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MEMORANDUM

TO: Rules Review Subcommittee of the Senate Transportation Committee and the House Transportation & Defense Committee

FROM: Deputy Division Manager - Eric Milstead

DATE: September 19, 2013

SUBJECT: Idaho Transportation Department

IDAPA 39.03.15 - Rules Pertaining To The Rules Governing Interstate Excess Weight Permits (Docket No. 39-0315-1301)

IDAPA 39.03.22 - Rules Pertaining To The Rules Governing Overlegal Permits for Extra-Length Vehicle Combinations - SB 1064 (Docket No. 39-0322-1301)

IDAPA 39.03.22 - Rules Pertaining To The Rules Governing Overlegal Permits for Extra-Length Vehicle Combinations - SB 1117 (Docket No. 39-0322-1302)

IDAPA 39.03.23 - Rules Pertaining To The Rules Governing Revocation of Overlegal Permits (Docket No. 39-0323-1301)

1. IDAPA 39.03.15 - Rules Pertaining To The Rules Governing Interstate Excess Weight Permits (Docket No. 39-0315-1301)

The Idaho Transportation Department submits notice of temporary and proposed rulemaking at IDAPA 39.03.15 -- Rules Governing Interstate Excess Weight Permits (Docket No. 39-0315-1301). (ANALYST NOTE: All four dockets discussed in this memorandum are related to the passage of 2013 legislation that revised statutory provisions dealing with weight permits. The 2013 legislation includes Senate Bills 1064 and 1117 and House Bill 322. Senate Bill 1064 codified the routes designed in the 129,000 Pilot Project while Senate Bill 1117 and House Bill 322 authorized jurisdictions to consider additional routes for vehicle combinations up to 129,000 pounds when certain criteria has been met).

The department notes that this temporary and proposed rule is necessary to reflect changes in the three bills passed during the 2013 Legislative Session. The changes in those bills revised the process relating to the designation of routes for loads of up to 129,000 pounds.

The temporary and proposed rule includes new provisions governing weights allowed on non-Interstate highways (Section 100.02) and also includes new provisions relating permit types exceeding 80,000 pounds, including provisions governing excess weight permits limited to 105,500 pounds; extra length/excess weight permits and permits for weight up to 129,000 pounds (Section 100.03.a. through c.).

The agency notes that negotiated rulemaking was not conducted because changes to the rule were required due to the passage of the three pieces of legislation noted earlier. The department notes, however, that

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the temporary and proposed rule is the result of a collaborative effort which included members of the state Transportation Board, departmental staff, Idaho State Police staff, and representatives from the Idaho Trucking Advisory Council, the Department of Commerce, the Local Highway Technical Assistance Council and others.

The effective date of the temporary rule was July 1, 2013.

The department's temporary and proposed rule appears to be authorized pursuant to sections 40-312, 49-1004 and 67-5226, Idaho Code.

2. IDAPA 39.03.22 - Rules Governing Overlegal Permits for Extra-Length Vehicle Combinations - SB 1064 (Docket No. 39-0322-1301)

The Idaho Transportation Department submits notice of temporary and proposed rulemaking at IDAPA 39.03.22 -- Rules Governing Overlegal Permits for Extra-Length Vehicle Combinations. Similarly to the immediately previous docket discussed in the memo, the department notes that the revisions found in this temporary and proposed rule reflect changes stemming from legislation passed during the 2013 Session, specifically Senate Bill 1064 and House Bill 322. Those two bills revised the process for the designation of routes for and permitting of loads of up to 129,000 pounds. Also, the department notes that the sequence of provisions has been revised to provide better clarity of the rule's content.

The principle revisions found in the temporary and proposed rulemaking include clarification as to the vehicle combinations governed by the rule; provides that only non-interstate routes may allow weights between 105,500 and 129,000 pounds; and also specifies certain operating requirements on designated routes.

Like the rule in the previously discussed docket, the department states that while negotiated rulemaking was not conducted, the rule in this docket is the result of a collaborative effort by representatives from a number of groups, including the Board of Transportation, staff from both ITD and ISP, and representative from the Local Highway Technical Assistance Council, the state Department of Commerce and the Idaho Trucking Advisory Council.

The effective date of the temporary rule was July 1, 2013.

The department's temporary and proposed rule appears to be authorized pursuant to sections 40-312 and 67-5226, Idaho Code.

3. IDAPA 39.03.22 - Rules Governing Overlegal Permits for Extra-Length Vehicle Combinations - SB 1117 (Docket No. 39-0322-1302)

The Idaho Transportation Department submits notice of proposed rulemaking at IDAPA 39.03.22 -- Rules Governing Overlegal Permits for Extra-Length Vehicle Combinations. The department notes that the proposed rule implements the provisions of Senate Bill 1117 and includes an administrative procedure to add routes for certain vehicle combinations--those up to 129,000 pounds. The proposed rule includes new provisions governing the review and analysis of applications for such permits as well as provisions governing public hearings and appeals. (See, Rule Section 200.04). The rule also includes the reordering of certain provisions to help clarify the rule.

The department's proposed rule appears to be authorized pursuant to section 40-312, Idaho Code.

4. IDAPA 39.03.23 - Rules Pertaining To The Rules Governing Revocation of Overlegal Permits (Docket No. 39-0323-1301).

The Idaho Transportation Department submits notice of temporary and proposed rulemaking at IDAPA 39.03.23 -- Rules Governing Revocation of Overlegal Permits. Consistent with the other dockets discussed in this memorandum, the temporary and proposed rule implements various provisions of the three pieces of legis-

lation passed during the 2013 Session. simply, the temporary and proposed rule revises and adds to provisions governing the revocation of permits for non-compliance with permit limitations and provides new language governing the revocation process.

The effective date of the temporary rule was July 1, 2013.

The department's temporary and proposed rule appears to be authorized pursuant to sections 40-312, 49-1004 and 67-5226, Idaho Code.

cc: Idaho Transportation Department
Lori Garza & Regina Phipps