

Administrative Procedure Act  
Arkansas Code §§25-15-201, *et seq.*

DEPARTMENT OF ARKANSAS STATE POLICE  
PROPOSED RULES

"MUNICIPAL POLICE PATROLS OF CONTROLLED-ACCESS FACILITIES RULES"

Rule 1.0 Rules Adopted; Purpose.

These Rules shall be known as the "MUNICIPAL POLICE PATROLS OF CONTROLLED-ACCESS FACILITIES RULES", promulgated by the Director of the Department of Arkansas State Police ("Arkansas State Police" or "ASP"). The purpose of the Rules is to set written guidelines for compliance with Arkansas Act 371 of 2007; and thus to ensure the orderly patrol of controlled-access facilities by municipal police departments listed by the Director to provide orderly and appropriate law enforcement assistance to Department of Arkansas State Police.

Rule 1.1 Authority; Scope; Effective Date.

a) These Rules are issued under the Director's authority at Ark. Code Ann. §§12-8-106 (h)(Supp. 2007), et seq., as amended by Arkansas Act 371 of 2007, as well as the Arkansas Administrative Procedure Act, codified at Ark. Code Ann. §§25-15-201, et seq.

b) These Rules shall apply to all municipal police departments in the state of Arkansas who make application to the Director to patrol the controlled-access facilities pursuant to A.C.A. § 12-8-106 (h).

c) These Rules shall be effective on and after January 1, 2008.

Rule 1.2. Definitions. As used in these Rules, these terms mean the following:

a) "Controlled-access facilities", for purposes of Ark. Code Ann. § 12-8-106 and these Rules, include highways designated by the Arkansas Highway and Transportation Department as "Fully Controlled-Access Routes on Arkansas' State Highway System." These are interstate highways and those highways which are constructed to meet the standard and specifications of interstate highways. ASP will maintain a list of the "Controlled-access facilities" on its web site and in the office of the Director. This list will be updated annually when highways are designated by the Arkansas State Highway and Transportation Department as "Fully Controlled-Access Routes on Arkansas' State Highway System", and they also may be referred to as "Fully-Accessed Control Highways."

b) "Director" means Director of the Department of the Arkansas State Police; and

c) "Department" means the Department of Arkansas State Police.

Rule 2.0 Factors Considered By the Director In Approving Requests by Municipal Police Departments to Patrol Controlled-Access Facilities Pursuant to A.C.A. § 12-8-106 (h).

a) The Factors Which the Director Shall Take Into Consideration in Approving Authorization for Municipal Police Departments to Patrol Controlled-Access Facilities Pursuant to A.C.A. § 12-8-106 (h) are:

- 1) Public safety;
- 2) Size of municipality served by municipal police department requesting authorization under these Rules;
- 3) Size of the municipal police department requesting authorization;
- 4) Training of the municipal police department requesting authorization;
- 5) Financial impact;

- 6) Abuse of police power;
- 7) The types of roadways or highways that are controlled-access facilities for purposes of this section and these Rules;
- 8) The need of the Arkansas State Police for assistance in patrolling the controlled-access facilities;
- 9) The number and location of other municipal police departments which have been granted authorization to patrol the controlled-access facilities; and
- 10) Whether the municipality is a city of the first class as defined in A.C.A. § 14-37-104.

Rule 2.1 Patrol Authorizations Issued by Arkansas State Police Director.

a) On and after the effective date of these Rules, the Director may issue authorizations under these Rules for patrol of controlled-access facilities to municipal police departments who serve cities of the first-class as defined in A.C.A. § 14-37-104.

b) All municipal police departments which have previously been granted approval by this Department to patrol what has previously been described as limited access highways will be authorized to patrol controlled-access facilities.

c) After the effective date of these Rules, requests by municipal police departments to patrol controlled-access facilities shall provide the following information:

- 1) The request shall be on letterhead stationary of the municipal police department and be signed by the Chief of Police;
- 2) Information shall be provided by the appropriate city official certifying the city which the municipal police department serves as a first class city under A.C.A. § 14-37-104, including the current population of the city;
- 3) The size of the police force;
- 4) The training of the police force; and
- 5) Reason(s) why the municipal police department is requesting authorization to patrol controlled-access facilities and how granting authorization will improve public safety.

Rule 3.0 Require Records to be Maintained by Municipal Police Departments Granted Authorization to Patrol "Controlled-Access Facilities".

(a) The municipal police department shall keep records reflecting the ratio of the total number of tickets written by the police department in comparison to the number of tickets written on the "controlled-access facility."

(b) The records referred to in the preceding paragraph shall be kept on a monthly basis and available for inspection at any time by the Arkansas State Police. Such records shall be kept for a period of five (5) years. On request, such records shall be submitted to the Department.

(c) It shall be presumed that the affected municipality is abusing its police power if thirty per cent (30%) or more of the total tickets written for traffic violations are written for offenses occurring on the "controlled-access facility"; or more than fifty percent (50%) are written for traffic offenses occurring on the "controlled-access facility" for speeding and are issued for speed limit violations that are ten miles per hour (10 m.p.h.) or less than the posted limit.

(d) Any police municipality found to be in violation of the Rule 3.0 will be subject to having their authorization to patrol the "controlled-access facility" immediately withdrawn. The authorization will not be in effect pending any appeal.

Rule 4.0 Withdrawal of Authorization.

a) The Director may withdraw authorization from a municipal police department to patrol any controlled-access facilities for good cause. In withdrawing any authorization, the Director will consider the factors set out in Rule 2 above.

b) If any municipal police department, which has been authorized by the Director to patrol controlled-access facilities, fails to abide by these Rules; abuses police power in patrolling such controlled-access facilities; or if that department's assistance to the Arkansas State Police is no longer needed, such authorization may be withdrawn.

c) The Director shall provide his/her reasons, in writing, to any municipal police department whose authority to patrol controlled-access facilities is withdrawn.

#### Rule 4.0 Appeal Process.

Rule 4.1 The appeal process applies only to municipal police departments which have been granted authorization to patrol "controlled-access facilities" and such authorization is withdrawn.

#### Rule 4.2 Appeal Procedure

a) A municipal police department whose authority has been withdrawn by the Director to patrol controlled-access facilities may appeal the decision. A written or electronic Notice of Appeal shall be filed in the Director's office within ten (10) days of receipt of notification that the authority has been withdrawn.

b) Once an appeal has been filed with the Director's office the Director may personally hear the appeal or may designate a Hearing Officer to hear the appeal and make recommendations to the Director for a final order. The appeal hearing shall be held in accordance with the Administrative Procedure Act, §§ 25-15-201, et seq.

c) Filing the Notice of Appeal does not automatically stay the withdrawal of authority for the municipal police department to patrol the controlled-access facilities. If a stay of authorization is not granted, the hearing on the appeal should be held within forty-five (45) days of the filing of the Notice of Appeal, unless for good cause a party requests a continuance. A final order should be entered within a reasonable time after the conclusion of the hearing and/or the submission of other pleadings submitted post-hearing.

#### **PROPOSED**

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COLONEL WINFORD E. PHILLIPS  
DIRECTOR, DEPARTMENT OF  
ARKANSAS STATE POLICE

\_\_\_\_\_  
DATE

Sections of Controlled-Access Facilities					
County	Route	Begin Log Mile	End Log Mile	Length	Description
Benton	71	0	5.91	5.91	I-540 to end of freeway (Bentonville)
Benton	540	74.19	85.85	11.66	Washington County Line to Highway 71
Clark	30	53.07	80.6	27.53	Nevada County Line to Hot Spring County Line
Conway	40	98.83	120.29	21.46	Pope County Line to Faulkner County Line
Craighead	63	10.99	15.08	4.09	Jonesboro Bypass
Craighead	63	0	12.42	12.42	Jonesboro Bypass to Poinsett County Line
Crawford	40	0	24.56	24.56	Oklahoma State Line to Franklin County Line
Crawford	540	11.88	14.75	2.87	Sebastian County Line to I-40
Crawford	540	19.23	40.11	20.88	I-40 to Washington County Line
Crittenden	40	264.57	284.69	20.12	St. Francis County Line to Tennessee State Line
Crittenden	55	0	27.83	27.83	Tennessee State Line to Mississippi County Line
Faulkner	40	120.29	138.36	18.07	Conway County Line to Pulaski County Line
Franklin	40	24.56	43.92	19.36	Crawford County Line to Johnson County Line
Garland	70	0	2.95	2.95	Hot Springs Bypass to Highway 270
Garland	70	1.51	5.88	4.37	Grand Avenue to Highway 70
Garland	270	18.12	22.91	4.79	Hot Springs Bypass
Garland	270	0	3.93	3.93	Hot Springs Bypass to Highway 70
Grant	530	16.31	17.14	0.83	Pulaski County Line to Jefferson County Line
Hempstead	30	16.89	40.16	23.27	Miller County Line to Nevada County Line
Hot Spring	30	80.6	105.46	24.86	Clark County Line to Saline County Line
Jackson	67	0	15.68	15.68	White County Line to Village Creek bridge
Jackson	67	0	3.2	3.2	Village Creek bridge to end of freeway (Highway 18)
Jefferson	530	17.14	46.65	29.51	Grant County Line to end of freeway
Johnson	40	43.92	71.51	27.59	Franklin County Line to Pope County Line
Lawrence	67	0	3.73	3.73	Walnut Ridge Bypass
Lonoke	40	163.81	185.55	21.74	Pulaski County Line to Prairie County Line
Lonoke	67	0	10.12	10.12	Pulaski County Line to White County Line
Miller	30	0	16.89	16.89	Texas State Line to Hempstead County Line
Miller	245	0	5.88	5.88	Texas State Line to Highway 67
Miller	549	4.32	29.49	25.17	Highway 245 to end of freeway
Mississippi	55	27.83	72.22	44.39	Crittenden County Line to Missouri State Line
Monroe	40	205.34	218.38	13.04	Prairie County Line to St. Francis County Line
Nevada	30	40.16	53.07	12.91	Hempstead County Line to Clark County Line
Poinsett	63	0	15.57	15.57	Craighead County Line to Near Payneway
Poinsett	63	16.57	16.97	0.4	West of Marked Tree to Highway 140
Pope	40	71.51	98.83	27.32	Johnson County Line to Conway County Line
Prairie	40	185.55	205.34	19.79	Lonoke County Line to Monroe County Line

Sections of Controlled-Access Facilities					
County	Route	Begin Log Mile	End Log Mile	Length	Description
Pulaski	30	126.35	143.02	16.67	Saline County Line to I-40
Pulaski	40	138.36	163.81	25.45	Faulkner County Line to Lonoke County Line
Pulaski	67	0	15.34	15.34	I-40 to Lonoke County Line
Pulaski	430	0	12.93	12.93	I-30 to I-40
Pulaski	440	0	9.96	9.96	I-30 to I-40
Pulaski	440	9.96	14.16	4.2	I-40 to Highway 67
Pulaski	530	0	9.21	9.21	I-30 to Saline County Line
Pulaski	530	12.5	16.31	3.81	Saline County Line to Grant County Line
Pulaski	630	0	7.4	7.4	I-30 to I-430 (Shackelford Road)
Saline	30	105.46	126.35	20.89	Hot Spring County Line to Pulaski County Line
Saline	70	6.66	7.64	0.98	Section near I-30 (SW of Benton)
Saline	530	9.21	12.5	3.29	Pulaski County Line to Pulaski County Line
Sebastian	271	2.54	3.2	0.66	I-540 to Oklahoma State Line
Sebastian	540	0.65	11.88	11.23	Highway 271 to Crawford County Line
St. Francis	40	218.38	264.57	46.19	Monroe County Line to Crittenden County Line
Union	82	17.05	21.79	4.74	El Dorado Bypass
Union	82	0	1.02	1.02	El Dorado Bypass
Washington	71	22.39	23.5	1.11	Fulbright Expressway south of Fayetteville
Washington	71	0	1.52	1.52	Fulbright Expressway in north Fayetteville
Washington	540	40.11	74.19	34.08	Crawford County Line to Benton County Line
White	67	0	20.67	20.67	Lonoke County Line to Highway 67C overpass