



North Dakota Highway Patrol

JUN 22 2015



Colonel Michael T. Gerhart, Jr., Superintendent
State Capitol, 600 E Boulevard Ave. Dept. 504
Bismarck, ND 58505-0240
Telephone: 701-328-2455

Jack Dalrymple
Governor
State of North Dakota

June 19, 2015

Mr. John Bjornson
Code Revisor
North Dakota Legislative Council
State Capitol
600 East Boulevard, 2nd Floor
Bismarck, ND 58505-0360

Dear Mr. Bjornson:

The Notice of Intent to Amend Administrative Rules and a copy of the proposed rules are enclosed as required by N.D.C.C. § 28-32-10(1).

Sincerely,

MICHAEL T. GERHART, JR.
Colonel, NDHP
Superintendent

mg/kk

Enclosures

ABBREVIATED NOTICE OF INTENT TO AMEND ADMINISTRATIVE RULES RELATING
TO NORTH DAKOTA HIGHWAY PATROL PERMITTING AND MOTOR CARRIER

TAKE NOTICE that the North Dakota Highway Patrol will hold a public hearing to address proposed changes to the N.D. Admin. Code at 9 a.m. on August 4, 2015 at 601 Channel Drive, Bismarck.

A copy of the proposed rules may be obtained by calling 701-328-2455. Also, written comments may be submitted to 600 E Boulevard Ave, Dept 504, Bismarck, ND 58505 until August 17, 2015. If you plan to attend the public hearing and will need special facilities or assistance relating to a disability, please contact the NDHP at the above telephone number or address at least 10 days prior to the public hearing.

Dated this 19th day of June 2015.

Colonel Michael Gerhart Jr.
Superintendent

NOTICE OF INTENT TO AMEND ADMINISTRATIVE RULES

TAKE NOTICE that the North Dakota Highway Patrol will hold a public hearing to address proposed new and amended N.D. Admin. Code Title 38, Article 6, Chapter 2, Sections 1, 2, 6, and 7; Chapter 3, Section 1; Chapter 4, Section 2. The hearing will be at 9 a.m. on August 4, 2015, at 601 Channel Drive, Bismarck, ND. The purposes of the proposed amendments are:

- 38-06-02-0,1 #3: Deleting-changes in how the Highway Patrol conducts permitting with electronic permit system.
- 38-06-02-02, #2: Interest of public safety and to comply with WASHTO standards to meet guideline for minimum requirements.
- 38-06-02-06, #1: Deleting-changes in how the Highway Patrol conducts permitting with electronic permit system.
- 38-06-02-07, a: Allows movement on holiday and weekends if approved by superintendent.
- 38-06-03-01, #1-2: Deleting-Highway Patrol no longer charges those fees.
- 38-06-03-01, #6: Carriers can request trooper(s) to weigh vehicles.
- 38-06-03-01, 8 b 1 (a): Correction showing fee assessed on gross weight.
- 38-06-03-01, 8 b 1 (b): Added language that's been in Highway Patrol Policy since the 1980s.
- 38-06-04-02, #2: Deleting-changes in how the Highway Patrol conducts permitting with electronic permit system.

The proposed amendments address:

- 38-06.01-01, #3: Deleting-NDHP no longer issues self-issue single trip movement approval forms
- 38-06-02-02: Currently, the 12x60" oversize load sign is required for over-dimensional movements that exceed 75 feet. The sign is only required on the rear. Proposed amendment would also require the oversize load sign on the front of the towing vehicle for over-dimensional movements that exceed 75 feet, and on the front and rear of all over-width movements regardless of the length. In the interest of safety and because of the increase in traffic volume, many of the motor carriers already sign their loads in front. This boosts safety on 2-lane highways and when the load width exceeds the lane width.
- 38-06-02-06: Removed the language on size limitations authorized by the superintendent. This language pertains to identification supplements and self-issue single trip movement approval form permits which are no longer issued.
- 38-06-02-07, (a): Added language so the superintendent has the authority to authorize movement on holidays and weekends, which is sometimes necessary. This is a positive impact and at no cost.
- 38-06-03-01 #1-2: Deleting-the NDHP no longer issues identification supplements so removed the fee. The NDHP no longer issues self-issue single trip movement approval forms (permits), so removed the fee. Electronic permits replaced self-issue paper single trip permits and the identification supplements.
- 38-06-03-01, #6: Vehicles requiring a highway patrol escort are subject to a fee of \$50/hour and \$.50/mile. A carrier can now request a trooper(s) to weigh a vehicle on portable scale, at a fee of \$50 hour and \$.50 per mile. Because this practice was done previously, it will have minimal impact to the regulated community.

- 38-06-03-01, 8 b 1 (a): Made a correction showing the fee assessed on the gross vehicle weight of a load movement when traveling on a highway with load restriction weight limits. Currently it shows the load movement is subject to \$1 per ton per mile. The fee is \$1 per mile when the gross vehicle weight of a load movement exceeds 105,500 pounds and travel with load restriction weight limits except when travel is on a 6 ton highway.
- 38-06-03-01, 8 b 1 (b): As authorized by the NDDOT director, a contractor hauling construction equipment to a state project is exempted from the \$1 per mile fee when obtaining a single trip permit. The \$1 per mile fee is specific to load movements during spring thaw or when travel is on a highway with load limits year-round. The exemption pertains to 10 permits for a contractor on a state construction project. Because this has been part of policy since the early 1980s, it will have minimal impact to the regulated community
- 38-06-04-02, #2: Removing the language on revocation or cancellation of permit privileges includes the privileges of self-issue single trip permits because the NDHP no longer issues self-issue single trip permits

The proposed amendments are not expected to have an impact on the regulated community in excess of \$50,000.

The proposed rules may be reviewed at the North Dakota Highway Patrol, 600 E Blvd. Ave. Dept. 504, Bismarck ND, 58505. A copy of the proposed rules and/or a regulatory analysis may be requested by writing the above address or calling 701-328-2455. Written or oral comments on the proposed rules sent to the above address or telephone number and received by August 17, 2015 will be fully considered.

If you plan to attend the public hearing and will need special facilities or assistance relating to a disability, please contact the NDHP at the above telephone number or address at least 10 days prior to the public hearing.

Dated this 19th day of June 2015.

Colonel Michael T. Gerhart, Jr.,
Superintendent