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NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 734
DEPARTMENT OF TRANSPORTATION
DELIVERY AND OPERATIONS DIVISION

FILED

11/18/2024 2:00 PM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Amending language from "Crash" and "Accident" to "Collision."

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 12/21/2024 5:00 PM

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

A public rulemaking hearing may be requested in writing by 10 or more people, or by a group with 10 or more members, within 21 days following the publication of the Notice of Proposed Rulemaking in the Oregon Bulletin or 28 days from the date the Notice was sent to people on the agency mailing list, whichever is later. If sufficient hearing requests are received, the notice of the date and time of the rulemaking hearing must be published in the Oregon Bulletin at least 14 days before the hearing.

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NEED FOR THE RULE(S)

SB 1574 changes the language used from "Accident" to "Collision." Additionally, DMV and CCD have used "Crash" and "Accident" interchangeably on forms, online, and in OAR. To comply with these changes outlined in SB 1574 CCD is changing all applicable instances of "Crash" and "Accident" to "Collision."

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

None

STATEMENT IDENTIFYING HOW ADOPTION OF RULE(S) WILL AFFECT RACIAL EQUITY IN THIS STATE

The changes to OAR Chapter 734 and 740 represent minor language changes and will not in any way impact racial equity in Oregon.

FISCAL AND ECONOMIC IMPACT:

No fiscal or economic impact anticipated.

COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

(1) None.

(2)(a) The precise number is unknown. The Commerce and Compliance Division does not ask motor carriers how many

people they employ when those companies register.

(2)(b) No anticipated reporting, recordkeeping or administrative activities. No cost of compliance anticipated.

(2)(c) No anticipated cost of professional services, equipment supplies, labor or administration.

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

Because these rule amendments represent minor changes that have no impact on these businesses, small businesses were not involved in the development of these rules.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? YES

RULES PROPOSED:

734-070-0020, 734-073-0067, 734-076-0015, 734-076-0155

AMEND: 734-070-0020

RULE SUMMARY: Updating language from "accident" to "collision" to coincide with other rule language changes across ODOT.

CHANGES TO RULE:

734-070-0020

Test Run and Exception-

In order to determine whether or not a vehicle or combination of vehicles is approved to traverse a length-restricted highway, or section(s) thereof, the Department, upon request from an interested party, will conduct an evaluation of the proposed operation. The evaluation will include research of Department files to determine whether or not a previous test run for the proposed operation has been conducted. If Department records indicate that a previous test run has been conducted for the length of combination requested, and there have been no improvements to the highway since the previous test run, results of the previous test run will be used. If there have been no previous test runs for the proposed operation, the Department will coordinate with the requesting party and conduct a test run and evaluation as follows:¶

(1) The test run vehicle(s) will be provided by the requesting party and be equal to or greater in length than the vehicle(s) in the proposed operation.¶

(2) The Department will issue a single trip variance permit for the test run vehicle(s).¶

(3) During the test run, Department staff will precede and follow the test vehicle(s) to observe vehicle operability and gather data used by the Department to determine if:¶

(a) The vehicle(s) maintained its lane of travel;¶

(b) The vehicle's steering axle crossed the center line and the rear axle crossed the fog line at the same time. If so, how many times and at what locations; and¶

(c) The vehicle either maintained the appropriate highway speed, or there was adequate sight distance for trailing vehicles to pass the test vehicle(s), or there was enough room for the test vehicle(s) to pull off the roadway to allow trailing traffic to pass.¶

(4) In addition to a review of the information listed in section (3), the test run evaluation will also consider:¶

(a) The average daily traffic flow on the highway;¶

(b) The ~~accident~~collision rate on the highway;¶

(c) Pavement and shoulder conditions; and¶

(d) Any information from the District Manager regarding proposed improvements or any peculiarities associated with the highway.¶

(5) All information gathered in sections (3) and (4) is analyzed collectively by the Department to reach an initial determination concerning whether the highway or highway segment can safely accommodate greater vehicle length. For example: Information that the test vehicle does not always maintain its lane of travel may not necessarily result in a recommendation to deny a request; whereas if considered with information that the highway in question is heavily traveled, has deteriorating shoulders and has a history of many ~~accident~~collisions, a reasonable recommendation would be to deny the request.¶

(6) If the evaluation results in an initial determination that the highway can safely accommodate the greater length, Department staff provides the evaluation and makes a recommendation of approval to the Chief Engineer, or the Chief Engineer's designee, the ~~Deputy Director of the Motor Carrier Transportation~~Administrator of the

Commerce and Compliance Division (MCTCCD). If the Chief Engineer or Deputy Director/Administrator of MCTCCD agrees with the recommendation, the Chief Engineer or Deputy Director/Administrator of MCTCCD will issue an authorization letter approving the proposal. A variance permit may be required for the approved operation.¶

(7) If the evaluation results in a recommendation to not allow the proposed operation, the requesting party or the Department may ask for further evaluation. The Chief Engineer will formulate a multi-discipline team to perform a detailed investigation of the proposed operation and provide further evaluation that may include:¶

(a) A more detailed analysis of average daily traffic, including traffic peak hours and volumes;¶

(b) Road and shoulder width;¶

(c) Review of the test run data, including any photographs or video tape;¶

(d) Truck volume compared to total traffic volume;¶

(e) Over-length truck volume compared to total traffic volume;¶

(f) Stopping sight distance for legal speed;¶

(g) Cost of spot improvements and facility improvements;¶

(h) Accident Collision history for highway or other similar highways; and¶

(i) Potential risk of two trucks, or a truck and automobile, meeting in a tight spot.¶

(8) If additional investigation as described in section (7) indicates that the determination and recommendation made after the initial test run procedure is mitigated or modified after consideration of one or more of the additional factors, and the expert opinion of the multi-disciplined team results in a conclusion that the highway can safely accommodate the longer vehicle(s) and that the proposed operation can be conducted safely, the approval process described in section (6) will follow. If additional investigation results in a conclusion that the highway cannot safely accommodate the longer vehicle(s), no further evaluation will be conducted unless improvements are made to the highway and a subsequent request is made.

Statutory/Other Authority: ORS ~~184.616~~ 810.060, 184.619, ~~810.060~~, 818.200

Statutes/Other Implemented: ORS 810.060, 818.220

AMEND: 734-073-0067

RULE SUMMARY: Updating the rule language from "accident" to "collision" to coincide with other rule amendments across ODOT.

CHANGES TO RULE:

734-073-0067

Procedure for Restricting Reasonable Access-

- (1) Restricting reasonable access shall only be for reasons of safety and engineering analysis of the route.¶
- (2) The State, City, or County access review process shall include:¶
 - (a) An analysis of the proposed access route using observations or other data obtained from the operation of an authorized test vehicle over the route; or¶
 - (b) Analysis of the access route proposed by application of vehicle templates to plans of the route.¶
- (3) Denial of access to terminals and services shall be based only on safety and engineering analysis of the access route. Safety criteria include, but are not limited to, sight distance, horizontal and vertical curvature, safe passing opportunities, rail and utility crossings and ~~accident~~collision data for the requested access.¶
- (4) Routes are automatically approved if not acted upon within 90 days of access review application.¶
- (5) Application shall be in the form and manner established by the road authority for access review.¶
- (6) Reasonable access is prohibited where signs prohibiting the access are posted. These signs shall be posted only when access review has been made and the Road Authority determines the access is denied.¶
- (7) Road Authorities may request technical assistance from the Department of Transportation to meet the requirements of this rule.

Statutory/Other Authority: ORS ~~184.616~~ 810, 184.619, ~~810~~, 818

Statutes/Other Implemented: ORS 818.200, 818.220

AMEND: 734-076-0015

RULE SUMMARY: Updating language from "accident" to "collision" to coincide with language changes in rule across ODOT.

CHANGES TO RULE:

734-076-0015

Definitions¶

For the purposes of Division 76, the following definitions apply:¶

- (1) "Business day" is any day Monday through Friday, except holidays as defined in section (10) of this rule.¶
- (2) "Business hours" means 7:00 a.m. to 5:00 p.m. Pacific Time, Monday through Friday, except state observed holidays or other times the Over-Dimension Permit Unit, as defined in section (10) of this rule, is not available.¶
- (3) "CCD" means the Commerce and Compliance Division of the Oregon Department of Transportation.¶
- (4) "Daylight hours" means one-half hour before sunrise until one-half hour after sunset.¶
- (5) "Disabled unit" means an inoperative or disabled vehicle or combination of vehicles being transported by a tow vehicle. This does not include a vehicle(s) that has been required to legalize for size or weight violations.¶
- (6) "Emergency" means the towing of a vehicle due to a motor vehicle ~~accident~~collision, mechanical breakdown on a public roadway, or other emergency-related incident necessitating vehicle removal for public safety, with or without the owner's consent.¶
- (7) "Full log truck" means a motor vehicle having a minimum GVWR of 17,001 pounds and designed to transport a load of logs entirely on the motor vehicle.¶
- (8) "GVW" means combined gross vehicle loaded weight.¶
- (9) "Gross vehicle weight rating" or "GVWR" means the gross vehicle weight rating as defined in ORS 801.298.¶
- (10) "Holiday" for the purposes of these rules means New Years Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day, and includes any other days the state officially observes these holidays by the closure of State offices.¶
- (11) "Lift axle" means an axle(s) that can be raised from or lowered to the surface of the ground.¶
- (12) "Load recovery vehicles" are single-vehicles of legal size and weight, or a combination of vehicles consisting of a truck-tractor and semitrailer used to transport a disabled unit and/or its load.¶
- (13) "Log truck" means a motor vehicle having a weight in excess of 17,000 pounds GVWR, designed and used in conjunction with a pole trailer to transport one load of logs where one end of the logs rests upon the log truck and one end of the logs rests upon the pole trailer.¶
- (14) "Motor vehicle transporter" for the purposes of ORS 818.100(16) and (17) means a Class D tow vehicle that may only tow or transport disabled vehicles and that:¶
 - (a) Does not exceed 40 feet in length or 45 feet in length inclusive of a reach;¶
 - (b) Does not exceed 65 feet overall length in combination;¶
 - (c) Is equipped with a retractable reach; and¶
 - (d) May tow one additional vehicle.¶
- (15) "Over-Dimension Permit Unit" means the Over-Dimension Permit Unit of the Oregon Department of Transportation, Commerce and Compliance Division.¶
- (16) "Permit" means written authorization obtained from CCD or an authorized road authority issued to the towing vehicle defining specific transportation activity including, but not limited to size, weight, hours of operation, operational conditions and routes.¶
- (17) "Pole trailer" means a trailer attached or secured to a vehicle and ordinarily used for transportation of long or irregular loads such as logs or poles capable of generally sustaining themselves as beams between the towing vehicle and the pole trailer.¶
- (18) "Rotator Tow Vehicle" means a vehicle designed to be both a crane and a tow vehicle.¶
- (19) "SHV" means Specialized Hauling Vehicle, legal vehicles with legal axle weights that meet the Bridge Gross Weight Formula for maximum axle group weight and represent short wheel-based vehicles with multiple drop axles. Rotator tow vehicles are considered to be SHVs. The Bridge Gross Weight Formula is adopted in OAR 734-073-0080 (1)(e).¶
- (20) "Tow" means to pull a load or vehicle behind the towing vehicle.¶
- (21) "Tow vehicle" is as defined in ORS 801.530. Tow vehicles are further designated as Class A, B, C and D in OAR 257-050-0200, Mandatory Equipment Standards for Tow Trucks/Safety Related Requirements. Copies of OAR 257-050-0200 are available from the Oregon State Police, 3565 Trelstad Ave SE, Salem, OR 97317 or the Over-Dimension Permit Unit of the Commerce and Compliance Division, 455 Airport Road SE, Building A, Salem OR 97301. In addition to the description of tow vehicle classes set forth in OAR 257-050-0200, tow vehicles are further described by class of design and for the following uses:¶

(a) "Class A" tow vehicles are motor vehicles with a minimum manufactured gross vehicle weight rating of 10,000 pounds or equivalent. Class A tow vehicles may be used for towing and recovery operations of a single vehicle of legal size and weight such as a passenger car, pickup truck, small trailer or equivalent vehicle and have a combined gross weight of 26,000 pounds or less including the weight of the tow vehicle;¶¶

(b) "Class B" tow vehicles are motor vehicles with a minimum manufactured gross vehicle weight rating of 17,000 pounds or equivalent. Class B tow vehicles may be used for towing and recovery operations of a single vehicle or combination of vehicles such as medium size trucks, trailers, motor homes or equivalent vehicle(s), including those vehicles initially operating under a transportation variance permit, and must have a combined gross vehicle weight of 80,000 pounds or less, not including the weight of the tow vehicle;¶¶

(c) "Class C" tow vehicles are motor vehicles with a minimum manufactured gross vehicle weight rating of 27,500 pounds or equivalent. Class C tow vehicles may be used for towing and recovery operations of a single vehicle or combination of vehicles such as large trucks, trailers, motor homes or equivalent vehicle(s), including those vehicles initially operating under a transportation variance permit, and may have a combined gross vehicle weight up to 98,000 pounds inclusive of the tow vehicle except when operating under a single trip permit issued to the tow vehicle. Class C tow vehicles must have tandem drive axles; and¶¶

(d) "Class D" tow vehicles (also known as roll backs) are motor vehicles that transport disabled units upon the tow vehicle, and may also tow a single vehicle of legal size using a crane, hoist, tow bar, tow line or dolly. All weights must comply with ORS 818.010. They are further identified into three sub-classes describing the design and use allowed if they also tow other vehicles appropriate to their class:¶¶

(A) "Class D-A" tow vehicles are motor vehicles with a minimum manufacturer's gross vehicle weight rating of 11,000 pounds;¶¶

(B) "Class D-B" tow vehicles are motor vehicles with a minimum manufacturer's gross vehicle weight rating of 17,000 pounds; and¶¶

(C) "Class D-C" tow vehicles are motor vehicles with a minimum manufacturer's gross vehicle weight rating of 27,500 pounds. Class D-C tow vehicles must have a rear tandem axle. When towing off its' underlift and not carrying a load on its' deck, a "Class D-C tow vehicle is only considered "Class C" tow vehicle.¶¶

(22) "Towing vehicle" includes:¶¶

(a) A tow vehicle;¶¶

(b) A full log truck, either laden or unladen, used to tow another log truck or log truck pole trailer combination;¶¶

(c) A log truck, either unladen or with a pole trailer in the decked (bunked) position, used to tow another log truck or log truck pole trailer combination; and¶¶

(d) A rotator tow vehicle.¶¶

(23) "Transport" means to haul a load or vehicle entirely on the tow vehicle or recovery vehicle.¶¶

(24) "Truck-tractor" means a motor vehicle designed and used primarily for drawing (towing) other vehicles and constructed so as not to carry any load other than a part of the weight of the vehicle or load, or both, as drawn and having a GVWR in excess of 15,000 pounds.

Statutory/Other Authority: ORS ~~184.619, 810.060~~810.060, 184.619, 823.011

Statutes/Other Implemented: ORS 818.170, 818.200, 818.210

AMEND: 734-076-0155

RULE SUMMARY: Removed "accident or" in "accident or collision" as collision is replacing accident in rule across ODOT, and is therefore redundant.

CHANGES TO RULE:

734-076-0155

Maximum Dimensions for Continuous Trip Permit Operations

(1) Width: No disabled unit, including load, will exceed eight feet-six inches in width with the exception of:

(a) When initially operating under a permit authorizing a greater width issued to the disabled vehicle, the allowances granted and restrictions imposed by that permit will apply only to movement over highway routes described in the permit; or

(b) Where an accident or collision has resulted in a width greater than eight feet-six inches, but not exceeding 10 feet in width. In that event, during daylight hours the extreme width must be marked by red or fluorescent orange flags not less than 18 inches square visible to the front and rear, and during the hours of darkness the extreme width must be illuminated by clearance lights or markers as described in ORS Chapter 816.

(c) Rear View Mirrors - Towing vehicles or load recovery vehicles transporting overwidth units must be equipped with rear-view mirrors capable of affording the operator a view to the rear of the disabled unit or load. Such mirrors must be retracted to legal width when an overwidth disabled unit is not being transported.

(2) Length:

(a) Except as described in subsection (d) of this section, Class A, B, and C tow vehicles must not exceed 40 feet. Class D tow vehicles must not exceed 45 feet;

(b) When operating under a single-trip permit, rotator tow vehicles must not exceed 45 feet;

(c) The length of any towed vehicle must not exceed the length established by statute or rule unless authorized by a transportation permit issued in accordance with OAR Chapter 734 to the vehicle. Combination length of towed vehicles may be temporarily extended when towing provided the combination was of legal length prior to the incident;

(d) A log truck or full log truck "towing vehicle" must not exceed 40 feet in length. A log truck or full log truck "towing vehicle" must not tow a loaded log truck and pole trailer combination that exceeds the lengths established by OAR 734-071-0010; and

(e) When a Class B or C tow vehicle is using a towing device to tow another vehicle, the length of the tow vehicle and towing device must not exceed 55 feet in total length and the distance between the rear bumper of the towing vehicle and the front or foremost point of the towed vehicle must not exceed five feet.

(3) Height: No disabled unit, including load, may exceed 14 feet in height with the exception of:

(a) When initially operating under a permit issued in accordance with OAR Chapter 734 authorizing a greater height issued to the disabled vehicle, the allowances granted and restrictions imposed by that permit will apply only to movement over highway routes described in the permit; or

(b) A continuous trip permit may be issued for a combination height up to 14 feet six inches over specifically authorized routes.

Statutory/Other Authority: ORS ~~184.616, 184.618, 184.619, 810.060~~, 184.619, 810.060, 823.011

Statutes/Other Implemented: ORS 818.200, 818.220