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**IDAPA 39
TITLE 03
CHAPTER 11**

**39.03.11 – RULES GOVERNING OVERLEGAL PERMITTEE RESPONSIBILITY
AND TRAVEL RESTRICTIONS**

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 39.03.11, “Rules Governing Overlegal Permittee Responsibility And Travel Restrictions,” IDAPA 39, Title 03, Chapter 11. (4-5-00)

02. Scope. This rule states the responsibility of the permittee and the travel restrictions for overlegal loads. (4-5-00)

002. WRITTEN INTERPRETATIONS.

There are no written interpretations for this chapter. (3-10-05)

003. ADMINISTRATIVE APPEALS.

Administrative appeals under this chapter shall be governed by the rules of administrative procedure of the attorney general, IDAPA 04.11.01, “Idaho Rules of Administrative Procedure of the Attorney General.” (3-10-05)

004. INCORPORATION BY REFERENCE.

There are no documents incorporated by reference in this chapter. (3-10-05)

005. OFFICE -- OFFICE HOURS -- MAILING AND STREET ADDRESS -- PHONE NUMBERS.

01. Street and Mailing Address. The Idaho Transportation Department maintains a central office in Boise at 3311 W. State Street with a mailing address of PO Box 7129, Boise, ID 83707-1129. (3-10-05)

02. Office Hours. Daily office hours are 7:00 a.m. to 5:00 p.m. except Saturday, Sunday and state holidays. (3-10-05)

03. Telephone and FAX Numbers. The central office may be contacted during office hours by phone at 208-334-8420 or by fax at 208-334-8419. (3-10-05)

006. PUBLIC RECORDS ACT COMPLIANCE.

All records associated with this chapter are subject to and in compliance with the Idaho Public Records Act, as set forth in Title 74, Chapter 1, Idaho Code. (3-10-05)

007. -- 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 PERMITTEE.

01. General Responsibilities. The permittee shall determine and declare the gross weight, distribution of weight, and the dimensions of the vehicle and load and shall submit all other required information before issuance of the permit. The acceptance of a overlegal 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 shall be deemed an unequivocal assurance that he has complied, or will comply with all operating, licensing, and financial responsibility requirements. (4-5-00)

02. Permit to Be Carried in Vehicle. (1-3-93)

a. The overlegal permit must be carried in the vehicle to which it refers during the time of movement and shall 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. (3-30-07)

b. When the route of the permitted vehicle will not pass in the vicinity of a state operated transceiver station, the applicant may complete Form ITD-216, APPLICATION FOR OVERLEGAL PERMIT NUMBER, and provide pertinent information by telephone to the overlegal permit office. If the overlegal permit office approves the application, a overlegal permit number will be assigned to complete the Form ITD-216. Form ITD-216 will serve as evidence of intent to obtain the overlegal permit and will be honored by law enforcement subject to the officer checking with the overlegal permit office. The applicant must qualify for this procedure by obtaining a permit fee account number. The overlegal permit office will complete the Overlegal Permit Form ITD-216 and charge the fee to the applicant's permit fee account number. (IDAPA 39.03.21, "Rules Governing Special Permit Fees," Section 300.) (3-30-07)

03. Certification Load Is Non-Reducible. Upon application, the permittee must certify that steps have been taken to reduce the dimensions and/or weight of vehicle and/or load concerned in the permit to legal limitations, or if that is impractical, to reduce the excess to a minimum. (8-25-94)

04. Basic Limitations Shall Not Be Exceeded. Overlegal permits shall not be issued for vehicles or loads in excess of the maximum limitations of size or weight or which otherwise exceed the limitations for over legal loads as set forth in these rules unless exception is made by the Transportation Board, or as otherwise provided herein. (4-5-00)

05. Movement, Traffic Control Plans, Loading, Parking on State Highways. (3-30-07)

a. The movement of over legal loads shall be made in such a way that the traveled way will remain open as often as feasibly possible and to provide for frequent passing of vehicles traveling in the same direction. In order to achieve this a traffic control plan is required to be submitted when operating on two (2) lane highways and exceeding the following dimensions: (3-30-07)

i. Width exceeds twenty (20) feet. (3-30-07)

ii. Length exceeds one hundred fifty (150) feet. (3-30-07)

b. The traffic control plan shall be prepared by a licensed engineer or an American Traffic Safety Services Association (ATSSA) certified traffic control supervisor and include the following information: (3-30-07)

i. Locations and mileposts of where the vehicle/load can pull over to allow for traffic relief; (3-30-07)

ii. How pilot cars and traffic control personnel will be utilized; (3-30-07)

iii. Identification of any railroad tracks being crossed and the emergency contact number for the governing entity; and (3-30-07)

iv. Procedure for allowing emergency vehicles to navigate around the vehicle/load when necessary. (3-30-07)

c. The over legal vehicle shall not be loaded, unloaded or parked, upon any State highway, except for emergencies, without the specific permission or by direction of the Department or policing agency having jurisdiction over such highway. (1-3-92)

101. -- 199. (RESERVED)

200. TIME OF TRAVEL RESTRICTIONS FOR OVER LEGAL LOADS.

Oversize loads may be transported on Idaho Highways subject to the following conditions: (10-2-89)

01. Red-Coded Routes. Daylight travel until 2 p.m. on Friday, no Saturday, no Sunday. Due to low traffic volumes on these routes early in the mornings of Saturday and Sunday, single trip permits may be issued for dawn to 8 a.m. If the movement is not completed by 8 a.m. the permittee will be required to safely park and not proceed until the next day. (4-5-00)

02. Black-Coded Routes. Loads not in excess of ten (10) feet wide, one hundred (100) feet long or fourteen (14) feet six (6) inches high may travel twenty-four (24) hours per day, seven (7) days per week; loads in excess of ten (10) feet wide, one hundred (100) feet long or fourteen (14) feet six (6) inches high may travel daylight hours seven (7) days per week. (12-26-90)

03. Interstate. Loads not in excess of ten (10) feet wide, one hundred and twenty (120) feet long or fourteen (14) feet six (6) inches high may travel twenty-four (24) hours per day, seven (7) days per week; loads in excess of ten (10) feet wide, one hundred and twenty (120) feet long or fourteen (14) feet six (6) inches high may travel daylight hours, seven (7) days per week. (4-5-00)

04. Nez Perce - Clearwater Forest Safety and Travel Requirements. As per 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). (3-29-17)

a. The Forest Service has issued the following written criteria to determine which “oversize” loads will be subject to Forest Service review: (3-29-17)

- i. Load exceeds sixteen (16) feet wide, and/or one hundred and fifty (150) feet in length. (3-29-17)
- ii. Load movement requires longer than twelve (12) hours to travel through the designated mileposts. (3-29-17)
- iii. Load movement requires physical modification of the roadway or adjacent vegetation to facilitate passage beyond normal highway maintenance. (3-29-17)

b. For those loads meeting any of the criteria above 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: (3-29-17)

- i. Ambulances and possible law enforcement escorts to ensure public safety. (3-29-17)
- ii. Safety lighting will be addressed so as to not create a safety hazard to the traveling public. (3-29-17)
- iii. Loads cannot utilize turnouts - which are designated for recreational vehicles for non-emergency parking. (3-29-17)
- iv. Time of travel will be determined based on traffic volume and best interest of the public. Night time movement may be required and/or movement may be restricted during holidays or weekends. (3-29-17)
- v. Loads require a vehicle safety inspection by the Idaho State Police or equivalent agency of another jurisdiction prior to issuance of a permit. (3-29-17)
- vi. ITD shall monitor the loads as they travel the highway and ensure only one (1) load shall operate on this section of highway at any one time. (3-29-17)

- 05. Additional Restrictions.** (8-25-94)
- a.** Red-Coded Routes: No travel for any load after 2 p.m. on the day preceding a holiday or holiday weekend. A holiday weekend occurs as three (3) consecutive days, when a designated holiday occurs on a Friday or Monday, or when the designated holiday occurs on a Saturday or Sunday, in which case the preceding Friday or the following Monday shall be included in such three (3) day holiday weekend. Travel may be resumed at dawn on the day following the holiday or holiday weekend. (4-5-00)
- b.** Black-Coded Routes and Interstate Routes: Loads in excess of ten (10) feet wide, one hundred (100) feet long or fourteen (14) feet six (6) inches high may not travel after 4:00 p.m. on the day preceding a holiday; travel may be resumed at dawn on the day following the holiday. (4-5-00)
- c.** The following days are designated as holidays: New Year’s Day, Memorial Day, Independence Day, Labor Day, Thanksgiving, and Christmas. (8-25-94)
- d.** Additional restrictions relating to movement of buildings and houses are listed in IDAPA 39.03.18, “Rules Governing Overlegal Permits for Relocation of Buildings or Houses,” Section 400. (4-5-00)
- e.** Other time of travel restrictions may be noted on the permit due to special circumstances. (8-25-94)
- 06. Hours Of Darkness.** Hours are defined as extending from one-half (1/2) hour after sundown to one-half (1/2) hour before sun rise or at any other time when visibility is restricted to less than five hundred (500) feet. (4-5-00)
- 07. Heavy Commuter Traffic Restrictions.** The movement of oversize permitted vehicles or loads which are in excess of thirteen (13) feet in width, may be prohibited from movement on highways all state and interstate within one (1) mile of the city limits of the following cities: Boise, Caldwell, Coeur d’Alene, Eagle, Emmett, Idaho Falls, Meridian, Middleton, Nampa, Pocatello, Star, Twin Falls, Garden City, and Chubbuck at times of heavy commuter traffic. Authorized oversize permitted vehicles operating during hours of heavy commuter traffic shall be restricted to the furthest right hand lane. Emergency movement of vehicles/loads responding to imminent hazards to persons or property shall be exempt from the provisions of Section 200. Unless otherwise defined on the permit, the times of heavy commuter traffic shall be considered to be 6:30 a.m. to 8:30 a.m., and 4 p.m. to 6 p.m. 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 shall appear either on the face of the permit or in the attachments for annual permits. (3-30-07)
- 08. Hazardous Travel Conditions Restrictions.** Extreme caution in the operation of permitted vehicle combinations shall be exercised when hazardous conditions exist. The movement of overlegal vehicles and/or loads by overlegal permit shall be prohibited and otherwise valid permits shall automatically become invalid enroute when travel conditions become hazardous due to ice, snow or frost; when visibility is restricted to less than five hundred (500) feet by fog, dust, smoke or smog or other atmospheric conditions. (3-10-05)
- 09. Delaying Movement.** Enforcement personnel responsible for any section of highway shall carry out enforcement action for violations involving overlegal permit operations and may delay movements. (3-29-17)
- 09. Delaying Movement.** Enforcement personnel responsible for any section of highway may delay movements and carry out enforcement action for violations involving overlegal permit operations. (4-5-00)
- 10. Map Resources.** The Pilot/Escort Vehicle and Travel Time Requirement Map is available at the Idaho Transportation Department Overlegal Permit Office, and Ports of Entry, and District Offices. (4-5-00)
- 201. -- 999. (RESERVED)**

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