

ARIZONA DEPARTMENT OF TRANSPORTATION

CURRENT RULEMAKING ACTIVITIES

The information contained in this document is updated by the Department on a quarterly basis. Please visit the Arizona Secretary of State's *Arizona Administrative Register* web page for more complete details on the Department's most recent rulemaking activities.

The following rule package was reviewed per the Governor's Regulatory Review Plan memorandum, dated January 22, 2009, and the continuations dated April 30, June 29, and October 16, 2009. The Governor's Office authorized the notice to proceed through the rulemaking process on September 24, 2009.

Rule Package:	State Certified Rest Area Program & Rest Area Sponsorship Sign Program (New)		
Title:	17, Transportation		
Chapter:	3, Department of Transportation - Highways		
Article(s):	4, Reserved		
Section(s):	To be determined		
A.A.R. Citation:	Notice of Rulemaking Docket Opening: 15 A.A.R. 1669, October 16, 2009		
	Notice of Proposed Rulemaking:		
	Notice of Final Rulemaking:		
Description:	During the 49th Legislature, First Regular Session, A.R.S. §§ 28-7058 and 28-7059 were amended to provide that the Department may establish a State Certified Rest Area Program, and a Rest Area Sponsorship Sign Program. The cited statutes require that, if the Department elects to establish these Programs, Administrative Rules shall be adopted for implementation and operation of the Programs.		
Comments:	jmquiroz@azdot.gov		
Close of Record:	To be determined		
Council Date:	To be determined	Rule Effective Date*:	To be determined

*Rule effective dates are approximate. Generally, rules become effective sixty days after filing a Notice of Final Rulemaking with the Secretary of State's Office. However, under certain circumstances, in accordance with A.R.S. § 28-1032, the agency may demonstrate that the rules need to be effective immediately upon filing.

Please be advised that, pending clarification of the Governor's Regulatory Review Plan memorandum, dated January 22, 2009, and the continuations dated April 30, June 29, and October 16, 2009, the Department plans no immediate action on any incomplete rulemaking activity listed below.

(Rule packages are listed alphabetically by topic)

Rule Package:	Outdoor Advertising (Amend/New)		
Title: Chapter: Article(s): Section(s):	17, Transportation 3, Department of Transportation - Highways 7, Highway Encroachments and Permits R17-3-701, R17-3-701.01, R17-3-702 through R17-3-702.16, & Exhibits (As part of this rulemaking, other Sections may be added, deleted, or amended as necessary.)		
A.A.R. Citation:	Notice of Rulemaking Docket Opening: 14 A.A.R. 4195, November 7, 2008 Notice of Proposed Rulemaking: 14 A.A.R. 4153, November 7, 2008		
	Notice of Final Rulemaking:		
Description:	<p>This rulemaking arises from a Five-Year Review Report approved by the Governor's Regulatory Review Council on November 2, 2004; whereby the Department anticipated making the following amendments:</p> <ul style="list-style-type: none"> • Transfer existing language to new smaller, individual Sections, which will make future rulemakings more manageable. • Update any related citations and ensure conformity to Arizona Administrative Procedures Act; Secretary of State, and Governor's Regulatory Review Council rulemaking format and style requirements. • Remove statutory language, as statute has been renumbered, and placement within administrative rules is not consistent with format and style requirements of the Secretary of State's Office. • Repeal Exhibits that the Agency has determined not to be clear, concise, or understandable, and which are unnecessary. <p>This proposed rulemaking is the first of future rulemakings to update and clarify the outdoor advertising administrative rules. The Department continues to analyze specific amendments necessary to exercise effective control over the State's Outdoor Advertising Program, and time-frames for completion.</p>		
Comments:	jmquiros@azdot.gov		
Close of Record:	December 9, 2008 @ 5:00 p.m.		
Council Date:	To be determined	Rule Effective Date*:	To be determined

Rule Package: Oversize and Overweight Special Permits (Amend)	
Title:	17, Transportation
Chapter:	6, Department of Transportation – Overdimensional Permits
Article(s):	1, General Provisions; 2, Permit Classes; 3, Safety Requirements; 4, Transport Restrictions; 5, Envelope Permit Special Provisions
Section(s):	R17-6-101, R17-6-102, Table 1, R17-6-103 through R17-6-113, R17-6-201 through R17-6-206, Table 2, R17-6-207 through R17-6-211, R17-6-301, R17-6-302, Ill. 1, R17-6-303, Ill. 2, R17-6-304, Ill. 4, R17-6-305 through R17-6-308, R17-6-401 through R17-6-411, Tables 3.01 through 3.09, Ill. 3, R17-6-412, Table 4, R17-6-413, Table 5, R17-6-414, and R17-6-501 through R17-6-505 (Sections may be added, deleted, or modified as necessary.)
A.A.R. Citation:	Notice of Rulemaking Docket Opening: 14 A.A.R. 3811, October 3, 2008
	Notice of Proposed Rulemaking:
	Notice of Final Rulemaking:
Description:	The Department engages in this rulemaking, in a combined effort with the Overdimensional Permit Council and other representatives of the regulated community, to ensure the effectiveness of its overdimensional permit rules in achieving statutory objectives under A.R.S. Title 28, Chapter 3, Articles 18 and 19. The Department anticipates amending the rules by the end of this year. The rule amendments are intended to correct any outdated information and statutory references, provide further clarification on existing processes to ensure the public safety, and ensure the rules are clear, concise, and understandable. In the near future, the Department and the Overdimensional Permit Council will publish additional notices to ensure that all interested parties are provided sufficient opportunity to participate in this rulemaking effort.
Comments:	jlindley@azdot.gov
Close of Record:	To be determined
Council Date:	To be determined
	Rule Effective Date*: To be determined

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Completed prior to the Governor's Regulatory Review Plan memorandum, dated January 22, 2009, and the continuations dated April 30, June 29, and October 16, 2009, the following rulemaking references will remain listed until the rules are finally codified into the Arizona Administrative Code.

(Rule packages are listed alphabetically by topic)

Rule Package:		Commercial Driver License Applicant Driver History Check (New)	
Title:	17, Transportation		
Chapter:	4, Department of Transportation - Title, Registration, and Driver Licenses		
Article(s):	4, Driver Licenses		
Section(s):	R17-4-414 (As part of this rulemaking, other Sections may be added, deleted, or amended as necessary.)		
A.A.R. Citation:	Notice of Rulemaking Docket Opening: 14 A.A.R. 536, February 22, 2008		
	Notice of Proposed Rulemaking: 14 A.A.R. 1272, April 25, 2008		
	Notice of Final Rulemaking: 14 A.A.R. 4100, October 31, 2008		
Description:	The Division engages in this rulemaking to promulgate rules prescribing the procedures, reporting, and records maintenance requirements necessary to fulfill the requirements of the Motor Carrier Safety Improvement Act as it pertains to driver history checks and actions.		
Comments:	jjindley@azdot.gov		
Close of Record:	May 27, 2008		
Council Date:	October 7, 2008	Rule Effective Date*:	October 7, 2008

Rule Package:		Commercial Driver License Physical Qualifications/Waiver (Amend)	
Title:	17, Transportation		
Chapter:	5, Department of Transportation - Commercial Programs		
Article(s):	2, Motor Carriers		
Section(s):	R17-5-201 through R17-5-208 (As part of this rulemaking, other Sections may be added, deleted, or amended as necessary.)		
A.A.R. Citation:	Notice of Rulemaking Docket Opening: 13 A.A.R. 4147, November 23, 2007		
	Notice of Proposed Rulemaking: 14 A.A.R. 1274, April 25, 2008		
	Notice of Final Rulemaking: 14 A.A.R. 3797, October 3, 2008		
Description:	The Division engages in this rulemaking to establish a permanent waiver process for interstate drivers who are disqualified from driving a commercial motor vehicle as prescribed in 49 CFR 391.41(b)(3), but who are otherwise qualified, to apply for a waiver, restricted to the state of Arizona. Changes are also made to ensure conformity to Arizona Administrative Procedure Act, the Secretary of State, and the Governor's Regulatory Review Council rulemaking format and style requirements.		
Comments:	jjindley@azdot.gov		
Close of Record:	June 2, 2008		
Council Date:	September 9, 2008	Rule Effective Date*:	November 8, 2008

Rule Package: Electronic Fuel Tax Reporting (New)	
Title:	17, Transportation
Chapter:	8, Department of Transportation - Fuel Taxes
Article(s):	5, Electronic Fuel tax Reporting
Section(s):	R17-8-501 through R17-8-506 (As part of this rulemaking, other Sections may be added, deleted, or amended as necessary.)
A.A.R. Citation:	Notice of Rulemaking Docket Opening: 14 A.A.R. 3188, August 8, 2008
	Notice of Proposed Rulemaking: 14 A.A.R. 3178, August 8, 2008
	Notice of Final Rulemaking: 15 A.A.R. 278, January 30, 2009
Description:	The Division engages in this rulemaking to prescribe the procedure, reporting, and record maintenance requirements necessary to administer the electronic fuel tax program.
Comments:	jlindley@azdot.gov
Close of Record:	September 8, 2008
Council Date:	December 2, 2008
	Rule Effective Date*: March 7, 2009

Rule Package: Electronic Funds Transfer (Repeal)	
Title:	17, Transportation
Chapter:	1, Department of Transportation - Administration
Article(s):	4, Electronic Funds Transfer
Section(s):	R17-1-401 through R17-1-407 (As part of this rulemaking, other Sections may be added, deleted, or amended as necessary.)
A.A.R. Citation:	Notice of Rulemaking Docket Opening: 14 A.A.R. 3130, August 1, 2008
	Notice of Proposed Rulemaking: 14 A.A.R. 3171, August 8, 2008
	Notice of Final Rulemaking: 15 A.A.R. 182, January 16, 2009
Description:	The Division engages in this rulemaking to repeal antiquated language within existing rules regulating electronic funds transfers and create new rules under Chapter 8.
Comments:	jlindley@azdot.gov
Close of Record:	September 8, 2008
Council Date:	December 2, 2008
	Rule Effective Date*: March 7, 2009

Rule Package: Electronic Funds Transfer (New)	
Title:	17, Transportation
Chapter:	8, Department of Transportation - Motor Carrier and Tax Services Program
Article(s):	4, Electronic Funds Transfers
Section(s):	R17-8-401 through R17-8-405 (As part of this rulemaking, other Sections may be added, deleted, or amended as necessary.)
A.A.R. Citation:	Notice of Rulemaking Docket Opening: 14 A.A.R. 3187, August 8, 2008
	Notice of Proposed Rulemaking: 14 A.A.R. 3175, August 8, 2008
	Notice of Final Rulemaking: 15 A.A.R. 225, January 23, 2009
Description:	The Division engages in this rulemaking to prescribe who must file payments electronically and to establish the process by which an electronic funds transfer is accomplished.
Comments:	jlindley@azdot.gov
Close of Record:	September 8, 2008
Council Date:	December 2, 2008
	Rule Effective Date*: March 7, 2009

Rule Package: Facsimile Fees (New)	
Title:	17, Transportation
Chapter:	1, Department of Transportation - Administration
Article(s):	2, Fees
Section(s):	R17-1-206
A.A.R. Citation:	Notice of Exempt Rulemaking: 14 A.A.R. 4046, October 24, 2008
Description:	The Division engages in this rulemaking to prescribe a per page facsimile fee that is assessed when faxing a document to a requester.
Comments:	jlindley@azdot.gov
Close of Record:	Not applicable
Council Date:	Not applicable
	Rule Effective Date*: October 24, 2008

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