

**ADOPTED REGULATION OF THE DEPARTMENT
OF TRANSPORTATION**

LCB File No. R037-04

Effective August 18, 2004

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

AUTHORITY: §§1-5, NRS 484.743, 484.762, 484.7625 and 484.7631.

A REGULATION relating to motor vehicles; revising the regulations relating to the operation of vehicles of excess size and weight; and providing other matters properly relating thereto.

Section 1. NAC 484.505 is hereby amended to read as follows:

484.505 1. The provisions of NAC 484.460 to 484.580, inclusive, do not apply to a vehicle over 70 feet ~~[and less than 105 feet]~~ in length which has a reducible load and which is governed by NAC 484.300 to 484.440, inclusive.

2. The provisions of NAC 484.460 to 484.580, inclusive, do not apply to passenger buses.

Sec. 2. NAC 484.525 is hereby amended to read as follows:

484.525 1. A single-trip permit for the movement of an oversized or overweight vehicle is valid for a period of 5 days as set forth on the permit.

2. An annual multiple-trip permit is valid for 12 consecutive months after the date of issue.

This permit may be issued for ~~[farm]~~ :

(a) *Farm* machinery used in seasonal harvesting, construction type equipment and special mobile type equipment that do not otherwise conform to statutory requirements or for multiple trips when an oversized or overweight vehicle travels on highways maintained by the Department if the maximum:

~~[(a)]~~ (1) Width is not more than 14 feet;

~~[(b)]~~ (2) Length does not exceed 110 feet;

~~[(c)]~~ (3) Height does not exceed 15 feet;

~~[(d)]~~ (4) Overhang does not exceed 25 feet; and

~~[(e)]~~ (5) Gross weight and axle loading will not exceed that established by evaluation of the application based upon axle configuration and overall length ~~[(f)]~~; *or*

(b) The movement of manufactured homes, mobile homes or any other similar types of structures over highways maintained by the Department if the maximum:

(1) Width, including any appendages and roof eaves, is not more than 14 feet;

(2) Combined length of the vehicle used to transport the manufactured home, mobile home or other similar structure and the manufactured home, mobile home or other similar structure does not exceed 85 feet; and

(3) Height does not exceed 15 feet.

3. The original of the annual multiple-trip permit, multiple trip-limited time permit or single-trip permit must be carried in the vehicle to which it refers.

4. A copy of an annual multiple-trip permit, multiple trip-limited time permit or single-trip permit may not be made for use in another vehicle.

Sec. 3. 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 citations within a period of 6 months for violation of the permit conditions may, at the Department's discretion, have his permit privileges suspended 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 ~~inspection~~ *a Level I - 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, NW, Suite 803, Washington, DC 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.

Sec. 4. NAC 484.542 is hereby amended to read as follows:

484.542 1. ~~Except as otherwise provided in subsection 2, a~~ A vehicle with a single-trip permit must not exceed the following maximum dimensions unless specifically approved by the Department:

(a) For travel during hours of darkness on a highway with two or three lanes:

- (1) Width of 10 feet;
- (2) Height of 15 feet;
- (3) Length of 105 feet; and
- (4) Overhang of 10 feet.

(b) For travel during hours of darkness on a highway with at least four lanes:

- (1) Width of 10 feet;
- (2) Height of 15 feet;
- (3) Length of 110 feet; and
- (4) Overhang of 10 feet.

(c) For travel that is not during hours of darkness on a weekend on a highway with two or three lanes:

- (1) Width of 14 feet;

- (2) Height of 15 feet;
- (3) Length of 105 feet; and
- (4) Overhang of 15 feet.

(d) ~~For~~ *Except as otherwise provided in paragraph (g), for* travel that is not during hours of darkness on a weekend on a highway with at least four lanes:

- (1) Width of 14 feet;
- (2) Height of 15 feet;
- (3) Length of 110 feet; and
- (4) Overhang of 15 feet.

(e) For travel that is not during hours of darkness on a holiday on a highway with two or three lanes:

- (1) Width of 10 feet;
- (2) Height of 15 feet;
- (3) Length of 105 feet; and
- (4) Overhang of 15 feet.

(f) For travel that is not during hours of darkness on a holiday on a highway with at least four lanes:

- (1) Width of 10 feet;
- (2) Height of 15 feet;
- (3) Length of 110 feet; and
- (4) Overhang of 15 feet.

~~[2. — Each vehicle with a single-trip permit that travels]~~

(g) *For travel* on a weekend over the portion of Interstate Highway No. 80 between Sparks (Exit 21) and the boundary of California or travels on a weekend over the portion of Interstate Highway No. 15 between Las Vegas (Exit 33) and the boundary of California ~~[, must not exceed the dimensions set forth in paragraph (f) of subsection 1.~~

~~—3.] :~~

(1) *Width of 10 feet;*

(2) *Height of 15 feet;*

(3) *Length of 110 feet; and*

(4) *Overhang of 15 feet.*

2. For the purposes of this section, “oversized vehicle” does not include a mobile home, manufactured home or similar structure.

Sec. 5. NAC 484.570 is hereby amended to read as follows:

484.570 1. The Department will review applications for permits to move manufactured homes, mobile homes or similar structures on a case-by-case basis. The Department will not authorize movement of such homes or structures on routes that have not been designated by the Department pursuant to NRS 484.7625.

2. The movement of manufactured homes, mobile homes or similar structures is subject to all the terms, conditions and restrictions on the permit, the printed regulations on any part of the permit form and ~~[is subject to]~~ any attachments to the permit.

3. To be moved pursuant to NRS 484.7625, a manufactured home, mobile home or similar structure that exceeds 14 feet but does not exceed 16 feet in width, including, without limitation, any appendages and roof eaves, must, in addition to the conditions and requirements of NRS 484.7625:

(a) Not exceed the maximum weight per axle as prescribed in NRS 484.745; *and*

(b) ~~Have operational brakes on every axle; and~~

~~(c)~~ Have tires that have a load rating equal to the manufacturer's gross vehicle weight rating.

4. The number of axles that support the manufactured home, mobile home or similar structure must not be less than one axle for each 6,000 pounds, ~~and~~ the axles must be spaced to afford maximum stability, tracking and distribution of weight ~~and~~, *and every axle must have operational brakes.*

5. The minimum tire size to be used in the transportation of the manufactured home, mobile home or similar structure must be at least 8 by 14.5 inches and 10 ply on all wheels.

6. Any two-way radio equipment used in the transportation of the manufactured home, mobile home or similar structure must be operated in conformance with federal regulations.

7. The permit is issued pursuant to chapter 484 of NRS and is not a waiver of other applicable requirements of NRS.

8. The permit is void if the length of the manufactured home, mobile home or other structure exceeds 80 feet.

9. The maximum speed limit while transporting a manufactured home, mobile home or similar structure must not exceed 55 miles per hour.

10. The load must be kept to the right of the highway centerline at all times and must stay off shoulders except when entering or leaving the highway or when necessary to allow trailing traffic to pass on narrow or winding roads. An effort must be made to prevent congesting or slowing down traffic.

11. As a warning to approaching traffic, the towing vehicle must operate with the headlights turned to a low beam.

12. When two or more manufactured homes, mobile homes or similar structures are moved over the same highway in the same direction, the drivers of the towing vehicles shall maintain a distance of at least 1,000 feet between vehicles.

13. The permittee is responsible for all liability for personal injury or property damage which may occur through any act or omission of the permittee when acting under a permit, and in the event any claim is made against the State of Nevada or any department officer, officer or employee, by reason of or in connection with any such act or omission, the permittee shall defend, indemnify and hold them harmless from such claims.

**NOTICE OF ADOPTION OF PROPOSED REGULATION
LCB File No. R037-04**

The Department of Transportation adopted regulations assigned LCB File No. R037-04 which pertain to chapter 484 of the Nevada Administrative Code on July 14, 2004.

Notice date: 3/2/2004

Date of adoption by agency: 7/14/2004

Hearing date: 4/13/2004 & 4/16/2004

Filing date: 8/18/2004

INFORMATIONAL STATEMENT

The Nevada Department of Transportation held public hearings on April 13, 2004 in the Nevada Department of Transportation, District II Headquarters Conference Room, 310 Galletti Way, Sparks, Nevada; and on April 16, 2004 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.

(a) 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 each of the seventeen Counties in Nevada, the State Motor Transport Association in each of the 50 states, and each trucking firm which has been issued an annual overdimensional permit by the Nevada Department of Transportation within the last year (approximately 1,800) located throughout the United States. Public response focused on five issues: (1) the pilot car requirement for loads exceeding 105' in length should be repealed; (2) load restrictions for travel on I-80 between Reno and CA and on I-15 between Las Vegas and CA on weekends should be reduced and specific hours for wide loads to travel these routes designated; (3) minimum axle spacings to allow greater flexibility and lessen the number of permits required; (4) the width restriction on annual permits for the movement of mobile and/or manufactured homes needs to be increased from 12 feet to 14 feet 6 inches; and (5) overall length restrictions for the same items needs to be increased from 105 feet to 110 feet. A copy of the written comments 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.

(b) The following number of persons participated:

(1) Twenty two persons attended the hearing held on April 13, 2004 in Sparks, Nevada and 7 persons attended the hearing held on April 16, 2004 in Las Vegas, Nevada.

(2) Seven persons testified at the hearing held April 13, 2004 and 1 person testified at the hearing held on April 16, 2004.

(3) One person submitted a written statement to the agency. Comments were submitted by Foye Trucking, Inc.

(c) Comments from the trucking industry were solicited through the public notices published in the locations identified in paragraph (a) above and through direct mailings. Written response focused on the issues identified in paragraph (a) above. 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 (702) 888-7070.

(d) The Director of the Nevada Department of Transportation, with changes, adopted the proposed regulation. Based on the trucking industry's needs and highway safety considerations, the Department's findings for each issue identified in paragraph (a) above follow:

(1) The Department does not concur with eliminating the pilot car requirement for loads which exceed 105' in length. Industry's argument for repeal of this requirement is based solely on the facts that the maximum overall vehicle combination length of 105 feet was repealed during the last legislative session and pilot cars are not required for the longer combination vehicles (i.e. triples-tractor and three trailers). The Department's concern is one of safety. A review of the number of permits issued during the period July 19, 2001 to April 15, 2004 which required pilot cars revealed 22,393 such permits. Only 274 or 1.2% were issued for loads exceeding 105 feet in length. The remaining permits were for loads which exceeded one or more of the length, width or height restrictions. Additionally, the longer combination vehicles (LCV) are reducible loads and have multiple points of articulation which allows for less off-tracking when making a turn. The pilot car required permits in question are issued for non-reducible loads which have only one point of articulation and result in greater off-tracking.

(2) Load restriction for weekend travel on I-80 and I-15 between Reno and CA and Las Vegas and CA respectively will not be reduced. However, verbiage has been added to the regulations which states that exceptions to such restrictions will be handled on a case by case basis. A problem occurs in the clarity of a permit issued for the normal 5-day period but with a specific restriction on hours to be traveled on a portion of the overall route authorized for the move. This procedure may necessitate the issuance of two permits for the same load. The Department desires to issue one permit and allow, with sufficient justification, the movement of oversize loads on these restricted routes on weekends if deemed appropriate and safe.

(3) The subject of minimum axle spacings has been addressed. This is administrative in nature and, therefore, not a part of the regulations. Such procedures have been established and placed in effect.

(4) The Department does not concur with increasing the current width restriction for annual permits. Travel lanes are 12 feet wide and annual permit holders can move loads anytime throughout the year. Loads exceeding this width must be under stricter control (i.e. a trip permit) due to general traveling public safety considerations.

(5) The Department has safety concerns and, therefore, does not concur with increasing the current length restriction for annual permits. These loads have only one point of articulation and result in greater off-tracking when compared to longer combination vehicles.

The Deputy Director adopted the regulations on June 17, 2004.

(e) The estimated economic effect of the regulation is as follows:

a. Business sought to be regulated.

(1) There is minimal, if any, impact on business as a result of these changes. Industry has been operating successfully within the current regulations for almost two years. With the added flexibility of granting exceptions to weekend travel restrictions and relatively minor changes in the height dimension, there will be little restriction on commerce.

(2) Immediate and long-term effects include safer highways for the general public as well as a potential reduction in operating costs to industry.

b. Public:

(1) No adverse effects are envisioned.

(2) Both the immediate and long-term effects on the public are safety for the general public.

(f) The cost to the agency for enforcement of the proposed regulation is minimal.

(g) 23 CFR part 658, in part, regulates the length, width and weight limitations of trucks. Under 23 U.S.C. 315, the Secretary of the U.S. Department of Transportation may prescribe regulations which carry out this Act. This federal law concerns and regulates the protection and preservation of the highways. Except for this federal regulation, there is no overlap or duplication of any federal, state or local government regulations of the proposed amendments.

(h) Except for the federal regulation referenced above, there aren't any federal regulations that overlap or duplicate the proposed amendments.

(i) There is no increase in the fee to be charged permits.