

**290-RICR-40-00-2**

## **TITLE 290 – DEPARTMENT OF TRANSPORTATION**

### **CHAPTER 40 – INFRASTRUCTURE AND SAFETY**

#### **SUBCHAPTER 00 – N/A**

#### **PART 2 – Rules and Regulations for Twin Trailers**

### **2.1 Authority and Purpose**

- A. Pursuant to the provisions of R.I. Gen. Laws §§ 31-23-1(b) and 31-25-6; Section 411(e) of the Federal Surface Transportation Assistance Act of 1982 (49 U.S.C. §§ 31111 through 31114); and 23 C.F.R. Part 658, the Rhode Island Department of Transportation hereby amends the twin trailer regulations filed with the Secretary of State on June 13, 1991 and adopts the following rules and regulations for twin trailers.
- B. The following rules and regulations are promulgated to administer R.I. Gen. Laws §§ 31-23-1(b) and 31-25-6, as amended, and supersede any regulations adopted heretofore which are inconsistent with the provisions contained herein.
- C. The purpose of these regulations is to state the policy and procedure of the Department of Transportation governing the use of twin trailer trucks within the State of Rhode Island.

### **2.2 Definitions**

- A. "Access route" means a route consisting of one or more specifically identified ways which provide access between:
  - 1. The National Network and;
  - 2. A terminal; or
  - 3. Service facilities for food, fuel, repairs and rest.
- B. "Department" means the Rhode Island Department of Transportation.
- C. "Household goods" means:
  - 1. Personal effects and property used or to be used in a dwelling when a part of the equipment or supply of such dwelling and such other similar

property; except that this subparagraph shall not be construed to include property moving from a factory or store, except such property as the household has purchased with intent to use in his dwelling and which is transported at the request of, and the transportation charges paid to the carrier by, the householder;

2. Furniture, fixtures, equipment, and the property of stores, offices, museums, institutions, hospitals or other establishments when a part of the stock, equipment, or supply of such stores, offices, museums, institutions, hospitals or other establishments and such other similar property; except that this subparagraph shall not be construed to include the stock-in-trade of any establishment, whether consignor or consignee, other than used furniture and used fixtures, except when transported as incidental to moving of the establishment, or a portion thereof, from one location to another; and
  3. Articles, including objects of art, displays, and exhibits, which because of their unusual nature or value require the specialized handling and equipment usually employed in moving household goods and such other similar articles; except that this subparagraph shall not be construed to include any article, whether crated or uncrated which does not, because of its unusual nature or value, require the specialized handling and equipment usually employed in moving household goods.
- D. "Local routes" means town roads, city streets, and Rhode Island Turnpike and Bridge Authority, highways and structures that are not part of the State Highway System and specifically designated by the Department.
- E. "National network" means the National System of Interstate and Defense Highways and those sections of the Federal-aid Primary System which are divided highways with four or more lanes and full control of access, which highways and sections are designated by the Secretary of the Federal Department of Transportation pursuant to the Surface Transportation Assistance Act of 1982, as amended and listed in Appendix A to 23 C.F.R. Part 658.
- F. "Terminal" means any location where:
- 1 freight either originates, terminates, or is handled, in the transportation process; or
  2. commercial motor carriers maintain operating facilities
- G. "Twin trailer" means a semitrailer or trailer configuration of a maximum of 28 ½ feet for each unit in a tractor-semitrailer-trailer combination.

## **2.3 Standards for Selection of Access Routes**

- A. The width of the travel lanes;
- B. The shoulder conditions and widths;
- C. Passing zone requirements;
- D. Stopping sight distance at intersections.

## **2.4 Publication of National Network**

Routes on the National Network provided in “List of Routes on Rhode Island Twin Trailer Truck Highway Network” which is hereby incorporated by reference and made a part of this rule. A copy of this document can be obtained by writing to the: Motor Carrier and School Bus Safety Office, Rhode Island Department of Transportation, Division of Motor Vehicles, 102 State Office Building, 2 Capitol Hill, Providence, Rhode Island 02903.

## **2.5 Access Routes off the Designated System**

### **2.5.1 Automatic Access**

Twin trailer operations are not required to request access and have automatic access, using the most reasonable and practicable route available, to all terminals and services located within one (1) mile of the National Network including terminals and services that are located on town or city maintained roads. However, the Rhode Island Department of Transportation reserves the right to withhold automatic access on routes that are deemed unsafe. Postings will be made on all access routes within one (1) mile of the Network that are determined to be unsafe. In addition, twin trailer operations must comply with posted weight limits on roads and bridges.

### **2.5.2 Route Approval Required**

Twin trailer operations are required to apply for all access routes that are in excess of one (1) mile from the National Network. Requests for access are to be sent to the Rhode Island Department of Transportation, Motor Carrier and School Bus Safety Office, 102 State Office Building, 2 Capitol Hill, Providence, Rhode Island 02903. A separate application shall be submitted for each terminal facility for which twin trailer truck access is desired. The application shall include a detailed listing of the proposed route to such facility. The required listing shall include both a written description of the requested route and a map or maps depicting the route. Approval of access for specific vehicles on any individual route applies to all vehicles of the same type regardless of ownership.

### **2.5.3 Reasonable Access Map**

The Department shall have the option of waiving the application process enumerated in § 2.5.2 of this Part in favor of preparing a statewide reasonable access map indicating either the approved reasonable access routes or routes that are not approved for reasonable access. Such a map would be distributed to the trucking industry.

### **2.5.4 State Access Review Process**

- A. The Rhode Island Department of Transportation shall provide either an analysis of the proposed access routes using observations or other data obtained from the operation of test vehicles over the routes or an analysis of the proposed access routes by application of vehicle templates to plans of the routes. An analysis of a proposed access route is necessary if the access route is beyond one (1) mile from the National Network or if the Rhode Island Department of Transportation determines that a route within one (1) mile of the National Network may be unsafe.
- B. The Department shall review the application applying the above analysis along with the standards set forth in § 2.3 of this Part and may within thirty (30) days after receipt of the petition notify the petitioner of any errors or omissions and request any needed additional information. Within ninety (90) days after receipt of the permit application or within sixty (60) days of receipt of any requested additional information, the Department shall:
  - 1. approve the application; or
  - 2. disapprove the application.
- C. The State denial of access to a requested route must be based on specific safety reasons resulting from a test drive over the route or from the application of a vehicle template to a plan of the route. A determination on whether a route is unsafe shall be based on the criteria cited in § 2.3 of this Part
- D. If a determination is not made by the Department within ninety (90) days of receipt of the application, the access route will automatically be approved.
- E. The Department may at any time review and withdraw its approval for twin trailer truck access if a change has been made to the Network that will restrict or deny access to the facility on the currently approved route.
- F. Where a change to the National Network or access routes would restrict or deny access to the facility on the currently approved route, the Department may require the applicant to reapply for route approval.

### **2.5.5 Local Access Review Process**

- A. The following local review process is applicable to city or town maintained access routes that are beyond one (1) mile from the National Network.
- B. Upon review of an access route request, the state shall determine if any portion of the route is for travel on city or town maintained roads. If the request includes a local road, the state shall forward a copy of the request to the local authority.
- C. The local authority shall review the application and may within twenty (20) days notify the petitioner of any apparent errors or omissions and request any needed additional information. Within thirty (30) days after receipt of the application forwarded by the state or within thirty (30) days after receipt of the requested additional information, the local authority shall:
  - 1. recommend to the state approval of the application; or
  - 2. recommend to the state disapproval of the application.
- D. Approval of access for specific vehicles on any individual route applies to all vehicles of the same type regardless of ownership.
- E. Any recommendation to reject a route request must be based on the safety criteria established in § 2.3 of this Part in conjunction with the requirements enumerated in § 2.5.4(C) of this Part.
- F. The Department shall coordinate all requests for access, provide technical assistance, where necessary, to local authorities to evaluate routes, and monitor the results to ensure that the intent of the federal regulations for reasonable access of twin trailers are met.
- G. Applications recommended by the local authority for approval or denial shall be forwarded to the Rhode Island Department of Transportation, 2 Capitol Hill, Providence, RI 02903.
- H. The Department shall review the permit application and shall within thirty (30) days of receipt of the local authority's recommendation or within ninety (90) days of the Department's receipt of the permit application shall:
  - 1. approve the application; or
  - 2. disapprove the application.
- I. The Department or the local authority may at any time review the grant of twin trailer truck access if a change has been made to the National Network or access routes that will restrict or deny access to the facility on the currently approved

route. In such case, a local authority may recommend and the Department may require a reapplication be submitted for route approval.

- J. The Department shall act upon the recommendation of any local authority pursuant to § 2.5.5(G) of this Part within sixty (60) days of receipt of the local authority's recommendation.

#### **2.5.6 Restrictions within One Mile of Network on Local Roads**

Prohibition by local authorities of twin trailer travel within one (1) mile of the Network must be based on the safety criteria provided for in § 2.3 of this Part and is subject to Department review pursuant to § 2.5.4(C) of this Part.

#### **2.5.7 Notice of Department's Decisions and Requests for Hearing**

- A. When the Department disapproves, or disapproves in part, a route or imposes a suspension, revocation or fine, the Department shall give the petitioner or other affected party notice of its decision. Notification shall be in writing by certified mail, return receipt, and shall:
  - 1. State with particularity the reasons for the Department's decision;
  - 2. Inform the petitioner or other affected party of its right to request a hearing within fifteen (15) days of receipt of the notice; and
  - 3. State that the Department's decision shall be conclusive and final agency action if a request for a hearing is not filed with the Rhode Island Department of Transportation, 2 Capitol Hill, Providence, RI 02903 within fifteen (15) days of receipt of notice.
- B. A petitioner or other affected party may request a hearing within fifteen (15) days of receiving the Department's notice. The request shall be in writing and shall be timely filed with the Division of Motor Vehicles, Motor Carrier and School Bus Safety Office. The request shall:
  - 1. State the basis for contesting the Department's decision; and
  - 2. Have attached a copy of the Department's notice.
- C. The hearing shall be held before the Chief Engineer of Public Works of the Department or his designee.
- D. If a petitioner or other affected party fails to file a request for a hearing with the Division of Motor Vehicles, Motor Carrier and School Bus Safety Office within fifteen (15) days after receipt of the notice, the Department's decision shall become conclusive and final agency action.

## **2.6 Household Goods Carriers - Exemption**

Pursuant to the exemption provided in the Surface Transportation Assistance Act of 1982 (49 U.S.C. §§ 31111 through 31114), household goods carriers transporting such goods as defined in § 2.2 of this Part are exempt from these regulations.

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