

BEFORE THE DEPARTMENT OF TRANSPORTATION
OF THE STATE OF MONTANA

In the matter of the amendment of)	NOTICE OF PROPOSED
ARM 18.8.509 and 18.8.513)	AMENDMENT
pertaining to Overdimensional Permit)	
Requirements)	NO PUBLIC HEARING
)	CONTEMPLATED

TO: All Concerned Persons

1. On October 9, 2023 the Department of Transportation (department) proposes to amend the above-stated rules.

2. The department will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require accommodation, contact the department no later than 5:00 p.m. on September 29, 2023, to advise us of the nature of the accommodation that you need. Please contact Russ Christoferson, Department of Transportation, PO Box 201001, Helena, Montana, 59620; telephone (406) 444-0454; fax (406) 444-5411; TTY Service (800) 335-7592 or through the Montana Relay Service at 711; or e-mail rchristoferson@mt.gov.

3. The rules as proposed to be amended provide as follows, new matter underlined, deleted matter interlined:

18.8.509 SPECIAL PERMIT RESTRICTIONS – SUPER-LOAD PERMIT

(1) through (7) remain the same.

(8) Unless otherwise specified in statute or rule, the following travel restrictions apply to vehicles operating under special permits:

(a) Interstate highways – travel is allowed 24 hours per day, 7 days per week, including holidays and holiday weekends, up to 18 feet wide, and for travel to and from essential services within one-half mile of the interstate highway.

(b) Non-interstate highways – travel is allowed 24 hours per day, 7 days per week, including holidays and holiday weekends, up to 10 feet wide, 150 feet long, and/or 15 feet 6 inches high.

(i) loads exceeding 10 feet wide, 150 feet long, and/or 15 feet 6 inches high may only travel during daylight hours, including on a holiday or holiday weekend;

(ii) no travel is allowed on a holiday or holiday weekend for loads exceeding 12 feet 6 inches wide, 150 feet long, and/or 15 feet 6 inches high.

(c) Holiday and holiday weekend travel on interstate highways is allowed 24 hours per day, 7 days per week, up to 18 feet wide, including essential services within one-half mile of the interstate highway. Snow removal equipment – snow removal equipment up to 18 feet wide may travel 24 hours per day, 7 days per week, on all highways while engaged in snow removal operations.

(i) Snow removal equipment operating under ARM 18.8.509A are not subject to pilot vehicle requirements under ARM 18.8.511A or oversize load sign requirements under ARM 18.8.510B(a).

~~(d) Holiday and holiday weekend travel on non-interstate highways is allowed 24 hours per day, 7 days per week for loads up to 10 feet wide and/or 15 feet 6 inches high. Loads exceeding 10 feet wide and/or 15 feet 6 inches high, up to 12 feet 6 inches wide and/or 15 feet 6 inches high may travel during daylight hours only.~~

(e) Remains the same but is renumbered (d).

(9) through (13) remain the same.

AUTH: 61-10-129, 61-10-155, MCA

IMP: 61-10-121, 61-10-122, 61-10-123, 61-10-124, 61-10-125, MCA

REASON: The amendment to 18.8.509(8)(b) is necessary to clarify and remove contradictory language regarding width and height requirements for travel on non-interstate highways. The amendment to include new 18.8.509(8)(c) is necessary to specifically exempt private snow removal from the 10-foot width restrictions to allow those vehicles to travel on the highways at nighttime. This exemption is part of the department's Red Tape Relief Initiative to ensure the rules allow what is most beneficial to the traveling public and is currently allowed by department practice but prohibited by existing rule. Snow removal for parking lots and sidewalks are completed by private businesses in Montana and many private snow removal companies operate during the night to ensure the public can access essential services when they open in the morning. A lot of the snow removal equipment is over the current legal width and thus requires an oversize permit which prohibits travel during hours of darkness. There are many pieces of snow removal equipment that exceed 10' wide and operate very early in the mornings during darkness when the travelling public is not yet utilizing the parking lots or sidewalks. This amendment is necessary for the safety of all citizens of Montana during winter months. With the addition of this new language in the rule, snow removal equipment will be given an exemption to allow travel on state highways during hours of darkness.

18.8.513 MAXIMUM WIDTH DIVISIBLE LOADS (1) A single trip or term permit may be issued for reducible divisible loads; to and including 9 feet in width, (9 feet 6 inches baled hay or hay racks), if they are hauled by vehicles that do not exceed 9 feet in total width.

(a) up to 9 feet wide.

(b) up to 9 ½ feet wide for small square baled hay.

(c) up to 10 feet wide for large square baled hay without a hay rack.

(d) up to 12 feet wide for large square baled hay with a hay rack.

(e) up to 12 feet wide for large round baled hay or empty trailers with a hay rack.

AUTH: 61-10-155, MCA

IMP: 61-10-121, 61-10-122, 61-10-123, 61-10-124, 61-10-125, 61-10-126, 61-10-127, 61-10-128, 61-10-129, 61-10-130, 61-10-141, 61-10-142, ~~61-10-143~~, 61-10-144, 61-10-145, 61-10-146, 61-10-147, 61-10-148, MCA

REASON: The amendment to 18.8.513 is necessary to define maximum permitted width for large round or small square bales of hay to reflect HB 26 (2023), (Ch. 115, L. 2023, Section 1) which made amendments to 61-10-102, MCA, regarding commercial movement of round bales up to 144 inches traveling during hours of darkness, as well as removing restrictions for other shipments of baled hay travelling day or night, loaded or empty.

4. Concerned persons may submit their data, views, or arguments concerning the proposed action[s] in writing to: Russ Christoferson, Department of Transportation, Motor Carrier Services Division, P.O. Box 201001, Helena, Montana, 59620-1001; telephone (406) 444-0454; fax (406) 444-9263; TTY Service (800) 335-7592 or through the Montana Relay Service at 711; or e-mail rchristoferson@mt.gov, and must be received no later than 5:00 p.m., October 6, 2023.

5. If persons who are directly affected by the proposed actions wish to express their data, views, or arguments orally or in writing at a public hearing, they must make written request for a hearing and submit this request along with any written comments to Russ Christopherson at the above address no later than 5:00 p.m., October 6, 2023.

6. If the agency receives requests for a public hearing on the proposed action from either 10 percent or 25, whichever is less, of the persons directly affected by the proposed action; from the appropriate administrative rule review committee of the Legislature; from a governmental subdivision or agency; or from an association having not less than 25 members who will be directly affected, a hearing will be held at a later date. Notice of the hearing will be published in the Montana Administrative Register. Ten percent of those directly affected has been determined to be 829 persons based on 8,292.

7. The department maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies for which program the person wishes to receive notices. Notices will be sent by e-mail unless a mailing preference is noted in the request. Such written request may be mailed or delivered to the contact person in 4 above or may be made by completing a request form at any rules hearing held by the department.

8. An electronic copy of this proposal notice is available through the Secretary of State's web site at <http://sos.mt.gov/ARM/Register>. The Secretary of State strives to make the electronic copy of this notice conform to the official version of the notice, as printed in the Montana Administrative Register, but advises all concerned persons that in the event of a discrepancy between the official printed

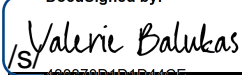
text of the notice and the electronic version of the notice, only the official printed text will be considered. In addition, although the Secretary of State works to keep its web site accessible at all times, concerned persons should be aware that the web site may be unavailable during some periods, due to system maintenance or technical problems.

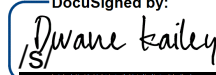
9. The bill sponsor contact requirements of 2-4-302, MCA, apply and have been fulfilled. The primary bill sponsor was contacted by email on June 30, 2023.

10. The special notice requirements of 2-4-303, MCA, have been fulfilled. On August 29, 2023, written contact with Transportation Interim Committee staff members was made by email.

11. With regard to the requirements of 2-4-111, MCA, the department has determined that the amendment of the above-referenced rules will not significantly and directly impact small businesses.

12. With regard to the requirements of 2-15-142, MCA, the department has determined that the amendment of the above-referenced rules will not have direct tribal implications.

DocuSigned by:

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Valerie A. Balukas
Rule Reviewer

DocuSigned by:

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Malcolm D. Long
Director
Department of Transportation

Certified to the Secretary of State August 29, 2023.