

**IDAPA 39
TITLE 03
CHAPTER 09**

**39.03.09 - RULES GOVERNING ~~OVERLEGAL~~ SPECIAL 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, 49-201, 49-1001, and 49-1004, and 49-1005 Idaho Code.

(10-2-89)

001. TITLE AND SCOPE.

Comment [CR1]: Best way to address Title & Scope

01. Title. This rule shall be cited as IDAPA 39.03.09, "Rules Governing ~~Overlegal~~ Special 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~~ Special permits.(4-5-00)

~~002. 009. (RESERVED)~~

002. WRITTEN INTERPRETATIONS.

There are no written interpretations for this chapter.

(3-10-05)

Comment [CR2]: 39.03.11

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, 1-800-622-7133, 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)~~

Comment [CR3]: End 39.03.11

010. DEFINITIONS.

Refer to IDAPA 39.03.01, "Rules Governing Definitions," for definitions of the terms used in this rule. In addition to those definitions, the following definitions apply only to this Rule and to Variable Load Suspension (VLS) axles.

(6-30-95)

(10-2-89)

Comment [CR4]: 39.03.05

01. Fully Raised. Fully raised means that the VLS axle is in an obvious raised position where the tires on such axle clear the roadway.

(6-30-95)

02. Fully Deployed. Fully deployed means that the VLS axle is supporting a portion of the weight of the loaded vehicle(s) as controlled by the preset pressure regulation device.

(6-30-95)

03. Loaded Truck. A truck or truck combination equipped with VLS axles shall be considered to be hauling a load when VLS axles need to be fully deployed to reduce loads on fixed axles and groups of axles which would otherwise exceed legally prescribed weight limits as set forth in Section 49-1001, Idaho Code.

(6-30-95)

04. Pressure Regulator Valve Seal. A device or system which provides assurance that the weight being borne by a VLS axle is in accordance with a predetermined valve setting.

(6-30-95)

Comment [CR5]: End 39.03.05

050. SAFETY INSPECTION REQUIREMENTS FOR OVERSIZE PERMITTED VEHICLES AND/OR LOADS.

Comment [CR6]: 39.03.12

01. Inspections. All vehicles, tractors, trailers, and dolly converters operating under the authority of an overlegal permit issued by the Department must have a valid annual inspection at the time a permit is issued. The inspection shall be completed in compliance with 49 CFR Part 396.17.

(3-29-17)

02. Inspectors. Inspectors completing required annual inspections shall meet the certifications requirement in 49 CFR 396.19 and brake inspector qualification in 49 CFR 396.25.

(3-29-17)

03. Drivers. All drivers shall meet the special training requirements for Longer Combination Vehicles as outlined in 49 CFR Part 380.

(3-29-17)

04. Motor Carriers. By applying for an overlegal permit, motor carriers self-certify that they have performed inspections as set forth in 49 CFR Part 396.17.

(3-29-17)

05. Exemption. Oversize vehicles and/or loads operating under an exemption outlined in §67-2901B(2), Idaho Code, are exempt from this safety inspection requirement.

(3-29-17)

060. BRAKES.

01. Safety Standards for Brakes. Brakes shall meet the Federal Motor Carrier Safety Regulations and shall be maintained to the Federal Motor Vehicle Safety Standards No. 121 in effect at the time the commercial motor vehicle was manufactured.

(3-29-17)

070. Lighting Requirements For Loads Traveling After Dark.

Those overdimensional vehicles and/or loads traveling during hours of darkness shall be required to display lights to mark the extremities of the vehicle and/or load, and shall be in addition to those clearance lights required on legal size vehicles when traveling at night.

(4-5-00)

01. Standards for Lights on Oversize Vehicles and/or Loads.

(4-5-00)

a. Lights are only required on those vehicles traveling after dark. (dark is defined as one-half (1/2) hour after sunset to one-half (1/2) hour before sunrise).

(4-5-00)

b. The lights must be visible from a minimum of five hundred (500) feet.

(4-5-00)

c. The lights may be flashing or steady burning.

(3-20-14)

d. The color of the lights shall be as follows:

(4-5-00)

i. Lights visible from the front of the oversized vehicle and/or loads and the extremities in the middle or near the front of the oversized vehicle and/or load shall be amber. (3-20-14)

ii. Lights visible from the back of the oversized vehicle and/or load and the extremities near the back of the oversized vehicle and/or load shall be red. (3-20-14)

02. Standards for Lights on Rear Overhang. Lights are required when rear overhang exceeds the end of the trailer by four (4) feet or more. (4-5-00)

a. If the overhang is two (2) feet wide or less only one (1) light is required on the end of the overhang. (4-5-00)

b. If the overhang is over two (2) feet wide, two (2) lights are required on the end of the overhang to show the maximum width of the overhang. (4-5-00)

080. FLAGGING REQUIREMENTS FOR OVERSIZE VEHICLES AND/OR LOADS.

Warning flags for oversize vehicles and/or loads, excluding extra-length vehicle combinations, shall be marked by warning flags meeting the following: (4-5-00)

01. Warning Flags. Warning flags are required on all overwidth vehicles and/or loads and when the rear overhang exceeds the end of the trailer by four (4) feet or more. (4-5-00)

02. Size. Minimum size of flags is eighteen (18) inches by eighteen (18) inches. (3-29-10)

03. Color. Red or fluorescent orange. (4-5-00)

04. Placement of Flags. On overwidth vehicles and/or loads, flags shall be placed at the four (4) corners and/or extremities of the vehicle and/or load as follows: (4-5-00)

a. Front. Fastened to each front corner of the oversized vehicle and/or load if it exceeds legal width. (3-20-14)

b. Rear. Fastened to each rear corner of the oversized vehicle and/or load if it exceeds legal width. (3-20-14)

c. Side. Fastened to mark any extremity, when extremity is wider than the front or the rear of the vehicle and/or load. (4-5-00)

d. Overhang. If the overhang is two (2) feet wide or less only one (1) flag is required on the end of the overhang. If the overhang is over two (2) feet wide, two (2) flags are required on the end of the overhang to show the maximum width of the overhang. (4-5-00)

Comment [CR7]: End 39.03.12

090. SIGN REQUIREMENTS FOR VEHICLES COMBINATIONS INCLUSIVE OF LOAD

Refer to IDAPA39.03.12 "Rules Governing Special Permits – Oversize Non-Reducible" for conditions in this rule.

~~011. 099. (RESERVED)~~

100. RESPONSIBILITY OF ISSUING AUTHORITY.

01. Primary Concerns. The primary concern of the Department, in the issuance of ~~overlegal~~ special 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~~ special 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 special~~ permits on local jurisdiction highways pursuant to an agreement between the Department and the local highway jurisdictions. (4-5-00)

01. ~~Overlegal Special Permit.~~ The ~~overlegal special~~ 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 special~~ 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 special~~ permits, but the loads must comply with the weight limits specified in the state highway contract. (4-5-00)

02. Authority. ~~Overlegal Special~~ 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 SPECIAL~~ PERMITS.

The Department shall maintain a centralized ~~overlegal special~~ 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 Special~~ Permit Office, Ports of Entry and the following locations and telephone numbers: (4-5-00)

- 01. Headquarters**
Idaho Transportation Department
~~Overlegal Special~~ 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)~~

400450. RESPONSIBILITY OF PERMITTEE.

Comment [CR8]: 39.03.11

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 special~~ 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 special~~ permit must be carried or available electronically 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~~ Special PERMIT NUMBER, and provide pertinent information by telephone to the ~~overlegal special~~ permit office. If the ~~overlegal~~

special permit office approves the application, a ~~overlegal~~ special permit number will be assigned to complete the Form ITD-216. Form ITD-216 will serve as evidence of intent to obtain the ~~overlegal~~ special permit and will be honored by law enforcement subject to the officer checking with the ~~overlegal~~ special permit office. The applicant must qualify for this procedure by obtaining a permit fee account number. The ~~overlegal~~ special permit office will complete the ~~Overlegal~~ Special Permit Form ITD-216 and charge the fee to the applicant's permit fee account number. (~~IDAPA 39.03.2109, "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~~ Special 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)

0805. Hazardous Travel Conditions Restrictions. Refer to IDAPA 39.03.09 "Rules Governing Special Permits – General conditions and Requirements" for conditions in this rule.

0906. Delaying Movement. Enforcement personnel responsible for any section of highway shall carry out enforcement action for violations involving ~~overlegal~~ special permit operations and may delay movements.(3-29-17)

500. SEALING OF THE PRESSURE REGULATOR VALVE WHICH GOVERNS THE LOAD DISTRIBUTION TO A VARIABLE LOAD SUSPENSION (VLS) AXLE.

Section 49-1001, Idaho Code sets forth qualification criteria in order for a VLS axle to be included in the computation of gross vehicle or axle weight limits. One of those qualification requirements provides for the pressure regulator valve to be set and sealed by the owner of the vehicle. This Rule addresses the sealing requirement by allowing three alternatives. (6-30-95)

01. Locked Pressure Regulator Valve. Under this alternative the pressure regulator valve must be adequately secured by means of a key lock, combination lock, lead seal lock or other mechanical device to preclude the vehicle operator from unauthorized adjustments of the pressure regulator valve. (6-30-95)

02. Permanently Mounted Plate (Seal) Adjacent to the Pressure Regulator Valve. Under this alternative, the plate (seal) shall be located near the pressure regulator valve and be readily accessible and visible to enforcement and compliance personnel. The plate may be an integral part of the vehicle such as the frame. The plate shall be clearly embossed with the owner specified axle regulator pressure. More than one (1) pressure setting will be allowed to be shown on the plate provided that at each pressure setting, the plate also shows the corresponding VLS axle weight clearly embossed on the plate. The pressure gauge shall also be readily accessible and visible to enforcement and compliance personnel. (6-30-95)

03. Pre-Qualified VLS Axle. VLS axles which have been pre-qualified as set forth in Section 49-1001 (6), Idaho Code and Rule 39.03.08 shall be considered to meet the requirements for sealing of the pressure regulator valve. Copies of the pre-qualification form(s) shall be kept in the cab of the motor vehicle. (6-30-95)

Comment [CR9]: End 39.03.05

600. ALLOWABLE TOLERANCE, LEGAL OR PERMITTED SIZE LIMITS.

Comment [CR10]: 39.03.06

01. Determination of Vehicular Dimensions. Determination of vehicular length and/or width as defined by Idaho Code or by Board regulation shall be exclusive of those external devices or appurtenances whose function is related to safe and efficient operation. (10-2-89)

02. Appurtenances. Rearview mirrors, turn signal lamps, splash and spray suppressant devices, awnings on recreational vehicles, load induced tire bulge, and other noncargo carrying appurtenances shall be excluded from the calculation of allowable width. Front mounted refrigeration units, energy conservation devices, bolsters, mechanical fastening devices, hydraulic lift gates, external front mounted side curtain rollers, and other

noncargo carrying appurtenances or devices shall be excluded from a determination of allowable length. (4-6-05)

03. Other Appurtenances. Other appurtenances not listed above may not extend beyond three (3) inches on each side or end of a vehicle or load. Other appurtenances may include, but shall not be limited to, clearance lights, door handles, handholds, window fasteners, door and window trim, moldings, and load securement devices. (10-2-89)

~~101. 199. (RESERVED)~~

200610. DROMEDARY TRACTORS.

A truck tractor containing a dromedary box, deck or plate in legal operation on or before December 1, 1982, shall be authorized to continue to operate, notwithstanding its cargo carrying capacity, throughout its useful life. Proof of such legal operation on December 1, 1982, shall rest upon the operator of the equipment. (12-26-90)

~~201. 299. (RESERVED)~~

300620. LOAD OVERHANG.

The overhang or extension of a load shall not extend beyond the limits as set forth in Section 49-1010, Idaho Code. (3-29-17)

700. GENERAL.

An ~~overlegal~~ special permit, in writing, shall be required for any movement on any completed section of highway under the jurisdiction of the Department by any vehicle or vehicles with reducible or non-reducible loads which exceed the allowable weights or sizes established in Sections 49-1001, 49-1002 and 49-1010, Idaho Code. (4-2-08)

Comment [CR11]: End 39.03.06
Comment [CR12]: 39.03.10

~~101. 199. (RESERVED)~~

20720. COMPLIANCE WITH OTHER LAWS AND ORDINANCES.

The ~~overlegal~~ permit will be effective only insofar as the Department has authority for its issue and does not release the permittee from complying with other existing laws, local ordinances or resolutions which may govern the movement. (4-5-00)

~~201. 299. (RESERVED)~~

30730. WAIVER OF LIMITATIONS FOR EMERGENCY MOVEMENTS.

Notwithstanding other provisions of these rules, the Idaho Transportation Board may waive existing permit policy limitations in the event of an emergency, subject to such limitations or special requirements as the Board may impose. (8-25-94)

01. Military Emergency Affecting National Security. Any movement by or for a military or other government agency which is in excess of permit policy maximum limits of weight or size or which is otherwise outside established rules must be certified as a military necessity involving national security before receiving any special consideration to provide any waiver of normal permit rules. Certification of military necessity must be made by an official designated as having such authority by the Department of Defense Directory, issued by the Office of the Chief of Transportation, Department of Army. All applications for military emergency movements must be channeled through the Vehicle Size and Weight Specialist, Idaho Transportation Department. (8-25-94)

02. Emergencies Endangering the Public Health, Safety or Welfare Including but Not Limited to Fire, Flood, or Earthquake. During an emergency endangering the public health, safety or welfare, there may be an urgent and immediate need for equipment and it will not be in the public interest to require that a ~~overlegal~~ special permit be in the vehicle prior to an over legal movement. Verbal approval to proceed without an ~~overlegal~~ permit in the vehicle may be obtained from the ~~Overlegal~~ Special Permit Office or an Idaho Port-of-Entry. Once the emergency movement is completed, formal application for an ~~Overlegal~~ Special Permit must be submitted to the ~~Overlegal~~ Special Permit Office. (4-2-08)

03. Emergency Movement of Implements of Husbandry. It shall be considered an emergency when an implement of husbandry being operated on an official state holiday or a weekend breaks down and a dealer brings

replacement equipment to the farmer that exceeds legal height, length and weight. Verbal approval to proceed without an ~~overlegal~~ special permit in the vehicle may be obtained from the ~~Overlegal~~ Special Permit on-call staff. That verbal authorization may include escort vehicle requirements based on the route of travel and dimensions of load. Once the emergency movement is completed, the permittee shall make formal application for a permit to the ~~Overlegal~~ Special Permit Office on the first working day after the occurrence. (3-28-18)

04. Economic Emergencies. When a circumstance occurs in which an economic hardship is expected to result due to the application of existing rules or limitations, the Transportation Board may consider a petition for the temporary waiver of those rules or limitations which are perceived as being the cause of such economic hardship. (8-25-94)

Comment [CR13]: End 39.03.10

300. SPRING BREAKUP SEASON TYPE OF LOAD RESTRICTIONS.

Depending upon the type of road construction, the amount of moisture, temperature conditions, and severity of frost heaves and breakup, routes or sections of routes will be posted for restricted loadings to one (1) of the following categories as required to protect the roadway and in the interests of public safety. 1) Maximum of legal allowable weight, 2) Maximum of sixteen thousand (16,000) pounds on any axle, 3) Maximum of fourteen thousand (14,000) pounds on any axle, and 4) Maximum of twelve thousand (12,000) pounds on any axle. (8-4-95)

Comment [CR14]: 39.03.14

~~101. -- 199. (RESERVED)~~

20810. WEIGHT LIMITS BASED ON TIRE SIZES.

In administering load limits based on tire sizes or width of tires, credit for tubed tires will be based on the manufacturer's width marked on the tire; for example, a ten point zero-zero by twenty-four (10.00 x 24) tire will be given credit for ten (10) inches of tire width. Tubeless tires will be given credit for the width of the conventional tubed tires which they replace. (10-2-89)

204820. WIDTH LIMITATION ON TWO LANE ROAD.

A spring breakup weight restriction to less than legal weight shall automatically place a restriction on width allowed by special permit. On any section of highway restricted to less than legal weight, the maximum width by special permit shall be restricted to twelve (12) feet six (6) inches during the period of the weight restriction. (8-25-94)

202830. SPEED RESTRICTIONS.

On those sections of highways which are posted for a maximum of legal loads, or to less than legal loads, trucks and buses with a gross weight of ten thousand (10,000) pounds or more will be restricted in critical areas to a maximum speed of thirty (30) miles per hour. Restricted speed zones will be marked by red and yellow markers. A red marker will mean speed is restricted to thirty (30) miles per hour and a yellow marker will mean that legal speed may be resumed. These markers will generally be attached to existing highway sign posts and when properly used will afford protection to the highway subgrade and surface as well as speeding the flow of traffic. (10-2-89)

~~203. -- 299. (RESERVED)~~

300840. SPECIAL PERMIT POLICY DURING SPRING BREAKUP.

01. Suspended Weight Limits. Normal overweight special permit limits will be suspended on all highways in the area when seasonal load and speed restrictions are imposed. (10-2-89)

02. Weight Restrictions. Spring breakup weight restrictions are primarily concerned with limiting the weight imposed on the highway by individual axles rather than the total gross weight of vehicles or vehicle combination. It will therefore be permissible to issue ~~overweight~~ special permits which exceed legal allowable total gross load for a vehicle combination subject to these conditions: (10-2-89)

a. Minimum tire width is ten (10) inches or larger. (10-2-89)

b. Maximum axle weight on single axle having two (2) single wheels shall not exceed ten thousand (10,000) pounds. (10-2-89)

c. Maximum axle weight on single axle having four (4) or more tires shall not exceed fourteen thousand (14,000) pounds. (10-2-89)

d. Permits for nonreducible loads only. (10-2-89)

~~301. 399. (RESERVED)~~

400850. LEGAL WEIGHT LIMITS MAINTAINED ON CERTAIN HIGHWAYS.

The policy of the Department will be to maintain legal load limits on the Interstate highway system and arterials serving through state traffic or connecting major termini, unless conditions are such that severe breakup will result. (10-2-89)

401860. ENFORCEMENT OF POSTED WEIGHT AND/OR SPEED RESTRICTIONS.

The Districts will sign and mark affected state highways the day before the weight and/or speed restrictions are in effect. The weight and/or speed restrictions will be enforced the day after the Districts sign and mark a state highway. Customers who subscribe to the load limit bulletin receive advance notification via mail from the permit office of upcoming weight and/or speed restrictions. (8-4-95)

402870. TEMPORARY SUSPENSION OF POSTED WEIGHT AND SPEED RESTRICTIONS.

01. **Why Required.** Spring breakup restrictions are required because of a seasonal characteristic in which freeze/thaw cycles occur, making the roadway unstable and reducing its load-bearing capability. The load-bearing capacity may be temporarily restored by a freeze-up of the pavement after a section has been posted for load and speed restrictions. (10-2-89)

02. **Temporary Waiver of Spring Breakup.** District Engineers may provide a temporary waiver of the spring breakup restrictions by posting GREEN markers on the speed limit signs, and on other signs, if appropriate, within a section of highway posted for reduced loads. In addition to posting green markers, a twice-daily status of the posted section will be provided by the area Maintenance Foreman to the District Maintenance Office, who will notify area State Police, Ports of Entry, and the local Sheriff's office and permit office. (8-25-94)

403880. SPECIAL ALLOWANCES FOR EMERGENCY AND CRITICAL SERVICE VEHICLES.

District Engineers may allow exceptions to the spring breakup weight restrictions for emergency and critical service vehicle(s), ie. fire trucks, heating fuel trucks, and other such service vehicles which are critical to the health and safety of the public. Documentation of special allowance shall be in writing from the District Engineer and must be carried in the vehicle. (8-4-95)

404890. LOAD LIMIT BULLETIN.

The Department shall publish a bulletin twice weekly listing the highways restricted under the provisions of this rule. Such bulletin shall only be published when such restrictions exist. A subscription for this bulletin shall be available for a fee of fifteen dollars (\$15) per calendar year January 1 to December 31. (8-4-95)

Comment [CR15]: End 39.03.14

900. OVERLEGAL SPECIAL PERMIT FEES COSTS TO BE BORNE BY PERMITTEE.

The movement of oversize or overweight vehicles or vehicles with over legal loads is a privilege not accorded every user of the highway. Administrative cost incurred in the processing, issuance and enforcement of overlegal special permits shall be borne by such permittees and not by the general traveling public through expenditure of highway user funds. Overlegal Special permits issued for non-reducible, overweight vehicles and/or loads will be charged a road use fee as set forth in Section 49-1004(2), Idaho Code. Tax supported agencies are required to obtain overlegal special permits if their loads exceed the sizes or weights stated in Idaho Code, but they are exempt from paying fees for the permits. (3-19-07)

Comment [CR16]: 39.03.21

~~101. 199. (RESERVED)~~

20910. PAYMENT OF OVERLEGAL SPECIAL PERMIT FEES.

01. Payment of Fees. The Idaho Constitution prohibits the state from extending credit to any individual, corporation, municipality or association. Permit fees are collectible at the time of issuance. (3-25-16)

02. Refund. Permit fees are not refundable once they have been processed into the Department's accounting system, unless the permittee contacts the ~~Overlegal~~ Special Permit Office no more than two (2) working days (during office hours) following the start date of the ~~overlegal~~ special permit or the Department issued the ~~overlegal~~ special permit in error. (3-19-07)

03. Permit Costs. ~~Overlegal~~ special permit fees listed below are intended to cover cost of administration and are subject to periodic change depending on costs incurred in processing, issuance and enforcement of ~~overlegal~~ special permit rules. (3-25-16)

04. Current Schedule of Fees. Periodic changes to the fee schedule will be subject to legislative review and approval procedures in accordance with Chapter 52, Title 67, Idaho Code, Administrative Procedure Act. (3-19-07)

- a. **Oversize only, single trip, twenty-eight dollars (\$28).** (3-19-07)
- b. **Oversize only, two (2) trips, thirty-three dollars (\$33).** (3-19-07)
- c. **Oversize single trip exceeding sixteen (16) feet wide, or sixteen (16) feet high or one hundred ten (110) feet long, seventy-one dollars (\$71).** (3-21-12)
- d. **Oversize only, two (2) trips within seven (7) days, exceeding sixteen (16) feet wide, or sixteen (16) feet high or one hundred ten (110) feet long, eighty-nine dollars (\$89).** (3-21-12)
- e. **Oversize only, annual, twelve (12) consecutive months: Manufactured homes, modular building and office trailers; Farm tractors exceeding nine (9) feet width on Interstate and implements of husbandry; Cylindrical hay bales, two (2) wide; Emergency removal of disabled vehicles; Multiple width loads of crane booms; Multiple width loads of conveyer units; multiple width loads of kiln stacked lumber; Reducible loads, up to and including fourteen (14) feet nine (9) inches high; and exceeding sixty-five (65) feet overall combination length on magenta coded routes; forty-three dollars (\$43).** (3-25-16)
- f. **Excess weight or Extra Length (reducible) annual, twelve (12) consecutive months, authority to exceed eighty thousand (80,000) lbs. on reducible loads up to one hundred five thousand five hundred (105,500) pounds, or exceeding the length limits imposed in Section 49-1010, Idaho Code, forty-three dollars (\$43).** (3-25-16)
- g. **Extra Length/Excess Weight (reducible) combination, annual, twelve (12) consecutive months, fifty-three dollars (\$53).** (3-19-07)
- h. **Overweight/Oversize or Overweight only (non-reducible) single trip, seventy-one dollars (\$71).** (3-21-12)
- i. **Overweight/Oversize or Overweight only (non-reducible), two (2) trips, eighty-one dollars (\$81).** (3-21-12)
- j. **Overweight/Oversize (non-reducible) single trip, exceeding sixteen (16) feet wide, or sixteen (16) feet high or one hundred ten (110) feet long, one hundred three dollars (\$103).** (3-21-12)
- k. **Overweight/Oversize (non-reducible) two (2) trips within seven (7) days, exceeding sixteen (16) feet wide, or sixteen (16) feet high or one hundred ten (110) feet long, one hundred sixteen dollars (\$116).** (3-21-12)
- l. **Overweight/Oversize (non-reducible) annual permit fee for twelve (12) consecutive months, one hundred twenty-eight dollars (\$128).** (3-21-12)

m. Fee for reissuance or transfers, fifteen dollars (\$15). (3-19-07)

05. Additional Fees. The department may require reimbursement of actual costs incurred for extraordinary services provided, incidental and necessary to the planning and/or movement of overlegal loads moving under the requirements of a traffic control plan. (3-21-12)

Comment [CR17]: End 39.03.21

1000. REVOCATION OF PERMIT FOR NON-COMPLIANCE WITH THE LIMITATIONS OR PROVISIONS OF THE PERMIT.

Comment [CR18]: 39.03.23

01. Disqualification of Permits. The permit shall become invalid and the cited vehicle may be disqualified for reissuance of permits if convicted of the following: (3-20-14)

a. The vehicle combination does not satisfy the requirements of Federal Motor Carrier Safety Regulations Part 393. (3-20-14)

b. The vehicle combination violates permitting conditions (other than weight) for the following: (3-20-14)

i. Failure to travel on Extra Length or Up to 129,000 Pound designated routes. (3-20-14)

ii. Failure to properly display required flags and/or signs. (3-20-14)

iii. Failure to provide required number of pilot cars and/or proper placement. (3-20-14)

iv. Failure to provide required lighting for travel during hours of darkness. (3-20-14)

v. Failure to travel during the hours of operation as specified on the permit. (3-20-14)

vi. Failure to comply with wind velocity requirements when moving manufactured housing, office trailers and modular buildings. (3-20-14)

vii. Failure to comply when travel conditions become hazardous. Hazardous conditions include, but are not limited to, ice, snow or frost; or when visibility is restricted to less than five hundred (500) feet. (3-20-14)

c. The vehicle combination violates weight limits under Section 49-1001 (1)(2) & (9), Idaho Code. (3-20-14)

i. Violating weight limits for single, tandem, tridem, quad, or other type axle groups by more than fifteen percent (15%). (3-20-14)

ii. Violating gross or bridge weight allowances by more than seven percent (7%). (3-20-14)

d. The motor carrier has violated an Out-of-Service order by the Federal Motor Carrier Safety Administration as described in Part 386 (386.73) of the Federal Motor Carrier Safety Regulations. (3-29-17)

02. Permit Revocation Process. A copy of the judgment of conviction from the court and the overlegal permit authorizing operation must be provided to the Permit Office by enforcement personnel. Paperwork will be reviewed for compliance with the provisions of this rule and, if met, notification will be sent to the company informing them of the pending revocation that will occur within ten (10) days of the letter being issued. (3-20-14)

03. Disqualification Periods. When a permit has become invalid, the vehicle identified on the invalidated permit may be disqualified for reapplication for permit for a period of thirty (30) days after the first violation, for a period of six (6) months after the second violation, and for a period of one (1) year after the third violation. (3-20-14)

04. Penalties. In addition to revocation of permits as authorized in this rule, the permittee shall be subject to all applicable penalties provided by law with regard to the provisions violated. (8-25-94)

~~101. 199. (RESERVED)~~

2001010. PERMITTEE RESPONSIBLE FOR INJURY TO PERSONS OR PROPERTY.

The permittee shall assume all responsibility for injury to persons or damage to public or private property caused directly or indirectly by the transportation of a vehicle or vehicle and load under special permit; and he shall hold harmless the Department and all its officers, agents, employees, and servants from all suits, claims, damages or proceedings, of any kind, as a direct or indirect result of the transportation of the overlegal vehicle or vehicle with overlegal load.

(10-2-89)

Comment [CR19]: End 39.03.23

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