

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 160

BY TRANSPORTATION AND DEFENSE COMMITTEE

AN ACT

1 RELATING TO MOTOR VEHICLES; AMENDING SECTION 49-1004B, IDAHO CODE, TO REMOVE  
2 PROVISIONS REGARDING CERTAIN CHARGES; REPEALING SECTION 7, CHAPTER  
3 180, LAWS OF 2019, RELATING TO THE SUNSET PROVISION FOR SPECIAL ROUTE  
4 DESIGNATIONS AND PERMITS BY LOCAL AUTHORITIES; REPEALING SECTION 8,  
5 CHAPTER 180, LAWS OF 2019, RELATING TO NEW SPECIAL ROUTE DESIGNATIONS;  
6 AND DECLARING AN EMERGENCY.  
7

8 Be It Enacted by the Legislature of the State of Idaho:

9 SECTION 1. That Section 49-1004B, Idaho Code, be, and the same is hereby  
10 amended to read as follows:

11 49-1004B. SPECIAL ROUTE DESIGNATIONS AND PERMITS BY LOCAL AUTHORI-  
12 TIES. (1) Local authorities may, by resolution on their own initiative or  
13 pursuant to written request, designate routes and revoke previously autho-  
14 rized routes within their respective jurisdictions for the operation of  
15 vehicle combinations with a legal maximum gross weight between one hundred  
16 five thousand five hundred one (105,501) pounds and one hundred twenty-nine  
17 thousand (129,000) pounds. A local authority that designates routes un-  
18 der this section shall do so pursuant to the requirements of this section.  
19 Nothing in this section shall limit the exclusive jurisdiction of local  
20 authorities to authorize or decline to designate such routes. All routes  
21 authorized by this section that are effective on July 1, 2019, shall remain  
22 in effect unless subsequently revoked pursuant to the procedures set forth  
23 in this section.

24 (a) Within one hundred fifty (150) days after receipt of a written re-  
25 quest to designate a route under this section, the governing board of a  
26 local authority shall issue a determination as to:

27 (i) Whether it designates routes under this section; and

28 (ii) If it designates routes under this section, whether to ap-  
29 prove the specific route at issue.

30 (b) In exercising jurisdiction to designate a route under this section,  
31 a local authority shall analyze the long-term physical and safety con-  
32 sequences of allowing vehicles covered by this section to use the route  
33 at issue. In conducting such analysis, the local authority shall use  
34 Idaho transportation department standards or the Idaho standards for  
35 public works construction, or a successor publication.

36 (c) A local authority that designates routes under this section shall  
37 authorize a map of designated routes by resolution of its governing  
38 board and shall update the route map within thirty (30) days after  
39 authorization or revocation of a route under this section. Upon desig-  
40 nation or update of a route map as set forth in this subsection, a local  
41 authority shall submit such designation or update to the department for

1 inclusion in the statewide route map entitled "Designated Routes up to  
2 129K."

3 ~~(d) A local authority may charge an applicant for reimbursement of the~~  
4 ~~total cost of technical review of an application, provided that such~~  
5 ~~cost does not exceed five thousand dollars (\$5,000).~~

6 (2) A local authority that designates routes under this section may is-  
7 sue permits for travel upon such routes and may use such permits to designate  
8 conditions for travel, including possible seasonal restrictions or other  
9 time, place, or manner limitations. A local authority shall indicate on its  
10 route map, or within the provisions of its authorizing resolution, whether  
11 a permit is required upon a designated route. Issuance of permits for use  
12 of designated routes shall be deemed an administrative action that can be  
13 carried out by the primary administrative officer of the jurisdiction, or  
14 his designee.

15 (a) Within thirty (30) days after receipt of a written request for a  
16 permit for travel upon a designated route, a local authority shall ei-  
17 ther issue a permit or issue a written denial of the permit requested.  
18 The denial shall explain why the permit was denied.

19 (b) A written permit issued under this section shall clearly state all  
20 conditions for travel upon the designated route.

21 (c) An annual administrative permit fee, not to exceed a maximum of  
22 fifty-five dollars (\$55.00) per vehicle, shall be set by the local au-  
23 thority for travel on designated routes. A local authority shall submit  
24 five dollars (\$5.00) from each administrative permit fee to the local  
25 authority technical analysis fund.

26 (3) After the issuance of the written decision, or in the event that  
27 the local authority has not acted pursuant to subsection (2) of this section  
28 within the time required, an applicant for a permit may request the opportu-  
29 nity to be heard by the governing body of the local authority. A local au-  
30 thority shall provide for the opportunity to be heard by its governing body  
31 at a public meeting within forty-five (45) days of filing such request. No  
32 fewer than fifteen (15) days after the conclusion of the public meeting at  
33 which the appeal by a permit applicant has first been heard, a local govern-  
34 ing board shall render the final decision of the local jurisdiction, setting  
35 forth the factual and legal reasons therefor, regarding such permit request.

36 (4) There is hereby created a grant fund to be known as the local au-  
37 thority technical analysis fund within the state treasury. ~~In addition to~~  
38 ~~the cost that may be charged to and paid by an applicant for technical review~~  
39 ~~pursuant to paragraph (d) of subsection (1) of this section, t~~The grant fund  
40 shall be used to provide additional funding to local authorities to cover ad-  
41 ditional costs related to the technical review of applications as described  
42 in paragraph (b) of subsection (1) of this section. Such grants shall not  
43 exceed five ten thousand dollars (\$510,000) per route and shall be awarded  
44 under such terms and conditions as determined by the department or its de-  
45 signee. The department will maintain the local authority technical analy-  
46 sis fund in the state treasury in a separate sub-fund to ensure funds are not  
47 commingled with department funds until the money is requested by a local au-  
48 thority, after approval by the department or its designee. The funds will be  
49 disbursed to a local authority after approval of the request. All moneys in

1 the fund are to be continuously appropriated. Any interest earned on the in-  
2 vestment of idle moneys in the fund shall be returned to the fund.

3 (5) Notwithstanding any other law to the contrary, the department shall  
4 perform its obligations pursuant to this section.

5 SECTION 2. That Section 7, Chapter 180, Laws of 2019, be, and the same is  
6 hereby repealed.

7 SECTION 3. That Section 8, Chapter 180, Laws of 2019, be, and the same is  
8 hereby repealed.

9 SECTION 4. An emergency existing therefor, which emergency is hereby  
10 declared to exist, this act shall be in full force and effect on and after its  
11 passage and approval.