

# **FIRE APPARATUS AXLE WEIGHT EXEMPTION NOTICE OF PROPOSED RULEMAKING**

The California Department of Transportation (Department) proposes to amend the proposed regulations described below after considering all comments, objections, and recommendations regarding the proposed action.

## **PUBLIC HEARING**

The Department has not scheduled a public hearing on this proposed action. However, the Department will hold a hearing if it receives a written request for a public hearing from any interested person, or his or her authorized representative, no later than 15 days before the close of the written comment period.

## **WRITTEN COMMENT PERIOD**

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Department. The written comment period closes on December 15, 2008 at 5 p.m. The Department will consider only comments received at the Department offices by that time. Submit comments to:

Casey J. Robb, P.E.  
California Department of Transportation  
Traffic Operations – MS 36  
1120 N Street  
Sacramento, CA 95814

## **AUTHORITY AND REFERENCE**

Vehicle Code sections 35002 and 35795 authorize the Department to amend the proposed regulations, which would implement, interpret, or make specific Sections 35002 and 35780 of the Vehicle Code.

## **INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW**

The Department proposes to amend Section 1411.7 of Title 21 of the California Code of Regulations (CCR). This section concerns axle weight exemptions for fire trucks. The Department has been working with the fire service industry and the California Highway Patrol on these proposed revisions.

The purpose of the proposed regulations is to increase the allowed axle weights, and to expand the scope of the weight exemptions beyond fire trucks to include all emergency vehicles. The proposed regulations would also increase the single-unit vehicle length limit for fire apparatus to 52 feet.

Vehicle Code section 35780 provides that the Department may issue a special permit authorizing the applicant to operate or move a vehicle or combination of vehicles of a size or weight of vehicle or load exceeding the maximum specified in this code.

Vehicle Code section 35002 authorizes the Department to require that emergency fire vehicles comply with applicable permit requirements, and provides that the Department adopt these requirements.

Vehicle Code section 35795 authorizes the Department to charge a fee for the issuance of permits.

CCR section 1411.7 will specify maximum axle weights allowed on fire apparatus vehicles. The Department proposes the following maximum weights:

single steering axle:	24,000 pounds
single drive axle:	31,000 pounds
tandem axles:	58,000 pounds
tandem rear drive steer axles:	48,000 pounds
tridem axles:	59,000 pounds

CCR section 1411.7 will also allow a single-unit fire apparatus vehicle up to 52 feet in length.

In addition, CCR section 1411.7 proposes to change the definition of “fire apparatus” to include vehicles that transport equipment and personnel, in addition to fires, to other hazardous situations as well.

## **DISCLOSURES REGARDING THE PROPOSED ACTION**

The Department has made the following initial determinations:

- Mandate on local agencies and school districts: None.
- Cost or savings to any State agency: None.
- Cost to any local agency or school district which must be reimbursed in accordance with Government Code sections 17500 through 17630: None.
- Other nondiscretionary cost of savings imposed on local agencies: None.
- Cost or savings in federal funding to the State: None.
- Significant, statewide adverse economic impact directly affecting businesses including the ability of California businesses to compete with businesses in other states: None.
- Cost impacts on a representative private person or business: The Department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

- Adoption of these regulations will not:
  1. Create or eliminate jobs within California.
  2. Create new businesses or eliminate existing businesses within California.
  3. Affect the expansion of businesses currently doing business within California.
  
- Significant effect on housing costs: None.

## **SMALL BUSINESS DETERMINATION**

The Department has determined that the proposed regulations do not affect small businesses. Fire trucks and other emergency vehicles are owned and operated by local governments. The roads and bridges that may be affected are owned and operated by State and local governments. The only business affected would be the manufacturers of emergency vehicles; they would benefit because they would expand their markets in California to include the standard emergency vehicles currently sold nationwide.

## **CONSIDERATION OF ALTERNATIVES**

In accordance with Government Code section 11346.5, subdivision (a)(13), the Department must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the agency would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

The Department invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations at the scheduled hearing or during the written comment period.

## **CONTACT PERSONS**

Inquiries concerning the proposed administrative action may be directed to:

Casey Robb  
California Department of Transportation  
Traffic Operations – MS 36  
1120 N Street  
Sacramento, CA 95814  
(916) 651-6125

The backup contact person for these inquiries is:

Nader Ebrahimi  
California Department of Transportation  
Traffic Operations – MS 36  
1120 N Street

Sacramento, CA 95814  
(916) 654-6914

Questions on the substance of the proposed regulations should be directed primarily to Ms. Casey Robb.

Please direct requests for copies of the proposed text (the "express terms") of the regulations, the initial statement of reasons, the modified text of the regulations, if any, or other information upon which the rulemaking is based to Casey Robb at the above address.

#### **AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS**

The Department will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at the above address. As of the date this Notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations, and the initial statement of reasons. Copies may be obtained by contacting Casey Robb at the address or phone number listed above.

#### **AVAILABILITY OF CHANGED OR MODIFIED TEXT**

After holding the hearing (if a hearing is requested) and considering all timely and relevant comments received, the Department may adopt the proposed regulations substantially as described in this notice. If the Department makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Department adopts the regulations as revised. Please send requests for copies of any modified regulations to the attention of Casey Robb at the address indicated above. The Department will accept written comments on the modified regulations for 15 days after the date on which they are made available.

#### **AVAILABILITY OF THE FINAL STATEMENT OF REASONS**

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting Ms. Robb at the above address.

#### **AVAILABILITY OF DOCUMENTS ON THE INTERNET**

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations in underline and strikeout can be accessed through our Web site at [www.dot.ca.gov/hq/traffops/trucks/](http://www.dot.ca.gov/hq/traffops/trucks/).