

NOTICE OF INTENT

Department of Transportation and Development

Office of Operations

Combination or Double Tandem Load Permit (LAC 73:I.Chapter 21)

Notice is hereby given in accordance with the provisions of the Administrative Procedure Act, R.S. 49:961 et seq., and through the authority granted in Title 32:387.2 of the Revised Statutes that the Department of Transportation and Development, Office of Operations, Weights and Enforcement Section, proposes to adopt Part I, Chapter 21, of Title 73 entitled "Combination or Double Tandem Load Permit", to allow the issuance of a Combination or Double Tandem Load Permit, a special biannual permit for the operation of a combination of vehicles or tandem loads hauling divisible or non-divisible container imports or exports to and from any port facility in the state.

Title 73

WEIGHTS, MEASURES AND STANDARDS

Part I. Weights and Standards

Chapter 21. Combination or Double Tandem Load Permit

§101. General Information

A. Authority. DOTD has statutory authority to issue a special biannual permit for the operation of a combination of vehicles or tandem loads hauling divisible or non-divisible container imports or exports to and from any port facility in the state.

B. Definitions. Terms as defined in R.S. 32:1 shall retain their definitions, unless the term is specifically defined in this subsection. As used in this section, unless the context clearly indicates otherwise, the following terms shall have the following meanings.

Axle Group— a combination of two or more consecutive axles considered together in determining their combined load effect on a highway (as tandem, tridem, or quadrum axle groups).

Department— refers to the Louisiana Department of Transportation and Development (DOTD).

Destination Point— the location where the packer's seal is broken.

Divisible Container Import/Export— a load consisting of two non-divisible containers, hauled in tandem, rendering the load divisible.

Gross Weight— the weight of a vehicle and/or combination of vehicles plus the weight of any load thereon.

Hazardous Material— Per CFR 49:385.402(b), a substance or material that the U.S. Secretary of Transportation has determined is capable of posing an unreasonable risk to health, safety, and property when transported in commerce that has been designated as hazardous in 49 U.S.C. §5103 (Revised October 2015). The term includes hazardous substances, hazardous wastes, marine pollutants, elevated temperature materials, materials designated as hazardous in the Hazardous Materials Table detailed in 49 CFR §172.101 (Revised December 2022) and materials that meet the criteria for hazard classes and divisions detailed in 49 CFR §173.1 (Revised September 2005).

Individual Axle— any of the two, three, or four axles which make up the tandem, tridem, or quadrum axle groups.

Interstate Highway— a fully controlled access highway which is a part of the National System of Interstate and Defense Highways.

Length— the total longitudinal dimension of a single vehicle, a trailer, or a semi-trailer. Length of a trailer or semi-trailer is measured from the front of the cargo-carrying unit to its rear and includes load-holding devices thereon.

Non-divisible Container Import/Export— a freight container, as defined by 49 U.S.C. §5901(4), that retains the original unbroken official seal throughout transit from the point of origin until reaching the destination point.

Point of Origin— the location where the packer's seal is affixed.

Quadrum Axle— any four consecutive axles whose centers are more than 40 inches but not more than 96 inches apart. A quadrum axle shall be designed to equalize the load between axles.

Sealed Containerized Load— sealed containers being used in international transport in conjunction with a maritime shipment. Pursuant to 49 U.S.C. §5901(4), containers used in providing transportation in interstate commerce.

Tandem Axle— any two consecutive axles whose centers are 40 or more inches but not more than 96 inches apart. A tandem axle shall be designed to equalize the load between the axles.

Trailer— an unpowered vehicle towed by a powered vehicle, commonly used for the transport of goods and materials.

Tridem Axle— any three consecutive axles whose centers are 40 or more inches but not more than 96 inches apart. A tridem axle shall be designed to equalize the load between axles.

Truck Tractor— a non-cargo carrying power unit used in combination with a semitrailer.

Vehicle— any device by which a person or things may be transported upon a public highway or bridge. A trailer or semi-trailer shall be a separate vehicle.

Width— the total outside transverse dimension of a vehicle including any load or load holding devices thereon, but, excluding approved safety devices and tire bulge due to load.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:1, R.S. 32:2, R.S. 32:387 and R.S. 32:387.2.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development LR

§103. Obtaining the Combination or Double Tandem Load Permit

A. General. The permit shall be obtained prior to the movement of the vehicle begins or the vehicle enters Louisiana.

B. Location. The permit shall be issued by the truck permit office at DOTD in Baton Rouge.

C. Application Procedure.

1. The permit may be obtained by appearing in person at the permit office in Baton Rouge, by calling the permit office and providing the requisite information, or by completing the form electronically through the online permitting system.

2. All information required on a permit form shall be furnished at the time the permit is requested.

3. The applicant shall have the exact amount for payment.

4. The permit will be issued to the truck tractor, either physically or electronically. It shall be available for inspection at all times by the proper authorities.

D. Routes.

1. All routes shall be approved by DOTD.

2. Only one route will be approved per application, and the permit is only valid for the approved route.

3. Each additional route requires an additional permit application, subsequent approval, and payment of the permit fee.

E. Fees. The permit fee is \$3,000.00 biannually.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:2, R.S. 32:387 and R.S. 32:387.2.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development LR

§105. Regulations

A. The permit authorizes a driver to operate on state maintained roads only (excluding the interstate) provided the vehicle has the required number of axles and does not exceed the maximum gross weight or axle limit (See §107 for Limitations).

B. Either the truck tractor or one of the trailers shall contain a tridem axle.

C. The permittee shall have a copy of the international bill of lading, present in the vehicle and available for inspection, at all times.

D. Containers shall be transferred to or from a ship, vessel, or a rail system designated for international travel.

E. Containers shall remain sealed from the point of origin to the point of destination.

F. Routes. The routes shall be completed via state and federal roadways, excluding the interstate system. Routes shall originate or terminate at one of the following port facilities which are recognized by the Ports Association of Louisiana.

1. Central Louisiana Regional Port (CLRP);
2. Avoyelles;
3. Port of Greater Baton Rouge;
4. The Port of Caddo – Bossier;
5. Columbia;
6. Port Fourchon;
7. Grand Isle Port;
8. Greater Ouachita Port;
9. Port of Iberia;
10. Port of Krotz Springs;
11. Port of Lake Charles;
12. Lake Providence Port;
13. Louisiana International Deep Water Gulf Transfer Terminal Authority

(LIGTT);

14. Madison Parish Port;
15. Manchac;
16. Mermentau;
17. Port of Morgan City;
18. Natchitoches Parish Port;
19. Port of New Orleans;
20. Plaquemines Port;
21. Port of Pointe Coupee;
22. Red River;
23. Port of South Louisiana;
24. St. Bernard Port;
25. The Port of Terrebonne;
26. Port of Delcambre (Twin Parish Port District);
27. Port of Vermillion;
28. Port of Vidalia;
29. Port of Vinton;
30. West Calcasieu Port;
31. Cameron Parish Port; and
32. Port of West St. Mary.

G. Safety.

1. The primary concern of the department is the safety of the motoring public and protecting the state's highway infrastructure system.

2. The registration certificate issued to a vehicle shall be carried at all times in the vehicle and be available for inspection.

3. All traffic and safety laws and regulations shall be obeyed.
4. It shall be the responsibility of each permittee to review the DOTD online route planner to determine if there are any limitations to their approved route(s), prior to traveling.
5. Permittee shall adhere to any and all signage limitations posted in construction zones.
6. The vehicles are not allowed to operate on a load posted bridge.
7. The permit does not authorize the transport of hazardous material or any substances or materials that may pose an unreasonable risk to health, safety, and property when transported in commerce.
 - a. DOTD reserves the right to decline to issue a permit that would result in the transportation of materials deemed hazardous or that would impose an unreasonable risk to health, safety, and property when transported.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:2, R.S. 32:387 and R.S. 32:387.2.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development LR

§107. Limitations

A. All combination vehicles or tandem loads shall meet each of the following requirements.

1. It cannot exceed 140,000 pounds (gross weight).
2. It cannot exceed 40,000 pounds per tandem axle spread and 60,000 pounds per tridem axle spread.
3. It cannot exceed 83 feet in length.
4. It shall be equipped with a dual-axle dolly and a dolly safety system with tilt sensors attached to the dolly that provide feedback on tilt information to the driver of the vehicle to ensure safe operations.
5. The truck tractor shall be licensed for 88,000 pounds.

B. The permits issued are not valid on local roads. An applicant requesting a permit shall contact local authorities and provide to DOTD written proof of approval to travel on local roads by the appropriate parish or municipal governing authority, prior to issuance of the permit.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:2, R.S. 32:387 and R.S. 32:387.2.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development LR

§109. Liability for Damages

A. Every special permit is issued on the condition that the permittee accepts and uses it at their own risk, even though all instructions, directions, and requirements of the department have been followed. Neither the State of Louisiana nor the Department of Transportation and Development or its employees shall incur any liability of any nature from the use of the permit.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:2, R.S. 32:387, and R.S. 32:387.2.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development LR

§111. Permit Restrictions

A. Permits are issued on the condition that all requirements and restrictions will be complied with by the permittee. Any additional cost(s) necessitated to comply with these restrictions is to be borne by the permittee.

B. Penalties for any violation of the permit will be assessed in accordance with R.S. 32:388 and R.S. 32:388.1, as well as any other applicable federal or state regulations.

C. If a permittee travels outside of their approved route, DOTD reserves the right to revoke and/or rescind their permit, resulting in the permit being null and void.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:2, R.S. 32:387, R.S. 32:387.2, R.S. 32:388, and R.S. 32:388.1.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development LR

Family Impact Statement

Adoption of this proposed Rule should not have any known or foreseeable adverse impact on any family as defined by R.S. 49:972(D) or on family formation, stability, and autonomy. Specifically:

1. The adoption of this proposed Rule will have no known or foreseeable effect on the stability of the family.

2. The adoption of this proposed Rule will have no known or foreseeable effect on the authority and rights of parents regarding the education and supervision of their children.

3. The adoption of this proposed Rule will have no known or foreseeable effect on the functioning of the family.

4. The adoption of this proposed Rule will have no known or foreseeable adverse effect on the family earnings and family budget.

5. The adoption of this proposed Rule will have no known or foreseeable effect on the behavior and personal responsibility of children.

6. The adoption of this proposed Rule will have no known or foreseeable effect on the ability of the family or local government to perform this function.

Poverty Impact Statement

The adoption of this proposed Rule should not have any known or foreseeable adverse impact on child, individual, or family poverty in relation to individual or community asset development as defined by R.S. 49:973. Specifically,

1. The adoption of this proposed Rule will have no known or foreseeable adverse effect on household income, assets, and financial security.

2. The adoption of this proposed Rule will have no known or foreseeable adverse effect on early childhood development and preschool through postsecondary education development.

3. The adoption of this proposed Rule will have no known or foreseeable adverse effect on employment and workforce development.

4. The adoption of this proposed Rule will have no known or foreseeable effect on taxes and tax credits.

5. The adoption of this proposed Rule will have no known or foreseeable effect on child and dependent care, housing, health care, nutrition, transportation, and utilities assistance.

Small Business Analysis

The impact of the adoption of this proposed Rule on small businesses, as defined in the Regulatory Flexibility Act, has been considered. The proposed Rule is not expected to have a significant adverse impact on small businesses. The department, consistent with health, safety, environmental, and economic welfare factors, has considered and, where possible, utilized regulatory methods in the drafting of the proposed Rule that will accomplish the objectives of the proposed statutes while minimizing the adverse impact of the Rule on small businesses.

Provider Impact Statement

The adoption of this proposed rule change does not have any known or foreseeable impact on a provider as defined by House Concurrent Resolution No. 170 of the 2014 Regular Session of the Louisiana State Legislature. Specifically:

1. The adoption of this proposed Rule change does not have any known or foreseeable impact on the staffing level requirements or qualifications required to provide the same level of service.

2. The adoption of this proposed Rule change does not have any known or foreseeable impact on the total direct and indirect effect on the cost to a provider to provide the same levels of service.

3. The adoption of this proposed Rule change does not have any known or foreseeable impact on the overall effect on the ability of a provider to provide the same level of service.

INTERESTED PERSONS STATEMENT

All interested persons so desiring shall submit oral or written data, views, comments, or arguments no later than 20 days from the date of publication of this notice of intent to Nicholas A. Fagerburg, Weights and Enforcement Engineer Administrator, Department of Transportation and Development, P.O. Box 94245, Baton Rouge, LA 70804-9245. Telephone (225) 379-1795.

Shawn D. Wilson, Ph.D.
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Combination or Double Tandem Load Permit

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule is a result of Act 551 of the 2022 Regular Session. Act 551 establishes a new permit authorizing the transport of a combination of vehicles or tandem loads to and from Louisiana ports. Initial costs associated with the implementation would be to publish the Notice of Intent and Rules in the State Register. The Louisiana Department of Transportation and Development (DOTD) will also incur costs for the use of software to produce the new permit. Those costs are not quantifiable by the department, at this time.

Moreover, with the implementation of the proposed rule, the department and the Police Jury Association of Louisiana are concerned that there will be substantial damage to the State's infrastructure, particularly State and local roads, highways, and bridges. There are also concerns about the inability to pay for the consequential damages and subsequent repairs of that infrastructure, as the permit fees will not sufficiently cover these anticipated costs. Those costs are indeterminable at this time, as the routes will be approved upon application, on a case-by-case basis.

The department does not anticipate any savings resulting from the implementation.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule would include a \$3,000 application fee for a biannual permit, which the Louisiana Department of Transportation and Development will collect. Each permit would require an approved route, and each route would then require an additional permit application and fee. As for local governments, permittees would be required to obtain approval from local parishes and municipalities to travel on roads owned by them. The specific amount of anticipated increased revenue cannot be quantified at this time.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NON-GOVERNMENTAL GROUPS (Summary)

Generally, applicants for the permit will incur a \$3,000 fee for the permit application, and be required to invest any other costs necessary to ensure their equipment meets regulatory requirements. There are also the potential costs for applicants, associated with obtaining permission (i.e. written approval) to travel on local routes from local parishes or municipalities.

Proponents of the legislation indicate that truck drivers, small carriers, and non-governmental groups focused on environmental, business-related, and road safety will benefit from the proposed rule. In addition, proponents anticipate there will be a reduction in port and road congestion, an increase in efficiency, increased driver pay, and decreased emissions. Further, they assert that small businesses, such as small carriers, will be able to compete with large carriers for drivers resulting in increased revenue from shippers.

The department cannot determine whether the proposed rule change will have an economic benefit on truck drivers, small carriers, and non-governmental groups until the permit goes into effect.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Proponents of the legislation anticipate that the proposed rule and associated permit will make Louisiana ports more attractive to major importers and exporters. This would stem from a lack of congestion, and the increased efficiency in loading and unloading the vessels. Proponents also contend that Louisiana ports will become increasingly competitive with other Gulf South ports, and more revenue will be generated as import and export volume increase, resulting in more jobs in the trucking industry, warehousing industry, and within the ports themselves.

The department cannot determine whether the proposed rule change will have any benefits on competition and employment until the permit goes into effect.