

APA-1
07/04

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control No. _____ Department or Agency The Alabama Department of Transportation
Rule No. 450-3-1
Rule Title: Maintenance
New Amend Repeal _____ Adopt by Reference _____

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? NO

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? ----- YES

Is there another, less restrictive method of regulation available that could adequately protect the public? NO

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? NO

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? NO

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? YES

Does the proposed rule have an economic impact? NO

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Reference Service.

Signature of certifying officer *Jim R. Lippalito Jr.*
Date 3/18/13

(DATE FILED)
(STAMP)

APA-2
07/04

ALABAMA DEPARTMENT OF TRANSPORTATION

NOTICE OF INTENDED ACTION

AGENCY NAME:

The Alabama Department of Transportation

RULE NO. & TITLE:

450-3-1, Maintenance

INTENDED ACTION:

The Alabama Department of Transportation proposes to amend and repeal sections of Chapter 450-3-1.

SUBSTANCE OF PROPOSED ACTION:

Chapter 450-3-1 establishes the maintenance procedure for ALDOT. ALDOT proposes changes to this chapter to reflect changes in law, policies, procedures, and terminology since the previous amendment to this chapter. ALDOT proposes to repeal Section 450-3-1-.06 because this section is part of new rules promulgated in Chapter 450-10-1 et seq. ALDOT proposes to repeal Sections 450-3-1-.10 through .12 because they are addressed by statute, and Section 450-3-1-.15 as it is addressed in ALDOT manuals and exempt under §41-22-3(g)h.

TIME, PLACE, MANNER OF PRESENTING VIEWS:

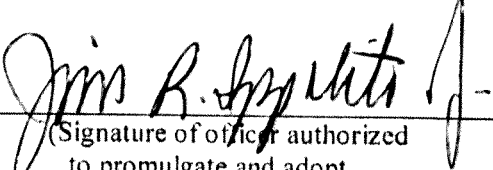
Public Hearing at 9:00 a.m. - 11:00 a.m. on May 3, 2013, at the Alabama Department of Transportation, Central Office, Conference Room 5, 1409 Coliseum Blvd., Montgomery, Alabama 36110, and an opportunity to present comments in writing to Jim Ippolito, Legal Bureau, 1409 Coliseum Blvd., Montgomery, Alabama 36110 by 11:00 a.m., May 3, 2013.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

May 3, 2013, 11:00 a.m.

CONTACT PERSON AT AGENCY:

Jim R. Ippolito, Jr., Chief Counsel, ALDOT Legal Bureau, 1409 Coliseum Boulevard, Montgomery, AL 36110



(Signature of officer authorized
to promulgate and adopt
rules or his or her deputy)

ALABAMA DEPARTMENT OF TRANSPORTATION
OPERATIONS DIVISION
ADMINISTRATIVE CODE

OPERATIONS DIVISION
CHAPTER 450-3-1
MAINTENANCE

TABLE OF CONTENTS

450-3-1-.01	Promulgated Rules and Regulations Governing Permits For Oversize And Overweight Vehicles And Loads On The State Highway System
450-3-1-.02	(Reserved)
450-3-1-.03	(Reserved)
450-3-1-.04	(Reserved)
450-3-1-.05	(Reserved)
450-3-1-.06	Highway Beautification Act - Outdoor Advertising
450-3-1-.07	Property Located on the Highway Right-Of-Way
450-3-1-.08	Trespassing Upon And Injury To The Public Roads, Bridges And Highways Of The State Of Alabama
450-3-1-.09	Vehicles Which Must Comply With The Stopping Requirements At Rail/Highway Grade Crossings And Drawbridges
450-3-1-.10	Prima Facie Speed Limit Within Safety Rest Areas
450-3-1-.11	Minimum Speed Limit On Interstate And Controlled Access Highways Within The State Of Alabama
450-3-1-.12	Certain Traffic And Vehicles Prohibited From Use Of Controlled Access Highways In the State Of Alabama
450-3-1-.13	(Repealed)
450-3-1-.14	Manual Of Laws, Rules And Regulations Relating To Operation And Licensing Of Junkyards
450-3-1-.15	Manual Of Maintenance Permits

450-3-1-.01. Promulgated Rules And Regulations Governing Permits For Oversize And Overweight Vehicles And Loads On The State Highway System. Promulgated Rules and Regulations Governing Permits for Oversize and Overweight Vehicles and Loads on the State Highway System, dated August, 1981, are hereby readopted by reference as a rule of the State of Alabama Highway Department of Transportation. Copies of this document and any amendments thereto can be obtained from the Secretary of the Highway Department of Transportation at a reasonable cost pursuant to Rule 450-1-1-.09.

Author: Jim R. Ippolito, Jr., Chief Counsel

Statutory authority: Code of Ala. 1975 §§ 23-1-59.

History: Filed September 30, 1982. Amended: Filed _____ 2013.

450-3-1-.02. (Reserved).

450-3-1-.03. (Reserved).

450-3-1-.04. (Reserved).

450-3-1-.05. (Reserved).

450-3-1-.06. Highway Beautification Act--Outdoor Advertising. Repealed.

Rule and Regulation Numbers 1 through 10, listed and described below, are hereby readopted by reference as a rule of the State of Alabama Highway Department. Copies of this rule and any amendments thereto can be obtained from the Secretary of the Highway Department at a reasonable cost.

(a) Rule and Regulation Number 1, dated September 23, 1974, concerning nonconforming signs.

(b) Rule and Regulation Number 2, dated February 14, 1973, concerning permits for outdoor advertising.

(c) Rule and Regulation Number 3, dated February 27, 1973, concerning directional signs.

(d) Rule and Regulation Number 4, dated January 30, 1976, concerning official signs.

(e) Rule and Regulation Number 5, dated November 20, 1973, concerning advertisement of alcoholic beverages.

(f) Rule and Regulation Number 6, dated April 25, 1974, concerning portable signs.

(g) Rule and Regulation Number 7, dated January 20, 1976, concerning abandonment of outdoor advertising sign structures.

(h) Rule and Regulation Number 8, dated June 25, 1976, concerning public service signs.

(i) Rule and Regulation Number 9, dated December 30, 1976, concerning grandfather clause signs.

(j) Rule and Regulation Number 10, dated February 15, 1996, concerning selective vegetation control to retain outdoor advertising display visibility.

Author: Jim R. Ippolito, Jr., Chief Counsel

Statutory authority: Code of Ala. 1975 §§ 23-1-59.

History: Filed September 30, 1982. Amended: Filed February 15, 1996; effective March 21, 1996. Repealed: Filed _____ 2013.

450-3-1-.07. Property Located On The Highway Right-Of-Way.

(1) Regulations Concerning Removal, Storage, and Disposal of Property Placed, Lost, or Abandoned on Public Highways or Within Right of Way Limits Thereof and Trespass on Highway Right of Way.

(a) Any property placed, lost or abandoned on a public highway, or within the right of way limits thereof, may be removed ~~at once~~ by the Department if it is a hazard to traffic. ~~If, in the judgment of the Department,~~ there is no immediate hazard to traffic, the property may not be ~~disturbed~~ removed for a reasonable period, and an effort may be made to identify and/or contact the owner to secure its removal ~~by him~~. ~~If it is not impossible or unproductive to contact the owner or otherwise secure effect its removal, it the property may be removed by the Department forees.~~ It is not impossible or unproductive to contact the owner or otherwise secure effect its removal, it the property may be removed by the Department forees. In the event ~~that it~~ the property is

removed by the Department forces, it may will be stored at the local District Engineer's office for up to no more than sixty (60) days, and can The property may be claimed by the property owner who may be required to pay for upon payment of the cost of removal. The Department shall not be responsible for any damage caused by removal of the property. Unclaimed property may be disposed of after sixty (60) days.

~~(b) Notwithstanding the foregoing,~~ ~~t~~The provisions of this paragraph shall not apply to the ~~provisions found in~~ part (2) of this section, below.

(2) The Accommodation of Mailboxes and Newspaper Delivery Boxes on Public Highway Rights-of-Way.

~~(a) No mailbox or newspaper delivery box (hereafter referred to as mailbox) shall be placed on the Department's rights of way if it interferes with the safety of the traveling public or the function, maintenance, or operation of the highway system. A mailbox installation that does not conform to the provisions of this regulation is an unauthorized encroachment under Code of Ala. 1975, §§ 6-5-214, 216 and 23-1-59, and ALDOT Admin. Code R. 450-3-1-.07, .08.~~

~~(b) The location and construction of mailboxes shall conform to the rules and regulations of the U.S. Postal Service as well as to the provisions of this regulation. Regulations for the location and construction of mailboxes are available from:~~

~~Alabama Department of Transportation~~

~~Maintenance Bureau, Permits and Operations Section~~

~~1409 Coliseum Boulevard~~

~~Montgomery, Alabama 3163-6110-3050~~

~~(c) A mailbox installation that conforms to the following criteria will be considered acceptable unless the installation interferes with the safety of the traveling public or the function, maintenance, or operation of the highway system.~~

~~(d) Location:~~

~~1. No mailbox will be permitted where access is obtained from the lanes of a freeway or where access is otherwise prohibited by law or regulation.~~

~~2. Mailboxes shall be located on the right hand side of the roadway in the direction of the delivery route except on one way streets where they may be placed on the left hand side. The bottom of the box shall be set at an elevation established by the U.S. Postal Service, usually between 1 m and 1.2 m above the roadway surface. The roadside face of the box shall be offset from the edge of the traveled way a minimum distance of the greater of the following: 2.4 m (where no paved shoulder exists and shoulder cross slope is 13% or flatter), the width of the all weather shoulder present plus 200 mm to 300 mm, or the width of an all weather turnout specified by the Department plus 200 mm to 300 mm.~~

~~3. Exception to the lateral placement criteria above will exist on residential streets and certain designated rural roads where the Department deems it in the public interest to permit lesser clearances or to require~~

greater clearances. On curbed streets, the roadside face of the mailbox shall be set back from the face of curb a distance between 150 mm and 300 mm. On residential streets without curbs or all-weather shoulders and that carry low-traffic volumes operating at low speeds, the roadside face of a mailbox shall be offset between 200 mm to 300 mm behind the edge of pavement. On very low-volume rural low operating speeds. The Department may find it acceptable to offset mailboxes a minimum of 2 m from the traveled ways and under some low-volume, low-speed conditions may find clearances as low as 0.8 m acceptable.

4. Where a mailbox is located at a driveway entrance, it shall be placed on the far side of the driveway in the direction of the delivery route.

5. Where a mailbox is located at an intersecting road, it shall be located a minimum of 30 m beyond the center of the intersecting road in the direction of the delivery route. This distance shall be increased to 60 m when the average daily traffic on the intersecting road exceeds 400 vehicles per day.

6. Where a mailbox is installed in the vicinity of an existing guardrail, it should, wherever practical, be placed behind the guardrail.

(e) Structure:

1. Mailboxes shall be of light sheet metal or plastic construction conforming to the requirements of the U.S. Postal Service. Newspaper delivery boxes shall be of light sheet metal or plastic construction of minimum dimensions suitable for holding a newspaper.

2. No more than two mailboxes may be mounted on a support structure unless the support structure and mailbox arrangement have been shown to be safe by crash testing, i.e., Figure 4. However, lightweight newspaper boxes may be mounted below the mailbox on the side of the mailbox support.

3. Mailbox supports shall not be set in concrete unless the support design has been shown to be safe by crash tests when so installed.

4. A single 100 mm x 100 mm square or 100 mm diameter wooden post or a metal post with a strength no greater than a 50 mm diameter standard strength steel pipe and embedded no more than 600 mm into the ground will be acceptable as a mailbox support. A metal post shall not be fitted with an anchor plate, but it may have an anti-twist device that extends no more than 250 mm below the ground surface.

5. The post to box attachment details should be of sufficient strength to prevent the box from separating from the post top if the installation is struck by a vehicle. Figures 1 through 6 show acceptable attachment details and mailbox support assemblies. The exact support hardware dimensions and design may vary, such as having a two-piece platform bracket, or alternative slot and hole locations. The product must result in a satisfactory attachment of the mailbox to the post, and all components must fit together properly.

6. The minimum spacing between the centers of support post shall be three-fourths the height of the posts above the groundline.

(f) Shoulder and parking area construction:

1. It will be the responsibility of the postal patron to inform the Department of any new or existing mailbox installation where shoulder

~~construction is inadequate to permit all weather vehicular access to the mailbox.~~

~~(g) Removal of nonconforming or unsafe mailboxes:~~

- ~~1. Any mailbox placed in violation of the intent of this regulation shall be removed by the postal patron upon notification by the Department. The patron must remove the unacceptable mailbox within 30 days after notification. At the expiration of the 30 day period, the unacceptable mailbox may be removed by the Department at the postal patron's expense.~~

The Department of Transportation adopts and incorporates by reference the Roadside Design Guide, Chapter 11: Erecting Mailboxes On Streets and Highways, American Association of State Highway and Transportation Officials, 4th Edition (2011), as amended. A copy may be requested by contacting AASHTO at 444 N. Capitol St. NW Suite 249 Washington, DC 20001 or by accessing www.transportation.org.

Author: Jim R. Ippolito, Jr., Chief Counsel

Statutory authority: Code of Ala. 1975 §§ 23-1-59.

History: Filed September 30, 1982. Repealed and Replaced: Filed July 8, 1996; effective August 12, 1996. Amended: Filed _____ 2013.

450-3-1-.08. Trespassing Upon And Injury To The Public Roads, Bridges And Highways Of The State Of Alabama.

~~Regulation Number 2-63, dated July 22, 1963, is hereby readopted by reference as a rule of the State of Alabama Highway Department. Copies of this document and any amendments thereto can be obtained from the Secretary of the Highway Department at a reasonable cost.~~

In order to protect the interest of the traveling public and the State of Alabama in the safe use of public roads and bridges and related structures and facilities of the State and Department, and to prevent trespass and injury to State roads and bridges:

1. No structure shall be maintained, constructed or located within the right of way limits of any road or bridge on the Alabama State Highway system except utility structures authorized to be located on the right-of-way pursuant to a permit issued by the State of Alabama Department of Transportation.

2. No private property shall be placed upon, affixed to, constructed or maintained upon any publicly owned right of way, bridge or the approaches thereto on the Alabama State Highway system without prior written permission of the Alabama Department of Transportation.

Author: Jim R. Ippolito, Jr., Chief Counsel

Statutory authority: Code of Ala. 1975 § 23-1-59.

History: Filed September 30, 1982. Amended: Filed _____ 2013.

450-3-1-.09. Vehicles Which Must Comply With The Stopping Requirements At Rail/Highway Grade Crossings And Drawbridges.

~~Promulgated Rule Number 1, dated September 30, 1981, consisting of the regulations necessary to describe those vehicles which must comply with the stopping requirements at rail/highway grade crossings and drawbridges, is hereby readopted by reference as a rule of the State of Alabama Highway Department. Copies of this document and any amendments thereto can be obtained from the Secretary of the Highway Department at a reasonable cost.~~

The Department of Transportation adopts and incorporates by reference Alabama Department of Public Safety Administrative Code Rule 760-X-1-01 regarding motor vehicles that are required to stop at rail/highway crossings and drawbridges. A copy of this rule may be obtained by contacting the Department's Legal Division or the Department of Public Safety.

Author: Jim R. Ippolito, Jr., Chief Counsel
Statutory authority: Code of Ala. 1975 §§ 23-1-59, 32-5A-151.
History: Filed September 30, 1982. Amended: Filed _____ 2013.

450-3-1-.10. Prima Facie Speed Limit Within Safety Rest Areas. Repealed. Promulgated Rule Number 14, dated March 14, 1981, consisting of the establishment of prima facie speed limits within safety rest areas, is hereby readopted by reference as a rule of the State of Alabama Highway Department. Copies of this document and any amendments thereto can be obtained from the Secretary of the Highway Department at a reasonable cost.

Author: Jim R. Ippolito, Jr., Chief Counsel
Statutory authority: Code of Ala. 1975 §§ 23-1-59, 32-5A-172.
History: Filed September 30, 1982. Repealed: Filed _____ 2013.

450-3-1-.11. Minimum Speed Limit On Interstate And Controlled Access Highways Within The State Of Alabama. Repealed. Promulgated Rule Number 3-71, dated April 24, 1981, consisting of the establishment of minimum speed limits of no less than 40 miles per hour at all hours on those highways designated as Interstate and controlled access highways within the State of Alabama, is hereby readopted by reference as a rule of the State of Alabama Highway Department. Copies of this document and any amendments thereto can be obtained from the Secretary of the Highway Department at a reasonable cost.

Author: Jim R. Ippolito, Jr., Chief Counsel
Statutory authority: Code of Ala. 1975 §§ 23-1-59, 32-5A-174.
History: Filed September 30, 1982. Repealed: Filed _____ 2013.

450-3-1-.12. Certain Traffic And Vehicles Prohibited From Use Of Controlled Access Highways In The State Of Alabama. Repealed. Promulgated Rule Number 4-71, dated April 24, 1981, consisting of the regulation describing certain traffic and vehicles which are prohibited from use of controlled access highways in the State of Alabama, is hereby readopted by reference as a rule of the State of Alabama Highway Department. Copies of this document and any amendment thereto can be obtained from the Secretary of the Highway Department at a reasonable cost.

Author: Jim R. Ippolito, Jr., Chief Counsel
Statutory authority: Code of Ala. 1975 §§ 23-1-59, 32-5A-92.
History: Filed September 30, 1982. Repealed: Filed _____ 2013.

450-3-1-.13. Speed Limit Upon State Highways Abutting School Property And Other Locations On The State Highways Which Have Been Designated School Zones Or School Crossings.

(Repealed)

Authors: Bobby Kemp, Jerry Shoemaker.

Statutory authority: Code of Alabama 1975, § 23-1-59.

History: Filed September 30, 1982. Repealed: Filed October 2, 2003; effective November 13, 2003.

450-3-1-.14. Manual Of Laws, Rules And Regulations Relating To Operation And Licensing Of Junkyards.

This manual governing the operation and licensing of junkyards, dated August 1, 1969, is hereby adopted by reference as a rule of the State of Alabama Highway Department. Copies of this manual and any amendments thereto can be obtained from the Secretary of the Highway Department at a reasonable cost.

Author: Jim R. Ippolito, Jr., Chief Counsel

Statutory authority: Code of Ala. 1975 §§ 23-1-59, 23-1-242, et.seq.

History: Filed September 30, 1982.

450-3-1-.15. Manual Of Maintenance Permits. Repealed. Chapter 4 (Permits) of the State of Alabama Highway Maintenance Manual, dated April, 1973, governing the maintenance operations of the State of Alabama Highway Department, is hereby adopted as a rule of the State of Alabama Highway Department. Copies of this manual and any amendments thereto can be obtained from the Secretary of the Highway Department at a reasonable cost.

Author: Jim R. Ippolito, Jr., Chief Counsel

Statutory authority: Code of Ala. 1975 §§ 23-1-59, 41-22-3(9)h, et.seq.

History: Filed September 30, 1982. Repealed: Filed _____ 2013.