

APA-1
07/04

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control No. _____ Department or Agency Alabama Department of Transportation
Rule No. 450-3-1-.08
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? Yes

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 Applegate
Date 5/11/14

(DATE FILED)
(STAMP)

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(Agency Name)
(Agency Division, if applicable)

NOTICE OF INTENDED ACTION

AGENCY NAME: State of Alabama Department of Transportation

RULE NO. & TITLE: 450-3-1, Maintenance

INTENDED ACTION: The Alabama Department of Transportation proposes to amend rule 450-3-1-.08.

SUBSTANCE OF PROPOSED ACTION:

ALDOT proposes to amend Chapter 450-3-1 to reflect changes in law, policies, and procedures since the previous amendment to this chapter. ALDOT proposes to amend Section 450-3-1-.08 due to the passage of Act 2013-283 by the Alabama Legislature, which amended Alabama's Firearms and Weapons Law and is codified at Ala. Code §13A-11-50, et. seq. (1975).

TIME, PLACE, MANNER OF PRESENTING VIEWS:

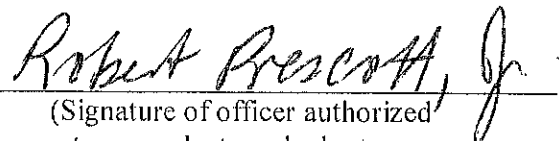
Public Hearing at 9:00 a.m. - 12:00 p.m. on July 7, 2014, at the Alabama Department of Transportation, Central Office, Conference Rooms 5 and 6, 1409 Coliseum Blvd., Montgomery, Alabama 36110, and an opportunity to present comments in writing to Robert Prescott, Legal Bureau, by 12:00 p.m., July 7, 2014.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

July 7, 2013, 12:00 p.m.

CONTACT PERSON AT AGENCY:

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

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07/04

**ECONOMIC IMPACT STATEMENT
FOR APA RULE
Ala. Code §41-22-23(f)(1975)**

Control No. _____ Department or Agency ALDOT

Rule No: 450-3-1-.08

Rule Title: Maintenance

_____ New Amend _____ Repeal _____ Adopt by Reference

This rule has no economic impact.

_____ This rule has an economic impact, as explained below:

1. NEED/EXPECTED BENEFIT OF RULE:

In order to protect the interest of the traveling public and the citizens of Alabama, no person other than duly authorized law enforcement officials shall enter any ALDOT building with a firearm as defined in Ala. Code §13A-8-1(4)(1975), without the written permission of the Director.

2. COSTS/BENEFITS OF RULE AND WHY RULE IS THE MOST EFFECTIVE, EFFICIENT, AND FEASIBLE MEANS FOR ALLOCATING RESOURCES AND ACHIEVING THE STATED PURPOSE:

Not applicable

3. EFFECT OF THIS RULE ON COMPETITION:

Not applicable

4. EFFECT OF THIS RULE ON COST-OF-LIVING AND DOING BUSINESS IN THE GEOGRAPHICAL AREA WHERE THE RULE IS TO BE IMPLEMENTED:

Not applicable

5. EFFECT OF THIS RULE ON EMPLOYMENT IN THE GEOGRAPHICAL AREA WHERE THE RULE IS TO BE IMPLEMENTED:
Not applicable

6. SOURCE OF REVENUE TO BE USED FOR IMPLEMENTING AND ENFORCING THIS RULE:
Not applicable

7. THE SHORT-TERM/LONG-TERM ECONOMIC IMPACT OF THIS RULE ON AFFECTED PERSONS, INCLUDING ANALYSIS OF PERSONS WHO WILL BEAR THE COSTS AND THOSE WHO WILL BENEFIT FROM THE RULE:
Not applicable

8. UNCERTAINTIES ASSOCIATED WITH THE ESTIMATED BENEFITS AND BURDENS OF THE RULE, INCLUDING QUALITATIVE/QUANTITATIVE BENEFITS AND BURDEN COMPARISON:
Not applicable

9. THE EFFECT OF THIS RULE ON THE ENVIRONMENT AND PUBLIC HEALTH:
Not applicable

10. DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE RULE IS NOT IMPLEMENTED:
Not applicable

****Additional pages may be used if needed.**

ALABAMA DEPARTMENT OF TRANSPORTATION
ADMINISTRATIVE CODE

OPERATIONS DIVISION
CHAPTER 450-3-1
MAINTENANCE

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

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 and buildings of the State and Department, and to prevent trespass and injury to State roads and bridges, structures, facilities and buildings:

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.

3. No person other than a duly authorized law enforcement officer shall enter any Alabama Department of Transportation building with a firearm as defined in Section 13A-8-1(4), Code of Alabama 1975, without the written permission of the Director. Nothing in this regulation is intended to violate an individual's rights under the Firearm Owners Protection Act, 18 U.S.C. §921, et. seq.

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

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

History: Filed September 30, 1982. Amendment Filed May 17, 2013; effective June 21, 2013. Amended: Filed _____, 2014.