

**CERTIFICATION OF ADMINISTRATIVE RULES
FILED WITH THE LEGISLATIVE SERVICES AGENCY
OTHNI LATHRAM, DIRECTOR**

(Pursuant to Code of Alabama 1975, §41-22-6, as amended).

I certify that the attached is/are correct copy/copies of rule/s as promulgated and adopted on the 4th day of May, 2019, and filed with the agency secretary on the 8th day of May, 20 .

AGENCY NAME: Alabama Law Enforcement Agency

Amendment New Repeal (Mark appropriate space)

Rule No. 760-X-2
(If amended rule, give specific paragraph, subparagraphs, etc., being amended)

Rule Title: Superload Law Enforcement Escorts


ACTION TAKEN: State whether the rule was adopted with or without changes from the proposal due to written or oral comments:
Rule is adopted without changes. No written or oral comments were submitted.

NOTICE OF INTENDED ACTION PUBLISHED IN VOLUME XXXVII,
ISSUE NO. 6, AAM, DATED March 29, 2019.

Statutory Rulemaking Authority: §§ 32-2-5; 32-2-9; 32-9-3

2019 MAY -9 AM 2:38
REC'D & FILED
LEGISLATIVE SERVICES AGENCY

(Date Filed)
(For LRS Use Only)



Certifying Officer or his or her
Deputy

(NOTE: In accordance with §41-22-6(b), as amended, a proposed rule is required to be certified within 90 days after completion of the notice.

**ALABAMA LAW ENFORCEMENT AGENCY
ADMINISTRATIVE CODE**

**760-X-2
SUPERLOAD LAW ENFORCEMENT ESCORTS**

TABLE OF CONTENTS

760-X-2-.01	Purpose
760-X-2-.02	Definitions
760-X-2-.03	Compliance Requirements
760-X-2-.04	Superload Law Enforcement Escort Procedures
760-X-2-.05	Fees
760-X-2-.06	Relationship to Permittee, Immunity, Waiver, and Indemnification

760-X-2-.01 **Purpose.** The purpose of these rules is to protect public safety and the motoring public by providing governance for the provision of law enforcement escorts for certain oversize and/or overweight vehicles and/or loads, known as Superloads, transported via roadway within the State of Alabama.

Authors: Meridith H. Barnes, Laura Mest, Jean Brown

Statutory Authority: Code of Ala. 1975, §§ 32-2-5; 32-2-9; 32-9-3.

History: New Rule: Filed May 9, 2019; effective June 23, 2019

760-X-2-.02 **Definitions.** The following definitions, terms, words, and phrases shall have the meanings given herein and shall apply to this chapter:

- (a) ALDOT - The Alabama Department of Transportation.
- (b) ALEA - The Alabama Law Enforcement Agency.
- (c) SUPERLOAD - A special category of oversize/overweight vehicle, or combination of vehicle and load, as defined by ALDOT.
- (d) PERMIT - The oversize/overweight permit issued by ALDOT for Superloads, allowing such a vehicle/load or

combination of vehicles/loads to operate on the State Highway System.

(e) PERMITTEE - Any party who receives a Superload oversize/overweight permit from ALDOT. This term shall apply to the recipient for the duration of the permit.

(f) LAW ENFORCEMENT ESCORT - An official ALEA marked law enforcement vehicle with blue lights operated by an ALEA trooper as required by ALDOT rules and regulations to accompany the movement of an ALDOT permitted Superload throughout the State of Alabama.

Authors: Meridith H. Barnes, Laura Mest, Jean Brown

Statutory Authority: Code of Ala. 1975, §§ 32-2-5; 32-2-9; 32-9-3.

History: New Rule: Filed May 9, 2019; effective June 23, 2019

760-X-2-.03 **Compliance Requirements.** All permittees receiving Superload law enforcement escort(s) by ALEA will comply with any and all laws, rules, regulations, requirements, limitations, and/or procedures governing the movement of Superloads, including but not limited to those promulgated by ALDOT. ALEA troopers providing Superload law enforcement escort(s) will be responsible for enforcing the same, which may include halting the movement of a permitted Superload until compliance is achieved. Any and all Superload law enforcement escort(s) shall be provided in accordance with ALDOT rules, regulations, requirements, limitations, and/or procedures regarding the days, times, and hours permissible for the movement of Superloads; weather conditions; use of certain roads; operational limits; licensing; and applicable requirements for vehicles. Additionally, the number of Superload law enforcement escorts required for Superload movement shall be determined in accordance with ALDOT rules, regulations, and procedures. Nothing in these rules shall be construed to limit or alter ALDOT's independent authority to issue or revoke permits as well as impose available sanctions.

Authors: Meridith H. Barnes, Laura Mest, Jean Brown

Statutory Authority: Code of Ala. 1975, §§ 32-2-5; 32-2-9; 32-9-3.

History: New Rule: Filed May 9, 2019; effective June 23, 2019

760-X-2-.04 Superload Law Enforcement Escort Procedures.

(1) Prior to applying to schedule a Superload law enforcement escort with ALEA, an ALDOT reference number for the Superload ALDOT oversize/overweight permit application must be obtained from ALDOT.

(2) Once an ALDOT reference number is obtained, an ALEA Superload escort application (Appendix A) may be submitted by the permittee to ALEA for Superload law enforcement escort(s). This application is available on ALEA's website along with current contact information for questions and submission.

(3) Upon receipt, ALEA will process the Superload law enforcement escort application through its Department of Public Safety and contact the permittee to coordinate the requested Superload law enforcement escort(s).

(4) ALDOT will issue the Superload oversize/overweight permit upon notification from ALEA's Department of Public Safety that scheduling of the requested Superload law enforcement escort(s) is complete.

(5) Following the provision of requested Superload law enforcement escort(s), ALEA will submit a detailed invoice to the permittee, which shall be paid to ALEA within 30 days of receipt. No Superload law enforcement escort will be coordinated by ALEA to any permittee with past due invoices unless and until such invoices are paid to ALEA in full.

Authors: Meridith H. Barnes, Laura Mest, Jean Brown

Statutory Authority: Code of Ala. 1975, §§ 32-2-5; 32-2-9; 32-9-3.

History: New Rule: Filed May 9, 2019; effective June 23, 2019

760-X-2-.05 Fees. Any and all permit fees shall be assessed by and payable to ALDOT and shall not be assessed or collected by ALEA. All fees for Superload law enforcement escort(s) shall be assessed to the permittee and shall be paid to ALEA within 30 days of receipt of invoice. Applicable fees chargeable by ALEA for Superload law enforcement escort(s) are as follows:

(a) HOURLY FEE - The hourly fee for Superload law enforcement escort(s) shall be assessed at a rate of \$50.00 per hour per assigned ALEA trooper.

(b) MILEAGE FEE - A mileage fee shall be assessed per mile in an amount calculated at the current Internal Revenue Service rate for all assigned ALEA trooper travel associated with each Superload law enforcement escort(s).

Authors: Meridith H. Barnes, Laura Mest, Jean Brown

Statutory Authority: Code of Ala. 1975, §§ 32-2-5; 32-2-9; 32-9-3.

History: New Rule: Filed May 9, 2019; effective June 23, 2019

760-X-2-.06 Relationship to Permittee, Immunity, Waiver, and Indemnification. ALEA troopers assigned to conduct Superload law enforcement escort(s) shall remain at all times law enforcement officers and employees of ALEA and shall be subject to all rules, regulations, policies, and procedures incumbent upon an ALEA sworn officer. ALEA and the permittee are separate entities. Nothing in these rules is intended to establish an agency or employment relationship between ALEA and the permittee, any ALEA trooper and the permittee, or ALEA/its troopers and any other entity. By providing Superload law enforcement escort(s), neither ALEA nor its troopers shall waive, expressly or impliedly, the right to assert sovereign immunity, state-agent immunity, or any other affirmative defense or protection available under law. Submission of the ALEA Superload law enforcement escort application by the permittee shall constitute the permittee's express agreement to defend, indemnify, and hold harmless the State of Alabama, ALEA, its officials, employees, troopers, and agents from and against any claim or threatened claim, including the payment of reasonable attorneys' fees and costs incurred, as made by any other person against ALEA, its officials, employees, troopers, and agents based on, in connection to, or arising out of any requested Superload law enforcement escort(s). Submission of the ALEA Superload law enforcement escort application by the permittee further constitutes a waiver of any and all claims in favor of the permittee and against the State of Alabama, ALEA, its officials, employees, troopers, and agents that may arise in connection with, or out of, the provision of any requested Superload law enforcement escort(s).

Authors: Meridith H. Barnes, Laura Mest, Jean Brown

Statutory Authority: Code of Ala. 1975, §§ 32-2-5; 32-2-9;
32-9-3.

History: New Rule: Filed May 9, 2019; effective June 23,
2019