

State of Arizona
House of Representatives
Fifty-third Legislature
Second Regular Session
2018

CHAPTER 242
HOUSE BILL 2521

AN ACT

AMENDING SECTIONS 28-1092, 28-1103 AND 28-1150, ARIZONA REVISED STATUTES;
RELATING TO VEHICLE SIZE, WEIGHT AND LOAD.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 28-1092, Arizona Revised Statutes, is amended to
3 read:

4 28-1092. Reasonable access; definitions

5 A. The department shall provide reasonable access to vehicles of
6 legal size to and from terminals and service facilities within one road
7 mile of the national network on highways within its jurisdiction.

8 B. The local authority shall provide reasonable access to vehicles
9 of legal size to and from terminals and service facilities within one road
10 mile of the national network on highways within its jurisdiction. The
11 local authority shall provide the director with a list of routes or maps
12 designating the highways on which reasonable access is denied by December
13 1, 1992. The local authority shall update the list annually beginning on
14 December 31, 1993. The department shall consolidate and publish the list
15 annually.

16 C. EXCEPT AS OTHERWISE PROVIDED BY THIS TITLE, THE DEPARTMENT OR
17 THE LOCAL AUTHORITY SHALL PROVIDE REASONABLE ACCESS TO VEHICLES OF LEGAL
18 SIZE BEYOND ONE ROAD MILE OF THE NATIONAL NETWORK ON A ROUTE ON HIGHWAYS
19 WITHIN ITS JURISDICTION IF BOTH OF THE FOLLOWING APPLY:

20 1. A TEST DRIVE ON THE ROUTE OR AN APPLICATION OF A VEHICLE
21 TEMPLATE TO A PLAN OF THE ROUTE SHOWS THAT VEHICLES OF LEGAL SIZE CAN
22 SAFELY TRAVEL ON THE ROUTE.

23 2. THE VEHICLES ARE OF LEGAL SIZE.

24 ~~D.~~ D. The department and the local authority may deny reasonable
25 access ~~within one road mile~~ to or from the national network by a vehicle
26 of legal size on highways within their jurisdiction as follows:

27 1. Reasonable access may be denied if access would result in a
28 significant and clearly evident safety problem in relation to a vehicle of
29 legal size.

30 2. For vehicles that are at least one hundred two inches wide,
31 reasonable access may be denied on specific routes with lanes that are ten
32 feet wide or less.

33 3. Reasonable access may be denied if denial is related to the
34 specific configuration and resultant safety factor of the individual
35 route, including structural hazards.

36 4. In denying reasonable access, the department or local authority
37 shall not grant exceptions for categories, types or groups of routes.

38 ~~D.~~ E. A person shall submit a written request for reasonable
39 access to the department if it concerns highways under its jurisdiction or
40 to the local authority if it concerns highways under its jurisdiction. If
41 a written request for reasonable access is not acted on within ninety days
42 ~~of~~ AFTER receipt by the appropriate jurisdiction, reasonable access is
43 approved. If a written request for reasonable access is denied by the
44 department or the local authority, the person may appeal to the
45 jurisdiction that denied access, and the jurisdiction shall issue a

1 decision within ninety days. If the appeal is denied by the local
2 jurisdiction, the person may request a review by the director of the
3 denial of access.

4 ~~F.~~ F. The department shall design a uniform symbol that is an
5 exception sign to convey information that access is denied. The
6 department shall use the sign to indicate any point of exit from the
7 national network that does not have a connecting state or local authority
8 access route to terminals or service facilities.

9 ~~F.~~ G. The department or a local authority shall not require a
10 person to obtain a permit for a vehicle of legal size or to pay a fee to
11 gain reasonable access pursuant to this section.

12 ~~G.~~ H. For purposes of this section:

13 1. "National network" means the system of highways that is a part
14 of any segment of the national system of interstate and defense highways
15 or any other qualifying federal aid highway or state highway designated by
16 the director as authorized by the surface transportation assistance act of
17 1982 (P.L. 97-424; 96 Stat. 2097) and designated pursuant to section
18 28-1093.

19 2. "Reasonable access" means providing the most reasonable and
20 practical route available, including allowance for return of the vehicle
21 to the national network on a route other than the route traveled to the
22 terminal or service facility if it is feasible and more practical to
23 follow the alternate route, unless allowing access would result in a
24 significant and clearly evident safety problem.

25 3. "Service facility" means a facility that provides food, fuel,
26 lodging, repairs or emergency medical care.

27 4. "Terminal" means a location where either:

28 (a) Freight originates, terminates or is handled in the
29 transportation process.

30 (b) Commercial motor carriers maintain operating facilities.

31 5. "Vehicle of legal size" means a vehicle of a size that meets the
32 limitations prescribed in section 28-1093, subsection C, section 28-1094
33 and section 28-1095, subsections A and B, subsection C, paragraphs 1,
34 ~~through 2, 3 AND~~ 4 and subsection D.

35 Sec. 2. Section 28-1103, Arizona Revised Statutes, is amended to
36 read:

37 28-1103. Excess size and weight special permits; definition

38 A. Subject to section 28-1104, subsection E, on application in
39 writing and for good cause, the director with respect to highways under
40 the jurisdiction of the department and a local authority with respect to
41 highways under its jurisdiction may issue a special permit in writing
42 authorizing the applicant to operate or move a vehicle or combination of
43 vehicles of a size or weight of vehicle or load exceeding the maximum
44 specified in this article or otherwise not in conformity with this chapter

1 on any highway under the jurisdiction of the party granting the permit and
2 for the maintenance of which the party is responsible.

3 B. A special permit may be issued for the movement of
4 overdimensional and overweight loads that is subject to department rules
5 for overdimensional and overweight loads. The director shall adopt rules
6 for overdimensional and overweight loads. The director may establish fees
7 to cover all or part of the cost of review and analysis of requests for
8 overdimensional and overweight load permits. The department shall collect
9 the fees, in addition to the special permit fee provided by this section
10 or section 28-1105.

11 C. Subject to this section, the director or local authority may
12 issue the following special permits that are valid for thirty days or one
13 year and that may be limited by the director or local authority:

14 1. A special permit authorizing the applicant to transport a load
15 by means of a truck-semitrailer, truck-trailer, truck
16 tractor-semitrailer-semitrailer or truck tractor-semitrailer-trailer
17 combination, if all of the following conditions are met:

18 (a) The overall length of the cargo carrying unit of the vehicle
19 combination does not exceed ninety-five feet.

20 (b) The axle weight limitations are subject to sections 28-1099 and
21 28-1100.

22 (c) The overall gross weight of the vehicle combination does not
23 exceed one hundred twenty-nine thousand pounds.

24 (d) The vehicle combination is traveling within twenty miles of the
25 borders of this state and an adjacent state that allows such combinations
26 of length and gross vehicle weight.

27 2. Except on the national intercity truck route network designated
28 by the United States secretary of transportation as required by the
29 surface transportation assistance act of 1982, a special permit
30 authorizing the applicant to transport a load by means of a truck and two
31 trailing units or a truck tractor, a semitrailer and two trailing units if
32 all of the following conditions are met:

33 (a) The overall length of the cargo carrying unit of the vehicle
34 combination does not exceed ninety-five feet.

35 (b) The axle weight limitations conform to sections 28-1099 and
36 28-1100.

37 (c) The overall gross weight of the vehicle combination does not
38 exceed one hundred twenty-three thousand five hundred pounds.

39 (d) The vehicle combination is traveling on either:

40 (i) A state route or highway that is located within four miles of
41 and extends to the border of this state and an adjacent state that allows
42 vehicle combinations of a truck or a truck tractor-semitrailer and not
43 more than two additional trailers or semitrailers.

1 (ii) A state route or highway that extends at least ten miles
2 through an Indian reservation, does not cross the Colorado river and is
3 located within twenty miles of and extends to the border of this state and
4 an adjacent state that allows such combinations of trailers or
5 semitrailers.

6 3. On application in writing by an owner of a watercraft as defined
7 in section 5-301 and on good cause shown, a special excess width permit
8 for a fee of forty-five dollars for each watercraft covered by the permit
9 that:

10 (a) Authorizes the owner to move a vehicle loaded with the
11 watercraft on a highway under the jurisdiction of the issuer if all of the
12 following conditions exist:

13 (i) The total outside width of the vehicle and watercraft does not
14 exceed ten feet.

15 (ii) The vehicle loaded with the watercraft is otherwise in
16 conformity with the limitations prescribed by this chapter.

17 (iii) The watercraft is properly registered with the Arizona game
18 and fish department.

19 (b) Contains the watercraft registration number.

20 D. The director may issue a special excess width permit for the
21 operation of a vehicle with a reducible load only if both:

22 1. The load exceeds the width limitation prescribed in section
23 28-1093.

24 2. The load does not exceed ten feet in width.

25 E. Subject to this section and on receipt of an application, the
26 director or local authority shall issue a permit that is valid for thirty
27 days or one year and that authorizes the commercial movement of
28 recreational vehicles as defined in section 41-4001 that exceed the size
29 restrictions prescribed in this article. There is no limit on the number
30 of movements generated or the number of vehicles moved by the permittee
31 under a permit issued pursuant to this subsection. Notwithstanding
32 section 28-1104, additional permit requirements shall not be imposed on
33 the commercial movement of these recreational vehicles if the recreational
34 vehicles comply with section 28-1093, subsection D.

35 F. If a local authority issues permits pursuant to this section,
36 the local authority shall adopt and enforce ordinances that are
37 substantially identical to rules adopted by the department that relate to
38 overdimensional or overweight commercial vehicles, and the local authority
39 may adopt ordinances relating to infrastructure restrictions, route
40 restrictions and time-of-day restrictions. The local authority shall
41 provide to the department in a timely manner in an electronic format
42 prescribed by the director all current ordinances and rules of the local
43 authority relating to the permits. ~~The department shall notify the~~
44 ~~overdimensional permit council established by section 28-1150 of the~~

1 ~~ordinances and rules and make the ordinances and rules available to the~~
2 ~~public in an electronic format in a timely manner.~~ THE DEPARTMENT SHALL:

3 1. MAKE THE ORDINANCES AND RULES AVAILABLE TO THE PUBLIC IN AN
4 ELECTRONIC FORMAT.

5 2. NOTIFY A LOCAL AUTHORITY OF ANY UPDATES OR CHANGES TO RULES
6 ESTABLISHED BY THE DEPARTMENT.

7 G. BEFORE THE ADOPTION AND ENFORCEMENT OF AN ORDINANCE BY A LOCAL
8 AUTHORITY PURSUANT TO SUBSECTION F OF THIS SECTION, THE ENGINEER OR
9 DESIGNATED OFFICER HAVING JURISDICTION OVER THE HIGHWAYS WITHIN THE LOCAL
10 AUTHORITY SHALL SUBMIT THE PROPOSED ORDINANCE TO THE DEPARTMENT AND THE
11 DEPARTMENT SHALL SUBMIT THE PROPOSED ORDINANCE TO THE OVERDIMENSIONAL
12 PERMIT COUNCIL ESTABLISHED BY SECTION 28-1150 FOR REVIEW.

13 H. THE OVERDIMENSIONAL PERMIT COUNCIL HAS NINETY DAYS AFTER THE
14 DATE THAT THE DEPARTMENT RECEIVES THE PROPOSED ORDINANCE PURSUANT TO
15 SUBSECTION G OF THIS SECTION TO REVIEW THE PROPOSED ORDINANCE FOR
16 COMPLIANCE WITH SUBSECTION F OF THIS SECTION. THE PROPOSED ORDINANCE IS
17 DEEMED COMPLIANT IF THE OVERDIMENSIONAL PERMIT COUNCIL DOES NOT ACT WITHIN
18 NINETY DAYS AS PRESCRIBED BY THIS SUBSECTION. IF THE OVERDIMENSIONAL
19 PERMIT COUNCIL DETERMINES THAT THE PROPOSED ORDINANCE DOES NOT COMPLY WITH
20 SUBSECTION F OF THIS SECTION, THE OVERDIMENSIONAL PERMIT COUNCIL SHALL
21 NOTIFY THE DEPARTMENT OF THE NONCOMPLIANCE BEFORE THE END OF THE NINETY-
22 DAY PERIOD. THE DEPARTMENT SHALL NOTIFY THE ENGINEER OR DESIGNATED
23 OFFICER WITH JURISDICTION OVER HIGHWAYS OF THE LOCAL AUTHORITY IN WRITING
24 WITHIN THIRTY DAYS AFTER THE REVIEW AND PROVIDE SPECIFIC PROVISIONS AND
25 THE COUNCIL'S REASONS THAT THE ORDINANCE IS NOT IN COMPLIANCE WITH
26 SUBSECTION F OF THIS SECTION.

27 I. ON RECEIPT OF WRITTEN NOTIFICATION THAT THE PROPOSED ORDINANCE
28 IS NOT IN COMPLIANCE WITH SUBSECTION F OF THIS SECTION, THE LOCAL
29 AUTHORITY SHALL MAKE CHANGES AS APPLICABLE. IF THE LOCAL AUTHORITY
30 ACCEPTS THE OVERDIMENSIONAL PERMIT COUNCIL'S RECOMMENDED CHANGES, FURTHER
31 REVIEW IS NOT REQUIRED. IF THE LOCAL AUTHORITY MAKES ANY OTHER
32 SUBSTANTIAL CHANGE TO THE ORDINANCE AFTER THE OVERDIMENSIONAL PERMIT
33 COUNCIL'S REVIEW THE LOCAL AUTHORITY SHALL RESUBMIT THE CHANGE TO THE
34 DEPARTMENT FOR REVIEW PURSUANT TO SUBSECTION G OF THIS SECTION.

35 J. THIS SECTION DOES NOT LIMIT A LOCAL AUTHORITY'S POWER TO
36 RESTRICT HIGHWAY USE PURSUANT TO SECTION 28-1106.

37 ~~G.~~ K. The department is immune from liability for providing to the
38 public a local authority's ordinances or rules relating to permits issued
39 by the local authority pursuant to this section if the department relies
40 on the information submitted by the local authority in good faith.

41 ~~H.~~ L. For the purposes of this section, "cargo carrying unit"
42 means any portion of a commercial motor vehicle combination used for the
43 carrying of cargo, including a trailer, a semitrailer or the cargo
44 carrying section of a single unit truck. Cargo carrying unit does not
45 include the cab portion of a truck or truck tractor.

1 Sec. 3. Section 28-1150, Arizona Revised Statutes, is amended to
2 read:

3 28-1150. Overdimensional permit council

4 A. An overdimensional permit council is established consisting of
5 the following nine members who are appointed by the governor:

- 6 1. One member representing the department of public safety.
- 7 2. One member representing the department of transportation.
- 8 3. Four members representing motor carriers.
- 9 4. One member from a city or town with a population of more than
10 one hundred thousand persons.
- 11 5. One member from a city or town with a population of one hundred
12 thousand persons or less.
- 13 6. One member representing the governor's office of community and
14 highway safety.

15 B. The members serve staggered three year terms.

16 C. The overdimensional permit council shall:

- 17 1. Meet at least annually.
- 18 2. Select from its members a person to serve as chairperson.
- 19 3. Advise and assist the department of transportation in developing
20 rules required to administer this article and article 18 of this chapter.
- 21 4. Advise and consult with the motor carrier industry, department
22 of transportation and state and local law enforcement agencies concerning
23 matters relating to overdimensional permits.

24 5. Establish a mailing list that includes any party expressing an
25 interest in the council's activities. The council shall provide the list
26 to the department of transportation, and the department of transportation
27 shall send notice by first class mail to each person on the list at least
28 fifteen days before the date on which each meeting of the council is to be
29 held.

30 6. REVIEW EACH PROPOSED ORDINANCE THAT A LOCAL AUTHORITY SUBMITS
31 PURSUANT TO SECTION 28-1103, SUBSECTION G TO DETERMINE IF THE PROPOSED
32 ORDINANCE IS SUBSTANTIALLY IDENTICAL, UNIFORM AND CONSISTENT WITH THE
33 RULES ADOPTED BY THE DEPARTMENT FOR OVERSIZED OR OVERWEIGHT VEHICLES
34 PURSUANT TO SECTION 28-1103, SUBSECTION F.

35 D. Members of the overdimensional permit council are not eligible
36 to receive compensation or reimbursement for expenses.

37 E. The overdimensional permit council is subject to title 38,
38 chapter 3, article 3.1.

39 Sec. 4. Retroactivity

40 This act applies retroactively to from and after June 30, 2017.

APPROVED BY THE GOVERNOR APRIL 17, 2018.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 17, 2018.