

# IDAHO ADMINISTRATIVE BULLETIN

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**IDAPA 39 – IDAHO TRANSPORTATION DEPARTMENT**  
**39.03.11 - RULES GOVERNING OVERLEGAL PERMITTEE RESPONSIBILITY**  
**AND TRAVEL RESTRICTIONS**

**DOCKET NO. 39-0311-1601**

**NOTICE OF RULEMAKING - PROPOSED RULE**

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. This action is authorized pursuant to Section 40-312, Idaho Code.

**PUBLIC HEARING SCHEDULE:** A public hearing concerning this rulemaking will be held via video-conferencing at the following locations:

<b>Wednesday, September 28th, 2016 - 4:00 to 7:00 pm (MDT)</b>	
<b>Central Office - HQ</b> 3311 W. State Street Boise, ID 83707	<b>District 1</b> 600 W. Prairie Ave. Coeur d'Alene, Idaho 83815
<b>District 2</b> 2600 Frontage Road Lewiston, ID 83501	<b>District 4</b> 216 S. Date Street Shoshone, ID 83352
<b>District 5</b> 5151 S. 5th Ave. Pocatello, ID 83204	<b>District 6</b> 206 N. Yellowstone Ave. Rigby, ID 83442

Each location will have live video-conferencing and be connected to the auditorium and the Idaho Transportation Department headquarters.

The hearing sites 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 modifications being made to this rule address truck permitting for non-reducible, oversized loads traveling on U.S. 12 in northern Idaho, between milepost 74 and milepost 174. Specifically, loads that fall under one of the following criteria: 1) exceeds sixteen (16) feet wide and/or one hundred and fifty (150) feet in length; 2) load movement requires longer than twelve (12) hours to travel through the designated mileposts; or 3) load movement requires physical modification of the roadway or adjacent vegetation to facilitate passage beyond normal highway maintenance.

Recent federal litigation raised new considerations for certain oversize vehicles and loads traveling through the Nez Perce Forest on U.S. 12. The federal district court held that the United States Forest Service has concurrent jurisdiction of vehicles and loads traveling through the Nez Perce Forest. The Forest Service responded and stated it would review all oversize vehicles/loads greater than 16 feet wide and/or 150 feet in length when such vehicles or loads travel on US 12 between milepost 74 and milepost 174.

**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(2), Idaho Code, negotiated rulemaking was not

conducted because affected interests are not likely to reach consensus.

**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, please contact Reymundo Rodriguez, Motor Carrier Manager, (208) 334-8699.

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 September 30, 2016.

DATED this 22nd Day of August, 2016.

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**THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 39-0311-1601**  
**(Only Those Sections With Amendments Are Shown.)**

**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).** ( )

**a. The Forest Service has issued the following written criteria to determine which "oversize" loads will be subject to Forest Service review:** ( )

- i. Load exceeds sixteen (16) feet wide, and/or one hundred and fifty (150) feet in length. ( )
- ii. Load movement requires longer than twelve (12) hours to travel through the designated mileposts. ( )
- iii. Load movement requires physical modification of the roadway or adjacent vegetation to facilitate passage beyond normal highway maintenance. ( )
- 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: ( )
  - i. Ambulances and possible law enforcement escorts to ensure public safety. ( )
  - ii. Safety lighting will be addressed so as to not create a safety hazard to the traveling public. ( )
  - iii. Loads cannot utilize turnouts - which are designated for recreational vehicles for non-emergency parking. ( )
  - 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. ( )
  - v. Loads require a vehicle safety inspection by the Idaho State Police or equivalent agency of another jurisdiction prior to issuance of a permit. ( )
  - 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. ( )

**045. 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)

**056. 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)

**067. 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)

**078. 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)

**089. 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)

**0910. 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)