

NOTICE OF PROPOSED CHANGES IN THE
REGULATIONS OF THE DEPARTMENT OF TRANSPORTATION
AND PUBLIC FACILITIES

The Department of Transportation and Public Facilities (the “Department”) proposes to adopt regulation changes in Title 17 of the Alaska Administrative Code, dealing with Commercial Vehicles, including the following:

- (1) The heading for Article 1 of 17 AAC 25 is proposed to be changed to clarify that the size and weight limitations contained in Article 1 apply to all motor vehicles;
- (2) 17 AAC 25.012(d) is proposed to be changed to increase the permissible cargo-carrying length of a semitrailer or trailer;
- (3) 17 AAC 25.013(a) is proposed to be changed to make the subsection easier to understand and read;
- (4) 17 AAC 25.015(c) and (d), 17 AAC 25.200(a), and 17, AAC 25.210(a) are proposed to be changed to update the references to various federal regulations to the most recently published version;
- (5) 17 AAC 25.210 and 17 AAC 25.220 are proposed to be changed to exempt in certain circumstances persons holding commercial fishing licenses, sport fishing operator licenses, or sport fishing guide licenses from commercial vehicle safety and hours of service regulations;
- (6) 17 AAC 25.320(b) is proposed to be changed to updated the reference to the *Administrative Permit Manual: Oversize and Overweight Permits* to the version adopted in December of 2009;
- (7) 17 AAC 25.320(c) is proposed to be amended to increase the maximum width for which an extended period permit can be obtained for an oversized load;
- (8) 17 AAC 25.335(c) is proposed to be amended to permit oral warnings for overweight violations that do not exceed 500 pounds for an axle group;
- (9) 17 AAC 250.340 is proposed to be amended to permit enforcement officers who have reason to suspect a vehicle to be in violation of commercial vehicle safety regulations to stop the vehicle for inspection, and to provide that an overweight or oversize permit that has been altered is void; and
- (10) 17 AAC 25.900 is proposed to be amended to define of the term “intrastate commerce.”

You may comment on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, by submitting written comments to Laura Edwards at 11900 Industry Way, Suite 2, Anchorage, Alaska 99515, or laura.edwards@alaska.gov. The comments must be received no later than 5:00 p.m. on March 5, 2010.

Oral or written comments also may be submitted at a hearing to be held on March 2, 2010, at 11900 Industry Way, Suite 2, Anchorage, in the MSCVE Training Room. The hearing will be held from 2:00

p.m. to 3:00 p.m. and might be extended to accommodate those present before 3:00 p.m. who did not have an opportunity to comment. You may participate in this hearing telephonically by calling 800-315-6338, and use Access Code: 12001#. There are a limited number of people who can participate telephonically at the same time. If you receive a busy signal, call (907) 365-1210 and inform the receptionist that you wish to participate in the hearing.

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Laura Edwards at 907-365-1215 or email at laura.edwards@alaska.gov no later than February 23, 2010 to ensure that any necessary accommodations can be provided.

For a copy of the proposed regulation changes, contact Laura Edwards at 11900 Industry Way, Suite 2, Anchorage, Alaska 99515 or go to www.dot.state.ak.us/mscve.

After the public comment period ends, the Department will either adopt these or other provisions dealing with the same subject, without further notice, or decide to take no action on them. The language of the final regulations may be different from that of the proposed regulations. **YOU SHOULD COMMENT DURING THE TIME ALLOWED IF YOUR INTERESTS COULD BE AFFECTED.**

Statutory Authority: AS 19.05.010; AS 19.05.020; AS 19.05.040; AS 19.10.060; AS 19.10.310; AS 19.10.340; AS 19.10.340; AS 19.10.370; AS 19.10.399; AS 44.42.020; AS 44.42.030; AS 45.75.050; AS 45.75.131

Statutes Being Implemented, Interpreted, or Made Specific: AS 19.05.010; AS 19.05.020; AS 19.10.060; AS 19.10.310; AS 19.10.340; AS 19.10.340; AS 44.42.020; AS 45.75.050; AS 45.75.131

Fiscal Information: The proposed regulation changes are not expected to require an increased appropriation.

DATE: January 12, 2010

Dan Breeden, Director
DOT&PF / MSCVE

ADDITIONAL REGULATIONS NOTICE INFORMATION
(AS 44.62.190(d))

1. Adopting agency: Department of Transportation and Public Facilities
2. General subject of regulation: Commercial Vehicles
3. Citation of regulation (may be grouped): 17 AAC 25.012(d)(2); 17 AAC 25.013(a); 17 AAC 25.015(c) and (d); 17 AAC 25.200(a); 17 AAC 25.210(a) and (j); 17 AAC 25.220; 17 AAC 25.320(b); 17 AAC 25.320(c)(1); 17 AAC 25.335(c); 17 AAC 25.340; and 17 AAC 25.900
4. Reason for the proposed action:
 - compliance with federal law
 - compliance with new or changed state statute
 - compliance with court order
 - development of program standards
 - other: (please list) _____
5. RDU/component affected: Department of Transportation and Public Facilities/Division of Measurement Standards and Commercial Vehicle Enforcement
6. Cost of implementation to the state agency and available funding (in thousands of dollars):

	Initial Year FY 2010 Years	Subsequent
Operating Cost	\$ 0	\$ 0
Capital Cost	\$ 0	\$ 0
Federal receipts	\$ 0	\$ 0
General fund match	\$ 0	\$ 0
General fund	\$ 0	\$ 0
General fund/ program receipts	\$ 0	\$ 0
General fund/ mental health	\$ 0	\$ 0
Other funds (specify)	\$ 0	\$ 0

7. The name of the contact person for the regulations:

Name: Dan Breedon
Title: Director, Division of Measurement Standards and Commercial Vehicle Enforcement
Address: 11900 Industry Way, Building M, Ste. 2
Anchorage, AK 99515
Telephone: (907) 365-1210
E-mail address: dan.breedon@alaska.gov

8. The origin of the proposed action:

staff of state agency
 federal government
 general public
 petition for regulation change
 other (please list) _____

9. Date: January 12, 2010

Prepared by:

Name Dan Breedon
Title Director, Division of Measurement Standards and
Commercial Vehicle Enforcement
Telephone: (907) 365-1210

Chapter 25. Operations, Wheeled Vehicles.

The heading of Article 1 is amended to read:

Article 1. [COMMERCIAL] Motor Vehicles: Size and Weight.

17 AAC 25.012(d)(2) is amended to read:

(2) the cargo-carrying length of a semitrailer or trailer may not exceed **53**[48]

feet;

(Eff. 8/13/95, Register 135; am 10/7/2001, Register 160; am 11/16/2004, Register 172; am

12/31/2006, Register 180; am 4/9/2009, Register 190; am ____/____/_____, Register _____)

Authority: AS 19.05.010 AS 19.10.060 AS 44.42.030
AS 19.05.020 AS 44.42.020 AS 45.75.050
AS 19.05.040

17 AAC 25.013(a) is repealed and readopted to read:

(a) Except as provided in 17 AAC 25.335, the weight of a vehicle or combination of vehicles, including load and equipment, operated or moved on the state highway system may not exceed a limit set out in this section. If more than one weight limit applies, the most restrictive limitation will be used to determine the maximum allowable weight, as follows:

(1) the weight on a tire located on a steering axle of a power vehicle may not exceed 600 pounds per linear inch of tire width based upon the tire manufacturer's rating of nominal tire width;

(2) the weight on any other tire may not exceed 550 pounds per linear inch of tire tread width based upon the tire manufacturer's rating of nominal tire width;

(3) the weight on any axle may not exceed the manufacturer's rating;

(4) except as provided in paragraph (5), for a vehicle or combination of vehicles, including load and equipment, the weight on axles or axle groups may not exceed, and the distance between axles may not be less than, the following:

	Weight (pounds)	Distance
Single Axle	20,000	8 feet and 1 inch minimum spacing*
2-Axle Group	38,000	3 feet and 6 inches minimum spacing
3-Axle Group	42,000	3 feet and 6 inches minimum spacing
4-Axle Group	50,000	3 feet and 6 inches minimum spacing

* Any axle spaced less than 8 feet and 1 inch from any other axle, measured between the centers of the nearest axles, is considered as part of an axle group. In multi-axle groups, all axles must carry at least 6,000 pounds if the axle group weight is more than 50 percent of the legal group

weight. Lift axles or variable suspension axles are allowed in the drive axle group of the power vehicle, but may not be used for calculation of legal allowable vehicle gross weight.

(5) if the combination is a truck-tractor and single semitrailer combination where the length of the semitrailer is 48 feet or more, the weight on a three-axle group on the semitrailer may not exceed, and the distance between the axles may not be less than the following:

Weight (pounds)	Distance
42,000	3'6" minimum spacing
43,500	5' minimum spacing
45,000	6' minimum spacing

(6) the maximum gross vehicle weight for a vehicle or vehicle combination may not exceed that weight determined from the following formulas:

(A) maximum gross vehicle weight for a vehicle with lift axles in the drive axle group may not be greater than the weight determined under the following formula:

$$W = 500 \left[\frac{LN}{N - 1} + 12N + 36 \right]$$

Where:

W = The maximum gross vehicle weight to the nearest 500 pounds;

L = The distance in whole feet, measured between the centers of the extreme axles for the vehicle or the vehicle combination; a measurement including a fractional portion of a foot is stated as the next higher whole number; and

N = The number of axles on the vehicle or vehicle combination and does not include lift axles in the drive axle group of a power vehicle;

(B) the maximum gross vehicle weight for a vehicle with no lift axles in the drive axle groups may not be greater than the weight determined under the following formula:

$$W = 500 \left[\frac{LN}{N - 1} + 12N + 36 \right] + 3,000$$

Where:

W = The maximum gross vehicle weight to the nearest 500 pounds;

L = The distance in whole feet, measured between the centers of extreme axles for the vehicle or vehicle combination; a measurement including a fractional portion of a foot is stated as the next higher whole number; and

N = The number of axles on the vehicle or vehicle combination.

(Eff. 8/13/95, Register 135; am 10/7/2001, Register 160; am 12/31/2006, Register 180; am 4/9/2009, Register 190; am ___/___/_____, Register _____)

Authority: AS 19.05.010 AS 19.10.060 AS 44.42.030
 AS 19.05.020 AS 44.42.020 AS 45.75.050
 AS 19.05.040

17 AAC 25.015(c) is amended to read:

(c) An automobile carrier may operate on the state highway system under the requirements of 23 C.F.R. 658.13, revised as of April 1, 2009 [2005] and adopted by reference.

17 AAC 25.015(d) is amended to read:

(d) A boat transporter may operate on the state highway system under the requirements of 23 C.F.R. 658.13, revised as of April 1, 2009 [2005] and adopted by reference.

(Eff. 8/13/95, Register 135; am 10/7/2001, Register 160; am 11/16/2004, Register 172; am 12/31/2006, Register 180; am 4/9/2009; Register 190; am ____/____/_____, Register ____)

Authority: AS 19.05.010 AS 19.10.060 AS 44.42.030
AS 19.05.020 AS 44.42.020 AS 45.75.050
AS 19.05.040

The lead-in language of 17 AAC 25.200(a) is amended to read:

(a) A person driving a commercial motor vehicle, or a company whose business involves the operation of a commercial motor vehicle, upon a highway or vehicular way or area, shall comply with the transportation of hazardous materials, hazardous substances, or hazardous waste regulations adopted by the United States Department of Transportation and contained in the following provisions, as revised as of October 1, 2009 [2005] and adopted by reference, except as provided in (b) of this section:

...

(Eff. 11/16/2004, Register 172; am 12/31/2006, Register 180; am 4/9/2009; Register 190; am ____/____/_____, Register ____)

Authority: AS 19.05.010 AS 19.10.060 AS 19.10.370
AS 19.05.020 AS 19.10.310 AS 19.10.399
AS 19.05.040 AS 19.10.340

The lead-in language of 17 AAC 25.210(a) is amended to read:

(a) A person driving a commercial motor vehicle, or a company whose business involves the operation of a commercial motor vehicle, upon a highway or vehicular way or area, shall

comply with the regulations relating to the management, maintenance, operation, or driving of commercial motor vehicles, adopted by the United States Department of Transportation and contained in the following provisions, as revised as of October 1, 2009 [2007] and adopted by reference, except as otherwise provided in [(b) OF] this section:

...

17 AAC 25.210 is amended by adding a new subsection to read:

(j) A person operating a commercial motor vehicle is exempt from the requirements of this section while engaged in intrastate commerce if the person

(1) holds a valid commercial fishing license issued pursuant to AS 16.05.480, permit issued pursuant to AS 16.43.140, sport fishing operator license issued pursuant to AS 16.40.260, or sport fishing guide license issued pursuant to AS 16.47.270;

(2) is operating the vehicle on a roadway that is not connected by road to Anchorage or Fairbanks, or is within 50 road miles of the homeport of a commercial fishing vessel owned by the operator or upon which the operator is employed;

(3) is operating the motor vehicle as part of the person's commercial fishing operations;

(4) is operating a motor vehicle for which the gross vehicle weight, gross vehicle weight rating, gross combined weight, or gross combined weight rating does not exceed 26,001 pounds; and

(5) is not transporting hazardous materials for which a placard is required under 49 C.F.R. 395, as revised as of October 1, 2009, and is not operating a vehicle designed or used to transport 16 or more people, including the driver. (Eff. 11/16/2004, Register 172; am 12/31/2006, Register 180; am 4/9/2009, Register 190; am ____/____/_____, Register ____)

Authority: AS 19.05.010 AS 19.10.060 AS 19.10.370
AS 19.05.020 AS 19.10.310 AS 19.10.399
AS 19.05.040 AS 19.10.340

17 AAC 25.220 is amended by adding a new subsection to read:

(c) A person operating a commercial motor vehicle is exempt from the requirements of this section while engaged in intrastate commerce if the person

(1) holds a valid commercial fishing license issued pursuant to AS 16.05.480, permit issued pursuant to AS 16.43.140, sport fishing operator license issued pursuant to AS 16.40.260, or sport fishing guide license issued pursuant to AS 16.47.270;

(2) is operating the vehicle on a roadway that is not connected by road to Anchorage or Fairbanks, or is within 50 road miles of the homeport of a commercial fishing vessel owned by the operator or upon which the operator is employed;

(3) is operating the motor vehicle as part of the person's commercial fishing operations;

(4) is operating a motor vehicle for which the gross vehicle weight, gross vehicle weight rating, gross combined weight, or gross combined weight rating does not exceed 26,001 pounds; and

(5) is not transporting hazardous materials for which a placard is required under 49 C.F.R. 395, as revised as of October 1, 2009, and is not operating a vehicle designed or used to transport 16 or more people, including the driver. (Eff. 11/16/2004, Register 172; am 12/31/2006, Register 180; am 4/9/2009, Register 190; am ____/____/_____, Register ____)

Authority: AS 19.05.010 AS 19.10.060 AS 19.10.370

AS 19.05.020 AS 19.10.310 AS 19.10.399
AS 19.05.040 AS 19.10.340

17 AAC 25.320(b) is amended to read:

(b) As it considers necessary to assure that the requirements listed in (a)(2)(A) - (D) of this section are met, the department will, as conditions for a permit issued under (a)(1) or (a)(2) of this section, establish time limitations for movement, designate routes, limit the number of trips, or otherwise restrict the movement of oversize or overweight vehicles and loads. The movement of permitted oversize or overweight vehicles or loads must comply with the requirements for towing vehicles, pilot cars, warning signs and lights, hours of darkness, and other safety considerations specified in the **department's** [DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT'S] *Administrative Permit Manual: Oversize and Overweight Permits*, revised as of **December 2009, is** [JUNE 1989. PAGES 3.1 THROUGH 3.2, 4.1 THROUGH 4.3, 5.1, 6.1 THROUGH 6.4, 7.1 THROUGH 7.3, 8.2 THROUGH 8.6, 9.2 THROUGH 9.5, 10.1, AND 11.1 THROUGH 11.3 OF THAT MANUAL ARE] adopted by reference.

17 AAC 25.320(c)(1) is amended to read:

(1) vehicles or loads over 10 feet **6 inches** wide under 17 AAC 25.012(a);

(Eff. 10/7/2001, Register 160; am 11/16/2004, Register 172; am 12/31/2006, Register 180; am ___/___/_____, Register _____)

Authority: AS 19.05.010 AS 19.10.060 AS 44.42.030
AS 19.05.020 AS 44.42.020 AS 45.75.050

AS 19.05.040

17 AAC 25.335(c) is amended to read:

(c) The following procedures will be observed while enforcing the axle group weight requirements set out in 17 AAC 25.013:

(1) if the weight of an axle group on a vehicle is over the amount allowed in 17 AAC 25.013 by no more than 500 [1,000] pounds, **an oral warning may be given or** a written violation will be noted on the inspection form, and the vehicle will be allowed to proceed;

(2) **if the weight of an axle group on a vehicle is over 500 pounds and no more than 1,000 pounds, a written violation will be noted on the inspection form, and the vehicle will be allowed to proceed;**

(3) [(2)] if the weight of an axle group on a vehicle is over the amount allowed in 17 AAC 25.013 by more than 1,000 pounds, but no more than 2,000 pounds, and can be corrected at the weigh station by shifting the load, a written violation will be noted on the inspection form, the load must be corrected by shifting, and the vehicle will be allowed to proceed;

(4) [(3)] if the weight of an axle group on a vehicle is over the amount allowed in 17 AAC 25.013 by more than 1,000 pounds but no more than 2,000 pounds and cannot be corrected at the weigh station by shifting the load, the driver of the vehicle will be issued a citation for the violation and be directed to a location to unload the excess weight from the vehicle;

(5) [(4)] if the weight of an axle group on a vehicle is over the amount allowed in 17 AAC 25.013 by more than 2,000 pounds, the driver of the vehicle will be issued a citation for the violation and be directed to a location to unload the excess weight from the vehicle; however, if the weight of that axle group is over the legally allowed amount by more than 125 percent of the legally allowed amount and cannot be corrected by shifting the load, the vehicle will be parked at the weigh station or enforcement site until the vehicle's weight can be reduced to within the amount allowed in 17 AAC 25.013 or in a permit issued under 17 AAC 25.320. (Eff. 10/7/2001, Register 160; am 4/9/2009, Register 190; am ____/____/_____, Register _____)

Authority: AS 19.05.010 AS 19.10.060 AS 45.75.050
AS 19.05.020 AS 44.42.020 AS 45.75.131
AS 19.05.040 AS 44.42.030

17 AAC 25.340 is amended to read:

17 AAC 25.340. Enforcement. (a) An enforcement officer who has reason to believe that a vehicle or load is oversized, [OR] overweight, **or violates any of the provisions of 17 AAC 25.210,** may require the driver to stop for inspection or **for** weighing by means of portable scales or at the nearest weigh station.

(b) A driver of a vehicle may not refuse to stop and submit the vehicle and load to weighing, or **inspection** [FAIL OR REFUSE WHEN ORDERED BY AN ENFORCEMENT OFFICER UPON A WEIGHING OF THE VEHICLE, TO STOP THE VEHICLE AND OTHERWISE COMPLY WITH THE PROVISIONS OF THIS SECTION].

(c) If the movement of a vehicle or load is authorized by a permit issued under 17 AAC 25.320, upon request by an enforcement officer, the driver shall produce the permit for

inspection [OR OTHERWISE SUFFICIENTLY IDENTIFY THE PERMIT SO THAT THE ENFORCEMENT OFFICER CAN READILY VERIFY ITS ISSUANCE].

(d) A permit that has been altered is void upon the alteration. (Eff. 10/7/2001,

Register 160; am ___/___/_____, Register _____)

Authority: AS 19.05.010 AS 19.10.060 AS 45.75.050
AS 19.05.020 AS 44.42.020 AS 45.75.131
AS 19.05.040 AS 44.42.030

17 AAC 25.900 is amended by adding a new paragraph to read:

(51) “intrastate commerce” has the meaning ascribed to it in 49 C.F.R. 390.5, revised as of October 1, 2009. (Eff. 8/13/95, Register 135; am 10/7/2001, Register 160; am 11/16/2004, Register 172; am 4/9/2009, Register 190; am ___/___/_____, Register _____)

Authority: AS 19.05.010 AS 19.10.060 AS 44.42.030
AS 19.05.020 AS 44.42.020 AS 45.75.050
AS 19.05.040