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**IDAPA 39
TITLE 03
CHAPTER 09**

**39.03.09 – RULES GOVERNING OVERLEGAL PERMITS –
GENERAL CONDITIONS AND REQUIREMENTS**

000. LEGAL AUTHORITY.

This rule, governing the movement of vehicles or loads which are in excess of the sizes or weights allowed by Sections 49-1001, 49-1002 or 49-1010, Idaho Code, is adopted under the authority of Sections 40-312 and 49-1004, Idaho Code. (10-2-89)

001. TITLE AND SCOPE.

01. Title. This rule shall be cited as IDAPA 39.03.09, “Rules Governing Overlegal Permits – General Conditions and Requirements,” IDAPA 39, Title 03, Chapter 09. (4-5-00)

02. Scope. This rule states the general conditions and requirements for overlegal permits. (4-5-00)

002. -- 009. (RESERVED)

010. DEFINITIONS.

Refer to IDAPA 39.03.01, “Rules Governing Definitions,” for definitions of the terms used in this rule. (10-2-89)

011. -- 099. (RESERVED)

100. RESPONSIBILITY OF ISSUING AUTHORITY.

01. Primary Concerns. The primary concern of the Department, in the issuance of overlegal permits, shall be the safety and convenience of the general public and the preservation of the highway system. (4-5-00)

02. Permit Issuance. The Department shall, in each case, predicate the issuance of a overlegal permit on a reasonable determination of the necessity and feasibility of the proposed movement. (4-5-00)

101. -- 199. (RESERVED)

200. AUTHORITY TO ISSUE PERMITS.

The authority to issue permits on state highways is described in Subsection 200.01. Subsection 200.02 describes the Department’s authority to issue overlegal permits on local jurisdiction highways pursuant to an agreement between the Department and the local highway jurisdictions. (4-5-00)

01. Overlegal Permit. The overlegal permit authority of the Department shall cover travel on state highways only and overlegal permits issued by the Department shall be valid only on completed sections of state highway, described on the permit by route number or otherwise. The right to use county highways or city streets is neither granted nor implied. The overlegal permit authority of the Department shall include those sections of state highways within corporate limits of cities and towns, but will not include sections of state highways intersecting with local highways, when travel is occurring on the local highway(s). Contractors hauling loads within the limits of state highway construction projects do not require overlegal permits, but the loads must comply with the weight limits specified in the state highway contract. (4-5-00)

02. Authority. Overlegal permit authority agreed to by the Department and local highway jurisdiction shall include travel on the local jurisdiction’s highways under the rules of this title, IDAPA 39.03.09, “Rules Governing Overlegal Permits - General Conditions and Requirements”. (4-5-00)

201. -- 299. (RESERVED)

300. OFFICES FOR ISSUANCE OF OVERLEGAL PERMITS.

The Department shall maintain a centralized overlegal permit office at the Department Headquarters, making permits

available by telecopy equipment at the following listed offices and Ports of Entry throughout the State. Permits will be available Monday through Friday, state holidays excluded, from 7 a.m. to 6 p.m. Mountain Time. A map indicating the location of state offices where permits can be obtained is available at the Headquarters Overlegal Permit Office, Ports of Entry and the following locations and telephone numbers: (4-5-00)

- 01. Headquarters**
Idaho Transportation Department
Overlegal Permit Office
P.O. Box 7129
3311 West State Street
Boise, Idaho 83707-1129
(208) 334-8420 (4-5-00)
- 02. Idaho Transportation Department, District One**
600 West Prairie
Coeur d'Alene, Idaho 83814-8764
(208) 772-1200 (8-25-94)
- 03. Idaho Transportation Department, District Two**
26th and North and South Highway
Lewiston, Idaho 83501-0837
(208) 799-5090 (4-5-00)
- 04. Idaho Transportation Department, District Three Maintenance Office**
15503 Highway 44
Caldwell, Idaho 83606
(208) 459-7429 (8-25-94)
- 05. Idaho Transportation Department, District Four Maintenance Office**
115 South 550 West
Rupert, Idaho 83350
(208) 436-4630 (4-5-00)
- 06. Idaho Transportation Department, District Four**
Date Street
Shoshone, Idaho 83352-2028
(208) 886-2411 (8-25-94)
- 07. Idaho Transportation Department, District Five**
South of Pocatello on So. 5th
Pocatello, Idaho 83205-4700
(208) 239-3300 (4-5-00)
- 08. Idaho Transportation Department, District Six**
206 N. Yellowstone
Rigby, Idaho 83442-0097
(208) 745-7781 (8-25-94)
- 09. Idaho Transportation Department District Six Maintenance Office**
North of Salmon on US93
Salmon, Idaho 83467
(208) 756-3313 (8-25-94)
- 301. -- 399. (RESERVED)**

400. INSURANCE OR BOND FOR EXTRAORDINARY HAZARD.

Evidence of insurance or the posting of a bond shall be required when necessary because of loads creating 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 the posting of a cash bond 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.

(10-2-89)

401. -- 999. (RESERVED)

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