

Public Meeting
Arizona Overdimensional Permit Council
Regular Meeting Minutes
For December 14, 2016

An Overdimensional Permit Council meeting was held in public at the Arizona Department of Transportation (“ADOT”) Auditorium, 206 S. 17th Avenue, Phoenix, Arizona 85007, on December 14, 2016, scheduled to commence at 1:30 p.m. MST.

Call to Order – Chairman Kyle Wilkes called to order the Arizona Overdimensional Permit Council meeting at 1:36 p.m. MST.

1. Roll Call and Quorum – Chairman Kyle Wilkes conducted a roll call of the Council. Council Members **in** attendance:

Tim Lane, Rhonda Melancon, Robert Benham, Michael S. Townsend, Kyle Wilkes, Michael Hass, and James Mussman.

Council Member **not** in attendance was Mark Beadles. There is one unappointed seat on the Council.

With seven Council Members present, the Council did have a quorum (minimum of five required).

2. Pledge of Allegiance – led by Chairman Kyle Wilkes

3. Welcome and Introductory Comments – Chairman Kyle Wilkes welcomed the public, public officials, members of the Overdimensional Permit Council and staff to the meeting. Chairman Wilkes provided a brief overview of how he planned to chair the meeting and how that will assist in ensuring compliance with the Arizona Open Meeting Law.

4. Approval of June 4, 2014 Council Meeting Minutes – Chairman Wilkes asked the Council for a motion to approve the minutes from the June 4, 2014 meeting. Council Member Michael S. Townsend moved that the meeting minutes be approved. Council Member Robert Benham seconded the motion, which carried unanimously by voice vote.

5. Arizona Administrative Code, Title 17 Transportation, Chapter 6 Department of Transportation - Oversize and Overweight Special Permits, Articles 1 through 5 – Senior Rules Analyst John Lindley of ADOT verbally provided the Council with the following information concerning various administrative rules amendments that ADOT intends to *propose*, along with various proposed technical corrections and clarifying language changes to the rules. These have been considered by the Department during the time since publication of the final (current) administrative rules on oversize and overweight special permits on August 16, 2013.

Chairman Kyle Wilkes stated that each Article of the rules would be discussed in order with John Lindley highlighting the *proposed* substantive changes.

Article 1 – General Provisions – proposed changes:

John Lindley gave a brief outline of the rulemaking process as it has occurred thus far, and explained that the first several pages of the rules package that was provided online and in hard copy were a preamble to conform to proper formatting requirements for rulemaking.

Mr. Lindley described various proposed, definitional changes found in Article 1. Chairman Kyle Wilkes called on Michael S. Townsend to discuss Mr. Townsend’s concerns with the definition of “mobile home,” which Mr. Townsend raised at the last Council meeting. Mr. Townsend expressed that he would like to see the term “mobile home” changed to “factory-built building” to more accurately describe the types of buildings defined by that term. Mr. Lindley pointed out that the definition in the rule is the same as the statutory definition, but he would do further research on federal definitions and get back to the Council.

Mr. Lindley highlighted the definitional change of the term “tridem axle” and also clarified that changes to rule Arizona Administrative Code (A.A.C.) R17-6-103(E) are a result of the federal FAST Act. Chairman Wilkes expressed that the Council would discuss tridem axle issues later in the meeting. Mr. Wilkes expressed concerns with the current rule language that requires applicants for oversize or overweight special permits or envelope permits to provide the Department with per-axle weight measurements. Chairman Wilkes would prefer for applicants to provide weight measurements per axle group, not per axle, and for the applicable rules to be modified to provide for this. Mr. Lindley agreed to research the issue for the Council.

Chairman Wilkes stated that local authorities do not consistently make their ordinances available to the Department as required under A.A.C. R17-6-113. Mr. Lindley agreed that the information provided by the local authorities is not always accurate. Chairman Wilkes suggested that the statute requiring the local authorities to provide such information be amended to establish a penalty for non-compliance and he would like to work with the Department on such an amendment to the statute.

Council Member Benham asked why various sections of the rules were being removed. Mr. Lindley explained that the sections were being removed from the current rule and moved to a different rule to allow for the distinction between the crane industry and other industries.

The Council had no further discussion on proposed changes for Article 1.

Article 2 – Special Permit Classes and Fees – proposed changes:

Mr. Lindley explained that the *proposed* changes to this article are a result of a legislative bill passed two years ago dealing with Long Combination Vehicles (“LCVs”), which has led to the Department establishing a new permit. Mr. Lindley explained that the proposed changes to A.A.C. R17-6-205 and 206 are to correct a mistake in the previous rules that adversely affected the crane industry. The Department has been allowing cranes to travel under the terms of the rules as they are proposed to be amended for a year, and the industry is satisfied.

Mr. Lindley pointed out that Chairman Wilkes would likely wish to discuss rule A.A.C. R17-6-212, which deals with tridem axles. Mr. Wilkes reiterated that he would like to see changes made throughout the rules to allow for permit applicants to report axle *group* weights, and if the Department makes such a policy decision it would need to amend A.A.C. R17-6-204. Mr. Wilkes asked Council Member Hass if he is satisfied with the changes made to the rules affecting the crane industry, and Mr. Hass responded that he is satisfied.

Chairman Wilkes then explained that he would like to eliminate rule A.A.C. R17-6-204 altogether to allow for 60,000 pounds to be carried on tridem axles under criteria he has proposed to the Department. Chairman Wilkes expressed that such a rule change would be an exception to the bridge formula and would not require a Class C permit; that discussions with the Department on this issue are ongoing, and no resolution has occurred yet.

The Council had no further discussion on proposed changes for Article 2.

Article 3 – Safety Requirements – proposed changes:

Mr. Lindley explained that he changed many of the illustrations in Article 3 and added more examples for projecting loads and lighting to match state and federal regulations.

Mr. Lindley also explained that proposed changes were added to clarify that more than one integral component removed from a loaded primary object could be transported on the same vehicle as the primary object. Chairman Wilkes explained that there has been confusion by enforcement because the rule currently uses only the word “component.” Council Member Benham clarified that components must be integral to the primary objects, not other unrelated components.

The Council had no further discussion on proposed changes for Article 3.

Article 4 – Transport Provisions – proposed changes:

Mr. Lindley reminded the Council that rule A.A.C. R17-6-401(E) requires permittees and drivers to review the most current restrictions online. He stated that the changes to rules A.A.C. R17-6-404, 405, 406, 408, 409 will allow up to 20 feet of rear overhang without escort vehicles on nights, weekends, and holidays. Chairman Wilkes clarified that the language should be changed to exclude any overhang restrictions altogether and simply allow up to 120 feet of total length with rear escorts required if overhang exceeds 20 feet.

Chairman Wilkes asked the Council for any objections or questions. Seeing none, Mr. Wilkes said he did not wish to discuss any issues related to Table 4 in the rules, because the rules allow for real-time updates to Table 4 online; and thus changes to Table 4 do not need to be reviewed by the Council.

The Council had no further discussion on proposed changes for Article 4.

Article 5 – Envelope Permit Special Provisions – proposed changes:

Chairman Wilkes briefly stated that the proposed change in Article 5 is limited to Page, Arizona and to Lake Powell houseboat hauling in that vicinity.

The Council had no further discussion on proposed changes for Article 5.

6. **Call to the Public** – Chairman Wilkes announced and began the Call to the Public. No one indicated a desire to address the Council during the Call to the Public, and no one did.
7. **Adjournment** – Chairman Wilkes asked the Council Members if anyone wanted to add anything for the next meeting agenda. No Members requested anything be added.

Council Member Benham asked why *all* of the current rule sections were not provided in the draft. Chairman Wilkes called Mr. Lindley up to explain. Mr. Lindley explained that the only sections provided in the circulated draft are those that have proposed amendments.

Chairman Wilkes thanked the Council Members and the public for their attendance and asked Council Members for a motion to adjourn. Council Member Mussman moved to adjourn the Council meeting. Council Member Townsend seconded the motion, which carried unanimously by voice vote. The Council meeting was adjourned at 2:36 p.m. MST.