

IN THE SENATE

SENATE BILL NO. 1066

BY TRANSPORTATION COMMITTEE

AN ACT

1 RELATING TO PERMITS FOR OVERWEIGHT OR OVERSIZE LOADS; AMENDING SECTION  
2 49-1004, IDAHO CODE, TO REMOVE REFERENCES TO A PILOT PROJECT, TO PROVIDE  
3 FOR THE AUTHORIZATION OF ADDITIONAL ROUTES AND TO MAKE TECHNICAL COR-  
4 RECTIONS; AND REPEALING SECTION 3, CHAPTER 315, LAWS OF 2003, RELATING  
5 TO REPORTS TO THE LEGISLATURE AND A SUNSET PROVISION.  
6

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

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

10 49-1004. PERMITS FOR OVERWEIGHT OR OVERSIZE LOADS -- SPECIAL ~~PILOT~~  
11 ~~PROJECT~~ ROUTES AND ANNUAL PERMITS. (1) Upon application in writing to the  
12 board or other proper authorities in charge of, or having jurisdiction over  
13 a highway, the board or authorities may in their discretion issue a special  
14 permit to the owner or operator of any vehicle allowing vehicles or loads  
15 having a greater weight or size than permitted by law to be moved or carried  
16 over and on the highways and bridges.

17 (a) Special permits shall be in writing and may limit the time of use  
18 and operation over the particular highways and bridges which may be tra-  
19 versed and may contain any special conditions and require any undertak-  
20 ing or other security as the board or other proper authority shall deem  
21 to be necessary to protect the highways and bridges from injury, or pro-  
22 vide indemnity for any injury to highways and bridges or to persons or  
23 property resulting from such operation.

24 (b) The owner or operator of an overweight or oversize vehicle shall ob-  
25 tain a permit, or shall establish intent to obtain a permit by contact-  
26 ing a permit office and receiving a permit number before moving the ve-  
27 hicle on the highways.

28 (c) All special permits or evidence of intent to obtain a permit, shall  
29 be carried in the vehicles to which they refer and shall upon demand be  
30 delivered for inspection to any peace officer, authorized agent of the  
31 board or any officer or employee charged with the care or protection of  
32 the highways.

33 (2) Nonreducible vehicles or combinations of vehicles hauling nonre-  
34 ducible loads at weights in excess of those set forth in section 49-1001,  
35 Idaho Code, shall pay fees as set forth in this subsection ~~(2)~~. Such fees are  
36 based on the number of axles on the vehicle or combination of vehicles and the  
37 total gross weight.

	Column 1	Column 2
	Gross weight of vehicle and load in	Gross weight of vehicle and load in
Number of axles	pounds	pounds
2	40,001	-
3	54,001	-
4	68,001	-
5	80,001	131,001
6	97,001	148,001
7	114,001	165,001

(a) To determine the maximum allowable permit fee for vehicles with more than seven (7) axles, the table can be extended by adding seventeen thousand (17,000) pounds to the last listed weight in both columns 1 and 2 for each added axle.

(b) Permit fees for column 1 shall start at four cents (4¢) per mile and increase four cents (4¢) per mile for each additional two thousand (2,000) pound increment up to the weight indicated in column 2. Permit fees for column 2 shall start at one dollar and two cents (\$1.02) per mile and increase seven cents (7¢) per mile for each additional two thousand (2,000) pound increment.

(c) Vehicles operating at weights less than the starting weights per axle configuration listed in column 1 shall be charged four cents (4¢) per mile.

(d) For vehicles operating with axles wider than eight (8) feet six (6) inches or axles with more than four (4) tires per axle, the fee may be reduced by the board or other proper authority having jurisdiction over a highway.

(3) It shall be unlawful for any person to violate, or to cause or permit to be violated, the limitations or conditions of special permits and any violation shall be deemed for all purposes to be a violation of the provisions of this chapter.

(4) An annual special ~~pilot project~~ designated route permit authorizing travel on ~~pilot project~~ designated routes shall be issued by the board or may, in its discretion, be issued by a local public highway agency for operation of vehicles with a legal maximum gross weight of at least one hundred five thousand five hundred one (105,501) pounds but not exceeding one hundred twenty-nine thousand (129,000) pounds. Such ~~pilot project~~ routes on nonstate and noninterstate highways shall be determined by the local highway agency for those roads under its jurisdiction. No local public highway agency shall approve a ~~pilot project~~ route which provides a thoroughfare for interstate carriers to pass through the state. State ~~pilot project~~ routes designated by the legislature and identified on a map entitled "Designated ~~Pilot Project~~ Routes" are:

(a) US-20 Montana border to its junction with SH-33; SH-33 to its junction with US-20; US-20 to its junction with US-93; US-93 to its junction with SH-25; SH-25 to its junction with SH-50; SH-50 to its junction

- 1 with US-30; US-30 to its junction with SH-74; SH-74 to its junction with
- 2 US-93; US-93 to the Nevada border.
- 3 (b) US-91 from its junction with SH-34 to the Utah border.
- 4 (c) US-30 from its junction with I-15 to the Wyoming border.
- 5 (d) US-95 south from milepost 66 (Fruitland) to its junction with
- 6 SH-55.
- 7 (e) SH-19 from its junction with US-95 (Wilder) to its junction with
- 8 I-84B (Caldwell).
- 9 (f) SH-78 from its junction with SH-55 (Marsing) to its junction with
- 10 SH-51; SH-51 to its junction with SH-78; SH-78 to its junction with
- 11 I-84B (Hammett).
- 12 (g) SH-67 from its junction with SH-51 (Mountain Home) to its junction
- 13 with SH-78 (Grandview).
- 14 (h) SH-55 from intersection with Farmway Road to junction with US-95.
- 15 (i) SH-25 from its junction with SH-24 to its junction with SH-27
- 16 (Paul).
- 17 (j) SH-25 from its junction with US-93 to milepost 27 (Hazelton).
- 18 (k) SH-24 from intersection with US-93 to its intersection with SH-25.
- 19 (l) US-20 from its intersection with New Sweden Road to its junction
- 20 with SH-22/33.
- 21 (m) SH-34 from milepost 78 to the junction with US-91.
- 22 (n) US-26 from its junction with US-91 north to its intersection with
- 23 Gallatin/West 23rd Street in Idaho Falls.
- 24 (o) US-91 from the intersection with Canyon Road to the junction with
- 25 US-26.
- 26 (p) SH-22 from its junction with I-15 northbound ramps (Dubois) to its
- 27 junction with SH-33.
- 28 (q) SH-45 from its junction with SH-78 to its junction with I-84 busi-
- 29 ness loop; I-84 business loop to its junction with exit 35 (Nampa Boule-
- 30 vard/Northside Boulevard).
- 31 (r) SH-87 from Montana border to junction with US-20.
- 32 (s) SH-33 from its junction with SH-31 (Victor) to its junction with
- 33 SH-33 spur; SH-33 spur to its junction with US-20.
- 34 (t) SH-28 from junction with SH-22 to junction with SH-33.
- 35 (u) SH-38 from milepost 0.689 to milepost 1.318 at Malad.
- 36 (v) SH-27 from its junction with SH-25 (Paul) to its junction with I-84B
- 37 (Burley); I-84B to its junction with SH-27; SH-27 to milepost 0 (Oak-
- 38 ley).
- 39 (w) SH-81 from its junction with SH-77 (Malta) to its junction with
- 40 US-30 (Burley).
- 41 (x) US-30 from junction with SH-81 at Burley to junction with SH-50 at
- 42 Kimberly.
- 43 (y) US-93 spur from junction with US-30 to junction with US-93 at Twin
- 44 Falls.
- 45 (z) US-93 from junction with US-93 spur to junction with US-30 at Twin
- 46 Falls.
- 47 (aa) US-30 from junction with SH-74 at Twin Falls to junction with I-84
- 48 business loop at Bliss.
- 49 (bb) US-26 from its junction with SH-75 (Shoshone) to its junction with
- 50 I-84 exit 141 westbound ramps (Bliss); I-84 business loop from its

1 junction with I-84 exit 141 westbound ramps to its junction with US-30  
2 (Bliss).

3 (cc) SH-46 spur from its junction with SH-46 (Wendell) to its junction  
4 with I-84 exit 155 eastbound ramps.

5 (dd) SH-46 from its junction with US-20 to its junction with I-84 exit  
6 157 eastbound ramps (Wendell).

7 (ee) US-20 from junction with US-93 at Carey to junction with I-84 busi-  
8 ness loop at interchange 95; I-84 business loop from interchange 95 to  
9 junction with SH-51; SH-51 to junction with SH-67.

10 (ff) SH-51 from junction with SH-67 to junction with SH-78.

11 (gg) SH-44 from its junction with SH-55 (Eagle) to its junction with  
12 I-84 exit 25 eastbound ramps.

13 (hh) US-20/26 from its junction with US-95 (Parma) to its junction with  
14 I-84 exit 26 westbound ramps.

15 (ii) US-20 from junction with US-33 at Sugar City south to junction with  
16 US-20 business loop/Holmes Avenue; US-20 business loop/Holmes Avenue  
17 south to junction with US-26/Yellowstone; US-26 from intersection with  
18 US-20 business loop/Holmes Avenue south to Gallatin.

19 ~~Additions or Deletions to the approved state pilot project routes specified~~  
20 ~~in this subsection (4) shall be made only with the approval of the state leg-~~  
21 ~~islature.~~

22 (5) For any additional routes not listed in subsection (4) of this sec-  
23 tion, an annual special permit authorizing travel on designated routes shall  
24 be issued by the authority having jurisdiction over those highways for oper-  
25 ation of vehicle combinations with a legal maximum gross weight of at least  
26 one hundred five thousand five hundred one (105,501) pounds but not exceed-  
27 ing one hundred twenty-nine thousand (129,000) pounds. Designated routes as  
28 used in this subsection shall be determined by the authority having juris-  
29 isdiction over those highways utilizing the criteria established by the board  
30 based upon road and bridge structural integrity engineering standards, as  
31 well as public safety engineering standards. Any additional routes approved  
32 by the authority having jurisdiction shall be included in the map provided  
33 for in subsection (4) of this section.

34 (6) An annual administrative permit fee for operating on pilot project  
35 designated routes at the weights specified in subsections (4) and (5) of this  
36 section shall be set by the board for travel on state pilot project routes and  
37 by the local public highway agency for travel on routes under its jurisdic-  
38 tion, but not to exceed a maximum of fifty dollars (\$50.00) per vehicle. The  
39 annual administrative permit fee shall cover administrative costs. Local  
40 public highway agencies are authorized to issue special pilot project per-  
41 mits and such permits shall be in writing. Administrative permit fees for  
42 permits issued by a local public highway agency shall be retained by the lo-  
43 cal public highway agency to cover administrative costs, and administrative  
44 permit fees for permits issued by the department shall be retained by the de-  
45 partment to cover administrative costs. In addition to the annual adminis-  
46 trative permit fee and the appropriate registration fee for weights up to one  
47 hundred five thousand five hundred (105,500) pounds, the appropriate vehi-  
48 cle registration fees for weights over one hundred five thousand five hun-  
49 dred (105,500) pounds shall be calculated and collected in accordance with  
50 the fee schedules set forth in section 49-432 or 49-434, Idaho Code.

1           (67) (a) In any action or proceeding brought for the purpose of setting  
2           aside a special permit issued pursuant to this section, in which any  
3           party seeks a stay or seeks a temporary restraining order or preliminary  
4           injunction against the department, other appropriate authority, the  
5           state of Idaho or any party requesting the permit, the court may require  
6           bond as provided in rule 65(c) of the Idaho rules of civil procedure,  
7           in an amount not to exceed ten percent (10%) of the shipper's or trans-  
8           porter's insured value of the product or material to be transported  
9           under the provisions of the permit. If any attorney's fees and/or costs  
10          are awarded to the department or other state actor, such bond may be used  
11          to satisfy that award and all awarded amounts shall be paid to the state  
12          highway account established in section 40-702, Idaho Code.

13          (b) Where there is a final judgment in an action or proceeding brought  
14          for the purpose of setting aside a special permit issued pursuant to  
15          this section against the party or parties who brought such action or  
16          proceeding, the court may determine the actual damages resulting from  
17          the action or proceeding caused to the department or other state actor  
18          and may award up to that amount to the party or parties.

19          (8) For all requests that new routes be designated for travel by vehi-  
20          cle combinations with a maximum gross weight of up to one hundred twenty-nine  
21          thousand (129,000) pounds, the department shall, to the best of its ability,  
22          analyze the safety and feasibility of adding such routes and shall report its  
23          findings to the board. The Idaho department of commerce shall assess eco-  
24          nomical development opportunities, in the same industry and commerce centers,  
25          created by an improved highway system structure, utilizing available grant  
26          funding.

27          SECTION 2. That Section 3, Chapter 315, Laws of 2003, be, and the same is  
28          hereby repealed.