontal distance between the highway right-of-way line and permanent fixtures, including but not limited to gas pump islands, signs, display stands and buildings, measured at right angles to the highway centerline. ( )
- 53. Shoulder.** The portion of the right-of-way contiguous with the traveled way that accommodates stopped vehicles, emergency use, and lateral support of the sub-base, base, and surface courses. ( )
- 54. Signal Spacing.** The distance between signalized intersections measured from the center of intersection to the center of intersection. ( )
- 55. Slope.** Slope is expressed as a non-dimensional ratio between vertical and horizontal distance. For side slopes, the vertical component is shown first, then the horizontal. ( )
- 56. Speed.** The rate of vehicular travel as measured in miles per hour. All speeds used in this document will be the eighty-fifth percentile speed as determined by an engineering study. ( )

57. **State Highway System.** The principal highway corridors in the state, including connections and extensions through cities and roads to every county seat in the state, as approved by the Idaho Transportation Board and officially designated as a state highway. ( )
58. **Statewide Route.** A state highway that provides the highest level of mobility and speeds over long distances. Access from a statewide route to communities and major activity centers should be by way of public roads with spacing that supports mobility and speed. ( )
59. **Stopping Sight Distance.** The sum of: ( )
- a. The brake reaction distance, which is the distance traveled by the vehicle from the instant the driver perceives an object necessitating a stop, to the moment the brakes are applied; and ( )
- b. The braking distance, which is the distance the vehicle travels from the moment the brakes are applied until the vehicle comes to a complete stop. ( )
60. **Structure.** Includes, but is not limited to, bridges, culverts, siphons, headwalls, retaining walls, buildings and any incidental construction not otherwise defined herein. ( )
61. **Subdivision.** A division of real property into three (3) or more separately platted parcels. ( )
62. **Temporary Encroachment.** Any encroachment that is not approved as a permanent placement within the highway right-of-way. ( )
63. **Traffic Control Device.** Any marking or device whether manually, electronically, or mechanically operated, placed or erected by an authority of a government agency or official having jurisdiction, for the purpose of regulating, warning or guiding traffic. ( )
64. **Traffic Impact Study.** A comprehensive analysis of the anticipated transportation network conditions with and without an applicant's proposed new or modified access, including an analysis of mitigation measures. ( )
65. **Transitional.** State highway rights-of-way and right-of-way corridors within the area of city impact of any incorporated city, or areas designated as an area of city impact by city or county comprehensive plans. ( )
66. **Traveled Way.** The portion of the roadway for the movement of vehicles, exclusive of shoulders. ( )
67. **Travel Lane.** That portion of the traveled way designated for use by a single line of vehicles. ( )
68. **Trenching.** A method in which access is gained by excavation from ground level to the required underground depth for the installation, maintenance, removal, or inspection of a cable, casing, conduit or pipe. The excavation is then back filled with approved material and the surface is then returned to a condition specified by the Department. ( )
69. **Turnouts.** Roadside areas immediately adjacent to highways which may be utilized by vehicles for purposes of short-term parking or turning. They are extensions of the traveled way. ( )
70. **Unauthorized Encroachment.** Any encroachment that has been placed, modified, or maintained, or removed within the highway right-of-way without authorization by the Department. ( )
71. **Urban.** State highway rights-of-way and right-of-way corridors within the limits of any incorporated city. ( )
72. **Utility Facility.** All privately, publicly or cooperatively owned systems used for the production,

transmission, or distribution of communications, cable television, power, electricity, light, heat, petroleum products, ore, water, steam, waste, irrigation, storm water not connected with highway drainage, and other similar items, including communication towers, guy wires, fire and police signal systems, and street lighting systems, that directly or indirectly serve the public or comprise part of the distribution systems which directly or indirectly serve the public. ( )

**73. Utility Locating Service.** Any locally or regionally recognized service that locates and maintains records of existing utility facilities. ( )

**74. Vision Triangle.** An area delineated by extending perpendicular lines along the face of curb or edge of pavement from their point of intersection forty (40) feet in either direction and by a height between three (3) feet and ten (10) feet above the existing centerline highway elevation. ( )

**75. Volume.** The number of vehicles estimated to use a certain type of travel lane during a twelve-month period. A highway with “high” volumes is at or near capacity; a highway with “medium” volumes is at or near fifty percent (50%) of capacity. ( )

**76. Warrant.** An evaluation of need based on an engineering study. ( )

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

**100. GENERAL.**

**01. Access Control.** ( )

**a.** The Department will retain the authority to issue all encroachment permits on the State Highway System. ( )

**b.** No change may be made to the control of access on any Interstate Highway without the approval of the Idaho Transportation Board and Federal Highway Administration (FHWA). ( )

**02. Safety Requirements.** ( )

**a.** It is the permittee’s responsibility to provide for safe, efficient passage and protection of vehicles, pedestrians, and workers during any permitted work within the highway right-of-way. ( )

**b.** The permittee will submit, for Department approval, a traffic control plan for the installation, maintenance, or removal of any state highway right-of-way encroachment. The permittee will provide advance notification to the Department prior to implementing any traffic control. ( )

**c.** During the progress of the work, barricades, signs and other traffic control devices will be erected and maintained by the permittee in conformance with the current “Manual on Uniform Traffic Control Devices.” The permittee will be required to meet the minimum requirements of the latest edition of the MUTCD. ( )

**d.** All flaggers working on the State Highway System will be certified in or recognized by the state of Idaho. They will carry on their person a current flagger identification card that is recognized by the state of Idaho. All traffic control devices used on the State Highway System will comply with current FHWA crash criteria. ( )

**e.** When required, a striping plan for the placement of temporary and permanent pavement markings will accompany the approved permit to use the right-of-way. Materials, placement, and removal of all pavement markings will conform to current Department specifications and standards. ( )

**03. Maintenance of Encroachments.** Once an encroachment has been constructed by the permittee to Department standards, maintenance of the encroachment, unless otherwise provided, will be as follows: ( )

**a.** Paved public approach - State maintains to the right-of-way line. ( )

- b. Paved private approach - State maintains to end of radii, permittee maintains beyond the radii. ( )
- c. Gravel public approach. State installs an asphalt wedge sufficient to protect the roadway pavement edge (three (3) to six (6) feet back from the edge of road for the width of the approach). It is desirable to pave the approach to the right-of-way line when the road is reconstructed. State maintains to the right-of-way line. ( )
- d. Gravel private approach. The permittee maintains beyond the wedge. ( )
- e. Gravel turnouts. State maintains turnouts, other than mailbox turnouts, to the right-of-way line. The permittee maintains mailbox turnouts. ( )
- f. Maintenance of all other encroachments will be the responsibility of the permittee. ( )

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

**200. APPLICATIONS AND PERMITS.**

**01. Required.** To help preserve the highways as constructed and provide responsible growth where allowed, any individual, business, or other entity planning to add, modify, change use, relocate, maintain, or remove an encroachment on the state highway or use highway right-of-way for any purpose other than normal travel, will obtain a permit to use state highway right-of-way. Encroachment permits approved by the Department are required for private and public approaches (driveways and streets), utilities and other miscellaneous encroachments. ( )

**02. Work Prior to Approval.** No activities will be allowed on State highway rights-of-way until an approved permit has been issued by the Department or a delegated local highway agency. In an emergency, that affects highway operations and motorist safety, approval may be given by the Department or a delegated highway agency in advance of processing the permit. ( )

**03. Local Highway Agency Authority.** The department may delegate authority to a local highway agency to issue permits to use state highway rights-of-way if adequate local ordinances are in place and are enforceable. The Department will retain final approval for all permits issued by a local highway agency on the State Highway System. ( )

**04. Administration.** Permitting process will be administered by the Department or their delegated representative, within the representative's respective jurisdiction. Department District offices are located in Coeur d'Alene, Lewiston, Boise, Shoshone, Pocatello and Rigby. ( )

**05. Application Forms.** All applications to use State highway right-of-way will be made on approved Department forms. ( )

**06. Applicant to Be Informed.** Applicants will be informed of Department policies and regulations concerning encroachments. ( )

**07. Payment for Impacted Highway Features.** Applicants will pay for any changes or adjustments of highway features or fixtures brought about by actions, operations or requirements caused by the applicant. ( )

**08. Encroachment Conflicts.** Conflicts between proposed encroachments and highway maintenance or construction projects, utilities or other encroachments will be resolved before an application is approved. ( )

**09. Review Process.** The review process will commence on the day the applicant submits the signed application and makes payment of the initial application fee(s). If the Department determines there is insufficient documentation to process the application, the process will be placed on hold until such documentation has been received. All applications for encroachment permits will be reviewed and evaluated for current access control requirements, deed restrictions, safety and capacity requirements, design and location standards, or an approved variance of these standards, environmental impacts, location conflicts, long-range planning goals, and the need for an appraisal. A time table for the review process is available at the Idaho Transportation Department Headquarters

Office or any District Office. ( )

**10. Department Held Harmless.** In accepting an approved permit, the permittee, their successors and assigns, will agree to hold harmless and defend, regardless of outcome, the state from the expenses of and against all suits or claims, including costs, expenses and attorney fees that may be incurred by reason of any act or omission, neglect or misconduct of the permittee or its contractor in the design, construction, maintenance or operation of the encroachment. ( )

**11. Permit Requirements.** All permits will specify approach location and use, and be accompanied by approved traffic control plans, design details and specifications that address dust control, site reclamation, environmental protection and work site safety. The applicant will be required to submit construction plans stamped by an engineer licensed in the state of Idaho to the Department for approval. ( )

**12. Void Application.** Once an application is submitted, if the permitting process is not completed within one (1) year as a result of inactivity on the applicant's part, the application will be considered void. ( )

**13. Denial of Application.** Applications for encroachments not allowed will be verbally denied. If the applicant insists on proceeding with the application, the non-refundable fee will be accepted and a permit denial issued by certified letter. Upon receipt of the denial letter, the applicant can appeal the Department's action. ( )

#### **201. PERMIT COMPLIANCE AND EXPIRATION.**

**01. Permitted Work.** If work does not begin immediately, the permittee will notify the Department or local highway agency five (5) working days prior to commencing such work. Local highway agency will promptly notify the Department, when applicable. ( )

**02. Work Site Documents.** The permittee or contractor for the permittee, will maintain a copy of the approved permit, all special provisions and any related documents, at the work site while work is in progress. ( )

**03. Completion of Work.** All permitted work will be completed and available for final inspection within thirty (30) days after construction begins, unless otherwise stated in the special provisions of the permit. If the permitted work is not completed within one (1) year of permit issuance, the permit will be considered void. At the discretion of the Department, a one-time extension not to exceed six (6) months may be granted if requested in writing by the permittee prior to permit expiration. New applications will be required for additional work following permit expiration. ( )

**04. Temporary Encroachments.** Temporary encroachment permits will have an effective time period not to exceed one (1) calendar year and will be removed within ten (10) days following permit expiration. ( )

#### **202. -- 299. (RESERVED)**

#### **300. GENERAL REGULATIONS FOR APPROACHES.**

**01. Required.** All new or additional approaches, or the modification in design or use, relocation or removal of existing approaches require an approved State highway right-of-way use permit and will meet all access control requirements that correspond to the state highway being affected. ( )

**02. General.** Requests for approaches will be reviewed and considered for approval based on the needs of the total development, regardless of the number of individual parcels it contains. ( )

**03. Joint-Use Approach.** Only an owner of property abutting the state highway right-of-way, or their designated representative, can apply for access. Applications for a joint-use approach that serves two (2) or more abutting properties sharing common boundary lines will be accompanied by a legal recorded joint-use access agreement and will be signed by all deeded owners or authorized representatives. ( )

**04. Applicable Standards.** The location, design, and construction of all approaches will comply with

Department standards. Information regarding applicable standards is available at Department headquarters and all District offices listed in Subsection 003.01. ( )

**05. Approach Locations.** Approaches will be located where the highway alignment and profile meet approved geometric standards, where they do not create undue interference with or hazard to the free movement of normal highway or pedestrian traffic, and where they do not restrict or interfere with the placement or proper function of traffic control signs, signals, lighting or other devices. ( )

**06. Denial of Approach Application.** Failure to comply with these requirements may be sufficient cause for the Department to deny an approach application, prohibit specific approach usage, or remove an existing approach. ( )

**07. New Approaches in Highway Construction.** Applications for an encroachment located within a state highway construction project will be processed by the Department. ( )

**08. Modification of Approaches by Department.** The Department reserves the right to make any modifications, additions, repairs, relocations, or removals to any approach or its appurtenances within the highway right-of-way, when necessary for maintenance, rehabilitation, reconstruction or relocation of the highway and/or to provide proper protection of life and property on, or adjacent to, the highway. ( )

**09. Modification of Approaches by Permittee.** Modifications of approach use, construction, or design will include but not be limited to width, grade, surface type, landscaping, and drainage. Such modifications by the permittee require Department approval. ( )

**301. -- 399. (RESERVED)**

**400. LOCATION AND DESIGN STANDARDS FOR APPROACHES.**

**01. Required.** Location, design, construction and operations of all approaches will comply with current Department geometric standards and design principles. ( )

**02. Guidelines.** The following access management guidelines will be considered on all approach applications: ( )

- a.** Design approaches for current and future property access requirements; and ( )
- b.** Reduce conflicts associated access points through the application of channelization, auxiliary lanes, joint-use approaches, frontage and other local roads, restricted on-street parking and off-street traffic circulation. ( )

**03. Signal and Approach Spacing.** In order to maintain system capacity, safety and efficiency, maximize signal progression and minimize delays to the traveling public, all approaches and signals will be spaced in accordance with the following standards: ( )

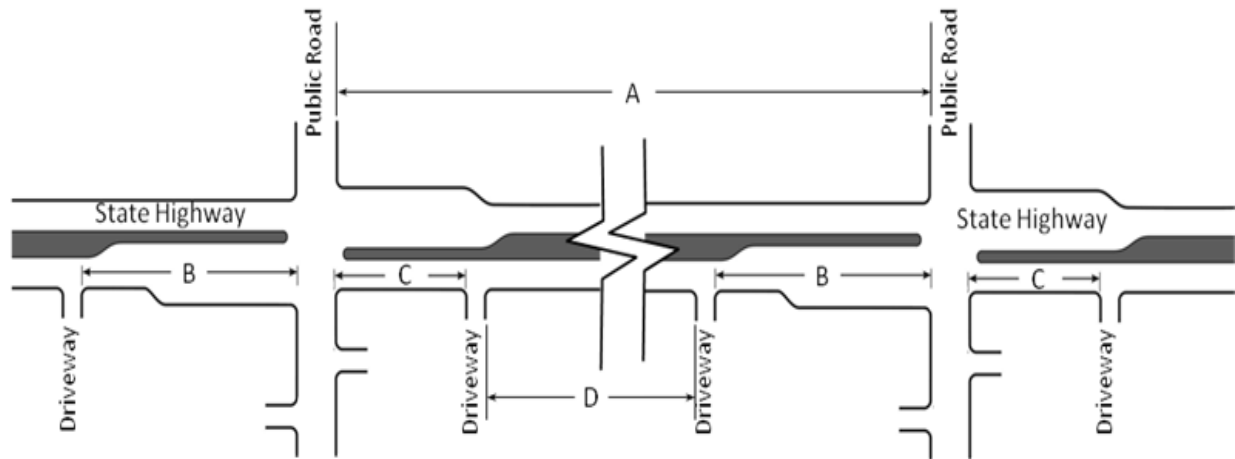
- a.** All traffic signal locations will meet Department signal warrant requirements and a signal operational analysis; ( )
- b.** Location preference will be given to State highways that meet or may be reasonably expected to meet signal warrants within five (5) years; and ( )
- c.** Minimum recommended distances between approaches and signals are as follows:



<b>TABLE 1 – ACCESS SPACING*</b>						
<b>HIGHWAY TYPE</b>	<b>AREA TYPE</b>	<b>Signalized Road Spacing</b>	<b>Public Road Spacing (A)</b>	<b>Driveway Distance Upstream From Public Road Intersection (B)</b>	<b>Driveway Distance Downstream From Unsignalized Public Road Intersection (C)</b>	<b>Distance Between Unsignalized Accesses Other Than Public Roads (D)</b>
<b>Interstate</b>	All	Accessible only by interchanges (ramps) and requires approval by the Board and Federal Highway Administration.				
<b>Freeway</b>	All	Accessible only by interchanges (ramps).				
<b>Expressway</b>	All	Accessible only at locations specified by the Department.				
<b>Statewide Route</b>	Rural	5,280 ft	5,280 ft	1,000 ft	650 ft	650 ft
	Transitional	5,280 ft	2,640 ft	760 ft	500 ft	500 ft
	Urban >35 mph	2,640 ft	1,320 ft	790 ft	500 ft	500 ft
	Urban ≤35 mph	2,640 ft	1,320 ft	790 ft	250 ft**	250 ft**
<b>Regional Route</b>	Rural	5,280 ft	2,640 ft	1,000 ft	650 ft	650 ft
	Transitional	2,640 ft	1,320 ft	690 ft	360 ft**	360 ft**
	Urban >35 mph	2,640 ft	660 ft	660 ft	360 ft**	360 ft**
	Urban ≤35 mph	2,640 ft	660 ft	660 ft	250 ft**	250 ft**
<b>District Route</b>	Rural	2,640 ft	1,320 ft	760 ft	500 ft	500 ft
	Transitional	2,640 ft	660 ft	660 ft	360 ft**	360 ft**
	Urban >35 mph	1,320 ft	660 ft	660 ft	360 ft**	360 ft**
	Urban ≤35 mph	1,320 ft	660 ft	660 ft	250 ft**	250 ft**
*Distances in table are minimums based on optimal operational and safety conditions such as adequate sight distance and level grade. Definitions of spacing designated by (A), (B), (C), and (D) are represented on Figure 1.						
** Where the public road intersection or private access intersection is signalized, the distances in the table are for driveways restricted to right-in/right-out movements only. For unrestricted driveways the minimum distance will be 500 feet from a signalized intersection.						

( )

Figure 1:



( )

**d.** The District Engineer will have the authority to deny an encroachment permit or require the applicant to provide a Traffic Impact Study when an on-site review indicates that the optimal conditions (such as sight distance and queue length) assumed in Table 1 do not exist, and that operational or safety problems may result from the encroachment spacing. ( )

**e.** The District Engineer will have the authority to approve a decrease in the minimum access spacing distances set forth in Table 1, provided that the basis for any exception is justified and documented. The basis for the exception may include overriding economic opportunity considerations. For any exception that would result in a decrease in access spacing of more than ten percent (10%) of the distances set forth in Table 1, a Traffic Impact Study will be required in order to determine whether auxiliary lanes or other appropriate mitigation must be included in the permit's conditions. ( )

**f.** Unless the requirement is waived by the District Engineer, a Traffic Impact Study will also be required when a new or expanded development seeks direct access to a state highway, and at full build out will generate one hundred (100) or more new trips during the peak hour, the new volume of trips will equal or exceed one thousand (1000) vehicles per day, or the new vehicle volume will result from development that equals or exceeds the threshold values in Table 2. If the District Engineer waives the requirement for a Traffic Impact Study, the basis for such waiver will be justified and documented. ( )

**g.** When required, the Traffic Impact Study will document access needs and impacts and whether any highway modifications are necessary to accommodate the new traffic volumes generated by the development. Such modifications could include, for example, turn lanes, additional through lanes, acceleration or deceleration lanes, medians, traffic signals, removal and/or consolidation of existing approaches, approaches limited to right-in/right-out access only, etc. ( )

**h.** If a District Engineer denies an encroachment permit application and the denial is appealed to the board, the board or its delegate will have the authority to approve exceptions to the access and signal spacing distances in Table 1 if, in the judgment of the board, overriding economic considerations cause the exceptions to be in the best interests of the public. ( )

Table 2	
LAND USE TYPE	THRESHOLD VALUE
Residential	100 Dwelling Units
Retail	35,000 square feet
Office	50,000 square feet
Industrial	70,000 square feet
Lodging	100 rooms
School (K-12)	All (Sections 67-6508 & 67-6519, Idaho Code)

( )

**04. Corner Clearance.**

( )

**a.** Approaches should be located as far as practical from intersections: to preserve visibility at the intersection, to permit safe vehicle movement, and to accommodate the installation of traffic signs, signals and lighting where required. ( )

**b.** Approach transitions or flares will not encroach upon curbs or pavement edges forming the corner radii of the intersection. ( )

**c.** Minimum corner clearances between signalized and unsignalized urban and rural intersections will comply with current Department standards. ( )

**05. Approach Alignment.** Whenever possible, all new or relocated approaches will intersect the state highway at right angles and will be aligned on centerline with existing approaches to facilitate highway safety and the development and use of turn lanes and/or signals. Approach skew angles will be in conformance with current Department standards. ( )

**06. Width and Radius.**

( )

**a.** An approach will be wide enough to properly serve the anticipated type and volume of traffic. Minimum widths should be used only when space limitations apply. ( )

**b.** An approach that is adjacent to a public alley may include the alley as part of the approach if approved by the local jurisdiction, however, the width of the combined approach will not exceed forty (40) feet. ( )

**c.** Commercial approaches with volumes exceeding fifty (50) vehicles per hour during a total of any four (4) hours per day should be designed to public road standards. ( )

**d.** A Boulevard Approach may be required to improve operation and/or aesthetics of commercial approaches and some public highways, when warranted, by a combination of vehicle length and higher traffic volumes. The approach will be designed to serve the traffic with a right-turn lane, a left-turn lane, a median, and one (1) or more entrance lanes. ( )

**e.** Minimum and maximum recommended approach widths and radii are as follows:

APPROACH USE	< 35 MPH		≥ 35 MPH		RADII	
	Minimum	Maximum	Minimum	Maximum	Minimum	Maximum
Single Residential, Farmyard, Field	12ft	40ft	20ft	40ft	20ft	30ft
Multiple Residential	28ft	40ft	28ft	40ft	20ft	30ft
Commercial (One-Way)	15ft	30ft	20ft	30ft	30ft	40ft
Commercial (Two-Way)	25ft	40ft	25ft	40ft	30ft	40ft
Boulevard Approach	84ft	84ft	84ft	84ft	Contact Department	
Joint-Use Residential/Farm	25ft	40ft	25ft	40ft	20ft	30ft
Joint-Use Commercial	12ft	40ft	20ft	40ft	30ft	40ft
Public Highways	28ft	N/A	28ft	N/A	30ft	50ft

( )

**07. Property Line Clearance.**

( )

**a.** In curbed sections, there will be a minimum property line clearance of six (6) feet to accommodate approach transitions. Approaches will be constructed so that all approach flares and any extensions of the approach remain within applicant’s property.

( )

**b.** In rural or uncurbed sections, property line clearances will be equal to approach radius. Approaches will be constructed so that all approach radii remain within applicant’s property.

( )

**c.** Approach transitions or radii may be allowed to abut the adjacent property line when required for proper utilization of property. Joint-use approaches will be required whenever property frontage is insufficient to include full width of the approach, including both radii.

( )

**08. Setback.**

( )

**a.** Improvements intended to serve patrons on private property adjacent to state highway right-of-way will be setback from the highway right-of-way line so that stopping, standing, parking or maneuvering of vehicles on the right-of-way is not necessary. A minimum setback of fourteen (14) feet from state highway right-of-way line is recommended, unless a greater minimum is established by an engineering study. When an ordinance requires a certain number of parking spaces per square footage of building, the parking spaces will not be included within state highway right-of-way.

( )

**b.** Traffic movements into and out of a business will be designed, whenever possible, to utilize existing local roads. Existing approaches along traveled way should serve as exits only from the business onto the state highway. Entrance to the property should be made from a local road.

( )

**09. Sight Distance.** Any encroachment, including but not limited to hedges, shrubbery, fences, walls, or other sight obstructions of any nature, that constitutes a traffic hazard within the “vision triangle” of vehicle operators at the intersection of roads with other roads, private approaches, alleys, bike or pedestrian paths, or railroad

crossings will be removed. ( )

**10. Transitions and Flares.** ( )

**a.** In curb and gutter sections, the transition connecting the edge of the approach to the curb will meet minimum Department standards. ( )

**b.** In sections not having a curb and gutter, approach flares should connect the outside edge of the approach to the outside edge of the roadway shoulders and will meet minimum Department standards. The approach flare tangent distance should not exceed twenty (20) feet unless a larger radius is warranted by an engineering study. ( )

**c.** The distance between approaches will be such that the curb approach transition or radii of the one (1) approach does not encroach upon the transition or radii of the adjacent approach. ( )

**11. Grade.** ( )

**a.** If the maximum allowable slope is not great enough to bring the approach to the level of the sidewalk or back of curb, a depressed sidewalk should be installed, when required. If sidewalks exist, the connection between the original sidewalk and the depressed sidewalk will be made through a transition area with a slope no steeper than twelve horizontal to one vertical (12:1) from the longitudinal grade of the original sidewalk. All new curbs or sidewalks should be constructed to the line and grade of the existing curb or sidewalk with every effort to construct a sidewalk that is uniformly graded and free of dips. ( )

**b.** To accommodate emergency service vehicles, the Department recommends a maximum approach grade of plus or minus ten percent ( $\pm 10\%$ ). ( )

**12. Border Area.** ( )

**a.** Border area work (including grading, seeding and landscaping) will insure that adequate sight distance, proper drainage, desirable slopes for maintenance operations, and a pleasing appearance are provided. The border area will be free of encroachments and designed as needed to prevent vehicular use through the incorporation of appropriate methods such as ditching, special grading, use of concrete or bituminous curbs, fencing, guard rail, and guide posts. The design or devices should not impair adequate sight distance or constitute a hazard to pedestrians, bicycles, or vehicles. ( )

**b.** The maximum slope beyond the outside edge of shoulder, back of curb, or back of sidewalk to the right-of-way line will meet minimum Department standards. The creation of ponds, pools, or drainage/evaporation swales within the highway right-of-way will be prohibited. ( )

**13. Drainage.** ( )

**a.** All approaches will be graded so that private properties abutting the highway right-of-way do not drain onto the traveled way, do not impair the drainage within the right-of-way, alter the stability of the roadway subgrade or materially alter the drainage of areas adjacent to the right-of-way. Post-development drainage flows will not exceed predevelopment drainage flows. ( )

**b.** Culverts and drop inlets will be installed where required and will be the type and size specified by the Department. Where the border area is regraded, landscaped or reclaimed (seeded), it will have sufficient slope, ditches, culverts, and drop inlets for adequate drainage. Slopes, where practical, should be a six-horizontal-to-one vertical (6:1) maximum. ( )

**14. Base and Surfacing.** ( )

**a.** It will be the responsibility of the permittee to supply, place and properly compact the approach fill and base material. All base and surfacing materials and compaction requirements will meet minimum Department design and construction standards. ( )

b. All rural private, commercial and public approaches will be paved to the right-of-way line or to the back of the approach radius. Farmyard and field gravel approaches that are occasionally used will be paved a minimum of five (5) feet from the edge of pavement. ( )

c. In curb and gutter areas, approaches will be paved to the right-of-way line. ( )

**401. MEDIANS.**

**01. Median Placement.** The placement of medians will meet the following considerations: ( )

a. Where a traffic engineering study indicates that medians would be beneficial to control access, maintain street capacity, and improve traffic safety. ( )

b. When medians are selected, non-traversable medians are the preferred median type; however, traversable medians in urban areas may be considered to accommodate emergency vehicles. ( )

c. Pedestrian/bicycle safety will be given consideration in the choice and design of medians in areas that are frequently used by pedestrians/bicycles. ( )

d. construction requirements for all new or modified public approaches to the state highway right-of-way, including private approaches to subdivisions and businesses, will be reviewed for the need to place medians on the state highway. ( )

e. Channelization formed by raised curbs, solid painted islands, left turn lanes, or other traffic control installations may be required to create a mandatory right-in/right-out and/or left-in/left-out approach condition. ( )

**02. Median Openings.** Median openings will be as follows: ( )

a. Placed on multi-lane state highways at all signalized intersections, at locations which currently meet the criteria for a signal warrant and fulfill traffic signal coordination requirements, at locations that are anticipated to meet future traffic signal considerations, and at locations where there will be no significant reduction in safety or operational efficiency. ( )

b. Designed with a left turn lane and sufficient storage for left turning traffic. ( )

c. Median openings allowing U-turns will be provided only at locations having sufficient roadway width. ( )

**402. AUXILIARY LANES.**

Review Required. Reviews will be conducted to determine the need to provide turn lanes, deceleration lanes and acceleration lanes on the state highway prior to issuing an approach permit. Consideration of auxiliary lanes will meet the following conditions: ( )

**01. Traffic Engineering Study.** A traffic engineering study will be made that considers highway operating speed, traffic volumes, projected turning movement volumes, availability of passing opportunities, sight distance, and collision history. ( )

**02. Auxiliary Lanes to Enhance Roadside Business.** Auxiliary lanes will not be constructed to enhance a new roadside business, unless the applicant is willing to pay the full cost. ( )

**03. Auxiliary Lanes Required by Planned Development.** Auxiliary lanes required as a result of a planned development, will be paid for by the developer. When the need for an auxiliary lane exists prior to an application for a planned development, the developer may not be required to pay for the lane unless such construction precedes the Department's construction schedule. ( )

403. -- 499. (RESERVED)

**500. LOCATION AND DESIGN STANDARDS FOR UTILITIES.**

**01. Approved Permit Required.** An approved right-of-way encroachment permit will be required for all utility encroachments, including new utility installation and the relocation, maintenance, modification, or removal of existing utility facilities prior to the initiation of any work within the state highway right-of-way. ( )

**02. Utility Locations.** Final utility locations will be identified on the appropriate roadway and bridge plans. ( )

**03. Interstate Highways.** As addressed in the 1996 Telecommunications Act, longitudinal placement of telecommunication utilities in any Interstate right-of-way will require a permit approved by the Department for the installation of utilities. Longitudinal placement of all other utilities in Interstate right-of-way will require a utility permit approved by both the Department and the FHWA. ( )

**04. Utility Maintenance and Emergency Repair.** Right-of-way encroachment permits, approved annually by the Department, will be required for all maintenance or emergency repairs of utility facilities. The utility will notify the Department in advance of any work that affects the traveling public. ( )

**05. Conduits Under the Roadway.** ( )

**a.** Conduits crossing under highways that carry utility structures including, but not limited to, water, sewage, chemicals, electrical wire, and communications cables, will be installed by jacking, driving or boring unless trenching can be justified. Acceptable justification would only be poor soil conditions, such as rock or boulders, inadequate room for a boring pit, or conflicts with other utility lines which cannot be located accurately (gas lines, multiple telephone conduits). If gravel or boulders prevent boring or jacking on the first attempt, at least two (2) other documented attempts should be made at different locations before contacting the District about an alternate installation method, unless the utility can provide documentation from a qualified agency or engineer that indicates the strata is not conducive to boring, driving or jacking. Normally installation of conduit twenty-four (24) inches or less outside diameter should be attempted by jacking, driving or boring before consideration of trenching as an alternative. ( )

**b.** The applicant is required to submit for review and approval, a set of construction plans stamped by an engineer licensed in the state of Idaho. The plans will show all details on casing, conduits, bulkheads and placement, vertical and horizontal dimensions of the pit and shoring, method of installing the conduit, drainage, void filling, and traffic control devices. Sluicing or jetting will not be allowed. If required by the engineer, casings should be installed from highway right-of-way line to highway right-of-way line to allow for servicing of the utility facility with minimal disruption to traffic flows. Casings should be installed wherever feasible to allow for placement of multiple conduits. ( )

**c.** Conduits under interstate highways will not be installed by cutting through the pavement under any circumstance. ( )

**06. Conduits Attached to Structure.** Conduits attached to any structure will meet the following requirements: ( )

**a.** A set of construction plans showing all details and calculations of a crossing or proposed attachments, stamped by an engineer licensed in the state of Idaho, will be submitted to the Department for review and approval at the time of permit application. A copy of the existing structure plans will also be submitted that are marked to show the proposed structure modifications. ( )

**b.** Reinforcement will be located prior to the placement of threaded inserts to suspend utilities using a method approved by the Department. ( )

**c.** All attaching hardware will be galvanized or coated as directed by the Department. ( )

- d. Bolts for the attachment clamps will be a minimum of one-half (1/2) inch in diameter. ( )
- e. Slip joints will be installed as directed by the Department. ( )
- f. Drilling of any bridge structural element will be prohibited without approval from the Department. ( )
- g. Utilities will be attached to bridges in an interior bay, unless interior attachment is not practical due to the bridge diaphragm or end beam construction. ( )
- h. Placing brackets along or around the structure rail is prohibited. ( )
- i. The installing utility will relinquish exclusive rights to future use of a hanger system, once installed. However, the responsibility for required maintenance will remain with the installing utility until the hanger system is placed into a joint-use system. At that time, the responsibility for maintenance will become a shared responsibility. ( )
- j. A set of “as-built” plans for all conduit or utility crossings and structure attachments will be submitted to the Department and the local utility locating service with all details of construction within thirty (30) days of the work completion. All “as-built” plans are required to be stamped by an engineer licensed in the state of Idaho. ( )

**501. -- 599. (RESERVED)**

**600. LOCATION AND DESIGN STANDARDS FOR OTHER ENCROACHMENTS.**

**01. Approved Permit Required.** An approved right-of-way encroachment permit will be required for all portable objects or signs, memorials, urban improvements, landscaping, farming, irrigation or drainage, mailbox stands or turnouts, recreational parking facilities, park-and-ride lots, school bus turnouts, or structures within the state highway right-of-way other than those authorized or installed by the Department, or those which the government entity deems necessary for regulating, warning, and guiding of traffic. ( )

**02. Benches, Planters, and Other Urban Structures.** Structures, including protrusions and overhangs, will be a minimum of eighteen (18) inches behind the face of curb. When a structure is within a sidewalk area, at least four (4) feet of unobstructed space will be available for pedestrians. ( )

**03. Overhanging Displays, Canopies and Marquees.** In a curb section, encroachments will not extend closer than eighteen (18) inches behind face of curb. In a non-curb section, encroachments supported by a building will not extend more than twelve (12) inches into right-of-way. Signs or displays will be no lower than twelve (12) feet above the sidewalk or ground level. Canopies and marquees will be no lower than eight (8) feet. ( )

**04. Landscaping, Farming and Associated Irrigation.** Repair of landscaping in the state highway right-of-way will be the responsibility of the permittee, and the Department will not be responsible for, or participate in, any repair or maintenance costs. All requests for landscaping, farming and irrigation will require a review of current access control records for restrictive covenants. Applications may be approved provided the following conditions are met: ( )

a. Landscaping, farming, and irrigation systems will maintain the structural integrity of the state highway right-of-way. No undercutting of the present highway fill and ballast section nor will access to a state highway from unprotected bare soil be allowed. ( )

b. Unless otherwise specified, the degree of landscaping will be limited to what is necessary to insure that the appearance of the state highway right-of-way is compatible with the appearance of the surrounding area and will not interfere with public safety and overall maintenance operations. ( )

c. Landscaping, farming, and irrigation systems will not disturb, obstruct, or add to the normal



drainage patterns of the state highway right-of-way. No new ditches will be constructed without prior approval. ( )

**d.** Landscaping, farming, and irrigation systems will not interfere with utility installations, removals, or operations. ( )

**e.** Provisions will be established for the responsibility of future maintenance. ( )

**f.** Only planting of forage plants, grasses, flowers, and shrubs with a mature height not to exceed three (3) feet will be allowed within the clear zone of the state highway right-of-way. Type and size of grasses, flowers, and shrubs will be determined by the Department. ( )

**g.** No trees will be allowed within the clear zone of the state highway right-of-way. ( )

**h.** All work within the highway right-of-way will be required to return the right-of-way to either original condition or to the requirements of the encroachment permit as approved by the Department. ( )

**i.** Irrigation systems will be no closer than five (5) feet from the pavement edge and will be adjusted so water does not cover any portion of the highway pavement. ( )

**j.** No grading, excavation or other ground disturbing activities will be performed during rainy periods. If work cannot be avoided during rainy periods, the permittee will install check dams or other approved device(s) or structure(s) in drainage channels and provide a sediment retention basin to avoid discharging sediment containing runoff into the drainage system, or any wetlands, or water bodies (streams, rivers, lakes and ponds). No work will be performed in or adjacent to any wetland or water body without providing the Department with copies of the appropriate permits from the Army Corps of Engineers, Idaho Department of Water Resources, and the Idaho Division of Environmental Quality. ( )

**k.** All areas within the state highway right-of-way disturbed by construction will be returned to its original condition and reclaimed (re-seeded, fertilized and mulched) as directed by the Department or delegated local highway agency. ( )

**l.** Appropriate best management practices to temporarily control erosion and resulting sediment will be used. Typical soil surface protection practices include erosion control blankets, taced mulches of straw, wood fiber, paper fiber, soil amendments, or rock mulch. Typical sediment control practices may include silt fences, fiber wattles, rock check dams, sediment basins/ponds, inlet culvert risers, and inlet rock filters. For further information on best management practices, contact the Department. ( )

**m.** Travel lanes will be kept reasonably free of dirt, rocks and other debris resulting from construction or maintenance of landscaping, farming, or irrigation. ( )

**05. Recreational Parking and Park-and-Ride Lots.** ( )

**a.** Parking areas will be designed to safely accommodate an adequate number of parking spaces as determined by the Department. ( )

**b.** Access points will be located so that adequate sight distance is maintained for the safety of approaching traffic and so that minimal interference with the normal flow of traffic on the traveled way results. ( )

**c.** Approaches will be constructed in accordance with Department standards. ( )

**d.** Installation of fencing and delineation should be considered to restrict ingress and egress locations and widths. ( )

**e.** Unrestricted drainage will be provided and will comply with Department standards. ( )

**f.** Construction and maintenance of parking areas, including snow removal will be the responsibility of the permittee. ( )

**06. Mailbox Turnouts.** ( )

**a.** Mailbox turnouts in rural areas may be combined with an adjacent approach or may be independent of the approach. For safety reasons, the mail carrier should be able to stop out of the traveled way whenever possible. The applicant should be required to construct a mailbox turnout at the same time a mailbox is installed. ( )

**b.** Mailbox turnouts and mailbox supports will be constructed in accordance with Department standards. The box-to-post attachments will resist separation when struck by a vehicle. No massive metal, concrete, stone or other hazardous supports will be allowed. Owners of mailboxes that do not meet minimum installation requirements will be notified that correction is required. ( )

**07. School Bus Turnouts.** ( )

**a.** School bus turnouts will be constructed with sufficient length and width to accommodate bus length and turning maneuvers as determined by the Department. ( )

**b.** Turnouts will be located so adequate sight distance is maintained for the safety of approaching traffic and so that minimal interference with the normal flow of traffic on the traveled way results. ( )

**c.** All permitted school bus turnouts will include approved advance warning signs installed at Department expense. ( )

**601. -- 699. (RESERVED)**

**700. APPLICATION FEES.**

**01. Fee Administration.** Fees for applications for permits will be based on the Department’s cost to produce the permit and administer the program. Fees for permits are not refundable in the event of denial of the permit or in the event the permittee fails to comply with the permit. Applications will not be processed until all applicable permit fees are received. ( )

**02. Fee Schedule.** The permit application fees will be as follows: ( )

**a.** Approaches:

<b>Land Use Category</b>	<b>Permit Application Fee</b>
Residential, < 100 units (includes farm and field approaches)	\$50
Residential, ≥ 100 units	\$100
Retail, < 35,000 sq. ft.	\$50
Retail, ≥ 35,000 sq. ft.	\$100
Office, < 50,000 sq. ft.	\$50
Office, ≥ 50,000 sq. ft.	\$100
Industrial, < 70,000 sq.ft.	\$50
Industrial, ≥ 70,000 sq.ft.	\$100
Lodging, < 100 rooms	\$50
Lodging, ≥ 100 rooms	\$100

Land Use Category	Permit Application Fee
School (K-12)	\$100

- ( )
- b.** Encroachments other than approaches: fifty dollars (\$50). ( )
- c.** Utility Permits: ( )
- i.** Non-interstate: new, modify, relocate with no prior easement rights, fifty dollars (\$50). ( )
- ii.** Interstate: fees will be addressed at the time of application. ( )
- iii.** Interstate and non-interstate: maintenance or emergency repairs with no prior easement rights - No Charge ( )
- iv.** Interstate and non-interstate: new, modify, relocate with prior easement rights within an ITD State highway project) - No Charge. ( )
- 03. Miscellaneous Costs.** In addition to the application fee, the Department may require payment of costs associated with the following: ( )
- a.** Study or appraisal review; or ( )
- b.** Appraisal fees required to establish the value of property for new, additional, modification in design or use, or relocation of approaches or other encroachments in a controlled access highway. ( )
- c.** Inspection fees may be charged at the discretion of the District Engineer when substantial inspection time will be required to monitor and accept work done within the right-of-way. This includes wages, travel, subsistence and other expenses incurred. The intent is to recover only Department costs. When the inspection fee is to be assessed, it will be stipulated under the application’s special provisions. Travel time in excess of one (1) hour, a loaded payroll rate, vehicle rental cost, subsistence, and other expenses incurred. If additional inspections are required, the permittee will be billed a flat fee as determined by the Department at the time the permit is issued. ( )
- d.** A performance bond may be required of an applicant at the discretion of the Department. The purpose of this bond is to guarantee completion of the work in accordance with the requirements of the permit. The bond amount should be large enough to cover costs to correct potential damage that might be caused by the permittee. The bond will be executed by a surety company authorized to conduct business in Idaho. ( )
- e.** Construction of highway modifications or improvements, including but not limited to signals, illumination, signs, pavement markings, delineation, guardrail, and culverts; ( )
- f.** Changes or adjustments made to highway features or fixtures; or ( )
- g.** Expenses relating to photocopying highway plans, permits or related documents. ( )
- 04. Waivers.** Permit fees may be waived and the justification included with the application for: ( )
- a.** Approaches resulting from right-of-way negotiations that are included in plans and completed during construction of a highway project. ( )
- b.** Government agencies. ( )
- c.** Agricultural uses of the right-of-way as included in the right-of-way agreement. ( )

- d. Approaches and other encroachments where direct benefit to the Department is gained. ( )
- e. Utility adjustments or relocations per project utility agreement, or requested by the Department, or utility maintenance and emergency repairs. ( )

**701. – 799. (RESERVED)**

**800. UNAUTHORIZED AND NONSTANDARD ENCROACHMENTS.**

**01. Compliance.** District Engineers will ensure compliance with all applicable laws and Department policies relating to the removal or correction of unauthorized and non-standard encroachments in accordance with Department rules and policies. ( )

**02. Prohibition.** Approaches and other encroachments on state highway rights-of-way that are installed without an approved state highway right-of-way permit, or not constructed in accordance with the Department requirements as stated in the permit, or are naturally occurring adjacent to the state highway right-of-way line and create a hazard, are prohibited, may be removed or their use may be suspended until corrective action is taken. The application process will be immediately initiated when applicable or the encroachment removed when such a permit cannot be approved. ( )

**03. Nonstandard Encroachment.** When a permitted encroachment does not meet Department standards, the applicant or permittee will be given one (1) month to upgrade the encroachment to the encroachment standards. Encroachments may be removed by the Department and legal action initiated to collect the removal cost. (Section 40-2319, Idaho Code) The one (1) month period may be shortened if an imminent or immediate threat to the safety of the traveling public is present. Time extensions may be granted by the Department or delegated local highway agency. However, if the permittee does not comply, the permit will be revoked and the encroachment removed. ( )

**04. Encroachment Removal.** Any person or entity maintaining an unauthorized encroachment of any kind upon state highway right-of-way will be served, according to law, with a notice to remove the same. Failure to remove the encroachment within forty-eight (48) hours will be followed by a certified letter from the Department requesting removal within ten (10) days. If the encroachment is still not removed, the Department will institute appropriate legal action to have it removed. The Department may take immediate corrective action if an imminent or immediate threat to the safety of the traveling public is present. ( )

**05. Liability of Applicant.** The applicant may be held liable for injury or damages caused by the unauthorized or non-standard encroachment. The Department will make no reimbursement for removal of unauthorized or non-standard encroachments nor will compensation be made for any losses that may arise from their removal. The Department may initiate legal action to recover costs for the removal of unauthorized or non-standard encroachments. ( )

**801. PROHIBITIONS.**

**01. Prohibited Uses.** The use of the highway right-of-way or any portion thereof for any of the following uses or purposes will be prohibited: ( )

**a.** Mobile stores, mobile lunch wagons or similar businesses that stop vehicles to offer for sale or sell their wares. ( )

**b.** Solicitation or sale of any goods or services, attempts to serve, distribute, petition or recruit, and all associated stopping, standing or parking of vehicles (except Department-approved vending privileges in safety rest areas. ( )

**c.** The storage of any substance, equipment or material, including but not limited to logs, lumber, supplies or aggregates. ( )

- d. The abandonment of vehicles or other large objects. ( )
  - e. Servicing, refueling and repairing of vehicles, except for emergencies. ( )
  - f. The placement of portable objects or signs (material or copy), displays, or other unapproved highway fixtures. ( )
  - g. Permanent, temporary or mobile structures, manned or unmanned. ( )
  - h. Any obstruction that creates a traffic hazard, including trees, shrubbery, fences, walls, non-standard mailbox stands, or other appurtenances. ( )
  - i. Signs or displays that resemble, hide or because of their color, interfere with the effectiveness of traffic signals and other traffic control devices. ( )
- 02. Encroachment Hazards.** Encroachments will not interfere with the safety of the highway or the visibility and effectiveness of traffic control devices, form a wall or building support, obstruct crosswalks or wheelchair ramps, or force pedestrians into the highway. ( )

**802. -- 999. (RESERVED)**

[Agency redlined courtesy copy]

**39.03.42 – RULES GOVERNING HIGHWAY RIGHT-OF-WAY  
ENCROACHMENTS ON STATE RIGHTS-OF-WAY**

**000. LEGAL AUTHORITY.**

The Idaho Transportation Board adopts this rule under the authority of Sections 40-310, and 40-312, and per the requirements of Sections 40-311, 40-313, 49-202(19), (23) and (28), and 49-221, Idaho Code. ( )

**001. SCOPE/PURPOSE.**

This rule establishes standards ~~and guidelines~~ for encroachments on state highway rights-of-way. ~~(3-31-22)~~( )

**002. ADMINISTRATIVE APPEAL.**

**01. Commencement.** Applicants may appeal denied permits, or permits granted with conditions that the applicant believes to be unreasonable, in writing to the Department’s District Engineer within thirty (30) days of receipt of written notification of the denial or grant of the permit. The appeal process commences on the date the Department’s District office receives written notification of appeal from the applicant. ( )

**02. Process Hold.** If at any time during the appeal process it is determined that insufficient documentation was submitted with the appeal, all parties ~~shall~~will be notified that the appeal process is placed on hold until the necessary documentation is supplied. ~~(3-31-22)~~( )

**03. Appeal Process.** The District will have thirty (30) working days to review the appeal. If the District Engineer does not rule on the appeal within the thirty (30) day period, the denial of the permit ~~shall~~will be deemed overturned and the permit ~~shall~~will be issued, or the contested permit conditions stricken. Notice of the decision of the District Engineer ~~shall~~will be issued by certified mail within seven (7) days of the ruling. Otherwise, if the District Engineer does not overturn the original denial or strike the contested provisions from the permit, upon receipt of a written request from the applicant within twenty-one (21) days of the date of the denial of the appeal, it ~~shall~~will be forwarded to the Department’s legal section to initiate an appeal to the Idaho Transportation Board. The appeal will be processed in accordance with the Idaho Administrative Procedure Act and IDAPA 04.11.01, “Idaho Rules of

Administrative Procedure of the Attorney General.”

(3-31-22)( )

**003. -- 009. (RESERVED)**

**010. DEFINITIONS.**

~~**01.** **Shall/Will, Should, May.** The use of “shall” or “will,” “should,” and “may” denote the following conditions: (3-31-22)~~

~~**a.** **Shall/Will.** A mandatory condition or requirement. (3-31-22)~~

~~**b.** **Should.** An advisory or recommended condition, or usage, but not mandatory. (3-31-22)~~

~~**c.** **May.** A permissive condition. No requirement is mandated. (3-31-22)~~

**021.** **Access.** The ability to enter or leave a public highway or highway right-of-way from an abutting private property or another public highway or public highway right-of-way. ( )

**032.** **ADT.** Average Daily Traffic. The total volume of traffic during a given time period in whole days greater than one (1) day and less than one (1) year divided by the number of days within that time period. ( )

**043.** **Applicant.** Agency, owner, or an authorized representative of the property owner, or utility facility applying for a permit to encroach within state highway rights-of-way. ( )

**054.** **Appraisal.** A written statement independently and impartially prepared by a qualified appraiser setting forth an opinion of monetary value for a specific property based on a specific use, as of a specific date, supported by the presentation and analysis of relevant market information. ( )

**065.** **Approach.** A connection between the outside edge of the shoulder or curb line and the abutting property at the highway right-of-way line, intended to provide access to and from said highway and the abutting property. An approach may include a driveway, alley, street, road or highway. ( )

**076.** **Approach Flare.** The approved radius connecting the edge of the approach to the edge of the highway. The term “approach radius” is interchangeable with “approach flare.” ( )

**087.** **Approach Transition.** The area from the edge of an urban approach sloped to match the curb and border area elevations. The term “approach apron” is interchangeable with “approach transition.” ( )

**098.** **Approach Skew Angle.** For all approaches, the angle of deflection between a line perpendicular to the highway centerline and the approach centerline. ( )

~~**109.** **Approach Width.** The distance between the outside edges of the approach measured perpendicular to the approach centerline along the curb line or the edge of pavement, excluding flares, transitions and radii. ( )~~

**140.** **Authorized Representative.** Any applicant, other than the property owner, having notarized written verification signed by the owner giving authorization to act on the owner’s behalf. ( )

**121.** **Auxiliary Lane.** The portion of the roadway adjoining the traveled way used for speed change, turning, storage for turning, weaving, truck climbing, and other purposes supplementary to through-traffic movement. ( )

~~**13.** **Board.** The Idaho Transportation Board, as established by Title 40, Chapter 3, Idaho Code. (3-31-22)~~

**142.** **Border Area.** The area between the outside edge of the shoulder or back of curb and the highway right-of-way line. ( )

**153. Boulevard Approach.** A two-way approach intended for high ADT volumes of large commercial vehicles, having a maximum width of eighty-four (84) feet in which opposing traffic is separated by a raised four (4) foot wide non-traversable median. ( )

**164. Capacity.** The maximum number of vehicles that can reasonably be expected to travel along a lane of a highway during a given time period under prevailing roadway and traffic conditions. ( )

**175. Clear Zone.** An area outside the traveled way, auxiliary lanes and shoulders that is constructed and maintained as free from physical obstructions as practical, for use as a recovery area by errant vehicles. ( )

**186. Commercial Approach.** An approach serving a business or businesses. ( )

**197. Conduit.** A tube or trough for receiving and protecting utility-related structures including, but not limited to, electrical wires, fiber optic cable, and fluids. ( )

**2018. Construction.** The building of new facilities or the modification of existing facilities. Does not include maintenance. ( )

**2419. Corner Clearance.** The distance along the curb line or outside edge of the shoulder measured from the beginning or end of the intersecting roadway flare to the nearest edge of the adjacent approach, excluding flares or transitions. ( )

~~22. Department. The Idaho Transportation Department (ITD). (3-31-22)~~

**230. Distance Between Approaches.** The distance measured along the curb line or outside edge of the shoulder between the nearest edges of adjacent approaches, excluding the flares, transitions or radii. ( )

~~24. District. An administrative and maintenance subdivision of the Idaho Transportation Department encompassing a particular geographical region of the state of Idaho, per Section 40-303, Idaho Code. (3-31-22)~~

~~25. District Engineer. The administrator of an Idaho Transportation Department administrative district, or a delegated representative. (3-31-22)~~

**261. District Route.** A state highway that accommodates trips of limited mobility and provides high levels of access to communities, to include distributing trips to geographical areas and serving major commercial and industrial districts. District routes may provide intra-community continuity and connection, to include local bus routes, but should not be used to provide direct access to residential lots. ( )

**272. Economic Opportunity.** Facilitate the increase in Idaho Gross Domestic Product, job creation, increased business, revenue; improve the efficiency in which goods are transported; and reduction in travel times for commuting, commerce, recreation, and tourism. ( )

**283. Emergency.** Any unscheduled work required to correct or prevent a hazardous situation that poses an imminent threat to life or property. ( )

**294. Encroachment.** Any authorized or unauthorized use of highway right-of-way or the air space immediately above the highway right-of-way. ( )

~~3025. Encroachment Permit.~~ Written authorization from the Department to use state highway right-of-way or the airspace above it under the conditions set forth in the permit. ( )

**3426. Expressway.** A segment of a highway designated by the Idaho Transportation Board for use as a through highway, with partially controlled access, accessible only at locations specified by the Idaho Transportation Department, and characterized by medians, limited at-grade intersections, and high speeds. An existing segment of state highway may only be designated as an expressway if payment is made to adjacent property owners for the restriction of existing access rights. ( )

- ~~32. Farming. Any activity associated with crops, including seed. (3-31-22)~~
- ~~33. FHWA. The Federal Highway Administration, a division of the U. S. Department of Transportation. (3-31-22)~~
- 3427. Fiber Optic Cable.** A cable containing one (1) or more glass or plastic fibers that has the ability to transmit light along its axis. ( )
- ~~3528. Field Approach.~~ An approach that serves only non-residential agricultural property, including farmyards. ( )
- ~~3629. Flare Tangent Distance.~~ The distance of the approach radius measured along the edge of pavement. ( )
- 370. Freeway.** A segment of a highway designated by the Idaho Transportation Board for use as a through highway, with fully controlled access, accessible only by interchanges (ramps), and characterized by medians, grade separations at cross roads, and ramp connections for entrance to and exit from the traveled way. An existing non-Interstate segment of state highway may only be designated as a freeway if payment is made to adjacent property owners for the restriction of existing access rights. ( )
- 381. Frontage Road.** A road auxiliary to and located to the side of the highway for service to abutting properties and adjacent areas for the purpose of controlling access to the highway. ( )
- 392. Frontage Boundary Line.** A line perpendicular to the highway centerline that begins at the point of intersection of the abutting property line and the highway right-of-way line. ( )
- ~~4033. Full Control of Access.~~ Any section of a highway system where access is prohibited except for interchange connections. ( )
- ~~41. Government Agency. As used in these rules, the term includes federal, state, county, city, or local highway jurisdictions. (3-31-22)~~
- 4234. Highway Right-of-Way.** Property used for highway purposes, open to the public, and under the jurisdiction of a government agency. Such property may be owned by the government agency in fee simple or be subject to an easement for highway purposes. ( )
- ~~4335. Imminent Threat.~~ Includes major traffic control deficiencies or safety situations that are likely to result in serious injury or loss of life. ( )
- 4436. Interstate Highway.** As identified by federal code, a segment of the Dwight D. Eisenhower National System of Interstate and Defense Highways consisting of an FHWA-approved freeway. ( )
- ~~4537. Joint-Use Approach.~~ An approach constructed at a common boundary between adjacent properties that abut the highway. A joint-use approach is equally owned and shared as common access by both property owners. ( )
- ~~46. Landscaping. Any action taken to change the features or appearance of the highway right of way or abutting property with plants, soil, rock and related material. (3-31-22)~~
- ~~4738. Loaded Payroll Rate.~~ A rate of compensation that includes hourly wages plus the associated employer overhead and benefit costs. ( )
- 4839. Local Highway Agency.** Any city, county, highway district or other local board or body having authority to enact regulations, resolutions, or ordinances relating to traffic on the highways, highway rights-of-way and streets within their respective jurisdiction. ( )
- ~~490. Local Road.~~ A city, county or highway district highway whose primary function is to provide



access to adjacent properties. ( )

**5041. Median.** The portion of a divided highway or approach that separates opposing traveled ways. Medians may be raised, flush, or depressed relative to the roadway surface, and may be landscaped or paved. ( )

**5142. Median Opening.** A paved area bisecting opposite directions of a divided roadway that is designed to permit traffic to cross at least one (1) direction of travel. ( )

**5243. MUTCD.** The Manual on Uniform Traffic Control Devices for Streets and Highways, latest edition, as adopted by the Idaho Transportation Board in accordance with Section 49-201(3), Idaho Code. A manual written by the Federal Highway Administration that sets national minimum standards for signing, striping, and traffic control devices. ( )

~~**53. Non Standard Approach.** Any approach that does not meet Department standards. (3-31-22)~~

~~**54. Performance Bond.** A statutory bond, issued by a surety company authorized to do business in the state of Idaho, that guarantees performance of work in accordance with permit requirements. (3-31-22)~~

**5544. Permittee.** Person or persons, utility facilities, and other agencies granted permission to encroach within the highway right-of-way for authorized purposes other than normal travel. ( )

**5645. Private Approach.** Every privately owned traveled way that is used for ingress to and egress from the highway right-of-way and an abutting property. ( )

**5746. Property Line Clearance.** The distance measured along the curb line or outside shoulder edge from the frontage boundary line to the nearest edge of the approach width, excluding flares, transitions and radii. ( )

**5847. Public Approach.** Any approach that serves the public without restriction and is maintained by a government agency. ( )

~~**59. Public Highway.** Any highway open to public use and maintained by a government agency. (3-31-22)~~

~~**60. Public Highway Agency.** The state transportation department, any city, county, highway district, or any other state agency, or any federal or Indian reservation, which has jurisdiction over public highway systems and highway rights-of-way. (3-31-22)~~

**6148. Regional Route.** A state highway that accommodates trips of moderate length with a lower level of mobility than a Statewide Route and that provides moderate access to communities, to include providing mobility for people and freight through and between communities and major activity centers of the region. ( )

**6249. Roadside.** Any area beyond the main traveled way that may or may not be within the highway right-of-way. ( )

**6350. Roadway.** That portion of a highway improved, designed, or ordinarily used for vehicular travel, exclusive of sidewalks, shoulders, berms and other portions of the rights-of-way. ( )

**6451. Rural.** State highway rights-of-way and right-of-way corridors outside the limits of Urban and Transitional areas. ( )

**6552. Setback.** The horizontal distance between the highway right-of-way line and permanent fixtures, including but not limited to gas pump islands, signs, display stands and buildings, measured at right angles to the highway centerline. ( )

**6653. Shoulder.** The portion of the right-of-way contiguous with the traveled way that accommodates

stopped vehicles, emergency use, and lateral support of the sub-base, base, and surface courses. ( )

**6754. Signal Spacing.** The distance between signalized intersections measured from the center of intersection to the center of intersection. ( )

**6855. Slope.** Slope is expressed as a non-dimensional ratio between vertical and horizontal distance. For side slopes, the vertical component is shown first, then the horizontal. ( )

**6956. Speed.** The rate of vehicular travel as measured in miles per hour. All speeds used in this document shall will be the eighty-fifth percentile speed as determined by an engineering study. (3-31-22)( )

**7057. State Highway System.** The principal highway corridors in the state, including connections and extensions through cities and roads to every county seat in the state, as approved by the Idaho Transportation Board and officially designated as a state highway. ( )

**7158. Statewide Route.** A state highway that provides the highest level of mobility and speeds over long distances. Access from a statewide route to communities and major activity centers should be by way of public roads with spacing that supports mobility and speed. ( )

**7259. Stopping Sight Distance.** The sum of: ( )

**a.** The brake reaction distance, which is the distance traveled by the vehicle from the instant the driver perceives an object necessitating a stop, to the moment the brakes are applied; and ( )

**b.** The braking distance, which is the distance the vehicle travels from the moment the brakes are applied until the vehicle comes to a complete stop. ( )

**7360. Structure.** Includes, but is not limited to, bridges, culverts, siphons, headwalls, retaining walls, buildings and any incidental construction not otherwise defined herein. ( )

**7461. Subdivision.** A division of real property into three (3) or more separately platted parcels. ( )

**7562. Temporary Encroachment.** Any encroachment that is not approved as a permanent placement within the highway right-of-way. ( )

**76. Traffic.** ~~Pedestrians, bicycles, animals, vehicles, streetcars, buses and other conveyances, either singly or together, that use the highway right-of-way for the purpose of travel.~~ (3-31-22)

**7763. Traffic Control Device.** Any marking or device whether manually, electronically, or mechanically operated, placed or erected by an authority of a government agency or official having jurisdiction, for the purpose of regulating, warning or guiding traffic. ( )

**7864. Traffic Impact Study.** A comprehensive analysis of the anticipated transportation network conditions with and without an applicant's proposed new or modified access, including an analysis of mitigation measures. ( )

**7965. Transitional.** State highway rights-of-way and right-of-way corridors within the area of city impact of any incorporated city, or areas designated as an area of city impact by city or county comprehensive plans. ( )

**8066. Traveled Way.** The portion of the roadway for the movement of vehicles, exclusive of shoulders. ( )

**8167. Travel Lane.** That portion of the traveled way designated for use by a single line of vehicles. ( )

**8268. Trenching.** A method in which access is gained by excavation from ground level to the required

underground depth for the installation, maintenance, removal, or inspection of a cable, casing, conduit or pipe. The excavation is then back filled with approved material and the surface is then returned to a condition specified by the Department. ( )

**8369. Turnouts.** Roadside areas immediately adjacent to highways which may be utilized by vehicles for purposes of short-term parking or turning. They are extensions of the traveled way. ( )

**8470. Unauthorized Encroachment.** Any encroachment that has been placed, modified, or maintained, or removed within the highway right-of-way without authorization by the Department. ( )

**8571. Urban.** State highway rights-of-way and right-of-way corridors within the limits of any incorporated city. ( )

**8672. Utility Facility.** All privately, publicly or cooperatively owned systems used for the production, transmission, or distribution of communications, cable television, power, electricity, light, heat, petroleum products, ore, water, steam, waste, irrigation, storm water not connected with highway drainage, and other similar items, including communication towers, guy wires, fire and police signal systems, and street lighting systems, that directly or indirectly serve the public or comprise part of the distribution systems which directly or indirectly serve the public. ( )

**8773. Utility Locating Service.** Any locally or regionally recognized service that locates and maintains records of existing utility facilities. ( )

~~**88. Vehicle.** Every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices used exclusively upon rails or tracks. (3-31-22)~~

**8974. Vision Triangle.** An area delineated by extending perpendicular lines along the face of curb or edge of pavement from their point of intersection forty (40) feet in either direction and by a height between three (3) feet and ten (10) feet above the existing centerline highway elevation. ( )

**9075. Volume.** The number of vehicles estimated to use a certain type of travel lane during a twelve-month period. A highway with “high” volumes is at or near capacity; a highway with “medium” volumes is at or near fifty percent (50%) of capacity. ( )

**9176. Warrant.** An evaluation of need based on an engineering study. ( )

~~**92. Working Day.** Any day except for Saturday, Sunday and any holiday as defined in Section 67-5302(15), Idaho Code. (3-31-22)~~

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

**100. GENERAL.**

**01. Access Control.** ( )

**a.** The Department ~~shall~~will retain the authority to issue all encroachment permits on the State Highway System. (3-31-22)( )

**b.** No change may be made to the control of access on any Interstate Highway without the approval of the Idaho Transportation Board and ~~Federal Highway Administration~~ (FHWA). (3-31-22)( )

**02. Safety Requirements.** ( )

**a.** It is the permittee’s responsibility to provide for safe, efficient passage and protection of vehicles, pedestrians, and workers during any permitted work within the highway right-of-way. ( )

**b.** The permittee ~~shall~~will submit, for Department approval, a traffic control plan for the installation,

maintenance, or removal of any state highway right-of-way encroachment. The permittee shall will provide advance notification to the Department prior to implementing any traffic control. (3-31-22)( )

c. During the progress of the work, barricades, signs and other traffic control devices shall will be erected and maintained by the permittee in conformance with the current “Manual on Uniform Traffic Control Devices.” The permittee shall will be required to meet the minimum requirements of the latest edition of the ~~Manual on Uniform Traffic Control Devices (MUTCD), as adopted by the Department.~~ (3-31-22)( )

d. All flaggers working on the State Highway System shall will be certified in or recognized by the state of Idaho. They shall will carry on their person a current flagger identification card that is recognized by the state of Idaho. All traffic control devices used on the State Highway System shall will comply with current FHWA crash criteria. (3-31-22)( )

e. When required, a striping plan for the placement of temporary and permanent pavement markings shall will accompany the approved permit to use the right-of-way. Materials, placement, and removal of all pavement markings shall will conform to current Department specifications and standards. (3-31-22)( )

**03. Maintenance of Encroachments.** Once an encroachment has been constructed by the permittee to Department standards, maintenance of the encroachment, unless otherwise provided, shall will be as follows: (3-31-22)( )

a. Paved public approach - State maintains to the right-of-way line. ( )

b. Paved private approach - State maintains to end of radii, permittee maintains beyond the radii. ( )

c. Gravel public approach. State installs an asphalt wedge sufficient to protect the roadway pavement edge (three (3) to six (6) feet back from the edge of road for the width of the approach). It is desirable to pave the approach to the right-of-way line when the road is reconstructed. State maintains to the right-of-way line. ( )

d. Gravel private approach. The permittee maintains beyond the wedge. ( )

e. Gravel turnouts. State maintains turnouts, other than mailbox turnouts, to the right-of-way line. The permittee maintains mailbox turnouts. ( )

f. Maintenance of all other encroachments shall will be the responsibility of the permittee. (3-31-22)( )

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

**200. APPLICATIONS AND PERMITS.**

**01. Required.** To help preserve the highways as constructed and provide responsible growth where allowed, any individual, business, or other entity planning to add, modify, change use, relocate, maintain, or remove an encroachment on the state highway or use highway right-of-way for any purpose other than normal travel, shall will obtain a permit to use state highway right-of-way. Encroachment permits approved by the Department are required for private and public approaches (driveways and streets), utilities and other miscellaneous encroachments. (3-31-22)( )

**02. Work Prior to Approval.** No activities shall will be allowed on State highway rights-of-way until an approved permit has been issued by the Department or a delegated local highway agency. In an emergency, that effects highway operations and motorist safety, approval may be given by the Department or a delegated highway agency in advance of processing the permit. (3-31-22)( )

**03. Local Highway Agency Authority.** The department may delegate authority to a local highway agency to issue permits to use state highway rights-of-way if adequate local ordinances are in place and are enforceable. The Department shall will retain final approval for all permits issued by a local highway agency on the

State Highway System. (3-31-22)( )

**04. Administration.** Permitting process shall will be administered by the Department or their delegated representative, within the representative's respective jurisdiction. Department District offices are located in Coeur d'Alene, Lewiston, Boise, Shoshone, Pocatello and Rigby. (3-31-22)( )

**05. Application Forms.** All applications to use State highway right-of-way shall will be made on approved Department forms. (3-31-22)( )

**06. Applicant to Be Informed.** Applicants shall will be informed of Department policies and regulations concerning encroachments. (3-31-22)( )

**07. Payment for Impacted Highway Features.** Applicants shall will pay for any changes or adjustments of highway features or fixtures brought about by actions, operations or requirements caused by the applicant. (3-31-22)( )

**08. Encroachment Conflicts.** Conflicts between proposed encroachments and highway maintenance or construction projects, utilities or other encroachments shall will be resolved before an application is approved. (3-31-22)( )

**09. Review Process.** The review process shall will commence on the day the applicant submits the signed application and makes payment of the initial application fee(s). If the Department determines there is insufficient documentation to process the application, the process will be placed on hold until such documentation has been received. All applications for encroachment permits shall will be reviewed and evaluated for current access control requirements, deed restrictions, safety and capacity requirements, design and location standards, or an approved variance of these standards, environmental impacts, location conflicts, long-range planning goals, and the need for an appraisal. A time table for the review process is available at the Idaho Transportation Department Headquarters Office or any District Office. (3-31-22)( )

**10. Department Held Harmless.** In accepting an approved permit, the permittee, their successors and assigns, shall will agree to hold harmless and defend, regardless of outcome, the state from the expenses of and against all suits or claims, including costs, expenses and attorney fees that may be incurred by reason of any act or omission, neglect or misconduct of the permittee or its contractor in the design, construction, maintenance or operation of the encroachment. (3-31-22)( )

**11. Permit Requirements.** All permits shall will specify approach location and use, and be accompanied by approved traffic control plans, design details and specifications that address dust control, site reclamation, environmental protection and work site safety. The applicant shall will be required to submit construction plans stamped by an engineer licensed in the state of Idaho to the Department for approval. (3-31-22)( )

**12. Void Application.** Once an application is submitted, if the permitting process is not completed within one (1) year as a result of inactivity on the applicant's part, the application shall will be considered void. (3-31-22)( )

**13. Denial of Application.** Applications for encroachments not allowed shall will be verbally denied. If the applicant insists on proceeding with the application, the non-refundable fee shall will be accepted and a permit denial issued by certified letter. Upon receipt of the denial letter, the applicant can appeal the Department's action. (3-31-22)( )

**201. PERMIT COMPLIANCE AND EXPIRATION.**

**01. Permitted Work.** If work does not begin immediately, the permittee shall will notify the Department or local highway agency five (5) working days prior to commencing such work. Local highway agency shall will promptly notify the Department, when applicable. (3-31-22)( )

**02. Work Site Documents.** The permittee or contractor for the permittee, shall will maintain a copy of

the approved permit, all special provisions and any related documents, at the work site while work is in progress. (3-31-22)( )

**03. Completion of Work.** All permitted work shall will be completed and available for final inspection within thirty (30) days after construction begins, unless otherwise stated in the special provisions of the permit. If the permitted work is not completed within one (1) year of permit issuance, the permit shall will be considered void. At the discretion of the Department, a one-time extension not to exceed six (6) months may be granted if requested in writing by the permittee prior to permit expiration. New applications shall will be required for additional work following permit expiration. (3-31-22)( )

**04. Temporary Encroachments.** Temporary encroachment permits shall will have an effective time period not to exceed one (1) calendar year and shall will be removed within ten (10) days following permit expiration. (3-31-22)( )

**202. -- 299. (RESERVED)**

**300. GENERAL REGULATIONS FOR APPROACHES.**

**01. Required.** All new or additional approaches, or the modification in design or use, relocation or removal of existing approaches require an approved State highway right-of-way use permit and shall will meet all access control requirements that correspond to the state highway being affected. (3-31-22)( )

**02. General.** Requests for approaches shall will be reviewed and considered for approval based on the needs of the total development, regardless of the number of individual parcels it contains. (3-31-22)( )

**03. Joint-Use Approach.** Only an owner of property abutting the state highway right-of-way, or their designated representative, can apply for access. Applications for a joint-use approach that serves two (2) or more abutting properties sharing common boundary lines shall will be accompanied by a legal recorded joint-use access agreement and shall will be signed by all deeded owners or authorized representatives. (3-31-22)( )

**04. Applicable Standards.** The location, design, and construction of all approaches shall will comply with Department standards. Information regarding applicable standards is available at Department headquarters and all District offices listed in Subsection 003.01. (3-31-22)( )

**05. Approach Locations.** Approaches shall will be located where the highway alignment and profile meet approved geometric standards, where they do not create undue interference with or hazard to the free movement of normal highway or pedestrian traffic, and where they do not restrict or interfere with the placement or proper function of traffic control signs, signals, lighting or other devices. (3-31-22)( )

**06. Denial of Approach Application.** Failure to comply with these requirements may be sufficient cause for the Department to deny an approach application, prohibit specific approach usage, or remove an existing approach. ( )

**07. New Approaches in Highway Construction.** Applications for an encroachment located within a state highway construction project shall will be processed by the Department. (3-31-22)( )

**08. Modification of Approaches by Department.** The Department reserves the right to make any modifications, additions, repairs, relocations, or removals to any approach or its appurtenances within the highway right-of-way, when necessary for maintenance, rehabilitation, reconstruction or relocation of the highway and/or to provide proper protection of life and property on, or adjacent to, the highway. ( )

**09. Modification of Approaches by Permittee.** Modifications of approach use, construction, or design shall will include but not be limited to width, grade, surface type, landscaping, and drainage. Such modifications by the permittee require Department approval. (3-31-22)( )

**301. -- 399. (RESERVED)**



**400. LOCATION AND DESIGN STANDARDS FOR APPROACHES.**

**01. Required.** Location, design, construction and operations of all approaches shall will comply with current Department geometric standards and design principles. (3-31-22)( )

**02. Guidelines.** The following access management guidelines shall will be considered on all approach applications: (3-31-22)( )

a. Design approaches for current and future property access requirements; and ( )

b. Reduce conflicts associated access points through the application of channelization, auxiliary lanes, joint-use approaches, frontage and other local roads, restricted on-street parking and off-street traffic circulation. ( )

**03. Signal and Approach Spacing.** In order to maintain system capacity, safety and efficiency, maximize signal progression and minimize delays to the traveling public, all approaches and signals shall will be spaced in accordance with the following standards: (3-31-22)( )

a. All traffic signal locations shall will meet Department signal warrant requirements and a signal operational analysis; (3-31-22)( )

b. Location preference shall will be given to State highways that meet or may be reasonably expected to meet signal warrants within five (5) years; and (3-31-22)( )

c. Minimum recommended distances between approaches and signals are as follows:

TABLE 1 – ACCESS SPACING*						
HIGHWAY TYPE	AREA TYPE	Signalized Road Spacing	Public Road Spacing (A)	Driveway Distance Upstream From Public Road Intersection (B)	Driveway Distance Downstream From Unsignalized Public Road Intersection (C)	Distance Between Unsignalized Accesses Other Than Public Roads (D)
<b>Interstate</b>	All	Accessible only by interchanges (ramps) and requires approval by the Board and Federal Highway Administration.				
<b>Freeway</b>	All	Accessible only by interchanges (ramps).				
<b>Expressway</b>	All	Accessible only at locations specified by the Department.				
<b>Statewide Route</b>	Rural	5,280 ft	5,280 ft	1,000 ft	650 ft	650 ft
	Transitional	5,280 ft	2,640 ft	760 ft	500 ft	500 ft
	Urban >35 mph	2,640 ft	1,320 ft	790 ft	500 ft	500 ft
	Urban ≤35 mph	2,640 ft	1,320 ft	790 ft	250 ft**	250 ft**
<b>Regional Route</b>	Rural	5,280 ft	2,640 ft	1,000 ft	650 ft	650 ft
	Transitional	2,640 ft	1,320 ft	690 ft	360 ft**	360 ft**
	Urban >35 mph	2,640 ft	660 ft	660 ft	360 ft**	360 ft**
	Urban ≤35 mph	2,640 ft	660 ft	660 ft	250 ft**	250 ft**

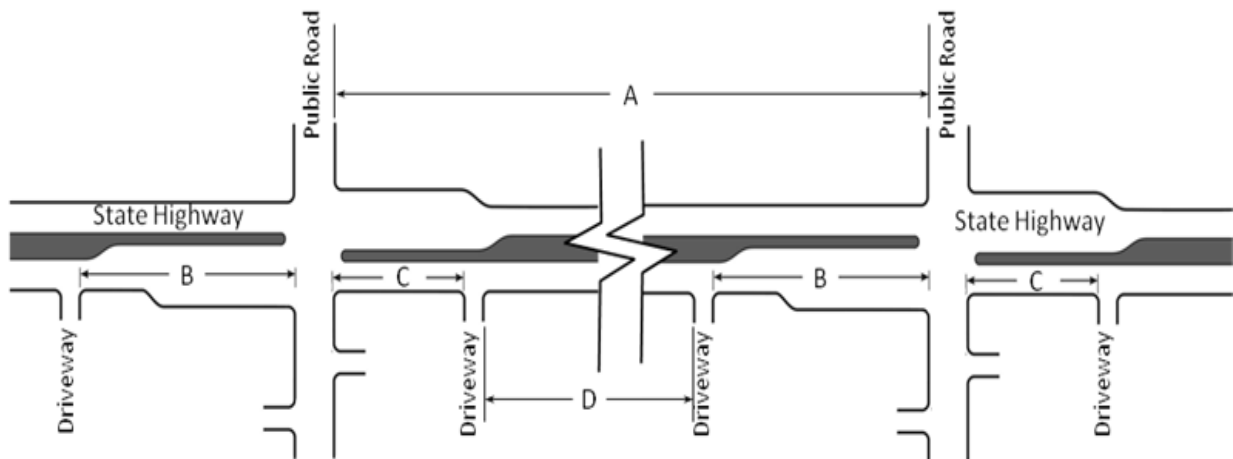
TABLE 1 – ACCESS SPACING*						
HIGHWAY TYPE	AREA TYPE	Signalized Road Spacing	Public Road Spacing (A)	Driveway Distance Upstream From Public Road Intersection (B)	Driveway Distance Downstream From Unsignalized Public Road Intersection (C)	Distance Between Unsignalized Accesses Other Than Public Roads (D)
District Route	Rural	2,640 ft	1,320 ft	760 ft	500 ft	500 ft
	Transitional	2,640 ft	660 ft	660 ft	360 ft**	360 ft**
	Urban >35 mph	1,320 ft	660 ft	660 ft	360 ft**	360 ft**
	Urban ≤35 mph	1,320 ft	660 ft	660 ft	250 ft**	250 ft**

\*Distances in table are minimums based on optimal operational and safety conditions such as adequate sight distance and level grade. Definitions of spacing designated by (A), (B), (C), and (D) are represented on Figure 1.

\*\* Where the public road intersection or private access intersection is signalized, the distances in the table are for driveways restricted to right-in/right-out movements only. For unrestricted driveways the minimum distance shall will be 500 feet from a signalized intersection.

(3-31-22)( )

Figure 1:



( )

d. The District Engineer shall will have the authority to deny an encroachment permit or require the applicant to provide a Traffic Impact Study when an on-site review indicates that the optimal conditions (such as sight distance and queue length) assumed in Table 1 do not exist, and that operational or safety problems may result from the encroachment spacing. (3-31-22)( )

e. The District Engineer shall will have the authority to approve a decrease in the minimum access spacing distances set forth in Table 1, provided that the basis for any exception is justified and documented. The basis for the exception may include overriding economic opportunity considerations. For any exception that would result in a decrease in access spacing of more than ten percent (10%) of the distances set forth in Table 1, a Traffic Impact



Study will be required in order to determine whether auxiliary lanes or other appropriate mitigation must be included in the permit’s conditions. (3-31-22)( )

**f.** Unless the requirement is waived by the District Engineer, a Traffic Impact Study shall will also be required when a new or expanded development seeks direct access to a state highway, and at full build out will generate one hundred (100) or more new trips during the peak hour, the new volume of trips will equal or exceed one thousand (1000) vehicles per day, or the new vehicle volume will result from development that equals or exceeds the threshold values in Table 2. If the District Engineer waives the requirement for a Traffic Impact Study, the basis for such waiver shall will be justified and documented. (3-31-22)( )

**g.** When required, the Traffic Impact Study shall will document access needs and impacts and whether any highway modifications are necessary to accommodate the new traffic volumes generated by the development. Such modifications could include, for example, turn lanes, additional through lanes, acceleration or deceleration lanes, medians, traffic signals, removal and/or consolidation of existing approaches, approaches limited to right-in/right-out access only, etc. (3-31-22)( )

**h.** If a District Engineer denies an encroachment permit application and the denial is appealed to the board, the board or its delegate shall will have the authority to approve exceptions to the access and signal spacing distances in Table 1 if, in the judgment of the board, overriding economic considerations cause the exceptions to be in the best interests of the public. (3-31-22)( )

Table 2	
LAND USE TYPE	THRESHOLD VALUE
Residential	100 Dwelling Units
Retail	35,000 square feet
Office	50,000 square feet
Industrial	70,000 square feet
Lodging	100 rooms
School (K-12)	All (Sections 67-6508 & 67-6519, Idaho Code)

( )

**04. Corner Clearance.**

( )

**a.** Approaches should be located as far as practical from intersections: to preserve visibility at the intersection, to permit safe vehicle movement, and to accommodate the installation of traffic signs, signals and lighting where required. ( )

**b.** Approach transitions or flares shall will not encroach upon curbs or pavement edges forming the corner radii of the intersection. (3-31-22)( )

**c.** Minimum corner clearances between signalized and unsignalized urban and rural intersections shall will comply with current Department standards. (3-31-22)( )

**05. Approach Alignment.** Whenever possible, all new or relocated approaches shall will intersect the state highway at right angles and shall will be aligned on centerline with existing approaches to facilitate highway safety and the development and use of turn lanes and/or signals. Approach skew angles shall will be in conformance with current Department standards. (3-31-22)( )

**06. Width and Radius.**

( )

a. An approach shall will be wide enough to properly serve the anticipated type and volume of traffic. Minimum widths should be used only when space limitations apply. (3-31-22)( )

b. An approach that is adjacent to a public alley may include the alley as part of the approach if approved by the local jurisdiction, however, the width of the combined approach shall will not exceed forty (40) feet. (3-31-22)( )

c. Commercial approaches with volumes exceeding fifty (50) vehicles per hour during a total of any four (4) hours per day should be designed to public road standards. ( )

d. A Boulevard Approach may be required to improve operation and/or aesthetics of commercial approaches and some public highways, when warranted, by a combination of vehicle length and higher traffic volumes. The approach shall will be designed to serve the traffic with a right-turn lane, a left-turn lane, a median, and one (1) or more entrance lanes. (3-31-22)( )

e. Minimum and maximum recommended approach widths and radii are as follows:

APPROACH USE	< 35 MPH		≥ 35 MPH		RADII	
	Minimum	Maximum	Minimum	Maximum	Minimum	Maximum
Single Residential, Farmyard, Field	12ft	40ft	20ft	40ft	20ft	30ft
Multiple Residential	28ft	40ft	28ft	40ft	20ft	30ft
Commercial (One-Way)	15ft	30ft	20ft	30ft	30ft	40ft
Commercial (Two-Way)	25ft	40ft	25ft	40ft	30ft	40ft
Boulevard Approach	84ft	84ft	84ft	84ft	Contact Department	
Joint-Use Residential/Farm	25ft	40ft	25ft	40ft	20ft	30ft
Joint-Use Commercial	12ft	40ft	20ft	40ft	30ft	40ft
Public Highways	28ft	N/A	28ft	N/A	30ft	50ft

( )

**07. Property Line Clearance.**

( )

a. In curbed sections, there shall will be a minimum property line clearance of six (6) feet to accommodate approach transitions. Approaches shall will be constructed so that all approach flares and any extensions of the approach remain within applicant’s property. (3-31-22)( )

b. In rural or uncurbed sections, property line clearances shall will be equal to approach radius. Approaches shall will be constructed so that all approach radii remain within applicant’s property. (3-31-22)( )

c. Approach transitions or radii may be allowed to abut the adjacent property line when required for proper utilization of property. Joint-use approaches shall will be required whenever property frontage is insufficient to include full width of the approach, including both radii. (3-31-22)( )

**08. Setback.** ( )

a. Improvements intended to serve patrons on private property adjacent to state highway right-of-way shall will be setback from the highway right-of-way line so that stopping, standing, parking or maneuvering of vehicles on the right-of-way is not necessary. A minimum setback of fourteen (14) feet from state highway right-of-way line is recommended, unless a greater minimum is established by an engineering study. When an ordinance requires a certain number of parking spaces per square footage of building, the parking spaces shall will not be included within state highway right-of-way. (3-31-22)( )

b. Traffic movements into and out of a business shall will be designed, whenever possible, to utilize existing local roads. Existing approaches along traveled way should serve as exits only from the business onto the state highway. Entrance to the property should be made from a local road. (3-31-22)( )

**09. Sight Distance.** Any encroachment, including but not limited to hedges, shrubbery, fences, walls, or other sight obstructions of any nature, that constitutes a traffic hazard within the “vision triangle” of vehicle operators at the intersection of roads with other roads, private approaches, alleys, bike or pedestrian paths, or railroad crossings shall will be removed. (3-31-22)( )

**10. Transitions and Flares.** ( )

a. In curb and gutter sections, the transition connecting the edge of the approach to the curb shall will meet minimum Department standards. (3-31-22)( )

b. In sections not having a curb and gutter, approach flares should connect the outside edge of the approach to the outside edge of the roadway shoulders and shall will meet minimum Department standards. The approach flare tangent distance should not exceed twenty (20) feet unless a larger radius is warranted by an engineering study. (3-31-22)( )

c. The distance between approaches shall will be such that the curb approach transition or radii of the one (1) approach does not encroach upon the transition or radii of the adjacent approach. (3-31-22)( )

**11. Grade.** ( )

a. If the maximum allowable slope is not great enough to bring the approach to the level of the sidewalk or back of curb, a depressed sidewalk should be installed, when required. If sidewalks exist, the connection between the original sidewalk and the depressed sidewalk shall will be made through a transition area with a slope no steeper than twelve horizontal to one vertical (12:1) from the longitudinal grade of the original sidewalk. All new curbs or sidewalks should be constructed to the line and grade of the existing curb or sidewalk with every effort to construct a sidewalk that is uniformly graded and free of dips. (3-31-22)( )

b. To accommodate emergency service vehicles, the Department recommends a maximum approach grade of plus or minus ten percent ( $\pm 10\%$ ). ( )

**12. Border Area.** ( )

a. Border area work (including grading, seeding and landscaping) shall will insure that adequate sight distance, proper drainage, desirable slopes for maintenance operations, and a pleasing appearance are provided. The border area shall will be free of encroachments and designed as needed to prevent vehicular use through the incorporation of appropriate methods such as ditching, special grading, use of concrete or bituminous curbs, fencing, guard rail, and guide posts. The design or devices should not impair adequate sight distance or constitute a hazard to pedestrians, bicycles, or vehicles. (3-31-22)( )

b. The maximum slope beyond the outside edge of shoulder, back of curb, or back of sidewalk to the right-of-way line shall will meet minimum Department standards. The creation of ponds, pools, or drainage/evaporation swales within the highway right-of-way shall will be prohibited. (3-31-22)( )

**13. Drainage.** ( )

a. All approaches shall will be graded so that private properties abutting the highway right-of-way do not drain onto the traveled way, do not impair the drainage within the right-of-way, alter the stability of the roadway subgrade or materially alter the drainage of areas adjacent to the right-of-way. Post-development drainage flows shall will not exceed predevelopment drainage flows. (3-31-22)( )

b. Culverts and drop inlets shall will be installed where required and shall will be the type and size specified by the Department. Where the border area is regraded, landscaped or reclaimed (seeded), it shall will have sufficient slope, ditches, culverts, and drop inlets for adequate drainage. Slopes, where practical, should be a six-horizontal-to-one vertical (6:1) maximum. (3-31-22)( )

**14. Base and Surfacing.** ( )

a. It shall will be the responsibility of the permittee to supply, place and properly compact the approach fill and base material. All base and surfacing materials and compaction requirements shall will meet minimum Department design and construction standards. (3-31-22)( )

b. All rural private, commercial and public approaches shall will be paved to the right-of-way line or to the back of the approach radius. Farmyard and field gravel approaches that are occasionally used shall will be paved a minimum of five (5) feet from the edge of pavement. (3-31-22)( )

c. In curb and gutter areas, approaches shall will be paved to the right-of-way line. (3-31-22)( )

**401. MEDIANS.**

**01. Median Placement.** The placement of medians shall will meet the following considerations: (3-31-22)( )

a. Where a traffic engineering study indicates that medians would be beneficial to control access, maintain street capacity, and improve traffic safety. ( )

b. When medians are selected, non-traversable medians are the preferred median type; however, traversable medians in urban areas may be considered to accommodate emergency vehicles. ( )

c. Pedestrian/bicycle safety shall will be given consideration in the choice and design of medians in areas that are frequently used by pedestrians/bicycles. (3-31-22)( )

d. construction requirements for all new or modified public approaches to the state highway right-of-way, including private approaches to subdivisions and businesses, shall will be reviewed for the need to place medians on the state highway. (3-31-22)( )

e. Channelization formed by raised curbs, solid painted islands, left turn lanes, or other traffic control installations may be required to create a mandatory right-in/right-out and/or left-in/left-out approach condition. ( )

**02. Median Openings.** Median openings shall will be as follows: (3-31-22)( )

a. Placed on multi-lane state highways at all signalized intersections, at locations which currently meet the criteria for a signal warrant and fulfill traffic signal coordination requirements, at locations that are anticipated to meet future traffic signal considerations, and at locations where there will be no significant reduction in safety or operational efficiency. ( )

b. Designed with a left turn lane and sufficient storage for left turning traffic. ( )

c. Median openings allowing U-turns shall will be provided only at locations having sufficient roadway width. (3-31-22)( )

**402. AUXILIARY LANES.**

Review Required. Reviews shall will be conducted to determine the need to provide turn lanes, deceleration lanes and acceleration lanes on the state highway prior to issuing an approach permit. Consideration of auxiliary lanes shall will meet the following conditions: (3-31-22)( )

**01. Traffic Engineering Study.** A traffic engineering study shall will be made that considers highway operating speed, traffic volumes, projected turning movement volumes, availability of passing opportunities, sight distance, and collision history. (3-31-22)( )

**02. Auxiliary Lanes to Enhance Roadside Business.** Auxiliary lanes shall will not be constructed to enhance a new roadside business, unless the applicant is willing to pay the full cost. (3-31-22)( )

**03. Auxiliary Lanes Required by Planned Development.** Auxiliary lanes required as a result of a planned development, shall will be paid for by the developer. When the need for an auxiliary lane exists prior to an application for a planned development, the developer may not be required to pay for the lane unless such construction precedes the Department's construction schedule. (3-31-22)( )

**403. -- 499. (RESERVED)**

**500. LOCATION AND DESIGN STANDARDS FOR UTILITIES.**

**01. Approved Permit Required.** An approved right-of-way encroachment permit shall will be required for all utility encroachments, including new utility installation and the relocation, maintenance, modification, or removal of existing utility facilities prior to the initiation of any work within the state highway right-of-way. (3-31-22)( )

**02. Utility Locations.** Final utility locations shall will be identified on the appropriate roadway and bridge plans. (3-31-22)( )

**03. Interstate Highways.** As addressed in the 1996 Telecommunications Act, longitudinal placement of telecommunication utilities in any Interstate right-of-way shall will require a permit approved by the Department for the installation of utilities. Longitudinal placement of all other utilities in Interstate right-of-way shall will require a utility permit approved by both the Department and the FHWA. (3-31-22)( )

**04. Utility Maintenance and Emergency Repair.** Right-of-way encroachment permits, approved annually by the Department, shall will be required for all maintenance or emergency repairs of utility facilities. The utility shall will notify the Department in advance of any work that affects the traveling public. (3-31-22)( )

**05. Conduits Under the Roadway.** ( )

**a.** Conduits crossing under highways that carry utility structures including, but not limited to, water, sewage, chemicals, electrical wire, and communications cables, shall will be installed by jacking, driving or boring unless trenching can be justified. Acceptable justification would only be poor soil conditions, such as rock or boulders, inadequate room for a boring pit, or conflicts with other utility lines which cannot be located accurately (gas lines, multiple telephone conduits). If gravel or boulders prevent boring or jacking on the first attempt, at least two (2) other documented attempts should be made at different locations before contacting the District about an alternate installation method, unless the utility can provide documentation from a qualified agency or engineer that indicates the strata is not conducive to boring, driving or jacking. Normally installation of conduit twenty-four (24) inches or less outside diameter should be attempted by jacking, driving or boring before consideration of trenching as an alternative. (3-31-22)( )

**b.** The applicant is required to submit for review and approval, a set of construction plans stamped by an engineer licensed in the state of Idaho. The plans shall will show all details on casing, conduits, bulkheads and placement, vertical and horizontal dimensions of the pit and shoring, method of installing the conduit, drainage, void filling, and traffic control devices. Sluicing or jetting shall will not be allowed. If required by the engineer, casings should be installed from highway right-of-way line to highway right-of-way line to allow for servicing of the utility facility with minimal disruption to traffic flows. Casings should be installed wherever feasible to allow for placement

of multiple conduits. (3-31-22)( )

c. Conduits under interstate highways shall not be installed by cutting through the pavement under any circumstance. (3-31-22)( )

**06. Conduits Attached to Structure.** Conduits attached to any structure shall meet the following requirements: (3-31-22)( )

a. A set of construction plans showing all details and calculations of a crossing or proposed attachments, stamped by an engineer licensed in the state of Idaho, shall be submitted to the Department for review and approval at the time of permit application. A copy of the existing structure plans shall also be submitted that are marked to show the proposed structure modifications. (3-31-22)( )

b. Reinforcement shall be located prior to the placement of threaded inserts to suspend utilities using a method approved by the Department. (3-31-22)( )

c. All attaching hardware shall be galvanized or coated as directed by the Department. (3-31-22)( )

d. Bolts for the attachment clamps shall be a minimum of one-half (1/2) inch in diameter. (3-31-22)( )

e. Slip joints shall be installed as directed by the Department. (3-31-22)( )

f. Drilling of any bridge structural element shall be prohibited without approval from the Department. (3-31-22)( )

g. Utilities shall be attached to bridges in an interior bay, unless interior attachment is not practical due to the bridge diaphragm or end beam construction. (3-31-22)( )

h. Placing brackets along or around the structure rail is prohibited. ( )

i. The installing utility shall relinquish exclusive rights to future use of a hanger system, once installed. However, the responsibility for required maintenance shall remain with the installing utility until the hanger system is placed into a joint-use system. At that time, the responsibility for maintenance shall become a shared responsibility. (3-31-22)( )

j. A set of “as-built” plans for all conduit or utility crossings and structure attachments shall be submitted to the Department and the local utility locating service with all details of construction within thirty (30) days of the work completion. All “as-built” plans are required to be stamped by an engineer licensed in the state of Idaho. (3-31-22)( )

**501. -- 599. (RESERVED)**

**600. LOCATION AND DESIGN STANDARDS FOR OTHER ENCROACHMENTS.**

**01. Approved Permit Required.** An approved right-of-way encroachment permit shall be required for all portable objects or signs, memorials, urban improvements, landscaping, farming, irrigation or drainage, mailbox stands or turnouts, recreational parking facilities, park-and-ride lots, school bus turnouts, or structures within the state highway right-of-way other than those authorized or installed by the Department, or those which the government entity deems necessary for regulating, warning, and guiding of traffic. (3-31-22)( )

**02. Benches, Planters, and Other Urban Structures.** Structures, including protrusions and overhangs, shall be a minimum of eighteen (18) inches behind the face of curb. When a structure is within a sidewalk area, at least four (4) feet of unobstructed space shall be available for pedestrians. (3-31-22)( )



**03. Overhanging Displays, Canopies and Marquees.** In a curb section, encroachments shall will not extend closer than eighteen (18) inches behind face of curb. In a non-curb section, encroachments supported by a building shall will not extend more than twelve (12) inches into right-of-way. Signs or displays shall will be no lower than twelve (12) feet above the sidewalk or ground level. Canopies and marquees shall will be no lower than eight (8) feet. (3-31-22)( )

**04. Landscaping, Farming and Associated Irrigation.** Repair of landscaping in the state highway right-of-way shall will be the responsibility of the permittee, and the Department will not be responsible for, or participate in, any repair or maintenance costs. All requests for landscaping, farming and irrigation shall will require a review of current access control records for restrictive covenants. Applications may be approved provided the following conditions are met: (3-31-22)( )

**a.** Landscaping, farming, and irrigation systems shall will maintain the structural integrity of the state highway right-of-way. No undercutting of the present highway fill and ballast section nor shall will access to a state highway from unprotected bare soil be allowed. (3-31-22)( )

**b.** Unless otherwise specified, the degree of landscaping will be limited to what is necessary to insure that the appearance of the state highway right-of-way is compatible with the appearance of the surrounding area and shall will not interfere with public safety and overall maintenance operations. (3-31-22)( )

**c.** Landscaping, farming, and irrigation systems shall will not disturb, obstruct, or add to the normal drainage patterns of the state highway right-of-way. No new ditches shall will be constructed without prior approval. (3-31-22)( )

**d.** Landscaping, farming, and irrigation systems shall will not interfere with utility installations, removals, or operations. ( )

**e.** Provisions shall will be established for the responsibility of future maintenance. (3-31-22)( )

**f.** Only planting of forage plants, grasses, flowers, and shrubs with a mature height not to exceed three (3) feet will be allowed within the clear zone of the state highway right-of-way. Type and size of grasses, flowers, and shrubs will be determined by the Department. ( )

**g.** No trees shall will be allowed within the clear zone of the state highway right-of-way. (3-31-22)( )

**h.** All work within the highway right-of-way shall will be required to return the right-of-way to either original condition or to the requirements of the encroachment permit as approved by the Department. (3-31-22)( )

**i.** Irrigation systems shall will be no closer than five (5) feet from the pavement edge and shall will be adjusted so water does not cover any portion of the highway pavement. (3-31-22)( )

**j.** No grading, excavation or other ground disturbing activities will be performed during rainy periods. If work cannot be avoided during rainy periods, the permittee will install check dams or other approved device(s) or structure(s) in drainage channels and provide a sediment retention basin to avoid discharging sediment containing runoff into the drainage system, or any wetlands, or water bodies (streams, rivers, lakes and ponds). No work shall will be performed in or adjacent to any wetland or water body without providing the Department with copies of the appropriate permits from the Army Corps of Engineers, Idaho Department of Water Resources, and the Idaho Division of Environmental Quality. (3-31-22)( )

**k.** All areas within the state highway right-of-way disturbed by construction shall will be returned to its original condition and reclaimed (re-seeded, fertilized and mulched) as directed by the Department or delegated local highway agency. (3-31-22)( )

**l.** Appropriate best management practices to temporarily control erosion and resulting sediment shall will be used. Typical soil surface protection practices include erosion control blankets, taced mulches of straw,

wood fiber, paper fiber, soil amendments, or rock mulch. Typical sediment control practices may include silt fences, fiber wattles, rock check dams, sediment basins/ponds, inlet culvert risers, and inlet rock filters. For further information on best management practices, contact the Department. (3-31-22)( )

m. Travel lanes shall/will be kept reasonably free of dirt, rocks and other debris resulting from construction or maintenance of landscaping, farming, or irrigation. (3-31-22)( )

**05. Recreational Parking and Park-and-Ride Lots. ( )**

a. Parking areas shall/will be designed to safely accommodate an adequate number of parking spaces as determined by the Department. (3-31-22)( )

b. Access points shall/will be located so that adequate sight distance is maintained for the safety of approaching traffic and so that minimal interference with the normal flow of traffic on the traveled way results. (3-31-22)( )

c. Approaches shall/will be constructed in accordance with Department standards. (3-31-22)( )

d. Installation of fencing and delineation should be considered to restrict ingress and egress locations and widths. ( )

e. Unrestricted drainage shall/will be provided and shall/will comply with Department standards. (3-31-22)( )

f. Construction and maintenance of parking areas, including snow removal shall/will be the responsibility of the permittee. (3-31-22)( )

**06. Mailbox Turnouts. ( )**

a. Mailbox turnouts in rural areas may be combined with an adjacent approach or may be independent of the approach. For safety reasons, the mail carrier should be able to stop out of the traveled way whenever possible. The applicant should be required to construct a mailbox turnout at the same time a mailbox is installed. ( )

b. Mailbox turnouts and mailbox supports shall/will be constructed in accordance with Department standards. The box-to-post attachments shall/will resist separation when struck by a vehicle. No massive metal, concrete, stone or other hazardous supports shall/will be allowed. Owners of mailboxes that do not meet minimum installation requirements shall/will be notified that correction is required. (3-31-22)( )

**07. School Bus Turnouts. ( )**

a. School bus turnouts shall/will be constructed with sufficient length and width to accommodate bus length and turning maneuvers as determined by the Department. (3-31-22)( )

b. Turnouts shall/will be located so adequate sight distance is maintained for the safety of approaching traffic and so that minimal interference with the normal flow of traffic on the traveled way results. (3-31-22)( )

c. All permitted school bus turnouts shall/will include approved advance warning signs installed at Department expense. (3-31-22)( )

**601. -- 699. (RESERVED)**

**700. APPLICATION FEES.**

**01. Fee Administration.** Fees for applications for permits shall/will be based on the Department's cost to produce the permit and administer the program. Fees for permits are not refundable in the event of denial of the permit or in the event the permittee fails to comply with the permit. Applications shall/will not be processed until all applicable permit fees are received. (3-31-22)( )



02. **Fee Schedule.** The permit application fees ~~shall~~will be as follows: (3-31-22)( )

a. Approaches:

Land Use Category	Permit Application Fee
Residential, < 100 units (includes farm and field approaches)	\$50
Residential, ≥ 100 units	\$100
Retail, < 35,000 sq. ft.	\$50
Retail, ≥ 35,000 sq. ft.	\$100
Office, < 50,000 sq. ft.	\$50
Office, ≥ 50,000 sq. ft.	\$100
Industrial, < 70,000 sq.ft.	\$50
Industrial, ≥ 70,000 sq.ft.	\$100
Lodging, < 100 rooms	\$50
Lodging, ≥ 100 rooms	\$100
School (K-12)	\$100

( )

b. Encroachments other than approaches: fifty dollars (\$50). ( )

c. Utility Permits: ( )

i. Non-interstate: new, modify, relocate with no prior easement rights, fifty dollars (\$50). ( )

ii. Interstate: fees will be addressed at the time of application. ( )

iii. Interstate and non-interstate: maintenance or emergency repairs with no prior easement rights - No Charge ( )

iv. Interstate and non-interstate: new, modify, relocate with prior easement rights within an ITD State highway project) - No Charge. ( )

03. **Miscellaneous Costs.** In addition to the application fee, the Department may require payment of costs associated with the following: ( )

a. Study or appraisal review; or ( )

b. Appraisal fees required to establish the value of property for new, additional, modification in design or use, or relocation of approaches or other encroachments in a controlled access highway. ( )

c. Inspection fees may be charged at the discretion of the District Engineer when substantial inspection time will be required to monitor and accept work done within the right-of-way. This includes wages, travel, subsistence and other expenses incurred. The intent is to recover only Department costs. When the inspection fee is to be assessed, it ~~shall~~will be stipulated under the application’s special provisions. Travel time in excess of one (1) hour, a loaded payroll rate, vehicle rental cost, subsistence, and other expenses incurred. If additional inspections are required, the permittee will be billed a flat fee as determined by the Department at the time the permit is issued.

(3-31-22)( )

**d.** A performance bond may be required of an applicant at the discretion of the Department. The purpose of this bond is to guarantee completion of the work in accordance with the requirements of the permit. The bond amount should be large enough to cover costs to correct potential damage that might be caused by the permittee. The bond shall/will be executed by a surety company authorized to conduct business in Idaho. (3-31-22)( )

**e.** Construction of highway modifications or improvements, including but not limited to signals, illumination, signs, pavement markings, delineation, guardrail, and culverts; ( )

**f.** Changes or adjustments made to highway features or fixtures; or ( )

**g.** Expenses relating to photocopying highway plans, permits or related documents. ( )

**04. Waivers.** Permit fees may be waived and the justification included with the application for: ( )

**a.** Approaches resulting from right-of-way negotiations that are included in plans and completed during construction of a highway project. ( )

**b.** Government agencies. ( )

**c.** Agricultural uses of the right-of-way as included in the right-of-way agreement. ( )

**d.** Approaches and other encroachments where direct benefit to the Department is gained. ( )

**e.** Utility adjustments or relocations per project utility agreement, or requested by the Department, or utility maintenance and emergency repairs. ( )

**701. – 799. (RESERVED)**

**800. UNAUTHORIZED AND NONSTANDARD ENCROACHMENTS.**

**01. Compliance.** District Engineers shall/will ensure compliance with all applicable laws and Department policies relating to the removal or correction of unauthorized and non-standard encroachments in accordance with Department rules and policies. (3-31-22)( )

**02. Prohibition.** Approaches and other encroachments on state highway rights-of-way that are installed without an approved state highway right-of-way permit, or not constructed in accordance with the Department requirements as stated in the permit, or are naturally occurring adjacent to the state highway right-of-way line and create a hazard, are prohibited, may be removed or their use may be suspended until corrective action is taken. The application process shall/will be immediately initiated when applicable or the encroachment removed when such a permit cannot be approved. (3-31-22)( )

**03. Nonstandard Encroachment.** When a permitted encroachment does not meet Department standards, the applicant or permittee shall/will be given one (1) month to upgrade the encroachment to the encroachment standards. Encroachments may be removed by the Department and legal action initiated to collect the removal cost. (Section 40-2319, Idaho Code) The one (1) month period may be shortened if an imminent or immediate threat to the safety of the traveling public is present. Time extensions may be granted by the Department or delegated local highway agency. However, if the permittee does not comply, the permit shall/will be revoked and the encroachment removed. (3-31-22)( )

**04. Encroachment Removal.** Any person or entity maintaining an unauthorized encroachment of any kind upon state highway right-of-way shall/will be served, according to law, with a notice to remove the same. Failure to remove the encroachment within forty-eight (48) hours shall/will be followed by a certified letter from the Department requesting removal within ten (10) days. If the encroachment is still not removed, the Department shall/will institute appropriate legal action to have it removed. The Department may take immediate corrective action if an imminent or immediate threat to the safety of the traveling public is present. (3-31-22)( )

**05. Liability of Applicant.** The applicant may be held liable for injury or damages caused by the unauthorized or non-standard encroachment. The Department ~~shall~~will make no reimbursement for removal of unauthorized or non-standard encroachments nor ~~shall~~will compensation be made for any losses that may arise from their removal. The Department may initiate legal action to recover costs for the removal of unauthorized or non-standard encroachments. (3-31-22)( )

**801. PROHIBITIONS.**

**01. Prohibited Uses.** The use of the highway right-of-way or any portion thereof for any of the following uses or purposes ~~shall~~will be prohibited: (3-31-22)( )

**a.** Mobile stores, mobile lunch wagons or similar businesses that stop vehicles to offer for sale or sell their wares. ( )

**b.** Solicitation or sale of any goods or services, attempts to serve, distribute, petition or recruit, and all associated stopping, standing or parking of vehicles (except Department-approved vending privileges in safety rest areas. ( )

**c.** The storage of any substance, equipment or material, including but not limited to logs, lumber, supplies or aggregates. ( )

**d.** The abandonment of vehicles or other large objects. ( )

**e.** Servicing, refueling and repairing of vehicles, except for emergencies. ( )

**f.** The placement of portable objects or signs (material or copy), displays, or other unapproved highway fixtures. ( )

**g.** Permanent, temporary or mobile structures, manned or unmanned. ( )

**h.** Any obstruction that creates a traffic hazard, including trees, shrubbery, fences, walls, non-standard mailbox stands, or other appurtenances. ( )

**i.** Signs or displays that resemble, hide or because of their color, interfere with the effectiveness of traffic signals and other traffic control devices. ( )

~~**02. Modification of Rule.** The Department may modify this rule for emergency, temporary installations for the benefit to the highway user. (3-31-22)~~

~~**032. Encroachment Hazards.** Encroachments ~~shall~~will not interfere with the safety of the highway or the visibility and effectiveness of traffic control devices, form a wall or building support, obstruct crosswalks or wheelchair ramps, or force pedestrians into the highway. (3-31-22)( )~~

~~**04. Board Jurisdiction.** The Board, by and through the Department, may consummate agreements with cities and villages whereby they may exercise their police powers on those matters within their jurisdiction. (3-31-22)~~

**802. -- 999. (RESERVED)**

## IDAPA 39 – IDAHO TRANSPORTATION DEPARTMENT

### 39.03.48 – RULES GOVERNING ROUTES EXEMPT FROM LOCAL PLANS AND ORDINANCES

#### DOCKET NO. 39-0348-2301 (ZBR CHAPTER REWRITE)

#### NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

[LINK: LSO Rules Analysis Memo](#)

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2024 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. The pending rule will become final and effective upon the adjournment, *sine die*, of the Second Regular Session of the Sixty-seventh Idaho Legislature after approval.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 40-312 and 49-201, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

The purpose of this rule is to expound upon a provision contained within Idaho's Local Planning Act concerning the designation of transportation systems of statewide importance which are exempt from local plans and ordinances. It clarifies provisions concerning the prevention of local control over improvements to transportation systems of statewide importance.

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 4, 2023, Idaho Administrative Bulletin, [Vol. 23-10, pages 740 through 741](#).

**FEE SUMMARY:** Pursuant to Section 67-5224(2)(d), Idaho Code, this pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking: Does not apply to 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: N/A

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Brendan Floyd at 208-334-8474.

DATED this 9th day of November, 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 NOTICE PUBLISHED WITH THE 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 purpose of this rule is to expound upon a provision contained within Idaho's Local Planning Act concerning the designation of transportation systems of statewide importance which are exempt from local plans and ordinances. It clarifies provisions concerning the prevention of local control over improvements to transportation systems of statewide importance.

**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 June 7, 2023, Idaho Administrative Bulletin, [Vol. 23-6, pages 84-85](#).

**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.

**THE FOLLOWING IS THE TEXT OF ZBR DOCKET NO. 39-0348-2301**

**39.03.48 – RULES GOVERNING ROUTES EXEMPT FROM LOCAL PLANS AND ORDINANCES**

**000. LEGAL AUTHORITY.**

The Idaho Transportation Board is authorized by Section 40-312, Idaho Code, to prescribe and enforce rules and regulations affecting state highways; by Section 40-310, Idaho Code, to determine which highways or sections of highways shall be part of the state highway system; and by Section 67-6528, Idaho Code, to identify the major transportation systems of statewide importance which would be exempt from local plans and ordinances as adopted according to Chapter 65, Title 67, Idaho Code. ( )

**001. PURPOSE.**

The purpose of this rule is to follow-up on a provision contained within Idaho’s Local Planning Act concerning the designation of transportation systems of statewide importance which are exempt from local plans and ordinances. The intent of this legislative provision is to prevent local control over improvements to transportation systems of statewide importance. However, it is recognized by the Idaho Transportation Board that local regulations are necessary to achieve the future location, relocation, realignment and other improvements to the state highway system in accord with the Idaho Transportation Board’s plans. ( )

**002. -- 099. (RESERVED)**

**100. STATE HIGHWAY SYSTEM DESIGNATION.**

The state highway system consists of those major highway transportation routes designated by the Idaho Transportation Board pursuant to Section 40-310, Idaho Code, and is hereby determined to be part of the “transportation systems of statewide importance” for the purposes of Section 67-6528, Idaho Code. ( )

**101. -- 299. (RESERVED)**

**300. EXISTING STATE HIGHWAY SYSTEM.**

The state highway system is not a permanent configuration or mileage because of additions or deletions over time. The official system description is kept current in the Department’s records and is available to the public upon request. ( )

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

[Agency redlined courtesy copy]

**39.03.48 – RULES GOVERNING ROUTES EXEMPT FROM LOCAL PLANS AND ORDINANCES**

**000. LEGAL AUTHORITY.**

The Idaho Transportation Board is authorized by Section 40-312, Idaho Code, to prescribe and enforce rules and regulations affecting state highways; by Section 40-310, Idaho Code, to determine which highways or sections of highways shall be part of the state highway system; and by Section 67-6528, Idaho Code, to identify the major transportation systems of statewide importance which would be exempt from local plans and ordinances as adopted according to Chapter 65, Title 67, Idaho Code. ( )

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

~~This rule is titled IDAPA 39.03.48, “Rules Governing Routes Exempt from Local Plans and Ordinances.”~~ The purpose of this rule is to follow-up on a provision contained within Idaho’s Local Planning Act concerning the

designation of transportation systems of statewide importance which are exempt from local plans and ordinances. The intent of this legislative provision is to prevent local control over improvements to transportation systems of statewide importance. However, it is recognized by the Idaho Transportation Board that local regulations are necessary to achieve the future location, relocation, realignment and other improvements to the state highway system in accord with the Idaho Transportation Board's plans. (3-31-22)( )

**002. -- 099. (RESERVED)**

**100. STATE HIGHWAY SYSTEM DESIGNATION.**

The state highway system consists of those major highway transportation routes designated by the Idaho Transportation Board pursuant to Section 40-310, Idaho Code, and is hereby determined to be part of the "transportation systems of statewide importance" for the purposes of Section 67-6528, Idaho Code. ( )

**101. -- 1299. (RESERVED)**

**200. LOCAL AGENCIES.**

~~This rule is not intended to discourage state/local agreements or to preclude the cities and counties from adopting and implementing: Zoning Ordinances (Section 67-6511, Idaho Code); Special Use Permits (Section 67-6512, Idaho Code); Subdivision Ordinances (Section 67-6513, Idaho Code); Planned Unit Developments (Section 67-6515, Idaho Code); Future Acquisition Maps (Section 67-6517, Idaho Code); Standards (Section 67-6518, Idaho Code); and Permit Granting Processes (Section 67-6519, Idaho Code). The Idaho Transportation Board supports a continued cooperative relationship with cities and counties concerning local ordinances pursuant to Section 67-6511 through Section 67-6519, Idaho Code, where such ordinances are beneficial to the state highway system. (3-31-22)~~

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

**300. EXISTING STATE HIGHWAY SYSTEM.**

The state highway system is not a permanent configuration or mileage because of additions or deletions over time. The official system description is kept current in the Department's records and is available to the public upon request. ( )

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

## IDAPA 39 – IDAHO TRANSPORTATION DEPARTMENT

### 39.03.50 – RULES GOVERNING SAFETY REST AREAS

#### DOCKET NO. 39-0350-2301 (ZBR CHAPTER REWRITE)

#### NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

[LINK: LSO Rules Analysis Memo](#)

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2024 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. The pending rule will become final and effective upon the adjournment, *sine die*, of the Second Regular Session of the Sixty-seventh Idaho Legislature after approval.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 40-312 and 49-201, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

The purpose of this rule is to establish standards for use of developed rest areas that are not explicitly addressed in statute.

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 4, 2023, Idaho Administrative Bulletin, [Vol. 23-10, pages 742 through 745](#).

**FEE SUMMARY:** Pursuant to Section 67-5224(2)(d), Idaho Code, this pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking:

Does not apply to 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: N/A

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Brendan Floyd at 208-334-8474.

DATED this 9th day of November, 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 NOTICE PUBLISHED WITH THE 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 purpose of this rule is to establish standards for use of developed rest areas that are not explicitly addressed in statute.

**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 June 7, 2023, Idaho Administrative Bulletin, [Vol. 23-6, pages 84-85](#).

**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.

**THE FOLLOWING IS THE TEXT OF ZBR DOCKET NO. 39-0350-2301**

**39.03.50 – RULES GOVERNING SAFETY REST AREAS**

**000. LEGAL AUTHORITY.**

Under the authority of Section 40-312, Idaho Code, the Idaho Transportation Board adopts this rule. ( )

**001. PURPOSE.**

The purpose of this rule is to set standards for all persons visiting developed rest areas. ( )

**002. -- 099. (RESERVED)**

**100. SANITATION.**

The following acts are not allowed: ( )

**01. Designated Trash Containers.** Failing to dispose of all garbage and pet waste in designated trash containers. ( )

**02. Vehicle Refuse or Water.** Draining or dumping refuse or waste from any vehicle except in places or receptacles provided. ( )

**03. Water Facilities.** Cleaning food, washing clothing or household articles at any water facility. ( )

**04. Water Systems.** Contaminating water used for consumption or water systems used for the delivery of such water. ( )

**05. Comfort Station.** Depositing body waste in or on any portion of a comfort station not intended for that purpose. ( )

**06. Dumping.** Dumping of household or commercial garbage brought as such into any on-site refuse containers or other refuse facilities. ( )

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

**200. PUBLIC BEHAVIOR AND TREATMENT OF PUBLIC PROPERTY.**

The following acts are not allowed: ( )

**01. Behavior.** Indulging in boisterous, dangerous, threatening, conduct or creating noise which interferes with the reasonable use of the area by other visitors. ( )

**02. Treatment of Natural Features or Plants.** Destroying or removing any natural feature or plant. ( )

**03. Treatment of Public Property.** Damaging or removing any facility, fixture, sign or marker provided for use of the public or damaging sidewalks or areas intended for motor vehicles. ( )

**04. Soliciting.** Offering for sale any merchandise or service other than emergency services for disabled vehicles fire response, ambulance or medical response/transport, or vending machines permitted under the provisions of federal law or federal rule and Section 67-5411, Idaho Code. ( )

**05. Noise Producing Devices.** Using any audio devices and other noise producing devices, such as electrical generator plants and equipment driven by motors or engines, in such a manner and at such times so as to disturb other persons. ( )

**06. Fireworks/Incendiary Devices.** Discharging fireworks or any other incendiary device. This does not include any automotive safety flares or any other emergency or safety device. ( )

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

**300. OCCUPANCY OF DEVELOPED REST AREAS.**

The following acts are not allowed: ( )

**01. Camping.** ( )

**02. Assembling.** Assembling except for public service functions by civic, fraternal or religious organizations as approved by the Department. ( )

**03. Time Limits.** Occupancy of the rest areas on interstate highways is limited to ten (10) consecutive hours. Occupancy of rest areas on other routes of the State Highway System is limited to sixteen (16) consecutive hours. ( )

**04. Fires.** ( )

**05. Failure to Clean.** Failing to clean the space occupied before departing. ( )

**06. Animals.** ( )

**a.** Bringing any animal into a rest area unless it is a certified service animal or leashed or otherwise under physical restrictive control at all times. ( )

**301. -- 399. (RESERVED)**

**400. VEHICLES.**

The following acts are not allowed: ( )

**01. Driving or Parking.** Driving or parking a vehicle or trailer except in places developed for such purpose. ( )

**02. Paths/Roads/Trails in Rest Areas.** Operating any vehicle on paths, roads, or trails in developed rest areas for any purpose other than entering or leaving the area, unless specifically allowed by signage. ( )

**401. -- 999. (RESERVED)**

[Agency redlined courtesy copy]

**39.03.50 – RULES GOVERNING SAFETY REST AREAS**

**000. LEGAL AUTHORITY.**

Under the authority of Section 40-312, Idaho Code, the Idaho Transportation Board adopts this rule. ( )

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

**01. ~~Title.~~ Title.** This rule is titled IDAPA 39.03.50, “Rules Governing Safety Rest Areas.” (3-31-22)

**02. ~~Scope.~~ Scope.** The purpose of this rule is to ~~regulate use of and~~ set standards ~~of behavior~~ for all persons ~~using or~~ visiting developed rest areas. (3-31-22)( )

002. -- 099. (RESERVED)

100. SANITATION.

The following acts are ~~prohibited~~ not allowed: (3-31-22)( )

01. **Designated Trash Containers.** Failing to dispose of all garbage and ~~trash, including paper, cans, bottles and other waste materials by either removal from the site or depositing~~ pet waste in designated trash containers. (3-31-22)( )

02. **Vehicle Refuse or Water.** Draining or dumping refuse or waste from any ~~trailer or other~~ vehicle except in places or receptacles provided. (3-31-22)( )

03. **Water Facilities.** Cleaning ~~fish or other~~ food, washing clothing or household articles at ~~hydrants or water faucets~~ any water facility. (3-31-22)( )

04. **Water Systems.** ~~Polluting or e~~Contaminating water used for ~~human~~ consumption or water systems used for the delivery of such water. (3-31-22)( )

05. **Comfort Station.** Depositing body waste in or on any portion of a comfort station not intended for that purpose. ( )

06. **Dumping.** Dumping of household or commercial garbage ~~or trash~~ brought as such ~~from private off-site~~ into any on-site refuse containers or other refuse facilities. (3-31-22)( )

101. -- 199. (RESERVED)

200. PUBLIC BEHAVIOR AND TREATMENT OF PUBLIC PROPERTY.

The following acts are ~~prohibited~~ not allowed: (3-31-22)( )

01. **Behavior.** Indulging in boisterous, ~~abusive~~ dangerous, threatening, ~~or indecent~~ conduct or creating ~~unnecessary~~ noise which interferes with the reasonable use of the area by other visitors. (3-31-22)( )

02. **Treatment of Natural Features or Plants.** Destroying, ~~defacing, cutting, sampling,~~ or removing any natural feature or plant. (3-31-22)( )

03. **Treatment of Public Property.** Damaging ~~by defacing, plugging, breaking,~~ or removing any facility, fixture, sign or marker provided for use of the public or damaging sidewalks or areas intended for motor vehicles. (3-31-22)( )

04. **Soliciting.** ~~Selling or o~~ffering for sale any merchandise or service other than emergency services for disabled vehicles, ~~such as towing, vehicle repairs,~~ fire response, ambulance or medical response/transport, or vending machines permitted under the provisions of federal law or federal rule and Section 67-5411, Idaho Code. (3-31-22)( )

05. **Noise Producing Devices.** ~~Operating or u~~Using any audio devices, ~~including radio, television and musical instrument,~~ and other noise producing devices, such as electrical generator plants and equipment driven by motors or engines, in such a manner and at such times so as to disturb other persons. (3-31-22)( )

06. **Fireworks/Incendiary Devices.** Discharging fireworks or any other incendiary device. ~~Fireworks are considered any combustible or explosive substance, but~~ This does not include any automotive safety flares or any other emergency or safety device. (3-31-22)( )

201. -- 299. (RESERVED)

300. OCCUPANCY OF DEVELOPED REST AREAS.

The following acts are ~~prohibited~~ not allowed: (3-31-22)( )

**01. Camping/~~Occupancy of Site.~~** ~~Camping or occupying a rest area for any purpose other than rest and relaxation from the fatigue of travel.~~ (3-31-22)(    )

**02. Assembling.** ~~Assembling or attracting groups of people~~ except for public service functions by civic, fraternal or religious organizations as approved by the Department. (3-31-22)(    )

**03. Time Limits.** Occupancy of the rest areas on interstate highways is limited to ten (10) consecutive hours. Occupancy of rest areas on other routes of the State Highway System is limited to sixteen (16) consecutive hours. ( )

**04. Fires.** ~~Building fires outside the confines of a stove, grill or fireplace.~~ (3-31-22)(    )

**05. Failure to Clean.** Failing to clean the space occupied before departing. ( )

**06. Animals.** ( )

**a.** ~~Bringing a dog, cat or other~~ any animal into a rest area unless it is a certified service animal or ~~erated, caged,~~ leashed or otherwise under physical restrictive control at all times. (3-31-22)(    )

**b.** ~~Permitting a dog, cat or other animal to exercise and/or defecate in areas outside of specifically designated pet areas.~~ (3-31-22)

**301. -- 399. (RESERVED)**

**400. VEHICLES.**

The following acts are ~~prohibited~~ not allowed: (3-31-22)(    )

**01. Rates of Speed.** ~~Operating any motor vehicles in excess of fifteen (15) mph speed within the confines of a rest area with the exception of acceleration or deceleration ramps.~~ (3-31-22)

**02.1. Driving or Parking.** Driving or parking a vehicle or trailer except in places developed for such purpose. ( )

**03. Careless Driving.** ~~Driving a vehicle carelessly and heedlessly in disregard of the rights or safety of others; or driving at a speed, or in a manner which endangers, or is likely to endanger, any person or property.~~ (3-31-22)

**04.2. Paths/Roads/Trails in Rest Areas.** Operating any vehicle on paths, roads, or trails in developed rest areas for any purpose other than entering or leaving the area, unless specifically allowed by ~~appropriate~~ signage. (3-31-22)(    )

**05. Accelerating Engine.** ~~Excessively accelerating the engine of any vehicle or motorcycle when such vehicle is not moving or is approaching or leaving the rest area.~~ (3-31-22)

**06. Skateboards/Rollerblades.** ~~Use of skateboards or rollerblades on sidewalks or in areas primarily intended for use by motor vehicles.~~ (3-31-22)

**401. -- 999. (RESERVED)**

## IDAPA 39 – IDAHO TRANSPORTATION DEPARTMENT

### 39.04.01 – RULES GOVERNING AERONAUTICS AND AVIATION

#### DOCKET NO. 39-0401-2301 (ZBR CHAPTER REWRITE)

#### NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

[LINK: LSO Rules Analysis Memo](#)

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2024 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. The pending rule will become final and effective upon the adjournment, *sine die*, of the Second Regular Session of the Sixty-seventh Idaho Legislature after approval.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 40-312 and 49-201, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

This rule establishes provisions related to aeronautics and aviation, including rules governing aircraft registration, marking of hazards to air flight, restriction of flight in designated emergency areas, commercial and through-the-fence operations, aerial search and rescue, operations at state airports, Federal Aviation Regulations and the Idaho Airport Aid Program. This rule generally serves to clarify conditions that are not explicitly established in statute.

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 4, 2023, Idaho Administrative Bulletin, [Vol. 23-10, pages 746 through 761](#).

**FEE SUMMARY:** Pursuant to Section 67-5224(2)(d), Idaho Code, this pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking:

Does not apply to 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: N/A

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Brendan Floyd at 208-334-8474.

DATED this 9th day of November, 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 NOTICE PUBLISHED WITH THE 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:

This rule establishes provisions related to aeronautics and aviation, including rules governing aircraft registration, marking of hazards to air flight, restriction of flight in designated emergency areas, commercial and through-the-fence operations, aerial search and rescue, operations at state airports, Federal Aviation Regulations and the Idaho Airport Aid Program. This rule generally serves to clarify conditions that are not explicitly established in statute.

**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 June 7, 2023, Idaho Administrative Bulletin, [Vol. 23-6, pages 84-85](#).

**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.

**THE FOLLOWING IS THE TEXT OF ZBR DOCKET NO. 39-0401-2301**

**39.04.01 – RULES GOVERNING AERONAUTICS AND AVIATION**

**000. LEGAL AUTHORITY.**

Under authority of Sections 21-105, 21-111, 21-114, 21-142(9), 21-142(15) and 21-519, Idaho Code, the Idaho Transportation Board adopts this rule. Violators of state law and these rules are subject to the penalties specified in Sections 18-7031, 18-7033 and 21-121, Idaho Code. ( )

**001. PURPOSE.**

This rule implements the provisions of Title 21, Idaho Code, related to aeronautics and aviation, including rules governing aircraft registration, marking of hazards to air flight, restriction of flight in designated emergency areas, commercial and through-the-fence operations, aerial search and rescue, operations at state airports, Federal Aviation Regulations and the Idaho Airport Aid Program. ( )

**002. INCORPORATION BY REFERENCE.**

These rules incorporate the current Federal Aviation Regulations, 14 CFR Parts 1-191, where they are not inconsistent with existing rules or regulations that may, from time to time, be adopted by the Idaho Transportation Board. Copies of Federal Aviation Regulations, 14 CFR parts 1-191, may be obtained from the Superintendent of Documents, U. S. Government Printing Office, Washington, DC 20402 or electronically at the Electronic Code of Federal Regulations, at <https://www.ecfr.gov/cgi-bin/ECFR?page=browse>. This rule also incorporates the Idaho Airport Aid Program, Implementation Manual (May 2023), and the Department's Aerial Search and Rescue Manual. ( )

**003. – 009. (RESERVED)**

**010. DEFINITIONS.**

**01. Aerial Search and Rescue Volunteer.** One who volunteers services for humanitarian relief. When accepted in support of SAR missions, SAR volunteer will become quasi-state employee and be protected by state workman's compensation insurance. ( )

**02. Aerial Search and Rescue Volunteer Aircraft.** A civil aircraft voluntarily made available to be used in aerial search and rescue operations. ( )

**03. Aerial Search and Rescue Volunteer Pilot/Observer.** A pilot/observer qualified in accordance with the Idaho Transportation Department Aerial Search and Rescue Manual. ( )

**04. AFRCC.** Air Force Rescue Coordination Center, the single agency through which federal SAR missions will be prosecuted and federal assistance requested for SAR in the inland region. It is a coordinating agency only. ( )

**05. Aircraft Parking Area.** A designated site constructed on an airport with or without aircraft tiedown chains or ropes for the purpose of parking unattended aircraft. ( )

**06. Civil Aircraft.** Aircraft other than public aircraft. ( )

**07. Deputy Aerial Search and Rescue Coordinator.** A designated representative of the State Search and Rescue Coordinator. ( )

**08. Division.** The Division of Aeronautics of the Idaho Transportation Department, including its officers and employees. ( )

**09. Guyed Tower.** A tower that is supported in whole or in part by guy wires and ground anchors or other means of support besides the superstructure of the tower itself, towers used for military purposes excepted. ( )



- ( )
- 10. Hazardous Material.** Any material or substance as defined by Sections 49-109(3), 39-4403(7) and (14), 39-4407, or 39-6203(9), Idaho Code. ( )
- 11. International Aeronautical and Maritime Search and Rescue (IAMSAR) Manual.** A manual establishing the international standards for search and rescue. ( )
- 12. Land SAR Addendum.** Addendum to the National Search and Rescue Supplement to the IAMSAR manual that governs land search procedures for lost personnel, vehicles, or aircraft. This document governs how the ground component of SAR conducts operations. ( )
- 13. Loading Area.** A site designated on an airport for the purpose of loading or unloading passengers and cargo and facilitating the access of designated vehicles. ( )
- 14. Marking.** Will include illuminating, painting, lighting, or designating in a manner to be approved by the department. ( )
- 15. National Search and Rescue (SAR) Plan of the United States.** This plan covers interagency agreements that govern federal search and rescue response. ( )
- 16. National Search and Rescue Supplement to the IAMSAR Manual.** Federal guidelines on implementing Search and Rescue within the United States. ( )
- 17. Office of Emergency Management (OEM).** State agency in charge of preparing for and/or providing assistance during and after natural or man-made disasters. ( )
- 18. Runway.** An airport surface designed specifically for the takeoff and landing of aircraft. ( )
- 19. Aeronautical Search and Rescue (SAR).** Operations involving the search for aircraft overdue, missing, or in distress. Use of aircraft to assist in other types of search and rescue operations. ( )
- 20. SAR Agreements.** SAR agreements involving federal, state, local, and private agencies, and/or individual(s). ( )
- 21. State Aeronautical SAR Coordinator.** Director, Idaho Transportation Department, or his duly appointed representative, responsible for directing, coordinating and supervising all phases of aerial search and rescue operations in accordance with the National Search and Rescue Plan of the United States. ( )
- 22. State Aerial Search and Rescue Plan.** Those plans, policies, and procedures set forth in the Department Aerial Search and Rescue Manual. ( )
- 23. Temporary or Permanent Guyed Tower.** A guyed tower erected and standing for any period of time whatsoever. ( )

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

**SUBCHAPTER A – RULES GOVERNING AIRCRAFT REGISTRATION**

**100. AIRCRAFT TO BE REGISTERED.**

Every resident of this State who operates an aircraft or who owns an aircraft holding a currently valid airworthiness certificate and a currently valid annual inspection or progressive inspection system issued by the Federal government, or a resident or nonresident operating an aircraft for hire, spraying, dusting, seeding, or operated in the transportation of persons or property, will register such aircraft with the Division. ( )

**101. REGISTRATION PERIOD.**

**01. Annual Period.** The period for the registration of aircraft in the state of Idaho runs from January 1 through December 31 of each year. ( )

**02. Annual Registration Closing Date.** The closing date for the annual registration is the first Monday of November in each year. A list of unregistered aircraft, as of that date, will be forwarded to the proper county assessor for inclusion in personal property assessment due on the fourth Monday in November, as directed by Section 63-301, Idaho Code. ( )

**102. APPLICATIONS FOR AIRCRAFT REGISTRATION.**

**01. Current Registration Certificate.** An owner who holds a currently effective registration certificate for an aircraft issued by the Federal government will make application for an aircraft registration upon appropriate forms to be prescribed and furnished by the Division that contain the applicant's title and the names and addresses of all persons having any interest therein. ( )

**02. Application Information.** Every application for an aircraft registration will contain: The name of the manufacturer, model, year, the aircraft identification number and serial number, and aircraft manufacturer's certified maximum gross weight. ( )

**103. FEES.** Annual aircraft registration fees are set forth in Section 21-114, Idaho Code. ( )

**104. REGISTRATION TO BE CARRIED AND DISPLAYED.** The certificate of registration issued by the Division will be carried at all times in said aircraft and will be made available for examination upon reasonable request by any person charged with the duty of enforcing the aviation laws of this state. ( )

**105. TRANSFER OF TITLE OR INTEREST IN AIRCRAFT.**

**01. Previous Owner Responsibility.** The owner of an aircraft registered by the Division under Section 21-114, Idaho Code, who transfers or assigns his title or interest in such aircraft, will: ( )

**a.** Within 15 days, provide a copy of the FAA bill of sale; and ( )

**b.** Furnish the Division with the name, address, phone number, and email address (if available) of the person to whom such transfer or assignment was made; and ( )

**c.** Remove or obliterate the decal so as to indicate its cancellation prior to delivery of the aircraft to the transferee or assignee; and ( )

**d.** Request the Division to cancel the registration. ( )

**02. New Owner Responsibility.** The new owner, if a resident of Idaho, a non-resident qualifying under Section 100 of this rule, or a non-resident who flies in this state for ninety (90) days or more within a registration year will register the aircraft with the Division. ( )

**106. EXEMPTIONS.** This rule does not apply to aircraft exempted from registration by Section 21-114(d), Idaho Code. ( )

**107 – 199. (RESERVED)**

**SUBCHAPTER B – RULES GOVERNING OPERATIONS AT STATE AIRPORTS**

**200. SPECIAL OPERATING RESTRICTIONS ON AIRPORTS.** The Division may establish special operating restrictions on an airport to assure the safety and convenience of users and the general public when special events or temporary or seasonal factors warrant. Such special restrictions will be issued in writing at least ten (10) days prior to their effective date and published as a NOTAM (Notice to Air Mission)

and be conspicuously posted on the airport. When practical, the Division may advise principal users of the airport of the special restrictions. ( )

**201. AIRCRAFT PARKING, LOADING, AND TIEDOWN.**

Aircraft that are loading and unloading on state airports will be parked in the available designated aircraft parking or loading areas. In the event such designated areas are fully occupied, pilots will park so as to remain clear of the defined runway. All unattended aircraft will be tied down when tiedowns are available. Persons parking their aircraft where tiedowns are not available will secure their aircraft with portable tiedown devices, or use other positive means of restraining their aircraft which will assure that their aircraft will not damage other aircraft or property. Aircraft will not remain tied down on an airport in excess of one (1) month without the approval of the Division. ( )

**202. VEHICLES AND BAGGAGE.**

**01. Parking.** No person will operate or park any vehicle on an airport without prior approval of the Division and may only park in designated parking areas. Vehicles authorized on an airport will not be operated on the runway or parked so as to occupy or block designated tiedowns or loading areas, except that temporary parking necessary for actual loading or unloading of baggage or objects is allowed if no hazard is thus created. ( )

**02. Unattended Objects or Baggage.** No person will place any unattended objects or baggage in a tiedown area when such placement creates a hazard or restricts aircraft parking in such a way that displaced aircraft create a hazard. ( )

**203. CAMPING.**

**01. Camping.** No person is permitted to use a camping area adjacent to an airport for more than fourteen (14) consecutive days, however this time limit may be extended by Division employees when existing camp area vacancies exist. ( )

**02. Fires.** No campfires or open flame camp stoves are allowed within fifty (50) feet of aircraft. ( )

**204. AIRCRAFT FUELING, AGRICULTURAL OPERATIONS, AND HAZARDOUS MATERIAL.**

**01. Fueling Procedures.** Any person performing aircraft fueling on an airport will obtain and read a copy of the refueling procedures published by the Division and will conduct fueling in accordance with these procedures. All persons will comply with any airport restrictions issued by the Division in connection with recognized fire danger conditions. ( )

**02. Aerial Application Operations.** No person will perform aerial spraying, dusting, or other aerial chemical application operations from an airport without making formal application to and receiving an approved operational agreement from the Division. Any person spilling, dumping, or disposing of any hazardous, toxic, or otherwise dangerous or offensive substance on an airport will be responsible for the full cost of the cleanup, disposal, and administrative costs to the Division necessitated by removal of the substance. ( )

**205. COMMERCIAL OPERATIONS.**

**01. Operational Agreement.** No person will conduct any commercial or business operations from an airport without making formal application to and receiving an approved operational agreement issued by the Division. ( )

**02. Airport Use.** No approved commercial operation on an airport by persons or firms engaged in business will be deemed to have priority over any public or other commercial use of such airport. ( )

**206. -- 299. (RESERVED)**

**SUBCHAPTER C – RULES GOVERNING COMMERCIAL AND THROUGH-THE-FENCE**

**OPERATIONS AND HANGAR CONSTRUCTION AT STATE AIRPORTS**

**300. APPLICATION.**

Any individual, company, or corporation wishing to establish any aviation facility, private or commercial, on or adjacent to any state airport will make formal application to the Division that contained, at a minimum, a sketch showing the location of proposed facilities; a description, sketch, manufacturer's brochure, etc. of the proposed facilities; and a description of the operation proposed. ( )

**301. OPERATIONAL AGREEMENT.**

**01. Negotiation and Approval.** Subsequent to Board approval of the application, the Division will negotiate an operational agreement with the applicant. The terms of the agreement will be approved by the Board prior to ratification of the agreement by any agent of the state. ( )

**02. Information Needed.** The agreement will include, but not be limited to, lease fee, term, any operational limitations deemed appropriate, etc. ( )

**302. SAFETY AND ACCESS.**

Aviation safety will be of paramount importance in consideration of any application. Special emphasis will be placed upon developing means of controlling the number of access points for through-the-fence operations, defined as operations which require aircraft to taxi across the airport property boundary. ( )

**303. -- 399. (RESERVED)**

**SUBCHAPTER D – RULES GOVERNING MARKING OF HAZARDS TO AIR FLIGHT**

**400. REQUIREMENTS.**

**01. Hazardous Structures.** Any structure which obstructs the airspace more than two hundred (200) feet above the ground or water level, or at any height near an established airport as defined by Section 21-101(c), Idaho Code, when determined by the Department to be an aviation hazard or a potential aviation hazard, as defined in Section 21-101(n), Idaho Code, to the safe flight of aircraft will be plainly marked, illuminated, painted, lighted, or designated in a manner approved by the Department. ( )

**02. Guyed Towers.** Any temporary or permanent guyed tower fifty (50) feet or more in height that is located outside the boundaries of an incorporated city or town on land that is primarily rural or undeveloped or used for agricultural purposes, or that is primarily desert, and where such guyed tower's appearance is not otherwise governed by state or federal law, rule or regulation, will be lighted, marked and painted or otherwise constructed to be visible in clear air during daylight hours from a distance of not less than two thousand (2,000) feet. ( )

**a.** Guyed towers will be painted in seven (7) equal alternating bands of aviation orange and white that begin with orange at the top of the tower and end with orange at the base. ( )

**b.** Guyed towers will have one flashing obstruction light at the top of the tower that meets the technical requirements of medium intensity flashing white obstruction light systems as specified in Federal Aviation Administration Advisory Circular AC 70/7460-1M or current edition. ( )

**c.** For guyed towers the surface area under the footprint of the tower and six (6) feet beyond the outer tower anchors will have a contrasting appearance with any surrounding vegetation. ( )

**d.** Guyed towers will have two (2) marker balls, having a minimum diameter of twenty (20) inches attached to and evenly spaced on each of the outside guy wires. Said spheres to be of the split-sheet, clamp-on type which are to be alternated in two (2) contrasting solid colors of gloss yellow and international orange, and may be constructed of recommended light-weight materials such as fiberglass, aluminum, or foam. ( )

**e.** Guyed towers will have a seven (7) foot long safety sleeve colored to contrast with background vegetation at each anchor point and extend from the anchor point along each guy wire attached to the anchor point.

( )

f. The provisions of this Subsection 400.02, do not apply to power poles or structures owned and operated by an electric supplier as defined in Section 61-332A(4), Idaho Code, to facilities used by a federal power marketing agency to serve public utilities or consumer-owned utilities, or any structure whose primary purpose is to support telecommunications equipment, including citizens band (CB) radio towers and all other amateur radio towers. ( )

**03. Lines, Wires, and Cables.** Power lines, communication lines, wires, or cable more than two hundred (200) feet above the terrain crossing canyons, rivers, navigable bodies of water, terrain undulations, or guy structures or any height where such wire, cable or obstruction cross navigable bodies of water near established seaplane bases, if determined by the Department to be a hazard to air navigation, will be marked at two hundred (200) feet intervals of spacing by sphere-type markers having a minimum diameter of thirty-six (36) inches. Said sphere to be of the split-sheet, clamp-on type which are to be alternated in three (3) contrasting solid colors of gloss white, gloss yellow, and international orange and may be constructed of recommended light-weight materials such as fiberglass, aluminum, or foam. ( )

**04. Spans Between Support Piers.** Long spans that exceed lengths of one-half (1/2) mile between support piers, each pier will be marked with flashing strobe or beacon lights of a type and brilliance acceptable to the Department if such is deemed pertinent to safety and recognition of obstructions. ( )

**05. Construction.** Any construction sponsor needs to submit a notice to the Division Administrator if his construction meets one (1) or more of the following conditions: ( )

a. If the proposed object will be more than two hundred (200) feet above ground level at its location. ( )

b. If the proposed object will be within twenty thousand (20,000) feet of an airport (\*) or seaplane base with a runway of more than three thousand two hundred (3,200) feet in length; and will penetrate an imaginary surface that is one (1) foot in height for each one hundred (100) feet (100:1) horizontally from the nearest point of the nearest runway. \* To qualify, an airport as defined in Section 21-101(c), Idaho Code, will be listed in the Idaho Airport Facilities Directory, or in the Airport /Facility Directory published by the US-DOT, National Charting Office or operated by a public entity. ( )

c. If the proposed object will be within ten thousand (10,000) feet of an airport having no runway more than three thousand two hundred (3,200) feet in length; and will penetrate an imaginary surface that is one (1) foot in height for each fifty (50) feet (50:1) horizontally from the nearest runway. ( )

d. If the proposed object will be within five thousand (5,000) feet of a heliport listed in the "Airport Facilities Directory" or operated by a public entity; and will penetrate an imaginary surface that is one (1) foot in height for each twenty-five (25) feet (25:1), horizontally from the nearest landing and take-off area of that heliport. ( )

e. If the proposed object is a traverse way which will exceed at least one (1) of the standards listed in Subsections 400.05.a. through 400.05.c. above, after its height is adjusted upward seventeen (17) feet for an Interstate Highway, fifteen (15) feet for any other public roadway, ten (10) feet (or the height of the highest mobile objects that would normally traverse the road) for a private road, twenty-three (23) feet for a railroad, or an amount equal to the height of the highest mobile objects that would traverse a waterway or any other thoroughfare not previously mentioned. ( )

**06. Notice Submittal.** The notice specified in Subsection 400.05 of this rule will be submitted: ( )

a. At least thirty (30) days before the construction or alteration is to begin; or the application for construction permit is to be filed. ( )

b. Immediately by telephone or other expeditious means, with written notification submitted within

five (5) days thereafter, if immediate construction or alteration is needed as in cases involving public services, health, or safety. ( )

**07. Notice of Proposed Construction.** A notice of proposed construction or alteration is needed so that the Department may: ( )

- a. Depict obstructions on aeronautical charts. ( )
- b. Identify appropriate markings as promulgated by Section 21-515, Idaho Code. ( )
- c. Be made aware of potential aeronautical hazards in order to minimize their danger to the flying public. ( )
- d. Protect the lives and property of persons in the air and on the ground. ( )

**08. Submittal of Notice.** Written notice of intended construction or alteration will be submitted by mail, email, or hand-delivered to the Division Administrator. ( )

**09. Intent.** It is the intent that the resultant markings required in this rule be compatible with FAA policies and directives in order to maintain consistency of object marking and lighting. ( )

**401. EXCEPTIONS.**

No person needs to notify the Division Administrator for any of the following construction or alteration: ( )

**01. Shielded.** Any object that would be shielded by existing structures of a permanent and substantial character or by natural terrain or topographic features of equal or greater height, and would be located in the congested area of a city, town, or settlement where it is evident beyond all reasonable doubt that the structure so shielded will not adversely affect safety in air navigation. ( )

**02. Antennas.** Any antenna structure of twenty (20) feet or less in height except one that would increase the height of another antenna structure. ( )

**03. Air Navigation.** Any air navigation facility, airport visual approach or landing aid, aircraft arresting device, or meteorological device of a type approved by the Division Administrator, the location and height of which is fixed by its functional purpose. ( )

**402. -- 499. (RESERVED)**

**SUBCHAPTER E – RULES GOVERNING RESTRICTION OF FLIGHT  
IN DESIGNATED EMERGENCY AREAS**

**500. GENERAL.**

**01. Airspace Restrictions for Emergencies.** To facilitate emergency response, state and federal agencies may need to restrict the presence of manned or unmanned aircraft. Common examples would include Search and Rescue (SAR) Operations or fighting wildfires, The primary mechanism for state and federal agencies to restrict airspace is a Temporary Flight Restriction (TFR). Non-participating manned or unmanned aircraft will remain clear of TFRs to protect the safety of responding aircraft. All published TFRs contain contact information for the agency controlling that airspace. Violations of a TFR are governed by Federal Law, and penalties may apply. ( )

**02. Notice to Air Missions (NOTAM).** In cases where ongoing emergency operations require airfield closures or where emergency airborne activity increases traffic but does not require airspace closure, the NOTAM system will be used to pass information to the flying public. ( )

**501 – 599. (RESERVED)**

**SUBCHAPTER F – RULES GOVERNING AERIAL SEARCH AND RESCUE**

**OF LOST AIRCRAFT AND AIRMEN**

**600. SEARCH NOTIFICATION.**

**01. Notification Sources.** The Division receives initial notification of lost, missing, overdue, or suspected downed aircraft from the Federal Aviation Administration (FAA) flight service station (FSS), the Air Force Rescue Coordination Center (AFRCC), law enforcement, and/or concerned individuals. ( )

**02. Notification System.** The Division will maintain a twenty-four (24) hour-per-day search and rescue notification system. ( )

**601. SEARCH INITIATION.**

When notification is received from agencies, or individual(s) which constitute reasonable probability that an aircraft or airman is down, lost, or missing, a search will be initiated as described in the National SAR Plan, the Division SAR Manual and/or upon mutual agreement between the Division and the BHS Office of Emergency Management (OEM). Safety, weather, darkness, and other operational factors may influence the conduct of the search including time of initiation, duration, and suspension. ( )

**602. (RESERVED)**

**603. RESOURCES.**

**01. Non-Volunteer Staff and Equipment.** Division staff, aircraft, vehicles, and crews may be utilized. ( )

**02. Volunteer Support.** State volunteer airmen and their aircraft may be used for aerial search and rescue. ( )

**03. County Materials and Support.** The Division will coordinate with respective county sheriffs for the use/assistance of ground search and rescue agencies, organizations, and/or individual(s). ( )

**04. Additional State Support.** Additional State resources will be coordinated through OEM, ISP, or the Idaho ANG. ( )

**05. Coniguous Partner Support.** The Division will coordinate through the AFRCC for requests to neighboring states or Canada or for access to Federal resources like Civil Air Patrol. ( )

**604. PROCEDURE.**

**01. Search and Rescue Plan.** The Department's Aerial Search and Rescue Manual (Plan) will provide guidelines for effectively conducting aerial search and rescue operations. The manual will establish requirements for crew qualification, adequacy of volunteer search aircraft performance, and Deputy Aerial SAR Coordinator qualifications. In order to effectively implement the State SAR Plan, the State Aerial SAR Coordinator may make SAR agreements as necessary with other agencies/organization(s)/individual(s). They may be either informal verbal agreements or they may be formal written documents. Agreements will provide for the maximum practicable cooperation of such agencies/organization(s)/individual(s) and the use and coordination of facilities committed to SAR missions. Written agreements will normally involve officials of comparable levels in their respective agencies. Written agreements should be as brief as possible, covering only those specific items for which the agreement is deemed necessary. They should not be repetitious or contradictory of matters contained in the National SAR Plan. ( )

**02. Deputy Aerial SAR Coordinators.** The State Aerial SAR Coordinator may assign District Aerial SAR Coordinators who act under the direction of the State Aerial SAR Coordinator. Tasks may include organizing the volunteer personnel and resources of his assigned search area for maximum efficiency, safety, and economy. Said Deputy Coordinator may be either a volunteer, state employee or other individual as assigned by the State Aerial SAR Coordinator. ( )

**03. Designations by State Aerial SAR Coordinators.** The State Aerial SAR Coordinator will designate airports of primary operational support as necessary in the aerial search effort. The State Aerial SAR Coordinator may designate Temporary Flight Restrictions (TFR) under Federal Aviation Regulation (FAR) 91.137 as needed for safety of search aircraft. Normally the State Aerial SAR Coordinator will function in the Division of Aeronautics facilities but the option to dispatch state coordinator to the airport(s) of primary support, State EOC, or other location as necessary, may be exercised. Division aircraft may be used as necessary with state crews or with state pilot in command and volunteer pilot/observer(s). Volunteer aircraft and crews will be screened by the Deputy Aerial SAR Coordinator for availability, qualification, and willingness to participate in the search. Flight logs and mission records will be maintained and all pertinent information will be screened and recorded and forwarded to the State Aerial SAR Coordinator or the Incident Command Staff (ICS) at the close of the mission or as requested. ( )

**04. Interstate or International Coordination.** On some occasions the aerial search and rescue effort may need to extend into bordering states or Canada. Interstate coordination with other states/Canada will be accomplished by the Division through the AFRCC for SAR mission needs. ( )

**05. Funds.** State Aeronautical (SAR) search and rescue funds will be used solely in support of aeronautical SAR efforts. Financial support of aeronautical SAR volunteers includes, but is not limited to, SAR training, education, equipment, coordinating efforts, communications, and aircraft fuel and oil expenses. ( )

**06. Official Mission Report.** A report will be made to the State Aerial SAR Coordinator by the Deputy Aerial SAR Coordinator at the termination of daily search activity. The State Aerial SAR Coordinator will consolidate all necessary report information and relay it to AFRCC. All mission working papers which are accumulated during the course of the search mission will be analyzed for meaningful content upon which to base operational decisions. ( )

**07. Time Period of Searches.** Aerial searches will be continued until either successful or until passage of time has drastically reduced the possibility of survival. If search is unsuccessful and all leads have been exhausted, the search may be suspended upon mutual agreement between the Division and the county sheriff, the Incident Commander or OEM until either new leads are received or conditions have changed which increases the probability of detection. ( )

**08. Completion of Search.** The search phase will end when the search and rescue objective has been located and confirmed. Division staff will assist the responding county sheriff of Incident Commander as needed until the rescue phase is complete. ( )

**09. Required Reports.** Upon completion of the mission, all cooperating/participating agencies will be advised as promptly as possible. News releases will be coordinated through the incident command staff or as deemed appropriate by the State Aerial SAR Coordinator. All SAR resources will be accounted for prior to closing the mission. A report of mission activity will be made to AFRCC. A synopsis of the entire mission will be developed by the State Aerial SAR Coordinator with the following forms attached to the synopsis using forms and guidance in the SAR manual, unless other requirements are established by the Incident Commander. ( )

**605. -- 699. (RESERVED)**

**SUBCHAPTER G – RULES GOVERNING IDAHO AIRPORT AID PROGRAM**

**700. PROJECT ALLOCATION PRIORITY PRINCIPLES.**

For the discretionary allocation programs priority will be given to: ( )

**01. Aircraft Operations Safety.** Projects involving safety of aircraft operations. ( )

**02. Projects Which Protect Prior Public Investments.** ( )

**03. Federal Funds.** Assuring maximum use and benefit of available federal funds. ( )

**04. Aircraft Landing Projects.** Projects at existing aircraft landing facilities where need is ( )



demonstrated. Projects will provide benefits associated with aircraft landing facility utilization on a statewide basis. ( )

**05. Preservation and Acquisition.** The preservation and acquisition of existing aircraft landing facilities in danger of being lost. ( )

**06. Aircraft Landing Development.** The development of new, additional aircraft landing facilities in areas of greatest need: ( )

a. Large geographical areas with no “air accessibility.” ( )

b. Additional new sites in urban areas where landing sites are rapidly becoming non-existent. ( )

**701. PROGRAM CRITERIA AND LIMITATIONS.**

The allocation program is designed to provide the greatest and best utilization of limited Idaho Airport Aid Program Funds. The primary goal of the allocation program is to further the proper development of a statewide system of airports and fair distribution of aviation tax money. This policy requires: ( )

**01. Master Plan.** To be eligible each city, county, airport authority, political subdivision, or public corporation, hereinafter referred to as airport sponsor, should have a master plan or an airport or heliport layout plan that is accepted by the Division. ( )

**02. Face Value Contributions.** Labor and equipment contributions by the airport sponsor may be approved at face value in force-account financial evaluation as matching funds. The following items will not be eligible for force-account contribution: ( )

a. Land values previously acquired. ( )

b. Previous building construction or improvements. ( )

c. Previous State or FAA grants. ( )

**03. Public Funds Protection.** In order to protect the investment of public funds, the Idaho Transportation Board may require proof of ownership or lease of all land upon which any project is proposed, and require that the airport be zoned to prevent incompatible land uses and the creation or establishment of structures or objects of natural growth which would constitute hazards or obstructions to aircraft operating to, from, on, or in the vicinity of the subject airport. ( )

**04. Projects Other Than Allocation Plan.** All projects other than the annual allocation plan will be individually considered and acted upon at a regular meeting of the Board. All projects will be resolved by eligibility and priorities established by each year’s review of the total State need. The availability of funds, or legislative appropriations, is the final determination of grant approvals. Consideration of all factors, including relative needs and priorities involved in an airport construction project will be considered. Attention will be given to effort made at the sponsor’s level to assure availability of continuing financing and management support to keep the airport in good repair. ( )

**702. PERCENTAGES OF COST.**

**01. Maintenance and Safety Supplies Program.** All airport sponsors eligible for funding may apply to participate in the maintenance and safety supplies program. This is part of the discretionary allocation program that provides at no charge or a reduced charge for the following such items: ( )

a. Runway and taxiway light fixtures, bulbs, and parts; ( )

b. Rotating beacon fixtures; ( )

c. Windssocks; ( )

d. Tie-down chain sets; ( )

e. Utility light bulbs; and ( )

f. All municipal airport sponsors eligible for funding may apply to participate in the small projects program which provides grant funding assistance of less than two thousand dollars (\$2,000) for unscheduled or emergency improvements, with approval from the aeronautics administrator, from the current years allocation. ( )

**703. GRANTED ALLOCATION ITEMS.**

Allocations may be granted, but not limited to, for the following items: ( )

**01. Development of Airport Planning, Land Ownership, Airspace, Land Use Compatibility, and Land Use Zoning Documents.** ( )

**02. Land Acquisition for Development and Improvement of Aircraft Landing Facilities.** ( )

**03. Grading and Drainage Necessary for Construction or Reconstruction of Runways or Taxiways.** ( )

**04. Construction or Reconstruction of Runways or Taxiways.** ( )

**05. Acquisition of "Runway Protection Zones" as Defined in Current Regulations of the Federal Aviation Administration.** ( )

**06. Acquisition of Easements through or Other Interests in Airspace as may be Reasonably Required for Safeguarding Aircraft Operations in the Vicinity of an Aircraft Landing Facility.** ( )

**07. Removal of Natural Obstructions from Runway Protection Zones.** ( )

**08. Installation or Rehabilitation of "Segmented Circle Airport Marker Systems" as Defined in Current Regulations of the Federal Aviation Administration.** ( )

**09. Installation or Rehabilitation of Runway, Taxiway, Boundary, or Obstruction Lights, Together with Directly Related Electrical Equipment.** ( )

**10. Erection or Rehabilitation of Appropriate Security Fencing Around the Perimeter of an Aircraft Landing Facility.** ( )

**11. Grading and drainage necessary to provide for parking of transient general aviation aircraft.** ( )

**12. Air Navigation Facilities.** ( )

**13. Such Other Capital Improvements as may be Designated by the Board.** ( )

**14. New Building Construction of Public Use Facilities such as Storage Hangars, Pilot Lounge, Rest Rooms, etc., that are Owned by the Airport Sponsor.** ( )

**704. AIRPORT SPONSOR ELIGIBILITY.**

The Idaho Airport Aid Program is available only to public entities that own or lease and operate a landing facility that is open to the public without use restrictions. Allocation may be made only on facilities that are not under exclusive lease or monopoly control of private individuals or corporations. The Idaho Airport Aid Program consists of grants, small projects, and maintenance and safety supplies. The grants (for scheduled projects) and small projects (for unscheduled or emergency projects) are available to municipal entities such as a city, county, airport authority, political subdivision, or public corporation, hereinafter referred to as the airport sponsor, but not to facilities operated

by divisions of the state of Idaho or the Federal government. The maintenance and safety supplies are available to all public entities that own or lease and operate a landing facility that is open to the public without use restrictions. ( )

**705. APPLICATIONS FOR AID.**

**01. Non-Federal Funding Eligibility.** Each project submitted for funding consideration from airport sponsors not eligible for Federal funding assistance will be presented in a written application for aid that outlines economic capability and source of funds. The application form will be supplied by the Division. ( )

**02. Completed Applications.** Each project application submitted for funding consideration from airport sponsors that are eligible for Federal funding assistance will consist of a full and complete copy of the federal application for assistance. ( )

**03. Via Written, Telephone, or Electronic Request.** Each request for participation in the maintenance and safety supplies program or the small projects program will be made through written, telephone, or electronic request. ( )

**04. Legislative Support and Consideration.** Projects deemed by the Board to require special legislative appropriations will be submitted for legislative support and consideration. ( )

**706. IAAP IMPLEMENTATION METHOD.**

**01. Project Prioritization.** Each project gets a priority value based upon number of based aircraft, purpose of the project, component of the airport of the project, pavement condition index (number) of the project and age of the most recent plan. Determine the values for each of the above element and calculate the priority number of each project for future use. ( )

**02. Selection of Eligible Projects.** The FAA identifies the NPIAS airport projects. ( )

**03. Selection Guidelines for Projects.** A set of guidelines directs the selection and order of projects. These guidelines allow latitude in selection of projects to create a 'level playing field.' ( )

**04. Appendix for Aeronautics Advisory Board and Idaho Transportation Board Approval.** An annual appendix is compiled, for use by the AAB, to review and accept the program. Aeronautics presents it to the ITB for final review, approval, and funding. ( )

**707. -- 999. (RESERVED)**

[Agency redlined courtesy copy]

**39.04.01 – RULES GOVERNING AERONAUTICS AND AVIATION**

**000. LEGAL AUTHORITY.**

Under authority of Sections 21-105, 21-111, 21-114, 21-142(9), 21-142(15) and 21-519, Idaho Code, the Idaho Transportation Board adopts this rule. Violators of state law and these rules are subject to the penalties specified in Sections 18-7031, 18-7033 and 21-121, Idaho Code. ( )

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

**01. ~~Title.~~** This rule is titled ~~IDAPA 39.04.01, "Rules Governing Aeronautics and Aviation."~~ (3-31-22)

~~02. Scope.~~ This rule implements the provisions of Title 21, Idaho Code, related to aeronautics and aviation, including rules governing aircraft registration, marking of hazards to air flight, restriction of flight in designated emergency areas, commercial and through-the-fence operations, aerial search and rescue, operations at state airports, Federal Aviation Regulations and the Idaho Airport Aid Program. ~~Where feasible, all rules and regulations regarding navigation of aircraft within the airspace about the state of Idaho will be kept in conformance with the current federal aviation regulations.~~ (3-31-22)( )

**002. INCORPORATION BY REFERENCE.**

These rules incorporate the current Federal Aviation Regulations, 14 CFR Parts 1-191, where they are not inconsistent with existing rules or regulations that may, from time to time, be adopted by the Idaho Transportation Board. Copies of Federal Aviation Regulations, 14 CFR parts 1-191, may be obtained from the Superintendent of Documents, U. S. Government Printing Office, Washington, DC 20402 or electronically at the Electronic Code of Federal Regulations, at <https://www.ecfr.gov/cgi-bin/ECFR?page=browse>. This rule also incorporates the Idaho Airport Aid Program, Implementation Manual (3rd Edition, September 2019 ~~May 2023~~), and the Department's Aerial Search and Rescue Manual. (3-31-22)( )

**007. – 009. (RESERVED)**

**010. DEFINITIONS.**

~~01. Adjusted Service Area Population.~~ The adjusted service area population is the subject airports service area population reduced by the population within the service area of a nearby 'more developed' airport(s) that overlaps the subject airports service area. The adjusted service area population is used to determine the match rate for Community airport grants. (3-31-22)

**021. Aerial Search and Rescue Volunteer.** One who volunteers services for humanitarian relief. When accepted in support of SAR missions, SAR volunteer ~~shall~~ will become quasi-state employee and be protected by state workman's compensation insurance. (3-31-22)( )

**032. Aerial Search and Rescue Volunteer Aircraft.** A civil aircraft voluntarily made available to be used in aerial search and rescue operations. ( )

**043. Aerial Search and Rescue Volunteer Pilot/Observer.** A pilot/observer qualified in accordance with the Idaho Transportation Department Aerial Search and Rescue Manual. ( )

**054. AFRCC.** Air Force Rescue Coordination Center, the single agency through which federal SAR missions will be prosecuted and federal assistance requested for SAR in the inland region. It is a coordinating agency only. ( )

**065. Aircraft Parking Area.** A designated site constructed on an airport with or without aircraft tiedown chains or ropes for the purpose of parking unattended aircraft. ( )

~~07. Airman/Airmen.~~ Any individual who engages, as the person in command or as pilot, mechanic, or member of the crew, in the navigation of aircraft while underway. For the purpose of this regulation, search shall be conducted for airmen and passenger(s) of lost aircraft. (3-31-22)

~~08. Airport.~~ Any area of land or water which is used, or intended for use, for the landing and take off of aircraft, and any appurtenant areas which are used, or intended for use, for airport buildings or other airport facilities or rights of way, together with all airport buildings and facilities located thereon. For the purposes of this chapter, the term "airport" refers to a publicly owned and managed facility that is open for public use without operational restrictions on its use. For the purposes of Subchapter B of this rule, this is limited to airports that are owned, leased or permitted by the owner of the land and are under the control of, and operated by the Idaho Transportation Department's Division of Aeronautics. (3-31-22)

~~09. Airport Service Area Population.~~ The airport service area population is the number of people within the service area boundary based upon the most recent approved census data. An airport's service area is the geographic locale within a thirty (30) minute average drive time from the airport. (3-31-22)

- ~~10. **Camping Area.** Any site designated for camping and identified by the placement of picnic tables, fire pits, barbecue stoves or appropriate signing. (3-31-22)~~
- ~~106. **Civil Aircraft.** Aircraft other than public aircraft. ( )~~
- ~~12. **Department.** Idaho Transportation Department. (3-31-22)~~
- ~~13. **Director.** Director of the Idaho Transportation Department. (3-31-22)~~
- ~~1407. **District Deputy Aerial Search and Rescue Coordinator.** A designated representative of the State Search and Rescue Coordinator. (3-31-22)( )~~
- ~~1508. **Division.** The Division of Aeronautics of the Idaho Transportation Department, including its officers and employees. ( )~~
- ~~16. **Fueling.** Any procedure which involves the addition or removal of fuel from aircraft fuel tanks or the transfer of fuel from or into tanks, barrels, or bladders. (3-31-22)~~
- ~~1709. **Guyed Tower.** A tower that is supported in whole or in part by guy wires and ground anchors or other means of support besides the superstructure of the tower itself, towers used for military purposes excepted. ( )~~
- ~~180. **Hazardous Material.** Any material or substance as defined by Sections 49-109(3), 39-4403(7) and (14), 39-4407, or 39-6203(9), Idaho Code. ( )~~
- ~~19. **Height.** The distance measured from the original grade at the base of the tower to the highest point of the tower. (3-31-22)~~
11. **International Aeronautical and Maritime Search and Rescue (IAMSAR) Manual.** A manual establishing the international standards for search and rescue. ( )
12. **Land SAR Addendum.** Addendum to the National Search and Rescue Supplement to the IAMSAR manual that governs land search procedures for lost personnel, vehicles, or aircraft. This document governs how the ground component of SAR conducts operations. ( )
- ~~2013. **Loading Area.** A site designated on an airport for the purpose of loading or unloading passengers and cargo and facilitating the access of designated vehicles. ( )~~
- ~~2414. **Marking.** ~~Shall~~Will include illuminating, painting, lighting, or designating in a manner to be approved by the department. (3-31-22)( )~~
- ~~22. **National Search and Rescue Manual.** That manual for guidance of U.S. Federal Forces, military or civil, participating in search and rescue (SAR) operations. (3-31-22)~~
- ~~2315. **National Search and Rescue (SAR) Plan of the United States.** Aerospace Rescue and recovery Service Operations Plan Number 9506, entitled, "Inland Search and Rescue." It coordinates the SAR efforts among the states and federal agencies. This plan covers interagency agreements that govern federal search and rescue response. (3-31-22)( )~~
16. **National Search and Rescue Supplement to the IAMSAR Manual.** Federal guidelines on implementing Search and Rescue within the United States. ( )
- ~~2417. **Office of Emergency Management (OEM).** State agency in charge of preparing for and/or providing assistance during and after natural or man-made disasters. ( )~~
- ~~2518. **Runway.** An airport surface designed specifically for the takeoff and landing of aircraft. ( )~~

~~2619.~~ **Aeronautical Search and Rescue (SAR).** ~~(SAR) Operations involving the search for aircraft overdue, missing, or in distress. Use of aircraft to assist in other types of search and rescue operations.~~

~~(3-31-22)( )~~

~~a.~~ Search—An investigative act to determine the location of lost aircraft or airman. (3-31-22)

~~b.~~ Rescue—Deliver from danger, to save. (3-31-22)

~~270.~~ **SAR Agreements.** SAR agreements involving federal, state, local, and private agencies, and/or individual(s). ( )

~~28.~~ **Search Districts.** ~~Those six (6) areas throughout the State which are designated as aerial search and rescue districts by the Idaho aerial search and rescue plan. These areas are the same as the states six (6) highway districts.~~ (3-31-22)

~~291.~~ **State Aerial Aeronautical Search and Rescue SAR Coordinator.** Director, Idaho Transportation Department, or his duly appointed representative, responsible for directing, coordinating and supervising all phases of aerial search and rescue operations in accordance with the National Search and Rescue Plan of the United States.

~~(3-31-22)( )~~

~~3022.~~ **State Aerial Search and Rescue Plan.** Those plans, policies, and procedures set forth in the Department Aerial Search and Rescue Manual. ( )

~~3423.~~ **Temporary or Permanent Guyed Tower.** A guyed tower erected and standing for any period of time whatsoever. ( )

~~32.~~ **Vehicle.** ~~Any motorized vehicle excluding aircraft and including, but not limited to, highway automobile, truck, bus, van, trailer, motorcycle, ATV, recreational vehicle, or snowmobile.~~ (3-31-22)

011. -- 099. (RESERVED)

#### SUBCHAPTER A – RULES GOVERNING AIRCRAFT REGISTRATION

##### 100. AIRCRAFT TO BE REGISTERED.

Every resident of this State who operates an aircraft or who owns an aircraft holding a currently valid airworthiness certificate and a currently valid annual inspection or progressive inspection system issued by the Federal government, or a resident or nonresident operating an aircraft for hire, spraying, dusting, seeding, or operated in the transportation of persons or property, ~~shall will~~ register such aircraft with the ~~Idaho Division of Aeronautics hereinafter referred to as Division.~~ (3-31-22)( )

##### 101. REGISTRATION PERIOD.

**01. Annual Period.** The period for the registration of aircraft in the state of Idaho runs from January 1 through December 31 of each year. ( )

**02. Annual Registration Closing Date.** The closing date for the annual registration is the first Monday of November in each year. A list of unregistered aircraft, as of that date, ~~shall will~~ be forwarded to the proper county assessor for inclusion in personal property assessment due on the fourth Monday in November, as ~~required directed~~ by Section 63-301, Idaho Code. (3-31-22)( )

##### 102. APPLICATIONS FOR AIRCRAFT REGISTRATION.

**01. Current Registration Certificate.** An owner who holds a currently effective registration certificate for an aircraft issued by the Federal government ~~shall will~~ make application for an aircraft registration upon appropriate forms to be prescribed and furnished by the Division that contain the applicant's title and the names and addresses of all persons having any interest therein. (3-31-22)( )

**02. Application Information.** Every application for an aircraft registration ~~shall will~~ contain: The name of the manufacturer, model, year, the aircraft identification number and serial number, ~~engine type,~~ and aircraft manufacturer's certified maximum gross weight. (3-31-22)( )

**103. FEES.**

Annual aircraft registration fees are set forth in Section 21-114, Idaho Code. ( )

**104. REGISTRATION TO BE CARRIED AND DISPLAYED.**

The certificate of registration issued by the Division ~~shall will~~ be carried at all times in said aircraft and ~~must will~~ be made available for examination upon reasonable request by any person charged with the duty of enforcing the aviation laws of this state. (3-31-22)( )

**105. TRANSFER OF TITLE OR INTEREST IN AIRCRAFT.**

**01. Previous Owner Responsibility.** The owner of an aircraft registered by the Division under Section 21-114, Idaho Code, who transfers or assigns his title or interest in such aircraft, ~~shall will~~: (3-31-22)( )

**a.** Within 15 days, ~~notify the Division in writing of such transfer or assignment; provide a copy of the FAA bill of sale~~ and (3-31-22)( )

**b.** Furnish the Division with the name, ~~and~~ address, phone number, and email address (if available) of the person to whom such transfer or assignment was made; and (3-31-22)( )

**c.** Remove or obliterate the decal so as to indicate its cancellation prior to delivery of the aircraft to the transferee or assignee; and ( )

**d.** Request the Division to cancel the registration. ( )

**02. New Owner Responsibility.** The new owner, if a resident of Idaho, ~~or~~ a non-resident qualifying under Section 100 of this rule, or a non-resident who flies in this state for ninety (90) days or more within a registration year shall will register the aircraft with the Division. (3-31-22)( )

**106. EXEMPTIONS.**

This rule does not apply to aircraft exempted from registration by Section 21-114(d), Idaho Code. ( )

**107 – 199. (RESERVED)**

**SUBCHAPTER B – RULES GOVERNING OPERATIONS AT STATE AIRPORTS**

**200. SPECIAL OPERATING RESTRICTIONS ON AIRPORTS.**

The Division may establish special operating restrictions on an airport to assure the safety and convenience of users and the general public when special events or temporary or seasonal factors warrant. Such special restrictions ~~shall will~~ be issued in writing at least ten (10) days prior to their effective date and published as a NOTAM (Notice to Airmen Mission) and be conspicuously posted on the airport. When practical, the Division may advise principal users of the airport of the special restrictions. (3-31-22)( )

**201. AIRCRAFT PARKING, LOADING, AND TIEDOWN.**

Aircraft that are loading and unloading on state airports ~~shall will~~ be parked in the available designated aircraft parking or loading areas. In the event such designated areas are fully occupied, pilots ~~shall will~~ park so as to remain clear of the defined runway. All unattended aircraft ~~shall will~~ be tied down when tiedowns are available. Persons parking their aircraft where tiedowns are not available ~~shall will~~ secure their aircraft with portable tiedown devices, or use other positive means of restraining their aircraft which will assure that their aircraft will not damage other aircraft or property. Aircraft will not remain tied down on an airport in excess of one (1) month without the approval of the Division. (3-31-22)( )

**202. VEHICLES, ~~DOMESTIC ANIMALS, BAGGAGE,~~ AND OBJECTS BAGGAGE.**

**01. Parking.** No person will operate or park any vehicle on an airport without prior approval of the Division and may only park in designated parking areas. Vehicles authorized on an airport will not be operated on the runway or parked so as to occupy or block designated tie-downs or loading areas, except that temporary parking necessary for actual loading or unloading of baggage or objects is allowed if no hazard is thus created. ~~Vehicles shall be parked only in designated parking areas.~~ (3-31-22)( )

~~**02. Domestic Animals.** No person will allow any domestic animal on an airport, taxiway or adjacent camping area without its being on a leash beyond the minimum time necessary for the loading or unloading of such animal into or from an aircraft without prior approval of the Division.~~ (3-31-22)

~~**03. Livestock.** No person will allow livestock to graze on airport property without permission from the Division.~~ (3-31-22)

~~**04. Domestic Animal Droppings.** No person will allow domestic animal droppings to be left on an airport, a loading area or in an adjacent camping area.~~ (3-31-22)

~~**05. Unattended Objects or Baggage.** No person will place any unattended objects or baggage in a tie-down area when such placement creates a hazard; or restricts aircraft parking in such a way that displaced aircraft create a hazard.~~ (3-31-22)( )

**203. CAMPING, TRASH, AND REFUSE.**

~~**01. Camping.** No person will camp on an airport except in designated camping areas without prior approval of Division employees.~~ (3-31-22)

~~**02. Camping Limits.** No person is permitted to use a camping area adjacent to an airport for more than fourteen (14) consecutive days, however this time limit may be extended by Division employees when existing camp area vacancies exist.~~ (3-31-22)( )

~~**03. Fires.** No campfires or open flame camp stoves are allowed within fifty (50) feet of aircraft.~~ ( )

~~**04. Trash and Refuse.** All persons on an airport shall place their trash, garbage, and refuse in designated containers or shall otherwise remove it from the airport.~~ (3-31-22)

~~**05. Trash Disposal.** No person will deposit their trash on an area adjacent to an airport.~~ (3-31-22)

**204. AIRCRAFT FUELING, AGRICULTURAL OPERATIONS, AND HAZARDOUS MATERIAL.**

**01. Fueling Procedures.** Any person performing aircraft fueling on an airport ~~shall~~ will obtain and read a copy of the refueling procedures published by the Division and ~~shall~~ will conduct fueling in accordance with these procedures. All persons ~~shall~~ will comply with any airport restrictions issued by the Division in connection with recognized fire danger conditions. (3-31-22)( )

**02. Aerial Application Operations.** No person will perform aerial spraying, dusting, or other aerial chemical application operations from an airport without making formal application to and receiving an approved operational agreement from the Division. Any person spilling, dumping, or disposing of any hazardous, toxic, or otherwise dangerous or offensive substance on an airport ~~shall~~ will be responsible for the full cost of the cleanup, disposal, and administrative costs to the Division necessitated by removal of the substance. (3-31-22)( )

**205. COMMERCIAL OPERATIONS.**

**01. Operational Agreement.** No person will conduct any commercial or business operations from an airport without making formal application to and receiving an approved operational agreement issued by the Division. ( )



**02. Airport Use.** No approved commercial operation on an airport by persons or firms engaged in business ~~shall~~ will be deemed to have priority over any public or other commercial use of such airport.

(3-31-22)( )

**206. -- 299. (RESERVED)**

**SUBCHAPTER C – RULES GOVERNING COMMERCIAL AND THROUGH-THE-FENCE OPERATIONS AND HANGAR CONSTRUCTION AT STATE AIRPORTS**

**300. APPLICATION.**

Any individual, company, or corporation wishing to establish any aviation facility, private or commercial, on or adjacent to any state airport ~~shall~~ will make formal application to the ~~Idaho~~ Division of ~~Aeronautics~~ that contained, at a minimum, a sketch showing the location of proposed facilities; a description, sketch, manufacturer's brochure, etc. of the proposed facilities; and a description of the operation proposed.

(3-31-22)( )

**301. OPERATIONAL AGREEMENT.**

**01. Negotiation and Approval.** Subsequent to Board approval of the application, the Division ~~of Aeronautics~~ will negotiate an operational agreement with the applicant. The terms of the agreement ~~must~~ will be approved by the Board prior to ratification of the agreement by any agent of the state.

(3-31-22)( )

**02. Information ~~Required~~ Needed.** The agreement will include, but not be limited to, lease fee, term, any operational limitations deemed appropriate, etc.

(3-31-22)( )

**302. SAFETY AND ACCESS.**

Aviation safety will be of paramount importance in consideration of any application. Special emphasis will be placed upon developing means of controlling the number of access points for through-the-fence operations, defined as operations which require aircraft to taxi across the airport property boundary.

( )

**303. -- 399. (RESERVED)**

**SUBCHAPTER D – RULES GOVERNING MARKING OF HAZARDS TO AIR FLIGHT**

**400. REQUIREMENTS.**

**01. Hazardous Structures.** Any structure which obstructs the airspace more than two hundred (200) feet above the ground or water level, or at any height near an established airport as defined by Section 21-101(c), Idaho Code, when determined by the Department to be an aviation hazard or a potential aviation hazard, as defined in Section 21-101(n), Idaho Code, to the safe flight of aircraft ~~shall~~ will be plainly marked, illuminated, painted, lighted, or designated in a manner approved by the Department.

(3-31-22)( )

**02. Guyed Towers.** Any temporary or permanent guyed tower fifty (50) feet or more in height that is located outside the boundaries of an incorporated city or town on land that is primarily rural or undeveloped or used for agricultural purposes, or that is primarily desert, and where such guyed tower's appearance is not otherwise governed by state or federal law, rule or regulation, ~~shall~~ will be lighted, marked and painted or otherwise constructed to be visible in clear air during daylight hours from a distance of not less than two thousand (2,000) feet.

(3-31-22)( )

**a.** Guyed towers ~~shall~~ will be painted in seven (7) equal alternating bands of aviation orange and white that begin with orange at the top of the tower and end with orange at the base.

(3-31-22)( )

**b.** Guyed towers ~~shall~~ will have one flashing obstruction light at the top of the tower that meets the technical requirements of medium intensity flashing white obstruction light systems as specified in Federal Aviation Administration Advisory Circular AC 70/7460-1 ~~K~~ M or current edition.

(3-31-22)( )

**c.** For guyed towers the surface area under the footprint of the tower and six (6) feet beyond the outer tower anchors ~~shall~~ will have a contrasting appearance with any surrounding vegetation.

(3-31-22)( )

d. Guyed towers ~~shall~~ will have two (2) marker balls, having a minimum diameter of twenty (20) inches attached to and evenly spaced on each of the outside guy wires. Said spheres to be of the split-sheet, clamp-on type which are to be alternated in two (2) contrasting solid colors of gloss yellow and international orange, and may be constructed of recommended light-weight materials such as fiberglass, aluminum, or foam. (3-31-22)( )

e. Guyed towers ~~shall~~ will have a seven (7) foot long safety sleeve colored to contrast with background vegetation at each anchor point and extend from the anchor point along each guy wire attached to the anchor point. (3-31-22)( )

f. The provisions of this Subsection 400.02, do not apply to power poles or structures owned and operated by an electric supplier as defined in Section 61-332A(4), Idaho Code, to facilities used by a federal power marketing agency to serve public utilities or consumer-owned utilities, or any structure whose primary purpose is to support telecommunications equipment, including citizens band (CB) radio towers and all other amateur radio towers. ( )

**03. Lines, Wires, and Cables.** Power lines, communication lines, wires, or cable more than two hundred (200) feet above the terrain crossing canyons, rivers, navigable bodies of water, terrain undulations, or guy structures or any height where such wire, cable or obstruction cross navigable bodies of water near established seaplane bases, if determined by the Department to be a hazard to air navigation, ~~shall~~ will be marked at two hundred (200) feet intervals of spacing by sphere-type markers having a minimum diameter of thirty-six (36) inches. Said sphere to be of the split-sheet, clamp-on type which are to be alternated in three (3) contrasting solid colors of gloss white, gloss yellow, and international orange and may be constructed of recommended light-weight materials such as fiberglass, aluminum, or foam. (3-31-22)( )

**04. Spans Between Support Piers.** Long spans that exceed lengths of one-half (1/2) mile between support piers, each pier ~~shall~~ will be marked with flashing strobe or beacon lights of a type and brilliance acceptable to the Department if such is deemed pertinent to safety and recognition of obstructions. (3-31-22)( )

**05. Construction.** Any construction sponsor ~~is required~~ needs to submit a notice to the Aeronautics Division Administrator if his construction meets one (1) or more of the following conditions: (3-31-22)( )

a. If the proposed object will be more than two hundred (200) feet above ground level at its location. ( )

b. If the proposed object will be within twenty thousand (20,000) feet of an airport (\*) or seaplane base with a runway of more than three thousand two hundred (3,200) feet in length; and will penetrate an imaginary surface that is one (1) foot in height for each one hundred (100) feet (100:1) horizontally from the nearest point of the nearest runway. \* To qualify, an airport as defined in Section 21-101(c), Idaho Code, ~~must~~ will be listed in the Idaho Airport Facilities Directory, or in the Airport /Facility Directory published by the US-DOT, National Charting Office or operated by a public entity. (3-31-22)( )

c. If the proposed object will be within ten thousand (10,000) feet of an airport having no runway more than three thousand two hundred (3,200) feet in length; and will penetrate an imaginary surface that is one (1) foot in height for each fifty (50) feet (50:1) horizontally from the nearest runway. ( )

d. If the proposed object will be within five thousand (5,000) feet of a heliport listed in the "Airport Facilities Directory" or operated by a public entity; and will penetrate an imaginary surface that is one (1) foot in height for each twenty-five (25) feet (25:1), horizontally from the nearest landing and take-off area of that heliport. ( )

e. If the proposed object is a traverse way which will exceed at least one (1) of the standards listed in Subsections 400.05.a. through 400.05.c. above, after its height is adjusted upward seventeen (17) feet for an Interstate Highway, fifteen (15) feet for any other public roadway, ten (10) feet (or the height of the highest mobile objects that would normally traverse the road) for a private road, twenty-three (23) feet for a railroad, or an amount equal to the height of the highest mobile objects that would traverse a waterway or any other thoroughfare not previously mentioned. ( )

- 06. Notice Submittal.** The notice specified in Subsection 400.05 of this rule ~~must will~~ be submitted: (3-31-22)( )
- a.** At least thirty (30) days before the construction or alteration is to begin; or the application for construction permit is to be filed. ( )
- b.** Immediately by telephone or other expeditious means, with written notification submitted within five (5) days thereafter, if immediate construction or alteration is needed as in cases involving public services, health, or safety. ( )
- 07. Notice of Proposed Construction.** A notice of proposed construction or alteration is ~~required~~ needed so that the Department may: (3-31-22)( )
- a.** Depict obstructions on aeronautical charts. ( )
- b.** Identify appropriate markings as promulgated by Section 21-515, Idaho Code. ( )
- c.** Be made aware of potential aeronautical hazards in order to minimize their danger to the flying public. ( )
- d.** Protect the lives and property of persons in the air and on the ground. ( )
- 08. Submittal of Notice.** Written notice of intended construction or alteration ~~must will~~ be submitted by mail, email, or hand-delivered to the ~~Aeronautics~~ Division Administrator. (3-31-22)( )
- 09. Intent.** It is the intent that the resultant markings required in this rule be compatible with FAA policies and directives in order to maintain consistency of object marking and lighting. ( )
- 401. EXCEPTIONS.**  
No person needs to notify the ~~Aeronautics~~ Division Administrator for any of the following construction or alteration: (3-31-22)( )
- 01. Shielded.** Any object that would be shielded by existing structures of a permanent and substantial character or by natural terrain or topographic features of equal or greater height, and would be located in the congested area of a city, town, or settlement where it is evident beyond all reasonable doubt that the structure so shielded will not adversely affect safety in air navigation. ( )
- 02. Antennas.** Any antenna structure of twenty (20) feet or less in height except one that would increase the height of another antenna structure. ( )
- 03. Air Navigation.** Any air navigation facility, airport visual approach or landing aid, aircraft arresting device, or meteorological device of a type approved by the ~~Aeronautics~~ Division Administrator, the location and height of which is fixed by its functional purpose. (3-31-22)( )
- 402. -- 499. (RESERVED)**
- SUBCHAPTER E – RULES GOVERNING RESTRICTION OF FLIGHT  
IN DESIGNATED EMERGENCY AREAS**
- 500. GENERAL.**
- 01. Level of Flight for Non-Search Pilot.** ~~No aircraft shall willfully fly below one thousand (1,000) feet above ground level over or through any designated search and rescue area, or any designated emergency area unless officially flying as an assigned search pilot in an assigned search area, or authorized by the official Search and Rescue Headquarters, or in direct official support of a designated emergency area. This flight restriction will remain in effect within the designated area until rescinded by the Aeronautics Division Administrator.~~ (3-31-22)

01. **Airspace Restrictions for Emergencies.** To facilitate emergency response, state and federal agencies may need to restrict the presence of manned or unmanned aircraft. Common examples would include Search and Rescue (SAR) Operations or fighting wildfires. The primary mechanism for state and federal agencies to restrict airspace is a Temporary Flight Restriction (TFR). Non-participating manned or unmanned aircraft will remain clear of TFRs to protect the safety of responding aircraft. All published TFRs contain contact information for the agency controlling that airspace. Violations of a TFR are governed by Federal Law, and penalties may apply. ( )

~~02. **Level of Flight for Non-Assistance Persons.** Aircraft not officially involved in rendering emergency assistance to persons and property may not fly below two thousand (2,000) feet above ground level over any emergency area created by fire, flood, earthquake, or other natural disasters.~~ (3-31-22)

02. **Notice to Air Missions (NOTAM).** In cases where ongoing emergency operations require airfield closures or where emergency airborne activity increases traffic but does not require airspace closure, the NOTAM system will be used to pass information to the flying public. ( )

501 – 599. (RESERVED)

#### SUBCHAPTER F – RULES GOVERNING AERIAL SEARCH AND RESCUE OF LOST AIRCRAFT AND AIRMEN

#### 600. SEARCH NOTIFICATION.

~~01. **Notification System.** The Department shall maintain a twenty-four (24) hour per day search and rescue notification system.~~ (3-31-22)

01. **Notification Sources.** The Division receives initial notification of lost, missing, overdue, or suspected downed aircraft from the Federal Aviation Administration (FAA) flight service station (FSS), the Air Force Rescue Coordination Center (AFRCC), law enforcement, and/or concerned individuals. ( )

~~02. **Notification Sources.** The Department normally receives initial notification of lost, missing, overdue, or suspected downed aircraft from the Federal Aviation Administration flight service station(s), the Air Force Rescue Coordination Center, law enforcement, and/or concerned individuals.~~ (3-31-22)

02. **Notification System.** The Division will maintain a twenty-four (24) hour-per-day search and rescue notification system. ( )

#### 601. SEARCH INITIATION.

When notification is received from agencies, or individual(s) which constitute reasonable probability that an aircraft or airman is down, lost, or missing, a search ~~shall~~ will be initiated as described in the National SAR Plan, the ~~Department~~ Division SAR Manual and/or upon mutual agreement between the ~~Department~~ Division and the BHS Office of Emergency Management (OEM). Safety, weather, darkness, and other operational factors may influence the conduct of the search including time of initiation, duration, and suspension. (3-31-22)( )

#### 602. ~~ORGANIZATION.~~ (RESERVED)

~~01. **Staff.** The Division of Aeronautics will maintain a qualified staff capable of implementing the state aerial search and rescue plan.~~ (3-31-22)

~~02. **Designated Search Districts.** The Department's Aerial Search and Rescue Manual (Plan) designates six (6) search districts. Within each district one (1) or more qualified District Aerial Search and Rescue Coordinator(s) shall be designated based on knowledge, experience, and training. They, along with other SAR volunteers, will function under the direction of the State Aerial SAR Coordinator.~~ (3-31-22)

#### 603. RESOURCES.

~~Normally, state volunteer airmen and their aircraft shall be used for aerial search and rescue. State Division of Aeronautics aircraft and crews may also be utilized. In addition to the use of volunteer airmen and aircraft, the~~

~~Department may request through and under the direct control of respective county sheriffs, the use/assistance of ground search and rescue agencies, organizations, and/or individual(s).~~ (3-31-22)

- 01. Non-Volunteer Staff and Equipment.** ~~Division staff, aircraft, vehicles, and crews may be utilized.~~ ( )
- 02. Volunteer Support.** ~~State volunteer airmen and their aircraft may be used for aerial search and rescue.~~ ( )
- 03. County Materials and Support.** ~~The Division will coordinate with respective county sheriffs for the use/assistance of ground search and rescue agencies, organizations, and/or individual(s).~~ ( )
- 04. Additional State Support.** ~~Additional State resources will be coordinated through OEM, ISP, or the Idaho ANG.~~ ( )
- 05. Coniguous Partner Support.** ~~The Division will coordinate through the AFRCC for requests to neighboring states or Canada or for access to Federal resources like Civil Air Patrol.~~ ( )

**604. PROCEDURE.**

**01. Search and Rescue Guideline Plan.** The Department's Aerial Search and Rescue Manual (Plan) ~~shall will~~ provide guidelines for effectively conducting aerial search and rescue operations. ~~The manual will and~~ establish requirements for crew qualification, adequacy of volunteer search aircraft performance, and ~~District Deputy~~ Aerial SAR Coordinator qualifications. In order to effectively implement the State SAR Plan, the State Aerial SAR Coordinator may make SAR agreements as necessary with other agencies/organization(s)/individual(s). They may be either informal verbal agreements or they may be formal written documents. Agreements ~~shall will~~ provide for the maximum practicable cooperation of such agencies/organization(s)/individual(s) and the use and coordination of facilities committed to SAR missions. Written agreements will normally involve officials of comparable levels in their respective agencies. Written agreements should be as brief as possible, covering only those specific items for which the agreement is deemed necessary. They should not be repetitious or contradictory of matters contained in the National SAR Plan. (3-31-22)( )

**02. District Deputy Aerial SAR Coordinators.** The State Aerial SAR Coordinator ~~shall may~~ assign District Aerial SAR Coordinators who act under the direction of the State Aerial SAR Coordinator. ~~Tasks may include~~ organizing the volunteer personnel and resources of his assigned search ~~district~~ area for maximum efficiency, safety, and economy. Said ~~District Deputy~~ Coordinator may be either a volunteer, state employee or other individual as assigned by the State Aerial SAR Coordinator. (3-31-22)( )

**03. Designations by State Aerial SAR Coordinators.** The State Aerial SAR Coordinator will designate airports of primary operational support as necessary in the aerial search effort. The State Aerial SAR Coordinator may designate Temporary Flight Restrictions (TFR) under Federal Aviation Regulation (FAR) 91.137 as ~~required needed~~ for safety of search aircraft. Normally the State Aerial SAR Coordinator will function in the Division of Aeronautics facilities but the option to dispatch state coordinator to the airport(s) of primary support, State EOC, or other location as necessary, may be exercised. ~~State Division of Aeronautics~~ aircraft may be used as necessary with state crews or with state pilot in command and volunteer pilot/observer(s). Volunteer aircraft and crews ~~shall will~~ be screened by the ~~District Deputy~~ Aerial SAR Coordinator for availability, qualification, and willingness to participate in the search. Flight logs and mission records ~~shall will~~ be maintained and all pertinent information will be screened and recorded and forwarded to the State Aerial SAR Coordinator ~~or the Incident Command Staff (ICS)~~ at the close of the mission or as requested. (3-31-22)( )

**04. Interstate or International Coordination.** On some occasions the aerial search and rescue effort may need to extend into bordering states or Canada. Interstate coordination with other states/Canada ~~shall will~~ be ~~achieved as necessary accomplished~~ by the ~~Department Division through the AFRCC~~ for SAR mission needs. ~~Coordination with other search and rescue organization(s)/ individual(s) may be developed as needed or necessary. Such considerations as weather, time, no flight plan, no emergency locator transmitter signals, no availability, or limited search resources near the objective search area(s) may dictate extending Idaho resources into bordering states/ Canada. In a like manner, it may sometime become necessary for bordering states/Canada to extend their resources~~

~~into Idaho.~~

~~(3-31-22)( )~~

**05. Funds.** ~~Aerial State Aeronautical (SAR)~~ search and rescue funds ~~shall will~~ be used solely in support of ~~aerial aeronautical~~ SAR efforts. Financial support of ~~aerial aeronautical~~ SAR volunteers includes, but is not limited to, SAR training, education, equipment, coordinating efforts, communications, and aircraft fuel and oil expenses. ~~(3-31-22)( )~~

**06. Official Mission Report.** A report ~~shall will~~ be made to the State Aerial SAR Coordinator by the ~~District Deputy~~ Aerial SAR Coordinator at the termination of daily search activity. The State Aerial ~~SAR~~ Coordinator ~~SAR shall will~~ consolidate all necessary report information and relay it to AFRCC. All mission working papers which are accumulated during the course of the search mission will be analyzed for meaningful content upon which to base operational decisions ~~and the final official mission report.~~ ~~(3-31-22)( )~~

**07. Time Period of Searches.** Aerial searches ~~shall will~~ be continued until either successful or until ~~all reasonable leads are exhausted and/or~~ passage of time has drastically reduced the possibility of survival. If search is unsuccessful and all leads have been exhausted, the search may be suspended upon mutual agreement between the ~~Department Division~~ and the ~~county sheriff, the Incident Commander or BHS OEM~~ until either new leads are received or conditions have changed which increases the probability of detection. ~~(3-31-22)( )~~

**08. Completion of Search.** ~~Searches will be closed when the search and rescue objective has been located, the respective county sheriff notified, it is certain that authorized ground personnel gain access to the search objective for positive identification of missing or downed aircraft and assistance to possible survivors, and post mission procedures are completed. The search phase will end when the search and rescue objective has been located and confirmed. Division staff will assist the responding county sheriff of Incident Commander as needed until the rescue phase is complete.~~ ~~(3-31-22)( )~~

**09. Required Reports.** Upon completion of the mission, all cooperating/participating agencies ~~shall will~~ be advised as promptly as possible. News releases ~~shall will be coordinated through the incident command staff or be made~~ as deemed appropriate by the State Aerial SAR Coordinator. ~~It shall be ascertained that all search aircraft are accounted for. All SAR resources will be accounted for prior to closing the mission~~ A report of mission activity ~~shall will~~ be made to AFRCC. A synopsis of the entire mission ~~shall will~~ be developed by the State Aerial SAR Coordinator with the following forms attached to the synopsis ~~using forms and guidance in the SAR manual, unless other requirements are established by the Incident Commander.~~ ~~(3-31-22)( )~~

~~a. Search and Rescue Information Sheet (2600). (3-31-22)~~

~~b. Search and Rescue Action Report (2601). (3-31-22)~~

~~c. Air Search and Rescue Fuel and Oil Record (2602). (3-31-22)~~

~~d. Mission Authorization, Personnel Register (2604). (3-31-22)~~

~~e. Mission Flight Plan Briefing and Debriefing Log (2605) (3-31-22)~~

~~f. Search and Rescue (SAR) Mission Report (2606A). (3-31-22)~~

~~10. Final Report. The synopsis and attachments constitute the final official search and rescue mission report. (3-31-22)~~

605. -- 699. (RESERVED)

#### SUBCHAPTER G – RULES GOVERNING IDAHO AIRPORT AID PROGRAM

#### 700. PROJECT ALLOCATION PRIORITY PRINCIPLES.

For the discretionary allocation programs priority will be given to: ( )

**01. Aircraft Operations Safety.** Projects involving safety of aircraft operations. ( )



**02. Projects Which Protect Prior Public Investments.** ( )

**03. Federal Funds.** Assuring maximum use and benefit of available federal funds. ( )

**04. Aircraft Landing Projects.** Projects at existing aircraft landing facilities where need is demonstrated. Projects ~~must will~~ provide benefits associated with aircraft landing facility utilization on a statewide basis. (3-31-22)( )

**05. Preservation and Acquisition.** The preservation and acquisition of existing aircraft landing facilities in danger of being lost. ( )

**06. Aircraft Landing Development.** The development of new, additional aircraft landing facilities in areas of greatest need: ( )

**a.** Large geographical areas with no “air accessibility.” ( )

**b.** Additional new sites in urban areas where landing sites are rapidly becoming non-existent. ( )

~~**e.** Recreational area development where land availability is becoming difficult to obtain.~~ (3-31-22)

#### **701. PROGRAM CRITERIA AND LIMITATIONS.**

The allocation program is designed to provide the greatest and best utilization of limited Idaho Airport Aid Program Funds. The primary goal of the allocation program is to further the proper development of a statewide system of airports and fair distribution of aviation tax money. This policy requires: ( )

**01. Master Plan.** To be eligible each city, county, airport authority, political subdivision, or public corporation, hereinafter referred to as airport sponsor, should have a master plan or an airport or heliport layout plan that is ~~approved~~ accepted by the Division ~~of Aeronautics~~. (3-31-22)( )

**02. Face Value Contributions.** Labor and equipment contributions by the airport sponsor may be approved at face value in force-account financial evaluation as matching funds. The following items will not be eligible for force-account contribution: ( )

**a.** Land values previously acquired. ( )

**b.** Previous building construction or improvements. ( )

**c.** Previous State or FAA grants. ( )

**03. Public Funds Protection.** In order to protect the investment of public funds, the Idaho Transportation Board may require proof of ownership or lease of all land upon which any project is proposed, and require that the airport be zoned to prevent incompatible land uses and the creation or establishment of structures or objects of natural growth which would constitute hazards or obstructions to aircraft operating to, from, on, or in the vicinity of the subject airport. ( )

**04. Projects Other Than Allocation Plan.** All projects other than the annual allocation plan will be individually considered and acted upon at a regular meeting of the Board. All projects will be resolved by eligibility and priorities established by each year’s review of the total State need. The availability of funds, or legislative appropriations, is the final determination of grant approvals. Consideration of all factors, including relative needs and priorities involved in an airport construction project will be considered. Attention will be given to effort made at the sponsor’s level to assure availability of continuing financing and management support to keep the airport in good repair. ( )

#### **702. PERCENTAGES OF COST.**

~~Matching percentages not to exceed the following guidelines, are subject to the approval of the Idaho Transportation Board:~~ (3-31-22)

~~01. Airport Maintenance and Upgrade Funds (Up to 75%).~~ Airport sponsors not eligible for Federal funding assistance that have an adjusted service area population of less than five thousand (5,000), may receive up to seventy five percent (75%) of project cost for maintenance and upgrade of an airport. Acceptable assurance of continuing operation and maintenance over a twenty (20) year period under the guidance of a Citizen's Advisory Council shall be provided. (3-31-22)

~~02. Airport Maintenance and Upgrade Funds (Up to 50%).~~ Airport sponsors not eligible for Federal funding assistance that have an adjusted service area population of five thousand (5,000) or more may receive up to fifty percent (50%) of the cost for maintenance and upgrade of an airport. Acceptable assurance of continuing operation and maintenance over a twenty (20) year period under the guidance of a Citizen's Advisory Council shall be provided. (3-31-22)

~~03. State Funding Assistance.~~ Airport sponsors eligible for Federal funding assistance, may be considered for State funding assistance up to fifty percent (50%) of the sponsor's share when using Federal aid for the cost of maintenance and upgrade of existing facilities. If no Federal participation, each such project will be considered on its merit. The amount of State financial aid will be negotiated in each case. (3-31-22)

**041. Maintenance and Safety Supplies Program.** All airport sponsors eligible for funding may apply to participate in the maintenance and safety supplies program. This is part of the discretionary allocation program that provides at no charge or a reduced charge for the following such items: ( )

- a. Runway and taxiway light fixtures, bulbs, and parts; ( )
- b. Rotating beacon fixtures; ( )
- c. Windsocks, ~~windsock frames and standards;~~ (3-31-22)( )
- d. Tie-down chain sets; ( )
- e. Utility light bulbs; and ( )
- ~~f. Taxiway reflectors.~~ (3-31-22)

~~gf.~~ All municipal airport sponsors eligible for funding may apply to participate in the small projects program which provides grant funding assistance of less than two thousand dollars (\$2,000) for unscheduled or emergency improvements, with approval from the aeronautics administrator, from the current years allocation. ( )

**703. GRANTED ALLOCATION ITEMS.**

Allocations may be granted, ~~but not limited to,~~ for the following items: (3-31-22)( )

**01. Development of ~~Required~~ Airport Planning, Land Ownership, Airspace, Land Use Compatibility, and Land Use Zoning Documents.** (3-31-22)( )

**02. Land Acquisition for Development and Improvement of Aircraft Landing Facilities.** ( )

**03. Grading and Drainage Necessary for Construction or Reconstruction of Runways or Taxiways.** ( )

**04. Construction or Reconstruction of Runways or Taxiways.** ( )

**05. Acquisition of "Runway Protection Zones" as Defined in Current Regulations of the Federal Aviation Administration.** ( )

**06. Acquisition of Easements through or Other Interests in Airspace as may be Reasonably**



- Required for Safeguarding Aircraft Operations in the Vicinity of an Aircraft Landing Facility. ( )
- 07. Removal of Natural Obstructions from Runway Protection Zones. ( )
  - 08. Installation or Rehabilitation of “Segmented Circle Airport Marker Systems” as Defined in Current Regulations of the Federal Aviation Administration. ( )
  - 09. Installation or Rehabilitation of Runway, Taxiway, Boundary, or Obstruction Lights, Together with Directly Related Electrical Equipment. ( )
  - 10. Erection or Rehabilitation of Appropriate Security Fencing Around the Perimeter of an Aircraft Landing Facility. ( )
  - 11. Grading and drainage necessary to provide for parking of transient general aviation aircraft. ( )
  - 12. Air Navigation Facilities. ( )
  - 13. Such Other Capital Improvements as may be Designated by the Board. ( )
  - 14. New Building Construction of Public Use Facilities such as Storage Hangars, Pilot Lounge, Rest Rooms, etc., that are Owned by the Airport Sponsor. ( )

**704. AIRPORT SPONSOR ELIGIBILITY.**

The Idaho Airport Aid Program is available only to public entities that own or lease and operate a landing facility that is open to the public without use restrictions. Allocation may be made only on facilities that are not under exclusive lease or monopoly control of private individuals or corporations. The Idaho Airport Aid Program consists of grants, small projects, and maintenance and safety supplies. The grants (for scheduled projects) and small projects (for unscheduled or emergency projects) are available to municipal entities such as a city, county, airport authority, political subdivision, or public corporation, hereinafter referred to as the airport sponsor, but not to facilities operated by divisions of the state of Idaho or the Federal government. The maintenance and safety supplies are available to all public entities that own or lease and operate a landing facility that is open to the public without use restrictions. ( )

**705. APPLICATIONS FOR AID.**

**01. Non-Federal Funding Eligibility.** Each project submitted for funding consideration from airport sponsors not eligible for Federal funding assistance will be presented in a written application for aid ~~which that~~ outlines economic capability and source of funds. The application form will be supplied by the Division ~~of Aeronautics. Eligibility and priority will be determined by an annual revision of a State allocation program for airport improvement.~~ (3-31-22)( )

**02. Completed Applications.** Each project application submitted for funding consideration from airport sponsors that are eligible for Federal funding assistance will consist of a full and complete copy of the federal application for assistance. ( )

**03. Via Written, Telephone, or Electronic Request.** Each request for participation in the maintenance and safety supplies program or the small projects program ~~must will~~ be made through written, telephone, or electronic request. (3-31-22)( )

**04. Legislative Support and Consideration.** Projects deemed by the Board to require special legislative appropriations will be submitted for legislative support and consideration. ( )

**706. IAAP IMPLEMENTATION METHOD.**

~~**01. Calculation of Adjusted Service Area Population.** Upon collecting the most recent Census Data, calculate the Service Area Population (SAP) for all eligible airports. Relative to Community Airports, reduce the~~

~~SAP, of the Community Airport, by the amount of population overlying the Community SAP by the population of a 'more developed' airport. The remainder is the amount used to calculate the Adjusted Service Area Population (ASAP) of the Community Airport. (3-31-22)~~

**021. Project Prioritization.** Each project gets a priority value based upon number of based aircraft, purpose of the project, component of the airport of the project, pavement condition index (number) of the project and age of the most recent plan. Determine the values for each of the above element and calculate the priority number of each project for future use. ( )

~~**03. Community Airport Five-Year Funding Cycle.** Each Community Airport gets ranking number by based aircraft, adjusted service area population and number of IAAP grants accepted. Assign the value to each airport and list such that there are five groups identified for funding in each of the next five years. (3-31-22)~~

**042. Selection of Eligible Projects.** The FAA, ~~through the ISCAP process,~~ identifies the NPIAS airport projects. ~~Aeronautics lists each community airport project by priority value for the current year. (3-31-22)( )~~

**053. Selection Guidelines for Projects.** A set of guidelines directs the selection and order of projects. These guidelines allow latitude in selection of projects to create a 'level playing field.' ( )

~~**06. Allocation of Funding for Projects.** Aeronautics developed a five step process to allocate funds to each project. The process builds funding, for each project, through each step until almost all available funds are allocated. (3-31-22)~~

**074. Appendix for Aeronautics Advisory Board and Idaho Transportation Board Approval.** ~~Upon the completion of the above six items, a~~ An annual appendix is compiled, for use by the AAB, to review, ~~modify~~ and ~~approve~~ **accept** the program. Aeronautics ~~modifies the appendix, as directed, and~~ presents it to the ITB for final review, approval, and funding. (3-31-22)( )

707. -- 999. (RESERVED)