

NOTICES OF SUPPLEMENTAL PROPOSED RULEMAKING

After an agency has filed a Notice of Proposed Rulemaking with the Secretary of State's Office for *Register* publication and the agency decides to make substantial changes to the rule after it is proposed, the agency must prepare a Notice of Supplemental Proposed Rulemaking for submission to the Office, and the Secretary of State shall publish the Notice under the Administrative Procedure Act (A.R.S. § 41-1001 et seq.). Publication of the Notice of Supplemental Proposed Rulemaking shall appear in the *Register* before holding any oral proceedings (A.R.S. § 41-1022).

NOTICE OF SUPPLEMENTAL PROPOSED RULEMAKING

TITLE 17. TRANSPORTATION

CHAPTER 6. DEPARTMENT OF TRANSPORTATION OVERDIMENSIONAL PERMITS

PREAMBLE

1. Register citation and date for the original Notice of Proposed Rulemaking:

9 A.A.R. 867, March 14, 2003

2. Sections Affected

R17-6-407

R17-6-413

Rulemaking Action

Amend

New Section

3. The statutory authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):

Authorizing statute: A.R.S. § 28-366

Implementing statutes: A.R.S. §§ 28-1091 through 28-1094, 28-1100, 28-1103 through 28-1107, and 28-7045

4. The name and address of agency personnel with whom persons may communicate regarding the rule:

Name: George R. Pavia, Department Rules Supervisor

Address: Administrative Rules Unit
Department of Transportation, Mail Drop 507M
3737 N. 7th Street, Suite 160
Phoenix, AZ 85014-5079

Telephone: (602) 712-8446

Fax: (602) 241-1624

E-mail: gpavia@dot.state.az.us

Please visit the ADOT web site to track progress of this rule and any other agency rulemaking matters at www.dot.state.az.us/about/rules/index.htm.

5. An explanation of the rule, including the agency's reasons for initiating the rulemaking:

The agency is amending R17-6-407 and creating R17-6-413 to provide a special exception for weekend and holiday movement of houseboats under permit class C not to exceed 14 feet wide in the Page-Lake Powell area. The amendment and creation of the new Section is based on stakeholder request followed by a traffic engineering study performed in January 2003. Additional agency developments requiring the creation of R17-6-413 are also described in preamble item #6.

6. An explanation of the substantial change which resulted in this supplemental notice:

Agency internal procedure and permit processing changes made after the publication of the original Notice of Proposed Rulemaking indicate the need to create an entirely separate Section to accommodate oversized houseboat transport specifically in the Page-Lake Powell area.

7. A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:

Not applicable

8. The preliminary summary of the economic, small business, and consumer impact:

There is no cost to the state's general motoring public from this amendment. Dry houseboat storage and maintenance merchants in the Page-Lake Powell area will directly benefit presumably substantially from the allowance to transport oversized houseboats under locally issued special class C permits. Their costs will be minimal to moderate for the

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permits and arrangement for forward escort vehicles according to the recommendations of the study referenced in preamble item #6 of the Notice of Proposed Rulemaking.

9. The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:

An interested person may communicate with the agency official listed in preamble item #4 concerning the economic impact statement.

10. The time, place, and nature of the proceedings for the adoption, amendment, or repeal of the rule, or if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:

An oral proceeding was conducted on April 21, 2003 in conjunction with the original Notice of Proposed Rulemaking. As part of the proceeding, the agency outlined for stakeholders specific steps and provisions that appear in this supplemental notice. For that reason, no additional oral proceeding is scheduled. A request for an oral proceeding may be made to the agency official listed in preamble item #4. If no oral proceeding is requested, the public record for this rulemaking will close at 4:30 p.m. on Friday June 20, 2003.

11. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:

None

12. Incorporations by reference and their location in the rules:

None

13. The full text of the changes follows:

TITLE 17. TRANSPORTATION

**CHAPTER 6. DEPARTMENT OF TRANSPORTATION
OVERDIMENSIONAL PERMITS**

ARTICLE 4. TRANSPORT RESTRICTIONS

Section

R17-6-407. Lake-specific Weekend and Holiday Transport Exception

R17-6-413. Special Page-Lake Powell Area Houseboat Transport Provisions

ARTICLE 4. TRANSPORT RESTRICTIONS

R17-6-407. Lake-specific Weekend and Holiday Transport Exception

A. A permittee under class A or H that transports a personal watercraft load not wider than 12 feet may operate on a state highway within ten miles of an area constructed and maintained for the purpose of launching and retrieving watercraft for the following Arizona lakes:

1. Alamo,
2. Havasu,
3. Mead,
4. Mohave,
5. Powell, or
6. Saguaro.

B. A permittee transporting under this Section shall clear emergency retrieval under R17-6-211 during a weekend or holiday period through one of the following ports of entry:

1. St. George (435) 673-3786;
2. Sanders (928) 688-2579; or
3. Topock (928) 768-2579.

R17-6-413. Special Page-Lake Powell Area Houseboat Transport Provisions

A. Within ten miles of the Lake Powell Wahweap Marina, the Department shall permit transport of a houseboat under class C processed by the Department according to class A procedure with the following conditions:

1. Load width shall not exceed 14 feet;
2. Load height shall not exceed 25 feet;
3. A permittee shall operate during daylight hours as prescribed under R17-6-401(1) including any weekday, weekend, or holiday;
4. Each transport shall require at least one forward escort vehicle; and
5. The permit applicant shall apply for a permit under this subsection at the following Department field office:

Page Port of Entry
US 89 MP 551
P.O. Box 1807

Arizona Administrative Register / Secretary of State
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Page, AZ 86040

Telephone: (928) 645-3269

Fax: (928) 645-9360

- B.** For any dimension exceeding a dimension prescribed under (A)(1) or (A)(2), the Department shall issue a class C permit according to provisions prescribed under R17-6-104 and R17-6-204.
- C.** Emergency retrieval notification procedures.
1. During normal state business hours, a permittee under this Section shall notify the office listed in (A)(4) of any emergency retrieval.
 2. During weekend or holiday hours, a permittee under this Section shall follow emergency retrieval notification provisions prescribed under R17-6-407(B).