



SUBCHAPTER A - GENERAL PERMIT PROVISIONS

3. DEPARTMENT OF AUTHORITY AND RESPONSIBILITY

1. **Primary Concern.** The Department's primary concern, in the issuance of special permits, will be the safety and conveyance of the general public and the preservation of the highway infrastructure.
2. **Permit Issuance.** The Department will, in each case, predicate the issuance of a special permit on a reasonable determination of the necessity and feasibility of the proposed movement. Permits will be issued to specific vehicles.
3. **Special Permit.** The special permit authority of the Department will cover travel on state roadways only, unless the Department has an existing agreement under subsection 004 of this rule. Special permits issued by the Department will be valid only on completed sections of state roadways, as described on the permit by route number or otherwise. The right to use county highways or city streets is neither granted nor implied. The special permit authority of the Department will include those sections of state roadways within corporate limits of cities and towns. Still, it will not include sections of state roadways intersecting with local highways, when travel is occurring on the local highway(s). Additionally, it will not release the permittee from complying with other existing laws, local ordinances, or resolutions which may also govern their movement. Contractors hauling loads within the limits of state highway construction projects do not require special permits, but the loads must comply with the weight limits specified in the state highway contract.

5. PERMITTEE RESPONSIBILITY

1. **General Responsibilities.** The permittee will determine and declare the gross weight, distribution of weight, and the dimensions of the vehicle and load and submit all other required information before issuance of the permit. Accepting a 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 will be deemed an unequivocal assurance that he has complied, or will comply with all operating, licensing, and financial responsibility requirements.
4. **Basic Limitations Will Not Be Exceeded.** Special permits will not be issued for vehicles or loads in excess of the maximum limitations of size or weight, or that otherwise exceed the limitations for loads as set forth in these rules unless an exception is made by the Transportation Board, or as otherwise provided herein.
5. **Insurance For Extraordinary Hazards.** Evidence of insurance is required when necessary because loads create 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 insurance 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.
6. **Hazardous Travel Conditions Restrictions.** Extreme caution in the operation of a special permitted vehicle will be exercised when hazardous conditions exist. The driver of a permitted vehicle is responsible for checking the conditions of the permitted route before travel. The movement of vehicles or loads operating on valid permits will automatically become invalid en route when:
 - a. The Idaho Transportation Department, Idaho State Police, or other law enforcement office determines and provides public notice by any available means that a hazardous road condition exists.
 - b. The driver reasonably knows that hazardous road conditions exist along route.
 - c. Whenever a road is marked "Difficult" or "Closed" on 511.
 - d. Hazardous road conditions may include, but are not limited to:
 - i. Loss of traction on roadways due to ice, snow, frost, excessive water, or mud;
 - ii. Whenever a roadway is under conditions of wind over forty (40) mph;
 - iii. Visibility is less than five hundred (500) feet due to snow, rain, smoke, dust, or fog;
 - iv. Whenever a roadway becomes obstructed due to snow, water, mud, rocks, or other debris; or
 - v. Whenever a roadway is subject to a natural disaster or emergency.
7. **Delaying Movement.** Enforcement personnel responsible for any section of the highway will carry out enforcement action for violations involving special permit operations and may delay movements.

6. SAFETY INSPECTION REQUIREMENTS FOR PERMITTED VEHICLES AND/OR LOADS.

1. **Inspections.** All vehicles, tractors, trailers, and dolly converters operating under the authority of a special permit issued by the Department must have a valid annual inspection when a permit is issued. The inspection will be completed in compliance with 49 CFR Part 396.17 and any other applicable Federal Motor Carrier Safety Administration regulations.
2. **Inspectors.** Inspectors completing required annual inspections will meet the certifications requirement in 49 CFR 396.19 and brake inspector qualification in 49 CFR 396.25.
3. **Drivers.** All drivers will meet the special training requirements for Longer Combination Vehicles as outlined in 49 CFR Part 380.
4. **Motor Carriers.** By applying for a special permit, motor carriers self-certify that they have performed inspections as set forth in 49 CFR Part 396.17.
5. **Exemption.** Oversize vehicles and/or loads operating under an exemption outlined in Section 67- 2901B (2), Idaho Code, are exempt from this safety inspection requirement.

7. EQUIPMENT REQUIREMENTS FOR PERMITTED VEHICLES

1. **Brakes.** Brakes will meet the Federal Motor Carrier Safety Regulations and be maintained to the Federal Motor Vehicle Safety Standards No. 121 in effect when the commercial motor vehicle was manufactured.
3. **Lights on Rear Overhang.** Lights are required when the rear overhang exceeds the end of the trailer by four (4) feet or more to show the maximum width of the overhang. Overhang lighting should be as follows:
 - a. If the overhang is two (2') feet wide or less, only one (1) light is required on the end of the over
 - b. If the overhang is over two (2') feet wide, two (2) lights are required on the end of the overhang.
4. **Flagging For Overhang On Vehicles Or Loads.** Warning flags are required on all over-width vehicles and/or loads, and when the rear overhang exceeds the end of the trailer by four (4') feet or more. Warning flags must:
 - a. Have a minimum size of eighteen (18") inches by eighteen (18") inches; and
 - b. Be red or fluorescent orange in color.
 - c. 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..
6. **Axles.** All axle types adjacent to an axle grouping, which exceeds the applicable weight allowance in 49-1001 or 49-1004, Idaho Code, must be fully deployed while operating on State roadways.

9. SPRING BREAKUP SEASON LOAD RESTRICTIONS.

1. **Authority.** The department will have the authority to impose restrictions on sections of State roadways in order to ensure the safe travel for the citizens of Idaho and to protect the infrastructure of the state during periods of severe spring breakup. The department, as much as practicable, will maintain standard load limits on these roads unless conditions are such that severe breakup will result.
2. **Spring Breakup Restrictions.** Depending upon the type of road construction, stability of the roadway, reduction in load bearing capacity, the amount of moisture, temperature conditions, and severity of frost heaves and breakup, routes or sections of routes may have restrictions applied by the department. A freeze-up of the pavement may temporarily restore the load-bearing capacity after a section has been posted for load and speed restrictions.
3. **Maximum Weight Restriction.** The possible restrictions on maximum weight may be one of the Sixteen thousand (16,000) pounds on any axle; or Fourteen thousand (14,000) pounds on any axle; or Twelve thousand (12,000) pounds on any axle.
4. **Weight Limits Based On Tire Sizes.** In administering load limits based on tire sizes or width of tires, creditor 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 credited for the width of the conventional tubed tires they replace.
5. **Width Restrictions.** When a weight restriction is applied under subsection 2 of this section it will automatically restrict the width allowed by a special permit on two lane road. On any two lane section of state roadways restricted to less than legal weight, the maximum width by the special permit will be restricted to twelve feet six (12'6") inches during the weight restriction period.
6. **Speed Restrictions.** When a weight restriction is applied under subsection 2 of this section it will automatically restrict the speed of some vehicles. 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.

Red and green markers will mark restricted speed zones. A red marker will mean speed is restricted to thirty (30) miles per hour, and a green marker will mean that legal speed may be resumed. These markers will generally be attached to existing highway signposts and, when properly used, will afford protection to the highway subgrade and surface and speed traffic flow.

7. Suspended Weight Limits. Normal overweight special permit limits may be suspended on all highways in the areas where spring breakup restriction are in force.

8. Weight Restrictions. The department is authorized to issue special permits to overweight vehicles in areas with spring breakup restrictions as long as all of the following conditions are met:

- a. Minimum tire width on all tires is ten (10") inches or larger, and;
- b. Maximum axle weight on any single axle having two (2) single wheels will not exceed ten thousand (10,000) pounds, and;
- c. Maximum axle weight on any single axle having four (4) or more tires will not exceed fourteen thousand (14,000) pounds, and;
- d. Permit is being requested for a non-divisible loads

7. Temporary Waiver of Spring Breakup Restrictions. The department may temporarily waive the spring breakup restrictions by posting GREEN markers on the speed limit signs and other signs, if appropriate, within a section of the highway posted with restrictions. This may occur in the event that a freeze-up of the pavement may temporarily restore the load-bearing capacity after a section has been posted for load and speed restrictions or for other circumstances.

8. Spring Breakup Restriction Waivers. The department may allow exceptions to the spring breakup weight restrictions for emergency and critical service vehicle(s), i.e. fire trucks, heating fuel trucks, and other such service vehicles that are critical to the health and safety of the public. Documentation of special allowance will be in writing from the department and must be carried in the vehicle.

9. Restriction Signage. The department 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 signs and marks are posted.

12. RESPONSIBLE FOR INJURY TO PERSONS OR PROPERTY

1. The permittee will 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 will 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 vehicle or vehicle with a load that requires a special permit.