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NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 734
DEPARTMENT OF TRANSPORTATION
HIGHWAY DIVISION

FILED

07/28/2023 8:41 AM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Delegation of Authority to Issue Single-trip Permits for Over-length Trailers

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 08/21/2023 5:00 PM

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

A public rulemaking hearing may be requested in writing by 10 or more people, or by a group 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 the 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.

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NEED FOR THE RULE(S)

While rare when the rule was first written, CCD today is regularly called upon to issue over-length trailer permits to motor carriers. These exceptions now need to be granted many times per month. The proposed amendment makes provision for the CCD Administrator to delegate via writing the authority to issue these over-length trailer permits to motor carriers. This ability to delegate allows the Division to issue permits timely without having to escalate every request to the Division Administrator.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

None

STATEMENT IDENTIFYING HOW ADOPTION OF RULE(S) WILL AFFECT RACIAL EQUITY IN THIS STATE

The adoption of these changes to rule allows for more timely service of over dimension permits to all carriers, regardless of race.

FISCAL AND ECONOMIC IMPACT:

None

COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

None

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

Twelve groups representing small businesses received a copy of the proposed amendments and were asked to submit comments on fiscal and economic impact.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? YES

AMEND: 734-082-0045

RULE SUMMARY: Conditions under which over-length trailer permits can be issued.

CHANGES TO RULE:

734-082-0045

Trailer Provisions ¶¶

- (1) Single trip permits for trailers or semitrailers that exceed 53 feet in length for movement of non-divisible loads, or unladen movement, shall be granted on an individual basis.¶¶
- (2) Permits issued authorizing semitrailers or trailers to exceed 53 feet in length must be warranted by the size or weight of the non-divisible load and meet one or more of the following criteria:¶¶
 - (a) The use of trailer is necessary to reduce the height of a load; or¶¶
 - (b) The use of the trailer is necessary to support the load, otherwise it would be damaged by allowing it to overhang the trailer, or by sagging due to insufficient support; or¶¶
 - (c) The use of the trailer is necessary to accommodate the weight of the load.¶¶
- (3) When not operating under the terms of a permit, the unladen semitrailer or trailer must be reduced to no greater than 53 feet in length, and the overall length of the combination cannot exceed the length limit allowed for the highway(s) traveled.¶¶
- (4) A truck-tractor semitrailer or trailer combination under this rule may only be granted permits for trailers over 53 feet in length for the following types of trailers:¶¶
 - (a) Stretch trailers;¶¶
 - (b) Expanded trailers;¶¶
 - (c) Special use trailers;¶¶
 - (d) Tow-away trailers;¶¶
 - (e) Trailers with flip axle(s) deployed;¶¶
 - (f) Trailers with a flip neck extension deployed; or¶¶
 - (g) Trailers that have additional axle(s) which may be pinned, and are removable.¶¶
- (5) Requests for permits for semitrailers or trailers in a truck-tractor semitrailer or trailer combination that exceed 53 feet in length, which cannot be classified as a semitrailer or trailer under section (4) of this rule, will not be granted unless the Administrator of ~~MCT~~CCD determines that the public interest requires the semitrailer or trailer for the impending movement, and the movement can be performed safely. The Administrator of CCD may delegate the authority to make this determination to CCD personnel.¶¶
- (6) An unladen truck-tractor and semitrailer or trailer combination under this rule may be granted permits for trailers that exceed 53 feet in length for the following types of trailers:¶¶
 - (a) Special use trailers which cannot be reduced in length; or¶¶
 - (b) Expanded trailers, trailers with flip axle(s) or flip neck extension deployed, pinned (axles), or other components which would require special equipment in order to accommodate reducing the trailer length.¶¶
- (7) Requests for permits for unladen semitrailers or trailers in a truck-tractor semitrailer or trailer combination that exceed 53 feet in length, which cannot be classified as a trailer under section (6) of this rule, will not be granted unless the Administrator of ~~MCT~~CCD determines that the public interest requires the semitrailer or trailer for an impending movement, and the movement can be performed safely. The Administrator of CCD may delegate the authority to make this determination to CCD personnel.¶¶
- (8) A combination of vehicles which consists of a truck-tractor, semitrailer or trailer as described in section (4), or a fixed trailer, which also includes at least one of the following vehicles may be granted permits for trailers over 53 feet in length:¶¶
 - (a) Jeep axle(s);¶¶
 - (b) Booster axle(s);¶¶

(c) Steering axle(s) dollies¶

(9) An unladen combination of vehicles as described in section (8) may be granted permits for trailers over 53 feet in length. The combination must be reduced to the shortest length practicable.¶

(10) Requests for permits for trailers or semitrailers exceeding 53 feet in length for movement of a non-divisible load that does not warrant the size of the trailer as described in section (2), may be authorized on a case-by-case basis as a ~~front~~primary haul or ~~back~~secondary haul movement.

Statutory/Other Authority: ORS ~~184.616~~, 184.619, 810.050, 810.060

Statutes/Other Implemented: ORS 818.220, 818.225