

APA-1
07/04

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control No. _____ Department or Agency The Alabama Department of Transportation
Rule No. 450-1-1
Rule Title: Agency Organization
New X Amend X Repeal _____ Adopt by Reference _____

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? NO

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? YES

Is there another, less restrictive method of regulation available that could adequately protect the public? NO

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? NO

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? NO

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? YES

Does the proposed rule have an economic impact? NO

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Reference Service.

Signature of certifying officer *Jim A. Spalitto Jr.*
Date 3/18/13

(DATE FILED)
(STAMP)

APA-2
07/04

ALABAMA DEPARTMENT OF TRANSPORTATION

NOTICE OF INTENDED ACTION

AGENCY NAME:

The Alabama Department of Transportation

RULE NO. & TITLE:

450-1-1, Agency Organization

INTENDED ACTION:

The Alabama Department of Transportation proposes to amend and repeal sections of Chapter 450-1-1 to reflect the current organization of the agency.

SUBSTANCE OF PROPOSED ACTION:

Amending Chapter 450-1-1 to reflect the current organization of the agency including titles, description of the agency's structure, delegation of authority, location of offices, and public access to the agency. ALDOT proposes to repeal 450-1-1.07 because this section is addressed by Ala. Code § 41-22-9 (1975). ALDOT proposes to repeal Section 450-1-1-.08 because public hearings are addressed by statute.

TIME, PLACE, MANNER OF PRESENTING VIEWS:

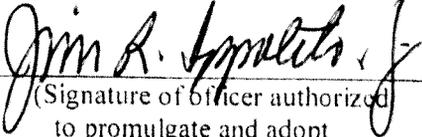
Public Hearing at 9:00 a.m. - 11:00 a.m. on May 3, 2013, at the Alabama Department of Transportation, Central Office, Conference Room 5, 1049 Coliseum Blvd., Montgomery, Alabama 36110, and an opportunity to present comments in writing to Jim Ippolito, Legal Bureau, 1409 Coliseum Blvd., Montgomery, Alabama 36110 by 11:00 a.m., May 3, 2013.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

May 3, 2013, 11:00 a.m.

CONTACT PERSON AT AGENCY:

Jim R. Ippolito, Jr., Chief Counsel, ALDOT Legal Bureau, 1409 Coliseum Boulevard, Montgomery, AL 36110


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

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 highway ~~Director~~ of Transportation. The positions of highway director, chief engineer and the legal division are created by Alabama statutes. The agency is comprised of the highway director, executive assistant administrative offices, chief engineer, legal division, ~~four (4)~~ central office divisions bureaus, and ~~nine (9)~~ 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. An assistant chief engineer is in charge of each of the four central office divisions, and reports to the director through the chief engineer. The Division of Administration assists the director on all matters concerning fiscal policies, computer services, office engineering functions and procurement. The Division of Planning identifies the present and future transportation needs of the state. The Division of Preconstruction obtains rights of way, designs roads and bridges and oversees secondary roads operations. The Division of Operations oversees the construction and maintenance of roads and bridges, materials and tests and equipment operations. Each of the nine divisions is managed by a division engineer, who reports to the chief engineer, and includes an administrative staff and offices for preconstruction activities and other road operations. All actual construction and maintenance of state highway systems is the responsibility of the local division engineer.

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 _____ 2013.

450-1-1-.02. The Agency Head. The chief executive officer of the ~~Highway Department~~ Alabama Department of Transportation shall be known as the ~~highway Transportation~~ Director, who shall be appointed by the Governor and shall hold office at the pleasure of the Governor. The state ~~highway 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 _____ 2012.

450-1-1-.03. General Description Of Agency Structure. ~~Staff units within the office of the highway director.~~ 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) ~~Executive Assistant~~ Administrative Offices, which include the Chief Engineer

~~1(b).~~ Legal Division

~~2.~~ Personnel

~~3.~~ E.E.O.

~~4.~~ Internal Audit

(~~b~~c) ~~Chief Engineer~~ Central Office Bureaus

(~~e~~d) ~~Administration~~ Division Offices located throughout the State

~~1.~~ Assistant Chief Engineer

~~2.~~ Accounts & Finance

~~3.~~ Computer Services

~~4.~~ Office Engineer

~~5.~~ Procurement

(~~e~~d) Planning District Offices located within each Division

~~1.~~ Assistant Chief Engineer

~~2.~~ Urban Planning

~~3.~~ State Planning

(~~e~~) ~~Preconstruction~~

~~1.~~ Assistant Chief Engineer

~~2.~~ Design

~~3. Bridge~~

~~4. Right of Way~~

~~5. Secondary Roads~~

~~(f) Operations~~

~~1. Assistant Chief Engineer~~

~~2. Construction~~

~~3. Maintenance~~

~~4. Materials & Tests~~

~~5. Equipment~~

~~(g) Division Engineers~~

~~1. Division 1-Decatur~~

~~2. Division 2--Tuscumbia~~

~~3. Division 3--Birmingham~~

~~4. Division 4--Alexander City~~

~~5. Division 5--Tuscaloosa~~

~~6. Division 6--Montgomery~~

~~7. Division 7--Troy~~

~~8. Division 8--Grove Hill~~

~~9. Division 9--Mobile~~

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

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

History: Filed September 30, 1982, Amended: Filed _____ 2013.

450-1-1-.04. Delegation Of Authority. The mission of the Department is carried out pursuant to statutory authority delineated in Code of Ala. 1975, § § 23-1-21, 23-1-33 23-1-20, et. seq. The agency 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 laws, ~~providing that the agency shall not be bound by any actions of any employee under the theory of apparent or implied authority, and shall be bound only by action taken by officers or agents of the Department acting within the scope of their authority to whom express authority has been delegated.~~

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 _____ 2013.

450-1-1-.05. Location Of Agency Department Offices. The Highway Alabama Department of Transportation headquarters is located in the Highway Department of Transportation Building, 1409 Coliseum Boulevard, Montgomery, AL 361310. The ~~nine (9)~~ current division offices are at the following locations:

- Division 1 - ~~Post Office Box 549~~ Post Office Box 550
Guntersville, AL 35976-0550
~~Highway 20 West 23445 U.S. Highway 431~~
Decatur Guntersville, AL 35602 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 352024
- Division 4 - Post Office Box 432 1179
Alexander City, AL 35011-1179
240 Highway 280
Alexander City, AL 35010
- Division 5 - Post Office Box 5325 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
~~Highway 87 South 299 Elba Highway~~
Troy, AL 36081 36079
- Division 8 - Post Office Box 129
Grove Hill, AL 36451-0129
~~129 Highway 84~~ Grove Hill Avenue East
Grove Hill, AL 36451
- Division 9 - ~~1701 Beltline Highway~~ 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 _____ 2013.

450-1-1-.06. Applications And Forms For Permits And Licenses. ~~Any applicant may obtain information regarding any permit or license and submission of any such 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 either by appearing 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 _____ 2013.

450-1-1-.07. Incorporation By Reference. Repealed. Any matter which is generally available to affected persons, and which is published by either a federal or state agency or a generally recognized organization may be incorporated in a rule by reference in the same manner as such material may be incorporated in the Alabama statutes, and may be published by reference in the Alabama Administrative Code.

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

450-1-1-.08. Public Access To The Highway Department of Transportation. Repealed. All meetings and hearings shall be held under Alabama Statutes, and all public hearings shall be open for public access, except those required by statute to be closed.

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

~~450-1-1-.09 Public Records. All public records of the Highway Department shall be available for public inspection except those specifically exempted by Alabama statute. Any person wishing to examine public records of the Department may do so during normal business hours, as provided in Code of Ala. 1975, § 23-1-34, at the offices listed in Rule 450-1-1-.05.~~

(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 _____ 2013.