

ALABAMA DEPARTMENT OF TRANSPORTATION

ADMINISTRATIVE CODE

EXECUTIVE DIVISION

CHAPTER 450-1-1  
AGENCY ORGANIZATION

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450-1-1-.01. The Agency. The Department is created pursuant to Code of Ala. 1975, § 23-1-20. The chief executive officer is the Director of Transportation. The agency is comprised of the highway director, administrative offices, chief engineer, legal division, central office bureaus, and division offices located throughout the state. All power, authority and duties vested in the Department is exercised by the Director of Transportation. The organization of the Department is determined by the Director.

Author: Jim R. Ippolito, Jr., Chief Counsel  
Statutory authority: Code of Ala. 1975 §§ 23-1-20, 23-1-21, 23-1-22, 23-1-25.  
History: Filed September 30, 1982. Amended: Filed May 17, 2013.

450-1-1-.02. The Agency Head. The chief executive officer of the Alabama Department of Transportation shall be known as the Transportation Director, who shall be appointed by the Governor and shall hold office at the pleasure of the Governor. The state Transportation Director shall give his entire time to the duties of his office.

Author: Jim R. Ippolito, Jr., Chief Counsel  
Statutory authority: Code of Ala. 1975 §§ 23-1-21, 23-1-32.  
History: Filed September 30, 1982. Amended: Filed May 17, 2013.

450-1-1-.03. General Description Of Agency Structure. The organization and staff of the Department is determined by the Transportation Director. Department organization and staffing may be modified by the Director. Generally, the Department is organized as follows:

(a) Administrative Offices, which include the Chief Engineer

(b) Legal Division

- (c) Central Office Bureaus
- (d) Division Offices located throughout the State
- (e) District Offices located within each Division

Author: Jim R. Ippolito, Jr., Chief Counsel

Statutory authority: Code of Ala. 1975 §§ 23-1-32.

History: Filed September 30, 1982, Amended: Filed May 17, 2013.

450-1-1-.04. Delegation Of Authority. The mission of the Department is carried out pursuant to statutory authority in Code of Ala. 1975, § 23-1-20, et. seq. The Department designee to whom functions are delegated in accordance with statutory authority shall, with regard to those functions, exercise all power, jurisdiction and authority conferred by law.

Author: Jim R. Ippolito, Jr., Chief Counsel

Statutory authority: Code of Ala. 1975 §§ 23-1-20, et. seq.

History: Filed September 30, 1982, Amended: Filed May 17, 2013.

450-1-1-.05. Location Of Department Offices. The Alabama Department of Transportation headquarters is located in the Department of Transportation Building, 1409 Coliseum Boulevard, Montgomery, AL 36110. The current division offices are at the following locations:

- Division 1 - Post Office Box 550  
Guntersville, AL 35976-0550  
23445 U.S. Highway 431  
Guntersville, AL 35976
- Division 2 - Post Office Box 495  
Tuscumbia, AL 35674-0495  
295 Highway 20 East  
Tuscumbia, AL 35674
- Division 3 - Post Office Box 2745  
Birmingham, AL 35202-2745  
1020 Bankhead Highway  
Birmingham, AL 35204
- Division 4 - Post Office Box 1179  
Alexander City, AL 35011-1179  
240 Highway 280  
Alexander City, AL 35010
- Division 5 - Post Office Box 70070  
Tuscaloosa, AL 35407-7007  
2715 Skyland Boulevard  
Tuscaloosa, AL 35405
- Division 6 - Post Office Box 8008  
Montgomery, AL 36110-8008  
1525 Coliseum Boulevard

Montgomery, AL 36110

Division 7 - Post Office Box 647  
Troy, Alabama 36081-0647  
299 Elba Highway  
Troy, AL 36079

Division 8 - Post Office Box 129  
Grove Hill, AL 36451-0129  
129 Grove Hill Avenue East  
Grove Hill, AL 36451

Division 9 - 1701 I-65 West Service Road North  
Mobile, AL 36618

Author: Jim R. Ippolito, Jr., Chief Counsel  
Statutory authority: Code of Ala. 1975 § 23-1-59.  
History: Filed September 30, 1982. Amended: Filed May 17, 2013.

450-1-1-.06. Applications And Forms For Permits And Licenses. Information regarding any permit or license and submission of any application may be made directly to the office handling the matter, as provided in Rule 450-1-1-.05. Information may be obtained and applications submitted in person or writing directly to the appropriate office or as otherwise directed by the Department.

Author: Jim R. Ippolito, Jr.  
Statutory authority: Code of Ala. § 23-1-59.  
History: Filed September 30, 1982. Amended: Filed May 17, 2013.

450-1-1-.07. Incorporation By Reference. Repealed.

Author: Jim R. Ippolito, Jr., Chief Counsel  
Statutory authority: Code of Ala. 1975 § 23-1-59.  
History: Filed September 30, 1982. Repealed: May 17, 2013.

450-1-1-.08. Public Access To The Highway Department of Transportation.  
Repealed.

Author: Jim R. Ippolito, Jr., Chief Counsel  
Statutory authority: Code of Ala. 1975 § 23-1-59.  
History: Filed September 30, 1982. Repealed: May 17, 2013.

450-1-1-.09 Public Records. (1) Public records not specifically exempted by Alabama or Federal law or otherwise protected or privileged shall be made available for copying and inspection upon written request to the Legal Division. All requests for documents must identify specifically the nature of the document requested and the reason for the request. Viewing of documents shall be permitted during normal business hours upon

appointment scheduled by the Legal Division.

(2) The Legal Division shall set a reasonable research, administrative, retrieval and copying fee for each document request. Documents shall not be released without first receiving payment. The fee may be paid by certified check, cashier's check, money order or credit card.

Author: Jim R. Ippolito, Jr., Chief Counsel

Statutory authority: Code of Ala. 1975 §§ 23-1-33, 23-1-34, 23-1-59.

History: Filed September 30, 1982. Amended: Filed May 17, 2013.

ALABAMA DEPARTMENT OF TRANSPORTATION

ADMINISTRATIVE CODE

EXECUTIVE DIVISION

CHAPTER 450-1-2  
ADMINISTRATIVE PROCEDURES

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450-1-2-.01. Petition For Adoption, Amendment Or Repealer Of Rules.

(1) Any interested person may petition the Alabama Department of Transportation requesting the adoption, amendment or repeal of a rule.

(2) A petition shall adhere to the form described below. Petitions not in substantial compliance with the prescribed form shall be returned to the petitioner for correction.

(a) The 60-day time limit described in Code of Ala. 1975, § 41-22-8, shall start with the receipt of the petition, in proper form, by the Department.

(b) The petition shall be on white paper, 8 ½ " x 11" in size, with no reverse side entries. The original and three legible copies shall be filed with the Department.

(c) The petition shall be delivered by personal service or First Class Mail to:

Alabama Department of Transportation  
ATTN: Administrative Procedure Secretary  
Legal Division  
Room 147  
1409 Coliseum Boulevard  
Montgomery, AL 36110

(d) The petition shall be set out in numbered paragraphs as follows:

1. Petitioner's name:
2. The full address of the petitioner:
3. The petitioner's telephone number:
4. Action requested (adoption of the proposed rule, amendment of a rule or repeal of a rule):
5. (In the case of a petition for adoption) A concise statement of the proposed rule in rule form:
6. A statement of the reasons for the above action:

(3) A general statement concerning rules must not be accepted as a petition for adoption, amendment or repeal of a rule.

(4) More than one petition may be submitted at any given time, but each must conform to the above requirements. No more than one request for either the adoption, amendment or repeal of a single rule shall be contained in each petition.

(5) The Department, upon receipt of a petition, shall take the following action:

1. Receipt of petition shall be recorded;
2. Petitions not in reasonable compliance with this rule shall be promptly returned to the petitioner with modifications or additional information required to make the petition comply with this rule indicated;
3. Receipt of petition shall be acknowledged to the petitioner; and
4. The disposition of petitions for rule making shall be determined by the Department.

(6) The Department, in determining the disposition of the petition, may request written memoranda from personnel within the Department, input from interested persons outside the Department, or an oral presentation by the petitioner elaborating upon the reasons for the requested rule activity. The Department may conduct a hearing in order to receive oral presentations and evidence.

(7) Within 60 days after submission of a petition, the Department either shall deny the petition in writing on the merits, stating the reasons for the denial, or initiate rule making proceedings in accordance with Code of Ala. 1975, § 41-22-5.

Author: Jim R. Ippolito, Jr., Chief Counsel

Statutory authority: Code of Ala. 1975 §§ 23-1-59.

History: Filed September 30, 1982, Amended: Filed May 17, 2013.

450-1-2-.02. Petition For Declaratory Ruling.

(1) A declaratory ruling is a formal written ruling issued to members of the

public by the director with respect to the validity of a rule or with respect to the applicability to any person, property or state of facts of any rule or statute enforceable by it or with respect to the meaning and scope of any order of the Department.

(a) A declaratory ruling is binding on the Department, and the person requesting it unless it is altered or set aside by a court in a proper proceeding.

(b) Such rulings are subject to review in the circuit court of Montgomery County, unless otherwise specifically provided by statute, in the manner provided in Code of Ala. 1975, § 41-22-12, for the review of decisions in contested cases.

(c) Nothing herein shall prevent any individual from seeking informal advice on any pertinent subject from the Department.

(2) A petition for a declaratory ruling may be filed by any person substantially affected.

(3) A petition for a declaratory ruling shall adhere to the form described below. Petitions not in substantial compliance with the prescribed form shall be returned to the petitioner for correction.

(a) The 45-day time limit described in Code of Ala. 1975, § 41-22-11(b), shall start with the receipt of the petition, in proper form, by the Department.

(b) Petition shall be on white paper, 8 ½ " x 11" in size, with no reverse side entries. The original and three legible copies shall be filed with the Department.

(c) The petition shall be delivered by personal service or First Class Mail to the:

Alabama Department of Transportation  
ATTN: Administrative Procedure Secretary  
Legal Division  
Room 147,  
1409 Coliseum Boulevard  
Montgomery, AL 36110

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ALABAMA DEPARTMENT OF TRANSPORTATION  
Legal Division  
Room 147  
1409 Coliseum Boulevard  
Montgomery, Alabama 36110

IN RE:

THE PETITION OF \_\_\_\_\_ Docket No. \_\_\_\_\_

THE PETITION OF (state petitioners name) \_\_\_\_\_

THE PETITION OF (state petitioners name) (filled in by dept.)

FOR A DECLARATORY RULING ON \_\_\_\_\_

(state rule number, statute for which interpretation sought, etc.)

PETITION FOR A  
DECLARATORY RULING

(d) The body petition shall be set out in numbered paragraphs as follows:

1. Petitioner's name:
2. Petitioner's full address:
3. All rules or statutes that may be involved in the petition, if known:
4. Clear and concise statement of the precise factual situation involved:
5. The exact question to which an answer is desired:
6. The reasons for submitting the petition:
7. Full disclosure of the petitioner's interest:
8. Statement as to whether the petitioner's case is presently under consideration by the Department or in any pending proceeding:
9. Subscription and verification by the petitioner before a notary public:

(4) Upon receipt of a petition for a declaratory ruling, the Department shall enter the date of receipt of the petition and the docket number and notify the petitioner of receipt of petition, the date and the docket number.

(a) The Department may then:

1. Notify the petitioner that no declaratory ruling will be issued;
2. Immediately issue a declaratory ruling;
3. Forward the petition to the proper office for investigation to determine if a ruling should be issued and, if so, receive the recommended contents of such a ruling;
4. If either the director or the applicable office deems it necessary, a hearing officer shall be requested to schedule a hearing as promptly as possible for the submission of testimony by the petitioner and reasonable notification given to all interested persons of the time and place for such a hearing; or
5. If either the director or the applicable office deems it necessary, the petitioner may be requested to submit a written brief concerning the petition.

(b) If a hearing is conducted, a transcript shall be given to the applicable office, which will then forward its recommendations or a recommended ruling to the director. The director shall, upon due consideration of the evidence and recommendations, and within 45 days of the request for such ruling:

1. Issue a binding declaratory ruling; or



2. Notify the petitioner that no declaratory ruling will be issued and the reasons therefor.

(c) If no hearing is conducted, the director, shall, after receiving the recommendation of the applicable office, and within 45 days from the receipt of the petition:

1. Issue a binding declaratory ruling; or
2. Notify the petitioner that no ruling will be issued.

(5) All declaratory rulings shall be issued by the director. A declaratory ruling shall have the same status as an order rendered in a contested case, and shall be final for purposes of appeal and judicial review. Failure to issue a declaratory ruling within 45 days of the request of such ruling shall constitute a denial of the request, and shall be subject to judicial review.

Author: Jim R. Ippolito, Jr., Chief Counsel  
Statutory authority: Code of Ala. 1975 §§ 23-1-59.  
History: Filed September 30, 1982, Amended: Filed May 17, 2013.

450-1-2-.03. Methods Of Obtaining Information Or Making Submissions Or Requests. The public may obtain information or make submissions or requests pertaining to any subject not provided for elsewhere by statute or rule by contacting the Alabama Department of Transportation, Attn: Administrative Procedure Secretary, Legal Division Room 147, 1409 Coliseum Boulevard, Montgomery, AL 36110.

a) Contact may be made by telephone or by First Class Mail.

Author: Jim R. Ippolito, Jr., Chief Counsel  
Statutory authority: Code of Ala. 1975 § 23-1-59.  
History: Filed September 30, 1982, Amended: Filed May 17, 2013.

450-1-2-.04. Public Access To Rules, Orders, Etc.

(1) The Alabama Department of Transportation Administrative Code, written statements of policy, final orders, decisions or opinions issued or used by the Department in the discharge of its functions, shall be available for public inspection and copying at cost as provided in Rule 450-1-1-.09.

Author: Jim R. Ippolito, Jr., Chief Counsel  
Statutory authority: Code of Ala. 1975 § 23-1-59.  
History: Filed September 30, 1982, Amended: Filed May 17, 2013.

450-1-2-.05. Advance Notice Of Rule Making Procedures.

(1) Notice by First Class Mail shall be given to all persons who pay the cost of such mailing and who have made timely request of the Department for advance notice of its rule making proceedings.

(a) Timely requests shall be those received by the Department prior to the date of publication of the next notice of intent to adopt, amend, or repeal

rules in the Alabama Administrative Monthly.

(b) The requests shall be delivered by First Class Mail to the Alabama Department of Transportation, Attn: Administrative Procedure Secretary, Legal Division, Room 147, 1409 Coliseum Boulevard, Montgomery, AL 36110.

(c) The requests shall be in letter form and set out in numbered paragraphs as follows:

1. Subject: Request for advance notice of intent to adopt, amend or repeal rules.

2. Submitted to: Alabama Department of Transportation

3. Date of Request:

4. Requester's name:

5. Requester's business name of affiliation:

6. Complete mailing address to which notice shall be sent:

(2) The cost of advance notice shall be \$12.00 per fiscal year (October 1 through September 30) or, for a partial fiscal year, \$1.00 for each month remaining therein.

(a) Full payment shall accompany the request.

(b) Payment shall be for a full fiscal year or part thereof only.

(c) Payment shall be by certified check, cashier's check or money order.

(3) Notice of expiration and renewal application shall be mailed at the end of each fiscal year.

(4) Requests shall continue in effect, providing that the renewal form and full payment is timely received by the Department.

(5) If timely renewal form and payment is not received, subscription shall be discontinued without further notice, and shall be reinstated only upon the receipt of a new request as provided above.

Author: Jim R. Ippolito, Jr., Chief Counsel

Statutory authority: Code of Ala. 1975 § 23-1-59.

History: Filed September 30, 1982, Amended: Filed May 17, 2013.

450-1-2-.06. Copies Of Records. Repealed.

Author: Jim R. Ippolito, Jr., Chief Counsel

Statutory authority: Code of Ala. 1975 § 23-1-59.

History: Filed September 30, 1982, Repealed: May 17, 2013.

450-1-2-.07. Notification Of Persons Who May Be Affected By The Adoption Of An Emergency Rule. In the event that the Department finds it necessary to adopt an emergency rule under the provisions of Code of Ala. 1975, § 41-22-5(b), the Department shall, prior to indexing and publication, make reasonable efforts to apprise the persons who may be affected by the emergency rule, as required by Code of Ala. 1975, § 41-22-5b.

(a) "Reasonable efforts," as used above, shall consist of the expeditious mailing of a copy of the emergency rule to those persons who have complied with the provisions of Alabama Department of Transportation Administrative Code Rule 450-1-2-.05.

Author: Jim R. Ippolito, Jr., Chief Counsel

Statutory authority: Code of Ala. 1975 § 23-1-59.

History: Filed September 30, 1982, Amended: Filed May 17, 2013.

450-1-2-.08. Subscription To Alabama Department of Transportation Administrative Code.

(1) A subscription to the Alabama Department of Transportation Administrative Code shall be made available to those persons making written requests beginning in November of 1982, and each November thereafter. A subscription notification mailing list shall be established for this purpose.

(a) A request to be added to the subscription notification mailing list shall be mailed to the Alabama Department of Transportation, Attn: Administrative Procedure Secretary, Legal Division Room 147, 1409 Coliseum Boulevard, Montgomery, AL 36110.

(b) Requests shall be in letter form and shall be set out in numbered paragraphs, as follows:

1. Subject: Request to be added to the subscription notification mailing list.
2. For: The Alabama Department of Transportation Administrative Code.
3. Date of request:
4. Name of requestor:
5. Business name or affiliation:
6. Complete mailing address to which notice shall be sent:
7. Requester's telephone number:

(2) In November of each year notice shall be sent to those persons appearing on the mailing list of the availability and cost of:

1. A complete copy of the Alabama Department of Transportation Administrative Code as of the end of the previous fiscal year, and
2. Only those supplements to the Alabama Department of Transportation Administrative Code which occurred during the previous fiscal year.

(3) An order blank shall be provided.

(4) Failure to order shall result in removal from the mailing list unless a new request is received.

(5) All costs shall be determined on a cost-per-page basis, to be established prior to the mailing of notices.

(a) Full payment shall accompany the order blank.

(b) Payment shall be by certified check, cashier's check or money order.

(6) Requestors shall be responsible for notifying the Department of any change of name or mailing address.

(a) Notification shall be in letter form and set out in numbered paragraphs as follows:

1. Subject: Change of Name or Address

2. Mailing List: The Alabama Department of Transportation Administrative Code Subscription Notification List.

3. Date of Change:

4. Previous Listing: (name, business name or affiliation, complete mailing address and telephone number):

5. New Listing: (name, business name or affiliation, complete mailing address, and telephone number):

(b) Notification shall be mailed to the address in Section (1)(a), above.

Author: Jim R. Ippolito, Jr., Chief Counsel

Statutory authority: Code of Ala. 1975 § 23-1-59.

History: Filed September 30, 1982, Amended: Filed May 17, 2013.

450-1-2-.09. Rules Omitted From The Alabama Highway Administrative Code.  
Repealed.

Author: Jim R. Ippolito, Jr., Chief Counsel

Statutory authority: Code of Ala. 1975 § 23-1-59.

History: Filed September 30, 1982, Repealed: May 17, 2013.

ALABAMA DEPARTMENT OF TRANSPORTATION  
ADMINISTRATIVE CODE

DESIGN BUREAU - UTILITY SECTION

CHAPTER 450-2-1  
UTILITIES

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Rights-Of-Way

450-2-1-.01. ALDOT Utility Manual. Repealed.

Author: Jim R. Ippolito, Jr., Chief Counsel

Statutory authority: Code of Ala. 1975 § 23-1-59

History: Filed September 30, 1982. Emergency rule filed December 15, 1989.

Amended: Filed March 9, 1990. Repealed: Filed May 17, 2013.

ALABAMA DEPARTMENT OF TRANSPORTATION  
 OPERATIONS DIVISION  
 ADMINISTRATIVE CODE

CHAPTER 450-3-1  
 MAINTENANCE

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450-3-1-.18	Manual Of Laws, Rules And Regulations Relating To Operation And Licensing Of Junkyards

## 450-3-1-.19 Manual Of Maintenance Permits (Repealed 6/21/13)

**450-3-1-.01 Purpose Of Chapter.** The purpose of this chapter is to establish procedures and minimum standards to govern the movement of oversize and/or overweight vehicles and loads, to establish regulations concerning the removal, storage, and disposal of property located on the highway right-of-way, protection and prevention of trespass upon and injury to the public roads, facilities and buildings, requirements for stopping at rail/highway grade crossings and drawbridges, and the operation and licensing of junkyards.

**Author:** Jim R. Ippolito, Jr., Chief Counsel

**Statutory Authority:** Code of Ala. 1975, §§23-1-59, 32-9-29.

**History:** Filed September 30, 1982. **Amended:** Filed

May 17, 2013; effective June 21, 2013. **Repealed and New Rule:** Filed December 4, 2015; effective January 18, 2016.

**450-3-1-.02 Definitions.** The following definitions, terms, words, and phrases shall have the meanings given and these supplements the definitions found in Section 32-9-20, Code of Ala. 1975.

(1) ALABAMA DEPARTMENT OF TRANSPORTATION: ALDOT.

(2) LEGAL WIDTH: Eight (8) feet wide on roads with less than twelve (12) foot lanes; eight (8) feet and six (6) inches on roads with at least twelve (12) foot lanes.

(3) LEGAL HEIGHT: Thirteen (13) feet and six (6) inches.

(4) LEGAL LENGTHS:

(a) Forty (40) feet for a single vehicle.

(b) Fifty-seven (57) feet for a truck-semi-trailer combination.

(c) Fifty-seven (57) feet for semi-trailers including load used in a truck tractor-semi-trailer-trailer combination.

(d) Twenty-eight (28) feet for semi-trailers and trailers used in truck tractor-semi-trailer-trailer combination.

(e) Forty-five (45) feet for Motor Homes.

- (f) Forty-five (45) feet for Motor Bus.
- (g) Sixty-five (65) feet for Car Haulers; Seventy-five (75) feet for Stinger-Steered Units.
- (5) LEGAL OVERHANG (FRONT AND REAR): Five (5) feet.
- (6) LEGAL WEIGHT PER SINGLE AXLE: Any axle that is spaced a minimum of 10 feet to the next closest axle and the gross weight imposed by the wheels of this one axle does not exceed 20,000 pounds.
- (7) APPROVED LIGHTING SYSTEM FOR MOBILE HOMES INSTEAD OF REAR ESCORT: The lighting system shall be in addition to all the standard safety equipment and warning devices utilized in the rear of mobile homes using rear escorts. Two flashing or strobe amber lights, visible for 360 degrees at 500 feet shall be mounted approximately 6 feet from the ground level on the rear corners of the mobile home. Control of the lighting system shall be from inside the tractor cab, including a warning device to alert the driver in the event the lights system malfunction. If a light malfunctions, the driver shall proceed to the first area where the load can be safely removed from the roadway and parked until the lighting system is repaired.
- (8) NON-DIVISIBLE LOAD OR VEHICLES: A load transported by a vehicle or combination of vehicles of such nature that it is a unit which cannot be readily dismantled or separated; provided however, that bulldozers and similar construction equipment shall not be deemed readily separable. Non-divisible loads or vehicles will have the same meaning, unless otherwise exempted, as listed in the definitions of C.F.R. 23 Part 658.5, as amended.
- (9) LAW ENFORCEMENT ESCORT: A law enforcement vehicle operated by state troopers, county sheriffs or their deputies, or city police. A constable shall not escort oversize/overweight loads. The law enforcement escort must be in an official, marked vehicle with blue lights. Information about state trooper escorts may be found on the Permit Office website:  
<http://www.dot.state.al.us/maweb/Oversize&OverweightPermOverweightPer.htm>
- Author:** Jim R. Ippolito, Jr., Chief Counsel  
**Statutory Authority:** Code of Ala. 1975, §32-9-29 **History:** New  
**Rule:** Filed December 4, 2015; effective January 18, 2016.



**450-3-1-.03      Permits.**

(1) The Transportation Director or his designee may issue a written permit to allow a vehicle or a combination of no more than two vehicles to operate on the State Highway System where the vehicle or a combination of vehicles and load exceeds the legal width, length, height, weight or combination thereof.

(2) A copy of the permit shall be carried in the vehicle itself and be available for inspection by any law enforcement officer, or authorized agent of ALDOT. For annual permits, the original is considered the copy received in person or by mail may be considered the copy received via email, by mail, by fax, or in person. For a single trip permit, the original may be considered the copy received via email, by mail, by fax, or in person. Duplication or alteration of any permit is prohibited.

**Author:** Jim R. Ippolito, Jr., Chief Counsel

**Statutory Authority:** Code of Ala. 1975, §32-9-29. **History:** New

**Rule:** Filed December 4, 2015; effective January 18, 2016.

**450-3-1-.04      Conditions Attached To Issuance Of Permits.**

(1) The operator of the permitted vehicle or combination of vehicles and loads shall comply with all applicable laws and regulations of the United States and the State of Alabama.

(2) Unless otherwise specifically provided in these rules, permitted vehicles may travel daylight hours only. Travel is not permitted at any time on Sundays, New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day.

(3) A permitted vehicle shall not travel when weather conditions render visibility less than 500 feet for a person or vehicle, or when other weather conditions constitute hazardous travel. When either condition exists, the driver shall proceed to the first area where the load can be safely removed from the roadway and parked until the weather clears or road conditions improve.

(4) When routing is applicable, the permitted vehicle shall not use any other public road under ALDOT jurisdiction other than those described in the permit or routing authorization. For single trip permits, the routing shall be described on the permit. For annual permits, the permitted party is responsible for requesting advance routing when applicable.

(5) The described routing authorization becomes a temporary part of the annual permit and shall be carried in the permitted vehicle along with the annual permit for the duration of the relevant trip. If advanced routing is required and the driver is

unable to provide a valid routing authorization, then the oversized/overweight load shall be in violation of the permit.

(6) The vehicle operator shall comply with all load restrictions placed on bridges and sections of highway, whether established by on-site posting or as a permit condition. A list of restricted bridges is available online at:  
<http://www.dot.state.al.us/maweb/Oversize&OverweightPermitInformation.htm>.

(7) On a state highway, when the vehicle exceeds legal limits, all appurtenances of the load which can be removed to reduce the weight shall be removed and transported separately. Appurtenances include, but are not limited to, buckets, booms, counter-weights, lifting devices, etc. Bulldozer blades are deemed non-separable pursuant to the Code of Ala. 1975, §32-9-29(a)(1).

(8) The permitted vehicle or combination of vehicle and loads shall maintain one-half (1/2) mile between each vehicle load. When the normal flow of traffic becomes impeded or congested, the vehicle or combination of vehicle and loads shall move off the traveled portion of the public road until the traffic congestion has cleared. If the permitted route becomes impassible, such as in construction detours and emergency road conditions, proceed to the first area where the load can be safely removed from the roadway and parked until the ALDOT Permit Office can be contacted for an alternate permitted route.

(9) Transport vehicles shall be equipped with a flashing or strobe amber light, visible 360 degrees at 500 feet. All vehicles supporting the move shall be equipped to contact each other, including escort vehicles, law enforcement escorts, and the permitted vehicle. A sign shall be mounted on the front and rear of the transport vehicle where the license plate and headlights are not blocked. The sign shall contain the wording "OVERSIZE LOAD" in black letters on a yellow background. The size of the sign shall be seven (7') feet wide and eighteen (18") inches high. The letters shall be ten (10") inches high with a 1.4" - 1.5" brush stroke. No other signage is allowed. An 18" square fluorescent orange or red flag shall be displayed at the four corners or extremities (length) of the load.

**Author:** William F. Patty, Chief Counsel

**Statutory Authority:** Code of Ala. 1975, §32-9-29.

**History:** **New Rule:** Filed; effective January 18, 2016.

**Amended:** Filed January 18, 2019,  
Effective March 19, 2019

**450-3-1-.05 Highway Beautification Act - Outdoor Advertising.**

ALDOT may require that permitted vehicles use front or rear escorts when deemed necessary. Escorts are required, but are not limited to the following:

- (1) Over height vehicles/loads:  
Front escort with height indicator is required for heights in excess of greater than fifteen (15) feet, six (6) inches (15'6").
- (2) Over width vehicles/loads:
  - (a) Loads 12-14 feet wide require one (1) front escort on 2-lane roads, or
  - (b) One (1) rear escort for multilane roads.
- (3) Loads greater than 14 feet wide require one (1) front and one (1) rear escort on all roads.
- (4) For mobile homes, the rear escort may be replaced by the following described lighting system:

In addition to all the safety and warning devices, two flashing or strobe lights, visible for 360 degrees at 500 feet shall be mounted six (6) feet above ground level on the rear corners of the mobile home. Control of the lighting system shall be from inside the tractor cab with a warning device to alert the driver in the event the lights malfunction. If a light malfunctions, the driver is to proceed to the first area where the load can be safely removed from the roadway and parked until the lighting system is repaired.

- (5) Over length vehicles/loads:
  - (a) A single rear escort is required for lengths 90 feet to 125 feet, inclusive, except that mobile homes may use the approved lighting system, described in (4) above, instead of a rear escort. A front and a rear escort are required lengths 125 to 150 feet. ALDOT may require additional escorts for lengths less than 150 feet when deemed necessary.
  - (b) Front and rear law enforcement escorts are required for lengths in excess of 150 feet.
  - (c) A rear escort is required for any permitted vehicle transporting a load extending more than five feet beyond the rear of the vehicle. A front escort is required for any permitted vehicle transporting a load extending ten feet or more beyond the front of the vehicle.
- (6) Escort vehicles shall be a properly licensed, single-unit vehicle (e.g. passenger automobile, pick-up truck, or SUV) with an unobstructed view and clear line of sight in all directions. A flatbed truck or service vehicle may be used as long as it maintains an unobstructed view and clear line of sight in all directions. No vehicle towing a trailer can be used as an escort vehicle. Escort vehicles must be equipped with flashing or strobe amber lights, that are visible 360 degrees at 500 feet.

The escort's headlights shall be set at low beam at all times. All vehicles supporting the move shall be able to contact each other, including escort vehicles, law enforcement escorts, and the permitted vehicle. A sign shall be mounted on the front and rear of any escort vehicle above the roofline where it is visible from the front and rear. The sign shall contain the wording "OVERSIZE LOAD" in black letters on a yellow background. The size of the sign shall be relative to the size of the escort vehicle so that the entire message may be seen completely and clearly. The letters shall be ten (10) inches high with a 1.4" - 1.5" brush stroke.

No other signage is allowed. The banner shall only be attached or visible during the transportation of the permitted load.

(7) A front escort shall provide enough space between it and the permitted load, or combination of vehicles and load, to warn oncoming traffic of the presence of the oversize load; notify the vehicles facilitating the move of any road hazards that could affect safe movement of traffic in sufficient time for the driver of the permitted load to take remedial action and locate, to the extent necessary, a safe place adjacent to the highway to protect public safety and the efficient movement of traffic and any other matters reasonably necessary for safe movement.

(8) A rear escort shall warn traffic approaching from the rear of the presence of the over dimensional load; notify the driver of the permitted load of any problems (i.e. objects coming loose from the load, traffic approaching or passing the over dimensional load, traffic buildup) that could affect the safe and efficient movement of traffic in sufficient time for the driver to take remedial action as necessary, and be far enough behind the permitted load to assist in lane maneuvers and any other matters reasonably necessary for safe movements.

(9) Mobile home escorts shall be located in the front on two-lane roads and shall move to the rear of mobile home on multi-lane roads, even with the approved lighting system, and shall assume the duties of a rear escort.

(10) The non-emergency use of cell phones or other portable electronic devices, other than those designated to support the movement of the specific oversize combination vehicle, except to communicate hazard-related information, is prohibited.

(11) Drivers of escort vehicles must be a minimum of 18 years of age, have a valid driver's license, and have completed a pilot/escort flagging course which equals or exceeds Alabama's course within 12 months of Alabama's course availability. A list of states with approved escort certification may be found on the Permit Office website.

<http://www.dot.state.al.us/maweb/Oversize&OverweightPermOverweightPer.htm>

**Author:** Jim R. Ippolito, Jr., Chief Counsel

**Statutory Authority:** Code of Ala. 1975, §32-9-29.

**History: Filed:** September 30, 1982. **Amended:** Filed

February 15, 1996; effective March 21, 1996. **Repealed:** Filed

May 17, 2013; effective June 21, 2013. **New Rule:** Filed

December 4, 2015; effective January 18, 2016.

**450-3-1-.06**      **Liability Insurance**. A permit to operate a vehicle which exceeds the statutory limits of height, weight, or length shall be issued only on condition of payment of proof of insurance of \$300,000 split limit coverage or \$1,000,000 combined single limit coverage as a minimum. The insurance will be conditioned for payment to ALDOT and will be held in trust to pay the owners of bridges, traffic signals, signs, or other highway structures damaged by a vehicle operating using the permit. The liability under the insurance certificate shall be contingent upon proof of negligence or fault on the part of the permittee, his agents, or operators. ALDOT may require additional insurance as deemed necessary to compensate for any damage to public roads, including bridges. Upon request, the body receiving the permit shall provide ALDOT with a copy of the required insurance policy. ALDOT will not be liable for any damage to persons, private property, or public roads, including bridges, caused by a permitted vehicle, its load, or its escort. The party receiving the permit thereby agrees to hold ALDOT harmless from any claims and to pay ALDOT for damages to person or property for any ALDOT expenditures made to repair damages on a state Highway caused by the permitted vehicle, load, or escort.

(1) Annual Permits: All existing insurance requirements of Alabama shall be observed. In addition, the amount of liability insurance specified by Section 32-9-29, Code of Ala. 1975, is required. No annual permit shall be issued until the applicant provides proof that it meets these insurance requirements. ALDOT shall be listed as a Certificate holder with the applicant's insurance company, and the Department shall be notified by the insurance company of any changes in the applicant's coverage. If the insurance becomes void for any reason, the permit shall immediately become permanently void, and the applicant shall re-apply for an annual permit at the full price.

(2) Single Trip Permits: All existing insurance requirements of Alabama shall be observed. Proof of the minimum insurance required by the Public Service Commission must be on file with the ALDOT Permit Office prior to a permit being issued to transport a vehicle whose width exceeds twelve (12) feet and/or weighs greater than 100,000 lbs.

**Author:** Jim R. Ippolito, Jr., Chief Counsel

**Statutory Authority:** Code of Ala. 1975, §§23-1-59, 23-1-275.

**History:** **New:** Filed December 4, 2015; effective January 18, 2016.

**450-3-1-.07**      **Conditions For The Movement Of Houses.**

(1) No house shall be moved whose width exceeds 28 feet or whose height exceeds 16.5 feet without pre-approval from the ALDOT Permit Office.

(2) The movement of the house shall be confined to the route approved on the permit, and in no case will exceed a distance of 50 miles.

(3) All mail boxes and other appurtenances that are obstacles to the move of the house shall be removed as the house approaches and re-erected immediately after the house passes in equal or better condition than prior to removal.

(4) The company, corporation, or individual receiving a permit to move a house is responsible for any damage to private or public property caused by the move. This includes but is not limited to damage to utilities.

(5) Houses greater than seventeen (17) feet in height require a route survey and utility notification.

(6) When highway signs and other traffic control devices must be removed to accommodate a house move, they will be removed and re-erected by ALDOT personnel located in the affected political subdivision at the expense of the company, corporation, or individual receiving the permit.

(7) The company, corporation, or individual receiving a permit to move a house shall contact the ALDOT District Manager located in the area involved to get route approval and then again a minimum of 24 hours prior to the move. A list of District Managers can be found on the Permit Office website:  
<http://www.dot.state.al.us/maweb/Oversize&OverweightPermOverweightPer.htm>

(8) In the interest of public safety, permits may be issued to move houses in urban areas during hours prohibited by Rule 450-3-1-.05. A move allowed under this rule must be coordinated with the local government and have a law enforcement escort.

(9) Liability insurance as specified in Rule 450-3-1-.06.

**Author:** Jim R. Ippolito, Jr., Chief Counsel

**Statutory Authority:** Code of Ala. 1975, §32-9-29.

**History:** New: Filed December 4, 2015; effective January 18, 2016.

**450-3-1-.08 Conditions for Permitting Movement of Sealed Containerized (Ocean Going) Cargo Units.**

(1) Sealed containerized cargo units will be considered as nonvisible loads and overweight trip permits will be issued to operate vehicles hauling such units on the state highway systems, including the interstate highway system, subject to the following restrictions:

(a) Such containerized cargo units may not weigh more than the maximum permissible weight of 100,000 pounds and must be moved on the highways from port to port.

(b) A copy of the bill of lading with an equipment interchange and inspection report must be submitted to the ALDOT Permit Office before a permit will be issued.

(c) The operators of such units shall at all times have in their possession a copy of the documents as described in (b) above.

(d) All vehicles operating under a sealed containerized cargo unit permit shall have a minimum of five (5) full-time load bearing axles and shall not exceed twenty thousand (20,000) lbs. per axle, or total gross vehicle weight of one hundred thousand (100,000) lbs.

(e) All vehicles operating under a sealed containerized cargo unit permit must be legal width, length, and height.

(f) All vehicles permitted for movement of overweight sealed containerized units are authorized twenty-four (24) hours continuous movement Monday through Sunday with normal travel conditions.

(2) Annual Permits will be available for the movement of sealed containerized cargo units from the Department subject to the same restrictions and conditions as provided in Paragraphs (1)(a) - (c) upon payment of the annual permit fee required under Rule 450-3-1-.09. Annual permits will not be restricted to a specified route.

**Author:** William F. Patty, Chief Counsel

**Statutory Authority:** Code of Ala. 1975, §§32-9-29.

**History: New Rule:** Filed January 18, 2019

**450-3-1-.09      Annual Permit Procedure And Fees.**

(1) All permits will be issued on a prepaid basis or be guaranteed by funds on deposit with ALDOT.

(2) Companies, corporations, or permit service companies may deposit funds with the ALDOT Permit Office to guarantee payment for permits. Companies, corporations or permit service companies will be billed monthly. A minimum \$300 deposit is required. After records show that a company, corporation, or permit service company has purchased permits equal to 80% of their deposit, no further permits will be issued until the bill is paid or an additional deposit is made.

(3) Annual permits must be applied for online or in writing and paid for in advance. Application forms are available from the ALDOT Permit Office website:  
<http://www.dot.state.al.us/maweb/Oversize&OverweightPermitInformationOve.htm>

(4) Payment for permits may be by business check, cash, money order, credit card, and by certified or cashier's check. A personal check will not be accepted.

(5) Fee Schedule: Annual Permits \$100.00

(a) ALDOT may issue an annual permit which shall permit the

vehicle or combination of vehicle and load to be operated on the State Highway System for 12 months from the date the permit is issued.

(b) Annual permits require the Vehicle Identification Number (VIN) of the vehicle to be provided on the permit.

(c) Vehicle/Load (Over-dimensional and/or Overweight)

1. Maximum Weight:.....150,000 pounds
2. Maximum Width:.....12 feet
3. Maximum Length:.....75 feet
4. Maximum Height:.....14 feet



5. Maximum Single Axle Weight:.....22,000 pounds

(d) Mobile Home

1. Maximum Width:.....14 feet

2. Maximum Height:.....14 feet

3. Maximum Length:.....85 feet

(e) Modular Homes, Sectional Houses, Portable Buildings, Boats and Vehicles or Combination of Vehicles:

1. Maximum Width:.....12 feet

2. Maximum Height:.....14 feet

3. Maximum Length.....75 feet

(f) Sealed Container

1. Maximum Weight:.....100,000 pounds

**Author:** Jim R. Ippolito, Jr., Chief Counsel

**Statutory Authority:** Code of Ala. 1975, §32-9-29

**History:** **New:** Filed December 4, 2015; effective January 18, 2016.

**Amended:** Filed January 18, 2019.

**450-3-1-.10 Single Trip Permit Procedure And Fees.**

(1) All permits are issued on a prepaid basis or are guaranteed by funds on deposit with ALDOT.

(2) Firms or corporations may deposit funds with the ALDOT Permit Office to guarantee payment for permits. These firms or corporations will be billed monthly. A minimum of \$300 will be accepted for deposit. After records show that a firm or corporation has purchased permits equal to 80% of their deposit, no further permits will be issued until the bill is paid or funds are added to their deposit.

(3) Permit service companies may deposit funds with the ALDOT Permit Office to guarantee payment for permits ordered on their account. After records show that permits have been charged to the company equal to 90% of its deposit, no further permits will be issued until the bill is paid or an additional deposit is made.

(4) An application for a single trip permit may be submitted online, by telephone, by fax, or in person.

(5) Permit application forms are available on the ALDOT

Permit Website:

http://www.dot.state.al.us/maweb/Oversize&OverweightPermitInforma  
tOve.htm

(6) Fee Schedule: Single Trip Permits - Vehicles using single trip permits are allowed five (5) days to complete the trip. Single trip permits are valid for one round trip (loaded from origin to destination and return empty, or vice versa). Time extensions will not be granted unless the trip is interrupted by acts of nature such as floods, snow, ice, storms, etc.; provided that these interruptions affect the movement of the traffic as a whole in the area.

(a) Heavy commodities or equipment. This fee is for vehicles or combination of vehicle and loads whose weight exceeds the maximum limit specified by law.

From 80,001 pounds up to 100,000 pounds.....	\$10.00
From 100,001 pounds up to 125,000 pounds.....	\$30.00
From 125,001 pounds up to 150,000 pounds.....	\$60.00
From 150,001 pounds and over.....	\$100.00

When the overweight vehicle or combination of vehicles and loads is over the maximum length, height, or width specified by law, an additional \$10.00 is added to the fee.

(b) Mobile homes, modular homes, sectional houses, portable buildings, and boats:

1. Up to and including 12 feet wide, 75 feet long.....\$10.00
2. Boats in excess of 12 feet wide...\$20.00
3. Mobile homes, modular homes, sectional houses, and portable buildings in excess of 12 feet wide and/or 75 feet long.....\$20.00

(c) Miscellaneous:

1. Houses.....\$20.00
2. Off the road equipment.....\$10.00
3. Other oversized vehicles, loads, and equipment not herein specified.....\$20.00
4. Other overweight loads not herein specified..\$10.00

(7) Payment for Single Trip permits may be by company checks, cash, money order, credit card, and by certified or cashier's check. A personal check will not be accepted.

**Author:** Jim R. Ippolito, Jr., Chief Counsel  
**Statutory Authority:** Code of Ala. 1975, §32-9-29  
**History:** **New:** Filed December 4, 2015; effective January 18, 2016.  
**Amended:** Filed January 18, 2019.

**450-3-1-.11**      **Property Located On The Highway Right-Of-Way.**

(1) Regulations Concerning Removal, Storage, and Disposal of Property Placed, Lost, or Abandoned on Public Highways or Within Right of Way Limits Thereof and Trespass on Highway Right of Way.

(a) Any property placed, lost or abandoned on a public highway, or within the right of way limits thereof, may be removed by the Department if it is a hazard to traffic. If there is no immediate hazard to traffic, the property may not be removed for a reasonable period, and an effort may be made to identify and/or contact the owner to secure its removal. If it is not possible or productive to contact the owner or otherwise effect removal, the property may be removed by the Department.

(b) In the event the property is removed by the Department, it will be stored at the local District office for no more than sixty (60) days. The property may be claimed by the owner upon payment of the cost of removal. The Department shall not be responsible for any damage caused by removal of the property. Unclaimed property may be disposed of after sixty (60) days.

(c) The provisions of this paragraph shall not apply to part (2) of this section, below.

(2) The Accommodation of Mailboxes and Newspaper Delivery Boxes on Public Highway Rights-of-Way

(a) The Department of Transportation adopts and incorporates by reference the Roadside Design Guide, Chapter 11: Erecting Mailboxes on Streets and Highways, American Association of State Highway and Transportation Officials, 4<sup>th</sup> Edition (2011), as amended. A copy may be requested by contacting AASHTO at 444 N. Capitol St. NW Suite 249 Washington, DC 20001 or by accessing [www.transportation.org](http://www.transportation.org).

**Author:** Jim R. Ippolito, Jr., Chief Counsel  
**Statutory Authority:** Code of Ala. 1975, §§6-5-214, 6-5-216, 23-1-59.

**History:** Filed September 30, 1982. **Repealed and Replaced:** Filed July 8, 1996; effective August 12, 1996. **Amended:** Filed May 17, 2013; effective June 21, 2013. **Amended:** Filed January 18, 2019, Effective March 19, 2019

**Ed. Note:** Rule .10 was previously .07 it was renumbered as per

certification filed December 4, 2015; effective January 18, 2016.

**450-3-1-.12      Protection Of And Prevention Of Trespass Upon And Injury To The Public Roads, Bridges, Highways, Facilities And Buildings Of The State Of Alabama.**

In order to protect the interest of the traveling public and the State of Alabama in the safe use of public roads and bridges and related structures, facilities and buildings of the State and Department, and to prevent trespass and injury to State roads and bridges, structures, facilities and buildings:

(1) No structure shall be maintained, constructed or located within the right of way limits of any road or bridge on the Alabama State Highway system except utility structures authorized to be located on the right-of-way pursuant to a permit issued by the State of Alabama Department of Transportation.

(2) No private property shall be placed upon, affixed to, constructed or maintained upon any publicly owned right of way, bridge or the approaches thereto on the Alabama State Highway system without prior written permission of the Alabama Department of Transportation.

(3) No person other than a duly authorized law enforcement officer shall enter any Alabama Department of Transportation building with a firearm as defined in Section 13A-8-1(4), Code of Ala. 1975, without the written permission of the Director. Nothing in this regulation is intended to violate an individual's rights under the Firearm Owners Protection Act, 18 U.S.C. §921, et. seq.

**Author:** Jim R. Ippolito, Jr., Chief Counsel

**Statutory Authority:** Code of Ala. 1975, §23-1-59.

**History:** Filed September 30, 1982. **Amended:** Filed

May 17, 2013; effective June 21, 2013. **Amended:** Filed

July 24, 2014; effective August 28, 2014. **Amended (Rule Number**

**Only):** Filed December 4, 2015; effective January 18, 2016.

**Amended:** Filed January 18, 2019, Effective March 19, 2019

**Ed. Note:** Rule .11 was previously .08 it was renumbered as per certification filed December 4, 2015; effective January 18, 2016.

**450-3-1-.13      Vehicles Which Must Comply With The Stopping Requirements At Rail/Highway Grade Crossings And Drawbridges.**

The Department of Transportation adopts and incorporates by reference Alabama Department of Public Safety Administrative Code Rule 760-X-1-01 regarding motor vehicles that are required to stop at rail/highway crossings and drawbridges. A copy of this rule may be obtained by contacting the Department's Legal Division or the Department of Public Safety.

**Author:** Jim R. Ippolito, Jr., Chief Counsel

Supp. 3/12/19

3-1-15

**Statutory Authority:** Code of Ala. 1975, §§23-1-59, 32-5A-151.

**History:** Filed September 30, 1982. **Amended:** Filed May 17, 2013; effective June 21, 2013. **Amended:** Filed January 18, 2019, Effective March 19, 2019

**Ed. Note:** Rule .12 was previously .09 it was renumbered as per certification filed December 4, 2015; effective January 18, 2016.

**450-3-1-.14 Prima Facie Speed Limit Within Safety Rest Areas.**  
**Repealed**

**Author:** Jim R. Ippolito, Jr., Chief Counsel

**Statutory Authority:** Code of Ala. 1975, §§23-1-59, 32-5A-172.

**History:** Filed September 30, 1982. **Repealed:** Filed May 17, 2013; effective June 21, 2013. **Amended:** Filed January 18, 2019, Effective March 19, 2019

**Ed. Note:** Rule .13 was previously .10 it was renumbered as per certification filed December 4, 2015; effective January 18, 2016.

**450-3-1-.15 Minimum Speed Limit On Interstate And Controlled Access Highways Within The State Of Alabama.** Repealed

**Author:** Jim R. Ippolito, Jr., Chief Counsel

**Statutory Authority:** Code of Ala. 1975, §§23-1-59, 32-5A-174.

**History:** Filed September 30, 1982. **Repealed:** Filed May 17, 2013; effective June 21, 2013. **Amended:** Filed January 18, 2019, Effective March 19, 2019

**Ed. Note:** Rule .14 was previously .11 it was renumbered as per certification filed December 4, 2015; effective January 18, 2016.

**450-3-1-.16 Certain Traffic And Vehicles Prohibited From Use Of Controlled Access Highways In The State Of Alabama.** Repealed

**Author:** Jim R. Ippolito, Jr., Chief Counsel

**Statutory Authority:** Code of Ala. 1975, §23-1-59.

**History:** Filed September 30, 1982. **Repealed:** Filed May 17, 2013; effective June 21, 2013. **Amended:** Filed January 18, 2019, Effective March 19, 2019

**Ed. Note:** Rule .15 was previously .12 it was renumbered as per certification filed December 4, 2015; effective January 18, 2016.

**450-3-1-.17 Speed Limit Upon State Highways Abutting School Property And Other Locations On The State Highways Which Have Been Designated School Zones Or School Crossings.** (Repealed) **Authors:**

Bobby Kemp, Jerry Shoemaker

**Statutory Authority:** Code of Ala. 1975, §23-1-59.

**History:** Filed September 30, 1982. **Repealed:** Filed October 9, 2003; effective November 13, 2003. **Repealed:** Filed

Supp. 3/12/19

3-1-16

May 17, 2013; effective June 21, 2013. **Amended:** Filed January 18, 2019, Effective March 19, 2019

**Ed. Note:** Rule .16 was previously .13 it was renumbered as per certification filed December 4, 2015; effective January 18, 2016.

**450-3-1-.18** Manual Of Laws, Rules And Regulations Relating To Operation And Licensing Of Junkyards. This manual governing the operation and licensing of junkyards, dated August 1, 1969, is hereby adopted by reference as a rule of the State of Alabama Highway Department. Copies of this manual and any amendments thereto can be obtained from the Secretary of the Highway Department at a reasonable cost.

**Author:** Jim R. Ippolito, Jr., Chief Counsel **Statutory Authority:** Code of Ala. 1975, 23-1-59.

**History:** Filed September 30, 1982. **Amended:** Filed January 18, 2019, Effective March 19, 2019

**Ed. Note:** Rule .17 was previously .14 it was renumbered as per certification filed December 4, 2015; effective January 18, 2016.

**450-3-1-.19** Manual Of Maintenance Permits. **Repealed Author:**

Jim R. Ippolito, Jr., Chief Counsel

**Statutory Authority:** Code of Ala. 1975, §23-1-59.

**History:** Filed September 30, 1982. **Repealed:** Filed May 17, 2013; effective June 21, 2013. **Amended:** Filed January 18, 2019, Effective March 19, 2019

**Ed. Note:** Rule .18 was previously .15 it was renumbered as per certification filed December 4, 2015; effective January 18, 2016.

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450-4-1-.01. Disqualification Of Contractors And Subcontractors From  
Performing Prime Or Subcontract Work For A Prime Contract. Repealed.

Author: Jim R. Ippolito, Jr., Chief Counsel

Statutory authority: Code of Ala. 1975 §§ 23-1-59, 41-22-3(9)h.

History: Filed September 30, 1982. Repealed: Filed May 17, 2013.

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450-5-1-.01. Manual Of Uniform Traffic Control Devices. Repealed.

Author: Jim R. Ippolito, Jr., Chief Counsel

Statutory authority: Code of Ala. 1975 §§ 23-1-59, 32-5A-30, 41-22-3(9)h.

History: Filed September 30, 1982. Repealed: Filed May 17, 2013.



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450-6-1-.01. State Of Alabama Highway Department Secondary Road Plan  
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Author: Jim R. Ippolito, Jr., Chief Counsel

Statutory authority: Code of Ala. 1975 §§ 23-1-1, 23-1-59.

History: Filed September 30, 1982. Repealed: Filed May 17, 2013.

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450-7-1-.01. Manual On Appraisal Of Right-Of-Way Acquisitions. Repealed.

Author: Jim R. Ippolito, Jr., Chief Counsel  
Statutory authority: Code of Ala. 1975 §§ 23-1-59, 41-22-3-(9)c, 41-22-3(9)h.  
History: Filed September 30, 1982. Repealed: Filed May 17, 2013.

450-7-1-.02. Outdoor Advertising Sign Manual. Repealed.

Author: Jim R. Ippolito, Jr., Chief Counsel  
Statutory authority: Code of Ala. 1975 §§ 23-1-59, 41-22-3-(9)c, 41-22-3(9)h.  
History: Filed September 30, 1982. Repealed: Filed May 17, 2013.

450-7-1-.03. Manual On Relocation Assistance. Repealed.

Author: Jim R. Ippolito, Jr., Chief Counsel  
Statutory authority: Code of Ala. 1975 §§ 23-1-59, 41-22-3-(9)c, 41-22-3(9)h.  
History: Filed September 30, 1982. Repealed: Filed May 17, 2013.

450-7-1-.04. Manual On Property Management Program. Repealed.

Author: Jim R. Ippolito, Jr., Chief Counsel  
Statutory authority: Code of Ala. 1975 §§ 23-1-59, 41-22-3-(9)c, 41-22-3(9)h.  
History: Filed September 30, 1982. Repealed: Filed May 17, 2013.

450-7-1-.05. Publication Of Guidelines For Multiple Use And Joint Development Of Highway Right-Of-Way. Repealed.

Author: Jim R. Ippolito, Jr., Chief Counsel

Statutory authority: Code of Ala. 1975 §§ 23-1-59, 41-22-3-(9)c, 41-22-3(9)h.

History: Filed September 30, 1982. Repealed: Filed May 17, 2013.

450-7-1-.06. Manual For The Environmental Action Plan For The State Of Alabama Highway Department. Repealed.

Author: Jim R. Ippolito, Jr., Chief Counsel

Statutory authority: Code of Ala. 1975 § 23-1-59.

History: Filed September 30, 1982. Repealed: Filed May 17, 2013.

ALABAMA DEPARTMENT OF TRANSPORTATION  
ADMINISTRATIVE CODE

OFFICE ENGINEER DIVISION  
CHAPTER 450-8-1  
PRIVATE TOLL FACILITIES

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450-8-1-.01 Private Toll Facilities

450-8-1-.01. Private Toll Facilities. Repealed.

Author: Jim R. Ippolito, Jr., Chief Counsel

Statutory authority: Code of Ala. 1975 §§ 23-1-59, 23-1-81.

History: Filed September 30, 1982. Repealed: Filed May 17, 2013.

ALABAMA DEPARTMENT OF TRANSPORTATION  
OFFICE ENGINEER DIVISION  
ADMINISTRATIVE CODE

CHAPTER 450-10-1  
PROCEDURE AND REQUIREMENTS FOR OUTDOOR ADVERTISING

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450-10-1-.01     Purpose Of Chapter.   The purpose of this chapter is to establish the procedures and minimum standards that shall govern the inspection and licensing of outdoor advertising by the Alabama Department of Transportation Maintenance Bureau. The chapter repeals 450-3-1-.06 from the Alabama Department of Transportation's Administrative Code.

Author: Maintenance Bureau

Statutory Authority: Code of Ala. 1975, §§23-1-59, 23-1-286.

History: New Rule: Filed April 18, 2008; Re-Filed May 19, 2008 after withdrawal for minor modifications per approval from JCARR; effective June 23, 2008.

450-10-1-.02     Definitions.

(1)           The following definitions, terms, words and phrases shall have the meanings given. These definitions are in addition to the definitions found in the Code of Ala. 1975, §23-1-271.

(a)           Abandoned Sign: Signs legally erected and in existence before adoption of the Highway Beautification Act of 1972 or does not have a valid permit that are overgrown by trees or vegetation not on the highway right-of-way which blocks visibility of one-third or more of the advertising area, or has peeling, rusting, fading or other wear effects that makes the advertising area illegible and which has remained in such a condition for over one year or has had no legible message of any type on the advertising in area for over one year.

(b) Blank Sign: A sign that is illegible, unable to convey its message or be clearly seen and/or read by the motoring public of advertising matter or its message does not cover more than one-third (1/3) of the area of the sign.

(c) Conforming Sign: A sign that complies with all provisions of the state law.

(d) Department: The Alabama Department of Transportation.

(e) Destroyed sign: A sign damaged by an Act of God, vandalism, fire, wind, flood, sabotage, earthquake, or other catastrophic occurrences where the structure, message, supports or stringers is damaged to the extent of 50% or more of the current structural value as determined by an appraisal by ALDOT or its designated agent(s).

(f) Directional Sign: A sign containing directional information about public places owned or operated by Federal, State or local government or their agencies; publicly or privately owned natural phenomena, historic, cultural, scenic, educational, and religious sites and areas of natural scenic beauty or naturally suited for outdoor recreation deemed to be in the interest of the traveling public.

(g) Infrastructure: The underling framework of a system; esp. public services and facilities (such as, but not limited to, highways, bridges, electricity, telephone, gas, sewers, and water systems) needed to support commerce as well as economic and residential development.

(h) Non-conforming Sign: A sign lawfully erected but does not comply with the provisions of State Law or State Regulations passed at a later date or later fails to comply with State Law or State Regulations due to changed conditions. A non-conforming sign must be maintained in accordance with State Law or it is subject to removal without compensation.

(i) Official Signs and Notices: Signs and notices erected and maintained by public officers or public agencies within their territory or zoning jurisdiction and pursuant to and in accordance with direction or authorization contained in federal, state or local law for the purposes of carrying out an official duty or responsibility. Historical markers authorized by state law and erected by state or local government agencies or nonprofit historical societies may be considered official signs. A Local Chamber of Commerce is not a local government agency and its signs are not official signs.

(j) Public Service Signs: Signs located on school bus stop shelters, bus stop benches and trash receptacles owned and maintained by city, county and state governments and agencies.

(k) Service Club and Religious Notices: Signs and notices whose erection is authorized by law relating to meetings of nonprofit service clubs or charitable associations or religious services which signs do not exceed eight (8) square feet in area.

(l) Transient or Temporary Activities: Activities that do not have:

1. At least one employee attendant at the activity site, performing work and available to the public for at least thirty-six (36) hours per week on at least four (4) days per week for at least thirty-six (36) weeks per year;

2. Electricity, land line telephone, plumbing, indoor restroom, permanent flooring other than dirt, gravel, sand, etc., adequate heating; and,

3. The activity, or a major portion of it, must be conducted from a permanent building constructed principally of brick, concrete block, stone, concrete, metal or wood or some combination of these materials.

(m) Unzoned Commercial, business or industrial area: A parcel of land designated for regular use as commercial or industrial, in which one distinct conforming industrial or commercial activity is located. Regular use is defined as maintaining the standards set forth under the above definition of Transient or Temporary Activities.

(n) Zoned: Real property, parcel of land, or land that is subject to a complete system of land use, including regulation size, lighting, and spacing of signs, for tracts which comprise at least 20 percent of the land within a political subdivision established and actively enforced by duly constituted zoning authorities.

(o) Zoned commercial or industrial areas: Areas inside the control area of a political subdivision which are zoned for commercial or industrial use and that meet the requirements of 450-10-1-.14.

Author: Maintenance Bureau

Statutory Authority: Code of Ala., 1975, §§23-1-271, 23-1-278, 23-1-286.

History: New Rule: Filed April 18, 2008; Re-Filed May 19, 2008 after withdrawal for minor modifications per approval from JCARR; effective June 23, 2008.

450-10-1-.03 Maintenance.

(1) Signs in an unzoned commercial, business or industrial areas, or in a zoned commercial area which were lawfully in existence on the effective date of the Highway Beautification Act of 1972, but which do not conform to the requirements of the Highway Beautification Act of 1972 are declared non-conforming. Only routine maintenance and the change of the message can be performed on it. No major replacement of sign supports in the structure will be allowed. Any addition of illuminations, LEDs, or solar power lights to a non-conforming sign is prohibited. If for any reason the sign including structure, message, supports, or stringers is damaged to the extent of 50% or more of the current structural value as determined by an appraisal by ALDOT or its designated agent(s), then any repair or replacement of any part of the sign including message, supports, and stringers will be considered the erection of a new sign and consequently prohibited. Non-conforming signs destroyed or damaged by an Act of God, fire, earthquake, wind, flood, or other catastrophic occurrences shall not be replaced.

(2) Signs that were permitted before the effective date of this provision will be allowed to remain as a permitted sign in accordance with

§§23-1-271 through 23-1-274, Code of Ala. 1975. All other aspects of this Chapter will apply to permitted signs.

Author: Maintenance Bureau

Statutory Authority: Code of Ala. 1975, §§23-1-273, 23-1-274, 23-1-275, 23-1-276, 23-1-277.

History: New Rule: Filed April 18, 2008; Re-Filed May 19, 2008 after withdrawal for minor modifications per approval from JCARR; effective June 23, 2008.

450-10-1-.04      Permits.

(1)            The Department must approve or deny an application for permit to erect an outdoor advertising sign, stating in writing reason(s) for the denial, within 90 days of submission of the application for permit. If the application for permit is not denied in writing by the Department within 90 days of submission, it will be deemed denied and Permittee may seek redress through the Alabama Administrative Procedure Act, Code of Ala. 1975, §41-22-1, et seq., and Alabama Courts.

(2)            The Permittee must erect the outdoor advertising sign described in the application for permit within twelve (12) months from the date of issue. If the sign has not been completely erected within the prescribed time, the permit is automatically deemed revoked and the permit fee forfeited. The Permittee may reapply for the permit for the same area but if the sign has not been erected within the prescribed time, the permit is deemed revoked and the permit fee forfeited. After the second permit, the Permittee cannot reapply for a permit within 500 feet of the same area for twelve (12) months. Once a permit has been issued, the Permittee must place an identification tag to designate a permitted outdoor advertising sign issued by ALDOT on the sign pursuant to Code of Ala. 1975, §§23-1-275(d). The use of portable signs at locations requiring permits is prohibited.

(3)            All signs permits time-stamped by the department on or before January 15, 2008 will be reviewed in accordance with §§23-1-271 through 23-1-274, Code of Ala. 1975.

Author: Maintenance Bureau

Statutory Authority: Code of Ala. 1975, §§23-1-275.

History: New Rule: Filed April 18, 2008; Re-Filed May 19, 2008 after withdrawal for minor modifications per approval from JCARR; effective June 23, 2008.

450-10-1-.05      Directional Signs.

(1)            The following Directional Signs are prohibited:

1.            Signs advertising activities that are illegal under Federal or State laws or regulations in effect at the locations of those signs or at the location of those activities.

2.            Signs located in such a manner as to obscure or otherwise interfere with the effectiveness of an official traffic sign, signal or



device or obstruct or interfere with the driver's view of approaching, merging, or intersecting traffic.

3. Signs which are erected or maintained upon trees or painted or drawn upon rocks or other natural features.

4. Obsolete signs.

5. Signs which are structurally unsafe or in disrepair.

6. Signs which move or have any animated or moving parts.

7. Signs located in rest areas, park lands, or scenic areas.

8. No sign shall exceed the following limits:

(i) A maximum area of 150 square feet.

(ii) A maximum height of 20 feet, a maximum length of 20 feet.

(2) All dimensions include border and trim but exclude supports.

(3) Signs may be illuminated subject to the following:

1. Signs which contain, include or are illuminated by any flashing intermittent or moving light or lights are prohibited.

2. Signs which are not effectively shielded so as to prevent beams or rays or light from being directed at any portion of the traveled way of an interstate or primary highway or which are of such intensity or brilliance as to cause glare or to impair the vision of the driver of any motor vehicle or which otherwise interfere with any driver's operation of a motor vehicle are prohibited.

3. No sign may be illuminated as to interfere with the effectiveness of or obscure an official traffic sign, device, or signal.

(4) Each location of a directional sign must be approved by the Department.

1. No directional sign may be located within 500 feet of an interchange or intersection at grade along the interstate system or other freeways (measured along the interstate or freeway from the nearest point of the beginning or ending of pavement widening at the exit from or entrance to the main traveled way whichever is further from the intersection.)

2. No directional sign may be located within 500 feet of a rest area, park land, or scenic area.

3.(i) No two directional signs facing the same direction of travel shall be spaced less than 1 mile apart

(ii) No more than three directional signs pertaining to the same activity and facing the same direction of travel may be erected along a single route approaching the activity.

(iii) Signs located adjacent to the interstate system shall be within 75 air miles of the activity.

(iv) Signs located adjacent to the primary system shall be within 50 air miles of the activity.

(5) The message on directional signs shall be limited to the identification of the attraction or activity and directional information useful to the traveler in locating the attraction, such as mileage, route numbers, or exit numbers. Descriptive words or phrases and pictorial or photographic representations of the activity or its environs are prohibited.

(6) To be eligible, privately owned attractions must be nationally or regionally known and of outstanding interest to the traveling public.

(7) The Department will determine the eligibility of a facility for directional signing on an individual basis. Additional criteria to be used in determining eligibility are as follows:

1. Kind of attraction or facility.
2. Purpose of the activity or facility.
3. How widely known is the activity.
4. Is it publicly or privately owned.
5. Size of the activity or attraction, such as the number of camp sites or spaces for trailers, etc.
6. The various activities included in the operation, such as swimming, boating, camping, golfing, etc.
7. The number of people attending the facility annually.

(8) If the activity or attraction meets enough of the above criteria to warrant further consideration for directional signs, an application for permit should be filed through the district engineer using Form OA No. 5 Revised 3/1/73 and forwarded on to the Department Maintenance Engineer for review and approval by the Director.

Author: Maintenance Bureau

Statutory Authority: Code of Ala. 1975, §§23-1-273, 23-1-274, 23-1-275, 23-1-278, 23-1-286.

History: New Rule: Filed April 18, 2008; Re-Filed May 19, 2008 after withdrawal for minor modifications per approval from JCARR; effective June 23, 2008.

450-10-1-.06 Official Signs.

(1) The Department may allow city governments or recognized civic groups to erect and maintain structures capable of attractively displaying groupings of signs denoting the existence of, meeting place and

meeting time of local civic clubs, church groups or nonprofit organizations. The structure shall be maintained:

1. with or without the displays and must be strong enough to resist normal wind loads for the locality.

2. free of peeling, chipping, rusting, wearing and fading so as to be fully legible at all times.

3. in a safe manner, free from rusting, rotting, breaking and other deterioration, including cutouts, extensions, border, trim, and any other part of the sign or structure, and,

4. must not have any vegetation growing upon it or touching or clinging to it.

(2) If ALDOT or its designated agent(s) notifies a city government or responsible civic group that its sign needs repair, the repair work shall be done within thirty (30) days of the notice or the sign shall be removed at the sign-owner or landowner's expense.

(3) The maximum area for any one such structure shall be 675 feet with a maximum height of 15 feet and a maximum length of 45 feet, inclusive of any border or trim but excluding the base or apron, supports and other structure members. A panel may be installed on the structure bearing the message "Welcome to \_\_\_\_\_" (City), such a panel shall not occupy more than 25 per cent of the total structure area. No more than two such structures shall be allowed on any one approach to a city.

(4) The following criteria will be used to determine what groups may place signs on the structure or erect official signs individually:

1. any church of any denomination
2. any civic club with national affiliation
3. any local civic club that is nonprofit

(5) The church signs whether placed on a structure with other signs or erected individually may state the name of the church, the name of the pastor, the directions to the church, the time of each service or any combination of these messages as desired.

(6) Civic club and group signs whether erected individually or on a structure in groups may contain a group emblem and a message indicating the meeting time and location.

(7) These official signs may be erected in an adjacent area without any zoning and spacing provisions but must be erected off the right-of-way, with a maximum area of 8 square feet per individual sign.

(8) No written application for permit will be required and no fee charged for signs meeting these requirements. The district manager shall approve or disapprove each such sign erected or expected to be erected for compliance with these rules and regulations.

Author: Maintenance Bureau

Statutory Authority: Code of Ala. 1975, §§23-1-273, 23-1-274, 23-1-278, 23-1-286.

History: New Rule: Filed April 18, 2008; Re-Filed May 19, 2008 after withdrawal for minor modifications per approval from JCARR; effective June 23, 2008.

450-10-1-.07 Abandonment.

(1) Outdoor advertising sign structures that contain obsolete advertising matter, have been without advertising matter or are in need of substantial repairs for a period of twelve (12) months shall be deemed abandoned. Any change of obsolete advertising matter to current advertising matter, installing new advertising matter on the structure, or performing any maintenance on the structure shall be a new sign and subject to the provisions of the Act. Any changes to the sign cannot increase the size of the sign. More than one-third (1/3) of the billboard must have advertisement on it not to be considered an abandoned sign.

(2) The sign owner and/or landowner shall be given notice, by certified mail, by the Department that a sign is considered an abandoned sign. The Department shall set forth the reasonable repairs or corrections that must be made in order that the sign no longer be considered an abandoned sign. The sign owner and landowner shall have 90 days from receipt of the certified mail to make the repairs or corrections. If the repairs or corrections are not completed within the 90 days, the sign must be removed at the sign owner or landowner's expense.

Author: Maintenance Bureau

Statutory Authority: Code of Ala. 1975, §§23-1-274, 23-1-275, 23-1-278, 23-1-286.

History: New Rule: Filed April 18, 2008; Re-Filed May 19, 2008 after withdrawal for minor modifications per approval from JCARR; effective June 23, 2008.

450-10-1-.08 Public Service Signs.

(1) Public service signs shall contain safety slogans or messages which shall occupy not less than sixty (60) percent of the area of the sign; the remainder of the sign area may be used to identify the donor, sponsor or contributor of the facility and shall contain no other message. These facilities must be authorized or approved by city, county or state law, regulation or ordinance and at places approved by the city, county or state agency controlling the highway involved. These facilities shall not have more than one sign facing in any one direction.

(2) The size of public service signs allowed on school bus shelters shall not exceed thirty-two (32) square feet in area. The size signs allowed on bus stop benches may be as long as the bench and shall not exceed two feet six inches (2'6") in width or height. The size of each sign allowed on trash receptacles shall not exceed six (6) square feet in area.

Author: Maintenance Bureau

Statutory Authority: Code of Ala. 1975, §§23-1-59, 23-1-273, 23-1-274, 23-1-275, 23-1-278, 23-1-286.

History: New Rule: Filed April 18, 2008; Re-Filed May 19, 2008 after withdrawal for minor modifications per approval from JCARR; effective June 23, 2008.

450-10-1-.09 Grandfather Clause Signs.

(1) Signs a zoned areas which were lawfully in existence on the effective date of the Highway Beautification Act of 1972, but which do not conform to the requirements of the Highway Beautification Act of 1972 as to size, lighting, or spacing criteria shall be allowed to remain for the duration of its normal life. Only routine maintenance and the change of message can be performed on it. No major replacement of sign supports in the structure will be allowed. If for any reason the sign including structure, message, supports, and stringers is damaged to the extent of 50 percent or more of the current structural value as determined by an appraisal by ALDOT or its designated agent(s), then any repair or replacement of any part of the sign including message, supports, and stringers will be considered the erection of a new sign and consequently prohibited.

(2) Signs that were permitted before the effective date of this provision will be allowed to remain as a permitted sign in accordance with §§23-1-171 through 23-1-274, Code of Ala. 1975. All other aspects of this Chapter will apply to permitted signs.

Author: Maintenance Bureau

Statutory Authority: Code of Ala. 1975, §§23-1-59, 23-1-273, 23-1-274, 23-1-275, 23-1-278, 23-1-286.

History: New Rule: Filed April 18, 2008; Re-Filed May 19, 2008 after withdrawal for minor modifications per approval from JCARR; effective June 23, 2008.

450-10-1-.10 Selective Vegetation Control To Retain Outdoor Advertising Display Visibility.

(1) Minor trimming of trees, shrubs, vegetation and other plant life on highway right-of-way for the purpose of retaining visibility of legal, permitted outdoor advertising signs and select non-conforming signs will be allowed under strict compliance with the following conditions:

1. The trimming or cutting must not adversely affect the aesthetics of the right-of-way.

2. No vegetation shall be trimmed or cut that is in place as a result of a Federal Air landscape project.

3. All cut vegetation shall be removed from the highway right-of-way by the applicant.

4. Access to sites adjacent to Interstate and other controlled access highways must be gained without using the main travelway of the highway.

5. Trimming or cutting at legal permitted signs will be allowed only at locations where the advertising sign installation preceded the obscuring growth. Trimming or cutting shall not be used to provide visibility where none existed or exists at a proposed sign location. Only maximum trimming or cutting necessary to retain the sight distance and visibility that existed at the time of the erection of the legal permitted advertising sign will be allowed. In no case will trimming be allowed further than 500 feet in advance of the sign, measured parallel to the roadway along the nearest edge of pavement.

6. Trimming of vegetation at legal non-conforming signs will be allowed at signs where it is determined by the Department that no damage to the natural aesthetics of the roadside will be incurred. In no case will trimming be allowed further than 300 feet in advance of the sign for legal non-conforming signs before the Highway Beautification Act of 1972, measured parallel to the roadway along the nearest edge of pavement. In no case will trimming be allowed further than 500 feet in advance of the sign for legal non-conforming signs after the Highway Beautification Act of 1972, measured parallel to the roadway along the nearest edge of pavement.

7. No trimming will be allowed within the median areas of divided highways.

8. The applicant will indemnify and save harmless the Alabama Department of Transportation from any actions resulting from the applicant's operation or the agent's operation.

9. Applications to trim or cut vegetation on the right-of-way shall be made by letter to the appropriate Transportation Department District Manager. The letter must contain detailed, specific information about the proposed cutting and a clause to satisfy the provision of Rule No. 8 listed above. The District Manager shall forward the letter along with his recommendation to the Division Engineer. The Division Engineer will notify the applicant in writing of his decision relevant to the application. If the application is approved the applicant shall notify the District Manager at least forty-eight (48) hours in advance of any trimming or cutting and not later than forty-eight (48) hours after trimming or cutting is complete. A separate application will be required for each sign and for each time trimming or cutting is proposed for a particular sign.

10. Failure of an applicant to adhere to these stipulations faithfully in any one instance will be grounds to deny future consideration to that applicant and grounds to revoke the outdoor advertising sign permit for the site involved.

11. Cutting of vegetation not approved by ALDOT will be presumed to be done by the sign-owner until proven otherwise. Such cutting will result in the permit for the sign being revoked and the sign being removed at the sign-owner's expense. Any clean-up necessary for the cutting of vegetation not approved by ALDOT will be at the sign-owner's expense.

12. Poisoning of vegetation is prohibited. No use of herbicides is allowed.

13. The section in no way precludes any rights of the sign owner granted under the Alabama Constitution of 1901 and the State of Alabama.

Author: Maintenance Bureau

Statutory Authority: Code of Ala. 1975, §§23-1-59, 23-1-273, 23-1-274, 23-1-275, 23-1-278, 23-1-286.

History: New Rule: Filed April 18, 2008; Re-Filed May 19, 2008 after withdrawal for minor modifications per approval from JCARR; effective June 23, 2008.

450-10-1-.11 Application And Renewal Fees.

(1) No outdoor advertising sign may be erected without first obtaining a permit from the Director. The application for a permit shall be on a form provided by the Director and shall contain information as the Director may require. Upon receipt of an application containing all required information in due form and properly executed, the Director shall issue a permit to the applicant for the erection of the sign, provided such sign will not violate any provisions of the Department. A charge of \$25.00 will be made for each location covered in the permit. The application for a permit shall be accompanied by the required fee.

(2) Permits shall be valid for one calendar year, and may be renewed annually upon payment of a fee of \$10.00. Only one permit shall be required for double-faced, back-to-back or V-type signs. Advertising copy may be changed at any time without payment of an additional fee, and nothing in this regulation shall be construed to grant the Director any power of censorship with regard thereto.

(3) Permit fees for signs under this regulation shall become due and payable on January 1 of each year and delinquent on February 15 thereafter. A 25 percent penalty shall be charged and collected for any delinquent renewal fee after February 15.

(4) Notification of denied permits shall be sent by certified mail to the applicant. The applicant may appeal a denial, suspension or revocation of a permit by requesting a hearing pursuant to the Alabama Administrative Procedure Act, Code of Ala. 1975, §41-22-1, et seq. The applicant shall have fourteen (14) days from receipt of the certified letter to file a written request with the Department. The written request must be sent by certified mail to:

Alabama Department of Transportation  
ATTN: MAINTENANCE BUREAU  
1409 Coliseum Blvd.  
Montgomery, Alabama 36110

(5) The request shall state all grounds or reasons why the proposed action is in error. Any grounds or reasons NOT stated shall be deemed waived.

Author: Maintenance Bureau

Statutory Authority: Code of Ala. 1975, §§23-1-275(a), (b) and (c).

History: New Rule: Filed April 18, 2008; Re-Filed May 19, 2008 after withdrawal for minor modifications per approval from JCARR; effective June 23, 2008.

450-10-1-.12      Unzoned Commercial And Unzoned Industrial Areas.

(1)              Unzoned commercial or industrial area must satisfy the following criteria:

1.              On non-interstate highways, the commercial or industrial activity must be located on either side of the highway and within 600 feet of the sign location. On interstate highways, the commercial or industrial area must be located on the same side of the highway and within 600 feet of the sign location;

2.              The commercial or industrial activities must be within 660 feet from the nearest edge of the right-of-way; and

3.(a)           Distances specified in this paragraph must be measured from the nearest edge of the regularly used buildings, parking lots, or processing areas and shall be along or parallel to the edge of pavement of the highway.

(b)              Certain activities, including, but not limited to, the following, may not be recognized as commercial or industrial activities:

1.              Signs.

2.              Agricultural, forestry, ranching, grazing, farming, and related activities, including, but not limited to, wayside fresh produce stands.

3.              Transient or temporary activities.

4.              Activities not visible from the main-traveled way.

5.              Activities conducted more than 660 feet from the nearest edge of the right-of-way.

6.              Activities conducted in a building principally used as a residence.

7.              Railroad tracks and minor sidings.

8.              Communication towers.

9.              Mining or Quarry activities

10.             Funeral home(s)

11.             Cemeteries

(2)              A business must be located on an unzoned commercial or unzoned industrial area for twelve (12) months before outdoor advertising signs will be permitted in the unzoned commercial or unzoned industrial area.



Author: Maintenance Bureau  
Statutory Authority: Code of Ala. 1975, §§23-1-59, 23-1-273, 23-1-274, 23-1-275, 23-1-278, 23-1-286.  
History: New Rule: Filed April 18, 2008; Re-Filed May 19, 2008 after withdrawal for minor modifications per approval from JCARR; effective June 23, 2008.

450-10-1-.13      Digital, Rotoboard Signs And Variable/Changeable Electronic LED Signs.

(1)            Digital, Rotoboard and Variable/Changeable Electronic LED signs may display multiple messages, provided the sign is static display and does not have more than two sign faces for each direction the sign is facing. "Tri-vision" and LED display panels are also allowed on conforming signs provided the static display time for each message is at least 8 seconds, and the time to change from one message to another is no greater than 2 seconds.

(2)            Signs shall not be erected and maintained which contain, include or are illuminated by any flashing, intermittent or moving lights, except those giving public service information such as, but limited to, time, date, temperature, weather or news.

(3)            Signs shall not be erected or maintained which are not effectively shielded so as to prevent beams or rays of light from being directed at any portion of traveled way of any interstate or primary highway and are of such intensity or brilliance as to cause glare or to impair the vision of the driver of any motor vehicle.

(4)            Signs shall not be erected or maintained which shall be so illuminated that they obscure or interfere with any official traffic signs, device or signal. Signs must contain static messages without movement such as animation, flashing, scrolling, intermittent or full-motion video.

(5)            Spacing between Digital, Rotoboard and Variable/ Changeable Electronic LED signs shall not be less than the minimum spacing requirements for signs under the FSA, or greater if determined appropriate to ensure the safety of the motoring public. Signs will be located where allowed for signs under the FSA except such locations where determined inappropriate to ensure safety of the motoring public.

(6)            To ensure driver safety, signs must include a default designed to freeze a display in one still position if a malfunction occurs. Signs must have a process for modifying displays and lighting levels where directed by the Department to assure safety of the motoring public.

Author: Maintenance Bureau  
Statutory Authority: Code of Ala. 1975, §§23-1-59, 23-1-273, 23-1-274, 23-1-275, 23-1-278, 23-1-286.  
History: New Rule: Filed April 18, 2008; Re-Filed May 19, 2008 after withdrawal for minor modifications per approval from JCARR; effective June 23, 2008.

450-10-1-.14      Zoning.

(1) Even if an area is declared zoned, the following criteria, including public records related thereto, shall be considered in determining whether such zoning is enacted primarily to permit signs:

(a) The land use or zoning designation provides for limited commercial or industrial activity only as an incident to other primary land uses, such as but not limited to, spot or strip zoning.

(b) The commercial and industrial activities, separately or together, are permitted only by variance or special exceptions.

(c) The physical dimensions or other attributes of the affected parcel would not reasonably accommodate traditional commercial or industrial uses and the area surrounding the affected parcel is not predominately commercial or industrial.

(d) A business must be located on a zoned commercial or zoned industrial area or within 2640 feet of a zoned commercial or zoned industrial area and no more than 660 feet from the edge of right-of-way for 12 months or 1320 feet (1/4) of a mile of infrastructure and no more than 600 feet from edge of right-of-way before outdoor advertising signs will be permitted in a zoned commercial or zoned industrial area.

Author: Maintenance Bureau

Statutory Authority: Code of Ala. 1975, §§23-1-59, 23-1-273, 23-1-274, 23-1-275, 23-1-278, 23-1-286.

History: New Rule: Filed April 18, 2008; Re-Filed May 19, 2008 after withdrawal for minor modifications per approval from JCARR; effective June 23, 2008.

ALABAMA DEPARTMENT OF TRANSPORTATION  
ADMINISTRATIVE BUREAU  
ADMINISTRATIVE CODE

CHAPTER 450-11-1  
ADMINISTRATIVE PROCEDURES

450-11-1-.01      Purpose Of Chapter.

The purpose of this chapter is to establish procedures and minimum standards to govern the filing of claims against the Alabama Department of Transportation (Department) for compensation for injury to a person or property or to pay an unpaid vendor invoice.

**Author:**

**Statutory Authority:** Code of Ala. 1975, §§

**History: New Rule:** Filed January 5, 2018; effective February 19, 2018.

ALABAMA DEPARTMENT OF TRANSPORTATION  
ADMINISTRATIVE BUREAU  
ADMINISTRATIVE CODE

CHAPTER 450-11-1  
ADMINISTRATIVE PROCEDURES

450-11-1-.02      Filing A Claim Pursuant Alabama Code Section  
23-1-40(i).

(1) Claims for compensation for injury to a person or property or to pay an unpaid vendor invoice against the Department in an amount of \$5,000.00 or less shall be filed with the designee of the Director of the Department, who is the Deputy Director, Administration (the Designee). Claims shall be filed with the Designee at 1409 Coliseum Boulevard, Montgomery, AL 36110 or by e-mail at claims@dot.state.al.us.

(2) A claim filed pursuant the paragraph (1) will be filed using the claim form approved by the Department and will be available at Department District offices and on the Department's website. The form shall contain the claimant's name, mailing address, telephone and cell phone numbers, and e-mail address. In cases involving claims for injury to a person or property, the claimant shall provide a description of the accident, damages and basis of the claim for which the claimant seeks compensation along with any documentation that the claimant wishes to be considered regarding to support the claim. In cases involving compensation for unpaid vendor invoices, the vendor should provide a description and justification of the claim and a copy of the unpaid invoice along with any other documentation that the vendor wishes to be considered regarding to support the claim.

(3) Claims in an amount of \$5,000.00 or less that are filed with the Designee in compliance with paragraphs (1) and (2) of this section shall toll the statute of limitations set forth in Code of Ala. 1975, Section 41-9-65. Claims in an amount of \$5,000.00 or less that are filed initially by the claimant with the Board of Adjustment will be treated by the Department for purposes of satisfying the applicable statute of limitations as having been filed on the date the claim was filed with the Board of Adjustment.

(4) Claims against the Department for compensation for injury to a person or property or to pay an unpaid vendor invoice in an amount more than \$5,000.00 shall be filed with the Alabama Board of Adjustment pursuant to the applicable statutory and administrative rules governing such claims. In the event, such a claim is filed with the Department in error, it will be forwarded to the Board of Adjustment.

**Author:** William F. Patty, Chief Counsel

**Statutory Authority:** Code of Ala. 1975, §

**History: New Rule:** Filed January 5, 2018; effective February 19, 2018.

ALABAMA DEPARTMENT OF TRANSPORTATION  
ADMINISTRATIVE BUREAU  
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CHAPTER 450-11-1  
ADMINISTRATIVE PROCEDURES

450-11-1-.03      Process For Claims Of \$5,000.00 Or Less.

(1) The Designee may provide compensation for claims in the amount of \$5,000.00 or less if the Designee determines that based upon principles of justice and good morals the claim should be paid.

(2) In the event, the Designee approves the claim for payment, the Department will notify the claimant of the decision and submit the claim for payment to the Comptroller who shall issue and forward payment to the Department in thirty (30) days of receipt by the Comptroller.

(3) If the Designee denies payment of the claim, the Department will notify the claimant and forward the contested claim to the Board of Adjustment.

**Author:** William F. Patty, Chief Counsel

**Statutory Authority:** Code of Ala. 1975, §

**History: New Rule:** Filed January 5, 2018; effective February 19, 2018.

**ALABAMA DEPARTMENT OF TRANSPORTATION  
ADMINISTRATIVE BUREAU  
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**CHAPTER 450-12-1  
TRANSPORTATION PROCUREMENT PROCEDURES**

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**450-12-1-.01- Purpose.** The purpose of this Chapter is to adopt rules pursuant to the Department's statutory authority under Article 5 of Chapter 4 of Title 41, Code of Alabama 1975, governing the purchase of professional services by the department which are consistent with the principles contained in Article 5 and promote fairness, competition, transparency, integrity, and value. In addition, this Chapter sets out the Department's authority and procedures to procure certain materials, supplies, and services which are exempt from procurement through the Office of the Chief Procurement Officer and exempt from the competitive requirements of Article 5. This Chapter does not apply to procurements made pursuant to authority prescribed to the Department under Alabama Code § 23-1-40(h) or Alabama Code § 23-2-144(b) or any public works project procured under Title 39 of the Code of Alabama.

**Author:** William F. Patty, Chief Counsel

**Statutory Authority:** Code of Ala. 1975, §§ 23-1-40, 23-1-48, 23-1-50, 23-1-50.1, 23-1-51, 23-1-53, 23-1-59, 23-1-62, 41-4-124, 41-4-126.

**History:** Filed September 16, 2022, effective January 14, 2023.

**450-12-1-.02 Definitions.** For the purpose of the rules of this Chapter relating to procurement of materials, supplies, and services by the Department, the following terms, words and phrases will have the meanings herein given, unless otherwise specifically defined in this Chapter, unless another intention clearly appears, or the context otherwise requires. The singular will include the plural, and the plural will include the singular.

(1) ARCHITECT SERVICES: services provided by a firm or individual who is legally qualified to practice architecture.

(2) ENGINEERING SERVICES: services provided by a firm or individual:

(a) who, by reason of his or her special knowledge of the mathematical, physical, and engineering sciences and the principles and methods of engineering analysis and design, acquired by engineering education and engineering experience, is qualified to practice engineering and has been licensed by the state board as a professional engineer, or employs individuals with such attributes, or

(b) who is a professional specialist, or employs professional specialists, in the technique of measuring land, educated in the principles of mathematics, the related physical and applied sciences, and the relevant requirements of law for adequate evidence and all requisites to surveying of real property, is qualified to practice land surveying, and has been licensed as a professional land surveyor by the state board.

(3) EQUIPMENT: self-propelled motor vehicles, machinery, tools, or other equipment used by the Department in connection with the discharge of its duties related to construction, maintenance, and repair of roads and bridges within this State.

(4) MAINTENANCE: activities of the Department to maintain the condition of the transportation system, which may be routine or preventative, or to respond to specific conditions or events that restore the highway system to a functional state of operation.

(5) OPERATIONS: activities of the Department where it is proactively managing state facilities to balance the capacity of the system and the prevailing demands, and



responding to out of the ordinary conditions (e.g., incidents, adverse weather, work zones, special events, emergency evacuations).

(6) **PROFESSIONAL SERVICES:** the services of physicians, architects, engineers, landscape architects, land surveyors, geoscientists, attorneys, teachers, artists, appraisers, and other individuals, or business entities offering the services of those individuals, who possess a high degree of scientific or specialized skill and knowledge where the experience and professional qualifications of the service provider are particularly relevant to the provision of the required service.

(7) **ROAD BUILDING MATERIALS:** dirt, gravel, stone, slag, borrow or other materials, in natural state or processed by crushing, grading, screening, or other means of processing, that are used for purposes of construction, maintenance, or operation of highway infrastructure or right-of-way of the Department.

(8) **SERVICES:** as defined by Alabama Code § 41-4-114(a)(25), or as otherwise amended.

(9) **SUPPLIES:** as defined by Alabama Code § 41-4-114(a)(28), or as otherwise amended.

**Author:** William F. Patty, Chief Counsel

**Statutory Authority:** Code of Ala. 1975, §§ 23-1-40, 23-1-48, 23-1-50, 23-1-50.1, 23-1-51, 23-1-53, 23-1-59, 23-1-62, 41-4-124, 41-4-126.

**History:** Filed September 16, 2022, effective January 14, 2023.

**450-12-1-.03 Availability to Procure through Chief Procurement Officer.** Notwithstanding other provisions in this Chapter, the Department may elect to use procurement procedures established by the Chief Procurement Officer for purchases of goods or services that are exempted from the Chief Procurement Officer's authority as stated in Alabama Code § 41-4-124, except where procurements under the procedures of the Chief Procurement Officer would be in conflict with the Department's requirements under federal law.

**Author:** William F. Patty, Chief Counsel

**Statutory Authority:** Code of Ala. 1975, §§ 23-1-40, 23-1-48, 23-1-50, 23-1-50.1, 23-1-51, 23-1-53, 23-1-59, 23-1-62, 41-4-124, 41-4-126.

**History:** Filed September 16, 2022, effective January 14, 2023.

**450-12-1-.04 Contracting for Professional Services.** The Department is required by Alabama Code § 41-4-124(c) to develop rules for the procuring of professional services consistent with principles that promote fairness, competition, transparency, integrity, and value in the procurement process.

(1) Architect/Engineer Professional Services.

(a) For contracting for Architect or Engineering Services where federal funds will be used, in whole or in part, to make payment under the contract award, the Department will follow the procedures as prescribed in the Procedure for Selection of Architect and/or Engineering Services, which are procedures approved by Federal Highway Administration in compliance with 23 C.F.R. Part 172.

(b) For contracting for Architect, ~~or~~ Engineering, or Land Surveyor Services where state funds will be exclusively used to make payments under the contract award, the Department may use the procedures as prescribed in the Procedure for Selection of Architect and/or Engineering Services or, alternatively, the procedures for procuring other professional services in accordance with the rules in this chapter. such services shall be procured in accordance with competitive, qualification-based selection policies and procedures. Selection policies and procedures shall be based on factors to be developed by the Department which may include, among others, the following:

1. Specialized expertise, capabilities, and technical competence, as demonstrated by the proposed approach and methodology to meet project requirements.

2. Resources available to perform the work, including any specialized services within the specified time limits for the project.

3. Record of past performance, quality of work, ability to meet schedules, cost control, and contract administration.

4. Availability to and familiarity with the project locale.

5. Proposed project management techniques.

6. Ability and proven history in handling special project contracts.

Notice of need for professional services shall be widely disseminated to the professional community in a full and open manner. The Department shall evaluate such professionals that respond to the notice of need based on the Department's qualification-based selection process criteria. The Department shall then make a good faith effort to negotiate a contract for professional services from the selected professional after first discussing and refining the scope of services for the project with such professional. The Department will develop procedures to implement this subsection, including without limitation, proposal content, selection criteria, prequalification, applicant interview, proposal evaluation, proposal negotiation, selection and award, which will be outlined in each Department notice of need, request for qualifications, or request for proposals.

(c) A contract awarded under this section may include, within its scope of work, services that are not Architect, Engineering, or Land Surveyor Services so long as the work is incidental to such Architect, Engineering, or Land Surveyor Services being rendered under the contract award.

(d) The Procedure for Selection of Architect and/or Engineering Service is available on the Department's website.

(2) Attorney Services.

(a) Attorneys retained to represent the Department, or its officials or employees, in litigation shall be appointed by the Attorney General in consultation with the Governor from a list of attorneys maintained by the Attorney General. All attorneys interested in representing the Department, or its officials or employees, may apply to

be included on the list. The selection of the attorney or law firm is based upon the level of skill, experience, and expertise required in the litigation and the fees charged by the attorney or law firm will be taken into consideration so that the Department receives the best representation for the funds paid. Fees will be negotiated and approved by the Governor in consultation with the Attorney General. Maximum fees paid for legal representation that does not involve a contingency fee contract may be established by executive order of the Governor.

(b) Attorneys retained by the Department to render nonlitigation legal services will be selected from a list of attorneys maintained by the Legal Advisor to the Governor. All attorneys interested in representing the Department may apply and shall be included on the list. The selection of the attorney or law firm is based upon the level of skill, experience, and expertise required for the services, but the fees charged by the attorney or law firm will be taken into consideration so that the Department receives the best representation for the funds paid. Fees for such services will be negotiated by the Department and will be subject to the review and approval of the Governor or the Director of Finance when so designated by the Governor.

(3) Other Professional Services

(a) Unless determined otherwise by the Director, professional services will be procured by competitive sealed proposals through the Department. This process is referred to as Transportation Request for Proposals (TRFP).

(b) Proposals will be solicited through a request for proposals.

(c) Adequate public notice of the request for proposals will be given a reasonable time prior to the date set forth in the opening the received proposals. The Director, or his/her designee, may, at his discretion, shorten the time for public notice where the shortened notice period is in the best interest of the Department.

(d) Proposals will be opened so as to avoid disclosure of contents to competing offerors prior to contract award. A register of proposals will be prepared and will be open for public inspection after award of the contract.

(e) A request for proposals will state the relative importance of price and other factors and subfactors, if any.

(f) Discussions may be conducted with responsible offerors who submit proposals determined by the Director, or his designee, to be reasonably competitive for award to assure full understanding of, and responsiveness to, the solicitation requirements. Any determinations of the Director are not subject to review. Offerors will be accorded fair and equal treatment with respect to any opportunity for discussion and revision of proposals. Revisions of proposals may be permitted after submissions and prior to award for the purpose of obtaining best and final offers. In conducting discussions, there may not be disclosure of any information derived from proposals submitted by competing offerors.

(g) Contracts will be awarded to the responsible offeror whose proposal conforms to the solicitation and is determined in writing to be the most advantageous to the state, taking into consideration price and the evaluation factors set forth in the request for proposals. No other factors or criteria will be used in the evaluation. Public notice of the award of a contract will be given in the manner described in the request for sealed proposals.

(h) The Director, or his/her designee, in his/her discretion may provide debriefings that furnish the basis for the source selection decision and contract award.

(i) -

1. Before soliciting proposals, the Director, or his/her designee, may authorize issuance of a request for qualifications from prospective offerors. The request will contain, at a minimum, a description of the scope of work to be solicited by the request for proposals, the deadline for submission of information, and how prospective offerors may apply for consideration. The request will require information concerning the prospective offeror's product specifications, qualifications, experience, and ability to perform the requirements of the contract. Adequate public notice of the request for qualifications will be given in the same manner as provided in subsection (c) of this rule.

2. After receipt of the responses to the request for qualifications from prospective offerors, all qualified offerors, as determined by the Director, or his/her designee, will have an opportunity to submit proposals. The

determination regarding which offerors are qualified is not subject to review.

3. If a professional service provider is prohibited by law or policy from submitting proposals in response to a request for proposals, the Director may utilize the request for qualifications process to determine the awardee.

(4) Notwithstanding any of the procedures for procurement of professional services proscribed above, and except for engineering, architectural, and/or land surveying services where federal funds will be used, in whole or in part, the Director may procure professional services as follows:

(a) A contract may be awarded for professional services without competition when the Director determines in writing that there is only one source for the required the professional service. In any event, sole source contracts may not exceed one year unless the Director determines in writing that there continues to be only one source for the required professional service.

(b) Should an emergency affecting the public health, safety, convenience, or the economic welfare of the State of Alabama arise, the professional services required to alleviate the emergency situation may be procured from any qualified professional service provider without following the process or procedure authorized by this section. The Department shall document need for the emergency procurement, the qualifications of any person(s) or firm(s) under consideration, and the reasons for selection of the person(s) or firm(s). The Department may negotiate with the selected person(s) or firm(s) the scope and fair and reasonable compensation for the work to be performed with final concurrence and approval by the Director.

(c) Any procurements not exceeding the small purchase amount as defined in Alabama Administrative Code § 355-4-3-.04 may be made in accordance with small purchase procedures as prescribed under that chapter. A procurement may not be artificially divided so as to constitute a small purchase under this rule. Small purchases require the solicitation of at least three (3) proposals from any entity known for supplying the needed service, and the Department may select the returned proposal for the purchase that will be of best value for the Department.

Prohibition of artificial division under this subsection does not prohibit multiple awards to independent person(s) and/or firm(s) from a single solicitation.

~~(4)~~(5) Any agreement entered into pursuant to this section where payment is made on a cost-plus-fixed fee basis is not a cost-plus contract as described in Alabama Code § 41-4-143 and is thus not prohibited by that provision.

**Author:** William F. Patty, Chief Counsel

**Statutory Authority:** Code of Ala. 1975, §§ 23-1-40, 23-1-48, 23-1-50, 23-1-50.1, 23-1-51, 23-1-53, 23-1-59, 23-1-62, 41-4-124, 41-4-126.

**History:** Filed September 16, 2022, effective January 14, 2023.

**450-12-1-.05 Contracting for Supplies and Services.** The Department will utilize the following purchase procedures when contracting for purchases of equipment or repairs of equipment used in the construction and maintenance of highways as described in Alabama Code § 41-4-126(k); road building materials used for transportation infrastructure including dirt, gravel, stone, slag, or borrow materials, in natural state or processed by crushing, grading, or screening processes as described in Alabama Code § 41-4-126(m); and supplies and services for the maintenance and operation of highway infrastructure and right-of-way as described in Alabama Code § 41-4-126(n). The purchasing method selected for procurement under this section should be the method that best meets the needs of the Department while promoting fairness, transparency, and good stewardship of State resources.

(1) When contracting for purchases of equipment or repairs of equipment, the Director, or his/her designee, may select equipment or repair facilities from the nearest or most cost-effective seller, parts supplier, or mechanic.

(2) When contracting for road building materials, road building materials may be purchased from private landowners or commercial providers from the nearest or most cost-effective source available for the particular application.

(3) Transportation Invitations to Bid (TITB).

(a) Except as otherwise provided in this chapter, contracts will be awarded by competitive sealed bidding.

(b) An invitation to bid will be issued and will include a purchase description and all contractual terms and conditions applicable to the procurement.

(c) Adequate public notice of the invitation to bid will be given a reasonable time prior to the date set forth in the invitation for the opening of bids.

(d) Bids will be opened publicly in the presence of one or more witnesses at the time and place designated in the invitation to bid. The amount of each bid, the name of each bidder, and any other information required will be recorded. The record and each bid will be open to public inspection to the extent the bid does not contain any confidential or proprietary information or otherwise excluded from disclosure under an open records request.

(e) Bids will be unconditionally accepted without alteration or correction, except as authorized in this section. Bids will be evaluated based on the requirements set forth in the invitation to bid, which may include criteria to determine acceptability, such as inspection, testing, quality, workmanship, delivery, and suitability for a particular purpose. Any criteria that will affect the bid price and will be considered in evaluation for award will be objectively measurable, such as discounts, transportation costs, and total or life cycle costs. The invitation to bid will set forth the evaluation criteria to be used. No criteria may be used in bid evaluations that are not set forth in the invitation to bid.

(f) -

1. When a bid is submitted that contains an error, the Director, or his/her designee, may authorize the correction or withdrawal of the bid or may cancel the award of the contract.

2. After a bid has been opened, with the exception of price negotiations with the lowest responsible bidder, no changes in bid prices or other provisions of bids



prejudicial to the interest of the state or fair competition will be permitted.

(g) -

1. Unless there is a compelling reason to reject bids, notice of intent to award to the lowest responsive and responsible bidder whose bid meets the requirements set forth in the invitation to bid will be given by posting the notice on the Department's website or at a location specified in the invitation to bid which the Department determines to provide the greatest visibility and access to prospective bidders. Before posting the notice of intent to award, the Director, or his/her designee, may negotiate with the lowest responsive and responsible bidder to lower the bid price within the scope of the invitation to bid.

2. The Director, or his/her designee, may award multiple purchase contracts resulting from a single invitation to bid where the specifications of the items of supplies or services intended to be purchased by a requisitioning agency or agencies are determined, in whole or in part, by technical compatibility and operational requirements. In order to make multiple awards under this rule, the Department will include in the invitation to bid a notice that multiple awards may be made and the specific technical compatibility or operational requirements necessitating multiple awards. Multiple awards of purchase contracts with unique technical compatibility or operational specifications will be made to the lowest responsible bidder complying with the unique technical compatibility or operational specifications.

(h) When it is considered impractical by the Director, or his/her designee, to initially prepare a purchase description to support an award based on price, an invitation to bid may be issued requesting the submission of unpriced offers to be followed by an invitation to bid limited to those bidders whose offers have been qualified under the criteria set forth in the first solicitation.

(i) -

1. Before soliciting bids, the Director, or his/her designee, may authorize issuance of a request for qualifications from prospective bidders. The request will contain, at a minimum, a description of the scope of work

to be solicited by the invitation for bids, the deadline for submission of information, and how prospective bidders may apply for consideration. The request will require information concerning the prospective bidders' product specifications, qualifications, experience, and ability to perform the requirements of the contract. Adequate public notice of the request for qualifications will be given in the manner provided in subsection (c).

2. After receipt of the responses to the request for qualifications from prospective bidders, all qualified bidders, as determined by the Director, or his/her designee, will have an opportunity to bid. The determination regarding which bidders are qualified is not subject to review.

(4) Transportation Request for Proposals (TRFP). A contract for supplies or services may be entered into by competitive sealed proposals when the Director, or his/her designee, determines that the use of competitive sealed bidding is either not practicable or not advantageous to the state. Contracts for goods and services entered into by competitive sealed proposal will follow the requirements proscribed in Alabama Administrative Code § 450-12-2(3) for procurement of other professional services by competitive sealed proposals.

(5) Transportation Small Purchases (TSMP). Any procurement not exceeding the small purchase amount as defined in Alabama Administrative Code § 355-4-3-.04 may be made in accordance with small purchase procedures as prescribed under that chapter. A procurement may not be artificially divided so as to constitute a small purchase under this rule. Small purchases require the solicitation of at least three (3) quotes from any entity known for supplying the needed supply or service, and the Department may select the returned quote for the purchase that will be of best value for the Department.

(6) Transportation Sole Source (TSS). A contract may be awarded for a supply or service without competition when the Director, or his/her designee, determines in writing that there is only one source for the required supply or service. Sole source contracts may not exceed one year unless the Director determines in writing that there continues to be only one source for the required supply or service.

(7) Transportation Special Procurements (TSP). Notwithstanding any other provision of this chapter, the Director, or his/her designee, may initiate a procurement when the Director, or his/her designee, determines that an unusual or unique situation exists that makes the application of all requirements of competitive sealed bidding or competitive sealed proposals contrary to the public interest. Any special procurement under this section shall be made with as much competition as is practicable under the circumstances. A written determination of the basis for the procurement and for the selection of the particular contractor shall be included by the Director, or his/her designee, in the contract file.

(8) Transportation Emergency Purchases (TEP). Notwithstanding any other provision of this chapter, the Department may make emergency procurements of supplies and services when there is a threat to public health, welfare, or safety under emergency conditions, as determined by the Director, or his/her designee. Emergency procurements made under this section will be made with as much competition as is practicable under the circumstances. A written determination of the basis for the emergency and for the selection of the particular contractor will be included in the contract file. Emergency purchases require the solicitation of at least three (3) quotes from any entity known for supplying the needed supply or service, and the Department may select the returned quote for the purchase that will be of best value for the Department. If the emergency situation creates an immediate and serious need for supplies or services that cannot be met through normal procurement methods and the lack of which would seriously threaten (a) the functioning of the Department, (b) the preservation or protection of state right-of-way, or (c) the health or safety of any person, then the Department may take action to immediately address the emergency without solicitation of quotes.

(9) Any agreement entered into pursuant to this section where payment is made on a cost-plus-fixed fee basis is not a cost-plus contract as described in Alabama Code § 41-4-143 and is thus not prohibited by that provision.

**Author:** William F. Patty, Chief Counsel

**Statutory Authority:** Code of Ala. 1975, §§ 23-1-40, 23-1-48, 23-1-50,23-1-50.1, 23-1-51, 23-1-53, 23-1-59, 23-1-62, 41-4-124, 41-4-126.

**History:** Filed September 16, 2022, effective January 14, 2023.

**450-12-1-.06 Protests, Disputes, and Appeals.**

(1) In the event of any dispute between the parties to any contracts or purchases made under this chapter, exclusive of contracts for engineering and architectural services prescribed in Alabama Administrative Code § 450-12-1-.04(1), both parties shall meet and engage in a good faith attempt to resolve the dispute. Should that effort fail, and the dispute involves the payment of money, a party's sole remedy is the filing of a claim with the Board of Adjustment of the State of Alabama.

(2) For any and all other disputes arising under the terms of contracts or purchases made under this chapter, exclusive of contracts for engineering and architectural services prescribed in Alabama Administrative Code § 450-12-1-.04(1), which are not resolved by negotiation, the parties will utilize appropriate forms of non-binding alternative dispute resolution including, but not limited to, mediation. Such dispute resolution shall occur in Montgomery, Alabama utilizing where appropriate, mediators selected from the roster of mediators maintained by the Center For Dispute Resolution of the Alabama State Bar. In the event that the non-binding alternative dispute resolution is unsuccessful in resolving the issues between the Department and the contracting party under this section, the Director shall make a final decision, which includes the relevant facts and rationale, on the protest or dispute.

**Author:** William F. Patty, Chief Counsel

**Statutory Authority:** Code of Ala. 1975, §§ 23-1-40, 23-1-48, 23-1-50,23-1-50.1, 23-1-51, 23-1-53, 23-1-59, 23-1-62, 41-4-124, 41-4-126.

**History:** Filed September 16, 2022, effective January 14, 2023.

**450-12-1-.07 Previous Procurement Procedures.** The rules set forth in this Chapter govern all contracts solicited and entered into on or after October 1, 2022. Contracts solicited before October 1, 2022, will continue to be governed by the procurement procedures in effect before October 1, 2022, until such contracts expire or are terminated at which time the procurement procedures in effect before October 1, 2022 shall be replaced by this Chapter.

**Author:** William F. Patty, Chief Counsel

**Statutory Authority:** Code of Ala. 1975, §§ 23-1-40, 23-1-48, 23-1-50, 23-1-50.1, 23-1-51, 23-1-53, 23-1-59, 23-1-62, 41-4-124, 41-4-126.

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