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**OFFICE OF THE LIEUTENANT GOVERNOR  
ALASKA**

**MEMORANDUM**

**TO:** Jolene Julian  
Department of Transportation and Public Facilities

**FROM:** April Simpson, Office of the Lieutenant Governor   
465.4081

**DATE:** November 6, 2018

**RE:** Filed Permanent Regulations: Department of Transportation and Public Facilities  
Department of Transportation and Public Facilities; Regulations re: commercial vehicle enforcement: (17 AAC 25.012, .013, .015, .200, .210-.250, .320, .335, .380, .400 and .900)

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Attorney General File:	JU2017200674
Regulation Filed:	11/6/2018
Effective Date:	12/6/2018
Print:	228, January 2019

cc with enclosures: Linda Miller, Department of Law  
Judy Herndon, LexisNexis

ORDER ADOPTING CHANGES TO REGULATIONS  
OF THE DEPARTMENT OF TRANSPORTATION & PUBLIC FACILITIES

The attached 16 pages of regulations, dealing with commercial vehicle enforcement, are adopted and certified to be a correct copy of the regulation changes that the Department of Transportation & Public Facilities adopts under the authority of AS 44.62 and after compliance with the Administrative Procedure Act (AS 44.62), specifically including notice under AS 44.62.190 and 44.62.200 and opportunity for public comment under AS 44.62.210.

This action is not expected to require an increased appropriation.

In considering public comments, the Department of Transportation & Public Facilities paid special attention to the cost to private persons of the regulatory action being taken.

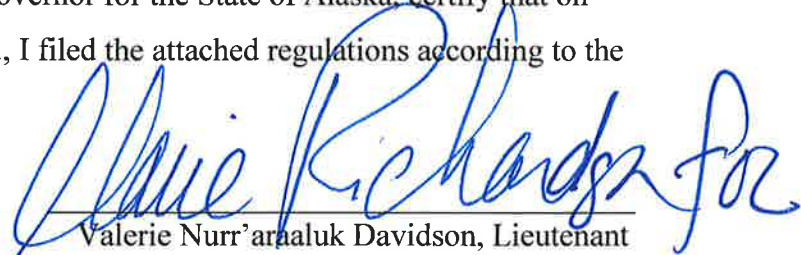
The regulation changes adopted under this order take effect on the 30th day after they have been filed by the lieutenant governor, as provided in AS 44.62.180.

Date: 23 October 2018

  
\_\_\_\_\_  
Marc Luiken, Commissioner  
Department of Transportation and  
Public Facilities

  
FILING CERTIFICATION

I, Valerie Nurr'araaluk Davidson, Lieutenant Governor for the State of Alaska, certify that on Nov 6, 2018, at 12p.m., I filed the attached regulations according to the provisions of AS 44.62.040 - 44.62.120.

  
\_\_\_\_\_  
Valerie Nurr'araaluk Davidson, Lieutenant  
Governor

Effective: December 6, 2018.

Register: 228, January 2019.

**FOR DELEGATION OF THE LIEUTENANT GOVERNOR'S AUTHORITY**

**I, VALERIE NURR'ARAALUK DAVIDSON, LIEUTENANT GOVERNOR OF THE STATE OF ALASKA, designate the following state employees to perform the Administrative Procedures Act filing functions of the Office of the Lieutenant Governor:**

**Claire Richardson  
Scott Meriwether  
April Simpson  
Kady Levale**

**IN TESTIMONY WHEREOF, I have signed and affixed the Seal of the State of Alaska, in Anchorage, on October 24, 2018.**



  
.....  
**VALERIE NURR'ARAALUK DAVIDSON  
LIEUTENANT GOVERNOR**

17 AAC 25.012(e) is amended to read:

(e) **On all routes**

**(1) a semitrailer** [SEMITRAILERS] **used** in combination [ON ALL ROUTES] may not exceed 53 feet in length;

**(2) a load or equipment may not overhang more than four feet beyond the rear of a semitrailer used in combination;** and

**(3) combinations may not have more than two cargo-carrying vehicles in the combination.**

17 AAC 25.012 is amended by adding a new subsection to read:

**(g) Equipment is not included in the vehicle size limitations contained in (a), (c), (d), and (e) of this section, except as specifically provided.** (Eff. 8/13/95, Register 135; am 10/7/2001, Register 160; am 11/16/2004, Register 172; am 12/31/2006, Register 180; am 4/9/2009, Register 190; am 12/30/2010, Register 196; am 11/26/2015, Register 216; am 12 / 6 / 2018, Register 228)

Authority:	AS 19.05.010	AS 19.10.060	AS 44,42.030
	AS 19.05.020	AS 44,42,020	AS 45,75.050
	AS 19.05.040		

17 AAC 25.013(a)(4) is amended to read:

(4) except as provided in (5) of this subsection, for a vehicle or combination of vehicles, including load and equipment, the weight on axles or axle groups may not exceed, and the distance between axles may not be less than, the following:

	<b>Weight (Pounds)</b>	<b>Distance</b>
Single Axle	20,000	8 feet and 1 inch minimum spacing*
2-Axle Group	38,000	3 feet and 6 inches minimum spacing
3-Axle Group	42,000	3 feet and 6 inches minimum spacing
4-Axle Group	50,000	3 feet and 6 inches minimum spacing

\* Any axle spaced less than 8 feet and 1 inch from any other axle, measured between the centers of the nearest axles, is considered as part of an axle group. In multi-axle groups, all axles must carry at least 6,000 pounds if the axle group weight is more than 50 percent of the legal group weight. Lift axles or variable suspension axles are allowed in the drive axle group of the power vehicle, but may not be used **to determine the** [FOR CALCULATION OF] legal allowable vehicle gross weight **prescribed by the Bridge Gross Weight Formulas in (a)(6) of this section.**

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17 AAC 25.013(a)(6) is amended to read:

(6) the maximum gross vehicle weight for a vehicle or vehicle combination may not exceed **the amount prescribed by** [THAT WEIGHT DETERMINED FROM] the following formulas, **referred to as the Bridge Gross Weight Formulas:**

... ((( Publisher: No change to 17 AAC 25.013(a)(6)(A), (B).)))

17 AAC 25.013(g) is amended to read:

(g) A vehicle subject to the provisions of this section that uses an auxiliary power unit or an idle reduction technology unit in order to promote reduction of fuel use and emissions because of engine idling, **will** [may] be allowed up to an additional **550**[400] pounds total in

power unit axle weights, gross vehicle weights, or bridge formula weight limits. Certification of the weight of the auxiliary power unit must be available to law enforcement officers if the vehicle is found in violation of applicable weight laws. The additional weight allowed may not exceed 550[400] pounds or the weight certified, whichever is less. To be eligible for this exception, the operator of the vehicle must be able to prove by

(1) written certification, the weight of the auxiliary power unit or idle reduction technology unit; and

(2) demonstration or certification, that the auxiliary power unit or idle reduction technology unit is fully functional at all times. (Eff. 8/13/95, Register 135; am 10/7/2001, Register 160; am 12/31/2006, Register 180; am 4/9/2009, Register 190; am 12/30/2010, Register 196; am 04/12/2013, Register 206; am 11/26/2015, Register 216; am 12 / 6 / 2018, Register 228)

**Authority:** AS 19.05.010 AS 19.10.060 AS 44.42.030  
AS 19.05.020 AS 44.42.020 AS 45.75.050  
AS 19.05.040

17 AAC 25.015(b) is amended to read:

(b) A saddlemount combination with an overall length not exceeding 97 feet may operate on the state highway system and may include one full mount in the combination. The saddlemount combination must be in compliance with 23 C.F.R. 658.13, revised as of April 1, 2017 [2007] and adopted by reference.

17 AAC 25.015(c) is amended to read:

(c) An automobile carrier may operate on the state highway system under the requirements of 23 C.F.R. 658.13, revised as of April 1, 2017 [2009] and adopted by reference.

17 AAC 25.015(d) is amended to read:

(d) A boat transporter may operate on the state highway system under the requirements of 23 C.F.R. 658.13, revised as of April 1, **2017** [2009] and adopted by reference.

(Eff. 8/13/95, Register 135; am 10/7/2001, Register 160; am 12/31/2006, Register 180; am 4/9/2009, Register 190; am 12/30/2010, Register 196; am ~~12 / 6 / 2018~~, Register ~~228~~)

<b>Authority:</b>	AS 19.05.010	AS 19.10.060	AS 44.42.030
	AS 19.05.020	AS 44.42.020	AS 45.75.050
	AS 19.05.040		

The introductory language of 17 AAC 25.200(a) is amended to read:

(a) A person driving a commercial motor vehicle, or a company whose business involves the operation of a commercial motor vehicle, upon a highway or vehicular way or area, shall comply with the transportation of hazardous materials, hazardous substances, or hazardous waste regulations adopted by the United States Department of Transportation and contained in the following provisions, as revised as of October 1, **2016** [2014] and adopted by reference, except as otherwise provided in (b) of this section:

. . . (((Publisher: No change to 17 AAC 25.200(a)(1) –(8).)))

(Eff. 11/16/2004, Register 172; am 12/31/2006, Register 180; am 4/9/2009, Register 190; am 12/30/2010, Register 196; am 04/12/2013, Register 206; am 11/26/2015, Register 216; am ~~12 / 6 / 2018~~, Register ~~228~~)

<b>Authority:</b>	AS 19.05.010	AS 19.10.060	AS 19.10.340
	AS 19.05.020	AS 19.10.310	AS 19.10.370
	AS 19.05.040		

The introductory language of 17 AAC 25.210(a) is amended to read:

(a) A person driving a commercial motor vehicle, or a company whose business involves the operation of a commercial motor vehicle, upon a highway or vehicular way or area, shall comply with the regulations relating to the management, maintenance, operation, or driving of commercial motor vehicles, adopted by the United States Department of Transportation and contained in the following provisions, as revised as of October 1, **2016** [2014] and adopted by reference, except as otherwise provided in (b) of this section:

. . . ((( Publisher: No change to 17 AAC 25.210(a)((1) –(10).)))

17 AAC 25.210(b)(4) is repealed:

(4) repealed 12 / 6 / 2018.

17 AAC 25.210(d) is amended to read:

(d) A motor carrier that conducts operations in intrastate commerce, and only in intrastate commerce, shall file a motor carrier identification report [(FORM MCS-150)] with the FMCSA and receive an intrastate USDOT identification before the motor carrier begins operations. On each self-propelled commercial motor vehicle, as defined in 49 C.F.R. 390.5, adopted by reference in (a) of this section, the motor carrier shall display the identification number, along with the additional information required by 49 C.F.R. 390.21, adopted by reference in (a) of this section.

17 AAC 25.210(e) is amended to read:

(e) For a motor carrier that previously filed a motor carrier identification report required under (d) of this section, the motor carrier shall file an updated motor carrier identification report [(FORM MCS-150)] with the FMCSA every **24** [12] months.



17 AAC 25.210(g) is amended to read:

(g) A **report** [MOTOR CARRIER] required under (d) or (e) of this section [TO FILE A MOTOR CARRIER IDENTIFICATION REPORT] shall **be filed** [FILE THAT REPORT] with the FMCSA electronically[, OR WITH THE DIVISION'S COMMERCIAL VEHICLE CUSTOMER SERVICE CENTER IN PERSON, BY FACSIMILE TRANSMISSION, OR BY MAIL].

17 AAC 25.210(h) is repealed:

(h) repealed 12 / 6 / 2018.

17 AAC 25.210(j)(4) is amended to read:

(4) is not transporting hazardous materials for which a placard is required under 49 C.F.R. Part 172, adopted by reference in 17 AAC 25.200(a), or operating a vehicle designed or used to transport **more than 15** [16 OR MORE] individuals, including the driver.

(Eff. 11/16/2004, Register 172; am 12/31/2006, Register 180; am 4/9/2009, Register 190; am 12/30/2010, Register 196; am 04/12/2013; Register 206; am 11/26/2015, Register 216; am 12 / 6 / 2018, Register 228)

<b>Authority:</b>	AS 19.05.010	AS 19.10.060	AS 19.10.340
	AS 19.05.020	AS 19.10.310	AS 19.10.370
	AS 19.05.040		

Editor's note: **The website for electronic filing with the Federal Motor Carrier Safety**

**Administration (FMCSA) is [www.fmcsa.dot.gov/urs](http://www.fmcsa.dot.gov/urs). Questions relating to the motor**

**carrier identification report form may be directed to FMCSA at 1-800-832-5660.** [THE

ADDRESS FOR FILING, IN PERSON OR BY MAIL, A MOTOR CARRIER

IDENTIFICATION REPORT REQUIRED UNDER 17 AAC 25.210(D) – (H) IS STATE OF

ALASKA, DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES, DIVISION OF MEASUREMENT STANDARDS AND COMMERCIAL VEHICLE ENFORCEMENT, COMMERCIAL VEHICLE CUSTOMER SERVICE CENTER, 11900 INDUSTRY WAY, BUILDING M, SUITE 2, ANCHORAGE, AK 99515. THE FACSIMILE NUMBER FOR FILING A MOTOR CARRIER IDENTIFICATION REPORT IS (866) 345-1241, TOLL-FREE FOR FILERS WITHIN THE STATE, 365-1243 FOR FILERS WITHIN THE ANCHORAGE AREA, OR (907) 365-1243 FOR FILERS OUTSIDE THE STATE. THE INTERNET SITE FOR ELECTRONIC FILING WITH THE FMCSA IS WWW.FMCSA.DOT.GOV. THE MOTOR CARRIER IDENTIFICATION REPORT FORM ( MCS-150) IS AVAILABLE FROM THE COMMERCIAL VEHICLE CUSTOMER SERVICE CENTER AT THAT ADDRESS, OR CAN BE REQUESTED BY CALLING (800) 478-7636 TOLL-FREE FOR CALLERS WITHIN THE STATE, 365-1200 FOR CALLERS WITHIN THE ANCHORAGE AREA, OR (907) 365-1200 FOR CALLERS OUTSIDE THE STATE. THE FORM MAY ALSO BE DOWNLOADED FROM WWW.FMCSA.DOT.GOV, AND IS ALSO AVAILABLE ON THE DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES WEBSITE, AT [HTTP://WWW.DOT.STATE.AK.US/MSCV.E](http://WWW.DOT.STATE.AK.US/MSCV.E).]

The introductory language of 17 AAC 25.220(a) is amended to read:

(a) A person driving a commercial motor vehicle, or a company whose business involves the operation of a commercial motor vehicle, upon a highway or vehicular way or area, shall comply with the regulations relating to the management, operation, or driving of commercial motor vehicles, adopted by the United States Department of Transportation and contained in the following provisions of 49 C.F.R. Part 395 (hours of service of drivers), as revised as of October 1, **2016** [2014] and adopted by reference, except as provided in (b) of this section:

. . . ((( Publisher: No change to 17 AAC 25.220(a) (~~10~~<sup>15</sup>-(5).)))

17 AAC 25.220(c)(4) is amended to read:

(4) is not transporting hazardous materials for which a placard is required under 49 C.F.R. Part 172, adopted by reference in 17 AAC 25.200(a), or operating a vehicle designed or used to transport **more than 15** [16 OR MORE] individuals, including the driver.

17 AAC 25.220 is amended by adding a new subsection to read:

(d) A driver operating in intrastate commerce is exempt from the requirements of 49 C.F.

R. Part 395 if all of the following apply:

(1) the driver operates a property-carrying commercial motor vehicle for which a commercial driver's license is not required under 49 C.F.R. Part 383, as revised as of October 1, 2016;

(2) the driver's primary employment duties involve maintaining the Trans-Alaska Pipeline System and operation of the commercial motor vehicle is incidental to those duties;

(3) the driver does not drive more than 15 hours in a 24 hour period, regardless of the number of motor carriers using the drivers's services;

(4) the driver does not drive after accumulating 168 on-duty hours in 14 consecutive days, regardless of the number of employers using the driver's services; and

(5) the motor carrier that employs the driver maintains and retains for a period of 6 months accurate and true time records showing:

(A) <sup>t</sup> The time the driver reports for duty each day;

(B) <sup>t</sup> The total number of hours the driver is on duty each day;

(C) ~~The~~<sup>t</sup> time the driver is released from duty each day; and

(D) ~~The~~<sup>t</sup> total time for the preceding 7 days in accordance with 49 C.F.R.

395.8(j)(2) for drivers used for the first time or intermittently. (Eff. 11/16/2004, Register 172; am 12/31/2006, Register 180; am 4/9/2009, Register 190; am 12/30/2010, Register 196, am 04/12/2013, Register 206; am 11/26/2015, Register 216; am 12 / 6 / 2018, Register 228)

**Authority:** AS 19.05.010 AS 19.05.040 AS 19.10.370  
AS 19.05.020 AS 19.10.060

17 AAC 25.250(a) is amended to read:

(a) The definitions in 49 C.F.R. 390.5, adopted by reference in 17 AAC 25.210(a), apply in 17 AAC 25.200 – 17 AAC 25.250, except that for vehicles operating in intrastate commerce that have a gross vehicle weight, gross vehicle weight rating, gross combination weight, or gross combination weight rating less than 26,001 pounds, "commercial motor vehicle" has the meaning given in AS 19.10.399, with the exception of commercial motor vehicles transporting hazardous materials for which a placard is required under 49 C.F.R. Part 172, adopted by reference in 17 AAC 25.200(a), or a commercial motor vehicle designed or used to transport **more than 15 individuals** [16 OR MORE PASSENGERS], including the driver.

(Eff. 11/16/2004, Register 172; am 11/26/2015, Register 216; am 12 / 6 / 2018, Register 228)

**Authority:** AS 19.05.010 AS 19.10.060 AS 19.10.370  
AS 19.05.020 AS 19.10.310 AS 19.10.399  
AS 19.05.040 AS 19.10.340

17 AAC 25.320(b) is amended to read:

(b) As it considers necessary to assure that the requirements listed in (a) of this section are met, the department will, as conditions for a permit issued under (a)(1) or (2) of this section,

Register 228, January 2019 TRANS. AND PUBLIC FACILITIES

establish time limitations for movement, designate routes, limit the number of trips, or otherwise restrict the movement of oversize or overweight vehicles and loads. The movement of permitted oversize or overweight vehicles or loads must comply with the conditions of the permit and requirements for towing vehicles, pilot cars, warning signs and lights, hours of darkness, and other safety considerations specified in the department's *Administrative Permit Manual: Oversize and Overweight Permits*, revised as of February 2017 [March 2012], and adopted by reference. (Eff. 10/7/2001, Register 160; am 11/16/2004, Register 172; am 12/31/2006, Register 180; am 12/30/2010, Register 196, am 04/12/2013, Register 206; am 11/26/2015, Register 216; am 12 / 6 / 2018, Register 228 )

<b>Authority:</b>	AS 19.05.010	AS 19.10.060	AS 44.42.030
	AS 19.05.020	AS 44.42.020	AS 45.75.050
	AS 19.05.040		

**Editor's note:** Copies of the Department of Transportation and Public Facilities' *Administrative Permit Manual: Oversize and Overweight Permits*, adopted by reference in 17 AAC 25.320, are available for inspection at the offices of the Department of Transportation and Public Facilities, Division of Measurement Standards and Commercial Vehicle Enforcement, 11900 Industry Way, Building M, Suite 2, Anchorage, Alaska 99515, or may be viewed at <http://dot.alaska.gov/mscve/>.

The Department of Transportation and Public Facilities, Division of Measurement Standards and Commercial Vehicle Enforcement, Commercial Vehicle Customer Service Center is located at 11900 Industry Way, Building M, Suite 2, Anchorage, Alaska, telephone: [(800) 478-7636 TOLL-FREE FOR CALLERS WITHIN THE STATE AND OUTSIDE THE

ANCHORAGE AREA;] 365-1200 [FOR CALLERS WITHIN THE ANCHORAGE AREA;  
(907) 365-1200 FOR CALLERS OUTSIDE THE STATE].

17 AAC 25.335(a) is amended to read:

(a) The department will weigh vehicles in their as-found condition and will grant weight allowances, as described in this section, to the weight limits set out in 17 AAC 25.013. [IF THE AS-FOUND CONDITION EXCEEDS THE ALLOWANCES DESCRIBED IN THIS SECTION, THE ALLOWANCE WEIGHTS WILL BE INCLUDED IN THE FINE CALCULATIONS AND NOT SUBTRACTED FROM THE VIOLATION. AN ADDITIONAL ALLOWANCE OF UP TO 400 POUNDS WILL BE ADDED TO A POWER UNIT'S AXLE WEIGHTS OR THE ALLOWABLE GROSS VEHICLE WEIGHTS FOR TRUCKS OR TRUCK TRACTORS EQUIPPED WITH AN AUXILIARY POWER UNIT OR IDLE REDUCTION UNIT IF THE REQUIREMENTS OF 17 AAC 25.013(G) ARE MET.]

17 AAC 25.335(b) is repealed and readopted to read:

(b) The department will observe the following procedures if enforcing the gross weight requirements in 17 AAC 25.013

(1) from October 1 through April 30 of each year, in addition to the amount allowed in 17 AAC 25.013, an additional 1,500 pound allowance will be granted for snow and ice build-up, if evidence of that build-up exists; this allowance is the maximum allowance regardless of the make-up of the vehicle combination.

(2) whenever the department finds a violation, it will give a warning, issue the driver of the vehicle a citation, or inspect the vehicle, and

(3) if the vehicle gross weight is over the amount allowed in 17 AAC 25.013 and paragraph (1) of this subsection by more than 1,000 pounds, the vehicle will directed to a location to unload the excess weight from the vehicle.

17 AAC 25.335(c) is repealed and readopted to read:

(c) The following procedures will be observed while enforcing the axle group weight requirements set out in 17 AAC 25.013:

(1) whenever the department finds a violation, it will give a warning, may issue the driver of the vehicle a citation, or may inspect the vehicle and note the violation on the inspection form;

(2) if the weight of an axle group on a vehicle is over the amount allowed in 17 AAC 25.013 by more than 1,000 pounds, but no more than 2,000 pounds, and can be corrected at the weigh station by shifting the load, the load must be corrected by shifting before the vehicle will be allowed to proceed;

(3) if the weight of an axle group on a vehicle is over the amount allowed in 17 AAC 25.013 by more than 1,000 pounds but no more than 2,000 pounds and cannot be corrected at the weigh station by shifting the load, the driver of the vehicle will be directed to a location to unload the excess weight from the vehicle;

(4) if the weight of an axle group on a vehicle is over the amount allowed in 17 AAC 25.013 by more than 2,000 pounds, the driver of the vehicle will be directed to a location to unload the excess weight from the vehicle; however, if the weight of that axle group is over the legally allowed amount by more than 125 percent of the legally allowed amount and cannot be corrected by shifting the load, the driver may be directed to park the vehicle at the weigh

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station or enforcement site until the vehicle's weight can be reduced to within the amount allowed in 17 AAC 25.013 or until a permit under 17 AAC 25.320 is obtained.

(Eff. 10/7/2001, Register 160; am 4/9/2009, Register 190; am 12/30/2010, Register 196; am 12 / 6 / 2018, Register 228)

<b>Authority:</b>	AS 19.05.010	AS 19.10.060	AS 45.75.050
	AS 19.05.020	AS 44.42.020	AS 45.75.131
	AS 19.05.040	AS 44.42.030	

17 AAC 25.380(f) is repealed:

(f) repealed 12 / 6 / 2018. (Eff. 10/7/2001, Register 160; am 11/16/2004, Register 172; am 4/9/2009, Register 190; am 04/12/2013, Register 206; am 02/10/2016, Register 217; am 12 / 6 / 2018, Register 228)

<b>Authority:</b>	AS 19.05.010	AS 19.10.060	AS 44.42.030
	AS 19.05.020	AS 44.42.020	AS 45.75.050
	AS 19.05.040		

The editor's note for 17 AAC 25.400 is changed to read:

**Editor's note:** The address for registering in person or by mail, as required under 17 AAC 25.400 is State of Alaska, Department of Transportation and Public Facilities, Division of Measurement Standards and Commercial Vehicle Enforcement, Commercial Vehicle Customer Service Center, 11900 Industry Way, Building M, Suite 2, Anchorage, AK 99515. The facsimile number for filing a **Unified Carrier Registration form** [MOTOR CARRIER IDENTIFICATION REPORT] is (907) 365-1243 [(866) 345-1241, TOLL-FREE FOR FILERS WITHIN THE STATE, 365-1243 FOR FILERS WITHIN THE ANCHORAGE AREA, OR (907) 365-1243 FOR FILERS OUTSIDE THE STATE]. The approved Internet site for



electronic filing is [www.ucr.in.gov](http://www.ucr.in.gov). The Unified Carrier Registration form is available from the Commercial Vehicle Customer Service Center at the above-noted address, or may be requested by calling [(800) 478-7636 TOLL-FREE FOR CALLERS WITHIN THE STATE,] (907) 365-1200 [FOR CALLERS WITHIN THE ANCHORAGE AREA, OR (907) 365-1200 FOR CALLERS OUTSIDE THE STATE]. The form may also be downloaded from <http://www.dot.state.ak.us/mscve>

17 AAC 25.900 (5) is amended to read:

(5) "cargo-carrying length" means the portion of the **cargo carrying unit of a vehicle with two or more such units, measured from the front of the first unit to the rear of the last unit, including the hitch(es) between the units, with the exception of the upper coupler on a beverage semitrailer and the B-train assembly between the first and second semitrailers** [OVERALL LENGTH OF A TRAILER, EXCLUDING THE COUPLING DEVICE, UPON WHICH A LOAD CAN BE CARRIED];

17 AAC 25.900 (6) is amended to read:

(6) "cargo-carrying **unit** [VEHICLE]" means **any portion of a vehicle combination, other than the truck tractor, used for carrying cargo, including a trailer, semitrailer, or the cargo carrying section of a single-unit truck** [A TRUCK, TRAILER, SEMITRAILER, OR OTHER VEHICLE CAPABLE OF CARRYING A LOAD]

17 AAC 25.900 (34) is repealed:

(34) repealed 12 / 6 / 2018;

17 AAC 25.900 (45) is amended to read:

(45) "trailer" means a

**(A) full trailer, which is any vehicle other than a pole trailer designed to be drawn by another motor vehicle and constructed such that no part of its weight, except for the towing device, rests upon the self-propelled towing vehicle, including the use of a converter dolly on a semitrailer;**

**(B) pole trailer, which is any motor vehicle designed to be drawn by another motor vehicle and attached to the towing motor vehicle by means of a 'reach' or 'pole,' or by being 'boomed' or otherwise secured to the towing vehicle, for transporting long or irregularly shaped loads such as poles, pipes or structural members; or**

**(C) semitrailer, which is any vehicle, other than a pole trailer, designed to be drawn by another vehicle and is constructed so that some part of its weight rests upon the self propelled towing vehicle.** [TOWED CARGO-CARRYING VEHICLE WITH ONE OR MORE AXLES CONFIGURED SO THAT NO SIGNIFICANT PORTION OF ITS TOTAL WEIGHT RESTS UPON THE TOWING VEHICLE];

17 AAC 25.900(50) is amended to read:

(50) "vehicle" means a wheeled device capable of transporting persons or property on a highway; ["VEHICLE" INCLUDES] **including** anything permanently attached to the wheeled device. [THAT IS NOT INCLUDED IN THE DEFINITION FOR "EQUIPMENT" IN THIS SECTION;]

17 AAC 25.900 is amended by adding a new ~~subsections~~ <sup>paragraphs</sup> to read:

(52) "B-train assembly" means a rigid frame extension attached to the rear frame of the first semitrailer which allows for a fifth wheel connection point for the second semitrailer;

(53) "B-train length" means the B-train assembly is included in the measurement of a singly used semitrailer;

(54) "converter dolly" means a vehicle consisting of a chassis equipped with one or more axles, a fifth wheel, and/or equivalent mechanism and drawbar, the attachment of which converts a semitrailer to a full trailer. (Eff. 8/13/95, Register 135; am 10/7/2001, Register 160; am 11/16/2004, Register 172; am 4/9/2009, Register 190; am 12/30/2010, Register 196; am 12 / 6 / 2018, Register 228)

**Authority:** AS 19.05.010 AS 19.10.060 AS 44.42.030  
AS 19.05.020 AS 44.42.020 AS 45.75.050  
AS 19.05.040

# MEMORANDUM

## State of Alaska Department of Law

**To:** The Honorable Valerie Nurr'araaluk  
Davidson  
Lieutenant Governor

**Date:** November 5, 2018

**File No.:** JU2017200674

**Tel. No.:** 465-3600

**From:** Susan R. Pollard <sup>SRP</sup>  
Chief Assistant Attorney General  
and Regulations Attorney  
Legislation and Regulations Section

**Re:** Department of Transportation and  
Public Facilities; Regulation re:  
commercial vehicle enforcement: 17  
AAC 25.012, .013, .015, .200, .210 -  
.250, .320, .335, .380, .400 and .900.

The Department of Law has reviewed the attached regulations of the Department of Transportation and Public Facilities against the statutory standards of the Administrative Procedure Act. Based upon our review, we find no legal problems. This memorandum constitutes the written statement of approval under AS 44.62.060(b) and (c) that authorizes your office to file the attached regulations. The regulations were adopted by the Department after the close of the public comment period. The regulations concern updates to commercial motor vehicle regulations, clarification of gross weight calculations, adoption of updated federal regulations, and adoption by reference of the *Administrative Permit Manual: Oversize and Overweight Permits* (February 2017).

The May 8, 2018 public notice and the October 23, 2018 adoption order both state that this action is not expected to require an increased appropriation. Therefore, a fiscal note under AS 44.62.195 is not required.

We have made some technical corrections to conform the regulations in accordance with AS 44.62.125. The corrections are shown on the attached copy of the regulations. The regulations will be effective 30 days after filing by your office.

SRP:lbp

cc: Honorable Marc Luiken, Commissioner  
Department of Transportation & Public Facilities

Katherine Hensley, Program Coordinator II  
Department of Transportation and Public Facilities

Jolene Julian, Administrative Officer II  
Department of Transportation and Public Facilities

Jeff Stark, Assistant Attorney General  
Department of Law

NOTICE OF PROPOSED CHANGES ON COMMERCIAL VEHICLE ENFORCEMENT  
IN THE REGULATIONS OF DEPARTMENT OF TRANSPORTATION AND  
PUBLIC FACILITIES

The Department of Transportation and Public Facilities proposes to adopt regulation changes in Title 17 of the Alaska Administrative Code, dealing with commercial vehicle enforcement, including the following:

**17 AAC 25.012**, added clarifying language.

**17 AAC 25.013**, clarifying the title of the formula used to calculate gross weight and updating the auxiliary power unit weight allowance.

**17 AAC 25.015**, updating the Chapter 23 adopted by reference to April 1, 2017 version.

**17 AAC 25.200**, adopt October 1, 2016 version of federal regulations for the transportation of hazardous materials, hazardous substances, or hazardous waste.

**17 AAC 25.210**, adopt October 1, 2016 version of federal regulations for safe operation of commercial motor vehicles. Adopted regulations, incorporated by reference, include: updates to the Medical Certification and National Registry of Medical Examiners and Electronic Log Devices. Repealed revised federal language. Removed language relating to the motor carrier identification report in anticipation of the Unified Registration System, which includes amending the period to update from 12 months to 24 months.

**17 AAC 25.220**, adopt October 1, 2016 version of federal regulations for hours of service. Includes an exemption for incidental drivers.

**17 AAC 25.250**, amended definition to have more than 15 individuals.

**17 AAC 25.320**, adopt February 2017 version of the *Administrative Permit Manual: Oversize and Overweight Permits*.

**17 AAC 25.335**, clarify actions to be taken in reference to weight allowances. Repealed sections that are no longer applicable.

**17 AAC 25.380**, repealed fees for bridge design section reviews and callouts.

**17 AAC 25.400**, update contact numbers for Unified Carrier Registration program.

**17 AAC 25.900**, add definition for B-train assembly, B-train length, and converter dolly, modify definition for cargo-carrying vehicle, cargo-carrying length, and trailer, and repeal definition for semitrailer.

You may comment on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, by submitting written comments to Daniel

Byrd at 11900 Industry Way, Building M, Suite 2, Anchorage, Alaska 99515. Additionally, the Department of Transportation and Public Facilities will accept comments by facsimile at (907) 365-1221 and by electronic mail at [MSCVE.chapter25regs@alaska.gov](mailto:MSCVE.chapter25regs@alaska.gov). The comments must be received not later than 5:00 p.m. on June 15, 2018.

Oral or written comments also may be submitted at a hearing to be held on June 7, 2018, in the Conference Room, 11900 Industry Way, Building M, Suite 2, Anchorage, Alaska, 99515. The hearing will be held from 2:00 p.m. to 4:00 p.m. and might be extended to accommodate those present before 3:30 p.m. who did not have an opportunity to comment.

You may submit written questions relevant to the proposed action to Daniel Byrd at 11900 Industry Way, Building M, Suite 2, Anchorage, Alaska 99515 or [MSCVE.chapter25regs@alaska.gov](mailto:MSCVE.chapter25regs@alaska.gov). Questions must be received at least 10 days before the end of the public comment period. The Department of Transportation and Public Facilities will aggregate its response to substantially similar questions and make the questions and response available on the Alaska Online Public Notice System. The Department of Transportation and Public Facilities may, but is not required to, answer written questions received after the 10-day cut-off date and before the end of the comment period.

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Daniel Byrd at (907) 365-1210 no later than June 1, 2018 to ensure that any necessary accommodations can be provided.

A copy of the proposed regulation changes is available on the Alaska Online Public Notice System and by contacting Daniel Byrd at 11900 Industry Way, Building M, Suite 2, Anchorage, Alaska 99515 or (907) 365-1210.

A copy of material proposed for adoption by reference is available through the electronic link to the applicable electronic links on the Alaska Online Public Notice System at <http://aws.state.ak.us/OnlinePublicNotices/>.


After the public comment period ends, the Department of Transportation and Public Facilities will either adopt the proposed regulation changes or other provisions dealing with the same subject, without further notice, or decide to take no action. The language of the final regulations may be different from that of the proposed regulations. **You should comment during the time allowed if your interests could be affected.**

**Statutory Authority:** AS 19.05.010; AS 19.05.020; AS 19.05.040; AS 19.10.060; AS 19.10.310; AS 19.10.340; AS 19.10.370; AS 19.10.399; AS 44.42.020; AS 44.42.030; AS 45.75.050; AS 45.75.131

**Statutes Being Implemented, Interpreted, or Made Specific:** AS 19.05.010; AS 19.05.020; AS 19.05.040; AS 19.10.060; AS 19.10.310; AS 19.10.340; AS 19.10.370; AS 19.10.399; AS 44.42.020; AS 44.42.030; AS 45.75.050; AS 45.75.131

**Fiscal Information:** The proposed regulation changes are not expected to require an increased appropriation.

DATE: 05/08/2018  
May 8, 2018

  
Daniel V. Smith, Director  
DOT&PF / MSCVE

NOTICE OF PROPOSED CHANGES ON COMMERCIAL VEHICLE ENFORCEMENT  
IN THE REGULATIONS OF DEPARTMENT OF TRANSPORTATION AND  
PUBLIC FACILITIES

BRIEF DESCRIPTION

The Department of Transportation and Public Facilities proposes to adopt, amend, and repeal regulations in Title 17 of the Alaska Administrative Code dealing with commercial vehicle enforcement, including the following:

**17 AAC 25.012**, added clarifying language.

**17 AAC 25.013**, clarifying the title of the formula used to calculate gross weight and updating the auxiliary power unit weight allowance.

**17 AAC 25.015**, updating the Chapter 23 adopted by reference to April 1, 2017 version.

**17 AAC 25.200**, adopt October 1, 2016 version of federal regulations for the transportation of hazardous materials, hazardous substances, or hazardous waste.

**17 AAC 25.210**, adopt October 1, 2016 version of federal regulations for safe operation of commercial motor vehicles. Adopted regulations, incorporated by reference, include: updates to the Medical Certification and National Registry of Medical Examiners and Electronic Log Devices. Repealed revised federal language. Removed language relating to the motor carrier identification report in anticipation of the Unified Registration System, which includes amending the period to update from 12 months to 24 months.

**17 AAC 25.220**, adopt October 1, 2016 version of federal regulations for hours of service. Includes an exemption for incidental drivers.

**17 AAC 25.250**, amended definition to have more than 15 individuals.

**17 AAC 25.320**, adopt February 2017 version of the *Administrative Permit Manual: Oversize and Overweight Permits*.

**17 AAC 25.335**, clarify actions to be taken in reference to weight allowances. Repealed sections that are no longer applicable.

**17 AAC 25.380**, repealed fees for bridge design section reviews and callouts.

**17 AAC 25.400**, update contact numbers for Unified Carrier Registration program.

**17 AAC 25.900**, add definition for B-train assembly, B-train length, converter dolly, and rear overhang, modify definition for cargo-carrying vehicle, cargo-carrying length, and trailer, and repeal definition for semitrailer.

You may comment on the proposed regulation changes, including the potential costs to private



persons of complying with the proposed changes, by submitting written comments to Daniel Byrd at 11900 Industry Way, Building M, Suite 2, Anchorage, Alaska 99515. Additionally, the Department of Transportation and Public Facilities will accept comments by facsimile at (907) 365-1221 and by electronic mail at [MSCVE.chapter25regs@alaska.gov](mailto:MSCVE.chapter25regs@alaska.gov). The comments must be received not later than 5:00 p.m. on June 15, 2018.

Oral or written comments also may be submitted at a hearing to be held on June 7, 2018, in the Conference Room, 11900 Industry Way, Building M, Suite 2, Anchorage, Alaska, 99515. The hearing will be held from 2:00 p.m. to 4:00 p.m. and might be extended to accommodate those present before 3:30 p.m. who did not have an opportunity to comment.

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If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Daniel Byrd at (907) 365-1210 no later than June 1, 2018 to ensure that any necessary accommodations can be provided.

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After the public comment period ends, the Department of Transportation and Public Facilities will either adopt the proposed regulation changes or other provisions dealing with the same subject, without further notice, or decide to take no action. The language of the final regulations may be different from that of the proposed regulations. **You should comment during the time allowed if your interests could be affected.**

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**Statutes Being Implemented, Interpreted, or Made Specific:** AS 19.05.010; AS 19.05.020; AS 19.05.040; AS 19.10.060; AS 19.10.310; AS 19.10.340; AS 19.10.370; AS 19.10.399; AS 44.42.020; AS 44.42.030; AS 45.75.050; AS 45.75.131

**Fiscal Information:** The proposed regulation changes are not expected to require an increased appropriation.

DATE: 05/08/2018  
May 8, 2018

  
Daniel V. Smith, Director  
DOT&PF / MSCVE

ADDITIONAL REGULATION NOTICE INFORMATION  
(AS 44.62.190(d))<sup>1</sup>

1. Adopting agency: DOT&PF, Division of Measurement Standards and Commercial Vehicle Enforcement
2. General subject of regulation: Adopt current versions of federal regulations, and amendments to clarify intent and to conform to federal requirements relating to commercial motor vehicle operations
3. Citation of regulation (may be grouped): 17 AAC 25.012-25.013, 17 AAC 25.015, 17 AAC 25.200-25.220, 17 AAC 25.250, 17 AAC 25.320, 17 AAC 25.335, 17 AAC 25.380, 17 AAC 25.400, 17 AAC 25.900
4. Department of Law file number, if any: \_\_\_\_\_

5. Reason for the proposed action:

- Compliance with federal law or action (identify): 49 C.F.R.
- Compliance with new or changed state statute
- Compliance with federal or state court decision (identify): \_\_\_\_\_
- Development of program standards
- Other (identify): \_\_\_\_\_

6. Appropriation/Allocation: \_\_\_\_\_

7. Estimated annual cost to comply with the proposed action to:

A private person: None  
 Another state agency: None  
 A municipality: None

8. Cost of implementation to the state agency and available funding (in thousands of dollars):

	Initial Year FY _____	Subsequent Years
Operating Cost	\$ _____	\$ _____
Capital Cost	\$ _____	\$ _____
1002 Federal receipts	\$ _____	\$ _____
1003 General fund match	\$ _____	\$ _____
1004 General fund	\$ _____	\$ _____

1005 General fund/  
program                                   \$ \_\_\_\_\_ \$ \_\_\_\_\_  
Other (identify)                       \$ \_\_\_\_\_ \$ \_\_\_\_\_

9. The name of the contact person for the regulation:

Name: Daniel Byrd  
Title: Chief, Permits & CVE  
Address: 11900 Industry Way, Building M, Suite 2  
Anchorage, AK 99515  
Telephone: 907-365-1210  
E-mail address: [MSCVE.chapter25regs@alaska.gov](mailto:MSCVE.chapter25regs@alaska.gov)

10. The origin of the proposed action:

Staff of state agency  
 Federal government  
 General public  
 Petition for regulation change  
 Other (identify): \_\_\_\_\_

11. Date: 5/8/18 Prepared by: 

Name (printed): Katherine Hensley  
Title (printed): Program Coordinator II  
Telephone: 907-365-1215

# ANCHORAGE DAILY NEWS

## AFFIDAVIT OF PUBLICATION

Account #: 383016

ST OF AK/DOTPF  
MEASUREMENT STD & COMM VEHICLE  
ENF  
11900 INDUSTRY WAY BLDG M#2

Order# 0001421197  
Cost \$522.92

Product ANC-Anchorage Daily News  
Placement 0300  
Position 0301

STATE OF ALASKA  
THIRD JUDICIAL DISTRICT

Joleesa Stepetin  
being first duly sworn on oath deposes and says that he/she is a representative of the Anchorage Daily News, a daily newspaper. That said newspaper has been approved by the Third Judicial Court, Anchorage, Alaska, and it now and has been published in the English language continually as a daily newspaper in Anchorage, Alaska, and it is now and during all said time was printed in an office maintained at the aforesaid place of publication of said newspaper. That the annexed is a copy of an advertisement as it was published in regular issues (and not in supplemental form) of said newspaper on

May 11, 2018

and that such newspaper was regularly distributed to its subscribers during all of said period. That the full amount of the fee charged for the foregoing publication is not in excess of the rate charged private individuals.

Signed Joleesa Stepetin

Joleesa Stepetin

Subscribed and sworn to before me  
this 11th day of May, 2018

Britney Thompson  
Notary Public in and for

The State of Alaska,  
Third Division  
Anchorage, Alaska

MY COMMISSION EXPIRES

2/23/2019

Notary Public  
BRITNEY L. THOMPSON  
State of Alaska  
My Commission Expires Feb 23, 2019

### NOTICE OF PROPOSED CHANGES ON COMMERCIAL VEHICLE ENFORCEMENT IN THE REGULATIONS OF DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES

The Department of Transportation and Public Facilities proposes to adopt regulation changes in Title 17 of the Alaska Administrative Code, dealing with commercial vehicle enforcement, including the following:

**17 AAC 25.012**, added clarifying language.

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You may comment on the proposed regulation changes, including the potential effects to private persons, at the following link: [http://www.adfg.state.ak.us/transportation-and-public-facilities/2018-proposed-regulations](#)

AFFIDAVIT OF AGENCY RECORD OF PUBLIC COMMENT

I, Daniel Byrd, Chief of Permits and Commercial Vehicle Enforcement, for the Department of Transportation & Public Facilities, being duly sworn, state the following:

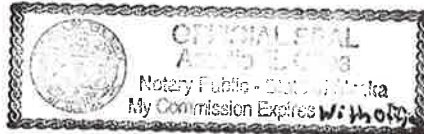
In compliance with AS 44.62.215, the Department of Transportation & Public Facilities has kept a record of its use or rejection of factual or other substantive information that was submitted in writing and orally<sup>2</sup> as public comment and that was relevant to the accuracy, coverage, or other aspect of the Department of Transportation & Public Facilities regulations on Chapter 25, commercial vehicle enforcement.

Date: 7/3/18

  
\_\_\_\_\_  
Daniel Byrd, Chief of Permits and Commercial Vehicle Enforcement

Subscribed and sworn to before me at Anchorage, Alaska on July 3<sup>rd</sup>, 2018.

  
\_\_\_\_\_  
Notary Public in and for the State of Alaska



AFFIDAVIT OF NOTICE OF PROPOSED REGULATION  
AND FURNISHING OF ADDITIONAL INFORMATION

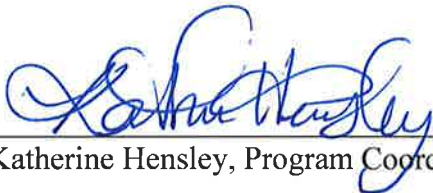
I, Katherine Hensley, Program Coordinator II, of the Department of Transportation & Public Facilities, being sworn, state the following:

As required by AS 44.62.190, notice of the proposed adoption of changes to Chapter 25, Commercial Vehicle Enforcement has been given by being

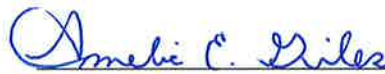
- (1) published in a newspaper or trade publication;
- (2) furnished to interested persons;
- (3) furnished to appropriate state officials;
- (4) furnished to the Department of Law, along with a copy of the proposed regulation;
- (5) furnished electronically to incumbent State of Alaska legislators;
- (6) furnished to the Legislative Affairs Agency, Division of Legal and Research Services;
- (7) posted on the Alaska Online Public Notice System as required by AS 44.62.175(a)(1) and (b) and 44.62.190(a)(1);
- (8) furnished electronically, along with a copy of the proposed regulation, to the Legislative Affairs Agency, the chair of the Transportation Committee of the Alaska Senate and House of Representatives, the Administrative Regulation Review Committee, and the legislative council.

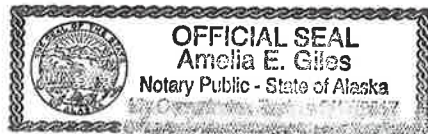
As required by AS 44.62.190, additional regulation notice information regarding the proposed adoption of the regulation changes described above has been furnished to interested persons and those in (5) and (6) of the list above. The additional regulation notice information also has been posted on the Alaska Online Public Notice System.

Date: July 3, 2018

  
\_\_\_\_\_  
Katherine Hensley, Program Coordinator II

Subscribed and sworn to before me at Anchorage, Alaska on  
July 3<sup>rd</sup>, 2018.

  
\_\_\_\_\_  
Notary Public in and for the State of Alaska



AFFIDAVIT OF ORAL HEARING

I, Katherine Hensley, Program Coordinator II, of the Department of Transportation & Public Facilities, being sworn, state the following:

On June 7, 2018, at 2:00 p.m., in the Conference Room at 11900 Industry Way, Building M, Suite 2, Anchorage, I presided over a public hearing held under AS 44.62.210 for the purpose of taking testimony in connection with the adoption of changes to Title 17, Chapter 25, commercial vehicle enforcement regulations.

Date: July 3, 2018

Katherine Hensley  
Katherine Hensley, Program Coordinator II

Subscribed and sworn to before me at Anchorage, Alaska on July 3<sup>rd</sup>, 2018.

Amelia E. Giles  
Notary Public in and for the State of Alaska

