

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

Pursuant to Code of Alabama 1975, §§41-22-5(b) and 41-22-6(c)(2)a. and b.

I certify that the attached emergency (amendment, new rule, new chapter, repeal or adoption by reference) is a correct copy as promulgated and adopted on the 8th day of February 2019.

AGENCY NAME: Alabama Law Enforcement Agency

RULE NO. AND TITLE: 760-X-2ER Superload Law Enforcement Escort; 760-X-2-.01-.02ER Purpose; 760-X-2-.02-.02ER Definitions; 760-X-2-.03-.02ER Compliance Requirements; 760-X-2-.04-.02ER Superload Law Enforcement Escort Procedures; 760-X-2-.05-.02ER Fees; 760-X-2-.06-.02ER Relationship to Permittee, Immunity, Waiver, and Indemnification; Appendix Chapter 760-X-2 - Appendix A - Application form HP-50 - Superload Escort Request

EFFECTIVE DATE OF RULE: February 8, 2019 (date of filing)

EXPIRATION DATE (If less than 120 days): _____

NATURE OF EMERGENCY: Effective immediately, the Alabama Law Enforcement Agency has terminated the Department of Public Safety's July 28, 2008 Memorandum of Agreement with the Alabama Trooper Association to provide law enforcement escorts for certain oversize vehicles/overweight vehicles or loads, known as Superloads, issued permits by the Alabama Department of Transportation. After evaluating the processes established by the 2008 Agreement, ALEA has determined that the current arrangement must cease. These rules are immediately necessary to replace the 2008 Agreement with a defined process for ALEA troopers to directly provide Superload law enforcement escorts in a timely, safe, and lawful manner. Emergency rules are critical for protecting public safety and the motoring public when Superloads are transported via roadway within the State of Alabama.

STATUTORY AUTHORITY: §§ 32-2-5; 32-2-9; 32-9-3

SUBJECT OF RULE TO BE ADOPTED ON PERMANENT BASIS YES NO

NAME, ADDRESS, AND TELEPHONE NUMBER OF PERSON TO CONTACT FOR COPY OF RULE:

Meridith H. Barnes
ALEA 201 South Union, Rm. 300
Montgomery, AL 36104
(334) 517-2889

REC'D & FILED

FILING DATE
2019 FEB -8 PM 4:08
(For APA Use Only)

LEGISLATIVE SVC AGENCY



Signature of officer authorized to promulgate and adopt rules and regulations or his or her deputy

ALABAMA LAW ENFORCEMENT AGENCY
ADMINISTRATIVE CODE

760-X-2ER
SUPERLOAD LAW ENFORCEMENT ESCORTS

TABLE OF CONTENTS

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

760-X-2-.01-.02ER **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.

Author: 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 February 8, 2019

760-X-2-.02-.02ER **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.

Author: 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 February 8, 2019

760-X-2-.03-.02ER 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.

Author: 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 February 8, 2019

760-X-2-.04.02ER **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.

Author: 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 February 8, 2019

760-X-2-.05-.02ER **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 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 are as follows:

(a) HOURLY FEE - The hourly fee for Superload law enforcement escort 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.

Author: 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 February 8, 2019

760-X-2-.06-.02ER 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).

Author: 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 February 8, 2019

ALABAMA LAW ENFORCEMENT AGENCY
ADMINISTRATIVE CODE

APPENDICES
TABLE OF CONTENTS

Chapter 760-X-2ER

ALEA Form HP-50 - Superload Escort Request.....Appendix A



SUPERLOAD LAW ENFORCEMENT ESCORT REQUEST

Use this form to request for the ALEA Department of Public Safety to provide a law enforcement escort during an Alabama Department of Transportation-permitted superload event. Complete all sections and submit per online instructions (www.alea.gov/superload).

Request Information			
ALDOT Reference Number		Request Date	
Requesting Company Information			
Company Name			
Company Billing Address	Address		
	City	State	Zip Code
Company Phone		Company Fax	
Company Point of Contact	Name		POC Email
Escort Event Information			
Date of Escort		Time of Escort	
Location of Escort Starting Point	Street, Address, or Highway; City, State, State Line; County		
Location of Escort Destination	Street, Address, or Highway; City, State, State Line; County		
Approximate Distance from Starting Point to Destination		Number of Troopers Requested for Escort	
Commercial Driver Information			
Driver Name		Driver Cell	
Alternate Contact		Alternate Cell	

ALEA USE ONLY						
Assigned Trooper Name	Troop	Time of Deployment to Escort Starting Point (Specify AM/PM)	Time Escort Destination Reached (Specify AM/PM)	Total Hours	Total Mileage Accrued from Deployment to Destination	Signature of Assigned Trooper <i>Certifying entries made hereon are true/accurate</i>
Total				A 0.00	B 0.00	

Applicable Mileage Rate (C)
\$ 0.55 per mile

Cost Calculation			
	From Above	Per Unit Rate	Total Due
Number of Hours	A 0.00	x \$50.00	\$ 0.00
Number of Miles	B 0.00	C x \$ 0.55	\$ 0.00
Total Amount Due			\$ 0.00

Per the attached application submitted for Superload Law Enforcement Escort(s) on the above referenced date, payment is due to ALEA for said services provided as detailed above. Please remit payment for the total amount due hereunder within 30 days of the receipt of this invoice. Payment shall be submitted to ALEA Accounting in accordance with online instructions (www.alea.gov/superload).