

**ADOPTED REGULATION OF THE
DEPARTMENT OF TRANSPORTATION**

LCB File No. R157-06

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; §§2-4, NRS 484.743, 484.762, 484.7625 and 484.7631.

A REGULATION relating to traffic laws; revising the provisions governing the transfer of permits for combination of vehicles in excess of 70 feet in length; revising the provisions governing vehicles of excess size or weight; and providing other matters properly relating thereto.

Section 1. NAC 484.357 is hereby amended to read as follows:

484.357 The transfer of permits issued pursuant to NRS 484.739 is authorized only if the following conditions are met:

1. The width and height dimensions of the new combination of vehicles which will receive the permit are the same as those identified on the permit;
2. The length of the new combination of vehicles which will receive the permit is the same or more than that identified on the permit;
3. The distance between the first and last axle of any axle configuration and the number of axles within the axle configuration of the new combination of vehicles which will receive the permit are the same as or greater than that identified on the permit;
4. The gross vehicle weight of the new combination of vehicles which will receive the permit does not exceed that identified on the permit;

5. The overall gross weight on any group of two or more consecutive axles to the nearest 500 pounds of the new combination of vehicles which will receive the permit does not exceed the determined overall gross weight on any group of two or more consecutive axles to the nearest 500 pounds as calculated according to the federal Bridge Gross Weight Formula, as defined in 23 C.F.R. § 658.5; ~~and~~

6. The permit may not be transferred to a new permit holder, but may only be transferred to another combination of vehicles owned and operated by the original permit holder ~~and~~; *and*

7. The holder of an annual multiple-trip permit may transfer the original permit to a leased or rented vehicle with the vehicle combinations which are identified on the permit. The leased or rented vehicle must:

(a) Carry the original permit;

(b) Carry the original notarized lease agreement or the original customer copy of the rental agreement; and

(c) Be marked in accordance with 49 C.F.R. § 390.21.

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:

(a) 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:

(1) Width is not more than 14 feet;

(2) Length does not exceed 110 feet;

(3) Height does not exceed 15 feet;

(4) Overhang does not exceed 25 feet; and

(5) Gross weight and axle loading will not exceed that established by evaluation of the application based upon axle configuration and overall length; 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. *The holder of an annual multiple-trip permit may transfer the original permit to a leased or rented vehicle with the vehicle combinations which are identified on the permit. The leased or rented vehicle must:*

(a) Carry the original permit;

(b) Carry the original notarized lease agreement or the original customer copy of the rental agreement; and

(c) Be marked in accordance with 49 C.F.R. § 390.21.

5. 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 484.545 is hereby amended to read as follows:

484.545 1. Pilot cars ~~{when required by the permit}~~ must be furnished by the permittee ~~{}~~ *as set forth in the permit and in accordance with this section.* A pilot car must be either a passenger car or a truck with not more than two axles, ~~{and}~~ a manufacturer's gross weight rating of not more than 16,000 pounds ~~{. A pilot car must be far enough in front of or behind, as applicable, the oversized vehicle or load to:~~

- ~~—(a) Notify, in a timely manner, the driver of the oversized vehicle or load to stop movement;~~
- ~~and~~
- ~~—(b) Signal a motorist so that the motorist may safely move around or pass the oversized vehicle or load.~~

~~—2. If the provisions of a permit require the use of a single pilot car, the pilot car must:~~

- ~~—(a) Precede the vehicle that it escorts on roads with two or three lanes.~~
- ~~—(b) Follow the vehicle that it escorts on roads with four or more lanes.~~

~~↳ Exceptions to this subsection will be specifically stated on the permit.}~~ *and a width of at least 60 inches and must not exceed the legal limits of size and weight.*

2. *The operator of a pilot car shall maintain sufficient distance from the oversized vehicle or load depending on the speed, traffic, road and weather conditions to allow for timely and safe notification of the driver of the oversized vehicle and other drivers to stop, slow or pass as necessary. The operator of a pilot car shall direct the oversized vehicle or load to stop as far off the roadway as practicable to allow other traffic to pass when the oversized vehicle or load becomes disabled or when movement of the oversized vehicle or load presents a safety risk or unreasonably impedes efficient traffic movement because of speed, traffic, road or weather conditions. An oversized vehicle or load is considered to be unreasonably impeding efficient*

traffic movement when traffic is not allowed to pass at the earliest safe opportunity. When an oversized vehicle or load is stopped on or adjacent to the roadway, the operator of the pilot car shall direct traffic in order to maintain safe and efficient traffic movement.

3. In addition to the requirements of subsections 1 and 2:

(a) A pilot car must precede an escorted vehicle if:

(1) The overhang of the load exceeds 25 feet in front of the vehicle;

(2) The height of the load exceeds 15 feet 6 inches; or

(3) The width of the load is between 12 and 14 feet and the vehicle travels on a highway with two or three lanes.

↪ If the height of the load exceeds 15 feet 6 inches, the pilot car must also be equipped with a clearance pole.

(b) A pilot car must follow an escorted vehicle if:

(1) The overhang of the load exceeds 25 feet behind the vehicle;

(2) The length of the load exceeds ~~[105 feet and travel is on a highway with two or three lanes or exceeds]~~ 110 feet ; ~~[and travel is on a highway with at least four lanes;]~~ or

(3) The width of the load exceeds 14 feet but is not more than 16 feet and travel is on a highway with at least four lanes.

(c) A pilot car must precede an escorted vehicle and a pilot car must follow the vehicle if:

(1) The width of the load exceeds 14 feet but is not more than 16 feet and travel is on a two-lane highway; or

(2) The width of the load exceeds 16 feet but is not more than 17 feet and travel is on a highway with at least four lanes.

4. The Department will determine the requirements for pilot cars for a vehicle if the width of the load exceeds 17 feet.

5. The permittee shall ensure that pilot cars are properly equipped and that the operators of the pilot cars ~~[and any flagperson]~~ required pursuant to the provisions of the permit are briefed *and trained* as to their responsibilities. Failure of the operators ~~[and flagpersons]~~ to warn and direct traffic properly is a violation of the permit.

~~6. [If the provisions of a permit require a flagperson to warn and direct approaching traffic, the flagperson must:~~

~~—(a) Be at least 18 years of age;~~

~~—(b) Wear appropriate protective clothing, including, without limitation, a vest which is constructed of solid, fluorescent yellow-green material and which completely covers the flagperson's torso;~~

~~—(c) Be equipped with a sign that is:~~

~~—(1) At least 18 inches wide;~~

~~—(2) Marked with the word "STOP" on one side and the word "SLOW" on the other; and~~

~~—(3) Is attached to a pole which is 5 feet in length;~~

~~—(d) Have completed an instructional course in flag procedures which is approved or conducted by the Department;~~

~~—(e) Possess a valid certification card attesting that the flagperson has completed an instructional course in flag procedures pursuant to paragraph (d); and~~

~~—(f) Have renewed his certification within the last 2 years.~~

~~7. If the provisions of a permit require a vehicle to be marked with flashing amber lights, the permittee must obtain an appropriate permit from the Nevada Highway Patrol pursuant to NRS~~

~~484.579.]~~ *A pilot car must not be loaded or equipped in any manner that impairs its traffic safety function or public recognition of its traffic safety function. Each pilot car must be equipped with:*

(a) For a lead pilot car for a load over 15 feet 6 inches in height, a clearance pole.

(b) Signs, visible in the front and rear, with black letters that are at least 10 inches high of 1 5/8-inch minimum stroke on a yellow background. The signs must read “OVERSIZE LOAD” or “OVERSIZE” and must be mounted above the roofline. The signs must be neat, clean and mounted securely. The signs must be displayed while escorting a vehicle and be removed promptly upon the arrival of the escorted vehicle at its final destination.

(c) Two flashing or rotating amber lights mounted above the roofline to either side of the “OVERSIZE LOAD” or “OVERSIZE” sign or one flashing or rotating amber light mounted above the roofline which is visible from a minimum of 500 feet in all directions. The permittee must obtain the appropriate permit for the amber lights from the Nevada Highway Patrol pursuant to NRS 484.579.

(d) An identification placard fixed to each side of the pilot car which is visible from 50 feet during the day and which states the name and telephone number of the individual or company providing the pilot car service.

(e) A standard 18-inch, two-sided “STOP” and “SLOW” sign attached to a pole 5 feet in length.

(f) A minimum of three bi-directional emergency reflective triangles and three orange road cones which must be at least 18 inches in height.

(g) At least one 5-pound BC fire extinguisher.

(h) A hardhat and high-visibility safety apparel to be worn by persons whenever operating outside of the vehicle. The hardhat and high-visibility safety apparel must meet the requirements set forth in ANSI/ISEA 107-2004 American National Standard for High-Visibility Safety Apparel and Headwear, which are hereby adopted by reference. A copy of ANSI/ISEA 107-2004 American National Standard for High-Visibility Safety Apparel and Headwear may be obtained from the International Safety Equipment Association, 1901 N. Moore Street, Arlington, VA 22209, for the price of \$60.

(i) A two-way radio that is compatible with the radios of the other assigned pilot cars and the escorted vehicle.

7. The operator of a pilot car must:

(a) Be at least 18 years of age;

(b) Possess a valid driver's license; and

(c) Have been certified by completing a current instructional course specific to flagger requirements and procedures.

Sec. 4. NAC 484.550 is hereby amended to read as follows:

484.550 ~~[1.]~~ All vehicles in excess of 8 feet 6 inches wide must display ~~["oversize load"]~~ signs, *visible in the* front and rear, ~~[. A sign displayed pursuant to this section must be at least 7 feet wide and at least 18 inches high]~~ with black letters that are at least 10 inches high of 1 5/8-inch minimum stroke on a yellow background.

~~[2.— A sign displayed pursuant to this section must:~~

~~—(a) Read “oversize load”;~~

~~—(b) Be neat, clean and mounted securely;~~

~~—(c) Be displayed only when necessary; and~~

~~—(d) Be]~~ *The signs must read “OVERSIZE LOAD” or “OVERSIZE” and may be mounted in two pieces if necessary. The signs must be neat, clean and mounted securely. The signs must be displayed only when necessary and be* removed promptly upon the arrival of the vehicle at its final destination.

NOTICE OF ADOPTION OF PROPOSED REGULATION
LCB File No. R157-06

The Department of Transportation adopted regulations assigned LCB File No. R157-06 which pertain to chapter 484 of the Nevada Administrative Code on September 29, 2006.

Notice date: 6/7/2006

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 (1) limiting the information on the pilot car identification signs to name and phone number only, (2) the wording of the training requirements for pilot car drivers, and (3) the wording on "Oversize" signs. At the hearings, industry representatives also had concerns with (4) the version of the lease or rental agreement to be carried when transferring permits to another vehicle, (5) the weight maximum on pilot cars, (6) flagger training for pilot car drivers, (7) the ambiguity of the requirement for "additional escort service," (8) signage for pilot cars and over dimensional loads, (9) warning light and other equipment requirements for pilot cars and drivers, and (10) the requirement for an aft pilot car for vehicle combinations over 105 feet long on two and three lane roads. 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. For the most part, the proposed adjustments suggested by industry in writing and at the hearings were incorporated into the regulations. (1) The pilot car identification sign was limited to name and phone number only. (2) and (6) Training of pilot car drivers was clarified to be a current course in "flagger requirements and procedures." (3) and (8) The wording of signs will be limited to "Oversize" or "Oversize Load" in keeping with regional standards. Mounting on the pilot car will be above the roofline for better visibility. (4) To avoid falsification of documentation, the decision was to require the original, notarized lease agreement and the original customer copy of the rental agreement. (5) To provide greater flexibility to industry, the pilot car maximum weight was not changed. (7) To avoid further confusion, the requirement for escorts for utility purposes was added to the general permit conditions under NAC 484.535. (9) Modified or additional language was included for equipment requirements to better reflect industry standards.
7. The estimated economic effect of the regulation is as follows:
 - a. Public. No adverse, immediate or long-term economic effects are envisioned. Further refinement of the guidelines for pilot car operators will provide positive, immediate and long-term effects on public safety.
 - b. Business. Though the general requirement for training has been on the books and most other states have had a similar requirement, clarification in these revisions will result in some initial training costs (approximately \$50 per pilot car driver), particularly for Nevada-based businesses. No adverse, long-term economic effects are anticipated. The business community will also enjoy the immediate and long-term benefits of safer highways.
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.