

IDAPA 39 – IDAHO TRANSPORTATION DEPARTMENT

IDAPA 39.03.01 THROUGH IDAPA 39.03.25

**RULES THAT REGULATE VEHICLES AND/OR LOADS THAT ARE REQUIRED
TO OPERATE UNDER AN OVERLEGAL PERMIT**

DOCKET NO. 39-0300-1801

OMNIBUS NOTICE OF INTENT TO PROMULGATE RULES – NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Sections 67-5220(1) and 67-5220(2), Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Sections 40-312 and 49-1004, Idaho Code.

MEETING SCHEDULE: Public meetings on the negotiated rulemaking concerning permits for overlegal loads and/or vehicles will be held as follows:

PUBLIC MEETINGS	
Wednesday, May 23, 2018 & Wednesday, June 13, 2018 3:00 pm to 8:00 pm (MDT)	
ITD Headquarters 3311 W. State Street Boise, ID 83702	ITD District 1 Office 600 W. Prairie Avenue Coeur d’Alene, ID 83815
ITD District 2 Office 2600 Frontage Road Lewiston, ID 83501	ITD District 4 Office 216 S. Date Street Shoshone, ID 83352
ITD District 5 Office 5151 S. 5th Avenue Pocatello, ID 83204	ITD District 6 Office 206 N. Yellowstone Highway Rigby, ID 83442

METHOD OF PARTICIPATION: The Department is holding a statewide, simultaneous video-conference. Persons wishing to participate in the negotiated rulemaking, must participate in-person at the above listed locations.

The Department is also soliciting written comments (please see instructions in the “Contact Information” section below).

DESCRIPTIVE SUMMARY: The following is a statement in nontechnical language of the substance and purpose of the intended negotiated rulemaking and the principle issues involved:

This rulemaking is being initiated based on the directive given by the 2018 Legislature in [SCR130](#). The Department was also approached by industry regarding the consolidation of permits in an effort to streamline the permitting process. These administrative rules provide the authority, process and details for the Department's issuance of commercial motor vehicle overlegal permits. There are currently twenty-two administrative rule chapters that deal with overlegal permits and it is the Department’s goal to reduce that number to less than ten chapters. There are currently seventeen different types of single trip permits and fifteen different types of annual permits. This consolidation will result in approximately eleven total.

Rather than condensing and reorganizing the Department's administrative rules for permitting, they have simply been added to overtime which has resulted in an increase in the number of rule chapters regulating permitting. Further, it is also the Department’s goal that this process will provide customers and industry a much more efficient

permitting process. Therefore, this rulemaking will consist of consolidating or combining, or both, numerous administrative rules into fewer chapters.

The following rule chapters are germane to this negotiated rulemaking:

- 39.03.01**, Rules Governing Definitions Regarding Overlegal Permits
- 39.03.04**, Rules Governing Movement of Disabled Vehicles
- 39.03.05**, Rule Governing Variable Load Suspension Axles
- 39.03.06**, Rules Governing Allowable Vehicle Size
- 39.03.07**, Rules Governing Restricted Routes for Semitrailers
- 39.03.09**, Rules Governing Overlegal Permits - General Conditions and Requirements
- 39.03.10**, Rules Governing When An Overlegal Permit Is Required
- 39.03.11**, Rules Governing Overlegal Permittee Responsibility And Travel Restrictions
- 39.03.12**, Rules Governing Safety Requirements of Overlegal Permits
- 39.03.13**, Rules Governing Overweight Permits
- 39.03.14**, Rules Governing Policy During Spring Breakup Season
- 39.03.15**, Rules Governing Excess Weight Permits for Reducible Loads
- 39.03.16**, Rules Governing Oversize Permits for Non-Reducible Vehicles and/or Loads
- 39.03.17**, Rules Governing Permits for Manufactured Homes, Modular Buildings, and Office Trailers
- 39.03.18**, Rules Governing Overlegal Permits for Relocation of Buildings or Houses
- 39.03.19**, Rules Governing Annual Overlegal Permits
- 39.03.20**, Rules Governing Application for Special Permits
- 39.03.21**, Rules Governing Overlegal Permit Fees
- 39.03.22**, Rules Governing Overlegal Permits for Extra-Length, Excess Weight, and Up to 129,000 Pound Vehicle Combinations
- 39.03.23**, Rules Governing Revocation of Overlegal Permits
- 39.03.24**, Rules Governing Self-Propelled Snowplows
- 39.03.25**, Rules Governing Lights on Snow Removal Equipment

CONTACT INFORMATION, WEB ADDRESS, ASSISTANCE ON TECHNICAL QUESTIONS AND SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning this negotiated rulemaking, please contact Craig Roberts, Motor Vehicle Program Supervisor at (208) 334-8292.

Materials pertaining to the negotiated rulemaking process and the draft administrative rules can be found on the Idaho Transportation Department's website at <http://itd.idaho.gov/rulemaking>.

All written comments must be directed to the undersigned and be delivered on or before Friday, June 15, 2018. Comments may be submitted electronically, by phone or via USPS.

Dated this 11th day of April, 2018.

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