

**NOTICE OF PROPOSED RULEMAKING**  
**TITLE 17. TRANSPORTATION**  
**CHAPTER 6. DEPARTMENT OF TRANSPORTATION**  
**OVERDIMENSIONAL PERMITS**

**PREAMBLE**

**1. Sections affected**

R17-6-101

R17-6-113

R17-6-305

**Rulemaking Action**

Amend

New Section

Amend

**2. The statutory authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):**

Authorizing statute: A.R.S. § 28-366

Implementing statute: A.R.S. §§ 28-601, 28-1091, 28-1103, 28-1110, 28-1142, 28-1145, 28-1150, as amended by Laws 2006, Ch. 219, §§ 1, 3, 4, 5, and 6

**3. A list of all previous notices appearing in the Register addressing the proposed rule:**

Notice of Rulemaking Docket Opening: 12 A.A.R. \_\_\_\_, October 13, 2006

**4. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:**

Name: John Lindley, Administrative Rules Analyst

Address: Administrative Rules Unit  
Department of Transportation, Motor Vehicle Division  
1801 W. Jefferson St., Mail Drop 530M  
Phoenix, AZ 85007

Telephone: (602) 712-8804

Fax: (602) 712-3081

E-mail: jlindley@azdot.gov

Please visit the ADOT web site to track progress of this rule and any other agency rulemaking matters at [www.azdot.gov/mvd/mvdrules/rules.asp](http://www.azdot.gov/mvd/mvdrules/rules.asp).

**5. An explanation of the rule, including the agency's reasons for initiating the rule:**

The Arizona Department of Transportation, Motor Vehicle Division, and the Overdimensional Permit Council propose to amend existing rules and create additional rules to incorporate recent legislative changes provided under Laws 2006, Ch. 219, §§ 1, 3, 4, 5, and 6. The proposed rules will provide further clarification on the new escort vehicle operator requirements and prescribe the electronic format that all affected local authorities shall use to provide the Division with all current local ordinances and rules relating to overdimensional permitting. Additionally, minor changes were made to update related citations,

provide modernization in the rule drafting style, and to improve the clarity, conciseness, and understandability of the rules.

**6. A reference to any study relevant to the rule that the agency reviewed and either proposes to rely on or not rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:**

None

**7. A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:**

Not applicable

**8. The preliminary summary of the economic, small business, and consumer impact:**

The proposed rules prescribe the most effective process for the Department to ensure all current ordinances and rules of a local authority relating to excess size and weight special permits are made available to the public in an electronic format as required by Laws 2006, Chapter 219.

Since many local authorities currently maintain a web site with public access to their ordinances and rules, the Department anticipates only a minimal economic impact, which may affect the remaining local authorities that currently do not provide electronic public access to their ordinances and rules. Anticipated costs involve, the resources necessary to develop and maintain an Internet web site capable of providing appropriate public access to the local authority's ordinances and rules, and any administrative resources needed to facilitate the linking of each web site to the Department's web site.

A minimal impact to the Department is anticipated, which involves costs related to: the resources necessary for rulemaking; the development of a workable web page to house all web links submitted by local authorities for linking to the Department's web site; and the routine maintenance of the web page after its inception.

The proposed rules will have an un-quantifiable, but highly significant, benefit to the purchasers of excess size and weight special permits in terms of the immediate availability of all information necessary for the permittee to appropriately plan and successfully move oversize and overweight vehicles and loads in the best interest of public safety.

Other amendments in the proposed rules were made to reflect modernization in rule drafting style, update related citations, and improve the clarity, conciseness, and understandability of the rules.

**9. The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:**

Name: John Lindley, Administrative Rules Analyst

Address: Administrative Rules Unit

Department of Transportation, Motor Vehicle Division  
1801 W. Jefferson St., Mail Drop 530M  
Phoenix, AZ 85007

Telephone: (602) 712-8804  
Fax: (602) 712-3081  
E-mail: jlindley@azdot.gov

**10. The time, place, and nature of the proceedings for the making, amendment, or repeal of the rule, or if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:**

No oral proceeding is scheduled for this rulemaking action. A request for an oral proceeding may be made to the agency official listed in item #4. If no request for an oral proceeding is made, the public record in this rulemaking will close at 5:00 p.m. on November 20, 2006.

**11. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:**

None

**12. Incorporations by reference and their location in the rules:**

None

**13. The full text of the rules follows:**

**TITLE 17. TRANSPORTATION**  
**CHAPTER 6. DEPARTMENT OF TRANSPORTATION**  
**OVERDIMENSIONAL PERMITS**

**ARTICLE 1. GENERAL PROVISIONS**

Section

R17-6-101. General Provision; Definitions; Time of Day

R17-6-113. Electronic Access to Local Permit Ordinances and Rules

**ARTICLE 3. SAFETY REQUIREMENTS**

Section

R17-6-305. Escort Vehicles

## ARTICLE 1. GENERAL PROVISIONS

### **R17-6-101. General Provision; Definitions; Time of Day**

- A. General Provision. The Division Director of the Arizona Department of Transportation, Motor Vehicle Division, in cooperation with the Intermodal Transportation Division, shall issue and regulate overdimensional permits under this Chapter. The ~~agency~~ Department implements these Sections under the general authority of A.R.S. § 28-1103(B), ~~and~~ in collaboration with the Overdimensional Permit ~~Advisory~~ Council as prescribed ~~under~~ in A.R.S. § 28-1150(C)(3).
- B. Definitions. ~~The following definitions apply to this Chapter~~ In addition to the definitions prescribed in A.R.S. § 28-601, the following terms apply to this Chapter:
1. "AASHTO" means the American Association of State Highway Transportation Officials.
  2. "ADOT" ~~or "Department"~~ means the Arizona Department of Transportation.
  3. "Appurtenance" means any not readily removable manufacturer- or dealer-installed fixture attached to a vehicle or load that increases a peripheral dimension of the vehicle or load.
  4. "Arizona Central Commercial Permits" means the statewide ADOT-MVD ~~headquarters~~ office for overdimensional permit applications and information:
    - 14370 West Van Buren
    - Goodyear, Arizona 85338
    - Voice line: (623) 932-2247
    - Facsimile: (623) 932-2441
    - Internet: [www.dot.state.az.us/mvd/centralpermits/index.htm](http://www.dot.state.az.us/mvd/centralpermits/index.htm) [www.azdot.gov/mvd/index.asp](http://www.azdot.gov/mvd/index.asp)
  5. "Articulated vehicle" ~~or "combination vehicle"~~ means ~~any combination of a truck or truck tractor and one or more trailers or semitrailers that operates so that two or more frames are connected by couplings, but does not include a manufactured or mobile home~~ has the same meaning as combination vehicle.  
"Combination vehicle" has the same meaning as prescribed in A.R.S. § 28-101, combination of vehicles, but does not include a manufactured or mobile home.
  6. "Continuous travel" means to operate a vehicle continuously throughout any 24-hour period.  
"Department" means the Arizona Department of Transportation.
  7. ~~"Director" means:~~
    - a. ~~The Division Director of the Arizona Department of Transportation, Motor Vehicle Division; or~~
    - b. ~~The Division Director's designee.~~"Director" means the Division Director of the Arizona Department of Transportation's Motor Vehicle Division, or the Division Director's designee.
  8. "Division" ~~or "MVD"~~ means the Arizona Department of ~~Transportation,~~ Transportation's Motor Vehicle Division.
  9. "Envelope" ~~is~~ has the same meaning as prescribed in A.R.S. § 28-1141, and encompasses the ~~outmost~~ outermost dimensions of a load or vehicle that does not:

- a- Exceed 120 feet in length;
  - b- Exceed 16 feet in height;
  - e- Exceed 14 feet in width;
  - d- Exceed 250,000 pounds gross weight, ~~and does not exceed~~ or the maximum permitted weight computations for overweight axle group weight distribution as prescribed ~~under in~~ R17-6-411, Table 3.01 through Table 3.09; and or
  - e- Have fewer than four axles.
10. "Envelope permit" has the same meaning as prescribed ~~under in~~ A.R.S. § 28-1141(2) 28-1141, ~~and~~ which:
- a- ~~Is restricted~~ Restricts the load to non-reducible loads only,
  - b- Allows unlimited trips within the permit's validity period,
  - e- Allows the permitted carrier unlimited load changes,
  - d- Requires a transported load to meet envelope dimensional criteria, ~~and~~
  - e- Restricts operation to certain routes, and  
Excludes the transporting of a manufactured or mobile home.
11. "Established place of business" means a permanent site or location where the business of an overdimensional permit holder is conducted.
12. ~~"Fixed load," "non-reducible load," "non-divisible load," or "non-divisible vehicle" have the meaning prescribed under 23 CFR 658.5 April 2001, and means an overdimensional load or vehicle that if separated into smaller components would:~~
- a- ~~Destroy load or vehicle value,~~
  - b- ~~Render a load or vehicle unusable for its intended purpose, or~~
  - e- ~~Require more than eight hours to dismantle using appropriate equipment with the burden of proof on the permit applicant as to the number of dismantle hours necessary.~~
13. "Highway feature" means a roadway, structure, traffic control device, right-of-way, or any item connected with highway travel.
14. "ITD" means the Arizona Department of Transportation's Intermodal Transportation Division.  
"Law enforcement escort" means law enforcement personnel escorting an overdimensional permitted vehicle in the conduct of normal duties, under contract to a governmental entity, or as required by the Department under this Chapter.
15. ~~"LCV" or "longer combination vehicle" means any combination of a truck or truck tractor and one or more trailers or semitrailers that operates at a gross vehicle weight exceeding 80,000 pounds~~ means longer combination vehicle, which has the same meaning as prescribed in 23 CFR 658.5.
16. "Maintenance Permits Services" means ~~Arizona Department of Transportation Intermodal Transportation Division headquarters~~ the statewide ADOT-MVD office for class C overdimensional permit approval and technical information:  
206 South 17th Avenue, Mail Drop 004R 1225 North 25th Avenue, Mail Drop 524M  
Phoenix, Arizona 85007 85009

Voice line: (602) 712-8280 or 712-8176

Facsimile: (602) 712-3380

17. “Manufactured home” has the same meaning as prescribed under in A.R.S. § 41-2142(2) and (24) 41-2142.

18. “Metropolitan Phoenix” means linear distance on a state highway between post markers as designated:

Highway type	Highway number	Post marker and street name coordinate range
Interstate	10	133—SR101 Ave to 161—Chandler Boulevard
Interstate	17	210—SR101 to 150A—I-10 junction at 24th Street
State route	51	All
US route	60	188—Power Road to 172—I-10 junction
State route	143	All
State route	153	All
State route	202	All

“Metropolitan Phoenix” means the linear distances between all of the following state highway milepost markers:

Interstate 10: from milepost 133 - SR101, to milepost 161 - Chandler Boulevard;

Interstate 17: from milepost 210 - SR101, to exit 150A - I-10 junction at 24th Street;

State Route 51: All;

US Route 60: from milepost 188 - Power Road, to milepost 172 - I-10 junction;

State Route 143: All;

State Route 153: All; and

State Route 202: All.

19. “Metropolitan Tucson” means linear distance on a state highway between post markers as designated:

Highway type	Highway number	Post marker and street name coordinate range
Interstate	10	242.5—Cortaro Road to 268—Craycroft Road
Interstate	19	95—Valencia to I-10 junction
State route	77	82—Tangerine Road to I-10 junction
State route	86	166.5—Kinney Road to I-19B junction

“Metropolitan Tucson” means the linear distances between all of the following state highway milepost markers:

Interstate 10: from milepost 242.5 - Cortaro Road, to milepost 268 - Craycroft Road;

Interstate 19: from milepost 59 (kilometer post 95) - Valencia, to I-10 junction;

State Route 77: from milepost 82 - Tangerine Road, to I-10 junction; and

State Route 86: from milepost 166.5 - Kinney Road, to I-19B junction.

20. “Mobile home” has the same meaning as prescribed under in A.R.S. § 28-2001(B)(1) and as more specifically prescribed in A.R.S. § 41-2142.

21. ~~“M.S.T.” or “Mountain Standard Time” means the standard time in Arizona as prescribed under 49 CFR 71.2(b) in 49 CFR 71 and A.R.S. § 1-242(A) 1-242.~~  
“MVD” means the Arizona Department of Transportation’s Motor Vehicle Division.  
“Non-reducible load or vehicle” has the same meaning as prescribed in 23 CFR 658.5, nondivisible load or vehicle.
22. ~~“Overdimensional” means any size or weight measurement exceeding a measurement prescribed under in R17-6-102, Table 1.~~
23. ~~“Permit supervisor” means a managing official of Arizona Central Commercial Permits or an MVD Enforcement Services port of entry daily officer in charge.~~
24. ~~“Permittee” means a person or entity authorized, under a permit issued by the Department, to transport an overdimensional vehicle or load.~~
25. ~~“Power unit” has the same meaning as prescribed in A.R.S. § 28-1141(3) 28-1141.~~
26. ~~“Specified load” means any item or series of items transported throughout an entire permit period with no alteration except for exact dimensional duplicate item substitution.~~
27. ~~“Sunrise” and “sunset” have the same meaning and daily calculation as prescribed by the United States Naval Observatory (USNO), that which:~~
- a. ~~The Department uses to determine normal permit transport start and stop times as prescribed under R17-6-401(A) in R17-6-401; and~~
  - b. ~~An interested person may obtain access over the Internet from the USNO internet address: at <http://aa.usno.navy.mil>, or in hardcopy format from the Department Arizona Central Commercial Permits office prescribed under R17-6-101(B)(4).~~
28. ~~“Tandem axle” has the same meaning as prescribed in A.R.S. § 28-1100(B).~~
29. ~~“Tare weight” means a vehicle’s empty or starting weight.~~
30. ~~“Vehicle combination” has the meaning prescribed under A.R.S. § 28-101(10).~~
- C. ~~Time of Day. In any Section of this Chapter, a time of day prescribed is Mountain Standard Time (M.S.T.) as defined in subsection (B)(21) except where a state highway traverses a tribal nation that adopts daylight-saving time Daylight Saving Time under 49 CFR 71.2.~~

**R17-6-113. Electronic Access to Local Permit Ordinances and Rules**

- A.** A local authority that issues excess size and weight special permits under A.R.S. § 28-1103 and this Chapter, shall make available, to the Arizona Central Commercial Permits office, an Internet web link to where the local authority’s current ordinances and rules relating to the excess size and weight special permits can be electronically accessed.
- B.** The Arizona Central Commercial Permits office shall immediately post, to the Arizona Central Commercial Permits web page at [www.azdot.gov/mvd/index.asp](http://www.azdot.gov/mvd/index.asp), each Internet web link provided by a local authority under subsection (A) and A.R.S. § 28-1103.



## ARTICLE 3. SAFETY REQUIREMENTS

### R17-6-305. Escort Vehicles

#### A. Service requirement.

1. If required by the Department, a permittee ~~of an overdimensional vehicle or load~~ shall have an escort vehicle while transporting an overdimensional vehicle or load on a highway ~~prescribed~~ restricted under R17-6-412, Table 4.
2. The Department shall determine ~~if an overdimensional permitted vehicle must be accompanied by one or more escort vehicles~~ whether one or more escort vehicles must accompany an overdimensional permitted vehicle by considering the following:
  - a. Proposed transport route:
    - i. Highway width, height, road dynamics;
    - ii. Surface condition; and
    - iii. Grade;
  - b. ~~Load size~~ Overall vehicle and load dimensions;
  - c. Need for frequent stops; ~~or~~
  - d. Concern for public safety; and
  - e. Time of movement.
3. According to the criteria applicable under subsection (A)(2), the Department shall require two or more overdimensional permitted vehicles traveling together to be accompanied by at least one escort vehicle per load.

#### B. Vehicle ~~qualification~~ and operator qualifications and equipment requirements.

1. A vehicle qualifies as an escort vehicle if it:
  - a. Is a passenger car or two-axle truck ~~not exceeding 20,000 pounds, and~~ operating as a single unit,
  - b. Is currently registered; and
  - c. Meets insurance requirements as provided by law.
2. An escort vehicle operator, except for a law enforcement escort, shall meet all requirements under A.R.S. § 28-1110, and maintain certification through a program that meets the escort vehicle operator training and certification standards of the Commercial Vehicle Safety Alliance or an equivalent program, whether in this state or another state, that meets the same objectives.
3. Effective September 21, 2006, an escort vehicle operator is in compliance with subsection (B)(2), if the escort vehicle operator:
  - a. Files an application with a program that meets the escort vehicle operator training and certification standards of the Commercial Vehicle Safety Alliance or an equivalent program that meets the same objectives, whether in this state or another state; and
  - b. Completes the training and certification program within 120 days of the date of application.
- 2.4. An escort vehicle operator shall possess all of the following equipment:

- a. Warning flags as prescribed ~~under in~~ R17-6-302, when accompanying an overdimensional permitted vehicle ~~or load~~;
- b. Warning lights as prescribed ~~under in~~ A.R.S. § 28-947(D);
- c. An "OVERSIZE LOAD" sign:
  - i. Constructed as prescribed ~~under in~~ R17-6-303(C),
  - ii. Mounted above the vehicle's roofline,
  - iii. Displayed as prescribed ~~under in~~ R17-6-303(D), ~~and~~
  - iv. ~~Not visible when not in use~~; Accompanied by two flags, one mounted on each side of the oversize load sign, and
  - v. Not visible when not in use;
- d. A two-way radio:
  - i. Capable of transmitting and receiving a minimum of one-half mile, and
  - ii. Compatible with each two-way radio in an accompanying escort vehicle and each escorted ~~overdimensionally-permitted~~ overdimensional permitted vehicle; and
- e. Emergency equipment ~~as follows~~ to include:
  - i. At least eight ~~flares~~ emergency warning devices; and
  - ii. Two emergency staff-mounted warning flags manufactured to the specifications prescribed ~~under~~ in R17-6-302(A).

C. Operation.

1. Lighting requirement. While in service, an escort vehicle operator shall maintain continuous illumination of headlights and overhead warning lights.
2. Lead- and follow-distance.
  - a. On an open highway, except when visual contact cannot be maintained, an escort vehicle operator shall maintain a lead- or follow-distance not ~~exceeding~~ to exceed 1,500 feet from the escorted vehicle.
  - b. In an urban setting, an escort vehicle operator shall maintain a lead- or follow-distance not ~~exceeding~~ to exceed 250 feet from the escorted vehicle.
3. Stop provisions at a traffic signal-controlled intersection.
  - a. When ~~a load-bearing~~ an overdimensional permitted vehicle is required to stop, the lead-escort vehicle operator shall ~~stop safely on the right hand roadside after proceeding~~ proceed through the intersection and stop safely, off of the roadway as much as is safely possible. The lead-escort vehicle operator shall resume normal lead distance ~~after the load-bearing vehicle clears the intersection~~ as soon as is safely possible.
  - b. When a following-escort vehicle is required to stop, the operator of ~~a load-bearing~~ an overdimensional permitted vehicle shall proceed without stopping. The following-escort vehicle operator shall resume its normal distance behind the ~~load-bearing~~ overdimensional permitted vehicle as soon as is safely possible after clearing an intersection.