

**ADOPTED REGULATION OF THE
DEPARTMENT OF TRANSPORTATION**

LCB File No. R156-06

Effective November 13, 2006

EXPLANATION – Matter in *italics* is new; matter in brackets ~~[omitted material]~~ is material to be omitted.

AUTHORITY: §1, NRS 484.739; §2, NRS 484.743, 484.762, 484.7625 and 484.7631.

A REGULATION relating to traffic laws; revising the provisions concerning the suspension of permit privileges of a permittee; requiring a permittee to coordinate utilities escorts and traffic control with the appropriate law enforcement agencies under certain circumstances; and providing other matters properly relating thereto.

Section 1. NAC 484.358 is hereby amended to read as follows:

484.358 If *drivers employed by* a ~~[holder of a permit issued pursuant to NRS 484.739 receives three]~~ *permittee or by a company under contract to a permittee receive* citations *on three separate occasions* within a period of 6 months for violations of a condition or restriction on the permit, the Department may suspend ~~[the]~~ *all* permit privileges of the ~~[holder]~~ *permittee* for up to 30 days.

Sec. 2. NAC 484.535 is hereby amended to read as follows:

484.535 Permits issued will authorize movement upon the highways maintained by the Department under the following conditions:

1. Transportation equipment must comply in all respects with the motor vehicle laws of the State of Nevada and all other provisions of the law regarding the use, operation and licensing of motor vehicles and must at all times be operated with regard to public safety.

2. When traffic, weather or other conditions are determined by the Department or the law enforcement agency to constitute a hazard, the permit may be temporarily suspended or restricted in use.

3. Except as otherwise provided in this subsection, all posted speed limits and “advisory speed” signs must be complied with. If the Department issues a permit that sets forth a speed limit for a particular highway or a section of a particular highway, that speed limit must be complied with.

4. The cost of repair of any roadway shoulders, surfacing, guideposts, marker posts, snow marker posts, signs or signposts, bridge or bridge rail or any other appurtenances of the highway or highway right-of-way damaged or unduly disturbed by the permittee’s operation must be paid by the permittee. The Department shall determine the amount of damages and bill the permittee. The permittee shall pay the bill by cash or certified check within 20 days after receipt of the bill. The failure of the permittee to pay the bill in a timely manner constitutes cause for revocation of his permit, and no other permits will be issued to him until the bill is satisfied.

5. The permittee shall defend, indemnify and hold harmless the State of Nevada, its officers, employees and agents from any liability, damages, claims or actions for injury to persons or damage to property, whether the property belongs to the State, to the permittee or to third parties, and whether caused by the permittee or an agent or employee of the permittee in the performance or exercise of the permit. Each permit issued by the Department must contain indemnification language in substantially the same form as set forth in this subsection.

6. The Department reserves the right to revoke any or all portions of a permit at any time or for any cause which the Department deems necessary to fulfill its obligations, and the

Department is not responsible for any damage sustained by the permittee as a result of such revocation.

7. ~~[A permittee who receives three]~~ *If drivers employed by a permittee or by a company under contract to a permittee receive citations on three separate occasions* within a period of 6 months for ~~[violation of]~~ *violations of a condition or restriction on* the permit ~~[conditions may, at the Department's discretion, have his permit privileges suspended]~~, *the Department may suspend all permit privileges of the permittee* for up to 30 days.

8. Except as otherwise provided in this subsection and subsection 9 and unless a person possesses a permit issued by the Department that allows his vehicle to exceed the following limitations:

(a) The maximum weight per tire, measured by pounds per inch of tire width, is 600 pounds per inch for the steering axle and 500 pounds per inch for all other axles, not to exceed the axle rating.

(b) Except for steering axles and axles that weigh less than 10,000 pounds, each axle must have at least four tires if the tire width of each tire on an axle is less than or equal to 14 inches. If the maximum weight per tire does not exceed 500 pounds per inch of tire width, an axle may be equipped with tires that have a width of more than 14 inches.

9. The provisions of subsection 8 do not apply to a bus owned or operated by the Clark County Regional Transportation Commission.

10. A vehicle for which a permit is issued is subject to a Level 1 - North American Standard Inspection by the Department or a law enforcement agency before the vehicle may be moved. If the vehicle fails to pass the inspection, the permit will be revoked. The Department hereby adopts by reference the procedures of the Commercial Vehicle Safety Alliance for conducting a

Level I - North American Standard Inspection. A copy of the procedures for conducting a Level I - North American Standard Inspection may be obtained from the Commercial Vehicle Safety Alliance, 1101 17th Street, N.W., Suite 803, Washington, D.C. 20036, by telephone at (202) 775-1623 or at the Internet address <http://store.yahoo.com/cvsa/noamstinprsc.html> for the price of \$2.50 for members of the Commercial Vehicle Safety Alliance or \$3.50 for nonmembers.

11. Two or more oversized or overweight vehicles may not participate in a convoy unless the permit for each vehicle participating in the convoy so authorizes.

12. A permittee shall coordinate additional utilities escorts, if necessary, and traffic control with the appropriate law enforcement agencies for:

(a) Loads wider than 17 feet on roads with two or three lanes.

(b) Loads wider than 19 feet on roads with four or more lanes.

NOTICE OF ADOPTION OF PROPOSED REGULATION
LCB File No. R156-06

The Department of transportation adopted regulations assigned LCB File No. R156-06 which pertain to chapter 484 of the Nevada Administrative Code on September 29, 2006.

Notice date: 6/27/2006

Date of adoption by agency: 9/29/2006

Hearing date: 8/23/2006 and 8/24/2006

Filing date: 11/13/2006

INFORMATIONAL STATEMENT

1. The Nevada Department of Transportation held public hearings on August 23, 2006 in the Nevada Department of Transportation, District II Headquarters Conference Room, 310 Galletti Way, Sparks, Nevada, and on August 24, 2006 in the Nevada Department of Transportation, District I Headquarters Training Room A, 123 E. Washington Avenue, Las Vegas, Nevada for the amendments to Chapter 484 of the Nevada Administrative Code.
2. The public comment was solicited by written notice at the following locations: Nevada Department of Transportation Headquarters and its three District Headquarters in Elko, Las Vegas and Reno, the Governor's Office, Nevada State Personnel in Las Vegas, Washoe and Clark County Courthouses, the State Library and the major public library in all counties in Nevada in which the Department does not have a major office, the state motor transport association in each of the 50 states, and each trucking firm which has been issued an annual over dimensional permit by the Nevada Department of Transportation within the last year (approximately 1,800) located throughout the United States.
3. Seventeen persons attended the hearing held on August 23, 2006 in Sparks, Nevada and 16 persons attended the hearing held on August 24, 2006 in Las Vegas, Nevada. Twelve persons testified at the hearing held August 23, 2006 and 8 persons testified at the hearing held on August 24, 2006. One organization, The Associated General Contractors of America, Nevada Chapter, submitted a written statement dated August 4, 2006 to the Department.
4. The written input focused on the issue of how the Department would calculate the number of citations. Oftentimes, a driver received multiple violations of the law or permit conditions during a single law enforcement stop, and the current citation form has limited writing space causing the officer to write up additional citation forms to include any overruns. At the hearings, industry representatives had this concern as well, and added the need to clarify the Department's intent to suspend all permit privileges of the owner/company for up to thirty days for three violations. A copy of the written comments or this summary may be obtained by calling the Nevada Department of Transportation at (775) 888-7070 or by writing to the Department at 1263 S. Stewart St., Carson City, NV 89712.

5. A copy of the summary may be obtained by contacting Richard Yeoman, Administrative Services Division, Nevada Department of Transportation, 1263 South Stewart Street, Carson City, Nevada, 89712 or by calling (775) 888-7070.
6. The Director of the Nevada Department of Transportation, with changes, adopted the proposed regulation on September 29, 2006. Based on the trucking industry's needs, highway safety, and protection of the highway infrastructure, the Department's findings for each issue identified in paragraph 4 above follow. Department representatives emphasized the intent to protect the public and the infrastructure by removing repeat offenders from the highway if need be. Before that step, the Department will warn any trucking company of the possible repercussions after two violations, to meet if need be with the offending business' representatives, and to work with them to resolve any issue regarding interpretation of the regulations. The wording was also modified to ensure that all understood that the three violations had to be incurred "on separate occasions."
7. The estimated economic effect of the regulation is as follows:
 - a. Public. No adverse, immediate or long-term economic effects are envisioned. Establishing a no nonsense policy toward businesses that have poor load control programs, or a cavalier attitude toward their permit obligations, should provide added protection of the highway infrastructure, a long-term financial benefit, as well as positive, immediate and long-term effects on public safety.
 - b. Business. No adverse, immediate or long-term economic effects are anticipated, as the vast majority respected the intent of the old regulations, and policed themselves. The business community will also enjoy the benefits of safer and better maintained highways, because violations will be discouraged. The economic impact on offending businesses may be severe loss of revenue if their operations are shut down.
8. The cost to the Department for enforcement of the proposed regulation is minimal.
9. 23 CFR Part 658, in part, regulates the length, width and weight limitations of trucks. Under 23 USC Section 315, the Secretary of the U.S. Department of Transportation may prescribe regulations that carry out this Act. These federal regulations and laws concern and regulate the protection and preservation of the highways. There are no other overlaps or duplications of any federal, state or local government regulations with the proposed amendments.
10. These changes to the regulations are no more stringent than the federal regulations and laws cited in paragraph 9.
11. These changes will not affect fees on any permits.