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

AGENCY #0960

DEPARTMENT OF ARKANSAS STATE POLICE

"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 April 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). 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:

a) Public safety;

b) Size of municipality served by municipal police department requesting authorization under these Rules;

c) Size of the municipal police department requesting authorization;

d) Training of the municipal police department requesting authorization;

e) Financial impact;

f) Abuse of police power;

g) The types of roadways or highways that are controlled-access facilities for purposes of this section and these Rules;

h) The need of the Arkansas State Police for assistance in patrolling the controlled-access facilities;

i) The number and location of other municipal police departments which have been granted authorization to patrol the controlled-access facilities; and

j) Reason and justification submitted by the municipality for requesting authorization to patrol Controlled-Access Facility.

Rule 2.1 Patrol Authorizations Issued by Arkansas State Police Director.

a) 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 provided such police department notifies the Director within sixty (60) days of the effective date of these Rules that said police department desires to remain on the approved list. Failure to notify the Director will result in removal from the approved list and such department will need to apply for authorization in accordance with these Rules.

b) 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) Population of the municipality;
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) All citations for violations occurring on controlled-access facilities will be for violations of state statute.

e) Any police municipality found to be in violation of the Rule 3.0 will be subject to having its 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.

Winford E. Phillips

WINFORD E. PHILLIPS
DIRECTOR, DEPARTMENT OF
ARKANSAS STATE POLICE

March 10, 2008
DATE

Sections of Fully Accessed Control Highways Listed by County								
District	County	County Name	Route	Section	Begin Log Mile	End Log Mile	Length	Description
9	4	Benton	71	190	0	5.91	5.91	I-540 to end of freeway (Bentonville)
9	4	Benton	540	050	74.19	85.85	11.66	Washington County Line to Highway 71
7	10	Clark	30	140	53.07	80.6	27.53	Nevada County Line to Hot Spring County Line
8	15	Conway	40	310	98.83	120.29	21.46	Pope County Line to Faulkner County Line
10	16	Craighead	63	060	9.09	15.08	5.99	Jonesboro Bypass (Jct SH 91 Dan Ave.)
10	16	Craighead	63	070	0	12.42	12.42	Jonesboro Bypass to Poinsett County Line
4	17	Crawford	40	110	0	24.56	24.56	Oklahoma State Line to Franklin County Line
4	17	Crawford	540	020	11.88	14.75	2.87	Sebastian County Line to I-40
4	17	Crawford	540	030	19.23	40.11	20.88	I-40 to Washington County Line
1	18	Crittenden	40	520	264.57	284.69	20.12	St. Francis County Line to Tennessee State Line
1	18	Crittenden	55	110	0	27.83	27.83	Tennessee State Line to Mississippi County Line
1	18	Crittenden	63	100	0	3.6	3.6	Poinsett County Line to I-55
8	23	Faulkner	40	320	120.29	138.36	18.07	Conway County Line to Pulaski County Line
4	24	Franklin	40	120	24.56	43.92	19.36	Crawford County Line to Johnson County Line
6	26	Garland	70	090	0	2.95	2.95	Hot Springs Bypass to Highway 270
6	26	Garland	70	09B	1.51	5.88	4.37	Grand Avenue to Highway 70
6	26	Garland	270	050	18.12	22.91	4.79	Hot Springs Bypass
6	26	Garland	270	060	0	3.93	3.93	Hot Springs Bypass to Highway 70
2	27	Grant	530	040	16.31	17.14	0.83	Pulaski County Line to Jefferson County Line
3	29	Hempstead	30	120	16.89	40.16	23.27	Miller County Line to Nevada County Line
6	30	Hot Spring	30	210	80.6	105.46	24.86	Clark County Line to Saline County Line
5	34	Jackson	67	140	0	15.68	15.68	White County Line to Village Creek bridge
5	34	Jackson	67	150	0	3.2	3.2	Village Creek bridge to end of freeway (Highway 18)
2	35	Jefferson	530	050	17.14	46.65	29.51	Grant County Line to end of freeway
8	36	Johnson	40	210	43.92	71.51	27.59	Franklin County Line to Pope County Line
10	38	Lawrence	67	170	0	3.73	3.73	Walnut Ridge Bypass
6	43	Lonoke	40	410	163.81	185.55	21.74	Pulaski County Line to Prairie County Line
6	43	Lonoke	67	110	0	10.12	10.12	Pulaski County Line to White County Line
3	46	Miller	30	110	0	16.89	16.89	Texas State Line to Hempstead County Line
3	46	Miller	245	010	0	5.88	5.88	Texas State Line to Highway 67
3	46	Miller	549	010	4.32	29.49	25.17	Highway 245 to end of freeway
10	47	Mississippi	55	120	27.83	72.22	44.39	Crittenden County Line to Missouri State Line
1	48	Monroe	40	430	205.34	218.38	13.04	Prairie County Line to St. Francis County Line
3	50	Nevada	30	130	40.16	53.07	12.91	Hempstead County Line to Clark County Line
10	56	Poinsett	63	080	0	16.97	16.97	Craighead County Line to Marked Tree

Alpha by County

10	56	Poinsett	63	090	0	9.86	9.86	Marked Tree to Crittenden County Line
8	58	Pope	40	220	71.51	98.83	27.32	Johnson County Line to Conway County Line
6	59	Prairie	40	420	185.55	205.34	19.79	Lonoke County Line to Monroe County Line
6	60	Pulaski	30	230	126.35	143.02	16.67	Saline County Line to I-40
6	60	Pulaski	40	330	138.36	163.81	25.45	Faulkner County Line to Lonoke County Line
6	60	Pulaski	67	100	0	15.34	15.34	I-40 to Lonoke County Line
6	60	Pulaski	430	210	0	12.93	12.93	I-30 to I-40
6	60	Pulaski	440	010	0	9.96	9.96	I-30 to I-40
6	60	Pulaski	440	020	9.96	14.16	4.2	I-40 to Highway 67
6	60	Pulaski	530	010	0	9.21	9.21	I-30 to Saline County Line
6	60	Pulaski	530	030	12.5	16.31	3.81	Saline County Line to Grant County Line
6	60	Pulaski	630	210	0	7.4	7.4	I-30 to I-430 (Shackelford Road)
6	62	Saline	30	220	105.46	126.35	20.89	Hot Spring County Line to Pulaski County Line
6	62	Saline	70	100	6.66	7.64	0.98	Section near I-30 (SW of Benton)
6	62	Saline	530	020	9.21	12.5	3.29	Pulaski County Line to Pulaski County Line
4	65	Sebastian	271	010	2.54	3.2	0.66	I-540 to Oklahoma State Line
4	65	Sebastian	540	010	0.65	11.88	11.23	Highway 271 to Crawford County Line
1	68	St. Francis	40	510	218.38	264.57	46.19	Monroe County Line to Crittenden County Line
7	70	Union	82	050	17.05	21.79	4.74	El Dorado Bypass
7	70	Union	82	060	0	1.02	1.02	El Dorado Bypass
4	72	Washington	71	160	22.39	23.5	1.11	Fulbright Expressway south of Fayetteville
4	72	Washington	71	17B	0	1.52	1.52	Fulbright Expressway in north Fayetteville
4	72	Washington	540	040	40.11	74.19	34.08	Crawford County Line to Benton County Line
5	73	White	67	120	0	20.67	20.67	Lonoke County Line to Highway 67C overpass
5	73	White	67	130	0	20.81	20.81	Highway 67C overpass to Jackson County Line

Sections of Fully Accessed Control Highways Listed by Route								
District	County	County Name	Route	Section	Begin Log Mile	End Log Mile	Length	Description
3	46	Miller	30	110	0	16.89	16.89	Texas State Line to Hempstead County Line
3	29	Hempstead	30	120	16.89	40.16	23.27	Miller County Line to Nevada County Line
3	50	Nevada	30	130	40.16	53.07	12.91	Hempstead County Line to Clark County Line
7	10	Clark	30	140	53.07	80.6	27.53	Nevada County Line to Hot Spring County Line
6	30	Hot Spring	30	210	80.6	105.46	24.86	Clark County Line to Saline County Line
6	62	Saline	30	220	105.46	126.35	20.89	Hot Spring County Line to Pulaski County Line
6	60	Pulaski	30	230	126.35	143.02	16.67	Saline County Line to I-40
4	17	Crawford	40	110	0	24.56	24.56	Oklahoma State Line to Franklin County Line
4	24	Franklin	40	120	24.56	43.92	19.36	Crawford County Line to Johnson County Line
8	36	Johnson	40	210	43.92	71.51	27.59	Franklin County Line to Pope County Line
8	58	Pope	40	220	71.51	98.83	27.32	Johnson County Line to Conway County Line
8	15	Conway	40	310	98.83	120.29	21.46	Pope County Line to Faulkner County Line
8	23	Faulkner	40	320	120.29	138.36	18.07	Conway County Line to Pulaski County Line
6	60	Pulaski	40	330	138.36	163.81	25.45	Faulkner County Line to Lonoke County Line
6	43	Lonoke	40	410	163.81	185.55	21.74	Pulaski County Line to Prairie County Line
6	59	Prairie	40	420	185.55	205.34	19.79	Lonoke County Line to Monroe County Line
1	48	Monroe	40	430	205.34	218.38	13.04	Prairie County Line to St. Francis County Line
1	68	St. Francis	40	510	218.38	264.57	46.19	Monroe County Line to Crittenden County Line
1	18	Crittenden	40	520	264.57	284.69	20.12	St. Francis County Line to Tennessee State Line
1	18	Crittenden	55	110	0	27.83	27.83	Tennessee State Line to Mississippi County Line
10	47	Mississippi	55	120	27.83	72.22	44.39	Crittenden County Line to Missouri State Line
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10	56	Poinsett	63	080	0	16.97	16.97	Craighead County Line to Marked Tree
10	56	Poinsett	63	090	0	9.86	9.86	Marked Tree to Crittenden County Line
1	18	Crittenden	63	100	0	3.6	3.6	Poinsett County Line to I-55
6	60	Pulaski	67	100	0	15.34	15.34	I-40 to Lonoke County Line
6	43	Lonoke	67	110	0	10.12	10.12	Pulaski County Line to White County Line
5	73	White	67	120	0	20.67	20.67	Lonoke County Line to Highway 67C overpass
5	73	White	67	130	0	20.81	20.81	Highway 67C overpass to Jackson County Line
5	34	Jackson	67	140	0	15.68	15.68	White County Line to Village Creek bridge
5	34	Jackson	67	150	0	3.2	3.2	Village Creek bridge to end of freeway (Highway 18)
10	38	Lawrence	67	170	0	3.73	3.73	Walnut Ridge Bypass
6	26	Garland	70	090	0	2.95	2.95	Hot Springs Bypass to Highway 270
6	62	Saline	70	100	6.66	7.64	0.98	Section near I-30 (SW of Benton)
6	26	Garland	70	09B	1.51	5.88	4.37	Grand Avenue to Highway 70

In Route Order

District	County	County Name	Route	Section	Begin Log Mile	End Log Mile	Length	Description
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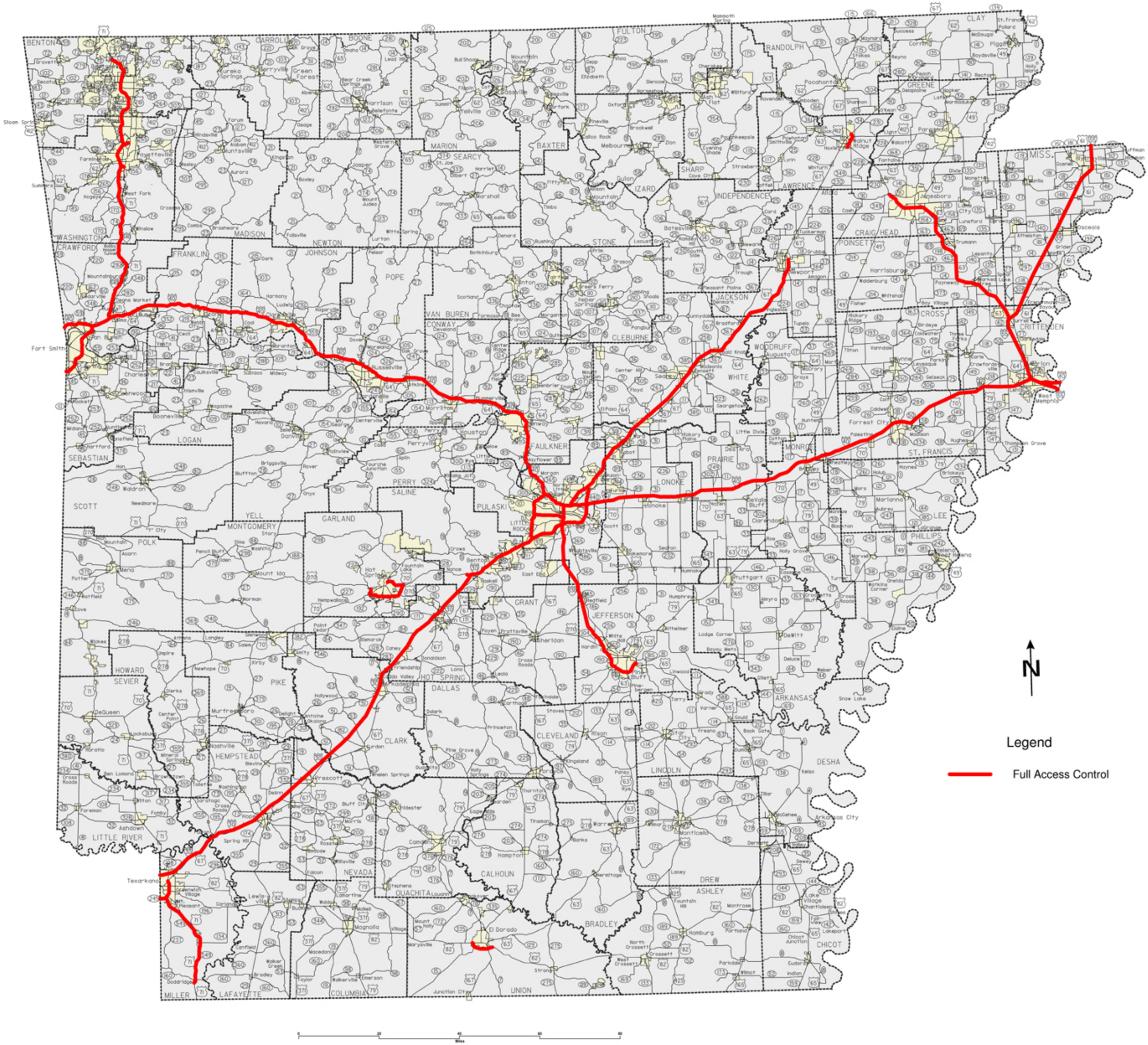
9	4	Benton	71	190	0	5.91	5.91	I-540 to end of freeway (Bentonville)
4	72	Washington	71	17B	0	1.52	1.52	Fulbright Expressway in north Fayetteville
7	70	Union	82	050	17.05	21.79	4.74	El Dorado Bypass
7	70	Union	82	060	0	1.02	1.02	El Dorado Bypass
3	46	Miller	245	010	0	5.88	5.88	Texas State Line to Highway 67
6	26	Garland	270	050	18.12	22.91	4.79	Hot Springs Bypass
6	26	Garland	270	060	0	3.93	3.93	Hot Springs Bypass to Highway 70
4	65	Sebastian	271	010	2.54	3.2	0.66	I-540 to Oklahoma State Line
6	60	Pulaski	430	210	0	12.93	12.93	I-30 to I-40
6	60	Pulaski	440	010	0	9.96	9.96	I-30 to I-40
6	60	Pulaski	440	020	9.96	14.16	4.2	I-40 to Highway 67
6	60	Pulaski	530	010	0	9.21	9.21	I-30 to Saline County Line
6	62	Saline	530	020	9.21	12.5	3.29	Pulaski County Line to Pulaski County Line
6	60	Pulaski	530	030	12.5	16.31	3.81	Saline County Line to Grant County Line
2	27	Grant	530	040	16.31	17.14	0.83	Pulaski County Line to Jefferson County Line
2	35	Jefferson	530	050	17.14	46.65	29.51	Grant County Line to end of freeway
4	65	Sebastian	540	010	0.65	11.88	11.23	Highway 271 to Crawford County Line
4	17	Crawford	540	020	11.88	14.75	2.87	Sebastian County Line to I-40
4	17	Crawford	540	030	19.23	40.11	20.88	I-40 to Washington County Line
4	72	Washington	540	040	40.11	74.19	34.08	Crawford County Line to Benton County Line
9	4	Benton	540	050	74.19	85.85	11.66	Washington County Line to Highway 71
3	46	Miller	549	010	4.32	29.49	25.17	Highway 245 to end of freeway
6	60	Pulaski	630	210	0	7.4	7.4	I-30 to I-430 (Shackelford Road)

In Route Order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PIKE
HOT SPRING
DALLAS
ARKANSAS
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CLEVELAND
HEMPSTEAD
LINCOLN
DESHA
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NEVADA
CALHOUN
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ASHLEY
QUACHITA
BRADLEY
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LAFAYETTE
COLUMBIA
UNION
Fort Smith
Texarkana
Little Rock
Pine Bluff
Jonesboro
Paragould
Walnut Ridge
Batesville
Harrisburg
Forrest City
West Memphis
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Blytheville
Monticello
El Dorado
Hot Springs
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Conway
Searcy
Morrilton
Arkadelphia
Prescott
Magnolia
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Camden
Malvern
Stuttgart
Dardanelle
Clarksville
Paris
Ozark
Harrison
Mountain Home
Batesville
Newport
Marianna
Helena
Dumas
Star City
Warren
Hamburg
Crossett
Arkansas City
Lake Village
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Searcy
Morrilton
Russellville
Dardanelle
Ozark
Fort Smith
Van Buren
Alma
Mountainburg
Greenwood
Mansfield
Waldron
Mena
Hot Springs
Malvern
Benton
Bryant
Sherwood
North Little Rock
Jacksonville
Cabot
Beebe
Searcy
Morrilton
Conway
Clarksville
Ozark
Fort Smith
Texarkana
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Prescott
Arkadelphia
Malvern
Hot Springs
Pine Bluff
Stuttgart
Dardanelle
Russellville
Batesville
Jonesboro
Paragould
Walnut Ridge
Harrisburg
Forrest City
West Memphis
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Monticello
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