

Secretary of State
NOTICE OF PROPOSED RULEMAKING*

A Statement of Need and Fiscal Impact accompanies this form.

Department of Transportation, Motor Carrier Transportation Division (MCTD)

735

Agency and Division

Administrative Rules Chapter Number

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Rules Coordinator

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RULE CAPTION

Vehicles or loads subject to variance permits, relating to lift axles

Not more than 15 words that reasonably identify the subject matter of the agency's intended action.

RULEMAKING ACTION

ADOPT: Secure approval of rule numbers with the Administrative Rules Unit prior to filing.

AMEND: 734-074-0010, 734-082-0015 & 734-082-0040

REPEAL:

RENUMBER: Secure approval of rule numbers with the Administrative Rules Unit prior to filing.

AMEND & RENUMBER: Secure approval of rule numbers with the Administrative Rules Unit prior to filing.

ORS 184.616, 184.619, 810.050 & 810.060 818.200

Stat. Auth.

None

Other Authority

ORS 818.200, 818.220 & 818.225

Stats. Implemented

RULE SUMMARY

The proposed amendments:

- (1) Clarify that a lift axle is not required to be deployed when the weight on a tire, an axle, tandem axle and group of axles are legal weight and the overall gross vehicle weight of the combination does not exceed the overall authorized weight.
- (2) Remove a requirement that an auxiliary axle be deployed if it is included in the specified axles required on a variance permit;
- (3) Update revision dates to route maps issued with variance permits; and
- (4) Clarify the hauling equipment that can be part of an unladen heavy haul combination and transported on the trailer of an unladen heavy haul combination under an annual variance permit within specified size limits over specified routes.

Text of proposed and recently adopted ODOT rules can be found at web site <http://www.oregon.gov/ODOT/CS/RULES/>.

A public rulemaking hearing may be requested in writing by 10 or more people, or by an association with 10 or more members, within 21 days following the publication of the Notice of Proposed Rulemaking in the *Oregon Bulletin* or 28 days from the date Notice was sent to people on the agency mailing list, whichever is later. If sufficient hearing requests are received, the notice of the date and time of the rulemaking hearing must be published in the *Oregon Bulletin* at least 14 days before the hearing.

The agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing the negative economic impact of the rule on business.

April 21, 2008

Last Day for Public Comment

Last day to submit written comments to the Rules Coordinator

Signature

Lauri Kunze

Printed name

Date

* The *Oregon Bulletin* is published on the 1st of each month and updates the rule text found in the Oregon Administrative Rules Compilation. Notice forms must be submitted to the Administrative Rules Unit, Oregon State Archives, 800 Summer Street NE, Salem, Oregon 97310 by 5:00 pm on the 15th day of the preceding month unless this deadline falls on a Saturday, Sunday or legal holiday when Notice forms are accepted until 5:00 pm on the preceding workday.

Secretary of State
STATEMENT OF NEED AND FISCAL IMPACT
A Notice of Proposed Rulemaking Hearing or a Notice of Proposed Rulemaking accompanies this form.

Oregon Department of Transportation – Motor Carrier Transportation Division (MCTD)
Agency and Division

734
Administrative Rules Chapter Number

In the Matter of amending OAR 734-074-0010, 734-082-0015 & 734-082-0040 relating to vehicles or loads that exceed maximum allowable limits.

Rule Caption: ODOT intends to amend rules relating to vehicles or loads subject to variance permits.

Statutory Authority: ORS 184.616, 184.619, 810.050 & 810.060 818.200

Other Authority: None

Statutes Implemented: ORS 818.200, 818.220 & 818.225

Need for the Rule(s): Division 74 rules govern variance permits issued for vehicle combinations that exceed 80,000 pounds. Division 82 rules govern highway transportation of vehicles and non-divisible loads that exceed legal limits. Rules describe variance permit terms, requirements and exemptions for such operations. The proposed amendments:

- (1) Clarify that a lift axle is not required to be deployed when the weight on a tire, an axle, tandem axle and group of axles are legal weight and the overall gross vehicle weight of the combination does not exceed the overall authorized weight.
- (2) Remove a requirement that an auxiliary axle be deployed if it is included in the specified axles required on a variance permit;
- (3) Update revision dates to route maps issued with variance permits; and
- (4) Clarify the hauling equipment that can be part of an unladen heavy haul combination and transported on the trailer of an unladen heavy haul combination under an annual variance permit within specified size limits over specified routes.

The proposed rule amendments regarding lift axles and auxiliary axles are needed to provide clear direction to enforcement officials that an otherwise legal combination is not required to operate with a deployed lift axle or auxiliary axle when deploying the axle is inconsequential to legal weight determination.

Amendment to OAR 734-082-0040 reflects current industry practices and provides flexibility to trucking companies that use special equipment (heavy haul combinations) to haul oversize loads. When operating these vehicle combinations empty over specified routes and within specified size limits, motor carriers will be allowed to transport any equipment utilized to legally transport the oversize load. The existing rule limits the equipment that can be transported under an annual variance permit, and it is reasonable to allow all equipment needed for the heavy haul operation to be transported as long as the overall size limits are not increased.

Documents Relied Upon and where they are available: None

Fiscal and Economic Impact, including Statement of Cost of Compliance: Except as described herein, the proposed changes have no anticipated financial impact on other agencies or business, including small business, or members of the public. Motor carriers that transport oversized loads may qualify for an \$8 annual variance permit, and not have to purchase an \$8 single trip variance permit each time they relocate empty hauling equipment. Since the \$8 fee for a variance permit is intended to recover the cost of issuing the permit, there is no anticipated fiscal impact on ODOT. MCTD is not able to quantify the anticipated change in number of variance permits issued because currently variance permits for unladen heavy-haul operations may be included as part of a single trip variance permit issued for the loaded heavy-haul operation.

Projected reporting, recordkeeping and other administrative activities required for compliance: None

Equipment, supplies, labor and administration required: None

How were small businesses involved in the development of this rule? The proposed changes were sent to 14 groups representing small businesses seeking comment and none responded.

Administrative Rule Advisory Committee consulted?: No

No specific advisory committee was formed to draft the proposed amendments. The proposed rules were shared with the Motor Carrier Transportation Advisory Committee.

Authorized Signer

Lauri Kunze

Printed name

Date